



## Albemarle County Planning Commission Staff Report

<b>Project Name:</b> ZMA202400004 Flow Steep Slopes Amendment	<b>Staff:</b> Rebecca Ragsdale, Planning Manager
<b>Planning Commission Hearing:</b> February 11, 2025	<b>Board of Supervisors Public Hearing:</b> To be Scheduled
<b>Owners:</b> Flow Mercedes and Toyota	<b>Applicant:</b> Kelsey Schlein, Shimp Engineering
<b>Acreage:</b> 0.80 acres of Steep Slopes, 9.61 total acreage of three parcels	<b>Rezone from:</b> Preserved to Managed Steep Slopes; Remove existing proffers (ZMA201600023)
<b>Tax Map Parcels (TMP):</b> 07800000001400, 078000000014A0, 078000000014E0	<b>Location:</b> 1357 Richmond Road
<b>School Districts:</b> Stone Robinson (Elementary); Burley (Middle School); Monticello (High School)	<b>Magisterial District:</b> Scottsville
<b>DA (Development Area):</b> Pantops	<b>Comp. Plan Designation:</b> Commercial Mixed Use, Community Mixed Use, and Parks & Green Systems.
<b>Character of Property:</b> The subject area lies at the rear of the properties fronting on Route 250, which are occupied by parking uses associated with the vehicle sales and service use.	<b>Use of Surrounding Properties:</b> The surrounding properties also contain vehicle sales and service uses, except Carriage Hill is an apartment complex adjacent to the rear property line.
<b>Positive Aspects:</b> <ol style="list-style-type: none"> <li>Rezoning the Steep Slopes to Managed would allow expansion of auto uses, supportive of Economic Development goals.</li> </ol>	<b>Concerns:</b> <ol style="list-style-type: none"> <li>Existing slopes present more characteristics of Preserved Slopes than Managed Slopes.</li> <li>The rezoning proposes to remove a 2.47 acre preservation area proffered with ZMA201600023 that provides protection for an intermittent stream.</li> </ol>
<b>RECOMMENDATION:</b> <p>Staff believes that the slopes overwhelmingly meet the characteristics of Preserved Steep Slopes as opposed Managed Steep Slopes on parcels 07800000001400 and 078000000014E0. Therefore, staff recommends denial of ZMA202400004. However, staff acknowledges portions of Preserved Slopes on 078000000014A0 are around a previously approved stormwater basin. With a revised concept plan demonstrating only that limited area would be impacted, staff could support that designation changing to Managed Slopes on only that portion of the parcel that drains to the stormwater basin.</p>	

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

**Rebecca Ragsdale, Planning Manager**  
**February 11, 2025**  
**To be Scheduled**

**PETITION:**

PROJECT: ZMA202400004 Flow Toyota & Mercedes Slopes Rezoning

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL(S): 07800000001400, 078000000014A0, 078000000014E0

LOCATION: 1357 Richmond Road

PROPOSAL: Rezone Preserved Steep Slopes to the Managed Steep Slopes Overlay District; Remove proffers of ZMA201600023.

ZONING: HC Highway Commercial, EC – Entrance Corridor Overlay District; Steep Slopes Overlay District – Managed; Steep Slopes Overlay District - Preserved

COMPREHENSIVE PLAN: Community Mixed Use, Commercial Mixed Use. Secondary residential, office/R&D/flex/light industrial, institutional; Parks & Green Systems of the Pantops Master Plan

**CHARACTER OF THE AREA**

The subject parcels are part of a commercial corridor on Pantops that predominantly contains car dealerships. The subject area lies primarily at the rear of the Toyota and Mercedes dealerships. The parcels are adjacent to parking areas of the HoneyCar dealership to the east, as well as the rear of the Carriage Hill residential development to the south. The subject area lies above a wooded drainage area and intermittent stream. This area collects drainage for these sites and directs it underneath South Pantops Drive and down to the Rivanna River. (Attachment 1)

**PLANNING AND ZONING HISTORY**

This site has been used for vehicle sales and service since at least the mid-1970's. The site plan has been continually amended throughout the 1980's and 1990's as the vehicle dealership and service uses were expanded on parcels 07800000001400 and 078000000014E0. The current facilities on parcel 078000000014A0 were established in part or included expansions in the late 1990's. The application materials (Attachment 2) include copies of previous site plans for the parcels.

