

ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Project Name: SP202400015, SE202400011, and SE202400012 Knight Berkshire Mixed Use	Staff: Syd Shoaf, Senior Planner
Planning Commission Hearing: September 10, 2024	Board of Supervisors Public Hearing: To be scheduled
Owner: Knight Berkshire Holdings, LLC.	Applicant: Kendra Moon, Line and Grade Civil Engineering
Acreage: 1.05 acres	Special Use Permit: Section 18-22.2.2 (6) to allow 15 multifamily residential dwelling units in the C1 Commercial Zoning District, as permitted by Section 18-18.2.1 (3).
TMP: 04500-00-00-091A0 Location: 615 Woodbrook Drive	By-right use: C-1 Commercial – retail sales and service
Magisterial District: Rio	Conditions: Yes EC: No
Proposal: <u>SP202400015:</u> Special use permit to allow a maximum of 15 dwelling units under Section 18-22.2.2 (6) and Section 18-18.2.1 (3) on a property zoned C-1 Commercial. <u>SE202400011:</u> Special exception request to reduce the 15-foot setback requirement to 0 feet under Section 4.20 (a)(4). <u>SE202400012:</u> Special exception request to allow disturbance in the required 20-foot use buffer under Section 21.7 (c).	Comp. Plan Designation: Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses in Neighborhood 1 of the Places 29 Master Plan.
DA (Development Area): Neighborhood 1	Requested # of Dwelling Units: 15
Character of Property: The subject property is approximately 1.05 acres and contains an approximately 6,500 square foot one story building that is used as a dental office with a rental office space in the rear. The site contains an existing parking lot with 23 parking spaces and associated utilities for the site.	Use of Surrounding Properties: The surrounding properties are zoned a mixture of uses. The property to the north is The Perch on Woodbrook multi-family apartment complex and zoned R-15 Residential. To the northeast and southeast the parcels are zoned C-1 Commercial. Lastly, the parcel to the west is zoned R-6 Residential and contains Agnor Hurt Elementary School.
Positive Aspects: 1. Consistent with the review criteria for special use permits contained in the Zoning Ordinance. 2. The use is consistent with the Places-29 Master Plan. 3. Provides an additional commercial use and residential units for people who live and work in the area.	Concerns: 1. None

Recommendation: Staff recommends approval of SP202400015 Knight Berkshire Mixed Use with conditions and revise the Concept Plan to remove the proposed connection to Agnor Hurt Elementary School.

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Syd Shoaf, Senior Planner
September 10, 2024
To be scheduled

PETITION:

PROJECT: SP202400015 Knight Berkshire Mixed Use

MAGISTERIAL DISTRICT: Rio

PARCEL ID: 04500-00-00-091A0

LOCATION: 615 Woodbrook Drive

PROPOSAL: A request for a special use permit to allow R-15 residential use on a C-1 commercial parcel to construct an approximately 7,880 square foot mixed use building. The ground level is proposed for a commercial use while the three stories above would contain 15 units for a density of 15 dwelling units per acre. Associated with this request are two special exception applications. The first is in accordance with Section 4.20 (a)(4) to reduce the 15-foot setback requirement to 0 feet under Section 4.20. The second is in accordance with Section 21.7 (c) to allow disturbance in the required 20-foot use buffer under Section 21.7.

PETITION: Request for a special use permit in accordance with Section 22.2.2 (6) to allow R-15 residential use.

ENTRANCE CORRIDOR: No

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

OVERLAY DISTRICT: AIA Airport Impact Area; Steep Slopes – Managed

COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses in Neighborhood 1 of the Places 29 Master Plan.

CHARACTER OF THE AREA

The subject property is located at 615 Woodbrook Drive, north of the City of Charlottesville. The site is approximately 1.05 acres and contains an approximately 6,500 square foot one story building that is used as a dental office with a rental office space in the rear. The site contains an existing parking lot with 23 parking spaces and associated utilities for the site (Attachment 1 – Existing Conditions Map).

The surrounding properties are zoned a mixture of uses (Attachment 2 – Zoning Map). The property to the north is The Perch on Woodbrook multi-family apartment complex and zoned R-15 Residential. To the northeast and southeast the parcels are zoned C-1 Commercial. Lastly, the parcel to the west is zoned R-6 Residential and contains Agnor Hurt Elementary School.

