County of Albemarle
Department of Community Development

To: **Albemarle County Planning Commission**
From: Tori Kanellopoulos, Planner
Date: January 14, 2020
Item: ZMA201900001, 999 Rio Road

BACKGROUND:
This rezoning application was first submitted on March 6, 2019. The applicant has held two community meetings with the Places29 Rio Community Advisory Committee (03/28/19 and 12/05/19). This application has been considered at both Planning Commission (06/25/19) and Board of Supervisors (09/18/19) public hearings. The applicant has since revised the application to address concerns and comments heard at these public hearings. This application will again be considered by both the Planning Commission and Board of Supervisors.

DISCUSSION:
At its meeting on June 25, 2019, the Planning Commission voted 4:1 to recommend approval of ZMA20190001 with staff-recommended revisions, and a revision recommended by the Commission to include additional screening in the northern portion of the property. The Planning Commission also approved private streets and variations related to standards under the Subdivision Ordinance, to allow amenity-oriented lots in Block 1. The Planning Commission also recommended (5:0) a Corridor Study for Rio Road East to address traffic concerns and pedestrian and bicycle safety, access and connectivity. The full discussion is included in the Planning Commission minutes, which are linked below.

At its meeting on September 18, 2019, the Board of Supervisors took the action to defer this application back to the Planning Commission, with recommended revisions. The main concerns discussed by the Board were: the scale of the non-residential use; the potential traffic impacts of this development; and the limiting size of the parcel with the amount of units and non-residential uses proposed. The main favorable aspects discussed were: providing affordable housing; providing smaller homes to fill market needs; and extending the multiuse path. The recommended revisions were to: either reduce or eliminate the amount of non-residential uses permitted; and further address traffic concerns.

The applicant held a second community meeting with the Places29 Rio Community Advisory Committee, which was not required. A summary of the discussion is included as Attachment 9. A summary of the first CAC meeting is included in the June 25 Staff Report (linked below).

The applicant has revised the Code of Development and Application Plan to address concerns from the Planning Commission, Board of Supervisors, and community members. The following is a summary of changes made:

- The number of units has been reduced from a maximum of 46 to a maximum of 28, which also reduced the maximum density from 24 units/acre to 15 units/acre. This is a 40 percent reduction in density, and still within the Comprehensive Plan recommendation of 6.01-34 units/acre.
- The maximum non-residential square footage has been reduced from a maximum of 10,000 sq. ft. to a maximum of 6,000 sq. ft., which is a 40 percent reduction.

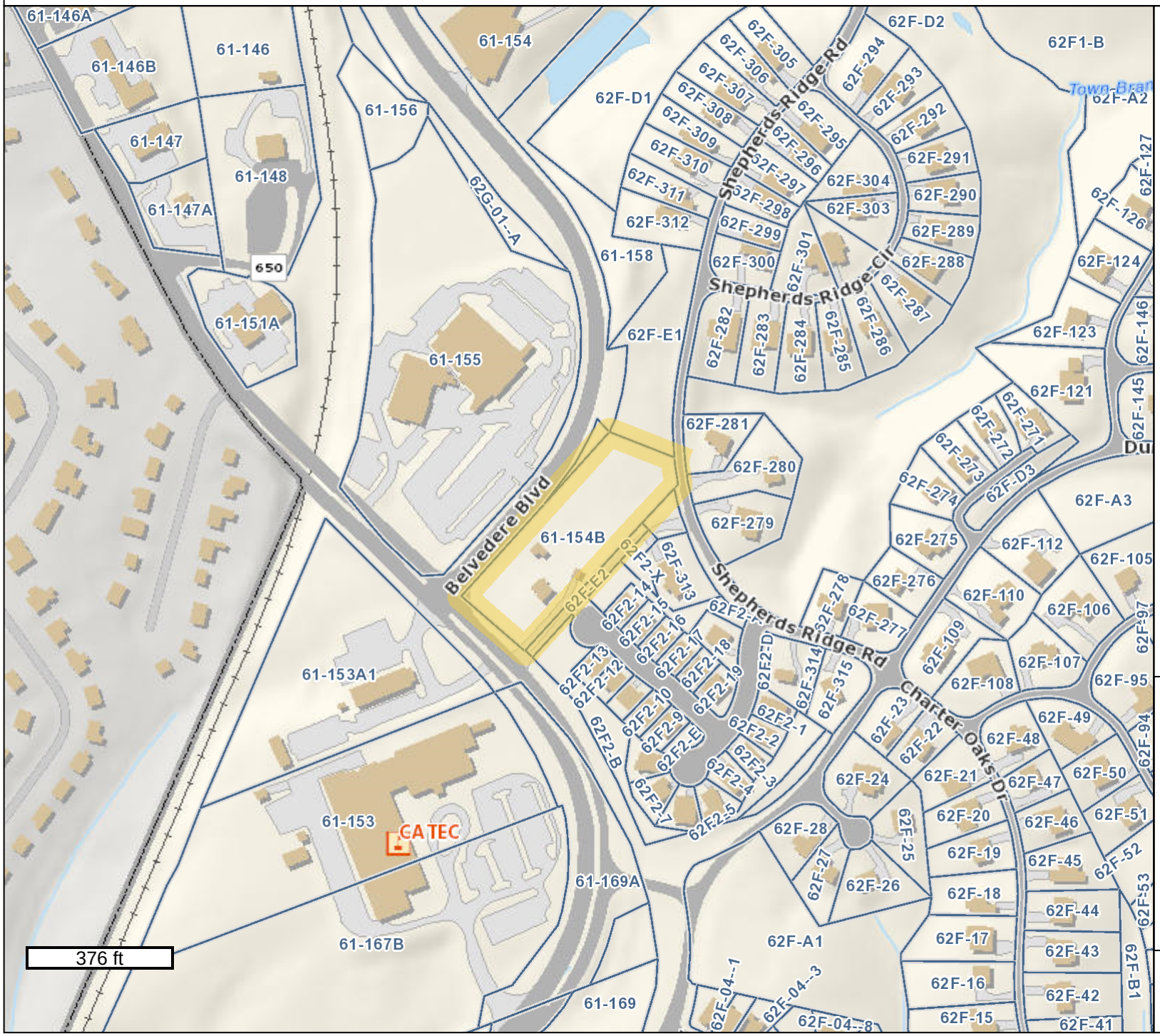
- The permitted non-residential uses have been significantly reduced. Previously, all Retail (Neighborhood, Community, and Regional), General Commercial Service, and Office/R+D/Flex were permitted by the COD. Now, the only type of retail permitted is Furniture Store, and no Commercial is permitted. Office/R+D/Flex is still permitted. This addresses the concern that a high-traffic use, such as a restaurant or drive-thru, could be built, as these uses are no longer permitted.
- The revised trip count has been reduced by approximately 52 to 59 percent, based on maximum potential build-out (that is, based on the maximum allowed residential units and non-residential square footage).
- The non-residential building height has been reduced from three stories to one story.
- A larger area of the project is now allocated for green and amenity space (an additional 6,000 sq. ft.).

RECOMMENDATIONS:
Based on the factors identified as favorable with this rezoning, staff recommends approval of ZMA201900001.

Staff's analysis and recommendation has not changed. The application still meets the applicable Comprehensive Plan policies, Neighborhood Model Principles, and the County's Zoning Ordinance. Staff finds that the applicant has addressed the revisions requested by the Board of Supervisors.

ATTACHMENTS:
ZMA201900001 Staff Report for January 14, 2020
Attachment 1: Vicinity Map
Attachment 2: Code of Development, dated December 16, 2019
Attachment 3: Application Plan, dated December 16, 2019
Attachment 4: Staff Analysis of Neighborhood Model Principles
Attachment 5: Staff Analysis of Request for Modifications
Attachment 6: Applicant Modification Request
Attachment 7: Applicant Justification
Attachment 8: Applicant Narrative Supplement
Attachment 9: Meeting Notes from December 5, 2019 Places29 Rio CAC

LINKS TO PREVIOUS PLANNING COMMISSION AND BOARD OF SUPERVISORS ACTIONS:
Planning Commission Public Hearing Staff Report: June 25, 2019
Planning Commission: Action Memo from June 25, 2019
Planning Commission: Minutes from June 25, 2019
Board of Supervisors Public Hearing: September 18, 2019

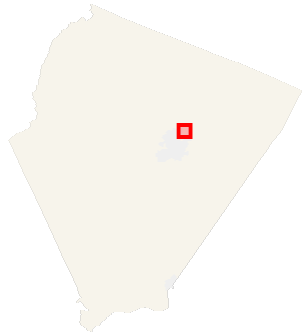


Legend

(Note: Some items on map may not appear in legend)

Parcel Info

- ☐ Parcels



GIS-Web
Geographic Data Services
www.albemarle.org/gis
(434) 296-5832

Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.

June 17, 2019

December 16, 2019

Code of Development

The following is a Code of Development ("COD") drafted in accordance with Section 20A.5 of Chapter 18 of the Code of Albemarle, Virginia and specific to tax map parcel 06100-00-00-154B0. This Code of Development establishes the unifying design guidelines, specific regulations and block characteristics. The COD also provides certainty about the permitted uses, locations and appearance of central features.

I. Table of Uses by Block (Section 20A.5a)

The table below establishes the permitted and prohibited uses by block.
"BR" = By-Right, "SP" = Special Permit, "N" = Not Permitted

Table A. Uses: By Right, by Special Permit, and Not Permitted		
BLOCK	**BLOCK 1**	**BLOCK 2**
	Mixed-use	**Residential**
Residential		
Single Family Detached	N	BR
Single Family Attached	BR	BR
Multifamily	BR	N
Accessory Uses	BR	BR
Non- Residential		
Retail (Neighborhood, Community & Regional)	N	N
Retail – Furniture Store	BR	N
General Commercial Service	N	N
Auto Commercial Sales & Service	N	N
Office/R&D/Flex	BR	N
Light Manufacturing / Storage / Distribution	N	N
Heavy Manufacturing / Storage / Distribution	N	N
Warehousing / Distribution	N	N
Institutional	N	N
Stand-alone parking	BR	BR
Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the ACSA. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformance with Chapter 16 of the Code of Albemarle and all other applicable law.	BR	BR
Temporary construction uses	BR	BR
Public uses & buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (31.2.5); public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations etc., RWSA owned and/or operated.	BR	BR
SWM facilities shown on an approved final site plan or subdivision plat.	BR	BR
Tier I and Tier II personal wireless service facilities.	BR	BR
Accessory Uses & Buildings including home occupation, Class A & storage.	BR	BR

Notes to Table A:

1. Reference to uses not otherwise defined or listed in this Code of Development shall be defined as listed first, in the Albemarle County Zoning Ordinance, or second in the "Future Land Use Plan and Transportation Network" Section of the Places29 Master Plan adopted February 2, 2011, revised June 10, 2015. If no definition of the use is provided (Code of Development, Zoning Ordinance, Comprehensive Plan) or if there is uncertainty as to whether such use is included in the uses listed in Table A, then such use must be officially determined by the Zoning Administrator to be permitted in a particular Block.

2. Notwithstanding anything herein to the contrary, "Retail Store – Furniture" as defined in the Zoning Ordinance shall be an allowable retail/commercial use in Block 1.

3. Stand-alone parking and parking structures shall be subject to screening regulations and other restrictions outlined in Section 4.12.

4. The Project must contain at least two housing types.

II. Development Square Footage Proposed and Residential Density (Section 20A.5b and c)

Table B. Density, Housing Type and Non-Residential Use by Block

Block	Approximate Block Size	MIN Dwelling Units	MAX Dwelling Units	MAX Block Gross Density	Permitted Housing Types	MIN Non-Residential SF	MAX Non-Residential SF
Block 1 **Mixed-use**	41,818 SF (0.96 acre)	3	14	15 DUA	Multifamily, Single Family Attached	500	6,000
Block 2 **Residential**	41,382 SF (0.95 acre)	8	14	15 DUA	Single Family Detached, Single Family Attached	0	0
TOTAL	**83,200 SF (1.91 acre)**	**11**	**28**	**15 DUA**	**MF, SFD, SFA**	**500**	**6,000**

III. Green Space & Amenities (Section 20A.5d)

Table C. Minimum Green Space, Civic Areas, and Amenities by Block

BLOCK	Amenity Area MIN SF	Amenity Area %	Amenities	Green Space MIN SF	Green Space %	Green Space Elements	Amenity & Green Space %
Block 1 **Mixed-use**	8,364	20% (8,364 of 41,818 total SF of Block 1)	Courtyard with Landscaping and Seating	8,364	20% (8,364 of 41,818 total SF of Block 1)	Outdoor Plaza with Landscaping and Seating; Multi-Use Path; Streetscape and Other Designed Landscaping	20%
Block 2 **Residential**	8,276	20% (8,276 of 41,382 total SF of Block 2)	Sidewalk, Central Greenspace, Natural Playscape, Dog Park, and Other Designed Landscaping	8,276	20% (8,276 of 41,382 total SF of Block 2)	Sidewalk, Central Greenspace, Natural Playscape, Multi-Use Path, Dog Park and Other Designed Landscaping	20%
TOTAL	16,700	20% (16,700 of 83,200 total SF)		16,700	20% (16,700 of 83,200 total SF)		20%

Notes to Table C:

1. Section 4.16 of the Zoning Ordinance shall apply to all recreational facilities and shall be assessed at the site plan stage of development.

2. Signage shall be provided to prohibit vehicular traffic on the private street in Block 2, except for emergency vehicles; or, bollards shall be installed.

IV. Architectural Standards and Landscape Treatment (Sections 20A.5g and h)

In addition to any architectural, landscape and site requirements illustrated or otherwise included in other sections of this application, the Entrance Corridor Design guidelines of Section 30.6 shall also apply, which may require features and/or treatments over and above those listed in this Code of Development.

