

ATTACHMENT B – STAFF ANALYSIS

STAFF PERSON:

Mariah Gleason

BOARD OF SUPERVISORS:

December 18, 2019

Staff analysis of this special exception request to vary from the approved ZMA Application Plan was conducted pursuant to the following applicable provisions and evaluation criteria contained in County Code §18-8.5.5.3:

8 PLANNED DEVELOPMENT DISTRICTS - GENERALLY

8.5 PROCEDURES FOR PLANNED DEVELOPMENT APPLICATIONS

8.5.5.3 VARIATIONS FROM APPROVED PLANS, CODES, AND STANDARDS OF DEVELOPMENTS

- a. The director of planning is authorized to grant a variation from the following provisions of an approved plan, code or standard:
 2. Changes to the arrangement of buildings and uses shown on the plan, provided that the major elements shown on the plan and their relationships remain the same.
- c. The director of planning is authorized to grant a variation upon a determination that the variation:
 - (1) is consistent with the goals and objectives of the comprehensive plan;
 - (2) does not increase the approved development density or intensity of development;
 - (3) does not adversely affect the timing and phasing of development of any other development in the zoning district;
 - (4) does not require a special use permit; and
 - (5) is in general accord with the purpose and intent of the approved application.

Staff Analysis – SE Request for Variation to the Approved Application Plan for ZMA198700007 Jefferson Square Shopping Center (now referred to as Rio Hill Shopping Center):

The application plan for ZMA198700007 Jefferson Square Shopping Center was approved by the Board of Supervisors on September 2, 1987 with the condition that two modifications were made to the Application Plan. These modifications, which included removing direct access from this parcel to Route 29, were addressed by the final site plan for the development, SDP198800001 Rio Hill Shopping Center Final. The following analysis is based on both the plans, ZMA198700007 and SDP198800001, as, in this case, the site plan acts as the approved application plan for ZMA198700007.

Also, a zoning determination made earlier this year, on May 6, 2019, found that a car wash is a permitted by right use in this PD-SC zoning district (Attachment C). Therefore, this analysis will only assess the proposed variation to the building footprint and supporting parking layout. If this variation is approved, the proposed development will still need to satisfy all of the requirements of a final site plan and gain a certificate of approval from the Albemarle County Architecture Review Board, ARB, due to the parcel's location within the Entrance Corridor Overlay District.

Staff Analysis per ZO 8.5.5.3.c (1): is consistent with the goals and objectives of the comprehensive plan

- This property is located within the Rio29 Small Area Plan's Flex Character Area. Evaluating the request for variation against this Character Area yielded the following insights:
 - **Intent of the Flex Character Area.** The Small Area Plan expresses an intent for the Flex Character Area to allow “*the highest amount of flexibility in building form and use*” and goes on to state “*...buildings should be designed to make pedestrians comfortable*”. (Note: At the November 12, 2019 Planning Commission work session, the Commission suggested updating this description to note that the Flex Character Area should be thought of as a transitional area between dense, urban development and more suburban, residential areas.) The proposed variation aligns with the intent for this area to provide flexibility in building forms and use. Repositioning the building to the front of the parcel, along Route 29, would be an improvement to the building's current position away from the sidewalk and in the middle of the parcel as it brings the building closer to the street. Modifying the building's location will also help to remove parking areas adjacent to sidewalk areas. In addition, the applicant

has proposed building design elements that are commonly considered supportive of pedestrian-oriented environments. These elements include increased landscaping, façade articulation, large windows, and lighting. Please be aware that these elements are under review by the ARB and may be subject to change.

