



**ALBEMARLE COUNTY PLANNING**  
**STAFF REPORT SUMMARY**

<b>Project Name:</b> ZMA201900014 Commercial Development	<b>Staff:</b> Michaela Accardi, AICP, Senior Planner
<b>Planning Commission Hearing:</b> February 18, 2020	<b>Board of Supervisors Public Hearing:</b> April 1, 2020
<b>Owner:</b> Albemarle Bank & Trust Co. C/O BB&T Tax Compliance	<b>Applicant:</b> Scott Collins, PE – Collins Engineering
<b>Acreage:</b> 0.9 acres	<b>Rezone from:</b> Planned Development – Shopping Center (PDSC) to PDSC (submission of application plan)
<b>TMP:</b> 06100-00-00-134A0	<b>Location:</b> East side of 1400 block of Seminole Trail (US 29), immediately south of Fashion Square Mall
<b>School Districts:</b> Woodbrook – Elementary, Jouett – Middle, and Albemarle – High	<b>By-right use:</b> Property zoned PDSC, which allows for shopping centers, retail sales, and service uses, as well as residential uses by special use permit (15 units/acre).
<b>Magisterial District:</b> Rio	<b>Proffers:</b> No
<b>Proposal:</b> Request for approval of an Application Plan for an undeveloped property within an existing Planned Development Shopping District (PDSC), to allow new commercial development to occur in two phases.	<b>Requested # of Dwelling Units:</b> None
<b>DA (Development Area):</b> Neighborhood 2 – Places29	<b>Comp. Plan Designation:</b> Places 29 Master Plan; Rio29 Small Area Plan – “Flex” Character Area, which is an area intended to allow a flexibility of uses including residential, commercial, retail, office, institutional, and employment uses. It is intended to have buildings with heights of 2-5 stories, built close to the street with pedestrian access and relegated parking.
<b>Character of Property:</b> Undeveloped, forested parcel	<b>Use of Surrounding Properties:</b> Fashion Square Mall to the north; BB&T to the south; 29 <sup>th</sup> Place Shopping Mall across Seminole Trail (US 29); and Courtyard by Marriot to the southeast
<b>Factors Favorable:</b> <ol style="list-style-type: none"> <li>1. The proposed Phase 1 use is permissible by right within the existing PDSC zoning district.</li> <li>2. The proposal would bring this portion of the existing PDSC zoning district into compliance with the requirements of Z.O. Section 8.5, which requires an approved Application Plan for Planned Development districts.</li> <li>3. The proposed development is consistent or partially consistent with multiple applicable Neighborhood Model Principles.</li> <li>4. The proposed development provides a 14' shared-use path along Seminole Trail (US 29)</li> </ol>	<b>Factors Unfavorable:</b> <ol style="list-style-type: none"> <li>1. The building height (1.5 stories) in the proposed project is inconsistent with the recommended “Flex” form standards in the Rio29 Small Area Plan (2-5 stories).</li> </ol>

<p>consistent with the Rio29 Small Area Plan “Through Corridor” street section and Future Conservation Network Plan.</p> <p>5. The rear portion of the site (which has a substantially higher elevation than the front portion along US-29 has more of a physical connection to the surrounding Fashion Square Mall property) is reserved for a second future phase of development. This phased development approach enables timely response to redevelopment of the Fashion Square Mall property and future construction of a new Avenue between US-29 and Hillsdale Drive.</p>	
<p><b>RECOMMENDATION:</b></p> <p>Staff recommends approval of ZMA201900014 “Commercial Development” with note revisions outlined in the staff report.</p>	

**STAFF PERSON:**  
**PLANNING COMMISSION:**  
**BOARD OF SUPERVISORS:**

Michaela Accardi, AICP, Senior Planner  
February 18, 2020  
To Be Determined

**PETITION:**

PROJECT: ZMA 201900014 "Commercial Development"

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL(S): 06100-00-00-134A0

LOCATION: East side of 1400 block of Seminole Trail (US 29), immediately south of Fashion Square Mall

PROPOSAL: Request for approval of an Application Plan for an undeveloped property within an existing Planned Development Shopping District (PDSC), to allow new commercial development to occur in two phases.

PETITION: The undeveloped 0.9-acre parcel is currently zoned PDSC, which allows for shopping centers, retail sales, and service uses, as well as residential uses by special use permit (15 units/acre). The proposed zoning would remain PDSC. Approval of an Application Plan is requested pursuant to Sections 8.5 and 33.15.A.2 to allow new commercial development to occur in two phases pursuant to Sections 25.2.1, 22.2.1, 23.2.1, and 24.2.1. No residential units are proposed at this time with this proposal.

