

**COUNTY OF ALBEMARLE
PLANNING STAFF REPORT SUMMARY**

Project Name: ZMA201900003 Royal Fern	Staff: Andy Reitelbach, Senior Planner
Planning Commission Public Hearing: October 8, 2019	Board of Supervisors Public Hearing: December 4, 2019
Owner: 5 th Street Forest, LLC; Region Ten Community Services Board, Inc.	Applicant: 5 th Street Forest, LLC, c/o Kyle Redinger
Acreage: 13.63 acres	Rezone from: R-2 Residential, R-10 Residential, and CO Commercial Office to PUD, Planned Unit Development
TMPs: 076000000046A0, 076000000046F0 (portion), 07600000005400 Location: NW side of 5th St. across from Albemarle County Office Building – 5th St., from Wahoo Way to Old Lynchburg Rd.; east side of Old Lynchburg Rd. from 5th St. to Country Green Rd.; west side of Old Lynchburg Rd. from Country Green Rd. to Mountainwood Rd.	By-right use: Commercial office space and a maximum of 48 residential units.
Magisterial District: Samuel Miller, Scottsville	Proffers: Yes
Proposal: Rezone two parcels of land and a portion of a third parcel of land totaling 13.63 acres from R2, R10, and CO, to PUD Planned Unit Development district, with both residential and non-residential (max of 125,000 sq. ft.) components proposed. Request for five (5) special exceptions to PUD requirements.	Requested # of Dwelling Units: A maximum of 300 residential units, with a mix of townhouse and multi-family units.
DA (Development Area) – Southern and Western Urban Neighborhoods Master Plan Area	Comp. Plan Designation: Urban Density Residential and Community Mixed-Use, in the Southern and Western Urban Neighborhoods Master Plan Area
Character of Property: The property is currently all wooded, with no existing structures.	Use of Surrounding Properties: Apartments to the east; COB-5 th St. to the south of 5 th St.; small commercial establishments, detached single-family homes, and mobile homes to the south of Country Green Rd.; Region Ten office to the north; single-family attached and multifamily to the northwest.
Affordable Housing: Yes ☒ No ☐	AMI (Area Median Income): 80% of AMI as determined by U.S. Dept. of Housing & Urban Development
Factors Favorable: 1. The request is consistent with the use and density recommended by the Southern and Western Urban Neighborhoods Master Plan. 2. The request is consistent with the applicable neighborhood model principles. 3. The request includes office space in the commercial areas, a goal of the County in furthering the objectives of the Economic Development department's Project Enable. 4. The request would provide additional residential and commercial development in a U.S. Treasury-designated "Opportunity Zone."	Factors Unfavorable: 1. Additional students will be enrolled at area schools, including Cale Elementary, which is already over-capacity. 2. Additional traffic will be produced along 5th Street and at its intersection with Old Lynchburg Road, which is an intersection that is already failing. 3. Certain Highway Commercial uses permitted by-right in the Commercial Shopping Center block are not appropriate uses for the Community Mixed-Use designation as found in the master plan or for Entrance Corridors.

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| <ol style="list-style-type: none">5. The request provides pedestrian connections along Old Lynchburg, Mountainwood, and Country Green roads and 5th Street.6. The request proffers contributions to assist in resolving the traffic issues at the Old Lynchburg-5th intersection and along the 5th Street corridor. | |
| <p>RECOMMENDATION: On the whole, it is staff's opinion that the favorable factors outweigh the unfavorable factors associated with this request. Staff recommends approval of ZMA201900003 Royal Fern, provided recommended revisions are made to the Application Plan, as described above in the "Application Plan Recommendations" section, prior to the Board of Supervisors meeting.</p> <p>In addition, staff recommends approval of the five (5) special exception requests.</p> | |

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Andy Reitelbach
October 8, 2019
December 4, 2019

ZMA 201900003 Royal Fern

PETITION

PROJECT: ZMA201900003 Royal Fern

MAGISTERIAL DISTRICT(S): Samuel Miller, Scottsville

TAX MAP/PARCEL(S): 076000000046A0, 076000000046F0, 07600000005400

LOCATION: Property on the northwest side of 5th Street across from the Albemarle County Office Building – 5th Street, from Wahoo Way to Old Lynchburg Road, on the east side of Old Lynchburg Road from 5th Street to Country Green Road, and on the west side of Old Lynchburg Road from Country Green Road to Mountainwood Road.

PROPOSAL: Rezone two parcels of land and a portion of a third parcel of land from R2 Residential, R10 Residential, and CO, Commercial Office, to PUD, Planned Unit Development district. A maximum of 300 residential units, with a mix of multi-family units and single-family attached units, and a maximum of 125,000 square feet of non-residential space are proposed.

