

**ALBEMARLE COUNTY PLANNING**  
**STAFF REPORT SUMMARY**

<b>Project Name:</b> ZMA202100012 Skyline Ridge Apartments	<b>Staff:</b> Ben Holt, Senior Planner
<b>Planning Commission Hearing:</b> March 1, 2022 (deferred from February 1, 2022)	<b>Board of Supervisors Public Hearing:</b> To be scheduled
<b>Owner:</b> WP Colonnades LLC	<b>Applicant:</b> Woodard Properties
<b>Acreage:</b> 4.96 acres	<b>Rezone from:</b> Preserved Slopes overlay to Managed Slopes overlay, within the R-15 Residential zone
<b>TMP:</b> 06000-00-00-040C8	<b>Location:</b> Colonnade Dr, approximately 1200 linear feet south of the intersection of Colonnade Drive and Ivy Road (Route 250).
<b>School Districts:</b> Greer – Elementary, Jouett – Middle, and Western Albemarle – High	<b>By-right use:</b> Property zoned R-15 Residential – 15 dwelling units/acre
<b>Magisterial District:</b> Jack Jouett	<b>Proffers:</b> No
<b>Proposal:</b> Zoning map amendment (ZMA) to amend the preserved steep slopes within the previously approved area of disturbance for the Skyline Ridge project.	<b>Requested # of Dwelling Units:</b> No dwelling units are proposed as part of this request. The current zoning of this property would permit 74 dwellings.
<b>DA (Development Area):</b> Western Neighborhoods	<b>Comp. Plan Designation:</b> (1) Urban Density Residential – residential (6.01-34 units/acre); supporting uses such as places of worship, schools, public and institutional uses, neighborhood scale commercial, office and service uses. (2) Parks and Green Systems – parks, playgrounds, play fields, greenways, trails, paths, recreational facilities and equipment, plazas, outdoor sitting areas, natural areas, preservation of stream buffers, floodplains and steep slopes adjacent to rivers and streams in Neighborhood 6 – Western Neighborhoods Master Plan.
<b>Character of Property:</b> Undeveloped with a mix of native and invasive species vegetation. The property was previously cleared and partially graded in compliance with a previously approved site plan.	<b>Use of Surrounding Properties:</b> Multifamily apartments to the north and east; single family residences adjacent to the south and west.
<b>Factors Favorable:</b> 1. The slopes within the proposed project area appear to be mostly manufactured slopes, created in association with previous site plan approvals issued by	<b>Factors Unfavorable:</b> 1. The request would disturb areas designated as Parks & Green Systems. in the Comprehensive Plan.

<p>the County. Disturbance is limited to areas previously approved for disturbance.</p> <ol style="list-style-type: none"><li>2. The request is consistent with the County’s Growth Management Policy, directing new development to the Development Areas.</li><li>3. The slopes are not associated with water features.</li><li>4. Slopes proposed for disturbance are fragmented and below the 724-foot contour line. The contiguous Lewis Mountain hillside system above the 700-foot contour line will remain undisturbed.</li></ol>	<ol style="list-style-type: none"><li>2. The request would disturb areas designated as a Mountain Resource in the Comprehensive Plan.</li><li>3. The slopes form a close grouping of slopes less than 10,000 square feet.</li></ol>
<p><b>RECOMMENDATION:</b> Staff recommends approval of the rezoning of steep slopes from Preserved to Managed Slopes below the 724-foot contour. <i>This recommendation would allow development within the historical area of disturbance, while minimizing encroachment upon the Mountain Resource area.</i></p>	

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

Ben Holt, Senior Planner  
March 1, 2022  
To be scheduled

**PETITION:**

PROJECT: ZMA202100012 Skyline Ridge Apartments

MAGISTERIAL DISTRICT: Jack Jouett

TAX MAP/PARCEL(S): 060000000040C8

LOCATION: Colonnade Dr, approximately 1200 linear feet south of the intersection of Colonnade Drive and Ivy Road (Route 250).

PROPOSAL: Zoning map amendment (ZMA) to amend the preserved steep slopes within the previously approved disturbance area for the Skyline Ridge project.