PLANNING AND ZONING HISTORY

On July 20, 1995, a special use permit (SP199500015) approved for a preschool/day care on the 5.39-acre parent parcel.

On December 11, 1995, a site plan (SP199500115) was approved for Northside Ministries Elementary School Campus. On Sheet 2 of the approved plan, the existing building and parking lot for the subject parcel today is illustrated as existing.

On August 9, 1996, the present-day 1.05-acre subject parcel was created by a subdivision plat from Deed Book 1559 Page 51. On this plat, it illustrates the 1.05-acre parcel subdivided from the parent 5.39-parcel. The latter parcel was revised to 3.67-acres.

On August 27, 1996, a special use permit (SP199600023) approved a private school on the 5.39-acre parent parcel despite the parcel being subdivided a few weeks before.

Although there were approved special use permits and a site plan associated to the private school, the 1.05-acre subject parcel never constructed any facilities for it. It is unclear when the existing building and parking lot were constructed on the subject parcel, however, it is clear that they were existing prior to 1995.

Since then, a variety of zoning clearances have been reviewed and approved for the site. The current use as a dental office has been ongoing since 2017.

DETAILS OF THE PROPOSAL

The applicant has provided a detailed narrative (Attachment 3 – Applicant Narrative) and concept plan (Attachment 4 – Concept Plan).

The project proposal is to allow a maximum of 15 dwelling units under Section 18-22.2.2 (6) and Section 18-18.2.1 (3) on a property zoned C-1 Commercial. The applicant has proposed to demolish the existing one-story approximately 6,500 square foot building and construct a new four-story approximately 7,880 square foot building. The ground level is proposed for commercial use while the three floors above would be used for residential use for up to 15 units. The proposed 15 units would put this site at a density of 15 dwelling units per acre, which is consistent with an R-15 Residential use. At the community meeting, the applicant noted that the existing dental office on the site would use the ground level of the new building.

The proposed site layout illustrates the existing parking area remaining in the front of the site while also providing additional parking to the rear of the site for a total of 37 parking spaces. Additionally, the building is proposed to be relocated and constructed closer to the southeastern portion of the property. The applicant has also proposed to utilize the existing water, sewer, stormwater utilities that currently exist under the existing parking lot on the site to avoid reconstruction and relocation. A new bioretention or underground stormwater detention system has been proposed by the applicant in the rear of the site.

Lastly, the concept plan illustrates a proposed “Future connection to Agnor Hurt – To be dedicated upon request by the County in this general location”. After discussion with Albemarle County Public School (ACPS) staff, this proposed connection can be removed from this plan. ACPS staff referenced that there is a proposed connection to the future Woodbrook Apartments neighborhood which is two parcels to the north away from the subject parcel. ACPS staff would rather have a connection to the bigger multi-family development rather than to the proposed smaller mixed-use development.

COMMUNITY MEETING

The required community meeting for the proposal was held at the Places 29-Rio Community Advisory Committee (CAC) meeting at the McIntire County Office Building on Thursday, June 27, 2024, at 6 pm. The applicant shared details and answered minimal questions regarding the proposal to members of the CAC who were present. Overall, the CAC was supportive of the proposal.

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST:

Special Use Permits are evaluated under reasonable standards, based on zoning principles which include the proposal’s compliance with the Comprehensive Plan. Any impacts caused by the proposal may be addressed through conditions which must be reasonably related and roughly proportional to the impacts.

Section 33.8(A) states that the Commission, in making its recommendation, shall consider the following factors:

1. *No substantial detriment. Whether the proposed special use will be a substantial detriment to adjacent parcels.*

The proposal is not expected to be a substantial detriment to adjacent parcels. The proposed building and use would be consistent with adjacent parcels uses which consists of R-15 Residential, C-1 Commercial, and an R-6 Residential parcel that is used for Agnor Hurt Elementary School. The proposed use would add to the existing multi-family unit housing stock in the area as well as continue to provide a commercial use that is consistent with the adjacent parcels. In the applicant's Concept Plan, the proposed building meets the setback requirements for its zoning district. Additionally, the proposed operation hours of the commercial use are consistent with the existing commercial use today.

