



ALBEMARLE COUNTY PLANNING

STAFF REPORT SUMMARY

Project Name: ZTA201900006 Rio29 Form-Based Code	Staff: Rachel Falkenstein, Principal Planner Michaela Accardi, Senior Planner
Planning Commission Work Session: August 20, 2019	Board of Supervisors Work Session: N/A
Owner: multiple	Applicant: N/A (County-initiated)
TMP: TMPs within the Rio29 SAP boundary Acreage: ~391 acres	Zoning Text Amendment/Zoning Map Amendment: County-initiated ZTA/ZMA for Rio29
Magisterial District: Rio	Future Land Use: Core, Edge and Flex in the Rio29 Small Area Plan
School Districts: Agnor-Hurt & Woodbrook – Elementary; Burley & Jouett – Middle; Albemarle – High	
DA (Development Area): Neighborhood 1 & 2 - Places29 Master Plan; Rio29 Small Area Plan	Topics for discussion: Possible zoning regulations related to uses and building standards
Proposal: Discussion and consideration of proposed amendments to zoning regulations in the Rio29 Small Area Plan to implement the Plan's vision for transforming Rio29 into a connected, multimodal area with a vibrant, mixed use community enhanced through conservation and public amenities.	
<p>Discussion/Recommendation: Staff recommends that the Commission review and discuss the following questions and analysis, attached summaries and recommendations, and provide direction to staff on the questions below.</p> <p><u>Uses</u></p> <p>Q1 Is light industrial an appropriate use in the Rio29 area? If so, should there be supplemental regulations associated with light industrial uses to mitigate possible impacts?</p> <p>Q2 Should vertical mixed use with “active” uses on the ground-level floor be required within any areas of Rio29? If so, what uses, or qualities, would qualify a use as an “active use”?</p> <p><u>Building Standards</u></p> <p>Q3 Should larger blocks be permitted in areas of Rio29 if “pedestrian passages” are provided at specified intervals?</p> <p>Q4 Is six stories an appropriate height in the Core and Urban Core areas of Rio29? If so, should six stories be allowed by-right, by special exception, or should a sixth story only be allowed as a “bonus” for developments providing certain features such as affordable housing or green building design?</p> <p>Q5 Should mountain views be preserved in the Rio29 area through zoning? If so, what views from which vantage points?</p>	

STAFF CONTACT:

Rachel Falkenstein, Principal Planner
Michaela Accardi, Senior Planner

PLANNING COMMISSION:

August 20, 2019 (Work Session)

PROJECT BACKGROUND AND PURPOSE OF THE WORK SESSION:

The Board of Supervisors adopted the Rio29 Small Area Plan on December 12, 2018. The Plan establishes a vision and recommendations for transforming Rio29 into a connected, multimodal area with a “vibrant, mixed-use community” enhanced through conservation and public amenities. The Implementation Chapter recommends “amending the County’s Zoning Ordinance and Map to include a form-based code tailored to the area,” to allow for the community’s desired form of development through a “by-right” review process. Form-based codes primarily regulate the size and shape of development and how it interacts with and meets the street as envisioned in a long-range planning document for the area.

In March 2019, the Board directed staff to begin work on drafting a form-based code consistent with the Plan’s vision. The amended work plan, discussed at the Joint Board and Planning Commission work session on July 9th, anticipates that a draft form-based code “framework” and recommendations will be reviewed by the Board in December 2019, with possible adoption of an updated ordinance in 2020 (Attachment 1).

A diverse cross-section of County staff from CDD (Zoning, Planning and Engineering), Economic Development and Communications & Public Engagement (CAPE) are collaborating on “technical working groups” to conduct research and engage with the Rio29 Steering Committee and the public on key form-based code-related topics (Attachment 1).

During the July 9th joint work session, the Planning Commission and Board of Supervisors participated in a prioritization activity to determine where staff should focus their efforts throughout the scope of this project. The top two priorities selected by decision makers were “use” and “area/bulk regulations” (Attachment 2). This first work session will focus on these two highest priority topics – **use and building standards** (for this work session, we have broadened the category of area/bulk regulations to “building standards”).

Drafting a form-based code for the Rio29 area is a complex process that requires extensive stakeholder engagement and research. Staff anticipates a continued high investment in public engagement throughout the process. Four work sessions are scheduled with the Planning Commission this year to focus on specific topic areas to assist in the drafting a comprehensive “framework”. Future work sessions with the Planning Commission will focus on: streets, parking, greenspace, affordable housing, architecture and the arts/placemaking. Planning Commission feedback and recommendations on these topics will be shared with the Board of Supervisors during a December work session.

