



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Project Name: ZMA202300018 Albemarle Business Campus – NMD Amendment #2	Staff: Syd Shoaf, Senior Planner II; Kevin McDermott, Deputy Director of Planning
Planning Commission Public Hearing: March 25, 2025	Board of Supervisors Public Hearing: TBD
Owner: 5 th Street Forest, LLC.	Applicant: Kelsey Schlein, Shimp Engineering
Acreage: Amend 8.5 acres of an existing 13.63-acre NMD.	Rezone from: NMD, request to amend the Code of Development, application plan, and proffers associated with ZMA202100014.
TMPs: 07600-00-00-046AA, 07600-00-00-046AB, and 07600-00-00-05400	By-right use: NMD Neighborhood Model District – residential mixed with commercial, service, and industrial uses in accordance with ZMA202100014
School Districts: Mountain View Elementary, Burley Middle, and Monticello High School	Location: North side of 5 th street across from the Albemarle County Office Building 5 th Street, from Wahoo Way to Old Lynchburg Road.
Magisterial District: Scottsville and Samuel Miller	Proffers: Yes
Proposal: Amend the Code of Development and Application Plan to increase residential units and decrease the minimum non-residential requirement, revise building form and permitted use requirements in Blocks 2-4, and permitted yard encroachments in Blocks 4 and 5; Amend proffers to decrease the contribution to mitigate transportation impacts from \$500,000 to \$250,000 along with exhibit and wording changes.	Requested # of Dwelling Units: 368 total. 128 are already constructed in Block 1. This request is to increase the maximum number of units in Blocks 2-5 to 240 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; in Neighborhood 5.
Affordable Housing: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Affordable Housing AMI % (Area Median Income): 80% of AMI as determined by U.S. Dept. of Housing & Urban Development, for 15% of the number of constructed units.
Character of Property: The site is divided into 5 blocks. There are existing multi-family residential units in Block 1, a self-storage and office building in Block 5, and Blocks 2-4 are vacant.	Use of Surrounding Properties: Multi-family residential to the east and west across Old Lynchburg Road; Albemarle County Office Building 5 th Street to the south across 5 th Street; Region Ten office to the north;

<p>Positive Aspects:</p> <ol style="list-style-type: none"> 1. The request could result in up to 36 additional affordable units within the development in keeping with previous affordable housing policy of 15%. 2. The request is mostly consistent with the Neighborhood Model Principles of the Comprehensive Plan and master plan. 	<p>Concerns:</p> <ol style="list-style-type: none"> 1. The request is inconsistent with the Southern and Western Urban Neighborhoods Master Plan and the Comprehensive Plan and NMD principles for mixed use and neighborhood centers. The reduction in the minimum non-residential square footage requirement removes a significant amount of required non-residential area. 2. Mountain View Elementary and Albemarle High Schools are currently over capacity and the number of students that would be generated by this development would contribute further to overcrowding at these schools. 3. Reduces proffered mitigation of transportation impacts.
<p>RECOMMENDATION: Staff recommends denial of ZMA202300018 Albemarle Business Campus – NMD Amendment #2.</p>	

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Syd Shoaf, Senior Planner II
March 25, 2025
To be scheduled

PETITION

PROJECT: ZMA202300018 Albemarle Business Campus – NMD Amendment #2

MAGISTERIAL DISTRICT(S): Scottsville, Samuel Miller

TAX MAP/PARCEL(S): 076000000046AA, 076000000046AB, 07600000005400

LOCATION: North side of 5th St., across from the Albemarle County Office Building – 5th Street, from Wahoo Way to Old Lynchburg Rd., and on the east side of Old Lynchburg Rd. from 5th St. to Country Green Rd. (505+, 506, 510+, 515+, 520+, 525+ Five Row Way and 3030+Vision Lane)

PROPOSAL: Amend the Code of Development, application plan, and proffers previously approved (ZMA202100014).

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

OVERLAY DISTRICT(S): EC – Entrance Corridor, Steep Slopes – Managed, AIA – Airport Impact Area

COMPREHENSIVE PLAN: Community Mixed Use and Urban Density Residential in the Southern and Western Urban Neighborhoods Master Plan area.

CHARACTER OF THE AREA

The subject property is located generally at the 5th Street and Old Lynchburg Road intersection, across from the 5th Street County Office Building (Attachment 1 – Location Map). The parcel is zoned NMD Neighborhood Model District in accordance with ZMA202100014 (Attachment 2 – Zoning Map). This NMD is known as the Albemarle Business Campus, which is a total of 13.63 acres split into five blocks. Block 1 is located west of Old Lynchburg Road between Country Green and Mountainwood roads. Block 1 is developed and consists of 128 multi-family residential units. Blocks 2-5 are located east of Old Lynchburg Road, north of 5th Street, and south of Wahoo Way. Block 5 is developed and consists of a self-storage and office building. The application for this rezoning applies to Blocks 2-5 which is approximately 8.5 acres.

