COUNTY OF ALBEMARLE
PLANNING STAFF REPORT SUMMARY

Project Name: ZMA201900003 Albemarle Business Campus (formerly known as Royal Fern)	**Staff:** Andy Reitelbach, Senior Planner
Planning Commission Public Hearing: August 18, 2020	**Board of Supervisors Public Hearing:** October 7, 2020
Owner: 5th Street Forest, LLC; Region Ten Community Services Board, Inc.	**Applicant**: 5th Street Forest, LLC, c/o Kyle Redinger
Acreage: 13.63 acres	**Rezone from:** R-2 Residential, R-10 Residential, and CO Commercial Office to NMD, Neighborhood Model District
TMPs: 076000000046A0, 076000000046F0 (portion), 07600000005400	**Location:** NW side of 5th St. across from Albemarle County Office Building – 5th St., from Wahoo Way to Old Lynchburg Rd.; east side of Old Lynchburg Rd. from 5th St. to Country Green Rd.; west side of Old Lynchburg Rd. from Country Green Rd. to Mountainwood Rd.
School Districts: Monticello High, Burley Middle, Mountain View (formerly Cale) Elementary	**By-right use:** Commercial office space and a maximum of 48 residential units.
Magisterial Districts: Samuel Miller, Scottsville	**Proffers**: Yes
Proposal: Rezone two parcels of land and a portion of a third parcel of land totaling 13.63 acres from R2, R10, and CO, to NMD, Neighborhood Model District, with both residential and non-residential (max of 401,000 sq. ft.) components proposed. Request for one (1) special exception to NMD requirements.	**Requested # of Dwelling Units:** A maximum of 128 dwelling units.
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; and Urban Density Residential – residential (6.01-34 units/acre), supporting uses such as places of worship, schools, public and institutional uses, neighborhood scale commercial, office, and service uses; in Neighborhood 5; in the Southern and Western Urban Neighborhoods Master Plan area.
Character of Property: The property is currently all wooded, with no existing structures.	**Use of Surrounding Properties:** Apartments to the east; COB-5th St. to the south of 5th St.; small commercial establishments, detached single-family homes, and mobile homes to the south of Country Green Rd.; Region Ten office to the north; single-family attached and multifamily to the northwest.
Affordable Housing: Yes ☒ No ☐	**AMI (Area Median Income):** 80% of AMI as determined by U.S. Dept. of Housing & Urban Development

Factors Favorable:	**Factors Unfavorable:**
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, Mountainwood, and Country Green roads and 5th Street. 5. The request proffers right-of-way dedication to assist in resolving the traffic issues at the Old Lynchburg-5th intersection and along the 5th Street corridor. 6. The request proffers cash contributions to the County's CIP fund to help mitigate impacts of the development to public infrastructure.	1. Additional students will be enrolled at area schools, including Mountain View (formerly Cale) Elementary, which is already over-capacity. 2. Additional traffic will be produced along 5th Street and at its intersection with Old Lynchburg Road, which is an intersection that is already failing.

RECOMMENDATION: On the whole, it is staff's opinion that the favorable factors outweigh the unfavorable factors associated with this request. Staff recommends approval of ZMA201900003 Albemarle Business Campus (formerly known as Royal Fern), provided recommended revisions, as identified in the staff report, are made to the application prior to the Board of Supervisors meeting.

In addition, staff recommends approval of the one (1) special exception request (Sec. 18.20A.8(a) for requirement of a minimum of two housing types).

STAFF PERSON: **Andy Reitelbach**
PLANNING COMMISSION: **August 18, 2020**
BOARD OF SUPERVISORS: **October 7, 2020**

ZMA 201900003 Albemarle Business Campus (formerly known as Royal Fern)

