

**COUNTY OF ALBEMARLE  
PLANNING STAFF REPORT SUMMARY**

<p><b>Project Name:</b> ZMA 20100018, Crozet Square and SP 201400001, Barnes Lumber Redevelopment</p>	<p><b>Staff:</b> Claudette Grant</p>
<p><b>Planning Commission Public Hearing:</b> June 17, 2014</p>	<p><b>Board of Supervisors Public Hearing:</b> To be Determined</p>
<p><b>Owner(s):</b> UB Ten LLC C/O Union First Market and CSX Transportation, Inc.</p>	<p><b>Applicant:</b> Transatlantic Partners c/o Milestone Partners with Frank Stoner as the contact.</p>
<p><b>Acreage:</b> 20.46 acres</p>	<p><b>Rezone from:</b> HI, Heavy Industrial and C-1, Commercial to DCD, Downtown Crozet District with proffers. A special use permit is proposed under Sections 20B.2F 1, 2, 4, and 5 of the Zoning Ordinance to permit residential uses on the first floor without the restriction of requiring first floor non-residential uses.</p>
<p><b>TMP:</b> 056A2010007100, 056A20100071B0, 056A2010002500, and 056A2010002600</p> <p><b>Location:</b> 5707 Three Notch'd Road, 5755 The Square, and property adjacent and south of CSX Railroad (approximately 1,000 feet east from the intersection of Crozet Ave. and the railroad track. (Attachments A and B)</p>	<p><b>By-right use:</b> The HI district allows industrial and commercial uses, with no residential uses allowed and the C-1 district allows retail sales and service uses with residential uses allowed by special use permit at a density of 15 units/acre.</p>
<p><b>Magisterial District:</b> White Hall</p>	<p><b>Proffers:</b> Yes</p>
<p><b>Proposal:</b> Rezone 20.46 acres from HI Heavy Industrial and C-1 Commercial to DCD Downtown Crozet District to allow a mixed use development with up to 200 residential units for a density of 9.77 dwelling units per acre with a special use permit request under Sections 20B.2F 1, 2, 4, and 5 of the Zoning Ordinance to allow residential uses without the restriction on first floor uses for non-residential uses. The rezoning and special use permit applications are running concurrently. (Attachment C)</p>	<p><b>Requested # of Dwelling Units:</b> Maximum 200</p>
<p><b>DA (Development Area):</b> Crozet Community</p>	<p><b>Comprehensive Plan Designation:</b> Mixed Office/Research &amp; Development/Flex and Commercial which allows a mix of employment, retail, service uses with light industrial and residential uses (up to 36 du/acre) as secondary uses and Downtown which allows commercial, employment, office, institutional, office, research and development, and residential uses (up to 36 du/ac).</p>
<p><b>Character of Property:</b> Former lumber yard with a few existing buildings. A portion of the site is vacant with a stream and stream buffer located on it.</p>	<p><b>Use of Surrounding Properties:</b> The CSX railroad track, the downtown area ("The Square"), inclusive of a library, restaurants, retail and office uses, and residential uses.</p>
<p><b>Factors Favorable:</b></p> <ol style="list-style-type: none"> <li>The SP would allow for a transition of similar type/character of residential units to those in adjacent existing neighborhoods to the south and east of site of site.</li> </ol>	<p><b>Factors Unfavorable:</b></p> <ol style="list-style-type: none"> <li>The SP proposal is not consistent with the evaluation factors this type of SP requires and is inconsistent with the recommendations of the Crozet Master Plan.</li> </ol>

<ol style="list-style-type: none"> <li>2. The basic form of development as controlled by the requested DCD Zoning district regulations is consistent with the land use recommendations in the Comprehensive Plan and Crozet Master Plan.</li> <li>3. Will provide employment opportunities and tax revenues to the County.</li> <li>4. Continues the construction of Library Ave. as recommended in the CMP.</li> </ol>	<ol style="list-style-type: none"> <li>2. The proposed upper limits of residential development would not make the residential use a secondary use as recommended in the CMP.</li> <li>3. A more significant commitment to providing office/R&amp;D/flex uses/employment should be provided as recommended in the CMP.</li> <li>4. An assessment of the stream and stream buffer needs to be completed to determine if the area will be disturbed by the proposed development, therefore, requiring mitigation.</li> <li>5. The traffic study identifies impacts to intersections on Crozet Avenue that will be difficult to address, according to VDOT.</li> <li>6. Cash proffer amount is not consistent with the County's cash proffer policy if SP is approved permitting residential uses not associated with a mixed use building.</li> <li>7. The proffers are in need of substantive and technical revisions.</li> </ol>
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**RECOMMENDATION:** Staff does not recommend approval of the ZMA and SP because of the unfavorable factors, particularly as regards to the following:

