

**COUNTY OF ALBEMARLE  
PLANNING STAFF REPORT SUMMARY**

<b>Project Name:</b> ZMA 2016-16 (LI, Light Industry to C-1, Commercial) ZMA 2016-21 (Preserved Slopes to Managed Slopes) SP 2016-27 (Residential in C-1) SP 2016-28 (Activity in the Floodplain)	<b>Staff:</b> William D. Fritz, AICP
<b>Planning Commission Public Hearing:</b> March 21, 2017	<b>Board of Supervisors Public Hearing:</b> Not yet scheduled
<b>Owner(s):</b> Collett M. Thach Trust and Edith C. Thach Trust	<b>Applicant:</b> Woolen Mills, LLC/Brian Roy (Contract Purchaser)
<b>Acreage:</b> 10.38	<b>Rezone from:</b> ZMA 2016-16 LI, Light Industry <b>to</b> C-1, Commercial ZMA 2016-21 Change Preserved Slopes <b>to</b> Managed Slopes  <b>Special use permits:</b> SP 2016-27 Residential Development in the C-1 District SP 2016-28 Activity in the floodplain
<b>TMP:</b> TM 78, Parcel 21B <b>Location:</b> This property is the site of the historic Woolen Mills. It is located at the end of East Market Street at the confluence of Moores Creek and the Rivanna River.	<b>By-right use:</b> The property is currently zoned LI, Light Industry, without proffers, and may be used for all by-right uses in the district.
<b>Magisterial District:</b> Scottsville	<b>Proffers:</b> Yes
<b>Proposal:</b> Restore the existing Woolen Mills buildings and establish residential, restaurant and commercial uses.	<b>Requested # of Dwelling Units:</b> 94
<b>DA (Development Area):</b> Southern and Western Neighborhoods	<b>Comp. Plan Designation:</b> Community Mixed Use – residential (up to 34 units/acre), community scale retail, service and office uses, places of worship, schools, public and institutional uses. Parks and Green Systems - (parks, playgrounds, play fields, greenways, trails, paths, recreational facilities and equipment, plazas, outdoor sitting areas, natural areas, preservation of stream buffers, floodplains and steep slopes adjacent to rivers and streams)
<b>Character of Property:</b> Historic industrial buildings that housed the Woolen Mills factory, bordered by Moores Creek and the Rivanna River. A railroad bridge over Moores Creek is located on the property. A significant portion of the property is impacted by floodplain. Steep slopes, both managed and preserved are located on the property. Significant clusters of trees are located on the northern and western portions of the property.	<b>Use of Surrounding Properties:</b> The Rivanna Water and Sewer Authority operates a wastewater treatment facility on the properties to the west and south. Industrial uses and some single family residential development is located to the north. The Rivanna River is located to the east.

<p><b>Factors Favorable:</b>  <b>This application involves multiple applications. The favorable factors for the proposal include:</b></p> <ol style="list-style-type: none"> <li>1. Proposal is consistent with the Comprehensive Plan.</li> <li>2. Proposal allows for preservation, restoration, maintenance and use of a historic resources.</li> <li>3. The property as currently zoned can be used for industrial uses. The proposed mixed use, commercial/residential, will not result in impacts greater than those that could currently occur by-right.</li> <li>4. Existing historical buildings will be used which reduces any potential change in the character of the area.</li> <li>5. The proposed use is consistent with the review criteria for Special Use Permits.</li> <li>6. Approval allows for flood protection of a historic resource.</li> </ol>	<p><b>Factors Unfavorable:</b>  1. None identified</p>
<p><b>RECOMMENDATIONS:</b></p> <p><b><u>RECOMMENDATION for ZMA 2016-16 (LI to C-1)</u></b>  Staff recommends approval with proffers.</p> <p><b><u>RECOMMENDATION for ZMA 2016-21 (Preserved Slopes to Managed Slopes)</u></b>  Staff recommends approval. There are no proffers associated with this application.</p> <p><b><u>RECOMMENDED ACTION for SP 2016-27 RESIDENTIAL DEVELOPMENT IN THE C1-COMMERCIAL DISTRICT:</u></b>  Staff recommends approval with conditions.</p> <p><b><u>RECOMMENDED ACTION for SP 2016-28 ACTIVITY IN THE FLOODPLAIN:</u></b>  Staff recommends approval with conditions.</p>	

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

**William D. Fritz, AICP  
March 21, 2017  
To be determined**

ZMA201600016 Woolen Mills – LI, Light Industry to C-1 Commercial  
ZMA201600021 Woolen Mills – Amend Preserved Slopes to Managed Slopes in the Steep Slopes Overlay District  
SP201600027 Woolen Mills – Residential development in the C-1 Commercial District.  
SP201600028 Woolen Mills – Activity in the Floodplain Overlay District

**PETITION**

PROJECT: ZMA201600016 Woolen Mills, ZMA201600021 Woolen Mills, SP201600027 Woolen Mills and SP201600028 Woolen Mills

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL: 078000000021B0

LOCATION: This property is located at the terminus of East Market Street and Broadway Street. It borders Moores Creek where it joins the Rivanna River. This is the location of the historic Woolen Mills factory.

