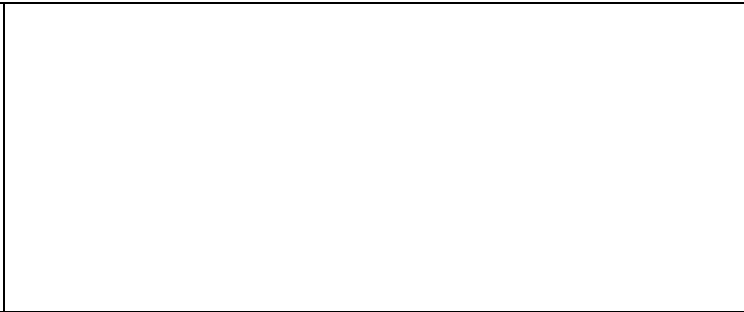




**COUNTY OF ALBEMARLE  
PLANNING STAFF REPORT SUMMARY**

<b>Project Name:</b> ZMA202200004 1906 Avon Street Extended	<b>Staff:</b> Andy Reitelbach, Senior Planner II
<b>Planning Commission Public Hearing:</b> February 14, 2023	<b>Board of Supervisors Public Hearing:</b> To be scheduled
<b>Owner:</b> Jeannette D. Smith	<b>Applicant:</b> Jeannette D. Smith, c/o Shimp Engineering, PC
<b>Acreage:</b> 3.643 acres	<b>Rezone from:</b> R-1 Residential, to R-15 Residential with Proffers
<b>TMPs:</b> 09000000003300; 090000000033B0; 090000000033C0	<b>Location:</b> 1906 and 1920 Avon Street Ext., Charlottesville, VA 22902
<b>School Districts:</b> Monticello High, Walton Middle, Mountain View Elementary	<b>By-right use:</b> 3 residential units
<b>Magisterial Districts:</b> Scottsville	<b>Proffers:</b> Yes
<b>Proposal:</b> Rezone three parcels that total approximately 3.643 acres from R-1, which allows residential uses at densities up to 1 unit/acre, to R-15, which allows residential uses at densities up to 15 units/acre, with proffers. Associated requests for modification of sidewalk and planting strip requirements.	<b>Requested # of Dwelling Units:</b> A maximum of 38 dwelling units is proposed, with a mixture of single-family attached and multi-family structures, at a gross and net density of approximately 11 units/acre.
<b>DA (Development Area)</b> – In Neighborhood 4 in the Southern and Western Urban Neighborhoods Master Plan area.	<b>Comp. Plan Designation:</b> Neighborhood Density Residential – residential (3-6 units/acre); supporting uses such as places of worship, schools, public and institutional uses, and small-scale neighborhood-serving retail and commercial.
<b>Character of Property:</b> There are two single-family detached houses located across the three parcels.	<b>Use of Surrounding Properties:</b> Uses are primarily residential, including Avon Park to the south; Spring Hill Village across Avon St. to the east; Mill Creek to the west; Faith Temple church is located on two parcels to the north.
<b>Affordable Housing:</b> Yes <input checked="" type="checkbox"/> 15% of total units built. No <input type="checkbox"/>	<b>AMI (Area Median Income):</b> 80% of AMI as determined by U.S. Dept. of Housing & Urban Development.
<b>Positive Aspects:</b>  1. The request is consistent with the recommended primary land use of housing identified in the Southern and Western Urban Neighborhoods Master Plan. 2. The request is consistent or mostly consistent with the applicable neighborhood model principles.	<b>Concerns:</b>  1. The request is not consistent with the density recommended by the Southern and Western Urban Neighborhoods Master Plan. The Master Plan recommends 3-6 units per acre in the Neighborhood Density Residential land use designation. This application proposes a maximum of approximately 11 units per acre.

3. The proposal provides at least 15% affordable housing, as recommended in the comprehensive plan policy currently being enacted.



