

**COUNTY OF ALBEMARLE  
PLANNING STAFF REPORT SUMMARY**

<b>Project Name:</b> ZMA201800006 3223 Proffit Road	<b>Staff:</b> Cameron Langille
<b>Planning Commission Public Hearing:</b> January 29, 2019	<b>Board of Supervisors Public Hearing:</b> To Be Determined
<b>Owner:</b> Janet H. Lee Trustee of the Janet H. Lee Revocable Trust - C/O David C. Lee, M.D.	<b>Applicant:</b> Janet H. Lee Revocable Trust - C/O David C. Lee, M.D.
<b>Acreage:</b> 7.29 acres	<b>Rezone from:</b> RA Rural Areas to R-15 Residential
<b>TMP:</b> 032A0020000200 <b>Location:</b> 3223 Proffit Road	<b>By-right use:</b> Maximum of 109 dwelling units
<b>Magisterial District:</b> Rivanna	<b>Proffers:</b> Yes
<b>Proposal:</b> Request to rezone 7.29 acres from the RA Rural Areas district, which allows for residential uses at a density of 0.5 units per acre, to the R-15 Residential zoning district which allows residential (15 units/acre). A maximum of 109 dwelling units is proposed at a gross and net density of 14.9 units/acre.	<b>Requested # of Dwelling Units:</b> 44 (minimum) - 109 (maximum)
<b>DA</b> (development area) – Hollymead-Places 29 Master Plan	<b>Comp. Plan Designation:</b> Urban Density Residential in the Hollymead-Places29 Master Plan.
<b>Character of Property:</b> Primarily wooded with an existing single family detached residential structure measuring 552 sq. ft.	<b>Use of Surrounding Properties</b> Southern States Cooperative Retail store, Full Gospel Assembly Church and cemetery, Lighthouse Christian preschool, and undeveloped land within the future North Pointe community to the north.
<b>Factors Favorable:</b> <ol style="list-style-type: none"> <li>1. The request is consistent with the use and density recommended by the Places29 Master Plan.</li> <li>2. The request is consistent with the majority of the applicable neighborhood model principles.</li> <li>3. The proposed development includes dedication or right-of-way and construction of upgrades to Proffit Road recommended by the Places29 Master Plan.</li> <li>4. The application includes a proffered concept plan that will create a street network grid with inter-parcel connections and pedestrian facilities beyond what is called for the Places29 Master Plan.</li> </ol>	<b>Factors Unfavorable:</b> <ol style="list-style-type: none"> <li>1. State law precludes localities from accepting proffers related to affordable housing as part of residential rezoning applications. Since the concept plans are being proffered, the County is unable to accept the plan notations or the written proffer committing to providing 15% affordable units in the development. Affordable housing is not a guarantee and is not enforceable at the site plan or subdivision phase. The application does not meet Objective 6, Strategy 6b in Chapter 11 of the Comprehensive Plan.</li> <li>2. Technical and substantive revisions to the proffers are needed.</li> </ol>
<b>RECOMMENDATION:</b> Staff recommends approval of ZMA201800006 3223 Proffit Road as proposed provided that the applicant revise the proffer statement in accordance with the County Attorney's recommendations.	

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

**Cameron Langille**  
**January 29, 2019**  
**To Be Determined**

**ZMA 201800006 3223 Proffit Road**

**PETITION**

PROJECT: ZMA201800006 3223 Proffit Road

MAGISTERIAL DISTRICT: Rivanna

TAX MAP/PARCEL: 032A0020000200

LOCATION: 3223 Proffit Road

PROPOSAL: Rezone property to allow for a higher density residential development.

PETITION: Rezone 7.29 acres from the RA Rural Areas district, which allows for residential uses at a density of 0.5 units per acre, to the R-15 Residential zoning district which allows residential (15 units/acre). A maximum of 109 dwelling units is proposed at a gross and net density of 14.9 units/acre.

ZONING: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots).

OVERLAY DISTRICT: AIA- Airport Impact Area; Managed Steep Slopes

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 the Hollymead-Places 29 Master Plan.

**CHARACTER OF THE AREA**

The subject property is located on the north side of Proffit Road (S.R. 649) approximately nine-hundred (1000) linear feet east of the intersection of Seminole Trail (Route 29) and Proffit Road (Attachment A). The subject property is zoned RA Rural Area and currently features a single family detached residential structure measuring 552 sq. ft. and the remainder of the property is wooded. At the center of the property is an area measuring approximately 8,000 sq. ft. that is classified as Managed Steep Slopes. An intermittent stream runs east to west through the center of the parcel, and but this stream is not subject to the County's Water Protection Ordinance (WPO) buffer requirements. There are no Preserved Steep Slopes or floodplain areas on the parcel.

