

Updated information is provided in red.

PROJECT PROPOSAL

Basic Overview – Public Need or Benefit:

Tax Map Parcel	Owner	Acreage	Zoning	Comprehensive Plan Land Use Designation
06100-00-00-154B0	Windmill Ventures LLC	1.91	R-4	Urban Density Residential

On behalf of Blackbird of Charlottesville, LLC, the contract purchaser of property designated on the County of Albemarle, Virginia (the “County”) tax maps as parcel 06100-00-00-154B0 and having an address of 999 Rio Road East (the “Property”), we propose to rezone the Property from Residential R-4 to a Neighborhood Model District (NMD). The Property contains approximately 2 acres. We propose designating the acre fronting Rio Road East for mixed-use, with the rear acre designated solely for residential.

We envision the mixed-use portion of the redevelopment to consist of two, three-story buildings with 5,000 square foot footprints (15,000 gross square feet). One building will contain approximately 12 small, one- and two- bedroom units. The second building will consist of 8 additional units on the second and third floors, with the remaining 5,000 square feet on the first floor designated for commercial. The commercial space will likely consist of professional offices and/or a small café. The design of the mixed-use portion of the Property will be dependent upon the eventual tenant(s). Therefore, we would like to maintain flexibility to adapt to a variety of potential users. Thus, we propose ranges for the proposed residential density and commercial space within the mixed-use portion of the Property: residential density of 8 to 32 units and commercial space between 500 and 5,000 square feet, with the exception of allowing up to 10,000 square feet of commercial if it is specifically designated for office space.

Due to the possibility that no commercial users would be interested in the Property, the required minimum amount of commercial in the mixed-use block has been reduced from 500 square feet to 0 square feet.

Similarly, we envision the residential portion of the Property to consist of 10-12, small 800 to 1,700 square foot, single family detached “cottage” units; however, we request flexibility to adapt to the market. Therefore, we propose 8-14 single family units – detached or attached.

The Property is surrounded by some residences – mostly from the Belvedere and Dunlora subdivisions. We believe the eventual commercial users will provide neighborhood services to such residences, as well as the residents of the Property itself. The Property is also situated in close proximity to several religious institutions and across the street from the Charlottesville Albemarle Technical Education Center (CATEC). The commercial users will likely also serve

visitors, students and employees of CATEC and the surrounding religious institutions as well. Therefore, the proposal will complement and look to serve surrounding properties and communities.

In response to neighborhood feedback, we have revised the Code of Development to prohibit certain uses. The following Note 1 of Table A has been added, “Notwithstanding the above, the following ‘Community & Regional Retail’ or ‘General Commercial Service’ uses shall be explicitly prohibited: entertainment or recreation establishments (or similar uses), gas stations, funeral homes and crematories, storage yards, auction houses, convenience stores, and hotels/motels.”

The intent of the small “cottage” units is to provide less expensive, single family detached homes. Currently, the Charlottesville-Albemarle market has a very limited number of newly constructed single family detached homes that are affordable to the “middle market” buyer.

As of February 19, 2019, according to Zillow, there are 44 single family detached homes for sale with a Charlottesville address that are at or under \$350,000. Of those, only two were constructed within the previous 3 years. Consistent with national trends, the Charlottesville-Albemarle market has a clear “missing middle.” To afford a home for \$350,000, assuming typical mortgage terms of a 20% down payment (\$70,000) and an interest rate of 4.5% over 30 years, to avoid spending more than 30% of one’s income on housing, a family must have an annual income of at least \$68,000 to afford a \$350,000 home. According to the Census American Community Survey (ACS) yearly surveys, the median household income for the Charlottesville, Virginia metro area was \$66,853 in 2017. The intent is for the cottage units to serve the needs of the median household in the area, where there is currently a clear unmet need.

As of April 29, 2019, according to Zillow, there are 32 single family detached homes for sale with a Charlottesville address that are at or under \$350,000. Of those, only one was constructed within the previous 3 years. In addition, since the first submittal of the Application, the Thomas Jefferson Planning District Commission (TJPD) has provided a regional housing assessment (the “Housing Assessment”).

