

STAFF ANALYSIS

STAFF PERSON: Rebecca Ragsdale, Planning Manager
BOARD OF SUPERVISORS: August 2, 2023
PROJECT: SUB202300034
PARCEL ID: Colonnade Drive

PETITION

Pursuant to *Virginia Code* § 33.2-917, the owner of Parcel ID 06000-00-00-040C8 has petitioned for abandonment of an approximately 430-foot unimproved section of Colonnade Drive that was dedicated to public use in 1968 (Attachment A). The section of road is located south of the cul-de-sac at the end of the improved public road portion of Colonnade Drive, behind University Heights Apartments.

CHARACTER OF THE AREA

The section of the right-of-way subject to the requested petition is mostly wooded, with a portion currently used for parking (approx. 12 spaces) serving University Heights. The right-of-way also contains areas of fragmented steep slopes. The parcel owned by the petitioner is currently undeveloped, with a mix of native and invasive species vegetation. The property was previously cleared and partially graded in compliance with a previously approved site plan. Multifamily apartments are located to the north and east, including University Heights. Adjacent to the south/southeast is a 5.47-acre parcel (ID 07600-00-00-00200) zoned R15 Residential, currently with one single-family residence. (Attachment C)

PLANNING AND ZONING HISTORY

Colonnade Drive was dedicated on a subdivision plat dated November 4, 1968, in association with University Heights. The plat dedicated the unimproved portion for a public street but indicated that the developer did not intend to develop that portion of the street (page 2 of Attachment A). Because this development predated the zoning ordinance, the property is not subject to an approved site plan. Parcels abutting Colonnade Drive are all zoned R-15 Residential (Attachment D).

The following approvals relate to Parcel 06000-00-00-040C8, whose owner is now petitioning for the road abandonment.

SDP199700096- A final site plan was approved for a 74-unit multi-family housing development. The property was graded following the site plan approval, but further development of the property ceased in 1998. The County adopted the Steep Slopes Overlay zoning district in 2014, which designated a substantial portion of the property as Preserved (Steep) Slopes.

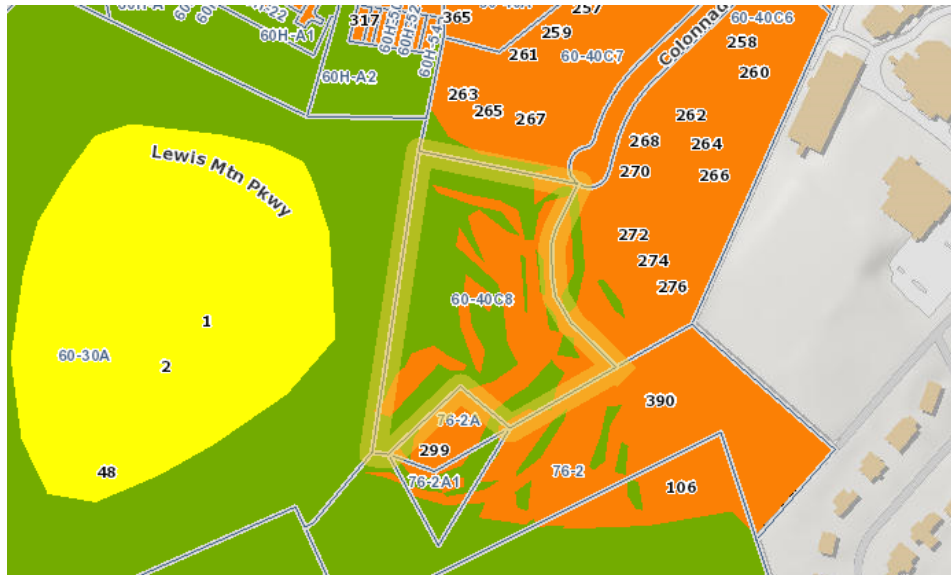
ZMA202100012- A zoning map amendment was approved June 1, 2022, to amend a portion of the Preserved Steep Slopes to Managed Steep Slopes within the previously approved area of disturbance for the Skyline Ridge project.

SDP202200039- An initial site plan was approved July 19, 2022, for 96 multi-family apartment units in a single building on 4.96 acres, including density bonuses for affordable housing. (Attachment E). The County's subdivision regulations require that street connections are built to the property line of adjoining properties. However, when properties are not subdivided, they are only subject to regulations in the zoning ordinance, which did not require an interconnection. The project was designed not using the unimproved portion of Colonnade Drive, but taking direct access from the cul-de-sac at the end of Colonnade Drive. A final site plan has not been submitted and adjustments would be made to the proposal if the Colonnade Drive right-of-way were used.

COMPREHENSIVE PLAN

Analysis of the Western Neighborhoods Master Plan

Colonnade Drive is located within the Western Neighborhoods Development Area and is subject to the recommendations of the Future Land Use plan of the Western Neighborhoods. There are no future street connections shown in the master plan. A description of the applicable land use classifications and an overview map are provided below.



