

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	December 4, 2023
Action Required:	Consideration of a Rezoning Application
Presenter:	Matthew Alfele, City Planner
Staff Contacts:	Matthew Alfele, City Planner
Title:	<b>Ordinance to approve a Zoning Map Amendment pursuant to Sections 34-41 of the Code of the City of Charlottesville for properties located at 106 – 114 Stadium Road, 409 Stadium Road, 104 Stadium Road, 102 Stadium Road, 1705 Jefferson Park Avenue, and 100 Stadium Road - VERVE Charlottesville PUD – ZM23-00004</b>

**Background**

Subtext Acquisitions, LLC (“Applicant”), on behalf of Woodrow Apartments, LLC; Woodrow Too, LLC; and 1709 JPA LLC, (“Owner”) is requesting a Zoning Map Amendment pursuant to Sections 34-41 of the Code of the City of Charlottesville (“Code”) for properties located at 106 – 114 Stadium Road, 409 Stadium Road, 104 Stadium Road, 102 Stadium Road, 1705 Jefferson Park Avenue, and 100 Stadium Road (“Subject Property”). The applicant is moving to rezone the Subject Property from Multifamily Residential (“R-3”) to Planned Unit Development (“PUD”) with a Development Plan and Proffer Statement. The application, proffer statement, and development plan include a commitment to affordable housing at two times the requirements of code Section 34-12; parking; a use matrix including a maximum dwelling units per acre (“DUA”); yard and height regulations; open space; and landscaping. The applicant is proposing to redevelop the Subject Property and replace the existing (62) residential units (spread between nine different buildings) with one building containing between (524) to (550) residential units. The proposed building will have a height range of (75) feet to (135) feet and stories that range from (5) to (12). In addition, the proposed PUD includes improved pedestrian and bicycle circulation along Stadium Road, Emmet Street, and Jefferson Park Avenue and road improvements to Montebello Circle. In order for the applicant to implement the PUD Development Plan, they will need additional approvals from City Council. These approvals include:

**Application ZT23-09-02** – A zoning text amendment to remove the Individually Protected Property (IPP) designation from 104 Stadium Road.

**Application CP23-00002** – The applicant is requesting an amendment to remove conditions from the November 4, 1996 ordinance vacating the Woodrow Street Right of Way (ROW) along with a request to zone the closed portion to Planned Unit Development (“PUD”) as described in application ZM23-00004. This review also includes a Code of Virginia, Section 15.2-2232 review from the Planning Commission.

**An amendment to “An Ordinance Authorizing the Sale of Certain City-Owned Property Located at 409 Stadium Road” adopted May 2, 2011** – The applicant is proposing to amend the ordinance authorizing the sale of city-owned property located at 409 Stadium Road to remove conditions and allow for development.

**Application P23-0055** - A Critical Slope Waiver per City Code Section 34-516(c). Critical Slopes exist on the Subject Property along the Montebello Circle frontage and will be impacted by the proposed development.

**Application P23-0058** - A Sidewalk Waiver per City Code Section 29-182(j)(5) for a portion of Montebello Circle. The applicant’s development plan calls for fire access improvements to Montebello Circle, but due to site constraints they are requesting a waiver for a sidewalk along approximately 300 feet of frontage.

## **Discussion**

Discussion:

The Planning Commission held an in-person and virtual joint Public Hearing with City Council on October 10, 2023 on this matter. The Planning Commission and City Council had the following comments on concerns:

- Concerned with the massing and scale of the development.
- Concerned that not enough parking is being provided.
- Concerned the project is not paying enough into the City’s affordable housing fund.

The Planning Commission believes this location is desirable for a denser development and will contribute to the goals of the City’s Comprehensive Plan. They believe many of the design elements such as the raised bike paths and street trees will be an overall improvement. Scale and massing were the main concerns but might be acceptable if the applicant made minor modifications to the massing along Stadium Road. Many of the Commissioners believed going to twelve (12) stories, while taller than what is stated in the Comprehensive Plan, is acceptable if other elements such as stepbacks and material changes are introduced along “the wall” of the building that fronts on Stadium Road. The applicant agreed to make minor changes to address these issues and they can be reviewed under attachment 1, 2, and 3 (The changes were provided to staff on November 20, 2023). There was some concern with the transition of the project along the Montebello Circle side, but these concerns were alleviated by the applicant during their presentation. Overall, the Planning Commission did not find the proposed development achieved the higher standards of a PUD but believes this is the right location and density for a project of this scale.

