



## CITY COUNCIL AGENDA October 2, 2023

J. Lloyd Snook, III, Mayor  
Juandiego Wade, Vice Mayor  
Michael K. Payne, Councilor  
Brian R. Pinkston, Councilor  
Leah Puryear, Councilor  
Kyna Thomas, Clerk

### 4:00 PM OPENING SESSION

This is an in-person meeting with an option for the public to participate electronically by registering in advance for the Zoom webinar at [www.charlottesville.gov/zoom](http://www.charlottesville.gov/zoom). The meeting may also be viewed on the City's streaming platforms and local government Channel 10. Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call (434) 970-3182 or submit a request via email to [ada@charlottesville.gov](mailto:ada@charlottesville.gov). The City of Charlottesville requests that you provide a 48-hour notice so that proper arrangements may be made.

### Call to Order/Roll Call

### Agenda Approval

### Reports

1. Presentation: Budget Kickoff
2. Presentation: Departmental Budget Presentations - Administration

### 5:30 PM CLOSED MEETING (if called)

### 6:30 PM BUSINESS SESSION

### Moment of Silence

### Announcements

### Recognitions/Proclamations

- Proclamation: Digital Inclusion Week
- Proclamation: Fire Prevention Week

### Board/Commission Appointments

### Consent Agenda\*

The consent agenda consists of routine, non-controversial items whereby all items are passed with a single motion and vote. After the reading of the consent agenda, the mayor will open the floor for comments from the public on the items that were read. Speakers will have up to three minutes each to make comments before City Council votes on the consent agenda. Speakers must state their name and locality for the record.

3. Minutes: July 17 regular meeting, September 12 joint City Council-Planning Commission public hearing
4. Resolution: Resolution to Appropriate funds from the Bureau of Justice Assistance FY 2022 Patrick Leahy Bulletproof Vest Partnership - \$16,942 (1 of 2 readings)
5. Resolution: Resolution to Appropriate Virginia Department of Emergency Management (VDEM) Emergency Management Performance Grant - \$7,500 (1 of 2 readings)
6. Resolution: Resolution to Appropriate VDOT TAP funding for Meadow Creek Trail and Bridges - \$800,000 (1 of 2 readings)
7. Resolution: Resolution to Appropriate Virginia Juvenile Community Crime Control Act Grant (VJCCCA) - \$452,704 (1 of 2 readings)

### City Manager Report

- Report: City Manager Report

**Community Matters**

Public comment for up to 16 speakers (limit 3 minutes per speaker). Preregistration available for first 8 spaces at <https://www.charlottesville.gov/692/Request-to-Speak>; speakers announced by Noon on meeting day (9:00 a.m. sign-up deadline). Additional public comment at end of meeting. Comments on Public Hearing items are heard during the public hearing only.

**Action Items**

8. Resolution: Resolution to Approve a Special Use Permit at 1709 Jefferson Park Avenue – SP23-00005 (1 reading)
9. Resolution: Resolution to Approve a Critical Slope Waiver at 1709 Jefferson Park Avenue - P23-0049 (1 reading)
10. Appeal: Resolution of disposition for Appeal of Planning Commission's 15.2-2232 Review Decision for 0 E. High Street (1 reading)

**General Business****Other Business****Community Matters (2)****Adjournment**



## DEPARTMENTAL BRIEFINGS

### OFFICE OF THE CITY MANAGER -- SAMUEL SANDERS, JR.

The City of Charlottesville operates under the Council/Manager form of government. The City Manager, appointed by the City Council, is the Chief Executive Officer of the City. This office is responsible for implementing the policies and directives of the City Council throughout the various City departments and agencies.

This office directs, monitors, reviews, and evaluates a wide array of programs and services conducted on behalf of the City. The City Manager's office includes the Office of Budget and Performance Management, the Office of Communications, the Office of Economic Development, the Office of Community Solutions, the Office of Human Rights, and the Office of Equity and Inclusion. The City Manager's Office is also charged with recommending, implementing, and monitoring policies and procedures that maintain the financial well-being of the City government. Additionally, the office is responsible for communications strategies, economic development workforce efforts, and human rights initiatives.

The City Manager's Office is located on the second floor of City Hall. The public is always welcome to stop by our office for information, to share an opinion, or to request a service.



## **DEPARTMENTAL BRIEFINGS**

### **OFFICE OF THE CLERK OF COUNCIL -- KYNA THOMAS**

The Clerk of Council performs work related to the operation of the City and provides administrative support for the legislative body. This work includes preparing, certifying, and maintaining official records of the City Council; serving as a liaison between Council and the public; notifying citizens of Council meeting dates, times, and locations; managing the City Council agenda development process; administering department budgets; coordinating appointments to boards and commissions; serving as the filing officer for the annual Virginia Conflict of Interests forms filing period; and serving as the official keeper of the City seal. The Clerk's Office also serves as administrative liaison to the Sister Cities Commission.

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### **OFFICE OF ECONOMIC DEVELOPMENT -- CHRIS ENGEL**

The Office of Economic Development is the catalyst for public and private initiatives that create employment opportunities and a vibrant and sustainable economy.

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### **OFFICE OF THE CITY ATTORNEY-- JACOB STROMAN, ESQ.**

The office drafts resolutions and ordinances for City Council consideration, drafts and reviews contracts, issues opinions on zoning, procurement, and personnel matters, and responds to inquiries under the Freedom of Information Act. It also handles certain types of litigation, risk management, and real estate matters.

The City Attorney's Office is not allowed to give advice about personal or private legal problems of citizens but can answer legal questions related to City activities, including interpretation of the City Code.

# FY25 Budget Overview



# ABOUT US



## What is economic development?

The goal of economic development is to improve the standard of living and quality of life of the citizens. As such, economic development is a process, not an end product. It is a long-term approach to building community capacity. (Bevins, 1999)

## OED's Mission:

The Office of Economic Development is the catalyst for public and private initiatives that create employment opportunities and a vibrant and sustainable economy

## OED's Vision:

Building a Stronger Economy One Business, One Job at a Time.

**In FY 2024, it cost the  
Office of Economic  
Development \$595,000  
to operate.**



# RECENT HIGHLIGHTS



- Launched the Ready To Work program to strengthen soft skills and connect job seekers to city employers with hiring needs.
- Facilitated the announcements of \$5 million in new high tech manufacturing investment in the city creating 53 new jobs.
- Secured \$650k in grant funding across 3 funding sources to support NHDC's creation of the new BEACON commercial kitchen.
- Completed Economic Development Strategic Plan 2024 – 2028.
- Completed major renovations of Market and Water Parking Garages and added a new surface parking lot to public capacity.

## READY TO WORK



**BEACON**  
A NEW HILL PROJECT

# STRATEGIC PLAN



## Goals

01	Equitable Entrepreneurship	We will invest in entrepreneurship to grow a more diverse, equitable, and vibrant Charlottesville.
02	Intentional and Innovative Growth	We will build an innovative economy: one that embraces intentional growth, value-added partnerships, and sustainability for tomorrow.
03	Pathways for Opportunity	We will create pathways of opportunity for all Charlottesville residents.
04	Creative Placemaking	We will invest in placemaking to celebrate Charlottesville's creativity and culture.
05	Storytelling for Investment	We will position Charlottesville as a community open for investment.



# KEY METRICS



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## POPULATION

Tracking interest in the attractiveness of Charlottesville as a place to live.

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## NUMBER OF BUSINESSES

Tracking the health of Charlottesville's business ecosystem and the City's ability to retain businesses and assist entrepreneurs.

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## EMPLOYMENT

Counting the number of residents engaged in the workforce.

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## MEDIAN HOUSEHOLD INCOME

Tracking earning potential in Charlottesville.

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## SHARE OF RESIDENTS AGES 25-34

Tracking the proportion of Charlottesville's young talent base.

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## SHARE OF BIPOC RESIDENTS

Tracking the diversity of Charlottesville's population.

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## EDUCATIONAL ATTAINMENT LEVELS FOR BIPOC RESIDENTS

Understanding the gap in education – an important aspect of workforce upskilling – between White and BIPOC residents.

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## POVERTY RATE FOR BIPOC RESIDENTS

Tracking the progress of economic recovery by race.

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## MEDIAN EARNINGS FOR BIPOC RESIDENTS

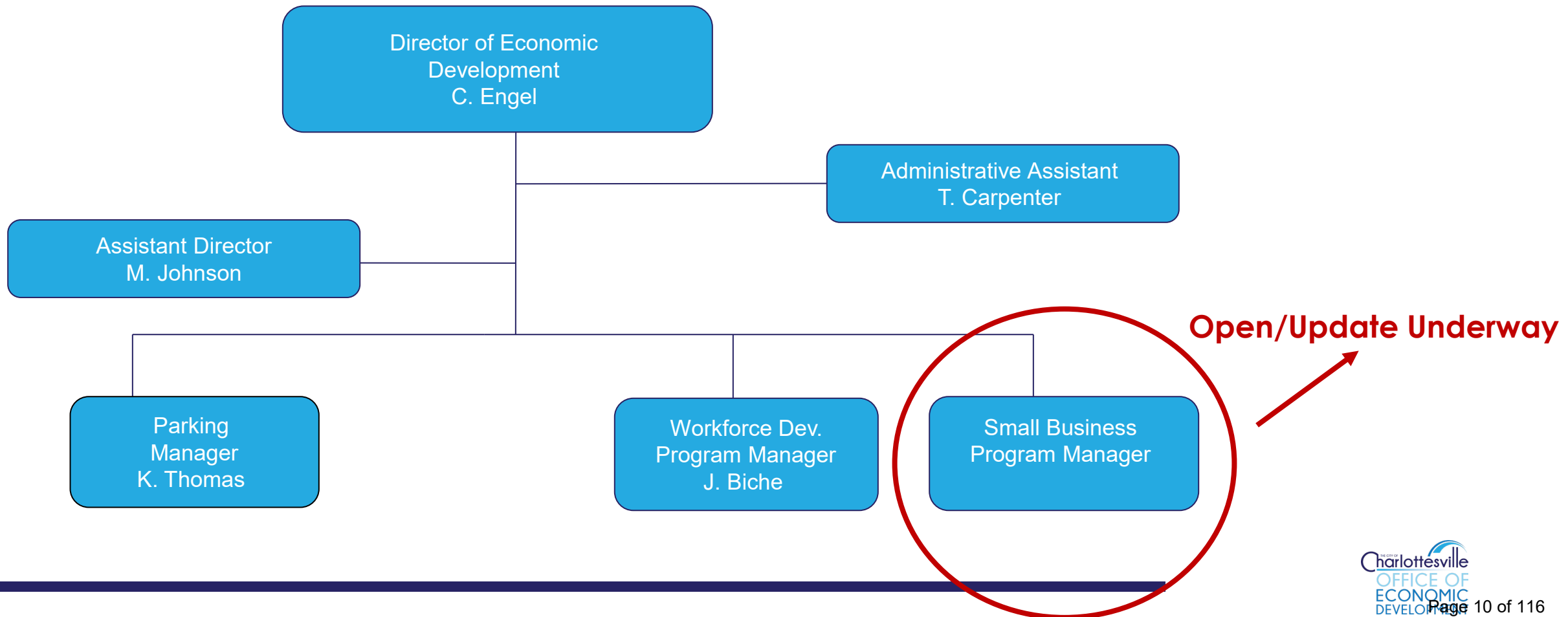
Tracking the distribution of wealth between White and BIPOC residents.

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## HOMEOWNERSHIP RATE FOR BIPOC RESIDENTS

Tracking access to Charlottesville's home ownership opportunities by race.

# ORG CHART



# FY25 BUDGET HIGHLIGHTS



## OED (5.0 FTEs)

- No major increases/decreases other than COLA
- One open position currently. Planning to hire by end of 2023
- Economic Development Strategic Plan complete and implementation underway

# FY25 BUDGET HIGHLIGHTS



## **PARKING ENTERPRISE FUND (1.0 FTE)**

- Planned rate increase for FY25 for monthly parkers. Transient rates to be unchanged.
- Structural repairs to the Water St Garage completed (\$450k). Structural repairs to the Market St Garage completed (\$750k).
- Service enhancements to expedite event traffic and increase patron safety have been recently implemented.



# THANK YOU



# CITY OF CHARLOTTESVILLE



## PROCLAMATION

### DIGITAL INCLUSION WEEK OCTOBER 2-6, 2023

**WHEREAS** broadband services play an important role in civic and cultural participation, lifelong learning and access to essential services for communities in the City of Charlottesville, and nationally, nearly half of all people who are digital disconnected are people of color and are less likely to have a broadband internet connection or a desktop or laptop at home; and

**WHEREAS** digital equity ensures all individuals and communities have the information technology capacity needed for full participation in our society, democracy and economy; and

**WHEREAS** the COVID-19 pandemic highlighted how the digital divide impacts our residents, particularly our racially and ethnically diverse residents and communities, and access to a reliable, affordable internet connection is a social determinant of health, with higher COVID-19 mortality associated with a lack of an internet connection; and

**WHEREAS** digital skills are a gateway for career advancement and crucial for economic growth, intergenerational wealth-building and prosperity; and

**WHEREAS** the City of Charlottesville remains committed to closing the digital divide for its residents through collaboration with the Regional Digital Equity coalition partners, including the Albemarle County Broadband Accessibility and Affordability Office, the University of Virginia, Charlottesville City Schools, the Jefferson Area Board for Aging, the Jefferson-Madison Regional Library, the Blue Ridge Health District, and Piedmont Housing Alliance, all of whom are working to launch programs that address barriers to digital equity including: distributing Wi-Fi hotspots, providing digital skills training, distributing laptops and tablets, and coordinating the development of a digital equity plan;

**NOW, THEREFORE, BE IT PROCLAIMED**, that the Charlottesville City Council declares the week of October 2-6, 2023, as Digital Inclusion Week in Charlottesville, and

**BE IT FURTHER PROCLAIMED** that the Charlottesville City Council encourages residents to raise awareness of advancing digital equity and being committed to closing the digital divide.

Signed and sealed this 2<sup>nd</sup> day of October 2023.

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**J. Lloyd Snook, III, Mayor**

Attest:

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**Kyna Thomas, Clerk of Council**

# CITY OF CHARLOTTESVILLE



## PROCLAMATION

### FIRE PREVENTION WEEK

October 8–14, 2023

**“Cooking safety starts with YOU!”**

WHEREAS the City of Charlottesville is committed to ensuring the safety and security of all who live in and visit our city; and

WHEREAS fire is a serious public safety concern, and homes are the locations where people are at greatest risk from fire; home fires killed more than 2,800 people in the United States in 2021, according to the National Fire Protection Association® (NFPA®), and

WHEREAS fire departments in the United States responded to 338,000 home fires in 2021, and since January 1, 2023, the Charlottesville Fire Department (CFD) has extinguished over 60 building fires and more than 70 kitchen fires contained to the stove or container; and

WHEREAS cooking is the leading cause of home fires in the United States; two of every five home fires start in the kitchen with 31% of these fires resulting from unattended cooking; and more than half of reported non-fatal home cooking fire injuries occurred when the victims tried to fight the fire themselves; and

WHEREAS children under five face a higher risk of non-fire burns associated with cooking than being burned in a cooking fire; Charlottesville residents should turn pot handles toward the back of the stove; always keep a lid nearby when cooking; keep a three-foot kid-free zone around the stove, oven, and other things that could get hot; watch what they heat; and set a timer to remind them that they are cooking; and

WHEREAS residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS working smoke alarms cut the risk of dying in reported home fires by almost half; through a recent Community Development Block Grant, CFD installed 408 smoke alarms, 807 stove top fire stops, and 469 carbon monoxide detectors and continues to offer installations for City residents; and

WHEREAS the 2023 Fire Prevention Week™ theme, “Cooking safety starts with YOU. Pay attention to fire prevention™,” reminds us to stay alert and use caution when cooking to reduce the risk of kitchen fires;

NOW, THEREFORE, the Charlottesville City Council proclaims October 8–14, 2023, as Fire Prevention Week, and we urge all residents and cooking establishments to check their kitchens for fire hazards, to use safe cooking practices throughout the year, and to support the public safety activities and efforts of the Charlottesville Fire Department.

Signed and sealed this 2<sup>nd</sup> day of October 2023.

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**J. Lloyd Snook, III, Mayor**

Attest:

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**Kyna Thomas, Clerk of Council**

**CHARLOTTESVILLE CITY COUNCIL MEETING MINUTES**  
**July 17, 2023 at 4:00 PM**  
**Council Chamber, 605 E. Main Street**

The Charlottesville City Council met on Monday, July 17, 2023. Mayor Lloyd Snook called the meeting to order and Clerk of Council Kyna Thomas called the roll, noting all councilors present: Mayor Lloyd Snook, Vice Mayor Juandiego Wade and Councilors Michael Payne, Brian Pinkston and Leah Puryear.

On motion by Pinkston, seconded by Puryear, Council by a vote of 5-0 amended and approved the meeting agenda, adding a staff-recommended resolution as Item #17 – Allocation of Funds from the Capital Improvement Program Contingency Account for the City Hall Water Leak Repairs in the amount of \$1,500,000.

## **REPORTS**

### **1. REPORT: Sister Cities Commission Annual Report**

Edward Herring, Chair of Sister Cities Commission, presented the annual report. Regarding the dormant Sister City status of Pleven, Mr. Herring stated that Pleven does not exist as it once did since reorganization in Bulgaria. Governments in Besancon, France and Poggio a Caiano, Italy changed, and relationships are being re-established. A delegation from Winneba, Ghana will visit Charlottesville in about a week. Mr. Herring stated that he would return in August to present to Council a report regarding next steps for establishing Sister City status with Huehuetenango, Guatemala, noting that he believed Charlottesville could support up to five sister cities. He also mentioned that commissioners were recruiting applicants to fill upcoming vacant seats, and that the Commission will hold a retreat in September.

### **2. REPORT: Presentation of Economic Development Strategic Plan**

Chris Engel, Economic Development Director, introduced the item. He thanked the 16-member steering committee and Interim City Manager Michael Rogers. Steven Petigo, Residence Consultancy, presented the Economic Development Strategic Plan update for 2024-2028.

Research revealed that:

- Charlottesville is a diverse and young community with authentic small-town charm.
- Home to a highly skilled workforce in a variety of industries, Charlottesville has a healthy economy.
- Charlottesville has competitive export clusters, providing a foundation for a strong, diverse economic base.
- Charlottesville can grow its leadership in Life Sciences and Clean Technology.
- Charlottesville has a strong asset in the University of Virginia; cultivating a stronger partnership is essential for economic development.
- Reimagining a more inclusive Charlottesville is an essential part of its economic development future.
- Charlottesville has a growing diverse entrepreneurial community.
- Charlottesville can bridge equity gaps through innovative workforce development.



- Charlottesville’s economic development story is largely untold.
- Charlottesville has an array of quality-of-life assets that need to be complemented with creative placemaking strategies.

The goals set were:

- Equitable Entrepreneurship: We will invest in entrepreneurship to grow a more diverse, equitable, and vibrant Charlottesville.
- Intentional and Innovative Growth: We will build an innovative economy: one that embraces intentional growth, value-added partnerships, and sustainability for tomorrow.
- Pathways for Opportunity: We will create pathways of opportunity for all Charlottesville residents.
- Creative Placemaking: We will invest in placemaking to celebrate Charlottesville’s creativity and culture.
- Storytelling for Investment: We will position Charlottesville as a community open for investment.

Mr. Engel and Mr. Petigo answered questions regarding future updates to Council, plan implementation, community partnerships, policy changes, and strengthening the storytelling for economic development efforts.

Councilor Payne expressed concern about how entities are creating the issues that have led to an increased poverty rate and low level of economic mobility. He stated that Economic Development will need to engage with other departments to build a community wealth-building strategy, and he does not believe the existing Plan will achieve his vision of success.

Mr. Petigo gave examples of economic mobility efforts in other cities that work with community partners to achieve goals through a variety of vehicles without having local government bear the full responsibility.

Responding to a question from Mr. Snook, Mr. Petigo recommended that the city continue to think about density, mixed-use allowances as discussed in the Zoning Ordinance rewrite, growth and expansion of the existing businesses over attracting new larger businesses, reducing barriers to entry and making processes clearer.

Mr. Engel recommended that the city be strategic about investments, given the changes in market demand for industrial and residential property use.

## **CLOSED MEETING**

On motion by Payne, seconded by Puryear, pursuant to section 2.2-3712 of the Virginia Code, City Council voted unanimously to convene in a closed session, as authorized by Virginia Code Section 2.2- 3711(A)(1), for:

- (1) Discussion and consideration of prospective candidates for appointment to the Planning Commission; and

- (2) Discussion, consideration and interviews of prospective candidates for appointment to the Charlottesville Redevelopment and Housing Authority.

On motion by Pinkston, seconded by Wade, Council certified by a recorded vote of 5-0 that to the best of each Council member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the Motion convening the closed session were heard, discussed or considered in the closed session.

On motion by Pinkston, seconded by Wade, Council voted unanimously to appoint Alice Washington and Javier Rodales to the Charlottesville Redevelopment and Housing Authority.

## **BUSINESS SESSION**

City Council began the business session with a moment of silence.

## **ANNOUNCEMENTS**

Councilor Pinkston announced Mr. Alex Zan's 15th Annual Think Shop.

Mayor Snook announced the July 8 "Healthy Streets Healthy People" event. He stated that on July 7, a handicap-accessible sidewalk was completed at Booker T. Washington Park.

Vice Mayor Wade announced that Westhaven Community Day will be on August 5.

## **RECOGNITIONS/PROCLAMATIONS**

- **Designation of July as Parks and Recreation Month**

Vice Mayor Wade presented the proclamation to Riaan Anthony, Deputy Director, who thanked Parks and Recreation staff.

Mayor Snook announced a proclamation of recognition for Major Tito Durette, who retired after over 30 years of service with the Charlottesville Police Department.

## **CONSENT AGENDA**

On motion by Pinkston, seconded by Wade, the following consent agenda items read into the record by Clerk of Council Kyna Thomas were Approved by unanimous vote:

Mayor Snook opened the floor for comments from the public on consent agenda items and Khalil Reid, city resident, asked a question about the firearm buyback program.

3. MINUTES: May 1 Council meeting, May 15 Council meeting, June 5 council meeting, June 16 special meeting, June 23 special meeting
4. RESOLUTION: Fontaine Avenue Fire Station Alerting System update (2nd reading)

**RESOLUTION**  
**Appropriating the amount of \$175,000 for the**  
**Fontaine Avenue Fire Station Alerting System**

**WHEREAS** Council has planned for \$175,000 in FY 26 of the City’s 5-Year Capital Improvement Plan for the replacement of the alerting system at the Fontaine Avenue Fire Station; and

**WHEREAS** additional investment is needed now to address on-going operational needs;

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$175,000 is hereby appropriated as follows:

**Revenues:**

\$175,000      Fund: 426                      Cost Center: 9900000000                      G/L Account: 499010

**Expenditures:**

\$175,000      Fund: 426                      Internal Order: 1000031                      G/L Account: 599999

5. ORDINANCE: Charlottesville Police Department Firearms Buyback Program and Destruction of Surrendered Firearms Ordinance (2nd reading)

**AN ORDINANCE AUTHORIZING THE CITY OF CHARLOTTESVILLE  
TO PARTICIPATE IN FIREARM BUYBACK PROGRAM AND DESTROY  
SURRENDERED FIREARMS**

6. RESOLUTION: Appropriating City Traffic Assets Insurance Reimbursement – \$56,316.53 (carried)
7. RESOLUTION: Appropriating Funds for the Virginia Department of Education Special Nutrition Program Summer Food Service Program - \$100,000 (carried)
8. RESOLUTION: Reallocating \$33,827.85 of American Rescue Plan (ARP) funds to the Department of Human Services from funds previously appropriated to City of Promise (carried)
9. ORDINANCE: Approving a Right-of-Way Encroachment Agreement for 1117 Preston Avenue (carried)

**CITY MANAGER REPORT**

City Manager Michael C. Rogers reported:

- An update on the city's Strategic Planning process.
- Community Arts and Festivals program launch to promote citywide special events.
- City of Charlottesville was chosen for the National League of Cities Capstone Challenge

Program and was the only Virginia city selected.

- The appointment of a Fire Chief within the next several weeks.
- Charlottesville Fire Department recruit class graduation and full staffing of the fire department.
- Full staffing of the City Attorney Office.
- Police Department hiring of 15 recruits, reducing department vacancies by half.
- National Night Out on August 1 at Ix Art Park.
- Human Resources has been meeting with department directors to determine how individual employees fit into the revised pay structure.
- Melinda Crawford retiring as Executive Director of the airport and the Airport Board will begin a search for the new executive at its next meeting.
- The city's Lead Team will complete a 12-week professional development academy on July 27.

### **Quarterly financial update**

For the second year in a row, the city ended the fiscal year with a surplus driven by real estate assessments and savings from vacancies. Krisy Hammill made the financial report. Mr. Rogers stated that the Treasurer will come back in August with a cash flow report.

Mr. Rogers summarized his accomplishments during his time working on behalf of the Robert Bobb Group for the City of Charlottesville, and he thanked city staff.

### **Resolution of Appreciation for Michael C. Rogers**

Mayor Snook presented a resolution of appreciation to Mr. Rogers for his service in the Interim City Manager role.

### **COMMUNITY MATTERS**

Mayor Snook opened the floor for comments from the public.

1. Marilyn Poling, city resident, spoke about the project at 2005 JPA - removing porches.
2. Caetano de Campos Lopes, Community Climate Collaborative (C3), spoke about the CAT Alternative Fuel Study.
3. Robin Hoffman, city resident, spoke about an art park at Meade Park for local farmers and the Farmer's Market. She spoke about the need for bus canopies. She requested that the city make Meade Park more user-friendly.
4. Susan Kruse, Executive Director for C3, spoke about poor air quality and considering alternative fuels.
5. Bruce Glasgow, city resident and PVCC professor, spoke about the need to switch to electric buses.

## **ACTION ITEMS**

### **10. RESOLUTION: Approval of City Manager Employment Agreement**

Mayor Snook presented the resolution and shared background information for Sam Sanders, who has been offered the employment contract for City Manager. Mr. Sanders served for nearly two years as Deputy City Manager for the City of Charlottesville.

On motion by Payne, seconded by Pinkston, Council voted 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none) to APPROVE the resolution, and they announced a Meet and Greet event on Thursday, July 20.

Mr. Sanders thanked Council, staff and residents for their support. Councilors expressed sentiments of support.

### **11. RESOLUTION: Appeal of ERB (Entrance Corridor Review Board) approval of a Certificate of Appropriateness for construction of an apartment building at 2005 Jefferson Park Avenue.**

Jeff Werner, Preservation Design Planner, presented the ERB recommendation for denial. Meeting materials summarized the ERB's prior actions.

Appellants were given an opportunity to speak:

- Ann Benham, city resident living near the project spoke about lighting mentioned in the staff recommendation. She requested an explanation for "reasonable complaint" and recourse available for disagreement, requested elimination of porches for safety and traffic reasons, and requested a focus on tree plantings. Regarding the rear multi-use pathway, she requested ADA compliance. She encouraged rewarding developers who build climate resilient projects.

ERB Chair Lyle Solla-Yates stated that the board had an opportunity to review the plan at several points as well as to engage with nearby neighbors and the designers. He stated that porches are an important element, and he referred the matter to City Council.

Mayor Snook asked for clarification on roles and responsibilities of the ERB versus the Planning Commission, noting that several of the complaints deal with site plan issues instead of issues that are normally reviewed by the ERB.

On motion by Pinkston, seconded by Wade, Council voted 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none) to APPROVE the Certificate of Appropriateness, subject to the conditions listed in Attachment 8.

## **RESOLUTION**

### **Approval of Entrance Corridor Certificate of Appropriateness for proposed development of 2005 Jefferson Park Avenue (or 2005 JPA)**

WHEREAS Aspen Topco II Acquisitions, LLC (Applicant) on behalf of Gadiant Enterprise, Inc., the owner of certain land identified within City real estate assessment records by Parcel Identification numbers 170104000, 170103100, and 170103000, respectively, and currently addressed as 2005 and 2007 Jefferson Park Avenue and 104 Observatory Avenue (collectively referred to as “2005 JPA”), proposes at 2005 JPA a multi-unit residential building with underground parking (Project); and

WHEREAS, per City Code §34-307(a)(5), 2005 JPA is within the *Fontaine Avenue/Jefferson Park Avenue Entrance Corridor* and, per City Code §34-309, is therefore subject to design review and a Certificate of Appropriateness (CoA) is required for the Project; and

WHEREAS on December 20, 2022, the Applicant submitted to the City an application for a CoA for the Project (Application); and

WHEREAS, per City Code §34-308, the Planning Commission serving as the Entrance Corridor Review Board (ERB), responsible for administering the design review process in Entrance Corridor overlay districts (EC), at public meetings on February 14, 2023 and on March 14, 2023 reviewed the Project and Application, approving with conditions the requested CoA; and

WHEREAS, as permitted by City Code §34-314(a), following the February 14, 2023, and March 14, 2023, ERB meetings, six parties appealed to City Council the ERB’s approval of the CoA (March Appeal); and

WHEREAS, per City Code §34-314(c), on May 15, 2023, following a review of the March Appeal by Council, no decision was made or formal action taken on the March Appeal; however, to eliminate a potential challenge that notice letters postmarked March 1 for the March 14 ERB meeting did not comply with the fourteen (14) days required by City Code, Council instructed staff to readvertise the CoA request for review by the ERB; and

WHEREAS, per City Code §34-308, the Planning Commission serving as the Entrance Corridor Review Board (ERB), responsible for administering the design review process in Entrance Corridor overlay districts (EC), at public meetings on June 13, 2023, reviewed the Project and Application, approving with conditions the requested CoA; and

WHEREAS, as permitted by City Code §34-314(a), following the June 13, 2023, ERB meeting, four parties appealed to City Council the ERB’s approval of the CoA (June Appeal); and

WHEREAS, per City Code §34-314(c), on July 17, 2023, following a review of the June Appeal, the Project, and the Application, and having considered relevant information and opinions, including the ERB’s determination and the City Staff Report, this Council determined the Project is consistent with the City’s Entrance Corridor Design Guidelines and compatible with the Fontaine Avenue/Jefferson Park Avenue Entrance Corridor; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that a Certificate of Appropriateness is hereby approved for the development of 2005 JPA, subject to the following conditions:

1. Glass will be clear, at the locations noted in the staff report.
2. New railings, if required, will match the metal rail at the podium terrace [as presented in the submittal dated 12/20/2022].
3. All exterior lighting and interior lighting visible from the garage will have lamping that is dimmable, has a Color Temperature [CCT] not exceeding 3,000K, and has a Color Rendering Index [CRI] not less than 80, preferably not less than 90. Additionally, the owner will address any reasonable public complaints about light glare by either dimming the lamp or replacing the lamps/fixtures. [Note: This condition addresses two light sources: *exterior lighting* refers to all site and exterior lighting fixtures; *interior lighting visible from the garage* refers to all lighting fixtures within (inside) the garage.]
4. Dumpsters and trash and/or recycling bins to be located within the garage and pulled to the curb only on collection days.
5. If used for mechanical units, utility/service boxes, storage, trash containers, the *Mech Equip* area noted on sheet 44, at the west elevation, will be appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
6. Any ground-level mechanical equipment and/or utility boxes will be appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
7. Meters and panel boxes for utility, communications, and cable connections will be located preferably within the garage; if not, then in non-prominent locations on the side elevations only and appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
8. Stucco used on this site will be a durable synthetic material which is mechanically fastened over appropriate drainage mats with a code compliant water-resistant barrier.
9. Bicycle runnels shall be provided as part of the multi-use path at the rear of the site.
10. There will be no up-lighting of landscaping on the site.
11. The number, size, type and character of all plantings (trees, shrubs etc.) and the biofilter shall be installed and maintained in substantial accordance with the drawings. [Reference sheets 44 through 48 of the submittal dated 12/20/2022.]
12. Screening of vehicular lighting at the south wall of the parking garage, particularly at headlight level. [Re: glare and brightness visible outside the garage.]

[Note: The conditions of approval are those approved by the ERB on February 14, 2023, March 14, and June 13, 2023.]

**12. RESOLUTION: Approving a Lease Agreement with Blue Ridge Area Coalition for the Homeless (BRACH) for a portion of 100 5th Street NE (CitySpace)**

Brenda Kelley, Office of Community Solutions, presented the request. She stated that Anthony Haro, BRACH Executive Director, reviewed the lease and had no issues.

On motion by Payne, seconded by Puryear, Council voted 5-0 (Ayes: Payne, Pinkston,

Puryear, Snook, Wade; Noes: none) to APPROVE the lease agreement.

**RESOLUTION**

**Approving a lease of property at 100 5<sup>th</sup> Street NE to the Blue Ridge Area Coalition for the Homeless (BRACH)**

WHEREAS, BRACH desires to lease a portion of City-owned property for a term of two (2) years, and City Council has considered the terms of the proposed lease; NOW, THEREFORE,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the lease of a portion of City-owned property located at 100 5th Street NE, Charlottesville, Virginia, to BRACH, presented to Council this same date for consideration, is hereby APPROVED and the City Manager is hereby authorized to execute the approved lease on behalf of City Council.

**13. RESOLUTION: Expressing Support for Friendship Court Redevelopment - Phase 2**

Brenda Kelley, Redevelopment Manager, presented the request for support, noting the name change from Friendship Court to Kindlewood. The resolution asks for support for up to \$5,250,000.

Vice Mayor Wade requested assurance that city residents receive preference for housing.

On motion by Pinkston, seconded by Puryear, Council APPROVED the resolution by a vote of 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none).

**RESOLUTION**

**Financial Resolution Supporting Friendship Court Phase 2 Parcel Number: 280112000**

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the City of Charlottesville, Virginia hereby commits up to \$5,250,000 in the form of loans to a local non-profit and their partner for the redevelopment of Friendship Court Phase 2. The commitment of up to \$5,250,000 will help to subsidize Phase 2 which in turn will create approximately 106 newly constructed affordable housing units, some commercial space and a park in the City of Charlottesville. This commitment will be made to Piedmont Housing Alliance and NHT Communities.

**14. RESOLUTION: Appropriating VDOT grant funds for Washington Park to Madison Avenue Trail - \$285,665 (carried)**

Chris Gensic, Parks and Trails Planner, introduced the request. Council agreed to carry the item forward to the next consent agenda for second reading and vote.



**15. RESOLUTION: Approving a Special Use Permit at 218 West Market Street (carried)**

Missy Creasy, Deputy Director for Neighborhood Development Services, introduced the resolution request. An existing Special Use Permit was approved in 2019 and the applicant determined that modifications were needed to step-backs in order to make the units into habitable spaces. The Planning Commission considered the application on July 13 and recommended making the changes, with conditions specified in 2019 remaining in place. The resolution presented at this meeting replaces the 2019 resolution.

Valerie Long, representing the applicant, made a presentation using visual renderings, and noted that the number of units will not increase.

Mr. Jeff Levien, applicant, addressed concerns from the Lighthouse Studio (Ms. Gould) and Ms. Conover regarding access during construction. He requested ongoing dialogue with existing businesses that will be impacted. He stated that the new step-backs will not change unit quantity, but will make housing units more marketable.

Councilor Payne expressed concern that the affordable housing units proffered do not match the inclusionary zoning program.

Jeff Dreyfus stated that with approval of the resolution the footprint of the building will be modulated differently to provide light and air throughout the building.

Council agreed to carry the item to the August 7 meeting Action Items, to give Council members additional time to consider and discuss.

**GENERAL BUSINESS**

**16. REPORT: Presentation of Results of Alternative Fuels Study for Charlottesville Area Transit**

Garland Williams, Director of Transportation, stated that he considers this a milestone moment to present the Alternative Fuels Study results to City Council.

Mike Shindlecker, Project Manager with Kimley Horn, presented the Study results. He advised that based on federal funding, buses are not eligible for replacement until they have reached the end of their useful life.

Market and industry trends are moving towards low-and zero-emission vehicles.

**17. Staff-recommended Addition 7/17: Allocation of Funds from the Capital Improvement Program Contingency Account for the City Hall Water Leak Repairs - \$1,500,000**

Deputy City Manager Sam Sanders described the emergency scenario that occurred over the weekend beginning July 14, 2023, where potable water caused extensive damage to City Hall, thus creating the need to move the July 17 City Council meeting to another location.

On motion by Payne, seconded by Pinkston, Council APPROVED the resolution allocating funds by a vote of 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none).

## COMMUNITY MATTERS (2)

- Caetano de Campos Lopes, Community Climate Collaborative (C3), shared information about reduced costs of renewable energy technology over time, and how gases are managed.
- Joy Johnson, city resident, thanked Mr. Rogers for his service to the city and she thanked Councilor Wade for announcing Westhaven Day. She asked for a definition of affordable housing and congratulated Sam Sanders on his appointment to the City Manager position.
- Susan Kruse, C3 Executive Director, thanked Garland Williams and Charlottesville Area Transit for presenting results of the Alternative Fuels Study. She expressed concern about future facility costs, sourcing gas, and becoming a pilot program for hydrogen fuel cells.

The meeting adjourned at 10:07 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

DRAFT

**CHARLOTTESVILLE CITY COUNCIL MINUTES**  
**Joint Public Hearing with Planning Commission**  
**September 12, 2023 at 6:00 p.m.**  
**Council Chamber, 605 E. Main Street**

The Charlottesville City Council met for a joint public hearing with the Charlottesville Planning Commission. Mayor Lloyd Snook called City Council to order at 6:14 p.m. following an Entrance Corridor Review item and the Planning Commission opening of the public hearing. All Council members were present: Michael Payne, Brian Pinkston, Leah Puryear, Lloyd Snook, and Juandiego Wade.

