



May 5, 2014

Claudette Grant
Albemarle County
Department Community Development
401 McIntire Road
Charlottesville, VA 22902

RE: ZMA201000018/Crozet Square and SP201400001/Barnes Lumber
Redevelopment

Dear Claudette:

Our resubmittal for Barnes Lumber includes the following items:

1. Response to your last comments. See below.
2. An updated Conceptual Plan
3. Block Densities Chart
4. A storm water management narrative, together with a SWM chart and precedent examples
5. Updated proffer statement
6. An Agency Authorization letter from CSX
7. A check for \$1,000

I will provide you with electronic versions of any or all of the documents as needed.

I would like to request that you schedule a meeting with the Planning Commission as soon as possible but not later than June 17, 2014.

Regards,

Frank Stoner
Managing Partner



Staff has reviewed your re-submittal for a rezoning from HI Heavy Industrial to DCD Downtown Crozet District and for a special use permit to allow up to 200 residential units of any authorized dwelling type in the DCD district under Section(s) 20B.2F 1, 2, 4, and 5 of zoning ordinance.

For quick reference, the following is a quick synopsis of the big outstanding issues that are complex, but in need of some level of resolution prior to public hearing:

- Commitment to percentage of employment vs. residential uses (CMP goal).
- Community green location and expectation (CMP goal).
- Transportation/TIA
- Phasing Plan needs clarification
- Engineering Comments (stormwater and stream)
- Proffers need technical and substantive revision.
- ACSA/RWSA comments

The details regarding these big issues are further discussed throughout this letter. Staff believes the other outstanding issues described in this letter are issues that can be resolved relatively quickly.

We have several questions and comments, which are listed below: Some of the previous comments remain for contextual reference with the items in red being revised comments. All other staff comments provided have been revised.

ZMA Comments: **Planning**

The following comments are provided by Claudette Grant:

- The subject proposed development is located on a large parcel of land in the Downtown Crozet area that is slated for redevelopment opportunities guided by the Crozet Master Plan (CMP). One of the primary recommendations for Downtown Crozet and in particular for this property in the CMP is that development includes a mixture of office, research and development (R&D), flex uses, retail, and service uses in redevelopment of the lumber yard property.

In review of the plan submitted, there is not a lot of information about the yellow area described as residential. It appears to be approximately half or 50% of the developable area of the subject property. The percentage of total land area in residential use per the CMP for downtown is intended to be a low to moderate density form, while the expectancy for the rest of the developable land area is for a significant portion of the development to provide employment, and other economic opportunities that are typically expected in a downtown area. Thus, per the CMP, residential and light industrial uses are secondary uses for this area. If the residential use is 50% or more of the proposed development this would reflect to some extent a lost opportunity for the non-residential mix of use recommended in the CMP for



the downtown Crozet area.

Provide additional information that shows how this development will be a development with residential uses as secondary uses. For example, providing the percentage of land area or square feet for the various proposed uses within the development will help provide a comparison for primary and secondary uses. If the residential uses are the primary uses and not secondary, you need to explain and justify why you wish to make this development a primary residential use development, which is not the recommendation of the CMP for this property.

Proffer 2 has been added to address a commitment for non-residential uses on the ground floor spaces of buildings located within blocks 4 and 5 to be at least fifty-one percent (51%). This proffer also allows flexibility for buildings that include ground floor residential uses within blocks 4 and 5 to be constructed to be adaptable to non-residential uses in the future. However, there is no commitment provided for the percentage of mix of uses for blocks 6, 7 and 8. The separate land use and block densities table is not clear since there is no estimated square footage for commercial or residential provided for block 6. Currently, there is no guarantee that blocks 6, 7, and 8 could not all be developed with only residential uses. How do you plan to provide a full commitment to employment and other economic opportunities as primary uses and residential as a secondary use within this proposed development as recommended above and in the CMP?

While we anticipate that there will be some commercial development within blocks 6, 7 and 8 the amount and type will be dependent on market conditions. We have expanded the mixed use/residential designation in Block 7 so show where additional commercial uses might logically be located. The block density chart simply indicates that there is no minimum requirement for ground floor commercial in these areas.