West of the site is the Southern States Cooperative retail store and warehouse (zoned HC - Highway Commercial), and east of the property is a cemetery and church building used by the Full Gospel Assembly of Charlottesville (zoned RA Rural Area). The property to the north is currently undeveloped and is part of the future North Pointe Community Development, which is zoned Planned District - Mixed Commercial (PD-MC) and calls for a mixture of single family attached and detached residential uses. The Lighthouse Christian Preschool, the Maple Grove Christian Church, and a single family detached residential structure (zoned R-1 Residential) are located south of the subject property across Proffit Road (Attachment B).

**SPECIFICS OF THE PROPOSAL**

The applicant is proposing to rezone the 7.29-acre parcel from RA Rural Area to R-15 Residential to allow the parcel to be developed at a minimum of 44 dwelling units and a maximum of 109 dwelling units. The application does not propose any limitations on the types or quantities of residential uses permitted within the development (Attachment C). Therefore, the property could be developed as single family detached, single family attached, multifamily dwellings, or a mixture thereof. The

applicant has proposed to proffer a concept plan which identifies the developable portions of the property and areas designated for open space or recreational amenities (Attachment D).

The concept plan will also proffer the layout of the future internal public streets, which is designed as a grid network (Attachment D). The application proposes to proffer two inter-parcel connections between the subject property and the Southern States retail store parcel to the west (TMP 032A0-02-00-001B0), as well as Full Gospel Assembly of Charlottesville parcel (TMP 03200-00-00-03000) to the east.

The applicant is proposing to widen Proffit Road through a right-of-way dedication to the County. The concept plan shows that several improvements will be made along the entire property frontage with Proffit Road, including installation of curb and gutter, sidewalks, and a planting strip. The proposed right-of-way dedication and improvements are consistent with recommended cross-section for Proffit Road as shown on Figure 4.8 Future Transportation Network and Appendix 3 of the Places29 Master Plan.

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

The applicant argues that the existing RA zoning does not allow for uses that are consistent with the Comprehensive Plan's recommended residential densities. The requested R-15 zoning will create a transition zone between the primarily non-residential uses along Route 29 and Proffit Road, and the existing low-density residential neighborhoods such as the Springfield subdivision further east at a density consistent with Urban Density Residential classification specified in the Master Plan. Please see Attachment C for a detailed justification statement from the applicant.

### **COMMUNITY MEETING**

The Community Meeting for this project was held on July 19, 2018 at 6:00pm at the Hollymead Fire Station in conjunction with the Places29-North Community Advisory Committee meeting. Attendees representing Albemarle County included David Benish, Chief of Planning, County Supervisor Norman Dill, and Planning Commissioner Daphne Spain. Several members of the public were in attendance, and the issues discussed by attendees focused primarily on the potential increase in traffic that would be generated along Proffit Road. Some attendees stated that they would prefer to see the property be developed as a single family detached subdivision or townhouses instead of multifamily residential buildings due to potential viewshed impacts. Staff informed the attendees that any structures within the development would be required to meet the County's standards for maximum building heights, and this appeared to alleviate some concerns that the building forms of a higher density development would be inconsistent with the character of surrounding neighborhoods.

