



ALBEMARLE COUNTY
STAFF REPORT

Project Name: ZMA201900001 999 Rio Road	Staff: Tori Kanellopoulos, Planner
Planning Commission Hearing: January 14, 2020	Board of Supervisors Public Hearing: March 4, 2020
Owner: Windmill Ventures LLC	Applicant: Nicole Scro, Gallifrey Enterprises
Acreage: 1.947 acres	Rezone from: R-4 Residential to Neighborhood Model District (NMD)
TMP: 06100-00-00-154B0	Location: 999 Rio Road East, Charlottesville VA 22901
School Districts: Agnor-Hurt (Elementary); Burley (Middle School); Albemarle (High School)	Current by-right use: Maximum of 7 dwelling units (11 dwelling units with bonus factors)
Magisterial District: Rio	Proffers: None
Proposal: Rezone 1.947 acres from R-4 Residential - (4 units/acre) to NMD Neighborhood Model District - residential (3 – 34 units/acre) mixed with commercial, service and industrial uses. Between 11 and 28 residential units are proposed with a density between 6 units/acre and 15 units/acre. A maximum of 6,000 non-residential square footage is also requested.	Requested # of Dwelling Units per ZMA: 11 units (minimum) – 28 units (maximum)
DA (Development Area): Neighborhood 2 of the Development Area of the Places29 Master Plan	Comp. Plan Designation: Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses
Affordable Housing Provided: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Affordable Housing AMI (%): Minimum 15 percent affordable units at 80 percent AMI.
Character of Property: Existing single-family detached structure and two storage structures on a 1.947-acre parcel. Rear of property is partially wooded.	Use of Surrounding Properties: Directly adjacent to this proposal to the east and north is the Dunlora neighborhood. The Belvedere neighborhood is nearby to the north. Covenant Church is to the west directly across Belvedere Boulevard. CATEC

	and City Church are located across the street (Rio Road E) to the south.
Factors Favorable: <ol style="list-style-type: none"> 1. The rezoning request is consistent with the recommendations within the Places29 Master Plan. 2. The request is consistent with the majority of the applicable Neighborhood Model Principles. 3. The proposed development extends the existing multi-use path to enhance pedestrian and bicycle connectivity. 	Factors Unfavorable: <ol style="list-style-type: none"> 1. None identified.
RECOMMENDATION: Zoning Map Amendment: Based on the factors identified as favorable with this rezoning, staff recommend approval of ZMA2019-1. Modification Requests: Staff recommends approval (analysis in Attachment A5).	

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Tori Kanellopoulos
January 14, 2020
March 4, 2020

PETITION:

PROJECT: ZMA201900001 – 999 Rio Road East

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCELS: 06100-00-00-154B0

LOCATION: 999 Rio Road East, Charlottesville, VA 22901. Parcel is located at the intersection of Rio Road East and Belvedere Boulevard.

PROPOSAL: Request to rezone the property from R-4 Residential to NMD Neighborhood Model District to allow a mixed-use development with up to 28 residential units and small-scale retail or professional office uses.

PETITION: Rezone 1.947 acres from R-4 Residential - (4 units/acre) to NMD Neighborhood Model District - residential (3 – 34 units/acre) mixed with commercial, service and industrial uses. Between 11 and 28 residential units are proposed with a density between 6 units/acre and 15 units/acre. A maximum of 6,000 non-residential square footage is also requested. Request for private street authorization per 14-233(A)(1); for variation of curb and gutter requirement per 14-410(I); for variation of sidewalk requirement per 14-422(E); and for variation of planting strip requirement per 14-422(F).

ZONING: R-4 Residential (4 units/acre)

OVERLAY DISTRICTS: Entrance Corridor, Airport Impact Area

COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses in Neighborhood 2 of the Development Area of the Places29 Master Plan.

CHARACTER OF THE AREA

The subject property is located at the intersection of Rio Road East and Belvedere Boulevard. The property is zoned R-4 Residential and contains an existing single-family detached structure and two storage structures on 1.947 acres. The rear of property is partially wooded. There are no environmental features on the site. (Attachment A1)

Directly adjacent to this proposal to the east and north is the Dunlora neighborhood. The Belvedere neighborhood is nearby to the north. Covenant Church is to the west directly across Belvedere Boulevard. CATEC and City Church are located across the street (Rio Road E) to the south. Gasoline Alley is approximately 650 feet to the west on Rio Road.

