

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

<b>AGENDA TITLE:</b> ZMA202200006 999 Rio Road ZMA	<b>AGENDA DATE:</b> May 3, 2023
<b>SUBJECT/PROPOSAL/REQUEST:</b> Amendment to eliminate non-residential use and increase maximum residential units from 28 to 38. Other changes to the application plan include adjusting building envelopes, parking, and greenspace areas. A special exception (SE202300001) is requested to waive the requirement that a Neighborhood Model District (NMD) must have at least two different land use classifications.	<b>STAFF CONTACTS:</b> Filardo, McDermott, Ragsdale, Reitelbach
<b>SCHOOL DISTRICTS:</b> Albemarle High, Burley Middle, Agnor-Hurt Elementary	<b>PRESENTER:</b> Andy Reitelbach, Senior Planner II

**BACKGROUND:**

At its meeting on Tuesday, February 28, 2023, the Planning Commission (PC) conducted a public hearing and voted 6:0 to recommend approval of ZMA202200006. No changes have been made to the application since the PC public hearing. The PC's staff report, action letter, and meeting minutes are attached (Attachments A, B, and C).

In addition, the PC voted 5:1 to approve a request for a modification to street standards to allow for the waiver of the planting strip requirements in certain areas of the development. As a modification of street standards, review is conducted only by the PC, and the Board does not need to take a vote on this request.

**DISCUSSION:**

At the PC meeting, staff recommended approval of the proposed application. The proposal is consistent with the future land use and density recommendations identified in the Places29 Master Plan.

No community members spoke at the public hearing. However, written comments were provided after the PC staff report was published. These comments are included as Attachment D.

In addition to acting on ZMA202200006, the Board must also act on a proposed special exception (SE202300001) to waive the requirement that a Neighborhood Model District (NMD) must have two different land use classifications. The applicant would like to eliminate the requirement for non-residential use. Staff supports this proposed SE, and the PC did not raise any concerns.

**RECOMMENDATIONS:**

Staff recommends that the Board adopt the attached Ordinance (Attachment E) to approve ZMA202200006. Staff also recommends that the Board adopt the attached Resolution (Attachment F) to approve SE202300001, a special exception to waive the requirement that a NMD must have at least two different land use classifications.

**ATTACHMENTS:**

- A. Planning Commission Staff Report

- A1. Location Map
- A2. Zoning Map
- A3. Project Narrative, dated August 15, 2022; last revised November 7, 2022
- A4. Code of Development, dated November 7, 2022
- A5. Application Plan, dated August 15, 2022; last revised November 7, 2022
- A6. SE2023-00001 Request for Waiver from Sec. 20A.8 Mixture of Uses
- A7. Request for Waiver from Section 14-422(D) Private Street – Planting Strips
- A8. Staff Analysis of Application's Consistency with Neighborhood Model Principles
- B. Planning Commission Action Letter
- C. Planning Commission Minutes from February 28, 2023
- D. Additional Community Comments Received since February 28 PC Staff Report
- E. Ordinance to Approve ZMA202200006
- F. Resolution to Approve SE202300001