OLD IVY RESIDENCES

PRESERVED SLOPES ZONING MAP AMENDMENT ZMA 2021-00009

July 19, 2021 Amended: November 15th, 2021 Amended: February 7th, 2021

PREPARED BY:



TIMMONS GROUP

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Introduction

A zoning map amendment is being requested per Section 30.7.6 of the Albemarle County Zoning Ordinance, to convert an area of preserved slopes to managed slopes within the Old Ivy Residences proposed development. The slopes that are being requested for reclassifcation, while 25% or greater in slope, are misclassified as preserved slopes and better described as managed slopes, as they are manufactured, which is made evident from previous documented site plans. Furthermore, the overall development plan is to reduce the area of these steep slopes, laying back the slopes, further reducing concerns of erosion and downhill degradation of waterways.

While these slopes are being requested to be changed to managed slopes, there is a recognition of the County's goal, related to steep slopes, to reduce "rapid and/or large-scale movement of soil and rock, excessive stormwater run-off, siltation of natural and man-made bodies of water, loss of aesthetic resource ... all of which constitute potential dangers to the public health, safety and/or welfare." With that in mind, this application will discuss the following related to the conversion of these slopes to managed slopes:

- Explore the existing conditions and designation of this area as preserved slopes versus managed slopes.
- Protection and enhancement of adjacent and downstream land.
- Mitigation efforts to eliminate effects of slope impacts

Existing Conditions

The property containing the currently designated preserved slopes within the development (parcels 06000-00-024C3, 06000-00-0024C4* and 06000-00-024C1*) is located off Old Ivy Road and the 250/29 bypass within Albemarle County. The subject portion of the property is adjacent to parcels 06000-00-024C and 06000-00-05100 (which are under the same ownership) to the east and the 250/29 bypass to the west, as shown below:

*Note: TMP 60-24C4 was "created" by virtue of certificate of take (C-798017) at D.B. 1761, PG. 614. The certificate of take was then invalidated by the order found at D.B. 5330, PG. 110 and ownership reverted to the Now Filthy Beast, LLC. The invalidation of the certificate of take had the legal effect of eliminating the boundary between parcels 24C4 and 24C1, such that now they are once again combined into a single 5-acre parcel 24C1. Thus, the steep slopes being requested to be amended are within parcel 24C1 despite being shown in parcel 24C4 on the County GIS. Further, the surveyed location of the lot line (certificate of take) between lots 24C4 and 24C1 was found to be in a different location than Albemarle County GIS shows which also places preserved slopes on parcel 24C1. As such, reference to parcel 24C1 has been retained in this request.



Figure 1: Slopes to be converted to Managed Slopes

Per Albemarle County GIS, there are designated <u>preserved slopes on this parcel, comprising an area of</u> <u>approximately 1.55 acres</u> (outlined in green above). Per Section 30.7.3, the origin of preserved slopes is defined as natural features protected by county action from land disturbing activities. However, both of the preserved slope areas identified on-site appear to be the result of human activities. Historical imagery shows that slope "A" (adjacent to the 250/29) was a result of activity on the site in the early 1990's. Slope "B" was a result of waste fill generated from the North Grounds Connector Road project in the mid 2000's (see **Figure 2 & Appendix A** for further details). Under normal conditions outlined in Section 30.7.3a, this would likely lead to the classification of these steep slopes as managed slopes; however, they are currently classified as preserved slopes. We believe that the history of these slopes is an important factor in the consideration of this zoning map amendment to reclassify the slopes as managed.

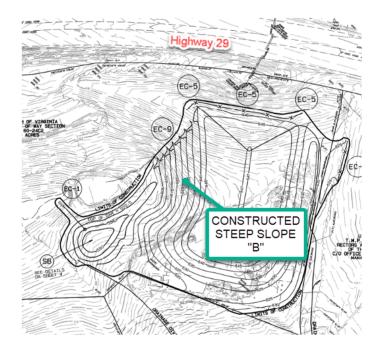


Figure 2: Excerpt from North Grounds Connector Road Project

Protection of Adjacent and Downstream Land

Protection of adjacent and downstream land is an important consideration for any development, but particularly one that has both intermittent and perennial streams located within it. As noted below, development has been located to limit removal of forested areas, while protecting the natural area of the Rivanna Trail. Additionally, the impacts to the slopes will reduce the steepness of these areas, as well as the overall runoff across these slopes, reducing risks of erosion and/or slope failure.