The subject parcel is affected by the Entrance Corridor, Airport Impact Area, and Steep Slopes – Managed overlay districts. The subject parcel is also included within an Opportunity Zone as defined by the U.S. Department of the Treasury.

The area neighboring the NMD is largely residential with some neighboring institutional uses and nearby small-scale commercial establishments. There is a multi-family residential development to the east which is zoned R-15 Residential. The 5th Street County Office Building is to the southeast across 5th Street and is zoned CO Commercial Office. Adjacent to the north is the Region Ten Community Services Board office which is zoned CO Commercial Office. Additionally, to the northwest are multi-family residential developments which are zoned R-6 and R-15. Across Country Green Road to the southwest are a mixture of uses and zoning districts including detached single-family residential, a mobile home community, and small retail establishments, zoned R-4 Residential, R-2 Residential, and C-1 Commercial.

PLANNING AND ZONING HISTORY

There are several applications related to the Albemarle Business Campus development:

- ZMA201900003 – Zoning Map Amendment approved by the Board of Supervisors on October 7, 2020. It approved the original rezoning request for the Albemarle Business Campus Neighborhood Model District formerly referred to as Royal Fern. This approved a Code of Development that allowed a maximum of 128 residential units throughout the district with a maximum residential density not to exceed 10 dwelling units per acre. Additionally, for non-residential square footage, the minimum requirement was 74,000 square feet with a

maximum of 401,000 square feet. The minimum non-residential square footage was required in Block 3 (25,000 square feet), Block 4 (4,000 square feet), and Block 5 (45,000 square feet).

- In April 2020, Albemarle County, the Economic Development Authority and the developer of ABC entered into a Development Agreement related to improvements and facilities for the purposes of economic development activities within the site. This agreement expired in January 2025.
- SDP202100022 – Final Site Plan for Block 5 which was approved on August 11, 2021. This approved the construction of a self-storage building with retail spaces on the ground floor.
- SDP202100065 – Final Site Plan for Block 1 which was approved on March 28, 2022. This approved the construction of 128 multi-family residential units.
- ZMA202100014 – Zoning Map Amendment approved by the Board of Supervisors on June 15, 2022. This was an amendment to ZMA201900003 which included amendments only for Blocks 2-4. This added parking structure as a permitted use, adjusted lot and building regulations, and green space and amenities in Block 2-4. Additionally, for non-residential square footage, Block 2 was revised from a minimum of 0 square feet to 20,000 square feet with a revised maximum non-residential square footage from 0 feet to 125,000 square feet. This increased the minimum overall non-residential square footage from 74,000 square feet to 94,000 square feet. Whereas the maximum non-residential square footage increased from 401,000 square feet to 426,000 square feet for the entire development.
- ZMA202300018 – The current rezoning application that is under review. This was submitted on December 18, 2023.
- On July 9, 2024, the Zoning Administrator requested the \$500,000 cash proffer payment due under Proffer 1a associated with ZMA202100014.

SPECIFICS OF THE PROPOSAL

The application is proposing to amend the Code of Development, application plan, and proffers for the previously approved rezoning (ZMA202100014). The amendments to the Code of Development and application plan are proposed only for Blocks 2-5 of the NMD, which are located on the two parcels east of Old Lynchburg Road and total approximately 8.5 acres. For the applicant's full detailed requested, see Attachment 3 – Applicant Narrative, Attachment 4 – Applicant Code of Development, Attachment 5 – Applicant Application Plan, and Attachment 6 – Draft Proffer Statement.

The revisions requested with this application include revising the permitted residential density, minimum non-residential square footage, various building form and permitted use requirements in Blocks 2-4, permitted yard encroachments in Blocks 4 and 5, and an amendment to the proffer statement. The applicant is seeking these modifications to allow flexibility for Blocks 2-4 to develop in response to market demand since the last rezoning was approved.

The proposed changes in the Code of Development are summarized below:

In Table A. Uses:

- Add drive-through windows as a permitted by special use permit use in Blocks 3 and 4. Note #5 was added to Table A which lists out the supplemental regulations for drive-through windows from Section 18-5.1.60.
- Add parking structures as a permitted by-right use in Blocks 3 and 4. The request includes a revision of a note that states this is permitted only as an accessory use. In addition to existing language that requires parking structures to be relegated behind, add language to allow “to the side of the associated structure to minimize visibility of the parking structure from the public and private streets...”

