



## County of Albemarle Planning Staff Report

<b>Project Name:</b> ZMA202400002 and SP202400014 Rivanna Futures	<b>Staff:</b> William D. Fritz, AICP
<b>Planning Commission Hearing:</b> May 14, 2024	<b>Board of Supervisors Public Hearing:</b> June 12, 2024
<b>Owners:</b> County of Albemarle	<b>Applicant:</b> County of Albemarle
<b>Acreage:</b> Total parcel acreage is approximately 462 acres. Approximately, 172 acres is proposed for rezoning.	<b>Rezone from:</b> Request to rezone a total of approximately 172 acres from RA, Rural Areas and PRD, Planned Residential Development to LI, Light Industrial. Request for a special use permit to allow office use in accord with Chapter 18, Section 26.2(a) Independent offices; within structure not established or not vested until after April 3, 2014.
<b>TMP:</b> 032000000005C0, 033000000001400, 0330000000001D0, 033000000000100, 0330000000001000	<b>Location:</b> Route 29 North at Boulders Road
<b>School Districts:</b> Baker-Butler (Elementary); Lakeside (Middle School); Albemarle (High School)	<b>By-right use:</b> Agricultural/Forestal, Residential and commercial.
<b>Magisterial District:</b> Rivanna	<b>Proffers:</b> Yes
<b>Proposal:</b> Rezone to LI, Light Industrial and a special use permit to allow offices in buildings constructed after 2014.	<b>Requested Dwelling Units:</b> No dwellings are proposed.
<b>DA (Development Area):</b> Piney Mountain, Places 29	<p><b>Comp. Plan Designation:</b></p> <p>Neighborhood Density Residential – residential 3-6 units/acre; supporting uses such as religious assembly, schools, childcare, institutional, commercial/retail, and other small-scale non-residential uses.</p> <p>Neighborhood Service Center – commercial, retail, and employment uses with supporting residential (3-20 units/acre).</p> <p>Office/R&amp;D/Flex/Light Industrial – commercial, professional office; research and development, design, testing of prototypes; manufacturing, assembly,</p>

	<p>packaging; residential is a secondary use (no maximum density).</p> <p>Privately Owned Open Space; Environmental Features – privately owned recreational amenities and open space; floodplains, steep slopes, wetlands, and other environmental features.</p> <p>Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses.</p> <p>Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots)</p>
<b>Affordable Housing Provided:</b> No residential development is proposed.	<b>Affordable Housing AMI (%):</b> No residential development is proposed.
<b>Character of Property:</b> The property is a mixture of open and forested land. A portion of the land has been developed with a parking lot to serve Rivanna Station. A stream, with floodplain, runs parallel to Route 29. Access to the property is on Boulders Road.	<b>Use of Surrounding Properties:</b> Surrounding uses include the Rivanna Station federal complex to the south. Residential development, Briarwood, is located on the west side of Route 29. Properties to the north and east are rural with a mixture of open and wooded land with scattered residential development.
<b>Positive Aspects:</b> <ol style="list-style-type: none"> <li>1. This request facilitates economic development consistent with the significant public investment that has been made to acquire the property.</li> <li>2. This request is consistent with the economic development strategy contained in the comprehensive plan.</li> <li>3. The special use permit request is consistent with the provisions of section 33.8.</li> </ol>	<b>Concerns:</b> <ol style="list-style-type: none"> <li>1. The comprehensive plan land use recommendations for this area do not support industrial use.</li> </ol>
<b>Recommendation:</b> Staff recommends approval of ZMA202400002 Rivanna Futures and SP202400014 Rivanna Futures.	

STAFF PERSON: Bill Fritz, AICP  
PLANNING COMMISSION: May 14, 2024  
BOARD OF SUPERVISORS: June 12, 2024

**PETITIONS:**

PROJECT: ZMA202400002 Rivanna Futures and SP202400014 Rivanna Futures

MAGISTERIAL DISTRICT: Rivanna

TAX MAP/PARCEL(S): 032000000005C0, 033000000001400, 033000000001D0, 03300000000100, 033000000001000

LOCATION: Route 29 North at Boulders Road

PROPOSAL: Rezone to LI, Light Industrial and a special use permit to allow offices in buildings constructed after 2014.

PETITION: Request to rezone a total of approximately 172 acres from the RA, Rural Areas which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots) and PRD, Planned Residential Development which allows residential (maximum of 35 units/acre) with limited commercial uses to LI, Light Industrial which allows industrial, office, and limited commercial uses.

