ALBEMARLE COUNTY
STAFF REPORT

Project Name: ZMA202000009 Forest Lakes PDSC Amendment	**Staff:** Tori Kanellopoulos, Senior Planner
Planning Commission Hearing: October 6, 2020	**Board of Supervisors Public Hearing:** Tentative date December 2, 2020
Owner: JA-ZAN Limited Partnership	**Applicant**: Kelsey Schlein, Shimp Engineering, on behalf of JA-ZAN Limited Partnership
Acreage: 3.43 acres	**Rezoning:** Amend existing PDSC (Planned Development Shopping Center) Zoning District. Zoning remains PDSC.
TMP: 046B4-00-00-00300	**Location:** Parcel has frontage on both Route 29 (Seminole Trail) and Worth Crossing. Parcel is approx. 670 feet south of the intersection of Route 29 and State Route 649 (Airport Road).
School Districts: Baker Butler E.S., Sutherland M.S., Albemarle H.S.	**Current by-right use:** PDSC (Planned Development Shopping Center)
Magisterial District: Rivanna	**Proffers**: Yes per ZMA198800016
Proposal: Amend proffers and application plan approved with ZMA198800016 for PDSC. Request to increase the maximum square footage on Tract III to 110,000 square feet. Currently, 71,800 square feet of uses are permitted on Tracts II and III. The total permitted square footage would be 181,800 square feet on Tracts II and III. Request to revise location of building footprints as shown on the application plan.	**Requested # of Dwelling Units per ZMA:** 0
DA (Development Areas): Places29 Master Plan	**Comp. Plan Designation:** Urban Mixed Use (in Centers) and Community Center per the Places29 Master Plan.
Affordable Housing Provided: ☐ Yes ☒No	**Affordable Housing AMI (%):** No dwelling units are proposed.

Character of Property: The majority of the parcel is currently undeveloped and mainly consists of a grassy field with some trees. The pipe stem portion of the parcel has a travelway that connects to Route 29.	**Use of Surrounding Properties:** There are surrounding commercial and retail properties to the north, south and west. Properties across Worth Crossing to the east are residential.
Factors Favorable: 1. The rezoning request and special use permit request are consistent with the majority of the recommendations within the Places29 Master Plan and the Comprehensive Plan. 2. The rezoning request is consistent with all of the applicable Neighborhood Model Principles. 3. The rezoning provides for additional development opportunities on an underutilized parcel that is already zoned commercial and mixed-use.	**Factors Unfavorable:** 1. None identified.
RECOMMENDATION: **Zoning Map Amendment:** Overall, staff finds that the favorable factors outweigh the unfavorable factors. Staff recommends approval of the rezoning request ZMA202000009.	

STAFF PERSON: Tori Kanellopoulos, Senior Planner
PLANNING COMMISSION: October 6, 2020
BOARD OF SUPERVISORS: Tentative date December 2, 2020

PETITION:

PROJECT: ZMA202000009 – Forest Lakes PSDC Amendment
MAGISTERIAL DISTRICT: Rivanna
TAX MAP/PARCEL: 046B4000000300
LOCATION: Parcel has frontage on both Route 29 (Seminole Trail) and Worth Crossing. Northeastern corner of the parcel is adjacent to the intersection of Worth Crossing and Regent Street. Parcel is approx. 670 feet south of the intersection of Route 29 and State Route 649 (Airport Road).
PROPOSAL: Request to amend existing proffers and application plan per ZMA198800016 to increase the maximum square footage allowed and revise building footprint locations.
PETITION: Amend proffers and application plan approved with ZMA198800016 for existing Planned Development Shopping Center (PDSC) – shopping centers, retail sales and service uses; residential by special use permit (15 units/acre). Request to increase the maximum square footage on Tract III to 110,000 square feet. Currently, 71,800 square feet of uses are permitted on Tracts II and III. The total permitted square footage would be 181,800 square feet on Tracts II and III. Request to revise location of building footprints as shown on the application plan.
ZONING: PD-SC Planned Development Shopping Center – shopping centers, retail sales and service uses; residential by special use permit (15 units/acre)
OVERLAY DISTRICTS: Entrance Corridor, Airport Impact Area, Steep Slopes – Managed
PROFFERS: Yes per ZMA198800016
COMPREHENSIVE PLAN: Urban Mixed Use (in Centers) – commercial, retail, and office uses that are accommodated in Centers and residential uses (6.01 – 34 units/acre) in the Places29 Master Plan. Located within Community Center, which calls for uses that serve the Places29 community.