Proposed with the Old Ivy Residences rezoning application is a new residential development on the subject property. The proposed development has been laid out to limit disturbance to the steep slopes, while maximizing the conservation of forested areas, particularly adjacent to the existing Rivanna Trail, as much as possible (see **Figure 3**). Specifically, the development layout focuses on utilizing space already impacted by the existing farmland to minimize the disturbance to the surrounding forested areas, as well as some of the managed slopes which are identified in these areas. By impacting a portion of the currently designed preserved slopes, the neighborhood layout can better preserve existing natural forest, which provides an invaluable amenity to the neighborhood, prevents additional environmental concerns associated with deforestation (erosion, stormwater quality, habitat, etc.), and provides a greater degree of conservation. Given the history of the slopes on-site, Greystar and the design team agree that these forested areas hold a higher environmental value on the site than the previously disturbed, man-made slopes.

Moreover, the impact to these slopes will result in a reduction to the stormwater that drains across this area, as the slopes will be reduced (the grade proposed is to cut these areas down in elevation), while

also capturing runoff in a stormwater conveyance (pipe) system, reducing overland flow and the total amount of runoff that these steep slope areas currently are subject to from a stormwater volume perspective. This change will result in a reduction to the potential of erosion over the remaining slopes, since those areas will see a limited amount of drainage over top of them.

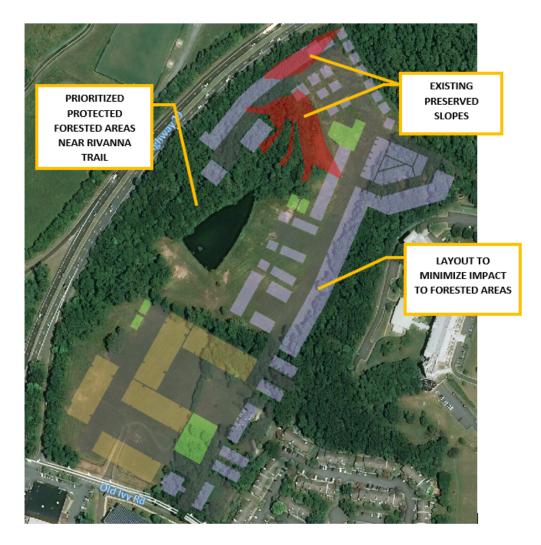


Figure 3: Residential Layout to Minimize Impacted Forested Area

The proposed impacts to the existing preserved slopes are as shown in **Figure 4** below and included in **Appendix A**:



Figure 4: Areas of Preserved Slope Disturbance On-site

Mitigation Efforts

In order to protect downstream land, adequate erosion control measures reviewed and approved by Albemarle County will be implemented during construction to mitigate runoff while preserved slope disturbance takes place. More specifically, downstream measures, such as wired-backed silt fence and sediment traps/basins will be required. Each of these measures will be placed in a way to ensure protection of the downstream lands, including the pond and beyond.

Furthermore, the overall project is proposing to desilt and improve the existing pond to enhance the ecological benefits for the local habitat, improve the environmental impacts by adding vegetation and aquatic benching, while providing volume to meet stormwater quantity requirements.

Summary of Justification for Rezoning

While the steep slopes overlay district strives to protect preserved slopes within the County, it also affords relief through the zoning map amendment process when certain slopes are outside the criteria of those considered preserved slopes. Given that these preserved slopes were previously disturbed and generated by construction and waste fill, it stands to reason that they should be considered managed slopes. Additionally, even with this designation, the proposed impacts will further enhance the downstream waterways. While the proposed impacts do reduce the steep slopes within Albemarle

County, they ultimately enhance and improve downstream receiving waters, providing a betterment for the County, environment, and future population that resides at the Old Ivy Residences.

