

**COUNTY OF ALBEMARLE
PLANNING STAFF REPORT SUMMARY**

Project Name: CCP2018-04 Rivers' Edge	Staff: Rachel Falkenstein, Principal Planner
Planning Commission Work Session: October 16, 2018	Board of Supervisors Public Hearing: N/A
Owners: Incheon Holdings LLC, Rivers Edge Holding LLC, Rivers Edge Associates LLC	Applicant: Shimp Engineering
TMP: 032000000005A0, 032000000005A1; 032000000022K1 Location: 2256 Rivers Edge Lane	Acreage: approximately 37.74 acres
Zoning District: RA, Rural Areas	Magisterial District: Rivanna
Proposal: Work session to obtain direction and interpretation of the Places29 Master Plan for the proposed development of the parcels for residential (145 units proposed) and commercial/office uses.	Comp. Plan Designation: Urban Density Residential – residential (6.01 – 34 units/ acre) with supporting uses such as religious institutions, schools, commercial, office and service uses; Neighborhood Density Residential – residential (3 – 6 units/acre) with supporting uses such as religious institutions, schools and other small-scale non-residential uses; and Privately Owned Open Space/Environmental Features – privately owned recreational amenities and open space; floodplains, steep slopes, wetlands, and other environmental features.
DA (Development Area): Places29-North	Use of Surrounding Properties: NGIC and other commercial uses to the north, future North Pointe development to the south, UVA Research Park property to the west (across Rt 29), Rural Areas to the east.
<p>RECOMMENDATION:</p> <p><u>Question 1:</u> Staff is of the opinion that transferring the density from TMP 32-22K1 to TMP 32-5A is not appropriate.</p> <p><u>Question 2:</u> Staff does not believe that NMD is an appropriate zoning district for the proposed development and recommends that the development of the property as proposed be considered with separate rezoning applications.</p> <p><u>Question 3:</u> Staff agrees that the listed commercial uses could be appropriate on TMP 32-22K1 as secondary uses, with the appropriate design and scale.</p> <p><u>Question 4:</u> Staff recommends that more accurate GIS-data should be used to calculate the net density of the site.</p>	

STAFF PERSON:
PLANNING COMMISSION WORK SESSION:

Rachel Falkenstein
October 16, 2018

Background and Purpose of the Review

The pre-application process is for proposed development projects, typically a Zoning Map Amendment or Special Use Permit. The purpose of the process is to gather input from the Planning Commission on the proposed project's consistency with the Comprehensive Plan, the appropriateness of the proposed use and/or to determine other major issues with the project that need to be addressed. The action of the Planning Commission is non-binding but is meant to help an applicant know whether a project is worth pursuing further. This pre-application work session is for a potential rezoning proposal. Specifics about the property and proposal are provided below.

Characteristics of the Site & Area

The property consists of three parcels located in the Places29-North Development area on the east side of Route 29 (Attachment A). Two of the parcels (TMP32-5A1 and 32-5A) are bounded on three sides by the North Fork Rivanna River and a tributary stream called Flat Branch. There are 13 existing dwelling units on these parcels; seven are single family detached units and six are duplexes. These parcels have an existing entrance off of Route 29 and a shared driveway to access the residences.

The third parcel (TMP 32-22K1) is south of Flat Branch. This parcel is currently vacant and mostly wooded. Future access to this site will be provided through the development of North Pointe, directly south of the parcel.

All three parcels are currently zoned RA Rural Areas. The property contains critical resources including areas of Flood Hazard Overlay, Preserved Steep Slopes, and Water Protection Ordinance (WPO) buffers (Attachment B). The Places29 Master Plan designates TMPs 32-5A and 32-5A1 as Neighborhood Density Residential and TMP 32-22K1 as Urban Density Residential. All three parcels also have land designated Privately Owned Open Space/Environmental Features (Attachment C).

Specifics of the Proposal

The applicant is considering an Neighborhood Model District (NMD) zoning to allow for commercial/office uses on TMP 32-22K1 and multi-family residential on TMPs 32-5A and 32-5A1. The CCP application materials show an approximately 30,000 square foot office building on TMP 32-22K1 and 5 multi-family residential units for a total of 145 studio and one-bedroom apartments on TMP 32-5A1 (Attachment D). Access for TMP 32-5A1 is proposed through TMP 32-5A.

The applicant has included three questions with his application materials for the Planning Commission to consider for the proposal. Staff has added a fourth question for the Commission's consideration. The questions are listed below, followed by staff's interpretation of the Master Plan recommendations for each question.

