

Staff Comments- ZMA202100013Southwood Phase 2 Revised Materials

The Planning Commission (PC) public hearing for the Southwood Phase 2 rezoning was held on April 26, 2022. A number of concerns arose with the proposal, which had last been revised February 21, 2022. In response to these areas of concern, the applicant resubmitted revised application materials:

- Project Narrative last revised June 27, 2022
- Application Plan last revised dated June 27, 2022
- Code of Development last revised July 5, 2022
- Proffers signed September 12, 2022

Staff has outlined those primary areas of concern below and provided comments on the updated materials.

TRANSPORTATION

At the time of the PC public hearing, transportation impacts had not been adequately addressed and outstanding VDOT review comments remained related to Hickory Street and the Old Lynchburg Rd/5th Street Corridor.

Hickory Street

At the time of the PC public hearing, staff had requested additional information regarding the proposed Hickory Street Road section, including bike lanes. While proffers under review at that time offered to complete engineering design for the off-site section of Hickory Street to 30% design, the applicant verbally offered 100% design drawings at the PC hearing. Revised materials address Hickory Street and explain why no bike lanes are proposed. Resident designers prefer a shared-use path rather than a dedicated bike lane within the vehicular travelway.

Since the PC meeting, staff and the applicant have had further discussion regarding Hickory Street, which is a private street from Old Lynchburg Road to Oakhill Drive. Habitat, the County, and Covenant School have shared maintenance responsibilities for the road. Under the latest proposal, the section of Hickory Street within Southwood would be upgraded to public road standards for acceptance by VDOT. The section from the end of the Southwood Property to Oakhill Drive is not part of the Phase 2 rezoning. Intermediate upgrades are necessary while the County and other users of the road work towards upgrades for that section to allow it to be accepted into the VDOT system.

Staff believes a two-phased approach for upgrades to the off-site portion of Hickory Street would be the best approach:

- For the short-term solution, engineering plans are needed that identify minimal improvements to Hickory Street that would allow the roadway to serve the future park, Southwood residents, and Covenant School needs. Based on the maintenance agreement, the three parties subject to the agreement must provide their proportionate share of the costs for improvements.
- For the long-term solution, work is already underway to produce 30% design drawings that would show the long-term vision of a full build out for the roadway that could be used to pursue grant funding opportunities as they become available.

Ideally, the shorter-term improvements could be aligned with the long-term build out so that any work completed could be expanded when funding became available. This approach would also allow planning for Biscuit Run Park to make additional progress. The applicant has provided updated signed proffers that address this approach. Staff believes that these proffers address the recommendations for Hickory Street.

Staff notes that upgrades to Hickory Street will be at a cost to the County in both funding and staff time for grant and project management. Regardless, if the Phase 2 rezoning is approved, the County will continue to have responsibilities related to Hickory Street.

Old Lynchburg/5th Street Extended Corridor

No revisions have been submitted that address outstanding concerns regarding transportation impacts along this corridor. VDOT has outstanding comments regarding the edition of the Institute of Transportation Engineers (ITE) manual that was used for the traffic impact analysis and concerns regarding failing intersections.

Intersections/Movements with significant degradation under Phase 2 Build-out include:

- Sunset Avenue - Left turns from Sunset Avenue to Old Lynchburg Road would be extremely difficult, especially in the PM peak. The Sunset Avenue intersection would see an increase from a 30-second delay in 2030 to a 130-second delay in the PM peak hour for traffic exiting Sunset onto Old Lynchburg if Southwood Phase 2 were built.
- 5th St Extended/Stagecoach Rd/Apartment – The Commercial Entrance would become nearly inoperable in the peak hours. The Stagecoach intersection, which will be operating at completely unacceptable levels with or without Southwood Phase 2, would go from an approximately three-and-a-half-minute delay to a nine-minute delay for traffic exiting Stagecoach onto Fifth Street in the PM peak hour. The Stagecoach intersection would become much worse for all movements at all times of day, as just one example. Currently Albemarle County Police Department directs traffic at this intersection in the AM during the school year under contract with the Covenant School.

Additionally, staff believes that the intersection of Old Lynchburg and Hickory Street should address pedestrian facilities. Currently, sidewalks end at the edge of the right of way as there are no proposed or future improvements to provide pedestrian connections.

Staff believes that transportation impacts to the Old Lynchburg Road/5th Street corridor have still not been adequately addressed and there are still outstanding VDOT review comments.

In short, staff believes that transportation concerns have not been adequately addressed.

SCHOOLS

The rezoning request would add additional students to Mountain View Elementary, which is currently over capacity. The need for a new school has been identified with the school's long-range plan. ACPS is currently studying options for land acquisition to construct a new elementary school within or adjacent to the Mountain View district. Within the FY 2023 budget, there is funding for design (but not construction) of two new elementary schools.

The initial draft proffers reviewed at the PC meeting included an option for the County to potentially purchase an approx. 5.7-acre parcel in Block 34 for a school, childcare center, or community center. The parcel was offered with a 20% reduction to fair market value with a sunset date of July 1, 2023. The proffer provided that if the County purchased the lot, the County would assume responsibility for relocating residents in Block 34, if the Owner had not yet begun redevelopment of that block.

