

**COUNTY OF ALBEMARLE
PLANNING STAFF REPORT SUMMARY**

Project Name: ZMA201900011 2231 Seminole Lane	Staff: Cameron Langille
Planning Commission Public Hearing: December 17, 2019	Board of Supervisors Public Hearing: To Be Determined
Owner: Commercial Rentals, LLC	Applicant: Commercial Rentals, LLC
Acreage: 0.702 acres	Rezone from: CO Commercial Office to HC Highway Commercial
TMP: 045B1050A01100 Location: 2231 Seminole Lane	By-right use: Commercial and service uses
Magisterial District: Rio	Proffers: Yes
Proposal: Request to rezone 0.702 acres from the CO Commercial Office district, which allows for offices and supporting commercial uses, to the HC Highway Commercial zoning district which allows for commercial and service uses. Both districts allow for residential uses up to 15 dwelling units/acre through special use permit.	Requested # of Dwelling Units: None by-right; up to 15 dwelling units/acre through special use permit
DA (development area) – Neighborhood 2-Places 29 Master Plan	Comp. Plan Designation: Commercial Mixed Use and Office/R&D/Flex/Light Industrial in Neighborhood 2-Places29 Master Plan.
Affordable Housing Provided: N/A	Affordable Housing AMI (%): N/A
Character of Property: A 2 ½ story structure previously used as an administrative office with associated parking and hardscape improvements.	Use of Surrounding Properties Mix of commercial service uses to the north and south, commercial retail to the west, single-family residential to the east.
Factors Favorable: <ol style="list-style-type: none"> 1. The request is consistent with the future land use recommendations specified by the Places29 Master Plan. 2. The request is consistent with the majority of the applicable neighborhood model principles. 3. The application includes proffers that create interconnected transportation networks and allow uses that are consistent with the surrounding area. 	Factors Unfavorable: <ol style="list-style-type: none"> 1. Clarifying revisions to the proffers are needed.
RECOMMENDATION: Staff recommends approval of ZMA201900011 2231 Seminole Lane as proposed provided that the applicant revise the proffer statement in accordance with staff recommendations.	

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

**Cameron Langille
December 17, 2019
To Be Determined**

ZMA201900011 2231 Seminole Lane

PETITION

PROJECT: ZMA201900011 2231 Seminole Lane

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL: 045B1050A01100

LOCATION: 2231 Seminole Lane

PROPOSAL: Rezone property to a different commercial district to be consistent with surrounding zoning.

PETITION: Rezone a total of 0.702 acres from the CO Zoning District, which allows office and supporting commercial uses to Highway Commercial (HC) which allows commercial and service uses and residential uses by special use permit.

ZONING: CO Commercial Office – offices, supporting commercial and service; residential by special use permit (15 units/ acre)

OVERLAY DISTRICT: AIA- Airport Impact Area; EC- Entrance Corridor; Managed Steep Slopes

PROFFERS: Yes

COMPREHENSIVE PLAN: Commercial Mixed Use – commercial, retail, employment uses, with supporting residential (no maximum density), office, or institutional uses; Office/R&D/Flex/Light Industrial – commercial, professional office; research and development, design, testing of prototypes; manufacturing, assembly, packaging; residential is a secondary use (no maximum density) in Neighborhood 2 of the Places29 Comprehensive Plan Area.

CHARACTER OF THE AREA

The subject parcel is identified as Tax Map Parcel (TMP) 045B1-05-0A-01100 and is located within the Neighborhood 2 Comprehensive Plan Area, which is part of the Places29 Development Area. (Attachment 1). The property measures 0.702 acres and is currently zoned CO Commercial Office (Attachment 2). The property is also located within the Airport Impact Area (AIA) Overlay Zoning District, the Entrance Corridor (EC) Overlay Zoning District, and contains areas designated as Managed Steep Slopes Overlay District. A 2 ½ structure that was built in 1973 currently occupies the property and measures 5,772 finished sq. ft. including a half-story basement level measuring 992 sq. ft. The building has been previously used as an administrative/professional office for a real estate business.