SPECIFICS OF THE PROPOSAL

The applicant proposes to rezone 1.947 acres from R-4 Residential zoning district to Neighborhood Model District (NMD) to allow up to 28 single-family attached, detached, and multifamily units. Non-residential uses up to 6,000 square feet are also proposed for the site. The development proposes two (2) Blocks: Block 1 will contain a mixture of non-residential and residential uses and fronts along Rio Road; Block 2 will contain residential uses only and is located at the rear of the site. Additional descriptions of the Blocks are provided below.

Access to the site will be from two locations. There will be two entrances off of Belvedere Boulevard; one for Block 1 and another for Block 2. These entrances must meet VDOT spacing standards at the site planning stage.

Neighborhood-scale civic and open spaces are proposed, consisting of:

- An 8,364 square-foot area with a courtyard with landscaping and seating;
- An 8,276 square-foot area with a central greenspace, natural playscape, and a dog park.

The proposal continues the extension of the multi-use path network along Rio Road and on Belvedere Boulevard. This network eventually connects with the City of Charlottesville and the Rivanna Trail.

Page 4 of the Application Plan (Attachment A3) shows the proposed layout and blocks of the development. The Application Plan identifies the two (2) blocks in the development which are described on Page 1 of the narrative (Attachment A7) and regulated in the COD, including the Table of Uses for each block on Pages 1 and 2 of the COD. A minimum of 11 and a maximum of 28 units are proposed. A minimum of 500 square feet and a maximum of 6,000 square feet of non-residential uses are proposed.

The specific blocks, per the Code of Development (Attachment A2), are described as follows:

Block 1: Block 1 will serve as the mixed-use and more intensive use block. It allows for a mixture of uses, with up to 6,000 square feet of non-residential uses and between three (3) and fourteen residential units. The ultimate mixture of uses and number of units will depend on market demands. The limited permitted uses are intended to reflect the Neighborhood/Community/Regional Retail and Office/R+D/Flex uses described in the Places29 Master Plan. These uses are consistent with the secondary uses called for in the Urban Density Residential designation (retail, commercial, office and institutional). This block contains a courtyard with outdoor seating. It fronts on Rio Road and continues the extension of the multi-use path.

Block 2: Block 2 is entirely residential with between eight (8) and 14 single-family attached and/or detached units. This block contains a central green area and a dog park.

The applicant has also submitted a request for a private street and a request for a variation or exception to the requirements for curb and gutter, sidewalks and planting strips in order to provide amenity-oriented lots in Block 2. These requests in an NMD zoning district must be approved by the Commission. Staff recommends approval of these requests, as outlined in Attachment A5.

APPLICANT'S JUSTIFICATION FOR THE REQUEST

The applicant has provided a detailed request found in Attachment A7.

COMMUNITY MEETING

The required community meeting was held on March 28th, 2019, at 6:00 PM in Room 235 of the Albemarle County Office Building, during the regularly scheduled Places29 Rio CAC meeting. The applicant has also met with residents of Fowler Ridge Court and the Shephard's Ridge Homeowners' Association. The primary concern at the community meeting was traffic and the existing issues at the intersection of Rio Road and Belvedere Boulevard. The applicant discussed their conversations with VDOT and coordination on right-of-way dedication as needed. VDOT and County Transportation Planning staff did not have significant traffic concerns with this proposal. There was also concern about the proposed scale of Block 1 and proposed inclusion of non-residential uses in Block 1, with general agreement that the proposed scale of Block 2 was appropriate. The applicant has since revised the scale of Block 1. The analysis of proposed uses is included in the 'Comprehensive Plan', 'Neighborhood Model' (Attachment A4) and 'Anticipated impact on nearby and surrounding properties' sections in this Staff Report.

The applicant held a second community meeting with the Places29 Rio CAC on December 5, 2019. This second community meeting was not required. A summary of the discussion is included below under 'Anticipated impact on nearby and surrounding properties'.

