

**COUNTY OF ALBEMARLE
PLANNING STAFF REPORT SUMMARY**

Project Name: ZMA 201300001 The Lofts at Meadowcreek	Staff: Claudette Grant
Planning Commission Public Hearing: June 4, 2013	Board of Supervisors Public Hearing: To Be Determined
Owners: Mary J. Dickens	Applicant: Bluestone Land, L.L.C. c/o Pinnacle Construction & Development Corp. Contact: William Park
Acreage: Approximately 2.80 acres	Rezone from: R-4 residential to NMD neighborhood model district with proffers and waivers.
TMP: Tax Map Parcel(s) 061A0-00-00-01500 and 061A0-00-00-01700 (See Attachments A and B) Location: 605 Rio Road East	By-right use: The R-4 district allows residential uses at a density of (4 units/acre).
Magisterial District: Rio	Proffers: Yes
Proposal: Rezone approximately 2.80 acres from R-4-Residential zoning district to NMD-Neighborhood Model District zoning district. Proposed 65 maximum dwelling units for a density of 23 units/acre. (See Attachment C)	Requested # of Dwelling Units: – 65
DA (Development Area): Neighborhood 2	Comp. Plan Designation: Urban Density Residential – residential (6.01 – 34 units/acre), supporting uses such as religious institutions, schools, commercial, office, and service uses.
Character of Property: The property consists of one existing house. The rest of the property is wooded and undeveloped.	Use of Surrounding Properties: Adjacent property to the north is the Charlottesville Catholic School. Single family residential houses are located to the south. The Catholic Diocese of Richmond owns a vacant parcel to the east and Treesdale Park and the Stonewater subdivision are located to the west.
Factors Favorable: <ol style="list-style-type: none"> 1. The rezoning request would be consistent with the Comprehensive Plan. 2. The use is consistent with the uses permitted under the existing NMD zoning district. 3. This rezoning request would provide additional residential opportunities for residents in this portion of the County. 	Factors Unfavorable: <ol style="list-style-type: none"> 1. The proffers need to be substantively and technically revised. 2. Fire/Rescue's concern regarding fire safety of the site needs to be addressed. 3. The Application Plan and Code of Development need to be substantively and technically revised. 4. VDOT issue regarding an internal access road to detention facility needs to be

	addressed.
	5. No cash proffers provided.
RECOMMENDATION: Staff can recommend approval of rezoning ZMA201300001, The Lofts at Meadowcreek with waivers and revised proffers, provided changes are made to the application plan, code of development, and proffers to address the unfavorable factors noted above.	

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Claudette Grant
June 4, 2013
To Be Determined

ZMA 201300001 The Lofts at Meadowcreek

With waiver requests of Section 20A.8(a) and Section 20A.8(b) of Zoning Ordinance for Mixture of Uses, including Mixture of Houses and parking waiver request.

PETITION

PROJECT: ZMA201300001 The Lofts At Meadowcreek

PROPOSAL: Rezone approximately 2.80 acres from R-4-Residential zoning district which allows residential uses at a density of 4 units per acre to NMD-Neighborhood Model District zoning district which allows residential (3 – 34 units/acre) mixed with commercial, service and industrial uses. Proposed 65 maximum dwelling units for a density of 23 units/acre.

ENTRANCE CORRIDOR: No

AIRPORT IMPACT AREA: Yes

PROFFERS: Yes

COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses – Places 29 Master Plan

LOCATION: 605 Rio Road East in Neighborhood 2

TAX MAP/PARCEL: 061A0000001500 and 061A0000001700

MAGISTERIAL DISTRICT: Rio

SPECIAL EXCEPTION

The proposed rezoning will require the disturbance of critical slopes, which may be approved by special exception under County Code § 18-31.8(a)(1).

CHARACTER OF THE AREA

This area is developed with a variety of housing types, including single family residential units and multifamily housing. The Charlottesville Catholic School and the Charlottesville Waldorf School are located nearby along with Pen Park and the Meadowcreek Golf Course. Although the area is somewhat wooded with many mature trees, the environmental character of the area is beginning to change as the area becomes developed with additional residential units.

SPECIFICS OF THE PROPOSAL

The applicant is proposing to rezone two contiguous parcels from R-4 zoning district to Neighborhood Model District (NMD). A single family house is currently located on this property, but will be demolished for an in-fill redevelopment that will consist of a 65-unit multi-family residential urban loft style building.