- 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. Because the DCD District in many ways determines the form and character of development, in this particular case, we feel a conceptual plan can be a bubble plan. In addition to showing where the various development uses will be located (as you have shown in the legend with various color descriptions) the bubble plan should show important elements of the project, such as the general location of Main Street, major road connections, and the public green/plaza. As described in the CMP, Main Street includes on-street parking, medians, bike lanes, sidewalks, etc. these are important elements that should also be noted on the plan (i.e. by showing the expected street cross section). The DCD regulation determines the form of development; therefore, showing details such as specific building locations, parking areas and travelways is a bit premature at this stage of the process and can be confusing since these details can change as you get into the site plan process. For



example, identifying general areas for parking is good, but you do not need to show the specific parking lot with layout/design. As you can see by some of the staff comments in this letter, once these details are shown, staff reviews the plans accordingly. A good bubble plan can provide staff with enough general information about the proposed development without getting into a level of detail that may need to change later on.

The conceptual plan is now revised to address some of the staff recommendations per the staff comment letter dated February 26. The following remain outstanding issues that should be addressed: The location for the public green/plaza is no longer depicted on the conceptual plan. The community green is an important element that is recommended in the CMP. Although a proffer provides a commitment of 15% of the land within the property being set aside for green and civic spaces, a general location of the community green is not provided and the 15% is inclusive of a variety of options for green and open space as described in the proffer. While it is not necessary to know the specific details of the community green at this stage in the process, it is recommended that enough information is provided to ensure that the community green will be an appropriate area for the community.

The updated proffers indicate that, of the 15% green/civic/open space to be provided within the development, no less 4% will be located in block 1-5.

- There are physical constraints regarding how this proposed development will tie in with the Square, in terms of road connections, parking and expectations for the connector road as shown on your plan. Per the comments from VDOT and Engineering (see page 4 and attachment of this letter for comments) provide additional clarification (narrative information) regarding how this proposed development will tie in with the Square and any additional information regarding your vision for this connection. See item 1 in the proffer section on pages 5 and 6 of this letter for a suggested use for the area near the square.

See attached comments from VDOT regarding this issue. This remains an outstanding issue with VDOT.

Based on our conversation with Troy at the last meeting, we have modified the connection from the square to the intersection of Library Avenue and High Street (F-B on the Barnes Lumber Conceptual Plan) to include a mini roundabout. If, during final road design, this is deemed infeasible, we will adjust the radius of the turn to meet VDOT requirements.

- To be clear of the intent, a note should be included on the Land Use and Block Density Chart that explains that it is for illustrative purposes only and is not being proffered with the conceptual plan.
- A note to this affect has been added.
- The plan provided shows an adjacent area for development (CSX property) within this proposal that you do not own. It is not recommended that you show development on property you do not own. However, the CSX property is designated for industrial types of uses. Also, the recommendation for the CSX property is an



important one in the CMP for the downtown area. As a result, the uses proposed for the CSX property should be included in other portions of your site, particularly for the areas adjacent to the CSX property. We suggest the CSX property either be removed from this plan or if you wish to show it, you can note or delineate this area in a different way on the plan. **Regarding the explanation in reference to being successful in negotiating a purchase agreement with CSX, and wanting to add the CSX site to the ZMA and SUP request, there should be a contingency plan in case negotiations for the CSX property take longer than anticipated. If possible, the contingency language should include a provision for the CSX property that allows the property to be included in this ZMA and SUP requests should these legislative acts get approved, so that an amendment is not needed to include the CSX property at a later date.**

- We have included with this submission an agency authorization letter from CSX. The letter designates Milestone Partners as authorized agent for CSX in the rezoning of the Crozet property owned by CSX and indicates that we are in the process of finalizing a purchase contract for the Property.
- There are concerns with the Main Street road layout as shown. It appears to have on-street parking and a round-about. The Crozet Master Plan (CMP) shows a street section for an Avenue, which includes on-street parking, a median strip, bike lane, sidewalk and a landscape strip. Will the main road shown on the plan be able to accommodate this? If yes, explain how this is planned.

