

**COUNTY OF ALBEMARLE
PLANNING STAFF REPORT SUMMARY**

Project Name: ZMA202000005 Old Dominion Village	Staff: Kevin McDermott, Planning Manager
Planning Commission Public Hearing: February 15, 2022	Board of Supervisors Public Hearing: May 4, 2022
Owner: Martin Schulman; The Thomas F. and Betty G Starke Revocable Trust	Applicant: Martin Schulman
Acreage: 23.68 acres	TMPs: 056000000067B0, 056000000074A0
Rezone from: RA Rural Areas to NMD, Neighborhood Model District	Location: North side of Route 240 (Three Notched Road) across from the former Acme Visible Records site. Parkview Drive runs along the western boundary of the site and Emerson Commons Cohousing lies just to the north.
School Districts: Western Albemarle High, Henley Middle, Crozet Elementary	By-right use: Single family residential at a density of 0.5 units/acre, agricultural uses and preservation.
Magisterial Districts: White Hall	Proffers: Yes
DA (Development Area) – Crozet Master Plan Area	Requested # of Dwelling Units: A maximum of 110 dwelling units.
Proposal: Rezone two parcels of land totaling 23.68 acres from RA (Rural Areas) to NMD (Neighborhood Model District) with both residential and non-residential (max of 5,000 sq. ft.) components proposed. Request for one (1) special exception (SE202000010) to reduce the minimum separation between animal confinements and a residential lot line from 200' to 50'.	Comp. Plan Designation: <ul style="list-style-type: none"> • Middle Density Residential – Residential densities in the range of 6-12 units per acre recommended (could go to 18 units per acre to accommodate affordable housing). community scale retail, service and office uses. • Neighborhood Density Residential – Residential densities in the range of 3-6 units per acre, supporting uses such as community scale retail, service and office uses. • Rural Areas – Uses supportive of agriculture, historic preservation, tourism, crossroads communities, and strengthening land conservation initiatives. • Green Systems - Areas providing ecosystem and cultural services (recreation), critical environmental resources, and areas in common ownership.
Character of Property: Both parcels are heavily wooded across the northern portions surrounding the Parrott Branch drainage area. The southern portion of the western parcel contains the Old Dominion Animal Hospital and is surrounded by open grass fields. The southern portion of the eastern parcel contains a single-family residence and out structures surrounded by mature landscaped trees.	Use of Surrounding Properties: A single-family home on a large lot lies to the east and transitions to more rural uses beyond. Woodlands and agriculture uses lie directly to the north with the Emerson Commons Cohousing Development to the northwest. Across Parkview Dr to the east lies an undeveloped open field with the commercial and industrial uses of the former Con Agra campus beyond that. Across Three Notched Road to the South lies undeveloped industrial lands associated with the former Acme Visible Records.

Affordable Housing: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	AMI (Area Median Income): 80% of AMI as determined by U.S. Dept. of Housing & Urban Development
Factors Favorable: <ol style="list-style-type: none"> 1. The proposal is consistent with the uses and density recommended by the Crozet Master Plan. 2. The proposal is generally consistent with the applicable neighborhood model principles. 3. The proposal dedicates 7.8 acres of wooded lands, located in the northern portion of the property and surrounding Parrott Creek and its tributary, to the County protecting this natural resource and conserves additional lands adjacent to the dedicated lands as Recreation Area with trails. 4. The proposal provides pedestrian and bike facilities along Three Notched Road in addition to an internal pedestrian network. 5. The proposal proffers up to \$283,000 in cash contributions to the County to help mitigate impacts of the development on schools and transportation. 6. The proposal proffers 20 Affordable Dwelling Units within the development exceeding the required 15% rate. 	Factors Unfavorable: Staff has not identified any factors unfavorable to this request.
<p>RECOMMENDATION: It is staff's opinion that the favorable factors outweigh the unfavorable factors associated with this request. Staff recommends approval of ZMA202000005 Old Dominion Village, provided recommended revisions, as identified in the staff report, are made to the application prior to the Board of Supervisors meeting.</p> <p>In addition, staff recommends approval of the one (1) special exception request (SE202200010) related to Sec. 18.5.1.11(b) to reduce the requirement of a 200' buffer between a Commercial kennel, veterinary service, office or hospital, animal hospital, animal shelter and a residential lot line to 50'.</p>	

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Kevin McDermott
February 15, 2022
April 4, 2022

ZMA 202000005 Old Dominion Village

PETITION

PROJECT: ZMA202000005 Old Dominion Village

MAGISTERIAL DISTRICT(S): White Hall

TAX MAP/PARCEL(S): 056000000067B0, 056000000074A0

LOCATION: North side of Route 240 (Three Notched Road) across from the former Acme Visible Records site. Parkview Drive runs along the western boundary of the site and Emerson Commons Cohousing lies just to the north.