City Planner Matt Alfele presented the staff report and recommendations regarding the following Special Use Permit request:

SP23-00005 – 1709 Jefferson Park Avenue – Mitchell Matthews and Associates, LTD (“Applicant”), on behalf of Neighborhood Investments, LLC, is requesting a Special Use Permit (SUP) pursuant to Section 34-420, Section 34-353(b)(3), and Section 34-162 of the Code of the City of Charlottesville (“Code”) for the following property (“Property”):

Parcel Number: 160010100  
1709 Jefferson Park Avenue  
Charlottesville, VA, 22903

The purpose of this SUP is for increased density, additional height, modifying yard requirements, and modifying onsite parking requirements. The applicant is proposing to redevelop the Property and replace the existing (8) unit multifamily apartment building with a (27) unit multifamily apartment building. As part of the redevelopment plan the applicant is requesting an increase in density from 21 dwelling units per acre (DUA) to 87 DUA per Section 34-420; increase the allowable height from 45 feet to 70 feet per Section 34-53(b)(3); modify front yard requirements from the average calculations under Section 34-353(b)(1) to a set 18 feet along Jefferson Park Avenue and 25 feet along Montebello Circle per Section 34-162; modify the side yard requirements of 17.5 feet under Section 34-353(a) to 5 feet per Section 34-162; reduce the minimum distance between the facade of the multifamily building and the boundary of any low density residential district from 75 feet to 58 feet under Section 34-353(b)(4), per Section 34-162; modify the yard screening requirement from 25 feet width of S-3 screening along all of the Montebello Circle frontage to 17 feet of S-3 screening for 60% of the frontage along Montebello Circle under Section 34-353(b)(4), per Section 34-162; and reduction of on-site parking from 38 spaces under 34-986 to 22 spaces per Section 34-162. In addition to the SUP, the applicant is also requesting approval of a Critical Slope Waiver (application P23-0049). The Property is approximately 0.32 acres with road frontage on Jefferson Park Avenue and Montebello Circle. The Comprehensive Land Use Map designates this area in the Mixed Use Corridor. The Property is zoned Residential Multifamily (R-3) with an Entrance Corridor Overlay.

This application was available for viewing online at:  
<http://www.charlottesville.org/departments-andservices/departments-h-z/neighborhood-development-services> and a copy is on file in the Department of Neighborhood Development Services, 2nd Floor of City Hall, 610 East Main Street. Persons interested

in this SUP request may contact NDS Planner Matt Alfele by e-mail (alfelem@charlottesville.gov) or by telephone (434-970-3636).

In reviewing the SUP request, the ERB's role is to make a recommendation to Council whether a 70-ft building here with reduced setbacks and other elements of the requested SUP will, with application of the EC design guidelines, have an adverse visual and aesthetic impact on the Entrance Corridor.

Staff recommended a finding of no adverse impact to the Entrance Corridor.

Kevin Little, representing the Applicant, provided a detailed explanation of the request and answered questions from Commissioners and Councilors.

Councilor Puryear left the meeting at 6:45 p.m.

The following participants spoke during the public comment portion of the public hearing:

- Ellen Contini-Morava, city resident, spoke in opposition to the special use permit, and in support of staff recommendations.
- Anne Benham, city resident, spoke in support of comments made by Ellen Contini-Morava.
- Jennifer King, city resident, spoke against approving the special use permit.
- Chloe Hensley, university student and city resident, spoke in support of comments made by Ellen Contini-Morava, and against payment in lieu of taxes for the developer.
- Mo Van de Sompel, university student and city resident, spoke in support of increased density proposed by the special use permit.
- Eva, city resident, spoke on behalf of future tenants regarding inadequate parking with proposed in the special use permit as compared to the proposed density.

The public hearing closed at 7:15 p.m. and the Planning Commission deliberated until 7:52 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	October 2, 2023
Action Required:	Appropriation of Funding
Presenter:	Holly Bittle, Budget and Management Analyst
Staff Contacts:	Holly Bittle, Budget and Management Analyst Taylor Harvey-Ryan, Grants Program Manager
Title:	<b>Resolution to Appropriate funds from the Bureau of Justice Assistance FY 2022 Patrick Leahy Bulletproof Vest Partnership - \$16,942 (1 of 2 readings)</b>

**Background**

Bureau of Justice Assistance (BJA) FY 2022 Patrick Leahy Bulletproof Vest Partnership (BVP) award reimburses law enforcement agencies for 50% of National Institute of Justice (NIJ) compliant armored vests which were ordered after April 1, 2022. Provided that reimbursement requests are made before August 31, 2024, or until all available funds have been requested.

**Discussion**

Each Charlottesville sworn police officer is issued a bulletproof vest that includes ballistic panels that need to be replaced periodically.

This BJA BVP award is a federal reimbursement program allows the Police Department to reduce its equipment costs for ballistic panels by 50% for each bulletproof vest.

Notification of award approval was received on September 21, 2022, for reimbursement up to \$16,942.

**Alignment with City Council's Vision and Strategic Plan**

This project supports Goal 2 of the Strategic Plan, to be a Healthy and Safe City.

**Community Engagement**

**Budgetary Impact**

No local match is required. Fifty percent of the cost of each eligible ballistic panel is reimbursed once it has been received by the department.

**Recommendation**

Staff recommends approval and appropriation of grant funds.

**Alternatives**

If these grants funds are not appropriated, the Police Department not receive up to \$16,942 in reimbursements for the ballistic panels used by its sworn staff members.

**Attachments**

1. Resolution - FY 22 BJA BVP.9.27.23

**RESOLUTION**  
**Appropriating funds from the Bureau of Justice Assistance**  
**Fiscal Year 2022 Patrick Leahy Bulletproof Vest Partnership**  
**\$16,942**

**WHEREAS**, the City of Charlottesville, through the Police Department, has received from the Bureau of Justice Assistance Fiscal Year 2022 Patrick Leahy Bulletproof Vest Partnership an award of up to \$16,942 to reimburse the Police Department for 50% of National Institute of Justice (NIJ) compliant armored vests which are ordered after April 1, 2022, provided that reimbursement requests are made before August 31, 2024, or until all available funds have been requested.

**WHEREAS**, the grant award covers the period from April 1, 2022 through August 31, 2024.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$16,942, received from the Bureau of Justice Assistance Patrick Leahy Bulletproof Vest Partnership, is hereby appropriated in the following manner:

**Revenues – \$16,942**

\$16,942	Fund: 105	Internal Order: 3101004000	G/L Account: 431110
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**Expenditures – \$16,942**

\$16,942	Fund: 105	Internal Order: 3101004000	G/L Account: 525263
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**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$16,942 from the Bureau of Justice Assistance Patrick Leahy Bulletproof Vest Partnership.

Approved as to form:

**Jacob P. Stroman**  
Jacob P. Stroman  
City Attorney

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date:	October 2, 2023
Action Required:	Approval
Presenter:	Jeremy Evans, Emergency Management Coordinator
Staff Contacts:	Jeremy Evans, Emergency Management Coordinator
Title:	<b>Resolution to Appropriate Virginia Department of Emergency Management (VDEM) Emergency Management Performance Grant - \$7,500 (1 of 2 readings)</b>

**Background**

The EMPG program provides resources to assist local governments in preparing for all hazards. Through the grant program, the Federal government provides coordination, guidance, and assistance to support a comprehensive emergency preparedness system.

This is a 50/50 grant award. The City has allocated more than \$7,500.00 to the Emergency Manager (EM) salary and EM projects for the current fiscal year. A grant award of \$7,500.00 from FEMA/VDEM will be awarded to offset the City's costs.

**Discussion**

Grant funding for the program is available to cities, counties and those towns recognized as emergency management jurisdictions under Title 44 of the Code of Virginia. The City of Charlottesville is the grant administrator for this grant, which will be used to enhance our local government's preparedness for future major emergencies and disasters. The grant award period is from July 1, 2023 to June 30, 2024. The objective of the LEMPG is to support local efforts to develop and maintain a comprehensive emergency management program. The 2024 LEMPG funds will be used this year to offset the salary of the Emergency Management Coordinator.

**Alignment with City Council's Vision and Strategic Plan**

The Emergency Operations Plan supports the City Council's strategic outcome areas of Public Safety and Organizational Excellence.

**Community Engagement**

By preparing our local government for future events, we align with the Federal Emergency Management Agency's vision for continuity to be "a more resilient Nation through whole community integration of continuity plans and programs to sustain essential functions under all conditions."

**Budgetary Impact**



Budget expenditure of \$7,500.00 will be used to offset the salary of the Emergency Management Coordinator.

**Recommendation**

Approval

**Alternatives**

If grant and matching funds are not appropriated, the funds will not be awarded to cover salary offset.

**Attachments**

1. LEMPG Grant Resolution

**RESOLUTION**

**Appropriating the amount of \$7,500 to be expended for the City’s share of a State Local Emergency Management Performance Grant (LEMPG)**

**WHEREAS**, the City of Charlottesville has received funds from the Virginia Department of Emergency Management in the amount of \$7,500 in federal pass-through funds;

**WHEREAS**, the grant award covers the period from July 1, 2023 through June 30, 2024;

**WHEREAS**, the City of Charlottesville will be required to provide matching funds (\$7,500) and that amount is available within the Emergency Management existing budget;

**WHEREAS**, the total funds, in the amount of \$15,000, will be used to offset the Emergency Management Coordinator’s salary;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$7,500, be received as grant funding be appropriated in the following manner:

**Revenues – \$7,500**

\$7,500          Fund: 105          Cost Center: 1691001000          G/L: 430120

**Expenditures – \$7,500**

\$7,500          Fund: 105          Cost Center: 1691001000          G/L: 510010

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$7,500 from the Virginia Department of Emergency Management.

Approved as to form:

***Jacob P. Stroman***

\_\_\_\_\_  
Jacob P. Stroman  
City Attorney

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date:	October 2, 2023
Action Required:	Approval of Resolution (2 readings)
Presenter:	Chris Gensic, Park and Trail Planner
Staff Contacts:	Krisy Hammill, Director of Budget
Title:	<b>Resolution to Appropriate VDOT TAP funding for Meadow Creek Trail and Bridges - \$800,000 (1 of 2 readings)</b>

**Background**

The City of Charlottesville, through Parks and Recreation, has received an additional award from the Virginia Department of Transportation in the amount of \$800,000 to assist with efforts to construct a bicycle and pedestrian bridge over Meadow Creek and associated shared use paths. |

**Discussion**

The City of Charlottesville has completed a bicycle, pedestrian, and trail master plan, including a bike/pedestrian commuter trail along Meadow Creek from Route 29 and Hydraulic Road to Greenbrier Park. This project will construct ADA-accessible stone dust paths from Greenbrier Park up Meadow Creek to behind the Pepsi Plant and up to the Virginia Institute of Autism at Greenbrier Drive near Hillsdale Drive. The City has designed the trail and bridges, and the next step is to construct the new bridge and trails, which are an integral piece of the Meadow Creek Valley Master Plan adopted in 2013.

**Alignment with City Council's Vision and Strategic Plan**

Construction of this trail will further council goals of being a Connected City by establishing a portion of the bicycle and pedestrian trail system that enhances our residential neighborhoods.

**Community Engagement**

The bicycle, pedestrian and trail master plan was developed with multiple public meetings and was approved by council in 2015 as an addendum to the City Comprehensive Plan. The Meadow Creek Valley Master Plan was also developed and approved with a number of public meetings and inputs according to the approved Parks Master Planning Process.

**Budgetary Impact**

There is no impact to the General Fund as the funds being appropriated are VDOT grant funds that do not require a local funding match.

**Recommendation**

Staff recommends appropriation of grant funds.

**Alternatives**

If grants funds are not appropriated, Parks and Recreation staff will seek another funding source, and the project will be delayed. Without assistance from this grant program, more local dollars will have to be expended in order to construct the trail, leaving less money for other improvements.

**Attachments**

1. City Council Item October 2 2023 -Meadow Creek Trail Bridge TAP Appropriation Resolution

**APPROPRIATION**  
**TAP Grant for Construction of Meadow Creek Trail Bridge**  
**\$800,000**

**WHEREAS**, the City of Charlottesville, through Parks and Recreation, has been awarded an additional \$800,000 from the Virginia Department of Transportation to construct a bicycle and pedestrian bridge over Meadow Creek near Greenbrier Drive;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$800,000 is hereby appropriated in the following manner:

**Revenue**

\$800,000      Fund: 426                      WBS: P-00995                      G/L Account: 430120

**Expenditures**

\$800,000      Fund: 426                      WBS: P-00995                      G/L Account: 599999

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$800,000 from the Virginia Department of Transportation.

Approved as to form:

***Jacob P. Stroman***

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Jacob P. Stroman  
City Attorney

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	October 2, 2023
Action Required:	Appropriation
Presenter:	Misty Graves, Director of Human Services
Staff Contacts:	Hunter Smith, Human Services Planner
Title:	<b>Resolution to Appropriate Virginia Juvenile Community Crime Control Act Grant (VJCCCA) - \$452,704 (1 of 2 readings)</b>

**Background**

In July 2010, the City of Charlottesville became the fiscal agent for the Virginia Juvenile Community Crime Control Act (V.J.C.C.C.A.) funds for both Charlottesville and Albemarle County. This funding stream was established by the 1995 Virginia General Assembly to create balanced, community-based systems of sanctions, programs and services for juvenile offenders. These funds are used to support the Community Attention programs. In Fiscal Year 2023, \$292,058 in V.J.C.C.C.A. funds will be received from the Virginia Department of Juvenile Justice with a required local maintenance of effort of \$52,231 from Albemarle County, and \$108,415 from the City for a total of \$452,704. The grant period is from July 1, 2023 through June 30, 2024.

**Discussion**

The VJCCCA grant funds the delinquency prevention and youth development services provided by The Department of Human Services for Charlottesville/Albemarle youth involved in the juvenile justice system. These services include the following programs: the Teens GIVE service learning program that provides community service opportunities during both the school year and the summer; the Community Support Services which provides pro-social skills training like anger management, individual and group support services and services for youth on electronic monitoring; the Community Attention Youth Internship Program (C.A.Y.I.P.) which provides paid internship opportunities; the Check and Connect Program provides evidence-based, school engagement programs.

**Alignment with City Council's Vision and Strategic Plan**

The VJCCCA grant aligns with the City of Charlottesville's Strategic Plan - Goal 2: A Healthy and Safe City Objective 2.3: Improve community health and safety outcomes by connecting residents with effective resources. Community Attention's VJCCCA funded programs provide community based services that prevent delinquency and promote the healthy development of youth. Expected outcomes include decreased delinquent behavior during and after program participation.

**Community Engagement**

The VJCCCA funded programs engage local youth involved in the juvenile justice system and their families by providing delinquency prevention and youth development programs. The programs also engage and coordinate with other local agencies and organizations in the provision of services to the youth.

**Budgetary Impact**

The funds will be expensed and reimbursed to the VJCCCA Fund. The required General Fund City contribution has already been appropriated as part of the Fiscal Year 2023 Council Adopted Budget so no new funds are required to cover the match.

**Recommendation**

Staff recommends approval and appropriation of funds.

**Alternatives**

If the VJCCCA funds are not appropriated, Community Attention would have to serve fewer youth and eliminate programs and staff.

**Attachments**

1. FY25 VJCCCA Resolution (final)

**RESOLUTION**

**Appropriating the sum of \$452,704 received from the Commonwealth as a Virginia  
Juvenile Community Crime Control Act Grant (V.J.C.C.C.A.)**

**WHEREAS**, the City of Charlottesville has been awarded \$292,058 from the Virginia Department of Juvenile Justice; and

**WHEREAS**, this grant requires local maintenance of effort funds in the amount of \$52,231 from Albemarle County and \$108,415 from the City; and

**WHEREAS**, the grant award covers the period from July 1, 2023 through June 30, 2024.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that upon receipt of the sum of \$452,704 from the Commonwealth of Virginia, that sum is hereby appropriated in the following manner:

**Revenue – \$452,704**

\$292,058	Fund: 220	Cost Center: 3523001000	G/L Account: 430080
\$52,231	Fund: 220	Cost Center: 3523001000	G/L Account: 432030
\$108,415	Fund: 220	Cost Center: 3523001000	G/L Account: 498010

**Expenditures - \$452,704**

\$103,704	Fund: 220	Cost Center: 3523001000	G/L Account: 519999
\$349,000	Fund: 220	Cost Center: 3523001000	G/L Account: 599991

All funds hereby appropriated shall be accounted for and expended only in accordance with requirements of the VJCCCA grant program.





# City Manager's Report

Offices of the City Manager  
Elected & Appointed Officials

## UPDATES FROM CITY MANAGER SAMUEL SANDERS, JR.

- Emergency Response
  - I would like to thank Dominion Energy for the quick and consistent response during the recent events associated with Tropic Storm Ophelia. The quick response impacted a few homes for a short service interruption.
- Staffing Updates
  - Congratulations to Chief Kochis on his recent appointment to the Board of Directors of the VA Association of Chiefs of Police Executive Board. It's great to see our chief leading the way.
  - Congratulations to our new leaders in the Charlottesville Police Department:
    - Major Steven Knick – Assistant Chief of Police
    - Major Daniel Meehan – Assistant Chief of Police
    - Captain Larry Jones
- During Monday's Council Meeting, I will present to Council and the Public the Work Plan of the City Manager for the current fiscal year ending June 30, 2024. This Work Plan will directly tie into the recently adopted Strategic Plan Framework adopted by Council at its September 18<sup>th</sup> meeting. The presentation will orient the various strategies that will be undertaken in pursuit of council's nine Strategic Outcome Areas:
  1. Climate Action
  2. Economic Prosperity
  3. Education
  4. Housing
  5. Organizational Excellence
  6. Partnerships
  7. Public Safety
  8. Recreation, Arts, Culture
  9. Transportation
  - And the Commitment to Justice, Equity, Diversity, and Inclusion
  - *I will post the Work Plan and my presentation remarks on the City Manager's page for full access by the public.*

## UPDATES FROM DEPUTY CITY MANAGER ASHLEY MARSHALL

- ADA TRANSITION PLAN UPDATE
  - Members of community members are encouraged to participate by completing two surveys that were launched: the ADA TP Community Engagement survey will take approximately 10 minutes to complete, and the ADA TP Abbreviated Survey can be completed in two minutes. Please use the links below to take the survey today!
    - ADA TP Community Engagement Survey:  
<https://www.surveyhero.com/c/cvilleADATPSurvey>
    - ADA TP Abbreviated Survey:  
<https://www.surveyhero.com/c/CvilleADATPShort>
- Jefferson-Madison Regional Library Survey
  - Members of the community are encouraged to help JMRL plan their next five years of library services by participating in their Strategic Planning Survey. If you would like to be entered in a drawing for a gift certificate for your participation, please enter your contact information at the end of the form. You can find more information about the survey on their blog at:  
<https://blog.jmrl.org/2023/08/31/help-jmrl-plan-future-library-services/>
    - English speakers may take the survey at  
<https://forms.gle/hEYpMPshnrzn7Lpx9>
    - Para completar esta encuesta en español, haga clic aquí:  
<https://forms.gle/MedcrXycj17k1srb7>

## UPDATES FROM INTERIM DEPUTY CITY MANAGER STEVEN HICKS

- Online Payments, Permits, and Site Plan Submittals
  - The Neighborhood Development Services (NDS) accept online payments for building permit applications through the new permitting software. Starting November 13<sup>th</sup>, NDS will implement the new permitting software, bringing all remaining permits into the system and submitting all site plans electronically.
- Zoning Ordinance Rewrite Meeting Dates
  - The City Council will meet on October 3<sup>rd</sup> at CitySpace to discuss the issue of displacement and on October 11<sup>th</sup> at CitySpace to discuss population growth and the housing market. The Planning Commission will meet on October 4<sup>th</sup> to continue their discussion of the draft zoning ordinance text. They will be discussing Articles 4 to 7.
  - The Council has also set aside meeting times at the City Hall on October 25<sup>th</sup>, November 1<sup>st</sup>, and November 9<sup>th</sup> to continue discussing the zoning ordinance.

- Office of the City Manager – Executive Assistant Terry Bentley (she/her)  
The Office of the City Manager would like to remind the public that they continue to provide support as the main information line for the community. To reach them, please call 434-970-3333, but also, the public should be aware that the phone tree system is active to ensure quick transfer to the proper departments.
- Office of Budget and Management – Director Krisy Hammill (she/her)  
The Office of Budget and Performance Management has received the GFOA Distinguished Budget Presentation Award for the FY 2024 Budget. We want to remind everyone to check the Budget webpage often, as there you will find a link to the online budget book and updates with information on the FY 2025 Budget Development process that is currently underway.
- Office of Communications & Public Engagement – Director Afton Schneider (she/her)  
*No update at this time*
- Office of Community Solutions –Director Alex Ikefuna (he/him)
  - Grants: Since the last City Manager's Report, the Office of Community Solutions (OCS) grant staff has secured the following three grants totaling \$219,026: a National Park Service grant for \$49,976, a USDDA Forestry Grant for \$150,000, and the State Criminal Alien Assistance Program in the amount of \$19,050. The staff also successfully launched and facilitated the inaugural Grants Workshop, the first of a two-part series, Grants 101 & Pre-Award activities drawing 19 community representatives. The workshop supported the staff's aim to strengthen community capacity and engagement in the city's NOFA process and funding opportunities. It included speakers from the Office of Community Solutions and Human Services.
  - FY 2024-2025 Notice of Funding Availability (NOFA): OCS staff effectively released the FY 2024-2025 NOFA, initiating the first call for applications for the City's Housing Operations & Program Support funding cycle. The application period is open and will close on October 16, 2023.
  - Market-Rate & Affordable Rental Opportunity Cataloging: In the past month, OCS staff completed the initial cataloging of market-rate rental opportunities, including 1, 2, and 3-bedroom units within the City and County. This undertaking marks the beginning of an ongoing effort to track and measure rental accessibility. Based on HUD metrics and market Income ratios/percentages, it will contribute to a comprehensive understanding of rental availability for households earning less than 80% of the Area Median Income (AMI).
- Office of Economic Development – Director Chris Engel (he/him)  
READY TO WORK PROGRAM: OED's Ready To Work (RTW) pilot program has its first program graduate! Darren Ryder recently completed 20 hours of soft skills training and received direct assistance with his resume and interview preparation. While unemployed and searching for jobs at the local Virginia Career Works Center, Darren learned of RTW. He had been looking for employment since

January and had no success landing a job. Darren said the online content was helpful, but the interview preparation component benefitted his circumstances. Darren is interviewing with two RTW partners, Gaston and Wyatt, and Lanier Parking, and will hopefully have job options from which to choose.

Interested job seekers are encouraged to enroll in the Ready To Work program today. RTW will provide 20 hours of soft skills training to equip you with the knowledge and tools to meet the challenges and responsibilities needed to excel in the workplace and your personal life. A career navigator will assist with career assessment, resume and cover letter writing, and interview prep to showcase your newfound skills. Once you have completed the soft skills certification training, you will be connected to an RTW City Employer for the guaranteed interview. If you are interested in participating, email [bichej@charlottesville.gov](mailto:bichej@charlottesville.gov) or go to the following page for more information: <https://www.charlottesville.gov/1664/Ready-To-Work>.

- Emergency Management – Coordinator Jeremy Evans (he/him)  
*No updates at this time*
  
- Office of Equity and Inclusion – Deputy City Manager Ashley Reynolds Marshall (She/Her)
  - Americans with Disability Act (ADA)– ADA Coordinator Paul Rudacille (He/Him)
    - Transition Plan Update: Our ADA Transition Plan team has completed a comprehensive review of the public right of way. This involved assessing sidewalks, curb ramps, pedestrian crossings, and other elements to identify accessibility barriers. Additionally, we thoroughly evaluated all city-owned transition stops, including bus stops and transit facilities, to identify areas where improvements are needed to enhance accessibility.
    - Community Engagement: On September 20, 2023, the ADA Coordinator and the Office of Human Rights hosted an in-person meeting about the Transition Plan. The meeting's agenda primarily focused on the progress of the ADA Transition Plan and its implications for the public right of way and city-owned transition stops. We provided an overview of the plan's objectives and scope during the meeting. A crucial part of the ADA Transition Plan process is public input since community collaboration enhances the ADA Transition Plan by ensuring the focus isn't just on accessibility barriers and the lived experience of those with disabilities in the community. Community members are encouraged to participate by completing one of two launched surveys: the ADA TP Community Engagement survey will take approximately 10 minutes, and the ADA TP Abbreviated Survey can be completed in two minutes. Please use the links below to take the survey:
      - ADA TP Community Engagement Survey: <https://www.surveyhero.com/c/cvilleADATPSurvey>
      - ADA TP Abbreviated Survey: <https://www.surveyhero.com/c/CvilleADATPShort>
    - The City of Charlottesville's ADA Coordinator can be reached by email at [ada@charlottesville.gov](mailto:ada@charlottesville.gov) or by phone at 434-970-3182. In addition, information is on our website about the ADA grievance procedures and our ADA complaint procedures at <https://charlottesville.org/274/Americans-with-Disabilities-Act-ADA->

## Coor.

- Home to Hope Program – Employment & Financial Opportunity Manager Roy Fitch Jr. (he/him)
  - Home To Hope participated in the Region Ten Community Based Services Self-care Bingo Event on Friday, August 25th, at the Blue Ridge Center Clubhouse.
    - The Home to Hope program is free for community members reentering society after “time served.” For assistance, please email Home to Hope at [hometohope@charlottesville.org](mailto:hometohope@charlottesville.org), call them at 434-970-3601, visit their office on the Pedestrian Mall at 507 E. Main Street, or you can fill out an intake form online at <https://www.surveymonkey.com/r/HometoHopeIntake>
- Downtown Job Center – Employment & Financial Opportunity Manager Roy Fitch Jr. (he/him)
  - The Downtown Job Center has had several speaking engagements to support employment in our community. Manager Roy Fitch spoke at The Renaissance School Downtown to 30 high school students about the importance of a good resume and ways to make a resume stand out. He also presented on NBC29's Community Conversation on Thursday, September 21, about the resources the City's Downtown Job Center can offer job seekers needing assistance.
    - The City of Charlottesville Downtown Job Center is now located on the Pedestrian Mall at 507 E. Main Street. Assistance is free of charge to anyone who visits the center. For more information, please call them at 434-970-3933 or visit Tuesday-Thursday from 9:30 to 4:30 p.m. Mondays and Wednesdays are by appointment.
- Office of Human Rights – Director Todd Niemeier (he/him)
  - OHR Service Provision Overview: Total incoming and outgoing contacts entered from January 1, 2023, through August 31, 2023, was 2,316. The total incoming contacts alone for the above timeframe was 1,579. The OHR has served 197 unique individuals this year, accounting for some errors in count due to anonymous calls. Of all incoming and outgoing contacts, 1,460 (76%) were classified as “Navigation & Advocacy.” Navigation & Advocacy refers to individual service involving tasks other than those related to addressing a complaint of discrimination. 969 of all incoming and outgoing Navigation & Advocacy contacts were classified as Housing Navigation, meaning the support provided was in some way related to housing.
  - OHR Current Cases: The OHR has 6 open complaint cases and 2 new complaints pending assessment or authorization for action.
  - **Human Rights Commission Updates**
    - The Commission met on June 15, 2023. Commissioners passed a resolution regarding their housing advocacy priorities. At their July 20, 2023, Regular Meeting, Commissioners invited Captain Mark Van Meter from The Salvation Army of Charlottesville to share information about the planned expansion of the Salvation Army shelter. On August 3, 2023, Work Session: Commissioners voted to send a letter to the Council supporting the expansion of the

Salvation Army. During its regular meeting on September 21, the Human Rights Commission will finalize its legislative recommendations to the City Council and will submit the recommendations on September 22 via email.

- Police Civilian Oversight Board - Executive Director Inez Gonzales (she/her)
  - Complaint Update: There was one (1) new complaint filed against police department personnel in July that remains pending. There have been no complaints filed for the months of August and September. All complaints filed in the PCOB portal before July 2023 have been reconciled in the system and closed. Executive Director Gonzales is now in the process of reconciling complaints that were forwarded to the PCOB via email rather than through the PCOB complaint portal.
  - Review Request: The PCOB received a review request (dated July 14, 2022) that required the review of three (3) separate investigations involving one (1) complainant and two (2) officers. These investigations, as well as the request to review them, predate my employment with the city. I concluded the investigation review and forwarded my recommendations to the Board for their review.
  - Community Outreach: The PCOB participated in the following community outreach events/festivals where we distributed our literature and swag: Chihamba, National Night Out, Westhaven Day, Southwood Back-to-School Bash, Sin Barreras Sabroso Festival, and Charlottesville Pride. The PCOB Executive Director accepted and appeared on the Radio Talk Show (IMHO) In My Humble Opinion at the request of Mr. Charles Lewis.

- Circuit Court – Honorable Llezelle Dugger, Clerk of Circuit Court (she/her)  
*No update at this time*
- Commissioner of the Revenue – Commissioner Todd Divers (he/him)  
CHARLOTTESVILLE HOUSING ASSISTANCE PROGRAM (CHAP): Due to some unavoidable technical maintenance on the system housing online applications for the Charlottesville Housing Assistance Program, we will extend the CHAP deadline by a week to September 8, 2023. The disruption should only last for a couple of days (8/30 and 8/31), but out of an abundance of caution, we thought a full-week extension would be warranted. For more information, please call 434-970-3165.
- Finance Office – Director Chris Cullinan (he/him)  
The City's auditors will be on-site October 16-27 to conduct data collection, interviews, and testing as part of their audit for FY'23. While repairs to the City Hall lobby are being made, the Utility Billing Office will have a Customer Service Representative available in City Space for in-person consultations.
- Treasurer's Office - Treasurer Jason Vandever (he/him)  
This month, the Treasurer's Office continues to settle in at its temporary office location next door to City Hall while lobby renovations and repairs occur, with much appreciation to Facilities and Information Technology for their support. We are welcoming students back to town with the administration of annual parking passes and trash decals. Additionally, our office is working with Finance and Budget on end-of-year financial reports and tasks.
- Sheriff's Office – Sheriff James Brown (he/him)  
*No update at this time*
- Office of Voter Registration and Elections – Registrar Taylor Yowell (she/her)  
*No update at this time*



CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	October 2, 2023
Action Required:	Consideration of a Special Use Permit
Presenter:	Matthew Alfele, City Planner
Staff Contacts:	Matthew Alfele, City Planner
Title:	<b>Resolution to Approve a Special Use Permit at 1709 Jefferson Park Avenue – SP23-00005 (1 reading)</b>

**Background**

Mitchell Matthews and Associates, LTD (applicant), representing the owner (Neighborhood Investments, LLC) has submitted a Special Use Application and a Critical Slope Waiver Application (P23-0049) for property located at 1709 Jefferson Park Avenue and identified in the City's land records as Tax Map and Parcel (TMP) as 160010100 (Subject Property). The purpose of the SUP is for increased density, additional height, modifying yard requirements, and modifying onsite parking requirements. The applicant is proposing to redevelop the Property and replace the existing (8) unit multifamily apartment building with a (27) unit multifamily apartment building. As part of the redevelopment plan the applicant is requesting an increase in density from 21 dwelling units per acre (DUA) to 87 DUA per Section 34-420; increase in allowable height from 45 feet to 70 feet per Section 34-53(b)(3); modify front yard requirements from the average calculations under Section 34-353(b)(1) to a set 18 feet along Jefferson Park Avenue and 25 feet along Montebello Circle per Section 34-162; modify the side yard requirements of 17.5 feet under Section 34-353(a) to 5 feet per Section 34-162; reduce the minimum distance between the facade of the multifamily building and the boundary of any low-density residential district from 75 feet to 58 feet under Section 34-353(b)(4) per Section 34-162; modify the yard screening requirement from 25 feet width of S-3 screening along Montebello Circle to 17 feet S-1 screening for 50% of the frontage along Montebello Circle under Section 34-353(b)(4) per Section 34-162; and reduction of on-site parking from 38 spaces under 34-986 to 22 spaces per Section 34-162. The Subject Property is zoned R-3 (medium-density residential with an Entrance Corridor overlay).

**Discussion**

The Planning Commission held a hybrid virtual and in-person joint Public Hearing with City Council on September 12, 2023, on this matter. In addition to the Public Hearing, the Planning Commission, in the role of Entrance Corridor Review Board (ERB), also deliberated on this proposal. The Planning Commission and City Council had the following comments and concerns:

- How will the overall height of the building impact the surrounding neighborhood?
- Affordability requirements.
- How will the proposed development interact with the frontage on Montebello Circle?

The Planning Commission reacted favorably to the requests within the SUP and Critical Slope

Waiver applications. They believe a development of this size and density is appropriate at this location. They, along with City Council, were concerned with the level of affordability, but understood the applicant was meeting the minimum requirement under the current affordable housing code section. In addition, there was a long conversation about how the development should interact with Montebello Circle and transition to that side of the neighborhood. Prior to providing a recommendation of approval, the Planning Commission adjusted a number of the conditions presented by staff in order to create a “front yard” for the development along Montebello Circle.

Staff note: A recording of the meeting can be found at the following link. Discussion starts at the 01:16 mark.

[Link to September 12, 2023 Public Hearing](#)

Staff note: The full application for this project can be found at the following link. Materials start on page 5.

[Link to Application and background Materials](#)

The ERB voted 6-0 to find the visual and aesthetic impacts of the requested SUP [SP23-00005] can be addressed during the required design review and, therefore, will not adversely impact the Fontaine Avenue/Jefferson Park Avenue Entrance Corridor.

### **Alignment with City Council's Vision and Strategic Plan**

If City Council approves the Special Use Permit request, the project could contribute to Quality Housing Opportunities for All and a Community of Mutual Respect aspects of the City Vision Statement.

### **Community Engagement**

The applicant held a community meeting on June 6, 2023, on site. The meeting was attended by seven members of the public. The following points were raised:

- The proposed building is too tall and will block residents' view from Montebello Circle.
- Parking should not be allowed on Montebello Circle.
- More screening is needed on the Montebello Circle side.
- There is a concern that trash will not be handled adequately.
- No affordable units are being provided onsite.
- More thought needs to be given to climate change and how removing the existing building will impact the climate. The existing building should be renovated and not replaced.
- The project is too dense.
- There are a lot of new developments coming into the neighborhood and they do not give anything back and it impacts the quality of life for longtime residents.
- The development needs more green space.
- Large student housing creates a lot of noise on weekends and nights.

On September 12, 2023, the Planning Commission held an in-person and virtual joint Public Hearing with City Council. Six (6) members of the public spoke and expressed the following:

- The proposed development would not be harmonious with the surrounding neighborhood and would be too tall.
- The proposed development would be detrimental to the neighborhood's sense of community.
- The proposed development will create traffic and parking issues.

- The proposed development will not be affordable for students.
- The City needs more housing and the proposed development will help with that.

Any emails received by staff regarding this project have been forwarded to the Planning Commission and City Council.

### **Budgetary Impact**

This has no impact on the General Fund.

### **Recommendation**

The Planning Commission voted 6-0 to recommend the application be approved for the SUP.

Suggested motion:

“I move to approve the RESOLUTION for application SP23-00005 granting a Special Use Permit for Property located at 1709 Jefferson Park Avenue, City Tax Map Parcels 160010100 with conditions.”

### **Alternatives**

City Council has several alternatives:

- (1) by motion, take action to approve the attached resolutions granting the Special Use Permit as recommended by the Planning Commission;
- (2) by motion, request changes to the attached resolutions, and then approve the Special Use Permit;
- (3) by motion, take action to deny the Special Use Permit; or
- (4) by motion, defer action on the Special Use Permit.

### **Attachments**

1. Resolution 1709 JPA SUP

**RESOLUTION**  
**Granting a Special Use Permit (SUP) for Property Located at**  
**1709 Jefferson Park Avenue**

**WHEREAS** Neighborhood Investments, LLC (“Landowner”) is the owner of certain land identified within City real estate assessment records by Parcel Identification number 160010100 respectively, currently addressed as “1709 Jefferson Park Avenue” (collectively referred to as the “Property”), and the Landowner, through its authorized representative, proposes to redevelop the Property to accommodate a 27-unit multifamily building with underground parking, and to facilitate this redevelopment the Landowner seeks this Special Use Permit to increase density to 87 DUA, increase height from a by-right 45 feet to 70 feet per Section 34-53(b)(3); modify front yard requirements from the average calculations under Section 34-353(b)(1) to a set 18 feet along Jefferson Park Avenue and 25 feet along Montebello Circle per Section 34-162; modify the side yard requirements of 17.5 feet under Section 34-353(a) to 5 feet per Section 34-162; reduce the minimum distance between the facade of the multifamily building and the boundary of any low-density residential district from 75 feet to 58 feet under Section 34-353(b)(4) per Section 34-162; modify the yard screening requirement from 25 feet width of S-3 screening along Montebello Circle to 17 feet S-1 screening for 50% of the frontage along Montebello Circle under Section 34-353(b)(4) per Section 34-162; and reduction of on-site parking from 38 spaces under 34-986 to 19 spaces per Section 34-162.

