



**COUNTY OF ALBEMARLE
PLANNING STAFF REPORT SUMMARY**

Project Name: ZMA202200006 999 Rio Road	Staff: Andy Reitelbach, Senior Planner II
Planning Commission Public Hearing: February 28, 2023	Board of Supervisors Public Hearing: To be scheduled
Owner: 999 Rio LLC	Applicant: 999 Rio LLC, c/o Nicole Scro
Acreage: 1.947 acres	Rezone from: NMD to NMD, amending application plan and code of development of previously approved ZMA2019-00001
TMPs: 061000000154B0	Location: 999 Rio Road East, southeast of Belvedere Blvd.
School Districts: Albemarle High, Burley Middle, Agnor-Hurt Elementary	By-right use: Mixed use with 11 (minimum) – 28 (maximum) dwelling units and small-scale professional offices 500 square feet (min) - 6,000 square feet (max).
Magisterial Districts: Rio	Proffers: No
Proposal: Amendment to eliminate non-residential use and increase maximum residential units from 28 to 38. Other changes to the application plan include adjusting building envelopes, parking, and greenspace areas. Requests to waive the requirement that a NMD must have at least two different land use classifications and to modify planting strip requirements.	Requested # of Dwelling Units: 10 units (minimum) – 38 units (maximum), at a density of between approximately 5.1 and 20 units/acre.
DA (Development Area) – In Neighborhood 2 in the Places29 Master Plan area.	Comp. Plan Designation: Urban Density Residential – residential (6.01 – 34 units/ acre), supporting uses such as religious institutions, schools, commercial, office and service uses. Neighborhood Density Residential – residential (3 – 6 units/acre) supporting uses such as religious institutions, schools and other small-scale non-residential uses. Privately Owned Open Space and Environmental Features – privately owned recreational amenities and open space; floodplains, steep slopes, wetlands, and other environmental features.
Character of Property: Existing single-family detached structure and two storage structures; rear of property is partially wooded.	Use of Surrounding Properties: To the east and north is the Dunlora residential neighborhood, Belvedere mixed use neighborhood is nearby to the north. Covenant Church is to the west directly across Belvedere Boulevard. CATEC and City Church are located across the street (Rio Road E) to the south.
Affordable Housing: Yes <input checked="" type="checkbox"/> 15% of total units built. No <input type="checkbox"/>	AMI (Area Median Income): 80% of AMI as determined by U.S. Dept. of Housing & Urban Development.

<p>Positive Aspects:</p> <ol style="list-style-type: none"> 1. The rezoning request is consistent with the recommendations of the Places29 Master Plan. 2. The request is consistent with the majority of the applicable Neighborhood Model Principles. 3. The proposed development extends the existing multi-use path to enhance pedestrian and bicycle connectivity. 4. The proposal provides at least 15% affordable housing, as recommended in the comprehensive plan policy currently being enacted. 	<p>Concerns:</p> <ol style="list-style-type: none"> 1. None identified.
---	---

RECOMMENDATION: Staff recommends approval of rezoning request ZMA202200006 999 Rio Road.

In addition, staff recommends approval of special exception request SE202300001, to waive the requirement that a Neighborhood Model District must have at least two different general use classifications.

Staff has no concerns with the planting strip waiver request. If the Planning Commission chooses to recommend approval of the rezoning request, staff recommends approval of the request for a waiver of the planting strip requirements in certain areas of the development, in accordance with the application plan.

**STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:**

**Andy Reitelbach
February 28, 2023
To be scheduled**

ZMA 202200006 999 Rio Road

PETITION

PROJECT: ZMA202200006 999 Rio Road ZMA

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL: 061000000154B0

LOCATION: 999 Rio Road East, Charlottesville, VA 22901. Parcel is located at the intersection of Rio Road East and Belvedere Boulevard.