- The SP proposal is not consistent with the evaluation factors this type of SP requires and is inconsistent with the recommendations of the Crozet Master Plan.
- The proposed upper limits of residential development would not make the residential use a secondary use as recommended in the CMP.
- A more significant commitment to providing office/R&D/flex uses/employment should be provided as recommended in the CMP.
- The traffic study identifies impacts to intersections on Crozet Avenue that will be difficult to address, according to VDOT.
- Cash proffer amount is not consistent with the County's cash proffer policy if SP is approved permitting residential uses not associated with a mixed use building.
- The proffers are in need of substantive and technical revisions.

**STAFF PERSON:**  
**PLANNING COMMISSION:**  
**BOARD OF SUPERVISORS:**

**Claudette Grant**  
**June 17, 2014**  
**To Be Determined**

**ZMA 2010-00018, Crozet Square**  
**SP 2014-00001, Barnes Lumber Redevelopment**

**PETITION**

PROJECT: ZMA201000018/Crozet Square and SP201400001/Barnes Lumber Redevelopment  
MAGISTERIAL DISTRICT: White Hall  
TAX MAP/PARCELS: 056A2010007100, 056A20100071B0, 056A2010002500, and 056A2010002600  
LOCATION: 5707 Three Notch'd Road, 5755 The Square, and property adjacent and south of CSX Railroad (approximately 1,000 feet east from the intersection of Crozet Ave. and the railroad track.  
PROPOSAL: Rezone 20.46 acres from HI Heavy Industrial which allows industrial and commercial uses with no residential uses allowed and C-1 Commercial which allows retail sales and service with residential by special use permit at a density of 15 units/acre to DCD Downtown Crozet District which allows office, retail, service, civic, residential if mixed use (up to 36 units/acre), and light industrial uses and special use permit request under Sections 20B.2F 1, 2, 4, and 5 of the Zoning Ordinance to allow residential uses without the restriction on first floor uses for non-residential uses. Proposed mixed use development, up to 200 residential units for a density of 9.77 dwelling units per acre.  
PROFFERS: Yes  
ENTRANCE CORRIDOR: Yes  
COMPREHENSIVE PLAN LAND USE/DENSITY: Mixed Office/Research & Development/Flex and Commercial which allows a mix of employment, retail, service uses with light industrial and residential uses (up to 36 du/acre) as secondary uses and Downtown which allows commercial, employment, office, institutional, office, research and development, and residential uses (up to 36 du/ac) in the Crozet Community.

**CHARACTER OF THE AREA**

The site is located at 5707 Three Notch'd Road, 5755 The Square and adjacent and south of CSX Railroad (approximately 1,000 feet) east from the intersection of Crozet Ave. and the railroad track. This property includes the former Barnes Lumber yard and adjacent property owned by the CSX railroad company. Some of the buildings remain on the lumber yard property from the lumber company and some have been removed, leaving a portion of the site vacant. The CSX Railroad borders this site to the north. The area known as "The Square" inclusive of small commercial uses, such as restaurants, and retail uses is located to the west. The new library is located south west of the site. Small residential neighborhoods border the south and east of the property and there is a stream located in the southeast corner of the property.

**SPECIFICS OF THE PROPOSAL**

The applicant proposes to rezone 20.46 acres from HI Heavy Industrial and C-1 Commercial to DCD Downtown Crozet District to allow a mixed use development with up to 200 residential units, which could be a combination of single family detached, single family attached, and multifamily apartments/condominiums. The DCD district allows a variety of commercial uses by-right which include retail, service, office, public and civic uses. The DCD also allows by right residential uses above the first floor of buildings with permitted non-residential uses. Light industrial uses and residential uses on the first floor of buildings are allowed in the DCD with a special use permit, and the applicant is requesting approval of a special use permit to allow residential uses on the first floor of buildings. By rezoning to DCD, this development has the flexibility to include a wide mix of uses.

