

**AN ORDINANCE  
APPROVING REZONING APPLICATION ZM21-00004  
APPROVING A REQUEST TO REZONE THE PARCEL OF LAND  
LOCATED AT 1200 PARK STREET, FROM R-1 (SINGLE FAMILY RESIDENTIAL)  
TO PLANNED UNIT DEVELOPMENT (“PARK STREET PUD”) SUBJECT TO  
PROFFERED DEVELOPMENT CONDITIONS**

**WHEREAS**, in order to facilitate a specific development project, Piedmont Housing Alliance, as agent for Park Street Christian Church, the owner of the parcel of land designated on City Tax Map 47 as Parcel 212, and comprising 7.5 acres (collectively, the “Applicants”), seek a rezoning of such property from R-1 (Single Family Residential) to PUD (Planned Unit Development) (hereinafter the “Proposed Rezoning”) subject to proffered development conditions; and

**WHEREAS**, in connection with the Proposed Rezoning, the Applicants submitted: (i) a written PUD Development Plan, dated September 03, 2021 (Revision #1 November 15, 2021), titled “PUD Development Plan”, and (ii) proffered development conditions submitted in writing to the City; and

**WHEREAS**, a joint public hearing on the proposed rezoning was conducted by the Planning Commission and City Council on December 14, 2021, following notice to the public and to adjacent property owners, as required by law, and following the joint public hearing, the Planning Commission voted on December 14, 2021, to recommend that City Council should approve the Proposed Rezoning for the Project; and

**WHEREAS**, this City Council has considered the details of the specific Project represented within the Landowners’ application materials for ZM21-00004; has reviewed the NDS Staff Report, public comments, 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 requires the Proposed Rezoning; that both the existing zoning classification (R-1) and the proposed zoning classification (PUD subject to 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, be and hereby is amended and reenacted as follows:

*Section 34-1. Zoning District Map.* Rezoning from R-1 (Single Family Residential) to PUD (Planned Unit Development) the parcel of land designated on City Tax Map 47 as Parcel 212 (1200 Park Street), subject to the following proffered development conditions (“Proffers”), which were tendered by the Applicant 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 Landowners, which conditions shall

apply in addition to the regulations otherwise provided within the City's zoning ordinance. Such proffers shall be binding to the Property, which means the proffers shall be transferred to all future property successors of the land:

**1. Affordable Housing:**

- (a) The Owner shall cause one hundred percent (100%) of the residential units built on the Subject Property to be affordable dwelling units (ADUs), as defined below.
- (b) Affordability for rental dwelling units shall be defined as dwelling units that are affordable to households with incomes at not more than eighty percent (80%) of the Area Medium Income and that are committed to remain affordable for not less than thirty (30) years from the date of the issuance of the last certificate of occupancy for multi-family buildings on the Subject Property. Should any units be for-sale units, the affordability period for each of such units shall be not less than forty (40) years from the date conveyed to its first resident owner(s).
- (c) The affordability covenants of subparagraph (b) shall be recorded in the City land records as deed restrictions in form and substance consistent with the requirements of Virginia Housing as to each affected lot or parcel.

**2. Transportation Improvements:** Prior to the approval of a certificate of occupancy for the first unit, the Applicant shall (a) remove vegetation on the Subject Property to provide adequate sight distance for vehicles exiting the Subject Property to turn onto Cutler Lane; and (b) install a right out only direction curb island to permit right turn only out of the Project driveway onto Cutler Lane. The Owner shall grant a sight distance easement to the City of Charlottesville upon request by the City.

**3. Pedestrian Trails:** At the request of the City, and which may be a condition to the issuance of the first certificate of occupancy, the Owner shall dedicate to the City, at no cost to the grantee, a permanent fifteen-foot (15') wide pedestrian trail easement in the general locations shown on the Application Plan, as will be more fully determined during site planning and depicted on the final, approved site plan for the Project and on the subdivision plat or separate easement plat, to provide public pedestrian access to the Rivanna Trail.

**4. Park Street Crossing:** At the request of the City, and which may be a condition to the issuance of the first certificate of occupancy for the Project, the Owner shall provide a pedestrian street crossing at the southern intersection of Cutler Lane and Park Street, consisting of high-visibility pavement markings, ADA curb ramps, and advanced signage.

**BE IT FURTHER ORDAINED THAT** the City's Zoning Administrator shall update the Zoning District Map to reflect this rezoning of the Subject Property subject to the proffered development conditions.