The Housing Assessment revealed several pertinent statistics and conclusions:

- There is definitively a housing affordability crisis in the area.
 - 8,990 Urban Renters (City of Charlottesville and Development Areas of Albemarle County) pay more than 30% of their incomes for housing costs
 - 2,560 Urban Homeowners pay more than 50% of their incomes for housing costs
- High housing costs in the Urban Areas are causing households to rent or purchase in surrounding localities and commute to work.
 - 1,400 workers commute to Charlottesville or Albemarle from Augusta County alone

- Assuming a cost of approximately 0.58 cents per mile paid 20 days out of the month, commutes can cost between \$348 to \$766 per month depending on the distance (commuting from Lake Monticello versus Lovington)
- Commutes have an environmental impact from the exhaust of increased cars. Commutes also result in less involvement in communities and time away from families.
- There is a need for new, smaller, more affordable housing in the Urban Areas.
 - The cottages are intended to sell for between \$280,000 and \$380,000 – according to the Housing Assessment, an Affordable Unit Purchase Price for households who make 100% of the area *median* income are: \$298,000 for one person, \$344,000 for two people, and \$384,000 for three people. Therefore, the cottages will meet the needs of those intended: the “middle market” buyer.
 - The Housing Assessment states, “Zoning ordinances that specify the number of units per acre, rather than a Floor Area Ratio that relates the amount of space to the amount of land, incentivize units that are larger and typically more expensive.” It also states, “Zoning by the number of units per acre is a disincentive to building smaller, more affordable units.” By rezoning the Property, the Applicant is able to overcome this disincentive.
 - Households are relatively small – 63.1% of all households in the region had only one or two persons in 2010 and the average household size in 2018 was 2.45 persons.

In addition to the other revisions noted herein, the following updates have also been made to the Code of Development:

- The front, side and rear setbacks have been modified from 10’, 8’ and 0’ to 5’, 3’ and 10’, respectively. While the front and side setbacks have been reduced, the rear setback has been increased. The reason for the larger rear setback is because the layout of the units is such that the rear of the units abuts either Belvedere Boulevard or existing residences along Fowler Ridge Court and Shephard’s Ridge. Therefore, the rear setback will provide an additional buffer between the Property and such existing residences.
- A restriction related to “Ground Floor Ceiling Height” has been removed. If the Applicant constructs commercial space in Block 1, it will be required to provide ceiling heights per building code. However, it is uncertain whether this location is viable for commercial uses. The area is designated in the Comprehensive Plan as “Urban Density Residential,” which allows for and encourages mixed-use designs (of neighborhood-scale), however, it does not *require* such designs. Importantly, even if the Property were to be developed without commercial uses, it would still provide a mixture of housing types at the recommended density, consistent with the Comprehensive Plan.

- Certain stormwater management facilities and other standard utilities have been added as permitted uses in Table A.

Intent of Neighborhood Model District:

According to Section 20A.1 of the County Code, the purpose of the Neighborhood Model District is “to encourage a development form and character that is different from conventional suburban development by providing the following characteristics:

- Pedestrian orientation;
- Neighborhood friendly streets and paths;
- Interconnected streets and transportation networks;
- Parks and open space as amenities;
- Neighborhood centers;
- Buildings and spaces of human scale;
- Relegated parking;
- Mixture of uses and use types;
- Mixture of housing types and affordability;
- Redevelopment;
- Site planning that respects terrain; and
- Clear boundaries with the rural areas.”

In addition, “the NMD is intended to provide for compact, mixed-use developments with an urban scale, massing, density, and an infrastructure configuration that integrates diversified uses within close proximity to each other...” Importantly, according to Section 20A.2(b), “an application is not necessarily required to possess every characteristic of the Neighborhood Model ...in order to be approved as an NMD.” The County Code continues, “the size of the proposed district, its relationship to a larger neighborhood, or other similar factors may prevent the application from possessing every characteristic.” As noted by the County Code, the small size of the Property and its proximity to nearby residences may prevent the proposed development from containing certain NMD characteristics. However, a rezoning of the Property to NMD is still warranted in order to achieve a mixture of uses and use types.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The Property’s land use designation is Urban Density Residential, which calls for density between 6.01 to 34 dwelling units per acre. The proposed density ranges from approximately 8 to 24 dwelling units per acre (8-14 units within the residential and 8-32 units within the mixed-use portion of the Property). Therefore, the proposed residential density is consistent with the Property’s land use designation within the Comprehensive Plan.

In addition, the Urban Density Residential land use designation calls for a maximum building height of 4 stories or 45 feet, with two or more housing types preferred in each development. We are proposing two, three-story buildings – with the flexibility to increase the height of such buildings limited to four stories. In addition, we are proposing two housing types: single family and multifamily units.

