



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Proposal: ZMA201800007 Belvedere Proffer Amendment -- Carriage House Unit Description	Staff: David Benish, Chief of Planning (Acting Director)
Planning Commission Public Hearing: May 28, 2019	Board of Supervisors Hearing: TBD
Owner: New Belvedere Inc.	Applicant: Steve Krohn, developer
Acreage: 180 acres	Zoning Map Amendment: Request to amend one proffer approved with ZMA200400007 for the Belvedere NMD development related to Carriage house units.
TMP: TAX MAP/PARCEL(S): 06100-00-00-154E0, 06100-00-00-15800, 06100-00-00-16000, 06200-00-00-002A1, 06200-00-00-002B0, 06200-00-00-002C0, 062A3-00-00-00100, 062G0-00-00-005A0, 062G0-00-00-005A1, 062G0-00-00-007A, 062G0-00-07-15700, 062G0-00-07-16500, 062G0-00-07-17100, 062G0-00-07-17200, 062G0-00-07-17400, 062G0-00-07-17900, 062G0-00-07-18000, 062G0-00-00-009A0 Location: The Belvedere development is north of Rio Road and east of the Norfolk Southern Railroad.	By-right use: NMD Neighborhood Model District - residential (3 – 34 units/acre) mixed with commercial, service and industrial uses
Magisterial District: Rio	Proffers: Yes Conditions: No EC: No
Proposal: Allow carriage house units to be attached to the primary residential unit; to allow the carriage houses to be located on lots with signal-family attached units; and to allow accessory apartments to count towards the required number of carriage house units.	Requested # of Dwelling Units: No additional units.
DA (Development Area): Neighborhood 2, Places29 Master Plan	Comprehensive Plan Designation: Neighborhood Density Residential – (3 – 6 units/acre); Urban Density Residential – residential (6.01-34 units/acre); Urban Mixed Use (in Centers) – commercial, office and retail and residential (3 – 20 units/ acre).
Character of Property: Belvedere is a mixed-use development consisting of residential (up to 775 units), commercial office, and institutional uses.	Use of Surrounding Properties: consist primarily of single-family residential; institutional uses and the Norfolk Southern Railroad.
Factors Favorable: 1. Provides additional design flexibility for carriage house units; 2. Accessory apartment option allows a design/unit type that potentially provides easier accessibility than the typical above garage (second story) carriage house.	Factors Unfavorable: 1. Accessory apartments allowed by this change may have a somewhat greater potential to be lost in the market by being converted/renovated back into the primary unit.
RECOMMENDATION: Staff recommends approval of ZMA201800007, Belvedere Proffer Amendment, including amendments to Appendix A and Tables 1 and 2 of the Code of Development, provided technical changes to the wording of the proffer are completed as noted in the staff report.	

STAFF PERSON: David Benish, Chief of Planning (Acting Director)
PLANNING COMMISSION: June 4, 2019
BOARD OF SUPERVISORS: TBD

ZMA201800007: ZMA201800007, Belvedere Proffer Amendment – Carriage House Units

PETITION:

PROJECT: ZMA201800007 Belvedere Proffer Amendment

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL(S): TAX MAP/PARCEL(S): 06100-00-00-154E0, 06100-00-00-15800, 06100-00-00-16000, 06200-00-00-002A1, 06200-00-00-002B0, 06200-00-00-002C0, 062A3-00-00-00100, 062G0-00-00-005A0, 062G0-00-00-005A1, 062G0-00-00-007A, 062G0-00-07-15700, 062G0-00-07-16500, 062G0-00-07-17100, 062G0-00-07-17200, 062G0-00-07-17400, 062G0-00-07-17900, 062G0-00-07-18000, 062G0-00-00-009A0

LOCATION: The properties are located in the Belvedere development off of (north of) Rio Road, east of the Norfolk Southern Railroad, and west of the Dunlora development.