PROPOSAL: Request to amend a previously approved NMD Neighborhood Model District (ZMA201900001), which allows a mixed-use development with between 11-28 residential units at a density between 6 units/acre and 15 units/acre and small-scale professional offices up to a maximum of 6,000 square feet. The amendment proposes to eliminate the non-residential use and proposes between 10-38 residential units at a density range between 5.1 units/acre and 20 units/acre. The proposal also includes changes to the application plan, including building envelopes, parking, and greenspace areas. Associated request for a special exception to waive the requirement that a Neighborhood Model District must have at least two different general use classifications.

PETITION: Rezone 1.947 acres from NMD Neighborhood Model District - residential (minimum of two housing types) mixed with commercial, service, and industrial uses, to NMD to amend the previously approved application plan and code of development associated with ZMA201900001.

ZONING: NMD Neighborhood Model District - residential (minimum of two housing types) mixed with commercial, service, and industrial uses

OVERLAY DISTRICTS: Entrance Corridor, Airport Impact Area

PROFFERS: No

COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01 – 34 units/ acre), supporting uses such as religious institutions, schools, commercial, office and service uses. Neighborhood Density Residential – residential (3 – 6 units/acre) supporting uses such as religious institutions, schools and other small-scale non-residential uses. Privately Owned Open Space and Environmental Features – privately owned recreational amenities and open space; floodplains, steep slopes, wetlands, and other environmental features. In Neighborhood 2 of the Development Area of the Places29 Master Plan.

CHARACTER OF THE AREA

The subject property is located at the intersection of Rio Road East and Belvedere Boulevard (Attachment 1 – Location Map). The property is zoned NMD Neighborhood Model District (Attachment 2 – Zoning Map) and contains an existing single-family detached structure and two storage structures on approximately 1.947 acres. The rear of the property is partially wooded. There are no environmental features on the site. It is located within both the Entrance Corridor and Airport Impact Area overlay districts.

Directly adjacent to this proposal to the east and north is the Dunlora neighborhood (zoned R-4 Residential). The Belvedere neighborhood (zoned NMD) is nearby to the north. Covenant Church (zoned CO Commercial Office) is to the west, directly across Belvedere Boulevard. CATEC and City Church (zoned R-4) are located across Rio Road East to the south. Gasoline Alley is approximately 650 feet to the west on Rio Road, across the railroad tracks.

PLANNING AND ZONING HISTORY

March 4, 2020 – The original rezoning request for this parcel (ZMA2019-00001) was approved by the Board of Supervisors.

July 22, 2020 - An initial site plan was approved (SDP202000045) for 21 dwelling units (single-family detached and attached, and multifamily) and a 5,000 square foot office. Proposed density is 11 units/acre. A final site plan was submitted SDP202100009 but is not approved.

BY-RIGHT USE OF THE PROPERTY

Under the existing rezoning (ZMA2019-00001), the property could be developed with up to 28 residential units of a variety of housing types, along with a maximum of 6,000 square feet of non-residential space. (Attachment 3- Approved Application Plan) The minimum required non-residential is 500 square feet. Elements of the that Application Plan include:

Block 1

- The block at the front of the parcel, along the Rio Road frontage.
- 6,000 square feet of non-residential space.
- Between 3-14 residential units
- Courtyard with outdoor seating.

Block 2

- The block at the rear of the parcel.
- Non-residential is not permitted.
- Between 8-14 residential units.
- Central green area and dog park.

SPECIFICS OF THE PROPOSAL

The applicant is proposing to amend the code of the development (COD) and the application plan of the NMD. (Attachments 4 and 5) This rezoning is requested to eliminate the non-residential square footage and increase the permitted number of units from 28 to 38, for a new gross and net density of approximately 20 units per acre, up from 15 units/acre. (inset below)



Proposed Application Plan changes include:

- Elimination of two separate blocks of development; now one block is proposed.
- Elimination of the non-residential square footage, including both the minimum 500 square feet and the maximum 6,000 square feet. The development will no longer be mixed use.
- Increase in the maximum number of dwelling units from 28 to 38, for a new density of approximately 20 units per acre.
- Decrease in the minimum number of dwelling units from 11 to 10.
- Structures will no longer front on Rio Road and now stormwater management and green space is proposed.
- Residential structures will be in two rows, one fronting along Belvedere Blvd. and the other row is along the eastern property line.
- Central area between the two housing rows is to be used for parking. This central parking area will also serve as a private street to provide frontage for the row of proposed townhouses along the eastern property line.
- Rearrangement of green space and amenities with green space and amenities now proposed for northern and southern parts of property, along with areas along the eastern property line.
- The multi-use path continues to be depicted along the entirety of the frontage of both Rio Road and Belvedere Blvd.

Included in the code of development is a requirement that a minimum of 15% of the total residential dwelling units in the project be designated as affordable. These units would be affordable at 80% of area median income (AMI) as determined by the U.S. Department of Housing and Urban Development. The affordable units may be met through a variety of housing types, including both for-sale and for-rent units.

Because the applicant proposes to eliminate the non-residential square footage, a special exception application has been submitted (Attachment 6) to waive the requirement that a Neighborhood Model District have at least two different general use classifications, such as commercial and residential. Only residential uses are now proposed. Section 18-20A.8(b) permits this requirement to be waived by the Board of Supervisors.

The applicant has also submitted a request to waive the requirement for planting strips along both sides of the proposed private street in the middle of the development (Attachment 7). The planting strip to be waived on the western side of the street/parking area would be along one side of double-frontage lots.

APPLICANT'S JUSTIFICATION FOR THE REQUEST

The applicant has provided a narrative with justification for the request (Attachment 3).

COMMUNITY MEETING and COMMUNITY MEMBER INPUT

An in-person community meeting was held for this proposal on Thursday, October 27, 2022, at a regularly scheduled meeting of the Places29-Rio Community Advisory Committee (CAC). At the meeting, questions were asked of the applicant by both CAC members and a couple residents of the nearby neighborhoods. Questions were largely about how the proposed new design differed from the design originally approved and what impacts this re-design would have on traffic in the area.