PROPOSAL: Request to rezone the property from LI, Light Industry to C-1, Commercial. The intended uses of the existing buildings include residential development (See Special Use Permit), office space and restaurant space. Other by-right commercial uses would also be permitted. A new building intended for industrial use is also proposed.

PETITION: ZMA201600016 Woolen Mills - Rezoning for 10.4 acres from LI, Light Industry with allows industrial and office uses to C-1, Commercial which allows retail sales and service uses and residential by special use permit (15 units/acre).

ZMA201600021 – Rezoning 1.54 acres of Steep Slopes Overlay District, Preserved Slopes to Steep Slopes Overlay District, Managed Slopes. The Steep Slopes Overlay District is an Overlay District to protect steep slopes.

SP201600027 – Special use permit in the C-1, Commercial to allow residential development. R-15 Residential under Section 22.2.2(6) of the Zoning Ordinance. Residential use will consist of 94 multi-family units on 10.4 acres for a total density of 9 units per acre.

SP201600028 – Special use permit under Section 30.3.11 of the Zoning Ordinance to allow engineered structures, including, but not limited to, retaining walls and revetments made of non-natural materials such as concrete which are constructed along channels or watercourses for the purpose of water conveyance or flood control. The Flood Hazard is an overlay to provide safety and protection from flooding

OVERLAY DISTRICTS: Flood Hazard, Steep Slopes, Airport Impact Area, Entrance Corridor

PROFFERS: Yes

COMPREHENSIVE PLAN: Community Mixed Use - Community Mixed Use – residential (up to 34 units/acre), community scale retail, service and office uses, places of worship, schools, public and institutional uses. Parks and Green Systems - (parks, playgrounds, play fields, greenways, trails, paths, recreational facilities and equipment, plazas, outdoor sitting areas, natural areas, preservation of stream buffers, floodplains and steep slopes adjacent to rivers and streams)

## **CHARACTER OF THE AREA**

The property is the site of the historic Woolen Mills Factory. It includes a multi-story main building which is connected to two smaller, one story buildings. Other smaller structures are also located on the property. The access to the site is from the terminus of both East Market Street and Broadway Street. The property is bordered on the east by the Rivanna River and railroad tracks. Moores Creek forms the southern boundary. The sewage treatment plant and offices are located to the west. The area to the north has single family residences and some light industry. The floodplain impacts a significant portion of the property. Steep slopes, both managed and preserved are also located on the property. Significant clusters of trees are located on the northern and western portions of the property.

## **SPECIFICS OF THE PROPOSAL**

This project will make use of the existing buildings at the historic Woolen Mills Factory and includes the possible construction of a new building. The existing buildings would be renovated and used for up to 94 residential units. Some of these units will be typical residential apartment units and some will be designed as Live/Work units. The live/work units are designed to include space within the unit that may be used for those that work from home. Office space and restaurant space are also proposed. The new building will be used for permitted uses in the C-1 district.

This project is unusual due to the fact that the property is already developed. Typically, rezoning applications are for the development of raw ground or for modifications to previously approved zoning actions. This property is zoned LI and has no proffers associated with it. The existing industrial space is approximately 120,000 square feet which could be used for any by-right use in the LI district. The existing potential impacts from industrial use of the property were considered during the analysis of the impacts of the proposed development. In a typical rezoning of raw land the permitted use of the property is significantly less than the proposed use which means that the by-right impacts are less than what would occur as a result of the rezoning. In this case, the impact of by-right use of the property could be equal to or greater than the proposed uses.

## **APPLICANT'S JUSTIFICATION FOR THE REQUEST**

The applicant has submitted a justification, which is included as Attachment C. Part of the applicant's justification is: "The property is unique to the County and the region and presents the community with a critical and beautiful window into a significant part of our local history. Unfortunately, the property is presently underutilized and is a "hidden" gem, rather than the inviting and community defining space it could be. It is the applicant's intent through this application to facilitate the future re-use and reinvigoration of this site. The property's enhancements, as propose herein, will also allow for more open public access to the Rivanna River, an underutilized treasure in our community. This type of thoughtful development along the River is strongly favored by both the City and County."

Further, the applicant states: "The applicant intends to protect and preserve the historic buildings while renovating them for mixed use, including residential units, live/work space, offices, a restaurant, light industrial uses, and some common space. The existing buildings about other properties that are residential as it serves as the centerpiece of the historic Woolen Mills neighborhood. On the other side of the property, however, you do find commercial and industrial uses, and it is on that portion of the property that the applicant

desires to construct a new building for commercial use of a light industrial nature. These buildings can exist in harmony with the residential and mixed uses of the original structures while accommodating light industrial and office uses of today. By doing so, this property can serve as a transitional property between the nearby residential properties in the City, the adjacent residential County properties, and the commercial/industrial properties on the Broadway St. side. In addition, the renovation of the Property is proposed to include the development of green spaces and interconnection with the nearby Rivanna Trail system, to allow and encourage the public to explore the beauty and historic nature of this waterfront property.”

