



ALBEMARLE COUNTY PLANNING **STAFF REPORT SUMMARY**

Project Name: ZMA-2025-00004, ZMA-2025-00005, SE-2025-00019, and SE-2025-00036 Attain on 5 th – Phase 2	Staff: Syd Shoaf, Senior Planner II
Planning Commission Public Hearing: October 28, 2025	Board of Supervisors Public Hearing: To be scheduled
Owner: Wahoo Way Investments, LLC.	Applicant: Valerie Long, Williams Mullen
Acreage: 14.55 acres	Rezone from: R-10 Residential to PRD Planned Residential Development
TMPs: 07600-00-00-054A1	By-right use: 145 dwelling units
School Districts: Mountain View Elementary, Burley Middle, and Monticello High School	Location: 100, 120, 160, 175, 180, 195, 200, 215, 220, 240, 260, 275, 295 Wahoo Way
Magisterial District: Scottsville	Proffers: No
Proposal: <u>ZMA-2025-00004:</u> Rezone the parcel from R-10 Residential (10 dwelling units per acre) to PRD Planned Residential Development to allow a maximum of 309 units for a gross density of 21 dwelling units per acre. <u>ZMA-2025-00005:</u> Rezone approximately 0.55 acres from Steep Slopes – Preserved to Steep Slopes – Managed. <u>SE-2025-00019:</u> Request to waive the 15-foot stepback requirement under Section 18-4.19 (5). <u>SE-2025-00036:</u> Request to modify the minimum number of parking spaces required under Section 18-4.12.	Requested # of Dwelling Units: 165 multifamily units
DA (Development Area): Southern and Western Urban Neighborhoods Master Plan	Comp. Plan Designation: Urban Density Residential – residential (6-34 dwelling units per acre), places of worship, schools, public and institutional uses, and neighborhood scale retail is the primary designation; Parks and Green Systems is the secondary designation; Community Mixed Use – residential (up to 34 dwelling units per acre), community scale retail, service and office uses, places of worship, schools, public and institutional uses is the minor designation; in Neighborhood 5.
Character of Property: The site is developed with 144 residential units and 13 existing buildings. There are 660 existing parking spaces and amenities for the residents.	Use of Surrounding Properties: To the west is the Region Ten office and the Albemarle Business Campus Development which is a mixed-use development. To the north is Interstate 64 and to the east is zoned R-10 and

	contains the Fifth Street Place Apartments development. To the south across 5 th Street is the Albemarle County Office Building 5 th Street.
Positive Aspects: 1. The request is consistent with the land use recommendations for the Southern and Urban Neighborhoods master plan. 2. The proposed rezoning meets the strategies of the growth management policy to promote density in the Development Area and recommendations of Housing Albemarle. 3. The request is consistent with Comprehensive Plan Neighborhood Model Principles.	Concerns: 1. None.
RECOMMENDATION: Staff recommends approval of ZMA-2025-00004. Staff recommends approval of ZMA-2025-00005.	

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

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

CHARACTER OF THE AREA

The subject property consists of approximately 14.55 acres located between Interstate 64, Old Lynchburg Road, and 5th Street. Access to the site is provided via Wahoo Way, which connects to both Old Lynchburg Road and 5th Street. The property contains thirteen (13) existing buildings with the following addresses: 100, 120, 160, 175, 180, 195, 200, 215, 220, 240, 260, 275, and 295 Wahoo Way. Twelve of these buildings are multi-family residential structures, while one serves as the leasing office. The site includes a total of 144 units developed as three- and four-bedroom student suites. Amenities on site include a basketball court, volleyball court, dog park, and swimming pool, along with 660 parking spaces (Attachment 1 – Existing Conditions Map).

The property is currently zoned R-10 Residential and is subject to several overlay districts, including the Entrance Corridor, Airport Impact Area, Dam Break Inundation Zone, Steep Slopes – Managed, and Steep Slopes – Preserved.

Surrounding uses are varied and include residential, institutional, office, and commercial development. To the west is the Region Ten Community Services Board Office, zoned CO Commercial Office, and the Albemarle Business Campus, a mixed-use development zoned Neighborhood Model Development (NMD). To the north is Interstate 64, and to the east is the Fifth Street Place Apartments development, zoned R-10 Residential. To the south, across 5th Street, is the 5th Street County Office Building, zoned CO Commercial Office (Attachment 2 – Zoning Map).