As further justification for reclassifying these slopes, a critical analysis of each section of the zoning ordinance regarding the classification of slopes and how they relate to the slopes in this request is included below:

Managed slopes. The characteristics of managed slopes are the following:

- (i) the contiguous area of steep slopes is limited or fragmented;
 The two areas of steep slopes are not contiguous and are separated from each other.
 There are no other steeps slopes in close proximity.
- (ii) the slopes are not associated with or abutting a water feature, including, but not limited to, a river, stream, reservoir or pond;
 While there is a man-made pond nearby on the property, these slopes are not located in close proximity where they would be considered associated with this water feature.
- (iii) the slopes are not natural but, instead, are manufactured;
 As described in further detail in this narrative, these slopes are manufactured.
- (iv) the slopes were significantly disturbed prior to June 1, 2012;
 Slope "A", as shown on historical imagery, was a result of activity on the site in the early 1990s. Slope "B" was a result of waste fill generated from the North Grounds Connector Road project (now known as Leonard Sandridge Road) in the mid-2000s as shown in Figure 2 & Appendix A. Additionally, these slopes appear to have been created prior to the adoption of the Water Protection Ordinance in 1998.
- (v) the slopes are located within previously approved single-family residential lots; or
 The slopes are not located within previously approved single-family residential lots.
- (vi) the slopes are shown to be disturbed, or allowed to be disturbed, by a prior county action.
 While the slopes have not been shown to be disturbed in a prior County action, since
 UVA is not subject to County requirement, the North Ground Connector Road project
 (now known as Leonard Sandridge Road) did not have to go through County approvals,
 however, there is a plan that shows the creation of Slope "B" with that project. We have
 not found prior approval for the creation of Slope "A", however it is clear in the
 historical imagery that these slopes were man-made in the 1990s. Additionally, these
 slopes appear to have been created prior to the adoption of the Water Protection
 Ordinance in 1998.

Preserved slopes. The characteristics of preserved slopes are the following:

(i) the slopes are a contiguous area of 10,000 square feet or more or a close grouping of slopes, any or all of which may be less than 10,000 square feet but whose aggregate area is 10,000 square feet or more;
 Both areas of slopes are contiguous of 10,000 square feet or more.

- (ii) the slopes are part of a system of slopes associated with or abutting a water feature including, but not limited to, a river, stream, reservoir or pond;
 While there is a man-made pond nearby on the property, these slopes are not located in close proximity where they would be considered associated with this water feature.
- (iii) the slopes are part of a hillside system;
 The slopes are not a part of a hillside system, but rather are located near a major roadway system.
- (iv) the slopes are identified as a resource designated for preservation in the comprehensive plan;
 The slopes are identified as preserved within the master plan, however, these slopes are manufactured and therefore, should not be considered a resource.
- (v) the slopes are identified as a resource in the comprehensive plan;
 The slopes are identified as preserved within the master plan, however, these slopes are manufactured and therefore, should not be considered a resource.
- (vi) the slopes are of significant value to the entrance corridor overlay district; or
 The ARB staff planner, Margaret Maliszewski, has not identified these slopes as
 significant value to the entrance corridor overlay district. Nor do we have any reason to
 believe that these man-made slopes add value to the entrance corridor.
- (vii) the slopes have been preserved by a prior county action, including, but not limited to, the placement of an easement on the slopes or the acceptance of a proffer or the imposition of a condition, restricting land disturbing activity on the slopes.
 The slopes have been identified as preserved within the master plan, however, these slopes are manufactured, a result of construction and waste fill.

