



**CITY COUNCIL AGENDA
December 2, 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)**

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

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 RESPONSE 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 November 18
 - b. APPROPRIATION:** FY 2013 Year End Adjustments and General Fund Balance Transfer (2nd of 2 readings) **passed**
 - c. APPROPRIATION:** Elliot Avenue Landscaping and Design(2nd of 2 readings) **passed**
 - d. APPROPRIATION: Virginia Department of Rail and Public Transportation FY 2014 Mid-Year Funding Allocation - \$565,105 (1st of 2 readings) **carried**
 - e. APPROPRIATION: Charlottesville Sheriff's Office Insurance Claim Recovery – \$12,943.95 (1st of 2 readings) **carried**
 - f. APPROPRIATION: Yarney Loan Payoff – \$8,411.00 (1st of 2 readings) **carried**
 - g. RESOLUTION:** Housing Advisory Committee Membership (1st of 1 reading) **passed**
- 2. PUBLIC HEARING / RESOLUTION*** Special Use Permit (SUP) for 122 Summit Street (1st of 1 reading) **passed**
- 3. PUBLIC HEARING / RESOLUTION*** Special Use Permit (SUP) for 601 Concord Avenue (1st of 1 reading) **passed**
- 4. PUBLIC HEARING / ORDINANCE*** Petition to Rezone Property Adjacent to 601 Concord Avenue (1st of 2 readings) **carried**
- 5. PUBLIC HEARING / ORDINANCE*** Sale of 1279 Kenwood Lane (1st of 2 readings) **carried**
- 6. RESOLUTION*** Revisions to the Architectural Design Control (ADC) Districts Design Guidelines (W. Main ADC District Map) (1st of 1 reading) **passed 3-2 (Galvin, Szakos voted no.)**
- 7. REPORT** Hydraulic/Michie Drive Traffic Signal
Direction: install flashing lights, direct PD to increase enforcement, develop communication strategy to increase public awareness, employ increased signage.
- 8. REPORT** BankOn Greater Charlottesville Program Update
- 9. REPORT** National League of Cities Conference Debrief
- OTHER BUSINESS** **NONE**
- MATTERS BY THE PUBLIC**

*ACTION NEEDED

FY 2013 Year End Appropriation

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the actions hereinafter set forth are herein authorized with respect to the accounts of the City listed herein, for the fiscal year ended June 30, 2013. The memo to Council dated November 18, 2013 is hereby made part of this appropriation.

I. General Fund (105).

(a) Departmental Appropriations.

The following amounts shall be permitted to be carried over and expended in the General Fund's respective cost centers or internal orders in the following fiscal year:

1101001000	Circuit Court	\$ 44,688.
3101001000	Police	\$ 113,000.
1800037	Parks and Recreation	\$ 1,968.
1641001000	Office of Human Rights	\$ 17,000.
1601004000	Dialogue on Race	\$ 10,000.
1611001000	City Manager - Communications	\$ 2,500.
1641003000	City Manager – P3	\$ 7,000.
3211001000	Fire Department	\$ 25,000.
1631001000	Citywide Reserve	\$ 350,000.
2213001000	Employee Benefits	\$ 700,000.
Total Section 1 (a)		<u>\$1,271,156.</u>

(b) Additional Transfers and Appropriations.

9803030000	Transfer to Social Services	\$ 146,046.
9803030000	Transfer to Grants Fund	\$ 32,075.
9803030000	Transfer to Transit	\$ 99,073.
9803030000	Transfer to Capital Projects Fund	\$ 1,648,723.
Total Section 1 (b)		<u>\$ 1,925,917.</u>
Total Sections 1 (a) and 1(b)		<u>\$ 3,197,073.</u>

II. Capital Projects Fund (426).

- The sum of \$5,000 received as a donation shall be appropriated into the Quarry Park Bridge account PR-001(P-00662-03).

III. Facilities Repair Fund (107).

- The sum of \$230,261 shall be carried over and reserved in the Facilities Repair Fund, for the purpose of funding future court repairs or record conversion (P-00099).

IV. Utility Funds – Gas (631) and Water (611).

- \$26,000 shall be appropriated into the Gas Fund (2713001000) to be used to pay citywide EPA violation fees.

V. Grants Fund (209).

The sum of \$8,072 shall be appropriated for the following grant programs in fund 209:

190010 State Fire Grant \$8,072.

VI. Social Services Fund (212).

The sum of \$2,917 represents unspent funds received in F.Y. 13 as a donation from Martha Jefferson Hospital to fund the rental of ten Personal Emergency Response Systems (P.E.R.S.) for qualified residents of Public Housing in the Crescent Halls or Westhaven communities. These remaining funds are to be used to extend the program for one additional year.

