



**CITY COUNCIL AGENDA
March 5, 2012**

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**

Government Finance Officers Association Distinguished Budget Award for FY 2012;
Festival of the Book; Chief Charles Warner

MATTERS BY THE PUBLIC

Public comment will be permitted for the first 12 speakers to 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 of Feb 21
and Feb 24

b. APPROPRIATION:

Albemarle County Reimbursement for Preston/Morris Building Envelope Restoration - \$1,426.28 (1st of 2 readings)

c. APPROPRIATION:

Albemarle County Reimbursement for CATEC Monument Sign - \$2,301.50 (1st of 2 readings)

d. APPROPRIATION:

Albemarle County Reimbursement for Gordon Avenue Library Elevator/Restroom - \$25,232.84 (1st of 2 readings)

e. APPROPRIATION:

Albemarle County Reimbursement for CATEC Bus Loop - \$6,541.22 (1st of 2 readings)

f. APPROPRIATION:

Albemarle County Reimbursement for Central Library McIntire Room - \$487.50 (1st of 2 readings)

g. APPROPRIATION:

Albemarle County Reimbursement - Gordon Avenue Library – Building Envelope (Masonry) \$1,368.78 (1st of 2 readings)

h. RESOLUTION:

Arlington & Millmont Apartments SUP for Increased Density & Height (1st of 1 reading)

i. ORDINANCE:

Retirement Commission (1st of 2 readings)

j. ORDINANCE:

Conveyance of Right of Way at Church Street (2nd of 2 readings)

2. REPORT

School Board's Proposed FY 2013 Budget

3. REPORT

City Manager's Proposed FY 2013 Budget

4. REPORT

Annual Housing Report

5. REPORT

~~Support for the Regional Hazard Mitigation Plan~~ *deferred to 3/19*

6. REPORT/RESOLUTION*

Urban Design/Economic Plan For Areas South of Railroad Tracks

7. REPORT/RESOLUTION*

Placemaking, Livability, and Community Engagement (PLACE) Design Task Force

8. REPORT/RESOLUTION*

Business Activity Policy for Parks & Recreation Facilities (1st of 1 reading)

**OTHER BUSINESS
MATTERS BY THE PUBLIC**

*ACTION NEEDED

**RESOLUTION GRANTING A SPECIAL USE PERMIT
TO PEAK CAMPUS DEVELOPMENT, LLC
FOR INCREASED DENSITY AND BUILDING HEIGHT
AT 2101 ARLINGTON BOULEVARD, 1021-1023 MILLMONT STREET,
AND TAX MAP PARCEL 6-1.12 (APARTMENT COMPLEX)**

WHEREAS, Peak Campus Development, LLC, contract purchaser of the properties at 2101 Arlington Boulevard (Tax Map Parcels 6-1.11 and 6-1.12), 1021-1023 Millmont Street (Tax Map Parcels 1-1.8 and 1-1.9) and Tax Map Parcel 6-1.12, has requested a special use permit with respect to the properties identified on City Tax Map 1 as Parcels 1.8 and 1.9, and City Tax Map 6 as Parcels 1.11 and 1.12, consisting of approximately 4.72 acres (“Subject Property”), to allow construction of an apartment complex with increased density and an increase in the allowable building height; and

WHEREAS, the Subject Property is located within the Urban Mixed Use Corridor District (“URB”); and

WHEREAS, the Applicant has requested an increase in allowable density from 21 dwelling units per acre to 64 dwelling units per acre, and an increase in the allowable height of the building from 60 feet to 78 feet; and

WHEREAS, Sec. 34-760 of the City Code allows an increase in density in the Urban Corridor of up to sixty four (64) dwelling units per acre with a special use permit, and Sec. 34-757 of the City Code allows the maximum building height in the Urban Corridor to be up to eighty (80) feet with a special use permit; and

WHEREAS, following a joint public hearing before this Council and the Planning Commission, duly advertised and held on February 14, 2012, this Council finds that such modifications will conform to the criteria applicable to special permits generally under Chapter 34 of the City Code; 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 Peak Campus Development, LLC for increased density and building height for the apartment complex project at 2101 Arlington Boulevard, 1021-1023 Millmont Street and on City Tax Map Parcel 6-1.12. Approval of this special use permit is conditioned upon the following:

1. The applicant shall bring the intersection of Arlington/Millmont up to ADA standards, including but not limited to, the replacement of the curb ramps on all four (4) corners.
2. A setback modification to allow a maximum setback of fifty (50) feet on Millmont Street and forty-eight (48) feet on Arlington Boulevard.
3. Inclusion of secure storage for at least eighty-six (86) bicycles.
4. Shielded exterior lighting on the parking garage.