PLANNING AND ZONING HISTORY

ZMA199600024: The subject property was rezoned on June 18, 1997, to R-10 Residential which allows a maximum of 145 units by right.

SDP200100129: A Final Site Plan for “Sterling University Housing”, now referred to as, the “Original Phase 1”, was approved on April 29, 2002. This plan approved 144 units which consisted of 48 three-bedroom and 96 four-bedroom student suite units. Additionally, 660 parking spaces and amenities for the residents were approved.

According to the applicant’s narrative, they have started to convert the three- and four-bedroom student suite units into two- and three-bedroom traditional apartment units which is referred to as the “Renovated Phase 1”.

SPECIFICS OF THE PROPOSALS

The request includes several applications, including two zoning map amendments and two special exception requests. The primary application (ZMA-2025-00004) is to rezone the entire 14.55-acre parcel from R-10 to Planned Residential Development (PRD) to allow an additional 165 multi-family units. With the additional units, the total number of units allowed would increase to 309 units, for a gross residential density of approximately 21 dwelling units per acre (Attachment 3 – ZMA-2025-00004 Narrative and Attachment 4 – ZMA-2025-00004 Application Plan). The application plan includes:

- The addition of five multi-family residential buildings which would be located within existing parking areas and unbuilt portions of the site.
- A reduction in overall parking on site from 660 parking spaces to 460 parking spaces which is an approximately 20.4% decrease (Attachment 10 – SE-2025-00036 Parking Reduction Request).
- Additional crosswalks, sidewalks, and a 10’ shared use path along 5th Street.

- A 65,010 passive recreation area along the undeveloped boundaries of the site.
- Affordable housing provisions that include providing 20% of the total units on-site as affordable, which would provide up to 62 affordable units. However, this is contingent on the Board of Supervisors approving an application for grant funds under the Affordable Rental Housing Incentive Program (ARHIP). The applicant has not submitted the grant application yet, but the applicant intends to pursue the application prior to the rezoning being heard by the Board of Supervisors.

A rezoning (ZMA-2025-00005) is proposed to the Steep Slopes Overlay District to rezone approximately 0.55 acres from Preserved to Managed Steep Slopes to construct the additional buildings on the property. (Attachment 5 – ZMA-2025-00005 Applicant Narrative and Attachment 6 – ZMA-2025-00005 Concept Plan)

COMMUNITY MEETING and COMMUNITY MEMBER INPUT

A community meeting was held at the 5th and Avon Community Advisory Committee (CAC) meeting on Thursday, May 15, 2025, at the 5th Street County Office Building. There were several members of the public present along with the members of the CAC. The applicant shared details about the proposed rezonings and answered questions. Comments and questions included those supportive of the location for the proposal and its use of excess parking for infill, affordable housing goals, and traffic impacts. In addition to the committee and staff, approximately four members of the public attended. No other public comments have been received to-date.

COMPREHENSIVE PLAN

While the County adopted an update to the Comprehensive Plan (AC44) on October 15, 2025, the effective date of the plan is January 1, 2026. This proposal has been reviewed for consistency with the 2015 Comprehensive Plan and master plan in effect currently.

The Southern and Western Urban Neighborhoods Master Plan has three designations for the subject property. The primary designation is for Urban Density Residential (orange), the secondary designation is Parks and Green Systems (green) where there are areas of Steep Slopes – Preserved, and the minor designation is Community Mixed Use (brown) as shown in the image below. Staff does not believe this is a site that would be expected to meet recommendations for Community Mixed Use.



Figure 1: Southern and Urban Neighborhoods Master Plan

ZMA-2025-00004, ZMA-2025-00005, and SE-2025-00019
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Urban Density Residential: This designation allows for residential density for 6 to 34 dwelling units per acre. Primary uses include residential uses of all housing types, places of worship, schools, and public institutional uses. Secondary uses include neighborhood serving retail/commercial areas. Building height is recommended at 1-3 stories, additional stories were appropriate.



Parks and Green Systems: This designation represents areas for parks, recreation, environmental preservation, and areas otherwise not intended for development. Land with this designation cannot be used to calculate available density for a parcel of land. Primary uses include parks, playgrounds, play fields, greenways, equipment, trails, paths, recreation equipment and facilities, plazas, outdoor sitting areas, and natural areas. Also, preservation of stream buffers, floodplains, known wetlands, and slopes of greater than 25% adjacent to rivers and streams. Property may be owned publicly or privately. Secondary uses include public and private outdoor art, monuments, and non-advertising signage.



