



COUNTY OF ALBEMARLE PLANNING
STAFF REPORT SUMMARY

Proposal: CCP202200002, Public Safety Operations Center (Fashion Square Mall)	Staff: David Benish, Development Process Manager
Planning Commission Public Hearing: January 24, 2023	Board of Supervisors Hearing: n/a – Planning Commission’s finding forwarded to Board for information only
Owner: Fashion Square Assets, LLC Lessee: Albemarle County	Applicant: Dept. of Facilities and Environmental Services
Acreage 10.17-acres (portion)	Comprehensive Plan Consistency for: Public Safety Operations Center
TMPs: 06100-00-00-12900 Location: 1639 Rio Road East; Former JC Penney building in Fashion Square Mall	Zoning/by-right use: PUD, Plan Unit Development and PDSC, Planned Development Shopping Center
Magisterial District: Rio	Entrance Corridor: Yes
School Districts: N/A	Proffers: Yes
Proposal: Establish public safety operations center providing office and storage space, and routine maintenance of fire rescue apparatus	Requested # of Dwelling Units: N/A
DA: X RA:	Comp. Plan Designation: Flex (Rio29 Small Area Plan)
Character of Property: Vacant “anchor” store in commercial shopping center/mall	Use of Surrounding Properties: Commercial uses, with multi-family residential on the eastern boundary of the mall property
Factors Favorable: 1. The location, character and extent of the proposed public facility is consistent with the County’s Comprehensive Plan, specifically the Rio29 Small Area Plan use recommendation. 2. The facility provides space needed for essential support functions for public safety agencies. 3. The projects fosters the reuse of an existing vacant building and re-introduces activities into an increasingly vacant commercial center.	Factors Unfavorable: 1. No unfavorable factors related to the proposal’s consistency with the Comprehensive Plan.
RECOMMENDATIONS: Staff recommends that the Commission find the location, character, and extent of the “CCP202200002, Albemarle County Public Safety Operations Center” public facility and public use thereof, as proposed, to be in substantial accord with the Comprehensive Plan, for the reasons identified as favorable factors in this staff report.	

STAFF CONTACT: David Benish
PLANNING COMMISSION: January 24, 2023
BOARD OF SUPERVISORS: N/A

BACKGROUND

The County is proposing to locate a public safety operations center at Fashion Square Mall, in a portion of the old JC Penney building (Attachments 1 and 2). The facility would provide office space and supporting storage and vehicle maintenance services to the County Police and Fire Rescue Departments. The facility would provide space for “back of the house” uses and activities; there will be no publicly accessible services provided at this site.

Public uses are permitted by-right in all zoning districts. However, if the proposed facility is not specifically identified in the locality’s Comprehensive Plan, a review for the facility’s compliance with the Comprehensive Plan is required by Virginia Code (Section 15.2-2232). A public safety facility is not sufficiently identified in the County’s Comprehensive Plan for this area therefore necessitating this review.

PURPOSE OF THE REVIEW

A Compliance with the Comprehensive Plan Review (“CCP Review” or “2232 Review” in reference to the Code of Virginia statute requiring this local review process), considers whether the general location, character, and extent of a proposed public facility are in substantial accord with the adopted Comprehensive Plan. It is reviewed by the Planning Commission, and the Commission’s finding is forwarded to the Board of Supervisors for their information; no additional action is required of the Board. The Commission’s action is only related to the appropriateness of the site for the proposed public use and is not an action or recommendation on whether the facility should be constructed.

CHARACTER OF SURROUNDING AREA

The proposed site is a portion of the former JC Penney building, with associated parking on the east and south sides of the building. The immediate surrounding area consists of the remainder to the mall building and surrounding parking. To the east of the proposed site and mall is Glenwood Station residential units and a portion of the Squire Hills apartment complex. Those residential areas are a minimum of 630 feet and 470 feet from the JC Penney building, respectively. Mature trees and screening vegetation exists along some of the eastern and southern edge of the mall property.

Commercial development otherwise surrounds the mall property. Route 29 is designated an Entrance Corridor (EC) route and is located on the west side of the mall (and JC Penney building). There will be no impact on the EC from this proposal as there are no site changes or building expansions proposed. Only small modifications to the east and south side of the building are proposed; the addition of one garage door in the existing eastern wall of the building and re-opening of one or more of the existing bays on the south side of the building.

The JC Penney store used to sell and service tires from within the building. The previous “tire shop” area contained 8 bays, which still exist, though the bay doors were replaced with plywood boarding.



East Side of Building



South side of Building (old JC Penney tire shop bays)

PLANNING AND ZONING HISTORY

Fashion Square Mall was approved for development in the late 1970s. No other major zoning or site plan actions have occurred on this parcel since the early 1980s (one Minor Site Development Plan Amendment was approved in 2000).

