

ALBEMARLE COUNTY
STAFF REPORT

Project Name: ZMA201800018 and SP201800023, River's Edge	Staff: Tori Kanellopoulos, Senior Planner
Planning Commission Hearing: March 10, 2020	Board of Supervisors Public Hearing: TBD
Owner: Rivers Edge Associates and Rivers Edge Holdings LLC	Applicant: Justin Shimp and Kelsey Schlein, Shimp Engineering, on behalf of Rivers Edge Holdings
Acreage: TMP 32-5A1 is 27.71 acres and TMP 32-5A0 is 4.81 acres, for a total of 32.52 acres.	Rezone from: RA Rural Areas to PRD Planned Residential Development Special Use Permit: Request disturbance of preserved steep slopes to accommodate the development of private facilities (accessway and stormwater management) for the proposed rezoning development
TMP: 03200-00-00-005A1 and 03200-00-00-005A0	Location: 2260 and 2256 Rivers Edge Lane at Route 29 North, approximately 0.20 miles north from the intersection of Lewis and Clark Drive and Route 29.
School Districts: Baker Butler E.S., Sutherland M.S., Albemarle H.S.	Current by-right use: Rural Area 0.5 units/acre
Magisterial District: Rivanna	Proffers: None
Proposal: Rezone two properties from Rural Areas (RA) to Planned Residential Development (PRD). Request for a special use permit for the disturbance of preserved steep slopes to accommodate the development of private facilities (accessway and stormwater management) for the proposed rezoning development.	Requested # of Dwelling Units per ZMA: Maximum of 100 dwelling units; size-restricted to a maximum gross floor area of 1,200 sq. ft. each
DA (Development Areas): Hollymead neighborhood in the Places29 Master Plan	Comp. Plan Designation: Neighborhood Density Residential and Private Open Space per the Places29 Master Plan

<p>Affordable Housing Provided: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Affordable Housing AMI (%): Minimum 15 percent affordable units at 80 percent AMI.</p>
<p>Character of Property: Two parcels totaling 32.52 acres with approximately fourteen single-family detached houses and a paved accessway that creates a loop through the site and connects to the entrance at Route 29. Parcels are heavily forested and surrounded by the Rivanna River.</p>	<p>Use of Surrounding Properties: There are several commercial properties to the north, and U.S. Army facilities. Rural Area properties (currently forested) are to the east and south. The parcel directly south is currently undeveloped but is in the Development Areas.</p>
<p>Factors Favorable:</p> <ol style="list-style-type: none"> 1. The rezoning request and special use permit request are consistent with the majority of the recommendations within the Places29 Master Plan and the Comprehensive Plan. 2. The rezoning request is consistent with the majority of the applicable Neighborhood Model Principles. 3. The rezoning provides affordable rental housing that meets the housing policy within the Comprehensive Plan for a period of 10 years. 	<p>Factors Unfavorable:</p> <ol style="list-style-type: none"> 1. The density proposed with the rezoning application is above the recommendations within the Places29 Master Plan. 2. The request to disturb preserved steep slopes with the special use permit application could potentially create negative environmental impacts: erosion and sedimentation of the Rivanna River; and loss of wildlife habitat.
<p>RECOMMENDATION:</p> <p>Zoning Map Amendment: Overall, staff finds that the favorable factors outweigh the unfavorable factors. Staff recommends approval of the rezoning request ZMA201800018 with the following changes:</p> <ol style="list-style-type: none"> 1. Revise the proposed number of units to be consistent with the recommended density in the Places29 Master Plan. 2. Update the application plan to show a public multi-use path along the full frontage with Route29. <p>Special Use Permit: Staff recommends approval of the special use permit request SP201800023 with conditions.</p>	

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Tori Kanellopoulos
March 10, 2020
TBD

PETITION:

PROJECT: ZMA201800018 and SP201800023 River's Edge

MAGISTERIAL DISTRICT: Rivanna

TAX MAP/PARCEL(S): 032000000005A0 and 032000000005A1

LOCATION: 2260 and 2256 Rivers Edge Lane. Route 29 North, approximately 0.20 miles north from the intersection of Lewis and Clark Drive and Route 29.

PROPOSAL: Rezone two properties from Rural Areas (RA) to Planned Residential Development (PRD). Request for a special use permit for the disturbance of preserved steep slopes to accommodate the development of private facilities (entrance and accessway) for the proposed rezoning development.

PETITION: Rezone 32.52 acres from Rural Areas (RA), which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots) to Planned Residential Development (PRD) that allows residential (3 – 34 units/acre) with limited commercial uses. A maximum of 100 units are proposed for a gross density of approximately 3 units/acre, and a net density of 12 units/acre. A special use permit for the disturbance of preserved slopes for "Private facilities on preserved slopes" pursuant to Zoning Ordinance Section 30.7.4.b.2. Request for central sewerage and central water system per County Code Section 16-102.

