

County of Albemarle
Department of Community Development
401 McIntire Road
Charlottesville, VA 22902

June 17, 2019
Revised: July 29, 2019
Revised: September 23, 2019

Regarding: ZMA201900003 (Royal Fern)
Request for Exception from Section 20.7.1
PUD Minimum Acreage Requirements

Section 8.2(b) of Chapter 18 of the Code of Albemarle permits the board of supervisors to vary or except certain regulations of the Zoning Ordinance for planned developments. In accordance with Section 8.2(b), it is our request for the board of supervisors to grant an exception from Section 20.7.1 of Chapter 18 of the Code of Albemarle for ZMA2019-00003, a planned unit development project known as “Royal Fern.” Section 20.7.1 states, “minimum area required for the establishment of a PUD district shall be one hundred (100) acres.”

Further details on Royal Fern’s area is provided with the Application Plan dated March 18, 2019 and last revised September 13, 2019. The ZMA associated with this special exception is to rezone the Royal Fern development from R-2, R-10, and CO to a Planned Unit Development. There are five special exceptions affiliated with ZMA2019-00003. These five special exceptions work holistically to achieve the intent of the PUD, achieve guidelines of the Urban Density Residential & Community Mixed Use land use designations for these parcels, and support the County’s vision for its Development Areas and the Neighborhood Model.

In your review of this request, please consider the following:

- 1) Section 8.2(B)-3:
(i) the waiver or modification is 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

Per Section 20.1 of the Albemarle County Zoning Ordinance, “PUD districts may be appropriate where the establishment of a “new village” or the nucleus of a future community exists and

where the PUD development would not preclude achievement of the County's objectives for the urban area, communities and villages." The Royal Fern rezoning proposal would contribute to a robust mixed-use nucleus of an area of the County that has been historically developed as exclusively residential. The original intent of the PUD is to function as "neighborhoods...within...the urban area" (Section 20.1). As the surrounding area is nearly exclusively residential, this PUD and special exception could be interpreted as taking into account the existing residential use around the Royal Fern development and providing the missing commercial/service areas needed by these community members (Figure 1). 5th Street Station is approximately one-mile from the site, but this route crosses over Interstate 64. At present there is no pedestrian or bicycle infrastructure across the interchange bridge, standing as a barrier between community members without a car, or who cannot regularly depend on public transit, and commercial services. The proposed Royal Fern development can serve as the missing link for commercial and retail services amongst both established and developing residential neighborhoods south of the I-64 interchange (Figure 2).

(ii) the waiver or modification is to be consistent with planned development design principles

With this special exception, the Royal Fern rezoning would more successfully achieve development design guidelines under Albemarle County's Neighborhood Model. The Neighborhood Model envisions communities that are inclusive, connected, pedestrian-oriented, mixed-use, and mixed-income, with parks and open space for residents to enjoy. Additionally, the County's Southern & Western Neighborhoods Master Plan designates these parcels as Urban Density Residential and Community Mixed Use, falling in line with the design principles and general layout of the proposed PUD. Urban Density Residential calls for more dense residential uses with a mix of housing types is encouraged with supporting nonresidential uses. Community Mixed Use calls for a mixture of residential and commercial/service uses. A PUD district allows for a variety of residential, commercial, office, retail, and service uses--uses necessary to create accessible and diverse communities. Given the existing predominantly residential conditions of the communities south of I-64 and the I-64 bridge barrier to 5th Street Station, the intent of the PUD district can be fulfilled within a much smaller physical area.

(iii) the waiver or modification will not adversely affect the public health, safety or general welfare

A special exception in minimum acreage of the planned district will not adversely affect the public health, safety, or general welfare. As previously mentioned, the Royal Fern PUD rezoning could be interpreted as taking into account the surrounding residential uses as part of the intended 100-acres that are currently without easily accessible commercial services, and therefore not yet fulfilling the function of a neighborhood model. Additionally, the Comprehensive Plan calls for increased density and a mixture of uses in this area.

