

Albemarle County Planning Commission
March 21, 2017

The Albemarle County Planning Commission held a public hearing on Tuesday, March 21, 2017, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Tim Keller, Chair; Karen Firehock, Vice-Chair; Daphne Spain, Mac Lafferty, Pam Riley, Jennie More, Bruce Dotson and Bill Palmer; University of Virginia Representative.

Other officials present were Scott Clark, Senior Planner; Bill Fritz, Manager of Special Projects; Andrew Gast-Bray, Deputy Director of Community Development/Director of Planning; Sharon Taylor, Clerk to Planning Commission and John Blair, Deputy County Attorney.

Call to Order and Establish Quorum:

Mr. Keller, Chair, called the regular meeting to order at 6:00 p.m. and established a quorum.

4b. ZMA 201600019 Riverside Village Amendments

MAGISTERIAL DISTRICT: Rivanna

TAX MAP/PARCEL: 078G0-00-01-000A0

LOCATION: Northwest quadrant of Stony Point Road (Rt. 20) and Trailside Drive.

PROPOSAL: Increase maximum number of dwellings from 16 units to 36 units in Block 1.

PETITION: Modify application plan, Code of Development, and proffers for Block 1 which contains 2.41 acres and zoned Neighborhood Model District, which allows residential (3 – 34 units/acre) mixed with commercial and service uses. Changes in Block 1 would increase the maximum number of units from 16 to 36 which results in an increase in density from 6.6 units per acre to units 15 units/acre; 2) reduce the minimum commercial sq. ft. from 16,000 to 8,000 sq. ft. in Block 1; 3) replace a single 5,000 sq. ft. plaza with multiple smaller plazas totaling 5,000 sq. ft.; 4) reduce the minimum build-to line on Trailside Drive from 50' to 25'; 5) make accessory uses and buildings by-right rather than by special use permit; 6) modify proffers to provide 15% affordable units in Block 1; and 7) provide a cash proffer for the 36 additional units of \$7,419.91 for each new multi-family dwelling unit.

OVERLAY DISTRICT(S): Entrance Corridor

PROFFERS: Yes

COMPREHENSIVE PLAN: Neighborhood Density Residential – residential (3-6 units/acre); supporting uses such as religious institutions, schools and other small-scale non-residential uses; greenspace – sensitive environmental features including stream buffers, flood plain, and adjacent slopes. and River Corridor – parks, golf courses, greenways, natural features and supporting commercial and recreational uses in Neighborhood 3 – Pantops Development Area.

POTENTIALLY IN MONTICELLO VIEWSHED: Yes

(Rebecca Ragsdale)

Rebecca Ragsdale summarized the staff report for ZMA-2016-00019 Riverside Village Amendments in a PowerPoint presentation. Ms. Ragsdale pointed out she was sitting in for Elaine Echols and would be presenting the proposed changes, which pertained to block one within Riverside Village – near Darden Towe Park between Free Bridge Lane and Stony Point Road. She presented pictures of the site and the area, noting that the property is adjacent to the Elks Lodge and across from Wilton Farms, with a County park dedicated as part of the rezoning. Ms. Ragsdale said that Riverside Village is a neighborhood model district, so there is a code of development and application plan in addition to the proffers, with neighborhood model development regulations applying by block.

Ms. Ragsdale reported that the proposal is to increase the number of residential units from 16 to 36 units, taking the overall development from 69 to 105 total units. She stated that the applicant is also seeking to reduce the minimum non-residential square footage from 16,000 square feet to 8,000 square feet, and in lieu of requiring a central plaza of 5,000 square feet, they have the option of doing the smaller plazas still totaling 5,000 square feet. Ms. Ragsdale noted that there is also a correction to the build-to line for the buildings from Trailside Drive, which is the main internal road within the development adjacent to the block. She said that staff discovered when they were reviewing this proposal that for some reason, accessory structures were listed in the code of development by special use permit, so they suggested that they be allowed by right.