PETITION: Request to rezone 10.17 acres from R2 Residential, which allows residential units at a density of 2 units per acre; 0.58 acres from CO Commercial Office, which allows offices, supporting commercial and service, and residential by special use permit (15 units per acre); and 2.88 acres from R10 Residential, which allows residential units at a density of 10 units per acre, to PUD, Planned Unit Development district, which allows residential (3-34 units per acre) mixed with commercial, service, and industrial uses. A maximum of 300 residential units is proposed for a gross density of approximately 22.01 units/acre, and a net density of approximately 22.37 units/acre. A maximum of 125,000 square feet of non-residential space is proposed. Associated with this request are requests for special exceptions to modify the acreage requirement for a Planned Unit Development zoning district; to waive the requirement for the issuance of building permits for eighty (80) percent of the dwelling units prior to the issuance of the building permits for shopping center uses; to waive the requirement for the issuance of building permits for eighty (80) percent of the dwelling units prior to the issuance of the building permits for commercial/service uses; to modify the minimum area requirements for open space; and to waive the requirements of gross floor area for uses in the commercial/service areas.

ZONING: R-2 Residential - 2 units/acre; R-10 Residential - 10 units/acre; and CO Commercial Office – offices, supporting commercial and service; residential by special use permit (15 units/ acre).

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

PROFFERS: Yes

COMPREHENSIVE PLAN: Community Mixed Use – residential (up to 34 units/acre), community scale retail, service and office uses, places of worship, schools, public and institutional uses; and Urban Density Residential – residential (6.01-34 units/acre); supporting uses such as places of worship, schools, public and institutional uses, neighborhood scale commercial, office, and service uses, in Neighborhood 5 of the Southern and Western Urban Neighborhoods Master Plan area.

CHARACTER OF THE AREA

The subject properties are two parcels of land, and a portion of a third parcel of land, that are located south of Interstate 64, near the interchange with 5th Street, Exit 120. The parcels are generally located at the intersection of 5th Street and Old Lynchburg Road, across the street from the 5th St. County Office Building, and along Old Lynchburg Road between Country Green Road and Mountainwood Road (see Attachment 1 – Location Map). The property of the proposed rezoning is split into two pieces by Old Lynchburg Road, with the piece on the east side of Old Lynchburg Road composed of one parcel (TMP 76-54) and a portion of another parcel (TMP 76-46A). TMP 76-54 is currently zoned R-10, Residential, and TMP 76-46A is currently zoned R-2, Residential (see

Attachment 2 – Zoning Map). The other piece of property included in this rezoning is on the west side of Old Lynchburg Road between Mountainwood Road and Country Green Road and consists of the other portion of TMP 76-46A, which is zoned R-10, Residential, and the piece of 76-46F (zoned CO, Commercial Office) which lies west of Old Lynchburg (see Attachment 3 – Boundary Compilation). The piece of 76-46F which lies east of Old Lynchburg is not a part of this rezoning request. Together, the parcels total 13.63 acres and are currently wooded, with no existing structures. The parcels also lie within the Entrance Corridor and the Airport Impact Area overlay district. Managed Steep Slopes exist on the property, on both sides of Old Lynchburg Road. In addition, a small part of the property (on the east side of Old Lynchburg Road) lies within a State Dam Break Inundation Zone. This property also is included within an Opportunity Zone, as defined by the U.S. Department of the Treasury, and lies within the Monticello Viewshed.

The neighboring area is largely residential, with some neighboring institutional uses and nearby small-scale commercial establishments. There is an apartment complex to the east, zoned R-15, Residential. The County Office Building – 5th Street is to the southeast of the property, across 5th Street, and is zoned CO, Commercial Office. To the north of the subject property is the Region Ten Community Services Board office, zoned CO. There are additional multi-family and townhouse developments to the northwest of the property, zoned R-6, Residential, and R-15, Residential. Across Country Green Road, to the southwest of the property, are a mixture of uses and zoning districts, including detached single-family homes, a mobile home community, and small retail establishments, zoned R-4, Residential, R-2, Residential, and C-1, Commercial. There are additional residential areas farther north along Old Lynchburg Road, in the direction of I-64 and the City of Charlottesville municipal boundary. Farther south along Old Lynchburg Road from the subject property are more residential developments, as well as the Southwood community, which has recently been rezoned by the Board of Supervisors to Neighborhood Model District for a mixed-use development.

SPECIFICS OF THE PROPOSAL

The applicant is proposing to rezone the 13.63-acre property from R-2 Residential, R-10 Residential, and CO, Commercial Office, to PUD, Planned Unit Development, to allow for a mixed-use development of commercial and residential, with a maximum of 300 residential units proposed and a maximum of 125,000 square feet of non-residential use proposed (see Attachment 4 – Project Narrative). The applicant has submitted an application plan, a requirement of the PUD zoning district, which shows the general layout of the development, as well as the proposed uses and densities (see Attachment 5 – Application Plan). Without the rezoning, the applicant could develop approximately 48 residential units on the property by-right, including both the existing R-2 and R-10 zoning districts. It is unlikely that commercial uses could be developed by-right due to the small size of the area zoned CO, 0.58 acres.

