

**COUNTY OF ALBEMARLE  
PLANNING STAFF REPORT SUMMARY**

<b>Project Name:</b> ZMA201800005 Proposed Hotel	<b>Staff:</b> Tim Padalino, AICP
<b>Planning Commission Public Hearing:</b> May 28, 2019	<b>Board of Supervisors Public Hearing:</b> June 19, 2019
<b>Owner:</b> KIMCO, LC	<b>Applicant:</b> Mike Sweeney, PT Hotel, LLC
<b>Acreage:</b> 7.52 acres	<b>Rezone from:</b> PDMC to PDMC with Application Plan
<b>TMP:</b> 07800000006400, 07800000006500 <b>Location:</b> Northwest side of State Farm Boulevard approximately ¼ mile from the intersection of State Farm Blvd. and US Rte. 250 (Richmond Rd.)	<b>By-right use(s):</b> Per 25A.2.1, all uses permitted by right in the C-1 District (per 22.2.1), CO District (per 23.2.1), and HC District (per 24.2.1), except for storage yards. Outdoor storage is permissible with screening.
<b>Magisterial District:</b> Rivanna	<b>Proffers:</b> Yes
<b>Proposal:</b> Request for approval of an Application Plan for an existing planned development district per 8.5.5.5.a, to allow the development of a 109-room hotel pursuant to 25A.2.1.(1) and 24.2.1.(20). The two parcels totaling 4.42 acres are currently zoned Planned District Mixed Commercial (PDMC); the proposed zoning would remain PDMC.	<b>Requested # of Dwelling Units:</b> None
<b>DA (Development Area):</b> Neighborhood 3 – Pantops	<b>Comp. Plan Designation:</b> Urban Mixed Use, which allows retail, commercial services, office, and a mix of residential types (6.01–34 units/acre); and Parks, which allows public and semi-public parks, greenways, active recreation areas.
<b>Character of Property:</b> Undeveloped (open field, hedgerow, and forest); frontage on State Farm Blvd.	<b>Use of Surrounding Properties:</b> (northeast): Virginia High School League offices; (southwest): undeveloped; (across State Farm Blvd): Kluge-Ruhe Aboriginal Art Museum and Sentara Martha Jefferson Hospital
<div style="display: flex; justify-content: space-between;"> <div style="width: 65%;"> <p><b>Factors Favorable:</b> <i>(see pages 7-8 for complete details)</i></p> <ol style="list-style-type: none"> <li>1. The proposed use is permissible in the existing zoning district; the proposal does not seek to amend the district or establish additional permissible uses.</li> <li>2. The proposal has been revised to comply with applicable General Regulations and Height Regulations (including setbacks, front setbacks, and maximum structure height) and to eliminate the necessity of any Special Exceptions.</li> <li>3. The proposal has been revised to conform to Neighborhood Model Principles (such as relegated parking, pedestrian orientation, buildings and space of human scale, interconnected streets, and parks and open space).</li> <li>4. The proposal has been revised in coordination with the Thomas Jefferson Foundation to reduce anticipated visual impacts to the Monticello viewshed.</li> <li>5. The proposed use is consistent with the Future Land Use Plan designation of “Urban Mixed Use.”</li> <li>6. A proposed proffer would reserve approximately 2 acres of undeveloped land for future dedication to the County for public use, consistent with the Future Land Use Plan designation of “Parks.”</li> </ol> </div> <div style="width: 30%;"> <p><b>Factors Unfavorable:</b></p> <ol style="list-style-type: none"> <li>1. VDOT review comments identify concerns involving the intersection spacing of the proposed southern entrance on State Farm Boulevard relative to the Martha Jefferson Drive intersection with State Farm Boulevard.</li> <li>2. The location, size, and height of the proposed primary structure would negatively impact and/or block long-distance views of the Blue Ridge Mountains as seen from certain perspectives in this vicinity.</li> </ol> </div> </div>	
<b>RECOMMENDATION:</b> Staff recommend approval of ZMA201800005 as presented and as proffered.	