The applicant proposes to provide a continuation of Library Ave. which will span the entire property from east to west. Library Ave. also referred to as "Main Street" in the Crozet Master Plan (CMP), is a

recommendation in the CMP. It provides a connection between Park Ridge Drive (in Western Ridge) and Crozet Avenue. "Main Street" will ensure critical linkages between Downtown and new development to the south and east. Additional proposed access points for this property include Park Ridge Drive, High St. and the Square.

The proposal calls for 15% of the property to be in green space, inclusive of a public/civic space.

### **APPLICANT'S JUSTIFICATION FOR THE REQUEST**

The applicant wishes to create a mixed use development that fulfills the goals of the CMP. The applicant believes this project will help transform downtown Crozet into a vibrant town center with employment opportunities, retail goods and services, restaurants and a variety of housing options that are walkable to the town center. In addition, the applicant believes the development will provide a critical transportation link from downtown Crozet to Parkside Village, Westhall, Westlake, Foothill Crossing, Western Ridge and the future 240-250 connector road.

### **PLANNING AND ZONING HISTORY**

The subject property has been used as a lumber yard since the early 1900s. This area has been included in the Crozet Community since the original 1971 Comprehensive Plan, with the western portion designated for Commercial use and the eastern portion designated for residential use in the 1971, 1977, and 1982 Plans. The original zoning was B-1 Business on the western portion of the subject area and Agricultural on the eastern portion, with both portions made C-1 Commercial as a result of the 1980 Comprehensive rezoning.

ZMA1984-00028 was indefinitely deferred in 1985 and subsequently withdrawn in 2012.

ZMA 1995-00022 was approved on April 3, 1996 to rezone approximately 19 acres from C-1, Commercial to HI, Heavy Industry with proffers.

SUB2009-00024 was a subdivision plat request for the Crozet Streetscape Project-Phase 2 Easement-Boundary Line Adjustment. This was a County project that was approved in 2010.

### **STAFF COMMENTS**

The following summarizes the outstanding issues:

- The SP proposal is not consistent with the evaluation factors this type of SP requires and is inconsistent with the recommendations of the Crozet Master Plan.
- The proposed upper limits of residential development would not make the residential use a secondary use as recommended in the CMP.
- A more significant commitment to providing office/R&D/flex uses/employment should be provided as recommended in the CMP.
- The traffic study identifies impacts to intersections on Crozet Avenue that will be difficult to address, according to VDOT.
- Cash proffer amount is not consistent with the County's cash proffer policy if SP is approved permitting residential uses not associated with a mixed use building.
- The proffers are in need of substantive and technical revisions.

Additional details are provided later in the report and in the attachments.

### **CONFORMITY WITH THE COMPREHENSIVE PLAN**

The land use designations on this property are *Mixed Office/Research & Development/Flex and Commercial* and *Downtown*. See Attachment D for the descriptions of these land use designations and insets of the Land Use Map. Analysis of the Neighborhood Model District is also included in Attachment D. The location of this property, in the center of downtown, makes it an integral part of the CMP goals, which intends for this property to be re-developed as a "Downtown" providing a mixed use development, similar to a traditional downtown with commercial/office uses on the first level and residential uses on the upper levels of proposed buildings. Light industrial and residential uses are to be secondary uses in this area.

The following summary describes how this proposal conforms to the Comprehensive Plan:

- While blocks 6, 7, and 8 are described on the plan for residential/mixed use, there is a lack of commitment to provide non-residential uses in these blocks. It is possible that only residential uses would be developed in these blocks, which make up approximately 7.33 acres of the site. In addition, a proffer is provided that allows 49 percent of the buildings in Blocks 4 and 5 to be completely allocated to residential uses. Fifty-one percent of the buildings in Blocks 4 and 5 are required to have non-residential uses on the first floor with residential uses on the upper stories of the building. Therefore, approximately 9+/- acres of the 20 acre site could be dedicated to residential uses. Almost half of the property could potentially be allocated with residential uses, without commitment to non-residential uses in certain blocks. The CMP recommendation for a mixed use development on this property is diminished with a lack of commitment to providing a true mixed use development.
- As described above residential uses are a large component of the proposed development and are not necessarily secondary in nature, but almost equal to the primary goal of providing non-residential opportunities for employment.
- As described in the CMP, Blocks 4, 5 and a portion of 6 are shown as locations for Office/R&D/Flex. These blocks should provide primary employment uses in Downtown. This site has particular opportunities for the recommended uses along with light industrial uses due to its proximity, adjacent to the rail road. However, there is no strong commitment that these proposed uses will be pursued for these blocks, which are shown and designated in the CMP.
- The CMP shows an area dedicated to green space, which is also depicted as such on the proposed plan. The CMP also recommends the creation of a Downtown community green. Although a proffer provides a minimum commitment of 15 percent of the property for green space and 5 percent of the green space allocated to areas in blocks 1-5 for the community green there is a lack of commitment regarding important elements, such as the size of the community/public green and location in terms of accessibility for the public.