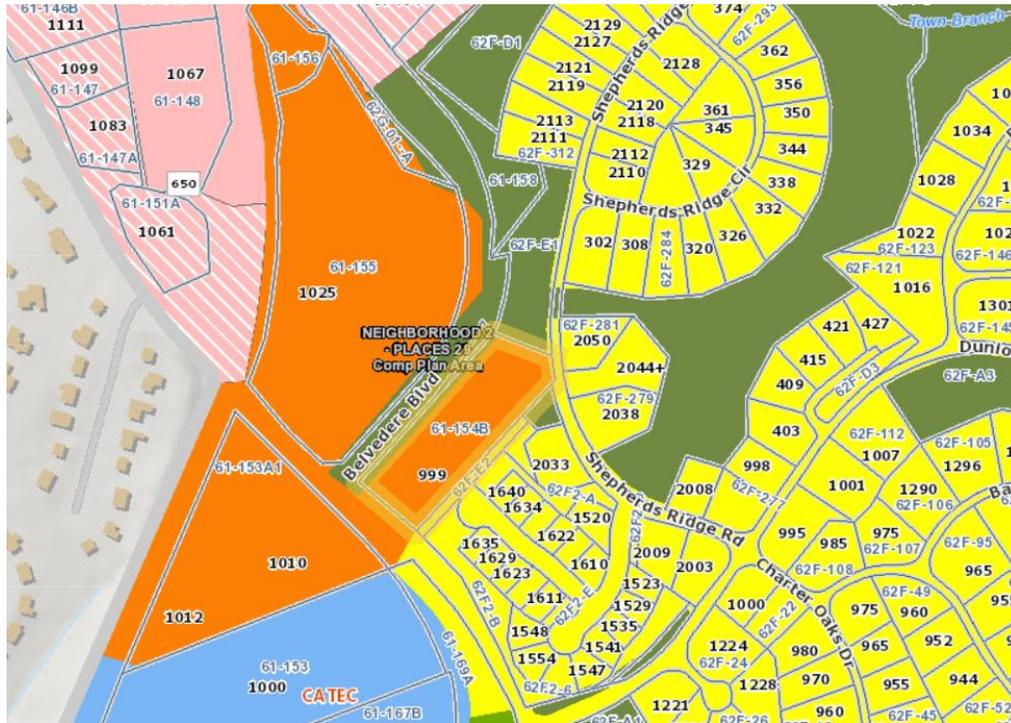
COMPREHENSIVE PLAN

The Comprehensive Plan identifies most of this property as Urban Density Residential (UDR) in the Places29 Master Plan, in Neighborhood 2. There are also small slivers of the property designated as

Private Open Space (a narrow strip along Belvedere Boulevard) and Neighborhood Density Residential (a small part of the northeastern corner of the parcel).

The UDR classification calls for primary uses to consist of residential uses at gross densities between 6.01-34 dwelling units/acre. Secondary uses in this classification include supporting uses such as religious institutions, schools, and commercial, office, and service uses.

A description of the land use designation and an overview map is provided below:



Urban Density Residential. This designation is used in areas around Centers where multifamily housing with a gross density range between 6.01 and 34 units per acre is desired. It is also applied to existing residential areas with densities within this range (see Land Use Table LU2). This designation is essentially the same as the Urban Density Residential designation in the 1996 Land Use Plan.

Primary uses: multifamily and single-family residential, including two or more housing types.

Secondary uses: retail, commercial, and office uses that support the neighborhood, live/work units, open space, and institutional uses. Retail, commercial, office, and institutional uses are encouraged to locate in Centers so they are accessible to residents throughout the surrounding area, and so they benefit from co-location with other neighborhood-serving businesses. However, they may be located by exception in areas around Centers designated Urban Density Residential provided they are compatible with surrounding uses.

The proposed increase in the number of residential units to a maximum of 38 would increase the density on this parcel to approximately 20 units per acre. This density remains near the middle of the recommended residential density range for UDR. Although the applicant proposes to remove the mixed-use aspects of this property with the elimination of the small-scale commercial area, such commercial, service, and office uses are recommended as secondary uses in UDR. The applicant proposes to keep the primary recommended use of residential.

The proposal continues to provide the multi-use path that is shown in the Places29 Master Plan. This path, which will be dedicated for public right-of-way, is in the sliver of property designated for Private Open Space.

The small corner of the property along Shepherds Ridge Rd. designated for Neighborhood Density Residential is located within proposed green space for the development.

The proposed rezoning to amend the code of development and application plan continues to be consistent with the Comprehensive Plan land use recommendations.

The Neighborhood Model: Staff has reviewed the proposal against the Neighborhood Model Principles and found that it is consistent with the majority of the principles. The application does not fully meet some aspects of the relegated parking principle. 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."

The County has adopted a revised policy calling for 20% of new units to be affordable; however, that policy is currently on hold while County staff work on developing an incentive package.

This rezoning proposal includes a maximum of 38 dwelling units. The applicant has included a section in the COD (section VI) that proposes at least 15% of the total number of dwelling units within the project shall be affordable housing units. If the full number of 38 dwelling units were constructed, then at least six of those units would be designated as affordable. The applicant has also included within the proffer statement the parameters regarding the designation of affordable dwelling units in this project. The County's Housing Policy Manager has reviewed this application and has expressed no objections to the proposal or the language used.

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. A variety of housing types provides an appropriately-scaled mixture of residential units. Although a mixture of uses is not provided in this revised proposal, since the 6,000 square feet of non-residential space is being eliminated, there are uses other than residential on nearby parcels. Places of worship are located across Belvedere Blvd. to the west and across Rio Road to the south. CATEC, an educational use, is also located across Rio Road to the south. Gasoline Alley, approximately 650 feet west of the subject parcel, is the location of several commercial ventures. Because of these other nearby uses, staff recommends approval of SE2023-00001, the special exception request to waive the requirement that a Neighborhood Model District have at least two different general use classifications.