In response to neighborhood feedback, we have revised the maximum allowable height from 4 stories to 3 stories (45 feet to 40 feet).

Neighborhood, Community & Regional Retail, Office/R&D/Flex, Institutional, and General Commercial Service are secondary land uses in the Urban Density Residential land use designation, with a limitation on retail-only single-building footprints of 5,000 square feet. Per Table A, only the uses listed above that are secondary uses within Urban Density Residential are allowed on the Property. In addition, per Table B of the Code of Development, retail uses are limited to 5,000 square feet. Therefore, the commercial space within the mixed-use portion of the Property is also consistent with the Comprehensive Plan.

As stated earlier, in response to neighborhood feedback, we have revised the Code of Development to prohibit certain uses. The following Note 1 of Table A has been added, “Notwithstanding the above, the following ‘Community & Regional Retail’ or ‘General Commercial Service’ uses shall be explicitly prohibited: entertainment or recreation establishments (or similar uses), gas stations, funeral homes and crematories, storage yards, auction houses, convenience stores, and hotels/motels.”

The applicable Parks and Green Systems Map shows a multi-use path extending along the front of Rio Road East and Belvedere Boulevard, linking the Property to the Rivanna Trail. Our Application Plan shows such extension, consistent with the Parks and Green Systems Map of the Comprehensive Plan.

In addition, Bus Route 11 is accessible from the multi-use path, thereby allowing pedestrian connectivity from the Property to public transportation.

The proposal also achieves other goals of the Comprehensive Plan, such as, Objective 4 of the Housing Section of the Comprehensive Plan, which states, “Provide for a variety of housing types of all income levels and help provide for increased density in the Development Areas.” As stated earlier, allowing smaller-sized, single family detached housing, enables the construction of a less expensive housing product type – meeting the needs of an underserved section of the community.

Characteristics of Neighborhood Model Districts:

- Pedestrian orientation;

As noted above, the proposal consists of extending the existing multi-use path, linking the Property to the extensive Rivanna Trail network. This

will allow residents of the development easy access to this extensive trail network as well as the parks and green spaces located along such trails.

In addition, Bus Route 11 is accessible from the multi-use path. Therefore, the Property provides pedestrian accessibility to public transportation.

- Neighborhood friendly streets and paths;

The extension of the multi-use path, noted above, will also contribute to the eventual connection of the Rivanna Trail to the Belvedere subdivision, allowing such residents to enjoy walkable access as well.

There is very little internal street network due to the small size of the Property.

- Interconnected streets and transportation networks;

As noted above, there is very little internal street network due to the small size of the Property. The extended multi-use path does provide connection to the Rivanna Trail and Belvedere subdivision.

There is a small 20-foot strip of property owned by Bondstone Ventures, LLC, successor to Robert Hauser Homes, Inc., located between the Property and the subdivision on Fowler Ridge Court. Therefore, the project cannot connect to such residences.

It has since been determined that this small 20-foot strip of property is owned by the County. However, upon discussing the project with the surrounding neighborhood, it was determined that no connection is desired. If pedestrians wish to walk from Fowler Ridge Court to the development, they are able to do so via an existing emergency accessway that extends from the Fowler Ridge Court cul-de-sac to the multi-use path along Rio Road East. Therefore, the residents of Fowler Ridge Court can still easily walk to the development, if they desire. In addition, a certain amount of control over the required screening between the development and Fowler Ridge Court was given to the residents living along such road. Note 4 was added to Table D, which states, "Pursuant to Section 32.7.9.7, the parking areas along the southeastern boundary of the subject property are required to be screened. In addition to Section 32.7.9.7(b), the

Applicant shall provide three different reasonable types of screening options to the Shephard's Ridge Homeowners' Association which consists of the residents who live immediately adjacent to the Property. At minimum, at least one such option shall include a fence up to seven-feet in height. By a majority vote at a duly authorized meeting of the members of the homeowners' association, the association shall choose one of the three options provided. Such meeting shall be called within thirty (30) days of receipt of written notice from the Applicant and/or its assigns. In addition, such approval shall not be unreasonably withheld, delayed or conditioned. If the Applicant does not receive a response within thirty (30) days of receipt of the Applicant's written notice to the applicable homeowners' association, such lack of response shall be considered an approval."

In addition, Bus Route 11 is accessible from the multi-use path. Therefore, the Property provides pedestrian accessibility to public transportation.

