



CITY COUNCIL AGENDA
December 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

Call to Order/Roll Call

Agenda Approval APPROVED 5-0 (WADE/PINKSTON)

Reports

1. Presentation: Budget Presentations - Internal Services

5:30 PM CLOSED MEETING (boards and commissions)

Vote to meet in closed meeting APPROVED 5-0 (PINKSTON/PURYEAR)

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

6:30 PM BUSINESS SESSION

Moment of Silence

Announcements

Recognitions/Proclamations

- Proclamation: Human Rights Commission 10 year anniversary
- Recognition: Preservation Piedmont award presentation to the City for The Pen Park Unmarked Graves Project

Board/Commission Appointments APPROVED 5-0 (WADE/PURYEAR)

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

2. Minutes: October 2 regular meeting, October 16 regular meeting; November 1 special meeting, November 7, 2023 General and Special Elections certification, November 8 special meeting
3. **Resolution:** Resolution to appropriate funding from the U.S. Department of the Interior for the Chesapeake Bay Gateways Network Grant - \$49,976 (2nd reading)
#R-23-160
4. **Resolution:** Resolution appropriating the Bureau of Justice Assistance FY23 Edward Byrne Memorial Justice Assistance Grant - Local Solicitation \$27,486 (2nd reading)
#R-23-161
5. **Resolution:** Resolution to appropriate State Historic Resources Grant Funds to Jefferson School African American Heritage Center - \$200,000 (2nd reading)
#R-23-162

City Manager Report

- Report: Monthly update

Community Matters

Action Items

6. Ordinance: Ordinance to approve a Zoning Map Amendment pursuant to Sections 34-41 of the Code of the City of Charlottesville for properties located at 106 – 114 Stadium Road, 409 Stadium Road, 104 Stadium Road, 102 Stadium Road, 1705 Jefferson Park Avenue, and 100 Stadium Road - VERVE Charlottesville PUD – ZM23-00004
Council suspended its Rules of Procedure to allow for reconsideration of Council's prior action on this item after a public hearing on January 16, 2024.

7. **Ordinance:**
#O-23-163
Ordinance amending and re-enacting Chapter 34 (Zoning) of the Code of the City of Charlottesville (1990), as amended, to remove 104 Stadium Road from the list of Individually Protected Properties - VERVE Charlottesville PUD – ZT23-09-02
APPROVED 4-1 (PINKSTON/PURYEAR; Payne opposed)
8. **Ordinance:**
#O-23-164
Ordinance to amend the November 4, 1996 Right-of-Way Closure Ordinance for Woodrow Street - VERVE Charlottesville PUD
APPROVED 5-0 (PINKSTON/WADE)
9. **Ordinance:**
#O-23-165
Ordinance to amend the May 2, 2011 ordinance for the sale of 409 Stadium Road - VERVE Charlottesville PUD
APPROVED 5-0 (PINKSTON/WADE)
10. **Resolution:**
#R-23-166
Resolution to grant a Critical Slope Waiver for a residential development referred to as "VERVE Charlottesville PUD"
APPROVED 5-0 (PINKSTON/WADE)
11. **Resolution:**
#R-23-167
Resolution to grant a Sidewalk Waiver for a residential development referred to as "VERVE Charlottesville PUD"
APPROVED 5-0 (PINKSTON/PURYEAR)
12. **Ordinance:**
Ordinance to Rezone land fronting on Ivy Road and Copeley Road related to the "2117 Ivy Road Plan Unit Development Plan Submittal"
Council suspended its Rules of Procedure to allow for reconsideration of Council's prior action on this item after a public hearing on January 16, 2024.
13. **Ordinance:**
#O-23-168
Consideration of repealing and reordaining a new Chapter 34 of the Charlottesville City Code, and adopting a new official Zoning Map for the City of Charlottesville
APPROVED 5-0 (PINKSTON/PAYNE)
14. **Resolution:**
#R-23-169
Disposition of Pending Projects
APPROVED 3-2 (PAYNE/PURYEAR; Pinkston and Wade opposed)

