

## **Woodbrook Apartments**

### **Special Exception Application Narrative: Stepbacks**

#### **SE 2023-026**

In connection with the zoning map amendment application ZMA 2023-006 (the “ZMA Application”), submitted by GW Real Estate Partners, LLC. on June 20<sup>th</sup>, 2023 and most recently revised December 4, 2023 (the “Applicant”), this Application for a Special Exception respectfully requests a waiver of the stepback requirements of Section 4.19 of the Albemarle County Zoning Ordinance that would otherwise apply to the four- and five-story apartment buildings proposed by the Application.

If approved, the Application would permit the parcels subject to the Application (the “Property”), to be developed as a multifamily residential community known as “Woodbrook Apartments” (the “Project”). The Project proposes a maximum of 244 residential units. The Application Plan submitted with the ZMA Application shows the arrangement of the apartment building envelopes within the Project.

The apartment buildings within the Project are proposed as four-story and five-story structures, with flexibility that Building #4 may be three stories. Accordingly, the proposed apartment buildings are subject to the County’s front stepback requirement, which provides that for each story beginning above 40 feet in height, or for each story above the third story, whichever is less, the minimum stepback shall be 15 feet unless reduced by special exception. Zoning Ordinance § 4.19.5.

The primary purpose of the stepback regulation is to avoid a “canyon” effect along public roads, which impairs the pedestrian experience and can defeat the Neighborhood Model principle of ensuring that buildings are constructed to “human scale.”<sup>1</sup> The proposed building configuration, however will not result in this undesired “canyon” effect along public roads because the apartment buildings adjacent to Woodburn Road are set back from the road, and there is a large, mature wooded buffer on the other side of Woodburn that will block the existing rental home from the proposed apartments; see image below.

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<sup>1</sup> The purpose of the stepback rules was discussed during the public hearing at which the Board of Supervisors added Section 4.19 to the Zoning Ordinance. County Staff noted that Section 4.19 “avoids a ‘canyon’ effect.” Statement of Ron Higgins, Deputy Zoning Administrator, Minutes of the Board of Supervisors Hearing, June 3, 2015, at page 99.



*Image: Looking south on Woodburn Road. To the left would be the proposed apartment buildings with proposed sidewalk, street trees, and buffer landscaping, to the right the existing vegetative buffer that blocks the existing rental homes.*

Building #5, proposed to be five stories, is set back from Woodbrook Drive approximately 110 feet, is behind the existing adjacent office building, is only one story taller than the adjacent apartment complex Perch on Woodbrook, and is internal to the site.

Given the siting of the apartment buildings, the “canyon effect” is not applicable in this situation. The Project’s design allows sufficient space and light between the proposed buildings to avoid the “canyon” effect. Moreover, sidewalk and landscaping are proposed to be constructed along the entire frontage of the parcel along Woodburn Road. This new sidewalk would also include a separation zone at least six feet in width between the curb and the sidewalk. This proposal will provide a significant enhancement to the pedestrian experience along the Project frontage, which further reduces the need for the stepback to be enforced on the buildings in the back of the Property. The proposed sidewalk is proposed to be extended into the site, which will allow residents who live along Woodburn Road to access the services and shops in the area without having to drive.

In addition, if it were enforced, the front stepback requirement would significantly eliminate living space in the apartment buildings. Approval of the requested special exception would not only preserve living space in the apartment buildings but would enhance the residential experience by providing more spacious accommodations to residents. As noted in more detail in the Rezoning Application Narrative, the proposed community would offer needed housing options for County residents and employees of nearby business and employment centers and would significantly contribute to the urban redevelopment of the surrounding area envisioned by the Rio29 Small Area Plan, including by adding more residents who will support the implementation of the Rio29 Small Area Plan. Given that strict enforcement of the stepback requirement would not further the purpose of Sec. 4.19, it is appropriate to waive the requirement in light of the far greater public benefit that the Project would provide in the form of needed housing options at a high density level in a strategic location in close proximity to the Rio29 area, as contemplated by the Comprehensive Plan generally as well as the Place29 Master Plan and the Rio29 Small Area Plan.

Taken as a whole, the Project's design implements the Neighborhood Model Principle that recommends Buildings and Spaces of Human Scale. The building design will incorporate different materials, textures, and features to prevent massing that is inconsistent with that goal, pursuant to a proffered statement on the Application Plan. The proposed design is also meant to foster a walkable and interactive residential environment to support a strong sense of community among residents.

#### The Proposed Special Exceptions Supports the Goals of the Comprehensive Plan

Modifying the front setback requirement is consistent with the recommended future land use of the Property under the Comprehensive Plan. The Project is located in the Development Area and is designated for Urban Density Residential uses, with between 6.01 and 34 dwelling units per acre. The Project is clearly consistent with many elements of the Comprehensive Plan, as discussed in detail within the Project narrative. The Master Plan recommends a maximum building height of 4 stories or 45 feet, and up to 5 stories by exception. The Project proposes one five (5) story building internal to the site away from adjacent residents, which is needed in order to meet the recommendations of the Master Plan regarding density. There have been recent statements by members of both the Planning Commission and the Board of Supervisors regarding rezonings and a recognition that to practically provide sufficient housing in the designated Development Areas, reduce pressure on the Rural Areas, and avoid the need to expand the designated development area, that rezonings would need to be approved at the high end of the recommended density level. Similar statements have been made during meetings and work sessions involving the AC44 project. To realistically meet the goal of providing housing at the high end of the recommended density level, buildings must be taller where possible and particularly in locations such as this one where there are minimal impacts to existing neighbors, and the Master Plan allows for this exception. Given the many other aspects of the Comprehensive Plan and Master Plan that this Project meets, as well as meeting the goals of providing housing in the Development Area where there are existing services and where such housing avoids detrimental impacts to transportation, this location is ideal to approve an exception for the recommended height within the Master Plan to allow the high end of the density recommendations to be achieved.

A strict application of a 15-foot setback to the apartment buildings would result in the loss of residential units. As a reduction in the number of residential units is contrary to the Comprehensive Plan's recommendation for the Property, a special exception from the setback is warranted. If the number of units were reduced as a result of the setback requirement, the Project would be far less effective in meeting the County's density and affordable housing goals. It would also not be financially viable to construct the Project.

As noted above, Section 4.19 does not apply setback requirements to the sides or rear of any structures in a residential zoning district. Therefore, the buildings nor the remaining sides of the apartment buildings within Building Envelopes 1, 2, 3, and 5 are not subject to the setback rules.

For these reasons, the Applicant requests a special exception from Section 4.19 as applied to the fronts of the proposed Buildings #1, #2, #3 and #5. Granting the requested special exception will further the goals of the Comprehensive Plan without creating any adverse impacts.

Thank you for your consideration of this request.