**WHEREAS** the Applicant seeks a Special Use Permit under City Code Secs. 34-420, 34-353(3), and 34-162(a) which allow the requested increased residential density, additional height, and modifications to parking and setbacks for the Project; and

**WHEREAS** the Property is located within the R-3 zoning district, a district in which, according to the Use Matrix set forth within City Code §34-420, the Project as proposed may be authorized by City Council by means of a special use permit; and

**WHEREAS** the Project is described in more detail within the Landowner’s application materials submitted in connection with SP23-00005, as required by City Code §34-158 (collectively, the “Application Materials”); and

**WHEREAS**, the Planning Commission and City Council conducted a joint public hearing, after notice and advertisement as required by law, on September 12, 2023; and

**WHEREAS** the Planning Commission considered and recommended approval of this application at their September 12, 2023 meeting; and

**WHEREAS** upon consideration of the Planning Commission’s recommendation, the City Staff Report, comments received at the public hearing, 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 proposed Special Use subject to suitable regulations and safeguards would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

**BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, THAT a**

Special Use Permit is hereby granted to allow the Project to be established on the Property, subject to the following conditions:

- 1) Per Section 34-420: Permitted Residential density up to 87 Dwelling Units per Acre (DUA) on the Subject Property.
- 2) Per Section 34-353(b)(3): Allow building height of seventy (70) feet on the Subject Property.
- 3) Per Section 34-162: Alter the Jefferson Park Avenue yard setback requirement to eighteen (18) feet.
- 4) Per Section 34-162: Alter the Montebello Circle yard setback requirement to twenty-five (25) feet.
- 5) Per Section 34-162: Alter the side yard setbacks to five (5) feet.
- 6) Per Section 34-162: Alter the landscape buffer within the Montebello Circle yard to eighteen (18) feet wide along fifty (50) percent of the liner frontage. Landscape buffer shall be S-1 as defined in Zoning Section 34-871.
- 7) Per Section 34-162: Reduce the minimum distance between the facade of the multifamily building and the boundary of any low-density residential district to fifty-eight (58) feet.
- 8) Per Section 34-162: Alter the on-site minimum parking requirement to nineteen (19) vehicular parking spaces. In addition, the applicant will work with the City's Traffic Engineer to develop a Master Parking Plan for the site. This plan will be kept on file with the City and may be updated or altered from time to time with authorization of the City's Traffic Engineer. The plan shall indicate how the developer will distribute available parking spots on site, how potential residents are informed of their parking opportunities, and any possible offsite parking arrangements for residents, etc....
- 9) Per 34-157(b): On-site vehicular parking shall not be permitted within the Montebello Circle yard(s) or right-of-way. Nothing within this condition shall prevent loading and unloading within the Montebello Circle yard or designating a space for such activities so long as condition #6 is met.
- 10) Per 34-157(b): The applicant shall provide a minimum of 2,400 square feet of Tree Canopy as illustrated in the application materials (sheet 14).
- 11) Per 34-157(b): The applicant shall implement measures on the City's Low Impact Development (LID) worksheet to achieve a minimum of 10 points. The applicant's checklist (page 8 of the application and sheet 36 of the application materials) notes a combination of shared parking, bioretention, and/or green rooftop; however, other measures from the checklist may be substituted with approval from City Engineering if the measures indicated become impractical as the project develops.
- 12) 34-157(b): The applicant shall construct a continuous raised sidewalk along the frontage of Jefferson Park Avenue to ensure pedestrian safety crossing the vehicular entrance to the site. Nothing within this condition relieves the applicant from adhering to standards found within the City Standard and Design Manual (SADM).
- 13) 34-157(b): The applicant shall provide short term bicycle and/or micromobility parking within the Montebello Circle yard. These elements must be located on private property and not within the City right-of-way.

14) 34-157(b): The applicant shall provide setbacks that are substantially consistent with the application materials. Specifically, sheet 18 of the Mitchell Matthews drawings, *1709 JPA Progress Draft*, dated July 18, 2023.

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	October 2, 2023
Action Required:	Consideration of a Critical Slope Waiver
Presenter:	Matthew Alfele, City Planner
Staff Contacts:	Matthew Alfele, City Planner
Title:	<b>Resolution to Approve a Critical Slope Waiver at 1709 Jefferson Park Avenue - P23-0049 (1 reading)</b>

### **Background**

Mitchell Matthews and Associates, LTD, representing the owner Neighborhood Investments, LLC, is requesting a waiver from Section 34-112(b) of the City's Critical Slope Ordinance as part of a plan to redevelop 1709 Jefferson Park Avenue and identified in the City's land records as Tax Map and Parcel (TMP) as 160010100 (Subject Property). The proposed development would replace the existing eight-unit multifamily apartment building with a new twenty-seven unit multifamily apartment building. The Subject Property is relatively small and the existing building and supporting infrastructure (parking, walkways, retaining walls...) already impact a majority of the Critical Slopes on site. Most of the existing unimpacted Critical Slopes are on the sides of property. The proposed development would expand the footprint of the site and disturb virtually 100% of the Critical Slopes. In conjunction with this application, the owner is also pursuing a Special Use Permit (SP23-00005).

### **Discussion**

The Planning Commission held a hybrid virtual and in-person meeting and hearing on September 12, 2023, on this matter as part of the connected SUP application. The Planning Commission and City Council had the following comments and concerns as it related to the overall development:

- How will the overall height of the building impact the surrounding neighborhood?
- Affordability requirements.
- How will the proposed development interact with the frontage on Montebello Circle?

The Planning Commission reacted favorably to the requests provided within the SUP and Critical Slope Waiver applications. They believe a development of this size and density is appropriate at this location. They, along with City Council, were concerned with the level of affordability, but understood the applicant was meeting the minimum requirement under the current affordable housing code section. In addition, there was a long conversation about how the development should interact with Montebello Circle and transition to that side of the neighborhood. Prior to providing a recommendation of approval, the Planning Commission adjusted a number of the conditions presented by staff in order to create a "front yard" for the development along Montebello Circle.

Staff note: A recording of the meeting can be found at the following link. Discussion starts at the 01:16 mark.

[Link to September 12, 2023 Planning Commission meeting](#)

Staff note: The full application for this project can be found at the following link. Materials start on page 5.

[Link to application and background materials](#)

### **Alignment with City Council's Vision and Strategic Plan**

If City Council approves the Critical Slope Waiver request, the project could contribute to Quality Housing Opportunities for All and a Community of Mutual Respect aspects of the City Vision Statement.

### **Community Engagement**

Under the City's Zoning Code, a Critical Slope Waiver Application does not require a Public Hearing or Community Engagement meeting, but due to the applicant also pursuing a SUP (SP23-00005), a community meeting was held on June 6, 2023. The meeting was attended by seven members of the public. The following points were raised:

- The proposed building is too tall and will block residents' view from Montebello Circle.
- Parking should not be allowed on Montebello Circle.
- More screening is needed on the Montebello Circle side.
- There is a concern that trash will not be handled adequately.
- No affordable units are being provided onsite.
- More thought needs to be given to climate change and how removing the existing building will impact the climate. The existing building should be renovated and not replaced.
- The project is too dense.
- There are a lot of new developments coming into the neighborhood and they do not give anything back and it impacts the quality of life for longtime residents.
- The development needs more green space.
- Large student housing creates a lot of noise on weekends and nights.

On September 12, 2023, the Planning Commission held an in-person and virtual joint Public Hearing with City Council on the SUP aspect of the development. Six (6) members of the public spoke and expressed the following:

- The proposed development would not be harmonious with the surrounding neighborhood and would be too tall.
- The proposed development would be detrimental to the neighborhood's sense of community.
- The proposed development will create traffic and parking issues.
- The proposed development will not be affordable for students.
- The City needs more housing and the proposed development will help with that.

Any emails received by staff regarding this project have been forwarded to the Planning Commission and City Council.

### **Budgetary Impact**

This has no impact on the General Fund.

### **Recommendation**



The Planning Commission voted 6-0 to recommend the application be approved for the Critical Slope Waiver.

Suggested motion:

“I move to approve the RESOLUTION for application P23-0049 granting a Critical Slope Waiver for Property located at 1709 Jefferson Park Avenue, City Tax Map Parcels 160010100 with conditions.”

### **Alternatives**

City Council has several alternatives:

- (1) by motion, take action to approve the attached resolutions granting the Critical Slope Waiver as recommended by the Planning Commission;
- (2) by motion, request changes to the attached resolutions, and then approve the Critical Slope Waiver;
- (3) by motion, take action to deny the Critical Slope Waiver; or
- (4) by motion, defer action on the Critical Slope Waiver.

### **Attachments**

1. Resolution 1709 JPA Critical Slope Waiver

## **RESOLUTION**

### **Granting a critical slope waiver for property located at 1709 Jefferson Park Avenue**

**WHEREAS** Neighborhood Investments, LLC (“Landowner”) is the owner of certain land identified within the City of Charlottesville Real Estate Assessor’s records as Real Estate Parcel Identification No. 160010100, said parcels having current street addresses of 1709 Jefferson Park Avenue (the “Subject Property”); and

**WHEREAS** the Subject Property contains critical slopes, over and within an area of approximately 0.21 acre, which is approximately 70% of the area of the parcels that constitute the Subject Property, and Landowner is requesting a waiver of the critical slopes requirements of City Code Sec. 34-1120(b)(6)(b), in connection with the Owner’s plan to construct a multifamily residential development on the Subject Property (the “Project”); and

**WHEREAS** the Project is described in more specific detail within the application materials submitted in connection with waiver application no. P23-0049, as required by City Code §34-1120(b)(6) (collectively, the “Application Materials”); and

**WHEREAS** the Planning Commission considered and recommended approval of this application at their September 12, 2023, meeting, subject to conditions proposed within the Staff Report; now, therefore,

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia, that a waiver is hereby granted of the critical slopes requirements for the Project, to allow for the development of the multifamily residential development as described within the Application Materials, subject to the following conditions:

- 1) The applicant shall implement measures indicated within their Low Impact Development (LID) worksheet (page 8 of application SP23-00005 and sheet 36 of the application materials. These include:
  - a. Bioretention. Percent of site treated must exceed 80%. Biofilter surface area must be >/- 5% of impervious drainage area. 8 points or 1point for each 10% of site treated.  
or
  - b. Green rooftop to treat >/- 50% of roof area. 8 points.
- 2) The applicant shall provide a minimum of 2,400 square feet of Tree Canopy as illustrated in their application.

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	October 2, 2023
Action Required:	Adoption of a Resolution Deciding Petitioner Seven Development LLC's Appeal of Planning Commission's Decision on 15.2-2232 Review
Presenter:	Jacob Stroman, City Attorney, Carrie Rainey, Urban Designer/City Planner
Staff Contacts:	Jacob Stroman, City Attorney James Freas, Director of NDS Missy Creasy, Deputy Director of NDS Ryan Franklin
Title:	<b>Resolution of disposition for Appeal of Planning Commission's 15.2-2232 Review Decision for 0 E. High Street (1 reading)</b>

**Background**

On August 8, 2023, the Planning Commission held a public hearing and reviewed the public facilities associated with the 0 E High development project pursuant to Virginia Code Section 15.2-2232 and City Code Section 34-28 to determine if the general character, approximate location and extent of the proposed improvements are substantially in accord with the City's adopted Comprehensive Plan or part thereof. Following the public hearing, Planning Commission took a vote finding that some of the public facilities, specifically Public Road A, Public Road B and the Public Parking Lot within Lot B were not substantially in accord with the City's Comprehensive Plan. Code of Virginia Sec. 15.2-2232(B) requires that the Commission communicate its findings to City Council indicating its approval or disapproval with written reasons for its decision. The Planning Commission communicated such attached findings with written reasons to City Council on September 12, 2023.

**Discussion**

The Planning Commission considered this item at their meeting on August 8, 2023. The Commission expressed concern with impacts of the proposed public streets, public trails and public parking lot to the Rivanna River floodplain and associated ecological systems. The Commission also expressed concerns with the lack of connectivity of the proposed public streets with the surrounding public street network. The Commission discussed the benefits provided by the proposed lot donations, including improved access to the Rivanna River trail network and opportunities to preserve ecological systems within the lots. The Commission further discussed the benefits of the proposed widening of Caroline Avenue and Fairway Avenue, including additional pedestrian access to the Rivanna River, trail network, and transit stops. However, the Commission was concerned with the proposed parking lot being placed within a floodplain, which would likely increase flooding in this ecologically sensitive location. After hearing public comments and deliberating further, the Commission made the following determination in accordance with Code of Virginia, § 15.2-2232, by unanimous vote:

The Planning Commission determined the following facilities were **not substantially in accord** with the City's adopted Comprehensive Plan:

1. Public Road A;
2. Public Road B; and
3. Public parking lot within Lot B

The Planning Commission determined the following facilities were **substantially in accord** with the City's adopted Comprehensive Plan:

1. Widening of Caroline Avenue and Fairway Avenue;
2. Lot A, including the public trails included therein; and
3. Lot B, including public trails included therein, but excluding the parking lot

The staff report and supporting documentation presented to the Planning Commission on August 8, 2023 can be found starting on page 25 at the following link: <https://charlottesvilleva.portal.civicclerk.com/event/1743/files>

On August 18, 2023, City Council received a Petition for Appeal from counsel for Seven Development LLC, the developer who submitted the application for a § 15.2-2232 review, challenging the Planning Commission's determination. On appeal City Council must determine whether to accept the Developer's arguments to overrule the Planning Commission's determination or overrule the Planning Commission's decision as City Council sees fit. Once City Council hears the appeal and deliberates, it is required under Code of Virginia, § 15.2-2232 to determine whether the proposed public facilities as presented to the Planning Commission are substantially in accord with the Comprehensive Plan or whether some or all of the proposed public improvements are not in substantial accord with the Comprehensive Plan.

### **Alignment with City Council's Vision and Strategic Plan**

Council's determination of the appeal aligns with the City Council Vision Statements of "A Green City, A Connected Community, and Smart, Citizen-Focused Government".

The proposal aligns with City Council Strategic Plan Goal 3: A Beautiful and Sustainable Natural and Built Environment through Strategy 3.1 Engage in robust and context sensitive urban planning and implementation, Strategy 3.3 Provide a variety of transportation and mobility options, and Strategy 3.4 Be responsible stewards of natural resources.

### **Community Engagement**

The Planning Commission conducted a public hearing on August 8, 2023. Many members of the public spoke to the item. Members of the public expressed concern with the impacts of the proposed facilities on the Rivanna River floodplain and associated ecological systems. Members of the public also expressed concern with the lack of connectivity of the proposed public streets with the larger public street network.

### **Budgetary Impact**

No direct budgetary impact is anticipated as a direct result of this Comprehensive Plan compliance review.

### **Recommendation**

Staff recommends that Council uphold the Planning Commission's determination that Public Roads A and B and Parking Lot within Lot B are not substantially in accord the Comprehensive Plan.

### **Alternatives**

Council may adopt the proposed resolution finding that the public improvements are not in substantial accord with the Comprehensive Plan (Resolution A); or Council may adopt the proposed resolution that the public improvements are in substantial accord with the Comprehensive Plan (Resolution B); or Council may adopt the proposed resolution overruling the action of Planning Commission in accordance with Code of Virginia, § 15.2-2232(B), determining that the all public facilities as presented in the submission to the Planning Commission on August 1, 2023, are not substantially in accord with the Charlottesville Comprehensive Plan or part thereof (Resolution C).

### **Attachments**

1. Resolution of the Charlottesville Planning Commission Communicating its 0 E High Comprehensive Plan Review Findings
2. 2232 Appeal 0 E. High St. CP23-00001
3. 0 E High Comprehensive Plan Compliance Review August 8, 2023 Staff Report
4. Memorandum in Reply to Petition for Appeal for 0 E. High St. 2232 Review
5. A\_Resolution Upholding the Planning Commission's Decision in the Code of Virginia 15.2-2232 Comprehensive Plan Review.9.27.23
6. B\_Resolution Overruling the Planning Commission's Code of Virginia 15.2-2232 Determination on August 8 2023
7. C\_Resolution Overruling the Planning Commission's Code of Virginia 15.2-2232 Determination on August 8 2023

**RESOLUTION  
OF THE CHARLOTTESVILLE PLANNING COMMISSION  
COMMUNICATING ITS 0 E HIGH COMPREHENSIVE PLAN REVIEW FINDINGS TO THE  
CHARLOTTESVILLE CITY COUNCIL IN ACCORDANCE WITH CODE OF VIRGINIA 15.2-2232**

WHEREAS, this Planning Commission held a public hearing on August 8, 2023, to conduct a Code of Virginia 15.2-2232 review of the applicant’s latest preliminary site plan, which was submitted to the Planning Commission for this specific 2232 review on August 1, 2023, proper notice of this 2232 review was published as required by law, including, but not limited to, Code of Virginia 15.2-2204.

NOW THEREFORE,

AND BE IT FURTHER RESOLVED that this Planning Commission confirms that the general character, location, and extent of the following public facilities **are not substantially in accord** with the City’s Comprehensive Plan or parts thereof, as amended:

1. Public Road A and Public Road B: Several goals of the Comprehensive Plan underscore the importance of preserving and enhancing environmental resources such as floodplains, and the importance of a complete street network to improve connectivity and distribute traffic. Public Roads A and B are dead-end streets without further connection to the surrounding public street network which violates Goal 1 of Chapter 6 of the Comprehensive Plan, which stresses the importance of street interconnectivity. The lack of further connectivity with other streets is also in violation of Strategy 3.1 of Goal 3 of Chapter 6 of the Comprehensive Plan and the Connections and Access Guiding Principle of the Comprehensive Plan.

The proposed roads would also violate Strategy 5.8 of Goal 5 of Chapter 7 of the Comprehensive Plan. Existing natural features which make the area of the proposed development more resilient to the harmful effects of flooding would be replaced by impervious, asphalt streets that would likely increase flooding from runoff when it rains in this area. These proposed roads are not sustainable and fail to avoid the reduction of natural resiliency features in this area of proposed development, in violation of Strategy 7.1 of Goal 7 of Chapter 6 of the Comprehensive Plan. In addition, these roads would violate Recommendation 2 of the Environmental Protection Recommendations of the Urban Rivanna River Corridor Plan because they would not preserve natural habitats along the

Rivanna River Corridor. The roads are within the Rivanna River floodplain but offer no measures to enhance the floodplain and its natural resiliency features. The construction of these roads would not protect the natural environment on the area of proposed development, which violates the Charlottesville Plan Priority Area stressing the importance of keeping Charlottesville green. The construction of impervious infrastructure is not environmentally responsible in violation of Goal 7 of Chapter 6 of the Comprehensive Plan. These streets cut through existing plant and wildlife systems, disrupting the interconnectivity of these systems in violation of Goal 5 of Chapter 7 of the Comprehensive Plan. These roads fail to protect the existing ecological functions of the Rivanna River Corridor in violation of Recommendation 1 of the Development and Redevelopment Recommendations of the Urban Rivanna River Corridor Plan.

2. Public parking lot within Lot B: Several goals of the Comprehensive Plan speak to importance of protecting habitats, particularly in areas within the Rivanna River corridor, as well as floodplains and natural areas along waterways. The construction of an asphalt parking lot that crosses an existing floodplain would damage sensitive natural resiliency features in violation of Strategy 7.1 of Goal 7 of Chapter 6 of the Comprehensive Plan. The construction of an impervious, asphalt parking lot in the floodplain would violate Strategy 5.8 of Goal 5 of Chapter 7 of the Comprehensive Plan because this would damage, not preserve, natural features on the area of the proposed development. Much of Lot B is covered in grass, which can provide wildlife habitat, infiltration of stormwater, and other ecological benefits. Installation of a parking lot will reduce the grassed area and the benefits it provides. The construction of an impervious parking lot in the floodplain does not protect the natural environment in violation of the Comprehensive Plan Priority Area stressing the importance of keeping Charlottesville green. The construction of impervious infrastructure is not environmentally responsible in violation of Goal 7 of Chapter 6 of the Comprehensive Plan. An asphalt parking lot would reduce groundwater recharge in this area, violating Strategy 5.2 of Goal 5 of Chapter 7 of the Comprehensive Plan. This parking lot fails to protect the existing ecological functions of the Rivanna River Corridor in violation of Recommendation 1 of the Development and Redevelopment Recommendations of the Urban Rivanna River Corridor Plan.

BE IT RESOLVED that this Planning Commission confirms that the general character, location, and extent of the following public facilities **are substantially in accord** with the City's Comprehensive Plan or parts thereof, as amended:

3. Widening of Caroline Avenue and Fairway Avenue: Several goals of the Comprehensive Plan speak to the importance of improving public access to the Rivanna River, trail networks, and transit stops. The widening of Caroline Avenue and Fairway Avenue includes a proposed public sidewalk connection, which will connect pedestrians to the Rivanna River trail network through the proposed public trail on Lot A in accord with Goal 1 of Chapter 6 and Strategy 3.1 of Goal 3 of Chapter 7 of the Comprehensive Plan and Recommendation 4 of the Recreational Activities Recommendations and Recommendation 9 of the Multi-Purpose Trails and Bridges Recommendations of the Urban Rivanna River Corridor Plan. The proposed public sidewalk will also provide pedestrian connections from the existing transit stop on Fairway Avenue to both the existing public sidewalk network and the Rivanna River trail network in accord with Goals 1 and 5 of Chapter 6 of the Comprehensive Plan.
  
4. Lot A, including public trails included therein: Several goals of the Comprehensive Plan speak to the importance of increasing public access to the Rivanna River and trail network. The public trail network proposed on Lot A will provide an additional public connection to the Rivanna River and trail network in accord with Goal 1 and Strategy 8.7 of Goal 8 of Chapter 6 and Strategy 3.1 of Goal 3 of Chapter 7 of the Comprehensive Plan as well as Recommendation 4 of the Recreational Activities Recommendations and Recommendation 9 of the Multi-Purpose Trails and Bridges Recommendations of the Urban Rivanna River Corridor Plan.

Several goals of the Comprehensive Plan also speak to importance of protecting tree canopy and habitats, particularly in areas within the Rivanna River corridor, as well as floodplains and natural areas along waterways. Lot A is part of a larger tree canopy patch, and such patches can provide wildlife habitat, infiltration of stormwater, and other ecological benefits. The donation of Lot A will allow the City to preserve and protect the environmental resources on the lot in accord with Goals 3 and 5 of Chapter 7, Strategy 13.1 of Goal 13 and Goal 15 of Chapter 9, and the Priority Area to keep Charlottesville green of the Comprehensive Plan as well as Recommendations 2 and 8 of the Environmental Protection Recommendations of the Urban Rivanna River Corridor Plan.



5. Lot B, including public trails included therein, but excluding the parking lot: Several goals of the Comprehensive Plan speak to importance of increasing public access to the Rivanna River and trail network. The public trail proposed on Lot B will provide an additional public connection to the Rivanna River and trail network in accord with Goal 1 and Strategy 8.7 of Goal 8 of Chapter 6 and Strategy 3.1 of Goal 3 of Chapter 7 of the Comprehensive Plan as well as Recommendation 4 of the Recreational Activities Recommendations and Recommendation 9 of the Multi-Purpose Trails and Bridges Recommendations of the Urban Rivanna River Corridor Plan.

Several goals of the Comprehensive Plan also speak to importance of protecting habitats, particularly in areas within the Rivanna River corridor, as well as floodplains and natural areas along waterways. Much of Lot B is covered in grass, which can provide wildlife habitat, infiltration of stormwater, and other ecological benefits. The donation of Lot B will allow the City to preserve and protect the environmental resources on the lot in accord with Goals 3 and 5 of Chapter 7, Strategy 13.1 of Goal 13 and Goal 15 of Chapter 9, and the Priority Area to keep Charlottesville green of the Comprehensive Plan as well as Recommendations 2 and 8 of the Environmental Protection Recommendations of the Urban Rivanna River Corridor Plan.

NOW, THEREFORE,

Upon adoption of this Resolution, the Planning Commission's findings with written reasons therefore on September 12, 2023, in accordance with Code of Virginia 15.2-2232(B), are hereby communicated to the Charlottesville City Council on September 12, 2023. The Secretary of this Planning Commission shall transmit this Resolution to the Charlottesville City Council.

Adopted by this Planning Commission, this 12<sup>th</sup> day of September 2023.

Attest:   
Secretary, Charlottesville Planning Commission

# WILLIAMS MULLEN

Valerie W. Long, Esq.  
Direct Dial: 434.951.5709  
vlong@williamsmullen.com

August 18, 2023

VIA HAND DELIVERY AND EMAIL

Charlottesville City Council  
c/o Mr. Sam Sanders, City Manager and  
Ms. Kyna Thomas, Clerk of Council  
P.O. Box 911  
Charlottesville, VA 22902

**Re: CP23-00001: O E. High St. Substantial Accord Determination  
Petition for Appeal Pursuant to Va. Code Sec. 15.2-2232.B and City Code  
Sec. 34-28(a)(2)**

Dear Mr. Sanders, Ms. Thomas, Mayor Snook and Members of the Charlottesville City Council:

On behalf of Seven Development LLC (the "Applicant"), we hereby submit this petition of appeal of the determination by the City of Charlottesville Planning Commission at its meeting on August 8, 2023 that certain of the public facilities shown on the Applicant's proposed preliminary site plan<sup>1</sup> are not in substantial accord with the City's Comprehensive Plan pursuant to Section 34-28 of the City's Zoning Ordinance and Section 15.2-2232 of the Code of Virginia (the "2232 Determination"). This appeal is filed pursuant to Va. Code Sec. 15.2-2232(B) and City Code Sec. 34-28(a)(2) within 10 days after the 2232 Determination.

As a preliminary matter, the Applicant asserts that all Public Facilities were already deemed in substantial accord with the Comprehensive Plan by the time of the joint hearing of the Planning Commission and City Council on August 8, 2023 under the plain language of Va. Code Sec. 15.2-2232.B ("Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval") and City Code Sec. 34-28(a)(1). The latest revision of the site plan application was submitted on June 2, 2023; we contend that it was deemed approved on August 1, 2023, prior to the 2232 hearing.

However, to preserve all rights, the Applicant files this Appeal, respectfully requesting that the City Council overrule the 2232 Determination as to the proposed Road A and Road B because the Applicant has presented clear evidence, both in the project application materials and at the Planning Commission hearing, that the project is substantially in accord with the Comprehensive Plan or part thereof. Please see attached a brief memorandum outlining the basis of our appeal. *We reserve the right to supplement the support for this appeal in further documentation and oral presentation to the City Council prior to or during its meeting to consider this appeal.*

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<sup>1</sup> (1) Public Road A, (2) Public Road B, (3) Caroline Avenue and Fairway Avenue widening, (4) Lot A with public trail, (5) Lot B with public parking and public trail (the "Public Facilities"). See Staff Report for Joint City Council and Planning Commission Public Hearing, August 8, 2023.

August 18, 2023  
Page 2

Should you require anything further, please contact me at 434-951-5709 or VLong@williamsmullen.com. Thank you for your consideration of this request.

Very truly yours,



Valerie W. Long

cc: Jacob Stroman, Esq. (via email)  
James Freas, Director of Neighborhood Development Services (via email)  
Seven Development, LLC (via email)  
Shimp Engineering, P.C. (via email)

**APPEAL OF THE CITY OF CHARLOTTESVILLE PLANNING COMMISSION'S  
SECTION 15.2-2232 DETERMINATION REGARDING  
PUBLIC FACILITIES ON THE PRELIMINARY SITE PLAN APPLICATION OF  
SEVEN DEVELOPMENT, LLC**

TO: The City Council of the City of Charlottesville

Pursuant to Va. Code § 15.2-2232, Seven Development LLC (the “Applicant”), hereby appeals the August 8, 2023 determination of the City of Charlottesville Planning Commission that the general or approximate location, character, and extent of the Applicant’s proposed Road A, Road B, and trailhead parking lot on Lot B, all of which provide access to public trails, as shown on the submitted Preliminary Site Plan are not substantially in accord with the City’s Comprehensive Plan, adopted November 15, 2021, or part thereof. The following public facilities are shown on the Preliminary Site Development Plan for 0 E. High Street, prepared by Shimp Engineering, P.C., originally submitted August 5, 2022, last revised and submitted June 2, 2023: (1) Public Road A, (2) Public Road B, (3) Caroline Avenue and Fairway Avenue widening, (4) Lot A with public trail, (5) Lot B with public parking and public trail (the “Public Facilities”). See Staff Report for Joint City Council and Planning Commission Public Hearing, August 8, 2023 (the “Staff Report”). These Public Facilities were considered by the Planning Commission at the August 8, 2023 joint hearing of the Planning Commission and City Council (the “Hearing”). The Planning Commission determined that Public Features (3)-(5) were in substantial accord with the Comprehensive Plan with the exception of the parking lot on Lot B but that Public Features (1) and (2) are not.

In support of this Appeal, the Applicant offers the following:

**I. The Public Features were Deemed Approved as of August 1, 2023.**

Va. Code Sec. 15.2-2232.B provides as follows: “Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval.” City Code Sec.34-28(a)(1) provides as follows: “Failure of the planning commission to act within sixty (60) days of a submission (or in the case of a telecommunications facility: ninety (90) days), unless the time is extended by action of the city council, shall be deemed approval.” The latest revision of the site plan application was submitted on June 2, 2023, so on August 1, 2023, the public facilities shown on the site plan were deemed in substantial accord with the Comprehensive Plan by operation of the state statute and local ordinance. By the time of the August 8, 2023 joint hearing, there was no substantial accord determination for the Planning Commission to make.

Planning Commission was not aware of the legal status of the submission. During the Planning Commission’s deliberations at the Hearing, Commissioner D’Onozio asked City Attorney Stroman to confirm his understanding that if the Planning Commission “deferred” and did not make a determination as to any of the five Public Facilities, then they would be deemed approved in 60 days. Mr. Stroman confirmed but went on to say, “the timeline is a bit more complicated than that because there’s a 60-day timeline from the date of submission, and that’s something I’m going to defer to staff on, but my point is this: the Planning Commission has, if the Planning Commission elects not to make a finding of compliance with the Comprehensive Plan

then, in the eyes of the law, it is deemed that the Planning Commission is approving the matters to move forward.”

The state statute is clear that the 60-day time period begins upon submission, not on the date the Planning Commission’s consideration or referral to the Planning Commission; this point is not a question for Staff interpretation. To understand the question of whether “submission” means submission by the applicant or submission by Staff to the Planning Commission, we refer to City Code Sec. 34-28(a)(1), which provides that “(f)ailure of the planning commission to act within sixty (60) days of a submission (or in the case of a telecommunications facility: ninety (90) days), unless the time is extended by action of the city council, shall be deemed approval.” Under state and federal law, the various time periods for mandatory action on applications for telecommunications facilities begin on the date of the applicant’s complete submission to the locality. This Code section does not distinguish between “submission” for telecommunications facilities and “submission” for other types of applications. Therefore, it follows that the date of submission by the applicant starts the 60-day period. The Planning Commission was allowed to misunderstand the status of the case and even the need for conducting the Hearing.

## **II. The Planning Commission was not Informed of its Authority under State and Local Law to Waive the 2232 Review as is Routinely Done in Private Development Cases.**

The Staff Report, prepared by Project Planner Carrie Rainey (“Staff” or “Ms. Rainey”), provided the following analysis regarding each of the Public Facilities: “Per Section 34-28(c), public facilities may be deemed a feature already shown on the adopted comprehensive plan, provided that the city council has by ordinance or resolution defined standards governing the construction, establishment or authorization of such public facility.” As to each Public Facility, Staff provided the applicable design guidelines or ordinance provisions.

As to Road A and Road B, Staff states: “City Council defined standards through the adoption of the Standards and Design Manual (SADM) on December 2, 2019.” The report goes on to say that the City Engineer found that both roads were consistent with the requirements of the SADM and that the City Traffic Engineer found that the roadways served a public good by incorporating access and parking for the city trail network.

As to the parking lot in Lot B, Staff explained in the Staff Report that “the floodplain ordinance applies to both privately and publicly owned land within the Special Flood Hazard Area (SFHA) developed by the Federal Emergency Management Agency (FEMA). Per Section 34-256(b), a floodplain permit is required prior to the approval of a final site plan .... the final design of the proposed parking lot and trail must comply with the floodplain ordinance and demonstrate no adverse effect in order to receive approval.”

Nevertheless, on the basis of advice the City Attorney delivered during the Planning Commission’s pre-meeting, and in response to an inquiry on the matter at the beginning of the Hearing, the Director of Neighborhood Development Services, James Freas, instructed the Planning Commission to “disregard” all references and analysis in the Staff Report regarding the Project’s consistency with the SADM and not to invoke City Code Section 34-28(c) because such Code Section was “permissive, not mandatory.”

The language of City Code Sec. 34-28(c) is substantially the same as Va. Code Sec. 15.2-2232.D, which provides as follows:

“Any public area, facility, park or use as set forth in subsection A which is identified within, but not the entire subject of, a submission under either § 15.2-2258 for subdivision or subdivision A 8 of § 15.2-2286 for development or both may be deemed a feature already shown on the adopted master plan, and, therefore, excepted from the requirement for submittal to and approval by the commission or the governing body, provided that the governing body has by ordinance or resolution defined standards governing the construction, establishment or authorization of such public area, facility, park or use or has approved it through acceptance of a proffer made pursuant to § 15.2-2303.”

The Planning Commission had the authority to exempt the Public Facilities from 2232 Review because standards for roads, paths, and parking lots are set out in various City regulations. Instructions from City Officials inadvertently misled the Planning Commission into the mistaken belief that they had no such authority, depriving them of their option to exercise their authority to deem the Public Facilities as substantially in compliance with the Comprehensive Plan. In fact, as discussed below, the City’s standard approach to public facilities that are part of private development is *not* to perform a 2232 Review. This 2232 Review and Hearing effectively undermined the ministerial nature of the by-right site plan review process.

The Applicant believes that at least part of the impetus for this instruction was a letter to the Planning Commission, dated August 6, 2023, from Henry H. Perritt, Jr., Esq., arguing on behalf of Rebecca Jones Reilly, that City Code Sec. 34-28(c) could not be used as the basis of a waiver (“public facilities may be deemed a feature already shown on the adopted comprehensive plan”) of the 2232 Review because the Application at issue is a site plan, not a subdivision, variance, or special exception. This statement reveals a misunderstanding of the applicable Virginia statute and City Code section. (The Applicant has not yet submitted a subdivision plat, so Va. Code Sec. 15.2-2258 is not at issue.) Section A(8) of Va. Code Sec. 15.2-2286 provides as follows: “A zoning ordinance may include, among other things, reasonable regulations and provisions as to any or all of the following matters.... (f)or the submission and approval of a plan of development prior to the issuance of building permits to assure compliance with regulations contained in such zoning ordinance.”

Mr. Perritt asserts that the term “plan of development” does not encompass preliminary site plans, concluding without explanation that “Subsection (A)(8) may not be interpreted to deem anything in an unapproved preliminary site plan to be shown already in a comprehensive plan, because such an interpretation would nullify the operation of Comprehensive-Plan review mandated by section 15.2-2232.” As stated above, Va. Code Sec. 15.2-2232 expressly provides an exception to performing the review if the public features are shown on a submittal for which there are already standards governing the construction, establishment or authorization. Mr. Perritt’s assertion, therefore, must be read to mean that a preliminary site plan is not a plan of development, which is an incorrect reading of the statute. In fact, the counterpart City Code section 34-28, enabled by Va. Code Sec. 2232, states as follows:

“(c) Any public facility that is identified within, but not the entire subject of, a submission for approval of a subdivision *or site plan*, may be deemed a feature

already shown on the adopted comprehensive plan, and therefore excepted from the requirement for submittal to and approval by the commission, provided that the city council has by ordinance or resolution defined standards governing the construction, establishment or authorization of such public facility or has approved it through acceptance of a proffer approved in connection with a rezoning application.”

Clearly, the City interpreted Va. Code Sec. 15.2-2232(D) as applying to site plans when it enacted this counterpart Code Section. Other than in the phrase “common plan of development,” which is a defined term, and references to PUD plans, the term “plan of development” is used in only five City Code Sections in the City’s Zoning Ordinance and is not a defined term but is a generic term that includes site plans. For example, Sec. 10-56(b) provides: “Acceptance or approval of an easement, subdivision plat, *site plan or other plan of development* shall not constitute acceptance by the city or the administrator of responsibility for the maintenance, repair or replacement of any such facility (emphasis added).” Similarly, Section 34-9 addressing vested rights states that significant affirmative governmental acts include an approved “final subdivision plat, *site plat or plan of development*.” Unquestionably, approval of a final site plan is a significant affirmative governmental act, but is not specifically referred to as such in the foregoing clause because it is encompassed in the term “plan of development.”

Va. Code Sec. 15.2-2232 provides that state code provisions prevail if there is any conflict between the State and City Code Sections. Looking to state statutes dealing with plans of development, we find that Va. Code § 15.2-2246 provides as follows: “Site plans or plans of development which are required to be submitted and approved in accordance with subdivision A 8 of § 15.2-2286 shall be subject to the provisions of §§ 15.2-2241 through 15.2-2245, mutatis mutandis.” In other words, site plans and plans of development are subject not only to local site plan regulations but also to all state statutes governing subdivision plats, as appropriately modified to be applicable to site plans. It follows, therefore, that it is more likely than not that 15.2-2232 would intend to treat site plans like subdivision plats and not exclude site plans.

If Mr. Perritt’s assertion that “Subsection (A)(8) may not be interpreted to deem anything in an unapproved preliminary site plan to be shown already in a comprehensive plan, because such an interpretation would nullify the operation of Comprehensive-Plan review mandated by section 15.2-2232” critiques the *timing* of review rather than the type of submission under review by noting that the preliminary site plan is “unapproved,” we note that it is standard practice for localities to review projects subject to special use permits for the more general comprehensive plan consistency prior to evaluating them according to ordinance-specified special use permit factors. By contrast, in the case of a site plan, review is ministerial, and the site plan must be approved if it complies with the site plan ordinance. It would have been difficult, if not illogical for the City to find the features of an approved site plan inconsistent with the Comprehensive Plan.

### III. **All Public Facilities are in Substantial Accord with the Comprehensive Plan or Part Thereof.**

A comprehensive plan is a guide to local governing officials making land use decisions. Board of Supervisors v. Lerner, 221 Va. 30 (1980). It is advisory only and does not have the status of a zoning ordinance. Board of Supervisors of Fairfax Co. v. Allman, 215 Va. 434 (1975). A

comprehensive plan may serve as a basis for the denial of a legislative action, such as a rezoning or special use permit. Lerner, 221 Va. at 37. However, the Project submission was for a ministerial approval. The 2232 Review, therefore, should not have considered factors for rezoning or special use permit approvals but only the goals and objectives of the Comprehensive Plan.

