

**COUNTY OF ALBEMARLE  
PLANNING STAFF REPORT SUMMARY**

<b>Project Name:</b> ZMA202100005 1805 Avon St. PRD	<b>Staff:</b> Andy Reitelbach, Senior Planner II
<b>Planning Commission Public Hearing:</b> December 14, 2021	<b>Board of Supervisors Public Hearing:</b> TBD
<b>Owner:</b> Victorian Properties II, LLC (TMP 90-35D) and James R. Moss (TMP 90-35H)	<b>Applicant:</b> Victorian Properties II, LLC
<b>Acreage:</b> 3.627 acres	<b>Rezone from:</b> R-1 Residential to PRD, Planned Residential Development
<b>TMPs:</b> 0900000000035D0; 0900000000035H0	<b>Location:</b> 1799 and 1805 Avon Street Ext., Charlottesville, VA 22902
<b>School Districts:</b> Monticello High, Walton Middle, Mountain View Elementary	<b>By-right use:</b> 3 residential units
<b>Magisterial Districts:</b> Scottsville	<b>Proffers:</b> No
<b>Proposal:</b> Rezone two parcels that total approximately 3.627 acres from the R1 Zoning District, which allows residential uses at densities up to 1 unit/acre, to Planned Residential Development (PRD), which allows residential (maximum of 35 units/acre), with limited commercial uses.	<b>Requested # of Dwelling Units:</b> A maximum of 85 dwelling units is proposed, with a mixture of two-family, duplex, triplex, and multi-family structures, at a gross and net density of approximately 24 units/acre.
<b>DA (Development Area)</b> – Neighborhood 4, in the Southern and Western Urban Neighborhoods Master Plan area	<b>Comp. Plan Designation:</b> Urban Density Residential – residential (6.01 – 34 units/acre); supporting uses such as places of worship, schools, public and institutional uses, neighborhood scale commercial, office, and service uses.
<b>Character of Property:</b> The property consists of two parcels. Each parcel has a single-family detached house, along with additional accessory structures, located on it.	<b>Use of Surrounding Properties:</b> The Avinity subdivision, which consists of townhouses, is located to the north and east. Two parcels with single-family detached houses are located to the northwest. The Southside Church of God is located to the south. Single-family detached houses in the Lake Reynovia and Mill Creek subdivisions are located to the west, across Avon St. Ext.
<b>Affordable Housing:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>AMI (Area Median Income):</b> 80% of AMI as determined by U.S. Dept. of Housing & Urban Development

<p><b>Factors Favorable:</b></p> <ol style="list-style-type: none"> <li>1. The request is consistent with the uses and density recommended by the Southern and Western Urban Neighborhoods Master Plan.</li> <li>2. The request is consistent with the applicable neighborhood model principles.</li> <li>3. The proposal provides at least 15% affordable housing, as recommended in the comprehensive plan.</li> <li>4. The proposal provides reservation of right-of-way for the future construction of a multi-use path along Avon Street.</li> </ol>	<p><b>Factors Unfavorable:</b></p> <ol style="list-style-type: none"> <li>1. Additional students will be enrolled at area schools, including Mountain View Elementary, which is already over-capacity.</li> </ol>
<p><b>RECOMMENDATION:</b> It is staff's opinion that the favorable factors outweigh the unfavorable factors associated with this request, and staff recommends approval of ZMA202100005 1805 Avon Street PRD.</p>	

**STAFF PERSON:**  
**PLANNING COMMISSION:**  
**BOARD OF SUPERVISORS:**

**Andy Reitelbach**  
**December 14, 2021**  
**TBD**

**ZMA 202100005 1805 Avon St. PRD**

**PETITION**

PROJECT: ZMA202100005 1805 Avon St. PRD – Digital

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL(S): 090000000035D0; 090000000035H0

LOCATION: 1799 and 1805 Avon Street Ext., Charlottesville, VA 22902

PROPOSAL: Rezone two parcels to allow a maximum of 85 residential units.

PETITION: Request to rezone a total of approximately 3.627 acres from the R1 Zoning District, which allows residential uses at densities up to 1 unit/acre, to Planned Residential Development (PRD), which allows residential (maximum of 35 units/acre) with limited commercial uses. A maximum of 85 dwelling units is proposed, with a mixture of two-family, duplex, triplex, and multi-family structures, at a gross and net density of approximately 24 units/acre.