ZONING: PDSC – Planned Development Shopping Center

OVERLAY DISTRICT(S): Entrance Corridor, Steep Slopes – Managed, and Airport Impact Area

PROFFERS: No

COMPREHENSIVE PLAN: Places 29 Master Plan; Rio29 Small Area Plan – "Flex" Character Area, which is an area intended to allow a flexibility of uses including residential, commercial, retail, office, institutional, and employment uses. It is intended to have buildings with heights of 2-5 stories, built close to the street with pedestrian access and relegated parking.

**CHARACTER OF THE AREA**

The subject property is an undeveloped, vegetated and forested 0.9-acre parcel located immediately to the south of Fashion Square Mall, with frontage along Seminole Trail (US 29). The adjacent area is the outer perimeter of a large surface parking lot and an internal travel way for Fashion Square Mall.

There is approximately 35 feet of elevation change from the back of the subject property to Seminole Trail (US 29). A block retaining wall is located on the southern boundary of the property adjacent to the existing commercial bank property.

**SPECIFICS OF THE PROPOSAL**

The property owner and applicant are requesting approval of a Zoning Map Amendment (ZMA) Application Plan for the subject property's portion of an existing Planned Development – Shopping Center (PDSC) zoning district. The proposal is not a request for the County to rezone the subject property or otherwise amend the zoning map. The subject property's existing zoning is PDSC and the proposed zoning is PDSC.

County approval of an Application Plan is a requirement of Zoning Ordinance (ZO) Section 8 ("Planned Development Districts – Generally"), Subsection 8.5.5.5 ("Site plan and subdivision plat requirements when there is no application plan."). Section 8, Subsection 8.5.5.5 requires Board of Supervisors (BOS) approval of a ZMA Application Plan prior to staff review or approval of a Site Plan in circumstances when an existing Planned Development zoning district was previously established by the BOS without an Application Plan showing the conceptual development of all portions of the overall Planned Development zoning district.

The proposal for ZMA201900014 shows the development of the subject parcel in two phases. The first phase utilizes 0.45 acres, along Seminole Trail (US 29), and proposes a one and a half-story retail structure with parking, landscaping and a 14' wide shared-use path. The second phase, in the rear portion of the parcel, behind and above a large retaining wall, is undetermined or undisclosed. It is identified as "Future Development" on the Application Plan. Phase 2 will be subject to a future ZMA application to amend the Application Plan.

The applicant's current intended use of the property is for a mattress store, which is classified as a furniture and home appliances (sales and service) retail use, consistent with PD-SC allowable uses.

### **APPLICANT'S JUSTIFICATION FOR THE REQUEST**

The Project Narrative highlights several potentially beneficial aspects of Phase 1 of the proposed Application Plan. Phase 1 (0.45 acres) preserves the remainder of the property for the opportunity to connect with redevelopment of future Fashion Square Mall properties. In addition, construction of additional floors above the first-floor commercial retail space is an option with Phase II development.

### **COMMUNITY MEETING**

The applicant conducted a Community Meeting for ZMA201900014 on Thursday, January 23<sup>rd</sup> at 6:00pm at the County Office Building on McIntire Road during the regularly scheduled Places29 Rio Community Advisory Committee meeting. Approximately 15 community members were in attendance. Topics of discussion involving members of the audience and a general summary of answers provided by members of the applicant team are included below:

- A. Questions about the topography of the site and how the proposed building relates to the bank next door.

*Applicants' answers: Phase 1 construction will be located at the same elevation as the bank located next door. The retaining wall will be 6-feet tall to address Architectural Review Board (ARB) concerns. This building will not have the same aesthetic as the Jeffersonian brick design of the bank next door. Over time the architecture along Route 29 has changed and the new ACME building is a good example of updated architecture that has been well received.*

- B. Questions and concerns about the conversion or transition of this development over time and its inconsistency with the Rio29 Small Area Plan.

*Applicants' answers: The design of the building's footers will allow for additional stories to be added to the building in the future and mixed-use development. Parking will not be located under the building, since there is a limit of 10 parking space according to the Zoning Ordinance. A parking deck is possible in the future with the potential to "tuck under" if additional height is added to the building.*

### **PLANNING AND ZONING HISTORY**

There are no prior Zoning Map Amendment applications or Special Use Permits associated with this property. The subject property was zoned Planned District Shopping Center (PDSC) with the adoption of the 1980 Zoning Ordinance.