- Parks and open space as amenities;

The proposal consists of a shared common open space on the residential-only portion of the Property. Such common space will include landscaping to shelter quiet spaces to read or gather, as well as natural playscapes. The area between the apartments and entrance to the Property in the mixed-use block will be landscaped and usable for a small dog park.

In addition, within the mixed-use portion of the Property, the space at the corner of the 5,000 square foot buildings will be used as a plaza serving the residential and commercial tenants.

- Neighborhood centers;

Not applicable. The Property is not located at a "Center."

- Buildings and spaces of human scale;

The buildings will likely be three-stories. Per Table B of the Code of Development, buildings on the Property are restricted to a maximum of four-stories and 45 feet, consistent with a human scale development.

In response to neighborhood feedback, we have revised the maximum allowable height from 4 stories to 3 stories (45 feet to 40 feet).

- Relegated parking;

The parking is relegated to behind the buildings fronting Belvedere Boulevard and Rio Road East. The streetscape along Belvedere Boulevard will consist entirely of building frontage and/or greenspace.

- Mixture of uses and use types;

The proposed redevelopment consists of commercial space, multifamily units, and single-family units thereby achieving the goal of a mixture of uses and use types.

- Mixture of housing types and affordability;

The proposed redevelopment consists of multifamily and single-family units. The single-family units are intended to be less expensive than the average home on the market in the area – see “Basic Overview – Public Need or Benefit” above.

- Redevelopment;

The Property currently consists of an abandoned single family dwelling and shed. We propose to redevelop the Property into a mixed-use development with various uses and housing types.

- Site planning that respects terrain; and

The Property is mostly flat and therefore redevelopment will involve very little land disturbance.

- Clear boundaries with the rural areas

Not Applicable. The Property is not nearby the boundary between the rural and development areas.

According to Section 20A.9(a)(4) and (b)(4), the minimum area devoted to green space and amenity space may be reduced by the Board of Supervisors. When making such reduction, the

Board shall consider: (1) the relationship of the site to adjoining or nearby properties containing public green space such as parks or natural areas, and amenities, (2) the known future uses of the adjoining properties; and (3) whether a reduction would better achieve the neighborhood model goals of the Comprehensive Plan.

Per Table C of the Code of Development, 20% green space is proposed, meeting the requirements of Section 20A.9(a)(4). However, only 13% of the Property is available for amenity space. We would like to request a reduction to allow the percentages of amenity space noted in Table C of the Code of Development.

As noted previously, the extension of the multi-use path would allow residents of the development access to the Rivanna Trail and the parks and green space along such network. Nearby parks connected by this trail include McIntire Park, with ample recreational fields and courts, skate park, and proposed botanical gardens. Given the development's walkable access to the Rivanna Trail, the common area at the center of the residential portion of the Property as well as the green space and plaza along the sides of the mixed-use buildings, the development has sufficient amenity space. Given the constrained size of the Property, it is difficult to achieve the other NMD goals of a mixed-use development with varying uses and use-types without a reduction from the 20% required amenity space of Section 20A.9(b)(4).

The Application Plan has been updated and a specific green and amenity space sheet has been added. Pursuant to the revised Application Plan, the 20% requirements for amenity and green space will be met. Therefore, the Code of Development has been updated accordingly and the Applicant no longer requests the reduction noted above. Please see the Application Plan for further detail.

IMPACTS ON PUBLIC FACILITIES & PUBLIC INFRASTRUCTURE

Transportation Impacts:

VDOT has committed to conducting a traffic study of the corridor, specifically focused on the intersection of Rio Road East and Belvedere Boulevard. The Applicant will work with VDOT and other impacted landowners to ensure the improvements recommended by VDOT come to fruition, thereby enabling the improved safety and functionality of this important intersection.

As of April 29, 2019, VDOT has still not completed their study of this intersection. However, VDOT has *preliminarily* endorsed a Restricted Crossing U-Turn (RCUT) Intersection. An RCUT would prohibit left turns out of Belvedere Boulevard and instead redirect such traffic to a designated location along Rio Road East where a U-turn can be made. The benefit of this design is that it will address what has been stated as the most critical dysfunction of this intersection: left turns out of Belvedere Boulevard. Such turns are often delayed due to the continual flow of

traffic on Rio Road East. By allowing traffic desiring to turn left from Belvedere Boulevard to turn right and then U-turn at a designated location, delays will be minimized.

