

Galaxie Rezoning – Written Narrative
Supplemented
Updated
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September 17, 2018
November 30, 2018
April 1, 2019
May 20, 2019
July 15, 2019
September 6, 2019

PROJECT PROPOSAL

Blackbird of Charlottesville, LLC (the “Applicant”) is the contract purchaser for property located in the County of Albemarle, Virginia (the “County”), having addresses of 192 and 193 Galaxie Farm Lane, designated on County tax maps as parcels 091-00-00-01500 and 091-00-00-00900 (the “Blackbird Property”). The Blackbird Property is located immediately adjacent to that certain real property of approximately 15.8 acres, more or less, having an address of 133 Galaxie Farm Lane, and designated on County tax maps as parcel 09100-00-00-01100.

The County also owns other nearby parcels: 09100-00-00-01000, 09100-00-00-008B0, 09100-00-00-002E0, and 09100-00-00-01300 (collectively, the “County Property”).

Blackbird Property:

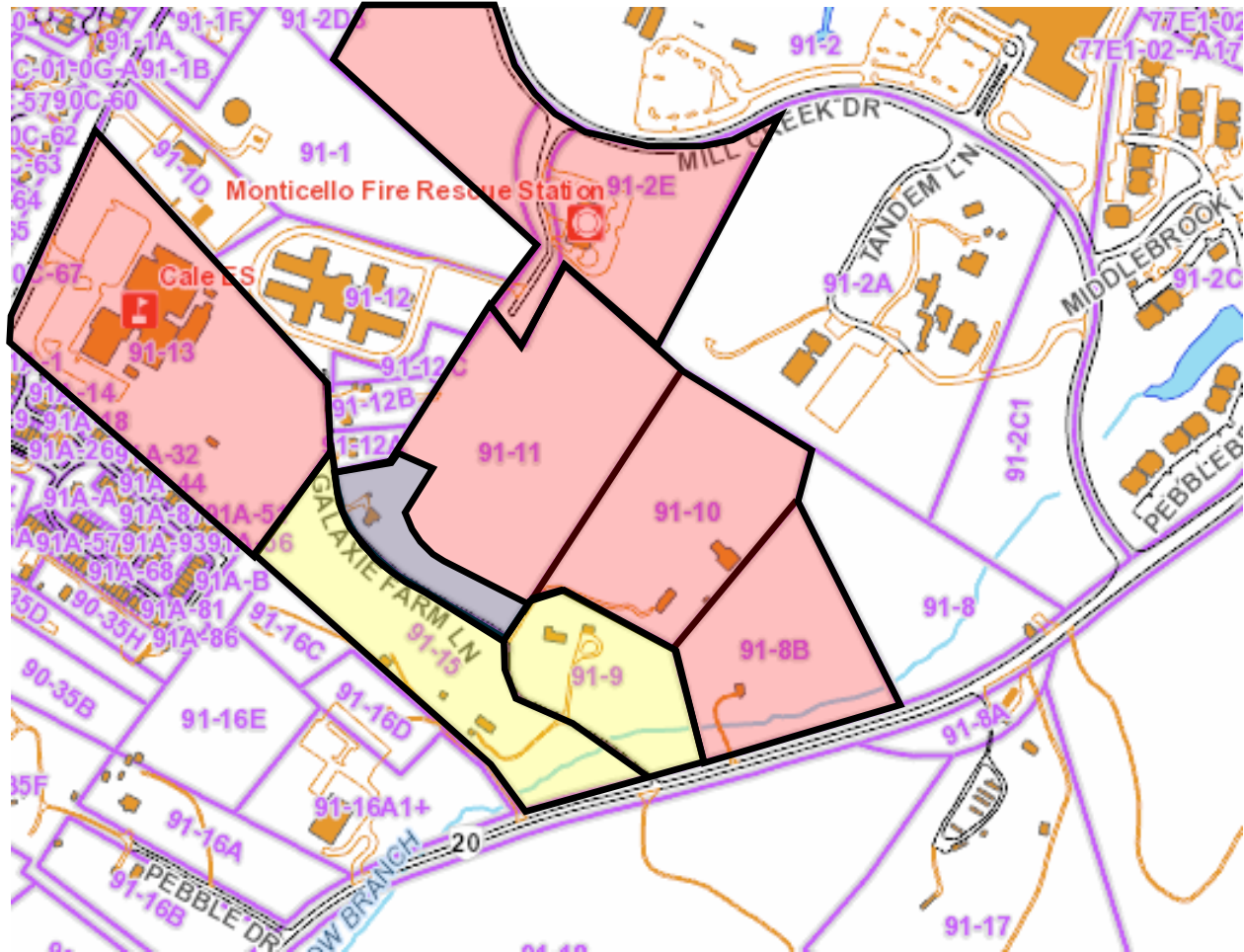
Tax Map Parcel No.	Acreage	Zoning	Comprehensive Plan Designation
09100-00-00-01500 192 Galaxie Farm Lane	8.27	R1 Residential	Neighborhood Density Residential
09100-00-00-00900 193 Galaxie Farm Lane	5.09	R1 Residential	Neighborhood Density Residential
Total:	13.36		