V. Lot & Building Height Regulation (Section 20A.i)

Table D. Lot and Building Regulations		
	BLOCK 1	**BLOCK 2**
	Mixed-use	**Residential**
Building Height		
Stories	1 Min. - 3 Max.	1 Min. - 3 Max.
Height	35'	35'
Setbacks		
Front	0' Min. – 50' Max.	5' Min. - 40' Max.
Side	0' Min.–10' Max.	3' Min. - 15' Max.
Rear	0'	10' Min. (No Max.)
Stepbacks	None.	None.
Other		
Lot Size (Min. or Max.)	None.	None.
Residential Units Allowable	3 Min. - 14 Max.	8 Min. - 14 Max.
Residential Unit Type	Single Family Attached, Multifamily	Single Family Detached, Single Family Attached
Parking		
MIN Required (35% reduction)	3 - 34, depending on mixture of uses	10 - 18, depending on unit count etc.
Total Required	**13 - 42, depending on mixture of uses**	

Notes to Table D:

1. Notwithstanding anything herein to the contrary, all non-residential uses shall be limited in height to one (1) story, or twenty-five (25) feet. Such uses shall also be limited to a building footprint of six thousand (6,000) square feet.

2. Porches, eaves and awnings shall be considered part of the structure and shall not extend closer to the street than the required setbacks.

3. The precise number of minimum required parking spaces shall be determined at the site plan phase of development depending on density, types of residential units, and commercial uses pursuant to Section 4.12.6. Minimum parking requirements may restrict some uses that historically require large amounts of parking. Multiple parking alternatives per Section 4.12 of the Zoning Ordinance may be utilized during the site plan phase of development as determined by the Zoning Administrator.

4. Minimum building separation shall be required per Section 4.11 of the Zoning Ordinance.

5. Any primary residential structures in Block 1 shall face Belvedere Boulevard.

6. The applicable setbacks for Block 2 shall be measured from the edge of Amenity Area D.

7. Pursuant to Section 32.7.9.7, the parking areas along the northern and southeastern boundaries of the subject property are required to be screened. In addition to Section 32.7.9.7(b), the Applicant shall provide three different reasonable types of screening options to each of the following groups, for each of the following locations, as follows:

    a. For the screening in Block 1 at the southeastern boundary of the Property, to (1) the Shephard's Ridge Homeowners' Association which consists of residents immediately adjacent to the Property,

    b. For the screening in Block 2 at the southeastern boundary of the Property, to (2) Warren M. and Virginia M. Stallings, the owners of Tax Map Parcel 062F0-00-00-31300 (2033 Shephard's Ridge), and/or their successors or assigns, and

    c. For the screening along the northern boundary of the Property, to (3) the owners of the three parcels across Shephard's Ridge Road from the Property: (A) Kent J. Rychcik Living Trust and Susan W. Rychcik Living Trust, the owners of Tax Map Parcel 062F0-00-00-28100 (2050 Shepherd's Ridge), and/or their successors or assigns, James G. and Betty D. Cannon, the owners of Tax Map Parcel 062F0-00-00-28000 (2044 Shepherd's Ridge), and/or their successors or assigns and (C) Alexis Ann Halley Revocable Trust, the owner of Tax Map Parcel 062F0-00-00-27900 (2038 Shephard's Ridge Road), and/or its successors or assigns.

    By a majority vote at a duly authorized meeting of the members of the homeowners' association, and the individuals/entities listed in (2) and (3) above, the applicable parties shall choose one of the three screening options provided for each of the three locations listed above.

    At minimum, at least one of the options provided shall include a fence up to seven feet in height (or taller, if the parties agree). Such meetings shall be called within thirty (30) days of receipt of written notice from the Applicant and/or its assigns. In addition, such approval shall not be unreasonably withheld, delayed or conditioned. If the Applicant does not receive a response within thirty (30) days of receipt of the Applicant's written notice, such lack of response shall be considered an approval of any or all of the options provided.

8. Dumpsters and Dumpster Pads on the Property shall be screened pursuant to Section 4.12.19.

9. The Applicant shall be required to provide onsite treatment of 25% of the required stormwater treatment. Such techniques of treatment shall include pervious pavers, micro bioretention, or other approved measures.

VI. Supplementary Regulations – Residential Uses and Affordable Housing

1. 15% of the total residential dwelling units within the project shall be Affordable Dwelling Units (the "15% Affordable Housing Requirement"). The 15% Affordable Housing Requirement may be met through a variety of housing types, including but not limited to, for-sale units or rental units.

2. For-Sale Affordable Dwelling Units. All purchasers of the affordable units shall be approved by the Albemarle County Community Development Department or its designee ("Community Development"). A for-sale Affordable Dwelling Unit shall mean any unit affordable to households with income less than eighty percent (80%) of the area median income (as determined by the U.S. Department of Housing and Urban Development (HUD) from time to time) such that housing costs consisting of principal, interest, real estate taxes and homeowners insurance (PITT) do not exceed thirty percent (30%) of the gross household income; provided, however, that in no event shall the selling price for such affordable units be more than sixty-five percent (65%) of the applicable Virginia Housing Development Authority (VHDA) maximum sales price / loan limit for first-time homebuyer programs (the "VHDA Limit"). The Applicant or its successor shall provide the County or its designee a period of ninety (90) days to identify and prequalify an eligible purchaser for the for-sale Affordable Dwelling Units. The ninety (90) day period shall commence upon written notice from the Applicant or its successor 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 for-sale Affordable Dwelling Unit; the County or its designee may then have thirty (30) days within which to provide a qualified purchaser for such for-sale Affordable Dwelling Unit. If the County or its designee does not provide a qualified purchaser during the ninety (90) day period, the Applicant or its successor shall have the right to sell the unit(s) without any restriction on sales price or income of the purchaser(s). This shall apply only to the first sale of each of the for-sale Affordable Dwelling Units.

3. For-Rent Affordable Dwelling Units.

    a. **Rental Rates**. The net rent for each rental housing unit which shall qualify as an Affordable Dwelling Unit ("For-Rent Affordable Dwelling Unit") shall not exceed HUD's affordability standard of thirty percent (30%) of the income of a household making eighty percent (80%) of the area median income (as determined by HUD from time to time). In each subsequent calendar year, the monthly net rent for each For-Rent Affordable Dwelling Unit may be increased up to three percent (3%). The term "net rent" means that the rent does not include tenant-paid utilities or Homeowners Association fees. The requirement that the rents for such For-Rent Affordable Dwelling Units may not exceed the maximum rents established in this Section shall apply for a

period of ten (10) years following the date the certificate of occupancy is issued by the County for each For-Rent Affordable Dwelling Unit, or until the units are sold as low or moderate cost units qualifying as such under either the VHDA, Farmers Home Administration, or Housing and Urban Development, Section 8, whichever comes first (the "Affordable Term").

b. **Conveyance of Interest**. All deeds conveying any interest in the For-Rent Affordable Dwelling Units during the Affordable Term shall contain language reciting that such unit is subject to the terms of this Section. In addition, all contracts pertaining to a conveyance of any For-Rent Affordable Dwelling Unit, or any part thereof, during the Affordable Term shall contain a complete and full disclosure of the restrictions and controls established by this Section. At least thirty (30) days prior to the conveyance of any interest in any For-Rent Affordable Dwelling Unit during the Affordable Term, the then-current Owner shall notify the County in writing of the conveyance and provide the name, address and telephone number of the potential grantee, and state that the requirements of this Section have been satisfied.

c. **Reporting Rental Rates**. During the Affordable Term, within thirty (30) days of each rental or lease term for each For-Rent Affordable Dwelling Unit, the Applicant or its successor shall provide to the Housing Office a copy of the rental or lease agreement for each such unit rented that shows the rental rate for such unit and the term of the rental or lease agreement. In addition, during the Affordable Term, the Applicant or its successor shall provide to the County, if requested, any reports, copies of rental or lease agreements, or other data pertaining to rental rates as the County may reasonably require.

4. Tracking. Each subdivision plat and site plan for land within the Property shall designate lots or units, as applicable, that will satisfy the 15% Affordable Housing Requirement. Such subdivision plat(s) or site plan(s) shall not be required to identify the method by which the 15% Affordable Housing Requirement will be satisfied. The aggregate number of such lots or units designated for affordable units within each subdivision plat or site plan shall constitute a minimum of fifteen percent (15%) of the lots or units in such subdivision plat or site plan, unless such subdivision plat or site plan does not contain any residential uses. The Applicant, at the Applicant's option, may accelerate the provision of affordable units ahead of the 15% Affordable Housing Requirement and shall be entitled to receive credit on future subdivision plat(s) or site plan(s) for any such units provided beyond the 15% Affordable Housing Requirement.

ZONING MAP AMENDMENT

APPLICATION PLAN

999 RIO ROAD

TMP 61-154B

Submitted 19 February 2019

Revised 29 April 2019

Revised 26 June 2019

Revised 18 November 2019

REVISED 16 DECEMBER 2019

Context Map

Sheet 1 of 8

project number: 19.006



Image provided byGoogle Maps

INDEX OF SHEETS

1 - Cover & Context Map
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4 - Buildable Area +
Conceptual Stormwater & Grading Plan
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7 - Conceptual Street Section
-Rio Road
8 - Conceptual Street Section
-Belvedere Boulevard

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ZONING MAP AMENDMENT
APPLICATION PLAN

999 RIO ROAD
EXISTING CONDITIONS

Belvedere Boulevard

Existing Drainage Easement DB 3772 pg 366

Existing Utility Easement DB 3563 pg 682

TMP61-154B
DB 4505-218
Windmill Ventures, LLC
1.91 Acres
Zoned: R-4 Residential

TMP 62F-E1
DB 0/0
Robert Hauser Homes Inc
Use: Vacant

TMP 62F2-E2
DB 4830/20
County of Albemarle
Use: Vacant

TMP 62F2-A
DB 4717/703
N/F Dunlora v LLC
Use: Vacant

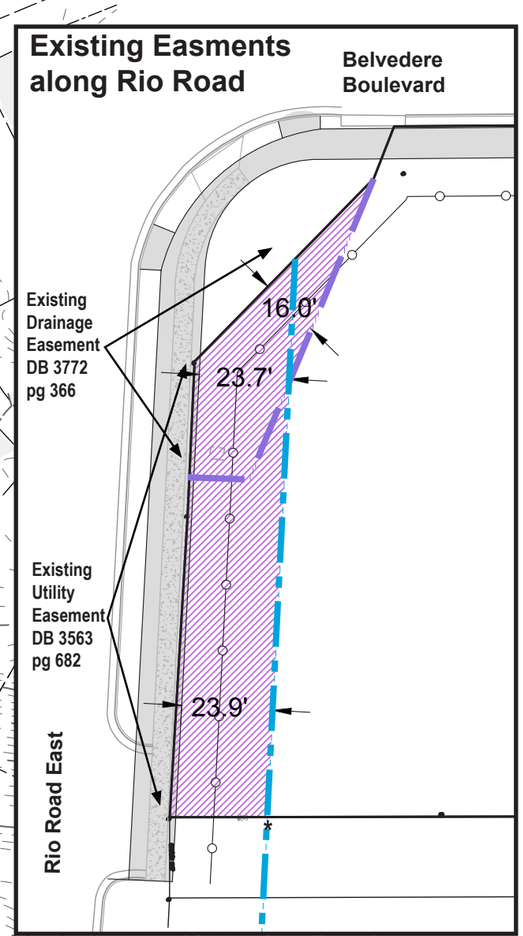
TMP 62F2-X
DB 4717/703
N/F Dunlora v LLC
Use: Vacant

TMP 62F2-B
DB 4717/703
N/F Dunlora v LLC
Use: Vacant

Rio Road East

100 0 100 200 300
Graphic Scale: 1”=100’

Existing Easments along Rio Road



Graphic Scale: 1”=40’
*Dimensions measured from back of proposed multi-use path

TMP 61-154B

Submitted 19 February 2019
Revised 29 April 2019
Revised 26 July 2019
Revised 18 November 2019
REVISED 16 DECEMBER 2019

project: 19.006

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ZONING MAP AMENDMENT
APPLICATION PLAN

999 RIO ROAD

BLOCK NETWORK

Belvedere Boulevard

Rio Road East

BLOCK 1
Mixed Use
.96 ac

BLOCK 2
Residential
.95 ac

40 0 40 80 120
Graphic Scale: 1”=40’

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ZONING MAP AMENDMENT
APPLICATION PLAN

999 RIO ROAD

BUILDABLE AREA + CONCEPTUAL STORMWATER & GRADING PLAN

Sheet 4 of 8

Belvedere Boulevard

Rio Road East

BLOCK 1
Mixed Use- Buildable Area

BLOCK 2
Residential - Buildable Area

Small Dog Park

Central Green

Private Road/Fire Lane

Parking Area

Parking Area

Stormwater

Parking Area

68 70 72 74 76 78

66 68 70 72 74 76

40 0 40 80 120

Graphic Scale: 1”=40’

