

**County of Albemarle  
Planning Staff Report Summary**

<b>Project Name:</b> ZMA 2019-013 Biscuit Run Park	<b>Staff:</b> Megan Nedostup, Principal Planner
<b>Planning Commission Hearing:</b> November 5, 2019	<b>Board of Supervisors Public Hearing:</b> December X, 2019
<b>Owner:</b> Commonwealth of Virginia Department of Conservation & Recreation	<b>Applicant:</b> Albemarle County
<b>Acreage:</b> 1,171 acres	<b>Rezone from:</b> Neighborhood Model District (NMD) to Rural Areas (RA)
<b>TMP:</b> 090A0-00-00-001A0, 090A0-00-00-001B0, 090A0-00-00-00300, 090A1-00-00-00100, 09000-00-00-00500, 09000-00-00-006D0 (portion), and 09000-00-00-017D0	<b>Location:</b> Large property between Route 20 South and Old Lynchburg Road (State Route 631).
<b>School Districts:</b> Cale (Elementary); Walton (Middle School); Monticello (High School)	<b>By-right use:</b> Neighborhood Model District (portion of ZMA2005-017)
<b>Magisterial District:</b> Scottsville	<b>Proffers:</b> No
<b>Proposal:</b> Rezone a total of 1,171 acres from Neighborhood Model District (NMD) (portion of ZMA200500017), which allows residential uses at a density of 3-34 units per acres, mixed with commercial, service, and industrial uses, to Rural Area (RA) which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots). No residential is proposed. ZONING: Neighborhood Model District (NMD)-residential (3 – 34 units/acre) mixed with commercial, service and industrial uses	<b>Requested # of Dwelling Units:</b> None
<b>DA (Development Area):</b> Southern Neighborhood of the Southern and Western Neighborhoods Master Plan	<b>Comp. Plan Designation:</b> 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 the Southern Neighborhood within the Southern and Western Urban Area Master Plan.
<b>Affordable Housing Provided:</b> N/A	<b>Affordable Housing AMI (%):</b> N/A
<b>Character of Property:</b> Large properties that are mainly wooded with streams, buffers, steep slopes, and floodplain.	<b>Use of Surrounding Properties:</b> Southwood Mobile Home Park, Mill Creek Subdivision, Avon Park subdivision (attached units), agricultural properties, and other rural single family detached parcels
<b>RECOMMENDATION:</b> Staff recommends approval of the rezoning for Biscuit Run Park.	

**STAFF PERSON:**

**Megan Nedostup**

**PLANNING COMMISSION PUBLIC HEARING:**

**November 5, 2019**

**PETITION:**

ZMA2019-013 Biscuit Run Park  
Planning Commission November 5, 2019

PROJECT: ZMA201900013 Biscuit Run Park

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL(S): 090A0-00-00-001A0, 090A0-00-00-001B0, 090A0-00-00-00300, 090A1-00-00-00100, 09000-00-00-00500, 09000-00-00-006D0 (portion), and 09000-00-00-017D0

LOCATION: Multiple parcels between Route 20 South and Old Lynchburg Road (State Route 631)

PROPOSAL: Proposal to rezone from Neighborhood Model District (NMD) to Rural Areas (RA) to allow for a large public park.

PETITION: Rezone a total of 1,171 acres from Neighborhood Model District (NMD) (portion of ZMA200500017), which allows residential uses at a density of 3-34 units per acres, mixed with commercial, service, and industrial uses, to Rural Area (RA) which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots). No residential is proposed.

ZONING: Neighborhood Model District (NMD)- residential (3 – 34 units/acre) mixed with commercial, service and industrial uses

OVERLAY DISTRICT(S): Flood Hazard Overlay District; Steep Slopes- Managed and Preserved

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 in the Southern Neighborhood within the Southern and Western Urban Area Master Plan.

MONTICELLO VIEWSHED: Yes (portion)

### **CHARACTER OF THE AREA**

The surrounding and adjacent properties in the area include rural areas which contain agricultural properties as well as single family detached housing, Southwood Mobile Home Park, Mill Creek Subdivision, Avon Park subdivision which includes attached housing, Whittington Subdivision, and other undeveloped rural properties. The area for the proposed park spans both the designated Development Area and the Rural Area and has frontage on both Route 20 South, Avon Extended, and Old Lynchburg Road.

