BERKMAR FLATS | ZONING MAP AMENDMENT
ZMA2023-00005
PROJECT NARRATIVE
SUBMITTED: MAY 15, 2023 [initial submission]
REVISED: OCTOBER 16, 2023
REVISED: MARCH 4, 2024
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Parcel	Acreage	Existing Zoning	Comprehensive Plan Designation
TMP 45-81	2.646 AC	R-6	Office/R&D/Flex/ Light Industrial
TMP 45-82	0.778 AC	R-6	Office/R&D/Flex/ Light Industrial
TMP 45-82A	0.199 AC	R-6	Office/R&D/Flex/ Light Industrial
Total	3.623 AC		

Project Proposal
Third Mesa LLC is the owner (the "owner") of tax parcels 04500-00-00-08100, 04500-00-00-08200, and 04500-00-00-082A0 in Albemarle County, Virginia, (collectively, the "property"). The property is located just south of the South Fork Rivanna River Reservoir, with frontage on both Berkmar Drive and Woodburn Road. Third Mesa LLC requests a zoning map amendment of the 3.623-acre property from R-6 to R-15 Residential to allow for a conventional R-15 development.

Consistency with the Comprehensive Plan

The property is currently zoned R-6 Residential and is designated as "Office/R&D/Flex/Light Industrial" in the Places29 Master Plan. According to the Places29 Master Plan, properties that are identified as Office/R&D/Flex/Light Industrial are typically positioned around designated Centers, to create spaces of employment. The recommended uses are office-oriented, with any R&D/Flex/Light Industrial uses to be of less intensity and similar to an office development. The Rio Hill Shopping Center is the designated Center that is in close proximity to the property, although the majority of this Center has been consolidated into the 2018 Rio29 Small Area Plan as 'flex' space; the Places29 Master Plan was established in 2011 and revised in 2015 and since that time, much of the character of Berkmar Drive in the vicinity of the property has changed as several formerly vacant sites have developed around the property. Within the Places29 Master Plan, "Residential" is a secondary land use under the "Office/R&D/Flex/Light Industrial" designation.

The Places29 Master Plan specifically describes that secondary land uses are anticipated to be a part of development and are vital to placemaking, as "adding them to a Center or the area around a Center increases the mix of uses and makes the area a more complete Neighborhood. The determination of primary and secondary uses is expected to be made over an entire contiguous designation, not an individual parcel (unless the designation is restricted to a single parcel)." (4-4). Other properties in the area similarly designated for Office/R&D/Flex/Light Industrial with non-residential uses include the Charlottesville-Albemarle SPCA, Better Living Building Supply, realty offices, a hair salon, and a daycare center. Furthermore, the west side of Route 29 has generally developed towards higher intensity non-residential uses, where designated as "commercial mixed use." Offices, car dealerships, home improvement stores, and various other retail/service businesses are all present within a quarter-mile of the property. Permitting an R-15 development would create new multifamily housing near the Rio Hill Center and the commercial corridor of Route 29, generating a more mixed-use character on the west side of Route 29.

The following is an analysis of the project's consistency with Neighborhood Model Principles:

Pedestrian Orientation:

The new pedestrian connections are proposed to provide access to the residences as well as the recreational amenity areas. The property has frontage on Woodburn Road and Berkmar Drive. Woodburn Road marks the edge of the County's Development Area and features a rural street section. On the Berkmar Drive frontage, there is an existing sidewalk and proposed sidewalks on-site would provide a connection to this existing pedestrian infrastructure. Berkmar Drive provides pedestrian infrastructure along the whole thoroughfare, from Rio Road to Hollymead Town Center. The proposed Bike and Pedestrian improvements along Berkmar Drive will further improve pedestrian connectivity in the area and provide greater opportunities for future residents on this Property to walk or bike to certain nearby destinations.

Mixture of Uses:

The proposed rezoning is R-15 Residential, so this principle is not applicable.

Neighborhood Center:

While the development is not within a designated center, there is a nearby center Rio Hill, located approximately 0.3-mile west of the development, or within a 10-minute walking shed. The existing sidewalk along the property's Berkmar Drive frontage provides a pedestrian connection to this neighborhood center, where residents are able to access a grocery store and other retail/service uses; this connectivity will be further improved with the proposed construction of a shared use path between Rio Road W. and Hilton Heights. The intersection of Berkmar Drive and Woodbrook Dr, which provides access to the Rio Hill Shopping Center, is proposed to be improved with new CG-12 curb cuts as part of the shared use path construction which will improve the pedestrian experience.