The property is bordered by the right-of-way of Seminole Trail (US 29) to the west. The parcel immediately south of TMP 45B1-05-0A-11 is currently undeveloped (zoned HC-Highway Commercial). Properties to the north feature a mix of commercial uses, including a Speedway gas station and car wash (zoned HC), as well as the Acme Stove and Fireplace Center (zoned HC). Parcels to the east are located within the Carrsbrook subdivision and feature single-family detached homes (zoned R1 Residential). It is important to note that the topography of the area creates a natural barrier between the difference in use and zoning classification of the subject parcel and properties in Carrsbrook. Carrsbrook is elevated approximately 35-40 feet above the lowest topographic contour line on TMP 45B1-05-0A-11.

SPECIFICS OF THE PROPOSAL

The applicant is proposing to rezone the 0.702-acre parcel from CO Commercial Office to HC Highway Commercial to be consistent with the existing zoning classifications on adjacent properties. The application proposes to proffer out some uses permitted by-right in the HC Zoning District so that future development will be harmonious with existing uses on surrounding parcels (Attachment 3).

The applicant has provided a conceptual site layout plan to demonstrate how redevelopment may take shape on the property in the future. This includes locations of parking, buildings, and landscaping. The applicant has also provided a conceptual grading plan to demonstrate that redevelopment can occur without extensive disturbance to the areas of Managed Steep Slopes at the rear (east) side of the parcel. These conceptual drawings are not being proffered with the application, and have simply been provided for reference purposes only (Attachments 4 and 5).

APPLICANT'S JUSTIFICATION FOR THE REQUEST

The applicant states that the requested HC zoning district and proffered use restrictions will allow for redevelopment that is consistent with the Places29 Master Plan future land use recommendations. Staff agrees with this assertion given that the property is designated for both Office/R&D/Flex/Light Industrial and Commercial Mixed Use. Many by-right uses permitted under HC are consistent with the Office/Flex/R&D/Light Industrial category, and cannot be developed under the existing CO zoning district.

Including the subject property, there are 10 parcels of record that have a combined frontage of over 2,600 linear feet along the east side of Route 29. The subject parcel is the only one not currently zoned Highway Commercial. The County assigned the CO district to the property when the original Zoning Ordinance was adopted in 1980. This was because the existing structure (built in 1973) was used as an administrative/professional office at that time. Surrounding parcels were undeveloped when the Ordinance was adopted, and therefore they were assigned to the HC district since this is a more appropriate automobile-oriented commercial zoning for properties with frontage along major thoroughfares such as Route 29. Development of properties to the north did not begin until the mid-1980s and 1990s, and all but one parcel to the south remain vacant as of 2019. The applicant contends that the requested HC zoning will create consistency in use and character now that the area is more developed.