ZONING: R-1 Residential – 1 unit/acre

OVERLAY DISTRICT(S): EC – Entrance Corridor; Steep Slopes – Managed

PROFFERS: No

COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01 – 34 units/acre); supporting uses such as places of worship, schools, public and institutional uses, neighborhood scale commercial, office, and service uses; in Neighborhood 4 in the Southern and Western Urban Neighborhoods Master Plan area.

**CHARACTER OF THE AREA**

The subject property includes two parcels of land on the east side of Avon Street (see Attachment 1 – Location Map), at 1799 and 1805 Avon St. Ext. Each parcel currently has a single-family detached house, along with additional accessory structures. Both parcels are currently zoned R-1 Residential, which permits one dwelling unit per acre (see Attachment 2 – Zoning Map). The property is located within the Entrance Corridor Overlay District; however, Avon Street is one of the corridors in the County where ECOD regulations are not currently being applied. There are also areas of managed steep slopes on the property.

The neighboring area is largely residential, with some nearby institutional uses. The Avinity subdivision, which is composed of townhouses and zoned PRD, is located to the north and east of the subject property. Farther north, on the other side of Avinity, is Mountain View Elementary School. To the northwest of the subject property lie two parcels with existing single-family detached houses, which are zoned R-1. To the south of the subject property lies the Southside Church of God, which is zoned R-1. Across Avon Street to the west lies the Lake Reynovia subdivision, which is zoned R-4, and the Mill Creek subdivision, which is zoned PUD (Planned Unit Development).

**SPECIFICS OF THE PROPOSAL**

The applicant is proposing to rezone two parcels of land totaling approximately 3.627 acres from R-1 Residential to PRD, Planned Residential Development, which allows residential uses up to a maximum density of 35 units per acre, along with limited commercial uses. The applicant requests this rezoning to allow for a maximum of 85 dwelling units on the property, for a gross and net density of approximately 24 units per acre. (See Attachment 3 – Project Narrative.) As stated on the application plan submitted for this project, which is a requirement of the PRD and would guide the development of the project at the site planning stage, the applicant is proposing a mix of housing

types in this development, including multi-family apartments, townhouses, and duplexes or triplexes (see Attachment 4 – Application Plan).

Without the rezoning, the applicant could develop approximately three (3) dwelling units on the property, at a density of approximately one unit per acre. Additional residential units could potentially be constructed if the property owner were to choose to pursue the various bonus factors that the Zoning Ordinance permits. Using a combination of bonus factors, the maximum number of additional units that could potentially be approved by-right is 50% of the base zoning. This calculation could result in approximately six (6) units total that could be constructed. However, it is important to note that bonus factors have different requirements, including some discretionary approvals, so it may not be possible for the property to utilize all potential bonus factors.

The townhouse structures would be located at the front of the property, closest to Avon Street, and at the rear of the property. The multi-family buildings and the recreational facilities would be located in the center of the property.

The applicant proposes a minimum of 25% of open space and recreational amenities, as required by the ordinance. This open space includes a buffer area along Avon Street, in addition to approximately 1,200 square feet of right-of-way reservation along Avon Street to allow for the future construction of a multi-use path parallel to Avon Street. There are also buffers proposed around the perimeter of the site. Other areas for recreation and open space include a centrally located site, on both sides of the access road, for several facilities, including a tot lot, a picnic shelter, benches, and gardens. The applicant has indicated that a substitution request for recreational facilities may be pursued at the site planning stage once the final facility choices are determined. Such a substitution request is permitted at the site planning stage and would be reviewed by staff, with approval granted administratively by the Planning Director, if staff determines that the proposed recreational facilities are of equal or better quality than what is required by the ordinance.

The application plan provides more detail on proposed circulation routes in and around the property, conceptual grading and stormwater management, and conceptual layout of the open space. The plan also includes proposed street sections for both the internal access travelways and the frontage along Avon Street.

As a proposed multi-family apartment and townhouse community, the internal access to the dwelling units is largely proposed to be private travel-ways, with no dedicated right-of-way. The applicant is proposing to connect to the existing private right-of-way in Avinity to allow for emergency fire access. However, because the streets in Avinity are private, with no public access easements, it is not likely that this interconnection will be able to be used for general use. The applicant is also proposing to reserve areas for future inter-parcel connections (of 30-feet minimum width) to the parcels to the northwest and to the church parcel to the south, in the case of potential future redevelopment. These inter-parcel connections would be based on mutual agreement of a future maintenance document.