(iv) in the case of the waiver or modification, the public purposes of the original regulation would be satisfied to at least an equivalent degree by the modification

The public purposes behind the original regulation of minimum acreage is to create an insular residential community that is served by its internal commercial areas. However, the Royal Fern PUD seeks to adapt to the existing fabric of the Southern & Western neighborhoods of Albemarle and become a nucleus for these communities. The original intent behind the PUD sought to guide development that “encourage[s] community function” (Section 20.1). A special exception in size would not inhibit these original purposes, but rather allow the Royal Fern development to better form to existing needs in the communities south of I-64. The PUD ordinance was adopted at a time when there was ample land in the development areas for large master planned communities with self-sufficient commercial and retail services. Today, the available land in the development areas is disjointed and the feasibility of developing large master planned communities in the development areas of Albemarle County is not as great as it was when the ordinance was adopted and so the existing regulations must be flexible enough to accommodate changing development patterns that are influenced by evolving home life, workplace culture, and consumer preferences.

County of Albemarle
Department of Community Development
401 McIntire Road
Charlottesville, VA 22902

June 17, 2019
Revised July 29, 2019
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Regarding: ZMA201900003 (Royal Fern)
Request for Exception from Section 20.8.2
Minimum Area Requirements for Open Space

Section 8.2(b) of Chapter 18 of the Code of Albemarle permits the board of supervisors to vary or except certain regulations of the Zoning Ordinance for planned developments. In accordance with Section 8.2(b), it is our request for the board of supervisors to grant an exception from Section 20.8.2 of Chapter 18 of the Code of Albemarle for ZMA2019-00003, a planned unit development project known as “Royal Fern.” Section 20.8.2 states, “not less than twenty-five (25) percent of the residential area of any PUD shall be in open space.”

Further details on Royal Fern’s land use and permitted spaces for possible open space are provided with the Application Plan dated March 18, 2019 and last revised September 13, 2019. The ZMA associated with this special exception is to rezone the Royal Fern development from R-2, R-10, and CO to a Planned Unit Development. There are five special exceptions affiliated with ZMA2019-00003. These five special exceptions work holistically to achieve the intent of the PUD, achieve guidelines of the Urban Density Residential & Community Mixed Use land use designations for these parcels, and support the County’s vision towards its Development Areas and the Neighborhood Model.

In your review of this request, please consider the following:

- 1) Section 8.2(B)-3:
(i) the waiver or modification is 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

Per Section 20.1 of the Albemarle County Zoning Ordinance, “PUD districts may be appropriate where the establishment of a “new village” or the nucleus of a future community exists and where the PUD development would not preclude achievement of the County’s objectives for the urban area, communities and villages.” The Royal Fern rezoning proposal would contribute to a robust mixed-use nucleus of an area of the County that has been developed as exclusively residential. The original intent of the PUD is to function as “neighborhoods...within...the urban area” (Section 20.1).

This special exception for open space allows for the development to form to the existing urban fabric. The Royal Fern development is approximately a half-mile from both Azalea Park, a large city park and community garden area, and the impending Biscuit Run project, a 1200-acre state park project (Figure 1). With these public amenities, the Royal Fern development does not require 25% of its acreage to be dedicated to open space to successfully function as a PUD. The special exception, to be submitted concurrently, for reducing overall PUD acreage should also be considered with this special exception. The total acreage for Royal Fern is 13.63 acres, whereas PUDs are typically 100 acres. Please see RE: Request for PUD Minimum Acreage Requirements Exceptions (Section 8.2(B)-3, Section 20.7.1 & Section 20.10.3) for further details.

(ii) the waiver or modification is to be consistent with planned development design principles

The planned development design principles behind a PUD aim to create communities that are mixed-use and self-servicing. In conjunction with Albemarle County’s Neighborhood Model, both seek to guide development that provides accessible open space for community members to enjoy. The aim of incorporating parks & open space as a principle of the Neighborhood Model is to ensure that “residents and workers can walk to a public park, experience preserved natural areas, and enjoy public gathering places” (Neighborhood Model Section 2.4). Parks and open space function as spaces for recreation, community and social interaction, and natural experience. A special exception in reducing minimum required area for open space from 25% to 20% still remains consistent with the PUD and Neighborhood Model’s intent in creating such spaces for residents, especially in consideration of Azalea Park and Biscuit Run State Park’s proximity to the site. Royal Fern incorporates one-way and two-way shared-use paths to facilitate multimodal movement in and around the development, which supports accessibility to these sites. Please see the Application Plan for illustrative diagrams. In addition to Royal Fern’s circulation routes, the County has proposed greenway trails that would allow for Royal Fern’s residents to connect to Biscuit Run State Park along the development’s frontage on Old Lynchburg Road (Figure 4).