ZONING: Rural Areas (RA)

OVERLAY DISTRICT(S): Entrance Corridor; Steep Slopes- Managed and Preserved; Flood Hazard Overlay; Airport Impact Area

COMPREHENSIVE PLAN: Neighborhood Density Residential- residential use (3–6 units/acre); supporting uses such as religious institutions, schools, and other small-scale non-residential uses; Privately Owned Open Space; Environmental Features- privately owned recreational amenities and open space; floodplains, steep slopes, wetlands, and other environmental features; in the Hollymead Area of Places29 Master Plan.

CHARACTER OF THE AREA

The subject properties are located at 2260 and 2256 Rivers Edge Lane, to the east of Route 29 North, approximately 0.20 miles north from the intersection of Lewis and Clark Drive and Route 29. The site has a narrow paved accessway that starts at the entrance to the site at Route 29 and creates a loop through the middle of the site. There are approximately fourteen single-family houses on the site. The site is mainly forested and is surrounded by the Rivanna River. (Attachment 1)

Several commercial uses are located north of the site, including building and roofing materials sales, an electric company, and modular home sales. U.S. Army facilities are also located to the north. Rural Area parcels (currently forested) are to the east and south. The parcel directly south of the site is also in the Development Areas (and is adjacent to North

Pointe) but is currently undeveloped. The residential Camelot and Briarwood neighborhoods are across Route 29 and approximately 0.25 miles from the site.

SPECIFICS OF THE PROPOSAL

The applicant proposes to rezone 32.52 acres from Rural Area (RA) to Planned Residential Development (PRD) to allow up to 100 dwelling units. Each dwelling unit is restricted to a maximum gross floor area of 1,200 square feet. The units will all be rental units, as the property cannot be feasibly subdivided. Access to the site will be provided using the existing entrance off of Route 29. The existing accessway will be widened from 12 feet (of travelway, plus some shoulder area) to 28 feet (with 20 feet of travelway and 4 feet on each side for shoulders). Widening the accessway is the only option for future development of the site and necessitates disturbance of preserved slopes.

Civic, recreation, and open spaces are proposed, consisting of:

- A club house, within an existing 4,000 sq. ft. structure near the entrance to the site
- A multipurpose court
- A public pedestrian path that leads to the adjacent parcel TMP 32-22K1 (where future connections may be possible, eventually connecting to North Pointe) and to Route 29
- A network of private primitive trails, minimum 2,600 linear feet
- A minimum of two (2) playgrounds or equivalent, which will likely be natural playscapes

The applicant has requested review and approval of a central sewerage system per 16-102 (Attachment 7). This request requires Board of Supervisors review and approval. The applicant proposes a private pump station that would connect to a public manhole.

The applicant is also requesting a special use permit for disturbance of preserved slopes to widen the accessway and for stormwater management (Attachment 5).

APPLICANT'S JUSTIFICATION FOR THE REQUEST

The applicant has provided a narrative and concept plans (Attachments 3, 4, and 5).

COMMUNITY MEETING

The required community meeting was held on January 17th, 2019, at 6:00 PM at the Hollymead Fire Station, during the regularly scheduled Places29 North CAC meeting. Community members in attendance asked questions regarding the type of housing being provided, how the rental units would function, about the central system approval process, and if any transportation improvements were needed.

The applicant responded that the dwelling units will be size-restricted and likely modular housing. The units will be long-term rentals (a year or more) and will not be used for short-term rentals. The applicant explained that a central system requires Board of Supervisors approval, that the applicant will need to coordinate with ACSA to go under Route 29 for water and sewer service, and that they will need a private pump station for their site. The applicant said that a right turn lane will likely be needed for the site entrance. The main concern heard was how a school bus would be able to stop at the site. The applicant responded that a loop may be feasible, or an area to safely pull over. Staff recommends the

applicant coordinate with Albemarle County Schools when developing a location for a bus stop. When this application was presented to the CAC, only 60 units were proposed, versus the current 100 units proposed. However, the revised application significantly clusters the proposed units, and the overall area impacted by the development remains the same.

PLANNING AND ZONING HISTORY

CCP201800004: A work session for consistency with the Comprehensive Plan was held with the Planning Commission on October 16, 2018. Additional information is provided in the staff report for CCP2018-4 (Attachment 11) and in the Planning Commission minutes (Attachment 12) from the meeting. The Planning Commission found that net density should be used to calculate density for the site, and should use the more accurate GIS-data, not the area shown as Parks/Green systems in the Comprehensive Plan. The Planning Commission also found that transferring density with the adjacent property (TMP 32-22K1, not part of this rezoning request) was not appropriate.