The residential units are proposed to be a mix of townhouse units (single-family attached) and multi-family units. The non-residential areas are designated as commercial/service and shopping center uses, which would allow for a wide variety of uses, such as retail/restaurant, office, hotel, and self-storage facilities, as well as additional uses permitted in the CO, C1, and HC (Highway Commercial) districts that are not specifically prohibited by the PUD regulations, such as storage yards. In addition, the applicant has provided a proffer that would prohibit some of the otherwise prohibited uses within this development (see Attachment 6 – Draft Proffer Statement). Industrial uses are permitted in PUDs by the Zoning Ordinance; however, areas for industrial uses must be designated on the application plan at the time of the approval of the PUD. Because the applicant has not designated any areas of the site as industrial on the application plan, there are no industrial uses proposed for this property, and they will not be permitted by the application plan.

The application plan depicts the proposed development divided into five (5) separate blocks. Blocks 1-3 are proposed solely for residential uses. Block 4 is proposed only for commercial uses. Block 5 is proposed to include a mix of both residential and commercial/services uses. The gross and net density of the project as a whole is 22.01 units per acre.

Block 1, which consists of all of the property west of Old Lynchburg Road, proposes townhouses and multi-family units. This area includes the western part of TMP 76-46A and the portion of 76-46F that is proposed to be rezoned. The part of TMP 76-46F east of Old Lynchburg Road is not a part of this rezoning application. In the application plan, this area is identified as Block 1. It is proposed to have a maximum of 150 residential units (both townhouse and multi-family) on 4.87 acres, for a density of 31 units per acre.

The portions of the property east of Old Lynchburg Road include the eastern part of TMP76-46A and TMP 76-54. In the application plan, this area is identified as Blocks 2-5, with blocks 2 and 3 identified as residential. Block 2 is proposed to have a maximum number of 72 units (townhouse and multi-family) on 3.31 acres, at a density of 22 units per acre, and Block 3 is proposed to have a maximum number of 30 units (townhouse only) on 2.21 acres, at a density of 14 units per acre. Block 4, at 1.49 acres, is identified for the commercial shopping center use, with retail, office, hotel, and self-storage uses proposed, with a maximum of 125,000 square feet of non-residential space. Block 5 is identified for residential and commercial/service, including office uses, with a maximum of 48 units on 1.54 acres, for a density of 32 units per acre, and a maximum square footage of 30,000 square feet of non-residential. There is a maximum of 30,000 square feet of office proposed in the whole development, so this square footage may be in Block 4, Block 5, or split between the two blocks.

The applicant is proposing to designate 15% of the total residential dwelling units built as affordable housing, including both for-sale and for-rent units. In addition, the applicant is dedicating some right-of-way along the public streets to construct sidewalks and a multi-use path to allow for more walkability in this development and to create pedestrian connections with the surrounding areas. As a PUD, the development would follow the Zoning Ordinance for regulations including parking, setbacks and stepbacks, and recreational requirements. This situation is different from the Neighborhood Model zoning district, where the applicant would create their own Code of Development to regulate the form of the development. NMDs require a significant amount of staff time during the site plan and subdivision plat review stage due to the complexity and diversity of codes of development, and the applicant was advised to consider rezoning to PUD, with requests for exceptions to some of the requirements, as a potential option for a mixed-use development.

Due to concerns about transportation issues in the area, the applicant has submitted a proffer to address transportation. This proffer includes two options and would likely depend on the outcome of a study of the 5th Street corridor, which VDOT will likely use to determine the best solution for addressing traffic concerns in this area and especially at the intersection of Old Lynchburg Road and 5th Street. The proffer includes an option of either 1) all cash for future road improvements, or 2) less cash for future improvements than provided in option 1, but with the dedication of additional land from the project area for future right-of-way.

In addition, the applicant has submitted five (5) special exception requests for waivers or modifications of requirements in the PUD section. These special exceptions include requests for:

1. Modify the acreage requirement for a Planned Unit Development zoning district;
2. Waive the requirement for the issuance of building permits for eighty (80) percent of the dwelling units prior to the issuance of the building permits for shopping center uses;
3. Waive the requirement for the issuance of building permits for eighty (80) percent of the dwelling units prior to the issuance of the building permits for commercial/service uses;
4. Modify the minimum area requirements for open space;

5. Waive the requirements of gross floor area for uses in the commercial/service areas.

Because the special exceptions require separate motions and actions to be taken by the Board of Supervisors, each special exception has its own request, applicant justification, and staff report attached to this report, with the analysis and findings pertaining to each special exception (Attachments 8 – Applicant Requests and 9 – Staff Reports and Analysis).

APPLICANT'S JUSTIFICATION FOR THE REQUEST

The applicant has provided a detailed narrative as justification for the request (see Attachment 4), as well as justifications for each of the five special exception requests (see Attachment 8).

COMMUNITY MEETING

The Community Meeting for this project was held on April 18, 2019, at the 5th and Avon Community Advisory Committee (CAC) meeting. Many concerns were raised by the attendees, including:

Traffic Concerns:

1. Additional impact that this project would have on the traffic in the area of 5th Street, as traffic heading north to I-64 and the City of Charlottesville is already congested at rush hour.
2. Left turns from Old Lynchburg Road onto northbound 5th Street, especially during the morning hours.
3. This development, along with the other nearby developments recently constructed or approved, could create greater congestion.

