



**CITY COUNCIL AGENDA
September 16, 2013**

6:00 p.m. – 7:00 p.m.

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

TYPE OF ITEM

SUBJECT

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

**AWARDS/RECOGNITIONS
ANNOUNCEMENTS**

Alzheimer's Awareness Month; Cville Sabroso Festival

MATTERS BY THE PUBLIC

Public comment will be permitted for the first 12 speakers who sign up in advance of the meeting (limit of 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 RESPONSES TO MATTERS BY THE PUBLIC

1. CONSENT AGENDA*

(Items removed from the consent agenda will be considered at the end of the regular agenda.)

a. Minutes for September 3

b. APPROPRIATION: Crisis Intervention Team and Coordinator (2nd of 2 readings)

c. APPROPRIATION: Charlottesville High School Stadium Bleacher Replacement – Water Protection Performance Bond Release - \$22,103.28 (1st of 2 readings)

d. APPROPRIATION: Victim Witness Assistance Program Grant - \$176,057 (1st of 2 readings)

e. APPROPRIATION: Authorizing Police Cruisers Purchase - \$214,000 (1st of 2 readings)

f. RESOLUTION: Partnership with McIntire Botanical Garden for Design, Development and Operation of the Botanical Garden in McIntire Park (1st of 1 reading)

g. RESOLUTION: Charlottesville-Albemarle Health Department Carry Over Request - \$27,735 (1st of 1 reading)

h. RESOLUTION: Loan Extension Request for The Lewis & Clark Exploratory Center of Virginia, Inc. – \$130,000 (1st of 1 reading)

i. RESOLUTION: Amendment #2: Ivy Material Utilization Center Programs Agreement and Local Government Support Agreement for Recycling (1st of 1 reading)

j. ORDINANCE: Planned Unit Development District Code Changes (2nd of 2 readings)

k. ORDINANCE: Exchange of Permanent Easements to Cure Encroachments at 431 Monticello Road (2nd of 2 readings)

l. ORDINANCE: Allowing the Local Courts to Assess a Courthouse Construction Fee (1st of 2 readings)

**2. PUBLIC HEARING /
ORDINANCE***

Abandonment of 1625 Brandywine Trail Access Easement (1st of 2 readings)

3. REPORT

Belmont Bridge Update

4. ORDINANCE*

Supporting Equal Access to Employee Benefits for All Lawfully Married City Employees (1st of 2 readings)

5. REPORT

Rivanna Quarterly Report

6. REPORT

Noise Ordinance Update

7. REPORT

Crisis Intervention Team Program Update

8. RESOLUTION*

1335 Carlton Avarlton (PACE Center) Special Use Permit (SUP) (1st of 1 reading)

OTHER BUSINESS

*ACTION NEEDED

APPROPRIATION

Crisis Intervention Team and Coordinator

\$161,200

WHEREAS, The City of Charlottesville, through the Police Department, has received the Crisis Intervention Team Program Grant from the Virginia Department of Criminal Justice Services in the amount of \$71,200; and

WHEREAS, The City of Charlottesville, through the Police Department, has received the Crisis Intervention Team Expansion Grant from the Virginia Department of Behavioral Health and Development Services in the amount of \$75,000; and

WHEREAS, various local law enforcement agencies, including City Police, have agreed to make contributions totaling \$15,000 in FY2014 for guaranteed space in the training programs;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$161,200 is hereby appropriated in the following manner:

Revenues - DCJS Award

\$71,200	Fund: 209	Cost Center: 3101003000	G/L Account: 430120
\$3,125	Fund: 209	Cost Center: 3101003000	G/L Account: 451020
\$ 625	Fund: 209	Cost Center: 3101003000	G/L Account: 498010

Expenditures - DCJS Award

\$63,755	Fund: 209	Cost Center: 3101003000	G/L Account: 519999
\$11,195	Fund: 209	Cost Center: 3101003000	G/L Account: 599999

Revenues - DBHDS Award

\$ 75,000	Fund: 209	Internal Order: 1900193	G/L Account: 430110
\$10,375	Fund: 209	Internal Order: 1900193	G/L Account: 451020
\$ 1,875	Fund: 209	Internal Order: 1900193	G/L Account: 498010

Expenditures - DBHDS Award

\$87,250	Fund: 209	Internal Order: 1900193	G/L Account: 599999
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Transfer

\$2,500	Fund: 105	Cost Center: 3101001000	G/L Account: 561209
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$71,200 from the Virginia Department of Criminal Justice Services, \$75,000 from the Virginia Department of Behavioral Health and Development Services, \$15,000 from local law enforcement agencies.

