

## **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 that serve as access to amenity oriented lots using Neighborhood model development as justification. 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 recommends approval for 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 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 details of the amenity oriented lots can be found on pages 30 and 31 of COD.

#### **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. While Fire Rescue and Engineering Divisions find no objections to the proposed streets being private, 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;***

While the exact locations of the private roads are yet to be determined, the Places29 Master Plan only shows one possible public street on these properties and the applicant is providing that street as a public street.

***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 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;***

While the location of the streets is yet to be determined, the proposed amenity oriented 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 by allowing a smaller pavement section and rear access to the lots.

***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 approval of private streets serving amenity oriented lots.

**#2: Modification of Street Standards**

**2a. 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;***

A waiver to allow a rural cross section has not been granted or requested.

***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;***

Sidewalks will be required along all public streets that will create a pedestrian network throughout the development. Staff is recommending a condition that a five foot sidewalk across the length of the amenity area be provided for access to and from the lots and connect to the sidewalk network along the public streets.

***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 are encouraged under the neighborhood model for blocks that provide rear access to 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 neighborhood model developments (Old Trail).

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 streets.

**2b. 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;***

A waiver to allow a rural cross section has not been granted or requested.

***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 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.

**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 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.