

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

<p><b>AGENDA TITLE:</b> ZMA201900003 – Royal Fern</p> <p><b>SUBJECT/PROPOSAL/REQUEST:</b> Request to rezone two parcels of land and a portion of a third parcel of land totaling 13.63 acres from R2, R10, and CO, to PUD Planned Unit Development district, with both residential (maximum of 300 units) and non-residential (maximum of 125,000 sq. ft.) components proposed. Request for five (5) special exceptions to PUD requirements.</p> <p><b>SCHOOL DISTRICTS:</b> Monticello High, Burley Middle, Cale Elementary schools</p>	<p><b>AGENDA DATE:</b> November 20, 2019</p> <p><b>STAFF CONTACT(S):</b> Filardo, Benish, Nedostup, Reitelbach</p> <p><b>PRESENTER(S):</b> Andrew Reitelbach, Senior Planner</p>
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**BACKGROUND:**

At its meeting on October 8, 2019, the Planning Commission (PC) conducted a public hearing and voted to: 1) deny the applicant's request for a deferral; 2) recommend denial of ZMA201900003; and 3) recommend denial of the five (5) special exception requests associated with this zoning map amendment request. The Commission's staff report, action memo, and minutes are attached (Attachments A, B, and C).

**DISCUSSION:**

At the Planning Commission meeting, staff recommended approval of the proposed Zoning Map Amendment application. The proposal is consistent with the future land use and development recommendations specified in the Southern and Western Urban Neighborhoods Master Plan and Comprehensive Plan.

One community member spoke at the public hearing, concerned about additional development along the 5<sup>th</sup> Street-Old Lynchburg Road corridor outpacing the existing infrastructure, including the availability of transit along the corridor.

Several concerns were raised by the PC about this application, including the appropriateness of the request for the PUD zoning district for this development and at this site, the impacts the project would have on the transportation system and infrastructure in the area, and the impacts the project would have on the local schools, especially Cale Elementary School. In addition, the PC expressed concern about the number of special exceptions (five total) requested to be approved with this ZMA application, including that the requested zoning district may not be appropriate if five special exceptions are requested.

After the public hearing closed and discussion of the item ended, the PC voted 4:3 to deny the applicant's request for a deferral of ZMA201900003.

The Planning Commission voted 7:0 to recommend denial of ZMA201900003 Royal Fern. In addition, the Planning Commission voted 7:0 on each of the five (5) special exceptions to recommend denial of those special exception requests.

At the applicant's request, this item is being placed on the Board's November 20 Consent Agenda with a recommendation to defer the request and to refer it back to the PC for the consideration of revised plans.

**RECOMMENDATIONS:**

Staff recommends that the Board adopt the attached Resolution (Attachment D) to refer this request back to the PC for the consideration of revised plans.

**ATTACHMENTS:**

A – Planning Commission Staff Report

- A.1 – Location Map
- A.2 – Zoning Map
- A.3 – Boundary Compilation for: Parcel X (a portion of TMP 76-46F), dated March 28, 2019.
- A.4 – Project Narrative, dated March 18, 2019; last revised September 13, 2019.
- A.5 – Application Plan, dated March 18, 2019; last revised September 13, 2019.
- A.6 – Draft Proffer Statement, dated September 13, 2019.
- A.7 – Staff Analysis of Application's Consistency with Neighborhood Model Principles
- A.8 – Applicant Special Exception Requests
- A.9 – Staff Reports and Analysis for Special Exception Requests
- B – Planning Commission Action Letter
- C – Meeting Minutes from 10/08/2019 PC Public Hearing
- D – Resolution to Defer and to Refer to PC