



**Albemarle County
Planning Commission Staff Report**

(Highlighted text has been revised to correct errors in original version)

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| Project Name: ZMA202300001 1193 Seminole Trail | Staff: Cameron Langille, Principal Planner |
| Planning Commission Hearing: July 23, 2024 | Board of Supervisors Public Hearing: To be Scheduled |
| Owners: RMD Properties LLC | Applicant: Thesis Living, LLC |
| Acreage: 3.23 | Rezone from: C1 Commercial to NMD Neighborhood Model District |
| Tax Map Parcels (TMP): 061W0-02-0A-00200 | Location: 1193 & 1195 Seminole Trail, Charlottesville, VA 22901 |
| School Districts: Woodbrook (Elementary); Journey (Middle School); Albemarle (High School) | By-right use: C-1 Commercial – retail sales and service; residential by special use permit (15 units/ acre) |
| Magisterial District: Rio | Proffers: No |
| Proposal: Rezone 3.23 acres from C1 Commercial to NMD Neighborhood Model District to allow 165 dwelling units and 10,000 sq.ft. of non-residential uses. | Requested Dwelling Units: 165 unit maximum |
| DA (Development Area): Places29 | Comp. Plan Designation: Urban Mixed Use (in areas around Centers) – commercial and retail uses that are not accommodated in Centers and residential (3 – 34 units/ acre); Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses. |
| Affordable Housing Provided: Yes | Affordable Housing AMI (%): 80% of AMI as determined for a period of 10 years for rental and/or for-sale housing |
| Character of Property: Commercial property developed with the C'Ville Oriental grocery store and an automobile repair business. | Use of Surrounding Properties: Restaurant to the south, Wawa gas station and convenience store to the north, an undeveloped property to the east, and Route 29 to the west. |
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| <p>Factors Favorable:</p> <ol style="list-style-type: none"> 1. The request is consistent with the County's Growth Management Policy because it provides a mixed-use development within a designated Priority Area, the Places29 Priority Area 2 South Urban Development Area (UDA). 2. The request is consistent with most (10 of 12) of the Comprehensive Plan Neighborhood Model Principles. 3. The request provides a new 10' shared use path along Route 29 which is a transportation improvement recommended by the Places29 Master Plan. | <p>Factors Unfavorable:</p> <ol style="list-style-type: none"> 1. The request exceeds the recommended residential density specified by the Places29 Master Plan. 2. The request does not include any vehicular inter-parcel connections to abutting properties, which is inconsistent with the Interconnected Streets and Transportation Networks principle of the Neighborhood Model. |
| <p>RECOMMENDATION: Based on the identified factors favorable, staff recommends approval of ZMA202300001.</p> | |

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Cameron Langille, Principal Planner
July 23, 2024
To be Scheduled

PETITIONS:

PROJECT: ZMA202300001 1193 Seminole Trail

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL(S): 061W0-02-0A-00200

LOCATION: 1193 Seminole Trail, Charlottesville, VA 22901

PROPOSAL: Rezone one 3.23 acre parcel for a mixed-use development including residential and non-residential uses

PETITION: Rezone a total of approximately 3.23 acres from C1 Commercial which allows retail sales and service; residential by special use permit (15 units/ acre), to the NMD Neighborhood Model District, which allows residential (3 – 34 units/acre) mixed with commercial, service and industrial uses. Proposal calls for a maximum of 165 residential dwelling units at a gross density of 51 units/acre. Non-residential uses are also proposed and would measure between 4,000 - 10,000 total sq.ft.

OVERLAY DISTRICT(S): AIA - Airport Impact Area, EC - Entrance Corridor

ENTRANCE CORRIDOR (EC): Yes

PROFFERS: No

COMPREHENSIVE PLAN: Neighborhood Service Center – commercial, retail, and employment uses with supporting residential (3-20 units/acre); Urban Mixed Use (in areas around Centers) – commercial and retail uses that are not accommodated in Centers and residential (3 – 34 units/ acre); Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses in Neighborhood 2 of the Places29 Master Plan.