Mixture of Housing Types and Affordability:

A rezoning to R-15 Residential would enable a greater density of units to be developed, which could permit a greater range of housing affordability. R-15 permits a variety of unit types and this development seeks to incorporate a mixture of townhome and multi-family units. The multi-family units are proposed as "stacked flats" which are proposed to have an independent one-story unit on the first floor of the structure with a multi-story unit above.

Interconnected Streets and Transportation Networks:

The property has frontage on both Woodburn Road and Berkmar Drive. New streets are not proposed with this ZMA request and residents would utilize the Berkmar Drive entrance to access the property. The entrance on Woodburn Road is proposed for emergency access only after the issuance of the certificate of occupancy for the 29th dwelling unit. The Property currently has an approved initial site plan for 28 units developed in accordance with the existing R-6 zoning on the Property. Depending on the timing of the rezoning, the Property may develop in phases with the current by-right development constructed first and the remainder of the Property developing in a second phase. If the by-right portion of the Property develops first, those 28 units would need to be permitted access from the public street, Woodburn Road, and so that access point is proposed to remain until a time when any density, beyond the current permitted R-6 density, is developed on the site.

In addition to Woodburn Road and Berkmar Drive, the Property is adjacent to a third public right-of-way, Swede Street however a connection to Swede Street is not proposed because there is an existing RWSA water line that is present along that shared property boundary, adjacent and perpendicular to the Swede Street ROW. Where Swede Street is at a grade of 546', grade at the existing water line is 554' and pulling the Swede Street connection through the subject property would directly conflict with the existing 12" water line.

Multi-Modal Transportation Networks:

There is an existing sidewalk along the property's frontage on Berkmar Drive to provide pedestrian connections along this major collector road. Albemarle County is also moving forward with the construction of a shared use path, just opposite Berkmar Drive from this Property; that shared use path will ultimately connect Rio Road West to Hilton Heights Road, where there is an existing shared use path that extends all the way to Hollymead Town Center. This is the ideal location for additional density so that more residents can enjoy the possibility of being able to travel to nearby destinations without using their car.

Parks, Recreational Amenities, and Open Space:

The proposed concept plan imagines pockets of amenity space to be provided throughout the development. Residents would be able to easily access recreational area from their units. Furthermore, Agnor Hurt Elementary School is within a 10-minute walking shed of the property, approximately a 0.5-mile from the site. Residents could utilize the existing sidewalk on Berkmar Drive to access recreational facilities at Agnor Hurt outside of school operation hours. Additionally, the property is located two miles from the Ivy Creek Natural Area. While pedestrian infrastructure to access the park is not currently available on Earlysville Road, residents would be able to quickly access Ivy Creek by car.

Buildings and Spaces of Human Scale:

Per Section 18.8 of the Albemarle County Zoning Ordinance, structures in an R-15 district may be a maximum of 65'. Both R-6 and R-15 zonings permit a range of building types and it is likely that the site will be built out as a mixture of townhomes and small multifamily structures, approximately 3-stories in height. The small multifamily structures would create comfortable pedestrian envelopes around the sidewalks and recreational spaces provided on site. The proposed buildings would be of a size and appearance that aligns with the emerging character of this area of Berkmar Drive.

Relegated Parking:

With frontage on both Woodburn Road and Berkmar Drive, parking is to be relegated away from both public streets.

Redevelopment:

Tax parcel 45-81 has an existing single family residential home on the property. A redevelopment of the property would add residential density to the west side of Route 29, where commercial uses are largely present, and create a more mixed-use character near the Rio Hill Center. The proposed redevelopment would address the Berkmar Drive frontage and the presence of structures would create more of an urban building envelope along this major collector.

Respecting Terrain and Careful Grading and Regrading of Terrain:

Managed slopes are present on the property and any grading in managed slopes will comply with Section 18-30.7.5 of the Albemarle County Code.