PROPOSAL: Rezone two parcels of land totaling 23.68 acres from Rural Areas to NMD (Neighborhood Model District) with both residential and non-residential (max of 5,000 sq. ft.) components proposed. Request for one (1) special exception.

PETITION: Request to rezone two parcels of land totaling 23.68 acres from Rural Areas to NMD (Neighborhood Model District), which allows residential (3-34 units per acre) mixed with commercial, service, and industrial uses. A maximum of 110 residential units is proposed for a gross density of approximately 4.65 units per acre. A maximum of 5,000 square feet of non-residential space is proposed. An associated request for a special exception under §18-5.1(a) to waive the requirement for a Commercial kennel, veterinary service, office or hospital, animal hospital, animal shelter to have a minimum 200' separation from a residential lot line under §18-5.1.11(b).

ZONING: RA Rural Areas - 0.5 units/acre; Veterinary Hospital by special use permit.

OVERLAY DISTRICT(S): EC – Entrance Corridor, Steep Slopes – Preserved/Critical, Flood Hazard – 100-year floodplain, WPO Water Protection Ordinance Buffer

PROFFERS: Yes

COMPREHENSIVE PLAN: Middle Density Residential – Residential densities in the range of 6-12 units per acre recommended (could go to 18 units per acre to accommodate affordable housing or allow construction of small-scale housing types), community scale retail, service and office uses; and Neighborhood Density Residential – Residential densities in the range of 3-6 units per acre, supporting uses such as community scale retail, service and office uses; Rural Areas – Uses supportive of agriculture, historic preservation, tourism, crossroads communities, and strengthening land conservation initiatives; Green Systems - Areas providing ecosystem and cultural services (including recreation), critical environmental resources, and areas held in common ownership.

CHARACTER OF THE AREA

The subject properties are two parcels of land located on the north side of Route 240 (Three Notched Road) and east of Parkview Drive. South of Route 240 lies the former Acme Visible Records site and north of the subject parcels on Parkview Drive is the Emerson Commons Cohousing development (zoned Planned Residential Development [PRD]) (see **Attachment 1 – Location Map**). The parcels are located adjacent to the northern boundary of the Crozet Development Area. Approximately 3.3 acres within the northwestern corner of the property are located outside of the Development Area.

Aside from the Emerson Commons Cohousing development, all lands surrounding the parcels to the north and east are typical rural area uses of large lot residential, agricultural, and natural forests and fields. West of the property, across Parkview Drive is a large undeveloped parcel and beyond that the conglomeration of parcels containing parking lots, warehouses, and former industrial use structures that make up the commercial and industrial areas of the former Con Agra campus, now Music Today, Starr Hill Brewery, and other smaller commercial uses. South of the property, across Route 240 lies the undeveloped industrial lands associated with the former Acme Visible Records,

currently in remediation for hazardous materials cleanup. All parcels surrounding the subject property to the west and south are zoned for industrial and commercial uses. Further off to the southeast lie newer residential developments of Stonegate (PRD) and Wickam Pond (R-1).

The parcels also lie within the Entrance Corridor overlay district and Preserved Steep Slopes and Critical Slopes (in the Rural Area portion of the site) exist on the property. A Water Protection Ordinance (WPO) Buffer and Flood Hazard Overlay Zone (100-Year Floodplain) associated with Parrott Branch and a tributary also exist across the northern portions of the properties.

SPECIFICS OF THE PROPOSAL

The applicant is proposing to rezone two parcels of land totaling 23.68 acres from Rural Areas to NMD (Neighborhood Model District) to allow for a mixed-use development of commercial and residential, with a maximum of 110 residential units proposed and a maximum of 5,000 square feet of non-residential use proposed (see **Attachment 2 – Project Narrative**). The applicant has submitted a Code of Development (see **Attachment 3 – Code of Development**) and an Application Plan (see **Attachment 4 – Application Plan**), which are requirements of the NMD zoning district. In addition, the applicant has voluntarily provided a proffer statement (see **Attachment 5 – Draft Proffer Statement**).

Without the rezoning, the applicant could develop approximately 11 residential units on the property by-right, with the existing RA zoning. Additional residential units could 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 allow for an additional 5 units, resulting in approximately 16 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 to utilize all potential bonus factors.

The COD (Code of Development) and the Application Plan show the property divided into ten (10) separate blocks, each with its own list of permitted uses and development regulations. Only one block is proposed to allow commercial uses and the remaining 9 Blocks only permit residential and accessory uses. The northern portion of both parcels consists almost entirely of 100-year floodplain and WPO stream buffer all of which (7.8 acres) is proposed to be dedicated to the County for Public Uses and Conservation Areas. Most of the area adjacent to these dedicated Green Spaces are proposed as an Amenity Area consisting of a tot lot and Greenway Trail and totaling an additional 4.06 acres. The 3.3 acres of the site that lies outside Crozet Development Area also falls within these areas and will be left partially as Green Space and Conservation Area dedicated to the County and partially as Amenity Area without residential or commercial structures.

