



**COUNTY OF ALBEMARLE
PLANNING STAFF REPORT SUMMARY**

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| Project Name: ZMA201900004 Breezy Hill | Staff: Megan Nedostup, Principal Planner |
| PC Public Hearing: July 7, 2020 | BOS Public Hearing: TBD |
| Owner: Carroll Creek Properties LLC; Kimco LC; Breezy Hill at Keswick LLC; Hawkins, Clarence M or Beatrice B | Applicant: Don Franco, PE, Roudabush Gale & Assoc.; Charlie Armstrong, Southern Development |
| TMP(s): 094000000001A0; 09400000000500; 09400000000600; 09400000000800; 094000000008A0; 094000000008C0; 09400000004800; 094000000048A0 Acreage: 84 acres (total) | DA (Development Area): Village of Rivanna Magisterial District: Scottsville Location: Breezy Hill Lane; South side of Richmond Road (US 250), east of Glenmore Subdivision between Hacktown Road and Running Deer Drive. |
| Current Zoning: RA Rural Areas; Zoning Overlay Districts include Entrance Corridor, Flood Hazard, Steep Slopes – (Managed) and – (Preserved) By-right use(s): Agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots) Rezone: From RA Rural Areas to R-4 Residential Proffers: Yes | Comp. Plan Designation: “Neighborhood Density Residential (Low)” – less than 2 dwelling units/acre, and supporting uses such as places of worship, schools, public and institutional uses; “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 waterways. |
| Character of Property: Primarily rural landscape of forest and successional forest, with residential uses currently or formerly occurring in multiple dwellings and accessory structures, as well as agricultural and/or forestal uses and associated structures; tributary streams drain the subject property into Carroll Creek, which runs along the western boundary. | Use of Surrounding Properties: Nearby residential uses including the subdivisions of Glenmore, Rivanna Village, and Running Deer; the Development Area boundary with the Rural Area is in the immediate vicinity. |
| Proposal: Rezone a total of approximately 84 acres from Rural Areas zoning, which allows agricultural, forestal, and fishery uses as well as residential uses (0.5 unit/acre), to R-4 Residential zoning, which allows residential uses (4 units/acre). 160 dwelling units (maximum) are proposed (1.9 units/acre gross; 2.5 units/acre net). | Requested # of Dwelling Units: 160 Affordable Housing: Proffer #4 – provide affordable housing equal to 15% of total units constructed, through cash-in-lieu, on-site sale, and/or on-site rental. AMI: 80% |
| Factors Favorable: 1. The proposed development includes an entrance as recommended on the “Future Land Use Plan” (Detail Map 2). 2. The proposal includes a multi-use path along US 250, as per the “Future Transportation Network.” 3. The proposal includes a (future) vehicular and/or pedestrian interparcel connection to the west across Carrol Creek, as recommended on the “Future Land Use Plan (Detail Map 2).” 4. The proposal’s Affordable Housing proffer would generate \$507,000 (max) of monetary | Factors Unfavorable: 1. The proposed density exceeds the recommendations in the Master Plan as well as the guidance provided by the Planning Commission at the work session on 7/30/2019. 2. The proposal does not address the transportation improvements identified in the Master Plan as being prerequisite to new development through rezoning. 3. The applicants have not clearly demonstrated that the impacts of the development to transportation facilities and schools has been mitigated. However, the |

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| <p>contributions to support off-site affordable housing initiatives; or ensure construction of 24 affordable dwelling units (max) for sale or for rent; or an adjusted combination of those outcomes.</p> | <p>applicant has offered a contribution towards transportation and/or school improvements.</p> <ol style="list-style-type: none"> 4. The proposal does not meet a number of the applicable Neighborhood Model Principles. 5. The proposal does not address identified impacts to environmental, cultural, and historic resources. 6. The application does not meet VDOT's Secondary Street Acceptance Requirements for a second connection. 7. The proposal does not address the impact of construction traffic that may be generated by the development and access to Running Deer Drive. |
| <p>Staff Recommendations:</p> <p>Rezoning Request: In consideration of the unfavorable factors outweighing the favorable factors, staff recommends that the Commission recommend denial of ZMA201900004 Breezy Hill.</p> <p>Modification Requests: Modification of Street Standards</p> <ol style="list-style-type: none"> 1. 14-422(E)- Sidewalks along streets (Staff recommends denial) 2. 14-422(F)- Planting strips along streets (Staff recommends denial) 3. 14-410 (I)- Curb and gutter (Staff recommends denial) | |

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Megan Nedostup, Principal Planner
July 7, 2020
TBD

PETITION:

PROJECT: ZMA201900004 Breezy Hill

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL(S): 094000000001A0; 09400000000500; 09400000000600; 09400000000800;
094000000008A0; 094000000008C0; 09400000004800; 094000000048A0

LOCATION: South side of Richmond Road (US 250), east of Glenmore Subdivision between Hacktown Road and Running Deer Drive.