County Property:

Tax Map Parcel No.	Acreage	Zoning	Comprehensive Plan Designation
09100-00-00-01100 133 Galaxie Farm Lane	15.8	R1 Residential	Institutional Neighborhood Density Residential
09100-00-00-01000 167 Galaxie Farm Lane	8.33	R1 Residential	Institutional
09100-00-00-008B0 1506 Scottsville Road	8.34	R1 Residential	Institutional
09100-00-00-002E0 1515 Founders Place	13.27	R15 Residential	Institutional
09100-00-00-002E0 1757 Avon Street Ext	15.96	R1 Residential	Institutional
Total:	61.7		

In the image below, the Blackbird Property is highlighted in yellow and the County Property is highlighted in red. The 2.77 acres that were proposed to be conveyed to the Applicant is roughly highlighted in blue on the image below.

The Applicant had proposed to construct an approximately 1,400-foot long, 67-foot wide connector road in exchange for 2.77 acres of County Property. On October 26th, 2018, the County Property Committee recommended that the Board of Supervisors move forward with the proposal. However, it was discussed at several County Board of Supervisors' meetings in closed sessions where it was ultimately decided that the County would not move forward with the proposed exchange.



Because the County Board of Supervisors declined to move forward with the exchange, the Applicant now proposes to develop only the 13.36 acres of the Blackbird Property as a residential subdivision with a maximum allowable density of 75 units (reduced from 130 units).

These 75 units include of a variety of housing types, with various price points:

- Townhomes or Single Family Attached (of various sizes and price points, ranging from a larger “villa” unit akin to two traditional single-family detached units that are attached to much smaller and more conventional townhome units)

- Single Family Detached (of various sizes and price points, ranging from larger, more traditional single-family detached homes to slightly smaller, and less expensive units)
- Affordable Dwelling Units

The variety of housing types are dispersed throughout the Property, as evidenced by the variety of shades of blue on the Application Plan. The variety of shades of blue are based on the intensity of use within each Block.

CONSISTENCY WITH COMPREHENSIVE PLAN

As stated earlier, the original application for ZMA 2018-012 included 2.77 acres of adjacent property owned by the County (shown in blue on the previous page). This property was shown as a “Future Phase” on the original Application Plan and was dependent upon an agreement between the Applicant and the County in which the Applicant would build a portion of a “Connector Road” per the specifications of the Comprehensive Plan in exchange for the conveyance of the County Property to the Applicant.

The original application also requested a density of 130 total units, 10.65 dwelling units per acre (inclusive of the acreage of the County Property). Because the Comprehensive Plan land use designation for the Property recommends between 3 to 6 dwelling units per acre, i.e. a maximum of 65 total units, staff recommended the application go to a work session with the Planning Commission. The work session was held on December 18, 2018. The Planning Commission recommended the Applicant explore the possibility of a Comprehensive Plan Amendment (CPA). However, the County Zoning Ordinance was amended on January 3, 2018, eliminating the ability for applicants to initiate CPAs. The revised process for CPAs requires initiation by a member of the Board of Supervisors or Planning Commission.

Instead of a CPA, the Applicant proposes 65 market-rate residential units and 10 affordable housing units. One goal of the Comprehensive Plan is to encourage 15% affordable housing in each new project. However, due to changes in Virginia proffer laws, the County is no longer able to accept proffers for 15% affordable housing units. Therefore, it is especially important for the County to maximize the number of affordable housing units when it is able. While the Virginia proffer law is changing again effective July 1, 2019, the most recently revised proffer law still does not allow the County to deny projects based on the fact that proffers that are not specifically attributable to the impacts of the proposed development were not offered. Therefore, applications after July 1, 2019 still cannot be denied based on the fact that they do not offer affordable housing.