Staff set out in the Staff Report the following reasons why Public Roads A and B are consistent with Comprehensive Plan goals:

**“2021 Comprehensive Plan**

Chapter 4: Land Use, Urban Form, and Historic & Cultural Preservation

Future Land Use Planning Objective: Maximize access to public open spaces, urban agriculture amenities and schools.

Chapter 7: Environmental, Climate, and Food Equity

Strategy 3.1 Substrategy: Improve regional public access to the river.

**2022 Urban Rivanna River Corridor Plan**

Recreational Activities Recommendations

Recommendation 4 Increase the number and type of public access points to the river and waterfront for better public use and enjoyment of the water, with special consideration for accessibility for people with limited mobility.

Multipurpose Trails and Bridges Recommendations

Recommendation 9 Consider opportunities to expand community-wide access to the Rivanna River Corridor through a variety of modes.”

The Staff report sets out the following Comprehensive Plan support for the dedication of Lot B, including the parking lot:

**“2021 Comprehensive Plan**

Chapter 6: Transportation

Strategy 8.7 Seek opportunities for private donations of trail easements and construction of trail enhancements such as bridges or interpretive signage.

Chapter 7: Environment, Climate, and Food Equity

Strategy 3.1 Sub-strategy: Improve regional public access to the river.

Chapter 9: Community Facilities & Services

Strategy 15.2 Encourage land and easement acquisition along trail corridors to ensure permanent use as trail and the ability to manage land as park space, for multimodal enhancement, and as a green infrastructure resource.

Strategy 15.3 Ensure that all new trails and trail improvements are designed within the context of surrounding natural systems and urban areas to maximize positive and minimize negative impacts on environmental systems and cultural and historic resources.

**2022 Urban Rivanna River Corridor Plan**

Recreational Activities Recommendations



*Recommendation 4* Increase the number and type of public access points to the river and waterfront for better public use and enjoyment of the water, with special consideration for accessibility for people with limited mobility.

Multipurpose Trails and Bridges Recommendations

*Recommendation 9* Consider opportunities to expand community-wide access to the Rivanna River Corridor through a variety of modes.”

Roads A and B and their accompanying sidewalks, and the parking lot on Lot B are also in line with the following Comprehensive Plan goals, keeping in mind that the proposed roads and trailhead parking provide access to the public trails provided on the Project plan:

Chapter 6: Transportation

Strategy 1.3: Create safe walking and biking routes to every public school in the city, prioritizing schools with the highest percentages of free and reduced lunch participants.

Strategy 2.2: Through development processes, implement and incentivize improved facilities and amenities for non-motorized travelers, including those needed to support multimodal travel by residents, workers, and visitors.

Substrategy: incentivize sidewalk improvements and connectivity enhancements (e.g. alleys) and ensure that public pathways around, through, and to developments will not be impeded.

Strategy 3.1 Substrategy: Upgrade informal off-street paths to a standard that will allow residents of all ages and abilities to use them for walking and biking and connections to schools, parks, and other designations. This could include paths that follow sewer lines or other infrastructure installations, and could also include formalization of desire lines (informal paths created by people walking where there are no sidewalks or other infrastructure currently in place.”

Strategy 6.2 Substrategy: Coordinate to create transit, trail, and /or multi-use path links between Charlottesville’s existing pedestrian infrastructure and regional trails and destinations (including Monticello), as articulated in the 2019 Jefferson Area Bike and Pedestrian Plan.

Strategy 8.7: Seek opportunities for private donations of trail easements and construction of trail enhancements such as bridges or interpretive signage.

Chapter 7: Environment, Climate, and Food Equity

Strategy 3.1 Substrategy: Improve regional public access to the river.

Strategy 3.1 Substrategy: Continue public acquisition of natural areas along waterways to enable management strategies that protect water and habitat quality.

A comprehensive plan contains many goals and objectives, and no application will, or can be required to, further each and every individual goal and strategy. For instance, in the Planning Commission’s recent review of the Route 250 Bypass Fire Station noted below, the Planning

Commission determined that giving up green space was acceptable since the fire station would further the goal of improving fire safety infrastructure, even though preservation of green space is also a general goal of the Comprehensive Plan. Notably, Section 15.2-2232 does not require that public facilities be found to be in accord with every goal and strategy of the Comprehensive Plan, but merely that such facilities be *substantially* in accord with the adopted comprehensive plan *or part thereof*” (*emphasis added*). Arguably, a public facility need only be found to be consistent with a single goal or provision of the comprehensive plan to satisfy the 2232 Review.

In this case, prior to final site plan approval the Project must meet all Flood Plain regulations and will not move forward if it impairs flood plains, floodways, or other protected natural resources. There is no prohibition against building roads in floodplains so long as they do not contribute to flooding and otherwise meet all application regulations. The Public Facilities clearly support the goals and furthers numerous strategies of the Comprehensive Plan to provide access to the Rivanna River and improve connectivity on roads and sidewalks.

#### **IV. The Application was Treated Differently from Similarly-Situated Applications.**

To the best of our knowledge, the City has never required dedications of public land, road widening, or other public facilities shown on a site plan for a private development project to be considered in a 2232 hearing. Rather, the City’s practice has been to conduct 2232 reviews for City projects and road closures. Based on a preliminary review of the public records available online, we found four recent 2232 reviews:

November 2018: East High Streetscape

December 2019: Fontaine Avenue streetscape

February 2020: Barracks Road/Emmet Street intersection improvements

July 2021: Partial vacation of 13 Street NE (withdrawn by petitioner)

We note that that the Planning Commission did not conduct a specific 2232 review for the City’s proposed Route 250 Bypass Fire Station. Rather, Comprehensive Plan compliance was analyzed as just one of the seven factors to be considered in the granting of a special use permit. Staff analysis pointed out that the subject property was designated for Open Spaces and Parks, but noted that the proposal met “some” of the 2021 Comprehensive Plan’s goals regarding public infrastructure and City Fire/Emergency Medical Services. The analysis concluded that the proposed fire station would reduce public open space but would not interfere with nearby trails. The project was “deemed substantially compliance with the Comprehensive Plan.”

During the Hearing on August 8, 2023, Justin Shimp of Shimp Engineering, representing the Applicant, stated that he had worked on over a thousand applications in the City, and none had been required to have a 2232 review for proposed public dedications and public facilities.

#### **CONCLUSION**

For the reasons set out in this Appeal, the Applicant respectfully requests that Council overrule the Planning Commission’s determination that Road A, Road B, and the Lot B parking lot are not in substantial accord with the Comprehensive Plan, and uphold the Planning Commission’s

determination that all other Public Facilities are in substantial accord with the Comprehensive Plan.

Respectfully submitted,

*Valerie W. Long*

Valerie W. Long  
Williams Mullen  
323 2<sup>nd</sup> Street, Suite 900  
Charlottesville, Virginia 22902  
434-951-5709  
[vlong@williamsmullen.com](mailto:vlong@williamsmullen.com)

**CITY OF CHARLOTTESVILLE**  
**DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES**  
**STAFF REPORT**



**JOINT CITY COUNCIL AND PLANNING COMMISSION PUBLIC HEARING**  
**COMPREHENSIVE PLAN COMPLIANCE REVIEW**  
**APPLICATION NUMBER: CP23-00001: 0 E High Street**  
**DATE OF HEARING: August 8, 2023**

**Project Planner:** Carrie Rainey

**Date of Staff Report:** July 31, 2023

**Summary**

As part of a preliminary site plan application (P22-0079) to establish a development containing multifamily residential units at 0 E High Street (TMPs 500144000, 500143000, 500143100, 500017000, 500018000), the applicant, Justin Shimp of Shimp Engineering, has proposed public facilities and uses including public streets, public land, public trail facilities, and public trail parking facilities. Per Section 34-28(a), the Planning Commission may determine whether the general location, character, and extents of the proposed public facilities and uses are compliant with the adopted comprehensive plan prior to authorization and construction of said facilities and uses. The detailed design of the proposed public facilities (such as public trail width and surfacing) is reviewed for compliance with all applicable codes and standards as part of the preliminary and final site plan review processes. This includes compliance review with the floodplain ordinance (Chapter 34), water protection ordinance (Chapter 10), and public facilities design requirements (Chapters 29 and 34, Standards and Design Manual).

Other components of the proposed development, including the multifamily residential use, private parking lot serving the multifamily units, and private amenity spaces, are not components for which the Planning Commission may conduct a comprehensive plan compliance review. The private development components are reviewed for compliance with all applicable codes and standards as part of the preliminary and final site plan review processes. The Planning Commission, per Section 34-820(d)(3), will review and approve or deny the preliminary site plan application at a future date.

## **Standard of Review**

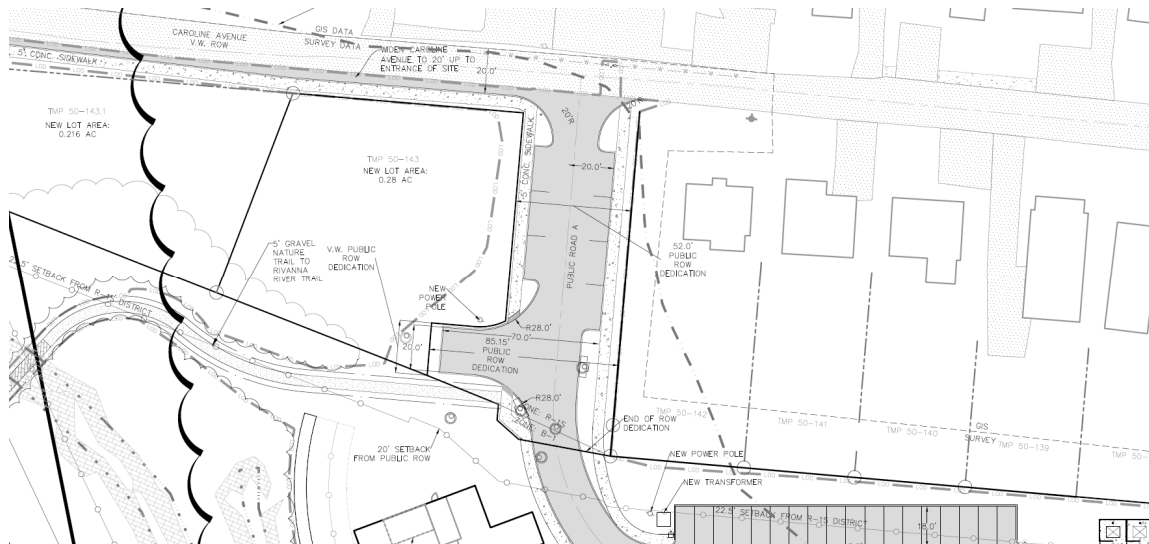
Pursuant to Virginia Code Section 15.2-2232 and City Code Section 34-28, the Planning Commission may review the proposed public facilities associated with the 0 E High development project to determine if the general character, approximate location and extent of the proposed improvements are substantially in accord with the City’s adopted Comprehensive Plan or part thereof. The Planning Commission shall communicate its findings to the Charlottesville City Council, with written reasons for its approval or disapproval.

## **Public Streets**

The applicant proposes two (2) new public streets (“Public Road A” and “Public Road B”) in addition to widening existing Caroline Avenue and Fairway Avenue.

### **Public Road A**

#### ***Proposed Public Road A—Preliminary Site Plan dated June 2, 2023***



Public Road A is proposed to provide two-way vehicular travel with seven (7) public on-street parking spaces, “T and Branch” turnaround, public sidewalks 5-feet in width on both sides of the street, and curb extensions at the intersection with Caroline Avenue. Public Road A provides access to a network of proposed trails, both on private land under public easement and on land to be donated to the City, which connect to the Rivanna River trail network.

*Staff Analysis:* Per Section 34-28(c), public facilities may be deemed a feature already shown on the adopted comprehensive plan, provided that the city council has by ordinance or resolution defined standards governing the construction, establishment or authorization of such public facility. City Council defined standards through the adoption of the [Standards and Design Manual](#) (SADM) on December 2, 2019. The City Traffic Engineer has confirmed proposed Public

Road A, as presented, is consistent with the requirements of the SADM. The City Traffic Engineer find the roadway serves a public good by incorporating access and parking for the city trail network.

Per Section 34-241(a), the floodplain ordinance applies to both privately and publicly owned land within the Special Flood Hazard Area (SFHA) developed by the Federal Emergency Management Agency (FEMA). Per Section 34-256(b), a floodplain permit is required prior to the approval of a final site plan for the proposed development. Section 34-256(a) states that *under no circumstances shall a permit be issued to authorize any use, activity, and/or development that would adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.* Therefore, the final design of proposed Public Road A must comply with the floodplain ordinance and demonstrate no adverse effect in order to receive approval.

Below are specific areas of the Comprehensive Plan and approved amendments with which Public Road A may be in line:

### **2021 Comprehensive Plan**

#### Chapter 4: Land Use, Urban Form, and Historic & Cultural Preservation

*Future Land Use Planning Objective:* Maximize access to public open spaces, urban agriculture amenities, and schools.

#### Chapter 7: Environment, Climate, and Food Equity

*Strategy 3.1 Sub-strategy:* Improve regional public access to the river.

### **2022 Urban Rivanna River Corridor Plan**

#### Recreational Activities Recommendations

*Recommendation 4* Increase the number and type of public access points to the river and waterfront for better public use and enjoyment of the water, with special consideration for accessibility for people with limited mobility.

#### Multipurpose Trails and Bridges Recommendations

*Recommendation 9* Consider opportunities to expand community-wide access to the Rivanna River Corridor through a variety of modes.

Below are specific areas of the Comprehensive Plan and approved amendments with which Public Road A may not be in line:

### **2021 Comprehensive Plan**

Guiding Principle: Connections and Access: The City will consider land use and transportation in complementary ways, creating more accessible and safer mobility options for all. Residents and visitors will have a variety of travel choices and will be able to move safely, efficiently, and affordably throughout neighborhoods, the city, and the region, with easy access to services, employment opportunities, healthy food sources, parks, schools, and other services and amenities, regardless of vehicle ownership or physical ability. The City will place an emphasis on enhancing networks and safety for walking, riding bicycles, and public transportation.

#### Chapter 6: Transportation

*Goal 1 Complete Streets:* Create and maintain a connected network of safe, convenient, and pleasant accommodations for pedestrians, bicyclists, and transit riders, including people of all ages and abilities.

*Strategy 3.1* Encourage new street connections and alternate traffic patterns, where appropriate, to improve connectivity, reduce trip lengths for all users, and distribute traffic volumes across the street network.

*Strategy 7.1* Develop policies and strategies to incorporate green infrastructure as an integral part of transportation planning, and ensure transportation projects are sited and designed to avoid sensitive environmental resources and natural resiliency features such as floodplains, stream buffers, and wetlands.

#### Chapter 7: Environment, Climate, and Food Equity

*Strategy 5.8* Work to preserve and enhance wetlands, floodplains, and other features that provide natural resiliency against climate change.

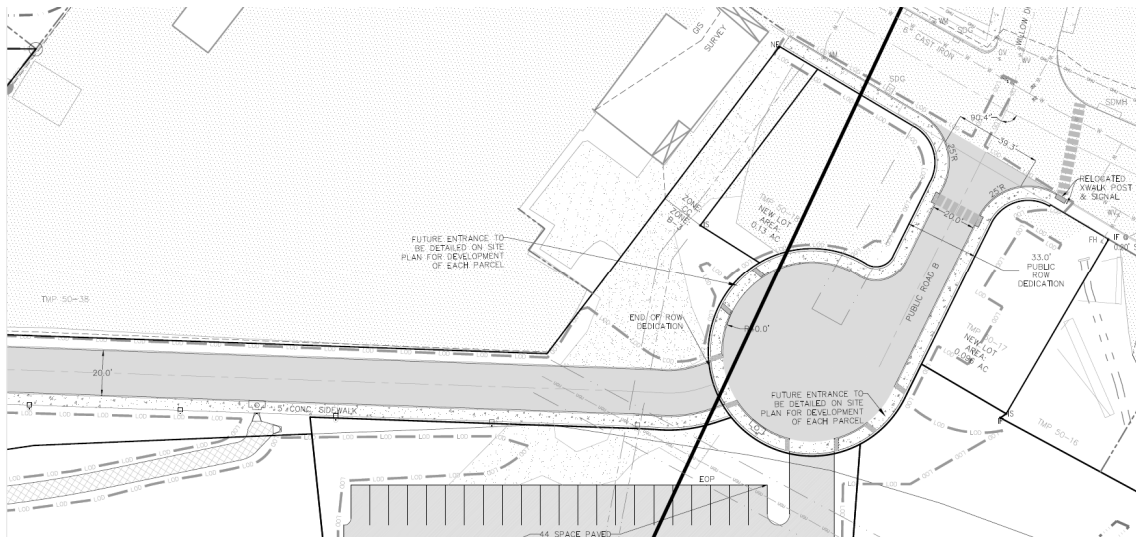
Several goals of the 2021 Comprehensive Plan and 2022 Urban Rivanna River Corridor Plan (an amendment to the comprehensive plan) speak to the importance of improving public access to the Rivanna River, public spaces, and trail networks. However, several goals also underscore the importance of preserving environmental resources such as floodplains, and the importance of a complete street network to improve connectivity and distribute traffic.

The Guiding Principles of the 2016 Streets that Work plan (an amendment to the comprehensive plan) state *Charlottesville will be a multi-modal, connected community...* and the planning of public streets will be a... *collaborative process to ensure decisions made about the city's streets reflect the public's priorities.* Public Road A is considered a *Local Street* per the 2016 Streets that Work Plan. *Local Streets* are characterized as the majority of the street

network and have no specific associated typology due to the variation of context and available space. The Streets that Work Plan notes design elements on Local Streets should not exceed the dimensions specified for *Neighborhood B* streets, and that techniques such as curb extensions are appropriate. A minimum of five (5) to six (6) feet of clear zone width for sidewalks is recommended for *Neighborhood B* streets. Sidewalks and on-street parking are noted as the highest priority street elements. Public Road A provides a five (5) foot sidewalk (without curbside buffer zone), on-street parking, and curb extensions at the intersection with Caroline Avenue. Public Road A will provide additional public access to the Rivanna River trail network but will not provide connectivity to the wider street network and community.

### Public Road B

*Proposed Public Road – Preliminary Site Plan dated June 2, 2023*



Public Road B is proposed to provide two-way vehicular travel with “circular” turnaround and public sidewalks 5-feet in width on both sides of the street. Public Road B will align with the existing public street Willow Drive. Public Road B provides access to proposed Lot B (detailed below), which provides public parking and a public trail connection to the Rivanna River trail network.

*Staff Analysis:* Per Section 34-28(c), public facilities may be deemed a feature already shown on the adopted comprehensive plan, provided that the city council has by ordinance or resolution defined standards governing the construction, establishment or authorization of such public facility. City Council defined standards through the adoption of the [Standards and Design Manual](#) (SADM) on December 2, 2019. The City Traffic Engineer has confirmed proposed Public Road B, as presented, is consistent with the requirements of the SADM. The City Traffic Engineer find the roadway has a proper turn around, matches the intersection on the opposite



side of the street, and has the proper sidewalks. The roadway also serves a public good by incorporating access and parking for the city trail network.

Per Section 34-241(a), the floodplain ordinance applies to both privately and publicly owned land within the Special Flood Hazard Area (SFHA) developed by the Federal Emergency Management Agency (FEMA). Per Section 34-256(b), a floodplain permit is required prior to the approval of a final site plan for the proposed development. Section 34-256(a) states that *under no circumstances shall a permit be issued to authorize any use, activity, and/or development that would adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.* Therefore, the final design of proposed Public Road B must comply with the floodplain ordinance and demonstrate no adverse effect in order to receive approval.

Below are specific areas of the Comprehensive Plan and approved amendments with which Public Road B may be in line:

### **2021 Comprehensive Plan**

#### Chapter 4: Land Use, Urban Form, and Historic & Cultural Preservation

*Future Land Use Planning Objective:* Maximize access to public open spaces, urban agriculture amenities, and schools.

#### Chapter 7: Environment, Climate, and Food Equity

*Strategy 3.1 Sub-strategy:* Improve regional public access to the river.

### **2022 Urban Rivanna River Corridor Plan**

#### Recreational Activities Recommendations

*Recommendation 4* Increase the number and type of public access points to the river and waterfront for better public use and enjoyment of the water, with special consideration for accessibility for people with limited mobility.

#### Multipurpose Trails and Bridges Recommendations

*Recommendation 9* Consider opportunities to expand community-wide access to the Rivanna River Corridor through a variety of modes.

Below are specific areas of the Comprehensive Plan and approved amendments with which Public Road B may not be in line:

### **2021 Comprehensive Plan**

Guiding Principle: Connections and Access: The City will consider land use and transportation in complementary ways, creating more accessible and safer mobility

options for all. Residents and visitors will have a variety of travel choices and will be able to move safely, efficiently, and affordably throughout neighborhoods, the city, and the region, with easy access to services, employment opportunities, healthy food sources, parks, schools, and other services and amenities, regardless of vehicle ownership or physical ability. The City will place an emphasis on enhancing networks and safety for walking, riding bicycles, and public transportation.

#### Chapter 6: Transportation

*Goal 1 Complete Streets:* Create and maintain a connected network of safe, convenient, and pleasant accommodations for pedestrians, bicyclists, and transit riders, including people of all ages and abilities.

*Strategy 3.1* Encourage new street connections and alternate traffic patterns, where appropriate, to improve connectivity, reduce trip lengths for all users, and distribute traffic volumes across the street network.

*Strategy 7.1* Develop policies and strategies to incorporate green infrastructure as an integral part of transportation planning, and ensure transportation projects are sited and designed to avoid sensitive environmental resources and natural resiliency features such as floodplains, stream buffers, and wetlands.

#### Chapter 7: Environment, Climate, and Food Equity

*Strategy 5.8* Work to preserve and enhance wetlands, floodplains, and other features that provide natural resiliency against climate change.

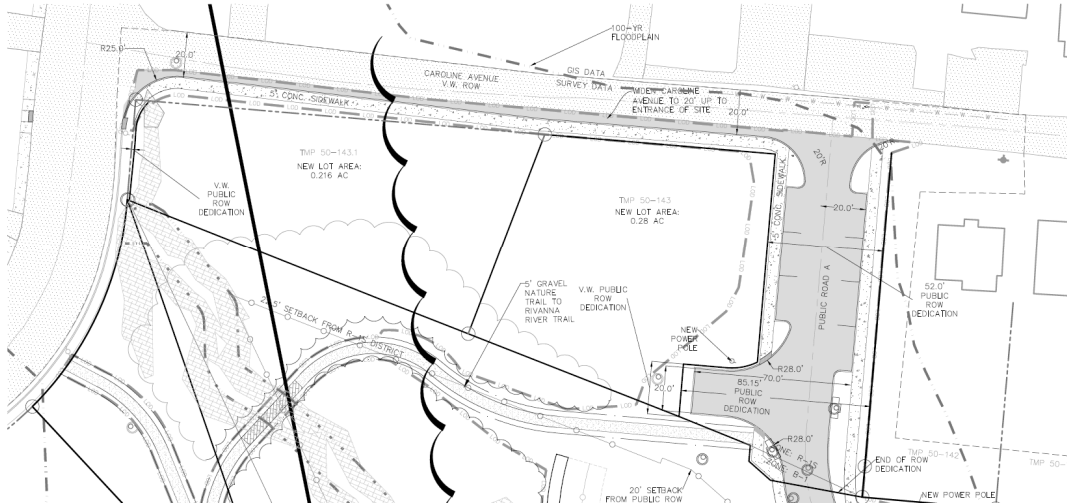
Several goals of the 2021 Comprehensive Plan and 2022 Urban Rivanna River Corridor Plan (an amendment to the comprehensive plan) speak to the importance of improving public access to the Rivanna River and trail networks. However, several goals also underscore the importance of preserving environmental resources such as floodplains, and the importance of a complete street network to improve connectivity and distribute traffic.

The Guiding Principles of the 2016 Streets that Work plan (an amendment to the comprehensive plan) state *Charlottesville will be a multi-modal, connected community...* and the planning of public streets will be a... *collaborative process to ensure decisions made about the city's streets reflect the public's priorities.* Public Road B is considered a *Local Street* per the 2016 Streets that Work Plan. *Local Streets* are characterized as the majority of the street network and have no specific associated typology due to the variation of context and available space. The Streets that Work Plan notes design elements on Local Streets should not exceed the dimensions specified for *Neighborhood B* streets, and that techniques such as curb extensions are appropriate. A minimum of five (5) to six (6) feet of clear zone width for sidewalks is recommended for *Neighborhood B* streets. Sidewalks and on-street parking are noted as the highest priority street elements. Public Road B provides a five (5) foot sidewalk

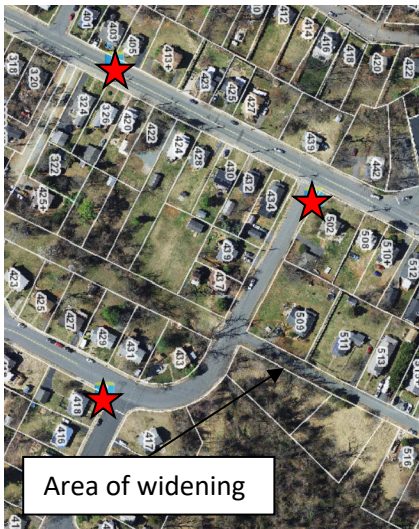
(without curbside buffer zone) and access to proposed Lot B, which provides a trail connection to the Rivanna River trail network. Public Road B will provide additional public access to the Rivanna River trail network contingent on the establishment of the proposed trail network connecting through Lot B but will not provide connectivity to the wider street network and community.

Widening of Caroline Avenue and Fairway Avenue

*Proposed Widening and Improvements– Preliminary Site Plan dated June 2, 2023*



*Transit Stops*



*Meade Park Proximity*



Caroline Avenue is proposed to be widened to meet the 20-foot minimum roadway width for two-way travel specified in the SADM and to provide a five (5) foot wide sidewalk along the development’s frontage. The public sidewalk proposed on Caroline Avenue will continue around the corner to connect with the existing Fairway Avenue public sidewalk. The applicant

proposes dedicating a portion of land so that the proposed public sidewalk and the existing public sidewalk along Fairway Avenue are entirely within public right-of-way.

*Staff Analysis:* Per Section 34-28(c), public facilities may be deemed a feature already shown on the adopted comprehensive plan, provided that the city council has by ordinance or resolution defined standards governing the construction, establishment or authorization of such public facility. City Council defined standards through the adoption of the [Standards and Design Manual](#) (SADM) on December 2, 2019. The City Traffic Engineer has confirmed proposed improvements to Caroline Avenue and Fairway Avenue, as presented, are consistent with the requirements of the SADM. The City Traffic Engineer finds that by widening the roadway, the project meets the minimum criteria for allowing the “Road A” connection and providing a safe access point from the development to a city street.

Per Section 34-241(a), the floodplain ordinance applies to both privately and publicly owned land within the Special Flood Hazard Area (SFHA) developed by the Federal Emergency Management Agency (FEMA). Per Section 34-256(b), a floodplain permit is required prior to the approval of a final site plan for the proposed development. Section 34-256(a) states that *under no circumstances shall a permit be issued to authorize any use, activity, and/or development that would adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.* Therefore, the final design of the widening of Caroline Avenue and Fairway Avenue must comply with the floodplain ordinance and demonstrate no adverse effect in order to receive approval.

Below are specific areas of the Comprehensive Plan and approved amendments with which the widening of Caroline Avenue and Fairway Avenue may be in line:

## **2021 Comprehensive Plan**

### Chapter 6: Transportation

*Goal 1 Complete Streets:* Create and maintain a connected network of safe, convenient, and pleasant accommodations for pedestrians, bicyclists, and transit riders, including people of all ages and abilities.

*Strategy 5.7* Identify locations along bus routes needing additional bus stops, enhanced quality and comfort of bus stops, connectivity via walking/biking, and safer crossings, particularly near schools, parks, and other amenities

### Chapter 7: Environment, Climate, and Food Equity

*Strategy 3.1 Sub-strategy:* Improve regional public access to the river.

**2022 Urban Rivanna River Corridor Plan**Recreational Activities Recommendations

*Recommendation 4* Increase the number and type of public access points to the river and waterfront for better public use and enjoyment of the water, with special consideration for accessibility for people with limited mobility.

Multipurpose Trails and Bridges Recommendations

*Recommendation 9* Consider opportunities to expand community-wide access to the Rivanna River Corridor through a variety of modes.

Several goals of the 2021 Comprehensive Plan and 2022 Urban Rivanna River Corridor Plan (an amendment to the comprehensive plan) speak to the importance of improving public access to the Rivanna River and trail networks as well as transit stops. The widening of Caroline Avenue and Fairway Avenue will permit a new public sidewalk connection on Caroline Avenue, which will connect pedestrians to both proposed Public Road A and Lot A, as well as the existing transit stop on Fairway Avenue and nearby Meade Park. However, the widening will not address the lack of sidewalks on the remainder of Caroline Avenue.

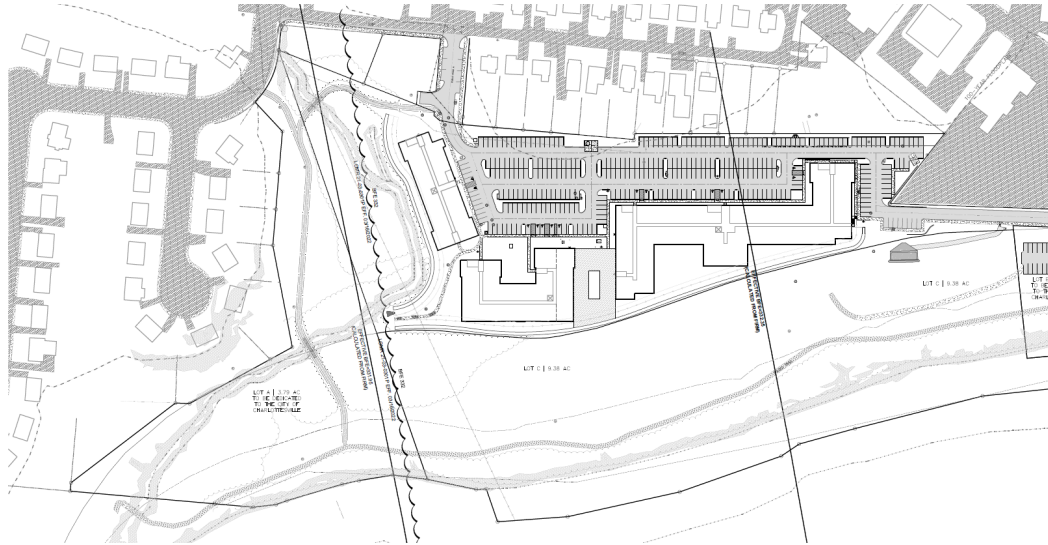
**Public Land and Facilities**

The applicant proposes the dedication of two (2) new parcels (“Lot A” and “Lot B”). Lot A is proposed to include a new public trail and Lot B is proposed to include a new public trail parking lot and trail connection to the existing Rivanna Trail.

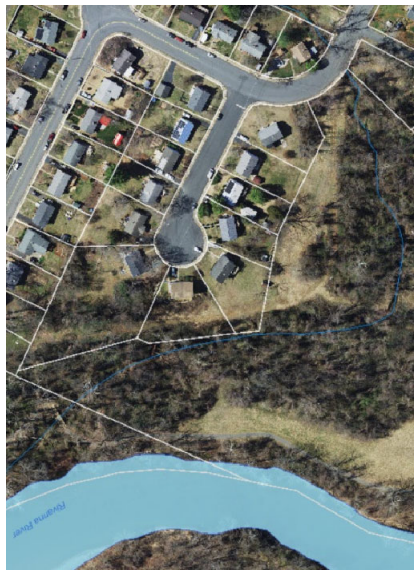
**Lot A**

Lot A is 3.79 acres in area with frontage on Fairway Avenue. In addition to the proposed public trail, Lot A also encompasses a portion of the existing Rivanna Trail and Rivanna River riverbank, a portion of Meade Creek, and includes stands of mature forest and critical slopes areas. Lot A includes areas of floodplain (BFE) and floodway of the Rivanna River. The proposed trail on Lot A will connect to both Fairway Avenue and proposed Public Road A. The connection to Public Road A is proposed as a new trail on private land (TMP 50-144) with a public access easement to ensure continued access by the public. The proposed trail on Lot A will include a bridge structure over Meade Creek and adjacent critical slopes. Proposed disturbance on Lot A is limited to the area of the proposed public trail.

*Proposed Lot Dedication and Trail Network – Preliminary Site Plan dated June 2, 2023*



*Meade Creek*



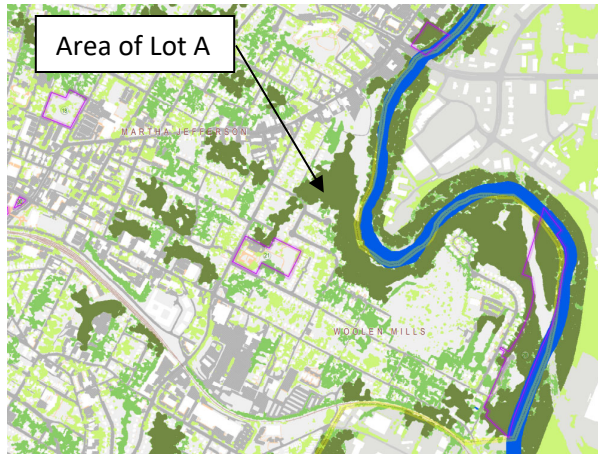
*Critical Slopes*



*Rivanna Trail*



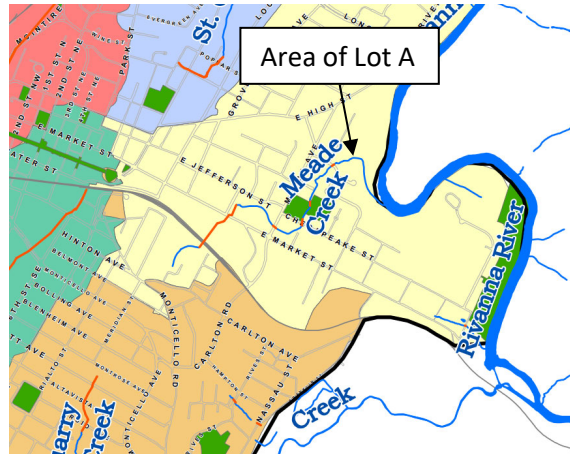
Tree Canopy Patches- 2020 City GreenPrint 1.0



Treed Canopy Patches

- Greater than 1 Acre (with greater than 1, but less than 10 meter edge)
- Greater than 1 Acre (with 10 meter edge)
- Other tree canopy (inside city limits); All tree canopy, 2009 (outside city limits)

2011 Local Waterways



*Staff Analysis:* Per Section 34-241(a), the floodplain ordinance applies to both privately and publicly owned land within the Special Flood Hazard Area (SFHA) developed by the Federal Emergency Management Agency (FEMA). Per Section 34-256(b), a floodplain permit is required prior to the approval of a final site plan for the proposed development. Section 34-256(a) states that *under no circumstances shall a permit be issued to authorize any use, activity, and/or development that would adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.* Therefore, the final design of the proposed trail must comply with the floodplain ordinance and demonstrate no adverse effect in order to receive approval.

Below are specific areas of the Comprehensive Plan and approved amendments with which the dedication of Lot A and new trail facility may be in line:

**2021 Comprehensive Plan**

Priority Area: Keep Charlottesville green, make it greener, and protect the natural environment and the many benefits it provides.

Chapter 6: Transportation

*Strategy 8.7* Seek opportunities for private donations of trail easements and construction of trail enhancements such as bridges or interpretive signage.

Chapter 7: Environment, Climate, and Food Equity

*Strategy 3.1 Sub-strategy:* Improve regional public access to the river.

*Strategy 3.1 Sub-strategy:* Continue public acquisition of natural areas along waterways to enable management strategies that protect water and habitat quality.

*Strategy 5.8* Work to preserve and enhance wetlands, floodplains, and other features that provide natural resiliency against climate change.

#### Chapter 9: Community Facilities & Services

*Strategy 13.1 Sub-strategy:* Prioritize and encourage acquisition of natural areas, particularly along existing and proposed trails and near the Rivanna River, through developer contributions and fee simple purchase.

*Strategy 15.2* Encourage land and easement acquisition along trail corridors to ensure permanent use as trail and the ability to manage land as park space, for multimodal enhancement, and as a green infrastructure resource.

*Strategy 15.3* Ensure that all new trails and trail improvements are designed within the context of surrounding natural systems and urban areas to maximize positive and minimize negative impacts on environmental systems and cultural and historic resources.

### **2022 Urban Rivanna River Corridor Plan**

#### Environmental Protection Recommendations

*Recommendation 2* Retain and steward natural habitats and systems throughout the river corridor.

*Recommendation 8* Protect and enhance forests within the river corridor with particular focus on the 100' stream buffer zone.

#### Recreational Activities Recommendations

*Recommendation 4* Increase the number and type of public access points to the river and waterfront for better public use and enjoyment of the water, with special consideration for accessibility for people with limited mobility.

#### Multipurpose Trails and Bridges Recommendations

*Recommendation 9* Consider opportunities to expand community-wide access to the Rivanna River Corridor through a variety of modes.

Several goals of the 2021 Comprehensive Plan and 2022 Urban Rivanna River Corridor Plan (an amendment to the comprehensive plan) speak to importance of protecting tree canopy and habitats, particularly in areas within the Rivanna River corridor and near local waterways. The 2020 City GreenPrint 1.0 plan (an appendix of the comprehensive plan) identifies the forested area of Lot A as part of a larger tree canopy patch, and notes such patches can provide wildlife habitat, infiltration of stormwater, and other ecological benefits beyond those provided by individual tree plantings. Donation of Lot A will allow the City to preserve and protect the environmental resources on the lot.

