

# COUNTY OF ALBEMARLE

## EXECUTIVE SUMMARY

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| <p><b><u>AGENDA TITLE:</u></b><br/>ZMA201300002, Pantops Corner</p> <p><b><u>SUBJECT/PROPOSAL/REQUEST:</u></b><br/>Rezone approximately 2.246 acres from R-1 residential zoning district to HC Highway Commercial zoning district. No dwellings proposed.</p> <p><b><u>STAFF:</u></b><br/>Cilimberg, Benish, Grant</p> <p><b><u>LEGAL REVIEW:</u></b> NO</p> | <p><b><u>AGENDA DATE:</u></b><br/>December 11, 2013</p> <p><b><u>ACTION:</u></b>    X    <b><u>INFORMATION:</u></b></p> <p><b><u>CONSENT AGENDA:</u></b><br/><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 September 10, 2013, the Planning Commission held a public hearing for the Pantops Corner rezoning request (ZMA201300002) (See Attachment A for executive summary). The Planning Commission by a vote of 5:2 recommended denial of ZMA201300002 with proffers based on the unfavorable factors listed in the executive summary and clarified by the Planning Commission as follows:

#### Factors Unfavorable

1. The proffers need to be substantively and technically revised.
2. Traffic study information is incomplete and the adequate information as requested by VDOT and the County Engineer needs to be submitted to determine impacts of the rezoning and road interconnection to Routes 20, 250 and adjacent properties.
3. To clarify, Road B needs to be a local public road serving not only development traffic but also some amount of through traffic.

### **DISCUSSION:**

Since the Planning Commission public hearing, the applicant has met with County staff and VDOT several times in order to address the outstanding issues discussed during the Planning Commission public hearing. The applicant has provided the following revisions to the proffers:

- Proffer 1: Interconnectivity has been revised to more clearly describe Road "A" as a private road that will be constructed from Stony Point Road across the subject property to and across tax map parcel 78-5A to U.S. Route 250. The specific location, alignment and design of Road "A" may be adjusted with approval by the County Engineer. The owner will grant and record an easement for public passage over Road "A". An access easement to tax map parcel 78-6 will also be provided. This revised proffer ensures that a road design will be used to provide access through the site from Route 20 to Route 250 (as opposed to a parking lot travelway design). Staff believes this meets the intent of the Planning Commission recommendation.
- Proffer 2: This proffer has been revised to state that no certificate of occupancy (CO) will be requested for any building on the property until Road "A" is completed along with entrance improvements as required by VDOT. The previous proffer specified no CO for any building on the north side of Road "A". Staff believes the revised proffer is appropriate because Attachment C shows a very small area north of Road "A" that will also be restricted by flood plain and setbacks and as a result will be difficult to develop. This revised proffer ensures that development will not take place on the property until it has access to both Routes 20 and 250.

- Proffer 3: Route 20 Widening is new as a result of discussions with VDOT. This improvement is intended to help alleviate some of the traffic impacts occurring at the intersection of Routes 20 and 250. This proffer is satisfactory to VDOT and staff.
- Staff and the applicant determined that previous proffers (old proffers, dated August 5, 2013) relating to green space, neighborhood scale footprint and permitted uses were no longer necessary because the size of the parcel, the revisions made to the proffers, and existing zoning regulations will limit the scale and location of development on the property.

In summary, the revised proffers address the outstanding concerns that VDOT and the County Engineer had regarding the traffic study and Road "B" (now Road "A") which were discussed during the Planning Commission public hearing. Staff and VDOT's concern for the incomplete nature of the traffic study was that impacts to Route 20 and Route 250 were not fully known. With the applicant's commitment to construct an internal private road connecting from Route 250 to Route 20, and the commitment to widen Route 20 at the entrance to the site, the County Engineer and VDOT believe that potential traffic impacts have been addressed, and additional transportation analysis is no longer needed.

**RECOMMENDATIONS:**

Staff recommends approval of ZMA201300002, Pantops Corner with revised proffers.

**ATTACHMENTS:**

Attachment A: [Planning Commission Staff Report, dated September 10, 2013](#)

Attachment B: [Proffers, dated November 26, 2013](#)

Attachment C: [Map \(Exhibit C-1 from July 16, 2013 Planning Commission Staff Report\)](#)

PC minutes of [July 16](#) and [September 9, 2013](#)

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