

**COUNTY OF ALBEMARLE  
PLANNING STAFF REPORT SUMMARY**

<b>Project Name:</b> ZMA202100011 Heritage on Rio	<b>Staff:</b> Andy Reitelbach, Senior Planner II
<b>Planning Commission Public Hearing:</b> July 12, 2022	<b>Board of Supervisors Public Hearing:</b> TBD
<b>Owners:</b> Charlottesville Rio Road Apartments, LLC; Abdul W. Rahim, Habib Rahim, and Shaid Rahim; River Rio, LLC	<b>Applicant:</b> GW Real Estate Partners, LLC, c/o William Gordon
<b>Acreage:</b> Approximately 8.23 acres.	<b>Rezone from:</b> R-6 Residential to PRD, Planned Residential Development
<b>TMPs:</b> 045000000026A2; 045000000026B2; 045000000026B3; 045000000026B4; 045000000026B5	<b>Location:</b> Five parcels of land on the southeast side of Rio Road W., approximately 800 feet northeast of the intersection of Rio Road W. and Four Seasons Drive; 435, 445, 455, and 463 Rio Road W., and an additional parcel located in front of 505 Rio Road W.
<b>School Districts:</b> Albemarle High, Burley Middle, Agnor-Hurt Elementary	<b>By-right use:</b> 49 residential units
<b>Magisterial District:</b> Rio	<b>Proffers:</b> No
<b>Proposal:</b> Rezone five parcels that total approximately 8.23 acres from R-6 (six units/acre) to PRD, which allows residential (maximum of 35 units/acre), with limited commercial uses. Special exception request to waive stepback requirements.	<b>Requested # of Dwelling Units:</b> A maximum of 250 multi-family residential units is proposed, at a gross and net density of approximately 31.29 units/acre.
<b>DA (Development Area)</b> – Places29 Master Plan area – Neighborhood 1	<b>Comp. Plan Designation:</b> Urban Density Residential – residential (6.01 – 34 units/acre); supporting uses such as religious institutions, schools, commercial, office, and service uses; and Neighborhood Service Center – commercial, retail, and employment uses with supporting residential (3 – 20 units/acre); in Neighborhood 1.
<b>Character of Property:</b> Four of the parcels have one single-family detached house each. The fifth parcel is largely wooded, with an entrance drive to the Charlottesville Health & Rehab Center (which is located on the parcel to the south).	<b>Use of Surrounding Properties:</b> Single-family houses to the west/southwest; Charlottesville Health & Rehab Center to the south; plant nursery/gardening center and Blake senior living to the east; single-family detached houses and woods to the north, across Rio Road W.
<b>Affordable Housing:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>AMI (Area Median Income):</b> 80% of AMI as determined by U.S. Dept. of Housing & Urban Development, for 15% of the number of constructed units.

**Factors Favorable:**

1. The request is consistent with the uses and density recommended by the Places29 Master Plan.
2. The request provides multi-modal infrastructure, including a bus shelter and a bench, as well as a multi-use path with dedicated right-of-way, along Rio Road West.
3. The request is consistent or mostly consistent with the applicable neighborhood model principles.
4. The request provides affordable units at 15% of the total number of units constructed, consistent with County policy.

**Factors Unfavorable:**

1. The proposed development would result in additional student enrollment at area schools, including Albemarle High, which is already over-capacity.

**RECOMMENDATION:** Staff recommends approval of ZMA202100011 The Heritage on Rio.

In addition, staff recommends approval of SE202100041 (Sec. 18-4.19.5), a special exception request to modify the setback requirements for buildings in the development. (See Attachment 6 for staff's full analysis of this request.)