General Business

15. **Written Report:** Botanical Garden of the Piedmont FY23 Annual Report

Other Business

Community Matters (2)

Adjournment

RESOLUTION

Appropriating Funding in the Amount of \$49,976 To Be Received from the U.S. Department of the Interior- Chesapeake Bay Gateways Network Grant \$49,976

WHEREAS, The City of Charlottesville, through the Office of Community Solutions, has been notified that it will be awarded a Chesapeake Bay Gateways Network Grant from the Fund of the U.S. Department of the Interior, in the amount of \$49,976.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, upon receipt of the Chesapeake Bay Gateways Network Grant from the Fund of the U.S. Department of the Interior, that funding, anticipated in the sum of \$49,976 is hereby appropriated in the following manner:

Revenues			
\$49,976	Fund 211	Order 1900541	GL 431110 Federal Grants
Expenditures			
\$49,976	Fund 211	Order 1900541	GL 530550 Contractual Services

BE IT FURTHER RESOLVED that this appropriation is conditioned upon receipt of \$49,976 in funds from the U.S. Department of the Interior.

**RESOLUTION APPROPRIATING FUNDS FOR
Edward Byrne Memorial Justice Assistance Grant (JAG) Grant
15PBJA-23-GG-03875-JAGX
\$27,486**

WHEREAS, the Office for Civil Rights, Office of Justice Programs, Department of Justice Edward Byrne Memorial Justice Assistance Grant Program Fiscal Year 2023 Local Formula awarded a grant to the Police Department, through the City of Charlottesville, to hire a limited term position for a background investigator to support ongoing departmental recruitment efforts;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that a total of \$27,486.00 be appropriated in the following manner:

Revenues – \$27,486

\$27,486	Fund: 211	Cost Center 3101006100	G/L Account: 431110
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Expenditures – \$27,486

\$25,533	Fund: 211	Cost Center 3101006100	G/L Account: 510020
\$1,953	Fund: 211	Cost Center 3101006100	G/L Account: 511010

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the reimbursement of funds or goods as supplied from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Justice Edward Byrne Memorial Justice Assistance Grant Program;

RESOLUTION
Appropriating funds from the Virginia Department of Historic Resources
(DHR) for the Jefferson School African American Heritage Center
\$200,000

WHEREAS, the City of Charlottesville through the Department of Historic Resources has received a grant award of \$200,000 to be given to the Jefferson School African American Heritage Center (JSAAHC) to be used to support operating cost and for staffing for the Center for Local Knowledge.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$200,000 received from the Virginia Department of Historic Resources is hereby appropriated in the following manner:

Revenues - \$200,000

\$200,000 Fund: 105 Cost Center: 9753015000 G/L Code: 430120

Expenditures - \$200,000

\$200,000 Fund: 105 Cost Center: 9753015000 G/L Code: 540100

BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt of \$200,000 from the Virginia Department of Historic Resources.

**AN ORDINANCE AMENDING AND RE-ENACTING CHAPTER 34 (ZONING) OF
THE CODE OF THE CITY OF CHARLOTTESVILLE (1990), AS AMENDED, TO
REMOVE 104 STADIUM ROAD FROM THE LIST OF INDIVIDUALLY PROTECTED
PROPERTIES.**

WHEREAS, upon the recommendation of City Staff, the Planning Commission initiated a Zoning text amendment proposing an amendment to the City’s Zoning Ordinance, to remove 104 Stadium Road, designated on the City Tax Map and Parcel (TMP) as 160002000, from the list of Individually Protected Properties (“IPP”); and

WHEREAS, a Joint Public Hearing on the Proposed Zoning Text Amendment was held by the Planning Commission and City Council on October 10, 2023, after notice to the public and to adjacent property owners as required by law, and following conclusion of the Public Hearing the Planning Commission voted to recommend approval of the Proposed Zoning Text Amendment to Section 34-273(a)(b) of the City’s Zoning Ordinance, to remove 104 Stadium Road from the list of Individually Protected Properties; and