2. *Character of the nearby area is unchanged. Whether the character of the adjacent parcels and the nearby area will be changed by the proposed special use.*

The character of the nearby area is expected to be unchanged by this proposal. The adjacent parcels consist of R-15 Residential, C-1 Commercial, and an R-6 Residential parcel that is used for Agnor Hurt Elementary School. The proposed special use permit would continue to provide a commercial business that is consistent with the C-1 Commercial zoning district on the first floor while also providing 15 residential units between the top three floors. The 15 residential units is consistent with the R-15 Residential zoning district with up to 15 dwelling units per acre on the site. Community members that live and work in the area would have the opportunity to patronize the business on the first floor and residents living on the top three floors would have the opportunity to utilize the businesses and the elementary school in the nearby area.

Staff believes that the proposed uses will not change the character of adjacent parcels or the nearby area.

3. *Harmony. Whether the proposed special use will be harmony with the purpose and intent of this chapter,*

The C-1 Commercial zoning district is intended for selected retail sales, service and public establishments which are primarily oriented to central business concentrations. It is intended that C-1 Commercial exists in the urban area, communities, and villages. Additionally, the district allows R-15 Residential uses by special use permit. This proposal is expected to be in harmony with the area.

with the uses permitted by right in the district,

The proposed building is a supporting accessory use for the community. The proposed use would not affect the by-right uses in the district on this property or adjacent properties.

with the regulations provided in Section 5 as applicable,

This section is not applicable to this proposal.

and with the public health, safety, and general welfare.

The public health, safety, and general welfare of the community are protected throughout the special use permit process, which assures that the proposed use is appropriate in the location requested. Zoning, Engineering, Building Inspections, Transportation Planning, the Virginia Department of Transportation (VDOT), Albemarle County Fire Rescue, Rivanna Water and

Sewer Authority (RWSA), Albemarle County Service Authority (ACSA), Albemarle County Housing, and Albemarle County Public Schools have all reviewed this application and have provided no objections.

If the special use permit is approved, the use cannot commence without the appropriate site development plans, building permits, and zoning clearances. These processes will ensure that all State and County regulations, special use permit conditions, and all necessary building and fire inspections have been approved.

4. Consistency with the Comprehensive Plan. Whether the proposed special use will be consistent with the Comprehensive Plan.

The Places-29 Master Plan designates the subject property for this proposal as Urban Density Residential and is located in Neighborhood 1 of the Comprehensive Plan. The primary use of the Urban Density Residential designation is residential areas with a density of 6.01 to 34 units per acre. Secondary uses include religious institutions, schools, commercial, office, and service uses. Additionally, the maximum building height is 4 stories or 45 feet.

The proposed R-15 Residential use on the C-1 Commercial parcel is consistent with the intent of the Urban Density Residential designation. If this special use permit were to be approved, the applicant has proposed a mixed-use building with commercial use on the bottom floor and a total of 15 residential units between the top three floors. The proposed height and proposed density of 15 dwelling units per acre is consistent with the Urban Density Residential criteria in the Comprehensive Plan.

SUMMARY

Staff has identified the following positive aspects to this request:

1. Consistent with the review criteria for special use permits contained in the Zoning Ordinance.
2. The use is consistent with the Places-29 Master Plan.
3. Provides an additional commercial use and residential units for people who live and work in the area.

Staff has identified no concerns unfavorable to this request.

RECOMMENDATION:

Based on the findings contained in this staff report, staff recommends approval of the special use permit application with conditions consistent with those drafted below:

1. Development of the use must be in general accord with the conceptual plan titled, "Knight Berkshire Mixed Use Special Use Permit", drawn by Line and Grade Civil Engineering dated 04-15-2024, last revised 07-15-2024. To be in general accord, development must reflect the following major elements essential to the design of the development:
 - a. Location of building envelope;
 - b. Location of the parking areas;
 - c. Building height

Furthermore, as discussed in this staff report, staff suggests updating the Concept Plan to remove the proposed connection to Agnor Hurt Elementary School.

POSSIBLE PLANNING COMMISSION MOTIONS:

A. Should the Planning Commission **choose to recommend approval** of this special use permit:

Move to recommend approval of SP202400015 Knight Berkshire Mixed Use with the conditions stated in the staff report and to update the Concept Plan to remove the proposed future connection to Agnor Hurt Elementary School.

