

**COUNTY OF ALBEMARLE
TRANSMITTAL TO THE BOARD OF SUPERVISORS
SUMMARY OF PLANNING COMMISSION ACTION**

<p>AGENDA TITLE: ZMA202000011 Premier Circle</p> <p>SUBJECT/PROPOSAL/REQUEST: Rezone 3.748 acres from C-1 Commercial – retail sales and service; residential by special use permit (15 units/ acre) to NMD Neighborhood Model District – residential (3 – 34 units/acre) mixed with commercial, service and industrial uses. Between 80 and 140 dwelling units are proposed with a density between 22 units/acre and 38 units/acre. Non-residential uses are also proposed (no maximum square footage).</p> <p>SCHOOL DISTRICT: Albemarle High School, Jouett Middle, Woodbrook Elementary</p>	<p>AGENDA DATE: February 17, 2021</p> <p>STAFF CONTACT(S): Filardo, McCulley, Rapp, Nedostup</p> <p>PRESENTER (S): Megan Nedostup, Development Process Manager</p>
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BACKGROUND:

At its meeting on December 15, 2020, the Planning Commission **voted 7:0** to recommend approval of both (a) ZMA202000011 with changes recommended by staff, and (b) a special exception to allow one unit type under the Neighborhood Model District zoning. The Commission’s original staff report, action memo, and minutes are attached (Attachments A, B, and C).

DISCUSSION:

Since the Planning Commission meeting, the applicant has submitted a revised application plan, code of development, and proposed proffers to address the changes recommended by staff and the Planning Commission (Attachments D, E, F and H). VDOT has also provided additional comments on the pedestrian crossing across Route 29 (Attachment K). Additionally, the applicant has removed residential uses from the building proposed in Block 1, the block adjacent and fronting on Route 29. This building would now have only non-residential uses.

Questions were raised by staff and the Planning Commission concerning the private road, Premier Circle, including:

- the long-term maintenance of the road;
- the current condition of the road; and
- if the road could be brought up to the Virginia Department of Transportation (VDOT) standards.

Though the applicant has addressed all the changes recommended by staff and the Planning Commission, not all of the long-term maintenance and/or upgrades to the existing road have been addressed. The applicant has provided both an analysis of the current condition of Premier Circle (Attachment I) and a memo in response to the concerns about the condition and long-term maintenance of the roadway (Attachment G).

Two issues were identified within the road analysis: safety and maintenance. Safety concerns identified included the need to remove existing vegetation that is encroaching into the road, the lack of striping, and signage. The applicant has offered proffers (Proffer 1a, 1b, and 1c) to address the safety concerns. The County Engineer has reviewed the analysis and found that the safety concerns have been addressed with the inclusion of the proffers.

The analysis further provides information on the feasibility of bringing the road up to VDOT standards and being accepted into the system. The County Engineer has reviewed this information and agrees with its

conclusion that Premier Circle could not likely be brought up to VDOT standards and accepted by VDOT with the current layout/alignment.

The last issue identified is the condition and maintenance of the road. The applicant provided extensive information within its memo regarding the history, ownership, condition, and existing road maintenance agreement for Premier Circle. Because the road has multiple owners, the applicant will need to work with those owners on this issue. The applicant has proffered to use its best efforts to update or replace the existing maintenance agreement to address the long-term maintenance and repaving of the road (Proffer 1e). The County Engineer has visually inspected the pavement condition of the road and has reviewed the boring analysis provided by the applicant. Though he believes that the pavement has reached the end of its useful life, he did not find any safety concerns with the pavement condition and the proposed rezoning.

RECOMMENDATIONS:

Though the long term maintenance and condition of the road has not been resolved, staff finds that the applicant has addressed the changes recommended by staff and the Planning Commission. Staff further finds that the condition of Premier Circle, with the offered proffers, does not raise a safety concern with the proposed development. Staff recommends that the Board adopt the attached Ordinance to approve ZMA202000011 Premier Circle (Attachment L) and the attached Resolution to approve the Special Exception SE202000023 (Attachment M) to allow one unit type.

ATTACHMENTS:

- A – Planning Commission Staff Report
 - A1- Vicinity Maps
 - A2- Project Narrative
 - A3- Code of Development, dated November 20, 2020
 - A4- Application Plan, dated November 20, 2020
 - A5- Staff Analysis of Neighborhood Model Principles
 - A6- Premier Circle deed and plat
 - A7- Applicant Special Exception Request
 - A8- Trip Generation Study
- B – Planning Commission Action Letter
- C – Planning Commission Minutes
- D – Revised Application Plan (*dated September 21, 2020; Revised January 15, 2021*)
- E – Revised Code of Development (*dated September 21, 2020; Revised January 4, 2021*)
- F – Signed Proffer Statement (*dated January 25, 2021*)
- G – Applicant Memo regarding Private Road Issues (*dated January 15, 2021*)
- H – Applicant Response to changes recommended (*dated January 4, 2021*)
- I – Applicant Road Analysis (*dated January 4, 2021*)
- J – Applicant updated Narrative (*dated January 4, 2021*)
- K – Virginia Department of Transportation Comments (*dated January 22, 2021*)
- L – Ordinance to Approve ZMA202000011
- M – Resolution to Approve SE202000023