CHARACTER OF THE AREA

Tax Map Parcel (TMP) 061W0-02-0A-00200 is located on the east side of Route 29 (Seminole Trail) and it abuts the municipal boundary between the City of Charlottesville and Albemarle County (Attachment 1). The property is located along the Route 29 commercial corridor which features a wide variety of non-residential uses in the immediate vicinity.

The subject parcel is located within a designated Urban Development Area (UDA), Places29 Priority Area 2 South, as specified by the Places29 Master Plan and Comprehensive Plan. Chapter 3 of the Growth Management Policy of the Comprehensive Plan. The Growth Management Policy states that Priority Areas are areas where approval of new developments is encouraged because public services, utilities, and capital investment are provided at a high-level.

The subject property is currently developed with the C'Ville Oriental grocery store and an automobile repair business. The property includes three (3) buildings in total, with surface parking on the majority of the parcel. The two buildings associated with the automobile repair business measure approximately 6,300 total sq.ft. combined, and the grocery store is approximately 11,000 sq.ft. All existing structures are one-story tall. There are no sensitive environmental features on the property such as Water Protection Ordinance (WPO) stream buffers, 100-year floodplain, or Managed or Preserved Steep Slopes.

Properties to the west, north, and south are all located within Albemarle County and properties to the south are located within the City of Charlottesville. Abutting properties are described below:

| | <i>Land Use</i> | <i>Zoning District</i> | <i>Comp Plan Designation</i> |
|--------------|---|--|---|
| <u>North</u> | Wawa service station and convenience store | C1 Commercial | Urban Mixed Use (in centers); Urban Density Residential |
| <u>South</u> | Hibachi Grill & Supreme Buffet restaurant (City of Charlottesville) | NX-10 Node Mixed Use 10 (City of Charlottesville zoning) | NA |
| <u>East</u> | Undeveloped property that has an approved Special Use Permit to allow standalone parking | C1 Commercial | Urban Density Residential |
| <u>West</u> | Route 29 Seminole Trail right-of-way; former Comdial building located across Route 29 to the west | NA; LI Light Industry | Office/R&D/Flex/Light Industrial |

BACKGROUND

The following applications apply to TMP 061W0-02-0A-00200:

- SP201500031 – Salam LLC Motor Vehicle Sales Special Use Permit. Approved July 13, 2016. Allowed the sale of motor vehicles with the existing automobile repair business on the property.
- SP201500034 – Salam LLC Body Shop Special Use Permit. Approved July 13, 2016. Allowed a body shop use with the existing automobile repair business on the property.

The following work session occurred related to ZMA20230001:

- On October 25, 2022, a work session was held with the Albemarle County Planning Commission regarding the proposed ZMA. The applicant was seeking guidance from the Planning Commission regarding two aspects of the Comprehensive Plan recommendations that apply to TMP 061W0-02-0A-00200. Specifically, the applicant sought Planning Commission input on whether exceeding the recommended residential density and maximum building heights called for by the Comprehensive Plan would be acceptable. At the time, the proposal was seeking to construct a single 5-story building that would include 275 dwelling units at a gross density of 85 units/acre. The proposed building included an interior parking structure and approximately 7,400 sq.ft. of commercial uses on the ground floor. The Planning Commission endorsed the proposal even though it exceeded the residential density building height recommendations. Praise was offered due to the form of the proposal, and some commissioners even stated that they would not be opposed to a building that was as tall as 6-stories if a wider mix of uses were included. A copy of the October 25, 2022 Planning Commission work session minutes that includes the original proposal's layout and height exhibits is attached to this staff report (Attachment 2).

SPECIFICS OF THE PROPOSAL

The ZMA202300001 application proposes to rezone the property to the NMD Neighborhood Model District. A detailed narrative of the request is provided in Attachment 3. If the ZMA is approved, development of the property would follow the Application Plan (Attachment 4) and Code of Development (COD). The development is laid out into two blocks: Block A and Block B.

