County of Albemarle
COMMUNITY DEVELOPMENT DEPARTMENT

401 McIntire Road, North Wing
Charlottesville, VA 22902-4579
Telephone: 434-296-5832
WWW.ALBEMARLE.ORG

ALBEMARLE COUNTY BOARD OF ZONING APPEALS
AGENDA
TUESDAY, JANUARY 3, 2023 at 2:00 P.M
LANE AUDITORIUM

1. Call to Order

2. Establish a Quorum

3. Annual Organizational Meeting
   A. Election of Officers
   B. Review and Re-Adopt Rules of Procedure
   C. Review and Adopt 2023 Meeting Schedule

4. Public Hearings:
   A. AP2022-00003 Berkmar Flats (Signs #79 & 80)
      Property Owner: Third Mesa, LLC
      Appellant: Third Mesa, LLC/J.T. Maxwell
      Staff: Francis MacCall

5. Approval of Minutes
   A. August 2, 2022

6. Old Business

7. New Business
   A. Discuss Contract Renewal for Legal Counsel for FY2023-24

8. Adjournment

Opportunities for the public to access and participate in the meeting will be posted at https://www.albemarle.org/community/county-calendar. Participation will include the opportunity to comment on those matters for which comments from the public will be received.

BOARD OF ZONING APPEALS IN-PERSON MEETING GUIDELINES

Thank you for attending the Board of Zoning Appeals (BZA) meeting. The following information is provided to help ensure the meeting proceeds as efficiently and effectively as possible. As a courtesy to others, please turn off all cell phones during the meeting.

General Information:

This meeting is recorded and later transcribed into minutes approved at a later meeting date.

Each item set for public hearing will begin with a presentation of the staff report. Next, the applicant or appellant for that item will be invited to speak. During the course of the process, the Chair will open the public hearing to comments from the public. At the end of these proceedings the Chair will announce that the public hearing is closed. Once the public hearing is closed, no further public comments will be allowed unless the Board asks for additional information from the applicant or appellant.

The BZA reserves the right to digress from these guidelines in any particular case.

To Members of the Public:

If you wish to address the Board, please raise your hand or stand when the Chairman asks for public comments for that item. When it is your turn for comment, please come to the microphone and state your name for the record. For uncommon spellings, please spell your name for the recording secretary. If you are with a group of people, you may want to have a spokesperson present your position to the Board.

In order to give all speakers equal treatment and courtesy, the Board requests that speakers adhere to the following guidelines:

- *Come forward to the speaker's podium and state your name;*
- *Address comments directly to the Board as a whole - open public debate is prohibited;*
- *State your position and give facts and other data to back it up – keep in mind that there is a **3 minute time limit for public comment**;*
- ***Give written statements and other supporting material to the Recording Secretary** (written comments are also welcome if you do not wish to speak).*

Additional Guidelines for Applicants and Appellants addressing the Board:

- *Please contact staff in Community Development ahead of the meeting to make any necessary arrangements for your presentation. **The Recording Secretary will also need copies of any handouts given to the BZA members for the official record of the meeting.***
- *Be clear in stating your position and do not repeat information that has been previously submitted to the Board.*
- *Stay on topic by addressing the questions in the application or by responding directly to staff's determination(s). Focus on presenting facts and data that support your position.*
- *Keep in mind there is a **15 minute time limit for presentations and a 5 minute time limit for rebuttal comments.** The Board will ask any necessary follow-up questions to clarify points made during the presentation.*
- *Understand that the Board of Zoning Appeals cannot change County ordinances.*

The BZA reserves the right to place additional time limitations on speakers, as necessary.

ALBEMARLE COUNTY BOARD OF ZONING APPEALS
RULES OF PROCEDURE

The Albemarle County Board of Zoning Appeals, under the authority of Virginia Code § 15.2-2308 and Albemarle County Code § 18-34.1, establishes the following rules of procedure:

1. Officers

A. *Chair.* At its annual meeting, the Board of Zoning Appeals ("BZA") shall elect a Chair who, if present, shall preside at the meeting and at all other meetings during the year for which elected. On any application or appeal, the Chair may administer oaths and compel the attendance of witnesses.

B. *Vice-Chair.* At its annual meeting, the BZA shall elect a Vice-Chair, who, if present, shall preside at meetings in the absence of the Chair and shall discharge the duties of the Chair during the Chair's absence or disability.

C. *Secretary*. At its annual meeting, the BZA shall elect a Secretary. The Secretary may be either a member of the BZA or another person. The duties of the Secretary shall include keeping and maintaining custody of the records of the BZA, drafting and signing all correspondence necessary for the execution of the duties and functions of the BZA, and such other duties as these rules may provide and the BZA may, from time to time, assign.

D. *Recording Secretary*. The Zoning Administrator (or designee) may serve the BZA as its Recording Secretary. The duties of the Recording Secretary shall include keeping the minutes of the BZA's meetings and such other duties as these rules may provide and the BZA may, from time to time, assign.

E. *Other Offices*. At any of its meetings, the BZA may create and fill any other offices as it deems necessary.

F. *Term of Office.* The Chair and Vice-Chair shall be elected for one-year terms, and until their respective successors take office. Either or both officers may be re-elected for one or more additional terms.

G. *Vacancies in Office*. Vacancies in office shall be filled as soon as practicable using the election procedures provided herein.

H. *Absence of Chair and Vice-Chair.* If the Chair and Vice-Chair are absent from any meeting, a present member shall be chosen to act as Chair.

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2. Meetings

A. *Annual Meeting*. The first meeting of each year shall be known as the annual meeting. At the annual meeting, the BZA shall establish the day, time, and place for regular meetings of the BZA for that year, and shall elect the Chair, the Vice-Chair and the Secretary.

B. *Regular Meetings*. The BZA shall meet in regular session at the time and place and on the day or days established for regular meetings. The BZA may subsequently establish a different day, time, or place to conduct its regular meetings by passing a resolution to that effect.

If the Chair, or the Vice-Chair if the Chair is unable to act, finds and declares that weather or other conditions are such that it is hazardous for BZA members to attend a regular meeting, the meeting shall be continued to the next regular meeting date. This finding shall be communicated to the members of the BZA and to the press as promptly as practicable.

Without further public notice, a regular meeting may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business of the BZA is complete.

C. *Special Meetings*. The BZA may hold special meetings as it deems necessary at such times and places as it deems convenient. A special meeting may be adjourned from time to time as the BZA finds necessary and convenient.

A special meeting shall be held when called by the Chair or requested by two or more members of the BZA. The call or request shall be made to the Recording Secretary and shall specify the matters to be considered at the meeting. Upon receipt of the call or request, the Recording Secretary, after consultation with the Chair, shall immediately notify each member of the BZA and the County Attorney's Office. The notice shall be in writing and shall be mailed or delivered to all BZA members or to their places of residence or business or by electronic communication at least five (5) days prior to the special meeting. The notice shall state the time and place of the special meeting and shall specify the matters to be considered. No matter not specified in the notice shall be considered at the meeting unless a quorum of members is present. The notice may be waived if the time of the special meeting was fixed at a regular meeting, if a quorum of members is present at the special meeting, or if all members sign a waiver for the notice.

Whenever state law requires public notice of a special meeting of the BZA, the Recording Secretary shall provide such notice in accordance with *Virginia Code* §15.2-2204.

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3. Order of Business

A. *Agenda Established by Secretary*. The agenda for each regular meeting shall be established by the Secretary in consultation with the Chair.

B. *Organization of the Agenda*. The agenda of each regular meeting shall be organized in substantially the following order, subject to change at the request of the Chair and with the consensus of the other members of the BZA:

(1) Call to order.

(2) Establish quorum.

(3) Matters deferred from previous meetings.

(4) Scheduled matters: hearings on special use permits, variances and appeals.

(5) Work sessions.

(6) Review and approval of minutes of previous meetings.

(7) Old business.

(8) New business.

(9) Adjournment.

C. *Time Limits for Applicants, Appellants and Other Speakers*. The BZA shall offer an equal amount of time in a hearing to the applicant/appellant and County staff. The applicant/appellant and County staff shall each be allowed a total of fifteen (15) minutes to present its respective case at the outset of the hearing, and five (5) additional minutes to present rebuttal or closing remarks at the close of the hearing. Each person other than parties to the case or their legal representative(s) shall be allowed one appearance not to exceed three (3) minutes. A speaker may not reserve any initial speaking time for rebuttal or transfer any time to another speaker. The time limits set forth herein shall not include any time during which the applicant or other speaker is responding to questions asked by the BZA. The Recording Secretary shall act as the timekeeper. The BZA Chair may set alternate time limits to those listed herein at the Chair's discretion, provided that they are identified at the BZA meeting prior to the meeting at which these new limits would be used.

D. *Deferrals*. The BZA may defer any matter at the request of a member of the BZA, the County staff, or the applicant or appellant. The request may be made either orally at the meeting, or in writing, and may be made at any time prior to the vote on the matter. The person making the request shall state the reasons therefor.

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In considering a request for a deferral of a hearing of an appeal or an application for a variance pertaining to a zoning violation, the BZA shall consider the reasons for the deferral if the request is submitted by the appellant or applicant, the recommendation of staff, and the members of the BZA. In making its decision to grant or deny a request, the BZA shall consider the following factors: (1) whether the deferral would promote fairness in the process; (2) whether the deferral would be solely for the convenience or personal benefit of the appellant or applicant; (3) whether the deferral would delay the enforcement or abatement of a violation that is adversely affecting an abutting property, a neighbor, the neighborhood or the public; (4) whether the deferral would allow the appellant or applicant to resolve the underlying issues so that BZA action might be unnecessary; and (5) whether the deferral would allow the BZA to make its decision within ninety days of the filing of the application or appeal, in conformance with *Virginia Code* § 15.2-2312.

A motion to defer shall either specify the date to which the matter is deferred or defer the matter indefinitely. If the motion to defer pertains to a matter for which a noticed public hearing is required and the motion is to defer the matter to a specific date, the Chair shall either close the public hearing or, if the public hearing was not opened, open and then close the public hearing, before the BZA votes on the motion.

4. Quorum

A majority of the members of the BZA shall constitute a quorum for any meeting of the BZA. A majority of the members of the BZA present at the time and place established for any regular or special meeting shall constitute a quorum for the purpose of adjourning the meeting from day to day or from time to time. A meeting may not be adjourned to a date and time beyond the date fixed for the next regular meeting.

If, during a meeting, less than a majority of the members of the BZA remains present, no action can be taken except to adjourn the meeting. If, prior to adjournment, a quorum is again established, the meeting shall continue.

If disqualifications under the State and Local Government Conflict of Interests Act (Virginia Code § 2.2-3100 *et seq*.) leave less than a quorum, the remaining member or members of the BZA shall have authority to act for the BZA by a unanimous vote.

5. Voting Procedures

A. *Approval of Motion.* Except as otherwise provided in subparagraphs (1) and (2) and in paragraph (H), each decision of the BZA shall be made by approval of a majority of the members present and voting on a motion properly made by a

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member and properly seconded by any other member. Any motion that is not seconded shall not be further considered.

1. *Variances, Special Use Permits and Other Matters*. At least three (3) affirmative votes shall be required to grant a variance, to grant a special use permit, or to decide in favor of an applicant on any other matter upon which the BZA is required to act upon under the Zoning Ordinance.

2. *Appeals*. At least three (3) affirmative votes shall be required to reverse any appeal from an order, requirement, decision or determination of an administrative officer.

B. *Time for Vote*. Any matter before the BZA requiring a public hearing shall not be decided by the BZA until the public hearing has been held. The BZA may, however, in its discretion, defer the holding of a public hearing or consideration of such matter, in conformance with paragraph 3(D) above.

C. *Manner of Vote*. The vote on a motion pertaining to any variance, special use permit, appeal, or application for interpretation of the district map shall be by roll call vote. Any other matter may be either by roll call vote or voice vote, in the discretion of the Chair; provided that a roll call vote on such a motion shall be required if requested by a member of the BZA. For each roll call vote, the Recording Secretary shall record the name of each member voting and how the member voted on the motion. For each voice vote, the Recording Secretary shall record the result of the vote.

D. *Tie Vote*. A tie vote shall defeat the motion voted upon.

E. *Effect of Defeat of Motion to Deny*. The defeat of a motion to deny a matter shall not be deemed to be approval of the matter. In such a case, the Chair shall call for another motion.

F. *Abstention*. Any member(s) abstaining from voting on any motion shall state their abstention(s). The abstention(s) shall be announced by the Chair and recorded by the Recording Secretary.

G. *Motion to Amend*. A motion to amend a motion before the BZA shall be discussed and voted by the BZA before any vote is taken on the original motion unless the motion to amend is accepted by both the members making and seconding the original motion. If the motion to amend is approved, the amended motion is then before the BZA for its consideration. If the motion to amend is not approved, the original motion is again before the BZA for its consideration.

H. *Previous Question*. The discussion of any motion may be terminated by any member moving the "previous question." Upon a proper second, the Chair shall call for a vote on the motion of the previous question. If approved by a two-thirds majority of those voting, the Chair shall immediately call for a vote on the original

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motion under consideration. A motion of the previous question shall not be subject to debate and shall take precedence over any other matter.

I. *Motion to Reconsider*. Any decision made by the BZA may be reconsidered if a motion to reconsider is made at the same meeting or an adjourned meeting held on the same day at which the matter was decided. The motion to reconsider may be made by any member of the BZA. Upon a proper second, the motion may be discussed and voted. The effect of the motion to reconsider, if approved, shall be to place the matter for discussion in the exact position it occupied before it was voted upon.

J. *Motion for Rehearing*. Any decision made by the BZA may be reheard upon the granting of a motion for rehearing approved by at least three affirmative votes. The motion may be made only after consideration of a written application by the person requesting rehearing, which shall be filed within thirty (30) days after the date of the BZA's original final decision. The BZA may grant the motion if it finds that the decision has not already been appealed to the Circuit Court and: (1) new evidence can be presented that, in the opinion of the BZA, is relevant and material to the decision but could not have been presented at the original hearing; or (2) in the opinion of the BZA, one or more relevant and material conditions or situations have changed so as to bear on the BZA's original decision. If the BZA grants the motion, it shall set the date for rehearing. Notice of the rehearing shall be provided as otherwise required for the matter being reheard.

6. Final Decision

A. *Date of final decision*. For the purpose of calculating the time in which an aggrieved party may submit a petition for writ of certiorari in Circuit Court requesting the court to review the decision of the BZA, the date of the BZA's final decision shall be the date on which the BZA took its final vote on the merits of the matter.

B. *Deferral of final decision*. If the BZA elects to defer its final decision, nothing in this rule prevents the BZA from obtaining a consensus of its members on the matter to be decided and requesting one or more of the parties to prepare a proposed written decision to be considered when a final vote is taken.

C. *Effect if written decision adopted after final decision*. The date of the BZA's final decision shall not be extended if the BZA later adopts a written decision.

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7. Remote Participation Policy

A. *Applicability of Policy.*

1. *Purposes.* Pursuant to *Virginia Code* § 2.2-3708.3, the following policy:

a. describes the circumstances under which remote participation will be allowed and the process the BZA will use for making requests to use remote participation, approving or denying such requests, and creating a record of such requests; and

b. fixes the number of times remote participation for personal matters can be used per calendar year, not to exceed the limitations set forth in *Virginia Code* § 2.2-3708.3(B)(4).

2. *Application.* This policy will be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member(s) requesting remote participation or the matters that will be considered or voted on at the meeting.

B. *Non-Emergency Individual Participation.* Except as provided elsewhere in this policy, individual members may use remote participation instead of attending a public meeting in person only pursuant to and in compliance with the following rules:

1. *Grounds for Remote Participation; Advance Notice of the Chair.* Individual members may use remote participation instead of attending a public meeting in person if, in advance of the public meeting, the member notifies the Chair that:

a. *Personal Medical Condition.* The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance;

b. *Family Member's Medical Condition.* A medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance;

c. *Distant Meeting Location.* The member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or

d. *Identified Personal Matter; Limitation on Use.* The member is unable to attend the meeting due to a personal matter (such as a family event or business commitment) and identifies with specificity the nature of the personal matter. However, the member may not use remote participation due to personal matters more than

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two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

2. *Minutes.* If participation by a member through electronic communication means is approved pursuant to this Rule, the BZA shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public and may be identified in the minutes by a general description.

a. *Medical Condition.* If participation is approved pursuant to Rules 7(B)(1)(a) or 7(B)(1)(b), the BZA shall also include in its minutes the fact that the member participated through electronic communication means due to a (i) temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance.

b. *Distant Meeting Location.* If participation is approved pursuant to Rule 7(B)(1)(c), the BZA shall also include in its minutes the fact that the member participated through electronic communication means due to the distance between the member's principal residence and the meeting location.

c. *Identified Personal Matter.* If participation is approved pursuant to Rule 7(B)(1)(d), the BZA shall also include in its minutes the specific nature of the personal matter cited by the member.

d. *Disapproval.* If a member's participation from a remote location pursuant to Rule 7(B) is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

3. *When Chair Requests to Participate Electronically.* In the event the Chair seeks to participate through electronic communication means from a remote location, the Chair must notify the Vice-Chair or other presiding officer and should notify the Secretary on or before the day of the meeting.

C. *During a Declared Emergency or When a Continuity of Government Ordinance is in Effect.* The BZA may meet by electronic communication means without a quorum of the BZA physically assembled at one location when a state of emergency is declared pursuant to *Virginia Code* § 44-146.17 or a local emergency is declared pursuant to *Virginia Code* § 44-246.21, subject to the provisions and requirements of *Virginia Code* § 2.2-3708.2. The BZA also may meet by electronic communication means when an ordinance adopted pursuant to

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Virginia Code § 15.2-1413 to ensure the continuity of County government is in effect.

~~7~~8. Amendment of Rules of Procedure

Any of these Rules of Procedure may be amended by a majority vote of the BZA at the next regular meeting following a regular meeting at which notice of the motion to amend is given.

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9. Suspension of Rules of Procedure

These Rules of Procedure may be suspended by the majority vote of the members of the BZA present and voting. The motion to suspend a rule may be made by any member of the BZA. Upon a proper second, the motion may be discussed and voted. The effect of the motion to suspend a rule, if approved, is to make that rule inapplicable to the matter before the BZA; provided, however, approval of a motion to suspend the rule shall not permit the BZA to act in violation of a requirement mandated by the Code of Virginia, the Constitution of Virginia, or any other applicable law including the Albemarle County Zoning Ordinance.

10. Rules of Procedure not Covered by These Rules of Procedure

Any rules of procedure not covered by these Rules of Procedure shall be governed by the current Robert's Rules of Order.

* * * * *

(Adopted: 1-5-2016)
(~~Last~~ Amended: 04-02-2019)
(Re-adopted: 01-07-2020, 01-05-2021, 03-01-2022)
(Amended: ___-___-2022

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2023 Submission and Review Schedule

Board of Zoning Appeals

Deadline for Filing (3 P.M.)	First Advertisement	Second Advertisement	Board of Zoning Appeals Meeting COB Auditorium (2 P.M.)
Monday	**Monday**	**Monday**	**No sooner than Tuesday**
Oct 31 2022	Dec 19	Dec 26	Jan 03
Dec 05 2022	Jan 23	Jan 30	Feb 07
Jan 03, 2023 Tuesday	Feb 20	Feb 27	Mar 07
Feb 06	Mar 20	Mar 27	Apr 04
Mar 06	Apr 17	Apr 24	May 02
Apr 03	May 22	May 29	Jun 06
May 01	Jun 26	Jul 03	***Jul 11***
Jun 05	Jul 17	Jul 24	Aug 01
Jul 03	Aug 28	Sep 04	***Sep 12***
Jul 31	Sep 18	Sep 25	Oct 03
Sep 05 Tuesday	Oct 30	Nov 06	***Nov 14***
Oct 02	Nov 20	Nov 27	Dec 05
Nov 06	Dec 25	Jan 01	***Jan 09 2024***
Dec 04	Jan 22 2024	Jan 29 2024	Feb 06 2024
Jan 02, 2024 Tuesday	Feb 19 2024	Feb 26 2024	Mar 05 2024
Feb 05 2024	Mar 18 2024	Mar 25 2024	Apr 02 2024

Please note, these deadlines apply only to variance applications and special use permit applications for offsite and electric message signs. These deadlines do not apply to appeals of any order, requirement, decision, or determination of a zoning official. Such appeals shall be filed in accordance with State Code Section 15.2-2311. They shall be filed in a timely manner or the decision shall become final and unappealable. Such appeals will be scheduled for the next appropriate meeting after filing.

Bold italics = submittal/meeting day is different due to a holiday/election, etc.

Dates with shaded background are not 2023.

2024 dates are tentative.

AP2022-003 Berkmar Flats

STAFF: Francis H MacCall, Deputy Zoning Administrator

PUBLIC HEARING: January 3, 2023

STAFF REPORT: AP2022-00003

APPLICANT/APPELLANT: Third Mesa, LLC
P.O. Box 6551
Charlottesville, VA 22906

Subject Property:
2175 Woodburn Road, Charlottesville, VA - Parcel IDs 04500-00-00-08100, 04500-00-00-08200, and 04500-00-00-082A0 (the "Property")

Property Information:
The subject Property is at 2175 Woodburn Road, with frontage along Berkmar Drive across from the Blue Ridge Builders Supply building. The Property is zoned R-6 Residential and is in the Rio Magisterial District (Attachment A).

Considering an Appeal:
The BZA's decision on appeal is limited to whether the Zoning Administrator's decision was correct and whether the Zoning Ordinance was applied correctly. This appeal does not consider whether the proposed use is appropriate, whether it is in the public interest, or whether a zoning regulation is invalid or needs to be amended. The purpose of this appeal is only to determine if the ordinance was applied correctly.

History:
January 24, 2022 - A pre-application meeting was held to discuss a possible rezoning of the Property from R-6 to R-15. The applicant was informed of the issue of using density bonus factors and the inconsistency of the proposal with the Comprehensive Plan.

April 10, 2022 - The applicant submitted initial site plan SDP2022-00023 (Attachment C, pages 6-12). The plan proposed a density of 26 dwelling units per acre, relying on bonus factors for the increase from 21 dwelling units per acre by right.

April 27, 2022 - The applicant applied for an Official Letter of Determination (LOD) (Attachment C, pages 3-5), specifically asking whether ***"bonus factors, provided for in Chapter 18, Article I, Section 2.4 of the Albemarle County Code, may be utilized on the Property.***

September 27, 2022 - Letter of Determination LOD2022-00005 (Attachment C, pages 1-2) was issued and stated that the ***"Master Plan Land Use Table LU2 does not establish a recommended density for residential uses within areas designated for Office/R&D/Flex/Light Industrial, only that residential is permitted as a secondary use. As a result, Section 2.4.1 does not permit the application of bonus factors on the Property, as the Master Plan does not have a recommended residential density for the Office/R&D/Flex/Light Industrial land use designation. The Property may develop by-right at the gross density-standard level."***

October 10, 2022 - Following review, County staff granted conditional approval of Initial Site Plan SDP2022-00023. The condition relating to density requirement is as follows ***"[32.5.2.13, 16.3] Proposed use, density requirements. The current proposal of 26 units exceeds the density requirements of the R-6 zone. Approval requires a reduction to 21 dwelling units (allowed by-right), or approval of bonus density from the Albemarle County Zoning Division, per LOD-2022-05 under review."***

October 26, 2022 - The applicant appealed Letter of Determination LOD2022-00005.

Grounds for Zoning Administrator's Determination:
The application of bonus factors for a density increase is not permitted per County Code § 18-2.4 (Attachment B) because the Comprehensive Plan does not have a recommended residential density to be increased.

Staff's Response to Appeal:
The County does not agree with the appellant's argument in Attachment E that because there is no maximum density affiliated with the Office/R&D/Flex/Light Industrial land use, it cannot be exceeded.

The Comprehensive Plan for the Office/R&D/Flex/Light Industrial land use designation limits residential to a secondary use (Attachment D, Table LU2 and description on Pages 4-5, and 4-6 & 4-8 and 4-9). The consideration of residential as a secondary use is generally made during a proposed rezoning, not as a by-right development. The consistent administrative practice has been to consider secondary residential use to the entire area recommended for Office/R&D/Flex/Light Industrial in the context of rezonings. The higher density in the Premier Circle proposal (cited by the appellant in Attachment E, Appeal Attachment B "ZMA2020 11 Staff Report" page 7) was achieved through a rezoning, not the application of a density bonus. Likewise, the adjacent Property to the south of the subject, known as Berkmar Overlook, also sought a density increase (See Attachment A). After County staff informed the Berkmar Overlook developer of the County's consistent administrative practice, that developer submitted a by-right plan of development that was approved and is currently under construction. By contrast, in the present case, the applicant decided not to seek a rezoning after the January 2022 pre-application meeting but instead applied for an initial site plan that relied on bonus factors.

Though certain areas in the Comprehensive Plan have recommended densities, no range was recommended for the Office/R&D/Flex/Light Industrial land use designation. Therefore, if included with a proposed rezoning, residential use could be permitted, but only as a secondary use. Because no residential density is recommended, there cannot be a by-right increase in density using bonus factors.

Any residential use proposed in an Office/R&D/Flex/Light Industrial area is evaluated against the Comprehensive Plan recommendations. The Premier Circle ZMA referenced by the appellant evaluated primary and secondary uses. Each approval of a Zoning Map Amendment is a separate action, each with different considerations before approving the proposal.

Though the appeal repeatedly invokes the term "maximum density," the relevant Zoning Ordinance does not use that term. Instead, Section 2.4 states, "the resulting density shall not exceed the **recommended density** shown in the comprehensive plan…." [emphasis added] Because residential uses are to be secondary in this area, no recommended density is provided in the Comprehensive Plan. Because the Comprehensive Plan does not recommend any particular number above zero for the area, applying a bonus factor would exceed zero and thus not be permitted.

Summary:
Because the Zoning Administrator's Letter of Determination LOD2022-00005 (Attachment C) was and is correct, the Board of Zoning Appeals should affirm the determination.

Proposed Motion:
I move that the Board of Zoning Appeals affirm the Zoning Administrator's determination in LOD 2022-00005.

Attachments:

Attachment A: Location and Zoning Map

Attachment B: Zoning Ordinance § 2.4.1 Application of bonus factors

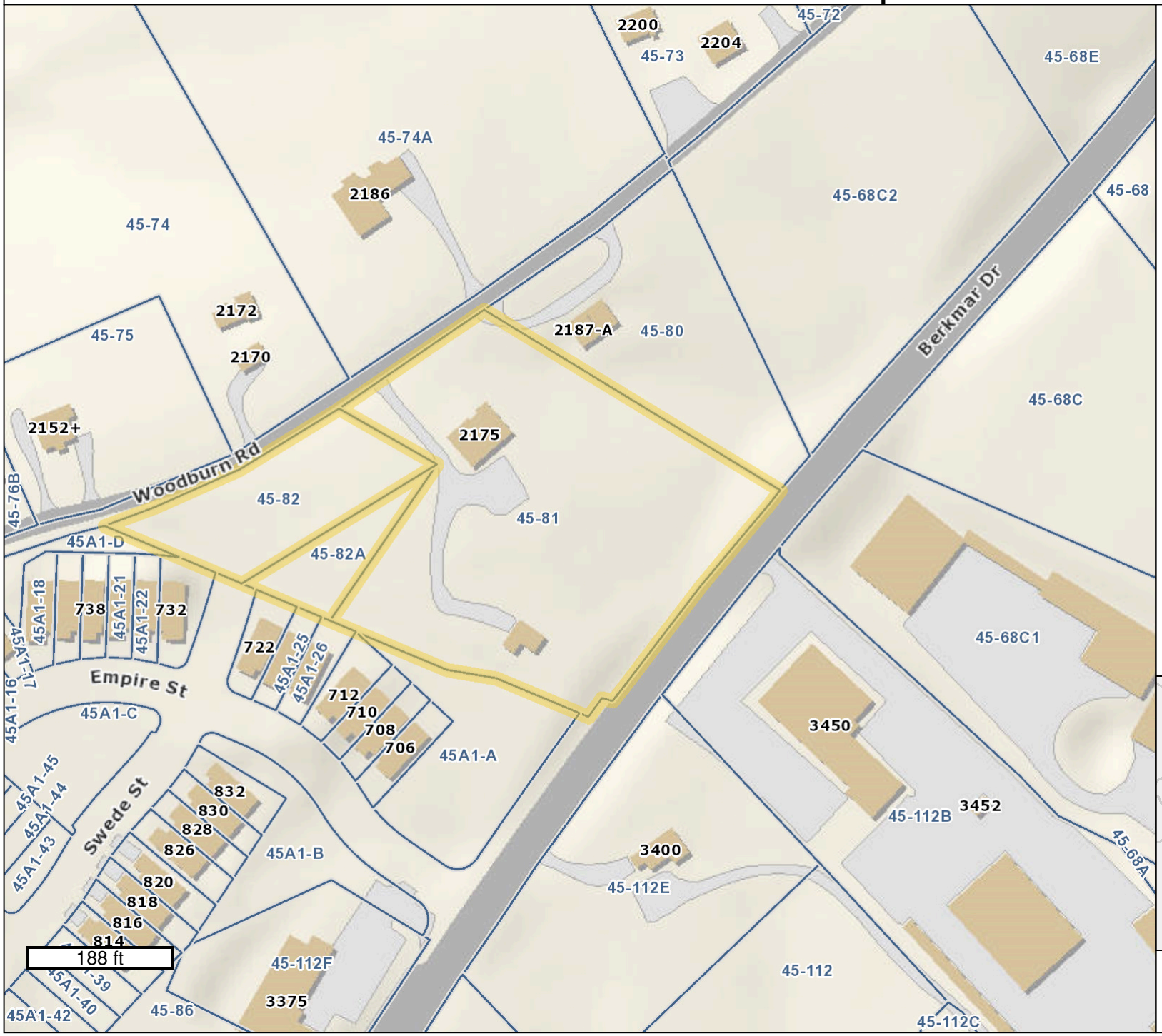
Attachment C: LOD2022-00005, dated September 27, 2022

Attachment D: Places 29 Master Plan Recommended Land Use for the Property

Attachment E: Appeal Application and Justification Statement (See BZA packet for information submitted by the applicant)

AP2022-00003 Location Map

Attachment A

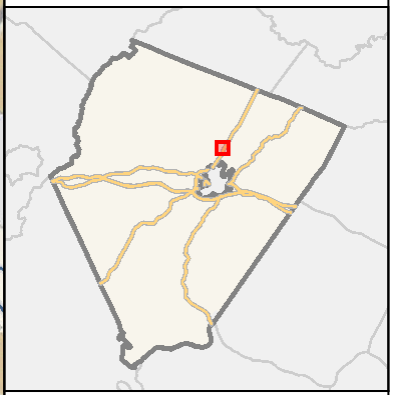


Legend

(Note: Some items on map may not appear in legend)

Parcel Info

- ☐ Parcels



GIS-Web
Geographic Data Services
www.albemarle.org/gis
(434) 296-5832

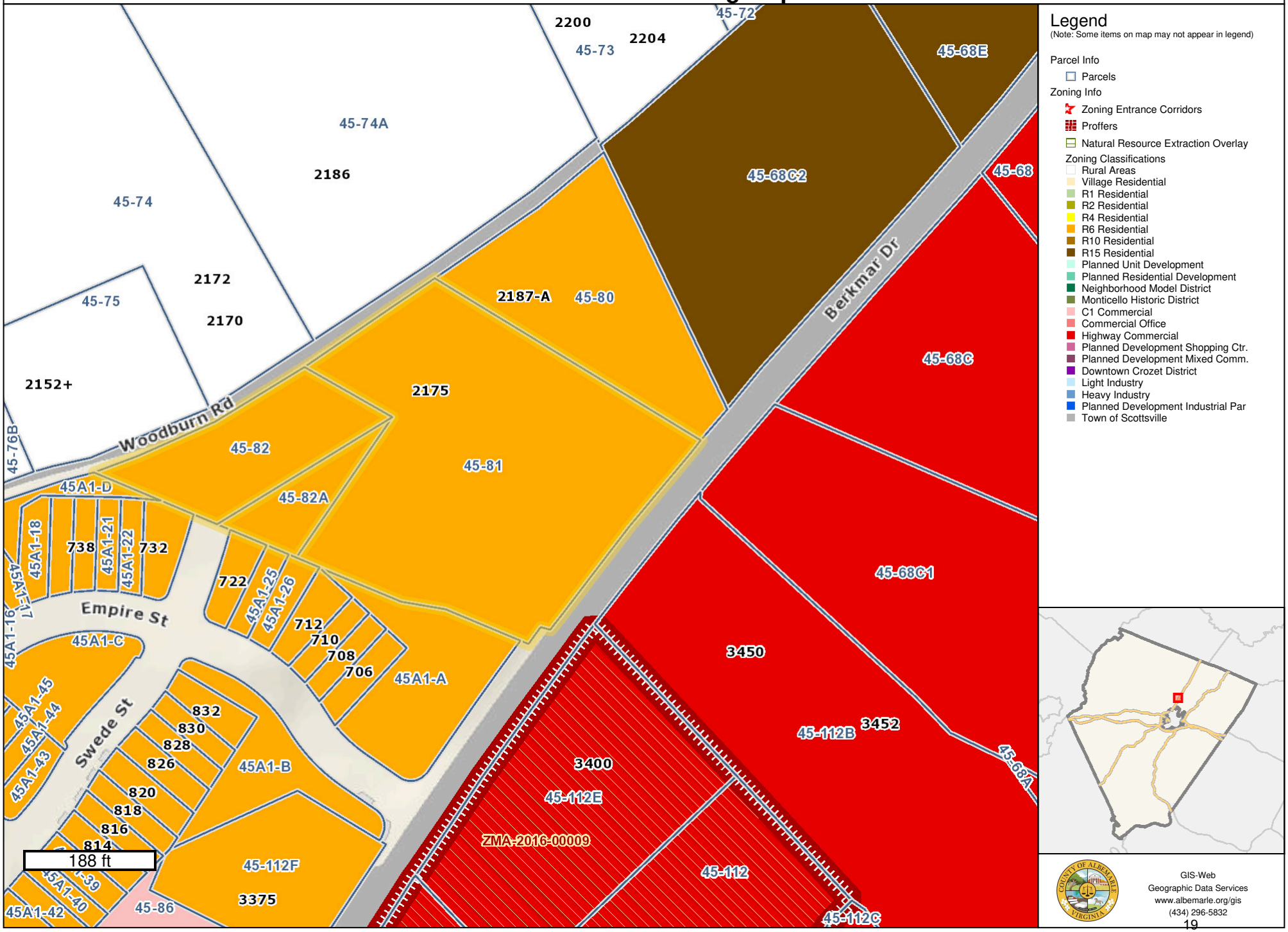
Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.

November 21, 2022

Map elements may scale larger than GIS data measured in the map or as provided on the data download page due to the projection used. Map Projection: WGS84 Web Mercator (Auxiliary Sphere) (EPSG 3857)

AP2022-00003 Zoning Map

Attachment A



Legend

(Note: Some items on map may not appear in legend)

Parcel Info
- Parcels

Zoning Info
- Zoning Entrance Corridors
- Proffers
- Natural Resource Extraction Overlay

Zoning Classifications
- Rural Areas
- Village Residential
- R1 Residential
- R2 Residential
- R4 Residential
- R6 Residential
- R10 Residential
- R15 Residential
- Planned Unit Development
- Planned Residential Development
- Neighborhood Model District
- Monticello Historic District
- C1 Commercial
- Commercial Office
- Highway Commercial
- Planned Development Shopping Ctr.
- Planned Development Mixed Comm.
- Downtown Crozet District
- Light Industry
- Heavy Industry
- Planned Development Industrial Par
- Town of Scottsville

GIS-Web
Geographic Data Services
www.albemarle.org/gis
(434) 296-5832

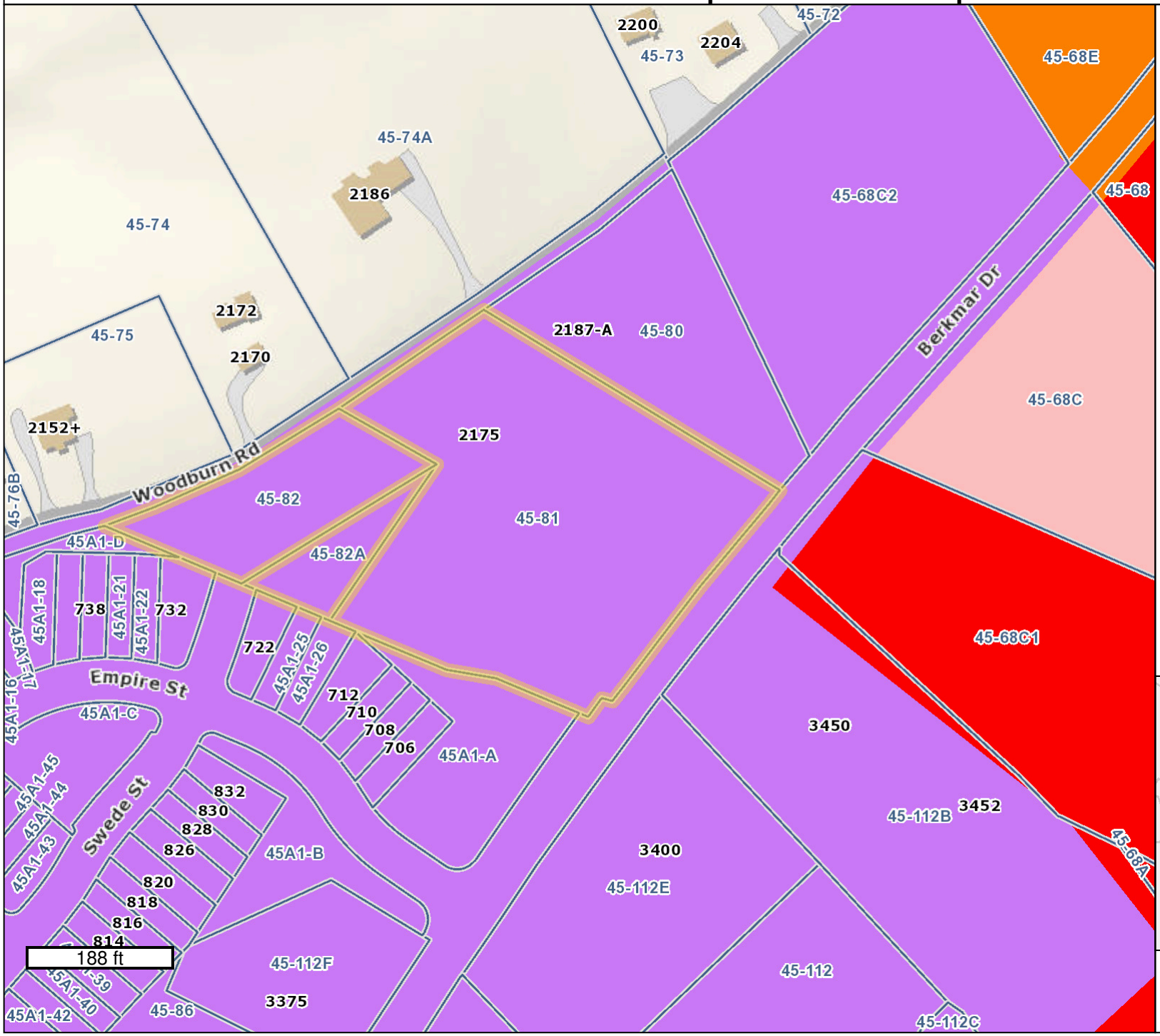
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November 21, 2022

AP2022-00003 Comprehensive Plan Map

Attachment A



Legend

(Note: Some items on map may not appear in legend)

Parcel Info

- Parcels

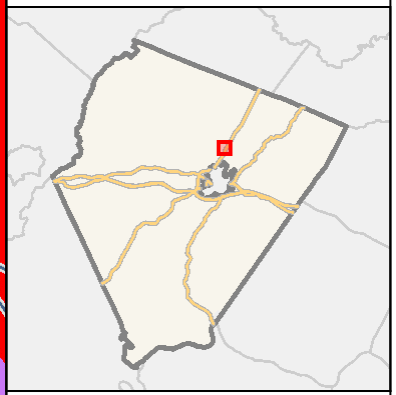
Comp Plan Land Use Info

Places29 Master Plan Mixed Use Ce

- C Community Center
- D Destination Center
- NS Neighborhood Service Center
- UP Uptown

Places29 Master Plan Land Use

- Airport District
- Small Area Plan
- Urban Mixed Use (in Centers)
- Urban Mixed Use (around Centers)
- Commercial Mixed Use
- Urban Density Residential
- Neighborhood Density Residential
- Office / R & D / Flex / Light Industrial
- Light Industrial
- Heavy Industrial
- Institutional
- Public Open Space
- Private Open Space



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(434) 296-5832

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November 21, 2022

Sec. 2.4 Intent of bonus factor provisions.