The CMP shows a typical section for an Avenue inclusive of a median strip. The revised street section shown on the conceptual plan does not include a median strip. The street section shown in the 2010 CMP was carried over from the 2004 CMP. There are many downtowns with streets that do not include median strips.

As indicated in our prior submittals, we don't believe a median is appropriate for a downtown retail district like Crozet. VDOT and the County Engineer seem comfortable with this proposed change. Per their recommendation, we have removed dimensions from the road cross sections. This will be addressed during review of final road plans.

- Will this development be phased? If yes, please describe the phase plan. For example, are there specific blocks or areas that will be developed first? We suggest you use a block approach. It will be easier to follow and easier to reference as you develop proffers. A block approach is helpful for distinction purposes.

A phasing plan is provided in the proffers and in the response letter to staff. The phasing plan in the response letter to staff refers to the extension of Library Avenue from Point B to Point C and to the end of blocks 4 & 5 to Parkside Village. Is it to the end of blocks 4 & 5 or to Parkside Village? The phasing plan in the response letter also describes iii. The extension of library Avenue from point A to Bconstructed on or before issuance of the 26th building permit. It seems this should be phase I



The two phasing plans are not consistent with each other. Which plan do you wish to go by? The phasing plan described in the proffers is somewhat confusing. It is recommended that the phasing of Library Avenue be revised to be clearer. Is it possible to build Library Avenue all the way out in phase I? The block phasing plan provided in the last submittal is correct. The road phasing plan is as follows: (please refer to the Conceptual Plan)

1. Extension of Library Avenue from point C to Parkside Village (point E) shall be completed in conjunction with the first phase of development in Block 7 and/or 8.
 2. The extension of High Street from G to F and Library Avenue from A to B on the Conceptual Plan will be completed in conjunction with the first phase of Commercial development in Block 1.
 3. The extension of Library Avenue from point B to C will be completed in conjunction with the first phase of development in Blocks 2, 3, 4 or 5 or in prior to the issuance of the 26th Certificate of Occupancy in blocks 7 & 8, whichever occurs first.
- The concept for the community green is not clear. Is it public owned/dedicated, private, or a combination of both? Is the Downtown community green, the proposed plaza area? If yes, is this area intended for general public use or is it intended for use by private entities with restaurants, etc. It could also be an area that includes both types of users, but this is not clear. It seems the community green/plaza should be accessible to the community and not necessarily tied to a particular building or use. With block designations it is easier to reference and provide more possible flexible locations for a community green/plaza. Explain how the proposed plaza area will function as a public space with a road intersection going through the middle of it. It is difficult to visualize how this public space will work. What is the intent of the community green? And how will it function? **See previous bullet two above for discussion on the community green.**
 - The plaza proposed for the area around the intersection of Library Avenue and High Street is envisioned as a European style piazza that will accommodate vehicular traffic in but show a preference for pedestrian activity. This civic space is anticipated to be primarily hardscape but will include generous landscaping, as well as outdoor seating and dining areas. There is potential to develop an area adjoining the plaza into a downtown park that could be used for farmer's markets, concerts and other civic gatherings. The applicant does not own the adjoining property at this time.
 - Previous plans for this development showed green space in the non-residential areas. This revised plan shows pocket parks primarily in the residential areas. Pocket parks and/or green space can be located in the non-residential portions of the development as well. It is encouraged and recommended in the CMP. **Pocket parks are no longer shown on the revised plan. The revised proffer as discussed above in bullet two could possibly address this concern, but**



there is not enough information provided to be sure of this.

- As indicated above, there will be no less than 5% of the 15% green/civic space located in the areas shown in red and/or purple.
- With regards to parking, you have discussed some of your concerns in previous communications regarding the financial difficulty in providing structured parking versus providing large amounts of surface parking, therefore, taking up space from potential development. Without knowing the specifics of the uses going into this development, it is somewhat difficult to determine how much parking will actually be needed. In trying to understand your concerns, are you trying to provide parking for a specific potential user? A variety of approaches could be considered: As in Stonefield, there is a larger schemed plan that is approved (i.e. future structured parking), but for a variety of reasons, the developer is not ready to develop to this form, so they are developing based on the current market (surface parking), and hopefully will be able to revisit the large plan when the timing is appropriate. Per the DCD, the details for the number of required parking spaces could come later in the process, unless there is a specific end result you wish to achieve now rather than later. Another approach could be similar to Stonefield in that you make a big picture plan and provide flexibility that allows you to build for the current market and increase what you provide when the appropriate density allows it.