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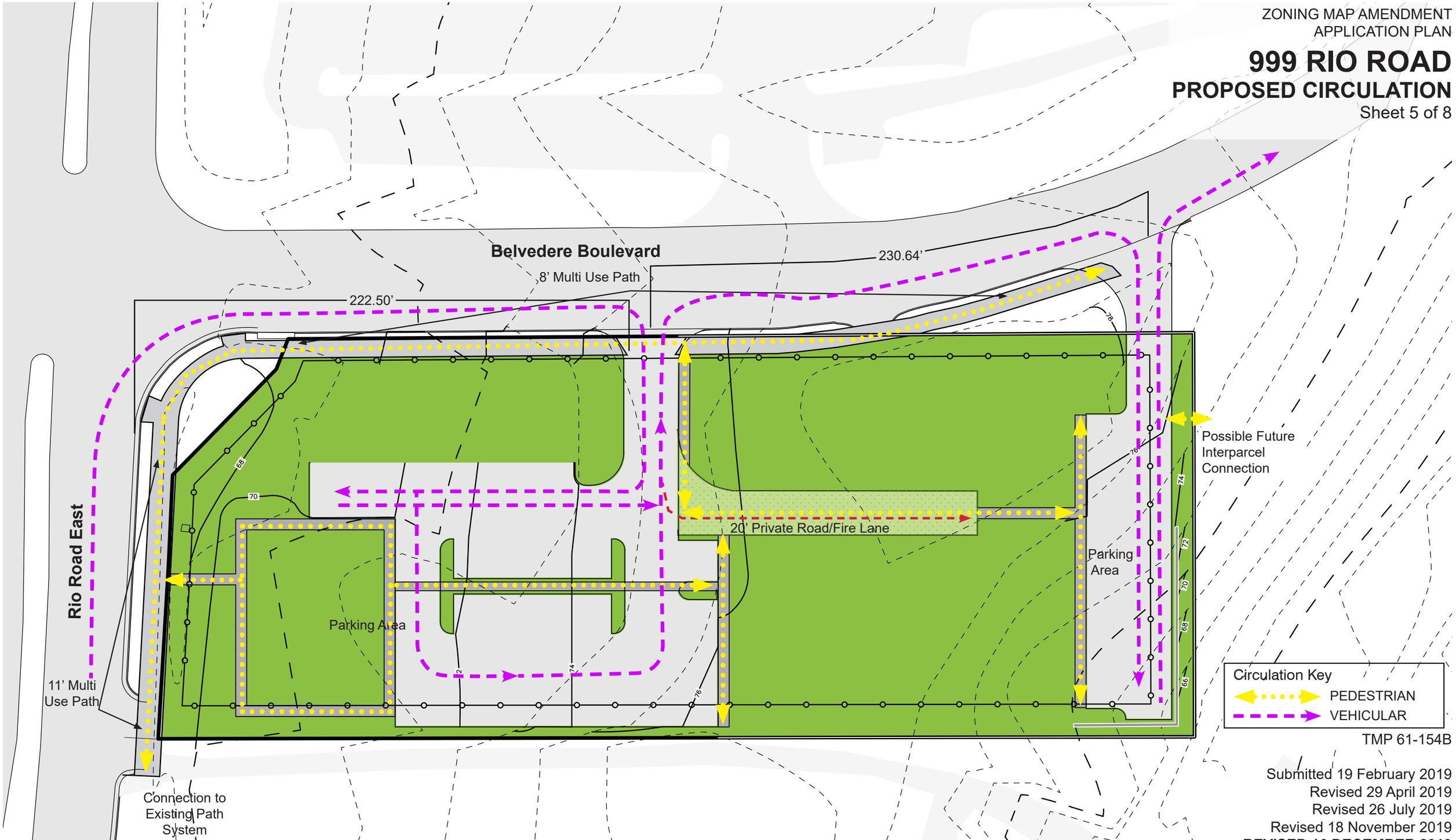
project: 19.006

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ZONING MAP AMENDMENT
APPLICATION PLAN

999 RIO ROAD

PROPOSED CIRCULATION



TMP 61-154B

Submitted 19 February 2019
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ZONING MAP AMENDMENT
APPLICATION PLAN

999 RIO ROAD

AMENITY & LANDSCAPE DIAGRAM

Sheet 6 of 8

Amenity	Description	SF*	
A	Courtyard & Landscape Frontage	6161	
B	Multiuse Path	1393	
C	Central Greenspace/ Playspace Area	8080	
D	Playspace Area	814	
E	Dog Park	969	
F	Multiuse Path	636	
G	Courtyard	1585	
H	Site - Landscape	18996	
		38664	**46%**

* SF shown are an approximation; exact area will be determined at site plan

Belvedere Boulevard

Rio Road East

H- ALL AREAS NOT BUILDABLE, PARKING OR AMENITY

Small Dog Park

Private Road/Fire Lane
Central Green

Parking Area

Parking Area

BLOCK 1
Mixed Use- Buildable Area

BLOCK 2
Residential - Buildable Area

Key
- AMENITY AREA
- LANDSCAPE
- MULTI-USE PATH

TMP 61-154B

Submitted 19 February 2019
Revised 29 April 2019
Revised 26 July 2019
Revised 18 November 2019
REVISED 16 DECEMBER 2019

"Notwithstanding the green & amenity spaces and landscape depicted on this Application Plan, the Code of Development shall regulate the minimum required green & amenity spaces and landscape. Therefore, provided such requirements are satisfied, non-substantive changes to the depicted design are allowed. There will be a minimum of twenty percent (20%) green and amenity space."

40 0 40 80 120

Graphic Scale: 1"=40'

project: 19.006

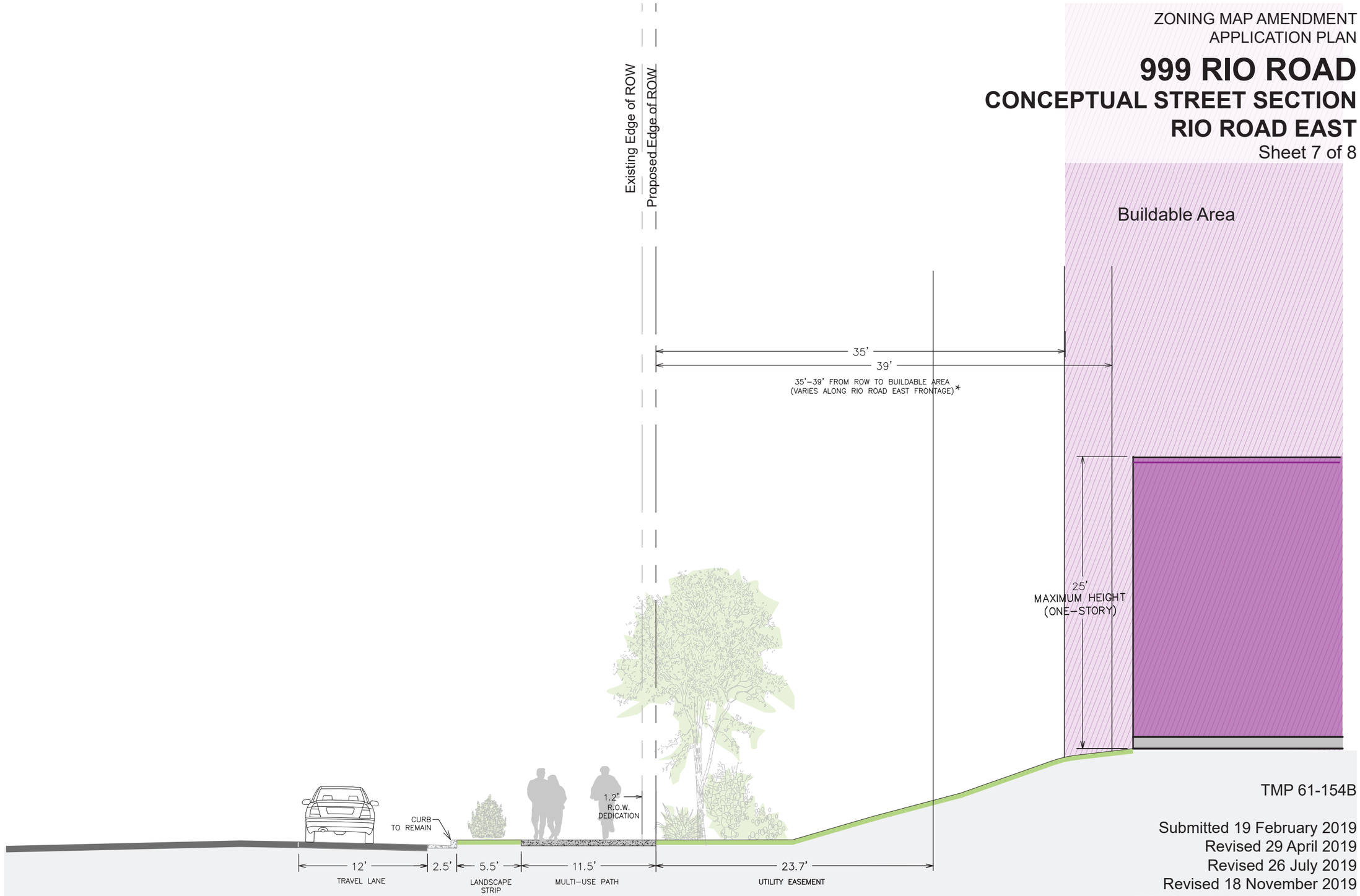
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BLOCK 1
Mixed Use

Rio Road East
Right-Of-Way

ZONING MAP AMENDMENT
APPLICATION PLAN

999 RIO ROAD
CONCEPTUAL STREET SECTION
RIO ROAD EAST



TMP 61-154B

Submitted 19 February 2019
Revised 29 April 2019
Revised 26 July 2019
Revised 18 November 2019
REVISED 16 DECEMBER 2019

project: 19.006

8 0 8 16 24
Graphic Scale: 1"=8'

*Setback based on greenspace frontage shown on sheet 6.

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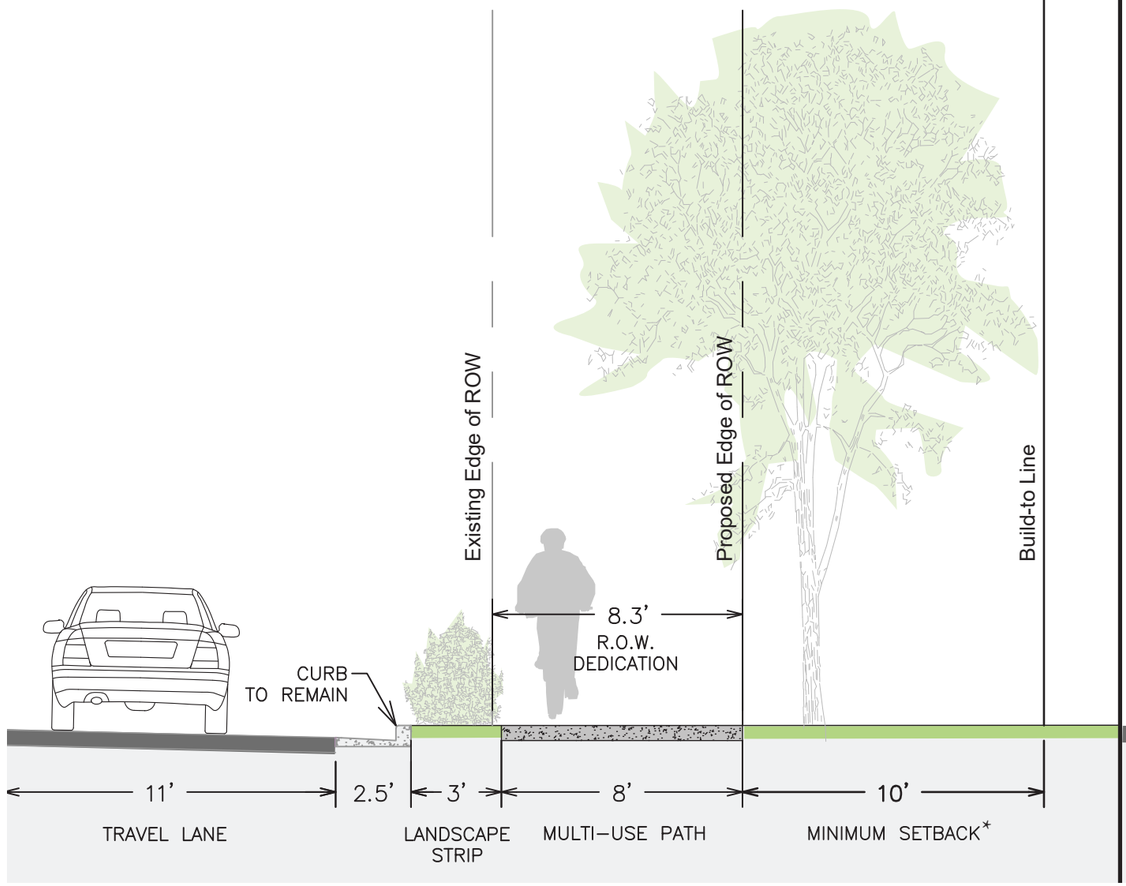
ZONING MAP AMENDMENT
APPLICATION PLAN