PETITION

PROJECT: ZMA201900003 Albemarle Business Campus (formerly known as Royal Fern)
MAGISTERIAL DISTRICT(S): Samuel Miller, Scottsville
TAX MAP/PARCEL(S): 076000000046A0, 076000000046F0, 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, on the east side of Old Lynchburg Road from 5th Street to Country Green Road, and on the west side of Old Lynchburg Road from Country Green Road to Mountainwood Road.
PROPOSAL: Rezone two parcels of land and a portion of a third parcel of land from R2 Residential, R10 Residential, and CO, Commercial Office, to NMD, Neighborhood Model District, to allow for a mixed-use development. A maximum of 128 residential units and a maximum of 401,000 square feet of non-residential space are proposed.
PETITION: Request to rezone 10.17 acres from R2 Residential, which allows residential units at a density of 2 units per acre; 0.58 acres from CO Commercial Office, which allows offices, supporting commercial and service, and residential by special use permit (15 units per acre); and 2.88 acres from R10 Residential, which allows residential units at a density of 10 units per acre; to NMD, Neighborhood Model District, which allows residential (3-34 units per acre) mixed with commercial, service, and industrial uses. A maximum of 128 residential units is proposed for a gross and net density of approximately 9.4 units per acre. A maximum of 401,000 square feet of non-residential space is proposed. An associated request for a special exception to waive the requirement for a Neighborhood Model District to have a minimum of two housing types under §18-8.2(b) and §18-20A.8(a).
ZONING: R-2 Residential - 2 units/acre; R-10 Residential - 10 units/acre; and CO Commercial Office – offices, supporting commercial and service; residential by special use permit (15 units/ acre).
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; and Urban Density Residential – residential (6.01-34 units/acre), supporting uses such as places of worship, schools, public and institutional uses, neighborhood scale commercial, office, and service uses; in Neighborhood 5; in the Southern and Western Urban Neighborhoods Master Plan area.

CHARACTER OF THE AREA

The subject properties are two parcels of land, and a portion of a third parcel of land, that are located south of Interstate 64, near the interchange with 5th Street, Exit 120. The parcels are generally located at the intersection of 5th Street and Old Lynchburg Road, across the street from the 5th St. County Office Building, and along Old Lynchburg Road between Country Green Road and Mountainwood Road (see Attachment 1 – Location Map). The property of the proposed rezoning is split into two pieces by Old Lynchburg Road, with the piece on the east side of Old Lynchburg Road composed of one parcel (TMP 76-54) and a portion of another parcel (TMP 76-46A). TMP 76-54 is currently zoned R-10, Residential, and TMP 76-46A is currently zoned R-2, Residential (see Attachment 2 – Zoning Map). The other piece of property included in this rezoning is on the west side of Old Lynchburg Road between Mountainwood Road and Country Green Road and consists of the other portion of TMP 76-46A, which is zoned R-10, Residential, and the piece of 76-46F (zoned CO, Commercial Office) which lies west of Old Lynchburg (see Attachment 3 – Boundary

Compilation). The piece of 76-46F which lies east of Old Lynchburg is not a part of this rezoning request. Together, the parcels total 13.63 acres and are currently wooded, with no existing structures.

Parcels 76-46A and 76-46F were bisected by Old Lynchburg Road in 1992, creating the current circumstance of those two properties being disjointed, with pieces of land on either side of the road. The Virginia Department of Transportation (VDOT) acquired portions of those parcels in 1992 for right-of-way to reconfigure the roads and intersections in this area, including the construction of the existing intersection of 5th Street and Old Lynchburg Road, as well as the section of Old Lynchburg Road stretching from that intersection northwest to Mountainwood Road.

The parcels also lie within the Entrance Corridor and the Airport Impact Area overlay districts. Managed Steep Slopes exist on the property, on both sides of Old Lynchburg Road. In addition, a small part of the property (on the east side of Old Lynchburg Road) lies within a State Dam Break Inundation Zone. 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 neighboring area 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. There are additional residential areas farther north along Old Lynchburg Road, in the direction of I-64 and the City of Charlottesville municipal boundary. Farther south along Old Lynchburg Road from the subject property are more residential developments, as well as the Southwood community, which was rezoned by the Board of Supervisors last year to Neighborhood Model District for a mixed-use development.

SPECIFICS OF THE PROPOSAL

The applicant is proposing to rezone the 13.63-acre property from R-2 Residential, R-10 Residential, and CO, Commercial Office, to NMD, Neighborhood Model District, to allow for a mixed-use development of commercial and residential, with a maximum of 128 residential units proposed and a maximum of 401,000 square feet of non-residential use proposed (see Attachment 4 – Project Narrative). The applicant has submitted a code of development (see Attachment 5 – Code of Development) and an application plan (see Attachment 6 – Application Plan), which are requirements of the NMD zoning district. In addition, the applicant has voluntarily provided a proffer statement (see Attachment 7 – Draft Proffer Statement).