RESOLUTION
ESTABLISHING a PARTNERSHIP between the
CITY OF CHARLOTTESVILLE
And
MCINTIRE BOTANICAL GARDEN, INC.

WHEREAS, the City of Charlottesville (the City) has completed its Park Master Planning Process for the east side of McIntire Park (McIntire East); and

WHEREAS, the City Council adopted a Master Plan for McIntire East in September 2012; and

WHEREAS, the City has identified the McIntire Botanical Garden, Inc. (MBG), a 501©(3) corporation, as its partner in the design, development, and operation of a botanical garden in McIntire East; and

WHEREAS, a public-private partnership between the City and MBG will help fund the garden, allow it to remain free to the public, and provide inspirational gardening ideas and educational programs that aligns with the natural resource education goals of the City.

WHEREAS, the City with the support and assistance of MBG has advertised for and employed a professional landscape architecture firm to produce a detailed and long term Landscape Master Plan for McIntire East and expects to review and adopt such plan shortly; and

WHEREAS, the full intended use and thus development of McIntire Park East must await the completion of the construction of McIntire Road Extended and Route 250 Interchange and the closing of the remaining sand green golf holes before December 31, 2016; and

WHEREAS, MBG can provide a unique array of support to the development of the botanical garden in McIntire East, including but not limited to: fundraising and grants solicitation; recruitment and management of volunteers; design and horticultural expertise; and

WHEREAS, an agreement to create a public-private partnership between the City and MBG is a prerequisite to MBG's ability to begin its work to identify and gather these resources and supplement the City's resources to implement McIntire East's design and development;

NOW, THEREFORE BE IT RESOLVED, the City resolves to create a public-private partnership between the City and the McIntire Botanical Garden to design, develop and maintain a botanical garden in McIntire East to be formalized with a Memorandum of

Understanding between the two parties at such time that the Landscape Master Plan is completed and approved by City Council.

STIPULATIONS OF RESOLUTION:

The planning, design and actual creation of the botanical garden in McIntire East will be a long-term community effort requiring flexibility and cooperation between the City and MBG. Areas of responsibility to be determined under an MOU agreement would include, but not be limited to the following:

- Routine and ongoing preventive maintenance;
- Management of and construction of Capital Projects;
- HR, Insurance Risk Management Services, et.al.;
- Construction and maintenance of access parking;
- Hiring and supervision of botanical garden staff and volunteers;
- Promotion of the Garden as a community activity;
- Fundraising and grant seeking for Capital Projects;
- Volunteer recruitment, training and management;
- Horticultural and plant collection expertise;
- Nature and plant education;
- Environmental stewardship education;
- Maintenance of Garden website;
- Establishment of partnerships with groups such as tree stewards, garden clubs, master gardeners, native plant societies, etc., to maintain and promote Garden.
- Daily operations of indoor facilities that may be included in the park

RESOLUTION.
Authorization of Carryover for Charlottesville-Albemarle Health Department.
\$27,291.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the Charlottesville-Albemarle Health Department is authorized to carry over the sum of \$27,291 from Fiscal Year 2013 for the above-stated purpose.

RESOLUTION

Proposed Loan Extension for The Lewis & Clark Exploratory Center of Virginia, Inc.

BE IT RESOLVED by the City Council of the City of Charlottesville that the due date for funds previously transferred from the City's Strategic Investment Fund to the Charlottesville Economic Development Authority (CEDA) for the purpose of a loan to The Lewis & Clark Exploratory Center of Virginia, Inc.; be extended to April 30, 2014.

BE IT FURTHER RESOLVED by the City Council of the City of Charlottesville that once the funds have been repaid to CEDA, \$130,000 will be returned to the City's Strategic Investment Fund.