There is no other previous planning and zoning history for this site.

ZMA201800018: ANALYSIS OF THE REZONING REQUEST

COMPREHENSIVE PLAN

The rezoning request is consistent with the majority of the applicable policies in the County's Comprehensive Plan. The request meets the Growth Management policy (CH 3), which directs new development and infrastructure to the Development Areas. The Development Areas Chapter (8) recommends that the urban neighborhoods (which include Places29) have a variety of housing types and have extensive infrastructure and services. The proposal meets the policy of having clear boundaries with adjacent Rural Areas. The development clusters units together and maintains the existing forested riverbank boundary with the Rural Area. The proposed development is in an Entrance Corridor and is providing the 50-foot forested buffer called for in the Places29 Master Plan.

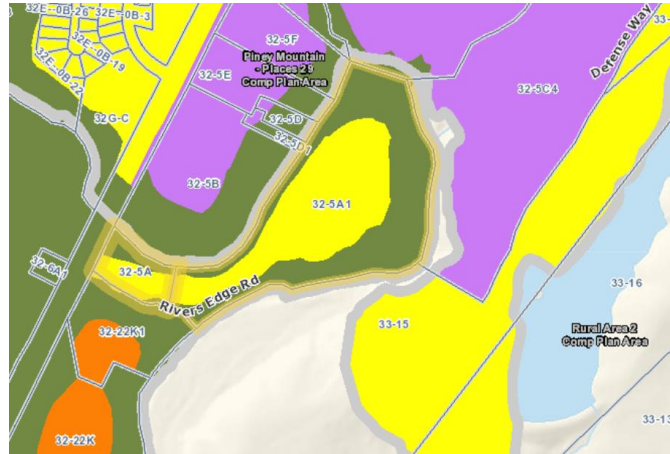
Analysis of the Places29 Master Plan

These properties are designated Neighborhood Density Residential in the Places29 Master Plan, which calls for a density range of 3 to 6 units per acre:

Neighborhood Density Residential. This designation is used in areas around Centers where single-family detached and attached housing with a gross density range between 3 – 6 units per acre is desired. This designation is also applied to existing residential areas with densities within or below this range (see Land Use Table LU2). This designation is essentially the same as the Neighborhood Density Residential designation in the 1996 Land Use Plan.

Primary uses: single-family residential, including two or more housing types.

Secondary uses: retail, commercial, and office uses that support the neighborhood, live/work units, open space, and institutional uses. Retail, commercial, office, and institutional uses are encouraged to locate in Centers so they are accessible to residents throughout the surrounding area, and so they benefit from co-location with other neighborhood-serving businesses. However, they may be located by exception in areas around Centers designated Neighborhood Density Residential provided they are compatible with surrounding uses.



The Development Areas Chapter (8) calls for Master Plans to guide new development in the Development Areas. Strategy 8c states that density should be calculated using net density, by excluding areas not suitable for development, including steep slopes, stream buffers, floodplain, and areas identified as Parks/Green systems. The proposed development has a gross density of 3 units per acre and a net density of 12 units per acre. The Master Plan recommends a maximum of 51 units using the calculation of net density. 100 dwelling units are proposed with a range of duplexes, triplexes, and fourplexes, which is double the recommended density in the Comprehensive Plan. All units are sized-restricted, with a maximum gross floor area (GFA) of 1,200 square feet each.

The applicant has included information regarding accessory units in their narrative as justification for the additional units. Specifically, the applicant has compared the additional density proposed with this development to be comparable to a more traditional single-family development with accessory units, which are permitted in the zoning ordinance and do not count towards overall density. The applicant compares the following scenarios:

- The applicant could construct larger single-family homes, each of which could have an accessory dwelling unit, which would not count toward density.
 - 3,000 square foot house could have an accessory unit that could be 1,050 square feet in size.
 - 4,000 square foot house could have an accessory unit that could be 1,400 square feet in size.
- Or, as the applicant proposes, the applicant could construct 100 units and size-restrict the units, so that the overall impact would be similar to 50 larger single-family units.

Additional information regarding density and prior actions is provided in Attachment 9.

Additional relevant language within the Comprehensive Plan that relates to housing and density includes:

- Chapter 8 states that housing in the Development Areas should be provided at a variety of price points, including affordable housing. The proposed development

provides a unique housing type in the County. There appears to be an increasing demand for smaller units, especially as household sizes decrease nationally.

- Objective 4 of this Chapter is to *“Use Development Areas land efficiently to prevent premature expansion of the Development Areas”*. The proposed Planned Residential Development clusters units together on the site, and includes duplexes, triplexes, and fourplexes.
- Objective 4 of the Housing Chapter (9) is to *“Provide for a variety of housing types for all income levels and help provide for increased density in the Development Areas.”* In addition to the proposed housing types, the applicant is providing affordable housing in accordance with the Housing Policy.