PETITION: Amend 35,905 square feet or 0.82 acres of verified Preserved Slopes overlay as Managed Slopes zoning overlay. The underlying zoning of the property would remain R15 Residential. If the steep slopes zoning overlay amendment is successful, in accordance with Zoning Ordinance Sections 30.7.3 and 30.7.4, the applicant intends to construct a 74-unit multifamily apartment complex. The proposed multifamily housing development would be allowed by-right in the R15 Residential district with approval of a site plan.

ZONING: R15 Residential – 15 units/acre

OVERLAY DISTRICT(S): Airport Impact Area, Steep Slope Overlay

ENTRANCE CORRIDOR (EC): No

PROFFERS: No

COMPREHENSIVE PLAN: (1) Urban Density Residential – residential (6.01-34 units/acre); supporting uses such as places of worship, schools, public and institutional uses, neighborhood scale commercial, office and service uses. (2) Parks and Green Systems – parks, playgrounds, play fields, greenways, trails, paths, recreational facilities and equipment, plazas, outdoor sitting areas, natural areas, preservation of stream buffers, floodplains and steep slopes adjacent to rivers and streams in Neighborhood 6 – Western Neighborhoods Master Plan.

**CHARACTER OF THE AREA**

The application involves a single parcel, identified as Tax Map Parcel (TMP) 60-40C8, which is located within the Western Neighborhoods Development Area (Attachment 5). The parcel is 4.96 acres and is zoned R15 Residential. The property includes portions of Steep Slopes and Airport Impact Area zoning overlays. The property is undeveloped and mostly wooded. Signs of previous land disturbance/grading are present on the property.

Surrounding properties include multi-family apartments located to the north and east of the subject property. Adjacent to the south and west are single family dwellings, including a residence atop Lewis Mountain, immediately to the west. A water tower owned by Rivanna Water and Sewer Authority (RWSA) is also located directly to the south.

**SPECIFICS OF THE PROPOSAL**

The applicant, Woodard Properties, is requesting approval of a Zoning Map Amendment (ZMA) to reclassify a portion of the Preserved Slopes zoning overlay as Managed Slopes. The application pertains only to the steep slopes overlay, the underlying R15 Residential zoning would remain the same. If the steep slopes zoning overlay rezoning is successful, the applicant intends to utilize the property for a 74-unit (multi-family) apartment development.

Details of the applicant's request are described within their application materials, a Narrative (Attachment 1) and a Concept Plan/Exhibit (Attachment 2). The Narrative provides historical context for the subject property. In the late 90s a site plan was approved for a 74-unit apartment complex and a land disturbance permit was issued in 1997. Initial grading and utilities preparations were

performed, and the development was later halted in 1998. Remnants of the previous land disturbance can be seen in the terrain of the graded areas and the younger vegetation within the proposed project area (area of disturbance).

Since the project was halted, the County adopted the steep slopes overlay district in 2014 (Section 30.7 of the Zoning Ordinance). Areas of the property now designated as Preserved Slopes are mostly located in the western portion of the parcel outside proposed area of disturbance.

However, portions of the Preserved Slopes overlay are also located within the historical (and proposed) area of disturbance. According to the applicant's Concept Plan (Attachment 2), County GIS designates 1.12 acres within the proposed area of disturbance as preserved steep slopes. The same document indicates that onsite surveying has yielded a lesser amount of (verified) preserved slopes: 0.82 acres of preserved slopes (with a grade of 25% or greater) within the proposed area of disturbance. Preserved Slopes with a demonstrated grade of less than 25% may be disturbed by-right.

The applicant contends that the preserved slopes portions within the historical area of disturbance are manufactured slopes that were created by the previous land disturbance noted above. If the steep slopes overlay rezoning is approved, a new site plan would be required should the applicant wish to proceed with their proposed multi-family development.

#### **APPLICANT'S JUSTIFICATION FOR THE REQUEST**

The applicant has provided a detailed request found within the Narrative (Attachment 1) and Concept Plan/Exhibit (Attachment 2).