PROPOSAL: Request to amend a proffer associated with ZMA200400007 to allow the remaining required carriage houses to be either detached from or attached to the primary residential unit; to allow carriage houses to be located on lots with either signal-family detached or single-family attached units; and to allow accessory apartment units to count towards the required number of carriage house units.

PETITION: Amend proffers and Code of Development for ZMA200400007—Belvedere, including proffer 2.2, to allow carriage house units on lots with single-family-attached units, to allow carriage house units to be attached to primary units, and to allow accessory apartment units to count towards meeting the required minimum number of 103 carriage house units to be provided in the development. The properties subject to this amendment request contain approx. 180 acres and are zoned NMD-Neighborhood Model District which allows residential (3 – 34 units/acre) mixed with commercial, service and industrial uses. This proposal does not propose to modify the gross density permitted under the current zoning. No changes to the application plan are proposed.

OVERLAY DISTRICT(S): Steep Slopes – Managed

PROFFERS: Yes

COMPREHENSIVE PLAN: Neighborhood Density Residential – (3 – 6 units/acre); Urban Density Residential – residential (6.01-34 units/acre); and Urban Mixed Use (in Centers) – commercial, office and retail uses associated with (NS) Centers and residential (3 – 20 units/ acre); in Neighborhood 2, Places29 Master Plan Area

POTENTIALLY IN MONTICELLO VIEWSHED: No

CHARACTER OF SURROUNDING AREA:

The surrounding area consists primarily of residential development. The Dunlora development is located to the east of Belvedere. Norfolk Southern Railroad borders Belvedere to the west, with low density residential primarily on the west side of the railroad. The Center, formerly the Senior Center (now under construction) is located at the southern end of Belvedere.

PLANNING AND ZONING HISTORY:

ZMA2004-00007, Belvedere – approved rezoning of 206.7 acres to NMD, Neighborhood Model District, a mixed-use development permitting a maximum of 775 dwelling units and maximum of 110,000 square feet of commercial use. It was the first NMD approved in the County.

With the original approval of the Belvedere development, the applicant proffered to address the issue of affordable housing by: 1) providing cash contributions per each developed dwelling unit; and, 2) constructing a minimum of 103 carriage house units—small units (typically 800 sq. ft.) that are physically separate from the primary dwelling. The current proffers do not require that the carriage house units be offered to low-moderate income individuals/families. The intent of the proffer was to encourage the provision of small dwelling units in the housing market which would tend to be more affordable to rent and/or could serve other household or family needs. It was

understood with the acceptance of this proffer with the approval of the ZMA that the availability and affordability of the units would be market driven and at the discretion of the owner. The existing proffer pertaining to affordable housing and carriage house units is Attachment B.

The proffers and associated Code of Development as currently worded also require that the carriage house units be located only on lots with single family detached homes and that the carriage house units must be detached from the primary residence. This design was proposed/established by the applicant at the time of the rezoning.

SPECIFICS OF THE PROPOSAL AND APPLICANT JUSTIFICATION:

The applicant is proposing an amendment the proffers and the Code of Development to:

- Allow carriage house units to be located on lots with single family detached **or single family attached** units;
- Allow carriage house units to be either detached **or** attached to the primary structure;
- Allow accessory apartments, as defined and permitted by the County Zoning Ordinance and located within primary dwelling unit, to count towards the meeting the minimum proffer requirement of providing 103 carriage house units. Accessory apartments are already permitted in Belvedere (in single-family detached units) but cannot be counted towards meeting the minimum number of required carriage house units. The applicant proposed to allow accessory apartments in single-family attached units.

The applicant's proposal and justification are provided Attachment C, including photos showing various types of detached and attached carriage house units. The applicant has stated that the added flexibility in location and design of carriage house units will provide more opportunities for carriage house units to be constructed within the Belvedere development. And while carriage house units remain popular in Belvedere, they are not ADA accessible or always convenient for the elderly (due to its typical location above garages, requiring numerous steps to access). The applicant states that "there is a strong market demand for smaller units such as accessory units [apartments] that are convenient and functional for seniors and the disabled."

