

# **RST Residences**

## **Special Exception Application Narrative**

### **SE 2020-00003**

In connection with the zoning map amendment application ZMA 2020-00007 (the “ZMA Application”), Seminole Trail, LLC (the “Owner”) and RST Development, LLC (the “Developer”, and collectively with the Owner, the “Applicant”), this Application for a Special Exception respectfully requests a modification and waiver of the setback requirements of Section 4.19 of the Albemarle County Zoning Ordinance that would otherwise apply to the six townhouse structures and the five apartment structures shown on the conceptual plans included in the resubmittal of the ZMA Application on April 19, 2021.

If approved, ZMA 2020-00007 would rezone tax map parcels 04600-00-00-10800 and 04600-00-00-10900 (the “Property”), from R-1 Residential to Planned Residential Development (“PRD”), to allow for the development of a multi-family townhouse and apartment community known as RST Residences (the “Project”). The Project proposes a maximum of ~~340~~332 residential units comprised of 254 apartments and ~~86~~78 townhouse units. The townhomes are proposed to be stacked and attached in a total of six buildings (the “Townhome Buildings”). The apartments are proposed in a total of five additional buildings. Figure 1 below shows the arrangement of the buildings in the Project, with the apartment buildings numbered for purposes of this narrative.

Each of the apartment and townhome structures are proposed to exceed three stories. Accordingly, each of these structures is subject to the County’s front setback requirement, which provides that for each story beginning above 40 feet in height, or for each story above the third story, whichever is less, the minimum setback shall be 15 feet unless reduced by special exception. Zoning Ordinance § 4.19.5. There is no minimum setback for the side and rear of structures under this rule.

Building 1 is designed with two rectangular wings (the “North Wing” and the “South Wing”), which are joined together by a common plaza and several pedestrian connections (a walkway and several skyways). While considered one building in the context of the proposed community, the Applicant understands that the North Wing and South Wing are separate structures for purposes of the setback requirements. The South Wing façade faces U.S. Route 29, while the façade of the North Wing faces the internal vehicle travelway (shown on the plans as Travelway A) between the North Wing and Building 2. Therefore, the Applicant understands that the front setback requirement applies to the side of the South Wing that faces U.S. Route 29, and to the side of the North Wing that faces Building 2. The Applicant originally envisioned Building 1 as a five-story structure without front setbacks. However, in response to comments from the Planning Commission, County Staff, and the community, the Applicant has revised the Project plans to include a required 15-foot front setback on Building 1, beginning on the fifth rather than the fourth floor. Accordingly, the Applicant requests a special exception with the respect to the setback requirement as applied to the fourth floor of the fronts of the North Wing and the South Wing.

Likewise, the Applicant understands the setback requirement applies to the sides of Buildings 2, 3, and 4 that face Travelway A. These buildings are all proposed to be four stories, and the Applicant requests a special exception to waive the setback requirement for each of these buildings.

The front façade of each Townhome Building is the side containing the front door to the townhouse units. The rear of each Townhome Building is the side containing the garages. For each Townhome Building, one side faces Private Road C, and one side faces the property line with the adjacent parcels to the southeast of the Property. Therefore, the Applicant understands that the front setback requirement applies to the side of each Townhome Building containing the front door to the townhouse units.

Residents of the 2-story dwellings in Ashland Townhomes directly to the east of RST Residences have expressed concerns regarding the visual impact of the Townhome Buildings as initially proposed. In response to these comments, the Applicant has revised its plans for the Townhome Buildings by (1) removing two of the initially proposed eight Townhome Buildings, and (2) removing the fourth floor of the end unit (nearest Ashland Townhomes) of each Townhome Building. In the revised plans, the rear dwelling unit of each Townhome Building would be a single 3-story townhome rather than a “2-over-2” floorplan. This design effectively creates a 1-story rear setback the width of the end unit. This revised design will help transition the massing from the taller buildings proposed at the center of RST Residences to the existing structures in Ashland Townhomes.

By eliminating two entire rows of Townhome Buildings, and by removing one unit from each remaining Townhome Building, the revised plans result in an overall loss of 38 townhome dwelling units. The Applicant has proposed these changes to mitigate the perceived visual impact of RST Residences, which serves the purposes of the setback requirement of Section 4.19. In light of these mitigation measures, the Applicant’s request for a special exception with respect to the front of the Townhome Buildings is justified. The Applicant’s mitigation measures, the distance of the buildings from nearby roads and property lines, and the topography of the site all soften the impacts that Section 4.19 is designed to address. In this context, strict application of the front setback requirement would not further the purposes of Section 4.19, the Places29 Design Guidelines, or the Neighborhood Model Principles.

#### Building 1

The front of the South Wing will be located 449 feet from the U.S. Route 29 right-of-way. Given the distance between Building 1 and the public road, the requested special exception will not result in the undesired “canyon” effect along public roads that Section 4.19 is designed to prevent.<sup>1</sup> In addition, the South Wing is located behind a 100-foot forested and vegetative buffer. The proposed building location and buffer reduces visual impact on the Entrance Corridor and serves as a transition to the agricultural uses on the opposite side of Route 29.