A site plan amendment (SDP2000-00049) permitted a small addition to the rear of the main building and an 18-foot wide interparcel connection with the adjacent Mercedes-Benz dealership. An unapproved major site plan amendment proposed an additional 378 parking spaces at the rear of the site in 2002 (SDP2002-00026). This amendment was ultimately deemed withdrawn due to inactivity in 2005; however, this amendment is referenced because it includes important details about the existing site conditions at the time. Site plan approvals on parcel 078000000014A0 have occurred that permitted a stormwater facility, which a portion of the Preserved Steep slopes surround.

In 2016, it was discovered that prior unpermitted grading activity violated the Steep Slopes Overlay District. This activity created an expanded parking area at the rear of the site. Although the grading activity pre-dated the adoption of the Steep Slopes Overlay District (March 5, 2014), it was not part of an approved plan and therefore, the disturbance required an amendment of the overlay district by the Board of Supervisors. As a result, the applicant filed a zoning map amendment application in late 2016.

ZMA201600023 amended the Steep Slopes Overlay district as it applied to parcels 07800000001400 and 078000000014E0 to remove 0.05 acres of Managed slopes and approximately 0.20 acres of Preserved slopes and established a new area of approximately 0.25 acres of Managed slopes. A preservation area at the rear of the site was proffered and provided protection for an intermittent stream that would otherwise not be required and is consistent with the intent of the original Preserved Slope designation. The current designations are shown on Attachment A. This amendment helped abate a violation of the Steep Slopes Overlay

District.

Since the rezoning, SDP201700031 was approved to address the un-permitted disturbance and to provide the preservation area proffered with ZMA201600023.

### **SPECIFICS OF THE PROPOSAL**

This rezoning seeks to rezone all Preserved Slopes on the subject parcels to Managed Slopes as proposed in Attachment 2 and shown below. A concept plan for those areas is not provided but the applicant indicates the redesignation would allow future expansion of the auto dealerships for parking and potentially car wash facilities.



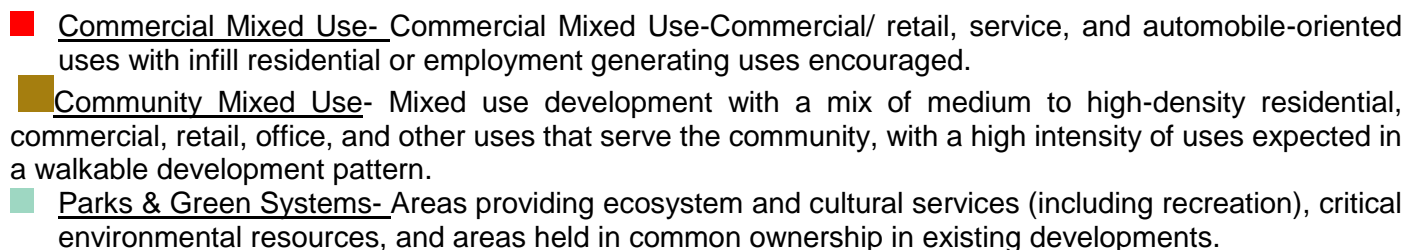
This rezoning also proposes to remove proffers offered with ZMA201600023, which established a 2.47 acre preservation area which is reflected on an approved site plan and recorded easement for water quality purposes.

### **COMMUNITY MEETING**

A community meeting was not required for this rezoning.

### **COMPREHENSIVE PLAN**

The [Pantops Master Plan](#), last updated June 19, 2019, designates the properties as Commercial Mixed Use and Parks & Green Systems as shown on the map below. The categories and their general descriptions are described below.