The property is small in size and consists of some steep topography, making it challenging to develop in the complete form intended for a neighborhood model district. However, the property is located in the Development Areas and is within close proximity to a variety of existing and proposed uses.

APPLICANT'S JUSTIFICATION FOR THE REQUEST

The Places 29 Master Plan designates the subject property for Urban Density, which allows 6.01 – 34 units/acre. The applicant wishes to develop the property at density in keeping with the Urban Density designation. The Neighborhood Model District is currently the only District that permits a density exceeding 20 units per acre on this size property. The applicant feels a planned development district would also be more in keeping with the land use plan designation of Urban Density. The applicant constructed and currently manages the Treesdale multifamily development located across the street

from the subject property. Treesdale was rezoned in 2007 from an R-4 zoning district to PRD zoning district, which allows up to 34 residential units per acre. The applicant believes it would be appropriate to purchase and request a similar rezoning for this property. The Lofts rezoning to NMD zoning district would allow up to 34 residential units per acre. The applicant feels this proposal is consistent with the Places 29 Master Plan, and market demands. Even though this was not formally planned, the applicant envisions this rezoning request as a second phase of the Treesdale development, extending the range of affordable housing options.

PLANNING AND ZONING HISTORY

There is no planning and zoning history on this property. The house was built in 1958 and owned since then by the current owner's deceased husband.

COMPREHENSIVE PLAN

Land Use Plan: The purpose/intent of the Urban Density designation is to allow residential (6.01-34 units/acre); and supporting uses such as religious institutions, schools, commercial, office, and service uses.

The County's Open Space Plan shows some critical slopes located in the vicinity of the subject property. These critical slopes are associated with a stream in this area that flows to the Rivanna River. Only a very small area at the very upper portion of this stream valley is located on this site and these slopes are not being impacted.

The proposed rezoning is consistent with the Comprehensive Plan designation. The proposed 65 units on 2.80 acres maintain a density of approximately 23 dwelling units per acre. Non residential uses are not proposed or expected at this location but a large public park and two private schools are located nearby. A neighborhood service center is designated, but not developed, in the Places 29 Master Plan, approximately 2000 feet north of this site. This rezoning request is proposed to develop at a density and in a form that is in keeping with the Neighborhood Model and adjacent developments.

The Neighborhood Model: Staff's analysis below indicates how well the proposed development meets the 12 principles of the Neighborhood Model:

Pedestrian Orientation	Proposed sidewalks are shown along the frontage of this site adjacent to Rio Road East. Sidewalks also connect the residential building to the parking areas and there is a trail on the property that connects the building to an access road on the property. This principle is addressed.
Neighborhood Friendly Streets and Paths	The entrance onto the site is a driveway leading to parking under the subject building and to a few parking spaces that are at grade on the property. Sidewalks and pathways are provided on the site along with street trees. This principle is addressed.
Interconnected Streets and Transportation Networks	Due to the sites location, interconnected streets will be difficult to provide. This property is located on a major road that is proposed for future transit. The application plan shows an area fronting on Rio Road, north of the proposed site entrance that has been reserved for a transit stop. A proffer addressing the transit reservation area is also provided. This principle is addressed.
Relegated Parking	Majority of the proposed parking is shown to be located under

	the building. There are a few at grade parking spaces located at the front of the building, near the eastern side of the building. Because a majority of the parking is hidden within the building footprint, staff finds the few parking spaces shown near the front of the building acceptable. This principle is partially addressed.
Parks and Open Space	The plan shows the breakdown of the open/green space at the required 20%. However, the open space provides for limited recreational opportunities for this dense of a development. Due to its size and location staff opinion is that recreational opportunities would be better provided to the Lofts residents if better access was provided to nearby Pen Park, Charlottesville Catholic School and the Waldorf School and Parkway trail. This could be better achieved with additional sidewalk connections to these areas. Staff believes this is an opportunity to provide funding for a sidewalk. This principle is addressed, but meets the minimal requirements of the Neighborhood Model District.
Neighborhood Centers	This site is small in size. As previously described, the open space is minimal and a neighborhood center is not provided on the site. The applicant is also the owner of Treesdale and has stated that meeting space across the street at the Treesdale site is available when residents of The Lofts need meeting space. While staff understands this possibility, this principle is not met. Again, provision of pedestrian access to nearby public and institutional facilities and Center would address this principle.
Buildings and Spaces of Human Scale	The building is designed to fit into the grade of this site. Parking is at grade or partially below grade under the building. This principle is met.
Mixture of Uses	No mixture of uses is provided on the site. A waiver request has been submitted. A mixture of uses could be addressed if nearby non-residential were more accessible to this site.
Mixture of Housing Types and Affordability	No mix of housing is proposed. A waiver request has been submitted regarding the mixture of housing types. Proffers addressing affordable housing have been provided. There is presently a mix of housing within the immediate area around this site. The loft style proposed with this development adds a different unit type to the area. Applicant will provide a Letter of Intent/Commitment Letter from VHDA prior to Board of Supervisor's meeting. This principle is addressed.
Redevelopment	This is the redevelopment of an existing single family house on a small property. This redevelopment is consistent with the Comprehensive Plan. This principle is met.
Site Planning that Respects Terrain	This is a large building placed on a small site, the building is located to fit into the grade of the site. The critical slopes impacted are small and are not considered significant. See critical slopes waiver section later in this report. This principle is addressed.
Clear Boundaries with the	This principle is not applicable.

