COUNTY OF ALBEMARLE
PLANNING STAFF REPORT SUMMARY

Project Name: ZMA202100014 Albemarle Business Campus	**Staff:** Andy Reitelbach, Senior Planner II
Planning Commission Public Hearing: April 12, 2022	**Board of Supervisors Public Hearing:** TBD
Owner: 5th Street Forest, LLC	**Applicant**: 5th Street Forest, LLC, c/o Kyle Redinger
Acreage: Amend 7.07 acres of an existing 13.63-acre NMD.	**Rezoning:** NMD, request to Amend Code of Development and Application Plan associated with ZMA201900003.
TMP: 07600000005400	**Location:** NW side of 5th St., across from Albemarle County Office Building – 5th St., from Wahoo Way to Old Lynchburg Road
School Districts: Monticello High, Burley Middle, Mountain View Elementary	**Zoning/By-right use:** NMD Neighborhood Model District – residential mixed with commercial, service, and industrial uses; in accordance with ZMA201900003.
Magisterial District: Scottsville	**Proffers**: Yes
Proposal: Add parking structure as a permitted use, permit an additional 25,000-square feet of non-residential, adjust lot and building regulations and green space and amenities in Blocks 2-4.	**Requested # of Dwelling Units:** No change in the residential portion of the NMD. (Currently, 128 residential units are permitted.)
DA (Development Area) – Southern and Western Urban Neighborhoods Master Plan Area	**Comp. Plan Designation:** Community Mixed Use – residential (up to 34 units/acre), community scale retail, service and office uses, places of worship, schools, public and institutional uses; in Neighborhood 5.
Character of Property: Vacant	**Use of Surrounding Properties:** Apartments to the east; COB-5th St. to the south across 5th St.; small commercial establishments and site plan-approved apartments to the west across Old Lynchburg Rd.; Region Ten office to the north; self-storage building on adjacent 76-46AB (Block 5).
Factors Favorable: 1. The request is consistent with the uses and density recommended by the Southern & Western Urban Neighborhoods Master Plan. 2. The request is consistent with the applicable neighborhood model principles. 3. The request includes office space in the commercial areas, a goal of the County in furthering the objectives of the Economic Development department's Project Enable. 4. The request provides pedestrian connections and multi-modal infrastructure along Old Lynchburg Road and 5th Street.	**Factors Unfavorable:** 1. No unfavorable factors have been identified.
RECOMMENDATION: Staff recommends approval of zoning map amendment application ZMA202100014 Albemarle Business Campus.	

STAFF PERSON: **Andy Reitelbach**
PLANNING COMMISSION: **April 12, 2022**
BOARD OF SUPERVISORS: **TBD**

ZMA 202100014 Albemarle Business Campus

PETITION

PROJECT: ZMA202100014 Albemarle Business Campus – Digital
MAGISTERIAL DISTRICT(S): Samuel Miller, Scottsville
TAX MAP/PARCEL(S): 076000000046AB, 07600000005400
LOCATION: Property on the northwest side of 5th Street, across from the Albemarle County Office Building – 5th Street, from Wahoo Way to Old Lynchburg Road, and on the east side of Old Lynchburg Road from 5th Street to Country Green Road.
PROPOSAL: Amend the Code of Development and the application plan for Albemarle Business Campus to change the permitted uses, the square footage, the lot and building regulations, and the green space and amenities in Blocks 2-5.
PETITION: Request to amend the Code of Development and the application plan associated with ZMA201900003 Albemarle Business Campus to change the permitted uses and regulations in Blocks 2-5, which are located on two parcels that total 8.55 acres, to include the following: allow parking structures as a permitted use; permit an additional 25,000-square feet of non-residential square footage for a total of 125,000 square feet; increase the minimum non-residential square footage from zero square feet to 20,000 square feet; permit an additional 15-feet of building height to a maximum of 75 feet; reduce the primary front setbacks from five feet to zero feet; reduce the maximum single building footprint from 40,000 to 30,000 square feet; remove the stepback requirement; remove a note limiting the building footprints of R&D/Flex and Light Industrial buildings; and reorganize the layout of the green space and amenity areas. No change in the density, number, or location of dwelling units is proposed. Sections 20A and 8.5.5.3(e) of the Zoning Ordinance.
ZONING: NMD Neighborhood Model District - residential (minimum of two housing types) mixed with commercial, service, and industrial uses; in accordance with ZMA201900003.
OVERLAY DISTRICT(S): EC – Entrance Corridor, Steep Slopes – Managed, AIA – Airport Impact Area
PROFFERS: Yes
COMPREHENSIVE PLAN: Community Mixed Use – residential (up to 34 units/acre), community scale retail, service and office uses, places of worship, schools, public and institutional uses; in Neighborhood 5; in the Southern and Western Urban Neighborhoods Master Plan area.

