

ALBEMARLE COUNTY
STAFF REPORT

Project Name: ZMA202000011 Premier Circle	Staff: Megan Nedostup, Development Process Manager
Planning Commission Hearing: December 15, 2020	Board of Supervisors Public Hearing: Tentative date February 21, 2021
Owner: Tiota LTD	Applicant: Williams Mullen, BRW Architects, and Timmons Group on behalf of Piedmont Housing Alliance, Virginia Supportive Housing, and Thomas Jefferson Area Coalition for the Homeless
Acreage: 3.75 acres	Rezone from: C-1 Commercial to Neighborhood Model District
TMP: 061M0-00-00-00600	Location: 405 Premier Circle, Charlottesville VA 22901. Located off of Route 29 approximately 600 feet south of the intersection of Branchlands Boulevard and Route 29.
School Districts: Woodbrook E.S., Jouett M.S., Albemarle H.S.	Current by-right use: Property is Zoned C-1 Commercial – retail sales and service; residential by special use permit (15 units/ acre)
Magisterial District: Rio	Proffers: No
Proposal: Rezone 3.748 acres from C-1 Commercial – retail sales and service; residential by special use permit (15 units/ acre) to NMD Neighborhood Model District – residential (3 – 34 units/acre) mixed with commercial, service and industrial uses. Between 80 and 140 dwelling units are proposed with a density between 22 units/acre and 38 units/acre. Non-residential uses are also proposed (no maximum square footage).	Requested # of Dwelling Units per ZMA: between 80 and 140 units
DA (Development Areas): Places29 Master Plan	Comp. Plan Designation: Primary designation is Office/R&D/Flex/Light Industrial – commercial, professional office; research and development, design, testing of prototypes; manufacturing, assembly, packaging; residential is a secondary use (no maximum density). Small portions of the property are also Neighborhood Density

	Residential – residential (3 – 6 units/acre) supporting uses such as religious institutions, schools and other small-scale non-residential uses and Urban Mixed Use (in Centers) – commercial and retail uses that are in Centers and residential (3 – 34 units/ acre). Located in the Urban Development Area in the Places29 Master Plan.
Affordable Housing Provided: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Affordable Housing AMI (%): The Code of Development requires that a minimum of 60 percent (60%) of the units within this development be affordable at or below 80 percent (80%) AMI.
Character of Property: Property is currently used as the Red Carpet Inn, which consists of four (4) buildings and parking areas. There is one existing entrance off of Premier Circle.	Use of Surrounding Properties: Adjacent and nearby properties to the east and west include a variety of commercial, retail, hotel, and office uses. Adjacent properties to the north are single-family residential (Berkley Subdivision). Directly to the south is Route 29.
Factors Favorable: <ol style="list-style-type: none"> 1. The rezoning is consistent with the majority of the applicable Neighborhood Model Principles. 2. The rezoning provides affordable housing that exceeds the housing policy within the Comprehensive Plan. 3. The rezoning request is consistent with the majority of the recommendations within the Places29 Master Plan and Comprehensive Plan. 	Factors Unfavorable: <ol style="list-style-type: none"> 1. Premier Circle is a private street and it is unknown if the current condition and maintenance of the street is adequate for the proposed rezoning. 2. There are not adequate pedestrian facilities to cross Route 29 to services for the residents of this development. 3. It is unknown if additional transportation improvements are needed for the development. 4. Changes are needed to the application plan and code of development as identified by staff in this report.
RECOMMENDATION: Zoning Map Amendment: Staff recommends approval with the following changes prior to the Board of Supervisors: <ol style="list-style-type: none"> 1. Transportation concerns identified in the additional information submitted by the applicant be addressed. 2. The Code of Development should be revised to include an amenity/playground for children. 3. Revise the notation on the application plan and in the Code of Development that the bench and shelter for the bus stop will be installed upon demand of the County. 4. The Code of Development should be revised to include a maximum square footage of non-residential uses. 	

Special Exception: Staff recommends approval of the special exception request to allow for one housing type under §18-20A.8(a).

