



June 22, 2020

Ms. Megan Nedostup, Principal Planner
Albemarle County
Community Development
401 McIntire Road
North Wing
Charlottesville, VA 22902

Re: Special Exception Application for Breezy Hill (ZMA 2019-4)

Dear Ms. Nedostup,

The Planning Commission at our last work session indicated that they would consider the use of rural section roads within Breezy Hill. Per the allowances made in ZO 14.203.1, I am hereby requesting a waiver of the following: ZO 14.410.H and ZO 14.422, the requirement for curb/cutter, sidewalks and planting strips within the Development Area for some of the streets within Breezy Hill.

Within Breezy Hill, we are proposing curb and gutter streets with a sidewalk and planting strip where the lots are less than ¼ acre and the average daily trips (ADT) are over 400. A shoulder and ditch roadway cross section is proposed for the cul-de-sac streets that do not meet the ADT threshold.

Curb and gutter are part of the neo-traditional design elements of the neighborhood model and are characteristic of medium and high-density residential development. A rural section roadway consist of a shoulder and ditch cross-section rather than curb and gutter and is a mainstay characteristic of the rural area. By using a combination of the neo-traditional neighborhood roadway and the rural neighborhood roadway, we are providing for a visual and physical transition between the more urban development area and the adjacent rural area of the county.

Sidewalks along the more heavily travelled roads will be connected to a network of trails that provide a link between the residential units, the natural area along Carrol Creek, and the multi-use trail to the Village Center.

Sincerely,

Ammy George, PLA

Modification Requests- Staff Analysis

Modification of Street Standards

1. Exception of Sidewalk Requirement

Sidewalks are required to be established on both sides of each new street within a subdivision in the development areas. The applicant has requested that sidewalks only be provided on streets where the lots are less than ¼ acre and the average daily trips (ADT) are over 400. The requirements for sidewalks may be varied by the commission as provided in section 14-203.1(B)(1).

ANALYSIS OF SECTION 14-422 (E) Waivers from sidewalk requirements:

Per Section 14-422(E)(2), in reviewing a request to vary the requirement for sidewalks, the commission shall consider whether: (ordinance language presented in ***bold italics*** followed by staff comment)

i. A waiver to allow a rural cross section has been granted;

A waiver to allow a rural cross section has not been granted. Since the streets are proposed to be public, the Virginia Department of Transportation requires sidewalks to be provided.

While the Village of Rivanna master plan includes recommendations regarding transition from the Village Center to the edges for density and size and scale, it does not include recommendations regarding the standards of the streets. It states that "Villages are places that combine the feeling of "country living" with the amenities of a Development Area" and "Villages should reflect the principles of The Neighborhood Model."

ii. A surface other than concrete is more appropriate for the subdivision because of the character of the proposed subdivision and the surround neighborhood;

No alternative surface is proposed.

iii. Sidewalks on one side of the street are appropriate due to environmental constraints such as streams, stream buffers, critical slopes, floodplain, or wetlands, or because lots are provided on only one side of the street;

Sidewalks are not being proposed on one side of the street.

iv. The sidewalks reasonably can connect to an existing or future pedestrian system in the area;

It is unknown whether the proposed sidewalks will connect to existing or future pedestrian systems within the development, including the proposed multi-use path. The applicant has included typical road sections for the proposed roads, however the roads are not labeled on the concept plan. The applicant has provided an illustrative plan that shows sidewalks, however they do not connect to the proposed trails within the development to create a cohesive pedestrian system.

v. The length of the street is so short and the density of the development is so low that it is unlikely that the sidewalk would be used to an extent that it would provide a public benefit;

The lengths of the streets are long, however the development density is low. Staff believes that adequate pedestrian facilities are necessary even in low density developments within the development areas.

vi. An alternate pedestrian system including an alternative pavement could provide more appropriate access throughout the subdivision and to adjoining lands, based on a proposed alternative profile submitted by the subdivider;

The subdivider has not proposed an alternative profile and is proposing sidewalks that meet the County's design standards.

vii. The sidewalks would be publicly or privately maintained;

Sidewalks will be publicly maintained by VDOT.

viii. The waiver promotes the goals of the comprehensive plan, the neighborhood model, and the applicable neighborhood master plan; and

The waiver does not promote the goals of the comprehensive plan, the neighborhood model, or the Village of Rivanna Master Plan. As outlined in the staff analysis (Attachment 8) of the neighborhood model, the pedestrian orientation principle is not being met with the proposed minimal sidewalks and primitive trails.