Appendix A

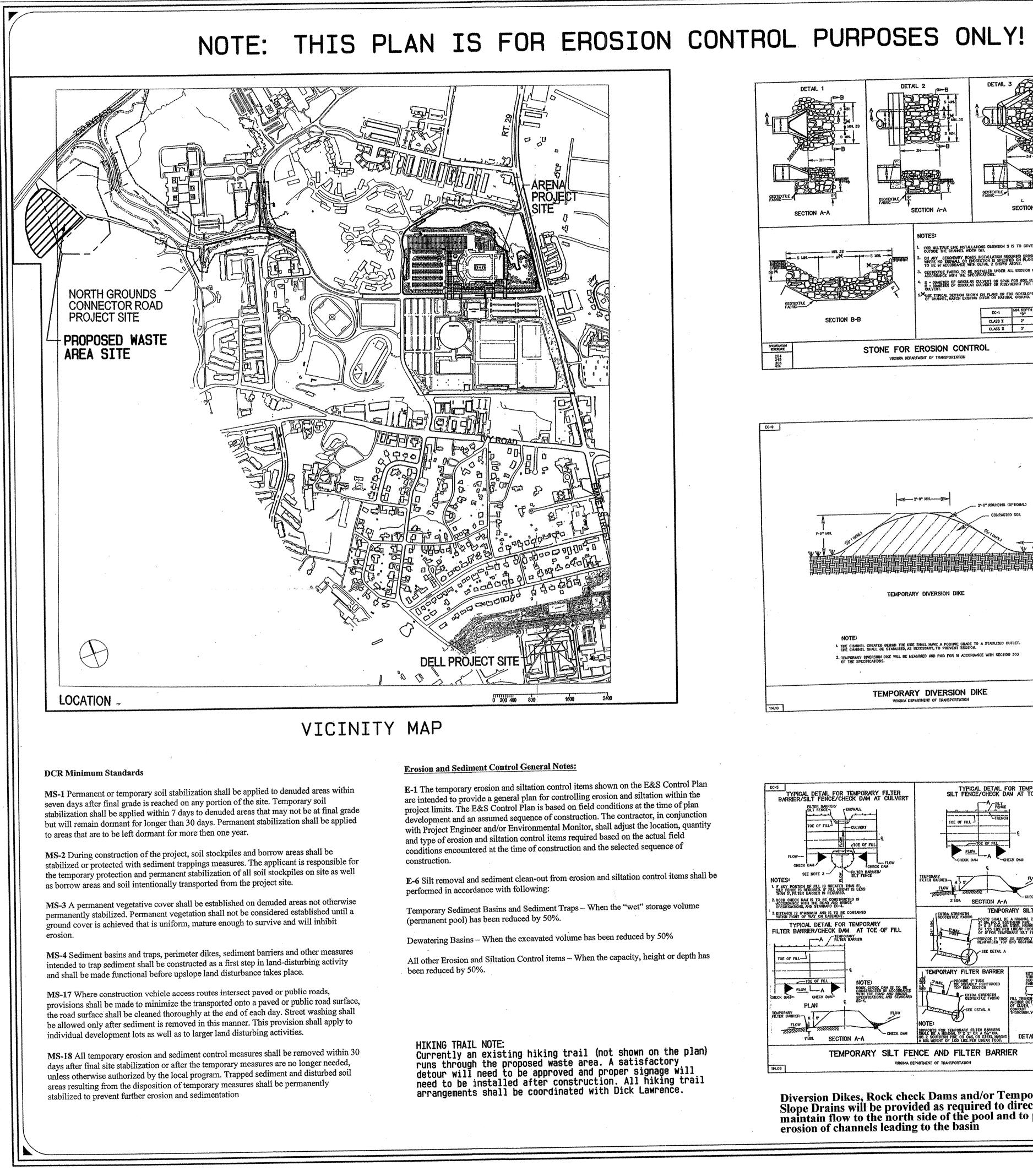
OLD IVY HISTORICAL IMAGERY

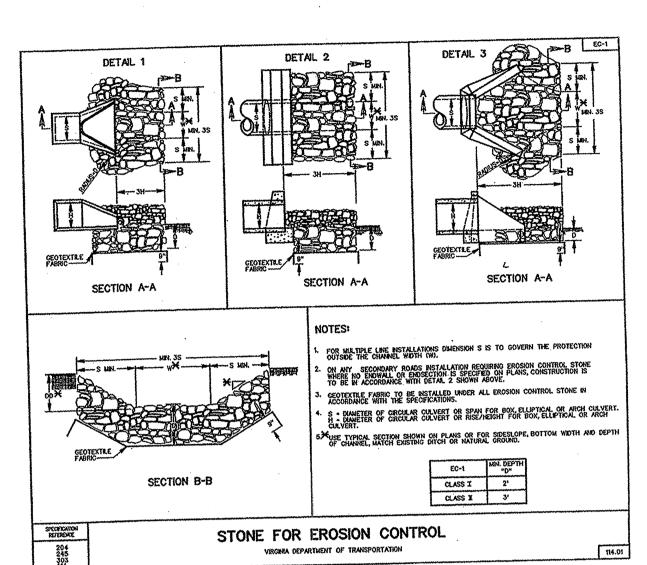
NORTH GROUNDS CONNECTOR ROAD PROJECT WASTE FILL PLANS

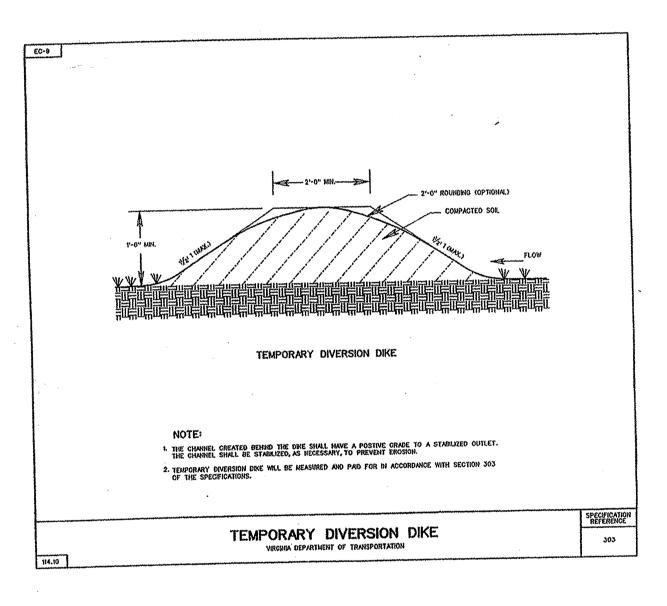
OLD IVY SITE PLAN

