

**COUNTY OF ALBEMARLE
PLANNING STAFF REPORT SUMMARY**

Project Name: ZMA202300006 Woodbrook Apartments	Staff: Andy Reitelbach, Senior Planner II
Planning Commission Public Hearing: February 27, 2024	Board of Supervisors Public Hearing: To be scheduled
Owners: Crystal R. Hobbs; Arthur and Alyson Valente; Robert and Gladys Schmunk	Applicant: GW Real Estate Partners, LLC, c/o Williams Mullen
Acreage: Approximately 7.202 acres	Rezone from: R-6 Residential to PRD, Planned Residential Development
TMPs: 045000000088B0; 04500000009000; 045000000091C0; 045000000091D0	Location: East side of Woodburn Road and near the western terminus of Woodbrook Drive; 1989, 1991, 2005, 2009, and 2021 Woodburn Road.
School Districts: Albemarle High, Burley Middle, Agnor-Hurt Elementary	By-right use: 43 residential units
Magisterial District: Rio	Proffers: Yes
Proposal: Rezone four parcels that total approximately 7.202 acres from R-6 (six units/acre) to PRD, which allows residential (maximum of 35 units/acre), with limited commercial uses. Special exception requests to waive stepback requirements and to modify setback requirements.	Requested # of Dwelling Units: A maximum of 244 multi-family residential units is proposed, at a gross and net density of approximately 33.9 units/acre.
DA (Development Area) – Places29 Master Plan area – Neighborhood 1	Comp. Plan Designation: Urban Density Residential – residential (6.01 – 34 units/acre); supporting uses such as religious institutions, schools, commercial, office, and service uses; and Neighborhood Service Center – commercial, retail, and employment uses with supporting residential (3 – 20 units/acre); in Neighborhood 1.
Character of Property: Existing single-family detached houses with accessory structures.	Use of Surrounding Properties: The Albemarle SPCA is located to the north and northeast. Offices to the east. Apartments and Agnor-Hurt Elementary School to the south. Single-family detached houses to the west, across Woodburn Road.
Affordable Housing: Yes ☒ No ☐	AMI (Area Median Income): 80% of AMI as determined by U.S. Dept. of Housing & Urban Development, for 15% of the number of constructed units.

Positive Aspects: 1. The request is consistent with the uses and density recommended by the Places29 Master Plan. 2. The request is consistent with the applicable neighborhood model principles. 3. The request provides affordable units at 15% of the total number of units constructed, consistent with County policy. 4. The request has proffered improvements to Woodburn Road and a cash contribution to the Capital Improvement Program to address transportation impacts of this development.	Concerns: 1. The proposed development would result in additional student enrollment at area schools, including Albemarle High, which is already over-capacity. 2. One of the buildings is proposed to be five stories, which is one story higher than the maximum recommended by the Places29 Master Plan; however, this building is located interior to the site near existing commercial uses.
RECOMMENDATION: Staff recommends approval of ZMA202300006 Woodbrook Apartments. Staff also recommends approval of SE202300026 (Sec. 18-4.19.5), a special exception request to modify the setback requirements for buildings in the development. (See Attachment 7 for staff's full analysis of this request.) Staff also recommends approval of SE202300033 (Sec. 18-4.19), a special exception request to modify the rear setback requirements for buildings in the development. (See Attachment 9 for staff's full analysis of this request.)	

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Andy Reitelbach
February 27, 2024
To be scheduled

ZMA 202300006 Woodbrook Apartments

PETITION

PROJECT: ZMA202300006 Woodbrook Apartments

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL(S): 045000000088B0; 04500000009000; 045000000091C0; 045000000091D0

LOCATION: 1989, 1991, 2005, 2009, and 2021 Woodburn Road, Charlottesville, VA 22901

PROPOSAL: Rezone four parcels to allow a maximum of 244 residential units.

