

**SUMMARY
COUNTY OF ALBEMARLE**

Project Name: ZMA201600019 2511 Avinity Drive	Staff: Megan Nedostup, Principal Planner, AICP
Planning Commission Public Hearing: March 19, 2019	Board of Supervisors Public Hearing: TBD
Owner: James Moss	Applicant: Justin Shimp
Acreage: 0.91 acres	Rezoning: R1 Residential to PRD Planned Residential District
TMP: 0900000000035L0	Proffers: No
School Districts: Cale Elementary, Walton Middle, Monticello High	By-right use: Residential with existing house on nonconforming lot
Magisterial District: Scottsville	Requested # of Dwelling Units: 24
DA (Development Area): N4 of Southern Urban Neighborhoods	Comp. Plan Designation: Urban Density Residential
Character of Property: developed with a single family house	Use of Surrounding Properties: townhouses and single family residential
Factors Favorable: 1. Proposed density is in keeping with the recommended density for Urban Density Residential as shown on the Master Plan. 2. A majority of the Neighborhood Model principles are being met. 3. Affordable housing is provided with the development.	Factors Unfavorable: None identified
RECOMMENDATION: 1. Staff recommends approval of the rezoning request. 2. Staff recommends approval of the special exception to modify the minimum area required for the establishment of a district for a Planned Unit Development, with conditions.	

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

**Megan Nedostup, AICP
March 19, 2019
TBD**

ZMA201600022 2511 Avinity Drive

PROJECT DESCRIPTION

PROJECT: ZMA201600022 2511 Avinity Drive

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL: 090000000035L0

LOCATION: 2511 Avinity Dr., approx. 70 feet south of the intersection with Avon St. Ext.

PROPOSAL: Rezone property to allow for apartments

PETITION: Request for 0.9 acres to be rezoned from R1 Residential zoning district, which allows residential uses at a density of 1 unit per acre to PRD Planned Residential District which allows residential use (3 – 34 units/acre) with limited commercial uses. A maximum of 24 multifamily units is proposed for a density of 26 units/acre. Associated with this request, is a request for a special exception to allow an exception to the minimum acreage requirement of 3 acres for a PRD.

OVERLAY DISTRICT(S): ENTRANCE CORRIDOR

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 of the Southern and Western Urban Neighborhoods.

POTENTIALLY IN MONTICELLO VIEWSHED: Yes

BACKGROUND

On September 26, 2017, the Planning Commission heard the applicant's request for approval of ZMA2016-22, provided comments on, and deferred action at the applicant's request. The deferral was to allow the applicant time to address the issues identified below:

1. Permission to use Avinity Drive for access to the development has not been demonstrated.
2. Offsite easements will be required in order to accomplish the development. The ability to obtain these easements has not been demonstrated.
3. Buildings, parking, and a courtyard are shown to cover almost the entire site; however, there is little flexibility to modify the plan and retain the courtyard should site changes be necessary during final design. This is especially important because it appears that ARB requirements cannot be met.
4. Insufficient information has been provided to justify why a PRD of less than 3 acres should be approved, given the fact that it does not share any features, other than potential access, with the adjoining PRD.
5. No information other than setbacks and building height has been provided to ensure architectural compatibility with the adjoining development.
6. Affordable housing information is not sufficiently detailed to ensure that the project will truly provide 20% affordable units.
7. No provision is made for connecting to the property to the south of this parcel.
8. Need for additional amenity area.
9. Need for additional information on stormwater management and area for drainage from underground facility

SPECIFICS OF THE (DATE) APPLICATION PLAN

PLEASE REFER TO THE STAFF REPORT FOR SEPT. 26, 2017 [Attachment A] FOR INFORMATION ON THE CHARACTER OF THE AREA, PLANNING AND ZONING HISTORY, CONFORMITY WITH THE COMPREHENSIVE PLAN, APPLICANT'S JUSTIFICATION FOR THE CHANGE, AND GENERAL IMPACTS OF THE DEVELOPMENT.

Since the Commission's meeting in September 2017, the applicant worked with the owner of Avinity to provide a deed of easement to the owner of the Moss property. The required document has been signed and recorded [Attachment E]. The easement is not specific to the number of units that can be served off of Avinity Lane, which is a private street. With provision of the easement from the Avinity owner, the County is satisfied that legal access has been provided.

Staff has also met several times with the applicant on the design of the development and ways in which the applicant could satisfactorily address the Commission's concerns. The applicant has addressed the Commission's comments as shown on the revised application plan [Attachment C] and as follows:

1. Permission to use Avinity Drive for access to the development has not been demonstrated.

The applicant has obtained the necessary easement for access to use Avinity Drive [Attachment J]. Staff believes this concern has been addressed.