STAFF PERSON: Megan Nedostup, AICP, Development Process Manager
PLANNING COMMISSION: December 15, 2020
BOARD OF SUPERVISORS: Tentative date February 17, 2021

PETITION:

PROJECT: ZMA202000011 – Premier Circle

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCELS: 061M0000000600

LOCATION: 405 Premier Circle, Charlottesville VA 22901. Located off of Route 29 approximately 600 feet south of the intersection of Branchlands Boulevard and Route 29.

PROPOSAL: Request to rezone the property from C-1 Commercial to NMD Neighborhood Model District to allow a mixed-use development with up to 140 dwelling units and commercial, retail, office, research and development, light manufacturing/storage/distribution, and institutional uses.

PETITION: Rezone 3.748 acres from C-1 Commercial – retail sales and service; residential by special use permit (15 units/ acre) to NMD Neighborhood Model District – residential (3 – 34 units/acre) mixed with commercial, service and industrial uses. Between 80 and 140 dwelling units are proposed with a density between 22 units/acre and 38 units/acre. Non-residential uses are also proposed (no maximum square footage).

ZONING: C-1 Commercial – retail sales and service; residential by special use permit (15 units/ acre)

OVERLAY DISTRICTS: Entrance Corridor, Airport Impact Area, Steep Slopes – Managed

COMPREHENSIVE PLAN: Primary designation is Office/R&D/Flex/Light Industrial – commercial, professional office; research and development, design, testing of prototypes; manufacturing, assembly, packaging; residential is a secondary use (no maximum density). Small portions of the property are also Neighborhood Density Residential – residential (3 – 6 units/acre) supporting uses such as religious institutions, schools and other small-scale non-residential uses and Urban Mixed Use (in Centers) – commercial and retail uses that are in Centers and residential (3 – 34 units/ acre). Located in the Urban Development Area in the Places29 Master Plan.

CHARACTER OF THE AREA

The property (Tax Map Parcel 61M-6) is currently used as the Red Carpet Inn (hotel). There are four buildings with 115 hotel rooms on the site and travelways and parking areas. There is some landscaping and buffer areas on the northern portion of the property. The property has frontage on both Route 29 and Premier Circle (private street). There is one existing entrance off of Premier Circle. There is a grass berm along the front of the property and a sidewalk along Route 29.

Properties to the east and west include a variety of commercial, retail, hotel, and office uses. All adjacent properties have been developed. To the north is the Berkley Subdivision with single-family detached houses. Route 29 is directly to the south.

SPECIFICS OF THE PROPOSAL

The applicant is requesting approval of a Zoning Map Amendment (ZMA) application to rezone the properties from C-1 Commercial to Neighborhood Model District (NMD). The application includes a

Code of Development and Application Plan for the site. The rezoning would allow for a variety of non-residential uses (no maximum overall square footage, however each use category has a maximum square footage) and between 80 and 140 dwelling units. The development proposed two Blocks: Block 1 is intended to be primarily non-residential uses and is adjacent to Route 29, while Block 2 is intended to be primarily residential uses. Additional descriptions of the Blocks are provided below.

Access to the site will be from two locations off of Premier Circle. Each Block will have access to Premier Circle. There is no direct access to Route 29. The applicant is also proposing a bus stop at Premier Circle and to extend the existing sidewalk from Route 29 along Premier Circle to the proposed bus stop location. Currently, the CAT bus system does not serve this site.

For properties designated office service in the Comprehensive Plan, the Neighborhood Model District requires 20 percent of the site to be greenspace and 10 percent of the site to be amenity space.

Proposed amenities and greenspace include:

- 2 – 4 Community gardens (~2,000 SF each)
- Courtyard and meditative garden (~2,200 SF)
- Central greenspace area and landscape area (~3,600 SF)
- Additional courtyards and landscaping

Page 3 of the Application Plan shows the boundaries for Blocks 1 and 2, Page 4 shows the proposed layout of the site, Page 6 shows the proposed amenity and greenspaces, and Page 7 shows the proposed phasing of the project. The phasing of the project would allow residents experiencing homelessness to stay in the existing Red Roof Inn buildings while the new housing on the site was being constructed. Due to COVID-19, there is a greater need for supportive housing organizations to provide individual rooms and spaces for residents, which would be feasible in the existing hotel buildings and once the new housing was completed.