There is currently 82 carriage house units constructed or approved/under contract for construction. This total also includes two existing carriage house units that were constructed as attached units and currently do not count towards meeting the minimum 103 units. Therefore, the proposed modifications would provide design flexibility for the remaining 21 required units. The applicant does not have an estimate for the potential distribution of those remaining required units between the current carriage house style unit above the garage (either detached or attached) and the accessory apartment unit type.

COMMUNITY MEETING:

The applicant conducted the required community meeting on December 6, 2018. Three residents attended. No major concerns were expressed regarding the design of the carriage house units or construction of accessory apartments. More general questions were asked as to how homestay activities are monitored and enforced by the County.

ANALYSIS OF THE ZONING MAP AMENDMENT REQUEST:

Because the proposed change to the approved zoning is to this one proffer, the analysis in this report is limited to this topic only. Staff has reviewed this proposal for its consistency with the Comprehensive Plan, including its consistency with Objectives and Strategies related to housing/the Housing Policy and the Neighborhood Model Principals. Staff also focused on the proposal's consistency with the original intent of the proffer.

Comprehensive Plan land Use:

The Comprehensive Plan designates this property a combination Neighborhood Density Residential (3 – 6 units/acre), Urban Density Residential (6.01-34 units/acre), and Urban Mixed Use (in Centers-

commercial, office and retail and residential uses associated with Centers (NS).

The proposed amendment does not change, or affect, the approved density of development. The proposed amendment is consistent with the land use and density recommendations of the Comprehensive Plan for this area.

Housing:

Objective 4: Provide for a variety of housing types for all income levels and help provide for increased density in the Development Areas.

Strategy 4a: Through rezonings and special use permits, continue to ensure a mixture of housing types are provided that also support all income levels of County residents.

The proposed amendment does not change the minimum number of required, small scale, dwelling units within this development (103 units). It would allow for a change in the mix in the required number small units to include the original carriage house type and accessory apartments. Since accessory apartments are already permitted by the zoning ordinance, this mix can already be provided in Belvedere, but it cannot count towards meeting the minimum 103 carriage house units. Of the remaining 21 units needed to meet the minimum required units, it is possible that a few less of the original carriage house style units will be constructed with this accessory apartment option provided.

Staff's only concern with this modification is that that there may be a somewhat greater potential for an accessory apartment type carriage house unit, which is located within the main residential unit, to be eliminated in the future by that space being converted into a portion of the primary residence and thereby lost to the housing market. There is, however, also no guarantee that the typical carriage house unit will be available to the housing market as a residence or that the carriage house unit above the garage is not also converted to another use. On balance, the proposal is consistent with this objective and strategy.

Strategy 4b: Amend the Zoning Ordinance to provide for more opportunities to construct accessory units that will help diversify the housing supply as well as meet a portion of the County's affordable housing needs.

The proposed amendment would encourage the development of additional accessory apartments. This proposal provides for more diversity in the types of small housing units provided in the neighborhood, consistent with the intent of the original zoning proffer and is also consistent with the intent of this objective and strategy.

Both the outgoing and current housing directors have reviewed this proposal and acknowledged that accessory apartments can have a positive impact on the housing market in terms of providing affordable dwelling unit opportunities; that accessory apartments function in ways similar to the original carriage house unit type in addressing housing needs. Both directors do not oppose the proposed amendment to the proffer. Both directors also recognized that there are competing interests and uses for these units which can affect the true availability of carriage houses and accessory apartments in the housing market for long-term residential use and availability to LMI individuals/households. However, the current County housing policy does not provide guidance as to how to address these issues surrounding accessory dwelling units (ADUs).

Objective 5: Support provision of housing which meets the needs of various ages and levels of mobility.

