

County of Albemarle
Department of Community Development
401 McIntire Road
Charlottesville, VA 22902

February 17, 2025

Regarding: 600 West Rio
Request for Exception from Section 20A.8.b
Mixture of Uses in Neighborhood Model District

Section 8.2(b) of Chapter 18 of the Code of Albemarle permits the board of supervisors to vary or except certain regulations of the Zoning Ordinance for planned developments. In accordance with Section 8.2(b), it is our request for the board of supervisors to grant an exception from Section 20A.8.b of Chapter 18 of the Code of Albemarle for 600 Rio Rd W, a proposed Neighborhood Model District (NMD) development project. Section 20A.8.b states that each Neighborhood Model District is required to have at least two different general use classifications.

Further details on proposed land use and open space for 600 Rio Rd W are provided with the Application Plan dated January 21, 2025. The ZMA associated with this special exception is to rezone TMP(s) 45-157, 45-158, 45-166, 45-167 (together, the “property”) from Commercial Office (CO) to Neighborhood Model District (NMD). Granting a special exception from the requirement for mixture of uses will achieve the intent of the NMD, align with guidelines for planned development design, pose no adverse effects to public health, safety or welfare, and satisfy the original intent of the regulation to an equivalent degree.

In your review of this request, please consider the following:

1) *Section 8.2(B)-3:*

(i) the waiver or modification is to be consistent with the intent and purposes of the planned development district under the particular circumstances, and satisfies all other applicable requirements of section 8

According to Section 20.A.1, the Neighborhood Model district encourages a “development form and character that is different from conventional suburban development” and provides for “compact, mixed-use developments with an urban scale, massing, density, and an infrastructure configuration that integrates diversified uses within close proximity to each other.” The proposal for 600 Rio Rd W includes the following characteristics that are intended for these districts: pedestrian orientation, neighborhood friendly streets and paths, interconnectivity, parks and open space, buildings and spaces of human scale, and relegated parking.

According to Section 20A.8.b, the requirement for mixture of uses “may be waived by the board of supervisors if a different use is already present within one-quarter mile of the proposed district

and accomplishes the mixture of uses within the neighborhood sought to be achieved by this section to an equivalent degree.” In the case of 600 Rio Rd W, all proposed residential units will be within 1/4 mile of many existing commercial developments. Existing commercial developments include Fashion Square Mall and Albemarle Square with groceries, restaurants, houseware, and clothing retailers. Residents of 600 West Rio will be able to easily access these commercial uses nearby. If there is additional demand for commercial use, it will be permitted as part of the mixed uses (see Code of Development for additional information). However, given the existing high demand for housing, it is better not to require that commercial uses be a part of this particular development. The goal of the NMD to have a mixture of uses in close proximity with residential areas is still achieved due to the existing abundance of commercial development within ¼ mile of 600 Rio Rd W.

(ii) the waiver or modification is to be consistent with planned development design principles

According to Sec. 8.1, Planned Development Districts are intended to “provide for variety and flexibility in design necessary to implement the various goals and objectives set forth in the comprehensive plan.” They shall “provide for comfort and convenience of residents or visitors...and lessen traffic impacts. Housing, commercial and service facilities, and places of employment shall be related either by physical proximity or by adequate street networks so as to promote these objectives.” All of these design principles are present in the proposed development for 600 Rio Rd W. The residents of the new mixed-use housing will be able to access the many commercial establishments nearby through pedestrian and vehicular connections. The site is located close to US 29/Seminole Trail which leads to numerous other commercial and employment opportunities. Waiving the requirement for mixture of uses on this particular site is in line with the planned development design principle of flexibility while still meeting the overall goals of the comprehensive plan.

(iii) the waiver or modification will not adversely affect the public health, safety or general welfare

Waiving the mixture of uses for 600 Rio Rd W will not adversely affect public health, safety or general welfare. The existing commercial developments include doctors, groceries stores, pharmacies, spas, and salons. People have what they need nearby and housing is a bigger need in this area. Additionally, this project will contribute to pedestrian interconnectivity, as well as green spaces and amenities – all of which will increase the health, safety, and welfare for the general public.

(iv) in the case of the waiver or modification, the public purposes of the original regulation would be satisfied to at least an equivalent degree by the modification

The intent of the NMD is to encourage compact, mixed-use developments within close proximity to one another. Given the abundance of existing commercial developments within ¼ mile of 600 Rio Rd W, waiving the requirement for mixed uses still satisfies the intent of the original regulation. The project will be a compact residential development directly adjacent to commercial development. Seen holistically, the resulting character will be a combination of compact residential and commercial development.