The applicant is also proposing to designate 15% of the total residential dwelling units constructed as affordable housing, at 80% of area median income (AMI) as designated by the U.S. Department of Housing and Urban Development.

### **APPLICANT'S JUSTIFICATION FOR THE REQUEST**

The applicant has provided a narrative with justification for the request (see Attachment 3).

### **COMMUNITY MEETING and COMMUNITY MEMBER INPUT**

A virtual community meeting was held for this proposal on Thursday, May 20, 2021, at a regularly scheduled meeting of the 5<sup>th</sup> and Avon Community Advisory Committee (CAC). This meeting was

conducted using Zoom. At the virtual meeting, questions were asked by both community and CAC members. The applicant returned to the 5<sup>th</sup> and Avon CAC several months later, on Thursday, November 18, 2021, to provide updates to the CAC on the project and to identify revisions that had been made to the proposal since the initial community meeting to address comments and concerns. Staff has also received correspondence with comments from a community member since the meeting. (See Attachment 6 for this correspondence.)

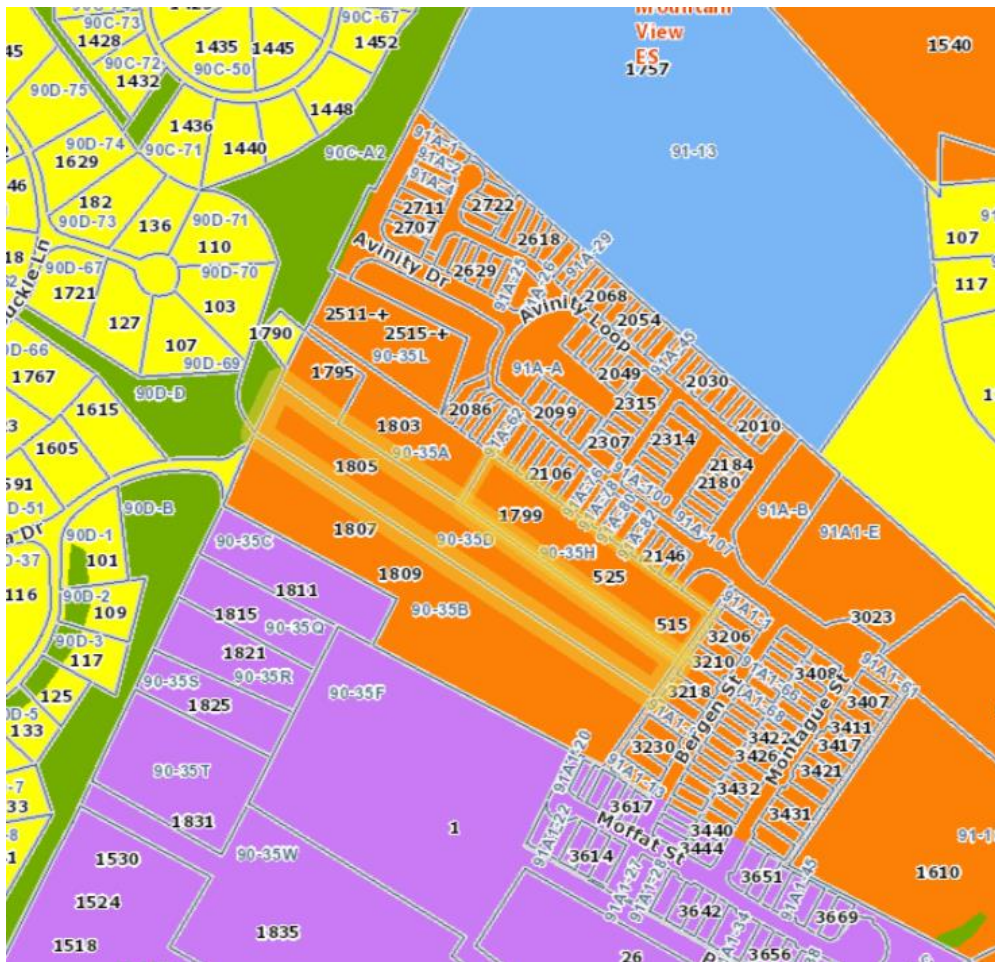
The main concerns raised by community members have included the impact on schools, especially Mountain View Elementary, which is already over-capacity; the impact on traffic along Avon Street; and the proposed density of the development.