COMMUNITY MEETING

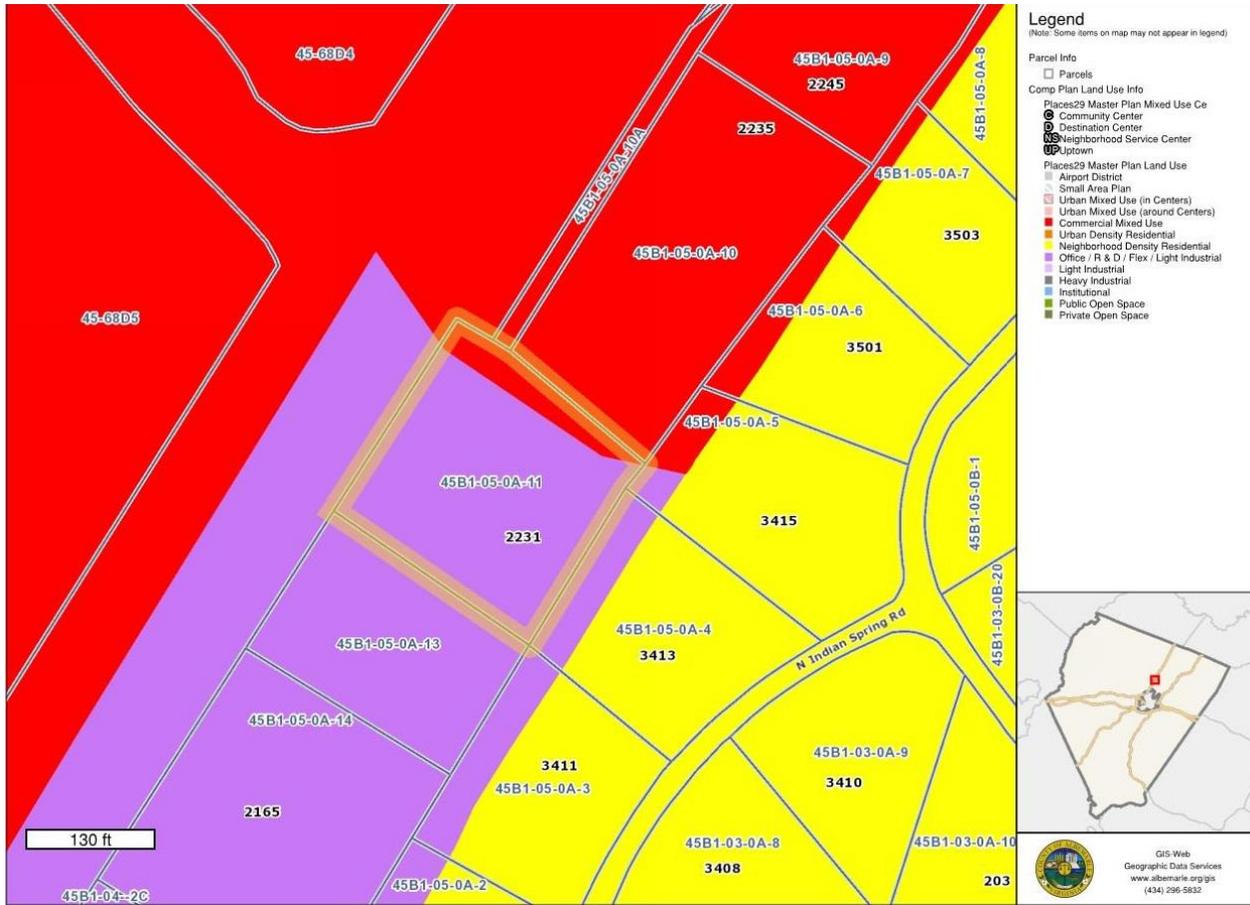
The Community Meeting for this project was held on September 26, 2019 at 6:00pm at the County Office Building-McIntire in conjunction with the Places29-Rio Community Advisory Committee meeting. Attendees representing Albemarle County included Rachel Falkenstein, Principal Planner, Cameron Langille, Senior Planner, and Planning Commissioner Bruce Dotson. Several Places29-Rio CAC members were present and discussed the proposal with staff and the applicant's representatives. There were no objections to the proposal, and the CAC agreed that it would be appropriate to change the zoning to HC Highway Commercial.

PLANNING AND ZONING HISTORY

There are no prior Zoning Map Amendment applications, Special Use permits, site plans, or subdivision plats associated with this property.

COMPREHENSIVE PLAN

The [Future Land Use Plan-South](#) in the [Places29 Master Plan](#) calls for approximately 0.12 acres of the property to be developed in accordance with the Commercial Mixed Use land use classification. The remaining 0.582 acres is designated for Office/R&D/Flex/Light Industrial (see map inset below):



Commercial Mixed Use (red): this designation applies to areas that are already developed or have been approved for development as commercial shopping areas. Primary uses include community and regional retail, commercial service, auto commercial service, and office uses. Secondary uses include office, research & development (R&D), flex, residential, open space, and institutional uses.

Office/R&D/Flex/Light Industrial (purple): this designation is meant to allow “a range of employment-generating uses and is applied to the majority of the nonretail employment areas within the Places29 area to create Employment Neighborhoods.” A breakdown of the categories is provided below:

- “Office” uses include typical commercial office buildings that may house a variety of users such as professional offices, medical, or real estate offices.
- “Research & Development (R&D)” is applied to an administrative, engineering, and/or scientific research, design, or experimentation facility that engages in research, or research and development, of innovative ideas in technology-intensive fields. Many research & development uses can locate in traditional office buildings or buildings that resemble office buildings, rather than traditional industrial facilities.
- “Flex” includes uses engaged in research & development, manufacturing, warehousing, distribution, office, retail, customer service, and showrooms, among others. Different businesses can have different combinations of these uses and in varying percentages.