PETITION: Request to rezone a total of approximately 7.202 acres from the R-6 Residential Zoning District, which allows residential uses at densities up to six units/acre, to PRD Planned Residential Development, which allows residential (maximum of 35 units/acre) with limited commercial uses. A maximum of 244 multi-family dwelling units is proposed, at a gross and net density of approximately 34 dwelling units/acre.

ZONING: R-6 Residential – 6 units/acre

OVERLAY DISTRICT(S): AIA – 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.

CHARACTER OF THE AREA

The subject property includes four parcels (which total approximately 7.202 acres) on the east side of Woodburn Road, approximately 1,900 feet north of its intersection with Rio Road West. The southwest corner of the property borders Agnor-Hurt Elementary School. There are existing single-family detached houses, along with several accessory structures, on the property. These properties are all currently zoned R-6 Residential, which permits six residential units per acre (see Attachment 1 – Location Map and Attachment 2 – Zoning Map). There is also an easement providing access to the property from the western terminus of Woodbrook Drive. The property also lies within the Airport Impact Area (AIA) Overlay District.

The area surrounding this proposed development has a mix of uses. In addition to Agnor-Hurt Elementary School to the southwest, there are apartment buildings, zoned R-15 Residential, directly to the south of the property. To the east and southeast of the property, there are several commercial and office buildings, zoned C-1 Commercial. The Charlottesville-Albemarle Society for the Prevention of Cruelty to Animals (CASPCA) is located on several parcels to the north and northeast of the subject property. Across Woodburn Road to the west lie single-family detached houses and several rental homes. These properties are all zoned RA Rural Areas. Woodburn Road also acts as the boundary line between the designated Rural Areas and the designated Development Areas in the Comprehensive Plan.

PLANNING AND ZONING HISTORY

There is no previous planning and zoning history on these parcels.

BY-RIGHT USE OF THE PROPERTY

Without the rezoning, the applicant could develop approximately 43 dwelling units on the property, at a density of six units per acre. Additional residential units could potentially be constructed if the

property owner were to choose to pursue the various bonus factors that the Zoning Ordinance permits. Using a combination of bonus factors, the maximum number of additional units that could potentially be approved by-right is 50% of the base zoning. This calculation could result in approximately 64 units total that could be constructed. However, it is important to note that bonus factors have different requirements, including some discretionary approvals, so it may not be possible for the property to utilize all potential bonus factors.

SPECIFICS OF THE PROPOSAL

The applicant is proposing to rezone approximately 7.202 acres from R-6 Residential to PRD, Planned Residential Development, which allows a mix of residential uses up to a maximum density of 35 units per acre. Limited commercial uses are permitted in PRD by special use permit, including office and childcare centers. A maximum of 244 multi-family units is requested, for a gross and net density of approximately 33.9 units per acre. No non-residential uses are proposed. (See Attachment 3 – Project Narrative and Attachment 4 – Application Plan.) As a Planned Development zoning district, PRD requires an application plan to guide the development of the property at the site planning stage. The major elements of the Application Plan include:

- A total of five building envelopes (1-5) for multi-family buildings. Buildings 1 and 2 are oriented along Woodburn Road, with Buildings 3-5 located in the interior of the site.
- A minimum of 25% open space and recreational facilities is provided totaling approximately 1.82 acres, as required by the ordinance. This open space includes a minimum 10'-wide landscaped buffer along the rear and sides of the property; a ½-acre recreational space in the center of the property, adjacent to Building 4; and several other smaller recreational amenity spaces scattered throughout the site. These areas will allow for recreation facilities required under Section 4.16 to be provided at site plan, such as playgrounds and basketball courts, or equivalent such as pools or clubhouses, subject to approval by the Planning Director.
- Two access points would serve the property – one on the west side of the property connecting to Woodburn Road and one on the east side of the property connecting to Woodbrook Drive through an existing access easement. Improvements would be constructed along the Woodburn Road frontage, including the installation of a sidewalk, curb and gutter, and a planting strip. In addition, approximately 0.06 acres would be dedicated along Woodburn Road to accommodate these improvements.
- A pedestrian path is to be constructed through the entire site, connecting the entrance at Woodbrook Drive to the entrance at Woodburn Road.
- Access improvements and protective measures are proposed for the cemetery located in the northeast corner of the site.