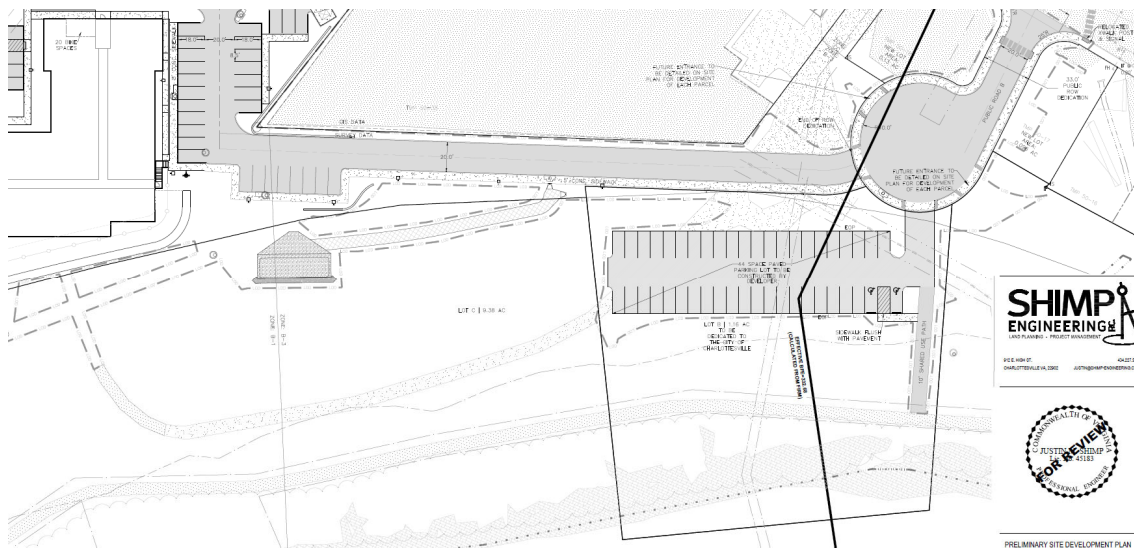


Several goals of the 2021 Comprehensive Plan and 2022 Urban Rivanna River Corridor Plan speak to importance of increasing public access to the Rivanna River and trail network. The 2015 Bicycle and Pedestrian Master Plan (an amendment to the comprehensive plan) recommends a new shared use path connection in the area of Lot A between the Rivanna River Trail and Fairway Avenue. Therefore, the trail network proposed on Lot A will provide an additional connection to the Rivanna River in a priority location.

**Lot B**

Lot B is 1.16 acres in area with frontage on the proposed Public Road B. In addition to the proposed public trail parking lot with trail access to the Rivanna Trail, Lot B also encompasses a portion of the existing Rivanna Trail and Rivanna River riverbank. Lot B contains areas of floodplain (BFE) and floodway of the Rivanna River. Proposed disturbance on Lot B is limited to the area of the proposed public trail parking lot with trail access detailed below.

*Proposed Lot Dedication, Public Parking Lot, and Trail Network – Preliminary Site Plan dated June 2, 2023*



*Rivanna Trail**Critical Slopes**Riverview Park Proximity*

*Staff Analysis:* Per Section 34-241(a), the floodplain ordinance applies to both privately and publicly owned land within the Special Flood Hazard Area (SFHA) developed by the Federal Emergency Management Agency (FEMA). Per Section 34-256(b), a floodplain permit is required prior to the approval of a final site plan for the proposed development. Section 34-256(a) states that *under no circumstances shall a permit be issued to authorize any use, activity, and/or development that would adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.* Therefore, the final design of the proposed parking lot and trail must comply with the floodplain ordinance and demonstrate no adverse effect in order to receive approval.

Below are specific areas of the Comprehensive Plan and approved amendments with which the dedication of Lot B may be in line:

### **2021 Comprehensive Plan**

#### Chapter 6: Transportation

*Strategy 8.7* Seek opportunities for private donations of trail easements and construction of trail enhancements such as bridges or interpretive signage.

#### Chapter 7: Environment, Climate, and Food Equity

*Strategy 3.1 Sub-strategy:* Improve regional public access to the river.

#### Chapter 9: Community Facilities & Services

*Strategy 15.2* Encourage land and easement acquisition along trail corridors to ensure permanent use as trail and the ability to manage land as park space, for multimodal enhancement, and as a green infrastructure resource.

*Strategy 15.3* Ensure that all new trails and trail improvements are designed within the context of surrounding natural systems and urban areas to maximize positive and minimize negative impacts on environmental systems and cultural and historic resources.

### **2022 Urban Rivanna River Corridor Plan**

#### Recreational Activities Recommendations

*Recommendation 4* Increase the number and type of public access points to the river and waterfront for better public use and enjoyment of the water, with special consideration for accessibility for people with limited mobility.

#### Multipurpose Trails and Bridges Recommendations

*Recommendation 9* Consider opportunities to expand community-wide access to the Rivanna River Corridor through a variety of modes.

Several goals of the 2021 Comprehensive Plan and 2022 Urban Rivanna River Corridor Plan speak to importance of increasing public access to the Rivanna River and trail network. Riverview Park, located approximately one (1) mile south as measured along the Rivanna Trail, is the nearest public parking facility providing access to the Rivanna Trail. The high utilization rate of parking at Riverview Park indicates additional public parking facilities would improve community access to the Rivanna Trail. Therefore, the proposed public trail parking and associated trail connection to the Rivanna Trail will provide an additional connection to the Rivanna River in a priority location.

## **Public Comment**

Many members of the public have provided comments to staff, the Planning Commission, and City Council on the associated preliminary site plan since the application was first filed in August 2022. While many comments focus on the associated private development (which is not under Planning Commission review for comprehensive plan compliance), the following items were noted by multiple members of the public regarding the facilities under review by the Planning Commission:

- Public Roads A and B do not provide connectivity, do not adequately address traffic conditions, and do not align with the comprehensive plan.
- The importance of maintaining public access to the Rivanna River Trail.
- The importance of preserving the floodplain and existing vegetation/wildlife habitat.
- The desire to see the property to become a public park or natural area.
- Construction of the public parking lot on Lot B will negatively impact the Rivanna River.

## **Staff Recommendations**

Staff recommends the Planning Commission consider each facility individually:

- Public Road A
- Public Road B
- Widening of Caroline Avenue and Fairway Avenue
- Lot A with public trail (lot donation and trail may be considered separately)
- Lot B with public parking and public trail (lot donation, parking lot, and trail may be considered separately)

## **Suggested Motions**

1. I move to approve the general character, location, and extents of all public facilities proposed as part of the O E High preliminary site plan as substantially in accord with the adopted comprehensive plan.
- OR,**
2. I move to approve only the general character, location, and extents of the following public facilities proposed as a part of the O E High preliminary site plan as substantially in accord with the adopted comprehensive plan.
    - a.
    - b.

**OR,**

3. I move to deny the general character, location, and extents of all public facilities proposed as a part of the O E High preliminary site plan are substantially in accord with the adopted comprehensive plan.

### **Attachments**

- A. Preliminary Site Plan dated June 2, 2023



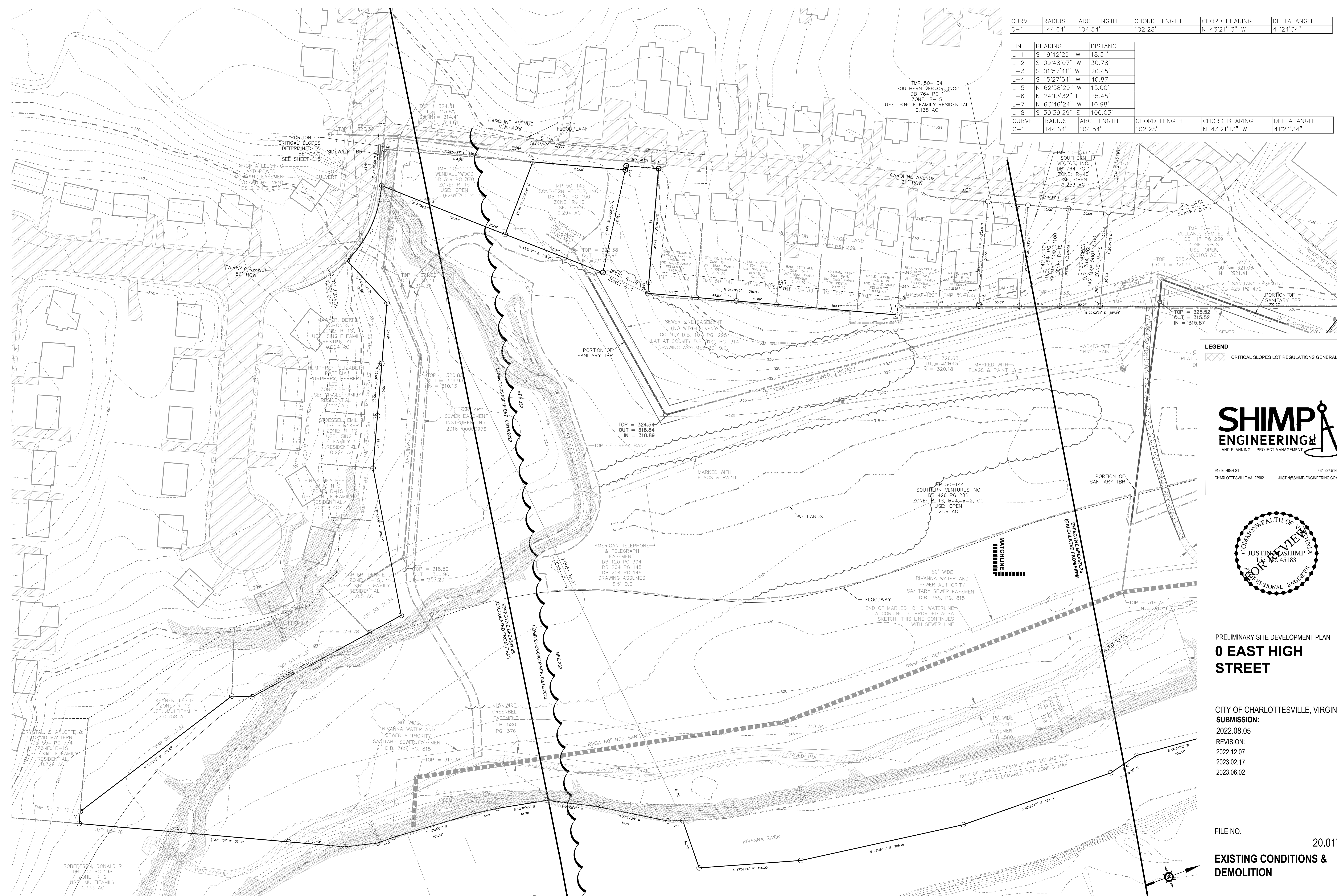
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C-1	144.64'	104.54'	102.28'	N 43°21'13" W	41°24'34"

LINE	BEARING	DISTANCE
L-1	S 19°42'29" W	18.31'
L-2	S 09°48'07" W	30.78'
L-3	S 01°57'41" W	20.45'
L-4	S 15°27'54" W	40.87'
L-5	N 62°58'29" W	15.00'
L-6	N 24°13'32" E	25.45'
L-7	N 63°46'24" W	10.98'
L-8	S 30°39'29" E	100.03'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C-1	144.64'	104.54'	102.28'	N 43°21'13" W	41°24'34"



**LEGEND**  
 CRITICAL SLOPES LOT REGULATIONS GENERAL

**SHIMP ENGINEERING & ARCHITECTURE**  
 LAND PLANNING • PROJECT MANAGEMENT  
 912 E. HIGH ST. CHARLOTTEVILLE VA, 22902  
 434.227.5140 JUSTIN@SHIMP-ENGINEERING.COM

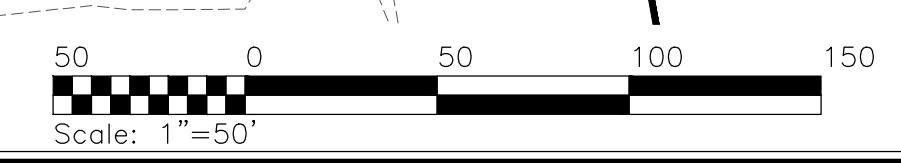


**PRELIMINARY SITE DEVELOPMENT PLAN**  
**0 EAST HIGH STREET**

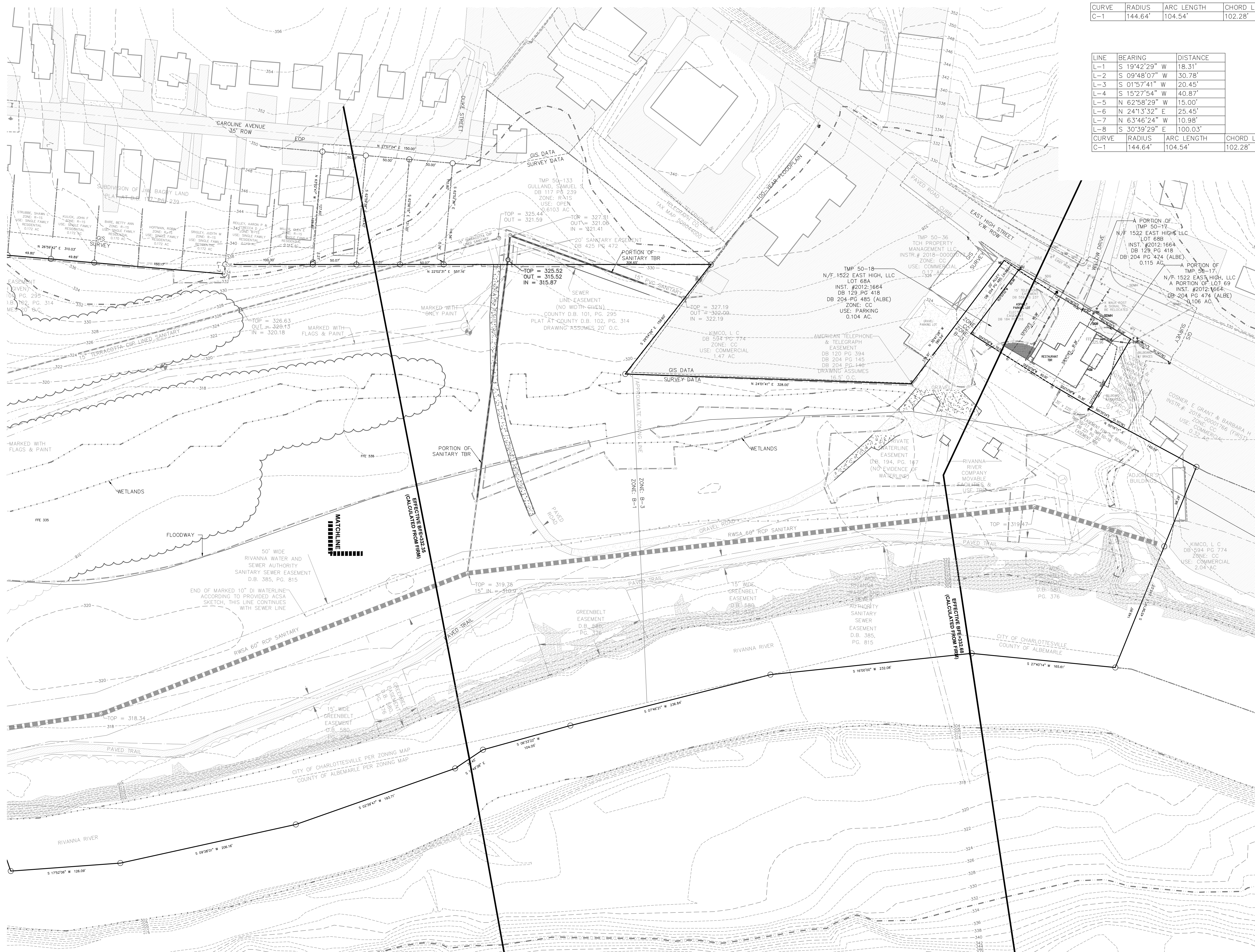
CITY OF CHARLOTTEVILLE, VIRGINIA  
**SUBMISSION:** 2022.08.05  
**REVISION:** 2022.12.07  
 2023.02.17  
 2023.06.02

FILE NO. 20.017

**EXISTING CONDITIONS & DEMOLITION**



**C2**

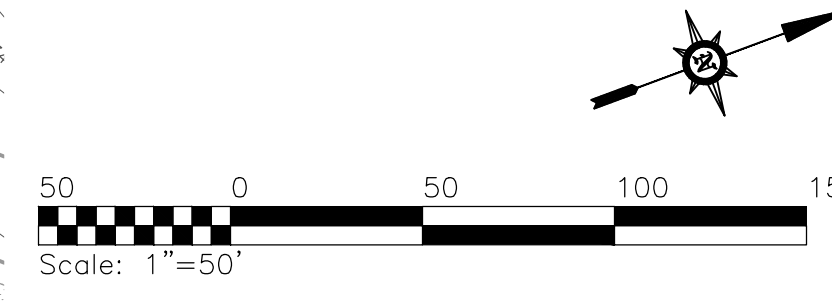


CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C-1	144.64'	104.54'	102.28'	N 43°21'13" W	41°24'34"

LINE	BEARING	DISTANCE
L-1	S 19°42'29" W	18.31'
L-2	S 09°48'07" W	30.78'
L-3	S 01°57'41" W	20.45'
L-4	S 15°27'54" W	40.87'
L-5	N 62°58'29" W	15.00'
L-6	N 24°13'32" E	25.45'
L-7	N 63°46'24" W	10.98'
L-8	S 30°39'29" E	100.03'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C-1	144.64'	104.54'	102.28'	N 43°21'13" W	41°24'34"

BOUNDARY CURVE TABLE: 50-17 & 50-18						
Curve	Length	Radius	Delta	Tangent	Chord	Chord Bearing
C1	49.96'	1456.40'	1°57'56"	24.98'	49.96'	N 55°00'43" E
C2	6.63'	1456.40'	0°15'39"	3.31'	6.63'	N 53°53'56" E



**LEGEND**  
 CRITICAL SLOPES LOT REGULATIONS GENERAL

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PRELIMINARY SITE DEVELOPMENT PLAN  
**0 EAST HIGH STREET**

CITY OF CHARLOTTEVILLE, VIRGINIA  
**SUBMISSION:** 2022.08.05  
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 2022.12.07  
 2023.02.17  
 2023.06.02

FILE NO. 20.017

**EXISTING CONDITIONS & DEMOLITION**

**C3**





**LEGEND**  
 CRITICAL SLOPES LOT REGULATIONS GENERAL



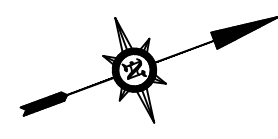
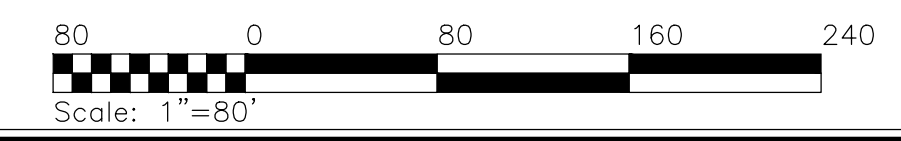
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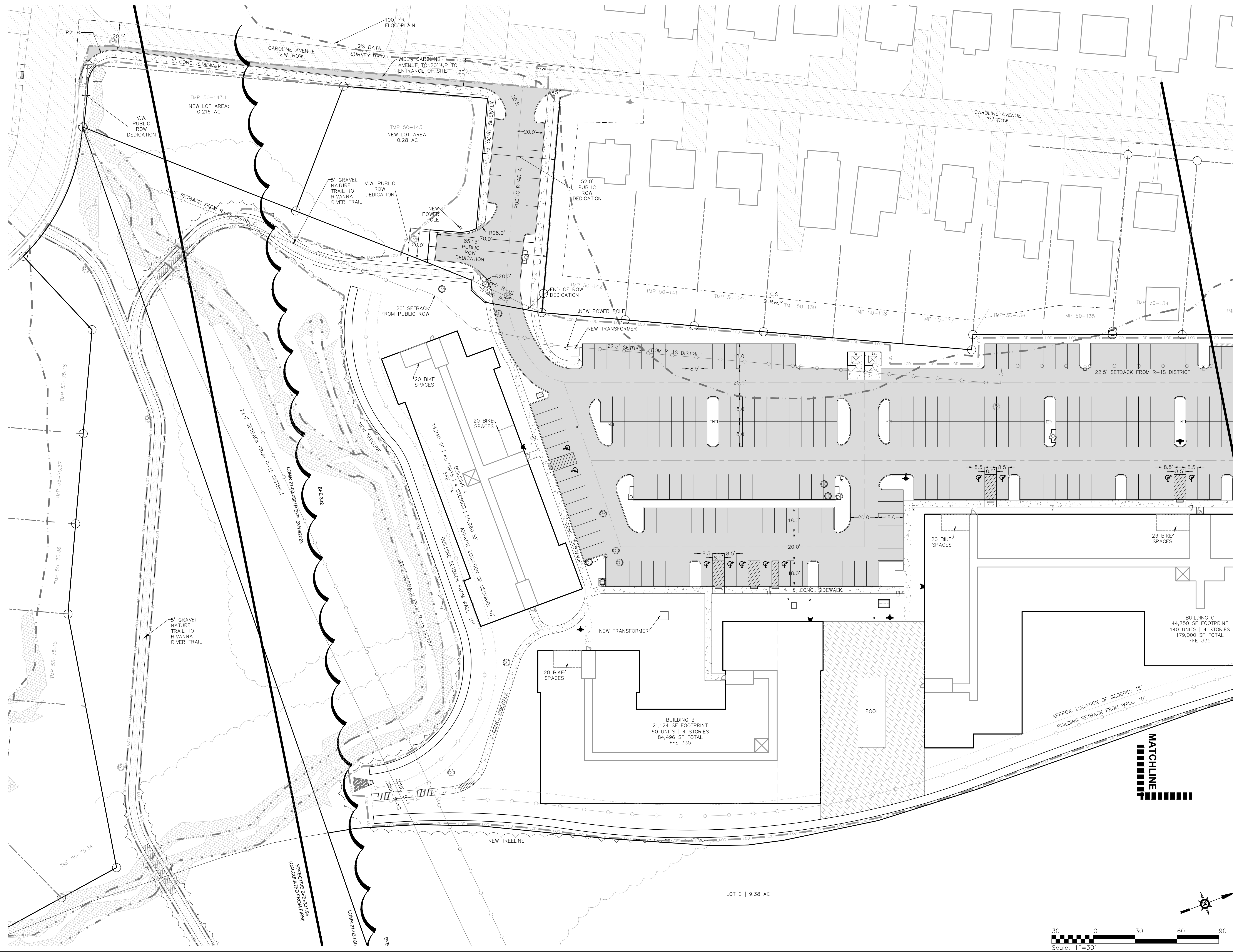
PRELIMINARY SITE DEVELOPMENT PLAN  
**0 EAST HIGH STREET**

CITY OF CHARLOTTESVILLE, VIRGINIA  
**SUBMISSION:** 2022.08.05  
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FILE NO. 20.017  
**SITE LAYOUT OVERVIEW**



**C4**



**LEGEND**  
 CRITICAL SLOPES LOT REGULATIONS GENERAL



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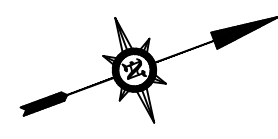
PRELIMINARY SITE DEVELOPMENT PLAN  
**0 EAST HIGH STREET**

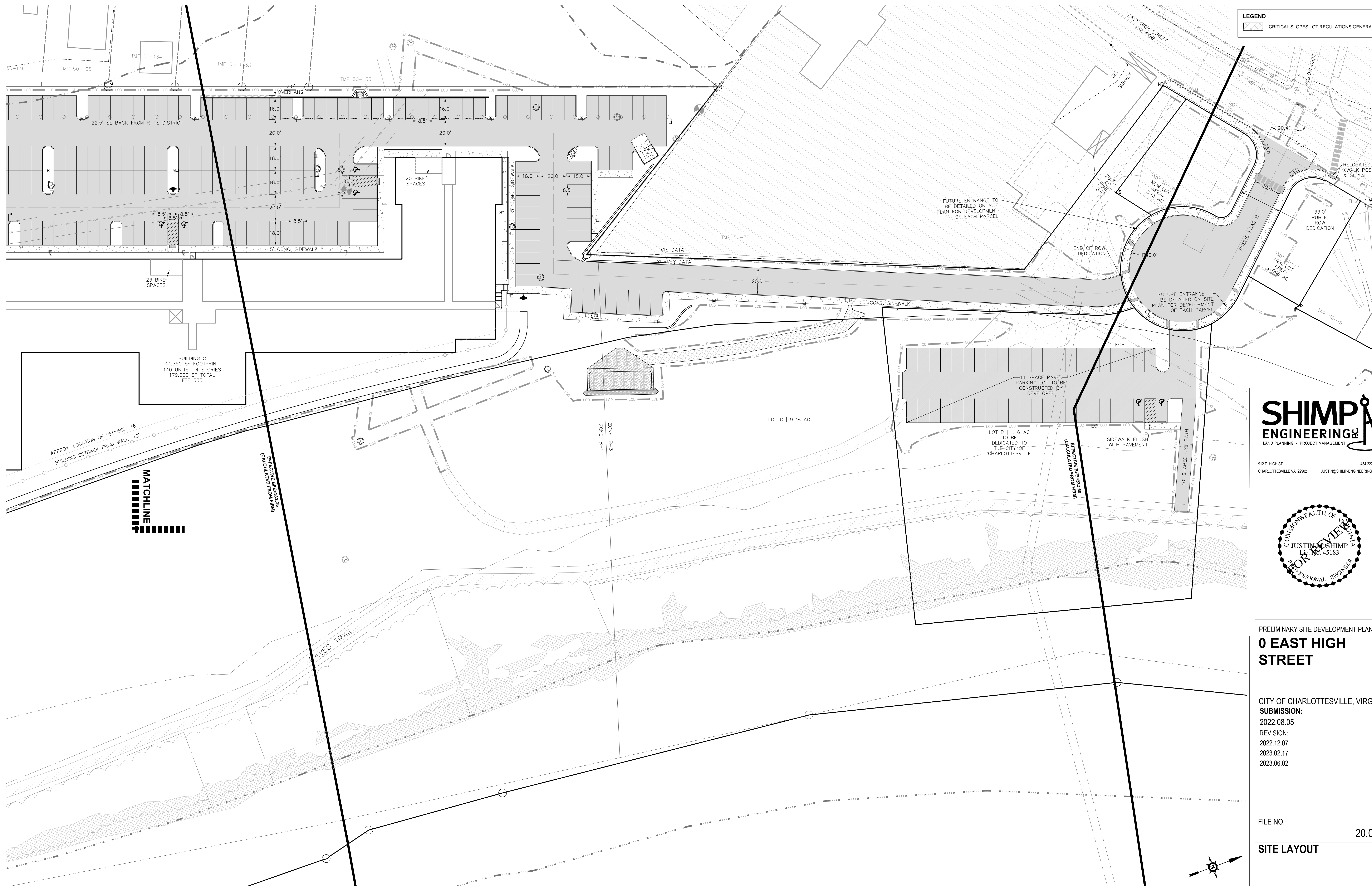
CITY OF CHARLOTTEVILLE, VIRGINIA  
**SUBMISSION:** 2022.08.05  
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 2022.12.07  
 2023.02.17  
 2023.06.02

FILE NO. 20.017

**SITE LAYOUT**

**C5**





**LEGEND**  
 CRITICAL SLOPES LOT REGULATIONS GENERAL

BUILDING C  
 44,750 SF FOOTPRINT  
 140 UNITS | 4 STORIES  
 179,000 SF TOTAL  
 FFE 335

**MATCHLINE**

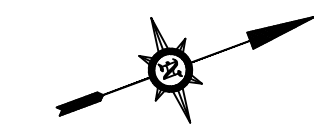
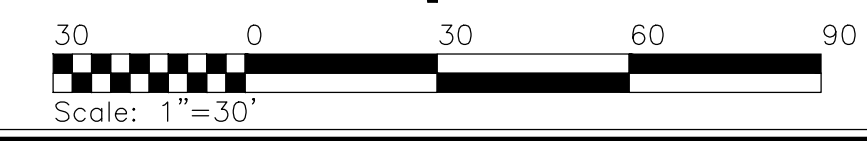
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PRELIMINARY SITE DEVELOPMENT PLAN  
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 2023.06.02

FILE NO. 20.017  
**SITE LAYOUT**



**C6**



**SANITARY SEWER MANHOLE NOTE:**  
ALL NEW MANHOLES SHALL HAVE WATERTIGHT LIDS

**LEGEND**  
CRITICAL SLOPES LOT REGULATIONS GENERAL



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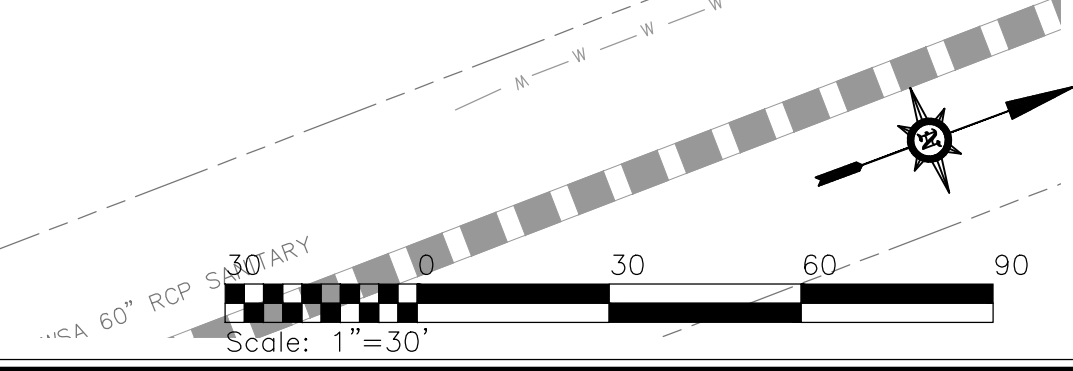


PRELIMINARY SITE DEVELOPMENT PLAN  
**0 EAST HIGH STREET**

CITY OF CHARLOTTEVILLE, VIRGINIA  
**SUBMISSION:** 2022.08.05  
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2023.02.17  
2023.06.02

FILE NO. 20.017  
**GRADING & UTILITY PLAN**

**C7**





**LEGEND**  
 CRITICAL SLOPES LOT REGULATIONS GENERAL

**MATCHLINE**

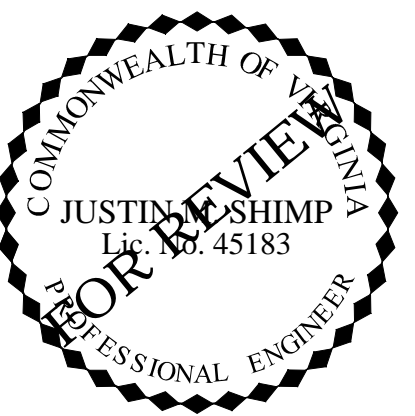
ENGINEERED ELEVATION  
 (CALCULATED FROM FINISH)

ENGINEERED ELEVATION  
 (CALCULATED FROM FINISH)

10' SHARED USE PATH



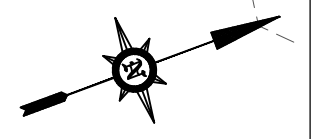
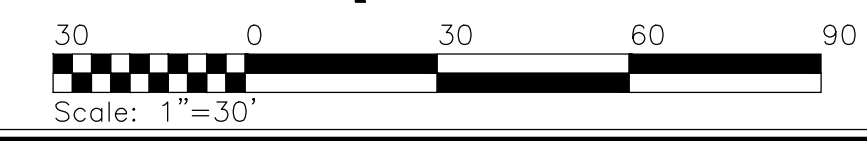
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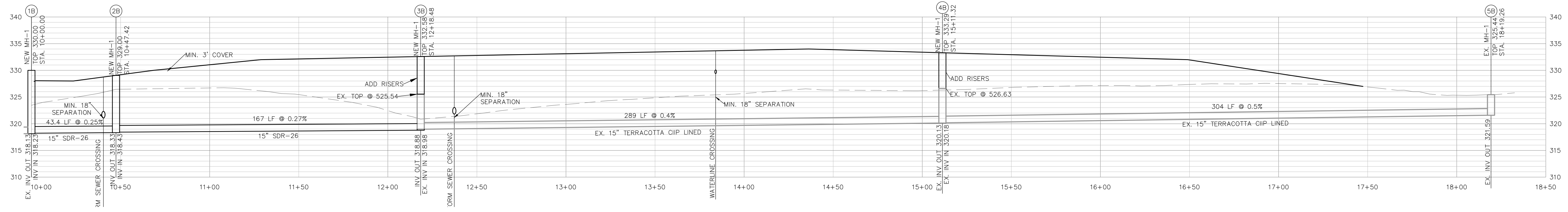
PRELIMINARY SITE DEVELOPMENT PLAN  
**0 EAST HIGH STREET**

CITY OF CHARLOTTESVILLE, VIRGINIA  
**SUBMISSION:**  
 2022.08.05  
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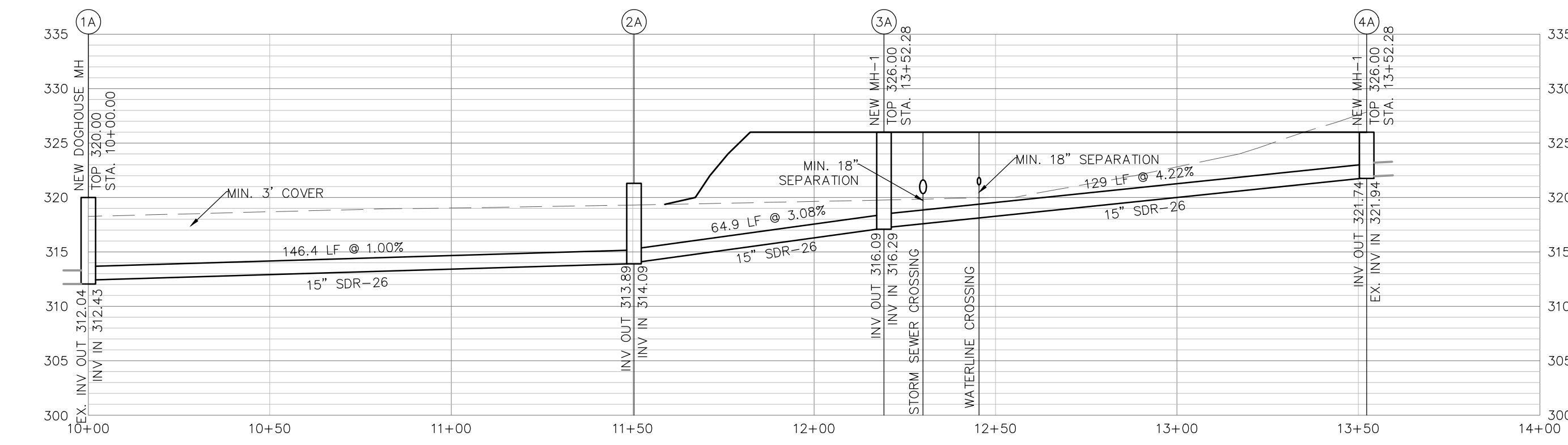
FILE NO. 20.017  
**GRADING & UTILITY PLAN**



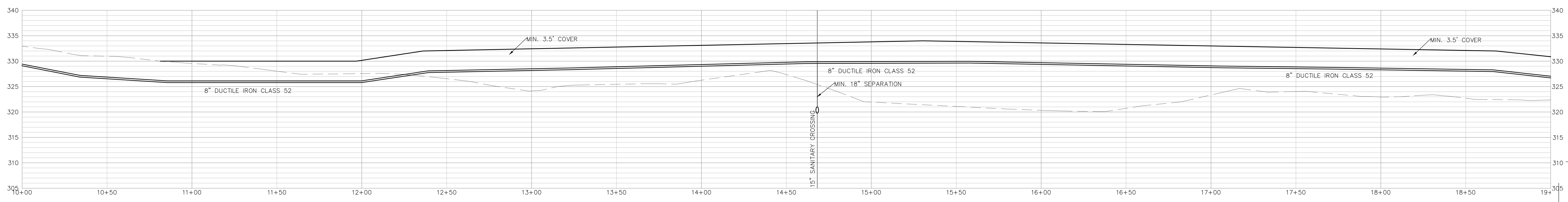
**C8**



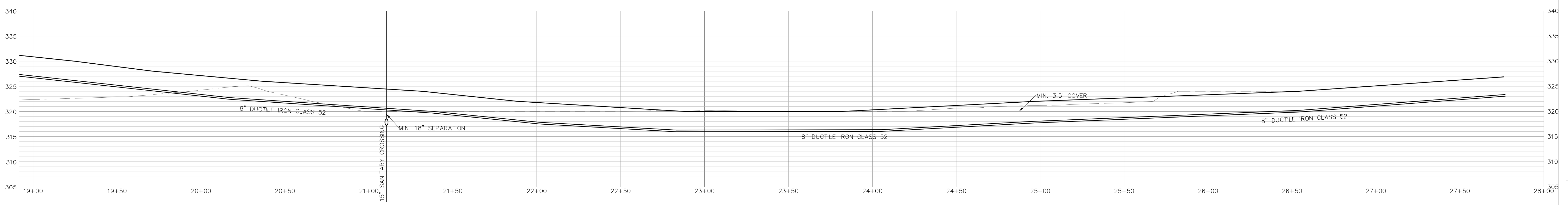
1 SANITARY SEWER PROFILE 1B-4B  
 C9 HORIZ. SCALE: 1"=30', VERT. SCALE: 1"=10'



2 SANITARY SEWER PROFILE 1A-4A  
 C9 HORIZ. SCALE: 1"=30', VERT. SCALE: 1"=10'



3 WATER MAIN PROFILE - 1  
 C9 HORIZ. SCALE: 1"=30', VERT. SCALE: 1"=10'



4 WATER MAIN PROFILE - 2  
 C9 HORIZ. SCALE: 1"=30', VERT. SCALE: 1"=10'

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PRELIMINARY SITE DEVELOPMENT PLAN  
**0 EAST HIGH STREET**

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**PRELIMINARY UTILITY PROFILES**

**C9**

### Preliminary Quality Calculations

Preliminary site development plan shows conceptual stormwater management plans. Final site plan shall include all required calculations to demonstrate compliance with the outlined methodologies per each outfall.