The commercial Block (Block 1) located near the center of the development would consist of the existing veterinary offices located on the parcel and approved under SP199800060. The COD would allow the existing 3,000 square foot structure to expand or be replaced with up to 5,000 square feet of other uses specified in the Code of Development. The Application Plans shows the building remaining but the parking lot being removed and a new parking lot constructed on the east side of the structure. A mix of non-residential uses are permitted, including office, Country Store, private school or daycare among other similar small commercial uses. Industrial uses, restaurants, and hotels are not permitted by the code of development. In addition, more auto-oriented uses like car washes and drive-thru windows are also not permitted.

The COD permits up to 16 Single Family Detached residential units in Block 7 in the north east quadrant of the developed portions of the property. The remaining Blocks (2 - 6 and 8 - 10) would be Single Family Attached units. The gross density of residential units for the project overall is approximately 4.65 units per acre. Blocks 5, 6, 7, 8, 9, and 10 total 9.35 acres and make up the portion of the site recommended for Neighborhood Density Residential in the Crozet Master Plan (3 - 6 units/acre). Blocks 1, 2, 3, and 4 total 4.52 acres and make up the portion of the site designated for Middle Density Residential (6 - 12 units/acre). The allowable densities for the residential portions of the property are in line with the recommended densities from the Master Plan measured by net acres.

The applicant proposes a minimum of 57.1% Amenity and Green Space Areas, significantly more than the requirements of the ordinance. The largest portion of this is the 7.8 acres of Green Space located on the norther portions of the site that will be dedicated to the County for a future Greenway. Additional Green space will be located between Blocks 7 and 10 where a Bioretention Basin will be located and along the eastern boundary of the site adjacent to a residential lot where it will provide screening buffer. In total the applicant proposes 8.21 acres of Green Space or 34.7% of the total site.

The Amenity Areas total 5.3 acres or 22.3% of the site and are located in three areas spread throughout. Amenity Area 1 (0.59 acres) is adjacent to Three Notched Road across the southern boundary of the parcels acting as a Tree Buffer and including a Dog Park in the southwest corner. Amenity Area 2 (4.06 acres) is located adjacent to the Stream Buffer in the north of the site and will include recreation space, a pedestrian path, and a tot lot. Centrally located Amenity Area 3 (0.65 acres, will be include recreation space and a tot lot. The applicant also identifies potential amenities that could be included in the tot lots and throughout the development.

The applicant has included in the COD the lot and building regulations for each block, including height, number of stories, and setbacks. The maximum height proposed in all residential blocks is three stories or 35' and 2 stories or 25' in the commercial Block 1.

The applicant has also provided architectural standards, landscape treatments, parking standards, and sidewalk and pedestrian path standards in the code of development and application plan. Because this item is in the Entrance Corridor, elements like architecture and landscaping will also be reviewed by the Architectural Review Board for a Certificate of Appropriateness at the time of site plan review.

The application plan provides more detail on proposed street layout throughout the property, conceptual grading and stormwater management, and conceptual layout of green and amenity space, and proposed street sections of the various street frontages of this property on existing streets and proposed new internal streets. The applicant is dedicating some right-of-way along the public streets to construct sidewalks to allow for more walkability in this development and to create pedestrian connections with the surrounding areas.

The applicant is proposing to designate 20 residential dwelling units built as affordable housing, which could include for-sale and/or for-rent units and exceeds the required 15% minimum. This information is included in the COD and the draft proffer statement.

Due to concerns about infrastructure issues in the area, the applicant has voluntarily submitted a proffer statement to address impacts. This proffer includes a cash contribution of \$3,000 for each new single family detached dwelling and \$2,500 for each new single family attached or townhouse dwelling unit. This cash contribution could amount to a total of \$283,000 if the maximum dwelling units proposed are constructed.

In addition, the applicant has submitted one (1) special exception request to waive the requirement for a minimum of at least 200' buffer between a veterinary use and a residential lot line. (See **Attachment 7 - Special Exception Request and Narrative**).

APPLICANT'S JUSTIFICATION FOR THE REQUEST

The applicant has provided a detailed narrative as justification for the request (see **Attachment 3 – Project Narrative**), as well as a justification narrative for the requested special exception request (see **Attachment 7 - Special Exception Request and Narrative**).

COMMUNITY MEETING and COMMUNITY MEMBER INPUT

A community meeting was held for this proposal on July 29, 2020 and conducted by the County and the applicant separate from a regularly scheduled meeting of the Crozet Community Advisory Committee (CCAC). Only minor changes to this proposal have occurred during the review process and so no additional meetings were required. This community meeting was held virtually, using Zoom and PublicInput.com. At the virtual meeting, questions were asked by community members and some concerns were raised.

