



**ALBEMARLE COUNTY PLANNING
STAFF REPORT UPDATE**

STAFF CONTACT:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Tim Padalino, AICP, Senior Planner
March 19, 2019
TBD

PETITION:

PROJECT: SP201800016 Ecovillage Charlottesville – Preserved Steep Slopes
MAGISTERIAL DISTRICT: Rio
TAX MAP/PARCEL(S): 06100000021000
LOCATION: Rio Rd E, between Brookway Drive and Rockbrook Drive; existing addressed structures on the subject property(s) include 480 Rio Rd E.
PROPOSAL: Disturbance of preserved steep slopes to accommodate the development of private facilities (entrance, accessway, and parking) for the proposed “Ecovillage Charlottesville” residential development.
PETITION: “Private facilities on preserved slopes” pursuant to Zoning Ordinance (Z.O.) Section 30.7.4.b.2.
ZONING: R4 Residential, which allows residential uses by right (4 units per acre).
OVERLAY DISTRICT(S): Airport Impact Area; Steep Slopes – (Managed) and (Preserved).
COMPREHENSIVE PLAN: “Neighborhood Density Residential” which calls for residential use (3–6 units/acre) and supporting uses such as religious institutions, schools, and other small-scale non-residential uses; in the Development Area in Neighborhood 2 (Places 29).

DETAILS OF THE PROPOSAL – REVISIONS (resubmittal materials received 2/4/2019):

During the January 15, 2019 Planning Commission public hearing for SP201800016, staff identified three unresolved issues that should be addressed prior to staff being able to make a formal recommendation for approval: 1.) The need for the applicants to address and resolve outstanding issues related to the appropriate mitigation of reasonably anticipated impacts; 2.) The importance of having a licensed professional flag or otherwise delineate in the field the proposed limits of disturbance of the preserved steep slopes; and 3.) The preference to defer action on SP201800016 until after a decision is made by VDOT on the applicant’s requested sight distance waiver for the proposed new commercial entrance private facility.

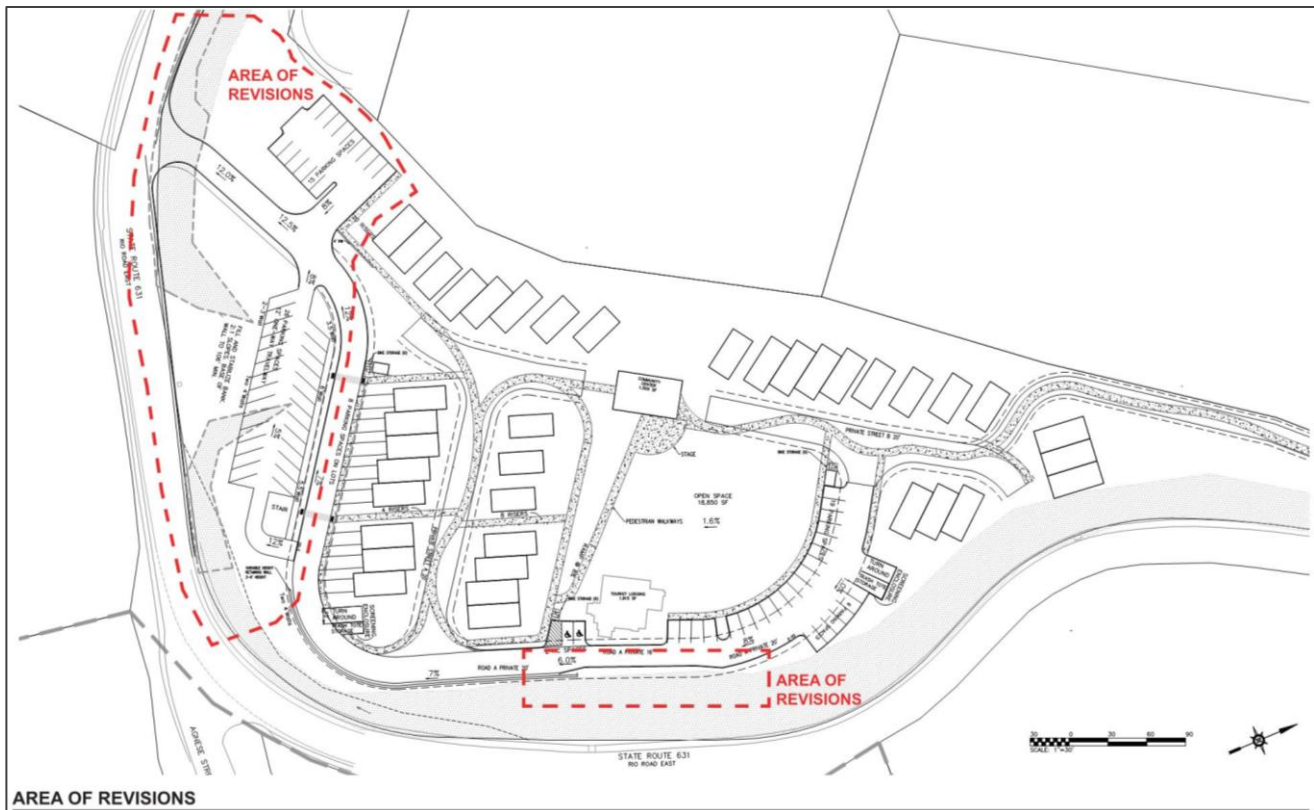
Issue 1 update: On January 15, 2019, the PC agreed to the applicants’ request to defer action on SP201800016 to the specific PC meeting date of March 19, 2019. After the decision to defer to a date specific, the applicants submitted revised application materials on February 4, 2019. These materials include a revised project narrative (Attachment F) and a packet titled “Ecovillage: Special Use Permit Supplementary Exhibits” prepared by Shimp Engineering, P.C. (Attachment G).

