

SDP202300004 2305 Hunters Way

Special Exception Request Per Sec. 4.2.5 -
Critical Slopes Disturbance

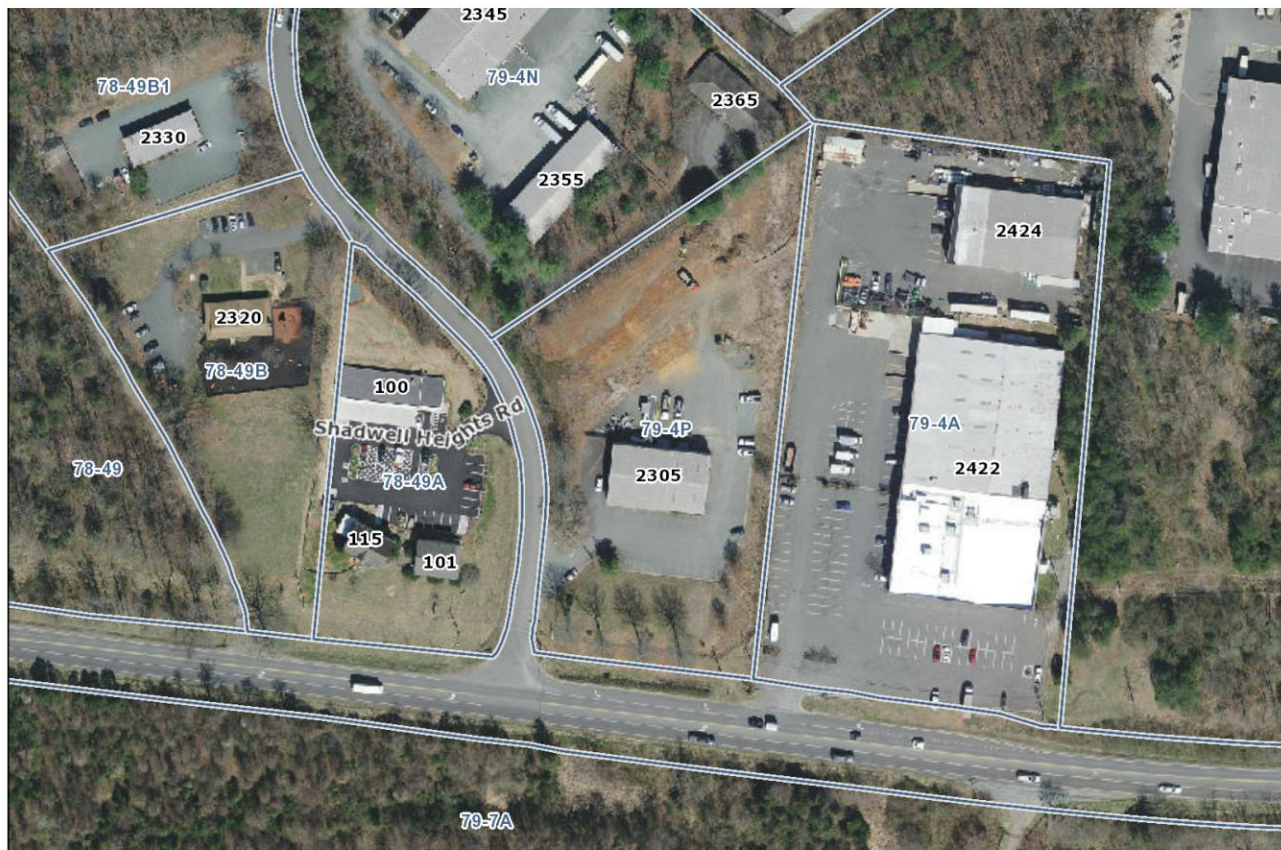
March 27, 2023

Sec. 4.2.5 - Special Exception Request for Critical Slopes Disturbance

WP Richmond Road, LLC is the property owner (the “owner”) of tax map parcel 07900-00-00-004P0 (the “property”), a 2.56 acre property in the Hunters Hall subdivision, approximately ¾-mile east of the Interstate 64 exit 124 diverging diamond interchange. An initial site plan for the property has been submitted for the property under SDP202300004, which proposes the construction of warehouse space on the site. Current revisions to the initial site plan propose 43,600 SF of warehouse space (see page 3).