The concerns raised by the attendees included:

- General concern for additional traffic in the Crozet Area
- Concern for bike and pedestrian safety on Route 240 and whether an on-road bike lane or a separated bike path are the most beneficial
- Concern regarding additional density in this area of Crozet and in a currently sparsely developed area
- Concern regarding the buffer between this development and the existing residential lot to the east

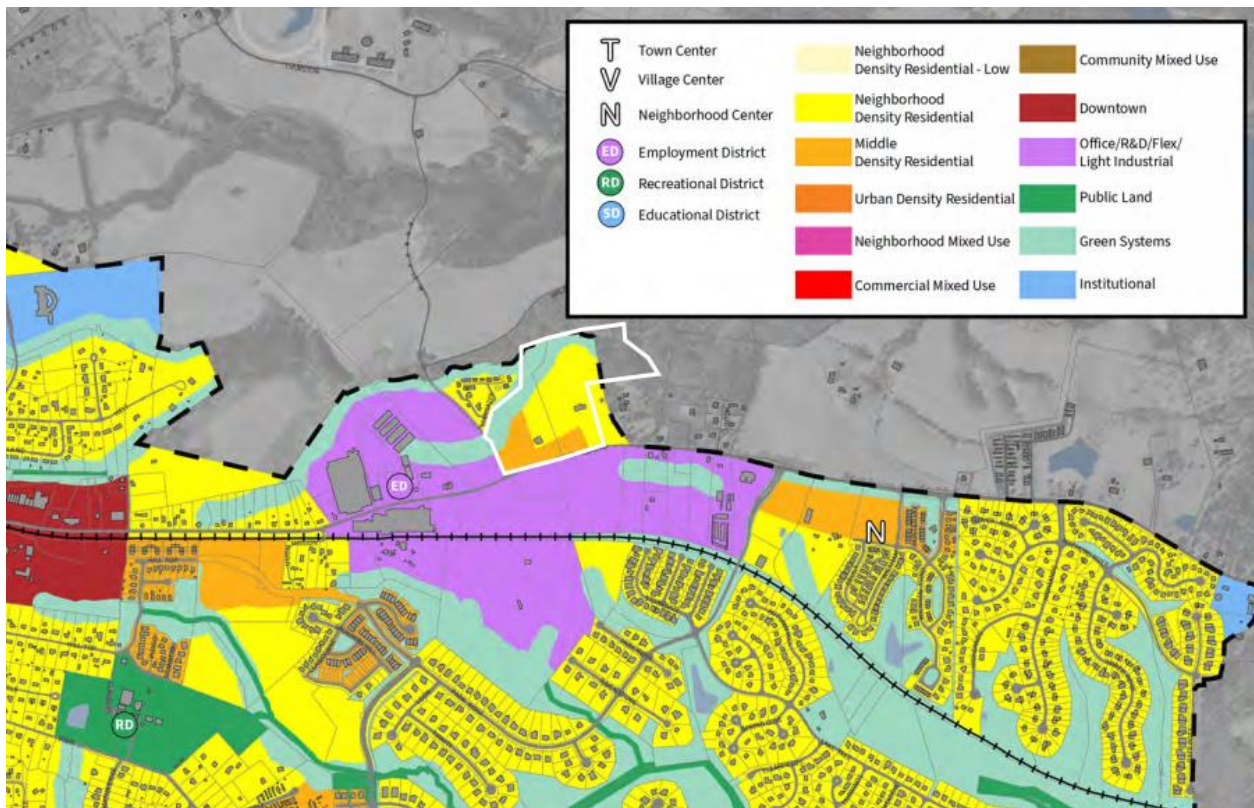
PLANNING AND ZONING HISTORY

There have been a few prior actions taken for the property that composes the proposed Old Dominion Village project.

1. October 5, 1988 – SP198800060 – The Board of Supervisors approved, with conditions, a special use permit for a Veterinary Clinic.
2. October 15, 1988 – VA198800073 – The Board of Zoning Appeals approved the variance to reduce the number of required parking spaces for the veterinary clinic from 30 to 16.
3. 1990 – SDP199000003 – A Site Development Plan was approved to construct the Veterinary Clinic.
4. July 22, 2020 – CLE202000109 – A zoning clearance was issued to allow a change in ownership of the veterinary clinic.
5. October 9, 2020 – ARB202000097 – ARB approved a sign for the veterinary clinic.

COMPREHENSIVE PLAN

The Crozet Master Plan calls for the parcels that compose the Old Dominion Village property to be developed in accordance with the Middle Density Residential, Neighborhood Density Residential, Rural Areas, and the Green Systems land use classifications (see map inset below; subject properties highlighted):



Middle Density Residential (orange): This designation calls for primary uses of residential units of all types. Uses such as places of worship, schools, public and institutional uses, neighborhood scale retail commercial, office, and service uses may be appropriate as secondary uses. The density range recommended for Middle Density Residential is 6-12 dwelling units per acre.