**STAFF PERSON:  
PLANNING COMMISSION:  
BOARD OF SUPERVISORS:**

**Andy Reitelbach  
July 12, 2022  
TBD**

**ZMA 202100011 The Heritage on Rio**

**PETITION**

PROJECT: ZMA202100011 The Heritage on Rio

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL(S): 045000000026A2; 045000000026B2; 045000000026B3; 045000000026B4;  
045000000026B5

LOCATION: Five parcels of land on the southeast side of Rio Road W., approximately 800 feet northeast of the intersection of Rio Road W. and Four Seasons Drive; 435, 445, 455, and 463 Rio Road W., and an additional parcel located in front of 505 Rio Road W.

PROPOSAL: Rezone five parcels to allow a maximum of 250 residential units.

PETITION: Request to rezone a total of approximately 8.23 acres from the R6 Zoning District, which allows residential uses at densities up to 6 units/acre, to Planned Residential Development (PRD), which allows residential (maximum of 35 units/acre) with limited commercial uses. A maximum of 250 multi-family dwelling units is proposed, at a gross and net density of 31.29 units/acre. An associated request for a Special Exception (SE202100041) to modify or waive the setback requirements for the proposed buildings, under §18-4.19.5.

ZONING: R-6 Residential – 6 units/acre

OVERLAY DISTRICT(S): AIA – Airport Impact Area, EC – Entrance Corridor, and Steep Slopes – Managed

PROFFERS: No

COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01 – 34 units/acre); supporting uses such as religious institutions, schools, commercial, office, and service uses; and Neighborhood Service Center – commercial, retail, and employment uses with supporting residential (3 – 20 units/acre); in Neighborhood 1 in the Places29 Master Plan area.

**CHARACTER OF THE AREA**

The subject property includes five parcels (which total approximately 8.23 acres) on the south side of Rio Road W., approximately 800 feet northeast of the intersection of Rio Road W. and Four Seasons Drive. Four of the parcels have existing single-family detached houses - 435, 445, 455, and 463 Rio Road W., which are all zoned R-6 Residential (see Attachment 1 – Location Map and Attachment 2 – Zoning Map). The fifth parcel, also zoned R-6, is largely wooded, with an access easement bisecting it to allow access from Rio Road to the Charlottesville Health & Rehab Center, located on the adjacent parcel to the south. This easement provides the only vehicular access to the rehab center. The subject parcels are located within the Entrance Corridor and the Airport Impact Area overlay districts. Small areas of Managed Steep Slopes also exist on the property.

The area surrounding this proposed development has a mix of uses. The parcels to the west/southwest consist of single-family detached houses, zoned R-6 and PUD (Planned Unit Development). The Charlottesville Health and Rehab Center is to the south, zoned R-6. To the east is a plant nursery and garden center, zoned C1 Commercial, and the Blake at Charlottesville senior living community, which is a part of the Oakleigh development. This property is zoned NMD, Neighborhood Model District. On the other side of the Blake is the boundary with parcels that are part of the Rio29 small area plan. This boundary is about 750 feet east of the proposed Heritage development.

Across Rio Road to the north are parcels that contain single-family detached houses and wooded areas. These parcels are zoned RA Rural Areas and are also designated as Rural Areas in the comprehensive plan.

### **PLANNING AND ZONING HISTORY**

April 7, 2009 – The Board of Zoning Appeals approved a special use permit (SP200900005) to permit the Charlottesville Health and Rehabilitation Center to place an off-site sign on TMP 45-26A2, at the entrance to the site from Rio Road W. This sign is proposed to remain in its existing location.

### **BY-RIGHT USE OF THE PROPERTY**

Without the rezoning, the applicant could develop approximately 49 dwelling units on the property, at a density of six units per acre. Additional residential units could potentially be constructed if the property owner were to choose to pursue the various bonus factors that the Zoning Ordinance permits. Using a combination of bonus factors, the maximum number of additional units that could potentially be approved by-right is 50% of the base zoning. This calculation could result in approximately 73 units total that could be constructed. However, it is important to note that bonus factors have different requirements, including some discretionary approvals, so it may not be possible for the property to utilize all potential bonus factors.

