

## **CHARLOTTESVILLE CITY COUNCIL MEETING MINUTES**

**December 18, 2023 at 4:00 PM  
Council Chamber, 605 E. Main Street**

The Charlottesville City Council met in a regular meeting on Monday, December 18, 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 Wade, seconded by Pinkston, Council voted unanimously to adopt the meeting agenda.

### **REPORTS**

#### **1. PRESENTATION: Budget Presentations - Internal Services**

City Manager Sam Sanders introduced the presenting departments.

Jeremy Evans, Emergency Manager, presented the update for the Office of Emergency Management.

Afton Schneider, Director, presented the update for the Department of Communications and Public Engagement.

Krisy Hammill, Director, presented the update for the Department of Budget and Performance Management.

Chris Cullinan, Director, presented the update for the Department of Finance.

Mary Ann Hardie, Director, presented the update for the Department of Human Resources.

### **CLOSED MEETING**

On motion by Pinkston, seconded by Puryear, Council voted unanimously to convene a closed meeting: 1. as authorized by the Code of Virginia Section 2.2-3711(A) (8) for consultation with the City Attorney regarding legal matters requiring the provision of legal advice, specifically, legal matters related to the proposed development code; and 2. as authorized by Code of Virginia Section 2.2-3711(A)(1), for the discussion and consideration of prospective candidates for appointment to the following boards, commissions and committees: Board of Architectural Review, Charlottesville Affordable Housing Fund Committee, Charlottesville-Albemarle Convention & Visitors Bureau Board, Community Development Block Grant Task Force, Historic Resources Committee, Housing Advisory Committee, Human Rights Commission, Personnel Appeals Board, Sister Cities Commission, and Social Services Advisory Board.

On motion by Pinkston, seconded by Puryear, 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 meeting were heard, discussed, or considered in the closed meeting (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none).

## **BUSINESS SESSION**

The business session began with a moment of silence.

## **RECOGNITIONS/PROCLAMATIONS**

- **Human Rights Commission 10-year anniversary:** Mayor Snook presented the proclamation to Ernest Chambers and members of the Human Rights Commission.
- **Preservation Piedmont award presentation to the City for The Pen Park Unmarked Graves Project:** Genevieve Keller, Preservation Piedmont, presented an award to the City of Charlottesville for its leadership in The Pen Park Unmarked Graves Project.
- **Resolution of Appreciation for Leah W. Puryear:** Mayor Snook presented a Resolution of Appreciation to Council Member Leah Puryear, who was chosen on February 21, 2023, to fill an unexpired term on City Council. The resolution expressed appreciation for Ms. Puryear's deep knowledge of Charlottesville and its people; her compassion and concern for people who are left out or marginalized; the depth with which she jumped into the revision of the zoning code; her good counsel during the City Manager search; and her faithful attendance and diligence that she brought to all duties of a City Councilor. Ms. Puryear made remarks in appreciation to City Council and the community, and councilors shared sentiments.

## **BOARD/COMMISSION APPOINTMENTS**

On motion by Wade, seconded by Puryear, City Council by a 5-0 vote approved the following appointments to boards and commissions:

- Board of Architectural Review: Ronald Bailey (residential owner in a Design Control District); Roger Birle (historian); James Zehmer (historian)
- Charlottesville Affordable Housing Fund Committee: Richard Fravel (at-large); LD Perry (affordable housing beneficiary)
- Charlottesville-Albemarle Convention and Visitors Bureau Board: Francois Abadie (accommodations representative); Brad Uhl (food and beverage representative)
- Community Development Block Grant Task Force: Mary Alex (Belmont representative)
- Historic Resources Committee: James Rucker
- Housing Advisory Committee: Heather Griffin (real estate professional)
- Human Rights Commission: Charley Burton, Angela Estes, Heather Gaston, Patti Hartigan, Suzanne Lynn
- Personnel Appeals Board: Philip d'Oronzio
- Sister Cities Commission: Cherry Stewart (at-large)
- Social Services Advisory Board: V. Darlene Ayars-Feazell, Yoshie Perez, Jennifer Slack, Toya Trager

## CONSENT AGENDA\*

On motion by Wade, seconded by Puryear, the following items read into the record by Clerk of Council Kyna Thomas were approved by a vote of 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade).

