

RE: ZMA201900003 WAIVER REQUEST SEC.20A.8(a) Minimum of Two Housing Types

In accordance with Section 8.2(b) of the Albemarle County Zoning Ordinance, 5th Street Forest LLC the applicant (the “applicant”) for ZMA2019-00003 “Albemarle Business Campus” requests the Board of Supervisors waive the requirement of Section 20A.8(a) of the Albemarle County Zoning Ordinance which requires each Neighborhood Model District to have at least two housing types. The applicant requests to construct a minimum of one housing type within Albemarle Business Campus. The Code of Development for Albemarle Business Campus allows for several housing types including multi-family, group homes, triplexes, quadruplexes, and townhouses however, the Code of Development does not require unit minimums for two different housing types and only requires a minimum number of residential units within the Neighborhood Model District. In your evaluation of this waiver from two housing types, please consider the following findings provided in accordance with Section 8.2(b)(3) of the Albemarle County Zoning Ordinance:

- (i) *To be consistent with the intent and purposes of the planned development district under the particular circumstances, and satisfies all other applicable requirements of Section 8*

Section 20A.1 “Purpose and Intent” of the Neighborhood Model District in the Albemarle County Zoning Ordinance states,

“The purpose of the Neighborhood Model district (hereinafter referred to as the "NMD") is to establish a planned development district in which traditional neighborhood development, as established in the county's Neighborhood Model, will occur. The county's Neighborhood Model was adopted as part of the comprehensive plan, and is hereinafter referred to as the "Neighborhood Model." The regulations in section 20A 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.

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 within the development areas identified in the comprehensive plan.”

The purpose and intent of the Neighborhood Model District calls for a “mixture of housing types and affordability,” it is typical for a mixture of housing types to inherently create a mixture of affordability with larger single family units like detached units or townhomes costing more than smaller multi-family apartments, which are often more affordable and have lower financial barriers than larger units which often are sold as owner-occupied units. The applicant has committed to providing affordable units on the property, consistent with the County’s affordable housing policy, and so the “intent and purpose” of a mixture of housing affordability within the Neighborhood Model District will be met through the affordable housing commitment.

Section 20A.8(a) of the Albemarle County Zoning Ordinance states,

“Each district shall have at least two housing types; provided that this requirement may be waived by the board of supervisors if the district is an infill project or at least two housing types are already present within one-quarter mile of the proposed district. The following are considered to be different housing types: (1) single family detached dwellings; (2) single family attached dwellings; (3) two-family dwellings; (4) triplexes; (5) quadplexes; (6) townhouses; (7) multifamily dwellings; (8) accessory apartments; (9) manufactured housing; and (10) special needs housing such as assisted living facilities, group homes, and skilled nursing facilities.”

Granting of this waiver request will not conflict with the intent and purposes of this planned development district because given the circumstances and existing conditions surrounding Albemarle Business Campus, there are a variety of housing types present within one-quarter mile of the proposed district and the Albemarle Business Campus site is an infill development. There are multifamily dwellings, townhouses, and single family detached dwellings all within one-quarter mile of the proposed district boundaries. There are multifamily dwellings at Cavalier Crossing and Brookdale Apartments directly adjacent to the property. There are townhomes at Sherwood Manor just a few hundred feet north/northwest of the proposed district and there are single family homes west of the site at Oak Hill Farm and south of the site along Stagecoach road. Section 20A.8(a) states a property may be qualified for a waiver of two housing types if the proposed district is within one-quarter mile or if the district is an infill project; this project meets both qualifications for a waiver of two housing types as it is also an infill site, being a vacant site surrounded by Cavalier Crossing to the east, the 5th Street County Office Building to the south, existing residences and Oak Hill Market to the west/southwest, and Region 10 and Brookdale Apartments to the north.

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

Albemarle Business Campus will develop consistently with planned development design principles and the granting of a waiver for the two housing type requirement will not compromise the project’s consistency with those design principles. Albemarle Business Campus is principally designed to be well connected with its surrounding context by proposing a robust pedestrian network that consists of multi-use paths, meandering pathways, sidewalks, and pedestrian trails through and around the site. The district is designed to invite people in and the proposed buildings in the district will be human scale with stepbacks above 45’ or the third story, a maximum of four story buildings, and maximum building footprint sizes of 40,000 SF.

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

Waiving the two housing type requirement would not adversely affect the public health, safety or general welfare because, in this proposed district, the mixture of housing types and affordability which is required by the ordinance, is met by the existing mixture of housing types in the immediate surroundings of the proposed district and the affordable housing provision in the code of development for the proposed district. The public health, safety, and general welfare are furthered by the mixture of housing types and affordability required by the Neighborhood Model District by establishing a neighborhood that is financially accessible to people with a variety of incomes and a variety of housing needs. If Albemarle Business Campus were to develop with one housing type (as the Code of Development does not preclude the development of multiple housing types, but it does not require it) the affordable housing provisions for the district would ensure it is accessible to people with a variety of incomes and the existing context surrounding the development ensures there are a variety of housing types available in the immediate context of the proposed district for people with various housing needs.

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

The original regulation requires, “a mixture of housing types and affordability.” As aforementioned in this waiver request, there are several existing housing types surrounding the proposed district, all within one-quarter mile of the proposed district and so the Neighborhood Model District requirement for a mixture of housing types is satisfied to an

equivalent degree given the existing context surrounding the proposed district. The mixture of affordability is met within the district through the affordable housing regulations provided in the code of development and is further complemented by the existing mixture of housing types in the immediate context that offer people a variety of housing opportunities.

Please consider waiving the requirement for two housing types in Albemarle Business Campus based on the justification provided in this letter. Thank you for your consideration of this request.