## **PLANNING AND ZONING HISTORY**

There have been no previous actions taken for the property that composes the proposed 1805 Avon Street PRD project.

## **COMPREHENSIVE PLAN**

The subject property is located within Neighborhood 4 of the Southern and Western Urban Neighborhoods Master Plan. This Master Plan calls for the parcels that compose the 1805 Avon St. PRD property to be developed in accordance with the Urban Density Residential land use classification (see map inset below; two subject properties highlighted):



Urban Density Residential (orange): This designation calls for primary uses of residential, with all housing types, and places of worship, public and private schools, and public uses. Secondary uses include neighborhood serving retail and commercial areas of no greater than 3,000 square feet and office uses of no greater than 5,000 square feet, where they are compatible with nearby uses. The density range recommended for Urban Density Residential is 6.01-34 dwelling units per acre. The maximum building height proposed for this designation is three stories.

This land use designation encompasses all of the subject property. The project proposes a maximum of 85 dwelling units on the property, which would produce a gross and net density of approximately 24 units/acre. This proposed density falls within the recommended density range for Urban Density Residential of 6.01-34 units/acre. The entire project is proposed for residential, with accompanying open space and recreational amenities, which is consistent with the master plan's recommendation for a primary use of residential in this area. In addition, multiple housing types are proposed, including townhouses, multi-family, and two- or three-family units, which meets the recommendation for there to be a mix of housing types within a development. The maximum proposed building height is three stories, which meets the master plan's recommendation for height.

**The Neighborhood Model:** Staff has reviewed the proposal against the twelve Neighborhood Model Principles and has found that it is consistent or mostly consistent with all of the principles. The detailed Neighborhood Model analysis can be found in Attachment 5.

**Affordable Housing:** The County's 2015 Comprehensive Plan has a chapter on housing (Chapter 9), which provides strategies to achieve its goal of "housing [that] will be safe, decent, and sanitary; available to all income and age levels; located primarily in the Development Areas; and available equally to all current and future County residents." Objective 6 is for the provision of affordable housing options for low-to-moderate income residents of Albemarle County and persons who work within the County who wish to reside there. The Comprehensive Plan includes several strategies to achieve this objective. Strategy 6b is to "continue to ensure that at a minimum, 15% of all units developed under rezoning and special use permits are affordable, as defined by the County's Office of Housing, or a comparable contribution is made to achieve the affordable housing goals of the County."

This rezoning proposal includes a maximum of 85 dwelling units. On sheet 10 of the application plan, the applicant has included information about affordable housing that states at least 15% of the total number of dwelling units shall be affordable housing units. If the full number of 85 dwelling units were constructed, then at least 13 of those units would be designated as affordable. The applicant has also included within the application plan the parameters regarding the designation of affordable dwelling units in this project. The County's Principal Planner for Housing has reviewed this section of the plan on affordable housing and has expressed no objections to the proposal or the language used.

## **ZONING ORDINANCE REQUIREMENTS**

### ***Relationship between the application and the intent and purposes of the requested zoning district:***

The purpose and intent of the Planned Residential Development (PRD) zoning district is to:

- Encourage sensitivity toward the natural characteristics of the site and toward impact on the surrounding area in land development.
- Promote economical and efficient land use, an improved level of amenities, appropriate and harmonious physical development, and creative design consistent with the best interest of the county and the area in which it is located.

The PRD is intended to be a flexible zoning district to allow a variety of development for residential purposes and uses ancillary thereto, with open space serving varied uses such as recreation, protection of areas sensitive to development, buffering between dissimilar uses, and preservation of agricultural activity.

The Southern and Western Urban Neighborhoods Master Plan calls for the parcels included in this rezoning to be developed as Urban Density Residential. The proposal will provide the residential uses recommended by the master plan. With the PRD zoning district, the project can achieve the higher density recommended by the master plan, of between 6.01 and 34 units/acre. The project proposes a density of approximately 24 units/acre. The PRD district is recommended for developments over 15 units per acre to allow for greater flexibility and consideration in design. This density level is consistent with the master plan recommendations, whereas the current zoning of R-1 Residential, at one unit per acre, is significantly lower than what is recommended. The proposed heights of the residential structures meet the recommendations of the master plan, with a maximum of three stories.