Q1 (from the applicant) Would applying the density from an area designated urban density to an area designated residential density be found in compliance with the Comprehensive Plan if the plan were to be rezoned and developed as a master planned development.

Staffs revised question: Can density from TMP 32-22K1 (Urban Density Residential) be applied to TMP32-5A1 (Neighborhood Density Residential), considering the separation caused by the river and other environmental resources.

The Places29 Master Plan recommends a density of 6-34 units per acre for land designated as Urban Density Residential (orange color on map below) and 3-6 units per acre for land designated as Neighborhood Density Residential (yellow). The applicant is proposing to apply density from TMP 32-22K1, which is designated as Urban Density Residential to TMP 32-5A1, which is designated as Neighborhood Density residential.



Staff is of the opinion that the proposed transfer of density is not appropriate. TMP 32-22K1 and TMP 32-5A are separated by a river and tributary stream, stream buffers, preserved slopes, and a wide area of floodplain. The constraints created by these environmental features would preclude development on these parcels from being able to establish shared amenities, infrastructure, and interconnectivity, beyond a possible pedestrian connection between the two pieces.

In addition, TMP32-5A1 is mostly surrounded by the North Fork Rivanna River and a tributary stream. This limits opportunities to provide additional emergency access points. Allowing higher densities would increase the number of dwellings, which may be impact in a emergency situation. Due to the

physical separation, the distance between the properties, the inability to establish a relationship through shared facilities, and the inability to establish a second connection for emergency access, transferring density does not seem appropriate.

Q2 If the property were to be rezoned to Neighborhood Model District, would pedestrian connections connecting the portion of development adjacent to Rt 29 (TMP32-22K1) and the portion of the development further northeast (TMP 32-5A and 32-5A1) sufficiently satisfy connectivity and neighborhood model principles as identified in the Comprehensive Plan?

Staff's revised question: Would Neighborhood Model District (NMD) be an appropriate zoning district for the proposed development or should the applicant seek separate zoning designations for the proposed commercial and residential pieces?

The applicant has suggested NMD zoning for the three parcels and asks if pedestrian connectivity between the two would suffice as an interconnection. Staff has rephrased the question to ask if NMD would be the appropriate zoning or if the two pieces should be considered separately.

As mentioned above, the commercial and residential portions of the proposed development are physically separated by protected environmental features with nearly a quarter mile of constrained land between the two pieces. According to the Zoning Ordinance, "The NMD is intended to provide for compact, mixed use developments with an urban scale, massing, density, and an infrastructure configuration that integrates diversified uses within close proximity to each other," (Section 20A.1). The commercial and residential pieces of the proposed development are neither integrated nor compact. Beyond a possible pedestrian trail, the commercial and residential components of this proposal do not appear to have any relationship to one another or shared features. For these reasons, staff recommends that these two properties be considered with separate rezoning applications.

Likewise, any development on TMP 32-22K1 is more likely to relate to the property to the south, which is the proposed North Pointe development. Due to the location of the stream and floodplain, the future access for TMP 32-22K1 is through North Pointe. Because the two future developments would be in close proximity and have a shared road network, the design and development of TMP32-22K1 should be compatible with and relate to the adjacent North Pointe development.

Q3 Would neighborhood scale commercial use (i.e. veterinarian office, barber shop, yoga studio, etc.) in an area designated as urban density residential (specifically TMP 32-22K1) be found in compliance with the Comprehensive Plan?

The Places29 Master Plan recommends neighborhood retail/commercial service as secondary uses in Urban Density Residential. For reference, Places29 Master Plan defines secondary uses for Urban Density Residential as follows (P. 4-5):

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.

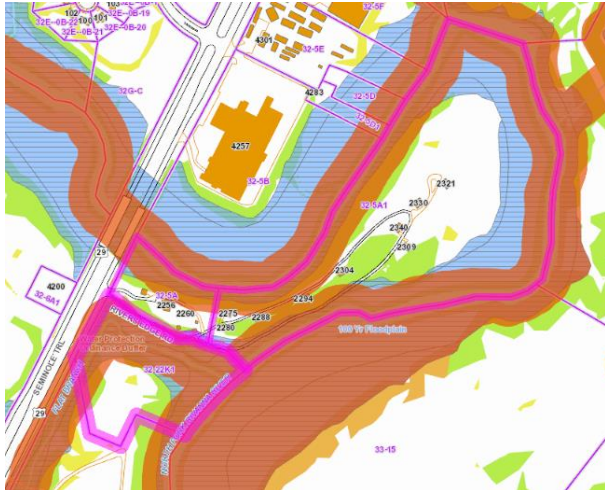
This area is not recommended/designated as a *Center* location on the Land Use Plan.