In addition, RCUT intersections have far less conflict points than signalized intersections. In signalized intersections, collisions occur when cars do not stop at the signal and crash with oncoming traffic. These crashes are especially severe because they often result in T-bone collisions. In contrast, RCUT intersections conflict points almost exclusive are related to merging (or diverging), which result in far less severe crashes.

The Applicant will work with VDOT by providing construction easements as needed. If a traffic signal is ultimately desired, the Applicant will allow for easements for such permanent equipment as well. If a roundabout is ultimately desired, due to the large amount of right-of-way for Rio Road East and Belvedere Boulevard, as well as the restricted buildable area due to various utility easements along Rio Road East and Belvedere Boulevard, sufficient area will remain available for right-of-way dedication for construction of a roundabout, if necessary.

In addition, the Applicant believes the dedication of 8.3 feet in width of right-of-way along Belvedere Boulevard and 1.2 feet in width of right-of-way along Rio Road East for the multi-use path infrastructure, as shown on Sheets 7 and 8 of the Application Plan, is sufficient mitigation of any potential infrastructure impacts from the small sized development.

The estimated vehicular trips from the proposed development are as follows:

Assuming 5,000 square feet of General Office and 5,000 square feet of Retail:

			AM			PM		
Use Description	ITE	Qty	in	out	Total	in	out	Total
Single Family Detached	210	14 units	3	10	13	11	6	17
Multi-Family Housing	220	32 units	5	14	19	14	9	23
Retail	814	5000 sf	12	12	23	19	19	37
General Office	710	5000 sf	11	1	12	1	6	7
Total			31	36	67	44	40	84

Assuming 10,000 of General Office:

			AM			PM		
Use Description	ITE	Qty	in	out	Total	in	out	Total
Single Family Detached	210	14 units	3	10	13	11	6	17
Multi-Family Housing	220	32 units	5	14	19	14	9	23
General Office	710	10000 sf	19	3	22	3	11	14
Total			28	26	54	27	27	54

The two tables above estimate the number of vehicular trips upon redevelopment of the Property. The first table assumes the commercial portion of the Property consists of 5,000 square feet of Retail and 5,000 square feet of General Office. The second table assumes the commercial portion of the Property consists of 10,000 square feet of General Office.

The first configuration of the Property would produce the most amount of traffic. In this scenario, the total number of additional “peak” hour morning trips would be 67 and the total number of additional “peak” hour afternoon trips would be 84. The total number of annual average daily traffic (AADT) for 2017 on Rio Road East was 28,000. Therefore, the total number of additional vehicular trips from the development will be minimal compared to the existing traffic pattern surrounding the Property (0.3% to 0.2% increase).

Parking and Loading Needs Study:

There is a total of 69 parking spaces proposed within the project. Of those, 47 will serve the mixed-use block and 22 will serve the residential-only block.

Within the mixed-use block, the minimum required parking spaces varies depending on the mixture of residential and commercial. The below details the extremes of the required minimum parking spaces based on differing mixtures of uses and use-types.

The below is based on the minimum parking requirements outlined in Section 4.12.6 of the County Code:

- 1.50 parking spaces per one-bedroom multifamily unit
- 2.00 parking spaces per two-bedroom multifamily unit
- 2.00 parking spaces per single family detached unit
- 2.00 parking spaces per townhome (or single family attached unit) with 2 or more bedrooms
- 1 space per 200 square feet of net office floor area (80% gross floor area)
- 1 space per 100 square feet of retail sales area (80% gross floor area) for the first 5,000 square feet

Assuming the minimum allowable density and no commercial space, the minimum required parking for the mixed-use block is 12 parking spaces.

- The total above assumes all one-bedrooms (1.5 x 8 units = 12 parking spaces)

Assuming the maximum commercial space and maximum allowable density, the minimum required parking for the mixed-use block is 124 parking spaces.

- The total above assumes 32 two-bedroom multifamily units (2.00 x 32 units = 64 required parking spaces)
- The total above assumes 5,000 square feet of retail (40 required spaces) and 5,000 square feet of office space (20 required spaces)

*The numbers above have been updated to reflect the minimum and maximum allowable uses and mixture of use types. Previously, it was based on a zero-sum tradeoff between whether commercial or residential would be built. While such tradeoff between building residential or commercial in Block 1 is the practical reality, it does not capture the abstract minimum or

maximum allowable buildout of the Property and thus the Parking and Loading Needs Study has been updated accordingly.