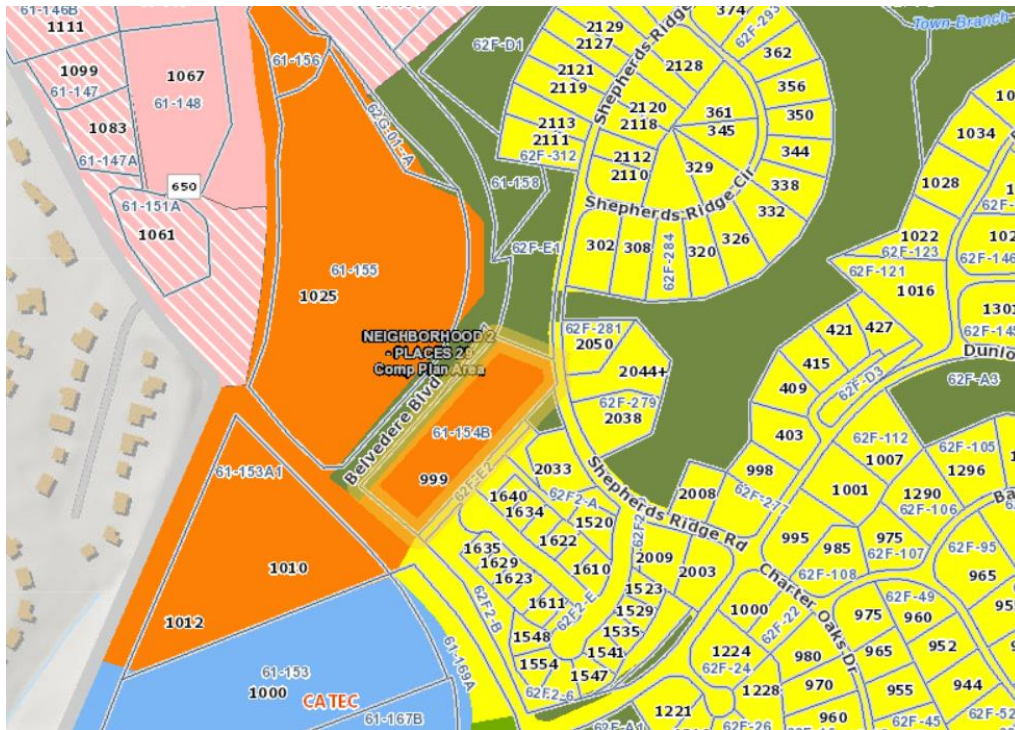
PLANNING AND ZONING HISTORY

There is no previous planning and zoning history on this site.

COMPREHENSIVE PLAN

The Comprehensive Plan identifies this property as Urban Density Residential in the Places29 Master Plan. This classification calls for primary uses to consist of residential uses at gross densities between 6.01-34 dwelling units/acre. Secondary uses in this classification include supporting uses such as religious institutions, schools, commercial, office and service uses. The Master Plan calls for these uses to be located in Centers, or located outside of Centers by exception. Although the site is not located within a Center, it is located within one-tenth of a mile of three (3) Neighborhood Service Centers. One of these centers will contain the future senior center at Belvedere, which is an institutional use. Additionally, Belvedere's Code of Development permits small-scale office and commercial uses in locations designated Urban Density Residential. The development already contains a professional office in this designation. Nearly all of the Neighborhood Service Centers designated in the Places29 Master Plan area are adjacent to Urban Density Residential designations, indicating opportunities for transitioning to higher intensity uses. The Brookhill development, also within the Places29 Master Plan, includes regulations in its Code of Development for the Urban Density Residential designations, which include both residential and non-residential uses, such as professional offices, outdoor eating establishments and retail. Also, this particular site is located along a major street and is not located internally to a neighborhood. Finally, it is a requirement of the Neighborhood Model District to provide a mixture of uses with at least two general use classifications (18-20.8); a special exception is needed if this requirement is not met. Therefore, staff feels it is an appropriate location for small-scale non-residential uses, and that the proposed rezoning from R-4 Residential to Neighborhood Model District is consistent with the Comprehensive Plan land use recommendations. The proposal also continues the multi-use path that is shown in the

Places29 Master Plan. A description of the land use designation and an overview map is provided below:



Urban Density Residential. This designation is used in areas around Centers where multifamily housing with a gross density range between 6.01 and 34 units per acre is desired. It is also applied to existing residential areas with densities within this range (see Land Use Table LU2). This designation is essentially the same as the Urban Density Residential designation in the 1996 Land Use Plan.

Primary uses: multifamily and single-family residential, including two or more housing types.

Secondary uses: retail, commercial, and office uses that support the neighborhood, live/work units, open space, and institutional uses. Retail, commercial, office, and institutional uses are encouraged to locate in Centers so they are accessible to residents throughout the surrounding area, and so they benefit from co-location with other neighborhood-serving businesses. However, they may be located by exception in areas around Centers designated Urban Density Residential provided they are compatible with surrounding uses.