<sup>1</sup> The purpose of the setback rules was discussed during the public hearing at which the Board of Supervisors added Section 4.19 to the Zoning Ordinance. County Staff noted that Section 4.19 “avoids a ‘canyon’ effect.” Statement of Ron Higgins, Deputy Zoning Administrator, Minutes of the Board of Supervisors Hearing, June 3, 2015, at page 99.

For the same reasons, the front setback requirement should be modified for the front of the North Wing. The requested special exception would allow the setback to begin on the fifth floor instead of the fourth floor. This modification would still allow sufficient space and light between the North Wing and Building 2 to avoid the “canyon” effect. In addition, the streetscape of Travelway A, which features sidewalks and street trees, will promote a welcoming pedestrian experience between the two buildings.

Modifying the front setback requirement as requested would allow Building 1 to retain its visual prominence in RST Residences. Building 1 is the centerpiece of RST Residences. All residents will be served by common amenities in and around Building 1, including a swimming pool and outdoor gathering areas. The 5-story wings of Building 1 frame these amenities without creating a physical or visual barrier. The use of skyways to connect the two wings will soften the visual impact of the buildings, and allow residents to notice and be drawn toward the common amenity areas at the center of Building 1. In addition, when prospective residents visit to tour available townhomes and apartments, they will be received at the property management office in Building 1. By focusing attention toward the anchor building of the community, modifying the setback requirement for Building 1 promotes a sense of place in RST Residences.

#### Buildings 2, 3, and 4

The remaining apartment buildings were originally proposed to be 3-story structures. This layout allowed the Project to achieve the desired density under the Comprehensive Plan and the Applicant’s desire to offer enhanced levels of affordable housing.

Because the revised plans now including a setback on the North Wing and the South Wing, living space for apartment units in Building 1 was lost. With these changes to Building 1 came the need to expand the apartment living space in Buildings 2, 3, and 4. Therefore, the Applicant has proposed to add a fourth floor to each of Buildings 2, 3, and 4. This increase in living space would not be meaningful, however, without a waiver of the 15-foot building setback. Without the requested special exception from the setback requirement for Buildings 2, 3, and 4, there would be a loss of apartment units that would severely impact the Applicant’s ability to offer an enhanced level of affordable housing. The requested special exception as to Buildings 2, 3, and 4 is therefore directly related to the Applicant’s affordable housing goals. The requested waiver of the setback requirement is also related to the Applicant’s mitigation measures that changed the design of the Townhome Buildings in response to community concerns. The resulting loss of townhome units makes it necessary to retain the full number of apartments originally proposed. A loss of apartment units, in addition to the loss of townhome units, would affect the level of affordable housing that can be offered as well as the financial viability of the entire Project.

Taken as a whole, the Project’s design implements the Neighborhood Model Principle that recommends Buildings and Spaces of Human Scale. Figures 2 and 3 below provide a representation of the pedestrian-oriented, tree-lined streetscape and the relation between the proposed buildings. The proposed street trees are used, as mentioned in the Neighborhood Model Principles, to enclose the street and sidewalks in a way that achieves a “comfortable

human scale.” The proposed design is also meant to foster a walkable and interactive residential environment to support a strong sense of community among residents.

### The Townhome Buildings

The front setback requirement should be waived for the Townhome Buildings because their location and design also avoids the “canyon” effect. There are very few places along “Private Road C” as shown in the resubmitted plans where the Townhome Buildings are opposite other buildings. In large part, the Townhome Buildings are situated opposite the central amenity area, which allows for appropriate light to reach the roadway and avoids the appearance of a canyon. With regard to the roads between each Townhome Building, the setback requirement should be waived because the proposed design of the facades will incorporate different materials, textures, and features to prevent massing. These design features will help mitigate any potential canyon effect. Figure 4 shows an illustrative example of the general character of the proposed design. Please note this example is not particular to the Project, and therefore some of the building measurements may not be reflected in the Project. To be clear, Figure 4 does not reflect the revised plan of building a single 3-story townhome at the rear of each Townhome Building, but a red box shows the area where the setback is proposed.

The setback requirement should also be waived to preserve living space in the Townhome Buildings. The modest size of the townhome units as proposed allow them to be more affordable for Albemarle County residents without the need for a housing subsidy. This is a strength of the project that furthers the County’s affordable housing goals. However, the setback requirement would leave no option but to shrink the living space of the upper townhouse units in a way that would reduce their appeal or utility to many prospective buyers. Figure 5 shows the impact the setback requirement would have on a representative floorplan – it would require the removal of two of the three bedrooms, one of the bathrooms, the laundry closet, and a portion of the staircase. Especially since the proposed green space, sidewalks, and amenity areas already help avoid any “canyon” effect of the Townhome Buildings, the ability to deliver less-expensive housing in furtherance of the County’s goals justifies waiving the setback requirement for this Project.