In Table B. Square Footage (Figures 1 and 2):

- Decrease the minimum non-residential square footage in Block 2 from 20,000 square feet to 0 feet and in Block 3 from 25,000 square feet to 0 feet.
- Increase the minimum non-residential square footage in Block 4 from 4,000 square feet to 10,000 square feet.
- Overall, decrease the total minimum non-residential square footage from 94,000 square feet to 55,000 square feet. The minimum non-residential square footage will only be required in Blocks 4 and 5.

TABLE B. SQUARE FOOTAGE						
	BLOCK 1	BLOCK 2	BLOCK 3	BLOCK 4	BLOCK 5	TOTAL
MIN Non-Residential Square Footage	0	20,000	25,000	4,000	45,000	94,000
MAX Non-Residential Square Footage	6,000	125,000	110,000	60,000	125,000	426,000

Figure 1: Table B from the approved ZMA202100014

TABLE B. SQUARE FOOTAGE						
	BLOCK 1	BLOCK 2	BLOCK 3	BLOCK 4	BLOCK 5	TOTAL
MIN Non-Residential Square Footage	0	0	0	10,000	45,000	55,000
MAX Non-Residential Square Footage	6,000	125,000	110,000	60,000	125,000	426,000

Figure 2: Table B from the proposed ZMA202300018 under review

In Table C. Residential Net Density (Net Density Calc) (Figures 3 and 4):

- Revise the maximum residential units from 85 units in Block 2, 56 units in Block 3, and 36 units in Block 4 to a maximum of 240 units permitted between Blocks 2-4. In addition, revise the maximum block gross density (DUA) from 26 DUA in Block 2, 23 DUA in Block 3, and 25 DUA in Block 4 to a maximum density of 34 DUA.
- Increase the total number of residential units in the Albemarle Business Campus development from 128 units to 368 units.
- Increase the overall maximum residential density in the Albemarle Business Campus from 10 DUA to 26 DUA.

TABLE C. RESIDENTIAL DENSITY (Net Density Calc)						
	BLOCK 1	BLOCK 2	BLOCK 3	BLOCK 4	BLOCK 5	TOTAL
Approximate Block Area (Net Acreage)	5.08	3.17	2.35	1.49	1.54	13.63
MIN Residential Units	29	0	0	0	0	29
MAX Residential Units	128	85	56	38	39	--
MAX Block Gross Density (DUA)	25	26	23	25	25	--
Notes to Table C:						
1.) Total number of residential units in Albemarle Business Campus not to exceed 128.						
2.) Overall maximum residential density not to exceed 10 DUA in Albemarle Business Campus.						

Figure 3: Table C from the approved ZMA202100014

TABLE C. RESIDENTIAL DENSITY (Net Density Calc)						
	BLOCK 1	BLOCK 2	BLOCK 3	BLOCK 4	BLOCK 5	TOTAL
Approximate Block Area (Net Acreage)	5.08	3.17	2.35	1.49	1.54	13.63
MIN Residential Units	29	0	0	0	0	29
MAX Residential Units	128	← 240 →			39	--
MAX Block Gross Density (DUA)	25	← 34 →			25	--

Notes to Table C:
1.) Total number of residential units in Albemarle Business Campus not to exceed 368.
2.) Overall maximum residential density not to exceed 26 dwelling units per acre "DUA" in Albemarle Business Campus.
3.) Maximum of 240 units permitted between Blocks 2-4 with a maximum density of 34 DUA.

Figure 4: Table C from the proposed ZMA20230018 under review

In Table E. Lot & Building Regulation:

- Increase the maximum stories in Block 4 from 3 stories to 4 stories and increase the maximum height from 50 feet to 60 feet.
- Decrease the primary front minimum setback from 5 feet to 0 feet for Block 5. The purpose of this request was due to the sidewalk construction in the field in relation to the development of Block 5.
- Add a note that allows covered porches, balconies, eaves and like architectural features to project not more than four feet into any required yard.

The proposed changes in the application plan are provided below:

- Update to Sheet 2 for the existing uses note to include the multi-family residential in Block 1, self-storage and office in Block 5, and vacant in Blocks 2-4.
- Update to Sheets 3-5 to include the development in Block 1 and Block 5.
- Update to Sheets 6-9 to include the recorded instrument number for the dedication of the 25' ROW and 3' ROW areas.
- Update to Sheets 11-15 to include the recorded instrument number and deed book and page number for the 0.05 AC ROW and 2' ROW areas.
- Update to Sheet 13 to remove the note for "existing transit stop to be improved."
- Update to the Roundabout and Shared Use Path Exhibit.
 - Overall revision of the design of the Roundabout per the latest VDOT plans.
 - Notes that 0.08 acre "variable width ROW reservation to be dedicated if necessary for the multiuse path improvements" and a 0.1 acre "reservation to be dedicated if necessary for temporary construction easement."
 - Notes that 0.05 acres of ROW have been dedicated from the eastern portion of the project property for the Roundabout and Shared Use path construction.

