

COUNTY OF ALBEMARLE

EXECUTIVE SUMMARY

AGENDA TITLE: ZTA 201300006 Residential and Industrial Uses in Downtown Crozet Zoning District (DCD)	AGENDA DATE: November 12, 2013
SUBJECT/PROPOSAL/REQUEST: Amendments to DCD Sec.20B.2 to: allow by special use permit residential uses of any authorized dwelling type in the DCD without requiring first-floor non-residential uses; allow Laboratories/Research and Development/Experimental Testing by right; and allow Storage/Warehousing/Distribution/Transportation and Manufacturing/ Processing/Assembly/Fabrication/ Recycling by special use permit. Amendment to add factors when considering special use permits (Sec. 20B.8).	ACTION: X INFORMATION:
STAFF CONTACT(S): Wayne Cilimberg, Amelia McCulley and Greg Kamptner	CONSENT AGENDA: ACTION: INFORMATION:
	ATTACHMENTS: Yes
	Unanimously adopted by the Board of Supervisors (BOS) at their December 11, 2013

BACKGROUND:

On October 22, 2013, the Planning Commission passed a resolution of intent (Attachment A) to consider amending the DCD to permit a broader range of light industrial uses either by-right or by special use permit and to allow first floor residential uses by special use permit.

ORIGIN: On September 16, 2013, an application was made requesting that the County amend the uses permitted by special use permit in the DCD to add residential uses on the first floor of attached single family dwellings. Currently, residential uses are allowed by special use permit only on the first floor of detached single family dwellings and by-right on floors above the first floor provided that the first floor is occupied by a non-residential use.

PROPOSAL: The proposed zoning ordinance amendments (Attachment B), consistent with the October 22nd Commission resolution of intent, build off of the changes requested in the above-noted September 16th application, but would allow first floor residential uses by special use permit in *all* residential structure types, not just detached single family as currently provided for in the DCD or attached single family as requested in the application. In addition, the amendments propose a change that was missed earlier this year when provision was made for industrial uses in commercial zoning districts with ZTA201200013. That ZTA introduced by-right industrial uses in commercial districts by-right, by special exception or by special use permit, depending on the use type and the commercial district the uses would be located in, but did not also include the DCD. The DCD, within which commercial uses are intended to be a primary use, closely parallels the lower intensity conventional commercial districts and, therefore, the potential to similarly treat the DCD is also covered by the resolution of intent. Finally, the proposed amendments include additional factors to be considered when evaluating residential and non-residential special use permits in the DCD. No such factors currently exist in the DCD.

PUBLIC PURPOSE TO BE SERVED: As regards the Downtown Area, the Crozet Master Plan recognizes and the DCD provides for a mix of retail, service, office/R&D/flex/light industrial and civic uses as primary uses with other light industrial and residential uses as secondary uses. Furthermore, one of the short-term priorities of the County's Economic Development Policy is to initiate zoning text amendments that further enable business and industrial uses in appropriate zoning districts. The proposed zoning ordinance amendments are consistent with the DCD's intent to allow flexibility and variety of development in the DCD and also allow for additional opportunities for business development and job creation consistent with the County's Economic Development Policy.

ORDINANCE AMENDMENT CRITERIA:

Based on prior Board direction, staff reviews ordinance amendment impacts under the following additional criteria:

Administration / Review Process: Amending the industrial allowances in the DCD to be more uniform with those permitted in similar commercial districts allows for more consistent administration. Creating a common allowance for first floor residential uses in all structure types simplifies interpretation and administration. Inclusion of factors to be considered when reviewing non-residential and first floor residential special use permits will provide greater clarity for staff’s reviews as well as more guidance and predictability for applicants.

Housing Affordability: The amendments create the potential for increased and varied housing availability in a mixed use setting potentially close to services and jobs. Together, this creates the potential for more affordable living opportunities due to greater housing choices and reduced transportation costs.

Implications to Staffing / Staffing Costs: Nothing significant anticipated. There is the potential for a limited number of additional special use permit applications with the broadened allowance for first floor residential and certain industrial uses. These special use permits are fee-based.

STRATEGIC PLAN:

- Goal 3. Encourage a diverse and vibrant local economy.
- Goal 5. Ensure the health and safety of the community.

DISCUSSION:

The draft ordinance (Attachment B) provides the following:

CURRENT DCD PROVISIONS	PROPOSED DCD PROVISIONS
By-Right:	By-Right:
1) Upper floor residential as apartments in SF/MF dwellings; upper floor residential in attached SF (ex. TH)	1) No change.
2) Laboratories and R&D	2) Lab/R&D/Experimental Testing
By SP:	By SP:
1) 1 st floor residential in detached SF	1) 1 st floor residential in all residential use types
2) Manufacturing, processing, fabricating, assembling and distributing products	2) Manufacturing/Processing/Assembly/Fabrication/Recycling; Storage/Warehousing/Distribution/Transportation
Additional Factors When Considering SP:	Additional Factors When Considering SP (non-res./1 st floor res.):
1) None	1) Consistency with Crozet MP Downtown Area and DCD purpose and intent; complements adjacent uses and contributes to mix of uses; convertibility of structure for by-right uses

The DCD’s intent in not allowing first floor residential by-right is to promote opportunities for vertical mixed use typical of a downtown setting. Expanding the special use permit allowances on first floors to include all residential types responds to the applicant’s September 16th request while providing broader opportunities to consider first floor residential development in horizontal mixed use settings where appropriate on a case by case basis.

The amendments also generally equalize industrial terminology and allowances in the DCD with those in the Commercial Office (CO) district, the conventional commercial district of lowest intensity. The only distinction is that the CO only permits Lab/R&D/Experimental Testing up to 4,000 square feet by-right (above 4,000 square feet by special exception) while the proposed DCD change has no square footage limitation. This is in recognition of the fact that Laboratories and R&D are already permitted by-right without such limitation in the DCD.

On October 17, 2013, these potential amendments were discussed with the Crozet Community Advisory Council who generally supported the changes with the proviso that any proposal requiring a special use permit that would be provided for by the ZTA will need to be assessed for its consistency with the purpose and intent of the DCD. They particularly did not want the DCD to become a de-facto residential district through special use permit approvals. Sec. 20B.8, which lists additional factors to be considered for special use permits, is intended to address this concern.

BUDGET IMPACT:

No increase in expenditures for staff anticipated. Some additional revenue through fees anticipated. Additional development that might result from these amendments would increase the County tax base.

STAFF RECOMMENDATION: Staff recommends adoption of the ordinance language found in Attachment B.

PLANNING COMMISSION MOTION

A. Should a Planning Commissioner **choose to recommend approval** of this Zoning Text Amendment:
Move to recommend approval of the draft ordinance in Attachment B.

B. Should a Planning Commissioner **choose to recommend denial** of this Zoning Text Amendment:
Move to recommend denial of the draft ordinance in Attachment B. *Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.*

Attachments:

Attachment A: [October 22, 2013 Resolution of Intent](#)

Attachment B: [Proposed Zoning Text Amendments](#)

Attachment C: [Crozet Master Plan Downtown Map](#)

Attachment D: [Crozet Downtown Zoning Map](#)

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[Return to agenda](#)