



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Project Name: ZMA201900016 Bamboo Grove	Staff: Cameron Langille, Senior Planner
Planning Commission Hearing: June 2, 2020	Board of Supervisors Public Hearing: August 19, 2020 (tentative)
Owner: The Housing Lab, LLC	Applicant: The Housing Lab, LLC
Acreage: 1.24 acres	Rezone from: R-2 Residential to R-4 Residential
TMP: 05500-00-00-068C0, 05500-00-00-068D0	Location: West side of Orchard Drive, approximately 250 feet north of the intersection between Orchard Drive and Jarmans Gap Road (State Route 691).
School Districts: Crozet – Elementary, Henley – Middle, and Western Albemarle – High	By-right use: Property zoned R-2 Residential – 2 dwelling units/acre
Magisterial District: White Hall	Proffers: Yes
Proposal: Rezone 1.24 acres from R-2 Residential (2 units/acre) to R-4 Residential (4 units/acre). Six (6) dwelling units are proposed as a bonus level cluster development with a gross density of 4.84 units/acre and a net density of 9 units/acre. Application includes proffers for affordable housing and dedication of land to public use for parks. Private street authorization request, per Section 14-233 and 14-234 of the Subdivision Ordinance. Special exception requests to waive sidewalk requirements along one side of an internal private street per Sections 14-203.1(B) and 14-410(I) of the Subdivision Ordinance.	Requested # of Dwelling Units: 6 (maximum)
DA (Development Area): Crozet	Comp. Plan Designation: Neighborhood Density Residential – 3-6 units /acre; supporting uses such as religious institutions, schools and other small-scale non-residential uses; Greenspace – public parks, open space, environmental features in the Crozet Master Plan.

<p>Character of Property: Undeveloped with a mix of native and invasive species vegetation.</p>	<p>Use of Surrounding Properties: Orchard Acres subdivision to the north, single family detached homes to the west and south, Pleasant Green attached single family to the northeast, private open space to the east.</p>
<p>Affordable Housing: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>AMI (Area Median Income): 80% AMI</p>
<p>Factors Favorable:</p> <ol style="list-style-type: none"> 1. The request is consistent with the majority of the Neighborhood Model Principles. 2. The request is consistent with the County's Growth Management Policy. 3. The rezoning request is consistent with the Crozet Master Plan's recommendations for Greenspace and parks & green systems. 4. The request provides new pedestrian facilities, including sidewalks and walking trails, throughout the development which will enhance pedestrian connectivity. 5. The request includes proffers to provide 2 affordable units which exceeds recommendations of the Comprehensive Plan and the County's Housing Policy. 	<p>Factors Unfavorable:</p> <ol style="list-style-type: none"> 1. The request exceeds the net density recommendations of the Crozet Master Plan. 2. The proffer statement and Concept Plan need technical changes. 3. A commitment should be made that will ensure that new sidewalks will connect to existing sidewalk located south of the site at the intersection of Orchard Drive/Jarmans Gap Road. 4. A commitment should be made to meet all stormwater management requirements on-site. 5. A commitment should be made to locating all private residential lots outside of the 100' stream buffer.
<p>RECOMMENDATION:</p> <p>Zoning Map Amendment: Based on the factors identified as favorable with this rezoning, Staff recommends approval of ZMA2019-16 provided that changes are made as recommended in the staff report.</p> <p>Private street authorization: Staff recommends approval of the private street authorization request.</p> <p>Modification of Street Standards Request: Staff recommends approval of the requested modification for sidewalk on one side of the proposed private street.</p>	

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Cameron Langille, Senior Planner
June 2, 2020
August 19, 2020 (tentative)

PETITION:

PROJECT: ZMA201900016 Bamboo Grove

MAGISTERIAL DISTRICT: White Hall

TAX MAP/PARCEL(S): 05500-00-00-068C0, 05500-00-00-068D0

LOCATION: West side of Orchard Drive, approximately 250 feet north of the intersection between Orchard Drive and Jarmans Gap Road (State Route 691).

PROPOSAL: Proposal to rezone two properties to the R4 Residential Zoning District

PETITION: Rezone a total of 1.24 acres from the R2 Residential District, which allows for residential development up to 2 dwelling units/acre, to the R4 Residential District which allows residential uses up to 4 dwelling units/acre. A maximum of 6 residential units are proposed under the bonus level cluster development standards of the Zoning Ordinance at a gross density of 4.84 units/acre and a net density of 9 units/acre. Dedication of an open space area and trail to the County for public use is proposed. Private street authorization request per Sections 14-233 and 14-234 of the Subdivision Ordinance. Special exception requests to waive sidewalk requirements along a private street per Sections 14-203.1(B) and 14-410(I) of the Subdivision Ordinance. Special exception request to allow alternative locations of parking areas per Sections 18-4.12.5 and 18-4.12.8 of the Zoning Ordinance.

ZONING: R2 Residential – 2 units/acre

OVERLAY DISTRICT(S): None

ENTRANCE CORRIDOR (EC): No

PROFFERS: Yes

COMPREHENSIVE PLAN: Neighborhood Density Residential – 3-6 units /acre; supporting uses such as religious institutions, schools and other small-scale non-residential uses; Greenspace – public parks, open space, environmental features in the Crozet Master Plan.

CHARACTER OF THE AREA

The proposal includes two Tax Map Parcels. The first parcel is identified as Tax Map Parcel (TMP) 55-68D and is located within the Crozet Development Area (Attachment 1). TMP 55-68D measures 0.356 acres and is currently zoned R-2 Residential. The property is not located within any Zoning Overlay Districts. It is undeveloped and is mostly bare land.

The second parcel is identified as TMP 55-68C and is located within the Crozet Development Area. TMP 55-68C measures 0.88 acres and is currently zoned R-2 Residential. The property is not located within any Zoning Overlay Districts. TMP 55-68C contains areas covered by mature tree and shrub vegetation. The northern half of the property is within a Water Protection Ordinance (WPO) stream buffer (Attachment 2).

Orchard Drive borders the subject properties to the east and north. Properties to the north are developed as single family homes and are located in the Orchard Acres subdivision. Detached single family homes are located on adjacent properties to the west and south. Property located across Orchard Drive to the east and northeast has been approved by the County to be developed by-right as 51 attached single-family homes, a development known as “Pleasant Green.” The property directly east of Bamboo Grove across Orchard Drive is

an open space parcel within Pleasant Green that will be used as a pocket park and will not feature residential units.

SPECIFICS OF THE PROPOSAL

The Housing Lab, LLC is requesting approval of a Zoning Map Amendment (ZMA) application to rezone the properties from the R-2 Residential Zoning District to the R-4 Residential Zoning District with proffers. The purpose for the zoning change is to allow development of a bonus level cluster development featuring six detached single-family homes which hereafter be referred to as Bamboo Grove. A conceptual plan (hereinafter "Concept Plan") has been provided that shows the layout of new residential lots and open space lots, as well as transportation improvements like streets and sidewalks (Attachment 3).

Properties in the R-4 Zoning District can be developed at gross densities up to 4 du/acre. Bonus level cluster developments in the R-4 district can be developed by-right at gross densities of up to 6 du/acre with bonus factors.

Should the rezoning be approved, the applicant has stated that their intent is to utilize the bonus level cluster development standards to get density increases to allow six dwelling units. The proposed gross density of the bonus level cluster development would be 4.84 du/acre which complies with the Zoning Ordinance. Staff recommends that the bonus requirements and standards be incorporated into the application and commitments.

However, the Section 18-2.4 of the Zoning Ordinance states that the provision of bonus factors is intended to encourage development which reflects the goals and objectives of the comprehensive plan. To this end, bonus factors are based on development standards as recommended by the comprehensive plan. The Comprehensive Plan requires staff to evaluate rezonings based on their proposed net density. When bonus density increases are granted under the Zoning Ordinance, the resulting density cannot exceed the Comprehensive Plan's net density recommendations. Approximately 0.67 acres of the development is called for Neighborhood Density Residential future land use which has an allowable density range between 3-6 du/acre. The rest of the development is designated as Greenspace because it is located within the 100' WPO stream buffer. The applicant's proposed six dwelling units would result in a net density of 9 du/acre, which exceeds the Comprehensive Plan/Crozet Master Plan's recommendations. More information on this is provided in the Comprehensive Plan section of the staff report, as well as Attachment 6.

The applicant proposes to dedicate 0.22 acres to the County for public use in the northern portion of the development. The Albemarle County Department of Parks & Recreation has evaluated this dedication and supports. Walking trails will be installed in the area to be dedicated to the County, and these will connect to other trails located in private open space adjacent to the proposed residential lots. This is consistent with the Crozet Master Plan's recommendation that a greenway be installed across these parcels.

The concept plan shows approximately 0.57 acres of open space being provided, which is 46% of the entire project area. This exceeds the minimum required 25% open space for bonus level cluster developments. However, the Concept Plan should be revised to clearly

identify all proposed open space areas and sizes to ensure that a minimum of 25% open space is provided.

Access to the lots will be provided by a single private street that will connect to Orchard Drive. Sidewalks will be located on the south side of the street in front of each lot.

In addition to the rezoning request, the applicant is requesting two modifications (Attachment 4) as indicated below:

1. Private street authorization (Sections 14-233 and 14-234).
2. Modification of street standards to not provide sidewalks along one side of the private street (Section 14-422 (E)).

APPLICANT'S JUSTIFICATION FOR THE REQUEST

The applicant has provided a detailed request found in Attachment 5.

COMMUNITY MEETING

The applicants conducted a Community Meeting for ZMA201900016 at the Crozet Library on Wednesday, February 12th, 2020 at 7:00pm during a Crozet Community Advisory Committee (CAC) meeting. Approximately 50 members of the public attended the CAC meeting and heard presentations from staff and the applicant regarding this proposal. Attendees expressed overwhelming support for the proposal because of the affordable housing proffer, open space dedication proffer, and the architectural style/size of the dwelling units. Staff outlined the Crozet Master Plan's density recommendations for this site, and there were no objections from the public or the CAC even though the proposed net density is 9 du/acre.

PLANNING AND ZONING HISTORY

There has been no prior Planning or Zoning history on this site.

COMPREHENSIVE PLAN

The request is consistent with the County's Growth Management Policy (Ch. 3), which directs new development and infrastructure to the Development Areas. The Development Areas chapter (Ch. 8) recommends that a variety of housing types be provided in the urban neighborhoods such as Crozet.

Although the Concept Plan shows conceptual locations of stormwater management facilities within the development, staff recommend that a commitment be made to meeting all stormwater management requirements on-site in order to be fully consistent with the Natural Resources chapter (Ch. 11) of the Comprehensive Plan.

Analysis of the Crozet Master Plan

The subject properties are located in the Crozet Development Area and are subject to the recommendations contained in the Crozet Master Plan's Future Land Use Plan. A description of each future land use classification and an overview map is provided below.



Both properties are recommended for two future land use classifications: Neighborhood Density Residential (yellow color in image) and Greenspace (green color in image).

Neighborhood Density Residential:

- Residential areas with densities between 3-6 dwelling units per acre.
- Primarily single-family detached with some single-family attached/townhouses.
- Non-residential uses include institutional uses, such as places of worship, public and private schools, and early childhood education centers (daycare centers and preschools).

Greenspace:

- Refers to existing and proposed public parks, public open space, environmental features and active park areas.
- Includes public greenways and park-related institutional uses.
- Important environmental features and privately-owned park and recreational areas which may be active or passive.
- Sensitive environmental features including stream buffers, flood plains, and adjacent slopes. Passive recreation and greenway trails are allowed in greenspace.

The Development Areas Chapter (8) calls for Master Plans to guide new development in the Development Areas. Strategy 8c states that density should be calculated using net density, by excluding areas not suitable for development, including steep slopes, stream buffers, floodplain, and areas identified as Parks/Green systems. Using measurements from the survey plat of the properties' boundaries, there are approximately 0.67 acres of the site designated for Neighborhood Density Residential land use that lie outside of the 100' WPO stream buffer. The proposed development has a gross density of 4.84 units per acre. However, the resulting net density is 9 du/acre, which exceeds the maximum density limit (6 du/acre) recommended by the Master Plan. A range of 2-4 dwelling units would be allowable within this development under the Master Plan's net density recommendations.

Additional information regarding density and prior actions is provided in Attachment 6.

Additional relevant language within the Comprehensive Plan that relates to housing and density includes:

- Chapter 8 states that housing in the Development Areas should be provided at a variety of price points, including affordable housing. The housing types identified by the developer as their intended unit types are unique in terms of footprint, square footage, and lot size. There appears to be an increasing demand for smaller units, especially as household sizes decrease nationally.
- Objective 4 of the Housing Chapter (9) is to “Provide for a variety of housing types for all income levels and help provide for increased density in the Development Areas.” In addition to the proposed housing types, the applicant is providing affordable housing in accordance with the Housing Policy.

