

**COUNTY OF ALBEMARLE  
PLANNING STAFF REPORT SUMMARY**

<b>Project Name:</b> ZMA201900003 Albemarle Business Campus (formerly known as Royal Fern)	<b>Staff:</b> Andy Reitelbach, Senior Planner
<b>Planning Commission Work Session:</b> February 18, 2020	<b>Board of Supervisors Public Hearing:</b> N/A
<b>Owner:</b> 5 <sup>th</sup> Street Forest, LLC; Region Ten Community Services Board, Inc.	<b>Applicant:</b> 5 <sup>th</sup> Street Forest, LLC, c/o Kyle Redinger
<b>Acreage:</b> 13.63 acres	<b>Rezone from:</b> R-2 Residential, R-10 Residential, and CO Commercial Office to PUD, Planned Unit Development
<b>TMPs:</b> 076000000046A0, 076000000046F0 (portion), 07600000005400 <b>Location:</b> NW side of 5th St. across from Albemarle County Office Building – 5th St., from Wahoo Way to Old Lynchburg Rd.; east side of Old Lynchburg Rd. from 5th St. to Country Green Rd.; west side of Old Lynchburg Rd. from Country Green Rd. to Mountainwood Rd.	<b>By-right use:</b> A maximum of 56 residential units (standard level) and commercial office space; maximum of 73 residential units with bonus factors.
<b>Magisterial District:</b> Samuel Miller, Scottsville	<b>Proffers:</b> Yes
<b>Proposal:</b> Work session to obtain direction and interpretation of the Comprehensive Plan for the proposed rezoning of parcels from R-2, R-10, and CO to PUD, Planned Unit Development.  The applicant is requesting to rezone two parcels of land and a portion of a third parcel of land totaling 13.63 acres, with both residential and non-residential (max of 225,000 sq. ft.) components proposed. Request for four (4) special exceptions to PUD requirements.	<b>Requested # of Dwelling Units:</b> A maximum of 128 residential units, with a mix of townhouse and/or multi-family units.
<b>DA (Development Area)</b> – Southern and Western Urban Neighborhoods Master Plan Area	<b>Comp. Plan Designation:</b> Urban Density Residential and Community Mixed-Use, in the Southern and Western Urban Neighborhoods Master Plan Area
<b>Character of Property:</b> The property is currently all wooded, with no existing structures.	<b>Use of Surrounding Properties:</b> Apartments to the east; COB-5 <sup>th</sup> St. to the south of 5 <sup>th</sup> St.; small commercial establishments, detached single-family homes, and mobile homes to the south of Country Green Rd.; Region Ten office to the north; single-family attached and multifamily to the northwest.
<b>Affordable Housing:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>AMI (Area Median Income):</b> 80% of AMI as determined by U.S. Dept. of Housing & Urban Development

**RECOMMENDATIONS:**

Question 1: Staff believes that there are other zoning districts that may be appropriate for this proposed project, such as PD-MC.

Question 2: Staff believes that the mix of commercial uses proposed for this project meets the intentions of the Community Mixed Use designation in the master plan.

Question 3: Staff believes more open or green space should be provided in Blocks 2-5, the commercial blocks.

**STAFF PERSON:**  
**PLANNING COMMISSION WORK SESSION:**  
**PLANNING COMMISSION PUBLIC HEARING:**

**Andy Reitelbach**  
**February 18, 2020**  
**TBD**

**ZMA 201900003 Albemarle Business Campus (formerly known as Royal Fern)**

**CHARACTER OF THE AREA**

The subject properties are two parcels of land, and a portion of a third parcel of land, that are located south of Interstate 64, near the interchange with 5<sup>th</sup> Street, Exit 120. The parcels are generally located at the intersection of 5<sup>th</sup> Street and Old Lynchburg Road, across the street from the 5<sup>th</sup> St. County Office Building, and along Old Lynchburg Road between Country Green Road and Mountainwood Road (see Attachment 1 – Location Map). The property of the proposed rezoning is split into two pieces by Old Lynchburg Road, with the piece on the east side of Old Lynchburg Road composed of one parcel (TMP 76-54) and a portion of another parcel (TMP 76-46A). TMP 76-54 is currently zoned R-10, Residential, and TMP 76-46A is currently zoned R-2, Residential (see Attachment 2 – Zoning Map). The other piece of property included in this rezoning is on the west side of Old Lynchburg Road between Mountainwood Road and Country Green Road and consists of the other portion of TMP 76-46A, which is zoned R-10, Residential, and the piece of 76-46F (zoned CO, Commercial Office) which lies west of Old Lynchburg (see Attachment 3 – Boundary Compilation). The piece of 76-46F which lies east of Old Lynchburg is not a part of this rezoning request. Together, the parcels total 13.63 acres and are currently wooded, with no existing structures. The parcels also lie within the Entrance Corridor and the Airport Impact Area overlay district. Managed Steep Slopes exist on the property, on both sides of Old Lynchburg Road. In addition, a small part of the property (on the east side of Old Lynchburg Road) lies within a State Dam Break Inundation Zone. This property also is included within an Opportunity Zone, as defined by the U.S. Department of the Treasury, and lies within the Monticello Viewshed.

The neighboring area is largely residential, with some neighboring institutional uses and nearby small-scale commercial establishments. There is an apartment complex to the east, zoned R-15, Residential. The County Office Building – 5<sup>th</sup> Street is to the southeast of the property, across 5<sup>th</sup> Street, and is zoned CO, Commercial Office. To the north of the subject property is the Region Ten Community Services Board office, zoned CO. There are additional multi-family and townhouse developments to the northwest of the property, zoned R-6, Residential, and R-15, Residential. Across Country Green Road, to the southwest of the property, are a mixture of uses and zoning districts, including detached single-family homes, a mobile home community, and small retail establishments, zoned R-4, Residential, R-2, Residential, and C-1, Commercial. There are additional residential areas farther north along Old Lynchburg Road, in the direction of I-64 and the City of Charlottesville municipal boundary. Farther south along Old Lynchburg Road from the subject property are more residential developments, as well as the Southwood community, which has recently been rezoned by the Board of Supervisors to Neighborhood Model District for a mixed-use development.

**SPECIFICS OF THE PROPOSAL**

The applicant is proposing to rezone the 13.63-acre property from R-2 Residential, R-10 Residential, and CO, Commercial Office, to PUD, Planned Unit Development, to allow for a mixed-use development of commercial and residential, with a maximum of 128 residential units proposed and a maximum of 225,000 square feet of non-residential use proposed (see Attachment 4 – Project Narrative). The applicant has submitted an application plan, a requirement of the PUD zoning district, which shows the general layout of the development, as well as the proposed uses and densities (see Attachment 5 – Application Plan). Without the rezoning, the applicant could develop approximately 73 residential units on the property by-right, including both the existing R-2 and R-10

zoning districts, using the maximum possible bonus factors. It is unlikely that commercial uses could be developed by-right due to the small size of the area zoned CO, 0.58 acres.

The application plan depicts the proposed development divided into five (5) separate blocks:

Block 1, which consists of all of the property west of Old Lynchburg Road, is proposed solely for residential uses, limited to townhouses (single-family attached) and multi-family units. This area includes the western part of TMP 76-46A and the portion of 76-46F that is proposed to be rezoned. The part of TMP 76-46F east of Old Lynchburg Road is not a part of this rezoning application. It is proposed to have a maximum of 128 residential units (townhouse and/or multi-family) on 5.08 acres, for a gross and net density of 25.2 units per acre, which falls within the range designated in the Master Plan for this area of 6.01-34 units per acre

Blocks 2-5, which consist of the portions of the property east of Old Lynchburg Road including the eastern part of TMP76-46A and TMP 76-54, are proposed only for commercial uses. The application plan proposes a maximum of 225,000 square feet of non-residential square feet across all four (4) commercial blocks, with no more than 153,000 square feet of office and 50,000 square feet of retail permitted throughout the proposed PUD. The non-residential areas are designated as commercial/service and shopping center uses, which would allow for a wide variety of uses, such as retail/restaurant, office, hotel, and self-storage facilities, as well as additional uses permitted in the CO, C1, and HC (Highway Commercial) districts that are not specifically prohibited by the PUD regulations, such as storage yards. In addition, the applicant has provided a proffer that would prohibit some of the otherwise permitted uses within this development (see Attachment 6 – Draft Proffer Statement).

- Blocks 2-4 are proposed for commercial service uses, such as office and retail/restaurant, with a maximum permitted of 153,000 square feet for office and 50,000 square feet for retail.
- Block 5 is identified as commercial shopping center, which allows hotel and self-storage uses, in addition to the office and retail/restaurant uses also permitted in Blocks 2-4. In Block 5, there is a maximum limit proposed of 153,000 square feet for offices, 50,000 square feet for retail, and 100,000 square feet for hotel/self-storage.

Industrial uses are permitted in PUDs by the Zoning Ordinance; however, areas for industrial uses must be designated on the application plan at the time of the approval of the PUD. Because the applicant has not designated any areas of the site as industrial on the application plan, there are no industrial uses proposed for this property, and they will not be permitted by the application plan.

The applicant is proposing to designate 15% of the total residential dwelling units built as affordable housing, including both for-sale and for-rent units. In addition, the applicant is dedicating some right-of-way along the public streets to construct sidewalks and a multi-use path to allow for more walkability in this development and to create pedestrian connections with the surrounding areas. As a PUD, the development would follow the Zoning Ordinance for regulations including parking, setbacks and stepbacks, and recreational requirements. This situation is different from the Neighborhood Model zoning district, where the applicant would create their own Code of Development to regulate the form of the development.

## **PROFFERS**

Due to concerns about transportation issues in the area, the applicant has submitted a proffer to address transportation. This proffer includes three (3) options and would likely depend on the outcome of a study of the 5<sup>th</sup> Street corridor, which VDOT will likely use to determine the best solution for addressing traffic concerns in this area and especially at the intersection of Old Lynchburg Road and 5<sup>th</sup>



Street. This corridor study is scheduled to be completed in summer 2020. The proffer includes an option of either 1) install a traffic signal at the intersection of Old Lynchburg Road and 5<sup>th</sup> Street; or 2) cash contribution of \$450,000 to the County for transportation improvements at the intersection or along the State Route 631 corridor; or 3) cash contribution of \$225,000 to the County for transportation improvements and dedication of a portion of property to the County for use in the construction of a round-about at the intersection.

There is also a proffer to prohibit certain listed uses from being permitted within the PUD. Staff supports these uses being prohibited.

### **MODIFICATIONS AND WAIVERS**

In addition, the applicant has submitted four (4) special exception requests for waivers or modifications of requirements in the PUD section (see Attachment 7 - Special Exception Requests). These special exceptions include requests to:

1. Modify the acreage requirement for a Planned Unit Development zoning district;
2. Waive the requirement for the issuance of building permits for eighty (80) percent of the dwelling units prior to the issuance of the building permits for shopping center uses;
3. Waive the requirement for the issuance of building permits for eighty (80) percent of the dwelling units prior to the issuance of the building permits for commercial/service uses;
4. Waive the requirements of gross floor area for uses in the commercial/service areas.

### **BACKGROUND AND PURPOSE OF THE WORK SESSION**

The purpose of a work session is to gather input from the Planning Commission on the proposed project's consistency with the Comprehensive Plan. The action of the Planning Commission is non-binding but is meant to help advise the applicant on next steps.

The following is a summary of meetings and review to date:

- The applicant submitted the rezoning proposal in March 2019 and held a community meeting with the 5<sup>th</sup> and Avon CAC on April 18, 2019. The initial submittal of this application was different, however, with a maximum of 300 residential units proposed across Blocks 1-3 and 5; commercial/services uses limited only to Block 5; and the commercial shopping center area located in Block 4. In addition to more residential units, the original application proposed a maximum of 125,000 square feet of non-residential space across the two blocks that permitted commercial.
- After several rounds of review by staff, this original proposal was presented at a public hearing of the Planning Commission on October 8, 2019, where the Commission voted 7-0 to recommend denial of the application. Issues raised by the Commission at the meeting included the concern that the proposal did not meeting the intent of the PUD zoning district in the County, including that it was significantly less than the minimum required 100 acres; that it was not a cohesively-designed plan creating a new neighborhood or "mini-village" in the community; that the proposed open space was less than required by the ordinance (a special exception had been submitted to permit a proposed 20% open space versus 25% required by the ordinance) and was not designed as unified or interconnected space; and that there was a large number of special exceptions required in order for the PUD as proposed to work. In addition, concerns were raised by the Commission over the traffic impacts that this development would have on the already-failing 5<sup>th</sup> Street-Old Lynchburg Road intersection and over the large increase in the number of students that would be generated by this development, especially at Cale Elementary School, which is already over-capacity.

- On November 20, 2019, the Board of Supervisors voted 6-0 to refer this proposal back to the Planning Commission at the applicant's request, as the applicant had proposed changes to the project not previously considered by the Commission. After the vote to refer this item back to the Commission, the applicant requested a work session with the Commission be held prior to a public hearing to gather the Commission's feedback on the changes made to the application.
- The applicant re-submitted the application, with the proposed changes, to staff for review on December 16, 2019. The following questions were developed by staff during this review to help guide the discussion of the work session and to provide feedback on the direction of this application.

Three main questions related to this project require input from the Planning Commission, which are identified below. (Detailed analysis and staff recommendations for each question are provided further in the report.)

Question 1: The applicant is proposing to rezone this property to PUD, Planned Unit Development. There were concerns expressed about the proposal to rezone to PUD at the 10/8/2019 Planning Commission meeting regarding the previous iteration of this project. Does the Planning Commission recommend other zoning districts for this project, such as another planned district or a combination of various zoning districts for the different aspects of this project, i.e., the residential versus the commercial/office uses?

Question 2: The piece of this property located on the east side of Old Lynchburg Road is designated as Community Mixed Use in the Southern and Western Urban Neighborhoods Master Plan. The applicant is proposing this portion of the property to be designated as all commercial uses on the application plan, including commercial shopping center and commercial/service uses. These designations would allow for different commercial uses, including retail, office, hotel, and self-storage, among others. Does the Planning Commission recommend other use types in this area, or does this variety of commercial uses meet the intent of the Community Mixed Use designation in the master plan?

Question 3: As a proposed PUD located within a disjointed infill site, open space and connections with the surrounding areas are important to more successfully achieve the intent of the PUD as described in the Zoning Ordinance. Are there interconnections or other transportation or public amenity-related features that the Planning Commission sees as being able to more successfully achieve this goal for a cohesive neighborhood for the proposed PUD?

## **DISCUSSION AND ANALYSIS**

Q1: The applicant is proposing to rezone this property to PUD, Planned Unit Development. There were concerns expressed about the proposal to rezone to PUD at the 10/8/2019 Planning Commission meeting regarding the previous iteration of this project. Does the Planning Commission recommend other zoning districts for this project, such as another planned district or a combination of various zoning districts for the different aspects of this project, i.e., the residential versus the commercial/office uses?

With the new submittal, the applicant continues to request the PUD zoning district, as it is one of the few mixed-use zoning districts that the Zoning Ordinance permits. However, with the revisions to the application plan to retain the residential portion all on the western side of Old Lynchburg Road, with the eastern portion of the property designated as all commercial, staff determined that it may be more appropriate with the new proposal to look at having different zoning districts for each side of Old Lynchburg Road, allowing for different zones and characters for the different uses, instead of

having one planned zoning district bisected by Old Lynchburg. There are a few different options that may be possible. These include having conventional zoning districts, such as R-15 for the residential and a mix of HC, Highway Commercial, and CO, Commercial Office, for the area covered by Blocks 2-5. However, the commercial uses proposed by the applicant would not all be permitted by-right in either district, so multiple commercial districts may be needed. In addition, the applicant is proposing residential density that is higher than permitted by R-15.

Because of these conventional districts not permitting what the applicant is proposing, there could also be planned districts other than the PUD, such as NMD, PRD, or PD-MC. As discussed at the previous Planning Commission public hearing on October 8<sup>th</sup>, NMD is a difficult zoning district for staff to administer at the site plan and subdivision stages because of the complexity of individualized codes of development for each NMD zoned property.

Other possible planned districts include Planned Residential Development (PRD) and Planned Development – Mixed Commercial (PD-MC). Each of these districts must be a minimum of three (3) acres in size, as opposed to the PUD's 100 acres. The Albemarle Business Campus property is 13.63 acres, with the portion west of Old Lynchburg Road at 5.08 acres and the portion east of Old Lynchburg at 8.55 acres. Thus, both portions together, or each side by itself, would meet the acreage requirements for one or more of these planned districts, PRD or PD-MC.

PRD allows residential density greater than 15 units per acre, up to a maximum of 34 units per acre, which would fit within the range the applicant is proposing. However, the PRD would not allow the level of commercial development requested by the applicant for Blocks 2-5.

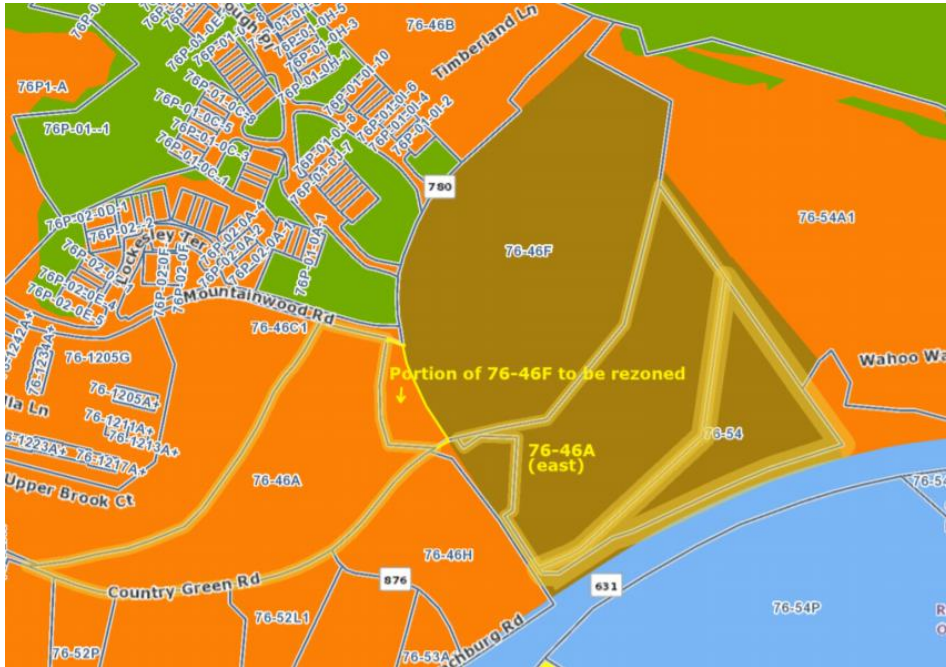
PD-MC allows all commercial uses permitted by-right within the CO, HC, and C1 zoning districts, thus permitting all uses that the applicant is proposing in Blocks 2-5. In addition, PD-MC permits residential uses with a special use permit at a maximum of up to 15 units per acre. This zoning district could accommodate uses proposed by the applicant; however, a special use permit would be needed, in addition to the rezoning, for the residential component.


Although the PUD and the NMD zoning districts are the only ones that allow the full range of uses proposed by the applicant by-right, there are other zoning districts, including a mix of different districts, that are available for the uses proposed by the applicant and that may be more suitable in those locations for achieving the goals of the Comprehensive Plan. Please see the summary at the end of this report for recommended districts, as well as other recommendations for the three questions discussed in this staff report.

**Q2:** The piece of this property located on the east side of Old Lynchburg Road is designated as Community Mixed Use in the Southern and Western Urban Neighborhoods Master Plan. The applicant is proposing this portion of the property to be designated as all commercial uses on the application plan, including commercial shopping center and commercial/service uses. These designations would allow for different commercial uses, including retail, office, hotel, and self-storage, among others. Does the Planning Commission recommend other use types in this area, or does this variety of commercial uses meet the intent of the Community Mixed Use designation in the master plan?

The initial iteration of this project proposed both residential and commercial uses on the portion of the property on the eastern side of Old Lynchburg Road, in accordance with its designation as Community Mixed Use (the brown color in the map provided below) in the Southern and Western Urban Neighborhoods Master Plan. However, the current proposal has removed all residential uses from this area, shown as Blocks 2-5 on the application plan. This area is now all commercial, with the residential units being limited to Block 1, which is designated as Urban Density Residential (the orange color in the map provided below) in the master plan. Although Blocks 2-5 no longer contains

any residential uses, there is a mixture of commercial uses permitted, including office, retail, hotel, and self-storage uses. This mixture would allow for many different types of primary and secondary commercial uses, that could provide services for both this development and the many other surrounding neighborhoods. As shown in the map below, there is a significant amount of Urban Density Residential and Parks & Green Systems areas surrounding this property, along with Institutional across the street, where the County Office Building is located. However, there are no other areas designated for commercial uses except for the subject property and the Region Ten office property to the north.



