

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	December 18, 2023
Action Required:	Amending the November 4, 1996 Ordinance Vacating Woodrow Street Right of Way
Presenter:	Matthew Alfele, City Planner, James Freas, Director of NDS
Staff Contacts:	Matthew Alfele, City Planner
Title:	Ordinance to amend the November 4, 1996 Right-of-Way Closure Ordinance for Woodrow Street - VERVE Charlottesville PUD

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 and Zoning Text Amendment pursuant to Sections 34-41 and 34-490 – 519 of the Code of the City of Charlottesville (“Code”) (**See Applications ZM23-00004 and ZT23-09-02**). As part of the Planned Unit Development (“PUD”) being proposed, the applicant is requesting an amendment to the November 4, 1996, Ordinance vacating the Woodrow Street Right of Way (“ROW”) along with a request to zone the closed portion to PUD. Woodrow Street is an unimproved paper street that bisects the Subject Property and is used mainly for off-street parking for the existing residential units. Several public utility lines such as sanitary, water, and gas run through Woodrow Street and will need to be relocated as part of the proposed development. Pursuant to Virginia Code Section 15.2-2232 and City Code Section 34-28, the Planning Commission reviewed the proposed amendment to the vacation Ordinance, as it relates to impacts to public facilities, and determined that amending the November 4, 1996, ordinance vacating Woodrow Street ROW is substantially in accord with the City’s adopted Comprehensive Plan and amendments.

In 1937, the City of Charlottesville acquired an easement conveying to it the right to “lay, construct and maintain, together with the right of ingress and egress, a storm sewer line” through the Subject Property in what is labeled as “Woodrow Street”. This information can be found in Charlottesville Circuit Court land records in Deed Book 94 Page 398. On September 10, 1996, the Planning Commission held a joint Public Hearing related to a request from Stadium Road Limited Partnership to vacate Woodrow Street and the petition was granted by City Council, through an ordinance, on November 4, 1996. City Council directed that the Ordinance and plat vacating the street should not be recorded in the land records unless and until two conditions had been fulfilled. These conditions included:

1. The adjoining property owners, excluding the City of Charlottesville, shall provide for storm water connections to Jefferson Park Avenue from the east side of Woodrow Street as part of the Jefferson Park Avenue sidewalk construction.
2. All adjoining property owners, excluding the City, shall enter into a joint access and maintenance

agreement with respect to the vacated area. Such an agreement shall preclude the building of additional units on the vacated area.

To date, these conditions have not been fulfilled and the required plat has not been recorded. The applicant for the VERVE Charlottesville PUD project is requesting City Council amend the approved ordinance to remove the two conditions allowing Woodrow Street to be closed in accordance with the November 4, 1996 action.

Should City Council find the proposed PUD development plan, as proposed, would service the interests of the general public and is good zoning practice, the vacation of Woodrow Street approved in 1996 must be completed. Although condition #1 could be met as it relates to relocating utilities, the manner in which the applicant will achieve this relocation is dependent on current site plan requirements that differ from what is stated in the condition. Regardless of the conditions from the November 4, 1996 ordinance, any site plan related to the PUD submitted for review must account for relocating public infrastructure out of Woodrow Street; and do so in accordance with the City's Utilities Department and the City's Standards and Design Manual ("SAMD"). Condition #2 is more onerous in regard to allowing development within the vacated ROW. This condition would prevent the development from moving forward as the condition states the vacated area would need an overlaying easement to allow access and maintenance; and would prevent "units" (staff takes this to mean residential units) within the vacated area. Under the proposed PUD Development Plan, a majority of residential units and amenities would be located within the Woodrow Street ROW.

Discussion

The Planning Commission held an in-person and virtual joint Public Hearing with City Council on October 10, 2023 related to this matter, along with the rezoning and zoning text amendment requests. The Planning Commission also acted on the Comprehensive Plan review related to Virginia Code Section 15.2-2232 and City Code Section 34-28 on this matter. See the City Action memos related to applications ZM23-00004 and ZT23-09-02 for more detailed information on the rezoning requests. The Planning Commission did not go into details as it related to amending the November 4, 1996 Ordinance, but did find doing so would be in substantially in accord with the City's adopted Comprehensive Plan. On November 14, 2023, the Planning Commission reaffirmed this decision with written findings.

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 amendment to the November 4, 1996 Ordinance, the corresponding 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

As part of the rezoning application, the applicant held a community meeting on June 12, 2023, in the Fellowship Hall of St. Mark Lutheran Church from 6pm to 8pm. See the City Action memos related to

applications ZM23-00004 and ZT23-09-02 for more detailed information.

On October 10, 2023, the Planning Commission held an in-person and virtual joint Public Hearing with City Council on this matter that was well attended by the public. Although no members of the public spoke directly to amending the November 4, 1996 Ordinance, eleven (11) members of the public did speak about the overall development project 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 confirming that amending the November 4, 1996 ordinance vacating Woodrow Street ROW to permit the proposed Planned Unit Development (PUD) as described in ZMA application ZM23-00004 and ZTA application ZT23-09-02 **is substantially in accord with the City's Comprehensive Plan or parts thereof, as amended:**

Suggested:

"I move to approve amending the November 4, 1996 ORDINANCE vacating Woodrow Street Right of Way to remove the stated conditions and to zone the vacated portion 'Planned Unit Development' ("PUD") as shown in the VERVE Charlottesville PUD Development Plan dated November 17, 2023."

Alternatives

City Council has several alternatives:

- (1) by motion, take action to approve the attached Ordinance amending the November 4, 1996 vacation;
- (2) by motion, request changes to the attached Ordinance, and then approve;
- (3) by motion, take action to deny the amending the November 4, 1996 vacation; or
- (4) by motion, defer action on amending the November 4, 1996 vacation.

Attachments

1. Resolution of the Charlottesville Planning Commission Communicating its Woodrow Street Vacation Comprehensive Plan Review Findings.
2. November 4, 1996 Ordinance vacating Woodrow Street.
3. Amended Ordinance vacating Woodrow Street.