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1. INTRODUCTION

1.1 Project Narrative

The applicant is seeking a zoning map amendment request to rezone the existing commercial property, located along the southern property line of the Fashion Square mall, from a Planned District Shopping Center (PD-SC) zoning to the same PD-SC zoning with an Application Plan. This ZMA is necessary for any proposed development on the property, even though the proposed use of the property is not changing with the rezoning request. The subject parcel is TMP06100-00-00-134A0 and is a total of 0.908 acres. The property is located along Route 29 between the existing BB&T bank building and the southern entrance to the Fashion Square Mall.

The intent of the rezoning is to provide an application plan for the commercial property with design guidelines for the development of the site in accordance with Albemarle County Zoning Regulations, Comprehensive Plan, and Rio29 Small Area Plan, while allowing for flexibility and creativity in the overall development of the property and future phases of development.

The applicant’s current intended use of the property is for a commercial retail building along Route 29 for a mattress store, which is classified as a furniture and home appliances (sales and service) retail use, consistent with PD-SC allowable uses. This proposed commercial retail building for the mattress store shall utilize a phase I

area on the property of approximately 0.45 acres, as shown on the attached application plan. The remainder of the site shall remain undeveloped as a future Phase II development area.

The rezoning of the subject property will create a commercial retail store that will provide a retail service for the public community along with employment opportunities for residents in the community.

1.2 Consistency with the Comprehensive Plan & Rio29 Small Area Plan

The Places29 Master Plan is a master plan that was approved and adopted by the Albemarle Board of Supervisors to become a part of the Comprehensive Plan for the Northern portion of the Growth Area of the County. Within the Places29 Master Plan, guiding principles are given for the development of the properties within this Northern Growth Area. In addition, a small area plan, Rio29 Small Area Plan, was recently completed to guide the redevelopment of this central hub location within the Places29 Master Plan. The Rio29 Small area plan emphasizes on (3) vision elements, which are connectivity, character in design, and conservation of community public spaces and natural resources.

This property is located along the southern boundary of the small area plan, adjacent to the Fashion Square Mall. This property extends into the Fashion square mall (as shown on the overall context map), making it an important part of the overall redevelopment of the Fashion Square Mall. The timing of the redevelopment of the mall properties is still an unknown; therefore, this zoning application is proposed to allow a current retail store along Route 29, while still preserving the remainder of the property (as a Phase II development area) to tie-in with the future redevelopment of the Fashion Square Mall. In addition, the construction of a building on the site, as proposed with the current Phase I development, will not preclude a future development of the Phase I area. Construction of additional floors over the 1st floor commercial retail space is an option with the Phase II development. This future construction and development of the property would connect with the future improvements on the mall properties.

While it is acknowledged that the current proposed 1 ½ story retail building in Phase I of the application is not consistent with the Rio29 small area the plan, the reservation of the remaining portion of the property for future development is consistent with the Rio29 small area plan. The ultimate development of this property, which is less than 1 acre) needs to be part of the entire redevelopment of the Fashion Square mall. In addition, as shown in the Comprehensive Plan, an Avenue is planned to be constructed along the northern boundary line of the property as part of the Rio29 small area plan. Reserving the remaining portion of the site will allow the necessary room for the construction of this avenue when the Fashion Square Mall is redeveloped. Along with the redevelopment of the mall properties, a Phase II development can be designed and constructed on the property that will be consistent with the comprehensive plan and the Rio29 small area plan. The Phase II development, as shown in this application plan, can tie-in to the future development improvements on the Fashion Square Mall property, and also be constructed over the existing retail space that is part of the Phase I project area. The Phase II development may also be constructed in conjunction with the new Avenue through the mall properties, fronting the proposed uses on this connector road, activating the streetscape of the roadway. That is not possible at this time, as the current roadway is a private access travelway serving the current uses at Fashion Square Mall.

It is the applicant’s commitment to build a retail building as part of Phase I of the project, but to reserve area as part of a Phase II development that will be consistent with the Rio29 Small Area Plan and will tie-in with the future redevelopment of the Fashion Square Mall properties.

1.3 Existing Conditions

The subjection property, as shown in Figure 3 on this page, is located within the Northern Growth Area of Albemarle County and within the recently adopted Rio29 Small Area Plan. The parcel is 0.908 acres in size and is located adjacent to the southern boundary of the Fashion Square Mall. The front of the parcel is located along Route 29 while the back half of the site extends into the parking areas of the mall.

