

ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY
(Edits made to PC Staff Report)

Project Name: ZMA202300005 Berkmar Flats	Staff: Syd Shoaf, Senior Planner II
Planning Commission Public Hearing: January 28, 2024	Board of Supervisors Public Hearing: TBD
Owners: Third Mesa, LLC	Applicant: Kelsey Schlein, Shimp Engineering
Acreage: 3.62 acres	Rezone from: R-6 Residential to R-15
TMPs: 04500-00-00-08100, 04500-00-00-08200, and 04500-00-00-082A0	By-right use: 28 dwelling units
School Districts: Agnor-Hurt Elementary, Burley Middle, and Albemarle High School	Location: 2175 Woodburn Road, east side of Woodburn Road and west side of Berkmar Drive.
Magisterial District: Rio	Proffers: Yes
Proposal: Rezone three parcels from R-6 (six units/acre) to R-15 Residential, which allows residential uses at densities up to 15 units/acre to allow multifamily units.	Requested # of Dwelling Units: 54
DA (Development Area): Places29 Master Plan area – Neighborhood 1	Comp. Plan Designation: 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).
Affordable Housing: Yes ☒ No ☐	Affordable Housing AMI % (Area Median Income): 80% of AMI as determined by U.S. Dept. of Housing & Urban Development, for 15% of the number of constructed units.
Character of Property: Existing single-family detached house and mostly wooded.	Use of Surrounding Properties: A mix of residential developed at RA, R-6, and R-15 density along with HC commercial uses to the south/southeast.
Positive Aspects: 1. The request provides 15% affordable housing consistent with the County's affordable housing policy applicable at the time this rezoning was submitted.	Concerns: 1. The request is not consistent with the Places 29 master plan, which does not recommend residential as a primary use. However, residential would be consistent with the character of most surrounding properties and their current residential zoning. 2. There are no interconnections provided to adjacent properties. This could be addressed by providing a second entrance to the property from Woodburn Road, or to adjacent properties.
RECOMMENDATION: Staff recommends denial of ZMA202300005 Berkmar Flats given the outstanding concern related to interconnections.	

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Syd Shoaf, Senior Planner II
January 28, 2025
To be scheduled

PETITION

PROJECT: ZMA202300005 Berkmar Flats

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL(S): 04500000008100; 04500000008200; 045000000082A0

LOCATION: 2175 Woodburn Road

PROPOSAL: Rezone three parcels to allow a maximum of 54 residential units.

PETITION: Rezone 3.621 acres from the R-6 Residential Zoning District, which allows residential uses at densities up to six units/acre, to R-15 Residential, which allows residential uses at densities up to 15 units/acre. A maximum of 54 multi-family dwelling units is proposed, at a gross and net density of 15 units/acre.

ZONING: R-6 Residential – 6 units/acre

OVERLAY DISTRICT(S): AIA – Airport Impact Area and Steep Slopes – Managed

PROFFERS: Yes

COMPREHENSIVE PLAN: 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). In Neighborhood 1 in the Places29 Master Plan area.

CHARACTER OF THE AREA

The subject property includes three parcels totaling approximately 3.6 acres. They are located between Woodburn Road and the west side of Berkmar Drive. The properties are mostly wooded and there is a 20' Rivanna Water and Sewer Authority (RWSA) easement that runs along the southern property line shared with Victorian Heights. On tax map parcel 45-81 there is an existing structure with the address of 2175 Woodburn Road (Attachment 1 – Existing Conditions Map).

The surrounding area has a mix of uses which consists primarily of residential. To the south is the Berkmar Heights subdivision which consists of townhouses and zoned R-6 Residential. Adjacent to the north consists of a single-family residence which is zoned R-6 Residential. Further to the north of this property is the Victorian Heights subdivision which consists of townhouses and is zoned R-15 Residential. Across Berkmar Drive to the east and southeast are properties zoned HC Highway Commercial. Across Woodburn Road to the west are single-family detached residences which are all zoned RA Rural Areas. Woodburn Road acts as the boundary line between the Rural Areas and the Development Areas in the Comprehensive Plan (Attachment 2 – Zoning Map).

