



**Albemarle County  
Planning Commission Staff Report**

<b>Project Name:</b> Montclair (formerly known as White Gate Village)	<b>Staff:</b> Cameron Langille, Principal Planner
<b>Planning Commission Hearing:</b> September 26, 2023	<b>Board of Supervisors Public Hearing:</b> To be Scheduled
<b>Owners:</b> Highlands West L.P.; White Gate LLC	<b>Applicant:</b> Vito Cetta
<b>Acreage:</b> 14.9	<b>Rezone from:</b> RA Rural Areas & LI Light Industry to NMD Neighborhood Model District
<b>Tax Map Parcels (TMP):</b> 056E0000000200, 056000000091A0	<b>Location:</b> 5055 Three Notch'd Road, Charlottesville, VA 22901
<b>School Districts:</b> Crozet (Elementary); Henley (Middle School); Western Albemarle (High School)	<b>By-right use:</b> RA District: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)  LI District: industrial, office, and limited commercial uses (no residential use)
<b>Magisterial District:</b> White Hall	<b>Proffers:</b> No
<b>Proposal:</b> <u>ZMA202000012-</u> <ul style="list-style-type: none"> <li>• Rezone 12.19 acres (TMP 056000000091A0) from RA Rural Areas (0.5 unit/acre) to NMD Neighborhood Model District</li> <li>• Rezone 2.82 acres (TMP 056E0000000200) from LI Light Industry to NMD Neighborhood Model District</li> <li>• Approve on the Application Plan and Code of Development uses on Preserved Slopes to include stormwater, utilities, and streets</li> <li>• ACSA Jurisdictional Area Amendment to designate both parcels to be served by public water and sewer</li> <li>• Private Street Request for 4 internal private streets, Planting Strip Waiver Request for private streets, Sidewalk Waiver Request for private streets</li> </ul>	<b>Requested Dwelling Units:</b> 122 units maximum
<b>DA (Development Area):</b> Crozet	<b>Comp. Plan Designation:</b>

	<p><u>Middle Density Residential:</u></p> <ul style="list-style-type: none"> <li>Residential (6-12 units/acre; up to 18 units/acre if affordable housing or small-scale construction types proposed)</li> <li>Secondary uses include religious assembly uses, schools and child care, institutional, and commercial/retail</li> </ul> <p><u>Neighborhood Density Residential:</u></p> <ul style="list-style-type: none"> <li>Residential (3-6 units/acre)</li> <li>Secondary uses include religious assembly uses, schools and child care, institutional, and commercial/retail</li> </ul> <p><u>Green Systems</u> – parks, greenways, open space, environmental features</p>
<p><b>Affordable Housing Provided:</b> Yes</p>	<p><b>Affordable Housing AMI (%):</b> 80% of AMI as determined for a period of 10 years for rental and/or for-sale housing</p>
<p><b>Character of Property:</b>          TMP 056E0000000200: Undeveloped and partially wooded</p> <p>TMP 056000000091A0: Features one single-family detached home and several outbuildings known as White Gate Farm, partially wooded with a WPO steam buffer in the southern portion of the parcel</p>	<p><b>Use of Surrounding Properties:</b> Single family attached and detached homes are to the south and east. Immediately south of the subject properties is a CSX railroad. Two nonresidential buildings containing a preschool and medical offices are located to the southwest and west. North of the subject properties is land located within the Rural Area of the Comprehensive Plan that features single-family detached homes and agricultural land.</p>
<p><b>Factors Favorable:</b></p> <ol style="list-style-type: none"> <li>The request is consistent with the land use recommendations of the Crozet Master Plan.</li> <li>The request is consistent with the Comprehensive Plan Neighborhood Model Principles.</li> <li>The request provides new transportation improvements consistent with the transportation recommendations of the Crozet Master Plan, including new streets and a 10' wide multi-use path within the public right-of-way of Three Notch'd Road (Route 240).</li> <li>The request provides 15% affordable housing consistent with the County's affordable housing policy.</li> </ol>	<p><b>Factors Unfavorable:</b></p> <ol style="list-style-type: none"> <li>Student enrollment at Western Albemarle High School is overcapacity and the development would add a projected fourteen (14) new students that would contribute to the current overcapacity enrollment.</li> </ol>
<p><b>RECOMMENDATION:</b> Based on the identified factors favorable, staff recommends approval of ZMA202000012.</p>	

**STAFF PERSON:**  
**PLANNING COMMISSION:**  
**BOARD OF SUPERVISORS:**

**Cameron Langille, Principal Planner**  
**September 26, 2023**  
**To be Scheduled**

**PETITIONS:**

PROJECT: ZMA202000012 Montclair (formerly known as White Gate Village)

MAGISTERIAL DISTRICT: White Hall

TAX MAP/PARCEL: 056E0000000200, 056000000091A0

LOCATION: 5055 Three Notch'd Road, Charlottesville, VA 22901

PROPOSAL: Request to rezone two properties totaling 14.9 acres from the RA Rural Area and LI Light Industry zoning districts to the NMD Neighborhood Model District to allow a mixed-use development with up to 122 residential units and 16,500 sq. ft. of non-residential uses.

PETITION: Request to rezone 12.19 acres from the RA Rural Area zoning district which allows for agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots) to NMD Neighborhood Model District which allows for residential (3 – 34 units/acre) mixed with commercial, service and industrial uses.

Request to rezone 2.82 acres from the LI Light Industry zoning district which allows industrial, office, and limited commercial uses (no residential use) to NMD Neighborhood Model District which allows for residential (3 – 34 units/acre) mixed with commercial, service and industrial uses. Proposal includes approximately 3 acres of open space and recreational amenities throughout the development. A minimum of 46 and a maximum of 122 residential units are proposed at a maximum gross residential density of 8.18 du/acre for the entire development and a maximum net density of approximately 10.9 du/acre for the area designated for development in the Crozet Master Plan. A maximum of 16,500 sq. ft. of non-residential uses are proposed.

