

Maplewood

Special Exception Application Narrative SE 2022- 19

In connection with the zoning map amendment application ZMA 2021-00006 (the “ZMA Application”), submitted by Riverbend Development (the “Applicant”), this Application for a Special Exception respectfully requests a waiver of the setback requirements of Section 4.19 of the Albemarle County Zoning Ordinance that would otherwise apply to the four-story residential dwellings proposed by the Application.

If approved, the Application would permit the parcel(s) subject to the Application (the “Property”), to be developed as a residential community known as “Maplewood” (the “Project”). The Project proposes a maximum of 102 residential units. The Application Plan submitted with the ZMA Application shows the arrangement of the residential building envelopes within the Project.

The residential buildings within the Project are proposed as four-story structures that include roof deck access and private amenity areas. Accordingly, each of the four-story buildings with roof top access and amenities is subject to the County’s front setback 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 setback shall be 15 feet unless reduced by special exception. Zoning Ordinance § 4.19.5. There is no minimum setback for the side and rear of structures under this rule.

The residential buildings are proposed to be built fronting on shared green spaces and when along road frontages, with ample setbacks created by a shared use path, buffer greenspace areas. Greenspace, pedestrian amenities, and landscaping will all complement the massing of the proposed buildings, creating an inviting pedestrian environment.

For each of the residential buildings are proposed to be four stories plus the roof top area, the Applicant requests a special exception to waive the front setback requirement that would otherwise apply to each of these buildings. The requested special exception will not result in the undesired “canyon” effect along public roads that Section 4.19 is designed to prevent.¹ The four-story residential buildings are set back at a generous distance from Proffit Road and all other buildings are not fronting on Worth Crossing, such that the “canyon effect” is not even applicable in that situation. In addition, the Project’s design allows sufficient space and light between the buildings to avoid the “canyon” effect through the use of common green space as a residential amenity. Moreover, A 10-foot-wide asphalt multi-use pathway is proposed to be constructed along the entire frontage of the parcel. This new pathway would also include a separation zone at least twelve feet in width between the curb and the new ten-foot-wide multi-use path. This proposal will provide a significant enhancement to the pedestrian experience along the Project frontage, which further reduces the need for the setback to be enforced on the buildings in the back of the Property. On side sidewalks and green space will also promote a welcoming pedestrian experience for residents walking between and around the residential buildings.

¹ The purpose of the setback 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.

In addition, if it were enforced, the front setback requirement would significantly eliminate living space in the four-story residential buildings. The requested special exception therefore preserves living space square footage which is necessary to achieve a variety of unit sizes and bedroom counts within the Project. More spacious interior layouts benefit residents in denser urban areas. 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 Comprehensive Plan. Given that strict enforcement of the setback requirement would not further the purpose of that regulation, 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 employment and retail areas.

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 notes on the Application Plan. In addition, the buildings will be subject to the review of the Architectural Review Board since the Project is located along an Entrance Corridor. 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 Hollymead Places29 Development Area and is designated for Community Centers and Urban Density Residential uses, with between 6.01 and 34 dwelling units per acre. The Places29 Master Plan supports buildings up to four stories. When placed in the context of the existing development in the surrounding area, the Project's proposal of four-story buildings is appropriate, well buffered, and at a density within the recommendations of the Comprehensive Plan, would efficiently use this Urban Density Residential land in a manner consistent with the Master Plan's guidelines.

The Applicant estimates that strict application of a 15-foot setback is contrary to the design of the unit type anticipated for this site and would likely result in fewer overall units on this site. 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 impact the financial viability 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 remaining sides of the residential buildings 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 from the proposed four-story residential buildings. The proposed height is consistent with the Master Plan's guidelines for this area of the County. Granting the requested special exception will further the goals of the Comprehensive Plan without creating any adverse impacts.