The only environmental features on the site are a few areas of managed steep slopes. The applicant has indicated that these areas will be graded in accordance with the requirements of the ordinance. One of the areas of managed slopes lies within the central recreational facilities areas and is proposed to be terraced to create space for a picnic shelter and sitting areas. The retaining walls in this area will need to be appropriately designed to ensure the spaces are usable and promote an area of human scale.

A substitution request has not been submitted at this time for recreational facilities, so staff cannot comment on the final proposed level and design of amenities in the development. However, on the application plan, the applicant has proposed an area for a tot lot on the north side of the main east-west travelway, in the center of the development, and an area for a picnic shelter and benches on the south side of the travelway, across from the playground/tot lot area. However, there is not a clear way for access between the two areas across the travelway, and a retaining wall along the south side of the travel way appears to create somewhat of a barrier to accessing the picnic shelter and sitting garden areas. These areas could be more well-connected through the use of crosswalks and stairs.

Other areas of open space are scattered on the outskirts of the development, including buffer areas. In addition, the applicant is proposing to construct a sidewalk along the Avon Street frontage of the property, while also reserving approximately 1,200 square feet of right-of-way to allow for the future construction of a multi-use path parallel to Avon Street, which was a recommendation of the recently conducted Avon Street corridor study completed in March 2020.

### ***Anticipated impact on public facilities and services:***

#### **Streets:**

The proposed development is located along Avon Street Extended, approximately half a mile south of its intersection with Mill Creek Drive. The proposed number of residential units did not trigger the need for a Traffic Impact Analysis (TIA). However, the applicant did provide expected trip generation numbers from this development, which were reviewed by VDOT and the County's transportation planning team. Both VDOT and County Transportation Planning expressed no objections to the proposed development based on its expected impacts on the transportation system in the surrounding area. Any road improvements specific to the site, such as turn lanes or tapers, will be assessed by VDOT at the site planning stage.

The internal roads will be designated as travel-ways, which are privately owned and maintained, throughout the residential community, since subdivision is not proposed at this time. If the applicant does eventually choose to subdivide the development, then private street requests and other appropriate waiver or modification requests will be required to be submitted for review by the County, and all applicable requirements will need to be met.

The applicant is proposing to construct a connection with Avinity. However, because the streets in Avinity are private, this connection likely will not be able to be used for general travel, and is depicted with bollards along the property line, which could be removed for emergency access if needed.

The applicant is also proposing to reserve areas for potential future inter-parcel connections with the parcels to the northwest and to the south, subject to maintenance agreements since the travelways will be privately owned and maintained.

Public streets are preferred in the development areas; however, private streets or travelways are permitted for developments that consist of all multi-family or attached units, as is proposed with this project.

The applicant is also proposing internal sidewalks, along with a sidewalk parallel to Avon Street. As mentioned previously, approximately 1,200 square feet is also being reserved to allow for future construction of a multi-use path in this area. No transit stop is provided.

#### Schools:

Students living in this area would attend Mountain View Elementary School, Walton Middle School, and Monticello High School. The school division is cognizant that the Southern Urban Neighborhoods area around 5<sup>th</sup> and Avon streets continues to be a growing area, with several new developments under construction and others recently approved, such as Galaxie Farm and Southwood.

Albemarle County Public Schools has provided its student generation calculator that estimates how many students will be generated at each school level. The table below specifies the yield of students generated at each school level should the subject property be built out as proposed in the application plan with the maximum of 85 units. Because the exact mix of unit types has not been determined at this time, two calculations have been performed and are provided below: 1) if all 85 units were constructed as multi-family and 2) if all 85 units were constructed as single-family attached units, such as townhouses or duplexes. As the development would likely consist of a mix of multi-family and SFA units as currently proposed, the likely number of students generated by this development would fall somewhere between 17 and 22 additional students in the Albemarle County Public Schools system.

The proposed maximum of 85 dwelling units produces additional students for Albemarle County Public Schools at all school levels. Monticello High is currently slightly under-capacity, and this proposed development would not increase the student population to above its building capacity over the next ten years. Walton Middle is under capacity, and it would remain so over the next ten years with the students generated by this development. Mountain View Elementary, however, is already over-capacity, and this development would add more students to this school. The School Board does plan to construct an addition to Mountain View Elementary; however, this building addition would address only existing capacity issues at the school, and not future capacity conflicts from additional students generated by new residential developments.



