



**County of Albemarle
Department of Community Development**

Memorandum

To: Albemarle County Board of Supervisors
From: Rachel Falkenstein, Principal Planner
Michaela Accardi, Senior Planner
Division: Planning Division
Date: November 21, 2019
Subject: Rio29 Form-Based Code – Planning Commission Work Session #4 Summary

County staff scheduled four work sessions with the Planning Commission to discuss and receive feedback on a series of form-based code topics for the Rio29 area. On November 12, 2019, the Planning Commission held their fourth work session, which included a comprehensive review of a draft form-based code “framework”. The framework is a compilation of topics discussed at previous work sessions and outlines recommendations for Rio29 form-based code content. This content was vetted through extensive community engagement and stakeholder collaboration and aligns with the Rio29 Small Area Plan’s vision.

At the work session, staff provided an overview of background information, research and community input that helped inform each recommendation within the framework. Following this presentation, staff brought five questions for discussion with the Planning Commission. The discussion questions relate to topics that needed additional clarification or further revisions based on previous Planning Commission feedback or stakeholder input. The questions and corollary Planning Commission responses are outlined below.

Building Standards: Height

Do you support staff’s revised building height recommendation? If not, what revisions do you recommend?

Staff recommended that buildings in the Core Character Area should have a maximum height of five stories by-right with allowances of up to seven stories for bonus factors and by special exception. This recommendation aims to effectively incentivize redevelopment. Given that current zoning districts allow a maximum building height of 65-feet, preventing similar heights would be a disincentive to develop under the form-based code district (if adopted as an optional overlay district, see “Zoning Type” section). Additionally, the Rio29 Small Area Plan envisions the Core as a mixed-use center with “active, ground floor uses”. The ground floor of a mixed-use building is typically designed with taller ceiling heights and a greater number of windows/doors (known as transparency). Staff heard feedback from the development community that this type of building is feasible economically and architecturally with a height of least five stories. The allows the first floor to be constructed with platform framing and up to four to five stories above can be constructed with wood framing.

Staff also recommended that further viewshed analysis be completed in 2020. The goal of this analysis is to identify areas where shorter heights would be more appropriate to frame or preserve views, identify where taller heights may be appropriate given grade changes, and to help identify criteria for the height special exception approval process.

The Planning Commission was generally supportive of staff’s recommendation for height in the Core. Commissioners also reiterated concerns about views/vistas in the area and whether allowing taller

buildings on some streets with the possibility for reduced stepbacks might create a less pedestrian-friendly environment. Commissioners reminded staff to keep topography in mind as we further detail regulations to help determine where additional or reduced heights might be appropriate. Commissioner Firehock cautioned staff to think about adjacent uses and to ensure that taller buildings are located adjacent to and out of scale with existing homes and neighborhoods.

Amenity Space

Does the revised Regulating Plan and associated framework address the Commission's desire for additional and connected amenity space in Rio29?

Based on Planning Commission feedback shared at the September 17, 2019 work session, staff added amenity space to the Regulating Plan in the southeast and northwest quadrants of Rio29 to achieve a more distributed network of greenspace. These amenity space locations are shown in green on the Regulating Plan.

Staff recommended developing amenity space design standards, such as shading, landscaping/hardscaping, and required facilities in early 2020 to ensure that amenity spaces will be attractive, well-designed and usable.

The Planning Commission was supportive of staff's updated amenity space locations. Commissioner Dotson asked staff to reconsider the large area of amenity space shown on Berkmar Drive and questioned whether an amenity space of that size was appropriate in the draft location. Commissioner Firehock encouraged staff to think about how developments can provide connectivity to amenity space through pedestrian passages and pathways throughout sites.

Architecture

Does the framework and revised staff recommendation capture the Commission's desire for increased flexibility in architectural standards?

Staff recommended a new category of County-wide Certificate of Appropriateness (CWCoA) be developed collaboratively between the Architectural Review Board (ARB) and staff for Rio29. The Rio29 CWCoA would provide architectural guidelines on topics of transparency, materials/color, façade articulation, lighting, parking structures, and equipment/service areas. These are the topics currently included in the Entrance Corridor Guidelines and additional specificity could provide more certainty for applicants interested in developing in Rio29 Entrance Corridor sites.

Staff recommended that parcels with frontage on Rio Road be given one round of ARB review under the revised CWCoA criteria, with final approval by staff. Staff recommended other interior parcels be reviewed and approved by staff.

The Planning Commission did not support the concept of one round of review with the ARB for properties with frontage on Rio Road. Commissioners felt this was an ineffective compromise and suggested we either remove ARB review entirely with the new CWCoA or continue with the current ARB review process. Commissioner Keller felt a more appropriate compromise would be to allow a transition period where ARB would eventually be phased out of the review process.

Due to the Planning Commission feedback, staff subsequently revised the framework to remove the recommendation that parcels with frontage on Rio Road be given one round of ARB review.

The revised framework includes staff's recommendation that the ARB and County staff work to collaboratively develop the Rio29 CWCoA criteria. Individual CWCoA requests would then be reviewed and approved by staff.

Incentives

Are the proposed incentives and corresponding bonus categories appropriate for Rio29?

Staff recommended a point-based system that would allow for certain incentives if additional site design elements were incorporated (above those required in the Rio29 form-based code district).

Staff recommended bonuses be provided for the following categories: affordable housing units, public and cultural amenities, underground parking facilities, bicycle storage, low-impact development/green infrastructure features, additional amenity spaces/trails, pedestrian alley improvements, and green building design.

For sites that incorporate these provisions, recommended incentive categories included an additional story of building height, reduced setback requirements, reduced parking requirements, and reduced application fees.

This system is conceptual and illustrative. Further work is needed to determine appropriate point allocations and corresponding standards for each bonus feature.

The Planning Commission supported this point-based incentive approach and suggested staff work with developers to determine appropriate incentives categories and point allocations. There was strong support for prioritizing affordable housing and a suggestion to include structured parking as an incentive as well.

Zoning Type

Should the Rio29 form-based code be an “optional overlay” zoning district or should it replace the current base zoning in Rio29?

Staff recommended the Rio29 form-based code be implemented as an optional overlay zoning district. This approach gives property owners the option to choose whether they would like to redevelop their property consistent with the existing zoning district or the proposed form-based code zoning district. The form-based code district would provide property owners additional uses and development rights not allowed within the current zoning districts as well as the ability to construct mixed-use development(s) through a by-right review process.

The Planning Commission supported staff's recommendation for an optional overlay zoning district.

Overall, the Planning Commission was supportive of the Draft Rio29 Form-Based Code Framework, with the above comments incorporated. Commissioners provided a few additional suggestions for the form-based code zoning district generally.

Commissioner Dotson suggested renaming the Flex Character Area to convey that it is a transitional area that connects the high-intensity Core to the lower-intensity Edge and adjacent residential areas. He also recommended that staff look closely at the regulations between the Core and Flex and make sure that the Flex does not “compete” with the Core given in its flexibility in use and building standards.

Commissioner Firehock encouraged staff to think about the life cycle of buildings and how additional requirements or incentives can be incorporated into the form-based code to allow buildings to be converted to different uses over time. For example, a parking garage or hotel may be initially constructed with taller ceilings to allow for future residential uses.