2. MINUTES: October 2 regular meeting, October 16 regular meeting; November 1 special meeting, November 7, 2023 General and Special Elections certification, November 8 special meeting
3. RESOLUTION: Resolution to appropriate funding from the U.S. Department of the Interior for the Chesapeake Bay Gateways Network Grant - \$49,976 (2nd reading)

### RESOLUTION

#### **Appropriating Funding in the Amount of \$49,976 To Be Received from the U.S. Department of the Interior - Chesapeake Bay Gateways Network Grant \$49,976**

**WHEREAS**, The City of Charlottesville, through the Office of Community Solutions, has been notified that it will be awarded a Chesapeake Bay Gateways Network Grant from the Fund of the U.S. Department of the Interior, in the amount of \$49,976.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that, upon receipt of the Chesapeake Bay Gateways Network Grant from the Fund of the U.S. Department of the Interior, that funding, anticipated in the sum of \$49,976 is hereby appropriated in the following manner:

|              |          |               |                                |
|--------------|----------|---------------|--------------------------------|
| Revenues     |          |               |                                |
| \$49,976     | Fund 211 | Order 1900541 | GL 431110 Federal Grants       |
| Expenditures |          |               |                                |
| \$49,976     | Fund 211 | Order 1900541 | GL 530550 Contractual Services |

**BE IT FURTHER RESOLVED** that this appropriation is conditioned upon receipt of \$49,976 in funds from the U.S. Department of the Interior.

4. RESOLUTION: Resolution appropriating the Bureau of Justice Assistance FY23 Edward Byrne Memorial Justice Assistance Grant - Local Solicitation \$27,486 (2nd reading)

#### **RESOLUTION APPROPRIATING FUNDS FOR Edward Byrne Memorial Justice Assistance Grant (JAG) Grant # 15PBJA-23-GG-03875-JAGX \$27,486**

**WHEREAS**, the Office for Civil Rights, Office of Justice Programs, Department of Justice Edward Byrne Memorial Justice Assistance Grant Program Fiscal Year 2023 Local Formula awarded a grant to the Police Department, through the City of Charlottesville, to hire a limited

term position for a background investigator to support ongoing departmental recruitment efforts;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that a total of \$27,486.00 be appropriated in the following manner:

**Revenues – \$27,486**

|          |           |                        |                     |
|----------|-----------|------------------------|---------------------|
| \$27,486 | Fund: 211 | Cost Center 3101006100 | G/L Account: 431110 |
|----------|-----------|------------------------|---------------------|

**Expenditures – \$27,486**

|          |           |                        |                     |
|----------|-----------|------------------------|---------------------|
| \$25,533 | Fund: 211 | Cost Center 3101006100 | G/L Account: 510020 |
| \$1,953  | Fund: 211 | Cost Center 3101006100 | G/L Account: 511010 |

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the reimbursement of funds or goods as supplied from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Justice Edward Byrne Memorial Justice Assistance Grant Program.

5. RESOLUTION: Resolution to appropriate State Historic Resources Grant Funds to Jefferson School African American Heritage Center - \$200,000 (2nd reading)

**RESOLUTION**

**Appropriating funds from the Virginia Department of Historic Resources  
(DHR) for the Jefferson School African American Heritage Center  
\$200,000**

**WHEREAS**, the City of Charlottesville through the Department of Historic Resources has received a grant award of \$200,000 to be given to the Jefferson School African American Heritage Center (JSAAHC) to be used to support operating cost and for staffing for the Center for Local Knowledge.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the sum of \$200,000 received from the Virginia Department of Historic Resources is hereby appropriated in the following manner:

**Revenues - \$200,000**

|           |           |                         |                  |
|-----------|-----------|-------------------------|------------------|
| \$200,000 | Fund: 105 | Cost Center: 9753015000 | G/L Code: 430120 |
|-----------|-----------|-------------------------|------------------|

**Expenditures - \$200,000**

|           |           |                         |                  |
|-----------|-----------|-------------------------|------------------|
| \$200,000 | Fund: 105 | Cost Center: 9753015000 | G/L Code: 540100 |
|-----------|-----------|-------------------------|------------------|

**BE IT FURTHER RESOLVED** that this appropriation is conditioned upon the receipt of \$200,000 from the Virginia Department of Historic Resources.