**AMENDMENT NO. 2 TO
IVY MATERIAL UTILIZATION CENTER PROGRAMS AGREEMENT
BETWEEN
THE COUNTY OF ALBEMARLE
AND
THE RIVANNA SOLID WASTE AUTHORITY**

This **Amendment No. 2** to the **Ivy Material Utilization Center Programs Agreement** (this “Amendment”) is made this ___ day of _____, 2013 by and between 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 County and the Authority entered into a certain Ivy Material Utilization Center Programs Agreement dated August 23, 2011 (the “Original Agreement”), providing for the County’s financial support for, and the Authority’s operation of, the Ivy MUC; 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 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 County exercised its first option to extend the term of the Original Agreement through June 30, 2013, but elected not to exercise its second option to extend the term through June 30, 2014 and instead requested an extension of the term of the Original Agreement through December 31, 2013; and

WHEREAS, the County and the Authority entered into Amendment No. 1 to the Original Agreement dated June 7, 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.

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

1. **Amendment to Section 4.** Section 4 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 5.** Section 5 of the Agreement, entitled “Increase or Decrease in the Ivy Material Utilization Center Deficit”, is amended by deleting the last sentence of such Section added under Amendment No. 1.

3. **Amendment of Section 6.** Section 6 of the Agreement, entitled “Term of Agreement”, is amended and restated as follows:

6. **Term of Agreement**

This Agreement shall be effective upon execution and the County’s 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.

THE COUNTY OF ALBEMARLE:

Thomas C. Foley
County Executive

Date

RIVANNA SOLID WASTE AUTHORITY:

Thomas L. Frederick, Jr.
Executive Director

Date

**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 ___day of _____, 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

Date

COUNTY OF ALBEMARLE:

Thomas C. Foley
County Executive

Date

RIVANNA SOLID WASTE AUTHORITY:

Thomas L. Frederick, Jr.
Executive Director

Date

**AN ORDINANCE
AMENDING ARTICLE V (PLANNED UNIT DEVELOPMENT DISTRICTS)
OF CHAPTER 34 (ZONING) TO REVISE THE REGULATIONS
APPLICABLE TO PLANNED UNIT DEVELOPMENTS**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that Sections 34-491, 34-492, 34-501, 34-503, 34-504, 34-515, 34-516, 34-517 and 34-518 of Article V (Planned Unit Development Districts) of Chapter 34 (Zoning), are hereby amended and reordained, as follows:

CHAPTER 34. ZONING

ARTICLE V. PLANNED UNIT DEVELOPMENT DISTRICTS

DIVISION 1. GENERALLY

Sec. 34-490. Objectives.

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.

Sec. 34-491. Permitted uses.

~~A PUD may include any one (1) or more of uses shown on an approved PUD development plan.~~
Only those uses shown on an approved PUD development plan shall be permitted uses.

Sec. 34-492. Configuration.

A PUD shall contain ~~more than~~ two (2) or more acres of land. A PUD may be comprised of one (1) or more lots or parcels of land. The lots or parcels proposed for a ~~PUD-planned unit development~~, and all acreage(s) contained therein, shall either be contiguous, or shall be within close proximity to one another and integrated by means of pedestrian walkways or trails, bicycle paths, and/or streets internal to the development. City Council may vary or modify the proximity requirement.

Sec. 34-493. Required open space.

(a) As used within this article, the term "open space" shall mean land designated on an approved development plan for a PUD as being reserved for the use, benefit and enjoyment of all residents of the PUD. Such open space may consist of common areas owned and maintained by a developer, or non-profit corporation or property owners' association, and/or any parkland, hiking trails, drainage area, or similar areas dedicated to the public and accepted by the city.

(b) The following amount of open space shall be required within a PUD: At least fifteen (15) percent of the gross area of all land included within the PUD development site; however, the city council may reduce this requirement in situations where through creative design, or in light of the nature and extent of active recreational facilities provided, it deems the overall objectives of the PUD are best served by such reduction.

(c) Open space must be useable for recreational purposes, or provide visual, aesthetic or environmental amenities. The following areas shall be excluded from areas counted as open space: buildable lots, buildings and structures, streets, parking areas, and other improvements, other than those of a recreational nature. The following improvements may be counted as part of required open space: playgrounds, ball courts, swimming pools, picnic areas and shelters, parks, walking paths and hiking trails, landscaped terraces, open-air plazas, and similar amenities. Land within a floodway or floodway fringe may be used to satisfy the open space requirement for a PUD; however, not more than thirty-three (33) percent of such land may be counted towards open space requirements.

(d) Open space shall be provided within each phase of a PUD, in sufficient amounts to serve the expected uses and/or residential population of that phase.

(e) All property owners within a PUD shall have access to the open space by means of a public street, or a private street or walkway located within an easement reserving property for such access.