Assuming the maximum allowable density, the minimum required parking for the residential-only block is 28 parking spaces (2.00 x 14 units). Assuming the minimum allowable density, the minimum required parking for the residential-only block is 16 parking spaces (2.00 x 8 units).

Therefore, combining the two blocks, the minimum parking requirement will range from 28 parking spaces to 152 parking spaces.

Pursuant to Section 4.12.10 of the County Code, parking spaces are allowed to be shared among two (2) or more uses that typically experience peak parking demands at different times. The code continues, “because parking spaces are shared, the total number of parking spaces that would otherwise be required may be reduced.” The zoning administrator may reduce the aggregate minimum number of required parking spaces, provided each use participating in the shared parking experiences peak parking demands at different times.

As per the trip generation tables above, it is clear the commercial and residential uses experience peak parking demands at different times. In the morning “peak” hours, for the Retail and General Office uses, on average, 19-23 cars are estimated to enter the site and 3-4 are estimated to exit. In contrast, for the residential uses, on average, only 8 cars are estimated to enter and 24 are estimated to exit. This demonstrates that in the morning “peak” hours, the commercial uses will likely generate more traffic *entering* the site while the residential uses will likely generate more traffic *exiting* the site. The reverse occurs in the afternoon “peak” hours.

In the afternoon “peak” hours, the commercial uses will likely generate more traffic *exiting* the site while the residential uses will likely generate more traffic *entering* the site.

Due to the relationship of the above uses, we request the maximum aggregate reduction of the minimum required parking spaces (35%). If such a reduction were granted, the range of minimum required parking spaces would be reduced to between 18 and 99. Therefore, with the 35% reduction, the 69 proposed parking spaces will **not** be able to accommodate the entire range of possible mixture of uses and use-types.

The following has been added to Note 2 of Table D, “Minimum parking requirements may restrict some uses that historically require large amounts of parking.” The precise number of minimum required parking spaces shall be determined at the site plan phase of development depending on density, types of residential units, and commercial uses pursuant to Section 4.12.6.

Stormwater Management Facilities:

Stormwater will be addressed by an underground detention / BMP located in the parking lot of the mixed-use lot as shown on the enclosed conceptual grading plan.

Note 6 of Table D was added to the Code of Development, which states, “The Applicant shall be required to provide onsite treatment of 25% of the required stormwater treatment. Such

techniques of treatment shall include pervious pavers, micro bioretention, or other approved measures.”

IMPACTS ON ENVIRONMENTAL FEATURES

None. There are no streams or critical slopes located on the Property.

Currently, the Property consists of a vacant single-family home and shed. The front of the Property is cleared, with well-maintained landscaping, while the back of the Property consists of a wooded area. The Property also slopes slightly in the back portion; however, such slopes are minimal and therefore redevelopment of the Property would consist of very little land disturbance.

PROPOSED PROFFERS TO ADDRESS IMPACTS

Due to the small size of the proposed redevelopment, we do not believe there are appropriate proffers needed to address the minimal, if any, impacts from the development.

Due to the small size of the project, there will be no measurable impact on schools, fire/rescue, and natural/cultural/historic resources. The Applicant has coordinated with the surrounding neighborhood to try to ensure residents are comfortable with the allowable uses, massing, and screening requirements of the Application Plan. For instance, Note 1 of Table A was added to the Application Plan to prohibit certain uses, the allowable height was reduced from 3 to 4 stories, and the screening requirements will be approved by the adjacent homeowners’ association.

In addition, as stated earlier, the Applicant believes the dedication of 8.3 feet in width of right-of-way along Belvedere Boulevard and 1.2 feet in width of right-of-way along Rio Road East for the multi-use path infrastructure, as shown on Sheets 7 and 8 of the Application Plan, is sufficient mitigation of any potential infrastructure impacts from the small sized development.

OTHER SPECIAL STUDIES / WAIVERS

Fire Access Along Eastern Boundary of the Property:

There is a small, 20-foot strip of property located between the Property and Fowler Ridge Court. This property is utilized as a portion of the required fire access for the development along Fowler Ridge Court. It may have been conveyed as an *easement* to the County by that certain deed dated October 3, 2016, recorded in the Clerk’s Office of the County Circuit Court in Deed Book 4830, page 20 (enclosed). The Applicant will coordinate with the Albemarle County Service Authority (ACSA) to ensure the correct ownership and acquisition of a necessary sewer easement for development of the Property.

