



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Proposal: ZMA201800008 and SP201800017 Commonwealth Senior Living	Staff: Andy Reitelbach, Senior Planner
Planning Commission Public Hearing: December 4, 2018	Board of Supervisors Hearing: TBD
Owner: Osprey/Pantops Place, LLC	Applicant: Steven W. Blaine, LeClairRyan
Acreage: 3.851 acres	Zoning Map Amendment: Request to amend proffers and application plan; ZMA201500004 Special Use Permit for: Request for special use permit for professional office use in an existing structure under Section 19.3.2.9 of the zoning ordinance.
TMP: 078000000055A1 Location: 1550 Pantops Mountain Place	By-right use: PRD, Planned Residential Development, residential (3 – 34 units/acre). By special use permit, professional offices.
Magisterial District: Rivanna	Proffers: Yes Conditions: Yes EC: Yes
Proposal: Request to amend proffers associated with ZMA201500004 to allow the increase of the square footage of enclosed space, through the repurposing of structured parking, along with a special use permit for professional offices in an existing structure in a PRD zone.	Requested # of Dwelling Units: No additional units.
DA (Development Area): Neighborhood 3, Pantops Master Plan Area	Comprehensive Plan Designation: Urban Density Residential – residential (6.01-34 units/acre); supporting uses such as religious institutions, schools, commercial, office and service uses in Neighborhood 3, Pantops Master Plan Area.
Character of Property: Commonwealth Senior Living currently consists of an age-restricted multi-family residential building, with independent living, assisted-living, and memory care units.	Use of Surrounding Properties: Multi-family residential; vacant single-family residential lots; commercial uses – offices, with a restaurant and hotel across Route 250.
Factors Favorable: <ol style="list-style-type: none"> 1. Proposal provides a mix of uses on the property consistent with the Comprehensive Plan. 2. Consolidation of Commonwealth Senior Living residential and office uses. 3. No detrimental impacts to adjoining properties anticipated. 	Factors Unfavorable: <ol style="list-style-type: none"> 1. Additional traffic will be generated in the area. 2. Reduction in amount of parking provided on the property.
RECOMMENDATION: Zoning Map Amendment: Staff recommends approval of ZMA201800008, Commonwealth Senior Living. Special Use Permit: Staff recommends approval of SP201800017, Commonwealth Senior Living.	

STAFF PERSON: Andy Reitelbach, Senior Planner
PLANNING COMMISSION: December 4, 2018
BOARD OF SUPERVISORS: TBD

ZMA201800008 and SP201800017: Commonwealth Senior Living

PETITION:

PROJECT: ZMA201800008 and SP201800017 Commonwealth Senior Living

MAGISTERIAL DISTRICT: Rivanna

TAX MAP/PARCEL(S): 078000000055A1

LOCATION: 1550 Pantops Mountain Place, Charlottesville, VA 22911

PROPOSAL: Request to amend proffers associated with ZMA201500004 to allow the increase of the square footage of enclosed space, through the repurposing of structured parking, along with a special use permit for professional office use in an existing structure in a Planned Residential Development.

PETITION: Request to amend proffers and application plan on a 3.851-acre property zoned PRD, Planned Residential Development, which allows residential uses at a density of 3 – 34 units/acre with limited commercial uses, to allow the total square footage of the building to increase from 110,000 square feet to 120,000 square feet to accommodate professional office space, which is allowed by special use permit. Request for special use permit for professional office use in an existing structure under Section 19.3.2.9 of the zoning ordinance. No additional residential units proposed.

ZONING: PRD Planned Residential Development which allows residential (3 – 34 units/acre) with limited commercial uses; ZMA201500004.

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

PROFFERS: Yes

COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01-34 units/acre); supporting uses such as religious institutions, schools, commercial, office and service uses in Neighborhood 3, Pantops Master Plan Area.