The provision of bonus factors is intended to encourage development which reflects the goals and objectives of the comprehensive plan. To this end, bonus factors are based on development standards as recommended by the comprehensive plan.

Sec. 2.4.1 Application of bonus factors.

Bonus factors will be applied to the gross density-standard level in accordance with the regulations of the applicable district, except that (a) the resulting density shall not exceed the recommended density shown in the comprehensive plan and (b) the cumulative effect of all density factors may not exceed 50 percent.

Unless otherwise specifically provided, bonus factors shall not be permitted for any improvement or design feature required by this ordinance, Chapter 14 of the Code of Albemarle, or any other applicable law or regulation. Where permitted, bonus factors shall be applied in toto only.

(§ 20-2.4.1, 12-10-80; 8-14-85; § 18-2.4.1, Ord. 98-A(1), 8-5-98; Ord. 22-18(1) , 1-12-22)

Sec. 2.4.2 Procedures—Generally.

Bonus factors may be applied at the time of subdivision or site development plan approval, whichever is applicable. The applicant must submit preliminary plats or site development plans which must be of sufficient detail to permit preliminary determination of probable bonus factors by the staff.

Following the approval of a plan or plat which utilizes a bonus provision, such density increase will be reflected and retained in official County records.

(§ 20-2.4.2, 12-10-80; 8-14-85; § 18-2.4.2, Ord. 98-A(1), 8-5-98; Ord. 22-18(1) , 1-12-22)

Sec. 2.4.3 Environmental standards bonus factors.

a. Environmental standards bonus factors apply to the following zoning districts:

BONUS FACTORS — ENVIRONMENTAL STANDARDS		
STANDARD	If existing wooded areas equal to at least 10 percent but less than 20 percent of the site*are maintained	If existing wooded areas equal to 20 percent or greater of the site* are maintained
DENSITY INCREASE	A density increase of 5 percent will be granted	A density increase of 10 percent will be granted
DISTRICT		
VR	X	X
R-1	X	X
R-2	X	X
R-4	X	X

R-6	X	X
R-10	X	X
R-15	X	X
*In order to qualify for this bonus, a conservation plan as specified in section 32.7.9 must be submitted.		

(Ord. 22-18(1) , 1-12-22)

Sec. 2.4.4 Development standards bonus factors.

a. Development standards bonus factors apply to the following zoning districts:

BONUS FACTORS — DEVELOPMENT STANDARDS		
STANDARD	If road improvements to secondary or primary roads not otherwise required by this ordinance or Chapter 14 of the Code of Albemarle are provided	If land not otherwise required by law is dedicated* to public use
DENSITY INCREASE	Up to 20 percent will be granted	The acreage of the land will be multiplied by twice the gross density standard level, and the resulting number of dwellings may be added to the site, up to a 15 percent increase
DISTRICT		
VR	X	
R-1	X	X
R-2	X	X
R-4	X	X
R-6	X	X
R-10	X	X
R-15	X	X
*The dedication must be accepted by the board of supervisors prior to final approval.		

(Ord. 22-18(1) , 1-12-22)

Sec. 2.4.5 Affordable housing bonus factors.

a. Affordable housing bonus factors apply to the following zoning districts, subject to the applicable standards of subsection b:

BONUS FACTORS — AFFORDABLE HOUSING		
STANDARD	If at least one-half of the additional housing units allowed by this density	If at least 30 percent of the number of units achievable under gross

	bonus are developed as affordable housing units	density-standard level are developed as low or moderate cost units
DENSITY INCREASE	Up to 30 percent will be granted	
VR		X
R-1	X	
R-2	X	
R-4	X	
R-6	X	
R-10	X	
R-15	X	

b. Affordable housing standards.

1. The initial sale price for sale units or the rental rate for a period of at least ten years for rental units must qualify as affordable housing under either the Virginia Housing Development Authority, USDA Rural Development program, or Housing and Urban Development housing choice voucher program.
2. If rental units, the developer must enter into an agreement with the County of Albemarle restricting the rental rates of the affordable units for a period of at least ten years or until the units are sold as affordable units, whichever comes first.
3. If sale units, the developer must provide the County of Albemarle with confirmation of the initial sale price for the affordable units prior to the issuance of building permits for the bonus units.
4. Manufactured homes for rent in an approved manufactured home park may be considered rental units under this section provided they qualify as affordable housing under the Housing and Urban Development housing choice voucher program.
5. Manufactured home lots for rent in an approved manufactured home park may qualify for this bonus provided the developer enters into an agreement with the County of Albemarle that the lots will be available for rent to manufactured home owners for a period of at least ten years.
6. Manufactured home lots for sale in an approved manufactured home subdivision may qualify for this bonus provided the developer restricts the use of the lots to manufactured homes or other affordable housing for a period of at least ten years.
7. The decision to extend the periods beyond the ten-year minimum provided in subsections (b)(1), (b)(2), (b)(5), and (b)(6) will be at the sole discretion of the developer.
8. The occupancy of the affordable units must be restricted to those households with incomes at or below 80 percent of the area median income for for-sale units and at or below 60 percent of the area median income for rental units. Prior to issuance of the first certificate of occupancy for a building providing affordable rental units, the developer must enter into a rental rate agreement with the County, that delineates the terms and conditions pertaining to rental rates, occupancy and reporting during the minimum ten-year period.

(Ord. 22-18(1) , 1-12-22)

County of Albemarle
COMMUNITY DEVELOPMENT DEPARTMENT

401 McIntire Road, North Wing
Charlottesville, VA 22902-4579
Telephone: 434-296-5832
WWW.ALBEMARLE.ORG

September 27, 2022

RE: LOD2022-00005 - OFFICIAL DETERMINATION OF USE Berkmar Flats, Permitted Bonus Density – Parcel IDs 04500-00-00-00810, -00820, and -0082A – totaling 3.51 acres (Property of THIRD MESA LLC, P O BOX 6551 CHARLOTTESVILLE VA, 22906), Rio Magisterial District (the "Property")

Ms. Schlein:

You have requested an official determination that bonus factors, provided for in Chapter 18, Article I, Section 2.4 of the Albemarle County Code, may be utilized on the Property.

In response, I have reviewed your request and justification in Attachment A, and am making the following determination:

Section 2.4 states: *"The provision of bonus factors is intended to encourage development which reflects the goals and objectives of the comprehensive plan. To this end, bonus factors are based on development standards as recommended by the comprehensive plan."* and,

Section 2.4.1 states: "*Bonus factors will be applied to the gross density-standard level in accordance with the regulations of the applicable district, except that (a) the resulting density shall not exceed the recommended density shown in the comprehensive plan and (b) the cumulative effect of all density factors may not exceed 50 percent."*

Through the Places 29 Master Plan (the "Master Plan") and its "Future Land Use South" map (dated 11/5/2018), the comprehensive plan designates this area as Office/R&D/Flex/Light Industrial. (See Master Plan pages 4-6 and 4-7.)

Master Plan Land Use Table LU2 does not establish a recommended density for residential uses within areas designated for Office/R&D/Flex/Light Industrial, only that residential is permitted as a secondary use. As a result, Section 2.4.1 does not permit the application of bonus factors on the Property, as the Master Plan does not have a recommended residential density for the Office/R&D/Flex/Light Industrial land use designation. The Property may develop by-right at the gross density-standard level.

You may have a right to appeal this determination within thirty (30) days of this notice, in accordance with *Virginia Code* § 15.2-2311. This determination shall be final and unappealable if not appealed within 30 days.

An appeal may be taken only by filing an appeal application with the Zoning Administrator and the Board of Zoning Appeals, in accordance with Albemarle County Code § 18-34.3, along with a fee of $295.36. This fee includes the $284 application fee and the 4% Technology surcharge of $11.36. Additionally, a separate fee of $448 is required for the cost of providing notice and advertising the appeal for a public hearing.

Applications for Appeal of the Zoning Administrator's Determination are available at the Community Development Department office located at 401 McIntire Road, Charlottesville, Virginia 22902, or online HERE. This form applies to the appeal of a decision of the zoning administrator or any other administrative officer pertaining to the Zoning Ordinance. Regulations pertaining to filing an appeal to the Board of Zoning Appeals are in Chapter 18, Section 34.3 of the Zoning Ordinance and may be reviewed HERE.

Please note that our online documents are in PDF format and must be viewed with a PDF reader. A link to download a PDF reader of your choice is available at the bottom of the page HERE.

If you have any questions, please get in touch with me.
Sincerely,



Francis H. MacCall
Chief of Zoning/Deputy Zoning Administrator

Attachments:

- Attachment A - Applicant letter dated 4/27/2022

SHIMP ENGINEERING, P.C.
Design Focused Engineering

April 27, 2022

Mr. Bart Svoboda, Zoning Administrator / Director of Zoning
County of Albemarle
Department of Community Development
401 McIntire Road, North Wing
Charlottesville, Virginia 22902

RE: SDP202200023 - Berkmar Flats
Request for Official Determination
Chapter 18 Article I Section 2.4– Intent of bonus provisions
TMP 45-81, 45-82, and 45-82A

Dear Mr. Svoboda,

This is a request for determination that bonus factors, provided for in Chapter 18 Article I Section 2.4 of the Albemarle County Code, may be utilized on property zoned R-6 Residential and designated as "Office/R&D/Flex/Light Industrial" in the Places29 Master Plan.

Pursuant to Article IV Section 32.5 of the Albemarle County Zoning Ordinance, Third Mesa LLC (the "Owner") has submitted an Initial Site Development Plan ("SDP2022-23") to construct 26 multi-family dwelling units in the Rio Magisterial District on tax parcels 45-81, 45-82, and 45-82A (collectively, the "Property"). The Property, in the aggregate, is 3.51 acres, and is zoned R-6 Residential, allowing a By-Right, Standard Level, Conventional Development of 21 units (or six units per acre). The Owner is proposing to build an additional five (5) units (an increase of 23.7%) using the bonus factor provisions provided in Sections 2.4.3 (environmental standards) and 2.4.5 (affordable housing standards) located in Article I of the Albemarle County Zoning Ordinance. The intent of bonus factors is stated in Section 2.4 as follows:

> *"The provision of bonus factors is intended to encourage development which reflects the goals and objectives of the comprehensive plan. To this end, bonus factors are based on development standards as recommended by the comprehensive plan."*

The Property is designated as "Office/R&D/Flex/Light Industrial" in the Places29 Master Plan, adopted February 2, 2011 and revised June 10, 2015. "Residential" is a secondary land use in this designation. There is no specific residential density range stated for the Office/R&D/Flex/Light Industrial designation however, since residential is imagined as a land use in this designation, the density allowance must be greater than zero. Given that the "Neighborhood Density Residential" designation is the only land use designation in the Places29 Master Plan limited to six (6) dwelling units per acre (DUA) or less, and that Neighborhood Density Residential is largely reserved for established single family neighborhoods and areas east of Route 29 in the Places29 Master Plan, the residential density imagined for the Office/R&D/Flex/Light Industrial designation should be more aligned with the density ranges listed for Urban Density Residential and Urban Mixed Use land use categories.

In a pre-application comment letter for the Berkmar Flats development (PREAPP202200002), County Staff informed us that "*The proposed use of bonus densities is…unlikely to be supported due to its inconsistency with the comprehensive plan…To this end, bonus factors are unlikely to be supported or approved.*" The comment letter went on to reference a County Staff comment regarding bonus factors provided to the applicant for the Berkmar Overlook subdivision, which is adjacent to the Property, where the applicant for that project was informed that *"Residential density bonuses are not available in areas where the Comprehensive Plan does not designate residential as a primary use."* The Owner requests that you provide an official determination that residential density bonus factor provisions are indeed permitted on the Property and may be utilized as proposed in SDP2022-23. Please consider the following in your determination:

1) Nowhere in Section 2.4 of the Zoning Ordinance does it stipulate that bonus provisions are intended solely for land use designations in the Comprehensive Plan where residential use is designated as a "primary" land use designation. To the contrary, we find no evidence where "primary" or "secondary" land use considerations are mentioned in Section 2.4 or where a distinction is made between the two. Section 2.4 states "*bonus factors are based on development standards as recommended by the comprehensive plan*" and primary *and* secondary land uses contribute to those development standards.
2) Secondary land uses are imagined to take shape when listed for a land use category. The Places 29 Master Plan notes that "*Secondary land uses are intended as support uses for the primary ones. While these secondary uses should represent a smaller proportion of the development or the building, they are very important to "place-making"; adding them to a Center or the area around a Center increases the mix of uses and makes the area a more complete Neighborhood." (Places 29 Master Plan, page 4-4)*
3) Primary and secondary land use determinations are not meant to be characteristic of an individual parcel: *"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)."* (Places 29 Master Plan, Page 4-4). In this particular land use designation, several parcels (SPCA and Better Living, for example) have developed without any residential component. While it makes some sense to develop the higher intensity non-residential uses on the east side of Berkmar, it also makes some sense to develop the secondary residential uses on the west side of Berkmar, adjacent to the rural areas. In the broader context, there is a considerable amount of non-residential development within other nearby land use designations, such as the "commercial mixed use" designation where there are offices, car dealerships, and home improvement stores, among other commercial users, all within a quarter mile of the Property.
4) There are numerous goals and objectives in the comprehensive plan that will be achieved with the application of bonus factors on the Property. Consider the goals and objectives that are missed with the by-right adjoining R-6 development (Berkmar Overlook). Berkmar Flats provides diversified and affordable housing, relegated parking, and over 70% open space. Increased density within the development area will also delay the potential expansion of development area boundaries.

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5) In general, the future Land Use Map and Tables LU1 and LU2 provide neighborhood density residential designations (3-6 DUA) within existing older neighborhoods located east of Route 29. There are no neighborhood density designations located west of Route 29 between Rio Road and the Rivanna River. To the contrary, there are numerous areas designated for Urban Mixed Use (3-34 DUA) and Urban Density Residential (6.01-34 DUA). The proximity of these designations and other higher intensity designations implies that a density higher than 6 would be appropriate for this area. Third Mesa LLC is proposing 7.5 DUA. The argument could certainly be made that, if residential units are proposed on these parcels, a rezoning to accommodate much higher density would be appropriate.
6) Certain land use designations within the Places29 Master Plan expressly state that residential uses are "not permitted." Table LU2 notes that residential is "not permitted" in Light Industrial, Heavy Industrial, and Open Space designations. For institutional land use categories, "residential" is neither listed as a primary or secondary use on page 4-7 of the Master Plan. It is clear that bonus factors may not be utilized on parcels with these designations where residential use is expressly not called for. Given this clear delineation of where residential uses are and are not imagined in the Comprehensive Plan, residential density bonuses should be permitted on parcels where residential development is a development standard called for in the comprehensive plan.

Please let us know if we can provide any further information regarding this request for determination. We are attaching our initial SDP submittal as well as the comment letter from PRE-APP202200002 for reference.

Thanks for your consideration,

Kelsey Schlein
Shimp Engineering, P.C.

Attachments:
SDP2022-23
PREAPP2022-02 Comment Letter

Attachment C

INITIAL SITE DEVELOPMENT PLAN

BERKMAR FLATS

County File Number Pending

TAX MAP 45, PARCELS 81, 82, & 82A

ALBEMARLE COUNTY, VIRGINIA

LEGEND

EXISTING	NEW	DESCRIPTION
		BOUNDARIES
		BENCHMARK
		SITE PROPERTY LINE
		ADJACENT PROPERTY LINE
		BUILDING SETBACK
		PARKING SETBACK
		SITE TEXT
(10)	(10)	PARKING COUNT
		TOPOGRAPHY
		INDEX CONTOUR
		INTERVAL CONTOUR
311.5 x	x[311.5]	SPOT ELEVATION
311.5 TC x	x[311.5 TC]	TOP OF CURB ELEVATION
311.5 TW x	x[311.5 TW]	TOP OF WALL ELEVATION
311.5 BW x	x[311.5 BW]	BOTTOM OF WALL ELEVATION
		STREAM
		STREAM BUFFER
		100 YEAR FLOODPLAIN
		BUILDING
		BUILDING
		RETAINING WALL
		STAIRS
		EDGE OF PAVEMENT
		ROAD CENTERLINE
		FRONT OF CURB
		BACK OF CURB
		CG-12 TRUNCATED DOME
		SIDEWALK
		BIKE PARKING
		HANDICAP ACCESSIBLE AISLE
		HANDICAP PARKING
		MATERIAL
		CONCRETE
		RIPRAP
		ASPHALT
		EC-2 MATTING
		EC-3 MATTING
		WETLAND
		TREELINE
X X	X X	FENCE
		UTILITY
		UTILITY POLE
		GUY WIRE
OHU OHU	OHU OHU	OVERHEAD UTILITY
UGU UGU	UGU UGU	UNDERGROUND UTILITY
		STORM
		STORM MANHOLE
		DROP INLET
		STORM SEWER
		ROOF DRAIN
		SANITARY
		SANITARY MANHOLE
S S	S S	SANITARY SEWER MAIN
		SANITARY SEWER LATERAL
		WATER
W W	W W	WATER LINE
		WATER METER
		WATER METER VAULT
		FIRE HYDRANT
		FIRE DEPARTMENT CONNECTION
		GAS
GAS GAS	GAS GAS	GAS LINE
		EASEMENTS
		CONSTRUCTION
		GRADING
		ACCESS
		SIGHT DISTANCE
		UTILITY
		STORMWATER FACILITY MAINTENANCE
		STORMWATER ACCESS
		DRAINAGE
		SANITARY
		WATERLINE
		GASLINE

OWNER/DEVELOPER

Third Mesa LLC
P O Box 6551
Charlottesville, VA 22906

ZONING

R6 - Residential
Steep Slopes - Managed only
AIA - Airport Impact Area

SETBACKS

FRONT MINIMUM:	5' from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way
FRONT MAXIMUM:	25' from the right-of-way or the exterior redge of the sidewalk if the sidewalk is outside of the right-of-way
SIDE MINIMUM:	5' unless the building shares a common wall
SIDE MAXIMUM:	None
REAR MINIMUM:	20'
REAR MAXIMUM:	None

DISTRICT

Rio Magisterial District

SOURCE OF TITLE

DB 1385 PG 162
DB 1717 PG 240
DB 534 PG 154 (R.O.W. on Woodburn Road)

SOURCE OF BOUNDARY AND TOPOGRAPHY

Commonwealth Land Surveying LLC - physical survey dated November 17, 2016
Commonwealth Land Surveying LLC - physical survey dated December 8, 2017
Right-of-Way dedication recorded in DB 534 PG 154
2-FT contours are imported from LIDAR data
Additional data is downloaded from Albemarle County GIS

BENCHMARK

No benchmark was provided with the physical surveys referenced above. An approximation was made to translate the parcel boundaries into state plane coordinate system.

FLOODZONE

According to the FEMA Flood Insurance Rate Map, effective February 04, 2005(Community Panel 51003C0280D) no portion of this property lies within the floodplain.

RESERVOIR WATERSHED

This site is within the South Fork Rivanna River Watershed, below the reservoir.
This site is not within a public water supply watershed.

DAM BREAK INUNDATION ZONE

The parcel is not within the State Dam Break Inundation Zone and is not within the Federal Dam Break Inundation Zone

WATER & SANITARY SERVICES

Site is served by Albemarle County Service Authority.

GENERAL CONSTRUCTION NOTES

1. Prior to any construction within any existing right-of-way, including connection to any existing road, a permit shall be obtained from the Virginia Department of Transit (VDOT). This plan as drawn may not accurately reflect the requirements of the permit.Where any discrepancies occur the requirements of the permit shall govern.
2. All materials and construction methods shall conform to the current specifications and standards of VDOT unless otherwise noted.
3. Erosion and siltation control measures shall be provided in accordance with the approved erosion control plan and shall be installed prior to any clearing, grading or other construction.
4. All slopes and disturbed areas are to be fertilized, seeded and mulched.
5. The maximum allowable slope is 2:1 (horizontal:vertical). Where reasonably obtainable, lesser slopes of 3:1 or better are to be acheived.
6. Paved, rip-rap or stabilization mat lined ditch may be required when in the opinion of the County Engineer or designee it is deemed necessary in order to stabilize a drainage channel.
7. All traffic control signs shall conform with the Virginia Manual for Uniform Traffic Control Devices.
8. Unless othrewise noted all concrete pipe shall be reinforced concrete pipe - Class III.
9. All excavation for underground pipe installation must comply with OSHA Standards for the Construction Industry (29 CFR Part 1926).

GENERAL WATER & SEWER NOTES

1. Work shall be subject to inspection by Albemarle County Service Authority inspectors. The Contractor will be responsible for notifying the proper service authority officials at the start of the work.
2. The location of existing utilities across the line of the proposed work are not necessarily shown on the plans and where shown, are only approximately correct. The contractors shall on his own initiative locate all underground lines and structures as necessary.
3. All materials and construction shall comply with the current edition of the general water and sewer construction specifications as adopted by the Albemarle County Service Authority.
4. Datum for all elevations shown in National Geodetic Survey.
5. The contractor shall be responsible for notifying "MISS UTILITY" (1-800-552-7001).
6. All water and sewer pipes shall have a minimum of 3.5 feet of cover measured from the top of pipe, over the centerline of pipe. This includes all fire hydrant lines, service laterals and water lines, etc.
7. All water and sewer appurtenances are to be located outside of roadside ditches.
8. Valves on deadend lines shall be rodded to provided adequate restraint for the valve during a future extension of the line.
9. Trees are not permitted in the ACSA easement.
10. The contractor shall be responsible to comply with the no-lead regulation regarding brass fittings effective January 4, 2014 (Senate Bill 3874 which amends the Safe Drinking Water Act).
11. All public water and sewer facilities shall be dedicated to the Albemarle County Service Authority.
12. Backflow prevention is required for all connections to the water main.

BUILDING HEIGHTS

Maximum Allowable: 35'
Proposed Height: 35'

EXISTING USE

Two single family residential structures exist on the property.

PROPOSED USE

26 Multi-Family Units ÷ 3.51 acres = 7.4 DUA

DENSITY CALCULATION

By-Right R-6 residential standard density	= 6.0 DUA
Bonus factor - Environmental (10%)	= 0.6 DUA
Bonus factor - Affordable Housing (15%)	= 0.9 DUA
Allowable gross density	= 7.5 DUA
	= 26 Units

BONUS FACTOR PROVISION

In conjunction with this application, the Owner/Applicant will be requesting an official determination from the Albemarle County Zoning Administrator to allow the use of bonus factor provisions as stipulated above.

LAND USE SCHEDULE

EXISTING	Area	%
Building	2,752 SF	1.8%
Pavement	1,761 SF	1.2%
Sidewalk	0 SF	0.0%
Open space	148,426 SF	97.0%
Total=	152,939 SF	(3.511 ac.)

PROPOSED	Area	%
Building	13,851 SF	9.1%
Pavement	21,176 SF	13.8%
Sidewalk	4,585 SF	3.0%
Open space	113,327 SF	74.1%
Total=	152,939 SF	(3.511 ac.)

PARKING SCHEDULE

26 multifamily units: 2 bedrooms or more, 2 spaces/unit
26 units proposed x 2 = 52 spaces required
64 spaces provided

ITE TRIP GENERATION

Trip Generation Manual, 10th Edition			AM			PM			Daily
Use Description	ITE	QTY	in	out	Total	in	out	Total	Total
Multi-Family Housing (Mid-Rise)	221	26	2	7	9	7	4	11	141

Trip Generation reflects AM and PM peak hour traffic.

SIGNS

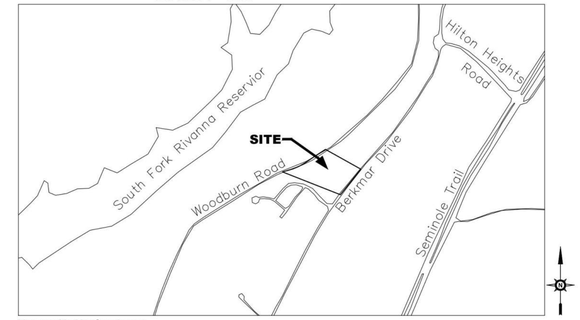
All signs and pavement shall conform with the latest edition of the MUTCD Guidelines.
A sign permit must be issued in accordance with the Albemarle County Sign Regulations prior to placement of any signs on-site.

GENERAL NOTES

1. The information and data shown or indicated with respect to the existing underground utilities at or contiguous to the site are based on information and data furnished to the owner and engineer by the owners of such underground facilities or others. The owner or engineer shall not be responsible for the accuracy or completeness of such information or data. The contractor shall have full responsibility for confirming the accuracy of the data, for locating all underground utilities, for coordination of the work with owners of such underground utilities during construction, for the safety and protection thereof and repairing any damage thereto resulting from the work. All of these conditions shall be met at no additional cost to the owner. The contractor shall contact "Miss Utilities" of Virginia at 1-800-552-7001 prior to the start of work.
2. When working adjacent to existing structures, poles, etc., the contractor shall use whatever methods that are necessary to protect structures from damage. Replacement of damaged structures shall be at the contractor's expense.
3. The contractor shall be responsible for protecting all existing site structures from damage and coordinating work so that the owner can make necessary arrangements to modify/protect existing structures from damages.
4. The contractor shall be responsible for notifying all utility owners, adjacent land owners whose property may be impacted and the Virginia Department of Transportation prior to completing any off-site work.
5. Contractor shall notify and coordinate all work involving existing utilities with utility owners, at least 72 hours prior to the start of construction.
6. Contractor shall immediately report any discrepancies between existing conditions and contract documents to the owner and engineer.
7. Contractor shall submit for the approval of the owner submittals of all specified materials listed in the plans, to include shop drawings, manufacturer's specifications and laboratory reports. the owner's approval of submittals will be general and will not relieve the the contractor from the responsibility of adherence to the contract and for any error that may exist.
8. All bare areas shall be scarified, limed, fertilized, seeded and mulched.
9. All trees, saplings, brush, etc. shall be removed from within the right of way and the drainage easements.
10. Visibility of all mechanical equipment from the Entrance Corridor shall be eliminated.
11. Retaining walls require separate building permits.
12. All water service lines, sanitary laterals, and sprinkler lines must be visually inspected by the Albemarle County Building Department from the main to the structure.
13. Building or structures built before January 1, 1985 must have an asbestos survey performed in order to apply for a permit. Asbestos removal permits are required is positive for such from Albemarle County and VDOLI. Contact VDOLI for additional requirements and permits for demolition projects.
14. Where the flood level rims of plumbing fixtures are below the elevation of the manhole cover of the next upstream manhole in the public sewer, the fixtures shall be protected by a backwater valve installed in the building drain, branch of the building drain, or horizontal branch serving such fixtures. Plumbing fixtures having flood level rims above the elevation of the manhole cover of the next upstream manhole in the public sewer shall not discharge through a backwater valve.

VICINITY MAP

SCALE : 1"=1000'



Map provided by Google.com

SHEET INDEX

C1 COVER
C2 EXISTING CONDITIONS
C3 SITE LAYOUT
C4 GRADING & UTILITY PLAN

APPROVALS

Current Development Planner — Date

Current Development Engineer — Date

Fire Official — Date

Building Official — Date

Albemarle County Service Authority — Date

Virginia Department of Transportation — Date

Architectural Review Board — Date

SHIMP ENGINEERING PC
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912 E. HIGH ST. 434.227.5140
CHARLOTTESVILLE VA, 22902 JUSTIN@SHIMP-ENGINEERING.COM

COMMONWEALTH OF VIRGINIA
JUSTIN T. SHIMP
LIC. NO. 045183
PROFESSIONAL ENGINEER
FOR REVIEW

INITIAL SITE DEVELOPMENT PLAN

BERKMAR FLATS

ALBEMARLE COUNTY, VIRGINIA
SUBMISSION:
2022.04.08
REVISION:

FILE NO.
19.075

SITE PLAN

C1



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INITIAL SITE DEVELOPMENT PLAN

BERKMAR FLATS

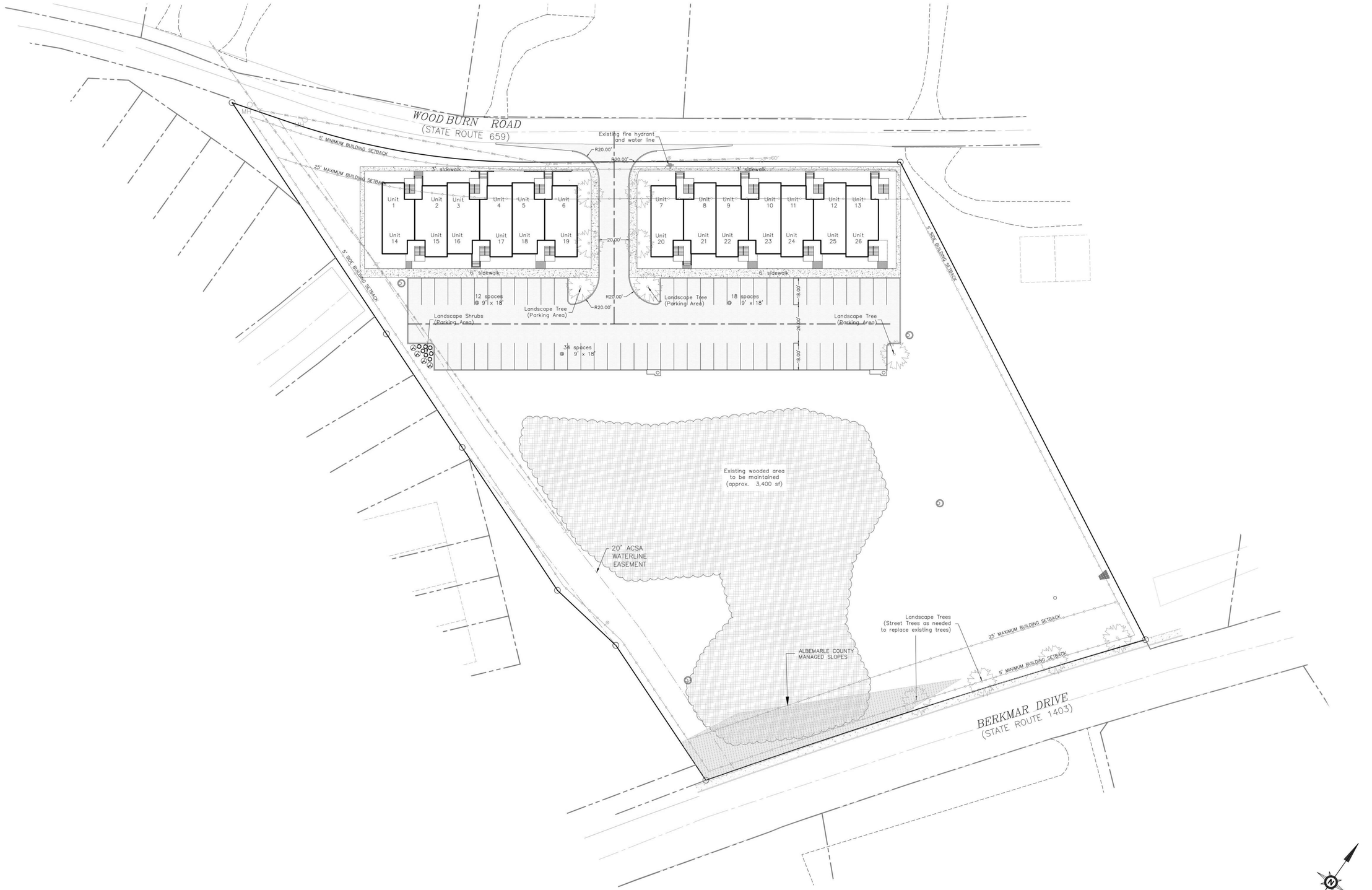
ALBEMARLE COUNTY, VIRGINIA
SUBMISSION:
2022.04.08
REVISION:

FILE NO.
19.075

EXISTING CONDITIONS

C2

Attachment C



30 0 30 60 90
Scale: 1"=30'

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INITIAL SITE DEVELOPMENT PLAN

BERKMAR FLATS

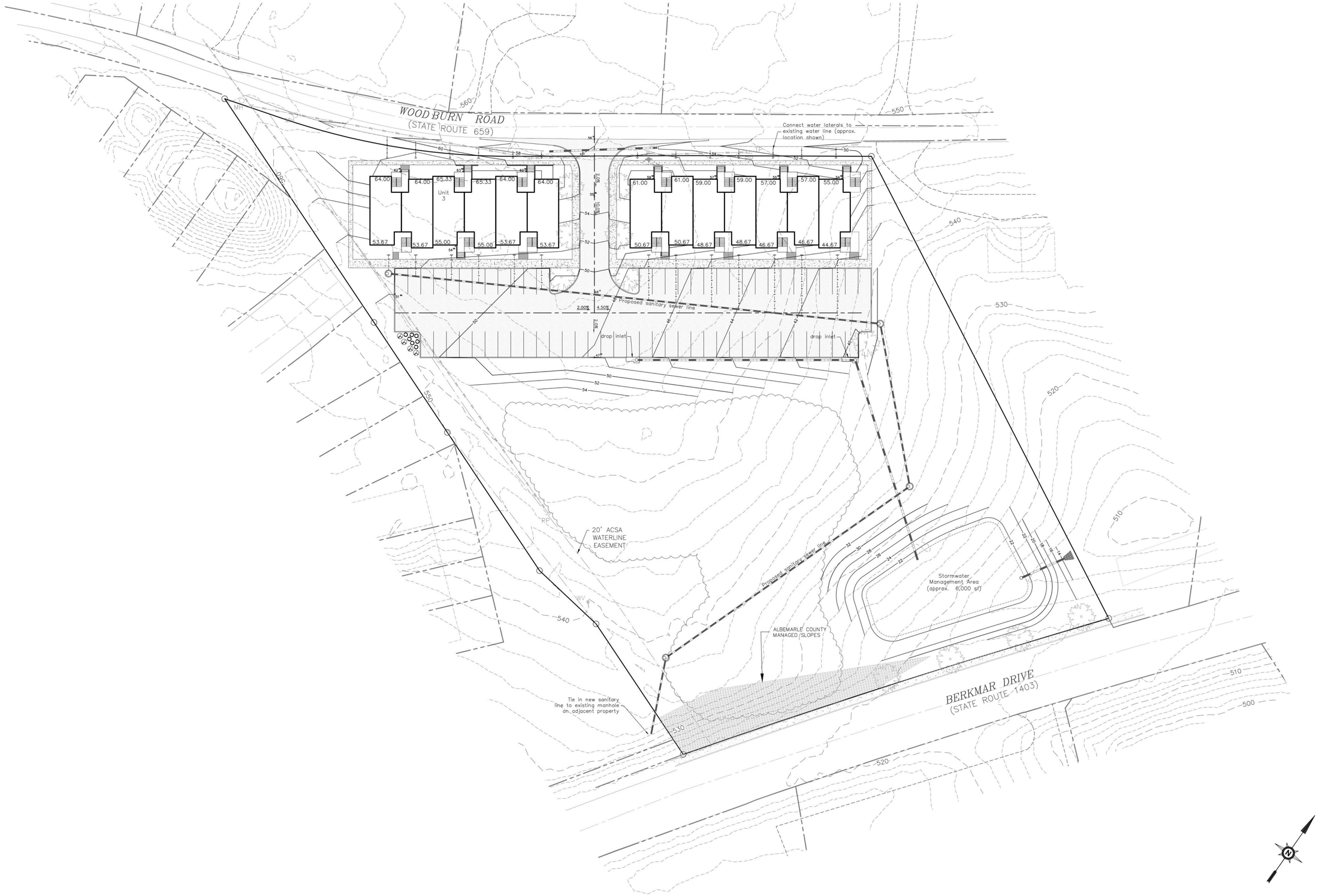
ALBEMARLE COUNTY, VIRGINIA
SUBMISSION:
2022.04.08
REVISION:

FILE NO.
19.075

SITE LAYOUT PLAN

C3

Attachment C



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INITIAL SITE DEVELOPMENT PLAN

BERKMAR FLATS

ALBEMARLE COUNTY, VIRGINIA
SUBMISSION:
2022.04.08
REVISION:

FILE NO.
19.075

GRADING & UTILITY PLAN

C4

x			**3) the general location of pedestrian and bicycle facilities;**
x			**4) building envelopes;**
x			**5) parking envelopes;**
x			**6) public spaces and amenities;**
x			**7) areas to be designated as conservation and/or preservation areas;**
x			**8) conceptual stormwater detention facility locations;**
x			**9) conceptual grading;**
x			**Other special studies or documentation, if applicable, and any other information identified as necessary by the county on the pre-application comment form.** • Please see the attached comments from Zoning regarding the use of bonus factors for density increase. The use of bonus factors is not likely to be approved given the Comprehensive Plan land use designation and Zoning Ordinance regulations.
x			**A local traffic impact statement as required by Virginia Code § 15.2-2222.1 and 24 VAC 30-155-40.**

Please note: There are additional submittal requirements outlined on the official application for a Zoning Map Amendment.

Read and Sign

I hereby state that, to the best of my knowledge, the official application submitted contains all information marked on this checklist as required for application.

_____ _____

Signature of person completing this checklist Date

_____ _____

Print Name Daytime phone number of Signatory

Cameron Langille

From: Lea Brumfield
Sent: Tuesday, February 1, 2022 10:47 AM
To: Cameron Langille
Subject: PreApp Notes for Berkmar Overlook

If you're sending comments, here are my notes.

1. Interconnectivity to the southwestern parcel of the Berkmar Overlook apartments will be required. This may cause some issues with VDOT, as the Swede Street connection into TMP 45-82 currently would connect a public street to a private parking lot/thruway.
2. Density – the proposed density of 62 units, or approximately 17.61 units per acre, would require rezoning and the use of density bonuses. No other uses are proposed on this plan. As the comprehensive plan designates these parcels as "Office / R & D / Flex / Light Industrial," the primary use of the parcel is not intended to be residential. Residential is permitted as a secondary use, but is not generally considered supportive of the intended comprehensive plan designation of the parcel.
    a. The proposed rezoning of the parcel is unlikely to be supported due to is inconsistency with the comprehensive plan.
    b. The proposed use of bonus densities is also unlikely to be supported due to its inconsistency with the comprehensive plan. Section 2.4 of the Zoning Ordinance describes the intent of bonus factors as "The provision of bonus factors is intended to encourage development which reflects the goals and objectives of the comprehensive plan. To this end, bonus factors are based on development standards as recommended by the comprehensive plan."