There is not sufficient guidance in the Comprehensive Plan for staff to determine when it may be acceptable to exceed the Comprehensive Plan. Master Plans are drafted and adopted through a community-driven process, including review of the future land use categories and designations. Therefore, staff has included exceeding the recommended density in the Master Plan as a ‘factor unfavorable’ with this application and previous applications.

The proffer to dedicate 0.22 acres of land to the County and install walking trails is consistent with the Parks & Green Systems Plan of the Crozet Master Plan. A major greenway trail is shown on TMP 55-68C and is in the general location that the applicant identifies on the Concept Plan.

The Neighborhood Model: Staff has reviewed the proposal against the Neighborhood Model Principles and found that it is consistent with most of the principles. The detailed Neighborhood Model Analysis can be found in Attachment 7.

Affordable Housing: The applicant is providing two (2) affordable housing units, which exceeds the recommendation of Strategy 6b in Chapter 9 of the Comprehensive Plan that states that 15% affordable units should be provided with rezonings. The proffer statement establishes additional requirements for the affordable units depending on whether they are for-sale or rental units. The Housing Planner has reviewed the proposal and has no objections.

ZONING ORDINANCE REQUIREMENTS

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

This application is consistent with a majority of the Neighborhood Model Principles. However, the project’s net density exceeds the recommended net density called for by the Crozet Master Plan.

Anticipated impact on public facilities and services:

Streets:

The maximum number of dwelling units that would be possible should the rezoning be approved did not reach the minimum threshold to require a Traffic Impact Analysis (TIA) under VDOT or the County’s requirements. However, the applicant provided an average daily traffic (ADT) calculation in the project narrative that shows that the development would generate 67 maximum ADT. The new private street serving lots in Bamboo Grove will connect to Orchard Drive, which is an existing 50’ public right-of-way. Staff with VDOT have reviewed the request and have no objections to the rezoning. Compliance with all applicable VDOT standards will be required at time of site plan approval.

The Crozet Master Plan does not recommend that Orchard Drive be upgraded to a higher standard cross section for vehicular traffic.

The only transportation recommendation from the Master Plan is that new connections to existing pedestrian networks be made when possible. Staff is recommending that a commitment be made to ensure that new sidewalks will connect to existing sidewalk located south of the site at the intersection of Orchard Drive/Jarmans Gap Road.

Schools:

Students living in this area would attend Crozet Elementary, Henley Middle School, and Western Albemarle High School. The table below specifies the yield of students generated at each school level should the subject property be built out to the maximum number of dwelling units proposed by the applicant. Student generation figures are provided at each school level in parenthesis based on possible housing types permitted in the R-4 Zoning District. When the calculation produced a figure that was not a whole number, staff rounded up to the next whole number.

Official Calculator

Dwelling Type	Elementary	Middle	High	Total
Single-family detached (6 units)	0.15 students/unit (1 student)	0.08 (1)	0.12 (1)	0.35 (3)
Single-family attached (6 units)	0.13 (1)	0.05 (1)	0.08 (1)	0.26 (3)
Townhomes (6 units)	0.15 (1)	0.06 (1)	0.08 (1)	0.29 (3)

Albemarle County Public Schools (ACPS) released an annual report in 2019, titled “Long Range Planning Committee Advisory Recommendations” that identified current and future conflicts for school capacity. Currently, Crozet Elementary is the only school that is over capacity. Henley Middle School and Western Albemarle both have enough capacity to handle the highest number of students that will be generated by the development.

By school year 2028/2029, all three schools are projected to be over capacity. However, the report issued by ACPS stated that recommended expansions and upgrades to Crozet Elementary and Western Albemarle could alleviate overcrowding. The report stated that capacity at Henley Middle should be evaluated in an official study to determine necessary mitigation strategies.

Fire & Rescue:

The proposal is not expected to create new demands on Fire and Rescue services. Fire and Rescue has reviewed this rezoning application and has no objection to the proposal.

Utilities:

This project is in the Albemarle County Service Authority (ACSA) jurisdictional area for both water and sewer. ACSA did not identify any capacity issues with either utility. Water lines are currently on-site and sewer lines are located along Orchard Drive.

Anticipated impact on environmental, cultural and historic resources:

There are no known cultural or historic resources on the subject properties.

Some minor encroachments will occur within the landward-most 50' feet of the WPO stream buffer. This includes installation of the rain garden and grading for the private street. As shown on the Concept Plan, the rain garden is relatively small, measuring approximately 1,300 sq. ft. and will be utilized as a stormwater management measure. The County Engineer has no objections to the proposed street and rain garden design in relation to the WPO stream buffer. However, staff is recommending that a commitment be made to locating all private residential lots outside of the 100' WPO stream buffer.

Stormwater management will be reviewed by County Engineering staff during the site planning stage of the project. Stormwater facilities will be designed in accordance with the Virginia Stormwater Management Program (VSMP) regulations administered by the Virginia Department of Environmental Quality (DEQ).

In order to ensure that all applicable recommendations from the Natural Resources chapter (Ch. 11) of the Comprehensive Plan are met, the County Engineer and Planning staff are recommending that a commitment be made to meeting all stormwater management requirements on-site.

Anticipated impact on nearby and surrounding properties:

The proposal is consistent with existing residential uses on surrounding properties. Traffic generation associated with this development will be minimal and will not adversely affect travel on public roads surrounding the site. Furthermore, the open space and trail dedication will ensure that adequate buffering and landscaping measures are provided on site to mitigate impacts to adjacent properties.

Public need and justification for the change:

The County's growth management policy states that new residential development should occur in the designated Development Areas where infrastructure and services are provided, rather than in the Rural Area. This proposal is in conformity with the use and form recommended by The Comprehensive Plan and Crozet Master Plan. The proposal is providing affordable housing consistent with the County's Housing Policy.

The proposal exceeds the Comprehensive Plan and Crozet Master Plan recommendations for net density. However, the applicant contends that the need for smaller and more affordable dwelling units in Albemarle County is reason to justify the excess density.

PROFFERS

Proffers are contained in the Proffer Statement (Attachment 8) and are summarized below. Staff recommends technical revisions to the proffer statement and Concept Plan as outlined below.

Additional language should be added to the introductory section stating that development should be in general accord with the concept plan titled "Concept Plan" prepared by the Housing Lab, LLC, dated February 14, 2020. This language should identify major elements of the Concept Plan such as lot layout, internal street layout, maximum number of dwelling units permitted, pedestrian improvements, and open space. The Concept Plan will need to be revised so that it states the specific maximum number of dwelling units permitted, the minimum residential lot size permitted, and the minimum amount of open space required.

- **Proffer 1: Affordable Housing**

This proffer establishes that 2 affordable dwelling units will be provided. The proffer defines an affordable unit as a unit that will be affordable to households with incomes less than 80% of the area median income (AMI). Proffer #1A describes conditions that apply to for-sale affordable units, and proffer #1B describes conditions that apply to for-rent affordable units.

- **Proffer 2: Open Space and Trail Dedication**

This proffer describes how open space and trails will be developed as shown on the Concept Plan. It also describes the timing for dedication of the 0.22-acre trail area to the County.

MODIFICATION REQUESTS

The applicant is requesting two modifications in addition to the rezoning request (Attachment 4):

1. Private street authorization (Sections 14-233 and 14-234). **Staff recommends approval.**
2. Modification of street standards to not provide sidewalks along one side of the internal private street (Section 14-422 (E)). **Staff recommends approval.**

A detailed staff analysis is provided in Attachment 9.

SUMMARY

Staff has identified the following factors which are favorable to this request:

1. The request is consistent with the majority of the Neighborhood Model Principles.
2. The request is consistent with the County's Growth Management Policy.
3. The rezoning request is consistent with the Crozet Master Plan's recommendations for Greenspace and parks & green systems.
4. The request provides new pedestrian facilities, including sidewalks and walking trails, throughout the development which will enhance pedestrian connectivity.
5. The request includes proffers to provide two (2) affordable units which exceeds the recommendations of the Comprehensive Plan and the County's Housing Policy.

Staff has identified the following factors which are unfavorable to this request:

1. The request exceeds the net density recommendations of the Crozet Master Plan.
2. The proffer statement and Concept Plan need technical changes.
3. A commitment should be made that will ensure that new sidewalks will connect to existing sidewalk located south of the site at the intersection of Orchard Drive/Jarmans Gap Road.
4. A commitment should be made to meet all stormwater management requirements on-site.
5. A commitment should be made to locating all private residential lots outside of the 100' stream buffer.

RECOMMENDATION

Zoning Map Amendment: Based on the factors identified with this rezoning, staff recommends approval of ZMA201900016, Bamboo Grove, provided that the following changes are made prior to the public hearing for the Board of Supervisors:

1. A commitment to providing a maximum number of 4 dwelling units to be consistent with the recommended net density specified in the Crozet Master Plan.
2. A commitment should be made to meet all stormwater management requirements on-site.
3. A commitment should be made to locating all private residential lots outside of the 100' WPO stream buffer.
4. The Concept Plan should be revised to clearly identify all open space areas and sizes to ensure that a minimum of 25% open space will be provided.
5. A note should be made on the Concept Plan specifying a minimum lot size for residential lots.
6. A commitment be made that will ensure that new sidewalks will connect to existing sidewalk located south of the site at the intersection of Orchard Drive/Jarmans Gap Road.
7. The proffer statement should be revised with the technical changes outlined in this report.

Modification Requests:

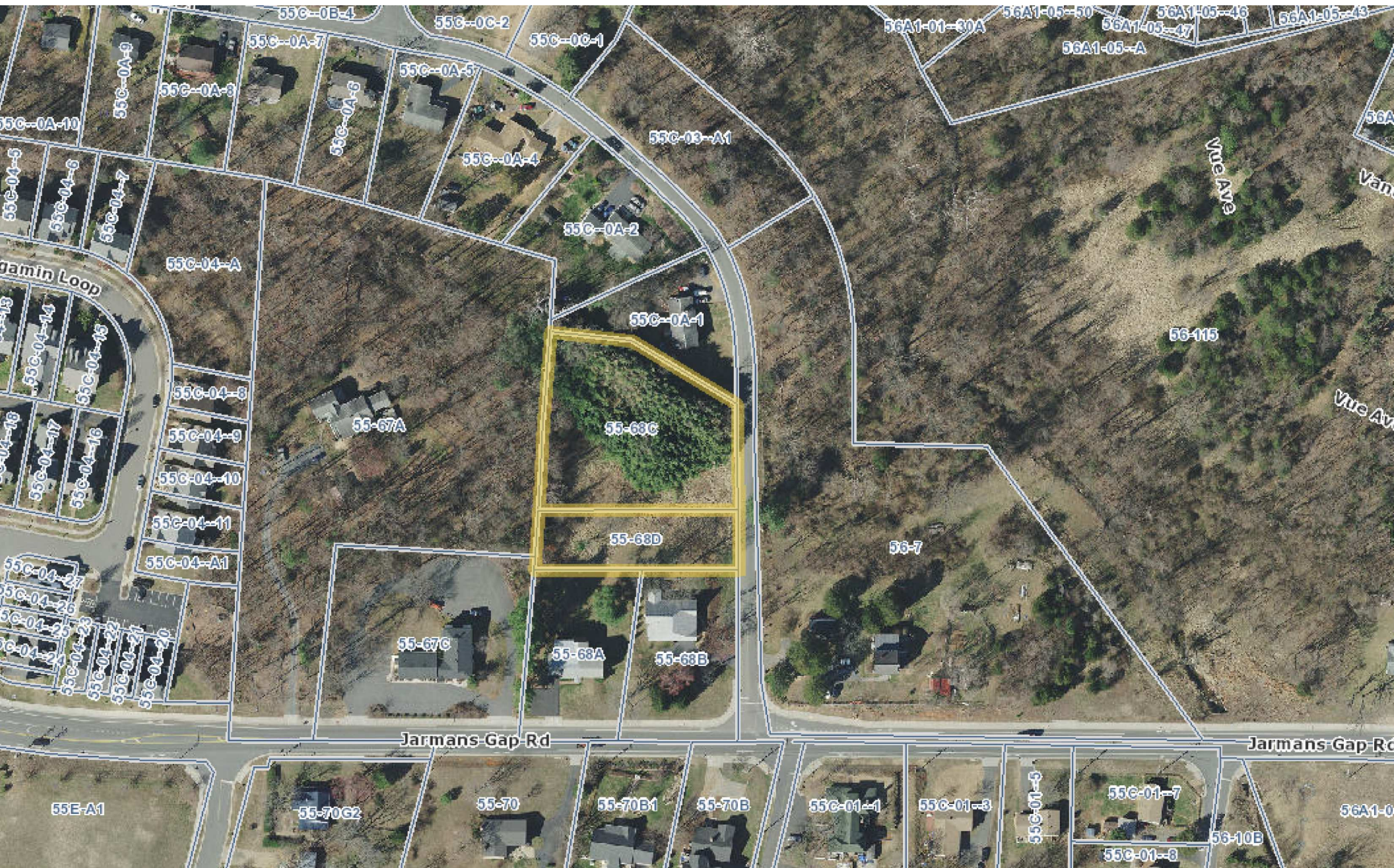
Private street authorization (Sections 14-233 and 14-234) – Staff recommends approval.