WHEREAS, After consideration of the Planning Commission’s recommendation, and the recommendations given by staff, this Council is of the opinion that the Proposed Zoning Text Amendment, as recommended by the Planning Commission, has been designed to give reasonable consideration to the purposes listed in Sec. 15.2-2283 of the Code of Virginia (1950), as amended, and this Council hereby finds and determines that: (i) the public necessity, convenience, general welfare and good zoning practice require the Proposed Zoning Text Amendment, as recommended by the Planning Commission, and (ii) the Proposed Zoning Text Amendment, as recommended by the Planning Commission, is consistent with the Comprehensive Plan; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that Chapter 34 of the Code of the City of Charlottesville (1990), as amended, is hereby amended and reenacted as follows:

1. Amend the list found in Sec. 34-2733(a)(b) to remove 104 Stadium Road.

**AN ORDINANCE
CLOSING, VACATING AND DISCONTINUING WOODROW STREET**

WHEREAS, proper notice was duly posted and advertised that Stadium Road Limited Partnership would request the City Planning Commission to initiate street closing procedures to close Woodrow Street, 30 feet in width, between Stadium Road and Jefferson Park Avenue, shown on City Real Estate Tax Map 16, running a distance of approximately 478 feet;

WHEREAS, owners along the street proposed to be vacated have been duly notified;

WHEREAS, a joint public hearing by the Planning Commission and City Council was held on September 10, 1996, and comments from the City staff, the Planning Commission and the public were made and heard and an additional joint public hearing by the Planning Commission and City Council to amend this ordinance was held October 10, 2023;

WHEREAS, the Planning Commission recommended closure of said portion of Woodrow Street with certain conditions; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that Woodrow Street, described as follows, is hereby closed, vacated and discontinued as a public thoroughfare of the City of Charlottesville, Virginia, said street not being needed for public use and travel:

All of the Woodrow Street right-of-way, approximately 30 feet in width, from its intersection with Stadium Road to its intersection with Jefferson Park Avenue, running a distance of approximately 478 feet; and

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the vacated portion of Woodrow Street shall be zoned Planned Unit Development (“PUD”) as shown in the VERVE Charlottesville PUD Development Plan dated November 17, 2023.

BE IT FURTHER ORDAINED that the Clerk of the Council shall send a copy of this ordinance with plat attached to the Clerk of the Circuit Court for recordation in the current street closing book as such time a new subdivision plat is reviewed and approved by the City.

Approved by Council

November 4, 1996 and Amended December 18, 2023

**AN ORDINANCE
AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY LOCATED AT
409 STADIUM ROAD**

WHEREAS, the City of Charlottesville issued a Request for Proposals (RFP) for development of a City-owned lot at 409 Stadium Road, identified as Parcel 1 on City Real Estate Tax Map 16, hereinafter the "Property"; and

WHEREAS, in accordance with Virginia Code Sec. 15.2-1800(B), a public hearing was held on December 20, 2010, and an additional public hearing was held on February 7, 2011, to give the public an opportunity to comment on the proposed conveyance of the Property; and an additional joint public hearing by the Planning Commission and City Council to amend this ordinance was held October 10, 2023;

WHEREAS, after the public hearing on December 20, 2010, Richard Jones and Douglas Caton, on behalf Woodrow Too, LLC, submitted a response offering to pay \$250,000 for the Property; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the City Manager is hereby authorized to execute a sales/purchase agreement, in form approved by the City Attorney, to convey the above-described Property to Woodrow Too, LLC for the purchase price of \$250,000.

BE IT FURTHER ORDAINED that the Mayor is hereby authorized to execute a deed of conveyance, in form approved by the City Attorney, for the above-described transaction.