## **CITY MANAGER REPORT**

City Manager Sam Sanders stated that the planned trip to Montgomery County, Maryland, to study their electric transit system, has been canceled and there will be a Charlottesville Area Transit Alternative Fuels Study presentation on January 16. Staff plans to continue working with peers in Montgomery County to reschedule the visit.

City and County leadership came together for a recent leadership exchange to work on key items for collaboration in preparation of FY25 budgets. Some priority topics discussed were transit, library, emergency management and parks.

Mr. Sanders toured Charlottesville High School with Superintendent Dr. Royal Gurley and discussed a series of matters regarding school supporting a quality learning environment. Related requests will come forward to Council as part of the School Board's annual budget request.

Mr. Sanders thanked Councilor Puryear for her service.

## **COMMUNITY MATTERS**

Mayor Snook opened the floor for comments from the public.

1. Claire Denton-Spalding, city resident, spoke in opposition to the gross floor area cap of 5000 square feet in the Draft Zoning Ordinance (DZO).
2. Kirk Bowers, Albemarle County resident, spoke about the benefits of living close to Charlottesville and asked Council to defer the vote on the DZO to allow more time for input.
3. Peter Gray gave recommendations for approving affordable housing with the Zoning Ordinance.
4. Stephen Levin, city resident, spoke in support of increased density and against gross floor area limits in the DZO. He spoke in support of the VERVE and the 2117 Ivy Road projects.
5. Julia Jones, city resident, asked Council to postpone the vote on the DZO until it provides a real path to affordable housing, a plan for increased demand on infrastructure, utilities and traffic. She asked about implementing requirements for developers to provide renewable energy on flat roofs.
6. Kevin Lynch, city resident, requested that Council postpone the vote on the DZO and allow time for developing a better plan.
7. Kitter Bishop spoke about shortcomings of The VERVE project, and asked Council to deny the request, and wait for a better proffer and height that is in line with the CSA zoning.
8. Ellen Contini-Morava, city resident, spoke about The VERVE planned unit development (PUD) proposal, and requested denial of the project to avoid a community of absentee landlords and short-term student renters who have no stake in the community. She thanked Ms. Puryear for her service.
9. Steven Johnson requested approval of the VERVE and 2117 Ivy Road projects, and the DZO with gross floor area cap removed, to address the affordable housing crisis and make the city

a more welcoming place for a variety of people.

10. Kate Fraleigh spoke in opposition to imposing a gross floor area cap, in support of CLIHC's (Charlottesville Low Income Housing Coalition) recommendations.
11. Phil D'Oronzio, city resident, spoke about the manners for determining terms of affordability in the DZO, and urged Council to revert to the language recommended by the Planning Commission. He spoke against implementing a gross floor area cap.
12. Kimber Hawkey, city resident, spoke against building for density's sake. She spoke about existing infrastructure issues and capacity concerns with increased density.
13. Danny Yoder, city resident, spoke in support of both PUDs and in support of the DZO, requesting removal of the gross floor area cap.
14. Elaine Poon, Legal Aid Justice Center, spoke about historical roots of the city, including racial injustice in zoning. She stated that the city is in a position to change the narrative of past injustices and to address and redress segregation. She opposed the gross floor area cap especially in R-A areas to accommodate affordability.
15. Jalane Schmidt, city resident, spoke about the housing shortage and in support of the proposed PUDs on the agenda. She requested removal of the gross floor area cap consideration.
16. Jay Oschrin, homeowner in the city, spoke in support of additional housing in the city. He spoke in opposition to implementing a gross floor area cap.

Mayor Snook in a straw poll asked for people to stand in support or opposition to the VERVE project, the 2117 Ivy Road project, and the DZO as it came from the Planning Commission, from the last Work Session, not passing at all, opposed to the gross floor area provision, and in support of the gross floor area provision.