Without the rezoning, the applicant could develop approximately 48 residential units on the property by-right, including both the existing R-2 and R-10 zoning districts. Additional residential units could be constructed if the property owner were to choose to pursue the various bonus factors that the Zoning Ordinance permits. Using a combination of bonus factors, the maximum number of additional units that could potentially be approved by-right is 50% of the base zoning. This calculation could allow for an additional 24 units, resulting in approximately 72 units total that could be constructed. However, it is important to note that bonus factors have different requirements, including some discretionary approvals, so it may not be possible for every property to utilize all potential bonus factors. It is unlikely that commercial uses could be developed by-right on the property, due to the small size and shape of the area zoned CO, 0.58 acres.

The code of development (COD) permits the residential units to be either single-family attached or multi-family units. Single-family detached units are not permitted in the COD. A mix of non-residential uses are permitted, including office, retail/restaurant, hotel, and others. Industrial uses are not permitted by the code of development. In addition, more auto-oriented uses like car washes and drive-thru windows are also not permitted.

The COD and the application plan show the property divided into five (5) separate blocks, each with its own list of permitted uses and development regulations. Residential and non-residential uses are permitted in all five blocks. However, the residential uses are proposed to be more concentrated in Block 1, and the non-residential uses are proposed to be more concentrated in Blocks 2-5. The gross and net density of residential units for this project as a whole is approximately 9.4 units per acre. The maximum density proposed for any individual block is between 23 and 26 units per acre.

Block 1 consists of all the property west of Old Lynchburg Road. This area includes the western part of TMP 76-46A and the portion of 76-46F that is proposed to be rezoned. The part of TMP 76-46F east of Old Lynchburg Road is not a part of this rezoning application. In the COD, this area is identified as Block 1. It is proposed to permit a maximum of 128 residential units on 5.08 acres, for a density of 25.19 units per acre. It also permits a small area of non-residential uses.

The portions of the property east of Old Lynchburg Road include the eastern part of TMP76-46A and TMP 76-54. In the COD and application plan, this area is identified as Blocks 2-5. These blocks permit a wide range of non-residential uses and square footage. Residential uses are also permitted in all of these blocks but are not required, allowing blocks 2-5 to potentially be all non-residential. Blocks 2-5 range in area from 1.49 acres to 3.17 acres.

The applicant proposes a minimum of 20% of green space and amenities in the district, in line with the requirements of the ordinance. At least 20% of Block 1 is required to be green space and amenities, and 20% of blocks 2-5 is also required to be green space and amenities. This situation ensures that Block 1 also has a significant amount of green space and amenities, and it is not all concentrated on one side of Old Lynchburg Road. The applicant also identifies potential amenities that could be included in the development, ranging from a dog park to a clubhouse.

Also in the COD, the applicant has included the lot and building regulations for each block, including height, number of stories, setbacks, stepbacks, and maximum building footprint. These regulations differ for each block, but the maximum height proposed is four stories or 60 feet. Stepbacks begin at the third story, or 40 feet, for blocks 2, 4, and 5. However, Block 3 permits buildings to rise to three stories, or 52 feet, before a stepback is required along the 5th Street frontage of the block. Building footprints range from a maximum of 20,000 square feet in Block 1 to a maximum of 40,000 square feet in blocks 2, 3, and 5.

The applicant has also provided architectural standards, landscape treatments, parking standards, and sidewalk and pedestrian path standards in the code of development. Because this item is in the Entrance Corridor, elements like architecture and landscaping will also be reviewed by the Architectural Review Board for a Certificate of Appropriateness at the time of site plan review.

The application plan provides more detail on proposed circulation routes in and around the property, conceptual grading and stormwater management, and conceptual layout of green and amenity space. The application plan also includes proposed street sections of the various street frontages of this property, both on existing streets and proposed new internal streets.

In addition, the applicant is dedicating some right-of-way along the public streets to construct sidewalks and a multi-use path to allow for more walkability in this development and to create pedestrian connections with the surrounding areas.

The applicant is proposing to designate 15% of the total residential dwelling units built as affordable housing, including both for-sale and for-rent units. This information is included in the COD.

Due to concerns about infrastructure issues in the area, the applicant has voluntarily submitted a proffer statement to address impacts. This proffer includes a $500,000 cash contribution to the County's CIP fund and dedication of right-of-way for future construction of road improvements at the intersection of 5th Street and Old Lynchburg Road, such as a roundabout. The proffer statement also limits the development to a cap of 3,200 vehicles trips per day on the combined uses of the property. A Performance Agreement for this property was agreed among the County of Albemarle, the Albemarle County Economic Development Authority, and the Property Owner on April 15, 2020. Developing the property in accordance with this agreement has also been proffered.