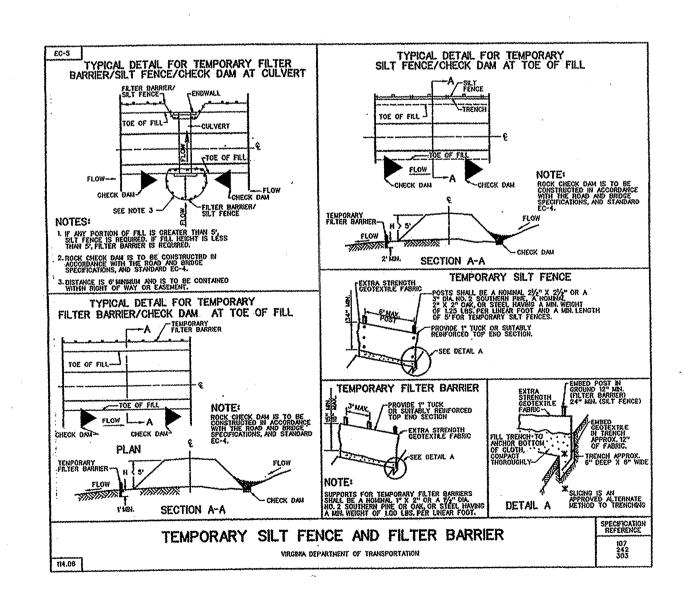












Diversion Dikes, Rock check Dams and/or Temporary Slope Drains will be provided as required to direct and maintain flow to the north side of the pool and to prevent erosion of channels leading to the basin