**RECOMMENDATION:** Because the proposed density exceeds what is recommended in the Southern & Western Urban Neighborhoods Master Plan, staff recommends denial of ZMA202200004 1906 Avon Street Extended.

Staff has no concerns with the sidewalk and planting strip waiver requests. If the Planning Commission chooses to recommend approval of the rezoning request, staff recommends approval of the requests for a variation or exception of the sidewalk requirements and the planting strip requirements in certain areas of the development, in accordance with the Sidewalk and Planting Strip Waiver Exhibit – 1906 Avon Street Extended Zoning Map Amendment.

**STAFF PERSON:**  
**PLANNING COMMISSION:**  
**BOARD OF SUPERVISORS:**

**Andy Reitelbach**  
**February 14, 2023**  
**To be scheduled**

**ZMA 202200004 1906 Avon Street Extended**

**PETITION**

PROJECT: ZMA202200004 1906 Avon Street Extended

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL(S): 09000000003300; 090000000033B0; 090000000033C0

LOCATION: 1906 and 1920 Avon Street Ext., Charlottesville, VA 22902

PROPOSAL: Rezone three parcels to allow a maximum of 38 residential units.

PETITION: Request to rezone a total of approximately 3.643 acres from the R-1 Residential Zoning District, which allows residential uses at densities up to one unit/acre, to R-15 Residential, which allows residential uses at densities up to 15 units/acre. A maximum of 38 multi-family and single-family attached dwelling units is proposed, at a gross and net density of 11 units/acre. Associated request for modification of street standards.

ZONING: R-1 Residential – 1 unit/acre

OVERLAY DISTRICT(S): EC – Entrance Corridor and Steep Slopes – Managed

PROFFERS: Yes

COMPREHENSIVE PLAN: Neighborhood Density Residential – residential (3-6 units/acre); supporting uses such as places of worship, schools, public and institutional uses, and small-scale neighborhood-serving retail and commercial; in Neighborhood 4 in the Southern and Western Urban Neighborhoods Master Plan area.

POTENTIALLY IN THE MONTICELLO VIEWSHED: No

**CHARACTER OF THE AREA**

The subject property includes three parcels on the west side of Avon Street Extended (Attachment 1 – Location Map). There are two existing single-family detached houses (1906 and 1920 Avon St. Ext.), along with associated accessory structures, located across the three parcels. All three parcels are currently zoned R-1 Residential, which permits one dwelling unit per acre (Attachment 2 – Zoning Map). The property is located within the Entrance Corridor Overlay District. There are also areas of managed steep slopes on the front of the property along Avon St.

The neighboring area is largely residential, with some nearby institutional and commercial uses. Avon Park, which is composed of both attached and detached single-family houses, is located to the south of the subject property and is zoned R-6 Residential. Spring Hill Village is located to the east, across Avon Street. It consists of townhouses and is zoned Neighborhood Model District. Mill Creek is located to the west, is composed of single-family detached houses, and is zoned PRD, Planned Residential Development. To the north is the Faith Temple church, which is located on two parcels zoned R-1 Residential. Diagonally across Avon Street to the northeast are a variety of commercial/industrial properties along Snow Point Lane, all of which are zoned Light Industry.

**BY-RIGHT USE OF THE PROPERTY**

The subject property could develop with three (3) dwelling units, at a density of approximately one unit per acre. Additional residential units could potentially be constructed if the property owner were to pursue the various bonus factors that the Zoning Ordinance permits. Using a combination of bonus factors, the maximum number of additional units that could potentially be approved by-right is 50% of the base zoning. This calculation could result in approximately five (5) units total that could be constructed. However, it is important to note that bonus factors have different requirements,

including some discretionary approvals, so it may not be possible for the property to utilize all potential bonus factors.

### **SPECIFICS OF THE PROPOSAL**

The applicant is proposing to rezone three parcels of land totaling approximately 3.643 acres from R-1 Residential to R-15 Residential, which allows residential uses up to a maximum density of 15 units per acre. The applicant requests this rezoning to allow for a maximum of 38 dwelling units on the property, for a gross and net density of approximately 11 units per acre (Attachment 3 – Project Narrative).

