Initial Submittal: May 18, 2020
Revised October 5, 2020

# *RST Residences*

## *Special Exception Application Narrative*

On behalf of Seminole Trail, LLC (the "Owner") and RST Development, LLC (the "Developer", and collectively, the "Applicant"), this Application for a Special Exception respectfully requests an exception from the stepback requirements of Section 4.19 of the Albemarle County Zoning Ordinance that would otherwise apply to the eight townhouse structures and the apartment structure labeled "Building 1" on Sheet 6 of the conceptual plans submitted with this resubmittal of this Application on August 17, 2020.

This Application is submitted in connection with a zoning map amendment application that proposes to rezone tax map parcels 04600-00-00-10800 and 04600-00-00-10900 (the "Property"), from R-1 Residential to Planned Residential Development ("PRD"), to allow for the development of a multi-family townhouse and apartment community known as RST Residences (the "Project"). The Project proposes a maximum of 370 residential units comprised of apartments and townhouses. The Concept Plan shown on Sheet 4 of the application package shows a total of 362 units, comprised of 254 apartments and 108 townhouse units. The townhomes are proposed to be stacked and attached in a total of eight buildings (the "Townhome Buildings"). The apartments are proposed in a total of four additional buildings. Figure 1 below shows the arrangement of the buildings in the Project.

Building 1 and the eight townhome structures are proposed to exceed three stories. Accordingly, each of these structures is subject to the County's front stepback requirement, which provides that for each story beginning above 40 feet in height, or for each story above the third story, whichever is less, the minimum stepback shall be 15 feet unless reduced by special exception. Zoning Ordinance § 4.19.5. There is no minimum stepback for the side and rear of structures under this rule.

Building 1 is designed with two rectangular wings (the "North Wing" and the "South Wing"), which are joined together by common plaza and several pedestrian connections (a walkway and several skyways). The South Wing façade faces U.S. Route 29, while the façade of the North Wing faces the internal vehicle travelway between the North Wing and Building 2. Therefore, the Applicant understands that the front stepback requirement applies to the side of the South Wing that faces U.S. Route 29, and to the side of the North Wing that faces Building 2.

The front façade of each Townhome Building is the side containing the front door to the townhouse units. The rear of each Townhome Building is the side containing the garages. For each Townhome Building, one side faces Private Road C, and one side faces the property line with the adjacent parcels to the southeast of the Property. Therefore, the Applicant understands that the front stepback requirement applies to the side of each Townhome Building containing the front door to the townhouse units.

The requested special exemptions for both the North Wing and the South Wing, and for the Townhome Buildings, should be granted because waiving the front stepback requirement would not frustrate the purposes of Section 4.19, the Places29 Design Guidelines, or the Neighborhood Model Principles.

The South Wing

The front of the South Wing will be located 449 feet from the U.S. Route 29 right-of-way. Given the distance between Building 1 and the public road, the requested special exception will not result in the undesired "canyon" effect along public roads that Section 4.19 is designed to prevent.[1] Moreover, Building 1 is the centerpiece of the Project. All residents will be served by common amenities in and around Building 1, including a mail kiosk and recreation areas. In addition, when prospective residents visit to tour available townhomes and apartments, they will be received at the property management office in Building 1. Waiving the front stepback requirement would increase Building 1's visual prominence, which would promote the Project's sense of place by focusing attention toward the anchor building of this residential community.

The North Wing

For the same reasons, the front stepback requirement should be waived for the front of the North Wing. Waiving the stepback rules for the front of the North Wing will not lead to a "canyon" effect, as the surrounding buildings are all proposed to be shorter than Building 1. Given the shorter height of the adjacent Buildings 2-4, the North Wing will be provided with sufficient space and light to achieve the results that Section 4.19 seeks to achieve.

Taken as a whole, the Project's design implements the Neighborhood Model Principle that recommends Buildings and Spaces of Human Scale. Figures 2 and 3 below provide a representation of the pedestrian-oriented, tree-lined streetscape and the relation between the proposed buildings. The proposed street trees are used, as mentioned in the Neighborhood Model Principles, to enclose the street and sidewalks in a way that achieves a "comfortable human scale." The proposed design is also meant to foster a walkable and interactive residential environment to support a strong sense of community among residents.