The specific Blocks, per the Code of Development, are described as follows:

Block 1: This Block is intended to be primarily non-residential. It allows for a variety of uses, including retail, commercial, office, research and development, flex, light manufacturing/storage/distribution, warehousing/distribution, institutional, and multifamily dwelling units. Between 0 and 20 dwelling units are permitted. Non-residential use categories (e.g. 'flex') are described in the Places29 Master Plan Future Land Use chapter. Non-residential building footprints must be between 5,000 and 20,000 square feet. Total minimum and maximum square footage is determined by non-residential use category, and varies between 5,000 square feet and 40,000 square feet, consistent with the recommendations within the Places29 Master Plan. Residential uses are not permitted on the ground floor and the primary use in this block must be non-residential.

Block 2: This Block is intended to be primarily residential, although it may develop as a mixed-use block. It also allows for most of the same uses as Block 1, although light manufacturing/storage/distribution and institutional uses are by special use permit and warehousing/distribution is not permitted. Between 80 and 140 dwelling units are permitted. Non-residential building footprints must be between 0 and 10,000 square feet. A 20-foot minimum landscape buffer and a 50 foot building setback must be provided between this Block and the adjacent residential properties to the northwest.

The Code of Development does not include an overall maximum building square foot for non-residential uses and staff recommends that it be updated to contain that information.

In addition to the rezoning request, the applicant is requesting a special exception (Attachment 7) per 18-20A.8(a) to waive the requirement to have two different housing types within the development.

APPLICANT'S JUSTIFICATION FOR THE REQUEST

The applicant has provided a detailed request found in the Narrative, Code of Development, and Application Plan (Attachments, 2, 3, and 4).

COMMUNITY MEETING

The required community meeting was held on October 19, 2020, at 5:30 PM during the regularly scheduled Places29 Hydraulic CAC meeting. Approximately 40 members of the public attended the meeting and heard presentations from staff and the applicant regarding this proposal. It should be noted that another rezoning application was also heard at this meeting and it is unknown whether all 40 attendees were for this proposal or the other application. Due to COVID-19 restrictions, this was held as a virtual meeting. A link to the recording of the virtual meeting can be found here:

<https://www.youtube.com/watch?v=l32G5TVGwgM&feature=youtu.be>.

Attendees expressed support for the provision of affordable housing on the site, especially the proposed supportive services for residents experiencing homelessness. The applicant explained that supportive services include: case management, property management, and front desk staff onsite during business hours; night monitor staff who live in the building and are available outside of business hours; and connections with services, benefits, and employment opportunities.

Some attendees expressed concern with transportation options for the site, given many residents likely will not have cars. Attendees mentioned previous accidents on Route 29 where pedestrians have been hit while trying to cross Route 29. Other questions included maintenance of the private street (Premier Circle) and interest in the landscaping that would be provided. Additional information on transportation and potential impacts is provided in the 'Zoning Ordinance Requirements' section of the staff report.

PLANNING AND ZONING HISTORY

SP198500091: A special use permit was approved to allow for a hotel use. The property was also zoned C-1 Commercial at this time.

SDP198600037: A site plan was approved for a hotel (former name Knights Inn).

SDP201700007: An initial site plan was approved for a 35,962 square foot grocery store on the property. The applicant did not move forward with the request and a final site plan was not submitted.

COMPREHENSIVE PLAN

The request is consistent with the County's Growth Management Policy (Ch. 3), which directs new development (and redevelopment) and infrastructure to the Development Areas.

