

**COUNTY OF ALBEMARLE
PLANNING STAFF REPORT SUMMARY**

Project Name: ZMA 201500004 Commonwealth Senior Living	Staff: Claudette Grant
Planning Commission Public Hearing: October 20, 2015	Board of Supervisors Public Hearing: To Be Determined
Owners: Osprey/Pantops Place LLC	Applicant: Osprey/Pantops Place LLC, with Steven Blaine of LeClair Ryan as the contact.
Acreage: Approximately 3.85 acres	Rezone from: No change of zoning designation is sought. This application seeks to amend the current proffers and update the application plan.
TMP: Tax Map Parcel 07800-00-00-055A1 Location: 1550 Pantops Mountain Place. (See Attachment A)	By-right use: Planned Residential Development which allows residential uses at a density of 3 – 34 units/acre with limited commercial uses. Proposed density up to 36 units/acre. No change to the building footprint is proposed.
Magisterial District: Rivanna	Proffers: Yes
Proposal: Request to amend proffers associated with ZMA99-01 and ZMA01-011. Proposed uses to include assisted living and independent units with an increase of units from 100 up to 140 units on 3.85 acres. (See Attachments B and D)	Requested # of Dwelling Units: Maximum 140 units.
DA (Development Area): Neighborhood 3 – Pantops	Comp. Plan Designation: Urban Density Residential – residential (6.01-34 units/acre); supporting uses such as religious institutions, schools, commercial, office and service uses.
Character of Property: The property is developed with a building (former Pantops Place) located on it.	Use of Surrounding Properties: The property to the east is vacant and zoned residential (Glenorchy). The property to the north is residential including the Westminster Canterbury, a senior living development. The property to the west on the opposite side of Pantops Mountain Road is offices. The property directly to the south is vacant and undeveloped. The property to the south on the opposite site of US 250 is commercial, with a hotel and restaurant closest to the road.
Factors Favorable: 1. The rezoning request remains consistent with the Comprehensive Plan and the intent of the original rezoning.	Factors Unfavorable: 1. The proposed proffer revisions eliminate proffers that address impacts and issues which remain valid/relevant to this site.

2. The increase in units provides services to a larger segment of the senior population. 3. The footprint of the building remains unchanged.	
RECOMMENDATION: Staff can recommend approval of ZMA201500004, Commonwealth Senior Living, if the applicant agrees to revise the proffers per staff recommendation, as described in this staff report, and with the revised application plan, dated July 06, 2015, revised, September 25, 2015, (Sheets 1 and 3 of 3); Sheet 2 of 3 revised August 17, 2015 as recommended by staff.	

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Claudette Grant
October 20, 2015
To Be Determined

ZMA 201500004 Commonwealth Senior Living

PETITION

PROJECT: ZMA201500004/Commonwealth Senior Living

MAGISTERIAL DISTRICT: Rivanna

TAX MAP/PARCEL: 07800-00-00-055A1

LOCATION: 1550 Pantops Mountain Place

PROPOSAL: Request to amend proffers associated with ZMA99-01 and ZMA01-011 and application plan. The proposal is to include assisted living and independent units with an increase of units from 100 up to 140 units within the existing building on 3.85 acres.

PETITION: Request to amend proffers and application plan on property zoned PRD (Planned Residential Development) which allows residential uses at a density of 3 – 34 units/acre with limited commercial uses. Proposed density up to 36 units/acre. No change to the building footprint is proposed.

ENTRANCE CORRIDOR: Yes

PROFFERS: Yes

STEEP SLOPES MANAGED: Yes

COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01-34 units/acre); supporting uses such as religious institutions, schools, commercial, office and service uses in Neighborhood 3 – Pantops Comp Plan Area.

CHARACTER OF THE AREA

The subject property is located at 1550 Pantops Mountain Place. It is located north of and approximately 430 feet from the intersection of Pantops Mountain Road and U.S. Route 250 West. The area to the east is the Glenorchy subdivision, which currently has several residences on it and more planned. The property to the north is also residential, including the Westminster Canterbury facility. The property to the west on the opposite side of Pantops Mountain Road contains smaller office buildings. The property directly to the south is an undeveloped property that is zoned for office use. Also located to the south on the opposite side of U.S. Route 250 is property that is developed with commercial uses including a hotel and restaurant. Martha Jefferson Hospital is also located in the vicinity.

SPECIFICS OF THE PROPOSAL

This property currently has an existing senior living facility located on it, consisting of 86 independent living units. The property formerly known as Pantops Place was recently purchased by a new owner and is now known as Commonwealth Senior Living at Charlottesville. The existing proffers limit the total number of units in this facility to 100. The applicant wishes to provide up to 140 units by converting the 86 existing units to no more than 70 independent living units and the balance of units would be set aside as assisted living units. While the proposal involves reconfiguring the larger units within the building, the footprint of the building will not change. The building is approximately 106,356 square feet. The only change to the site is for an expansion of the amenity area, which was recently approved with a site plan, and is shown on attachment B.

APPLICANT'S JUSTIFICATION FOR THE REQUEST

The applicant describes a change in market conditions with a higher demand for assisted living facilities rather than senior independent living facilities.

PLANNING AND ZONING HISTORY

ZMA 88-17 rezoned the subject parcel from R-1 to R-10 with proffers in 1988.

ZMA 99-01 rezoned the subject parcel and tax map 78, parcel 55A5 from R-1, R-6 and R-10 to PRD. ZMA 2001-11 was a minor rezoning amendment to revise a proffer regarding an access easement to the property.