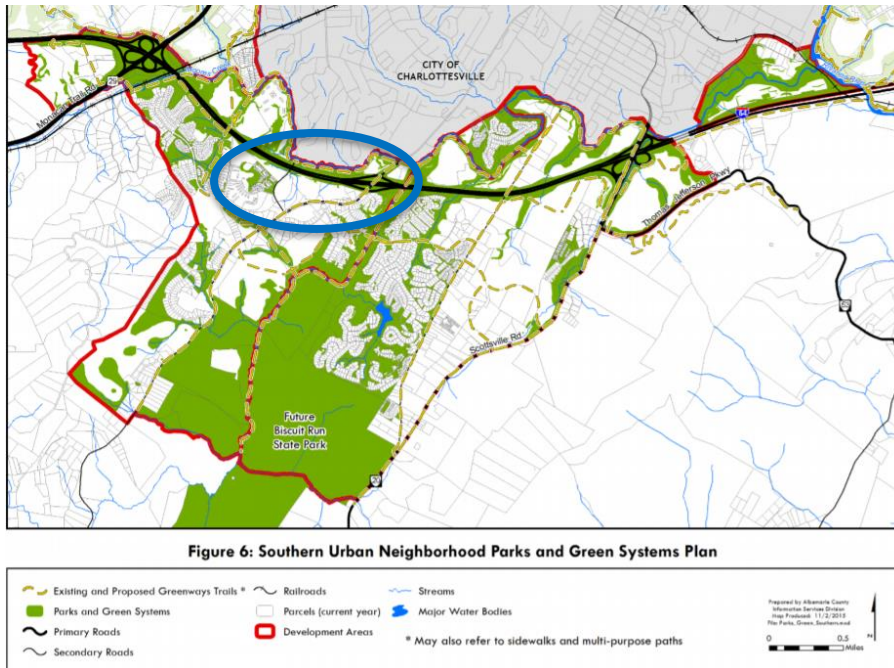
Designation	Community Mixed Use 
Purpose/Intent	This designation represents a mixture of residential and retail uses and services that serve the community. Residential density up to 34 units per acre. Mixture of uses within buildings is encouraged with retail/office on ground floor and residential or office on upper floors. The proportion of non-residential uses to than residential uses is area dependent.
Primary uses	Community serving retail and service uses and office uses; retail, service, and office building footprints a maximum single-building footprint of no > than 60,000 sq. ft. Townhouses, apartments, and attached housing units. Places of worship, public, and private schools, early childhood education centers (day care centers and pre-schools), public uses, and institutional uses.
Secondary uses, where they are deemed compatible with nearby and adjoining uses	Auto-commercial sales and service with all service activities within a building with a maximum footprint of approximately 7500 sq. ft. Office/R&D/Flex /Light Industrial uses with maximum single-building footprint of approximately 20,000 sq. ft.

In the Community Mixed Use section of the master plan, the purpose of the designation is for a mixture of residential and retail and service uses. However, as stated in the table above, the mixture in these buildings can be retail/office on the ground floor, with office on upper floors as an option, not necessarily requiring residential on those upper floors. Also, the master plan states that “the proportion of non-residential uses to residential uses is area dependent.” In addition, the first primary use listed in the category is community serving retail and service uses and office uses. These uses are the same as the ones proposed by the applicant for this location, which could serve the commercial and service needs of the residents in the surrounding areas designated as Urban Density Residential.

**Q3: As a proposed PUD located within a disjointed infill site, open space and connections with the surrounding areas are important to more successfully achieve the intent of the PUD as described in the Zoning Ordinance. Are there interconnections or other transportation or amenity-related features that the Planning Commission sees as being able to more successfully achieve this goal for a cohesive neighborhood for the proposed PUD, or any other planned district that the applicant may choose to request?**

The PUD ordinance has a requirement that 25% of the residentially-designated space of the PUD shall be in open space. The applicant is no longer requesting a special exception from this requirement, so would be required to provide that 25% open space if the PUD is approved, but only within the residential Block 1 on the west side of Old Lynchburg Road. As shown on the application plan, the applicant is still proposing, however, to provide sidewalks, crosswalks, and a shared use path throughout the property, including along Old Lynchburg Road, to connect the two sides to each other and to the surrounding parcels, along with additional internal connections in Blocks 2-5. In

addition, the shared use path along 5<sup>th</sup> Street is an amenity specifically designated in the master plan (see map below).



In addition to the pedestrian improvements, the applicant is also proposing a new street to be constructed with the property connecting Wahoo Way and Old Lynchburg Road. There is also a proposal to improve the existing transit stop that is located along the 5<sup>th</sup> Street frontage of this property.

As a PUD, interconnections are important to provide the neighborhood feel that is the intent of the ordinance. However, because this site is disjointed, interconnections with surrounding properties and transportation to other nearby uses are especially important to achieve the intent of this area as a neighborhood within the larger community.

### **OTHER ISSUES**

The County's Transportation Planner has identified the need for an updated TIA to be provided by the applicant for this project to account for the proposed revisions from the first iteration. This TIA will be needed prior to a public hearing so that staff can adequately analyze the proposed traffic impacts of this project before a recommendation can be made to the Commission and Board.

Because the first community meeting was held nearly 10 months ago, and was a largely different project at that time from what is proposed now, a second community meeting with nearby residents and property owners needs to be held at the 5<sup>th</sup> and Avon CAC prior to a public hearing so feedback from community members can be gathered on the new project proposal.

In addition, some technical revisions will need to be made to the project narrative and application plan prior to going to a public hearing, such as revising the gross versus net acreage on the application plan, which should be the same number for this project. The school calculations do not take into account any potential townhomes that could be constructed with the proposed development. Although the applicant is not proposing any solutions to mitigate overcrowding at schools, this application has reduced the number of residential units by more than 50% from the first



iteration of this project, from 300 residential units originally to a maximum of 128 units with this proposal. The school calculations need to be revised to show student generation numbers to include the potential for townhomes to be constructed among the 128 proposed units. Currently, the school calculations only include the potential for multi-family units, although the application plan would permit townhomes.

## **SUMMARY**

**Question 1:** Staff believes that there are other zoning districts, such as PRD or PD-MC, that may be appropriate for this proposed project. Due to the increase in the amount of commercial square footage that is being proposed in this project compared to its first iteration, the PD-MC zoning district may work by permitting by-right all commercial uses the applicant has requested and allowing for a plan more focused on the design of these commercial areas. The residential component of the project would require a special use permit. With the increased focus on commercial uses with this proposal, a planned commercial zoning district that also permits residential by SUP is believed by staff to be appropriate.

**Question 2:** Staff believes that the mix of commercial uses proposed for this project meets the intention of the Community Mixed Use designation in the master plan. A wide variety of commercial uses would be permitted within Blocks 2-5 as shown in the application plan. Although there is no residential proposed in those blocks, there are many residential uses in the surrounding areas, including in Block 1 of this development across Old Lynchburg Road. The master plan promotes commercial uses as a primary use in this land use category and recognizes that the proportion of residential to non-residential is area dependent, where it is important to look at the specific circumstances of any given site or parcel to determine the appropriate proportion. For this property, because there is already an abundance of residential units in the surrounding area, including multi-family and single-family attached units, along with some single-family detached, there appears to be a greater need for commercial uses in this area. The closest commercial center to this property is 5<sup>th</sup> Street Station across I-64 to the north, a location that requires the use of an automobile in order to reach it from the project site at Old Lynchburg Road and 5<sup>th</sup> Street.

**Question 3:** Staff believes that open space should be provided in the commercial areas, Blocks 2-5. Because of the disjointed nature of the subject property, there is not going to be a central open space area that benefits both the residential and the commercial uses of this project. As such, Blocks 2-5 should provide some open space to promote greater connection among the four commercial blocks and provide space that would also attract the residents of Block 1 and other nearby residential communities, thereby creating a more active nucleus for the neighborhood as outlined by the Zoning Ordinance describing the intent of the PUD. Interconnections with nearby parcels are also important to help better promote this connectivity and sense of community in this proposed new commercial center. Even if the applicant pursues another zoning district, these same aspects of interconnectivity will support the integration of this infill site into the larger surrounding community. If the applicant chooses to pursue another zoning district, such as the PD-MC discussed above, open space requirements similar to that found in the PUD are appropriate, as the PD-MC does not have specific requirements for open space. There should be usable open space located within both portions of the project, the residential component west of Old Lynchburg Road and the commercial component on the east side of Old Lynchburg Road.

In addition, although a plan is not included in this report, during further discussions with staff after this revised application had been re-submitted for review, the applicant expressed willingness to include a central green space or plaza within the commercial Blocks 2-5 to provide this neighborhood amenity for the project.

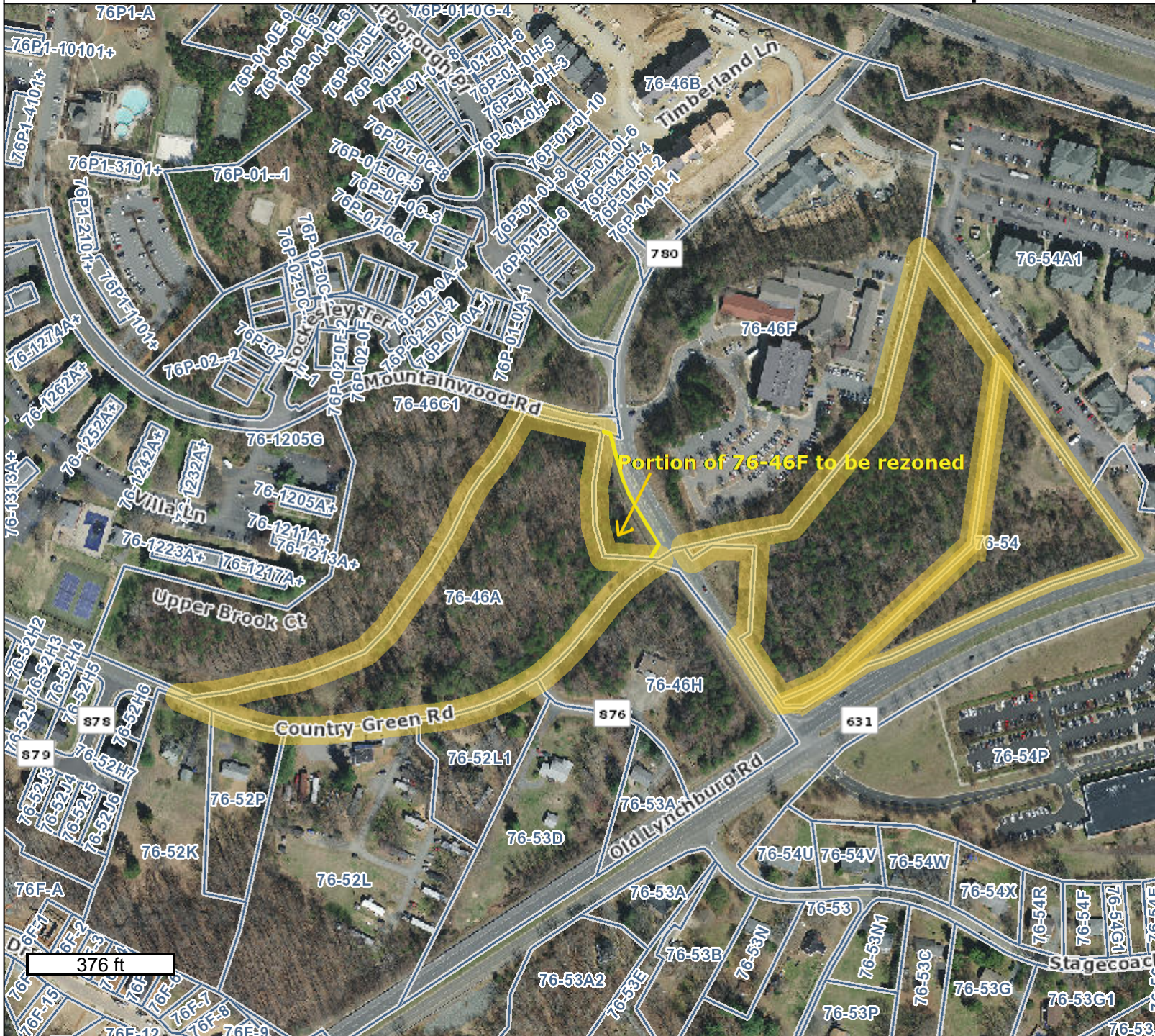
The Planning Commission is asked to provide guidance needed on these questions to help the applicant prepare his next submittal of the proposal and to help staff review that proposal.

**ATTACHMENTS**

- 1 – Location Map
- 2 – Zoning Map
- 3 – Boundary Compilation for: Parcel X (a portion of TMP 76-46F), dated March 28, 2019.
- 4 – Project Narrative, dated March 18, 2019; last revised December 16, 2019.
- 5 – Application Plan, dated March 18, 2019; last revised December 16, 2019.
- 6 – Draft Proffer Statement
- 7 – Applicant Special Exception Requests

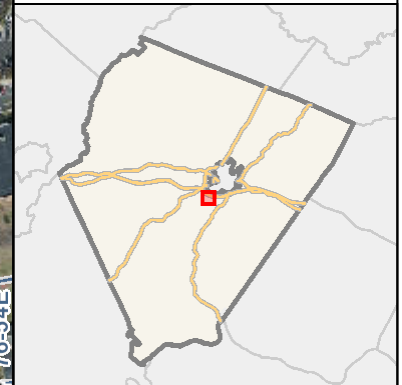


# Attachment 1 - ZMA2019-00003 Albemarle Business Campus Location Map



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

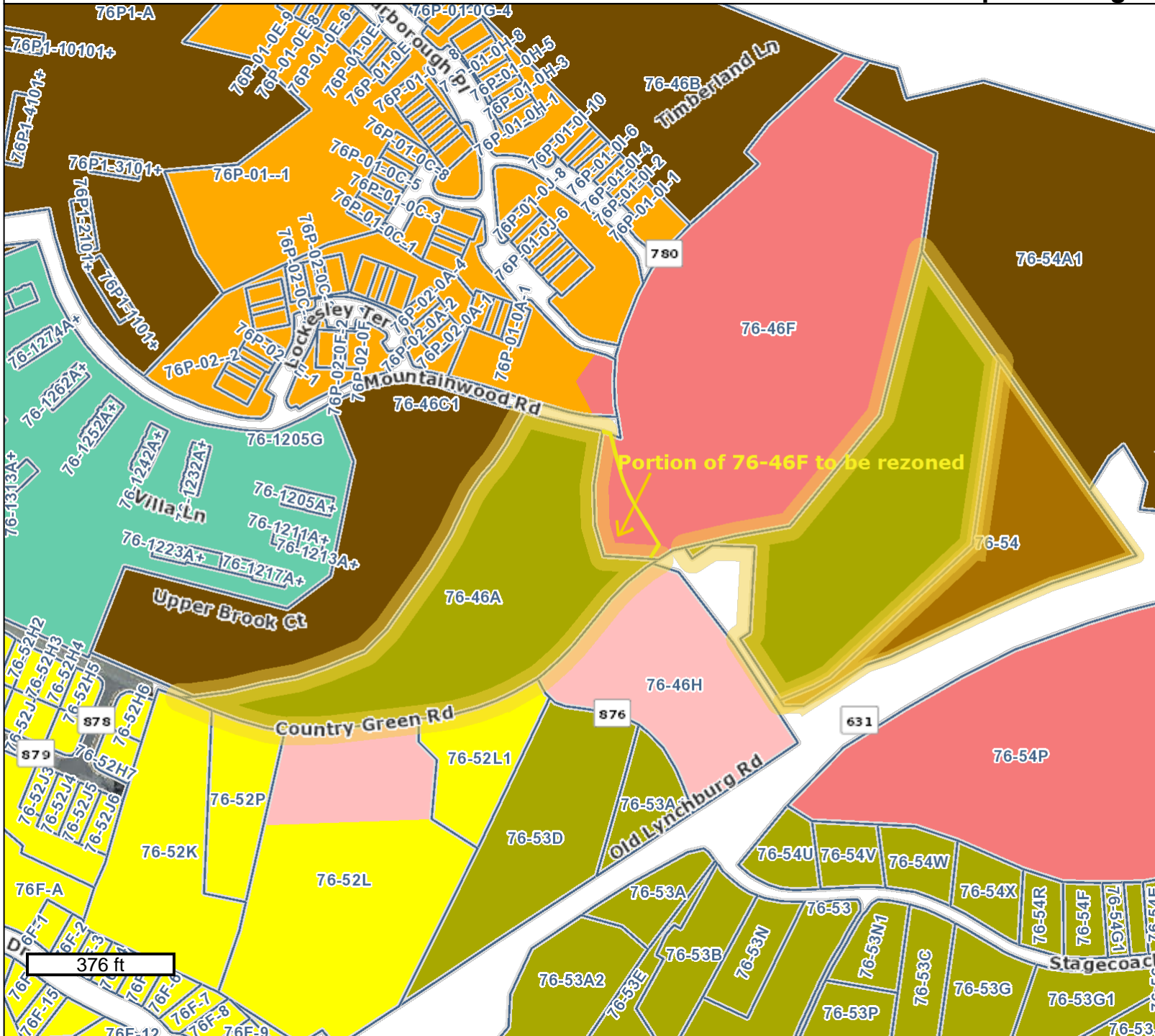
- Parcel Info
- Parcels



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



# Attachment 2 - ZMA2019-00003 Albemarle Business Campus Zoning Map



## Legend

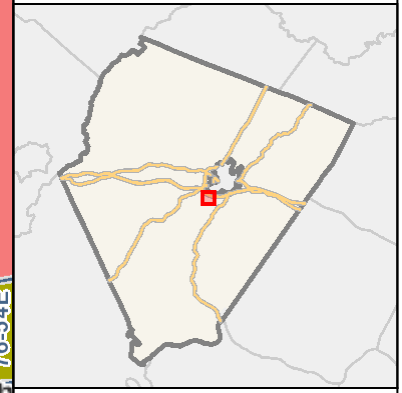
(Note: Some items on map may not appear in legend)

### 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



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

376 ft

Notes:

1. This boundary was compiled using plats of record available from the Albemarle County Clerk's Office.
2. A boundary survey has not been prepared for Parcel X.
3. A Title Report has not been prepared for Parcel X.