It was asked if a traffic signal would be put in place. Staff replied that a review of the traffic study indicated that a traffic signal may be warranted; however, there are other options for intersection regulation and a comprehensive study of the 5th Street corridor could indicate that other measures might be better solutions.

Mixture of Uses:

1. Concern that mixed-use developments do not always work out as intended, as well as the layout of the development.
2. Commercial component could increase traffic more than just residential.

The applicant indicated that the commercial component would not be a strip mall-type development but would divide the commercial areas into smaller blocks.

Pedestrian/Safety/Open Space:

1. Concerns regarding the lack of pedestrian facilities, and additional commercial development without sidewalks to access it could make the area more dangerous for people who walk. The applicant indicated that sidewalks or trails would be provided along the road frontage of the subject property; however, off-site sidewalks would not be provided.
2. Safety and the loss of green space were other concerns raised by community members, as commercial areas near the residences may cause safety issues. One community member indicated that building sidewalks, crosswalks, and green spaces could help increase the safety of the area. The applicant indicated that all traffic issues would be reviewed by the transportation planner and VDOT, and the development would have to meet VDOT's standards and regulations.

Schools and Affordable Housing:

CAC members asked about the impact of this development on schools and whether affordable housing was going to be provided. The applicant indicated that 15% of units would be designated as affordable, in line with County policy.

On September 19, 2019, the applicant returned to the 5th and Avon CAC meeting to provide an update on the project to the CAC members. The two main issues that were raised by CAC members at this meeting included the traffic impacts and impacts on schools. After further traffic studies and discussions with VDOT, it was determined that there might be a few possible solutions for the intersection of 5th St. and Old Lynchburg Rd., such as a roundabout or a traffic signal. The applicant has submitted draft proffers as part of the application that include items to address this intersection issue. The application plan also includes sidewalks and multi-use paths for the frontage of the parcels that are included in this rezoning to facilitate better pedestrian connection. The applicant also indicated that more analysis of the project's impact on area schools was included in the latest submission of the project narrative.

PLANNING AND ZONING HISTORY

There have been a few prior actions taken for the property that composes the proposed Royal Fern project.

1. October 15, 1980 – SP1980-00060 – The Board of Supervisors approved, with conditions, a special use permit for an 80-bed residential care center. This facility was never constructed.
2. June 18, 1997 – ZMA1996-00024 N & S, LLC: This application included a proposed rezoning of TMP 76-54 and other parcels to the east. The Board of Supervisors approved the rezoning of TMP 76-54 from R-2 to R-10, Residential.
3. SDP2018-00081 – Final site development plan application currently under review by the County for by-right development of 30 townhome units on TMP 76-54.

COMPREHENSIVE PLAN

The Southern and Western Urban Neighborhoods Master Plan calls for the parcels that compose the Royal Fern property to be developed in accordance with the Urban Density Residential and Community Mixed-Use land use classifications (see map inset below; subject properties highlighted):

Urban Density Residential (orange): This designation calls for primary uses of residential units of all types, with supporting uses such as places of worship, schools, public and institutional uses, neighborhood scale commercial, office, and service uses. Neighborhood-serving retail and commercial areas may be appropriate as secondary uses. The density range recommended for Urban Density Residential is 6.01-34 dwelling units per acre.

The portions of the property west of Old Lynchburg Road are designated for Urban Density Residential. This area includes the western part of TMP 76-46A and the portion of 76-46F that is proposed to be rezoned. The part of TMP 76-46F that is designated as Community Mixed Use (the brown color) is not a part of this rezoning application. In the application plan, this area is identified as Block 1. It is proposed to have a maximum of 150 residential units (both townhouse and multi-family) on 4.87 acres, for a density of 31 units per acre. This proposed density falls within the recommended range for Urban Density Residential of up to 34 units per acre.

Community Mixed Use (brown): This designation calls for a mixture of residential and retail uses and services that serve the community, with a residential density of up to 34 dwelling units per acre and non-residential uses including community scale retail, service and office uses, places of worship,

schools, and public and institutional uses. Townhouses, apartments, and attached housing units are recommended. A maximum single-building footprint of no greater than 60,000 square feet is recommended for retail, service, and office buildings. Secondary uses that are recommended are auto-commercial sales and service with all service activities within a building with a maximum footprint of approximately 7,500 square feet and office/R&D/flex/light industrial uses with a maximum single-building footprint of approximately 20,000 square feet.

The portions of the property east of Old Lynchburg Road are designated for Community Mixed Use. This area includes the eastern part of TMP 76-46A and TMP 76-54. In the application plan, this area is identified as Blocks 2-5, with blocks 2 and 3 identified as residential. Block 2 is proposed to have a maximum number of 72 units (townhouse and multi-family) on 3.31 acres, at a density of 22 units per acre, and Block 3 is proposed to have a maximum number of 30 units (townhouse only) on 2.21 acres, at a density of 14 units per acre. Block 4 is identified for the commercial shopping center use, with retail, office, hotel, and self-storage uses proposed, with a maximum of 125,000 square feet of non-residential space. Block 5 is identified for residential and commercial/service, including office uses, with a maximum of 48 units on 1.54 acres, for a density of 32 units per acre, and a maximum square footage of 30,000 square feet of non-residential. The density of residential units within blocks 2-5 falls within the recommendations of the master plan for this area. In addition, retail, office, and service uses are appropriate for the community mixed-use designation. However, the proposed self-storage is not in alignment with the recommendations of the Community Mixed-Use designation or Entrance Corridor guidelines.