- “Light Industrial” includes primary uses such as office, research & development (R&D), and flex, light manufacturing/storage/distribution uses. Secondary can include retail, commercial, and light manufacturing uses that are associated with the primary use.

The Neighborhood Model: Staff has reviewed the proposal against the Neighborhood Model Principles and found that it is consistent with the majority of the principles.

Currently staff believes that some aspects of the proposed proffer statement are not fully consistent with the Buildings and Space of Human Scale principle. There are concerns that the side and front walls of future building visible from public roads, such as Route 29, could be constructed as blank, monolithic walls. Further clarifying language could be added to proffer #3 that would make the application more consistent with this principle.

The detailed Neighborhood Model analysis can be found in Attachment 6.

ZONING ORDINANCE REQUIREMENTS

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

The purpose and intent of the HC Highway Commercial zoning district is to:

- Permit development of commercial establishments, other than shopping centers, primarily oriented to highway locations rather than to central business concentrations;
- Be established on major highways within the urban area and communities in the comprehensive plan; and
- Limit sprawling strip commercial development by providing sites with adequate frontage and depth to permit controlled access to public streets.

The Places29 Future Land Use Plan-South calls for properties immediately to the south to be developed under the Office/Flex/R&D/Light Industrial future land use classification. Properties to the north are designated as Commercial Mixed Use. The requested HC district is consistent with the recommendations for both future land use categories and will allow for development that does not conflict with existing or anticipated future uses on adjacent properties. Therefore, staff agrees with the applicant’s assertion that the HC district is appropriate for the property based on surrounding conditions and the Places29 Master Plan recommendations.

The HC district still permits the same types of office uses that are allowed by-right under the CO district. But the HC district allows a wider range of by-right uses that align closer with the recommendations for both the Office/Flex/R&D/Light Industrial and Commercial Mixed Use future land use classifications. This includes the following:

- **Laboratories/Research and Development/Experimental Testing;** gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
- **Manufacturing/Processing/Assembly/Fabrication and Recycling;** gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
- **Storage/Warehousing/Distribution/Transportation;** gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors

Anticipated impact on public facilities and services:

Streets:

The property is currently accessed by a driveway that enters onto Seminole Lane, which is a private street. The northwest corner of the property ends at the intersection of Seminole Lane and Route 29/Seminole Trail. The improvements within the Route 29 right-of-way adjacent to the subject parcel meet and exceed the cross-section recommended in [Appendix 3 – Roadway Cross Sections](#) of the Places29 Master Plan.

The County is currently pursuing funding through VDOT to build a multi-use path within the Route 29 right-of-way, and the applicant has proffered a pedestrian (sidewalk) connection to the pedestrian facilities within that right-of-way.

Staff did not ask the applicant to prepare a Traffic Impact Analysis (TIA) for this request because most of the uses permitted under the HC zoning district would result in trip generation figures that would be expected if the property redeveloped as a by-right use under the existing CO zoning. If improvements are needed to the driveway entrance onto Seminole Lane based on the proposed use at the time of redevelopment, this will be managed and enforced during site plan review/approval.

Schools:

Residential uses are only permitted in the HC district through approval of a Special Use Permit. No residential uses are proposed as part of this application, so the application will not have an effect on school enrollment or capacity.

Fire & Rescue:

The proposal is not expected to create any new demands on Fire & Rescue services. Emergency vehicle access is currently available through the existing driveway on Seminole Lane. Future redevelopment of the parcel will be subject to review and approval of a site plan by County staff. The Department of Fire & Rescue will evaluate specific changes to the site to ensure that all emergency services requirements are met.

Utilities:

This parcel is in the ACSA water and sewer service jurisdictional area. Both utilities currently serve the existing structure on TMP 45B1-05-0A-11. No adverse effects on utility capacity or services are anticipated with this request.

Anticipated impact on environmental, cultural and historic resources:

There are no known cultural or historic resources on the site.

The property contains a small area of Managed Steep Slopes, which will be treated in accordance with the design guidelines specified in the County Zoning Ordinance. The applicant has proffered to not disturb the eastern-most (rear) 20 feet of Managed Slopes (Attachment 7).

