

**ORDINANCE**

**APPROVING A REZONING, SUBJECT TO PROFFERED DEVELOPMENT CONDITIONS, OF PROPERTY LOCATED AT 908 ST. CLAIR AVE, 113 OTTER ST, 1221 LANDONIA CIRCLE, AND 1201 LANDONIA CIRCLE TO ESTABLISH A PLANNED UNIT DEVELOPMENT (“PARK STREET PUD”)**

**WHEREAS** in order to facilitate a specific development referred to as the Park Street Planned Unit Development (the “Project”), Shimp Engineering, as the agent of Mount View Baptist Church, Mount View Properties, LLC, and Route 250 Houses, LLC (collectively “Landowner”), has submitted rezoning application ZM22-00002, proposing a change in the zoning classification of certain land fronting on St. Claire Avenue, Otter Street, Landonia Circle, and River Vista Avenue, identified within the City’s real estate assessment records by Real Estate Parcel Identification Nos. 490065000, 490072100, 490072000, and 490073000 (collectively, the “Subject Property”); and

**WHEREAS** the Subject Property is currently zoned “R-2” and the Landowners are requesting City Council to rezone and designate the Subject Property as a Planned Unit Development (“PUD”), subject to the provisions of the PUD Development Plan and further subject to development conditions proffered by the Landowners, all as set forth within the application materials for ZM22-00002, submitted by the Landowners through their agent (the “Proposed Rezoning”); and

**WHEREAS** a joint public hearing on the Proposed Rezoning was conducted by City Council and the Planning Commission on September 13, 2022, following notice to the public and to adjacent property owners as required by law; and

**WHEREAS** City Council has considered the proposal for the Project set forth within the application materials for ZM22-00002, the Staff Report, comments received from the public, the Planning Commission’s recommendation, and the Comprehensive Plan; and

**WHEREAS** this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice require the Proposed Rezoning; that both the existing zoning classification (R-2) and the proposed PUD zoning district classification, inclusive of the PUD Development Plan and the proffered development conditions, are reasonable; and that the Proposed Rezoning is consistent with the Comprehensive Plan; now, therefore,

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

*Section 34-1.Zoning District Map.* Rezoning from R-2 to PUD the parcels of land identified within the City’s tax assessment records by Real Estate Parcel Identification No. 490065000, 490072100, 490072000, and 490073000 (the land currently having the addresses of 908 St. Clair Avenue, 113 Otter Street, 1221 Landonia Circle, and 1201 Landonia Circle), subject to the PUD Development Plan for the Park Street PUD, and subject further to development conditions

proffered by the Landowners, which are hereby accepted by this City Council and set forth following below:

### **Approved Proffers**

In furtherance of the Project, and if the Subject Property is rezoned as requested, the use and development of the Property will be subject to and in accordance with the following conditions:

#### **1. AFFORDABLE HOUSING:**

The Landowner shall provide affordable housing within the Property, as follows:

- a. For the purposes of this Proffer, the term “For-Rent Affordable Dwelling Unit” means a dwelling unit where the monthly cost of rent, including any tenant paid utilities, does not exceed the Maximum Affordable Rent for unit size for 60 percent of the Area Median Income (AMI) as published annually by the City of Charlottesville’s Inclusionary Zoning Policy. In the event the Inclusionary Zoning Policy is not established and the Maximum Affordable Rent is not published annually, the monthly cost of rent will be calculated by adjusting for unit size the then current Federal Department of Housing and Urban Development’s (HUD) Income Limit for the Charlottesville VA HUD Metro FMR Area for 60 percent AMI households. The monthly cost of rent will be adjusted per unit size where the rent, inclusive of tenant paid utilities, does not exceed 30% of the household income where the persons in family is one more than the number of unit bedrooms.
  - i. For-Rent Affordable Dwelling Units shall be reserved for rental to low- and moderate-income households having income less than 60 percent of the Area Median Income. Area Median income means the median income for Households within the Charlottesville, Virginia HUD Metropolitan FMR Area, as published annually by the U.S. Department of Housing and Urban Development.
- b. The Landowner shall cause seven (7) dwelling units constructed within the area of the Property to be For-Rent Affordable Dwelling Units (the “Required Affordable Dwelling Units”). The Required Affordable Dwelling Units shall be identified on a layout plan, by unit, prior to the issuance of any certificate of occupancy for a residential unit within the Property (“Initial Designation”). The Landowner reserves the right, from time to time after the Initial Designation, and subject to approval by the City, to change the unit(s) reserved as For-Rent Affordable Dwelling Units, and the City’s approval shall not unreasonably be withheld so long as a proposed change does not reduce the number or make-up of Required Affordable Dwelling Units and does not result in an Affordability Period shorter than required by these proffers with respect to any of the Required Affordable Dwelling Units.
  - i. The Required Affordable Dwelling Units shall be reserved as such throughout a period of at least twenty (20) years from the date on which the unit receives a certificate of occupancy from the City’s building official (“Rental Affordability Period”). All Required Affordable Dwelling Units shall be administered in accordance with one or more written declarations of covenants within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney.