There is not sufficient guidance in the Comprehensive Plan for staff to determine when it may be acceptable to exceed the Comprehensive Plan. Master Plans are drafted and adopted through a community-driven process, including review of the future land use categories and designations. Therefore, staff has included exceeding the recommended density in the Master Plan as a ‘factor unfavorable’ with this application and previous applications and recommends that the density be reduced to meet the recommendations in the Master Plan.

Affordable Housing: The applicant is providing 15 percent affordable housing units, meeting the recommendation in the Comprehensive Plan (Strategy 6b, CH 9). Since the units will be rental, they will be affordable for a period of 10 years. The Housing Planner has reviewed the request and found that it is consistent with County policy. The Housing Planner has also noted that on September 18, 2019, the Board of Supervisors approved a resolution to adopt a future policy on anti-displacement measures for new development that results in existing residents needing to relocate (Attachment 10). The Housing Planner has provided draft guidelines for the applicant to review. At this time formal guidelines have not been adopted; if guidelines are adopted by the Board while this application is under review, it is expected that the applicant coordinate with the Housing Planner to meet the guidelines.

The properties are also designated Privately-Owned Open Space/Environmental Features (Parks/Green systems):

Privately Owned Open Space/Environmental Features. This designation includes open space that is owned and managed by private or semi-public entities, such as homeowners associations, private homeowners, commercial or business park land owners, and others. These areas consist of recreational and passive open space amenities, and may include floodplains, steep slopes, wetlands, and other areas with environmental constraints where construction of buildings is discouraged (see Land Use Table LU2). The Future Land Use map shows Privately Owned Open Space/Environmental Features in a darker green (than the Public Open Space described above).

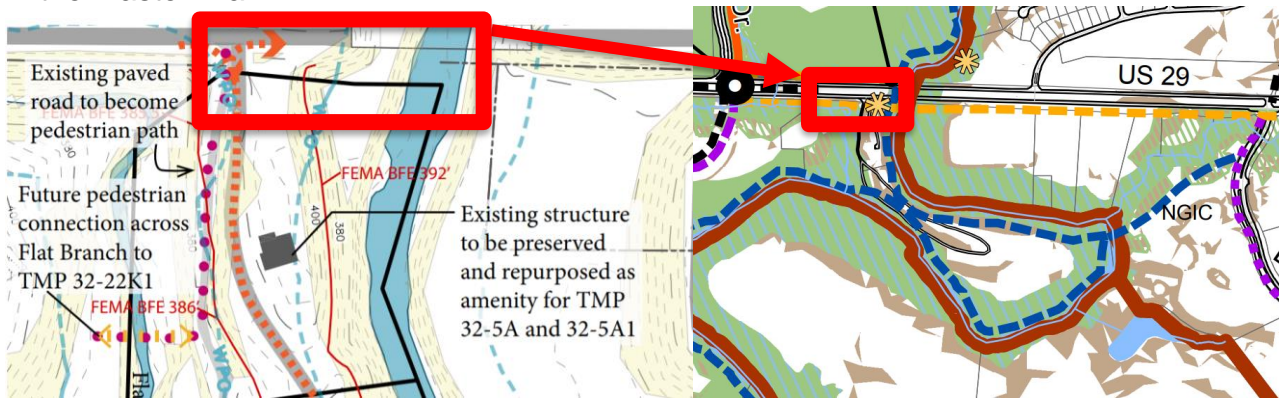
Primary uses: semi-public open spaces, such as semi-public parks, greenways, trails, and other recreational and passive open spaces that are owned by homeowners associations or other similar entities and are open to property owners and their guests.

Secondary uses: related institutional uses.

The Parks/Green systems designated areas are preserved with this development, with some disturbance of preserved slopes required (however, the Comprehensive Plan shows the slopes that will be disturbed as Neighborhood Density Residential, as there is an

existing accessway on these slopes). The development contributes to trail connections that Parks and Recreation has identified as significant. Providing a future public access with the adjacent parcel to the south (TMP 32-22K1) allows for future connections to North Pointe and the greater greenway system. There were no major concerns heard at the CAC community meeting for this application.

The following maps compare the applicant's proposed public trails to the recommendations in the Master Plan:



The above right image shows the map from the Parks/Green Systems in the Places29 Master Plan, which “shows the recommended network of existing and proposed trails, multi-use paths, and bicycling facilities that would provide convenient non-vehicular connections between different parts of the Development Areas” In consultation with Parks and Recreation, staff has determined that providing an internal private trail system is acceptable, and that a connection to the adjacent NGIC parcel is not necessary. Staff finds that a future public connection with the adjacent parcel to the south (TMP 32-22K1) would allow for the trail network to connect to North Pointe and therefore to the greater trail network. Staff recommends that the applicant provide the multiuse path along Route29, as there will be a future connection across Route29 that follows the river and completes an important section of the greenway.