Issue 2 update: To date, the proposed limits of disturbance of preserved steep slopes have not been identified on site by a licensed professional, but the applicants have informally indicated their willingness to arrange for this to be done. Staff believes this would be an important step towards having a more complete understanding of the proposed limits of disturbance, and (in particular) if or how the proposed disturbance would impact certain existing trees. Staff believes particular clarification is important as to whether or not the proposed disturbance would impact a mature stand of tall pines along Rio Road East to the west (downhill) of the proposed entrance, as well as a group of evergreen trees along Rio Road East to the east (uphill) of the proposed entrance. (See photographs below).



Existing trees which may or may not be impacted by the proposed disturbance of preserved steep slopes: a mature stand of tall pines (left) and a group of evergreen trees (right). Photographs taken 3/7/2019.

Issue 3 update: In lieu of continuing the ongoing waiver request process with VDOT, the applicants' resubmittal materials include revisions to the location and design of the proposed new commercial entrance private facility that would eliminate the need for the VDOT waiver.



"Area of Revisions" exhibit - page 8 of "Supplementary Exhibits" packet (Att. G) – showing revised location of commercial entrance, revised configuration of parking area, and revised alignment of private street accessway.

An overview of the proposed revisions to SP201800016 is shown in the “Area of Revisions” exhibit (above), which is taken from page 8 of “Supplementary Exhibits” packet (Attachment G). A summary of the proposed revisions to the project proposal follows below.

Summary of Revised Calculations for Total Amount of Proposed Disturbance of Preserved Steep Slopes:

The total area of existing Preserved Steep Slopes on the subject property(s) is 56,872 SF. The revised proposal would involve the following total amount of disturbance of preserved steep slopes:

- The total amount of proposed disturbance within the Preserved Steep Slopes Overlay District would be approximately 11,686 SF (or 20.5% of the total preserved steep slopes area on the subject property). This is a reduction from the original proposal, which was approximately 12,303 SF (or 21.6% of the total preserved steep slopes area).
- The total net reduction of 617 SF of proposed disturbance of preserved steep slopes is largely due to the realignment of the proposed private street accessway, which eliminates the proposed disturbance of preserved steep slopes in that area.
- Although there is an overall net reduction in the proposed disturbance of preserved steep slopes, the revised proposal does include an area of proposed disturbance of preserved steep slopes along the subject property’s frontage with Rio Road East which was not included in the original proposal. More details are provided on pages 12, 14, and 22 of Attachment G, as well as the “Proposed Entrance Layout” exhibit update provided as Attachment I (revision date: 2/27/2019).
- Approximately 45,186 SF of preserved steep slopes (or the remaining 79.5% of the total preserved steep slopes area) would remain undisturbed, including all preserved steep slopes that front along Rio Road East between the sharp curve in the road at the intersection with Agnese Street and the intersection with Rockbrook Drive (located north of Agnese Street). This is an increase from the original proposal, which would have left 44,587 SF of preserved steep slopes (or 78.4% of the total preserved steep slopes area) undisturbed.

