

## **Modification Requests- Staff Analysis**

### **#1: Authorization of Private Streets**

Private streets may be authorized by the Planning Commission as provided by any one of the provisions of Section 14-233.

The applicant has requested approval of private streets for Road L, Road N, Road P, a portion of Road H, and a portion of Road B as shown on sheets 2 and 4 of the Plan, streets that serve as access to amenity oriented lots, as well as any additional streets to be built in the future (Attachment C and Attachment F) using Neighborhood model development as justification. *Please note that these roads are labeled on sheet 4 of the Plan as Street L, Street N, Street P, Street H and Street B.* Ordinance language presented in ***bold italics*** followed by staff comment.

#### **ANALYSIS OF SECTION 14-233(A)(1) Neighborhood model development.**

***May be authorized if the proposed private street(s) would enable the principles of the neighborhood model to be more fully implemented than could be achieved with a public street, without diminishing other principles of the neighborhood model, in the following circumstances: (i) the subdivision would have a streetscape more consistent with the neighborhood model; (ii) the subdivision design would allow it to better achieve the density goals of the comprehensive plan; (iii) rear vehicular access to buildings would be provided so that the buildings may face a common amenity; (iv) a significant environmental resource would be protected; or (v) relegated parking would be provided to a greater extent than could otherwise be provided.***

Staff has reviewed this request and found, that as currently stated, staff cannot support portions of the request. Staff believes that Street B, the portion located directly behind Block 6, should be identified as a public street. This street is a major component of the block network and is a direct connection between commercial designated blocks (Blocks 6 and 7) and existing Golf Drive. Staff opinion is that this road should be a public road because this street will likely carry a higher volume of traffic within the neighborhood, as well as, visitors to the town center and commercial area. The road connects to two other public roads that are considered part of the major road network. Staff recommends that the applicant update the Plan and the COD to indicate this street as public.

The applicant's request includes a "portion of Road H", however the proposed Plan and COD do not show which portion of the road would be a private street, and actually shows this as a street designated to be public. Therefore, staff was unable to fully evaluate this request. Most of this street has already been approved and built as a public street. Staff opinion is that roads should not be constructed in varying public and private road segments. This can create inconsistencies in road design, operation and maintenance of the road (ex., traffic management methods, surface maintenance, snow removal). For these reasons, staff recommends denial of Street H as a private street.

Staff also does not support the portion of the request to approve all future private streets in the development without indicating which streets (location) and uses. The County's policy is for streets to be public and not private, and without evaluation of the individual street and the uses served, staff cannot support this request.

Staff does recommend approval for the private streets that serve amenity oriented lots. These streets provide rear access to lots that are oriented toward a common amenity, and the traffic generated from the streets will be for the residents and their visitors which will generate less traffic than those roads that access the town center. The layout for these amenity oriented blocks will allow for a design that is consistent with the neighborhood model principles by providing rear access and relegated parking.

The applicant did not include Street T in their request, however it is shown on the Plan and COD as a possible private street. Staff supports this street as either a public or private street, however the note on the Plan needs to be revised as was discussed in the previous #1 section.

#### **ANALYSIS OF SECTION 14-234:**

Per Section 14-234(C), the Commission may authorize one or more private roads to be constructed in a subdivision if it finds that one or more of the circumstances described in Section 14-233 exists and that: (ordinance language presented in ***bold italics*** followed by staff comment)

***1. The private road will be adequate to carry the traffic volume which may be reasonably expected to be generated by the subdivision.***

The amount of traffic expected on the requested private streets is minimal with the exception of the portion of Street B behind block 6. While Fire Rescue and Engineering Divisions find no objections to the proposed streets being private and the general locations, the ultimate design of the streets are subject to approval by both agencies and must meet their requirements.

***2. The comprehensive plan does not provide for a public street in the approximate location of the proposed private road;***

The Crozet Master Plan reflects the prior rezoning road network within the Transportation Plan and the Land Use Plan. Additional changes to the types of roads within that network are not inconsistent with the Master Plan.

***3. The fee of the private road will be owned by the owner of each lot abutting the right-of-way thereof or by an association composed of the owners of all lots in the subdivision, subject in either case to any easement for the benefit of all lots served by the road;***

Section 14-317 of the Subdivision Ordinance requires that a maintenance agreement be submitted for review by Planning staff and the County Attorney in all situations where improvements are required to be maintained. This agreement will be required during the subdivision process. The applicant has indicated that the private streets will be entirely owned and maintained by the Old Trail Village HOA.

