

**COUNTY OF ALBEMARLE
PLANNING STAFF REPORT SUMMARY**

Project Name: ZMA 201500005 Out of Bounds	Staff: Megan Yaniglos, Principal Planner
Planning Commission Public Hearing: July 14, 2015	Board of Supervisors Public Hearing: To Be Determined
Owners: Barrack Heights, LLC	Applicant: Vito Cetta; Justin Shimp, P.E. of Shimp Engineering, P.C.
Acreage: 9.42 acres	Rezone from: NMD, Neighborhood Model District with proffers to NMD with amended proffers
TMP: 06000000006500 Location: Located on Barracks Road (Route 654) across from its intersection with Georgetown Road (Route 656). 225 Out of Bounds Road, Charlottesville, Virginia 22901. (Attachment A)	By-right use: NMD, Neighborhood Model District
Magisterial District: Jack Jouett	Proffers: Yes
Proposal: Amend the proffers, application plan, and code of development for approved ZMA201200003 Out of Bounds. Additionally, a sidewalk and planting strip modification is requested. No change to maximum allowed density is proposed.	Requested # of Dwelling Units: 56
DA (Development Area): Western Urban Neighborhoods	Comprehensive Plan Designation: Neighborhood Density Residential – Residential (3-6 units/acre); supporting uses such as places of worship, schools, public and institutional uses and small-scale neighborhood serving retail and commercial.
Character of Property: Contains an historic single family residence and associated outbuildings. The property is currently under construction in accordance with the approved site plan.	Use of Surrounding Properties: Residential uses: single family, senior living, and multifamily. Canterbury Hills, Hessian Hills, the Colonnades, Barracks West.
Factors Favorable: 1. This rezoning request will not change the intent of the original rezoning.	Factors Unfavorable: 1. None identified.
RECOMMENDATION: Staff recommends approval of ZMA201200008 inclusive of revised proffers. If the Planning Commission recommends approval of the rezoning request, Staff can recommend approval of the following modifications: 1. Variation or Exception of the planting strip requirement under § 14-422 (F) with conditions	

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Megan Yaniglos
July 14, 2015
To Be Determined

ZMA 201500005 Out of Bounds

PETITION

PROJECT: ZMA201500005 Out of Bounds

MAGISTERIAL DISTRICT: Jack Jouett

TAX MAP/PARCEL: 06000000006500

LOCATION: Located on Barracks Road (Route 654) across from its intersection with Georgetown Road (Route 656). 225 Out of Bounds Road, Charlottesville, Virginia 22901.

PROPOSAL: To amend the proffers, application plan, and code of development for approved ZMA201200003 Out of Bounds. Additionally, a sidewalk and planting strip modification is requested. No change to maximum allowed density is proposed.

PETITION: Request to amend proffers, application plan, and Code of Development for ZMA201200003 on property zoned Neighborhood Model District (NMD) which allows residential mixed with commercial, service and industrial uses at a density of 3-34 units/acre.

OVERLAY DISTRICT: Entrance Corridor (EC); Airport Impact Area (AIA)

PROFFERS: YES

COMPREHENSIVE PLAN: Neighborhood Density Residential – residential (3-6 units/acre); supporting uses such as places of worship, schools, public and institutional uses and small-scale neighborhood serving retail and commercial in Western Urban Neighborhoods.

CHARACTER OF THE AREA

The site is located on Barracks Road, across from its intersection with Georgetown Road (Attachment A). The property contains an historic single family residence, which will remain, along with some outbuildings. The property has some trees in the area close to Barracks Road along with a three board fence, but is mainly open grass field. The back portion of the property is heavily wooded. The grade changes from Barracks Road up in elevation where the existing house sits, and then slopes down in the back. Uses adjacent to the site include residential single family (Canterbury Hills), multi-family (Hessian Hills), and senior living (The Colonnades). The Huntwood (Townhouses) development is located across from this site on Barracks Road. Barracks West Apartments are 0.2 miles west of the property.

SPECIFICS OF THE PROPOSAL

The applicant is requesting the following changes:

1. A minor change to Proffer #1- Affordable Housing to allow for sale or rent affordable townhouse units in lieu of for rent multi-family units.
2. A minor change to Proffer #2- Residential Units to allow townhouse units in lieu of multi-family units.
3. Minor revisions to the application plan to include:
 - a) On sheet 5 of 8 (Block Plan), the block areas have been updated
 - b) On sheet 5 of 8 (Block Plan), the minimum residential lot size and width permitted in Block 3 has been revised to accommodate the for sale affordable townhouses
 - c) On sheet 6 of 8 (Code of Development), the sixth paragraph in Section VI (Development Narrative) has been updated to match the site plan and to be consistent with Sheet 4 of the Application Plan
 - d) On Sheet 6 of 8 (Code of Development), Section VII, Block 3 has been revised to accommodate the request for affordable townhouses

- e) On Sheet 6 of 8 (Code of Development), Section VIII, Green Space and Amenities, the Open Space area calculation has been revised to match the approved site plan
 - f) Additional minor changes in road/building/sidewalk alignments have been provided to match the approved site plan.
4. A request for a modification of the planting strip and sidewalk location along the existing residence lot (#56). Detail analysis of that modification is provided below.