Approved by Council
May 2, 2011 and Amended December 18, 2023

RESOLUTION
GRANTING A CRITICAL SLOPE WAIVER FOR A RESIDENTIAL DEVELOPMENT REFERRED TO AS
“VERVE CHARLOTTESVILLE PUD”

WHEREAS Woodrow Apartments, LLC; Woodrow Too, LLC; and 1709 JPA LLC (“Landowner”) is the owner of certain land identified within the City of Charlottesville Real Estate Assessor’s records as Real Estate Parcel Identification Nos. Parcel Number: 160008000, 160005000, 160004000, 160003000, 160002000, 160001000, said parcels having current street addresses of 106 – 114 Stadium Road, 409 Stadium Road, 104 Stadium Road, 102 Stadium Road, and 100 Stadium Road (collectively, the “Subject Property”); and

WHEREAS the Subject Property contains critical slopes, over and within an area of approximately 0.47 acre, which is approximately 14% of the combined area of the various 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 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. P23-0055, as required by City Code Sec. 34-1120(b)(6) (collectively, the “Application Materials”); and

WHEREAS the Planning Commission considered and recommended approval of this application at their October 10, 2023 meeting, subject to conditions proposed 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 waiver is hereby granted of the critical slopes requirements for the Project, to allow for the residential development as described within the Application Materials, subject to the following conditions:

1. The applicant shall work with the City’s Urban Forester to identify, remove, and mitigate invasive plant materials within the Critical Slopes.
2. The applicant will work with a local arborist to study and document trees within the Critical Slope area to determine if any can be preserved.
 - a. These documents shall be provided to the City’s Urban Forester and the Neighborhood Development Services’ Planner.
 - b. Should the study identify any tree(s) for preservation, the applicant shall work with the City’s Urban Forester during site plan review to create a tree protection/preservation plan. The applicant shall perform all protection/preservation measures as identified in this plan. The tree preservation/protection plan will include a monitoring program to ensure compliance throughout the construction period. The plan shall also include provisions, such as easements, deed restrictions, or other legally binding measures to ensure preservation of the trees in perpetuity.
3. Any tree with a six inch or greater caliper that is removed from the Critical Slope area shall be replaced at a 3:1 ratio. The replacement tree(s) shall:

P23-0055

- a. Have a two inch or greater caliper at planting.
- b. Be in the general area from where the original tree was removed. Allowances for alternative locations may be granted by the Site Plan Agent if:
 - i. The planting location will interfere with fire safety as identified by the Assistant Fire Marshal; or
 - ii. The planting location will restrict establishment of a healthy mature tree canopy as determined by the City's Urban Forester.

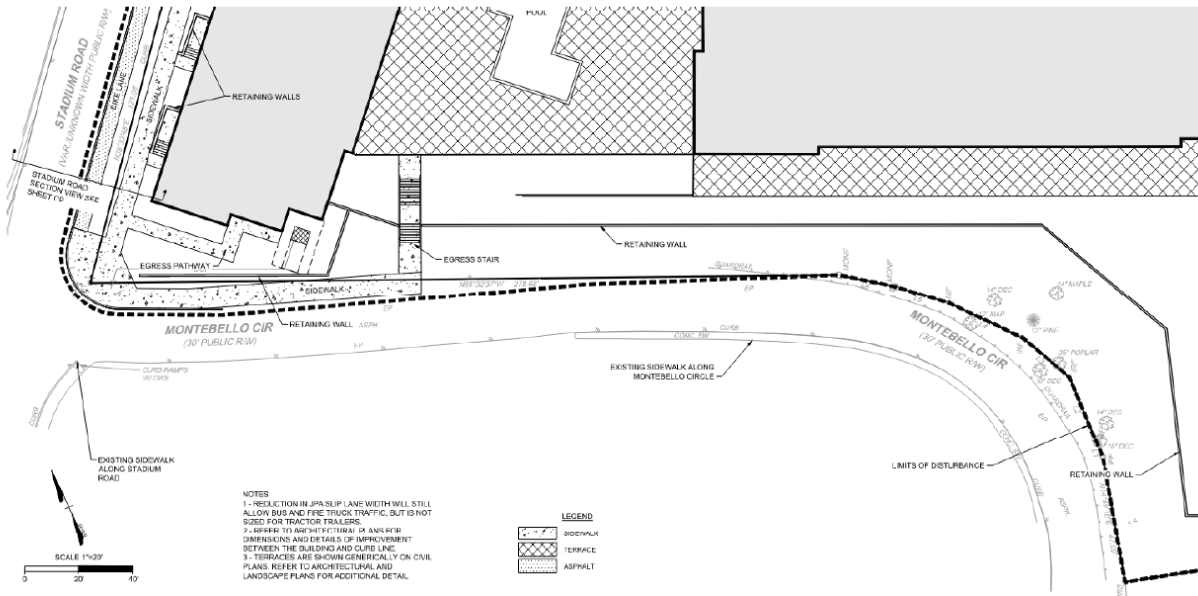
The applicant will provide a document, within the final site plan, illustrating how the requirements of condition #3 are fulfilled.