The ZMA would allow for up to 165 dwelling units to be constructed within the development, including multifamily dwellings and condominiums and could be provided in both Blocks. The application allows for up to

a maximum of 10,000 sq.ft. of non-residential uses, with 4,000 sq.ft. minimum required in Block A. The list of permitted non-residential uses is included on page 2 of the COD (Attachment 5).

Access to the development would be provided by two driveways along the property frontage of Route 29 within Block A. The southern entrance would provide right-in only access, and the northern driveway would be a right-out only. The Application Plan allows for a potential vehicular and/or bicycle and pedestrian connection to be established at the rear (east) end of Block B, subject to obtaining necessary offsite easements from the abutting property owner which has not yet been secured. Other pertinent transportation improvements proposed by the application include installation of a new 10' wide shared-use path along the property frontage of Route 29.

The Code of Development requires a minimum of 20% of amenities and greenspace to be provided throughout the project as required by Section 18-20A.9(c) of the Zoning Ordinance. Exact details of the amenities proposed would be determined during the site plan stage, but could include tot lots, pools, a clubhouse with fitness rooms and/or game rooms, and outdoor plaza spaces. New landscaping would be interspersed in these areas and along the parcel boundaries. In total, a minimum of 28,140 sq.ft. (0.65 acres) of amenity/greenspace features would be provided.

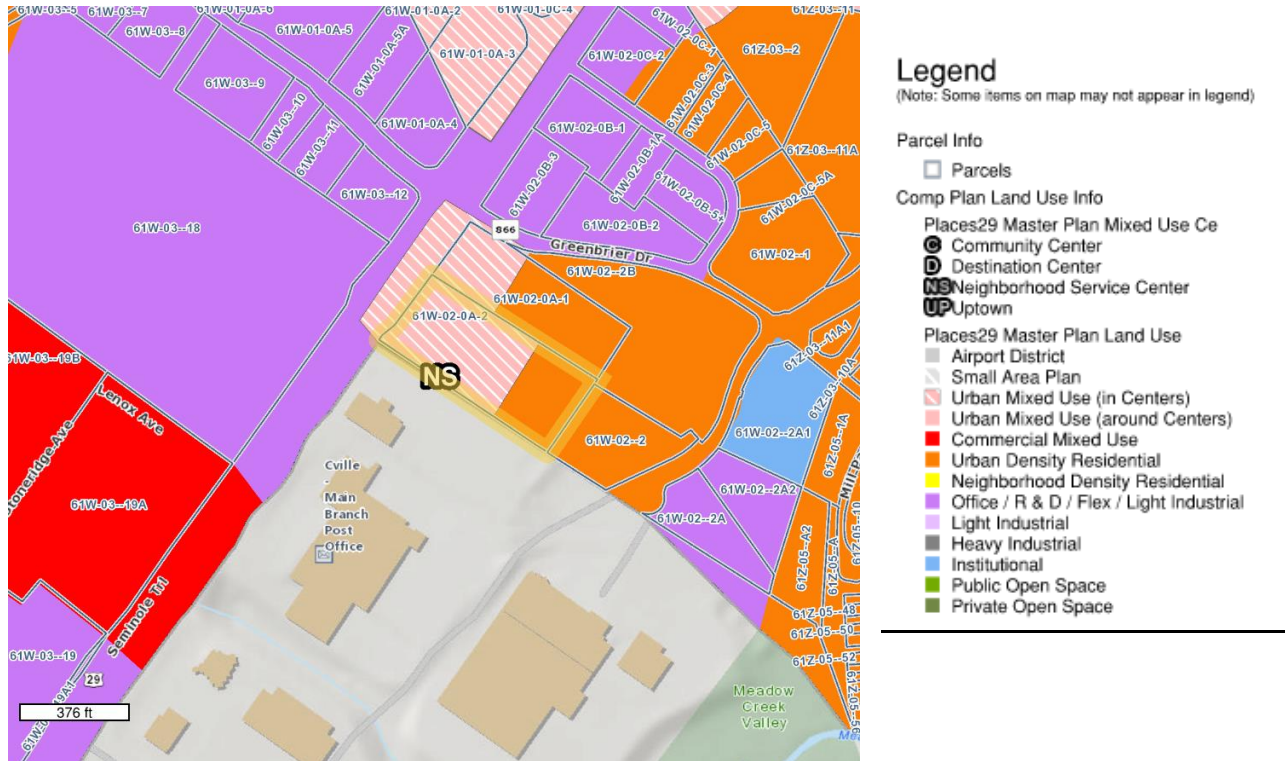
The ZMA includes a Special Exception application (SE202300005) to waive one of the requirements related to uses in the NMD district (Attachment 6). The proposal includes one of the identified dwelling types and the request is to waive the requirement that at least two dwelling unit types are provided. Staff analysis of the special exception is provided later in this report.