The portions of the property on the southwestern corner of the site are designated for Middle Density Residential. In the COD, this area is identified as Blocks 1 – 4 and Amenity Area. They are proposed to have a maximum of 54 single family attached residential units on 4.85 acres, for a density of 11.13 units per acre. This proposed density falls within the recommended range for Middle Density Residential. The COD also permits a maximum of 5,000 square feet of non-residential space, which conforms with the Middle Density designation, as small areas of non-residential uses are allowable. The COD regulates the height of the buildings in this block to between 1-3 stories, which is the recommendation of the master plan.

Neighborhood Density Residential (yellow): This designation calls for primary uses of residential units of all types. Uses such as places of worship, schools, public and institutional uses, neighborhood scale retail commercial, office, and service uses may be appropriate as secondary uses. The density range recommended for Neighborhood Density Residential is 3 - 6 dwelling units per acre.

The portions of the property adjacent to the Middle Density Residential to the east are designated for Neighborhood Density Residential. In the COD, this area is identified as Blocks 5 – 10 and Amenity Areas and Green Space. They are proposed to have a maximum of 56 single family attached and detached residential units on 12.02 acres, for a density of 4.66 units per acre. This proposed density falls within the recommended range for Neighborhood Density Residential. The COD regulates the height of the buildings in this block to between 1-3 stories, which is the recommendation of the master plan.

Green Systems (green): This designation calls for areas providing ecosystem and cultural services (including recreation), critical environmental resources, and areas held in common ownership.

The northern portions of the property are designated for Green Systems totaling 5.74 acres. In the application plan, this area is identified as Green Space 1, WPO Buffer and Conservation Area and dedicated to the County for Public Use. This use is consistent with the uses described in the Master Plan.

Rural Areas (no color): This designation is defined in the Albemarle County Comprehensive Plan and recommends uses supportive of agriculture, historic preservation, tourism, crossroads communities, and strengthening land conservation initiatives. New homebuilding is not supported and keeping large parcels intact is recommended.

The northeastern portions of the property totaling 3.31 acres is within the area designated as Rural Areas in the Comprehensive Plan. The proposed uses on this portion of the site are primarily listed as Green Space 2, WPO Buffer and Conservation Area dedicated to the County for Public Use. Another portion of the property located in the Rural Area is designated for a portion of Amenity 2 Recreation Area which is proposed to contain a portion of the Greenway Trail. This use is consistent with the Rural Area designation.

The Neighborhood Model: Staff has reviewed the proposal against the Neighborhood Model Principles and has found that it is consistent or mostly consistent with all of the principles. The detailed Neighborhood Model analysis can be found in **Attachment 6**.

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." This rezoning proposal includes a maximum of 110 dwelling units. As a part of the COD, the applicant has included a note about affordable housing that states "15% of the total residential dwelling units built within the project shall be Affordable Dwelling Units," which "may be met through a variety of housing types, including but not limited to, for-sale units or rental units. The applicant has also included in the code of development the parameters regarding the designation of affordable dwelling units in this project. The County's Principal Planner for Housing has reviewed this section of the COD on affordable housing and has expressed no objections to the proposal or the language used in the COD.

If this project were to be constructed with its proposed maximum number of 110 dwelling units, then a minimum of 16 of those units would be designated as affordable, according to the information provided in the COD. The Draft Proffer Statement states that 20 affordable units will be constructed.

ZONING ORDINANCE REQUIREMENTS

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

The purpose and intent of the Neighborhood Model District (NMD) zoning district is to:

- Provide for compact, mixed-use developments.

- Integrate diversified uses within close proximity to each other within the development areas identified in the Comprehensive Plan.
- Incorporate principles of traditional neighborhood development, such as pedestrian orientation and a mixture of uses.

The NMD is intended to be a flexible zoning district to allow development consistent with the goals of the Future Land Use Plans in the Master Plans and the Neighborhood Model Principles. The form and content of this proposal is consistent with the intent of the NMD, providing a mix of residential and non-residential uses on the property and integrating them with nearby properties through the construction of multi-modal transportation options, including sidewalks, and pedestrian paths.

The Crozet Master Plan calls for the parcels included in this rezoning to be developed as Middle Density Residential, Neighborhood Density Residential and Green Systems. The proposal will provide commercial uses through the existing veterinary center or similar small scale non-residential in the future which can serve the many existing residents in the surrounding area, as well as the new residents. In addition, the proposed residential units will add to the variety of residential unit types that already exist in the surrounding area. The proximity of commercial areas to this project's residential areas, along with the proposed sidewalks to connect the various areas, would allow the area to function as more cohesive mixed-use area.