### **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 Crozet Square/Barnes Lumber development would support the Plan by providing additional employment, retail, office, and service uses for the residents who live within this development and this portion of the County.

### **Relationship between the Application/Proposal and Intent of Requested Zoning and Analysis of the SP for First Floor Residential Uses**

The DCD permits, by-right, residential uses in buildings above first floor non-residential uses and allows residential uses on first floor of buildings by special use permit.

The applicant requests a special use permit to allow up to 200 residential units without the restriction that requires first floor uses to be permitted non-residential uses; therefore, allowing residential uses on the first floor of buildings. The residential units would be a combination of various types of single-family and multifamily units. This special use permit would apply to Blocks 4, 5, 6, 7 and 8.

There are four additional factors that need to be considered when evaluating a request for a special use permit for first floor residential in the DCD (20.B.8) in addition to the factors generally to review special use

permits delineated in Section 33.8 of the zoning ordinance. The following are the additional factors for review with this SP request, followed by staff's comments:

***The proposed use should be consistent with the recommendations for the Downtown area in the Crozet Master Plan (CMP).***

The recommendations of the CMP for the *Downtown Area* focuses on the goal of establishing a mixed use development for this area (see Attachment D for excerpts from CMP). It designates "the existing commercial core of Downtown for infill redevelopment for commercial and mixed uses," with the DCD zoning district "placed on properties designated for the Downtown mixed uses. Within this zoning district, light industrial and residential uses are secondary uses. The CMP does not provide a specific measure for what constitutes a secondary use, it is believed that the desired distribution be greater than a 51 to 49 percent split.

The CMP also identifies a certain portion of this subject property "for Office/R&D/Flex and Commercial use to provide for primary employment uses in Downtown that are considered necessary and are a high priority in addition to retail, residential and service uses." Residential uses are considered secondary within this land use designation. The CMP focuses on the goal of a mixed use development for the downtown area and this property. The intent of the DCD zoning requirements for non-residential uses on the first floor of buildings is to ensure the provision of commercial, office use and employment opportunities called for in the Plan and to make sure a true mixed use development is established.

The applicant's proposal for the site is broken down into 8 blocks. Blocks 1-3 are shown for commercial uses and the applicant has not identified any residential uses in these blocks, although the DCD would permit residential above first floors by-right. There is a commitment that 51% of units built in Blocks 4 and 5 will have non-residential uses on the first floor. The other 49% of units built in Blocks 4 and 5 can have residential uses on all floors that are convertible back to non-residential if needed in the future. Blocks 2-5 generally correspond to the area recommended for Office/R&D/Flex and Commercial use. The plan shows Blocks 6, 7, and 8 as residential/mixed use. However, Blocks 6, 7, and 8 are available for full residential uses without a commitment to other non-residential uses; therefore, up to 100 percent of the area could be developed in residential use (approximately 7.33 acres, or 36% of the total site).

Staff opinion is that the proposal is not consistent with the recommendation of the CMP for this part of Downtown. The total area and amount of residential uses within the proposal is not consistent with the intent to provide a true mixed use area with residential uses intended as a secondary use. The Plan places particular emphasis and priority on providing a mix of uses that provide commercial and employment opportunities. Blocks 6-8 cover a large area of the site and could be developed entirely as residential. The residential mix with blocks 4-5 could be up to 49% residential, an area that the CMP emphasis should contain primary employment uses. Staff believes there is too much residential proposed for what should be a mixed use development.

***The proposed use and its proposed size should be consistent with the purpose and intent of the Downtown Crozet District as stated in section 20B.1***

The intent of the DCD states:

The purpose of the DCD is to establish a district in which traditional downtown development...as recommended in the Crozet Master Plan, will occur.