### **COMPREHENSIVE PLAN**

The "subject property" for this proposal includes one parcel of record identified as Tax Map / Parcel #61-134A. The subject property is an undeveloped, forested 0.9-acre parcel in the Development Area, within an area subject to the recommendations contained in the Places29 Master Plan and the Rio/29

Small Area Plan. The current zoning is “Planned Development – Shopping Center” (PDSC) and is designated for “Flex” Future Place Types in the Rio/29 Small Area Plan.

**Character: Form & Site Design Standards – “Flex” Place Type**

The “Flex” Future Place Type is “intended to have the highest amount of flexibility in building form and use.” Buildings can have a range of heights and uses, but buildings should be designed to make pedestrians comfortable.

Staff’s analysis of this proposal’s consistency with the “Flex” place type is provided below:

	<b>Rio29 SAP Recommended Standards</b>	<b>Proposal</b>
<b>Height</b>	Buildings should be 2-5 stories tall. Internal buildings of fewer than 2 stories may be acceptable if they are not along street frontages or adjacent to public spaces/amenities.	<i>Form standard is not met.</i>
<b>Build-To/Setback</b>	Buildings should be setback 3-10 feet from the edge of right-of-way.	<i>Form standard is not met to accommodate ARB Design Guideline 32 “Landscaping along the frontage of Entrance Corridor Streets...”</i>  <i>Due to these constraints, it should not be considered a factor unfavorable.</i>
<b>Stepback</b>	Buildings along Boulevards should be stepped back above 4 stories or 50 feet.	<i>Form standard is not applicable.</i>
<b>Building Size &amp; Location</b>	The Flex areas may consist of a wide range of building types and sizes. Buildings with larger footprints should avoid large, uninterrupted walls along streets and should incorporate façade breaks to promote walkability.	<i>Form standard is met and will be refined further through ARB review process.</i>
<b>Parking</b>	All parking should be relegated to the sides and behind the buildings and should be screened from streets and public parks/amenities.	<i>Form standard is met.</i>
<b>Block Size</b>	Blocks should be 300-400 feet in length.	<i>The existing block pattern is not substantially affected by this proposal. Form standard is generally met.</i>

**Connectivity:**

The Rio29 Small Area Plan envisions Rio29 as a multi-modal hub that has a connected network of complete streets, designed for all users. The Connectivity Plan shows a future street network and corresponding street typologies for existing and future Rio29 streets.

Seminole Trail (US 29) is designated as a Through Corridor. Though significant changes along this travel way may not be feasible, the Plan recommends a shared-use path along Route 29 to allow for the road to serve as a corridor for commuting bicyclists and pedestrians.

This proposal includes a 14-foot shared-use path and meets the Connectivity recommendations of the Rio29 Small Area Plan.

**Conservation:**

The Rio29 Small Area Plan envisions Rio29 as a place enhanced through conservation with a network of sustainable and usable public amenity spaces. The Future Conservation Network Plan shows a shared-use path along the subject property's frontage on Seminole Trail (US 29). Shared-use paths are intended to be multi-functional, serving as both recreational amenities and commuter routes to and through Rio29. This proposal meets the Conservation recommendations of the Rio29 Small Area Plan.

**The Neighborhood Model:** In 2001, the County adopted the Neighborhood Model (NM), which consists of twelve different recommended characteristics to guide the form of proposed development projects within the Development Areas. Staff's analysis of applicable principles of the Neighborhood Model is provided below.

<b>Pedestrian Orientation</b>	The proposal includes a 14' wide shared-use path along Seminole Trail (US 29). <i>Principle is met.</i>
<b>Mixture of Uses</b>	The proposal includes two phases. The first phase is for retail commercial use. The second phase and future use is currently undetermined or undisclosed. The possibility exists for a future mix of uses on this small parcel. Staff acknowledges that this proposal is for one small portion of a larger Planned Development – Shopping Center (PDSC) zoning district, which is intended “to permit the development of neighborhood, community and regional shopping centers” and provide “a broad range of commercial and service facilities.” <i>Principle can potentially be met on this parcel in Phase II. Due to larger surrounding context, principle is partially applicable.</i>
<b>Neighborhood Centers</b>	Due to its size and location, the subject property on the edge of the Rio/29 Small Area Plan area is not likely to play a central or primary role in the establishment of a new neighborhood center. However, adjacent retail commercial uses can support the functionality and vitality of nearby neighborhood centers, which are expected to contain a mixture of uses and a higher concentration of amenities. <i>Principle is not applicable.</i>
<b>Mixture of Housing Types &amp; Affordability</b>	<i>Principle is not applicable.</i>
<b>Interconnected Streets and Transportation Networks</b>	The subject property's size and location of this parcel limits the ability to connect or construct interconnected streets. There is significant topography across the site and relative to adjoining properties. The proposal includes a shared entrance on US-29. Phase 2 of this proposal should be oriented towards the internal street network recommended in the Rio29 Small Area Plan. This would provide a new street connection between US-29 and Hillsdale Drive.  <i>Principle is not met in Phase 1 and is not directly applicable. Staff recommends this principle be met in Phase 2.</i>
<b>Multimodal Transportation Opportunities</b>	The proposal includes a 14' wide shared-use path along US 29 / Seminole Trail, which will support pedestrian and bicycle mobility and improve access to nearby transit stops.