### **PLANNING AND ZONING HISTORY**

The property has no rezoning, special use permit, site plan, subdivision or variance history.

### **PLANNING COMMISSION BACKGROUND**

On October 11, 2016, the applicant held a Community Meeting. On October 25, 2016, the Commission held a joint worksession with the City Planning Commission on the proposal to gain input on several issues.

These meetings raised concerns about the provision of parking, access on East Market Street, Fire/Rescue access to the site, traffic impacts, accuracy of floodplain information, maintaining the historic value of the site, trail access and changes in character of the area due to new residents.

Most of the comments were about traffic and were primarily centered on limiting the volume of traffic on East Market Street. It was noted that the change in use away from industrial was a positive as it would decrease the amount of truck traffic on East Market Street.

Comment was offered that restoring and reusing the Woolen Mills was a positive thing and that the historic value of the property should be retained as much as possible.

Overall, support for the project was positive.

### **COMPREHENSIVE PLAN**

**Land Use Plan** – Attachment D is taken from the Southern and Western Neighborhoods Plan. It offers detailed commentary on this property and the intended use of the property. The work done to amend the Comprehensive Plan was done by the current applicant and the information submitted in support of the applications is taken directly from the work included in the Comprehensive Plan. This property is recommended for Community Mixed Use and Parks and Green System. This designation includes residential development of up to 34 dwelling units per acre. The proposed density, within the area recommended for Community Mixed Use is approximately 21 units/acre. (Overall density for the entire property is approximately 9 units per acre.) The project complies with the Comprehensive Plan.

#### **Open Space Plan/Green Infrastructure Map:**

The Comprehensive Plan contains as a strategy “Create a plan that incorporates a unified vision for land adjacent to the Rivanna River” and “With the City of Charlottesville, continue to develop ways in which residents may more easily use the

parks, recreational facilities, and programs of the other locality”. These plans have not yet been developed and work on the Rivanna River Corridor Study is not scheduled to until 2019. This project includes a proffer with language designed to be flexible enough to accommodate the plans for the trails in the area.

### The Neighborhood Model:

<b>Pedestrian Orientation and Neighborhood Friendly Streets and Paths</b>	<p>This property is located at the end of two streets, Broadway and East Market. Opportunities for pedestrian access are limited on both streets. Broadway is a mixed urban/rural cross section street serving industrial type uses. No sidewalk exists on this street; however, it is a low volume roadway. Broadway connects to Franklin Street in the City, which does have sidewalks. East Market Street has limited right-of-way and has no pedestrian access. The applicant has proffered to make area available to extend the greenway trail across the property, including area for a bridge across Moores Creek.</p> <p><b>This principle is met to extent possible given existing conditions which are beyond the control of the applicant.</b></p>
<b>Interconnected Streets and Transportation Networks</b>	<p>No interconnection of existing streets (Broadway/East Market) is proposed or possible due to the location of existing historic buildings. Pedestrian access between these two streets will be provided.</p> <p>The 2 closest bus stop are approximately 2,300 feet away. (Riverview Park entrance or on Chesapeake Street between Riverview Street and Steephill Street. (10+/- minute walk).</p> <p><b>This principle is met to extent possible given existing conditions, which are beyond the control of the applicant.</b></p>
<b>Parks and Open Space</b>	<p>Due to the existing location of buildings and the location of the floodplain on this property open space area is available adjacent to Moores Creek and the Rivanna River. Nearby Riverside Park offers addition park space.</p> <p><b>This principle is met.</b></p>
<b>Buildings and Spaces of Human Scale</b>	<p>This development is unique in Albemarle County because of its use of existing historic factory buildings. While the scale of the buildings is significant, the overall impact is not intimidating. The use of open spaces, walkways and outdoor dining areas improves the approachability of the site and insures it is of human scale.</p> <p><b>This principle is met.</b></p>
<b>Relegated Parking</b>	<p>The areas and amount of parking available are limited on the site. The areas are also physically separated from one another. This separation of the parking areas due to the physical character of the property insures that the parking is relegated to a secondary role in the overall development of the property.</p> <p><b>This principle is met.</b></p>
<b>Mixture of Uses</b>	<p>This development has a mix of residential, live/work, office,</p>

	restaurant and by-right C-1 uses. <b>This principle is met.</b>
<b>Mixture of Housing Types and Affordability</b>	The housing type will be limited to apartments due to reuse of historic buildings. Because of the design of the building and availability of area for parking, apartments will be largely limited to one and two bedroom type apartments, which are generally more affordable. No proffer for affordable housing has been offered. The use of market rate apartments may be important to insure the financial feasibility of renovating the existing structures. <b>This principle is partially met.</b>
<b>Redevelopment</b>	This project makes use of existing historical buildings. The applicant is making use of Historic Tax Credits. This will insure that the historic value of the buildings is retained and documented. <b>This principle is met.</b>
<b>Site Planning that Respects Terrain</b>	Parking areas will need to be constructed to serve the redeveloped buildings. There is area for the construction of a new building. The property has floodplain and steep slopes. Part of this application is to change preserved slopes to managed slopes to allow for the construction of parking areas. This change in slopes designation will be discussed in more detail later in this report. The property has been significantly altered throughout its history as an industrial site. The changes that will occur will be consistent with prior development of the site and current design requirements. <b>This principle is met.</b>

## **STAFF COMMENT**

### **Relationship between the application and the purpose and intent of the requested zoning district:**

This project includes two rezonings. The first rezoning (ZMA 2016-16) is to establish C-1 zoning on the property. The second rezoning (ZMA 2016-21) is to amend the Steep Slopes Overlay District, specifically to change some slopes on the property from Preserved to Managed Slopes.