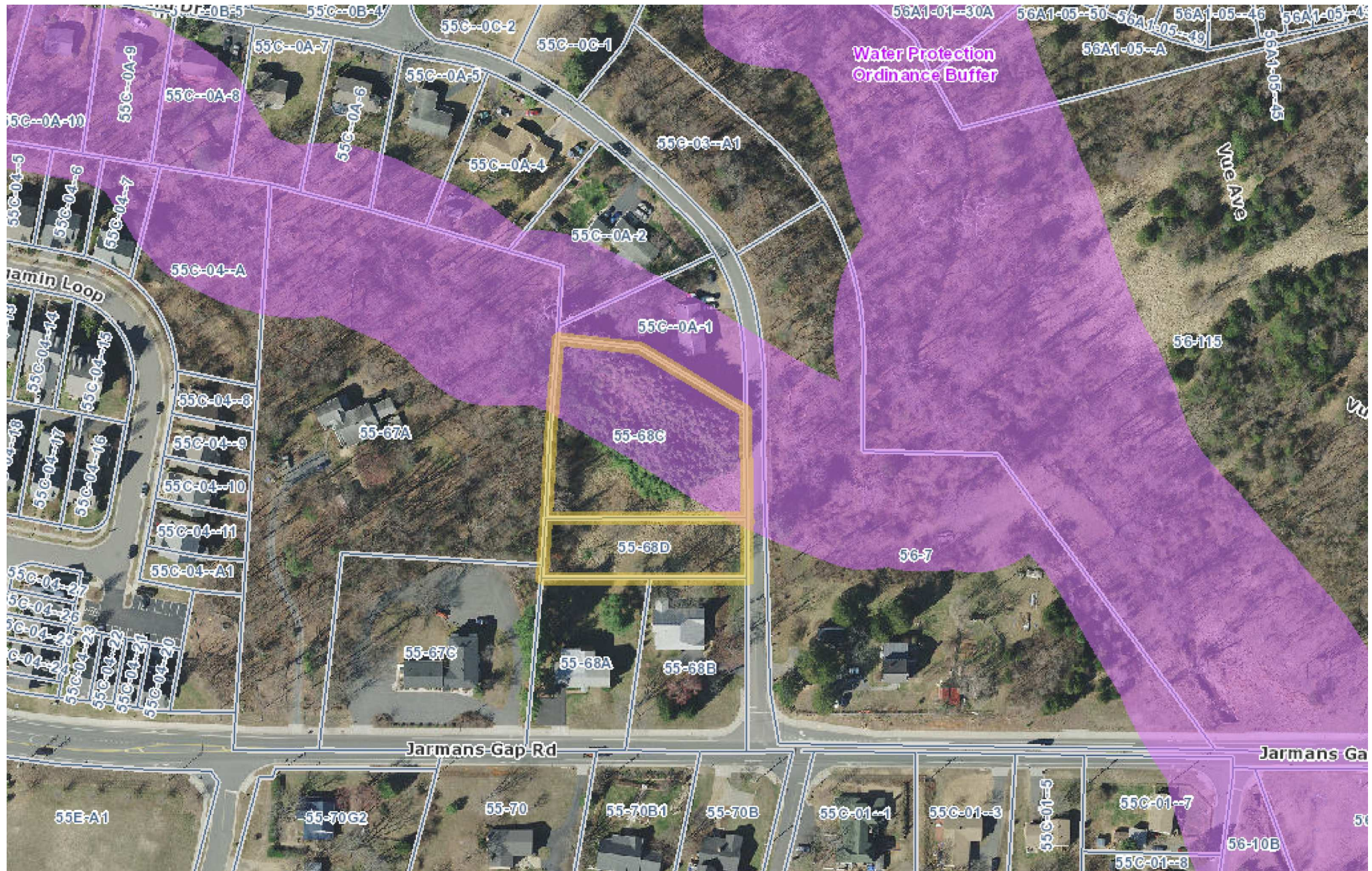
Modification of street standards - Waiver of sidewalks along one side of internal private street (14-422 (E)) - Staff recommends approval.

Motions for the rezoning request, private street authorization request, and the special exception for a sidewalk waiver request will be provided at the Planning Commission meeting.

ATTACHMENTS:

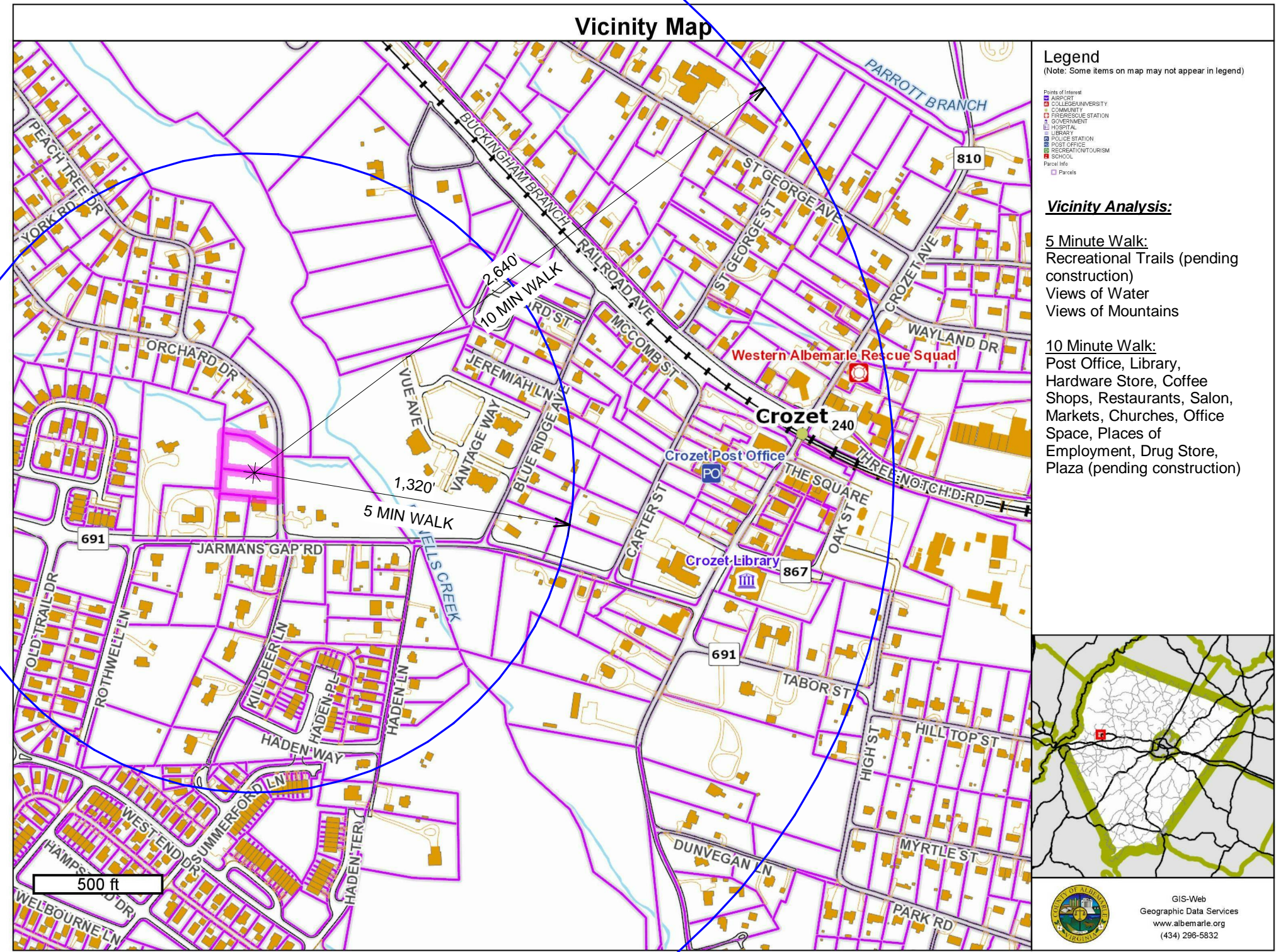
- 1 – Location Map and Aerial Imagery
- 2 – WPO Stream Buffer Exhibit
- 3 – Bamboo Grove Concept Plan, “Concept Plan” (*dated February 14, 2020*)
- 4 – Private Street Authorization and Modification Request
- 5 – Project Narrative/Justification for Request
- 6 – Staff Density Analysis
- 7 – Staff Analysis of Application’s Consistency with Neighborhood Model Principles
- 8 – Bamboo Grove Proffer Statement
- 9 – Staff Analysis of Private Street Authorization and Modifications Requests





TAX MAP 55, PARCEL 68C & 68D
 WHITE HALL DISTRICT
 ALBEMARLE COUNTY, VIRGINIA

BAMBOO GROVE

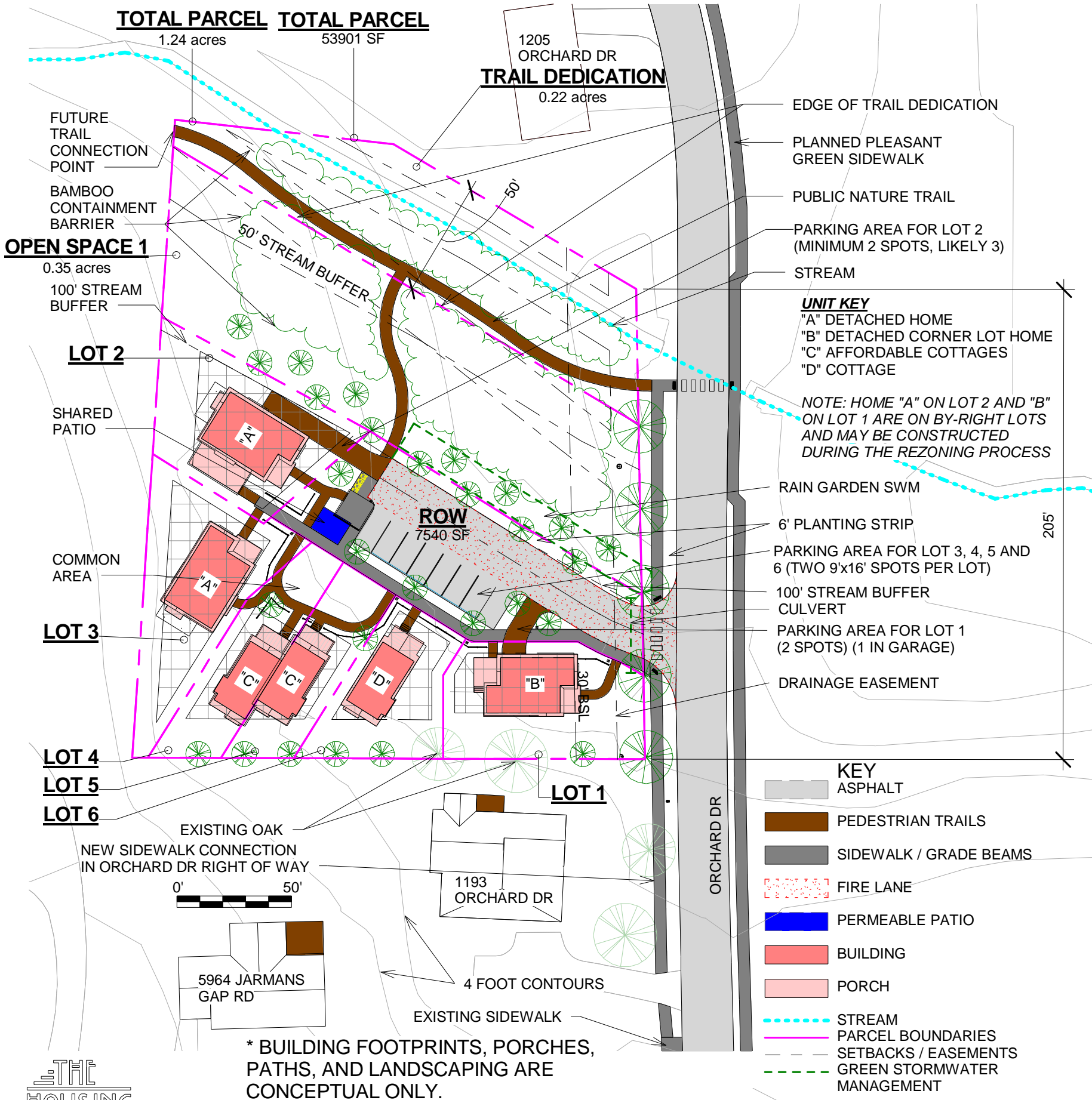


ZONING MAP AMMENDMENT ATTACHMENT - CONCEPT PLAN

SCALE: 1 : 6000



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* BUILDING FOOTPRINTS, PORCHES, PATHS, AND LANDSCAPING ARE CONCEPTUAL ONLY.