In order to satisfy the 15% affordable housing goal of the Comprehensive Plan within the context of the new Virginia proffer laws, the Applicant is proposing affordable housing as a condition of the Application Plan rather than in a proffer statement. If the Application were revised to a rezoning to a Residential R-6 designation, an Application Plan like the one submitted for this Planned Residential Development (PRD) would no longer be required and therefore affordable housing could only be provided through a proffer statement, which would not be allowed. This results in the perverse outcome of discouraging rezonings to planned residential districts, which is contrary to the goals of the Comprehensive Plan. In the Development Areas Section of the Comprehensive Plan, Expectation #2 states that “High quality development through application of the Neighborhood Model principles” is expected in

the Development Areas. The best way to achieve the Neighborhood Model principles is through the requirements and regulations in the planned development districts.

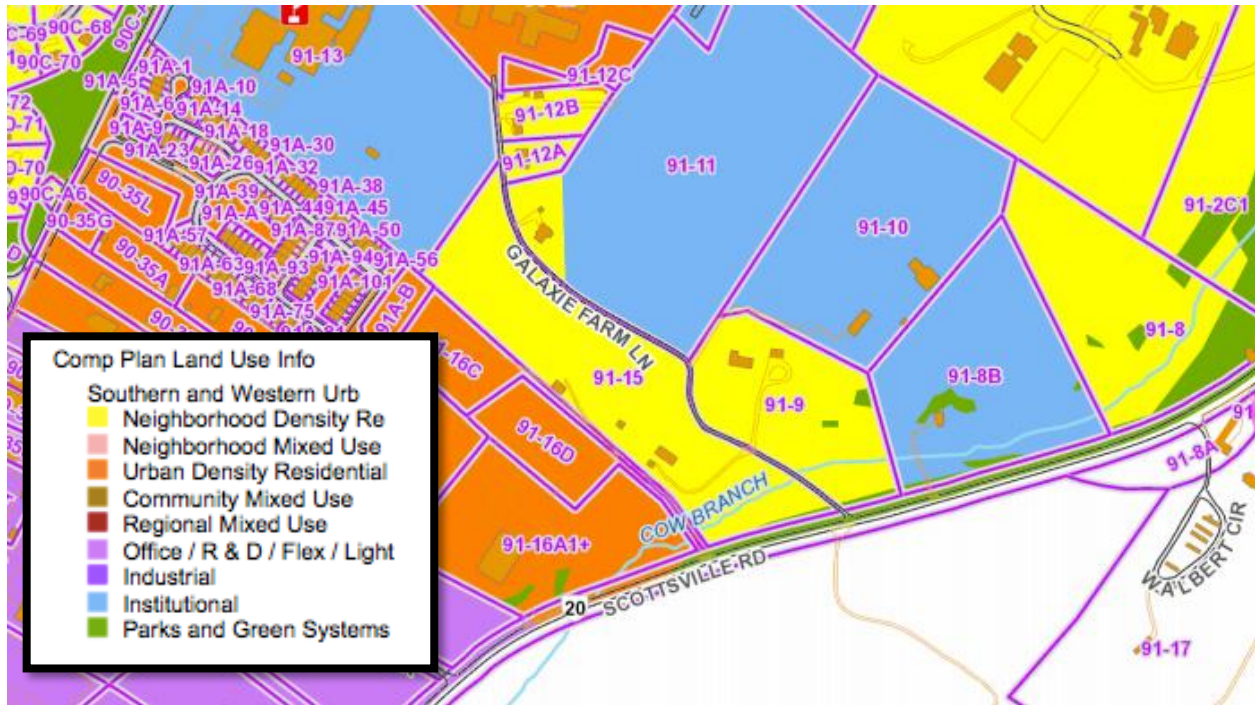
In addition, under the by-right regulations of R-6, Section 16.4.3 of the County Code states, “For providing affordable housing units, a density increase of thirty (30) percent shall be granted...” Therefore, by not allowing the 9 affordable housing units above the recommended density in the case of a rezoning, the County would incentivize by-right development, where bonuses are provided, or rezonings to non-planned development districts, where requiring proffers for affordable housing are prohibited. Given these perverse incentives, the Applicant believes it is a reasonable request, and consistent with the goals of the Comprehensive Plan, to allow for 9 affordable housing units above the property’s recommended density.