Economic Vitality Action Plan

The primary goal of the County's Economic Vitality Action Plan is to:

Increase the County's economic vitality and future revenues through economic development by expanding the commercial tax base and supporting the creation of quality jobs for local residents. This Plan is developed for the benefit and economic well being, first, of current local residents and existing local businesses.

The proposed Lofts at Meadowcreek rezoning (residential use) would support the Plan by providing additional employment and residences for the local community.

Relationship between the application and the purpose and intent of the requested zoning district

Neighborhood Model Districts are intended to provide for compact, mixed-use development with an urban scale, massing, density, and an infrastructure configuration that integrates diversified uses within close proximity to each other. This infill redevelopment project incorporates certain elements that are consistent with the intent of the NMD district such as the compact nature, density, and urban scale of the residential use. It does not provide for a mix of uses or a mix of housing types. The proximity of this development to institutional and recreational uses will provide appropriate services and activities on a neighborhood, community and regional scale. This site is currently not well connected to these areas due to a lack of sidewalks in the area. Staff's opinion is that the loft unit type will add to the mix of unit types in this immediate area and is consistent with the intent of the District. The proposed proffer amendments do not violate the intent of the Neighborhood Model District.

Staff believes the proposal is consistent in terms of unit type and would be consistent with the intent of the district if the site was better connected to existing and future nearby non-residential areas.

Anticipated impact on public facilities and services

Streets:

The applicant has proffered at his expense to plan, design, bond and construct travel lane improvements that will be dedicated for public use on his land that fronts on Rio Road. See additional discussion regarding the proffers in the proffer section of this report. (See Attachment D for proffers) VDOT has provided comments that are mostly technical in nature with the exception of the need to resolve the access road to the detention facility, which VDOT prefers to be internal to the site. It is possible to make the access road entrance private meeting VDOT standards. This commitment should be provided on the application plan and/or code of development. In general VDOT has no objections to the rezoning with the improvements proposed by the applicant of this property provided the VDOT comments are addressed. (See Attachment E for VDOT comments)

Schools:

Students living in this area would attend Agnor-Hurt Elementary School, Burley Middle School, and Albemarle High School.

Fire and Rescue:

The Seminole Fire Station located on Berkmar Drive near Fashion Square Mall is the nearest station to the subject property and provides fire and rescue services to the area. Fire/Rescue staff have expressed concern with regard to the current application plan, specifically the building, parking and

access to the building because there is not enough space within the site, as designed, for fire equipment to provide adequate fire/rescue services in case of a fire. Staff cannot recommend approval of this proposal until the fire/rescue issues are addressed. One way to resolve the concerns expressed by Fire/Rescue would be to sprinkler the building. The applicant has verbally explained that he plans to do this. Given the importance of this issue, revisions to the application plan and/or proffers by the applicant that satisfactorily addresses this issue need to be provided.

Utilities:

The site is serviced by public water and sewer. No immediate or significant service capacity issues have been identified by Rivanna Water and Sewer Authority (RWSA). (See Attachment F)

Albemarle County Service Authority (ACSA) comments are attached (See Attachment G)

It is assumed that the potential impacts noted above from the development could be addressed through the proffer of cash proffers under the cash proffer policy. No cash proffers are being offered by the applicant.

Anticipated impact on environmental, cultural and historic resources

The Open Space Plan identifies critical slopes associated with a stream in this area that flows to the Rivanna River. Only the very small area at the very upper reach of this stream valley is located on this site. These slopes are not being impacted. The small area of impacted critical slopes is not significant. It is anticipated that some disturbance will occur because this site is small and the building and parking areas are proposed in the vicinity of the critical slopes. A critical slopes waiver request has been submitted, and staff can support this waiver.