The Neighborhood Model: Staff has reviewed the proposal against the Neighborhood Model Principles and found that it is consistent with the majority of the principles. The application does not fully meet some aspects of the relegated parking principle. The detailed Neighborhood Model Analysis can be found in Attachment A4.

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

The purpose and intent of the Neighborhood Model District (NMD) zoning district is to:

- Provide for compact, mixed-use developments
- Integrate diversified uses within close proximity to each other within the development areas identified in the Comprehensive Plan
- Incorporate principles of traditional neighborhood development, such as pedestrian orientation and a mixture of uses

The NMD is intended to be a flexible zoning district to allow development consistent with the goals of the Future Land Use Plans in the Master Plans and the Neighborhood Model Principles. The form and content of this proposal is consistent with the intent of the NMD. A variety of housing types and non-residential uses provide an appropriately-scaled mixture of uses and residential units.

Anticipated impact on public facilities and services:

Streets:

Belvedere Boulevard provides the sole means of road access to the subject property, with two entrances proposed that will need to meet VDOT standards. The property fronts along Rio Road, however there will be no access from Rio Road. The proposal continues the multi-use path along Rio Road and Belvedere Boulevard, which is called for in the Places29 Master Plan.

One of the primary concerns residents expressed during the community meeting was the additional traffic that would be generated by this development. Residents were concerned about the already congested intersection of Belvedere Boulevard and Rio Road, and the overall traffic on Rio Road and the John Warner Parkway. Given the scale and number of units proposed with this application, it did not meet the threshold for a Traffic Impact Analysis (TIA). The applicant completed a traffic study, which estimated between 62 and 73 vehicular trips during peak hour, assuming maximum build out (that is, the maximum number of residential units and maximum retail/office space permitted per the COD). Transportation Planning staff concur with these estimates. This increase is not high enough to warrant off-site road improvements. However, the applicant has stated that they will coordinate with VDOT and dedicate the right-of-way needed for future improvements. VDOT is continuing their study of this intersection and is in the process of proposing an improvement, likely in the form of an R-Cut.

Internally, the site will be served by two entrances and travelways. The size of the site does not allow for a more extensive street network, and the Places29 Master Plan does not call for new public streets within this site. The applicant is also proposing amenity-oriented lots that would front on a private street without curb and gutter or sidewalks, which would have landscaping and likely pervious pavers. This modified private street (amenity space) would also serve as access for Fire and Rescue. This design has been approved with previous developments, such as Riverside Village.

Although it is County policy to create interconnected street networks, residents at Fowler Ridge Court preferred to not have a connection at this time. A right of way adjacent to the property was dedicated with deed book 2015 page 3 to provide eventual interconnectivity with Shepherds Ridge Road for emergency access. This access parcel is now County-

owned and is in between Fowler Ridge Court and this property. A full connection from the property to Fowler Ridge Court would require County land to be used. The applicant's design does not allow for a future vehicular connection, however it does allow for a future pedestrian connection. The applicant states that they will need to acquire an ACSA easement on the County-owned parcel, which would also provide an opportunity for a location for a pedestrian path. The applicant met with residents of Fowler Ridge Court and the Shepherds Ridge HOA, who expressed their preference to not have a connection at this time (vehicular or pedestrian). A road is not shown in this location in the Comprehensive Plan, and Staff does not recommend a vehicular connection, given the site constraints and preference of existing residents. While a pedestrian connection would provide enhanced connectivity, residents in the adjacent neighborhood can still use the multi-use path along Rio Road to access this development. The applicant may choose to provide a pedestrian connection in the future.

Schools:

Students living in this area would attend Agnor-Hurt Elementary School, Burley Middle School, and Albemarle High School. Albemarle County Public Schools have provided calculations that estimate how many students will be generated at each school level by housing type. The table below specifies the yield of students generated at each school level should the subject property be built out to the maximum number of dwelling units.

Dwelling Type	Elementary	Middle	High	Total
Single family (detached)	6.9	3.7	5.5	16
Single family (attached)	3.6	1.38	2.22	7.2

The school system has provided annual estimates of student enrollment at all three schools over the next ten academic years. Of these three schools, only Albemarle High School is projected to exceed capacity. As the Places29 Master Plan is fully realized, growth must be closely monitored since Albemarle High schools does not have the long-term capacity to support additional residential growth expected in this part of the County. However, dedication of land for two new elementary schools are proffered commitments of other large developments in the Places29 Development Area. This includes a 7-acre site within Brookhill and a 12.85-acre site within North Pointe. The Brookhill development also has a proffer requiring dedication of an approximately 60-acre site along Berkmar Drive that could be used for a comprehensive public high school.

