

COUNTY OF ALBEMARLE
STAFF REPORT SUMMARY
Revised from Planning Commission Meeting

Project Name: ZMA201600019 Riverside Village Amendment	Staff: Rebecca Ragsdale, Elaine Echols
Planning Commission Public Hearing: March 21, 2017	Board of Supervisors Public Hearing: TBD
Owner: Riverside Village Properties, Inc.	Applicant: Justin Shimp, Shimp Engineering
Acreage: 2.41 acres	Rezoning: Modify plan and proffers for Block 1 of Riverside Village NMD
TMP: 078G0-00-01-000A0	Proffers: Yes
School Districts: Stone Robinson Elementary School Burley Middle School Monticello High School	By-right use: 16 multifamily units and between 16,000 and 36,000 sq. ft. of commercial use
Magisterial District: <u>Rivanna</u>	Requested # of Dwelling Units: 36 additional units
DA (Development Area): Pantops	Comp. Plan Designation: Neighborhood Density Residential and River Corridor
Character of Property: under development	Use of Surrounding Properties: Elks Lodge to the north, Wilton Farm development to the east, office uses to the south, and the remainder of the Riverside Village development to the west
Factors Favorable: <ol style="list-style-type: none"> 1. The rezoning continues to meet the principles of the Neighborhood Model. 2. Impacts from the development are mitigated with cash proffers for market rate units. 3. Affordable housing of 15% is provided in Block 1, which is in keeping with the County's Affordable Housing policy. 	Factors Unfavorable: <ol style="list-style-type: none"> 1. The rezoning is not consistent with recommendations for residential density in the Pantops Master Plan. 2. Technical corrections to the application plan and proffers are needed as indicated in Attachment E.
RECOMMENDATION: Staff recommends approval of the project with the provision that technical corrections in Attachment E are made prior to the Board of Supervisors' meeting.	

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

**Rebecca Ragsdale and Elaine Echols
March 21, 2017
TBD**

ZMA201600019 Riverside Village Amendment

PETITION

PROJECT: ZMA 201600019 Riverside Village Amendments

MAGISTERIAL DISTRICT: Rivanna

TAX MAP/PARCEL: 078G0-00-01-000A0

LOCATION: Northwest quadrant of Stony Point Road (Rt. 20) and Trailside Drive.

PROPOSAL: Increase maximum number of dwellings from 16 units to 36 units in Block 1.

PETITION: Modify application plan, Code of Development, and proffers for Block 1 which contains 2.41 acres and zoned Neighborhood Model District, which allows residential (3 – 34 units/acre) mixed with commercial and service uses. Changes in Block 1 would increase the maximum number of units from 16 to 36* which results in an increase in density from 6.6 units per acre to units 15 units/acre; 2) reduce the minimum commercial sq. ft. from 16,000 to 8,000 sq. ft. in Block 1; 3) replace a single 5,000 sq. ft. plaza with multiple smaller plazas totaling 5,000 sq. ft.; 4) reduce the minimum build-to line on Trailside Drive from 50' to 25'; 5) make accessory uses and buildings by-right rather than by special use permit; 6) modify proffers to provide 15% affordable units in Block 1; and 7) provide a cash proffer for the 36 additional units of \$7,419.91 for each new multi-family dwelling unit.

OVERLAY DISTRICT(S): Entrance Corridor

PROFFERS: Yes

COMPREHENSIVE PLAN: Neighborhood Density Residential – residential (3-6 units/acre); supporting uses such as religious institutions, schools and other small-scale non-residential uses; greenspace – sensitive environmental features including stream buffers, flood plain, and adjacent slopes. and River Corridor – parks, golf courses, greenways, natural features and supporting commercial and recreational uses in Neighborhood 3 – Pantops Development Area. POTENTIALLY IN MONTICELLO VIEWSHED: Yes

* Plats and site plans have been approved for 69 units on the remainder of the Riverside development. At present, Block 1 can only be used for nonresidential/commercial uses.

CHARACTER OF THE AREA

The property is located adjacent to Stony Point Road (Rt. 20) south of the Elks Lodge. It is currently under construction. The Wilton Farm development is located to the east, office uses are located to the south, and the remainder of the Riverside Village development is located to the west. Attachment A shows the location of the development.