### **SPECIFICS OF THE PROPOSAL**

The applicant is proposing to rezone approximately 8.23 acres from R-6 Residential to PRD, Planned Residential Development, which allows a mix of residential uses up to a maximum density of 35 units per acre by-right. Limited commercial uses are permitted in PRD by special use permit, including office and childcare centers. A maximum of 250 multi-family units is requested for the remainder of the property, for a gross and net density of approximately 31.29 units per acre. No non-residential uses are proposed. (See Attachment 3 – Project Narrative and Attachment 4 – Application Plan.) As a Planned Development zoning district, PRD requires an application plan to guide the development of the property at the site planning stage. The major elements of the Application Plan include:

- A total of seven building envelopes (1-7) for multi-family buildings. Buildings 1-4 are oriented along Rio Road, with Buildings #3-#4 located at the intersection of Rio and the vehicular access easement to the rehab center referred to as Travelway B. Buildings 5 and 6 would front on Travelway B, towards the rehab center. Building #7 is situated in the southwest corner of the property oriented towards parking areas.
- A minimum of 25% open space and recreational facilities is provided totaling 2 acres, as required by the ordinance. This open space includes a minimum 10'-wide landscaped buffer along the rear and sides of the property, a 0.2-acre recreational space in the southeast corner of the property behind Building 5 referred to as Recreational Amenity Space 2, and a half-acre central amenity space in the south-central portion of the property referred to as Recreational Amenity Space 1. These areas will allow for recreation facilities required under Section 4.16 to be provided at site plan, such as playgrounds and basketball courts, or equivalent such as pools or clubhouses, subject to approval by the Planning Director.
- Two access points from Rio Road would serve the property, one existing, called Travelway B, and the other a new entrance to the west. Travelway B would be improved with curb, gutter, sidewalks, and street trees and continue to provide the sole vehicular access to the rehab center.
- Along the Rio Road frontage, a dedication of 0.24 acres for public right-of-way. The additional ROW would allow for construction of a 10' asphalt multi-use path along Rio

Road. The existing bus stop serving the site would be relocated along Rio Road to a more central location for the overall development and enhanced with a shelter and benches. Proposed bike rack locations are also depicted throughout the site.

The applicant proposes to provide 15% of affordable housing units based on the total number of units that are constructed, for households making up to 80% of the area median income for a period of ten (10) years.

The applicant has also submitted a special exception request (SE202100041 – see Attachment 5) for Buildings 5-7, which are in the interior of the site and proposed to be up to four stories tall. The request is to remove the requirement for a setback for the fourth floor. The four buildings fronting along Rio Road are proposed to be three stories maximum, thus not requiring a setback. The staff analysis of the special exception request is provided in Attachment 6.

