

STAFF ANALYSIS

STAFF PERSON:	Rebecca Ragsdale, Planning Manager
BOARD OF SUPERVISORS:	August 16, 2023
PROJECT:	ACSA202300001 Hunters Way Special Exception
PARCEL ID:	07900-00-00-004P0

PROPOSAL

Application to amend the Albemarle County Service Authority Jurisdictional Area (ACSAJA) to authorize water service which would be limited to water for fire suppression for a proposed 43,600 square foot warehouse. No water services for domestic use is requested. Further detail is provided by the applicant as Attachment A.

CHARACTER OF THE AREA

The subject property is a 2.56-acre parcel zoned Highway Commercial (HC), in a 16-parcel subdivision designated Rural Area (RA) in the Comprehensive Plan. No public water or sewer service is authorized to the subject parcel or any of the other properties located in Hunters Way. Currently, the subject property is developed with a two-story building with a footprint of 6,000 square feet, for a total gross floor area of 12,000 square feet (2305 Hunters Way) and 22 parking spaces. The property fronts on both Hunters Way and Route 250, with access from Hunters Way. Parcels zoned HC within the subdivision are primarily along Route 250 and consist of approximately 12 acres. The majority of the subdivision is zoned Light Industrial (LI), consisting of approximately 46 acres. Surrounding the property, uses vary from auto repair shop, daycare, retail, self-storage, manufacturing, distribution, and medical office/research. Adjacent to the property are a 45,000 square foot UPS Distribution Center, an 11,000 square foot storage warehouse, a two-story 40,000 square foot gross floor area building, and Prime Storage buildings that range from 4,000 square feet to 13,000 square feet. (Attachment B- Location Map and Attachment D-ASCAJA Map)

PLANNING AND ZONING HISTORY

ACSA199300002- Following a public hearing, the Board of Supervisors denied an application for a Jurisdictional Area amendment to allow water service for fire suppression. Staff at the time recommended approval of the application, noting that water service may address a public safety concern and that the request would not result in the further extension of water lines in the Rural Area. Several speakers opposed the request. Concerns included increased pressure for development along the Route 250 corridor and potentially future requests for service. The Board denied the application, indicating similar concerns, while acknowledging other means to address the possible safety issue.

SE202300016- A special exception was approved to allow an increase in gross floor area for Storage / Warehousing / Distribution / Transportation uses on the site for a 43,600 square foot warehouse. The HC Zoning District limits those uses to 4,000 square feet, which can be increased by special exception.

SE202300015- A special exception was approved to allow disturbance of approximately 12,485 square feet of critical slopes in association with the proposed 43,600 square foot warehouse.

SDP202300004- An initial site plan was approved to allow the proposed warehouse. A final site plan has not yet been submitted.

COMPREHENSIVE PLAN:

The Community Facilities chapter of the Comprehensive Plan addresses where public water and sewer service is to be provided:

Objective 9: Provide public water and sewer in the Development Areas. Water and sewer services are essential for the County to achieve its growth management goals. Having adequate facilities in the Urban Service Area is also very important if the densities recommended in the Land Use Plan are to be realized. Available water supply and wastewater treatment capacities can limit the ultimate number of connections that can be made to either system. The strategic location and sizing of necessary water storage facilities, water distribution, and wastewater collection lines are more important to the effective use of these capacities for future growth. Providing water with adequate pressure to support necessary fire flows is equally important. Coordination of utilities and land use planning also requires the provision of utilities where they are needed.

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Strategy 9a: Continue to provide public water and sewer in jurisdictional areas. Water and sewer jurisdictional areas ensure the County's Growth Management Policy, Land Use Plan, and Develop Area Master Plans are implemented by guiding the direction of public utility placement. The areas also permit these services to be provided in a manner that can be supported by the utility's physical and financial capabilities. The jurisdictional areas are those portions of the County that can be served by water or sewer service, or both, and generally follow the Development Areas boundaries. Delineation and adoption of utility project jurisdictional areas by a local governing body is provided for in Virginia Code § 15.2-5111.

The boundaries of the Development Areas are to be followed in delineating jurisdictional areas. **Change to these boundaries outside of the Development Areas should only be allowed when: (1) the area to be included is adjacent to existing lines; and (2) public health and/or safety is in danger.** [emphasis added]

STAFF ANALYSIS

Staff has analyzed the application based on the criteria in Strategy 9a of the Community Facilities chapter of the Comprehensive Plan:

1. Whether the area to be included is adjacent to existing lines

The parcel is adjacent to an existing water line and fire hydrant. ACSA has not indicated any concerns with the ability to serve the parcel with water for fire suppression purposes.

2. Whether public health and/or safety is in danger

Strategy 9a is meant to address the concern that public water and sewer systems are a potential catalyst for growth, and that capacities need to be efficiently and effectively used and reserved to serve the Development Areas. Continued connections of properties in the Rural Area should be the exception, as the further extension of lines into the Rural Area could strain limited water resources and capacity.

Water service to properties outside the Development Area has typically been approved only after documentation of an existing public health or safety issue. No prior ACSAJA amendment applications have been approved for limited water service for fire suppression in the Rural Area. However, in 1991, the Board adopted a policy to allow fire hydrants on existing water lines in the Rural Area.

The fire code requires any structure built to have an identified water source for firefighting operations, capable of delivery of the calculated needed fire flow for the proposed building. This standard includes the ability to provide the required gallon per minute flow for the required duration. The size of the proposed building triggers the building code requirement for a fire suppression sprinkler system. The flow needed for sprinklers is also a part of the calculation for the needed fire

flow for the building, in addition to factoring the need for water for responding units to fight a fire in the building. If available, an efficient way of providing this needed fire flow is a public system fire hydrant capable of providing that flow, but there are other methods of doing so, such as water tanks filled from wells and cisterns, among others.

Currently, no policy includes specific conditions or criteria on when fire suppression is considered a health or safety issue. In this circumstance, the request is in association with an established commercial and industrial subdivision. By-right uses on the property could result in more significant scale of fire risk and response needs. Two recent special exceptions were approved for this parcel on June 21, 2023, allowing the increased size of warehouse uses and disturbance of critical slopes.

SUMMARY

The request is not consistent with the existing guidance in the Comprehensive Plan. Staff has concerns about approving such ACSJA amendments without additional policy in the Comprehensive Plan in place, including review criteria.

However, staff believes there are additional factors that may be considered, including the limited nature of the request to water only for fire suppression, public safety benefits, and the fact that this request would not require extension of water lines. Given the legacy zoning of Hunters Way, the existing character and development of the parcels at this particular location are already commercial and industrial in nature, which is more intensive than the surrounding Rural Area.

RECOMMENDED ACTION:

Based on the staff analysis, staff recommends denial of the proposed amendment to the ACSAJA. Alternatively, if the Board chooses to approve the proposed amendment, staff has also provided a resolution to approve (Attachment F).

Recommended Motion (to Disapprove): I move to adopt the resolution attached to the staff report as Attachment E.

Alternative Motion (to Approve): I move to adopt the resolution attached to the staff report as Attachment F.

ATTACHMENTS:

- A. Applicant Request
- B. Location Map
- C. Staff Analysis
- D. ACSAJA Service Designations Map
- E. Resolution to Disapprove
- F. Resolution to Approve