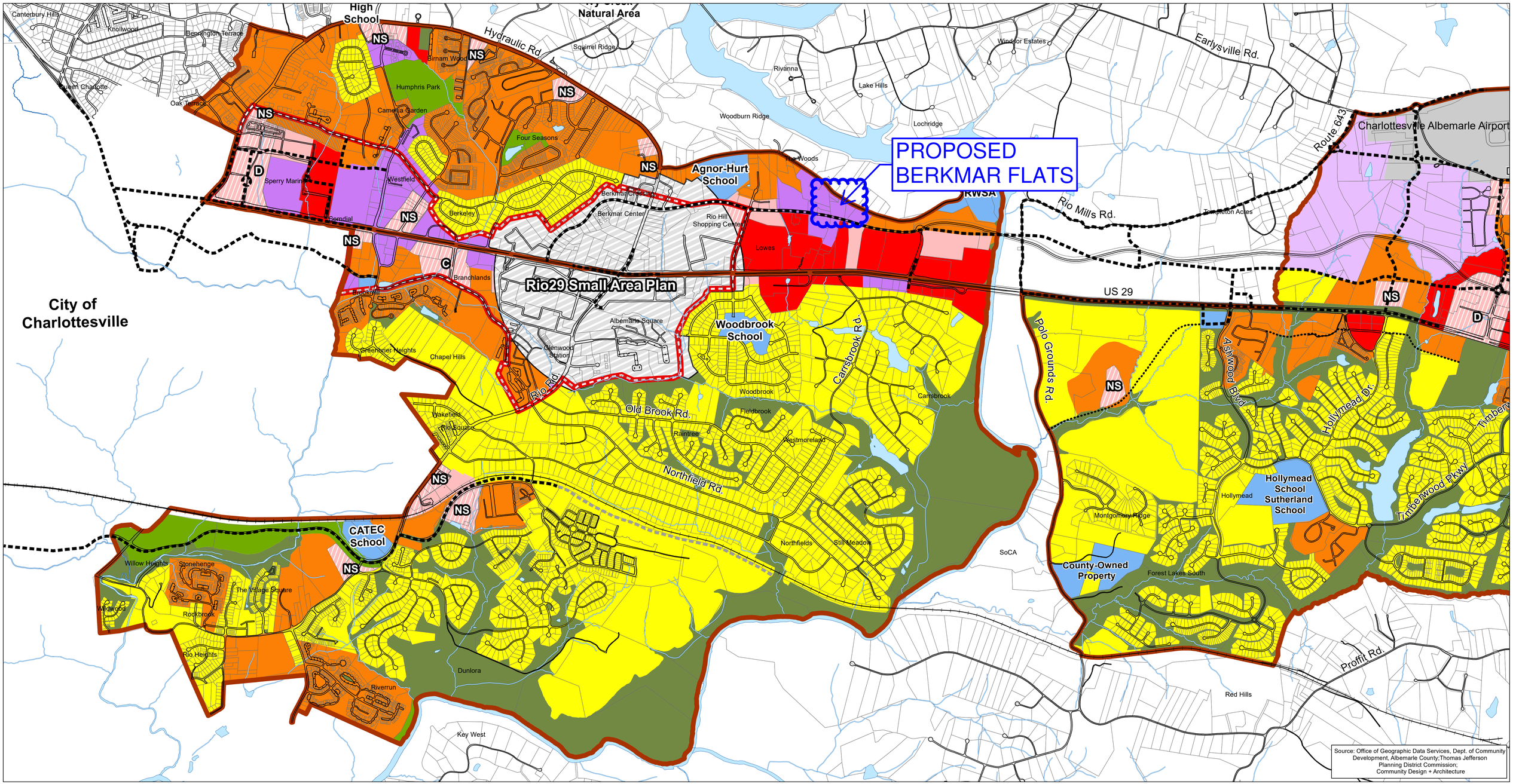
       To this end, bonus factors are unlikely to be supported or approved. Additionally, the Berkmar Overlook subdivision directly to the south was denied the use of bonus factors in their density calculations, as noted in their review comments:

18- 2.4, Comp Plan, 32. 5. 2(A), 14- 302(A)(8)] Bonus Factors. Residential density bonuses are not available for these parcels. The maximum number of residential units that will be allowed on for this development will be those allowed for the R-6 zoning without the use of any bonuses. Reduce the number of residential units to 6 units per acre. The Comp Plan does not designate residential as a primary use in Office/ Research & Development (R& D)/Flex/ Light Industrial areas. 2. 4 states " The provision of bonus factors is intended to encourage development which reflects the goals and objectives of the comprehensive plan. Residential density bonuses are not available in areas where the Comprehensive Plan does not designate residential as a primary use.

3. The by-right residential developments to the southwest, Berkmar Overlook, was approved with site plans developed under by-right density, with zero bonus densities approved.

Lea Brumfield (she, her)
Senior Planner II, Zoning Division
Albemarle County

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401 McIntire Road, Charlottesville, VA 22902



TRANSPORTATION STUDY
Thomas Jefferson Planning District Commission
Virginia Department of Transportation
Consulting Team:
Meyer Mohaddes Associates, Inc.
Community Design + Architecture, Inc.
Urban Advantage

MASTER PLAN
Albemarle County
Consulting Team:
Community Design + Architecture, Inc.
Meyer Mohaddes Associates, Inc.
ZHA, Inc.
Kathleen M. Galvin, Architect
Timmons Group
Urban Advantage

Legend

- Proposed Roadway Network (1)
- Possible Additions to Roadway Network (beyond 2025)
- Potential Connections (Pedestrian, Bicycle, or Vehicular)
- NS Neighborhood Service Center
- C Community Center
- D Destination Center
- Up Uptown
- Parcels

NOTE: Users of the Places29 Future Land Use Map must also consult the Places29 Parks & Green Systems Map to see if additional open space should be preserved and/or trails preserved.

- Airport District
- Urban Mixed Use (in Centers)
- Urban Mixed Use (in areas around Centers)
- Commercial Mixed Use
- Urban Density Residential
- Neighborhood Density Residential
- Office / R & D / Flex / Light Industrial
- Light Industrial
- Heavy Industrial
- Institutional
- Public Open Space
- Privately Owned Open Space; Environmental Features
- UDA Boundary (See page 8-6)
- Small Area Plan Boundary (2)
- Development Area Boundary

(1) For breakdown of proposed roads into different categories, see transportation network diagram.
(2) Refer to Small Area Plans for detailed recommendations for areas within the plan's boundaries. Click here to view the Rio29 Small Area Plan.

FUTURE LAND USE
SOUTH

PLACES 29 **Creating and Connecting Communities in Northern Albemarle**

Date: 11/5/2018

0 500 1,000 2,000 3,000 Feet
0 0.125 0.25 0.375 0.5 0.625 0.75 Miles

many industries, especially those located here in Albemarle County, have only traffic impacts. These "cleaner" industries can be located in the same proximity to residential and commercial development as large office complexes and even large shopping centers; the primary impact of these uses on surrounding property is traffic. The three new employment-generating designations defined below and used on the Future Land Use Map are: Office/Research & Development (R&D)/Flex/Light Industrial, Light Industrial, and Heavy Industrial. These three new land use designations represent a continuum of industrial uses from Office/R&D/Flex/Light Industrial, which is expected to have impacts similar to an office use; to Light Industrial, where the impacts may be greater; to Heavy Industrial, where the impacts usually require that the use be segregated from other nonindustrial uses. It is important to note that the Office/R&D/Flex/Light Industrial designation includes both industrial and commercial or business uses.

Land Use Designations

This section gives the definitions of land use designations shown on the Future Land Use Map. Part of each definition is a list of primary and secondary uses in that designation. The section after this one defines and gives examples of those primary and secondary land uses. In general, the primary land uses listed under each designation are the main focus of that particular designation; most of the development in that designation should be one (or more) of these primary uses. Secondary land uses are intended as support uses for the primary ones. While these secondary uses should represent a smaller proportion of the development or the building, they are very important to "place-making"; 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).

Some uses are also described as "incidental," which means that they are dependent on the primary use. For example, a showroom where a light industrial business offers its products for sale would be considered a retail use that is incidental to the light industrial use. The distinction between secondary and incidental uses is important. Secondary uses are standalone uses that support the primary uses in an area. For example, neighborhood-serving retail is a secondary land use in Urban Density Residential; mini-marts and small restaurants serve or support the residents of a neighborhood. Another example would be an office supply store located in an Office/Research & Development (R&D)/Flex/Light Industrial designation. On the other hand, an incidental use, such as the showroom mentioned above, is part of an individual business.

There are two Land Use Tables located at the end of this chapter. The guidelines listed in each table, when combined with the information in the land use definitions below, indicate what the urban form of a potential development should be. Land Use Table 1 (LU1) lists the guidelines for the primary and secondary uses in the Centers that are shown on the Future Land Use Map. All of the Centers are designated Urban Mixed Use. Land Use Table 2 (LU2) gives the guidelines for primary and secondary uses in the areas around the Centers. More information about how to use these two tables, the Future Land Use Map, and the Parks & Green Systems Map is given in the section "How to Use this Plan" located at the end of Chapter 1.

Urban Mixed Use. This designation is used both inside and outside of the Centers. In Centers and in the Uptown, it includes a balanced mix of retail, housing, commercial, employment, and office uses, along with some institutional and open space uses. The types of retail and services, as well as dwelling unit types, vary depending upon the type of Center (see Land Use Table LU1) and the land use designations in the area around the Center (see Land Use Table LU2):

Primary uses: community and regional retail, commercial service, office, and other employment generators, with a mix of residential types. At least two different types of dwelling units are recommended. In the Uptown, office, research & development (R&D), and flex uses are also considered primary uses.

Secondary uses: office, research & development (R&D), and flex (where appropriate in smaller Centers), with open space and institutional uses that are essential to place-making within Centers.

In the areas around Centers (see Table LU2), there is also a limited amount of land designated Urban Mixed Use. These designations are intended to provide space for uses that do not fit within a Center because the use requires more land for larger buildings and/or parking lots. Auto commercial service uses are examples of uses that may require more space than is available for a single use in a Center (see Land Use Table LU2).

Neighborhood Density Residential. This designation is used in areas around Centers where single-family detached and attached housing with a gross density range between 3 – 6 units per acre is desired. This designation is also applied to existing residential areas with densities within or below this range (see Land Use Table LU2). This designation is essentially the same as the Neighborhood Density Residential designation in the 1996 Land Use Plan.

Primary uses: single-family residential, including two or more housing types.

Secondary uses: retail, commercial, and office uses that support the neighborhood, live/work units, open space, and institutional uses. Retail, commercial, office, and institutional uses are encouraged to locate in Centers so they are accessible to residents throughout the surrounding area, and so they benefit from co-location with other neighborhood-serving businesses. However, they may be located by exception in areas around Centers designated Neighborhood Density Residential provided they are compatible with surrounding uses.

Urban Density Residential. This designation is used in areas around Centers where multifamily housing with a gross density range between 6.01 and 34 units per acre is desired. It is also applied to existing residential areas with densities within this range (see Land Use Table LU2). This designation is essentially the same as the Urban Density Residential designation in the 1996 Land Use Plan.

Primary uses: multifamily and single-family residential, including two or more housing types.

Secondary uses: retail, commercial, and office uses that support the neighborhood, live/work units, open space, and institutional uses. Retail, commercial, office, and institutional uses are encouraged to locate in Centers so they are accessible to residents throughout the surrounding area, and so they benefit from co-location with other neighborhood-serving businesses. However, they may be located by exception in areas around Centers designated Urban Density Residential provided they are compatible with surrounding uses.

Commercial Mixed Use. This designation is applied only to areas that are already developed or that have been approved for development as commercial shopping areas. This designation is used in the areas around Centers (see Land Use Table LU2) and is intended to support the eventual

BERKMAR FLATS PROPERTY
LAND USE DESIGNATION DESCRIPTION

conversion of these areas to a more mixed-use type of development that would support adjacent mixed use centers. These areas have the potential to integrate some nonretail uses, such as multifamily housing, office, or institutional uses, and to develop stronger links with adjacent Centers. In the future, no new Commercial Mixed Use should be designated; retail and other commercial activities would be focused instead into the mixed use Centers.

Primary uses: community and regional retail, commercial service, auto commercial service, and office uses.

Secondary uses: office, research & development (R&D), flex, residential, open space, and institutional uses.

Office/Research & Development (R & D)/Flex/Light Industrial. This designation allows a range of employment-generating uses and is applied to the majority of the nonretail employment areas within the Places29 area to create Employment Neighborhoods. These uses are the "new" types of industrial uses that are more employee-intensive and may be less involved with manufacturing. As such, these uses are expected to have the fewest impacts on surrounding uses (e.g., noise, vibrations, odors), although they may have a greater traffic impact due to the number of employees. The designation is used in the areas around Centers (see Land Use Table LU2).

"Office" includes the typical commercial office buildings that may house a variety of users. It may also include professional offices, such as medical or real estate offices, although these offices may also be located in Commercial Mixed Use and Urban Mixed Use areas.

"Research & Development (R&D)" is applied to an administrative, engineering, and/or scientific research, design, or experimentation facility that engages in research, or research and development, of innovative ideas in technology-intensive fields. Examples include research and development of computer software, information systems, communication systems, transportation, geographic information systems, and multi-media and video technology. Development, construction, and testing of prototypes may be associated with this use. Such a business does not involve the mass manufacture, fabrication, processing, or sale of products. Many research & development uses can locate in traditional office buildings or buildings that resemble office buildings, rather than traditional industrial facilities.

"Flex" describes businesses that may include several uses, such as a manufacturing facility with warehouse space for components and completed products, a showroom for sale of the products, and office space where administrative duties for the business take place. Another example is a business "incubator" that supports new businesses. A Flex use may include: research & development, manufacturing, warehousing, distribution, office, retail, customer service, and showrooms, among others. Different businesses would have different combinations of these uses and in varying percentages. Another feature of Flex uses is the need for space that can be reconfigured as a business grows or adds products.

"Light Industrial" is described below. Light Industrial uses that are combined with Office/R&D/Flex uses would not usually have impacts, other than traffic, on adjacent uses. Care needs to be taken that the impacts of light industrial uses are compatible with surrounding uses and the character of the area.

Primary uses: office, research & development (R&D), and flex, light manufacturing/storage/distribution uses.

Secondary uses: retail, commercial, and light manufacturing uses that are associated with the primary uses, residential, open space, and institutional uses.

Light Industrial. This designation allows uses that involve manufacturing, predominately from previously prepared materials, of products or parts, and may include processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of these products. It does not include basic industrial processing (see Heavy Industrial). The Light Industrial designation allows for a range of employment and commercial uses that may have impacts that would not be suitable in or adjacent to residential uses, retail uses, commercial uses, or many types of commercial office or research activities. This designation is applied to areas around Centers to create Employment Neighborhoods (see Land Use Table LU2).

Primary uses: light manufacturing/storage/distribution

Secondary uses: related offices and retail activities (particularly wholesale), research & development (R&D), flex, and other commercial uses that are associated with the primary uses in the area, larger auto commercial service uses, open space, and institutional uses.

Heavy Industrial. This designation allows for manufacturing or other enterprises with significant external effects or which pose significant risks due to the involvement of hazardous materials. This designation applies to a range of employment, production, and commercial uses that are likely to create impacts that are not suitable adjacent to residential uses or many types of office or research activities. These impacts include, but are not limited to, noise, vibration, odors, and heavy truck traffic. The impacts may be more intense or more difficult to mitigate than those created by Light Industrial land uses. For example, a manufacturing facility for production of modular homes would require deliveries of significant amounts of lumber, fixtures, appliances, and other materials, all of which would arrive by truck. In addition, there would be employee traffic to and from the plant. The completed modules would be shipped from the facility as "wide loads," requiring escort vehicles. This type of manufacturing facility would have a much greater impact than a typical light industrial facility that manufactured small appliances. Light industrial uses may also be located in this designation. This Heavy Industrial designation is applied to areas around Centers to create Employment Neighborhoods (see Land Use Table LU2).

Primary uses: heavy manufacturing/storage/distribution and warehousing/distribution.

Secondary uses: related offices and retail activities (particularly wholesale), and office, research & development (R&D), flex, and other commercial uses that are associated with the primary uses in the area, larger auto commercial service uses, open space and institutional uses.

Institutional. This designation allows for a range of civic uses, such as schools, libraries, parks, recreational facilities, water treatment facilities, and other similar uses on County-owned properties (see Land Use Table LU2).

Primary uses: schools, libraries, parks, recreational facilities, and water treatment, and similar facilities.

Secondary uses: any related facilities that support the primary uses.

Parks and Public Open Space. This designation allows for a range of public recreation and open space uses. This designation is used in Centers and the areas around Centers to provide for public

activities. It is also used in combination with Privately Owned Open Space to define the edges of some Neighborhoods (see Land Use Table LU2). The Future Land Use Map shows Public Open Space as a lighter, brighter green (than Privately Owned Open Space described below).

> Primary uses: public open spaces, such as parks, greenways, trails, and other public open spaces.
>
> Secondary uses: related institutional uses.

Privately Owned Open Space/Environmental Features. This designation includes open space that is owned and managed by private or semi-public entities, such as homeowners associations, private homeowners, commercial or business park land owners, and others. These areas consist of recreational and passive open space amenities, and may include floodplains, steep slopes, wetlands, and other areas with environmental constraints where construction of buildings is discouraged (see Land Use Table LU2). The Future Land Use map shows Privately Owned Open Space/Environmental Features in a darker green (than the Public Open Space described above).

> Primary uses: semi-public open spaces, such as semi-public parks, greenways, trails, and other recreational and passive open spaces that are owned by homeowners associations or other similar entities and are open to property owners and their guests.
>
> Secondary uses: related institutional uses.

Primary and Secondary Uses

Each of the land use designations defined in the section above includes a list of primary and secondary uses that may be found in the designation. As stated above, primary land uses are the main focus of the particular designation; most of the development in that designation should be one (or more) of the primary uses. Secondary land uses are intended as support uses for the primary ones. These secondary uses should represent a smaller proportion of the whole development or the building. Approval of secondary land uses should be based on the designation of the larger area, rather than on a per site or per parcel basis. ***The following lists of examples are illustrative, not all-inclusive, of the primary and secondary land use types that may be found within the designations:***

Primary and secondary uses are listed along the left side of Land Use Tables 1 and 2 (LU1 and LU2). Guidelines for developing each of these uses in each Center (Table LU1) are listed under the Center type. These guidelines are intended to encourage development that would support a pedestrian-, bicycle-, and transit-friendly mixed-use environment. Guidelines for areas around the Centers (Table LU2) are intended to encourage development that would support a compact, walkable area. In a few instances, a larger building footprint or use is allowed "by exception."

Residential: includes a variety of homes with a variety of lot configurations. Buildings should not be taller than four (4) stories, unless by exception. Exceptions may be granted where the taller residential building is compatible with the surrounding uses.

Examples of primary and secondary residential uses include:

- Single-family attached and detached homes
- Semi-detached and attached single-family houses, such as duplexes, triplexes, quadriplexes, townhouses, atrium houses, and patio houses
- Accessory apartments

- Apartments/condominiums in the form of garden units, street-front "walkups," mid-rise, and similar configurations
- Townhouses and rowhouses
- Dwelling units above retail, office, and/or commercial uses
- Mobile and modular homes

Neighborhood Retail: these businesses are intended to draw a significant portion of their clientele from the surrounding neighborhood. Many customers or clients could walk to the business. These businesses may be clustered. Except where noted otherwise on Land Use Table 2 (LU2), buildings should not be taller than three (3) stories, unless by exception. Exceptions may be granted where a taller retail building is compatible with the surrounding uses and the character of the neighborhood.

Examples of primary and secondary neighborhood retail uses include:

- Local retail, such as florist, newsstand, or other similar uses
- Small restaurant or café, or similar businesses serving prepared food and beverages
- Small food sales businesses, such as bakery, deli, butcher, or other similar uses
- Convenience store or small grocery store
- Small pharmacy or drug store
- Personal retail service, such as hair salon, barber shop, dry cleaner/laundry, laundromat, tailor, seamstress, and similar uses

Community & Regional Retail: these retail businesses serve a wider market than a single neighborhood, so the majority of their customers would drive (or take transit) to them. Generally, these businesses are also larger than Neighborhood Retail ones. Groups of retail businesses may cluster with smaller neighborhood-scale retail businesses into a shopping center or along a retail street and form the nucleus of a Center. Except where noted otherwise on Land Use Table 2 (LU2), buildings should not be taller than three (3) stories, unless by exception. Exceptions may be granted where a taller building is compatible with the surrounding uses and the character of the neighborhood.

Examples of primary and secondary community and regional retail uses include:

- Grocery store
- Pharmacy or drug store
- Department store
- Clothing, book, antiques, gifts, jewelry, crafts, or other specialty retail business
- Hardware store
- Furniture, home appliance, and other household good sales and service
- Farmers' market
- Restaurant, café, and other businesses serving prepared food and beverages
- Feed and seed stores
- Retail nurseries and greenhouses

- "Big box" or large format retail stores: home improvement/builders' supply, office supply, department or general retail, and other retail uses that are 80,000 square feet or larger

General Commercial Service: these are service businesses open to the general public that rely on customers visiting the business, not primarily retail uses or office uses (with the exception of medical offices). Except where noted otherwise on Land Use Table 2 (LU2), buildings should not be taller than three (3) stories, unless by exception. Exceptions may be granted where a taller building is compatible with the surrounding uses and the character of the neighborhood.

Examples of primary and secondary general commercial service uses include:

- Entertainment, such as cinemas, theatres, video arcades, night clubs, or similar uses
- Hotel, motel, inn, or bed and breakfast
- Hospitals, including emergency care/walk-in medical facilities
- Indoor athletic facilities, such as ice skating rinks, laser-tag facilities
- Recreation establishments, such as bowling alleys and pool halls
- Health spas
- Real estate, insurance, attorney, and other professional offices
- Medical offices, including dental, medical, optical, and other similar uses with significant numbers of patients
- Financial institutions, such as banks, savings and loans, and credit unions.
- Day care, child care, nursery
- Reproduction and mailing services
- Funeral homes and crematories
- Veterinary office and hospital, kennel, animal shelter
- Auction houses
- Printing and publishing
- Contractor's office and storage yards

Auto Commercial Sales & Service: these are the auto-oriented commercial uses that require a higher level of review because of their tendency to create environments that are not walkable. Except where noted otherwise on Land Use Table 2 (LU2), buildings should not be taller than two (2) stories, unless by exception. Exceptions may be granted where a taller building is compatible with the surrounding uses and the character of the neighborhood.

Examples of primary and secondary auto commercial service uses include:

- Automobile, truck, recreational vehicle, and boat dealerships, sales, service, and/or rentals
- Automobile service station, with or without repair services
- Auto body/repair shop (fully contained in a building with appropriate ventilation and other environmental controls)

Office: these are primarily employment uses that, except for the professional offices, involve a limited number of customer visits.

Examples of primary and secondary office uses include:

- Professional offices: medical, legal, architectural, engineering, accounting, and similar professional businesses
- Administrative and business offices, including software design and other high-tech related businesses that do not require laboratory or assembly facilities
- Call centers and data processing services

Research & Development (R&D): these uses are examples of the "new" industry, with relatively few impacts on surrounding properties, except for possible traffic impacts. Nearly all traffic would be employee vehicles, with some customers and some delivery vehicles. Businesses that require a significant number of deliveries by semi-trailer are considered light industrial uses. Buildings for R&D uses may also include "flex" space that can accommodate different types and sizes of businesses. These uses mix very well with support service uses, such as retail, restaurants, drycleaners, and similar businesses. Except where noted otherwise on Land Use Table 2 (LU2), buildings should not be taller than four (4) stories, unless by exception. Exceptions may be granted where a taller building is compatible with the surrounding uses and the character of the neighborhood.

Examples of primary and secondary research & development (R&D) uses include:

- Research laboratories (both wet and dry)
- Research & development
- Communication and information systems
- Offices
- Call centers
- Assembly and fabrication facilities (all indoors, with no external noise, odor, or other nuisance impacts)

Flex: a business that combines several uses, such as production of goods, storage, distribution, sales, and office/showroom. Generally, these uses do not create impacts greater than a similarly sized office use. Except where noted otherwise on Land Use Table 2 (LU2), buildings should not be taller than four (4) stories, unless by exception. Exceptions may be granted where a taller building is compatible with the surrounding uses and the character of the neighborhood.

Examples of primary and secondary flex uses include:

- Software development, testing, sales, and distribution
- Assembly of a product, storage, sales, and distribution
- Research, development, and testing of a prototype
- Customer service centers/call centers

Light Manufacturing/Storage/Distribution: these uses may have some traffic impacts, but little or no noise, fumes, or vibration impacts. In some instances, materials used may be hazardous, requiring the segregation of that use. Except where noted otherwise on Land Use

Table 2 (LU2), buildings should not be taller than four (4) stories, unless by exception. Exceptions may be granted where a taller building is compatible with the surrounding uses and the character of the neighborhood.

Examples of primary and secondary light manufacturing/storage/distribution uses include:

- Light manufacturing and assembly, such as jewelry, musical instruments; surgical, medical, and dental instruments and supplies
- Auto body shops (not fully contained in a building)
- Compounding of drugs
- Mini-storage warehouses
- Accessory storage and distribution facilities that may be enclosed or in rear yards
- Contractor's office and storage yards

Heavy Manufacturing/Storage/Distribution: these are heavy industrial uses that, because of traffic impacts (particularly from larger trucks and more frequent access), and possibly noise, fumes, and vibration, may need to be segregated from other uses based on potential impacts.

Examples of primary and secondary heavy manufacturing/storage/distribution uses include:

- Manufacture, processing, fabrication, assembly, distribution of products
- Engineering, engineering design, assembly, and fabrication of machinery and components that may involve: machining, babbitting, welding, and sheet metal work
- Concrete and brick manufacturing, and sand and gravel distribution facilities
- Dry cleaning plants
- Concrete mixing plant, storage, distribution
- Machine shops, tool and die, blacksmithing, boiler shops, and similar uses
- Manufacture of building components
- Sawmills, planing mills, wood preserving operations, woodyards
- Contractor's office and storage yards
- Towing and storage of motor vehicles
- Accessory storage and distribution facilities

Warehousing/Distribution: these are businesses that rely on semi-trailer trucks to deliver and pick up goods, as well as storage. As a result, these businesses may need to be segregated from businesses that are not compatible with heavy truck traffic.

Examples of primary and secondary warehousing/distribution uses include:

- Moving businesses, including storage facilities (except mini-storage warehouses)
- Regional or bulk warehouse facilities
- Heavy or refrigerated distribution facilities
- Truck terminals
- Air cargo storage and distribution facilities

Institutional: these are public and private facilities, offices, and related facilities; and land reserves for future such facilities.

Examples of primary and secondary institutional uses include:

- Public Facilities, such as schools, libraries, parks, and community centers
- Private Facilities, such as, educational, technical, fine arts, and trade schools; places of worship; community centers; clubs, lodges, and civic and fraternal facilities
- Hospitals, nursing homes, assisted living facilities, and convalescent homes

Open Space: these are generally undeveloped areas for recreational, visual, and preservation purposes. They may be heavily landscaped. These are areas owned and managed by a public or private entity, including homeowners associations (HOAs).

Examples of primary and secondary open space uses include:

- Public, semi-private, or private parks or recreational fields
- Greenways and blueways
- Trails and paths

Description of the Future Land Use Map

The Future Land Use Map (see the end of this chapter) defines the land use pattern and neighborhood structure for the Places29 area. In addition to the location of individual land uses, the Future Land Use Map recommends the distribution of Centers and the arrangement of uses in the areas around the Centers. Additional information about Centers and the areas around Centers (Neighborhoods) is given in Chapter 5, Place Types.

The boundaries of the land use designations shown on the Future Land Use Map were chosen based on existing uses and projected needs. In Neighborhoods 1 and 2, where existing land uses dominate and future development would occur primarily as redevelopment, existing property lines were primarily used to delineate future land uses to the greatest extent possible. In some locations, physical features, such as floodplains, streams, roads, and watershed boundaries were used. In the four corners around the Rio Road/US 29 intersection, stronger consideration was given to the potential shape of the Center than to specific property lines. In these four quadrants, redevelopment is expected to involve land assembly.

North of the South Fork of the Rivanna, the boundaries in largely undeveloped or "greenfield" areas were determined by using criteria related to the desired Center size, the one-quarter to one-half mile walkable areas around Centers, and natural features such as stream valleys and ridges. The land use designations assigned to existing residential neighborhoods, such as Forest Lakes and Airport Acres, are the same as those in the 1996 Land Use Plan, and are more closely based on existing neighborhood/property boundaries.

For areas with adopted zoning map amendments and/or approved site plans, the overall boundaries of these plans were taken into account. Land uses shown within these areas on the Future Land Use Map allow for the development of previously approved projects, but may suggest modifications to the distribution of uses on the site and/or a more intensive set of uses.

PLACES 29 Creating and Connecting Communities in Northern Albemarle

BERKMAR FLATS PROPERTY LAND USE DESIGNATION

Table LU2—Land Use Designations in Areas Around Centers

Land Use Designation→ Primary & Secondary Uses ↓	Urban Mixed Use	Urban Density Residential	Neighborhood Density Residential	Commercial Mixed Use	Office/ R&D/ Flex/Light Industrial	Light Industrial	Heavy Industrial	Open Space
Residential For these uses, buildings should not be taller than 4 stories, unless by exception	▪ Density: 3 – 34 units/acre in areas with this designation that are not in Centers ▪ Minimum 25 percent of urban mixed use development should be residential ▪ Residential may be mixed vertically or horizontally	▪ Density: 6.01 – 34 units/acre ▪ Maximum building height: 4 stories or 45 feet ▪ Two or more housing types preferred in each development	▪ Density: 3 – 6 units/acre ▪ Maximum building height: 3 stories or 35 feet ▪ Two or more housing types preferred in each development	▪ Residential is a secondary land use in this designation ▪ Residential should be included in developments over 5 acres ▪ Locate residential above office or retail	▪ Residential is a secondary land use in this designation ▪ Residential should be located on upper floors of multistory buildings	Not Permitted	Not Permitted	Not Permitted
Neighborhood Retail **Community & Regional Retail** **General Commercial Service** Buildings should not be taller than 3 stories, unless by exception	▪ Minimum 25 percent of urban mixed use should be retail ▪ Maximum retail-only single-building footprint: 15,000 SF	▪ A secondary land use in this designation ▪ These uses are encouraged to locate in Centers; may be located in areas around Centers by exception ▪ Maximum retail-only single-building footprint: 5,000 SF	▪ A secondary land use in this designation ▪ These uses are encouraged to locate in Centers; may be located in areas around Centers by exception ▪ Maximum retail-only single-building footprint: 5,000 SF	▪ Retail is a primary land use in this designation ▪ Maximum single-building footprint: 80,000 SF	▪ Retail is incidental to primary use in this designation ▪ Maximum single-building footprint for retail-only building: 10,000 SF ▪ Maximum single-building footprint for mixed use building: 20,000 SF	▪ Retail is incidental to primary industrial use in this designation ▪ Retail uses encouraged to locate in Centers; may be located in areas around Centers by exception ▪ Maximum single-building footprint for retail-only building: 10,000 SF ▪ No maximum building footprint for retail showroom included in mixed use building	▪ Retail is incidental to primary industrial use in this designation ▪ Retail uses encouraged to locate in Centers; may be located in areas around Centers by exception ▪ Maximum single-building footprint for retail-only building: 10,000 SF ▪ No maximum building footprint for retail showroom included in mixed use building	Not Permitted
Auto Commercial Sales & Service Buildings should not be taller than 2 stories, unless by exception	▪ All activities must be within a building, except for customer/employee parking, loading, and gas pumps ▪ Maximum single-building footprint: 7,500 SF ▪ Evidence must be provided that noise, odors, and other potential nuisances do not affect surrounding properties	Not Permitted	Not Permitted	▪ A primary land use in this designation ▪ Provide evidence that noise, odors, & other potential nuisances do not adversely affect surrounding uses	▪ Services that may involve noise, odors, traffic & other potential nuisances may locate in this land use designation after providing evidence that these nuisances will not adversely affect surrounding uses	▪ A secondary land use in this designation ▪ Services that may involve noise, odors, traffic & other potential nuisances should locate in this land use designation	▪ A secondary land use in this designation ▪ Services that may involve noise, odors, traffic, or other potential nuisances should locate in this land use designation	Not Permitted
Office **Research & Development (R&D)/Flex** Buildings should not be taller than 4 stories, unless by exception	▪ Minimum 20 percent of development in this designation should be office or office/R&D/ Flex ▪ Maximum single-building footprint: 20,000 SF	▪ These uses are encouraged to locate in Centers; may be located in areas around Centers by exception	▪ These uses are encouraged to locate in Centers; may be located in areas around Centers by exception	▪ A secondary land use in this designation ▪ May be located above retail or other service uses ▪ Maximum office-only single-building footprint: 20,000 SF	▪ A primary use in this designation ▪ Maximum office-only single-building footprint: 40,000 SF	▪ Office is incidental to primary industrial use in this designation ▪ Maximum office-only single-building footprint: 20,000 SF	▪ Office is incidental in this designation associated with primary industrial use ▪ Maximum office-only single-building footprint: 20,000 SF	Not Permitted

Land Use Designation→ Primary & Secondary Uses ↓	**Urban Mixed Use**	**Urban Density Residential**	**Neighborhood Density Residential**	**Commercial Mixed Use**	**Office/ R&D/ Flex/Light Industrial**	**Light Industrial**	**Heavy Industrial**	**Open Space**
Light Manufacturing/ Storage/ Distribution For these uses, buildings should not be taller than 4 stories, unless by exception	▪ All activities, except customer/employee parking and loading must be within a building ▪ Maximum size of building footprint: 20,000 SF ▪ Evidence must be provided that noise, traffic, and other potential nuisances do not affect surrounding properties	Not Permitted	Not Permitted	▪ A secondary land use in this designation ▪ All activities, except customer/employee parking and loading must be within a building ▪ Maximum single-building footprint: 20,000 SF ▪ Evidence must be provided that noise, traffic, and other potential nuisances do not affect surrounding properties	▪ A primary land use in this designation ▪ Maximum single-building footprint: 40,000 SF, unless by exception if consistent with surrounding uses and character of area	▪ A primary land use in this designation ▪ No maximum single-building footprint	▪ A primary land use in this designation ▪ No maximum single-building footprint	Not Permitted
Heavy Manufacturing/ Storage/ Distribution	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	▪ A primary land use type in this designation ▪ No maximum single-building footprint	Not Permitted
Warehousing/ Distribution	Not Permitted	Not Permitted	Not Permitted	Not Permitted	▪ Warehousing/Distribution is incidental to Office/ R&D/Flex in this designation ▪ Maximum single-building footprint: 40,000 SF	▪ A primary land use in this designation ▪ No maximum single-building footprint	▪ A primary land use in this designation ▪ No maximum single-building footprint	Not Permitted
Institutional	▪ A secondary land use in this designation ▪ Maximum single-building footprint: 20,000 SF	▪ A secondary land use in this designation ▪ Maximum single-building footprint: 20,000 SF	▪ A secondary land use in this designation ▪ Maximum single-building footprint: 20,000 SF	▪ A secondary land use in this designation ▪ Maximum single-building footprint: 20,000 SF	▪ A secondary land use in this designation ▪ Maximum single-building footprint: 20,000 SF	▪ Not recommended in this land use designation	▪ Not recommended in this land use designation	Permitted, if of a recreational nature
Open Space	▪ Public/Privately owned parks, greens, commons, plazas to serve businesses, employees, customers ▪ Nearest open space should be within ¼ mile of businesses or residences ▪ Tot lots or active recreation areas should be provided with residential use	▪ Public/Privately owned parks, greens, commons, plazas, and greenway trails to serve residents & visitors ▪ Areas of active recreation should be provided (may be indoors) ▪ Emphasis should be placed on central, useable open space ▪ Nearest open space should be within ¼ mile of residences ▪ Protected areas may have greenways/trails to provide alternate travel modes	▪ Public/Privately owned parks, greens, commons, and greenway trails to serve residents & visitors ▪ Areas of active recreation should be provided ▪ Emphasis should be placed on central, useable open space ▪ Nearest open space should be within ¼ mile of residences ▪ Protected areas may have greenways/trails to provide alternate travel modes	▪ Public/Privately owned parks, greens, commons, plazas to serve residents & visitors ▪ Nearest open space should be within ¼ mile of business or residence ▪ Tot lots or active recreation areas should be provided with residential use	▪ Public/Privately owned parks, greens, commons, plazas to serve businesses, employees, customers and residents ▪ Nearest open space should be within ¼ mile of businesses or residences ▪ Areas of active recreation should be provided with residential uses (may be indoors)	▪ Public/Privately owned parks, greens, commons, plazas to serve businesses, employees, and customers ▪ Nearest open space should be within 1/2 mile of businesses	▪ Public/Privately owned parks, greens, commons, plazas to serve businesses, employees, and customers ▪ Nearest open space should be within 1/2 mile of businesses	

02 2011

BERKMAR FLATS PROPERTY
LAND USE DESIGNATION

Information Submitted by Applicant

FOR OFFICE USE ONLY AP # _____ SIGN # _____

ZONING ORDINANCE SECTION: _____

Fee Amount $_____ Date Paid _____ By who? _____ Receipt # _____ Ck# _____ By: _____

Application for Appeal of Zoning Administrator's Determination

☑ **Appeal of Zoning Administrator's Determination = $295.36**
Application $284 + Technology surcharge $11.36

☑ **Initial notice fee to be provided in conjunction with an application, for preparing and mailing notices and published notice = $448**

FEES for re-advertisement and notification of public hearing after advertisement of a public hearing and a deferral is made at the applicant's request

➢ Preparing and mailing or delivering each notice after fifty (50)	$237
➢ Preparing and mailing or delivering each notice after fifty (50)	$1.19 for each additional notice + actual cost of first-class postage
➢ Published notice (published twice in the newspaper for each public hearing)	Actual cost based on a cost quote from the publisher (averages between $150 and $250)

Contact Person (Who should we call/write concerning this project?): Same as applicant & owner

Address _____ City _____ State _____ Zip _____

Daytime Phone (____) _____ Fax # (____) _____ E-mail _____

Owner of Record Third Mesa LLC contact: JT Maxwell

Address 1455 Rio Road East, Suite 1 City Charlottesville State VA Zip 22901

Daytime Phone (434) 975-2629 Fax # (____) _____ E-mail jt@grandclassroom.com

Applicant (Who is the Contact person representing?): Third Mesa LLC, contact: JT Maxwell

Address 1455 Rio Road East, Suite 1 City Charlottesville State VA Zip 22901

Daytime Phone (434) 962-5206 Fax # (____) _____ E-mail jt@grandclassroom.com

Project Name: Berkmar Flats

Tax map and parcel: 45-81, 45-82, 45-82A **Zoning:** R-6

Physical Street Address (if assigned):
2175 Woodburn Road

Location of property (landmarks, intersections, or other):
North of Berkmar Overlook and west of Better Living Building Supply

The following information shall be submitted with the application and is to be provided by the applicant:

1) Completed application including subject of appeal.
2) Justification for applicant's position, including error in Zoning Administrators determination. You may use the space below to provide this information or submit an attached sheet.
3) If applicable, a copy of the latest deed for the property involved, and the approved and recorded plat.
4) If applicable, the appropriate drawings showing all existing and proposed improvements on the property and any special conditions for the situation that may justify the appeal.
5) Reference to the relevant Zoning Ordinance section or other applicable regulations or case precedence to justify the appeal.
6) Appropriate fee made payable to the County of Albemarle.

Explanation of error in determination and justification of applicant's position:

See attached justification

Owner/Applicant Must Read and Sign

I hereby certify that the information provided on this application and accompanying information is accurate, true and correct to the best of my knowledge and belief.