The area includes recommendations for two Future Land Use classifications: Urban Density Residential (orange color in image) and Parks & Green Systems (green color), where steep slopes are located. Allowed uses for Urban Density Residential include:

- Residential areas with densities between 6.01 and 34 units per acre.
- Places of Worship
- Schools or public/institutional uses
- Neighborhood scale commercial
- Office and service uses

Also applicable is the Neighborhood Model Principle for interconnected streets with future developments:

Strategy 2j: Continue to require that streets are interconnected in the Development Areas; ensure that exceptions occur rarely and not routinely.

Vehicular, pedestrian, and bicycle connections accrue numerous benefits in the Development Areas. They enable pedestrians to walk easily to many destinations. They allow for residents to more easily access shopping centers, jobs, and entertainment. Interconnections ensure that traffic has alternative routes. Car trips can be reduced in number and length. Interconnections make new neighborhoods accessible to existing residents and to mixed use and employment areas.

Interconnections continue to be important in new developments to avoid creating an isolated environment that requires motorists to travel long, roundabout routes. Although street connections can be resisted by existing neighborhoods, connections provide alternate traffic

routes for old and new neighborhoods and can also improve emergency response time.

REQUIRED PROCEDURE AND FINDINGS

The Code of Virginia establishes several methods by which a public road may be abandoned. The process initiated by the petitioner under *Virginia Code* Title 33.2, Chapter 9, Article 3 requires several steps, the first of which is public notice. Minimum published and posted notice requirements allow up to 30 days for affected landowners to file a petition for a public hearing on a petition to abandon a road.

§ 33.2-918. Petition for public hearing on proposed abandonment.

If one or more landowners affected by a proposed abandonment file a petition for a public hearing with the governing body within 30 days after notice is posted and published, the governing body shall hold a public hearing in the county for the consideration of the proposed abandonment.

In this case, no affected landowner petitioned for a public hearing. Therefore, this petition will be before the Board for discussion and potential action within four months of the end of 30-day notification period, pursuant to the following provision.

§ 33.2-919. Action of governing body.

If a petition for a public hearing is not filed as provided in § [33.2-918](#), or if after a public hearing is held the governing body is satisfied that no public necessity exists for the continuance of the section of road as a public road or the railroad crossing as a public railroad crossing or that the welfare of the public would be served best by abandoning the section of road or the railroad crossing as a public road or public railroad crossing, the governing body shall (i) within four months of the 30-day period during which notice was posted where no petition for a public hearing was filed or (ii) within four months after the public hearing adopt an ordinance or resolution abandoning the section of road as a public road or the railroad crossing as a public railroad crossing, and with that ordinance or resolution the section of road shall cease to be a public road. If the governing body is not so satisfied, it shall dismiss the application within the applicable four months provided in this section.

In order to abandon a public road, the Board must find either that no public necessity exists for the continuance of a section of road as a public road, or that the public would be served best by abandoning the section of road. Staff does not believe that either of the findings needed to abandon the road applies.

The petitioner claims that the public benefits would include additional housing units in the Development Area and the potential for revenue and tax revenue if the right-of-way were sold.

However, abandoning the entire section would eliminate an existing unimproved connection to Parcel ID 07600-00-00-00200, which is zoned R15 Residential. Staff believes that the benefits of interconnected streets outweigh the potential additional units on one site.

Although the master plan does not show a future road connection, the existing dedicated public right of way could be improved in the future for interconnections to abutting properties and street networks. This connection would serve the public welfare by providing alternate traffic routes for old and new neighborhoods and improving emergency response time. Therefore, staff believes the petition to abandon the road should be dismissed.

Alternatively, the petitioner could follow the plat vacation option outlined in the Code of Virginia:

§ 33.2-925. Alternative method of abandoning roads.

As an alternative to the procedure for abandonment prescribed by this article, a road may be abandoned in accordance with the procedure for vacations in subdivision 2 of § [15.2-2272](#). All abandonments of roads sought to be effected according to subsection (b) of former § 15.1-482 before July 1, 1990, are hereby validated notwithstanding any defects or deficiencies in the proceeding, provided that property rights that have vested subsequent to the attempted abandonment are not impaired by such validation. The manner of reversion shall not be affected by this section.

If, however, the Board is satisfied that allowing the petitioner to use a portion of the right-of-way to achieve additional units would best serve the public welfare, there could be a public benefit if the project were redesigned to maintain an interconnection to Parcel ID 07600-00-00-00200, along with public trail connections.

The petitioner has not provided any such alternate designs to-date. This approach would require further discussion with the petitioner and site plan revisions. The petitioner would need to prepare a plat and deed to vacate any portion of the right-of-way not used for public access, or to relocate the right-of-way. Staff believes that the plat vacation process would be preferable to the petition process chosen here.

RECOMMENDED ACTION:

This item has been brought before the Board as an action item for discussion. Board action must be taken by October 30, 2023.

Staff recommends that the Board:

1. Adopt a resolution to dismiss the petition, provided as Attachment F.
2. Provide guidance to staff and the petitioner as to whether the Board would be supportive of abandoning or relocating a portion of the right-of-way through the plat vacation process.