

**Albemarle County Planning Commission
FINAL Minutes March 1, 2022**

The Albemarle County Planning Commission held a public hearing on Tuesday, March 1, 2022 at 6:00 p.m.

Members attending were: Karen Firehock, Chair; Corey Clayborne, Vice-Chair; Luis Carrazana; Fred Missel; Julian Bivins; Jennie More.

Members absent: Daniel Bailey.

Other officials present were: Charles Rapp, Director of Planning; Rebecca Ragsdale; Ben Holt; Bill Fritz; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Ms. Firehock said the meeting was being held pursuant to and in compliance with Ordinance No. 20-A(16), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster." She said opportunities for the public to access and participate in the electronic meeting were posted at www.albemarle.org/community/county-calendar when available. She said there would be further instruction for public comment during public hearings.

Ms. Shaffer called the roll.

Ms. Firehock established a quorum.

Other Matters Not Listed on the Agenda from the Public

There were none.

Consent Agenda

There were no items on the consent agenda.

PUBLIC HEARING

ZMA292100012 Skyline Ridge: Steep Slopes Overlay Amendment

Mr. Holt said he would be presenting the staff report on the zoning map amendment for the steep slopes overlay amendment. He said the location of the amendment was at the end of Colonnade Drive, which intersected with Ivy Road to the north, and to the west was Lewis Mountain and the observatory. He said the applicant was looking to amend the preserved steep slopes within the previously approved development area. He said there were site plans approved in the late 1990s for this particular property, which he would discuss further.

Mr. Holt said the current zoning for the parcel was R15 Residential, and the only overlay district of note was the steep slope, which included both managed and preserved slopes. He said the comprehensive plan designated this area as Urban Density Residential, in orange on the screen, which called for a density of 6.01–34 units per acre. He said the Parks and Green systems was

represented in green and included areas such as parks, playgrounds, buffers, and recreational areas.

Mr. Holt said the applicant was proposing to keep the underlying R15 zoning and wanted to amend the steep slope overlay only. He said specifically, they wanted to redefine the preserved slopes as managed slopes within the project area that had been approved back in the late 1990s. He said with the preserved slopes, it allowed restricted development and managed slopes maintained by-right zoning uses. He said it was also important to note that managed slopes by definition included slopes that were significantly disturbed prior to the June 2012 ordinance taking effect.

Mr. Holt showed a map of the project area that showed the area of disturbance with the previous approvals. He said the green on the screen was what the GIS designated as steep slopes, and the brown shading within the project area was the verified steep slopes. He said the applicant had done site surveying to verify that the grade met the criteria of steep slopes.

Mr. Holt showed a slide with the proposed line of disturbance. He said the shaded shape in the middle of the parcel was the building envelope and footprint area. He said it was essentially the same as the original site plan from a couple decades ago. He said the rectangular blocking to the north of the building demarcated the area that they would need to do additional grading for this project area. He said highlighted in bold red was the line of disturbance. He said the elevation on the left side went up to 723 feet, and on the righthand side there was an elevation of 716 feet. He said the area of disturbance would be 723 and below.

Mr. Holt said the factors favorable were that the slopes within the project areas were mostly manufactured slopes created by the previous land disturbance, the request was consistent with the County's growth management policy, which directed new development to the development areas, the slopes were not associated with water features, and the slopes proposed for disturbance were fragmented below the 724-foot contour line. He said the contiguous Lewis Mountain hillside system above the 700-foot contour line will remain undisturbed.

Mr. Holt said the factors unfavorable included the request would disturb the areas currently designated as parks and green systems in the comprehensive plan and noted that these areas would also coincide with what was considered steep slopes. He said the second factor was the request would disturb areas designated as a mountain resource in the comprehensive plan, which was everything above the 700-foot elevation. He said the third factor was that the slopes formed an aggregate area greater than 10k square feet but not a close grouping of slopes greater than 10k square feet.

