



CITY COUNCIL AGENDA
July 5, 2016

6:00 p.m.

Closed session as provided by Section 2.2-3712 of the Virginia Code

Second Floor Conference Room (Boards and Commissions; Consultation with legal counsel regarding pending litigation.)

7:00 p.m.

Regular Meeting

Council Chambers

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

AWARDS/RECOGNITIONS
ANNOUNCEMENTS

APPOINTMENTS TO BOARDS & COMMISSIONS
CITY MANAGER RESPONSE TO MATTERS BY THE PUBLIC

MATTERS BY THE PUBLIC

Public comment provided for up to 12 speakers publicized at noon the day of the meeting (limit 3 minutes per speaker) and for an unlimited number of speakers 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.

1. CONSENT AGENDA*

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

Passed 5-0 (Galvin/Bellamy)

a. Minutes for June 20

b. **APPROPRIATION:**

Sidewalk Improvement Fund Contribution – \$15,344.60 (2nd of 2 readings)

c. **APPROPRIATION:**

Approval of Revised HOME Budget Allocation for FY 2016-2017 (2nd of 2 readings)

d. **APPROPRIATION:**

Virginia Department of Health Special Nutrition Program Summer Food Service Program – \$90,000 (1st of 2 readings)

e. **APPROPRIATION:**

Albemarle County Reimbursement for Court Roof Replacement – \$737 (1st of 1 reading)

f. **APPROPRIATION:**

Fire Prevention Restitution and Recovery Donations – \$300 (1st of 1 reading)

g. **RESOLUTION:**

Designation of SIA as Revitalization Area (1st of 1 reading)

2. PUBLIC HEARING / RESOLUTION*

Special Use Permit – Alumni Hall at 211 Emmet Street (1st of 1 reading)

Passed 5-0 as amended (Bellamy/Fenwick)

3. PUBLIC HEARING / RESOLUTION*

Lease of City Public Right of Way to Omni Hotel for Terrace Café (1st of 1 reading)

Passed 5-0 (Szakos/Fenwick)

4. PUBLIC HEARING / ORDINANCE*

624 and 626 Booker Street Rezoning (1st of 2 readings)

denied (5-0)

5. RESOLUTION*

~~624 Booker St. Appeal – Erosion & Sediment Determination (1st of 1 reading)~~
withdrawn by appellant

6. RESOLUTION*

Zoning Text Initiation – Automobile Uses in Central City Corridor (1st of 1 reading)

Did not pass

7. RESOLUTION*

BAR Appeal – Hellman Certificate of Appropriateness at 550 E. Water Street (1st of 1 reading)

denied (5-0)

OTHER BUSINESS
MATTERS BY THE PUBLIC

*ACTION NEEDED

APPROPRIATION
Sidewalk Improvement Fund Contribution
\$15,344.60

WHEREAS, the City of Charlottesville received contributions to the sidewalk fund in the amount of \$4,918.41 in lieu of construction of a sidewalk at 1651 Mulberry Avenue, \$8,159.39 in lieu of construction of sidewalk at 1501 Rugby Road, and \$2,266.80 in lieu of construction of sidewalk at 106 Kenwood Circle as allowable per City Code Section 34-1124(b).

WHEREAS, the City anticipates other contributions will be provided in compliance with this code in the future and should be appropriated in this manner

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the current contribution and all future contributions are hereby appropriated in the following manner:

Revenues

\$15,344.60 Fund: 427 WBS: P-00335 G/L: 451020

Expenditure

\$15,344.60 Fund: 427 WBS: P-00335 G/L: 599999

BE IT FURTHER RESOLVED, that future fees and contributions made to this sidewalk fund will be hereby considered a continuing appropriation and immediately available to spend on sidewalk improvements unless further altered by Council.

**APPROPRIATION OF FUNDS FOR
THE CITY OF CHARLOTTESVILLE'S 2016-2017
HOME FUNDS \$73,150**

WHEREAS, the City of Charlottesville has been advised of the approval by the U.S. Department of Housing and Urban Development of HOME Investment Partnership (HOME) funding for the 2016-2017 fiscal year;

WHEREAS, the region is receiving an award for HOME funds for fiscal year 16-17 of which the City will receive \$58,520 to be expended on affordable housing initiatives such as homeowner rehab and downpayment assistance.