SPECIFICS OF THE PROPOSAL

Riverside Village development is a Neighborhood Model development with an approved application plan and proffers. The approved project allows 69 dwelling units and nonresidential/commercial use with a maximum of 46,000 square feet (sq. ft.). The applicant would like to modify the previously approved proffers and application plan for Block 1 to allow 36 additional units in the buildings fronting Route 20 and less commercial square footage. Cash proffers and proffers for affordable units are included for the new units. (Attachment B). The proposed application plan for Block 1 is Attachment C.

For Block 1, the applicant has asked to:

- increase the maximum number of units allowed from 16* to 36;
- reduce the minimum non-residential/commercial square footage from 16,000 to 8,000;
- replace a single 5,000 square foot plaza with multiple smaller plazas totaling 5,000 sq. ft.;
- reduce the minimum build-to line on Trailside Drive from 50' to 25'; and
- make accessory uses and buildings by-right rather than by special use permit

Proposed changes to proffers include:

- providing 15% affordable units in Block 1; and
- providing a cash proffer of \$7,419.91 for each new market rate multi-family dwelling unit.

The rest of the Riverside Village plan and proffers remain the same.

APPLICANT'S JUSTIFICATION FOR THE REQUEST

The applicant has verbally indicated that a market exists for more units at this location.

PLANNING AND ZONING HISTORY (for issues of density and non-residential use)

ZMA2007-00024 – A rezoning for Riverside Village with a similar design was requested in 2007. In addition to other elements, the request included 30,000 sq. ft. non-residential use and 108 units. (The Land Use Plan *in place prior to adoption of the Pantops Master Plan in 2008* recommended Urban Density Residential; however, *while ZMA2007-00024 was being reviewed, the* Pantops Master Plan was *being completed with a recommendation for* Neighborhood Density Residential *for this property. The project was evaluated at the time against the pending Master Plan, which was adopted March 17, 2008.*)

Work session -- December 18, 2007 – Planning Commission did not support request for 108 units, but supported density between 3 – 6 units/acre. Commission did not support > 20,000 sq. ft. for non-residential use.

Work session -- August 26, 2008 – Planning Commission supported 30,000 sq. ft. non-residential use (no discussion on density or units).

Application withdrawn -- 5/21/12.

ZMA2012-00002 -- Request for Neighborhood Model District (NMD) for a mixture of uses including 112 units and 50,000 sq. ft. non-residential use.

Public Hearing -- April 9, 2013 -- Planning Commission did not support 112 units but said it would support the higher end of density at 3 – 6 units/acre (maximum of 59 units). The Commission said that the amount of non-residential use should be balanced with the cumulative effect of all impacts. Attention was needed to the bulk, form, and massing of buildings along Route 20. The Commission asked the applicant to defer to make changes, which occurred.

Recommendation -- July 30, 2013 -- Planning Commission recommended approval of development with range of 16,000 to 46,000 sq. ft. of non-residential use and 69 units.

Approval -- November 13, 2013 -- Board of Supervisors approved a rezoning and proffers for Riverside Village development from R1 to (NMD) for 69 residential units and up to 46,000 sq. ft. of nonresidential use. A maximum of 36,000 sq. ft. of nonresidential use was approved in Block 1.

ZMA2015-00003 -- September 2, 2015 -- Board of Supervisors approved modifications to the application plan for Block 5 and proffers to allow Block 5 as a location for affordable housing and to allow accessory apartments as an affordable housing unit type.

(Links to all staff reports and minutes of Planning Commission and Board of Supervisors meetings can be provided on request.)

Numerous SDP, SUB, and ARB submittals have been approved since the rezonings.

COMPREHENSIVE PLAN

Land Use: The property is designated for Neighborhood Density Residential in Pantops, which supports density at 3 – 6 dwellings per acre. The proposed density for the 2.41 acres in this amendment is 15 dwellings per acre, which is not consistent with the Pantops Master Plan. At 6 dwellings per acre, the recommended maximum number of units would be 14, not 36 as requested.

Neighborhood Model: A Neighborhood Model analysis was done for the 2012 rezoning. Only applicable principles related to the proposed change are analyzed below.