(iii) the waiver or modification will not adversely affect the public health, safety or general welfare

A special exception reducing required open space from 25% to 20% would not adversely impact the residents of the Royal Fern PUD as a 5% reduction is not expected to have an extreme effect.

Open space will still be provided within the development, on either side of Old Lynchburg Road, to provide residents with gathering spaces and outdoor enjoyment. Additionally, Azalea Park and Biscuit Run State Park are both a half-mile away, within a 10-minute walking shed.

(iv) in the case of the waiver or modification, the public purposes of the original regulation would be satisfied to at least an equivalent degree by the modification

The public purposes of the original regulation was structured with the idea that the PUD would be an insular 100-acre community. Under this framework, 25% of acreage dedicated to open space would provide PUD residents with needed open space to enjoy, that they would otherwise be without. However, the Royal Fern PUD is to be formed within the existing urban fabric south of I-64. Following the Neighborhood Model, the development is intended to be interconnected, walkable, and provide a mix of housing and uses to encourage a diverse community. As a connected, accessible site, the original purpose behind the regulation in minimum open space acreage would still be fulfilled as Royal Fern will still have open space within the site, while providing connections to Azalea Park and Biscuit Run State Park, both a 10-minute walk away.

County of Albemarle
Department of Community Development
401 McIntire Road, North Wing
Charlottesville, VA 22902

June 17, 2019
Revised July 29, 2019
Revised September 23, 2019

Regarding: ZMA201900003 (Royal Fern)
Request for Exception from Section 20.9.3
Total Gross Floor Area in
Commercial/Service Areas of PUD

Section 8.2(b) of Chapter 18 of the Code of Albemarle permits the board of supervisors to vary or except certain regulations of the Zoning Ordinance for planned developments. In accordance with Section 8.2(b), it is our request for the board of supervisors to grant an exception from Section 20.9.3 of Chapter 18 of the Code of Albemarle for ZMA2019-00003, a planned unit development project known as “Royal Fern.” Section 20.9.3 states, “total gross floor area of uses permitted in commercial/service areas shall not exceed twenty (20) square feet per dwelling unit approved on the application plan.”

The area surrounding the Royal Fern property is comprised almost entirely of residential neighborhoods and the commercial service areas proposed within the Royal Fern PUD are not solely intended to serve the units affiliated with the PUD but also serve the existing residents of the area. The intent of this regulation is to ensure the commercial service areas within a PUD are proportional to the residential uses however, since there are already multiple established neighborhoods in the immediate vicinity of the PUD the commercial service areas should be of a scale that serves new and existing residents.

The commercial/service areas of Royal Fern will be provided in general accord with the Application Plan dated March 18, 2019 and last revised September 13, 2019. The ZMA associated with this special exception is to rezone the Royal Fern development from R-2, R-10, and CO to a Planned Unit Development. There are five special exceptions affiliated with ZMA2019-00003. These five special exceptions work complementary of one another to achieve the recommendations of the Urban Density Residential & Community Mixed Use land use designations for these parcels, and support the County’s vision towards its Development Areas and the Neighborhood Model.

In your review of this request, please consider the following:

1) Section 8.2(B)-3:

(i) the waiver or modification is 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

The exception for commercial square footage supports the intent of the PUD as the PUD calls for a mixture of uses in supporting community function. Though 5th Street Station lies about one-mile from the site, the interchange bridge of Interstate 64 stands as a barrier to complete multi-modal connectivity; as there is currently no pedestrian or bicycle infrastructure across this route therefore making 5th Street Station only accessible by car and public transit. The community members without access to a vehicle or who cannot regularly rely on public transit become somewhat isolated from this major commercial and service area. When evaluating this request, it is important to recognize the concurrent submission of the special exception for a reduction in required minimum area for a PUD, which is 100 acres. The exception in size is a notable consideration as the intent of planned development districts and PUDs is a mixture of uses and the twenty (20) square feet per dwelling unit regulation was created under the assumption that the PUD would be a minimum 100 acres, and possibly would include several hundred more units. For example, if the site were a minimum of 100 acres and developed at the lowest density recommended by the Urban Density Residential comprehensive plan designation, the PUD would have a minimum of 600 units.