### **COMMUNITY MEETING and COMMUNITY MEMBER INPUT**

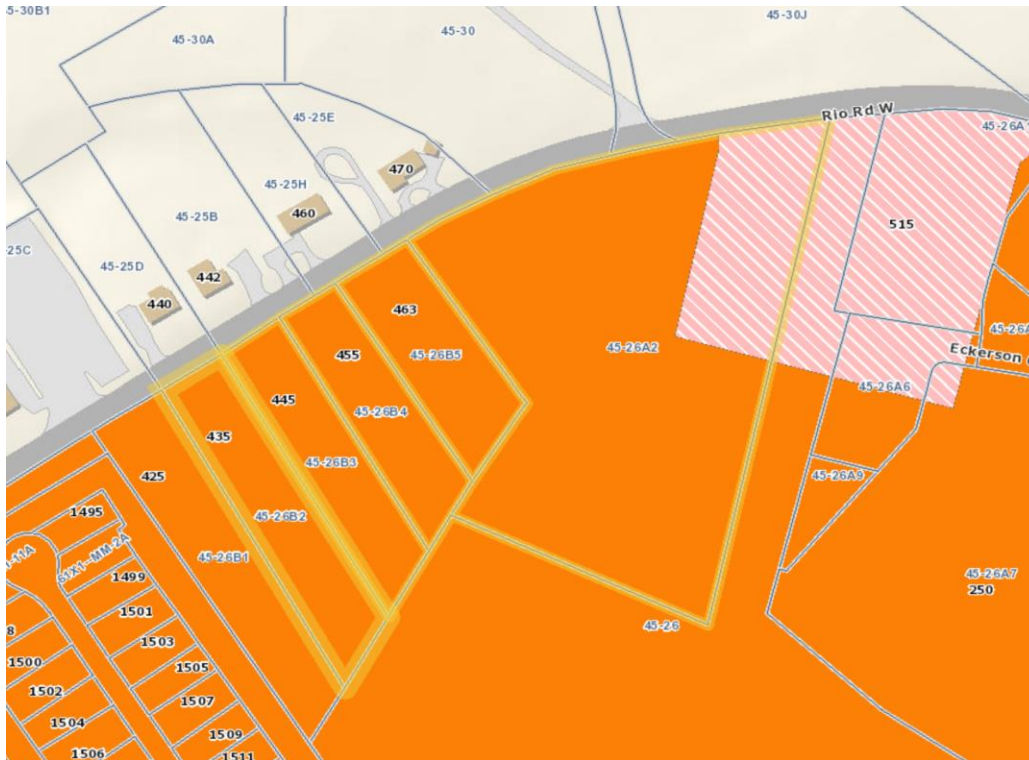
A virtual community meeting was held for this proposal on Monday, October 18, 2021, at a regularly scheduled meeting of the Places29-Hydraulic Community Advisory Committee (CAC). This meeting was conducted using Zoom. Questions were asked by CAC and community members.

The main concerns raised included the potential impact of additional traffic along Rio Road West; safe access to the rehab center to the south of the proposed development; the number and distribution of affordable housing units; and the design of the proposed multi-use path.

A recording of the community meeting may be found on the County Calendar for October 18, 2021, or by clicking [HERE](#). A compilation of written correspondence received from community members can be found in Attachment 10.

### **COMPREHENSIVE PLAN**

The Places29 Master Plan designates most of the subject property, approximately 7.23 acres, as Urban Density Residential (see the orange on the map inset below; subject parcels highlighted). There is about an acre in the northeast corner of the property that is designated as a Neighborhood Service Center (see pink and white stripes).



**Urban Density Residential (orange):** This designation calls for primary uses of multi-family and single family residential, including two or more housing types. Secondary uses include retail, office, and commercial uses that support the neighborhood and are encouraged to be located within centers. The density range recommended for Urban Density Residential is 6.01-34 dwelling units per acre. The maximum building height proposed for this designation is four stories, or 45 feet.

This land use designation encompasses most of the subject property. The project proposes a maximum of 250 dwelling units on the property, which would produce a gross and net density of approximately 31.29 units/acre. This proposed density falls within the recommended density range for Urban Density Residential of 6.01-34 units/acre. The entire project is proposed for residential, with accompanying open space and recreational amenities, which is consistent with the master plan’s recommendation for a primary use of residential in this area. Although only one housing type is proposed for this property, there are other housing types, including single-family detached houses, located in adjacent areas also designated as Urban Density Residential. Looking at the entire surrounding area, there are multiple housing types in the vicinity of this project. The maximum proposed building height is four stories, which meets the master plan’s recommendation for height.

**Urban Mixed Use in Neighborhood Service Center (pink and white stripes):** This designation is for neighborhood-serving commercial, retail, and employment uses with supporting residential at a density of 3 – 20 units/acre, with a maximum building height of three stories for residential structures. A Center is the focal point of the Neighborhood and usually includes a mix of residential and nonresidential uses. These uses may be mixed either vertically or horizontally. Center sizes may range from 1-10 acres. The smallest centers would provide local-serving retail/service uses such as a drycleaner, florist, convenience store, or coffee shop.

The entire Neighborhood Service Center appears to be approximately 3.3 acres in size. An area of about one acre in the northeastern corner of The Heritage property is designated for this center.