### The Proposed Special Exceptions Supports the Goals of the Comprehensive Plan

Modifying the front setback requirement for Building 1, and waiving the requirement for the remaining buildings, is consistent with the recommended future land use of the Property under the Comprehensive Plan. The Project is located in the Development Area and is designated for Urban Density Residential uses, with up to 34 dwelling units per acre. The Places29 Master Plan *recommends* a maximum building height of four stories within the Urban Density Residential areas. All but one building in RST Residences adheres to this recommendation. Given the distance that Building 1 is setback from Route 29, Ashwood Boulevard, and the adjacent Forest Lakes neighborhoods of Ashland and Teakwood, the additional height will not have any adverse impact on the public.

The Applicant estimates that strict application of a 15-foot setback to Building 1 would result in the loss of ten residential units. As a reduction in the number of residential units is contrary to the Comprehensive Plan's recommendation for the Property, a special exception from the setback is warranted. A reduction in the number of units also impacts the Project's ability to provide affordable housing. With fewer units, the Project will be less effective in meeting the County's affordable housing goals. Likewise, the Townhome Buildings are important to the Project's overall success and they help to advance the Project's affordable housing goals by having smaller units at lower price points, even if they do not meet the technical requirements as affordable units. Waiving the setback requirement for the Townhome Buildings would allow the Project to more effectively realize the County's affordable housing goals set out in the Comprehensive Plan.

As noted above, Section 4.19 does not apply setback requirements to the sides or rear of any structures in a residential zoning district. Therefore, the remaining sides of Building 1 and the Townhome Buildings are not subject to the setback rules.

For these reasons, the Applicant requests a special exception from Section 4.19 as applied to the fronts of the North Wing and the South Wing of Building 1, Buildings 2, 3, and 4, and to the fronts of the Townhome Buildings. Granting the requested special exceptions will further the goals of the Comprehensive Plan without creating any adverse impacts.

Thank you for your consideration of this request.

(Exhibits continue on following pages)





Figure 1. View of the Project, including Building 1 at center (the South Wing is at right).



Figure 2. View of the North Wing (center) and South Wing (at right), separated from Building 2 (at left) by a shaded, pedestrian-friendly vehicular travelway. Note that the 5<sup>th</sup> floor of the North Wing is not visible from this vantage point due to the proposed stepback on the 5<sup>th</sup> floor.



Figure 3. View of the front side of the South Wing.



Figure 4. Illustrative Example showing the front elevation of a row of the Townhomes. The red box indicates the portion of the fourth floor to be removed, creating a single 3-story unit on the end of each row of the Townhomes.



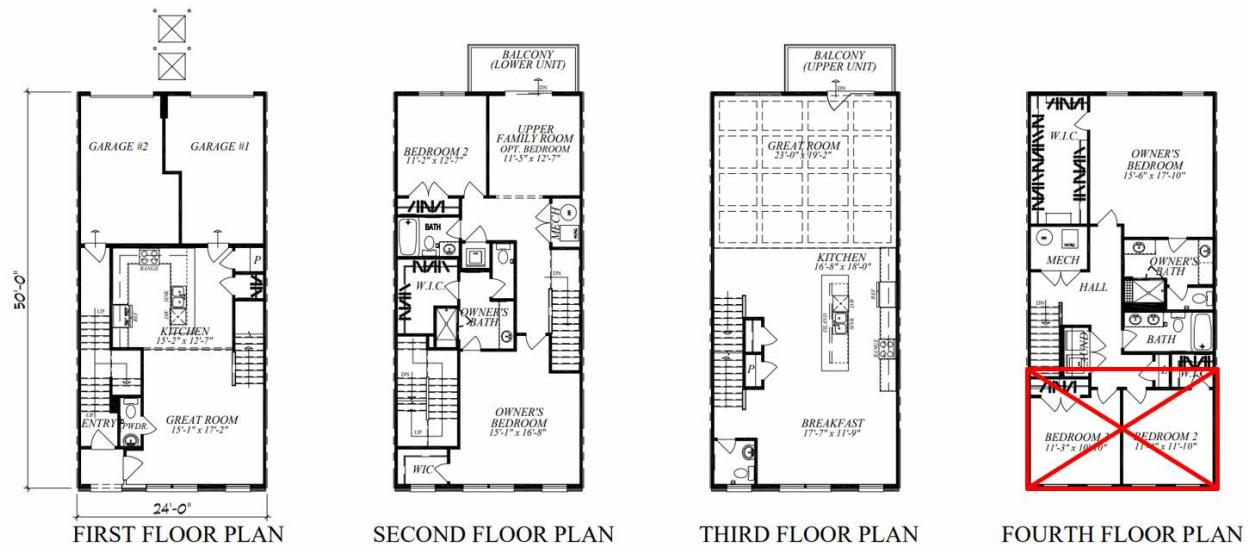


Figure 5. Floorplan of the 2-Over-2 Townhome units. The red box indicates the portion of the upper unit that would be lost if the front stepback requirement is strictly enforced. Two of the three bedrooms in the unit would be eliminated.





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