The intent behind restricting commercial and industrial size of the PUD is to limit these functions “to a scale appropriate to the support of the residential uses within the PUD; provided that additional commercial and industrial activity may be permitted upon finding the area in which the PUD is to be located is not adequately served by such use” (Section 20.1). The Royal Fern PUD with the special exception in minimum acreage could be interpreted as taking into account the surrounding 100-acres of nearly exclusively residential uses, which lack commercial services that can be easily walked or cycled to (Figure 1 & 2). In consideration of the I-64 barrier and the special exception in overall reduction in PUD size, the Royal Fern PUD will serve its immediate residents and have the added benefit of serving immediate community members who may not be adequately served by 5th Street Station. The regulation, “twenty (20) square feet of commercial/service areas per dwelling unit” inhibits Royal Fern’s ability to adequately serve as a community nucleus. The intent of planned development districts generally is to promote “economic 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” (Section 8.1). The special exception in square footage allows for Royal Fern to develop as a missing link south of I-64, supporting more connected, accessible neighborhoods.

(ii) the waiver or modification is to be consistent with planned development design principles

The intent behind mixed-use functionality of the NMD is to encourage walkability and compatible uses within a community. As previously mentioned, I-64 stands as a possible barrier to multi-modal connectivity between communities south of the interchange bridge; the Royal Fern PUD has the potential to step in as the desired neighborhood center for these neighborhoods south of the I-64 bridge, if an exception is made for twenty (20) square feet of commercial/service areas per dwelling units approved. The PD-SC and office areas are expected to front on Old Lynchburg Road and 5th Street, a strategic central location. Additionally, the Royal Fern proposal incorporates one-way and two-way shared-use paths that connect to existing asphalt paths and sidewalks, which is consistent with pedestrian orientation and multimodal transit opportunities within the NMD. Creating pedestrian and bicycle connections within and around the development further supports those underserved by 5th Street Station due to a lack of vehicular access, while potentially lowering car trips overall within Royal Fern's walking and biking shed. The special exception of commercial/service square footage and the overall PUD rezoning also correlates well within the Southern & Western Urban Neighborhoods Master Plan of Albemarle County, which designates these parcels as Urban Density Residential and Community Mixed Use. Further details can be found in the application plan. The aim of these land use designations is to create mixed-use community spaces that encourage working, living, and servicing within a walkable radius.

(iii) the waiver or modification will not adversely affect the public health, safety or general welfare

The public health, safety, and general welfare will not be adversely impacted by this special exception. The special exception in regulating square footage of commercial/service spaces is to ensure the scale and character of these spaces is appropriate in providing services to the residents of the PUD. However, as previously mentioned, the Royal Fern PUD is not to be developed as a 100-acre standalone community, but a neighborhood center for its residents, while concurrently serving its neighbors. Additionally, the creation of internal and external pedestrian and bicycle connections supports active transportation in the area that does not currently exist.

(iv) in the case of the waiver or modification, the public purposes of the original regulation would be satisfied to at least an equivalent degree by the modification

The public purposes of the original regulation in twenty (20) square feet per dwelling unit was likely made to ensure such commercial businesses had an economically feasible customer base. As discussed, the Royal Fern PUD is simultaneously applying for a special exception from the minimum 100-acre requirement. However, a 100-acre radius around Royal Fern shows that the residences around Royal Fern are only serviced by Oak Hill Market & Deli on Country Green Road and 5th Street Station, approximately one-mile away (Figure 2); as previously discussed, 5th Street Station could be exclusive of those without vehicular access or ability to rely on public

transit as the interchange bridge of I-64 is a pedestrian and bicycle barrier. In acknowledging the lack of commercial/service functions within a 100-acre radius, the original intent of the regulation would be achieved as a sufficient customer base does exist around Royal Fern. The PUD will achieve the primary aim of servicing its residents first and foremost, but there is an open commercial/service need for Royal Fern's neighbors.

County of Albemarle
Department of Community Development
401 McIntire Road
Charlottesville, VA 22902

September 17, 2019
Revised September 23, 2019

Regarding: ZMA201900003 (Royal Fern)
Request for Exception from Section 20.9.4
PUD Building Permits Issuance for
Commercial/Service Uses

Section 8.2(b) of Chapter 18 of the Code of Albemarle permits the board of supervisors to vary or except certain regulations of the Zoning Ordinance for planned developments. In accordance with Section 8.2(B), it is our request for the board of supervisors to grant an exception from Section 20.9.4 of Chapter 18 of the Code of Albemarle for ZMA2019-00003, a planned unit development project commonly known as “Royal Fern.” Section 20.9.4 states, “building permits for commercial/service uses shall not be issued prior to the issuance of building permits for eighty (80) percent of the dwelling units approved on the application plan.”