## **ACTION ITEMS**

- 6. ORDINANCE: Ordinance to approve a Zoning Map Amendment pursuant to Sections 34-41 of the Code of the City of Charlottesville for properties located at 106 – 114 Stadium Road, 409 Stadium Road, 104 Stadium Road, 102 Stadium Road, 1705 Jefferson Park Avenue, and 100 Stadium Road – VERVE Charlottesville PUD – ZM23-00004**

Matt Alfele, City Planner, summarized the VERVE proposal, and stated that the applicant revised the affordable housing proffer. Valerie Long, representing the applicant, stated that the proffer statement remains the same with the addition of \$800,000 to the affordable housing contribution. She answered Mr. Payne's question about calculating the proffer amount. Answering a question from Mr. Snook, Mr. Alfele clarified right-of-way status for Woodrow Street.

On motion by Payne, seconded by Pinkston, Council by a 5-0 vote continued consideration of the application following a public hearing before City Council to be held on January 16 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none).

**7. ORDINANCE: Ordinance amending and re-enacting Chapter 34 (Zoning) of the Code of the City of Charlottesville (1990), as amended, to remove 104 Stadium Road from the list of Individually Protected Properties – VERVE Charlottesville PUD – ZT23-09-02**

Matt. Alfele, City Planner, presented the request.

On motion by Pinkston, seconded by Puryear, Council approved the ordinance by a 4-1 vote (Ayes: Pinkston, Puryear, Snook, Wade; Noes: Payne). Mr. Payne spoke in opposition, stating a missed opportunity for historical preservation.

**AN ORDINANCE AMENDING AND RE-ENACTING CHAPTER 34 (ZONING) OF THE CODE OF THE CITY OF CHARLOTTESVILLE (1990), AS AMENDED, TO REMOVE 104 STADIUM ROAD FROM THE LIST OF INDIVIDUALLY PROTECTED PROPERTIES.**

**8. ORDINANCE: Ordinance to amend the November 4, 1996 Right-of-Way Closure Ordinance for Woodrow Street - VERVE Charlottesville PUD**

Matt. Alfele, City Planner, presented the request.

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

**AN ORDINANCE CLOSING, VACATING AND DISCONTINUING WOODROW STREET**

**9. ORDINANCE: Ordinance to amend the May 2, 2011 ordinance for the sale of 409 Stadium Road - VERVE Charlottesville PUD**

Matt. Alfele, City Planner, presented the request.

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

**AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY LOCATED AT 409 STADIUM ROAD**

**10. RESOLUTION: Resolution to grant a Critical Slope Waiver for a residential development referred to as "VERVE Charlottesville PUD"**

Matt. Alfele, City Planner, presented the request.

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

**RESOLUTION**  
**GRANTING A CRITICAL SLOPE WAIVER FOR A RESIDENTIAL DEVELOPMENT**  
**REFERRED TO AS “VERVE CHARLOTTESVILLE PUD”**

**WHEREAS** Woodrow Apartments, LLC; Woodrow Too, LLC; and 1709 JPA LLC (“Landowner”) is the owner of certain land identified within the City of Charlottesville Real Estate Assessor’s records as Real Estate Parcel Identification Nos. Parcel Number: 160008000, 160005000, 160004000, 160003000, 160002000, 160001000, said parcels having current street addresses of 106 – 114 Stadium Road, 409 Stadium Road, 104 Stadium Road, 102 Stadium Road, and 100 Stadium Road (collectively, the “Subject Property”); and

**WHEREAS** the Subject Property contains critical slopes, over and within an area of approximately 0.47 acre, which is approximately 14% of the combined area of the various 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 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. P23-0055, as required by City Code Sec. 34-1120(b)(6) (collectively, the “Application Materials”); and

**WHEREAS** the Planning Commission considered and recommended approval of this application at their October 10, 2023 meeting, subject to conditions proposed within the Staff Report and modified as discussed in the meeting; 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 residential development as described within the Application Materials, subject to the following conditions:

1. The applicant shall work with the City’s Urban Forester to identify, remove, and mitigate invasive plant materials within the Critical Slopes.
2. The applicant will work with a local arborist to study and document trees within the Critical Slope area to determine if any can be preserved.
  - a. These documents shall be provided to the City’s Urban Forester and the Neighborhood Development Services’ Planner.
  - b. Should the study identify any tree(s) for preservation, the applicant shall work with the City’s Urban Forester during site plan review to create a tree protection/preservation plan. The applicant shall perform all protection/preservation measures as identified in this plan. The tree preservation/protection plan will include a monitoring program to ensure compliance throughout the construction period. The plan shall also include provisions, such as easements, deed restrictions, or other legally binding measures to ensure preservation of the trees in perpetuity.
3. Any tree with a six inch or greater caliper that is removed from the Critical Slope area shall be replaced at a 3:1 ratio. The replacement tree(s) shall:

- a. Have a two inch or greater caliper at planting.
- b. Be in the general area from where the original tree was removed. Allowances for alternative locations may be granted by the Site Plan Agent if:
  - i. The planting location will interfere with fire safety as identified by the Assistant Fire Marshal; or
  - ii. The planting location will restrict establishment of a healthy mature tree canopy as determined by the City's Urban Forester.

The applicant will provide a document, within the final site plan, illustrating how the requirements of condition #3 are fulfilled.

**11. RESOLUTION: Resolution to grant a Sidewalk Waiver for a residential development referred to as "VERVE Charlottesville PUD"**

Matt. Alfele, City Planner, presented the request and expressed staff support.

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

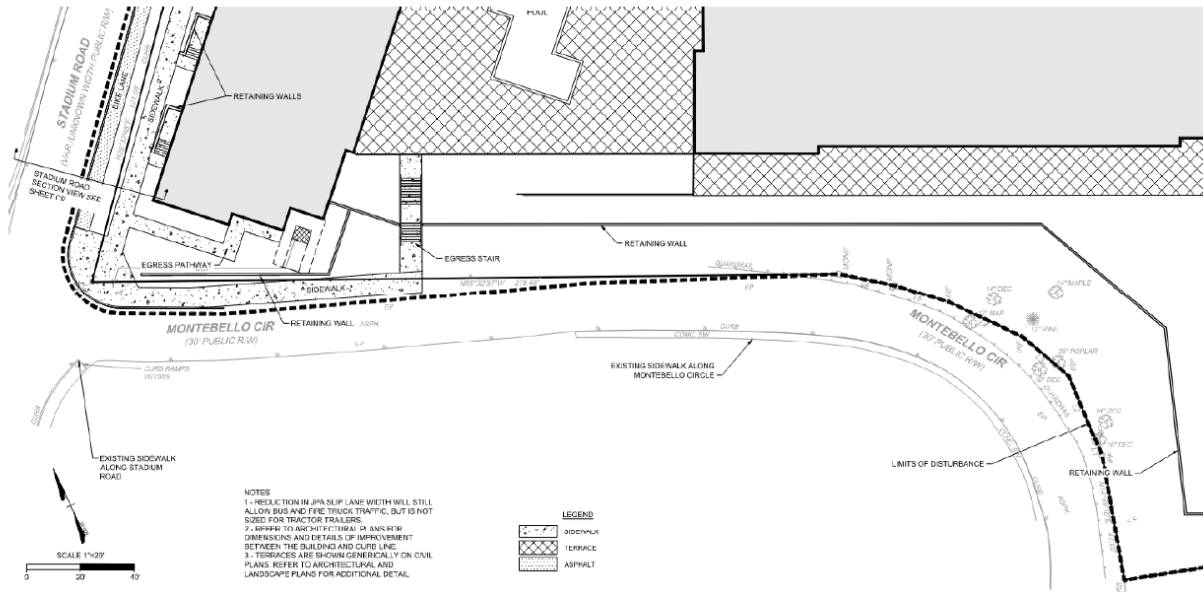
**RESOLUTION  
SIDEWALK WAIVER REQUEST FOR A RESIDENTIAL DEVELOPMENT  
REFERRED TO AS "VERVE CHARLOTTESVILLE PUD"**

**WHEREAS**, Subtext Acquisitions, LLC ("Contract Purchaser and Applicant"), on behalf of Woodrow Apartments, LLC; Woodrow Too, LLC; and 1709 JPA LLC, (collectively the "Landowners") of certain land fronting on Jefferson Park Avenue, Stadium Road, Emmet Street, and Montebello Circle, designated on the City Tax Map and Parcel (TMP) as 160008000, 160005000, 160004000, 160003000, 160002000, and 160001000 (collectively, hereinafter, the "Subject Property"), has submitted an application seeking a waiver of the requirement of City Code Section 29-182(j)(3) where land being subdivided or developed fronts on an existing street, and adjacent property on either side has an existing sidewalk, the subdivider shall construct a sidewalk, and shall dedicate land to the public for such sidewalk, to connect to the existing sidewalk. This application is submitted in connection with the Applicant/Developer's proposed development of ZM23-00004 (Planned Unit Development), and