Staff agrees that the uses described by the applicant, with the proper scale, are consistent with the secondary uses recommended by the Master Plan. Uses for this site should not consist of highway/regional scale commercial uses.

Staff also agrees that these secondary uses could be appropriate on TMP 32-22K1, especially given its proximity to the residential portions of North Pointe. The proposed development could supplement the adjacent residential uses by providing neighborhood serving commercial uses. With the design of the site, staff would recommend the applicant consider the Neighborhood Model principles of pedestrian orientation, relegated parking, and buildings and spaces of human scale.

Q4 (Additional question from staff) What land should be available for development and calculating potential density? Is strict adherence to the area shown on the Master Plan as Open Space required or should the area available for development be calculated using more recent mapping technology that better depicts the environmental features (stream buffer, preserved slopes)?

When the Master Plan was adopted, the designation of Privately Owned Open Space/Environmental Features was intended to capture open space owned by HOAs or other private entities and environmental features such as floodplains, steep slopes, wetlands and other areas of environmental constraints where construction of buildings is discouraged. Since the Master Plan was adopted, the County has adopted the Steep Slopes Overlay district which designating preserved and managed slopes. Since that time staff has also completed more detailed and accurate mapping of the streams and their buffers. See graphics below for a comparison between the Master Plan and current GIS data.



Current GIS data: Water Protection Buffer (red), Floodplain (blue), and Preserved Slopes (green)



Places29 Master Plan: Privately Owned Open Space/Environmental Features (green)

As the side by side exhibits demonstrate, there are several environmental features including preserved slopes and stream buffers that were not designated as Privately Owned Open Space/Environmental Features at the time of the Places29 Master Plan adoption. With a previous rezoning proposal in Crozet, the Planning Commission determined that the current GIS data should be used in calculating the available density for a property (see Attachment E for PC Minutes). Staff would like to confirm that the same approach should be used to calculate density for these properties.

While staff is in agreement that the GIS should be used to calculate the net density of the site, it is important to note that there is a significant difference between potential buildout of the properties when comparing the two methods. When calculating density for TMP 32-5A and 32-5A1 using the Places29 boundaries, the site could accommodate approximately 88 units (assuming no transferring of density from TMP 32-22K1). When calculating density using the GIS data, the maximum buildout of the two parcels is approximately 55 units, for a difference of 33 units between the two methods.

While this may be an appropriate adjustment, considering the significant environmental constraints on the site, it should be balanced against other goals of the Comprehensive Plan, including affordable housing and Rural Area protection. Limiting the density on the site could result in fewer but more expensive units. Similarly, limiting Development Area density could accelerate pressure to expand the Development Area boundaries and could drive some residential growth to the Rural Areas.

Other Possible Issues:

In addition to questions relating to density and zoning, it is likely that with a more complete review of this project, staff and other reviewers could identify additional issues or considerations that were not part of the review for the CCP request. A few early observations are noted below, that will need additional scrutiny with future reviews on these properties:

1. Access to 32-5A1 appears to cross the WPO-buffer and areas of preserved slopes. The presence of these features could limit the ability of the site to be developed to a higher intensity, especially if upgrades to the existing driveway would be required.
2. As mentioned above, more scrutiny is needed to see how the development of TMP 32-22K1 would relate to the adjacent residential portion of North Pointe.
3. A full Neighborhood Model review should be completed with any future rezoning of the properties.

Summary:

Question 1: Staff is of the opinion that transferring the density from TMP 32-22K1 to TMP 32-5A is not appropriate.

Question 2: Staff does not believe that NMD is an appropriate zoning district for the proposed development and recommends that the development of the property as proposed be considered with separate rezoning applications.

Question 3: Staff agrees that the listed commercial uses could be appropriate on TMP 32-22K1 with the appropriate design and scale, serving as secondary uses to the adjacent North Pointe development.

Question 4: Staff recommends that the GIS-data should be used to calculate the net density of the site.

The Planning Commission is asked to affirm these conclusions or suggest alternative recommendations as guidance to help the applicant determine next steps and whether the project is worth pursuing further.

ATTACHMENTS

Attachment A: [Location Map](#)

Attachment B: [Critical Resources](#)

Attachment C: [Places29 Land Use Map](#)

Attachment D: [Application and materials](#)

Attachment E: [Adelaide minutes](#) (February 23, 2016)