In addition, a bonus for affordable housing above the recommended density has been previously approved by the County Planning Commission and Board of Supervisors. In 2013, the County approved ZMA-2012-00002, Riverside Village, a request to rezone property designated as Residential R-1 to a Neighborhood Model District. The Riverside Village Application proposed 10 units above the recommended density in the Comprehensive Plan, with the justification being that such units would be designated as affordable housing. Enclosed are the minutes from the County Planning Commission and Board of Supervisor public hearings on this issue.

Similar to the Riverside Village justification for the 10 units above the Comprehensive Plan’s recommended density, the proposed project would also have no measurable impact attributable to the small increase of 9 units above the recommended density; the proposed project is also located in an area with very few neighbors; and the proposed project is also located nearby a “Center.” A “Center” is defined in the Comprehensive Plan as “a school or a park... major employment area or a shopping area... [or] mixed-use area. It is a “place” to which people want to walk... [and] should be located within ½ to ¼ mile walk zone from residences...” There are zero residences within ½ mile and only a portion of the Avinity subdivision within ¼ mile. Therefore, to fulfill the Comprehensive Plan’s vision of having a “Center” on the County-owned properties adjacent to the proposed development, it would be prudent to allow for the proposed residential development to help support the “Center” designation.

As stated earlier, since the County declined to pursue the exchange related to the County Property, the total maximum density recommended by the Comprehensive Plan (excluding the County Property acreage) is 65 units (see the image on the following page where it shows the Blackbird Property as being designated Neighborhood Density Residential). The Application allows for 10 units over the maximum recommended density to accommodate 10 affordable housing units (15% of 65).

Allowing a small bonus above the recommended density in the Comprehensive Plan for affordable housing is consistent with other key goals of the County, avoids treating planned zoning districts differently than conventional zoning districts, is consistent with how affordable housing is encouraged for by-right developments, and such bonuses have previously been approved by the County Planning Commission and Board of Supervisors (e.g. the Riverside Village Rezoning).



The project is also consistent with other portions of the Comprehensive Plan. The Application shows the greenway trail along Route 20 that is shown in the Comprehensive Plan. The Comprehensive Plan also shows a Connector Road through the property. However, due to the same changes in Virginia proffer law noted above, the County is no longer able to accept such transportation proffers unless such proffers are specifically attributable to the impacts of the proposed development. The proposed development consists of only 72 residential units and therefore does not warrant the construction of a “Connector Road” as specified in the Comprehensive Plan. While the Application does not show the Connector Road that is specified in the Comprehensive Plan, the Applicant made a good faith effort to provide such road within the framework of the new Virginia proffer laws. However, the County declined to pursue the road and so the revised Application no longer shows construction of the road. The Application Plan still provides bike lanes along Road A and enables the County to connect to Road A should it desire to do so in the future.

While the Comprehensive Plan states that a small area plan is needed for the County-owned properties, it explicitly does not include the adjacent parcels not owned by the County. Importantly, the Comprehensive Plan also shows the County Property as being a “Center.” A “Center” is defined in the Comprehensive Plan as “a school or a park... major employment area or a shopping area... [or] mixed-use area. It is a “place” to which people want to walk... [and] should be located within ½ to ¼ mile walk zone from residences...” There are zero residences within ½ mile and only a portion of the Avinity subdivision within ¼ mile. Therefore, to fulfill the Comprehensive Plan’s vision of having a “Center” on the County-owned properties adjacent to the proposed development, it would be prudent to allow for the proposed residential development to help support the “Center” designation.

IMPACTS ON ENVIRONMENTAL FEATURES

There will be a 100-foot buffer consisting of greenspace with a trails system located on the portion of the Property fronting Route 20. The 100-foot buffer will protect “Cow Branch” stream, a perennial stream located in this area. In addition, the development adjacent to the buffer will consist of a boardwalk, with a row of houses fronting the boardwalk. Thus, the development will orient towards greenspace, encouraging use of the boardwalk and trail network complementing Cow Branch.

Also, there will be a pocket park. The 2.78 acres of passive recreational open space (stream buffer) and 0.91 acres of active recreational open space (Block 8 and Block 7 outside of the stream buffer) total 3.69 acres of common open space, which satisfies the required 3.34 acres (or 25%).

The proposed development is required to have a second entrance to accommodate fire/rescue. This second entrance is shown as Road F. The orientation of Road F shall be determined at the site plan stage of development. The Applicant requested connecting to the existing emergency accessway adjacent to the Property, utilized by the Avinity subdivision; however, such offer/request to connect was declined by the developer of the Avinity subdivision.