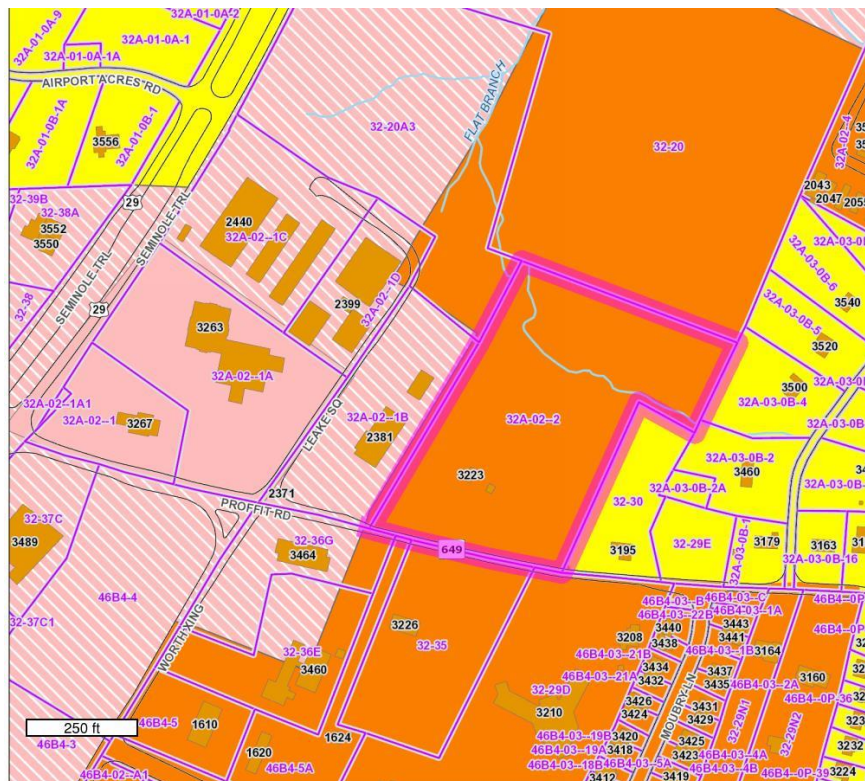
### **PLANNING AND ZONING HISTORY**

There are no prior Zoning Map Amendment applications, Special Use permits, site plans, or subdivision plats associated with this property.

### **COMPREHENSIVE PLAN**

The Places29 Master Plan calls for all 7.29 acres of the subject property to be developed in accordance with the Urban Density Residential land use classification (see map inset below):

**Urban Density Residential (orange):** this designation calls for primarily residential uses with densities between 6.01- 34 dwelling units/acre. All housing types are found in this category, including single family detached, townhouses, and apartments. Properties designated as Urban Density Residential should feature two or more housing typed. The classification also allows for retail, commercial, office, and institutional secondary uses provided they are compatible with the surrounding area.



**The Neighborhood Model:** Staff has reviewed the proposal against the Neighborhood Model Principles and found that it is consistent with the majority of the principles. The application does not fully meet some aspects of the relegated parking, and buildings and spaces of human scale principles. However, these principles can be fully met provided that notations on the concept plans, and the draft proffer statement are slightly revised prior to the Board of Supervisors public hearing. The detailed Neighborhood Model analysis can be found in Attachment E.

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

The purpose and intent of the R-15 Residential zoning district is to:

- Provide for compact, high-density residential development;
- Permit a variety of housing types; and
- Provides incentives for clustering of development and provision of locational, environmental and developmental amenities

The Places29 Future Land Use Plan calls for properties immediately to the west and north to be developed as a Neighborhood Service Center and Urban Mixed Use. A variety of retail stores, commercial service businesses, and outpatient medical offices currently occupy those parcels. The Master Plan calls for properties immediately to the east to be developed in accordance with the

Neighborhood Density Residential land use classification (3-6 units/acre). Staff agrees with the applicant's assertion that the Master Plan intends for the subject property to serve as a transition zone between primarily non-residential uses along Route 29 and Proffit Road, and the existing low-density residential neighborhoods such as the Springfield subdivision further east.

This rezoning will permit a new residential development that has flexibility in the types of dwelling units and lot configurations permitted by right. The requested R-15 zoning district allows for residential development at densities up to 15 dwelling units/acre, which falls within the density arrangement specified for the UDR land use designation. The proffer specifying that a minimum of 44 units will be required at a density of 6.01 du/acre is consistent with the Master Plan land use recommendations on the property.

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

Streets:

Proffit Road currently provides the sole means of road access to the subject property. The segment of Proffit Road that provides street frontage to TMP 32A-02-2 features two vehicular travel lanes, but there is no curb and gutter or sidewalks on either side.

One of the major concerns residents expressed during the community meeting was the additional traffic that would be generated by this development. Residents were concerned that Proffit Road does not have the capacity to handle the additional vehicle trips that would be generated by new residential units. Upon recommendation by County and VDOT staff, the applicant completed a Traffic Impact Analysis (TIA) to analyze how the development would affect traffic volumes along Proffit Road. The TIA determined that if the property were built out to the maximum 109 multifamily dwelling units, there would be an additional 789 new daily trips along Proffit Road. VDOT and County transportation planning staff reviewed the TIA findings, and this increase is not high enough to warrant off-site road improvements at intersections west of the property, such as the Route 29/Proffit Road intersection. However, the TIA did recommend that a new left turn lane be installed in the center of Proffit Road to allow vehicles to enter the development without causing congestion in the eastbound travel lane of Proffit Road.