COMMUNITY MEETING

A community meeting was held for this proposal on April 27, 2023 with the Places29-Rio Community Advisory Committee (CAC). CAC members asked questions about the unit types and sizes proposed and the proposed design of access to the site. Community members in attendance asked some questions about how drainage from the site would be handled.

COMPREHENSIVE PLAN

The property is located in the Neighborhood 2 Comprehensive Plan Area and are subject to the recommendations of the [Places29 Master Plan](#). In regard to future land use recommendations specifically, the Places29 Master Plan Future Land Use Plan-South identifies the land use categories that apply to the property.



1. **Urban Mixed Use in centers (pink/white hatching)** – approximately 2.12 acres of overall parcel. This portion of the parcel is part of a recommended Neighborhood Service (NS) Mixed Use Center (page 5-9 of the PLACES29 Master Plan). This category allows for a variety of residential and non-residential use types as recommended by Tables LU1 and LU2 in the Places29 Master Plan. Recommended residential densities in this category are between 3-20 dwelling units per acre, which would be 6-42 units. Recommended maximum building height is 3 stories.
2. **Urban Density Residential (orange)** – approximately 1.11 acres of overall parcel. This is a high density residential future land use classification (6.01-34 du/acre) as recommended by Tables LU1 and LU2. Recommended residential densities in this category are between 6-34 dwelling units per acre, which would be 7-38 units. Recommended maximum building height is 4 stories.

Transportation recommendations from the PLACES29 Master Plan relevant to this proposal include providing a 12' wide planting area between the curb adjacent to a 16' wide bicycle and pedestrian multi-use path along the parcel frontage on the east side of Route 29. This can be found in Table 1 and Figure 4.10 on page 4-33 of the PLACES29 Master Plan.

The Neighborhood Model

Staff has reviewed the proposal against the Neighborhood Model Principles and found that it is fully consistent with 10 of the 12 principles. The detailed Neighborhood Model Analysis for all of the principles can be found in Attachment 7.

Affordable Housing

This ZMA application was first submitted for review in February of 2023 and is subject to the housing policy that was in effect prior to the current housing policy enacted on March 1, 2024. The housing policy which applies to this ZMA recommends that new residential rezonings provide 15% of the total proposed units as affordable housing as 80% of the Area Median Income (AMI).

This rezoning proposal includes a maximum of 165 dwelling units, and the COD commits to providing 15% of the units as affordable dwellings. If developed to the maximum density allowed by the COD, 25 affordable dwelling units would be provided as either for-sale or rental units. Exact language of the affordable housing requirements can be found on pages 4-6 of the COD (Attachment 5). The County's Housing Policy Manager has determined that the application is consistent with Objective 1 and Strategies 1a and 1b of the Housing Policy (Attachment 8).

ZONING ORDINANCE REQUIREMENTS

The purpose and intent of the NMD Zoning District as indicated in the Zoning Ordinance is to establish a planned development district in which traditional neighborhood development, as established in the County's Neighborhood Model, will occur. The County's Neighborhood Model was adopted as part of the comprehensive plan, and is hereinafter referred to as the "Neighborhood Model."