The Neighborhood Model: Staff has reviewed the proposal against the Neighborhood Model Principles and found that it is consistent with the majority of the principles. The detailed Neighborhood Model Analysis can be found in Attachment 8.

ZONING ORDINANCE REQUIREMENTS

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

The purpose and intent of the Planned Residential Development (PRD) zoning district is to:

- *“encourage sensitivity toward the natural characteristics of the site and toward impact on the surrounding area in land development...promote economical and efficient land use, an improved level of amenities, appropriate and harmonious physical development, and creative design consistent with the best interest of the county and the area in which it is located.”*

- *“provide for flexibility and variety of development for residential purposes and uses ancillary thereto. Open space may serve such varied uses as recreation, protection of areas sensitive to development, buffering between dissimilar uses and preservation of agricultural activity.”*

Staff reviewed the request and has found that this rezoning meets the purposes and intent of the PRD. The proposal includes a variety of housing types (single-family detached, duplexes, triplexes, fourplexes), 25% open space, a forested buffer along Route 29, and recreation. The development clusters dwelling units and preserves most of the site for open space. While PRD’s are generally recommended for areas with Comprehensive Plan recommended densities of 15 units/acre or more, staff finds that PRD is an appropriate district for this site, as the significant environmental features require *“careful planning with respect to impact”*, as the intent of the zoning district states.

Anticipated impact on public facilities and services:

Streets:

The applicant provided estimated traffic counts and right turn lane analysis within the narrative (Attachment 6). VDOT reviewed the application and traffic information and does not anticipate a significant traffic impact. A traffic study was not required. The existing AADT between Airport/Proffitt Roads and Camelot Drive is 39,000 vehicle trips. The proposed development would add 543 weekday trips, with 35 AM peak hour trips and 43 PM peak hour trips.

Schools:

Students living in this area would attend Baker Butler Elementary School, Sutherland Middle School, and Albemarle High School. The applicant has provided the following estimates for new student counts, based on calculations provided by County Schools:

Type of Dwelling Unit	Elementary	Middle	High	Total
Multifamily	0.12	0.03	0.05	0.21
100 Units	12	3	5	21

Of these three schools, both Baker Butler Elementary School and Albemarle High School are projected to continue to exceed capacity. Albemarle County Public Schools’ ‘Long Range Planning Advisory Committee Recommendations’ (July 11, 2019) identifies ‘moderate capacity conflicts’ for Baker Butler E.S. and ‘high capacity conflicts’ for Albemarle H.S.

The report recommends the following for Baker Butler E.S.: *“Student enrollment is projected to be just at capacity at the two schools combined. However, Baker-Butler is currently over-enrolled and capacity conflicts are projected to worsen over time. On the other hand, Broadus Wood, the district directly adjacent to Baker-Butler has ample capacity of approximately 100 seats. LRPAC again recommends a redistricting study if the capacity situation at Baker-Butler worsens. Long-term forecasts show this northern area growing substantially. If forecasts prove out, a new elementary school will be needed.”*

The report recommends the following for all three County high schools: *“The Division has embarked upon a “center” based strategy to address capacity issues at its three comprehensive high schools, in particular at Albemarle High School. This agile approach addresses both instructional and capacity needs in an efficient manner. Long-term county population growth is forecast to grow by 44% over the next thirty years. That could yield another 1,800 high school students, roughly the size of the current AHS.”*

As the Places29 Master Plan is fully realized, growth must be closely monitored since Albemarle High schools does not have the long-term capacity to support additional residential growth expected in this part of the County. However, dedication of land for two new elementary schools are proffered commitments of other large developments in the Places29 Development Area. This includes a 7-acre site within Brookhill and a 12.85-acre site within North Pointe. The Brookhill development also has a proffer requiring dedication of an approximately 60-acre site along Berkmar Drive that could be used for a comprehensive public high school. There are no proposed relevant projects in the current CIP.

Fire and Rescue:

Fire/Rescue had no objection to the proposal. Since the units will be sprinklered, a second point of access is not required.

Utilities:

The proposed development is in the jurisdictional area for water and sewer. The applicant is requesting a central sewerage system, with analysis provided below. The proposal shows a public waterline, per ACSA’s review comments, as follows: *“Parcel is located in the North Fork South Zone Special Rate District. Due to the demand for fire hydrants a public water main will be required. ACSA may request these units be individually metered.”* ACSA has no objection to the proposal.

Request for Central Sewerage System:

The applicant is also requesting approval of a central sewerage system for the proposed residential development (Attachment 7), which requires approval from the Board. This approval does not require action of the Planning Commission. The development would connect to public water and sewer.