999 RIO ROAD

CONCEPTUAL STREET SECTIONS
BELVEDERE BOULEVARD

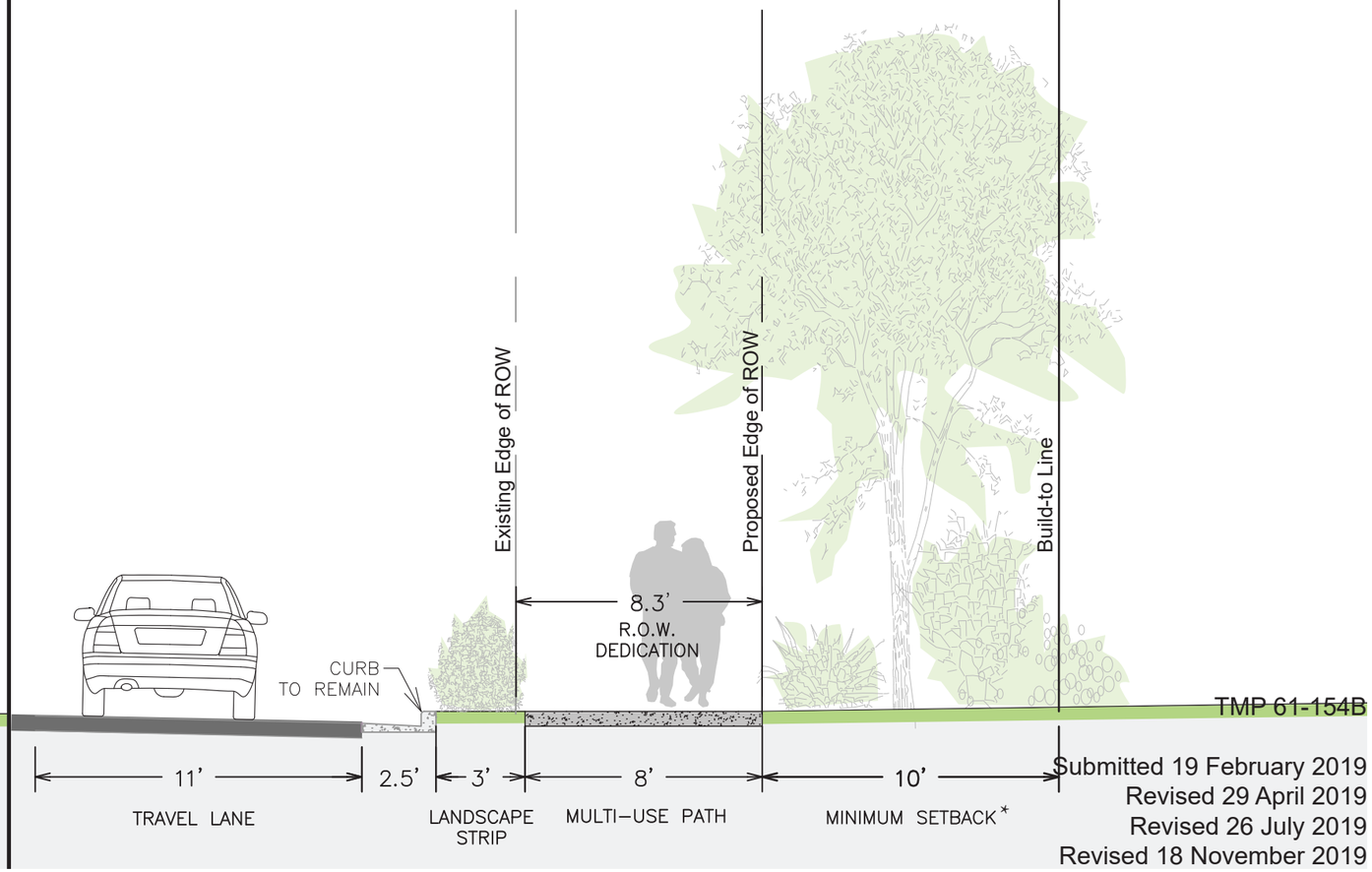
BLOCK 1
Mixed Use

Belvedere Boulevard
Right-Of-Way



BLOCK 2
Residential

Belvedere Boulevard
Right-Of-Way



*Minimum setback shall be per the Code of Development.
Setback shown is conceptual only.

5 0 5 10 15
Graphic Scale: 1"=5'

~~TMP 61-154B~~

Submitted 19 February 2019
Revised 29 April 2019
Revised 26 July 2019
Revised 18 November 2019
REVISED 16 DECEMBER 2019

project: 19.006

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Staff Analysis: Neighborhood Model Principles
ZMA20190001, 999 Rio Road

Pedestrian Orientation	The proposal includes extending the existing multi-use path (MUP) to connect the existing MUP along Rio Road with the MUP along Belvedere Boulevard. This promotes walkability to a mixed-use development. Within the development proposal, there are sidewalks that connect both blocks and provide access to the amenity and green spaces. The applicant has submitted a request for variation or exception to the curb and gutter, sidewalk and planting strip requirements for those dwelling units that front on a proposed private street serving as an amenity space (amenity-oriented lots). Staff is supportive of this request, which also provides pedestrian connectivity and an amenity space. This principle is met.
Mixture of Uses	Small-scale commercial, retail and office uses are proposed, as well as residential uses. Block 2 is proposed to be entirely residential, while Block 1 is a mixture of residential and retail/commercial/office/institutional potential uses. This principle is met.
Neighborhood Centers	The proposal is not located in a center, however it is near several Neighborhood Service Centers. There are a variety of scale-appropriate amenity and green spaces in both Blocks. This principle is not applicable.
Mixture of Housing Types and Affordability	A mixture of housing types is proposed, including multifamily housing and single-family attached and/or detached units. The applicant is providing 15 percent affordable housing, per the Housing Policy in the Comprehensive Plan. This principle is met.
Relegated Parking	Parking is mostly relegated from Rio Road. A parking reduction will be considered during the site planning stage, which supports the Neighborhood Model principle of reducing parking and sharing parking when possible. Staff feels that this principle is adequately met, although at site planning stage the Architectural Review Board may require additional screening or revised placement of parking along Rio Road. Recommendation to relegate parking as best as possible.
Interconnected Streets and Transportation	The proposal includes extending the existing multi-use path (MUP) to connect the existing MUP along Rio Road with the MUP along Belvedere Boulevard. Given the size and location constraints of the parcel, there are

Networks	limited opportunities for additional networks. This principle is met. It should also be noted that no connection between this proposal and Fowler Ridge Court is proposed at this time. There is an approximately 50-foot right-of-way parcel in between this proposal and the end of the cul-de-sac at Fowler Ridge Court. Although it is County policy to create interconnected street networks, residents at Fowler Ridge Court preferred to not have a connection at this time. Residents in the Dunlora neighborhood can still use the multi-use path along Rio Road to access this development.
Multimodal Transportation Opportunities	The proposal includes extending the existing multi-use path (MUP). The proposed development is along existing bus route 11. There are sidewalks provided internally in the site that connect both blocks. This principle is met.
Parks, Recreational Amenities, and Open Space	The variety of green and amenity spaces contributes to the character of the proposal and provides future residents with multiple options for recreation. The required amount of amenity and green spaces are provided with this application. Block 1 contains a courtyard, while Block 2 features an amenity space for amenity-oriented lots, a natural playscape, and a dog park. This principle is met.
Buildings and Spaces of Human Scale	The maximum building height per the COD is three (3) stories in both blocks, which is consistent with the scale of the area. The smaller-scale and mixed-use proposal is consistent with the character of developments near centers. The scale of the non-residential structure proposed has been reduced since the Board of Supervisors public hearing on 09/18/19. Double-frontage lots are proposed, however they would front along an amenity space, instead of a street. This contributes to the pedestrian scale and accessibility of the proposal. This principle is met.
Redevelopment	The existing structures on the property will not be preserved, in order to create a more cohesive development with a density within the Comprehensive Plan (Places 29 Master Plan) recommendation. This can be considered an infill development, given that this is an underutilized parcel surrounded by existing development. This principle is met.
Respecting Terrain and Careful Grading and Re-grading of	There are no preserved or managed slopes on this site. This principle is met.

Terrain	
Clear Boundaries between the Development Areas and Rural Area	The proposal is located well within the Development Areas. This principle is not applicable.

ZMA201900001, 999 Rio Road
Modification Requests – Staff Analysis

#1 Authorization of Private Streets
Private streets may be authorized by the Planning Commission as provided by any one of the provisions of Section 14-233.

The applicant has requested approval of a private street in Block 2 that serves as access for Fire and Rescue and provides frontage for amenity-oriented lots using Neighborhood Model Development as justification. Ordinance language presented in ***bold italics*** followed by staff comment.

ANALYSIS OF SECTION 14-233(A)(1) Neighborhood model development.
May be authorized if the proposed private street(s) would enable the principles of the neighborhood model to be more fully implemented than could be achieved with a public street, without diminishing other principles of the neighborhood model, in the following circumstances: (i) the subdivision would have a streetscape more consistent with the neighborhood model; (ii) the subdivision design would allow it to better achieve the density goals of the comprehensive plan; (iii) rear vehicular access to buildings would be provided so that the buildings may face a common amenity; (iv) a significant environmental resource would be protected; or (v) relegated parking would be provided to a greater extent than could otherwise be provided.

Staff has reviewed this request and recommends approval for the proposed private street to serve as access for Fire and Rescue and as frontage for amenity-oriented lots. Given the scale of the proposal and size of the site, additional street networks are not necessary with this proposal. Access is provided with a travelway to the rear of Block 2 that also provides parking for the proposed single-family residential units. The layout for this amenity-oriented block will allow for a design that is consistent with the neighborhood model principles by providing rear access with a travelway and relegated parking. The details of the amenity-oriented lots can be found in the Narrative/Justification (Attachment 7) starting on Page 14.

ANALYSIS OF SECTION 14-234: Per Section 14-234(C), the Commission may authorize one or more private roads to be constructed in a subdivision if it finds that one or more of the circumstances described in Section 14-233 exists and that: (ordinance language presented in ***bold italics*** followed by staff comment)

1. The private road will be adequate to carry the traffic volume which may be reasonably expected to be generated by the subdivision.
The private street will not carry any traffic, however the amount of traffic expected on the requested travelway and parking area is minimal. The COD allows between eight (8) and 14 residential units in Block 2. While Fire and Rescue and Engineering did not have objections to the proposed site layout, the ultimate design of the streets are subject to approval by both agencies and must meet their requirements. The applicant has stated

that reinforced material will be placed under the vegetation along the private street which will be able to support the weight of emergency vehicles.

2. The comprehensive plan does not provide for a public street in the approximate location of the proposed private road;
The Places29 Master Plan does not show a public street on this site.

3. The fee of the private road will be owned by the owner of each lot abutting the right-of-way thereof or by an association composed of the owners of all lots in the subdivision, subject in either case to any easement for the benefit of all lots served by the road;
Section 14-317 of the Subdivision Ordinance requires that a maintenance agreement be submitted for review by Planning staff and the County Attorney in all situations where improvements are required to be maintained. This agreement will be required during the subdivision process. The applicant has indicated that the private streets will be entirely owned and maintained by the HOA.

4. Except where required by the commission to serve a specific public purpose, the private road will not serve through traffic nor intersect the state highway system in more than one location;
The proposed amenity-oriented private street served a public purpose by enabling the principles of the neighborhood model to be more fully implemented than could be achieved with a public street by allowing a smaller pavement section and providing frontage with an amenity, while also relegating parking. It will not serve through traffic or intersect a state highway system.

5. If applicable, the private road has been approved in accordance with section 30.3, flood hazard overlay district, of the zoning ordinance and other applicable law.
The requested private streets will not require any upgrades nor impact the flood plain.

Summary:
Staff recommends approval of the private street serving as access for Fire and Rescue and providing frontage for amenity-oriented lots.

#2 Modification of Street Standards
Curb and gutter, sidewalks and planting strips for street trees and other vegetation are required to be established on both sides of each new street within a subdivision in the development areas. The applicant has requested a general curb and gutter, sidewalk and planting strip exception for any private street serving amenity-oriented lots. The requirements for curb and gutter, sidewalks and planting strips may be waived by the commission as provided in section 14-203.1.

2a: Curb and Gutter
ANALYSIS OF SECTION 14-410: Variations from curb and gutter requirements:

Per Section 14-410(I)(2), in reviewing the request to waive the requirement for curb and gutter, the Commission shall consider whether: (ordinance language presented in ***bold italics*** followed by staff comment)

i. the number of lots in the subdivision and the types of lots to be served;
Block 2 will contain between eight (8) and 14 single-family lots. The private street will serve as an amenity space, emergency access and street frontage. Access will be provided to the rear of the Block via a travelway.

ii. the length of the street;
The length of the street will be determined during the site planning stage and will be adequate for emergency access, street frontage, and providing a useable amenity space.

iii. whether the proposed street(s) or street extension connects into an existing system of streets constructed to a rural cross-section;
Given that the proposed private street is for the purpose of amenity-oriented lots, no other street connections are needed.

iv. the proximity of the subdivision and the street to the boundaries of the development and rural areas
The development is well within the boundaries of the development areas. This private street is intended to serve as an amenity space, not a rural road.

v. whether the street terminates in the neighborhood or at the edge of the development area or is otherwise expected to provide interconnections to abutting lands;
The street is serving as an amenity space, and therefore does not need to connect to other streets or developments. It is providing a pedestrian connection through the site between Blocks 1 and 2.

vi. whether a rural cross-section in the development areas furthers the goals of the comprehensive plan, with particular emphasis on the neighborhood model and the applicable neighborhood master plan;
This proposed private street enhances pedestrian connectivity within the site and provides an amenity space for future residents while also allowing for relegated parking. This is consistent with neighborhood model principles.

vii. whether the use of a rural cross-section would enable a different principle of the neighborhood model to be more fully implemented; and
This proposed private street supports the pedestrian-oriented, relegated parking, interconnectivity and open space principles of the neighborhood model principles.

viii. whether the proposed density of the subdivision is consistent with the density recommended in the land use plan section of the comprehensive plan

The proposed density of this application is within the density recommended in the Places29 Master Plan.

2b: Sidewalks

ANALYSIS OF SECTION 14-422 (E) Waivers from sidewalk requirements: Per Section 14-422(E)(2), in reviewing a request to waive the requirement for sidewalks, the commission shall consider whether: (ordinance language presented in ***bold italics*** followed by staff comment)

i. A waiver to allow a rural cross section has been granted;
A waiver to allow a rural cross section has not been granted or requested.

ii. A surface other than concrete is more appropriate for the subdivision because of the character of the proposed subdivision and the surround neighborhood;
Pervious pavers, vegetation or other alternative surfaces are proposed for the private street. The applicant has stated that the surface will support the weight of emergency vehicles.

iii. Sidewalks on one side of the street are appropriate due to environmental constraints such as streams, stream buffers, critical slopes, floodplain, or wetlands, or because lots are provided on only one side of the street;
Sidewalks are not proposed or needed on one side of the private street. Given that the only vehicular access will be for emergency vehicles, residents will be able to use the entire area of the private street for pedestrian access.

iv. The sidewalks reasonably can connect to an existing or future pedestrian system in the area;
This application extends the multi-use path along Rio Road and Belvedere Boulevard. The application also shows additional sidewalks throughout the site for pedestrian access. Therefore, sidewalks may be provided along the private street serving as an amenity space, but are not required.

v. 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 length of the street is short, as it is providing frontage and emergency access, while primarily serving as an amenity space. Pedestrians may use the amenity space for pedestrian access, therefore a sidewalk may be provided but is not necessary.

vi. 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;
This amenity space with alternative pavement (such as pervious pavers and vegetation) provides more appropriate access through the site and connects Blocks 1 and 2. An alternative profile has not yet been submitted and will be addressed at the site planning stage.

vii. The sidewalks would be publicly or privately maintained;
Sidewalks for private streets would be maintained by the Homeowner's Association.

viii. The waiver promotes the goals of the comprehensive plan, the neighborhood model, and the applicable neighborhood master plan; and
The waiver promotes the goals of the Comprehensive Plan, Neighborhood Model Principles, and Places29 Master Plan. This layout provides pedestrian connectivity and a useable amenity space, while allowing for relegated parking.

ix. waiving the requirement would enable a different principle of the neighborhood model to be more fully achieved.
Waiving the requirement allows parking to be relegated and provides an amenity space and pedestrian connectivity.