### Drainage Areas

Refer to sheet C11 for water quality analysis. Final plans shall include all drawings and calculations as applicable per the requirements of each outfall.

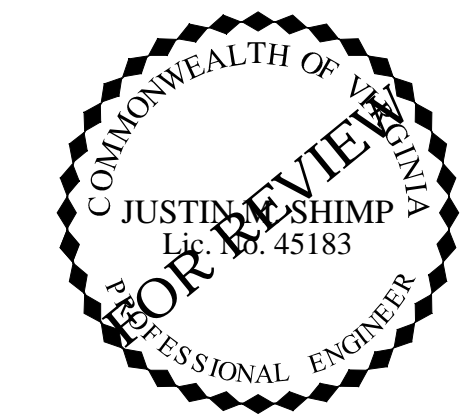
### Overall SWM Quality Strategy

The existing site is a mixture of woods and managed turf. The VRRM new development spreadsheet will compute the required nutrient credits required based upon the proposed development and those credits will be purchased from an approved nutrient credit bank.

**LEGEND**  
CRITICAL SLOPES LOT REGULATIONS GENERAL



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PRELIMINARY SITE DEVELOPMENT PLAN

## 0 EAST HIGH STREET

CITY OF CHARLOTTESVILLE, VIRGINIA

**SUBMISSION:**

2022.08.05

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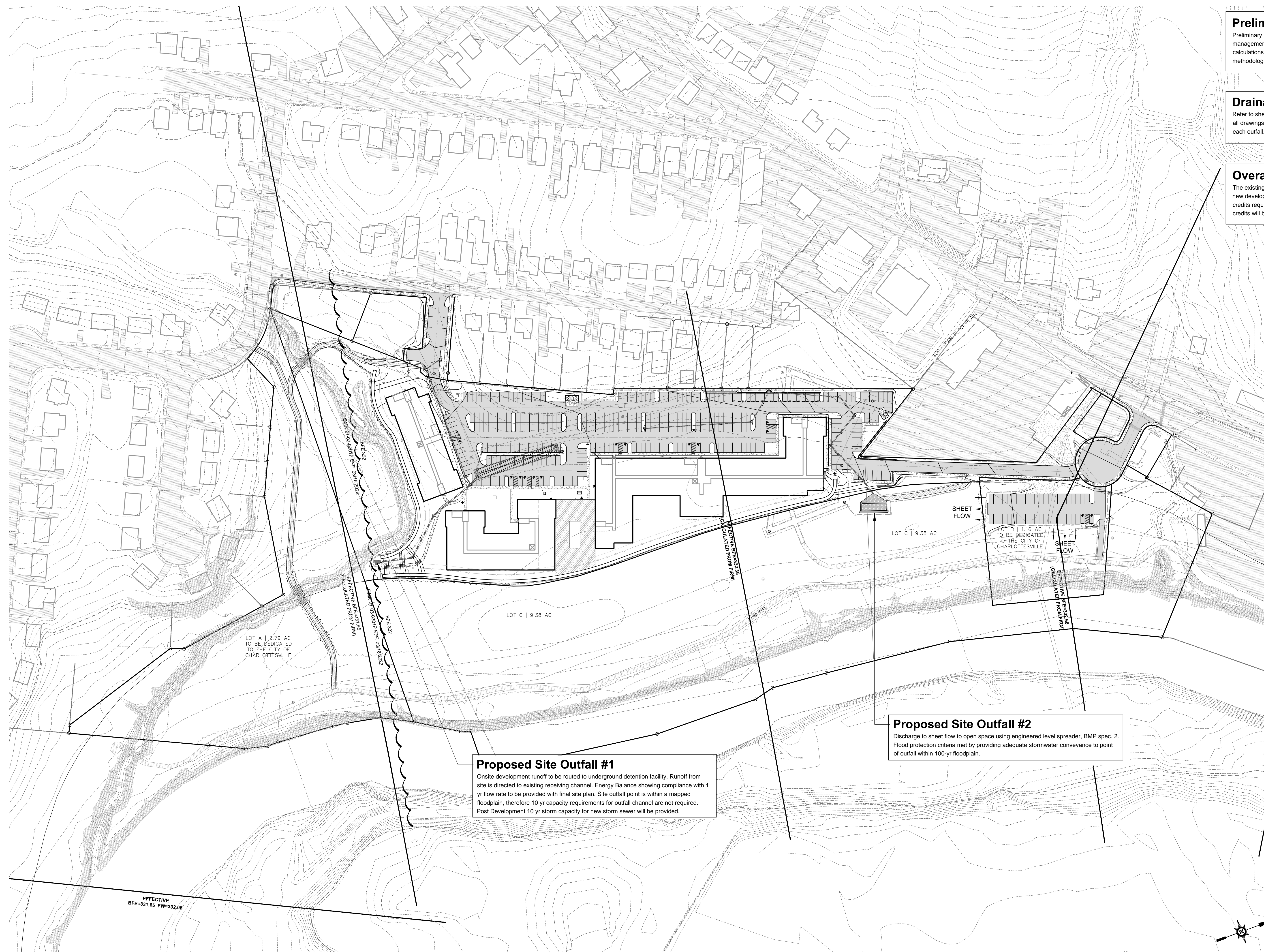
2023.06.02

FILE NO.

20.017

## STORMWATER MANAGEMENT CONCEPT

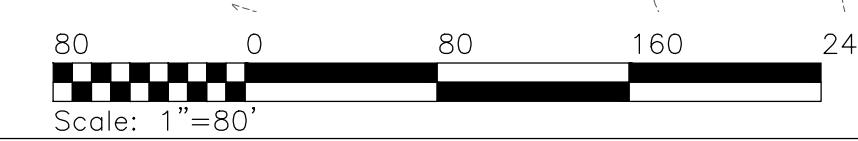
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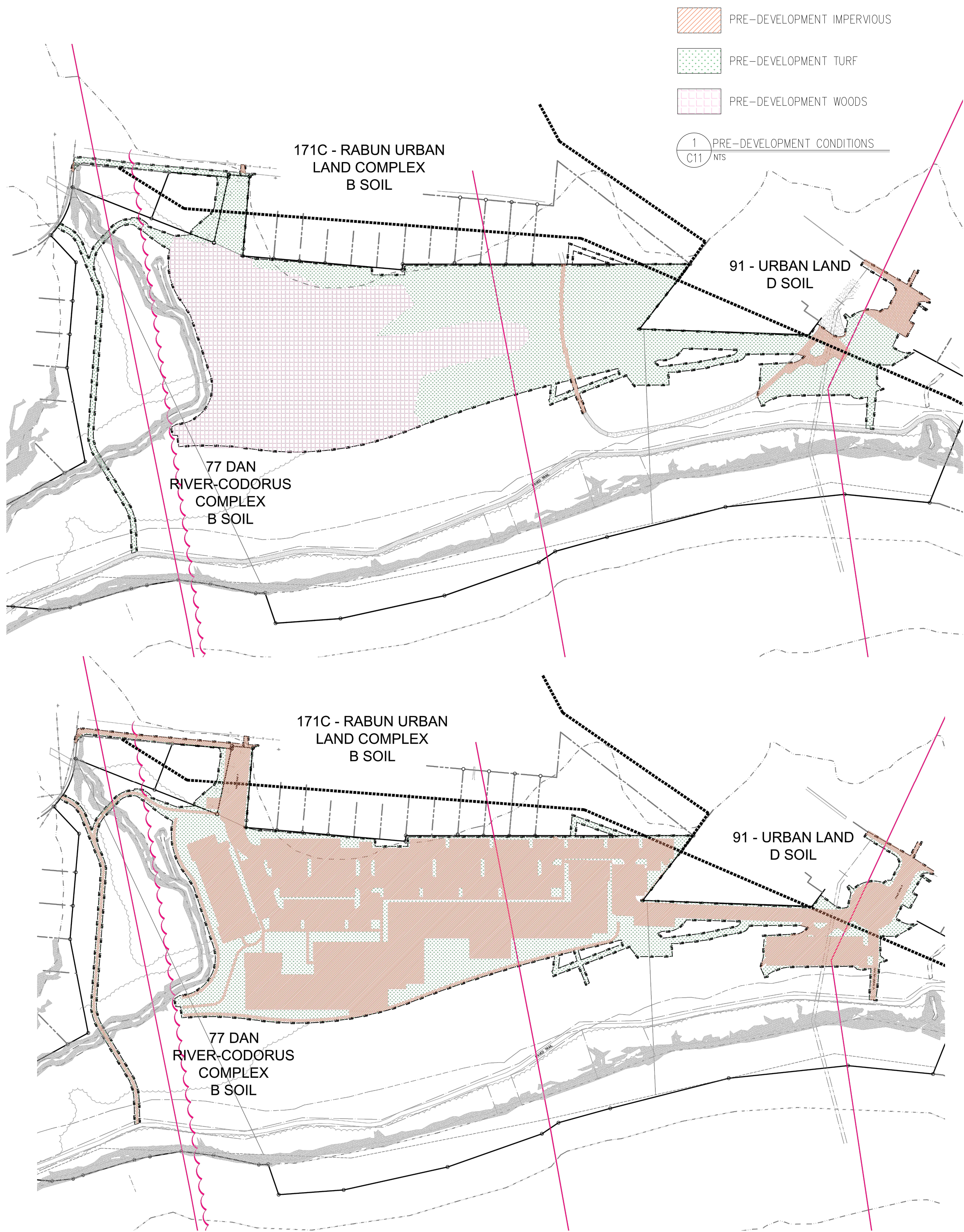


**Proposed Site Outfall #1**  
Onsite development runoff to be routed to underground detention facility. Runoff from site is directed to existing receiving channel. Energy Balance showing compliance with 1 yr flow rate to be provided with final site plan. Site outfall point is within a mapped floodplain, therefore 10 yr capacity requirements for outfall channel are not required. Post Development 10 yr storm capacity for new storm sewer will be provided.

**Proposed Site Outfall #2**  
Discharge to sheet flow to open space using engineered level spreader, BMP spec. 2. Flood protection criteria met by providing adequate stormwater conveyance to point of outfall within 100-yr floodplain.

EFFECTIVE  
BFE=331.65 FW=332.06





**Site Results (Water Quality Compliance)**

Area Checks	D.A. A	D.A. B	D.A. C	D.A. D	D.A. E	AREA CHECK
FOREST/OPEN SPACE (ac)	0.00	0.00	0.00	0.00	0.00	OK.
IMPERVIOUS COVER (ac)	0.00	0.00	0.00	0.00	0.00	OK.
IMPERVIOUS COVER TREATED (ac)	0.00	0.00	0.00	0.00	0.00	OK.
MANAGED TURF AREA (ac)	0.00	0.00	0.00	0.00	0.00	OK.
MANAGED TURF AREA TREATED (ac)	0.00	0.00	0.00	0.00	0.00	OK.
AREA CHECK	OK.	OK.	OK.	OK.	OK.	

Site Treatment Volume (ft <sup>3</sup> )	21,572
--	--------

Runoff Reduction Volume and TP By Drainage Area	D.A. A	D.A. B	D.A. C	D.A. D	D.A. E	TOTAL
RUNOFF REDUCTION VOLUME ACHIEVED (ft <sup>3</sup> )	0	0	0	0	0	0
TP LOAD AVAILABLE FOR REMOVAL (lb/yr)	0.00	0.00	0.00	0.00	0.00	0.00
TP LOAD REDUCTION ACHIEVED (lb/yr)	0.00	0.00	0.00	0.00	0.00	0.00
TP LOAD REMAINING (lb/yr)	0.00	0.00	0.00	0.00	0.00	0.00
NITROGEN LOAD REDUCTION ACHIEVED (lb/yr)	0.00	0.00	0.00	0.00	0.00	0.00

Total Phosphorus	13.55
FINAL POST-DEVELOPMENT TP LOAD (lb/yr)	13.55
TP LOAD REDUCTION REQUIRED (lb/yr)	10.23
TP LOAD REDUCTION ACHIEVED (lb/yr)	0.00
TP LOAD REMAINING (lb/yr)	13.55
REMAINING TP LOAD REDUCTION REQUIRED (lb/yr):	10.23

Total Nitrogen (For Information Purposes)	96.96
POST-DEVELOPMENT LOAD (lb/yr)	96.96
NITROGEN LOAD REDUCTION ACHIEVED (lb/yr)	0.00
REMAINING POST-DEVELOPMENT NITROGEN LOAD (lb/yr)	96.96

DEQ Virginia Runoff Reduction Method New Development Compliance Spreadsheet - Version 3.0

2011 BMP Standards and Specifications | 2013 Draft BMP Standards and Specifications

Project Name: 0 E High Street  
Date: 6/2/2023

**Site Information**

Post-Development Project (Treatment Volume and Loads)

Land Cover (acres)	A Soils	B Soils	C Soils	D Soils	Totals
Forest/Open Space (acres) - undisturbed, protected forest/open space or reforested land				0.11	0.11
Managed Turf (acres) - disturbed, graded for yards or other turf to be mowed/managed		2.24			2.24
Impervious Cover (acres)	5.48		0.28		5.76
					8.11

Constants	Value
Annual Rainfall (inches)	43
Target Rainfall Event (inches)	1.00
Total Phosphorus (TP) EMC (mg/L)	0.26
Total Nitrogen (TN) EMC (mg/L)	1.86
Target TP load (lb/acre/yr)	0.41
g (unitless correction factor)	0.90

Runoff Coefficients (Rv)	A Soils	B Soils	C Soils	D Soils
Forest/Open Space	0.02	0.03	0.04	0.05
Managed Turf	0.15	0.20	0.22	0.25
Impervious Cover	0.95	0.95	0.95	0.95

Post-Development Requirement for Site Area

TP Load Reduction Required (lb/yr)	10.23
------------------------------------	-------

LAND COVER SUMMARY -- POST DEVELOPMENT

Land Cover Summary	Value
Forest/Open Space Cover (acres)	0.00
Weighted Rv (forest)	0.00
% Forest	0%
Managed Turf Cover (acres)	2.24
Weighted Rv (turf)	0.20
% Managed Turf	29%
Impervious Cover (acres)	5.76
Rv (impervious)	0.95
% Impervious	71%
Site Area (acres)	8.11
Site Rv	0.73

Treatment Volume and Nutrient Loads	Value
Treatment Volume (acre-ft)	0.4952
Treatment Volume (cubic feet)	21,572
TP Load (lb/yr)	13.55
TN Load (lb/yr) (Informational Purposes Only)	96.96

**SHIMP ENGINEERING & LAND PLANNING - PROJECT MANAGEMENT**

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PRELIMINARY SITE DEVELOPMENT PLAN  
**0 EAST HIGH STREET**

CITY OF CHARLOTTESVILLE, VIRGINIA  
SUBMISSION: 2022.08.05  
REVISION: 2022.12.07, 2023.02.17, 2023.06.02

FILE NO. 20.017

VRRM MAPS & CALCULATIONS



LANDSCAPE SCHEDULE								
Plant Symbol	Planting Type	Botanical Name	Common Name	Min. Cal./Height	Quantity	Total Height(ft) in 10 Yrs	Canopy SF	Total Canopy SF
⊙	Large Deciduous Tree	Quercus phellos	Willow Oak	2" Cal.	20	31	370	7400
⊗	Large Deciduous Tree	Quercus talcata	Southern Red Oak	2" Cal.	35	31	424	14840
⊖	Large Deciduous Tree	Tilia americana	American Linden	2" Cal.	11	26	191	2101
⊙	Large Deciduous Tree	Ulmus americana	American Elm	2" Cal.	30	25	397	11910
⊙	Large Deciduous Tree	Tilia cordata	Littleleaf Linden	2" Cal.	20	27	249	4980
⊙	Medium Deciduous Tree	Carpinus betulus	European Hornbeam	2" Cal.	10	20	177	1770
⊙	Ornamental Tree	Amelanchier canadensis	Shadblow Serviceberry	6-8' Ht.	21	19	130	2730
⊙	Evergreen Shrub	Myrica cerifera	Southern Wax Myrtle	12" Ht.	64	10	44	2816
⊙	Evergreen Shrub	Viburnum awabuki "Chindo"	Chindo Viburnum	12" Ht.	24	10	22	528
⊕	Evergreen Shrub	Ilex glabra	Inkberry Holly	12" Ht.	51	6	23	1173
⊕	Evergreen Shrub	Photinia x frazeri	Photinia	12" Ht.	18	10	20	360
⊙	Evergreen Shrub	Rhododendron	Azalea	12" Ht.	34	4	10	340
⊙	Evergreen Shrub	Ilex crenata	Soft Touch Holly	12" Ht.	40	5	16	640
⊙	Deciduous Shrub	Cornus amomum	Silky Dogwood	12" Ht.	17	8	72	1224
TOTAL SF:								52812

LANDSCAPING REQUIRED:

SITE REQUIREMENT (SEC. 34-869(b)): 15% CANOPY REQUIRED FOR RESIDENTIAL DENSITIES BETWEEN 10 AND 20 DUA.  
 PROJECT AREA: 7.4 AC (323,756 SF)  
 323,756 SF x 15% = 48,563 SF  
 CANOPY REQUIRED: 48,563 SF  
 CANOPY PROVIDED: 52,812 SF

STREET TREES (SEC. 34-870): 1 LARGE TREE, 40' O.C. ADJ. TO PUBLIC STREET RIGHT-OF-WAY

INTERIOR PARKING AREA (SEC. 24.1.1.9.7): 5% OF THE PAVED PARKING AREA & 1 MEDIUM SHADE TREE PER 8 PARKING SPACES  
 104,027 SF x 5% = 5,202 SF  
 REQUIRED: 5,202 SF  
 PROVIDED: 8,135 SF

320 SURFACE PARKING SPACES PROVIDED  
 REQUIRED: 40 LARGE OR MEDIUM SHADE TREES  
 PROVIDED: 16 LARGE SHADE TREE + 24 MEDIUM SHADE TREES

PARKING LOT SCREENING (SEC. 34-873): A CONTINUOUS LANDSCAPE BUFFER OF AT LEAST 5' IN WIDTH SHALL BE ESTABLISHED BETWEEN THE EDGE OF A PARKING LOT AND AN ADJACENT PROPERTY. ONE LARGE TREE AND THREE SHRUBS SHALL BE PLANTED FOR EVERY 15' OF LENGTH OF THE PROPERTY LINE.

- NOTES:
- All site plantings of trees and shrubs shall be allowed to reach, and be maintained at, mature height; the topping of trees is prohibited. Shrubs and trees shall be pruned minimally and only to support the overall health of the plant.
  - All landscaping and screening shall be maintained in a healthy condition by the current owner or property owners' association and replaced when necessary. Replacement material shall comply with the approved landscape plan.
  - All new planting shown on the plan will be completed after building and road construction to avoid tree planting damage.
  - All disturbed slopes 3:1 or steeper to have low maintenance ground cover.
  - Any existing tree proposed to remain shall be replaced in kind if negatively impacted by improvements associated with this project.

LEGEND

▨ CRITICAL SLOPES LOT REGULATIONS GENERAL

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 LAND PLANNING • PROJECT MANAGEMENT

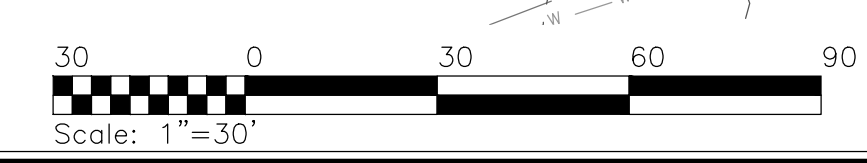
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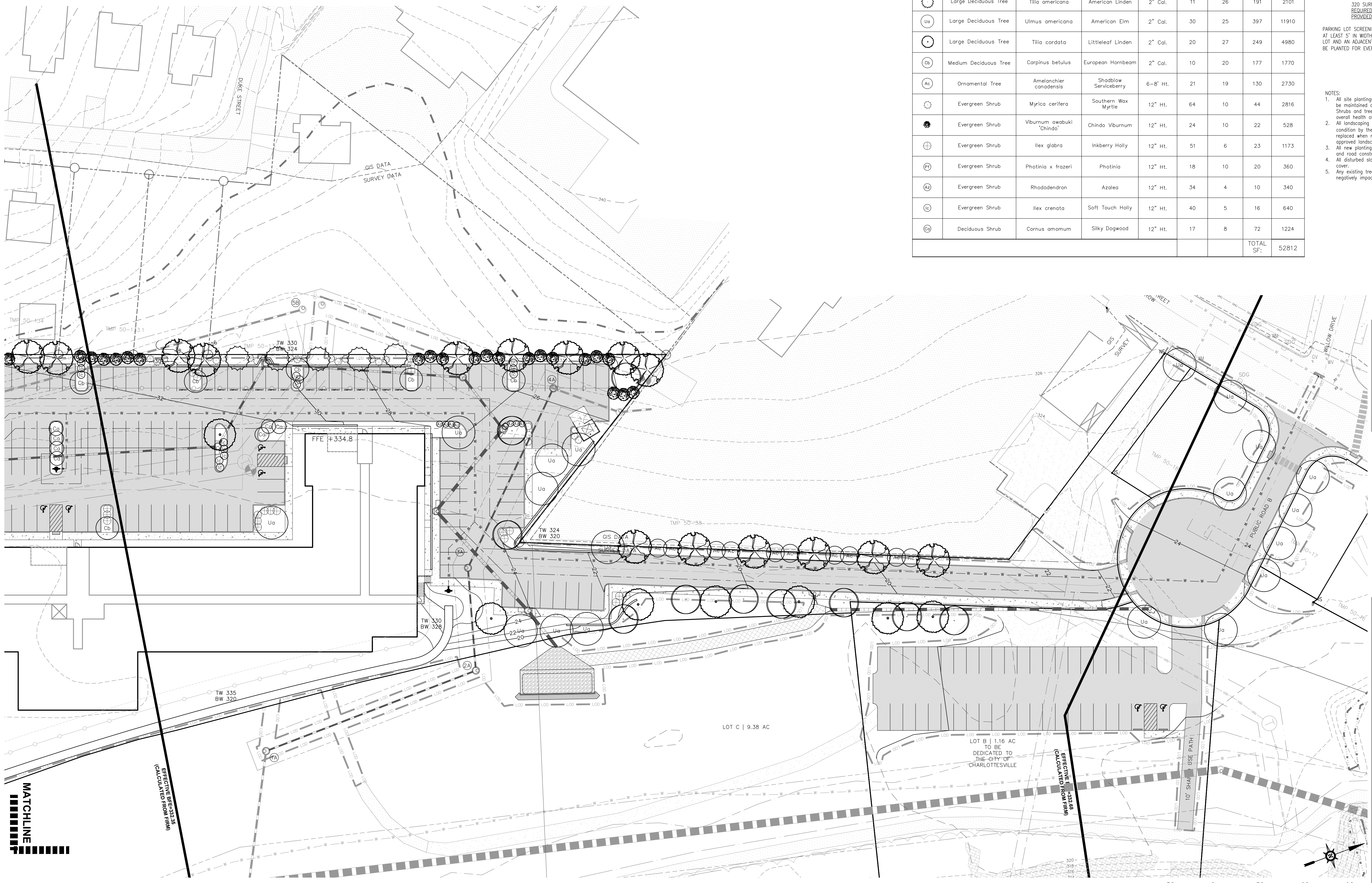
PRELIMINARY SITE DEVELOPMENT PLAN  
**0 EAST HIGH STREET**

CITY OF CHARLOTTEVILLE, VIRGINIA  
**SUBMISSION:** 2022.08.05  
**REVISION:** 2022.12.07  
 2023.02.17  
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FILE NO. 20.017  
**LANDSCAPE PLAN**



**C12**



LANDSCAPE SCHEDULE								
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⊙	Large Deciduous Tree	Tilia americana	American Linden	2" Cal.	11	26	191	2101
⊕	Large Deciduous Tree	Ulmus americana	American Elm	2" Cal.	30	25	397	11910
⊖	Large Deciduous Tree	Tilia cordata	Littleleaf Linden	2" Cal.	20	27	249	4980
⊗	Medium Deciduous Tree	Carpinus betulus	European Hornbeam	2" Cal.	10	20	177	1770
⊙	Ornamental Tree	Amelanchier canadensis	Shadblow Serviceberry	6-8' Ht.	21	19	130	2730
⊕	Evergreen Shrub	Myrica cerifera	Southern Wax Myrtle	12" Ht.	64	10	44	2816
⊗	Evergreen Shrub	Viburnum awabuki 'Chindo'	Chindo Viburnum	12" Ht.	24	10	22	528
⊕	Evergreen Shrub	Ilex glabra	Inkberry Holly	12" Ht.	51	6	23	1173
⊖	Evergreen Shrub	Photinia x fraseri	Photinia	12" Ht.	18	10	20	360
⊕	Evergreen Shrub	Rhododendron	Azalea	12" Ht.	34	4	10	340
⊖	Evergreen Shrub	Ilex crenata	Soft Touch Holly	12" Ht.	40	5	16	640
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 CANOPY PROVIDED: 52,812 SF

STREET TREES (SEC. 34-870): 1 LARGE TREE, 40' O.C. ADJ. TO PUBLIC STREET RIGHT-OF-WAY

INTERIOR PARKING AREA (SEC. 24.11.9.7): 5% OF THE PAVED PARKING AREA & 1 MEDIUM SHADE TREE PER 8 PARKING SPACES  
 104,027 SF x 5% = 5,202 SF  
 REQUIRED: 5,202 SF  
 PROVIDED: 8,135 SF

320 SURFACE PARKING SPACES PROVIDED  
 REQUIRED: 40 LARGE OR MEDIUM SHADE TREES  
 PROVIDED: 16 LARGE SHADE TREE + 24 MEDIUM SHADE TREES

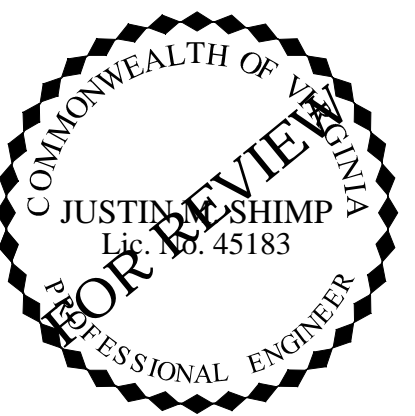
PARKING LOT SCREENING (SEC. 34-873): A CONTINUOUS LANDSCAPE BUFFER OF AT LEAST 5' IN WIDTH SHALL BE ESTABLISHED BETWEEN THE EDGE OF A PARKING LOT AND AN ADJACENT PROPERTY. ONE LARGE TREE AND THREE SHRUBS SHALL BE PLANTED FOR EVERY 15' OF LENGTH OF THE PROPERTY LINE.

NOTES:

- All site plantings of trees and shrubs shall be allowed to reach, and be maintained at, mature height; the topping of trees is prohibited. Shrubs and trees shall be pruned minimally and only to support the overall health of the plant.
- All landscaping and screening shall be maintained in a healthy condition by the current owner or property owners' association and replaced when necessary. Replacement material shall comply with the approved landscape plan.
- All new planting shown on the plan will be completed after building and road construction to avoid tree planting damage.
- All disturbed slopes 3:1 or steeper to have low maintenance ground cover.
- Any existing tree proposed to remain shall be replaced in kind if negatively impacted by improvements associated with this project.

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PRELIMINARY SITE DEVELOPMENT PLAN  
**0 EAST HIGH STREET**

CITY OF CHARLOTTEVILLE, VIRGINIA  
**SUBMISSION:**  
 2022.08.05  
**REVISION:**  
 2022.12.07  
 2023.02.17  
 2023.06.02

FILE NO. 20.017  
**LANDSCAPE PLAN**

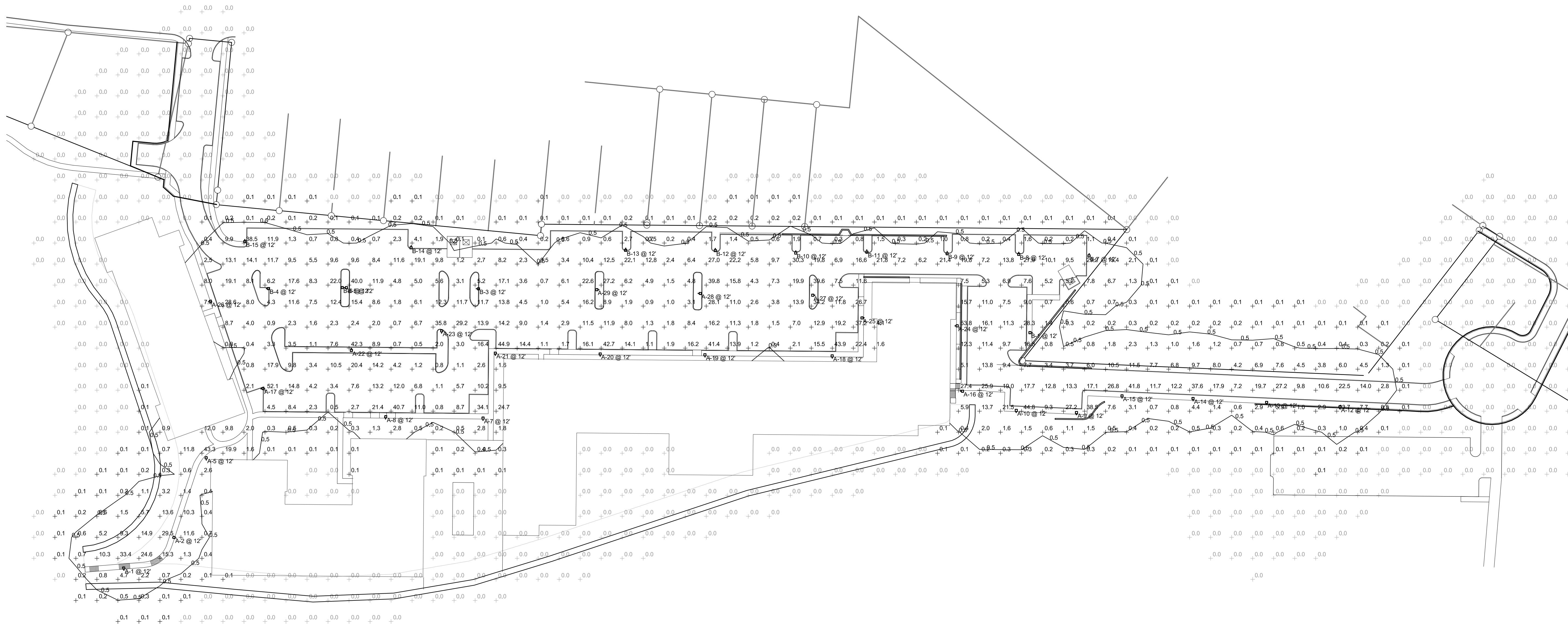
**C13**

**Schedule**

Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Number of Lamps	Filename	Wattage	Light Loss Factor
	A	25	SIGNIFY GARDCO	ECF-L-96L-1.4A-WW-G2-4	EcoForm Area LED ECF - Large, 96 LED's, 3000K CCT, TYPE 4 OPTIC, No Shield	(6) LEDGINE SLD LIGHT ARRAY(S) DRIVEN AT 1370mA	ecf-l-96l-1-4a-ww-g2-4.ies	422.0	1.00
	B	14	SIGNIFY GARDCO	ECF-L-96L-1A-WW-G2-4-HIS	EcoForm Area LED ECF - Large, 96 LED's, 3000K CCT, TYPE 4-HIS OPTIC, House-side Internal Shielding	(6) LEDGINE SLD LIGHT ARRAY(S) DRIVEN AT 1050mA	ecf-l-96l-1a-ww-g2-4-his.ies	316.4	1.00

**Lighting Notes:**

1. Per Sec. 34-1003(c) of the Charlottesville Zoning Ordinance, pole mounted fixtures shall be mounted at a height of 12' from the finished grade which includes the pole base, outside of the public ROW and immediately adjacent to low-density residential districts.
2. Each outdoor luminaire equipped with a lamp that emits 3,000 or more initial lumens shall be a full cutoff luminaire and shall be arranged or shielded to reflect light away from adjoining residential districts and away from adjacent roads. The spillover of lighting from luminaires onto public roads and property in residential or rural areas zoning districts shall not exceed one half footcandle.