The request is also consistent with the relevant recommendations in the Development Areas Chapter (Ch. 8), including:

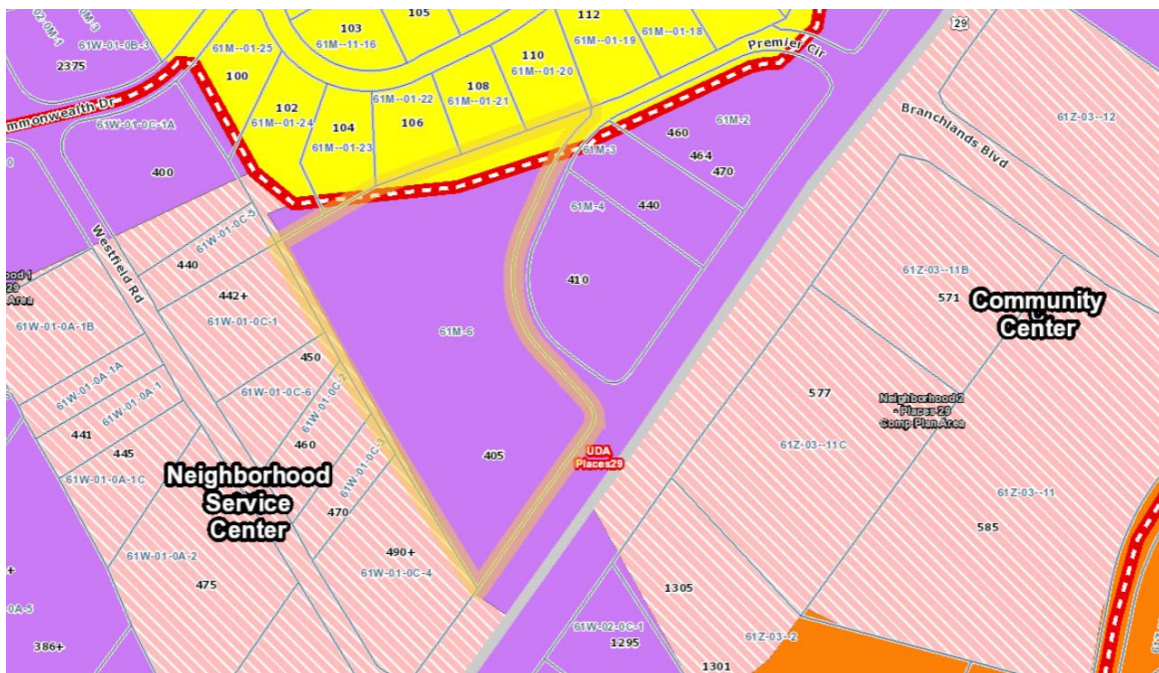
- Promoting mixed-use developments that are consistent with Neighborhood Model Principles and the applicable Master Plan
- Providing for a variety of housing types and levels of affordability
- Promoting density within the Development Areas to create compact urban places
- Promoting infill development and redevelopment that is compatible with surrounding neighborhoods and uses
- Promoting redevelopment that uses or expands upon existing infrastructure in the Development Areas.

The request meets the relevant recommendations of the Housing Chapter (Ch. 9) of the Comprehensive Plan, including directing affordable housing to the Development Areas, ensuring that housing is equally available to all populations, provide for a variety of housing types for all income levels, and providing at least 15 percent affordable units with rezonings.

Objective 8 of the Historic, Cultural, and Scenic Resources Chapter (Ch. 5) is to '*maintain the visual integrity of Albemarle's Entrance Corridors*'. This development will need Architectural Review Board (ARB) approval prior to any site plan approval. The application plan shows street trees and screening landscaping for parking areas along Route 29.