Request for a special use permit to allow office use in accord with Chapter 18, Section 26.2(a) Independent offices; within structure not established or not vested until after April 3, 2014.

**ZONING:**

RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)

PRD Planned Residential Development – residential (maximum of 35 units/acre) with limited commercial uses.

OVERLAY DISTRICT(S): AIA – Airport Impact Area; EC – Entrance Corridor Overlay District; FH – Flood Hazard Overlay District; Steep Slopes Overlay District – Managed; Steep Slopes Overlay District – Preserved

PROFFERS: Yes

**COMPREHENSIVE PLAN:**

Neighborhood Density Residential – residential 3-6 units/acre; supporting uses such as religious assembly, schools, childcare, institutional, commercial/retail, and other small-scale non-residential uses.

Neighborhood Service Center – commercial, retail, and employment uses with supporting residential (3-20 units/acre).

Office/R&D/Flex/Light Industrial – commercial, professional office; research and development, design, testing of prototypes; manufacturing, assembly, packaging; residential is a secondary use (no maximum density).

Privately Owned Open Space; Environmental Features – privately owned recreational amenities and open space; floodplains, steep slopes, wetlands, and other environmental features.

Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses.

Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots)

**CHARACTER OF THE AREA**

The property is a mixture of open fields and woodland. The properties to the north and east are RA, Rural Areas and include scattered residences and both wooded and open areas. The property to the south is the federal Rivanna Station installation. The property to the west of Route 29 is the Briarwood residential development.

**BACKGROUND/PLANNING AND ZONING HISTORY**

Approvals and actions taken by the County are listed below. Staff has not listed the various subdivisions resulting in existing lot lines and easements.

ZMA 1977-19 Rivanna Estates LTD – Approved a rezoning to RPN, Residential Planned Neighborhood for 350 residential units on 10/19/1977. During the 1980 comprehensive rezoning this designation was changed to PRD, Planned Residential Development.

ZMA 2007-03 NGIC Expansion – Approved a rezoning of 15 acres from RA, Rural Areas to CO, Commercial Office on 8/1/2007. This proposal also included SP 2007-31, a special use permit for a 120 unit apartment and SP 2007-32, a special use permit for 178,800 square feet of office space for research and development.

ZMA 2008-04 NGIC Expansion – Amendment of ZMA 2007-03 to allow an additional 22,100 square feet of basement storage area in Building #1 and an additional 44,200 square feet of basement storage area in Building #2 in two 4-story buildings of 89,400 square feet each. This proposal also included two concurrent special use permits SP 2008-45, an amendment to SP 2007-031, to allow relocation of the 120 unit apartment building and SP 2008-46, an amendment to SP 2007-032, to allow additional basement storage space in the proposed office buildings. These amendments were approved on 11/12/2008

ACSA 2009-02 – On 2/10/2010 the Board of Supervisors amended the Albemarle County Service Authority Jurisdictional Area to include Tax Map 32, Parcels 5C, 5C1, 5C2; Tax Map 33, Parcels 1A, 1D, 1D1, 1G, and that separate western portion of Parcel 14 located within the Development Area for "Water and Sewer" service, and Tax Map 33, Parcel 1 for Water and Sewer service only for the portion of the property zoned PRD as of 12/2/09.

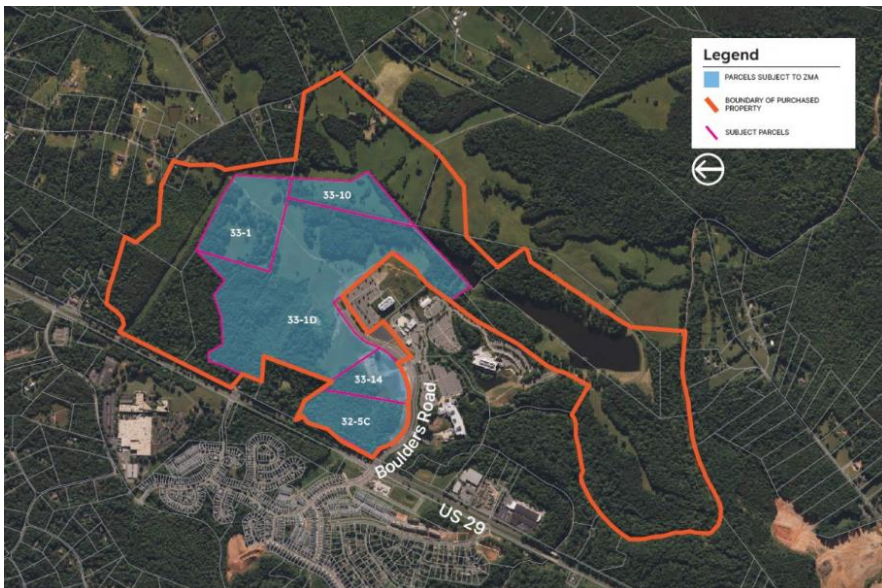
SDP 2009-33 University Village Retirement Community Final Site Plan – Administrative approval of 15 attached condominium units on 12/14/2010.