The intent of the C-1 District is:

22.1 INTENT, WHERE PERMITTED C-1 districts are hereby created and may hereafter be established by amendment to the zoning map to permit selected retail sales, service and public use establishments which are primarily oriented to central business concentrations. It is intended that C-1 districts be established only within the urban area, communities and villages in the comprehensive plan.

This property is within the urban area and recommended for Community Mixed Use. The C-1 district allows for a variety of commercial and office uses. It also allows for residential use with the issuance of a special use permit.

This proposal meets the locational intent of the district and achieves the Comprehensive Plan recommendation for the property.

The characteristics of Managed and Preserved Slopes are:

**30.7.3 CHARACTERISTICS OF STEEP SLOPES** The characteristics of the steep slopes within the overlay district are as follows:

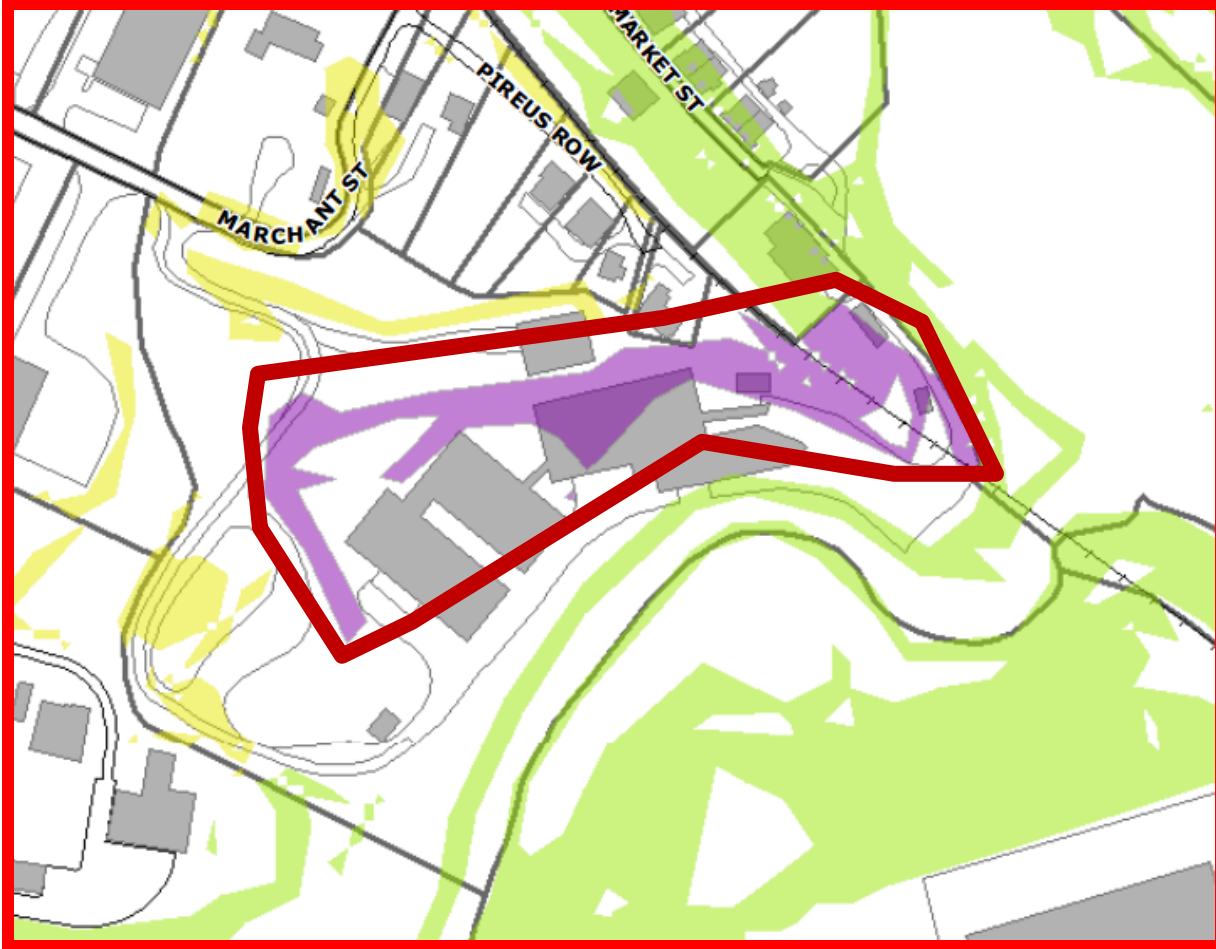
a. Managed slopes. The characteristics of managed slopes are the following: (i) the contiguous area of steep slopes is limited or fragmented; (ii) the slopes are not associated with or abutting a water feature, including, but not limited to, a river, stream, reservoir or pond; (iii) the slopes are not natural but, instead, are manufactured; (iv) the slopes were significantly disturbed prior to June 1, 2012; (v) the slopes are located within previously approved single-family residential lots; or (vi) the slopes are shown to be disturbed, or allowed to be disturbed, by a prior county action.