CONCEPT PLAN

BAMBOO GROVE

TAX MAP 55, PARCEL 68C & 68D
WHITE HALL DISTRICT
ALBEMARLE COUNTY, VIRGINIA

Owner / Developer:
The Housing Lab LLC
(Christopher Fuller)
92 Oak Forest Cir
Charlottesville, VA 22901

Existing Zoning Summary:
Parcel IDs: 05500-00-00-068C0 & 05500-00-00-068D0

Total (Gross) Site Area: 1.24 Acres
Residential (Net) Site Area: 0.65 Acres
By-right Gross Density: 2 DU/Acre * 1.24 Acre = 2 Dwelling Units (DU)
By-right Gross Bonus Density: 3 DU/Acre * 1.24 Acre = 3 Dwelling Units (DU)
Adjacent neighboring properties are detached single family 1 & 2 story houses
Comprehensive Plan Net Density: 3 DU/Acre to 6 DU/Acre * 0.65 Acre = 2 DU to 4 DU

Proposed Development Summary (per Section 15.3 of the Albemarle County Zoning Ordinance):

Proposed Zoning: R-4 Cluster & Bonus, Minimum Lot Size: None, Minimum Frontage: None
Proposed Number of Dwellings: 6 DU
Proposed Unit Gross Density: 6/1.24 = 5 DU/Acre
Proposed Unit Net Density: 6/0.65 = 9 DU/Acre
Comprehensive Plan Land Use: Neighborhood Density Residential at 3 to 6 DU/Acre***
***This proposal is consistent with Albemarle County's Comprehensive plan except in the net density metric; between 2 and 4 units are suggested by the Comprehensive Plan. Due to dire need for affordable housing in the area, two units above the comprehensive plan density is being requested, these two units will be sold or rented according to the regulations in Albemarle County Code Section 15.4.3.

Zoning Bonus and Cluster Factors:

Dedication of 0.22 Acres for public Trail
0.22 Acres * 4 DU/Acre * 2 = 1.76 DU > 0.74 DU (15% bonus) per Albemarle County Code Section 15.4.2
Provide 2 DU (33%) Affordable Housing (30% bonus) per Albemarle County Code Section 15.4.3
Total Bonus: 45%
Maximum Density: 4 DU/Acre * 1.45 = 5.8 DU/Acre
Total Possible Number of Units: 1.24 Acres * 5.8 DU/Acre = 7 DU

Affordability:

Provide 2 DU (33%) Affordable Housing per Albemarle County Code Section 15.4.3 (Unit "C")
Only 1 unit of affordable housing is required to meet the Bonus provisions of R-4, however 2 units of affordable housing are proposed. The comprehensive plan recommends 4 dwelling units on this site, but 6 dwellings are proposed; all dwelling units above the comprehensive plan's recommended density are proposed as affordable housing.

Open Space:

Open space must be greater than 25% for Cluster development
Open Space = 0.35 Acres 0.35/1.24 = 28% *
Open Space (Including trail dedication) = 0.63 Acres 0.63/1.24 = 51% *
* Notwithstanding the conceptual only depiction herein, the required minimum 25% open space shall apply.

Dwelling Unit Yard/Setback Requirements:

Rear: 20 ft, Side: 5 ft, Front: 5 ft, Any part of structure must be 10 ft from any other structure, unless attached.

Base Map:

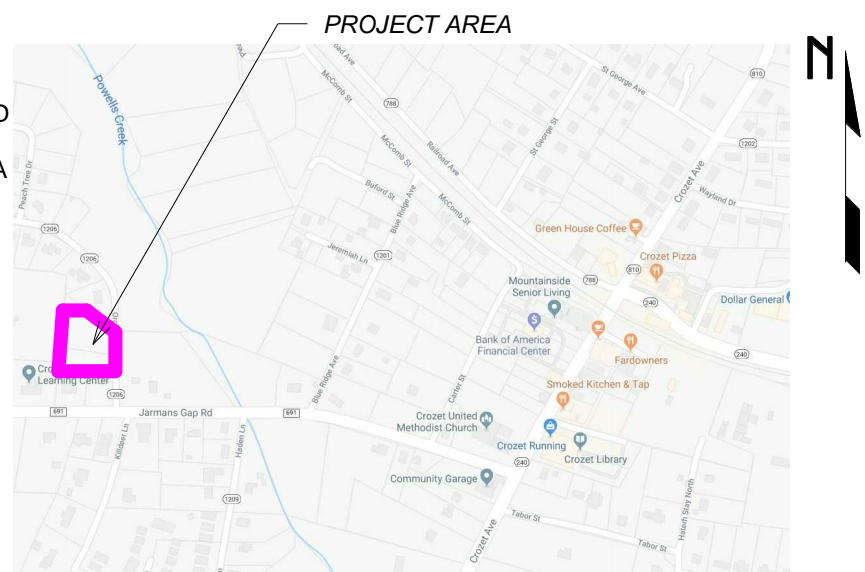
Topography is from Albemarle county GIS: <http://gisweb.albemarle.org/>, Parcel Boundaries taken from survey recorded in Albemarle County Deed Book 4865 page 387

Landscaping:

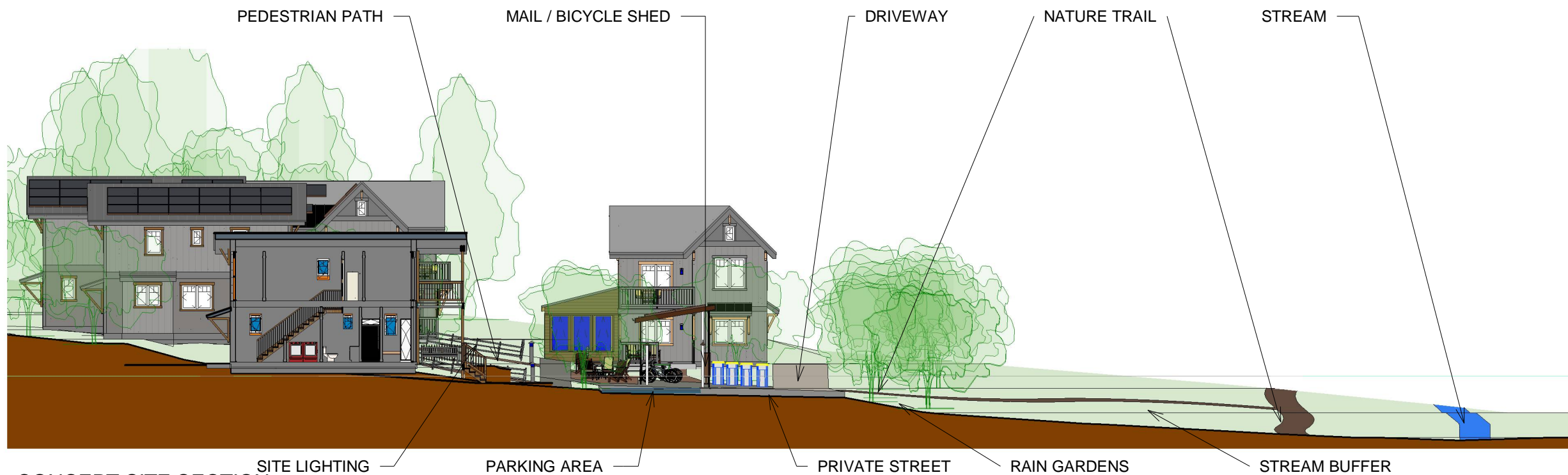
Trees and other landscaping features shown are conceptual only.

Lot Sizes:

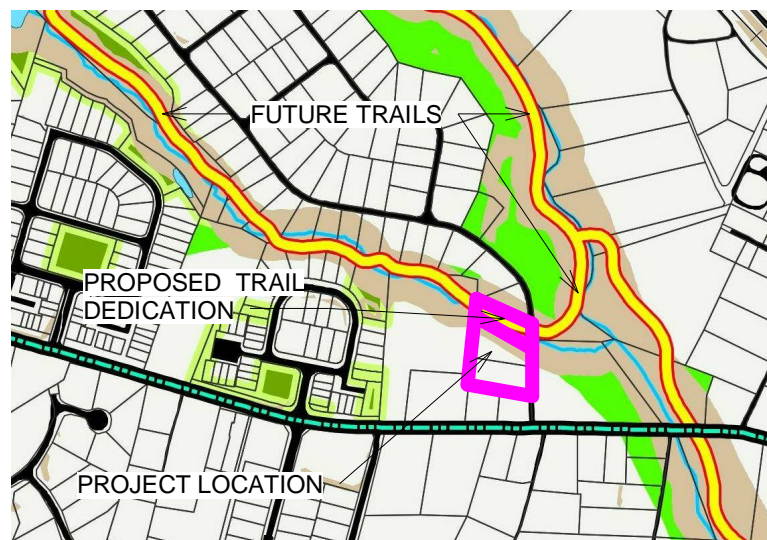
Lot dimensions and sizes will be determined on subdivision plans.



