

**COUNTY OF ALBEMARLE
TRANSMITTAL TO THE BOARD OF SUPERVISORS
SUMMARY OF PLANNING COMMISSION ACTION**

<p>AGENDA TITLE: ZMA201900003 – Albemarle Business Campus (formerly known as Royal Fern)</p> <p>SUBJECT/PROPOSAL/REQUEST: Request to rezone two parcels of land and a portion of a third parcel of land, totaling 13.63 acres, from R2 Residential, R10 Residential, and CO, Commercial Office, to NMD, Neighborhood Model District, to allow for a mixed-use development. A maximum of 128 residential units and a maximum of 401,000 square feet of non-residential space are proposed. An associated request for a special exception to waive the requirement for a Neighborhood Model District to have a minimum of two housing types under §18-8.2(b) and §18-20A.8(a).</p> <p>SCHOOL DISTRICTS: Monticello High, Burley Middle, Mountain View Elementary schools</p>	<p>AGENDA DATE: October 7, 2020</p> <p>STAFF CONTACT(S): Filardo, Rapp, Nedostup, Reitelbach</p> <p>PRESENTER(S): Andy Reitelbach, Senior Planner</p>
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BACKGROUND:

This application was initially considered by the Planning Commission (PC) on October 8, 2019, when it was recommended for denial. This application then went to the Board of Supervisors on November 20, 2019, when the Board referred the application back to the PC for further review, at the request of the applicant, due to the applicant’s intention to significantly revise the application. On February 18, 2020, this application was considered at a work session of the PC to consider the applicant’s proposal to reduce the residential units and increase the amount of commercial space. Finally, the revised application, including a change in the requested zoning from the originally proposed Planned Unit Development (PUD) to the now-proposed Neighborhood Model District (NMD), was considered at a second public hearing by the PC on August 18, 2020. At this public hearing, the PC voted 5-0 to recommend approval of the ZMA request, with the revisions recommended by staff in the staff report. In addition, the PC voted 5-0 to recommend denial of the Special Exception request that is associated with the ZMA, to waive the requirement for at least two housing types in an NMD. The reasons stated by the PC for recommending denial of the special exception request include: 1) that the neighborhood model calls for a variety of housing types; 2) that fewer housing types may inadvertently create economic segregation in this opportunity zone that is defined as a low income urban, suburban, and rural census tract; and 3) that it is important to think carefully about the ramifications of the NMD having more office and commercial than residential uses. The PC staff report, action letter, and meeting minutes are attached (Attachments A, B, and C).

DISCUSSION:

At the August 18 PC meeting, staff recommended approval of the proposed ZMA application, with some recommended revisions to the code of development (COD) and the application plan, and staff recommended approval of the special exception request. The PC recommended approval of the ZMA application, provided that staff’s recommended revisions were made prior to the Board of Supervisors’ public hearing. The applicant has submitted revised versions of the COD (Attachment D), application plan (Attachment E), and proffer statement (Attachment F) to address those concerns. The following is a summary of changes made:

- The development’s streets (as well as references to them) have been re-labelled so as to identify them as either private or public, with the final determination of their status to be made at the site planning stage.
- Private balconies have been removed as an amenity from the “Amenities” table in the COD.
- Additional sidewalks and pedestrian connections have been identified on the application plan.
- The landscaping strip along the east side of Old Lynchburg Road has been widened to six feet.
- Errors and typos have been corrected.

The applicant also requested a special exception to waive the requirement that an NMD have a minimum of two housing types located within the district. This requirement can be waived by the Board if at least two housing types are within one-quarter mile of the proposed district. For this project, there are four different housing types within one-quarter mile of the

proposed district. However, the PC recommended denial of this special exception for the reasons previously stated in the "Background" section above.

In order to address the PC's concerns, the applicant has listed another potential housing type in the COD that could be permitted in the development – townhouses with accessory apartment units. The applicant has included a note in the COD stating that a minimum of two housing types must be provided in the NMD unless a special exception is approved by the Board of Supervisors waiving this requirement. Although this additional information has been included in the COD, the applicant still wishes to pursue the request for a special exception waiving the requirement for at least two housing types, based on the justification mentioned above: that there are already four housing types within one-quarter of a mile of the proposed district.

RECOMMENDATIONS:

If the Board chooses to approve the Zoning Map Amendment request, staff recommends that the Board adopt the attached Ordinance (Attachment G).

If the Board chooses to approve the Special Exception request, staff recommends that the Board adopt the attached Resolution (Attachment H).

ATTACHMENTS:

- A – Planning Commission Staff Report
 - A.1 – Location Map
 - A.2 – Zoning Map
 - A.3 – Boundary Compilation for: Parcel X (a portion of TMP 76-46F), dated March 28, 2019
 - A.4 – Project Narrative, dated March 16, 2020; last revised August 6, 2020
 - A.5 – Code of Development, dated March 16, 2020; last revised August 6, 2020
 - A.6 – Application Plan, dated March 18, 2019; last revised August 6, 2020
 - A.7 – Draft Proffer Statement
 - A.8 – EDA Development Agreement, dated April 15, 2020
 - A.9 – Staff Analysis of Application's Consistency with Neighborhood Model Principles
 - A.10 – Special Exception Request and Narrative
 - A.11 – Staff Report and Analysis for Special Exception Request
 - A.12 – Traffic Impact Analysis, dated April 9, 2020; last revised June 8, 2020
 - A.13 – ZMA2019-00003 Albemarle Business Campus Transportation Analysis, dated August 4, 2020
- B – Planning Commission Action Letter
- C – Meeting Minutes from 08/18/2020 PC Public Hearing
- D – Revised Code of Development / "Albemarle Business Campus, A Neighborhood Model District, ZMA201900003 | Code of Development," initially submitted March 16, 2020; last revised September 8, 2020
- E – Revised Application Plan / "Zoning Map Amendment Application Plan ZMA201900003 Albemarle Business Campus, A Neighborhood Model District, TMP(s) 76-46A, 76-54 Portion of 76-46F," initially submitted March 18, 2019; last revised September 8, 2020
- F – Proffer Statement
- G – Ordinance to Approve ZMA201900003
- H – Resolution to Approve Special Exception Request