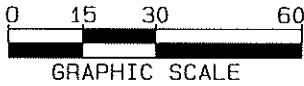
**AN ORDINANCE
AUTHORIZING THE CONVEYANCE OF
CITY-OWNED PROPERTY (CHURCH STREET RIGHT OF WAY)
TO SHAWN AND RACHAEL McGOWEN**

WHEREAS, Shawn and Rachael McGowen, the owners of property designated as Parcel 179 on City Real Estate Tax Map 58 (710 Belmont Avenue), wish to acquire a portion of the adjoining Church Street right of way, as shown on the attached plat dated February 2, 2012; and

WHEREAS, in accordance with Virginia Code Sec. 15.2-1800(B), a public hearing was held to give the public an opportunity to comment on the proposed conveyance of the City property as requested by the McGowens; and

WHEREAS, the City Assessor, Department of Neighborhood Services, and Department of Public Works have reviewed the proposed conveyance and have no objection thereto;

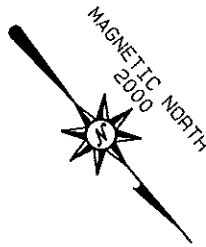
NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Mayor is authorized to execute a deed of quitclaim, in form approved by the City Attorney, for that portion of the Church Street right of way, approximately 819 square feet in area, adjacent to Parcel 179 on City Tax Map 58, and shown on the attached plat dated February 2, 2012. Compensation to the City for the conveyance shall be \$2,000.00. The City Attorney is hereby authorized to take whatever steps are necessary to effect the closing of said property conveyance.



Legal References:
Inst.# 20095500
D.B.96 Pg.72 (A1b. Co. Plat)

Zoned: R-1S

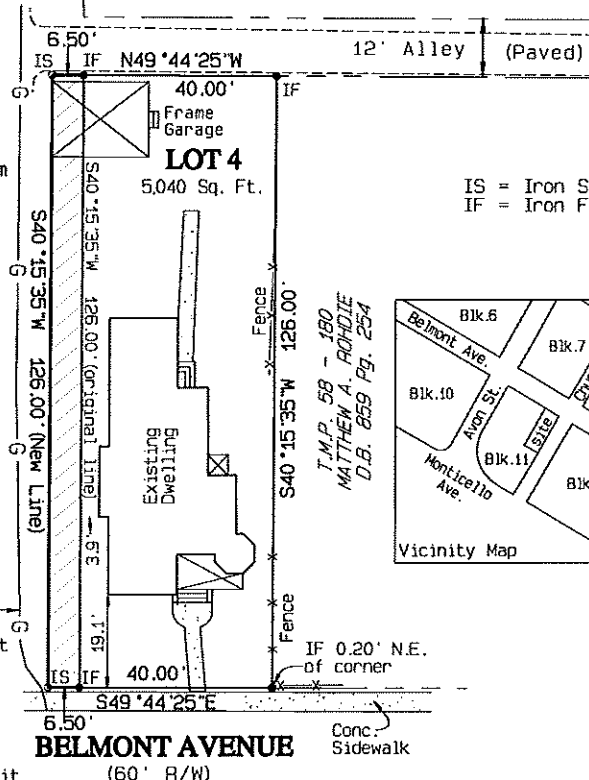
Building Setbacks:
Front = Average distance within 500'
Side = 5' Min.
Corner Side = 20'
Rear = 25' Min.



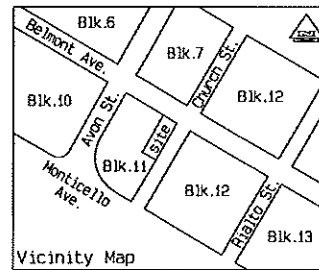
Hatched area = 819 Sq. Ft., to be added to Lot 4, being acquired from the City of Charlottesville.

CHURCH STREET
(50' R/W)

existing gas line according to City Gas Division's paint marks



IS = Iron Set
IF = Iron Found



Owners Approval

The adjustment of the lands described hereon is with the free consent and in accordance with the desire of the undersigned owners. All statements affixed to this plat are true and correct to the best of my knowledge.
Owners of TMP 58-179:

Shawn McGowen _____ Date _____

Rachael Dorsey _____ Date _____

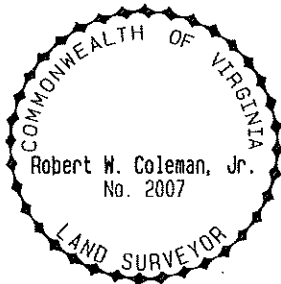
Notary Public

The foregoing instrument was acknowledged before me this ____ day of _____ 2012.