- ii. The Required Affordable Dwelling Units shall be comprised of four efficiency units, one one-bedroom unit, one two-bedroom unit, and one three-bedroom unit.
    - iii. On or before January 10 of each calendar year, or an alternate date mutually agreed upon by the Landowner and the City, the then current owner of each Required Affordable Dwelling Unit shall submit an Annual Report to the City, identifying each Required Affordable Dwelling Unit by address and location, and verifying the Household Income of the occupant(s) of each Required Affordable Dwelling Unit.
    - iv. The Required Affordable Dwelling Units shall be constructed proportionally to the number of market rate units at a rate of 10 percent, so that for every ten (10) units constructed a minimum of one (1) is designated as a Required Affordable Dwelling Unit. Notwithstanding the foregoing, the Required Affordable Dwelling Units may be constructed at a rate that exceeds 10 percent of the total number of dwelling units. All Required Affordable Dwelling Units shall be constructed prior to the issuance of certificate of occupancy of the 59th dwelling unit.
    - v. Section 8 Housing Choice Vouchers will be accepted as a form of payment for the Required Affordable Dwelling Units.
    - vi. The Landowner shall provide a marketing plan to the Office of Community Solutions or comparable City Department prior to issuance of the first certificate of occupancy for a residential unit within Block 2. The marketing plan shall demonstrate how the affordable units will be advertised and will be prepared in a form acceptable to the Office of Community Solutions or comparable City Department.
  - c. The land use obligations referenced in 1.c.i and 1.c.ii shall be set forth within one or more written declarations of covenants recorded within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney, so that the Owner's successors in right, title and interest to the Property shall have notice of and be bound by the obligations. The Required Affordable Dwelling Units shall be provided as for-rent units throughout the Rental Affordability Period.
2. **CONSTRUCTION ENTRANCE:** Construction entrances for site development and construction on the Property shall not connect to River Vista Avenue.
3. **SCREENING FENCE:** A screening fence shall be installed by the Landowners in the locations shown on Sheet 7 of the PUD Development Plan submitted by Shimp Engineering dated February 8, 2022 last revised **May 2022** (the "Park Street PUD Development Plan").
  - a. The screening fence may be comprised of masonry, composite, painted or stained lumber, or an alternate material approved by the City's site plan agent (Director of Neighborhood Development Services ("NDS") or designee). Chain link and screening mesh are expressly prohibited as screening fence materials.
  - b. The screening fence shall be a minimum of six (6) feet in height, unless a lesser height is agreed upon by the Landowner and the owners of adjacent property where the screening fence is installed along the common boundary line. If a lesser height is agreed upon, record of this agreement must be presented in writing to the City's site plan agent.

- c. If, at the time of construction of the screening fence, an adjacent landowner has already erected a fence along the common boundary line, the screening fence shall not be required in the location where the adjacent owner's existing fence is constructed.
- d. The screening fence must be constructed prior to the issuance of the first certificate of occupancy for a residential unit within Block 2; the limits of Block 2 are shown on Sheet 4 of the Park Street PUD Development Plan.

4. **RIVER VISTA SIDEWALK IMPROVEMENTS:** The Landowner shall construct a sidewalk to City standards within the River Vista public right-of-way, adjacent to parcels 4900638000 and 490064000, in order to establish a continuous pedestrian connection between the Subject Property's entrance from River Vista Ave continuing northwest to the intersection of River Vista Ave and St. Clair Avenue. The sidewalk shall be constructed prior to the issuance of certificate of occupancy of the tenth (10<sup>th</sup>) dwelling unit within the Project and shall be dedicated to the City for acceptance into the City's public street system for maintenance. If, at the time of construction, sufficient right-of-way does not exist to accommodate the construction of the sidewalk in the required location, and if the Landowner cannot reasonably obtain an easement from the respective owners of tax parcels 49000638000 and 490064000 to permit the construction of the sidewalk, then the Landowner shall make a cash contribution to the City's Sidewalk Fund in an amount equal to the construction of 270 linear feet of sidewalk, which contribution shall be calculated by using the then current Sidewalk Fund Calculator. The cash contribution shall be made prior to the issuance of certificate of occupancy of the tenth (10<sup>th</sup>) dwelling unit within the Project.