Anticipated impact on public facilities and services:

Streets:

The proposed development is located on Route 240 between downtown Crozet and the eastern junction with US 250. This is a primary corridor which sees approximately 5,000 vehicles per day. A Traffic Impact Analysis, or TIA was not required for this application because it falls well below the 1,000 vehicles per day threshold that a TIA is typically required for. Based on the proposed uses the Institute of Traffic Engineers (ITE) Trip Generation Manual estimates the development would generate approximately 795 trips per day.

The proposal has been reviewed by the County's Transportation Planner and VDOT with no objections. It should be noted that a transportation study performed in support of the Crozet Master Plan and completed within the year showed no significant safety or congestion issues in the area of this development. Long queues were identified at the US 240 intersection of Three Notched Road and Crozet Avenue. However, there are currently numerous projects underway to help alleviate traffic issues, especially in the area around Three Notched Road. These projects include the extension of Library Avenue to provide a parallel route to Route 240 to downtown Crozet and intersection improvements at Route 240 (Three Notched Road) and US 250 where a roundabout is currently in design.

The applicant is proposing to construct a turn lane from Route 240 onto Parkview Drive and sidewalks and bike lanes along Route 240. The applicant has voluntarily submitted a proffer statement to address impacts to public facilities and services. This proffer includes a cash contribution of \$3,000 for each new single family detached dwelling and \$2,500 for each new single family attached or townhouse dwelling unit. This cash contribution could amount to a total of \$283,000 if the maximum dwelling units proposed are constructed. This proffer does not identify a specific project, so this money could be allocated for transportation improvements in the area of this development if those improvement projects are listed in the approved CIP.

Schools:

Students living in this area would attend Crozet Elementary School, Henley Middle School, and Western Albemarle High School. Beginning next school year Crozet Elementary will open a new expansion and many students will be redistricted to Crozet ES. A full analysis of the future enrollment at Crozet ES that accounts for these changes has not been completed. However, the expected enrollment at Crozet ES in the 22/23 school year shows the school operating well below capacity and this condition is expected to continue into the foreseeable future.

Albemarle County Public Schools has provided its standard student generation calculator that estimates how many students will be generated at each school level by housing type. The table below specifies the yield of students generated at each school level should the subject parcels be built out to the maximum increase of 110 dwelling units that is proposed with the ZMA. It is important to note that the yield rates are a county-wide average and do not take into account age of building, number of bedrooms, or value of the property.

Official Calculator

Dwelling Type	Elementary	Middle	High	Total
Single-family attached or detached (110 units)	0.20 students/unit; (22 students total)	0.10 students/unit; (11 students total)	0.15 students/unit; (16.5 students total)	49.5 students total

Source of Calculator: Albemarle County Public Schools

The number of students total is what is expected to be generated at each school level, with the maximum of 110 dwelling units proposed. If the development were to consist of 110 units, then approximately 49.5 students would be generated by the development across all grade levels.

It is also important to note that these totals include student numbers generated from any dwelling units that could be developed by-right. They are not an increase over the student numbers that would be generated with any by-right development that could occur.

The school system has provided annual estimates of student enrollment at all three schools over the next ten academic years. Student enrollment at Henley Middle School is currently below capacity and is not projected to exceed the capacity within the next ten years. Student enrollment at Western Albemarle High School is currently below capacity but is expected to exceed capacity next few years and remain slightly over capacity for the foreseeable future.

The applicant has voluntarily submitted a proffer statement to address impacts to public facilities and services. This proffer includes a cash contribution of \$3,000 for each new single family detached dwelling and \$2,500 for each new single family attached or townhouse dwelling unit. This cash contribution could amount to a total of \$283,000 if the maximum dwelling units proposed are constructed. This proffer does not identify a specific project, so this money could be allocated for school improvements in this development's school district if those improvement projects are listed in the approved CIP.

Fire & Rescue:

ACFR has reviewed this rezoning application and has no objections at this time. Code requirements for items such as street and travelway width, turning radius, and the necessity of secondary emergency fire access routes will be addressed at the site planning 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. Based on the number of dwelling units proposed in the application plan, two points of access will be required. A determination

that there are two available access points will occur at the site plan or subdivision stage and must be to the satisfaction of ACFR 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 approval, prior to the approval of subdivision plats and/or site plans by the County at the development stage of these properties. Since a majority of the subject property is below the elevation of Three Notched Road a private sewer pump station and force main will have to be designed and installed to provide sanitary service for this development.

Anticipated impact on environmental, cultural and historic resources:

There are no known cultural or historic resources on these parcels. There are preserved steep slopes and critical slopes on the subject parcels, and any disturbance of those slopes will be reviewed by the County Engineering staff during the development phase of the project. These preserved and critical slopes are predominantly located in areas designated as Green Space and Amenity Area. There are also flood plains and water protection ordinance (WPO) buffers on these parcels associated with Parrott Branch and a tributary in the northern portion of the parcels. All of these areas fall in areas designated as Green Space: WPO Buffer and Conservation Area which is to be dedicated to the County. Any increase in stormwater runoff above what is currently allowed on the property will be reviewed by County Engineering staff during the 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).

