July 19, 2021

# *Old Ivy Residences*

## *Special Exception Application Narrative*

## *SE 2021-_____*

In connection with the zoning map amendment application ZMA 2021-_____ (the "ZMA Application"), submitted by Greystar (the "Applicant"), this Application for a Special Exception respectfully requests a waiver of the stepback requirements of Section 4.19 of the Albemarle County Zoning Ordinance that would otherwise apply to the five apartment buildings shown on the conceptual plans included in the ZMA Application submitted on July 19, 2021.

If approved, the proposed zoning map amendment would permit tax map parcels 60-51, 60-24C, 60-24C1, 60-24C3, and 60-24C4 (the "Property"), to be developed as a residential rental community, which would include single-family homes and multifamily apartments, known as Old Ivy Residences (the "Project"). The Project proposes a maximum of 525 residential units. The Concept Plan submitted with the ZMA Application shows the arrangement of the apartment buildings and single-family homes within the Project.

The apartment buildings are proposed as four-story structures. Accordingly, each apartment building 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.

The apartment buildings are proposed to be built on the portion of the Project near Old Ivy Road. The Project's entrance will be on Old Ivy Road as well. Because Old Ivy Road is the nearest public road to the apartment buildings, and because the Project's entrance is served by Old Ivy Road, the facades of the apartment buildings that face Old Ivy Road are considered the front of the buildings for purposes of the front stepback requirement.

As each of the apartment buildings are proposed to be four stories, the Applicant requests a special exception to waive the front stepback requirement that would otherwise apply to each of these buildings The requested special exception will not result in the undesired "canyon" effect along public roads that Section 4.19 is designed to prevent.[1] The apartment buildings are set back at a generous distance from Old Ivy Road, and the Project's design allows sufficient space and light between the buildings to avoid the "canyon" effect. Moreover, the proposed sidewalks and green space will promote a welcoming pedestrian experience for residents walking between and around the apartment buildings.

The front stepback requirement would eliminate living space in the apartment buildings. The requested special exception therefore preserves living space in the apartment buildings, which will enhance the residential experience by providing more spacious accommodations to residents.

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[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.

Taken as a whole, the Project's design implements the Neighborhood Model Principle that recommends Buildings and Spaces of Human Scale. The building design will incorporate different materials, textures, and features to prevent massing. 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 Proposed Special Exceptions Supports the Goals of the Comprehensive Plan

Modifying 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 Southern and Western Urban Neighborhoods Master Plan guidelines contemplate four-story structures in Urban Density Residential areas "where appropriate." See Master Plan, page 33 (recommending a building height of "1-3 stories; additional stories where appropriate"). When placed in the context of the existing development in the surrounding area, the Project's proposal of four-story buildings would use Urban Density Residential land in a manner consistent with the Master Plan's guidelines.

The Applicant estimates that strict application of a 15-foot stepback to the apartment buildings would result in the loss of 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. If the number of units were reduced as a result of the stepback requirement, the Project would be less effective in meeting the County's affordable housing goals.

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 the apartment 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 from the proposed four-story apartment buildings. The proposed height is consistent with the Master Plan's guidelines for this area of the County. Granting the requested special exception will further the goals of the Comprehensive Plan without creating any adverse impacts.

Thank you for your consideration of this request.