Mr. Holt said that staff recommended approval of this application. He said there were suggested motions for the Planning Commission. He said specifically, staff had pulled out the 724-foot contour as being a demarcation line that would minimize the encroachment on the mountain resource area. He said staff's recommendation was in approval for changing from preserved to managed slopes for slopes below the 724-foot contour, so they would need to cite that specifically if they agreed with staff. He said that concluded his presentation and he would be happy to answer any questions they had at this point.

Ms. Firehock said this was a site that they had been asked to come back to resolve some of the concerns about where the building was actually located and details about the slopes, and tonight was more about the clarifications to answer their prior questions. Seeing no questions, she opened the item for public comment.

Ms. Shaffer said there was no one who indicated they wanted to speak.

Ms. Firehock apologized because she forgot to ask the applicant if they would like to speak.

Mr. Collins said he did not want to discuss it further than it already had been by the Commission, and he had put in everything he wished to discuss in the staff report and in his application. He said he would highlight a few points. He said this was a project that was approved around 1996. He said it had a critical slope waiver request approved and shown on the slide was the original disturbed areas within that property. He said all of the critical slopes within the red lines were approved to be disturbed and were when the site started construction. He said in 1997 or 1998 construction was halted because of market demand, cost, and other items, so the project went dormant, and there were aerial images that showed the changes over time very well. He said it was forested before the construction, and it could be seen how it looked after construction in 200 and 2002, with the forest beginning to restabilize and by 2010 it had almost completely restabilized. He said the slopes that were created during the construction was what was mapped in 2013 as preserved slopes, but they were not preserved slopes. The slopes were created during their construction, and they were looking to come back and continue what was started in 1996 and take the slopes that were currently steep slopes and sheared slopes and tie that in with their proposed development.

Mr. Collins said he appreciated that staff worked with him as far as the building butts up to the mountain district, basically they gave a little bit of room to make sure they tied the building from the foundation that stopped before the mountain slopes to tie in enough or take care of drainage and tie in slopes and other things. He said they settled on the 724. He said the majority of it was around 710 and 712, and there were only two spots at the end where it was a little bit steeper, which was where the 724 number came from. He said those were the main things he wanted to highlight, and he was happy to discuss anything else, but he felt they all had thought about this before, having gone through the narrative and reports.

Ms. Firehock asked if there were any questions for the applicant. Hearing none, she asked if anyone was signed up for public comment.

Ms. Shaffer said that no one had their hand raised or indicated they wished to speak.

Ms. Firehock said with that she would close the public hearing. She asked if the applicant had anything further.

Mr. Collins said he did not.

Ms. Firehock asked if there was any discussion. She asked if everyone was satisfied with and understood what they saw. She said some of the slope was remnant from prior disturbance, so it was an artificial steep slope created by the applicant that was then stabilized by vegetation and now came under their regulatory purview and they had to figure out what to do with it so that this development can go forward. She said she believed no one had any concerns other than that. She said she did not hear any discussion and people did not seem to have any qualms, so she would be willing to entertain a motion.

Mr. Bivins said he would make a motion if Mr. Holt would share his screen again.

Mr. Holt said he was adding the appropriate language and would show it shortly.

Mr. Bivins moved the Planning Commission recommend approval of ZMA2021-00012 Skyline Ridge below the 724-foot contour for the reasons stated in the staff report.

Mr. Clayborne seconded the motion.

Ms. Firehock asked if there was further discussion. Hearing none, she asked the role to be called.

The motion passed unanimously (6-0). Mr. Bailey was absent for the vote.

Adjournment

At 8:57 p.m., the Commission adjourned to March 15, 2022, Albemarle County Planning Commission meeting, 6:00 p.m. via electronic meeting.



Charles Rapp, Director of Planning

(Recorded by Carolyn S. Shaffer, Clerk to Planning Commission & Planning Boards; transcribed by Golden Transcription Services)

Approved by Planning Commission
Date: 03/15/2021
Initials: CSS