

STAFF ANALYSIS

STAFF PERSON: Rebecca Ragsdale, Principal Planner
BOARD OF SUPERVISORS: August 7, 2019
PROJECT: Belvedere Block 4
TAX MAP PARCELS: 062A3-00-00-00100 and 06100-00-00-16000

Special Exception to Modify County Code § 18-4.16.3.3

Proposal

The applicant has requested a special exception to modify the requirement of §18-4.16.3.3 as it applies to the required recreation in Belvedere Block 4 (see below). The proposed deadline for completion is July 15, 2020.

The Neighborhood Model District (NMD) zoning district requires both the amenities and greenspace regulations of the NMD district to be met along with the requirements of County Code §18-4.16, Recreation Regulations. The regulations address not only the quantity and type of recreation but also timing of completion:

4.16.3.3 Recreational facilities shall be completed when fifty (50) percent of the units have received certificates of occupancy.

County Code § 18-20A.5(i)(6) requires NMD codes of development to provide the acreage devoted to and characteristics of green space, amenities, and recreational areas and facilities as required by County Code §18-4.16 by block. Oftentimes, codes of development will allow required NMD amenities to substitute for requirements of County Code §18-4.16 or the requirements of §18-4.16 may be waived or modified. Unless the regulation is expressly addressed in the code of development and a waiver has been processed, then the requirement applies. No modification of §18-4.16.3.3 has been processed. Amenities are required to be completed when a block reaches 50 percent of certificates of occupancy (CO). The ordinance does not permit staff to administratively waive, modify, or establish an alternative deadline such as approval of a plat in other sections of the development.

The Belvedere code of development allows up to 71 units in Block 4 and 34 units have received a CO. The applicant is developing the remainder of Block 4 and proposed 37 units. This plan allows only two additional COs before amenities must be complete. Staff advised the developer of the requirement in review comments on both the preliminary plat (SUB201600119) and final plat (SUB201800098 Belvedere Phase IIB Final). However, there have been ownership changes in Belvedere between the preliminary plat and the final plat.

As noted above, the applicant has requested to modify the requirement of §18-4.16.3.3 as it applies to the required recreation in Belvedere Block 4 (see below). The proposed deadline for completion is July 15, 2020.

Block 4 Neighborhood Center- This centrally located facility will be a primary recreational amenity for the project. It will be interconnected to the other portions of the open space system and residential community through an extensive system of sidewalks and trails. The main feature of this site will be a Neighborhood Center Building (3,500 ft². min.) that will be oriented toward the Village Green and adjacent active recreation facilities. The building will contain meeting rooms, offices, small-scale retail/ food and beverage facilities and restrooms/changing rooms. A swimming pool (2,000 ft² min.) will be adjacent to this building. Other facilities include tennis and other recreation courts, playground and seating plazas. The Director of Community Development may approve alterations to final program elements inside the Neighborhood Center and adjacent recreational amenities if he finds that the alterations better respond to neighborhood interests at the time of construction.

Variations #16, 17, 18 (approved 9.17.09) - The Neighborhood Center area will provide amenities for the Belvedere development as well as for the Charlottesville/Albemarle community. A field house will be provided with a footprint of approximately 39,000 square feet which will consist of an indoor multi-purpose playing surface primarily used for soccer as well as associated offices, locker rooms, storage, and other customary accessory uses. A private educational facility or day care with a building of no more than 8,000 square feet plus outdoor play area will be provided on the Neighborhood Center site. A community meeting house for Belvedere will be provided in the Neighborhood Center area. This meeting house may include meeting rooms, offices, small-scale retail/food and beverage facilities, and restrooms/changing rooms. It may also include a hardscape plaza for gatherings. Other amenities for the Belvedere development will include provision of a minimum of 100 memberships in the Fairview Swim Club. Part of the parking requirements may be satisfied using on-street parking, if determined by the County as appropriate, as part of the site review process.

ANALYSIS OF SPECIAL EXCEPTION REQUEST: Requests for modifications must be reviewed under the criteria established in County Code § 18-33.49(B), taking into consideration the factors, standards, criteria and findings for each request; however no specific finding is required in support of a decision. Under County Code § [18-8.2\(b\)](#), the Applicant can request a modification of County Code § 18-4.16. Any modification must meet the findings listed in County Code § 18-8.2 of the Planned Development Ordinance as well as meet the purpose and intent of the. The applicant has addressed these findings in detail in its request. Staff has made brief comments regarding the criteria in County Code § 18-8.2.(b)(3) below.

(i) to be consistent with the intent and purposes of the planned development district under the particular circumstances, and satisfies all other applicable requirements of section 8;

In Section 8 of the Zoning Ordinance, the intent of Planned Development Districts is to provide for variety and flexibility in design necessary to achieve the goals and objectives set forth in the comprehensive plan. The various goals are intended to promote: economical and efficient land use through unified development; improved levels of amenities; appropriate and harmonious physical development; creative design; and a better environment than generally realized through conventional district regulations.

(ii) to be consistent with planned development design principles;

The purpose of planned developments is to promote variety and flexibility in design allowing for a unified site design. Approval of this special exception will not change the design or the quantity of recreational amenities that will be constructed, only the timing. Design principles will not be affected.

(iii) that the waiver or modification would not adversely affect the public health, safety and welfare; and

This request will not affect public health, safety and welfare.

(iv) in the case of a requested modification, that the public purposes of the original regulation would be satisfied to at least an equivalent degree by the modification.

The special exception will extend the required deadline for completion of amenities. However, the Block 4 neighborhood recreation and amenities include those that will take longer to construct such as the soccer fieldhouse.

Recreational amenities in all blocks other than Block 4 must still comply the regulations of County Code § 18-4.16.3.3.

Recommendation

Staff recommends that the Board adopt the attached Resolution (Attachment C) to approve the special exception to modify the requirements of County Code § 18-4.16.3.3 with the following condition:

1. The Block 4 Neighborhood Center Greenspace and Amenities as described in the Belvedere Code of Development must be completed on or before July 15, 2020. The Block 4 Neighborhood Center Greenspace and Amenities does not include the private education center or daycare as proposed in the Belvedere Code of Development.