To these ends, the DCD provides for flexibility and variety of development for retail, service, and civic uses with light industrial and residential uses as secondary uses. The regulations for the DCD are intended to promote a development form and character that is different from typical suburban development allowed by conventional zoning, and are also intended to: (i) promote the economic and social vitality and diversity of downtown Crozet; (ii) implement the Crozet master

plan for the downtown area of Crozet so that it may serve as the commercial hub of Crozet and its environs; (iii) provide a greater mix of uses in downtown Crozet, including increased employment; (iv) facilitate infill and redevelopment; (v) increase the utility of the land; (vi) retain the uniquely diverse character of Crozet; and (vii) promote a pedestrian-friendly environment.

The applicant has requested this special use permit in order to provide marketable residential units/development which could help “jumpstart” development within the downtown area. The residences make the overall development financially viable and would help support the commercial uses.

Staff is not opposed to some flexibility in the form of residential uses provided in this development, particularly immediately adjacent to existing residential neighborhoods. However, staff believes that the extent of the area in Blocks 4-8 that could be developed exclusively as residential area, with no mix of non-residential uses is not consistent with the intent of the district and recommendations of the CMP. The DCD is intended to implement the CMP. As noted under previous factors, emphasis in the plan is placed providing a mix of uses which emphasizes mixed commercial, office, R & D and flex uses, with residential as a secondary use. Staff believes the proposal places too much emphasis on residential development, with a large section of the site potentially devoted exclusively to residential development. The result is the lost land area and future opportunities to accommodate desired non-residential uses through the by-right mixed use development form.

***The proposed use in its location should complement adjacent uses and contribute to a mix of uses in the Downtown Crozet District.***

The proposed use in its location could complement adjacent uses and contribute to a mix of uses in the Downtown Crozet District, if the amount of proposed residential uses were lowered to be more in keeping as a secondary use instead of a primary use. The residential uses in Blocks 6-8 are adjacent to existing residential neighborhoods and would provide a transition from the more commercial portions of the proposal. A smaller amount of area within Blocks 6-8 could be used for the proposed residential areas and still provide for an adequate transition to those adjacent residential areas.

***Whether the part of the structure in which the proposed use will be located can be converted to accommodate by right uses in the Downtown Crozet District.***

The applicant has included a proffer that states that “any buildings initially constructed for, or containing ground floor residential uses within Blocks 4 and 5, shall be adaptable for non-residential uses in the future.” However, there is no similar commitment to a building convertibility for buildings in Blocks 6-8.

In summary, the special use permit request does not meet most of the additional factors that need to be considered with this request. Approving this request as proposed is not consistent with the original intent and recommendation of the CMP and DCD.

Section 33.8 of the Zoning Ordinance below requires that special use permits be assessed as follows:

**No substantial detriment. The proposal will not be a substantial detriment to adjacent lots.**

This proposal is adjacent to existing residential neighborhoods and this request is to provide more residential uses. Adding more residential uses to an area adjacent to existing residential uses will not be of substantial detriment.

**The character of district unchanged. The character of the district will not be changed by the proposed special use.**

This has been addressed under the SP review factors, above.

**Harmony. The proposed special use will be in harmony with the purpose and intent of this chapter, with the uses permitted by right in the district, with regulations provided in section 5 as applicable, and with the public health, safety and general welfare.**

This has been addressed under the SP review factors, above.

**Will the use be in harmony with the uses permitted by right in the district?**

This has been addressed under the SP review factors, above

**Will the use comply with the additional regulations provided in Section 5.0 of this ordinance?**

There are no supplemental regulations in section 5 applicable to this use.

**Will the public health, safety and general welfare of the community be protected if the use is approved?**

Yes, as it relates specially to the allowance of first floor residential uses. Other aspects of the development proposal related to health, safety and welfare will be addressed with the discussion of the overall rezoning request later in this report.

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

See pages 6 and 7 of this report for a description and intent of the DCD. The section on outstanding issues later in this report provides additional analysis of these concerns.

The overall form of this proposal is consistent with the intent of the DCD district—DCD regulations mandate the desired form. However, as described throughout this report there are three major concerns with mix and form of the proposal:

- The amount of residential uses proposed with the allowance of first floor residential (with approval of the special use permit request) is not consistent with the CMPs and DCDs expectation for residential uses to be secondary to non-residential uses.
- Blocks 2-5 generally correspond to the area recommended for Office/R&D/Flex and Commercial use in the CMP. The plan notes that the importance of providing these employment uses in the Downtown. Very little to no commitment is made to ensure these uses will be provided.
- The location and details regarding the amount of green space are vague and it is difficult to know how usable the space will be for the public and as recommended in the CMP.