Request proposed to amend the ACSA jurisdictional area boundary to water and sewer on Tax Map Parcel 56-91A. Request includes sidewalk and planting strip waivers.

ZONING: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots); LI Light Industry - industrial, office, and limited commercial uses (no residential use)

OVERLAY DISTRICT: Entrance Corridor (EC); Managed and Preserved Steep Slopes.

PROFFERS: No

COMPREHENSIVE PLAN: Middle Density Residential – Residential densities of 6-12 units per acre, up to 18 units per acre for affordable housing or for construction of small-scale housing types: bungalow courts, small and medium multiplexes, accessory dwelling units, live/work units, small single family cottages, and tiny houses. Secondary uses include religious assembly uses, schools and child care, institutional, and commercial/retail; Neighborhood Density Residential-Residential densities of 3-6 units per acre, housing types including townhomes, single-family attached, single-family detached, accessory dwellings, Secondary uses include religious assembly uses, schools and child care, institutional, and commercial/retail; and Green Systems - parks, greenways, open space, environmental features within the Crozet Master Plan.

Request proposed to amend the ACSA jurisdictional area boundary to water and sewer on Tax Map Parcel 56-91A. Request includes sidewalk and planting strip waivers.

**CHARACTER OF THE AREA**

Tax Map Parcel (TMP) 56-91A features a historic home and several outbuildings known as White Gate Farm. The residence was built circa 1875 and was remodeled in the 1930s. It has been unoccupied for some time and is currently in a state of disrepair. The remainder of the property features both wooded and unwooded areas. A Water Protection Ordinance (WPO) stream buffer is located in the southwest portion of the property and extends diagonally to the southern property line abutting the CSX railroad right-of-way.

TMP 56E-2 contains a paved commercial driveway that serves an abutting parcel immediately to the south, but is otherwise undeveloped and is partially wooded. A WPO stream buffer extends into the eastern and central portions of the property. (Attachment 1-Location Map)

Abutting properties are described below:

	<i>Land Use</i>	<i>Zoning District</i>	<i>Comp Plan Designation</i>
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Montclair (formerly known as White Gate Village)  
Planning Commission Public Hearing, September 26, 2023

<u>North</u>	Three Notch'd Road (Route 240), Single family detached homes and agricultural land	RA Rural Areas	Rural Area
<u>South</u>	CSX railroad, single family detached homes in the Western Ridge Neighborhood	R4 Residential	Neighborhood Density Residential
<u>East</u>	Single family attached and detached homes in the Wickham Pond neighborhood	NMD Neighborhood Model District	Middle Density Residential; Neighborhood Density Residential; Green Systems
<u>West</u>	Park Ridge Drive, medical office, preschool	LI Light Industry	Neighborhood Density Residential; Office/R&D/Flex/Light Industrial

**BACKGROUND**

There are no planning or zoning applications associated with TMP 56-91A.

A private commercial driveway was approved to be built on TMP 56E-2 by a site plan approved in 1998 (SDP199800031). The site plan allowed for an abutting property immediately south of TMP 56E-2 to be developed as a private daycare facility which is currently in operation and known as Bright Beginnings Preschool.

In 2020-2021, the property owner obtained approval of a Non-Reporting Nationwide 18 permit from the Army Corps of Engineers to pipe a portion of an intermittent stream on TMP 56E-2. Piping of streams is not regulated in the County Water Protection Ordinance (WPO) since streams are under State and Federal jurisdiction. The County does not prohibit piping of streams anywhere in the County (Development Areas or Rural Areas) if required permits are obtained from the relevant State and Federal authorities. Additionally, the land disturbance needed to pipe the stream was less than 10,000 sq.ft, so the property owner was not required to obtain a land disturbance permit from the County. Therefore, the stream piping was not a regulated activity under the WPO Ordinance.

On January 27, 2023, a hearing was held regarding a stream determination by the County Engineer that portions of the stream on TMP 56E-2 should still be classified as an intermittent stream. The developer of Montclair appealed this determination because they believed the stream was more appropriately classified as an ephemeral stream, and therefore would not be subject to further regulation under the WPO. When such an appeal is made, the WPO grants the Director of Community Development the final authority to affirm or reverse the County Engineer's findings. The matter was concluded on February 22, 2023, when the Director of Community Development issued a letter affirming the County Engineer's determination that the stream is intermittent (Attachment 2). The Montclair developer revised their proposal to exclude development on the portion of TMP 56E-2 that has the intermittent stream.

**SPECIFICS OF THE PROPOSAL**

The Montclair application proposes to rezone the two subject properties to the NMD Neighborhood Model District. A detailed narrative of the request is provided in Attachment 3. If the ZMA is approved, development of the property would follow the Application Plan (Attachment 4) and Code of Development (COD). The ZMA would allow for up to 122 dwelling units to be constructed within the development. Residential unit types

allowed within the project would include single family detached, attached (townhomes, duplexes, triplexes, quadplexes), and multifamily dwellings. The application calls for up to 16,500 sq.ft. of non-residential uses within a single block adjacent to the Bright Beginnings Preschool property located south of TMP 56E-2. A list of the permitted non-residential uses is included on pages 3-4 of the COD (Attachment 5).

It should be noted that only 2.824 acres of TMP 56E-2 are being requested to be rezoned to the NMD District. The northern 2.496 acres where the majority of the intermittent stream is located would remain within the LI Light Industry zoning district. This is visually represented on Sheet 3 of Attachment 4.