Strategy 5a: Encourage developers to include housing for seniors and individuals with disabilities in new residential and mixed-use developments. Approve these proposals when they are in keeping with the Neighborhood Model.

The accessory apartment unit option would potentially provide a unit type that could better meet the needs of older individuals and those with mobility issues. Most all the constructed carriage house units in Belvedere are located over the garages and require the use of steps to access. While there is no offer by the applicant to require the proposed accessory apartments to be ADA accessible, this type of unit does provide a design option which can provide for easier access to the units. This proposal is in keeping with this objective and strategy.

Objective 6: Provide affordable housing options for low-to-moderate income residents of Albemarle County and those persons who work within Albemarle County who wish to reside in Albemarle County.

Strategy 6b: 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.

The original Belvedere rezoning (ZMA200400007) was under review at the time the County's housing policy was adopted (February 2004). The approved proffers provided for cash toward affordable housing per each dwelling unit developed and the provision of 103 carriage house units. 103 units is 13% of the maximum 775 permitted dwelling units. It was understood with the acceptance of this proffer with the approval of the ZMA that the availability and affordability of the units would be market driven and at the discretion of the owner. The applicant is not proposing to alter the cash proffer, or the total minimum number of carriage house units proposed.

Objective 7: Promote the inclusion of affordable units throughout neighborhoods and strive for similarity in exterior appearance to market-rate units.

Strategy 7a: Approve developments which mix affordable units with market rate units throughout neighborhoods and work with developers to ensure visual compatibility.

The provision of carriage house units in Belvedere was viewed as a way to provide a small, affordable housing unit to the housing market and one that would be compatible with the neighborhood in terms of visibility and other external impacts. Design standard in the Code of Development require compatibility in design (architecture and materials) between the main residence and the carriage houses.

All remaining lots in the Belvedere development are, or will be, small single-family lots. The lot sizes for most of the single-family attached homes will limit the ability to place carriage houses on those lots. The lots with single-family attached units that are likely to have carriage houses will be the larger "villa" style units, which are on lots of similar size as the single-family detached homes. The visual impacts of the proposed designed changes will result in similar visual character and impacts as the "separated" carriage house units. Attached carriage house units have been successfully located in other developments, including Old Trail. The accessory apartments units are generally not visible or have very a limited visual impact. Staff opinion is that these modifications to the carriage house location and design options will not generate any visual or design impacts to the neighborhood. This proposal is consistent with this objective and strategy (and the applicable Neighborhood Model Principals discussed below).

The Neighborhood Model:

A full analysis of the Neighborhood Model was not completed because of the limited focus of the proposed change to the proffers. The relevant Neighborhood Model Principles related to this request are:

Mixture of Housing Types and Affordability

Strategy 2g: Through Master Plans and rezoning approvals, ensure that all Development Areas provide for a variety of housing types and levels of affordability.

Strategy 2h: Encourage builders to make affordable housing units indistinguishable on the exterior from other units.

The original approved proffers for Belvedere required a minimum of 103 carriage house units, small residential units that would provide a variety of housing type in the market that could be affordable to residents. Eighty-two (82) have been constructed, to date. The applicant is requesting that accessory apartment units be counted as meeting this proffer requirement. Accessory apartments are an additional small dwelling unit type that can meet affordability and other household needs and that is encouraged by the County's current housing policy and objectives. The accessory apartment unit type and the proposed modifications to the carriage house design and permitted location do have a significant visual impact and are indistinguishable from other units. This principle is met.

Buildings and Spaces of Human Scale

Strategy 2m: Continue to promote appropriate scale, massing, and enclosure with new development proposals.

The proposed changes to the carriage house unit design and location will not have a significant impact on the scale and massing of the neighborhood, as noted in the staff comments in the Housing section under Objective 7, above. This principle is met.