b. Preserved slopes. The characteristics of preserved slopes are the following: (i) the slopes are a contiguous area of ten thousand (10,000) square feet or more or a close grouping of slopes, any or all of which may be less than ten thousand (10,000) square feet but whose aggregate area is ten thousand (10,000) square feet or more; (ii) the slopes are part of a system of slopes associated with or abutting a water feature including, but not limited to, a river, stream, reservoir or pond; (iii) the slopes are part of a hillside system; (iv) the slopes are identified as a resource designated for preservation in the comprehensive plan; (v) the slopes are identified as a resource in the comprehensive plan; (vi) the slopes are of significant value to the entrance corridor overlay district; or (vii) the slopes have been preserved by a prior county action, including, but not limited to, the placement of an easement on the slopes or the acceptance of a proffer or the imposition of a condition, restricting land disturbing activity on the slopes.

The slopes in the center of the property, outlined below, are currently designated as Preserved Slopes. The slopes were designated as Preserved because they are a contiguous area of ten thousand (10,000) square feet or more. None of the other characteristics of preserved slopes are exhibited by this area. They are not directly associated with a water feature. They are separated from a water feature by the existing historic buildings. The slopes are not designated for preservation or identified as a resource in the comprehensive plan. The slopes are not associated with the entrance corridor overlay district. No prior action, other than the adoption of the Steep Slopes Overlay District has ever occurred addressing these slopes. Staff has field investigated these slopes. It is evident that significant amounts of the slopes have been modified at various times in history. Some of the slopes may be natural although it is difficult to determine the exact extent. It appears that the slopes to the east of the property may be more natural, although clearly impacted by development. The slope to the west appears to have been created by the placement of fill material. Any slope disturbance that has occurred has not taken place recently or even in the last several decades. Based on field observation these slopes have a more fragmented characteristic than is shown on the topographic maps and they display evidence of being manufactured. Based on these



factors staff opinion is that they have more characteristics of Managed than Preserved Slopes. Staff recommends that the designation be amended accordingly.



**Public need and justification for the change:**

As stated in the Comprehensive Plan:

The purpose of this Comprehensive Plan is to set forth County government policy that helps guide public and private activities as they relate to land use and resource use. As the means to carry out this purpose, the Plan is the County's most important policy document. It establishes the blueprint for future decisions regarding resource protection, land use and development, transportation systems, public facilities and utilities, economic development, housing, and public services.

The Comprehensive Plan established the public need for this type of development and the applicant's proposal is consistent with the Comprehensive Plan.

**Impact on Environmental, Cultural, and Historic Resources –**

This property has significant environmental resources. Moores Creek, the Rivanna River and their associated buffers and floodplain all affect this property. The property has Steep Slopes, both Managed and Preserved, in various locations on the property. The property has been developed in ways that affect these resources already. The applicant's concept is to make use of the existing development wherever possible and to have limited additional

impacts. The floodplain will be managed by providing protection to the existing historic structures. There will be a floodwall incorporated into the structure and enclosing existing courtyard areas. This will provide flood protection to these buildings for the first time. While this is an impact on the environmental resources, it is a protection of the cultural and historic resources. As has previously been noted this project includes the reclassification of some Preserved Slopes to Managed Slopes. These slopes possess more characteristics of Managed Slopes. This designation would allow the slopes to be impacted but only if the activity complies with the design requirements of the ordinance. During the review of the site plan any impact on environmental resources will be analyzed and mitigated.

Limited additional development opportunities exist on this site. The current, and proposed, zoning of the property allow for additional development. However, the primary use of the property will be within the existing buildings. The rezoning of this site from LI to C-1 will not adversely impact environmental, cultural or historic resources. The proffers associated with the C1 rezoning of the site serve to protect and promote the environmental, cultural or historic resources of the site.

As has been previously noted the property constitutes a significant cultural and historic resource. The adaptive reuse of this resource will help to preserve the site and prevent loss of the resource due to decay and neglect.

#### **Anticipated impact on public facilities and services:**

The change of Preserved Slopes to Managed slopes has no direct impact on public facilities and services. The impacts are indirect because the change in designation permits the construction of additional parking areas, which allows for the commercial/residential use of the site.

Streets: The comments of VDOT and the City traffic engineer are included as Attachment E. The property location is unusual because it can only be accessed by streets in the City. Access to the site is from the end of Broadway Street and the end of East Market Street. VDOT notes that the impacts are within the City and are largely associated with extension of turn lanes. Staff has talked directly with the City Traffic Engineer about the impacts of this development. The need for improvements identified by the City currently exist. The applicant has offered a proffer that will enable the City to move forward with improvements at intersections within the City. Staff opinion is that the proffer adequately addresses the impacts caused by the proposed development.