Community Mixed Use: This designation allows for a mixture of residential and retail uses and services for the community, with a residential density of up to 34 dwelling units per acre and non-residential uses including community scale retail, service and office uses, places of worship, schools, and public and institutional uses.

Consistency with the Master Plan:

The proposal to increase the maximum number of dwelling units on the site to 309 units, for a gross residential density of 21 dwelling units per acre, is consistent with the Urban Density designation for 6 to 34 dwelling units per acre. The master plan recommends 1-3 stories for buildings. However, exceptions are allowed where appropriate. Staff believe this is an appropriate location for 4-story buildings, given the pattern of existing buildings, topography, and setbacks from 5th Street and I-64.

The application's density and infill also support the following objectives within Chapter 8 (Development Areas) of the Comprehensive Plan:

- Objective 4: Use Development Areas land efficiently to prevent premature expansion of the Development Areas.
- Objective 5: Promote density within the Development Areas to help create new compact urban places.
- Objective 6: Promote infill and redevelopment that is compatible with surrounding neighborhoods and uses

The Neighborhood Model

Staff has reviewed the proposal against the Neighborhood Model Principles, and the detailed analysis can be found in Attachment 7 – Staff Analysis of Application's Consistency with Neighborhood Model Principles.

Affordable Housing

Housing Albemarle was adopted by the Board of Supervisors on July 7, 2021. On February 21, 2024, the Board of Supervisors approved the Affordable Rental Housing Incentive Program (ARHIP). Approval of the incentive program fully implemented Housing Albemarle. The policy recommends 20% of the total new units in residential construction projects be provided as affordable housing at either 60% AMI for a total of 30 years (rental housing) or 80% AMI for a total of 40 years (owner-occupied housing).

The applicant is requesting an additional 165 residential units. Under the current Housing Albemarle policy, 20% of the new residential units should be provided as affordable, which would be 33 affordable units of the 165 new units proposed.

The applicant has addressed affordable housing with the following notes, found on Sheet 2 of the Application Plan:

AFFORDABLE HOUSING NOTE:

PROVIDED THAT PRIOR TO THE BOARD OF SUPERVISORS' APPROVAL OF BOTH ZMA 2025-004 AND ZMA 2025-005, THE BOARD OF SUPERVISORS HAS APPROVED THE OWNER'S APPLICATION FOR GRANT FUNDS UNDER THE AFFORDABLE RENTAL HOUSING INCENTIVE PROGRAM, IN THE AMOUNT EQUAL TO 15% OF THE PROPERTY'S REAL PROPERTY TAX BILL FOR A PERIOD OF THIRTY (30) YEARS, THE APPLICANT/OWNER SHALL ESTABLISH AND MAINTAIN, FOR A PERIOD OF 30 YEARS, AFFORDABLE UNITS IN THE AMOUNT EQUAL TO 20% OF THE PHASE 1 AND PHASE 2 UNITS (UP TO 62 UNITS) IN THE AMOUNT OF, AND AT THE AFFORDABILITY LEVELS LISTED BELOW, BASED ON THE AREA MEDIAN INCOME ("AMI") AS LISTED AND ANNUALLY UPDATED ON THE VIRGINIA HOUSING WEBSITE, BASED ON HOUSEHOLD SIZE, LESS ESTIMATED UTILITY COSTS AS DEFINED BY VIRGINIA HOUSING FOR THE HOUSING CHOICE VOUCHER PROGRAM (THE "AFFORDABLE UNITS"). THE AFFORDABLE UNITS MAY BE LOCATED IN PHASE 1 AND/OR PHASE 2, AT THE APPLICANT'S/OWNER'S DISCRETION.

- 10% OF THE AFFORDABLE UNITS SHALL BE AFFORDABLE TO HOUSEHOLDS MAKING UP TO 60% OF THE AMI, SUCH THAT THE RENTAL RATE MAY NOT EXCEED 30% OF 60% OF AMI
- 10% OF THE AFFORDABLE UNITS SHALL BE AFFORDABLE TO HOUSEHOLDS MAKING UP TO 80% OF THE AMI, SUCH THAT THE RENTAL RATE MAY NOT EXCEED 30% OF 80% OF AMI

The affordable housing policy recommends 20% of the new units on-site as affordable (33 units), however, because the applicant intends to pursue ARHIP, 20% of the total units on-site would be affordable, which would provide up to 62 affordable units. However, this is contingent on the Board of Supervisors approving an application for grant funds under the Affordable Rental Housing Incentive Program. The applicant has not submitted the grant application yet, but the applicant intends to pursue the application prior to the rezoning being heard by the Board of Supervisors.