The ZMA application associated with this special exception is to rezone the Royal Fern properties from R-2, R-10, and CO to a Planned Unit Development. There are five special exceptions submitted concurrently with this ZMA application and these five special exceptions work holistically to achieve the intent of the PUD, adhere to guidelines of the Urban Density Residential & Community Mixed Use land use designations for these parcels, and support the County’s vision of the Development Areas and the Neighborhood Model.

In your review of this request, please consider the following:

- 1) Section 8.2(B)-3:
(i) the waiver or modification is 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

Per Section 20.1 of the Albemarle County Zoning Ordinance, “PUD districts may be appropriate where the establishment of a “new village” or the nucleus of a future community exists and where the PUD development would not preclude achievement of the County’s objectives for the urban area, communities and villages.” The Royal Fern rezoning proposal would contribute to a robust mixed-use nucleus in an area of the County that has been historically developed almost exclusively as residential (Figure 1). Since the surrounding areas is primarily residential, this PUD and special exception could be interpreted as taking into account the existing residential uses around the proposed Royal Fern development and providing missing commercial/service areas that could serve existing and future community members. 5th Street Station is approximately one-mile from the site, but this route crosses over Interstate 64. Presently, there is no pedestrian and bicycle infrastructure across the interchange bridge, standing as a barrier between community members without a car, or who cannot regularly depend on public transit, and commercial services. Recognizing the original intent behind the PUD, the intent of the Royal Fern rezoning missing link within existing residential uses, and the I-64 barrier, the community south of I-64 could be better served if this commercial need was not delayed by the issuance of eighty (80) percent of building permits for dwelling units. This special exception allows for the development to prioritize the cohesion of a budding mixed-use Fifth Street corridor by more quickly fulfilling the commercial/service needs of existing residents in the area and future residents of the Royal Fern development.

(ii) the waiver or modification is to be consistent with planned development design principles

The planned development design principles behind a PUD aim to create communities that are mixed-use and self-servicing. Additionally, the parcels are under Urban Density Residential and Community Mixed Use land use designations; both of these use designations call for a mixture of residential and commercial/service areas. The existing urban fabric around Royal Fern is nearly all residential, but surrounding land use designations consist of Community Mixed Use, Urban Density Residential, and Neighborhood Density Residential (Figure 3). Granting of the special exception for the issuance of building permits for commercial/service uses is consistent with the intent of the PUD and its land uses by allowing the realization of a mixed use community to take place more timely. Granting of this exception could more quickly fulfill commercial/service needs for the existing residential neighborhoods and the future residents of Royal Fern.

(iii) the waiver or modification will not adversely affect the public health, safety or general welfare

The special exception for issuance of building permits for commercial/service areas prior to eighty (80) percent of building permits issued for approved dwelling units would not adversely affect the public health, safety or general welfare as the existing and future community members south of I-64 would be better served if commercial/service uses were more quickly built and were not dependent on the construction of the residential units. Having commercial services in place to serve the surrounding community as well as incoming residents creates a more connected neighborhood that could possibly reduce its auto-dependency due to the proximity of commercial/service uses to residential uses.

(iv) in the case of the waiver or modification, the public purposes of the original regulation would be satisfied to at least an equivalent degree by the modification

The public purposes of the original regulation likely aimed to ensure that there are ample rooftops within a PUD to support the commercial businesses. However, as previously discussed, the area surrounding the Royal Fern development is already predominantly residential (Figure 1). There are two multi-family housing developments (one existing and one under construction) located on the north side of the property. These apartments serve, and are proposed to serve, as off-campus housing for University of Virginia students. Given the existing number of dwelling units in the community, there is likely sufficient demand for services and businesses allowed for in the commercial/service area of the PUD.