RESOLUTION SIDEWALK WAIVER REQUEST FOR A RESIDENTIAL DEVELOPMENT REFERRED TO AS “VERVE CHARLOTTESVILLE PUD”

WHEREAS, Subtext Acquisitions, LLC (“Contract Purchaser and Applicant”), on behalf of Woodrow Apartments, LLC; Woodrow Too, LLC; and 1709 JPA LLC, (collectively the “Landowners”) of certain land fronting on Jefferson Park Avenue, Stadium Road, Emmet Street, and Montebello Circle, designated on the City Tax Map and Parcel (TMP) as 160008000, 160005000, 160004000, 160003000, 160002000, and 160001000 (collectively, hereinafter, the “Subject Property”), has submitted an application seeking a waiver of the requirement of City Code Section 29-182(j)(3) where land being subdivided or developed fronts on an existing street, and adjacent property on either side has an existing sidewalk, the subdivider shall construct a sidewalk, and shall dedicate land to the public for such sidewalk, to connect to the existing sidewalk. This application is submitted in connection with the Applicant/Developer’s proposed development of ZM23-00004 (Planned Unit Development), and

WHEREAS, City staff has submitted to City Council a staff report providing information and staff’s recommendation regarding the sidewalk waiver request, and City Council has reviewed the application and the staff report and has considered the factors set forth within the City’s Subdivision Ordinance, Sections 29-36 and 29-182(j)(5); now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that the sidewalk waiver request presented to this Council by the Applicant/Developer is hereby granted along approximately three hundred (300) feet along the north side of Montebello Circle abutting City Lots currently identified as Real Estate Parcel Identification Numbers 160005000 and 160008000 as depicted below.



ORDINANCE

OF THE CHARLOTTESVILLE CITY COUNCIL:

**REPEAL AND REORDAIN A NEW CHAPTER 34 AND REPEAL CHAPTER 29 OF THE
CHARLOTTESVILLE CITY CODE AND ADOPT A NEW OFFICIAL ZONING MAP FOR THE
CITY OF CHARLOTTESVILLE**

WHEREAS, City Council has committed to an updated community land use vision to include more progressive planning and zoning inclusivity of the City while preserving historic features and shepherding of public and private resources to improve affordability and livability for all residents and to ensure ongoing vitality of the City; and

WHEREAS, pursuant to the direction of City Council, City staff began the Cville Plans Together process in January 2020, which resulted in a new Comprehensive Plan adopted by City Council in November 2021. Among other matters, the Comprehensive Plan recommended adoption of a new zoning ordinance and map, and work on the new Zoning Ordinance and Zoning Map began in January 2022; and

WHEREAS, the City's consultant recommended reorganization of the City's zoning and development regulations into a Development Code to replace the current Zoning Ordinance Chapter 34 and current Subdivision Ordinance Chapter 29 with a new Chapter 34 containing both sets of land use regulations; and