Sec. 34-494. Ownership of land; common areas.

(a) All property within a PUD shall remain under single entity ownership of a developer, or group of developers, unless and until provision is made which insures the establishment and ongoing maintenance and operation of all open space, recreational facilities, and other common areas within the development. The developer or developers of the PUD shall not lease or sell any property within the PUD unless or until the director of neighborhood development services determines, in writing, that such satisfactory provisions have been made.

(b) Where a property owners' association is established to own and maintain common areas within a PUD (including all required open space remaining in private ownership) the following requirements shall apply:

- (1) The property owners' association shall be established and constituted in accordance with the Virginia Property Owners' Association Act, prior to the final approval, recordation and lease or sale of any lot within the PUD;
- (2) The membership of the property owners' association, and the obligations of such association with respect to the common areas, shall be set forth within a declaration, suitable for recording in the land records of the Circuit Court for the City of Charlottesville, meeting the requirements of the Virginia Property Owners' Association Act. The declaration shall detail how the association shall be organized, governed and administered; specific provisions for the establishment, maintenance and operational responsibilities of common areas and the improvements established therein; and the method of assessing individual property owners for their share of costs associated with the common areas.

(c) All common areas and required open space within a PUD shall be preserved for their intended purpose as expressed in the approved development plan. All deeds conveying any interest(s) in property located within the PUD shall contain covenants and restrictions sufficient to ensure that such areas are so preserved. Deed covenants and restrictions shall run with the land and be for the benefit of present as well as future property owners and shall contain a prohibition against partition.

Secs. 34-495—34-499. Reserved.

DIVISION 2. DEVELOPMENT STANDARDS

Sec. 34-500. Dimensional standards, generally.

The dimensional standards (i.e., restrictions of the height, area, location and arrangement of buildings and structures, lot area requirements, and required yards) and landscaping requirements applicable within a PUD district shall consist of: (i) any specific requirements or limitations set forth within this article, (ii) those shown on the approved development plan for the PUD, and (iii) those described within any approved proffers.

Sec. 34-501. Context.

(a) Within a PUD district:

- (1) With respect to any building located within seventy-five (75) feet of a low-density residential zoning district, which includes R-1, R-1S, and R-2, the height regulations of the residential district shall apply to that building.

- (2) No non-residential use shall be located within seventy-five (75) feet of the perimeter of a PUD unless such use is permitted within the adjacent zoning district at the time of PUD approval.

(b) Except as specifically provided within paragraph (a), above, building height, scale and setbacks of buildings within a PUD shall complement existing development on adjacent property, taking into consideration:

- (1) The nature of existing uses, and of uses anticipated by the city's comprehensive plan, adjacent to and in the neighborhood of the PUD development site. Where a PUD is established on property that shares a block face with improved property, development within the PUD facing such existing improvements shall be harmonious as to height, mass, lot coverage, and setbacks;
- (2) The number, type, and size of the various buildings proposed within the PUD;
- (3) The location of natural, topographical, cultural or other unique features of the site;
- (4) The location of public utilities, public streets, roads, pedestrian systems and bicycle paths, and of associated easements;
- (5) The objectives of the PUD district.

Sec. 34-502. Landscaping.

(a) A portion of the required open space shall consist of landscaped open areas, in an amount equal to twenty (20) percent of the aggregate gross floor area of commercial uses within the development.

(b) In all PUD districts landscaping shall be provided using materials consistent with those required by Article VIII, sections 34-861, et seq.) and the city's list of approved plantings.

(c) In addition to the requirements of paragraphs (a) and (b), above, landscaping shall be utilized within a PUD:

- (1) To provide visual separations or buffers, as may be appropriate, between uses and areas different in intensity or character from one another, and between the PUD and adjacent low-density residential districts;
- (2) To protect and enhance the scenic, recreational, or natural features of a site; priority shall be given to preservation of existing trees having a caliper of eight (8) or more inches and in-place natural buffers;
- (3) As a means of harmonizing the street frontage along the perimeter of a PUD with the street frontage of adjacent properties;
- (4) To minimize the impact of noise, heat, light and glare emanating from a building, use or structure upon adjacent buildings, uses or structures.

Sec. 34-503. Sensitive areas.

The following areas shall be left natural and undisturbed, except for street crossings, hiking trails, utilities and erosion control devices:

- (1) Land within a floodway ~~or floodway fringe~~; and
- (2) Wetlands.