The applicant proposes to provide 15% of affordable housing units based on the total number of units that are constructed, for households making up to 80% of the area median income for a period of ten (10) years.

The applicant has provided a draft proffer statement (see Attachment 5) to address traffic and transportation impacts of this development. These proffers include the following:

- 1) A contribution of \$10,000 to the County's Capital Improvement Program for the construction of a crosswalk and pedestrian signal at the nearby intersection of Woodbrook Drive and Berkmar Drive.

- 2) The provision of pavement markings, including double yellow lines, along Woodburn Road, from the current terminus of those lines in front of Agnor-Hurt Elementary School, north to the northern boundary of this proposed development.

The applicant has also submitted two special exception requests (see Attachment 6 for SE202300026 and see Attachment 8 for SE202300033). SE22300026 requests a modification to 18-4.19 to waive the requirement for setbacks on all buildings in the development. SE202300033 requests a modification to 18-4.19 to reduce the rear setback requirement in the development from 20 feet to 10 feet. Attachments 7 (SE202300026) and 9 (SE202300033) provide a full staff analysis and recommendation of these two requests. No Planning Commission action is required on special exceptions.

COMMUNITY MEETING and COMMUNITY MEMBER INPUT

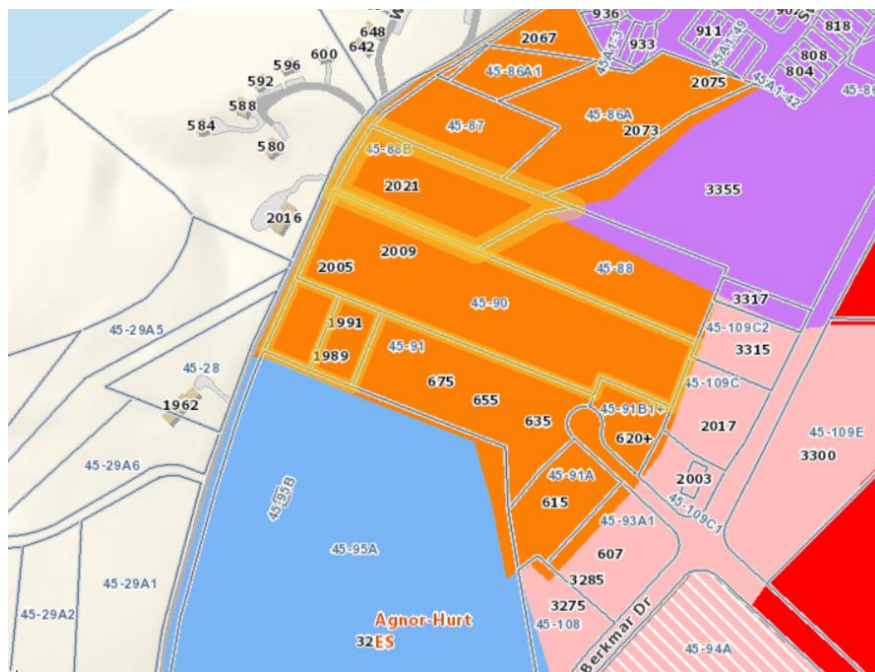
A community meeting was held in person for this proposal on Thursday, August 24, 2023, at a regularly scheduled meeting of the Places29-Rio Community Advisory Committee (CAC). Questions were asked by CAC and community members.

The main concern raised was the potential impact of additional traffic throughout the street network of the surrounding area, including along Woodburn Road, Woodbrook Drive, Berkmar Drive, and Rio Road. There were also concerns about how this additional traffic might interact with the traffic generated by the adjacent Agnor-Hurt Elementary School during morning drop-off and afternoon pick-up times.