The proposal provides a minimum of 2.98 acres of open space within the project. Open space areas are identified as greenspace and amenity areas on Sheet 5 of Application Plan. The WPO stream buffer mentioned earlier in this report would be located primarily within Block 4, which is identified as a conservation area with no residential units proposed. A public road and sidewalks would extend through this buffer to provide vehicular and pedestrian connectivity between the project and Park Ridge Drive. No other development or improvements would impact the WPO buffer. A 100' wide landscaping buffer would be provided along the northern project boundary parallel to Route 240 to screen the project from the road. Amenity areas are shown on the plan and will allow for recreation facilities in each block of the development. General amenity improvements are specified in Table D on page 6 of the COD and include walking trails, community gardens, pocket parks, and other passive and active recreation improvements. Final design and location of exact improvements within each amenity area will be determined at the site plan stage.

Primary access to the development would be provided by two new public roads. The public roads would enter onto Three Notch'd Road at the north, Park Ridge Drive to the west, and Wickham Way to the east. When Wickham Pond was rezoned to the NMD district by the Board of Supervisors in 2006, the Application Plan required Wickham Way to extend to the property boundary of TMP 56-91A for the purpose of being a future public road interconnection between the two properties. The rest of the streets within Montclair would be private streets that directly serve the new units. There are four private streets proposed, two of which will have sidewalks. As seen on the Application Plan, there are numerous pedestrian facilities interspersed in the development, including sidewalks and trails along streets and through open space/amenity areas.

As noted on Sheet 5 of the Application Plan, the applicant is proposing to reserve 11,600 sq.ft. of land along the project's northern boundary abutting Route 240 that would be dedicated to public use. The purpose of this dedication is so that the developer can construct a 10' wide multi-use path within the right-of-way for the entire length of the project's frontage with Route 240. Implementation Project #2D from the [Crozet Master Plan](#) calls for a 10' wide multi-use path along Route 240 from the Highlands neighborhood to Park Ridge Drive.

The proposal also includes a request to authorize four internal private streets that would serve new residential units within the development (Attachment 6). A detailed analysis of the private street authorization request is provided below.

The applicant is also requesting waivers for sidewalks and planting strips along some of the internal private streets (Attachments 7 and 8). Detailed analysis of these two requests is provided below.

Pursuant to Section 18-30.7.4(b)(g), the applicant has requested disturbance of Preserved Slopes to allow new streets, stormwater management facilities, and residential dwelling units. Montclair proposes to disturb a total 4,707 sq.ft. of the Preserved Steep Slopes Overlay District on TMP 56E-2 to the Managed Steep Slopes District. The slopes are broken into four smaller areas that range in size from 470 sq.ft. to 2600 sq.ft. A detailed analysis of this request is provided below.

The applicant is also requesting to amend the ACSA Jurisdictional Area designation on TMP 56-91A (Attachment 9). Currently, the ACSA designation is "Water Only to Existing Structures" and the applicant is

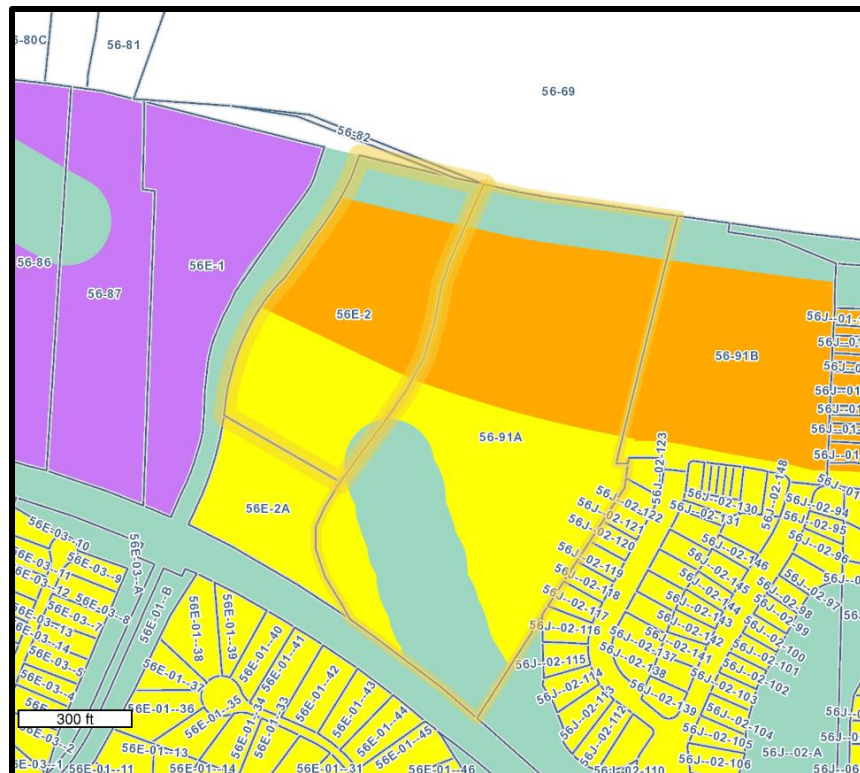
seeking to allow both water and sewer utilities to the property. This request is consistent with the County's Comprehensive Plan goals to provide water and sewer utilities to all properties within the designated Development Areas. A more detailed analysis is provided below.


### **COMMUNITY MEETING**

A virtual community meeting was held for this proposal on January 12, 2022, during the Crozet Community Advisory Committee (CAC) meeting; this meeting was conducted using Zoom. The meeting may be viewed at this [LINK](#). Three members of the public in attendance offered their comments and concerns regarding the ZMA. Topics included concern about the density/appearance of the units, the proposed street connection to Wickham Way, and impacts to the WPO stream buffer from construction activities.

### **COMPREHENSIVE PLAN**

The Crozet Future Land Use Plan contained in the Crozet Master Plan identifies three future land use classifications on the subject properties. The categories and their general descriptions are described below.