The proposed rezoning generally meets Housing Albemarle, but the Housing Office has not completed review of the application plan language. The proposal meets housing strategies and objectives of Housing Albemarle by increasing housing opportunities in the Development Area:

- Objective 1: Increase the supply of housing to meet the diverse housing needs of current and future Albemarle County residents.
- Strategy 1a: Allow, encourage, and incentivize a variety of housing types (such as bungalow courts, triplexes and fourplexes, accessory dwelling units, live/work units, tiny homes, modular homes, and apartment buildings); close to job centers, public transit and community amenities; and affordable for all income levels; and promote increased density in the Development Areas.

ZONING ORDINANCE REQUIREMENTS

The purpose and intent of the PRD Planned Residential District is indicated in the Zoning Ordinance:

PRD districts may hereafter be established by amendment to the zoning map in accordance with the provisions set forth generally for PD districts in sections 8.0 and 33.0, and with densities and in locations in accordance with the comprehensive plan.

The PRD is intended to encourage sensitivity toward the natural characteristics of the site and toward impact on the surrounding area in land development. More specifically, the PRD is intended to promote economical and efficient land use, an improved level of amenities, appropriate and harmonious physical development, and creative design consistent with the best interest of the county and the area in which it is located.

To these ends, the PRD provides for flexibility and variety of development for residential purposes and uses ancillary thereto. Open space may serve such varied uses as recreation, protection of areas sensitive to development, buffering between dissimilar uses and preservation of agricultural activity.

While a PRD approach is recommended for developments of any density, it is recommended but not required that the PRD be employed in areas where the comprehensive plan recommends densities in excess of 15 dwelling units per acre, in recognition that development at such densities generally requires careful planning with respect to impact.

Staff believe the Application Plan meets the purpose and intent of the PRD Zoning District.

Anticipated impact on public facilities and services:

Transportation:

The proposed development is located between Interstate 64, Old Lynchburg Road (State Route 780), and 5th Street (State Route 631). The development is accessed by Wahoo Way which is a private street that connects from 5th Street to Old Lynchburg Place, which is a private street that connects to Old Lynchburg Road. The number of units proposed did not trigger the Virginia Department of Transportation (VDOT) requirement for a full Traffic Impact Analysis (TIA). Both VDOT and Transportation staff did not have issues with the existing infrastructure as there is an existing right turn lane from 5th Street onto Wahoo Way.

To provide for bicycle and pedestrian infrastructure, the applicant is proposing a 10' shared use path to be built in accordance with VDOT standards. The location of the 10' shared use path is along 5th Street where the right turn lane begins from the east and then concludes at the intersection with Wahoo Way. There is an existing sidewalk at the proposed shared use path's western terminus, however, there are substandard facilities at the eastern terminus since the shared use path starts/ends from a shoulder along 5th Street. On the other end of the property, along Old Lynchburg Road, there are no proposed changes by the applicant, however, there is existing sidewalk along Old Lynchburg Place from the adjacent property's boundary line to Old Lynchburg Road. There is a funded County project for a crosswalk between the existing sidewalk along Old Lynchburg Road to the existing sidewalk along Old Lynchburg Road. Additionally, the funded County project is to extend the western sidewalk along Old Lynchburg Road north under the I-64 under pass to connect to pedestrian facilities such as Azaela Park and the Rivanna Trail.

Within the site, the applicant is proposing for multiple new sidewalks and crosswalks to enhance pedestrian connectivity between the buildings within the site and between the future shared use path along 5th Street and to future pedestrian connections along Old Lynchburg Road. For bicyclists, the proposed shared use path ends at Wahoo Way which can be used as lower traffic and stress road to connect to Old Lynchburg Road. However, as mentioned above, the eastern terminus of the shared use path ends at substandard facilities which are unsafe for both bicyclists and pedestrians.

Additionally, there is an existing bus stop at the intersection of 5th Street and Wahoo Way. The applicant is proposing to improve the existing bus stop by adding a bus shelter.

In summary, the bicycle and pedestrian improvements within the site are sufficient for connecting the residents to buildings within the site and to the future infrastructure and amenities from Old Lynchburg Road. However, the eastern terminus of the 10' shared use path along 5th street ends at substandard facilities. There is not an existing sidewalk or shared use path at the eastern terminus, but rather a shoulder. There is an existing sidewalk further east at the entrance of the Fifth Street Apartments development which is approximately 330 ft from the current eastern terminus proposed by the applicant. A connection to the existing sidewalk would improve bicycle and pedestrian connections in this area of the County.