Multifamily residential and parking are proposed within that center area. That residential would provide the recommended residential units within a neighborhood service center. The proposed buildings would also meet the recommended maximum height, around the edges of this small center area. Across the recommended center, opportunities remain on commercially zoned properties for a mix of uses. The existing plant nursery and garden center to the east is also located within this center and provides the recommended small-scale commercial establishment. Parking in the center remains a concern. However, to lessen the impact of this parking area, the applicant has proposed a wider landscaping buffer along the Rio Road frontage to allow for more intense screening of the lot from the street view. In addition, the middle of this neighborhood service center is wooded and consists of the pipestem portion of an adjacent parcel, which splits the Center area into two parts. This pipestem area is unlikely to be developed in the foreseeable future, so it provides additional vegetative buffering of the parking on the east side of the property.

**The Neighborhood Model:** Staff has reviewed the proposal against the Neighborhood Model Principles and has found that it is consistent or mostly consistent with the twelve principles. The detailed Neighborhood Model analysis can be found in Attachment 7.

**Affordable Housing:** The County's 2015 Comprehensive Plan has a chapter on housing (Chapter 9), which provides strategies to achieve its goal of "housing [that] will be safe, decent, and sanitary; available to all income and age levels; located primarily in the Development Areas; and available equally to all current and future County residents." Objective 6 is for the provision of affordable housing options for low-to-moderate income residents of Albemarle County and persons who work within the County who wish to reside there. The Comprehensive Plan includes several strategies to achieve this objective. Strategy 6b is to "continue to ensure that at a minimum, 15% of all units developed under rezoning and special use permits are affordable, as defined by the County's Office of Housing, or a comparable contribution is made to achieve the affordable housing goals of the County."

The applicant is proposing to provide affordable housing in line with this policy, at 15% of the total constructed number of units. This rezoning proposal includes a maximum of 250 dwelling units, which would provide 38 affordable units if the maximum of 250 units is constructed, based on the County's policy.

More detailed information regarding affordable housing in this project can be found in the attached Affordable Housing Evaluation form (Attachment 8), provided by the County's Housing Policy Manager.

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

The purpose and intent of the Planned Residential Development (PRD) zoning district is to:

- Encourage sensitivity toward the natural characteristics of the site and toward impact on the surrounding area in land development.
- Promote economical and efficient land use, an improved level of amenities, appropriate and harmonious physical development, and creative design consistent with the best interest of the county and the area in which it is located.

The PRD is intended to be a flexible zoning district to allow a variety of development for residential purposes and uses ancillary thereto, with open space serving varied uses such as recreation, protection of areas sensitive to development, buffering between dissimilar uses, and preservation of agricultural activity.

The Places29 Master Plan calls for the parcels included in this rezoning to be developed as Urban Density Residential and Urban Mixed Use in a Neighborhood Service Center. The proposal will

provide the residential uses recommended by the master plan. With the PRD zoning district, the project can achieve the higher density recommended by the master plan, of between 6.01 and 34 units/acre. The project proposes a density of approximately 31.29 units/acre. The PRD district is recommended for developments over 15 units per acre to allow for greater flexibility and consideration in design. This density level is consistent with the master plan recommendations, whereas the current zoning of R-6 Residential, at six units per acre, is just below what is recommended. The proposed heights of the residential structures meet the recommendations of the master plan as well, with a maximum of three to four stories. The applicant has provided Illustrative Plans and Renderings (see Attachment 9) to demonstrate how the project could be developed and how the requirements can be fulfilled.

The minimum amount of open space required by the zoning ordinance (25% of the site) has been provided on the application plan. These areas will allow for recreation facilities required under Section 4.16 to be provided at site plan, such as playgrounds and basketball courts, or equivalent such as pools or clubhouses. The illustrative plans provided depict potential ways that the open space and recreational areas could be programmed, including possible amenities that would be available to residents.

PRDs are subject to the setback requirements of Section 4.19, as indicated in the table below.