	<i>Principle is met.</i>
<b>Respecting Terrain and Careful Grading and Re-grading of Terrain</b>	<p>The subject property includes approximately 35' of elevation change, with the property sloping up and away from US-29. Some portions of the site have a more natural physical relationship with US-29, while other portions of the site have a more natural physical relationship with the adjoining properties uphill (including Fashion Square Mall). The parcel includes Managed Steep Slopes.</p> <p>Due to these conditions, development of this property would require extensive grading and the use of retaining walls. Because this property contains Managed Steep Slopes Overlay areas and is also within the Entrance Corridor Overlay District, the necessary retaining walls would be required by Ordinance to comply with the design standards contained in ZO Section 30.7.5.</p> <p><i>Principle is generally not met.</i></p>
<b>Parks, Recreational Amenities, Open Space</b>	<p>The proposal includes a 14' wide shared-use path along Seminole Trail (US 29). This is shared-use path is intended to be multi-functional, serving as both a recreational amenity and a commuter route to and through Rio29. It is not clear if any such amenities or open space would be provided in Phase 2 of the proposed development.</p> <p><i>Principle is generally met.</i></p>
<b>Human Scale</b>	<p>No architectural elevations or other details were provided with this ZMA application. An ARB application for this subject property has been submitted to Community Development for review.</p> <p><i>Evaluation pending.</i></p>
<b>Relegated Parking</b>	<p>Phase 1 of the proposal includes parking areas located generally to the side and rear of the proposed primary structure, which complies with the minimum and maximum front setback requirements. Much of the area between the primary structure and the public right of way would consist of a 14' wide shared-use path and landscaping.</p> <p><i>Principle is met.</i></p>
<b>Redevelopment</b>	<i>Principle is generally not applicable.</i>
<b>Clear Boundaries with the Rural Area</b>	<i>Principle is not applicable.</i>

The parcel characteristics of the subject property (TMP #61-134A), including its size, location and surrounding context, have been taken into careful consideration by staff when evaluating the appropriateness of this Application Plan relative to the recommendations in the Comprehensive Plan, the Places29 Master Plan and the Rio29 Small Area Plan.

The subject property adjoins a large surface parking lot and an internal travel way for Fashion Square Mall. It is a small parcel (0.9 acres) and there is not existing urban context for this proposal to respond and/or relate to, such as an internal street network. It can be anticipated that the adjoining Fashion Square Mall will redevelop in the future.

Given the “pre-redevelopment” status of the adjacent Rio29 area, the location and size of this subject property and a phased approach that does not inhibit redevelopment consistent with the Rio29 Small Area Plan, staff believes the proposed development as shown on the ZMA Application Plan is generally acceptable.

The development of TMP #61-134A can occur prior to the redevelopment of Rio29, without restricting, confining or otherwise negatively impacting development consistent with the Rio29 Small Area Plan.

Staff strongly recommends that Phase 2 of the proposed development have a stronger physical and operational relationship with the infrastructure, development and mixture of uses recommended for adjacent areas in the Rio29 Small Area Plan.

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

As specified in Zoning Ordinance Section 25.1, Planned Development – Shopping Centers (PDSC) permit development of neighborhood, community and regional shopping centers in accordance with standards set forth in the Comprehensive Plan. It is intended to encourage planned commercial centers with carefully organized buildings, service areas, parking areas and landscaped areas.

ZMA201900014 is not a request for the County to rezone the subject property or otherwise amend the zoning map. The subject property is already zoned PDSC and this application is for County approval of the proposed Application Plan.

The Application Plan shows a phased development approach. Phase 1 (0.45 acres) consists of a one and a half story retail commercial structure with relegated (side and rear) parking, landscaping and a 14’ wide shared-use path.

Phase 2 is undetermined or undisclosed, identified as “Future Development” on the Application Plan. Phase 2 development will be subject to a future Zoning Map Amendment to amend the Application Plan.

Staff finds that the proposed Application Plan for Phase 1 is consistent with the intent of the PDSC zoning district.

