

# COUNTY OF ALBEMARLE

## EXECUTIVE SUMMARY

<p><b><u>AGENDA TITLE:</u></b> ZMA2007-13 Fontaine Research Park; SP2007-055; SP2009-010; SP2009-011; SP2009-013; and SP2009-014.</p> <p><b><u>SUBJECT/PROPOSAL/REQUEST:</u></b> Rezone approximately 54 acres from Commercial Office (CO) zoning district to Planned Development Mixed Commercial (PD-MC) to allow for an increase from 565,000 square feet to 875,000 square feet of office, laboratories, medical or pharmaceutical, research &amp; development activities, hospitals, and supporting commercial space permitted in the research park. Three parking garages are proposed. The rezoning request is concurrent with SP2007-055; SP2009-010; SP2009-011; SP2009-013; and SP2009-014. No residential units are proposed.</p> <p><b><u>STAFF CONTACT(S):</u></b> Cilimberg, Echols, Grant</p> <p><b><u>LEGAL REVIEW:</u></b> NO</p>	<p><b><u>AGENDA DATE:</u></b> September 8, 2010</p> <p><b><u>ACTION:</u></b> X      <b><u>INFORMATION:</u></b></p> <p><b><u>CONSENT AGENDA:</u></b> <b><u>ACTION:</u></b>              <b><u>INFORMATION:</u></b></p> <p><b><u>ATTACHMENTS:</u></b> YES</p>
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**BACKGROUND:**

On July 27, 2010, the Planning Commission held a public hearing for the Fontaine Research Park rezoning and special use permit requests. The Commission, by a vote of 6:0, recommended approval of ZMA2007-13 with amendments to the proffers. The Commission, by a vote of 6:0 also, recommended approval of five (5) Special use permits, SP2007-55, SP2009-10, SP2009-11, SP2009-13, and SP2009-14, with the conditions as recommended by staff. Further, the Commission recommended approval of the modification of Section 21.4 of the Zoning Ordinance regarding height regulations with changes to the referenced street names in the staff recommended condition. (See Action Letter) Subsequently, on August 24, 2010, the Planning Commission held a second public hearing in order to include Tax Map 76, Parcel 17B9 which was not originally included in the legal ad for the July 27<sup>th</sup> public hearing. As there were no changes to the rezoning and special use permit requests that were originally heard by the Commission on July 27<sup>th</sup> other than the inclusion of this new parcel, the Commission, by a vote of 7:0, again recommended approval of the entire package as described above. (See Action Letter)

**DISCUSSION:**

The key amendments to the proposed proffers in response to the Commission's recommendations are as follows: (1) The supporting commercial use limitation taken out of Proffer 5 and added as a special use permit condition; (2) Proffer 6 revised to address and maintain the existing landscaped planting area along Fontaine Avenue; (3) Proffer 14 commits the applicant to provide a second entrance on Fontaine Avenue, if needed, as shown on the Application Plan as "Area Reserved for Future Secondary Entrance/Future Connector Road Alignment", and also commits the applicant to either build the Connector Road in this location if the entire Connector Road is constructed in the Southern Urban Area B Alternative 4 alignment or contribute funds toward the design and construction of the Connector Road if it is determined that the Connector Road is to be constructed in an off-site location.

The proffers have been revised as necessary and are technically and legally acceptable. (Attachment I)  
The modification of Section 21.4 of the Zoning Ordinance regarding height regulations with corrected references to roads

should read as follows: “*Modification of Section 21.4 – Height Regulations shall allow buildings up to 90 feet in height. Buildings located on Natural Resources Dr. that are over 35 feet in height shall have (1) one 10 foot step back. This modification shall apply to buildings as shown on the application plan prepared by the University of Virginia Foundation and Dewberry & Davis LLC, dated May 3, 2010. The set back shown on the application plan, prepared by the University of Virginia Foundation and Dewberry & Davis LLC, dated May 3, 2010 shall apply regardless of the building heights. (If the building is located in the entrance corridor or can be seen from the entrance corridor it will be subject to the approval of the ARB or the Design Planner.)*”

**RECOMMENDATIONS:**

Approval of **ZMA 2007-0013** with the attached proffers (Attachment I); approval of the five (5) special use permits, **SP-2007-055; SP-2009-010; SP-2009-011; SP-2009-013; and SP-2009-014**, as reflected in the staff report, with the following conditions as recommended by staff:

**SP-2009-013 Hospital** conditions:

1. The hospital use shall be limited to 60 beds;
2. The use shall not commence until such time as appropriate state and federal approvals have been obtained;
3. Site plan shall not be signed until fire official approval has been obtained;
4. The use shall be for inpatient medical rehabilitation and shall not provide emergency services.

**SP-2009-014-Supporting Commercial Uses** condition:

1. The supporting commercial uses shall be limited to a maximum of five (5) percent of the square footage allowed in the park. There is no minimum amount required.

and approval of the modification to Section 21.4 of the Zoning Ordinance regarding height regulations as noted above.

**ATTACHMENT:**

[Attachment I: Proffers, dated August 25, 2010](#)

[Attachment II: July 27, 2010 Planning Commission Staff Report](#)

[View August 24, 2010 exec summary with attachments](#)

View PC minutes: [July 27](#) and [August 24, 2010](#)

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