In addition, the applicant has submitted one (1) special exception request to waive the requirement for a minimum of at least two housing types in an NMD. (See Attachment 10 for the Special Exception Request and Narrative and Attachment 11 for the Staff Report and Analysis of the Special Exception request.)

APPLICANT'S JUSTIFICATION FOR THE REQUEST

The applicant has provided a detailed narrative as justification for the request (see Attachment 4), as well as a justification narrative for the requested special exception request (see Attachment 10).

COMMUNITY MEETING and COMMUNITY MEMBER INPUT

Two community meetings have been held for this proposal. The first community meeting was conducted by the applicant on April 18, 2019, at a regularly scheduled meeting of the 5th and Avon Community Advisory Committee (CAC). Due to the significant changes that occurred to this proposal during the review process, a second community meeting was held on June 11, 2020, in order to present the revised proposal and the changes that had been made in the nearly 14 months since the previous community meeting. This community meeting was held virtually, using Zoom and PublicInput.com, at a special meeting of the 5th and Avon CAC. At the virtual meeting, questions were asked by community members both by phone and by submitting questions through the chat function of the meeting program.

There were many concerns raised by the attendees, including:

Traffic Impacts:

1. Additional impact that this project would have on the traffic in the area of 5th Street, as traffic heading north to I-64 and the City of Charlottesville is already congested at rush hour.
2. Left turns from Old Lynchburg Road onto northbound 5th Street, especially during the morning hours. This turn can be dangerous.
3. Concern that a roundabout may not be the best solution for the intersection because many motorists have trouble navigating such infrastructure and that a traffic light might be more helpful.
4. This development, along with the other nearby developments recently constructed or approved, could create greater congestion along this corridor. Concern was expressed that the nearby roads already cannot handle the existing traffic.
5. Stagecoach Road is already used as a cut-through for people travelling along 5th Street, and there is concern that this development could increase the number of people who use this road as a cut-through.

Mixture of Uses:

1. Concern that mixed-use developments do not always work out as intended.
2. Commercial component could increase traffic more than just residential could.

The applicant indicated that the commercial component would not be a strip mall-type development but would divide the commercial areas into smaller blocks.

Pedestrian Access/Safety:

1. Concerns regarding the lack of pedestrian facilities, and additional commercial development without sidewalks to access it could make the area more dangerous for people who walk. The applicant indicated that sidewalks or trails would be provided along the road frontage of the subject property; however, off-site sidewalks would not be provided.
2. Concern over safety was raised by community members, as commercial areas near the residences may cause safety issues. One community member indicated that building sidewalks, crosswalks, and green spaces could help increase the safety of the area. The applicant indicated that all traffic issues would be reviewed by the transportation planner and VDOT, and the development would have to meet VDOT's standards and regulations.
3. There was concern expressed about the safety of children playing on nearby streets, such as Stagecoach Road, if the increase in traffic along 5th Street and Old Lynchburg Road causes motorists to choose alternate routes.

Open Space:

1. Concern about the loss of trees and green space in the area, as most of the other parcels in the area have been developed.
2. The ecological impact of this development on the area, including the loss of wildlife habitat and increased noise and light pollution in the area.
3. Concern was expressed about the loss of the rural character of the area that has been a draw for many of the existing residents of the surrounding neighborhoods.

Schools and Affordable Housing:

1. There were questions about whether affordable housing would be provided as a part of this development.
2. Concern was expressed over the number of students generated by the proposed housing and how those additional students would have an impact on the area schools and potential overcrowding in the schools.

PLANNING AND ZONING HISTORY

There have been a few prior actions taken for the property that composes the proposed Albemarle Business Campus project.

1. October 15, 1980 – SP1980-00060 – The Board of Supervisors approved, with conditions, a special use permit for an 80-bed residential care center. This facility was never constructed.
2. 1992/Early 1990s: VDOT acquired portions of these parcels in 1992 for right-of-way to reconfigure the area streets and construct the 5th St./Old Lynchburg intersection. This action caused TMPs 76-46A and 76-46F each to be split in two by the newly constructed Old Lynchburg Road.