***4. Except where required by the commission to serve a specific public purpose, the private road will not serve through traffic nor intersect the state highway system in more than one location;***

With the exception of Street B located behind block 6, the proposed private streets serve a public purpose by enabling the principles of the neighborhood model to be more fully implemented than could be achieved with a public street.

***5. If applicable, the private road has been approved in accordance with section 30.3, flood hazard overlay district, of the zoning ordinance and other applicable law.***

The requested private streets will not require any upgrades nor impact the flood plain.

#### **Summary:**

Staff recommends the following:

1. The portion of Street B located behind Block 6 be revised in the Plan and COD to be shown as a public street.
2. Denial of the request for a portion of Street H as a private street.
3. Denial of the request for additional private street approval for those streets not shown on the Plan or COD.
4. Approval of private streets serving amenity oriented lots.
5. Approval of Streets T, L, N, P, and the portion of B that serves Blocks 5 and 20 as private streets.

#### **2a. Exception of Curb, Curb and Gutter Requirement**

Curb and gutter are required to be established on both sides of each new street within a subdivision in the development areas. The applicant has requested a general curb and gutter exception for any private street that provides access to the amenity oriented lots. The requirements for curb and gutter may be waived by the commission as provided in section 14-203.1.

#### **ANALYSIS OF SECTION 14-410 (I) Variation or exception to requirement for curb or curb and gutter:**

Per Section 14-410(I)(2), in reviewing a request to waive the requirement for curb and gutter, the commission shall consider whether: (ordinance language presented in ***bold italics*** followed by staff

comment)

***i. the number of lots in the subdivision and types of lots to be served;***

Since the request is being made with the rezoning amendment, a subdivision has not been submitted and therefore it is unknown what the number and types of lots to be served will be. However, previous private streets within the development that serve amenity oriented lots have been approved and built with curb but not gutter.

***ii. The length of the street;***

Again, the length of the street is unknown as a detailed plan has not been submitted.

***iii. Whether the proposed street(s) or street extension connects to an existing system of streets constructed to a rural cross-section;***

None of the streets will connect to an existing system of streets constructed to a rural cross-section, as all of Old Trail NMD currently has curb and gutter.

***iv. the proximity of the subdivision and the street to the boundaries of the development and rural areas;***

All of the blocks within Old Trail are in the development area and the streets requested to not have curb and gutter will be connected to public or private streets with curb or curb and gutter.

***v. whether the street terminates in the neighborhood or at the edge of the development area or is otherwise expected to provide interconnection to abutting lands;***

The proposed streets would serve amenity oriented lots within the neighborhood and not connect to abutting lands.

***vi. whether a rural cross-section in the development areas furthers the goals of the comprehensive plan, with particular emphasis on the neighborhood model and the applicable neighborhood master plan;***

A rural cross-section in this development does not further the goals of the comprehensive plan. While these streets do provide rear access and allow lots to face an amenity, allowing the neighborhood model principles to be further achieved, these streets are the sole access for these lots, and streets that have been previously been approved for amenity oriented lots have been built with curbing.

***vii. whether the use of a rural cross-section would enable a different principle of the neighborhood model to be more fully implemented; and***

Staff does not believe that a rural cross-section would enable a different principle of the neighborhood model to be more fully implemented. Staff is recommending approval of the private streets to allow amenity oriented lots to have access to the rear of the lots and provide relegated parking. Providing curb and gutter does not affect the ability of the neighborhood model principles to be achieved.

***viii. whether the proposed density of the subdivision is consistent with the density recommended in the land use plan section of the comprehensive plan.***

The proposed density of Old Trail is consistent with the density recommended in the Crozet Master Plan.

**SUMMARY:**

Staff's opinion is that curbing should be provided along these streets, as has been provided in the same situation in other areas of the existing development. The applicant has not provided adequate justification for the request for staff to make a positive finding.

Staff recommends that curb only be provided along the private streets serving amenity oriented lots.

**2b. Exception of Sidewalk Requirement**

Sidewalks and planting strips for street trees and other vegetation are required to be established on both sides of each new street within a subdivision in the development areas. The applicant has requested a general sidewalk and planting strip exception for any private street serving amenity oriented lots. The

requirements for sidewalks and planting strips may be waived by the commission as provided in section 14-203.1.

