



**CITY COUNCIL AGENDA**  
**February 18, 2014**

5:30 p.m. – 7:00 p.m.

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

*Second Floor Conference Room* (annual performance evaluation for City Manager and Clerk of Council; litigation involving the condemnation of property owned by the Monticello Area Community Action Agency; cost sharing agreement with the Albemarle County Service Authority for capital wastewater projects and negotiation of terms and conditions for acquiring a utility easement from Albemarle Co., acquisition of property for public park purposes.)

**CALL TO ORDER 7:00 p.m.**  
**PLEDGE OF ALLEGIANCE**  
**ROLL CALL**

*Council Chambers*

**AWARDS/RECOGNITIONS**  
**ANNOUNCEMENTS**

African American History Month; The Big Read

**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.) **All Passed, no comments 5-0**

a. Minutes for February 3

b. APPROPRIATION:

HVAC Replacement at Gordon Avenue Library and Health Department - \$90,000  
(2<sup>nd</sup> of 2 readings)

c. APPROPRIATION:

City of Promise Reimbursement from Children, Youth & Family Services, Inc. - \$10,000  
(2<sup>nd</sup> of 2 readings)

d. APPROPRIATION:

Asset Forfeiture Funds for Regional Firearms Range – \$971,167 (2<sup>nd</sup> of 2 readings)

e. ORDINANCE:

Water Street Planned Unit Development (PUD) Rezoning (2<sup>nd</sup> of 2 readings)

**2. PUBLIC HEARING /**  
**RESOLUTION\***

Blight Determination/Correction for 201 East Water Street (1<sup>st</sup> of 1 reading)

*Alternatives (2 readings):*

Ordinance to Declare the Property Located at 201 East Water Street a Blighted Property

Ordinance to Declare the Property Located at 201 East Water Street a Blighted Property  
and a Public Nuisance **Vote Deferred (pending agreement resolution)**

**3. PUBLIC HEARING /**  
**ORDINANCE\***

Conveyance of Land – Lochlyn Hills Subdivision (1<sup>st</sup> of 2 readings) **PASSED (2<sup>nd</sup> reading was waived by vote) 5-0**

**4. RESOLUTION\***

Repair Downtown Mall Crossings – \$120,000 (1<sup>st</sup> of 1 reading) **Deferred; will return to Council after staff solicits feedback from downtown businesses re: prohibiting delivery trucks from crossing the mall.**

**5. RESOLUTION\***

Affordable Dwelling Unit (ADU) Ordinance Regulations (1<sup>st</sup> of 1 reading) **Passed 5-0**

**6. REPORT**

Park Land Acquisition & Forest Management Update

**7. RESOLUTION\***

Festival of Cultures Funding Request – \$2,000 (1<sup>st</sup> of 1 reading) **Passed 5-0, amended to include cost of electricity**

**OTHER BUSINESS**  
**MATTERS BY THE PUBLIC**

**Fenwick requested written update on OLR.**

\*ACTION NEEDED

**APPROPRIATION.**  
**City/County Jointly Owned Property H.V.A.C. Capital Improvement Plan Funds.**  
**\$90,000.**

**WHEREAS**, Albemarle County share of expenditures will be submitted to them for reimbursement as work progresses; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that \$90,000 from Albemarle County is hereby appropriated in the following manner:

**Revenues - \$90,000**

Fund: 426                      Funded Program: CP-070                      G/L Account: 432030

**Expenditures - \$90,000**

Fund: 426                      Funded Program: CP-070                      G/L Account: 599999

**BE IT FURTHER RESOLVED**, that this appropriation is contingent upon the receipt of \$90,000 from Albemarle County.

**APPROPRIATION.**  
**City of Promise Reimbursement from Children, Youth & Family Services, Inc.**  
**\$10,000.**

**WHEREAS,** The City of Charlottesville has been offered reimbursement of \$10,000 for the salary of the City of Promise Director, by partner organization Children, Youth & Family Services,

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the sum of \$10,000 is hereby appropriated in the following manner:

**Revenues**

\$10,000      Fund: 209      CC: 3413005000      G/L: 451020 Contributions

**Expenditures**

\$10,000      Fund: 209      CC: 3413005000      G/L: 519999 Sal/Benefit Lump Sum

**BE IT FURTHER RESOLVED,** that this appropriation is conditioned upon the receipt of \$10,000 from Children, Youth & Family Services, Inc.

**APPROPRIATION.  
Regional Firearms Range.  
\$971,167.**

**WHEREAS**, the City of Charlottesville has been awarded \$971,167 from the Attorney's Office of Virginia for a one time award of asset forfeiture money;

**WHEREAS**, the funds will be used to help to fund the City's share of construction costs of a regional firearms range to be shared by the City of Charlottesville, County of Albemarle and the University of Virginia;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$971,167 is hereby appropriated in the following manner:

**Revenue – \$971,167**

\$971,167      Fund: 426      WBS Element: P-00715      G/L Account: 430110

**Expenditures - \$971,167**

\$971,167      Fund: 426      WBS Element: P-00715      G/L Account: 599999

## ORDINANCE

### **APPROVING A REZONING OF PROPERTY IDENTIFIED ON CITY TAX MAP 57 AS PARCEL 157A, FROM THE DOWNTOWN EXTENDED MIXED USE DISTRICT (“DE”) WITH PARTIAL HISTORIC OVERLAY, TO THE PLANNED UNIT DEVELOPMENT (“PUD”) DISTRICT, WITH PARTIAL HISTORIC OVERLAY SUBJECT TO PROFFERED DEVELOPMENT CONDITIONS (“WATER STREET PROMENADE PUD”)**