3. June 18, 1997 – ZMA1996-00024 N & S, LLC: This application included a proposed rezoning of TMP 76-54 and other parcels to the east. The Board of Supervisors approved the rezoning of TMP 76-54 from R-2 to R-10, Residential.
4. October 8, 2019 – The Planning Commission held a public hearing to consider the first iteration of this project, ZMA2019-00003 Royal Fern. The proposal was recommended for denial by a vote of 7-0.
5. November 20, 2019 – The Board of Supervisors voted 6-0 to refer the project back to the Planning Commission for further consideration at the request of the applicant, who proposed a different layout and mix of uses for the project.
6. February 18, 2020 – The Planning Commission held a work session with the project applicant to consider the revised proposal for Albemarle Business Campus.

COMPREHENSIVE PLAN

The Southern and Western Urban Neighborhoods Master Plan calls for the parcels that compose the Albemarle Business Campus property to be developed in accordance with the Urban Density Residential and Community Mixed-Use land use classifications (see map inset below; subject properties highlighted):



Urban Density Residential (orange): This designation calls for primary uses of residential units of all types, with supporting uses such as places of worship, schools, public and institutional uses, neighborhood scale commercial, office, and service uses. Neighborhood-serving retail and commercial areas may be appropriate as secondary uses. The density range recommended for Urban Density Residential is 6.01-34 dwelling units per acre.

The portions of the property west of Old Lynchburg Road are designated for Urban Density Residential. This area includes the western part of TMP 76-46A and the portion of 76-46F that is proposed to be rezoned. The part of TMP 76-46F that is designated as Community Mixed Use (the brown color) is not a part of this rezoning application. In the COD, this area is identified as Block 1. It is proposed to have a maximum of 128 residential units (permitting both single-family attached and multi-family) on 5.08 acres, for a density of 25.19 units per acre. This proposed density falls within the recommended range for Urban Density Residential of between 6.01 and 34 units per acre. The COD also permits a maximum of 6,000 square feet of non-residential space, which conforms with the Urban Density designation, as small areas of non-residential uses are recommended. The COD regulates the height of the buildings in this block to between 1-3 stories, which is the recommendation of the master plan.

Community Mixed Use (brown): This designation 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.

The portions of the property east of Old Lynchburg Road are designated for Community Mixed Use. This area includes the eastern part of TMP 76-46A and TMP 76-54. In the application plan, this area is identified as Blocks 2-5. Community Mixed Use encourages a mix of uses, including residential and non-residential uses such as retail, service, and office uses, as well as public and institutional uses. Blocks 2-5 are proposed to be mainly non-residential uses; however, dwelling units are permitted in all four blocks. In each block the proposed residential density falls within the recommended range of up to 34 units per acre, at between 23 and 26 units per acre, depending on the block. The master plan recommends heights in Community Mixed Use areas to be 1-4 stories, and the COD limits the height of the buildings in these blocks to between 1-4 stories, though the exact height range differs depending on the block. In addition, the master plan recommends that a maximum single-building footprint be no greater than 60,000 square feet in the Community Mixed Use designated areas. The COD limits the single-building footprints to a maximum of 40,000 square feet in blocks 2-5, less than the maximum recommended by the master plan.

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 9.

Affordable Housing: The County's 2015 Comprehensive Plan has a chapter on housing (Chapter 9), which provides strategies to achieve its goal of "housing [that] will be safe, decent, and sanitary; available to all income and age levels; located primarily in the Development Areas; and available equally to all current and future County residents." Objective 6 is for the provision of affordable housing options for low-to-moderate income residents of Albemarle County and persons who work within the County who wish to reside there. The Comprehensive Plan includes several strategies to achieve this objective. Strategy 6b is to "continue to ensure that at a minimum, 15% of all units developed under rezoning and special use permits are affordable, as defined by the County's Office of Housing, or a comparable contribution is made to achieve the affordable housing goals of the County." This rezoning proposal includes a maximum of 128 dwelling units. As a part of the COD, the applicant has included a note about affordable housing that states "15% of the total residential dwelling units built within areas designated for residential use within the project shall be Affordable Dwelling Units," which "may be met through a variety of housing types, including but not limited to, for-sale units or rental units. The applicant has also included in the code of development the

parameters regarding the designation of affordable dwelling units in this project. The County's Principal Planner for Housing has reviewed this section of the COD on affordable housing and has expressed no objections to the proposal or the language used in the COD.
If this project were to be constructed with its proposed maximum number of 128 dwelling units, then a minimum of 20 of those units would be designated as affordable, according to the information provided in the COD.