East Market Street in the vicinity of Woolen Mills is narrow road. Options to widen or improve the road, including the addition of pedestrian or bike access simply do not exist. The roadway is flanked by historic residential structures located in close proximity to the pavement and the embankment supporting the railroad. The limited parking that can be accessed from East Market Street minimizes the volume of traffic using East Market Street. It should also be noted that the property is currently zoned LI and has been used for industrial uses in the past and could be used for industrial uses in the future. No discretionary review would be required for industrial use of the property. The site has been used in the recent past for storage and a by a moving company. This involved truck traffic on East Market Street. The transition of the property to commercial/residential will involve

less truck traffic than has occurred in the past and could occur in the future with the existing industrial zoning. Based on this fact, staff opinion is that the overall traffic impacts on East Market Street will be equal or less than can occur with the existing zoning. The applicant's proffer of funds to improve intersections in the City offsets any impacts caused by the development.

#### Schools –

This development is expected to generate the following student impacts:

- 4 additional elementary school students at Cale Elementary School.
- 1 additional middle school student at Walton Middle School.
- 3 additional high school students at Monticello High School

The main concern of the School Division is maintenance of access for busses from Broadway. This access is being retained as the primary access and will provide adequate bus access.

#### Fire and Rescue –

This site is within the 5 mile response area for the stations at Monticello, East Ivy, East Rivanna, and Seminole. The Fire Marshal's office has been working with the applicant to insure that at the time of redevelopment of this site adequate fire protection and access is provided. The redevelopment of the site will improve protection of this historic resource.

#### Utilities –

No issues with water or sewer availability have been identified. During site plan review the necessary plans will be reviewed to insure proper installation of utilities.

#### **Anticipated impact on nearby and surrounding properties:**

The existing buildings can be used by-right under the current LI zoning. Therefore, the change in zoning designation has limited impact on the area. The project has limited new construction opportunities. Any new construction that occurs would be on the western side of the property adjacent to the Rivanna Water and Sewer property and accessed from Broadway Street. A new parking area will be constructed and this will have some visual impact to adjacent residential property immediately adjacent to the property. It must be noted that this impact could occur under the existing LI zoning. The change from industrial use to mixed commercial/residential use will result in a change in the character of the area and in traffic patterns. It will increase the residential population, decrease truck traffic and increase and alter the hours of car traffic. The proposed change in the character of the site from industrial to mixed commercial/residential is recommended by the Comprehensive Plan.

#### **PROFFERS**

Attachment F contains the proposed proffers. Wording changes are expected prior to the Board of Supervisor's hearing to address non-substantive issues. Individual proffers are described below:

Proffer 1: Provides for an area for the extension of the Rivanna Trails including area for the construction of a bridge over Moores Creek.

Proffers 2 and 3: Insures that the historic value of the existing buildings is maintained.

Proffer 4: Provides for public display of the history of the Woolen Mills.

Proffer 5: Limits traffic on East Market Street by limiting parking availability.

Proffer 6: Establishes proportion of the site to be used for nonresidential development to insure compliance with the Comprehensive Plan.

Proffer 7: Provides cash payment to the City for transportation improvements to offset the impact of the development.

**SUMMARY for ZMA 2016-16 (LI to C1) and for ZMA 2016-21 (Preserved Slopes to Managed Slopes)**

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

1. Proposal is consistent with the Comprehensive Plan.
2. Proposal allows for preservation, restoration, maintenance and use of a historic resources.
3. The property as currently zoned can be used for industrial uses. The proposed mixed use, commercial/residential, will not result in impacts greater than those that could currently occur by-right.
4. The slopes are more characteristic of Managed Slopes than Preserved Slopes.

Staff has found no unfavorable factors to this rezoning:

**RECOMMENDATION for ZMA 2016-16 (LI to C-1)**

Staff recommends approval with proffers.

**RECOMMENDATION for ZMA 2016-21 (Preserved Slopes to Managed Slopes)**

Staff recommends approval. There are no proffers associated with this application.

**ANALYSIS OF THE SPECIAL USE PERMIT REQUEST FOR SP 2016-27 RESIDENTIAL DEVELOPMENT IN THE C-1 DISTRICT**

The applicant is proposing 94 residential units. All of the units would be located within existing buildings. Some units will be live/work with studio or other work space available.

**No substantial detriment. The proposed special use will not be a substantial detriment to adjacent lots.**

The use of the property for residences will have minimal impact on adjacent property. The units will be located within existing structures.

No detrimental impact on adjacent lots is expected.