The County Engineer has no objections to the proposal. Should the site be redeveloped in the future, stormwater facilities will be designed in accordance with the Virginia Stormwater Management Program (VSMP) regulations administered by the Virginia Department of Environmental Quality (DEQ).

Anticipated impact on nearby and surrounding properties:

There were no objections or concerns raised by neighboring property owners at the community meeting for this application. Comments from CAC members included support for redevelopment of

this site. No CAC members expressed issues with the uses that would be possible on the property should the HC district be approved.

Comments in support of the proposal included the following reasons:

- All existing improvements were constructed prior to adoption of the County Zoning Ordinance and Entrance Corridor Design Guidelines. Many features do not meet current design and aesthetic standards.
- There is a small retaining wall at the rear of the property that reinforces the land sloping downhill and away from the Carrsbrook subdivision. The CAC and County staff agree that site redevelopment presents a good opportunity to construct a new retaining wall that reinforces the earth to a better degree than the current wall.

As noted elsewhere in the staff report, the steep slope at the rear of property creates a natural separation barrier between adjacent residential lots in Carrsbrook. For example, the existing building on TMP 45B1-05-0A-11 is evidence that the top roofline of multi-story structures can stand lower than the lowest elevation on lots in the subdivision. This demonstrates that even though uses permitted under the HC district are much different than single-family detached homes, redevelopment of this property will not impose upon the neighborhood. Furthermore, the applicant has not requested any special exceptions to Zoning Ordinance regulations and all applicable performance standards for setbacks, building heights, outdoor lighting, and noise will be complied with at the time of redevelopment.

Public need and justification for the change:

The County’s growth management policy says that new commercial development should occur in the designated Development Areas where infrastructure and services are provided rather than in the Rural Area. This property is within the development area and surrounding infrastructure is already constructed to the level necessary to support uses allowed under the requested HC zoning district. As previously stated, the HC district will allow a wider range of uses that are consistent with the Places29 land use recommendations, including some uses that can be categorized as “light industrial.” There is currently a dearth of land in Albemarle County that is zoned to allow light industrial uses, and therefore this request supports economic goals of the County’s Comprehensive Plan.

PROFFERS

Proffers are contained in the Draft Proffer Statement (Attachment 7) and are summarized below. They are in need of clarifying changes as described in the staff comment provided in *italics*.

- **Revised Proffer #3 recommended by staff: Further clarify the proffer language so that certain architectural elements will be provided along building walls visible from the Entrance Corridor. Suggested language could be the following (or some variation thereof): “Any new buildings will be designed such that walls visible from the public street will incorporate transparent windows and/or doors and will not be single, undifferentiated planes.”**

This will ensure that faces of the building visible from adjacent streets will comply with ARB staff recommendations during the site plan/ARB review stage once the property redevelops.

SUMMARY

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

1. The request is consistent with the future land use recommendations specified by the Places29 Master Plan.
2. The request is consistent with the majority of the applicable neighborhood model principles.
3. The application includes proffers that create interconnected transportation networks and allow uses that are consistent with the surrounding area.

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

1. Clarifying revisions to the proffers are needed.

RECOMMENDATION

Staff recommends approval of ZMA201900011 2231 Seminole Lane, provided recommended revisions are made to the proffers, as described above, prior to the Board of Supervisors meeting.

PLANNING COMMISSION MOTION:

A. If the ZMA is recommended for approval: Move to recommend approval of ZMA201900011 with proffer revisions as recommended by staff.

B. If the ZMA is recommended for denial: Move to recommend denial of ZMA201900011 with the reasons for denial (state reasons).

ATTACHMENTS:

- 1 – Location Map
- 2 – Zoning Map
- 3 – Project Narrative (*dated July 1, 2019, revised October 4, 2019*)
- 4 - Concept Site Layout Plan / "2231 Seminole Lane – Zoning Plan" (*dated July 1, 2019*)
- 5 – Concept Grading Plan / "2231 Seminole Lane – Site Plan" (*dated July 1, 2019*)
- 6 – Staff Analysis of Application's Consistency with the Neighborhood Model Principles
- 7– Draft Proffer Statement (*revised December 2, 2019*)