Section 20B.4 of the Zoning Ordinance provides some options regarding required parking. Although there are a minimum number of parking spaces required, there is no maximum amount of required parking spaces. In developing this property we suggest you always keep the intent of the DCD in mind. Perhaps you have to initially develop for the current market (surface parking) and phase (structured parking) for the future, goals that are currently hard to reach, but could be easier as the market improves. This is a small downtown, surrounded by a fair amount of existing residential neighborhoods. The CMP envisions residents walking, and biking to the downtown as well. Providing multi-modal opportunities is also encouraged. It is difficult to fully comment on your parking concerns without having all the details/information regarding your proposal. However, it is not necessary for us to have all the details at this time. Perhaps you are proposing to develop this property at a larger scale than is necessary. The need for 3 times the required parking appears that the commercial buildings proposed might be larger than the DCD intends, since the DCD describes parking for non-residential uses at one (1) space per one thousand (1,000) square feet of net floor area. The County does not currently have plans to provide a parking deck to the Crozet Library. The expectation for public parking at the library is that the parking is available for public use when the library is not in business operation.

Per my emails last week, this issue needs to be addressed but is not an immediate issue with this rezoning. We believe the County needs to develop a long range parking plan for the DCD.

- It should be



noted on the revised plan that all roads shown on the plan will be public.

Zoning

See the proffer section of this letter for comments related to zoning matters provided by Francis MacCall.

Engineering and Water Resources

See the attachment for comments related to engineering and water resources, which have been provided by Glenn Brooks. Staff has just received the traffic study for this proposed rezoning via electronic mail on April 15, 2014. Comments regarding the traffic study will not be expected for at least 4 weeks.

VDOT

See the attachment for comments related to transportation issues for the ZMA and SP, which have been provided by Troy Austin. Staff has just received the traffic study for this proposed rezoning via electronic mail on April 15, 2014. Comments regarding the traffic study will not be expected for at least 4 weeks.

[Per the Traffic Study findings, signals may be needed at both the Library Avenue and Jarmans Gap intersections on Crozet Avenue. However the signals will not meet VDOT signal spacing guidelines. At this time, we are not proffering funds for a signal at any off site intersection. We remain committed to finding, and helping to fund alternative access to Rte 240 from the Barnes Lumber site.](#)

Entrance Corridor

The following comments related to the Entrance Corridor Guidelines have been provided by Margaret Maliszewski:

- It is anticipated that the development will be inward oriented. Nevertheless, the elevations of buildings visible from the Three Notch'd Road and Crozet Avenue Entrance Corridors should not have a "back of building" appearance. The ARB will expect fully designed elevations with careful attention to materials, colors, details, proportions and the relative scale of buildings to each other. The applicant may find that a work session with the ARB could provide the needed guidance in this regard.
- Standard Entrance Corridor landscaping will be required and will be reviewed with the site plan. A landscape strip will be needed along the railroad side of the development, free of utilities and easements. Allow for utility-free planting area along all streets, parking areas, cul-de-sacs, hammerheads, etc. Note that the purpose of the Entrance Corridor overlay is to establish buildings that have an appropriate appearance, and to enhance the development with landscaping. It is not the intent of the EC overlay to use landscape



screening to hide inappropriately designed development. In response to the applicant's question, there is no plan for TMP: 56A201J124.

- The Crozet Historic District was listed in the Virginia Landmarks Register on 9/20/2012 and in the National Register of Historic Places on 11/28/2012. This comment was originally made in response to a statement in the applicant's materials that the district was "proposed". There are no additional regulations related to the historic district. The designation is confirmation that the historic character of the area is significant, a factor also recognized in the Entrance Corridor overlay.

ASCA/RWSA

See the attachment for comments related to water and sewer services, which have been provided by Alexander Morrison.