Schools:

Students living in this area would attend Mountain View Elementary, Burley Middle, and Monticello 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. At this development, there are 144 existing units. The applicant is requesting an additional 169 units which is what the calculation will be based on. The table below specifies the yield of students generated at each school level should the subject property be built out with the proposed additional 169 units. The estimate is based on 169 multi-family units. Approximately 18.59 students would be generated from the proposal.

Official Calculator

Dwelling Type	Mountain View ES	Burley MS	Monticello HS	Total
169 multi-family	0.05	0.03	0.03	
Total	8.45	5.07	5.07	18.59

Source of Calculator: Albemarle County Public Schools

Mountain View Elementary School is currently over capacity and projected be over capacity for the next 10 years. However, Mountain View Upper Elementary School is a new 500-student school that is currently under construction and is anticipated to open for the 2026-27 school year. The school would serve 3rd through 5th grade students within the Mountain View Elementary School boundary. Mountain View Primary School (located at the current Mountain View Elementary School building) will serve pre-school through 2nd grade. The new school will assist in addressing capacity issues over the long-term. Burley Middle School is currently under-capacity and is expected to remain so over the 10 years, even with the students generated by this development. Lastly, Monticello is currently over-capacity and is expected to remain so over the next 10 years. Construction for High School Center 2 is underway with an anticipated capacity of 400 students allocated to students across the County; however, the timeline for its opening is still to be determined. High School Center 2 will assist in addressing capacity issues over the long-term, although the exact number is not certain at this time.

Parks:

No public parks are located within or immediately adjacent to the subject properties. However, staff from Albemarle County Parks & Recreation Department have reviewed the proposal and have no objection to the proposal. There are existing amenities within the property, and the applicant has proposed additional common open space on the property. Additionally, the future County project on Old Lynchburg Road will provide safe bicycle and pedestrian infrastructure to the Rivanna Trail and Azalea Park.

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 historical resources located on the property. There are no floodplain or water protection ordinance (WPO) buffers on the property. There are areas of Steep Slopes – Preserved and the applicant is proposing to rezone 0.55 acres of the Steep Slopes – Preserved to Steep Slopes – Managed to construct new buildings for the development. Further analysis for the rezoning of the Steep Slopes – Preserved to Steep Slopes – Managed can be found below.

The property is within the Dam Break Inundation Zone and will be subject to requirements by the Department of Conservation and Recreation (DCR) at the site development phase. 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 property is an existing development and is proposing to add five new multi-family buildings, consistent with nearby developments. The proposed use would continue to be residential with an increase from 144 units to a maximum of 309 units. Both VDOT and Transportation Planning staff reviewed the proposal and do not believe there will be an impact on nearby and surrounding properties.

The property is within the Entrance Corridor and will be subject to the Entrance Corridor guidelines and will be subject to the Architectural Review Board (ARB) review and approval. There are existing buildings within the property, and the proposed buildings will be expected to coordinate with the existing buildings on the site and the nearby area.

The site is bordered by I-64 to the north and 5th Street to the south with the 5th Street County Office Building across 5th Street. To the west is the Albemarle Business Campus development which is a mixed-use development. Currently, there is an existing self-storage facility and a private street, Vision Lane, that connects Old Lynchburg Road to Wahoo Way. To the east is the Fifth Street Apartments development and the applicant is proposing for the area between the property line and the disturbance area on the site to be common open space which would remain preserved and undisturbed.

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 5 of the Southern and Western Urban Neighborhoods 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 the Southern and Western Urban Neighborhoods.

Proffers

Since the requested PRD district is a planned zoning district, the notes and requirements of the Application Plan would be binding should the ZMA be approved by the Board of Supervisors (BOS). This means that the affordable housing, multi-use path construction, etc. would be required to be met at the time of site plan review.

STEEP SLOPES – PRESERVED OVERLAY (ZMA-2025-00005):

The property (TMP 76-54A1) is subject to the Steep Slopes overlay district. There are both Steep Slopes – Managed (yellow) and Steep Slopes – Preserved (green) present on the site which are illustrated in the image below.