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

**Tim Padalino, AICP**  
**May 28, 2019**  
**June 19, 2019**

**ZMA201800005 Proposed Hotel**

**PETITION:**

PROJECT: ZMA201800005 Proposed Hotel

MAGISTERIAL DISTRICT: Rivanna

TAX MAP/PARCEL(S): 07800000006400, 07800000006500

LOCATION: Northwest side of State Farm Boulevard approximately ¼ mile from the intersection of State Farm Blvd. and US Rte. 250 (Richmond Rd.).

PROPOSAL: Request for approval of an Application Plan for an existing planned development district to allow the development of a 109-room hotel.

PETITION: The two parcels totaling 4.42 acres are currently zoned Planned District Mixed Commercial (PDMC), which allows for retail sales, service establishments, public establishments, and offices as permitted by right in the Commercial Districts, as well as residential by special use permit (15 units/acre). The proposed zoning would remain PDMC. Approval of an Application Plan is requested pursuant to Chapter 18 Section 33.4.c.8. The proposed use is a 109-room hotel pursuant to 25A.2.1-(1) and 24.2.1-(20). No residential units are proposed.

OVERLAY DISTRICT(S): Steep Slopes – Managed and Preserved

ENTRANCE CORRIDOR (EC): No

PROFFERS: Yes

COMPREHENSIVE PLAN: Urban Mixed Use, which allows retail, commercial services, office, and a mix of residential types (6.01 – 34 units/acre); and Parks, which allows public and semi-public parks, greenways, and active recreation areas. In the Neighborhood 3 (Pantops) Comp Plan Area within the Development Area.

POTENTIALLY IN MONTICELLO VIEWSHED: Yes

**CHARACTER OF THE AREA:**

The subject property is comprised of two undeveloped parcels (78-64 and 78-65) with frontage on State Farm Boulevard (see Location Maps – Attachment 1). In this part of Pantops, the immediate vicinity includes several undeveloped parcels characterized by open fields, hedgerows, and forest land cover. Offices and institutional uses exist near the subject property, particularly across State Farm Boulevard where Sentara Martha Jefferson Hospital is located approximately ¼-mile away.

**SPECIFICS OF THE PROPOSAL:**

The applicant is requesting approval of this Zoning Map Amendment (ZMA) application in order to develop a 109-room hotel (Hampton Inn) on two undeveloped parcels. More specifically, the applicant is proposing to establish an approved Application Plan for the existing Planned Development – Mixed Commercial (PDMC) District – a planned development district which was established without any Application Plan. Pursuant to Zoning Ordinance (ZO) Section 8.5.5.5.a, submittal and approval of an Application Plan (via submittal of a ZMA application pursuant to ZO Section 33) must precede any review or approval of a Site Plan for projects in the PDMC District which do not have a previously-approved Application Plan.

The proposal, as shown on the ZMA Application Plan (Attachment 2) and as described in the Project Narrative (Attachment 3), includes a 109-room hotel that would comply with applicable Height Regulations (by having a maximum height of 65' and a minimum front setback of 15' across the entire front façade), and which would also comply with the applicable General Regulations (including meeting the minimum and maximum setback requirements). A landscape wall would be constructed, and

landscaping materials would be installed, within the front setback area between the State Farm Boulevard sidewalk and the front access aisle / porte cochere area. Parking would primarily be provided along the sides and rear of the proposed hotel, with limited parking spaces available in the front near the porte cochere. An area reserved for a future interparcel connection has been incorporated into the side yard setback area on the southwest side of the subject property.

Additionally, the draft Proffer Statement for this proposal (Attachment 4) includes a proffer to reserve for future dedication to the County approximately two acres of undeveloped land in the rear portion of the subject property, an area which includes Steep Slopes and which is designated on the Future Land Use Plan as "Parks."

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

The applicant's Project Narrative (Attachment 3) states that there is a demand for additional overnight lodging options in the Pantops area in connection with the nearby Sentara Martha Jefferson Hospital and (more generally) with visitors to the University of Virginia and to the area's numerous tourism destinations. The narrative notes that more than a decade has passed since a new hotel has been constructed and opened in the Pantops area. The applicants also highlight revisions that have been made to their proposal since the pre-application meetings (8/28/2017 and 5/7/2018) and in response to subsequent staff review comments, in an attempt to increase the proposal's conformity to Neighborhood Model Principles.

