

COUNTY OF ALBEMARLE
TRANSMITTAL TO THE BOARD OF SUPERVISORS
SUMMARY OF PLANNING COMMISSION ACTION

AGENDA TITLE: ZMA201600022 Moss (2511 Avinity Drive)	AGENDA DATE: May 15, 2019
SUBJECT/PROPOSAL/REQUEST: Request for 0.9 acres to be rezoned from R1 Residential zoning district to PRD Planned Residential District (PRD). A maximum of 24 multifamily units is proposed for a density of 26 units/acre. Associated with this request is a request for a special exception to modify the minimum acreage requirement of three acres for a PRD.	STAFF CONTACT(S): Walker, Graham, Benish, Nedostup
SCHOOL DISTRICT: Monticello High School, Walton Middle School, Cale Elementary	PRESENTER (S): Megan Nedostup

BACKGROUND:

At its meeting on March 19, 2019, the Planning Commission voted to recommend approval of ZMA201600022 with a recommendation that a revision be made for the fence height and material. The Commission also recommended approval of the Special Exception request to allow the minimum area required for a Planned Residential Development to be modified with a condition. The Commission's staff report, action letter, and minutes are attached (Attachments A, B, and C).

DISCUSSION:

At the Planning Commission meeting there were a few residents of the adjacent Avinity subdivision that spoke. One of the residents expressed concerns about the existing fence on Avinity property and the proposed fence being in close proximity to one another, and not the same height. The Planning Commission discussed the need for two fences within the same area, and while not included in their motion, expressed a desire if the adjacent owners were amenable, to have flexibility for the applicant to provide landscaping in lieu of the proposed fence so as not to create a double fence that would be difficult to maintain (See Attachment C for minutes). Ultimately, the Planning Commission recommended approval of the rezoning with a recommendation that the fence be increased in height from six feet to eight feet on the eastern side of the parking lot and make the most southern portion of the fence a solid material.

Since the Planning Commission meeting, the applicant worked with Staff to develop a note to address the Commission's recommendation, and also their expressed concerns with allowing flexibility, but still providing the screening necessary. The application plan has been revised to include the following note (#9 on Application Plan Sheet 4 in Attachment D):

"The proposed fence on the eastern side of the parking lot shall be 8 feet in height, and the most southern 80 feet shall be a solid material. If the owners of tax map parcels 91A-57 and 91A-A would prefer landscape screening in lieu of the 8 foot proposed fence, then TMP 90-35L shall provide landscape screening in accordance with 32.7.9 of the Zoning Ordinance. If only landscaping is provided, and the existing fence on tax map parcel 91A-A is removed, the owner or ownership entity (the "owner") of TMP90-35L shall construct a fence on TMP 90-35L to provide screening in addition to the landscaping. The owner shall construct the new fence within 90 days of removal of the fence on 91A-A."

Staff believes this note satisfies the Planning Commission's desire for flexibility while also assuring that privacy and required screening along the property line is maintained for the residents of Avinity.

The Commission also recommended approval of the request for a Special Exception to allow the minimum area required for the establishment of a Planned Residential Development to be

reduced from three (3) acres to 0.9 acres with a condition.

RECOMMENDATIONS:

Staff recommends that the Board adopt the attached Ordinance to approve ZMA201600022 (Attachment E), and the Resolution to approve the Special Exception (Attachment F).

ATTACHMENTS:

- A – Planning Commission staff report- March 19, 2019
 - A1: September 26, 2017 Staff Report and Attachments
 - A2: Application Plan with revised date of January 8, 2019
 - A3: Applicant Justification for Special Exception
 - A4: Staff analysis for Special Exception
 - A5: Deed for access to Avinity Drive
 - A6: Deed for Emergency Access
- B – Planning Commission action letter
- C – Planning Commission minutes
- D – Revised Application Plan dated April 18, 2019
- E – Ordinance to approve ZMA201600022
- F – Resolution to approve Special Exception