Mixture of Uses	<p>The current Code of Development requires a minimum of 16,000 sq. ft. and a maximum of 36,000 sq. ft. of nonresidential/commercial use in Block 1 along with a minimum of zero and maximum of 16 units. The proposal allows for a minimum of zero residential units but reduces the minimum amount of nonresidential/commercial square footage to 8,000 sq. ft. The maximum amount of 36,000 nonresidential sq. ft. is unchanged.</p> <p>If approved, Block 1 could still provide up to 36,000 sq. ft. of commercial use, unless residential units are also included in the buildings. A note on the plan indicates that for every residential unit, the maximum amount of available commercial square footage will be reduced by 500 sq. ft. This means that if all 36 dwellings are built, Block 1 can have a maximum of 18,000 sq. ft. of nonresidential use. In addition, the Code of Development proposes making accessory uses and buildings by-right rather than by special use permit.</p> <p>If approved, these changes will still result in a mixture of uses in the block. The change for accessory uses and buildings will allow for greater flexibility in Block 1.</p> <p>This principle is met.</p>
Mixture of Housing Types and Affordability	<p>The development was approved for a mixture of housing types including single family detached, single family attached, townhouse, and multifamily units. Multifamily units (apartments) are proposed in Block 1.</p> <p>A proffer for 15% affordable units for the entire development is being met with the 69 units approved to date. The</p>

	<p>applicant is proffering that at least 15% of the new units in Block 1 will also be affordable units.</p> <p>This principle is met.</p>
Parks, Recreational Amenities, and Open Space	<p>Block 1 is approximately a quarter of a mile to Darden Towe Park and about a quarter of a mile to the greenway path next to the Rivanna River. A single 5,000 square foot amenity area was originally proposed for Block 1. Now multiple amenity areas are proposed, with no minimum size. The Code of Development includes a provision for 4 benches and landscaping in the amenity areas but no other information.</p> <p>Amenity areas such as plazas provide nearby opportunities for residents to enjoy light and air as well as provide a place outdoors for smokers. Provision of multiple amenity areas in Block 1 is not viewed as problematic. However, given the lack of commitment to improvements other than 4 benches, it is hard to know the extent to which the amenity areas will be places for residents to enjoy.</p> <p>The Code of Development also indicates that a focal point will be created and aligned with Road C (Trailside Drive), but staff does not know what qualifies as a focal point. A list of possible focal points would make expectations for amenity areas more clear.</p> <p>This principle is partially met.</p>
Buildings and Spaces of Human Scale	<p>The Code of Development shows that Block 1 will have 2 – 3 stories, which has not changed from the original zoning. Parking is relegated, which helps to create a pedestrian orientation and provide opportunities for human scale buildings. Reducing the minimum build-to line on Trailside Drive from 50' to 25' will provide opportunities for a less suburban and more urban appearance in this part of the Development Areas.</p> <p>It is expected that the Architectural Review Board will ensure building articulation such that a human scale building can be achieved. Staff notes that an exhibit provided with the latest application plan (Attachment D) shows two buildings in Block 1 which differs from the layout reviewed by the ARB in April, 2016, showing three buildings. The roof plans of the buildings shown on the current conceptual layout suggest buildings that are more massive in appearance than those reviewed by the ARB. A larger footprint will require greater attention to massing and appropriate use of building forms, architectural detailing and scale to establish an appropriate appearance for the Entrance Corridor.</p> <p>This principle can be met through adherence to the Entrance Corridor Guidelines.</p>

Economic Development

The Goal for Economic Development, as stated in Chapter 6 in the Comprehensive Plan, is to have a diverse, strong, and sustainable economy and retain and benefit County citizens, existing businesses, and new local ventures. The first strategy in Chapter 6 is to promote new employment activities in the Development Areas and encourage developers of commercial and industrial projects to incorporate the Neighborhood Model principles.

The Code of Development proposed for Block 1 ensures that commercial activities will take place at this location and create a mixture of uses. This development has the potential to expand the commercial tax base and support the creation of jobs for local residents.

Relationship between the application and the purpose and intent of the requested zoning district

The application to change Block 1 does not conflict with the purpose and intent of the requested zoning district, which provides for a mixture of uses and housing types in keeping with the Neighborhood Model.

Anticipated impact on public facilities and services

Streets: VDOT has reviewed the proposed changes and finds the plan generally acceptable. No additional impacts to streets are expected with the additional 36 units.

Fire and Rescue: Fire and Rescue has no comments or objections that cannot be addressed during the site review process.

Utilities: Public water and sewer service is available to the site. No known service capacity issues were identified by Rivanna Water and Sewer Authority.

Anticipated impact on natural, cultural and historic resources

There are no known natural, historic, or cultural resources on the property.