WHEREAS, on August 7, 2023, the City Council initiated the proposed City of Charlottesville Development Code and new Zoning Map and directed the Planning Commission to conduct a public hearing and provide recommendations to the City Council; and

WHEREAS, a public hearing on the proposed Development Code and new Zoning Map was held by the Planning Commission on September 14, 2023, after providing notice as required by law; and

WHEREAS, following conclusion of the public hearing and continued deliberation over several work sessions, on October 18, 2023, the Planning Commission recommended the proposed Development Code and the new Zoning Map with certain revisions/changes; and

WHEREAS, after a work session on November 1, 2023, City Council authorized advertisement of the proposed Development Code and new Zoning Map as recommended by the Planning Commission with certain revisions to enable consideration of provisions not recommended by the Planning Commission; and

WHEREAS, a public hearing on the proposed Development Code and new Zoning Map was held by City Council on December 5, 2023, after providing notice as required by law; and

WHEREAS, following conclusion of the public hearing, City Council determined that additional deliberation was required and continued its deliberation to a work session on December 13, 2023, then to a work session on December 14, 2023, and then to a meeting on December 18, 2023. At the conclusion of each session, the Council determined that it needed additional time to deliberate; and

WHEREAS, City Council also held work sessions on November 8, 13, 29, and December 4, 2023, to hear from its staff and consultants and to discuss the proposed Development Code and new Zoning Map; and

WHEREAS, City Council finds that public necessity, convenience, general welfare, and good zoning practice require adoption of the proposed Development Code and new Zoning Map as advertised with certain additional revisions/changes as described in the attached.

NOW, THEREFORE, BE IT ORDAINED that the Charlottesville City Council does hereby adopt the proposed City of Charlottesville Development Code as new Chapter 34 and new Zoning Map, respectively, with the changes outlined in Attachment A, Development Code updates of December 18, 2023, Attachment B, Zoning Map Updates of December 18, 2023, and repeal of current Chapter 34 and Chapter 29 of the Charlottesville City Code; and

BE IT FURTHER ORDAINED that the foregoing ordinances shall be effective February 19, 2024.

**RESOLUTION
OF THE CHARLOTTESVILLE CITY COUNCIL: DISPOSITION OF PENDING
PROJECTS ON THE EFFECTIVE DATE OF THE NEW DEVELOPMENT CODE
AND ZONING MAP**

WHEREAS, City Council has this date enacted a new Development Code as Chapter 34 and new Zoning Map (“new requirements), and has repealed the prior Zoning Ordinance (Chapter 34) (“repealed ordinance”) and Chapter 29; and

WHEREAS, as a matter of law, certain projects will accrue zoning vested rights to proceed under the repealed ordinance; and

WHEREAS, City Council is not required, but desires, to allow certain other projects, which have been submitted for approval and have been under review, but do not have vested rights, to proceed under the repealed ordinance; and

WHEREAS, City Council has determined that orderly transition from the prior ordinances to the new requirements of Chapter 34 will be assisted by allowing these certain other projects to continue to diligently pursue approval under the repealed ordinance for a limited time;

NOW, THEREFORE, BE IT RESOLVED by the Charlottesville City Council that the following projects, which otherwise have not accrued zoning vested rights, may continue to pursue site plan review and approval under the repealed ordinance with due diligence as follows:

- Those project applications for site plan approval which were submitted and accepted for review by August 31, 2023, the date of first advertisement of the new ordinance Chapter 34 for the Planning Commission public hearing;
- Provided, however, that in order to maintain its status as “vested” under the repealed ordinance, the project must actively pursue approval, unless given a time extension by the Director of Neighborhood Development Services for extenuating circumstances, and must complete site plan review by July 1, 2025; and
- Provided, that, if, after the third submission, one of the foregoing projects does not obtain site plan approval, the applicant must submit a new application, with new fees, and in accordance with current/new ordinance requirements. If a new submission is required, the project must proceed under the current/new requirements; and
- The relief provided in this resolution applies only to zoning ordinance requirements and not to any other development ordinance requirements.