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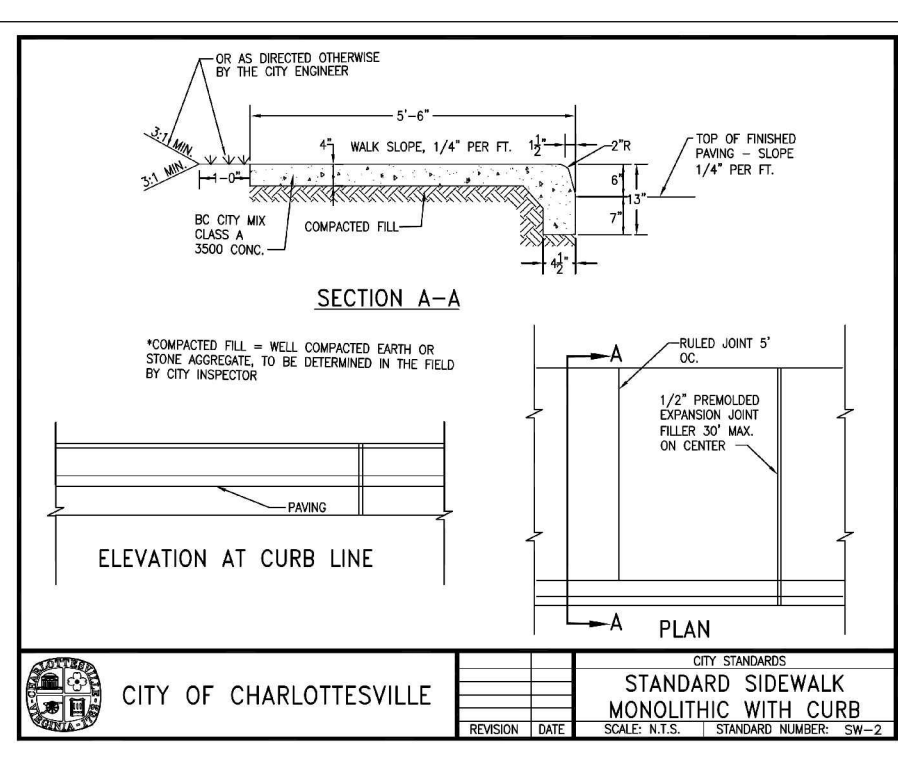


PRELIMINARY SITE DEVELOPMENT PLAN  
**0 EAST HIGH STREET**

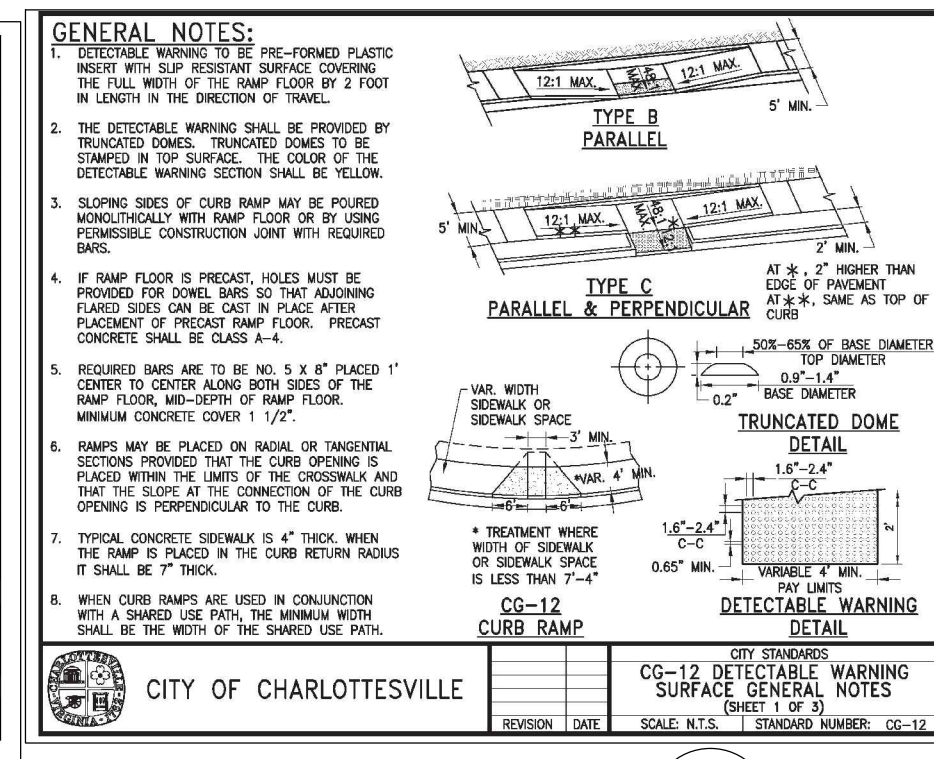
CITY OF CHARLOTTESVILLE, VIRGINIA  
**SUBMISSION:**  
 2022.08.05  
**REVISION:**  
 2022.12.07  
 2023.02.17  
 2023.06.02

FILE NO. **20.017**  
**LIGHTING PLAN**

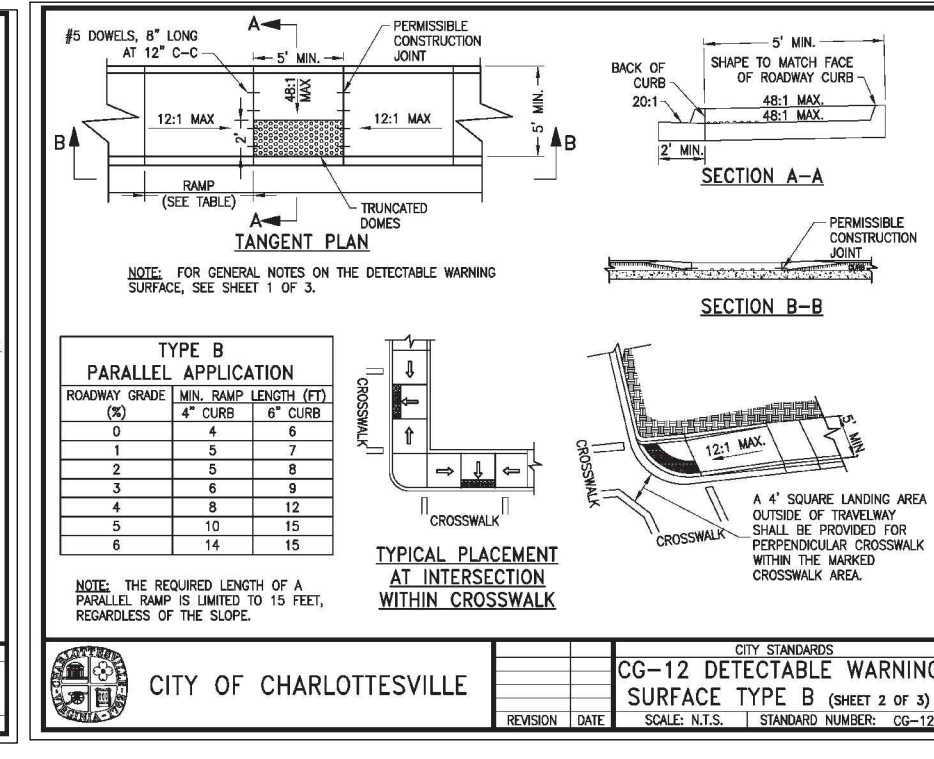
**C14**



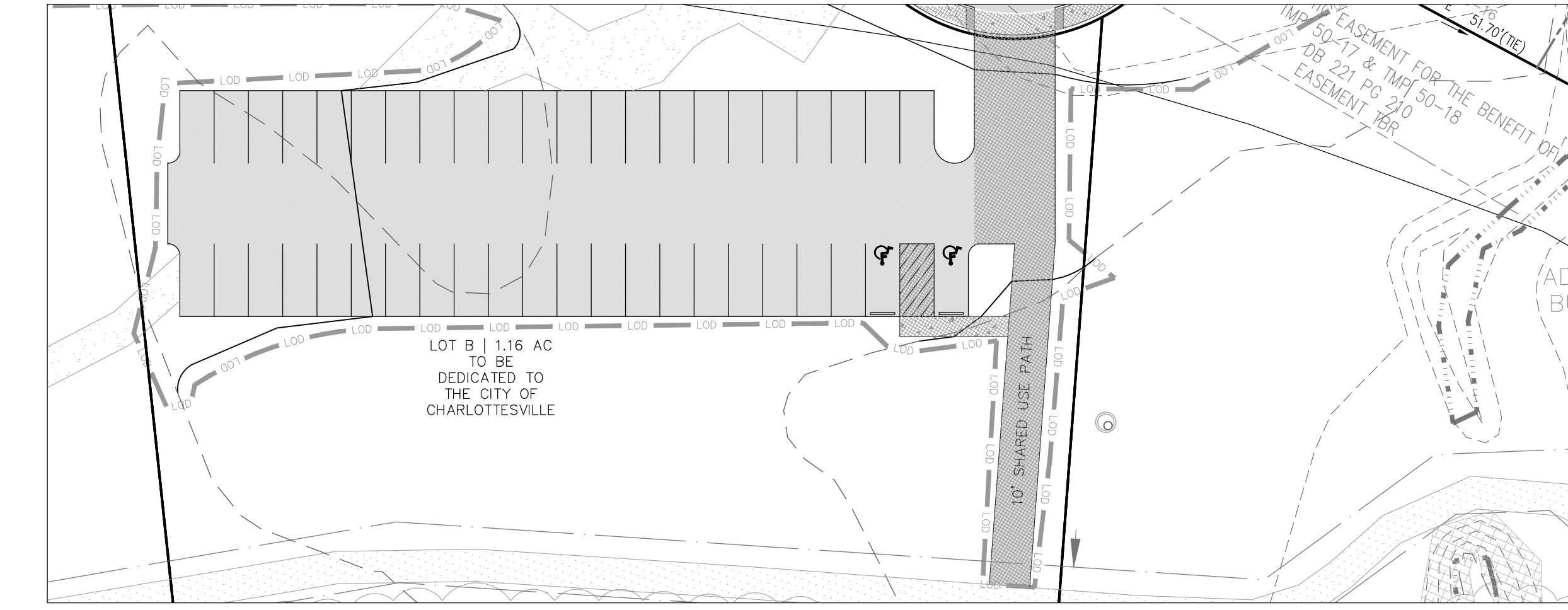
4 CITY OF CHARLOTTESVILLE  
STANDARD SIDEWALK MONOLITHIC W/ CURB  
C15 NOT TO SCALE



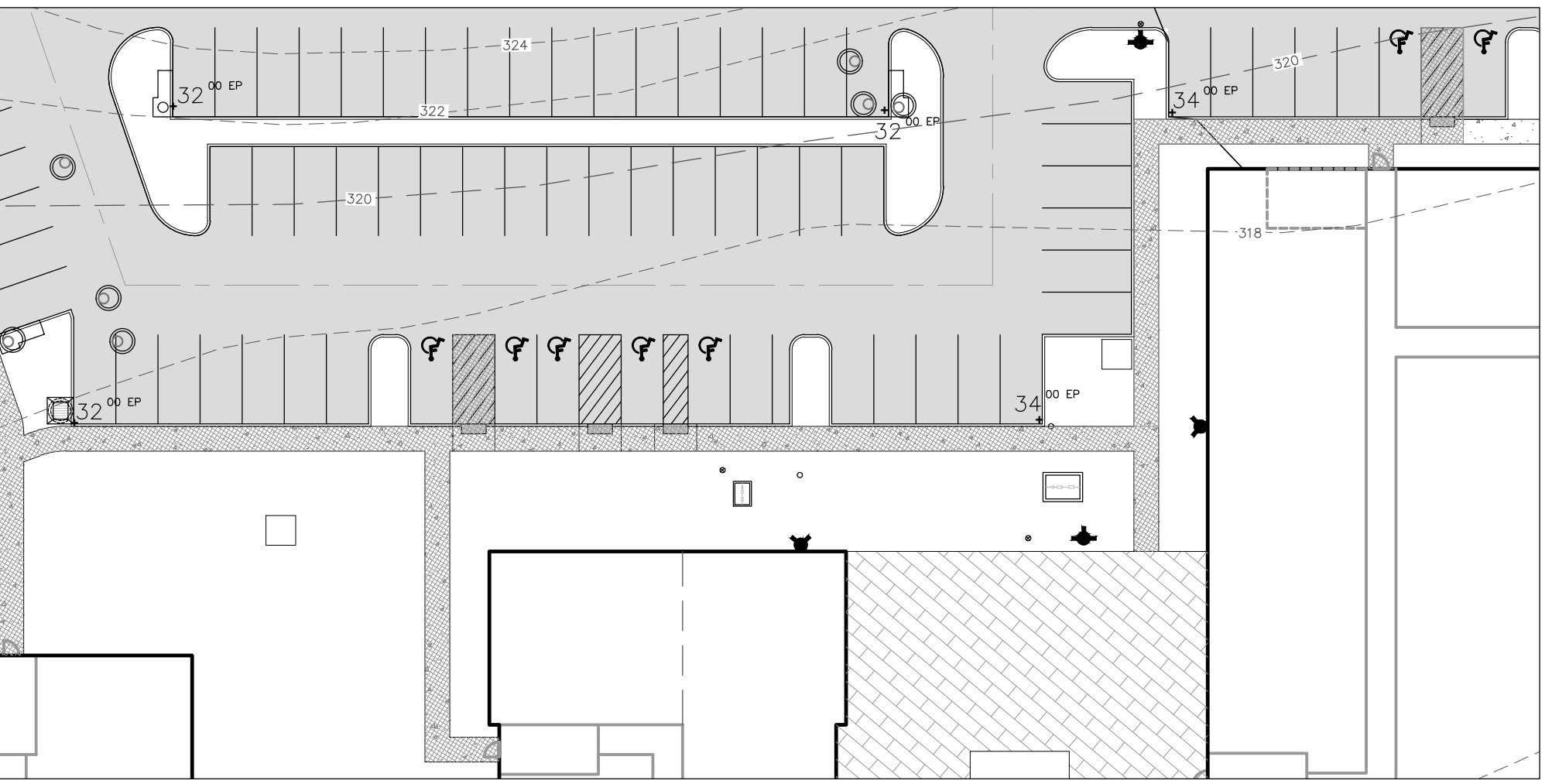
5 CITY OF CHARLOTTESVILLE  
CG-12 DETAIL  
NOT TO SCALE



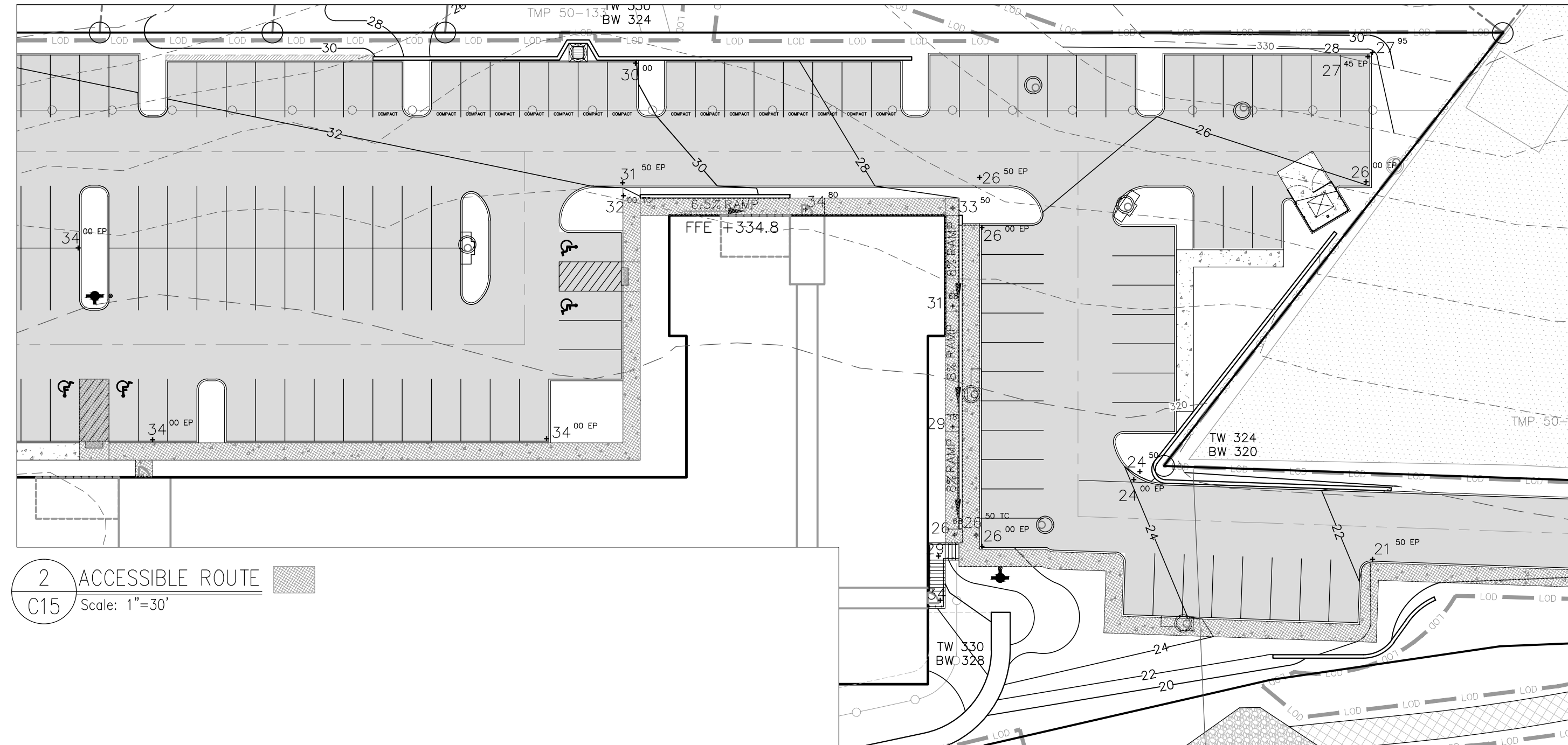
6 SIDEWALK CONCRETE DETAIL  
C15 Not To Scale  
4" - 3,000 PSI CONCRETE  
4" - VDOT #21A BASESTONE  
COMPACTED SUBGRADE  
MIN. CBR=6.0 TO BE FIELD VERIFIED  
2" OF SM-9.5A SUPERPAVE  
6" - VDOT #21A BASESTONE  
COMPACTED SUBGRADE TO BE FIELD VERIFIED BY QUALIFIED GEOTECHNICAL ENGINEER



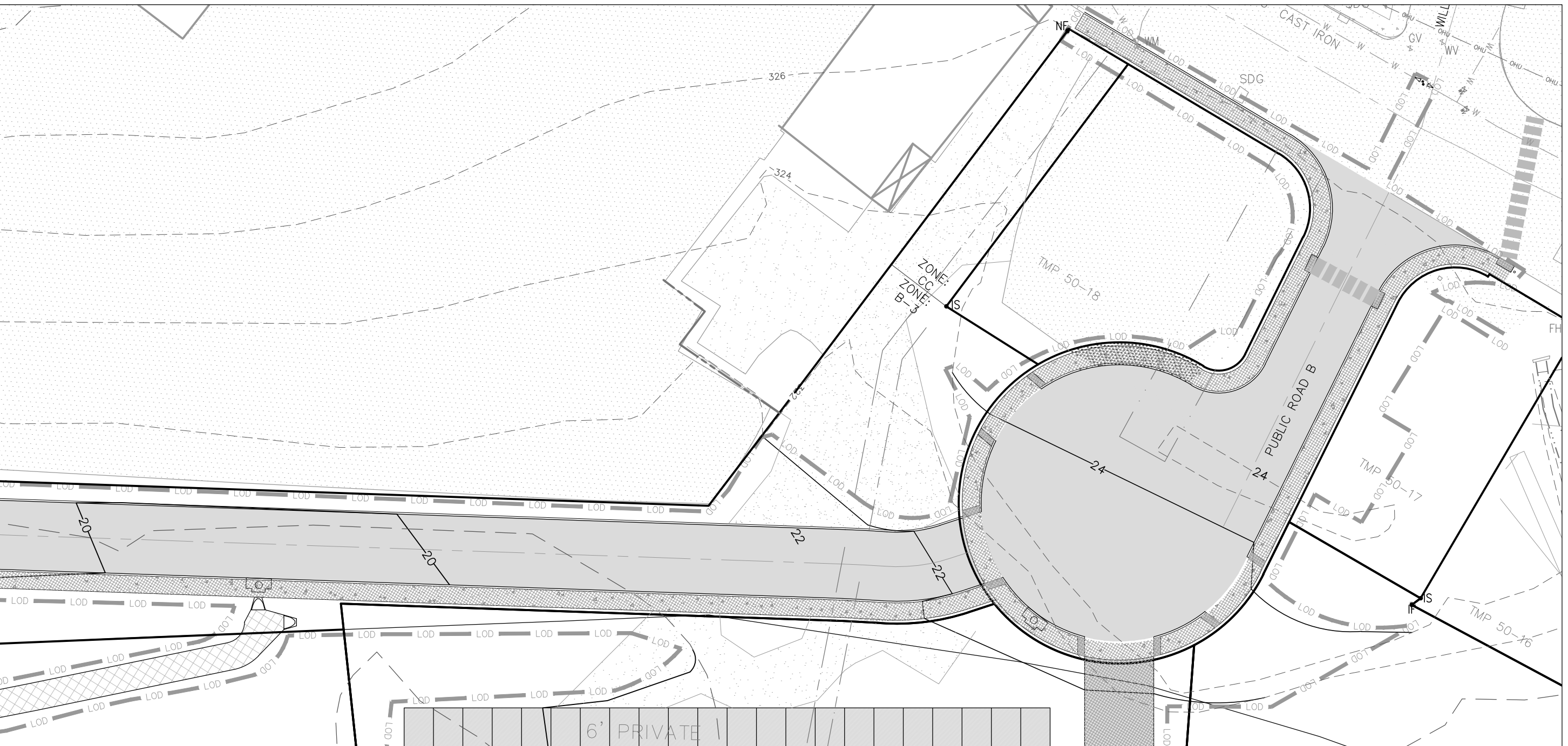
3 ACCESSIBLE ROUTE  
C15 Scale: 1"=30'



1 ACCESSIBLE ROUTE  
C15 Scale: 1"=30'



2 ACCESSIBLE ROUTE  
C15 Scale: 1"=30'

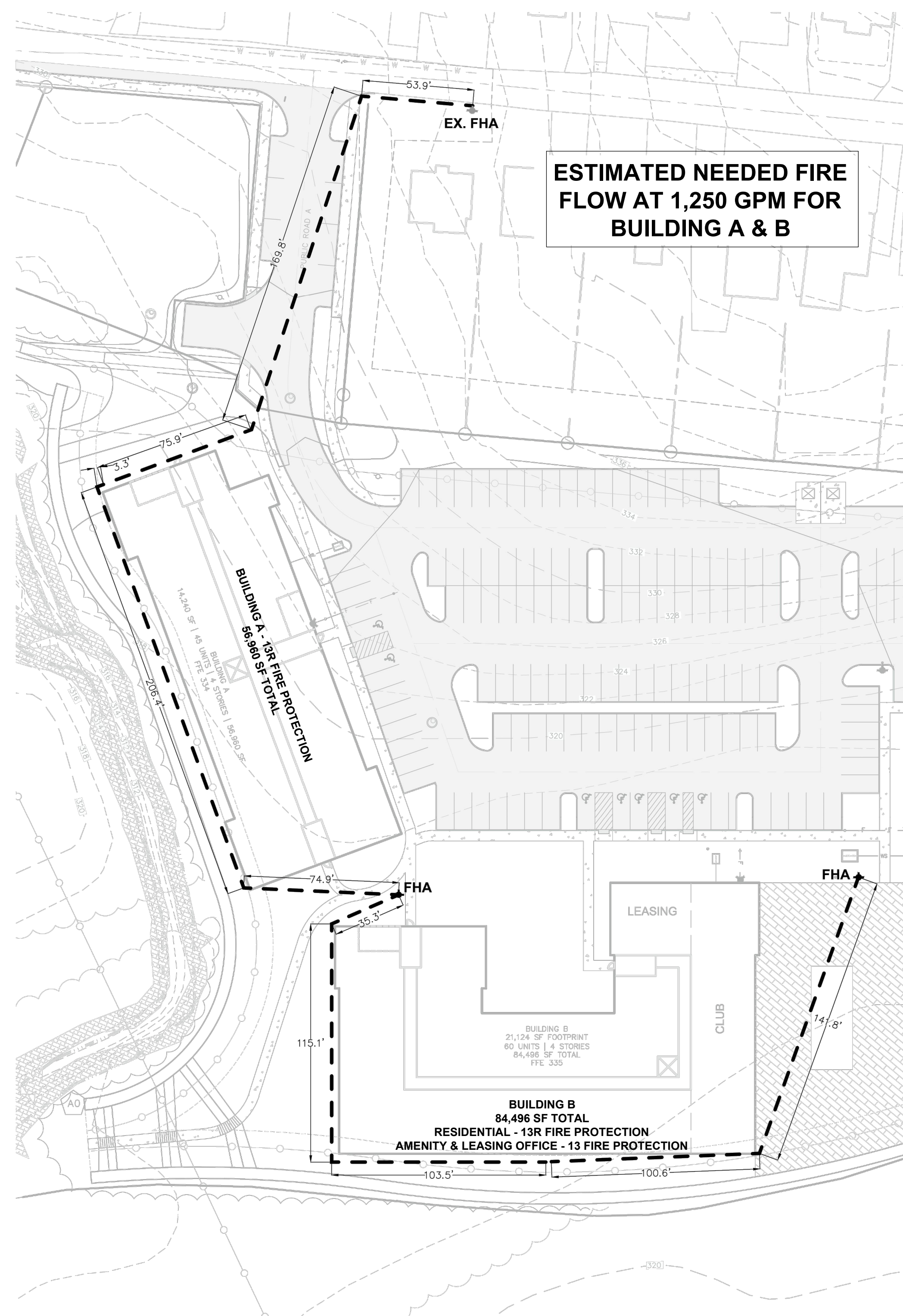


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PRELIMINARY SITE DEVELOPMENT PLAN  
**0 EAST HIGH STREET**  
CITY OF CHARLOTTESVILLE, VIRGINIA  
SUBMISSION: 2022.08.05  
REVISION: 2022.12.07  
2023.02.17  
2023.06.02

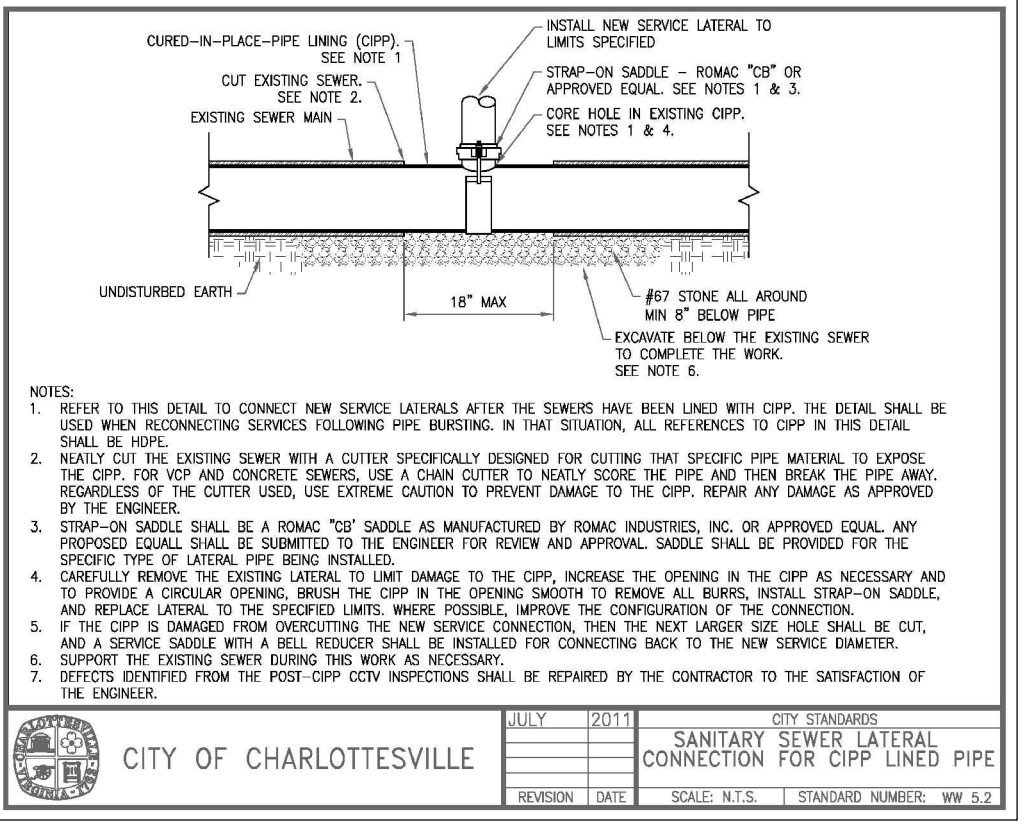
FILE NO. 20.017  
SITE DETAILS



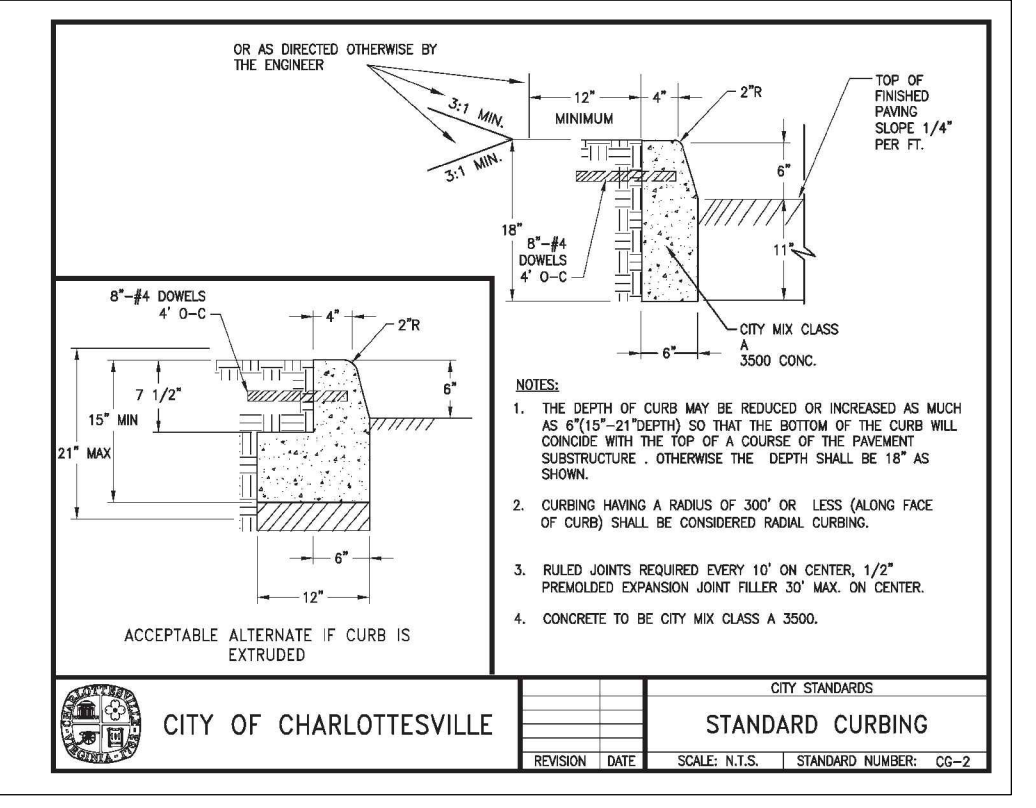
**ESTIMATED NEEDED FIRE FLOW AT 1,250 GPM FOR BUILDING A & B**

**ESTIMATED NEEDED FIRE FLOW AT 1,938 GPM FOR BUILDING C**

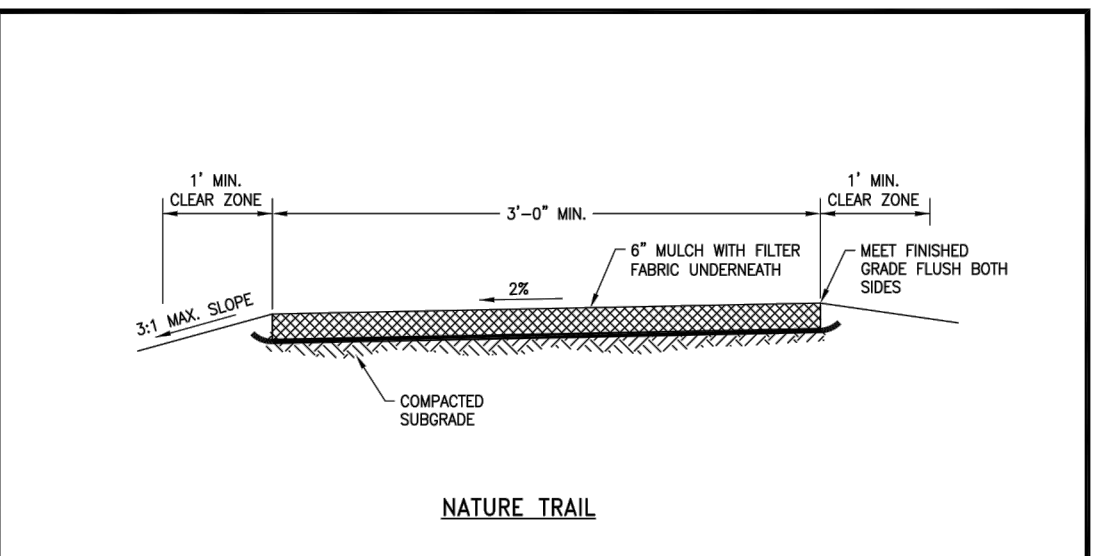
2 DISTANCE BETWEEN FHA & BUILDINGS (MAX 300')  
C16 SCALE: 1"=40'



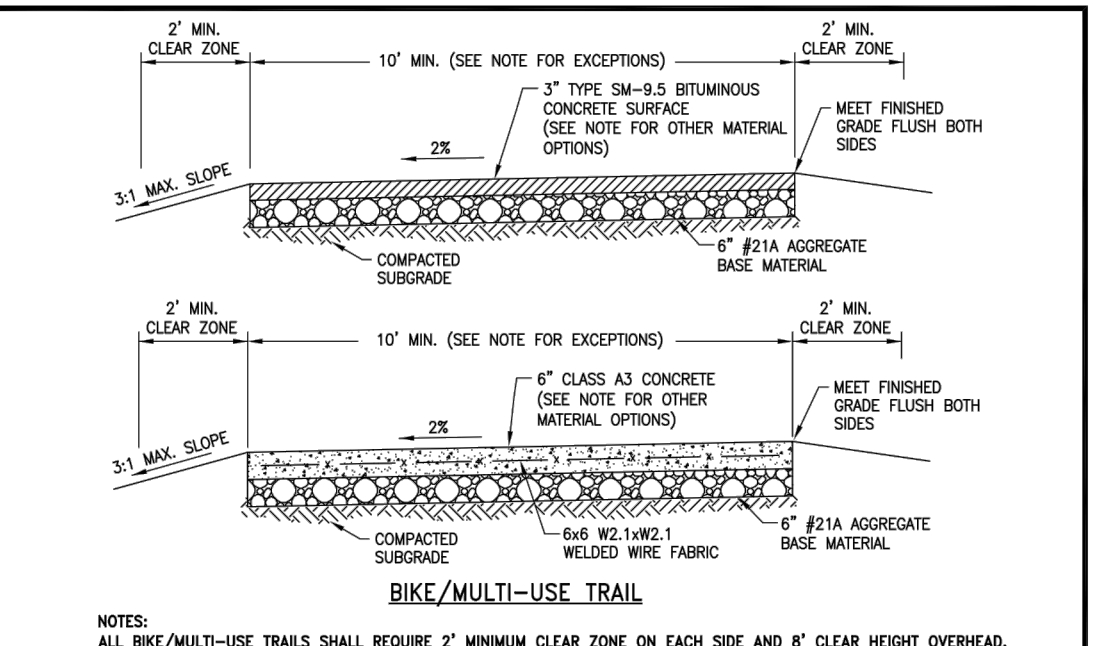
3 CITY OF CHARLOTTEVILLE SANITARY SEWER CONNECTION FOR CIPP LINED PIPE  
C16 Not To Scale



4 CITY OF CHARLOTTEVILLE STD CURBING  
C16 Not To Scale

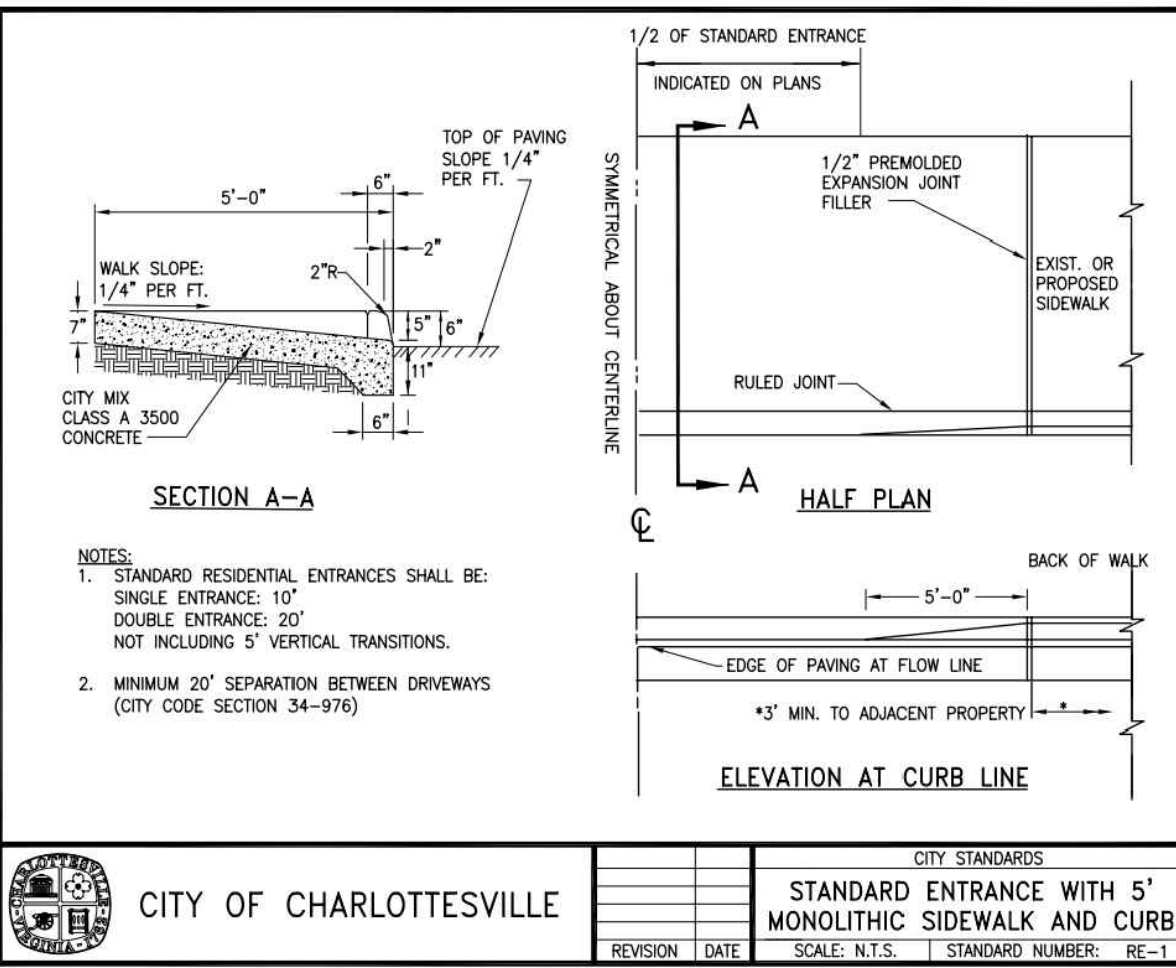


5 CITY OF CHARLOTTEVILLE NATURE TRAIL DETAIL  
C16 Not To Scale

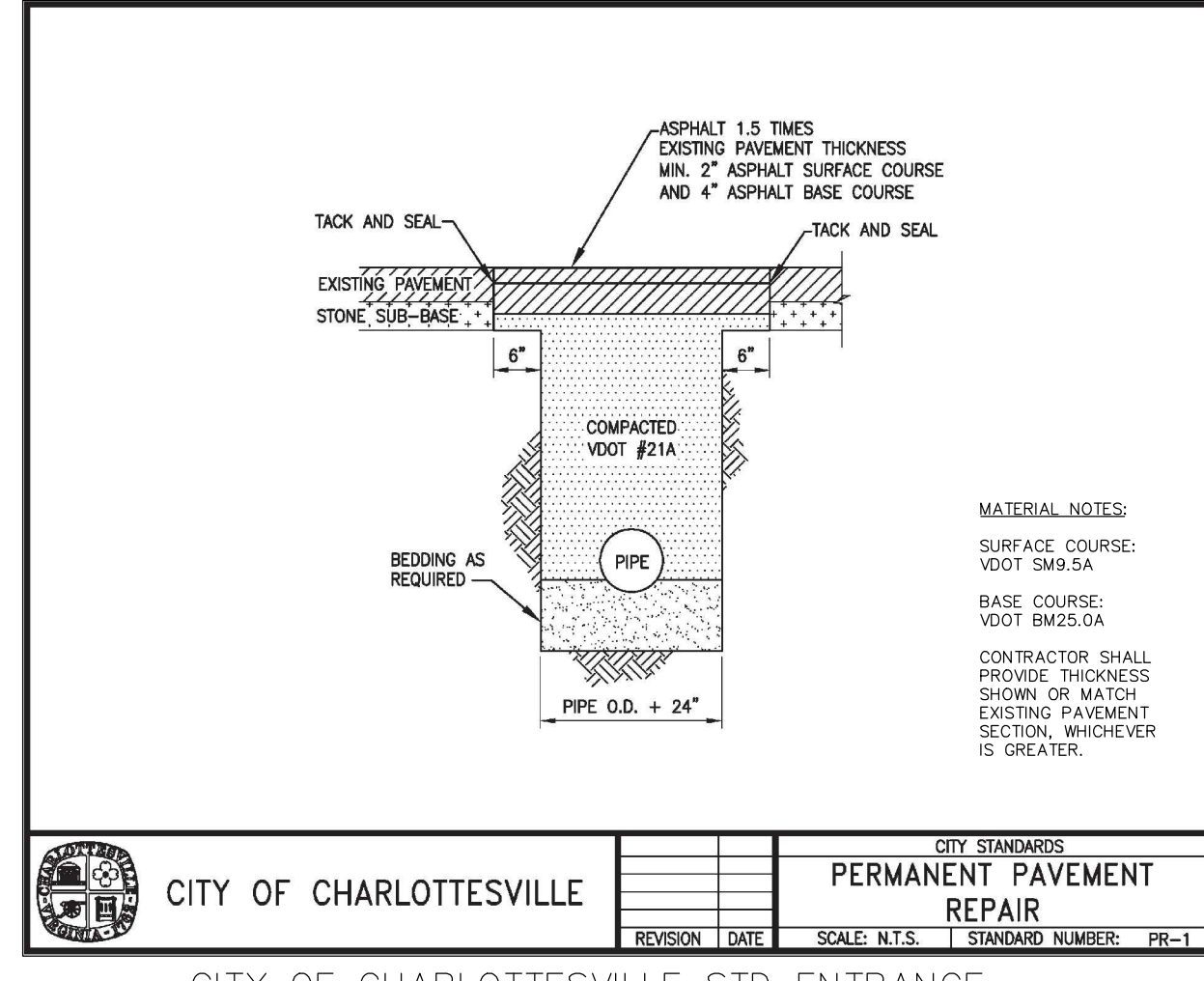


6 CITY OF CHARLOTTEVILLE BIKE/MULTI-USE TRAIL PAVEMENT SECTION  
C16 Not To Scale

1 DISTANCE BETWEEN FHA & BUILDINGS (MAX 300')  
C16 SCALE: 1"=40'



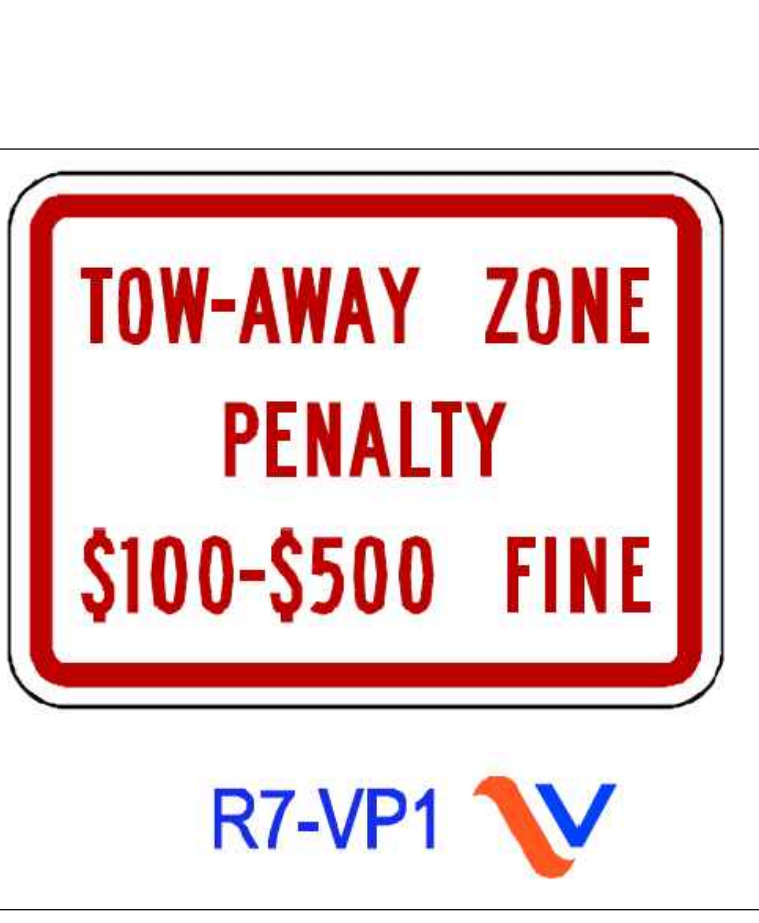
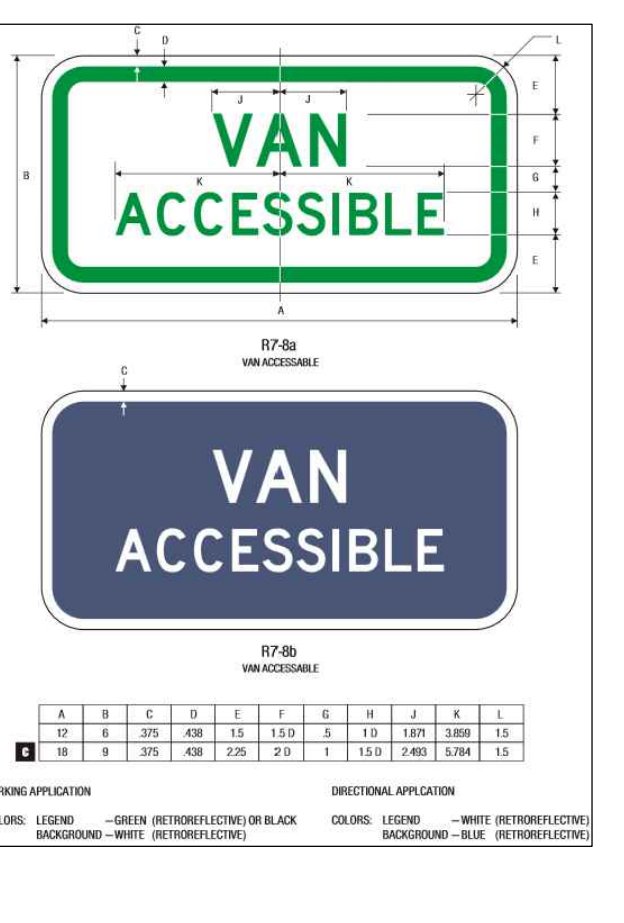
7 CITY OF CHARLOTTEVILLE STD ENTRANCE  
C16 NOT TO SCALE