 **Middle Density Residential** This designation represents low to mid density residential areas with supporting uses and non-residential uses. Density ranges from at a density of 6-12 dwellings per acre. If affordable housing or small-scale construction types are proposed, density may increase up to 18 units/acre. Small scale construction types are defined in detail in the appendix of the Master Plan, but unit types such as tiny houses, bungalow court houses, multiplexes, and live-work units. Building height



is recommended at 1-3 stories. Primary uses include residential uses of all housing types, along with religious assembly uses, schools and child care facilities, institutional uses, and commercial uses. Suggested maximum building footprints for non-residential uses are 5,000 sq.ft. for commercial/retail, and 20,000 sq.ft. for office/institutional uses.

**Neighborhood Density Residential** This designation represents low density residential areas with supporting uses and non-residential uses. Density ranges from at a density of 3-6 dwellings per acre. Unit types include single-family detached, attached, townhomes, and accessory dwellings. Building height is recommended at 1-3 stories. Secondary uses include schools, institutional uses, religious assembly, and commercial/retail. Suggested maximum building footprints for non-residential uses are 5,000 sq.ft. for commercial/retail, and 20,000 sq.ft. for office/institutional uses.

**Green Systems** This designation represents areas of sensitive environmental features including floodplains, stream buffers, and wetlands. Land with this designation cannot be used to calculate available net density for a parcel of land. Primary uses include natural areas not intended for development, privately owned open space and recreation areas, playgrounds, play fields, equipment, trails, paths, recreation equipment and facilities, plazas, outdoor sitting areas, and natural areas. Also, preservation of stream buffers, floodplains, known wetlands, and slopes of greater than 25% adjacent to rivers and streams. Property in this designation is primarily intended to be privately owned, such as HOA open space areas within neighborhoods.

**Consistency with the Master Plan:**

The residential and non-residential uses proposed are consistent with recommendations of the Master Plan. A mix of residential uses are proposed and are accurately located within each future land use classification as identified by the Master Plan. Staff notes that the maximum gross density proposed with this application is 8 dwelling units per acre, with a net density of 10.9 units/acre. Maximum density recommended in the master plan is up to 18 units/acre in the Middle Density Residential portion of the properties. The net density calculation identifies 122 units as the total maximum units that could be built based on the acreage of the Neighborhood Density Residential and Middle Density Residential land use areas identified by the Master Plan across the parcels.

**TABLE C. RESIDENTIAL DENSITY**

	BLOCK 1	BLOCK 2	BLOCK 3	BLOCK 4	TOTAL
Approximate Block Area (AC)	5.7 (Gross) 4.8 (Net)	2.8	3.6	2.8	14.9 (total) 14 (net)
MIN Residential Units	28	8	10	-	46
MAX Residential Units	85	16	21	-	122
	57 units				
	28 bonus units <sup>2</sup>				
MAX Block Density (DUA)	15 (Gross) 18 (Net)	6	6	-	9 (Gross) 9 (Net)

Notes to Table C:  
 1. Total number of residential units in Montclair not to exceed 122.  
 2. If provided, bonus units shall be achieved through providing additional affordable housing (beyond the 15% Affordable Housing Requirement), or through the construction of small-scale housing types; small-scale housing types include, but are not limited to, bungalow courts, small and medium multiplexes, accessory dwelling units, live/work units, small single family cottages, and tiny houses.  
 3. The area of the blocks may vary by 10%.

The Project' s density also supports Objective 4 of Chapter 8 (Development Areas) of the Comprehensive Plan, recommending the "[ u] se [ of] Development Areas land efficiently to prevent premature expansion of the Development Areas."

The Application Plan is consistent with the Master Plan recommendations for Greenspace. The stream buffer in the central and southern portion of the property is set aside as open space and will not be developed for streets or residential units. The Application Plan also proposes a 100' landscaping buffer along the northern frontage of the entire development abutting Route 240. While the application is requesting to re-designate areas of Preserved Steep Slopes within the parcel, it is important to note that those features were not identified as being within the Green Systems land use classification of the Crozet Master Plan adopted in 2021. Additional analysis of the request to re-designate the Preserved Steep Slopes is below.

## **The Neighborhood Model**

Staff has reviewed the proposal against the Neighborhood Model Principles and found that it is consistent with most of the principles. The detailed Neighborhood Model Analysis for all of the principles can be found in Attachment 10.

## **Affordable Housing**

The County's current housing policy recommends that new residential rezonings provide 15% of the total proposed units as affordable housing as 80% of the Area Median Income (AMI). For rental units, the rental rate is 50% AMI. This rezoning proposal includes a maximum of 122 dwelling units, which would provide 18 affordable units based on the County's policy of 15% of the total number of units. These units could be provided as for-sale or rental units. Exact language of the affordable housing provided can be found on pages 11-12 of the COD (Attachment 5).

Dr. Stacy Pethia, Assistant Director of Housing for Albemarle County, has also provided a detailed analysis of the proposed affordable units (Attachment 11). Based on the affordable housing policy, the project is consistent with the Comprehensive Plan Chapter 8, Strategy #2g and Chapter 9, Strategy #6b.

## **ZONING ORDINANCE REQUIREMENTS**

The purpose and intent of the NMD Zoning District as indicated in the Zoning Ordinance is to establish a planned development district in which traditional neighborhood development, as established in the County's Neighborhood Model, will occur. The County's Neighborhood Model was adopted as part of the comprehensive plan, and is hereinafter referred to as the "Neighborhood Model." Staff believes the Application Plan meets the purpose and intent of the NMD Zoning District.

### ***Anticipated impact on public facilities and services:***

#### **Transportation:**

The properties are located at the intersection of Park Ridge Drive and Three Notch'd Road (Route 240). The number of units proposed did not trigger the VDOT requirement for a full Traffic Impact Analysis (TIA). VDOT and Transportation Planning staff did ask the applicant to provide turn lane warrant analysis to ascertain whether additional right-in and/or left-in turn lanes would be needed at the primary public road entrances into the project. The turn lane warrant analysis found that additional turn lanes would not be needed and VDOT staff and Transportation Planning staff found the analysis to be accurate.

