



**COUNTY OF ALBEMARLE
PLANNING STAFF REPORT SUMMARY**

Proposal: SP202300003 Mill Creek Lot 11	Staff: Andy Reitelbach, Senior Planner II
Planning Commission Public Hearing: August 22, 2023	Board of Supervisors Hearing: To be scheduled
Owner: 1205 Stoney Ridge LLC	Applicant: Emmanuel Zunz
Acreage: 1.35 acres	Special Use Permit for: Special Use Permit request for an independent office within a structure not established or vested until after April 3, 2014, in accordance with Section 26.2(a) of the Zoning Ordinance.
TMP: 076M1-00-00-01100 Location: Property on the east side of Stoney Ridge Road, near its terminus; approximately 950 feet northeast of the intersection of Stoney Ridge Road and Southern Parkway, in the Mill Creek Industrial Planned Unit Development.	Zoning/by-right use: PUD Planned Unit Development – residential (maximum of 35 units/acre), mixed with commercial, service and industrial uses; in accordance with ZMA199500019.
Magisterial District: Scottsville	Conditions: Yes EC: No
School Districts: Monticello High, Walton Middle, Mountain View Elementary	
Proposal: An independent office of 8,900 square feet on a parcel also proposed for development of 8,300 square feet of industrial use (warehouse).	Requested # of Dwelling Units: No dwelling units proposed.
DA (Development Area): In Neighborhood 4, in the Southern and Western Urban Neighborhoods Master Plan area.	Comp. Plan Designation: Industrial – manufacturing, storage, distribution, office and commercial activities related to industrial use and research and development.
Character of Property: Undeveloped parcel that is partially wooded and includes managed steep slopes.	Use of Surrounding Properties: Variety of commercial uses in the Mill Creek Industrial PUD, including a dog kennel, a dental office, a pre-school, a private grade school, and a FedEx shipping center, among others.
Positive Aspects: 1. The proposed use will provide a mixture of uses in the area. 2. The proposed use does not prevent by-right industrial uses from also operating on the site or within the proposed independent office building in the future. 3. No adverse impacts are expected to nearby or adjacent properties.	Concerns: No concerns identified.
RECOMMENDATIONS: Staff recommends approval of SP202300003, Mill Creek Lot 11, with conditions.	

STAFF CONTACT: Andy Reitelbach, Senior Planner II
PLANNING COMMISSION: August 22, 2023
BOARD OF SUPERVISORS: To be scheduled

SP 202300003 Mill Creek Lot 11

PETITION

PROJECT: SP202300003 Mill Creek Lot 11

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL: 076M1000001100

LOCATION: Property on the east side of Stoney Ridge Road, near its terminus; approximately 950 feet northeast of the intersection of Stoney Ridge Road and Southern Parkway, in the Mill Creek Industrial Planned Unit Development.

PROPOSAL: Request for a special use permit to allow the construction of an independent office within a structure not established or vested until after April 3, 2014, on a parcel of approximately 1.35 acres, in the designated Industrial section of the Mill Creek Planned Unit Development.

PETITION: Special Use Permit request for an independent office within a structure not established or vested until after April 3, 2014, in accordance with Section 26.2(a) of the Zoning Ordinance. No dwelling units proposed.

ZONING: PUD Planned Unit Development – residential (maximum of 35 units/acre), mixed with commercial, service and industrial uses; in accordance with ZMA199500019.

OVERLAY DISTRICT(S): AIA – Airport Impact Area and Steep Slopes – Managed

COMPREHENSIVE PLAN: Industrial – manufacturing, storage, distribution, office and commercial activities related to industrial use and research and development; in Neighborhood 4, in the Southern and Western Urban Neighborhoods Master Plan area.

MONTICELLO VIEWSHED: Yes

CHARACTER OF SURROUNDING AREA

The 1.35-acre subject property is located on the east side of Stoney Ridge Road, near the street's terminus, approximately 950 feet northeast of the intersection of Stoney Ridge Road and Southern Parkway, within the industrial portion of the Mill Creek Planned Unit Development (PUD). The property also has frontage along Five Springs Road to the east. The parcel is currently undeveloped and is partially wooded, with areas of managed steep slopes. The surrounding area includes a variety of commercial uses, including but not limited to, a dog kennel, a dental office, a pre-school, a private grade school, a tree service, an automotive refinishing service, a FedEx shipping center, a building materials store, and an electrical and mechanical service company. (See Attachment 1 – Location Map.)

The subject property and most of the surrounding properties are zoned PUD and designated as industrial within the PUD. The property across the street to the west is zoned LI, Light Industry. (See Attachment 2 – Zoning Map.)