PROPOSAL: Rezone multiple properties for a maximum of 160 residential units, with proffers.

PETITION: Rezone a total of approximately 84 acres from Rural Areas zoning district, which allows agricultural, forestal, and fishery uses as well as residential uses (0.5 unit/acre density), to R-4 Residential, which allows residential uses (4 units/acre density). 160 dwelling units (maximum) are proposed at a gross density of 1.9 units/acre and a net density of 2.5 units/acre.

OVERLAY DISTRICT(S): ENTRANCE CORRIDOR, FLOOD HAZARD, and STEEP SLOPES – MANAGED and PRESERVED.

ENTRANCE CORRIDOR (EC): Yes

PROFFERS: Yes

COMPREHENSIVE PLAN: “Neighborhood Density Residential (Low)” – residential uses (less than 2 dwelling units/acre) and supporting uses such as places of worship, schools, public and institutional uses; and “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. Village of Rivanna Comp Plan Area.

CHARACTERISTICS OF THE SITE & AREA:

The subject property for this Breezy Hill ZMA application includes approximately 84 acres of land on eight parcels of record on Tax Map #94 (identified as Parcels #1A, 5, 6, 8, 8A, 8C, 48, and 48A). These parcels are all within the eastern portion of the Village of Rivanna Comprehensive Plan Area (Village) within the Development Area. The subject property is characterized as a primarily rural landscape of forest and successional forest, with residential uses currently or formerly occurring in multiple dwellings with accessory structures, as well as on-site agricultural and/or forestal operations and associated structures. Tributary streams drain the subject property into Carroll Creek, which runs along the western boundary towards the Rivanna River. (See Location Maps, Attachment 1).

Breezy Hill is in the immediate vicinity of existing relatively low-density residential properties within the Village to the west, including Glenmore and Rivanna Village. The Development Area boundary with the Rural Area is also in the immediate vicinity of the subject property to the east; specifically, the boundary runs along Running Deer Drive, which results in the existing Running Deer low-density residential neighborhood being located partially in the Development Area and partially in the Rural Area.

The existing conditions of the subject property are shown on Sheet 2 of the revised concept plan (“Rezoning Concept Plan,” revision date 5/22/2020) (Attachment 6).

APPLICANT’S JUSTIFICATION FOR THE REQUEST:

The original Project Narrative submitted on 4/15/2019 (Attachment 2) describes a substantial and increasing market demand for the type of new development that the applicant is proposing: large single-family detached units on large lots. The narrative suggests that the proposed project would help provide a new supply of this type of residential properties in a manner and location that reduces development

pressure within the Rural Areas, while situating new residential uses within a portion of the Development Area “that is specifically designated for development of neighborhood residential low density lots.” The applicants provide additional justification and explanation in the comment response letter dated 6/5/2020 (Attachment 7).

COMMUNITY MEETING:

The Community Meeting for this proposed project was held on June 24, 2019 during a meeting of the Village of Rivanna Community Advisory Committee (VORCAC). Attendees representing Albemarle County included County Supervisor Rick Randolph, David Benish (Interim Director of Planning and Chief of Planning), and Tori Kanellopoulos (Senior Planner). A large number of interested members of the public attended the community meeting.

The issues and concerns addressed during the meeting are identified in the Community Meeting Notes (Attachment 3). Many of the concerns raised by the community were re-articulated by members of the public, and addressed by the Planning Commission, during the Planning Commission work session (see below). Following the community meeting, a relatively large number of interested members of the public communicated their concerns to staff. An email update group was established to quickly notify a large number of community members about upcoming public meetings or other notable project updates.