CHARACTER OF THE AREA

The subject property has frontage on both Route 29 and Worth Crossing and is within the Forest Lakes Shopping Center. Most of the parcel is currently undeveloped and mainly consists of a grassy field with some trees. The pipe stem portion of the parcel has a travelway that connects to Route 29 and the existing gas station and UPS store. The property is located adjacent to the existing Food Lion. (Attachment 1)

There are a variety of commercial, retail, and auto service uses located around and adjacent to the site, including restaurants, a grocery store, and a gas station. Directly across Worth Crossing are existing townhouses (Forest Lakes). There are also several schools and churches across the street.

SPECIFICS OF THE PROPOSAL

The applicant proposes to amend the existing PDSC zoning district (established with ZMA198800016; see Attachment 3) to allow for an additional 110,000 square feet of commercial/retail/office (PDSC) uses permitted on Tract III and to amend the proposed building location. Within the PDSC, there are two tracts: Tract II (Phase One) includes the

existing Food Lion and commercial and retail uses on TMP 46B4-2; Tract III (Phase Two) consists of TMP 46B4-3, the currently undeveloped parcel. ZMA1988-16 allows for up to 71,800 square feet of uses on Tracts II and III. ZMA1988-16 also included several 'outparcels' (TMP's 46B4-8, 46B4-9, 46B4-10), which are within the PDSC but do not have specified a square footage for their uses. See Attachment 2 for a map with the Tracts and Outparcels within the PDSC labeled.

The rezoning request would allow for 110,000 square feet of uses on Tract III, with 71,800 square feet of uses allowed on Tract II, for a total of 181,800 square feet allowed on both Tracts II and III. The outparcels have already been developed and do not factor into the square footage calculation. However, they are subject to the same proffers, including the trip count limit proffer that will be further discussed.

Access to the site will be provided from Route 29 with the existing travelway, from the existing travelways and parking lot for the shopping center, and with a new entrance off of Worth Crossing. The asphalt multiuse path along Worth Crossing will be continued along the frontage of this site. Sidewalks will be provided through the site to provide connectivity with the existing shopping center and outparcels. A civic open space of at least 2,000 square feet with an outdoor seating area is provided on the edge of the site.

APPLICANT'S JUSTIFICATION FOR THE REQUEST

The applicant has provided a narrative and application plan (Attachments 4 and 5).

COMMUNITY MEETING

The required community meeting was held on August 3, 2020, at 6:00 PM. Due to COVID-19 restrictions, this was held as a virtual meeting. Community members in attendance asked about the potential traffic impacts from this development proposal. The applicant responded that there is an existing proffer that limits total daily vehicle trips for the PDSC and several adjacent commercial properties to 10,350 trips per day. The applicant explained that the remaining number of daily trips is 3,230; therefore, the future development on this parcel would need to generate equal to or fewer than that number of daily trips. The applicant stated that the future use of the property is not yet known, and that the intent of this application is to establish more usable square footage for this property, as only 14,778 square feet remain per the current proffers. Community members also asked about the access to the site and how that would function. The applicant responded that the site would have access to Route 29 using the existing entrance and joint access easement and would create a new entrance off of Worth Crossing. There were no major concerns heard during this meeting.

PLANNING AND ZONING HISTORY

The following is the planning and zoning history for the PDSC established with ZMA198800016. There is no approved site plan for TMP 46B4-3.

ZMA198800016: Rezoned TMP's 46B4A1, 46B4-2, 46B4-3, 46B4-8, 46B4-9 and 46B4-10 from Highway Commercial, R-1 Residential and R-15 Residential to PDSC. Approved 71,800 square feet of PDSC uses on Tracts II (TMP 46B4-2) and III (TMP 46B4-3) and approved additional development on the remaining 'outparcels' (TMP's 46B4-8, 46B4-9 and

46B4-10). Approved with proffers, including Proffer #4 limiting the total daily vehicle trip count of the then-established commercial area (totaling approximately 24 acres, including parcels outside of the PDSC) to 10,350 trips per day. (Attachment 3)

SDP198900014 and SDP199300021 Site plans for the shopping center, including the Food Lion. Amended with SDP200800029 and with SDP200900001.

SDP200100034 Final site plan approved for outparcel in the shopping center.

SDP200300087 Final site plan approved for outparcel in the shopping center. Includes a table of the parcels required to be included for ZMA198800016 Proffer #4 for daily vehicle trip counts. (See Attachment 7 for map of those parcels)

ZMA202000009: ANAYLSIS OF THE REZONING REQUEST

COMPREHENSIVE PLAN

The rezoning request is consistent with the majority of the applicable policies in the County's Comprehensive Plan. The request meets the Growth Management policy (CH 3), which directs new development and infrastructure to the Development Areas. The proposal meets Strategy 1a in the Economic Development Chapter (6) to direct new employment activities to the Development Areas and incorporate Neighborhood Model Principles, and Strategy 4c to promote redevelopment of underutilized parcels already zoned for commercial/retail/office uses.