The Fowler Ridge Court community’s fire access consists of a 50’ easement through: (1) this 20-foot strip of land, (2) a portion of Fowler Ridge Court itself, and (3) designated open space

between existing homes and Shepard's Ridge. See the enclosed plats for reference. No portion of the Property acts as fire access for the adjacent communities. The Applicant will supplement its application with an updated survey of the Property evidencing the above.

Incorrect GIS Label of Ownership of Adjacent Property:

There is a small triangular shaped parcel located between the Property and Belvedere Boulevard that is labeled in the County's GIS as currently owned by the Belvedere Neighborhood Association, Inc. The parcel is a small portion of County tax map parcel 062G0-01-00-000A0. However, pursuant to that certain Certificate of Take dated December 5, 2007, and recorded in the Clerk's Office of the County Circuit Court in Deed Book 3617, page 633 (enclosed), this parcel was taken by the Virginia Department of Transportation (VDOT) for Belvedere Boulevard right-of-way. Therefore, the Applicant is able to provide a vehicular accessway through this right-of-way to/from the proposed cottage units to/from Belvedere Boulevard.

Waiver Requests

The Applicant requests several waivers.

1. Private Street Authorization

The "fire lane" designation in Block 2 will provide access for emergency vehicles. It can be covered with reinforced material to allow for the ease of travel of such emergency vehicles while also allowing the growth of natural grass and vegetation. Therefore, the central greenway can support the tonnage of emergency vehicles yet be enjoyed as an active amenity space.

This private street will also provide the required "frontage" for the lots located furthest from Belvedere Boulevard. Section 14-233 provides the regulations for the authorization of private streets in the development areas. According to these regulations, the commission may authorize a subdivision to be developed with one (1) or more new private streets when, "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 resources would be protected; or (v) relegated parking would be provided to a greater extent than could otherwise be provided."

We request private street authorization for the "fire lane" on the Application Plan to allow for the cottage courtyard design. The design is in keeping with neighborhood model principles, such as, encouraging active greenspace and pedestrian connectivity. The cottage courtyard design encourages a community by providing a communal gathering space and forcing residents to park in designated locations and then walk to

their individual homes. This results in community interactions that are less likely to occur in a traditional neighborhood design. Moreover, as per (iii) above, the design allows for the buildings to face a “common amenity.”

Pursuant to Section 14-234(C), the agent and the commission may authorize one or more private streets in a subdivision if it finds that “one or more of the circumstances described in sections 14-232 or 14-233 exist and it determines that...”

- (1) “The private street will be adequate to carry the traffic volume which may be reasonably expected to be generated by the subdivision;”

As stated earlier, the private street will be restricted to emergency vehicles only. Reinforced material will be placed beneath the vegetation along the private street / fire lane that will be able to support the tonnage of emergency vehicles.

- (2) “The comprehensive plan does not provide for a public street in the approximate location of the proposed private street;”

The comprehensive plan does not contemplate a public street through the middle of this parcel. It does not contemplate a cottage courtyard design. However, the comprehensive plan does have the goals to “provide for a variety of housing types of all income levels and help provide for increased density in the Development Areas.” The cottage courtyard design achieves both these goals.

- (3) “The fee of the private street 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 street;”

A homeowners’ association will be formed upon development of the residential units and such association will bear the cost of maintenance of the central green.

- (4) “Except where required by the commission to serve a specific public purpose, the private street will not serve through traffic nor intersect the state highway system in more than one location;” and

The private street will be restricted to emergency vehicles only.

- (5) “If applicable, the private street has been approved in accordance with section 30.3, flood hazard overlay district, of the zoning ordinance and other applicable law.”

This is not applicable as the Property is not within a flood hazard overlay district.

In keeping with the principles of neighborhood model design and upon meeting each of the conditions of 14-234(C) noted above, we request authorization of a private street as designated in the Application Plan.

2. Waiver of Various Private Street Design Requirements

While we request authentication of a private street for a portion of the central green, the purpose of such request is to allow access of emergency vehicles and street frontage for the residential units furthest from Belvedere Boulevard. The intent is not for the private street to accommodate vehicular traffic. Instead, we would like the area to serve as an amenity area. To accomplish these purposes, several private street design waivers will be necessary.