Anticipated impact on public facilities and services:

Streets:

Belvedere Boulevard provides the sole means of road access to the subject property, with one entrance proposed that will need to meet VDOT standards. The property fronts along Rio Road; however, there will be no access from Rio Road. The proposal continues the multi-use path along Rio Road and Belvedere Boulevard, which is called for in the Places29 Master Plan.

The proposed increase in the permitted number of residential units did not trigger the need for a Traffic Impact Analysis (TIA). This application was reviewed by VDOT and the County's transportation planning team. Both VDOT and County Transportation Planning expressed no objections to the proposed changes in the development based on their limited expected impacts on the transportation system in the surrounding area, compared to what is by-right under the existing rezoning. Any road improvements specific to the site, such as turn lanes or tapers, will be assessed by VDOT at the site planning stage.

Internally, the site will be served by one entrance and a private street that acts more like a parking lot. The applicant has proposed sidewalks along both sides of this street. However, a planting strip waiver has been submitted, which is also discussed in more detail later in the staff report.

The size of the site does not allow for a more extensive street network, and the Places29 Master Plan does not call for new public streets within this site. Although it is County policy to create interconnected street networks, residents at Fowler Ridge Court preferred to not have a connection. A right of way adjacent to the property was dedicated with deed book 2015 page 3 to provide eventual interconnectivity with Shepherds Ridge Road for emergency access. This access parcel is now County-owned and is in between Fowler Ridge Court and this property. A full connection from the property to Fowler Ridge Court would require County land to be used. The applicant's design does not allow for a future vehicular connection; however, it does allow for a future pedestrian connection as one of the proposed green space areas is located opposite the terminus of Fowler Ridge Court. While a pedestrian connection would provide enhanced connectivity, residents in the adjacent neighborhoods can still use the multi-use path along Rio Road to access this development. The applicant may choose to provide a pedestrian connection in the future.

Transit service is provided along Rio Road East. The closest bus stop is across Rio Road to the south, in front of City Church. Bike lanes already exist along Rio Road in this area. Bikes could also use the multi-use path proposed with this project.

Schools:

Students living in this area would attend Agnor-Hurt Elementary School, Burley Middle School, and Albemarle High School. Albemarle County Public Schools has provided its student generation calculator that estimates how many students will be generated at each school level. The table below specifies the yield of students generated at each school level should the subject property be built out with the 10 additional units that are proposed over the number currently permitted.

Official Calculator

Dwelling Type	Agnor-Hurt Elementary	Burley Middle	Albemarle High	Total
Multi-family (10 additional units)	0.08	0.03	0.06	0.17
Total at Each Level	0.8	0.3	0.6	3*

Source of Calculator: Albemarle County Public Schools

*The total is calculated by rounding up for each grade-level number.

The proposed increase of 10 dwelling units produces a small number of additional students (3) for Albemarle County Public Schools at all school levels. Approximately one additional student would be generated for each school level. Based on the by-right number of dwellings allowed on the property under the current rezoning ZMA2019-00001, approximately 24 students would be estimated.

Agnor-Hurt and Burley are both currently under capacity and are expected to remain so over the coming years. Albemarle High School is currently over-capacity.

Fire & Rescue:

ACFR has reviewed this rezoning application and has no objections at this time. Code requirements for items such as street and travel-way width and turning radius 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.

Anticipated impact on environmental, cultural and historic resources:

There are no known environmental, cultural, or historic resources on this parcel. Any stormwater runoff and stormwater facilities will be reviewed by County Engineering staff and 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 anticipated impact on nearby and surrounding properties is expected to be minimal with the proposed amendments to the application plan and code of development.

Public need and justification for the change:

The County’s growth management policy says that new residential development should occur in the designated Development Areas, where infrastructure and services are provided, rather than in the Rural Areas. This proposal will provide a greater density of residential development in the designated development areas.

