

ORDINANCE
TO AMEND AND RE-ENACT THE ZONING MAP FOR THE CITY OF CHARLOTTESVILLE,
TO RECLASSIFY CERTAIN PROPERTY FROM R-1S TO PLANNED UNIT DEVELOPMENT
("FLINT HILL PUD")

WHEREAS, Belmont Station, LLC ("Landowner"), by its member Charlie Armstrong, has rezoning application ZM20-00001 ("Application") seeking a change in the zoning district classification for certain land identified on the City of Charlottesville's 2019 Tax Map 20 as Parcels 200259310, 200259301, 200259290, 200259280, 200259270, 200259260, 200259370, 200259380, 200259350, 200259340, 200259330, 200259320, and a portion of Parcel 200196000, having frontage on the unimproved portions of Flint Drive and Keene Court and, having, in the aggregate, an area of approximately 9.81 acres/ 427,323 square feet (collectively, the various parcels of land are referred to herein as the "Subject Property"), with such rezoning to be subject to certain proffered development conditions dated June 26, 2020 ("Proffers") and submitted as part of the Application; and

WHEREAS, the purpose of the rezoning application is to allow a specific development project identified within: a written PUD Development Plan, dated May 1, 2020, the Proffers, and supplemental application materials dated May 1, 2020, describing details of a planned residential development named "Flint Hill PUD"-this development project will provide townhouse dwelling and multifamily units, with accessory dwelling units allowed, up to a total of not more than 60 dwelling units within the PUD, in the aggregate-of both single family attached (SAF) and neighborhood-scale condominium housing types (MFD). Among those housing types will be several subtypes of various square footages, widths, styles and price points; rear-alley-loaded garage townhomes, and proffered ADUs to guarantee affordability and variety; 5.01 acres of open space, effectively preserving sixty percent (60%) of existing trees, streams and sensitive topography within the PUD, including preservation of wetlands and stream buffer areas along Moore's Creek and tributary streams 1 and 2; rear loaded parking behind units constructed on Flint Drive; sheltered 5-foot-wide sidewalks along Keene Court and Flint Drive; natural trails; and such development further subject to matters set forth within (i) a resolution of this Council granting a waiver of critical slopes regulations for the development under certain conditions, as requested in Application P20-0008, and (ii) an ordinance adopted by this Council vacating Keene Court and Flint Drive for the development under certain conditions, as requested within Application P20-0011 (collectively, the foregoing describe the specific "Project"); and

WHEREAS, a joint public hearing on the proposed rezoning of the Subject Property was held before the Planning Commission and City Council on June 9, 2020, following notice to the public and to adjacent property owners as required by law; and

WHEREAS, on June 9, 2020, following the joint public hearing, the Planning Commission voted to recommend that City Council should approve the proposed rezoning for the Project; and

WHEREAS, City Council has considered the details of the specific Project represented within: the Landowner's various application materials; the Staff Reports relating to the application materials; comments received from the public; and the Planning Commission's recommendation; 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-1S) and the proposed PUD zoning classification (subject to 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, in order to allow the development of the Project described above within this Ordinance, the Zoning Map incorporated in

Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, shall be and hereby is amended and reenacted as follows:

Section 34-1.Zoning District Map. Rezoning from R-1S to PUD, land identified on the City of Charlottesville's 2020 Tax Map 20 as Parcels 200259310, 200259301, 200259290, 200259280, 200259270, 200259260, 200259370, 200259380, 200259350, 200259340, 200259330, 200259320, and a portion of Parcel 200196000, consisting, collectively, of 9.81 acres, or 427,323 square feet, subject to the PUD Development Plan dated XXX and also subject to the Proffers dated XXX, which were tendered by the Landowner in accordance with law and are hereby accepted by this City Council:

Approved Proffers

The use and development of the Subject Property shall be subject to the following development conditions voluntarily proffered by the Landowner, which conditions shall apply in addition to the regulations otherwise provided within the City's zoning ordinance:

1. There shall be a maximum of 60 residential units within the area of the Subject Property.
2. Affordable Dwelling Units:
 - a. The Landowner shall cause a minimum 15% of the residential units constructed within the area of the Subject Property to be affordable to households having income between 25% and 60% of area median income (as defined in City Code 34-12(c) and 34-12(g)), with such affordability guaranteed for a period of at least thirty (30) years by deed restrictions recorded by the Landowner within the land records of the Charlottesville Circuit Court, which deed restrictions shall include, at a minimum, a first right of refusal for the Landowner to repurchase the property, appreciation-sharing provisions, and forgivable and/or no-interest mortgages from the Landowner or Landowner's designee to a qualified home buyer ("Affordable Dwelling Units, or "ADUs").
 - b. During home construction within the Project, the ADUs shall be provided incrementally such that at least 1 ADU shall be under construction prior to the issuance of every 10th Certificate of Occupancy. At the Landowner's option, if the Landowner conveys to Greater Charlottesville Habitat for Humanity ("Habitat"), by recorded deed, any lot(s) within the Subject Property, then:
 - i. the conveyed lot(s) shall be deemed ADUs that are "under construction" as of the date of recordation of the deed of conveyance from Landowner to Habitat containing the deed restrictions referenced in paragraph 2.a., above; and
 - ii. the deed restrictions shall include a covenant requiring that, if any of the initial homeowners of the ADUs sell or otherwise transfer ownership of the ADU to a person other than Habitat or a qualifying heir, within the first thirty (30) years following issuance of a certificate of occupancy for the unit sold or transferred, then Habitat will use any appreciation-sharing proceeds from the sale or transfer of that ADU for construction of a replacement affordable dwelling unit within the City of Charlottesville and shall document such use of the appreciation-sharing proceeds, and shall make such documentation available to the City's zoning administrator upon request.

BE IT FURTHER ORDAINED THAT, in the event the layout of the streets within the Flint Hill PUD, including, without limitation, the "teardrop" design of Keene Court (as depicted within the concept plan component of the Flint Hill PUD Development Plan) cannot be designed and constructed in accordance with provisions of applicable City ordinances and the City's Standards and Design Manual, then the Landowner shall be required to obtain City Council's approval of an

amended PUD Development Plan, showing a different street layout, prior to obtaining any preliminary or final site plan or subdivision approval for the Project.

Approved by Council
August 3, 2020

A handwritten signature in cursive script that reads "Kyna Thomas".

Kyna Thomas, CMC
Clerk of Council