While the Village of Rivanna master plan includes recommendations regarding transition from the Village Center to the edges for density and size and scale, it does not include recommendations regarding the standards of the streets. It states that "Villages are places that combine the feeling of "country living" with the amenities of a Development Area" and "Villages should reflect the principles of The Neighborhood Model."

ix. waiving the requirement would enable a different principle of the neighborhood model to be more fully achieved.

Waiving the requirement will not enable a different principle of the neighborhood model to be more fully achieved.

SUMMARY:

Staff's opinion is that the modification for sidewalks combined with the proposed primitive trails, do not provide adequate pedestrian facilities for the development. Nor does it promote the goals of the comprehensive plan, neighborhood model, or Village of Rivanna Master Plan. Therefore, staff recommends denial of the sidewalk modification.

2. Exception of Planting Strip Requirement

Planting strips for street trees and other vegetation are required to be established on both sides of each new street within the development areas. The applicant has requested an exception to the planting strip requirement for Road E. The requirements for planting strips may be waived by the commission as provided in Section 14-203.1(B)(3).

ANALYSIS OF SECTION 14-203.1 (B)(3) Findings for an exception:

Per Section 14-203.1(B)(3) the commission may approve a request for an exception from any requirement of the applicable regulation upon finding that: (ordinance language presented in ***bold italics*** followed by staff comment)

i. Because of an unusual situation, including but not limited to, the unusual size, topography, shape of the site or the location of the site; or

No unusual situation exists.

ii. When strict adherence to the requirements would result in substantial injustice or hardship by, including but not limited to, resulting in the significant degradation of the site or to adjacent properties, causing a detriment to the public health, safety or welfare,

or by inhibiting the orderly development of the area or the application of sound engineering practices.

Strict adherence to the requirements would not result in a substantial injustice or hardship, or cause a detriment to the public health, safety or welfare, or inhibit orderly development of the area.

ANALYSIS OF SECTION 14-422 (F) Waivers from planting strip requirements:

Per Section 14-422(F)(2), the commission shall consider whether: (ordinance language presented in ***bold italics*** followed by staff comment)

i. A waiver to allow a rural cross section has been granted;

A waiver to allow a rural cross section has not been granted. While the Village of Rivanna master plan includes recommendations regarding transition from the Village Center to the edges for density and size and scale, it does not include recommendations regarding the standards of the streets. It states that "Villages are places that combine the feeling of "country living" with the amenities of a Development Area" and "Villages should reflect the principles of The Neighborhood Model."

ii. A sidewalk waiver has been granted;

A sidewalk waiver is included with this request and is recommended for denial by staff.

iii. Reducing the size of or eliminating the planting strip promotes the goals of the comprehensive plan, the neighborhood model, and the applicable neighborhood master plan; and

As stated above within the sidewalk modification analysis, the planting strip modification does not promote the goals of the comprehensive plan, the neighborhood models, and the Village of Rivanna Master Plan. The neighborhood model recommends planting strips and street trees within the development areas.

While the Village of Rivanna master plan includes recommendations regarding transition from the Village Center to the edges for density and size and scale, it does not include recommendations regarding the standards of the streets. It states that "Villages are places that combine the feeling of "country living" with the amenities of a Development Area" and "Villages should reflect the principles of The Neighborhood Model."