Request for Waiver to Planting Strip Requirements

The applicant has made a request for a planting strip waiver (Attachment 8) along both sides of the proposed internal street. Section 14-203.1 allows the Commission to vary or except the planting strip requirements (Section 14-422(F)), subject to the following considerations (*staff analysis in italics*):

14-422(F)2 Variation of or exception to planting strip requirements.

In reviewing a request to vary or except any requirement for planting strips, the commission shall consider whether:

- (i) a variation or exception to allow a rural cross-section has been granted;

A variation of exception to allow a rural cross-section has neither been requested nor granted.

- (ii) a sidewalk variation or exception has been granted;

A sidewalk variation or exception has not been requested or granted.

- (iii) reducing the size of or eliminating the planting strip promotes the goals of the comprehensive plan, the neighborhood model, and the applicable neighborhood master plan; and

Waiving the required planting strips on either side of the proposed internal street promotes the goals of the master plan and the neighborhood model by permitting a more compact development, with larger contiguous areas of green space around the perimeters of the parcel. In addition, since the internal street will function more like a parking lot, having a parking lot design with landscaping islands would be more appropriate for providing landscaping in this area of the development.

- (iv) waiving the requirement would enable a different principle of the neighborhood model to be more fully achieved.

For the planting strips proposed to be waived on the western side of the proposed internal street, the adjacent dwelling units are on double frontage lots, where at least one front has a planting strip.

Proposed lots will have the multi-use path and planting strip along their main front, which is Belvedere Blvd. Because this private street will operate more like a parking lot, the planting strips will provide minimal benefit to pedestrians walking on the sidewalks from their vehicles to their residences. Removing the planting strips allows for more compact development of the parking area, providing more space around the perimeter of the site for larger, contiguous tracts of green and amenity space.

Taking these factors into consideration, Staff recommends approval of a waiver to the planting strip requirements for the proposed internal private street, with the following condition:

- 1) Planting strips must be provided in accordance with the “Green and Amenity Space” exhibit on sheet 7 of the approved application plan for ZMA2022-00006.

SUMMARY

Staff has identified the following positive aspects of this request:

1. The rezoning request is consistent with the recommendations of the Places29 Master Plan.
2. The request is consistent with the majority of the applicable Neighborhood Model Principles.
3. The proposed development extends the existing multi-use path to enhance pedestrian and bicycle connectivity.
4. The proposal provides at least 15% affordable housing, as recommended in the comprehensive plan policy currently being enacted.

Staff has identified the following concerns with this request:

1. None identified.

RECOMMENDATION

Staff recommend approval of rezoning request ZMA202200006 999 Rio Road ZMA.

In addition, staff recommend approval of special exception request SE202300001, to waive the requirement that a Neighborhood Model District must have at least two different general use classifications.

Staff has no concerns with the planting strip waiver request. If the Planning Commission chooses to recommend approval of the rezoning request, staff recommends approval of the request for a waiver of the planting strip requirements in certain areas of the development, in accordance with the application plan.

ATTACHMENTS

- Attach. 1 - [ZMA2022-00006 999 Rio Road ZMA Location Map](#)
- Attach. 2 - [ZMA2022-00006 999 Rio Road ZMA Zoning Map](#)
- Attach. 3 - [ZMA2022-00006 999 Approved Application Plan](#)
- Attach. 4 - [ZMA2022-00006 999 Rio Road ZMA Project Narrative](#)
- Attach. 5 - [ZMA2022-00006 999 Rio Road ZMA Code of Development](#)
- Attach. 6 - [ZMA2022-00006 999 Rio Road ZMA Application Plan, dated August 15, 2022; last revised November 7, 2022](#)
- Attach. 7 - [ZMA2022-00006 999 Rio Road ZMA Mixture of Uses Waiver Request](#)
- Attach. 8 - [ZMA2022-00006 999 Rio Road ZMA Planting Strips Waiver Request](#)
- Attach. 9 - [ZMA2022-00006 999 Rio Road ZMA Staff Analysis of Application’s Consistency with Neighborhood Model Principles](#)