

Attachment I – ZMA201900015 Child Development Center

Comparison of Concerns Raised by the Planning Commission and Staff and Proposed Proffers

A summary of overarching topics of concern and questions raised by the Planning Commission and staff during the Planning Commission meeting on February 4, 2020 are provided below:

Overarching concerns highlighted by staff included:

- **Uses.** The uses, or combination of uses, that would be permitted by the rezoning as well as their potential size, scale, and intensity, were found by staff to be inconsistent and/or too intense for what the Pantops Master Plan identifies as a Neighborhood Service Center. Neighborhood Service Centers are described by the Master Plan as small, pedestrian-scale, mixed use activity centers that provide services and support to nearby residential neighborhoods.
- **Setbacks.** As the property exists now, one (1) of the structures does not meet the setbacks of the current zoning district. If the rezoning were approved, none of the existing structures would meet the setback requirements of the proposed commercial zoning district.
- **Floodplain.** A large portion of the site lies within the floodplain. As such, development in these areas is limited. Staff was concerned that the proposal shows development in the floodplain, which is inconsistent with the Pantops Master Plan, and in some cases, would not be possible without an amendment to the floodplain map (see Attachment A3). Amending the floodplain map would require review and approval by FEMA.
- **Parks & Green Systems Land Use.** The Pantops Master Plan identifies areas within the floodplain as important preservation areas. Staff was concerned that while the development of structures is prohibited in the floodplain by the zoning ordinance, this rezoning would allow commercial parking areas to be placed in the floodplain, which is inconsistent with the community's vision for future development in this area, as described in the Master Plan.
- **Traffic.** Traffic implications of potential uses on the site, outside of a child day center use, were not provided in the materials submitted by the applicant. However, traffic was a noted concern of community members and staff.

Additional concerns noted by the Commission included:

- **Timing.** Commissioners were sympathetic to the applicant's time constraints but shared concerns that the rezoning proposal did not provide enough information to support thoughtful, comprehensive decision-making. As a result, Commissioners were concerned about recommending a project to the Board that was not ready to be considered, given the level of uncertainty surrounding several aspects that are typically considered in a rezoning process (see summary of staff concerns above).
- **Urban Density Residential Land Use.** Commissioners questioned whether this proposal was in alignment with the Urban Density Residential Land Use designation of the Pantops Master Plan as it was not providing a residential component. Staff responded that the lack of a residential component could be acceptable here, given the number of residential areas surrounding the property.
- **Project Phasing.** Commissioners asked about the potential for this rezoning to be phased, such that the immediate needs of the applicant could be satisfied more quickly.
- **Floodplain.** Commissioners were interested in understanding where a verified survey would locate the floodplain on the site, which existing buildings may be affected by its location, and the process/timing of any amendment to the floodplain map by FEMA.

A comparison of the concerns raised by the Commission and staff and the signed proffers, dated April 8, 2020, is provided below.

CONCERN/IMPACT	PROPOSED PROFFER	STAFF ASSESSMENT
<p>Urban Density Residential Land Use</p> <p>+</p> <p>Uses (type, scale, size, and intensity)</p>	<p>Proffer #1 Future Uses. The applicant is proposing to remove uses that are more typical of urban or non-residential areas from the by right uses allowed on the property (see Attachment H for a list of permitted and proffered uses and Attachment F for a justification of each retained use).</p> <p>Proffer #3 Maximum Building Footprint. The applicant is proposing a maximum building footprint of 8,000 square feet per structure.</p> <p>Proffer #4 Maximum Gross Square Footage. The applicant is proposing a maximum gross square footage of 20,000 square feet per structure.</p> <p>Proffer #5 Maximum Building Height. The applicant is proposing to limit the height of any building on the property to 45ft or three (3) stories, whichever is less.</p> <p>Proffer #8 Trip Generation. The applicant is proposing to establish maximum numbers of vehicular trips made to the site daily and at peak hours. Future site plans and zoning clearances will have to demonstrate that proposed developments do not exceed these maximums.</p>	<p><u>Proffer #1</u> Staff found that this proffer, in coordination with Proffers #3, #4, and #5, sufficiently satisfies concerns regarding the appropriateness of future commercial uses on the property.</p> <p><u>Proffer #3</u> Staff found this proffer aligns with the recommendations of the Pantops Master Plan.</p> <p><u>Proffer #4</u> Staff found this proffer reflects the recommendations of the Pantops Master Plan.</p> <p><u>Proffer #5</u> Staff found this proffer aligns with the recommendations of the Pantops Master Plan. Additionally, staff found that this proffer is comparable to the approved Code of Development for the Riverside Village Shops, located across the street, which limits the height of shop buildings to a maximum of 45ft and 2-3 stories.</p> <p><u>Proffer #8</u> Staff found that this proffer is an effective and significant mechanism for limiting the intensity of any use or combination of uses that may be located on the property.</p> <p>SUMMARY Overall, staff found that the combination of Proffers #1, #3, #4, #5, and #8 work together to align the proposal with the use, size, scale, and intensity recommendations of the Pantops Master Plan and sufficiently satisfies PC and staff concerns.</p>
<p>Setbacks</p>	<p>Proffer #2 Commercial Setback. The applicant is proposing future commercial development conform to the setback requirements of the zoning ordinance, while existing structures, or any improvements or additions to existing structures, be allowed to remain in place.</p>	<p><u>Proffer #2</u> Staff found that this proffer satisfies staff concerns that future development and improvements on the property will align with the requirements of the zoning code.</p> <p>SUMMARY</p>