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.

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 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 parcels included in this rezoning to be developed as Community Mixed-Use and Urban Density Residential. Also, the master plan identifies the County Office Building – 5th Street, which is across the street from this proposal, as a Center. The propasal 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 such uses that can serve the many existing residents in the surrounding area, as well as the new residents. In addition, the proposed residential units will add to the variety of residential unit types that already exist in the surrounding area. Also, the NMD zoning district permits a higher residential density than that of the existing conventional districts, up to 34 units per acre, versus the existing two or ten units per acre, which is more in accordance with the recommendation of the Master Plan. The proximity of the commercial areas to this project's 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.

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 applicant provided a Traffic Impact Analysis, or TIA (see Attachment 12), which was reviewed by the County's Transportation Planner and VDOT. See Attachment 13 for a detailed analysis of the transportation and traffic impacts expected from the development of ABC.

In summary, the proposed development 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 has included appear reasonable and will 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.

Schools:

Students living in this area would attend Mountain View (formerly known as Cale) Elementary School, Burley Middle School, and Monticello High School. The school division is cognizant that the Southern neighborhoods/5th and Avon area continue to be a growing area, with several new developments under construction and others recently approved. Albemarle County Public Schools has provided its standard student generation calculator that estimates how many students will be generated at each school level by housing type. The table below specifies the yield of students generated at each school level should the subject parcels be built out to the maximum increase of 128 dwelling units that is proposed with the ZMA. It is important to note that the yield rates are a county-wide average and do not take into account age of building, number of bedrooms, or value of the property.

Official Calculator

Dwelling Type	Elementary	Middle	High	Total
Single-family detached (N/A)	0.15 (N/A) students/unit	0.08 (N/A)	0.12 (N/A)	0.35 (N/A)
Single-family attached (128 units)	0.13 (16.64)	0.05 (6.4)	0.08 (10.24)	0.26 (33.28)
Townhomes (128 units)	0.15 (19.2)	0.06 (7.68)	0.08 (10.24)	0.29 (37.12)
Multifamily (128 units)	0.12 (15.36)	0.03 (3.84)	0.05 (6.4)	0.21 (25.6)

Source of Calculator: Albemarle County Public Schools

The numbers in parentheses are the number of students expected to be generated by each dwelling type at each school level, with the maximum of 128 dwelling units proposed. Each row is intended to be read separately. The numbers in the "Total" column are not intended to be added together. Thus, if the development were to consist of 128 townhouse units, then approximately 37.12 students would be expected to be generated by the project. If all 128 proposed units were developed as multi-family, then approximately 25.6 students would be expected to be generated. If the 128 proposed units were developed as a mix of dwelling types, then the expected number of students generated would fall somewhere between 25 and 37 depending on the exact number of each dwelling type.

It is also important to note that these totals include student numbers generated from any dwelling units that could be developed by-right. They are not an increase over the student numbers that would be generated with any by-right development that could occur.

As stated in the Project Narrative (Attachment 4), the applicant researched recent actual student generation data from other multi-family communities in the Charlottesville area and developed alternate enrollment projections based on current enrollment from those neighborhoods.

The school system has provided annual estimates of student enrollment at all three schools over the next ten academic years. Student enrollment at Burley Middle School and Monticello High School is currently below capacity, and student enrollment over the next ten years is not projected to exceed the capacity of either building, even if this rezoning is approved and the property is built out to the maximum of 128 additional dwelling units.

Mountain View Elementary is currently overcapacity and is not expected to have any capacity for the next several years. In the Albemarle County Fiscal Year 2021 Recommended Budget (which has not been adopted and is currently on hold due to the COVID-19 pandemic), an expansion at Mountain View Elementary was included in the CIP for Fiscal Year 2022. At this time, the funding for this project has not been approved. However, the school system has indicated that this proposed expansion is not a long-term solution and only addresses the current need. As stated in the 2019 Long Range Planning Advisory Committee Recommendations report, "Due to its already large size as well as limited space to expand on the lot, it is not recommended that the school be enlarged to meet the long range needs. These recommendations are for the current school population and should be accompanied with further study to develop a long-term solution for anticipated growth in the area."

The applicant has proffered (see Attachment 7) a cash contribution of $500,000 to the County's CIP fund for infrastructure improvements. This proffer does not identify a specific project, so this money could be allocated for school improvements in this development's school district if those improvement projects are listed in the approved CIP.