B. Should the Planning Commission **choose to recommend denial** of this special use permit:

Move to recommend denial of SP202400015 Knight Berkshire Mixed Use. *Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.*

SPECIAL EXCEPTION APPLICATIONS

SE202400011 PROPOSAL

If the special use permit were to be approved, the applicant requests a special exception to waive the minimum setback required by County Code §18-4.20 as it applies to Parcel ID 04500-00-00-091A0. In commercial districts, the County Code requires for each story that begins above 40 feet in height or for each story above the third story, whichever is less, the minimum setback shall be 15 feet. However, County Code §18-4.20 (a)(4) allows the minimum 15-foot setback to be reduced by special exception.

The applicant has submitted a special exception application to reduce the 15-foot setback from 15 feet to 0 feet. In the applicant's narrative for the special exception request (Attachment 5 – SE202400011 Special Exception Request), they provide that the proposed building is proposed beyond the maximum 30-foot setback to avoid existing utilities near Woodbrook Drive. The applicant has provided that the proposed building would be roughly 80 feet away and therefore would not create a large building mass that would loom over the sidewalk and pedestrians.

ANALYSIS OF THE SPECIAL EXCEPTION REQUEST

Under County Code §18-33.9 (A), factors, standards, criteria, and findings, however denominated in the application sections of the Zoning Ordinance, are to be considered in special exception applications. The Board of Supervisors does not need to make specific findings in order to approve this special exception.

A special exception may be considered under County Code §18-4.20 (a)(4):

1. *The minimum 15-foot setback may be reduced by special exception.*

The waiver of the 15-foot setback may be achieved through a special exception. In this case, if the special use permit were to be approved, the proposed mixed-use building would be a maximum of four stories. The setback requirement would be waived for each story that begins over 40 feet or for each story above the third story, whichever is less.

Additionally, §18-4.20 (a)(6) provides:

2. *On any site subject to proffered conditions accepted in conjunction with a zoning map amendment establishing minimum or maximum setbacks or setbacks, the proffered setbacks or setbacks shall apply.*

The site is not subject to any zoning map amendment proffers and therefore the setback requirements of §18-4.20 (a) apply.

In the absence of additional special exception factors, staff has further evaluated this request based on the intent of the Commercial Districts – Generally zoning district and the Neighborhood Model

Principles of the Comprehensive Plan, including criteria contained in land use recommendations from the Places29 Master Plan and relevant Neighborhood Model Principles contained in Chapter 8 of the Albemarle County Comprehensive Plan.

Staff offers the following analysis of the proposed special exception against these criteria:

Analysis relative to the Comprehensive Plan:

Development Areas Objective 2: *Create a physical environment that supports healthy lifestyles through the application of the Neighborhood Model Principles.*

Pedestrian Orientation

If the special exception were to be approved to reduce the 15-foot setback to 0 feet, it would not disrupt pedestrians using Woodbrook Drive. The proposed building would be located roughly 80 feet away from the sidewalk along Woodbrook Drive. With the building setback further away, it would allow pedestrians to have clear sight lines into and around the proposed development.

Buildings and Space for Human Scale

The proposed building would be a maximum height of four stories and is proposed to be setback roughly 80 feet away from Woodbrook Drive. The maximum height of four stories is consistent with the Places-29 Master Plan which recommends residential buildings to be a maximum of four stories or 45 feet. Furthermore, with the building proposed to be setback roughly 80 feet, this would not create a canyon effect for pedestrians using the sidewalk along Woodbrook Drive. Reducing the setback to 0 feet would not result in a building that would make a pedestrian feel confined or small next to the building. In tandem with the building's setback, this would create an open-air atmosphere along Woodbrook Drive.

RECOMMENDATION

Based on these findings, staff recommends approval of the special exception application to reduce the 15-foot setback to 0 feet.

The Planning Commission is not required to make a recommendation on this special exception. However, if the Planning Commission chooses to provide comments on the special exception, staff will include those comments in the Transmittal Summary to the Board of Supervisors.

