



June 5, 2020

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401 McIntire Road, North Wing  
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**RE:** Review Comment Letter #3 / ZMA-2019-00004 (Breezy Hill)

Dear Megan,

Thank you for your additional comments dated April 27, 2020. Under separate conversations and submittals, we have been working directly with you to address the traffic, proffers, density, schools, and engineering comments.

**CDD-Planning**

**Growth Capacity and Transportation (Kevin McDermott):**

1. Discussions with Jaunt regarding the potential for effective transit service in this corridor over the next ten years have resulted in a determination that it is unlikely transit service could be effectively delivered for the proposed funding. There is little capacity for non-local funds to be matched with the proposed \$50K and the cost of service would be much higher than \$50k/year. Demand for service in this corridor is also currently very low and low residential density makes it very difficult to deliver convenient service.

***Allowable uses of the proffered cash have been combined into Proffer #2 and broadened to include transportation, transit, or school capital projects that directly benefit the residents of the Village of Rivanna.***

2. The traffic impacts of the proposed development, with the proposed proffer, are minimal, although additional traffic will be added to the already congested corridor of US 250. Funded improvements such as the diverging diamond at Exit 124 and intersection improvements at US 250 and Rt 20 (Stoney Point Rd) will be complete by the time this development reaches buildout and should result in an overall improvement from current conditions in the corridor. Other recommended improvements will remain incomplete for the foreseeable future.

This includes various capacity and safety improvements on US 250 between the Charlottesville City Line and Black Cat Rd which will be impacted by traffic generated by the proposed development. The proffered signal upgrades essentially result in no additional negative traffic impacts from the proposed development at the intersections of US 250 and Rt 22 and Milton Rd. The VOR Master Plan is clear in its statement that “It is essential that all of the US 250 improvements be constructed before new development occurs.” The Master Plan directive should continue to be considered even if the specific impact from this proposed development is minimal.

*Noted and we appreciate the need to consider both the Comprehensive Plan and Master Plan recommendations. The Master Plan also recognizes that “[a]ddressing traffic issues on US 250 is the highest priority for the Village of Rivanna. Several regional projects identified in the next few pages are necessary to address future growth in a larger area, but also affect the Village of Rivanna.” (p.36, Village of Rivanna Master Plan Adopted 5-12-10, Amended June 10, 2015)*

*Two key recommendations of the Master Plan with respect to the “Timing of Development” are:*

- *Approval of future development proposals should occur simultaneously with or follow provision of adequate infrastructure.*
- *Approval of future development should be monitored in conjunction with improvements to US 250 and available sewer capacity so that approval of new units or uses does not exceed capacity of the sewage treatment plant or the road system.*

*At the time of the Master Plan, the village center was approved for 261 more units than will now be realized. That’s the majority of the 300-400 expected new units at the time that the plan was adopted. This reduction in density comes with a related decrease in buildout traffic impacts. Even after considering the 160 proposed dwelling units in Breezy Hill, 76 dwellings more than the 1 unit/acre gross density recommended in the Master Plan, the impacts will be roughly 1,850 ADT lower than the buildout scenario used to develop the Master Plan.*

*System improvements and cash are also proffered to ensure that there are no immediate impacts to the transportation network. Both VDOT and the transportation planner agree that development of Breezy Hill, with the proposed improvements, will result in better conditions than currently exist.*

**Density:**

3. The proposed number of dwelling units (160) and subsequent density (1.9 units/acre gross density; 2.5 units/acre net density) exceed the recommended density as articulated in the Village of Rivanna Master Plan, and as recommended by the Planning Commission at the July 30, 2019 PC Work Session.

*The Master Plan recognizes that actual densities may vary from recommended numbers and indicates that in order to maintain the projected increase in new units, densities may need to be proportionately adjusted in other areas.*

*A lot of discussion to date has also focused on the community's expectation where the development transitions to the rural area, the edges. To that end, we have concentrated the proposed density away from the edges, providing larger SFD lots adjacent on the eastern and southern edges of the project.*

*Finally, on Page 8.28 Objective 4 of the Comprehensive Plan states "the County has acknowledged that premature expansion of the Development Areas will frustrate the goals of the County's Growth Management Policy... The ability of the Development Areas to accommodate projected growth depends on the density and quality of new development." Breezy Hill is attempting to achieve both density and quality. Watering down either the density or quality would violate a primary objective of the Comprehensive Plan, as well as reduce development revenue that is being funneled into proffers to improve transportation, transit, and housing affordability. Those proffers are important to the overall quality of the development and cannot be funded without density.*

**Concept Plan:**

4. Notes regarding the special exceptions should be removed from the concept plan. These are separate actions.

*The Special Exception note has been removed from the Cover Sheet.*

5. The standard for the multi-use trail has not been identified or has a commitment been made for the standard of the trail. This trail should be a Class-A type 2 standard per the engineering design standards manual. In addition, it does not appear that there is adequate room outside of the right of way for this trail combined with the enhanced landscaping/treatment recommended in comment

f below to address the impact of the stormwater management facility.

***The standard for the multi-use trail has been added to the Cover Sheet with the standards for the primitive path.***

6. The roads have not been identified as public or private. A note should be added to the plan to identify the classification. If private roads are proposed, a private street request should be made in accordance with Section 14-233 and 14-234 of the subdivision ordinance.