Signature of Owner or Contract Purchaser, Agent

10/26/22
Date

JT Maxwell
Print Name

4349625206
Daytime phone number of Signatory

Board of Zoning Appeals Action/vote:

Board of Zoning Appeals Chairman's signature:_____ Date:_____

ALBEMARLE COUNTY
STAFF REPORT

Project Name: ZMA202000011 Premier Circle	**Staff:** Megan Nedostup, Development Process Manager
Planning Commission Hearing: December 15, 2020	**Board of Supervisors Public Hearing:** Tentative date February 21, 2021
Owner: Tiota LTD	**Applicant**: Williams Mullen, BRW Architects, and Timmons Group on behalf of Piedmont Housing Alliance, Virginia Supportive Housing, and Thomas Jefferson Area Coalition for the Homeless
Acreage: 3.75 acres	**Rezone from:** C-1 Commercial to Neighborhood Model District
TMP: 061M0-00-00-00600	**Location:** 405 Premier Circle, Charlottesville VA 22901. Located off of Route 29 approximately 600 feet south of the intersection of Branchlands Boulevard and Route 29.
School Districts: Woodbrook E.S., Jouett M.S., Albemarle H.S.	**Current by-right use:** Property is Zoned C-1 Commercial – retail sales and service; residential by special use permit (15 units/ acre)
Magisterial District: Rio	**Proffers**: No
Proposal: Rezone 3.748 acres from C-1 Commercial – retail sales and service; residential by special use permit (15 units/ acre) to NMD Neighborhood Model District – residential (3 – 34 units/acre) mixed with commercial, service and industrial uses. Between 80 and 140 dwelling units are proposed with a density between 22 units/acre and 38 units/acre. Non-residential uses are also proposed (no maximum square footage).	**Requested # of Dwelling Units per ZMA:** between 80 and 140 units
DA (Development Areas): Places29 Master Plan	**Comp. Plan Designation:** Primary designation is Office/R&D/Flex/Light Industrial – commercial, professional office; research and development, design, testing of prototypes; manufacturing, assembly, packaging; residential is a secondary use (no maximum density). Small portions of the property are also Neighborhood Density

	Residential – residential (3 – 6 units/acre) supporting uses such as religious institutions, schools and other small-scale non-residential uses and Urban Mixed Use (in Centers) – commercial and retail uses that are in Centers and residential (3 – 34 units/ acre). Located in the Urban Development Area in the Places29 Master Plan.
Affordable Housing Provided: ☒ Yes ☐No	**Affordable Housing AMI (%):** The Code of Development requires that a minimum of 60 percent (60%) of the units within this development be affordable at or below 80 percent (80%) AMI.
Character of Property: Property is currently used as the Red Carpet Inn, which consists of four (4) buildings and parking areas. There is one existing entrance off of Premier Circle.	**Use of Surrounding Properties:** Adjacent and nearby properties to the east and west include a variety of commercial, retail, hotel, and office uses. Adjacent properties to the north are single-family residential (Berkley Subdivision). Directly to the south is Route 29.
Factors Favorable: 1. The rezoning is consistent with the majority of the applicable Neighborhood Model Principles. 2. The rezoning provides affordable housing that exceeds the housing policy within the Comprehensive Plan. 3. The rezoning request is consistent with the majority of the recommendations within the Places29 Master Plan and Comprehensive Plan.	**Factors Unfavorable:** 1. Premier Circle is a private street and it is unknown if the current condition and maintenance of the street is adequate for the proposed rezoning. 2. There are not adequate pedestrian facilities to cross Route 29 to services for the residents of this development. 3. It is unknown if additional transportation improvements are needed for the development. 4. Changes are needed to the application plan and code of development as identified by staff in this report.

RECOMMENDATION:

Zoning Map Amendment: Staff recommends approval with the following changes prior to the Board of Supervisors:

1. Transportation concerns identified in the additional information submitted by the applicant be addressed.
2. The Code of Development should be revised to include an amenity/playground for children.
3. Revise the notation on the application plan and in the Code of Development that the bench and shelter for the bus stop will be installed upon demand of the County.
4. The Code of Development should be revised to include a maximum square footage of non-residential uses.

Special Exception: Staff recommends approval of the special exception request to allow for one housing type under §18-20A.8(a).

STAFF PERSON: Megan Nedostup, AICP, Development Process Manager
PLANNING COMMISSION: December 15, 2020
BOARD OF SUPERVISORS: Tentative date February 17, 2021

PETITION:
PROJECT: ZMA202000011 – Premier Circle
MAGISTERIAL DISTRICT: Rio
TAX MAP/PARCELS: 061M0000000600
LOCATION: 405 Premier Circle, Charlottesville VA 22901. Located off of Route 29 approximately 600 feet south of the intersection of Branchlands Boulevard and Route 29.
PROPOSAL: Request to rezone the property from C-1 Commercial to NMD Neighborhood Model District to allow a mixed-use development with up to 140 dwelling units and commercial, retail, office, research and development, light manufacturing/storage/distribution, and institutional uses.
PETITION: Rezone 3.748 acres from C-1 Commercial – retail sales and service; residential by special use permit (15 units/ acre) to NMD Neighborhood Model District – residential (3 – 34 units/acre) mixed with commercial, service and industrial uses. Between 80 and 140 dwelling units are proposed with a density between 22 units/acre and 38 units/acre. Non-residential uses are also proposed (no maximum square footage).
ZONING: C-1 Commercial – retail sales and service; residential by special use permit (15 units/ acre)
OVERLAY DISTRICTS: Entrance Corridor, Airport Impact Area, Steep Slopes – Managed
COMPREHENSIVE PLAN: Primary designation is Office/R&D/Flex/Light Industrial – commercial, professional office; research and development, design, testing of prototypes; manufacturing, assembly, packaging; residential is a secondary use (no maximum density). Small portions of the property are also Neighborhood Density Residential – residential (3 – 6 units/acre) supporting uses such as religious institutions, schools and other small-scale non-residential uses and Urban Mixed Use (in Centers) – commercial and retail uses that are in Centers and residential (3 – 34 units/ acre). Located in the Urban Development Area in the Places29 Master Plan.

CHARACTER OF THE AREA
The property (Tax Map Parcel 61M-6) is currently used as the Red Carpet Inn (hotel). There are four buildings with 115 hotel rooms on the site and travelways and parking areas. There is some landscaping and buffer areas on the northern portion of the property. The property has frontage on both Route 29 and Premier Circle (private street). There is one existing entrance off of Premier Circle. There is a grass berm along the front of the property and a sidewalk along Route 29.

Properties to the east and west include a variety of commercial, retail, hotel, and office uses. All adjacent properties have been developed. To the north is the Berkley Subdivision with single-family detached houses. Route 29 is directly to the south.

SPECIFICS OF THE PROPOSAL
The applicant is requesting approval of a Zoning Map Amendment (ZMA) application to rezone the properties from C-1 Commercial to Neighborhood Model District (NMD). The application includes a

Code of Development and Application Plan for the site. The rezoning would allow for a variety of non-residential uses (no maximum overall square footage, however each use category has a maximum square footage) and between 80 and 140 dwelling units. The development proposed two Blocks: Block 1 is intended to be primarily non-residential uses and is adjacent to Route 29, while Block 2 is intended to be primarily residential uses. Additional descriptions of the Blocks are provided below.

Access to the site will be from two locations off of Premier Circle. Each Block will have access to Premier Circle. There is no direct access to Route 29. The applicant is also proposing a bus stop at Premier Circle and to extend the existing sidewalk from Route 29 along Premier Circle to the proposed bus stop location. Currently, the CAT bus system does not serve this site.

For properties designated office service in the Comprehensive Plan, the Neighborhood Model District requires 20 percent of the site to be greenspace and 10 percent of the site to be amenity space. Proposed amenities and greenspace include:

- 2 – 4 Community gardens (~2,000 SF each)
- Courtyard and meditative garden (~2,200 SF)
- Central greenspace area and landscape area (~3,600 SF)
- Additional courtyards and landscaping

Page 3 of the Application Plan shows the boundaries for Blocks 1 and 2, Page 4 shows the proposed layout of the site, Page 6 shows the proposed amenity and greenspaces, and Page 7 shows the proposed phasing of the project. The phasing of the project would allow residents experiencing homelessness to stay in the existing Red Roof Inn buildings while the new housing on the site was being constructed. Due to COVID-19, there is a greater need for supportive housing organizations to provide individual rooms and spaces for residents, which would be feasible in the existing hotel buildings and once the new housing was completed.

The specific Blocks, per the Code of Development, are described as follows:

Block 1: This Block is intended to be primarily non-residential. It allows for a variety of uses, including retail, commercial, office, research and development, flex, light manufacturing/storage/distribution, warehousing/distribution, institutional, and multifamily dwelling units. Between 0 and 20 dwelling units are permitted. Non-residential use categories (e.g. 'flex') are described in the Places29 Master Plan Future Land Use chapter. Non-residential building footprints must be between 5,000 and 20,000 square feet. Total minimum and maximum square footage is determined by non-residential use category, and varies between 5,000 square feet and 40,000 square feet, consistent with the recommendations within the Places29 Master Plan. Residential uses are not permitted on the ground floor and the primary use in this block must be non-residential.

Block 2: This Block is intended to be primarily residential, although it may develop as a mixed-use block. It also allows for most of the same uses as Block 1, although light manufacturing/storage/distribution and institutional uses are by special use permit and warehousing/distribution is not permitted. Between 80 and 140 dwelling units are permitted. Non-residential building footprints must be between 0 and 10,000 square feet. A 20-foot minimum landscape buffer and a 50 foot building setback must be provided between this Block and the adjacent residential properties to the northwest.

The Code of Development does not include an overall maximum building square foot for non-residential uses and staff recommends that it be updated to contain that information.

In addition to the rezoning request, the applicant is requesting a special exception (Attachment 7) per 18-20A.8(a) to waive the requirement to have two different housing types within the development.

APPLICANT'S JUSTIFICATION FOR THE REQUEST

The applicant has provided a detailed request found in the Narrative, Code of Development, and Application Plan (Attachments, 2, 3, and 4).

COMMUNITY MEETING

The required community meeting was held on October 19, 2020, at 5:30 PM during the regularly scheduled Places29 Hydraulic CAC meeting. Approximately 40 members of the public attended the meeting and heard presentations from staff and the applicant regarding this proposal. It should be noted that another rezoning application was also heard at this meeting and it is unknown whether all 40 attendees were for this proposal or the other application. Due to COVID-19 restrictions, this was held as a virtual meeting. A link to the recording of the virtual meeting can be found here: https://www.youtube.com/watch?v=l32G5TVGwgM&feature=youtu.be.

Attendees expressed support for the provision of affordable housing on the site, especially the proposed supportive services for residents experiencing homelessness. The applicant explained that supportive services include: case management, property management, and front desk staff onsite during business hours; night monitor staff who live in the building and are available outside of business hours; and connections with services, benefits, and employment opportunities.

Some attendees expressed concern with transportation options for the site, given many residents likely will not have cars. Attendees mentioned previous accidents on Route 29 where pedestrians have been hit while trying to cross Route 29. Other questions included maintenance of the private street (Premier Circle) and interest in the landscaping that would be provided. Additional information on transportation and potential impacts is provided in the 'Zoning Ordinance Requirements' section of the staff report.

PLANNING AND ZONING HISTORY

SP198500091: A special use permit was approved to allow for a hotel use. The property was also zoned C-1 Commercial at this time.

SDP198600037: A site plan was approved for a hotel (former name Knights Inn).

SDP201700007: An initial site plan was approved for a 35,962 square foot grocery store on the property. The applicant did not move forward with the request and a final site plan was not submitted.

COMPREHENSIVE PLAN

The request is consistent with the County's Growth Management Policy (Ch. 3), which directs new development (and redevelopment) and infrastructure to the Development Areas.

The request is also consistent with the relevant recommendations in the Development Areas Chapter (Ch. 8), including:

- Promoting mixed-use developments that are consistent with Neighborhood Model Principles and the applicable Master Plan
- Providing for a variety of housing types and levels of affordability
- Promoting density within the Development Areas to create compact urban places
- Promoting infill development and redevelopment that is compatible with surrounding neighborhoods and uses
- Promoting redevelopment that uses or expands upon existing infrastructure in the Development Areas.

The request meets the relevant recommendations of the Housing Chapter (Ch. 9) of the Comprehensive Plan, including directing affordable housing to the Development Areas, ensuring that housing is equally available to all populations, provide for a variety of housing types for all income levels, and providing at least 15 percent affordable units with rezonings.

Objective 8 of the Historic, Cultural, and Scenic Resources Chapter (Ch. 5) is to '*maintain the visual integrity of Albemarle's Entrance Corridors'.* This development will need Architectural Review Board (ARB) approval prior to any site plan approval. The application plan shows street trees and screening landscaping for parking areas along Route 29.

Analysis of the Places29 Master Plan

The proposed development is designated Office/Flex/R+D/LI in the Places29 Master Plan. The intent of this designation is to encourage development with employment-generating uses, including office, retail, commercial, and light industrial. Residential uses are intended to be secondary uses. The recommended maximum building height for Office, R+D, Flex, and Residential uses is four (4) stories. The proposed development meets the recommended building height and maximum building footprint square footages within the Places29 Master Plan.



No specific density is recommended in the Places29 Master Plan for this future land use designation, although the Master Plan specifies that residential uses are intended to be multifamily dwelling units.

The Comprehensive Plan does not specify a maximum density. The proposed development would be between 22 and 38 units/acre, depending on final build out.

Residential uses are intended to be secondary uses in the Office/Flex/R+D/LI designation. The Places29 Master Plan recommends that "*The determination of primary and secondary uses is expected to be made over an entire contiguous designation, not an individual parcel".* This property is adjacent to other properties designated Office/Flex/R+D/LI and Neighborhood Service Center which have a variety of commercial, retail, and office uses (see Comprehensive Plan Land Use map insert below). Staff finds that the residential units proposed within this development are secondary in relation to the entire area designated Office/Flex/R+D/LI.



In addition, while the proposed development of this property includes majority residential uses and will result in less area for the Office/Flex/R+D/LI designation within the development areas, the recent approval of the Rio29 Small Area Plan (SAP) in December 2018 recommends a mixture of uses within the area. While the parcels contained in the SAP future land use designation (approximately 400 acres) is not Office/Flex/R&D/LI specifically, the uses section of the SAP recommends Office/Flex/R&D in all of the Character Areas (Urban Core, Core, Flex, and Edge) and Light Industrial by Special Exception.

The Neighborhood Model: Staff has reviewed the proposal against the Neighborhood Model Principles and found that it is consistent with the majority of the applicable Principles. There is concern that adequate pedestrian access is not provided across Route 29, where a Food Lion and Big Lots is located that the residents of this development may desire to shop. The Transportation Planner and VDOT are exploring the possibilities of providing a crossing at the light at the intersection of Route 29 and Branchlands/Premier Circle.

In addition, staff has concerns with the lack of amenities provided for children. The Code of Development only includes amenities for adults and does not provide for a space for potential children/families. While the proposal states that 80 units will be for single family adults, there will be 60 units that may contain families. Also, in the future, the units for singles may be converted to larger units for families. Currently, the closest park to the site is Charlottes Yancey Humphris Park, which is a 1 mile walk and it does not contain a playground, only trails. Staff recommends that the Code of Development be updated to require a playground or other child centered amenity space.

The detailed Neighborhood Model Analysis can be found in Attachment 5.

Affordable Housing: The applicant is providing at least 60 percent affordable units onsite per the Code of Development, which exceeds the recommendation of Strategy 6b in Chapter 9 of the Comprehensive Plan that states that 15 percent affordable units should be provided with rezonings. The Housing Planner has reviewed the proposal and has no objections.

ZONING ORDINANCE REQUIREMENTS

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 areas identified in the Comprehensive Plan
- Incorporate principles of traditional neighborhood development, such as pedestrian orientation and a mixture of uses
- Promote development with character, form, and density consistent with the recommendations within the applicable Master Plan

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 consistent with the intent of the NMD. The development provides an appropriately-scaled mixture of uses and residential units.

Anticipated impact on public facilities and services:

Transportation:

The proposed development is located on a corner parcel at the intersection of Route 29 and Premier Circle. Premier Circle is an existing private street that is owned and maintained by the parcels that access the road (Attachment 6).

An existing bus stop is located approximately ¼ mile at the corner of Westfield Road and Commonwealth Drive and sidewalks are located along Rt 29 and Westfield Road to provide pedestrian access to that stop for future residents of the development.

The applicant has also identified an area for a future bus stop along Premier Circle for Charlottesville Area Transit (CAT) and will provide the facilities required as indicated in the Code of Development on page 9. However, the applicant has stated that they have been discussing providing Jaunt service to

the site in the interim if CAT will not provide service in this location. Staff recommends that the facilities for the stop be provided when any transit is providing service to the site.

The applicant provided a trip generation study (Attachment 8) with the initial submittal of this application comparing the by-right scenario to the proposed development. However, staff has requested additional information to evaluate the impacts to transportation. A turn lane warrant analysis and an evaluation of the existing and future operations the signalized intersection at Route 29 and Branchlands/Premier Circle for the ability to accommodate a potential at-grade pedestrian crossing was requested. As mentioned above in the Neighborhood Model section of the report, there is concern with pedestrian safety and residents of the development wishing to cross Route 29 due to the services and grocery store across the highway. There have been several pedestrian fatal accidents in this corridor for those attempting to cross.

In addition to the information requested above, the County Engineer requested information regarding the condition and maintenance of the existing private street, Premier Circle.

The requested information was anticipated to be submitted the week of November 30th by the applicant. Due to the timing of this information being submitted and the writing of the report, there was not adequate time to review the information to provide an analysis for the report and staff will update the Planning Commission at the meeting with the results and recommendation on the feasibility of the pedestrian crossing, turn lane warrants, and condition and adequacy of the existing private street for the proposed development.

Based upon the information in hand at the writing of this report provided by the applicant regarding transportation, staff has the following recommendation for changes. Additional information or changes may be recommended to be addressed at the Planning Commission public hearing between the commission and the Board of Supervisors meeting.

1. Revise the notation on the application plan and in the Code of Development that the bench and shelter for the bus stop will be installed upon demand of the County.

Schools:
Children in the proposed development would attend Woodbrook Elementary, Jouett Middle and Albemarle High School. According to the 2019 Long Range Planning Advisory Committee report by schools, both Woodbrook and Jouett have capacity, and Albemarle High School is over capacity. In the applicant's narrative, they state that 80 of the proposed units will be for single occupancy adults only, and the additional 60 units could have children. However, it's possible that in the future the single adult occupancy units could be converted to include more bedrooms that could accommodate families. Below are the yield rates provided from schools.

Yield Rates for 140 Units

Dwelling Type	Elementary	Middle	High	Total
Multi-Family	17	4	7	28

Yield Rates for 60 Units

Dwelling Type	Elementary	Middle	High	Total
Multi-Family	7	2	3	12

Fire and Rescue:
Provided that the buildings will be sprinkled during site plan review, Fire Rescue has no concerns with this application.

Utilities:
This project is in the ACSA water and sewer service jurisdictional area and both services are available. ACSA has not expressed any concerns with, or objections to, this 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:
Use of the property as proposed is not anticipated to have significant impacts on adjacent properties. The proposed plan includes a 20 foot landscape buffer and a 50 foot setback along the northwest property line adjacent to the existing single family residential neighborhood, Berkley. As well as providing a step back in the building closest to the property line on the edge after the third story or 40 feet.
The other adjacent properties are zoned commercial, and therefore, the proposed use is not anticipated to have significant impacts on those properties as well.

Public need and justification for the change:
The County's Comprehensive Plan supports development in the designated development areas that is consistent with the use, density, and form recommended in the Plan. Based upon the analysis provided in this report, staff believes this proposal is in conformity with use and form recommended in the MP and Comprehensive Plan.

In addition to the above, affordable housing is greatly needed in the community as discussed during the on-going Housing Policy update. The COVID-19 pandemic has also resulted in a need for housing for the homeless, and that need that may potentially increase once the national moratorium on evictions expires at end of December 2020. This development would allow for those in our community that are in need to have safe, affordable housing options.

Special Exception Request: Housing Types
The development requires a special exception per County Code §18-20A.8(a) for providing less than two different housing types in a Neighborhood Model District. The proposal meets the requirement of §18-20A.8(a) that the Board of Supervisors may waive the requirement to have at least two different housing types if: the proposal is an infill project; or at least two housing types are already present within a quarter mile. This development meets both of those criteria (although it is only required to meet one for a special exception to be approved).

The Office/Flex/R+D/LI future land use designation recommends that residential uses in this designation be multifamily units with non-residential uses located on the first floor. This designation does not encourage single-family attached or detached units. The Code of Development for this

proposal only permits multifamily units, and in Block 1 only permits residential uses on upper stories of buildings. Staff recommends approval of this special exception request.

ZMA202000011: SUMMARY

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

1. The rezoning is consistent with the majority of the applicable Neighborhood Model Principles.
2. The rezoning provides affordable housing that exceeds the housing policy within the Comprehensive Plan.
3. The rezoning request is consistent with the majority of the recommendations within the Places29 Master Plan and Comprehensive Plan.

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

1. Premier Circle is a private street and it is unknown if the current condition and maintenance of the street is adequate for the proposed rezoning.
2. There are not adequate pedestrian facilities to cross Route 29 to services for the residents of this development.
3. It is unknown if additional transportation improvements are needed for the development.
4. Changes are needed to the application plan and code of development as identified by staff in this report.

RECOMMENDATION: ZMA202000011

Overall, staff believes that the favorable factors outweigh the unfavorable factors, acknowledging that there are a number of outstanding transportation concerns that haven't been addressed. Therefore, staff recommends approval of the rezoning with the following changes that were identified in the report and should be addressed prior to the Board of Supervisors:

1. Transportation concerns identified in the additional information submitted by the applicant be addressed prior to the Board of Supervisors meeting.
2. The Code of Development should be revised to include an amenity/playground for children.
3. Revise the notation on the application plan and in the Code of Development that the bench and shelter for the bus stop will be installed upon demand of the County.
4. The Code of Development should be revised to include a maximum square footage of non-residential uses.

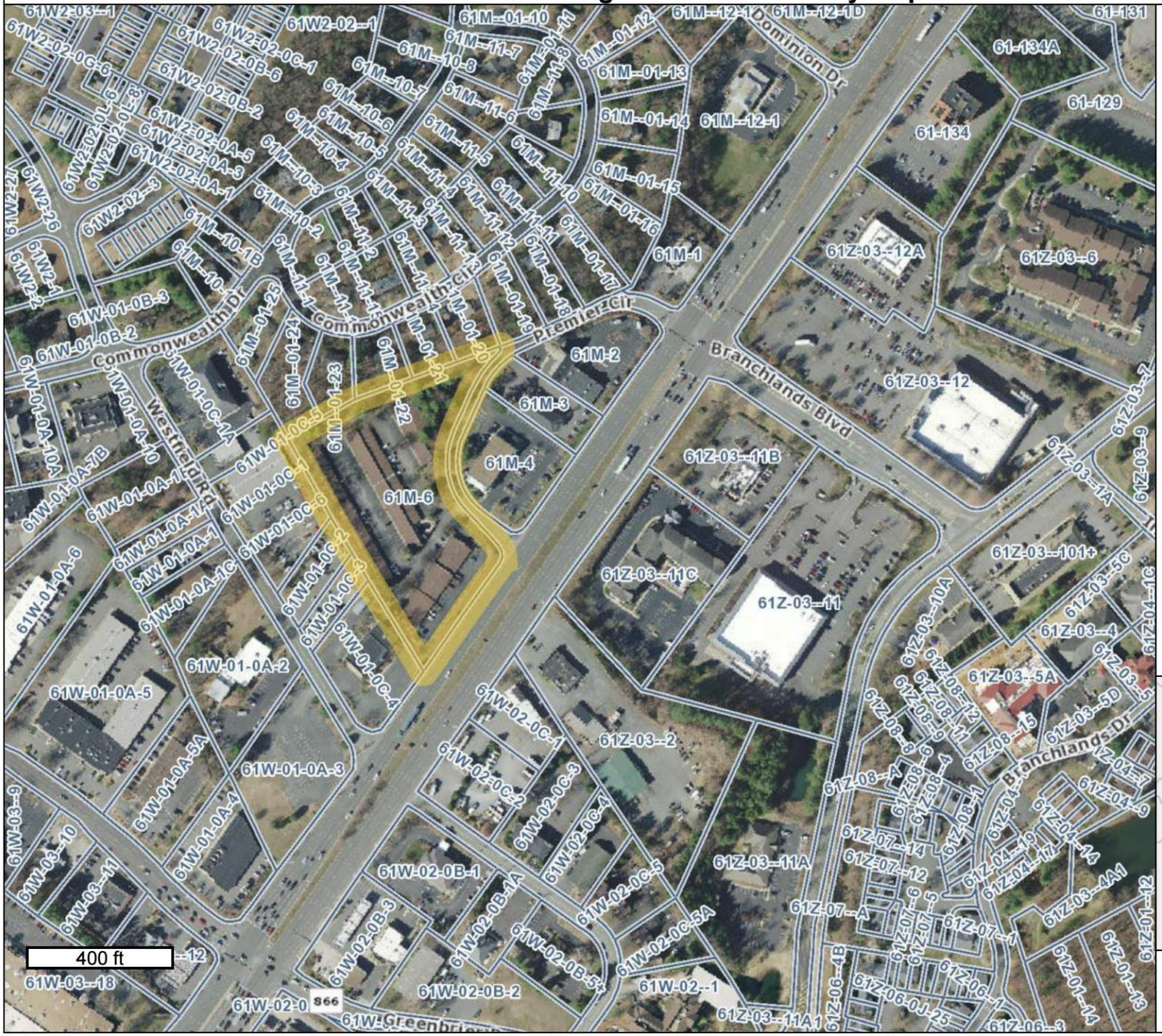
RECOMMENDATION: SE202000023

Staff recommends approval of the special exception request to allow for one housing type.

ATTACHMENTS:

Attachment 1: Vicinity Maps
Attachment 2: Narrative, dated November 20, 2020
Attachment 3: Code of Development, dated November 20, 2020
Attachment 4: Application Plan, dated November 20, 2020
Attachment 5: Staff Analysis of Neighborhood Model Principles
Attachment 6: Premier Circle deed and plat
Attachment 7: Applicant Special Exception Request
Attachment 8: Trip Generation Study

Existing Conditions Vicinity Map

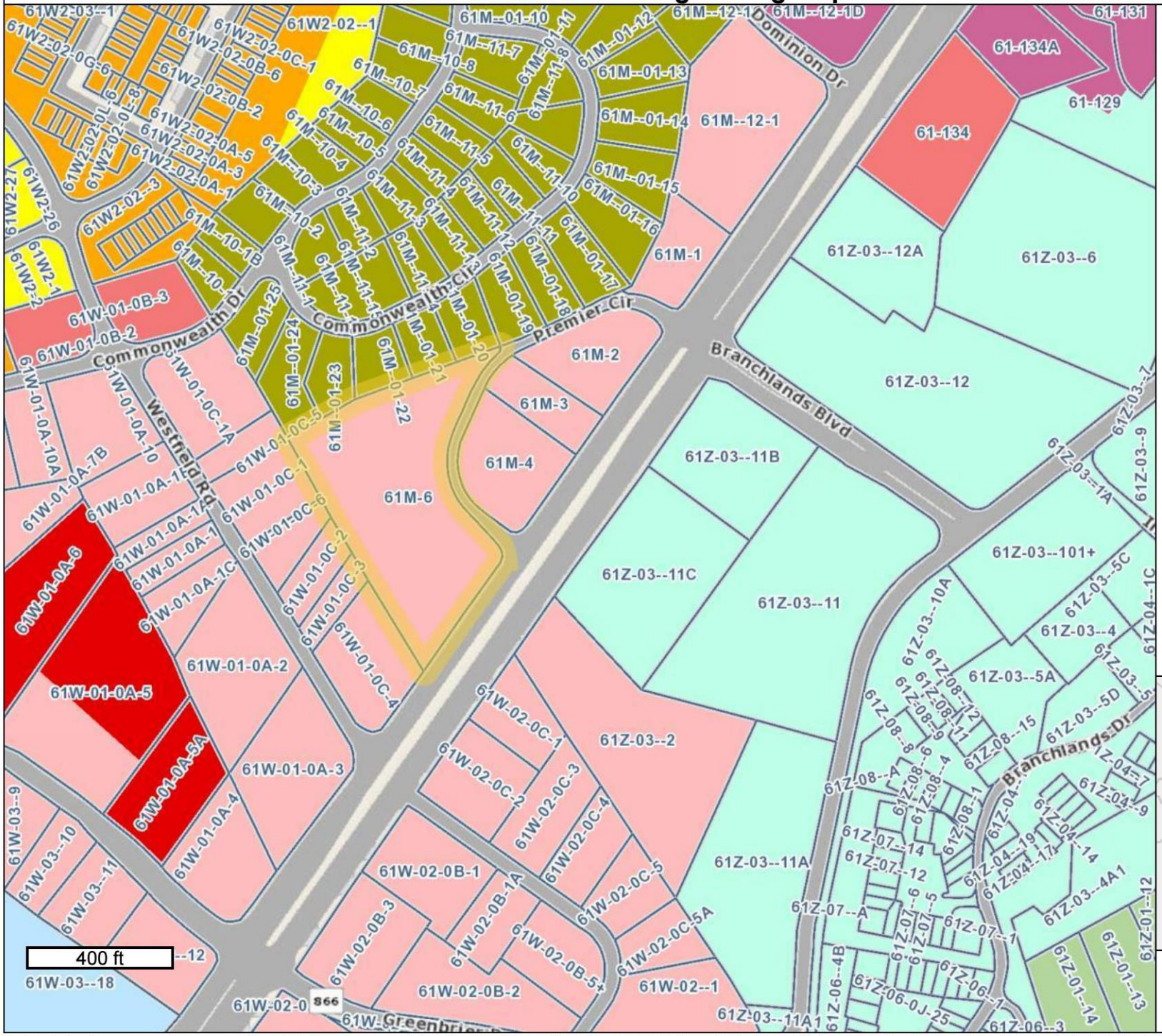


Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.

December 7, 2020

Map elements may scale larger than GIS data measured in the map or as provided on the data download page due to the projection used. Map Projection: WGS84 Web Mercator (Auxiliary Sphere) (EPSG 3857)

Existing Zoning Map



Legend

(Note: Some items on map may not appear in legend)

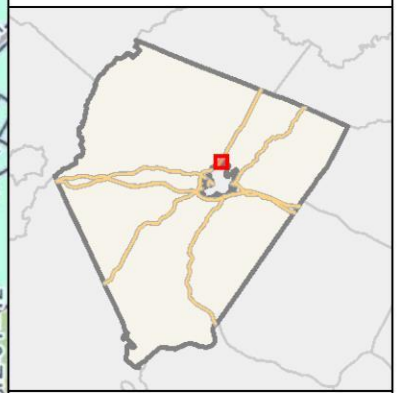
Parcel Info

- Parcels

Zoning Info

Zoning Classifications

- Rural Areas
- Village Residential
- R1 Residential
- R2 Residential
- R4 Residential
- R6 Residential
- R10 Residential
- R15 Residential
- Planned Unit Development
- Planned Residential Development
- Neighborhood Model District
- Monticello Historic District
- C1 Commercial
- Commercial Office
- Highway Commercial
- Planned Development Shopping Ctr.
- Planned Development Mixed Comm.
- Downtown Crozet District
- Light Industry
- Heavy Industry
- Planned Development Industrial Par
- Town of Scottsville



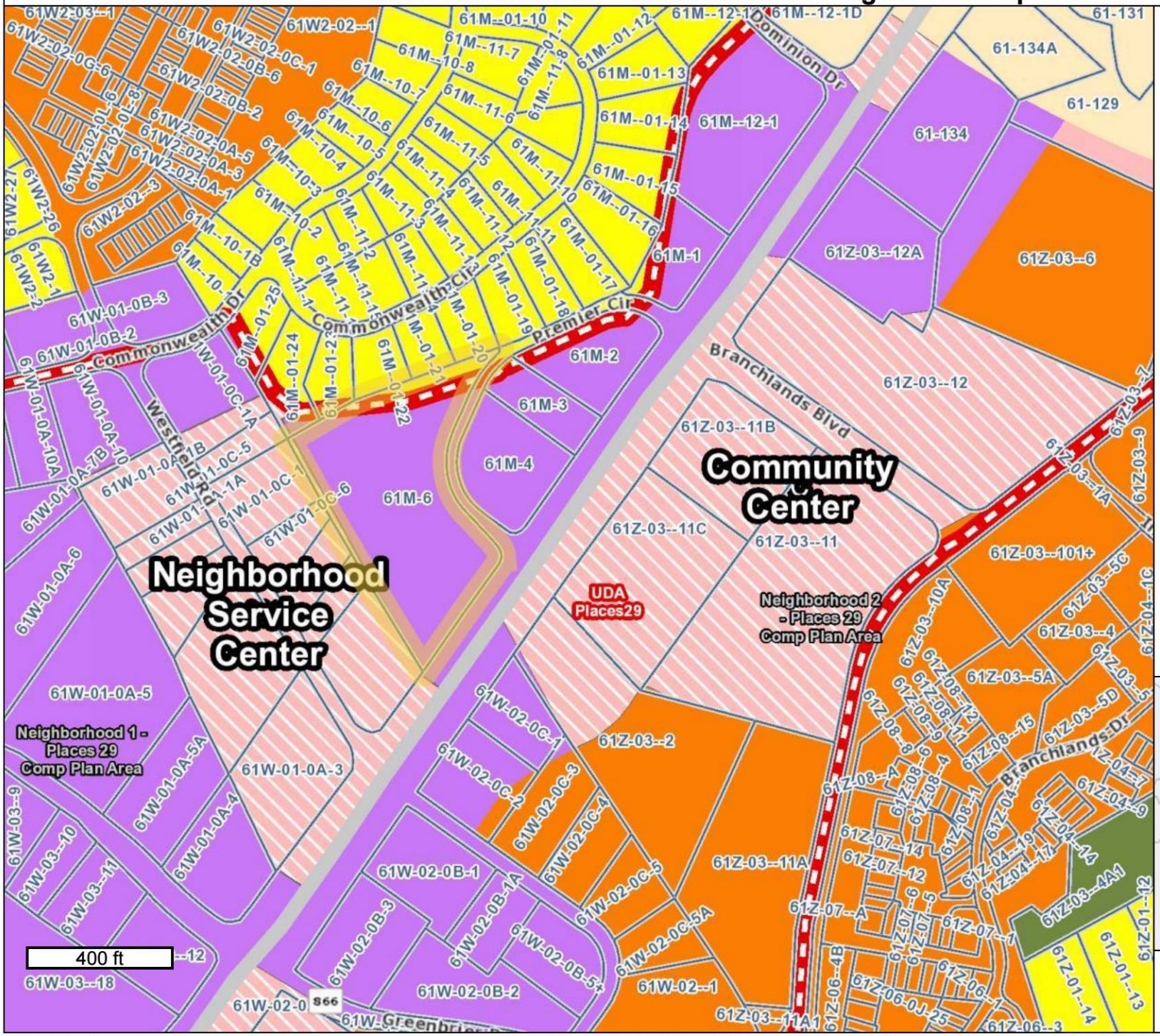
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December 7, 2020

Places29 Master Plan Land Use Designations Map



Legend

(Note: Some items on map may not appear in legend)

Parcel Info
- Parcels

Comp Plan Land Use Info
- Urban Development Area Boundary
- Comprehensive Plan Areas

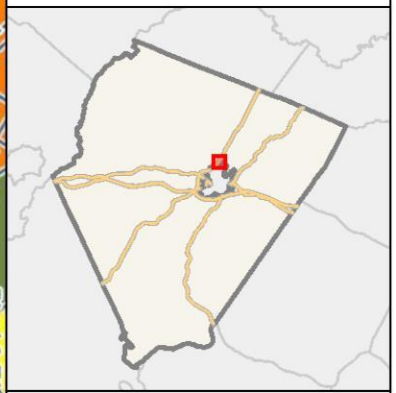
Crozet Master Plan Land Use
- Greenspace *
- Neighborhood Density Residential L
- Neighborhood Density Residential
- Urban Density Residential
- Mixed-Use
- Downtown
- Institutional
- Light Industrial
- See Crozet Masterplan Text

Pantops Master Plan Centers and Di
- Urban Center
- Neighborhood Service Center
- Employment District
- Recreational District

Pantops Master Plan Future Street N
- Principal Arterial
- Boulevard
- Avenue
- Avenue (Conceptual Alignment)
- Local Street
- Local Street (Conceptual Alignment)
- Rural Transition

Pantops Master Plan Urban Center

Pantops Master Plan Land Use
- Neighborhood Density Residential
- Commercial Mixed Use
- Urban Density Residential
- Community Mixed Use
- Office / R & D / Flex / Light Industrial
- Institutional
- Public Parks
- Potential Public Park
- Parks and Green Systems



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December 7, 2020

ZMA202000011
PREMIER CIRCLE
405 Premier Circle

Application Narrative
Original Submission: September 21, 2020
Resubmittal: November 20, 2020

Project Proposal

Premier Circle (the "Project"), would comprise up to 140 affordable residential units and a non-residential or mixed-use building fronting Route 29. The Project is a creative, phased redevelopment of the existing Red Carpet Inn site to serve the clients of three affordable housing providers: Virginia Supportive Housing (VSH), the Thomas Jefferson Area Coalition for the Homeless (TJACH), and Piedmont Housing Alliance (PHA). PHA, the Applicant, will be the contract purchaser of the subject property, identified as Tax Map parcel 061M0-00-00-00600, containing approximately 3.75 acres, with address 405 Premier Circle (the "Property"), owned by Tiota, Ltd.

The Property is currently zoned C-1 Commercial. It is located in the Places 29 Master Planning area and is designated for a primary use of Office / R&D / Flex / Light Industrial with residential as a secondary use. In order to accomplish the described multi-faceted project, PHA, VSH, and TJACH are requesting to amend the zoning map from C-1 to Neighborhood Model Development (NMD), which will allow the Property to be developed as mixed use with a non-residential or mixed-use building fronting State Route 29 North within the approximately one acre Block One and two multi-family residential buildings in Block Two, removed from the Entrance Corridor.

To facilitate the financing, purchase, and redevelopment by PHA and VSH, the Applicant proposes a phasing plan, described in more detail below. The Applicant's phasing plan incorporates funding, construction, and leasing benchmarks of the Project's developers, VSH and PHA. Meanwhile, TJACH will repurpose the existing hotel rooms to provide essential emergency supportive housing to individuals experiencing homelessness who are also at-risk of developing serious illness from COVID-19.

VSH provides permanent supportive housing to its tenants. On-site support services include case management to assist tenants in obtaining needed community services; housing stabilization and support; counseling and independent living skills training; community engagement and social support; employment, education, and vocational support; and transition planning to other housing types. (Please see Exhibit A, "Virginia Supportive Housing Permanent Supportive Housing / Supportive Services Program Description.") VSH proposes a four-story 80-unit building composed of 100% studio apartments for single adults, which would be affordable to those making 50% or less AMI. The affordability period of the VSH units would be a minimum of fifteen (15)_years, which is the required Low-Income Housing Tax Credit (LIHTC) compliance period.

PHA proposes 60 mixed-income units. The PHA building in Block Two would be four stories in the front closest to the VSH building and three stories in the rear closest to the single-family neighborhood to the northeast. PHA may develop up to 20 of its units on the second floor of a mixed-use building on Block One. The PHA units would be primarily one-bedroom (approximately 20%) and two-bedroom units (approximately 80%) with possibly up to 5% three-

bedroom. The affordability of the PHA units depends upon the final financing structure so is currently described as a range of 30%-80% AMI for the purposes of rezoning and would be for a minimum of fifteen (15) years.

Since the onset of the COVID-19 pandemic, TJACH has been following CDC recommendations to shelter individuals experiencing homelessness who are also at increased risk of developing serious illness from COVID-19 in private rooms as opposed to congregate shelter settings. TJACH plans to use the existing hotel units on the site for this purpose during the first phases of redevelopment. These hotel units will be considered "emergency shelter" units and will be made available to clients experiencing homelessness who are at increased risk from COVID-19 on a temporary basis. Supportive services, including options for moving into permanent housing, will be offered to these clients.

The Comprehensive Plan recommends 34 DUA for this area. The Project proposes and requests approval of a slightly higher density -- 37 DUA -- to allow PHA to develop 60 units, which increases operating efficiency and competitiveness within the LIHTC application process.

As supported by project data described in the Timmons Group parking waiver request letter, dated September 21, 2020, supportive housing for homeless and low-income families requires far less parking than commercial uses or traditional multi-family. The size of the commercial square footage -- 5,000 to 20,000 square feet -- is limited primarily by the amount of parking it would require.

Surrounding parcels. The parcels to the southwest of the Property front Westfield Road and are used for various commercial purposes. Parcels to the northeast, sharing access over Premier Circle, include another hotel, a law firm, and furniture store. Behind the parcels on Premier Circles lies a single family subdivision with lots off Commonwealth Circle and Commonwealth Drive.