Figure 2: Steeps Slopes Overlay District on TMP 76-54A1

The applicant is requesting to rezone approximately 0.55 acres of Steep Slopes – Preserved on the property to Steep Slopes – Managed to construct additional buildings on the property (Attachment 5 – ZMA-2025-00005 Narrative and Attachment 6 – ZMA-2025-00005 Concept Plan).

The applicant has provided an analysis of the request in their narrative that the Steep Slopes – Preserved on the property are man-made because they were approved to be graded with an approved site plan (SDP200100129).

The following information presents the ordinance criteria of both Preserved Slopes ([Sec. 30.7.3 \(a\)](#)) and Managed Slopes ([Sec. 30.7.3 \(b\)](#)) with staff analysis following the ordinance criteria (in italics).

Section 30.7.3 (a) Managed Slopes

The characteristics of managed slopes are the following:

- i. *the contiguous area of steep slopes is limited or fragmented;***
The site contains two small groups of slopes greater than 25% that are identified as Steep Slopes – Preserved. The two slope areas are fragmented from each other and are not contiguous. The two areas both connect to Managed Slopes which are located within the VDOT right-of-way for Interstate 64.
- ii. *the slopes are not associated with or abutting a water feature, including, but not limited to, a river, stream, reservoir or pond;***

The slopes on the property are not associated with a water feature subject to the Water Protection Ordinance (WPO). They are adjacent to a man-made stormwater management pond on a nearby property but are not associated with a natural water feature.

iii. *the slopes are not natural but, instead, are manufactured;*

The previously approved site plan (SDP200100129), specifically on Sheets 4 and 7 which are exhibits attached to the narrative, provide evidence that these slopes are manufactured. Staff reviewed aerial imagery and the previous approved plan and believe these slopes are not natural, but, instead, are manufactured.

iv. *the slopes were significantly disturbed prior to June 1, 2012;*

As noted above, the slopes were created with SDP2001000129, which was approved in April 2002. It appears that there has not been any disturbance since the creation of the slopes.

v. *the slopes are located within previously approved single-family residential lots;*

The slopes are not located within a previously approved single-family residential lot.

vi. *or the slopes are shown to be disturbed, or allowed to be disturbed, by a prior county action.*

The slopes have been allowed to be disturbed in a prior County action under SDP2001000129, which was approved in April 2002.

Section 30.7.3 (b) Preserved Slopes

The characteristics of preserved slopes are the following:

i. *the slopes are a contiguous area of 10,000 square feet or more or a close grouping of slopes, any or all of which may be less than 10,000 square feet but whose aggregate area is 10,000 square feet or more;*

Both slope areas are greater than 10,000 square feet and are each approximately 20,000 square feet.

ii. *the slopes are part of a system of slopes associated with or abutting a water feature including, but not limited to, a river, stream, reservoir or pond;*

The two areas of Steep Slopes – Preserved are adjacent to the man-made stormwater facility.

iii. *the slopes are part of a hillside system;*

The slopes are not part of a hillside system and are adjacent to Interstate 64. Additionally, none of the slopes are located within the Comprehensive Plan's Mountain Protection Areas (Figure 9: Mountain Protection Areas of the Comprehensive Plan) or the Conservation Focus Areas (Figure 8: Conservation Focus Areas of the Comprehensive Plan), and there are not part of a hillside system that is recommended to be protected by the Comprehensive Plan.

iv. *the slopes are identified as a resource designated for preservation in the comprehensive plan;*

The slopes are identified as Parks and Green System in the Southern and Urban Neighborhoods Master Plan. However, based on evidence from the approved final site plan (SDP200100129), these slopes were previously allowed to be graded.

v. *the slopes are identified as a resource in the comprehensive plan;*

The slopes are identified as Parks and Green System in the Southern and Urban Neighborhoods Master Plan. Additionally, they are within an area designated Urban Density Residential which is an area intended for grading and development to occur.

vi. *the slopes are of significant value to the entrance corridor overlay district;*

The rezoning request has been evaluated for impacts to the Entrance Corridor Overlay District (EC). There is no objection from Architectural Review Board staff regarding redesignating these slopes to Managed Steep Slopes. Adequate area will remain undisturbed and wooded to maintain the character of the EC. If this rezoning were to be approved, the site plan will need to meet all the requirements of the Entrance Corridor Design Guidelines prior to approval, including landscaping.

vii. *the slopes have been preserved by a prior county action, including, but not limited to, the placement of an easement on the slopes or the acceptance of a proffer or the imposition of a condition, restricting land disturbing activity on the slopes.*

The slopes have not been preserved by prior County action. As stated above, slopes were approved for disturbance by prior County action.