The applicant has also provided a proffer statement (Attachment 4 – Draft Proffer Statement). With this statement, the property would be limited to no more than the requested 38 units at approximately 11 units per acre. The concept plan (Attachment 5 – Concept Plan) associated with this application is also being proffered, with several major elements identified, including the following:

- 1) The internal street network, pedestrian connections, and building envelopes.
- 2) The setbacks.
- 3) The maximum building height not to exceed 40 feet.
- 4) The total number of residential units not to exceed 38.

This concept plan would guide the development of the project at the site planning stage.

Along with the concept plan, the applicant is proffering affordable housing at a minimum of 15% of the total residential dwelling units constructed. These units would be affordable at 80% of area median income (AMI) as determined by the U.S. Department of Housing and Urban Development. The affordable units may be met through a variety of housing types, including both for-sale and for-rent units.

Details of the Concept Plan include the following:

- Only one vehicular access to the development along the public Hathaway Street, through the existing Avon Park subdivision. Hathaway Street would be extended through this development as a public street and terminate in the north, at the Faith Temple property, allowing for a further extension in the future. The other internal streets of this development are proposed to be private. Although there is no direct vehicular connection with Avon Street, there is a pedestrian connection proposed between Hathaway Street and Avon Street. The plan also provides for proposed street sections.
- Arrangement of the development into two blocks. Block 1, of approximately 1.8 acres, is situated in the rear of the property, west of the Hathaway St. extension. This block would have 22 single-family attached units at 13 units per acre. Block 2, also of approximately 1.8 acres, is in the front of the property, between Avon and Hathaway streets. 16 multi-family units are proposed in this block, with a density of nine units per acre. The area of the blocks could vary by 10%, as noted on the concept plan. The exact number of units in each block could also vary; however, the total maximum in the development would be capped at 38 units, as noted in the proffer statement.
- Open space areas are identified and recreational facilities meeting the requirements of the Zoning Ordinance would be provided at the site planning stage. The stormwater management facility is depicted in the southeast corner of the site, along Avon Street, since this area is the lowest point on the property. Several retaining walls, primarily ranging in

height from 3'-6', with one wall that is 10' tall, are proposed between Avon Street and the residential units in Block 2.

The applicant is also requesting to waive the requirement for sidewalks and planting strips along certain portions of the streets in this development (Attachments 6 – Sidewalk Waiver Request; 7 – Planting Strips Waiver Request; and 8 – Sidewalk and Planting Strips Waiver Exhibit). The requirement for a sidewalk is requested to be waived for one side of proposed Private Road A where there are no front doors. The requirement for planting strips is requested to be waived for that same frontage adjacent to Private Road A, along with frontage on the west side of Public Road A (the extension of Hathaway Street), where the open space is proposed.

### **APPLICANT'S JUSTIFICATION FOR THE REQUEST**

The applicant has provided a narrative with justification for the request (Attachment 3).

### **COMMUNITY MEETING and COMMUNITY MEMBER INPUT**

A virtual community meeting was held for this proposal on Thursday, June 16, 2022, at a regularly scheduled meeting of the 5<sup>th</sup> and Avon Community Advisory Committee (CAC). This meeting was conducted using Zoom. At the virtual meeting, questions were asked by both community and CAC members. Since the meeting, staff has also received correspondence with comments from community members. (See Attachment 10 for a compilation of this correspondence.)

Major concerns raised by community members have included impacts on schools, especially Mountain View Elementary, which is already over-capacity; impact on traffic along Avon Street; and the proposed density of the development. Another significant concern raised by residents of Avon Park is the use of their neighborhood as the only vehicular entrance into the proposed development. Since no direct entrance onto Avon Street Extended is proposed with this rezoning request, all traffic generated by it would have to use Arden Drive and Hathaway Street in Avon Park to access this development.