My commission expires, _____

Note: The purpose for this boundary adjustment is to incorporate the frame garage entirely onto Lot 4.

Survey performed without the benefit of a title report and may not indicate all encumbrances on the property.



Approved For Recordation

Chairperson of Planning Commission _____ Date _____

Secretary of Planning Commission _____ Date _____

PLAT SHOWING
BOUNDARY ADJUSTMENT FOR
T.M.P. 58 - 179
KNOWN AS LOT 4
BLOCK 11
BELMONT

710 BELMONT AVENUE
CHARLOTTESVILLE, VIRGINIA
FEBRUARY 2, 2012 1" = 40'

RESIDENTIAL SURVEYING SERVICES
(434) 245-8744
1701D-7 ALLIED STREET
CHARLOTTESVILLE, VIRGINIA, 22903

RESOLUTION

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that City staff are hereby directed to develop a Request for Proposals for professional services to produce an Urban Design Plan for the neighborhood south of the railroad tracks near the downtown area (including the Levy Avenue and Crescent Halls sites owned by CRHA); and

BE IT FURTHER RESOLVED that up to \$150,000 in funds already allocated from the Capital Improvement Project Fund for design services for CRHA's redevelopment of the Levy Avenue and Crescent Halls sites may be used for this Urban Design Plan.

RESOLUTION

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that there is hereby created a Placemaking, Livability and Community Engagement (PLACE) Design Task Force, composed of seven (7) members appointed by City Council, to act as an advisory body to the Planning Commission and City Council. The PLACE Design Task Force will also have two (2) *ex officio* members, one a member of City Council and one a member of the Planning Commission. The purpose and charges are as stated on the attached document. The initial terms of the seven (7) appointed members are as follows:

The three (3) members from the areas of Architecture or Landscape Architecture shall serve for three (3) years; the member from the area of preservation shall serve for two (2) years; the member from the area of the arts shall serve for two (2) years; the members from the area of development and the citizen-at-large member shall each serve for one (1) year.

At the expiration of each term, any member of the PDTF may serve additional three (3) year terms. There shall be no limit on the number of terms a person is appointed to serve.

PLACEMAKING, LIVABILITY AND COMMUNITY ENGAGEMENT (PLACE) DESIGN TASK FORCE

PURPOSE AND CHARGE

There is hereby created the PLACE Design Task Force (PDTF) to act as an advisory body to the Planning Commission and City Council charged with the following:

1. Reviewing and advising on the urban design aspects of development projects on publicly owned or financed land and developing design criteria for such projects.
2. Reviewing and advising on the design of city capital projects and changes to existing public facilities.
3. Reviewing and advising on proposals for public art.
4. Reviewing the status, adequacy and appropriateness of current landscape and streetscape standards city-wide and recommending improvements.
5. Reviewing existing urban design guidelines and their implementation and identifying and recommending new or additional city-wide best practices for urban design guidelines and their implementation as required.
6. Reviewing special projects as requested by City Council or the Planning Commission.
7. Identifying the obstacles and recommending incentives for the redevelopment of our growth corridors while still fostering good urban design and placemaking.
8. Identifying best practices in master and small area planning, public space design inclusive of street and corridor standards and their implementation and city-wide public engagement processes.

MEMBERSHIP

The Task Force will consist of seven permanent members, three from the areas of Architecture, Landscape Architecture, preservation, arts and the development community, plus one citizen-at-large. The Task Force will also have two Ex-Officio members, one from City Council and one from the Planning Commission to provide liaison with these two bodies. The City Council at the recommendation of the Planning Commission may also appoint additional advisory members as necessary to deal with specific project or subjects.

TERMS OF OFFICE

The initial terms will be: three members for three years, two members for two years, and two members for one year and thereafter three year terms. Members will be appointed by City Council.

REVIEW AND EVALUATION

The Task Force will be advisory to the Planning Commission and City Council and report to the Commission on a regular basis.

STAFFING

The Department of Neighborhood Development Services will provide the staffing. The Planning Commission may also request through City Council for assistance of appropriate University faculty or consultants as necessary.

