

Old Trail Village Application for Zoning Map Amendment

Written Narrative

I. Project Proposal

A. Zoning History

March Mountain Properties, LLC ("March Mountain") is the owner and developer of Old Trail Village, which was originally approved as ZMA 2004-024 in September, 2005. The rezoning approval included a Code of Development, General Development Plan, and Proffers.

Old Trail Village was subsequently amended by ZMA 2008-05 on November 12, 2008, which allowed for an amendment to Table 4 of the Code of Development to permit rest homes, nursing homes, convalescent and similar homes, and assisted living facilities. ZMA 2008-05 also included revised proffers dated October 23, 2008. A senior living and assisted living facility was subsequently constructed in Block 2, as permitted by ZMA 2008-05. Old Trail Village was further amended by ZMA 2014-00004, approved on March 11, 2015, which allowed for Carriage House units in certain blocks.

In addition, a number of variations to the Code of Development have been approved since 2005, pursuant with Section 8.5.3 of the Zoning Ordinance. In 2009, Section 20A of the Zoning Ordinance, which regulates Neighborhood Model Zoning Districts such as Old Trail Village, was amended such that the term "General Development Plan" is no longer applicable. Pursuant to the definition of "Application Plan" in Section 3 of the Zoning Ordinance, "a plan designated and approved as a general development plan for a neighborhood model district between March 19, 2003 and October 14, 2009 is an application plan for purposes of this Chapter." With this ZMA, we are revising the approved General Development Plan prepared by Timmons Group. As such, the General Development Plan prepared by Timmons Group, with a last revision date of August 31, 2015, and approved as a part of ZMA 201500001, is now deemed to be the Application Plan.

Old Trail Village is comprised of numerous parcels that were originally a portion of tax map parcel 55E-1-A1, but have since been subdivided from that parcel. However, this proposed zoning map amendment is limited only to those certain parcels still owned by March Mountain, being TMPs 55E-01-A1 (to exclude portions of 55E-01-A1 that lie outside the zoning boundary for ZMA 2004-024), 55E-01-A2, 55E-01-A3, 55E-01-A4, and 55E-01-A5, 55E-01-3A-1 (collectively, the "Property"). More specifically, this Code of Development Amendment shall regulate the following blocks: portion of 3, 5, 6, 7, 10, 12 Phase 3, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, portion of 27, 30, portion of 31 (exclude 31A), 32, 33, 34, and the unsold lots in Block 35, specifically 35B. See revised Sheet 2 of the Application Plan for a map of these areas to be regulated by the provisions of this Zoning Map Amendment.

B. Description of Subject Property

The Property is zoned Neighborhood Model Development (“NMD”), and portions of the Property are also zoned Entrance Corridor Overlay District. The Crozet Master Plan designates the Property for a mixture of Mixed Use, Urban Density Residential, and Neighborhood Density Residential.

The Property is located off of Route 250 West, along Old Trail Drive. Uses nearby include other portions of Old Trail that were not part of the original 2005 rezoning, are not zoned Neighborhood Model Development, and are not part of this rezoning amendment (Upper Ballard Field, Ballard Field, Creekside, Carriage Park, and the Old Trail Golf Course and Clubhouse), Henley Middle School, Brownsville Elementary School, Haden Place, and other residential neighborhoods on the north side of Jarman’s Gap Road including Bargamin Park, Waylands Grant and Greyrock. On the south side of Route 250 from Old Trail Drive is Western Albemarle High School.

C. Proposal Description

The purpose of this ZMA is to amend the Code of Development to update the original Code of Development, apply variations that were approved only for certain blocks to the entire Project, and to add clarity in connection with a number of issues that have been raised as the Project has developed. The amendment proposed significantly reduces the size of the Code of Development through the elimination of outdated information, repetitive content, and levels of specificity that make the Code cumbersome to enforce and do not allow for flexibility for the community to evolve as needed when markets and demands change.

Several blocks of Old Trail Village have already been developed. It is the intention of the owner and developer to continue to develop Old Trail Village as the design and quality precedent dictates, continuing to use the standards of the Neighborhood Model. None of the changes made to the Code of Development in this proposed amendment are incompatible with the form and character of such model.