**Public need and justification for the change:**

The intent of the County's Comprehensive Plan is described throughout this report. As previously stated, in general, the CMP recommends development of this property for a mixed use development, similar to what is seen in a traditional downtown. An addition of a mixed use development in this portion of the County is recommended in the CMP and would be beneficial for County residents who wish to live and work in this portion of the County. However, this development proposes more residential uses than recommended in the CMP and no commitment to providing light industry uses which the CMP recommends as a secondary use. While the form of development is generally adequate, staff feels the share amount of residential development is more than recommended in the CMP, and is not supportive of the low commitment of achieving the goals and recommendations described in the CMP for this particular site.

**Impact on Environmental, Cultural, and Historic Resources:**

The CMP describes a portion of this site as greenspace to encourage the protection and preservation of sensitive environmental features including stream buffers. An assessment of the stream and stream buffer needs to be completed to determine if the area will be disturbed by the proposed development, therefore, requiring mitigation. Further analysis is provided later in the report regarding this issue.



The property is adjacent to a National Register of Historic Places and the Crozet Historic District. The historic character of the area is important therefore, the appearance of the new development should support and enhance the existing historic character.

### **Anticipated impact on public facilities and services:**

#### Streets:

- An updated traffic study was provided and reviewed by the County Engineer and VDOT. VDOT describes that the traffic study identifies impacts to the intersections on Crozet Avenue that will be difficult to address. Additional information can be found later in this report in the section on Outstanding Issues.
- Staff opinion is that the traffic study indicates longer term impacts to the road system downtown. Future traffic conditions will need to be monitored to determine the impacts from not only development/redevelopment consistent with the County Comprehensive Plan/CMP but also as recommended new roads and interconnections are completed (including but not limited to the Eastern Avenue connection to Rt. 250 and the connection of Library Avenue to Eastern Avenue). Completion of interconnected road system could reduce impacts currently anticipated within the model.

#### Schools:

Students living in this area would attend Crozet Elementary School, Henley Middle School, and Western Albemarle High School.

#### Fire and Rescue:

This site will be covered by the Crozet Fire/Rescue station.

#### Utilities:

This project is in the water and sewer service jurisdictional area. However, the following concerns are provided by the Albemarle County Service Authority (ACSA):

- There are concerns regarding the provision of sewer capacity. An FEB study will begin in Fiscal Year 2015. The applicant has been told that a Rivanna Water & Sewer Authority (RWSA) capacity certification will be required during the final site plan stage. In addition, The ACSA and RWSA are unable to provide waste water capacity certification for a 10 year build out of the project. Capacity cannot be reserved and is on a first come first serve basis at the time of application for service and a pre-pay connection fee does not reserve capacity within the water or wastewater system. (See Attachment E for comments from ACSA)

### **Anticipated impact on nearby and surrounding properties:**

Surrounding properties are experiencing a change in character with new development that has occurred in this area, such as the new library located to the south west of this site. The redevelopment of this site, which has been without a viable business for several years will be a welcomed addition to the Crozet community as the Downtown tries to revitalize. The development of Crozet Square and the Barnes Lumber Redevelopment will bring physical changes to a site that is otherwise vacant of activity. This development will bring additional buildings, density and additional traffic generated from this project.

The increased residential density and commercial square footage is a change that could impact the surrounding properties with additional traffic. The proposed impact to the environmental resource on the site also has an impact on surrounding properties and the surrounding ecosystem.

### **PROFFERS**

The applicant has provided proffers. (See Attachment G) The proffers are in need of substantive and technical fixes. The following describes the proffers provided:

Proffer 1. **Development in General Accord with Conceptual Plan:** The Owner proffers the Conceptual Plan. Technical corrections are needed.

Proffer 2. **Construction of Library Drive Extended:** The Owner will design, construct and dedicate Library Drive Extended to public use. This proffer also serves as a phasing plan; it is not clear which will be the first phase. Staff assumes the first phase is the construction of the segment of Library Drive Extended near Park Ridge Drive. This segment of road will be completed prior to the issuance of any final certificate of occupancy for any building located in Blocks 7 or 8.

The second road phase is the segment adjacent to the existing Library Drive, including the segment extending High Street to the existing Crozet Square. This segment of road will be constructed and completed prior to the issuance of any final certificate of occupancy for any building located within Block 1.