PLANNING AND ZONING HISTORY

ZMA1985-00029 – This rezoning established the Forest Hills Planned Unit Development (also known as Mill Creek West), including industrial designated areas north of Southern Parkway. However, the subject parcel of the current SP application (SP2023-00003) was not included in the PUD at this time.

ZMA1995-00019 – This rezoning added TMP 76M1-11, as well as other nearby properties, into the Mill Creek PUD, establishing the PUD to the extent that it is currently. TMP 76M1-11 was designated for Industrial uses at this time.

ZMA1996-00021 – This rezoning amended the previous ZMA to change the designation of one parcel from PUD-Industrial to PUD-Commercial. This parcel is now the location of the Peabody School, at the intersection of Stoney Ridge Road and Southern Parkway.

DETAILS OF THE PROPOSAL

The applicant is requesting a special use permit to allow the construction of an independent office within a structure not established or vested until after April 3, 2014. "Independent offices" means offices located within industrial districts that are not "industrial offices." "Industrial offices" means offices that are owned and operated by the same business entity engaged in a Laboratories/Research and Development/Experimental Testing, Manufacturing/ Processing/ Assembly/Fabrication/Recycling, or a Storage/Warehousing/Distribution/Transportation use located in the County or the City of Charlottesville, where the offices provide services to the industrial use but which need not be on the same site as the industrial use. Because the subject parcel is the last undeveloped property within the Mill Creek industrial area, there are no existing buildings that were established or vested prior to April 3, 2014. (See Attachment 3 – Project Narrative.)

The applicant proposes a two-story structure on the site, with an 8,300 square foot warehouse use on the ground floor and an independent office of 8,900 square feet on the second floor. The warehouse is a by-right use in the Industrial area of the Mill Creek PUD. However, the independent office, since it is not associated with the warehouse use, requires a special use permit. The applicant plans the independent office to be used for music production and operations, such as a recording studio. Due to the slope of the property, the warehouse would be accessed from Stoney Ridge Road and the independent office/music studio would be accessed from a separate driveway coming off Five Springs Road. A sidewalk is proposed to connect the two sides of the building. (See Attachment 4 – Concept Plan + Exhibits.)

COMMUNITY MEETING

The required community meeting for the proposal was held on Thursday, July 20, 2023, in conjunction with the regularly-scheduled meeting of the 5th and Avon Community Advisory Committee (CAC). The applicant shared details of the proposal and answered questions. No concerns were raised.

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST

Special Use Permits are evaluated under reasonable standards, based on zoning principles, which include the proposal's compliance with the Comprehensive Plan. Any impacts caused by the proposal may be addressed through conditions, and those conditions must be reasonably related and roughly proportional to the impacts.

Section 33.8(A) of the Zoning Ordinance states that the Planning Commission, in making its recommendation, shall consider the following factors:

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

There is no expected substantial detriment to adjacent parcels from the proposed placement of an independent office use over a by-right warehouse use on this property. There is already a wide variety of different commercial and industrial uses in the surrounding area, and an office would be a less intensive use than other industrial uses permitted by-right on the property. VDOT and the County's Transportation Planning division have reviewed this application and expressed no concerns. Because this property has frontage on both Stoney

Ridge and Five Springs roads, it is proposed that there will be separate entrances for each of the two uses. With different entrances, it is expected that the traffic generation from this development will be split between the two roads.

2. 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 character of the nearby area is not expected to be changed with this proposal. The area already has a wide variety of different business types. The placement of an office use in the same building as a by-right warehouse use is not expected to have an impact on the character of the area.

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

The independent office use is anticipated to continue to be in harmony with the purpose and intent of the Zoning Ordinance.

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

The proposed independent office is not anticipated to affect the uses permitted by-right in this district, either on the subject property or on nearby parcels. In fact, the applicant is also proposing to include a by-right warehouse use as a part of the development, demonstrating that by-right industrial uses can continue to operate on this site along with the special use of an independent office.

...with the regulations provided in Section 5 as applicable,

There are no additional regulations in Section 5 that apply to this proposed special use.

...and with the public health, safety, and general welfare.

Based on information provided by the applicant, in coordination with the conditions recommended by staff, staff finds that the proposed use will not be a detriment to public health, safety, or general welfare.

If this special use permit request is approved, the proposed development will be subject to the site planning process. All requirements will need to be met prior to final approval of the site plan.

4. Consistency with the Comprehensive Plan. Whether the proposed special use will be consistent with the Comprehensive Plan.