A recording of the community meeting can be viewed using the following link:  
<https://www.youtube.com/watch?v=eQt3dqpeEK8>.

### **PLANNING AND ZONING HISTORY**

There have been no previous actions taken for the parcels that compose the proposed 1906 Avon Street Extended project.

### **COMPREHENSIVE PLAN**

The subject property is located within Neighborhood 4 of the Southern and Western Urban Neighborhoods Master Plan. This Master Plan designates the subject property with the Neighborhood Density Residential land use classification (see map inset below; three subject parcels highlighted). The other surrounding properties on the west side of Avon Street are also designated Neighborhood Density Residential, with several open space parcels (colored green) identified as Parks and Green Systems. Directly across Avon Street to the east, Spring Hill Village is designated as Community Mixed Use. To the northeast, the Snow Point Lane properties are designated as Office/R&D/Flex/Light Industrial (colored purple). Properties to the southeast are designated as Urban Density Residential (colored orange).



**Neighborhood Density Residential (yellow):** This designation calls for a primary use of residential, including townhouses and single-family detached and attached houses. Secondary uses include places of worship, public and private schools, childcare centers, and public uses, as well as small neighborhood-serving retail and commercial areas of no greater than 3,000 square feet and office uses of no greater than 5,000 square feet. The density range recommended for Neighborhood Density Residential is 3-6 dwelling units per acre. The maximum building height proposed for this designation is three stories.

This land use designation encompasses all of the subject property. Based on the acreage of the parcel, the master plan recommends a range of 11-22 residential units. The project proposes a maximum of 38 dwelling units on the property, which would result in a gross density of approximately 11 units/acre. This proposed density is nearly twice the recommended maximum density of 6 units/acre for Neighborhood Density Residential. The entire project is proposed for residential, with accompanying open space and recreational facilities, which is consistent with the master plan's recommendation for a primary use of residential in this area. Multiple housing types are proposed with this development, including townhouses and several multi-family structures (in the form of four-plexes, which include four units per building).

**The Neighborhood Model:** Staff has reviewed the proposal against the twelve Neighborhood Model Principles and has found that it is consistent or mostly consistent with all of the principles. The detailed Neighborhood Model analysis can be found in Attachment 9.

**Affordable Housing:** The County’s 2015 Comprehensive Plan has a chapter on housing (Chapter 9), which provides strategies to achieve its goal of “housing [that] will be safe, decent, and sanitary; available to all income and age levels; located primarily in the Development Areas; and available equally to all current and future County residents.” Objective 6 is for the provision of affordable housing options for low-to-moderate income residents of Albemarle County and persons who work within the County who wish to reside there. The Comprehensive Plan includes several strategies to achieve this objective. Strategy 6b is to “continue to ensure that at a minimum, 15% of all units developed under rezoning and special use permits are affordable, as defined by the County’s Office of Housing, or a comparable contribution is made to achieve the affordable housing goals of the County.” The County has adopted a revised policy calling for 20% of new units to be affordable; however, that policy is currently on hold while County staff work on developing an incentive package.

This rezoning proposal includes a maximum of 38 dwelling units. The applicant has provided a proffer statement (proffer #2) that proposes at least 15% of the total number of dwelling units shall be affordable housing units. If the full number of 38 dwelling units were constructed, then at least six of those units would be designated as affordable. The applicant has also included within the proffer statement the parameters regarding the designation of affordable dwelling units in this project. The County’s Housing Policy Manager has reviewed this application and has expressed no objections to the proposal or the language used.

## **ZONING ORDINANCE REQUIREMENTS**

### ***Relationship between the application and the intent and purposes of the requested zoning district:***

The purpose and intent of the R-15 Residential zoning district is to:

- Provide for compact, high-density residential development;
- Permit a variety of housing types; and
- Provides incentives for clustering of development and provision of locational, environmental, and developmental amenities.