**Character of district unchanged. The character of the district will not be changed by the proposed special use.**

When analyzing the character of the district staff considers both the zoning district and the geographic area in which the use is proposed. The most significant change in the character of the geographic district will be the fact that there will be additional residents. Broadway Street is industrial in character. Because this development is located at the end of Broadway Street and makes use of existing structures the addition of residential units will not change the industrial character of the area or make it less attractive for industrial investment. The area already has residential development located in the East Market Street area. The addition of residential use will increase the overall population of the Woolen Mills area and will be adding multi-family housing to an area that currently has no multi-family housing. Multi-family housing does not result in a change in the character due to the fact that it is to be located within the existing buildings. Residential development is permitted in the C-1 district by Special Use Permit. Only a portion of the site and existing structures will be used for residences. The remainder of the site will be available for commercial activity. This mixing of uses does not change the commercial nature of the zoning district on this property.

Residential use will not change the character of the district.

**Harmony. The proposed special use will be in harmony with the purpose and intent of this chapter.**

Staff has reviewed the purpose and intent of the Zoning Ordinance as contained in Section 1.4 and the purpose and intent of the C-1 district and finds no conflict with the provisions of the ordinance. Mixed use of this property, commercial combined with residential, enhances the economic viability of the development which encourages the preservation of historic areas. Section 1.4 states in part "This ordinance, insofar as practicable, is intended to be in accord with and to implement the Comprehensive Plan..." The Comprehensive Plan recommends mixed commercial and residential use of this property.

Approval of this special use permit is consistent with the purpose and intent of Chapter 18 of the Code of Albemarle.

**...with the uses permitted by right in the district**

Residential development, is not in conflict with commercial activity and will not restrict the commercial use of the property.

**...with the regulations provided in section 5 as applicable,**

Section 5.0 contains no additional regulations.

**...and with the public health, safety and general welfare.**

The regulations governing site plan and building permit review will protect the public, health, safety and general welfare.

**Consistency with the Comprehensive Plan. The use will be consistent with the Comprehensive Plan.**

As has been stated previously the Comprehensive Plan recommends some residential use of this property.

Residential use is consistent with the Comprehensive Plan.

**SUMMARY of SP 2016-27 RESIDENTIAL DEVELOPMENT IN THE C1- COMMERCIAL DISTRICT:**

**Factors favorable to this request include:**

1. Residential use of the property is recommended by the Comprehensive Plan.
2. Existing historical buildings will be used which reduces any potential change in the character of the area.
3. The proposed use is consistent with the review criteria for Special Use Permits.

**Factors unfavorable to this request include:**

1. No unfavorable factors have been identified.

**RECOMMENDED ACTION for SP 2016-27 RESIDENTIAL DEVELOPMENT IN THE C-1 DISTRICT:**

Based on the findings contained in this staff report, and with the condition proposed below staff recommends approval of SP 2016-27.

1. A maximum of 94 residential units is permitted.

**ANALYSIS OF THE SPECIAL USE PERMIT REQUEST FOR SP 2016-28 ACTIVITY IN THE FLOODPLAIN**

The applicant is proposing to construct a floodwall that will protect the existing buildings from flooding. In some locations, the wall will be incorporated into the existing structures and in others it will enclose courtyards adjacent to the buildings.

**No substantial detriment. The proposed special use will not be a substantial detriment to adjacent lots.**

The proposed activity, the construction of floodwalls is primarily a technical review. The applicant has conducted an extensive study of the Rivanna River and the portion of Moores Creek adjacent to this property. This study was undertaken to determine with specificity what the flood elevation is. The previous determination of the flood elevation was based on more general studies. The detailed study was submitted to the Army Corps of Engineers and has been accepted. By knowing the precise flood elevation and how the hydrology of the area works, the impact of activity in the floodplain can be more accurately accounted

for. The construction of the floodwall proposed by the applicant will not have an impact on adjacent properties. To insure no impact on adjacent property occurs, a condition is recommended requiring that the applicant obtain the necessary approvals from the Army Corps of Engineers before work can occur in the floodplain. The Army Corps of Engineers has the expertise, and authority, to review the details of the applicant's proposal and insure that no adverse impacts occur on other lots.

**Character of district unchanged. The character of the district will not be changed by the proposed special use.**

When analyzing the character of the district staff considers both the zoning district and the geographic area in which the use is proposed. The installation of a floodwall will not be approved if it increases the flood level. Typical request for activity in the floodplain have involved the installation of fill to allow the land to be raised above the flood level thereby allowing construction. This activity does not involve fill, it involves the construction of a floodwall some of which will be free standing and some of which will be incorporated into the existing buildings. This results in minimum visual change and minimal impact on the area.

The construction of a floodwall will not change the character of the Flood Hazard Overlay District or the general area.

**Harmony. The proposed special use will be in harmony with the purpose and intent of this chapter.**

Staff has reviewed the purpose and intent of the Zoning Ordinance as contained in Section 1.4 and the purpose and intent of the FH-Flood Hazard Overlay District and finds no conflict with the provisions of the ordinance. Section 1.4 states in part that the purpose and intent of the ordinance is "To protect against destruction of or encroachment upon historic areas" and "To protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic or other dangers".

The construction of a floodwall allows for the preservation of historic resources. The construction of the wall(s) will protect and preserve the historic resources from flooding for the first time.

Approval of this special use permit is consistent with the purpose and intent of Chapter 18 of the Code of Albemarle.

**...with the uses permitted by right in the district**

The FH-Flood Hazard Overlay District allows for few uses. The construction of a floodwall will not impact any of the permitted by right uses.