SE202400012 PROPOSAL

Regardless of if the special use permit were to be approved, the applicant requests a special exception to disturb the 20-foot use buffer required by County Code §18-21.7 (c) as it applies to Parcel ID 04500-00-00-091A0. County Code §18-21.7 (c) states:

Use buffer adjacent to residential and rural areas districts. For the purpose of this subsection, a use buffer shall not be required when a commercial zone is across a street from a residential or rural area district. No construction activity including grading or clearing of vegetation shall occur closer than 20 feet to any residential or rural areas district. Screening shall be provided as required in section 32.7.9. The board of supervisors may waive by special exception the prohibition of construction activity, grading or the clearing of vegetation in the use buffer in a particular case upon consideration of whether: (i) the developer or subdivider demonstrates that grading or clearing is necessary or would result in an improved site design; (ii) minimum screening requirements will be satisfied; and (iii) existing landscaping in excess of minimum requirements is substantially restored.

The applicant has submitted a special exception application to disturb the 20-foot use buffer to improve site design and utilize existing infrastructure to:

1. allow the existing entrance to remain;
2. allow for a connection to an existing stormwater pipe; and
3. allow for a future pedestrian connection to Agnor Hurt Elementary School, should this be desired by Albemarle County Public Schools (ACPS).

The applicant has provided a detailed special exception request with a narrative, background information, and figures to show the requested disturbance in the 20-foot use buffer (Attachment 6 – SE202400012 Special Exception Request).

ANALYSIS OF THE SPECIAL EXCEPTION REQUEST

Under County Code §18-33.9 (A), factors, standards, criteria, and findings, however denominated in the application sections of the Zoning Ordinance, are to be considered in special exception applications. The Board of Supervisors does not need to make specific findings in order to approve this special exception. The factors that are denominated are provided above in County Code §18-21.7 (c). The Board may choose to impose reasonable conditions on the special exception.

Staff has provided the following analysis of the relevant factors provided in County Code §18-21.7 (c).

- (i) *the developer or subdivider demonstrates that grading or clearing is necessary or would result in an improved site design;*

There are three proposed disturbances in the 20-foot use buffer. The first is for allowing the existing entrance to remain on site. The current entrance as built encroaches approximately 35 square feet into the use buffer adjacent to TMP 45-91. There is an existing curb line and wooded buffer that extend from the entrance to the rear of the property which holds the slope and tree line within the existing use buffer (see Figure 1 – Proposed buffer encroachment due to entrance location). The applicant has proposed a maximum disturbance of 475 square feet to grade and extend the curb line to allow the wood retaining wall to remain. Additionally, if this were to be approved, it would allow the applicant to build a larger building footprint and an additional parking lot for the associated building.

Alternatively, the applicant could potentially remove and rebuild the entrance approximately 3 feet southeast to be in compliant with the use buffer. However, since the infrastructure exists already and the proposed disturbance is minimal, the entrance encroachment into the use buffer would result in an improved site design for the subject property.