PUBLIC NEED OR BENEFIT

Albemarle County has established a clear goal in creating a diverse housing stock in form and affordability as the County's population continues to grow. The Charlottesville-Albemarle area has continuously attracted new residents to the Central Virginia region as a desirable place to live and work. Housing Albemarle (2021) and the present comprehensive plan update, AC44, indicates that one of the County's primary goals is to provide accessible and affordable housing for its community members. Where Albemarle County's designated Development Areas total approximately 37 square miles[1], the County seeks to encourage a mixture of uses with additional density and integrated multimodal transportation networks within designated growth areas. Considering the site's location nearby the Seminole Trail commercial corridor and its direct access to Route 29, Rio Road, and Berkmar Drive, the property provides an excellent opportunity for an R-15 development. Furthermore, the proposed 'stacked flats' in the development would contribute towards the goal of increasing missing middle housing supply, while the development would generally appear as townhomes. Nearby properties on Berkmar are proposed to develop as townhome and multifamily developments and the development proposal for the Property aligns with the developing character of the corridor.

IMPACTS ON PUBLIC FACILITIES & PUBLIC INFRASTRUCTURE

Water and sewer:

The property is to be served by public water and sanitary infrastructure. The property is proposed to connect to public water, located in Woodburn Road and to public sanitary, located just west of the property within an ACSA easement.

Traffic:

If the property were rezoned as R-15 Residential, 54 units could be developed on the Property. The following trip generation has been provided per ITE Trip Generation, 11th Edition.

	ITE Code	Independent Variable	AM			PM			Daily Total
			In	Out	Total	In	Out	Total	

[1] Land Use Topic Report for AC44

Low-Rise Multifamily	220	54 dwelling units	5	17	22	17	11	28	364

Since the property is currently zoned R-6 and up to 28 units could be realized on the property by-right with bonus factors, there is an increase in daily trips of 175 trips beyond the by-right daily trip projection and an increase of 11 trips in the AM peak hour and 14 trips in the PM peak hour. The by-right trip projections are below:

	ITE Code	Independent Variable	AM			PM			Daily Total
			In	Out	Total	In	Out	Total	
Low-Rise Multifamily	220	28 dwelling units	3	8	11	9	5	14	189

IMPACTS ON SCHOOLS

The Property is located within the Northern Feeder Pattern and so children within this development attending public school will attend Agnor-Hurt elementary school, Burley middle school, and Albemarle High School. The estimated student yields below are derived from the Albemarle County Long Range Planning Advisory Committee's (LRPAC) 2023 Recommendations Report.

APPENDIX D: Student Yield Ratios

Assumed Student Yield Ratios

Boundary	Apartment	Condo	Mobile	Single Family	Townhome	Dist Average
AGNOR-HURT	0.08	0.10	0.45	0.14	0.06	0.13
BAKER-BUTLER	0.09	0.20	0.33	0.21	0.06	0.22
BROADUS WOOD	0.09	0.20	0.47	0.13	0.06	0.13
BROWNSVILLE	0.05	0.20	0.33	0.28	0.06	0.24
CROZET	0.19	0.20	0.27	0.20	0.06	0.19
GREER	0.14	0.23	0.47	0.12	0.11	0.13
HOLLYMEAD	0.09	0.20	0.47	0.26	0.19	0.21
IVY	0.21	0.20	0.47	0.21	0.06	0.21
MOUNTAIN VIEW	0.05	0.20	0.56	0.14	0.06	0.12
MURRAY	0.09	0.13	0.47	0.14	0.06	0.13
RED HILL	0.09	0.20	0.47	0.09	0.06	0.09
SCOTTSVILLE	0.09	0.20	0.23	0.23	0.06	0.23
STONE-ROBINSON	0.02	0.10	0.47	0.11	0.02	0.10
STONY POINT	0.13	0.20	0.14	0.15	0.06	0.14
WOODBROOK	0.13	0.34	0.47	0.13	0.01	0.14
ELEMENTARY AVERAGE	**0.09**	**0.20**	**0.47**	**0.17**	**0.06**	
BURLEY	0.03	0.05	0.22	0.06	0.02	0.05
HENLEY	0.03	0.10	0.24	0.10	0.06	0.10
JOURNEY	0.06	0.09	0.28	0.07	0.06	0.12
LAKESIDE	0.02	0.08	0.08	0.13	0.10	0.05
WALTON	0.01	0.08	0.06	0.05	0.06	0.06
MIDDLE AVERAGE	**0.04**	**0.08**	**0.22**	**0.08**	**0.06**	
ALBEMARLE	0.06	0.10	0.27	0.12	0.03	0.10
MONTICELLO	0.03	0.08	0.29	0.09	0.01	0.08
WESTERN ALBEMARLE	0.04	0.14	0.12	0.15	0.14	0.14
HIGH AVERAGE	**0.05**	**0.10**	**0.26**	**0.12**	**0.02**	
Housing Type Average	0.18	0.38	0.95	0.37	0.14	

Red yields indicate averages based on incomplete data.

