

**COUNTY OF ALBEMARLE**  
**MEMO TO THE BOARD OF SUPERVISORS**  
**SUMMARY OF PLANNING COMMISSION ACTION**

<b>AGENDA TITLE:</b> ZMA201800013 Rio Road West	<b>AGENDA DATE:</b> July 17, 2019
<b>SUBJECT/PROPOSAL/REQUEST:</b> Request to rezone 3.3 acres from C1 Commercial to NMD Neighborhood Model District to allow a mix of uses with a maximum of 112 units for a proposed density of approximately 34 units/acre.	<b>STAFF CONTACT(S):</b> Graham, Benish, Falkenstein
<b>SCHOOL DISTRICT:</b> Elementary: Agnor-Hurt; Middle: Burley; High: Albemarle	<b>PRESENTER (S):</b> Rachel Falkenstein

**BACKGROUND:**

At its meeting on June 18, 2019, the Planning Commission voted 6:0 (Dotson absent) to recommend approval of ZMA201800013 Rio West with the revisions in attachment 6 of the staff report, including a requirement that landscaping be completed in Block 1 within one year of when the Certificate of Occupancy for Block 2 is issued (Attachment B).

**DISCUSSION:**

In the Planning Commission Staff Report, staff identified several recommended revisions to the proffers, code of development, and application plan to be completed prior to the Board of Supervisors public hearing. One of staff's recommended revisions was the inclusion of a timing commitment for the construction of the proposed residential block 1 building relative to the timing of the proposed interior storage building in block 2. At its public hearing, the Planning Commission recommended requiring the applicant to provide landscaping and screening of block 2 and construction of the sidewalk and street trees along Rio Road within 1 year of issuance of a certificate of occupancy for the block 2 building in lieu of a timing commitment. With this change, the Planning Commission recommended approval of ZMA2018-13 pending completion of the revisions recommended by staff prior to the Board public hearing.

The applicant submitted revised materials on June 26. Most of staff's recommended revisions were incorporated into the revised materials, except two recommendations regarding building height and setbacks. Staff recommended clarifying language about required setbacks to indicate whether the setback applies to the lesser or greater of 4 floors or 50 feet. Staff also recommended that the rear setback adjacent to the green space be revised to be above the 3<sup>rd</sup> floor or 40 feet, whichever is less, or alternatively, the applicant could commit to additional architecture standards to achieve a human scale environment adjacent to the future linear park. Neither comment has been addressed in the revised materials.

The applicant also included a special exception request with this application to waive the requirement for a mix of housing types within the Neighborhood Model District zoning district. County Code § 18-20A.8(a) requires NMD zoning to have two or more housing types, however, the requirement may be waived by the Board if the district is an infill project, or at least two housing types are already present within one-quarter mile of the proposed district. This application meets both criteria for waiving the requirement of a mix of housing and the applicant is also providing 15% affordable housing through the code of development. For these reasons, staff is supportive of the special exception request.

**RECOMMENDATIONS:**

Staff recommends that the Board adopt the attached Resolution (Attachment G) to disapprove ZMA201800013 until the applicant addresses staff's comments regarding building height and setbacks and/or architecture. Staff recommends the Board delay approval of the special exception to waive the

requirement for a mix of housing types until all of staff's recommended revisions are addressed for this ZMA. However, if the Board approves the ZMA and wishes to approve the special exception, staff recommends that the Board adopt the attached Resolution (Attachment H) to approve the special exception.

**ATTACHMENTS:**

- A – Planning Commission staff report
  - A1 – Location map
  - A2 – Application Plan dated 6/3/2019
  - A3 – Code of Development dated 6/3/2019
  - A4 – Draft Proffer Statement dated 6/3/2019
  - A5 – Project narrative
  - A6 – Staff recommended revisions prior to BOS
  - A7 – Special exception request
- B – Planning Commission action letter
- C – Planning Commission meeting minutes
- D – Revised Code of Development dated 6/26/2019
- E – Revised Application Plan dated 6/26/2019
- F – Signed Proffer Statement dated 6/26/2019
- G – Resolution to Disapprove ZMA201600013
- H – Resolution to Approve the Special Exception