***Anticipated impact on public facilities and services:***

Streets:

Staff does not anticipate a significant traffic impact on the nearby street network with this application. The proposed commercial retail store is anticipated to generate an average of 19 trips per day (ADT). The improvements proposed with this application will help to improve cyclist and pedestrian connectivity in the Rio29 area.

Schools:

The proposal includes no dwelling units and therefore would create no impacts to, and require no services from, Albemarle County Public Schools.

Fire & Rescue:

This project is located near the Seminole Trail Fire Station and Berkmar Rescue Squad Station. Fire & Rescue has not expressed any concerns with, or objections to, this proposal.



#### Utilities:

This project is in the ACSA water and sewer service jurisdictional area and both services are available. Neither ACSA, nor RWSA, has not expressed any concerns with, or objections to, this proposal.

#### ***Anticipated impact on environmental, cultural and historic resources:***

There are no known cultural or historic resources being impacted through this proposal. The proposed project involves the demolition, disturbance and development of one of the only undeveloped forested parcels in the Rio29 area. The subject property includes approximately 35' of elevation change, with the property sloping up and away from Seminole Trail (US 29). The parcel includes some Managed Steep Slopes. Due to these conditions, development of the subject property would require extensive grading and the use of retaining walls.

#### ***Anticipated impact on nearby and surrounding properties:***

Use of the property as proposed is not anticipated to have significant impacts on adjacent properties. The shared use path proposed along the Seminole Trail (US 29) should provide a benefit to nearby and surrounding properties.

#### ***Public need and justification for the change:***

The Project Narrative acknowledges that the one and a half story, retail building in Phase 1 is not entirely consistent with the Rio29 Small Area Plan. However, the reservation of the remaining portion of the property allows it to be redeveloped as part of adjoining Fashion Square Mall properties. Reserving the remaining portion of the site can provide space for construction of an Avenue shown on the Rio29 SAP's Future Connectivity Plan. Additionally, building construction of the proposed one and a half story building will provide for additional height to be added in the future.

The proposed application provides a 14' foot shared-use path that improves pedestrian and cyclist connectivity in the greater Rio29 area, with landscaping and relegated parking. These site design elements are consistent with the Rio29 SAP.

#### **PROFFERS**

There are no proffers associated with this proposal.

#### **SUMMARY**

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

1. The proposed Phase 1 use is permissible by right within the existing PDSC zoning district.
2. The proposal would bring this portion of the existing PDSC zoning district into compliance with the requirements of Z.O. Section 8.5, which requires an approved Application Plan for Planned Development districts.
3. The proposed development is consistent or partially consistent with multiple applicable Neighborhood Model Principles.
4. The proposed development provides a 14' shared-use path along Seminole Trail (US 29) consistent with the Rio29 Small Area Plan "Through Corridor" street section and Future Conservation Network Plan.
5. The rear portion of the site (which has a substantially higher elevation than the front portion along US-29 has more of a physical connection to the surrounding Fashion Square Mall property) is reserved for a second future phase of development. This phased development approach enables timely response to redevelopment of the Fashion Square Mall property and future construction of a new Avenue between US-29 and Hillsdale Drive.

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

1. The building height (1.5 stories) in the proposed project is inconsistent with the recommended “Flex” form standards in the Rio29 Small Area Plan (2-5 stories).

Staff recommends the addition of a note on the Application Plan indicating that the proposed Phase 1 building be constructed to support multiple stories. Staff also recommends the removal of Entrance Corridor Notes and Requirements “1. *The proposed landscaping on the Application Plan is proposed to compensate for the negative visual impact of the proposed use from the Entrance Corridor*” from the Application Plan. This will be addressed through the pending ARB application.

### **RECOMMENDATION**

Staff recommends approval of ZMA201900014 “Commercial Development”, with the note revisions below:

1. Addition of a note on the Application Plan indicating that the proposed Phase 1 building be constructed to support multiple stories, and
2. Remove Entrance Corridor Notes and Requirements “1. *The proposed landscaping on the Application Plan is proposed to compensate for the negative visual impact of the proposed use from the Entrance Corridor*” from the Application Plan.

### **PLANNING COMMISSION POSSIBLE MOTIONS – ZMA201700010:**

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

**Move to recommend approval of ZMA201900014, Commercial Development with the note revisions outlined in the staff report.**

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

**Move to recommend denial of ZMA201900014, Commercial Development** (state reasons for denial).

### **ATTACHMENTS:**

- A – Location Map
- B – ZMA Application Plan (*dated November 18, 2019*)
- C – Project Proposal Excerpt (*dated November 18, 2019*)
- D – Rio29 Small Area Plan Excerpt