County of Albemarle
Department of Community Development
401 McIntire Road
Charlottesville, VA 22902

June 17, 2019
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Regarding: ZMA201900003 (Royal Fern)
Request for Exception from Section 20.10.3
PUD Building Permits Issuance for
Shopping Center Uses

Section 8.2(b) of Chapter 18 of the Code of Albemarle permits the board of supervisors to vary or except certain regulations of the Zoning Ordinance for planned developments. In accordance with Section 8.2(b), it is our request for the board of supervisors to grant an exception from Section 20.10.3 of Chapter 18 of the Code of Albemarle for ZMA2019-00003, a planned unit development project known as “Royal Fern.” Section 20.10.3 states, “building permits for shopping center uses shall not be issued prior to the issuance of building permits for eighty (80) percent of the dwelling units approved on the application plan.”

Further details on Royal Fern’s shopping center and commercial uses are to be provided with the Application Plan dated March 18, 2019 and last revised September 23, 2019. The ZMA associated with this special exception is to rezone the Royal Fern development from R-2, R-10, and CO to a Planned Unit Development. There are five special exceptions affiliated with ZMA2019-00003. These five special exceptions work holistically to achieve the intent of the PUD, achieve guidelines of the Urban Density Residential & Community Mixed Use land use designations for these parcels, and support the County’s vision towards its Development Areas and the Neighborhood Model.

In your review of this request, please consider the following:

- 1) Section 8.2(B)-3:

(i) the waiver or modification is 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

Per Section 20.1 of the Albemarle County Zoning Ordinance, “PUD districts may be appropriate where the establishment of a “new village” or the nucleus of a future community exists and where the PUD development would not preclude achievement of the County’s objectives for the urban area, communities and villages.” The Royal Fern rezoning proposal would contribute to a robust mixed-use nucleus in an area of the County that has been historically developed as exclusively residential (Figure 1). The original intent of the PUD is to function as “neighborhoods...within...the urban area” (Section 20.1). As the surrounding area is almost exclusively residential, this PUD and special exception could be interpreted as taking into account the existing residential use around the Royal Fern development and providing the missing commercial/service areas needed by these community members. 5th Street Station is approximately one-mile from the site, but this route crosses over Interstate 64. Presently, there is no pedestrian and bicycle infrastructure across the interchange bridge, standing as a barrier between community members without a car, or who cannot regularly depend on public transit, and commercial services. Recognizing the original intent behind the PUD, the intent of the Royal Fern rezoning missing link within existing residential uses, and the I-64 barrier, the community south of I-64 would be better served if this commercial need was not delayed by the issuance of eighty (80) percent of building permits for dwelling units. This special exception allows for the development to prioritize successful neighborhood functioning by more quickly fulfilling the needs of those underserved by 5th Street Station.

(ii) the waiver or modification is to be consistent with planned development design principles

The planned development design principles behind a PUD aim to create communities that are mixed-use and self-servicing. Additionally, the parcels are under Urban Density Residential and Community Mixed Use land use designations; both of these uses call for a mixture of residential and commercial/service areas. The existing urban fabric around Royal Fern is nearly all residential, but surrounding land use designations consist of Community Mixed Use, Urban Density Residential, and Neighborhood Density Residential (Figure 3). The special exception for the issuance of building permits for shopping center uses is not only consistent with the intent of the PUD and its land uses, but could more quickly fulfill commercial/service needs for the predominantly residential neighborhoods that have yet to be developed towards their mixed-use land use designations.

(iii) the waiver or modification will not adversely affect the public health, safety or general welfare

The special exceptions for issuance of building permits for shopping center use prior to eighty (80) percent of building permits issued for approved dwelling units would not adversely affect

the public health, safety or general welfare. The community members south of I-64 would be better served if commercial/service uses were more quickly built and were not dependent on the residential units' construction. Additionally, if residential units were to be initially built out, the population underserved by 5th Street Station would likely grow, as not everyone moving into Royal Fern can be expected to have vehicular access or rely on public transit. Having commercial services in place to serve the surrounding community as well as incoming residents creates a more connected neighborhood that does not have to be auto-dependent.

(iv) in the case of the waiver or modification, the public purposes of the original regulation would be satisfied to at least an equivalent degree by the modification

The public purposes of the original regulation aimed to ensure that there are ample rooftops within a PUD to support the commercial businesses. However, as previously discussed, the area surrounding the Royal Fern development is already predominantly residential (Figure 1). There are two multi-family housing developments (one existing and one under construction) located on the north side of the property. These apartments serve, and are proposed to serve, as off-campus housing for University of Virginia students. Given the existing number of dwelling units in the community, there is likely sufficient demand for services and businesses allowed for in the shopping center area of the PUD.