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 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." This rezoning proposal includes a maximum of 300 dwelling units. As a part of the application plan, the applicant has included a note about affordable housing that states "15% of the total residential dwelling units built within areas designated for residential use within the project shall be Affordable Dwelling Units," which may be met through a variety of housing types, including for-sale units and rental units. The applicant has also included in the application plan 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 application plan on affordable housing and has provided recommended revisions to clarify the language of the affordable housing notes. These recommended revisions are included later in this staff report, in the section titled, "Application Plan Recommendations."

If this project were to be constructed with its proposed maximum number of 300 dwelling units, then 45 of those units would be designated as affordable, according to the information provided in the application plan.

ZONING ORDINANCE REQUIREMENTS

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

The purpose and intent of the PUD, Planned Unit Development, zoning district is to:

- Serve as neighborhoods or mini-neighborhoods with designated communities and the urban area;
- Provide appropriate commercial and industrial uses in addition to a variety of residential uses to encourage the community function;
- Limit commercial and industrial development to a scale appropriate to the support of the residential uses, provided that additional commercial and industrial activity may be permitted upon finding that the area in which the PUD is to be located is not adequately served by such use; and
- To provide flexibility in residential development by providing for a mix of residential uses with appropriate nonresidential uses.

The Southern and Western Urban Neighborhoods Master Plan calls for the parcels included in this rezoning to be developed as Community Mixed-Use and Urban Density Residential. Also, the master plan identifies the County Office Building – 5th Street, which is across the street from this proposal, as a Center. The proposed rezoning of this property to PUD will act as a mini-neighborhood within the larger Southern Neighborhoods development area, and the 5th Street corridor in particular. It will provide commercial uses for the area south of I-64, where there are currently only a few small retail establishments. Because there is currently little commercial activity in this area, this development would provide such uses that can be utilized by the many existing residents in the surrounding area,

as well as the new residents. In addition, with a mix of townhouses and multi-family, there will be a variety of residential unit types within the development, continuing to create a larger mixture of unit types in the surrounding area. Also, a PUD permits a higher residential density than that of the existing conventional districts, up to 34 units per acre, which is more in accordance with the recommendation of the master plan. The close proximity of the commercial areas to the residential areas, along with the proposed sidewalks to connect the various areas, would allow the development to function as more cohesive mixed-use area. Because the COB – 5th St. is identified as a center, a mixed-use PUD development directly across the street, providing both residential and commercial, would help this area to act more like a center for the community.

Anticipated impact on public facilities and services:

Streets:

The proposed development is located at the intersection of Old Lynchburg Road and 5th Street, which is a busy intersection. 5th Street is a major north-south corridor for the County, extending from the City of Charlottesville south across I-64, to the 5th Street County Office Building (COB), at the intersection with Old Lynchburg Road. Old Lynchburg Road extends north-south from the City of Charlottesville to the intersection with 5th Street, then south past the Southwood community, to the rural areas in southern Albemarle. The 5th Street COB, which is across the street from Royal Fern, serves as the headquarters for Albemarle Fire-Rescue (ACFR), the Albemarle Police Department (ACPD), and social services, among other departments, so ease of access to this building for County employees and residents is important. This intersection has an established crash history and traffic congestion that suggests a need for improved operations, and the additional development with Royal Fern will create more traffic at this intersection and along this corridor.

The applicant provided a Traffic Impact Analysis (TIA), which was reviewed by the County's Transportation Planner and VDOT. This TIA included the recently approved rezoning for Phase 1 of Southwood, which is located south of the proposed project along Old Lynchburg Road. The TIA identified the Old Lynchburg Road/5th Street intersection as an already failing intersection. In addition, it showed that, for the most constrained movement in the area, a southbound left onto Route 631 (from Old Lynchburg Road turning left onto 5th Street heading north), the proposed development would increase trips by 17% in both peak hours and contribute an increase in through traffic heading eastbound of 7.4%. The delays and queue lengths for these movements are likewise increased. This would likely push traffic to other intersections like nearby Sunset Avenue Extended/Old Lynchburg Road. However, because the intersection of Old Lynchburg Road and 5th Street is already failing, delays at these intersections and along the corridor would continue to worsen in the future no-build scenario. The analysis demonstrates that this project overall will be a minor contributor to additional traffic impacts along this corridor, compared to the existing and future no-build scenarios. However, the analysis also appeared to demonstrate that a signal, an RCUT, or a roundabout design could effectively manage traffic demands both now and in the future for this intersection.

Transportation projects that address many of these issues have already been identified as high priorities in the 2019 Albemarle County Transportation Priorities. The worst intersection in both the build and no-build scenarios is the Old Lynchburg Rd/5th St Extended/County Office Building intersection. This intersection is already ranked at #7 on the Priority List and is recommended for improvements in the near future. However, funding for this project has not yet been identified.