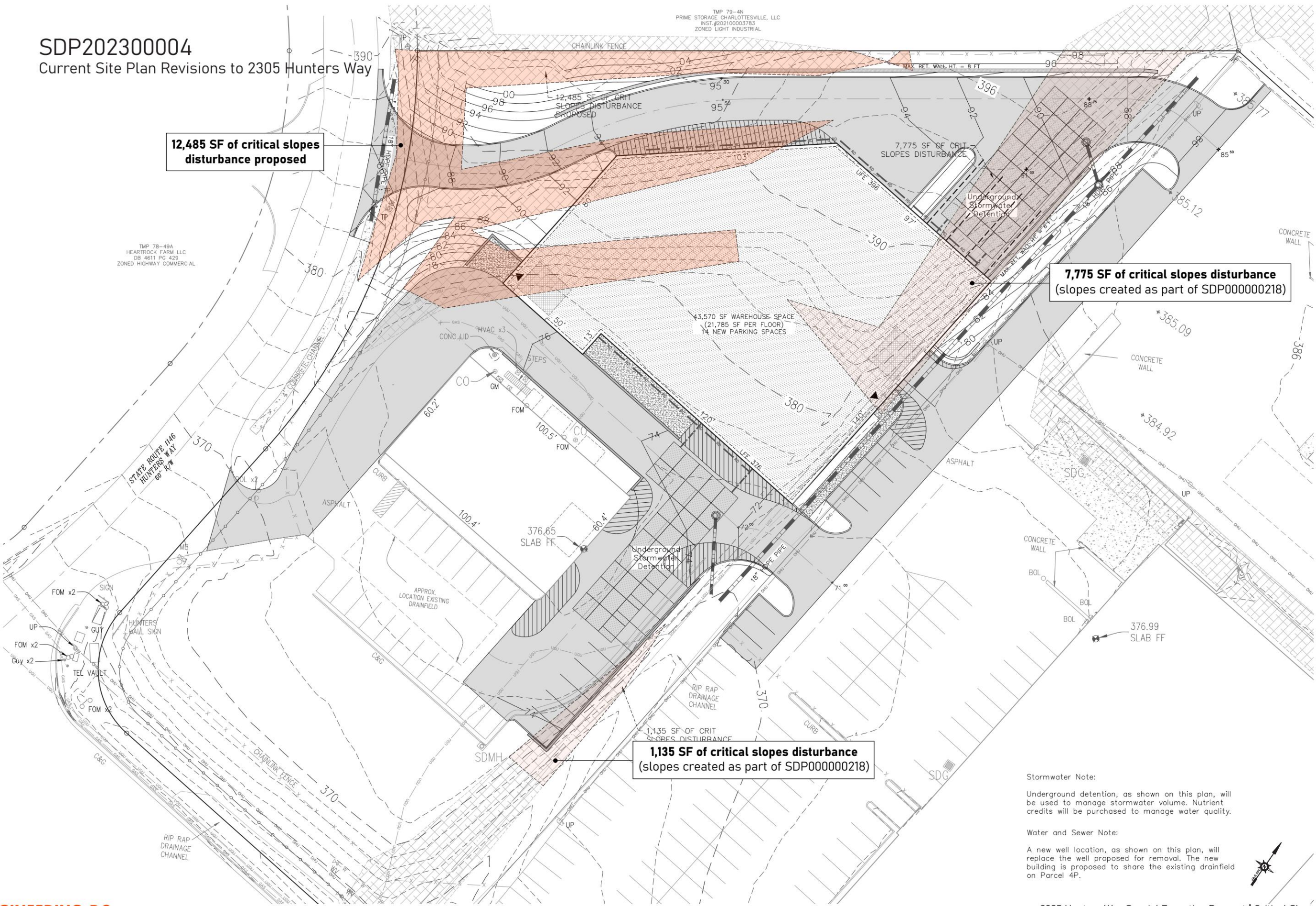
While the property is zoned Highway Commercial, the Hunters Hall subdivision is outside of the Albemarle County Development Areas and any slopes present on the property that exceed 25% slope are designated as critical. There are 21,395 SF of critical slopes to be disturbed, however, 8,910 SF of slopes are shown as part of the grading plan for SDP000000218 for the lumber shed addition for the former Lowes site for drainage improvements along the shared property boundary with the subject parcel (see page 4). To allow for the proposed development per SDP2023-4, the owner seeks a special exception request to disturb 12,485 SF of critical slopes present on the property under Sec. 4.2.5 of the Albemarle County Zoning Ordinance.