GENERAL NOTES: 1. THE CONTRACTOR SHALL CONTACT "MISS UTILITY OF VIRGINIA" (1-800-552-7001)	NING NING NING NING
AT LEAST 48 HOURS PRIOR TO BEGINNING WORK IN ORDER TO DETERMINE THE EXTENT AND LOCATION OF ALL UNDERGROUND UTILITIES WITHIN THE PROJECT LIMITS. UTILITY COMPANIES WILL BE NOTIFIED THROUGH "MISS UTILITY" PRIOR TO ANY EXCAVATION OF GROUND PENETRATION.	OCLATES, IN LAND PLANNING PORATION CE 1956 LE, VIRGINIA 22902 LE, VIRGINIA 22902 INFO@ROUDABUSH.COM
2. ALL CONSTRUCTION METHODS AND MEASURES ARE TO BE IN ACCORDANCE WITH V.D.O.T. ROAD AND BRIDGE SPECIFICATIONS DATED 2002, THE ROAD AND BRIDGE STANDARDS DATED FEB. 1, 2001, AND THE VIRGINIA WORK AREA PROTECTION MANUAL	SOCI D LAND D LA
DATED JAN., 2003. 3. GRADING OF ALL SLOPES SHALL BE KEPT TO A 2:1 MAXIMUM.	ASSO AND L CORPC A SINC
SURVEY INFORMATION NOTE:	
THIS PLAN IS BASED ON TOPOGRAPHIC AND SURVEY INFORMATION SUPPLIED TO FAULCONER CONSTRUCTION COMPANY BY PARSONS, BRINKERHOFF, QUADE AND DOUGLAS, INC. IT IS OUR UNDERSTANDING FROM FAULCONER CONSTRUCTION COMPANY THAT WE ARE AUTHORIZED TO USE IT FOR THE PURPOSE OF CREATING A WASTE AREA PLAN.	H, GALE & IG, SURVEYING B, SURVEYING B, SURVEYING B, SURVEYING B, SURVEYING B, SURVEYING B, FAX 434-296-5220
	ABUSH VEERING, PROFE SERVING 4 MONTICELL
Disposal Areas Note Based on Memorandum of Agreement with Virginia Department of Environmental Quality And Current Solid Waste Regulations	
Materials that cannot be disposed of in a disposal area:	
 Antifreeze Asphalt (liquid) Building forms Concrete with exposed rebars Curing compound Fuel Hazardous materials Limbs Lubricants Metal Metal pipe Oil Paint 	REVISIONS APRIL 14, 2005 VDOT & DCR COMMENTS
 Stumps Tree trunks Wood or metal from building demolition 	
Materials that may be disposed of in an approved disposal area:	DATE
 Asphalt (solid) Brick 	Jan. 6, 2005
 Cinder block Concrete (without exposed rebars) Dirt Rock 	SCALE AS SHOWN
Disposal areas located on VDOT rights-of-way must be covered with 2-feet of clean material, placed on a maximum 2:1 slope, and seeded with the seed mix recommended on the Roadside Development Sheet or with a recommendation from the Transportation Roadside Development Manager. If the area is predominately wet or has plants that appear to be wetland species – have the District Environmental Section look at it before placement of materials.	CONTOUR INTERVAL 2 FEET
Disposal areas located on private property must be covered with 2-feet of clean material placed on a maximum 3:1 slope and seeded with the seed mix recommended on the Roadside Development Sheet or with a recommendation from the Transportation Roadside Development Manager. If the area is predominately wet or has plants that appear to be wetland species avoid placement of material.	E AREA THE IECT
Stumps should not be buried either on or off state rights of way. However, if they are buried solid and vegetative waste regulations must be followed. These	TH T
 include: Notification of all adjoining property owners 14-days prior to opening the vegetative waste disposal site. Survey of site before material is buried and record in local courthouse. Survey at time of closure showing location of all materials buried, recording with property information in local courthouse. Notification of all adjoining property owners within 48-hours of closure. Installation of groundwater and methane gas monitoring wells. Monitoring materials collected in wells and reporting annually to Virginia Department of Environmental Quality on findings. Providing corrective measures should pollutants be detected in wells. 	DR PROPOSED WAS ONJUNCTION WITH NORTH GROUNDS NECTOR ROAD PRO COVER SHEET ALBEMARLE COUNTY, VIRGINIA
Stumps and tree trunks (non-merchantable timber) may be ground into mulch, stockpiled, and beneficially used. If stockpiled, the pile must be reduced by 75% within 12-months. Ground chips may be given away for use as mulch or fuel. Ground chips may be used to stabilize bare areas, however, they should not be piled more than 2-inches in depth if used for this purpose.	PLAN FOF IN CO CONN
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	JL