Fire/Rescue

The following comments related to Fire/Rescue have been provided by Robbie Gilmer:

There are no comments or objections to the rezoning.

Housing

The following comments related to housing/affordable housing have been provided by Ron White:

- We assume compliance with the affordable units would be based on approval of site plans. The proffer language needs to be tighter than referring to "areas shown in yellow and purple" particularly since there are two purple areas (one dark and one lighter indicating future development). Also, it would be much clearer if the last sentence in proffer 4 stated that "The subsequent owner/builder shall create for-sale units with sales prices not exceeding sixty-five percent (65%) of the Virginia Housing Development Authority's maximum sales prices for first-time homebuyers and for-rent units with gross rents not to exceed Fair Market Rents as published by the U.S. Department of Housing and Urban Development." The current proposal referencing 80% of area median income and PITI is often confusing. The alternative is to just state that the subsequent owner/builder shall create affordable units as described in A and B adding the definition of affordable in each of those sections.

Proffers

The following comments related to the proffers are provided by Claudette Grant:

1. For your reference, please see the following example for proffer language when a conceptual plan is proffered:



Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the Owner hereby voluntarily proffers the conditions listed below which shall be applied to the Property if it is rezoned to the zoning district identified above. These conditions are proffered as a part of the requested rezoning and the Owner acknowledges that the conditions are reasonable.

1. Development and use shall be in general accord with the Plan titled "Sheet 2 of 2" prepared by Roudabush, Gale & Associates, Inc. dated February 1, 2013, and revised July 12, 2013 (hereafter the "Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Plan, the development and use shall reflect the following major elements in the approximate location, number and extent as shown on the Plan:

- a. The Property shall not be divided into more than three (3) lots, including the Residue Lot 1 shown on the Plan.
- b. Existing sidewalk immediately adjacent to the proposed driveways for lots 2 & 3 will be maintained. If the sidewalk mentioned above is damaged during installation of said driveways then it will be repaired so as to provide safe and convenient access as determined by the Zoning Administrator.

Minor modifications to the Plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. For your reference, please see the following example for proffer language dealing with cash in lieu of affordable units:

A. 15% Affordable Requirement. The Owner shall provide a mixture of affordable housing units and cash in lieu of affordable housing units equivalent to fifteen percent (15%) of the total residential dwelling units within the Project (the "15% Affordable Requirement"). The affordable housing mixture shall be comprised as follows:

(i). The Owner shall provide affordable housing dwelling units equal to at least seven and one-half percent (7.5%) of the total residential dwelling units within the Project in the form of for-sale or for-lease affordable dwelling units as described in this paragraph 1 (the "Affordable Dwelling Units" or "Affordable Units"). The Affordable Dwelling Units shall be comprised of one or more of the following unit types: single-family attached housing (townhouses or duplexes), condominiums or single family detached units. The Owner or its successor in interest reserves the right to provide the Affordable Dwelling Units in a variety of ways, utilizing the above mentioned unit types alone or any combination.

(ii) In lieu of each additional affordable dwelling unit that would otherwise be required to meet the remainder of the 15% Affordable Requirement for affordable housing within the Project after the Owner has provided the Affordable Dwelling Units referenced in Paragraph 1(A)(i), the Owner shall make a cash contribution to Albemarle County for the affordable housing program in the amount of Nineteen Thousand One Hundred Dollars (\$19,100) for each such unit (the "Affordable Housing Cash Proffer") as described herein. For example, if the total number of residential dwelling units within the Project is one hundred nine (109), 16 Affordable Units would be required to meet the 15% requirement. The Owner shall provide eight (8) Affordable Dwelling Units to satisfy the 7.5% requirement of paragraph 1A(i), and One Hundred Fifty-Two Thousand, Eight Hundred Dollars (\$152,800.00) (\$19,100 x 8) to satisfy the requirements of paragraph 1A(ii). Any unit for which the Affordable Housing Cash Proffer is contributed as provided herein shall count as an Affordable Dwelling Unit for purposes of this Paragraph 1, but as a market rate unit for purposes of Paragraph 2.