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. Based on the number of dwelling units proposed in the application plan, two points of access will be required. A determination that there are two available access points will occur at the site plan or subdivision stage and must be to the satisfaction of ACFR 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 these parcels. There are managed steep slopes on all of the subject parcels, 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 east of Old Lynchburg; 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:

At the two community meetings for this project, members of the community expressed concerns about potential traffic issues, the dangers of walking and biking in this area, the loss of green space, the impacts on schools, and the record of mixed-use developments. These issues are summarized below, with staff comments in italics.

- Traffic generated by this development will cause problems along the street network around the intersection of 5th Street and Old Lynchburg Road and create additional delays at that intersection.

  VDOT and the County's Transportation Planner have reviewed this application, along with a traffic impact analysis (TIA) that included the recently approved Phase 1 of Southwood. The development would increase trips and through traffic in the area, especially left-turns from Old Lynchburg on to 5th Street. However, review of the TIA indicates that improvements such as an RCUT or roundabout design could effectively manage the traffic. The applicant has submitted proffers to help address the concerns about traffic. The applicant is also constructing sidewalks, a multi-use path, and a bus shelter to provide multi-modal options in this area.

- Danger of walking and biking in the area.

  Due to the heavy traffic in the area and the lack of sidewalks or bike lanes, it can be dangerous to walk or bike in the vicinity of the proposed project. The applicant is proposing to construct sidewalks and a multi-use path along the existing roads that this property fronts on, where there are none currently, including on Old Lynchburg Road. There is an existing asphalt path along 5th Street that is about four to five feet in wide. However, this path does not meet today's preferred standards for asphalt multi-use paths and does match what is recommended in the Master Plan for this area. The applicant proposes to widen and expand this existing asphalt path into a full multi-use path that fulfills the recommendations of the Master Plan. The construction of these pathways should help create a more interconnected community for both existing residents and new residents and allow for ease of access to the new commercial areas from the existing and new residential areas. The applicant has also proffered contributions to the County to help address transportation concerns along this corridor, which will also increase the safety of walking and biking in the surrounding area.

- Loss of green space.

  The subject parcels are currently all wooded; however, they are designated for future development in the Master Plan. The COD and application plan indicate that a minimum of 20% of the development will be designated as green space and amenities, as required by the Zoning Ordinance, including several small parks and plazas scattered throughout the site, along with a greenway adjacent to the proposed multi-use path.

- Mixed-use developments do not always work out as intended.

  In this project, a wide variety of uses are permitted in the code of development, including residential and many different commercial uses. This flexibility is an important part of the intent of the NMD zoning district and allows for the different uses to be adjacent to one another. The proposed residential units are concentrated in the part of the property that is designated as Urban Density Residential, while the mix of commercial uses are more concentrated in the area designated for Community Mixed-Use. The applicant is also providing sidewalks and paths throughout the development to help physically connect the various blocks as well.

- Impacts on schools.

  The proposed residential units will add additional students to the area schools, including Mountain View Elementary, which is currently over capacity. However, the applicant is proposing a cash contribution to the County's CIP fund which could be used to address capacity at this neighborhood's schools if the County determines that is the appropriate use of those funds.

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 also proposed 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. The submitted proffers of a cash contribution and right-of-way dedication also help to contribute to long-term solutions for the traffic problems and infrastructure concerns in this area. The contributions to help address the intersection of 5th Street and Old Lynchburg Road will assist in rectifying an intersection that is currently failing and has been described as dangerous by community members who use it daily. Improvements to the 5th Street corridor have been identified as a priority for the County and VDOT, which continues to review this corridor with its ongoing 5th Street STARS corridor study.

PROFFERS

Proffers are contained in the Draft Proffer Statement (Attachment 7) and are summarized below. Please be aware that the applicant has elected for this ZMA to be considered under the 2019 Virginia State Code proffer laws that dictate the types of proffers that localities may accept through legislative development applications.

- **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 #2 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 8).

RECOMMENDED REVISIONS to APPLICATION

There are several revisions recommended by staff to the COD, the Application Plan, and the draft proffer statement to resolve discrepancies among the documents, to clarify language, or to bring the application into greater conformance with the proposed zoning district. It is recommended that these revisions be addressed prior to the application being heard by the Board of Supervisors.