SUMMARY:
Staff's opinion is that sidewalk does not need to be provided along the private street. Additionally, this request has been previously approved in other neighborhood model developments (Riverside Village).

Staff recommends approval of the sidewalk exception for the private street serving amenity-oriented lots and providing emergency access.

2c: Planting Strips
ANALYSIS OF SECTION 14-422 (F) Waivers from planting strip requirements: Per Section 14-422(F)(2), the commission shall consider whether: (ordinance language presented in ***bold italics*** followed by staff comment)

i. A waiver to allow a rural cross section has been granted;
A waiver to allow a rural cross section has not been granted or requested.

ii. A sidewalk waiver has been granted;
A sidewalk waiver is included with this request and is recommended for approval by staff.

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; and

Eliminating the planting strip maximizes the area available for amenity and green space and promotes a walkable environment.

iv. Waiving the requirement would enable a different principle of the neighborhood model to be more fully achieved.

This waiver promotes the goals of the neighborhood model by allowing the lots to front on an amenity while relegating parking to the rear.

Summary:

Staff's opinion is that the proposed private street would function as an amenity space and allow for amenity-oriented lots, and planting strips are not required for amenity spaces. Planting strips are required for all other streets. Additionally, this is the only private street proposed.

Staff recommends approval of the planting strip exception for the private streets serving amenity-oriented lots only.

between existing homes and Shepard's Ridge. See the enclosed plats for reference. No portion of the Property acts as fire access for the adjacent communities. The Applicant will supplement its application with an updated survey of the Property evidencing the above.

Incorrect GIS Label of Ownership of Adjacent Property:

There is a small triangular shaped parcel located between the Property and Belvedere Boulevard that is labeled in the County's GIS as currently owned by the Belvedere Neighborhood Association, Inc. The parcel is a small portion of County tax map parcel 062G0-01-00-000A0. However, pursuant to that certain Certificate of Take dated December 5, 2007, and recorded in the Clerk's Office of the County Circuit Court in Deed Book 3617, page 633 (enclosed), this parcel was taken by the Virginia Department of Transportation (VDOT) for Belvedere Boulevard right-of-way. Therefore, the Applicant is able to provide a vehicular accessway through this right-of-way to/from the proposed cottage units to/from Belvedere Boulevard.

Waiver Requests

The Applicant requests several waivers.

1. Private Street Authorization

   The "fire lane" designation in Block 2 will provide access for emergency vehicles. It can be covered with reinforced material to allow for the ease of travel of such emergency vehicles while also allowing the growth of natural grass and vegetation. Therefore, the central greenway can support the tonnage of emergency vehicles yet be enjoyed as an active amenity space.

   This private street will also provide the required "frontage" for the lots located furthest from Belvedere Boulevard. Section 14-233 provides the regulations for the authorization of private streets in the development areas. According to these regulations, the commission may authorize a subdivision to be developed with one (1) or more new private streets when, "the proposed private street(s) would enable the principles of the neighborhood model to be more fully implemented than could be achieved with a public street, without diminishing other principles of the neighborhood model, in the following circumstances: (i) the subdivision would have a streetscape more consistent with the neighborhood model; (ii) the subdivision design would allow it to better achieve the density goals of the comprehensive plan; (iii) rear vehicular access to buildings would be provided so that the buildings may face a common amenity; (iv) a significant environmental resources would be protected; or (v) relegated parking would be provided to a greater extent than could otherwise be provided."

   We request private street authorization for the "fire lane" on the Application Plan to allow for the cottage courtyard design. The design is in keeping with neighborhood model principles, such as, encouraging active greenspace and pedestrian connectivity. The cottage courtyard design encourages a community by providing a communal gathering space and forcing residents to park in designated locations and then walk to

their individual homes. This results in community interactions that are less likely to occur in a traditional neighborhood design. Moreover, as per (iii) above, the design allows for the buildings to face a "common amenity."

Pursuant to Section 14-234(C), the agent and the commission may authorize one or more private streets in a subdivision if it finds that "one or more of the circumstances described in sections 14-232 or 14-233 exist and it determines that…"

(1) "The private street will be adequate to carry the traffic volume which may be reasonably expected to be generated by the subdivision;"

As stated earlier, the private street will be restricted to emergency vehicles only. Reinforced material will be placed beneath the vegetation along the private street / fire lane that will be able to support the tonnage of emergency vehicles.

(2) "The comprehensive plan does not provide for a public street in the approximate location of the proposed private street;"

The comprehensive plan does not contemplate a public street through the middle of this parcel. It does not contemplate a cottage courtyard design. However, the comprehensive plan does have the goals to "provide for a variety of housing types of all income levels and help provide for increased density in the Development Areas." The cottage courtyard design achieves both these goals.

(3) "The fee of the private street will be owned by the owner of each lot abutting the right-of-way thereof or by an association composed of the owners of all lots in the subdivision, subject in either case to any easement for the benefit of all lots served by the street;"

A homeowners' association will be formed upon development of the residential units and such association will bear the cost of maintenance of the central green.

(4) "Except where required by the commission to serve a specific public purpose, the private street will not serve through traffic nor intersect the state highway system in more than one location;" and

The private street will be restricted to emergency vehicles only.

(5) "If applicable, the private street has been approved in accordance with section 30.3, flood hazard overlay district, of the zoning ordinance and other applicable law."

This is not applicable as the Property is not within a flood hazard overlay district.

In keeping with the principles of neighborhood model design and upon meeting each of the conditions of 14-234(C) noted above, we request authorization of a private street as designated in the Application Plan.

2. Waiver of Various Private Street Design Requirements

While we request authentication of a private street for a portion of the central green, the purpose of such request is to allow access of emergency vehicles and street frontage for the residential units furthest from Belvedere Boulevard. The intent is not for the private street to accommodate vehicular traffic. Instead, we would like the area to serve as an amenity area. To accomplish these purposes, several private street design waivers will be necessary.

(1) Section 14-410(H) requires curb, curb and gutter, sidewalks and planting strips. Because no vehicular traffic will be allowed along the private street such infrastructure is not necessary. Section 14-410(I) allows the commission to grant variations or exceptions for such requirements.

(2) Section 14-412(A)(2)(b)(ii) requires the entire street to be surfaced per Virginia Department of Transportation standards. However, the private road is intended to be utilized as a central greenspace, accessible only to emergency vehicles. Section 14-203.1(B) allows the agent or commission to approve variations or exceptions from any requirements of Section 1400 through 14-441 upon several findings.

Per 14-203.1(B)(2), "the agent or 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." The substitution of reinforced material able to support the tonnage of emergency vehicles while still allowing natural grass and vegetation to grow is an improvement over the requirement of a paved surface.

Per 14-203.1(B)(3), "the agent or commission may approve a request for an exception from any requirement of the applicable regulation upon finding that: (i) because of an unusual situation, including but not limited to, the unusual size, topography, shape of the site or the location of the site; or (ii) when strict adherence to the requirements would result in significant degradation of the site or to adjacent properties', causing a detriment to the public health, safety or welfare, or by inhibiting the

orderly development of the area or the application of sound engineering practices." Strict adherence to the requirement of paving all private streets would result in the loss of a central greenspace, i.e. the degradation of the site and inhibiting the orderly development of the area.

Because the above two conditions are met, we believe a waiver of the requirement for paved surfaces on private streets should be granted.

3. Waiver of Prohibition of Double Frontage Lots

The Applicant requests a wavier to allow for double frontage lots in Block 2 between the emergency accessway and Belvedere Boulevard. As stated previously, the fire accessway will be a "private road" and can be covered with reinforced material to allow for the ease of travel of emergency vehicles while also allowing the growth of natural grass and vegetation. Therefore, the central greenway can support the tonnage of emergency vehicles yet be enjoyed as an active amenity space. Overlaying the emergency access and greenway provides an efficient use of space, and maximizes the amenity/outdoor space for the residents.

Section 14.401 of the County Subdivision Ordinance prohibits the development of double frontage lots for single family detached and attached residential uses. The purpose of this regulation is to prohibit development designs that would result in street frontage along the rear and front yards of a single-family residence, which in theory would substantially impact the privacy and enjoyment of such homes. However, Section 13.203.1(B) allows the agent or Planning Commission to vary or allow an exception from this prohibition. We request an exception from such prohibition to allow double frontage lots between Belvedere Boulevard and the emergency accessway, consistent with the Application Plan. Technically the lots have "frontage" on the greenway, which functions as a shared amenity space, although it has fire access capacity. The length of the lots provides sufficient space for a dense vegetated screen between Belvedere Boulevard and the residences, minimizing the impact on the rear yard of the residences/homes. The interior greenway design is in accordance with neighborhood model principles as it centralizes and encourages outdoor shared greenspace. In addition, the proposed small residential units allow for as much greenspace as possible.

Strict adherence to the requirements of Section 14.401 would prohibit the cottage courtyard design on the Property. Therefore, not allowing for an exception to the restriction related to double frontage lots would be a substantial injustice resulting in degradation of design, is not supported by the principles of the neighborhood model and inhibits the orderly development of the area.

4. Waiver for Offsite Parking

The Applicant also requests a waiver for the requirement that parking be provided on each lot for each single family detached unit. Instead, we propose the single family detached units be served by a stand-alone parking area along the rear of the Property.

According to Section 4.12.5, all parking spaces shall be established on the same lot with the primary use to which it is appurtenant, except as authorized by Section 4.12.8. Section 4.12.8 states, "The alternatives described herein are intended to promote more creative design, allow higher density in those zoning districts in the development areas, and reduce impervious area by allowing the parking requirements of this section to be satisfied, in whole or in part, by street parking, shared parking, and off-site stand-alone parking." According to Section 4.12.8, certain waivers and requirements shall be provided at the site plan stage of development. Accordingly, Note 3 has been added to Table A of the Code of Development, which states, "Stand alone parking and parking structures shall be subject to screening regulations and other restrictions outlined in Section 4.12."

Application Narrative
999 Rio Road East Rezoning

February 19, 2019
Updated April 29, 2019

Updated information is provided in red.

PROJECT PROPOSAL

Basic Overview – Public Need or Benefit:

Tax Map Parcel	Owner	Acreage	Zoning	Comprehensive Plan Land Use Designation
06100-00-00-154B0	Windmill Ventures LLC	1.91	R-4	Urban Density Residential

On behalf of Blackbird of Charlottesville, LLC, the contract purchaser of property designated on the County of Albemarle, Virginia (the "County") tax maps as parcel 06100-00-00-154B0 and having an address of 999 Rio Road East (the "Property"), we propose to rezone the Property from Residential R-4 to a Neighborhood Model District (NMD). The Property contains approximately 2 acres. We propose designating the acre fronting Rio Road East for mixed-use, with the rear acre designated solely for residential.

We envision the mixed-use portion of the redevelopment to consist of two, three-story buildings with 5,000 square foot footprints (15,000 gross square feet). One building will contain approximately 12 small, one- and two- bedroom units. The second building will consist of 8 additional units on the second and third floors, with the remaining 5,000 square feet on the first floor designated for commercial. The commercial space will likely consist of professional offices and/or a small café. The design of the mixed-use portion of the Property will be dependent upon the eventual tenant(s). Therefore, we would like to maintain flexibility to adapt to a variety of potential users. Thus, we propose ranges for the proposed residential density and commercial space within the mixed-use portion of the Property: residential density of 8 to 32 units and commercial space between 500 and 5,000 square feet, with the exception of allowing up to 10,000 square feet of commercial if it is specifically designated for office space.

Due to the possibility that no commercial users would be interested in the Property, the required minimum amount of commercial in the mixed-use block has been reduced from 500 square feet to 0 square feet.

Similarly, we envision the residential portion of the Property to consist of 10-12, small 800 to 1,700 square foot, single family detached "cottage" units; however, we request flexibility to adapt to the market. Therefore, we propose 8-14 single family units – detached or attached.

The Property is surrounded by some residences – mostly from the Belvedere and Dunlora subdivisions. We believe the eventual commercial users will provide neighborhood services to such residences, as well as the residents of the Property itself. The Property is also situated in close proximity to several religious institutions and across the street from the Charlottesville Albemarle Technical Education Center (CATEC). The commercial users will likely also serve

visitors, students and employees of CATEC and the surrounding religious institutions as well. Therefore, the proposal will complement and look to serve surrounding properties and communities.

In response to neighborhood feedback, we have revised the Code of Development to prohibit certain uses. The following Note 1 of Table A has been added, "Notwithstanding the above, the following 'Community & Regional Retail' or 'General Commercial Service' uses shall be explicitly prohibited: entertainment or recreation establishments (or similar uses), gas stations, funeral homes and crematories, storage yards, auction houses, convenience stores, and hotels/motels."

The intent of the small "cottage" units is to provide less expensive, single family detached homes. Currently, the Charlottesville-Albemarle market has a very limited number of newly constructed single family detached homes that are affordable to the "middle market" buyer.