## Official Calculator

Dwelling Type	Elementary	Middle	High	Total
Multi-family (85 units)	0.12	0.03	0.05	0.20
<b>Total at Each Level</b>	<b>10.2</b>	<b>2.55</b>	<b>4.25</b>	<b>17</b>

Dwelling Type	Elementary	Middle	High	Total
SFA (85 units)	0.13	0.05	0.08	0.26
<b>Total at Each Level</b>	<b>11.05</b>	<b>4.25</b>	<b>6.8</b>	<b>22.1</b>

Source of Calculator: Albemarle County Public Schools

It is also important to note that these totals include student numbers generated from any dwelling units that could be developed by-right or dwelling units that already exist on the property. They are not an increase over the student numbers that would be generated with any by-right development that could occur.

### Fire & Rescue:

ACFR has reviewed this rezoning application and has no objections at this time. Code requirements for items such as street and travel-way width, turning radius, and the necessity of secondary emergency fire access routes will be addressed at the site planning or subdivision stage, as well as other items such as adequate access and water availability. These elements will have to meet Fire-Rescue requirements before those plans can be approved by the County.

### Utilities:

This project is in the Albemarle County Service Authority (ACSA) water and sewer service jurisdictional area. ACSA and RWSA have no objections to this project at this time. A utilities construction plan will be required, subject to ACSA approval, prior to the approval of subdivision plats and/or site plans by the County at the development stage of these properties.

### ***Anticipated impact on environmental, cultural and historic resources:***

There are no known cultural or historic resources on these parcels. There are managed steep slopes on the subject property, and any disturbance of those slopes will be reviewed by the County Engineering staff during the development phase of the project. In addition, there are no flood plains or water protection ordinance (WPO) buffers on these parcels. Any increase in stormwater runoff above what is currently allowed on the property will be reviewed by County Engineering staff during the development phase of the project as well. Any stormwater facilities will be designed in accordance with the Virginia Stormwater Management Program (VSMP) regulations administered by the Virginia Department of Environmental Quality (DEQ).

### ***Anticipated impact on nearby and surrounding properties:***

At the community meeting for this project, members of the community expressed concerns about potential traffic issues, the impacts on schools, and the density of the development. These issues are summarized below, with staff comments in italics.

- Traffic generated by this development will increase daily vehicle trips along the Avon Street corridor, especially heading north to the City of Charlottesville boundaries.

*VDOT and the County's Transportation Planning team have reviewed this application. Although the development would increase trips and traffic in the area, the number of expected trips did not trigger the need for a TIA, and no objections were expressed about the proposal. Improvements, such as turn lanes, will be assessed at the site planning stage. The increase in traffic was not large enough for major improvements to the nearby road network.*

- Impacts on schools.

*The proposed residential units will add additional students to the area schools, including Mountain View Elementary, which is currently over capacity. Nothing is being proposed by the applicant to mitigate the expected impacts from these additional students.*

- Density of the development

*The proposed density of the development, of approximately 24 units per acre, falls within the range recommended in the Southern and Western Urban Neighborhoods Master Plan for the Urban Density Residential land use designation.*

### **Public need and justification for the change:**

The County's growth management policy says that new residential development should occur in the designated Development Areas, where infrastructure and services are provided, rather than in the Rural Areas. This development is within Neighborhood 4 of the Southern and Western Urban Neighborhoods development area. This proposal will provide a greater density of residential development in the designated development areas, at a density that is consistent with the recommendations of the master plan.

### **SUMMARY**

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

1. The request is consistent with the uses and density recommended by the Southern and Western Urban Neighborhoods Master Plan.
2. The request is consistent with the applicable neighborhood model principles.
3. The proposal provides at least 15% affordable housing, as recommended in the comprehensive plan.
4. The proposal provides reservation of right-of-way for the future construction of a multi-use path along Avon Street.

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

1. Additional students will be enrolled at area schools, including Mountain View Elementary, which is already over-capacity.

### **RECOMMENDATION**

It is staff's opinion that the favorable factors outweigh the unfavorable factors associated with this request, and staff recommends approval of ZMA202100005 1805 Avon Street PRD.

### **ATTACHMENTS**

- 1 – Location Map
- 2 – Zoning Map
- 3 – Project Narrative, dated April 19, 2021; last revised December 6, 2021.
- 4 – Application Plan, dated April 19, 2021; last revised November 15, 2021.
- 5 – Staff Analysis of Application's Consistency with Neighborhood Model Principles
- 6 – Correspondence from Community Members