		<p>Staff have concerns that setback reductions requested by the applicant for existing buildings - being 3.2ft, 3.6ft, 10.5ft, etc. - are not aligned with the zoning ordinance – which requires setbacks of 20ft and 50ft in these locations - and are not being mitigated by other elements of the rezoning proposal. However, staff have found that development of this property will be subject to other provisions of the ordinance which will help provide a mitigating buffer between the applicant's proposed redevelopment and neighboring residential uses. Therefore, staff believes the ordinance requirements for a buffer will mitigate this concern.</p>
<p>Parks & Green Systems Land Use</p> <p>+</p> <p>Floodplain</p>	<p>Proffer #7 Vegetative Buffer. The applicant is proposing to establish and maintain a 30ft vegetative buffer along the southern property boundary, which lies adjacent to a stream to help mitigate the impacts of the parking area.</p>	<p><u>Proffer #7</u> If the parking location proposed by the applicant is acceptable to the Board, this proffer will work to mitigate potential detriment that may be caused by having parking located in the floodplain.</p> <p>SUMMARY There continues to be a conflict between the existing parking area within the floodplain and the recommendations of the Pantops Master Plan regarding Parks & Green Systems land uses, as well as what is permitted under the ordinance. The Master Plan's designated Parks & Green System land use identifies and recommends protection of sensitive environmental features, which, on this parcel is the floodplain. Neither the Zoning Ordinance or the Water Protection Ordinance specifically prohibits parking within the floodplain, which is a conflict between our ordinance and the recommendations of the Master Plan to protect sensitive environmental resources, as well as our goals under the Climate Action Plan. However, the proffered buffer will help lessen the impact of the parking within the buffer.</p> <p>In conclusion, while the proposed parking area is existing, would be permitted in a by-right scenario, and the applicant has proposed a buffer, staff believes that this location is not appropriate to continue as an area for a future, formalized parking lot serving</p>

		commercial uses which is in conflict with the Master Plan recommendations.
Traffic	<p>Proffer #8 Trip Generation. The applicant is proposing to establish maximum numbers of vehicular trips made to the site daily and at peak hours. Future site plans and zoning clearances will have to demonstrate that proposed developments do not exceed these maximums.</p> <p>Proffer #9 Child Day Centers Use. The applicant is committing to the construction of transportation improvements along Route 20, before enrollment of the child day center exceeds 100 children.</p>	<p><u>Proffer #8</u> By establishing maximum daily and peak hour vehicular trips to and from the site, staff found that this proffer addresses concerns regarding future traffic generated by the site.</p> <p><u>Proffer #9</u> This proffer was found to satisfy VDOT's concerns regarding necessary transportation infrastructure improvements should the child day center use's enrollment exceed 100 students. The proffer also provides the applicant some flexibility regarding the timing of the transportation improvement.</p> <p>SUMMARY Staff found that the combination of Proffers #8 and #9 sufficiently satisfies PC and staff concerns.</p>
Project Phasing	-	The applicant has not submitted materials regarding project phasing. In addition, staff believes that the amendments to the proffers satisfies the overall concerns of the proposal regarding timing, and therefore does not believe phasing is needed.