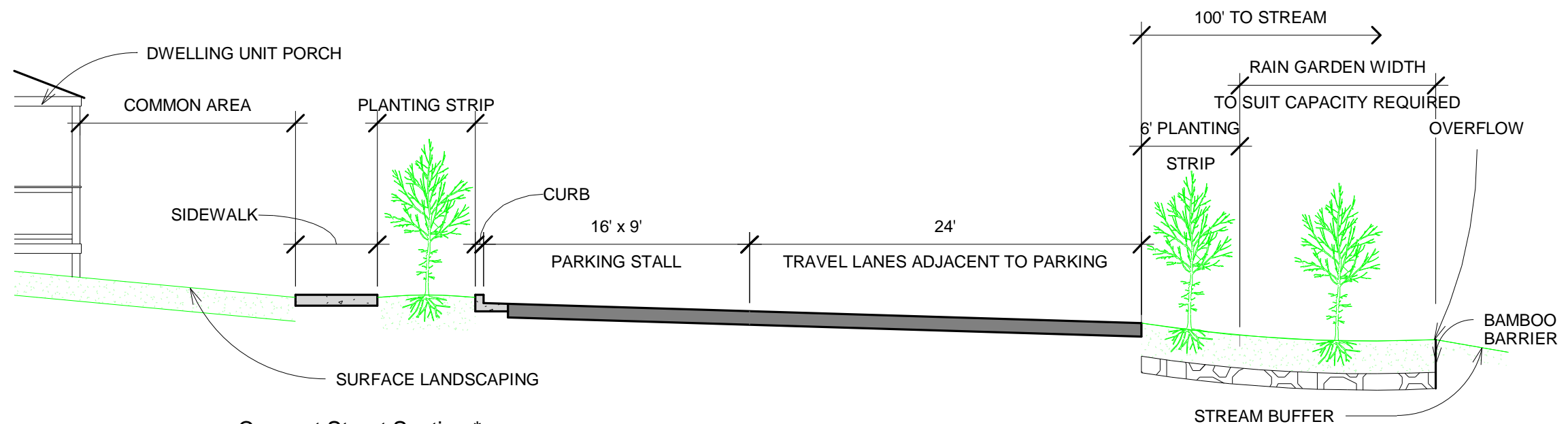
VICINITY MAP



2 CONCEPT SITE SECTION
1" = 20'-0"



1 Crozet Parks & Green Systems Plan
Not to Scale



3 Concept Street Section *
1/8" = 1'-0"

* STREET SECTION SHALL COMPLY WITH COUNTY STANDARDS AS APPLICABLE



The Housing Lab
Christopher Fuller
92 Oak Forest Cir, Charlottesville, VA 22901

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248-535-6088

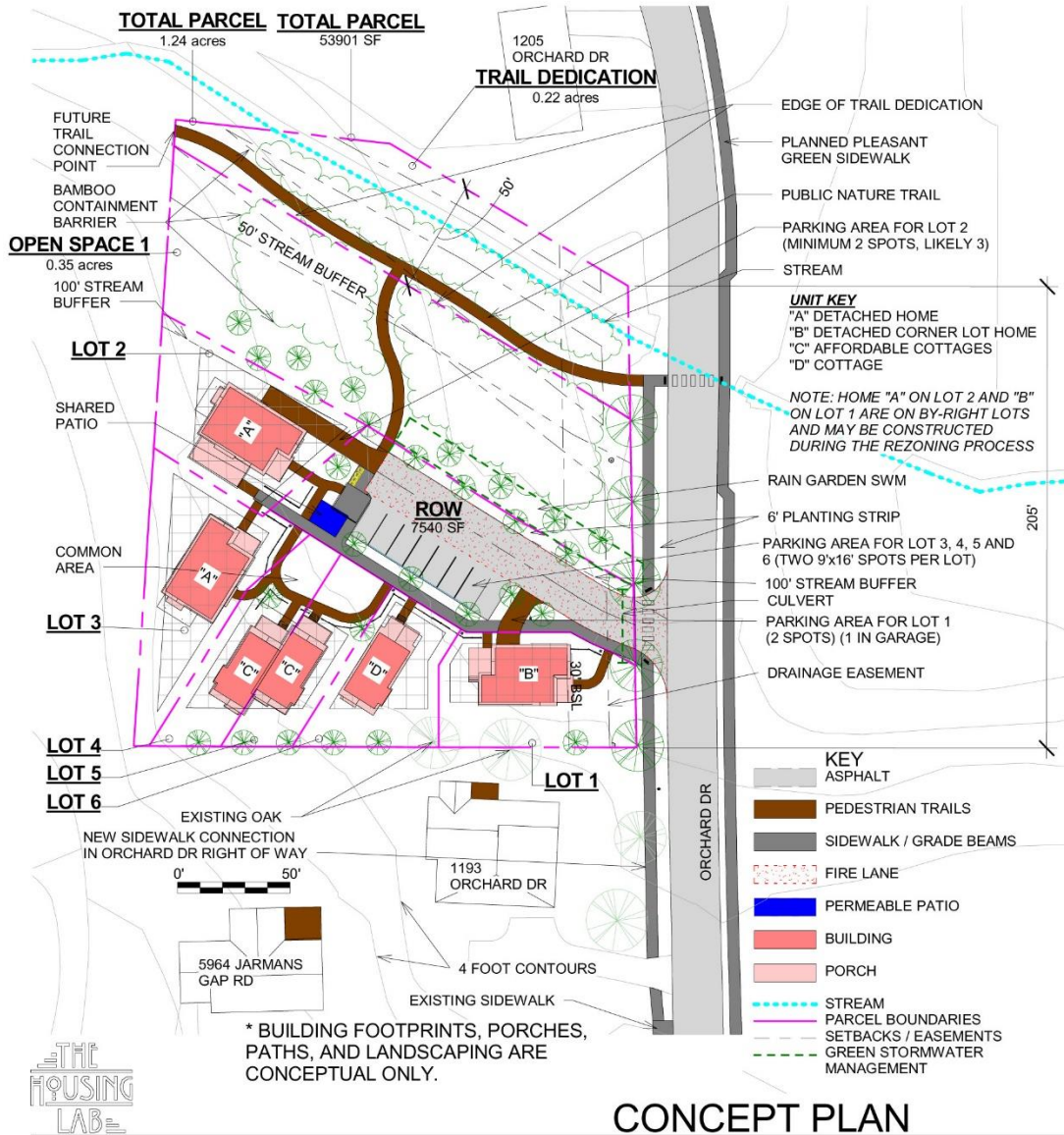
Subject: Bamboo Grove Waivers
Date: May 22, 2020
ZMA#: 2019-00016 Bamboo Grove Rezoning
Tax Map Parcel #: 05500-00-00-068C0 and 05500-00-00-068D0

In order to support the pedestrian oriented design of the Bamboo Grove project, several waivers are being requested. Bamboo Grove is the working title of the project at tax map 55, parcel 68c & 68d in the White Hall district in Albemarle County, Virginia. It is a "cottage court" design, which intends to encourage community through the design of the site by relegating parking, building compact housing, and creating shared amenity spaces between the vehicles and the dwelling units.

1. Private Street Authorization:

We request that the new street shown on the plans be authorized as a private street.

The street will provide vehicle access to the dwelling units, access to relegated parking for some of the dwelling units, "frontage" for subdivision of lots, and for emergency vehicle access. The street is less than 150' long so will not require a turnaround. The street will not be able to meet the public street standards because it will be attached to stand alone 90° parking. The 90° parking is being provided to separate the vehicles from the common pedestrian amenity space by relegating the vehicles to the edge of the site. This common pedestrian amenity space between the dwelling units and the relegated parking is a significant feature of the "cottage courtyard" site design typology which encourages informal pedestrian interaction championed by the neighborhood model principles.



Conceptual Site Plan

Section 14-233 states: "A private street may be authorized in the development areas under the following circumstances, provided that the findings required by section 14-234(C) are made"

Neighborhood model development. 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

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(iii) rear vehicular access to buildings would be provided so that the buildings may face a common amenity;

(iv) a significant environmental resource would be protected; or (v) relegated parking would be provided to a greater extent than could otherwise be provided.

Section 14-234 states: "A private street may be authorized in the development areas under the following circumstances, provided that the findings required by section 14-234(C) are made"

- 1) "The private street will be adequate to carry the traffic volume which may be reasonably expected to be generated by the subdivision."

The VDOT Subdivision street design guide TABLE 2 states that a 20' width roadway can handle up to 1500 average daily traffic (ADT).

6 Single Family Houses * 10 trips per day = 60 ADT

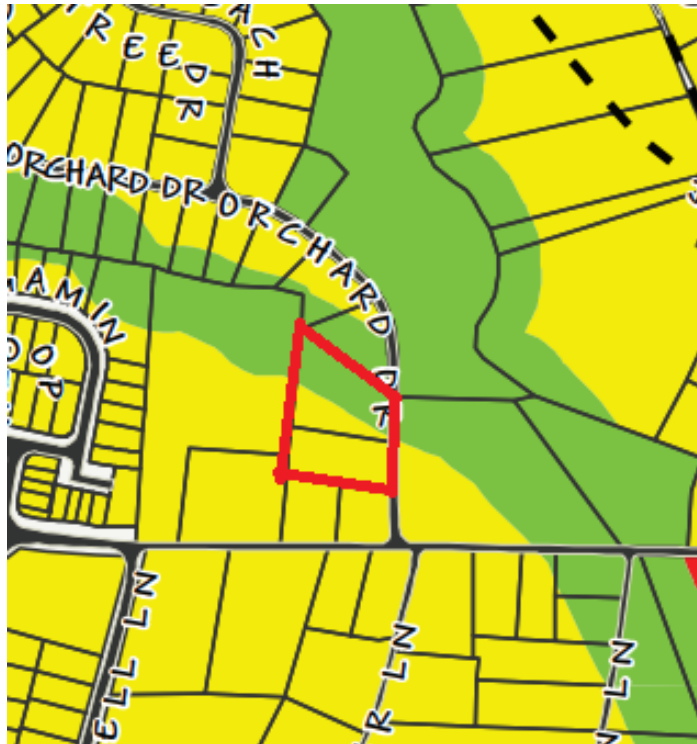
1 Accessory Unit * 7 trips per day = 7 ADT

Total average daily traffic = 67 ADT

A 20' wide street is far more than adequate to handle the expected traffic volume

- 2) "The comprehensive plan does not provide for a public street in the approximate location of the proposed private street."

The comprehensive plan does not contemplate a public street through this parcel.



Crozet Comprehensive Plan Land Use Map

- 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 homeowner’s association will be formed upon development of the residential units and such association will bear the cost of maintenance of the private street, parking and the shared amenity spaces.

- 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; “*

The private street does not go through the entire parcel, so will only serve the dwelling units in this project.

- 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.”*

The property is not located within a flood hazard overlay district.

2. Waiver of Various Private Street Design Requirements:

We request that the requirement for Sidewalks be waived for the north side of the street. No waivers are requested for the south side of the street.

No dwellings are fronted on the north side of the street as this side is adjacent to the 100’ stream buffer and a complete pedestrian network is proposed on the south side of the street. A nature trail is also planned further north of the street, so sidewalks on the north side of the street would be useless.

Curbs will be included as required at plat/site plan stage of the project.

3. Waiver for Offsite Parking:

We request a waiver for the requirement that parking be provided on each lot for each single family detached unit. The proposed parking layout is a stand alone 90° parking area attached to the street in order to reduce impervious area and allow for the creation of a common pedestrian amenity space between the vehicle parking and the dwelling units. The shared parking spaces will be located on the right-of-way parcel immediately adjacent to the single family lots.

This waiver is not requesting that the requirement for two parking spots per lot be waived, but that those two parking spots may be provided as 90 degree parking spots on the adjacent private right-of-way lot.

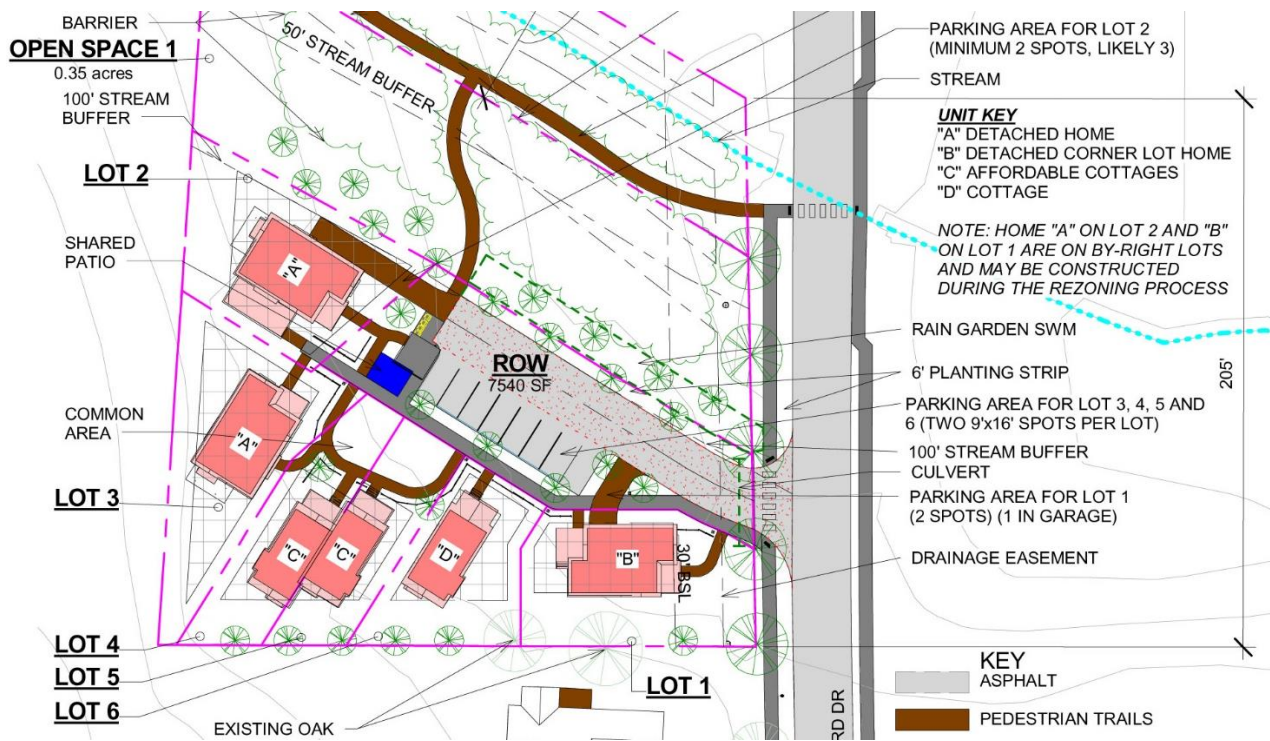
A shared parking easement will be overlaid on the parking area which will be owned and maintained by the homeowners’ association. A homeowner’s association will be formed upon

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development of the residential units and such association will bear the cost of maintenance of the private street, parking and the shared amenity spaces.

Section 4.12.5 states "Parking areas on same lot as primary use; exception. All parking spaces shall be established on the same lot with the primary use to which it is appurtenant, except as authorized by section 4.12.8."

Section 4.12.8 states "The alternatives described herein are intended to promote more creative design, allow higher density in those zoning districts in the development areas, and reduce impervious area by allowing the parking requirements of this section to be satisfied, in whole or in part, by street parking, shared parking, and off-site stand alone parking."



Conceptual Site Plan

BAMBOO GROVE ZONING MAP AMMENDMENT

TAX MAP 55, PARCEL 68C & 68D

WHITE HALL DISTRICT ALBEMARLE COUNTY, VIRGINIA



Owner & Developer:
The Housing Lab LLC: Christopher Fuller
92 Oak Forest Cir, Charlottesville, VA 22901
chris@thehousinglab.org
248-535-6088

PROJECT NARRATIVE

Bamboo grove is a 1 1/4 acre parcel within a 10 minute walk of Crozet's downtown area. The proposed project is a small cluster of six small houses gathered around a central green space on the edge of the existing neighborhood of Orchard Acres. Parking will be provided on the northern edge of the buildable area of the site. Common landscaped areas, patio, bicycle parking and mail area will be located between the vehicles and the houses to encourage community building.

This type of housing is often referred to as a "Cottage Court", "Bungalow Court", or "Pocket Neighborhood" and provides a housing choice that is desirable, affordable and very rare in the current housing stock.

REZONING REQUEST

The reasons for requesting a rezoning to R-4 are twofold. The first reason is that the current zoning R-2 has lot size and frontage minimums that make developing any pedestrian friendly neighborhood that respects the natural features of this area nearly impossible. The second reason is to create the economic conditions needed in order to build unsubsidized affordable housing. An increase in the number of dwellings coupled with the ability to construct units of a small size create conditions favorable to creating housing at a price point well below the average sale price of new homes in the area without relying on subsidies from public or private entities.

AFFORDABLE HOUSING

All of the houses will have a compact design which will help them fit in well with the surrounding neighborhood as well as making them more affordable than almost every new house being constructed in the immediate area. Two will be built and sold as affordable housing in accordance to the County's affordable housing policy, the rest of the houses will be built and sold on the open real estate market.