**ANALYSIS OF SECTION 14-422 (E) Waivers from sidewalk requirements:**

Per Section 14-422(E)(2), in reviewing a request to waive the requirement for sidewalks, the commission shall consider whether: (ordinance language presented in ***bold italics*** followed by staff comment)

***i. A waiver to allow a rural cross section has been granted;***

As stated above in the curb and gutter exception request, staff is not recommending approval of a rural cross-section for the private streets serving amenity oriented lots.

***ii. A surface other than concrete is more appropriate for the subdivision because of the character of the proposed subdivision and the surround neighborhood;***

No alternative surface is proposed.

***iii. Sidewalks on one side of the street are appropriate due to environmental constraints such as streams, stream buffers, critical slopes, floodplain, or wetlands, or because lots are provided on only one side of the street;***

Sidewalks are not being proposed on one side of the street.

***iv. The sidewalks reasonably can connect to an existing or future pedestrian system in the area;***

There is a network of sidewalks that provide pedestrian access to all the blocks within Old Trail Village, as well as to adjacent parcels and trail systems. The lots facing the amenity can reasonably connect to that same system via sidewalks provided within and adjacent to the amenity space.

***v. The length of the street is so short and the density of the development is so low that it is unlikely that the sidewalk would be used to an extent that it would provide a public benefit;***

The length of the streets is unknown at this time. However, the streets are for rear vehicular access and sidewalks will be provided within the amenity to allow pedestrian access from the lots to the surround sidewalks and pedestrian network.

***vi. An alternate pedestrian system including an alternative pavement could provide more appropriate access throughout the subdivision and to adjoining lands, based on a proposed alternative profile submitted by the subdivider;***

The subdivider has not proposed an alternative profile and is proposing sidewalks that meet the County's design standards.

***vii. The sidewalks would be publicly or privately maintained;***

Sidewalks for private streets would be maintained by the Homeowner's Association. Sidewalks adjacent to public streets will be maintained by VDOT.

***viii. The waiver promotes the goals of the comprehensive plan, the neighborhood model, and the applicable neighborhood master plan; and***

This waiver promotes the goals of the neighborhood model and the rezoning plan. Alleyways without sidewalks and planting strips were anticipated for the blocks that provide rear access to the proposed lots.

***ix. waiving the requirement would enable a different principle of the neighborhood model to be more fully achieved.***

Waiving the requirement will allow the lots to be accessed from the rear of the property. This allows the relegated parking principle to be fully achieved.

**SUMMARY:**

Staff's opinion is that sidewalk does not need to be provided along the private streets providing rear access to the amenity oriented lots. Additionally, this request has been previously approved in other areas of the development.

Staff recommends approval of the sidewalk exception for the private streets serving amenity oriented lots only with the following condition:

**Recommended Condition:**

1. A five foot sidewalk across the length of the amenity area shall be provided for access to and from the lots and connect to the sidewalk network along the public and private streets.

**2c. Exception of Planting Strip Requirement**

Planting strips for street trees and other vegetation are required to be established on both sides of each new street within the development areas. The applicant has requested a general exception to the planting strip requirement any private street serving amenity oriented lots. The requirements for planting strips may be waived by the commission as provided in Section 14-203.1.

**ANALYSIS OF SECTION 14-422 (F) Waivers from planting strip requirements:**

Per Section 14-422(F)(2), the commission shall consider whether: (ordinance language presented in ***bold italics*** followed by staff comment)

***i. A waiver to allow a rural cross section has been granted;***

As stated above in the curb and gutter exception request, staff is not recommending approval of a rural cross-section for the private streets serving amenity oriented lots.

***ii. A sidewalk waiver has been granted;***

A sidewalk waiver is included with this request and is recommended for approval by staff.

***iii. Reducing the size of or eliminating the planting strip promotes the goals of the comprehensive plan, the neighborhood model, and the applicable neighborhood master plan; and***

Eliminating the planting strip maximizes the area available for open space and creates an alley-like streetscape for rear access to each lot. Sidewalks and street trees are required on both sides of the street on all other private and public roads within the development.

***iv. Waiving the requirement would enable a different principle of the neighborhood model to be more fully achieved.***

This waiver promotes the goals of the neighborhood model by allowing an alleyway like condition to allow the lots to front on an amenity while relegating parking to the rear. Alleyways without sidewalks and planting strips were anticipated for the blocks that would provide rear access to the proposed lots.