Other questions included the provision of affordable housing, potential impacts on the cemetery located partly on the property, and potential impacts on the adjacent SPCA property.

COMPREHENSIVE PLAN

The Places29 Master Plan designates all of the subject property as Urban Density Residential (see the orange on the map inset below; subject parcels highlighted).



Urban Density Residential (orange): This designation calls for primary uses of multi-family and single family residential, including two or more housing types. Secondary uses include retail, office, and commercial uses that support the neighborhood and are encouraged to be located within centers. The density range recommended for Urban Density Residential is 6.01-34 dwelling units per acre. The maximum building height recommended for this designation is four stories, or 45 feet.

The project proposes a maximum of 244 dwelling units on the property, which would produce a gross and net density of approximately 33.9 units/acre. This proposed density falls within the recommended density range for Urban Density Residential of 6.01-34 units/acre. The entire project is proposed for residential, with accompanying open space and recreational amenities, which is consistent with the master plan's recommendation for a primary use of residential in this area. Although only one housing type (multi-family) is proposed for this property, there are other housing types, including single-family detached houses and single-family attached houses, located in nearby areas. Looking at the entire surrounding area, there are multiple housing types in the vicinity of this project.

Four of the five residential buildings are proposed to have a maximum height of four stories, which is in conformance with the master plan's recommendation. However, the building at the rear of the site, near the Woodbrook Drive entrance and closest to the adjacent commercial properties, is proposed to be a maximum of five stories. This building is one story higher than the recommendation of the Places29 plan but staff have no concerns given that it is limited to one building and is sited appropriately.

The Neighborhood Model: Staff have reviewed the proposal against the Neighborhood Model Principles and has found that it is consistent or mostly consistent with the twelve principles. The detailed Neighborhood Model analysis can be found in Attachment 10.

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 applicant is proposing to provide affordable housing in line with this policy, at 15% of the total constructed number of units. This rezoning proposal includes a maximum of 244 dwelling units, which would provide 37 affordable units if the maximum of 244 units is constructed, based on the County's policy.

More detailed information regarding affordable housing in this project can be found in the attached Affordable Housing Evaluation form (Attachment 11), provided by the County's Housing Policy Manager.

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

The purpose and intent of the Planned Residential Development (PRD) zoning district is to:

- Encourage sensitivity toward the natural characteristics of the site and toward impact on the surrounding area in land development.

- 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 is intended to be a flexible zoning district to allow a variety of development for residential purposes and uses ancillary thereto, with open space serving varied uses such as recreation, protection of areas sensitive to development, buffering between dissimilar uses, and preservation of agricultural activity. The applicant has provided an Illustrative Plan (see Attachment 12) to demonstrate how the project could be developed consistent with the Application Plan. Staff believes the proposed design is consistent with the purpose and intent of the PRD zoning district.

The minimum amount of open space required by the zoning ordinance (25% of the site) has been provided on the application plan. These areas will allow for recreation facilities required under Section 4.16 to be provided at site plan, such as playgrounds and basketball courts, or equivalent amenities such as pools or clubhouses. The illustrative plan provided depicts potential ways that the open space and recreational areas could be programmed, including possible amenities that would be available to residents. Any substitutions from the facility requirements found in 4.16 are reviewed at the site planning stage and can be approved by the Director of Planning.

PRDs are subject to the setback and stepback requirements of Section 4.19, as indicated in the table below.

	Front-Minimum	Front-Maximum	Side	Rear
Building Setbacks	5'	None	10'	20'
Parking Setbacks	10'	None	6'	6'
Stepback	For each story that begins above 40 feet in height or for each story above the third story, whichever is less, the minimum stepback shall be a minimum of 15 feet			

The proposal seeks modifications to the stepback and rear setback requirements from Section 4.19. Buildings 1-4 are proposed to be a maximum of four stories, and Building 5 is proposed to be a maximum of five stories. All of these buildings require a stepback of at least 15 feet above the third story, unless a modification is approved. The applicant has submitted a special exception (SE202300026) request to eliminate the stepback requirement for the buildings in this development.