CHARACTER OF THE AREA

The subject property (approximately 7.07 acres) is south of Interstate 64, near the interchange with 5th Street, Exit 120. The parcel is generally located north of the intersection of 5th Street and Old Lynchburg Road, across the street from the 5th St. County Office Building, and along the east side of Old Lynchburg Road (see Attachment 1 – Location Map). The parcel is currently zoned NMD, Neighborhood Model District, in accordance with ZMA201900003 Albemarle Business Campus, which is the ZMA that this application proposes to amend (see Attachment 2 – Zoning Map). The subject parcel consists of Blocks 2-4 of the Albemarle Business Campus (ABC) NMD. Block 5 of the ABC NMD (TMP 76-46AB) is adjacent to the subject parcel and is the location of a self-storage building that also includes retail spaces on the ground floor. The western portion of the NMD, identified as Block 1, is located west of Old Lynchburg Road, between Country Green and Mountainwood roads, and has a recently approved site plan for apartments. Blocks 1 and 5 are not included in this amendment application.

The subject parcel lies within the Entrance Corridor and the Airport Impact Area overlay districts. Managed Steep Slopes also exist on the property. This property also is included within an

Opportunity Zone, as defined by the U.S. Department of the Treasury, and lies within the Monticello Viewshed.

The area neighboring the NMD is largely residential, with some neighboring institutional uses and nearby small-scale commercial establishments. There is an apartment complex to the east, zoned R-15 Residential. The County Office Building – 5th Street is to the southeast of the property, across 5th Street, and is zoned CO, Commercial Office. To the north of the subject property is the Region Ten Community Services Board office, zoned CO. There are additional multi-family and townhouse developments to the northwest of the property, zoned R-6 Residential and R-15 Residential. Across Country Green Road, to the southwest of the property, are a mixture of uses and zoning districts, including detached single-family homes, a mobile home community, and small retail establishments, zoned R-4 Residential, R-2 Residential, and C-1 Commercial.

PLANNING AND ZONING HISTORY

There have been several prior actions taken for the property that composes the proposed Albemarle Business Campus project:

1. October 7, 2020 – The Board of Supervisors approved the rezoning request for the Albemarle Business Campus Neighborhood Model District. That approval included a code of development that allows a maximum of 128 residential units and a maximum of 401,000 square feet of non-residential uses.
2. August 11, 2021 – The final site plan for Block 5 was approved, permitting construction of a self-storage building, with retail spaces on the ground floor.
3. March 28, 2022 – The final site plan for Block 1 was approved, permitting construction of 128 multi-family residential units.

SPECIFICS OF THE PROPOSAL

The applicant is proposing to amend the Code of Development (COD) and Application Plan for the previously approved Albemarle Business Campus NMD (ZMA2019-00003). The amendments are proposed only for Blocks 2-4 of the NMD, which are currently located on one parcel that is approximately 7.07 acres. For the applicant's full detailed request and justification, see Attachment 3 – Project Narrative. The proposed new Code of Development and Application Plan are included as Attachment 4 and Attachment 5, respectively. The original rezoning included a proffer statement, which is not being amended with this application. It has been included for reference as Attachment 6. One of the proffers in that statement references a performance agreement with the Economic Development Office that was approved by the Board of Supervisors in April 2020. This performance agreement has been included as Attachment 7.

The changes requested with this application include adding a use, adjustments to minimum and maximum square footage, and lot and building regulations in Block 2. Block 2 is interior to the site, with access via the new street constructed with this development known as Vision Lane. Re-organization of the green and amenity spaces across Blocks 2-4 are also proposed. The applicant is seeking these modifications to allow for a development form in these blocks that could accommodate a wider range of uses, including a building form that is generally desired by the bio-tech industry.

The proposed changes are summarized below:

- Add parking structures as a permitted by-right use in Block 2 only. This request includes supplemental regulations, including that it must be relegated by the main building on the block, and that it can be no taller than the main building.

- Increase the maximum non-residential square footage in Block 2 by 25,000 square feet to allow a maximum of 125,000 square feet. Increase the minimum non-residential square footage from 0 to 20,000 square feet in Block 2.

- Increase the maximum height in Block 2 from 60 feet to 75 feet. The number of stories would remain the same, at a maximum of four. This change will provide flexibility to accommodate a wider range of uses.

- Remove the stepback requirement above the third story. This change will allow a four-story building with no stepback from the Vision Lane frontage.