In order to address the TIA findings, the applicant is proposing to dedicate 0.4 acres of right-of-way to public use so that Proffit Road can be widened. This will accommodate a new left turn lane in the center of Proffit Road as recommended by the TIA. Adequate queuing space will be available for vehicles turning into the development's primary entrance and will not cause congestion for through traffic heading further east. Other improvements to Proffit Road are also being proffered, such as installation of curbing and gutter, a 10' wide planting strip, and a 6' wide sidewalk along the full length of the property. This design is consistent with the recommended future cross section specified in Appendix 3 of the Places29 Master Plan. The sidewalk proffer is particularly noteworthy since Proffit Road does not currently feature any pedestrian facilities. The application will lay the foundation for creating a cohesive pedestrian network that will be fully realized once adjacent properties redevelop.

Internally, the development will be served by a new public street network designed as a grid. Although the Places29 Master Plan does not call for new public streets within the subject parcel, the applicant proposes to proffer two inter-parcel connections that will provide access to adjacent properties. Public right-of-way will be dedicated to the parcel boundaries with TMP 32-30 to the east, and TMP 32A-02-1B to the west. As noted on the concept plan, the pavement of "Road D" will be extended as far as possible to both parcel lines. Should TMP 32-30 and 32A-02-1B be redeveloped in the future, the right-of-way reservation will facilitate creation of a new public street

network that runs parallel to Proffit Road, further reducing the amount of vehicle trips on surrounding public streets.

Schools:

Students living in this area would attend Baker-Butler Elementary School, Sutherland Middle School, and Albemarle High School. The school division is aware of the proposed development and is cognizant that Places29 continues to be a growing area. Albemarle County Public Schools have provided calculations that estimate how many students will be generated at each school level by housing type. The table below specifies the yield of students generated at each school level should the subject property be built out to the maximum number of 109 dwelling units possible under R-15.

<b>Dwelling Type</b>	<b>Elementary</b>	<b>Middle</b>	<b>High</b>	<b>Total</b>
Single family (detached)	16.35	8.72	13.08	38.15
Single family (attached)	14.17	5.45	8.72	28.34
Multifamily	28.34	3.27	5.45	37.06

The school system has provided annual estimates of student enrollment at all three schools over the next ten academic years. Student enrollment at Sutherland Middle School is currently below capacity, and student enrollment over the next ten years is not projected to exceed its building capacity even if the rezoning is approved and the property is built out to the maximum 109 dwelling units.

Baker-Butler Elementary and Albemarle High School are currently over capacity. As the Places29 Master Plan is fully realized, growth must be closely monitored since Baker-Butler Elementary and Albemarle High School do not have the long-term capacity to support additional residential growth expected in this part of the County. That being said, dedication of land for two new elementary schools are proffered commitments of other large developments in the Places29 Development Area. This includes a 7-acre site within Brookhill and a 12.85-acre site within North Pointe. The Brookhill development also has a proffer requiring dedication of an approximately 60-acre site along Berkmar Drive that could be used for a comprehensive public high school. Therefore, there will be increased capacity for elementary school enrollment in this development area that can alleviate pressures at Baker-Butler elementary. The potential for alleviating over enrollment at Albemarle High School also exists, but is contingent upon the school division's long range capital plans for funding and constructing the new high school on Berkmar Drive.

Fire & Rescue:

The proposed use is not expected to create any new demands on Fire & Rescue services. Based on the number of dwelling units that will be possible under the requested R-15 Zoning District, a second point of access along Proffit Road would be required for emergency vehicle access if more than 30 detached or attached single family units or more than 100 multifamily units get constructed. The applicant has addressed this issue by identifying a second point of access along Proffit Road for emergency vehicles. Staff have verified that this access point complies with VDOT driveway spacing requirements, provided that removable bollards are installed.

Utilities:

This project is in the ACSA water and sewer service jurisdictional area. ACSA and RWSA did not identify any capacity issues with this proposal and water is currently available to the property. However, the distance to the nearest sewer line is approximately 400 feet and ACSA has stated that a private pump station may be required to extend sewer lines to the property.