(iii). If the 15% Affordable Requirement has not already been satisfied as determined by the County pursuant to these proffers prior to the issuance of the building permits for each of buildings C, D, and H shown on the General Development Plan, the Owner shall either demonstrate to the County's satisfaction that at least 15% of the residential dwelling units in such building will be Affordable Dwelling Units, or the Owner shall pay the Affordable Housing Cash Proffer to the County in lieu of each Affordable Dwelling Unit



that would otherwise be required to be paid to achieve the 15% Affordable Requirement for the building being permitted. Notwithstanding the foregoing, however, the Owner may “carry-over” or “bank” credits for affordable units in the event previously built buildings within the Project provided more than 15% Affordable Units, or in the event the Owner has paid the Affordable Housing Cash Proffer for an equivalent number of units (“Affordable Credits”). Any such additional Affordable Credits shall be allocated toward the fifteen percent (15%) minimum for the buildings that remain to be constructed of buildings C, D and H as shown on the General Development Plan.

3. **The language in Proffer 1 (b.) referring to VDOT needs to be revised. What are Detail 1 and Detail 2 referring to? This language has been modified in the updated proffers.**
4. The 15% allotted for affordable housing should be based on all the housing provided in the development, not just the housing provided in the special use permit. If you see this differently you should explain this. **Residential use is a by-right use within the DCD. However, this is a rezoning request. This property is currently zoned HI, not DCD, and residential uses are allowed by special use permit in the HI district. It is not clear but appears you have separated the areas where affordable housing can take place. Please clarify this, as it could be difficult to enforce. The policy calls for 15% of all residential units in a development, not 15% of certain units. What determines the build out for this development? How do you know when you get to the 15%?**
We have revised the proffers to address this issue. We will proffer affordable housing as part of the rezoning, not the special use permit. See the proffers for specific terms and conditions.
5. **Proffer 4 B. (3) the first sentence has a typographical error “then then” This has been corrected.**
6. 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. All rezoning requests which intensify development of a property are reviewed for impacts to the public infrastructure. The County policy also requires 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. The Board will accept cash proffers for rezoning request that permit residential uses in accordance with the cash proffer policy. 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. You have indicated that you are not offering cash proffers for various reasons. The impacts of this proposal are considered. **This remains an outstanding issue. So noted. We agree that the Board of Supervisors will need to make the decision.**

The following comment related to the proffers and zoning concerns have been provided by Francis MacCall:

1. Please verify the 16.64 acres for the rezoning (recorded plats). Our current records has the total for the two parcels being 18.703 not 16.64.
2. Refer to the Conceptual Plan as the Conceptual Plan throughout the proffers. There are some “Concept Plan” and “Barnes Lumber Conceptual Plan” references.



3. Start the proffers with the paragraph that starts as follows” The Conceptual Plan shall refer to that certain...” The second proffer should be what is shown as #1.
4. In Proffer #1 on the statement provided letter “b”, it is suggested that the last sentence be worded something like this “This segment of Library Drive shall be completed at the earlier of either prior to the issuance of any final certificate of occupancy for any building in Block1 or prior to the issuance of any final certificate of occupancy for the twenty-sixth (26th) dwelling unit in Blocks 7 and 8.” This is subject to County Attorney approval of final language.
5. There appear to be parts of Proffer #2 in the statement provided that should be a condition of the special use permit for the residential units and it seems that portions of proffer #2 could be a proffer. This will need to be vetted with the County Attorney to see what the most appropriate action will be. Staff anticipates the next proffer re-submittal going to the County Attorney for review and will pose this issue at that time.
6. Proffer #3 in the statement provided should remove the reference to Open Space and only have Green Space, civic space etc... It is suggested that the 15% be tracked by designating the same language as is in Proffer #4 regarding the tracking of affordable units with site plans and subdivisions. Knowing that we want this Green and Civic space spread out throughout the development this wording should be revised with how the County would like to see that broken down per area block of group of blocks.
7. Proffer #4 in the statement provided the first sentence should refer to blocks 4, 5, 6, 7 and 8 not by the colors since all of the other proffers are referring to blocks.

[These comments have been addressed in the revised Proffers.](#)

SP **Planning**

The following comments are provided by Claudette Grant:

- Staff will provide conditions for the special use permit.