PROPOSED PROFFERS TO ADDRESS IMPACTS

The Applicant is no longer providing a proffer statement. However, below is a statement related to impacts of the proposed development.

The Applicant has discussed the Application with Rosalyn Schmitt, Chief Operating Officer of Albemarle County Public Schools and Joe Letteri, Director of Building Services for Albemarle County Public Schools. Both officers stated that development is welcome in this area of the County due to low enrollment (and under capacity) of Monticello High School and Walton Middle School. While Cale Elementary School is at or over capacity, Albemarle County Public School officers stated that this issue would need to be addressed regardless of the proposed development and may be solved through redrawing the district boundaries or some other means. The officers stated Cale Elementary School will likely not expand towards the applicant-controlled property as Cale is already larger than the ideal size for an elementary school and there are steep slopes and stormwater management facilities located where the possible expansion could occur, rendering such expansion impractical.

The Monticello Fire and Rescue Station is located within a ½ mile of the proposed development. The station was constructed within the past several years and has the capacity to serve the nearby proposed development. A second emergency-only entrance was added to the proposed development since the original Application Plan in response to Fire & Safety comments.

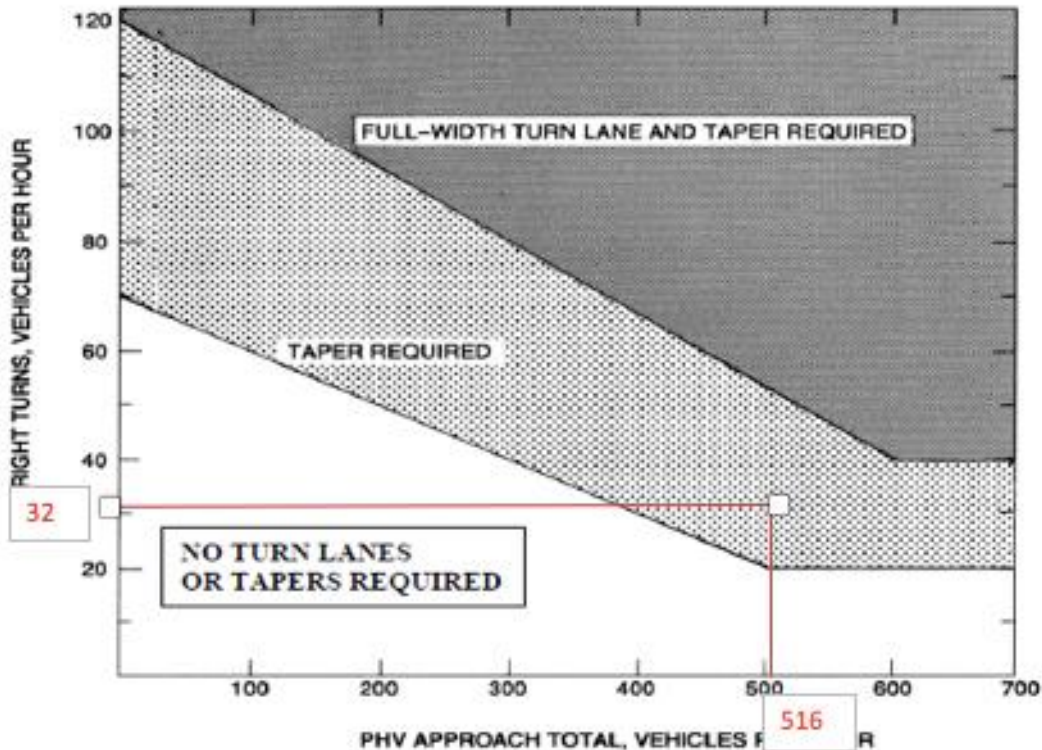
The proposed development is located within close proximity to several park facilities, including the facilities of Cale Elementary School and Monticello High School. In addition, the newly proposed Biscuit Run park is also nearby. The proposed development also includes 2.78 acres of passive recreational space, which includes greenway trails along the perennial stream located parallel to Route 20. These greenway trails will include a trail envisioned in the Comprehensive Plan to continue along Route 20 and possibly connect to the Monticello Trails and/or Biscuit Run. A little less than an acre of the proposed development will be used for more

active recreational space, including playground facilities, dog park, and possibly a clubhouse (if feasible).