POTENTIALLY IN MONTICELLO VIEWSHED: Yes

CHARACTER OF SURROUNDING AREA:

The subject property is located on Pantops Mountain Place, north of U.S. Route 250, Richmond Road [Attachment A]. On the property is an age-restricted, multi-family residential building with independent living, assisted-living, and memory care units, along with an underground parking garage. There are condominiums, the Cottages at Jefferson Heights, on adjacent parcels to the north and northeast, sharing access via Pantops Mountain Place. The Westminster-Canterbury of the Blue Ridge community is to the north of the Commonwealth Senior Living property. To the east of the property are vacant parcels in the Glenorchy subdivision. There are office buildings to the west, and a restaurant and hotel, across Route 250 to the south.

PLANNING AND ZONING HISTORY:

ZMA1988-00017 – Virginia Gardner project – Approved rezoning of 6.226 acres of property from R-1 Residential to R-10 Residential.

ZMA1999-00001 – Pantops Place – Approved rezoning of 12.3 acres of property from R-1, R-6, and R-10 Residential to PRD, Planned Residential Development, to allow up to 130 dwelling units in a retirement village of independent living and assisted-living units.

ZMA2001-00011 – Pantops Place – Approved proffer amendment regarding the provision of access to an adjacent property.

ZMA2015-00004 – Commonwealth Senior Living – Approved proffer and application plan amendment to allow an increase in the number of independent and assisted-living units from 100 to 140 in an existing building on a 3.85-acre property.

DETAILS OF THE PROPOSAL:

Due to changing circumstances, the applicant is proposing to consolidate the corporate offices of Commonwealth Senior Living (CSL), which are currently located on the Charlottesville Downtown Mall, with the residential community that CSL operates at 1550 Pantops Mountain Place in the Pantops Master Plan Area. The applicant would like to convert an under-used parking garage of approximately 13,500 square feet on the lower level of the CSL residential building into professional office space for its corporate offices.

The applicant has requested a special use permit to allow a professional office use on property zoned PRD, Planned Residential Development [Attachment E]. This use would be located within the area converted from the parking garage. The current proffers for this property, as approved with ZMA2015-00004, allow a maximum of enclosed building space of 110,000 square feet. The current residential building is approximately 106,350 square feet. The parking garage is not included within the enclosed building space square footage. With the addition of the 13,500-square foot parking garage, the total size of enclosed building space would increase to approximately 119,850 square feet. To allow for this additional 9,850 square feet of enclosed space, the applicant is also proposing to amend the proffers of ZMA2015-00004 to allow for a maximum building size of 120,000 square feet [Attachment B].

There is no plan to alter the current number of residential units within the building. In addition, no change in the building's footprint is proposed. Because the proposed use is within an existing structure, no exterior changes to the site are proposed except for minor changes to convert the garage's vehicular entranceways into pedestrian entrances for the new office space.

COMMUNITY MEETING:

The applicant conducted the required community meeting with the Pantops Community Advisory Committee on Monday, September 24, 2018. Concerns were raised by residents of Commonwealth Senior Living that they had not been notified by the owner of the building of the proposed changes and the submitted applications prior to this community meeting. The applicant has indicated that a meeting with residents has since been held, on Friday, November 9, 2018. In addition, the applicant has indicated that a meeting with representatives of the adjacent Westminster-Canterbury of the Blue Ridge community was held on Thursday, November 8, 2018, along with a scheduled meeting with residents of the adjacent Cottages at Jefferson Heights condominium community on Tuesday, November 20, 2018.

Other concerns that were raised were mainly regarding the additional traffic generated by the proposed office use and the reduction in parking that will occur with the conversion of the parking garage into office space. The applicant went over the traffic and parking information, with the anticipated number of additional vehicles that would be traveling into and out of the site. The applicant also mentioned the possibility of working with adjacent property owners for shared parking agreements for overflow parking when Commonwealth Senior Living hosts events and family nights.