Below is a summary of some of the significant changes made to the Code of Development through this proposed amendment:

1. This proposal reduces the minimum number of residential units to be constructed within Old Trail Village from 1,600 to 1,000, creating additional flexibility as developers adapt to changing consumer preferences throughout the life of the Project. This reduction is necessary and appropriate given the need to provide slightly larger lots, and to increase the amount of parks and other community space within the Property, all in response to market demands.
2. The following regulatory Tables were intentionally omitted:

- Table 5 “Density and Floor Area Ranges” – Part of the regulatory content from this table was added to the new Table 5 “Density Regulations.”
- Table 5A “Maximum Units by Unit Type” – The regulatory content from this table was revised, simplified and incorporated into the new Table 5 “Density Regulations.”
- Table 6 “Zoning Regulations” – This table was revised and retained as Table 6 and Table 6a in the “Development Regulations” section of the Code of Development.
- Table 6A “Spatial Enclosure and Building Height Regulations for CT5 and CT4” and Table 6B “Spatial Enclosure and Building Height Regulations for CT3” – Content contained a level of specificity not required in a Code of Development.
- Table 7 “Minimum Setbacks” – This table was revised and retained in the “Development Regulations” section of the Code of Development.
- Table 8 “Architectural and Landscape Standards” and Table 9 “Architectural Standards by Style” – Content contained a level of specificity not required in a Code of Development.

3. The following revisions were made to Table 4 “Land Uses Allowed”:

- Accessory units within an attached structure and accessory units (carriage houses) within a detached structure were added as allowed uses.
- Farm stands were included as permitted uses.
- Tier I, Tier II, and Tier III Personal Wireless Facilities were updated or added as permitted uses to reflect current County code.
- Cluster Cottage units were included as permitted uses.
- Footnotes were revised to reflect aforementioned revisions.

4. This proposed amendment incorporates regulations for Cluster Cottage units as described in the Code of Development. Cluster Cottage units are compatible with the principles of the Neighborhood Model as they promote community oriented open space, pedestrian orientation, and they add to the already diverse mixture of housing types within Old Trail Village.
5. The street frontage requirements detailed in the Albemarle County Code do not provide the flexibility needed for Neighborhood Model development. Therefore, this proposed amendment allows for lots within Old Trail Village to front on open space or low impact private roads constructed of pervious pavers or asphalt. These frontage options allow for more compact development consistent with the Neighborhood Model Principles, while still maintaining 20’ travelways for emergency vehicle access.
6. In general, the language of the Code of Development was expanded to reiterate and clarify that the Application Plan is only intended as a conceptual framework of development, while providing flexibility necessary to adapt to changing market needs and demands. The central goal of this amendment is to ensure such flexibility is achieved.

7. At staff's suggestions following a mandatory pre-application meeting, the text contained within pages 5-16 of the original Code of Development were deleted, since they were not regulatory in nature.

2nd Submittal - After receiving staff comments from the first submittal and meeting with staff to review those comments, we decided to include a revised Application Plan with our resubmittal. The major revisions to the Application Plan include:

1. Removed tables on Sheet 1.
2. Eliminated detail of internal blocks on Sheet 2.
3. Added a note clarifying that the roads and lots shown on Sheet 3, Sheet 5, Sheet 7, Sheet 8, and Sheet 9 are conceptual.
4. Eliminated minor roads on Sheet 4.
5. Eliminated the Transportation Chart on Sheet 4. A simplified version of this chart is included as Table 3 in the amended Code of Development.
6. Added a note concerning the road that connects Block 22 and 33.
7. Eliminated a portion of the road behind Block 3 on Sheet 4 and added a note.
8. Added a note concerning a portion of Road B behind Block 6, Block 5, and between Block 5 and Block 20.
9. Intentionally omitted Sheet 6.

II. Consistency with Comprehensive Plan

Although the Comprehensive Plan is currently undergoing a revision and update, this section will address the existing plan as adopted by the Board of Supervisors (the "Board") of the County.

A. County Land Use Plan

A key component of the Land Use Plan, which is a central element of the Comprehensive Plan, is the Neighborhood Model. This amendment does not propose any regulatory changes that are incompatible with the Neighborhood Model.