### **BACKGROUND AND COMMUNITY MEETING**

On September 12, 2007 the Board of Supervisors re-zoned the parcels now constituting the park from the R1 and R2 Residential Zoning Districts to Neighborhood Model District - NMD (ZMA2005-17) with associated application plan, proffers and Code of Development. The Commonwealth of Virginia acquired these parcels from Forest Lodge LLC in December 2009 with the intended purpose of ultimately developing a state park. With the adoption of the County Comprehensive Plan on June 10, 2015, these lands were designated Parks and Green Systems and identified for the future Biscuit Run State Park. On January 4, 2018, Albemarle County and the Virginia Department of Conservation and Recreation (DCR) signed a 99-year lease for the property designed to provide for the development of a County park in lieu of a state park while assuring the protection of the park's natural and cultural resources. After a subsequent planning process, the Biscuit Run Park Master Plan (Attachment 3) was approved by the Board of Supervisors on December 12, 2018 and DCR on May 15, 2019 (Attachment 4). Since its approval of the master plan, the Board has agreed to use \$2.2 million originally identified for Hedgerow Park in FY2020 for the initial phase of the Biscuit Run Park development instead.

The existing zoning under ZMA2005-017 for the properties allows for a maximum of 3,100 units and 150,000 square feet of commercial/non-residential.

The Board of Supervisors approved a Resolution of Intent for a County initiated rezoning for the properties on July 17, 2019 (Attachment 5).

A community meeting was not held for the rezoning as it was determined that one would not be needed due to the extensive community engagement that was done during the Master Plan process for the County park.

### **SPECIFICS OF THE PROPOSAL**

The property is currently owned by the Commonwealth but leased by the County. The County Attorney has

advised that if the Commonwealth uses the property for the state's own public purpose, then the property is exempt from local zoning laws. However, if the state leases the property to another entity, that entity is subject to local zoning laws. Since the County is leasing the property from the Commonwealth and the County subjects itself to its own zoning laws, the County is subject to the NMD zoning currently in place for Biscuit Run. The current NMD zoning does not permit a public park over the entirety of the property. In order to change this condition and begin development of the park, the County needs to rezone the property to a more appropriate designation that allows for a large public park. While noting that the Commonwealth is not subject to local zoning regulations, DCR has provided its consent for the rezoning of the Biscuit Run property (Attachment 4).

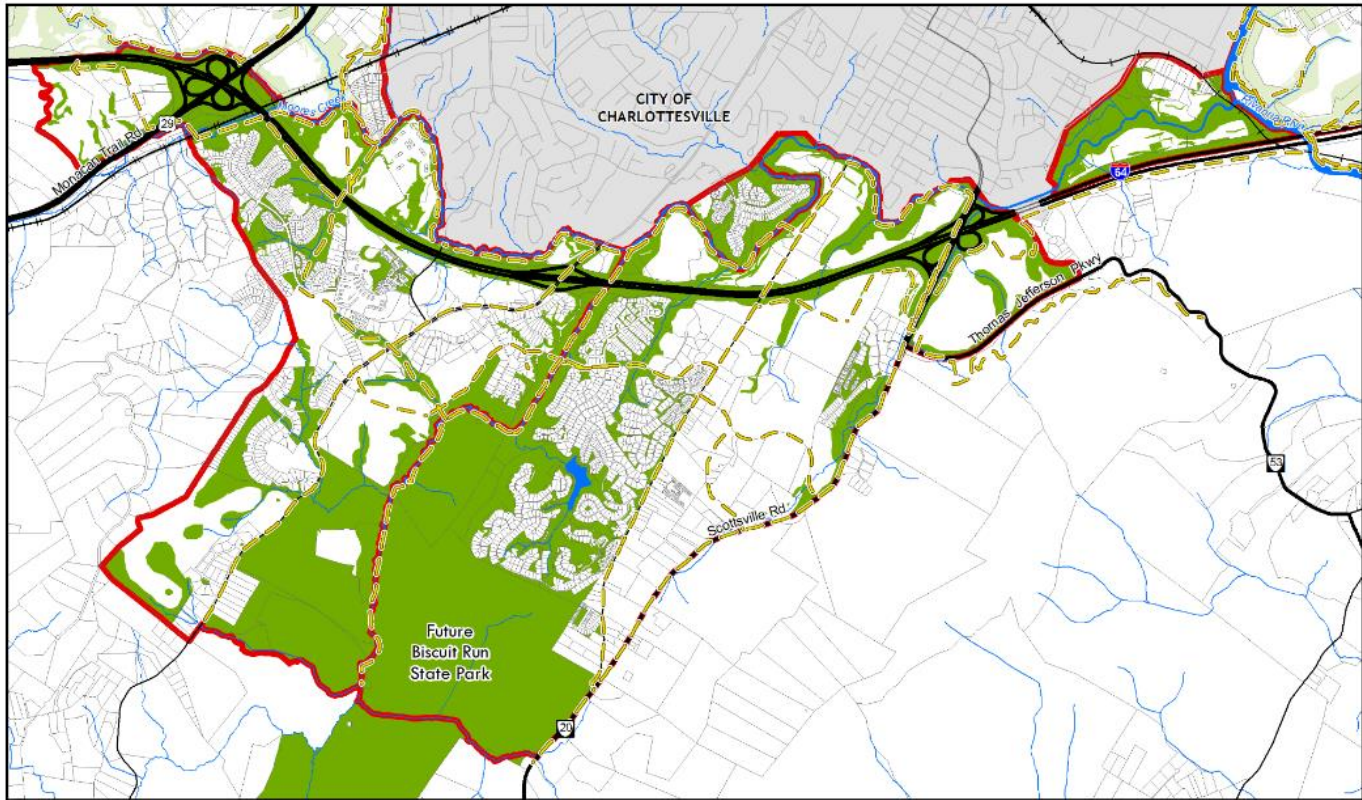
It should be noted that there remains land that was part of the NMD zoning approved with ZMA2005-17 that is privately owned (TMP 09000-00-00-005A0) and not proposed for inclusion in this rezoning initiative. The Breeden family, owners of this property, was advised as to the effect of this rezoning on them and consulted about their interest in joining in this rezoning. After some discussion and consideration, they decided they would keep their NMD zoning with the possibility of seeking a separate rezoning of their property at some point in the future.