Sec. 34-504. Parking.

Off-street parking for each use within a PUD shall be provided in accordance with the standards set forth within Article IX, sections 34-970, et seq., unless otherwise approved by City Council.

Sec. 34-505. Phased development.

PUDs may be developed in phases, provided the following requirements are met:

- (1) All phases must be shown, and numbered in the expected order of development, on the approved development plan.
- (2) The open space within each recorded phase may constitute fifteen (15) percent of the gross land area within that phase, or all required open space may be provided in the first phase.
- (3) All project data required in section 34-517 for the project as a whole shall be given for each individual phase of development.
- (4) Phasing shall be consistent with the traffic circulation, drainage and utilities plans for the overall PUD.

Secs. 34-506—34-514. Reserved.

DIVISION 3. PROCEDURES

Sec. 34-515. Pre-application review.

(a) Prior to the formal submission of an application seeking approval of a proposed PUD, the developer or his representative shall hold a conference with the director of neighborhood development services concerning the proposal, and shall provide the director with unofficial preliminary studies of his development concept and a sketch plan that specifies:

- (1) The general location and amount of land proposed for residential, office, commercial, industrial, open space/recreation and street use vehicular and pedestrian access and circulation. This information shall be presented in a format that illustrates how the proposal meets the objectives of Section 34-490;
- (2) The ~~number~~numerical range of dwelling units in terms of quantity, and the gross floor area and acreage of each use or land area shown on the sketch plan;

~~(3) The maximum height of buildings and structures in each area of the PUD;~~

(3) A narrative explaining the development plan and if applicable, any proposed deviations or modifications from generally required provisions.

(4) Any preliminary proffers.

(b) Upon confirmation by the director that all materials and information submitted by the applicant satisfy the requirements in this section, the pre-application will be scheduled for a preliminary discussion to be held at a regular planning commission meeting.

~~(b) Based on the preliminary studies and sketch plan the director shall conduct a tentative review, and provide the developer with comments and recommendations.~~

(c) Each application shall be accompanied by the required fee, as set forth within the most recent fee schedule adopted by city council.

Sec. 34-516. Application.

(a) Following the required pre-application review, the developer may submit an application seeking a rezoning approval for a PUD.

(b) The rezoning application shall consist of the following materials:

(1) A city rezoning application form;

(2) A development plan prepared in accordance with section 34-517, below.

(3) A written statement of any proffers proposed in connection with the PUD.

(4) In the event the development plan indicates that any critical slopes will be disturbed, the applicant shall submit a request to modify or waive the critical slopes provisions as provided for in section 34-1120.

(5) A proposed land disturbance plan to include approximate timing and area of disturbance.

(c) The completed application shall be processed in accordance with the procedures applicable to rezonings. In the event that subsection (b)(4) applies, the critical slope waiver application shall be considered simultaneously therewith by the planning commission, and if granted, conditioned upon compliance with the approved plan of development.

Sec. 34-517. PUD development plan—Requirements Contents.

(a) Each of the following is a required component of a complete plan of development submitted

in connection with an application for approval of a planned unit development:

- (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.
- (2) A narrative statement of how the objectives described within section 34-490 are met by the proposed PUD.
- (3) A ~~concept~~ conceptual development plan, supporting maps, and written or photographic data and analysis which show:
 - ~~a. Existing and proposed public utilities and infrastructure;~~
 - ~~b. 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.~~
 - ~~c. 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.~~
 - ~~d. A proposed land use plan. Such plan will identify:
 - ~~(i) Proposed land uses and their general locations (including, without limitation, building and setbacks);~~
 - ~~(ii) Proposed densities of proposed residential development;~~
 - ~~(iii) Location and acreage of required open space;~~~~
 - ~~e. 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;~~
 - ~~f. Where development is to be phased, organization of site into general development phases ("land bays"), wherein all of the information specified within this section is indicated and provided with respect to each phase, and wherein an overall phasing schedule is provided.~~
 - ~~g. A proposed transportation plan showing internal road improvements, including typical sections for each project street category, as well as proposed pedestrian and bicycle improvements.~~
 - a. Location and size of existing water and sanitary and storm sewer facilities and easements;
 - b. Layout for proposed water and sanitary sewer facilities and storm drainage facilities;
 - c. Location of other proposed utilities;
 - d. Location of existing and proposed ingress and egress from the development;
 - e. Location and size of existing and proposed streets;