A study is currently underway by the County and VDOT to look at the 5th Street corridor and determine what the best solutions would be for traffic along this corridor. The study began in June 2019, and the results of the study are expected to be produced by the summer of 2020. This study

will provide greater clarity on the most feasible solutions for both short-term and long-term traffic improvements along 5th Street and Old Lynchburg roads to address safety and operational issues.

In conclusion, Royal Fern, as proposed, would noticeably increase daily vehicle trips on a corridor that is already experiencing a high level of peak hour congestion. This increase results in worsening operations at intersections with existing poor levels of service. However, these issues will need to be addressed with or without the Royal Fern development, and ongoing planning to address the most serious operational issues in the corridor is occurring. Funding will be necessary in the near term to construct recommended improvements.

Recognizing the traffic issues along the 5th Street/Old Lynchburg Road corridor, the applicant has submitted a proffer statement, which the applicant believes to be reasonable in addressing the project's impact, that includes two options for addressing the traffic impacts of the project. The first option is to provide cash for future roadway improvements depending on the outcome of the above-mentioned study. The second option is to provide both cash (though a smaller amount than option 1) and land dedication for the roadway improvements.

To allow for trips other than through vehicular transportation, the applicant is proposing to construct sidewalks and a multi-use path. The construction of sidewalks would promote greater walkability in the area and more multi-modal options.

In addition, VDOT has stated that no additional left turn entrances will be allowed onto 5th Street, such as from Wahoo Way, and all entrances and spacing requirements will have to meet VDOT standards and regulations at the site plan and subdivision stages.

Schools:

Students living in this area would attend Cale Elementary School, Burley Middle School, and Monticello High School. The school division is cognizant that the Southern neighborhoods/5th and Avon continue to be a growing area, with several new developments under construction and others recently approved. Albemarle County Public Schools have provided calculations that estimate 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 300 dwelling units that is proposed in the application plan.

Dwelling Type	Elementary	Middle	High	Total
Single family (detached)	N/A	N/A	N/A	N/A
Single family (attached)	39	15	24	78
Multifamily	70.2	8.1	13.5	91.8

The school system has provided annual estimates of student enrollment at all three schools over the next ten academic years. Student enrollment at Burley Middle School and Monticello High School is currently below capacity, and student enrollment over the next ten years is not projected to exceed the capacity of either building, even if the rezoning is approved and the property is built out to the maximum of 300 additional dwelling units.

Cale Elementary does not have any additional capacity. The Long Range Planning Advisory Committee report for schools requested in the FYI 21/22 CIP funds for improvements at Cale. This project funds expansions and site improvements to support the current student population at Cale Elementary. The project expands the cafeteria and adds four classrooms, and a music and art classroom for a total addition of 8,800 square feet. Site improvements include additional parking,

enhancing outdoor learning spaces and playgrounds, and the removal of the mobile units. However, it further states that “due to its already large size as well as limited space to expand on the lot, it is not recommended that the school be enlarged to meet the long range needs. These recommendations are for the current school population and should be accompanied with further study to develop a long-term solution for anticipated growth in the area.”

Since there are currently no projects in the CIP to address future school capacity impacts at these schools, no commitments would be expected from this development to address future school capacity. In addition, the school system may also choose to redistrict in the future, thus shifting the capacity levels of individual schools.

Fire & Rescue:

ACFR has reviewed this rezoning application and has no objections at this time. Code requirements for items such as street width and turning radius 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. This project will require a sewer flow acceptance by the Rivanna Water and Sewer Authority (RWSA) for each phase since the overall development as currently proposed will produce over 40,000 gpd of wastewater. RWSA does not object to the project limits falling within the Ragged Mountain Dam Break Inundation Zone (for the PMF breach), as this does not impact the hazard classification or decrease response times for the Ragged Mountain Dam.

Anticipated impact on environmental, cultural and historic resources:

There are no known cultural or historic resources on these parcels. There are managed steep slopes on all of the subject parcels, and any disturbance of those slopes will be reviewed by the County Engineering staff during the development phase of the project. In addition, there are no flood plains or water protection ordinance (WPO) buffers on these parcels. There is an ephemeral stream on the property east of Old Lynchburg; however, an inspection by the Army Corps of Engineers indicated there were no wetlands on the site. 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 concerns about potential traffic issues, the danger of walking and biking in this area, the loss of green space, and the record of mixed-use developments. These issues are summarized below, with staff comments in italics.

- Traffic generated by this development will cause problems along the street network around the intersection of 5th Street and Old Lynchburg Road and create additional delays at that intersection.

VDOT and the County's Transportation Planner have reviewed this application, along with a traffic impact analysis (TIA) that included the recently approved Phase 1 of Southwood. The development would increase trips and through traffic in the area, especially left-turns from Old Lynchburg on to 5th Street. However, review of the TIA indicates that improvements such as an RCUT or roundabout design could effectively manage the traffic. The applicant has submitted proffers to help address the concerns about traffic. The applicant is also constructing sidewalks and a multi-use path to provide multi-modal options in this area.