WHEREAS, it is a requirement of this grant that projects funded with HOME initiatives money be matched with local funding in varying degrees;

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the local match for the above listed programs will be covered by the Charlottesville Housing Fund (account CP-0084) in the amount of \$14,630 to be held in the HOME Match (account P-00507) until needed to match specific expenditures. The resolution for this appropriation will come forward after July 1, 2016. The total of the HUD money, program income, reprogramming, and the local match, equals \$73,150 and will be distributed as shown below.

PROJECTS	Internal Order	HOME EN	% MATCH	MATCH	TOTAL
AHIP, Homeowner Rehabs	1900266	\$58,520	20	\$14,630	\$73,150

Transfer from:

\$14,630 Fund: 426 WBS: CP-084 CAHF G/L: 561425

Transfer to:

\$14,630 Fund: 425 WBS: P-00507 HOME Match G/L: 498010

BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt of \$58,520 from the Department of Housing and Urban Development.

The amounts so appropriated as grants to other public agencies and private non-profit, charitable organizations (subrecipients) are for the sole purpose stated. The City Manager is authorized to enter into agreements with those agencies and organizations as he may deem advisable to ensure that the grants are expended for the intended purposes, and in accordance with applicable federal and state laws and regulations; and

The City Manager, the Directors of Finance or Neighborhood Development Services, and staff are authorized to establish administrative procedures and provide for mutual assistance in the execution of the programs.

APPROPRIATION.

Albemarle County Reimbursement for the J&D.R. Court Roof Replacement Project – \$737

WHEREAS, Albemarle County was billed by the City of Charlottesville in the amount of \$28,237 of which \$737 needs to be appropriated.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that \$737 from Albemarle County is to be appropriated in the following manner:

Revenues - \$737

Fund: 426 Funded Program: CP-016 (P-00881) G/L Account: 432030

Expenditures - \$737

Fund: 426 Funded Program: CP-016 (P-00881) G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$737 from Albemarle County.

APPROPRIATION.
Fire Prevention Restitution and Recovery Donations - \$300.00

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$300 which has been received as restitution for a false fire alarm shall be appropriated in the following manner:

Revenues

\$300.00 Fund: 105 Internal Order: 2000126 G/L Account: 451020

Expenditures

\$300.0 Fund: 105 Internal Order: 2000126 G/L Account: 599999

BE IT FURTHER RESOLVED, that future restitution and recovery donations made to this account will be hereby considered a continuing appropriation and immediately available to the Fire Marshal's office to spend for equipment, training and cost recovery.

**RESOLUTION
TO ESTABLISH THE CITY'S STRATEGIC INVESTMENT AREA (SIA)
AS A REVITALIZATION AREA**

WHEREAS, pursuant to Section 36-55.30:2.A of the Code of Virginia of 1950, as amended, the City Council of the City of Charlottesville, Virginia desires to designate its Strategic Investment Area ("Area"), described on **Exhibit A** attached hereto, as a Revitalization Area; and

WHEREAS, Council hereby FINDS AND DETERMINES as follows:

(1) The industrial, commercial or other economic development of the Area will benefit the City of Charlottesville, but the Area lacks the housing needed to induce manufacturing, industrial, commercial, governmental, educational, entertainment, community development, healthcare or nonprofit enterprises or undertakings to locate or remain in the Area; and

(2) Private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in the Area and will induce other persons and families to live within the Area and thereby create a desirable economic mix of residents in the Area;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Charlottesville City Council that, pursuant to 36-55.30:2.A of the Code of Virginia of 1950, as amended, the Area is hereby designated as a Revitalization Area; and

BE IT FURTHER DETERMINED that the following nonhousing building or buildings (or nonhousing portion or portions of the building or buildings) located or to be located in the Area are necessary or appropriate for the industrial, commercial or other economic development of the area:

Mixed-Use Development of the Site located at 925 East Market Street, City Tax Map 53 286, Parcel 530286000, depicted on **Exhibit A**, attached to this Resolution, for construction of a five-story mixed use building with a basement and sub-basement, containing approximately 23,388 square feet of gross floor area of office space, restaurant/coffee shop and a 100 space parking deck, all of which will share access and common areas with the residential component

RESOLUTION
APPROVING AN AMENDED SPECIAL USE PERMIT
AUTHORIZING EXPANSION OF A BUILDING USED AS A PRIVATE CLUB
AT 211 EMMET STREET (UVA'S ALUMNI HALL)