T.M. 76P-01-1  
SHERWOOD MANOR  
HOMEOWNERS ASSOCIATION  
6.89 ACRES  
D.B. 514-501

STATE ROUTE 1112 (MOUNTAIN WOOD ROAD)  
VARIABLE WIDTH R/W  
D.B. 1205-314  
HWY. P.B. XI-257 THRU 262

IRON FOUND  
FROM CORNER  
S80 17'47"E 3.78'

DELTA = 9 34'43"  
RADIUS = 200.00'  
ARC = 33.44'  
CHORD = 33.40'  
CHORD BEARING = S84 39'24"E

S38 45'06"E  
40.88'

DELTA = 23 03'48"  
RADIUS = 512.46'  
ARC LENGTH = 206.28'  
CHORD = 204.89'  
CHORD BEARING = S24 23'08"E

DELTA = 26 12'51"  
RADIUS = 601.62'  
ARC LENGTH = 275.26'  
CHORD = 272.86'  
CHORD BEARING = S02 48'46"E

T.M. 76-46A  
(WEST PORTION)  
4.50 ACRES  
D.B. 4573-270  
D.B. 4431-372  
D.B. 3038-88, 96 & 97 PLAT  
D.B. 2726-69  
D.B. 2168-106 THRU 109 PLAT  
D.B. 925-456 & 457 PLAT

PARCEL X  
A PORTION OF  
T.M. 76-46F  
+/- 0.589 ACRES  
COMPILED FROM  
PLATS OF RECORD

S02 12'39"W  
26.33'

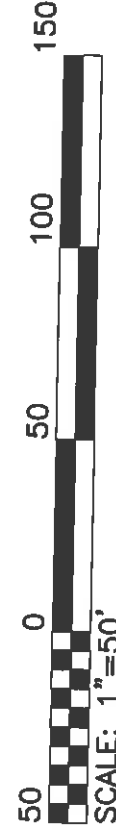
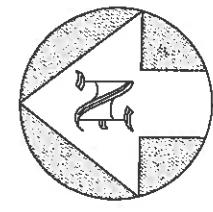
N79 11'47"E  
131.36'

T.M. 76-46F (PORTION)  
REGION TEN COMMUNITY  
SERVICES BOARD, INC.  
+/- 8.46 ACRES  
D.B. 3039-209  
D.B. 1005-483 PLAT  
D.B. 722-518 PLAT

STATE ROUTE 780 (OLD LYNCHBURG ROAD)  
VARIABLE WIDTH R/W  
D.B. 1205-314  
HWY. P.B. XI-257 THRU 262

T.M. 76-46H  
COUNTRY GREEN, LLC  
2.004 ACRES  
D.B. 2668-113

STATE ROUTE 875 (COUNTRY GREEN ROAD)



BOUNDARY COMPILATION FOR:  
Parcel X (a portion of TMP 76-46F)  
March 28, 2019

**SHIMP ENGINEERING, P.C.**  
ENGINEERING - LAND PLANNING - PROJECT MANAGEMENT  
912 EAST HIGH STREET  
CHARLOTTEVILLE, VA 22804  
PHONE: (434) 227-5140  
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# ALBEMARLE BUSINESS CAMPUS

Sheet 1 of 5

## OVERVIEW

### Albemarle Business Campus Property

Tax Map Parcel No.	Acreage	Existing Zoning	Proposed Zoning	Comp. Plan Designation
TMP 76-54	2.88	R-10	PUD	Community Mixed-Use (up to 34 DUA)
TMP 76-46A	10.17	R-2	PUD	Urban Density (6-34 DUA) And Community Mixed-Use (up to 34 DUA)
TMP 76-46F (portion)	0.58	CO	PUD	Urban Density (6-34 DUA)
<b>Total:</b>	13.63			

### Additional Zoning Considerations

Airport Impact Area (AIA), Entrance Corridor (EC), and Steep Slopes (Managed) Overlay District; ZMA199400020 included proffered conditions applicable to TMP 76-54, however based on the preliminary grading and utility plan approved with ZMA199400020 all of the property subject to the proffered conditions of that rezoning application is located south of the property affected by ZMA201900003, across 5th St.; Overlays (per Albemarle County GIS): DBIZ, Monticello Viewshed

### Location

A portion of the property is located at the intersection of 5th Street and Old Lynchburg Road across from the 5th Street County Offices. The remaining portion of the property, being a portion of parcel 46A and the 0.58 acre portion of parcel 46F are located on the west/southwest side of Old Lynchburg Road between Country Green Road and Mountainwood Road.

## PROJECT PROPOSAL

5th Street Forest, LLC is the owner (the “owner”) of approximately 13.05 acres and is the contract purchaser of 0.58 acres (collectively, the “property”) and would like to rezone the property from Residential (R-2 and R-10) and Commercial Office (CO) to Planned Unit Development (PUD) to allow for community commercial services, such as office, retail, and hotel or self storage, along with multi-family residential uses. 5th Street Forest proposes to establish zoning for 128 multi-family homes and approximately 9 acres of commercial property. Consistent with the Comprehensive Plan density recommendations, the development proposes a gross density of 25 dwelling units per acre and a net density of 26 dwelling units per acre for residentially designated areas in the PUD.

The Application Plan will establish:

- 1) A commercial center with a new streetscape on the corner of Old Lynchburg Road and 5th Street Extended,
- 2) A multi-family housing development with a new streetscape, addressing the corner of Old Lynchburg Road and Country Green Road and continuing along the frontage of Mountainwood Road,
- 3) Internal and external pedestrian interconnections, trails, and sidewalks that link existing neighborhoods to the development as a commercial center,
- 4) Bus stop improvements to the Charlottesville Area Transit Route 3 stop, 5th Street Extended at Old Lynchburg Road, and
- 5) Ample greenspace and green screens, providing open space that is inviting and supports the 5th Street Entrance Corridor.

## PUD JUSTIFICATION

There are established residential areas surrounding the proposed development; these areas include the Villas at Southern Ridge, Cavalier Crossing, The Woodlands, and Redfields, among others. The considerable amount of existing residents in nearby proximity to the property creates an ideal opportunity for the development of a nucleus within an existing community that can serve existing and future residents. Development of the property as a nucleus within an existing community directly aligns with the intent of the PUD district as outlined in the Albemarle County Code.

Section 20.1 states, “it is intended that commercial and industrial uses are provided in addition to a variety of residential uses within the PUD; provided that additional commercial and industrial activity may be permitted upon a finding that the area in which the PUD is to be located is not adequately served by such use.” Although 5th Street Station is approximately one-mile away from the property, it is only readily accessible by car or public transit as no continuous pedestrian or multi-modal infrastructure exist from the Old Lynchburg/5th Street intersection to 5th St. Station. Additionally, there is limited office space in the vicinity of the proposed Albemarle Business Campus and moreover there is minimal, if any, available office space in the immediate area. The office space at Albemarle Business Campus could provide ample space for a few start-ups or growing local businesses. According to the “City of Charlottesville Office and Retail Market Study” from 2018, which also includes information about office and retail space in Albemarle County, the office vacancy rate for the County is 2.3% and the City has a 1.7% office vacancy rate. These numbers show the City and County have ample demand for more office space as a typical office market sees a 5-10% vacancy rate. Albemarle Business Campus PUD has the potential to step in as the missing link in the immediate community, becoming the ‘nucleus’ in the Old Lynchburg/5th St. area by fulfilling commercial/service and housing needs, south of the I-64 interchange.

The PUD ordinance calls for the commercial and service areas in PUDs to be internally oriented, with external vehicular access discouraged (Alb Co Code 18-20-6). In order to achieve a development design that engages the existing major corridors, Old Lynchburg Road and 5th St., and to serve the needs of the many residents who already call the 5th St./Old Lynchburg area home, the commercial and service areas will not be internally oriented so as to disengage from the street or to be inaccessible to existing residents in the area. If the commercial development were to be internally oriented and effectively “turn its back” to the street, the commercial areas may not establish an ideal street facade or streetscape at the strategic Old Lynchburg/5th St. intersection or along the two major corridors. The commercial and service areas will be made accessible to pedestrians through sidewalk and multi-use path improvements. In this sense, these areas will be internally oriented as they will be accessible to people within the neighborhood accessing the commercial and

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# ALBEMARLE BUSINESS CAMPUS

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service areas on foot.

Similar to the commercial and services areas within the PUD, the PD-SC uses will not be internally oriented so as to disengage from the street or to be inaccessible to existing residents. The designated PD-SC use area is located near a key intersection. Internal pedestrian connections will make the PD-SC area accessible to future residents of Albemarle Business Campus and the proposed pedestrian and multi-use path improvements around the perimeter of the development will make this portion of the development accessible to existing residents in nearby neighborhoods. The PD-SC uses are more expansive for commercial opportunity than the commercial and service areas and will allow for a greater mixture of uses in the area.

Section 20.7.1 of the Zoning Ordinance requires the minimum area for establishment of a PUD district to be one hundred acres. In conjunction with this PUD zoning request, the Applicant is requesting a special exception in accordance with Section 33.43 to allow the establishment of the district on a property that does not meet the requirement of Section 20.7.1. Additional special exceptions requested for consideration with this rezoning request are a request for exception from certain commercial service area requirements and requests for exceptions from certain construction timeline requirements for PD-SC and commercial/service uses.

A PUD district is proposed for this site because it is one of the few zoning districts in the Albemarle County Zoning Ordinance that enables by-right mixed use development with both commercial and residential uses. Sec. 8.2(b) of the Albemarle County Zoning Ordinance allows the applicant to request waivers and modifications of *any* of the requirements of the applicable planned development district. The provision of waivers and modifications in Section 8, the planned development districts section of the Albemarle County Zoning Ordinance, exemplifies the County's understanding that no zoning ordinance is perfect and seamlessly applicable to all properties within a locality and therefore there must be regulations in place to allow for modifications to the regulations to accommodate site specific challenges and to accommodate changing development patterns over time. The Albemarle Business Campus will incorporate a mixture of commercial and residential uses within the development and the only zoning districts that would enable this mixture of by-right

uses are the Neighborhood Model District (NMD) and the PUD. The applicant had originally proposed an NMD in the pre-application request for this ZMA application however, at the direction of County Staff was advised to consider a PUD since the applicant proposed a development that could be achieved with the PUD ordinance. The NMD is a useful zoning tool in a variety of circumstances and more specifically, the NMD is appropriate when proposing mixed-use structures that have a mixture of residential and commercial uses internal to a single structure such as a building that has retail on the first floor and residential uses on the upper floors of the building, as this type of structure cannot be realized in most Albemarle County Zoning Districts. Additionally, the NMD is useful for establishing a landscape and architectural program on properties that are not regulated by the Entrance Corridor Overlay District. The applicant did not propose a development in the pre-application meeting that could only be achieved with an NMD and so staff recommended a PUD with necessary waivers allowed by Sec. 8.2(b). As aforementioned, the PUD ordinance is one of the few ordinances where a mixture of uses can be achieved within one development however, the PUD ordinance has some antiquated requirements that are reflective of the time the ordinance was originally adopted in 1980. The PUD ordinance requires the minimum area for the establishment of the district to be 100 acres, likely to ensure there is adequate land area to support the various commercial and residential uses allowed within a PUD however, Sec.20.1 PUD "Intent, where permitted" saw the mixed-use potential of the PUD ordinance for more modern development with language that says,

"In order to encourage the community function, appropriate commercial and industrial uses are provided in addition to a variety of residential uses. It is intended that commercial and industrial development be limited to a scale appropriate to the support of the residential uses within the PUD; provided that additional commercial and industrial activity may be permitted **upon a finding that the area in which the PUD is to be located is not adequately served by such use.**"

In 1980 there may have been ample contiguous 100 acre parcels in the Development Areas where a PUD could be realized, however today this is not the case as a GIS analysis indicates there is only one parcel in the development areas that is greater than 100 acres (Figure 1).

## CONSISTENCY WITH THE COMPREHENSIVE PLAN

The property is located within the Southern and Western Urban Neighborhoods Development Area. A portion of the property fronts on 5th Street Extended and is located directly across from the 5th Street County office complex (which is designated as a neighborhood center on the future land use map). This portion of the property is designated as Community Mixed Use on the future land use map. The purpose of the County's Community Mixed Use land use designation is to provide a mix of residential and retail uses and services to support the community. Commercial services such as office space and neighborhood serving retail are proposed for the areas designated as Community Mixed Use. Although there are no residential uses proposed within the parcels designated as community mixed-use, there is residential use proposed for the portion of the PUD that is located on the west side of Old Lynchburg Road. This rezoning will achieve the intent of the Community Mixed Use designation as the PUD features a commercial component as well as residential and recreational uses. The commercial uses may serve the community as places of employment or as convenient nearby commercial services.

The portion of the property that lies on the west/southwest side of Old Lynchburg Road is designated as Urban Density on the future land use map. Urban Density recommends 6-34 units per acre of residential use and compatible commercial and retail use. The multi-family development proposed for this portion of the property is consistent with density recommendation outlined in the Comprehensive Plan. The multi-family housing proposed with this application will address the needs of the housing objectives outlined in Chapter 9 of the County Comprehensive Plan. As 15% of the dwelling units will be affordable, the Albemarle Business Campus will provide workforce and affordable housing, providing housing supply for a range of income levels, including low-to-moderate residents of the County. Additionally, as a multi-family development, this housing type supports a diverse group of ages, such as students, young professionals, and empty-nesters.

Additionally, this area of Albemarle County has been recognized by the Governor as a U.S. Department of the Treasury "Qualified Opportunity Zone", which provides a new revitalization tool for low-income census tracts in the Commonwealth and the proposed office space on the property will allow for business growth in Albemarle

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# ALBEMARLE BUSINESS CAMPUS

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County. The Albemarle Business Campus aims to attract desirable employers and industries, by providing a build-to-suit approach to future businesses, expansive greenfield development for large office tenants, and workforce and affordable housing within the PUD development. Currently, there are no available sites in Albemarle County located in an opportunity zone that are able to accommodate a major employer in a single building. With full build-out, the Albemarle Business Campus would become a major employment center for the County, with an ability to provide space for 500 to 750 employees; with a mixture of uses, this number is estimated between 100 to 400 employees.

The proposed project anticipates streetscape improvements, including multi-use trails, sidewalks, and plantings along 5th Street Extended, Old Lynchburg Road, Country Green Road, and Mountainwood Road. These improvements will link existing neighborhoods and uses surrounding the property, contributing to increased walkability and bikeability in the area, achieving transportation goals for the development areas outlined in the Comprehensive Plan.

## SURROUNDING USES

Two multi-family housing developments (one existing and one under construction) are located on the north side of the property. These apartments serve (and are proposed to serve) as off-campus housing for University of Virginia students. A nine-acre office park, owned by the Region Ten Community Service Board, is located adjacent to the property, sharing a western boundary and various housing and commercial uses are located along Country Green Road and Mountainwood Road, to the south of the property. From a bird's eye perspective, the immediate surrounding landscape (including the 5th Street County office complex) are consistent with a PUD application plan, creating a mixed-use center around the County offices and the intersection of Old Lynchburg Road and 5th Street Extended.

## IMPACTS ON PUBLIC FACILITIES & PUBLIC INFRASTRUCTURE

In addition to the proposed improvements to sidewalks, trails, and landscape design as mentioned above, traffic improvements to 5th Street Extended and Old Lynchburg Road intersection are proposed with this rezoning request. The proffers included with this request allocate funds for transportation improvements at this strategic intersection. A

trip generation analysis is included in Figure 2. A “maximum buildout scenario” is presented which shows the maximum square footages that could be developed within the PUD. These square footages could not be achieved without structured parking on the site. A 38,000 SF supermarket retail user would generate the most traffic of any of the modeled users in the traffic analysis. An alternative “possible scenario” is presented that shows primarily a mixture of residential, office, and self-storage users. This possible scenario could be realized on the site with surface parking. This possible scenario is a likely development scenario for the property however, the supermarket analysis is included because a retail user of that size would be allowable per the use table.

The property is within the response district of the Monticello Fire Station and Monticello Rescue Squad and lies adjacent to the response district of the City Fire and Rescue. The property is patrolled by the Blue Ridge Police District, Sector 6, Beat 4 and the Albemarle County Police headquarters is located across 5th Street Extended from the property.

According to American Community Survey (ACS) 2017 5-year estimates, there are approximately 2.62 people per household in Albemarle County. As single-family detached housing is not proposed on this property, it is our position that the household size on this property would be 1.97 people per household (or 25% smaller than the County average). With a maximum of 128 units proposed on the site, there could potentially be 252 new residents within the Blue Ridge Police District and Monticello Fire and Rescue District.

The 5th Street Station Regional Mixed-Use Center is located one mile north of the property and the proposed Biscuit Run State Park is located one mile south of the property. In addition to the County Police headquarters, the County Registrar, the Virginia Cooperative Extension, and various other County resources are located in the office complex across 5th Street Extended from the property.

## IMPACT ON SCHOOLS

Anticipated impacts on schools have been provided by Albemarle County Public Schools.

Type of Dwelling Unit	Elementary	Middle	High	Total
Single-family detached	0.15	0.08	0.12	0.35
Townhome	0.15	0.06	0.08	0.29
Multi-family	0.12	0.03	0.05	0.21
<b>By-Right Development</b>				
26 Single-family detached homes	3.9	2.08	3.12	9.1
30 Townhomes	4.5	1.8	2.4	8.7
<b>By-Right Total</b>				<b>17.8</b>
<b>Proposed Development</b>				
128 Multi-Family Units	15.36	3.84	6.4	<b>26.88</b>
<b>Net Impact</b>				<b>+9.08</b>

This property lies within the Cale Elementary School district, Burley Middle School district, and Monticello High School district. The by-right analysis was completed based on approved plans for by-right development on the property. A maximum of 128 units could be built on the property and using the County's metrics, there could be 27 additional pupils in Albemarle County Public Schools, which is approximately nine more students than in the by-right development.

## IMPACT ON ENVIRONMENTAL FEATURES

All design and engineering for improving the property will comply with applicable County and State regulations. Regional Stormwater Management facilities have been constructed for the Sterling University Housing project (Wahoo Way). These facilities have been designed to accommodate some of, if not all, of the proposed runoff from the property. Any additional stormwater management design will be consistent with similar urban development projects and will utilize a combination of features, such as on-site surface facilities, on-site underground stormwater management facilities, and/or off-site nutrient credits.

## PROPOSED PROFFERS TO ADDRESS IMPACTS

Please see the proffer statement, included with this application.

## CITATIONS

<sup>1</sup> Table “DP05” ACS Demographic and Housing Estimates. U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

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Pre-App 25 February 2019

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project: 18.004



# ALBEMARLE BUSINESS CAMPUS

TMP(s) 76-46A, 76-54, Portion of 76-46F

project ID: 18.004

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## Context Map

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### INDEX OF SHEETS

- 1 - Cover & Context Map
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- 3 - Site & ZMA Details
- 4 - Existing Conditions-Whole Site
- 5 - Existing Conditions
- 6 - Existing Conditions
- 7 - Block Network
- 8 - Land Use Categories
- 9 - Proposed Circulation
- 10 - Block Network
- 11 - Land Use Categories
- 12 - Proposed Circulation
- 13 - Conceptual Street Section
- 14 - Conceptual Street Section
- 15 - Conceptual Street Section





# ALBEMARLE BUSINESS CAMPUS

## SITE & ZMA DETAILS

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### OWNER/DEVELOPER

Fifth Street Forest, LLC  
250 West Main Street, Suite 201  
Charlottesville, VA 22902-0000

### TMP(S)

76-46A, 76-54, Portion of 76-46F

### MAGISTERIAL DISTRICT

Samuel Miller & Scottsville

### STEEP SLOPES & STREAM BUFFER

There are no stream buffers within the project area.  
Managed steep slopes exist within the project area.

### SOURCE OF BOUNDARY & TOPOGRAPHY

Boundary plat from compiled plats for subject parcel and GIS for adjoiners. Two (2) foot contour interval topography from Louisa Aerial Surveys, Inc (08/22/07). Supplemented by additional field survey performed by Roger Ray.

### FLOODZONE

According to the FEMA Flood Insurance Rate Map, effective date February 4, 2005 (Community Panel 51003C0286D), this property does not lie within a Zone A 100-year flood plain.

### WATER SUPPLY WATERSHED

Non-Watershed Supply Watershed

### WATER AND SANITARY SERVICES

Provided by Albemarle County Service Authority (ACSA)

### PARKING

Parking requirements to comply with section 4.12 of the Albemarle County Zoning Ordinance, unless parking waivers are pursued by the Owner during site plan and are approved by the Zoning Administrator.

### PROPOSED UNITS

128 units. Gross density: 25 units/acre, net density: 26 units/acre

### USE

EXISTING: Vacant  
PROPOSED: Mixed Use Development

### ZONING

EXISTING: R2, R10, CO  
OVERLAY: Airport Impact Area, Entrance Corridor, Steep Slopes - Managed, Dam Break Inundation Zone - State  
COMPREHENSIVE PLAN: Urban Density Residential, Community Mixed Use  
PROPOSED: PUD

### OPEN SPACE

1. No less than 25% of residential area shall be open space. Open spaces shall be delineated on site plans and subdivision plats for the development.
2. Recreational requirements shall meet regulations in section 4.16 of the Albemarle County Zoning Ordinance, unless recreational equipment modifications are requested at site plan and are approved by Director of Planning.
3. Recreational area may be provided within open space.

### FORM REGULATIONS

**Setbacks and Stepbacks:** Setbacks and stepbacks shall comply with Sec. 4.19 for areas within the PUD designated for residential use. Setbacks and stepbacks shall comply with Sec. 4.20 for areas within the PUD designated for commercial/service and commercial sc (commercial shopping center) uses.

**Building Height:** Maximum allowable: 50'

**Building Footprint:** No single building footprint area shall exceed 60,000 square feet on any property within the project designated as "Community Mixed Use" in the Southern and Western Urban Neighborhoods Master Plan.

### AFFORDABLE HOUSING

15% of the total residential dwelling units built within areas designated for residential use within the project shall be Affordable Dwelling Units (the "15% Affordable Housing Requirement"). The 15% Affordable Housing Requirement may be met through a variety of housing types, including but not limited to, for-sale units or rental units.

