

**COUNTY OF ALBEMARLE
PLANNING STAFF REPORT SUMMARY**

Project Name: ZMA 201400006 Avon Park II	Staff: Rachel Falkenstein
Planning Commission Public Hearing: July 12, 2016	Board of Supervisors Public Hearing: To Be Determined
Owners: Bellevue Real Estate, LLC	Applicant: Beau Dickerson
Acreage: Approximately 5.262 acres	Rezone from: Amend the proffers and application plan for previously approved PRD zoning (ZMA2012-014)
TMP: 09000-00-00-03100 Location: 1960 & 1968 Avon Street Extended	By-right use: up to 32 dwelling units
Magisterial District: Scottsville	Proffers: Yes
Proposal: Amend the proffers and application plan on 5.262 acres zoned PRD to revise the site layout to provide required parking and second connection for emergency access. Applicant also proposes to reduce cash proffers to \$3845 per attached unit and \$4918 per detached unit.	Requested # of Dwelling Units: 32 (no change)
DA (Development Area): Southern Urban Neighborhood (Neighborhood 4)	Comp. Plan Designation: Neighborhood Density Residential – residential (3 – 6 units/acre) supporting uses such as religious institutions, schools and other small-scale non-residential uses.
Character of Property: The property consists of two existing houses surrounded by several outbuildings; approximately half of the site is wooded.	Use of Surrounding Properties: Adjoining properties to the north are zoned R-6 (Avon Park I), properties to south, and east are single family residences zoned R-1. The parcel to the west is currently wooded and the site of future Biscuit Run State Park.
Factors Favorable: <ol style="list-style-type: none"> 1. The revised application plan provides for a second point of access for emergency vehicles and an amended layout to allow for required parking. 2. The request remains consistent with the Comprehensive Plan and Neighborhood Model Principles. 3. The use is consistent with the uses permitted under the existing PRD zoning district and the prior zoning approved on the site. 	Factors Unfavorable: <ol style="list-style-type: none"> 1. A minor technical revision is needed to the proffers/application plan.
RECOMMENDATION: Staff recommends approval of ZMA201400006 Avon Park II, provided technical revisions are made to the proffers and application plan, as described below, prior to the Board of Supervisors meeting.	

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Rachel Falkenstein
July 12, 2016
To Be Determined

ZMA 201400006 Avon Park II

PETITION

PROJECT: ZMA201400006 – Avon Park II

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL: 09000000003100

LOCATION: 1960 and 1968 Avon Street Extended. Approximately 1000 feet north of the intersection of Avon Street Extended and Route 20, south of existing Avon Court.

PROPOSAL: To amend the proffers and application plan for approved ZMA201200004. 32 maximum residential units remain unchanged for a density of 6 units/acre.

PETITION: Request to amend proffers and application plan on 5.262 acres on property zoned PRD (Planned Residential Development) which allows residential uses with limited commercial uses at a density of 3 - 34 units/acre. No new dwellings proposed.

ENTRANCE CORRIDOR: Yes

PROFFERS: Yes

COMPREHENSIVE PLAN: Neighborhood Density Residential-residential (3-6 units/acre); supporting uses such as religious institutions, schools, and other small-scale non-residential uses.

CHARACTER OF THE AREA

Avon Park I, zoned R-6 with a proffered plan, is north of the property and consists of 16 single family houses and 43 townhouse units. South and east of the property are mostly single family residences zoned R-1. Directly west of the property is the future Biscuit Run State Park site which is wooded.

The Avon Park II property currently contains two dwelling units and some outbuildings which are proposed to be demolished with this development. The land is mostly cleared around these units and the western half of the property is wooded (Attachment A).

SPECIFICS OF THE PROPOSAL

The Board of Supervisors approved a previous zoning map amendment on December 11, 2013 (ZMA2012-04) to rezone the property from R-6 to PRD to allow for a maximum of 32 dwelling units (Attachment B). Subsequently, the applicant submitted an initial site plan for the development of the property (SDP2014-24) and during their review, Fire/Rescue staff determined that a second point of ingress and egress for emergency vehicles would be required for this development. The site plan layout also presented issues with meeting minimum parking requirements. The site layout changes needed to address these issues were significant enough that staff determined that an amended application plan would be required, which is the primary reason for this ZMA.