Neighborhood Model District (NMD) District

According to the County Zoning Ordinance Section 20A.1, “(t)he purpose of the Neighborhood Model district (the "NMD") is to establish a planned development district in which traditional neighborhood development, as established in the county's Neighborhood Model, will occur. The county's Neighborhood Model was adopted as part of the Comprehensive Plan and is hereinafter referred to as the "Neighborhood Model." The regulations in section 20A encourage a development form and character that is different from conventional suburban development by providing the following characteristics:

1. Pedestrian orientation;
2. Neighborhood friendly streets and paths;
3. Interconnected streets and transportation networks;
4. Parks and open space as amenities;
5. Neighborhood centers;
6. Buildings and spaces of human scale;
7. Relegated parking;
8. Mixture of uses and use types;
9. Mixture of housing types and affordability;
10. Redevelopment;
11. Site planning that respects terrain; and
12. Clear boundaries with the rural areas.”

The project's consistency with these principles is addressed below in the Comprehensive Plan conformity section of this narrative. However, addressed here as part of the Zoning Ordinance requirements pertaining to NMD are phasing, residential density, and mixture of housing types.

Phasing.

The Project will develop in three phases as depicted on the Phasing Diagram (Sheet 7 of the Concept Plan), briefly outlined with approximate timelines as follows:

Phase I *from ZMA approval through 2024:*

(a) The VSH building on Block Two would be constructed and leased.
(b) At least 2,500 square feet of the amenity space (connected ewith the VSH building) would be completed.
(c) The landscape buffer along the rear of the Property between Block 2 and existing residential uses would be provided.
(d) Rooms within the existing hotel buildings would be used as temporary TJACH emergency shelter units for clients at increased risk from COVID-19.

Phase II *2024-2026:*

(a) The PHA building on Block Two would be constructed and leased.
(b) The second entrance and the primary parking lot on Block Two would be constructed.
(c) Rooms within existing hotel buildings would continue to be used as temporary TJACH emergency shelter units for clients at increased risk from COVID-19.
(d) The front existing hotel building may be demolished or may remain onsite for continued use by TJACH.
(e) All amenity spaces, landscaping, screening, and pedestrian connections for Block Two would be complete.

Phase III 2027 – :

(a) The front hotel building would be demolished (if not completed during Phase II), and the non-residential / mixed use building would be constructed on the Route 29 frontage.
(b) Amenity space, landscaping, and all pedestrian connections for Block One would be complete.

Phasing is desired for this project owing to the long timelines involved in critical funding. All of the existing buildings on the Property would continue to be used through the end of 2022. The VSH finance closing would take place in the first quarter of 2023, with construction to start in the second quarter of 2023.

Virginia Supportive Housing. To help fund the VSH development, PHA plans to meet the March 2021 application deadline for Low Income Housing Tax Credits (LIHTC). If successful, VSH construction would begin in spring 2023, would be completed in 15 months, and would be leased by close of 2024 to meet the placement in service deadline of December 31, 2024.

Piedmont Housing Authority. For its development, PHA plans to file its LIHTC application by the March 2023 deadline. If successful, construction would take place 2024-2025 for final placement in service deadline of December 31, 2025.

Thomas Jefferson Area Coalition for the Homeless. The Red Carpet Inn comprises four buildings containing 115 units. Some of these units will be used as emergency shelter units to house clients experiencing homeless who are at increased risk for COVID-19. As described and depicted in the Phasing Diagram, during Phase I and, possibly, Phase II of site planning and construction for the permanent buildings, TJACH will house clients in the existing hotel rooms within the front and northeast buildings. Following site planning and construction, some of these residents and other residents will move into an 80-unit multi-family building operated by VSH as deeply affordable independent rental housing.

Residential density. The Office / R+D / Flex / Light Industrial Comprehensive Plan designation calls for residential as a secondary land use, specifically as multifamily units above non-residential, but it does not specify a density. The Comprehensive Plan guides the Applicant to refer to other designations in the Places29 Master Plan, specifically, Urban Density Residential (UDR) and Urban Mixed Use (UMU), both of which have maximum density of 34 dwelling units/acre. Further, UDR and UMU both recommend multifamily housing (as does the Property's designation), and UMU also recommends having residential units above non-residential uses. The Code of Development permits non-residential square footage of 5,000 to 20,000 square feet; it is anticipated that all non-residential square footage would be in Block One fronting Route 29. Adhering to 34 DUA would limit the Project to 127 units. In order to maximize the efficiency of the buildings and the provision of affordable housing on the Property, the Applicants proposes **140 units, or 37 DUA**, allowing 80 units in the VSH building and 60 in the PHA building or split between the PHA building and a mixed-use building on Block One. Given the small size of the units and the Project's significant contribution to the County's affordable housing stock, the Applicant respectfully submits that the provision of these additional units afforded by increased density would pose no detriment to surrounding properties while providing a significant benefit to the community. The Property has been used as extended stay hotel with 115 rooms, and the 25-unit increase with minimal traffic and school impacts is not expected to change the character of the area in any way. Parcels to the east, west, and south are commercial, and the residential properties to the north are separated from the Property by a wooded buffer.

Mixture of uses. The Project will include non-residential (likely office or retail) and residential uses based on the Land Use designations in the Places29 Master Plan. Office is a primary use, and residential is a secondary use for land designated as Office / R&D / Flex / Light Industrial Land Use Designation for Areas Around Centers. The Code of Development identifies both Block 1 and Block 2 as mixed-use to provide future flexibility to introduce commercial uses to Block 2 in compliance with the Comprehensive Plan designation. However, the Applicant does not intend to have non-residential uses within Block 2 other than the ground floor community centers and fitness rooms associated with the VSH and PHA residential buildings.

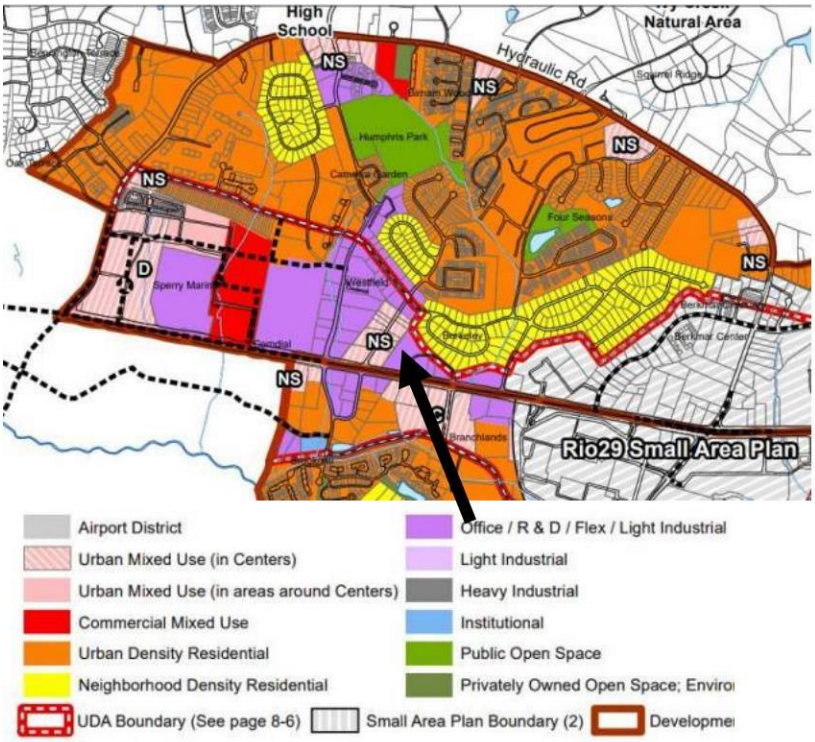
Mixture of housing types. *Zoning Ordinance Sec. 20A.8(a) provides that each NMD district "shall have at least two housing types; provided that this requirement may be waived by the board of supervisors if the district is an infill project or at least two housing types are already present within one-quarter mile of the proposed district. The following are considered to be different housing types: (1) single family detached dwellings; (2) single family attached dwellings; (3) two-family dwellings; (4) triplexes; (5) quadplexes; (6) townhouses; (7) multifamily dwellings; (8) accessory apartments; (9) manufactured housing; and (10) special needs housing*

such as assisted living facilities, group homes, and skilled nursing facilities. An "infill project" is a project in which a parcel is developed or redeveloped, where abutting or nearby parcels are already developed, and the project area is relatively small compared to the developed abutting or nearby parcels."

The Applicant submits that both the temporary, emergency TJACH units for the homeless and VSH's permanent supportive housing qualify as special needs housing. TJACH's units are provided to its homeless clients who need extra protection based on COVID-19 risk factors; supportive services will be provided to these clients. VSH's permanent dwelling units are properly classified as special needs housing based on the high level of services provided to the residents and the special needs that the VSH development fulfills. However, in the event the County determines that all permanent units proposed within the Project should be classified as multi-family dwellings, the Applicant has submitted an application for a Special Exception to permit a single housing type. If the VSH use is determined to be more accurately categorized as special needs housing, the Applicant will withdraw the Special Exception application.

Consistency with the Comprehensive Plan and Neighborhood Model

The Property is located within the Places29-Hydraulic area of the Places29 Master Plan. The Future Land Use Map designates the Property and the parcels to the north along Route 29 as Office / R&D / Flex / Light Industrial. As an area around a Center, Table LU2 sets out office as a primary land use designation and residential as a secondary land use designation. The property immediately to the west on either side of Westfield Road is designated as Urban Mixed Use (in Centers), and the Berkeley neighborhood to the northeast is designated as Neighborhood Density Residential. Below is an excerpt from the Future Land Use South Map, dated November 5, 2018:



The Office/Research & Development (R & D) / Flex / Light Industrial designation allows a range of uses with the lowest level of impact on surrounding uses, such as residential. Office buildings generate traffic primarily through employees and visitors during business hours. The Applicant plans to limit the size of the non-residential building on the Property to comply with parking demands in relation to developable area. The Places29 Plan uses the "Office" designation in areas around Centers. Office may include professional offices, such as medical or real estate offices. The "Research & Development (R&D)" designation refers to "an administrative, engineering, and/or scientific research, design, or experimentation facility that engages in research, or research and development, of innovative ideas in technology-intensive fields," and these uses may be housed in traditional office buildings rather than industrial facilities. Examples include research and development of computer software, information systems, communication systems, transportation, geographic information systems, and multi-media and video technology. The "Flex" designation "describes businesses that may include several uses, such as a manufacturing facility with warehouse space for components and completed products, a showroom for sale of the products, and office space where administrative duties for the business take place….(and) may include: research & development, manufacturing, warehousing, distribution, office, retail, customer service, and showrooms, among others."

Residential is a secondary use in the Office / R&D / Flex / Light Industrial areas. While these secondary uses should represent a smaller proportion of the development or the building, they are very important to "place-making"; adding them to a Center or the area around a Center increases the mix of uses and makes the area a more complete Neighborhood. Table LU2 sets out a preference for locating residential on the upper floors of multistory buildings. The building in Block One may be developed as a mixed-use building with non-residential on the ground floor and PHA dwelling units on the second floor. However, the Applicant may find that mixing uses horizontally on a parcel rather than vertically is generally more effective to reach the goals of the Applicant and the County, in which case all 60 units would be in Block Two and the front building would be non-residential. Given the financing and phasing plan, the supportive housing proposed by VSH is more effectively managed in a standalone building on this site. The residential buildings are proposed to be set back in the middle and rear of the parcel and will not have significant visibility on the commercial corridor while affording the residents immediate access to employment and shopping in nearby commercial areas and through public transportation via nearby bus lines. Block One may be subdivided and sold to help support the Applicant's low-income housing program.

Guiding Principles of the Places29 Master Plan.

1. ***Pedestrian orientation /***
2. ***Neighborhood-friendly streets and paths***

The relatively small Property connects with neighboring properties by existing sidewalks along Route 29. The Applicant proposes a new sidewalk along a portion of the Property frontage on Premier Circle and will include sidewalks within the development connecting buildings and outdoor amenities. The Concept Plan shows potential future pedestrian connections between the Property and the commercial parcels along the northeast side of Westfield Road. Any such future pedestrian connection will be subject to future development of those parcels and private access easement agreements; therefore, it is not intended that any or all depicted connections will be made, rather that these are identified as potential points of connection to future development on the neighboring property(ies). The connections may provide a direct route for residents to access the future development of a Neighborhood Service Center and to the

existing bus stop on Commonwealth Drive. The Applicant will grant such inter-parcel easement(s) across the Property at the request of the County.

Premier Circle is a private road over which five Tax Map parcels (seven original subdivided lots from the Waffle House to the Property), including the Property, have an easement. A road maintenance agreement was established by the original subdivider of the lots[1], but the owners association appears to be dormant. The Applicant is exploring the status of the association established by the declaration and information regarding road maintenance. Since pedestrian activity along the U.S. Route 29 corridor is focused primarily on access to bus transportation, the application proposes a sidewalk along Premier Circle extending as far as a potential location for a future bus stop. The implementation of the bus stop will be subject to County agreement to extend current transportation routes to include this bus stop. The occupants of and visitors to the other properties along Premier Circle, which do not front Premier Circle, could access the new transit stop via existing Route 29 sidewalk.

3. Interconnected Streets and Transportation Networks

Supportive housing for very low-income residents entails far fewer traffic counts than office or conventional multi-family developments. Based on other VSH and PHA projects, as outlined in the Timmons Group parking waiver request letter, the Applicant's traffic analysis concludes that the VSH building needs only 0.35 parking space per unit for a total of 28 spaces, and the PHA building needs approximately 1.3 parking spaces per unit for a total of 78 spaces for 60 units. Therefore, the Applicant's residential uses in Block Two will require a total of 106 parking spaces. For the commercial space, one space per 200 square feet of net office floor area is required by Section 4.12.6. The term "net office floor area" is calculated as 80% of the gross floor area. Therefore, for the 15,000 square foot of gross office or retail space currently envisioned, 12,000 net square feet will require 60 parking spaces, and the Applicant will provide at least 60 spaces within Block One.

VSH will provide lockers for bicycles and scooters, which are popular with its residents. PHA's development will include outdoor bike racks.

Two Charlottesville Area Transit (CAT) routes run roughly parallel to Route 29. Route 5 runs from Barracks Road Shopping Center north along Georgetown Road and along Commonwealth Drive to Rio Hill Shopping Center, Albemarle Square Shopping Center and north along Berkmar Drive and includes a stop approximately ¼ mile southwest of the site near the intersection of Route 29 and Westfield Road. Route 5 runs every thirty (30) minutes. The distance from the Project entrance to this existing transit stop by existing sidewalks is one third (1/3) mile or less. Route 7 runs from the Downtown Mall through the University of Virginia, north on Emmet Street to Barracks Road Shopping Center, Seminole Square Shopping Center, The Shops at Stonefield, up Hillsdale Drive to Fashion Square Mall. The closest stops on Route 7 are on Hillsdale Drive on the south side of Route 29 and near Costco to the southwest. Route 7 runs every 20 minutes.

The Applicant shall construct a Charlottesville Area Transit (CAT) stop (the "Transit Stop") on the Property along the frontage of Premier Circle in the approximate location shown on the Concept Plan or as otherwise agreed among the County, CAT, and the Applicant. The Transit Stop shall be constructed and placed in service at the request of the County and shall be

[1] See the enclosed Declaration, dated November 1, 1983, recorded in the Clerk's Office of the Circuit Court of Albemarle County in Deed Book 797, page 242.

designed and constructed in coordination with, and shall be approved by, the appropriate County authority and CAT If any portion of the Transit Stop is located on the Property, the Owner shall dedicate it to public use or grant an easement as necessary to allow for the public access and usage of the Transit Stop.
The Property is within the JAUNT ADA paratransit service area, which includes the City of Charlottesville and Albemarle County's urban ring within a three quarter (¾) mile radius of CAT's fixed route system. A resident who has disabilities preventing him or her from using CAT service may obtain a paratransit pass for door-to-door JAUNT service from the Property.

4. Parks and Open Space as Amenities

Zoning Ordinance Section 20A.9 governs the amount of area to be devoted to green space and to amenities within Neighborhood Model Developments. Please see the Code of Development and the Waiver Request for Recreational Facilities and Areas Requirements for detailed information about the Project's green space and recreational amenity proposals.

Areas designated for Office / R&D / Flex / Light Industrial require 10% amenity space to be reserved. *See* Zoning Ordinance § 20A.9.b.2 ("For areas shown in the land use element of the comprehensive plan as regional service, office service, office regional service or industrial service, the area devoted to amenities shall be at least ten percent of the gross acreage of the area proposed to be rezoned"). The Project will include 20% green space comprising outdoor recreational amenities and green elements.

This project intends to provide amenity and recreational facilities appropriate to elderly and special needs demographics by providing outdoor spaces that at once encourage gathering and solitude, and recreation and rest. Considering these demographics, amenity objectives, and limited space as an infill project within the Urban Development Area, this project intends to meet all greenspace and amenity requirements of the NMD by requesting a substitution for recreational facilities and a reduction in total recreational area required per Zoning Ordinance Section 4.16.

SUMMARY OF TABLES C& D: AMENITY & RECREATIONAL FACILITY REQUIREMENTS PER THE CODE OF DEVELOPMENT AND IN COMPARISON TO THE REQUIREMENTS OF 18-4.16

	Amenity Amount and Description Per COD (In Compliance w/ NMD)	Recreational Substitution Amount and Facility Description Requested COD	Min. Facility Area Per 4.16
TOTAL PROJECT	10% of total project area devoted to amenity areas such as: Courtyards, plazas with seating, lawn/park space, meditation gardens, indoor community rooms, indoor computer rooms.	One (1) 2,000 sf contiguous community garden space per each residential multifamily building constructed. One (1) 500 sf interior fitness room per multi-family residential building constructed (2 max required)	• One 2,000 sf tot lot for the first 30 units and for each additional 50 units **(3 max required)** • One ½ court basketball court per 100 units **(1 max required)**

5. Neighborhood Centers

The Future Land Use Map designates a Neighborhood Service Center to be located on parcels southwest of the Property where currently a variety of commercial enterprises are operating.

Potential future pedestrian connections to these parcels are shown on the Concept Plan. The Project complies with Table LU2's "Land Use Designations in "Areas Around Centers."

6. Buildings and Spaces of Human Scale

The maximum office-only single-building footprint recommended by Table LU2 is 40,000 square feet, and buildings should not be taller than four stories unless by special exception. The Code of Development permits a maximum of four (4) stories for uses in Block 1, consistent with the Places29 Master Plan recommendation, to allow for flexibility. However, to minimize parking requirements, the Applicant is proposing a 15,000 square foot two-story non-residential or mixed-use building, non-residential not to exceed 20,000 square feet. The 80-unit VSH building in the center of the parcel is proposed at four stories, and the 40-60 unit PHA building is proposed as four stories in the front portion near the VSH building and three stories in the rear. The three buildings are oriented perpendicular to Premier Circle and the commercial buildings to the southwest to avoid large walls looming over property lines or facing access points. Green space and parking are interspersed among the buildings to avoid large parking areas and to give each building a more enclosed sense of neighborhood unto itself.

7. Relegated Parking

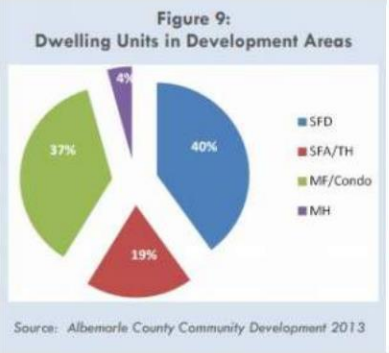
The majority of the parking spaces, located on Block 2, will be located behind the buildings. The lower half of the existing one-story building is not visible from Route 29, indicating that parking along a portion of the front of the Property to serve the commercial building would not be visible from the Entrance Corridor. While the Concept Plan depicts a single building on Block 1 with size restricted by parking requirements, if additional parking reductions are approved during site planning, or less parking is required, buildings may also be located within depicted parking areas.

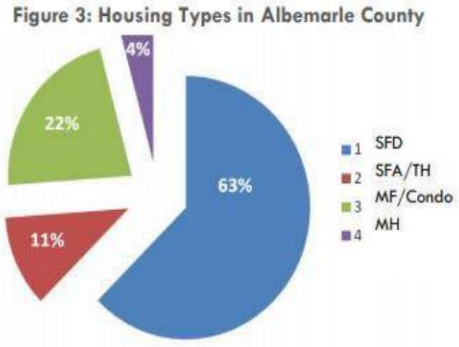
8. Mix of Uses within Land Use Designations

Rezoning to the NMD district will allow the Applicant to provide both the primary use designated for the Property by constructing a non-residential or mixed-use building at the front of the site but the secondary use of residential in the middle and rear portions of the Property. Depending on future development in the area, the front of the parcel may be characterized as part of an Employment Neighborhood, which will surround a future Neighborhood Service Center to the southwest. In the immediate future, the Property will be a mixed use development integrated with existing retail, service, and office uses along the Route 29 corridor.

9. Mixture of Housing Types and Affordability

The Comprehensive Plan posits a strategy of ensuring that Development Areas provide a variety of housing types, stating that "a full range of housing types creates choices for residents." A primary impetus for housing type choice is housing affordability, and multi-family rentals typically provide the most affordable housing option. As the pie charts accompanying Strategy 2g in the Development Areas chapter and Strategy 4a in the Housing chapter illustrates, the County has a very low stock of multifamily housing overall and within the Development Areas specifically, being only four percent (4%) in both calculations:





The *Comprehensive Regional Housing Study and Needs Assessment* published by The Central Virginia Regional Housing Partnership of the Thomas Jefferson Planning District Commission reports that only three percent (3%) of the land in Albemarle County is zoned for multifamily housing, while ninety-five percent (95%) is zoned for single-family housing (Table 14. Residential Zoning by Jurisdiction, 2018). The report goes on to explain that "(u)nder the goal of protecting single-family neighborhoods, such zoning restricts the opportunities for multi-family housing and increases multi-family land prices" (*Id.*, p. 61).

A large development of single-family detached homes is located behind the Property. For this redevelopment project, as in a number of recent developments (e.g. Rio West and Greenfield Terrace Apartments), it is appropriate to consider the proposed housing type in the context of surrounding development.

The Applicant proposes permanent supportive special needs housing and multi-family housing. The overarching purpose of the Project is to provide affordable housing for the homeless and low-income families. Supportive housing developments and multi-family rental housing are best able to achieve this objective.

***Affordable Housing**:*

The Project is expected to be funded by LIHTC funds, and the intent of the Applicant is for all units to be deeply affordable. All 80 units of the VSH building will be affordable to residents making 50% or less AMI. The exact makeup of affordability for the PHA units will be determined after all sources of financing have been determined, and the financing structure has been set. The Applicant commits to 60% of the Project's residential units being affordable for those earning 30-80% of regional Area Median Income (AMI), based on family size.

The Owner shall provide affordable housing equal or greater than **sixty percent (60%)** of the total number of residential dwelling units constructed on the Property, subject to the following conditions:

1. These units may be created as for-sale or for-rent. The affordable housing objective may be met through any of the permitted housing types per the Code of Development.

2. "For-Sale Affordable Housing Units" shall be a residential unit offered for sale to Qualifying Families with evidence of incomes less than eighty percent (80%) of the area median income (as determined by the U.S. Department of Housing and Urban Development (HUD) from time to time) such that housing costs consisting of

principal, interest, real estate taxes and homeowners insurance (PITI) do not exceed thirty percent (30%) of the gross household income. All purchasers of for-sale affordable units shall be approved by the Albemarle County Community Development Department or its designee. The Owner shall provide the County or its designee a period of 120 days to identify and pre-qualify an eligible purchaser for the affordable units. The 120-day period shall commence upon written notice from the Owner that the units will be available for sale. This notice shall not be given more than 90 days prior to the anticipated receipt of the certificate of occupancy. If the County or its designee does not provide a qualified purchaser within this 120-day period for such For-Sale Affordable Housing Units, the Owner shall have the right to sell the unit(s) without any restriction on sales price or income of the purchaser(s).

3. "For-Rent Affordable Housing Units" shall be a residential unit offered for rent to Qualifying Families with evidence of incomes less than eighty percent (80%) of the area median income (as determined by HUD from time to time) at an initial rent that does not exceed the then-current and applicable U.S. Department of Housing and Urban Development (HUD Fair Market Rents minus an allowance for any tenant-provided utilities. The designated affordable rental units shall remain affordable for a minimum of fifteen (15) years after initial occupancy.

4. Affordable Units shall also be defined as a for-rent or for-sale dwelling unit for households with income less than 80% or below the Area Median Income (AMI) as determined by the U.S. Department of Housing and Urban Development such that housing costs do not exceed HUD's affordability standard of thirty percent (30%) of household income.

Each subdivision plat or site plan shall designate the number of affordable units provided and the minimum number of required affordable units per the Code of Development.

10. Redevelopment. The County directs future development into Development Areas to lessen pressure on Rural Areas. As directed by the Places29 Master Plan, the proposed Project's redevelopment of the existing inn follows the Neighborhood Model, as described below. The Project will provide up to 140 mixed-income affordable housing units close to employment centers, shopping areas, and transportation.

Proposed Impact on Public Facilities and Infrastructure:

Utilities:
The project site is currently an inn/motel with approximately 115 units with water, sewer, electric, and gas connections. Therefore, it is likely that these facilities have adequate capacity for the proposed development either onsite or in the adjacent main lines.

Transportation:
The project will connect to Premier Circle, an existing private road, with two connections to Route 29. One connection is a right-in right-out only. The second connection, further north on Route 29, is a full-signalized intersection. A sidewalk will be added along a portion of the property frontage on Premier Circle. This will provide pedestrian access from the site to the proposed location of a potential transit stop and to the existing sidewalk along Route 29.

For impact comparison purposes, the current commercial zoning, C-1 Commercial, allows for uses such as a grocery store. There was a site plan submitted for a Lidl Grocery store submitted to Albemarle County in 2017 (SDP201700007). Per the table below the proposed development under this rezoning will generate less than 1 third as many trips as that by right development would have generated. Thus, the added traffic will be much less than the uses allowed by right.

LAND USE	ITE CODE	AMOUNT	UNITS	WEEKDAY						
				ADT	AM PEAK HOUR			PM PEAK HOUR		
					IN	OUT	TOTAL	IN	OUT	TOTAL
Existing Zoning										
Supermarket	850	35,962	SF (GFA)	3,840	82	55	137	186	178	364
TOTAL				3,840	82	55	137	186	178	364
Proposed Zoning										
General Office	710	15,000	SF (GFA)	168	35	6	41	3	16	19
Multi-Family Housing (Low-Rise)	221	140	Dwelling Units	1,018	15	51	66	50	29	80
TOTAL				1,186	50	56	106	53	45	98
Net Difference - Trips				-2,654	-32	1	-31	-132	-133	-265
% Difference				-69.1%	-39.3%	2.4%	-22.7%	-71.3%	-74.6%	-72.9%

SOURCE: Institute of Transportation Engineers' *Trip Generation Manual* 10th Edition (2017)

Schools:
All eighty (80) of the VSH units will be available only to single adults, and the sixty (60) PHA units will be at least 95% one- and two-bedroom apartment units, currently projected at approximately 20% one-bedroom and 80% two-bedroom. Smaller units correspond to fewer school-age children residents.

Any students living within the Project would be within the current school districts for Woodbrook Elementary School, Jouett Middle School, and Albemarle High School. Based on the most recent (November 11, 2019) Albemarle County Schools Capacity vs. Enrollment Projections[2], both Woodbrook and Jouett are under capacity and should remain so through the 2029/30 academic year, while Albemarle High School is over capacity.

The County Schools provided the following matrix for estimating student counts:

OFFICIAL CALCULATOR[3]

Type of Dwelling Unit	**Elementary**	**Middle**	**High**	**Total**
Multi-Family (60)	0.12 = 7	0.03 = 2	0.05 = 3	0.21 = **13**

Impact on Environmental Features:

The project site is a previously developed parcel mostly made up of impervious surfaces and grass turf areas with what appears to be a small existing stormwater management facility in the northern corner. The proposed future development will seek to decrease the amount of impervious surface on the site increasing green and amenity spaces for the enjoyment of the residents. The reduction in impervious will have a positive environmental impact including

[2] *Albemarle County Public Schools K-12 Enrollment Projections FY 2020/21 to FT 2029/30*, dated November 2019; *Capacity vs. Enrollment Projections*, dated November 19, 2019.
[3] Provided by Rosalyn Schmitt, Chief Operating Officer, Albemarle County Public Schools.

decreasing the stormwater runoff volume and improving the runoff quality from the site. Per the following section, Stormwater Management measures will be implemented to maintain or improve the quality and quantity of stormwater flowing from the site.

Strategies for Stormwater:

The project's final design will meet the requirements of the Virginia Department of Environmental Quality (DEQ) for Stormwater Management quality and quantity. This will likely require improving water quality and a reduction of stormwater volume flowing off the site, from the pre-developed levels. Any stormwater quantity reduction required will likely be achieved through onsite underground detention systems. Any quantity and quality systems will be kept separate for Block A and Block B to allow for phasing of construction or subdivision of the blocks into two parcels.

VIRGINIA supportive housing

PERMANENT SUPPORTIVE HOUSING

SUPPORTIVE SERVICES PROGRAM DESCRIPTION

On-Site Supportive Services provided by Virginia Supportive Housing (VSH)

Case Management
VSH supportive services staff assist tenants with accessing mainstream community services and resources, monitor the quality and effectiveness of those services, and ensure coordination of care to promote achievement of each individual's personal goals including maintaining housing, securing work or entitlement income, and improving health and mental health conditions. We engage residents who seek services in developing a housing stabilization/care plan that outlines their individual goals and strategies needed to achieve their goals.

Housing Stabilization
Supportive services staff engage residents in activities that promote a consistent and safe housing environment. We offer mediation services with property management staff when required to minimize lease violations and delinquency. We provide move-in support and orientation to new residents. We coordinate with community partners and donors to provide essential household items.

Independent Living Skills
Supportive services staff provide individual and group counseling to help individuals resolve life issues, promote recovery and community integration, and manage mental health symptoms. Skills training is provided to improve individuals' abilities to budget and manage finances, manage medication, secure and maintain employment, and develop positive social supports. Crisis prevention, intervention, and stabilization is provided to individuals experiencing acute distress. Other activities of daily living include navigating public transportation, nutrition and diet, personal hygiene, household cleaning and maintenance, medication management, and interpersonal skills.

Community Engagement and Social Support
Supportive services staff work with our residents to ensure a strong sense of social connectedness in the apartment community as well as with the larger community in which they are located. For example, individuals participate in community meetings, attend civic association meetings and community events, plan and participate in recreational and volunteer activities, and engage in family reunification as appropriate.

Employment, Education, and Vocational Support

Supportive services staff provide assistance with resumes and employment searches. We connect residents with workforce development initiatives that may include, but are not limited to, teaching employable skills, computer classes, returning to school, and GED tutoring.

Transition Planning

Supportive services staff help coordinate transition to other subsidized housing with less intensive services when appropriate. We do this through our move-on program that connects those residents who are ready to transition to a more independent setting without on-site services. We ensure the resident is connected with community providers as their unique needs require and provide a year of follow-up services so that they can continue to be stably housed. In addition, we coordinate external placements for those who can no longer live independently and need a higher level of care, such as an assisted living or nursing facility. Lastly, we offer next of kin services to coordinate burial/memorial services.

CODE OF DEVELOPMENT

The following is a Code of Development ("COD") drafted in accordance with Section 20A.5 of Chapter 18 of the Code of Albemarle, Virginia and specific to tax map parcel 061M0-00-00-00600. This Code of Development establishes the unifying design guidelines, specific regulations and block characteristics. The COD also provides certainty about permitted uses, locations and appearance of central features.

I. Table of Uses by Block (Section 20A.5a)

The table below establishes the permitted and prohibited uses by block.
"BR" = By-Right, "SP" = Special Permit, "N" = Not Permitted

TABLE A. USES: BY-RIGHT, by Special Permit, and Not Permitted

BLOCK	BLOCK 1	BLOCK 2
	Mixed-Use or Non-residential	Mixed-Use or Residential
Residential		
Single Family Detached	N	N
Single Family Attached	N	N
Multifamily	BR	BR
Assisted Living Facilities (20A.8a)	BR	BR
Skilled Nursing Facilities (20A.8a)	BR	BR
Group Homes (20A.8a)	BR	BR
Transient Lodging	BR	BR
Home Occupation, Class A	BR	BR
Accessory Uses and Buildings Including Storage	BR	BR
Non-Residential		
Retail (Neighborhood, Community and Regional)	BR	BR
General Commercial Service	BR	BR
Office/R&D	BR	BR
Flex	BR	BR
Light Manufacturing / Storage / Distribution	BR	SP
Stand Alone Parking	N	N
Heavy Manufacturing / Storage / Distribution	N	N
Warehousing / Distribution	BR	N
Institutional	BR	SP
Public Uses (5.1.12)	BR	BR
Farmers' Markets (5.1.47)	BR	BR
Family Day Homes (5.1.56)	BR	BR
Childcare Center	BR	BR
Auto Service Uses	N	N
Electric, gas, oil, and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters, and related facilities for distribution of local service and owned and operated by a public utility. Water distribution / sewage collection lines, pumping stations / appurtenances owned and operated by the ACSA. Except as otherwise expressly provided, central water supplies / central sewage systems in conformance with all applicable law.	BR	BR

BLOCK	BLOCK 1	BLOCK 2
	Mixed-Use or Non-residential	Mixed-Use or Residential
Temporary construction uses	BR	BR
SWM facilities shown on an approved final site plan or subdivision plat	BR	BR
Tier I and Tier II personal wireless service facilities	BR	BR
Accessory Uses and Buildings including home occupation, Class A and storage	BR	BR

Notes to Table A:

1. Use of all units within the existing buildings identified on the application plan as Buildings A, B, C, and Building D is permitted as multifamily housing or transient lodging until the redevelopment of the site occurs per the phasing plan outlined on the application plan.
2. Reference to uses not otherwise defined or listed in this Code of Development shall be defined as listed first, in the Albemarle County Zoning Ordinance, or second in the "Future Land Use Plan and Transportation Network" Section of the Places29 Master Plan adopted February 2, 2011, revised June 10, 2015. If no definition of the use is provided (Code of Development, Zoning Ordinance, Comprehensive Plan) or if there is uncertainty as to whether such use is included in the uses listed in Table A, then such use must be officially determined by the Zoning Administrator to be permitted in a particular Block.
3. The Project must contain at least two uses at final build-out.
4. The Owner shall provide affordable housing equal or greater than sixty percent (60%) of the total number of residential dwelling units constructed on the Property. See section VII of this Code of Development for Supplemental Regulations regarding Affordable Housing and Residential Uses.

II. Development Square Footage Proposed and Residential Density (Section 20A.b and c)

TABLE B. DENSITY, HOUSING TYPE, AND NON-RESIDENTIAL USE BY BLOCK								
BLOCK	APPROX. BLOCK SIZE	MIN. DWELLING UNITS	MAX. DWELLING UNITS [1]	MAX PROJECT GROSS DENSITY	PERMITTED HOUSING TYPES	MIN NON-RESIDENTIAL SINGLE BUILDING FOOTPRINT (SF)	MAX NON-RESIDENTIAL SINGLE BUILDING FOOTPRINT (SF)	MIN AND MAX GROSS BUILDING AREA PER USE (SF)
BLOCK 1 Mixed-Use or Non-Residential	46,609 SF (1.07 acres)	0	20 [1]	37 DUA	Multifamily, Special Needs Housing	5,000	20,000	-
							Retail	*5,000 - 10,000*
							Office/Flex	*5,000 – 40,000*
							Institutional	*5,000 – 20,000*
							Light Manufact.	*5,000 – 20,000*
BLOCK 2 Mixed-Use or Residential	116,740 SF (2.68 acres)	80	140 [1]		Multifamily, Special Needs Housing	0	10,000	-
TOTAL	163,335 SF (3.75 acres)	80	140 [1]	37 DUA	MF, SNH	5,000	20,000	-

Notes to Table B:

1. Use of all units within the existing buildings identified on the application plan as Buildings A, B, C, and Building D is permitted as multifamily housing or transient lodging until the redevelopment of the site occurs per the phasing plan outlined on the application plan.
2. Total maximum non-residential square footage per the Project may not exceed the total however the total square footage may be allowed in Block 1 only.
3. Total maximum gross density may not exceed 140 dwelling units for the entire Project, however the total density may be allowed in Block 2 only.
4. The size of the blocks may vary by 10%.
5. Residential uses in Block 1 are not permitted on the ground floor at final build-out. The primary use in Block 1 shall be non-residential at final build-out.

III. Green Space, Amenities (Section 20A.5d) and Recreational Facilities

TABLE C. MINIMUM GREEN SPACE AND AMENITIES BY BLOCK

	AMENITY AREA MIN SF	AMENITY AREA %	AMENITIES	GREEN SPACE MIN SF	GREEN SPACE %	GREEN SPACE ELEMENTS	AMENITY & GREEN SPACE %
Block 1 Mixed-Use or Non-Residential	4,661	10% (4,661 of 46,609 total SF)	Courtyard/Plaza, Landscaping, Seating, Streetscape	9,322	20% (9,211 of 46,609 total SF)	Entrance Corridor Landscape and Streetscape	20%
Block 2 Mixed-Use or Residential	11,674	10% (11,674 of 116,740 total SF)	Outdoor Courtyards/Plazas with Landscaping and Seating; Meditative Garden; Indoor Community Rooms; Indoor Computer Rooms	23,348	20% (23,348 of 116,740 total SF)	Landscaped Buffer and Streetscape at Premier	20%
TOTAL	**16,335** [5]	**10% (16,335 of 163,350 total SF)**		**32,670**	**20% (32,670 of 163,350 total SF)**		**20%**

Notes to Table C:

1. Location of amenities and greenspace shall be assessed at the site plan stage of development.
2. The minimum amenity space and greenspace area per block may vary so long as the overall total is provided per the Project.
3. Amenity Space may be provided within buildings.
4. Amenity Space may be within Greenspace per the Zoning Ordinance Section 20A.9.d.
5. A minimum of 2,500 sf of Amenity Space must be provided by the end of Phase 1 redevelopment of the site per the phasing plan outlined on the Application Plan.

TABLE D: RECREATIONAL FACILITY REQUIREMENTS		
BLOCK	FACILITY	MIN. FACILITY AREA SF
Blocks 1 & 2	One (1) 2,000 sf co**ntiguous** community garden space per each residential multifamily building constructed. This garden shall provide the following: • raised garden beds • a continuous perimeter fence • accessibility • adequate sun exposure • adequate size, location, shape, slope and condition of the land • a water source	2,000 SF contiguous space per garden with proportions adequate to the tasks required while gardening.
	One (1) 500 sf interior fitness room per each residential multifamily building constructed. This fitness room shall provide equipment appropriate for the residents to whom it serves.	500 SF min space per fitness room with proportions adequate to fitness and required clearances around equipment.

Notes to Table D:

1. Location of recreational facilities shall be assessed at the site plan stage of development.
2. Recreational facilities must be accessible to the residents to which they serve and are not required to be accessible to the public.

IV. Architectural Standards and Landscape Treatment (Sections 20A.5g and h)

Landscaped Buffer Next to Street

A Landscaped Buffer shall be provided adjacent to the Entrance Corridor as specified in the Entrance Corridor Design guidelines, subject to the following conditions:

1. Street trees shall be appropriate for the grade of the terrain.
2. Street trees shall be placed to avoid utility easements and overhead powerlines.
3. A row of vegetative screening as specified in Section 18-32.7.9.7 shall be used adjacent to parking along the Entrance Corridor.
4. The landscaping shall allow for future potential pedestrian paths or sidewalks to comply with Urban Frontage or Landscape Development Frontage as described in the Places29 Master Plan adopted February 2, 2011, revised June 10, 2015.

Landscaping Along Premier Circle

Landscaping along Premier Circle and any interior roads shall be provided as specified in Interior Roads section of the Entrance Corridor Design guidelines.

Landscaping of Buildings and Other Structures at Entrance Corridor

Landscaping along Buildings in Block 1 shall be provided as specified in the Entrance Corridor Design guidelines.

Landscaping of Parking Areas

Landscaping in parking areas in Block 1 adjacent to the Entrance Corridor shall be provided as specified in the Entrance Corridor Design guidelines.