**Anticipated impact on environmental, cultural and historic resources:**

There are no known cultural or historic resources on the site. The property contains a small area of Managed Steep Slopes, which will be treated in accordance with the design guidelines specified in the County Zoning Ordinance. Any increase in stormwater runoff will be reviewed by County Engineering Staff during the development phase of the project. Stormwater facilities will be designed in accordance with the Virginia Stormwater Management Program (VSMP) regulations administered by the Virginia Department of Environmental Quality (DEQ).

The intermittent stream that runs across the subject property lies primarily within the 2.1 acre open space area proposed at the northern end of the project. The applicant has demonstrated that new parcels can be created within the development blocks, and any grading or construction activities can be carried out without disturbing the stream.

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

At the Community Meeting for this project members of the community expressed concerns with the impacts of this development on surrounding properties and the community. These issues are summarized below, with staff comments in italics.

- Additional traffic generated by this development will overwhelm Proffit Road and cause travel delays for cars headed to existing neighborhoods east of the subject property.

*The applicant has completed a TIA that has been reviewed by VDOT and County transportation planning staff. The Proffit Road upgrades recommended by the TIA and the Places29 Master Plan are being proffered as part of the application. These improvements will minimize travel delays for vehicles using Proffit Road at peak PM travel hours even if the property is developed at the highest intensity use and density possible. Furthermore, the internal street grid pattern is a proffered feature of the plans. The two proposed interconnections with adjacent properties will allow cars to enter and exit the neighborhood through alternative routes other than Proffit Road, pending redevelopment of adjacent parcels.*

- The R-15 district allows for a wide variety of housing types, including multifamily apartments. These types of units are not similar in density or character to the established single-family detached subdivisions east of the property.

*The requested district is consistent with the County's growth management policy and the Places29 Master plan land use recommendations. The subject property only shares approximately 250' feet of parcel boundary at the northeast corner with lots in the Springfield subdivision featuring detached single-family dwellings. The proffered concept plan calls for a 2.1 acre open space area along that entire border which will create a de facto buffer zone to spatially separate new structures from surrounding low density subdivisions.*

*Furthermore, the subject property shares its northern border with a high-density residential block of the future North Pointe development that will contain apartments and single-family attached dwellings. As this section of Places29 develops, the uses permitted under the R-15 Zoning Classification will be similar in character to planned neighborhoods immediately north to the project.*

- There are large trees at the north end of the subject property that provide value to the area viewshed and the environment, and neighbors do not want to see the existing vegetation cut down for new housing.

*The applicant revised their concept plans after the community meeting to preserve 2.1 acres of open space at the rear of the property where neighbors stated these trees are located.*

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

The County's growth management policy says that new residential development should occur in the designated Development Areas where infrastructure and services are provided rather than in the Rural Area. This development is adjacent to a Center and is located away approximately 1/3 of a mile away from the rural area boundary. As previously stated, it will provide a residential transition zone between Hollymead and other non-residential land uses located closer to Route 29. Approximately 500' linear feet of Proffit Road will be improved to the future cross-section recommended by the Places29 Master Plan. In the short-term, this will improve traffic flow for neighborhoods east of the development traveling toward Route 29. In the long term, the proffered inter-parcel connections will create a new street network that provides important pedestrian and vehicular linkages to and from the development to Leake Square, North Pointe, and Route 29.

**PROFFERS**

Proffers are contained in the Draft Proffer Statement (Attachment F) and are summarized below. They are in need of both substantive and technical changes as described in the staff comment provided in *italics*. Staff have drafted a version of the proffer statement with some revisions to proffer language that will enhance the applications consistency with the Neighborhood Model principles (Attachment G).

- **Concept Plan:** The Draft Proffer Statement states that the property shall be developed in general accord with the Zoning Map Amendment plans prepared by Roudabush, Gale & Associates dated June 18, 2018 and revised January 3, 2019 and shall reflect the major elements described in Proffers A-E.