In the previously approved application plan, the attached units were located along Hathaway Street with parallel on street parking provided in front of the units (Attachment B). With that layout there was not enough room to provide for required onsite parking. The revised application plan is proposing attached units at the east end of Stratford Way with a shared parking area at the end of the street. The new application plan also shows an emergency access drive at the east end of Stratford Way connecting to Avon Street Extended with bollards at each end of the travel way to limit use to emergency vehicles only (Attachment C).

The new application plan increases the number of lots from 26 to 30. However, the maximum number of units is still capped at 32 for a density of about 6 units/acre. The applicant is proposing 8

attached units and 22 detached units and a proffer for 15% affordable units. The affordable units will either be townhouse units or units constructed as two family dwellings within the single family or townhouse units.

The applicant is also proposing to amend the cash proffer amounts for this development. The previously approved proffer amounts from ZMA2012-04 were \$13,913.18 for attached units and \$20,460.57 for single family detached units. The new proposed amounts are \$3,845 for attached units and \$4918 for detached units.

Other changes to the proffers include the addition of landscape easements and scrim fencing to address screening concerns from neighboring property owners in Avon Park I. While the Comprehensive Plan does not recommend screening between residential development of the same unit type, neighbors have requested screening and the applicant has agreed to provide it. The applicant has also worked with the residents of Avon Park I to address needs for recreational amenities to serve both developments. The applicant has proffered to provide a dog park and two additional play structures adjacent to the existing tot lot area of Avon Park I. Proffers for erosion and sediment control and overlot grading remain consistent with the previously approved proffers for this development (Attachment D).

APPLICANT'S JUSTIFICATION FOR THE REQUEST

The applicant has made this request to address Fire/Rescue requirements, to ensure sufficient parking and to reduce the cash proffer obligation. The applicant has also included additional proffers to address concerns from neighbors in Avon Park I such as screening and the playground area.

PLANNING AND ZONING HISTORY

- SP2003-00048 – A special use permit for a Home Occupation Class B (Randy E. Fox) was approved in 2003 for a small engine repair shop
- ZMA2007-00005 – Rezoning approved in 2007 to rezone the property from R-1 to R-6 with proffered plan to allow development of 31 townhouse and single family units
- SDP2007-00147 – Final site plan approved in 2008
- ZMA2012-00004 – Rezoning approved in 2013 to rezone the property from R-6 to PRD to allow for a maximum of 32 dwelling units
- SDP2014-00024 – Initial site plan approved in 2014 with conditions including the need to address issues of parking and emergency access

COMPREHENSIVE PLAN

Land Use: Since the last rezoning on this property was approved the Southern and Western Urban Neighborhoods Master Plan was adopted. However, the recommended land use designations in this Master Plan are the same as the previous Comprehensive Plan recommendations.

The Master Plan designates this property as Neighborhood Density Residential which has a desired density range of 3 to 6 dwelling units per acre and incorporates a range of dwelling types including single family detached, single family attached and townhouse units.

As with the previously approved rezoning, the proposed amendment is consistent with the Comprehensive Plan designation. The 32 units on 5.262 acres maintains a density of approximately 6 dwelling units per acre, consistent with the previous rezoning request. Non-residential uses are not proposed or expected at this location.

The Neighborhood Model: The applicant is proposing to revise the location of single family detached units and townhouses from the approved plan but continuing to provide the same housing

types as the previously approved plan. The proposed plan shows no significant changes to the form of the approved plan design and layout. As a result, staff did not complete an analysis for consistency with the Neighborhood Model for this proposal since the analysis was previously done with the original rezoning from 2007.

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

The PRD district is a residential district intended to encourage sensitivity toward the natural characteristics of the site and toward the surrounding area in land development. More specifically, the PRD is intended to 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 provides for flexibility and variety of development for residential purposes and uses ancillary thereto.

The proposed development includes 29% of the site as open space and clusters development on the western portion of the site, adjacent to Avon Park I. It makes efficient use of resources by sharing amenities and infrastructure with the adjacent neighborhood. Avon Park II will be accessed by extending an existing roadway from Avon Park I and will share amenities with the adjacent development including recreational areas.