The estimated sales price of each Unit-type is as follows:

Units A and B (3 units) -- \$420,000 to \$380,000

Unit C (2 units) -- \$243,750 to \$220,000 (to comply with the applicable affordability requirements per the County's Housing Policy).

Unit D (1 unit) -- \$340,000 to \$280,000

Per Zillow, as of 11/15/2019, there are zero single family detached homes built in the last 5 years for sale in the downtown Crozet area. There are new single family detached homes being constructed at Foothill Crossing, Old Trail, and Sparrow Hill where the sale price starts at \$410,000+.

In addition, the Thomas Jefferson Planning District Commission (TJPDC) released a regional housing assessment (the "Housing Assessment") earlier this year.

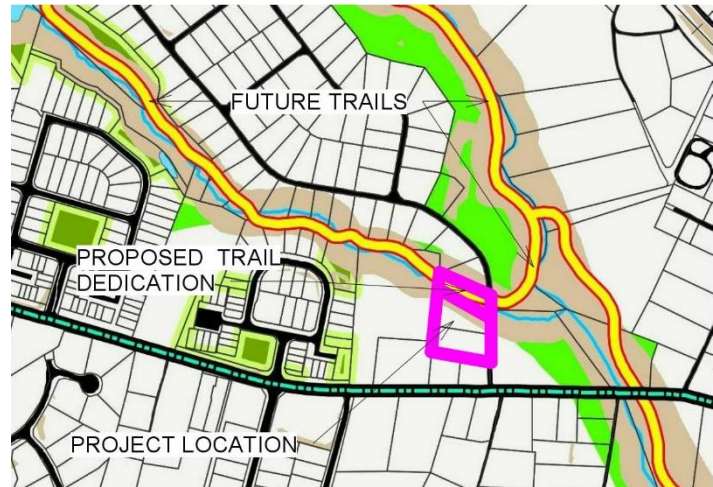
The Housing Assessment revealed several pertinent statistics and conclusions:

- There is definitively a housing affordability crisis in the area.
 - 8,990 Urban Renters (City of Charlottesville and Development Areas of Albemarle County) pay more than 30% of their incomes for housing costs
 - 2,560 Urban Homeowners pay more than 50% of their incomes for housing costs
- High housing costs in the Urban Areas are causing households to rent or purchase in surrounding localities and commute to work.
 - 1,400 workers commute to Charlottesville or Albemarle from Augusta County alone
 - Assuming a cost of approximately 0.58 cents per mile paid 20 days out of the month, commutes can cost between \$348 to \$766 per month depending on the distance (commuting from Lake Monticello versus Lovingston)
 - Commutes have an environmental impact from the exhaust of increased cars. Commutes also result in less involvement in communities and time away from families.
- There is a need for new, smaller, more affordable housing in the Urban Areas.
 - The proposed homes are intended to sell for between \$240,000 and \$420,000 – according to the Housing Assessment, an Affordable Unit Purchase Price for households who make 100% of the area **median** income are: \$298,000 for one person, \$344,000 for two people, and \$384,000 for three people. Therefore, the proposed homes will meet the needs of those intended: the “middle market” buyer.
 - The Housing Assessment states, “Zoning ordinances that specify the number of units per acre, rather than a Floor Area Ratio that relates the amount of space to the amount of land, **incentivize units that are larger and typically more expensive.**” It also states, “Zoning by the number of units per acre is a **disincentive to building smaller, more affordable units.**” By rezoning the Property, the Applicant is able to overcome this disincentive.
 - Households are relatively small – 63.1% of all households in the region had only one or two persons in 2010 and the average household size in 2018 was 2.45 persons.

As stated earlier, the proposed homes in this Project will directly address the need for more “missing middle” housing (homes affordable to those making between 60% and 120% of the Area Median Income).

GREENWAY DEDICATION

The area next to the stream running through the property will be dedicated to the County to use as a part of the proposed future greenway trail system that is shown in the Crozet Master Plan.



* Yellow line is proposed walking trail from Crozet Master Plan

ENVIRONMENTAL IMPACTS: *LIGHT IMPRINT*

Stormwater infrastructure will be mostly in the form of rain gardens, native surface landscaping and other green infrastructure techniques. The site lies adjacent to the stream, so care will be taken to filter and slow down the water travelling through the site as much as possible with tools that work with the existing environmental features. The existing topography will be respected and used to enhance the character of the neighborhood.

INFRASTRUCTURE IMPACTS: *INFILL*

The existing sewer main serving the existing neighborhoods runs through the property in the stream buffer and there is a sewer stub and water main along Orchard Drive that will be utilized for this project. The water draw and sewer flows are minimal due to the project only being 6 houses. Orchard Drive will be utilized for the vehicle access. The pedestrian network internal to the site will be connected to the pedestrian network on Jarman's gap road.

The following is a conservative analysis of average daily traffic (ADT) added to Orchard Drive:

6 Single Family Houses * 10 trips per day = 60 ADT

1 Accessory Unit * 7 trips per day = 7 ADT

Total average daily traffic = 67 ADT

Due to the small size of the Project, as estimated above, the impact from the Project is expected to be negligible.

PROFFERS: *AFFORDABLE HOUSING AND PUBLIC TRAILS*

Two units of affordable housing and the public dedication of land to the public greenway trail system are public benefits offered in exchange for the rezoning.

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EXISTING ZONING SUMMARY: R-2

Parcel IDs: 05500-00-00-068C0, 05500-00-00-068D0

Total (Gross) Site Area: 1.24 Acres

Residential (Net) Site Area: 0.65 Acres

By-right Gross Density: 2 DU/Acre * 1.24 Acre = 2 Dwelling Units (DU)

By-right Gross Bonus Density: 3 DU/Acre * 1.24 Acre = 3 Dwelling Units (DU)

Adjacent neighboring properties are detached single family 1 & 2 story houses

Comprehensive Plan Net Density: 3 to 6 DU/Acre * 0.65 Acre = 2 DU to 4 DU

PROPOSED ZONING SUMMARY: R-4

(Albemarle County Code Section 15.3)

Proposed Zoning: R-4 Cluster & Bonus

Minimum Lot Size: None, Minimum Frontage: None

Maximum Number of Dwelling Units (DU): 7 DU

Proposed Number of Dwelling Units (DU): 6 DU

Proposed Unit Gross Density: 6 DU / 1.24 Acres = 5 DU/Acre

Proposed Unit Net Density: 6 DU / 0.65 Acres = 9 DU/Acre

Base R-4 Zoning:

Possible Number of Units: 1.24 Acres * 4 DU/Acre = 4.96 DU

Affordability Density Bonus:

(Albemarle County Code Section 15.4.3)

Provide 2 DU (33%) Affordable Housing (30% maximum density bonus)

Only 1 unit of affordable housing is required to meet the Bonus provisions of R-4, however 2 units of affordable housing are proposed. The comprehensive plan recommends 4 dwelling units on this site, but 6 dwellings are proposed; all dwelling units above the comprehensive plan's recommended density are proposed as affordable housing.

Bonus Units: 1.24 Acres * 4 DU/Acre * 0.30 = 1.48 DU

Development Standards Density Bonus:

(Albemarle County Code Section 15.4.2)

Dedication of 0.28 Acres for public Greenway: 0.28 Acres * 4 DU/Acre * 2 = 2.24 DU
2.24 DU > 0.74 DU (15% maximum density bonus)

Bonus Units: 1.24 Acres * 4 DU/Acre * 0.15 = 0.74 DU

Total Density Bonus:

Total Bonus from proposed design: 45%

Total Possible Number of Units: 1.24 * 4 * 1.45 = 7 DU

Total Maximum Density: 4 * 1.45 = 5.8 DU/Acre

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Total Bonus requested: 21%

Total Requested Number of Units: $1.24 * 4 * 1.21 = 6 DU$

Total Requested Density: $6 DU / 1.24 Acres = 5 DU/Acre$

Open Space:

Open Space = 0.35 Acres $0.35/1.24 = 28\%$ *

Open Space (Including greenway dedication) = 0.63 Acres $0.63/1.24 = 51\%$ *

Open space is well over the 25% required for Cluster development

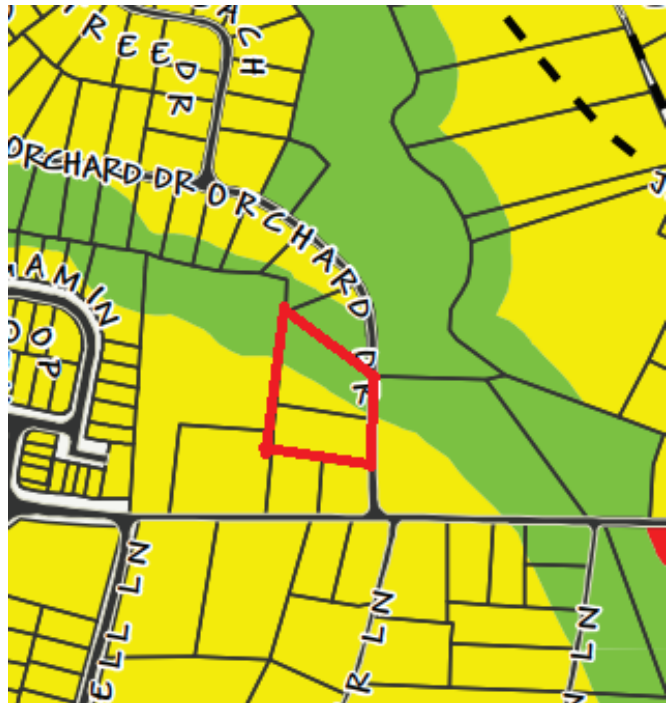
* Notwithstanding the conceptual depiction of the site plan herein, the required minimum 25% open space shall apply.

COMPREHENSIVE PLAN

The Comprehensive Plan land use is 0.67 acres Neighborhood Density Residential at 3 to 6 dwelling units per acre and 0.57 acres of greenspace.

This proposal is consistent with Albemarle County's Comprehensive plan except for the net density metric. Due to dire need for affordable housing in the area and lack of this type of housing choice, two units above the comprehensive plan density are being requested, these two units will be sold or rented according to the regulations in Albemarle County Code Section 15.4.3.

All current adjacent uses are residential or greenspace and the proposed project is also residential and greenspace



* Yellow is neighborhood density residential, Green is greenspace

Adjacent Zoning (Gross Density):

R-2 to North, South and West (2 to 3 units per acre), R-6 to East (6 to 9 units per acre), Dental Office to South-west

- Proposed project is R-4 (5 units per acre)

Neighborhood Model Principles:

1. Pedestrian orientation

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- The Proposed project relegates residential parking to create a shared green space for pedestrians.

2. Neighborhood friendly streets and paths

- Proposed project intends to directly connect its pedestrian network to the Jarman's Gap sidewalk network, pending approval from neighboring property.
- If neighboring properties so desire, the internal walking network of the project will be extended to them.
- With the public dedication of the trail, the proposed project lays the groundwork for connecting to the future Pleasant Green riparian greenspace trail.

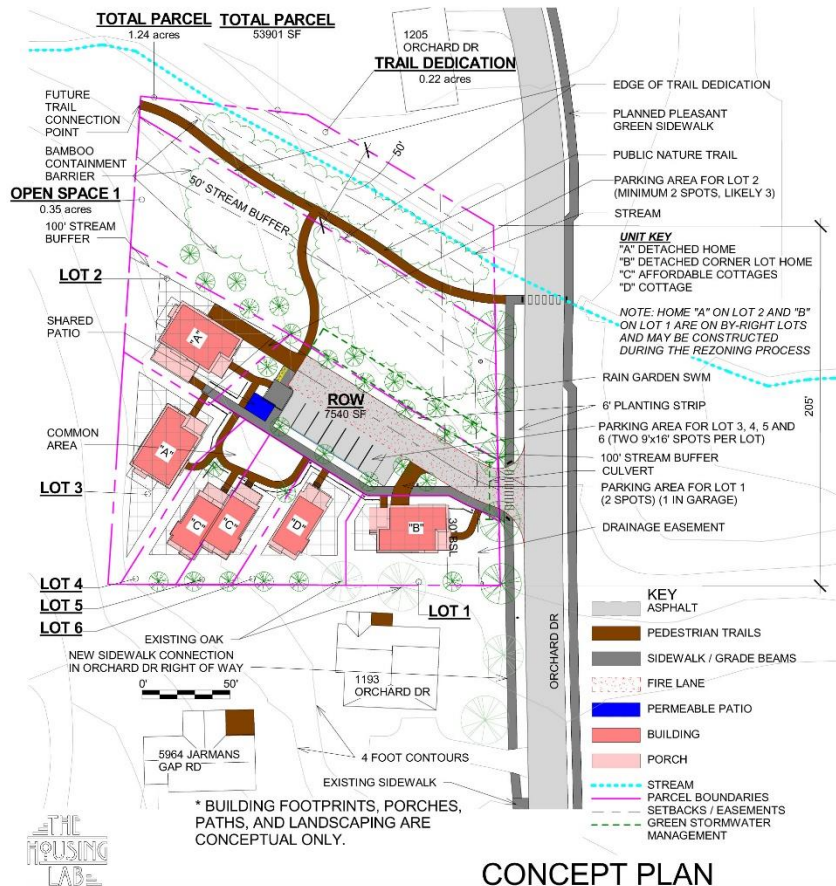
3. Interconnected streets and transportation networks

- Proposed project only has a parking area, no automobile connections are proposed as no through streets make sense for this location.