Proffers:

The only substantive amendment to the proffers is to *Proffer 2, Affordable Housing* (see Attachment B for the original proffer). This proffer provides that a minimum number of carriage house units would be provided based on the description of the carriage house units in the proffer and in Appendix a of the Code of Development. No change is proposed to the total minimum number of carriage house units required by the proffer (103). To date, a total of 82 carriage house units have been or will be constructed in Belvedere.

The intent of the original proffer was provided to address the issue of affordable housing by providing a new housing unit type to the housing market (a type of ADU) which, because of its size, would likely remain affordable and be available to address other household or family needs. While cash towards affordable housing was also proffered, the carriage house units were the only potential affordable units provided within Belvedere, and these units rely on market forces to stay affordable. There is no requirement for the units to be offered low-moderate income individuals or families. Additionally, owners of carriage house units may choose not to rent the units. It should be noted the County's affordable housing policy was being developed at the time that Belvedere was under review. The minimum required 103 carriage house units is 13 percent of the approved total maximum units of 775. Staff opinion is that the proposed changes to the proffer are consistent with the original intent and operation of the proffer, as approved by the County.

The proposed modification to proffer 2.2 allows accessory apartments to count toward meeting the minimum required carriage houses and adds 2.2.1 and 2.2.2, which describes accessory apartments for the purpose of this proffer. It also allows carriage house units to be attached to the primary residential unit and allows them on lots with single-family attached units by referencing the amended Appendix A (Carriage House Units General Standards of the Code of Development. (See Attachment D for proposed amendment to the proffers, including revised Appendix A). Tables 1 and 2 of the Code are also being amended to add a footnote acknowledging that accessory apartment units qualify as a carriage house.

The substance of the proposed amendment language is acceptable. Some minor technical changes will be needed to clarify the wording of the revised 2.2, specifically related to the language intended to insure that any carriage house units constructed during the review of this rezoning request would be counted toward meeting the minimum unit requirement.

Anticipated impact on public facilities and services:

Streets: No substantial change in impact to streets or parking is anticipated with this proposal

Schools: No additional residential units are proposed with this application.

Fire & Rescue: Albemarle County Fire-Rescue has reviewed this application and has expressed no concerns regarding the proposal.

Utilities: ACSA has reviewed this application and has expressed no concerns regarding the proposal.

SUMMARY:

Staff finds the following factors favorable to this request:

1. Provides additional design flexibility for carriage house units.
2. Accessory apartment option allows a design/unit type that potentially provides easier accessibility than the typical above garage (second story) carriage house.

Staff finds the following factor(s) unfavorable to this request:

1. Accessory apartments allowed by this change may have a somewhat greater potential to be lost in the market by being converted/renovated back into the primary unit.

RECOMMENDED ACTION:

In consideration of the information provided by the applicant, as well as the analysis (including factors favorable) identified in this report, Staff recommends approval of ZMA201800007, Belvedere Proffer Amendment, including amendments to Appendix A and Tables 1 and 2 of the Code of Development, provided technical changes to the wording of the proffer are completed as noted in the staff report.

POSSIBLE PLANNING COMMISSION MOTION – ZMA201800008:

A. Should the Planning Commission choose to recommend approval of this zoning map amendment:

Move to recommend approval of ZMA201800007, Belvedere Carriage House Unit Proffer Amendment including modifications to Appendix A and tables 1 and 2 of the Code of Development provided technical changes to the wording of the proffers are completed as noted in the staff report.

B. Should the Planning Commission choose to recommend denial of this zoning map amendment:

Move to recommend denial of ZMA201800007, Belvedere Carriage House Unit Proffer Amendment. *Should a commissioner motion to recommend denial, she or he should state the reason(s) for recommending denial.*

ATTACHMENTS

Attachment A – [Location Map](#)

Attachment B – [Existing Proffers and Appendix A of Code of Development](#)

Attachment C – [Applicant’s Proposal and Photos of Carriage House Units](#)

Attachment D – [Amended Proffer Statement](#)