Staff will share research findings, engagement summaries, and broad recommendations around these topics. We are looking for general feedback from the Planning Commission as well as direction on five specific questions/decision points, where the Rio29 Steering Committee, public and stakeholder responses have been inconsistent or have helped identify complexities within these topics needing additional scrutiny (see following pages, “Staff Questions for the Commission”).

STAFF QUESTIONS FOR THE COMMISSION:

Uses

While form-based codes prioritize how development looks over the specific types of uses allowed on a property, most form-based codes still address uses, to varying extents, that are most appropriate in certain areas. Often this is done by intentionally providing “permitted and prohibited uses”. Form-based codes may also *require* certain uses for the ground story of a building as a means of promoting an active and inviting environment along streets or public spaces (Attachment 3).

Staff hosted several in-person and digital engagement opportunities (including a meeting with the Rio29 Steering Committee, a public event and an online form) to discuss uses with the goal of determining uses that are appropriate in each of Rio29’s character areas: Core, Flex, and Edge.

Across each of these forums, staff heard that flexibility in use is an important goal for the future zoning of this area and that a variety of uses are appropriate (including retail, commercial, restaurant, institutional, Office/R&D/Flex, and multi-family residential). Rio29 Steering Committee members felt that less prescriptive use requirements are important for the success of this area to allow market demand to drive use. Some members mentioned the need to mitigate “noxious uses” that would have noise, odor, or excessive traffic impacts. While flexibility in use is desirable, other members felt there should still be some assurance that a mix of uses will be established in this area.

In evaluating community feedback on uses appropriate for each character area (Attachment 4), staff found the following:

- There was less support for hotel and institutional uses in the Flex and Edge areas.
- There was mixed feedback on the appropriateness of light industrial uses across all character areas, with many stakeholders expressing a desire for an additional level of review for light industrial uses.

Overall Staff Recommendation – Uses

Staff recommends establishing broad use categories, corresponding with those listed in the Rio29 Small Area Plan, as affirmed through public engagement. This approach is more flexible, does not require updates to the Code when unanticipated/unknown future uses are proposed, and does not hinder innovation (Attachment 3). Form regulations (including those identified below in the building standards section) will help ensure the listed uses are of appropriate scale for each character area.

With this in mind, staff has identified two areas that need additional research and refinement: light industrial and “active” ground story uses. The questions below are intended to solicit Planning Commission feedback on these topics.

Q1: Is light industrial an appropriate use in the Rio29 area? If so, should there be supplemental regulations for light industrial uses to mitigate possible impacts?

While Rio29 Steering Committee and public feedback regarding light industrial uses was not consistent, several Steering Committee members felt that it is an important employment-generating use that should be permitted within reason in the Rio29 Area. In-person community feedback demonstrated support for uses such as “maker spaces”, artist studios, or fabrication uses that have a minor manufacturing component, but do not create impacts for neighboring uses. In addition, comments received through digital

survey (available online during June 2019) expressed a need for additional review of light industrial uses in the Core and Flex areas. Staff is seeking feedback on the following staff recommendation

Staff Recommendation: Staff recommends that the definition for light industrial uses be further refined to allow for uses that have small manufacturing or fabrication component(s), while ensuring that there are limited impacts on adjacent residential, office and/or commercial uses. This would make a refined definition of light industrial an appropriate use in the Core and Flex areas of Rio29.

Q2: Should vertical mixed use with “active” uses on the ground-level floor be required within any areas of Rio29? If so, what uses, or qualities, would qualify a use as an “active use”?

Some members of Rio29 Steering Committee expressed concern about the economic feasibility of requiring specific uses on the ground floor of buildings given current market conditions. However, other Steering Committee members and stakeholders noted that this aspect of building form was important in creating a “vibrant, mixed use community” aligned with the goals of the Rio29 Small Area Plan.

Staff Recommendation: Staff recommends a broad definition of active ground floor uses that includes public coming and going from an interior space. In an effort to be conscious of and responsible to the market, staff also recommends the code require ground-level floors, in the Urban Core and along key streets in the Core, be designed in a way that allows for future conversion of these spaces to “active, ground floor uses” in the event that these uses cannot be immediately provided when the property is developed. In practice, this requirement could include regulations around ground-level ceiling heights and the window area (also referred to as building transparency).