The property is currently utilized for 6,000 SF of mixed commercial and light industrial uses on the front portion of the parcel. SDP202300004 proposes a 2-story structure in the rear of the site, where a significant portion of the parcel is encumbered by critical slopes. Current revisions to the site plan propose up to 43,600 SF of warehouse space in total. Any development that occurs in the rear would require critical slopes disturbance. Moreover, the critical slopes are the product of prior construction activity. For the portion of slopes to the western edge of the property, it is clear that the road construction of Hunters Way, building pads, and travelways created these steep slopes, as the slopes are present along the bank and ditch adjacent to Hunters Way and slopes are present around the edge of the building pads and parking areas. For critical slopes to the east of the property, the approved SDP000000218 for the former Lowes site proposed grading on the subject property to create a ditch condition along the shared property boundary. With the slopes to the rear of the property, aerial imagery indicates mass grading to the rear of the site by the prior owner. The current owner acquired the property in 2022 and it does not appear that any review took place for the construction activity that created the rear slopes, as it may have been completed in increments that did not trigger erosion and sediment control and stormwater management requirements.



Albemarle County 2018 Aerial Imagery: Construction activity in the rear of TMP 79-4P

SDP202300004
Current Site Plan Revisions to 2305 Hunters Way



Stormwater Note:

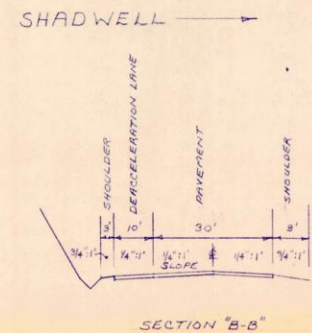
Underground detention, as shown on this plan, will be used to manage stormwater volume. Nutrient credits will be purchased to manage water quality.

Water and Sewer Note:

A new well location, as shown on this plan, will replace the well proposed for removal. The new building is proposed to share the existing drainfield on Parcel 4P.



Lumber Shed Addition to Lowes of Charlottesville



DEACCELERATION LANE DATA:
10' WIDE X 125' LONG WITH A 50'
LONG TAPER, 10'-10' WIDE.
BASE TO HAVE 12" NO. 2 1/2 A CR.
STONE APPLIED AND COMPACTED
IN 6" LAYERS. SURFACE TO BE
165 LBS./SQ. YD. OF BITUM. CONC.,
TYPE 5-5. BASE TO BE
PRIMED WITH ASPHALT AND
CHIPPED PRIOR TO APPLYING
5-5 BITUM. CONC. SURFACE.

5-ft contour intervals

Approved administratively - Storage Building
A LUMBER SHED ADDITION TO: 6-23-76 MJS
LOWE'S OF CHARLOTTESVILLE
CHARLOTTESVILLE, VA

TOM H. HUTCHINS
ARCHITECT
P.O. BOX 549
STATESVILLE, N.C.

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In accordance with Sec 4.2.5(a.)(1.) address the following (the public, health, safety, and welfare factors):

Rapid and/or large-scale movement of soil and rock

The disturbance of critical slopes will require cut and fill of previously disturbed area. The prior construction activity was completed by the previous owner and it does not appear any locality review had taken place for this disturbance. The disturbance of slopes would not create high risk of rapid or large-scale movement of soil and rock and any proposed disturbance moving forward would comply with state and County standards for grading and stormwater management. Adherence to County erosion and sediment control measures and stormwater regulations would protect against erosion that could lead to rapid or large-scale movement of soil and rock.