Fire and Rescue:

The proposal is not expected to create new demands on Fire and Rescue services. Two points of access along Belvedere Boulevard are proposed. Fire and Rescue has not identified any issues with adequate access and water availability at this time, which will also be reviewed at the site planning stage and will have to meet Fire and Rescue requirements. Fire and Rescue has reviewed this rezoning application and has no objection to the proposal.

Utilities:

This project is in the Albemarle County Service Authority (ACSA) water and sewer service jurisdictional area. ACSA and RWSA did not identify any capacity issues with this proposal and public water and sewer are available to the property. The distance to the nearest sewer line is approximately 300 feet, and ACSA has expressed no concerns about this rezoning application.

Anticipated impact on environmental, cultural and historic resources:

There are no known environmental, cultural or historic resources on this site. There are no steep slopes on the site, and any increase in stormwater runoff will be reviewed by County Engineering staff during the site planning stage of the project. Stormwater facilities will be designed in accordance with the Virginia Stormwater Management Program (VSMP) regulations administered by the Virginia Department of Environmental Quality (DEQ).

Anticipated impact on nearby and surrounding properties:

At the first Community Meeting for this project, members of the community expressed concern with potential impacts of this development on surrounding properties and the community. These issues are summarized below, with staff comments in italics. Note that significant changes to the application have been made since this first community meeting, including reducing the maximum density by 40 percent:

- Additional traffic generated by this development will further strain the existing intersection of Rio Road and Belvedere Boulevard, where it is often very difficult to exit (especially turning left).

The applicant stated that they delayed submittal of this application to have more time to coordinate with VDOT. VDOT has been studying this intersection and is in the process of designing a proposal. The applicant stated that they will continue to work with VDOT and dedicate the right-of-way as needed for improvements. As of this time, VDOT has preliminarily endorsed a Restricted Crossing U-Turn (R-Cut), which would occur further down Rio Road. An R-CUT would prohibit left turns out of Belvedere Boulevard and instead redirect traffic to designated locations along Rio Road where U-Turns can be made.

The applicant's traffic analysis on Page 10 of the narrative assumes between 108 and 151 trips during peak hours generated with this development [Note: this has been reduced to 62 to 73 trips during peak hours with the current application]. The total number of annual average daily traffic (AADT) for 2017 on Rio Road East was 28,000. VDOT and County Transportation Planning staff did not have objection to this proposal. The number of vehicle trips per day generated by this proposal did not meet VDOT requirements for a Traffic Impact Analysis.

- The scale of Block 1, especially building height/number of stories, is not consistent with the character of this area.

After the community meeting, the applicant revised the COD and changed the maximum number of stories from four (4) to three (3). This building height is within the Places29 Master Plan recommendation of a maximum of four (4) stories for residential and office

uses and three (3) stories for retail and commercial uses. [Note: the maximum height for non-residential uses has now been reduced to one (1) story with the current application]. The Places29 Master Plan calls for a maximum building footprint of 5,000 square feet for retail-only buildings in Urban Density Residential designations. Adjacent existing residential units on Fowler Ridge Court have building footprints of approximately 2,100 to 2,500 square feet. Therefore, the building footprints within Block 1 are approximately the size of two single-family homes.

Additionally, the applicant has coordinated with residents of Fowler Ridge Court and the Shepherd's Ridge Homeowners' Association. Residents were concerned about potential sight impacts, especially from parking and loading spaces or dumpsters. The applicant has proposed to allow Fowler Ridge Court residents and the HOA to participate in selecting additional screening measures, which would meet or exceed the Zoning Ordinance requirements in 18-32.7.9.7.

- Commercial uses may not be appropriate for this area.

Some residents have expressed concern over the potential non-residential uses proposed with this application. The Places29 Master Plan calls for the following secondary uses in the Urban Density Residential designation: "retail, commercial, and office uses that support the neighborhood, live/work units, open space, and institutional uses. Retail, commercial, office, and institutional uses are encouraged to locate in Centers so they are accessible to residents throughout the surrounding area, and so they benefit from co-location with other neighborhood-serving businesses. However, they may be located by exception in areas around Centers designated Urban Density Residential provided they are compatible with surrounding uses." Although the site is not located within a Center, it is located within one-tenth of a mile of three (3) Neighborhood Service Centers. Additionally, this site is located along the major street Rio Road, and is not located internally to a neighborhood. With the continuation of the multi-use path, there are more opportunities for walking and biking to a variety of uses. Additionally, the Neighborhood Model Zoning District requires a mixture of both residential and non-residential uses. Therefore, staff feels it is an appropriate location for small-scale non-residential uses that are consistent with the Places29 Master Plan and the NMD requirement. [Note: the current application significantly reduced the range of permitted non-residential uses].