- Proposed project intends to connect to the existing pedestrian and bicycle network at Jarman's gap and connect it to the future greenspace trail system along the stream.

4. Parks and open space as amenities

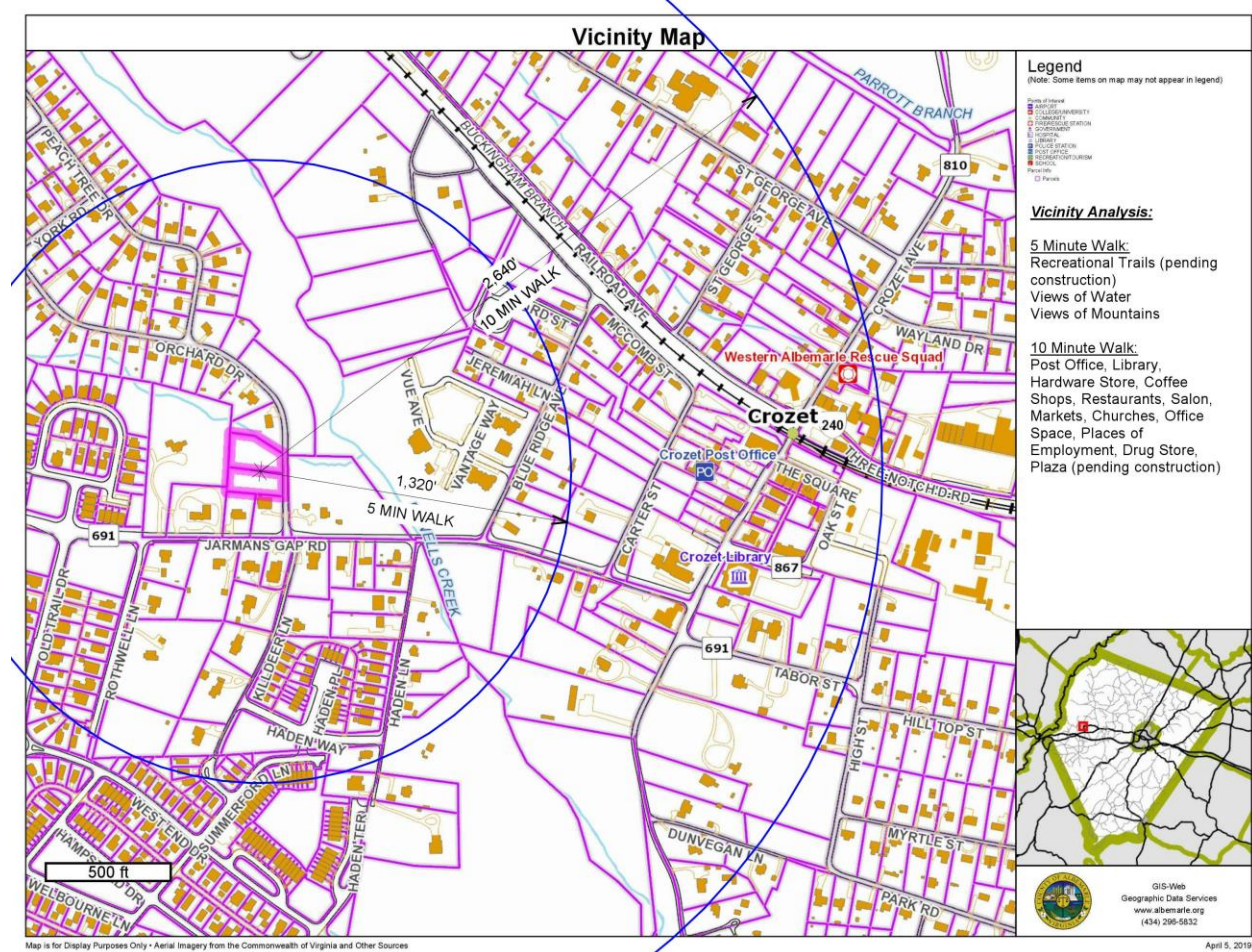
- Proposed project dedicates a portion of the stream buffer to the county to use as a part of the future greenspace trail shown on the Crozet Master Plan: Parks & Green Systems Plan.
- Open space between the parking lot and the dwellings is to be used as a shared lawn, patio, mail area and bicycle parking; a place to informally interact with neighbors.



*Concept Site Plan; see attachment for further information

5. Neighborhood centers

- The site is located within a 10 minute walk of the Crozet Neighborhood center and less than a 5 minute walk from recreational activities.



6. Buildings and spaces of human scale

- Proposed buildings are 2 story vernacular residences with front porches facing the shared greenspace.
- Proposed site layout creates well defined outdoor rooms between buildings.
- Proposed site layout and building design "nests" the houses together so that privacy is maintained.



* Rendering is to show intent, but the exact structures to be built will look slightly different.

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7. Relegated parking

- Proposed project has a remote parking lot for all but two residences, relegating it from the housing. It is adjacent to Orchard Drive, but will be buffered by plantings.

8. Mixture of uses and use types

- The site is a mixture of greenspace and residential. Uses other than these are not realistic for this small of a site and the adjacent density. The neighborhood center is within a 10 minute walk.

9. Mixture of housing types and affordability

- All housing units will be smaller than average homes being built in the area.
- A mixture of single family attached and detached structures is proposed. There will be a mixture of home size; units will range from 900 to 2000 sq ft.
- 2 units will be “affordable” as defined by the County’s Housing Policy.

10. Redevelopment

- Proposed project is infill.

11. Site planning that respects terrain

- Proposed project intends to follow the existing terrain and save as many healthy trees as possible. No large retaining walls are planned for the site. Stormwater management will be improved on the site using green infrastructure and light imprint tools. <http://lightimprint.org/>

12. Clear boundaries with the rural areas.

- This site is not a boundary between rural and urban.

ZMA201900016 Bamboo Grove
Density Calculations and Accessory Unit Regulations

Calculating Density:

Density is calculated differently for rezonings and special use permits, using the Comprehensive Plan, as compared with by-right applications, using the Zoning Ordinance:

Comprehensive Plan: The policy of Strategy 8c (Development Areas, Chapter 8) of the Comprehensive Plan is that rezoning and special use permit applications should calculate density using **net density** by excluding land area that is designated as parks/greenspace and land area included in steep slopes, stream buffers, and floodplain.

Zoning Ordinance: Density for by-right developments is calculated using **gross density**, which includes all land area in the development.

With six (6) dwelling units, the net density of this rezoning application is 9 units/acre, while the gross density is 4.84 units/acre. The recommended density in the Crozet Master Plan is 3-6 units/acre. This means that the allowable number of units based on the Master Plan's net density is between 2-4 total units.

Previous Application Decisions Regarding Density:

Galaxie Farm rezoning request: October 15, 2019 [Planning Commission Minutes](#)

Summary: The Planning Commission found that one additional affordable unit was not sufficient justification for exceeding the recommended density in the Comprehensive Plan.

Riverside Village rezoning request: March 21, 2017 [Planning Commission Minutes](#)

Summary: The Planning Commission recommended approval (and the Board approved) of the request to increase the number of units in Riverside Village above the recommended density in the Comprehensive Plan. The Planning Commission and Board found that the request was acceptable for the following reasons: the CAC had no objection to the request; the location is a walkable area with residential and employment uses; there was existing development approved in the location, and the previously approved commercial use is being substituted with additional residential units.

Attachment 7 – ZMA201900016 Bamboo Grove

Staff Analysis of Application’s Consistency with Neighborhood Model Principles

<p>Pedestrian Orientation</p>	<p>The application proposes a new walking trail/path inside of the property and through the open space that will be dedicated to Albemarle County. This path will connect to the residential units at the new private street. 5’ sidewalks are proposed along the entire property frontage of Orchard Drive and along the southern side of the internal private street.</p> <p><u>This principle is met provided that additional commitments are made for providing sidewalk installation along Orchard Drive as shown on the Concept Plan.</u></p>
<p>Mixture of Uses</p>	<p>Not applicable to the request. The subject properties are not called for mixed-use or within a Center in the Crozet Master Plan.</p> <p><u>This principle is not applicable to the request.</u></p>
<p>Neighborhood Centers</p>	<p>Strategy 2f in Chapter 8 of the Comprehensive Plan identifies neighborhood centers as having four components: 1) a centralized park or outdoor amenity which is surrounded by 2) a ring of commercial or mixed uses with 3) surrounded by medium to high density residential uses and a final 4) outer ring of low density residential.</p> <p>Bamboo Grove provides a centralized park/outdoor amenity and medium density residential uses. The Crozet Master Plan does not call for commercial uses on this property or nearby.</p> <p><u>This principle is met.</u></p>
<p>Mixture of Housing Types and Affordability</p>	<p>As stated in the application narrative, dwelling units provided within Bamboo Grove will be smaller than a traditional detached single-family home. The applicant refers to the houses as “cottage court” and “bungalow court style homes.</p> <p>The applicant is proffering to provide 2 affordable units which exceeds the 15% affordable units as called for by the County’s Housing Policy and Strategy #6b of Chapter 9 in the Comprehensive Plan.</p> <p><u>This principle is met.</u></p>
<p>Interconnected Streets and Transportation Networks</p>	<p>No new streets are recommended inside the subject parcels according to Crozet Master Plan’s Transportation Plan.</p> <p>The application proposes new sidewalks and walking trails that will be publicly accessible. This will provide a connected pedestrian network through and around the development as recommended by Strategy #2j. Staff from the</p>

	<p>Albemarle County Department of Parks and Recreation support the trail location and land dedication and envision that further pedestrian connections to the east and west will occur in the future.</p> <p><u>This principle is met provided that additional commitments are made for providing sidewalk installation along Orchard Drive as shown on the Concept Plan.</u></p>
<p>Multi-modal Transportation Opportunities</p>	<p>New sidewalks along the development’s property frontage on the west side of Orchard Drive will extend south and connect to existing sidewalks. There is currently no sidewalk along this frontage, and the connection will enhance pedestrian network connectivity. No transit service is expected along Orchard Drive, so additional improvements or proffers related to transit are not applicable to this request.</p> <p><u>This principle is met.</u></p>
<p>Parks, Recreational Amenities, and Open Space</p>	<p>The proposal demonstrates consistency with the recommendations for public parks, recreational amenities, and open space as called for by the Crozet Master Plan. The location and size of the 0.22 acre open space/trail dedication area that will be dedicated to the County is consistent with the Crozet Master Plan’s Parks & Green Systems Plan.</p> <p>Existing landscaping along the north perimeter of the development will be maintained and not disturbed by construction of the lots or new private street. Landscaping is provided along the perimeter of the development which will ensure that views of the new buildings are at least partially obscured from view by residents using the greenway.</p> <p>The Concept Plan shows that a total of 0.57 acres of open space overall (including the trail dedication) will be provided. This exceeds the minimum 25% of open space required by Section 18-2.2.3 of the Zoning Ordinance for bonus level cluster developments. However, a commitment should be made committing to providing a minimum of 25% open space outside of the proposed trail dedication.</p> <p><u>This principle is met provided that the Concept Plan is revised so that all open space locations and sizes are clearly identified to ensure that a minimum of 25% open space is provided.</u></p>
<p>Buildings and Space of Human Scale</p>	<p>As stated in the project narrative, the buildings will be two (2) stories tall. Outdoor space between buildings will be provided on the new lots. The Concept Plan Site Section exhibit on Sheet 3 of the Concept Plan show the architectural style of the building exteriors. Porches and patios will be included as features of each units. The scale and massing of the new units will appear similar to existing residential homes surrounding the site.</p>

	<p><u>This principle is met.</u></p>
<p>Relegated Parking</p>	<p>Parking spaces are provided along the south side of the private street and will be obscured from view along Orchard Drive and properties to the north by existing vegetation in the open space areas. New units will screen the parking area from properties located to the south and east. Garages and driveways are provided on Lots 1 and 2, and these are offset from the front of the dwelling units.</p> <p><u>This principle is met.</u></p>
<p>Redevelopment</p>	<p>The site is currently undeveloped.</p> <p><u>This principle is not applicable to the request.</u></p>
<p>Respecting Terrain and Careful Grading and Re-grading of Terrain</p>	<p>No areas within the development are designated as Managed or Preserved Steep Slopes Overlay Zoning Districts.</p> <p>As shown on the Concept Plan, existing trees will be maintained and will be minimally affected by land disturbance activities associated with construction of site improvements.</p> <p>Finally, the proposal strikes a balance between the creation of urban parks and conserving sensitive environmental features in a natural state. Some minor encroachments will occur within the landward-most 50' feet of the WPO stream buffer for installation of the rain garden and grading for the private street. As shown on the Concept Plan, the rain garden will be located within the landward-most 50' of the WPO stream buffer. However, the rain garden is relatively small, measuring approximately 1,300 sq. ft. and will be utilized as a stormwater management measure. The County Engineer has no objections to the proposed street and rain garden design in relation to the WPO stream buffer.</p> <p>However, a commitment should be made to locate all private residential lots outside of the 100' WPO stream buffer.</p> <p><u>This principle is met provided that the applicant makes a commitment to locate all private residential lots outside of the 100' WPO stream buffer.</u></p>
<p>Clear Boundaries with the Rural Area</p>	<p>The subject property is located within the Crozet Development Area. No improvements or changes in use near any boundaries with the Rural Area are proposed.</p> <p><u>This principle is not applicable to the request.</u></p>

PROFFER STATEMENT

BAMBOO GROVE

Date: May 22, 2020
ZMA#: 2019-00016 Bamboo Grove Rezoning
Tax Map Parcel #: 05500-00-00-068C0 and 05500-00-00-068D0

1.24 acres to be rezoned from Residential R-2 (“R-2”) to Residential R-4 (“R-4”)

The Housing Lab, LLC, a Virginia limited liability company, is the fee simple owner of tax map parcels 05500-00-00-068C0 and 05500-00-00-068D0 (together, the “Property”). The Housing Lab, LLC shall hereinafter be referred to as the “Owner.” The Property is the subject of the zoning map amendment application #ZMA-2019-00016 known as “Bamboo Grove.” The Applicant for Bamboo Grove is the Owner. The Bamboo Grove development is herein referred to as the “Project.”