**AN ORDINANCE  
APPROVING REZONING APPLICATION ZM21-00003  
A REQUEST TO REZONE LAND FRONTING ON PARK STREET AND THE ROUTE  
250 BYPASS FROM R-1 (LOW DENSITY RESIDENTIAL)  
TO PUD (PLANNED UNIT DEVELOPMENT) SUBJECT TO PROFFERED  
DEVELOPMENT CONDITIONS**

**WHEREAS**, in order to facilitate a specific development project, Piedmont Housing Alliance, as agent for Monticello Area Community Action Agency (“MACAA”) and 1021 Park Street LLC (collectively, the “Applicants”), have submitted rezoning application ZM21-00003, proposing a change in the zoning classification (“rezoning”) of certain land fronting on Park Street and the Route 250 Bypass and accessible by the private lane Macaa Drive off Park Street, identified on Tax Map 47 as Parcels 470007100, 470011000, and 470008000 (collectively, the “Subject Property”), from R-1 (Single Family Residential) to PUD (Planned Unit Development), with said rezoning to be subject to proffered development conditions; and

**WHEREAS**, in connection with the Proposed Rezoning, the Applicants submitted: (i) a written PUD Development Plan, dated September 03, 2021 (Revision #1 November 15, 2021), titled “MACAA PUD Development Plan”, and (ii) proffered development conditions submitted in writing to the City; and

**WHEREAS**, a joint public hearing on the proposed rezoning was conducted by the Planning Commission and City Council on December 14, 2021, following notice to the public and to adjacent property owners, as required by law, and following the joint public hearing, the Planning Commission voted on December 14, 2021, to recommend that City Council should approve the Proposed Rezoning for the Project; and

**WHEREAS**, this City Council has considered the details of the specific Project represented within the Landowners’ application materials for ZM21-00003; has reviewed the NDS Staff Report, public comments, 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-1) and the proposed zoning classification (PUD subject to 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, be and hereby is amended and reenacted as follows:

*Section 34-1. Zoning District Map.* Rezoning all of the land designated on City Tax Map 47 as Parcels 470007100, 470011000, and 470008000 (“Subject Property”),

containing, in the aggregate approximately 9.05 acres (approximately 395,298 square feet), from R-1 (Single Family Residential) to PUD (Planned Unit Development), subject to the following proffered development conditions (“Proffers”), which were tendered by the Landowners 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 Landowners, which conditions shall apply in addition to the regulations otherwise provided within the City’s zoning ordinance. Such proffers shall be binding to the Property, which means the proffers shall be transferred to all future property successors of the land:

#### **1. Affordable Housing Units:**

- (a) A minimum of eighty percent (80%) of the residential units built on the Subject Property will be Affordable Dwelling Units (ADU’s) as defined below.
- (b) Affordability of the rental dwelling units shall be defined as dwelling units that are affordable to households with incomes at not more than eighty percent (80%) of the Area Medium Income (“AMI”) and that are committed to remain affordable for not less than thirty (30) years from the date of the issuance of the last certificate of occupancy for multi-family buildings on the Subject Property. The Affordability covenants of this subparagraph (b) shall be recorded in the City land records as deed restrictions in form and substance consistent with the requirements of Virginia Housing as to each affected lot or parcel.
- (c) Each for-sale ADU shall be affordable over a term of not less than thirty (30) years from the date of the recordation of the deed transferring the ADU to the first homeowner. Affordability shall be ensured by means of deed restrictions, which shall provide the seller a right of first refusal to repurchase each ADU and which shall provide that, if the right of first refusal is not exercised by the seller, that any sale of the ADU to a purchaser with household income greater than sixty percent (60%) of the Charlottesville AMI shall require profit-sharing and reinvestment of net proceeds from the sale of the ADU into at least one new ADU in the City. For purposes of this Proffer 1(c), “affordability” means dwelling units that are affordable to households with incomes of not more than sixty percent (60%) of the Charlottesville AMI; the administration of the for-sale ADU’s shall in other respects be governed by the provisions of City Code §§ 344-12(c) and 34-12(g), respectively.

#### **2. Transportation Improvements:** Prior to the approval of a certificate of occupancy for the first unit, the Applicant shall construct the following road improvements, as depicted in the development plan:

- i. Relocation of the entrance into the Subject Property to align with Davis Avenue east of Park Street;
  - ii. Removal of fencing and vegetation, and maintenance of vegetation, to improve sight distance for vehicles exiting the Subject Property to turn onto Park Street;
  - iii. Elimination of the driveway directly accessing Park Street on Parcel 47000800 (1021 Park Street);
  - iv. Installation of a “right-out only” direction curb island at the exit from the Subject Property onto Park Street to prevent left turns out of the driveway onto Park Street; and
  - v. Relocation of the existing pedestrian crosswalk across Park Street in accordance with the new entrance alignment, connecting the southern end of the driveway into the Subject Property with the southern end of Davis Avenue. The new pedestrian crosswalk shall consist of high-visibility pavement markings, ADA curb ramps, and advanced signage.
- 3. Pedestrian/Bicycle Access Easement:** The Landowners shall dedicate to the City, at no cost, a permanent public easement for pedestrian and bicycle access in the general locations shown on the Application Plan, as will be determined with specificity during the site planning process and shown on the final approved site for the Subject Property and on the subdivision plat or separate easement plat, providing pedestrian and bicycle access from the public right-of-way/sidewalk system within the development through the Subject Property to the U.S. Route 29/250 Bypass multi-modal trail.

**BE IT FURTHER ORDAINED THAT** the City’s Zoning Administrator shall update the Zoning District Map to reflect this rezoning of the Subject Property subject to the proffered development conditions.