RESOLUTION

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that this Council hereby approves the policy entitled “**BUSINESS ACTIVITIES IN PARKS AND RECREATIONAL FACILITIES**”, a copy of which is attached hereto and made a part of this Resolution.

Approved by Council
March 5, 2012



Clerk of Council

**PARKS AND RECREATION DEPARTMENT
POLICY DOCUMENT**

POLICY TITLE: BUSINESS ACTIVITIES IN PARKS AND RECREATIONAL FACILITIES

I. AUTHORITY TO ENACT POLICY:

The Authority to enact this policy includes but is not limited to the following legislative provisions:

A. Code of Virginia:

Virginia Code § 15.2-1806 et seq.: Powers of Local Government over Building and Lands,
Article 2: Parks, Recreation Facilities and Play Grounds.

Virginia Code § 15.2-1125: Licenses and permits; fees; bonds or insurance.

Whenever in the judgment of the municipal corporation it is advisable in the exercise of any of its powers or in the enforcement of any ordinance or regulation, it may provide for the issuance of licenses or permits in connection therewith; fix a fee to be charged the licensee or permittee and require from the licensee or permittee a bond or insurance contract of such character and in such amount and upon such terms and conditions as the municipal corporation may determine.

B. City Code Section 18-d:

The Director of Parks and Recreation is hereby authorized, with the approval of the City Manager, to promulgate rules and regulations governing the **time, place and manner in which City Parks and other recreation facilities may be used for special events, community events (as defined within section 28-29-c of the City Code) and for other activities**, and to establish reasonable fees and rentals therefor.

II. PURPOSE

The purposes for this policy include but are not limited to:

- TO ENSURE PUBLIC SAFETY, HEALTH AND WELFARE OF ALL PARK AND FACILITY PARTICIPANTS;
- TO GUARANTEE PARKS AND RECREATION FACILITIES ARE AVAILABLE FOR THE BENEFIT OF ALL CITY CITIZENS;
- TO PRESERVE THE RECREATIONAL NATURE OF THE LAND AND FACILITIES;
- TO SET CLEAR RULES FOR PERMITTED USES IN PARKS AND RECREATIONAL FACILITIES;
- TO PROTECT THE CITY'S PROPERTY AND GUARANTEE USES CONSISTENT WITH THE PARKS AND RECREATION FACILITIES;
- TO ADHERE TO ALL APPLICABLE LOCAL, STATE AND FEDERAL LAWS WITH RESPECT TO THE PROVISIONS OF GOODS AND SERVICES ON CITY PROPERTY;

- TO ESTABLISH CLEAR RULES ON THE TIME, PLACE AND MANNER OF ACTIVITIES IN PARKS AND RECREATION FACILITIES; AND
- TO ESTABLISH REASONABLE FEES, CHARGES AND RENTALS.

III. POLICY STATEMENT:

A. Business Activities: For the purpose of this policy *business activities* shall mean a course of dealing which requires the time, attention and labor of the person so engaged for the purpose of earning a livelihood or profit. Business activities include, but are not limited to, group instructional services, group coaching and/or group training activities. Such activities imply a continuous and regular course of dealing, rather than an irregular or isolated transaction or event. A person may be engaged in one or more businesses. There is a rebuttable presumption that a person is engaged in a business activity where through advertising or other means one communicates to the public that they are engaged in an activity for a fee and/or one files tax returns, schedules and/or documents that are required only of persons or entities engaged in trade or business.

B. Business Activities Registration: For the purpose of this policy, *business activities registration* shall mean the required documentation issued by the Director of Parks and Recreation Department, or his designee, which is evidence of approval to conduct business activities on Park land or within a recreational facility owned by the City of Charlottesville.

C. No person shall sell or make an offer to sell goods or services within a park or recreational facility owned by the City of Charlottesville (hereinafter “park or recreational facility”) without first obtaining a business activities registration form from the Parks and Recreation Department, paying all required rental and reservation fees, any applicable permit fees, and/or entering into a facilities use agreement where applicable.

D. The Department of Parks and Recreation shall endeavor to provide comprehensive programming and services for its citizens. When the Department seeks to augment services through third party vendors, or to procure products or equipment, it shall follow the City of Charlottesville’s procurement policies.