The master plan includes a future street connection between Rolkin Road and Spotnap Road, which would provide an alternative parallel road to Route 250. A public road is permitted as a by-right use on Preserved Slopes.

The applicable section of the Zoning Ordinance for the application is [Sec. 30.7](#) Steep Slopes Overlay. The application seeks to reclassify the Preserved (Steep) Slopes on the property as Managed Slopes. 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 (in italics) following the ordinance criteria. (Attachment 3)

### 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 parcels contain two areas of steep slopes, which are contiguous to larger steep slopes systems. (Attachment A)
- ii. the slopes are not associated with or abutting a water feature, including, but not limited to, a river, stream, reservoir or pond;*  
Slopes are adjacent to an intermittent stream.
- iii. the slopes are not natural but, instead, are manufactured;*  
Staff believes that most of the area of steep slopes were once part of the natural hillside system associated with Pantops and are not entirely manufactured.
- iv. the slopes were significantly disturbed prior to June 1, 2012;*  
The applicant has included in the application materials evidence of prior disturbance. (Attachment B)
- 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 are not within previously approved single-family lots. The slopes were allowed to be disturbed on site plans prior to the adoption of the Steep Slopes Overlay District. Specifically, the area designated Preserved Slopes at the rear of Parcel ID 078000000014A0 is an area around a stormwater basin.

### 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 slopes are a contiguous area and more than 10,000 square feet. They are part of the much larger system of slopes in that portion of Pantops that drains to the Rivanna River.
- 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;*  
The slopes are adjacent to an intermittent stream. As part of the prior Steep Slopes amendment, it was noted that the proffered preservation area at the rear of the site provided protection for the intermittent stream that would otherwise not be required and is consistent with the intent of the original preserved slope designation
- iii. the slopes are part of a hillside system;*  
The slopes are part of a hillside system associated with Pantops Mountain.
- iv. the slopes are identified as a resource designated for preservation in the comprehensive plan;*  
The slopes are not a specifically identified natural resource for preservation in the comprehensive plan.
- v. the slopes are identified as a resource in the comprehensive plan;*

The slopes are designated Parks & Green Systems according to the Pantops Master Plan, which encourages Preserved Slopes to remain.

**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. The Architectural Review Board staff has expressed concern about changing these slopes to Managed Steep Slopes, which could allow further expansion of parking areas visible from the Entrance Corridor. However, any future parking must be screened and if used for outdoor display, a special use permit is required.

**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 been preserved by prior County action. Proffers accepted with ZMA201600023. ZMA201600023 amended the Steep Slopes Overlay district as it applied to parcels 07800000001400 and 078000000014E0 and established a minimum 2.47 acre preservation area.

**Recommendation:**

Staff believes that the slopes overwhelmingly meet the characteristics of Preserved Steep Slopes as opposed Managed Steep Slopes on parcels 07800000001400 and 078000000014E0. Therefore, staff recommends denial of ZMA202400004. However, staff acknowledges portions of Preserved Slopes on 078000000014A0 are around a previously approved stormwater basin. With a revised concept plan demonstrating only that limited area would be impacted, staff could support that designation changing to Managed Slopes on only that portion of the parcel that drains to the stormwater basin.

**SUMMARY**

**Positive Aspects:**

1. Rezoning the Steep Slopes to Managed would allow expansion of auto uses, supportive of Economic Development goals.

**Concerns:**

1. Existing slopes present more characteristics of Preserved Slopes than Managed Slopes.
2. The rezoning proposes to remove a 2.47 acre preservation area proffered with ZMA201600023 that provides protection for an intermittent stream.

**PLANNING COMMISSION POTENTIAL MOTIONS**

- a. Should a Planning Commissioner **choose to recommend denial** of zoning map amendment ZMA202400004:

***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).***

**Attachments:**

1. Location Map
2. Application Materials
3. Steep Slopes Overlay District regulations