- **Height.** The Small Area Plan calls for buildings that are between two and five stories tall if they are along street frontages. The existing building on the property is one-story so the proposed development also being one-story will result in no change. However, the anticipated height of the proposed building is 20ft, which may appear as a two-story building.
- **Build To/Setback.** The Small Area Plan recommends that development along Route 29 be set back from the right-of-way by 5ft-25ft. However, this development must have at least at 30ft setback from the right-of-way to comply with the Application Plan. Therefore, the proposed development will not be able to align with this guideline.
- **Building Size and Location.** The Small Area Plan does not articulate any finite guidelines for the size and locations of buildings on parcels however, it does state that buildings with larger footprints should incorporate façade breaks to promote walkability. The application materials submitted by the applicant demonstrate alignment with the guideline through the provision of façade articulation (Attachment A). Please be aware that these elements are under review by the ARB and may be subject to change.
- **Parking.** The Small Area Plan recommends all parking areas be relegated to the sides or rear of buildings and screened from streets. The proposed development aligns with this guideline by relegating parking to the rear of the building and offering a landscaping plan that will buffer parking areas from rights-of-way with street trees and other landscaping elements. Please be aware that these elements are under review by the ARB and may be subject to change.
- **Connectivity Plan.** The Small Area Plan envisions a future street network that is supportive of motorists, pedestrians, bicyclists, and transit riders. To support the development of this multimodal system, the Small Area Plan includes design guidelines for each street typology found within the area. This property, located on a corner lot, was evaluated against the street design guidelines for both Route 29 and Woodbrook Dr. Comparison against the guidelines for both of these streets found that the property is currently not in alignment with the design guidelines for either Route 29 or Woodbrook Dr. Additionally, staff found that no pedestrian facilities are currently offered along Woodbrook Dr, on either side of this street segment, however, sidewalk facilities do resume just beyond the property.

In order to align with the recommendations of the Rio29 Small Area Plan and connect existing sidewalk areas, staff proposes the following conditions:

1. Adjacent to Route 29, the final site plan must:
 - a. Provide a shared use path that is at least 14 feet wide.
 - b. Include a landscape strip that is at least 8 feet in width between the shared use path and the travelway, to buffer pedestrians from vehicular travel.
2. Adjacent to Woodbrook Drive, the final site plan must:
 - a. Provide a shared use path that is at least 10 feet wide.
 - b. Include a landscape strip that is at least 6 feet in width between the shared use path and the travelway, to buffer pedestrians from vehicular travel.

Staff finds that overall the evaluation criteria met with the suggested condition.

Staff Analysis per ZO 8.5.5.3.c(2): does not increase the approved development density or intensity of development

- The proposed variation does not increase the density or intensity of development on this parcel. The Application Plan permitted one building on this parcel which remains unchanged by this development proposal.

Evaluation criteria met.

Staff Analysis per ZO 8.5.5.3.c(3): does not adversely affect the timing and phasing of development of any other development in the zoning district

- The proposed variation does not affect the timing or phasing of any additional buildout in this zoning district. The shopping center is fully developed and has been since at least 2000, according to County GIS aerial imagery.

Evaluation criteria met.

Staff Analysis per ZO 8.5.5.3.c(4): does not require a special use permit

- The proposed variation does not require a special use permit.

Evaluation criteria met.

Staff Analysis per ZO 8.5.5.3.c(5): is in general accord with the purpose and intent of the approved application

- The proposed variation is in general accord with the purpose and intent of the approved application. The Application Plan only establishes guidelines regarding the setbacks (30ft building setback and 10ft parking lot setback) and uses ("Uses permitted by right shall include commercial and service establishments permitted by right in the C-1, CO, and HC districts.") on the parcel, both of which will be satisfied by the proposed development.

Evaluation criteria met.

Additional factors for consideration:

- Staff finds that the proposed variation would likely be needed to support any future redevelopment of this parcel, as the building footprint and supporting parking layout would probably be altered by a proposal for redevelopment.

Staff Recommendation – Request for Special Exception:

With regards to the findings contained herein, inclusive of the factors to be considered per County Code Section §18-8.5.5.3.c as well as other additional factors, **staff recommends approval with conditions** for this special exception request.

Staff recommends the following conditions:

1. Adjacent to Route 29, the final site plan must:
 - a. Provide a shared use path that is at least 14 feet wide.
 - b. Include a landscape strip that is at least 8 feet in width between the shared use path and the travelway, to buffer pedestrians from vehicular travel.
2. Adjacent to Woodbrook Drive, the final site plan must:
 - a. Provide a shared use path that is at least 10 feet wide.
 - b. Include a landscape strip that is at least 6 feet in width between the shared use path and the travelway, to buffer pedestrians from vehicular travel.

Specifically, staff recommends that the Board adopt the attached Resolution (Attachment D) to approve the special exception request to vary the building footprint and supporting parking layout for this parcel, per §18-8.5.5.3(a)(2), in accordance with the application plan for ZMA198700007 Jefferson Square Shopping Center and the final site plan for SDP198800001 Rio Hill Shopping Center Final, which addressed required modifications to the application plan.