### **COMMUNITY MEETING:**

The Community Meeting for this proposed project was held on July 23, 2018 during the regular Pantops Community Advisory Committee (PCAC) meeting. Attendees representing Albemarle County included County Supervisor Norman Dill, Planning Commissioner Daphne Spain, Tim Padalino (Senior Planner), Cameron Langille (Senior Planner), and Francis MacCall (Principal Planner). In addition to PCAC members, several members of the public were in attendance. Mr. Michael Sweeney, Shamin Hotels and PT Hotel LLC, as well as Mr. John Wright, PE, Bohler Engineering, were present to represent their application and project proposal.

The issues and concerns identified by attendees included the following:

- the perception that a hotel would only create impacts in this area, and would not benefit nearby Pantops residents or other members of the Pantops community;
- concerns about impacts to long-distance views of the Blue Ridge Mountains as seen from the State Farm Boulevard area and from elsewhere in Pantops; and
- concerns about increased traffic volume.

In response to the community meeting discussion, the applicants agreed to provide additional visual renderings and other documentation to better illustrate the intended size, massing, and appearance of the proposed hotel, and to help demonstrate anticipated impacts to viewsheds. (Attachment 5)

### **PLANNING AND ZONING HISTORY:**

The subject property was included in the PDMC district established through the 1980 comprehensive rezoning. A subsequent ZMA application to establish an approved Application Plan for a portion of this PDMC district did not include these subject property parcels; therefore, this ZMA application seeks to establish an approved Application Plan for these subject property parcels that were previously zoned PDMC.

## COMPREHENSIVE PLAN:

The subject property is comprised of Tax Map Parcels #78-64 and #78-65, which are in the Neighborhood 3 (Pantops) Comprehensive Plan Area within the Development Area. The future land use designations for these properties as specified in the Pantops Master Plan ("Master Plan") is as follows:

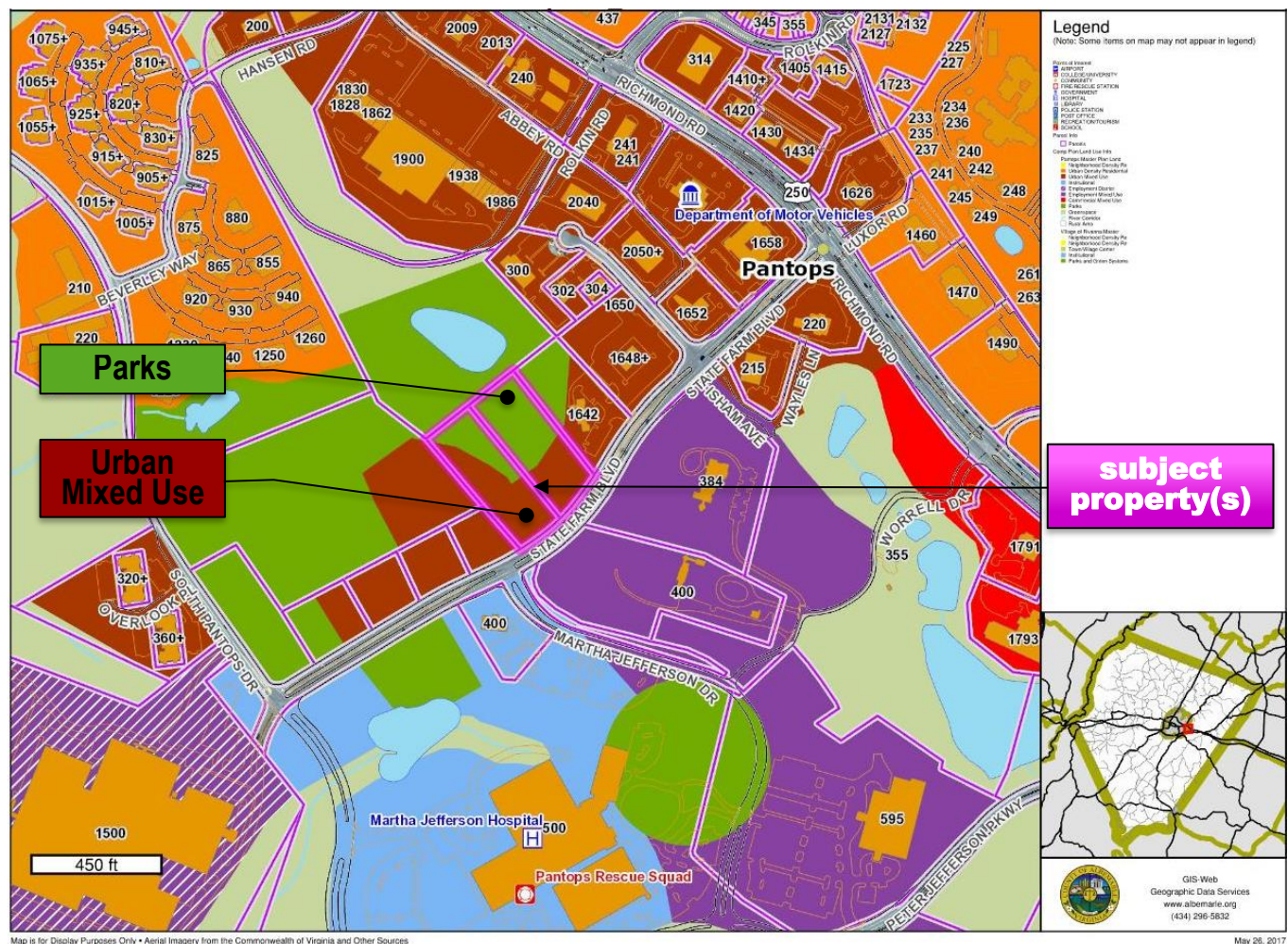
### *Urban Mixed Use:*

The front portions of these parcels along State Farm Boulevard are designated "Urban Mixed Use" which envisions (future) "retail, commercial services, office, and a mix of residential types based on the Urban Density land use category. This mixed use land use category is expected to have equal parts of residential and commercial uses."

### *Parks:*

The rear portions of these parcels are designated "Parks" which envisions (future) "public and semi-public parks, greenways, and more active recreation areas."

In summary, the proposed hotel use is consistent with the "Urban Mixed Use" future land use designation. The proposal is also consistent with the "Parks" future land use designation, as the majority of the areas of the subject property(s) that are designated for (future) "Parks" use(s) would remain undeveloped and undisturbed, and the applicant has proffered approximately 2 acres of these areas to be reserved for future dedication to the County.



*Future Land Use Plan for Pantops as shown in the Pantops Master Plan (March 17, 2008).*

### ***The Neighborhood Model:***

Staff has reviewed this proposal against the twelve Neighborhood Model Principles and has found that it is consistent or generally consistent with each applicable principle. Staff has no objections and no concerns about the proposal being in conflict with any of the applicable principles. A detailed analysis of Neighborhood Model Principles is provided as Attachment 56.

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

As indicated earlier in this report, the existing PDMC zoning would remain unchanged; the requested zoning is the existing zoning. As such, this factor is not applicable.

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

#### Streets:

The proposal includes two proposed entrances along this portion of State Farm Boulevard. A proposed northern entrance would be served by a right turn taper that would be 100' long, and a proposed southern entrance would be located approximately 139 feet northeast of the existing State Farm Boulevard intersection with Martha Jefferson Drive. Because State Farm Boulevard is a divided roadway, both proposed entrances would function as right-in only, right-out only entrances for the foreseeable future.

The proposal includes a future interparcel connection to TMP #78-66 (to the southwest) to allow for a shared access entrance (serving the subject property and other properties to the southwest) to be located on State Farm Boulevard in proper alignment with the existing intersection of Martha Jefferson Drive.

A review of the Traffic Impact Analysis Statement (Attachment 7) by County staff and VDOT staff did not lead to any objections or requested changes. The anticipated increases in traffic volume and vehicle trips associated with this proposal is projected to occur primarily outside of peak hours, and have no discernible negative impact on levels of service on State Farm Boulevard or other nearby public roads.

#### Schools:

The proposal includes no dwelling units and therefore would create no impacts to, and require no services from, Albemarle County Public Schools.

#### Fire & Rescue:

Albemarle County Fire & Rescue has indicated "No Objection" to this proposal (11/21/2018).