Estimated traffic counts are provided below:

				AM			PM		
Use Description	ITE	Qty	in	out	Total	in	out	Total	
Single Family Detached	210	42	10	27	37	30	17	47	
Townhomes	220	30	5	13	18	12	9	21	
Total			15	40	55	42	26	68	
Right Turn			4			32			
Left Turn			11			10			

The above table assumes 42 single family detached units and 30 townhomes (72 units total). According to the Institute of Traffic Engineers (ITE) Manuel, it is estimated that 40 units will be turning out of the proposed site in the morning and 15 will be turning in, with the stream of traffic reversing in the afternoon (42 cars into the site, 26 cars out of the site). Based on Virginia Department of Transportation (VDOT) data on Scottsville Road (Route 20), it is estimated that of those turning into the site (in the AM: 11 will be turning left into the site, 3 will be right into the site; in the PM: 10 will be turning left into the site, 32 will be turning right into the site). The image on the next page depicts the above data based on current traffic estimates on Route 20. If a certain relationship between turns and the existing volume of traffic is met, a right turn lane or right turn taper would be warranted. In this instance, a right turn taper is warranted, which will allow more room for cars turning right into the site. This right turn taper will minimize delays on Route 20 that might have resulted from a backlog of cars turning right into the site.



In addition, based on advancing volume and opposing volumes (VPH), speed and percentage left turns of Route 20, a left turn lane is not warranted. See the below graphic.

VPH OPPOSING VOLUME	ADVANCING VOLUME			
	5% LEFT TURNS	10% LEFT TURNS	20% LEFT TURNS	30% LEFT TURNS
40-MPH DESIGN SPEED*				
800	330	240	180	160
600	410	305	225	200
400	510	380	275	245
200	640	470	350	305
100	720	515	380	340
50-MPH DESIGN SPEED*				
800	280	210	165	135
600	350	280	195	170
400	430	320	240	210
200	550	400	300	270
100	615	445	335	295
60-MPH DESIGN SPEED*				
800	230	170	125	115
600	290	210	160	140
400	365	270	200	175
200	450	330	250	215
100	505	370	275	240

TABLE 3-1

Source: Adapted from 2011 AASHTO
Green Book, Chapter 9, Section 9.7.3,
Page 9-132, Table 9-23

The location and timing of the traffic signals along Route 20 result in steady openings in traffic, which will allow residents of the proposed development to turn left out of the site at regular intervals without extended delays.

WAIVER REQUESTS

Enclosed with this Written Narrative are two exhibits. Exhibit A shows the full preliminary layout across the entire property. Exhibit B shows the layout of Block 1 with Road D as a **private** street versus the layout of Block 1 with Road D as a **public** street.

(1) Double Frontage Lots

The Applicant requests a waiver to allow for double frontage lots between Road B and Road E. Section 14.401 of the County Subdivision Ordinance prohibits the development of double frontage lots for single family detached and attached residential uses. 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 Road B and Road E, consistent with the Application Plan, and in accordance with neighborhood model principles. Block 2 consists of **rear loaded units** facing either the green space of Block 7 or Roads B and A.2. Exhibit A shows the preliminary layout of Block 2 in further detail. As shown, the alleyway (labeled as Road E) that will allow for the rear loaded units along the open space of Block 7 and Roads B and A.2 will also create double frontage lots between such alleyway and Roads B and A.2. This is unavoidable due to the size, shape and location of the property.

The alternative would be to elongate and curve Road C into Road A, and eliminate Road B. This new version of Road C would then consist entirely of larger, front loaded units – eliminating the smaller, rear loaded units of Blocks 2 and 3. This would reduce the mixture of housing units within the development as well as the possibility for rear loaded units, two key goals of the neighborhood model.

(2) Private Street Authorizations

We request Roads D and E be authorized as private streets.

As stated above, Road E will allow for the creative design of Block 2, enabling alleyways and the avoidance of front-loaded units where possible. Road D must be a private street because it does not satisfy the VDOT turn-radius requirement. The alternative to Road D would be larger units surrounding two cul-de-sacs. Please see Exhibit B for further detail. The addition of two cul-de-sacs would reduce interconnectivity and again, encourage larger, detached units rather than the mixture of attached and detached product types.

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 authorizations for Roads D and E on the Application Plan to allow rear loaded units and alleyways to accommodate such units, as well as the avoidance of an excessive number of cul-de-sacs. This design, shown on Exhibit A, is in keeping with neighborhood model principles, such as, encouraging active greenspace and pedestrian connectivity. The rear loaded units encourage pedestrian access on main streets and preserves the main roadways for greenspace. The addition of cul-de-sacs also reduces interconnectivity.