The proposed changes in the proffer statement are provided below:

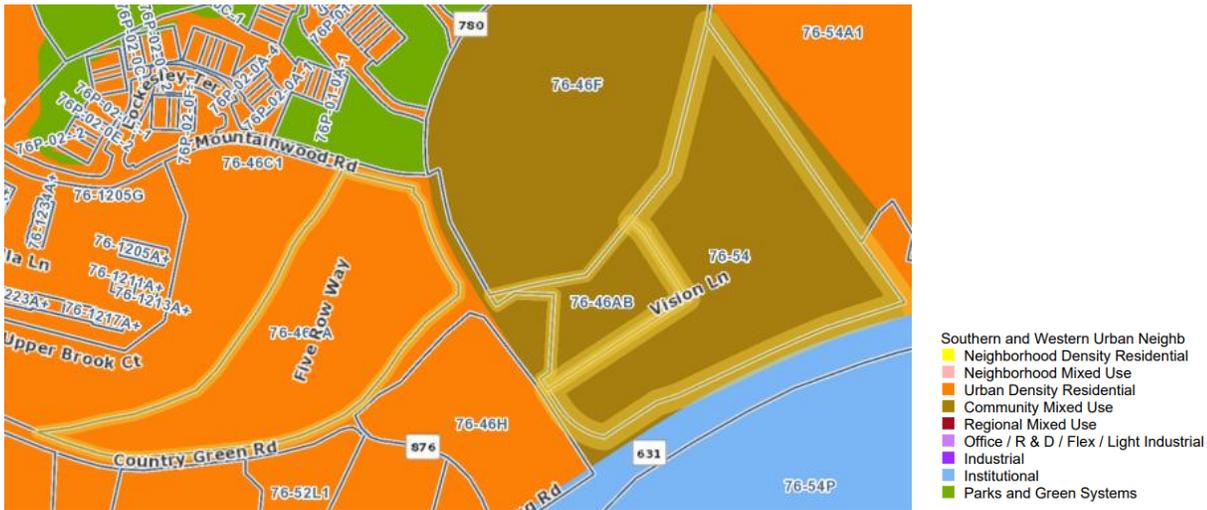
- Proffer 1a decrease \$500,000 cash proffer to the Albemarle CIP if a use would solely or collectively would generate more than 487 vehicles per day to \$250,000.
- Proffer 1b update the Roundabout exhibit and date referenced.
- Proffer 3 revise the language reference from the "performance agreement" to "development agreement."

COMMUNITY MEETING and COMMUNITY MEMBER INPUT

A community meeting was held in person at the 5th and Avon Community Advisory Committee (CAC) meeting on February 17, 2024. There were concerns regarding traffic impacts, the amount of non-residential and residential uses permitted, and the impacts on schools in the area. There were a few members of the public that echoed these same concerns and overall it appeared that the CAC wanted to see more mixed use development.

COMPREHENSIVE PLAN

The Southern and Western Urban Neighborhoods Master Plan designates the entire Albemarle Business Campus development as both Urban Density Residential and Community Mixed Use. For the purposes of this application, only Blocks 2-4 are proposed to be amended which are tax map parcels 76-46AB and 76-54, which are both designated as Community Mixed Use (see the brown in the map inset below). The Urban Density Residential designation applies to Block 1 which is highlighted as orange in the map inset below.



Community Mixed Use calls for a mixture of residential and retail uses and services for 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. Master plan recommendations and proposed changes with this rezoning are summarized below:

	Master Plan Recommendation	Approved ZMA202100014 COD	Proposed ZMA202300018 COD
Building Height	1-4 stories	1-4 stories	1-4 stories (no change besides Block 4 increase from 3 to 4 stories)