Public Hearing concerning the development of business and industry on the Rivanna Station Futures property and to reaffirm use of the property for such purposes. On June 21, 2023, the Board of Supervisors adopted a resolution that the property may be used for public uses and/or the development of business and industry.

### **SPECIFICS OF THE PROPOSAL**

In December 2023, the County purchased this property to facilitate development consistent with Rivanna Station and encourage economic development. The proposed zoning of LI, Light Industry and the issuance of a special use permit will allow the County to competitively apply for grants that will help fund grading and the construction of roads and utilities.

The proposal is to rezone approximately 172 acres the approximately 462 acre property to LI, Light Industry with a proffer to limit development below what will cause adverse transportation impacts requiring significant studies and possible improvements.



This image shows the boundaries of the 462 acre parcel and the 172 acres proposed for the rezoning. This image may also be found in attachment 1. This image is oriented with east at the top.

A special use permit is proposed to allow offices in newly constructed buildings. No plans for development are proposed currently. Development of the property will be subject to the regulations of the County Code. These include items such as erosion and sediment control, stormwater and site plan requirements.

### **COMMUNITY MEETING**

A community meeting will be held on May 9th. Staff will provide a summary of that meeting during the public hearing.

### **COMPREHENSIVE PLAN**

The Comprehensive Plan includes multiple land uses for the project area.

Neighborhood Density Residential – residential 3-6 units/acre; supporting uses such as religious assembly, schools, childcare, institutional, commercial/retail, and other small-scale non-residential uses.

Neighborhood Service Center – commercial, retail, and employment uses with supporting residential (3-20 units/acre).

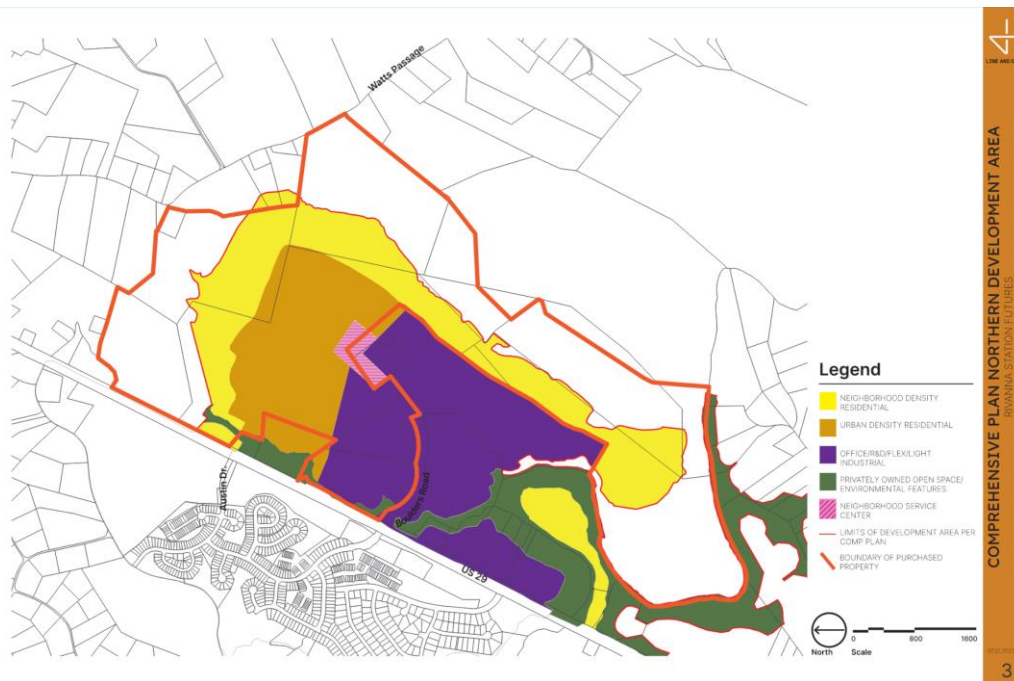
Office/R&D/Flex/Light Industrial – commercial, professional office; research and development, design, testing of prototypes; manufacturing, assembly, packaging; residential is a secondary use (no maximum density).