Code of Development:

1. On sheet 12, of the COD, in the first sentence of the second paragraph, the word "private" should be removed from the phrase "…will be provided on either side of any private street within the NMD…" This revision would ensure that sidewalks are to be provided on either side of all streets within the NMD, whether they end up being private or public, since the ownership of the roads is not usually determined until the design phase of a project.
2. "Private balconies" should be removed from the Amenity Characteristics of Block 1 on sheet 5. The Zoning Division has determined that private balconies are not considered an amenity, as they are individualized private spaces. As opposed to a clubhouse, for example, private balconies are not open to the development's whole community.

Application Plan:

1. On sheet 8, Proposed Circulation for Block 1, and other applicable sheets, it is recommended that a sidewalk or pedestrian path be identified connecting the sidewalk along Mountainwood Road to the interior sidewalks and travelway.
2. On sheet 11, and all other applicable sheets of the application plan and the COD, the proposed road through the middle of Blocks 2-5, connecting Old Lynchburg Road and Wahoo Way, should be labelled as "approximate location of public or private street." Public streets are generally preferred in the development areas, and this revised label would allow the possibility that this street could be public right-of-way. However, the status of this proposed street would not be determined until the site plan/subdivision plat stage. Staff recognizes that VDOT may not be willing to accept this proposed street into its network of publicly maintained roads, and that the street would then most likely have to be a private street.
3. On sheet 13, and all other applicable sheets of the application plan and COD, it is recommended that the applicant provide a sidewalk along Old Lynchburg Road, west of Block 5, between the right-of-way and the VDOT-maintained stormwater management facility, with a label explaining it would be provided if permitted by VDOT. Staff recognizes that there is concern about the narrow width of space in this area between the travelway of Old Lynchburg Road and the stormwater management facility; however, staff recommends a sidewalk in that area if possible, even if modifications to sidewalk design are necessary.
4. On sheet 16, the street section for "Interior Streets" has a miscalculation that needs to be revised. The total of the 6' landscape strip and the 5' sidewalk is identified as 12', instead of 11'.
5. The "Right-of-Way Reservation" note on sheet 17 needs to be revised to reference sheets 8 and 13 (instead of sheet 12) for the Proposed Circulation illustrations.
6. The landscaping strip for the proposed street section for the east side of Old Lynchburg Road, on sheet 17, should be expanded to 6' wide.

Draft Proffer Statement:

1. The heading of the proffer statement needs to be revised to reference the correct zoning district that is being requested with this application. The heading indicates that the three subject parcels are being rezoned to Planned Unit Development. However, the applicant is requesting a rezoning to Neighborhood Model District.

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, Mountainwood, and Country Green roads and 5th Street.
5. The request proffers right-of-way dedication to assist in resolving the traffic issues at the Old Lynchburg-5th intersection and along the 5th Street corridor.
6. The request proffers cash contributions to the County's CIP fund to help mitigate impacts of the development to public infrastructure.

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

1. Additional students will be enrolled at area schools, including Mountain View (formerly Cale) Elementary, which is already over-capacity.
2. Additional traffic will be produced along 5th Street and at its intersection with Old Lynchburg Road, which is an intersection that is already failing.

RECOMMENDATION

On the whole, it is staff's opinion that the favorable factors outweigh the unfavorable factors associated with this request. Staff recommends approval of ZMA201900003 Albemarle Business Campus (formerly known as Royal Fern), provided recommended revisions are made to the Application Plan, as described above in the "Recommended Revisions to Application" section, prior to the Board of Supervisors meeting.

In addition, staff recommends approval of the one (1) special exception request (Sec. 18.20A.8(a) for requirement of a minimum of two housing types).

ATTACHMENTS

1 – Location Map
2 – Zoning Map
3 – Boundary Compilation for: Parcel X (a portion of TMP 76-46F), dated March 28, 2019.
4 – Project Narrative, dated March 16, 2020; last revised August 6, 2020.
5 – Code of Development, dated March 16, 2020; last revised August 6, 2020.
6 – Application Plan, dated March 18, 2019; last revised August 6, 2020.
7 – Draft Proffer Statement
8 – EDA Development Agreement, dated April 15, 2020.
9 – Staff Analysis of Application's Consistency with Neighborhood Model Principles
10 – Special Exception Request and Narrative
11 – Staff Report and Analysis for Special Exception Request
12 – Traffic Impact Analysis, dated April 9, 2020; last revised June 8, 2020.
13 – ZMA2019-00003 Albemarle Business Campus Transportation Analysis, dated August 4, 2020.