Analysis of the Places29 Master Plan

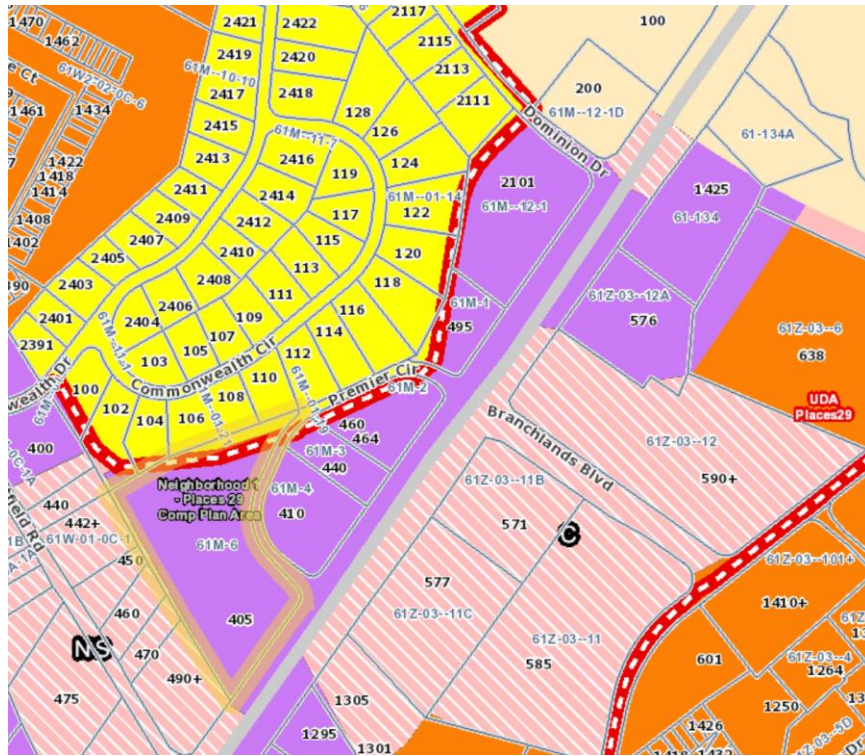
The proposed development is designated Office/Flex/R+D/LI in the Places29 Master Plan. The intent of this designation is to encourage development with employment-generating uses, including office, retail, commercial, and light industrial. Residential uses are intended to be secondary uses. The recommended maximum building height for Office, R+D, Flex, and Residential uses is four (4) stories. The proposed development meets the recommended building height and maximum building footprint square footages within the Places29 Master Plan.



No specific density is recommended in the Places29 Master Plan for this future land use designation, although the Master Plan specifies that residential uses are intended to be multifamily dwelling units.

The Comprehensive Plan does not specify a maximum density. The proposed development would be between 22 and 38 units/acre, depending on final build out.

Residential uses are intended to be secondary uses in the Office/Flex/R+D/LI designation. The Places29 Master Plan recommends that “*The determination of primary and secondary uses is expected to be made over an entire contiguous designation, not an individual parcel*”. This property is adjacent to other properties designated Office/Flex/R+D/LI and Neighborhood Service Center which have a variety of commercial, retail, and office uses (see Comprehensive Plan Land Use map insert below). Staff finds that the residential units proposed within this development are secondary in relation to the entire area designated Office/Flex/R+D/LI.



In addition, while the proposed development of this property includes majority residential uses and will result in less area for the Office/Flex/R+D/LI designation within the development areas, the recent approval of the Rio29 Small Area Plan (SAP) in December 2018 recommends a mixture of uses within the area. While the parcels contained in the SAP future land use designation (approximately 400 acres) is not Office/Flex/R&D/LI specifically, the uses section of the SAP recommends Office/Flex/R&D in all of the Character Areas (Urban Core, Core, Flex, and Edge) and Light Industrial by Special Exception.

The Neighborhood Model: Staff has reviewed the proposal against the Neighborhood Model Principles and found that it is consistent with the majority of the applicable Principles. There is concern that adequate pedestrian access is not provided across Route 29, where a Food Lion and Big Lots is located that the residents of this development may desire to shop. The Transportation Planner and VDOT are exploring the possibilities of providing a crossing at the light at the intersection of Route 29 and Branchlands/Premier Circle.