Privately Owned Open Space; Environmental Features – privately owned recreational amenities and open space; floodplains, steep slopes, wetlands, and other environmental features.

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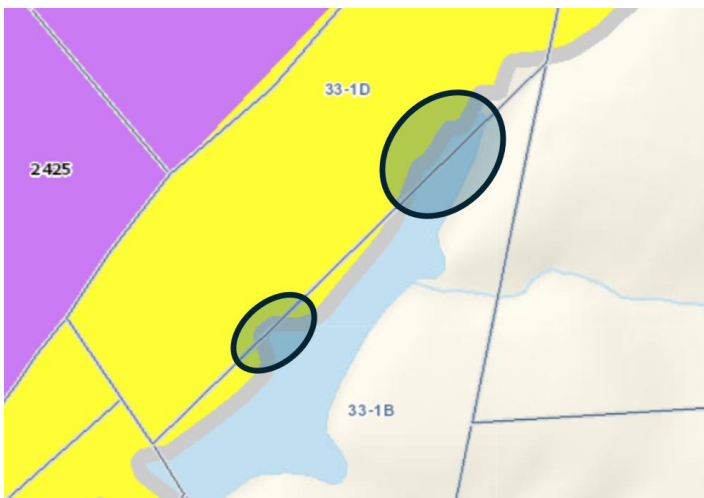
Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots)

The map below is oriented with east at the top.



Comprehensive plan boundaries are general in nature, except where they follow identifiable features such as roads, or streams. Staff has reviewed the action by the Board to establish the ACSA jurisdictional area (ACSA 2009-02) and the comprehensive plan maps and is of the opinion that the area proposed for rezoning is within the boundaries of the development area except for two small areas along the eastern boundary. In those two areas, the development area boundary follows the boundary of two small ponds. The property line crosses the ponds. No development may occur in the pond area due to existing ordinance regulations. The map below shows the location of the two areas outside of the development area.

The map below is oriented with the north at the top.



The comprehensive plan recommends industrial development and employment uses for the southern portion of this property. The remaining portion of the property is recommended primarily for residential development with some non-residential uses.

Staff acknowledges that the comprehensive plan is currently under review and that the County's purchase of this property to facilitate economic development of the Defense and Securities industries likely indicates that the comprehensive plan will be amended.

The current comprehensive plan states in Chapter 6, page 4, "As part of its efforts to grow the economy, the County will continue to work with residents, new enterprises, and firms seeking to expand their businesses. In particular, the County intends to focus efforts on strengthening identified target industry clusters that support or enhance the economic strengths of the County, as well as have the best outlook for success." Defense and Security are target industries.

The comprehensive plan directly addresses the existing Rivanna Station facility in Chapter 6, page 9, "Rivanna Station is a federal research installation located in the Places29 Area north of the Rivanna River adjacent to Route 29 North. It is an important center that is poised to grow as military operations are decentralized from the Washington, D.C. area. Support for this key economic driver is important for local as well as national interest. Ongoing dialogue with officials at Rivanna Station and with Fort Belvoir Army Base, which oversees the Rivanna Station, will ensure that national security interests are protected and help increase the ease with which new development occurs for Rivanna Station."

On May 24, 2023, the Board adopted a resolution to acquire land to "facilitate the development of its proposed Intelligence Community Innovation Acceleration Campus, as presented conceptually to the Board of Supervisors at its meeting on May 24, 2023, which may include public, private and non-profit users". On June 21, 2023, the Board held a public hearing at which it adopted a resolution that reaffirmed the Board's prior action and made the area available for the development of business and industry purposes consistent with the State Code. Subsequently, the County purchased 462 acres. All these actions are consistent with the comprehensive plan. It is likely that the County will make additional applications, including rezoning applications, in the future to further support Rivanna Station and target industries.

The land use designation for this property as contained in the Places 29 Master Plan do not directly support this rezoning application. However, the comprehensive plan does recommend support for the Rivanna Station. This rezoning is intended to provide for industrial and office uses that can complement and support Rivanna Station.