Ms. Ragsdale mentioned that this would result in several proffer changes as well, and the other proffers originally approved with the rezoning would not be affected – as the parkland dedication and trails have already been satisfied, and they have received \$30,000 cash to be used for a park master plan for that site or towards Darden Towe, and the frontage improvements on 29 have been completed. She stated that the proffers affected would be the affordable housing one to add the provision that 15% of the units in block one would be affordable, and to update the cash proffers to cover the additional units in block one.

Ms. Ragsdale said that in terms of staff's findings with regard to changes, they feel that the application continues to meet the principles of the neighborhood model established when the property was originally rezoned, and the applicant is mitigating the impacts of the additional units with cash proffers and market rate units. She added that the County did not receive any comments from VDOT that there needed to be additional traffic improvements, and there were several community opportunities for input – the Pantops Community Advisory Committee and the required community meeting during the rezoning process. Ms. Ragsdale said that there were no objections raised at the community meeting and the committee is supportive of additional density at this site, although it is slightly higher than what is recommended at the Pantops Master Plan – which is noted as an unfavorable factor.

Ms. Ragsdale mentioned that there were also some technical changes such as typos and corrections for the parcel and tax map parcel number, as well as the rezoning number, and staff has requested that it be specified in the code of development that the plaza have a focal point. She stated that staff recommends approval of the changes to the application plan, code of development and proffers.

Mr. Dotson said that staff has noted in the staff report that the master plan and Comp Plan are out of synch – as one says “urban” and one says “neighborhood density” – and asked if there was anything in the plan that says one will take precedence when there is a discrepancy. He clarified that the land use plan has urban density residential as the designation, whereas the Pantops Master Plan has neighborhood density, and he anticipated in the Comp Plan that those could be in conflict during situations.

Ms. Ragsdale responded that the property is definitely designated as neighborhood density in the master plan, and the applicant has proposed something approaching urban density. She stated that neighborhood density is typically 3 to 6 dwelling units per acre, and urban is 6 to 36, and this is an area within Pantops that has urban density recommendations adjacent to it, and staff felt it was an appropriate place in the development area to go out of the neighborhood density range into urban a little bit. Ms. Ragsdale noted that the resulting density was in one of the charts in the application plan and code of development, so the applicant is going from 69 to 105, which results in a gross density of 5.7 units per acre; whereas the existing zoning allows the 69 units, and the gross is actually 3.7 units per acre.

Mr. Dotson stated that he understood the land use plan to mean the Comp Plan.

Ms. Ragsdale responded that they are referring to the same document.

Ms. Firehock said that she is not understanding staff’s response, and stated that the master plan is older and the Comp Plan is newer – and asked which proposal would take precedence.

Ms. Ragsdale responded that the master plan would take precedence, stating that Ms. Echols had provided them with a lot of history regarding density on this property and staff was trying to point out that before adopting the Pantops Master Plan, the land use plan showed the entire area for urban density. She said that when staff did the master plan, they were trying to think “transect,” with the park being a neighborhood focal point, and this property ended up getting the neighborhood density designation to create an edge in that area of Pantops. Ms. Ragsdale emphasized that the master plan is what’s adopted and is the policy on the books currently.

Ms. More asked her to go back to the chart referenced previously that showed the total units per acre as 5.7, noting that Ms. Ragsdale had mentioned a different number.

Ms. Ragsdale responded that what is not appearing here is what the applicant is allowed for the development currently.

Ms. More noted that in the Commission’s packets, it shows an increase in density from 6.6 to 15 units – and she did not know if that meant block one only.

Ms. Ragsdale responded that they have the density listed by block in the code of development, which would go up to 14.6 for block one in terms of net density, and the density listed on the bottom is the total acreage for Riverside Village – including the park and the roads, and block six is just the park. She said that the gross is 5.7, which includes everything, but staff presents all the numbers such as totals per block.

Ms. More asked if it was 14.6 or 16 for block one.

Ms. Ragsdale responded that it was 14.6 for block one, and the proposed density for the 2.41 acres in this amendment is 15 dwelling units per acre.

Ms. Riley stated that she was trying to clarify on proffer #2 for affordable housing that the units can be either for sale or for rent, with 15% proffered in general.

Ms. Ragsdale responded that this was correct.

Ms. Riley asked if proffer #5 for cash for the residential units in the amount of \$7,417.91 per unit is a reduction in what was previously proffered.