The third and final road phase will be for the construction of the middle segment of Library Drive Extended. This segment of road will be constructed prior to the earlier of the issuance of any final certificate of occupancy for the twenty-sixth (26<sup>th</sup>) dwelling unit in Blocks 7 and 8 in the aggregate, or the issuance of any final certificate of occupancy for any building within Blocks 2, 3, 4 or 5. The timing of this proffer is not clear.

Proffer 3. **Ground Floor Residential Space in Blocks 4 and 5:** This proffer ties in with the special use permit request and states at least fifty-one percent (51%) of the aggregate ground floor space in buildings in Blocks 4 and 5 will be restricted to non-residential uses. This proffer further describes that any buildings initially constructed for, or containing ground floor residential uses within Blocks 4 and 5 will be constructed to be adaptable to non-residential uses in the future. Substantive corrections are needed to make a connection to the special use permit. The conversion of the permitted residential back to non-residential should be conditioned appropriately with the special use permit and not be in the proffer.

Proffer 4. **Green Space and Civic Space:** This proffer provides a minimum fifteen percent (15%) commitment of land within the property to green space. A minimum five percent (5%) of the 15% has to be located in areas shown as red or purple on the Conceptual Plan. Technical and substantive revisions are needed regarding the use of Open Space. Reference should be given to Green space. There needs to be a commitment regarding size and location of the green space.

Proffer 5. **Affordable Housing:** The Owner will provide 15% of the total residential units constructed on the property for affordable housing in the form of for-sale and/or for-rent units or cash in-lieu of affordable units.

#### Cash Proffer Policy:

The county cash Proffer Policy states that:

It is the policy of the County to require that the owner of property that is rezoned for residential uses to provide cash proffers equivalent to the proportional value of the public facilities deemed necessary to serve the proposed development on the property. Accordingly, the Board will accept cash proffers for rezoning requests that permit residential uses in accordance with this policy. However, the Board may also accept cash, land or in-kind improvements in accordance with County and State law to address the impacts of the rezoning.

The applicant is not offering cash proffers in conjunction with this ZMA application for a variety of reasons. (See Attachment F for the applicant's justification). Staff opinion is that cash proffers would not be required for the standard/by-right form of development called for in the DCD, since that form is mixed use in nature, and the non-residential components of the development would offset the fiscal impacts of the residential component of the development. Staff opinion is that cash proffers should be provided for

residential units not located within mixed use buildings.

## **OUTSTANDING ISSUES**

- Land Use –
  - The amount of residential uses proposed with the allowance of first floor residential (with approval of the special use permit request) is not consistent with the CMPs and DCDs expectation for residential uses to be secondary to non-residential uses. No limits have been proposed by the applicant that would insure total residential development will be secondary to the provision of non-residential uses. If the Special Use Permit is denied, one hundred percent of the proposed development would be developed as a mixed use development as recommended in the CMP and DCD and this issue would be addressed.
  - Blocks 2-5 generally correspond to the area recommended for Office/R&D/Flex and Commercial use in the CMP and the plan notes that the provision of these uses is considered necessary and a high priority in order to provide primary employment uses in Downtown. No commitment has been made to insuring these uses will be provided, and only 51% of the development in Blocks 4 and 5 assured to non-residential in nature.
  - The location and details regarding the amount of green space are vague and it is difficult to know how usable the space will be for the public and as recommended in the CMP. It is unclear what type and size of community public space will be provided. Will a central site/space be provided of sufficient size to support community events/gatherings?
- Transportation facilities –
  - The traffic study provided raises some essential questions regarding signals and improvements on Crozet Avenue (SR810). There appears to be a conflict in that more signals are recommended by the study, but VDOT may not allow them due to spacing requirements on the roadway. The off-set between Library Avenue (SR867) and Jarman's Gap Road (SR691) is too short to allow significant improvement. The Square is also too close to Three Notched Road (SR240) and Library Ave. It would appear that the County and VDOT need to eliminate or consolidate one or more of these intersections for impacts to be addressed or the impacts causing the issues need to be changed to lower the impacts.
  - VDOT also anticipates a variety of concerns regarding street parking, dimensions of roadway sections, and plaza design as previously proposed in an intersection. (See Attachment D for VDOT comments)
- Adequacy of proffers –
  - As described previously in this report, the County has a cash proffer policy that requires property being rezoned for residential uses provide cash proffers equivalent to the proportional value of the public facilities deemed necessary to serve the proposed development. The applicant is not offering cash proffers in conjunction with this rezoning request.
  - As described in the proffer section of this staff report the proffers are in need of substantive and technical revisions.
- Stream impact –
  - Upon field inspections, the County Engineer describes the stream and stream buffer located in the southeast corner of the property to actually continue further west than shown on the proposed plan. As a result, the following environmental issue remains a concern:
  - Buildings and parking areas, along with other proposed development such as walking path and footbridges may need to be moved if they are located in the path of the stream of buffer. Waivers can be requested to mitigate these impacts. Although requested, an assessment of the stream has not been provided. Impacts to the stream and/or buffer will need to be mitigated.