PLANNING AND ZONING HISTORY

There is currently a final site plan under review (SDP202300023) and an associated plat (SUB202400033) to construct 14 townhouses which is permitted by-right.

The Planning Commission (PC) held a public hearing on June 11, 2024, where Rebecca Ragsdale was the lead planner at the time. There were four members of the public that provided public comment and were all in opposition. The members of the public were concerned with environmental and traffic impacts. There was discussion with PC members that focused on transportation access. Additionally, there was discussion regarding the site design, with concern for the amount of impervious area and lack of greenspace for residents. The PC closed the public hearing and prior to the PC's vote, the applicant requested a six-month deferral which was approved 5-0. Detailed minutes from the June 11, 2024 PC meeting are attached in Attachment 3 – June 11, 2024 PC Public Hearing Minutes.

SPECIFICS OF THE PROPOSAL

The rezoning proposed is for up to 54 multi-family units and townhouses on the subject parcel. (Attachment 4 – Applicant Narrative). The first proposal was the original proposal that was brought to the PC on June 11, 2024. This proposal will be referred to as the “Vehicular Connection” proposal (Attachment 5 – Applicant Conceptual Plan for Vehicular Connection). The second proposal was resubmitted on November 4, 2024 and will be referred to as the “Non-Vehicular Connection” proposal (Attachment 6 – Applicant Conceptual Plan for Non-Vehicular Connection). The previous Vehicular Connection proposal addressed staff concerns regarding interconnections. However, it did not address Planning Commission concerns regarding open space and the amount of parking.

The updated Concept Plan referred to as the Non-Vehicular Connection plan provides for an increased commitment to recreational areas but eliminates the vehicular interconnection through the site. The applicant has provided an exhibit that shows less impervious area would occur with the updated concept plan (Attachment 7 – Impervious Area Comparison).

Major Elements of the updated Conceptual Plan (Non-Vehicular Connection) include:

- Three building envelopes with one oriented along Woodburn Road, one interior, and one oriented along Berkmar Drive.
- Open space areas to accommodate the required recreational amenities under Section 18-4.16 to be provided at the site plan stage. These may include playgrounds and basketball courts or equivalent value such as pools or clubhouses which are all subject to approval by the Planning Director. A minimum of 200 square feet per unit of recreational area shall be provided in common area or open space on the site which is not to exceed five (5) percent of the gross site area.
- There are two access points to the site with one from Woodburn Road and one from Berkmar Drive but a vehicular connection is not provided through the site. A pedestrian connection is proposed. Sidewalks and right-of-way dedication are proposed along Woodburn Road. There are already existing sidewalks along Berkmar Drive.
- There is a future 50' private interparcel connection proposed at the north central portion of the subject site to connect to TMP 45-80.
- The applicant has provided a draft proffer statement (Attachment 8 – Draft Proffer Statement) to address traffic and transportation impacts of this development, along with increasing the minimum recreational area. These proffers include the following:
 1. To develop the property in general accord with the Conceptual Plan, including the following major elements:
 - a. Location of building envelopes
 - b. Locations of the recreational amenity area which shall be a minimum of 9,600 square feet in total area on the site
 - c. Sidewalk along Woodburn Road and sufficient right-of-way dedication for two lanes of travel
 2. To provide 15% of the total number of residential units as either for-sale or for-rent affordable housing. If all 54 units are developed, that would result in nine (9) affordable units.