Anticipated impact on public facilities and services

Streets:

There are no major changes to the street layout on the amended application plan with the exception of the new emergency access. The primary access to the site will be via Hathaway Street which runs through Avon Park I and will be extended into Avon Park II. The proposed east/west internal roadway, Stratford Way, will be a both public and private street. The western portion of Stratford Way will be a public street and terminate in a cul-de-sac. The eastern portion of the road will be a private street that will be constructed to VDOT standards but will allow the applicant to place sanitary force mains within the right-of-way and will allow a T-intersection at the end of the roadway with a parking area. The private street can be approved administratively by staff with the road plan review in accordance 14-233(b)(1) since the private street will be serving multi-family dwelling units. VDOT and engineering staff have no objections with the proposed street layout.

Schools:

Students living in this area would attend Cale Elementary School, Walton Middle School, and Monticello High School.

Fire and Rescue:

The Monticello Fire Station located near Monticello High School provides fire and rescue services to the area. The amended application plan provides for a second means of emergency access from Avon Street Extended. Fire/Rescue has no objection with this development as proposed.

Utilities:

The site is serviced by public water and sewer. No immediate or significant service capacity issues have been identified by Rivanna Water and Sewer Authority (RWSA) and Albemarle County Service Authority (ACSA).

Anticipated impact on environmental, cultural and historic resources

As stated in the previous staff report approximately half of the site is wooded and there are significant grade changes across the site, from elevations of 690 at the highest point near proposed Hathaway Street and 590 near Avon Street Ext. The woods would be removed and the slopes graded in order to accomplish the proposed plan. There is a small area of managed slopes on the

site; however, these are not shown as features for preservation on the Parks and Green Systems Plan within the Southern and Western Neighborhoods Master Plan.

Anticipated impact on nearby and surrounding properties

This project continues to be in keeping with the residential character of this area. Staff is of the opinion that measures contained in the application plan and proffers to address screening, overlot grading and erosion and sediment control will adequately mitigate impacts to neighboring properties.

Public need and justification for the change

The applicant is amending the proffers and application plan to change the site layout, primarily to address emergency management issues and to ensure adequate parking on site for future property owners.

While there is no demonstrated public need and justification for the cash proffer reduction, the applicant has made his request consistent with recent requests for cash proffer reductions. The new amounts are consistent with the maximum cash proffer amounts that were recommended by the Fiscal Impact Advisory Committee (FIAC); however, it should be noted that the Board has since repealed the County's cash proffer policy.

PROFFERS

The applicant has provided proffers which are summarized below (Attachment D).

- A total of 6 affordable housing units as for rent or for sale townhomes or two-family dwellings or as cash in lieu of affordable units. The Housing Director has reviewed the affordable housing proffer and has no objections to the proposed language.
- Cash proffers for each dwelling unit constructed within this development (not including the affordable units and by-right credit for 5 units) in the amount of \$3,845 for attached units and \$4918 for detached units.
- Landscaping easements to provide screening for adjacent properties
- Additional erosion and sediment control measures to limit impacts to neighboring properties and Avon Street during construction
- Recreational amenities in accordance with recommendations from Avon Park I residents
- Provisions for overlot grading
- A proffer for temporary fence to screen the site during construction

Staff is recommending the following technical fix related to the proffers/application plan:

1. The timing language in note 3 on sheet 5 of the application plan conflicts with the timing language in proffer 3a. The proffer refers to the landscaping being installed prior to the 7th CO and the other says following the 7th CO. The note and the proffer language should be made consistent.

SUMMARY

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

1. The revised application plan provides for a second point of access for emergency vehicles and an amended layout to allow for required parking.
2. The request remains consistent with the Comprehensive Plan and Neighborhood Model Principles.
3. The use is consistent with the uses permitted under the existing PRD zoning district and the prior zoning approved on the site.

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

1. A minor technical revision is needed to the proffers/application plan.

RECOMMENDATION

Staff recommends approval of ZMA201400006 Avon Park II, provided technical revisions are made to the proffers and application plan, as described above, prior to the Board of Supervisors meeting.

PLANNING COMMISSION MOTION:

A. If the ZMA is recommended for approval: Move to recommend approval of ZMA201400006 with proffers as recommended by staff.

B. If the ZMA is recommended for denial: Move to recommend denial of ZMA201400006 with the reasons for denial.

ATTACHMENTS

- A – [Location Map](#)
- B – [ZMA2012-14 Staff Report](#)
- C – [Application Plan](#)
- D – [Proffers](#)