VII. Community Attention (213).

The sum of \$22,086 represents unspent BankOn program funds received from non-city sources and shall be carried over and expended in the Community Attention fund for BankOn program expenses in F.Y. 14.

VIII. Transit - \$99,073.

The sum of \$99,073 is hereby appropriated to be used to fund Route 6 adjustments (\$47,073) and a Solar Lighting Pilot Program for bus stops (\$52,000).

RESOLUTION
Elliot Avenue Streetscape Design
\$43,400

NOW, THEREFORE BE IT RESOLVED by the Council of the City of
Charlottesville, Virginia that the following is hereby transferred in the following manner:

Transfer From

\$ 43,400 Fund: 426 WBS: CP-080 G/L Account: 599999

Transfer To

\$ 43,400 Fund: 426 WBS: P-00797 G/L Account: 599999

RESOLUTION

BE IT RESOLVED, by the City Council of the City of Charlottesville that the membership of the Housing Advisory Committee shall be increased to include the following members:

Major Non-Profit Housing Agencies/Organizations (Category 1)-

- Charlottesville Redevelopment and Housing Authority (CRHA)

The representative of this agency shall be the executive director or his/her designee. There is no term limit and representation will be permanent unless the agency ceases to exist.

Other Agencies/Organizations (Category 2) -

- Local Energy Alliance Program (LEAP)

The representative from this organization shall be designated by the organization. The designated individual will serve until a different representative is designated by the organization or until the organization ceases to exist, whichever occurs first. There is no term limit.

Except as amended above, the membership of the HAC shall remain the same as approved on February 21, 2012.

**RESOLUTION
GRANTING A SPECIAL USE PERMIT
FOR A FAMILY DAY HOME (6-12 CHILDREN)
AT 122 SUMMIT STREET**

WHEREAS, Lena Malcolm (“Applicant”) has submitted an application seeking approval of a special use permit to allow a family day home serving up to twelve children, within her home located at 122 Summit Street, Charlottesville, Virginia, identified on City Tax Map 17A as Parcel 5, consisting of approximately 0.22450 acre (“Subject Property”); and

WHEREAS, Applicant already has established, and has been operating, a family day home for up to five children, at the Subject Property, which currently has one (1) off-street parking space available, and by this application she seeks the zoning approval necessary **(i)** to authorize an increase in the maximum number of children served within this family day home from five (5) to twelve (12), and **(ii)** although the City’s parking standards would typically require three (3) onsite parking spaces for the proposed use, the Applicant seeks to reduce the 3 required off-street parking spaces by two (2) spaces; and

WHEREAS, the Subject Property is zoned “R-2U” (Two-family University Residential) and, pursuant to §34-420 of the City Code, a family day home serving 6 to 12 children is allowed pursuant to a special use permit, and pursuant to §34-162 of the City Code, the City Council may modify, reduce or otherwise grant exceptions to the parking standards in connection with its approval of such use; and

WHEREAS, the Planning Commission has reviewed this application as required by City Code Sec. 34-160(b), and following a public hearing duly advertised and conducted by the Planning Commission on November 12, 2013, the Commission voted to recommend that Council approve the requested special use permit, and recommended certain conditions for Council’s consideration; and

WHEREAS, following a public hearing, duly advertised and conducted by the City Council on December 2, 2013, and upon consideration of the Planning Commission’s recommendation as well as the factors set forth within Sec. 34-157 of the City’s Zoning Ordinance, the Council finds and determines that granting the requested special use permit, subject to suitable conditions, would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that a special use permit is hereby approved to authorize a family day home serving up to twelve (12) children within the residence located at 122 Summit Street, subject to the following conditions, exceptions, and/or modifications:

1. The day home operator shall develop and provide to parents of children cared for in the family day home a safety plan, recommending safety “best practices” for children

dropped off and picked up by parents via motor vehicles, and shall review the safety plan with parents on an annual basis.

2. The day home operator shall obtain, and shall maintain throughout the operation of the family day home, a state license, and shall comply with any other requirements of state law or regulations.
3. The Applicant's request for a two-space reduction in the off-street parking requirement for the approved family day home is approved, and not more than one off-street parking space shall be required for the approved family day home use.