In addition, staff has concerns with the lack of amenities provided for children. The Code of Development only includes amenities for adults and does not provide for a space for potential children/families. While the proposal states that 80 units will be for single family adults, there will be 60 units that may contain families. Also, in the future, the units for singles may be converted to larger units for families. Currently, the closest park to the site is Charlottes Yancey Humphris Park, which is a 1 mile walk and it does not contain a playground, only trails. Staff recommends that the Code of Development be updated to require a playground or other child centered amenity space.

The detailed Neighborhood Model Analysis can be found in Attachment 5.

Affordable Housing: The applicant is providing at least 60 percent affordable units onsite per the Code of Development, which exceeds the recommendation of Strategy 6b in Chapter 9 of the Comprehensive Plan that states that 15 percent affordable units should be provided with rezonings. The Housing Planner has reviewed the proposal and has no objections.

ZONING ORDINANCE REQUIREMENTS

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
- Promote development with character, form, and density consistent with the recommendations within the applicable Master Plan

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. The development provides an appropriately-scaled mixture of uses and residential units.

Anticipated impact on public facilities and services:

Transportation:

The proposed development is located on a corner parcel at the intersection of Route 29 and Premier Circle. Premier Circle is an existing private street that is owned and maintained by the parcels that access the road (Attachment 6).

An existing bus stop is located approximately ¼ mile at the corner of Westfield Road and Commonwealth Drive and sidewalks are located along Rt 29 and Westfield Road to provide pedestrian access to that stop for future residents of the development.

The applicant has also identified an area for a future bus stop along Premier Circle for Charlottesville Area Transit (CAT) and will provide the facilities required as indicated in the Code of Development on page 9. However, the applicant has stated that they have been discussing providing Jaunt service to

the site in the interim if CAT will not provide service in this location. Staff recommends that the facilities for the stop be provided when any transit is providing service to the site.

The applicant provided a trip generation study (Attachment 8) with the initial submittal of this application comparing the by-right scenario to the proposed development. However, staff has requested additional information to evaluate the impacts to transportation. A turn lane warrant analysis and an evaluation of the existing and future operations the signalized intersection at Route 29 and Branchlands/Premier Circle for the ability to accommodate a potential at-grade pedestrian crossing was requested. As mentioned above in the Neighborhood Model section of the report, there is concern with pedestrian safety and residents of the development wishing to cross Route 29 due to the services and grocery store across the highway. There have been several pedestrian fatal accidents in this corridor for those attempting to cross.

In addition to the information requested above, the County Engineer requested information regarding the condition and maintenance of the existing private street, Premier Circle.

The requested information was anticipated to be submitted the week of November 30th by the applicant. Due to the timing of this information being submitted and the writing of the report, there was not adequate time to review the information to provide an analysis for the report and staff will update the Planning Commission at the meeting with the results and recommendation on the feasibility of the pedestrian crossing, turn lane warrants, and condition and adequacy of the existing private street for the proposed development.

Based upon the information in hand at the writing of this report provided by the applicant regarding transportation, staff has the following recommendation for changes. Additional information or changes may be recommended to be addressed at the Planning Commission public hearing between the commission and the Board of Supervisors meeting.

1. Revise the notation on the application plan and in the Code of Development that the bench and shelter for the bus stop will be installed upon demand of the County.

Schools:

Children in the proposed development would attend Woodbrook Elementary, Jouett Middle and Albemarle High School. According to the 2019 Long Range Planning Advisory Committee report by schools, both Woodbrook and Jouett have capacity, and Albemarle High School is over capacity. In the applicant's narrative, they state that 80 of the proposed units will be for single occupancy adults only, and the additional 60 units could have children. However, it's possible that in the future the single adult occupancy units could be converted to include more bedrooms that could accommodate families. Below are the yield rates provided from schools.

Yield Rates for 140 Units

Dwelling Type	Elementary	Middle	High	Total
Multi-Family	17	4	7	28

Yield Rates for 60 Units

Dwelling Type	Elementary	Middle	High	Total
Multi-Family	7	2	3	12

Fire and Rescue:

Provided that the buildings will be sprinkled during site plan review, Fire Rescue has no concerns with this application.