Ms. Ragsdale responded that this is using last set of numbers from the Fiscal Impact Advisory Committee, and when it was originally approved they were using the maximum cash proffer amounts at the time – but once they were reevaluated, they went down, so the applicant is using the latest numbers for the units in block one.

Ms. Spain noted that in the past, the requests to reduce proffers have come before the Commission.

Ms. Ragsdale explained that the applicant is not reducing the proffers that apply to the rest of the development, just the new units.

Ms. Spain asked if there were affordable units there now, or if the 15% affordability depended upon creating more units in block one.

Ms. Ragsdale stated that there are a total of 10 that would be provided in the rest of development, and there are 4 condominiums in block five and 6 in block two.

Mr. Keller stated that there has been a lot of discussion of economic development in the commercial side of the mixed use communities, and it appears that much of the economic development has been coming out of the County Executive's Office – although there was some effort to have this more blended with other areas. He asked if there had been discussions with the Economic Development Office about the potential loss of commercial areas in this resubmission.

Ms. Ragsdale responded that planning staff still sees Susan Stimart quite often, and to that office did not seem to have concerns for this particular site. She said that she did not know if they were reducing the maximum allowed, but they were reducing the minimum required, and there was a neighborhood service type scale of commercial expected. She noted that staff included some economic development policies in the staff report as it would relate to this.

Mr. Keller asked her to show the numbers that she had previously reported.

Ms. Ragsdale responded that the minimum is going from 16,000 to 8,000.

Mr. Keller commented that half seems to be significant.

Ms. Riley said that she did not have chance to review the ARB meeting that took place in April, but her understanding was that the tentative site plan included three buildings. She asked if there were any concerns expressed by the ARB in terms of the massing and scale, or dividing the plaza into more than one focal point.

Ms. Ragsdale responded that staff was just looking for more specificity in terms of a focal point, but they would review the final design. She stated that thus far, this block does not have a site plan or any final approvals from the ARB, but they had one preliminary round of review. She stated that the ARB saw three buildings and the plaza with the focal point aligned with the pedestrian use, and staff had noted that ARB comments were provided with the list of technical changes – noting what they would be expecting to break up the massing of the buildings, if it were two three-story buildings instead of three buildings.

Ms. Spain noted that the staff report listed this as being in the Scottsville Magisterial District, but it should be Rivanna.

Ms. Ragsdale stated that staff would correct that typo.

Ms. Ragsdale said that the applicant could still do the maximum of 36,000 square feet, and what they have reduced is the minimum required – from 16,000 to 8,000.

Mr. Keller opened the public hearing.

Mr. Justin Shimp, project engineer, addressed the Commission and stated that this amendment proposes lower density but not a change in scale, and noted that the applicant was staying within the confines of the plan as originally proposed but was trying to build a bit more flexibility into the project. He mentioned that the applicant has been work with economic development staff for the last two years to get offices in this area, but are finding that it is not really happening. Mr. Shimp said that retailers are very excited, and it makes more sense to increase the residential component in workforce-targeted housing, providing retail amenities that are more neighborhood service related. He mentioned that when they started this project, it was the beginning of the gross versus net discussions – and since the parkland was part of the property when the zoning occurred, the density included that piece. Mr. Shimp added that there is less acreage now and it is better to focus on the individual blocks.

Mr. Shimp stated that one more compelling reason to consider more residential here is that, to his knowledge, this is the only mixed-use development in Pantops. He said that the area is really low on residential, particularly for an area that has non-vehicular accessibility for employment opportunities. Mr. Shimp pointed out the applicant's site on a map, and said that they see this as a spot where commercial makes sense, but it is an opportunity to make a mixed-use neighborhood in a scale that is consistent with what is expected in terms of two to three-story buildings, a mix of single-family residences, and other products.