- f. Location of existing and proposed pedestrian and bicycle improvements, including connections to nearby schools;
 - g. 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.
 - h. 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.
- (4) ~~A comprehensive signage plan.~~ A proposed land use plan. Such plan will identify:
- a. Proposed land uses and their general locations, including without limitation, building and setbacks;
 - b. Proposed densities of proposed residential development;
 - c. Location and acreage of required open space;
 - d. Square footage for non-residential uses;
 - e. Maximum height of buildings and structures in area of PUD.
- (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;
- (6) Phasing plan if needed. Each phase shall individually meet the requirements of this Section.
- (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).
- (8) A statement from the Fire Marshal verifying whether adequate fire flow service does or does not exist for the proposed land use(s).
- (9) Additional information as deemed necessary by the director of neighborhood development services in order to facilitate a thorough review of the potential impacts of the proposed PUD that is the subject of the application. If any application fails to demonstrate within their application materials that a proposed PUD meets the minimum requirements specified in section 34-517, above, the application shall be rejected as incomplete.

Sec. 34-518. Approval.

- (a) Approval of the rezoning application establishes the maximum density/intensity, height and other dimensional requirements, ~~and~~ the general location of each use and locations for streets and

utilities ~~street~~ shown on the development plan. Together with any approved proffers, the approved development plan shall establish the zoning requirements applicable to the PUD. Approval of a PUD does not relieve the applicant from its obligation to comply with all local, state, and federal laws and regulations. Any change in use, increase in density/intensity, any substantial decrease in the amount of open space, substantial change in the location of permitted uses or streets, and any other substantial change from what is shown on the approved development plan shall be deemed a substantial deviation requiring an amendment of the PUD approval. Factors to be considered in determining whether a change is substantial include, but are not limited to: the extent of the locational change and the expected impact on properties adjacent to the PUD.

(b) Following approval of a PUD development plan, preliminary and final subdivision and site plan approvals shall be required. All such plans shall conform to the approved PUD development plan. No building or structure shall be erected, no building permit(s) issued, and no final subdivision plat(s) recorded, unless:

- (1) A final site plan has been approved;
- (2) Any required dedications, reservations or required improvements have been made in accordance with the final site plan and PUD phasing schedule; and,
- (3) Sufficient financial guarantees for completion of required improvements have been received by the city.

(c) Where phased development has been approved, applications for subdivision and site plan approvals may, at the developer's option, be submitted for each individual phase.

Sec. 34-519. Amendment.

Following approval of a plan of development for a planned unit development, the owner of the development may amend the plan of development only as follows:

- (1) The owner of a PUD may submit a written request for a proposed minor change to the approved plan of development to the director of neighborhood development services. The request shall be supported by graphic, statistical and other information necessary in order for the director to evaluate the request. The director may approve the request upon a determination that it involves only a minor deviation from the layout or design contemplated within the approved plan of development. For the purpose of this section the terms "minor change" and "minor deviation" mean and refer to changes of location and design of buildings, structures, streets, parking, recreational facilities, open space, landscaping, utilities, or similar details which do not materially alter the character or concept of the approved plan of development. Should the director determine that the requested change constitutes something more than a minor change or deviation from the approved plan of development, then the owner may seek an amendment pursuant to paragraph (2), below.
- (2) The owner of a planned unit development may apply to city council for permission to amend the approved plan of development, following the same procedure as for the original approval.

Secs. 34-520—34-539. Reserved.

**AN ORDINANCE
AUTHORIZING THE CONVEYANCE OF
A PERMANENT EASEMENT ACROSS CITY SIDEWALK RIGHT-OF-WAY
ON DOUGLAS AVENUE TO JANET HATCHER**

WHEREAS, the City of Charlottesville is the owner of sidewalk right-of-way on Douglas Avenue, hereinafter the “City Property,” adjoining property designated as Parcel 349 on City Real Property Tax Map 58, designated as 431 Monticello Road, hereinafter the “Hatcher Property”, as shown on the attached subdivision plat dated July 2, 2007; and

WHEREAS, Janet D. Hatcher, Trustee of the Janet D. Hatcher Revocable Declaration of Trust, owner of the Hatcher Property, wishes to acquire a permanent easement across the City Property in order to resolve an existing encroachment of a residential building onto the City Property;

