

**COUNTY OF ALBEMARLE STAFF
REPORT SUMMARY**

Project Name: ZMA201800017 Woolen Mills Light Industrial Park, Steep Slope Amendment	Staff: David Benish
Planning Commission Public Hearing: April 9, 2019	Board of Supervisors Public Hearing: TBD
Owner: Elemental Ecotech, LLC	Applicant: Elemental Ecotech, LLC
Acreage: 14.06 acres	Rezone: 19,660 square feet (0.45 ac.) of preserved slopes to managed slopes within Steep Slopes Overlay District (18.30.7)
TMP: 07700-00-00-040B0	By-right use: Light Industry uses
Magisterial District: Scottsville	Proffers: No
Proposal: Amend Steep Slopes Overlay District to change designation of an area of 25%> slopes from Preserved slopes to Managed slopes as identified on the application plan.	Requested # of Dwelling Units: Not applicable to this request.
DA (Development Area): Neighborhood 4	Comp. Plan Designation: <u>Parks and Green Systems</u> – 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.
Character of Property: The subject property is located at the corner of the intersection of Broadway Street and Franklin Street. It is adjacent to the border of the County and the City of Charlottesville (See Attachment A).	Use of Surrounding Properties: The surrounding property within the County is zoned industrial (LI). Within the City, the surrounding property is residential (R-3) and industrial (M-1). Carlton Mobile Home Court is across the street from the subject property.
Factors Favorable: <ol style="list-style-type: none"> 1. The slopes in question better meet the criteria for designation as managed slopes. 2. Design standards for managed slopes will protect site and downstream lands and waterways from the adverse effects of unregulated disturbance. 	Factors Unfavorable: <ol style="list-style-type: none"> 1. The wooded area on the steep slopes would no longer be preserved; the vegetation contains a good mix of native trees/plants with some invasive species, particularly in the under-story.
RECOMMENDATION: Staff recommends approval of ZMA201800017 Woolen Mills Light Industrial Steep Slope amendment.	

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS

David Benish
April 9, 2019
TBD

PETITION:

PROJECT: ZMA201900017 Woolen Mills Light Industrial Steep Slopes Amendment

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL: 077000000040B0

LOCATION: Property is located on the southeast corner of the intersection of Franklin Street and Broadway Street

PROPOSAL: Request to change the zoning designation of 19,660 square feet (0.45 ac.) from preserved slopes to managed slopes which would allow the slopes to be disturbed. *[Note: actual amount of square footage is less than this total based on an assessment of the site in the field.]*

PETITION: Rezone approximately 0.45 acres from Steep Slopes Overlay District (preserved) which allows uses under Section 30.7.4(b) to Steep Slopes Overlay District (managed) which allows uses under Section 30.7.4(a). No dwellings proposed.

OVERLAY DISTRICT: Steep Slopes (SS); Flood Hazard (FH)

PROFFERS: No

COMPREHENSIVE PLAN: 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.

CHARACTER OF THE AREA:

The surrounding area is developed with both industrial and residential uses (see Attachment A). A variety of light industrial uses are located along Broadway Street to the north and east of the site.

Portions of the Moores Creek Wastewater Treatment Plant lie on the eastern and southern sides of the property. The western side abuts a residential area known as Carlton Mobile Home Court, as well as the old H.T. Ferron concrete plant site. Moores Creek Lane and a wholesale bakery nearly bisect the subject property into two separate parcels of approximately 7.2 acres and 6.8 acres. The area under review is located within the approximate 7.2 acres on the northern side of Moores Creek Lane.

SPECIFICS OF PROPOSAL:

The applicant requests to rezone a 19,660 square feet area of steep slopes within the subject property from preserved slopes to managed slopes. This area is located on the northeastern portion of the property. The applicant is not requesting a change to any of the other areas of Preserved slope area located on the property. Preserved slopes are areas that may not be disturbed except under limited circumstances found in Section 30.7.4(b), whereas managed slopes may be disturbed for any use permitted in the underlying zoning district subject to the design standards found in Section 30.7.5.