ANALYSIS OF THE ZONING MAP AMENDMENT REQUEST:

The applicant is requesting a proffer amendment [Amendment C] to a previously-approved zoning map amendment, ZMA2015-00004. There is an existing use of a multi-family, age-restricted residential building with a maximum allowed size of 110,000 square feet on the subject property, along with a parking garage on the lower level, which is not included in the current square footage of the building. The applicant proposes amending proffer number 1 to increase the allowable square footage of the enclosed space of the building from 110,000 square feet to 120,000 square feet to allow the conversion of the parking garage into enclosed building space, for use as professional offices. No other proffers are being amended. A revised application plan is also included with the proffer amendment to indicate the change in use of the existing parking garage.

Comprehensive Plan: The Comprehensive Plan designates this property, which is zoned Planned Residential Development (PRD), as Urban Density Residential, which allows for 6.01 – 34 residential units per acre with support uses and some non-residential uses. Urban Density

Residential areas accommodate all dwelling types, as well as small areas of non-residential land uses on the scale of Neighborhood Service, to serve residential uses. This may include live/work units above office and/or retail and small office buildings less than 20,000 square feet. The current use of this property is rental apartment units, with a mix of independent and assisted-living. The proposed expansion of the enclosed building space to accommodate offices would provide a mixed-use component to this building, with the offices serving the residents who live in the units above, by combining Commonwealth Senior Living's corporate offices and residential facility in the same structure. The proposed office use is less than 20,000 square feet, fulfilling the guidance of the comprehensive plan on small office spaces in the Urban Density Residential land use. This property has been previously reviewed and approved under prior rezonings to allow the multi-family residential structure on this property.

The Neighborhood Model: An analysis of the Neighborhood Model was not completed because the proposed changes are taking place within an existing structure, with no expansion of the structure's footprint, and limited changes to the exterior that are necessary to convert vehicular entrances into pedestrian entrances.

Proffers: This zoning map amendment request is for a proffer amendment. Only proffer number 1 is being amended. All other proffers will remain the same. The amendment to proffer 1 increases the allowable size of the building from 110,000 square feet to 120,000 square feet. It also removes the requirement to base the amount of parking on the existing application plan, as the application plan is also being revised, and parking will be addressed through the applicant's request for a Parking Determination from the Zoning Administrator.

Proffer 1:

The building containing the Assisted Living units, the Independent Living units, and professional offices will be no greater than 120,000 square feet. The total number of Assisted Living units and Independent Living units together shall not exceed **140**. The Owner reserves the right to adjust the ratio of Assisted Living to Independent Living for this site.

As mentioned above, a revised application plan has been submitted to reflect the amended proffer and show the proposed change to the existing building, converting the structured parking area into enclosed building area [Attachment D].

Anticipated impact on public facilities and services:

Streets: The subject property is accessed by two private streets, with an intersection of the public street network at U.S. Route 250, to the south of the property. VDOT and the County Transportation Planner have reviewed this proposal and have determined there will be minimal impact on this intersection and the surrounding transportation network.

Schools: No additional residential units are proposed with this application.

Fire & Rescue: Albemarle County Fire-Rescue has reviewed this application and has expressed no concerns regarding the proposal.

Utilities: This project is within the Albemarle County Service Authority's jurisdictional area, and both public water and public sewer are available. ACSA has reviewed this application and has expressed no concerns regarding the proposal.

SUMMARY:

Staff finds the following factors favorable to this request:

1. The proposal allows for the conversion of the existing structured parking area in enclosed building space.

2. An increase in the allowed size of enclosed building space allows for the co-location of Commonwealth Senior Living's corporate offices with its residential property, creating a mix of uses on the property and allowing re-use of the structured parking area.

Staff finds the following factor(s) unfavorable to this request:

1. Reduction in amount of parking provided on the property.

RECOMMENDED ACTION:

In consideration of the information provided by the applicant, as well as the analysis (including factors favorable) identified in this report, **staff recommends approval of zoning map amendment application ZMA201800008.**

POSSIBLE PLANNING COMMISSION MOTION – ZMA201800008:

A. Should the Planning Commission **choose to recommend approval** of this zoning map amendment:

Move to recommend approval of ZMA201800008, Commonwealth Senior Living.