- Reduce the minimum front setback from five (5) feet to zero (0) feet.

- Reduce the maximum single building footprint in Block 2 from 40,000 square feet to 30,000 square feet, while removing the note that restricts R&D/flex/light industrial uses to a building footprint of no greater than 20,000 square feet. This change would allow the maximum 30,000 square-ft. building to accommodate a wider range of uses.

- Increase the size of "ABC Park," which straddles blocks 3 and 4, adjacent to the multi-use path along 5th Street, which will become the main central green space of the development. This larger park would connect the multi-use path and linear greenway along 5th Street with the dynamic "Transport Plaza" that is to be constructed at the center of the development, along Vision Lane.

- Reduce "Central Park" on the north side of Vision Lane, between blocks 2 and 5. However, it would still provide connections between the "Transport Plaza" and the trails and dog park at the rear of the NMD, adjacent to the Region 10 property.

- Provide a 20-ft. landscaped buffer and sidewalk allowing access to the dog park, along the boundary with the property to the north-northeast (Cavalier Crossing). This change is proposed to mitigate the height increase in the height of buildings in Block 2.

- The overall percentage of green space and amenities in the NMD is not changing; it is only being reorganized throughout the blocks.

COMMUNITY MEETING and COMMUNITY MEMBER INPUT

A virtual community meeting was held for this proposal on Thursday, December 16, 2021, at a regularly scheduled meeting of the 5th and Avon Community Advisory Committee (CAC). This meeting was conducted using Zoom. Questions were asked by CAC and community members.

The main concerns raised included the potential impact of additional traffic along Old Lynchburg Road and 5th Street and at their intersection; pedestrian safety and connections with nearby parcels; the potential lack of success of mixed-use developments as intended; and the types of activities that may take place in a building housing Research & Development/Light Industrial uses.

A recording of the community meeting may be found on the County Calendar for December 16, 2021, or by clicking HERE.

COMPREHENSIVE PLAN

The Southern and Western Urban Neighborhoods Master Plan designates the subject property (TMP 76-54) as Community Mixed-Use (see brown on map inset below; subject property highlighted). In the application plan, this area is identified as Blocks 2-4.



Community Mixed Use calls for a mixture of residential and retail uses and services that serve 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. Townhouses, apartments, and attached housing units are recommended. A maximum single-building footprint of no greater than 60,000 square feet is recommended for retail, service, and office buildings. Secondary uses that are recommended are auto-commercial sales and service with all service activities within a building with a maximum footprint of approximately 7,500 square feet and office/R&D/flex/light industrial uses with a maximum single-building footprint of approximately 20,000 square feet. Master plan recommendations and proposed changes with this rezoning are summarized below:

	Master Plan Recommendation	**Approved ZMA2019-00003 COD**	**Proposed ZMA2021-00014 COD**
Building Height	1-4 stories	1-4 stories	1-4 stories (no change)
Single-Building Footprint for Retail, Service, & Office Uses	60,000 square feet	40,000 square feet	30,000 square feet (decrease of 10,000 square feet)
Single-Building Footprint for Office/ R&D/Flex/Light Industrial Uses	20,000 square feet	20,000 square feet	30,000 square feet (increase of 10,000 square feet)

The proposed amendments reduce the maximum single-building footprint in Block 2 by 10,000 square feet, from 40,000 to 30,000 square feet, half of the maximum that is recommended. The amendments also remove the restriction that office/R&D/flex light industrial use buildings have a maximum footprint of 20,000 square feet, allowing such buildings to also be constructed with a footprint up to 30,000 square feet, the same as other uses. Although this footprint size is larger than what is recommended for such a use in the master plan, it allows for more flexibility in the re-use of any building by not limiting the size of the structure based on the initial proposed use.

Such flexibility and adaptability in possible uses is an important consideration of both the Community Mixed-Use land use designation and the Neighborhood Model District zoning district. In addition, since the footprint size of any building in Block 2, whether it is used for office/R&D/flex/light industrial or some other use, has decreased to 30,000 square feet, the overall mass of the building has been reduced.

The Neighborhood Model: Staff has reviewed the proposal against the Neighborhood Model Principles and has found that it is consistent or mostly consistent with all of the principles. The detailed Neighborhood Model analysis can be found in Attachment 8.

Project Enable: Staff from the County's Economic Development office (EDO) has reviewed this proposal. The EDO expressed support for the provision of office space in this development, as it would further the goals of the County's Project Enable to provide office space for primary industries interested in remaining in or relocating to the County, and the County currently has a low vacancy rate for available office space. In addition, this property is located within a designated Opportunity Zone. There are no changes proposed at this time to the performance agreement approved on April 15, 2020, between Albemarle County and the applicant (see Attachment 7 for the approved performance agreement).

