

**County of Albemarle
Planning Staff Report Summary**

Project Name: ZMA 2018-012 Galaxie Farm	Staff: Megan Nedostup, Principal Planner
Planning Commission Hearing: October 15, 2019	Board of Supervisors Public Hearing: TBD
Owner: David and Anna Marie Witmer	Applicant: Blackbird of Charlottesville, LLC- Nicole Scro Kelsey Schlein- Shimp Engineering
Acreage: 13.36 acres	Rezone from: R-1 Residential to Planned Residential Development (PRD)
TMP: 09100000000900; 09100000001500	Location: 193 Galaxie Farm Lane off of Route 20 South. Approximately 1/3 of a mile south from Mill Creek Drive's intersection with Rt. 20.
School Districts: Cale (Elementary); Walton (Middle School); Monticello (High School)	By-right use: R1 residential uses at a density of 1 unit per acre
Magisterial District: Scottsville	Proffers: No
Proposal: Rezone 13.36 acres from R1 Residential zoning district, which allows residential uses at a density of 1 unit per acre to Planned Residential Development (PRD) that allows residential (3 – 34 units/acre) with limited commercial uses. A maximum of 72 units are proposed for a gross density of approximately 6 units per acre and a net density of 7 units per acre.	Requested # of Dwelling Units: 72 units
DA (Development Area): Neighborhood 4 of the Southern and Western Neighborhoods Master Plan	Comp. Plan Designation: Neighborhood Density Residential – residential (3-6 units/acre); supporting uses such as places of worship, schools, public and institutional uses and small-scale neighborhood serving retail and commercial; Parks and Green Systems – parks, playgrounds, play fields, greenways, trails, paths, recreational facilities and equipment, plazas, outdoor sitting areas, natural areas, preservation of stream buffers, floodplains and steep slopes adjacent to rivers and streams in the Southern Neighborhood 4 within the Southern and Western Urban Area Master Plan.
Affordable Housing Provided: ☒ Yes ☐ No	Affordable Housing AMI (%): Application Plan: 15% (10 units- 7 above density in Comp Plan) 80% AMI per current housing policy
Character of Property: Property is wooded with a stream across the front adjacent to Route 20. There are also some preserved slopes on the property. Two houses exist on the properties and have access from Galaxie Farm Lane which is a private street off of Rt 20. One of the houses, garage and barn are contributing resources to the Southern Albemarle Rural Historic District. There are also two properties that currently have their access from Galaxie Farm Lane that are not a part of the rezoning.	Use of Surrounding Properties: Kappa Sigma, single family attached development- Avinity to the south; Cale Elementary, Assisted Living Facility- Albemarle Health and Rehab, Tandem Friends Private School, Monticello Fire Station to the north and east; and single family detached homes. Rural area is located across the property along Rt. 20 to the west.

Factors Favorable: 1. The rezoning request is consistent with the majority of the recommendations within the Southern and Western Neighborhoods Master Plan and Comprehensive Plan. 2. The rezoning is consistent with the majority of the applicable Neighborhood Model Principles. 3. The rezoning provides affordable housing that meets the housing policy within the Comprehensive Plan. 4. The rezoning provides a portion of the connector road that is recommended in the Southern and Western Neighborhoods Master Plan.	Factors Unfavorable: 1. The rezoning request will add additional students to Cale Elementary, which is over capacity with no plans for expansion for future capacity. 2. The density proposed is above the recommendations within the Southern and Western Neighborhoods Master Plan.
RECOMMENDATION: Zoning Map Amendment: Overall, staff believes that the favorable factors outweigh the unfavorable factors. If the Planning Commission agrees with staff's recommendations regarding the modification and waiver requests, staff recommends approval of the rezoning with the following changes: 1. The application plan is modified based upon staff recommendations on the waiver requests to revise the street sections and layout. 2. If Road D becomes two public streets, the right of way should be extended to the property line to the north, and a note should be added to the application plan for future right of way dedication. Modification Requests: 1. Private street authorization (Sections 14-233 and 14-234) for Roads D and E. (Staff recommends approval of Road E only) 2. Modification of street standards a. 14-422(E)- Sidewalks along private streets for Road E (Staff recommends approval with condition) b. 14-422(F)- Planting strips along private streets for Road E (Staff recommends approval) c. 14-410 (I)- Curb and gutter for Road E (Staff recommends denial) 3. Modification of Planned Residential Development Setbacks (Section 18-8.2b) for front and rear setbacks. (Staff recommends partial approval)	

STAFF PERSON:
PLANNING COMMISSION PUBLIC HEARING:

Megan Nedostup
October 15, 2019

PETITION:

PROJECT: ZMA201800012 Galaxie Farm

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL(S): 09100000000900; 09100000001500

LOCATION: 193 Galaxie Farm Lane

PROPOSAL: Rezone property from residential to a higher density residential development with a mixture of unit types.

PETITION: Rezone 13.36 acres from R1 Residential zoning district, which allows residential uses at a density of 1 unit per acre to Planned Residential Development (PRD) that allows residential (3 – 34 units/acre) with limited commercial

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uses. A maximum of 72 units are proposed for a gross density of approximately 6 units per acre and a net density of 7 units per acre.

OVERLAY DISTRICT(S): Entrance Corridor; Steep Slopes- Managed and Preserved; Scenic Byways

PROFFERS: Yes

COMPREHENSIVE PLAN: Neighborhood Density Residential – residential (3-6 units/acre); supporting uses such as places of worship, schools, public and institutional uses and small-scale neighborhood serving retail and commercial; Parks and Green Systems – parks, playgrounds, play fields, greenways, trails, paths, recreational facilities and equipment, plazas, outdoor sitting areas, natural areas, preservation of stream buffers, floodplains and steep slopes adjacent to rivers and streams in the Southern Neighborhood 4 within the Southern and Western Urban Area Master Plan.

MONTICELLO VIEWSHED: No

CHARACTER OF THE AREA

The subject properties consists of two parcels located along Route 20 South and is adjacent to Kappa Sigma, Avinity, vacant County owned property, and Cale Elementary (Attachment 1). The subject properties are on the edge of the development area, and the Rural Area is across Route 20. Route 20 is considered to be an Entrance Corridor and a Scenic By-Way. There are a number of additional uses nearby the proposal including Tandem Friends School, Monticello Fire Station, Albemarle Health and rehab, and a number of County owned properties that are currently vacant. Two houses exist on the properties and have access from Galaxie Farm Lane which is a private street off of Rt 20. One of the houses, garage and barn are contributing resources to the Southern Albemarle Rural Historic District. There are also two properties that currently have their access from Galaxie Farm Lane that are not a part of the rezoning. The property contains a stream at the frontage along Route 20, and a small amount of preserved slopes near the stream buffer.

BACKGROUND AND COMMUNITY MEETING

The following is a summary of meetings to date:

- The applicant submitted the rezoning proposal on September 17, 2018 and held a community meeting with the 5th and Avon CAC on October 18, 2018. During this meeting the applicant presented the proposal and the community provided comments and asked questions.
- A work session for the application occurred on December 18, 2018. At the time of the work session, the applicant's proposal included County owned property. However, since that time the applicant has revised their application to only include those parcels which they own. The staff report and minutes are provided in Attachments 5 and 6.
- Applicant provided an update to the CAC on August 15, 2019 on the proposal and changes. Concerns raised were capacity of Cale, density above Comprehensive Plan recommendations, and affordable housing.
- The applicant requested deferral from the September 3, 2019 Planning Commission meeting prior to the meeting taking place. The applicant has since revised their narrative, application plan, and modification requests to address concerns from the staff report that was prepared for the September 3rd meeting.

SPECIFICS OF THE PROPOSAL

The applicant is proposing to rezone two parcels from R1-Residential (1 unit/acre) to Planned Residential Development (PRD) which allows 3-34 units/acre with limited commercial uses (Attachments 2, 3, and 4). The application includes two parcels to be rezoned totaling 13.36 acres. The applicant is proposing a maximum of 72 units that would include single family attached, detached, and townhomes. The application does not propose any limitations on the types of residential uses permitted within the development; therefore, the property could be developed as single-family detached dwellings, single-family attached dwellings, townhomes, or a mixture thereof. The application plan shows proposed locations of streets, open space, blocks, and trails.

If the property were developed to the proposed maximum of 72 units, the density of the project would be 7 units per acre, which is above the range of the Neighborhood Density Residential land use designation of 3-6.01 units per acre. The applicant is proposing nine (9) units above the Master Plan recommendation, stating that these units will be provided to address the affordable housing policy of 15%. Justification for this request is provided in Attachment 2.

The property contains a residence, garage, and barn that are contributing resources in the Southern Albemarle Rural Historic District. Historic preservation staff, Margaret Maliszewski, recommended that the residence be retained and

incorporated into the development to support the Comprehensive Plan goal of preserving the County's historic resources. The applicant responded that the structure is beyond repair and too damaged to retain, and provided information and photographs (Attachment 7) for staff review. Staff reviewed the information and stated that although it did appear that the residence had not been maintained in prime condition and has suffered damage, it still retains integrity of location, design, setting, materials, workmanship, feeling and association and was not beyond renovation and again recommended its incorporation into the development. The applicant then submitted a demolition permit application for the removal of the structures. The county has no historic preservation ordinance that would require that the structures be retained, and the demolition permit must be evaluated on the same standards as all other demolition permits. Staff worked with the applicant to coordinate documentation of the structures prior to its demolition. The documentation has been complete, and all other standard approvals have been obtained, therefore the structures can be demolished at any time. As of the writing of this report, the structures are still in place and have not been demolished.

In addition to the rezoning request, the applicant is requesting three modifications (Attachments 2 and 3) as indicated below:

1. Private street authorization (Sections 14-233 and 14-234) for Roads D and E. (Staff recommends approval of Road E only)
2. Modification of street standards
 - a. 14-422(E)- Sidewalks along private streets for Road E (Staff recommends approval)
 - b. 14-422(F)- Planting strips along private streets for Road E (Staff recommends approval)
 - c. 14-410 (I)- Curb and gutter for Road E (Staff recommends denial)
3. Modification of Planned Residential Development Setbacks (Section 18-8.2b) for front and rear setbacks. (Staff recommends partial approval)

The applicant also requested an exception for double frontage lots, however this is an administrative waiver and staff has reviewed this request and found it to be acceptable, therefore it is not included as part of this report.

It should be noted that the applicant requested to go straight to the Planning Commission and not receive comments on their latest submittal from September 9, 2019.

APPLICANT'S JUSTIFICATION FOR THE REQUEST

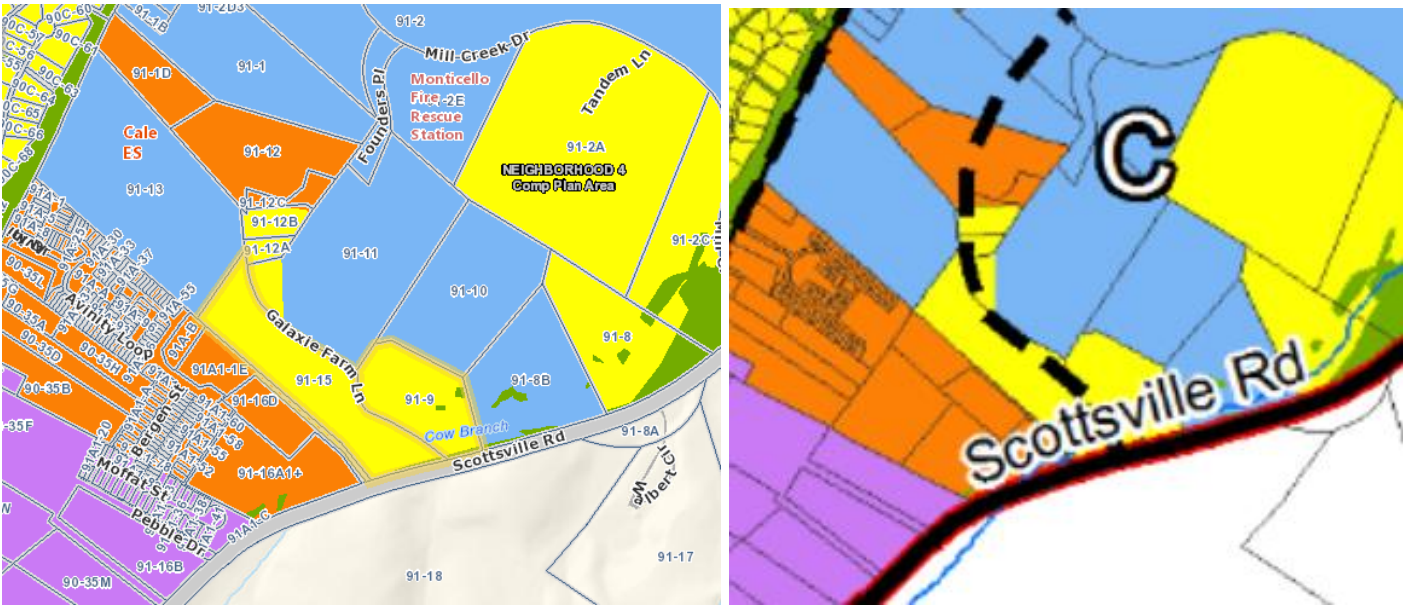
The applicant has provided a detailed narrative as justification for the request in Attachment 2. Modification justification is provided on pages 8-11 in Attachment 2, and associated exhibits are provided in Attachment 3.

COMPREHENSIVE PLAN

The Southern and Western Neighborhoods Master Plan calls for all 13.36 acres of the subject properties to be developed in accordance with the Neighborhood Density Residential land use classification (see map inset below; subject property highlighted):

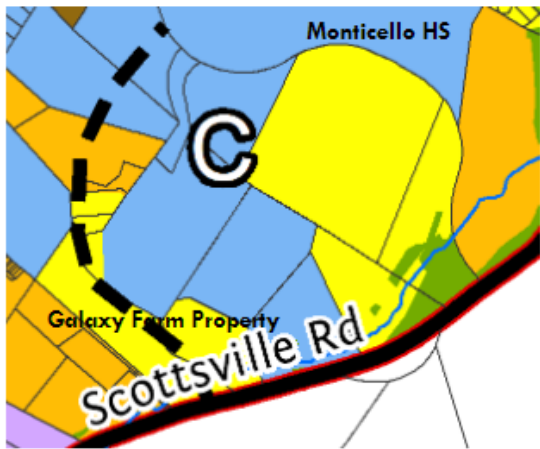
Neighborhood Density Residential (yellow): this designation calls for primarily residential uses with densities between 3-6 dwelling units/acre. Housing types found in this category include: single family detached, single family attached, and townhouses. The classification also allows secondary uses places of worship, public and private schools, early childhood education (preschools and daycare), public uses, and public institutional uses provided they are compatible with the surrounding area.

The applicant is proposing a maximum of 72 residential units. This equates to 7 units above the recommendations within the Master Plan. The Master Plan recommends a maximum of 65 units using the calculation of net density (10.94 acres outside of the environmental features multiplied by six (6)). The applicant is proposing that the units above the recommend density will be provided in order to meet the housing policy recommendation of 15% affordable units. However, staff believes that the development should meet the density recommendations within the Master Plan and provide affordable units in accordance with the housing policy. Additional analysis is provided below in the Affordable Housing portion of this report.



The properties are within Priority Area 1 within the Master Plan, and there are some recommendations for these properties specifically (See inserts below). It recommends that the development of the properties provide for a connector road that contain curb, gutter, sidewalks, street trees, and bike lanes. It also recommends that interconnections be provided within the design. The application plan for the proposal includes a street section for the connector road that meets the recommendation of the Master Plan. In addition, proposed Road C, includes a future right of way dedication to allow for future connections to the west of the property.

Figure 33: Galaxy Farm Property



7. The **Galaxy Farm Property** (Figure 33) is the location of a proposed connector road emphasizing the expectation that interconnections will be a part of future neighborhood block and street design. It is also anticipated that all new streets should have two lanes and be built with the features of an urban street.

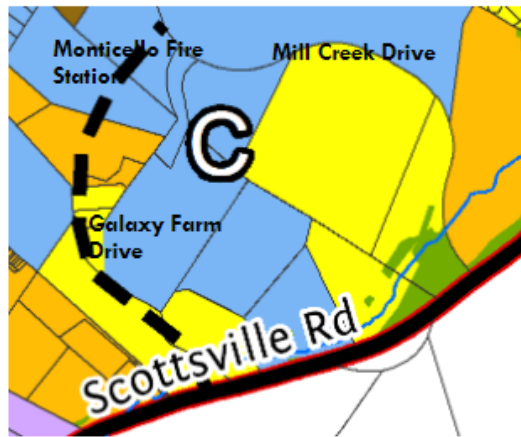
2. Galaxy Farm Lane Property Recommendations (Figure 39):

Galaxy Farm Lane is an existing private street which is accessed from Rt. 20 South. This street should be upgraded and connect Rt. 20 South to Mill Creek Drive. Figure 39 shows a conceptual location of this connector road. When constructed the street should have curb, gutter, street trees, sidewalks, and bike lanes.



It should be noted that a center is recommended for the adjacent County properties and recommends a collaborative community process and small area plan for the programming of that center. The Master Plan states that pedestrian and bicycle access will be essential for the future development. The proposed rezoning street section for Galaxy Farm drive allows for bike and pedestrian facilities, as stated above.

13. The **Mill Creek Drive Center** (Figure 23) includes the Monticello Fire Rescue Station Monticello High School, the fire rescue station, and several large undeveloped parcels owned by the County. Civic uses are expected on the County-owned properties in the future; however, a collaborative community process is needed before the County decides on the uses for the properties. The process should result in a small area plan for the Center. Pedestrian and bicycle access will be essential in any future development. Attention will be needed to size, scale, and massing of buildings to create a pedestrian-oriented place for civic activities. Preservation of important environmental features such as streams, stream buffers, and preserved slopes is expected.



The Parks and Green Systems Plan within the Master Plan recommends a greenway/trail along the frontage of these properties, and along the recommended connector road (See insert below). The application plan proposes a trail along the frontage of the property adjacent to the stream, and Road A provides trail, sidewalk, and bike lanes.



Affordable Housing:

The current housing policy states that 15% of the units provided should be affordable. Using net density for the properties, the maximum number of units recommended in the Master Plan is 65. To meet the affordable housing recommendation in the Comprehensive Plan for 65 units, 10 units would need to be affordable (See chart below for

breakdown). The applicant is proposing density above the recommended density within the Comprehensive Plan to provide the affordable housing units, at a maximum density of 72 units, and not provide them within the recommended density in the Master Plan (see justification in Attachment 2).

Number of Units Recommended in Comp Plan	Number of Units Proposed	Number of Units above Comp Plan	15% Affordable Units for Comp Plan Density	15% Affordable Units for Proposed Density
65	72	7	10	11

Staff recommends that the density be reduced to the recommendations within the Master Plan, and that the proposal meet the housing policy recommendation for affordable housing.

It should be noted that a similar request was approved for Riverside Village rezoning. Per the Pantops Master Plan, 59 units were recommended and nine (9) affordable units required under the housing policy for the property. The application was approved for 69 units, with a proffer for 10 affordable units to be provided.

The Neighborhood Model:

Staff has reviewed the proposal against the Neighborhood Model (NM) Principles and has found that it is consistent with the majority of the principles. The application does not fully meet some aspects of the NM related to a mixture of uses and housing types within the development and relegated parking. Residential is the only proposed use, and housing type is not specified other than allowing for a maximum of 72 dwelling units on the property. However, it does allow for a greater variety of housing types within the general area of the property.

In addition, the proposed plan does not fully meet the principle for relegated parking, though the language proposed has been accepted by the County in the past for rezonings with front loaded garage design. The detailed Neighborhood Model analysis can be found in Attachment 8.

ZONING ORDINANCE REQUIREMENTS

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

The requested zoning district is Planned Residential Development (PRD). According to the zoning ordinance, this district is *intended to encourage sensitivity toward the natural characteristics of the site and toward impact on 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. Open space may serve such varied uses as recreation, protection of areas sensitive to development, buffering between dissimilar uses and preservation of agricultural activity. While a PRD approach is recommended for developments of any density, it is recommended but not required that the PRD be employed in areas where the comprehensive plan recommends densities in excess of fifteen (15) dwelling units per acre, in recognition that development at such densities generally requires careful planning with respect to impact.

Staff reviewed the request and has found that this rezoning meets the purposes and intent of the PRD. The proposal includes a variety of housing types, 25% open space, buffer/open space along Route 20, and recreation.

Anticipated impact on public facilities and services:

Streets:

The applicant provided estimated traffic counts and turn lane analysis within the narrative. VDOT and the County Transportation Planner reviewed the application and traffic information and does not anticipate a significant traffic impact on the nearby street network. A traffic study was not required or provided due to the low volume of traffic expected by the

proposed number of units. The applicant is providing for a street design and building a portion of the connector road that is recommended within the Master Plan.

Schools:

Students living in this area would attend Cale Elementary School, Walton Middle School, and Monticello High School. Calculation for the yield rates of students are provided below that outline the rates for the proposed number of units (72) and the Comp Plan recommended units (65) based on the type of units.

Yield Rates for Proposed 72 Units

Dwelling Type	Elementary	Middle	High	Total
Single Family (Detached)	10.8	5.8	8.6	25
Single Family (Attached)	9.4	3.6	5.8	19
Townhome	10.8	4.3	5.8	21

Yield Rates for 65 Units

Dwelling Type	Elementary	Middle	High	Total
Single Family (Detached)	9.8	5.2	7.8	23
Single Family (Attached)	8.5	3.3	5.2	17
Townhome	9.8	3.9	5.2	19

Cale Elementary does not have any additional capacity. The Long Range Planning Advisory Committee report for schools requested in the FYI 21/22 CIP funds for improvements at Cale. This project funds expansions and site improvements to support the current student population at Cale Elementary. The project expands the cafeteria and adds four classrooms, a music and art classroom for a total addition of 8,800 square feet. Site improvements include additional parking, enhancing outdoor learning spaces and playgrounds, and the removal of the mobile units. However, it further states that “due to its already large size as well limited space to expand on the lot, it is not recommended that the school be enlarged to meet the long range needs. These recommendations are for the current school population and should be accompanied with further study to develop a long-term solution for anticipated growth in the area.”

There is adequate capacity at Walton Middle School and Monticello High School and increased enrollment would benefit both schools.

Since there are currently no projects in the CIP to address future school capacity impacts at these schools, no commitments would be expected from this development to address future school capacity.

Fire & Rescue:

This project is near the Monticello Fire and Rescue Station. Fire & Rescue has not expressed any concerns with, or objections to, this proposal.

Utilities:

This project is in the ACSA water and sewer service jurisdictional area and both services are available. Neither ACSA nor RWSA have expressed any concerns with, or objections to, this proposal.

Anticipated impact on environmental, cultural and historic resources:

As stated above, the properties contain a residence, garage, and barn that are contributing resources in the Southern Albemarle Rural Historic District. However, the applicant has submitted a demolition permit application for the removal of the structures. The county has no historic preservation ordinance that would require that the structures be retained, and the demolition permit must be evaluated on the same standards as all other demolition permits. Staff is working with the applicant to coordinate documentation of the structures prior to its demolition. Once the documentation is complete and all other standard approvals have been obtained, the structures can be demolished.

The stream and its buffer are located within proposed open space. In addition, lots and structures are not permitted within the stream buffer or on preserved slopes, and the preserved slopes will not be disturbed.

Anticipated impact on nearby and surrounding properties:

Use of the property as proposed is not anticipated to have significant impacts on adjacent properties. The portion of the recommended connector road, and the trail along the frontage of the property will provide a benefit to nearby and surrounding properties, including the future Center on County property.

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 Area. However, there are a number of issues of concern which include: the proposal exceeds the Comprehensive Plan density recommendations which create a small additional impact to Cale Elementary, which is over capacity; the affordable housing language needs to be updated to meet the Comprehensive Plan recommendations; and required information for the modification requests have not been provided to make the findings in the ordinance.

MODIFICATION REQUESTS

The applicant is requesting three modifications as indicated below:

1. Private street authorization (Sections 14-233 and 14-234) for Roads D and E. (Staff recommends approval of Road E only)
2. Modification of street standards
 - a. 14-422(E)- Sidewalks along private streets for Road E (Staff recommends approval with condition)
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3. Modification of Planned Residential Development Setbacks (Section 18-8.2b) for front and rear setbacks. (Staff recommends partial approval)

Detailed staff analysis is provided in Attachment 9.

SUMMARY

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

1. The rezoning request is consistent with the majority of the recommendations within the Southern and Western Neighborhoods Master Plan and Comprehensive Plan.
2. The rezoning is consistent with the majority of the applicable Neighborhood Model Principles.
3. The rezoning provides affordable housing that meets the housing policy within the Comprehensive Plan.
4. The rezoning provides a portion of the connector road that is recommended in the Southern and Western Neighborhoods Master Plan.

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

1. The rezoning request will add additional students to Cale Elementary, which is over capacity with no plans for expansion for future capacity.
2. The density proposed is above the recommendations within the Southern and Western Neighborhoods Master Plan.

RECOMMENDATION

ZMA2018-012 Galaxie Farm
Planning Commission October 15, 2019

Zoning Map Amendment: Overall, staff believes that the favorable factors outweigh the unfavorable factors. If the Planning Commission agrees with staff's recommendations regarding the modification and waiver requests, staff recommends approval of the rezoning with the following changes:

1. The application plan is modified based upon staff recommendations on the waiver requests to revise the street sections and layout.
2. If Road D becomes two public streets, the right of way should be extended to the property line to the north, and a note should be added to the application plan for future right of way dedication.

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Motions will be provided at the meeting based on the direction from the Commission.

Attachments:

Attachment 1: Vicinity Maps
Attachment 2: Applicant Narrative and Modification requests
Attachment 3: Modification Request Exhibits A and B
Attachment 4: Application Plan dated September 4, 2019
Attachment 5: [December 18, 2018 Work Session Staff Report](#)
Attachment 6: [December 18, 2018 Work Session Minutes](#)
Attachment 7: Applicant Photographs of Historic Resource Structures
Attachment 8: Neighborhood Model Principles Staff Analysis
Attachment 9: Modification Requests Staff Analysis