Excessive stormwater run-off

As described, there is an existing rip-rap ditch along the shared property boundary of the subject parcel and TMP 79-4A. A portion of this ditch is proposed to be piped to allow for travelway and parking lot improvements for the warehouse use. To manage stormwater run-off of the slopes disturbance and increased impervious area, an underground detention system is proposed. The proposed stormwater management features must additionally be in accordance with County regulations, which are in place to effectively manage stormwater run-off.

Siltation of natural and man-made bodies of water, loss of aesthetic resources

The proposed improvement will be subject to the County's Water Protection Ordinance, with erosion and sediment control measures provided at the time of construction. The nearest stream is across the state highway Route 250, approximately 200 LF away from the proposed limits of disturbance. With the proposed ditch and underground detention improvements and required compliance with the County ordinances, as well as the fact that the slopes are not part of a stream bank system, it is highly unlikely that impacts would directly affect the stream. Being that the critical slopes have been previously graded by the Virginia Department of Transportation for the construction of Hunters Way and the rear of the site graded by the previous owner, in addition to the property located within an established commercial and light industrial subdivision, the critical slopes do not provide an aesthetic resource in this area. The slopes are not readily visible from the Route 250 corridor.

In the event of septic systems failure: a greater travel distance of septic effluent

The property is served by an existing drainfield that is located within the asphalt parking area, which is located in front of the existing structure. This parking area and drainfield are to remain and improvements to the site are located outside of this drainfield area. Disturbance of the slopes are proposed 50' from the edge of drainfield and slopes disturbance would not impact the existing drainfield area.

In accordance with Sec. 4.2.5.3, please consider the following findings:

a. Strict application of the requirements of section 4.2 would not forward the purposes of this chapter or otherwise serve the public health, safety or welfare;

The property is located within the Hunters Hall subdivision, which has operated commercial and light industrial uses for decades. The Hunters Hall subdivision provides services and employment for those in eastern Albemarle County and an expansion of warehouse uses within the subject parcel would further bolster this established community node that is strategically located between the Pantops Development Area and the Village of Rivanna Development Area.

b. Alternatives proposed by the developer or subdivider would satisfy the intent and purposes of section 4.2 to at least an equivalent degree;

There are no proposed alternatives proposed with this request; any proposed development to the rear of the subject property would require critical slopes disturbance.

- c. **Due to the property's unusual size, topography, shape, location or other unusual conditions, excluding the proprietary interest of the developer or subdivider, prohibiting the disturbance of critical slopes would effectively prohibit or unreasonably restrict the use of the property or would result in significant degradation of the property or adjacent properties; or**

The critical slopes disturbance is necessary for any additional development on the property. The slopes are manmade and do not provide any environmental or aesthetic benefit to the surrounding area. Disallowing the disturbance of these slopes would prevent additional warehouse space that is in demand within Albemarle County. The slopes are located within a commercial and light industrial subdivision that has successfully operated for years, which includes uses such as UPS depot and warehousing, self-storage uses, automobile services, building materials suppliers, computer repair and support, medical equipment manufacturing and a daycare center. A warehouse use would align with the existing character of the surrounding development and create economic opportunity in eastern Albemarle County. Outside of the Development Areas, land owners can engage in land disturbing activity that may not trigger erosion and sediment control and VSMP requirements and can grade their property at a 4:1 slope or greater, creating slopes on their property that then become regulated under Section 4.2, despite not serving environmental or aesthetic benefit, as seems to be the case on this site.

- d. **Granting the modification or waiver would serve a public purpose of greater import than would be served by strict application of the regulations sought to be modified or waived.**

The disturbance of critical slopes would allow for the creation of warehouse space that is in high demand in the region. Warehouse vacancy in the Central Virginia area is just over 1% (Albemarle Land Use Buildout), indicating a clear need for similar commercial and warehouse space that is anticipated to grow with steady County expansion.