ZONING ORDINANCE REQUIREMENTS

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

The purpose and intent of the Neighborhood Model District (NMD) zoning district is to:

- Provide for compact, mixed-use developments.
- Integrate diversified uses within close proximity to each other within the development areas identified in the Comprehensive Plan.
- Incorporate principles of traditional neighborhood development, such as pedestrian orientation and a mixture of uses.

The NMD is intended to be a flexible zoning district to allow development consistent with the goals of the Future Land Use Plans in the Master Plans and the Neighborhood Model Principles. The form and content of this proposal is mostly consistent with the intent of the NMD, providing a mix of residential and non-residential uses on the property and integrating them with nearby properties through the construction of multi-modal transportation options, including sidewalks, shared-use paths, a bus shelter, and road improvements.

The Southern and Western Urban Neighborhoods Master Plan calls for the property included in this application to be developed as Community Mixed-Use. The master plan also identifies the County Office Building – 5th Street, which is across the street from this proposal, as a Center. The proposal will provide commercial uses for the area south of I-64, where there are currently only a few small retail establishments. Because there is currently little commercial activity in this area, this development would provide employment, retail, and service uses that can serve the many existing residents in the surrounding area, as well as the new residents who will live in the multi-family apartments that were recently approved for Block 1 of the Albemarle Business Campus NMD. The proximity of the commercial areas to this project's approved residential areas, as well as other

existing residential communities, along with the proposed sidewalks to connect the various areas, would allow the development to function as more cohesive mixed-use area. Because the COB – 5th St. is identified as a center, a mixed-use NMD development directly across the street, providing both residential and commercial, would help this area to act more like a center for the community south of I-64.

Anticipated impact on public facilities and services:

Streets:

The proposed development is located at the intersection of Old Lynchburg Road and 5th Street, which is a busy intersection. 5th Street is a major north-south corridor for the County, extending from the City of Charlottesville south across I-64, to the 5th Street County Office Building (COB), at the intersection with Old Lynchburg Road. Old Lynchburg Road extends north-south from the City of Charlottesville to the intersection with 5th Street, then south past the Southwood community, to the rural areas in southern Albemarle. The 5th Street COB, which is across the street from ABC, serves as the headquarters for Albemarle Fire-Rescue (ACFR), the Albemarle Police Department (ACPD), and social services, among other departments, so ease of access to this building for County employees and residents is important. This intersection has an established crash history and traffic congestion that suggests a need for improved operations, and the additional development with ABC will create more traffic at this intersection and along this corridor.

The overall proposed development of ABC will add a significant number of new trips to a corridor already experiencing safety and operational issues that currently has inadequate bicycle and pedestrian facilities. However, the proffers the applicant included with ZMA201900003 appear to address many of the most immediate needs within the Corridor. These include providing funding to improve the highest priority need at the 5th Street/Old Lynchburg Road intersection, enhancing the bicycle and pedestrian network through construction of a segment of shared-use path, and improving transit facilities through upgrades to the existing transit stop. It should also be noted that higher density, mixed-use development located on major transportation corridors near the urban center of the region will, in the long-term, result in less demand on the transportation system, provide opportunities for better multi-modal options, and help meet the goals and objectives for transportation found in the Comprehensive Plan and Master Plan. VDOT is also working on the design phase of a round-about at the Old Lynchburg Road/5th Street intersection.

This proposal to add an additional 25,000 square feet of non-residential square footage has been reviewed by the County's transportation planners and is not expected to cause a significant change in the traffic generation numbers or traffic patterns from what has already been approved for the site.

Schools:

This rezoning request does not propose to amend the residential portions of the Code of Development and Application Plan, so there are no expected impacts on County schools.

Fire & Rescue:

ACFR has reviewed this rezoning application and has no objections at this time. Code requirements for items such as street and travelway width, turning radius, and the necessity of secondary emergency fire access routes will be addressed at the site planning 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 RWSA have no objections to this project at this time. A utilities construction plan will be required, subject to ACSA approval, prior to the approval of subdivision plats and/or site plans by the County at the development stage of these properties. This project will require a sewer flow acceptance by the Rivanna Water and Sewer Authority (RWSA) for each phase since the overall development as currently proposed will produce over 40,000 gpd of wastewater. RWSA does not object to the project limits falling within the Ragged Mountain Dam Break Inundation Zone (for the PMF breach), as this does not impact the hazard classification or decrease response times for the Ragged Mountain Dam.