Attachment 6 includes the special exception request for stepback modifications, and Attachment 7 includes staff analysis of the request, including a recommendation of approval for the request.

The applicant has also requested a modification of the rear setback requirements, as found in 4.19, to reduce the rear setback from a 20 feet to 10 feet across the entire rear of the property.

Attachment 8 includes the special exception request for rear setback modifications, and Attachment 9 includes staff analysis of the request, including a recommendation of approval for the request.

Anticipated impact on public facilities and services:

Streets and Transportation:

The proposed development is located along the east side of Woodburn Road, with access to Woodbrook Drive through an easement on the adjacent property. A Traffic Impact Analysis (TIA) was provided with the application, which has been reviewed by VDOT. VDOT has expressed no concerns with the TIA or proposed site design. Requirements for items such as final entrance design and sight distance will be determined at site planning.

This application has also been reviewed by the County's Transportation Planning team, who have no objections to this application, due to the existing road capacity in the area. There are two entrances proposed, with the main entrance off of the terminus of Woodbrook Drive, near its intersection with Berkmar Drive. The other entrance is on Woodburn Road. The applicant has also proposed to reserve a 30-ft. wide vehicular access easement to the parcel to the north, which would be provided at the demand of the County.

Approximately 0.06 acres is proposed to be dedicated to public right-of-way along the Woodburn frontage of the property to allow for improvements to the road, as well as construction of a 5-ft. sidewalk and 6-ft. planting strip. These improvements would be installed with the development of this site. Improvements to Woodburn Road also include the extension of double yellow lines from where they currently end in front of Agnor-Hurt Elementary School, north to the northern boundary of the property subject to this rezoning. These pavement markings are proffered in Proffer 1B of the proffer statement.

There are also several proposed improvements to increase multi-modal accessibility to and around the site. The applicant has also proposed to construct a pedestrian path through the property to connect each entrance – from Woodburn to Woodbrook. Bike racks are to be placed at locations around the development. The applicant has also proffered (see Proffer 1A) to contribute \$10,000 to the County's Capital Improvement Program to construct a crosswalk and pedestrian signal at the nearby intersection of Woodbrook Drive and Berkmar Drive.

The nearest transit access includes CAT stops along Berkmar Drive – both north and south of its intersection with Woodbrook Drive.

Schools:

Students living in this area would attend Albemarle High, Burley Middle, and Agnor-Hurt Elementary schools. The school division is cognizant that these areas continue to grow with new residential developments.

Albemarle County Public Schools has provided its student generation calculator that estimates how many students will be generated at each school level based on dwelling unit types. The table below specifies the yield of students generated at each school level should the subject property be built out as proposed in the application plan with the maximum of 244 multi-family units.

Official Calculator

Dwelling Type	Agnor-Hurt ES	Burley MS	Albemarle HS	Total
Multi-family (244 units)	0.08	0.03	0.06	--
Total at Each Level	20	8	15	43

Source of Calculator: Albemarle County Public Schools

Based on the student generation calculator, it is expected that about 43 students total would be generated by this development. It is important to note, however, that these totals include student numbers generated from any dwelling units that could be developed by-right or dwelling units that already exist on the property. They are not an increase over the student numbers that would be generated with any by-right development that could occur.

The proposed maximum of 244 dwelling units produces additional students for Albemarle County Public Schools at all school levels. Agnor-Hurt Elementary is currently under-capacity, and is expected to remain so over the next 10 years, even with the students generated by this development. Burley Middle is in a similar situation. Albemarle High School, however, is currently

over-capacity and is expected to remain so over the next 10 years. Funding has been provided for a High School Center 2, with an anticipated capacity of 400 seats allocated to students across the County; however, the timeline for its opening is still to be determined. This Center will assist in addressing capacity issues over the long-term, although the exact number is not certain at this time.