Source: Cooperative Strategies / Albemarle County Public Schools Subdivision Yield Analysis (August 23, 2021)

The projected student yields for this project are distributed between townhome and apartment unit types since R-15 permits various unit types. For the purposes of this yield analysis, it was assumed that 14 townhome units and 40 apartment units would be constructed within the development:

	Apartment Yield (40 units)	Townhome Yield (14 units)	Total
Agnor Hurt Elementary	0.08	.06	4.04
Burley Middle School	0.03	.02	1.48
Albemarle High	0.06	.03	2.82
			8.34

The 2023 LRPAC Recommendations Report projects no capacity conflicts at Agnor Hurt or Burley through the 33/34 school year. Albemarle County High School currently has and is projected to have capacity conflicts in the coming years however; the construction of Center II will alleviate capacity pressure on Albemarle High School by adding 400 seats in the 26/27 school year. The opening of Center II will coincide closely with the full build-out of this project. The projected school's impact from this project is expected to be minimal; furthermore, the capacity conflicts at Albemarle High School are expected to be alleviated by the time this project is fully constructed.

Similar to the trip generation analysis, the pupil projections should be based on the net increase as a result of the rezoning. Twenty-eight multi-family units would yield the following:

	Apartment Yield (28 units)	Total
Agnor Hurt Elementary	0.08	2.24
Burley Middle School	0.03	.84
Albemarle High	0.06	1.68
		4.76

The net increase in students as a result of this rezoning is 3.58 students and the net increase for students at Albemarle High School where there is a capacity conflict is 1.14 students. The impact from this development is incredibly minimal given that the development of this Property at a higher density will be an efficient use of very limited Development Areas land, will provide more affordable units than the by-right scenario, and will create an opportunity for more people live in a location that is conveniently located near major commercial centers, schools, and amenities.

IMPACTS ON PUBLIC SAFETY SERVICES

According to the Housing Report for AC44, January 2023, the average county household size is 2.4 people per household. It should be noted that this household average does not distinguish between unit types and the proposed townhome and multifamily units would likely hold less than the average people per household, since the County-wide average takes into account single family detached dwellings. Following this average, there could be 129.6 new residents in this development. The residents would be served by the Jefferson District Sector 1 Beat 7 police force, Albemarle County Fire Rescue, Station 8, Seminole Trail Volunteer Fire Department Station, and Albemarle County Fire Rescue, Rescue Station 18. Albemarle County Fire Rescue Station 18 is currently operating above capacity for EMS services, with approximately 30-40% concurrent dispatch occurrences, where the station experiences simultaneous calls. Albemarle County anticipates to add "between 25,800 and 30,300 new residents over the next 20 years,"[2] and future development will concentrate in the Development Areas, where public services are readily available and are able to utilize well-connected, regularly maintained infrastructure. The 2015 comprehensive plan clearly emphasizes that community facilities need to be strategically planned for to meet population needs as objective 9 of the Development Areas seeks to "match infrastructure availability and capacity with new development, especially in Priority Areas. The comprehensive plan goes on to specifically identify that "emergency services, such as fire, rescue, and police… are essential services for the community and, along with schools, should have the highest priority for funding" (12.5) and that "firefighting and rescue facilities and equipment [should] meet the characteristics of particular services areas." (12.19).

IMPACTS ON ENVIRONMENTAL FEATURES

There are managed steep slopes on the property. For any proposed grading that takes place within designated managed slope areas, the activity will comply with Sec. 30.7.5 of the Albemarle County Zoning Ordinance. Stormwater management on the site will comply with the applicable DEQ and VSMP regulations.

PROFFERS

[2] Albemarle County Land Use Buildout Analysis, 25 (September 2022)

The Owner has proffered certain elements of the concept plan to ensure the development is consistent with Neighborhood Model principles such as relegated parking and buildings and spaces of human scale. In addition, the Owner has proffered to designate 15% of the units constructed as affordable, consistent with affordable housing recommendations put forth in the comprehensive plan.