APPLICANT'S JUSTIFICATION FOR THE REQUEST:

The applicant believes the preserved slopes on the site should be reclassified because these existing preserved slopes have characteristics more in keeping with managed slopes (see Attachment B). The slopes in questions were likely created as a result of the construction of a railroad track and bed. The applicant has also indicated the change in designation to managed slopes would allow regrading of the slope area resulting in a more logical layout of the development on the site.

PLANNING AND ZONING HISTORY:

- The subject property is located on the western edge of an area that has consistently been designated for industrial use in the County's land use plans. The 1970 Comprehensive Plan designated this area for "light industrial and research" uses and the official zoning map prior to the County's 1980 comprehensive rezoning showed this area as zoned "M1" (now called "LI" or Light Industry). Staff found that no rezoning applications have been approved in this area since the adoption of the Zoning Ordinance (other than a 2015 request to amend the steep slope overlay district designation, discussed below).
- The Steep Slopes Overlay District was adopted into the Zoning Ordinance on March 5, 2014. The current slope designations on this property have existed since the adoption of the overlay district. The intent of the District is to:

The purpose of this section 30.7 is to establish an overlay district on those lands within the development areas of the county as delineated in the comprehensive plan which have steep slopes and for which additional development design care and consideration must be given, prior to permitted development occurring.

The board of supervisors finds that whenever steep slopes within the overlay district are disturbed, their disturbance should be subject to appropriate consideration and care in their design and construction in order to protect the integrity of the steep slope areas, protect downstream lands and waterways from the adverse effects of the unregulated disturbance of steep slopes, including the rapid or large-scale movement of soil and rock, or both, excessive stormwater runoff, the degradation of surface water, and to enhance and preserve the character and beauty of the steep slopes in the development areas of the county.

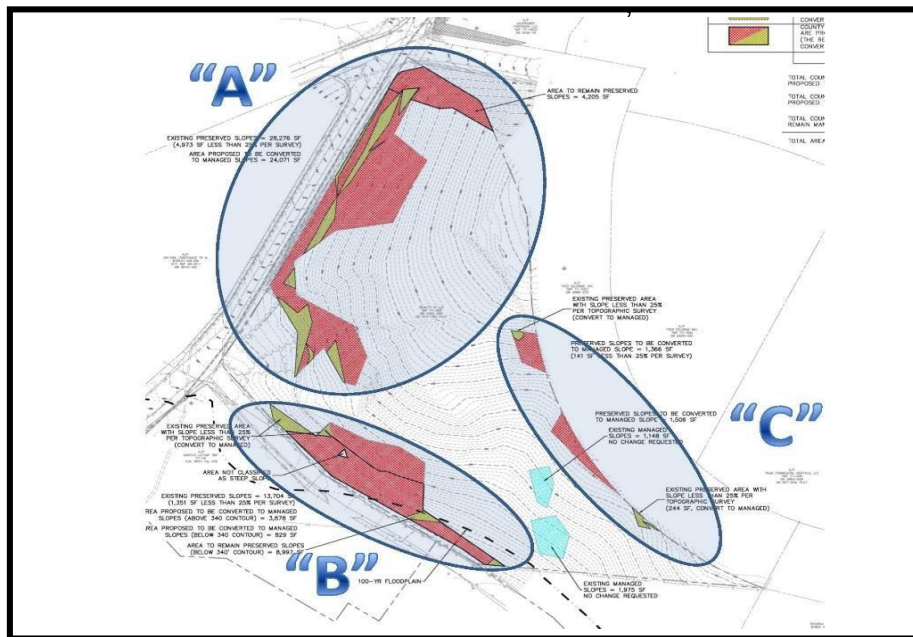
The board also finds that certain steep slopes, because of their characteristics, should be preserved to the maximum extent practical, and that other steep slopes, whose preservation is not required, should be managed. Preserved slopes are those slopes that have characteristics that warrant their preservation by the prohibition of disturbance except in the limited conditions provided in this overlay district. Managed slopes are those slopes where development may occur, provided that design standards are satisfied to mitigate the impacts caused by the disturbance of the slopes.