*The notations on the plans related to providing 15% of affordable housing must be removed prior to approval by the Board of Supervisors.*

*Staff is also suggesting that the Parking note on Sheet 1 be revised to match the language of Proffer #4 as recommended by staff in Attachment G. This will strengthen the applications consistency with the relegated parking principle of the Neighborhood Model.*

*The Use Table on Sheet 1 should also be revised so that the "Build To Lines" row is retitled to "Driveway Standards and Garage Setbacks." The standards stated in the table should match the language of Proffer #5 as recommended by staff in Attachment G. This will strengthen the applications consistency with the buildings and spaces of human scale principle of the Neighborhood Model for new parcels located inside of the development which are not adjacent to Proffit Road.*

*Sheet 3 should be revised so that Block A, Area 1 is clearly identified on the plans, which will allow enforcement of Proffer #4 at the site plan or subdivision plat stage.*

- **Proffer A: Internal street network grid and interparcel connections between the subject parcel and TMPs 32-30 and 32A-02-1B.**  
*Re-title to "Proffer 1."*
- **Proffer B: Right-of-way reservation and associated improvements along Proffit Road.**  
*Re-title to "Proffer 2"*

- **Proffer C: The property shall be developed at the minimum residential density recommended by the Comprehensive Plan for a minimum of 44 total dwelling units.**  
*Retitle to "Proffer 3." The language should be simplified to "A minimum of 44 total dwelling units shall be developed on the property."*
- **Proffer D: Relegated parking.**  
*Retitle to "Proffer 4."*  
*Staff recommends breaking this proffer into two sub-sections that establish the parking and driveway locations, as well as the location of front building facades, for residential uses that will be located adjacent to Proffit Road between Road A and Road C as shown on the concept plans. Staff will hereby refer to this area as Block A, Area 1.*  
  
*The first sub-section should state that driveways for single-family attached and detached residential lots in Block A, Area 1 will enter directly onto internal public streets and that the front building facades shall face Proffit Road. This will ensure that parking for single-family units will be relegated and that new structures will have a pedestrian orientation.*  
  
*The second sub-section will establish the parking standards for multifamily units located within Block A, Area 1. Parking should be relegated to the side or rear of any multifamily structures in this section of Block A.*
- **Proffer E: 15% of the total number of units shall be designated as affordable housing.**  
*The proffer must be removed from the proffer statement because state law precludes localities from accepting affordable housing commitments as proffers through rezoning applications.*
- **New Proffer #5 recommended by staff: "Garage Setbacks - Single-family attached and single-family detached units located outside of Block A, Area 1 as shown on Sheet 3 shall be subject to the following: front-loading garages shall be setback a minimum of 3 feet from the front building façade or front porch."**  
*Providing a new proffer related to garage setbacks for single family detached and attached units located outside of Block A, Area 1 will ensure that all parcels in the development maintain a pedestrian orientation and buildings of human scale.*

## **SUMMARY**

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

1. The request is consistent with the use and density recommended by the Places29 Master Plan.
2. The request is consistent with the majority of the applicable neighborhood model principles.
3. The proposed development includes dedication or right-of-way and construction of upgrades to Proffit Road recommended by the Places29 Master Plan.
4. The application includes a proffered concept plan that will create a street network grid with inter-parcel connections and pedestrian facilities beyond what is called for the Places29 Master Plan.

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

1. State law precludes localities from accepting proffers related to affordable housing as part of residential rezoning applications. Despite the applicant's assertion that they will provide 15% of the total units as affordable units, the County is unable to accept the proffered plan notations or the written proffer committing to providing 15% affordable units in the development. Affordable housing is not a guarantee and is not enforceable at the site plan or subdivision phase. The application does not meet Objective 6, Strategy 6b in Chapter 11 of the Comprehensive Plan.

2. Technical and substantive revisions to the proffers are needed.

## **RECOMMENDATION**

On the whole, it is staff's opinion that the favorable factors outweigh the unfavorable factors associated with the request. Staff recommends approval of ZMA201800006 3223 Proffit Road, provided recommended revisions are made to the proffers and the concept plan, as described above, prior to the Board of Supervisors meeting.

## **PLANNING COMMISSION MOTION:**

A. If the ZMA is recommended for approval: Move to recommend approval of ZMA201800006 with proffer revisions as recommended by staff.

B. If the ZMA is recommended for denial: Move to recommend denial of ZMA201800006 with the reasons for denial (state reasons).

## **ATTACHMENTS:**

- A – [Location Map](#)
- B – [Zoning Map](#)
- C – [Project Narrative](#) / “3223 Proffit Road ZMA Narrative – Updated Narrative”
- D - [Concept Plan](#) / “Zoning Map Amendment – 3223 Proffit Road” (*dated June 28, 2018, revised November 19, 2018 and revised January 3, 2019*)
- E – [Staff Analysis of Application's Consistency with the Neighborhood Model Principles](#)
- F – [Draft Proffer Statement](#) (*undated, received January 8, 2019*)
- G – [Draft Proffer Statement](#) – Recommended Revisions