Recommendation:

Staff believe that the slopes overwhelmingly meet the characteristics of Steep Slopes – Managed. The approved site plan for SDP200100129 provides substantial evidence that these slopes were approved to be graded with construction of the original buildings on the property. The slopes are not adjacent to water resources. Staff recommends approval to rezone 0.55 acres from Steep Slopes – Preserved to Steep Slopes – Managed.

STEPBACK WAIVER REQUEST (SE-2025-00019)

The applicant requests to waive the minimum setback of 15 feet for each story that begins above 40 feet in height or for each story above the third story. County Code § 18-4.19 requires that in residential districts, each story that begins above 40 feet in height or each story above the third story, whichever is less, have a minimum setback of 15 feet. The setback requirement applies only to the front of the building. County Code § 18-4.19.5 allows special exceptions to the requirement for a minimum setback of 15 feet. The applicant has submitted an application and justification for this special exception, which can be found in Attachment 8 – SE-2025-00019 Stepback Waiver Request.

County Code § 18-4.19.5 does not list any criteria for special exceptions, and no modifications or waivers are being sought under sections 5, 21, 26, or 32. Staff believe this Comprehensive Plan goal is applicable:

- Development Areas Objective 2: “Create a physical environment that supports healthy lifestyles through application of the Neighborhood Model Principles” [including “Pedestrian Orientation” and “Buildings and Spaces of Human Scale”].

Requiring front setbacks is one way the County attempts to ensure that Development Areas have appropriate “spatial enclosure” and a desirable “relationship of building height and setback to road widths.” The regulation for setbacks is intended to create buildings and spaces of human scale and to promote harmonious development with the surrounding area. Furthermore, the setback requirement is intended to avoid the creation of spaces that create a “canyon effect” in their physical impression.

The applicant has provided a narrative in support of this request. The applicant indicates that since the apartment buildings are set back a generous distance from Interstate 64, Old Lynchburg Road,

and 5th Street, and within the development, there is sufficient space and an existing wooded buffer between I-64. This avoids creation of a “canyon” effect. Staff agree with this analysis.

Based on the location of the building envelopes, staff agree with the applicant’s justification for this request and find that new buildings would still be consistent with the applicable Neighborhood Model Principles from the Comprehensive Plan if the setback requirement is waived. Furthermore, County ARB staff have evaluated this request, and have found that eliminating the setback requirement for the multi-family structures would not have a negative impact on the Entrance Corridor, and the architectural design will still be required to meet the Entrance Corridor Design Guidelines.

Recommendation:

Staff recommend approval of the special exception application to waive the setback requirement for the five proposed new buildings.

PARKING REDUCTION REQUEST (SE-2025-00036):

The applicant has submitted a parking reduction request to decrease the number of parking spaces on the site from 660 parking spaces to 460 parking spaces, which is an approximately 20.4% reduction from the minimum Zoning Ordinance requirement of 578 parking spaces. The applicant proposes parking to be provided at 1.5 spaces per unit. The applicant’s full request and justification can be found in Attachment 9 – SE-2025-00036 Parking Reduction Request.

For multi-family units, the ordinance requires:

<u>Number of Bedrooms</u>	<u>Parking Spaces/Unit</u>
Any unit 500 square feet or less	1.25
One bedroom	1.50
Two or more bedrooms	2.00

The justification provided by the applicant for this request includes the most recent data from the Institute of Transportation Engineers (ITE) Parking Generation Manual, multi-modal transportation opportunities and improvements, and the applicant’s experience with similar multi-family communities. This satisfies the applicable criteria contained in Section 18-4.12.2 (c).

PRD is a Planned Development zoning district and as such, any requirement of Section 4 may be waived or modified. Section 18-8.2(b)(3) provides specific required findings which are analyzed below.

- (i) to be consistent with the intent and purposes of the planned development district under the particular circumstances, and satisfies all other applicable requirements of [section 8](#); and***
- (ii) to be consistent with planned development design principles;***

There are no other applicable requirements in Section 8 for this parking reduction request. In general, planned development districts are intended to accomplish the goals and objectives of the comprehensive plan to a greater extent than the regulations of conventional districts. In addition, these regulations are intended to promote: economical and efficient land use through unified development; improved levels of amenities; appropriate and harmonious physical development; creative design; and a better environment than generally realized through conventional district regulations. Staff believe that allowing flexibility in parking regulations, and infilling new buildings on existing underutilized parking areas, meets the intent of planned development districts and applicable design principles.