Anticipated impact on nearby and surrounding properties:

At the community meeting for this project, members of the community expressed general concern about potential traffic issues, the dangers of walking and biking in this area, and the loss of green space. These issues are summarized below, with staff comments in italics.

- Traffic generated by this development will cause problems with the street network and create additional delays.

Based on the proposed uses the Institute of Traffic Engineers (ITE) Trip Generation Manual the development would generate approximately 795 trips per day. The proposal has been reviewed by the County's Transportation Planner and VDOT with no objections. It should be noted that a transportation study performed in support of the Crozet Master Plan and completed within the year showed no significant safety or congestion issues in the area of this development. Long queues were identified at the US240 intersection of Three Notched Road and Crozet Avenue. However, there are currently numerous projects underway to help alleviate traffic issues especially in the area around Three Notched Road. These projects include the extension of Library Avenue to provide a parallel route to downtown Crozet and intersection improvements at US 240 Three Notched Road and US 250 where a roundabout is currently in design.

The applicant is proposing to construct a turn lane from Route 240 onto Parkview Drive and sidewalks and bike lanes along Route 240. The applicant has voluntarily submitted a proffer statement to address impacts to public facilities and services. This proffer includes a cash contribution of \$3,000 for each new single family detached dwelling and \$2,500 for each new single family attached or townhouse dwelling unit. This cash contribution could amount to a total of \$283,000 if the maximum dwelling units proposed are constructed. This proffer does not

identify a specific project, so this money could be allocated for transportation improvements in the area of this development if those improvement projects are listed in the approved CIP.

- Danger of walking and biking in the area.

Due to the heavy traffic in the area and the lack of sidewalks or bike lanes, it can be dangerous to walk or bike in the vicinity of the proposed project. The applicant is proposing to construct sidewalks and a bike lane along Three Notched Road that this property fronts on, where there are none currently. The applicant has also proffered contributions to the County to help address transportation concerns along this corridor, which will also increase the safety of walking and biking in the surrounding area.

- Loss of green space.

The subject parcels are currently mostly undeveloped; however, they are designated for future development in the Master Plan. The COD and application plan indicate that approximately 57% of the development will be designated as green space and amenities, more than that required by the Zoning Ordinance, including several tot lots scattered throughout the site, along with a greenway and trails in the northern portions of the site through the Green Space and Amenity Areas.

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 the Crozet development area. This proposal will help address the need for housing in a mixed use setting. In addition, this project will provide for a denser, more walkable environment in the neighborhood with the construction of sidewalks along existing and proposed streets. The submitted proffers of a cash contribution help to contribute to long-term solutions for the traffic problems and infrastructure concerns in this area.

SPECIAL EXCEPTION REQUEST

The applicant is requesting a special exception to modify the requirements of Section 5.1.11(b) of the zoning ordinance to allow the veterinary building to be located within 200 feet of a residential lot line (**Attachments 7 and 7a**).

According to County Code § 18-5.1.11(b) each commercial kennel, veterinary service, office or hospital, animal hospital, or animal shelter with soundproof confinements shall have no structure located closer than 200 feet to any agricultural or residential lot line. The applicant has submitted SE202200010 requesting to modify that requirement to reduce the maximum distance to 50 feet.

The intent of this requirement is to protect surrounding properties from noise that may be generated by this use.

County Code § 18-5.1(a) permits any Supplementary Regulation to be modified or waived by the Board of Supervisors as a Special Exception.

The Board of Supervisors may modify or waive any such requirement upon a finding that such requirement would not forward the purposes of this chapter or otherwise serve the public health, safety or welfare or that a modified regulation would satisfy the purposes of this chapter to at least an equivalent degree as the specified requirement.

Staff has reviewed the request and the Noise Measurement Report submitted by Accenture on behalf of the applicant. The report evaluates noise measurements taken 40' from the structure at the location where any dogs are kenneled. The results showed that there was little to no difference in both the maximum and average noise levels between when the dogs are barking and when ambient noise is prevalent. Although the report acknowledges that barking can be heard coming from the structure at the 40' distance.

The report noted that during the period of intense barking from dogs inside the kennel the dBA never exceeded 55. This is notable because § 18-5.1.11(b) requires that sound measured at the nearest agricultural or residential property line shall not exceed 55 decibels. The analysis demonstrates that it is unlikely this level would be exceeded with the reduced buffer of 50'.