## **SUMMARY**

Staff has identified the following factors, which are favorable to this rezoning and special use permit request:

1. The SP would allow for a transition of similar type/character of residential units to those in adjacent existing neighborhoods to the south and east of site of site.
2. The basic form of development as controlled by the requested DCD Zoning district regulations is consistent with the land use recommendations in the Comprehensive Plan and Crozet Master Plan.
3. Will provide employment opportunities and tax revenues to the County.
4. This proposal continues the construction of Library Ave. as recommended in the CMP.

Staff has found the following factors unfavorable to this rezoning and special use permit request:

1. The SP proposal is not consistent with the evaluation factors this type of SP requires and is inconsistent with the recommendations of the Crozet Master Plan.
2. The proposed upper limits of residential development would not make the residential use a secondary use as recommended in the CMP.
3. A more significant commitment to providing office/R&D/flex uses/employment should be provided as recommended in the CMP.
4. An assessment of the stream and stream buffer needs to be completed to determine if the area will be disturbed by the proposed development, therefore, requiring mitigation.
5. The traffic study identifies impacts to intersections on Crozet Avenue that will be difficult to address, according to VDOT.
6. Cash proffer amount is not consistent with the County's cash proffer policy if SP is approved permitting residential uses not associated with a mixed use building.
7. The proffers are in need of substantive and technical revisions.

## **RECOMMENDATION**

Staff does not recommend approval of ZMA201000018, Crozet Square and SP201400001, Barnes Lumber Redevelopment because of the unfavorable factors, particularly as regards to the following:

- The SP proposal is not consistent with the evaluation factors this type of SP requires and is inconsistent with the recommendations of the Crozet Master Plan.
- The proposed upper limits of residential development would not make the residential use a secondary use as recommended in the CMP.
- A more significant commitment to providing office/R&D/flex uses/employment should be provided as recommended in the CMP.
- The traffic study identifies impacts to intersections on Crozet Avenue that will be difficult to address, according to VDOT.
- Cash proffer amount is not consistent with the County's cash proffer policy if SP is approved permitting residential uses not associated with a mixed use building.
- The proffers are in need of substantive and technical revisions.

Should there be a desire to approve the ZMA only, there will need to be a deferral to allow the proposal to be modified accordingly.

**PLANNING COMMISSION MOTION—Zoning Map Amendment:**

A. Should a Planning Commissioner **choose to recommend approval** of this zoning map amendment:

**Move to recommend approval of ZMA 2010-00018, Crozet Square if the unfavorable factors are addressed to the satisfaction of the Director of Planning.**

B. Should a Planning Commissioner **choose to recommend denial** of this zoning map amendment:

**Move to recommend denial of ZMA 2010-00018, Crozet Square based on the issues identified by staff.** *Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.*

**PLANNING COMMISSION MOTION—Special Use Permit:**

A. Should a Planning Commissioner **choose to recommend approval** of this special use permit:

**Move to recommend approval of SP 2014-00001, Barnes Lumber Redevelopment.** *Should a commissioner motion to recommend approval, he or she should state the reason(s) for recommending approval.*

B. Should a Planning Commissioner **choose to recommend denial** of this special use permit:

**Move to recommend denial of SP 201400001, Barnes Lumber Redevelopment based on the recommendation of staff.**

- ATTACHMENT A: [Tax Map](#)
- ATTACHMENT B: [Comprehensive Plan Map](#)
- ATTACHMENT C: [Application Plan and Block Densities, dated May 5, 2014](#)
- ATTACHMENT D: [Land Use designations from the Crozet Master Plan](#)
- ATTACHMENT E: [Letter from Troy Austin, dated May 30, 2014](#)
- ATTACHMENT F: [Staff comments from Alex Morrison-ACSA, dated May 23, 2014](#)
- ATTACHMENT G: [Applicant's Cash Proffer Justification](#)
- ATTACHMENT H: [Proffers, dated May 5, 2014](#)