Rural Area zoning allows public uses such as a park by-right and will reflect the intent for this land as established in the Comprehensive Plan.

The park will be phased, and Phase 1 is currently in design. This phase includes an entrance off of Avon Extended and the opening of the trails to the public and will be broken into two sub-phases. Phase 1A includes a rustic parking area, trail access, and entrance off of Avon Street Extended. Phase 1B includes expanded parking areas, a maintenance shed, and other entrance and trail improvements. Anticipated completion for Phase 1A is fall of 2021, and a timeline for Phase 1B is unknown at this time. Future phases will include the playing fields and other amenities shown in the Master Plan.

### **COMPREHENSIVE PLAN**

The Southern and Western Neighborhoods Master Plan identifies all the subject properties for a Future Biscuit Run Park, both in the Future Land Use and the Parks and Green systems maps. As indicated above, this rezoning to Rural Area (RA) district will allow a public park to be developed in accordance with the Biscuit Run Master Plan.



**Figure 6: Southern Urban Neighborhood Parks and Green Systems Plan**

## **ZONING ORDINANCE REQUIREMENTS**

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

The requested zoning district is Rural Area District (RA). According to the zoning ordinance, amendment of the zoning map to this district would be appropriate for the following purposes:

- *Preservation of agricultural and forestall lands and activities;*
- *Water supply protection;*
- *Limited service delivery to the rural areas; and*
- *Conservation of natural, scenic, and historic resources.*

Staff reviewed the request and has found that this rezoning meets the purposes and intent of the Rural Areas District. The proposed park will preserve forestall land, water ways, and conserve the natural, scenic and historic resources located within the park.

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

#### **Streets:**

As part of the development plan for the park, a traffic analysis is underway to determine the appropriate entrance configuration and access needs for the park. The Master Plan identified three public entrances from the adjacent streets: Old Lynchburg Road, Hickory Street, and the intersection of Route 20 and Avon. It is anticipated that impact to the transportation network will be minimal with this use. Future playing fields may increase traffic; however, it is anticipated that the increase in traffic would occur during non-peak hours, and transportation staff believe that Route 20 is sufficient to handle this additional traffic. The Avon corridor study is also underway and will include expected traffic from park uses in the evaluation and suggested improvements.

**Schools:**

No impact to schools for the park use.

**Fire & Rescue:**

This project is near the Monticello Fire and Rescue Station. Fire & Rescue has not expressed any concerns with, or objections to, this proposal.

**Utilities:**

This project is in the ACSA water and sewer service jurisdictional area and both services are available.

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

As stated above, the properties contain stream buffers, flood plain, steep slopes, and a portion of the property is within the Monticello viewshed. The rezoning of these properties for a park use allows for the preservation of these resources.

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

As stated above, there will be minimal negative impact to the nearby and surrounding properties. The rezoning to allow the public park will be significantly less of an impact than the previously approved rezoning for residential and non-residential development.

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

The proposed rezoning will allow a new public park to be constructed and provide an asset to the County and its residents by providing both passive and active recreational opportunities, preserving a large portion of the property, and protecting the natural resources located in the proposed park.

**RECOMMENDATION**

Staff recommends approval of the rezoning for Biscuit Run Park.

**Attachments:**

Attachment 1: Vicinity Map

Attachment 2: Biscuit Run Master Plan and Environmental Overlay

Attachment 3: [December 12, 2018 Biscuit Run Master Plan Report](#)

Attachment 4: DCR Approval of Biscuit Run Master Plan and Rezoning

Attachment 5: Board of Supervisors Resolution of Intent for Rezoning