Utilities:

This project is in the ACSA water and sewer service jurisdictional area and both services are available. ACSA has not expressed any concerns with, or objections to, this proposal.

Anticipated impact on environmental, cultural and historic resources:

There are no known environmental, cultural or historic resources on the site.

Anticipated impact on nearby and surrounding properties:

Use of the property as proposed is not anticipated to have significant impacts on adjacent properties. The proposed plan includes a 20 foot landscape buffer and a 50 foot setback along the northwest property line adjacent to the existing single family residential neighborhood, Berkley. As well as providing a step back in the building closest to the property line on the edge after the third story or 40 feet.

The other adjacent properties are zoned commercial, and therefore, the proposed use is not anticipated to have significant impacts on those properties as well.

Public need and justification for the change:

The County's Comprehensive Plan supports development in the designated development areas that is consistent with the use, density, and form recommended in the Plan. Based upon the analysis provided in this report, staff believes this proposal is in conformity with use and form recommended in the MP and Comprehensive Plan.

In addition to the above, affordable housing is greatly needed in the community as discussed during the on-going Housing Policy update. The COVID-19 pandemic has also resulted in a need for housing for the homeless, and that need that may potentially increase once the national moratorium on evictions expires at end of December 2020. This development would allow for those in our community that are in need to have safe, affordable housing options.

Special Exception Request: Housing Types

The development requires a special exception per County Code §18-20A.8(a) for providing less than two different housing types in a Neighborhood Model District. The proposal meets the requirement of §18-20A.8(a) that the Board of Supervisors may waive the requirement to have at least two different housing types if: the proposal is an infill project; or at least two housing types are already present within a quarter mile. This development meets both of those criteria (although it is only required to meet one for a special exception to be approved).

The Office/Flex/R+D/LI future land use designation recommends that residential uses in this designation be multifamily units with non-residential uses located on the first floor. This designation does not encourage single-family attached or detached units. The Code of Development for this

proposal only permits multifamily units, and in Block 1 only permits residential uses on upper stories of buildings. Staff recommends approval of this special exception request.

ZMA202000011: SUMMARY

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

1. The rezoning is consistent with the majority of the applicable Neighborhood Model Principles.
2. The rezoning provides affordable housing that exceeds the housing policy within the Comprehensive Plan.
3. The rezoning request is consistent with the majority of the recommendations within the Places29 Master Plan and Comprehensive Plan.

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

1. Premier Circle is a private street and it is unknown if the current condition and maintenance of the street is adequate for the proposed rezoning.
2. There are not adequate pedestrian facilities to cross Route 29 to services for the residents of this development.
3. It is unknown if additional transportation improvements are needed for the development.
4. Changes are needed to the application plan and code of development as identified by staff in this report.

RECOMMENDATION: ZMA202000011

Overall, staff believes that the favorable factors outweigh the unfavorable factors, acknowledging that there are a number of outstanding transportation concerns that haven't been addressed. Therefore, staff recommends approval of the rezoning with the following changes that were identified in the report and should be addressed prior to the Board of Supervisors:

1. Transportation concerns identified in the additional information submitted by the applicant be addressed prior to the Board of Supervisors meeting.
2. The Code of Development should be revised to include an amenity/playground for children.
3. Revise the notation on the application plan and in the Code of Development that the bench and shelter for the bus stop will be installed upon demand of the County.
4. The Code of Development should be revised to include a maximum square footage of non-residential uses.

RECOMMENDATION: SE202000023

Staff recommends approval of the special exception request to allow for one housing type.

ATTACHMENTS:

- Attachment 1: [Vicinity Maps](#)
Attachment 2: [Narrative, dated November 20, 2020](#)
Attachment 3: [Code of Development, dated November 20, 2020](#)
Attachment 4: [Application Plan, dated November 20, 2020](#)
Attachment 5: [Staff Analysis of Neighborhood Model Principles](#)
Attachment 6: [Premier Circle deed and plat](#)
Attachment 7: [Applicant Special Exception Request](#)
Attachment 8: [Trip Generation Study](#)