



ALBEMARLE COUNTY
SUMMARY

Project Name: ZMA201800018 and SP201800023, River's Edge	Staff: Tori Kanellopoulos, Senior Planner
Planning Commission Hearing: May 19, 2020	Board of Supervisors Public Hearing: TBD
Owner: Rivers Edge Associates and Rivers Edge Holdings LLC	Applicant: Justin Shimp and Kelsey Schlein, Shimp Engineering, on behalf of Rivers Edge Holdings
Acreeage: TMP 32-5A1 is 27.71 acres and TMP 32-5A0 is 4.81 acres, for a total of 32.52 acres.	Rezone from: RA Rural Areas to PRD Planned Residential Development Special Use Permit: Request disturbance of preserved steep slopes to accommodate the development of private facilities (accessway and stormwater management) for the proposed rezoning development
TMP: 03200-00-00-005A1 and 03200-00-00-005A0	Location: 2260 and 2256 Rivers Edge Lane at Route 29 North, approximately 0.20 miles north from the intersection of Lewis and Clark Drive and Route 29.
School Districts: Baker Butler E.S., Sutherland M.S., Albemarle H.S.	Current by-right use: Rural Area 0.5 units/acre
Magisterial District: Rivanna	Proffers: None
Proposal: Rezone two properties from Rural Areas (RA) to Planned Residential Development (PRD). Request for a special use permit for the disturbance of preserved steep slopes to accommodate the development of private facilities (accessway and stormwater management) for the proposed rezoning development.	Requested # of Dwelling Units per ZMA: Maximum of 100 dwelling units; 50 units are size-restricted to a maximum gross floor area of 1,200 sq. ft. each and the other 50 units are size-restricted to a maximum gross floor area of 900 sq. ft. each.
DA (Development Areas): Hollymead neighborhood in the Places29 Master Plan	Comp. Plan Designation: Neighborhood Density Residential and Private Open Space per the Places29 Master Plan

<p>Affordable Housing Provided: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Affordable Housing AMI (%): Minimum 15 percent affordable units at 80 percent AMI.</p>
<p>Character of Property: Two parcels totaling 32.52 acres with approximately fourteen single-family detached houses and a paved accessway that creates a loop through the site and connects to the entrance at Route 29. Parcels are heavily forested and surrounded by the Rivanna River.</p>	<p>Use of Surrounding Properties: There are several commercial properties to the north, and U.S. Army facilities. Rural Area properties (currently forested) are to the east and south. The parcel directly south is currently undeveloped but is in the Development Areas.</p>
<p>Factors Favorable:</p> <ol style="list-style-type: none"> 1. The rezoning request and special use permit request are consistent with the majority of the recommendations within the Places29 Master Plan and the Comprehensive Plan. 2. The rezoning request is consistent with the majority of the applicable Neighborhood Model Principles. 3. The rezoning provides affordable rental housing that meets the housing policy within the Comprehensive Plan for a period of 10 years. 	<p>Factors Unfavorable:</p> <ol style="list-style-type: none"> 1. The density proposed with the rezoning application is above the recommendations within the Places29 Master Plan (however, staff defers to the Commission’s evaluation of the proposed density). 2. The request to disturb preserved steep slopes with the special use permit application could potentially create negative environmental impacts: erosion and sedimentation of the Rivanna River; and loss of wildlife habitat.
<p>RECOMMENDATION:</p> <p>Zoning Map Amendment: Overall, staff finds that the favorable factors outweigh the unfavorable factors. Staff recommends approval of the rezoning request ZMA201800018 with the following change:</p> <ol style="list-style-type: none"> 1. Revise the proposed number of units to be consistent with the recommended density in the Places29 Master Plan (however, staff defers to the Commission’s evaluation of the proposed density). <p>Special Use Permit: Staff recommends approval of the special use permit request SP201800023 with conditions.</p>	

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Tori Kanellopoulos
May 19, 2020
TBD

PETITION:

PROJECT: ZMA201800018 and SP201800023 River's Edge

MAGISTERIAL DISTRICT: Rivanna

TAX MAP/PARCEL(S): 032000000005A0 and 032000000005A1

LOCATION: 2260 and 2256 Rivers Edge Lane. Route 29 North, approximately 0.20 miles north from the intersection of Lewis and Clark Drive and Route 29.

PROPOSAL: Rezone two properties from Rural Areas (RA) to Planned Residential Development (PRD). Request for a special use permit for the disturbance of preserved steep slopes to accommodate the development of private facilities (entrance and accessway) for the proposed rezoning development.