**WHEREAS**, City staff has submitted to City Council a staff report providing information and staff's recommendation regarding the sidewalk waiver request, and City Council has reviewed the application and the staff report and has considered the factors set forth within the City's Subdivision Ordinance, Sections 29-36 and 29-182(j)(5); now, therefore,

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia that the sidewalk waiver request presented to this Council by the Applicant/Developer is hereby

granted along approximately three hundred (300) feet along the north side of Montebello Circle abutting City Lots currently identified as Real Estate Parcel Identification Numbers 160005000 and 160008000 as depicted below.



## 12. ORDINANCE: Ordinance to Rezone land fronting on Ivy Road and Copeley Road related to the "2117 Ivy Road Plan Unit Development Plan Submittal"

Dannan O'Connell, City Planner, summarized the request, which was introduced at a joint public hearing with the Planning Commission and City Council on November 14 and presented at the December 4 City Council meeting. The developer updated the proffer contribution to \$3.25 Million to the affordable housing fund, and made design changes to the pedestrian streetscape and building setbacks.

Brennen Duncan, City Traffic Engineer, shared reasons for accessing the property from Copeley Road rather than Ivy Road. He gave input on mitigating hazards for either entrance.

Valerie Long, representing the applicant, RMD Properties, shared revisions to the proposal since the last meeting, including an increased affordable housing commitment, increased green space and setbacks on Ivy Road, and architectural improvement to reduce massing.

Julie Filges and Dan Martinez, architects, reviewed and explained the visual renderings of the project, including streetscape.

Ms. Long shared information from a shadow study to respond to Mr. Snook's assessment of the proposed lack of sunlight at the swimming pool.

Mayor Snook expressed concern about attempting to pack too much into too small of a site. He

stated that infill projects always have problems and questioned whether the problems can be mitigated. He specified for the record that buildings being built close to the road can create a canyon effect, which he does not believe the city wants. The project is subject to Entrance Corridor Review Board review.

On motion by Pinkston, seconded by Puryear, Council by a 5-0 vote continued consideration of the application following a public hearing before City Council to be held on January 16 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none).

The meeting recessed from 9:24 p.m. to 9:35 p.m.

### **13. ORDINANCE: Consideration of repealing and reordaining a new Chapter 34 of the Charlottesville City Code, and adopting a new official Zoning Map for the City of Charlottesville**

Mayor Snook and James Freas, Director of Neighborhood Development Services, guided Council through a list of decision points for proposed changes since the last City Council work session. Following a thorough discussion, the following action was taken.

On motion by Pinkston, seconded by Payne, Council by a unanimous vote of 5-0 approved the ordinance repealing Chapters 29 and 34, and reordaining a new Chapter 34 of the Charlottesville City Code, and adopting a new official Zoning Map for the City of Charlottesville, subject to amendments made during the December 18 meeting, with an effective date of February 19, 2024 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none).

Councilors reflected on the significance of this vote and thanked all who were involved in the years-long process.

### **ORDINANCE OF THE CHARLOTTESVILLE CITY COUNCIL: REPEAL AND REORDAIN A NEW CHAPTER 34 AND REPEAL CHAPTER 29 OF THE CHARLOTTESVILLE CITY CODE AND ADOPT A NEW OFFICIAL ZONING MAP FOR THE CITY OF CHARLOTTESVILLE**

### **14. RESOLUTION: Disposition of Pending Projects**

James Freas, Director of Neighborhood Development Services, explained that six to eight projects were in various stages of the site plan review process from some nearing completion of their review after many months and others only recently submitted. These projects do not qualify for vesting under state law and have no legal entitlement to continued review under the existing zoning ordinance after the effective date of the new ordinance. Council has the option to establish a set of criteria that grant some or all of these projects the right to continue the review and approval process under the existing zoning through a resolution adopted at the time of the adoption of the new zoning ordinance.