There is no anticipated impact on cultural or historic resources.

Anticipated impact on nearby and surrounding properties

This project is expected to be in keeping with the residential character of this area. The size and scale of the building is similar to the two buildings along the street front in the Treesdale development. With appropriate revisions to the proposed proffers, staff believes possible impacts on nearby and surrounding properties related to street improvements, transit, and amenity issues can be mitigated.

Public need and justification for the change

The proposed rezoning will provide additional employment and residential opportunities for the local community.

PROFFERS

The applicant has provided proffers which are summarized below.

Proffer 1: The applicant has made a commitment to plan, design, bond and construct travel lane improvements to Rio Road, including necessary dedication of land for these improvements.

Proffer 2: The applicant has made a commitment to reserve an area for a bus pull-off from Rio Road as shown on the application plan. In addition, this proffer describes that when a fixed-route bus service (CAT) is extended to serve this section of Rio Road the applicant will construct the bus stop, and a shelter. The City is proposing to provide bus service along Rio Road within the next year or two. The County has budgeted for its share of the cost for this service for FY 13-14.

Proffer 3: The applicant has also made a commitment to provide 20% of the total residential dwelling units within the Project in the form of for-lease affordable dwelling units. In this scenario units are affordable to households with incomes less than 80% of the area median family income.

Proffer 4: In the last proffer the applicant commits to providing workforce housing equal to twenty percent (20%) of the total residential dwelling units within the Project in the form of for-lease "Workforce Dwelling Units". In this scenario workforce housing refers to affordable units created for households with incomes less than 120% of the area median family income. The County does not have anything in its policy that defines workforce housing. (See Attachment D)

The County has a cash proffer policy that addresses impacts to the County's capital improvements pertaining to roads, public safety, libraries, schools and parks that would be impacted by the rezoning. The maximum per unit cash proffer amount is \$14,497.77 for this multifamily development. The applicant has not provided any cash proffers. Staff understands from discussion with the applicant that the applicant believes he is addressing impacts from this development by providing the Rio Road improvements proffer and the transit reservation area proffer. The proffers for the Rio Road improvements are required for this new development, and as per the cash proffer policy, should not be a credit against the recommended cash proffer amount.

The applicant also believes that he should be given credit for providing 100% affordable units at the Treesdale development. While staff understands that the ownership and management of Treesdale and the Lofts are affiliated with each other, staff does not see the relationship between The Lofts receiving credit from the Treesdale development since at the time of the approval for the Treesdale rezoning The Lofts was not a phase of Treesdale. (See Attachment J)

The remaining outstanding issues with the proffers are:

As previously mentioned in this report the substantive issue regarding the proffers is the lack of commitment to the cash proffer policy and how impacts to the County's capital improvements pertaining to roads, public safety, libraries, schools and parks that would be impacted by the rezoning will be addressed.

In addition and as noted earlier in the report, fire/rescue staff has concerns with the ability to access the site and building. This can be addressed within the proffers, application plan and/or the code of development.

The draft proffers are in need of the following technical revisions:

1. Proffer 1 needs more detail. For example, does this refer to both travel lanes or one side of traffic? When is this going to happen? What is the trigger?
2. Proffer 2 language needs to be consistent. For example, if this is referring to bus pull-off then refer to bus pull-off in the entire paragraph instead of lane located within the Property. The language shown on the plan should be similar to the language in the proffer, so there is no misinterpretation of what is being referred to or requested. Also the plan should reference the related proffer so that someone reviewing the plan knows there is a specific proffer related to this area on the plan.
3. Is this location adequate for JAUNT? They typically prefer to drop off and pick up at the building door.
4. Proffer 3 the sentence at the top of page 2 seems to be referring to for sale units and it does not appear that there are any for sale units in this development. Please clarify.
5. Why are the affordable units in this development specifically designated? Generally for rental property, the requirement would be to maintain the minimum number of units as

affordable but those units could float within the development. If other funding sources require that the units be specifically designated, staff can work with that.

6. The last sentence of 3. describes affordability for for-sale units. Since earlier in that section it states that the units will be for lease, this could be deleted from the proffers.
7. Under 3.A. the first sentence would read better as ...maximum net rent provided by the County Office of Housing based on fair market rents published by the U.S. Department of Housing and Urban Development.
8. Under 3.C., the County probably does not need a copy of the rent or lease agreement. Rather as each affordable unit is leased, The County should be provided a unit number, last name of tenant, lease date, and lease amount. The last sentence provides the option to request leases if we feel like we need them.
9. Section 4. should be deleted from the proffers since there is nothing in our policy defining "workforce housing". As proposed, the requirement for units serving households up to 120% of the area median income is a commitment to one of the funding sources. That source would be better equipped to monitor this condition.