- A previous rezoning application to amend the steep slope designations on this parcel was reviewed by the Commission and Board in 2015 (ZMA201500002). That request, submitted by a different applicant, was to change three (3) distinct areas of Preserved slopes to Managed slopes and included only a small portion (about 2,731 square feet) of the 19,660 square foot area under consideration with this request. Since the 2015 application, an adjacent parcel (the old railroad parcel) containing most of the 19,660 square feet of preserved slopes was acquired and added to the TMP 07700-00-00-040B0. Therefore, most of the area under review with this current request was not reviewed with the previous application. The two other steep slope areas under review at that time were located 1) on the northwest corner of the site along Franklin Street and Broadway Street, and 2) along southern edge of Moores Creek Lane (entrance road for the sewer treatment plant). Figure 1 below shows the areas reviewed in 2015. The Board of Supervisors denied ZMA201500002 for all of the slope area requested for change.

Regarding the 2,731 square feet that is now part of current rezoning request, the staff report for ZMA201500001 stated that:

The location of the property line makes these slopes look relatively small and unimportant, but they're actually a part of a much larger system on the County's maps. Although the field run topography did show some portions of these areas as less than 25% grade, it's difficult to know if that is a more comprehensive characteristic within this system (as observed in area "A") or if it's indicative of only minor modifications along the edges of the system (as observed in area "B"). Without additional information, staff finds it appropriate to maintain these slopes as preserved slopes.

Figure 1: Areas of Slopes,



- A final site development plan was approved for this site in 2017 (SDP201600076) for an industrial park containing 113,000 square feet of building space. The site plan preserves the all of currently designated preserved slope areas as no grade/build areas. Site grading is now underway.

COMPREHENSIVE PLAN:

The current Comprehensive Plan designates this property for Industrial Service, which recommends warehousing, light industry, heavy industry, research, office uses, regional scale research, limited production and marketing activities, supporting commercial, lodging and conference facilities, and residential development (6.01-34 units/acre). The Comprehensive Plan also recommends construction of a greenway along Moores Creek, which forms the southern boundary of this parcel. The proposed rezoning would not impact the designated greenway area.

The Comprehensive Plan also contains general statements about critical slopes that were particularly relevant to the creation of the Steep Slopes Overlay District, which can be found in Attachment C.

ANALYSIS OF REQUEST:

The review of this rezoning request focuses primarily on the appropriate designation of steep slopes as adopted within the Steep Slopes Overlay District on the official zoning map. This review is not specifically related to a development proposal for the site.

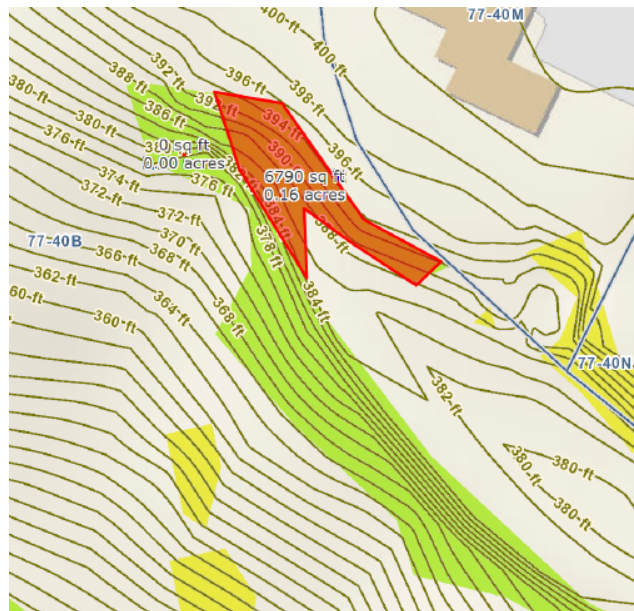
The analysis begins with the purpose and intent of the Steep Slopes Overlay District. As noted above, this district was created to delineate lands which have steep slopes and for which additional development design, care and consideration must be given prior to any permitted development occurring. It states that “certain steep slopes, because of their characteristics, should be preserved to the maximum extent practical, and that other steep slopes, whose preservation is not required, should be managed.”

