

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	December 18, 2023
Action Required:	Consideration of a Zoning Text Amendment
Presenter:	Matthew Alfele, City Planner, James Freas, Director of NDS
Staff Contacts:	Matthew Alfele, City Planner
Title:	Ordinance amending and re-enacting Chapter 34 (Zoning) of the Code of the City of Charlottesville (1990), as amended, to remove 104 Stadium Road from the list of Individually Protected Properties - VERVE Charlottesville PUD – ZT23-09-02

Background

Subtext Acquisitions, LLC (“Applicant”), on behalf of Woodrow Apartments, LLC; Woodrow Too, LLC; and 1709 JPA LLC, (“Owner”) is pursuing a **Zoning Map Amendment under Application ZM23-00004**. The Applicant is also requesting a Zoning Text Amendment pursuant to Sections 34-41 and 34-490-519 of the Code of the City of Charlottesville (“Code”) for a Zoning Text Amendment for the property located at 104 Stadium Road and owned by Woodrow Too, LLC. As part of the rezoning process in ZM23-00004 and to implement the PUD Development Plan, the applicant is requesting the Individually Protected Property (IPP) designation from 104 Stadium Road be removed. The Planning Commission initiated the requested Zoning Text Amendment on June 13, 2023, and a Public Hearing was held on October 10, 2023.

The MacLeod house (or Stone House) at 104 Stadium Road was constructed in 1927 and designated as an IPP on September 19, 2011. The IPP designation was contingent on the sale of 409 Stadium Road from the City to Woodrow Too, LLC which transpired on May 2, 2011. Conditions related to the sale of 409 Stadium Road were codified by ordinance and contained the following conditions:

1. The Property shall be landscaped and maintained as a green space area;
2. The Purchaser shall consent to the adjoining property (Tax Map Parcel 160002000) being designated as an Individually Protected Property (IPP) under City Code Section 34-274; and
3. There shall be no further development or permanent structures placed upon the property, including parking facilities.

As part of the proposed PUD development, the applicant requested a COA from BAR to demolish the Stone House and gardens at 104 Stadium. BAR voted 6-0 to recommend denial of the requested COA. On June 5, 2023, City Council passed a resolution granting approval of the COA with conditions. These conditions include:

1. Building and gardens be documented thoroughly through photographs and measured drawings according to the Historic American Building Standards, information should be retained by City of

Charlottesville's Department of Neighborhood Development Services and Virginia Department of Historic Resources;

2. Approval of a design-review COA for new construction on the parcel as a contiguous element of the proposed multi-lot development to ensure that the building is not demolished without an appropriate and City-approved replacement, and issuance of site plan and building permit for construction of such replacement.
3. After the foregoing conditions are accomplished, if the IPP designation has not previously been removed by appropriate action of Council, whether before or after demolition, but no later than 30 days after demolition, the applicant requests City Council initiate a zoning ordinance amendment per City Code 34-274 to delete the property from the protected property list by zoning text and map amendment.

On September 19, 2023, BAR held a meeting related to the zoning map amendment (ZMA) and zoning text amendment (ZTA) request as it relates to 104 Stadium Road and the IPP. BAR voted 6-0 to recommend that City Council deny the request to remove the IPP designation of 104 Stadium Road. Furthermore, the BAR suggested two considerations, should City Council approve the request to remove the IPP designation. These conditions include:

1. A condition that within six (6) months or, if sooner, prior to application for a demolition permit, the property and building will be documented thoroughly through photographs and measured drawings according to the Historic American Building Standards, with that documentation submitted to staff for the BAR archive.
2. Council explore a mechanism to restore [if the building is not razed] or retain [until demolition is certain] the IPP status, should the proposed development not move forward as planned.

As part of the PUD rezoning request, the applicant is also petitioning City Council to amend the May 2, 2011, ordinance related to the sale of 409 Stadium Road. The requested amendment is to remove the three (3) conditions stated in the ordinance.

Discussion

The Planning Commission held an in-person and virtual joint Public Hearing with City Council on October 10, 2023 on this matter as part of the larger Zoning Map Amendment. 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. 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 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](#)

Alignment with City Council's Vision and Strategic Plan

If City Council approves the Zoning Text Amendment request, 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.

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 6-0 to recommend the application be approved for the Zoning Text Amendment to remove 104 Stadium Road from the list of Individually Protected Properties.

Suggested:

"I move to approve the ORDINANCE for application ZM23-09-02 ZT23-09-02 to remove 104 Stadium

Road, City Tax Map Parcel 160002000 from the list of Individually Protected Property within the City of Charlottesville's Zoning Code Article II, Division 2, Section 34-273(b)."

Alternatives

City Council has several alternatives:

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

Attachments

1. Zoning Text Amendment Ordinance.