B. Crozet Master Plan

In 2004, the Board adopted the first Crozet Master Plan as a component of the County's Comprehensive Plan. The Crozet Master Plan was updated in 2010 and represented the first five-year update. Based on citizen input, as distilled by the Crozet Community Advisory Council and the County Planning Commission, the 2010 update articulated a vision for the future of the Crozet area. The Neighborhood Model is, again, central to this vision. Furthermore, among the guiding principles of the Crozet Master Plan is (i) that development "will protect its natural resource assets through a variety of cultivation, recreation, and conservation efforts" and (ii) that the services and facilities in Crozet should "accommodate the changing needs of the community as it grows over time."

As to item (i), the proposed reduction in the minimum number of residential dwelling units will preserve more land than the original plan intended for recreation and conservation, while still remaining within the proposed density ranges identified in the Crozet Master Plan. As to item (ii), the proposal allows for increased development flexibility, which is one key reason as to why the Neighborhood Model has proven so advantageous for developers – and will continue to do so in the future, as times and consumer preferences change.

D. Conclusion

As discussed in the foregoing sections, the proposal described in this Zoning Map Amendment Application is consistent with, and advances the policies, goals and objectives set forth in, the Comprehensive Plan.

III. Consistency with the Neighborhood Model

The proposal is consistent with the goals and principles of the County's Neighborhood Model. There is nothing about the proposal that is inconsistent with any of the principles of the Neighborhood Model.

IV. Impacts on Public Facilities & Public Infrastructure

The proposal will not increase project-wide density, and therefore it will have no appreciable impact on public facilities or public infrastructure. While the proposal does not change the maximum number of residential units allowed, it reduces the minimum number of residential units required for development.

V. Impacts on Environmental Features

The proposal will not necessitate any additional infrastructure construction within Old Trail Village. As such, the proposal will not create any appreciable adverse impacts on environmental features. Also, the open space and preservation areas shown on the Application Plan are maintained.

VI. Proposed Proffers to Address Impacts

The existing proffers are proposed to be amended and restated in their entirety. A blackline comparison showing proposed amendments against the approved proffers are enclosed.

Old Trail Village ZMA 2015-00001
Housekeeping Zoning Map Amendment
Outline of Revisions

CODE OF DEVELOPMENT

- Old Trail Village ZMA 2015-00001 is intended to be a Housekeeping rezoning that simplifies, adds clarity, and cleans up/incorporates past variations into the Code of Development so as to cut down on the number of variation requests that need to be processed as each block develops. These variations include: reducing front, side, and rear setbacks to 5', allowing for the encroachment of roof overhangs into the setback, amenity-oriented development, and garage and driveway construction detail.
- Removed introductory and summary sections that were part of the original rezoning but do not make up the regulatory Code of Development.
- Reduced the density range from 1,600 - 2,200 residential units to 1,000 - 2,200 residential units. This reduction in the density minimum allows for greater flexibility to adapt to changing consumer preferences throughout the life of the project, such as the desire for slightly larger lots and increased pocket parks and community open space.
- Table 3: Street Specifications was revised to eliminate regulations that are established VDOT standards and thus unnecessary for inclusion in the table. Some roads were removed and a few roads were changed from public to private. These changes were made to make a distinction between major, public roads and minor roads within the development.
- Table 4: Land Uses Allowed was revised to incorporate carriage houses as approved by ZMA 201400004, cottage housing, farm stands, and Tier I, II, and III Personal Wireless Facilities.
- Table 5: Density and Floor Area Range was simplified to show a minimum and maximum density per block for all residential uses and a minimum and maximum square footage per block for non-residential uses.
- Table 5A: Maximum Units by Unit Type was eliminated since the revised Table 5 includes density ranges for all non-residential uses regardless of unit type. This simplification is easier to enforce, allows for greater flexibility on a block by block basis to meet market demands, but still fixes the overall development range at 1,000 - 2,200 residential units.
- The Entrance Corridor Protection guidelines for Blocks 19, 24, and 25 were revised to clarify what constitutes accessory structures and equipment. It was determined per our meetings with staff that elimination of accessory equipment and structures from the entrance corridor was intended to eliminate commercial related accessory structures and equipment. Examples were included that reflect established definitions from published Albemarle County Entrance Corridor Guidelines, and the terminology was expressly worked out in consultation with Margaret.
- Table 6: Zoning Regulations was separated into two tables. The revised Table 6: Maximum Building Heights listed building height regulations in both stories and feet per staff comments. Table 6a: Single Family Detached Minimum Lot Size Regulations was simplified and the minimum lot size in Block 34 was reduced from 7,000 to 3,000 to reflect market changes. The minimum lot size for single family attached and multi-family units was set at 1,000 square feet.
- Table 7: Old Trail Village Minimum Setbacks was revised to include both minimum and maximum setbacks. The majority of setbacks were set to 5' front, rear and side except for Blocks 30, 31, 33, 34, 35 which were set at 7.5" front, rear, and side.