Mr. Shimp presented photos of the Riverview Village site; pointing out the last house in the single-family section and noting the location of block one. He stated that there are many people using the sidewalk along the frontage, with condominiums, townhomes, and single family – and they ran out of density to create smaller scale apartments. Mr. Shimp said that the applicant is back because as they built over time, they found the density they had was used up – and they feel there is a need for people to have access to employment center locations. He pointed out the location of the Riverhouse condominium buildings at the back of the property, which consists of 24 units and 4 affordable for-sale units, and the location of townhomes with an affordable rental unit and a single-family section with a pedestrian street or muse. Mr. Shimp noted the focal point plaza location for the future development, stating that the original plan with three buildings and a bend going to the plaza would not line up with new development – so they have made an effort to connect the neighborhood straight back to the condo building, up the sidewalk to the road so there is a clear path for people to go from the street to the river.

Mr. Shimp mentioned that there were a number of letters of support for the amendment, and there was a lot of support from the Pantops Community Advisory Council. He stated that traffic decreases when a property switches to residential from commercial, and the ability to increase the landscaping between residential and commercial improves. He offered to answer questions.

Mr. Dotson asked him to expand on his previous comment that they should focus on scale instead of focusing on density.

Mr. Shimp stated that the approval was for two to three stories with a size of up to 40,000 square feet, and their code of development establishes that for every residential unit they add, they lose a certain amount of square footage of commercial. He stated that if they build these as office or residential, it is the same building but just a different use inside – but the amended proposal is a more efficient use of land with less traffic impact, especially for those living there who don't use their cars for work.

Mr. Dotson asked him to clarify what he meant by more efficient.

Mr. Shimp explained that for every residential unit, a certain amount of commercial square footage is taken away – and a 700 square foot office would generate less traffic than a 700 square foot apartment, using standard trip generation.

Ms. Firehock asked him to confirm how many buildings there would be, because in the materials provided, it just shows one big rectangle.

Mr. Shimp responded that the applicant's intent is to build two, but the code does not preclude it from being three.

Ms. Firehock asked how far apart two buildings would be, as she was trying to get a sense of massing on the site and what the structures would feel like to the pedestrian.

Mr. Shimp responded that it would be about 50 feet, noting that there is a plaza between each building and at each building for retail use, there is an accompanying plaza area outside of about 50 feet.

Ms. Firehock stated that she was not necessarily a fan of one big space because they tended to get paved over and become dead zones unless they had a designated use, and she asked how many of the smaller areas or pocket parks there would be and how they would be used.

Mr. Shimp responded that the applicant has hired a landscape architect to work on that space, with each space on the lower level intended to provide an opportunity for people to have some amenity adjacent to their entrance. He stated that the idea is to have benches and landscaping to create a series of amenities spaces, possibly connecting the central one at the end but having their own separate space.

Ms. Firehock stated that she was trying to ascertain whether the spaces were intended to be private or public.

Mr. Shimp responded that they were public to the neighborhood, not owned by an individual retailer – although there may be a coffee shop with an outdoor space, such as there is on the downtown mall. He stated that it was hoped that these spaces would draw people from the houses or streets in to use those businesses.

Ms. Firehock asked if the plaza spaces would be interior to the development and would not be fronting the sidewalk.

Mr. Shimp stated that there would be access from Route 20 to the patio and from the plaza area, and from the parking lot to the plaza area.

Ms. More commented that there has been a consistent effort to make a request for more units – with 108 requested in 2007 – and non-residential use seemed to fluctuate but was not dropped down in the drastic way that it is now. She said that from the onset of project, it seemed like there was a desire for more units than what the Commission and Board recommended, and that was not affecting the amount of non-residential space the applicant was using. Ms. More stated that now that the applicant was building out, they are finding they still don't have the 100 units they wanted – and she is expected to believe that there is not business or office or retail that can move in and offer that sense of community. She said that there was a restaurant to be by the river and she does not see that in this block, and now the applicant wants to reduce the non-residential so they can get more residential units in.

Mr. Shimp stated that since 2004, there have been three or four owner-applicants and numerous proposals – including one for 112 townhomes all in a row, which would have been an odd setup. He said that the plans brought before the County previously did not address the scale of that density. Mr. Shimp stated that the applicant has a mix of single-family detached, single-family attached and multi-family units, and the point of comparison he uses is what 36 more small apartments look like in comparison to 36 more townhomes. He said that the design phase plans brought forth before did not address the issue well and the project was overbuilt in some cases.