**For-Sale Affordable Dwelling Units:** All purchasers of the affordable units shall be approved by the Albemarle County Community Development Department or its designee ("Community Development"). A for-sale Affordable Dwelling Unit shall mean any unit affordable to households with income 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. The Applicant or its successor shall provide the County or its designee a period of ninety (90) days to identify and prequalify an eligible purchaser for the for-sale Affordable Dwelling Units. The ninety (90) day period shall commence upon written notice from the Applicant, or its successor, that the unit(s) will be available for sale. This notice shall not be given more than sixty (60) days prior to receipt of the Certificate of Occupancy for the applicable for-sale Affordable Dwelling Unit; the County or its designee may then have thirty (30) days within which to provide a qualified purchaser for such for-sale Affordable Dwelling Unit. If the County or its designee does not provide a qualified purchaser during the ninety (90) day period, the Applicant or its successor shall have the right to sell the unit(s) without any restriction on sales price or income of the purchaser(s). This shall apply only to the first sale of each of the for-sale Affordable Dwelling Units.

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project: 18.004

**SHIMP ENGINEERING, P.C.**



# ALBEMARLE BUSINESS CAMPUS

## SITE & ZMA DETAILS

### AFFORDABLE HOUSING

#### For-Rent Affordable Dwelling Units:

1.) RENTAL RATES: The net rent for each rental housing unit which shall qualify as an Affordable Dwelling Unit (“For-Rent Affordable Dwelling Unit”) shall not exceed HUD’s affordability standard of thirty percent (30%) of the income of a household making eighty percent (80%) of the area median income (as determined by HUD from time to time). In each subsequent calendar year, the monthly net rent for each For-Rent Affordable Dwelling Unit may be increased up to three percent (3%). The term “net rent” means that the rent does not include tenant-paid utilities or Homeowners Association fees. The requirement that the rents for such For-Rent Affordable Dwelling Units may not exceed the maximum rents established in this Section shall apply for a period of ten (10) years following the date the certificate of occupancy is issued by the County for each For-Rent Affordable Dwelling Unit, or until the units are sold as low or moderate cost units qualifying as such under either the VHDA, Farmers Home Administration, or Housing and Urban Development, Section 8, whichever comes first (the “Affordable Term”).

2.) CONVEYANCE OF INTEREST: All deeds conveying any interest in the For-Rent Affordable Dwelling Units during the Affordable Term shall contain language reciting that such unit is subject to the terms of this Section. In addition, all contracts pertaining to a conveyance of any For-Rent Affordable Dwelling Unit, or any part thereof, during the Affordable Term shall contain a complete and full disclosure of the restrictions and controls established by this Section. At least thirty (30) days prior to the conveyance of any interest in any For-Rent Affordable Dwelling Unit during the Affordable Term, the then-current Owner shall notify the County in writing of the conveyance and provide the name, address and telephone number of the potential grantee, and state that the requirements of this Section have been satisfied.

3.) REPORTING RENTAL RATES: During the Affordable Term, within thirty (30) days of each rental or lease term for each For-Rent Affordable Dwelling Unit, the Applicant or its successor shall provide to the Housing Office a copy of the rental or lease agreement for each such unit rented that shows the rental rate for such unit and the term of the rental or lease agreement. In addition, during the Affordable Term, the Applicant or its successor shall provide to the County, if

requested, any reports, copies of rental or lease agreements, or other data pertaining to rental rates as the County may reasonably require.

**Tracking:** Each subdivision plat and site plan for land within the Property shall designate lots or units, as applicable, that will satisfy the 15% Affordable Housing Requirement. Such subdivision plat(s) or site plan(s) shall not be required to identify the method by which the 15% Affordable Housing Requirement will be satisfied. The aggregate number of such lots or units designated for affordable units within each subdivision plat or site plan shall constitute a minimum of fifteen percent (15%) of the lots or units in such subdivision plat or site plan, unless such subdivision plat or site plan does not contain any residential uses. The Applicant, at the Applicant’s option, may accelerate the provision of affordable units ahead of the 15% Affordable Housing Requirement and shall be entitled to receive credit on future subdivision plat(s) or site plan(s) for any such units provided beyond the 15% Affordable Housing Requirement.

#### STORMWATER MANAGEMENT:

**Block 1:** Underground detention shall be provided underneath surface parking and affiliated parking travelways.

**Blocks 1-5:** Stormwater management provided by regional stormwater facility approved with SDP200100129 and expanded with WPO201500094.

#### ROW Dedication Calculation

	ACREAGE	RIGHT-OF-WAY DEDICATION	NET ACREAGE
TMP 76-46A (West)	4.50	0.21	4.29
Portion of TMP 76-46F	0.58	.002	0.58
TMP-46A (East)	5.67	0.008	5.66
TMP 76-54	2.88	0.0007	2.88
Total	13.63	0.221	13.41

#### TABLE A. RESIDENTIAL

BLOCK ID	UNIT TYPE	MAXIMUM #OF UNITS	NET ACREAGE	MAXIMUM DENSITY (units/acre)
1	Residential TH, MF	128	4.87	26
2	Commercial/Service	---	--	--
3	Commercial/Service	---	--	--
4	Commercial/Service	---	--	--
5	Commercial SC	---	--	--

#### NOTES:

1.) Net acreage included in Table A is total acreage less area dedicated to ROW. There are no known environmentally sensitive features present on the property.

#### TABLE B. NONRESIDENTIAL

BLOCK ID	USE	MAX SQUARE FOOTAGE
2	Commercial/Service	Office
		Retail
3	Commercial/Service	Office
		Retail
4	Commercial/Service	Office
		Retail
5	Commercial SC	Hotel/Self Storage
		Retail
		Office

#### NOTES:

- Total nonresidential square footage shall not exceed a maximum of 225,000 square feet in the PUD.
- Retail square footage shall not exceed 50,000 SF total in the PUD.
- Office square footage shall not exceed 153,000 SF total in the PUD.

TMP(s) 76-46A, 76-54, Portion of 76-46F

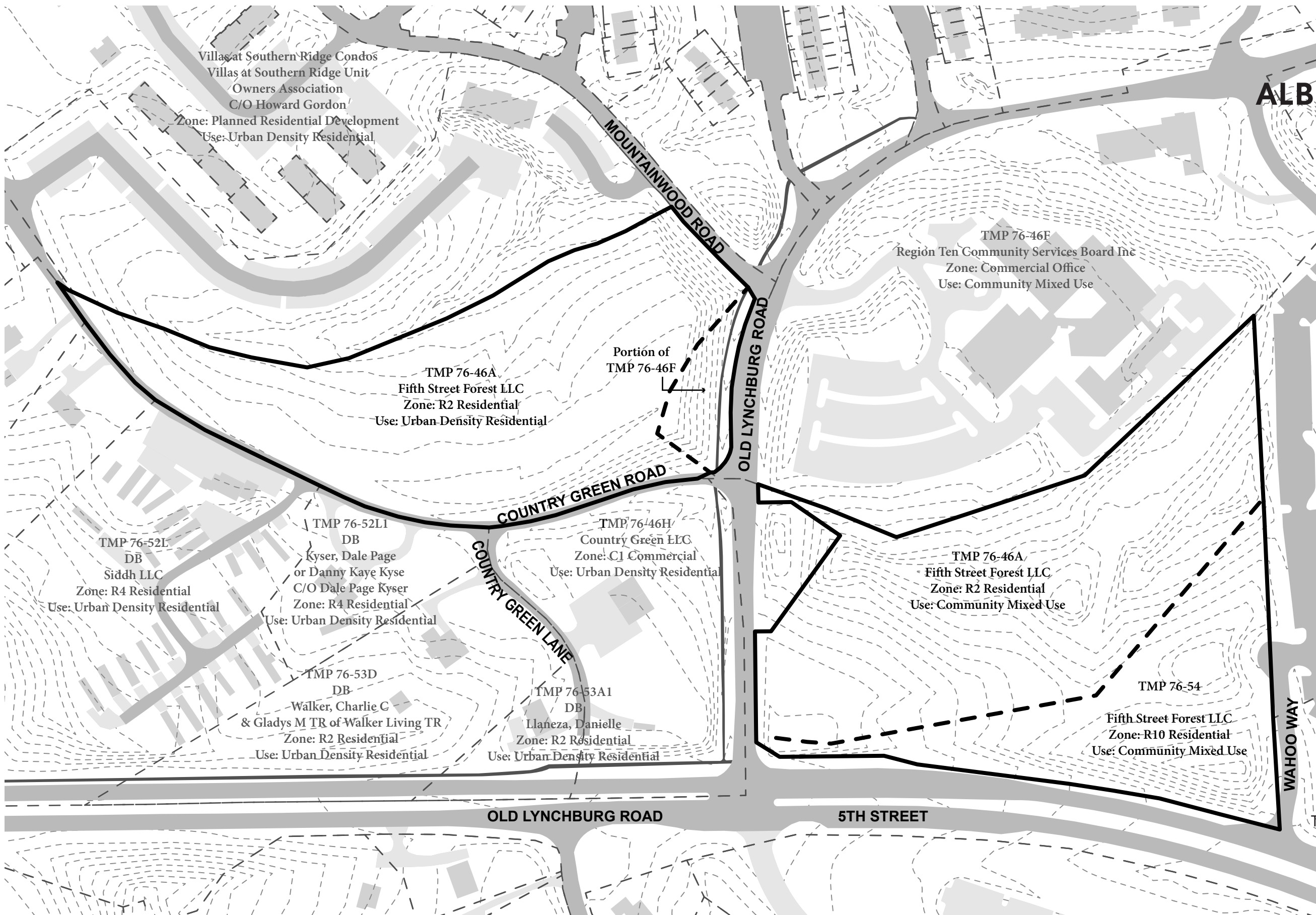
Submitted 18 March 2019  
Revised 17 June 2019  
Revised 29 July 2019  
Revised 13 September 2019  
**REVISED 16 December 2019**

project: 18.004

# ALBEMARLE BUSINESS CAMPUS

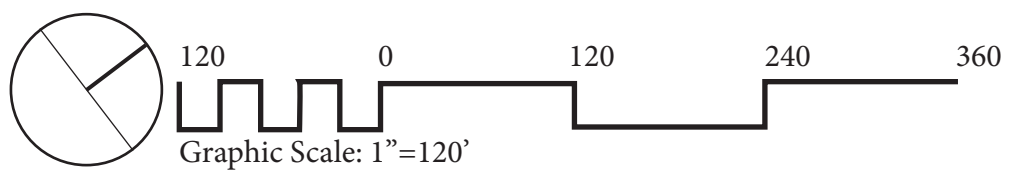
## EXISTING CONDITIONS

Sheet 4 of 15



TMP(s) 76-46A, 76-54, Portion of 76-46F

Submitted 18 March 2019  
Revised 17 June 2019  
Revised 29 July 2019  
Revised 13 September 2019  
**REVISED 16 December 2019**



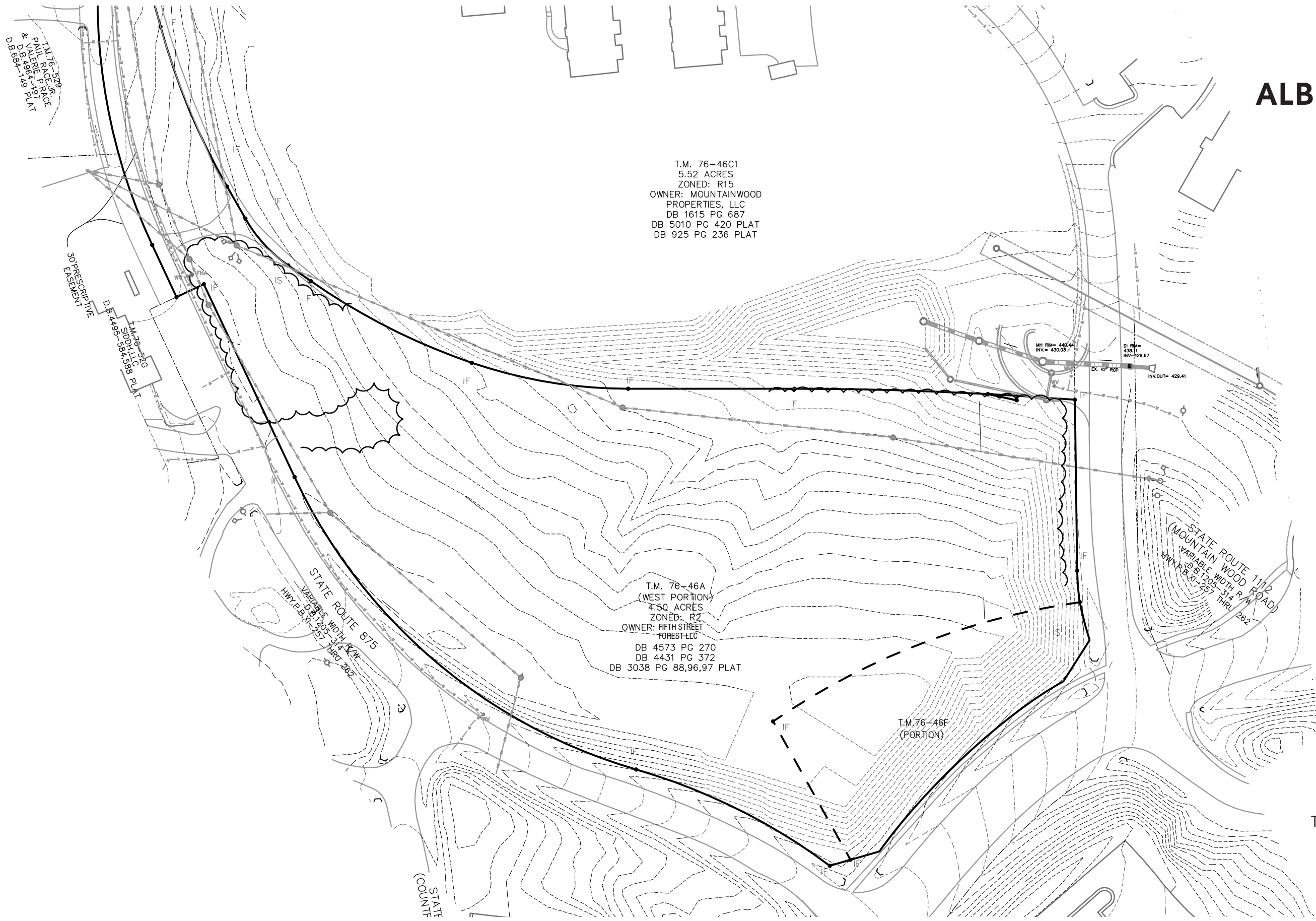
project: 18.004



# ALBEMARLE BUSINESS CAMPUS

## EXISTING CONDITIONS

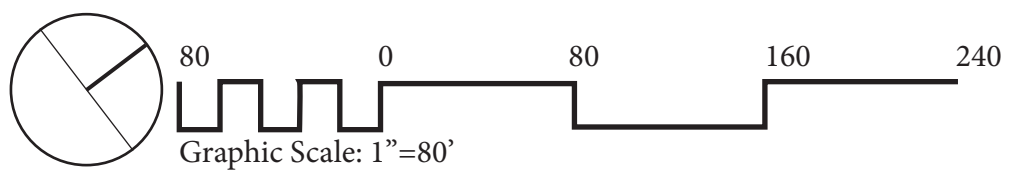
Sheet 5 of 15



T.M. 76-46C1  
5.52 ACRES  
ZONED: R15  
OWNER: MOUNTAINWOOD  
PROPERTIES, LLC  
DB 1615 PG 687  
DB 5010 PG 420 PLAT  
DB 925 PG 236 PLAT

T.M. 76-46A  
(WEST PORTION)  
4.50 ACRES  
ZONED: R2  
OWNER: FIFTH STREET  
FOREST LLC  
DB 4573 PG 270  
DB 4431 PG 372  
DB 3038 PG 88,96,97 PLAT

T.M. 76-46F  
(PORTION)



TMP(s) 76-46A, 76-54, Portion of 76-46F

Submitted 18 March 2019  
Revised 17 June 2019  
Revised 29 July 2019  
Revised 13 September 2019  
**REVISED 16 December 2019**

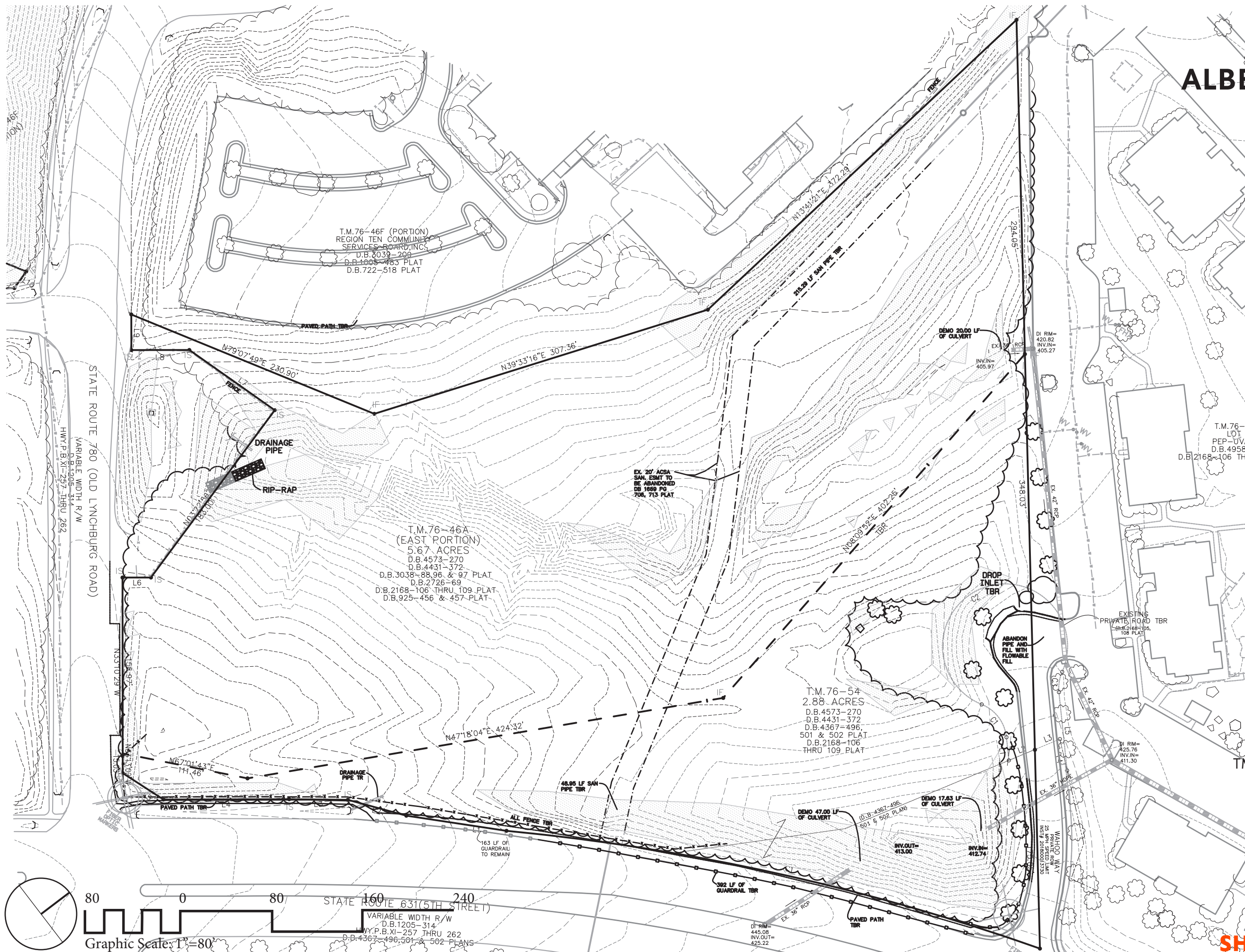
project: 18.004



# ALBEMARLE BUSINESS CAMPUS

## EXISTING CONDITIONS

Sheet 6 of 15



TMP(s) 76-46A, 76-54, Portion of 76-46F

Submitted 18 March 2019  
Revised 17 June 2019  
Revised 29 July 2019  
Revised 13 September 2019  
**REVISED 16 December 2019**