COMMUNITY MEETING and COMMUNITY MEMBER INPUT

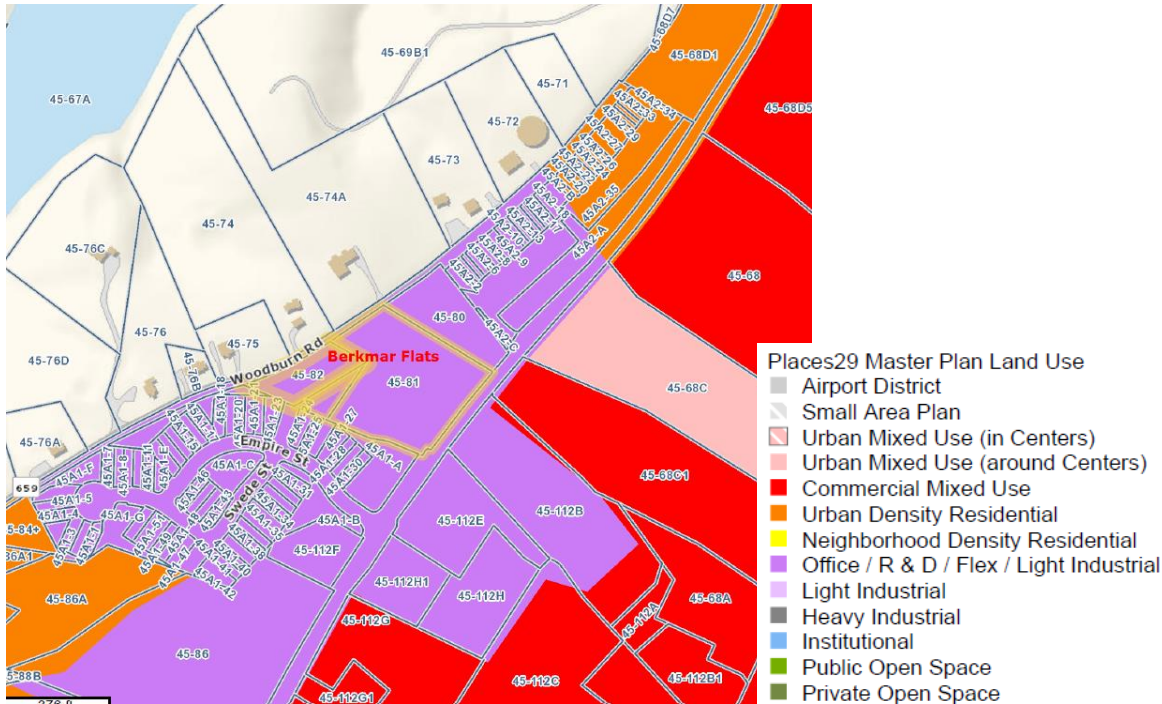
A community meeting was held in person for this proposal on July 27, 2023, at a regularly scheduled meeting of the Places29-Rio Community Advisory Committee (CAC). Questions were asked by the CAC and community members, which included:

- Loss of Rural Character along Woodburn Road.
- Adequate parking
- Loss of trees

- Adequate amenities
- Adequate Stormwater Management
- Location of public transit in relation to the property

COMPREHENSIVE PLAN

The Places29 Master Plan designates all of the subject property as Office/R&D/Flex/Light Industrial (see the purple on the map inset below; subject parcels highlighted).



The primary land uses recommended in this category are commercial, professional office; research and development, design, testing of prototypes; manufacturing, assembly packaging. Any residential is recommended as a secondary use and should be located on upper floors of multi-story buildings.

While staff acknowledges the current R6 Residential zoning of the property, and that surrounding properties have developed under their by-right residential zoning, the proposal is not consistent with the current Places 29 land use recommendations for primary uses.

The Neighborhood Model: Staff has reviewed the proposal against the Neighborhood Model Principles and has found that it is consistent or mostly consistent with the twelve principles. The detailed Neighborhood Model analysis can be found in Attachment 9 – Staff Analysis of Application’s Consistency with Neighborhood Model Principles.

Affordable Housing

On February 21, 2024, the Board of Supervisors approved the Affordable Rental Housing Incentive Program which provides a monetary incentive to help developers achieve the County’s new housing policy goal. Approval of the incentive program fully implemented Housing Albemarle, which recommends 20% of the total units in residential construction projects be provided as affordable housing. Approval of the incentive program fully implemented the County’s housing policy which recommends either 60% AMI for a total of 30 years (rental housing) or 80% AMI for a total of 40 years (owner-occupied housing).

Prior to this approval, the County’s housing policy recommended that new residential rezonings provide 15% of the total proposed units as affordable housing at 80% of the Area Median Income (AMI).

Because this rezoning application has been under review since before this policy was adopted, Staff is reviewing it under the previous policy of 15% affordable housing. This has been the guidance provided by Dr. Stacy Pethia, Assistant Director of Housing for Albemarle County. Dr. Pethia has also provided a detailed analysis of the proposed affordable units (Attachment 10 – Affordable Housing Evaluation). Based on the applicable affordable housing policy and the affordable housing evaluation, the project is consistent with the Comprehensive Plan Chapter 8, Strategy #2g and Chapter 9, Strategy #6b.