Finally, the comprehensive plan states in the Plan Summary:

The ordering of the chapters is intentional. The County's growth management goal sets the stage for all of the other goals. Natural resource protection, scenic, historic, and cultural resources represent the highest set of priorities. The Chapter on Economic Development follows resource protection because a thriving economy is both affected by and affects all of the other aspects of planning. After the Economic Development Chapter come the remaining areas. The Rural Area Chapter is first because the Rural Areas contain most of the natural, historic, scenic, and cultural resources of the County. It is followed by the Development Areas Chapter, which where emphasis is placed on land use, housing, transportation, and other community facilities and services including parks and greenways which are essential parts of the areas designated for growth.

The support for Rivanna Station is found in the Economic Development chapter which precedes the Development Areas and Master Plan portions of the comprehensive plan.

The comprehensive plan has conflicting language. Staff is recommending that the proposed rezoning is consistent with the comprehensive plan based on the plan's support for Rivanna Station in the Economic



Development Chapter. However, staff recognizes that the current land use designations do not recommend industrial use of this property.

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

**Transportation:**

The property has frontage on Watts Passage, Route 29 and Boulders Road. The access on Boulders Road will take site traffic to a signalized intersection on Route 29. During the site review process the number, type and location of entrances is subject to review and approval. Access to Watts Passage is unlikely to be approved for anything other than emergency access due to the design and existing travel volumes on Watts Passage. Access directly to Route 29 at Austin Drive will require a special use permit in order to cross the floodplain of Herring Branch which runs parallel to Route 29. A proffer is proposed with this ZMA that limits traffic volumes to 5,000 vehicle trips per day. If this limit is proposed to be increased it will require the submittal and review of a Traffic Impact Analysis and a new rezoning action reviewed by VDOT and the Board of Supervisors. The existing zoning on the property would allow by-right development generating approximately 3,500 vehicle trips per day. The comprehensive plan proposes additional development beyond what is permitted by the existing zoning. The proffer limiting vehicle trips is within the traffic volumes anticipated to be generated by the property.

**Schools:**

No residential development is proposed. No school impact is anticipated.

**Parks:**

The Places29 Master Plan Parks and Green Systems map recommends trails and bike lanes in this area. The plan states “The Northern Development Area’s existing and proposed parks, trails, greenways, and open spaces are shown on the Parks & Green Systems Map at the end of Chapter 4. In some cases, the proposed open space needs will be addressed as new developments are planned and constructed. In others, the County will provide open spaces as the need for them arises and funds are available”. The Parks & Green Systems Map is included as Attachment 3. During public meetings the Board of Supervisors has acknowledged the need for recreational facilities, particularly trails and green areas, within this development. The site plan regulations include a requirement for pedestrian connections within the development. The design, nature and location of these improvements will be part of the site plan review for future projects.

**Fire and Rescue:**

All requirements of the Fire Code would be met at site development plan review. Site Plans will not receive approval until all requirements are met. If industrial development is proposed that requires unusual or extraordinary fire/rescue requirements these will be addressed during site review.

**Utilities:**

This project is in the Albemarle County Service Authority (ACSA) water and sewer service jurisdictional area.

The Rivanna Water and Sewer Authority (RWSA) and ACSA are planning for growth in the area and have projects scheduled to improve and expand service. RWSA has stated that adding a large demand to the system in the northern area would accelerate the needed improvements schedule. The County and other developers, including North Fork UVA Discovery Park, have been working with RWSA and ACSA to coordinate development and utility improvements.

Water and sewer demand is difficult to project. Industrial uses may or may not be large customers. During the site plan review process and zoning clearance review the adequacy of the system for each use is evaluated by the ACSA. Approvals will not be granted until adequate water and sewer service is available.



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

The property has steep slopes, floodplain and stream buffers. These are all protected by existing regulations and the area displays no unique features that warrant additional protection measures. Limited historic and cultural resources have been identified. Cemeteries are located on the property. They are protected by the State Code. If the other resources are impacted by future development of the property, the section 106 process with the Virginia Department of Historic Resources will evaluate mitigation techniques.

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

The area proposed to be rezoned to LI, Light Industry does not abut any adjacent RA, Rural Area property. The result of rezoning only a portion of the property effectively results in a significant buffer area for adjoining properties. No adverse impact is anticipated. Industrial development of this property will be consistent with the uses adjacent to the south.

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

The County acquired this property to facilitate economic development. Attachment 1 includes an analysis of the public need and benefit for this project.

**Proffers**

A proffer has been made to limit the traffic generation from this site. This limit will mitigate the transportation impacts in the area to a level generally consistent with what could occur using the existing zoning and taking into consideration the recommended development of the property.

**ANALYSIS OF THE SPECIAL USE PERMIT REQUEST**

SP202400014 Rivanna Futures is a request to allow "Independent offices; within structure not established or not vested until after April 3, 2014". Approval of this special use permit will allow new buildings to be constructed and used for office space.