#### Utilities:

This project is in the ACSA water and sewer service jurisdictional area and both services are available. ACSA has indicated "No Objection" to this proposal (7/18/2018 and 9/25/2018).

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

There are no known cultural or historic resources on the site. The proposal includes disturbance of Managed Steep Slopes, but only a small portion of the overall steep slopes areas would be disturbed. The majority of the Managed Steep Slopes area, and other areas of the subject property that are designated on the Future Land Use Plan as "Parks" (totaling approximately two acres), are proffered as being reserved for future dedication to the County.

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

The proposed hotel's location, size, and height are expected to reduce or otherwise diminish existing long-distance views of the Blue Ridge Mountains as seen from certain perspectives in the vicinity of this project site. The importance of these "magnificent views...of the distant Blue Ridge Mountains" is articulated in the "Natural, Scenic, and Historic Assets" section of Chapter 3 – Background (page 7); and protection of these scenic vistas is identified as "Guiding Principle #1" in the Pantops Master



Plan (page 6). However, the proposed primary structure (as shown on the application plan dated 4/15/2019) is compliant with applicable Zoning Ordinance regulations for building height, front setbacks, and other requirements.

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

The proposed use is permissible pursuant to the existing PDMC zoning. The preparation and submission of this ZMA application (requesting approval to establish a ZMA Application Plan) is a County Code requirement pursuant to ZO Section 8.5.5.5.a.

***Other factors:***

In addition to the “*Factors to be considered*” in ZO Section 33.27.B, Subsection 33.27.B.2 also specifies the following “*Additional factors to be considered when acting on an application to amend existing planned development district.*”

(i) *whether the proposed amendment reduces, maintains, or enhances the criteria of a planned development stated in Section 8.3:* Staff have reviewed the following criteria of a planned development as stated in ZO Section 8.3 (“Planned Development Defined”) and find no issues of concern and have no objections. Specifically:

- (1) *“the area proposed to be rezoned or the area within the planned development district is under unified control and will be planned and developed as a whole”* – This proposal would not alter the fact that portions of this existing planned district are and have been subject to various terms of ownership and control over time, and would thus “maintain” the degree to which this planned district has been subject to a (partially) non-uniform pattern of development over time.
- (2) *“the development conforms with one or more approved application plans”* – This proposal would establish an approved Application Plan for a portion of the planned district without such a plan, and would thus “enhance” the degree to which the proposed development of the subject property and the planned district conforms to an approved Application Plan.
- (3) *“in all planned development districts other than a planned historic district, the development will provide, operate and maintain common areas, facilities and improvements for some or all occupants of the development where these features are appropriate”* – This proposal includes the reservation of land for future dedication to the County for public use, which would support the future land use designation of “Parks” as specified in the Pantops Master Plan, and which would thus “enhance” the degree to which this planned district includes the provision of common areas where appropriate.

(ii) *the extent to which the proposed amendment impacts the other parcels within the planned development district:* The proposed Application Plan would create no notable negative impacts to other parcels within the existing PDMC district. Additionally, the proposal includes a reservation of land for future dedication to the County for public use that would generate positive impacts to other parcels within the existing PDMC district.

**PROFFERS:**

Proffers are contained in the Draft Proffer Statement (Attachment 4) and are summarized below. *Staff comments* are provided in *italics*.

- **Proffer 1 (Application Plan):** This proffer is a commitment to develop the subject property in general accord with the Application Plan.

*CDD-Zoning staff has indicated that this Application Plan does not technically need to be proffered, since an approved Application Plan is required for all Planned Development districts*

*per ZO Section 8. Therefore, this Application Plan should be considered a regulatory requirement, not a voluntary commitment.*

*Additionally, staff have identified certain technical details which would need to be revised in order for this proffer to be acceptable – one example includes updating the revision date of the Application Plan (from 10/29/2018 to 4/15/2019).*

- **Proffer 2 (Reservation of Land for Future Dedication):** As described elsewhere in this staff report, this proffer is a commitment to reserve for future dedication to the County approximately two acres of undeveloped land in the rear portion of the parcel, an area which includes Steep Slopes and which is designated on the Future Land Use Plan as “Parks.”