- (1) Section 14-410(H) requires curb, curb and gutter, sidewalks and planting strips. Because no vehicular traffic will be allowed along the private street such infrastructure is not necessary. Section 14-410(I) allows the commission to grant variations or exceptions for such requirements.
- (2) Section 14-412(A)(2)(b)(ii) requires the entire street to be surfaced per Virginia Department of Transportation standards. However, the private road is intended to be utilized as a central greenspace, accessible only to emergency vehicles. Section 14-203.1(B) allows the agent or commission to approve variations or exceptions from any requirements of Section 1400 through 14-441 upon several findings.

Per 14-203.1(B)(2), “the agent or commission may approve a request for a variation to substitute a required improvement upon finding that because of an unusual situation, the subdivider’s substitution of a technique, design or materials of comparable quality from that required by the applicable regulation results in an improvement that substantially satisfies the overall purposes of this chapter in a manner equal to or exceeding the desired effects of the requirement in the applicable regulation.” The substitution of reinforced material able to support the tonnage of emergency vehicles while still allowing natural grass and vegetation to grow is an improvement over the requirement of a paved surface.

Per 14-203.1(B)(3), “the agent or commission may approve a request for an exception from any requirement of the applicable regulation upon finding that: (i) because of an unusual situation, including but not limited to, the unusual size, topography, shape of the site or the location of the site; or (ii) when strict adherence to the requirements would result in significant degradation of the site or to adjacent properties’, causing a detriment to the public health, safety or welfare, or by inhibiting the

orderly development of the area or the application of sound engineering practices.” Strict adherence to the requirement of paving all private streets would result in the loss of a central greenspace, i.e. the degradation of the site and inhibiting the orderly development of the area.

Because the above two conditions are met, we believe a waiver of the requirement for paved surfaces on private streets should be granted.

3. Waiver of Prohibition of Double Frontage Lots

The Applicant requests a wavier to allow for double frontage lots in Block 2 between the emergency accessway and Belvedere Boulevard. As stated previously, the fire accessway will be a “private road” and can be covered with reinforced material to allow for the ease of travel of emergency vehicles while also allowing the growth of natural grass and vegetation. Therefore, the central greenway can support the tonnage of emergency vehicles yet be enjoyed as an active amenity space. Overlaying the emergency access and greenway provides an efficient use of space, and maximizes the amenity/outdoor space for the residents.

Section 14.401 of the County Subdivision Ordinance prohibits the development of double frontage lots for single family detached and attached residential uses. The purpose of this regulation is to prohibit development designs that would result in street frontage along the rear and front yards of a single-family residence, which in theory would substantially impact the privacy and enjoyment of such homes. However, Section 13.203.1(B) allows the agent or Planning Commission to vary or allow an exception from this prohibition. We request an exception from such prohibition to allow double frontage lots between Belvedere Boulevard and the emergency accessway, consistent with the Application Plan. Technically the lots have "frontage" on the greenway, which functions as a shared amenity space, although it has fire access capacity. The length of the lots provides sufficient space for a dense vegetated screen between Belvedere Boulevard and the residences, minimizing the impact on the rear yard of the residences/homes. The interior greenway design is in accordance with neighborhood model principles as it centralizes and encourages outdoor shared greenspace. In addition, the proposed small residential units allow for as much greenspace as possible.

Strict adherence to the requirements of Section 14.401 would prohibit the cottage courtyard design on the Property. Therefore, not allowing for an exception to the restriction related to double frontage lots would be a substantial injustice resulting in degradation of design, is not supported by the principles of the neighborhood model and inhibits the orderly development of the area.

4. Waiver for Offsite Parking

The Applicant also requests a waiver for the requirement that parking be provided on each lot for each single family detached unit. Instead, we propose the single family detached units be served by a stand-alone parking area along the rear of the Property.

According to Section 4.12.5, all parking spaces shall be established on the same lot with the primary use to which it is appurtenant, except as authorized by Section 4.12.8. Section 4.12.8 states, "The alternatives described herein are intended to promote more creative design, allow higher density in those zoning districts in the development areas, and reduce impervious area by allowing the parking requirements of this section to be satisfied, in whole or in part, by street parking, shared parking, and off-site stand-alone parking." According to Section 4.12.8, certain waivers and requirements shall be provided at the site plan stage of development. Accordingly, Note 3 has been added to Table A of the Code of Development, which states, "Stand alone parking and parking structures shall be subject to screening regulations and other restrictions outlined in Section 4.12."