WHEREAS, The Alumni Association of the University of Virginia, by its agent Mr. Thomas Faulders, III (“Applicant”) has requested City Council to approve an amendment to its existing special use permit pursuant, to authorize expansion of the existing building at 211 Emmet Street (City Tax Map 8 Parcel 45), to be used by the Applicant as a private club, and related administrative functions (“special use”); and

WHEREAS, the proposed expansion of the existing building is generally described within the Applicant’s application materials dated April 26, 2016, submitted in connection with SP16-00006 (collectively, the “Application Materials”), and this special use, which was originally approved in 1980, continues to be a use that is allowed by special use permit within the R1U zoning district, pursuant to City Code 34-420; and

WHEREAS, the Planning Commission has reviewed the Application Materials, and the City’s Staff Report, and following a public hearing, duly advertised and conducted by the Planning Commission on June 14, 2016, the Commission voted to recommend that Council should approve the requested special use permit, and recommended certain conditions for Council’s consideration; and

WHEREAS, following the conduct of an additional public hearing, duly advertised and conducted by City Council, and upon consideration of the Planning Commission’s recommendations 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 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, pursuant to City Code §34-420, a special use permit is hereby approved and granted to authorize the Subject Property to be used as a private club subject to the following conditions:

1. There shall be only one entrance to the rear parking lot from Sprigg Lane. The amended final site plan shall demonstrate connections for internal circulation between the northern and western portions of the parking area.
2. The amended final site plan will demonstrate that an underground drainage line has been installed to convey storm drainage from the Subject Property to the existing 48 inch line of Emmett Street, and shall identify the size and as-built location of the storm drain, as well as the limits of the setback required by City Code 31-3(a).
3. The amended final site plan will demonstrate that, along the Lewis Mountain Road, Emmett Street and Sprigg Lane frontages, landscaping and screening is provided using plantings and improvements compliant with applicable zoning requirements.

4. The amended final site plan will show the location, size and type of all existing signs, and shall demonstrate that all signs are compliance with City Code Chapter 34, Article IX (sign regulations). All signs must be of a size and appearance consistent with the character of the low-density residential neighborhood.

5. The amended final site plan shall show the location of air handling units on the western side of the building, and a description of features designed and installed to mitigate noise from those units.

6. The amended final site plan shall demonstrate the type and location of existing landscape screening compliant with the applicable zoning requirements along western side of the parking lot.

7. The amended final site plan shall provide an entrance designed and constructed in a manner that effectively discourages traffic leaving the Subject Property from making right-hand vehicular turns onto Lewis Mountain Road, and shall show the location and wording of sign(s) prohibiting right turns onto Lewis Mountain Road from the Subject Property.

8. The amended final site plan shall identify the location, type and design of the gated Lewis Mountain Road entrance. The gate at the Lewis Mountain Road entrance shall be kept closed at all times, except during hours of a special event.

9. The amended final site plan shall demonstrate that all existing and new outdoor lighting conforms to City zoning ordinance requirements for outdoor lighting (§§34-1000 through 34-1004 of the City Code). Additionally, all new outdoor lighting shall be designed and installed to include downshielding of light fixtures. Outdoor lighting shall be of a nature and type consistent with the residential character of adjacent properties. No outdoor light fixture shall be mounted more than 15 feet above the ground surface.

10. The Property Owner shall preserve all existing trees along the Lewis Mountain Road frontage. The location and caliper of each existing tree shall be shown on the amended final site plan. The amended final site plan shall include a tree protection plan designed by a certified arborist, to effectively protect the trees from damage resulting from construction activities.

11. The amended final site plan, in addition to the proposed building expansion, shall show the location of all existing buildings and improvements on the Subject Property, and the existing setbacks from adjacent property lines.

RESOLUTION
TO AUTHORIZE THE LEASE OF CITY PUBLIC RIGHT OF WAY
TO OMNI CHARLOTTESVILLE HOTEL FOR SIDEWALK CAFÉ SPACE

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the Mayor is hereby authorized to sign the following document, in form approved by the City Attorney or his designee:

Lease Agreement between the City of Charlottesville and Omni Charlottesville Virginia Corporation, for the lease of 502 square feet of public right of way on the Downtown Mall near 212 Ridge-McIntire Road Street for operation of the Terrace Café.