It should be noted that single family detached units only require subdivision plat approval. The subdivision ordinance does not require street trees, and therefore, while a planting strip is recommended to be required by staff, the current proposal does not include street trees.

iv. Waiving the requirement would enable a different principle of the neighborhood model to be more fully achieved.

Waiving the requirement will not enable a different principle of the neighborhood model to be more fully achieved.

SUMMARY:

Staff's opinion is that the modification for planting strips does it promote the goals of the comprehensive plan, neighborhood model, or Village of Rivanna Master Plan. Therefore, staff recommends denial of the planting strip modification.

3. Exception of Curb and Gutter Requirement

Curb or curb and gutter are required to be established on both sides of each new street within a subdivision in the development areas. The applicant has requested an exception for Road E. The requirements for curb or curb and gutter may be waived by the commission as provided in section 14-203.14-203.1(B)(3).

ANALYSIS OF SECTION 14-203.1 (B)(3) Findings for an exception:

Per Section 14-203.1(B)(3) the commission may approve a request for an exception from any requirement of the applicable regulation upon finding that: (ordinance language presented in ***bold italics*** followed by staff comment)

i. Because of an unusual situation, including but not limited to, the unusual size, topography, shape of the site or the location of the site; or

No unusual situation exists.

ii. When strict adherence to the requirements would result in substantial injustice or hardship by, including but not limited to, resulting in the significant degradation of the site or to adjacent properties, causing a detriment to the public health, safety or welfare, or by inhibiting the orderly development of the area or the application of sound engineering practices.

Staff believes that curb and gutter should be provided to protect the health, safety and welfare by allowing for better stormwater management.

ANALYSIS OF SECTION 14-410 (I) Waivers from curb and curb and gutter requirements:

Per Section 14-410(I)(2), in reviewing a request to waive the requirement for curb or curb and gutter, the commission shall consider whether: (ordinance language presented in ***bold italics*** followed by staff comment)

i. The number of lots in the subdivision and the types of lots to be served;

There are 160 proposed single family attached and detached units within the development.

ii. The length of the street;

The length of the streets range from 300 feet to over 1,000 feet.

iii. Whether the proposed street(s) or street extension connects into an existing system of streets constructed to a rural cross-section;

The proposed street does not connect to an existing system of streets constructed to a rural cross-section.

iv. The proximity of the subdivision and the street to the boundaries of the development and rural areas;

The rural area boundary is across Route 250 and to the east along Running Deer Drive.

v. Whether the street terminates in the neighborhood or at the edge of the development area or is otherwise expected to provide interconnections to abutting lands;

The street terminates in the neighborhood and does provide a future interconnection to the west as shown in the Village of Rivanna Master Plan.

vi. Whether a rural cross-section in the development areas furthers the goals of the comprehensive plan, with particular emphasis on the neighborhood model and the applicable neighborhood master plan;

A rural cross section in this location does not further the goals of the comprehensive plan, nor the neighborhood model or neighborhood master plan. As stated above in the analysis for the sidewalk and planting strip, the Village of Rivanna master plan includes recommendations regarding transition from the Village Center to the edges for density and size and scale, it does not include recommendations regarding the standards of the streets. It states that "Villages are places that combine the feeling of "country living" with the amenities of a Development Area" and "Villages should reflect the principles of The Neighborhood Model." Curb and gutter are elements that are recommend within the neighborhood model.

vii. Whether the use of a rural cross-section would enable a different principle of the neighborhood model to be more fully implemented; and

Use of a rural cross section would not enable a different principle of the neighborhood model to be more fully implemented.

viii. Whether the proposed density of the subdivision is consistent with the density recommended in the land use plan section of the comprehensive plan.

The proposed density of the rezoning is not consistent with the recommended density within the comprehensive plan.

SUMMARY:

Staff's opinion is that the waiver for curb and gutter does it promote the goals of the comprehensive plan, neighborhood model, or Village of Rivanna Master Plan. Therefore, staff recommends denial of the curb and gutter waiver.