As of February 19, 2019, according to Zillow, there are 44 single family detached homes for sale with a Charlottesville address that are at or under $350,000. Of those, only **two** were constructed within the previous 3 years. Consistent with national trends, the Charlottesville-Albemarle market has a clear "missing middle." To afford a home for $350,000, assuming typical mortgage terms of a 20% down payment ($70,000) and an interest rate of 4.5% over 30 years, to avoid spending more than 30% of one's income on housing, a family must have an annual income of at least $68,000 to afford a $350,000 home. According to the Census American Community Survey (ACS) yearly surveys, the median household income for the Charlottesville, Virginia metro area was $66,853 in 2017. The intent is for the cottage units to serve the needs of the median household in the area, where there is currently a clear unmet need.

As of April 29, 2019, according to Zillow, there are 32 single family detached homes for sale with a Charlottesville address that are at or under $350,000. Of those, only **one** was constructed within the previous 3 years. In addition, since the first submittal of the Application, the Thomas Jefferson Planning District Commission (TJPDC) has provided a regional housing assessment (the "Housing Assessment").

The Housing Assessment revealed several pertinent statistics and conclusions:

- There is definitively a housing affordability crisis in the area.
    - 8,990 Urban Renters (City of Charlottesville and Development Areas of Albemarle County) pay more than 30% of their incomes for housing costs
    - 2,560 Urban Homeowners pay more than 50% of their incomes for housing costs
- High housing costs in the Urban Areas are causing households to rent or purchase in surrounding localities and commute to work.
    - 1,400 workers commute to Charlottesville or Albemarle from Augusta County alone

- Assuming a cost of approximately 0.58 cents per mile paid 20 days out of the month, commutes can cost between $348 to $766 per month depending on the distance (commuting from Lake Monticello versus Lovingston)

- Commutes have an environmental impact from the exhaust of increased cars. Commutes also result in less involvement in communities and time away from families.

- There is a need for new, smaller, more affordable housing in the Urban Areas.

  - The cottages are intended to sell for between $280,000 and $380,000 – according to the Housing Assessment, an Affordable Unit Purchase Price for households who make 100% of the area ***median*** income are: $298,000 for one person, $344,000 for two people, and $384,000 for three people. Therefore, the cottages will meet the needs of those intended: the "middle market" buyer.

  - The Housing Assessment states, "Zoning ordinances that specify the number of units per acre, rather than a Floor Area Ratio that relates the amount of space to the amount of land, **incentivize units that are larger and typically more expensive**." It also states, "Zoning by the number of units per acre is a **disincentive to building smaller, more affordable units**." By rezoning the Property, the Applicant is able to overcome this disincentive.

  - Households are relatively small – 63.1% of all households in the region had only one or two persons in 2010 and the average household size in 2018 was 2.45 persons.

In addition to the other revisions noted herein, the following updates have also been made to the Code of Development:

- The front, side and rear setbacks have been modified from 10', 8' and 0' to 5', 3' and 10', respectively. While the front and side setbacks have been reduced, the rear setback has been increased. The reason for the larger rear setback is because the layout of the units is such that the rear of the units abuts either Belvedere Boulevard or existing residences along Fowler Ridge Court and Shephard's Ridge. Therefore, the rear setback will provide an additional buffer between the Property and such existing residences.

- A restriction related to "Ground Floor Ceiling Height" has been removed. If the Applicant constructs commercial space in Block 1, it will be required to provide ceiling heights per building code. However, it is uncertain whether this location is viable for commercial uses. The area is designated in the Comprehensive Plan as "Urban Density Residential," which allows for and encourages mixed-use designs (of neighborhood-scale), however, it does not *require* such designs. Importantly, even if the Property were to be developed without commercial uses, it would still provide a mixture of housing types at the recommended density, consistent with the Comprehensive Plan.

- Certain stormwater management facilities and other standard utilities have been added as permitted uses in Table A.

Intent of Neighborhood Model District:

According to Section 20A.1 of the County Code, the purpose of the Neighborhood Model District is "to encourage a development form and character that is different from conventional suburban development by providing the following characteristics:

- Pedestrian orientation;
- Neighborhood friendly streets and paths;
- Interconnected streets and transportation networks;
- Parks and open space as amenities;
- Neighborhood centers;
- Buildings and spaces of human scale;
- Relegated parking;
- Mixture of uses and use types;
- Mixture of housing types and affordability;
- Redevelopment;
- Site planning that respects terrain; and
- Clear boundaries with the rural areas."

In addition, "the NMD is intended to provide for compact, mixed-use developments with an urban scale, massing, density, and an infrastructure configuration that integrates diversified uses within close proximity to each other…" Importantly, according to Section 20A.2(b), "an application is not necessarily required to possess every characteristic of the Neighborhood Model …in order to be approved as an NMD." The County Code continues, "the size of the proposed district, its relationship to a larger neighborhood, or other similar factors may prevent the application from possessing every characteristic." As noted by the County Code, the small size of the Property and its proximity to nearby residences may prevent the proposed development from containing certain NMD characteristics. However, a rezoning of the Property to NMD is still warranted in order to achieve a mixture of uses and use types.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The Property's land use designation is Urban Density Residential, which calls for density between 6.01 to 34 dwelling units per acre. The proposed density ranges from approximately 8 to 24 dwelling units per acre (8-14 units within the residential and 8-32 units within the mixed-use portion of the Property). Therefore, the proposed residential density is consistent with the Property's land use designation within the Comprehensive Plan.

In addition, the Urban Density Residential land use designation calls for a maximum building height of 4 stories or 45 feet, with two or more housing types preferred in each development. We are proposing two, three-story buildings – with the flexibility to increase the height of such buildings limited to four stories. In addition, we are proposing two housing types: single family and multifamily units.

In response to neighborhood feedback, we have revised the maximum allowable height from 4 stories to 3 stories (45 feet to 40 feet).

Neighborhood, Community & Regional Retail, Office/R&D/Flex, Institutional, and General Commercial Service are secondary land uses in the Urban Density Residential land use designation, with a limitation on retail-only single-building footprints of 5,000 square feet. Per Table A, only the uses listed above that are secondary uses within Urban Density Residential are allowed on the Property. In addition, per Table B of the Code of Development, retail uses are limited to 5,000 square feet. Therefore, the commercial space within the mixed-use portion of the Property is also consistent with the Comprehensive Plan.

As stated earlier, in response to neighborhood feedback, we have revised the Code of Development to prohibit certain uses. The following Note 1 of Table A has been added, "Notwithstanding the above, the following 'Community & Regional Retail' or 'General Commercial Service' uses shall be explicitly prohibited: entertainment or recreation establishments (or similar uses), gas stations, funeral homes and crematories, storage yards, auction houses, convenience stores, and hotels/motels."

The applicable Parks and Green Systems Map shows a multi-use path extending along the front of Rio Road East and Belvedere Boulevard, linking the Property to the Rivanna Trail. Our Application Plan shows such extension, consistent with the Parks and Green Systems Map of the Comprehensive Plan.

In addition, Bus Route 11 is accessible from the multi-use path, thereby allowing pedestrian connectivity from the Property to public transportation.

The proposal also achieves other goals of the Comprehensive Plan, such as, Objective 4 of the Housing Section of the Comprehensive Plan, which states, "Provide for a variety of housing types of all income levels and help provide for increased density in the Development Areas." As stated earlier, allowing smaller-sized, single family detached housing, enables the construction of a less expensive housing product type – meeting the needs of an underserved section of the community.

Characteristics of Neighborhood Model Districts:

- Pedestrian orientation;

  As noted above, the proposal consists of extending the existing multi-use path, linking the Property to the extensive Rivanna Trail network. This

will allow residents of the development easy access to this extensive trail network as well as the parks and green spaces located along such trails.

In addition, Bus Route 11 is accessible from the multi-use path. Therefore, the Property provides pedestrian accessibility to public transportation.

- Neighborhood friendly streets and paths;

  The extension of the multi-use path, noted above, will also contribute to the eventual connection of the Rivanna Trail to the Belvedere subdivision, allowing such residents to enjoy walkable access as well.

  There is very little internal street network due to the small size of the Property.

- Interconnected streets and transportation networks;

  As noted above, there is very little internal street network due to the small size of the Property. The extended multi-use path does provide connection to the Rivanna Trail and Belvedere subdivision.

  There is a small 20-foot strip of property owned by Bondstone Ventures, LLC, successor to Robert Hauser Homes, Inc., located between the Property and the subdivision on Fowler Ridge Court. Therefore, the project cannot connect to such residences.

  It has since been determined that this small 20-foot strip of property is owned by the County. However, upon discussing the project with the surrounding neighborhood, it was determined that no connection is desired. If pedestrians wish to walk from Fowler Ridge Court to the development, they are able to do so via an existing emergency accessway that extends from the Fowler Ridge Court cul-de-sac to the multi-use path along Rio Road East. Therefore, the residents of Fowler Ridge Court can still easily walk to the development, if they desire. In addition, a certain amount of control over the required screening between the development and Fowler Ridge Court was given to the residents living along such road. Note 4 was added to Table D, which states, "Pursuant to Section 32.7.9.7, the parking areas along the southeastern boundary of the subject property are required to be screened. In addition to Section 32.7.9.7(b), the

Applicant shall provide three different reasonable types of screening options to the Shephard's Ridge Homeowners' Association which consists of the residents who live immediately adjacent to the Property. At minimum, at least one such option shall include a fence up to seven-feet in height. By a majority vote at a duly authorized meeting of the members of the homeowners' association, the association shall choose one of the three options provided. Such meeting shall be called within thirty (30) days of receipt of written notice from the Applicant and/or its assigns. In addition, such approval shall not be unreasonably withheld, delayed or conditioned. If the Applicant does not receive a response within thirty (30) days of receipt of the Applicant's written notice to the applicable homeowners' association, such lack of response shall be considered an approval."

In addition, Bus Route 11 is accessible from the multi-use path. Therefore, the Property provides pedestrian accessibility to public transportation.

- Parks and open space as amenities;

  The proposal consists of a shared common open space on the residential-only portion of the Property. Such common space will include landscaping to shelter quiet spaces to read or gather, as well as natural playscapes. The area between the apartments and entrance to the Property in the mixed-use block will be landscaped and usable for a small dog park.

  In addition, within the mixed-use portion of the Property, the space at the corner of the 5,000 square foot buildings will be used as a plaza serving the residential and commercial tenants.

- Neighborhood centers;

  Not applicable. The Property is not located at a "Center."

- Buildings and spaces of human scale;

  The buildings will likely be three-stories. Per Table B of the Code of Development, buildings on the Property are restricted to a maximum of four-stories and 45 feet, consistent with a human scale development.

In response to neighborhood feedback, we have revised the maximum allowable height from 4 stories to 3 stories (45 feet to 40 feet).

- Relegated parking;

  The parking is relegated to behind the buildings fronting Belvedere Boulevard and Rio Road East. The streetscape along Belvedere Boulevard will consist entirely of building frontage and/or greenspace.

- Mixture of uses and use types;

  The proposed redevelopment consists of commercial space, multifamily units, and single-family units thereby achieving the goal of a mixture of uses and use types.

- Mixture of housing types and affordability;

  The proposed redevelopment consists of multifamily and single-family units. The single-family units are intended to be less expensive than the average home on the market in the area – see "Basic Overview – Pubic Need or Benefit" above.

- Redevelopment;

  The Property currently consists of an abandoned single family dwelling and shed. We propose to redevelop the Property into a mixed-use development with various uses and housing types.

- Site planning that respects terrain; and

  The Property is mostly flat and therefore redevelopment will involve very little land disturbance.

- Clear boundaries with the rural areas

  Not Applicable. The Property is not nearby the boundary between the rural and development areas.

According to Section 20A.9(a)(4) and (b)(4), the minimum area devoted to green space and amenity space may be reduced by the Board of Supervisors. When making such reduction, the

Board shall consider: (1) the relationship of the site to adjoining or nearby properties containing public green space such as parks or natural areas, and amenities, (2) the known future uses of the adjoining properties; and (3) whether a reduction would better achieve the neighborhood model goals of the Comprehensive Plan.

Per Table C of the Code of Development, 20% green space is proposed, meeting the requirements of Section 20A.9(a)(4). However, only 13% of the Property is available for amenity space. We would like to request a reduction to allow the percentages of amenity space noted in Table C of the Code of Development.

As noted previously, the extension of the multi-use path would allow residents of the development access to the Rivanna Trail and the parks and green space along such network. Nearby parks connected by this trail include McIntire Park, with amble recreational fields and courts, skate park, and proposed botanical gardens. Given the development's walkable access to the Rivanna Trail, the common area at the center of the residential portion of the Property as well as the green space and plaza along the sides of the mixed-use buildings, the development has sufficient amenity space. Given the constrained size of the Property, it is difficult to achieve the other NMD goals of a mixed-use development with varying uses and use-types without a reduction from the 20% required amenity space of Section 20A.9(b)(4).

The Application Plan has been updated and a specific green and amenity space sheet has been added. Pursuant to the revised Application Plan, the 20% requirements for amenity and green space will be met. Therefore, the Code of Development has been updated accordingly and the Applicant no longer requests the reduction noted above. Please see the Application Plan for further detail.

IMPACTS ON PUBLIC FACILITIES & PUBLIC INFRASTRUCTURE

Transportation Impacts:

VDOT has committed to conducting a traffic study of the corridor, specifically focused on the intersection of Rio Road East and Belvedere Boulevard. The Applicant will work with VDOT and other impacted landowners to ensure the improvements recommended by VDOT come to fruition, thereby enabling the improved safety and functionality of this important intersection.