project: 18.004

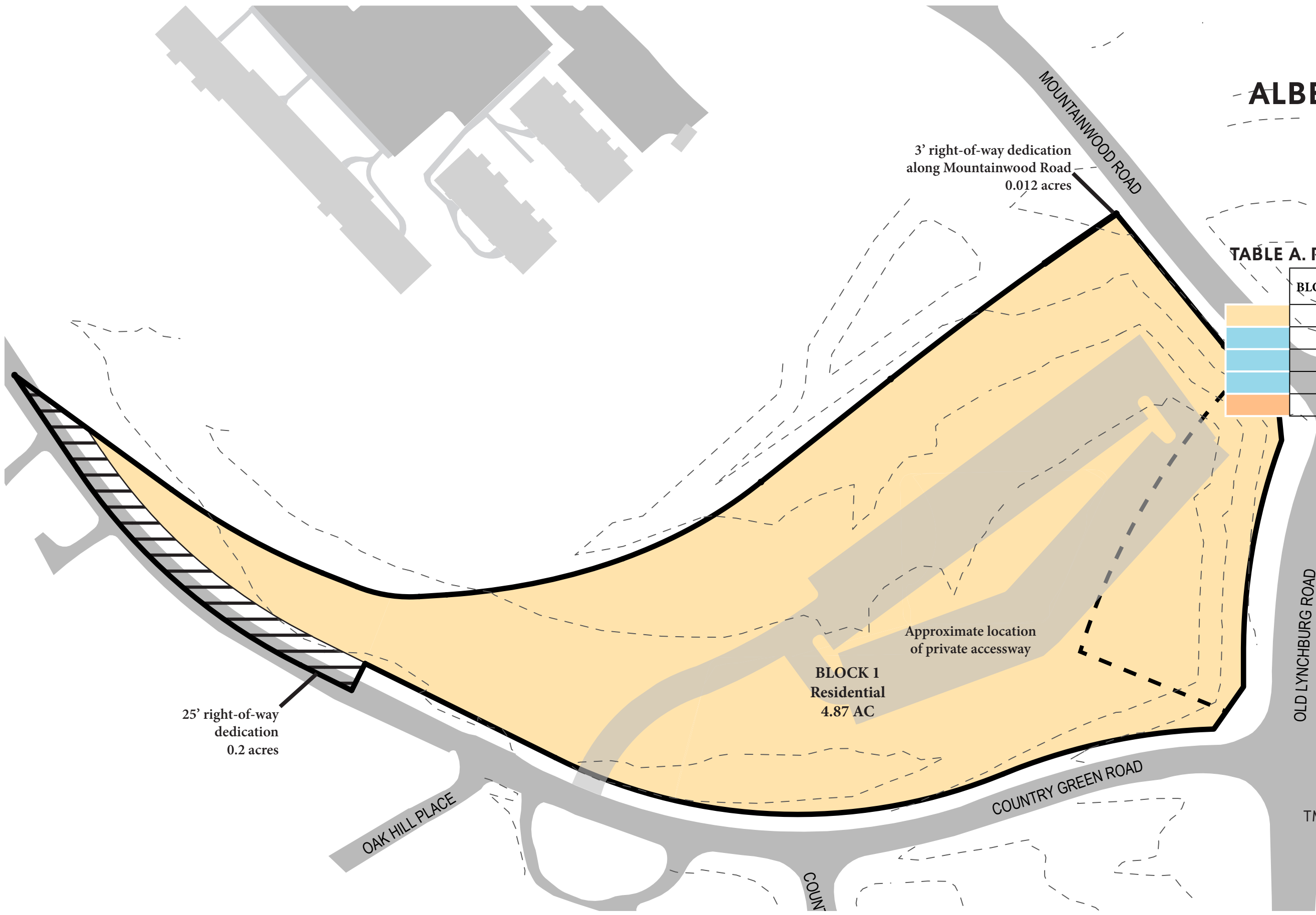
# ALBEMARLE BUSINESS CAMPUS

## BLOCK NETWORK

Sheet 7 of 15

**TABLE A. RESIDENTIAL**

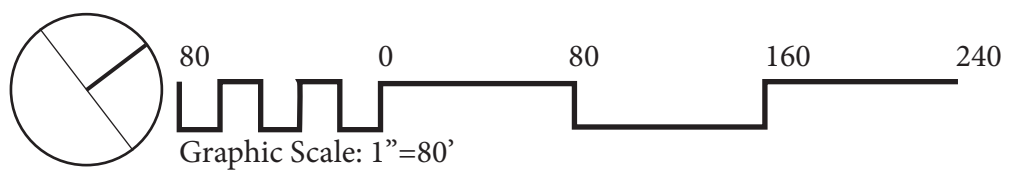
BLOCK ID	UNIT TYPE	MAXIMUM #OF UNITS
1	Residential TH, MF	128
2	Commercial/Service	---
3	Commercial/Service	----
4	Commercial/Service	---
5	Commercial SC	---



TMP(s) 76-46A, 76-54, Portion of 76-46F

Submitted 18 March 2019  
 Revised 17 June 2019  
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**REVISED 16 December 2019**

project: 18.004



**Legend**


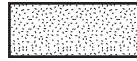
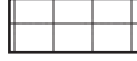

Right-of-way dedication



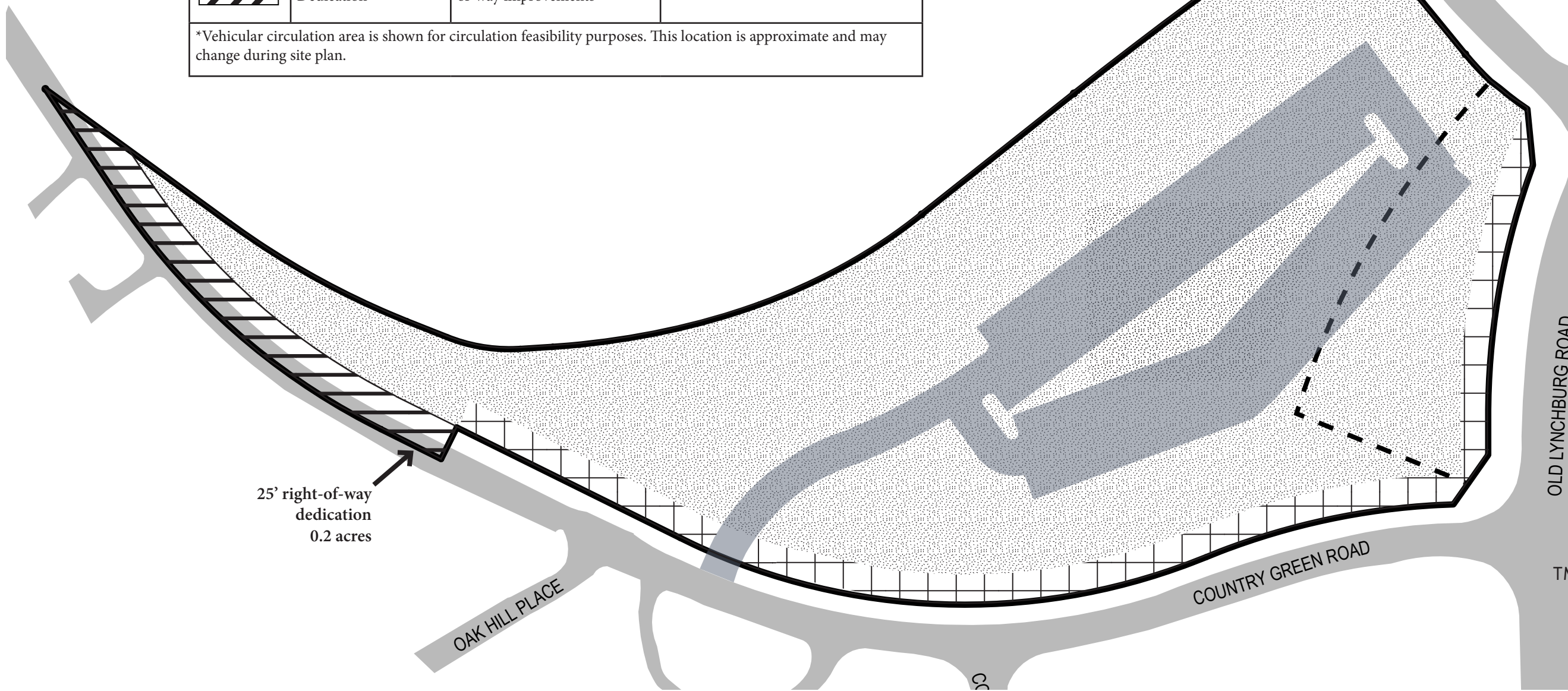
# ALBEMARLE BUSINESS CAMPUS

## LAND USE CATEGORIES

Sheet 8 of 15

LEGEND	LAND USE	PROHIBITED IMPROVEMENTS	PERMITTED IMPROVEMENTS
	Vehicular Circulation*	Residential and commercial buildings	Travel ways, ingress/egress, grading, landscaping, utilities
	Buildable Area	None	Residential buildings, signage, grading, landscaping, open space, utilities, open-air surface parking, structured parking, parking areas, travel ways, ingress/egress to the site, etc.
	Restricted Parking Area	Open-air surface parking lots	Residential buildings, structured parking, signage, grading, landscaping, open space, utilities, travel ways, ingress/egress to the site, etc.
	Right-of-Way Dedication	N/A - area reserved for right-of-way improvements	Right-of-way improvements, stormwater infrastructure

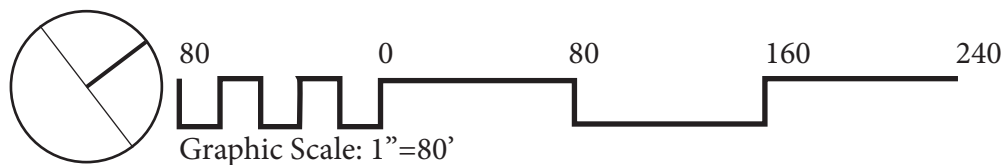
\*Vehicular circulation area is shown for circulation feasibility purposes. This location is approximate and may change during site plan.



TMP(s) 76-46A, 76-54, Portion of 76-46F

Submitted 18 March 2019  
 Revised 17 June 2019  
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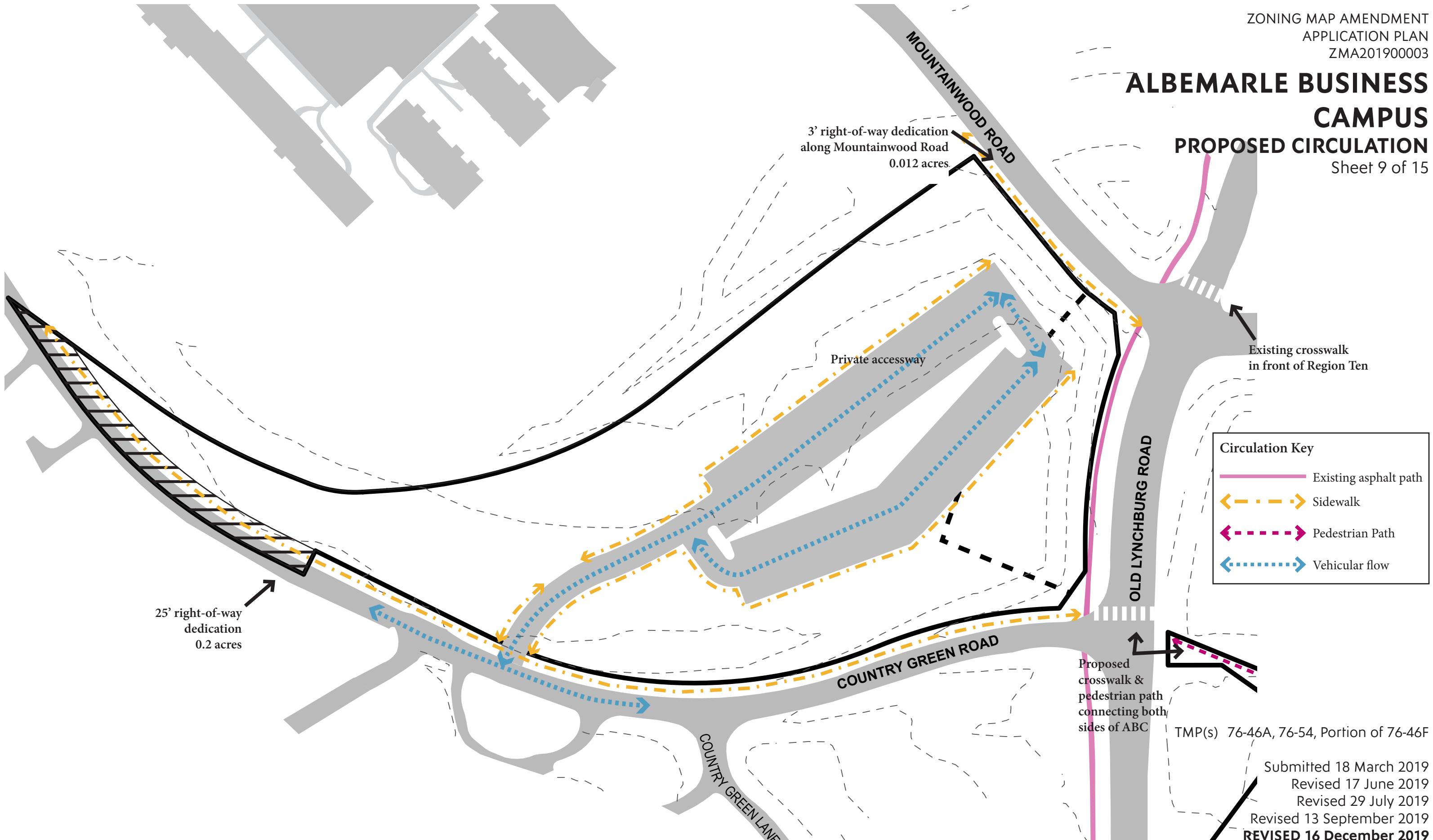
project: 18.004



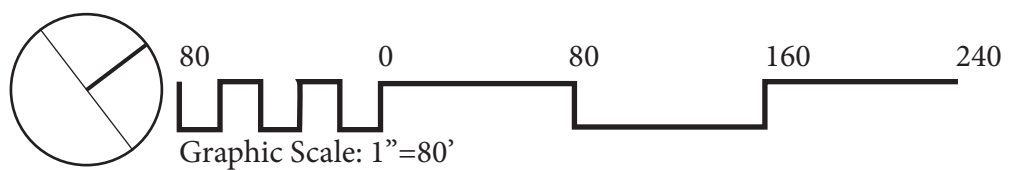
# ALBEMARLE BUSINESS CAMPUS

## PROPOSED CIRCULATION

Sheet 9 of 15



Circulation Key	
	Existing asphalt path
	Sidewalk
	Pedestrian Path
	Vehicular flow



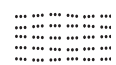

Legend	
	Right-of-way dedication

# ALBEMARLE BUSINESS CAMPUS

## BLOCK NETWORK

Sheet 10 of 15

**Legend**

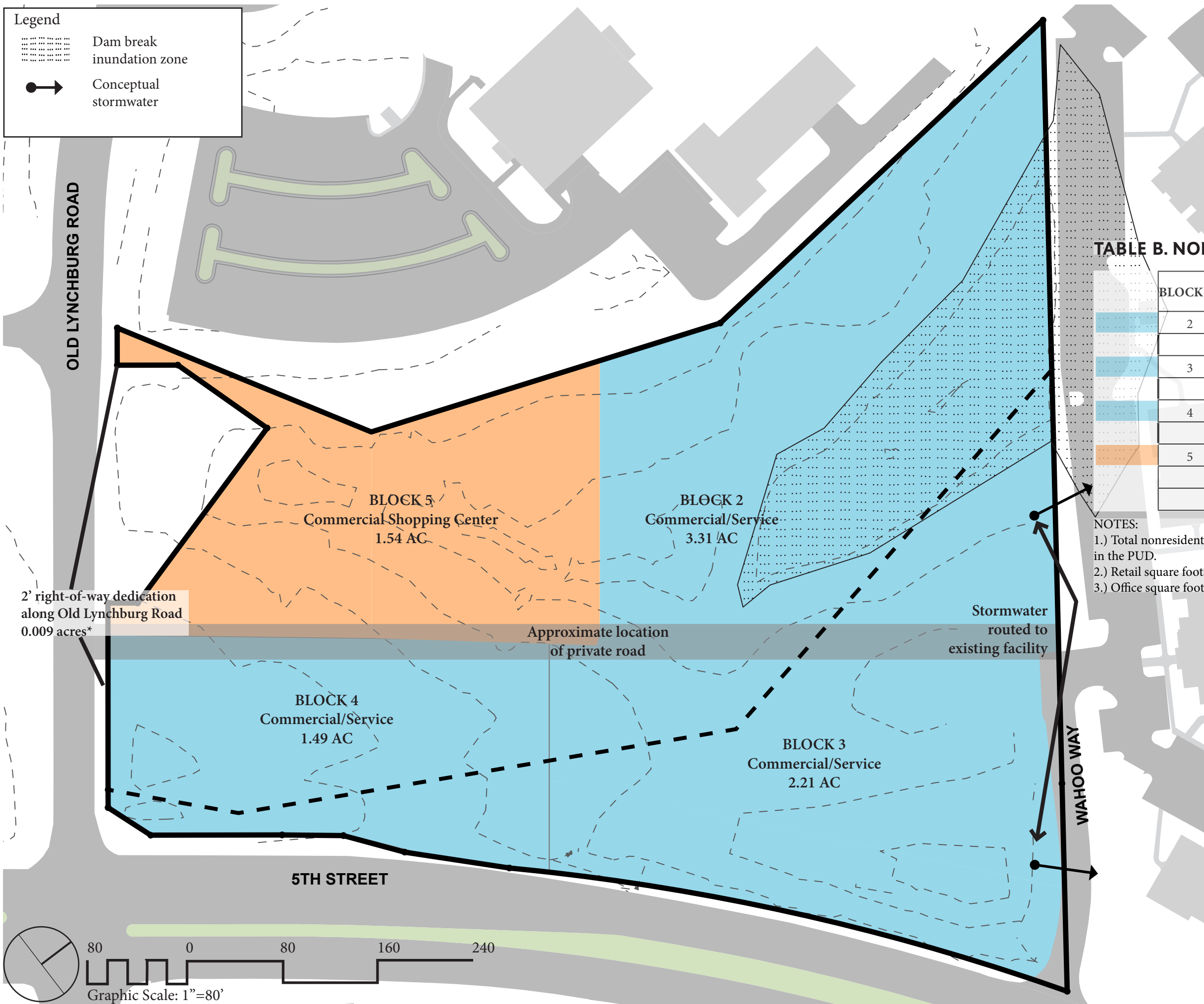
-  Dam break inundation zone
-  Conceptual stormwater

**TABLE B. NONRESIDENTIAL**

BLOCK ID	USE	MAX SQUARE FOOTAGE
2	Commercial/Service	Office 153,000 <sup>3</sup>
		Retail 50,000 <sup>2</sup>
3	Commercial/Service	Office 153,000 <sup>3</sup>
		Retail 50,000 <sup>2</sup>
4	Commercial/Service	Office 153,000 <sup>3</sup>
		Retail 50,000 <sup>2</sup>
5	Commercial SC	Hotel/Self Storage 100,000
		Retail 50,000 <sup>2</sup>
	Office	153,000 <sup>3</sup>

**NOTES:**

- 1.) Total nonresidential square footage shall not exceed a maximum of 225,000 square feet in the PUD.
- 2.) Retail square footage shall not exceed 50,000 SF total in the PUD.
- 3.) Office square footage shall not exceed 153,000 SF total in the PUD.



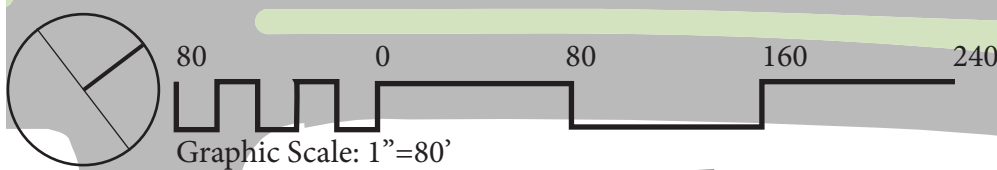
\*See sheet 3 for right-of-way dedication by parcel

TMP(s) 76-46A, 76-54, Portion of 76-46F

Submitted 18 March 2019  
Revised 17 June 2019  
Revised 29 July 2019  
Revised 13 September 2019  
**REVISED 16 December 2019**

project: 18.004

**SHIMP ENGINEERING, P.C.**


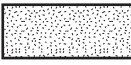





# ALBEMARLE BUSINESS CAMPUS

## LAND USE CATEGORIES

Sheet 11 of 15

LEGEND	LAND USE	PROHIBITED IMPROVEMENTS	PERMITTED IMPROVEMENTS
	Right-of-Way Reservation*	Residential and commercial buildings	Travel ways, ingress/egress, grading, landscaping, utilities, along with other uses typically permitted within VDOT ROW
	Buildable Area	None	Residential and commercial buildings, signage, grading, landscaping, open space, utilities, open-air surface parking, structured parking, parking areas, travel ways, ingress/egress to the site, etc.
	Restricted Parking Area	Open-air surface parking lots	Residential and commercial buildings, structured parking, signage, grading, landscaping, open space, utilities, travel ways, ingress/egress to the site, etc.