- 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 or multi-use paths along all the existing roads that this property fronts on where there are none currently, including Old Lynchburg Road and 5th Street. The construction of these pathways should help create a more interconnected community for both existing residents and new residents and allow for ease of access to the new commercial areas from the existing and new residential areas.

- Loss of green space.

The subject parcels are currently all wooded. The application plan indicates that 20% of the development will be open space, though the exact locations of that open space and what the open space includes will be addressed at the site plan stage. In addition, the applicant has stated that at least 7% of the required open space will be on either side of Old Lynchburg Road, to ensure that all 20% is not on one side.

- Mixed-use developments do not always work out as intended.

Mixed-use areas are sometimes not as cohesive as originally intended. In this project, the blocks are designated for specific uses, so it is likely that the mixed-use nature will be horizontal, not vertical (Block 5 is the only block with potential for vertical mixed use). In addition, the commercial areas are along the major roads and intersections, with the proposed residential blocks adjacent to the existing residential. The applicant is not proposing commercial directly adjacent to existing residential communities. In addition, the applicant is proposing sidewalks along the existing roads to help create a more cohesive environment and allow for access from existing areas to the new development.

Public need and justification for the change:

The County's growth management policy says that new residential development should occur in the designated Development Areas where infrastructure and services are provided, rather than in the Rural Area. This development is within the Southern and Western Urban Neighborhoods development area and is adjacent to a Center designated in the Master Plan. The designated Center is the 5th Street County Office Building. This proposal will help create a more mixed-use area around the Center, allowing for a mix of commercial and residential uses, and providing for a denser, more walkable environment in neighborhood with the construction of sidewalks and a multi-use path. The submitted proffers also help to contribute to long-term solutions for the traffic problems in this area.

PROFFERS

Proffers are contained in the Draft Proffer Statement (Attachment 6).

- **Proffer #1 (Future Uses):** In accordance with 20.5 of the Zoning Ordinance, an area designated on the application plan as a “shopping center,” such as Block 4, permits all uses allowed by-right in the PD-SC, Planned Development – Shopping Center, zoning district, which includes uses listed in the CO, C1, and HC zoning districts. The applicant has submitted a proffer to prohibit certain Highway Commercial uses, which would otherwise be permitted by-right in Block 4, the Commercial Shopping Center block. All uses listed in the CO and C1 commercial districts, as well as the remaining uses in the HC district, would be allowed by-right in this block.
- **Proffer #2 (Transportation Improvements):** The applicant has submitted a proffer to contribute to transportation improvements along the 5th Street corridor, including at the intersection of 5th Street and Old Lynchburg Road. The applicant includes two different options to contribute to transportation improvements: 1) contribute \$200,000.00 to the County, or 2) contribute \$100,000.00 to the County and the dedication of property for right-of-way improvements.

It is unclear to staff how an option is chosen, such as whether it is strictly the choice of the property owner to determine which option, or if there is to be a trigger mechanism to favor one option over the other based on certain conditions. In addition, the language needs to be revised slightly because land for right-of-way is dedicated to the County of Albemarle for public use, not to VDOT.

Also, the proffer statement will need to be signed by an authorized representative of the Region Ten Community Services Board, Inc., as this entity currently owns a portion of the property included within this rezoning request.

APPLICATION PLAN RECOMMENDATIONS

There are recommended revisions to the Application Plan to clarify the language included within and/or to support the County’s goals as found in the Comprehensive Plan.

1. The Affordable Housing note on sheets 2 and 3 should be revised with the following language provided by Stacy Pethia, the County’s Principal Planner for Housing:
 - a. Under **For-Sale Affordable Dwelling Units** in sentence four change “the County or designee may then have **thirty (30)** days...” to **ninety (90)** days to match the timing in the rest of the paragraph.
 - b. Under **For Rent Affordable Dwelling Units: Rental Rates**,
 - i. replace sentence one with “Each rental housing unit which shall qualify as an Affordable Dwelling Unit (“For-Rent Affordable Dwelling Unit”) shall be affordable for rent by households within incomes less than eighty percent (80%) of the area median income (as determined from time to time by the Albemarle County Community Development Department) such that rent payments, less the cost of tenant provided utilities, do not exceed thirty percent (30%) of the gross household income.”
 - ii. Remove sentence three.
 - iii. Last sentence – replace “Farmers Home Administration” with “Federal Home Administration.”
 - c. Under **Reporting Rental Rates**, replace “Housing Office” with “Community Development.”

2. Clarify what the “New Crossover” is at 5th Street and Wahoo Way on sheet 12, and potentially remove it. VDOT has indicated that a median cut to allow for left turns to head northbound on 5th Street is not appropriate for this location.
3. The landscaping strip for the proposed street section for the east side of Old Lynchburg Road, on sheet 14, should be 6’ wide.
4. Revise the project’s net density information on sheet 3 of the application plan, as the dedication of land for streets and sidewalks is not included in calculations for net density.
5. Self-service storage buildings are not an appropriate use for the community mixed-use land use designation in the Southern and Western Urban Neighborhoods Master Plan area. In addition, this use is not recommended for blocks adjacent to the Entrance Corridor, as it is difficult to meet EC architectural requirements.