The proposal provides for higher density compact residential consistent with the R-15 district. However, the proposed density exceeds the recommended density of the master plan, which is Neighborhood Density Residential (3-6 units per acre). This designation and density is consistent with nearby properties on the west side of Avon Street. The requested zoning district of R-15 allows a maximum density that is 2.5 times what is recommended by the master plan. Although the applicant has proffered the density to be capped at a maximum of 11 units per acre (based on the request for a maximum of 38 total units), this proffered maximum is still greater than the recommended density.

Although the proposed development would be of a higher density than other developments on the west side of Avon Street, it would be of a more similar density to those on the east side of Avon, where there are several higher-density developments, including Avinity (at between 9 and 12 units/acre, depending on the phase); 1805 Avon Street (24 units/acre); and Spring Hill Village (8 units/acre).

This rezoning would allow a new residential development providing a variety of housing types, including both townhouses and multi-family four-plexes, consistent with the intent of the R-15 district.

Regarding clustering and the location of environmental features, the only environmental feature on the site is an area of managed steep slopes along Avon Street. The applicant has indicated that these areas will be graded in accordance with the development standards of the ordinance.

Detailed descriptions of the proposed recreational facilities have not been provided at this time, so staff cannot comment on the final proposed level and design of amenities in the development. However, the facilities provided would need to be in accordance with the requirements of Section 4 of the Zoning Ordinance, which requires at least one tot lot. The applicant is proposing a central open space area in the development where the recreational facilities could be located.

***Anticipated impact on public facilities and services:***

Streets:

The main entrance to this development will be through the existing Avon Park subdivision, on Hathaway Street. No direct vehicular connection with Avon Street is proposed. The applicant would construct Hathaway Street, and provide right-of-way, all the way to the northern property line with the Faith Temple church, for future extension. Although there is no vehicular connection with Avon Street, VDOT has stated that the conceptual road network as presented in the plan does meet VDOT's connectivity requirements.

The Avon Park II development, which is south of the original Avon Park and was approved separately, also does not have a direct connection with Avon Street. The residents of that subdivision must also use Arden Drive and Hathaway Street, through the original Avon Park, to reach their residences. (Avon Park II does have a separate emergency fire access entrance, however, that connects with Avon Street.)

The internal roads will be constructed to the street standards of the ordinance and design standards manual, with Hathaway Street being extended to the north from Avon Park. This street will be dedicated to public use. The other streets in the development are proposed to be privately owned and maintained. Public streets are preferred in the development areas; however, private streets are permitted by the subdivision ordinance for developments that consist of all multi-family or attached units, as is proposed with this project.

A pedestrian connection in the northeastern portion of the property is proposed to connect Avon Street with Hathaway Street. The applicant is also providing internal sidewalks in the development. However, requests for sidewalk and planting strip waivers have been submitted for some portions of the development. An analysis of those requests is provided later in this staff report.

The proposed number of residential units did not trigger the need for a Traffic Impact Analysis (TIA). However, the applicant did provide expected trip generation numbers from this development indicating 210 total daily trips, which were reviewed by VDOT and the County's transportation planning team. Both VDOT and County Transportation Planning expressed no objections to the proposed development based on its limited expected impacts on the transportation system in the surrounding area. Any road improvements specific to the site, such as turn lanes or tapers, will be assessed by VDOT at the site planning stage.

No facilities for future transit expansion in this area have been provided.

Schools:

Students living in this area would attend Mountain View Elementary School, Walton Middle School, and Monticello High School. The school division is cognizant that the Southern Urban Neighborhoods area around 5<sup>th</sup> and Avon streets continues to be a growing area, with several new developments under construction and others recently approved, such as Galaxie Farm, Southwood, and Spring Hill Village.



Albemarle County Public Schools has provided its student generation calculator that estimates how many students will be generated at each school level. The table below specifies the yield of students generated at each school level should the subject property be built out as proposed with the maximum of 38 units. Although the exact mix of unit types has not been determined at this time, the calculations performed below use the expected number proposed by the applicant in the concept plan, with 22 townhouse units and 16 multi-family units.