2. Offsite easements will be required in order to accomplish the development. The ability to obtain these easements has not been demonstrated.

The applicant has obtained the necessary easement for secondary emergency access [Attachment F]. In addition, easements were granted with this deed for landscaping, fencing, and temporary grading. If additional easements for landscaping, fencing, or grading are needed from other properties, they can and will be required at site plan. Staff believes this concern has been addressed.

3. Buildings, parking, and a courtyard are shown to cover almost the entire site; however, there is little flexibility to modify the plan and retain the courtyard should site changes be necessary during final design. This is especially important because it appears that ARB requirements cannot be met.(no longer in the EC)

The property is no longer within the Entrance Corridor and, therefore, ARB review and approval is not required. The applicant has demonstrated, through the special exception process [see Attachment D], that sufficient area will be provided for open space. With the conditions recommended for the special exception, staff believes this concern has been addressed.

4. Insufficient information has been provided to justify why a PRD of less than 3 acres should be approved, given the fact that it does not share any features, other than potential access, with the adjoining PRD.

The applicant has requested that the required minimum acreage for the establishment of a Planned District be modified [Attachment C]. The ordinance specifies a minimum of three (3) acres for a Planned Residential Development (PRD), and the parcel requested for the rezoning to this district is 0.9 acres. A special exception has been submitted for this request and the analysis is provided as an attachment [Attachment D]. Staff believes this concern has been addressed with the conditions for the special exception.

5. No information other than setbacks and building height has been provided to ensure architectural compatibility with the adjoining development.

The applicant has provided architectural details for the proposed buildings. Since the property is no longer located within the Entrance Corridor, staff found the design to be reasonably compatible for the surrounding area. Staff believes this concern has been addressed.

6. Affordable housing information is not sufficiently detailed to ensure that the project will truly provide 20% affordable units.

The applicant has provided language on the application plan regarding the proposed affordable housing. Staff finds that this language meets the requirements of the Affordable Housing Policy within the Comprehensive Plan and therefore, believes this concern has been addressed.

7. No provision is made for connecting to the property to the south of this parcel.

A sidewalk has been provided along the whole frontage of the parcel, and along the access way connection to Avinity Drive. Staff believes this concern has been addressed.

8. Need for additional amenity area.

Planning and Zoning staff have evaluated the amenity area provided under the special exception and believe that the courtyard provide is adequate for this development. Staff believes this concern has been addressed.

9. Need for additional information on stormwater management and area for drainage from underground facility.

Stormwater management has been shown on the application plan and will conform to all state and County requirements. The County Engineer has evaluated the proposed location of the facility and found it to be adequate and feasible. Staff believes this concern has been addressed.

PROFFERS

No proffers are made by the applicant.

SUMMARY FOR REZONING REQUEST

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

1. Proposed density is in keeping with the recommended density for Urban Density Residential as shown on the Master Plan.
2. A majority of the Neighborhood Model principles are being met.
3. Affordable housing is provided with the development.

Staff has identified the following factors, which are unfavorable to this request: None identified

RECOMMENDATION

Staff recommends approval of the ZMA201600022 2511 Avinity Drive (Moss), and the Special Exception.

PLANNING COMMISSION MOTION FOR ZONING MAP AMENDMENT –

A. Should a Planning Commissioner choose to recommend approval of this zoning map amendment:

Move to recommend approval of ZMA201600022 2511 Avinity Drive for the reasons stated in the staff report.

B. Should a Planning Commissioner choose to recommend denial of this zoning map amendment:

Move to recommend denial of ZMA 201600022 2511 Avinity Drive (state reasons).

PLANNING COMMISSION MOTION FOR SPECIAL EXCEPTION –

A. Should a Planning Commissioner choose to recommend approval of the requested special exception:

Move to recommend approval of the requested special exception to allow the minimum area required for the establishment of a Planned Residential Development from three (3) acres to 0.9 acres for the reasons stated in the staff report.

- B. Should a Planning Commissioner choose to recommend denial of the requested special exception: Move to recommend denial of the requested special exception to allow the minimum area required for the establishment of a Planned Residential Development from three (3) acres to 0.9 acres (state reasons).

Attachments

- A: [September 26, 2017 Staff Report and Attachments](#)
- B: [Application Plan with revised date of January 8, 2019](#)
- C: [Applicant Justification for Special Exception](#)
- D: [Staff analysis for Special Exception](#)
- E: [Deed for access to Avinity Drive](#)
- F: [Deed for Emergency Access](#)