As of April 29, 2019, VDOT has still not completed their study of this intersection. However, VDOT has *preliminarily* endorsed a Restricted Crossing U-Turn (RCUT) Intersection. An RCUT would prohibit left turns out of Belvedere Boulevard and instead redirect such traffic to a designated location along Rio Road East where a U-turn can be made. The benefit of this design is that it will address what has been stated as the most critical dysfunction of this intersection: left turns out of Belvedere Boulevard. Such turns are often delayed due to the continual flow of

traffic on Rio Road East. By allowing traffic desiring to turn left from Belvedere Boulevard to turn right and then U-turn at a designated location, delays will be minimized.

In addition, RCUT intersections have far less conflict points than signalized intersections. In signalized intersections, collisions occur when cars do not stop at the signal and crash with oncoming traffic. These crashes are especially severe because they often result in T-bone collisions. In contrast, RCUT intersections conflict points almost exclusive are related to merging (or diverging), which result in far less severe crashes.

The Applicant will work with VDOT by providing construction easements as needed. If a traffic signal is ultimately desired, the Applicant will allow for easements for such permanent equipment as well. If a roundabout is ultimately desired, due to the large amount of right-of-way for Rio Road East and Belvedere Boulevard, as well as the restricted buildable area due to various utility easements along Rio Road East and Belvedere Boulevard, sufficient area will remain available for right-of-way dedication for construction of a roundabout, if necessary.

In addition, the Applicant believes the dedication of 8.3 feet in width of right-of-way along Belvedere Boulevard and 1.2 feet in width of right-of-way along Rio Road East for the multi-use path infrastructure, as shown on Sheets 7 and 8 of the Application Plan, is sufficient mitigation of any potential infrastructure impacts from the small sized development.

The estimated vehicular trips from the proposed development are as follows:

Assuming 5,000 square feet of General Office and 5,000 square feet of Retail:

			AM			PM		
Use Description	**ITE**	**Qty**	**in**	**out**	**Total**	**in**	**out**	**Total**
Single Family Detached	210	14 units	3	10	13	11	6	17
Multi-Family Housing	220	32 units	5	14	19	14	9	23
Retail	814	5000 sf	12	12	23	19	19	37
General Office	710	5000 sf	11	1	12	1	6	7
	Total		31	36	**67**	44	40	**84**

Assuming 10,000 of General Office:

			AM			PM		
Use Description	**ITE**	**Qty**	**in**	**out**	**Total**	**in**	**out**	**Total**
Single Family Detached	210	14 units	3	10	13	11	6	17
Multi-Family Housing	220	32 units	5	14	19	14	9	23
General Office	710	10000 sf	19	3	22	3	11	14
	Total		28	26	**54**	27	27	**54**

The two tables above estimate the number of vehicular trips upon redevelopment of the Property. The first table assumes the commercial portion of the Property consists of 5,000 square feet of Retail and 5,000 square feet of General Office. The second table assumes the commercial portion of the Property consists of 10,000 square feet of General Office.

The first configuration of the Property would produce the most amount of traffic. In this scenario, the total number of additional "peak" hour morning trips would be 67 and the total number of additional "peak" hour afternoon trips would be 84. The total number of annual average daily traffic (AADT) for 2017 on Rio Road East was 28,000. Therefore, the total number of additional vehicular trips from the development will be minimal compared to the existing traffic pattern surrounding the Property (0.3% to 0.2% increase).

Parking and Loading Needs Study:

There is a total of 69 parking spaces proposed within the project. Of those, 47 will serve the mixed-use block and 22 will serve the residential-only block.

Within the mixed-use block, the minimum required parking spaces varies depending on the mixture of residential and commercial. The below details the extremes of the required minimum parking spaces based on differing mixtures of uses and use-types.

The below is based on the minimum parking requirements outlined in Section 4.12.6 of the County Code:

- 1.50 parking spaces per one-bedroom multifamily unit
- 2.00 parking spaces per two-bedroom multifamily unit
- 2.00 parking spaces per single family detached unit
- 2.00 parking spaces per townhome (or single family attached unit) with 2 or more bedrooms
- 1 space per 200 square feet of net office floor area (80% gross floor area)
- 1 space per 100 square feet of retail sales area (80% gross floor area) for the first 5,000 square feet

Assuming the minimum allowable density and no commercial space, the minimum required parking for the mixed-use block is 12 parking spaces.

- The total above assumes all one-bedrooms (1.5 x 8 units = 12 parking spaces)

Assuming the maximum commercial space and maximum allowable density, the minimum required parking for the mixed-use block is 124 parking spaces.

- The total above assumes 32 two-bedroom multifamily units (2.00 x 32 units = 64 required parking spaces)
- The total above assumes 5,000 square feet of retail (40 required spaces) and 5,000 square feet of office space (20 required spaces)

*The numbers above have been updated to reflect the minimum and maximum allowable uses and mixture of use types. Previously, it was based on a zero-sum tradeoff between whether commercial or residential would be built. While such tradeoff between building residential or commercial in Block 1 is the practical reality, it does not capture the abstract minimum or

maximum allowable buildout of the Property and thus the Parking and Loading Needs Study has been updated accordingly.

Assuming the maximum allowable density, the minimum required parking for the residential-only block is 28 parking spaces (2.00 x 14 units). Assuming the minimum allowable density, the minimum required parking for the residential-only block is 16 parking spaces (2.00 x 8 units).

Therefore, combining the two blocks, the minimum parking requirement will range from 28 parking spaces to 152 parking spaces.

Pursuant to Section 4.12.10 of the County Code, parking spaces are allowed to be shared among two (2) or more uses that typically experience peak parking demands at different times. The code continues, "because parking spaces are shared, the total number of parking spaces that would otherwise be required may be reduced." The zoning administrator may reduce the aggregate minimum number of required parking spaces, provided each use participating in the shared parking experiences peak parking demands at different times.

As per the trip generation tables above, it is clear the commercial and residential uses experience peak parking demands at different times. In the morning "peak" hours, for the Retail and General Office uses, on average, 19-23 cars are estimated to enter the site and 3-4 are estimated to exit. In contrast, for the residential uses, on average, only 8 cars are estimated to enter and 24 are estimated to exit. This demonstrates that in the morning "peak" hours, the commercial uses will likely generate more traffic *entering* the site while the residential uses will likely generate more traffic *exiting* the site. The reverse occurs in the afternoon "peak" hours.

In the afternoon "peak" hours, the commercial uses will likely generate more traffic *exiting* the site while the residential uses will likely generate more traffic *entering* the site.

Due to the relationship of the above uses, we request the maximum aggregate reduction of the minimum required parking spaces (35%). If such a reduction were granted, the range of minimum required parking spaces would be reduced to between 18 and 99. Therefore, with the 35% reduction, the 69 proposed parking spaces will not be able to accommodate the entire range of possible mixture of uses and use-types.

The following has been added to Note 2 of Table D, "Minimum parking requirements may restrict some uses that historically require large amounts of parking." The precise number of minimum required parking spaces shall be determined at the site plan phase of development depending on density, types of residential units, and commercial uses pursuant to Section 4.12.6.

Stormwater Management Facilities:

Stormwater will be addressed by an underground detention / BMP located in the parking lot of the mixed-use lot as shown on the enclosed conceptual grading plan.

Note 6 of Table D was added to the Code of Development, which states, "The Applicant shall be required to provide onsite treatment of 25% of the required stormwater treatment. Such

techniques of treatment shall include pervious pavers, micro bioretention, or other approved measures."

IMPACTS ON ENVIRONMENTAL FEATURES

None. There are no streams or critical slopes located on the Property.

Currently, the Property consists of a vacant single-family home and shed. The front of the Property is cleared, with well-maintained landscaping, while the back of the Property consists of a wooded area. The Property also slopes slightly in the back portion; however, such slopes are minimal and therefore redevelopment of the Property would consist of very little land disturbance.

PROPOSED PROFFERS TO ADDRESS IMPACTS

Due to the small size of the proposed redevelopment, we do not believe there are appropriate proffers needed to address the minimal, if any, impacts from the development.

Due to the small size of the project, there will be no measurable impact on schools, fire/rescue, and natural/cultural/historic resources. The Applicant has coordinated with the surrounding neighborhood to try to ensure residents are comfortable with the allowable uses, massing, and screening requirements of the Application Plan. For instance, Note 1 of Table A was added to the Application Plan to prohibit certain uses, the allowable height was reduced from 3 to 4 stories, and the screening requirements will be approved by the adjacent homeowners' association.

In addition, as stated earlier, the Applicant believes the dedication of 8.3 feet in width of right-of-way along Belvedere Boulevard and 1.2 feet in width of right-of-way along Rio Road East for the multi-use path infrastructure, as shown on Sheets 7 and 8 of the Application Plan, is sufficient mitigation of any potential infrastructure impacts from the small sized development.

OTHER SPECIAL STUDIES / WAIVERS

Fire Access Along Eastern Boundary of the Property:

There is a small, 20-foot strip of property located between the Property and Fowler Ridge Court. This property is utilized as a portion of the required fire access for the development along Fowler Ridge Court. It may have been conveyed as an *easement* to the County by that certain deed dated October 3, 2016, recorded in the Clerk's Office of the County Circuit Court in Deed Book 4830, page 20 (enclosed). The Applicant will coordinate with the Albemarle County Service Authority (ACSA) to ensure the correct ownership and acquisition of a necessary sewer easement for development of the Property.

The Fowler Ridge Court community's fire access consists of a 50' easement through: (1) this 20-foot strip of land, (2) a portion of Fowler Ridge Court itself, and (3) designated open space

between existing homes and Shepard's Ridge. See the enclosed plats for reference. No portion of the Property acts as fire access for the adjacent communities. The Applicant will supplement its application with an updated survey of the Property evidencing the above.

Incorrect GIS Label of Ownership of Adjacent Property:

There is a small triangular shaped parcel located between the Property and Belvedere Boulevard that is labeled in the County's GIS as currently owned by the Belvedere Neighborhood Association, Inc. The parcel is a small portion of County tax map parcel 062G0-01-00-000A0. However, pursuant to that certain Certificate of Take dated December 5, 2007, and recorded in the Clerk's Office of the County Circuit Court in Deed Book 3617, page 633 (enclosed), this parcel was taken by the Virginia Department of Transportation (VDOT) for Belvedere Boulevard right-of-way. Therefore, the Applicant is able to provide a vehicular accessway through this right-of-way to/from the proposed cottage units to/from Belvedere Boulevard.

Waiver Requests

The Applicant requests several waivers.

1. Private Street Authorization

   The "fire lane" designation in Block 2 will provide access for emergency vehicles. It can be covered with reinforced material to allow for the ease of travel of such emergency vehicles while also allowing the growth of natural grass and vegetation. Therefore, the central greenway can support the tonnage of emergency vehicles yet be enjoyed as an active amenity space.

   This private street will also provide the required "frontage" for the lots located furthest from Belvedere Boulevard. Section 14-233 provides the regulations for the authorization of private streets in the development areas. According to these regulations, the commission may authorize a subdivision to be developed with one (1) or more new private streets when, "the proposed private street(s) would enable the principles of the neighborhood model to be more fully implemented than could be achieved with a public street, without diminishing other principles of the neighborhood model, in the following circumstances: (i) the subdivision would have a streetscape more consistent with the neighborhood model; (ii) the subdivision design would allow it to better achieve the density goals of the comprehensive plan; (iii) rear vehicular access to buildings would be provided so that the buildings may face a common amenity; (iv) a significant environmental resources would be protected; or (v) relegated parking would be provided to a greater extent than could otherwise be provided."

   We request private street authorization for the "fire lane" on the Application Plan to allow for the cottage courtyard design. The design is in keeping with neighborhood model principles, such as, encouraging active greenspace and pedestrian connectivity. The cottage courtyard design encourages a community by providing a communal gathering space and forcing residents to park in designated locations and then walk to

their individual homes. This results in community interactions that are less likely to occur in a traditional neighborhood design. Moreover, as per (iii) above, the design allows for the buildings to face a "common amenity."

Pursuant to Section 14-234(C), the agent and the commission may authorize one or more private streets in a subdivision if it finds that "one or more of the circumstances described in sections 14-232 or 14-233 exist and it determines that…"

(1) "The private street will be adequate to carry the traffic volume which may be reasonably expected to be generated by the subdivision;"

As stated earlier, the private street will be restricted to emergency vehicles only. Reinforced material will be placed beneath the vegetation along the private street / fire lane that will be able to support the tonnage of emergency vehicles.

(2) "The comprehensive plan does not provide for a public street in the approximate location of the proposed private street;"

The comprehensive plan does not contemplate a public street through the middle of this parcel. It does not contemplate a cottage courtyard design. However, the comprehensive plan does have the goals to "provide for a variety of housing types of all income levels and help provide for increased density in the Development Areas." The cottage courtyard design achieves both these goals.

(3) "The fee of the private street will be owned by the owner of each lot abutting the right-of-way thereof or by an association composed of the owners of all lots in the subdivision, subject in either case to any easement for the benefit of all lots served by the street;"

A homeowners' association will be formed upon development of the residential units and such association will bear the cost of maintenance of the central green.

(4) "Except where required by the commission to serve a specific public purpose, the private street will not serve through traffic nor intersect the state highway system in more than one location;" and

The private street will be restricted to emergency vehicles only.

(5) "If applicable, the private street has been approved in accordance with section 30.3, flood hazard overlay district, of the zoning ordinance and other applicable law."

This is not applicable as the Property is not within a flood hazard overlay district.

In keeping with the principles of neighborhood model design and upon meeting each of the conditions of 14-234(C) noted above, we request authorization of a private street as designated in the Application Plan.

2. Waiver of Various Private Street Design Requirements

While we request authentication of a private street for a portion of the central green, the purpose of such request is to allow access of emergency vehicles and street frontage for the residential units furthest from Belvedere Boulevard. The intent is not for the private street to accommodate vehicular traffic. Instead, we would like the area to serve as an amenity area. To accomplish these purposes, several private street design waivers will be necessary.