Residential Density	Maximum 34 DUA	Block 2: 26 DUA Block 3: 23 DUA Block 4: 25 DUA Block 5: 25 DUA Total number of residential units in ABC not to exceed 128 units.	Block 2: 34 DUA (increase of 8 DUA) Block 3: 34 DUA (increase of 11 DUA) Block 4: 34 DUA (increase of 9 DUA) Block 5: 25 DUA (no change) Total number of residential units in ABC not to exceed 240 units.
Non-Residential	None	Minimum 94,000 square feet	Minimum 55,000 square feet Reducing Block 2 20,000-0 Increase Block 4
Single-Building Footprint for Retail, Service, & Office Uses	Maximum 60,000 square feet	30,000 square feet	30,000 square feet (no change)
Single-Building Footprint for Office/R&D/Flex/Light Industrial Uses	Maximum 20,000 square feet	30,000 square feet	30,000 square feet (no change)

The proposed amendment does not revise the single-building footprint for both retail, service, and office uses and office/R&D/flex/light industrial uses. The proposed amendment revises the building height in Block 4 from 3 to 4 stories which is consistent with the maximum building height in the master plan. Lastly, the proposed amendment proposes to increase the residential density in Blocks 2-4 to 34 dwelling units per acre which is consistent with the master plan recommendation.

The Neighborhood Model: Staff has reviewed the proposal against the Neighborhood Model Principles and has found that it is inconsistent with the Mixed Uses and Neighborhood Centers principles. The detailed Neighborhood Model analysis can be found in Attachment 7 – Staff Analysis of Application’s Consistency with Neighborhood Model Principles.

Staff is concerned that the proposed reduction in non-residential does not meet the recommendations of the master plan. For the consistency with the master plan and Neighborhood Model, there needs to be additional non-residential square footage required in Blocks 3 and 4.

Affordable Housing

On February 21, 2024, the Board of Supervisors approved the Affordable Rental Housing Incentive Program which provides a monetary incentive to help developers achieve the County’s new housing policy goal. Approval of the incentive program fully implemented Housing Albemarle, which recommends 20% of the total units in residential construction projects be provided as affordable housing. Approval of the incentive program fully implemented the County’s housing policy which recommends either 60% (Area Median Income) AMI for a total of 30 years (rental housing) or 80% AMI for a total of 40 years (owner-occupied housing). This rezoning was submitted prior to the adoption of the updated housing policy and has been reviewed under the policy in effect at the time.

Prior to this approval, the County’s housing policy recommended that new residential rezonings provide 15% of the total proposed units as affordable housing at 80% of the AMI. Because this rezoning application has been under review since before this policy was adopted, Staff is reviewing it under the previous policy of 15% affordable housing. This has been the guidance provided by Dr. Stacy Pethia, Assistant Director of Housing for Albemarle County. Based on the applicable affordable housing policy and the affordable housing evaluation, the project is consistent with the Comprehensive Plan Chapter 8, Strategy #2g and Chapter 9, Strategy #6b.

This rezoning proposal includes a revised maximum total of 368 residential units within the Albemarle Business Campus development. If the maximum total units were to be constructed, 55 units would need to be provided as affordable housing for-sale or rental units per the County's 15% affordable housing policy. Block 1 of ABC has already been constructed with 128 units, 19 of these units are affordable rental units. The additional 240 units being requested would add 36 affordable units at the 15% requirement.

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 area 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 generally 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.

Although there is a mix of residential and non-residential use provided on the property, the minimum required amount of non-residential uses is significantly reduced with this proposal. The applicant proposes to eliminate the minimum non-residential use requirement in Blocks 2 and 3. The applicant proposes to increase the minimum non-residential use requirement in Block 4. In all, the applicant proposes to reduce the minimum non-residential square footage for the entire development from 94,000 square feet to 55,000 square feet where it will only be required in Blocks 4 and 5. To be consistent with the NMD zoning district, a mixture of uses needs to be provided. The reduction of the minimum non-residential square footage in two blocks does not meet the intent of this zoning district.

Additionally, the Southern and Western Urban Neighborhoods Master Plan designates this property to be developed as Community Mixed Use. The master plan also identifies the area across the street from this proposal as a Center. Currently, the only non-residential uses in this vicinity south of I-64 are located at the 5th Street County Office Building, Region 10 north of the subject parcel, and a gas station located on Country Green Road which is west of the subject parcel. There is a significant amount of residential uses both within the NMD (Block 1) and outside of the NMD that includes a mix of both single-family and multi-family units.

There is currently little commercial activity in this area and the approved ZMA202100014 is required to provide a significant amount of non-residential area which would provide employment, retail, and service uses that would serve the many existing residents in the surrounding area and within the NMD. If the proposal were to be approved, it would significantly reduce the amount of non-residential uses that is considered in the Southern and Western Areas Master Plan.

Staff believes the reduction in the amount of non-residential square footage is insufficient to provide for the mixed-use recommended by both the master plan and Comprehensive Plan.