- The carriage house addendum approved with ZMA 201400004 was incorporated into the Code of Development.
- A section regulating cluster cottage development was created. This development concept consists of a cluster of small single family detached dwelling units, generally approximately 1,000 square feet, arranged around common open space, or courtyard with minimal private yards, and with parking arranged in grouped parking or typically located in separate parking areas or common parking structures. Cluster cottage housing was added to provide an additional housing type as well as aid in providing opportunities for affordable housing.
- The Architectural and Landscape Standards section was revised to eliminate excess information not required as part of a Code of Development.

WAIVER REQUESTS

- This rezoning requests 3 waivers:
 - Waiver of street standards to accommodate amenity-oriented development. Lots fronting on open space will be served by a public or private road that is not required to have sidewalk, curb and gutter, or planting strips as a sidewalk will be provided in front of the units.
 - The applicants requested private street authorization to allow for private streets designated as such in Table 3, as well as future streets that may potentially be developed that are not shown on the Application Plan. The Application Plan shows the major, public road network needed for adequate connectivity as well as some roads that the developer knows will be constructed as private roads. Therefore, any additional roads constructed would be considered minor, private streets.
 - The applicant requests a waiver of the sign height and sign area regulations per attached sign design concept.

APPLICATION PLAN

- Sheet 1: Revisions to update general notes and adjacent property owner's information. Notes were added to clarify rezoning boundary. The minimum setback and density and floor area range tables were removed since they were revised and included in the Code of Development.
- Sheet 2: Major, public roads were filled in with gray and roads considered to be minor and/or private are shown as white with a black outline. Sheet 2 blacks out those blocks that are not included as part of this rezoning. The road configuration behind Block 3 was revised to connect to Claremont as opposed to Old Trail Drive. A note was added concerning Block 22 and 32 which allows reserves the right, but not the obligation for the developer to construction the road between these two blocks as an approved public or private road or as a secondary emergency access way.
- Sheet 3, 5, 7, 8, and 9: Note was added clarifying that internal roads to blocks and lot lines are conceptual.
- Sheet 4: Roads were revised to reflect changes made to Sheet 2. Transportation chart was removed as the revised chart is included in the Code of Development.
- Sheet 6 was intentionally omitted.

PROFFERS

- Technical updates to the general information (updated parcel number, reference to Carriage House rezoning approval, and updated reference to new Application Plan)
- Affordable Housing (paragraph 2)
 - Technical updates to define “Affordable Units” consistently throughout.
 - Technical updates to clarify that the term “Owner” applies to any subsequent owner/builder.
 - In paragraph 2C, eliminated subparagraphs 1 and 2 at the suggestion of the County Housing Director (refer to my email to you of November 6, 2015).
- Cash Proffer for School Projects (paragraph 3): minor technical revision to clarify that Affordable Units are not subject to the cash proffer requirements of this paragraph. This is consistent with how the proffers have been enforced and interpreted, but it makes sense to add this clarification as part of the Housekeeping ZMA.
- Cash Proffer for Park Projects (paragraph 5): similar technical revision to clarify that Affordable Units are not subject to the cash proffer requirements of that paragraph.
- Overlot Grading Plan (paragraph 7): Omission of subparagraph H since an updated version of this subparagraph is now included in the Code of Development.