Landscaped Buffer Next to UDA Boundary

A 20' minimum landscaped Buffer shall be provided adjacent to the UDA Boundary as described in the "Future Land Use Plan and Transportation Network" Section of the Places29 Master Plan adopted February 2, 2011, revised June 10, 2015 also described as the northwest property line between the Property and Berkley Subdivision. This buffer must contain a mixture of ever green or deciduous trees and shrubs and provide screening to comply with the Zoning Ordinance Section 32.7.9.7 where required. This buffer may be disturbed but must be replanted.

V. Lot and Building Height Regulations (Section 20A.5 i)

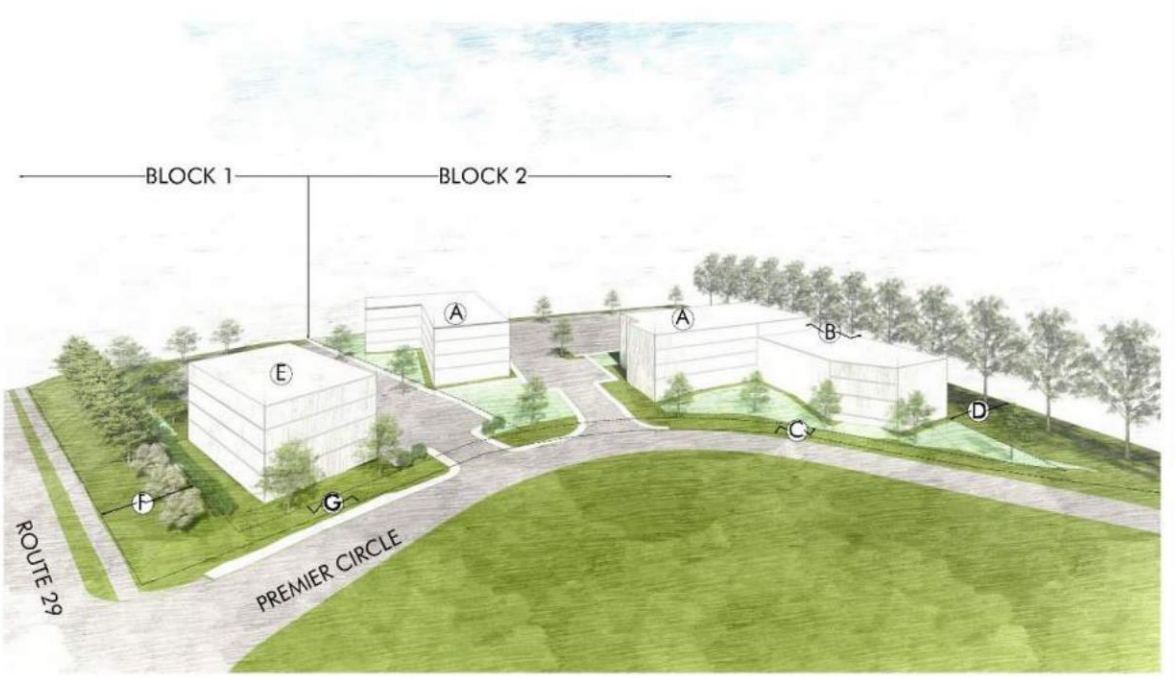
TABLE E. LOT AND BUILDING REGULATIONS		
	BLOCK 1	BLOCK 2
	Mixed-Use or Non-Residential	Mixed-Use or Residential
Building Height		
Stories Min. Max.	1 Min. 4 Max. [7]	1 Min. 4 Max.
Max. Height	50’	50’
Building Setbacks		
Front at Entrance Corridor	30’ Min. – 50’ Max.	NA
Front	10’ Min. – 50’ Max.	5’ Min. (No. Max.)
Rear	10’ Min. (No Max.)	5’ Min. (No Max.)
Side	5’ Min. (No Max.)	0’ Min. (No Max.)
Along the UDA Boundary *(also described as the northwest property line between the Property and Berkley Subdivision)*	NA	50’ Min. (No Max.)
Stepback along building face that directly faces UDA Boundary (*also described as the northwest property line between the Property and Berkley Subdivision)* Min. At Building Height Of	NA	15’ 3 Stories (OR 40’)
Other		
Lot Size (Min. or Max.)	None	None
Residential Units Allowable	See TABLE B	
Residential Unit Type		
Parking		
Min. Required	20 – 133, depending on mixture of uses	28 – 106, depending on unit count, etc.
Total Required	48 – 239, depending on mixture of uses	

Notes to Table E:

1. Porches, eaves, and awnings shall be considered part of the structure and shall not extend closer to the street than the required setbacks.
2. The precise number of minimum required parking spaces shall be determined at the site plan phase of development depending on density and types of residential units pursuant to Section VI of this Code of Development and non-residential uses pursuant to 18-4.12.6 . Minimum parking requirements may restrict some uses that historically require large amounts of parking. Multiple parking alternatives per 18-4.12 of the Zoning Ordinance may be utilized during the site plan phase of development as determined by the Zoning Administrator.
3. Minimum building separation shall be required pursuant to the Zoning Ordinance Section 4.11.

4. Any primary structure in Block 1 shall conform to provisions of the Entrance Corridor Design Guidelines.
5. Dumpsters and Dumpster Pads on the Property shall be screened pursuant to the Zoning Ordinance Section 4.12.19.
6. At the UDA Boundary as described in the "Future Land Use Plan and Transportation Network" Section of the Places29 Master Plan adopted February 2, 2011, revised June 10, 2015 also described as the NW property line between the Property and Berkeley Subdivision, a 20' minimum landscaped buffer shall be maintained as measured from the property line. See Section IV. of this Code of Development for more regulations regarding the Landscaped Buffer Next to the UDA Boundary.
7. Total building height may only be 3 stories for retail uses per the Places29 Master Plan adopted February 2, 2011, revised June 10, 2015.

Figure 1: LOT AND BUILDING REGULATIONS ILLUSTRATED



VI. Parking Regulations (Section 20A.5 i)

TABLE F. RESIDENTIAL PARKING REQUIREMENTS	
RESIDENTIAL USE	NUMBER OF PARKING SPACES
multifamily	
<500 sf	0.35
1 bedroom	1.3
2+ bedrooms	1.3
special needs housing	
<500 sf	0.35
1 bedroom	1.3
2+ bedrooms	1.3

Location of Parking

The precise number of minimum required parking spaces shall be determined at the site plan phase of development depending on density, types of residential units, and commercial uses pursuant to the uses described in Table E in section VI of this Code of Development and pursuant to the Zoning Ordinance Section 4.12.6. Multiple parking alternatives per Section 4.12 of the Zoning Ordinance may be utilized during the site plan phase of development as determined by the Zoning Administrator.

Screening

Pursuant to the Zoning Ordinance Section 32.7.9.7, the parking areas along Premier Circle and Route 29 boundaries of the Property are required to be screened as specified in the Zoning Ordinance Section 32.7.9.7(b).

VII. Supplemental Regulations for Affordable Housing and Residential Uses

The Owner shall provide affordable housing equal or greater than sixty percent (60%) of the total number of residential dwelling units constructed on the Property, subject to the following conditions:

1. These units may be created as for-sale or for-rent. The affordable housing objective may be met through any of the permitted housing types per Section I of this Code of Development.
2. "For-Sale Affordable Housing Units" shall be a residential unit offered for sale to Qualifying Families with evidence of incomes less than eighty percent (80%) of the area median income (as determined by the U.S. Department of Housing and Urban Development (HUD) from time to time) such that housing costs consisting of principal, interest, real estate taxes and homeowners insurance (PITI) do not exceed thirty percent (30%) of the gross household income. All purchasers of for-sale affordable units shall be approved by Albemarle County Community Development Department or its designee. The Owner shall provide the County or its designee a period of 120 days to identify and pre-qualify an eligible purchaser for the affordable units. The 120-day period shall commence upon written notice from the Owner that the units will be available for sale. This notice shall not be given more than 90 days prior to the anticipated receipt of the certificate of occupancy. If Albemarle County or its designee does not provide a qualified purchaser within this 120-day period for such For-Sale Affordable Housing Units, the Owner shall have the right to sell the unit(s) without any restriction on sales price or income of the purchaser(s).

3. "For-Rent Affordable Housing Units" shall be a residential unit offered for rent to Qualifying Families with evidence of incomes less than eighty percent (80%) of the area median income (as determined by HUD from time to time) at an initial rent that does not exceed the then-current and applicable U.S. Department of Housing and Urban Development (HUD) Fair Market Rents minus an allowance for any tenant-provided utilities. The designated affordable rental units shall remain affordable for a minimum of 15 years after initial occupancy.
4. Affordable Units shall also be defined as a for-rent or for-sale dwelling unit for households with income less than 80% or below the Area Median Income (AMI) as determined by the U.S. Department of Housing and Urban Development such that housing costs do not exceed HUD's affordability standard of thirty percent (30%) of household income.
5. Each subdivision plat or site plan shall designate the number of affordable units provided and the minimum number of required affordable units per the Code of Development.

VIII. Pedestrian Circulation and Access to Public Transit

1. **On-site Bus Stop:** The Applicant shall construct a Charlottesville Area Transit (CAT) stop (the "Transit Stop") on the Property along the frontage of Premier Circle in the approximate location shown on the Application Plan or as otherwise agreed among the County, CAT, and the Applicant. The Transit Stop shall be constructed and placed in service at the request of the County and shall be designed and constructed in coordination with, and shall be approved by, the appropriate County authority and CAT. If any portion of the Transit Stop is located on the Property, the Owner shall dedicate it to public use or grant an easement as necessary to allow for the public access and usage of the Transit Stop.
2. **Inter-parcel Pedestrian Connection**: The Application Plan shows potential future pedestrian connections between the Property and the parcels along the northeast side of Westfield Road. Any such future pedestrian connection will be subject to future development and access easement agreements; therefore, it is not intended that any or all depicted connections will be made, rather that these are identified as potential points of connection to future development on the neighboring property(ies). The connections may provide a direct route for residents to access the future development of a Neighborhood Service Center and to the existing bus stop on Commonwealth Drive. The Applicant will grant such inter-parcel easement(s) across the Property at the request of the County.

PREMIER CIRCLE

ZMA 2020-00011

COUNTY OF ALBEMARLE, VIRGINIA

RIO DISTRICT

11/20/2020
2ND SUBMISSION

SITE DATA:

ENGINEER: TIMMONS GROUP
608 PRESTON AVENUE, SUITE 200
CHARLOTTESVILLE, VA 22903
TELEPHONE: 434-327-1681
CONTACT: JONATHAN SHOWALTER, P.E.
JONATHAN.SHOWALTER@TIMMONS.COM

TAX MAP PARCEL: 061M0-00-00-00600

MAGISTERIAL DISTRICT: RIO

SOURCE TOPOGRAPHY: ALBEMARLE COUNTY GIS

DATUM: HORIZONTAL: NAD83 VIRGINIA STATE GRID SOUTH ZONE
VERTICAL: NAVD88 ESTABLISHED THROUGH LEICA SMARTNET

SITE AREA: 3.75 ACRES

WATER SUPPLY: ACSA

SANITARY SEWER: ACSA

DRAINAGE DISTRICT: RIVANNA RIVER - MEADOW CREEK

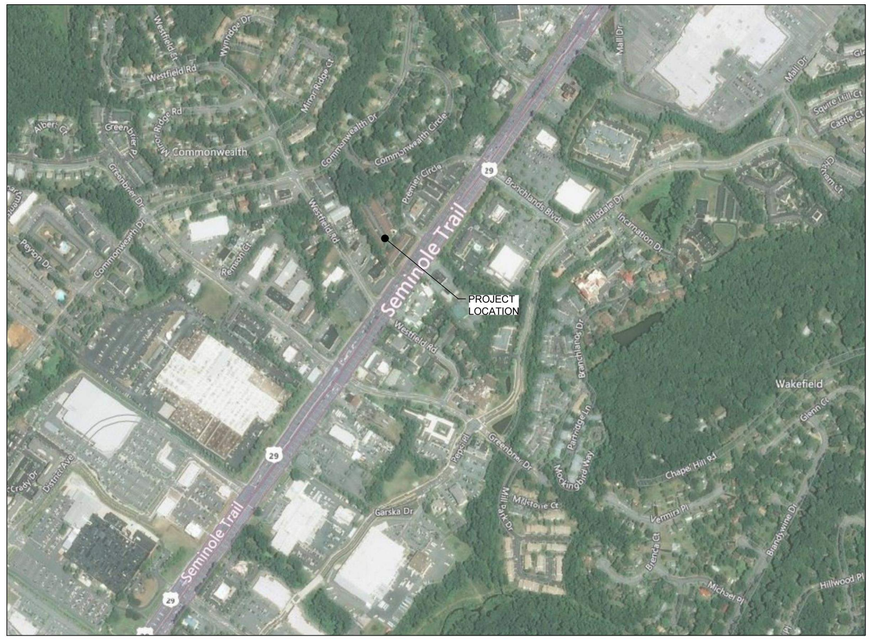
THE SITE IS NOT LOCATED IN A WATER SUPPLY PROTECTION DISTRICT.

COMPREHENSIVE PLAN DESIGNATION: OFFICE / FLEX / R+D / LI PER THE PLACES29 MASTER PLAN

ZONING OVERLAYS: ENTRANCE CORRIDOR AND AIRPORT IMPACT AREA

CURRENT ZONING DISTRICT: C1 COMMERCIAL

PROPOSED ZONING DISTRICT: NEIGHBORHOOD MODEL DISTRICT



VICINITY MAP
SCALE 1"=500'

ENGINEER OF RECORD:

TIMMONS GROUP
608 PRESTON AVENUE, SUITE 200
CHARLOTTESVILLE, VA 22903
CONTACT: JONATHAN SHOWALTER, P.E.
TELEPHONE: 434-327-1681

Sheet List Table

Sheet Number	Sheet Title
SHEET 1	COVER
SHEET 2	EXISTING CONDITIONS
SHEET 3	BLOCK NETWORK
SHEET 4	BUILDABLE AREA AND CONCEPTUAL SWM
SHEET 5	CONCEPTUAL PROPOSED CIRCULATION
SHEET 6	CONCEPTUAL AMENITY AND LANDSCAPE DIAGRAM
SHEET 7	CONCEPTUAL PHASING DIAGRAM
SHEET 8	CONCEPTUAL STREET SECTIONS

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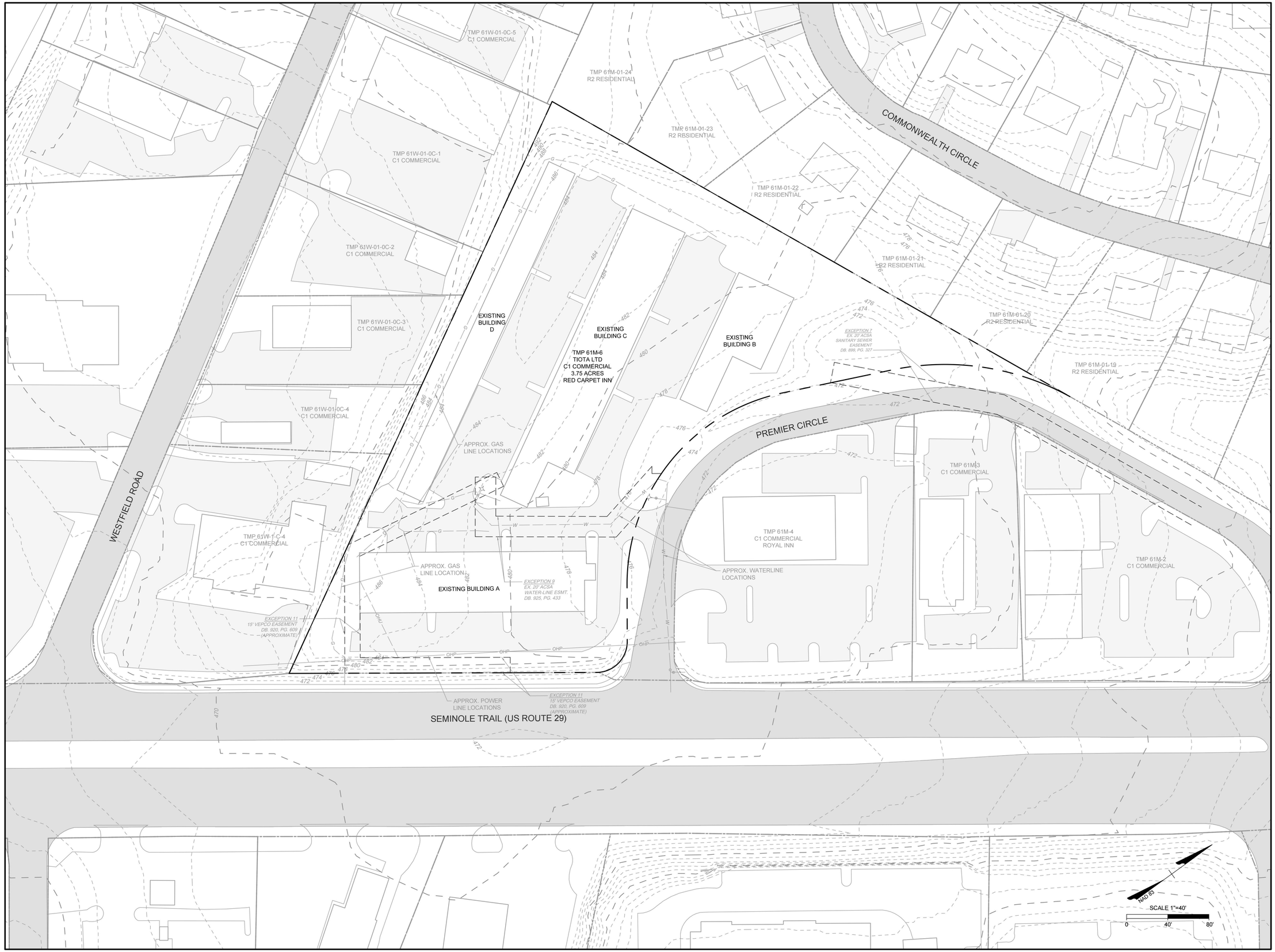
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SHEET 1

COVER



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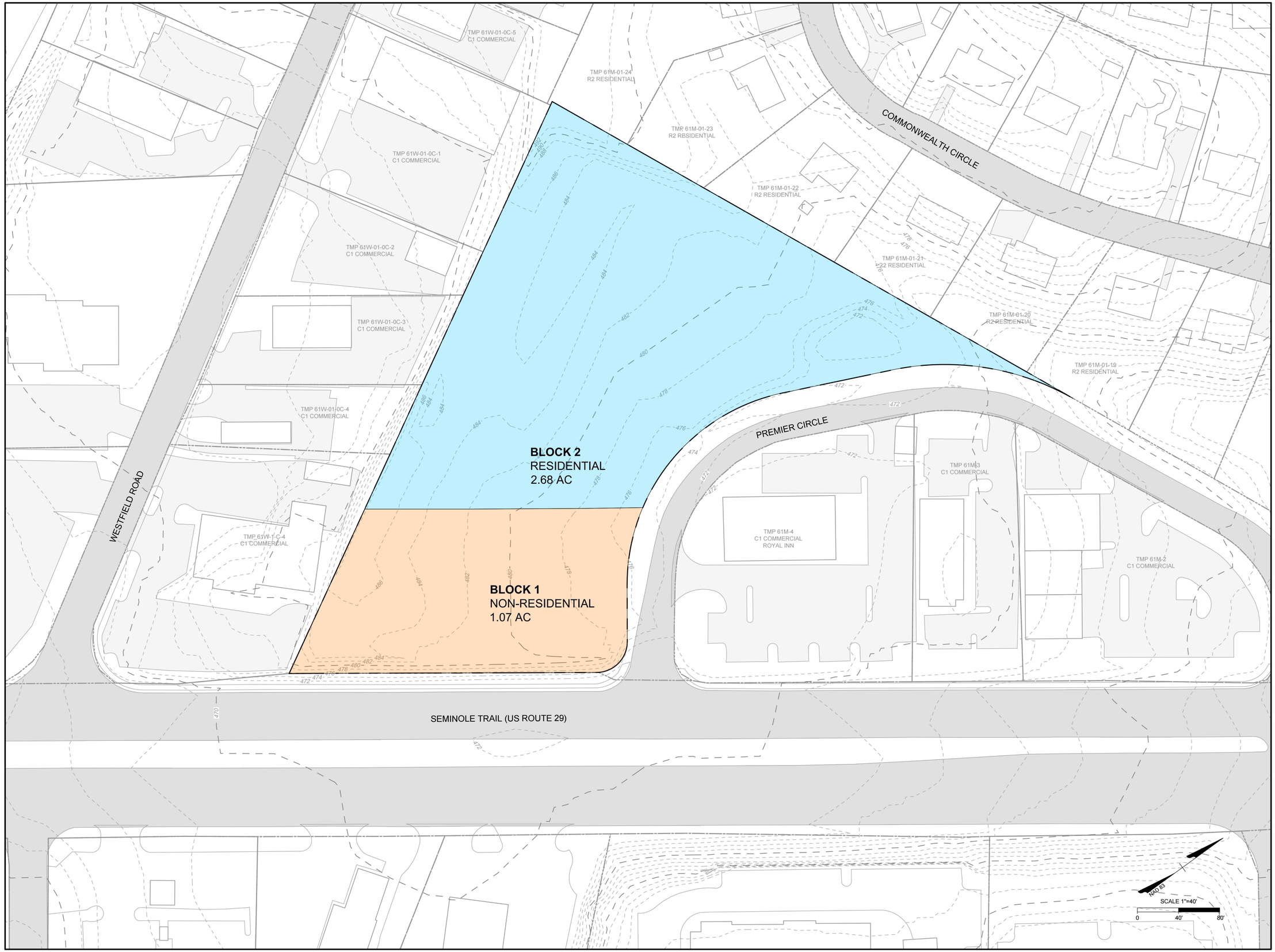
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2

EXISTING CONDITIONS



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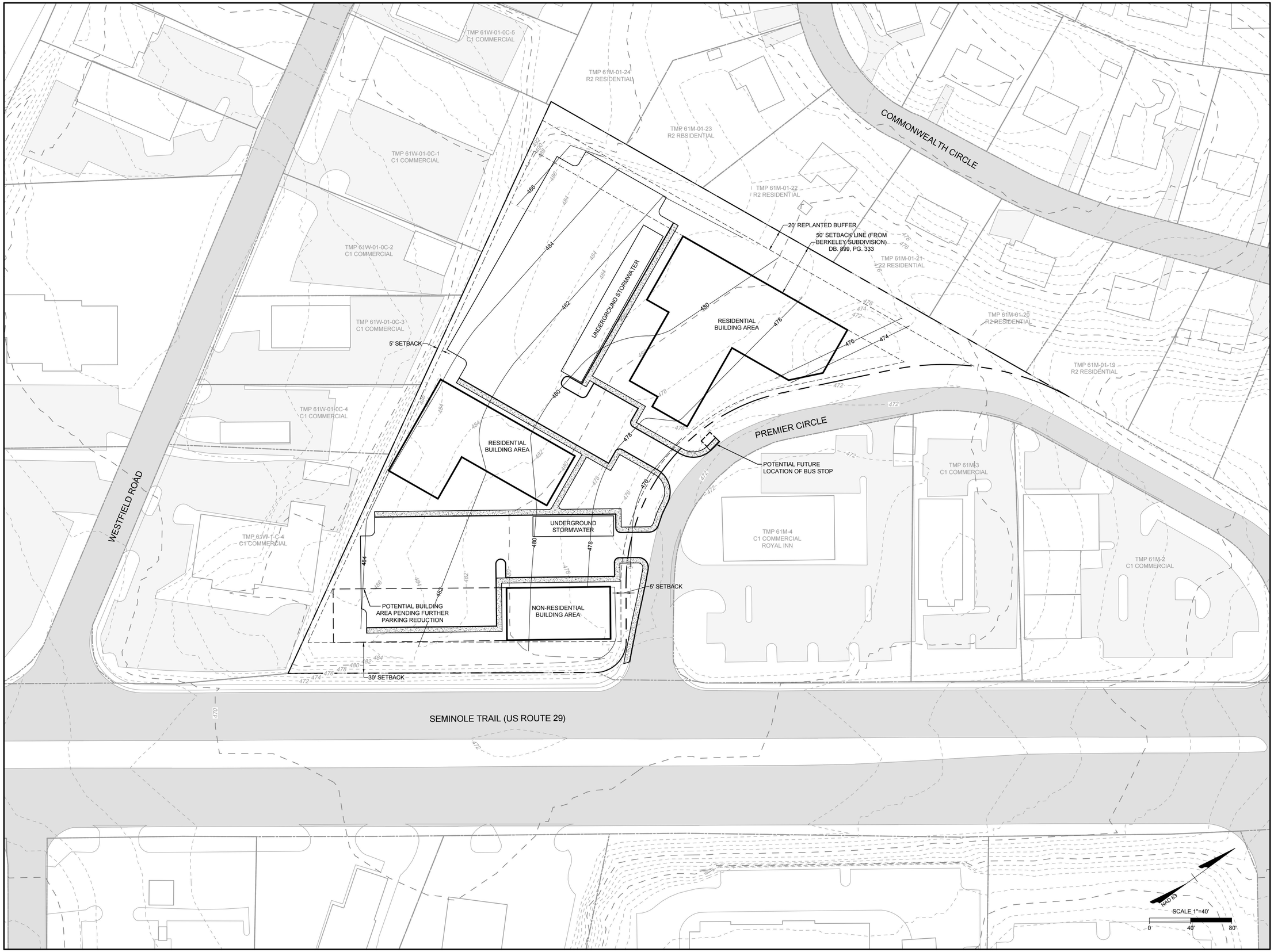
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BLOCK NETWORK



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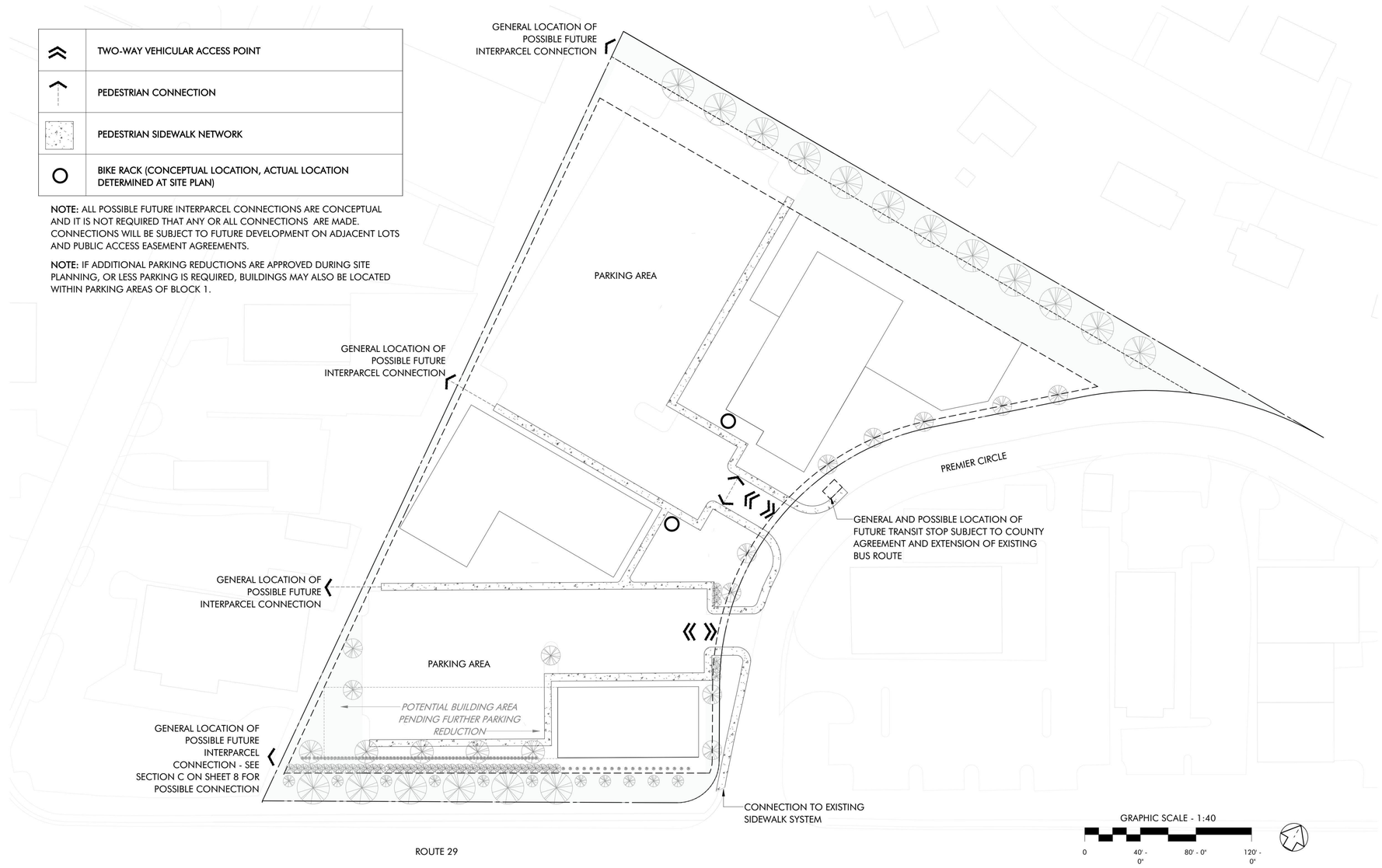
SHEET
4

BUILDABLE AREA + CONCEPTUAL STORMWATER & GRADING PLAN

⩔	TWO-WAY VEHICULAR ACCESS POINT
^	PEDESTRIAN CONNECTION
	PEDESTRIAN SIDEWALK NETWORK
O	BIKE RACK (CONCEPTUAL LOCATION, ACTUAL LOCATION DETERMINED AT SITE PLAN)

NOTE: ALL POSSIBLE FUTURE INTERPARCEL CONNECTIONS ARE CONCEPTUAL AND IT IS NOT REQUIRED THAT ANY OR ALL CONNECTIONS ARE MADE. CONNECTIONS WILL BE SUBJECT TO FUTURE DEVELOPMENT ON ADJACENT LOTS AND PUBLIC ACCESS EASEMENT AGREEMENTS.

NOTE: IF ADDITIONAL PARKING REDUCTIONS ARE APPROVED DURING SITE PLANNING, OR LESS PARKING IS REQUIRED, BUILDINGS MAY ALSO BE LOCATED WITHIN PARKING AREAS OF BLOCK 1.



1 SHEET 5 **Site Plan - Proposed Circulation**

1" = 40'-0"

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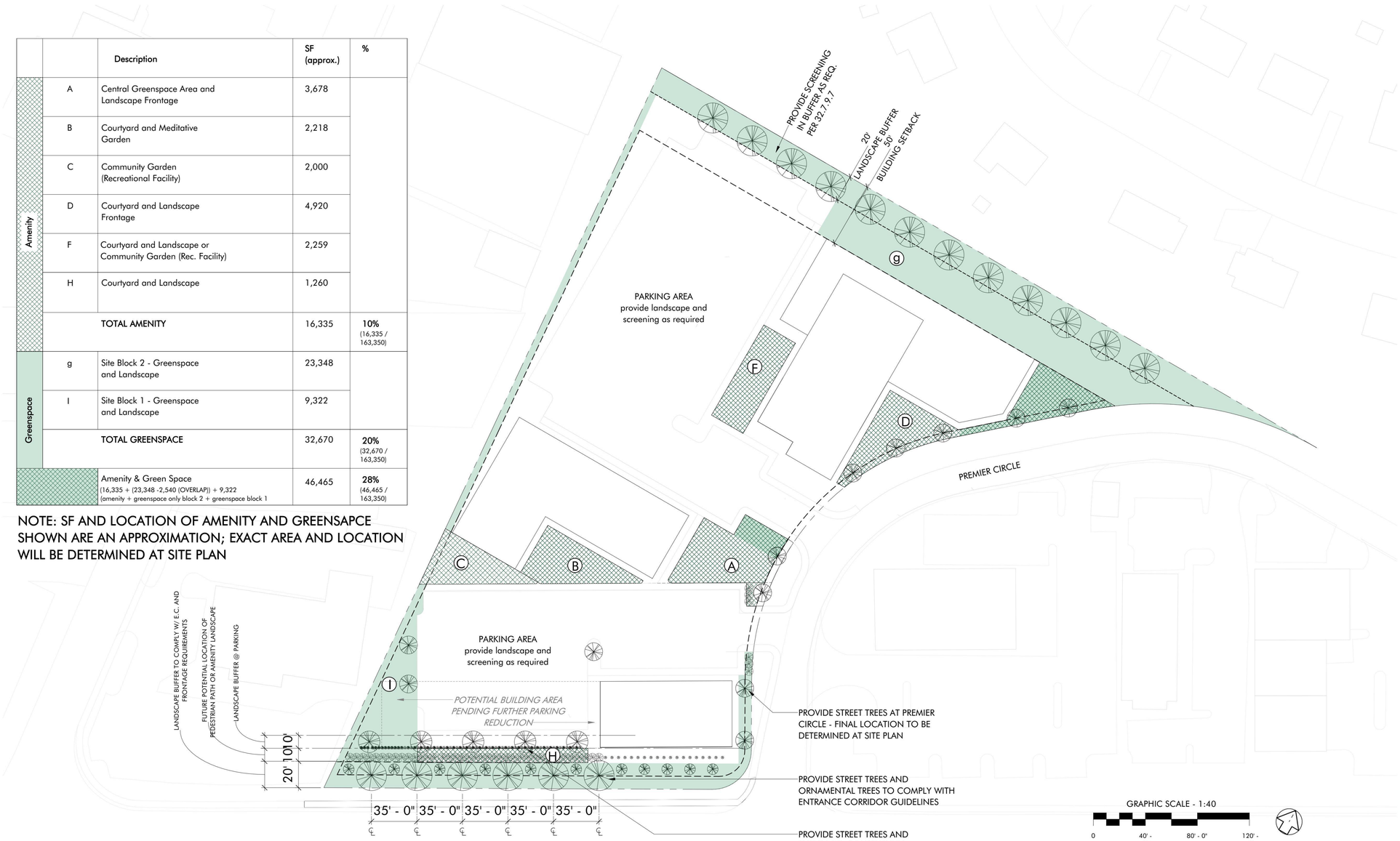
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CONCEPTUAL PROPOSED CIRCULATION

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		Description	SF (approx.)	%
Amenity	A	Central Greenspace Area and Landscape Frontage	3,678	
	B	Courtyard and Meditative Garden	2,218	
	C	Community Garden (Recreational Facility)	2,000	
	D	Courtyard and Landscape Frontage	4,920	
	F	Courtyard and Landscape or Community Garden (Rec. Facility)	2,259	
	H	Courtyard and Landscape	1,260	
		TOTAL AMENITY	16,335	**10%** (16,335 / 163,350)
Greenspace	g	Site Block 2 - Greenspace and Landscape	23,348	
	I	Site Block 1 - Greenspace and Landscape	9,322	
		TOTAL GREENSPACE	32,670	**20%** (32,670 / 163,350)
		Amenity & Green Space (16,335 + (23,348 -2,540 (OVERLAP)) + 9,322 (amenity + greenspace only block 2 + greenspace block 1	46,465	**28%** (46,465 / 163,350)

NOTE: SF AND LOCATION OF AMENITY AND GREENSAPCE SHOWN ARE AN APPROXIMATION; EXACT AREA AND LOCATION WILL BE DETERMINED AT SITE PLAN



1 SHEET 6 **Site Plan - Landscape and Amenity Diagram**

1" = 40'-0"

NOTES ABOUT AMENITIES AND GREENSPACE:

1. BUILDING LAYOUT, PARKING LAYOUT, AND SIDEWALKS ARE CONCEPTUAL. EXACT LOCATION AND AREAS WILL BE DETERMINED AT SITE PLAN
2. THE CODE OF DEVELOPMENT SHALL REGULATE REQUIRED GREEN & AMENITY SPACES AND LANDSCAPE. THERE, PROVIDED SUCH REQUIREMENTS ARE SATISFIED, NON-SUBSTANTIVE CHANGES TO THE DEPICTED DESIGN ARE ALLOWED. THERE WILL BE A MINIMUM OF 20% AMENITY AND GREEN SPACE.
3. IF ADDITIONAL PARKING REDUCTIONS ARE APPROVED DURING SITE PLANNING, OR LESS PARKING IS REQUIRED, BUILDINGS MAY ALSO BE LOCATED WITHIN PARKING AREAS OF BLOCK 1.

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SHEET 6

CONCEPTUAL PROPOSED AMENITY AND LANDSCAPE

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1. NEW ENTRANCE FOR CONSTRUCTION AND ACCESS TO EXISTING PARKING (CONCEPTUAL LOCATION SHOWN)
2. VARIOUS EXISTING EASEMENTS TO REMAIN - SEE EXISTING CONDITIONS
3. EXISTING PARKING TO REMAIN PHASE 1
4. EXISTING UNITS TO REMAIN FOR TJACH USE AS EMERGENCY SHELTER
5. EXISTING UNITS POSSIBLY TO REMAIN FOR TJACH USE AS EMERGENCY SHELTER
6. **BLOCK 2 BUILD-OUT BEGINS**
7. LANDSCAPE BUFFER - NEWLY PLANTED OR EXISTING TREES TO REMAIN TO MEET REQUIREMETNS PER COD
8. 2,500 SF MIN. OF NEW AMENITY AND GREENSPACE COMPLETE (CONCEPTUAL LOCATION SHOWN) BY THE CONCLUSION OF PHASE 1 CONSTRUCTION
9. EARLIEST POSSIBLY CONSTRUCTION OF SIDEWALK PAD FOR FUTURE BUS STOP BY THE CONCLUSION OF PHASE 1 CONSTRUCTION (CONCEPTUAL LOCATION SHOWN)

NOTE: PROVIDE TEMPORARY FIRE HYDRANT, SEWER, AND WATER AS NECESSARY TO KEEP EXISTING TRANSIENT OCCUPANCY BUILDINGS IN OPERATION AND TO BUILDING AND ZONING REGULATIONS AND STANDARDS.