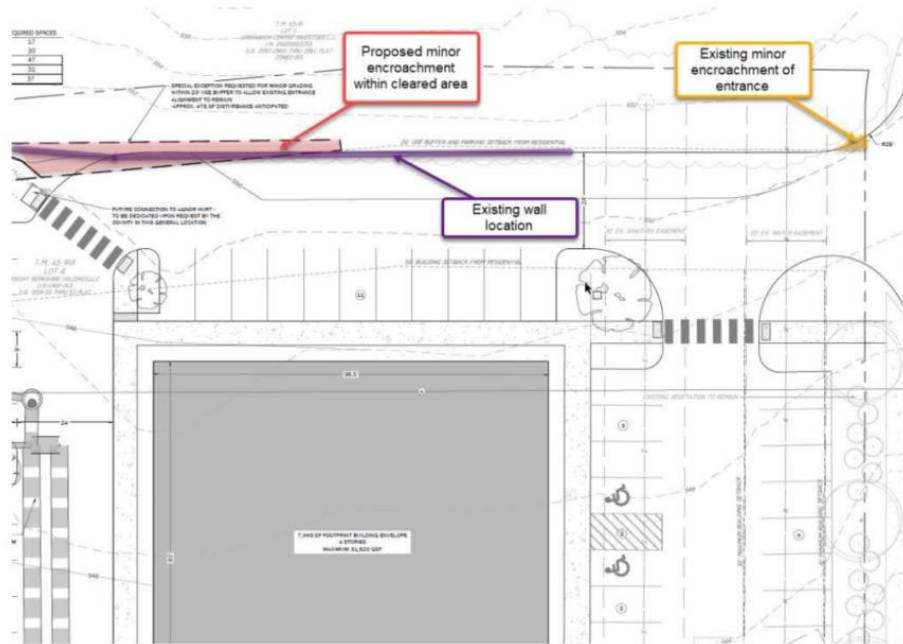


Figure 1- Proposed buffer encroachment due to entrance location

Second, the applicant has requested a disturbance in the use buffer to allow a storm pipe connection to an existing facility. Currently on the site, there is an existing storm pipe within the 20-foot use buffer at the rear of the site (Figure 2 – Proposed storm pipe connection). If the special use permit were to be approved, the applicant has proposed new stormwater management infrastructure and are requesting to tie into a storm manhole in this location. The applicant is requesting a maximum of 140 square feet of disturbance within the use buffer.

Staff supports this request since a storm pipe connection in this location would create less disturbance than the alternative which is to connect to an existing pipe east of the existing building which is located in a Steep Slopes – Managed area.

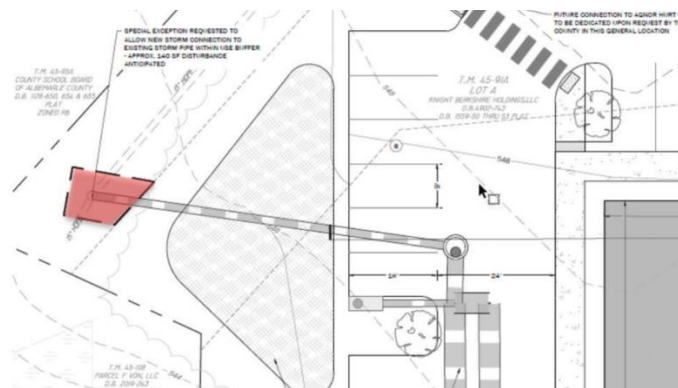


Figure 2 - Proposed storm pipe connection

Lastly, the third use buffer disturbance request is for a future pedestrian connection to Agnor Hurt Elementary School which is adjacent to the subject parcel. After further review from ACPS staff, this connection is not desired by ACPS since there will be another pedestrian connection to the multi-family development north of the subject parcel. Therefore, ACPS requests for this connection to be removed from both the special exception request and the associated special use permit.

(ii) *Minimum screening requirements will be satisfied; and*

The Concept Plan illustrates the 20' use buffer location on the site. If this special exception and the special use permit were to be approved, the applicant would be subject to adhering to the screening requirements from County Code §18-32.7.9. These requirements will be reviewed and evaluated during the site plan review process.

(iii) *existing landscaping in excess of minimum requirements is substantially restored.*

For the proposed entrance encroachment, there are existing large evergreen trees to screen the subject property's building and parking lot from the adjacent parcels. With this request, there will not be any removal of existing landscaping so therefore impacts are anticipated to be minimal to none. For the storm pipe connection in the rear of the property, there is not any existing landscaping and so there will not be any disturbance to landscaping. Furthermore, at the site plan review process, the applicant will be subject to meeting landscaping and screening requirements as required in County Code §18-32.7.9.

RECOMMENDATION

Based on these findings, Staff is recommending approval of the special exception application to disturb the 20-foot use buffer as provided in County Code §18-21.7 (c) with the following conditions:

1. Development of the use must be in general accord with the conceptual plan titled, "Knight Berkshire Mixed Use Special Use Permit", drawn by Line and Grade Civil Engineering dated 04-15-2024, last revised 07-15-2024. To be in general accord, development must reflect the following major elements essential to the design of the development:
 - a. The location for minor grading within the 20' use buffer to allow existing entrance alignment to remain.
 - b. The location to allow new storm water connection to existing storm pipe within use buffer.

The Planning Commission is not required to make a recommendation on this special exception. However, if the Planning Commission chooses to provide comments on the special exception, staff will include those comments in the Transmittal Summary to the Board of Supervisors.

ATTACHMENTS:

Attachment 1 – Existing Conditions Map

Attachment 2 – Zoning Map

Attachment 3 – Applicant Narrative

Attachment 4 – Conceptual Plan

Attachment 5 – SE202400011 Special Exception Request

Attachment 6 – SE202400012 Special Exception Request