PETITION: Rezone 32.52 acres from Rural Areas (RA), which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots) to Planned Residential Development (PRD) that allows residential (3 – 34 units/acre) with limited commercial uses. A maximum of 100 units are proposed for a gross density of approximately 3 units/acre, and a net density of 12 units/acre. A special use permit for the disturbance of preserved slopes for "Private facilities on preserved slopes" pursuant to Zoning Ordinance Section 30.7.4.b.2. Request for central sewerage and central water system per County Code Section 16-102.

ZONING: Rural Areas (RA)

OVERLAY DISTRICT(S): Entrance Corridor; Steep Slopes- Managed and Preserved; Flood Hazard Overlay; Airport Impact Area

COMPREHENSIVE PLAN: Neighborhood Density Residential- residential use (3–6 units/acre); supporting uses such as religious institutions, schools, and other small-scale non-residential uses; Privately Owned Open Space; Environmental Features- privately owned recreational amenities and open space; floodplains, steep slopes, wetlands, and other environmental features; in the Hollymead Area of Places29 Master Plan.

BACKGROUND

On March 10, 2020, the Planning Commission heard the applicant's request for approval of ZMA201800018 and SP201800023, provided comments on, and deferred action at the applicant's request. The deferral was to allow the applicant time to address the issues and requests for additional information identified below:

1. Density: Additional information needed to make a determination on the request for density above the recommended density in the Comprehensive Plan (Places29 Master Plan).
2. Stormwater Management: Additional information on stormwater management and treatment, especially more treatment onsite and incorporation of any low-impact design methods.
3. Entrance: Concerns with the 'oxbow' entrance to the site (road with river on both sides). Request for additional information if other designs for the road are feasible.
4. Parking: Consider if other parking options (including a reduction in parking spaces and permeable pavers) are feasible.

5. Unit Design: Additional information on how units will be stacked, and how that design will look and function. Concern with what happens if insulation of units gets water damage. Consider fire-wise design standards from the Department of Forestry.
6. Utilities: Additional information on ownership and maintenance of the central sewerage system, and what happens if the system fails.
7. Schools: Concern with capacity of school system.

SPECIFICS OF THE APRIL 14, 2020 ZMA UPDATED APPLICATION PLAN

PLEASE REFER TO THE STAFF REPORT FOR MARCH 10, 2020 (Attachment A) FOR INFORMATION ON THE CHARACTER OF THE AREA, PLANNING AND ZONING HISTORY, CONFORMITY WITH THE COMPREHENSIVE PLAN, APPLICANT'S JUSTIFICATION FOR THE CHANGE, AND GENERAL IMPACTS OF THE DEVELOPMENT. PLEASE NOTE THAT THE SPECIAL USE PERMIT APPLICATION HAS NOT BEEN CHANGED OR UPDATED SINCE THE MARCH 10, 2020 PUBLIC HEARING.

Since the Commission's meeting in March 2020, the applicant has updated their ZMA application plan (Attachment B). Specifically, the applicant has made the following changes:

- Revised the maximum gross floor area (GFA) from 1,200 for each of the 100 units to 1,200 SF for 50 units each and 900 SF for the other 50 units each;
- The total residential building footprint area has been revised to be 60,000 SF from 50,000 SF. The buildable area has not been revised, just the total building footprint area. Buildings are still outside of steep slopes, stream buffers, and the floodplain;
- Revised stormwater management notes to say that if level spreaders cannot be provided, channelized flow through slopes may be used.

The applicant has also coordinated with Engineering staff and agreed to a condition with the Special Use Permit to provide 75 percent of stormwater treatment onsite, exclusive of forest and open space.

The applicant has responded to some of the Commission's comments as shown on the revised application plan (Attachment B) and as follows. Additional responses may be provided by the applicant during the public hearing:

1. **Density: Additional information needed to make a determination on the request for density above the recommended density in the Comprehensive Plan (Places29 Master Plan).**

Density was discussed during the first Planning Commission public hearing on March 10, 2020. Commissioners and staff discussed the lack of precedence for this type of request. The only precedent staff is aware of is additional units (beyond the Comprehensive Plan designation) approved with Riverside Village due to the additional affordable units provided. During the March 10 meeting, Commissioners expressed that this application was unique due to other aspects beyond the density request, including unique unit types and preserving a significant number of existing trees. Commissioners also discussed the impact of dwelling units, considering associated impacts with the size of units (such as

required parking). Commissioners also mentioned that the proposal was for 100 units all size-restricted at 1,200 square feet, meaning that none were 'accessory'. The applicant has since resubmitted the application with 50 units restricted at 1,200 square feet and 50 restricted at 900 square feet. Commissioners discussed the possibility of other density bonuses, such as low-impact development design for stormwater management and other design standards currently used by other localities. Currently, the County has density bonuses for affordable housing, clustering development, preserving wooded areas, non-required road improvements, and dedicating land to public use. However, these bonuses are only available to conventional zoning districts, not planned districts. Staff would welcome direction and guidance from the Commission on what factors could be considered when proposals are submitted above the recommendations of the Comprehensive Plan. Staff defers to the Commission's analysis of this request for density above that recommended in the Master Plan.