He said they had various possible options with certain unit here and there, and as the project came along, they realized they could build it out and use the density they have in a way that was appealing. Mr. Shimp agreed with Ms. More that there was a request for higher non-residential development, but they needed to take into account whether it was a good plan for the property – not just whether the density was right. He stated that in the prior plan, the owner had purchased the property with the understanding of 6 to 31 units per acre. He noted that there was also the discussion of gross versus net density at that time, and the current proposal is under 6 units per acre with the additional 36, using the gross density standard.

Ms. More asked him to address the restaurant, which she had specifically been requested to ask about.

Mr. Shimp responded that in block five, there was an option for commercial square footage and the applicant always liked the idea of some kind of commercial use there. He stated that 10 years ago, Free Bridge Road – the paved road behind the property – was considered for an active greenway with the road closed and the area serving as a center for people and activities. Mr. Shimp said that it would be good to have the option if there was a way to interface with the river, but that has not happened and would likely not be happening in the near future. He stated that in speaking with restaurant people, being back in a neighborhood with no visibility on any kind of street would not work, although there had been a lot of interest from restaurants for the front piece, to be part of the neighborhood and be upon the road where there is visibility.

Mr. Keller invited public comment.

There being none, he closed the public hearing and stated that the Commission could ask some additional questions of the applicant.

Mr. Keller commented that he appreciated the narrative in which Mr. Shimp, as a representative of the development community, explained the process and the evolution of the project. He asked whether – if there is still 36,000 square feet of commercial space left as the plan is proposed, and given that there is a homeowners association – there was any mechanism by which they would have an opportunity in the future to go with a different configuration of mixed use and density.

Mr. Shimp responded that this was the applicant's intent and they would not even have to scrap the buildings, as they could convert five residential units into an office space in the building. He added that there is the intent for it to remain flexible if things change in the future.

Mr. Keller asked for confirmation that they have that flexibility, even with the current model and without moving to form-based code.

Ms. Ragsdale clarified that the code of development would govern the chart they were talking about earlier, and they were not required to do any residential on the block – so they could do up to 36 non-residential, with the only minimum requirement being the 8,000 square feet.

Mr. Keller asked if it would have to be rezoned in 15 years if the applicant had maxed out their residential density, to accomplish the kind of mixed use that is conceptualized for a place like this.

Ms. Ragsdale responded that in order to change the maximums in these developments, the applicant would have to come back through with rezonings, although there was flexibility with moving square footage and units within blocks. She stated that there was an overall limit in terms of the number of units and commercial square footage that gets established, which is a requirement in each of the neighborhood model code of developments. She said that with planned districts, there is some flexibility with moving things between blocks through the special exception process, but the goals of mixed use for neighborhood model districts is what is relied on.

Mr. Shimp clarified that the applicant's intent is to build an office space that could be converted to residential in the future, provided they stay within the maximum number – or could convert the residential back to commercial, providing they don't exceed the 36,000 limit.

Mr. Keller commented that what the County has seen in other cases is that where residential is envisioned in being more lenient for home occupations, an HOA will come along and preclude them – so there is another mechanism working against the idealized future model. He asked if this commercial area would not have anything comparable to that.

Mr. Shimp responded that it is its own separate parcel and the developer/builder plans to own and maintain it – so it is its own space to be dealt with as zoning allows and would not be tied to an HOA vote.

Mr. Keller closed the public hearing.

Ms. More asked Ms. Spain to talk about the Pantops CAC meeting, as the last part of the staff report indicates that concerns about density at higher levels than recommended in the Pantops Master Plan were not raised at the meeting.

Ms. Spain asked Mr. Shimp to clarify the conversation that took place about this particular development.

Mr. Shimp responded that the applicant was there twice – with the first meeting discussing the initial application, which got a positive response from the CAC.

Ms. Spain commented that there were no objections from the CAC.

Ms. More stated that her hope when there is a plan that is not consistent with the master plan – and the CAC's job is to oversee the implementation of the master plan – of there is no information from them, she is expected to accept that as a show of support. She commented that she would prefer to see an explanation as to why the CAC felt it was an appropriate change since it is outside of the guidelines of the master plan.

