

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

AGENDA TITLE: ZMA201800013 Rio Road West	AGENDA DATE: August 21, 2019
SUBJECT/PROPOSAL/REQUEST: 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.	STAFF CONTACT(S): McCulley, Benish, Falkenstein
SCHOOL DISTRICT: Elementary: Agnor-Hurt; Middle: Burley; High: Albemarle	PRESENTER (S): Rachel Falkenstein

BACKGROUND:

At its meeting on July 17, 2019, the Board of Supervisors voted 4:1 (Palmer absent, Dill dissent) to defer a vote on this application to August 21, 2019. The reason for deferral was to allow the applicant to consider revisions to the application materials to address the Board's desire that the applicant make a commitment to the timing of the residential building in Block 1.

DISCUSSION:

At its July 17 public hearing, the Board discussed the need for 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, in order to achieve the goals of the Rio29 Small Area Plan and Neighborhood Model Principles. The Board also discussed the need for a commitment to the daylighting of the stream through the proposed greenspace in Block 3 rather than relying on public funding for these improvements.

The applicant resubmitted materials on July 31, 2019 with the following changes:

1. Revised Code of Development with language requiring an annual cash contribution in the amount of \$10,000 if the Block 1 building has not commenced within 2 calendar years, starting on December 31 of the year the Block 2 building CO is issued. "Commencement" is defined as obtaining a building permit and completion of initial zoning inspection for the Block 1 building (Attachment G – Pg. 8).
2. Revised proffer statement with a commitment to "daylight" the stream prior to the issuance of a Certificate of Occupancy (CO) for the second building on site, or upon demand of the County, to allow the improvement to occur concurrent with adjoining sections of path and stream (Attachment H - Proffer 3).
3. Additional clarifying language in the Code of Development and proffer statment about interim Block 1 landscape and streetscape improvements, which are to be completed if Block 1 building is not commenced within 1 year of issuance of CO of the Block 2 building. Proposed improvements include an 8-foot sidewalk and compliance with the landscaping requirements of County Code § 18-32.7.9 and the Entrance Corridor Design Guidelines (which will include street trees and parking lot screening).

RECOMMENDATIONS:

Staff recommends that the Board determine whether it believes the revisions achieve its desire for a good faith commitment to the construction of the Block 1 building to ensure that the project is consistent with the Rio29 Small Area Plan and Neighborhood Model Principles. If the Board wishes to approve ZMA201800013, staff recommends the Board adopt the attached Ordinance to approve ZMA201800013 (Attachment I) and the Resolution to approve the special exception for a mix of housing types (Attachment J).

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 – Code of Development dated 6/26/2019
- E – Application Plan dated 6/26/2019
- F – Proffer Statement dated 6/26/2019
- G – Revised Code of Development dated 7/31/2019
- H – Revised Proffer Statement dated 7/31/2019
- I – Ordinance to approve ZMA201800013
- J – Resolution to approve the Special Exception