

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date:	December 18, 2023
Action Required:	Adopt resolution
Presenter:	James Freas, Director of NDS
Staff Contacts:	Jacob Stroman, City Attorney James Freas, Director of NDS
<b>Title:</b>	<b>Disposition of Pending Projects</b>

**Background**

There are a number of projects that are 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.

**Discussion**

The primary decision to be made is with regard to 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 believes that option 1 above offers a fair balance between those projects that have been diligently pursuing approval over a number of months and minimizing the number of projects under review using the provisions of what will be the old ordinance in the future. Therefore, staff

recommends option 1.

In addition to the cutoff date, the resolution should also establish a deadline or criteria for a project to maintain its status as “vested” under the terms of this proposed Disposition of Pending Projects resolution in the existing ordinance.

Staff recommends that these projects be required to actively pursue approval unless given a time extension by the Director of NDS and have a deadline of completing site plan review by July 1, 2025.

In addition, the new ordinance includes a requirement that, after the third submission, if a project does not get approval, the applicant must submit a new application, with new fees and any other requirements. Staff recommends that if a new submission is required, that a project lose its “vested” (by Council resolution) status.

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

### **Community Engagement**

### **Budgetary Impact**

### **Recommendation**

Adopt Resolution

### **Alternatives**

### **Attachments**

1. RESOLUTION OF DISPOSITION OF PENDING PROJECTS 12.15.2023