	Front-Minimum	Front-Maximum	Side	Rear
Building Setbacks	5'	None	10'	20'
Parking Setbacks	10'	None	6'	6'
Stepback	For each story that begins above 40 feet in height or for each story above the third story, whichever is less, the minimum stepback shall be a minimum of 15 feet			

The Application Plan seeks a modification to stepbacks from Section 4.19. A maximum of 3-stories is proposed for Buildings 1-4 along Rio Road. Buildings 5-7, which are internal to the site, are proposed as 3 or 4-story buildings. The applicant has submitted a special exception (SE202100041) request to eliminate the stepback requirement for Buildings 5-7. The application plan has demonstrated that the setback requirements can be met at site planning.

Attachment 5 includes the special exception request and Attachment 6 includes staff analysis and a recommendation of approval for the request. The Illustrative Plans and Renderings (Attachment 9) also depicts how the buildings could look without the stepbacks.

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

Streets and Transportation:

The proposed development is located along the south side of Rio Road West. A Traffic Impact Analysis (TIA) was provided with the application, which has been reviewed by VDOT. VDOT has expressed no concerns with the TIA or proposed site design. Requirements for items such as final entrance design and sight distance will be determined at site planning.

This application has also been reviewed by the County’s Transportation Planning team, who have no objections to this application, due to the existing road capacity in the area. A right-turn taper at the western entrance is planned to provide safer entrance into the development. The construction of a multi-use path along Rio Road, along with the dedication of its right-of-way; the provision of bike racks around the development; and the construction of a bus shelter and a bench at the relocated bus stop adjacent to this development on Rio Road all help to promote multi-modal opportunities and lessen traffic impacts.



The 55'-wide private vehicular and pedestrian access easement, designated as Travelway B on the application plan, will continue to provide vehicular access to the rehab center located on the adjacent parcel to the south. The applicant proposes to upgrade this accessway with streetscape elements like sidewalks, curb and gutter, and parallel parking spaces to provide a more pedestrian-oriented and urban feel. Because it provides the sole vehicular access to the adjacent parcel, it is considered a street for the purposes of the zoning ordinance, and a 5' setback line has been established for the buildings located along it.

The applicant is also proposing to reserve areas for two potential future inter-parcel connections, one with the parcel to the west-northwest and one with the property to the southeast.

Schools:

Students living in this area would attend Albemarle High, Burley Middle, and Agnor-Hurt Elementary schools. The school division is cognizant that these areas continue to grow with new residential developments.

Albemarle County Public Schools has provided its student generation calculator that estimates how many students will be generated at each school level based on dwelling unit types. The table below specifies the yield of students generated at each school level should the subject property be built out as proposed in the application plan with the maximum of 250 multi-family units.

**Official Calculator**

<b>Dwelling Type</b>	<b>Agnor-Hurt ES</b>	<b>Burley MS</b>	<b>Albemarle HS</b>	<b>Total</b>
Multi-family (250 units)	0.08	0.03	0.06	--
<b>Total at Each Level</b>	<b>20</b>	<b>8</b>	<b>15</b>	<b>43</b>

Source of Calculator: Albemarle County Public Schools

Based on the student generation calculator, it is expected that about 43 students total would be generated by this development. It is important to note, however, that these totals include student numbers generated from any dwelling units that could be developed by-right or dwelling units that already exist on the property. They are not an increase over the student numbers that would be generated with any by-right development that could occur.

The proposed maximum of 250 dwelling units produces additional students for Albemarle County Public Schools at all school levels. Agnor-Hurt Elementary is currently under-capacity, and is expected to remain so over the next 10 years, even with the students generated by this development. Burley Middle is in a similar situation. Albemarle High School, however, is currently over-capacity and is expected to remain so over the next 10 years. Funding has been provided for a High School Center 2, with an anticipated capacity of 400 seats allocated to students across the County; however, the timeline for its opening is still to be determined. This Center will assist in addressing capacity issues over the long-term, although the exact number is not certain at this time.