At the second Community Meeting for this project, held on December 5, 2019, members of the community expressed some concern with potential impacts of this development on surrounding properties and the community. These issues are summarized below, with staff comments in italics:

- There were mixed comments on the non-residential component of this application. Some community members expressed the desire to have no non-residential uses on this property, while others felt it had been appropriately scaled back.

Staff's analysis on the non-residential component of this application remains the same. The applicant has revised both the permitted non-residential uses and the scale of those

uses since the Board of Supervisors public hearing on 09/18/19. The previous maximum non-residential square footage was 10,000 and has now been reduced to 6,000. Non-residential buildings have been reduced in height from a maximum of three stories to a maximum of one story. The only permitted non-residential uses are now a furniture store and office uses.

- There were also mixed comments on the traffic concerns for this project. Some community members felt that traffic is still a significant concern, while others felt that the project had been scaled back and therefore helped address traffic concerns.

The applicant has reduced the maximum density of the application by 40 percent and reduced the maximum square footage of non-residential uses by 40 percent. Therefore, staff's analysis of the traffic impacts of this application remain the same. The applicant stated that they have continued to meet with VDOT, however this proposal does not generate enough trips to show up in VDOT's traffic models. Transportation planning staff concurred with the updated trip counts provided by the applicant.

Public need and justification for the change:

The County's growth management policy states that new residential development should occur in the designated Development Areas where infrastructure and services are provided, rather than in the Rural Area. This proposal is within one-tenth of a mile of three (3) Centers and is located approximately two-thirds of a mile away from the rural areas boundary. Providing a mixed-use development at this location could provide residents the opportunity to walk or bike to small-scale neighborhood uses, with the potential for live-work opportunities depending on if office uses are ultimately included in the development.

PROFFERS

There are no proffers proposed with this application.

Request for Variation or Exception: Private Street Authorization, Curb and Gutter, Sidewalks, and Planting Strips

The applicant has requested the following variations or exceptions: private street authorization per 14-233(A)(1); variation of curb and gutter requirement per 14-410(I); variation of sidewalk requirement per 14-422(E); and variation of planting strip requirement per 14-422(F). Staff recommends approval of these variation requests, to allow for amenity-oriented lots in Block 2. See Attachment A5 for staff's full analysis.

SUMMARY

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

1. The rezoning request is consistent with the recommendations within the Places29 Master Plan.
2. The request is consistent with the majority of the applicable Neighborhood Model Principles.
3. The proposed development extends the existing multi-use path to enhance pedestrian and bicycle connectivity.

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

1. None identified.

RECOMMENDATION

Based on the factors identified as favorable with this rezoning, staff recommends approval of ZMA2019-1.

PLANNING COMMISSION POSSIBLE MOTIONS for ZMA2019-1:

- A. Should a Planning Commissioner **choose to recommend approval** of this zoning map amendment:

Move to recommend approval of ZMA201900001, 999 Rio Road.

- B. Should a Planning Commissioner **choose to recommend denial** of this zoning map amendment:

Move to recommend denial of ZMA201900001, 999 Rio Road (state reasons for denial).

PLANNING COMMISSION POSSIBLE MOTIONS FOR MODIFICATIONS:

- A. Should a Planning Commissioner **choose to recommend approval** of the modifications listed in Attachment A5:

Move to recommend approval of the modifications for ZMA201900001 as listed in Attachment A5.

- B. Should a Planning Commissioner **choose to recommend denial** of the modifications:

Move to recommend denial of the modifications for ZMA 201900001 listed in Attachment A5 (state reasons for denial).

ATTACHMENTS:

Attachment A1: Vicinity Map

Attachment A2: Code of Development, dated December 16, 2019

Attachment A3: Application Plan, dated December 16, 2019

Attachment A4: Staff Analysis of Neighborhood Model Principles

Attachment A5: Staff Analysis of Request for Modifications: Private Street Authorization and Variations to Curb and Gutter, Sidewalks and Planting Strips

Attachment A6: Applicant Modification Request

Attachment A7: Applicant Justification

Attachment A8: Applicant Narrative Supplement