#### **COMMUNITY MEETING**

On November 30, 2021 the applicants conducted a [Community Meeting](#) for ZMA202100012 online (in accordance with the County's policy of COVID-19 mitigation). The meeting was attended by two members of the public, as well as the district Supervisor, Diantha McKeel, and Planning Commissioner, Julian Bivins. Attendees heard presentations from staff and the applicant regarding the proposal. During the meeting concern was expressed about potential runoff during construction. Staff notes that development of the property will be subject to Engineering review, including review of soil erosion control measures.

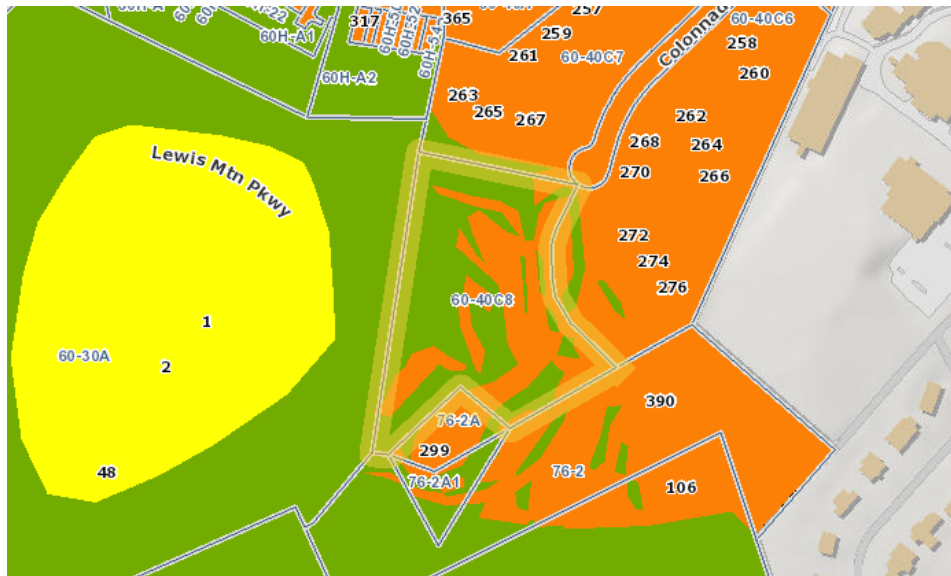
#### **PLANNING AND ZONING HISTORY**

As previously noted, a site plan was approved in the late 90s for a 74-unit multi-family housing development. The approvals include a preliminary site plan, SDP199600052 and final site plan, SDP199700096. The property was graded following the site plan approval, but the property development ceased in 1998. The County adopted the Steep Slopes Overlay zoning district in 2014, which designated a substantial portion of the property as Preserved (Steep) Slopes.

#### **COMPREHENSIVE PLAN**

##### **Analysis of the Western Neighborhoods Master Plan**

The subject property is located within the Western Neighborhoods Development Area and is subject to the recommendations of the Future Land Use plan of the Western Neighborhoods. A description of the applicable land use classifications and an overview map are provided below.



The property includes recommendation for two Future Land Use classifications: Neighborhood Density Residential (orange color in image) and Parks & Green Systems (green color). Allowed uses for these classifications are noted below.

#### **Neighborhood Density Residential:**

- Residential areas with densities between 6.01 and 34 units per acre.
- Places of Worship
- Schools or public/institutional uses
- Neighborhood scale commercial
- Office and service uses

#### **Parks & Green Systems:**

- Parks, playgrounds and play fields
- Greenways, trails and paths
- Recreational facilities and equipment
- Plazas, outdoor sitting areas and natural areas
- Preservation of stream buffers, floodplains and steep slopes adjacent to rivers and streams

This request is a rezoning request to amend the designation of steep slopes on the property and is not a proposal for any specific type of development. Accordingly, staff analysis is limited to the relationship of the Comprehensive Plan to the Steep Slopes designation and not the residential designation of the property.