Link to the October 10, 2023 Planning Commission Public Hearing. Discussion starts at the 01:22:00 mark.

[Link](#)

Link to the full application and background materials. The Staff Report starts on page 47.

[Link](#)

During the October 10, 2023 Public Hearing there was a question regarding the enforceability of the affordable housing statement provided on the Cover Sheet of the PUD Development Plan. It has been determined that to ensure the statement is enforced as proposed by the applicant, it needs to be contained in a Proffer Statement. The applicant has provided the Proffer Statement containing the same language as the Planning Commission reviewed on October 10th with no additional changes to

the application (see attachment 5). On November 14, 2023, The Planning Commission held an in-person and virtual joint Public Hearing with City Council on the application with the addition of the proffer statement. The only discussion to come out of the Public Hearing was related to concerns from the University of Virginia that the building could be visible from the Lawn. UVA has provided City Council with a letter outlining these concerns.

Link to the November 14, 2023 Planning Commission Public Hearing. Discussion starts at the 0:1:15:42 mark.

[Link](#)

Link to the updated staff report, starting on page 161.

[Link](#)

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

If City Council approves the Rezoning, the project could contribute to the City Vision Statement of Housing: Charlottesville defines access to livable housing as a human right and works to ensure housing choices and mobility are provided for all who seek it through implementation of the Affordable Housing Plan.

### **Community Engagement**

On June 12, 2023, the applicant held a community meeting in the Fellowship Hall of St. Mark Lutheran Church from 6pm to 8pm. The format of the meeting was an Open House with posters and the application team in attendance to answer questions and receive feedback. Approximately seven to eight members of the public attended the meeting and provided the following:

- Concern with the quantity of multifamily residential units proposed.
- Increase in vehicular traffic and distribution of vehicular traffic.
- Availability of parking within the development and potential parking spill-over onto neighborhood streets.
- Architectural quality of the built development.
- Concern about who will manage the building once it is finished.
- Concerns about how the development will impact longtime residents of the neighborhood.
- The building is too tall and will tower over the neighborhood.

On October 10, 2023, the Planning Commission held an in-person and virtual joint Public Hearing with City Council that was well attended by the public. Eleven (11) members of the public spoke and expressed the following:

- The scale is too large and will have an adverse impact on existing residents of the neighborhood.
- A large number of mature trees will be removed.
- Density is needed in this area and will create more housing options.
- The height and scale are not compatible with the existing neighborhood.
- The City needs this project to help address the housing shortage.

On October 10, 2023, the Planning Commission held an in-person and virtual joint Public Hearing with City Council that was well attended by the public. Two (2) members of the public spoke and expressed the following:

- The applicant is not contributing enough money to the City's Affordable Housing Fund.

Any emails received by staff regarding this project have been forwarded to City Council.

### **Budgetary Impact**

This has no impact on the General Fund.

### **Recommendation**

The Planning Commission voted 5-1 to recommend the application be approved for the Rezoning.

Suggested:

“I move to approve the ORDINANCE for application ZM23-00004 rezoning the Properties located at 106 – 114 Stadium Road, 409 Stadium Road, 104 Stadium Road, 102 Stadium Road, 1705 Jefferson Park Avenue, and 100 Stadium Road, City Tax Map Parcels 160008000, 160005000, 160004000, 160003000, 160002000, and 160001000 from Multifamily Residential (R-3) to Planned Unit Development (PUD).”

### **Alternatives**

City Council has several alternatives:

- (1) by motion, take action to approve the attached ordinance granting the Rezoning as recommended by the Planning Commission;
- (2) by motion, request changes to the attached ordinance, and then approve the Rezoning;
- (3) by motion, take action to deny the Rezoning; or
- (4) by motion, defer action on the Rezoning.

### **Attachments**

1. Memo outlining the changes made to the PUD after the October 10th and November 14, 2023 Public Hearings.
2. VERVE Charlottesville PUD Development Plan Dated November 17, 2023. (1)
3. Updated ADU Worksheet.
4. Signed Proffer Statement dated October 23, 2023.
5. Rezoning Ordinance.