The sound measuring equipment was left on site for the period of one week and during that entire time the 5-minute average dBA only exceeded the 55 dBA limit on five (5) occasions between both measured points out of a total of 1,512 possible 5-minute periods. It is not known if barking dogs caused these instances as there were other sources of noise present but that number shows that it is very rare in any case.

The existing Veterinary Center provides some overnight care and occasional boarding in soundproof confinements and, according to the application, this results in sound levels much lower than typical commercial kennels or animal shelters.

It should also be noted that the veterinary use is existing currently and the development proposal would construct the residential dwellings around it. Therefore, any buyers would be fully aware of the potential noise from the veterinary center prior to purchasing the home. This creates a different circumstance than the typical instance when § 18-5.1.11(b) is cited with a proposed new commercial kennel, veterinary service, office or hospital, animal hospital, or animal shelter proposed near residential or agricultural uses.

Because of the factors cited above, staff recommends approval of this Special Exception request. However, staff does recommend that the application plan identify sound attenuation measures including vegetative or other buffers surrounding the existing Veterinary structure.

PROFFERS

Proffers are contained in the Draft Proffer Statement (**Attachment 5**) and are summarized below.

- **Proffer #1 (Affordable Housing):** The first proffer states that the owner shall provide a total of 20 Affordable Dwelling Units in the development and details the methods for providing those units as For-sale, or Rental units and details the role of the County Office of Housing and the tracking of those units.
- **Proffer #2 (Amenity Area Dedication):** This proffer dedicates the proposed Amentiy Areas in the development to the HOA for the use and enjoyment of the residents of the development.
- **Proffer #3 (Greenway Area Dedication):** The applicant proposes to dedicate the areas identified as Green Space 1 and 2 totaling 7.8 acres, as Conservation Area, to the County upon its request for public use. The owner will also construct a pedestrian path that meets the Albemarle County standards for a Class B trail that will be located within the Green Space or Amenity Areas and a public use easement as necessary for this path.

- **Proffer #4 (Financial Contributions):** This proffer includes a cash contribution of \$3,000 for each new single family detached dwelling and \$2,500 for each new single family attached or townhouse dwelling unit.

RECOMMENDED REVISIONS TO APPLICATION

There are several revisions recommended by staff to the COD and the draft proffer statement to resolve discrepancies among the documents, to clarify language, or to bring the application into greater conformance with the proposed zoning district. It is recommended that these revisions be addressed prior to the application being heard by the Board of Supervisors.

Code of Development:

1. Revise the code to allow for a wooded buffer along the Rt. 240 frontage that includes a mix of trees and shrubs, evergreen and deciduous, in an informal arrangement, as determined by the ARB.

Application Plan

1. Staff recommends adding sound attenuation measures such as a vegetative buffer surrounding the existing veterinary office to reduce the potential for noise impacts to the future residential areas.
2. The grading plan does not appear to show the steep slopes overlay and so it is not clear if any grading is proposed in that area.

Draft Proffer Statement:

1. The section title for Proffer 1C should be changed to 'For-Rent Affordable Dwelling Units'.

SUMMARY

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

1. The proposal is consistent with the uses and density recommended by the Crozet Master Plan.
2. The proposal is generally consistent with the applicable neighborhood model principles.
3. The proposal dedicates 7.8 acres of wooded lands located in the northern portion of the property and surrounding Parrott Creek and its tributary to the County protecting this natural resource and preserves additional Greenspace adjacent to the dedicated lands as Greenspace with recreational trails.
4. The proposal provides pedestrian and bike facilities along Three Notched Road in addition to the internal network.
5. The proposal proffers up to \$283,000 in cash contributions to the County to help mitigate impacts of the development on schools and transportation.
6. The proposal proffers 20 Affordable Dwelling Units within the development exceeding the required 15% rate.

Staff has not identified any factors unfavorable to this request:

RECOMMENDATION

It is staff's opinion that the favorable factors outweigh the unfavorable factors associated with this request. Staff recommends approval of ZMA202000005 Old Dominion Village, provided

recommended revisions, as identified in the staff report, are made to the application prior to the Board of Supervisors meeting.

In addition, staff recommends approval of the one (1) special exception request (SE202200010) related to Sec. 18.5.1.11(b) to reduce the requirement of a 200' buffer between a Commercial kennel, veterinary service, office or hospital, animal hospital, animal shelter and a residential lot line to 50'.

ATTACHMENTS

- 1 – Location Map
- 2 – Project Narrative, dated May 18, 2020; last revised November 19, 2021.
- 3 – Code of Development, dated May 18, 2020; last revised November 19, 2021.
- 4 – Application Plan, dated March 16, 2020; last revised November 19, 2021.
- 5 – Draft Proffer Statement
- 6 – Staff Analysis of Application's Consistency with Neighborhood Model Principles
- 7 – SE202200010 Special Exception Request and Narrative
- 7a – SE202200010 Noise Study for Special Exception Request