Fire & Rescue:

ACFR has reviewed this rezoning application and has no objections at this time. Code requirements for items such as street and travelway widths, turning radius, and the necessity of secondary emergency fire access routes will be addressed at the site planning and/or subdivision stage, as well as other items such as adequate access and water availability. These elements will have to meet Fire-Rescue requirements before those plans can be approved by the County.

## Utilities:

This project is in the Albemarle County Service Authority (ACSA) water and sewer service jurisdictional area. ACSA and RWSA have no objections to this project at this time. A utilities construction plan will be required, subject to ACSA and RWSA approval, prior to the approval of site plans and/or subdivision plats by the County at the site development stage of these properties.

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

There are no known cultural or historic resources on this property. There are Managed Steep Slopes on the subject parcels, and any disturbance of those slopes will be reviewed by the County Engineering staff during the site development phase of the project. In addition, there are no flood plains or water protection ordinance (WPO) buffers on these parcels. Any increase in stormwater runoff above what is currently allowed on the property will be reviewed by County Engineering staff during the site development phase of the project as well. Any stormwater facilities will be designed in accordance with the Virginia Stormwater Management Program (VSMP) regulations administered by the Virginia Department of Environmental Quality (DEQ).

This property is located within the Entrance Corridor Overlay District, so it will be reviewed by the Architectural Review Board at the site planning stage. Buffer strips of generally at least ten feet in width have been provided along the Rio Road frontage of the project to provide space for landscaping required by the ARB. There is concern that the four proposed buildings along Rio Road are not continuously aligned, with different setbacks for each, creating a disorganized appearance along the Entrance Corridor. If this situation remains at site planning, landscaping will be important to help soften this appearance.

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

The abutting property to the west (425 Rio Road West) will remain a single family detached dwelling. The proposed development includes redevelopment of four single family detached dwellings to the east of the property. This would change the character of the area for the remaining single-family dwelling; however, the applicant has proposed a 10'-15' landscaped buffer along the western property line with the abutting single family property.

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

The County's growth management policy says that new residential and commercial development should occur in the designated Development Areas, where infrastructure and services are provided, rather than in the Rural Areas. This development is within Neighborhood 1 of the Places29 development area. This proposal will provide a greater density of residential development in the designated development areas, at a density that is within the range recommended by the master plan for Places29. The applicant also proposes to construct a multi-use path and a bus shelter with a bench along Rio Road West, providing additional multi-modal opportunities to the surrounding community.

## **SUMMARY**

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

1. The request is consistent with the uses and density recommended by the Places29 Master Plan.
2. The request provides multi-modal infrastructure, including a bus shelter and a bench, as well as a multi-use path with dedicated right-of-way, along Rio Road West.
3. The request is consistent or mostly consistent with the applicable neighborhood model principles.
4. The request provides affordable units at 15% of the total number of units constructed, consistent with County policy.

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

1. The proposed development would result in additional student enrollment at area schools, including Albemarle High, which is already over-capacity.

### **RECOMMENDATION**

Staff recommends approval of ZMA202100011 The Heritage on Rio.

In addition, staff recommends approval of SE202100041 (Sec. 18-4.19.5), a special exception request to modify the setback requirements for buildings in the development. (See Attachment 6 for staff's full analysis of this request.)

### **ATTACHMENTS**

- 1 – Location Map
- 2 – Zoning Map
- 3 – Project Narrative, dated September 20, 2021; last revised June 6, 2022
- 4 – Application Plan, dated September 20, 2021; last revised June 6, 2022
- 5 – Special Exception Request & Narrative, dated September 20, 2021; last revised June 6, 2022
- 6 – Staff Report and Analysis for SE202100041
- 7 – Staff Analysis of Application's Consistency with Neighborhood Model Principles
- 8 – Affordable Housing Evaluation Form
- 9 – Illustrative Plans and Renderings, dated June 6, 2022
- 10 – Correspondence from Community Members