APPLICANT'S JUSTIFICATION FOR THE REQUEST

The applicant would like to offer for sale affordable townhouse units instead of for rent multi-family affordable units. The prior multi-family affordable units were to be two "stacked" units within one structure (four townhouses with basement/first floor apartments) for a total of eight units. The applicant now prefers to construct eight conventional townhouse units, each on their own lot, in lieu of the stacked product.

PLANNING AND ZONING HISTORY

ZMA2012-003 Out of Bounds- On December 11, 2013, the Board of Supervisors approved the rezoning from Residential – R-1 to Neighborhood Model District – NMD in accordance with the Application Plan, Code of Development, and proffers.

SDP2014-036 Out of Bounds- Final Site Plan- approved October 6, 2014.

DISCUSSION

This proposal allows for affordable for sale townhouse units to be built in lieu of for rent multi-family apartments. The for rent affordable housing language remains in the proffer, which allows for flexibility for potential qualifying residents. The Director of Housing has reviewed this request and has no objections. Also, the adjacent neighborhood, Canterbury Hills, has been notified of this change, and is in favor of this change.

The minor changes requested to the application plan and the code of development are necessary if the request for the affordable housing unit type is approved (Attachment C). The only change to the open space calculation is the size of the playground/tot lot area. This was originally shown as 4000 square feet, and has been reduced to 2,000 square feet in order to accommodate the townhouse lots. Staff has no concerns with these proposed changes.

Relationship between the application and the purpose and intent of the requested zoning district

Neighborhood Model districts are intended to provide flexibility and variety of development for residential purposes and uses ancillary thereto. This project continues to be consistent with the intent of the NMD, allowing for flexibility of developing different types of units within the development. The proposed proffer amendment does not violate the intent of the Neighborhood Model Districts.

Anticipated impact on public facilities and services

The change from for rent multifamily affordable units to for sale townhouse affordable units does not add any additional impact to public facilities and services. The number of units is remaining the same within the development.

Anticipated impact on cultural and historic resources

None anticipated with this proffer amendment. There is no change to the lot containing the historic single family residence with the proposal.

Anticipated impact on nearby and surrounding properties

None anticipated with this proffer amendment.

Public need and justification for the change

The County's Comprehensive Plan supports development in the designated development areas that is consistent with the use, density, and form recommended in the Plan. The addition of for sale affordable townhouse units in this portion of the County could be beneficial for County residents that qualify for affordable housing who wish to live and work in this portion of the County.

PROFFERS

See Attachment D for the complete proffer document with proposed revisions. The following is an analysis of the proposed proffer amendments. The portion of the original proffer subject to change is in italics and underlined below.

Analysis of Amended Proffers

Original Proffer [Attachment B]	Requested Amendment
1. Affordable Housing. The Owner shall provide 8 affordable housing units, in accordance with guidelines established by the Albemarle County Department of Housing and approved by the Albemarle County Board of Supervisors on February 4, 2004, within the Project in the form of <u>2-unit stacked multi-family buildings constructed on four (4) attached lots. The multi-family buildings shall be comprised of upper and lower level residential units 7/8, 9/10, 11/12, and 13/14</u> as shown on the Application Plan. Each <u>two- unit apartment building shall be owned by the same owner and each two-unit building</u>-shall be located on a single lot. Before the Owner applies for a building permit for any residential unit within Block 1 of the Project, as defined in the Application Plan, the Owner shall have offered for rent, as provided herein, each Affordable Housing Unit within the Project. The Owner shall convey the responsibility of constructing the affordable units to the subsequent owners of lots designated affordable on the site development plans or plats. 2. Residential Units. There will be a maximum of 56 dwelling units-<u>on 52 lots</u> within the development. The existing house and adjacent garage is identified on the Application Plan as a	1. Affordable Housing. The Owner shall provide 8 affordable housing units, in accordance with guidelines established by the Albemarle County Department of Housing and approved by the Albemarle County Board of Supervisors on February 4, 2004, within the Project in the form of <u>8 townhouses. The 8 affordable townhouses shall consist of units 7-14,</u> as shown on the Application Plan. Each <u>affordable</u> unit shall be located on a single lot. Before the Owner applies for a building permit for any residential unit within Block 1 of the Project, as defined in the Application Plan, the Owner shall have offered for <u>sale or for</u> rent, as provided herein, each Affordable Housing Unit within the Project. The Owner shall convey the responsibility of constructing the affordable units to the subsequent owners of lots designated affordable on the site development plans or plats. A. For-Sale Affordable Units. All purchasers of the for-sale Affordable Housing Units shall be approved by the Albemarle County Housing Office or its designee. The Affordable Housing Units will be designed for households with incomes less than eighty percent (80%)

single-family detached dwelling unit. Forty-seven (47) of the 56 dwelling units are identified on the Application Plan as single-family attached dwelling units. The remaining four (4) lots are identified on the Application Plan as having two (2) dwelling units per lot: a 2-unit stacked multi-family building. The units on these four (4) lots shall be constructed and maintained as two-family dwelling units as defined in the Virginia Uniform Statewide Building Code. The Declaration of Covenants for Out of Bounds shall contain the following language for the 8 units: "The multi-family/ADU units on lots 7/8, 9/10, 11/12, and 13/14 within Out of Bounds are constructed and must be maintained as two-family dwelling units as defined in the Virginia Uniform Statewide Building Code."