Fire & Rescue:

ACFR has reviewed this rezoning application and has no objections at this time. Code requirements for items such as street and travelway widths, turning radius, and the necessity of secondary emergency fire access routes will be addressed at the site planning and/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 and RWSA approval, prior to the approval of site plans and/or subdivision plats by the County at the site development stage of these properties.

Anticipated impact on environmental, cultural, and historic resources:

There is a cemetery partially located on this property. The cemetery also crosses onto the adjacent SPCA property. The applicant proposes to install a fence around the portion of the cemetery on the subject property, as well as a pathway to allow any descendants to access the cemetery. The applicant has indicated that all construction activities will occur at a minimum of 5 feet away from the boundaries of the cemetery.

There are no Steep Slopes on the subject parcels. In addition, there are no flood plains or water protection ordinance (WPO) buffers on these parcels. Any increase in stormwater runoff above what is currently allowed on the property will be reviewed by County Engineering staff during the site development phase of the project as well. Any stormwater facilities will be 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:

To lessen the impact on adjacent parcels, the applicant has proposed a 10-ft. perimeter landscaping strip around the entire property to buffer this development from the adjacent commercial and school properties, as well as the other multi-family development to the south.

To address transportation impacts, the applicant has provided a proffer statement to contribute to off-site transportation system improvements.

Nothing has been proposed to address over-capacity at Albemarle High School. Although the high school is already over capacity, this development would contribute even more additional students to the school.

Public need and justification for the change:

The County's growth management policy says that new residential and commercial development should occur in the designated Development Areas, where infrastructure and services are provided, rather than in the Rural Areas. This development is within Neighborhood 1 of the Places29 development area. This proposal will provide a greater density of residential development in the

designated development areas, at a density that is within the range recommended by the master plan for Places29.

SUMMARY

Staff has identified the following positive aspects of this request:

1. The request is consistent with the uses and density recommended by the Places29 Master Plan.
2. The request is consistent with the applicable neighborhood model principles.
3. The request provides affordable units at 15% of the total number of units constructed, consistent with County policy.
4. The request has proffered improvements to Woodburn Road and a cash contribution to the Capital Improvement Program to address transportation impacts of this development.

Staff has identified the following concerns with this request:

3. The proposed development would result in additional student enrollment at area schools, including Albemarle High, which is already over-capacity.
4. One of the buildings is proposed to be five stories, which is one story higher than the maximum recommended by the Places29 Master Plan; however, this building is located interior to the site near existing commercial uses.

RECOMMENDATION

Staff recommends approval of ZMA202300006 Woodbrook Apartments.

Staff also recommends approval of SE202300026 (Sec. 18-4.19.5), a special exception request to modify the stepback requirements for buildings in the development. (See Attachment 7 for staff's full analysis of this request.)

Staff also recommends approval of SE202300033 (Sec. 18-4.19), a special exception request to modify the rear setback requirements for buildings in the development. (See Attachment 9 for staff's full analysis of this request.)

ATTACHMENTS

- 1 – Location Map
- 2 – Zoning Map
- 3 – Project Narrative, dated June 20, 2023; last revised December 8, 2023
- 4 – Application Plan, dated June 20, 2023; last revised December 4, 2023
- 5 – Draft Proffer Statement, dated December 4, 2023
- 6 – SE2023-00026 Special Exception Narrative for Stepbacks, dated June 20, 2023; last revised December 4, 2023
- 7 – Staff Report and Analysis for SE202300026
- 8 – SE2023-00033 Special Exception Narrative for Rear Setbacks, dated September 18, 2023; last revised December 4, 2023
- 9 – Staff Report and Analysis for SE202300033
- 10 – Staff Analysis of Application's Consistency with Neighborhood Model Principles
- 11 – Affordable Housing Evaluation Form
- 12 – Illustrative Plan, dated June 20, 2023; last revised December 4, 2023