There have also been subdivision, site plans and special use permits associated with this parcel.

COMPREHENSIVE PLAN

The existing zoning for Pantops Place (PRD) is consistent with the Pantops Master Plan land use designation of Urban Density Residential. This rezoning request does not propose to change the land uses previously approved for Pantops Place in ZMA199900001 and the findings regarding consistency with the Comprehensive Plan Land Use Plan provided at the time of that rezoning remain applicable. Since no major changes are proposed from the approved plan design and layout an analysis for consistency with the Neighborhood Model has not been provided.

DISCUSSION

Relationship between the application and the purpose and intent of the requested zoning district

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

Staff believes the proposal is consistent with the intent of the district and does serve as an appropriate use within the County and is consistent with the Land Use Plan recommendation of Urban Density.

Anticipated impact on public facilities and services

Streets:

The proposal does not materially change the existing road system, the approved road network or the street design within this development. This proposal will increase the number of trips generated by the increase of the number of units and the reconfiguration of the interior of the existing building. However, VDOT has stated, the impact to the road network from this proposal is negligible and they have no objection to the proffer amendment. There are no new major impacts to the property or adjacent streets that were not already considered during the original rezoning. (See Attachment C for VDOT comments)

Schools/Fire and Rescue/Utilities:

Any additional impacts to public facilities and services from this proposal are anticipated to be negligible.

Anticipated impact on environmental, cultural and historic resources

There are no anticipated impacts from the proposal on environmental or cultural and historic resources.

Anticipated impact on nearby and surrounding properties

There are no anticipated impacts from the proposal on nearby and surrounding properties.

Public need and justification for the change

The proposed proffer and plan amendments will provide the applicant an opportunity to provide a wider range of residential and service types for the elderly within the existing development.

PROFFERS

The applicant has provided amended proffers to ZMA199900001 and ZMA200100011, which is summarized as follows:

- The applicant's intent in providing the revised proffers is to modify the proffers to address tax map parcel 07800-00-00-055A1.
- Tax map parcel 07800-00-00-055A5 is a separate parcel that was included in ZMA1999-01 and ZMA 2001-11 and is open space. The revised proffers state that the open space will be subject to the existing, approved proffers. This proposal will have two sets of proffers; one for each property.
- Proffer 1 is revised with technical language updates.
- Proffer 2 is revised to increase the total amount of allowable assisted living and independent living units from 100 to 140.
- While staff believes it is important for a road maintenance agreement to remain in place, proffer 3 has been completed.
- Proffers 3 – 8 are proposed to be deleted by the applicant. Staff believes Proffers 4, 6, and 7 should remain because the impacts requiring the need for these proffers have not gone away. For instance, Proffer 4 emphasizes the need to maintain interconnections with adjoining properties and provides transportation alternatives to eliminate some of the possible vehicular impacts. Proffers 6 and 7 relate to the maintenance of buffers and screening with adjacent properties. There are no changes to the property that justify the need to eliminate these proffers.
- Proffer 5 is no longer needed. The anticipated grading referred to in the proffers were completed during construction of the existing building.
- Proffer 8 pertains to areas outside of this property (open space - tax map parcel: 07800-00-00-055A5). While the proposed proffers describe that the open space is still subject to the approved proffers and it is acceptable to delete this proffer, staff recommends the approved proffers (proffers 4, 6, 7 and 8) be retained so that the same set of proffers can apply to both properties. This simplifies the application/enforcement of the proffers. Although technical modifications to the "Owner" reference in proffer 8 may be needed.

Staff recommends the applicant include proffers 4, 6, 7 and 8 in the revised proffers. If these suggested recommendations can be completed to the proffers, staff can recommend approval of this rezoning amendment request. Without the recommended revisions to the proffers, staff cannot recommend approval of ZMA201500004. (See Attachment D for the approved proffers and the amended proffers)

SUMMARY

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

1. The rezoning request remains consistent with the Comprehensive Plan and the intent of the original rezoning.
2. The increase in units provides services to a larger segment of the senior population.
3. The footprint of the building remains unchanged.

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

1. The proposed proffer revisions eliminate proffers that address impacts and issues which remain valid/relevant to this site.

RECOMMENDATION

Staff can recommend approval of ZMA201500004, Commonwealth Senior Living, if the applicant agrees to revise the proffers per staff recommendation, as described in this staff report, and with the revised application plan, dated July 06, 2015, revised, September 25, 2015 (Sheets 1

and 3 of 3); Sheet 2 of 3 revised August 17, 2015 as recommended by staff.

ATTACHMENTS

ATTACHMENT A – [Tax Map](#)

ATTACHMENT B – [Application Plan, dated July 06, 2015, revised, September 25, 2015 \(Sheets 1 and 3 of 3\); Sheet 2 of 3 revised August 17, 2015](#)

ATTACHMENT C – [Letter from Shelly Plaster \(VDOT\), dated July 28, 2015](#)

ATTACHMENT D – [Approved Proffers, dated January 5, 2000 and amended proffers, dated August, 2015](#)

PLANNING COMMISSION MOTION:

A. If the ZMA is recommended for approval: Move to recommend approval of ZMA201500004, Commonwealth Senior Living, with amended proffers, as recommended by staff, and revised Application Plan, dated July 06, 2015, revised, September 25, 2015 (Sheets 1 and 3 of 3); and Sheet 2 of 3 revised August 17, 2015.

B. If the ZMA is recommended for denial: Move to recommend denial of ZMA201500004. Note reasons for denial.