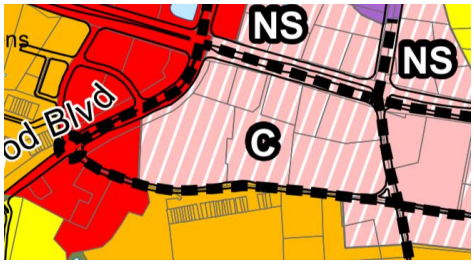
The Development Areas Chapter (8) Objective 6 recommends that infill development be compatible with existing adjacent and nearby development, which may include architectural and landscape requirements. The application plan includes architectural feature requirements along Worth Crossing; if those are not provided, a landscape buffer must be planted instead. The preference is for consistency with the Neighborhood Model Principle of Buildings and Spaces of Human Scale, especially along Worth Crossing, which faces existing residential development and will extend the existing asphalt multiuse path. Given that the proposal is adjacent to the existing shopping center, staff also found a landscape buffer could be appropriate instead, to be consistent with the existing buffer along Worth Crossing. Parking must be screened from residential uses regardless of whether the architectural features are provided. The proposed development is in an Entrance Corridor and will require Architectural Review Board approval for any portions of buildings visible from Route 29.

Analysis of the Places29 Master Plan

The proposed development is designated Urban Mixed Use and Center – Community Center in the Places29 Master Plan. The intent of this designation is to create places with retail, services, commercial uses, and employment generators that are near or adjacent to residential uses. Community Centers are intended to primarily serve the Places29 Community.

Community Center

Community Centers (Figures 5.13 and 5.14) provide retail and service uses for the surrounding area and the community beyond. They are typically anchored by a grocery store with additional retail, service, or commercial uses, as well as residences and office uses on upper floors of mixed-use buildings. Single-use residential or office buildings may also be part of the mix of uses. The residential and office uses give the Community Center the desired mixed-use character and provide an opportunity to broaden the range of residential unit types and jobs available in the Places29 area. Where there are no nearby Neighborhood Service Centers, Community Centers are encouraged to include neighborhood-serving uses as well as those with a larger market area. Generally, Community Centers range in size from 10 to 35 acres.



The Places29 Master Plan recommends maximum building square footages and heights for the recommended uses in Community Centers, which include Neighborhood Retail, Community & Regional Retail, General Commercial Service, Auto Commercial Sales and Service, Office/Flex/R+D, and Institutional. The application plan form requirements for these standards are consistent with the Places29 Master Plan recommendations. Sheet 2 lists prohibited uses in this PDSC development, including manufacturing, storage, warehousing and distribution, consistent with the Places29 Master Plan recommendations. Permitted uses are the remaining by-right and special use permit uses in the PDSC Zoning District. While the exact use(s) for this site has not been included with this application, the by-right uses in the PDSC are already permitted on this site. The request is for additional square footage but does not alter the permitted uses already available to the property.

The Places29 Master Plan recommends that Community Centers provide multiple connections to the surrounding area, including for pedestrian access. The proposed development would provide a new vehicular connection to Worth Crossing and would enhance the pedestrian network by extending the asphalt multiuse path along the frontage of Worth Crossing and provide additional internal pedestrian connections, including with the existing shopping center. The application plan also shows right of way area reserved along Route 29 for the future multiuse path shown in the Places29 Master Plan. The new connection with Worth Crossing meets the intent of the vehicular connection shown between Route 29 and Worth Crossing in the Places29 Master Plan.

The Places29 Master Plan also recommends that Community Centers include a public open space that is at least 0.25 acres. The Parks/Open Space map shows a proposed civic open space partially on this parcel (TMP 46B4-3) and on the adjacent parcel (TMP 46B4-4), both of which are currently undeveloped. The proposed development shows a 2,000 square foot open space area with outdoor seating. Future development of the adjacent parcel should expand and enhance this civic space. The Places29 Master Plan intends for civic spaces in Centers to be accessible features that nearby residents, visitors, or shoppers can use and gather in.

The Neighborhood Model: Staff has reviewed the proposal against the Neighborhood Model Principles and found that it is consistent with all the applicable principles. The detailed Neighborhood Model Analysis can be found in Attachment 6.