The characteristics of preserved slopes and managed slopes are outlined in Section 30.7.3(a) and (b) respectively and represent the specific criterion used to determine the appropriate designation of steep slopes (see Attachment D).

Assessment of Slope Area:

The area of preserved slopes depicted on the Steep Slopes Overlay District Map is 19,660 square feet in size. After several site visits to the area by Planning and Engineering staff, it appears that some areas designated as steep slopes/Preserved slopes are not steep slope areas (slopes less than 25 percent). The applicant has not provided more detailed field run information for this area, so there is no a specific measurement of the error, but staff estimates that approximately 5,500 to 6,500 square feet (0.16 ac.) currently designated preserved slopes are actually not steep slopes. Therefore, the actual area of steep slopes is probably in the range of 13,160 – 14,160 square feet. Figure 5 shows this general area outlined in red.

Figure 2: Non-Steep Slope Area (in red)

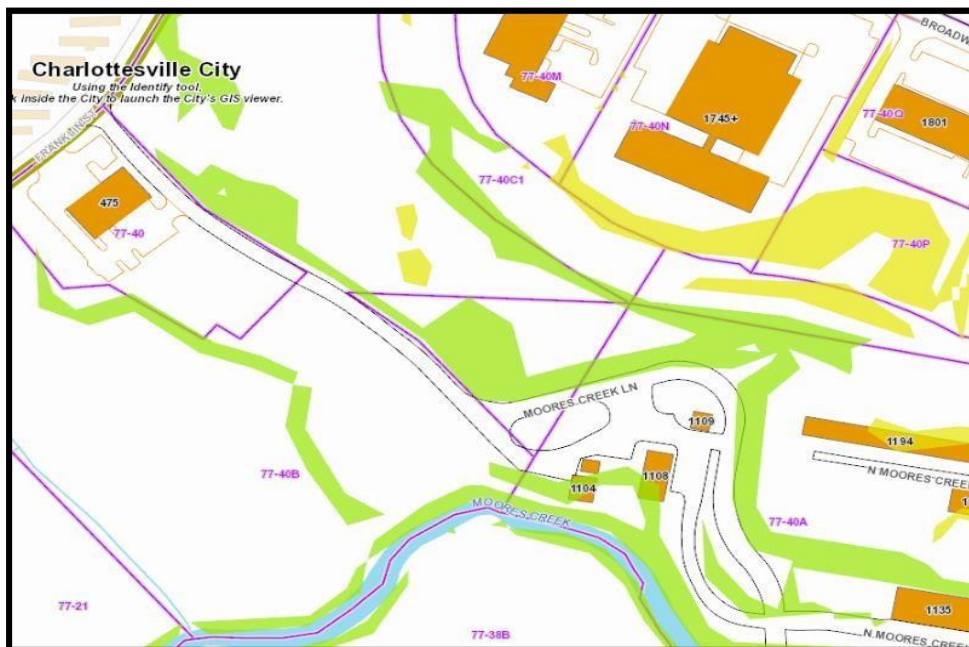


Staff also confirmed that the remaining steep slopes area is likely man-made resulting from the installation of a railroad track. Old railroad ties and property boundary monuments labeled “C&O Railroad” were observed on-site.

In analyzing this specific area, staff found characteristics of both Managed and Preserved slopes. The slopes in this area are likely manufactured, a characteristic of Managed slopes. The total “adjusted” size of this steep slope area is greater than 10,000 square feet, which is characteristic of preserved slopes.

Staff also considered the context of the larger slope area. This band of manufactured slopes (generally ranging between 25 and 70 feet in width) continues eastward beyond this parcel and onto the adjacent RWSA sewer treatment plant site/property. This off-site band of manufactured slopes intersects with another band of preserved slopes on RWSA properties that runs along the edge of the floodplain of Moores Creek, and impaired stream (see Figure 3, below). This area east of the applicant’s property appears to be the more critical area to protect given its proximity to other larger preserved slope areas that are adjacent to the Moores Creek floodplain/stream buffer. That area is not proposed to be changed with this application. The upper end of the band of manufactured slopes located on the applicant’s parcel is over 250 feet distance from the 100-year floodplain and stream buffer of Moores Creek and is more removed and fragmented from other larger concentrations of Preserved slopes. These characteristics are more in keeping with the characteristics of Managed slopes.