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

Move to recommend denial of ZMA201800008, Commonwealth Senior Living. *Should a commissioner motion to recommend denial, she or he should state the reason(s) for recommending denial.*

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST:

Section 33.39(B) states that the Commission, in making its recommendation, shall consider the same factors found in Section 33.40 (B):

- 1. No substantial detriment. Whether the proposed special use will be a substantial detriment to adjacent parcels.***

In evaluating whether a use will be a detriment to adjacent properties, the intensity of the use and other impacts are evaluated. Comments and concerns of neighboring properties are also considered. One measure of intensity of the use in relation to nearby and adjoining properties is the traffic impacts of the proposal, as well as the associated parking impacts. A closely related measure of intensity is scale of the use in relation to the neighborhood the use is located.

The subject property is located on Pantops Mountain Place, a small street that provides access to the Commonwealth Senior Living building, as well as the Cottages of Jefferson Heights condominium community. This street is accessed from U.S. Route 250 via Pantops Mountain Road, approximately 200 feet from that intersection. VDOT has reviewed this proposal and has expressed no concern over additional traffic travelling through the intersection with Route 250.

In addition, the County Transportation Planner has reviewed the project and is of the opinion that the proposed use of professional office space in the converted garage will have a minimal impact on the surrounding transportation system. The impacts may be further diminished by the co-location of the Commonwealth Senior Living corporate offices with the residential building they own and operate, potentially reducing the number of overall trips throughout the region. According to the County's Transportation Planner, currently the operations at the immediate intersections appear to be operating at an acceptable level of service and the additional traffic generated by this proposed development should not change that.

Parking at the subject property will be reduced with the loss of the underground parking garage. Also, the parking needs will increase with the addition of the projected 35 employees who will work in the new professional office space. Because of these changes, the minimum amount of parking as required by code will not be met. For the proposed use to operate, the County's Zoning Administrator must grant a letter of Parking Determination that determines the minimum required parking spaces for the current and expanded uses of the property. The applicant has submitted a request for a parking determination, along with a parking study to support the request. The Zoning Division has reviewed the request for a parking determination and indicated that it will likely be approved. The approval of this determination by the Zoning Administrator is required before the proposed use can begin operation. The applicant has also indicated that Commonwealth Senior Living is working with a neighboring property owner on a shared parking agreement, which will allow for increased parking capacity on days when events are held at the site, such as a family night, that may need more parking than usually needed.

The scale of the use relative to its neighborhood is also important in determining whether the use is detrimental to nearby parcels. The proposed use will be within an existing structure, converted from a parking garage. Because no exterior changes to the existing building are proposed, the visual impact of the proposed use will be minimal.

Staff finds that the proposed use is of minimal intensity and will not be a detriment to adjacent properties.

2. *Character of the nearby area is unchanged. Whether the character of the adjacent parcels and the nearby area will be changed by the proposed special use.*

A senior living community has existed at this site since 2002, and this aspect of the building will not change. The proposed professional office use also fits in with other surrounding uses. It will be within an existing building, and exterior changes are not proposed. Also, there are some employees already working at the building with the assisted-living and memory care residents, so it is not a strictly residential site. There are additional residential properties to the north and east. However, the commercial office uses to the west of the subject property are also zoned PRD, Planned Residential Development, showing the compatibility of the proposed professional offices with other nearby properties, and there is precedent for the proposed use in the surrounding area and in this zoning district. Across Route 250 from the subject property are additional commercial uses that are more intense than offices, including a restaurant and a hotel. The conversion of an existing parking garage into office space should not change the character of the adjacent parcels or nearby area.

The subject property is located within the Entrance Corridor Overlay District. However, there is no anticipated impact to the Entrance Corridor and the County's Architectural Review Board staff planner has no objection to the proposal. This property is also potentially located within the Monticello Viewshed. The applicant has indicated that he has been in contact with Liz Russell, a staff member at Monticello, regarding this proposal.