**Official Calculator**

Dwelling Type	Mountain View Elementary	Walton Middle	Monticello High	Total
Multi-family (16 units)	0.05	0.01	0.03	0.09
<b>Total at Each Level</b>	0.8	0.16	0.48	1.44

Dwelling Type	Mountain View Elementary	Walton Middle	Monticello High	Total
SFA (22 units)	0.06	0.06	0.01	0.13
<b>Total at Each Level</b>	1.32	1.32	0.22	2.86

<b>Overall Total at Each Level (SFA + MF)</b>	2.12	1.48	0.7	<b>6*</b>
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Source of Calculator: Albemarle County Public Schools  
 \*The total is calculated by rounding up for each grade-level number.

The proposed maximum of 38 dwelling units produces a small number of additional students (6) for Albemarle County Public Schools at all school levels. Approximately three students would be generated for Mountain View Elementary; two students for Walton Middle; and one student for Monticello High. Based on the by-right number of single-family dwellings allowed on the property, one student would be estimated.

Monticello High is currently slightly under-capacity, and this proposed development would not increase the student population to above its building capacity over the next ten years. Walton Middle is under capacity, and it would remain so over the next ten years with the students generated by this development. Mountain View Elementary, however, is already over-capacity, and this development would add more students to this school. The School Board does plan to construct an addition to Mountain View Elementary; however, this building addition would address only existing capacity issues at the school, and not future capacity conflicts from additional students generated by new residential developments.

Fire & Rescue:

ACFR has reviewed this rezoning application and has no objections at this time. Code requirements for items such as street and travel-way width and turning radius will be addressed at the site planning or subdivision stage, as well as other items such as adequate access and water availability. These elements will have to meet Fire-Rescue requirements before those plans can be approved by the County.

Utilities:

This project is in the Albemarle County Service Authority (ACSA) water and sewer service jurisdictional area. ACSA and RWSA have no objections to this project at this time. A utilities

construction plan will be required, subject to ACSA approval, prior to the approval of subdivision plats and/or site plans by the County at the development stage of these properties.

***Anticipated impact on environmental, cultural and historic resources:***

There are no known cultural or historic resources on these parcels. There are managed steep slopes on the subject property, and any disturbance of those slopes will be reviewed by the County Engineering staff during the development phase of the project. In addition, there are no flood plains or water protection ordinance (WPO) buffers on these parcels. Any stormwater runoff and stormwater facilities will be reviewed by County Engineering staff and designed in accordance with the Virginia Stormwater Management Program (VSMP) regulations administered by the Virginia Department of Environmental Quality (DEQ).

***Anticipated impact on nearby and surrounding properties:***

At the community meeting for this project, members of the community expressed concerns about potential traffic issues, the impacts on schools, and the density of the development. These issues are summarized below, with staff comments in italics.

- Traffic generated by this development will increase daily vehicle trips along the Avon Street corridor, especially heading north to the City of Charlottesville boundaries, as well as traffic in the existing Avon Park subdivision, since there is no new direct connection proposed to Avon Street.

*VDOT and the County’s Transportation Planning team have reviewed this application. Although the development would increase trips and traffic in the area, the number of expected trips did not trigger the need for a TIA, and no objections were expressed about the proposal. Any necessary improvements will be assessed at the site planning stage. The increase in traffic was not large enough for major improvements to the nearby road network.*

- Impacts on schools.

*The proposed residential units will add a few additional students (6 total) to the area schools, including Mountain View Elementary, which is currently over capacity. The applicant has not offered to mitigate the impacts from these additional students.*

- Density of the development

*The proposed density of the development, of approximately 11 units per acre, is higher than the range recommended in the Southern and Western Urban Neighborhoods Master Plan for the Neighborhood Density Residential land use designation.*

***Public need and justification for the change:***

The County’s growth management policy says that new residential development should occur in the designated Development Areas, where infrastructure and services are provided, rather than in the Rural Areas. This proposal will provide a greater density of residential development in the designated development areas; however, the density proposed (11 units per acre) is nearly twice the maximum density of 6 units per acre recommended for Neighborhood Density Residential.