Revisions to Commercial Entrance Private Facility:

The applicants’ revisions to the proposed new commercial entrance would no longer require a waiver from VDOT for the design of that entrance. More specifically, a waiver to modify (reduce) the sight distance requirements would not be necessary for the new entrance as shown on the resubmittal application materials – the revised layout would comply with VDOT’s applicable sight distance requirements.

To accomplish this, the applicants are now proposing to shift the location of the proposed new commercial entrance approximately 50 feet to the west (downhill), and also proposing disturbance of preserved steep slopes in an area along Rio Road East which was not previously proposed. More specifically, the applicants now propose grading (cutting) the preserved steep slopes along Rio Road East to the east (uphill) of the proposed new entrance, as this additional cut would be necessary to provide adequate sight distance towards the westbound traffic coming downhill towards the proposed new entrance.

Revisions to Parking Area Private Facility:

The applicants’ revisions to the proposed parking area would result in one consolidated parking facility (in lieu of the previous proposal of three adjacent but separate parking areas). This would contribute to a partial reduction in the overall amount and height of retaining walls associated with the proposed parking area private facility.

The revisions to the proposed parking area would also reduce the overall scale of the parking area private facility, as measured from total number of proposed spaces (from 30 proposed parking spaces to 26). The applicants have also proposed revisions to the other parking area located outside of the preserved steep slopes (to the west of the proposed entrance), so as to increase that parking area’s capacity (from 12

proposed parking spaces to 15) in an attempt to reduce the disturbance of preserved steep slopes associated with the other (larger) proposed parking area private facility.

Despite this reduction in scale for this proposed parking area private facility, the proposed amount of disturbance of preserved steep slopes in the vicinity of this private facility has not been reduced. This is because of the expanded extent of proposed disturbance of preserved steep slopes that is associated with the revised location of the proposed new commercial entrance private facility. More specifically, this is a function of the applicants' attempt to meet the applicable sight distance requirements for the revised entrance by grading (cutting) a larger amount of the existing steep slopes in the area near the proposed parking area private facility. But the reconfigured parking area and retaining walls, combined with the revised conceptual grading shown in the Supplementary Exhibits packet, may result in a comparatively lesser degree of landscaping being necessary to screen the parking area private facility.

Revisions to Private Street Accessway Private Facility:

The applicants' revisions to the proposed private street accessway (in the interior of the site near the existing dwelling) would shift this proposed private facility to the west, away from the preserved steep slopes. This would result in the elimination of proposed disturbance of preserved steep slopes for the private street accessway private facility to the satisfaction of the County Engineer.

Synthesis of Revisions to All Proposed Private Facilities:

The relocation of the proposed new commercial entrance and the reconfiguration of the proposed parking area, combined with the decision to comply with the applicable sight distance requirements (without a waiver), results in a minor increase in the amount of proposed disturbance of preserved steep slopes in the area along the Rio Road East right of way. This includes proposed disturbance of preserved steep slopes in an area that had not previously been included in the proposal. However, this minor increase in the amount of proposed disturbance of preserved steep slopes in this area is offset by the elimination of proposed areas of disturbance associated with the proposed private street accessway (in the interior of the site near the existing dwelling), resulting in a net total reduction of 617 SF of disturbance of preserved steep slopes as compared to the original proposal.