Anticipated impact on public facilities and services:

Transportation:

Vehicular access to the site is restricted to right turn in and right turn out only driveways onto Route 29. This was informed by the findings of the traffic impact analysis provided by the applicant (Attachment 9). Due to the spacing of the entrances, an Access Management Exception (AME) approval would be required by the Virginia Department of Transportation (VDOT). VDOT has indicated that the AME would be formally reviewed during the site plan stage of the project, but has indicated that the proposal is generally acceptable as shown on the Application Plan.

The existing 5' sidewalk along Route 29 would be replaced by a new 10' shared use path along the entire parcel frontage. The path would be separated from Route 29 by a planting strip that is a minimum of 6' wide. This is consistent with the recommended future cross section for this segment of Route 29 as specified by the Places29 Master Plan. The shared use path will enhance the bicycle and pedestrian infrastructure along the Route 29 frontage. Buildings within the development would be served by additional sidewalks and private vehicular travelways.

The proposal does not include any interconnections with adjacent parcels, which would be beneficial. As noted on the Application Plan, there is the potential for an interconnection to be made with the abutting property to the east, and this may result in a third access point that connects to Hillsdale Drive. Staff supports the interconnection because it would provide an opportunity for the development to be accessed from Hillsdale Drive, which would reduce the amount of vehicles using Route 29 to access the site. However, as noted by the applicant, the interconnection would only be possible if off-site easements are agreed upon by the abutting property owner. Therefore, the interconnection is not guaranteed and the likelihood of it being built at a future stage is uncertain at this time.

Schools:

Students would attend Woodbrook Elementary School, Journey Middle School, and Albemarle High School. Based on the Albemarle County Public Schools Long Range Planning Advisory Committee (LRPAC) 2023

Recommendations Report, the current enrollment at each school level and anticipated student generation for this project is as follows:

| School | Enrollment Capacity 23/24 | Current Enrollment | ZMA202300001 Student Projection | Projected Effect |
|----------------|---------------------------|--------------------|---------------------------------|-----------------------|
| Woodbrook E.S. | 510 | 523 | 21 | Remain over capacity |
| Journey M.S. | 699 | 605 | 10 | Remain under capacity |
| Albemarle H.S. | 1,654 | 1,956 | 10 | Remain over capacity |

Journey Middle School is currently under capacity and the project would not create a capacity conflict at the middle school level. The project would contribute additional students at the elementary and high school levels, and both Woodbrook Elementary and Albemarle High School are currently over capacity. However, High School Center II is currently planned to open during the 2026-2027 school year on the Lanes Lamb campus of Albemarle High School, which will help alleviate capacity conflicts at the high school level.

Fire and Rescue:

Fire and Rescue has reviewed this rezoning application and has no objection to the proposal. All requirements of the Fire Code would be met at site development plan review.

Utilities:

The subject property is within the Albemarle County Service Authority (ACSA) jurisdictional area for both water and sewer utilities. Both utilities are available to serve the property. ACSA staff have indicated that the development would not result in any adverse impacts to water or sewer service delivery to the subject parcel or neighboring properties.

Anticipated impact on environmental, cultural and historic resources:

No impacts to environmental, cultural, or historic resources are anticipated as the property does not contain any of these features.

Anticipated impact on nearby and surrounding properties:

No adverse impacts are anticipated on nearby or surrounding properties based on the land uses and form proposed. It should be noted that there are many existing large-scale commercial and residential developments along the Route 29 corridor in relatively close proximity to the ZMA. This includes the Stonefield mixed-use development located ½ mile south of the site. Stonefield also features high-density residential buildings that range from 3-8 stories tall, and features large-scale commercial shopping center uses.

As noted earlier in this report, the properties located to the south within the City limits (including the Seminole Square Shopping Center) are zoned NX-10 under the Charlottesville Development Code. That zoning district allows for mixed-use developments with no maximum residential density limits. Importantly, the NX-10 zoning district allows buildings up to 10 stories tall by-right. Therefore, the scale of development proposed by ZMA202300001 is less intense than developments that exist or are expected to exist in the future.