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the Owner hereby voluntarily proffers the conditions listed in this Proffer Statement, which shall be applied to the Property if the rezoning is approved by Albemarle County. These conditions are proffered as part of the rezoning and it is agreed that the conditions are reasonable.

1. Affordable Housing.

The Owner shall provide Affordable Dwelling Units (as defined herein) equal to two (2) dwelling units within the Project (the “Affordable Housing Requirement”). The Owner or its successors in interest reserve the right to meet the Affordable Housing Requirement through a variety of housing types, including but not limited to, for-sale units or rental units.

A. For-Sale Affordable Dwelling Units. The Owner may meet the Affordable Housing Requirement by constructing Affordable Dwelling Units. For purposes of this Proffer 1(A), "Affordable Dwelling Unit" shall mean any unit affordable to households with incomes less than eighty percent (80%) of the area median income (as determined from time to time by the Albemarle County Community Development Department) such that housing costs consisting of principal, interest, real estate taxes and homeowners insurance (PITT) do not exceed thirty percent (30%) of the gross household income; provided, however; that in no event shall the selling price for such affordable units be more than sixty-five percent (65%) of the applicable Virginia Housing Development Authority (VHDA) maximum sales price/loan limit for first-time homebuyer programs at the beginning of the 180-day period referenced in Proffer 1(A)(1) hereof (the "VHDA Limit"). The Owner shall impose by contract the responsibility herein of constructing and selling the Affordable Dwelling Units to any subsequent owner or developer of the Property (or any portion thereof). Such subsequent owner(s) and/or developer(s) shall succeed to the obligations of the Owner under this Proffer 1; and the term "Owner" shall refer to such subsequent owner(s) and/or developer(s), as applicable.

- (1) Role of County Community Development Department. All purchasers of the for-sale Affordable Dwelling Units shall be approved by the Albemarle County Community Development Department or its designee (the "Community Development Department"). At the proposed time of construction of any Affordable Dwelling Unit, the Owner shall provide the Community Development Department a period of one hundred eighty (180) days to identify and approve an eligible purchaser for such affordable unit. The 180-day qualification period shall commence upon written notice from the Owner to the Community Development Department of the approximate date the Unit is expected to receive a certificate of occupancy from the County (the "Notice"). Such Notice shall be given no more than ninety (90) days prior to the expected issuance of the certificate of occupancy, and the 180-day approval period shall extend no less than ninety (90) days after the issuance of the certificate of occupancy. Nothing in this Proffer 1 shall prohibit the Community Development Department from providing the Owner with information on income eligibility sufficient for the Owner to identify eligible purchasers of Affordable Dwelling Units for approval by the Community Development Department. If, during the 180-day qualification period, (i) the Community Development Department fails to approve a qualified purchaser, or (ii) a qualified purchaser fails to execute a purchase contract for an Affordable Dwelling Unit, then, in either case, the Owner shall have the right to sell the Unit without any restriction on sales price or income of the purchaser(s), and such unit shall be counted toward the satisfaction of this Proffer 1. This Proffer 1 shall apply only to the first sale of each of the for-sale Affordable Dwelling Units. For the purposes of this Proffer 1, such Affordable Dwelling Units shall be deemed to have been provided when the subsequent Owner/builder provides written notice to the Albemarle County Community Development Department or its designee that the unit(s) will be available for sale.

- (2) Tracking. Each subdivision plat and site plan for land within the Property shall: i) designate the lots or units, as applicable, that will constitute Affordable Dwelling Units within the Project and ii) contain a running tally of the Affordable Dwelling Units either constructed or contributed for under this Proffer 1. The designated lots or units shown on the applicable subdivision plat or site plan may not be shown as being constructed in a future phase.

B. For-Rent Affordable Dwelling Units.

- (1) Rental Rates. The initial net rent for each rental housing unit for which Owner seeks qualification for the purposes of this Proffer 1 ("For-Rent Affordable Dwelling Unit") shall not exceed the then-current and applicable maximum net rent rate approved by the Albemarle County Community Development Department. In each subsequent calendar year, the monthly net rent for each For-Rent Affordable Dwelling Unit may be increased up to three percent (3%). For purposes of this Proffer 1B, the term "net rent" means that the rent does not include tenant-paid utilities. The requirement that the rents for such For-Rent Affordable Dwelling

Units may not exceed the maximum rents established in this paragraph 1B shall apply for a period of ten (10) years following the date the certificate of occupancy is issued by the County for each For-Rent Affordable Dwelling Unit, or until the units are sold as low or moderate cost units qualifying as such under either the Virginia Housing Development Authority, Farmers Home Administration, or Housing and Urban Development, Section 8, whichever comes first (the “Affordable Term”).

- (2) **Conveyance of Interest.** All deeds conveying any interest in the For-Rent Affordable Dwelling Units during the Affordable Term shall contain language reciting that such unit is subject to the terms of paragraph 1B. In addition, all contracts pertaining to a conveyance of any For-Rent Affordable Dwelling Unit, or any part thereof, during the Affordable Term shall contain a complete and full disclosure of the restrictions and controls established by this paragraph 1B. At least thirty (30) days prior to the conveyance of any interest in any For-Rent Affordable Dwelling Unit during the Affordable Term, the then-current Owner shall notify the County in writing of the conveyance and provide the name, address and telephone number of the potential grantee, and state that the requirements of this paragraph 1B have been satisfied.
- (3) **Reporting Rental Rates.** During the Affordable Term, within thirty (30) days of each rental or lease term for each For-Rent Affordable Dwelling Unit, the then-current Owner shall provide to the Albemarle County Community Development Department a copy of the rental or lease agreement for each such unit rented that shows the rental rate for such unit and the term of the rental or lease agreement. In addition, during the Affordable Term, the then-current Owner shall provide to the County, if requested, any reports, copies of rental or lease agreements, or other data pertaining to rental rates as the County may reasonably require.

2. Open Space and Trail Dedication.

A. Open Space. The Owner shall restrict from development all open space areas which are shown as “Open Space” on the Concept Plan; provided, however, that the Owner may modify such areas so long as a minimum of twenty-five percent (25%) of the Project is restricted. These areas shall be used for the use and enjoyment of the residents of the Property, subject to the restrictions that may be imposed by any declaration recorded as part of a conveyance of these areas to a homeowner’s association.

B. Trail Dedication. The Owner shall dedicate and convey to the County, upon demand by the County, approximately 0.22 acres labeled as “Trail Dedication” on the Concept Plan (the “Trail Dedication Area”). The precise location of the Trail Dedication Area shall be mutually agreed upon by the Owner and the County, and such agreement shall not be unreasonably withheld or conditioned. The Trail Dedication Area will be conveyed in the form of a general warranty deed and the Owner shall bear the cost of a survey and preparing the deed. The trail will be constructed at the time of development. Trail dedication shall occur prior to the Certificate of Occupancy of the 3rd home.

This Proffer Statement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same instrument.

WITNESS the following duly authorized signature:

Owner:

THE HOUSING LAB, LLC,
a Virginia limited liability company

By:

A handwritten signature in black ink, appearing to read "Chris Fuller", written over a horizontal line.

Christopher Fuller, Manager

Modification Requests- Staff Analysis

#1: Authorization of Private Street

Private streets may be authorized by the Planning Commission as provided by any one of the provisions of Section 14-233.

The applicant is requesting the Planning Commission to authorize private streets within the development areas in accordance with Section 14-233 (A).

ANALYSIS OF SECTION 14-234:

Per Section 14-234(C), the Commission may authorize one or more private roads to be constructed in a subdivision if it finds that one or more of the circumstances described in Section 14-233 exists and that: (ordinance language presented in ***bold italics*** followed by staff comment)

1. The private road will be adequate to carry the traffic volume which may be reasonably expected to be generated by the subdivision.

The County Engineer and VDOT has evaluated the proposed private street and have no objections to the design. It will adequately handle the traffic volume that will be generated by the development.

2. The comprehensive plan does not provide for a public street in the approximate location of the proposed private road;

The Crozet Master Plan Transportation Plan does not call for a public street within the subject property of in the approximate location of the proposed private streets.

3. The fee of the private road 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 road;

Per applicant's authorization request letter, a Homeowners Association (HOA) will be formed to bear the cost of maintenance and upkeep of the private street. Staff will ensure this is completed during subdivision plat review.

4. Except where required by the commission to serve a specific public purpose, the private road will not serve through traffic nor intersect the state highway system in more than one location;

The private street will not serve through traffic and will only have one entrance onto Orchard Drive.

5. If applicable, the private road has been approved in accordance with section 30.3, flood hazard overlay district, of the zoning ordinance and other applicable law.

Section 18-30.3 is not applicable to this site because it is not in the Flood Hazard Overlay Zoning District. No impacts to the 100-year floodplain would result.

Summary:

Staff recommends approval of the private street authorization request.

#2: Modification of Street Standards to not provide sidewalks along one side of the internal private street.

Sidewalks are required to be established on both sides of each new street within a subdivision in the development areas. The applicant has requested a sidewalk variation for the internal

private street. The request is to not provide sidewalks along the north side of the private street. Sidewalks will still be provided along the south side of the street as required by the Subdivision Ordinance. The requirements for sidewalks may be varied by the commission as provided in section 14-203.1(B)(1).

ANALYSIS OF SECTION 14-422 (E) Waivers from sidewalk requirements:

Per Section 14-422(E)(2), in reviewing a request to vary the requirement for sidewalks, the commission shall consider whether: (ordinance language presented in ***bold italics*** followed by staff comment)

i. A waiver to allow a rural cross section has been granted;

A waiver to allow a rural cross section has not been granted or requested.

ii. A surface other than concrete is more appropriate for the subdivision because of the character of the proposed subdivision and the surround neighborhood;

No alternative surface is proposed.

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

Sidewalks are being proposed on the south side of the street. If sidewalks were to be provided on the north side of the street, they would encroach into the WPO 100' stream buffer. Lots are only provided on the south side of the street where sidewalk is proposed.

iv. The sidewalks reasonably can connect to an existing or future pedestrian system in the area;

The sidewalk on the south side of the internal street will connect to sidewalks along Orchard Drive, as well as an internal pedestrian trail system.

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;

The length of the streets is short, and other nearby pedestrian facilities are provided to connect to surrounding neighborhoods. Also, a trail will be provided within the open space area to allow pedestrian access from the lots to the surrounding sidewalks and pedestrian network.

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;

The subdivider has not proposed an alternative profile and is proposing sidewalks that meet the County's design standards.

vii. The sidewalks would be publicly or privately maintained;

Sidewalks for private streets would be maintained by the Homeowner's Association. Sidewalks along Orchard Avenue will be maintained by VDOT.

viii. The waiver promotes the goals of the comprehensive plan, the neighborhood model, and the applicable neighborhood master plan; and

This waiver promotes the goals of the neighborhood model by preserving environmental features while still providing adequate pedestrian connections through sidewalks on the south side of the private street and trails through open space.

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

Waiving the requirement will allow the stream buffer to be minimally impacted. This more fully achieves the neighborhood model's goals for careful grading and respect to existing terrain.

SUMMARY:

Staff's opinion is that a sidewalk does not need to be provided along the north side of the internal private street and that there are adequate pedestrian facilities for the development, therefore staff recommends approval of this modification