STAFF ANALYSIS OF SPECIAL USE PERMIT REQUEST (resubmittal materials received 2/4/2019):

Evaluation of Physical Necessity and Spatial Necessity of Private Facilities Within the Preserved Steep Slopes Overlay District:

In connection with the prior staff report and public hearing (1/15/2019), staff previously considered the proposed disturbance of preserved steep slopes for the commercial entrance private facility to be a practical necessity for any development of the site that is consistent with the Future Land Use Plan designations and recommendations.

However, staff also identified as an unresolved issue regarding the need for the applicants to demonstrate the particular physical necessity of the proposed disturbance for the other two proposed private facilities: the proposed parking area and the proposed private street accessway.

The proposed disturbance of preserved steep slopes for the private street accessway private facility (in the interior of the site near the existing dwelling) has been eliminated with this revised proposal, as explained above.

The proposed disturbance of preserved steep slopes for the parking area private facility has not been eliminated or reduced; rather, the proposed disturbance of preserved steep slopes in the vicinity of this

parking area private facility has actually increased. However, as explained above, this expanded extent of proposed disturbance of preserved steep slopes in the vicinity of the proposed parking area private facility is primarily a function of the applicants' revisions to the proposed new commercial entrance private facility, and (more specifically) a function of the applicants' attempt to comply with the applicable sight distance requirements by removing a larger amount of the existing steep slopes in the vicinity of the proposed parking area private facility.

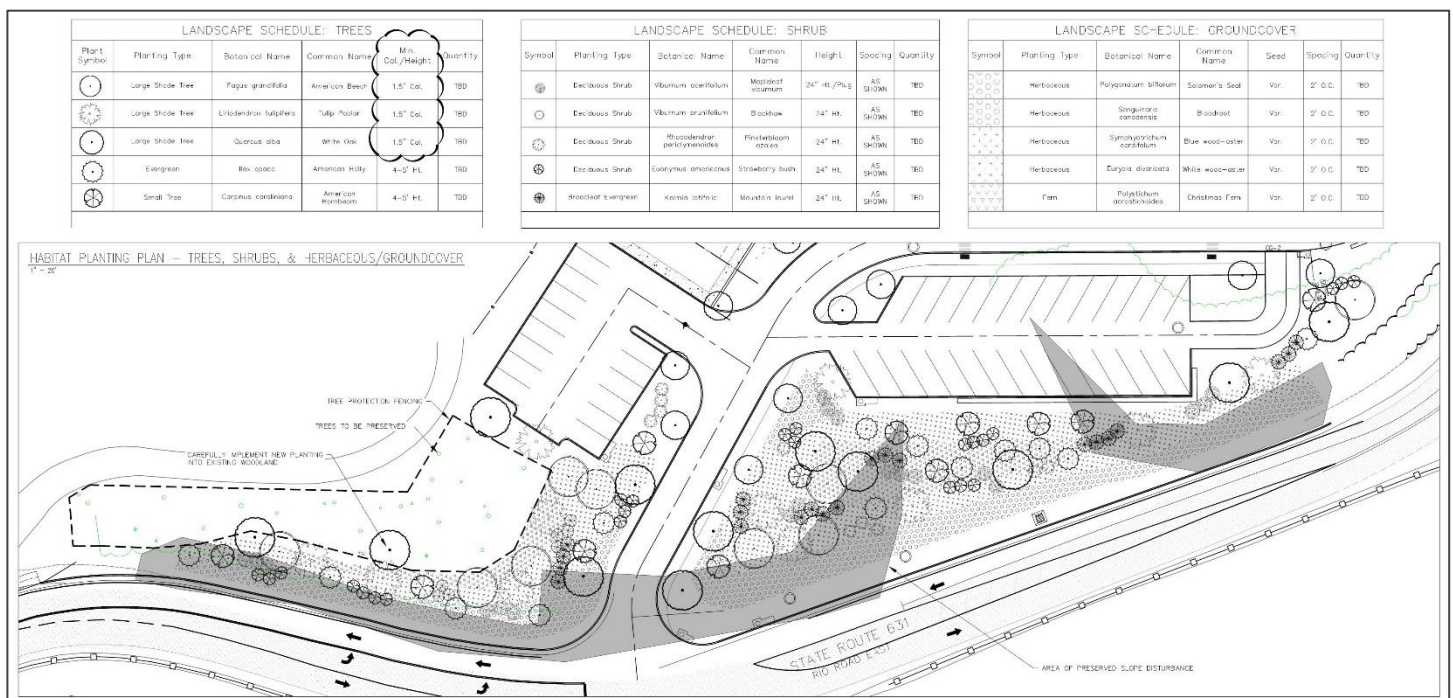
Separately and additionally, no significant modification to the overall development proposal for the "Ecovillage Charlottesville" project has been proposed – either through a reconfiguration of the proposed private facilities and other improvements; and/or a reconfiguration of the proposed lots and dwelling units; and/or a reduction in the number of proposed lots and/or dwellings.