(1) Section 14-410(H) requires curb, curb and gutter, sidewalks and planting strips. Because no vehicular traffic will be allowed along the private street such infrastructure is not necessary. Section 14-410(I) allows the commission to grant variations or exceptions for such requirements.

(2) Section 14-412(A)(2)(b)(ii) requires the entire street to be surfaced per Virginia Department of Transportation standards. However, the private road is intended to be utilized as a central greenspace, accessible only to emergency vehicles. Section 14-203.1(B) allows the agent or commission to approve variations or exceptions from any requirements of Section 1400 through 14-441 upon several findings.

Per 14-203.1(B)(2), "the agent or 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." The substitution of reinforced material able to support the tonnage of emergency vehicles while still allowing natural grass and vegetation to grow is an improvement over the requirement of a paved surface.

Per 14-203.1(B)(3), "the agent or commission may approve a request for an exception from any requirement of the applicable regulation upon finding that: (i) because of an unusual situation, including but not limited to, the unusual size, topography, shape of the site or the location of the site; or (ii) when strict adherence to the requirements would result in significant degradation of the site or to adjacent properties', causing a detriment to the public health, safety or welfare, or by inhibiting the

orderly development of the area or the application of sound engineering practices." Strict adherence to the requirement of paving all private streets would result in the loss of a central greenspace, i.e. the degradation of the site and inhibiting the orderly development of the area.

Because the above two conditions are met, we believe a waiver of the requirement for paved surfaces on private streets should be granted.

3. Waiver of Prohibition of Double Frontage Lots

The Applicant requests a wavier to allow for double frontage lots in Block 2 between the emergency accessway and Belvedere Boulevard. As stated previously, the fire accessway will be a "private road" and can be covered with reinforced material to allow for the ease of travel of emergency vehicles while also allowing the growth of natural grass and vegetation. Therefore, the central greenway can support the tonnage of emergency vehicles yet be enjoyed as an active amenity space. Overlaying the emergency access and greenway provides an efficient use of space, and maximizes the amenity/outdoor space for the residents.

Section 14.401 of the County Subdivision Ordinance prohibits the development of double frontage lots for single family detached and attached residential uses. The purpose of this regulation is to prohibit development designs that would result in street frontage along the rear and front yards of a single-family residence, which in theory would substantially impact the privacy and enjoyment of such homes. However, Section 13.203.1(B) allows the agent or Planning Commission to vary or allow an exception from this prohibition. We request an exception from such prohibition to allow double frontage lots between Belvedere Boulevard and the emergency accessway, consistent with the Application Plan. Technically the lots have "frontage" on the greenway, which functions as a shared amenity space, although it has fire access capacity. The length of the lots provides sufficient space for a dense vegetated screen between Belvedere Boulevard and the residences, minimizing the impact on the rear yard of the residences/homes. The interior greenway design is in accordance with neighborhood model principles as it centralizes and encourages outdoor shared greenspace. In addition, the proposed small residential units allow for as much greenspace as possible.

Strict adherence to the requirements of Section 14.401 would prohibit the cottage courtyard design on the Property. Therefore, not allowing for an exception to the restriction related to double frontage lots would be a substantial injustice resulting in degradation of design, is not supported by the principles of the neighborhood model and inhibits the orderly development of the area.

4. Waiver for Offsite Parking

The Applicant also requests a waiver for the requirement that parking be provided on each lot for each single family detached unit. Instead, we propose the single family detached units be served by a stand-alone parking area along the rear of the Property.

According to Section 4.12.5, all parking spaces shall be established on the same lot with the primary use to which it is appurtenant, except as authorized by Section 4.12.8. Section 4.12.8 states, "The alternatives described herein are intended to promote more creative design, allow higher density in those zoning districts in the development areas, and reduce impervious area by allowing the parking requirements of this section to be satisfied, in whole or in part, by street parking, shared parking, and off-site stand-alone parking." According to Section 4.12.8, certain waivers and requirements shall be provided at the site plan stage of development. Accordingly, Note 3 has been added to Table A of the Code of Development, which states, "Stand alone parking and parking structures shall be subject to screening regulations and other restrictions outlined in Section 4.12."

Application Narrative Supplement **November 18, 2019**
999 Rio Road East Rezoning

Basic Overview

Tax Map Parcel	Owner	Acreage	Zoning	Comprehensive Plan Land Use Designation
06100-00-00-154B0	Windmill Ventures LLC	1.91	R-4	Urban Density Residential

On behalf of Blackbird of Charlottesville, LLC, the contract purchaser of property designated on the County of Albemarle, Virginia (the "County") tax maps as parcel 06100-00-00-154B0 and having an address of 999 Rio Road East (the "Property"), we propose to rezone the Property from Residential R-4 to a Neighborhood Model District (NMD). The Property contains approximately 2 acres. We propose designating the acre fronting Rio Road East for mixed-use, with the rear acre designated solely for residential (the "Project").

Project Timeline

First Submittal	February 19, 2019
Resubmittal	April 29, 2019
Planning Commission Public Hearing	June 25, 2019
Recommendation of Approval by vote of 4-1	
Board of Supervisors Public Hearing	September 18, 2019
Deferral and recommendation to revise Application and appear before the Planning Commission a second time with revised Application.	

*various meetings with neighbors took place during the timeframe above, including with the Shephard's Ridge HOA, residents of the four homes directly behind the Property along Shephard's Ridge Road, meeting with the Places29 Rio CAC, as well as continual e-mail and phone communications

Board of Supervisors' Feedback

A summary of the feedback from the Board of Supervisors public hearing is as follows:
The scale and intensity of the Project is too big given:

(1) the traffic concerns along this corridor,

(2) the designation of this Property as an Entrance Corridor,

(3) the small size of the Property, and

(4) residential properties nearby.

Response and Revisions

Given the feedback above, the Project has been revised as follows:

Residential density has been decreased by 40% (from 46 to 28 allowable units).

Allowable commercial square footage has been decreased by 40% (from 10,000 SF to 6,000 SF). In addition, the allowable uses have been restricted to Office uses only (with the exception of a Furniture Store). See the revised traffic estimates below.

The building with non-residential uses has been restricted to one-story (rather than three stories). This will allow the Project to decrease in scale even further for the portion of the Project facing Rio Road East (an Entrance Corridor and the most visible portion of the Project) while still providing a buffer for the small homes in the rear.

A larger portion of the front the Property has been restricted to green space (approximately 6,000 square feet). In addition, the building on the front of the Property facing Rio Road East will be setback approximately 35 to 39 feet. This will allow for robust landscaping to address aesthetic concerns along the Entrance Corridor.

The revised traffic estimates are as follows:

Assuming commercial use is Office only:

			AM			PM		
Use Description	**ITE**	**Qty**	**in**	**out**	**Total**	**in**	**out**	**Total**
Single Family Detached	210	24 units	6	16	22	18	10	28
General Office	710	6000 SF	12	2	14	2	7	9
	Total		18	18	**36**	20	17	**37**

Assuming commercial use is a Furniture Store only:

			AM			PM		
Use Description	**ITE**	**Qty**	**in**	**out**	**Total**	**in**	**out**	**Total**
Single Family Detached	210	24 units	6	16	22	18	10	28
Retail - Furniture	869	6000 SF	2	1	3	5	4	9
	Total		8	17	**25**	23	14	**37**

The result of the above is a 52% to 59% decrease in projected traffic compared to the previous proposal.

While traffic in the Rio Road East Corridor is currently an issue, this issue will persist regardless of this Project. Traffic is most heavily impacted by the Senior Center, SOCA facilities, expansion of the Covenant Church, and the continued build out of Dunlora and Belvedere. Traffic in the Rio Road East Corridor is also heavily impacted by increased redevelopment along the border of Albemarle County and Greene County. The residents in the projects along the Greene County border are commuting to Charlottesville's downtown area via the Rio Road East Corridor but choose to live in Greene County because of the lack of affordable homes in Albemarle and Charlottesville.

The Project is designed for the "missing-middle buyer" i.e. as stated earlier, for those who are moving to Greene County and commuting to Charlottesville's downtown because they cannot afford a home in Albemarle. By rezoning the Property, the County would allow some of these families the benefit of living closer to their employment and the opportunity to save time/money by commuting via the multi-use path and/or public transit. This is important to highlight: while the surrounding *vehicular* infrastructure is due for improvements, the surrounding **pedestrian/bicycle infrastructure** is robust. The multi-use path, which is wide enough to accommodate bicycles, stretches all the way to the downtown area of the City of Charlottesville. In addition, a public transit stop is across the street, with the possibility of being relocated even closer (within the Senior Center).

In sum, the contribution of this Project to traffic in the area is **negligible**, especially compared to the scale of other projects nearby and the allowable density by-right on the Property. Yet, the benefits of the Project are strong – the rezoning would allow missing-middle housing in a corridor with robust pedestrian/bicycle infrastructure, which will have a profound impact on the lives of those families.

Affordable Housing

Affordable Housing is an important issue in the region. The intended sales prices of the proposed cottages in the Project are between $280,000 to $380,000. As of November 18, 2019, according to Zillow, there are 39 single family detached homes for sale with a Charlottesville address that are at or under $350,000. Of those, **zero** were constructed within the previous 5 years. In addition, the Thomas Jefferson Planning District Commission (TJPDC) produced a regional housing assessment (the "Housing Assessment") in early 2019.

The Housing Assessment revealed several pertinent statistics and conclusions:

- There is definitively a housing affordability crisis in the area.
    - 8,990 Urban Renters (City of Charlottesville and Development Areas of Albemarle County) pay more than 30% of their incomes for housing costs
    - 2,560 Urban Homeowners pay more than 50% of their incomes for housing costs
- High housing costs in the Urban Areas are causing households to rent or purchase in surrounding localities and commute to work.

- Assuming a cost of approximately 0.58 cents per mile paid 20 days out of the month, commutes can cost between $348 to $766 per month depending on the distance (commuting from Lake Monticello versus Lovingston)

- Commutes have an environmental impact from the exhaust of increased cars. Commutes also result in less involvement in communities and time away from families.

- There is a need for new, smaller, more affordable housing in the Urban Areas.

    - The cottages are intended to sell for between $280,000 and $380,000 – according to the Housing Assessment, an Affordable Unit Purchase Price for households who make 100% of the area ***median*** income are: $298,000 for one person, $344,000 for two people, and $384,000 for three people. **Therefore, the proposed cottages of the Project will meet the needs of those intended: the "middle market" buyer**.

    - The Housing Assessment states, "Zoning ordinances that specify the number of units per acre, rather than a Floor Area Ratio that relates the amount of space to the amount of land, **incentivize units that are larger and typically more expensive.**" It also states, "Zoning by the number of units per acre is a **disincentive to building smaller, more affordable units**." By rezoning the Property, the Applicant is able to overcome this disincentive.

    - Households are relatively small – 63.1% of all households in the region had only one or two persons in 2010 and the average household size in 2018 was 2.45 persons.

ZMA2019-1: 999 Rio Road
Places29 Rio CAC Meeting (#2)
December 5, 2019

Summary of discussion:
Staff gave a brief overview of the history and timeline of this project. Staff also stated that this second community meeting was not required, however the applicant opted to hold the meeting. The application is scheduled for Planning Commission public hearing on January 14, 2020, and for Board of Supervisors public hearing on March 4, 2020.

The applicant presented a PPT on their updated application. The applicant stated that they have continued to meet with smaller groups of neighbors and are open to additional meetings. The applicant summarized the concerns heard at the Board of Supervisors public hearing as: traffic, the constraints of the small size of the property, the potential impacts to nearby residential properties, and the designation of the property as Entrance Corridor. The applicant has reduced both the maximum density and maximum non-residential square footage by 40 percent. The permitted non-residential uses have been revised to only a furniture store and office uses. The trips generated during peak hours have been reduced by approximately 52-59 percent.

There was discussion on the proposed townhouses with basement (accessory) apartments, with community members interested in how these units would function and what the parking requirements would be. The applicant stated that there would be approximately 5 townhouses with 5 basement apartments, for a total of 10 units. This would be like the Riverside Village development. There would be a two-car garage for each unit, plus additional surface parking for guest parking. The townhouses will be facing Belvedere Boulevard. The apartments will be accessed from the back of the townhouses. There will also be a garage in back, and a door to the side of the garage. Someone would likely purchase the townhouse, and then rent out the apartment. This could help someone with homeownership, as the rental income could contribute to the mortgage.

There was also discussion on the revised commercial uses. Some community members stated they felt that no non-residential uses were appropriate with this development. Others felt that the applicant had significantly scaled back the proposal to address concerns. There was a question on how the loading area would work for furniture trucks, if the Artful Lodger did locate here. The applicant responded that the company would use their short box trucks, which are the same ones they use currently for the Downtown Mall location. Larger trucks would only go between warehouses and homes for deliveries, and there would be no warehouses on this site. It would be a showroom only. The applicant stated that it would not be financially feasible to develop this site without a non-residential component, and that the Board had not necessarily wanted the non-residential aspect completely eliminated, but had wanted the scale, massing, and impact reduced.

Some community members asked how this proposal is different from the R-4 by-right allowed development. The applicant responded that a R-4 development would be administrative, with no community input, and would just need to meet the requirements of the Zoning Ordinance. No amenities or greenspace would be required. No ARB review would be required for R-4 development. A maximum of 11 units would be allowed with bonus factors. This application for the rezoning will require ARB review at the site planning stage, has a 20 percent amenity/greenspace requirement, and has community input.

There was significantly less discussion on traffic issues compared to the first community meeting. Some community members discussed how residents currently drive from Greene County and into the City for their jobs and use Route 29 and Rio Road. Community members wanted an update on the applicant's engagement with VDOT. The applicant stated that they have met with VDOT many times, and VDOT considers this a relatively minor development that does not generate enough trips to show up in their traffic models. Even so, the applicant stated that they have lowered the intensity of uses and density of this proposal to respond to traffic concerns.