- (iii) that the waiver or modification would not adversely affect the public health, safety or general welfare; and**

Ensuring an adequate number of parking spaces, meeting the design standards of Section 4.12, avoids public health and safety issues. Existing parking spaces meet applicable design standards and the application plan proposes to improve the pedestrian network providing access to these spaces.

- (iv) in the case of a requested modification, that the public purposes of the original regulation would be satisfied to at least an equivalent degree by the modification**

As indicated in Section 18-4.12.1, the purposes of parking regulations are as follows: (1) maximizing the safety and functionality of parking areas; (2) providing parking and loading facilities in a reasonable proportion to one or more use's needs; (3) reducing minimum parking requirements to coincide with common usage rather than peak usage; (4) minimizing the visual and environmental impacts of parking areas on adjacent lands; and (5) supporting mass transit opportunities. These regulations also encourage the application of transportation demand management strategies and allow flexibility in design to reduce traffic congestion and the amount of land that must be devoted to parking for commercial, industrial and public facility uses. TDM tools include, but are not limited to, mass transit, carpooling, and park and ride lots.

The proposed development will utilize existing well-functioning and sited parking lots, some of which will be redeveloped for additional residential units. The ITE parking generation figures demonstrate that the proposed number of spaces are adequate and proportional to the proposed uses, including average and peak usage. No additional parking would be needed if the reduction is approved, which reduces the need for additional impervious surface or visual impacts. The site is served by public transit and the shared use path along the frontage of the site will be improved. However, the shared use path along 5th Street has an eastern terminus that starts/ends at a substandard facility that may be unsafe for both pedestrians and bicyclists.

Recommendation:

Staff recommends approval of the special exception request to reduce parking. However, staff believe that additional efforts should be pursued towards improving the share use path along the 5th Street corridor.

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

SUMMARY

Staff have identified the following positive aspects of this request:

1. The request is consistent with the land use recommendations for the Southern and Urban Neighborhoods Master Plan.
2. The proposed rezoning meets the strategies of the growth management policy to promote density in the Development Area and recommendations of Housing Albemarle.
3. The request is consistent with Comprehensive Plan Neighborhood Model Principles.

Staff have identified the following concerns with this request:

1. None.

RECOMMENDATION

ZMA-2025-00004

Staff recommends approval of ZMA-2025-00004.

ZMA-2025-00005

Staff recommends approval of ZMA-2025-00005.

PLANNING COMMISSION POTENTIAL MOTIONS

ZMA-2025-00004 (R-10 to PRD)

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

I move to recommend approval of ZMA-2025-00004 Attain on 5th – Phase 2 (R-10 to PRD) for the reasons stated in the staff report.

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

I move to recommend approval of ZMA-2025-00004 Attain on 5th – Phase 2 (R-10 to PRD). *State the reasons for denial.*

ZMA-2025-00005 (Steep Slopes – Preserved to Steep Slopes – Managed)

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

I move to recommend approval of ZMA-2025-00005 Attain on 5th – Phase 2 (Steep Slopes Preserved to Managed) for the reasons stated in the staff report.

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

I move to recommend denial of ZMA-2025-00005 Attain on 5th – Phase 2 (Steep Slopes Preserved to Managed). *State the reasons for denial.*

ATTACHMENTS

1. Attachment 1 – [ZMA-2025-04 Attain on 5th Street Phase 2 - Existing Conditions Map](#)
2. Attachment 2 – [ZMA-2025-04 Attain on 5th Street Phase 2 - Zoning Map](#)
3. Attachment 3 – [ZMA-2025-00004 Attain on 5th Street Phase 2 - Narrative](#)
4. Attachment 4 – [ZMA-2025-00004 Attain on 5th Street Phase 2 - Application Plan](#)
5. Attachment 5 – [ZMA-2025-00005 Attain on 5th Street - Steep Slopes - Narrative](#)
6. Attachment 6 – [ZMA-2025-00005 Attain on 5th Street - Steep Slopes - Concept Plan](#)
7. Attachment 7 – [ZMA-2025-04 Attain on 5th Street Phase 2 - Staff Analysis of Application's Consistency with Neighborhood Model Principles](#)
8. Attachment 8 – [SE-2025-00019 Attain on 5th Street Phase 2 - Stepback Waiver Request](#)
9. Attachment 9 – [SE-2025-00036 Attain on 5th Street Phase 2 - Parking Reduction Request](#)