*Staff finds that this proffer would allow the undeveloped portion of this subject property to be utilized as envisioned and recommended in the Pantops Master Plan (as a public park), and would generally be a positive contribution to public health, safety, and welfare.*

### **SUMMARY:**

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

1. The proposed use is permissible in the existing zoning district, and the proposal does not seek to amend the zoning district or otherwise change the potential intensity of permissible uses on the subject property.
2. The proposal, as shown on the Application Plan dated 4/15/2019, has been revised to comply with applicable General Regulations and Height Regulations (including minimum and maximum front setbacks, side setbacks, front setbacks, front stepbacks, and maximum structure height) and to eliminate the necessity of any Special Exceptions.
3. The proposal, as shown on the Application Plan dated 4/15/2019, has been revised to conform to Neighborhood Model Principles (such as relegated parking, pedestrian orientation, buildings and space of human scale, interconnected streets, and parks and open space).
4. The proposal has been revised in response to the Thomas Jefferson Foundation’s written concerns regarding potential impacts to the Monticello viewshed, so as to include the specification of certain building materials and colors that will reduce visual impacts and to include landscaping in strategic locations to further reduce visual impacts.
5. The proposed use and improvements are limited to a portion of the overall subject property such that the proposal is consistent with the Future Land Use Plan designation of Urban Mixed Use (towards the front of the subject property, near State Farm Boulevard).
6. The proposal includes a (draft) proffer (dated 10/29/2018) to reserve approximately 2 acres of undeveloped land for future dedication to the County for public use, in an area with a Future Land Use Plan designation of Parks (towards the rear of the subject property).

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

1. Review comments from VDOT (dated 4/30/2019) identify potential concerns involving the spacing of the proposed southern entrance on State Farm Boulevard relative to the existing intersection of Martha Jefferson Drive and State Farm Boulevard.

However, any subsequent site plan review process would provide the opportunity to address and resolve these intersection spacing issues with the applicants, VDOT, and CDD staff. Additionally, the proposal includes a future interparcel connection to the south so that the subject property could be accessed from a future access entrance that should be aligned with the Martha Jefferson Drive intersection with State Farm Boulevard (subject to future development of the adjoining parcels to the south).

2. The proposed primary structure, as shown on the Application Plan dated 4/15/2019, would be a hotel with a height of approximately 61' – 65' (65' max). As seen from certain perspectives in the vicinity of this project site, the proposed hotel's location, size, and height are expected to reduce or otherwise diminish existing long-distance views of the Blue Ridge Mountains. The importance of these "magnificent views...of the distant Blue Ridge Mountains" is articulated in the "Natural, Scenic, and Historic Assets" section of Chapter 3 – Background (page 7); and protection of these scenic vistas is identified as a "Guiding Principle #1" in the Pantops Master Plan (page 6).

However, the proposed primary structure (as shown on the application plan dated 4/15/2019) is compliant with applicable Zoning Ordinance regulations for maximum building height, minimum front setbacks, and other requirements.

### **RECOMMENDATION:**

In consideration of staff analysis and evaluation of this proposal relative to the factors contained in Zoning Ordinance Section 33.27.B including applicable subsections, and based on the favorable factors identified above, **staff recommends approval of ZMA201800005 "Proposed Hotel,"** provided that a finalized and signed/notarized proffer statement is submitted prior to advertisement of a legal notice of a Board of Supervisors public hearing (or no later than Monday, June 3, 2019).

### **PLANNING COMMISSION POSSIBLE MOTIONS – ZMA201800005:**

- A. *If the ZMA is recommended for approval:* Move to recommend approval of ZMA201800005 "Proposed Hotel."
- B. *If the ZMA is recommended for denial:* Move to recommend denial of ZMA201800005 "Proposed Hotel" for *(insert reasons for denial)*.

### **ATTACHMENTS:**

- 1 – Location Maps
- 2 – ZMA Application Plan *(dated April 15, 2019)*
- 3 – Project Narrative *(dated May 16, 2019)*
- 4 – Draft Proffer Statement *(dated October 29, 2018)*
- 5 – Project Renderings *(dated 4/14/2019)*
- 6 – Staff Analysis of Neighborhood Model Principles
- 7 – TIA Statement *(dated August 30, 2018)*