To provide for bicycle and pedestrian infrastructure, the applicant is proposing a 10' multi-use path along Route 240 for the entire length of the property frontage, which is consistent with Crozet Master Plan's recommended improvements as identified on the Future Bicycle and Pedestrian Network map. The path will be provided within an area of land measuring 11,800 sq.ft. that will be dedicated to public use so that the path is within the public right-of-way (ROW) of Route 240. Sidewalks and paths within the proposed development would allow residents access to the shared use path and would provide an alternative means of transportation for pedestrians and bicyclists.

#### **Schools:**

Students living in the Project would be within the current school districts for Crozet Elementary School, Henley Middle School, and Western Albemarle High School. Based on the 2021 Albemarle County Schools Long Range Planning Advisory Committee Recommendations (LRPAC), Crozet Elementary and Henley Middle schools are under capacity as of the 2023-2024 school year, while Western Albemarle is nearly at capacity.



The LRPAC report projects Western Albemarle enrollment to be over capacity by the 2023-2024 school year. Based on the anticipated unit-type mix, the total number of estimated students is 32 students, broken down as follows: 11 elementary, 7 middle, and 14 high. With a recent addition to Crozet Elementary being completed, the school's capacity has increased to 680 total students. The 2021 LRPAC report identified that Crozet Elementary would be under capacity by 300 students in the 2023-2024 school year, and the 11 projected elementary students that would be generated by Montclair would not bring the school close to reaching its maximum capacity. The 14 students that would be generated by Montclair at the High School level would bring Western Albemarle beyond its maximum capacity in the 2023-2024 school year based on LRPAC enrollment projections. The School division continues to work on solutions to the overcapacity issue at Western Albemarle High School.

**Parks:**

No public parks are located within or immediately adjacent to the subject properties. However, staff from the Parks & Recreation Department have reviewed the proposed ZMA and have no objection to the proposal. Numerous areas within the parcel are set aside as private open space that can be used for recreational activities by residents. Additionally, the proposed multi-use path will help toward achieving a cohesive bicycle and pedestrian trail network in the Crozet Development area.

**Fire and Rescue:**

Fire and Rescue has reviewed this rezoning application and has no objection to the proposal. Emergency access is provided into the site through three public road connections to existing streets surrounding the development. All other requirements of the Fire Code would be met at site development plan review.

**Utilities:**

One of the parcels (TMP 56E-2) is in the Albemarle County Service Authority (ACSA) water and sewer service jurisdictional area. The other property (TMP 56-91A) currently has a designation of Water to Existing Structures Only. This is consistent with the Comprehensive Plan recommendation that water and sewer utilities be provided to all parcels within the designated development areas. Staff supports the request, and no other capacity issues have been identified at this time. Any further utility requirements would be met at the time of site plan review for the proposed development. An analysis of the ACSA request will be included in the materials sent to the Board of Supervisors for action once a public hearing is scheduled for the ZMA.

***Anticipated impact on environmental, cultural and historic resources:***

Parcel 56-91A has been known historically as the White Gate Farm. This property features a single-family house that was built circa 1875 and remodeled sometime in the 1930s. Several outbuildings associated with the farm still stand but are in a state of dilapidation. The primary structure itself has fallen into disrepair and has been unoccupied for years. County staff inquired as to whether the primary residence could be preserved and incorporated into the new development as a historic feature. After conducting site visits with the applicant, it became evident that the structure was not in a state where it could be safely preserved. As recommended by staff during review of the ZMA, the applicant allowed members of the Albemarle County Historic Preservation Committee members and Historic Preservation planners to document the structures associated with White Gate Farm, which is consistent with the Comprehensive Plan strategies regarding documentation of historic resources.

Regarding the stream buffer, the Application Plan identifies this area as being primarily outside of any development (roads, dwelling units). All requirements of the County's Water Protection Ordinance would need to be met at time of subdivision plat, road plan, and site plan review. Staff does not foresee any issues with protection of the existing WPO stream buffer that would remain on TMP 56E-2 that falls outside of the limits of the ZMA.

**Anticipated impact on nearby and surrounding properties:**

County staff have received a number of comments from members of the public regarding concerns about aspects of this application. Primary concerns have been related to the proposed density and impacts to the WPO stream buffer within the parcel. Regarding the proposed street connection to Wickham Pond, it is important to note that the rezoning which approved the Wickham Pond development in 2006 called for the street now known as Wickham Way to connect to TMP 56-91A at the time of future development. Staff finds that the proposed street connection to Wickham Way is appropriate to meet the Neighborhood Model Principles. The connection is also identified as a Future Local Street connection on the Crozet Master Plan’s Future Street Network map (see image below).



**Public need and justification for the change:**

The County’s growth management policy states that new residential development should occur in the designated Development Areas where infrastructure and services are provided, rather than in the Rural Area.

**Proffers**

No written proffer statement has been made by the applicant. However, since the requested NMD district is a planned zoning district, the notes and requirements of the Application Plan and COD would be binding should the ZMA be approved by the BOS. This means that the affordable housing, ROW reservation and dedication, multi-use path construction, etc. would be required to be met at time of subdivision plat and/or site plan review.

**PRESERVED STEEP SLOPES OVERLAY:**

The property (TMP 56E-2) subject to the Steep Slopes Overlay District contains approximately 3,800 sq.ft. of Preserved Steep Slopes. It also has 27,900 sq.ft. of areas already designated as Managed Steep Slopes. Pursuant to Section 18-30.7.4(b)(g), the applicant has requested disturbance of Preserved Slopes to allow new streets, stormwater management facilities, and residential dwelling units.