***The roads will be public and a note to that affect has been added to the Cover Sheet.***

7. There are areas within the designated blocks that contain preserved slopes. Lots should not contain environmental features such as preserved slopes. A commitment should be made the blocks and lots will be outside of preserved slopes and other environmental features such as flood plain and stream buffers.

***The lots that previously contained the preserved slopes have been revised to be outside the limits of the preserved slopes.***

8. Similarly, as above, a commitment has not been made to not allow grading within the stream buffer. Grading should be outside of buffer areas.

***A note has been added to the grading plan specifying that no grading activities will take place in the stream buffer.***



9. A commitment has not been made for the enhanced landscaping for the stormwater management facility proposed along Route 250. Information should be provided as to how the stormwater management facility will be visually mitigated as recommended in the December 18, 2019 comment letter. It does not appear that there is adequate room outside of the right of way for landscaping.

***Enhanced Extended Detention facilities include wetland cells and landscape diversions to extend the flow path through the facility. The planting plan will emphasize woody vegetation (see picture) and the wooded wetland concept.***

10. The proposed possible driveway for Block 6 across preserved slopes should be removed. This is not a permitted use per the ordinance. A special use permit will be required if a driveway is needed in this location.

***The driveway access to Block 6 will be via Hearn Lane and will not impact the preserved slopes.***

11. The location of the entrance should be shifted to not impact the preserved slopes. This should be explored, and information should be provided to demonstrate that the preserved slopes must be impacted per the ordinance section below.

***The entrance has been shifted to the west to avoid the preserved slopes.***

**Sidewalk, planting strip, and curb and gutter requests:**

12. I listened to the podcast concerning rural section roads, and while one commissioner was in favor of possibly reducing pavement and not providing curb and gutter, a consensus was not made on these requests or the rural cross section. In addition, staff advised the Commission that while some of these improvements may be waived, that an equivalent pedestrian and drainage system should be provided. Staff does not agree that the proposed primitive trails are equivalent to sidewalks and provide adequate pedestrian access in the development, and therefore staff is unable to support these requests. See also comments from Engineering below. In addition, if the roads are public, VDOT requires sidewalks in the following circumstances:

- If lots are less than  $\frac{1}{4}$  acre, sidewalks are required on both sides of the street with over 400 ADT.
- If lots are between  $\frac{1}{4}$  acre and  $\frac{1}{2}$  acre, sidewalks are required on one side of the street with over 400 ADT.
- If lots are over  $\frac{1}{2}$  acre then sidewalks are not required.

***A sidewalk has been added to both sides of the roadway where the ADT is over 400. The other streets where the ADT is less than 400 will still be rural sections.***

**Proffers: Zoning Comments (Francis MacCall)**

**Zoning**

1. General Development Plan
  - a. Retitle the plan to BREEZY HILL REZONING CONCEPT PLAN

***The plan has been retitled as requested.***

- b. The front page references GREEN SPACE as stream buffer, floodplain, preserved steep slopes, open space, and recreation areas. Is the recreation areas, the pocket park and trails? If so, describe it as such or list pocket park and trails specifically.

***The definition of green spaces has been expanded to include the pocket parks and trails.***

- c. As pages 3 and 4 appear to be the pages that will be relied on as the concept plan they should be identical when it comes to the areas that are the green space per the description on Page 1. The physical area appears to be the same, but the references on both pages are mixed. Page 3 shows open space, pocket parks and trails, and Page 4 shows does not reference the pocket park.

***The pocket park on Page 4 has been labeled.***

- d. On sheet 3 in the legend there is reference to the Blocks sizes as being approximate and being allowed to be varied by up to 15%. 15% of what? I do not believe we are able to calculate 15% of an approximate size that has not even been listed.

***This reference to the size of the blocks has been removed.***

- e. There does not appear to be an actual Block Boundary shown on Sheet 4 of 5 even though the key references one.

***The legend has been updated to remove the reference to the block boundary.***

#### **Albemarle County Engineering (Frank Pohl):**

1. A flood study will be required to determine the limits of floodway and base flood elevation (BFE) prior to VSMP, subdivision or site plan approval [18-30.3.13(C)1]. Note that the study will need to be submitted to FEMA for review and the map must be updated. It is recommended this process is started as soon as possible as a map correction based on more accurate data submission.

***Noted.***

2. Documentation that existing ponds meet current SWM construction standards will be required during VSMP review.

***Noted.***



3. It is recommended that all SWM treatment will be provided on site. A commitment should be made to address this comment.

***A note has been added to the plan indicating that not less than 75% of the water quality requirement shall be accomplished on site.***

4. It is recommended that 2-layer ESC measures are provided along Carroll Creek side of the project. A commitment should be made to address this comment.

***Agreed.***

5. It is recommended that no ESC measures will be located within the 100-ft stream buffer. A commitment should be made to address this comment.

***Agreed.***

6. The application includes a request to waive curb and gutter. How will road drainage be routed to the existing wet ponds without inlets and piping?

***Conceptual culvert and ditch locations added to plan***

7. I am concerned SWM facilities will be proposed after the rezoning in locations not shown on the application plan (e.g. in the stream buffer).

***A note has been added to the plan stating that no additional BMP facilities shall be constructed within the designated stream buffer.***

If you have any questions, please let me know. Thank you in advance for your assistance.

Sincerely,



Don Franco, PE

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