Additional information regarding density and prior actions is provided in Attachment 9 of the March 10, 2020 staff report and is discussed in the Comprehensive Plan and Affordable Housing sections of that report.

2. **Stormwater Management: Additional information on stormwater management and treatment, especially more treatment onsite and incorporation of any low-impact design methods.**

In coordination with Engineering staff, the applicant has agreed to a condition to provide a minimum of 75 percent of stormwater treatment onsite, exclusive of forest and open space. This is now Condition #6 for the Special Use Permit. Staff believes this concern has been addressed.

3. **Entrance: Concerns with the 'oxbow' entrance to the site (road with river on both sides). Request for additional information if other designs for the road are feasible.**

As the applicant stated during the public hearing, it would not be feasible from a cost and design standpoint to elevate the roadway, as significant and intense construction and design would be needed to support the weight of a fire truck. An additional ingress/egress for this parcel would be challenging and expensive to implement. Fire/Rescue does not require a second point of access, as the units are sprinklered. Based on the rock-based geology of this site, erosion to the point of impacting the existing ingress/egress does not appear likely. Staff believes this concern has been addressed.

4. **Parking: Consider if other parking options (including a reduction in parking spaces and permeable pavers) are feasible.**

The Commission discussed the proposed parking layout of this development, if permeable pavers could be used, and if there was any way to coordinate with staff and reduce parking. The applicant has not provided additional parking information at this time. Staff usually considers parking reduction requests during site planning and considers factors such as walkability and access to transit. Given the location and lack of public transit at this site, it is unlikely staff would support a parking reduction request.

However, the amount of parking and types of materials used for parking can be further evaluated at the site planning stage.

- 5. Unit Design: Additional information on how units will be stacked, and how that design will look and function. Concern with what happens if insulation of units gets water damage. Consider fire-wise design standards from the Department of Forestry.**

The applicant has not provided updated information at this time. The applicant did respond to the concern with insulation becoming water damaged, stating that, since these units are outside of the floodplain, that scenario is unlikely, and that insulation could be replaced if needed. The applicant may address these questions and concerns during the public hearing. Staff defers to the Commission on whether this concern is addressed.

- 6. Utilities: Additional information on ownership and maintenance of the central sewerage system, and what happens if the system fails.**

The proposed central sewerage system will be privately owned and maintained. It will connect back to public utilities. It is the responsibility of the property owner to upkeep the maintenance of this system and respond if it fails. It is the responsibility of ACSA to maintain and repair the public utilities with this development, including public water and the public connection to the sewerage system. Attachment 7 in the March 10, 2020 staff report outlines the applicant's request. Additional analysis on the central system is provided in the following section. While central systems are uncommon in the Development Areas, one was approved with the Emmerson Commons/Blue Ridge Cohousing development in Crozet (ZMA200700012). The purpose of the private system in both of these requests is to allow connection to the RSWA public sewage system and is not intended for provide the primary sewage treatment for development. Staff believes this concern has been addressed.

- 7. Schools: Concern with capacity of school system.**

Additional analysis of schools and capacity is provided in the March 10, 2020 staff report, including the recommendations contained in the Albemarle County Public Schools' 'Long Range Planning Advisory Committee Recommendations'. The proposed development would add approximately 21 students to County Schools. There are no proposed relevant projects in the current CIP. Staff believes this concern has been addressed.

UPDATE ON CENTRAL SYSTEM REQUEST

Staff is providing an updated analysis of the central system request since the March 10, 2020 Planning Commission public hearing. Staff did not include a full analysis per the recommendations in Objective 9 of Chapter 12 (Community Facilities) in the March staff report. The full analysis is now included as follows.

The applicant is requesting approval of a central sewerage system for the proposed residential development (Attachment 7), which requires approval from the Board. This approval does not require action of the Planning Commission, although it may be part of the Commission's consideration and discussion, and is included in the motion for the rezoning. The development would connect to public water and sewer.