The application plan and the code of development are also in need of substantive and technical revisions. (See Attachment C for code of development and application plan) See Attachment H for the staff comment letter, dated May 1, 2013, inclusive of all the needed substantive and technical fixes. To be fully consistent with the Neighborhood Model principles of the Comprehensive Plan and the NMD zoning district a neighborhood center and viable/usable open space amenities should be provided. No neighborhood center has been provided and the open space area has only minimally been met. The neighborhood center features and better open space area could be available to Loft residents if improvement to area sidewalk could provide access to existing and future parks, schools and centers. The substantive outstanding issue regarding the number of parking spaces provided and required needs to be addressed on the application plan and/or the code of development.

If the proffers are adequately revised to address both the substantive and technical revisions, and the application plan and code of development are technically revised then staff could support the rezoning request.

Waivers

- Sections 20A.8(a) and (b) of the Zoning Ordinance call for Neighborhood Model Districts to have a mixture of dwelling unit types and a mixture of uses. Due to the small size of this site, the applicant does not propose a mixture of housing types or a mixture of uses. This proposal of loft style units adds a different unit type to the area. The surrounding area has a mixture of uses and a variety of housing types already present within a quarter mile of the proposed development. The waiver for housing type is appropriate. The waiver for mixture of uses could be supported with some commitment being made to interconnect sidewalks to nearby existing sidewalks and future centers, parks and schools. The district is also an infill redevelopment project. In this case, staff feels that a waiver of Section 20A.8 (a) and (b) are appropriate given the size, configuration, and topography of this site.
- The applicant is also requesting a parking waiver. However, the number of parking spaces required and provided needs to be clear. Also there are discrepancies in the delineation of parking spaces provided in the garage and on the surface. This could be a substantive issue if it requires changes to the application plan. This outstanding issue needs to be clarified and addressed. (See Attachment I)

SPECIAL EXCEPTION TO DISTURB CRITICAL SLOPES

(See Attachment K)

SUMMARY

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

1. The rezoning request would be consistent with the Comprehensive Plan.
2. The use is consistent with the uses permitted under the existing NMD zoning district.
3. This rezoning request would provide additional residential opportunities for residents in this portion of the County.

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

1. The proffers need to be substantively and technically revised.
2. Fire/Rescue's concern regarding fire safety of the site needs to be addressed.
3. The Application Plan and the Code of Development needs to be technically and substantively revised.
4. VDOT issue regarding an internal access road to detention facility needs to be addressed.
5. No cash proffers provided.

RECOMMENDATION

Staff can recommend approval of this rezoning ZMA201300001, The Lofts at MeadowCreek with waivers and revised proffers, provided changes are made in the application plan, code of development, and proffers to address the unfavorable factors noted above.

ATTACHMENTS

ATTACHMENT A – [Tax Map](#)

ATTACHMENT B – [Vicinity Map](#)

ATTACHMENT C – [Code of Development, dated April 8, 2013 and Application Plan, dated 01/22/13, and revised 04/08/13](#)

ATTACHMENT D – [Proffers, dated April 2013](#)

ATTACHMENT E – [Letter from Troy Austin-VDOT, dated May 17, 2013](#)

ATTACHMENT F – [Electronic Mail from Victoria Fort-RWSA, dated April 24, 2013](#)

ATTACHMENT G – [Electronic Mail from Alex Morrison-ACSA, dated March 21, 2013](#)

ATTACHMENT H – [Letter from Claudette Grant, dated May 1, 2013](#)

ATTACHMENT I – [Waiver Request Letter for Housing Types and Uses, dated March 28, 2013 and Parking waiver request, dated March 31, 2013](#)

ATTACHMENT J – [Letter from William Park, dated April 16, 2013](#)

ATTACHMENT K – [Special Exception to Disturb Critical Slopes Analysis and Waiver Request for Critical Slopes, dated March 8, 2013](#)

PLANNING COMMISSION MOTION:

A. If the ZMA is recommended for approval: Move to recommend approval of ZMA201300001 with waivers and revised proffers as recommended by staff.

B. If the ZMA is recommended for denial: Move to recommend denial of ZMA201300001 with the reasons for denial.