The current zoning of the parcel is Planned District – Shopping Center (PD-SC), and the allowable uses on the site are those uses allowed within the Commercial (C-1), Commercial Office (CO), and Highway Commercial (HC) zoning districts, as noted in the Albemarle County Zoning Ordinance. Under this zoning, commercial retail and offices can be developed by-right on the property.

The topography of the subject property is primarily sloped terrain from the back of the property down to Route 29. There is approximately 35 feet of elevation change from the back of the site to Route 29. The property is primarily wooded with trees and vegetation consisting of the majority of the site. A block retaining wall is located on the southern boundary of the property adjacent to the existing commercial bank property. Fashion Square Mall is located to the north and east of the property and commercial retail is located across Route 29, west of the property.

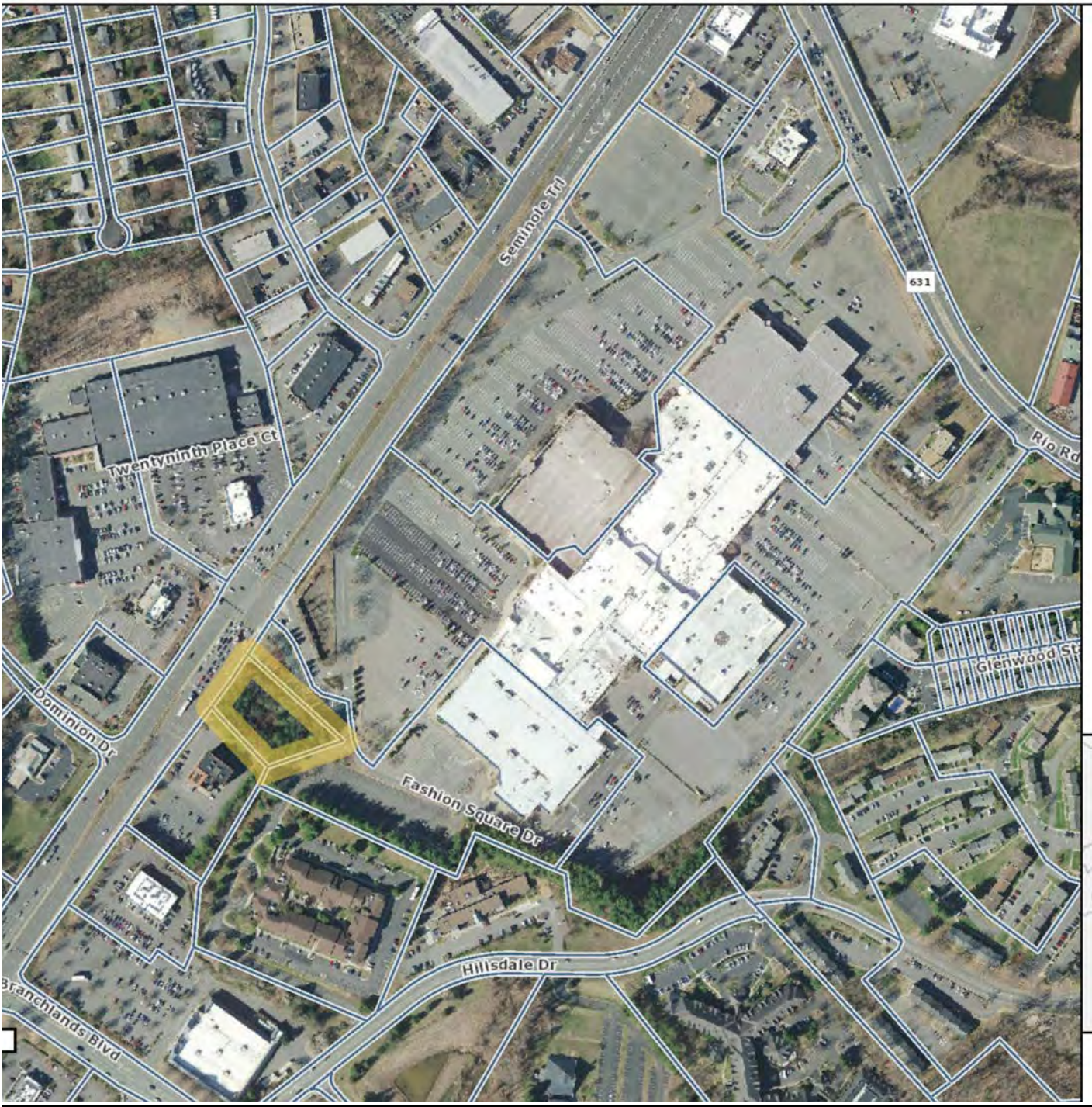


Figure 3: Overall Context Map

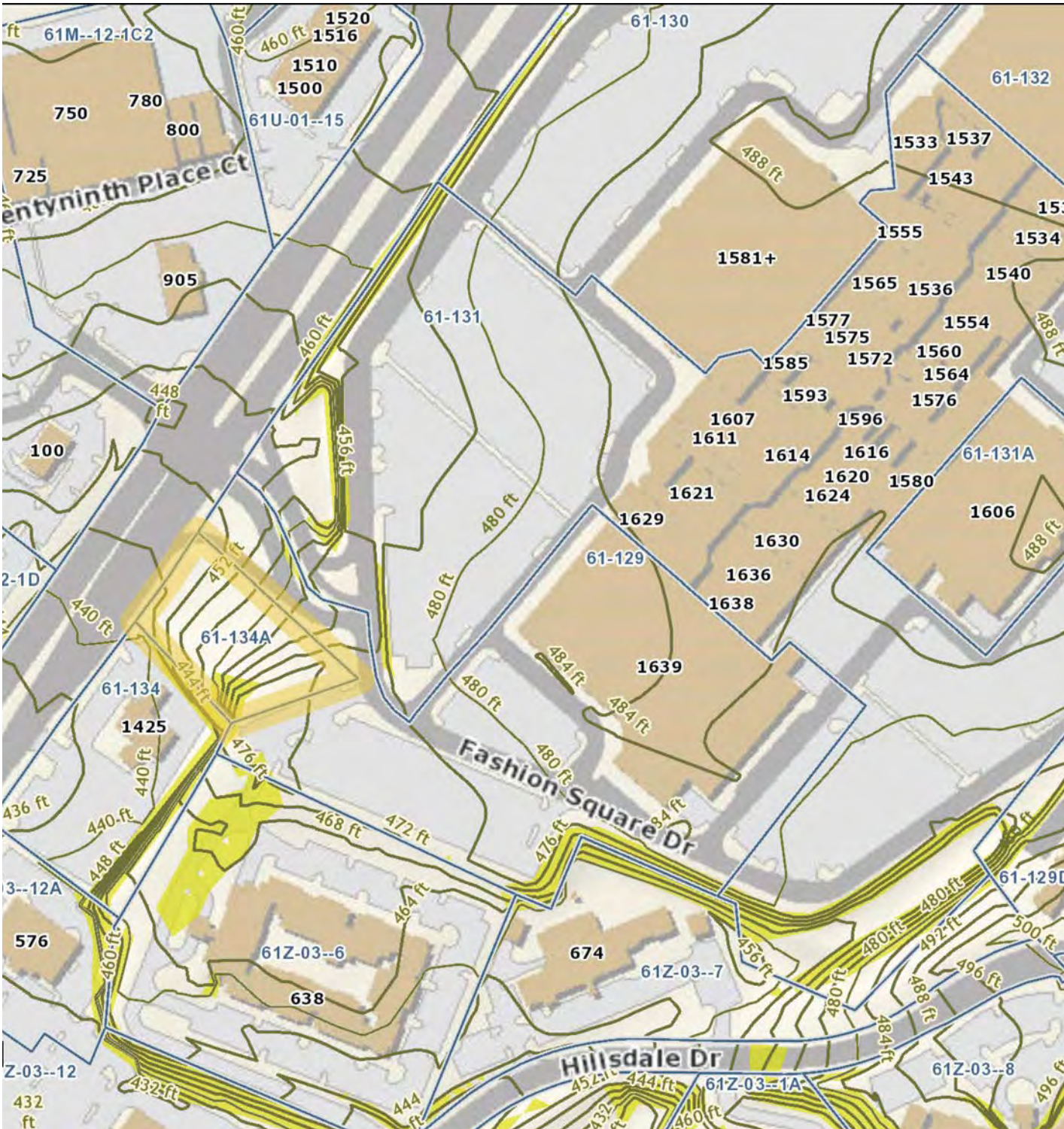
1.4 Development Impacts

As stated above, this property is located within the Albemarle County growth area and is part of the Rio29 Small Area plan. The property is also located within the jurisdictional area for County water and sewer service, and has existing water and sewer utilities that service the property. The existing water and sanitary sewer utilities are adequately sized to accommodate the proposed development.

As part of the future development, area has been reserved on the application plan for the future improvements as specified in the Rio29 Small Area plan. Specifically, area has been reserved for the shared use pathway along Route 29, and the area adjacent to the Fashion Square Mall has been included as part of the future development area for the construction of the future avenue with the redevelopment of the mall properties.