**Request for Variation or Exception to Sidewalk and Planting Strip Requirements**

The applicant has made a request for sidewalk and planting strip exceptions (Attachments 6 and 7) within certain areas of this development (exhibit – Attachment 8). Section 14-203.1 allows the

Commission to vary or except the sidewalk requirements (Section 14-422(E) and planting strip requirements (Section 14-422(F)) subject to the following considerations (*staff analysis in italics*):

**14-422(E)2 Variation of or exception to sidewalk requirements.**

In reviewing a request to vary or except the requirement for sidewalks, the commission shall consider whether:

(i) a variation or exception to allow a rural cross-section has been granted;

*A variation or exception to allow a rural cross-section has neither been requested nor granted.*

(ii) a surface other than concrete is more appropriate for the subdivision because of the character of the proposed subdivision and the surrounding neighborhood;

*The applicant is not requesting a variation to the material, but an exception to not require sidewalks in certain areas of the proposed development.*

(iii) sidewalks on one side of the street are appropriate due to environmental constraints such as streams, stream buffers, steep slopes, floodplain, or wetlands, or because lots are provided on only one side of the street;

*There are no environmental constraints on this site, and lots are provided on both sides of the street in some areas.*

(iv) the sidewalks reasonably can connect into an existing or future pedestrian system in the area;

*The sidewalks as proposed in Attachment 8 connect with one another and offer connections to potential future pedestrian systems should adjacent properties redevelop.*

(v) the length of the street is so short and the density of the development is so low that it is unlikely that the sidewalk would be used to an extent that it would provide a public benefit;

*Due to the small size of the subject parcel, the proposed streets will be short. Because the project is located at a dead-end, it is not expected that large numbers of people would use the sidewalks.*

(vi) an alternate pedestrian system including an alternative pavement could provide more appropriate access throughout the subdivision and to adjoining lands, based on a proposed alternative profile submitted by the subdivider;

*Sidewalks are provided on at least one side of all streets in the development. Sidewalks are not provided along a portion of the proposed open space and along the side lot lines of some of the houses. Those houses do have sidewalks along their front yards however.*

(vii) the sidewalks would be publicly or privately maintained;

*The sidewalks would be a mixture privately and publicly maintained, since there is a mix of public and private streets proposed in this development.*

(viii) the waiver promotes the goals of the comprehensive plan, the neighborhood model, and the applicable neighborhood master plan; and

*The sidewalks proposed to be provided promote the goals of the comprehensive plan and the principles of the neighborhood model. All dwelling units where the sidewalk requirement is proposed to be varied or excepted have access to a sidewalk in at least one other location.*

(ix) waiving the requirement would enable a different principle of the neighborhood model to be more fully achieved.

*The sidewalks are proposed to be excepted for dwelling units that already have a sidewalk proposed on along the front yards of those lots.*

Taking these elements into consideration, Staff recommends approval of a variation or exception to the sidewalk requirements, with the following condition:

- 1) Sidewalks must be provided in the development in accordance with the exhibit (Attachment 8) entitled, "1906 Avon Street Extended | Zoning Map Amendment: Sidewalk and Planting Waiver Exhibit."

#### **14-422(F)2 Variation of or exception to planting strip requirements.**

In reviewing a request to vary or except any requirement for planting strips, the commission shall consider whether:

- (i) a variation or exception to allow a rural cross-section has been granted;

*A variation of exception to allow a rural cross-section has neither been requested nor granted.*

- (ii) a sidewalk variation or exception has been granted;

*Staff recommends that the Commission grant a variation or exception to the sidewalk requirements, as presented above.*

- (iii) (iii) reducing the size of or eliminating the planting strip promotes the goals of the comprehensive plan, the neighborhood model, and the applicable neighborhood master plan; and

*The planting strips proposed to be provided promote the goals of the comprehensive plan and the principles of the neighborhood model. All dwelling units where the planting strips requirement is proposed to be varied or excepted have a proposed planting strip at the front of the dwelling unit or they are adjacent to a proposed recreational space. There is a planting strip on at least one side of each street in the development.*

- (iv) (iv) waiving the requirement would enable a different principle of the neighborhood model to be more fully achieved.