Section 16 of the County Code defines a central sewerage system as a system designed to serve three or more connections. The proposed central sewerage system would serve 100 dwelling units and would require a sewer lateral connection to each dwelling unit. The central system would use a private sanitary force main, which would tie into a new public sanitary manhole adjacent to Route 29. The manhole would connect to a public gravity main under Route 29 and then to the existing public manhole at the RWSA pump station. The applicant includes the following information on monitoring the system: *“The pump station will consist of a remote monitoring system that will be managed by a contracted professional third party, a backup generator in case of loss of power, and an onsite alarm system in case of failure.”*

There do not appear to be feasible alternatives for utilities for the site. The site is in the Development Areas and has environmental and topographically constraints; therefore,

drainfields would not be appropriate. Given the steep slopes, stream buffer, and floodplain constraints, connecting to adjacent parcels may be infeasible and would require significant impacts to environmental features. The proposed central system ultimately connects to public utilities. ACSA provided the following comments: *“This site has restrictive access, which would make routine maintenance to the pump station a challenge. This pump station is also serving a single parcel, so there will be no other developments connecting to the proposed pump station.”*

Staff reviews requests such as this for conformity with the Comprehensive Plan and also for technical feasibility. County Engineer and Health Department approval of the final system specifications will be required prior to construction. The Comprehensive Plan discourages central systems in the Rural Area; however, it does not contain guidance on central systems in the Development Areas. Staff has no objection relevant to the Comprehensive Plan. The applicant has submitted the required application materials per 16-102(1-3), however has not yet submitted 16-102(4). Review of the full materials by the County Engineer, Health Department, and ACSA will be required prior to approval.

Anticipated impact on environmental, cultural and historic resources:

There are no known cultural or historic resources on the site. There are significant environmental resources on the site, including steep slopes and a portion of the Rivanna River (Attachment 2). The applicant has requested a Special Use Permit to disturb steep slopes to install a paved vehicular accessway for the development and to provide access to the river for stormwater management purposes. Additional analysis is included in the Special Use Permit section of this report.

While there will be some impacts to environmental resources with this development, the County Engineer and Planning staff find the impacts to preserved slopes to be acceptable and find that there would not be substantial negative impacts. No buildings or parking are in steep slopes or the stream buffer. Disturbance of preserved slopes is necessary to allow for vehicular access to the site. Buildings and parking are not permitted in preserved slopes, stream buffers, or the flood plain. The proposed development provides trails throughout the development to give residents access to the scenic environmental resources on the site. Potential negative impacts to environmental features are considered against the beneficial aspects of the proposal, including providing affordable housing and directing development to the Development Areas.

Anticipated impact on nearby and surrounding properties:

No significant impacts are anticipated on nearby and surrounding properties. The two parcels included in this development are surrounded by the Rivanna River. The development preserves the existing vegetated area surrounding the property. There is no connection to the NGIC properties to the north. In the future, there may be a pedestrian trail connection with the property to the south, which would be a beneficial connection to the greater trail system.

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. This proposal provides several housing types and provides 15 percent affordable units.

PROFFERS

There are no proffers proposed with this application.

SP201800023: ANALYSIS OF THE SPECIAL USE PERMIT REQUEST

Special Use Permit request per 18-30.7.4(b)(2): *“The only use permitted by special use permit on preserved slopes are private facilities such as accessways, utility lines and appurtenances, and stormwater management facilities, not otherwise permitted by right under subsection (b)(1)(e), where the lot does not contain adequate land area outside of the preserved slopes to locate the private facilities.”*

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST:

Section 33.39(B) states that the Commission, in making its recommendation, shall consider the same factors found in Section 33.40(B):

1. No substantial detriment. Whether the proposed special use will be a substantial detriment to adjacent parcels.

There is no anticipated detriment to adjacent parcels. The disturbance of the preserved slopes is entirely contained to the site. Both the site and the boundaries of surrounding parcels contain environmental features that permit very limited development or disturbance, including preserved slopes, stream buffers, and floodplain. There are no structures on adjacent parcels that are near the proposed disturbance area, nor would there be in the future. Disturbance of steep slopes for the accessway removes terrain prone to erosion, however, it also increases runoff.

The applicant would need County Engineer review and approval of a VSMP application meeting the steep slopes standards of County Code 18-30.7.5 prior to any disturbance activities. The application states that: *“The disturbed material is expected to be mostly rock, which does not require mass earthwork and movement of dirt...The areas of disturbance will be limited to cutting and excavating the slopes, with no mass grading of the steep slopes planned, protecting downstream areas below. Any land disturbance will comply with applicable Virginia DEQ and Albemarle County Water Protection Ordinance Regulations.”* The County Engineer has no objection to the Special Use Permit request to disturb steep slopes for the accessway. The County Engineer also has no objection to disturbance of slopes for the purpose of stormwater management facilities. The County Engineer has reviewed the general locations of the proposed facilities and found them to be acceptable.