Section 16 of the County Code defines a central sewerage system as a system designed to serve three or more connections. The proposed central sewerage system would serve 100 dwelling units and would require a sewer lateral connection to each dwelling unit. The central system would use a private sanitary force main, which would tie into a new public sanitary manhole adjacent to Route 29. The manhole would connect to a public gravity main under Route 29 and then to the existing public manhole at the RWSA pump station. The applicant includes the following information on monitoring the system: *“The pump station will consist of a remote monitoring system that will be managed by a contracted professional third party, a backup generator in case of loss of power, and an onsite alarm system in case of failure.”*

There do not appear to be feasible alternatives for utilities for the site. The site is in the Development Areas and has environmental and topographical constraints; therefore, drainfields would not be appropriate. Given the steep slopes, stream buffer, and floodplain constraints, connecting to adjacent parcels may be infeasible and would require significant impacts to environmental features. The proposed central system ultimately connects to public utilities. ACSA provided the following comments: *“This site has restrictive access, which would make routine maintenance to the pump station a challenge. This pump station is also serving a single parcel, so there will be no other developments connecting to the proposed pump station.”*

Staff reviews requests such as this for conformity with the Comprehensive Plan and also for technical feasibility. County Engineer and Health Department approval of the final system specifications will be required prior to construction. The Comprehensive Plan discourages central systems in the Development Areas. The intent of the Comprehensive Plan is to discourage both drainfields and extensive private systems serving as the primary treatment system for a development or multiple developments in the Development Areas. However, this proposed development is proposing public water and some private sewer facilities that ultimately connect to public sewer utilities. The private sewer utilities would only serve this site. Given that the private utilities are limited, connect to public utilities, and are limited to only this development, staff has no objection relevant to the Comprehensive Plan.

A favorable recommendation of approval of this ZMA application by the Planning Commission will be a finding that the use of a central system to provide connection to the nearby public sewer system is in substantial accord with the Comprehensive Plan.

The applicant is in the process of submitting the required application materials per 16-102(1-4) for the review and approval of the design of the facility by the County Engineer, Health Department, and ACSA.

PROFFERS

There are no proffers proposed with this application.

ZMA201800018 AND SP201800023: SUMMARY AND MOTIONS

SUMMARY

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

1. The rezoning request and special use permit request are consistent with the majority of the recommendations within the Places29 Master Plan and the Comprehensive Plan.
2. The rezoning request is consistent with the majority of the applicable Neighborhood Model Principles.
3. The rezoning provides affordable rental housing that meets the housing policy within the Comprehensive Plan for a period of 10 years.

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

1. The density proposed with the rezoning application is above the recommendations within the Places29 Master Plan (however, staff defers to the Commission's evaluation of the proposed density).
2. The request to disturb preserved steep slopes with the special use permit application could potentially create negative environmental impacts: erosion and sedimentation of the Rivanna River; and loss of wildlife habitat.

RECOMMENDATION: ZMA201800018

Based on the factors identified as favorable with this rezoning, staff recommends approval of ZMA201800018, River's Edge, with the following change:

1. Revise the proposed number of units to be consistent with the recommended density in the Places29 Master Plan (however, staff defers to the Commission's evaluation of the proposed density).

RECOMMENDATION: SP201800023

Based on the findings described in this staff report and factors identified as favorable, staff recommends approval of the Special Use Permit request, SP201800023 River's Edge, with the following conditions:

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 "River's Edge: Steep Slopes Disturbance" application prepared by Shimp Engineering, P.C. and dated February 28, 2020.
2. Improvements related to stormwater, drainage, and grading shown on the final site plan and water protection ordinance plan for River's Edge shall be in general accord with the same improvements and grading shown on the exhibits "River's Edge: Road Grading + Profile" and "River's Edge: Conceptual Stormwater" in the "River's Edge: Zoning Map Amendment Application Plan" application prepared by Shimp Engineering, P.C. and dated February 28, 2020.

3. If blasting of rock becomes necessary, the applicant will submit a blasting plan subject to review and approval by the County Engineer and other Authorities having jurisdiction prior to commencing such activity.
4. Two-layer erosion and sediment control measures will be installed around the perimeter of the site, where feasible, at the discretion of the County Engineer.
5. Erosion and sediment control basins and traps will not be located within the floodplain limits.
6. A minimum of 75 percent of stormwater treatment must be provided onsite, exclusive of forest and open space.

PLANNING COMMISSION POSSIBLE MOTIONS for ZMA201800018:

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

Move to recommend approval of ZMA201800018, River’s Edge, with the finding that the use of a central system to provide connection to the nearby public sewer system is in substantial accord with the Comprehensive Plan.

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

Move to recommend denial of ZMA201800018, River’s Edge (state reasons for denial).

PLANNING COMMISSION POSSIBLE MOTIONS for SP201800023:

- C. Should a Planning Commissioner **choose to recommend approval** of this special use permit:

Move to recommend approval of SP201800023, River’s Edge, with the conditions outlined in the staff report.

- D. Should a Planning Commissioner **choose to recommend denial** of this special use permit

Move to recommend denial of SP201800023, River’s Edge (state reasons for denial).

ATTACHMENTS:

Attachment A: March 10, 2020 Staff Report and Attachments

Attachment B: Updated Rezoning Application Plan, dated April 14, 2020

Attachment C: Planning Commission Minutes for March 10, 2020 Meeting