**...with the regulations provided in section 5 as applicable,**

Section 5.0 contains no additional regulations.

**...and with the public health, safety and general welfare.**

The FH-Flood Hazard Overlay District exists primarily to protect the public health, safety and general welfare. The applicant will be required to submit detailed analysis of the potential impacts caused by the construction of the floodwall to the Army Corps of Engineers and the County. If the construction of the floodwall is determined to have health or safety impacts it will not be approved. Approval of the floodwall promotes the public health and safety by protecting the existing buildings. They currently do not have protection from floods and may be impacted by flood waters resulting in their loss, deterioration or worse the loss of the historic resource and creating impacts on the floodplain should the buildings be damaged to the point of collapse.

Approval of this use, with conditions, is consistent with the public health, safety and general welfare.

**Consistency with the Comprehensive Plan. The use will be consistent with the Comprehensive Plan.**

The Comprehensive Plan does not speak directly to activity in the floodplain on this property. Generally, the Comprehensive Plan recognizes that floodplains are an important natural resource that are to be protected and that activity within the floodplain should not impair the function of the floodplain.

The location of the floodwall is incorporated into the existing buildings or is located in areas that have previously been disturbed. No areas of native vegetation, trees or other natural resources typically associated with a floodplain will be disturbed. The primary function of the floodplain, to convey flood waters, will be preserved as has been discussed previously in this report.

This use is consistent with the Comprehensive Plan.

**SUMMARY of SP 2016-28 ACTIVITY IN THE FLOODPLAIN:**

**Factors favorable to this request include:**

1. Approval allows for flood protection of a historic resource.
2. Conditions are proposed that will prevent the flood levels from being increased.
3. The floodwall will occur in areas that have been previously developed. There will be no loss of natural resources.

**Factors unfavorable to this request include:**

1. No unfavorable factors have been identified.

**RECOMMENDED ACTION for SP 2016-28 ACTIVITY IN THE FLOODPLAIN:**

Based on the findings contained in this staff report, and with the condition proposed below staff recommends approval of SP 2016-28:

1. Prior to final site plan approval or permitting of a land disturbance in the floodplain, the applicant shall obtain a Conditional Letter of Map Revision



(CLOMR) from the Federal Emergency Management Agency (FEMA) and a Floodplain Development Permit from Albemarle County. In addition, the applicant shall copy the County Engineer on all correspondence with FEMA. Construction and installation of flood wall(s) shall be in compliance with approved plans and FEMA approved CLOMR and applicant shall obtain a FEMA approved LOMR upon completion of fill activities.

### **Summary of Recommendations:**

This application is consistent with the recommendations of the Comprehensive Plan and promotes the type of development envisioned by the County. The project requires multiple applications. The findings are favorable for all the applications and no negative factors have been identified. The impacts of the proposed development are not greater than could occur with by-right use of the property. The proffers offset any impacts and provide protections to the property that do not currently exist. Staff views the construction of a floodwall as a positive activity because of the protection it will offer the existing structures. This project allows for the preservation and adaptive reuse of a unique resource in Albemarle County. Staff recommends approval of all the applications associated with the Woolen Mills project.

### **Motions:**

#### **ZMA 2016-16 (LI to C-1)**

A. Should the Planning Commission **choose to recommend approval** of this rezoning:

**I move to recommend approval of ZMA 2016-16 with the acceptance of the proffers offered by the applicant.**

B. Should the Planning Commission **choose to recommend denial** of this rezoning:

**I move to recommend denial of ZMA 2016-16. Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.**

### **Motions:**

#### **ZMA 2016-21 (Preserved Slopes to Managed Slopes)**

A. Should the Planning Commission **choose to recommend approval** of this rezoning:

**I move to recommend approval of ZMA 2016-21.**

B. Should the Planning Commission **choose to recommend denial** of this rezoning:

**I move to recommend denial of ZMA 2016-21. Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.**

### **Motions:**

## **SP 2016-27 RESIDENTIAL DEVELOPMENT IN THE C-1 DISTRICT**

A. Should the Planning Commission **choose to recommend approval** of this special use permit:

**I move to recommend approval of SP 2016-27 with the conditions outlined in the staff report.**

B. Should the Planning Commission **choose to recommend denial** of this special use permit:

**I move to recommend denial of SP 2016-27. Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.**

### **Motions:**

## **SP 2016-28 ACTIVITY IN THE FLOODPLAIN**

A. Should the Planning Commission **choose to recommend approval** of this special use permit:

**I move to recommend approval of SP 2016-28 with the conditions outlined in the staff report.**

B. Should the Planning Commission **choose to recommend denial** of this special use permit:

**I move to recommend denial of SP 2016-28. Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.**

**ATTACHMENT A:** Tax Map

**ATTACHMENT B:** Critical Resource Map

**ATTACHMENT C:** Applicants justification including unproffered concept plan

**ATTACHMENT D:** Comprehensive Plan

**ATTACHMENT E:** VDOT and City Traffic Engineer comments

**ATTACHMENT F:** Proposed proffers