It should be noted that while disturbance of steep slopes is needed for the accessway, disturbance of steep slopes for stormwater management facilities may not ultimately be needed during site planning. The applicant has chosen to include the disturbance request for the stormwater management facilities with this application so that the full request is contained in one special use permit, and the applicant does not need to submit an additional special use permit request in the future, should the disturbance be necessary.

2. Character of the nearby area is unchanged. Whether the character of the adjacent parcels and the nearby area will be changed by the proposed special use.

No change to the character of the nearby area is anticipated. Disturbance of preserved slopes is for widening the existing accessway to the development to meet County standards and for stormwater management facilities. The accessway will not be a private street. It will have the design and appearance of a rural road section, widening the existing accessway from 12 feet (of travelway, plus some shoulder area) to 28 feet (with 20 feet of travelway and 4 feet on each side for shoulders). This wider accessway is needed for safe and convenient vehicular travel, and for access for emergency vehicles. Further development of the site is not feasible without widening the accessway. The majority of the preserved slopes are left unchanged with this development, and the wooded character of the immediate area remains.

3. Harmony. Whether the proposed special use will be in harmony with the purpose and intent of this chapter,

The purpose and intent of the steep slopes overlay district per 18-30.7.1 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.”*

Disturbance of preserved steep slopes: *“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 applicant’s justification (Attachment 5) addresses how each of these provisions are met. The County Engineer concurs with this analysis. The applicant will need to meet all relevant County and State standards for slope disturbance and stormwater management, including the standards in 18-30.7.5 and an approved VSMP application.

a. with the uses permitted by right in the district,

By-right uses permitted in preserved steep slopes per 18-30.7.4(b)(1) include necessary public facilities, existing structures, and trails. The expanded accessway follows the existing accessway and will provide necessary access for the proposed dwelling units requested with the rezoning application. Although the requested density is above the Comprehensive Plan recommendation, *any* future development would require upgrading this accessway. There is also sufficient space for the proposed trails throughout the site.

b. with the regulations provided in Section 5 as applicable,

There are no applicable regulations in Section 5.

c. and with the public health, safety, and general welfare.

Based on the above analysis and the application, staff does not anticipate that the steep slopes disturbance would negatively affect public health, safety, and welfare. Additionally, the disturbance of steep slopes allows for development of the site and is consistent with

major aspects of the Comprehensive Plan, including providing development in the Development Areas and providing affordable housing. While the proposed density is above the recommended density in the Comprehensive Plan, any further development of this site would require disturbance of slopes for a safe accessway of sufficient width and potentially for stormwater management facilities.

4. Consistency with the Comprehensive Plan. Whether the proposed special use will be consistent with the Comprehensive Plan.

The favorable aspects of this proposal are weighed against the unfavorable aspects. While the proposed development may have some negative impacts on environmental features, staff finds the overall benefits outweigh these impacts. Additional analysis of the benefits of the proposed development are in the above rezoning analysis and include: providing affordable housing; providing a unique housing type; and directing development and density to the Development Areas.

The Natural Resources Chapter (Chapter 4) highlights the importance of protecting water and topographical resources in the County, especially the water quality of the Rivanna River. Strategy 5c states that steep slopes in the Development Areas should be protected, especially those adjacent to streams. While this development request requires disturbance of preserved steep slopes, staff finds that the favorable factors outweigh the unfavorable factors of the request. Land shown as Parks/Green systems in the Comprehensive Plan is preserved with this development. The proposal is located in the Development Areas, is providing affordable housing consistent with County policy, and is providing a unique type of housing that is not currently provided in the County. Development of the site would be infeasible without disturbance of preserved slopes, as the only means of access to the site is through preserved slopes.

Engineering staff has commented that disturbing preserved slopes for stormwater management purposes is acceptable, especially as the disturbance will ultimately result in stabilization of the river bank. Engineering staff finds that accessing the river may be necessary for stormwater management, however the applicant may decide to pursue an alternative design at the site planning stage if desired.

The County Natural Resources Manager commented on the importance of protecting biodiversity and on the existing stream quality issues in the Rivanna River:

“Segments of the North Fork Rivanna River (NFRR) are designated as impaired by Virginia Department of Environmental Quality (DEQ) for recreation (based on levels of coliform bacteria) and aquatic life (based on benthic macroinvertebrate data)...this section of the NFRR has been identified as Threatened/Endangered waters by the Virginia Department of Game and Inland Fisheries...due to observations of state or federally threatened or endangered freshwater mussels. The Rivanna River Corridor, which includes this project site, was identified as one of three Conservation Focus Areas in the County (Figure 8 in the amended Natural Resources Chapter). Conservation Focus Areas have significant biodiversity resources and high conservation value. In the case of the Rivanna River Corridor, there is habitat connectivity throughout much of the focus area. Impacts to natural

resources in the Conservation Focus Areas should be minimized and avoided when possible.”