The Townhome Buildings

The front stepback requirement should be waived for the Townhome Buildings because their location and design also avoids the "canyon" effect. There are very few places along "Private Road C" as shown in the resubmitted plans where the Townhome Buildings are opposite other buildings. In large part, the Townhome Buildings are situated opposite the central amenity area, which allows for appropriate light to reach the roadway and avoids the appearance of a canyon. With regard to the roads between each Townhome Building, the stepback requirement should be waived because the proposed design of the facades will incorporate different materials, textures, and features to prevent massing. These design features will help mitigate any potential canyon effect. Figure 4 shows an illustrative example of the general character of the proposed design. Please note this example is not particular to the Project, and therefore some of the building measurements may not be reflected in the Project.

[1] The purpose of the stepback rules was discussed during the public hearing at which the Board of Supervisors added Section 4.19 to the Zoning Ordinance. County Staff noted that Section 4.19 "avoids a 'canyon' effect." Statement of Ron Higgins, Deputy Zoning Administrator, Minutes of the Board of Supervisors Hearing, June 3, 2015, at page 99.

The stepback requirement should also be waived to preserve living space in the Townhome Buildings. The modest size of the townhome units as proposed allow them to be affordable for Albemarle County residents without the need for a housing subsidy. This is a strength of the project that furthers the County's affordable housing goals. However, the stepback requirement would leave no option but to shrink the living space of the upper townhouse units in a way that would reduce their appeal or utility to many prospective buyers. Especially since the proposed green space, sidewalks, and amenity areas already help avoid any "canyon" effect of the Townhome Buildings, the ability to deliver affordable housing in furtherance of the County's goals justifies waiving the stepback requirement for this Project. Given the Project's focus of providing affordable housing to Albemarle County citizens, waiving the stepback requirement would help balance the County's design requirement with important housing priorities.

The Proposed Special Exceptions Supports the Goals of the Comprehensive Plan

Waiving the front stepback requirement is consistent with the recommended future land use of the Property under the Comprehensive Plan. The Project is located in the Development Area and is designated for Urban Density Residential uses, with up to 34 dwelling units per acre. The Applicant estimates that strict application of a 15-foot stepback to Building 1 would result in the loss of ten residential units. As a reduction in the number of residential units is contrary to the Comprehensive Plan's recommendation for the Property, a special exception from the stepback is warranted. A reduction in the number of units also impacts the Project's ability to provide affordable housing. With fewer units, the Project will be less effective in meeting the County's affordable housing goals. Likewise, the Townhome Buildings are important to the Project's overall success and they help to advance the Project's affordable housing goals. Waiving the stepback requirement for the Townhome Buildings would allow the Project to more effectively realize the County's affordable housing goals set out in the Comprehensive Plan.

As noted above, Section 4.19 does not apply stepback requirements to the sides or rear of any structures in a residential zoning district. Therefore, the remaining sides of Building 1 and the Townhome Buildings are not subject to the stepback rules.

For these reasons, the Applicant requests a special exception from Section 4.19 as applied to the fronts of the North Wing and the South Wing of Building 1, and to the fronts of the Townhome Buildings. Granting the requested special exceptions will further the goals of the Comprehensive Plan without creating significant detriments to County residents.

Thank you for your consideration of this request.

# RST Residences: Building 1



*Figure 1. View of the Project, including Building 1 at center (the South Wing is at right).*



*Figure 2. View of the North Wing (at right), opposite Building 2, and separated from Building 2 by a shaded, pedestrian-friendly vehicular travelway.*

## RST Residences: Building 1



*Figure 3. Additional view of the North Wing, showing its front side facing Building 2.*

## RST Residences: Townhome Buildings (Illustrative Example)




*Figure 4. Additional view of the North Wing, showing its front side facing Building 2.*