of the area median income such that housing costs consisting of principal, interest, real estate taxes, and homeowners insurance (PITI) do not exceed thirty percent (30%) of the gross household income. The Owner shall provide the County or its designee a period of ninety (90) days to identify and prequalify an eligible purchaser for the affordable units. The ninety (90) day period shall commence upon written notice from the Owner that the unit(s) will be available for sale. This notice shall not be given more than sixty (60) days prior to receipt of the Certificate of Occupancy for the applicable Affordable Housing Unit; the County or its designee may then have thirty (30) days within which to provide a qualified purchaser for such Affordable Housing Unit. If the County or its designee does not provide a qualified purchaser during the ninety (90) day period, the Owner shall have the right to sell the unit(s) without any restriction on sales price or income of the purchaser(s). This proffer shall apply only to the first sale of each of the for-sale affordable units.

2. **Residential Units.** There will be a maximum of 56 dwelling units the development. The existing house and adjacent garage is identified on the Application Plan as a single-family detached dwelling unit. The remaining 55 dwelling units shall be single-family attached and/or townhouse units.

Analysis: The revisions update these proffers to allow for the townhouse unit type and eliminates the multi-family unit type.

§ 14-422 (F) VARIATION OF THE PLANTING STRIP

The applicant has requested that the sidewalks be located directly adjacent to the curb and that the planting strips be eliminated for a 200 foot portion along the existing single family residential lot and Georgetown Court. In modifying the requirement for planting strips, the Planning Commission is required to consider the following:

- (i) a waiver to allow a rural cross-section has been granted**
An urban section has been requested.
- (ii) a sidewalk waiver has been granted**
A sidewalk waiver has not been requested.
- (iii) reducing the size of or eliminating the planting strip promotes the goals of the comprehensive plan, the Neighborhood Model, and the applicable neighborhood master plan**
Eliminating the planting strip, in and of itself, does not promote a goal of the Comprehensive Plan or Neighborhood Model. During site construction it was found that the anticipated grading in this area was inaccurate, and a 36" retaining wall is needed even with the change of the planting strip. The planting strip and street trees would be provided within an easement on the backside of the sidewalk; therefore substantially the same landscaping will be provided consistent with the Neighborhood Model while addressing a significant site constraint.
- (iv) waiving the requirement would enable a different principle of the Neighborhood Model to be more fully achieved**
This criterion is not met.

The agent or the commission may approve a request for a variation to substitute a required improvement upon finding that because of an unusual situation, the subdivider's substitution of a technique, design or materials of comparable quality from that required by the applicable regulation results in an improvement that substantially satisfies the overall purposes of this chapter in a manner equal to or exceeding the desired effects of the requirement in the applicable regulation.

Staff Comment: Staff believes that by providing a landscape easement on the back of the sidewalk is substantially the same as the planting strip for this short section of Georgetown Court along the existing historic single family residential lot. Staff recommends approval of this waiver with the condition that a six (6) foot landscape easement be established on the back of the sidewalk.

SUMMARY

Staff has identified the following factors, which are favorable to this request:

1. This rezoning request will not change the site layout or intent of the original rezoning.

Staff has identified no unfavorable factors for this request.

RECOMMENDATION

Staff recommends approval of ZMA201500005 inclusive of revised proffers [Attachment D] and application plan [Attachment C].

Staff recommends approval of the planting strip modification request.

ATTACHMENTS

ATTACHMENT A – [Vicinity Map](#)

ATTACHMENT B – [Original Proffers dated November 18, 2013](#)

ATTACHMENT C – [Revised plan](#)

ATTACHMENT D – [Revised Proffers](#)

ATTACHMENT E – [Planting Strip Modification Request](#)

PLANNING COMMISSION MOTION—Zoning Map Amendment:

A. Should a Planning Commissioner **choose to recommend approval** of this ZMA:

Move to recommend approval of ZMA201500005 Out of Bounds subject to the proffers as recommended by staff.

B. Should a Planning Commissioner **choose to recommend denial** of this ZMA:

Move to recommend denial of ZMA201500005 Out of Bounds. *Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.*

Planting Strip:

A. Should a Planning Commissioner **choose to approve** the planting strip variation request:

Move to approve the planting strip variation request associated with ZMA2015-005 Out of Bounds, with the conditions and reasons listed by staff.

B. Should a Planning Commissioner **choose to deny** the planting strip variation:

Move to deny the planting strip variation request for ZMA2015-005 Out of Bounds. *Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial*