

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



Agenda Date:	September 3, 2024
Action Required:	Resolution Approval
Presenter:	Dannan OConnell, Planner
Staff Contacts:	Dannan OConnell, Planner
Title:	Resolution considering a Sidewalk Waiver Request for 2117 Ivy Road

Background

Timmons Group ("Applicant"), on behalf of Up Campus Student Living ("Owner"), requests a waiver from the requirement of Section 29-182(j)(3) of the City Code for construction of sidewalks to connect to existing sidewalk on adjacent properties. The request seeks to waive the sidewalk requirement for a portion of Copeley Road as part of the 2117 Ivy Road Planned Unit Development (PUD) final site plan. This development was subject to a PUD rezoning and development plan with proffers, which was approved by City Council on January 24, 2024. The approved PUD Development Plan does not show sidewalk along this stretch of Copeley Road, and the submitted site plan matches this layout. However, approval of the PUD Development Plan does not constitute a waiver for subdivision or engineering streetscape design standards, and an approved waiver is still required to permit the proposed sidewalk layout.

Previously, it was the practice for the Planning Commission to approve sidewalk waiver requests, as referenced within Section 29-182(j) of the subdivision ordinance; however, in 2013 the Virginia Supreme Court determined that only the legislative body (City Council) may grant this type of waiver. Existing practice for sidewalk waiver requests presented by developers pursuant to Section 29-182 is for the approval of the requested waivers to be presented to City Council for review and decision. The City's new Development Code no longer requires City Council approval to waive or modify sidewalk standards for new development projects. However, the 2117 Ivy Road PUD is considered vested in the City's previously approved zoning and subdivision regulations, and therefore the previous practice remains applicable to the project.

Discussion

Per Section 29-182(j)(5), the authority granting the waiver shall consider not only the factors set forth within Section 29-182(j)(5) but also Section 29-36. The applicant's analysis of these factors is included in the attached Application Materials.

Per Section 29-36, the authority granting any waiver shall consider whether due to the unusual size, topography, shape of the property, location of the property or other unusual conditions (excluding the proprietary interests of the subdivider) the requirement that is proposed to be varied or excepted would result in substantial injustice or hardship and would not forward the purposes of this chapter or

serve the public interest. Public Works-Engineering has reviewed this waiver request and confirmed that no hardships due to the physical site conditions exist for the area adjacent to Copeley Road within this development.

Per Section 29-182(j)(5), the authority shall also consider the following factors:

Whether a surface other than concrete is more appropriate for the subdivision because of the character of the proposed subdivision and the surrounding neighborhood. Alternative surfaces are not under consideration in this application.

Whether sidewalks on only one (1) side of the street may be appropriate due to environmental constraints such as streams, stream buffers, critical slopes, floodplain, tree cover, or wetlands, or because lots are provided on only one (1) side of the street. There are no environmental constraints limiting sidewalk installation on the subject property. However, Copeley Road extends over a railroad bridge immediately adjacent to the subject property. The road is currently developed with sidewalk along one side, opposite the subject property, including along this bridge. All adjacent parcels along Copeley Road are owned by the University of Virginia and currently developed with academic or athletic field uses. Copeley Road itself is owned and maintained by the University of Virginia, although the City of Charlottesville has a deeded right to regulate access.

Whether the sidewalks reasonably can connect into an existing or future pedestrian system in the area. Sidewalks will be installed on the subject property's frontage with Ivy Road, along with most of its western frontage along Copeley Road. This sidewalk channels pedestrians towards the Ivy Road/Copeley Road/Alderman Road intersection, per the subject property's approved PUD Development Plan. Pedestrian crosswalks at this intersection provide connectivity to the existing sidewalk along the eastern side of Copeley Road. Providing connectivity for sidewalk along the remaining road frontage would require either reconstruction of the Copeley Road bridge, or an additional crosswalk that may require relocation of street trees and utility infrastructure.

Whether the length of the street is so short and the density of the development is so low that it is unlikely that the sidewalk would be used to an extent that it would provide a public benefit. The applicant is proposing to construct sidewalk along most of the subject property's Copeley Road frontage, channeling pedestrian traffic to the Ivy Road/Copeley Road/Alderman Road intersection and crosswalks. The subject property's PUD rezoning included proffered conditions for restriping and bicycle boxes that would improve pedestrian and bicycle accessibility at this intersection. The remaining road frontage is relatively short, and terminates adjacent to a bridge which does not have pedestrian sidewalks along its western side. Therefore, staff believes there is only marginal public benefit to extend sidewalk along the entire length of Copeley Road given its current layout.

Whether an alternate pedestrian system including an alternative pavement could provide more appropriate access throughout the subdivision and to adjoining lands, based on a proposed alternative profile submitted by the subdivider. No proposed alternative is under consideration.

Whether the sidewalks would be publicly or privately maintained. Section 29-182(j)(3) states that when land being developed fronts on an existing street, and adjacent property on either side has an existing sidewalk, land shall be dedicated to the public and sidewalk shall be constructed to connect to the existing sidewalk. Therefore, sidewalks would be constructed in the public right-of-way and, after approved and accepted by the City, the sidewalk improvements would be maintained by the

City.

Whether the waiver promotes the goals of the comprehensive plan, including the applicable neighborhood plan; and (viii) whether waiving the requirement would enable a different principle of the neighborhood plan to be more fully achieved. The requested waiver will not promote the goals and objectives of the 2021 Comprehensive Plan, in particular Chapter 6 (Transportation), Strategy 2.2: “Through development processes, implement and incentivize improved facilities and amenities for non-motorized travelers, including those needed to support multimodal travel by residents, workers, and visitors.”

Alignment with City Council's Vision and Strategic Plan

Public Sidewalks contribute to the Transportation Outcome Area of the City's Strategic Plan Framework: *Charlottesville provides a regional transportation system that increases mobility options and is reliable and affordable for all.*

Community Engagement

A Sidewalk Waiver Application does not require a Public Hearing or community engagement meeting. However, a community meeting and notification was conducted as part of the PUD Rezoning for this development (ZM23-00003), approved in January of 2024. A public site plan conference for the associated site plan was also held on May 18, 2023.

Budgetary Impact

If City Council grants a sidewalk waiver to an applicant in connection with the proposed development of a new subdivision/ city street, and if the City later wishes to establish a sidewalk adjacent to the developed street, the City will be required to pay for and complete that construction in accordance with its approved Capital Improvements Plan. If City Council does not grant this waiver, and a new sidewalk is established on both sides of the new city street, then the City's long-term maintenance costs will be slightly higher than if no sidewalk is constructed.

Recommendation

Although Public Works-Engineering has confirmed there are no hardships per Section 29-36 preventing the installation of a new sidewalk for the location in question, staff finds other factors could warrant waving the construction of a sidewalk in this location and recommends approval of this waiver.

Alternatives

City Council has several alternatives: (1) by motion, take action to deny the sidewalk waiver; (2) by motion, take action to approve the attached Resolution granting the requested sidewalk waiver; (3) by motion, defer action on the sidewalk waiver.

Attachments

1. 2117 Ivy Road Sidewalk Waiver RESOLUTION
2. 2117 Ivy Road Sidewalk Waiver Application
3. 2117 Ivy Road Sidewalk Waiver Narrative