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;”

The cross sections on the Application Plan show that sufficient travelway will still be provided for Roads D and E, accommodating travel into/from the adjoining residential units.

- (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 public streets in the locations of Roads D and E, rather, it does contemplate a Connector Road for Road A. Accordingly, Road A provides for more right-of-way. 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.” Roads D and E will enable the designs preferred by the County: rear loaded or alleyway access for vehicles entering/exiting residential units, while still efficiently utilizing space for density and a variety of housing types.

- (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 fees/maintenance of the private roads.

- (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 streets will be accessed from Road A, a road internal to the development.

- (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 private streets as designated in the Application Plan.

(3) Waiver of Private Street Design Requirements

Road E is intended to act as an alleyway, providing vehicular entrances/exits for the homes in Block 2, some of which will “face” the greenspace of Block 7. Therefore, we do not believe it is necessary for Road E to meet all of the requirements of a typical private street.

- (1) Section 14-410(H) requires curb, curb and gutter, sidewalks and planting strips. Because pedestrian traffic will be limited along the alleyway such infrastructure is not necessary. Such infrastructure will be located along the trails at the beginning of Block 7 and the surrounding public roads. Section 14-410(I) allows the commission to grant variations or exceptions for such requirements.

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 use of Road E as an alleyway for vehicles allows for the “face” of such units to be orientated towards greenspace. The use of Road E as an alleyway also allows rear-loaded units in Blocks 2 and 3, another goal of the County.

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 curb, curb and gutter, sidewalks and planting strips would not allow the economical construction of the alleyways, which would disincentivize the benefit of rear loaded units, which was a specific request of the County.

Because the above two conditions are met, we believe a waiver of the requirement for curb, curb and gutter, sidewalks and planting strips on Road E should be granted.

(4) Modifications of Setbacks

(A) Note B of Sheet 7 of the Application Plan states, “Minimum front setback shall be 3 feet from the right-of-way for Private Road “E”.”

(B) Noted E of Sheet 7 of the Application Plan states, “Structures adjoining Private Road “E” shall have a minimum rear setback of 5 feet.”

According to Section 4.19, a minimum front setback of 5 feet is required and a minimum rear setback of 20 feet is required. However, Note 2 of Section 4.19 allows for a special exception request for any minimum setback. In addition, Section 8.2b allows for the waiver or modification of any requirement of Section 4. We request special exceptions to (1) modify the minimum front setback from 5 feet to 3 feet along Private Road E, and (2) modify the minimum rear setback from 20 feet to 5 feet for structures adjoining Private Road E.

According to Section 8.2b3, a waiver or modification may be granted only if:

- (i) the modification or waiver is consistent with the intent and purposes of the planned development district under the particular circumstances, and satisfies all other applicable requirements of Section 8;
- (ii) the modification or waiver is consistent with planned development design principles;
- (iii) the waiver or modification would not adversely affect the public health, safety, or general welfare; and
- (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.

According to Section 19.1, Planned Residential Districts are intended to “encourage sensitivity toward the natural characteristics of the site and toward impact on the surrounding area in land development. More specifically, the PRD is intended to promote economical and efficient land use, an improved level of amenities, appropriate and harmonious physical development, and creative design consistent with the best interest of the county and the area in which it is located.”

Modified front and rear setbacks enable the efficient construction of alleyways for rear loaded units. Without modification to such setbacks for Private Road E, it would be difficult for the alleyway to serve as a means of access to the rear of the units because the structure would be required to be located a larger distance from the alleyway.