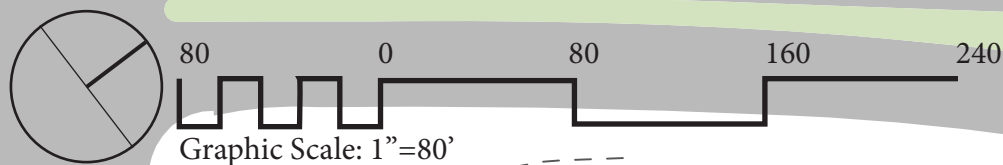
\*Right-of-way reservation area is shown for circulation feasibility purposes. The ROW reservation location is approximate and may change during site plan.

OLD LYNCHBURG ROAD

2' right-of-way dedication along Old Lynchburg Road  
 0.009 acres\*

5TH STREET

WAHOO WAY



\*See sheet 3 for right-of-way dedication by parcel

TMP(s) 76-46A, 76-54, Portion of 76-46F

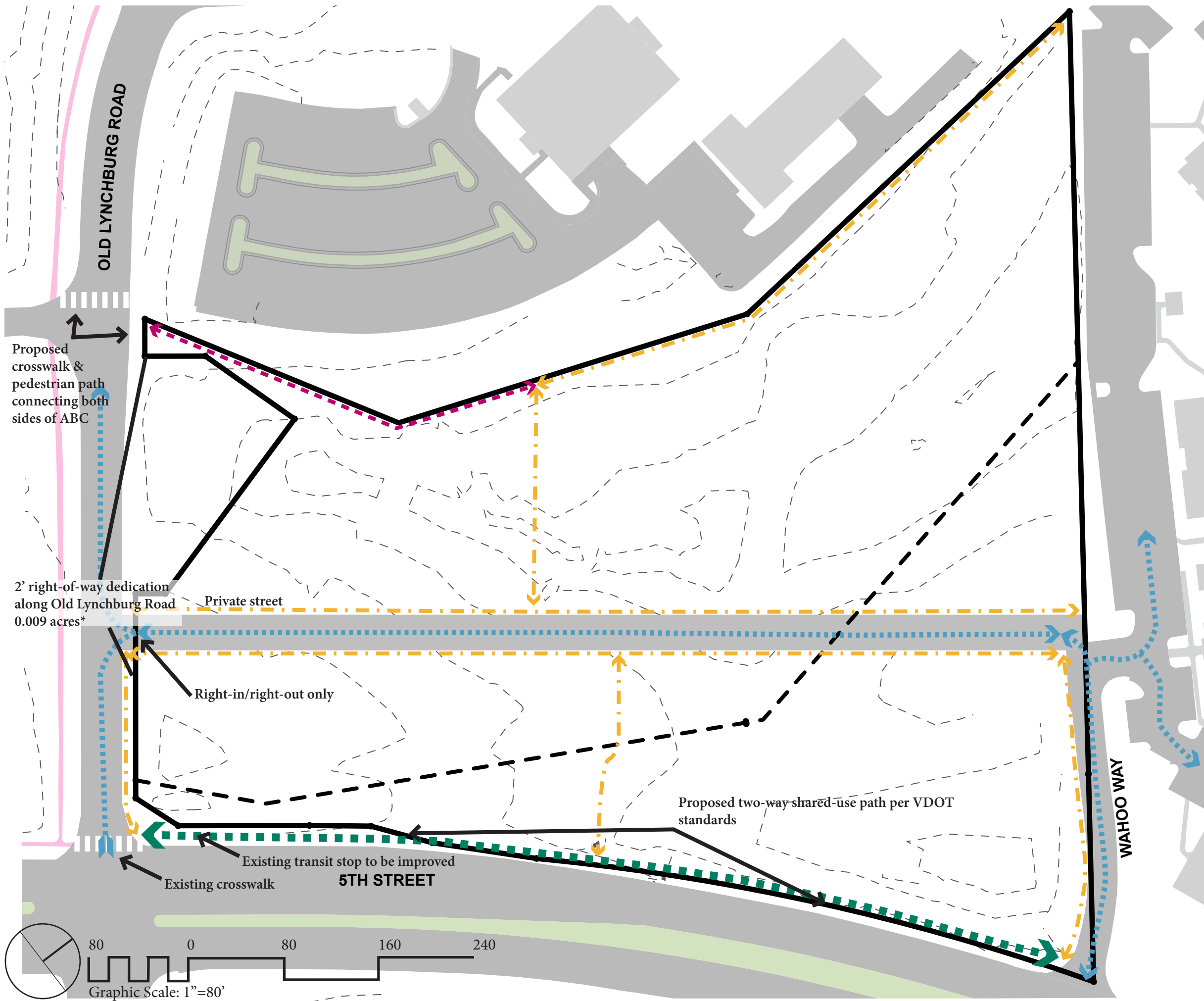
Submitted 18 March 2019  
 Revised 17 June 2019  
 Revised 29 July 2019  
 Revised 13 September 2019  
**REVISED 16 December 2019**

project: 18.004

# ALBEMARLE BUSINESS CAMPUS

## PROPOSED CIRCULATION

Sheet 12 of 15



**Circulation Key**

- Existing asphalt path
- Sidewalk
- Pedestrian Path
- Proposed two-way shared-use path (VDOT standards)
- Vehicular flow

\*See sheet 3 for right-of-way dedication by parcel

TMP(s) 76-46A, 76-54, Portion of 76-46F

Submitted 18 March 2019  
Revised 17 June 2019  
Revised 29 July 2019  
Revised 13 September 2019  
**REVISED 16 December 2019**

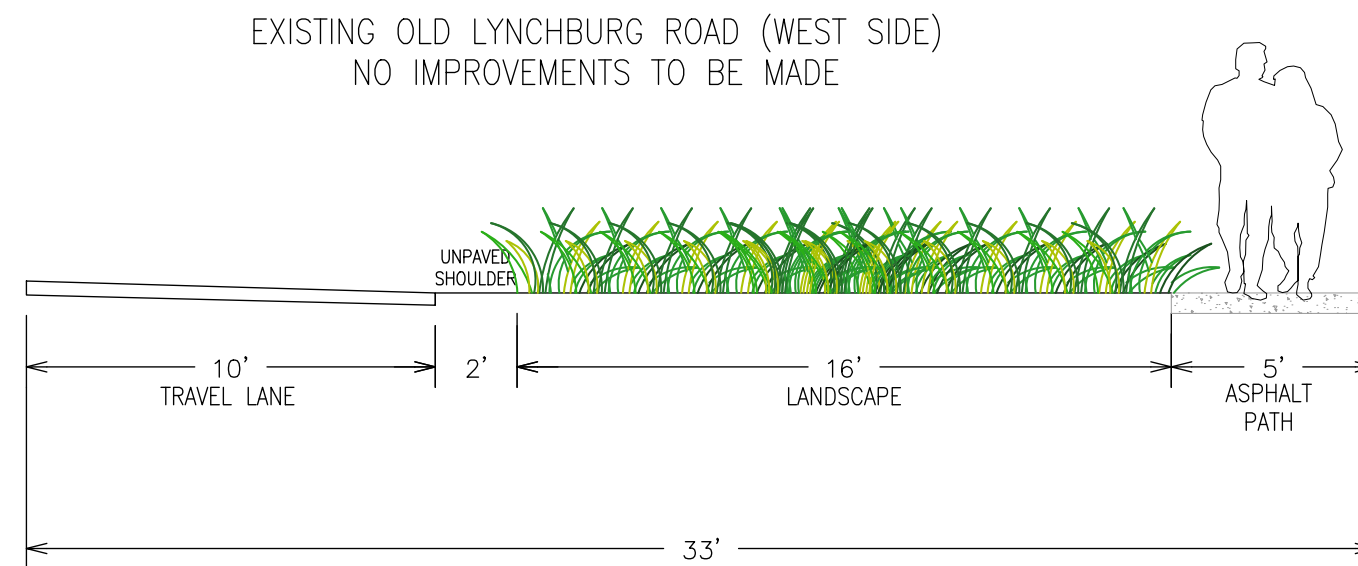
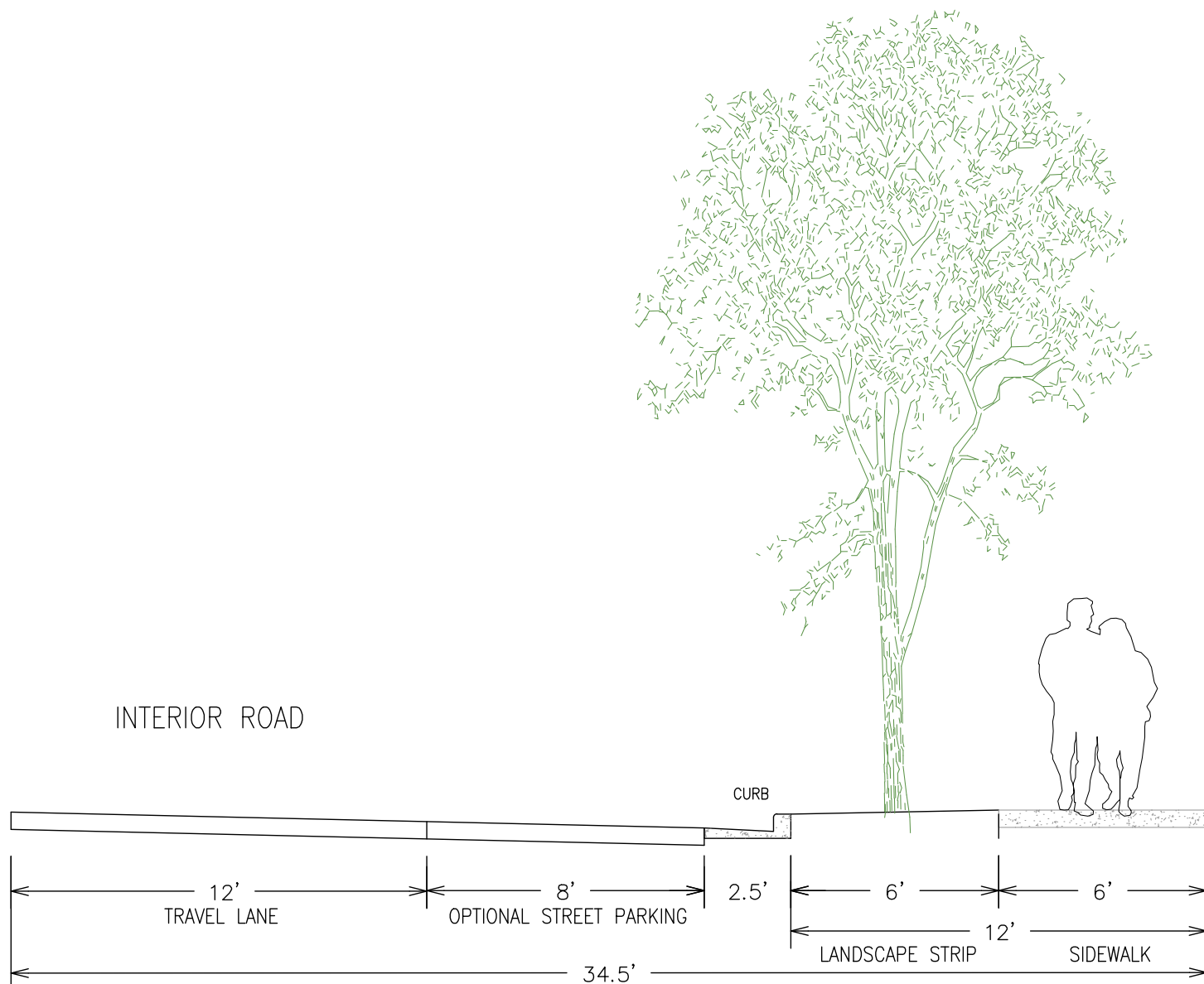
project: 18.004

**ALBEMARLE BUSINESS  
 CAMPUS  
 CONCEPTUAL  
 STREET SECTIONS**

Sheet 13 of 15

**INTERIOR STREETS**

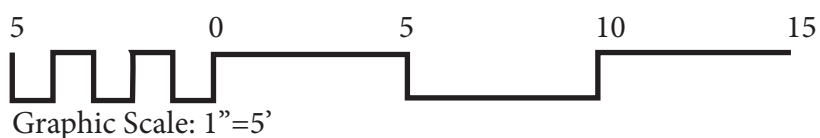
**OLD LYNCHBURG ROAD (WEST SIDE)  
 EXISTING ASPHALT PATH**



TMP(s) 76-46A, 76-54, Portion of 76-46F

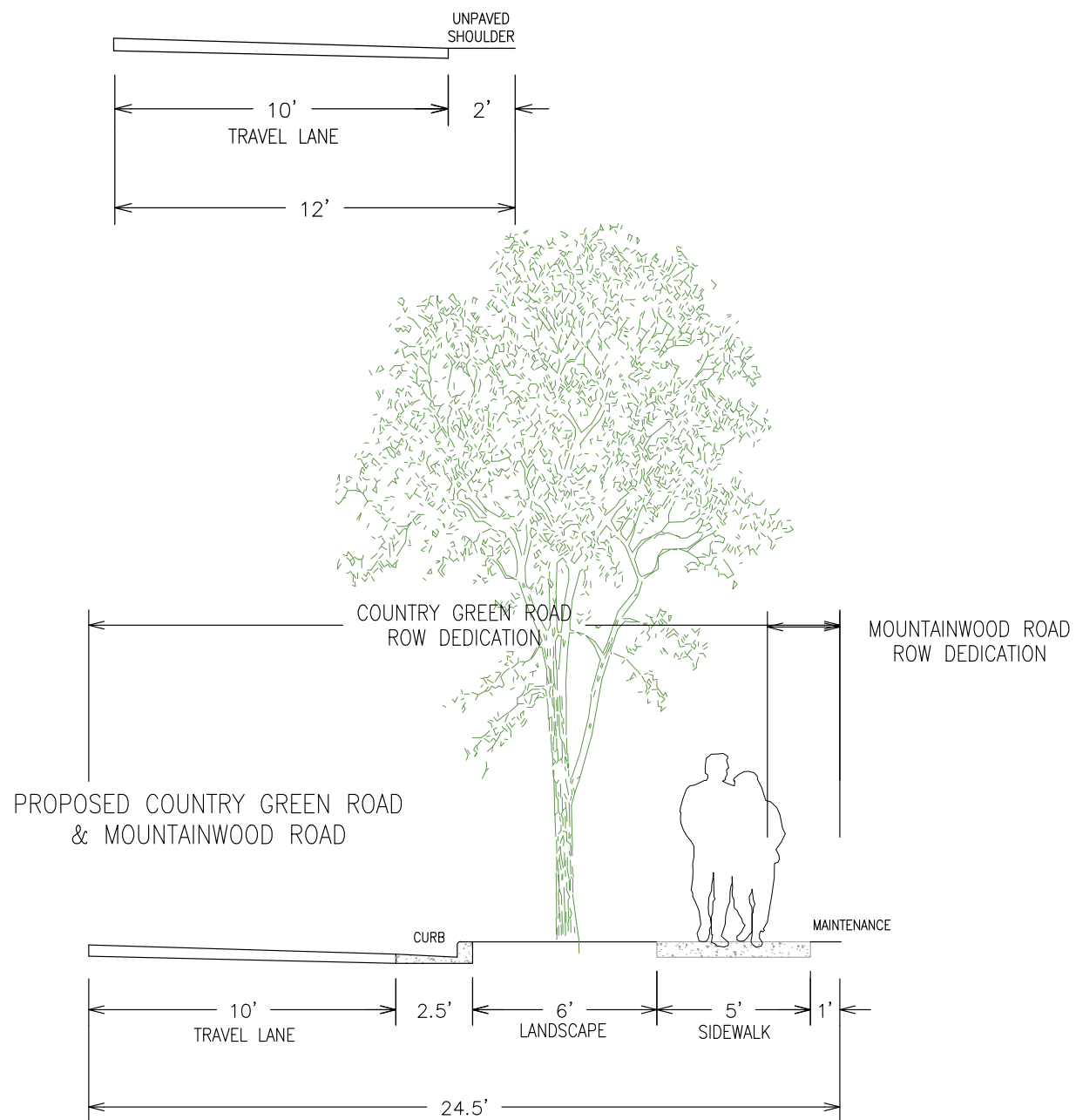
Submitted 18 March 2019  
 Revised 17 June 2019  
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**REVISED 16 DECEMBER 2019**

project: 18.004



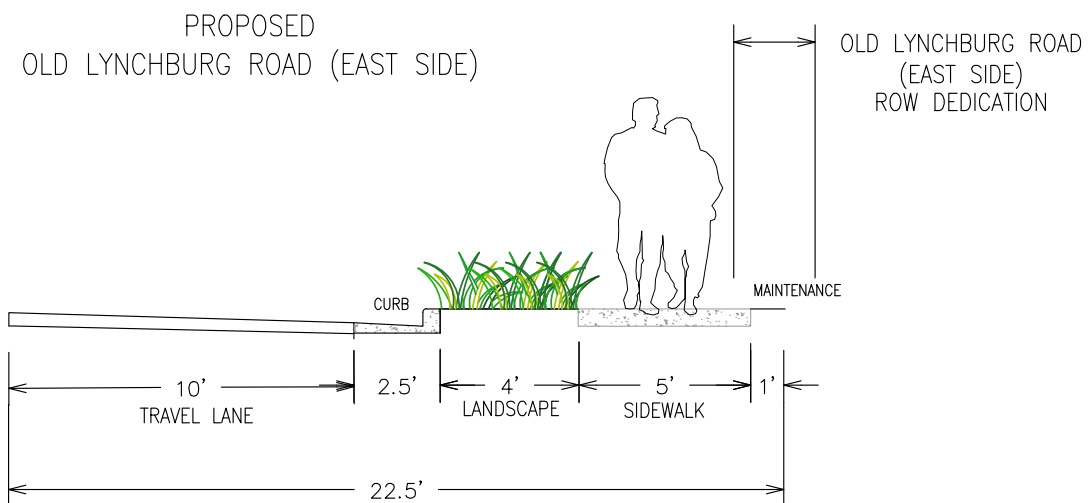
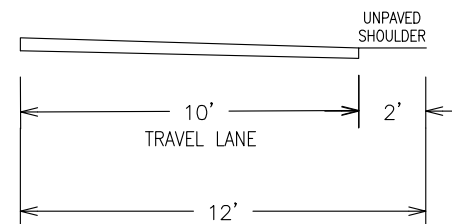
# RURAL TO URBAN STREET COUNTRY GREEN ROAD & MOUNTAINWOOD ROAD

EXISTING COUNTRY GREEN ROAD  
& MOUNTAINWOOD ROAD



# SIDEWALK IMPROVEMENTS (VDOT STANDARDS\*) OLD LYNCHBURG ROAD (EAST SIDE)

EXISTING  
OLD LYNCHBURG ROAD (EAST SIDE)



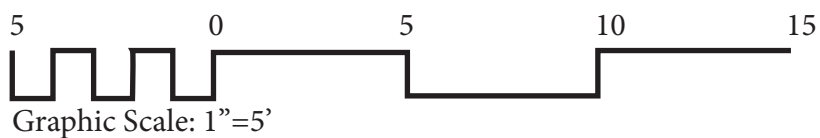
# ALBEMARLE BUSINESS CAMPUS CONCEPTUAL STREET SECTIONS

Sheet 14 of 15

**Right-of-Way Dedication**  
For specific right-of-way dedication information, please refer to Site & ZMA Information (sheet 3) and Proposed Circulation (sheets 9 & 12).