Anticipated impact on environmental, cultural and historic resources:

There are no known cultural or historic resources on this property. There are managed steep slopes on the subject parcel, and any disturbance of those slopes will be reviewed by the County Engineering staff during the development phase of the project. In addition, there are no flood plains or water protection ordinance (WPO) buffers on these parcels. There is an ephemeral stream on the property; however, an inspection by the Army Corps of Engineers indicated there were no wetlands on the site. Any increase in stormwater runoff above what is currently allowed on the property will be reviewed by County Engineering staff during the 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 new use of a parking structure.

  A parking structure is not expected to have a significant impact on nearby and surrounding properties. This use is limited to Block 2, which is the interior block farthest from both Old Lynchburg Road and 5th Street.

- The change in building and lot regulations.

  The building and lot regulations are not expected to have a significant impact on nearby and surrounding parcels. One of the proposed parks (the dog park) is in the back corner of this block, providing an area of green space between the building envelope and the neighboring parcels. On the northeast side of Block 2, the applicant has proposed a landscaping area of 20 feet between any structure over 50 feet and the neighboring property to provide a buffer between the uses. In addition, the overall building footprint is being reduced by 10,000 square feet with this proposal, decreasing the size and mass of potential buildings.

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 the Southern and Western Urban Neighborhoods development area (in Neighborhood 5) and is adjacent to a Center that is designated in the Master Plan. The designated Center is the 5th Street County Office Building. This proposal will help create a more mixed-use area around the Center, allowing for a mix of commercial and residential uses in an area where there are currently few commercial uses. In addition, this project will provide for a denser, more walkable environment in the neighborhood with the construction of sidewalks and a multi-use path along existing streets that do not currently have pedestrian facilities. The applicant continues to propose to construct a bus shelter at an existing bus stop that currently

consists only of a sign on the side of the road. This addition will help make transit in this area more accessible to nearby residents and workers.

PROFFERS

The proffer statement approved with ZMA201900003 is not proposed to be amended with this application. That proffer statement is included as Attachment 6. A summary of those proffers is provided below.

- **Proffer #1 (Infrastructure Improvements):** The first proffer contains two parts related to infrastructure improvements.
    - **Proffer 1a:** The first part of proffer #1 proposes that the applicant will provide a cash contribution of $500,000 to Albemarle County's Capital Improvement Program (CIP) fund to use on infrastructure improvements in the area. Specific improvements for this cash are not identified, so it could be used for transportation projects along the 5th Street corridor, for example, or for the expansion at Mountain View Elementary that the school system has proposed.
    - **Proffer 1b:** The second part of proffer #1 proposes that, in addition to the cash contribution, the applicant will dedicate a portion of the property, as shown on the exhibit attached to the proffers, for the construction of a roundabout at the intersection of 5th Street and Old Lynchburg Road.

- **Proffer #2 (Trip Generation):** This proffer contains a limit on the number of trips that can be generated by the combined uses on the property, capping the number of daily vehicular trips at 3,200 trips or a number of peak hour trips at 509, while also allowing for the accounting of internal trip capture from the proposal's development as a mixed-use project. The trip generation numbers would be identified using the ITE Trip Generation Manual, and a site plan or zoning clearance could not be approved if its use would cause the overall number of trips from the NMD to exceed the caps mentioned above.

- **Proffer #3 (Performance Agreement):** The applicant proposes to develop the property subject to this rezoning to be in accordance with the Performance Agreement among the County of Albemarle, the Albemarle County Economic Development Authority, and the Property Owner that was approved by the Board of Supervisors on April 15, 2020 (see Attachment 7).

SUMMARY

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

1. The request is consistent with the uses and density recommended by the Southern and Western Urban Neighborhoods Master Plan.
2. The request is consistent with the applicable neighborhood model principles.
3. The request includes office space in the commercial areas, a goal of the County in furthering the objectives of the Economic Development department's Project Enable.
4. The request provides pedestrian connections and multi-modal infrastructure along Old Lynchburg Road and 5th Street.

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

1. No unfavorable factors have been identified.

RECOMMENDATION

Based on the findings described in this staff report and factors identified as favorable, **staff recommends approval of zoning map amendment application ZMA202100014 Albemarle Business Campus.**

ATTACHMENTS

1 – Location Map
2 – Zoning Map
3 – Project Narrative, dated November 15, 2020; last revised February 7, 2022
4 – Code of Development, dated November 15, 2020; last revised February 7, 2022
5 – Application Plan, November 15, 2020; last revised February 7, 2022
6 – Approved Proffer Statement, dated September 14, 2020
7 – EDA Development Agreement, dated April 15, 2020
8 – Staff Analysis of Application's Consistency with Neighborhood Model Principles