

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	December 18, 2023
Action Required:	Amending the May 2, 2011 Ordinance for the sale of 409 Stadium Road
Presenter:	Matthew Alfele, City Planner, James Freas, Director of NDS
Staff Contacts:	Matthew Alfele, City Planner
Title:	<b>Ordinance to amend the May 2, 2011 ordinance for the sale of 409 Stadium Road - VERVE Charlottesville PUD</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 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 May 2, 2011, Ordinance authorizing the sale of 409 Stadium Road (City owned at the time) to Woodrow Too, LLC. The sale of 409 Stadium Road was intertwined with the Individually Protected Property (IPP) designation of 104 Stadium Road and transpired on May 2, 2011. Conditions related to the sale of 409 Stadium Road were codified in an ordinance with 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.

The proposed PUD Development Plan calls for utilizing the areas within 409 Stadium Road and is requesting the May 2, 2011 Ordinance be amended to remove the three conditions.

### **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. See the City Action memos related to applications **ZM23-00004 and ZT23-09-02** for more detailed information on the rezoning requests.

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 May 2, 2011 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 May 2, 2011 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 the Planning Commission and City Council.

### **Budgetary Impact**

This has no impact on the General Fund.

### **Recommendation**

The Planning Commission voted 5-1 to recommend the rezoning application be approved. Amending the May 2, 2011 Ordinance to remove the three conditions is a required action needed to implement the PUD Development Plan as presented.

Suggested:

"I move to approve amending the May 2, 2011 ORDINANCE authorizing the sale of certain City-owned property located at 409 Stadium Road to remove the three stated conditions."

### **Alternatives**

City Council has several alternatives:

- (1) by motion, take action to approve the attached Ordinance amending the May 2, 2011 sale of 409 Stadium Road;
- (2) by motion, request changes to the attached Ordinance, and then approve;
- (3) by motion, take action to deny the amending the May 2, 2011 sale of 409 Stadium Road; or
- (4) by motion, defer action on amending the May 2, 2011 sale of 409 Stadium Road.

## **Attachments**

1. Original Ordinance for the sale of 409 Stadium Road dated May 2, 2011.
2. Deed of Sale for 409 Stadium Road
3. Amended Ordinance for the sale of 409 Stadium Road