TMP(s) 76-46A, 76-54, Portion of 76-46F

Submitted 18 March 2019  
Revised 17 June 2019  
Revised 29 July 2019  
Revised 13 September 2019  
**REVISED 16 DECEMBER 2019**



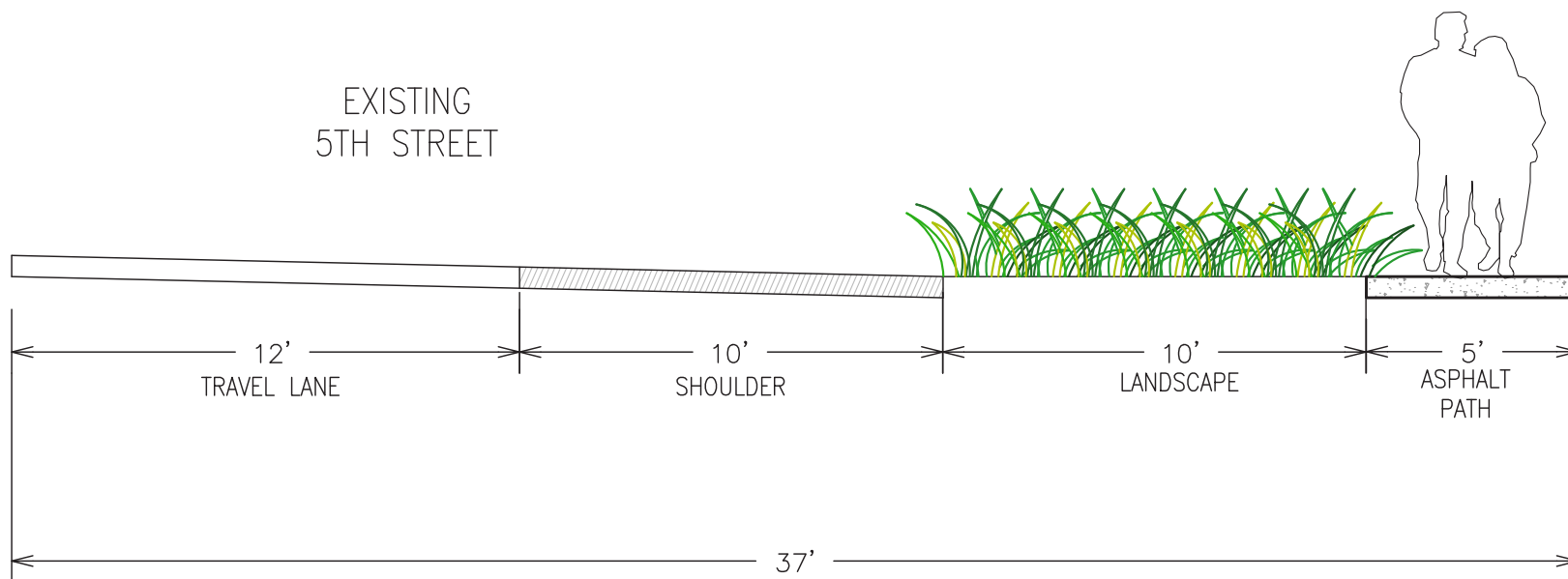
\*VDOT Road Design Manual, Appendix A(1): VDOT Complete Streets: Bicycle & Pedestrian Facility Guidelines, Bus Stop Design & Parking Guidelines, (A(1)-69, 71)

project: 18.004

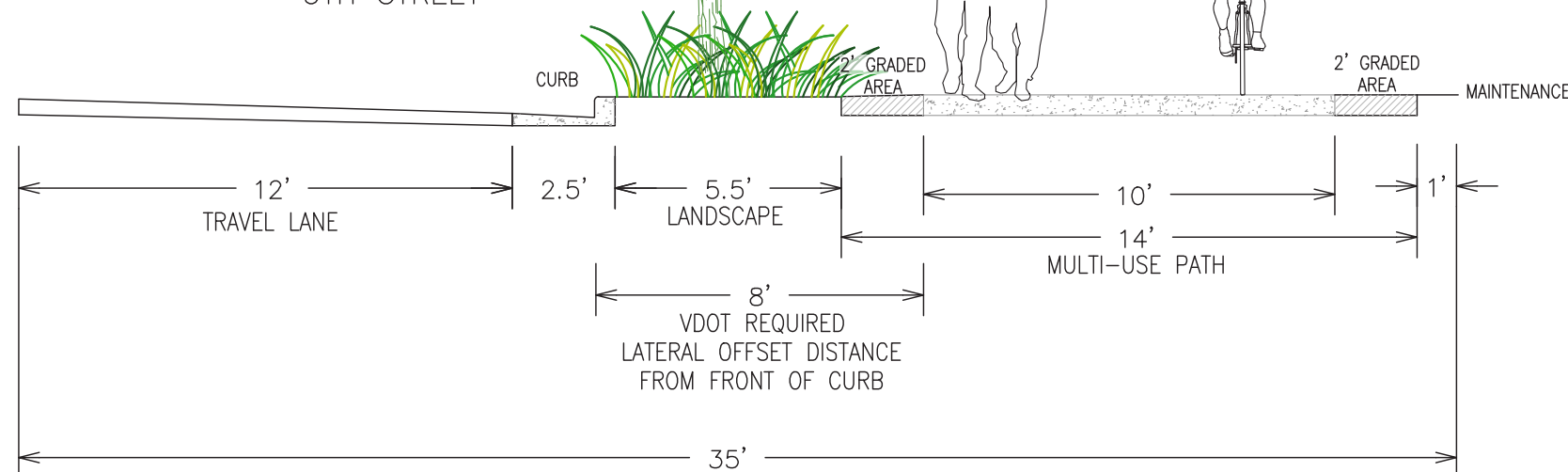
# ALBEMARLE BUSINESS CAMPUS CONCEPTUAL STREET SECTIONS

Sheet 15 of 15

## TWO-WAY SHARED-USE PATH (VDOT STANDARDS\*) 5TH STREET EXTENDED

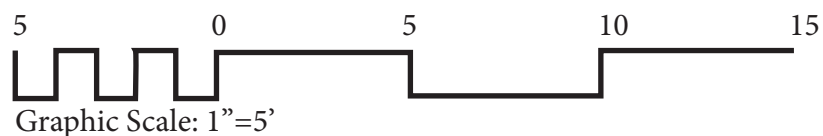


## PROPOSED 5TH STREET



TMP(s) 76-46A, 76-54, Portion of 76-46F

Submitted 18 March 2019  
 Revised 17 June 2019  
 Revised 29 July 2019  
 Revised 13 September 2019  
**REVISED 16 DECEMBER 2019**



\*VDOT Road Design Manual, Appendix A(1): VDOT Complete Streets: Bicycle & Pedestrian Facility Guidelines, Bus Stop Design & Parking Guidelines, (A(1)-24, 26)

project: 18.004



Figure 1. PUD 100 Acre Analysis

# ALBEMARLE BUSINESS CAMPUS

Sheet 4 of 5



TMP(s) 76-46A, 76-54, Portion of 76-46F

Pre-App 25 February 2019

Submitted 18 March 2019

Revised 17 June 2019

Revised 29 July 2019

Revised 13 September 2019

**REVISED 16 December 2019**

project: 18.004

**SHIMP ENGINEERING, P.C.**

Figure 2. Trip Generation

# ALBEMARLE BUSINESS CAMPUS

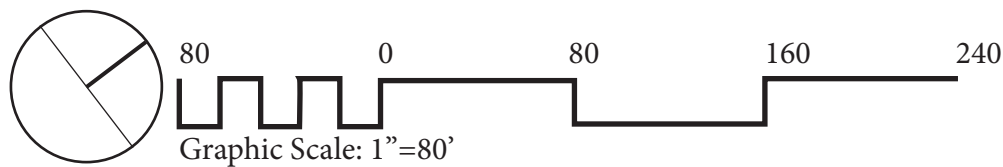
Sheet 5 of 5

Maximum Square Footages											
Use	Square Footage	LU Code	IV	AM			PM			Daily Total	
				In	Out	Total	In	Out	Total		
Office	153,000	750 - Office Park	153 (1000 sq. ft. GFA)	247	31	278	36	208	244	1953	
Retail	38,000	850 - Supermarket	38 (1000 sq. ft. GFA)	131	122	253	150	139	289	4058	
	5,000	931 - Quality Restaurant	5 (1000 sq. ft. GFA)	18	4	22	25	16	41	419	
	5,000	932 - High-Turnover (Sit-Down) Restaurant	5 (1000 sq. ft. GFA)	40	30	70	45	42	87	561	
	2,000	814 - Variety Store	2 (1000 sq. ft. GFA)	4	5	9	7	8	15	127	
Self-Storage	100,000	151 - Mini-Warehousing	100 (1000 sq. ft. GFA)	10	10	20	10	10	20	151	
Hotel		310 - Hotel	125 Rooms	36	32	68	44	32	76	984	
		312 - Business Hotel	125 Rooms	20	28	48	27	19	46	514	
Residential		221 - Multifamily Housing	128 units	11	30	41	31	21	52	696	
						<b>693</b>			<b>748</b>	<b>7965</b>	Option A: Self-Storage
						<b>721</b>			<b>774</b>	<b>8328</b>	Option B: Business Hotel
						<b>741</b>			<b>804</b>	<b>8798</b>	Option C: Hotel
<b>Possible Scenarios</b>											
Use	Square Footage	LU Code	IV	AM			PM			Daily Total	Required Parking
				In	Out	Total	In	Out	Total		
Self-Storage	100,000	151 - Mini-Warehousing	100 (1000 sq. ft. GFA)	10	10	20	10	10	20	151	10
Retail	1,500	814 - Variety Store	1.5 (1000 sq. ft. GFA)	3	4	7	5	6	11		12
	3,500	932 - High-Turnover Restaurant	3.5 (1000 sq. ft. GFA)	28	21	49	32	29	61	393	13
Office	87,500	750 - Office Park	87.5 (1000 sq. ft. GFA)	172	21	193	25	143	168	1188	350
Residential		221 - Multifamily Housing	128 units	11	30	41	31	21	52	696	
						<b>310</b>			<b>312</b>	<b>2428</b>	385

TMP(s) 76-46A, 76-54, Portion of 76-46F

Submitted 18 March 2019  
Revised 17 June 2019  
Revised 29 July 2019  
Revised 13 September 2019  
**REVISED 16 December 2019**

project: 18.004



Original Proffers   X    
Amendment           

## PROFFER STATEMENT

ZMA Number and Name: 2019-00003 Albemarle Business Campus  
Tax Map Parcel Numbers: 07600-00-00-05400, 07600-00-00-046A0, and 07600-00-00-046F0 (portion)  
Owner: 5<sup>th</sup> Street Forest LLC and Region Ten Community Services Board, Inc.

Date of Proffer Signature:

10.17 acres to be rezoned from R-2 Residential to Planned Unit Development  
2.88 acres to be rezoned from R-10 Residential to Planned Unit Development  
0.58 acres to be rezoned from Commercial Office to Planned Unit Development  
Total: 13.63 acres to be rezoned to Planned Unit Development

---

5<sup>th</sup> Street Forest LLC, a Virginia limited liability company is the owner of (the “Owner”) of Tax Map Parcels 07600-00-00-05400 and 07600-00-00-046A0 and is the contract purchaser of a 0.58 acre portion 07600-00-00-046F0 (collectively, the “Property”) which is the subject of rezoning application ZMA No. 2019-00003, a project known as “Albemarle Business Campus” (the “Project”). Region Ten Community Services Board, Inc. is the owner of Tax Map Parcel 07600-00-00-046F0.

Pursuant to Section 33 of the Albemarle County Zoning Ordinance (Chapter 18 of the Albemarle County Code), the Owner hereby voluntarily proffers the conditions listed below which shall be applied to the Property if it is rezoned to the requested zoning district, Planned Unit Development (PUD). These conditions are proffered as a part of the requested rezoning and the Owner acknowledges that the conditions are reasonable. Each signatory below signing on behalf of the Owner covenants and warrants that it is an authorized signatory of the Owner for this Proffer Statement.

- FUTURE USES:** Highway Commercial Uses: The use of the property within the “Shopping Center” designated area on the PUD Application Plan prepared by Shimp Engineering dated March 18, 2019 and last revised September 13, 2019 shall allow for all by right uses pursuant to Section 24.2.1 of the Albemarle County Zoning Ordinance, as in effect on September 5, 2019, and as set forth on the attached exhibit of County Code § 18-24.2.1, except for the following listed uses:
  - 24.2.1 (1.) Car washes.



- 24.2.1 (2.) Automobile, truck repair shops
- 24.2.1 (22.) Machinery and equipment sales, service, and rental
- 24.2.1 (23.) Manufactured home and trailer sales and service
- 24.2.1 (25.) Motor vehicle sales, service and rental
- 24.2.1 (34.) Wholesale Distribution
- 24.2.1 (32.) Sale of major recreational equipment and vehicles
- 24.2.1 (46.) Storage Yards
- 24.2.1 (50.) Drive-through windows

2. **TRANSPORTATION IMPROVEMENTS:** Prior to the issuance of the certificate of occupancy for the Fifty-Seventh (57<sup>th</sup>) residential dwelling unit within the Project (the “57<sup>th</sup> CO”), the Owner shall contribute to transportation improvements at the Old Lynchburg Road (State Route 780) and 5<sup>th</sup> Street Intersection (State Route 631) (the “Intersection”) or within the State Route 631 Corridor (from the City of Charlottesville / Albemarle County line at 5<sup>th</sup> Street, south to the intersection of Old Lynchburg Road and State Route 1870, Ambrose Commons Drive) adjacent to the Intersection as provided herein. Prior to the 57<sup>th</sup> CO, at the election of and upon notice by the County, the Owner shall either:

- a) install a traffic signal at the Intersection,
- b) contribute cash to the County in the amount of Four Hundred and Fifty Thousand Dollars (\$450,000.00) to be used for transportation improvements either at the Intersection or within the State Route 631 Corridor, or
- c) contribute Two Hundred Twenty-Five Thousand Dollars (\$225,000.00) cash to the County, and dedicate for public use a portion of the Property, as shown on the “Single-Lane Roundabout Exhibit” prepared by Shimp Engineering, dated March 18, 2019 with a revision date of September 13, 2019 (the “Roundabout Exhibit”), attached hereto.

Any transportation improvements at the Intersection or within the State Route 631 Corridor are not limited to a single transportation mode, but rather may be multi-modal in scope, include pedestrian, bicycle, and transit stop improvements.

(Signature Page Immediately Follows)

**WITNESS** the following signatures:

**OWNER:**

Owner of Tax Map Parcels 07600-00-00-05400 and 07600-00-00-046A0:

**5<sup>TH</sup> STREET FOREST LLC,**  
a Virginia limited liability company

By: \_\_\_\_\_  
Kyle Redinger, Manager

Owner of Tax Map Parcel 07600-00-00-046F0 (portion):

**REGION TEN COMMUNITY SERVICES BOARD, INC.**  
a Virginia corporation

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

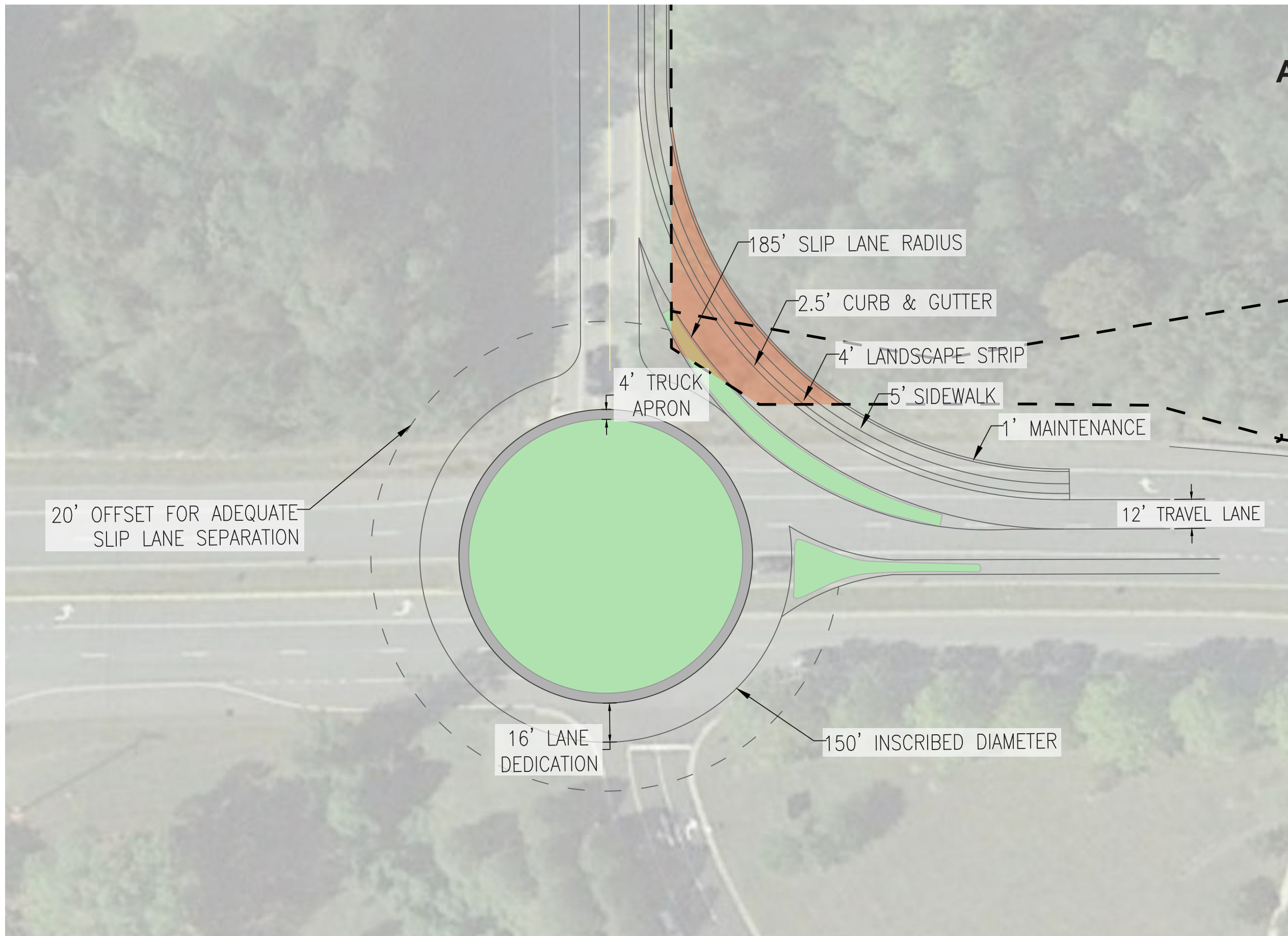
Title: \_\_\_\_\_

# ALBEMARLE BUSINESS CAMPUS SINGLE-LANE ROUNABOUT EXHIBIT

Sheet 1 of 1

This exhibit is shown for roundabout feasibility purposes. This exhibit shows a roundabout with a 150' inscribed diameter, slip lane, and pedestrian improvements.

Approximately 0.05 AC (2350 SF) ROW dedication from the eastern portion of the project property may be required for a single-lane roundabout with a 150' inscribed diameter.



Key

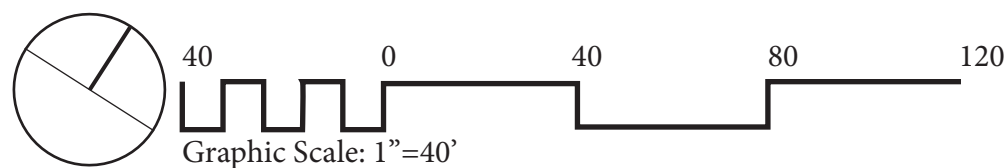
- Area on project property that may be required for roundabout improvements
- Parcel boundary

TMP(s) 76-46A, 76-54, Portion of 76-46F

Submitted 18 March 2019  
Revised 17 June 2019  
Revised 29 July 2019  
Revised 13 September 2019  
**REVISED 16 DECEMBER 2019**

project: 18.004

**SHIMP ENGINEERING, P.C.**



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

September 17, 2019  
Revised September 23, 2019  
Revised December 16, 2019

**Regarding:               ZMA201900003 (Royal Fern)**  
**Request for Exception from Section 20.9.4**  
**PUD Building Permits Issuance for**  
**Commercial/Service Uses**

Section 8.2(b) of Chapter 18 of the Code of Albemarle permits the board of supervisors to vary or except certain regulations of the Zoning Ordinance for planned developments. In accordance with Section 8.2(B), it is our request for the board of supervisors to grant an exception from Section 20.9.4 of Chapter 18 of the Code of Albemarle for ZMA2019-00003, a planned unit development project commonly known as “Royal Fern.” Section 20.9.4 states, “building permits for commercial/service uses shall not be issued prior to the issuance of building permits for eighty (80) percent of the dwelling units approved on the application plan.”