*Legislative zoning actions related to the underlying district. Any use or structure approved by the board of supervisors in a zoning map amendment whose location is expressly authorized in an approved application plan, code of development, or an accepted proffer, in a special use permit authorized in the underlying district regulations, or in a special exception authorizing a waiver or modification of the requirements of [section 4.2.3](#); provided that the legislative action is still valid and that the use or structure*

complies with all requirements and conditions approved or imposed in conjunction with the legislative zoning action.

The applicant has provided an analysis of the request on pages 6-9 of the narrative justifying their request because the existing Preserved Steep Slopes have more characteristics of Managed Steep Slopes (Attachment 3).



The applicable section of the Zoning Ordinance for the application is [Sec. 30.7](#) Steep Slopes Overlay. The following information presents the ordinance criteria of both Preserved Slopes ([Sec. 30.7.3.A](#)) and Managed Slopes ([Sec. 30.7.3.B](#)) with staff analysis following the ordinance criteria.



### Section 30.7.3.A Managed Slopes

The characteristics of managed slopes are the following:

- i. ***the contiguous area of steep slopes is limited or fragmented;***  
 The site contains three small groups of slopes greater than 25% that are identified as Preserved Steep Slopes. These slopes range in size from 472 sq.ft. (smallest) to 2,631 sq.ft. (largest). These slopes are fragmented from each other and are not contiguous, which is consistent with this characteristic of Managed Steep Slopes.
- ii. ***the slopes are not associated with or abutting a water feature, including, but not limited to, a river, stream, reservoir or pond;***  
 Slopes on the property are not associated with a water feature subject to the Water Protection Ordinance but are adjacent to a man-made stormwater pond which would be retained and integrated into the stormwater management control program of the Montclair project.
- iii. ***the slopes are not natural but, instead, are manufactured;***  
 Two of the three areas of steep slopes within the project area appear to have been largely created by previous grading in the 2000's for the existing stormwater pond. The other area may have been created when the driveway was constructed on TMP 56E-2, but this remains uncertain. Nevertheless, this third area of Preserved Slopes still falls outside of the WPO stream buffer, and therefore staff feels confident that it is not a natural slope.
- iv. ***the slopes were significantly disturbed prior to June 1, 2012;***

As noted above, the majority of the slopes were disturbed prior to June 2012. The applicant has provided a detailed history of the site and land disturbance activities with aerial imagery demonstrating this on pages 7-9 of the application narrative. (Attachment 3)

- v. ***the slopes are located within previously approved single-family residential lots; or the slopes are shown to be disturbed, or allowed to be disturbed, by a prior county action.***

The slopes adjacent to the stormwater pond were allowed to be disturbed per the site plan that approved the existing daycare facility on the adjacent parcel to the southwest.

### **Section 30.7.3.B 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;***

The preserved slopes do not meet this characteristic as the largest is only 2,631 sq.ft. in area. The three areas of Preserved Steep Slopes are also not contiguous. In total, they measure 3,793 sq.ft. Staff finds that the slopes do not meet this characteristic of Preserved Slopes.

- 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;***

Two areas of Preserved Steep Slopes are adjacent to the man-made stormwater facility. The other area does not appear to be associated with or abutting any water feature.

- iii. ***the slopes are part of a hillside system;***

The slopes are not part of a hillside system and are adjacent to Park Ridge Drive.

- iv. ***the slopes are identified as a resource designated for preservation in the comprehensive plan;***

The slopes are not specifically identified as a natural resource for preservation in the comprehensive plan.

- v. ***the slopes are identified as a resource in the comprehensive plan;***

The slopes are not specifically called out for preservation, according to the Crozet Master Plan. They are within an area designated for Middle Density Residential and Neighborhood Density Residential which intend for grading and development to occur.

- vi. ***the slopes are of significant value to the entrance corridor overlay district;***

The rezoning request has been evaluated for impacts to the Entrance Corridor Overlay District. There is no objection from Architectural Review Board staff regarding redesignating these slopes to Managed Steep Slopes.

- 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 not been preserved by prior County action. As stated above, at least two of the three areas of Preserved Steep Slopes were approved for disturbance by prior County action.

### **Recommendation:**

Staff believe that the slopes overwhelmingly meet the characteristics of Managed Steep Slopes as opposed to Preserved Steep Slopes. Two of the three areas of Preserved Steep Slopes would be disturbed primarily to construct a new public road within the development, which is already a by-right use in the Preserved Steep



Slopes overlay District. The other area is a man-made slope associated with construction of the existing stormwater pond. Therefore, staff recommends approval of the proposed uses on Preserved Steep Slopes.

### **PRIVATE STREET AUTHORIZATION REQUEST**

The applicant is requesting authorization of a private street request to allow for four (4) private streets within the project, in accordance with [Section 14-233 \(A\)](#) of the Subdivision Ordinance. Under Section 14-233 (A)(1), the Planning Commission may authorize private streets in the development areas within a Neighborhood Model Development (NMD) in the following circumstances:

- i. **the subdivision would have a streetscape more consistent with the neighborhood model;**
- ii. **the subdivision design would allow it to better achieve the density goals of the comprehensive plan;**
- iii. **rear vehicular access to buildings would be provided so that the buildings may face a common amenity;**
- iv. **a significant environmental resource would be protected;**
- v. **relegated parking would be provided to a greater extent than could otherwise be provided.**

The applicant has provided a detailed justification statement in their request explaining how the proposed private streets meet each of these criteria (Attachment 6).

In considering private street requests, staff and the Planning Commission must find that one or more circumstances described under Section 14-233 exist, and the following criteria are met under [Section 14-234 \(C\)](#) (ordinance language in ***bold italics*** text and staff analysis below):

***1. The private street will be adequate to carry the traffic volume which may be reasonably expected to be generated by the subdivision;***

The County Engineer and Fire Rescue staff have reviewed the private street authorization request and have found that the proposed private streets would be adequate to carry the traffic volume which is expected to be generated by the proposed dwelling units. The streets are 20' wide urban cross sections which meet County standards for private streets in residential neighborhoods.