Ms. Spain asked if Diane Caden, chair of the Pantops CAC, could send meeting notes to incorporate into the staff report.

Ms. Ragsdale responded that Ms. Echols had summarized both of those meetings in the staff report, and going forward minutes from the meetings could be provided from those CAC meetings when there is something that is a little beyond the density of what is in the master plan.

Ms. Spain said she thinks part of the reaction at the time was the fact that Cascadia was opening a huge number of units, and along with all the other development going on at Pantops, this extra 20 units was not seen as having a significant impact on the area.

Mr. Keller asked if there were any other comments and asked if anyone was ready to make a motion.

Mr. Dotson noted he had a further comment, stating that it would be useful, assuming this goes forward to the Board, to clarify the reference to the land use plan. He noted that the master plan was adopted in 2008 and was incorporated into the new Comp Plan in 2015 – but without any further examination. Mr. Dotson stated that he assumed the statement in question refers to the fact that prior to the 2008 master plan; it was shown as urban density and was then intentionally lowered in the master plan. He pointed out that up to now, they have been relying on density as the measure of intensity, but there are substitution possibilities by putting in more housing and less commercial still achieving the same scale or intensity of development. Mr. Dotson said that it made a lot of sense, but he hoped they could study that and come up with a satisfactory equivalency. He noted that with this application, they are being asked to add the possibility of up to 20 more residential units and the possibility of reducing the commercial from what it was to 8,000 – and he can't assess at this point whether they are equivalents. Mr. Dotson commented that if they were leaning towards approving it, the logic would be that it is not intensifying the development, it is reshaping the development – and that would be a good topic to talk about in the future.

Ms. More agreed, but she also said that while making that change is not necessarily changing the scale of the project, she would be more agreeable to projects where people want to move elements around. She explained that there would still be a certain amount of residential and commercial, but the developer may want to have some flexibility in where they put those things within the development. Ms. More stated that she does not support this particular proposal because it is not consistent with the recommendations for residential density in the Pantops Master Plan, and that is her perspective as they go forward.

There being no further discussion, Mr. Keller asked for a motion.

Ms. Spain recommended approval of ZMA-2016-19 with the technical changes recommended by staff. Ms. Firehock seconded the motion.

Mr. Keller invited further comment.

Ms. Firehock stated that she tries to strictly adhere to the latest master plan, but in this particular case – just looking at the particular uses that they are proposing and the fact that it is a half-mile walk to a very intensely developed commercial area – she feels that there are ample commercial uses with this still creating a walkable neighborhood environment. She stated that she is less concerned with the reduction of commercial in this particular instance, but in general, she would be more in line with using the master plan as the rulebook.

Ms. More agreed, but said she was not convinced by the argument with the low end at 16,000 that it cannot be accommodated to create things that are very accessible to this community while still having walkability to a much greater area of commercial.

The motion passed by a vote of 6:1, with Ms. More voting against.

Mr. Keller thanked the applicant.

Mr. Andrew Gast-Bray asked to take an opportunity to help educate the Commission and the public, as this is part of the dialogue, and stated that the nature of form-based code deals less with density and more with form of building – and building in flex space is much more integral to the process to react to what is really needed at the time. Mr. Gast-Bray said that frequently when a place is growing, there is a residential filling up first, and it is necessary before a developer can get a sustainable amount to support the necessary commercial. He stated that this changes over time, and it is important to understand it and allow for some flexibility. Mr. Gast-Bray pointed out that they would be studying this in the case of a pilot test with Rio, and he hoped that through that process, they would explore those and have better answers going forward.

Ms. Riley reiterated Mr. Dotson's point and said she was excited about the possibility of the flexibility, but it was important for them to have a much better understanding of how they are evaluating the impacts in terms of the changing possible uses in these flexible situations.

Mr. Keller stated that the terminology needed to be used consistently, in light of multiple people preparing the staff reports, because as Mr. Dotson indicated in the start of this discussion, that was one of the areas of confusion.

The meeting moved to the next agenda item.

(Recorded and transcribed by Sharon C. Taylor, Clerk to Planning Commission & Planning Boards)