Evaluation of Proposed Mitigation of Impacts to Preserved Steep Slopes:

In connection with the prior staff report and public hearing (1/15/2019), staff previously identified the unresolved need to document "appropriate consideration and care in [the] design and construction" of the proposed landscape mitigation and stormwater improvements in order to make a positive finding that the proposed disturbance of preserved steep slopes would be appropriate. The following is an updated staff analysis of the proposed revisions to SP201800016.

(Landscape Mitigation):

The proposed landscape mitigation, as shown in the Habitat Planting Plan and other Habitat Redevelopment exhibits, addresses previously identified concerns from staff through the conceptual design of a stratified forest habitat comprised of ground cover, shrubs, understory trees, and canopy trees and also through the specification of native evergreen and native deciduous plant materials. A copy of the "Habitat Planting Plan" is provided below and also as Attachment H (revision date: 2/26/2019).



Detail of "Habitat Planting Plan" and "Landscape Schedule" (Att. H) with a revision date 2/26/2019; compare to page 26 of "Supplementary Exhibits" packet (Att. G) dated 2/4/2019.

However, the mitigation techniques shown on the planting plan are conceptual in nature. This conceptual level of detail makes it difficult to determine if the quantity and locations of proposed landscaping are

sufficient. More specifically, the conceptual level of detail and unspecified quantifications prevent staff from being able to make the following positive findings about the Habitat Planting Plan: that it would sufficiently mitigate impacts to the character of the steep slopes overlay district and nearby area; and that it would sufficiently mitigate the impacts to the ecological and hydrological performance of the existing landscape that would result from the proposed grading and removal of existing vegetation; and that it would provide sufficient screening for the proposed parking area private facility as viewed from Rio Road East. These are all relevant factors to consider when evaluating this proposed special use permit. Please also note that some screening of the parking area is otherwise required pursuant to Zoning Ordinance Section 32 (Site Development Plan), Subsections 32.7.9.5.e (“Landscaping Along Streets – Shrubs along public streets.”) and 32.7.9.7.a.2 (“Screening – Parking areas.”).

Despite the limitations stemming from the conceptual level of detail and quantifications, the new Habitat Planting Plan embodies desirable design concepts and is a strong starting point for addressing replacement landscaping and habitat. However, staff opinion is that additional landscaping is needed in the form of additional evergreen shrubs and evergreen trees at strategic locations in the vicinity of the proposed parking area private facility, in order to ensure sufficient screening of this proposed private facility within the preserved steep slopes overlay district in a way that appropriately mitigates the impacts to the character of the district and nearby area.

Staff also believes that the proposed habitat planting plan should be further revised to include a certain number of plant materials to be specified at a larger height or larger caliper (as applicable) than the minimum required height or minimum required caliper. Staff acknowledges that smaller plant materials may eventually take root and thrive more successfully over time than plant materials which are larger, taller, or have larger root balls at the time of planting. However, plant materials that are larger at the time of planting would significantly help to provide more immediate mitigation of the impacts to the character of the steep slopes overlay district and nearby area. Therefore, staff believes that a certain portion (25% - 33%) of the shrub, understory, and canopy plant materials in the vicinity of the proposed parking area private facility should be specified to be larger than the minimum required height or caliper.

(Stormwater and Drainage Mitigation):

With regards to proposed mitigation for grading, stormwater, and drainage issues associated with the proposed disturbance of preserved steep slopes, Planning staff worked closely with the County Engineer (Mr. Frank Pohl, P.E., C.F.M) to review proposed mitigation practices.