***2. The comprehensive plan does not provide for a public street in the approximate location of the proposed private street;***

The Comprehensive Plan does not call for public streets in the locations of the proposed private streets. The Crozet Master Plan does call for one public street within these parcels that would connect Park Ridge Drive to Wickham Way. The ZMA proposes to construct that public street as recommended by the Master Plan.

***3. The fee of the private street will be owned by the owner of each lot abutting the right-of-way thereof or by an association composed of the owners of all lots in the subdivision, subject in either case to any easement for the benefit of all lots served by the street;***

The private streets would be owned and maintained by the HOA. County staff would ensure that appropriate documentation is provided and recorded at the time of subdivision plat review.

***4. Except where required by the commission to serve a specific public purpose, the private street will not serve through traffic nor intersect the state highway system in more than one location; and***

The private streets have been designed to specifically serve the private dwelling units and not through traffic. Through traffic would be served by the two primary roads accessing the development, which are identified as new public streets.



5. ***If applicable, the private street has been approved in accordance with [section 30.3](#), flood hazard overlay district, of the zoning ordinance and other applicable law.***

Not applicable, as the Flood Hazard Overlay District does not apply to the subject parcels.

**Recommendation:**

Staff recommends approval of the private street request as it demonstrates compliance with the criteria and findings necessary to approve private street authorization as specified by Sections 14-233 and 14-234 of the Subdivision Ordinance.

**SIDEWALK WAIVER REQUEST**

Section 14-422 (A) of the Subdivision Ordinance requires all private streets in the development areas to have sidewalks along both sides of the street. The applicant is requesting a waiver to this requirement. Specifically, they are requesting to waive the sidewalk requirement along both sides of private roads A and B. The request also seeks to allow sidewalks along only one side of private roads C and D. A detailed written summary and justification for this request has been provided by the applicant (Attachment 7). An exhibit identifying where sidewalks would be provided throughout the street network of Montclair can also be found in Attachment 7.

Waiver or exceptions to sidewalk requirements may be granted by the Planning Commission under Section 14-422 (E) by considering the following (ordinance language in ***bold italics***, with staff analysis below):

- i. a variation or exception to allow a rural cross-section has been granted;***  
A rural cross section has not been granted through a variation or exception for private roads A, B, C, and D. The private streets would feature curb & gutter as required by the Subdivision Ordinance.
- ii. a surface other than concrete is more appropriate for the subdivision because of the character of the proposed subdivision and the surrounding neighborhood;***  
Concrete will still be provided as the surface material for all sidewalks shown on the Application Plan and sidewalk waiver exhibit. The applicant is not requesting to waive or vary this requirement.
- iii. sidewalks on one side of the street are appropriate due to environmental constraints such as streams, stream buffers, steep slopes, floodplain, or wetlands, or because lots are provided on only one side of the street;***  
The location of the private streets subject to this request are not located adjacent to any of the environmental features listed in this requirement.
- iv. the sidewalks reasonably can connect into an existing or future pedestrian system in the area;***  
Sidewalks will be provided along both sides of the two main public access roads into the development. Sidewalks will be provided along one side of private roads C and D, which will allow residents of dwellings in that block access to pedestrian facilities that connect to trails within open space and amenity areas within and outside of the block, as well as sidewalks along other streets.

Waiving sidewalk requirements along private roads A and B would not serve pedestrians well as these streets are designed to function as alleyways for vehicles accessing rear-loaded garages for dwelling units in their blocks. That said, there will be trails and sidewalks in amenity areas that abut the lots, so pedestrian facilities are still provided near each street and will allow travel by foot within the development.
- v. the length of the street is so short and the density of the development is so low that it is unlikely that the sidewalk would be used to an extent that it would provide a public benefit;***

The sidewalks along private roads C and D are situated in a manner which still serves a public benefit even though they are only proposed along one side of the street. Requiring sidewalks along private roads A and B would be unlikely to serve a public benefit, as these are vehicular alleyways that provide vehicular access to rear-loading garages. As noted above, there will still be a sidewalk within the amenity spaces between private roads A and B which will allow for a cohesive pedestrian network throughout the development that will accomplish the intent of the Ordinance requirement.

**vi. *an alternate pedestrian system including an alternative pavement could provide more appropriate access throughout the subdivision and to adjoining lands, based on a proposed alternative profile submitted by the subdivider;***

Appropriate access to Wickham Pond to the east, Route 240 to the north, and Park Ridge Drive to the west would still be achieved through sidewalks along the two public roads within Montclair. Furthermore, private trails and sidewalks through open space areas would provide additional secondary access routes for pedestrians.

**vii. *the sidewalks would be publicly or privately maintained;***  
All sidewalks along private streets would be privately maintained.

**viii. *the waiver promotes the goals of the comprehensive plan, the neighborhood model, and the applicable neighborhood master plan;***

Waiving sidewalks as requested would allow the development to achieve the compact form of housing recommended by the Crozet Master Plan land use recommendations. The design of open space areas in each block also achieves the Neighborhood Model Principle goals of pedestrian orientation and providing coherent and well-functioning amenity/open space areas. Waiving the sidewalks as requested is necessary to achieve the form of this development.

**ix. *waiving the requirement would enable a different principle of the neighborhood model to be more fully achieved.***

Two Neighborhood Models in particular would be achieved to a greater extent by granting the sidewalk waiver as opposed to requiring the sidewalks along both sides of the four private streets. These include the multimodal transportation network and street interconnectivity principles. Numerous pedestrian facilities are proposed through the development in close proximity to where the required sidewalks would otherwise be located. Residents would be redirected to travel through common amenity areas and open space if traveling by foot, as opposed to walking down streets that have an appearance as vehicular access-only alleys. As noted earlier, sidewalks along the public roads within Montclair would provide the principal means of access for pedestrians, and each has several secondary access points to trails and sidewalks interspersed throughout the open space and common areas of each block.

