

**COUNTY OF ALBEMARLE  
PLANNING STAFF REPORT SUMMARY**

<b>Project Name:</b> ZMA202200012 Arbor Oaks Townes	<b>Staff:</b> Andy Reitelbach, Senior Planner II
<b>Planning Commission Public Hearing:</b> October 10, 2023	<b>Board of Supervisors Public Hearing:</b> To be scheduled
<b>Owner:</b> Fusion Properties, LLC	<b>Applicant:</b> Fusion Properties, LLC
<b>Acreage:</b> 0.96 acres	<b>Rezone from:</b> R-4 Residential to R-15 Residential
<b>TMPs:</b> 06100000003800	<b>Location:</b> Property on the east side of Hydraulic Road, approximately 150 feet north of the intersection of Hydraulic Road and Arbor Crest Drive, and approximately 1,000 feet south of the intersection of Hydraulic Road and Lambs Road.
<b>School Districts:</b> Albemarle High, Journey Middle, Greer Elementary	<b>By-right use:</b> Three (3) dwelling units
<b>Magisterial District:</b> Jack Jouett	<b>Proffers:</b> Yes
<b>Proposal:</b> Rezone one parcel of approximately 0.96 acres from the R-4 Residential Zoning District, which allows residential uses at densities up to four units/acre, to R-15 Residential, which allows residential uses at densities up to 15 units/acre. A maximum of 14 single-family attached dwelling units is proposed, at a gross and net density of 14.6 units/acre. Associated request for variation/exception of planting strip standards for a private street.	<b>Requested # of Dwelling Units:</b> Maximum of 14 dwelling units
<b>DA (Development Area)</b> – In Neighborhood 1 in the Places29 Master Plan area.	<b>Comp. Plan Designation:</b> Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses.
<b>Character of Property:</b> Vacant parcel, with some scattered trees.	<b>Use of Surrounding Properties:</b> To the north, east, and south are multi-family and single-family residential properties zoned R-4 and R-15 Residential. To the west, across Hydraulic Road, are both the Lambs Lane school campus, zoned RA, and Georgetown Green townhomes, zoned R-6.
<b>Affordable Housing:</b> Yes <input checked="" type="checkbox"/> 15% of total units built. 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>Positive Aspects:</b></p> <ol style="list-style-type: none"> <li>1. The rezoning request is consistent with the recommendations of the Places29 Master Plan.</li> <li>2. The request is consistent with the majority of the applicable Neighborhood Model Principles.</li> </ol>	<p><b>Concerns:</b></p> <ol style="list-style-type: none"> <li>1. The Concept Plan does not provide for an interconnection to the adjacent parcel to the east.</li> </ol>
<p><b>RECOMMENDATION:</b> Staff recommend approval of rezoning request ZMA202200012 Arbor Oaks Townes.</p> <p>Staff have no concerns with the planting strip exception request. If the Planning Commission chooses to recommend approval of the rezoning request, staff recommends approval of the request for an exception of the planting strip requirements in certain areas of the development, in accordance with the proffered concept plan.</p>	

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

**Andy Reitelbach**  
**October 10, 2023**  
**To be scheduled**

**ZMA 202200012 Arbor Oaks Townes**

**PETITION**

PROJECT: ZMA202200012 Arbor Oaks Townes

MAGISTERIAL DISTRICT: Jack Jouett

TAX MAP/PARCEL(S): 06100000003800

LOCATION: Property on the east side of Hydraulic Road, approximately 150 feet north of the intersection of Hydraulic Road and Arbor Crest Drive, and approximately 1,000 feet south of the intersection of Hydraulic Road and Lambs Road.

PROPOSAL: Rezone one parcel of land to R-15 Residential to allow a maximum of 14 residential units.

PETITION: Request to rezone a total of approximately 0.96 acres from the R-4 Residential Zoning District, which allows residential uses at densities up to four units/acre, to R-15 Residential, which allows residential uses at densities up to 15 units/acre. A maximum of 14 single-family attached dwelling units is proposed, at a gross and net density of 14.6 units/acre. Associated request for modification of street standards.

ZONING: R-4 Residential – 4 units/acre

OVERLAY DISTRICT(S): Entrance Corridor, Airport Impact Area

PROFFERS: Yes

COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses; in Neighborhood 1 in the Places29 Master Plan area.

POTENTIALLY IN THE MONTICELLO VIEWSHED: No

**CHARACTER OF THE AREA**

The subject property is located on the east side of Hydraulic Road, across from the intersection of Hydraulic and Georgetown Green, which is the entrance into both the Georgetown Green subdivision and the Lambs Lane school campus (Attachment 1 – Location Map). The property is zoned R-4 Residential (Attachment 2 – Zoning Map) and is currently vacant. There are no environmental features on the site. It is located within both the Entrance Corridor and Airport Impact Area overlay districts.

There are townhouses to the north of the subject property, zoned R-4 Residential. There is one single-family detached residence to the rear (east) of the property, zoned R-4. There is a multi-family residential development, zoned R-15, to the south. Across Hydraulic Road are the Lambs Lane school campus, zoned RA, and the Georgetown Green residences, zoned R-6.

**BY-RIGHT USE OF THE PROPERTY**

Under the existing zoning of R-4 Residential, three dwelling units could be built on the property.

**SPECIFICS OF THE PROPOSAL**

The applicant is requesting to rezone the property to R-15 Residential to allow the construction of 14 single-family attached (townhouse) units (Attachment 3 – Project Narrative and Attachment 4 – Concept Plan). This narrative includes the applicant's justification for the request.

There will be two blocks of townhouses, situated on either side of a central private street that acts as a parking lot. The majority of the open space is proposed to be situated on the north side of the property, to the rear and side of Block 1, which includes a row of six townhouse units.

The applicant also proposes to dedicate an area of about five feet wide along the Hydraulic Road frontage of the property to allow for a new sidewalk to be constructed, set farther back from the travel lanes.

The applicant has provided a proffer statement (Attachment 5) that proffers two affordable dwelling units (15% of the total number of units proposed) in the development. These units would be affordable at 80% of area median income (AMI) as determined by the U.S. Department of Housing and Urban Development. The affordable units may be met through a variety of housing types, including both for-sale and for-rent units.

The proffer statement also includes a commitment to the concept plan included with this rezoning request and a commitment that a minimum of 25% of the site will be dedicated as common open space to the homeowner's association. Proffers currently do not provide typically accepted proffer language and revision is suggested prior to final action on this rezoning.

The applicant has also submitted a request for an exception to the requirement for planting strips along both sides of the proposed private street in the middle of the development (Attachment 6). Because this private street will operate more like a parking lot, the planting strips will provide minimal benefit to pedestrians walking on the sidewalks from their vehicles to their residences. Removing the planting strips allows for more compact development of the parking area, providing more space around the perimeter of the site for larger, contiguous tracts of green and amenity space. In addition, it would be more appropriate for the development to follow the landscaping requirements of a parking lot instead of a street. More analysis of this request is included later in this staff report. This request requires approval by the Planning Commission only. The Board of Supervisors is not required to take an action on this request. Final details such as landscaping will be provided at the time of site plan review.

The applicant has also submitted a request for a central sewerage system on the site, to include a pump station and a force main (Attachment 7). This request requires approval by the Board of Supervisors only. The Planning Commission is not required to take an action on this request.

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

An in-person community meeting was held for this proposal on Monday, February 13, 2023, at a regularly scheduled meeting of the Places29-Hydraulic Community Advisory Committee (CAC). At the meeting, questions were asked of the applicant by both CAC members and several residents of the nearby neighborhoods. Questions were largely about the impacts that this development would have on traffic in the area, since Hydraulic is a heavily-travelled arterial road in the County. In addition, there were questions about how this development would relate to the school campus across the street, especially as Albemarle County Public Schools works on master planning and re-designing that campus.

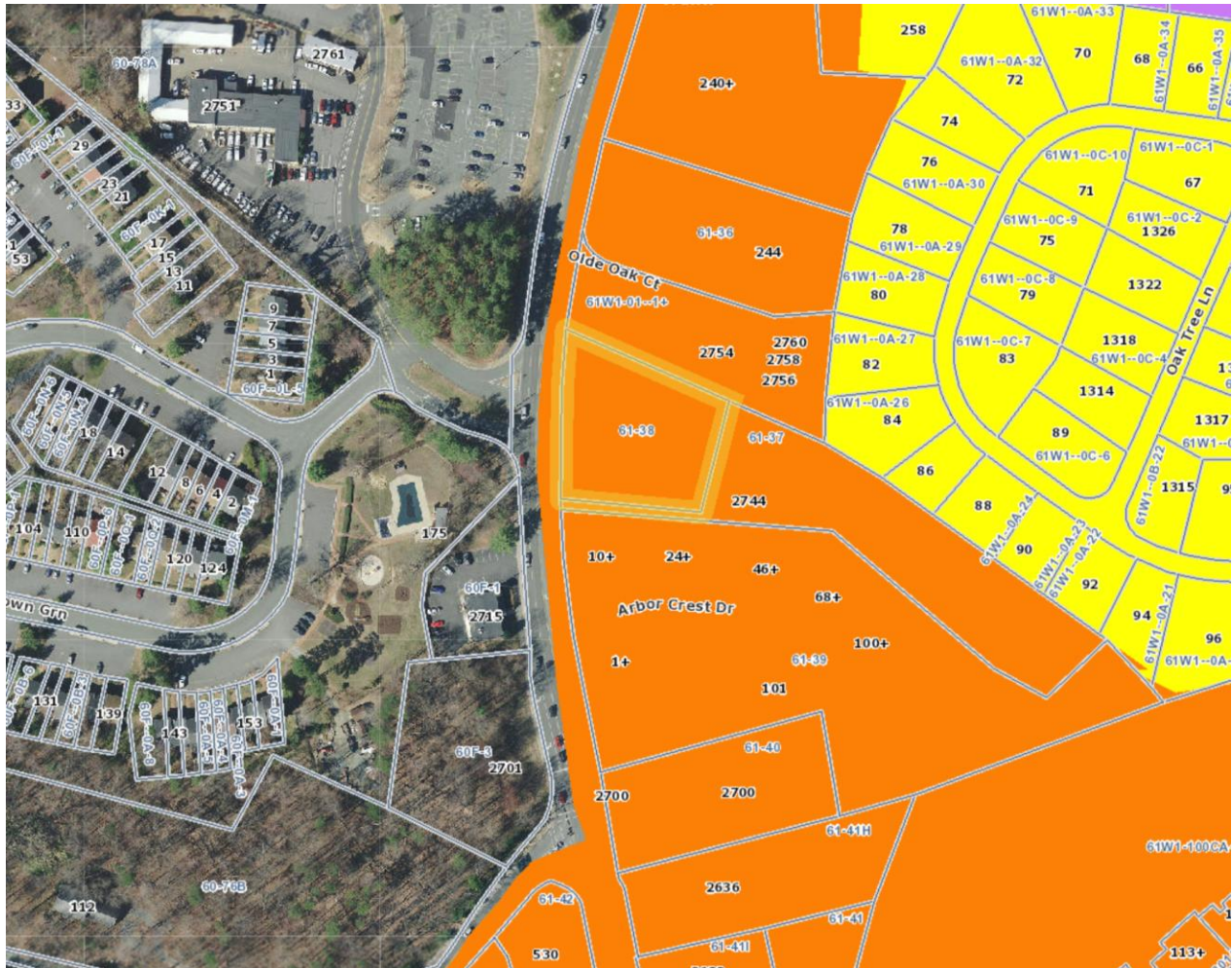
### **PLANNING AND ZONING HISTORY**

There is no previous planning history for this parcel.

### **COMPREHENSIVE PLAN**

The Comprehensive Plan identifies this property as Urban Density Residential (UDR) in the Places29 Master Plan, in Neighborhood 1. The UDR classification calls for primary uses to consist of

An overview map and a description of the land use designation are provided below:



**Urban Density Residential.** This designation is used in areas around Centers where multifamily housing with a gross density range between 6.01 and 34 units per acre is desired. It is also applied to existing residential areas with densities within this range (see Land Use Table LU2). This designation is essentially the same as the Urban Density Residential designation in the 1996 Land Use Plan.

Primary uses: multifamily and single-family residential, including two or more housing types.

Secondary uses: retail, commercial, and office uses that support the neighborhood, live/work units, open space, and institutional uses. Retail, commercial, office, and institutional uses are encouraged to locate in Centers so they are accessible to residents throughout the surrounding area, and so they benefit from co-location with other neighborhood-serving businesses. However, they may be located by exception in areas around Centers designated Urban Density Residential provided they are compatible with surrounding uses.

**The Neighborhood Model:** Staff have reviewed the proposal against the Neighborhood Model Principles and found that it is consistent with the majority of the principles. The detailed Neighborhood Model Analysis can be found in Attachment 8.

**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." The County has adopted a revised policy calling for 20% of new units to be affordable; however, that policy is currently on hold while County staff work on developing an incentive package.

This rezoning proposal includes a maximum of 14 dwelling units. The applicant has included a proffer (see Attachment 5) that commits to designating two of the dwelling units constructed within the project as affordable housing units. This number is approximately 15% of the total number of units proposed. The applicant has also included within the proffer statement the parameters regarding the designation of affordable dwelling units in this project. The County's Housing Policy Manager has reviewed this application and has expressed no objections with the proposal or the language used (Attachment 9 – Affordable Housing Evaluation Form). It is consistent with standard administrative practice.

## **ZONING ORDINANCE REQUIREMENTS**

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

The purpose and intent of the R-15 Residential zoning district:

- Provide for compact, high-density residential development.
- Permit a variety of housing types.
- Provide incentives for clustering of development and provision of locational, environmental, and developmental amenities.



This application proposes a compact, high-density residential development in line with the purpose and intent of the R-15 Residential zoning district, including using cluster provisions of the ordinance.

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

**Streets:**

Hydraulic Road provides the sole means of road access to the subject property, with one entrance proposed that will need to meet VDOT standards. A re-constructed sidewalk, set back farther from the Hydraulic frontage, is proposed to replace the existing sidewalk that is directly adjacent to the travel lanes. The applicant intends to install a planting strip to separate the new sidewalk from Hydraulic Road.

VDOT and the County's Transportation Planning team have reviewed this application and have expressed no objections. Although Hydraulic Road is a heavily-travelled route in the County, the 14 proposed townhouse units will generate a negligible amount of new trips compared to the existing traffic loads.

The entrance to the site from Hydraulic Road will be reviewed during the site planning stage and will need to meet all VDOT requirements, including getting an Access Management Exception from VDOT if necessary.

One private street is proposed in the development. Although considered a private street because the applicant intends to subdivide the lots, it will act more like a parking lot, with rows of parking on either side. Sidewalks are provided adjacent to these proposed parking spaces. The applicant has requested an exception to the requirement for installing planting strips along the private street. This exception request is discussed in more detail later in this report.

This development is near transit opportunities, including the Number 5 bus line of CAT.

**Schools:**

Students living in this area would attend Greer Elementary School, Journey Middle School, and Albemarle High School. 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 with the 10 additional units that are proposed over the number currently permitted.

**Official Calculator**

Dwelling Type	Greer Elementary	Journey Middle	Albemarle High	Total
Townhouse (14 units)	0.11	0.06	0.03	0.20
<b>Total at Each Level</b>	<b>1.54</b>	<b>0.84</b>	<b>0.42</b>	<b>4</b>

Source of Calculator: Albemarle County Public Schools

\*The total is calculated by rounding up for each grade-level number.

The proposed increase of 14 dwelling units produces a small number of additional students (4) for Albemarle County Public Schools at all school levels. Approximately one additional student would be generated for the high school and middle school levels, and two students for the elementary school level.

Greer is currently under capacity and is expected to remain so over the coming years. Journey is currently under-capacity but is expected to have a capacity conflict within the next 2-3 years. Albemarle High School is currently over-capacity.

**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 and turning radius 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.

However, the site will require a lift station, with that facility and the onsite sanitary sewer to be privately owned. A request for a central sewerage system has been submitted (see Attachment 7). There are no objections to this request at this time.

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

There are no known environmental, cultural, or historic resources on this parcel. Any stormwater runoff and stormwater facilities will be reviewed by County Engineering staff and 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:***

The anticipated impact on nearby and surrounding properties is expected to be minimal.

***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 proposal will provide a greater density of residential development in the designated development areas.

**Request for Planting Strip Exception/Variation**

The applicant has made a request for a planting strip exception (Attachment 6) along both sides of the proposed internal private street. Section 14-203.1 allows the Commission to vary or except the planting strip requirements (Section 14-422(F)), subject to the following considerations (*staff analysis in italics*):

**14-422(F)2 Variation of or exception to planting strip requirements.**

In reviewing a request to vary or except any requirement for planting strips, the commission shall consider whether:

- (i) a variation or exception to allow a rural cross-section has been granted;

*A variation of exception to allow a rural cross-section has neither been requested nor granted.*



- (ii) a sidewalk variation or exception has been granted;

*A sidewalk variation or exception has not been requested or granted.*

- (iii) (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

*Waiving the required planting strips on either side of the proposed internal street promotes the goals of the master plan and the neighborhood model by permitting a more compact development, with larger contiguous areas of green space around the perimeters of the parcel. In addition, since the internal street will function more like a parking lot, having a parking lot design with landscaping islands would be more appropriate for providing landscaping in this area of the development. A minimum of 5% of the parking area must be landscaped trees or shrubs and one large/medium shade tree provided per 10 parking spaces. A landscape plan would be reviewed at the site plan stage of development to not only provide parking lot landscaping but will also demonstrate that the 15% tree canopy requirement will be met across the site and that required Entrance Corridor screening is provided.*

- (iv) (iv) waiving the requirement would enable a different principle of the neighborhood model to be more fully achieved.

*Removing the requirement for planting strips along a functional parking lot will allow for larger and more contiguous recreational and open space areas in other parts of the development.*

Taking these elements into consideration, Staff recommend approval of an exception to the planting strip requirements for the proposed internal private street, with the following condition:

- 1) As it will function like a parking lot, landscaping must be provided along the private street in accordance with 18-32.7.9.6 (*Landscaping within a parking area*) of the Zoning Ordinance.

### **SUMMARY**

Staff have identified the following positive aspects of this request:

1. The rezoning request is consistent with the recommendations of the Places29 Master Plan.
2. The request is consistent with the majority of the applicable Neighborhood Model Principles.

Staff have identified the following concern with this request:

1. The Concept Plan does not provide for an interconnection to the adjacent parcel to the east.

### **RECOMMENDATION**

Staff recommend approval of rezoning request ZMA202200012 Arbor Oaks Townes.

Staff have no concerns with the planting strip exception request. If the Planning Commission chooses to recommend approval of the rezoning request, staff recommend approval of the request for an exception of the planting strip requirements in certain areas of the development, in accordance with the proffered concept plan.

### **PLANNING COMMISSION MOTIONS FOR ZMA2022-00012:**

A. If a Planning Commissioner chooses to recommend approval of this zoning map amendment:

I move that the Planning Commission recommend approval of ZMA202200012 Arbor Oaks Townes for the reasons stated in the staff report.

B. If a Planning Commissioner chooses to recommend denial of this zoning map amendment:

I move that the Planning Commission recommend denial of ZMA202200012 Arbor Oaks Townes for the following reasons. *State reasons for denial.*

### **PLANNING COMMISSION MOTION FOR PLANTING STRIP EXCEPTION REQUEST:**

A. I move that the Planning Commission adopt the attached Resolution (Attachment 10) for a planting strip exception, as the applicant has demonstrated that the application meets the findings of Section 14-203.1(B)(2) and 14-203.1(B)(3) to approve the variations and exceptions, respectively.

B. I move that the Planning Commission choose not to adopt the attached Resolution (Attachment 10) for a planting strip exception, for the following reasons. *State reasons.*

### **ATTACHMENTS**

- 1 – Location Map
- 2 – Zoning Map
- 3 – Project Narrative, dated November 15, 2022; last revised May 5, 2023
- 4 – Concept Plan, dated November 15, 2022; last revised May 5, 2023
- 5 – Proffer Statement, dated November 15, 2022; last revised May 5, 2023
- 6 – Request for Waiver from Section 14-422(A) Private Street – Planting Strips, dated May 5, 2023
- 7 – Request for Section 16-102 Central Sewerage System, dated May 5, 2023
- 8 – Staff Analysis of Application’s Consistency with Neighborhood Model Principles
- 9 – Affordable Housing Evaluation Form
- 10 – Resolution to Approve Planting Strip Exception/Variation