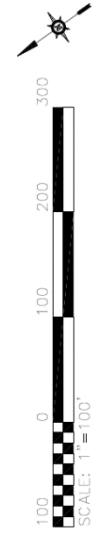
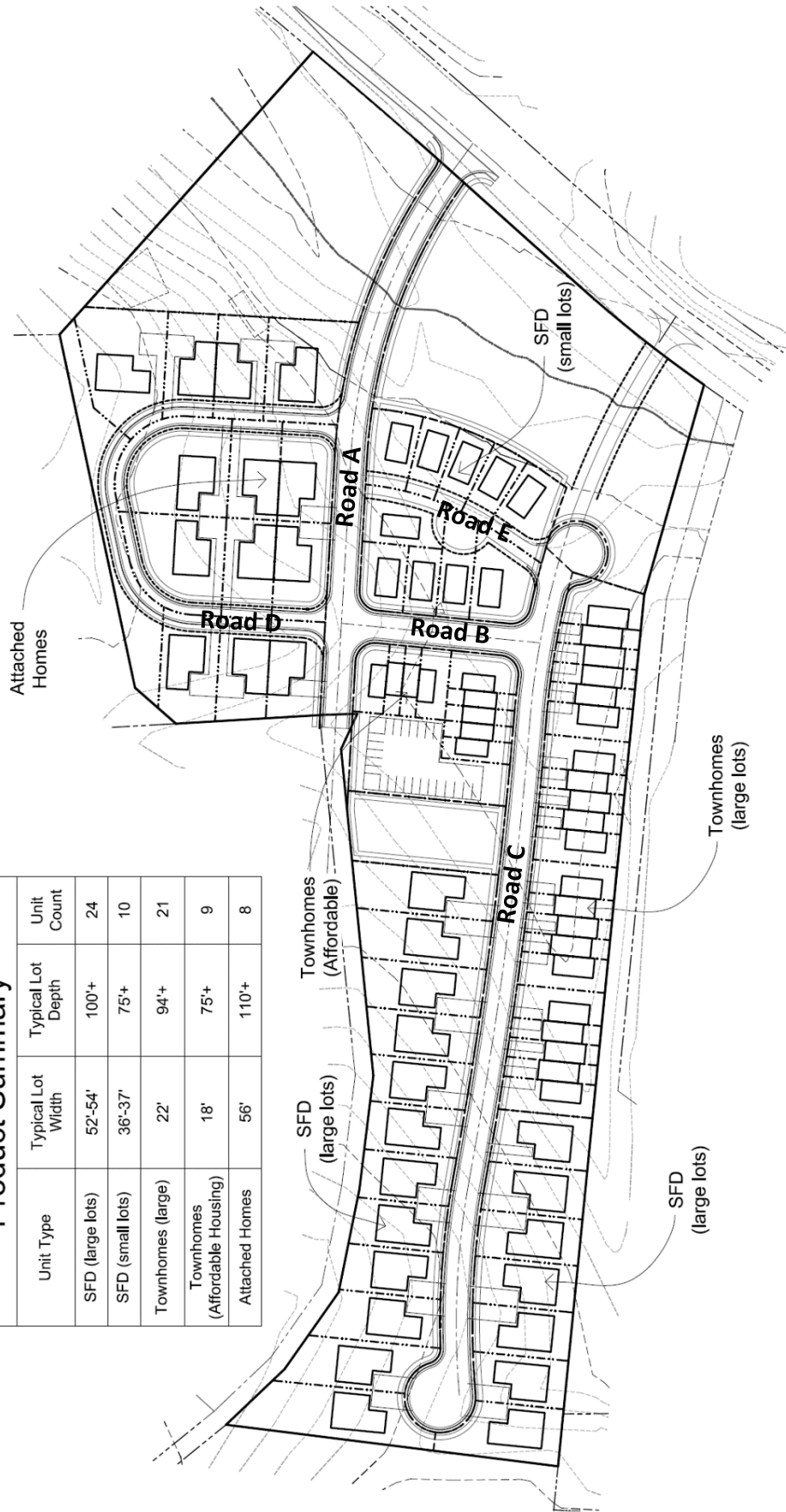
In sum, allowing modifications to front and rear setbacks along Private Road E allows the design of rear loaded units. As stated earlier, the alternative would be to elongate and curve Road C into Road A, and eliminate Road B. This new version of Road C would then consist entirely of larger, front loaded units – eliminating the smaller, rear loaded units of Blocks 2 and 3. This would reduce the mixture of housing units within the development as well as the possibility for rear loaded units, two key goals of the neighborhood model. Therefore, allowing for the modifications necessary for Road E to function as an alleyway would be consistent with the intent and design of PRD, would not adversely affect the public health, safety or general welfare and satisfy the public purposes of the original regulation.

Conclusion

In sum, the project is consistent with the Property’s land use designation and intended design of the Comprehensive Plan, allowing for the County to connect Route 20 to Mill Creek Drive, while still preserving quality design.

Exhibit A

Product Summary			
Unit Type	Typical Lot Width	Typical Lot Depth	Unit Count
SFD (large lots)	52'-54'	100'+	24
SFD (small lots)	36'-37'	75'+	10
Townhomes (large)	22'	94'+	21
Townhomes (Affordable Housing)	18'	75'+	9
Attached Homes	56'	110'+	8



Galaxie Farm