SUMMARY

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

1. The request is consistent with the use and density recommended by the Southern and Western Urban Neighborhoods Master Plan.
2. The request is consistent with the applicable neighborhood model principles.
3. The request includes office space in the commercial areas, a goal of the County in furthering the objectives of the Economic Development department’s Project Enable.
4. The request would provide additional residential and commercial development in a U.S. Treasury-designated “Opportunity Zone.”
5. The request provides pedestrian connections along Old Lynchburg, Mountainwood, and Country Green roads and 5th Street.
6. The request proffers contributions to assist in resolving the traffic issues at the Old Lynchburg-5th intersection and along the 5th Street corridor.

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

1. Additional students will be enrolled at area schools, including Cale Elementary, which is already over-capacity.
2. Additional traffic will be produced along 5th Street and at its intersection with Old Lynchburg Road, which is an intersection that is already failing.
3. Certain Highway Commercial uses permitted by-right in the Commercial Shopping Center block are not appropriate uses for the Community Mixed-Use designation, as found in the master plan, or for Entrance Corridors.

RECOMMENDATION

On the whole, it is staff’s opinion that the favorable factors outweigh the unfavorable factors associated with this request. Staff recommends approval of ZMA201900003 Royal Fern, provided recommended revisions are made to the Application Plan, as described above in the “Application Plan Recommendations” section, prior to the Board of Supervisors meeting.

In addition, staff recommends approval of the five (5) special exception requests.

PLANNING COMMISSION MOTION for ZMA2019-00003:

A. Should the Planning Commission recommend the ZMA for approval: Move to recommend approval of ZMA201900003, with revisions as recommended by staff.

B. Should the Planning Commission recommend the ZMA for denial: Move to recommend denial of ZMA201900003, with the reasons for denial (state reasons).

PLANNING COMMISSION MOTION for Special Exception for Section 20.7.1, PUD Minimum Acreage Requirements:

A. Should the Planning Commission recommend the Special Exception for approval: Move to recommend approval of the Special Exception for Section 20.7.1, PUD Minimum Acreage Requirements.

B. Should the Planning Commission recommend the Special Exception for denial: Move to recommend denial of the Special Exception for Section 20.7.1, PUD Minimum Acreage Requirements, with the reasons for denial (state reasons).

PLANNING COMMISSION MOTION for Special Exception for Section 20.8.2, Minimum Area Requirements for Open Space:

A. Should the Planning Commission recommend the Special Exception for approval: Move to recommend approval of the Special Exception for Section 20.8.2, Minimum Area Requirements for Open Space.

B. Should the Planning Commission recommend the Special Exception for denial: Move to recommend denial of the Special Exception for Section 20.8.2, Minimum Area Requirements for Open Space, with the reasons for denial (state reasons).

PLANNING COMMISSION MOTION for Special Exception for Section 20.9.3, Total Gross Floor Area in Commercial/Service Areas of PUD:

A. Should the Planning Commission recommend the Special Exception for approval: Move to recommend approval of the Special Exception for Section 20.9.3, Total Gross Floor Area in Commercial/Service Areas of PUD.

B. Should the Planning Commission recommend the Special Exception for denial: Move to recommend denial of the Special Exception for Section 20.9.3, Total Gross Floor Area in Commercial/Service Areas of PUD, with the reasons for denial (state reasons).

PLANNING COMMISSION MOTION for Special Exception for Section 20.9.4, PUD Building Permits Issuance for Commercial/Service Uses:

A. Should the Planning Commission recommend the Special Exception for approval: Move to recommend approval of the Special Exception for Section 20.9.4, PUD Building Permits Issuance for Commercial/Service Uses.

B. Should the Planning Commission recommend the Special Exception for denial: Move to recommend denial of the Special Exception for Section 20.9.4, PUD Building Permits Issuance for Commercial/Service Uses, with the reasons for denial (state reasons).

PLANNING COMMISSION MOTION for Special Exception for Section 20.10.3, PUD Building Permits Issuance for Shopping Center Uses:

A. Should the Planning Commission recommend the Special Exception for approval: Move to recommend approval of the Special Exception for Section 20.10.3, PUD Building Permits Issuance for Shopping Center Uses.

B. Should the Planning Commission recommend the Special Exception for denial: Move to recommend denial of the Special Exception for Section 20.10.3, PUD Building Permits Issuance for Shopping Center Uses, with the reasons for denial (state reasons).

ATTACHMENTS:

- 1 – Location Map
- 2 – Zoning Map
- 3 – Boundary Compilation for: Parcel X (a portion of TMP 76-46F), dated March 28, 2019.
- 4 – Project Narrative, dated March 18, 2019; last revised September 13, 2019.
- 5 – Application Plan, dated March 18, 2019; last revised September 13, 2019.
- 6 – Draft Proffer Statement, dated September 13, 2019.
- 7 – Staff Analysis of Application's Consistency with Neighborhood Model Principles
- 8 – Applicant Special Exception Requests
- 9 – Staff Reports and Analysis for Special Exception Requests