Since the PC meeting, the applicant has met with Schools staff to provide updated student enrollment projections and revised proffers. Based on further analysis, an estimated 63 elementary school students would be generated. The applicant has included the following terms in the revised schools proffer, which was signed on September 12, 2022:

- The sunset date for the County to request the site has been extended to July 1, 2027, with further details on the timing for sale of the lot to the County.
- The size of the site has been increased to seven acres and could be located in Blocks 20 or 34. The applicant's revised narrative provides design concepts for how an elementary school could be located on the parcel.
- The site would be graded, with utility provisions constructed to the edge of the parcel. The site would also be remediated and all underground tanks, Boys and Girls Club, trailers, and any other items removed prior to closing on the property.
- The site would be offered at a 20% discount of the appraised value as of the effective date of the sale agreement; however, the County would be required to reimburse the owner for the cost to achieve the pad-ready, remediated site conditions above.

Though there have been improvements to the school site offered, staff has concerns regarding the sales price provisions, road access, and the timing of Hickory Street completion in relation to timing and construction of the school site. Though the site offered is in a desirable location, its acreage would limit the enrollment and future expansion options for the potential school. This approach also does not provide clarity as to the appraised value of the property at the time of purchase, given the unknowns regarding this development and market conditions of the surrounding area.

In short, staff believes that school impacts have not been adequately addressed.

BISCUIT RUN PARK

Staff has previously noted that this rezoning would result in a significant increase in residential units. Developments of this size generate impacts to County parks facilities, specifically Biscuit Run. The proffers at the time of the PC hearing offered public trail connections to Biscuit Run Park and public access to trails within Southwood, but imposed future maintenance obligations on the County.

Revised signed proffers now provide for public trail connections and remove any County maintenance obligation. These easements would work in conjunction with public access over the Southwood trail network (with maintenance remaining with Southwood) and public access easements over Southwood common area to connect the public sidewalk network in Southwood with the Southwood trail. The previous proffer for a multi-purpose/ trailhead parking lot has been eliminated based on County comments that it would be of limited public benefit.

There were no other proffers for Biscuit Run Park improvements, although Hickory Street proffers are relevant for access to the park.

ENVIRONMENTAL CONCERNS/STREAMS

Staff previously noted that the location of drainfields and potential environmental issues mentioned in the existing conditions section of the code of development were not shown on the application plan. The applicant has responded that the existing drainfields/environmental issues have not been mapped to date. During Phase 1, these issues were found during construction. The applicant anticipates similar findings in Phase 2 and will continue to work with DEQ to plan mitigation measures.

The applicant has indicated that sections of Southwood not served by sewer have failing drainfields. A pump and haul permit is in place to pump septic tanks. The applicant has coordinated with the health department and confirmed that no sewage is leaking into adjacent streams.

Habitat and County staff are coordinating future stream restoration projects associated with Biscuit Run. Habitat's consultant, Wetlands Solutions, is helping Habitat to ensure that all redevelopment work is done in compliance with DEQ guidelines. Habitat is coordinating with Greg Harper, Chief of Environmental Services, on the stream restoration project and potential need for easements within Southwood Phase 2. Although Mr. Harper has indicated that restoration is focused within the Biscuit Run Park boundaries, the County would like to retain an opportunity to provide restoration within Southwood Phase 2. Habitat is willing to grant a 50' buffer on either side of the intermittent stream in Block 13 if desired by the County to address upstream impacts to Biscuit Run. The proffers have been revised to include access and drainage easements within this area, in coordination with the County

MONACAN INDIAN NATION

A Phase 1 Cultural Resource Survey was conducted on September 24, 2007 as part of the Biscuit Run tract. This study included archeological sites within a mile of Biscuit Run Park. None of those identified sites was within Phase 2 of Southwood. Further research will be conducted as required to obtain federal construction funding.

PROVISION OF CENTER RECOMMENDED IN MASTER PLAN

At the time of the PC public hearing, the Code of Development did not commit to a minimum square footage for non-residential uses. A commitment to a minimum non-residential square footage was recommended to help the Neighborhood Center recommended by the Southern and Western Neighborhoods Master Plan.

The Code of Development has been revised to provide a minimum of 10,000 square feet of non-residential uses. This concern has been adequately addressed.

FUNDING

In 2019, the Board approved a performance agreement to provide funding support for the Southwood project. The performance agreement provides a total of \$3.2 million towards the project, including \$1.8 million in cash contributions and \$1.4 million in real estate tax rebates. To date, Habitat has met five of the milestones associated with the cash contribution, and has received \$1.5 million. The remaining \$300,000 in cash contributions will be dispersed once Habitat reaches the final milestone. There is no performance agreement in Phase 2.

On July 20, 2022, the Board approved an allocation of \$3.3 million from the Housing Fund Reserve to support the construction of the Southwood Apartments in Phase 1, which are to be developed by Piedmont Housing Alliance, and to provide up to two years of rental assistance payments for Southwood households that need to be relocated to accommodate redevelopment activities in Phase 2.

Since the Planning Commission public hearing, Habitat has continued to discuss future grant opportunities with the County and the County grants team has also been identifying potential grants. This has included new ARPA funding that has become available since the PC public hearing, including funds that could assist with construction of sewer to areas of failing drainfields.

Any future allocation of County resources to grant management would need to be approved by the Board of Supervisors. Grant funding received by the County, such as for Hickory Street or sewer upgrades, may need to be managed by departments that may not have the staff capacity for the projects. This added demand could potentially have funding implications to the County.