*The planting strips are proposed to be excepted for dwelling units that also have planting strips along their front yards, and for the sidewalk that runs along the open space, where having a larger, contiguous open space would be more appropriate.*

Taking these elements into consideration, Staff recommends approval of a variation or exception to the planting strip requirements, with the following condition:

- 1) Planting strips must be provided in the development in accordance with the exhibit (Attachment 8) entitled, "1906 Avon Street Extended | Zoning Map Amendment: Sidewalk and Planting Waiver Exhibit."

## **SUMMARY**

Staff has identified the following positive aspects of this request:

1. The request is consistent with the recommended primary land use of housing identified in the Southern and Western Urban Neighborhoods Master Plan for Neighborhood Density Residential.
2. The request is consistent or mostly consistent with the applicable neighborhood model principles.
3. The proposal provides at least 15% affordable housing, as recommended in the comprehensive plan policy currently being enacted.

Staff has identified the following concerns with this request:

1. The request is not consistent with the density recommended by the Southern and Western Urban Neighborhoods Master Plan. The Master Plan recommends 3-6 units per acre in the Neighborhood Density Residential land use designation. This application proposes a maximum of approximately 11 units per acre.

## **RECOMMENDATION**

Because the proposed density is not consistent with what is recommended in the Southern and Western Urban Neighborhoods Master Plan, staff recommends denial of ZMA202200004 1906 Avon Street Extended.

For the sidewalk and planting strip waiver requests, staff has no concerns. If the Planning Commission chooses to recommend approval of the rezoning request, staff recommends approval of the requests for a variation or exception of the sidewalk requirements and the planting strip requirements in certain areas of the development, with the following conditions:

### **Sidewalk Waiver Request**

- 1) Sidewalks must be provided in the development in accordance with the exhibit (Attachment 8) entitled, "1906 Avon Street Extended | Zoning Map Amendment: Sidewalk and Planting Waiver Exhibit."

### **Planting Strip Waiver Request**

- 1) Planting strips must be provided in the development in accordance with the exhibit (Attachment 8) entitled, "1906 Avon Street Extended | Zoning Map Amendment: Sidewalk and Planting Waiver Exhibit."

## **ATTACHMENTS**

Attach. 1 – [ZMA202200004 1906 Avon Street Extended Location Map](#)

Attach. 2 – [ZMA202200004 1906 Avon Street Extended Zoning Map](#)

Attach. 3 – [ZMA202200004 1906 Avon Street Extended Project Narrative, dated May 11, 2022; last revised October 3, 2022](#)

Attach. 4 – [ZMA202200004 1906 Avon Street Extended Draft Proffer Statement](#)

Attach. 5 – [ZMA202200004 1906 Avon Street Extended Concept Plan, dated May 11, 2022; last revised January 13, 2023](#)

Attach. 6 – [ZMA202200004 1906 Avon Street Extended Sidewalk Waiver Request, last revised January 13, 2023](#)

Attach. 7 – [ZMA202200004 1906 Avon Street Extended Planting Strips Waiver Request, last revised January 13, 2023](#)

Attach. 8 – [ZMA202200004 1906 Avon Street Extended Sidewalk and Planting Strips Waiver Exhibit](#)

Attach. 9 – [ZMA202200004 1906 Avon Street Extended Staff Analysis of Application's Consistency with Neighborhood Model Principles](#)

Attach. 10 – [ZMA202200004 1906 Avon Street Extended Correspondence from Community Members](#)