WHEREAS, Riverbend Development, Inc. (“Applicant”) has made application for a zoning map amendment, with respect to certain property consisting of approximately 2.1 acres of land, identified as City Tax Map 57 Parcel 157A, currently located within the Downtown Extended (DE) mixed use zoning district, including an area of approximately 4,900 square feet (approximately 0.1 acre) containing an historic coal tower, which was previously designated by city council as an individually protected historic property by ordinance approved September 15, 2008 and as a result is subject to historic overlay (the “Subject Property”); and

WHEREAS, the Applicant has submitted an application seeking a rezoning of the Subject Property to the PUD zoning district (continuing the historic overlay for the coal tower site) subject to the contents of a proposed PUD Development Plan and two proffered development conditions described within a final proffer statement submitted by the Applicant, all part of written application number ZM-13-07-11 (“Water Street Promenade PUD”); and

WHEREAS, this Council finds and determines that, the open space proposed for the Water Street Promenade PUD consists of approximately 16% of the gross area of the development site, inclusive of the coal tower site, and approximately 10.7% of the development site, excluding the coal tower site; it is the determination of Council that the proposed PUD Development Plan, through creative design, and in light of the nature and extent of active recreational facilities provided, will best serve the overall objectives of Chapter 34, Article V (PUD Districts) of the City Code, with the open space provided as shown, whether or not the area of the coal tower site is included in the calculation; and

WHEREAS, this Council finds and determines that in its other aspects, the proposed PUD Development conforms to the criteria and requirements set forth within Chapter 34, Article V of the City Code; and

WHEREAS, following a joint public hearing before this Council and the Planning Commission, duly advertised and held on January 14, 2014, the Planning Commission transmitted its recommendation for approval of this application, and this Council finds and determines that approval of the proposed rezoning, and acceptance of the proffered development conditions, would serve the interests of the public necessity, convenience, general welfare or good zoning practice; and

WHEREAS, Council further finds and determines that the proposed rezoning, and acceptance of the proffered development conditions, is consistent with the City’s adopted Comprehensive Plan; NOW THEREFORE,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the Zoning District Map Incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, be and hereby is amended and reenacted as follows:

*Section 34-1. Zoning District Map.* Rezoning from DE(H) to PUD(H) subject to the PUD Development Plan and to the final proffered development conditions included as part of ZM-13-07-11, all of the property identified on City Tax Map 57 as Parcel 157A, consisting of approximately 2.1 acres (inclusive of the 4,900 square foot area comprising the historic coal tower site).

**AN ORDINANCE  
AUTHORIZING THE CONVEYANCE OF  
CITY-OWNED LAND ON PEN PARK LANE  
IN ALBEMARLE COUNTY TO MEADOWCREEK DEVELOPMENT, LLC**

**WHEREAS**, the City of Charlottesville is the owner of land currently known as Pen Park Lane in the County of Albemarle, shown and labeled “7,187 S.F.” on the attached plat dated February 10, 2014 (hereinafter the “Property”); and

**WHEREAS**, Meadowcreek Development, LLC (“Meadowcreek”) wishes to acquire the Property in order to relocate and re-configure a portion of Pen Park Lane to serve as an entrance to the new Lochlyn Hills Subdivision; and

**WHEREAS**, in accordance with Virginia Code Section 15.2-1800(B), a public hearing was held on February 18, 2014 to give the public an opportunity to comment on the proposed conveyance of City land as requested by Meadowcreek;

**WHEREAS**, natural gas lines may need to be installed by the City within a portion of the Property to serve the new subdivision, and Public Utilities has approved the proposed conveyance subject to reservation of a utility easement for such natural gas facilities;

**NOW, THEREFORE, BE IT ORDAINED** by the Council for the City of Charlottesville, Virginia that the Mayor is authorized to execute a Quitclaim Deed, in form approved by the City Attorney, to convey said Property to Meadowcreek Development, LLC, shown on the attached plat dated February 10, 2014 made by Kirk Hughes and Associates, being a total of approximately 7,187 square feet in area. The City Attorney is hereby authorized to take whatever steps are necessary to effect the closing of said property conveyance.

## **RESOLUTION**

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia, that this Council hereby approves the attached Affordable Dwelling Unit Regulations, and the City Manager is hereby authorized to sign the following document, in form approved by the City Attorney or his designee.

Standard Operating Procedure (SOP) providing regulations governing the affordable dwelling unit requirements of City Code Sec. 34-12 on residential housing projects that are approved by rezoning or special use permit.



**RESOLUTION.**  
**Off Budget Funding Request – Charlottesville’s Festival of Cultures.**  
**\$2,000.**

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia that the sum of \$2,000 is hereby paid from currently appropriated funds in the Community Arts and Festivals account in the General Fund to the Charlottesville City Schools in support of the Festival of Cultures:

\$2,000

Fund: 105

Cost Center: 9753005000

**BE IT FURTHER RESOLVED** by the City Council that the cost of electricity for the festival will be paid by the City.