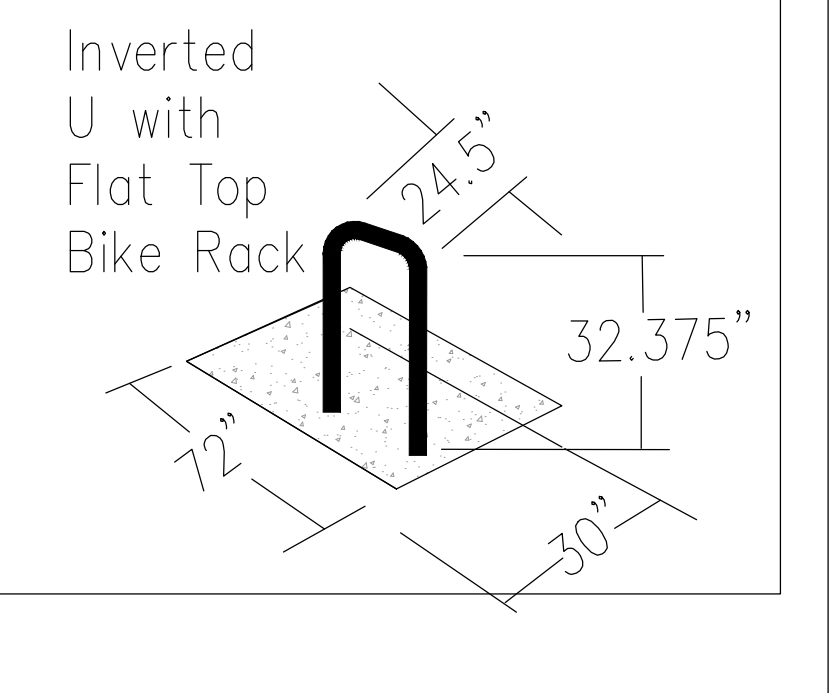
8 CITY OF CHARLOTTEVILLE STD ENTRANCE PERMANENT PAVEMENT REPAIR  
C16 Not To Scale



9 HANDICAP PARKING SIGN  
C16 NOT TO SCALE

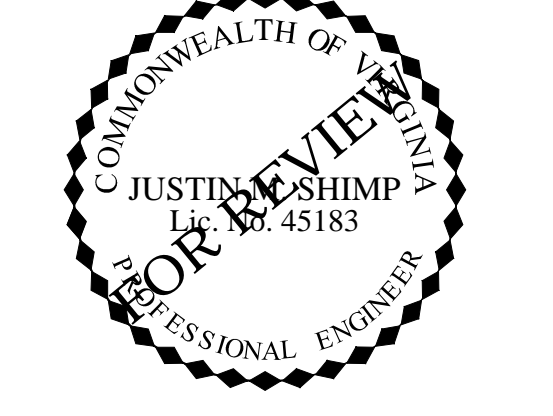


10 PENALTY SIGN DETAIL  
C16 NOT TO SCALE



11 INVERTED U BIKE RACK DETAIL  
C16 Not To Scale

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PRELIMINARY SITE DEVELOPMENT PLAN  
**0 EAST HIGH STREET**  
CITY OF CHARLOTTEVILLE, VIRGINIA  
SUBMISSION: 2022.08.05  
REVISION: 2022.12.07, 2023.02.17, 2023.06.02  
FILE NO. 20.017  
SITE EXHIBITS & DETAILS

0 E High Street Sewer Demand Calculation					
Use	Bedrooms	Number of Users	Flow Per User (gpd)	Total Sewer Demand (gpd)	
Bedroom Units * 1.9 persons	330 Units	627 Persons	100	62700	
	Units	Persons	100	0	
	SF	Persons	100	0	
<b>Total Estimated Sewer Demand:</b>				<b>62700</b>	

Water Demand Calculations					
Residential 245 units					
<b>Max Hour Demand</b>					
Residential:					
2 gpm/unit	=	490 gpm	=	29400 gph	
or					
Q=11.4*N*0.544	=	227.306 gpm	=	13638.37 gph	(not used)
Commercial:					
Office Space	=	200/1,000 sf	=	Average Daily Flows	
				0.00 gpd	= 0.00 gph
Max Hour	=	11.84 x 300%	=	0.00 gph	
<b>Total =</b>	<b>29400</b>	<b>+</b>	<b>0.00</b>	<b>=</b>	<b>29400.00 gph</b>
<b>Peak Hour Demand</b>					
Residential:					
3 gmp Per	=	735 gpm	=	44100 gph	
Commercial:					
1.5' Max Hour Demand Commercial	=		=	0.00 gph	
<b>Total =</b>	<b>44100</b>	<b>+</b>	<b>0</b>	<b>=</b>	<b>44100.00 gph</b>

### BUILDING A

SIZING WATER SERVICE LINES AND METERS

CITY OF CHARLOTTESVILLE WATER CUSTOMER DATA SHEET					
Customer	0 E High Street	Address		Zip Code	22901
Building Address	0 E High Street				
Subdivision		Lot No. 50-144	Blk. No.		
Type of Occupancy	Residential				
Fixture	Fixture Value 60 psi	No. of Fixtures	Fixture Value		
Bathub	8 x	54 =	432		
Bedpan Washers	10 x	=	0		
Bidet	2 x	=	0		
Dental Unit	2 x	=	0		
Drinking Fountain - Public	2 x	=	0		
Kitchen Sink	2.2 x	44 =	96.8		
Lavatory	1.5 x	59 =	88.5		
Showerhead (Shower Only)	2.5 x	5 =	12.5		
Service Sink	4 x	=	0		
Toilet - Flush Valve	35 x	=	0		
- Tank Type	4 x	59 =	236		
Urinal - Pedestal Flush Valve	35 x	=	0		
- Wall Flush Valve	16 x	=	0		
Wash Sink (Each Set of Faucets)	4 x	=	0		
Dishwasher	2 x	44 =	88		
Washing Machine	6 x	44 =	264		
Hose (50 ft Wash Down) - 1/2 in.	5 x	=	0		
- 5/8 in.	9 x	=	0		
- 3/4 in.	12 x	=	0		
<b>Combined Fixture Value Total</b>			<b>= 1217.8</b>		
Pressure Factor from Table 4-1 = 1.34gpm 110 psi					
Customer Peak Demand From Fig. 4-2 or 4-3 x Press. Factor	65 gpm x 1.34 gpm		<b>= 87.1 gpm</b>		
Add Irrigation - Sections* x 1.16 or 0.40*			<b>= 0 gpm</b>		
Added Fixed Load 1 Hose-Bib x 9 Hose Bibs x Fixture Value x Press. Factor			<b>= 12.06 gpm</b>		
<b>TOTAL FIXED DEMAND</b>			<b>= 99.16 gpm</b>		
* 100 ft <sup>2</sup> area = 1 section * Spray Systems- Use 1.16; Rotary systems- Use 0.40					

Figure 4-5 Water customer data sheet

Source: AWWA M22 Sizing Water Service Lines and Meters (Jan. 2004)  
Copyright 2004, American Water Works Association

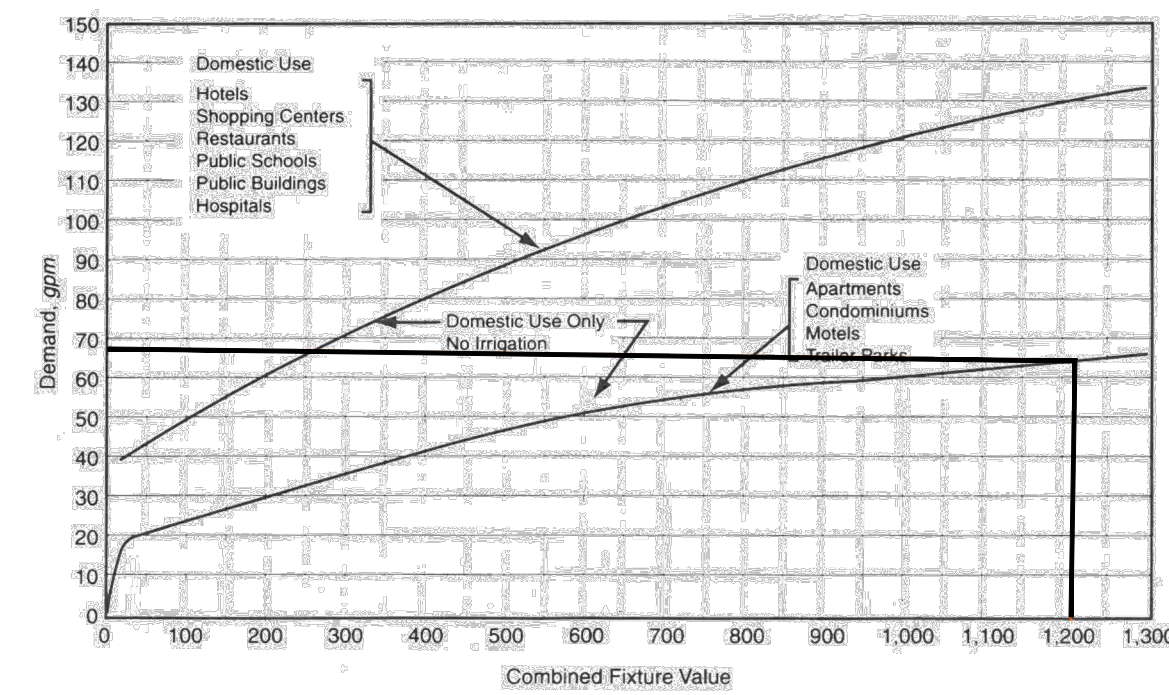


Figure 4-2 Water flow demand per fixture value—low range

### BUILDING B

SIZING WATER SERVICE LINES AND METERS

CITY OF CHARLOTTESVILLE WATER CUSTOMER DATA SHEET					
Customer	0 E High Street	Address		Zip Code	22901
Building Address	0 E High Street				
Subdivision		Lot No. 50-144	Blk. No.		
Type of Occupancy	Residential				
Fixture	Fixture Value 60 psi	No. of Fixtures	Fixture Value		
Bathub	8 x	76 =	608		
Bedpan Washers	10 x	=	0		
Bidet	2 x	=	0		
Dental Unit	2 x	=	0		
Drinking Fountain - Public	2 x	=	0		
Kitchen Sink	2.2 x	61 =	134.2		
Lavatory	1.5 x	82 =	123		
Showerhead (Shower Only)	2.5 x	6 =	15		
Service Sink	4 x	=	0		
Toilet - Flush Valve	35 x	=	0		
- Tank Type	4 x	82 =	328		
Urinal - Pedestal Flush Valve	35 x	=	0		
- Wall Flush Valve	16 x	=	0		
Wash Sink (Each Set of Faucets)	4 x	=	0		
Dishwasher	2 x	61 =	122		
Washing Machine	6 x	61 =	366		
Hose (50 ft Wash Down) - 1/2 in.	5 x	=	0		
- 5/8 in.	9 x	=	0		
- 3/4 in.	12 x	=	0		
<b>Combined Fixture Value Total</b>			<b>= 1696.2</b>		
Pressure Factor from Table 4-1 = 1.34gpm 110 psi					
Customer Peak Demand From Fig. 4-2 or 4-3 x Press. Factor	70 gpm x 1.34 gpm		<b>= 93.8 gpm</b>		
Add Irrigation - Sections* x 1.16 or 0.40*			<b>= 0 gpm</b>		
Added Fixed Load 1 Hose-Bib x 9 Hose Bibs x Fixture Value x Press. Factor			<b>= 12.06 gpm</b>		
<b>TOTAL FIXED DEMAND</b>			<b>= 105.86 gpm</b>		
* 100 ft <sup>2</sup> area = 1 section * Spray Systems- Use 1.16; Rotary systems- Use 0.40					

Figure 4-5 Water customer data sheet

Source: AWWA M22 Sizing Water Service Lines and Meters (Jan. 2004)  
Copyright 2004, American Water Works Association

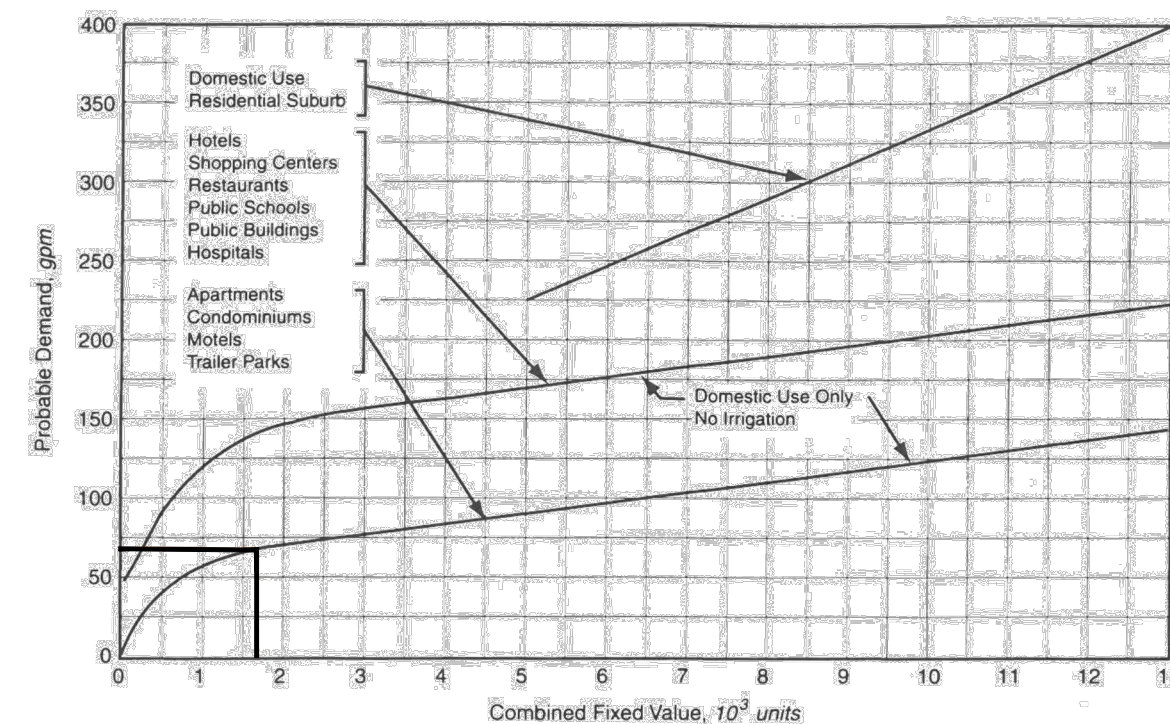


Figure 4-3 Water flow demand per fixture value—high range

### BUILDING C

SIZING WATER SERVICE LINES AND METERS

CITY OF CHARLOTTESVILLE WATER CUSTOMER DATA SHEET					
Customer	0 E High Street	Address		Zip Code	22901
Building Address	0 E High Street				
Subdivision		Lot No. 50-144	Blk. No.		
Type of Occupancy	Residential				
Fixture	Fixture Value 60 psi	No. of Fixtures	Fixture Value		
Bathub	8 x	175 =	1400		
Bedpan Washers	10 x	=	0		
Bidet	2 x	=	0		
Dental Unit	2 x	=	0		
Drinking Fountain - Public	2 x	=	0		
Kitchen Sink	2.2 x	140 =	308		
Lavatory	1.5 x	175 =	262.5		
Showerhead (Shower Only)	2.5 x	14 =	35		
Service Sink	4 x	=	0		
Toilet - Flush Valve	35 x	=	0		
- Tank Type	4 x	175 =	700		
Urinal - Pedestal Flush Valve	35 x	=	0		
- Wall Flush Valve	16 x	=	0		
Wash Sink (Each Set of Faucets)	4 x	=	0		
Dishwasher	2 x	140 =	280		
Washing Machine	6 x	140 =	840		
Hose (50 ft Wash Down) - 1/2 in.	5 x	=	0		
- 5/8 in.	9 x	=	0		
- 3/4 in.	12 x	=	0		
<b>Combined Fixture Value Total</b>			<b>= 3825.5</b>		
Pressure Factor from Table 4-1 = 1.34gpm 110 psi					
Customer Peak Demand From Fig. 4-2 or 4-3 x Press. Factor	88 gpm x 1.34 gpm		<b>= 117.92 gpm</b>		
Add Irrigation - Sections* x 1.16 or 0.40*			<b>= 0 gpm</b>		
Added Fixed Load 2 Hose-Bib x 9 Hose Bibs x Fixture Value x Press. Factor			<b>= 24.12 gpm</b>		
<b>TOTAL FIXED DEMAND</b>			<b>= 142.04 gpm</b>		
* 100 ft <sup>2</sup> area = 1 section * Spray Systems- Use 1.16; Rotary systems- Use 0.40					

Figure 4-5 Water customer data sheet

Source: AWWA M22 Sizing Water Service Lines and Meters (Jan. 2004)  
Copyright 2004, American Water Works Association

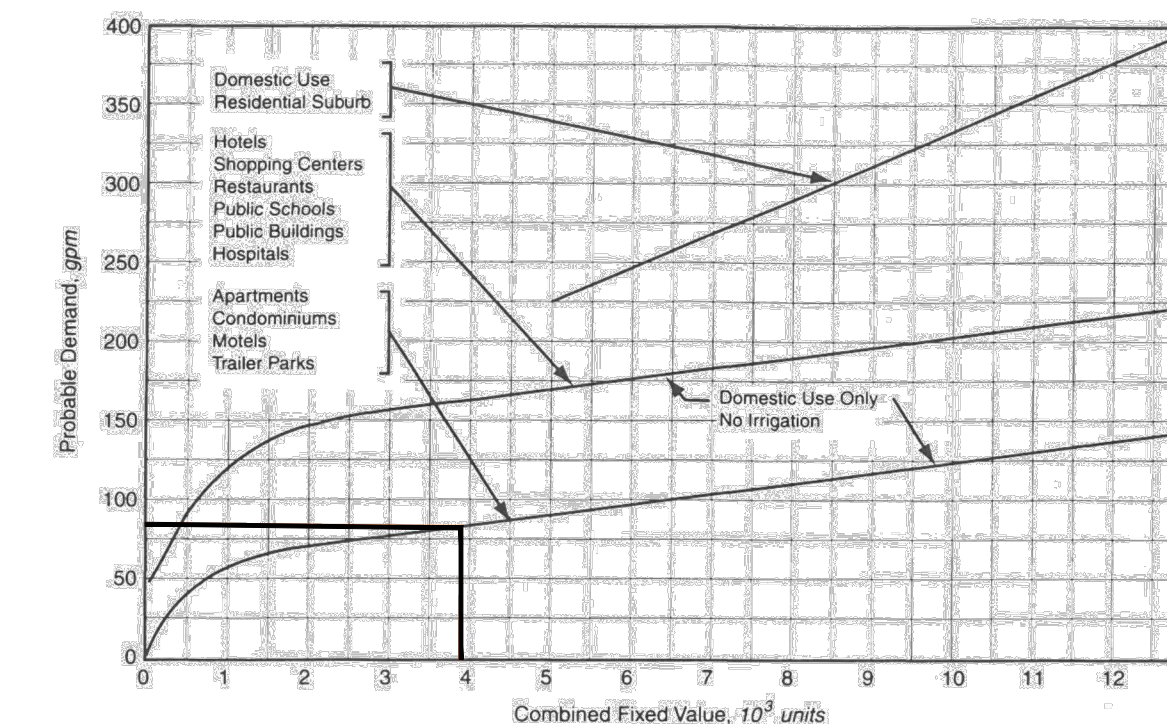


Figure 4-3 Water flow demand per fixture value—high range



PRELIMINARY SITE DEVELOPMENT PLAN

## 0 EAST HIGH STREET

CITY OF CHARLOTTESVILLE, VIRGINIA

**SUBMISSION:**

2022.08.05

REVISION:

2022.12.07

2023.02.17

2023.06.02

FILE NO.

20.017

**WATER & SANITARY  
DEMAND CALCULATIONS**

**C17**

MEMORANDUM

**To: Mayor Snook, Vice Mayor Wade, and Councilors Payne, Pinkston and Puryear**

**Re: Petition for Appeal for 2232 Review for 0 East High St. Proposed Development**

**From: Jacob P. Stroman, City Attorney  
Ryan D. Franklin, Assistant City Attorney**



**Date: September 29, 2023**

**Introduction**

On August 8, 2023, the Charlottesville Planning Commission (“Commission”) by unanimous vote decided that the proposed public facilities of Public Road A, Public Road B, and the Parking Lot in Lot B were not substantially in accord with the Charlottesville Comprehensive Plan (“Plan”). Pursuant to Code of Virginia, § 15.2-2232(B), legal counsel for Seven Development LLC (the “Applicant”), filed a petition for appeal (the “Appeal”) of the Planning Commission’s decision. The Appeal raises four issues which the Applicant contends are a sufficient basis for the City Council (“Council”) to overrule the Commission’s decision. This memo briefly addresses the issues raised in the Appeal memorandum filed on August 18, 2023. It is the legal opinion of this office that the issues raised by the Applicant are not well-taken.

**I. The Public Features Were Not Deemed Approved on August 1, 2023**

Code of Virginia, § 15.2-2232(B) states that the failure of the Commission to “act within 60 days of a *submission*, unless the time is extended by the governing body, shall be deemed approval.” (emphasis added). The Applicant argues that its application (“Application”) was submitted on June 2, 2023, and thus was deemed approved by the Commission on August 1, 2023. However, Code of Virginia, § 15.2-2232(D) imposes a “requirement for *submittal to* and approval by *the commission*.” (emphasis added). Thus, “submission” as used in Code of Virginia, § 15.2-2232(B) refers to submittal to the Commission, not City staff. The Application was submitted to the Commission on August 1, 2023, when the agenda item was delivered to the Commission for consideration at its August 8, 2023 meeting. Accordingly, the public improvements were not deemed approved when the Commission made its decision on August 8, 2023.

Moreover, the Applicant appeared before the Commission on August 8, 2023 and offered extensive comment. Doing so was inconsistent with its later assertion that the Planning Commission was deemed to have approved the public improvements. The Applicant failed to make any objection to the hearing on the basis that the public features were already deemed approved.

**II. The Commission was not denied its right to approve the Application using the Exception found in Code of Virginia, § 15.2-2232(D)**

The Planning Commission received a written comment a few hours before the public hearing asserting that while City Code § 34-28(C) permits the Commission to approve applications using an exception to the full 2232 Review procedure for submissions “for approval of a subdivision or *site plan*[.]” (emphasis added), Code of Virginia, § 15.2-2232(D) only allows this process for plans of development. Accordingly, the Planning Commission could not deem public facilities in a site plan as already shown the Comprehensive Plan. The Applicant was made aware of this comment and our office offered to recommend a continuance of the public hearing to allow time to review this issue. The Applicant, through its legal counsel, declined this opportunity. The Applicant argues that “site plan” and “plan of development” are the same legal term, and thus there is no potential conflict between the City’s ordinance and the state statute. However, “plan of development” is not defined in the Code of Virginia while “site plan” is defined. It would have been imprudent for the Commission to have proceeded with a permissive provision which allowed for the public improvements to be deemed approved given the apparent conflict between the City Code and the Code of Virginia rather than conduct the public hearing at which numerous individuals spoke and the Commission rendered a decision based on all of the information which was presented.

**III. The Public Facilities are not in Substantial Accord with the Comprehensive Plan**

The Applicant argues that Public Road A, Public Road B, and the Parking Lot in Lot B align with strategies in the Comprehensive Plan (“Plan”), and thus should have been approved by the Commission on August 8, 2023. However, as articulated in the Commission’s detailed findings, the proposed parking lot would increase the risk of flooding based on new construction of impervious surfaces in the floodplain, and the two dead-end roads would not increase street connectivity. Thus, the Commission had strong evidence to support its reasonable decision that three public facilities were not substantially in accord with the Comprehensive Plan.

**IV. This Application was not Treated Differently than Other Applications**

The Applicant argues the Commission was required to approve the Application using the exception to the 2232 Review, because other applications were approved this way. It is a fundamental principle of law that all real property is unique. Similarly, each development is unique, and each decision to conduct 2232 Review is dependent on the specific issues presented by the proposed public features. The Commission made a decision regarding whether the public features are in substantial accord with the Comprehensive Plan. It did not opt to use the exception. Doing so was entirely proper because use of the exception was strictly optional. The Supreme Court of Virginia in *Stafford Cnty. v. D.R. Horton, Inc.* confirmed that this exception “is optional, not mandatory”. 299 Va. 567, 576 (2021). The Commission elected to proceed with a review of the proposed public facilities which is specifically permitted by the Code of Virginia, and rendered a decision based on all of the evidence presented to it.



**V. Standing**

Code of Virginia, § 15.2-2232 provides that only a property owner or its agent may appeal a 2232 review. The Supreme Court of Virginia in *Miller v. Highland Cnty.* ruled that based on the “plain language of these statutory provisions, only the owner of the property at issue, or the *owner’s agent*, may appeal to the governing body from a “substantial accord” determination of the planning commission. . .” 274 Va. 355, 371 (2007) (emphasis added). Petitioner is not the owner of the properties. It has a purchase agreement with the property owners. At the public hearing on the 2232 Review, the Applicant did not assert that it was acting as the property owners’ agent. Nor did it make such an assertion when it filed its appeal. When the City made an inquiry about Applicant’s standing, the Applicant provided an undated letter from the property owners approximately one week ago. Despite a request to do so, the Applicant has not stated when it received the letter from the property owners allegedly designating the developer at the property owners’ agent. Thus, there is no basis on which to conclude that the developer was acting as the property owners’ agent during the 2232 Review process. Any agency designation should be clear and unambiguous. The Applicant has information relevant to this issue, but has chosen to withhold it.

**Conclusion**

Applicant’s appeal of the Planning Commission’s 2232 decision is not meritorious.

**Resolution A**

**RESOLUTION UPHOLDING THE PLANNING COMMISSION’S DECISION THAT PURSUANT TO CODE OF VIRGINIA § 15.2-2232 PUBLIC FACILITIES INCLUDED IN THE 0 EAST HIGH STREET DEVELOPMENT ARE NOT SUBSTANTIALLY IN ACCORD WITH THE CITY’S COMPREHENSIVE PLAN**

**WHEREAS**, less than sixty (60) days have elapsed between the submission of a Code of Virginia, § 15.2-2232 application to the Planning Commission and its recorded vote on August 8, 2023, and

**WHEREAS**, the Petitioner Seven Development LLC (“Petitioner”) argues that the Planning Commission is “deemed” to have approved all the public facilities as presented in such application on August 1, 2023 in accordance with Code of Virginia, § 15.2-2232(B), and Council does not believe this argument is well taken, it expressly overrules any such “deemed” approval by the Planning Commission on August 1, 2023; and

**WHEREAS**, on August 8, 2023, after notice given as required by law, the Planning Commission conducted a public hearing to determine whether the proposed public facilities in the 0 E. High St. application as submitted on August 1, 2023, were substantially in accord with the Charlottesville Comprehensive Plan or part thereof in accordance with Code of Virginia, § 15.2-2232; and

**WHEREAS**, on August 8, 2023, after the public hearing had concluded and the Planning Commission had deliberated a duly presented motion, the Planning Commission by recorded vote unanimously determined that the following proposed public facilities were in substantial accord with the Comprehensive Plan or part thereof: Widening of Caroline & Fairway Avenue, Lot A, and Lot B excluding the Parking Lot. The Planning Commission further determined that following proposed public facilities were not in substantial accord with the Comprehensive Plan or part thereof: Public Road A, Public Road B, and the Lot B Parking Lot; and

**WHEREAS**, on September 12, 2023, the Planning Commission adopted a resolution delineating its findings with written reasons therefor, which was transmitted to City Council; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that after considering the Petitioner’s Appeal, Council expressly overrules any “deemed approval” of the public facilities, and

**BE IT FURTHER RESOLVED** that City Council hereby upholds the decision of Planning Commission in accordance with Code of Virginia, § 15.2-2232(B), determining that the public facilities as presented in the submission to the Planning Commission on August 1, 2023, are not substantially in accord with the Charlottesville Comprehensive Plan

Approved as to form:

**Jacob P. Stroman**

Jacob P. Stroman

City Attorney

**Resolution B**

**RESOLUTION OVERRULING THE PLANNING COMMISSION’S DECISION IN ITS CODE OF VIRGINIA, § 15.2-2232 REVIEW OF PUBLIC FACILITIES IN THE 0 EAST HIGH STREET PROPOSED DEVELOPMENT**

**WHEREAS**, less than 60 days have elapsed between the submission of a Code of Virginia, § 15.2-2232 application to the Planning Commission and its recorded vote on August 8, 2023, the Appellant argues that the Planning Commission has “deemed” to have approved all the public facilities as presented in such application on August 1, 2023, in accordance with Code of Virginia, § 15.2-2232(B). City Council does not believe this argument is well taken, it on August 1, 2023; and

**WHEREAS**, on August 8, 2023, after notice given as required by law, the Planning Commission conducted a public hearing to determine whether the proposed public facilities in the 0 E. High St. application as submitted on August 1, 2023, were substantially in accord with the Charlottesville Comprehensive Plan or part thereof in accordance with Code of Virginia, § 15.2-2232; and

**WHEREAS**, on August 8, 2023, after the public hearing had concluded and the Planning Commission had deliberated, the Planning Commission by recorded vote unanimously determined that the following proposed public facilities were in substantial accord with the Comprehensive Plan or part thereof: Widening of Caroline & Fairway Avenue, Lot A, and Lot B excluding the Parking Lot. In this vote, the Planning Commission also determined the following proposed public facilities were not in substantial accord with the Comprehensive Plan or part thereof: Public Road A, Public Road B, and the Lot B Parking Lot; and

**WHEREAS**, on September 12, 2023, the Planning Commission certified by recorded vote a Resolution, promulgating its findings with written reasons for its determination which was communicated to City Council;

**NOW THEREFORE, BE IT RESOLVED** that the Council of the City of Charlottesville, Virginia, expressly overrules any “deemed” approval by the Planning Commission; and

**BE IT FURTHER RESOLVED** that after considering the decision of the Planning Commission on August 8, 2023, City Council hereby overrules the decision of the Planning Commission in accordance with Code of Virginia, § 15.2-2232(B), determining that the public facilities as presented in the submission to the Planning Commission on August 1, 2023, are substantially in accord with the Charlottesville Comprehensive Plan.

Approved as to form:

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Jacob P. Stroman  
City Attorney

**RESOLUTION OVERRULING THE PLANNING COMMISSION’S CODE OF VIRGINIA, § 15.2-2232 DETERMINATION ON AUGUST 8, 2023**

**WHEREAS**, while it does not appear that 60 days have elapsed between the submission of a Code of Virginia, § 15.2-2232 application to the Planning Commission and their recorded vote on August 8, 2023, the Appellant argues that the Planning Commission has “deemed” to have approved all the public facilities as presented in such application on August 1, 2023, in accordance with Code of Virginia, § 15.2-2232(B). While City Council does not believe this argument is well taken, it expressly overrules any such “deemed” approval by the Planning Commission on August 1, 2023; and

**WHEREAS**, on August 8, 2023, after notice given as required by law, the Planning Commission conducted a public hearing to determine whether the proposed public facilities in the 0 E. High St. application as submitted on August 1, 2023, were substantially in accord with the Charlottesville Comprehensive Plan or part thereof in accordance with Code of Virginia, § 15.2-2232; and

**WHEREAS**, on August 8, 2023, after the public hearing had concluded and the Planning Commission had deliberated a duly presented motion, the Planning Commission by recorded vote unanimously determined that the following proposed public facilities were in substantial accord with the Comprehensive Plan or part thereof: Widening of Caroline & Fairway Avenue, Lot A, and Lot B excluding the Parking Lot. In this vote, the Planning Commission also determined the following proposed public facilities were not in substantial accord with the Comprehensive Plan or part thereof: Public Road A, Public Road B, and the Lot B Parking Lot; and

**WHEREAS**, on September 12, 2023, the Planning Commission certified by recorded vote a Resolution, promulgating its findings with written reasons therefor for its determination on August 8, 2023, which was communicated to City Council on the same day; and

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that after considering these findings of the Planning Commission on October 2, 2023, City Council hereby overrules the action of Planning Commission in accordance with Code of Virginia, § 15.2-2232(B), determining that the all public facilities as presented in the submission to the Planning Commission on August 1, 2023, are not substantially in accord with the Charlottesville Comprehensive Plan or part thereof.