The area of the Comprehensive Plan shown as Parks and Green Systems appears to correspond to those portions of the property that are shown as having slopes of 25% or greater on the County topography. These slopes were designated as Preserved Slopes after the adoption of the Comprehensive Plan. One factor in designating slopes as preserved is “the slopes are identified as a resource designated for preservation in the comprehensive plan”. The designation of the slopes as preserved is consistent with the Comprehensive Plan.

Those portions of the property above the 700-foot elevation are designated as a Mountain Resource in the Comprehensive Plan. Chapter 4, pages 35-37 discuss Mountain Resources and includes the following relevant strategies.

5a: Continue to protect mountain resources identified for protection on the Mountain Contour List.

5c: Protect slopes of 25% or greater in the Development Areas that are shown for preservation on Development Area Master Plan maps.

Rezoning of the slopes from Preserved to Managed is not consistent with the Comprehensive Plan designation of the slopes as Parks and Green Systems. Additionally, rezoning to permit disturbance of slopes above the 700-foot elevation contour is not consistent with the Mountain Resource protection recommendations of the Comprehensive Plan. However, the applicant proposes to disturb only areas approved for disturbance under prior County action. This disturbance is limited to below the 724-foot elevation contour. This does not impact the larger contiguous area of Preserved Slopes and the Lewis Mountain hillside system.

### **ZONING ORDINANCE REQUIREMENTS**

#### ***Relationship between the application and the intent and purposes of the requested zoning district:***

The applicable section of the Zoning Ordinance for the application is [Sec. 30.7](#) Steep Slopes Overlay. The application seeks to reclassify a portion of 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.

#### **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 steep slopes proposed for rezoning below the 700-foot contour are somewhat fragmented. However, in staff opinion they form a close grouping of slopes. The portion of slopes proposed for rezoning above the 700-foot contour and the slopes on the northern portion of the property are a large or close grouping of slopes but not contiguous.*
- ii. the slopes are not associated with or abutting a water feature, including, but not limited to, a river, stream, reservoir or pond; *Slopes on the property are not associated with or abutting a water feature.*
- iii. the slopes are not natural but, instead, are manufactured; *The steep slopes within the project area appear to have been largely created by previous grading in 1997 and 1998, prior to adoption of the Steep Slopes overlay district in 2014. Some slopes above the 700-foot contour appear to have been disturbed with prior approvals. However, no disturbance appears to have occurred above approximately the 720-foot contour.*
- iv. the slopes were significantly disturbed prior to June 1, 2012; *As noted above, the majority of the slopes within the historical area of development were disturbed prior to June 2012.*
- 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 property was approved for development by site plan approvals in 1996 and 1997. All approvals have expired.*

### **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; *As stated above, some of the slopes are fragmented. However, they are either a large contiguous area or form a close grouping of slopes.*
- 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 not associated with or abutting a water feature.*
- iii. the slopes are part of a hillside system; *The slopes are part of the hillside system of Lewis Mountain.*
- iv. the slopes are identified as a resource designated for preservation in the comprehensive plan; *The slopes are identified as a resource designated for preservation according to the Land Use Plan within the Western Neighborhoods Master Plan. The slopes above the 700-foot contour are designated as by the comprehensive plan as a Mountain Resource.*
- v. the slopes are identified as a resource in the comprehensive plan; *The slopes are identified as a resource according to the Land Use Plan within the Western Neighborhoods Master Plan. The slopes above the 700-foot contour are identified as a Mountain Resource Area by the Comprehensive Plan.*
- vi. the slopes are of significant value to the entrance corridor overlay district; *The slopes are not a contributing feature within a corridor overlay district.*
- 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 not been preserved by prior County action. As stated above, the slopes were approved for disturbance by prior County action. However, those approvals have expired.*

### ***Anticipated impact on public facilities and services:***

All rezonings are reviewed for the following impacts.

#### **Streets:**

Since the application will not increase the density of the underlying R15 Residential zoning, a Traffic Impact Analysis (TIA) is not required. VDOT would review the subsequent site plan for any proposed development.

#### **Schools:**

Students living in this area would attend Greer Elementary, Jouett Middle School, and Western Albemarle High School. The anticipated number of students generated at each school level are not a factor for the application, which would not increase the density of the existing R15 Residential zoning.