ZONING ORDINANCE REQUIREMENTS

Relationship between the application and the intent and purposes of the requested zoning district:

The purpose and intent of the Planned Development Shopping Center (PDSC) Zoning District is to:

- *"permit the development of neighborhood, community and regional shopping centers in accordance with standards set forth in the comprehensive plan.*
- *serve areas not conveniently and adequately provided with a broad range of commercial and service facilities.*
- *encourage planned commercial centers with carefully organized buildings, service areas, parking areas and landscaped areas."*

Staff reviewed the request and has found that this rezoning meets the purposes and intent of the PDSC. The District has been established and is partially developed. The proposed new development provides pedestrian and vehicular connectivity with the existing development and begins to develop the civic open space called for in the Places29 Master Plan. The proposed increase in square footage would provide additional opportunities for commercial, retail, and office uses to serve residents in the Places29 area, while remaining within the existing vehicle trips per day proffered limit.

Anticipated impact on public facilities and services:

Streets:

The existing Proffer #4 per ZMA198800016 limits the total daily vehicular trips within the PDSC parcels and several nearby commercial parcels (see Attachment 7 for a map of all parcels) to 10,350 trips per day. The applicant has provided a trip generation table on Sheet 2 of the Application Plan, which shows a remaining trip count of 3,230 trips per day. Transportation Planning staff reviewed the trip generation table and find these counts to be accurate.

The potential traffic impact of the proposed development is limited by this proffer. Therefore, the traffic impact has been analyzed as a maximum of 3,230 trips per day. This site (TMP 46B4-3) is the only undeveloped parcel within the trip count proffer. When the rezoning was originally approved in 1989, Route 29 was a narrower road with far fewer traffic signals and other traffic management systems. At the time, 10,350 vehicle trips per day for the entire 'commercial area' was considered the limit the road network could handle, based on near-future road improvements. Since then, there have been significant road upgrades and traffic management improvements. Therefore, a development within the remaining 3,230 daily trip count is not expected to have a significant traffic impact on the existing road network.

Schools:

No residential units would be added with this development; therefore, there is no anticipated impact on Schools.

Fire and Rescue:

Fire/Rescue had no objection to the proposal.

Utilities:

The proposed development is in the jurisdictional area for water and sewer. ACSA and RWSA had no objection to the proposal.

Anticipated impact on environmental, cultural and historic resources:
There are no known environmental, cultural or historic resources on the site.

Anticipated impact on nearby and surrounding properties:
No significant impacts are anticipated on nearby and surrounding properties. The request is for additional square footage, as the Zoning District and allowed uses are not changing; therefore, staff has analyzed the potential impact of additional square footage. This includes analysis of scale, built form, and traffic. While the original PDSC was approved prior to the adoption of the Places29 Master Plan, the application plan for this site includes scale recommendations that are consistent with the Places29 Master Plan.

Additionally, Sheet 3 of the Application Plan includes supplemental architectural or landscape requirements. The building facades along Worth Crossing on this site must either have at least two material treatments, a minimum 6 percent transparency requirement, and a first-floor ceiling height of at least 12', or must have a landscape buffer consistent with the existing landscape buffer behind Food Lion. The preferred form of development is to meet the Buildings and Spaces of Human Scale recommendations per the Neighborhood Model Principles, which includes avoiding blank walls along the street. However, given that the shopping center is already partially developed, staff also finds extending the landscape buffer to be an acceptable mitigating element if the architectural building form requirements are not provided.

As discussed in the above impacts to streets section, the daily trip count for the PDSC and nearby commercial area is limited to 10,350 trips per day, with 3,230 trips remaining. Staff does not find a significant traffic impact from this development, as it is limited to the previously approved daily trip count.

Public need and justification for the change:
The County's growth management policy states that new mixed-use development should occur in the designated Development Areas where infrastructure and services are provided, rather than in the Rural Area. This proposal provides additional commercial, retail, and office development opportunities on a parcel already zoned for a variety of non-residential uses. The proposal is located within a Center and is intended to have a mix of uses and provide for both employment and public gathering and shopping opportunities.

PROFFERS
There are existing proffers on this site per ZMA198800016. The proffered application plan is updated with this proposal.

ZMA202000009: SUMMARY

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

1. The rezoning request and special use permit request are consistent with the majority of the recommendations within the Places29 Master Plan and the Comprehensive Plan.
2. The rezoning request is consistent with all of the applicable Neighborhood Model Principles.
3. The rezoning provides for additional development opportunities on an underutilized parcel that is already zoned commercial and mixed-use.

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

1. None identified.

RECOMMENDATION: ZMA202000009

Based on the factors identified as favorable with this rezoning, staff recommends approval of ZMA202000009, Forest Lakes PDSC Amendment.

ATTACHMENTS:

Attachment 1: Vicinity Maps
Attachment 2: Map showing Tracts and Outparcels
Attachment 3: Action Letter for ZMA198800016
Attachment 4: Applicant Narrative, dated 08-17-20
Attachment 5: Rezoning Application Plan, dated 09-23-20
Attachment 6: Neighborhood Model Principles Staff Analysis
Attachment 7: Parcels within the daily trip count proffer