1 Phase 1 - AFFORDABLE UNITS CONSTRUCTED

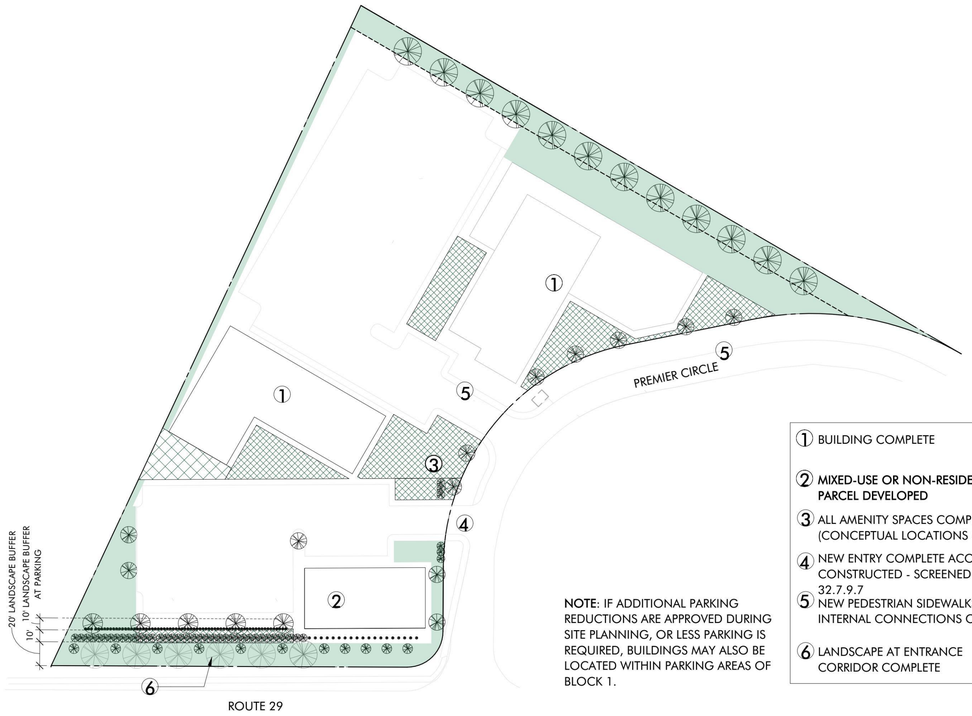
SHEET 7 — 1" = 60'-0"



1. BLOCK 2 BUILD-OUT PHASE 1 COMPLETE
2. **BLOCK 2 BUILD-OUT CONTINUES**
3. NEW PARKING FOR NEW BUILDING(S) CONSTRUCTED
4. TEMPORARY PARKING ACCESS ROAD WHILE 2ND ENTRANCE IS RENOVATED - SCREENED PER 32.7.9.7 (CONCEPTUAL LOCATION SHOWN)
5. RENOVATION OF 2ND ENTRANCE
6. **PREPARE LAND FOR SALE**
7. LANDSCAPE BUFFER MAINTAINED AND REPLANTED AS NECESSARY
8. NEW AMENITY AND GREENSPACE COMPLETE BLOCK 2 (CONCEPTUAL LOCATIONS SHOWN) BY THE CONCLUSION OF PHASE 2 CONSTUCTION
9. NEW ENTRANCE CORRIDOR STREET TREES

2 Phase 2 - RESIDIENTIAL BUILD-OUT CONTINUES

SHEET 7 — 1" = 60'-0"



1. BUILDING COMPLETE
2. **MIXED-USE OR NON-RESIDENTIAL PARCEL DEVELOPED**
3. ALL AMENITY SPACES COMPLETE (CONCEPTUAL LOCATIONS SHOWN)
4. NEW ENTRY COMPLETE ACCESS CONSTRUCTED - SCREENED PER 32.7.9.7
5. NEW PEDESTRIAN SIDEWALKS AND INTERNAL CONNECTIONS COMPLETE
6. LANDSCAPE AT ENTRANCE CORRIDOR COMPLETE

NOTE: IF ADDITIONAL PARKING REDUCTIONS ARE APPROVED DURING SITE PLANNING, OR LESS PARKING IS REQUIRED, BUILDINGS MAY ALSO BE LOCATED WITHIN PARKING AREAS OF BLOCK 1.

3 Phase 3 - NON-RESIDENTIAL/MIXED-USE CONSTRUCTION

SHEET 7 — 1" = 60'-0"

NOTES ABOUT PHASING:

1. BUILDING LAYOUT, PARKING LAYOUT, AND SIDEWALKS ARE CONCEPTUAL. EXACT LOCATION AND AREAS WILL BE DETERMINED AT SITE PLAN
2. THE PHASES ILLUSTRATED ARE INTENDED TO BE DIAGRAMMATIC AND THE SEQUENCE OF PHASING COULD VARY

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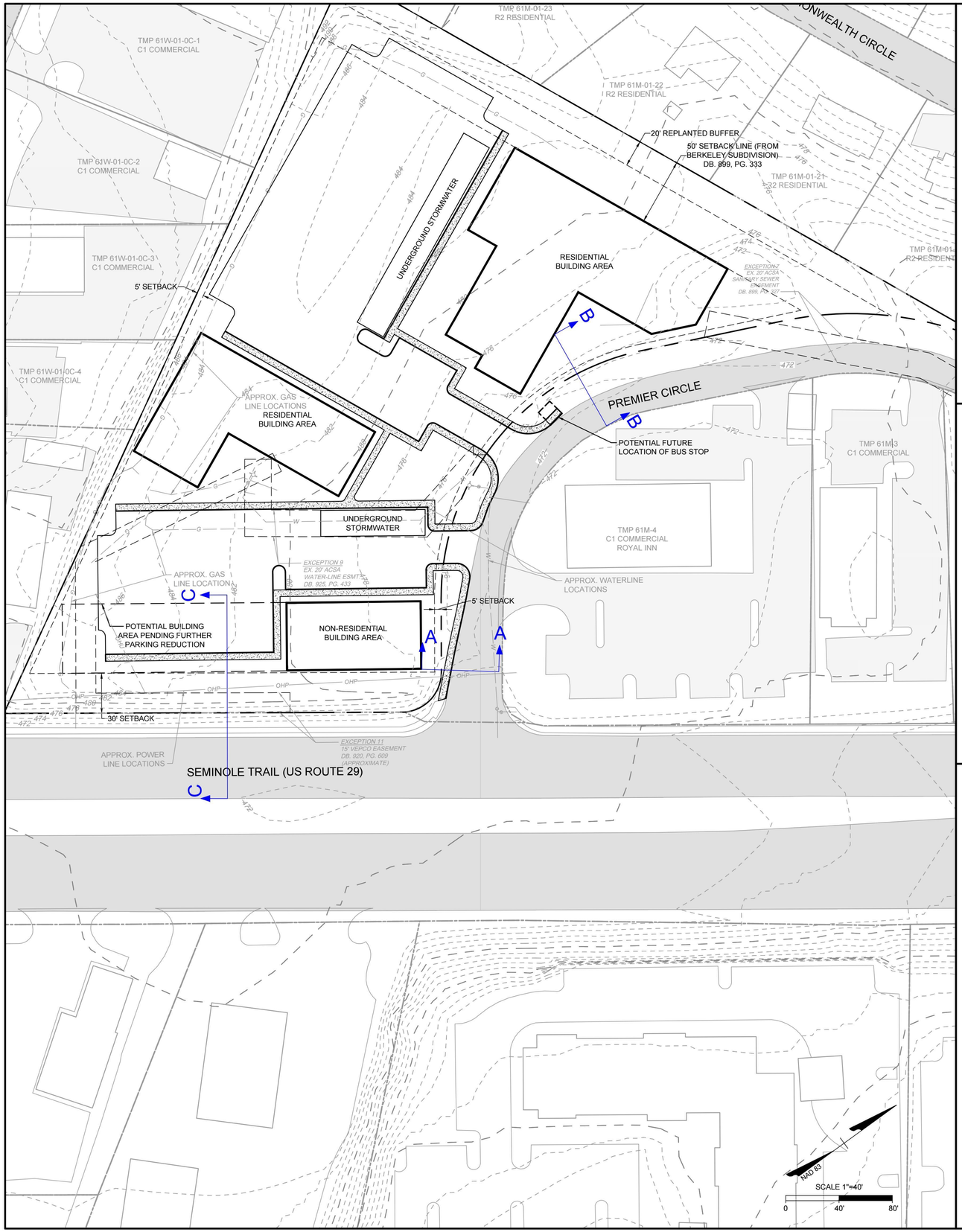
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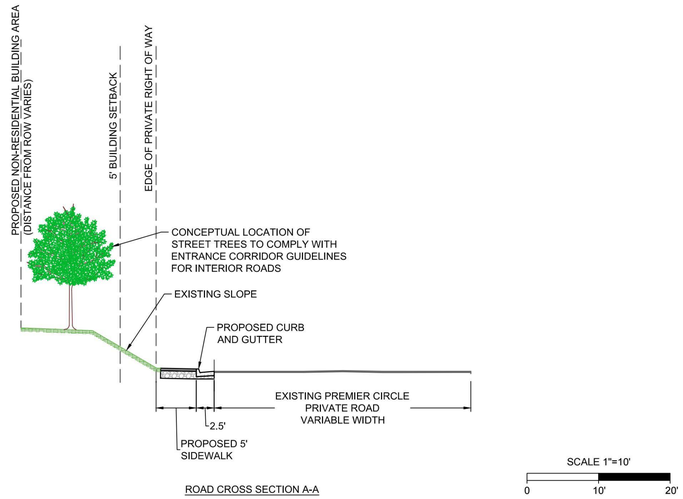
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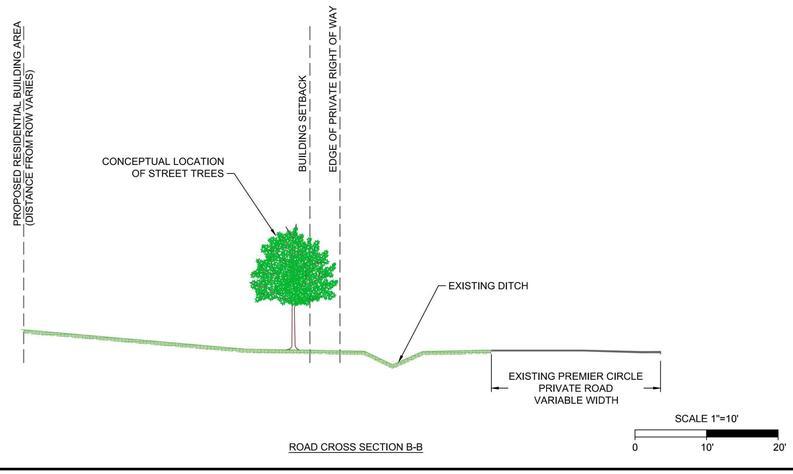
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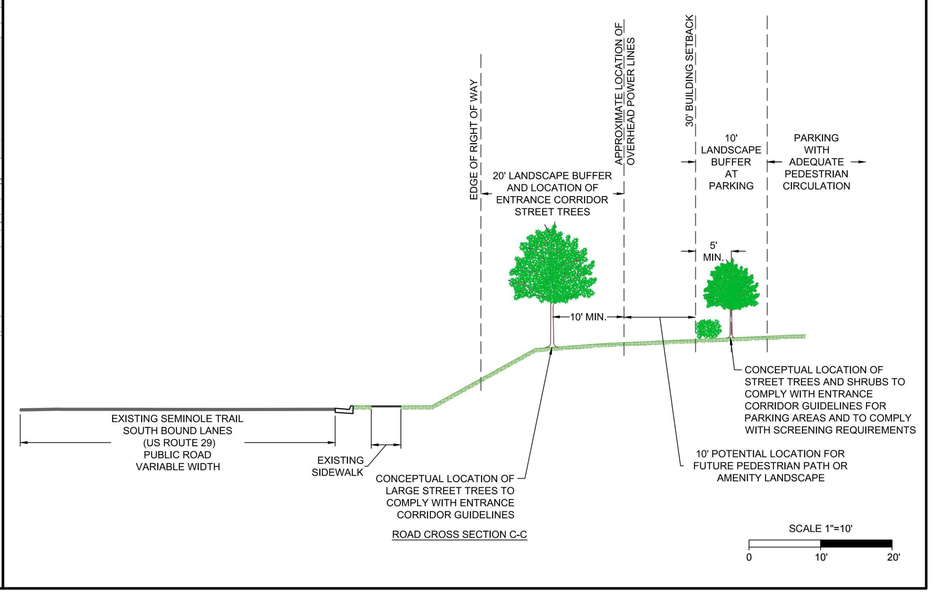
PHASING DIAGRAM

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CONCEPTUAL STREET SECTION

ZMA202000011 Premier Circle
Neighborhood Model Principles Analysis
Planning Commission December 15, 2020

Pedestrian Orientation	**This principle is partially met.** Sidewalks are provided within the development and connect to the existing sidewalk network. Street trees and landscaping are also included. The property is located adjacent to a Neighborhood Service Center to the south. It is located across Route 29 from a Community Center; however, there is not currently a safe way to cross Route 29 to access this Center. Transportation staff and VDOT are currently working with the applicant to see if there is a feasible way to have a crossing at the existing light at Rt. 29 and Branchlands/Premier Circle. The Places29 Master Plan recommends an urban frontage along Route 29 when feasible; otherwise a landscaped frontage may be provided. Given the existing berm and grade at this site, it would be a significant challenge to adjust the existing sidewalk along Route 29. The application plan instead provides a sidewalk through Block 1 above the berm, providing pedestrian access with street trees between the sidewalk and Route 29. This allows for a variation of the urban frontage and provides safer pedestrian access that could eventually connect to the adjacent property.
Mixture of Uses	**This principle is met.** This property is located adjacent to a variety of residential and non-residential uses and provides for a mixture of uses onsite as well.
Neighborhood Centers	**This principle is met.** The development is not located within a Center. It is adjacent to a Neighborhood Service Center and provides for a mixture of uses and green/amenity space onsite. Several potential future interparcel connections are shown to the Center.
Mixture of Housing Types and Affordability	**This principle is met/under review**. The Code of Development requires at least 60 percent (60%) of dwelling units in the development to be affordable, which significantly exceeds the 15 percent (15%) affordable recommendation in Strategy 6b of the Comprehensive Plan. The Housing Planner has reviewed the affordable housing requirements in the Code of Development and has no review comments. The proposal is for one housing type: multifamily. Providing one housing type requires a special exception per 18-20A.8(a). The applicant has submitted a special exception which is under review and requires action by the Board of Supervisors.
Relegated Parking	**This principle is met.** Parking is relegated to the rear and side of buildings. Some parking areas may face Route 29, however landscaping screening and street trees meeting Entrance Corridor guidelines will be required during site

	planning. The buildable area may also be increased along the frontage with Route 29 during buildout.
Interconnected Streets and Transportation Network	**<u>This principle is met.</u>** No new streets are proposed. Several potential future interconnections with adjacent parcels to the south/west are shown on the application plan. Proposed sidewalks through the site and along Premier Circle connect to the existing sidewalk along Route 29. There are pedestrian connections between both Blocks in the site.
Multimodal Transportation Opportunities	**<u>This principle is met.</u>** The development connects to existing sidewalks along Route 29. Bike storage facilities are proposed onsite. The development is located approximately ¼ mile from a CAT bus stop on Commonwealth Drive and there are pedestrian facilities to access this stop. The Code of Development includes a requirement for a bus stop on Premier Circle at the request of the County, in coordination with CAT. Future CAT services may be extended to this site. The applicant is also working with Jaunt to provide service to the site. Staff is recommending that the bus stop be installed at the request of the County, rather than when/if CAT agrees to having a stop at this location. This would allow for Jaunt to service the area and have a stop that would allow the Jaunt bus to easily pick up and drop off riders.
Parks, Recreational Amenities, and Open Space	**<u>This principle is partially met.</u>** The Neighborhood Model District (18-20A.9) requires at least 20 percent greenspace and 10 percent amenity space for properties that are designated office service within the Comprehensive Plan. The application plan for this project meets those requirements. The amenities provided do not include any play areas/spaces for children. While the majority of the units will consist of single adult occupancy, there is potential for families to be in the development and a recreational/amenity space should be included for children. **Staff recommends that the Code of Development be updated to include a playground, or other child centered amenity.**
Buildings and Spaces of Human Scale	**<u>This principle is met</u>.** The proposed building heights and footprints are consistent with the recommendations in the Places29 Master Plan. A stepback is required for buildings in Block 2 facing the adjacent residential neighborhood to the north. Architectural Review Board approval is required during site planning.
Redevelopment	**<u>This principle is met.</u>** The proposed development would redevelop an existing property with a resulting development that better meets Neighborhood Model Principles. The site is currently used as a motel, and the proposed development would be a mix of non-residential and residential uses. Nearby and adjacent buildings have a range of heights and building footprints. The building heights and footprints of the

	proposed development would be consistent with nearby and adjacent uses.
Respecting Terrain and Careful Grading and Regrading of Terrain	**This principle is met.** There are no environmental features or significant slopes on this site.
Clear Boundaries between the Development Areas and the Rural Area	**This principle is met.** The development is located in the Development Areas and is not adjacent to the Rural Area.

THIS DEED made and entered into this 15th day of September, 1986, by and between MARY PATRICIA MARINOS BROWN, unmarried, the Grantor, and THE CHARLOTTESVILLE MOTEL, a Limited partnership, the Grantee, whose address is

W I T N E S S E T H:

THAT FOR AND IN CONSIDERATION of the sum of ONE MILLION ONE HUNDRED FORTY-THREE THOUSAND TWO HUNDRED FIFTY AND NO/100 DOLLARS ($1,143,250.00), cash in hand paid, the receipt of which is hereby acknowledged, the Grantor does hereby GRANT, BARGAIN, SELL and CONVEY with GENERAL WARRANTY and ENGLISH COVENANTS OF TITLE unto The Charlottesville Motel, a limited partnership, all those two certain tracts or parcels of land situated in Albemarle County, Virginia, being shown and designated as Lot 6, containing 63,250 square feet, and Lot 7, containing 100,103 square feet, on plat of William S. Roudabush, Inc., dated January 1, 1980, last revised March 11, 1980, recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia, in Deed Book 797, page 249, said plat is also recorded in Deed Book 823, page 95, with a clearer copy recorded in the Current Plat Book with corresponding Deed Book and Page; together with a four-sevenths (4/7) interest in and to the fifty foot (50') access easement shown as Parcel X on said plat; being a portion of the property which was conveyed to Mary Patricia Marinos (now Mary Patricia Marinos Brown) by deed of James Marinos, divorced, dated November 10, 1941 and recorded in the said County Clerk's Office in Deed Book 252, page 205.

There is conveyed as an appurtenance hereto, the right to use the fifty foot (50') access easement shown on said plat and the property is conveyed subject to the terms and

McCLURE, CALLAGHAN, CARTER, ATKINS & BARNES
ATTORNEYS AND COUNSELORS AT LAW
CHARLOTTESVILLE, VIRGINIA

conditions of the road maintenance agreement which is recorded in the said County Clerk's Office in Deed Book 797, page 242.

The above property is further conveyed subject to the ten foot (10') parking setback line from property line along Route 29; the thirty foot (30') setback line along U.S. Route 29; the fifty foot (50') setback ine from Berkeley Subdivision; the existing sanitary sewer line, storm sewer line and water lines which presently cross the above property; the joint sanitary sewer easement dated November 20, 1985, recorded in Deed Book 864, page 57; and to all other easements, reservations, restrictions, conditions and other encumbrances contained in duly recorded deeds, plats and other instruments constituting constructive notice in the chain of title to the above described property which have not expired by a time limitation contained therein or otherwise have become ineffective.

WITNESS the following signatures and seals:

Mary Patricia Marinos Brown (SEAL)
Mary Patricia Marinos Brown

STATE OF VIRGINIA AT LARGE
COUNTY OF ALBEMARLE, to-wit:

The foregoing Deed was acknowledged before me by MARY PATRICIA MARINOS BROWN this 15 day of September, 1986.

My commission expires: August 3 1987.

Notary Public

McCLURE, CALLAGHAN, CARTER, ATKINS & BARNES
ATTORNEYS AND COUNSELORS AT LAW
CHARLOTTESVILLE, VIRGINIA

BOOK 899 PAGE 0335

INSTRUMENT NUMBER _____

VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF ALBEMARLE COUNTY:

THIS DEED WAS PRESENTED, AND WITH CERTIFICATE ANNEXED, ADMITTED TO RECORD

ON Sept 19, 1986, at 12:32 O'CLOCK P M.

STATE TAX	$ 1714.95	(039)
LOCAL TAX	$ 571.65	(218)
TRANSFER FEE	$ 1.00	(212)
CLERK'S FEE	$ 10.00	(301)
PLAT	$	
SEC. 58.1-802		
STATE TAX	$ 571.75	(038)
LOCAL TAX	$ 571.75	(220)
LOCAL TAX	$	(223)
TOTAL	$ 3441.10	

TESTE: SHELBY J. MARSHALL, CLERK

BY: Karen P. Shifflett
DEPUTY CLERK

COUNTY PLANNING COMMISSION		BOARD OF SUPERVISORS
CHAIRMAN		DESIGNATED AGENT
DATE		DATE

OWNERS APPROVAL

THIS SUBDIVISION IS MADE WITH THE CONSENT OF THE UNDER SIGNED OWNERS, PROPRIETORS, AND/OR TRUSTEES. ALL ROADS AND STREETS, IF NOT PREVIOUSLY DEDICATED, ARE HEREBY TENDERED FOR DEDICATION TO PUBLIC USE.

Mary Patricia Marinos Brown

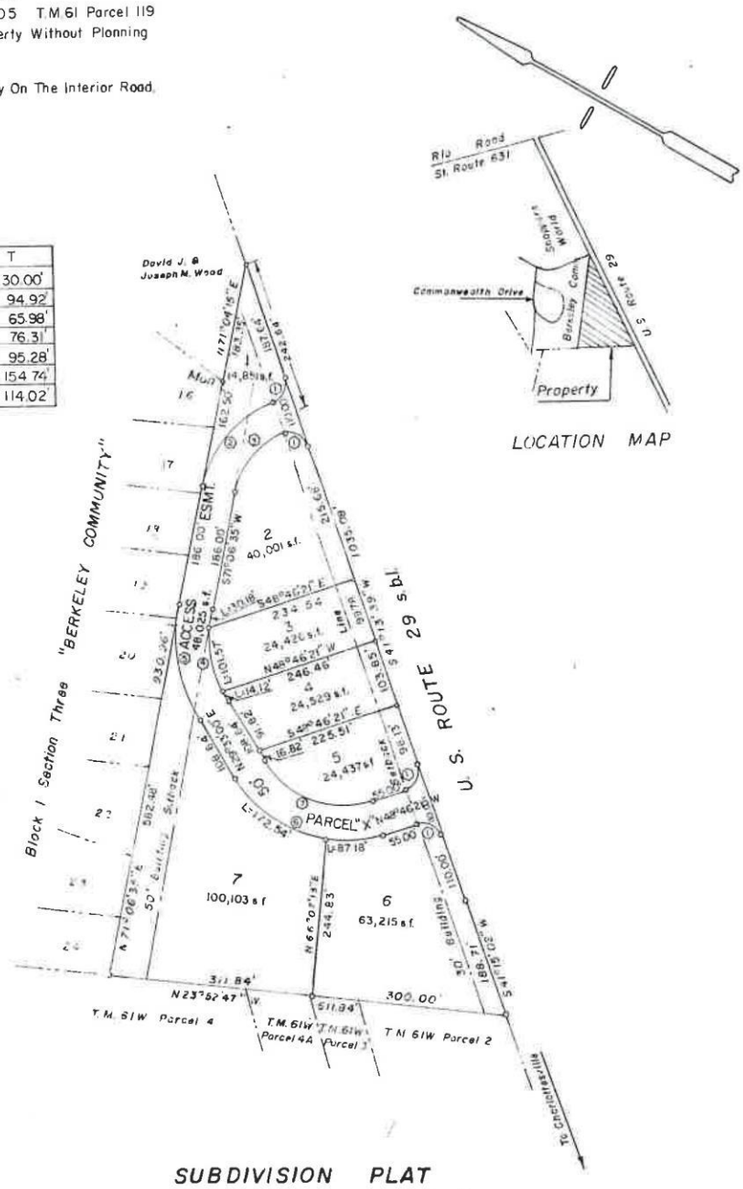
STATE OF VIRGINIA

I, _____ A NOTARY PUBLIC FOR THE STATE AFORESAID, DO CERTIFY THAT Mary Patricia Marinos Brown WHOSE NAMES ARE SIGNED TO THE FOREGOING WRITING BEARING DATE OF February 9 19 80 HAVE ACKNOWLEDGED THE SAME BEFORE ME IN MY STATE AFORESAID.
GIVEN UNDER MY HAND THIS 11 DAY OF February 19 80
MY COMMISSION EXPIRES 19 84
N. P.

OWNER: Mary Patricia Marinos Brown
SOURCE OF TITLE D.B. 252 p.205 T.M. 61 Parcel 119
No Further Division of This Property Without Planning Commission Approval.
—o— Denotes Iron Pins
All Lots Shall Have Access Only On The Interior Road.

CURVE DATA

	Δ	R	L	T
1	90°00'00"	30.00	47.12'	30.00'
2	60°07'04"	164.01'	172.09'	94.92'
3	60°07'04"	114.01'	119.62'	65.98'
4	41°33'34"	201.10'	145.87'	76.31'
5	41°33'34"	251.10'	181.14'	95.28'
6	78°19'21"	190.00'	259.72'	154.74'
7	78°19'21"	140.00'	191.38'	114.02'



BOOK 797 PAGE 249

SUBDIVISION PLAT

LOTS 1-7 & PARCEL "X"

A DIVISION OF PARCEL 119 TAX MAP 61

NEAR CHARLOTTESVILLE

CHARLOTTESVILLE MAGISTERIAL DISTRICT

ALBEMARLE COUNTY, VIRGINIA

January 9, 1980 Scale: 1" = 200'

REVISED: February 13, 1980
REV: FEB. 29, 1980
REV: MARCH 11, 1980

COMMONWEALTH OF VIRGINIA
W. S. ROUDABUSH, JR.
CERT. NO.
54-17-3 (a) 655
54-17-3 (b) 78
CERTIFIED LAND SURVEYOR

WILLIAM S. ROUDABUSH, INC.
A PROFESSIONAL CORPORATION
CERTIFIED LAND SURVEYORS
Charlottesville, Virginia

4928

ZMA202000057
PREMIER APARTMENTS
405 Premier Circle
September 21, 2020

Special Exception Application Narrative

On behalf of Piedmont Housing Authority ("PHA" or the "Applicant") and Virginia Supportive Housing ("VSH"), the developer, we respectfully request a special exception from the requirement that each Neighborhood Model Development (NMD) have at least two housing types. This requirement, which is set out in Zoning Ordinance Section 20A.8(a), allows the Board of Supervisors to waive this requirement if the proposed NMD is an infill project or at least two housing types are already present within one-quarter mile of the proposed district. Among the different housing types listed in this Section 20A.8(a) are single family attached, multifamily dwellings, and special needs housing such as assisted living facilities, group homes, and skilled nursing facilities. An "infill project" is defined as "a project in which a parcel is developed or redeveloped, where abutting or nearby parcels are already developed, and the project area is relatively small compared to the developed abutting or nearby parcels." The Property, described and defined below, is an infill redevelopment project.

This Application is submitted in connection with a Zoning Map Amendment application that proposes to rezone County Tax Map parcel 061M0-00-00-00600 (the "Property"), from C-1 Commercial to NMD, to allow for the development of multi-family supportive housing and office uses (the "Project"). The Project proposes a maximum of 140 residential apartment units and 20,000 non-residential. As described in more detail in the Code of Development and as shown on the Concept Plan, dated September 21, 2020, prepared by Timmons Group and BRW Architects, the Project will comprise three buildings on the 3.75 acre parcel. Block One will contain a two-story non-residential building, which could include second floor apartments. Block Two will include the four-story VSH building containing approximately 80 studio apartments and the 3- and 4-story PHA building containing approximately 60 apartments, to be a mix of one-, two, and potentially 3-bedroom apartments.

All units in Block Two will be affordable housing. The studio apartments in the VSH building will house formerly homeless residents, who are single with no children, and will be rented at rates affordable to those earning 50% AMI or less. The PHA building may be designed to house families and is currently planned to include approximately 80% two-bedroom units, 20% one-bedroom and a maximum of five percent (5%) three-bedroom units. The exact rental level of the PHA building is dependent on the final financing structure but will be within the range of affordability to those earning 30% to 80% AMI. Both buildings, therefore, will be 100% affordable rental units and are properly classified as multifamily, though both are intended to address special housing needs. In particular, the VSH building may be properly classified as a "special needs housing" since VSH does offer services to its residents.

The single-family detached community, Berkeley, located on Commonwealth Drive and Commonwealth Circle, abuts the Property to the north, and these residences are within one-quarter mile of the Project.

Though, initially, the Project envisions the front building on Route 29 to be a commercial building for office use, the Code of Development, in compliance with the Places29 Land Use Designation Table for areas around centers, permits residential uses on the upper floor as long as maximum dwelling units per acre are maintained within the Project.

If the Community Development Department concludes that the Project does not meet the two-housing types requirements, the Applicant requests a special exemption for such requirement and submits that providing the special exemption to such requirement would not frustrate the purposes of Section 20A.8(a), the Places29 Master Plan, or the Neighborhood Model Principles.

The Project will be phased to allow formerly homeless to reside in the existing Red Roof Inn during development and construction of the VSH building in Phase One and, possibly, during a portion of the development and construction of the PHA building in Phase Two. Prior to rezoning, the Project will contain another housing type, transient lodging, managed by the Thomas Jefferson Area Coalition for the Homeless (TJACH). Upon rezoning approval, the Project would host these residents for stays longer than 30 days in the existing hotel buildings as multifamily units. Many or all of these residents will move into the VSH building upon its completion.

In summary, though all residential units within the Project may be technically described as multifamily, their various purposes comply with the spirit of the Ordinance to provide housing for many different needs. All units, whether managed by TJACH, VSH, or PHA, would be affordable units.

<u>The Proposed Special Exception Supports the Goals of the Comprehensive Plan</u>

Waiving the multiple housing types requirement is consistent with the recommended future land use of the Property under the Comprehensive Plan. The Project is located in the Development Area and, by reference to other zoning districts in the development area, is designated for a maximum of 34 dwelling units per acre (DUA). Multifamily is the most efficient means of providing the maximum number of affordable units, a goal of the County's Comprehensive Plan. In order to maximize the efficiency of the development and further the County's goal of increasing the availability of affordable housing, the Applicant is requesting 37 DUA.

Because multifamily is suitable and appropriate for the Property location, single-family detached is well within one quarter mile from the Project, and the Project is an infill redevelopment that will provide up to 140 units of affordable housing to the County, the Applicant requests a special exception Zoning Ordinance Section 20A.8(a). We submit that granting the requested special exception will further the goals of the Comprehensive Plan without creating significant detriments to County residents.

Thank you for your consideration of this request.

TIMMONS GROUP
YOUR VISION ACHIEVED THROUGH OURS.

608 Preston Avenue
Suite 200
Charlottesville, VA 22903

P 434.295.5624
F 434.295.8317
www.timmons.com

September 21, 2020

County of Albemarle
Department of Community Development
401 McIntire Road
Charlottesville, VA 22902

RE: Premier Apartments – Trip Generation

To Whom It May Concern:

The Project will connect to Premier Circle, an existing private road with two connections to Route 29. One connection is a right-in right-out only. The second connection, further north on Route 29, is a full-signalized intersection. A sidewalk will be added along the property frontage on Premier Circle. This will provide pedestrian access from the site to the existing sidewalk along Route 29.

The current commercial zoning, Highway Commercial, allows for uses such as a grocery store. There was a site plan submitted for a Lidl Grocery store submitted to Albemarle County in 2017 (SDP201700007). Per the table below the proposed development under this rezoning will generate approximately 1 third as many trips as that by right development would have generated. Thus, the added traffic will be much less than uses allowed by right.

				WEEKDAY						
					AM PEAK HOUR			PM PEAK HOUR		
LAND USE	ITE CODE	AMOUNT	UNITS	ADT	IN	OUT	TOTAL	IN	OUT	TOTAL
Existing Zoning										
Supermarket	850	35,962	SF (GFA)	3,840	82	55	137	186	178	364
TOTAL				3,840	82	55	137	186	178	364
Proposed Zoning										
General Office	710	15,000	SF (GFA)	168	35	6	41	3	16	19
Multi-Family Housing (Low-Rise)	221	140	Dwelling Units	1,018	15	51	66	50	29	80
TOTAL				1,186	50	56	106	53	45	98
Net Difference - Trips				-2,654	-32	1	-31	-132	-133	-265
% Difference				-69.1%	-39.3%	2.4%	-22.7%	-71.3%	-74.6%	-72.9%

SOURCE: Institute of Transportation Engineers' *Trip Generation Manual* 10th Edition (2017)

If you have any questions or comments, please feel free to give me a call at 434.327.1681.

Sincerely,

Jonathan Showalter

Jonathan Showalter, PE
Project Manager

October 26, 2022

Board of Zoning Appeals
County of Albemarle
Department of Community Development
401 McIntire Road, North Wing
Charlottesville, Virginia 22902

RE: APPEAL OF LOD2022-00005 - Berkmar Flats, Permitted Bonus Density

This is an appeal of LOD2022-00005, an official determination regarding the use of bonus factors, provided for in Chapter 18, Article I, Section 2.4 of the Albemarle County Code, on tax parcels 04500-00-00-00810, 04500-00-00-00820, and 04500-00-00-0082A in the Rio Magisterial District of Albemarle County (collectively, the "Property).

BACKGROUND:

Shimp Engineering, P.C., on behalf of the Property owner, Third Mesa LLC (the "Owner") submitted a request for official determination that bonus factors may be utilized on property designated as Office/R&D/Flex/Light Industrial in the Places29 Master Plan (see attachment A – "Berkmar Flats Request for Official Determination" dated April 27, 2022).

In response to that request, LOD2022-00005 found that, *"Master Plan Land Use Table LU2 does not establish a recommended density for residential uses within areas designated for Office/R&D/Flex/Light Industrial, only that residential is permitted as a secondary use. As a result, Section 2.4.1 does not permit the application of bonus factors on the Property, as the Master Plan does not have a recommended residential density for the Office/R&D/Flex/Light Industrial land use designation. The Property may develop by-right at the gross density-standard level."*

APPEAL:

The finding that *"Section 2.4.1 does not permit the application of bonus factors on the Property, as the Master Plan does not have a recommended residential density for the Office/R&D/Flex/Light Industrial land use designation"* is in error because the use of bonus factors on the Property would *not exceed* the recommended density shown in the comprehensive plan, as permitted in Section 2.4.1 (a), as there is no maximum density affiliated with the Office/R&D/Flex/Light Industrial land use designation and therefore it cannot be exceeded.

Section 2.4.1 states, *"Bonus factors will be applied to the gross density-standard level in accordance with the regulations of the applicable district, except that (a) the resulting density shall not exceed the recommended density shown in the comprehensive plan and (b) the cumulative effect of all density factors may not exceed 50 percent."* Section 2.4.1 is written such that bonus factors may be utilized on properties where there is no maximum density recommendation in the comprehensive plan, permitted by Section 2.4.1(a), and Section 2.4.1(b) provides assurance that density bonuses utilized will not result in a

development inconsistent with the land use recommendations in the comprehensive plan and the intent of the underlying zoning district, by limiting the cumulative effect of all density factors to 50 percent.

Since there is no maximum density affiliated with the land use designation on the Property, it obviously cannot be exceeded. The "no maximum" density allowance in the Office/R&D/Flex/Light Industrial land use designation of the Places29 Master Plan has been previously evaluated by Albemarle County Staff in the Staff Report for ZMA2020-00011, where it is noted there is "no maximum density" affiliated with that land use designation (see Attachment B "ZMA2020-11 Staff Report" pages 1, 3, 6, 7). Again since there is no specific density range with an upper limit defined in the comprehensive plan, it cannot be exceeded.

The use of bonus factors on the Property is in conformance with Section 2.4.1(a) and as such, the use of bonus factors on the Property should be permitted.

Attachments:

A – Berkmar Flats Request for Official Determination prepared by Shimp Engineering, P.C. dated April 27, 2022

B – ZMA2020-11 Staff Report 2020-12-15

County of Albemarle
COMMUNITY DEVELOPMENT DEPARTMENT

401 McIntire Road, North Wing
Charlottesville, VA 22902-4579
Telephone: 434-296-5832
WWW.ALBEMARLE.ORG

September 27, 2022

RE: LOD2022-00005 - OFFICIAL DETERMINATION OF USE Berkmar Flats, Permitted Bonus Density – Parcel IDs 04500-00-00-00810, -00820, and -0082A – totaling 3.51 acres (Property of THIRD MESA LLC, P O BOX 6551 CHARLOTTESVILLE VA, 22906), Rio Magisterial District (the "Property")

Ms. Schlein:

You have requested an official determination that bonus factors, provided for in Chapter 18, Article I, Section 2.4 of the Albemarle County Code, may be utilized on the Property.

In response, I have reviewed your request and justification in Attachment A, and am making the following determination:

Section 2.4 states: *"The provision of bonus factors is intended to encourage development which reflects the goals and objectives of the comprehensive plan. To this end, bonus factors are based on development standards as recommended by the comprehensive plan."* and,

Section 2.4.1 states: "*Bonus factors will be applied to the gross density-standard level in accordance with the regulations of the applicable district, except that (a) the resulting density shall not exceed the recommended density shown in the comprehensive plan and (b) the cumulative effect of all density factors may not exceed 50 percent."*

Through the Places 29 Master Plan (the "Master Plan") and its "Future Land Use South" map (dated 11/5/2018), the comprehensive plan designates this area as Office/R&D/Flex/Light Industrial. (See Master Plan pages 4-6 and 4-7.)

Master Plan Land Use Table LU2 does not establish a recommended density for residential uses within areas designated for Office/R&D/Flex/Light Industrial, only that residential is permitted as a secondary use. As a result, Section 2.4.1 does not permit the application of bonus factors on the Property, as the Master Plan does not have a recommended residential density for the Office/R&D/Flex/Light Industrial land use designation. The Property may develop by-right at the gross density-standard level.

You may have a right to appeal this determination within thirty (30) days of this notice, in accordance with *Virginia Code* § 15.2-2311. This determination shall be final and unappealable if not appealed within 30 days.

An appeal may be taken only by filing an appeal application with the Zoning Administrator and the Board of Zoning Appeals, in accordance with Albemarle County Code § 18-34.3, along with a fee of $295.36. This fee includes the $284 application fee and the 4% Technology surcharge of $11.36. Additionally, a separate fee of $448 is required for the cost of providing notice and advertising the appeal for a public hearing.

Applications for Appeal of the Zoning Administrator's Determination are available at the Community Development Department office located at 401 McIntire Road, Charlottesville, Virginia 22902, or online HERE. This form applies to the appeal of a decision of the zoning administrator or any other administrative officer pertaining to the Zoning Ordinance. Regulations pertaining to filing an appeal to the Board of Zoning Appeals are in Chapter 18, Section 34.3 of the Zoning Ordinance and may be reviewed HERE.

Please note that our online documents are in PDF format and must be viewed with a PDF reader. A link to download a PDF reader of your choice is available at the bottom of the page HERE.

If you have any questions, please get in touch with me.
Sincerely,



Francis H. MacCall
Chief of Zoning/Deputy Zoning Administrator

Attachments:

- Attachment A - Applicant letter dated 4/27/2022

SHIMP ENGINEERING, P.C.
Design Focused Engineering

April 27, 2022

Mr. Bart Svoboda, Zoning Administrator / Director of Zoning
County of Albemarle
Department of Community Development
401 McIntire Road, North Wing
Charlottesville, Virginia 22902

RE: SDP202200023 - Berkmar Flats
Request for Official Determination
Chapter 18 Article I Section 2.4– Intent of bonus provisions
TMP 45-81, 45-82, and 45-82A

Dear Mr. Svoboda,

This is a request for determination that bonus factors, provided for in Chapter 18 Article I Section 2.4 of the Albemarle County Code, may be utilized on property zoned R-6 Residential and designated as "Office/R&D/Flex/Light Industrial" in the Places29 Master Plan.

Pursuant to Article IV Section 32.5 of the Albemarle County Zoning Ordinance, Third Mesa LLC (the "Owner") has submitted an Initial Site Development Plan ("SDP2022-23") to construct 26 multi-family dwelling units in the Rio Magisterial District on tax parcels 45-81, 45-82, and 45-82A (collectively, the "Property"). The Property, in the aggregate, is 3.51 acres, and is zoned R-6 Residential, allowing a By-Right, Standard Level, Conventional Development of 21 units (or six units per acre). The Owner is proposing to build an additional five (5) units (an increase of 23.7%) using the bonus factor provisions provided in Sections 2.4.3 (environmental standards) and 2.4.5 (affordable housing standards) located in Article I of the Albemarle County Zoning Ordinance. The intent of bonus factors is stated in Section 2.4 as follows:

> *"The provision of bonus factors is intended to encourage development which reflects the goals and objectives of the comprehensive plan. To this end, bonus factors are based on development standards as recommended by the comprehensive plan."*

The Property is designated as "Office/R&D/Flex/Light Industrial" in the Places29 Master Plan, adopted February 2, 2011 and revised June 10, 2015. "Residential" is a secondary land use in this designation. There is no specific residential density range stated for the Office/R&D/Flex/Light Industrial designation however, since residential is imagined as a land use in this designation, the density allowance must be greater than zero. Given that the "Neighborhood Density Residential" designation is the only land use designation in the Places29 Master Plan limited to six (6) dwelling units per acre (DUA) or less, and that Neighborhood Density Residential is largely reserved for established single family neighborhoods and areas east of Route 29 in the Places29 Master Plan, the residential density imagined for the Office/R&D/Flex/Light Industrial designation should be more aligned with the density ranges listed for Urban Density Residential and Urban Mixed Use land use categories.