This rezoning proposal includes a maximum of 54 dwelling units, which would provide 9 affordable units based on the County's policy of 15% of the total number of units. These units could be provided as for-sale or rental units. The exact wording of the affordable housing provisions can be found in Proffer 2.

Relationship between the application and the intent and purposes of the requested zoning district:

R-15 districts are hereby created and may hereafter be established by amendment to the zoning map to provide a plan implementation zone that:

- *Provides for compact, high-density residential development;*
- *Permits a variety of housing types; and*
- *Provides incentives for clustering of development and provision of locational, environmental and developmental amenities.*

Staff believes that the proposed development provides for compact residential development, with an opportunity for a mix of housing types is consistent with the R15 District. However, it is not consistent with the primary land use designation in the Places 29 Master Plan of Office/R&D/Flex.

Anticipated impact on public facilities and services:

Streets and Transportation:

The proposed development is located along the east side of Woodburn Road and west side of Berkmar Drive. The applicant provided trip generation estimates in their narrative. The estimated total daily trips for 54 multifamily units is 364 total. The applicant indicates this is 175 additional total trips above the estimate for by-right development of 28 units. In both proposals, Virginia Department of Transportation (VDOT) and County staff are not concerned with the additional trips generated.

In both the Vehicular Connection and Non-Vehicular Connection proposals, the conceptual plans propose to dedicate public right-of-way along the property's Woodburn Road frontage to allow for improvements to the road and construct a 5-foot sidewalk and 6-foot planting strip. These improvements would be installed with the development of this site.

On the previous Concept Plan (Vehicular Connection), there are two proposed access points at Woodburn Road and Berkmar Drive which would be connected by an internal travelway. An interconnection to Swede Street to Berkmar Overlook to the south is not feasible due to the difference in topography. A 50' private interparcel connection is proposed to connect the subject parcel to TMP 45-80 to the north. Staff believes that the interconnection through the site is critical because it provides future residents with the ability to access their residences from both Woodburn Road and Berkmar Drive. Additionally, as the parcels along Woodburn Road begin to develop, there is currently a lack of east/west connections between Woodburn Road and Berkmar Drive. Currently, the only east/west connection is through the Victorian Heights subdivision which is two parcels to the north. The other connection is further to the south with Rio Road which is the southern terminus of Woodburn Road.

In the updated Concept Plan (Non-Vehicular Connection) proposal there are two proposed access points at Woodburn Road and Berkmar Drive, however, there is not a vehicular connection through the site that would connect these two public roads. Instead, a pedestrian interconnection is provided. An interconnection to Swede Street in the Berkmar Overlook to the south is not feasible due to the difference in topography. A 50' future private interparcel connection is proposed to connect the subject parcel to TMP 45-80 to the north, which is currently undeveloped. Staff believes an onsite interconnection is integral to provide residents with the ability to safely and conveniently access Woodburn Road and Berkmar Drive.

Schools:

Students living in this area would attend Agnor-Hurt Elementary, Burley Middle, and Albemarle High schools. The school division is cognizant that these areas continue to grow with new residential developments. Albemarle County Public Schools has provided its student generation calculator that estimates how many students will be generated at each school level based on dwelling unit types. The table below specifies the yield of students generated at each school level should the subject property be built out as proposed in the application plan with the maximum of 54 units. The estimate is based on 40 multifamily units and 14 townhouse units. Approximately 8.34 students would be generated from the proposal.

Official Calculator

Dwelling Type	Agnor-Hurt ES	Burley MS	Albemarle HS	Total
40 apartments	0.08	0.03	0.06	
14 townhomes	0.06	0.02	0.03	
Total	4.04	1.48	2.82	8.34

Source of Calculator: Albemarle County Public Schools

The net increase in the students generated, based on the difference between the potential 28 by-right units and proposed 54 units is 3.58 students.

