

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



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| Agenda Date:     | January 17, 2023   |
| Action Required: | Resolution Approval  |
| Presenter:       | James Freas, Director of NDS   |
| Staff Contacts:  | James Freas, Director of NDS<br>Missy Creasy, Deputy Director of NDS<br>Kristel Riddervold, Environmental Sustainability Manager                     |
| Title:           | <b>Adopting the Amendment and Re-enactment of the November 15, 2021 Comprehensive Plan for the City of Charlottesville, as amended (2nd reading)</b> |

### **Background**

At the December 13, 2022 Planning Commission meeting a joint public hearing was held for consideration of a proposed action to amend and re-enact the Comprehensive Plan of the City of Charlottesville (2021) which included:

- a proposed amendment that would reference **manufactured housing as one source of affordable housing** (which, if adopted, should address the legal deficiency pointed out in the lawsuit, relative to the requirement of Va. Code §15.2-2223.5), and
- a proposed amendment that will incorporate a **climate action plan** as a component of the Comprehensive Plan, and
- a proposed action: i.e., the amendment and **re-enactment** of the November 15, 2021 Plan, as amended.

### **Discussion**

On November 15, 2021, the City Council adopted an amended Comprehensive Plan ("Plan"). The Plan, as adopted, reorganized, reformatted and updated the 2013 Comprehensive Plan, which had been overdue for its required 5-year review. The proposed Plan had been advertised for a joint public hearing conducted by City Council and the Planning Commission on October 12, 2021, as required/ allowed by law. Following the public hearing, the Planning Commission voted within the time period required by state law, and then the Plan was presented to City Council for consideration. Although not required by law, City Council then advertised a second public hearing on the proposed Plan, which was conducted on November 15, 2021. On that same day, following the extra public hearing, City Council voted to approve the Plan, within the window of time allowed by state law. (Per Va. Code §15.2-2226 City Council may vote on a proposed Plan at any time, within 90 days of the planning commission's recommending resolution).

On December 15, 2021, after City Council's approval of the November 15, 2021 updated Comprehensive Plan, eleven city residents brought a legal action within the Charlottesville Circuit Court, asking the Court to declare the Plan as adopted on November 15, 2021 to be "void". The plaintiffs are individuals who oppose the density increases within the City's low-density residential neighborhoods. The plaintiffs challenged the Plan on various grounds, both procedural and substantive. Substantively, the plaintiffs presented arguments as to why they believe the Planning Commission and City Council were making poor decisions. Procedurally, the plaintiffs alleged that: (1) the November 15, 2021 Plan failed to include provisions to promote *manufactured housing* as a source of affordable housing, as required by Virginia Code §15.2-2223.5 (which took effect July 1, 2021); and (2) that the contents of the public hearing notice published in the *Daily Progress* to give notice of the November 15, 2021 public hearing didn't have enough detail in it to give landowners sufficient notice of whether the updated Plan would affect them. Thus far, the City has successfully weeded out many of the legal arguments; the only legal issue that remains pending is the sufficiency of the newspaper notice for the November 15, 2021 City Council hearing. No date for a court hearing on that remaining legal issue has been set at this time.

On February 7, 2022, the City Council approved its first amendment to the previously-enacted November 15, 2021 Plan (i.e., the inclusion of the Urban Rivanna River Corridor Plan). Within this memo, we are citing to the Plan that is before you tonight, as the "November 15, 2021 Plan, as amended"

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

The Comprehensive Plan touches all aspects of the Vision statement. Areas specific to the amendments proposed include Quality Housing Opportunities for All and A Green City.

### **Community Engagement**

Community member participation is an important element in the Comprehensive Planning Process. The Planning Commission, RHI team, and City staff carried out an extensive program of community review and participation prior to the November 15, 2021 plan adoption. Outreach has continued as part of the Zoning Ordinance project that remains underway. The Climate Action Plan amendment request had additional extensive engagement.

There were 24 speakers at the joint public hearing held on December 13, 2022.

### **Budgetary Impact**

No direct impacts. The Comprehensive Plan is supposed to be used as one tool to guide development and priorities within the Capital Improvement Program and should be referenced in that process, which is underway, and used as a reference point in establishing priorities for funding within the CIP.

### **Recommendation**

Approval of the attached resolution to approve the November 15, 2021 Comprehensive Plan, as amended (including the new amendments recommended by the Planning Commission on December 13, 2022) should be adopted and re-enacted as the current adopted comprehensive plan for the City of Charlottesville.

***Suggested Motion: "I move the RESOLUTION amending and re-enacting the Comprehensive Plan for the City of Charlottesville"***

**Alternatives**

City Council could chose to approve the resolution with changes or deny the resolution.

**Attachments**

1. RES Amend Comp Plan
2. Council memo Comprehensive Plan -January 3 2023 - CAP and Manufactured updated