The proposed development contains new trails near the River but does not have any direct access to the River. There is existing development on the site, and the proposed development uses nearly the same location for its upgraded accessway as the current paved accessway. No subdivisions are proposed with the development request, and the site would remain as two parcels only (or be combined into one parcel). Therefore, staff does not find that the development would cause habitat fragmentation. Some of the existing houses on the site are within preserved slopes and stream buffers. The new development would not have any houses or parking areas within slopes or stream buffers. The proposed development is not in a water supply watershed.

ZMA201800018 AND SP201800023: SUMMARY AND MOTIONS

SUMMARY

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

1. The rezoning request and special use permit request are consistent with the majority of the recommendations within the Places29 Master Plan and the Comprehensive Plan.
2. The rezoning request is consistent with the majority of the applicable Neighborhood Model Principles.
3. The rezoning provides affordable rental housing that meets the housing policy within the Comprehensive Plan for a period of 10 years.

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

1. The density proposed with the rezoning application is above the recommendations within the Places29 Master Plan.
2. The request to disturb preserved steep slopes with the special use permit application could potentially create negative environmental impacts: erosion and sedimentation of the Rivanna River; and loss of wildlife habitat.

RECOMMENDATION: ZMA201800018

Based on the factors identified as favorable with this rezoning, staff recommends approval of ZMA201800018, River's Edge, with the following changes:

1. Revise the proposed number of units to be consistent with the recommended density in the Places29 Master Plan.
2. Update the application plan to show a public multi-use path along the full frontage with Route29.

RECOMMENDATION: SP201800023

Based on the findings described in this staff report and factors identified as favorable, staff

recommends approval of the Special Use Permit request, SP201800023 River's Edge, with the following conditions:

1. The limits of disturbance within the Preserved Steep Slopes Overlay District shall be limited to the sizes, locations, and extents of disturbance as proposed in the "River's Edge: Steep Slopes Disturbance" application prepared by Shimp Engineering, P.C. and dated February 28, 2020.
2. Improvements related to stormwater, drainage, and grading shown on the final site plan and water protection ordinance plan for River's Edge shall be in general accord with the same improvements and grading shown on the exhibits "River's Edge: Road Grading + Profile" and "River's Edge: Conceptual Stormwater" in the "River's Edge: Zoning Map Amendment Application Plan" application prepared by Shimp Engineering, P.C. and dated February 28, 2020.
3. If blasting of rock becomes necessary, the applicant will submit a blasting plan subject to review and approval by the County Engineer and other Authorities having jurisdiction prior to commencing such activity.
4. Two-layer erosion and sediment control measures will be installed around the perimeter of the site, where feasible, at the discretion of the County Engineer.
5. Erosion and sediment control measures will not be located within the floodplain limits.

PLANNING COMMISSION POSSIBLE MOTIONS for ZMA201800018:

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

Move to recommend approval of ZMA201800018, River's Edge.

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

Move to recommend denial of ZMA201800018, River's Edge (state reasons for denial).

PLANNING COMMISSION POSSIBLE MOTIONS for SP201800023:

- C. Should a Planning Commissioner **choose to recommend approval** of this special use permit:

Move to recommend approval of SP201800023, River's Edge, with the conditions outlined in the staff report.

- D. Should a Planning Commissioner **choose to recommend denial** of this special use permit:

Move to recommend denial of SP201800023, River's Edge (state reasons for denial).

ATTACHMENTS:

- Attachment 1: [Vicinity Maps](#)
- Attachment 2: [Environmental Features Maps](#)
- Attachment 3: [Applicant Narrative, dated February 28, 2020](#)
- Attachment 4: [Rezoning Application Plan, dated February 28, 2020](#)
- Attachment 5: [Special Use Permit Application, dated February 28, 2020](#)
- Attachment 6: [Right Turn Warrant Analysis](#)
- Attachment 7: [Central Sewerage System Request](#)
- Attachment 8: [Neighborhood Model Principles Staff Analysis](#)
- Attachment 9: [County Ordinance and Policy for Accessory Units Staff Analysis](#)
- Attachment 10: [Resolution on Anti-Displacement Policy approved by Board of Supervisors, September 18, 2019](#)
- Attachment 11: [Staff Report for CCP201800004, dated October 16, 2018](#)
- Attachment 12: [Planning Commission Minutes for CCP201800004](#)