1.5 Environmental Impacts

There are no major environmental impacts with the development of the property. Managed slopes do exist on the rear of the site and along the southern property line. These slopes will be minimally impacted with the access to the site for Phase I. Phase II may have some additional impacts to the managed slopes. There are no stream buffers or floodplain areas on the site, and no other critical environmental features. Figure 4 illustrates the Albemarle County Critical Resource Map in this area with the subject property highlighted on the map.



2. DESIGN ELEMENTS

2.1 Application Plan

The Application Plan for the property lays out the framework for the development of the project, while incorporating the flexibility necessary to adapt to the redevelopment of the Fashion Square Mall. The Application plan illustrates the building envelope, parking envelope, landscaping area, shared pathway, and area reserved for future development for the project. The plan illustrates the proposed access to the site and how the site interacts with the adjacent properties for the Phase I development and the future development of Phase II.

2.2 Stormwater Management

All designs and engineering for the development of the property shall adhere to the State Stormwater Management regulations and Albemarle County Water Protection Ordinance. The site will accommodate the stormwater management with an underground detention facility to handle the water quantity and will purchase nutrient credits for the water quality requirements. In addition, rain gardens, water quality swales and other stormwater management features may be utilized to treat the run-off from the roof drains and the parking lot before the run-off is released into the underground detention facility and existing storm sewer system along Route 29.

Protective measures for erosion and sediment control shall be installed to limit any sediment run-off from reaching Route 29 during the construction phases. Additional measures may include, but not be limited to, installation of silt fence with wiring backing, usage of filter socks and floc logs for protection measures, providing additional wet and dry storage area in basins below the disturbed areas, or installation of erosion control matting for all slopes with the use of tackifiers in seeding and soil stabilization applications.

2.3 Grading

Grading of the site shall adhere to the existing topography on the property. Construction the buildings will take into the account elevation changes across the property. The future development will utilize underground parking and multi-level construction to account for grade separations. A retaining wall shall also be installed between the Phase I development and future Phase II development to limit the amount of disturbance with Phase I. The maximum height of the retaining wall shall be six (6) feet.

2.4 Transportation

In accordance with Albemarle County's Rio29 Small Area Plan, this site has reserved an area for the future shared use pathway along Route 29. The existing sidewalk shall remain in place, but with the future development of the site, the sidewalk shall be removed and the shared use pathway shall be installed along Route 29. In addition, area has been reserved for the improvements along the northern property line for the construction of the future avenue with the redevelopment of Fashion Square Mall. The shared use pathway will be installed in conjunction with the shared use pathway across the Fashion Square Mall.

2.5 Parking

Parking shall be provided in accordance with Section 18.4.12 of the Albemarle County Code. Parking lot designs shall include screening from Route 29 and the future avenue by buildings, landscaping, walls, fences, or a combination of various practices. Screening may include landscaping screening, shrubbery,

fencing, decorative walls, or other vegetative screening alternatives. All tree canopy landscaping requirements within the parking areas shall conform to the landscaping standards as specified in the Albemarle County Zoning Ordinance Section 32.7.9.

2.6 Spatial Enclosure/Building Heights

The proposed building height of the Phase I building is 1 ½ stories with a minimum height of 20' and maximum height of 35'. This building height is consistent with other retail stores along Route 29. The future development area of the site will adhere to the building heights of the Flex area within the Comprehensive plan and the zoning requirements.

2.7 Phasing

The application plan illustrates the proposed Phase I development plan and the area to be preserved for Future Development (Phase II). Phase I includes the construction of the 1 ½ story retail building along Route 29 on approximately 0.45 acres. The remaining property is being reserved for future development. This area will be developed in conjunction with the redevelopment of Fashion Square Mall. In addition, land area has been reserved for the future transportation improvements, including the proposed Avenue along the northern property line and the shared use path along Route 29.

2.8 Landscaping

All landscaping shall conform to the landscaping standards as specified in the Albemarle County Zoning Ordinance Section 32.7.9. Street trees and landscaping will be provided along Route 29 with the proposed Phase I development, in planting strips, as shown on the application plan. The street trees shall be in accordance with the approved VDOT street trees as outlined in the VDOT design manual and regulations. Spacing of street trees shall be planted in accordance with Section 32.7.9 of the Albemarle County Code for Landscaping and Screening requirements. Street trees along the public streets shall be subject to the approval of the Albemarle County Architectural Review Board and shall meet the requirements outlined in the Architectural Review Board Design Guidelines. All other landscaping shall be subject to Section 32.7.9 of the Albemarle County Code for landscaping and screening requirements.