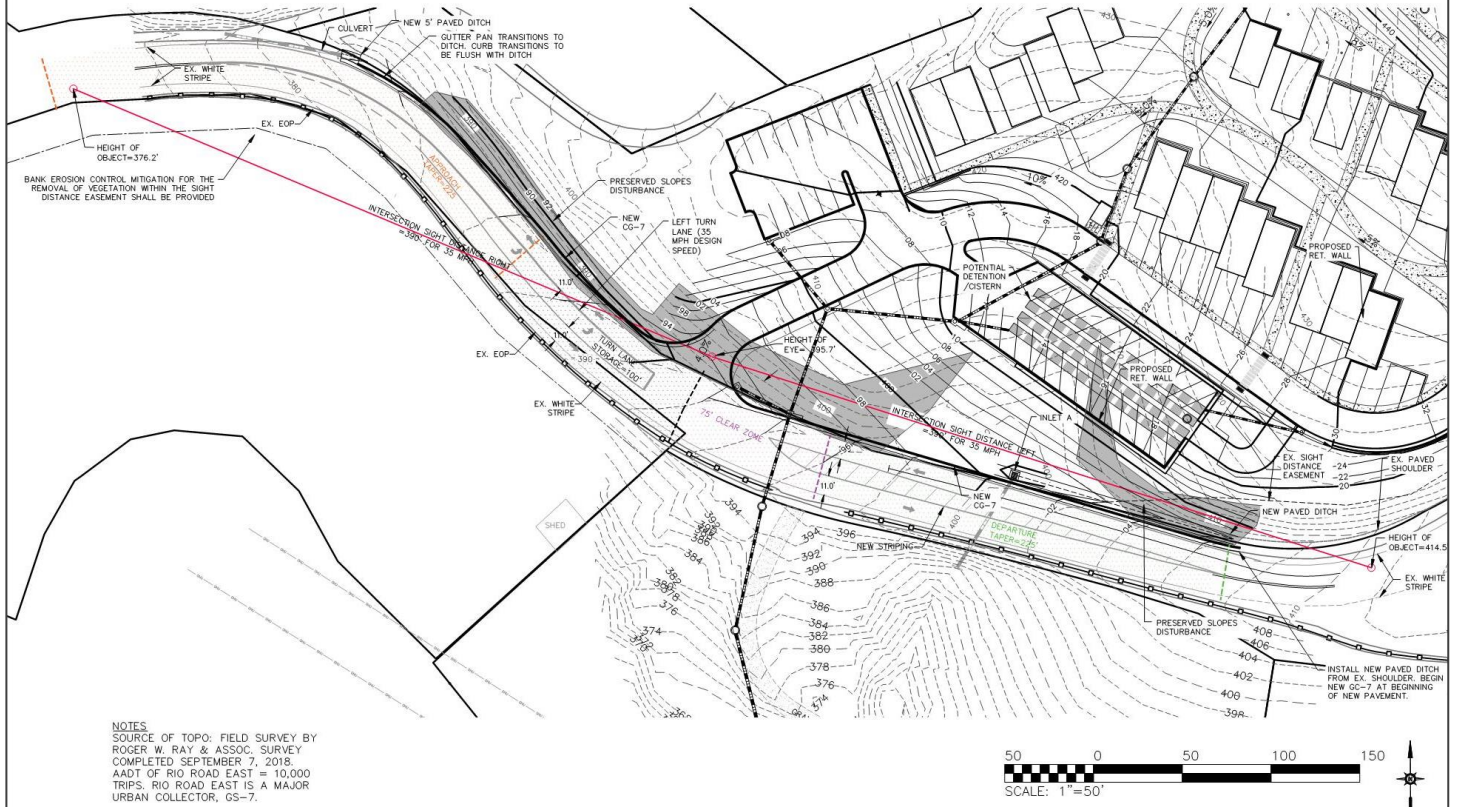
The “Proposed Entrance Layout” exhibit (Attachment I – revision date 2/27/2019), which appears to be an updated version of the “Stormwater Improvements” exhibit on page 22 of “Supplementary Exhibits” packet (Attachment G – dated 2/4/2019), shows the following improvements and other mitigation techniques:

- Reconstruction of the existing paved ditch along Rio Road East to improve drainage;
- Construction of curb and gutter along Rio Road East above proposed entrance to convey stormwater to new inlets that would convey to Meadow Creek;
- Construction of curb and gutter along Rio Road East below proposed entrance to convey stormwater to a new paved ditch above existing culvert; and
- Implementation of off-site “bank erosion control mitigation” proposed in conjunction with the removal of existing vegetation within a proposed sight distance easement.
- (Note: A “potential detention / cistern” feature is also shown underneath the proposed parking area private facility on Att. I. This feature, if implemented, would primarily manage stormwater runoff from the development located above the preserved steep slopes, possibly for reuse by Ecovillage.)

A copy of the “Proposed Entrance Layout” is provided below and also as Attachment I (revision date: 2/27/2019).

ECOVILLAGE: PROPOSED ENTRANCE LAYOUT

02-27-2019



Detail of "Proposed Entrance Layout" exhibit (Att. I – revision date 2/27/2019); compare to "Stormwater Improvements" exhibit on page 22 of "Supplementary Exhibits" packet (Att. G) dated 2/4/2019.

Mr. Pohl indicated that the conceptual plans, exhibits, and other information contained in the resubmittal application materials represent an appropriate combination of mitigation techniques, provided that certain important details are properly addressed (finalized) during future review processes for a Final Site Plan and Water Protection Ordinance Plan. Mr. Pohl's concerns and recommendations relate to the following:

- The importance of providing treatment of stormwater (for water quality) on-site;
- The importance of proposed grading not including any slopes in excess of 33% grade;
- The importance of using a 25-year design storm (instead of the conventional 10-year design storm); and
- Detailed comments relating to the location and design of stormwater and drainage improvements.

Please also note that if SP201800016 is eventually approved, the proposed Ecovillage project would still be subject to Site Plan requirements and Water Protection Ordinance Plan requirements. These required applications constitute the technical, detail-oriented review processes which will allow County staff and partner agencies to ensure that required erosion and sedimentation control practices and appropriate stormwater management practices and facilities are properly planned and designed.

STAFF ANALYSIS – FACTORS FAVORABLE and FACTORS NOT FAVORABLE:

In addition to the preceding comprehensive staff analysis and list of factors favorable and not favorable (contained in the staff report summary dated 1/15/2019), staff has identified the following favorable factors and factors not favorable regarding the resubmittal application materials submitted 2/4/2019:

Factors Favorable:

1. The revised location and design of the proposed commercial entrance private facility would presumably be safer, as VDOT's applicable minimum sight distance requirements would be met.
2. The revised configuration (alignment) of the proposed private street accessway eliminates disturbance to preserved steep slopes for this proposed private facility.
3. The revisions to the proposed private facilities would, in total, result in a total net decrease of steep slopes disturbance as compared to the previous proposal.
4. The County Engineer has indicated no objection to the proposed disturbance of preserved steep slopes and has identified "no engineering concerns which prohibit the disturbance of the critical slopes as shown," provided that recommended conditions are appropriately satisfied (finalized) during future review processes (see "Recommended Conditions of Approval," below).

Factors Not Favorable:

1. *The impacts to the preserved steep slopes overlay district have increased in the area along Rio Road East (to the east of the proposed entrance).* As noted above, this unfavorable factor is primarily a function of the revised location and design of the proposed commercial entrance private facility.
2. *The proposed parking area private facility appears to have insufficient screening as viewed from Rio Road East and adjoining residential districts.* This unfavorable factor could be addressed by augmenting the proposed Habitat Planting Plan with additional evergreen shrubs and trees.
3. *The proposed mitigation related to stormwater and drainage issues is partially insufficient.* In collaboration with the County Engineer, staff believes additional mitigation measures should be formally required to ensure appropriate mitigation of reasonably anticipated impacts to the subject property, to adjoining and nearby properties located downstream and downhill, and to Meadow Creek.