IV. BUSINESS ACTIVITIES REGISTRATION APPLICATIONS:

A. Registration Application Requirements: The Department of Parks and Recreation shall consider applications to use parks and recreation facilities for business activities under the following circumstances:

1. Applicants shall complete a Parks and Recreation Request for Business Activities Registration (hereinafter “Application”);

2. By filing out an Application, the Applicant agrees to abide by all requirements, stipulations and pay all fees associated with the potential issuance of a Parks and Recreation business activities registration form. Copies of the current fees are incorporated as Attachment A.
3. The Applicant shall identify the proposed park or recreation facility.
4. The Applicant shall identify the proposed times and provide a detailed explanation of the business activities to be conducted.

B. Applicants must provide all of the above information to be considered for a business activity. If an application is incomplete or the applicant fails to provide all of the required information, the Parks and Recreation Department shall deny the request.

Upon issuance of a business registration form, the Applicant must agree to provide all rental and/or reservations fees, applicable to the park or recreation facility identified.

V. Evaluation Criteria for Permit Application: The Parks and Recreation Department shall issue a registration form for applications based on the following criteria:

A. The business activity requested must be a sports or recreational activity that is consistent with the Parks and Recreation Department's Mission to provide quality recreational experiences.

B. The applicant must have a City Business License, if required pursuant to City Code Section 14-19, and must provide evidence of such license and/or demonstrate that City Code Section 14-19 does not apply.

C. The applicant must have or be able to obtain insurance coverage sufficient to indemnify the City of Charlottesville, and provide evidence of such insurance to cover any and all injuries to persons or damage to park property.

D. The applicant must provide a written notice that clearly communicates to clients and citizens that the applicant is not endorsed or associated in any capacity with the City of Charlottesville Parks and Recreation Department.

E. Where the proposed activity may impact health and safety, the applicant must provide credentials including evidence of his/her degrees and/or certifications to provide the services proposed.

F. The applicant's business activities must be consistent with the established uses for the proposed City Park and/or facility. The Department of Parks and Recreation shall propose an alternative park or facility if such a space is available that can accommodate the proposed business activity in a manner consistent with the alternative park or facilities' established uses.

G. The Department may deny Applications where the times, the site requested and/or the business activities proposed will interfere or impact the normal access to the park or facility requested. The Department shall deny the Application where the number of proposed participants or the size of the space cannot safely accommodate the proposed business activity.

H. The Department shall deny proposed business activities that will create a health or safety risk for parks and recreation patrons.

I. The Department may deny an Application where some other person or entity has already reserved the proposed park or facility space or where the Department of Parks and Recreation already has an ongoing, instructional or recreational activity in the identified park or facility at the proposed time and place for the Applicant's business activity.

J. The Department shall deny an Application where there is a materially false statement within the Application.

VI. REGISTRATION, APPROVAL AND TIMELINE

A. Upon receipt of an Application and any additional documentation requested, the Parks and Recreation Staff shall prepare a summary and Recommendation to approve or deny the application based upon the criteria in Section V.

B. During the review process, Staff shall notify the applicant about safety or use concerns at a proposed park or recreation facility and work with the applicant to find a time, place and manner for the activity in accordance with the above purposes and policy.

C. The Director of Parks and Recreation will determine whether to grant or deny a business activities registration form pursuant to the evaluation criteria under Section V. The Director shall identify the basis for a denial of the Application in writing. He/She shall notify the applicant of the intent to issue or deny the registration form and upon intent to issue, may at that time ask for documentation of liability insurance and business license.

D. The Applicant shall receive a timely response to applications and notice of intent within a reasonable period of time not to exceed Twenty (20) business days from the date all requested documentation has been provided to the Department of Parks and Recreation.

E. Approval and issuance of a business activities registration form shall be by the Director of Parks and Recreation. The registration form shall be issued upon receipt of completed, required documentation demonstrating that the applicant has obtained insurance coverage sufficient to indemnify the City of Charlottesville and evidence of a business license to conduct business in accordance with City Code Section 14-19, where required under the City Code.

F. Upon issuance of a business activities registration form, applicants shall enter into a Facility Use/Rental Agreement, where applicable, and/ or pay such fees as are required to reserve space or conduct business on park land and shall agree to notify all clients in writing that they are not affiliated with or endorsed by the Charlottesville Department of Parks and Recreation.

VII. APPEAL OF DECISION TO DENY BUSINESS ACTIVITES REGISTRATION FORM:

A. An Applicant may request review by the City Manager of an Application denial. Such request shall be in writing and must be submitted within ten (10) business days of the denial notice.

B. The City Manager, or their designee, shall meet with the Applicant and shall issue a decision to uphold or overturn the denial within ten (10) business days of such meeting. The decision shall be in writing and shall be final.