Anticipated impact on public facilities and services:

Streets and Transportation:

The proposed development is located at the intersection of Old Lynchburg Road and 5th Street, which is a busy intersection. 5th Street is an Entrance Corridor and a heavily traveled corridor, 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. Additionally, Old Lynchburg Road extends north-south from the City of Charlottesville to the intersection with 5th Street, then south past the Southwood development, to the rural areas in southern Albemarle. The 5th Street COB, which is across the street from the subject parcels, serves as the headquarters for the Albemarle Fire Rescue (ACFR), the Albemarle Police Department (ACPD), and social services and various other departments, so the ease of access to this building for County employees and residents is important. The traffic congestion and crash history at this intersection has resulted in a funded Smart Scale project to convert the intersection into a roundabout. The additional development with the Albemarle Business Campus (ABC) will create additional traffic at this intersection and along this corridor.

The overall proposed development of ABC will add a significant number of new trips to a corridor that already experiences safety and operation issues which includes inadequate bicycle and pedestrian facilities. There is an existing proffer statement associated with the approved ZMA202100014 which addresses many of the immediate needs within the corridor. This includes funding to the County's Capital Improvement Program (CIP) and land dedication for the future roundabout and shared use path that VDOT will construct. Additionally, there is a proffer that limits that number of trips for the site and a development agreement that included transportation obligations from the applicant.

For this application, the applicant is proposing to revise multiple proffers. The first is Proffer #1a which states that prior to the "issuance of a certificate of occupancy for any building with a use that solely or collectively (with other existing uses on the Property) would generate more than 487 vehicles per day, the Owner shall contribute Five Hundred Thousand Dollars (\$500,000) as a cash contribution (the "Cash Contribution") to Albemarle County's Capital Improvement Program (CIP) fund." The applicant has proposed to reduce the cash proffer from \$500,000 to \$250,000. The 487 vehicle trips per day has been triggered and Albemarle County Zoning staff have requested the \$500,000 cash proffer. To date, a payment has not been made, and the determination stands. The applicant has not appealed the determination which would be heard by the Board of Supervisors. In correspondence to staff regarding the proffer reduction of \$250,000, the applicant noted that additional right-of-way would be dedicated for the construction of the roundabout and multi-use path.

In the revised roundabout exhibit, the applicant has proposed an additional 0.08 acres reserved to be dedicated for public use and an additional 0.1 acres for a temporary construction easement. Additionally, in their correspondence, the applicant noted that the original \$500,000 cash proffer was not based on land valuation, but rather by the development's approximate share of trips through the 5th Street and Old Lynchburg Road intersection which was translated to a proportional share of costs for the roundabout with nearby developments. The applicant has not demonstrated a reduction in trips based on the proposed uses as they have not proposed revising Proffer #2 which restricts the total trip generations for the development at 3,200 daily vehicle trips or 509 peak hour trips. This application proposes to revise the amount of non-residential and residential uses within the site, however, the total maximum trip generation numbers remain the same regardless of what the use within the development is. Furthermore, the applicant has failed to provide a valuation for the ROW dedication of 0.08 acres and 0.1 acres for construction. Lastly, regardless of the ROW dedication, the County Code requires pedestrian facilities to be provided to connect pedestrians with the site and to adjacent parcels.

The second proffer revision is for Proffer #1b which updates the roundabout exhibit referenced. As noted above, the applicant has provided additional ROW for construction, but has failed to provide a valuation for the land to be dedicated.

The last proffer revision is for Proffer #3 which was originally referenced as a development agreement and revised to a performance agreement with the draft proffers under review. Staff have spoken to both the applicant and Economic Development staff and have learned that this agreement has expired. The applicant has indicated that since this has expired, they are not intending to submit an additional performance agreement. However, the previously proffered performance agreement included an obligations section for the developer that should be provided in the code of development or application plan. First, an “enhanced bus stop” was included which noted that, “the developer must provide an enhanced bus stop along the Project’s southern boundary to accommodate public transportation. The stop must include a glass shelter, lighting, adequate seating, and bicycle parking racks. The design and provisions are subject to County’s approval, which cannot be withheld unreasonably.” The bus stop was labeled in the previously approved application plan as an existing transit stop to be improved, however, it was omitted in the application plan currently under review. Additionally, the previously proffered performance agreement included obligations for a “dynamic transport pick-up” which would be a “space within the Project for automobile passengers to access for-hire, hailed transport services (i.e. taxicab, transportation network partner, JAUNT vehicle, or otherwise) as shown on the Project Exhibit. Additional related transportation obligations included bicycle racks at all buildings within the Project and enhanced connectivity throughout the site to provide community access from the Project’s southern boundary to northern boundary. Examples of enhanced connectivity are noted as pathways, paved sidewalks, and raised pedestrian road crossings. The code of development and application plan should be revised to include language from the previously proffered performance agreement.