The ZMA application associated with this special exception is to rezone the Royal Fern properties from R-2, R-10, and CO to a Planned Unit Development. There are five special exceptions submitted concurrently with this ZMA application and these five special exceptions work holistically to achieve the intent of the PUD, adhere to guidelines of the Urban Density Residential & Community Mixed Use land use designations for these parcels, and support the County’s vision of the Development Areas and the Neighborhood Model.

In your review of this request, please consider the following:

- 1) Section 8.2(B)-3:  
*(i) the waiver or modification is to be consistent with the intent and purposes of the planned development district under the particular circumstances, and satisfies all other applicable requirements of section 8*

Per Section 20.1 of the Albemarle County Zoning Ordinance, “PUD districts may be appropriate where the establishment of a “new village” or the nucleus of a future community exists and where the PUD development would not preclude achievement of the County’s objectives for the urban area, communities and villages.” The Royal Fern rezoning proposal would contribute to a robust mixed-use nucleus in an area of the County that has been historically developed almost exclusively as residential (Figure 1). Since the surrounding areas is primarily residential, this PUD and special exception could be interpreted as taking into account the existing residential uses around the proposed Royal Fern development and providing missing commercial/service areas that could serve existing and future community members. 5th Street Station is approximately one-mile from the site, but this route crosses over Interstate 64. Presently, there is no pedestrian and bicycle infrastructure across the interchange bridge, standing as a barrier between community members without a car, or who cannot regularly depend on public transit, and commercial services. Recognizing the original intent behind the PUD, the intent of the Royal Fern rezoning missing link within existing residential uses, and the I-64 barrier, the community south of I-64 could be better served if this commercial need was not delayed by the issuance of eighty (80) percent of building permits for dwelling units. This special exception allows for the development to prioritize the cohesion of a budding mixed-use Fifth Street corridor by more quickly fulfilling the commercial/service needs of existing residents in the area and future residents of the Royal Fern development.

*(ii) the waiver or modification is to be consistent with planned development design principles*

The planned development design principles behind a PUD aim to create communities that are mixed-use and self-servicing. Additionally, the parcels are under Urban Density Residential and Community Mixed Use land use designations; both of these use designations call for a mixture of residential and commercial/service areas. The existing urban fabric around Royal Fern is nearly all residential, but surrounding land use designations consist of Community Mixed Use, Urban Density Residential, and Neighborhood Density Residential (Figure 3). Granting of the special exception for the issuance of building permits for commercial/service uses is consistent with the intent of the PUD and its land uses by allowing the realization of a mixed use community to take place more timely. Granting of this exception could more quickly fulfill commercial/service needs for the existing residential neighborhoods and the future residents of Royal Fern.

*(iii) the waiver or modification will not adversely affect the public health, safety or general welfare*

The special exception for issuance of building permits for commercial/service areas prior to eighty (80) percent of building permits issued for approved dwelling units would not adversely affect the public health, safety or general welfare as the existing and future community members south of I-64 would be better served if commercial/service uses were more quickly built and were not dependent on the construction of the residential units. Having commercial services in place to serve the surrounding community as well as incoming residents creates a more connected neighborhood that could possibly reduce its auto-dependency due to the proximity of commercial/service uses to residential uses.

*(iv) in the case of the waiver or modification, the public purposes of the original regulation would be satisfied to at least an equivalent degree by the modification*

The public purposes of the original regulation likely aimed to ensure that there are ample rooftops within a PUD to support the commercial businesses. However, as previously discussed, the area surrounding the Royal Fern development is already predominantly residential (Figure 1). There are two multi-family housing developments (one existing and one under construction) located on the north side of the property. These apartments serve, and are proposed to serve, as off-campus housing for University of Virginia students. Given the existing number of dwelling units in the community, there is likely sufficient demand for services and businesses allowed for in the commercial/service area of the PUD.

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

June 17, 2019  
Revised: July 29, 2019  
Revised: September 23, 2019  
Revised: December 16, 2019

**Regarding:               ZMA201900003 (Albemarle Business Campus)**  
**Request for Exception from Section 20.7.1**  
**PUD Minimum Acreage Requirements**

Section 8.2(b) of Chapter 18 of the Code of Albemarle permits the board of supervisors to vary or except certain regulations of the Zoning Ordinance for planned developments. In accordance with Section 8.2(b), it is our request for the board of supervisors to grant an exception from Section 20.7.1 of Chapter 18 of the Code of Albemarle for ZMA2019-00003, a planned unit development project known as “Albemarle Business Campus.” Section 20.7.1 states, “minimum area required for the establishment of a PUD district shall be one hundred (100) acres.”

Further details on Albemarle Business Campus’s area is provided with the Application Plan dated March 18, 2019 and last revised September 13, 2019. The ZMA associated with this special exception is to rezone the Albemarle Business Campus development from R-2, R-10, and CO to a Planned Unit Development. There are five special exceptions affiliated with ZMA2019-00003. These five special exceptions work holistically to achieve the intent of the PUD, achieve guidelines of the Urban Density Residential & Community Mixed Use land use designations for these parcels, and support the County’s vision for its Development Areas and the Neighborhood Model.

In your review of this request, please consider the following:

- 1) Section 8.2(B)-3:  
*(i) the waiver or modification is to be consistent with the intent and purposes of the planned development district under the particular circumstances, and satisfies all other applicable requirements of section 8*

Per Section 20.1 of the Albemarle County Zoning Ordinance, “PUD districts may be appropriate where the establishment of a “new village” or the nucleus of a future community exists and where the PUD development would not preclude achievement of the County’s objectives for the urban area, communities and villages.” The Albemarle Business Campus rezoning proposal would contribute to a robust mixed-use nucleus of an area of the County that has been historically developed as exclusively residential. The original intent of the PUD is to function as “neighborhoods...within...the urban area” (Section 20.1). As the surrounding area is nearly exclusively residential, this PUD and special exception could be interpreted as taking into account the existing residential use around the Albemarle Business Campus development and providing the missing commercial/service areas needed by these community members (Figure 1). 5th Street Station is approximately one-mile from the site, but this route crosses over Interstate 64. At present there is no pedestrian or bicycle infrastructure across the interchange bridge, standing as a barrier between community members without a car, or who cannot regularly depend on public transit, and commercial services. The proposed Albemarle Business Campus development can serve as the missing link for commercial and retail services amongst both established and developing residential neighborhoods south of the I-64 interchange (Figure 2).

*(ii) the waiver or modification is to be consistent with planned development design principles*

With this special exception, the Albemarle Business Campus rezoning would more successfully achieve development design guidelines under Albemarle County’s Neighborhood Model. The Neighborhood Model envisions communities that are inclusive, connected, pedestrian-oriented, mixed-use, and mixed-income, with parks and open space for residents to enjoy. Additionally, the County’s Southern & Western Neighborhoods Master Plan designates these parcels as Urban Density Residential and Community Mixed Use, falling in line with the design principles and general layout of the proposed PUD. Urban Density Residential calls for more dense residential uses with a mix of housing types is encouraged with supporting nonresidential uses. Community Mixed Use calls for a mixture of residential and commercial/service uses. A PUD district allows for a variety of residential, commercial, office, retail, and service uses--uses necessary to create accessible and diverse communities. Given the existing predominantly residential conditions of the communities south of I-64 and the I-64 bridge barrier to 5th Street Station, the intent of the PUD district can be fulfilled within a much smaller physical area.

*(iii) the waiver or modification will not adversely affect the public health, safety or general welfare*

A special exception in minimum acreage of the planned district will not adversely affect the public health, safety, or general welfare. As previously mentioned, the Albemarle Business Campus PUD rezoning could be interpreted as taking into account the surrounding residential uses as part of the intended 100-acres that are currently without easily accessible commercial services, and therefore not yet fulfilling the function of a neighborhood model. Additionally, the Comprehensive Plan calls for increased density and a mixture of uses in this area.



*(iv) in the case of the waiver or modification, the public purposes of the original regulation would be satisfied to at least an equivalent degree by the modification*

The public purposes behind the original regulation of minimum acreage is to create an insular residential community that is served by its internal commercial areas. However, the Albemarle Business Campus PUD seeks to adapt to the existing fabric of the Southern & Western neighborhoods of Albemarle and become a nucleus for these communities. The original intent behind the PUD sought to guide development that “encourage[s] community function” (Section 20.1). A special exception in size would not inhibit these original purposes, but rather allow the Albemarle Business Campus development to better form to existing needs in the communities south of I-64. The PUD ordinance was adopted at a time when there was ample land in the development areas for large master planned communities with self-sufficient commercial and retail services. Today, the available land in the development areas is disjointed and the feasibility of developing large master planned communities in the development areas of Albemarle County is not as great as it was when the ordinance was adopted and so the existing regulations must be flexible enough to accommodate changing development patterns that are influenced by evolving home life, workplace culture, and consumer preferences.

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

June 17, 2019  
Revised: June 29, 2019  
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Revised: December 16, 2019

**Regarding:                   ZMA201900003 (Albemarle Business Campus)**  
**Request for Exception from Section 20.10.3**  
**PUD Building Permits Issuance for**  
**Shopping Center Uses**

Section 8.2(b) of Chapter 18 of the Code of Albemarle permits the board of supervisors to vary or except certain regulations of the Zoning Ordinance for planned developments. In accordance with Section 8.2(b), it is our request for the board of supervisors to grant an exception from Section 20.10.3 of Chapter 18 of the Code of Albemarle for ZMA2019-00003, a planned unit development project known as “Albemarle Business Campus.” Section 20.10.3 states, “building permits for shopping center uses shall not be issued prior to the issuance of building permits for eighty (80) percent of the dwelling units approved on the application plan.”

Further details on Albemarle Business Campus’s shopping center and commercial uses are to be provided with the Application Plan dated March 18, 2019 and last revised September 23, 2019. The ZMA associated with this special exception is to rezone the Albemarle Business Campus development from R-2, R-10, and CO to a Planned Unit Development. There are five special exceptions affiliated with ZMA2019-00003. These five special exceptions work holistically to achieve the intent of the PUD, achieve guidelines of the Urban Density Residential & Community Mixed Use land use designations for these parcels, and support the County’s vision towards its Development Areas and the Neighborhood Model.

In your review of this request, please consider the following:

- 1) Section 8.2(B)-3:

*(i) the waiver or modification is to be consistent with the intent and purposes of the planned development district under the particular circumstances, and satisfies all other applicable requirements of section 8*

Per Section 20.1 of the Albemarle County Zoning Ordinance, “PUD districts may be appropriate where the establishment of a “new village” or the nucleus of a future community exists and where the PUD development would not preclude achievement of the County’s objectives for the urban area, communities and villages.” The Albemarle Business Campus rezoning proposal would contribute to a robust mixed-use nucleus in an area of the County that has been historically developed as exclusively residential (Figure 1). The original intent of the PUD is to function as “neighborhoods...within...the urban area” (Section 20.1). As the surrounding area is almost exclusively residential, this PUD and special exception could be interpreted as taking into account the existing residential use around the Albemarle Business Campus development and providing the missing commercial/service areas needed by these community members. 5th Street Station is approximately one-mile from the site, but this route crosses over Interstate 64. Presently, there is no pedestrian and bicycle infrastructure across the interchange bridge, standing as a barrier between community members without a car, or who cannot regularly depend on public transit, and commercial services. Recognizing the original intent behind the PUD, the intent of the Albemarle Business Campus rezoning missing link within existing residential uses, and the I-64 barrier, the community south of I-64 would be better served if this commercial need was not delayed by the issuance of eighty (80) percent of building permits for dwelling units. This special exception allows for the development to prioritize successful neighborhood functioning by more quickly fulfilling the needs of those underserved by 5th Street Station.

*(ii) the waiver or modification is to be consistent with planned development design principles*

The planned development design principles behind a PUD aim to create communities that are mixed-use and self-servicing. Additionally, the parcels are under Urban Density Residential and Community Mixed Use land use designations; both of these uses call for a mixture of residential and commercial/service areas. The existing urban fabric around Albemarle Business Campus is nearly all residential, but surrounding land use designations consist of Community Mixed Use, Urban Density Residential, and Neighborhood Density Residential (Figure 3). The special exception for the issuance of building permits for shopping center uses is not only consistent with the intent of the PUD and its land uses, but could more quickly fulfill commercial/service needs for the predominantly residential neighborhoods that have yet to be developed towards their mixed-use land use designations.

*(iii) the waiver or modification will not adversely affect the public health, safety or general welfare*



The special exceptions for issuance of building permits for shopping center use prior to eighty (80) percent of building permits issued for approved dwelling units would not adversely affect the public health, safety or general welfare. The community members south of I-64 would be better served if commercial/service uses were more quickly built and were not dependent on the residential units' construction. Additionally, if residential units were to be initially built out, the population underserved by 5th Street Station would likely grow, as not everyone moving into Albemarle Business Campus can be expected to have vehicular access or rely on public transit. Having commercial services in place to serve the surrounding community as well as incoming residents creates a more connected neighborhood that does not have to be auto-dependent.

*(iv) in the case of the waiver or modification, the public purposes of the original regulation would be satisfied to at least an equivalent degree by the modification*

The public purposes of the original regulation aimed to ensure that there are ample rooftops within a PUD to support the commercial businesses. However, as previously discussed, the area surrounding the Albemarle Business Campus development is already predominantly residential (Figure 1). There are two multi-family housing developments (one existing and one under construction) located on the north side of the property. These apartments serve, and are proposed to serve, as off-campus housing for University of Virginia students. Given the existing number of dwelling units in the community, there is likely sufficient demand for services and businesses allowed for in the shopping center area of the PUD.

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

June 17, 2019  
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Revised December 16, 2019

**Regarding:               ZMA201900003 (Albemarle Business Campus)**  
**Request for Exception from Section 20.9.3**  
**Total Gross Floor Area in**  
**Commercial/Service Areas of PUD**

Section 8.2(b) of Chapter 18 of the Code of Albemarle permits the board of supervisors to vary or except certain regulations of the Zoning Ordinance for planned developments. In accordance with Section 8.2(b), it is our request for the board of supervisors to grant an exception from Section 20.9.3 of Chapter 18 of the Code of Albemarle for ZMA2019-00003, a planned unit development project known as “Albemarle Business Campus.” Section 20.9.3 states, “total gross floor area of uses permitted in commercial/service areas shall not exceed twenty (20) square feet per dwelling unit approved on the application plan.”

The area surrounding the Albemarle Business Campus property is comprised almost entirely of residential neighborhoods and the commercial service areas proposed within the Albemarle Business Campus PUD are not solely intended to serve the units affiliated with the PUD but also serve the existing residents of the area. The intent of this regulation is to ensure the commercial service areas within a PUD are proportional to the residential uses however, since there are already multiple established neighborhoods in the immediate vicinity of the PUD the commercial service areas should be of a scale that serves new and existing residents.

The commercial/service areas of Albemarle Business Campus will be provided in general accord with the Application Plan dated March 18, 2019 and last revised December 13, 2019. The ZMA associated with this special exception is to rezone the Albemarle Business Campus development from R-2, R-10, and CO to a Planned Unit Development. There are five special exceptions affiliated with ZMA2019-00003. These five special exceptions work complementary of one another to achieve the recommendations of the Urban Density Residential & Community Mixed Use land use designations for these parcels, and support the County’s vision towards its Development Areas and the Neighborhood Model.

In your review of this request, please consider the following:

1) Section 8.2(B)-3:

*(i) the waiver or modification is to be consistent with the intent and purposes of the planned development district under the particular circumstances, and satisfies all other applicable requirements of section 8*

The exception for commercial square footage supports the intent of the PUD as the PUD calls for a mixture of uses in supporting community function. Though 5th Street Station lies about one-mile from the site, the interchange bridge of Interstate 64 stands as a barrier to complete multi-modal connectivity; as there is currently no pedestrian or bicycle infrastructure across this route therefore making 5th Street Station only accessible by car and public transit. The community members without access to a vehicle or who cannot regularly rely on public transit become somewhat isolated from this major commercial and service area. When evaluating this request, it is important to recognize the concurrent submission of the special exception for a reduction in required minimum area for a PUD, which is 100 acres. The exception in size is a notable consideration as the intent of planned development districts and PUDs is a mixture of uses and the twenty (20) square feet per dwelling unit regulation was created under the assumption that the PUD would be a minimum 100 acres, and possibly would include several hundred more units. For example, if the site were a minimum of 100 acres and developed at the lowest density recommended by the Urban Density Residential comprehensive plan designation, the PUD would have a minimum of 600 units.

The intent behind restricting commercial and industrial size of the PUD is to limit these functions “to a scale appropriate to the support of the residential uses within the PUD; provided that additional commercial and industrial activity may be permitted upon finding the area in which the PUD is to be located is not adequately served by such use” (Section 20.1). The Albemarle Business Campus PUD with the special exception in minimum acreage could be interpreted as taking into account the surrounding 100-acres of nearly exclusively residential uses, which lack commercial services that can be easily walked or cycled to (Figure 1 & 2). In consideration of the I-64 barrier and the special exception in overall reduction in PUD size, the Albemarle Business Campus PUD will serve its immediate residents and have the added benefit of serving immediate community members who may not be adequately served by 5th Street Station. The regulation, “twenty (20) square feet of commercial/service areas per dwelling unit” inhibits Albemarle Business Campus’s ability to adequately serve as a community nucleus. The intent of planned development districts generally is to promote “economic and efficient land use through unified development; improved levels of amenities; appropriate and harmonious physical development; creative design; and a better environment than generally realized through conventional district regulations” (Section 8.1). The special exception in square footage allows for Albemarle Business Campus to develop as a missing link south of I-64, supporting more connected, accessible neighborhoods.



*(ii) the waiver or modification is to be consistent with planned development design principles*

The intent behind mixed-use functionality of the NMD is to encourage walkability and compatible uses within a community. As previously mentioned, I-64 stands as a possible barrier to multi-modal connectivity between communities south of the interchange bridge; the Albemarle Business Campus PUD has the potential to step in as the desired neighborhood center for these neighborhoods south of the I-64 bridge, if an exception is made for twenty (20) square feet of commercial/service areas per dwelling units approved. The PD-SC and office areas are expected to front on Old Lynchburg Road and 5th Street, a strategic central location. Additionally, the Albemarle Business Campus proposal incorporates one-way and two-way shared-use paths that connect to existing asphalt paths and sidewalks, which is consistent with pedestrian orientation and multimodal transit opportunities within the NMD. Creating pedestrian and bicycle connections within and around the development further supports those underserved by 5th Street Station due to a lack of vehicular access, while potentially lowering car trips overall within Albemarle Business Campus's walking and biking shed. The special exception of commercial/service square footage and the overall PUD rezoning also correlates well within the Southern & Western Urban Neighborhoods Master Plan of Albemarle County, which designates these parcels as Urban Density Residential and Community Mixed Use. Further details can be found in the application plan. The aim of these land use designations is to create mixed-use community spaces that encourage working, living, and servicing within a walkable radius.

*(iii) the waiver or modification will not adversely affect the public health, safety or general welfare*

The public health, safety, and general welfare will not be adversely impacted by this special exception. The special exception in regulating square footage of commercial/service spaces is to ensure the scale and character of these spaces is appropriate in providing services to the residents of the PUD. However, as previously mentioned, the Albemarle Business Campus PUD is not to be developed as a 100-acre standalone community, but a neighborhood center for its residents, while concurrently serving its neighbors. Additionally, the creation of internal and external pedestrian and bicycle connections supports active transportation in the area that does not currently exist.

*(iv) in the case of the waiver or modification, the public purposes of the original regulation would be satisfied to at least an equivalent degree by the modification*

The public purposes of the original regulation in twenty (20) square feet per dwelling unit was likely made to ensure such commercial businesses had an economically feasible customer base. As discussed, the Albemarle Business Campus PUD is simultaneously applying for a special exception from the minimum 100-acre requirement. However, a 100-acre radius around Albemarle Business Campus shows that the residences around Albemarle Business Campus are

only serviced by Oak Hill Market & Deli on Country Green Road and 5th Street Station, approximately one-mile away (Figure 2); as previously discussed, 5th Street Station could be exclusive of those without vehicular access or ability to rely on public transit as the interchange bridge of I-64 is a pedestrian and bicycle barrier. In acknowledging the lack of commercial/service functions within a 100-acre radius, the original intent of the regulation would be achieved as a sufficient customer base does exist around Albemarle Business Campus. The PUD will achieve the primary aim of servicing its residents first and foremost, but there is an open commercial/service need for Albemarle Business Campus's neighbors.