In a pre-application comment letter for the Berkmar Flats development (PREAPP202200002), County Staff informed us that "*The proposed use of bonus densities is…unlikely to be supported due to its inconsistency with the comprehensive plan…To this end, bonus factors are unlikely to be supported or approved.*" The comment letter went on to reference a County Staff comment regarding bonus factors provided to the applicant for the Berkmar Overlook subdivision, which is adjacent to the Property, where the applicant for that project was informed that *"Residential density bonuses are not available in areas where the Comprehensive Plan does not designate residential as a primary use."* The Owner requests that you provide an official determination that residential density bonus factor provisions are indeed permitted on the Property and may be utilized as proposed in SDP2022-23. Please consider the following in your determination:

1) Nowhere in Section 2.4 of the Zoning Ordinance does it stipulate that bonus provisions are intended solely for land use designations in the Comprehensive Plan where residential use is designated as a "primary" land use designation. To the contrary, we find no evidence where "primary" or "secondary" land use considerations are mentioned in Section 2.4 or where a distinction is made between the two. Section 2.4 states "*bonus factors are based on development standards as recommended by the comprehensive plan*" and primary *and* secondary land uses contribute to those development standards.
2) Secondary land uses are imagined to take shape when listed for a land use category. The Places 29 Master Plan notes that "*Secondary land uses are intended as support uses for the primary ones. While these secondary uses should represent a smaller proportion of the development or the building, they are very important to "place-making"; adding them to a Center or the area around a Center increases the mix of uses and makes the area a more complete Neighborhood." (Places 29 Master Plan, page 4-4)*
3) Primary and secondary land use determinations are not meant to be characteristic of an individual parcel: *"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)."* (Places 29 Master Plan, Page 4-4). In this particular land use designation, several parcels (SPCA and Better Living, for example) have developed without any residential component. While it makes some sense to develop the higher intensity non-residential uses on the east side of Berkmar, it also makes some sense to develop the secondary residential uses on the west side of Berkmar, adjacent to the rural areas. In the broader context, there is a considerable amount of non-residential development within other nearby land use designations, such as the "commercial mixed use" designation where there are offices, car dealerships, and home improvement stores, among other commercial users, all within a quarter mile of the Property.
4) There are numerous goals and objectives in the comprehensive plan that will be achieved with the application of bonus factors on the Property. Consider the goals and objectives that are missed with the by-right adjoining R-6 development (Berkmar Overlook). Berkmar Flats provides diversified and affordable housing, relegated parking, and over 70% open space. Increased density within the development area will also delay the potential expansion of development area boundaries.

5) In general, the future Land Use Map and Tables LU1 and LU2 provide neighborhood density residential designations (3-6 DUA) within existing older neighborhoods located east of Route 29. There are no neighborhood density designations located west of Route 29 between Rio Road and the Rivanna River. To the contrary, there are numerous areas designated for Urban Mixed Use (3-34 DUA) and Urban Density Residential (6.01-34 DUA). The proximity of these designations and other higher intensity designations implies that a density higher than 6 would be appropriate for this area. Third Mesa LLC is proposing 7.5 DUA. The argument could certainly be made that, if residential units are proposed on these parcels, a rezoning to accommodate much higher density would be appropriate.
6) Certain land use designations within the Places29 Master Plan expressly state that residential uses are "not permitted." Table LU2 notes that residential is "not permitted" in Light Industrial, Heavy Industrial, and Open Space designations. For institutional land use categories, "residential" is neither listed as a primary or secondary use on page 4-7 of the Master Plan. It is clear that bonus factors may not be utilized on parcels with these designations where residential use is expressly not called for. Given this clear delineation of where residential uses are and are not imagined in the Comprehensive Plan, residential density bonuses should be permitted on parcels where residential development is a development standard called for in the comprehensive plan.

Please let us know if we can provide any further information regarding this request for determination. We are attaching our initial SDP submittal as well as the comment letter from PRE-APP202200002 for reference.

Thanks for your consideration,

Kelsey Schlein
Shimp Engineering, P.C.

Attachments:
SDP2022-23
PREAPP2022-02 Comment Letter

SHIMP ENGINEERING, P.C.
Design Focused Engineering

April 27, 2022

Mr. Bart Svoboda, Zoning Administrator / Director of Zoning
County of Albemarle
Department of Community Development
401 McIntire Road, North Wing
Charlottesville, Virginia 22902

RE: SDP202200023 - Berkmar Flats
Request for Official Determination
Chapter 18 Article I Section 2.4– Intent of bonus provisions
TMP 45-81, 45-82, and 45-82A

Dear Mr. Svoboda,

This is a request for determination that bonus factors, provided for in Chapter 18 Article I Section 2.4 of the Albemarle County Code, may be utilized on property zoned R-6 Residential and designated as "Office/R&D/Flex/Light Industrial" in the Places29 Master Plan.

Pursuant to Article IV Section 32.5 of the Albemarle County Zoning Ordinance, Third Mesa LLC (the "Owner") has submitted an Initial Site Development Plan ("SDP2022-23") to construct 26 multi-family dwelling units in the Rio Magisterial District on tax parcels 45-81, 45-82, and 45-82A (collectively, the "Property"). The Property, in the aggregate, is 3.51 acres, and is zoned R-6 Residential, allowing a By-Right, Standard Level, Conventional Development of 21 units (or six units per acre). The Owner is proposing to build an additional five (5) units (an increase of 23.7%) using the bonus factor provisions provided in Sections 2.4.3 (environmental standards) and 2.4.5 (affordable housing standards) located in Article I of the Albemarle County Zoning Ordinance. The intent of bonus factors is stated in Section 2.4 as follows:

> *"The provision of bonus factors is intended to encourage development which reflects the goals and objectives of the comprehensive plan. To this end, bonus factors are based on development standards as recommended by the comprehensive plan."*

The Property is designated as "Office/R&D/Flex/Light Industrial" in the Places29 Master Plan, adopted February 2, 2011 and revised June 10, 2015. "Residential" is a secondary land use in this designation. There is no specific residential density range stated for the Office/R&D/Flex/Light Industrial designation however, since residential is imagined as a land use in this designation, the density allowance must be greater than zero. Given that the "Neighborhood Density Residential" designation is the only land use designation in the Places29 Master Plan limited to six (6) dwelling units per acre (DUA) or less, and that Neighborhood Density Residential is largely reserved for established single family neighborhoods and areas east of Route 29 in the Places29 Master Plan, the residential density imagined for the Office/R&D/Flex/Light Industrial designation should be more aligned with the density ranges listed for Urban Density Residential and Urban Mixed Use land use categories.

In a pre-application comment letter for the Berkmar Flats development (PREAPP202200002), County Staff informed us that "*The proposed use of bonus densities is…unlikely to be supported due to its inconsistency with the comprehensive plan…To this end, bonus factors are unlikely to be supported or approved.*" The comment letter went on to reference a County Staff comment regarding bonus factors provided to the applicant for the Berkmar Overlook subdivision, which is adjacent to the Property, where the applicant for that project was informed that *"Residential density bonuses are not available in areas where the Comprehensive Plan does not designate residential as a primary use."* The Owner requests that you provide an official determination that residential density bonus factor provisions are indeed permitted on the Property and may be utilized as proposed in SDP2022-23. Please consider the following in your determination:

1) Nowhere in Section 2.4 of the Zoning Ordinance does it stipulate that bonus provisions are intended solely for land use designations in the Comprehensive Plan where residential use is designated as a "primary" land use designation. To the contrary, we find no evidence where "primary" or "secondary" land use considerations are mentioned in Section 2.4 or where a distinction is made between the two. Section 2.4 states "*bonus factors are based on development standards as recommended by the comprehensive plan*" and primary *and* secondary land uses contribute to those development standards.
2) Secondary land uses are imagined to take shape when listed for a land use category. The Places 29 Master Plan notes that "*Secondary land uses are intended as support uses for the primary ones. While these secondary uses should represent a smaller proportion of the development or the building, they are very important to "place-making"; adding them to a Center or the area around a Center increases the mix of uses and makes the area a more complete Neighborhood." (Places 29 Master Plan, page 4-4)*
3) Primary and secondary land use determinations are not meant to be characteristic of an individual parcel: *"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)."* (Places 29 Master Plan, Page 4-4). In this particular land use designation, several parcels (SPCA and Better Living, for example) have developed without any residential component. While it makes some sense to develop the higher intensity non-residential uses on the east side of Berkmar, it also makes some sense to develop the secondary residential uses on the west side of Berkmar, adjacent to the rural areas. In the broader context, there is a considerable amount of non-residential development within other nearby land use designations, such as the "commercial mixed use" designation where there are offices, car dealerships, and home improvement stores, among other commercial users, all within a quarter mile of the Property.
4) There are numerous goals and objectives in the comprehensive plan that will be achieved with the application of bonus factors on the Property. Consider the goals and objectives that are missed with the by-right adjoining R-6 development (Berkmar Overlook). Berkmar Flats provides diversified and affordable housing, relegated parking, and over 70% open space. Increased density within the development area will also delay the potential expansion of development area boundaries.

5) In general, the future Land Use Map and Tables LU1 and LU2 provide neighborhood density residential designations (3-6 DUA) within existing older neighborhoods located east of Route 29. There are no neighborhood density designations located west of Route 29 between Rio Road and the Rivanna River. To the contrary, there are numerous areas designated for Urban Mixed Use (3-34 DUA) and Urban Density Residential (6.01-34 DUA). The proximity of these designations and other higher intensity designations implies that a density higher than 6 would be appropriate for this area. Third Mesa LLC is proposing 7.5 DUA. The argument could certainly be made that, if residential units are proposed on these parcels, a rezoning to accommodate much higher density would be appropriate.
6) Certain land use designations within the Places29 Master Plan expressly state that residential uses are "not permitted." Table LU2 notes that residential is "not permitted" in Light Industrial, Heavy Industrial, and Open Space designations. For institutional land use categories, "residential" is neither listed as a primary or secondary use on page 4-7 of the Master Plan. It is clear that bonus factors may not be utilized on parcels with these designations where residential use is expressly not called for. Given this clear delineation of where residential uses are and are not imagined in the Comprehensive Plan, residential density bonuses should be permitted on parcels where residential development is a development standard called for in the comprehensive plan.

Please let us know if we can provide any further information regarding this request for determination. We are attaching our initial SDP submittal as well as the comment letter from PRE-APP202200002 for reference.

Thanks for your consideration,

Kelsey Schlein
Shimp Engineering, P.C.

Attachments:
SDP2022-23
PREAPP2022-02 Comment Letter

AFFIDAVIT

Date: 12/13/2022

I, Marsha Alley, hereby certify that the attached notices were sent on the above date to those persons listed. A total of 14 letters were sent (this includes those listed receiving a copy).

Marsha Alley
(signature)

****

State of Virginia

City of Charlottesville

The foregoing instrument was ACKNOWLEDGED before me by Marsha Alley, CDA-Zoning, this 13 day of December, 20 22 .

Jennifer C Smith
(Signature of Notary)

7696540
(Notary Registration Number)

My commission expires the 31 day of December, 2025.

I was commissioned notary as _____
(Include ONLY if name change after your first notary commission or renewal)

JENNIFER CHRISTINE SMITH
NOTARY PUBLIC
REG. #7696540
MY COMMISSION EXPIRES
12/31/25
COMMONWEALTH OF VIRGINIA

Project Name: **AP2022-00003 Berkmar Flats**

County of Albemarle
COMMUNITY DEVELOPMENT DEPARTMENT

401 McIntire Road, North Wing
Charlottesville, VA 22902-4579
Telephone: 434-296-5832
WWW.ALBEMARLE.ORG

December 13, 2022

RE: PROJECT: AP202200003 Berkmar Flats (Signs 79 & 80)
PROPERTY OWNER: Third Mesa, LLC
APPELLANT: Third Mesa, LLC/J.T. Maxwell

To Whom It May Concern:

This letter is to notify you as adjoining property owners to property owned by Third Mesa, LLC that an appeal application has been submitted. The application is as follows:

PROJECT: AP2022-00003 Berkmar Flats (Signs #79 & 80)
APPELLANT: THIRD MESA, LLC
PROPERTY OWNER: THIRD MESA, LLC
SUBJECT PROPERTY: PARCEL IDs: 04500-00-00-08100, 04500-00-00-08200, 04500-00-00-082A0
LOCATION: The Property is located on Berkmar Drive adjacent to Berkmar Overlook and across the street from Better Living. The Property fronts both Berkmar Dr. and Woodburn Rd.
MAGISTERIAL DISTRICT: Rio
ZONING: R6, Residential
OVERLAY DISTRICT: Steep Slopes
COMPREHENSIVE PLAN: Places 29, Office/R&D/Flex/Light Industrial
APPEAL: The Appellant is appealing the Zoning Administrator's official determination, LOD2022-00005, dated September 27, 2022, that Section 2.4.1 of the Zoning Ordinance does not permit the application of bonus factors on the subject property.

The Board of Zoning Appeals will conduct a public hearing on **Tuesday, January 3, 2023 at 2:00 p.m. in the Lane Auditorium**, 2nd Floor, Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia.

Opportunities for the public to access the meeting and participate in the public hearing will be posted at https://www.albemarle.org/community/county-calendar. Participation will include the opportunity to comment on those matters for which comments from the public will be received.

Copies of the application information may be examined at County Office Building – CDD 1st Floor, 401 McIntire Road, Charlottesville, VA, 22902 during business hours or online at https://www.albemarle.org/government/community-development/boards-and-commissions/board-of-zoning-appeals. Reasonable accommodations will be provided to persons with disabilities, if requested. For more information, please contact the Community Development Department at 434-296-5832.

Sincerely,

Bart J. Svoboda
Zoning Administrator

County of Albemarle
COMMUNITY DEVELOPMENT DEPARTMENT

401 McIntire Road, North Wing
Charlottesville, VA 22902-4579
Telephone: 434-296-5832
WWW.ALBEMARLE.ORG

December 13, 2022

Third Mesa, LLC – J.T. Maxwell
1455 Rio Road East, Suite 1
Charlottesville, VA 22901

RE: PROJECT: AP202200003 Berkmar Flats (Signs 79 & 80)
PROPERTY OWNER: Third Mesa, LLC
APPELLANT: Third Mesa, LLC/J.T. Maxwell

Dear Third Mesa, LLC – J.T. Maxwell:

This letter is to notify you that the following application has been scheduled for public hearing:

PROJECT: AP2022-00003 Berkmar Flats (Signs #79 & 80)
APPELLANT: THIRD MESA, LLC
PROPERTY OWNER: THIRD MESA, LLC
SUBJECT PROPERTY: PARCEL IDs: 04500-00-00-08100, 04500-00-00-08200, 04500-00-00-082A0
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Sincerely,

Bart J. Svoboda
Zoning Administrator

County of Albemarle
COMMUNITY DEVELOPMENT DEPARTMENT

401 McIntire Road, North Wing
Charlottesville, VA 22902-4579
Telephone: 434-296-5832
WWW.ALBEMARLE.ORG

December 13, 2022

Third Mesa, LLC
P.O. Box 6551
Charlottesville, VA 22906

RE: PROJECT: AP202200003 Berkmar Flats (Signs 79 & 80)
PROPERTY OWNER: Third Mesa, LLC
APPELLANT: Third Mesa, LLC/J.T. Maxwell

Dear Third Mesa, LLC:

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PROPERTY OWNER: THIRD MESA, LLC
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Sincerely,

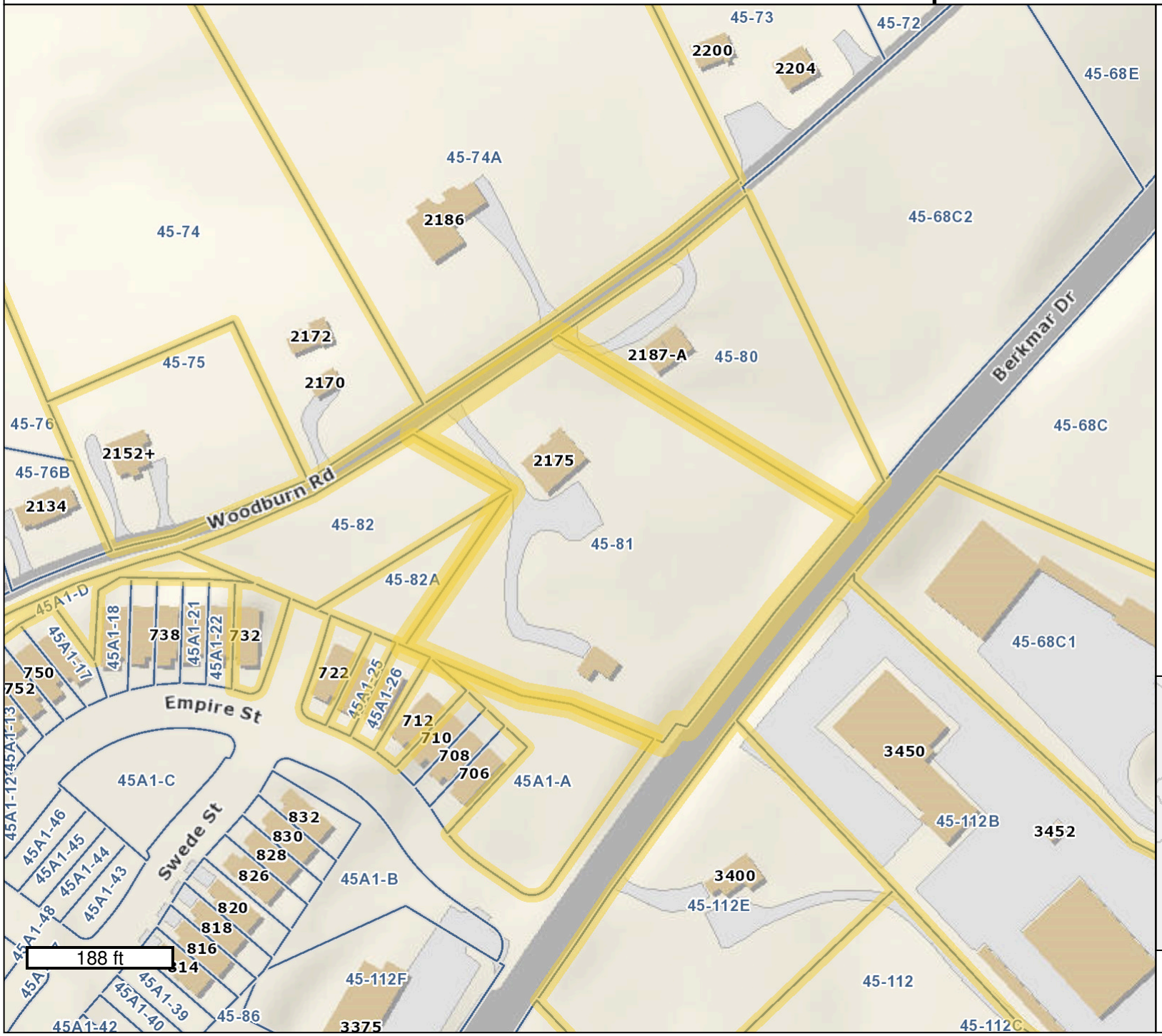
Bart J. Svoboda
Zoning Administrator

ParcelID	Owner	OwnerAddress	OwnerZip
045000000082A0	THIRD MESA LLC	P O BOX 6551	CHARLOTTESVILLE VA, 22906
04500000008200	THIRD MESA LLC	P O BOX 6551	CHARLOTTESVILLE VA, 22906
045A10000000D0	BERKMAR DEVELOPMENT LLC	2496 OLD IVY RD	CHARLOTTESVILLE VA, 22903
045A10000000A0	NVR INC	3926 PENDER DR #200	FAIRFAX VA, 22030
045000000112E0	BERKMAR HOLDINGS LLC	411 EAST FRANKLIN ST STE 400	RICHMOND VA, 23219
045000000112B0	B PROPERTIES LC	P O BOX 7627	CHARLOTTESVILLE VA, 22906
045A1000002700	HARDING, TROY BURCHELL & BRIE KELLY HARDING	2076 ASPEN DRIVE	CHARLOTTESVILLE VA, 22911
045A1000002600	TROTTER, BARBARA SAYRE	718 EMPIRE STREET	CHARLOTTESVILLE VA, 22901
045A1000002500	COLLEY, CLAIRE ELLEN, TRUSTEE OF THE CLAIRE ELLEN COLLEY TRUST AGREEMENT DATED JULY 21, 2015	720 EMPIRE STREET	CHARLOTTESVILLE VA, 22901
045A1000002400	TANNER, STACY, TRUSTEE OF THE STACY TANNER TRUST DATED JUNE 5, 2003	P O BOX 533	ROCKAWAY BEACH OR, 22901
045A1000002300	NVR INC	3926 PENDER DRIVE #200	FAIRFAX VA, 22030
045000000068C1	MALLOY PROPERTIES III LLC C/O MALLOY COMPANIES LLC	2070 SEMINOLE TRL	CHARLOTTESVILLE VA, 22901
04500000007500	WEBER, LEWIS A LIVING TRUST	2186 WOODBURN RD	CHARLOTTESVILLE VA, 22901
04500000007400	WEBER, LEWIS A LIVING TRUST	2186 WOODBURN RD	CHARLOTTESVILLE VA, 22901
04500000008100	THIRD MESA LLC	P O BOX 6551	CHARLOTTESVILLE VA, 22906
045000000074A0	WEBER, LEWIS A LIVING TRUST	2186 WOODBURN RD	CHARLOTTESVILLE VA, 22901
04500000008000	RIDGEWOOD MOTEL & MANOR LP	2883 SEMINOLE TRAIL	CHARLOTTESVILLE VA, 22911
Primary Contact:	Third Mesa, LLC - J.T. Maxwell	1455 Rio Road East, Suite 1	Charlottesville, VA 22901

AP#2022-003 Berkmar Flats

18 listings - 4 duplicates = 14 notices

AP2022-003 Berkmar Flats APO Map

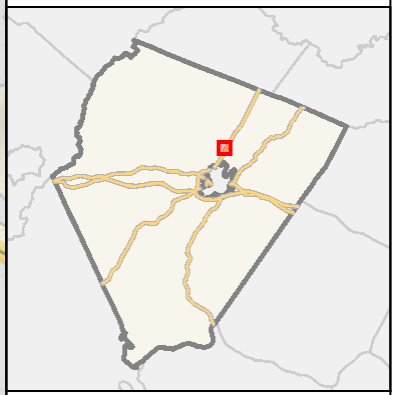


Legend

(Note: Some items on map may not appear in legend)

Parcel Info

- ☐ Parcels



GIS-Web
Geographic Data Services
www.albemarle.org/gis
(434) 296-5832

Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.

November 1, 2022

Map elements may scale larger than GIS data measured in the map or as provided on the data download page due to the projection used. Map Projection: WGS84 Web Mercator (Auxiliary Sphere) (EPSG 3857)

The Daily Progress The News Virginian
Orange County Review Greene County Record
The Madison Eagle Culpeper Star Exponent

Order Confirmation

Order# 0001388584

Client: COUNTY OF ALBEMARLE - COMM DEV DEPT
Phone: 4342965832

Payor : COUNTY OF ALBEMARLE - COMM DEV DEPT
Phone: 4342965832

Account: 6120665
Address: 401 MCINTIRE ROAD
CHARLOTTESVILLE VA 22902

Account: 6120665
Address: 401 MCINTIRE ROAD
CHARLOTTESVILLE VA 22902

Sales Rep	Accnt Rep	Ordered By	Fax:
con_hjones	dhubbard	Marsha Alley	**EMail:** akilmer@albemarle.org

Total Amount **$738.20**
Payment Amount **$0.00**
Amount Due **$738.20**
Tax Amount: 0.00
Payment Meth: Invoice - Statement

Tear Sheets	Proofs	Affidavits	PO Number:
0	0	1	

Ad Number	Ad Type	Ad Size	Color
0001388584-01	CLS Legal Liner	2 X 38 li	$0.00

Production Method
AdBooker (liner)

Production Notes

Product and Zone	Placement	Position	# Inserts
CVL Daily Progress	C-Legal Ads	Legal Notices	2

Run Schedule Invoice Text: LEGAL AD The Albemarle County Board of Zoning Appeals
Run Dates 12/19/2022, 12/27/2022

Product and Zone	Placement	Position	# Inserts
CVL dailyprogress.com	C-Legal Ads	Legal Notices	18

Run Schedule Invoice Text: LEGAL AD The Albemarle County Board of Zoning Appeals
Run Dates 12/19/2022, 12/20/2022, 12/21/2022, 12/22/2022, 12/23/2022, 12/24/2022, 12/25/2022, 12/26/2022, 12/27/2022, 12/28/2022, 12/29/2022, 12/30/2022, 12/31/2022, 1/ 1/2023, 1/ 2/2023, 1/ 3/2023, 1/ 4/2023, 1/ 5/2023

TagLine: LEGALADTHEALBEMARLECOUNTYBOARDOFZONINGAPPEALSWILLCONDUCTAPUBLICHEARINGONTUESDAYJANUARY32023AT200PMINTHELANEAUDITORIUM2NDFLOORA

The Daily Progress **The News Virginian**
Orange County Review **Greene County Record**
The Madison Eagle **Culpeper Star Exponent**

Order Confirmation

Order# 0001388584

Ad Content Proof

Note: Ad size does not reflect actual ad

LEGAL AD

The Albemarle County Board of Zoning Appeals will conduct a public hearing on Tuesday, January 3, 2023 at 2:00 PM in the Lane Auditorium, 2nd Floor, Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA to consider the following:

PROJECT: AP2022-00003 Berkmar Flats (Signs #79 & 80)
APPELLANT: THIRD MESA, LLC
PROPERTY OWNER: THIRD MESA, LLC
SUBJECT PROPERTY: PARCEL IDs: 04500-00-00-08100, 04500-00-00-08200, 04500-00-00-082A0
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ZONING: R6, Residential
OVERLAY DISTRICT: Steep Slopes
COMPREHENSIVE PLAN: Places 29, Office/R&D/Flex/Light Industrial
APPEAL: The Appellant is appealing the Zoning Administrator's official determination, LOD2022-00005, dated September 27, 2022, that Section 2.4.1 of the Zoning Ordinance does not permit the application of bonus factors on the subject property.

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ALBEMARLE COUNTY BOARD OF ZONING APPEALS
VIRTUAL MEETING
TUESDAY, AUGUST 2, 2022—2:00 P.M.

Board Members Present:	John Shepherd Marcia Joseph Ed Robb Edward (Bo) Carrington Kurt Burkhart
Staff Members Present:	Bart Svoboda, Zoning Administrator Francis MacCall, Deputy Zoning Administrator Lisa Green, Manager of Code Compliance Marsha Alley, BZA Clerk and Recorder
County Attorney Present:	Andy Herrick, Deputy County Attorney
BZA Attorney Present:	James Bowling, IV

1. Call to Order
The meeting was called to order at 2:04 p.m. by Chair Marcia Joseph. She said this meeting was being held pursuant to and in compliance with Ordinance No. 20-A(16), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster." She added that opportunities for the public to access and participate in the public hearing are posted at https://www.albemarle.org/community/county-calendar and that participation includes the opportunity to comment on those matters for which comments from the public will be received.

2. Establish a Quorum
Ms. Joseph established a quorum and recognized that the BZA members electronically present were John Shepherd, Ed Robb, Kurt Burkhart, and Edward Carrington; also present were Andy Herrick, James Bowling, IV, Bart Svoboda, Francis MacCall, Lisa Green, and Marsha Alley.

3. Public Hearings

SP2022-00016 Charlottesville Catholic School Electric Message Sign (Signs #68 & 69) Property Owner: Catholic Diocese of Richmond, Walter F. Sullivan, Bishop et al

Mr. MacCall stated that the application was in accordance with Section 4.15.7(d) of the Albemarle County Zoning Ordinance. He stated that the property owners at 1191 Pen Park Road had raised concerns, and the parcel in question was TMP 61A-29 located at 1205 Pen Park Road. He noted that one of the conditions would require a lower brightness in the evening, and the property owners were aware the County was trying to mitigate the impacts of the light.

Mr. MacCall suggested changes to the fifth and sixth conditions, which were sourced from the design criteria from the ARB for the Entrance Corridor, by adding definite articles to references to electric signs. He noted that daytime (7 a.m. to 7 p.m.) and nighttime (10 p.m. to 7 a.m.) hours were defined in the ordinance. He explained that a "nit" was a unit of measurement that described how bright a display was, and the technical term was "candela per square meter." Mr. MacCall said the applicant said the sign will darken to a black screen after 7 p.m. to eliminate light pollution, and it will illuminate after 6 a.m.

Mr. Herrick suggested specifying a range of times for the last two conditions rather than leaving them open-ended time frames, and said that it would be clearer to state "between 7 p.m. and 6 a.m."

Mr. Brion Draper, the applicant, said the sign had an integrated auto-dimming light function. He said it was recommended that the message on the sign only change every 15 minutes, but he requested the sign change every 30 seconds. He said the sign had FEMA response built in, with AMBER alerts, Silver alerts, and automatic inclement weather warnings.

Mr. Francis Murphy stated that he was the business manager for the Catholic school.

Ms. Joseph opened the hearing to the public. Ms. Alley noted that no one has signed up for public comment. Ms. Joseph closed the public hearing.

Mr. Burkhart noted he supported the quicker message rotation on the sign.

Mr. Shepherd said the hours of illumination should be extended, and it was often light out after 7 p.m. He supported reducing the brightness and suggested extending the illumination hours to 9 p.m., as well as the applicant's request to cycle through the messages every 30 seconds.

Mr. Carrington said cycling the messages every 30 seconds made the sign more useful.

Ms. Joseph noted that the sign was 410 feet from Pen Park Road and was only about 3 feet tall, and the elevation change from Pen Park to the sign was about 30 feet. She said she supported changing the message display time to be faster than 15 minutes per message.

Mr. Carrington said 5 or 10 seconds seemed to be long enough for passing travelers to see the messages.

Mr. Draper said if there were multiple messages, a more rapid cycle rate should be used.

Ms. Shepherd noted that the second condition in the staff report was amended from 15 minutes to 15 seconds for the message display time.

Mr. MacCall said anything less than a 15-second limit would potentially look like it was flashing, so he would want to avoid a shorter time.

Mr. Herrick clarified that he did not suggest changing the illumination timeframes, and suggested that the sixth condition state: "The electric message sign may not be illuminated between 8 p.m. and 6 a.m."

Mr. Bowling suggested that the conditions use "must" instead of "may."

Mr. Shepherd said if an event ended after 8 p.m., it would make sense to have the sign illuminated until the event was over. He suggested extending the timeframe to 8:30 p.m. or 9 p.m.

Mr. Carrington said they should include the 5,000-nit requirement from 6 a.m. to 9 p.m., and there was no maximum illumination during the daytime.

Mr. Bowling said it was good to leave the 5,000-nit requirement in the condition for technical reasons.

DRAFT

Ms. Lisa Green said they would review the conditions in the case there was a complaint for enforcement, the less ambiguous the condition, the better. She said she wanted to ensure the sign was not displaying at 5,000 nits when it was dark.

Mr. Svoboda said they could use sunrise and sunset tables as they were used for hunting and other things.

Mr. Draper said dusk-to-dawn was the same as a photocell—a photosensitive circuit that turned on in the light—and the sign had an automatic light dimmer that could lower the brightness as it got darker.

Mr. Herrick suggested that the fifth condition be effective between sunset and 9 p.m., that the sixth condition be effective between 6 a.m. and sunset, and that there be an additional condition stating: "The electric message sign must be dark between 9 p.m. and 6 a.m."

Mr. Svoboda noted the second condition still stated the sign must not change messages more than four times per hour. He suggested that line be struck from the condition.

MOTION: Mr. Carrington moved to support approval of SP2022-00016 Charlottesville Catholic School Electric Message Sign subject to the conditions as follows:

1. The property is limited to one (1) freestanding electric message sign no more than 24 square feet in the location, as shown in Attachment B.
2. Each message must display for a minimum of 15 seconds.
3. Content may not blink, flash, scroll vertically or horizontally, or display animation or movement of any kind.
4. Content may change only through an immediate transition that does not have the appearance of moving text or images.
5. The electric message sign must not exceed a maximum luminance level of 300 Nits between sunset and 9 p.m.
6. The electric message sign must not exceed a maximum luminance level of 5,000 Nits between 6 a.m. and sunset.
7. The electric message sign must be dark between 9 p.m. and 6 a.m.

Mr. Shepherd seconded the motion, which passed unanimously (5-0).

AP2022-00002 801 Franklin Street Appeal of a Zoning Determination (Sign #70) Property Owner: John Harvey Falls

Mr. Bart Svoboda said the applicant had requested an appeal of a determination, ZVIO2022-076, dated May 5, 2022, that storage of portable toilets in the flood hazard overlay district was not a permitted use. He said the appeal was limited to determining whether the zoning administrator's decision was correct and whether the zoning ordinance was applied correctly.

Mr. Svoboda said they were unable to verify zoning clearance issuance and that a use had begun. He said on May 5, 2022, ZVIO2022-076 was issued that determined the storage of multiple portable toilets in a storage yard in the floodplain was not a permitted use based on the parcel history.

Mr. Herrick said that a storage yard was a permitted use by right in the light industrial district, but not in the flood hazard overlay district. He said that the applicant did not receive the appropriate zoning clearances. Mr. Herrick agreed that the Zoning Administrator's decision should be upheld.

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Mr. Shepherd asked if the use would be by-right if not for the floodplain.

Mr. Herrick explained that a storage yard was permitted by a special use permit in the light industrial district, but the flood hazard overlay district superseded all other district regulations and did not permit the use by-right or by special use unless the applicant demonstrated a legal non-conforming use. He said that a legal non-conforming use could not be discontinued for more than two year under state law and County Code.

Mr. Svoboda explained the latest update to the overlay district occurred April 2, 2014. He said the authority came from the enabling legislation for the zoning ordinance in the state code.

Ms. Joseph asked the appellant to provide their presentation.

Mr. Steve Blaine said he represented the appellant. He said his clients were Tee Valentine and John Epley, who owned Allied Portable.

Mr. Epley said they had leased the property since May 2019, and it had been used as an industrial storage yard prior; the site was near Moore's Creek WTP where they disposed of the portable toilet waste.

Mr. Blaine said the determination related only to the flood overlay district. He said the use was legally nonconforming and had operated as an equipment storage yard prior to 2014. He argued that the code section was not appropriately applied to the determination of the legal nonconforming use.

Mr. Shepherd asked if clearances were required when the owners changed.

Mr. Svoboda said if the parcel changed ownership, then new clearances were not required, but if the business changed, then a zoning clearance was required.

Mr. Blaine said he was not aware if they had received a zoning clearance, but it did not determine if a use was lawful. He said a use was lawful as determined by the ordinance.

Ms. Joseph opened the public hearing.

Ms. Alley read the guidelines for public comment.

Mr. Andrew Dean said he was a resident near the parcel and could smell the portable toilets from his house, in addition to noise, adding that they were degrading his quality of life.

There being no others signed up for public comment, Ms. Joseph closed the public hearing.

Mr. Herrick said that the regulations for the Light Industrial district in County Code Section 18-26.2 only allowed one use by-right—temporary construction storage yard—and that every other variety of storage yard required a special use permit. He said that three violations were mentioned in the 2014 violation notice, and that the burden to prove a legal nonconforming use was on the appellant.

Ms. Joseph allowed the appellant a rebuttal.

Mr. Blaine said he disagreed with the light industrial district ordinance interpretation. He noted the owner's testimony and leases showed the use had been continuous.

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Mr. Epley said they were aware of the complaints mentioned during public comment.

Mr. Shepherd noted the confusion regarding what was and what was not permitted in the light industrial district by-right and said he wanted more information about what was permitted.

Mr. Herrick said that temporary construction storage was the only type of storage allowed by right in the Light Industrial district; and that all other storage yards required a special use permit. He said that what was allowed in the floodplain overlay district was at issue, and that storage yards were not.

Mr. Carrington said the use did not matter; they had to determine if the use had been established as a legal nonconforming use. He noted there was no reference to the floodplain in the 2014 determination.

Mr. Robb said the issue was whether the applicant was in violation of the floodplain overlay district ordinance or not.

Ms. Joseph asked for clarification whether the floodplain ordinance stipulated if there was a use in operation prior to 2014, then the use would not be subject to the floodplain ordinance.

Mr. Herrick said that according to County Code Section 18-30.3(d): “Any use or development lawfully existing on April 2, 2014 shall be nonconforming to the extent that it is not in compliance with Section 30.3,” which is the Flood Hazard Overlay District.

Mr. Robb asked if the issue was about whether there was a legal nonconforming use or a violation of the flood hazard overlay district.

Mr. Herrick said that the issue was whether the use had been established prior to 2014 and whether it had been continuously used since that time. He said that because state law required the BZA to render a decision within 90 days, if the BZA wanted to make a deferral, the request should come from the appellant.

Mr. Blaine said he could recommend that they defer if the BZA needed more evidence but noted that he believed that the facts are there to make a decision.

Mr. Epley said he believed the evidence was robust enough to support their claim.

Mr. Herrick said that it would be within 90 days of when the appellant filed the appeal.

Mr. Valentine said they could not commit to getting notarized statements from the previous tenants before August 27.

Ms. Joseph said if they deferred the item, then they would be able to submit documents after August 27. She said the appellant was permitted to continue to use the site.

Mr. Svoboda explained that a pending appeal stayed all enforcement action. He said if the appellant wished to defer, it would continue to stay the enforcement action until the matter was resolved.

Mr. Blaine requested the Board address the determination at the meeting. He said the appellant would work with staff to address concerns from neighboring residents.

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Mr. Bowling said that wasn't enforceable and the Board would have to make a decision; if they did not get a deferral, the decision would automatically be rendered when the 90-day period expired.

MOTION: Ms. Joseph moved that the Board affirm the Zoning Administrator's determination in AP2022-002. Mr. Shepherd seconded the motion, which failed (2-3). Ms. Joseph and Mr. Robb voted yes; Mr. Carrington, Mr. Burkhart, and Mr. Shepherd voted no.

MOTION: Mr. Carrington moved that Board overturn the Zoning Administrator's determination in AP2022-002. Mr. Shepherd seconded the motion, which carried (3-2). Mr. Burkhart, Mr. Carrington, and Mr. Shepherd voted yes; Ms. Joseph and Mr. Robb voted no.

4. Approval of Minutes
A. March 1, 2022

MOTION: Mr. Shepherd moved to approve the minutes for March 1, 2022. Mr. Robb seconded the motion, which passed unanimously (5-0).

5. Old Business
There was none.

6. New Business
A. Review Rules and Procedure
Mr. Herrick said that modifications were made to the Freedom of Information Act (FOIA), which did not yet allow all-virtual meetings for certain boards, including the BZA, but did allow for more permissive use of remote participation. He said that the proposed amendments to the Board's Rules of Procedure were limited to Section 7, and that the Rules adapted to the changes in the law that would take effect September 1, 2022.

Mr. Bowling said Board members had two personal days to attend a meeting virtually, and they had unlimited sick days to participate remotely.

MOTION: Mr. Shepherd moved to address amending the Board of Zoning Appeals Rules of Procedure at the next available meeting. Mr. Burkhart seconded the motion, which carried unanimously (5-0).

B. Annual Report Update

Mr. Svoboda said they would provide a full report that would be addressed in more detail at the next meeting. He said it would include a list of what was before the Board and what the result was.

Ms. Alley said the annual report was due to the Board of Supervisors on September 2, and they were currently drafting it.

C. Contract Renewal for Legal Counsel
Ms. Joseph said the Board took action in February related to this item.

Mr. Svoboda explained when the Board took action, it was a vote on the rate. He said because the new fiscal year had started, the contract was active and the Board had approved the funds to cover it.

7. Adjournment

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MOTION: Mr. Burkhart moved to adjourn the BZA meeting. Mr. Robb seconded the motion, which passed unanimously (5-0).

The meeting adjourned at 5:36 p.m.

(Recorded by Marsha Alley and transcribed by Golden Transcription Services)

Respectfully Submitted,

John Shepherd, Secretary Board of Zoning Appeals

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