The subject parcel is designated as "Industrial" in the Southern and Western Urban Neighborhoods Master Plan (see map below). "Industrial," which is purple in the map below, recommends primary uses of manufacturing, storage, and distribution; commercial and office activities related to the industrial use; and research and development activities. Although an independent office use for a music studio and recording operations does not directly fall under the primary uses recommended for an industrial designated property, the requested use is proposed to be located within only one part of a larger building that includes a by-right warehouse use. Because of this situation, it is expected that the property would also include recommended industrial uses. In addition, as an office use, it could eventually be renovated to provide space for one of the recommended uses, such as a research and development type use or for offices and commercial space that are associated with the proposed warehouse use on the first floor. As an undeveloped property, there are no industrial uses currently in operation on this site that would be replaced with the

proposed special use of an independent office. In addition, see Attachment 5 for staff's analysis of this application's compliance with the twelve Neighborhood Model Principles.



Section 26.3 of the Zoning Ordinance identifies additional factors for the Board to consider when evaluating requests for special use permits for independent offices and general commercial uses in Industrial districts:

a. The purpose of the industrial district in which the use is proposed.

The Industrial section of the Mill Creek PUD was intended to provide services to the residents of the Mill Creek neighborhood, as well as residents of the larger area of the neighborhoods south of the City of Charlottesville. This industrial area includes a wide variety of industrial and commercial uses, including other office or service uses. The proposed independent office use would provide additional services to residents in these areas.

b. The proposed use and its proposed size should be consistent with the intent of the applicable industrial district.

The proposed independent office use and its size would be consistent with the variety of other uses that exist in the Mill Creek industrial district.

c. The use proposed should not be located on the lowest floor of any building having direct exterior access to the ground surface in order to allow that floor to be used for industrial purposes.

The proposed building will have ground level entrances on two floors because of the corresponding slope of the land. The lower level is reserved for a warehouse use, which is by-

right in the industrial district. The upper level of the building is the proposed location of the independent office use.

d. The gross floor area of each establishment should not exceed 3,000 square feet.

The gross floor area of the proposed independent office use is approximately 8,900 square feet, which does exceed the suggested amount of 3,000 square feet. However, this space does encompass the entire second level of the building, with the proposed warehousing use encompassing the approximately 8,300 square feet of space on the lower level.

e. The aggregate gross floor area of the independent offices or general commercial uses, or both, should not exceed 24,000 square feet and should not exceed 25 percent of the gross floor area of the building.

The proposed independent office use will not exceed 24,000 square feet. The entire building is expected to be a little over 17,000 square feet. However, the office use will exceed 25 percent of the gross floor area of the building, since approximately 8,900 square feet (over 50%) of the structure will be devoted to the independent office use.

f. Whether the structure or structure expansion will be constructed to the standards required for industrial structures, regardless of its intended use.

The structure is anticipated to be constructed to the standards required for industrial structures, since the lower level of the proposed building is expected to house warehousing space.

SUMMARY

Staff finds the following positive aspects of this request:

1. The proposed use will provide a mixture of uses in the area.
2. The proposed use does not prevent by-right industrial uses from also operating on the site.
3. No adverse impacts are expected to nearby or adjacent properties.

Staff did not identify any concerns with this request.

RECOMMENDED ACTION

Based on the findings described in this staff report and the positive aspects identified, **staff recommends approval of special use permit application SP202300003, Mill Creek Lot 11, with the following conditions:**

1. Development of the use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the concept plan entitled, "Special Use Permit Concept Plan + Exhibits SP2023-00003, Mill Creek Lot 11, TMP 76M1-11," prepared by Shimp Engineering, P.C., dated April 17, 2023, last revised July 24, 2023. To be in general accord with the exhibit, development must reflect the following essential major elements:
 - Location of the proposed building
 - Location of the parking and loading areas
 - Location of the sidewalk

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. The independent office use must not exceed 9,000 square feet of space in the proposed building.

POSSIBLE PLANNING COMMISSION MOTIONS – SP2023-00003

If a Planning Commissioner chooses to recommend approval of this special use permit:
I move that the Planning Commission recommend approval of SP202300003, Mill Creek Lot 11, with the conditions as recommended by staff in the staff report.

If a Planning Commissioner chooses to recommend denial of this special use permit:
I move that the Planning Commission recommend denial of SP202300003, Mill Creek Lot 11. State reasons for denial.

ATTACHMENTS

Attachment 1 – Location Map

Attachment 2 – Zoning Map

Attachment 3 – Project Narrative, dated April 17, 2023; last revised July 24, 2023

Attachment 4 – Concept Plan + Exhibits, dated April 17, 2023; last revised July 24, 2023

Attachment 5 – Analysis of Neighborhood Model Principles