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

The purpose and intent of the PRD, Planned Residential Development, zoning district is to provide for a variety of development of residential uses, as well as ancillary uses. Limited commercial uses are allowed within the PRD district and are intended to be limited to a scale appropriate to the support of the residential uses within the PRD. Although the proposed professional office use is not directly accessory to the Commonwealth Senior Living residential building, having the corporate offices of CSL located in the same building as the residents will allow a consolidation of their operations and provide the potential for more interaction between the residents and corporate office staff. There are also additional offices located on nearby properties that are part of the same PRD.

Although the application does create an additional use on the subject property, it is still in harmony with the purpose and intent of the district, as well as the ordinance.

with the uses permitted by right in the district,

The addition of professional offices will not restrict the current residential use or other by-right uses available at this property or adjacent properties.

with the regulations provided in Section 5 as applicable,

No supplementary regulations apply for this use.

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

The conversion of a parking garage into professional offices on this property should not have a negative impact on the public health, safety, and welfare. As mentioned previously, there may be benefits to having the corporate offices of CSL co-located on the same residential property that they manage by increased interaction between residents and corporate staff and the reduction in travel that currently occurs between the residential building in Pantops and the corporate offices in downtown Charlottesville. Traffic and parking impacts were previously discussed under factor #1 above.

4. *Consistency with the Comprehensive Plan. Whether the proposed special use will be consistent with the Comprehensive Plan.*

The Comprehensive Plan designates this property as “Urban Density Residential” which allows for residential uses, as well as supporting institutional and commercial uses, including offices. The proposed use of professional offices would be consistent with the Comprehensive Plan. The residential component of this property would continue to operate. The proposed office use is supportive of the existing residential, as the office space will be for the corporate parent of Commonwealth Senior Living.

SUMMARY:

Staff finds the following factors favorable to this request:

1. The proposal provides a mix of uses on the property that are consistent with the Comprehensive Plan.
2. Consolidation of Commonwealth Senior Living residential and office uses.
3. No detrimental impacts to adjoining properties are anticipated.

Staff finds the following factor(s) unfavorable to this request:

1. Additional traffic will be generated in the area.
2. Reduction in amount of parking provided on the property.

RECOMMENDED ACTION:

Based on the findings described in this report and factors identified as favorable, **staff recommends approval of special use permit application SP201800017 with the following conditions** (below).

1. Development of the use shall be in general accord with the conceptual plan titled “ZMA Application Plan 201800008, an Amendment to ZMA201800004 For Commonwealth Senior Living,” prepared by Shimp Engineering, P.C., dated October 26, 2018, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, development shall reflect the following major elements within the development essential to the design of the development:
 - Conversion of the existing structured parking facility into an enclosed space for professional office use.

- No exterior changes to the site, except for minor changes to the existing vehicle entrances into the structured parking area to convert them into pedestrian ingress/egress areas.
- Maintenance of the 15' buffer along the southeastern portion of the property.

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. A Parking Determination shall be granted by the Zoning Administrator or their designee prior to the beginning of the operation of the professional office use.
3. The professional office use shall be no greater than 13,500 square feet in area.
4. Any change in the professional office use or the residential use, including any alteration in the number or ratio of independent living and assisted living units, shall require the submission of a request for a new Parking Determination by the Zoning Administrator or their designee.

POSSIBLE PLANNING COMMISSION MOTION- SP201800017:

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

Move to recommend approval of SP201800017, Commonwealth Senior Living, with conditions as stated in the staff report.

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

Move to recommend denial of SP201800017, Commonwealth Senior Living. *Should a commissioner motion to recommend denial, she or he should state the reason(s) for recommending denial.*

ATTACHMENTS

- Attachment A** – [Vicinity Map](#)
Attachment B – [Applicant Justification for Zoning Map Amendment](#)
Attachment C – [Amended Proffer Statement](#)
Attachment D – [Revised Application Plan, dated October 26, 2018](#)
Attachment E – [Applicant Justification for Special Use Permit](#)
Attachment F – [Parking Information](#)