SPECIFICS OF THE PROPOSAL

The applicant has provided an application and narrative that describes the project (Attachment 3). The following are the major aspects of the proposal:

- The County has entered a 10-year lease to use a portion of the former JC Penney building in FS Mall.
- 32,140 sq. ft. of the total 96,108 sq. ft. building will be used for this public facility.
- The existing retail space within the building will not be impacted by this project and is available for lease by others for commercial uses.
- Parking for this use will occur primarily on the south and east side of the building.
- For Fire-Rescue, the facility will be used for offices, supply storage, and fleet maintenance.

market changes and can encourage a wider variety of housing types, especially smaller, more affordable units. The form standards described on the previous pages will appropriately limit the density and intensity of development that a site can handle, and will ensure that development is consistent with adjacent neighborhoods and that it promotes pedestrian activity and active street life. (p.25)

The Plan identifies four Place Types in the Small Area Plan area: Urban Core, Core, Flex, and Edge. This site is in the Flex place-type area. The Flex area *“is intended to have the highest amount of flexibility in building form and use. Buildings can have a range of heights and uses, but buildings should be designed to make pedestrians comfortable.”* (p. 27)

The uses recommended for Flex areas are:

GROUND STORY: Flexible

RESIDENTIAL: Multi-family residential, single-family attached/townhouses

NON-RESIDENTIAL: Retail sales & general commercial service, hotel, institutional, light industrial/manufacturing/storage/distribution/auto sales + service uses may be appropriate when an applicant can demonstrate minimal impacts on surrounding uses, especially residential uses, and the public realm. (p. 28)

The uses proposed with the Operations Center are consistent with the uses recommended/allowed in the Flex place-type area, as noted above. Staff opinion is that the vehicle maintenance/service aspect of the proposed facility is consistent with the allowable uses. The vehicle service activity will have minimal impact on the surrounding residential area, given the distance of the residential areas from the building/service activity, the existence of vegetative buffers along the edge of the mall site, and given that the service activity is contained entirely within the building.



Vegetation along eastern edge of Mall parcel buffering some residential units

The proposed facility will be located within an existing structure with no major exterior modifications/expansions to the structure, and no other changes/improvements to the site; therefore, there are limited opportunities to implement any of the form or connectivity recommendations found in the Small Area Plan.

Community Facilities Recommendations of Comprehensive Plan - This proposal is consistent with the relevant Community Facilities recommendations contained in the Comprehensive Plan, including the following:

Community Facilities Objective 1: Continue to provide public facilities and services in a fiscally responsible and equitable manner.

Strategy 1a: Give priority to facilities and services that address emergency needs, health and safety concerns, and which provide the greatest cost-benefit ratio to the population served.

Strategy 1b: Give priority to the maintenance and expansion of existing facilities to meet service needs.

Strategy 1c: Continue to design all buildings, structures and other facilities to permit expansion as necessary. Sites should be able to accommodate existing and future service needs.

Strategy 1d: Continue to locate related or complementary services and facilities together when possible and when other goals of the Comprehensive Plan can be met.

This site provides for a central and accessible location within the County and Development Areas and will relieve a long-standing need for additional secure storage and office space that can no longer be provided at the COB, Fifth Street site.

Character and Extent of Proposed Facility - The character and extent of the proposed public facility is consistent and compatible with the surrounding existing development, as well as the uses recommended in the Rio29 Small Area Plan. The site is surrounded by mostly commercial uses. The existing residential areas are sufficiently distant from the proposed facility and the impacts of the proposed use are no more intensive (or less intensive) than the impacts experienced from the mall at full occupancy. The Operational Center will bring back some activity and vitality to a large, vacant building.

SUMMARY

Staff finds the following factors favorable to this request:

1. The location, character and extent of the proposed public facility is consistent with the County's Comprehensive Plan, specifically the Rio29 Small Area Plan Use recommendation.
2. The facility provides space needed for essential support functions for public safety agencies.
3. The projects fosters the reuse of an existing vacant building and re-introduces activities into an increasingly vacant commercial center.

Staff finds the following factors unfavorable to this request:

1. No unfavorable factors related to the proposal's consistency with the Comprehensive Plan.

RECOMMENDATION

The Commission finds that the location, character, and extent of the "CCP202200002, Albemarle County Public Safety Operations Center" public facility and public use thereof, as proposed, to be in substantial accord with the Comprehensive Plan for the reasons identified as favorable factors in this staff report.

ATTACHMENTS

Attach 1 - [CCP2022-02 Public Safety Operations Center: Location Map](#)

Attach 2 - [CCP2022-02 Public Safety Operations Center: Aerial Map](#)

Attach 3 - [CCP2022-02 Public Safety Operations Center: Applicant's Project Narrative](#)