Additionally, the applicant proposes to reduce the minimum non-residential square footage requirement from 94,000 square feet to 55,000 square feet. Furthermore, the applicant proposes to increase the total maximum residential units within the ABC development from 128 units to 386 units. Although these revisions may appear to have significant impacts on the transportation network, the applicant has provided Proffer 2 which prevents a site plan or zoning clearance from being issued if the combined uses on the ABC development are estimated to generate daily vehicular trips that exceed 3,200 or peak hour trips that exceed 509. This proffer is the same as the approved proffer associated with ZMA202100014. Staff believe that this proffer caps the maximum buildout on the property and in order to exceed it, a revised proffer and rezoning application would be required.

In sum, the applicant has not demonstrated the proposal will result in a reduction of trips such that methods for mitigating traffic impacts should be reduced from the prior approval. The future shared-use path will provide an amenity for bicyclists and pedestrians to connect to other parts of the County car free.

Schools:

Students living in this area would attend Mountain View Elementary, Burley Middle, and Monticello High schools. Albemarle County Public Schools has provided its student generation calculator that estimates how many students will be generated at each school level based on dwelling unit types. The table below specifies the yield of students generated at each school level should the subject property be built out as proposed in the application plan with the maximum of 368 units. Please note that 128 units have already been constructed in Block 1 of the ABC development and the analysis below is for the additional 240 units in Blocks 2-4 requested with this application. The Code of Development only allows multi-family units within Blocks 2-4 so the estimated is based on 240 multi-family units.

The estimate is based on 40 multifamily units and 14 townhouse units:

Official Calculator

Dwelling Type	Mountain View ES	Burley MS	Monticello HS	Total
240 apartments	0.05	0.03	0.03	26.4

Source of Calculator: Albemarle County Public Schools

Burley Middle School is currently under capacity and is expected remain so over the next 10 years even with the students generated by this development. Both Mountain View Elementary School and Monticello High School are currently over capacity. Mountain View Elementary School is expected to remain over capacity for the next 10 years and Monticello High School is expected to remain over capacity or near its limit for the next 10 years.

Mountain View Upper Elementary is a new 500-student school that is currently under construction and is anticipated to open for the 2026-27 school year. The school would serve 3rd through 5th grade students within the Mountain View Elementary School boundary. Mountain View Primary School (located at the current Mountain View Elementary building) will serve students in PK – 2nd grade. The new school will assist in addressing capacity issues over the long term.

Fire & Rescue:

Albemarle County Fire Rescue has reviewed this rezoning application and has no objections at this time. Code requirements for items such as street and travelway widths, turning radius, and the necessity of secondary emergency fire access routes will be addressed at the site planning and/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 the Rivanna Water and Sewer Authority (RWSA) have no objections to this project at this time. A utilities construction plan will be required, subject to ACSA and RWSA approval, prior to the approval of site plans and/or subdivision plans by the County at the site development stage of these properties.

Anticipated impact on environmental, cultural, and historic resources:

There are no known cultural or historic resources located on the property. There are Steep Slopes - Managed on the property, and any disturbance of those slopes will be reviewed by the County Engineering staff during the site development phase of the project. There are no floodplain or water protection ordinance (WPO) buffers on these parcels. Any increase in stormwater runoff above what is currently allowed on the property will be reviewed by County Engineering staff during the site development phase of the project. 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:

- The proposed new use of parking structures in Blocks 3 and 4.

A parking structure within these blocks is not expected to have a significant impact on nearby and surrounding properties. The parking structure is required to be relegated to the rear or side of the property. Blocks 3 and 4 front along 5th Street which is an Entrance Corridor. Additionally,

Block 3 has frontage along Wahoo Way and Block 4 has frontage along Old Lynchburg Road. Any future parking structure will be required to meet both the Zoning Ordinance and ARB's Entrance Corridor guidelines.

- The change in minimum non-residential square footage in Blocks 2-4.

The decrease in the minimum non-residential square footage in Block 2 is not expected to have an impact since this is an interior block. Blocks 3 and 4 are located along 5th Street which is an Entrance Corridor and a high traffic road. It is expected that non-residential uses should be located along the exterior of the development. The applicant has proposed for no minimum non-residential square footage to be provided in Block 3. Furthermore, the approved ZMA202100014 requires a minimum of 94,000 square feet of non-residential development. The surrounding area lacks commercial space and is mostly residential aside from the 5th Street COB, Region Ten, and a gas station. The reduction of the minimum non-residential requirement of 94,000 square feet to 55,000 square feet would take away a potential employment, commercial, or service amenity for residents within the ABC development and the nearby area. At a minimum, staff believe that the applicant should increase the minimum amount of non-residential square footage in Blocks 3 and 4.