**RESOLUTION
APPROVING A SPECIAL USE PERMIT
TO ALLOW AN OUTDOOR DOG RUN ON PROPERTY
ADJACENT TO 601 CONCORD AVENUE**

WHEREAS, EFB-JSB, Inc. (“Applicant”) has requested City Council to approve a special use permit, for certain land adjacent to the rear of the parcel located at 601 Concord Avenue, consisting of approximately 0.2 acres, which is located in the Industrial Corridor (IC) zoning district (“Subject Property”); and

WHEREAS, (i) the Applicant operates a business on a parcel of land adjacent to the Subject Property, identified on City Tax Map 35 as Parcel 114 (601 Concord Avenue), (ii) the business, known as Pampered Pets, consists of an animal boarding/ grooming/ kennel, with outside runs or pens, and (iii) pursuant to this application, the Applicant proposes to establish a 1,500 square foot dog run to be operated in conjunction with boarding/ grooming/ kennel on 601 Concord Avenue, and this dog run is allowed within the IC zoning district with a special use permit, pursuant to §34-480 of the City’s Zoning Ordinance;

WHEREAS, the Subject Property consists of railroad right-of-way, and the railroad has given its consent to this application; and

WHEREAS, the Planning Commission has reviewed this application as required by City Code Sec. 34-160(b), and following a public hearing, duly advertised and conducted by the Planning Commission on November 12, 2013, the Commission voted to recommend that Council approve the requested special use permit, and recommended certain conditions for Council’s consideration; and

WHEREAS, following a public hearing, duly advertised and conducted by the City Council on December 2, 2013, and upon consideration of the Planning Commission’s recommendation as well as the factors set forth within Sec. 34-157 of the City’s Zoning Ordinance, the Council finds and determines that granting the requested special use permit subject to suitable conditions would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that a special use permit is hereby approved and granted to authorize the establishment and operation of a 1,500 square foot outdoor dog run on the Subject Property, subject to the following conditions:

1. The outdoor dog run shall be closed to canine activity each day from dusk to 8:00 a.m.
2. The number of dogs within the outdoor dog run shall not exceed 20 from the hours of 5:00 p.m. to dusk, and the number of dogs within the outdoor dog run shall not exceed 25 at any other time.

3. The enclosure surrounding the outdoor dog run shall be a slatted fence as described in the applicant's special use permit application, or a similar fence as determined by the City's Zoning Administrator.
4. The landscaping shown on the applicant's plan shall be installed with materials, and to the standards specified for an S-3 buffer, as defined within Sec. 34-871 of the City's Zoning Ordinance. This landscaping shall be maintained as an S-3 buffer at all times during the operation of the use authorized by this special use permit.
5. The outdoor dog run is authorized by this special use permit only in conjunction with, and accessory to, the principal use located at 601 Concord Avenue.

RESOLUTION
TO AMEND THE IDENTIFICATION OF CONTRIBUTING STRUCTURES
LOCATED WITHIN THE WEST MAIN STREET ARCHITECTURAL
DESIGN CONTROL DISTRICT

WHEREAS, the City has created a major architectural design control district known as the West Main Street Architectural Design Control District (“West Main Street ADC”) the limits of which are shown on the city’s zoning map; and

WHEREAS, within the West Main Street ADC certain properties are identified as “contributing structures” and approval of the City’s Board of Architectural Review is required prior to demolition of a contributing structure; and

WHEREAS, the contributing structures within the West Main Street ADC are shown on a map included within Chapter I (*Introduction*) of the City’s Architectural Design Control District Design Guidelines, adopted September 17, 2012 (“2012 Design Guidelines”); and

WHEREAS, upon the recommendation of the City’s Board of Architectural Review, and upon consideration of research and information reported to City Council along with the BAR’s recommendation, the City Council desires to remove the “contributing structure” status from some properties within the West Main Street ADC, and to assign to other properties within the West Main Street ADC the status of “*contributing structure*”; now, therefore

BE IT RESOLVED by the Council of the City of Charlottesville that the Contributing Structures Map included within Chapter I of the 2012 Design Guidelines for the West Main Street ADC shall be revised as follows:

1. The following properties shall be removed from those identified on the Contributing Structures Map as *contributing structures*: 853 West Main Street; 900 West Main Street; and 1397 West Main Street. Hereafter, these three properties shall be considered *non-contributing*; and
2. The following properties shall be added to those identified on the Contributing Structures Map as being *contributing*: 601 West Main Street; 621-627 West Main Street; 715-729 West Main Street; 909 West Main Street; 1001 West Main Street; 1003 West Main Street; and 1005 West Main Street.
3. The Contributing Structures Map shall be revised to reference a revision date, which revision date shall be the date on which this resolution is approved.

Except for those properties specifically referenced above, all other properties depicted within the Contributing Structures Map approved September 17, 2012 for the West Main Street ADC shall continue to have the status indicated on the September 17, 2012 Contributing Structures Map, and shall be shown on the revised Contributing Structures Map as having that same status.