Figure 3: Context of slopes



Below is a table that summarizes our analysis under the characteristics of Managed and Preserved slopes and compares it to the applicant's analysis:

Characteristics of Managed Slopes as shown under Section 30.7.3 (a)				
	Applicant Analysis		Staff Analysis	
	Yes*	No*	Yes*	No*
(i) the contiguous area of steep slopes is limited or fragmented;	X			X
(ii) the slopes are not associated with or abutting a water feature, including, but not limited to, a river, stream, reservoir or pond;	X		X	
(iii) the slopes are not natural but, instead, are manufactured;	X		X	
(iv) the slopes were significantly disturbed prior to June 1, 2012;	X		X	
(v) the slopes are located within previously approved single-family residential lots;	n/a			X
(vi) the slopes are shown to be disturbed, or allowed to be disturbed, by a prior county action.		X		X
Characteristics of Preserved Slopes as shown under Section 30.7.3 (b)				
	Applicant Analysis		Staff Analysis	
	Yes*	No*	Yes*	No *
(i) the slopes are a contiguous area of ten thousand (10,000) square feet or more or a close grouping of slopes, any or all of which may be less than ten thousand (10,000) square feet but whose aggregate area is ten thousand (10,000) square feet or more;	The applicant did provide analysis of these characteristics		X	
(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;				X
(iii) the slopes are part of a hillside system;			X	
(iv) the slopes are identified as a resource designated for preservation in the comprehensive plan;			X**	
(v) the slopes are identified as a resource in the comprehensive plan;			X**	
(vi) the slopes are of significant value to the entrance corridor overlay district;				X
(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.				X

*Yes = meets criteria; No = Does not meet criteria

**** This property is recommended for parks and green systems use in S+W master Plan due to the amount of floodplain and critical slopes present on the property. This particular portion of the steep slope area is related to fill for an old railroad bed. The railroad bed is not identified as a significant historic or cultural resource for protection in the Comprehensive Plan. The slopes were not known to be man-made when designated as preserved slopes.**

The 19,660 square foot steep slope area on this property has characteristics of both Preserved and Managed slopes but, on balance, staff is of the opinion it has characteristics more keeping with the Managed slope designation.

SUMMARY:

Staff has identified the following factors as favorable to the rezoning requested:

1. This steep slope area better meets the criteria for designation as managed slopes.
2. Design standards for managed slopes will protect site and downstream lands and waterways from the adverse effects of unregulated disturbance.

Staff has identified the following unfavorable factor:

1. The wooded area on the steep slopes would no longer be preserved; the vegetation contains a good mix of native trees/plants with some invasive species, particularly in the under-story.

RECOMMENDATION:

Staff recommends that the 19,660 square foot area on TMP 07700-00-0040M0 delineated as preserved slopes on the Steep Slopes Overlay District Map be rezoned to managed slopes. Staff recommends approval of ZMA201800017, Woolen Mills Light Industrial Park, to amend the Steep Slope Overlay District zoning map from preserved slopes to managed slopes as identified in Attachment B.

PLANNING COMMISSION MOTION:

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

Move to recommend approval of ZMA201800017, Woolen Mills Light Industrial Park Steep Slope Amendment, to rezone a 19,660 square foot area on TMP 07700-00-0040M0 from Steep Slope-Preserved to Steep Slope-Managed on the Steep Slope Overlay District Map, and as identified in the application plan found as Attachment B of the staff report.

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

Move to recommend denial of ZMA2015-00002, Woolen Mills Light Industrial Park Steep Slope Amendment, based on the following reasons... *(Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial).*

ATTACHMENTS

Attachment A: [Area Map](#)

Attachment B: [Applicant Narrative and Application Plan](#)

Attachment C: [Comprehensive Plan section regarding critical slopes](#)

Attachment D: [Section 30.7 of Zoning Ordinance \(Steep Slopes Overlay District\)](#)

Attachment E: [Assessment of wooded area by Natural Resources Manager](#)