- The change in the total number of residential units and residential net density.

The increase in the total number of residential units from 128 to 368 units is not expected to have a significant impact on nearby and surrounding properties. The nearby area consists of some non-residential uses but is mostly residential. The change in residential net density is consistent with master plan's recommendation.

- The change in building height.

The change in building height is not expected to have a significant impact on nearby and surrounding properties. The increase from 3 to 4 stories in Block 4 I consistent with the rest of the ABC development and master plan's recommendation.

- The change in the front minimum setback in Block 5.

The change in the front minimum setback is not expected to have a significant impact on nearby and surrounding properties. The front minimum setback was revised from 5 feet to 0 feet due to the sidewalk construction in the field. Block 5 is already developed and the applicant needed to construct a retaining wall to keep the design of the parking lot in relation to the building.

- The change to allow covered porches, balconies, eaves and like architectural features to project not more than four feet into any required yard.

This change is not expected to have a significant impact on nearby or surrounding properties.

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.

PROFFERS

The proffer statement approved with ZMA202100014 is proposed to be amended with this application. The draft proffer statement is provided as Attachment 6. A summary of the proffers is provided below.

- **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 \$250,000 to Albemarle County's Capital Improvement Program (CIP) fund to use on infrastructure improvements in the area. Specific improvements for this cash proffer are not identified. This proffer was amended from the previously approved proffer from \$500,000 to \$250,000.
 - **Proffer 1b:** The second part of proffer #1 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 and shared use path at the intersection of 5th Street and Old Lynchburg Road. This proffer was amended to update the roundabout exhibit and date.
- **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 uses would cause the overall number of trips from the NMD to exceed the caps mentioned above. **The applicant has not made a revision to this proffer and the maximum trip threshold has not been reduced.**
- **Proffer #3 (Development Agreement):** The applicant revised the original language in this proffer from "performance agreement" to "development agreement." This agreement is between the County of Albemarle, the Albemarle County Economic Development Authority, and the property owner. Staff have not seen a revised development agreement and believe this proffer may be a mistake.

SUMMARY

Staff have identified the following positive aspects of this request:

1. The request provides affordable units at 15% of the total number of units constructed, consistent with County policy applicable at the time this rezoning was submitted.
2. The request is mostly consistent with the Neighborhood Model Principles of the Comprehensive.

Staff have identified the following concerns with this request:

1. The request is not consistent with the Southern and Western Urban Neighborhoods Master Plan and Comprehensive Plan. The reduction in the minimum non-residential square footage requirement removes a significant amount of non-residential area that this part of the County needs.
2. Mountain View Elementary and Albemarle High Schools are currently over capacity and the number of students that would be generated by this development would contribute further to overcrowding at these schools.

RECOMMENDATION

Staff recommends denial of the ZMA202300018 Albemarle Business Campus – NMD Amendment #2.

PLANNING COMMISSION POTENTIAL MOTIONS

- A. Should the Planning Commission **choose to recommend denial** of this zoning map amendment:

I move to recommend denial of ZMA202300018 Albemarle Business Campus – NMD Amendment #2 for the reasons stated in the staff report.

- B. Should the Planning Commission **choose to recommend approval** of this zoning map amendment:

I move to recommend approval of ZMA202300018 Albemarle Business Campus – NMD Amendment #2. *State the reasons for approval.*

ATTACHMENTS

- Attachment 1 – [ZMA2023-18 Albemarle Business Campus NMD Amendment 2 - Existing Conditions Map](#)
- Attachment 2 – [ZMA2023-18 Albemarle Business Campus NMD Amendment 2 - Zoning Map](#)
- Attachment 3 – [ZMA2023-18 Albemarle Business Campus NMD Amendment 2 - Applicant Narrative](#)
- Attachment 4 – [ZMA2023-18 Albemarle Business Campus NMD Amendment 2 - Applicant Code of Development](#)
- Attachment 5 – [ZMA2023-18 Albemarle Business Campus NMD Amendment 2 - Applicant Application Plan](#)
- Attachment 6 – [ZMA2023-18 Albemarle Business Campus NMD Amendment 2 - Draft Proffer Statement](#)
- Attachment 7 – [ZMA2023-18 Albemarle Business Campus NMD Amendment 2 - Staff Analysis of Application's Consistency with Neighborhood Model Principles](#)