**Recommendation:**

Staff recommends approval of the sidewalk waiver request as the applicant has demonstrated that the request meets the findings of Section 14-203.1 (B)(2) and 14-203.1 (B)(3) to approve the variations and exceptions, respectively.

**PLANTING STRIP WAIVER REQUEST**

The applicant is seeking to waive the requirement for a 6' wide planting strip along two of the internal private streets (private roads A and B), as required by [Section 14-422 \(D\)](#) of the Subdivision Ordinance. The applicant is requesting a variation to not provide the planting strip in the specified location between the street pavement and sidewalk along two other private streets (private roads C and D), but rather provide a planting strip in the front yard

of dwellings along those streets. A detailed written summary and justification of these requests provided by the applicant can be found in Attachment 8.

Under Section 14-422 (F), the Planning Commission may vary or except the planting strip requirement by considering the following (ordinance language in ***bold italics***, with staff analysis below):

***i. a variation or exception to allow a rural cross-section has been granted;***

A rural cross section has not been granted through a variation or exception. The private streets would feature curb & gutter as required by the Subdivision Ordinance.

***ii. a sidewalk variation or exception has been granted;***

The applicant has requested to vary the sidewalk requirements along the private streets, as mentioned above. Staff recommends approval of the sidewalk variations.

***iii. reducing the size of or eliminating the planting strip promotes the goals of the comprehensive plan, the neighborhood model, and the applicable neighborhood master plan;***

Eliminating the planting strip requirement along private roads A and B will allow the residential units to be developed at the small-scale construction type recommended on the subject parcels in the Middle Density Residential land use classification identified by the Crozet Master Plan. These units will be served by rear-located garages and the streets will essentially function as alleyways. The compact form of development and streetscape design is consistent with the Neighborhood Model Principles of the Comprehensive Plan.

The variation to the location of the planting strip along private Roads C and D is also consistent with these criteria. The planting strip will still be provided, but it will be further into the lots, and located behind the sidewalks proposed. This relocation will allow sidewalks to still be installed along private roads C and D, and offer a larger planting area for street trees in the front yards of the dwelling units. Staff finds that this promotes the goals of the Comprehensive Plan and the Neighborhood Model by still achieving streets with a pedestrian orientation.

***iv. waiving the requirement would enable a different principle of the neighborhood model to be more fully achieved.***

The intent of planting strips is to create an urban streetscape that is friendly for pedestrians. In the case of Montclair, the style of the project is consistent with numerous Neighborhood Model Principles. Numerous common spaces are provided along each private street where the planting strip variations/exceptions are being requested. The design of the street sections also allows the project to be developed at densities recommended by the Master Plan. As noted in the applicant's justification, street trees will still be provided along each of the private streets even with the variations/exceptions of the Ordinance requirement. Staff finds that the variations and exception to the planting strip requirements would not diminish the intent of the Comprehensive Plan for neighborhoods within the development areas.

**Recommendation:**

Staff recommends approval of the planting strip waiver request as the applicant has demonstrated that the request meets the findings of Section 14-203.1 (B)(2) and 14-203.1 (B)(3) to approve the variations and exceptions, respectively.

**SUMMARY**

Staff has identified the following factors which are favorable to this rezoning request:

1. The request is consistent with the land use recommendations of the Crozet Master Plan.
2. The request is consistent with the Comprehensive Plan Neighborhood Model Principles.

3. The request provides new transportation improvements consistent with the transportation recommendations of the Crozet Master Plan, including new streets and a 10' wide multi-use path within the public right-of-way of Three Notch'd Road (Route 240).
4. The request provides 15% affordable housing consistent with the County's affordable housing policy.

Staff has identified the following factors which are unfavorable to this rezoning request:

1. Student enrollment at Western Albemarle High School is overcapacity and the development would add a projected fourteen (14) new students that would contribute to the current overcapacity enrollment.

**RECOMMENDATION**

For the reasons outlined in the staff report, staff recommends approval of ZMA202000012 Montclair.

**PLANNING COMMISSION POTENTIAL MOTIONS**

1. **ZMA202000012**

- a. Should a Planning Commissioner **choose to recommend denial** of zoning map amendment **ZMA202000012**:

***Move to recommend denial for the reasons stated in the staff report.***

- b. Should a Planning Commissioner **choose to recommend approval** of this zoning map amendment:

***Move to recommend approval of, (outline. reasons for approval).***

2. **Private Street Authorization Request:**

- a. Should a Planning Commissioner **choose to recommend approval** of the private street authorization request:

***Move to recommend approval for the reasons stated in the staff report.***

- b. Should a Planning Commissioner **choose to recommend denial** of this request:

***Move to recommend denial of, (outline. reasons for denial).***

3. **Sidewalk Waiver Request:**

- c. Should a Planning Commissioner **choose to recommend approval** of the sidewalk waiver request:

***Move to recommend approval for the reasons stated in the staff report.***

- d. Should a Planning Commissioner **choose to recommend denial** of this request:

***Move to recommend denial of, (outline. reasons for approval).***

4. **Planting Strip Waiver Request:**

- e. Should a Planning Commissioner **choose to recommend approval** of the planting strip waiver request:

***Move to recommend approval for the reasons stated in the staff report.***

- f. Should a Planning Commissioner **choose to recommend denial** of this request:

***Move to recommend denial of, (outline. reasons for approval).***

**Attachments**

1. Location Map
2. Stream Determination Appeal - Administrative Hearing Findings Letter
3. Application Narrative
4. Application Plan
5. Code of Development
6. Private Street Authorization Request
7. Sidewalk Waiver Request
8. Planting Strip Waiver Request
9. ACSA Jurisdictional Amendment Request
10. Consistency with Neighborhood Model Principles Analysis
11. Affordable Housing Analysis