WHEREAS, the City wishes to acquire a permanent easement across the Hatcher Property in order to resolve an existing encroachment of the public sidewalk on Monticello Road onto the Hatcher Property; and

WHEREAS, in accordance with Virginia Code Section 15.2-1800(B), a public hearing was held on September 3, 2013 to give the public an opportunity to comment on the proposed conveyance of the permanent easement across the City Property as requested by Janet Hatcher; and,

WHEREAS, the Public Utilities and Public Service Managers have reviewed the proposed conveyance and have no objection thereto;

NOW, THEREFORE, BE IT ORDAINED by the Council for the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a Deed of Easement, in form approved by the City Attorney, to convey a permanent easement across sidewalk right-of-way on Douglas Avenue, and to accept on behalf of the City a permanent easement across the Hatcher Property.

**RESOLUTION
AMENDING THE SPECIAL USE PERMIT
APPROVED ON MAY 20, 2013 FOR THE PROPERTY
AT 1335 CARLTON AVENUE TO ALLOW
A RESIDENTIAL USE OF UP TO 21 DWELLING UNITS
PER ACRE ON PARCELS 43, 43.1 AND 43.2 ON CITY TAX MAP 56.**

WHEREAS, Hydro Falls LLC and ADC IV Charlottesville LLC (“Applicant”) requested a special use permit for a residential density of up to 21 dwelling units per acre (DUA) on property identified on City Tax Map 56 as Parcels 43, 43.1 and 43.2, at 1335 Carlton Avenue, consisting of approximately 4.855 acres (hereafter the “Subject Property”); and

WHEREAS, the Subject Property is currently zoned M-I (Manufacturing-Industrial); and pursuant to City Code section 34-480, residential density of up to 21 dwelling units per acre (DUA) is allowed by special use permit;

WHEREAS, following a joint public hearing before this Council and the Planning Commission, duly advertised and held on May 14, 2013, City Council issued a special use permit on May 20, 2013 for residential density of up to 21 DUA for City Tax Map Parcels 56-43.1 (Lot A) and 56-43.2 (Lot B), but deferred action on approval of such use for City Tax Map Parcel 56-43 (Lot C); and

WHEREAS, the Applicant has made modifications to the proposed project and revised its preliminary site plan to address the concerns expressed by City Council on May 20, 2013; and has requested that the aforesaid Special Use Permit be amended to include Lot C (TMP 56-43); now, therefore

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the Special Use Permit granted to Hydro Falls LLC and ADC IV Charlottesville LLC on May 20, 2013 to allow residential density of up to 21 DUA on property identified on City Tax Map 56 as Parcel 43.1 and Parcel 43.2 (Lots A and B), currently addressed as 1335 Carlton Avenue, is hereby amended to include City Tax Map Parcel 56-43 (Lot C) as part of the lands subject to the aforesaid Special Use Permit, allowing residential density of up to 21 DUA cumulatively. All conditions previously imposed, as listed below, shall now apply to Lots A, B and C.

1. The maximum height of buildings on the property shall not exceed 50 feet.
2. A minimum of 30% affordable housing, defined as residents earning up to 60% of area median income, shall be included on the site.
3. The number of bedrooms in any dwelling unit on the site shall not exceed 3 bedrooms.
4. An entrance feature shall be incorporated into all buildings that front on Carlton Avenue.
5. Parking provided shall not exceed the minimum required by City Code. The excess number of spaces shown on the plan submitted to the Planning Commission on May 14, 2013 shall be converted to the same amount of open space.

6. Full cutoff luminaires shall be used and shall be equipped with devices for redirecting light such as shields, visors, or hoods to eliminate the luminaire glare and block direct illumination from neighboring properties. The fixture shall completely conceal and recess the light source from all viewing positions except those positions permitted to receive illumination. Directional luminaires such as floodlights, spotlights, and sign lights shall illuminate only the task and do not shine directly onto neighboring properties, roadways, or distribute excessive light skyward.
7. Applicant shall work with Charlottesville Area Transit to facilitate appropriate transit connections for residents.
8. Existing trees greater than 6" in caliper in the open space area on the east side of the site shall be retained.
9. Pedestrian linkages shall be provided between buildings, open space on site, and the neighborhood.

Approved by Council
September 16, 2013

A handwritten signature in cursive script, reading "Yaiqe Rice", is written over a horizontal line.

Clerk of Council