Building Standards

Building standards determine the general shape, form, size and perception of a building. In coordination with uses, staff conducted research and hosted several engagement opportunities with the goal of refining Rio29 Small Area Plan recommendations regarding building standards. The regulations incorporated into most form-based codes in this area include: building height, build-to lines (or setbacks), step backs, and block size (defined in Attachment 5).

Across each of these engagement opportunities (the Rio29 Steering Committee, in-person public engagement and an online form), most stakeholder feedback was consistent with the recommendations in the Rio29 Small Area Plan (Attachment 6). Staff is seeking feedback on the below questions and staff recommendations, which reflect areas where community feedback was inconsistent or helped identify topics needing additional scrutiny.

Overall Staff Recommendation – Building Standards

Staff recommends establishing minimum and maximum building heights, build-to lines, step backs and a block size range for each Rio29 character area: Core, Flex and Edge, that correspond to the recommendations in the Rio29 Small Area Plan, as vetted through public engagement (Attachment 5).

Q3: Should larger blocks be permitted in areas of Rio29 if “pedestrian passages” are provided at specified intervals?

The public feedback summary (Attachment 6) demonstrates that stakeholders, especially current and future users of the Rio29 area, prefer small block sizes, especially in the Urban Core/Core areas to facilitate a more walkable, pedestrian-friendly environment. Staff also heard feedback from members of the Rio29 Steering Committee that requiring smaller block sizes would decrease flexibility and economic feasibility of new development and redevelopment in Rio29.

Staff recommendation: Staff recommends requiring specific block sizes within a range for each character area, but to allow longer block sizes, perhaps by a special exception process, if “pedestrian passages” are provided at a specified interval (Attachment 5).

Q4: Is six stories an appropriate height in the Core and Urban Core areas of Rio29? If so, should six stories be allowed by-right, by special exception, or should a sixth story only be allowed as a “bonus” for developments providing certain features such as affordable housing or green building design?

Stakeholder and community feedback was mixed on whether six stories is an appropriate building height for the Core and Urban Core areas of Rio29, with an average maximum height of 5.4 stories (Attachment 6).

Staff recommendation: Staff recommends allowing 5 stories in the Urban Core and Core areas, with up to 6 story for bonus factors. (Please note: Bonus factors will be discussed at a future Planning Commission work session, in conjunction with housing and architecture topics).

Q5 Should mountain views be preserved in the Rio29 area through zoning? If so, what views from which vantage points?

The Rio29 Small Area Plan includes a recommendation to create an identity for the Rio29 area through the built environment and through promoting and protecting open vistas to the mountains. The Plan recommends additional viewshed study and recommends prioritizing views from public rights-of-way, particularly Entrance Corridors. The Plan also recommends prioritized viewsheds be protected administratively, through the by-right review process.

During the Small Area Planning process, the following prominent vistas were identified: views of the Blue Ridge Mountains from Rio Road East facing west, views of the Southwest Mountains from some vantage points along Rio Road West facing east, and views of Lewis Mountain and Jefferson Mountain from Route 29 facing south.

During the July 9th joint work session, scenic views were cited as a priority area for study while drafting a form-based code for Rio29. Before conducting further viewshed analysis, staff is seeking additional direction on the questions above.

Staff recommendation: Staff recommends prioritizing the protection of existing prominent views (those identified above) from the Entrance Corridors and future public amenity spaces. Further viewshed analysis is needed to identify where these views currently exist and to what extent these vistas can and should be protected. Staff recommends a viewshed analysis and corresponding code updates be completed in a future phase of the project, as the current work schedule does not allocate time and resources for this analysis.

STAFF RECOMMENDATIONS

Staff recommends that the Commission review and discuss the above analysis, attached summaries and recommendations, and provide direction to staff on the questions above. Staff will be working to further develop recommendations on these topics in the coming weeks and welcomes additional suggestions from the Planning Commission. A finalized and complete list of recommendations will be drafted based on Planning Commission feedback and additional future engagement opportunities. A complete draft “framework” will be shared with the Planning Commission in November 2019.

Attachments:

Attachment 1 – [Updated Project Work and Community Engagement Plan](#)

Attachment 2 – [July 9th Joint Work Session Summary](#)

Attachment 3 – [Uses | Research and Overview](#)

Attachment 4 – [Uses | Public Engagement Summary](#)

Attachment 5 – [Building Standards | Research and Overview](#)

Attachment 6 – [Building Standards | Public Engagement Summary](#)