STAFF RECOMMENDATIONS:

Based on the findings identified in this staff report update, including the factors favorable and factors not favorable, and also based on the underlying staff analysis and findings contained in the staff report summary (dated 1/15/2019), **staff recommends approval of SP201800016 with the conditions identified below.**

RECOMMENDED CONDITIONS OF APPROVAL:

Staff recommends the following conditions of approval for SP201800016, if the Commission is inclined to recommend approval of SP201800016:

1. The limits of disturbance within the Preserved Steep Slopes Overlay District shall be limited to the sizes, locations, and extents of disturbance as proposed in the "Ecovillage: Special Use Permit Supplementary Exhibits" packet prepared by Shimp Engineering, P.C. and dated 2/4/2019.
2. The final site plan and landscaping plan for Ecovillage Charlottesville shall be in general accord with the "Habitat Planting Plan" and "Landscape Schedule" exhibits prepared by Shimp Engineering, P.C. and dated 2/4/2019 and subsequently revised 2/26/2019, inclusive of additional modifications, as noted in a. and b. below, and to the satisfaction of the Director of Planning.
 - a. The "Landscape Schedule" for the "Habitat Planting Plan" must be revised so that a certain portion (25% - 33%) of the tree plant materials and shrub plant materials are specified at a minimum caliper or minimum height that, at the time of planting, meets the minimum size requirements for landscaping materials as would be required within the Entrance Corridor.
 - b. The "Habitat Planting Plan" must be revised to be supplemented with additional numbers of evergreen shrubs and evergreen trees at strategic locations in the vicinity of the proposed

parking area private facility in order to sufficiently provide screening for this proposed private facility within the preserved steep slopes overlay district. A certain portion (33% - 66%) of these vegetative screening materials in this vicinity shall be specified at a minimum caliper or minimum height that, at the time of planting, meets the minimum size requirements for landscaping materials as would be required within the Entrance Corridor.

3. Improvements related to stormwater, drainage, and grading shown on the final site plan and water protection ordinance plan for Ecovillage Charlottesville shall be in general accord with the same improvements and grading shown on the "Stormwater Improvements" exhibit and "Proposed Entrance Layout" exhibit for SP201800016, prepared by Shimp Engineering, P.C. and dated 2/4/2019 and subsequently revised 2/27/2019, inclusive of additional modifications as noted in a. – c. below, and to the satisfaction of the County Engineer.
 - a. All modified or newly constructed slopes will have a grade that does not exceed a 3:1 slope.
 - b. Drainage improvements along Rio Road East will be designed to manage the 25-year storm event without flooding.
 - c. Curb inlets will be provided on both sides of the new entrance to collect site runoff before it enters the Rio Road East right-of-way.
 - d. The specific materials and practices for the proposed "off-site bank erosion control" will be approved by the County Engineer.
4. All stormwater treatment facilities and practices for ensuring water quality compliance will be provided on-site through the use of DEQ-approved BMPs found on the Virginia Stormwater BMP Clearinghouse Website, or through the preservation of onsite forest/open space, to the satisfaction of the County Engineer.

POSSIBLE PLANNING COMMISSION MOTIONS – SP-2018-00016:

- A. Should the Planning Commission **choose to recommend approval** of this special use permit:
I move to recommend approval of SP-2018-00016 for "Ecovillage Charlottesville" as proposed in the resubmittal materials, with the conditions outlined in the staff report.
- B. Should the Planning Commission **choose to recommend denial** of this special use permit:
I move to recommend denial of SP-2018-00016 for "Ecovillage Charlottesville" for (state reasons for denial).

ATTACHMENTS:

A-E – [Original attachments included in the January 15, 2019 Planning Commission materials](#) - (viewable online)

F – [Project Narrative Update](#) (3/1/2019)

G – [Resubmittal Materials](#): "Ecovillage: Special Use Permit Supplementary Exhibits" packet (2/4/2019)

H – [Resubmittal Materials](#): "Habitat Planting Plan" exhibit (revision date: 2/26/2019)

I – [Resubmittal Materials](#): "Proposed Entrance Layout" exhibit (revision date: 2/27/2019)