Anticipated impact on nearby and surrounding properties

The only change expected if the applicant builds 36 additional units instead of 18,000 sq. ft. of commercial use, will be more activity occurring during evening and weekend hours rather than during the daytime. This level of change is not viewed as problematic.

The applicant attended a Pantops Community Advisory Committee (CAC) meeting in September 2016 to obtain feedback from the committee on support for this amendment to Riverside Village. The CAC was enthusiastic in its support for the change.

The applicant held a community meeting on November 28, 2016 in conjunction with the Pantops CAC 2016 at the Martha Jefferson Hospital conference room. In addition to the CAC members, approximately ten nearby property owners and residents attended the meeting. Questions were asked about how many floors the buildings would have, whether the units would be for sale or rent, how traffic would be controlled, and if the apartments would be noisy. The applicant responded that there would be three floors, it was unknown whether the units would be for rent or for sale at this time and it might be a combination. VDOT indicated that a signal is not warranted at the entrance to the development and would not be provided. In addition, the applicant noted that Route 20 is loud during the day but the residents were not expected to make more noise than any other residents in the area did. The applicant explained that the project would net less traffic and need fewer parking spaces if residential units are provided. He also said that there would be more trees on the site than required. Parts of the site are intended

to feel like a park and tree wells like those on the downtown mall would be used. Concerns for density at a higher level than recommended in the Pantops Master Plan were not raised.

Public need and justification for the change

Provision of residential units in the Development Areas is in keeping with the County's growth management goals for maintaining the Rural Areas for agricultural, forestal, and other rural uses.

PROFFERS

An explanation of the relevant proposed proffers (Attachment B) is summarized below:

1. The applicant will provide 15% affordable units in Block 1.

The applicant has proffered to continue to provide affordable housing in the development, in keeping with the Comprehensive Plan. This proffer does not violate the State Code because the applicant is seeking an amendment to a previously approved zoning.

2. A cash proffer of \$7,419.91 for new market rate units will be provided in Block 1.

The applicant is offering cash proffers in the amounts accepted for the Brookhill and Foothills-Daily rezonings. While the rest of the Riverside Village development was approved with higher proffers, due to a change in State law and a revised Capital Improvements Program and Capital Needs Assessment, it is reasonable to accept proffers consistent with the more updated figures for the new units (only). As with the Brookhill, and Foothills-Daily proffers, the applicant provided an in-kind contribution with the prior Riverside Village proffers. The applicant will be responsible for cash proffers in excess of the value of the in-kind contribution.

SUMMARY FOR REZONING REQUEST

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

1. The rezoning continues to meet the principles of the Neighborhood Model.
2. Impacts from the development are mitigated with cash proffers for market rate units.
3. Affordable housing of 15% is provided in Block 1, which is in keeping with the County's Affordable Housing policy.

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

1. The rezoning is not consistent with recommendations for residential density in the Pantops Master Plan.
2. Technical corrections to the application plan and proffers are needed as indicated in Attachment E.

RECOMMENDATION

It is unusual for staff to recommend density in excess of that recommended in a Master Plan, especially when similar requests for the same number of units were made several times over the last 13 years and each time the Commission and community opposed the additional units. However, when the applicant discussed the project with the Pantops CAC and afterward held a community meeting, support was provided for the reduction in commercial area and addition of units and density. Because the project meets the principles of the Neighborhood Model, impacts are being mitigated, and higher densities are preferred in the Development Areas to help address anticipated population growth, staff can recommend approval of the project. This

recommendation is with the provision that the outstanding technical issues are resolved prior to the Board of Supervisors' meeting.

PLANNING COMMISSION MOTION – ZMA201600019 Riverside Village Amendment:

- A. Should a Planning Commissioner choose to recommend approval of this zoning map amendment:

Move to recommend approval of ZMA201600019 Riverside Village Amendment with changes shown in Attachment E as recommended by staff.

- B. Should a Planning Commissioner choose to recommend denial of this zoning map amendment:

Move to recommend denial of ZMA201600019 Riverside Village Amendment with reasons for denial. *Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.*

Attachments

- A: Location Map
- B: Summary of Proposed Proffer Revisions as Pertaining to Riverside Village Block 1 dated March 1, 2017
- C: Application Plan dated 12/19/16
- D: Exhibit Showing Conceptual Site Layout for Riverside Village Block 1 8/3/16
- E: Technical Changes Needed