#### **Fire & Rescue:**

The current proposal to rezone the steep slopes overlay does not require review by Fire & Rescue. Fire & Rescue would review any future site plan for the property, should the Zoning Map Amendment be approved.



#### Utilities:

This project is in the Albemarle County Service Authority (ACSA) jurisdictional area for both water and sewer. As with traffic and Fire/Rescue impacts, utilities would be reviewed during site plan.

#### ***Anticipated impact on environmental, cultural and historic resources:***

There are no known cultural or historic resources on the subject properties.

Stormwater management would be reviewed by County Engineering staff during the site planning stage of the project. The project would be required to meet all applicable standards of Zoning Ordinance [Section 32](#) for Site Plans and the aforementioned [Sec. 30.7](#) pertaining to Steep Slopes. The review would also include [Sec. 30.7.5](#) – Design Standards, which specifies requirements for retaining walls, cuts and fills and water diversions. Stormwater facilities will be designed in accordance with the Virginia Stormwater Management Program (VSMP) regulations administered by the Virginia Department of Environmental Quality (DEQ). No special measures are needed to address development of this property.

#### ***Anticipated impact on nearby and surrounding properties:***

The proposal is consistent with existing residential uses on surrounding properties. As previously noted, multi-family apartments are located on adjacent properties to the north and east. These properties are also served by Colonnade Drive. Traffic generation associated with this development would generate additional vehicle trips for Colonnade Drive, which would be reviewed by County Staff and VDOT during site plan. The proposed development also has the potential to impact the viewshed of neighboring properties. Staff opinion is that approval of this request would not be inconsistent with the development that has occurred on nearby and surrounding properties.

#### ***Public need and justification for the change:***

The County's growth management policy states that new residential development should occur in the designated Development Areas where infrastructure and services are provided, rather than in the Rural Area. The current housing market does indicate a need for additional housing supply, including multi-family residential development as proposed by the applicant. However, the proposal does not completely conform to recommendations by The Comprehensive Plan and the Western Neighborhoods Master Plan due to the presence of Parks & Green Systems land use designation and Mountain Resource designation within the proposed project area.

#### **PROFFERS**

The proposed Zoning Map Amendment pertains only to the steep slopes overlay; the underlying R15 Residential zoning will not be impacted. As such, the residential density of the property would not increase. No proffers have been proposed by the applicant.

#### **MODIFICATION REQUESTS**

The applicant is not requesting any modifications in addition to the rezoning request.

#### **SUMMARY**

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

1. The slopes within the proposed project area appear to be mostly manufactured slopes, created in association with previous site plan approvals issued by the County. Disturbance is limited to areas previously approved for disturbance.
2. The request is consistent with the County's Growth Management Policy, directing new development to the Development Areas.
3. The slopes are not associated with water features.



4. Slopes proposed for disturbance are fragmented and located below the 724-foot contour line. The contiguous Lewis Mountain hillside system beginning around the 700-foot contour line will remain undisturbed.

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

1. The request would disturb areas designated as Parks & Green Systems in the Comprehensive Plan.
2. The request would disturb areas designated as a Mountain Resource in the Comprehensive Plan.
3. The slopes form a close grouping of slopes of less than 10,000 square feet.

### **RECOMMENDATION**

The request to amend the Steep Slopes zoning overlay includes a mix of both favorable and unfavorable factors. Favorable to the application is the fact that the property has been impacted by previous development (grading) and those slopes within the historical area of disturbance should be treated as manufactured slopes rather than naturally occurring slopes.

Staff recommends approval of the rezoning of steep slopes from Preserved to Managed Slopes below the 724-foot contour. This would allow development within the historical area of disturbance, while minimizing encroachment upon the Mountain Resource area.

**Motions for the rezoning request will be provided at the Planning Commission meeting.**

### **ATTACHMENTS:**

- Attachment 1 – Narrative
- Attachment 2 – Concept Plan/Exhibit
- Attachment 3 – 700' Contour Reference
- Attachment 4 – Land Use Map: Western Neighborhoods
- Attachment 5 – Location Map
- Attachment 6 – 724' Contour Reference