Both Agnor-Hurt Elementary and Burley Middle are currently under-capacity and are expected to remain so over the next 10 years, even with the students generated by this development. Albemarle High School, however, is currently over-capacity and is expected to remain so over the next 10 years. Funding has been provided for a High School Center II, with an anticipated capacity of 400 seats allocated to students across the County; **it is anticipated to open for the 2026-27 school year** ~~however, the timeline for its opening is still to be determined.~~ This Center will assist in addressing capacity issues over the long-term, although the exact number is not certain at this time.

Fire & Rescue:

Albemarle County Fire Rescue has reviewed this rezoning application and has no objections at this time. Code requirements for items such as street and travelway widths, turning radius, and the necessity of secondary emergency fire access routes will be addressed at the site planning and/or subdivision stage, as well as other items such as adequate access and water availability. These elements will have to meet Fire-Rescue requirements before those plans can be approved by the County.

Utilities:

This project is in the Albemarle County Service Authority (ACSA) water and sewer service jurisdictional area. ACSA and the Rivanna Water and Sewer Authority (RWSA) have no objections to this project at this time. A utilities construction plan will be required, subject to ACSA and RWSA approval, prior to the approval of site plans and/or subdivision plans by the County at the site development stage of these properties.

Anticipated impact on environmental, cultural, and historic resources:

There are no cultural or historic resources located on the property. There are no floodplain or water protection ordinance (WPO) buffers on these parcels. Any increase in stormwater runoff above what is currently allowed on the property will be reviewed by County Engineering staff during the site development phase of the project as well. Any stormwater facilities will be designed in accordance with the Virginia Stormwater Management Program (VSMP) regulations administered by the Virginia Department of Environmental Quality (DEQ).

Anticipated impact on nearby and surrounding properties:

The proposed development is similar in character to adjacent and nearby residential development such as Berkmar Overlook and Victorian Heights. No impact to adjacent properties is anticipated. Adequate parking, stormwater, and landscaping regulations will be enforced at the time of site plan review and approval, should the rezoning be approved.

Public need and justification for the change:

The County's growth management policy says that new residential and commercial development should occur in the designated Development Areas, where infrastructure and services are provided, rather than in the Rural Areas. This development is within Neighborhood 1 of the Places29 development area. This proposal will provide a greater density of residential development in the designated development areas, at a density that is within the range recommended by the master plan for Places29.

SUMMARY

Staff has identified the following positive aspects of this request:

1. The request provides affordable units at 15% of the total number of units constructed, consistent with County policy applicable at the time this rezoning was submitted.

Staff has identified the following concerns with this request:

1. The request is not consistent with the Places 29 master plan, which does not recommend residential as a primary use. However, residential would be consistent with the character of most surrounding properties and their current residential zoning.
2. There is not an interconnection provided to connect Woodburn Road and Berkmar Drive.

RECOMMENDATION

Staff recommends denial of the proposed Concept Plan for the Non-Vehicular Connection proposal (Attachment 6) for ZMA202300005 Berkmar Flats.

PLANNING COMMISSION POTENTIAL MOTIONS

- A. Should the Planning Commission **choose to recommend denial** of this zoning map amendment:

I move to recommend approval of ZMA202300005 Berkmar Flats for the reasons stated in the staff report.

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

I move to recommend approval of ZMA202300005 Berkmar Flats. *State the reasons for approval.*

ATTACHMENTS

1. Attachment 1 – Existing Conditions Map
2. Attachment 2 – Zoning Map
3. Attachment 3 – June 11, 2024 PC Public Hearing Minutes
4. Attachment 4 – Applicant Narrative
5. Attachment 5 – Applicant Conceptual Plan for Vehicular Connection
6. Attachment 6 – Applicant Conceptual Plan for Non-Vehicular Connection
7. Attachment 7 – Impervious Area Comparison
8. Attachment 8 – Draft Proffer Statement
9. Attachment 9 – Staff Analysis of Application’s Consistency with Neighborhood Model Principles
10. Attachment 10 – Affordable Housing Evaluation
11. Attachment 11 – ZMA202300005 PC Staff Report 2024-06-11
 - a. Project Narrative dated March 4, 2024
 - b. Concept Plan dated June 10, 2024
 - c. Proffer Statement dated June 10, 2024