This special use permit, and all special use permits, are evaluated for compliance with the provisions of Chapter 18, Section 33.8 of the Code of Albemarle. Each provision of that section is addressed below. The provisions of the ordinance are in bold font and underlined.

**No substantial detriment. Whether the proposed special use will be a substantial detriment to adjacent parcels.**

New construction will require site plan review and compliance with zoning requirements. The use of a building for office as opposed to industrial use does not generate any additional impacts on adjacent properties. As stated above, only a portion of the property is being rezoned. This provides an effective buffer for adjoining properties. Approval of this special use permit will not be a substantial detriment to adjacent properties.

**Character of the nearby area is unchanged. Whether the character of the adjacent parcels and the nearby area will be changed by the proposed special use.**

The LI, Light Industry district will not be adjacent to any RA, Rural Areas parcels that are not part of Rivanna Station. The retention of the RA zoning around the perimeter of the property minimizes any potential change in the character of the area. The LI zoning will be adjacent to commercial and industrial property to the south. The adjacent commercial and industrial properties are used for offices. Due to the separation of the LI zoning from adjacent RA properties no change in the character of the area is anticipated.

**Harmony. Whether the proposed special use will be in harmony with the purpose and intent of this chapter.**

Staff has reviewed the purpose and intent of the ordinance as contained in Sections 1.4 and 26.1

The LI, Light Industry district is intended to encourage the establishment of industrial uses. The use of industrially zoned land for office space serves to reduce the amount of land available for industrial use. In this case, the amount of industrial land is being expanded with the rezoning. Therefore, approval of this special use permit would not result in a loss of land that could potentially be used for industrial purposes.

Approval of this request may be considered consistent with the purpose of the ordinance as stated in Section 1.4(K):

Provide reasonable protection against encroachment upon military bases, military installations, and military airports and their adjacent safety areas, excluding armories operated by the Virginia National Guard

This special use permit would allow the County to work to develop offices that are supportive of Rivanna Station.

Staff finds that this request is in harmony with the purpose and intent of the ordinance.

**...with the uses permitted by right in the district**

Office uses will not conflict with the uses permit by right in the district. They may serve to compliment and support the intended industrial use of the property.

**...with the regulations provided in section 5 as applicable,**

Section 5 has no regulations for this use.

**...and with the public health, safety and general welfare (including equity).**

The establishment of offices in new structures has no negative impact on the public health, safety or general welfare. The use of the property for offices that support national defense may be considered consistent and supportive of the public health, safety or general welfare.

**Consistency with the Comprehensive Plan. The use will be consistent with the Comprehensive Plan.**

Staff has previously discussed the comprehensive plan in the analysis of the rezoning request. It is the staff's opinion that the use of new construction for office space is consistent with the economic development strategy of the comprehensive plan.

**SUMMARY**

Staff have identified the following positive aspects of the proposal:

1. This request facilitates economic development consistent with the significant public investment that has been made to acquire the property.
2. This request is consistent with the economic development strategy contained in the comprehensive plan.
3. The special use permit request is consistent with the provisions of section 33.8.

Staff have identified the following concerns:

1. The comprehensive plan land use recommendations for this area do not support industrial use.

## **RECOMMENDATION**

Staff recommends approval of ZMA202400002 Rivanna Futures and SP202400014 Rivanna Futures.

The Planning Commission needs to act on the two applications separately.

## **PLANNING COMMISSION POTENTIAL MOTIONS for ZMA202400002 Rivanna Futures**

Should a Planning Commissioner **choose to recommend approval** of zoning map amendment **ZMA202400002 Rivanna Futures**:

***Move to recommend approval for the reasons stated in the staff report.***

- a. Should a Planning Commissioner **choose to recommend denial** of this zoning map amendment:

***Move to recommend denial of, (outline. reasons for denial).***

## **PLANNING COMMISSION POTENTIAL MOTIONS for SP202400014 Rivanna Futures**

Should a Planning Commissioner **choose to recommend approval** of zoning map amendment **SP202400014 Rivanna Futures**:

***Move to recommend approval for the reasons stated in the staff report.***

- a. Should a Planning Commissioner **choose to recommend denial** of this zoning map amendment:

***Move to recommend denial of, (outline. reasons for denial).***

## **Attachments**

Attachment 1 – Applicant’s Narrative

Attachment 2 – Proffers

Attachment 3 – Parks & Green Systems Map