Staff requested a decision regarding the submission cutoff date. A project submitted before this date would continue under the existing zoning. A project submitted after that date would be

subject to the new zoning. Staff have identified three reasonable options:

1. August 31, 2023 – This date was the first advertisement of the draft zoning ordinance for the Planning Commission’s public hearing. The advertisement represents a clear notice of the pending decision by the City of the upcoming change to the zoning ordinance.
2. November 21, 2023 – This date was the first advertisement of the draft zoning ordinance for the Council’s public hearing. Again, the advertisement represents a clear notice of the pending decision by the City of the upcoming change to the zoning ordinance. This date is later and reflective of some of the proposed amendments to the ordinance by the Planning Commission.
3. December 18, 2023 – This date is the (presumed) adoption date for the new ordinance.

Staff recommended the August 31, 2023 date.

On motion by Payne, seconded by Puryear, Council by a 3-2 vote approved the resolution setting August 31, 2023 as the date of disposition for pending development projects (Ayes: Payne, Puryear, Snook; Noes: Pinkston, Wade).

**RESOLUTION OF THE CHARLOTTESVILLE CITY COUNCIL:  
DISPOSITION OF PENDING PROJECTS ON THE EFFECTIVE DATE OF THE  
NEW DEVELOPMENT CODE AND ZONING MAP**

WHEREAS, City Council has this date enacted a new Development Code as Chapter 34 and new Zoning Map (“new requirements), and has repealed the prior Zoning Ordinance (Chapter 34) (“repealed ordinance”) and Chapter 29; and

WHEREAS, as a matter of law, certain projects will accrue zoning vested rights to proceed under the repealed ordinance; and

WHEREAS, City Council is not required, but desires, to allow certain other projects, which have been submitted for approval and have been under review, but do not have vested rights, to proceed under the repealed ordinance; and

WHEREAS, City Council has determined that orderly transition from the prior ordinances to the new requirements of Chapter 34 will be assisted by allowing these certain other projects to continue to diligently pursue approval under the repealed ordinance for a limited time;

NOW, THEREFORE, BE IT RESOLVED by the Charlottesville City Council that the following projects, which otherwise have not accrued zoning vested rights, may continue to pursue site plan review and approval under the repealed ordinance with due diligence as follows:

- Those project applications for site plan approval which were submitted and accepted for review by August 31, 2023, the date of first advertisement of the new ordinance Chapter 34 for the Planning Commission public hearing;

- Provided, however, that in order to maintain its status as “vested” under the repealed ordinance, the project must actively pursue approval, unless given a time extension by the Director of Neighborhood Development Services for extenuating circumstances, and must complete site plan review by July 1, 2025; and
- Provided, that, if, after the third submission, one of the foregoing projects does not obtain site plan approval, the applicant must submit a new application, with new fees, and in accordance with current/new ordinance requirements. If a new Page 302 of 317 submission is required, the project must proceed under the current/new requirements; and
- The relief provided in this resolution applies only to zoning ordinance requirements and not to any other development ordinance requirements.

Adopted by the City Council, this 18th day of December 2023.

## **GENERAL BUSINESS**

### **15. WRITTEN REPORT: Botanical Garden of the Piedmont FY23 Annual Report**

Council acknowledged receipt of the written annual report.

## **COMMUNITY MATTERS (2)**

- Kevin Little, city resident, stated that that Council may have voted on the most radical upzoning in the country. He spoke about a concept in urban planning called studentification as a new way to see an old problem.
- Matthew Gillikin, city resident and Co-Chair of Livable Cville, thanked Council for the decisions that they made during the meeting, to Mr. Freas, the Planning Commission and to community members who helped to build a strong zoning code.
- Genevieve Keller, city resident, expressed appreciation to Council, Mr. Freas and all who were involved in the Zoning Ordinance update process.
- Josh Carp, city resident, thanked Council and Planning Commission for work on the Zoning Ordinance, and for the impact the new plan will have on climate action, as will the decision to approve the VERVE and 2117 Ivy Road projects.
- Rory Stolzenberg, city resident, thanked Council for their hard work on the Zoning Ordinance and he thanked Ms. Puryear for her service.

The meeting adjourned at 11:49 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council