Public need and justification for the change:

The County's growth management policy states that new residential development should occur in the designated Development Areas where infrastructure and services are provided, rather than in the Rural Area. This development is within Neighborhood 2 of the Places29 development area. It would provide additional

housing and non-residential uses on a parcel that is designated as a Neighborhood Service Center by the Places29 Master Plan.

Proffers

No written proffer statement has been made by the applicant. However, since the requested NMD district is a planned zoning district, the notes and requirements of the Application Plan and COD would be binding should the ZMA be approved by the BOS. This means that the affordable housing, locations and types of land uses, transportation improvements including the shared-use path construction, etc. would be required to be met at the time of site plan review.

SE202300005 – REQUEST TO WAIVE DWELLING UNIT MIX REQUIREMENT

County Code §18-20A.8(a) (below) **requires** a minimum of two housing types **to be provided within each Neighborhood Model Zoning District**. However, **that requirement** can be waived by the Board of Supervisors:

Each district shall have at least two housing types; provided that this requirement may be waived by the board of supervisors if the district is an infill project or at least two housing types are already present within one-quarter mile of the proposed district. The following are considered to be different housing types: (1) single family detached dwellings; (2) single family attached dwellings; (3) two-family dwellings; (4) triplexes; (5) quadplexes; (6) townhouses; (7) multifamily dwellings; (8) accessory apartments; (9) manufactured housing; and (10) special needs housing such as assisted living facilities, group homes, and skilled nursing facilities.

An "infill project" is a project in which a parcel is developed or redeveloped, where abutting or nearby parcels are already developed, and the project area is relatively small compared to the developed abutting or nearby parcels.

The applicant has submitted a special exception request to waive the requirement that at least two dwelling unit types, as specified in the ordinance. The specified criteria are listed in bold italics, with staff analysis provided below each finding.

if the district is an infill project or,

The project does not meet the definition for an infill project.

at least two housing types are already present within one-quarter mile of the proposed district

As indicated by the map provided by the applicant in Attachment 6, there are two residential developments within a quarter-mile of the site. This includes the Branchlands Senior Living community and the Brookmill development which has single-family attached dwellings. Therefore, there are already two housing types within a quarter mile of the project. Staff believes the specified criteria in the ordinance is met to grant the waiver.

Recommendation for SE202300005:

Staff recommends approval of the SE202300005 waiver request because it is consistent with the findings necessary to approve such a request as specified in County Code §18-20A.8(a).

SUMMARY

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

1. The request is consistent with the County's Growth Management Policy because it provides a mixed-use development within a designated Priority Area, the Places29 Priority Area 2 South Urban Development Area (UDA).
2. The request is consistent with most (10 of 12) of the Comprehensive Plan Neighborhood Model Principles.
3. The request provides a new 10' shared use path along Route 29 which is a transportation improvement recommended by the Places29 Master Plan.

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

1. The request exceeds the recommended residential density specified by the Places29 Master Plan.
2. The request does not include any vehicular inter-parcel connections to abutting properties, which is inconsistent with the Interconnected Streets and Transportation Networks principle of the Neighborhood Model.

RECOMMENDATION

For the reasons outlined in the staff report, staff recommends approval of ZMA20230001 1193 Seminole Trail.

PLANNING COMMISSION POTENTIAL MOTIONS

- A. Should a Planning Commissioner **choose to recommend denial** of zoning map amendment **ZMA202300001**:

Move to recommend denial for the reasons stated in the staff report.

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

Move to recommend approval of, (outline. reasons for approval).

Attachments

1. Location Map
2. October 25, 2022 Planning Commission Work Session Minutes
3. Application Narrative
4. Application Plan
5. Code of Development
6. SE202300005 – Dwelling Unit Mixture Waiver Request Narrative and Application
7. Consistency with Neighborhood Model Principles Analysis
8. Affordable Housing Analysis
9. Traffic Impact Analysis