**SUMMARY:**

Staff's opinion is that the proposed private streets would function as alleys and planting strips are not required for alleyways. Planting strips are required to be provided along the proposed public and private roads within the development and there will be the amenity open space as well.

Staff recommends approval of the planting strip exception for the private streets serving amenity oriented lots only.

**3. Sign Modifications**

The applicant has submitted a request to modify Section 4.15.11. Planned Development districts, as allowed by [Section 8.2\(b\)](#), which states that an applicant may request a waiver or modification of any requirements of Section 4 of the zoning ordinance.

**Requested modifications to Section 4.15.11 are shown below with strikethrough of the ordinance regulations and proposed modification underlined.**

- Freestanding signs—height
- Freestanding signs—sign area
- Subdivision signs—height
- Subdivision signs—sign area

Sign Type	Number of Signs Allowed	Sign Area (Maximum)	Sign Height (Maximum)	Sign Setback (Minimum)
<b>Freestanding</b>	1 per street frontage, or 2 per entrance, per lot with 100 or more feet of continuous street frontage plus 1 per lot if the lot is greater than 4 acres and has more than 1 approved entrance on its frontage	<del>32 square feet, aggregated, plus bonus tenant panels as provided in section 4.15.16(b); if more than 1 sign at an entrance, no single sign shall exceed 16 square feet</del> <u>64 square feet per sign plus bonus tenant panels as provided in Section 4.15.16(b)</u>	<del>12 feet</del> <u>16 feet</u>	5 feet
<b>Subdivision</b>	2 per entrance per subdivision	<del>24 square feet, aggregated, per entrance</del> <u>64 square feet per sign</u>	<del>6 feet</del> <u>16 feet</u>	5 feet

The Neighborhood Model Development (NMD) sign regulations allow freestanding signs for commercial uses and subdivision signs for the residential component of the planned development. Subdivisions signs are a type of sign erected at the entrance of a residential development that only identifies the residential development.

Bonus tenant panel provisions would allow additional sign area for the free standing sign once Old Trail reaches 50,000 square feet in gross floor area of commercial uses. The provisions allow (1) tenant panel up to 8 square feet in size and not to exceed 4 bonus tenant panels. The applicant has not demonstrated how these panels would be accommodated in their vertical design concept.

### **3a. Sign Area Increase**

Old Trail proposes a unique multisided vertical sign concept that uses monument theme panels that would exceed the maximum sign area allowed under the NMD sign regulations. Current sign ordinance regulations require that the theme panels be counted towards maximum sign area (currently 32 square feet (sf)). The sign concept proposes a multisided sign in the shape of a square, or possibly a triangle design. Based on the sign ordinance, the additional sides technically result in two signs per monument. The applicant's proposal would limit the area of the sign devoted to text to 32 sf, and allow an increase in square footage to accommodate two theme panels of 16 sf each, on each side of the sign. This would increase the maximum sign area for each side of the sign to 64 sf.

If the request is approved, a sign permit is still required, and Architectural Review Board approval of that permit will still be needed. Two of the proposed signs would be visible from the Route 250 Entrance Corridor. Preliminary review by ARB staff of the proposed sign design indicates conformity with the Entrance Corridor Sign Guidelines, except for the sizes in excess of ordinance requirements.

### **SUMMARY:**

Staff does not object to this modification and does not believe it is in conflict with the Crozet Master Plan goals of protecting Route 250 West as a scenic byway.

Staff recommends approval of the sign area increase.

### **3b. Sign Height Increase**

Old Trail proposes an increase in maximum sign height from 12 feet to 16 feet for subdivision and freestanding signs. The maximum sign height for freestanding signs allowed varies among zoning

districts. RA and R1, R2, and R4 zoning districts allow a maximum height of 10 feet. R10, R15, PRD, DCD, NMD, and Commercial zoning districts have a maximum sign height of 12 feet for a freestanding sign. The maximum sign height of 6 feet for subdivision signs is consistent among all the zoning districts that allow residential uses. Planned Development Shopping Center, Planned Development Mixed Commercial and the Industrial zoning districts allow a maximum sign height of 16 feet. The applicant believes the sign ordinance does not recognize the commercial characteristics of NMD developments and that they have sign needs similar to the PDMC and PDSC zoning districts.

**SUMMARY:**

The sign height increase is consistent with the height limit in these districts and is to accommodate their unique vertical design concept, staff does not object to this modification request.

Staff recommends approval of the modification for height increases for both the commercial and subdivision signs.