PLANNING COMMISSION WORK SESSION:

On July 30, 2019, the Planning Commission conducted a work session for ZMA201900004 to provide direction for the applicant and staff, and to provide interpretation of the master plan for the community and for future applications. The staff report for that work session is provided as Attachment 10. During this work session, the Planning Commission provided the following guidance (below, 1-4). Please also note that the Meeting Minutes for the 7/30/2019 Planning Commission work session are provided as Attachment 11, and a podcast of the work session is available at the following link:

https://www.albemarle.org/upload/images/forms_center/departments/Community_Development/forms/podcast/2019_Podcasts/2019_07_30_PC_Meeting.mp3

1. *Infrastructure Capacity and Adequacy:* The Commission indicated that the Transportation Planner’s updated comments and recommendations are relevant and require careful consideration. The Commission also affirmed that the transportation improvements identified in the VOR Master Plan continue to be highly important, and that the recommendations contained in the VOR Master Plan remain in effect. The Commission further affirmed that the applicants’ proposal should substantially conform with and be responsive to the recommendations in the Master Plan, and that staff must carefully evaluate the proposal relative to the recommendations in the VOR Master Plan.
2. *Residential Density:* The Commission did not specify an exact density or an exact number of dwelling units that would be appropriate for the subject property. However, the Commission did generally affirm staff’s recommendations that the “Residential Areas” insert and chart in the VOR Master Plan should be used for density recommendations; and the Commission further affirmed that a net density – and not a gross density – of 1 dwelling unit per acre (equating to a total of 65-66 dwelling units) would be appropriate relative to recommendations contained in Chapter 4 of the VOR Master Plan.
3. *Unit Types:* The Commission indicated that dwelling unit types other than single-family attached dwellings would be appropriate towards the northern and western portions of the subject property, in locations closer to the Village of Rivanna “Center” and farther from the adjoining Running Deer community (provided that the unit types are permissible in the requested R-4 zoning district).
4. *Affordable Housing:* The Commission confirmed staff’s recommendation that a monetary contribution to support off-site affordable housing initiatives within the County would be appropriate, in lieu of providing affordable housing on site – provided that such a proffer is eventually voluntarily made (as has been verbally indicated by the applicant), and provided that the amount of the proffered monetary commitment is determined to be sufficient.

ADDITIONAL PUBLIC PARTICIPATION AND COMMENTS:

This proposal has generated significant and sustained levels of interest and concern among members of the public. Staff and County officials have received two public petitions, with the signatories primarily concerned about the proposal's impacts to the Village of Rivanna (and the Running Deer neighborhood) and impacts to the public road network. Those petitions are summarized as follows:

- "Stop Breezy Hill!" petition (dated 10/8/2019), signed by concerned residents of the Running Deer neighborhood (75 signatures) (Attachment 3)
- Improve 250 Before Breezy Hill" petition (dated 9/23/2019), signed by concerned residents of Glenmore and other surrounding areas (269 signatures) (Attachment 3)

Additionally, staff and County officials have received numerous other comments and correspondence, articulating concerns about the proposal. Major themes of this public commentary include the following:

- Increased residential development at Breezy Hill would harm the character of the existing Running Deer neighborhood (because of the number of new dwelling units and the density of the proposed development, in comparison to 'rural' Running Deer).
- Increased traffic on Route 250 would be inappropriate due to existing issues with congestion/capacity, especially during peak hours (expressed as a quality of life issue and also as a public safety issue, with regards to concerns about the ability of fire, police, and ambulance to quickly travel east or west on 250 during peak hour congestion).

SPECIFICS OF THE ZMA PROPOSAL:

The applicants propose to rezone eight (8) development area properties totaling approximately 84 acres from RA Rural Areas zoning (which allows residential uses at 0.5 unit/acre density) to R-4 Residential zoning (which allows residential uses at 4 units/acre density). The applicant proposes a maximum total of 160 dwelling units at a proposed gross density of approximately 1.9 units/acre and a proposed net density of approximately 2.5 units/acre. (See Project Narrative dated 4/15/2019, Attachment 2.; and see Comment Response Letter dated 6/5/2020, Attachment 7.)

The proposal is depicted on the revised concept plan ("Rezoning Concept Plan," revision date 5/22/2020) (Attachment 6). Staff has identified the following notable characteristics of the concept plan.

- The proposed development is shown as having a full-access commercial entrance on US 250, and an emergency-access-only entrance on Running Deer Drive. These two entrances are proposed in locations that are recommended on the "Future Land Use Plan (Detail Map 2)" in the Master Plan.
- The proposal includes a "multi-use path" along US 250, as recommended in the "Future Transportation Network" section of the Master Plan.
- The proposal indicates the blocks closest to Carroll Creek (Blocks 1 and 2) permit single family attached units which allows for the transition that is recommended within the Village of Rivanna Master Plan and was recommended by the Planning Commission at the work session.
- The proposal includes an area reserved for (future) dedication to the County for use as a (future) vehicular and/or pedestrian interparcel connection to the west across Carrol Creek, as recommended on the "Future Land Use Plan (Detail Map 2)" in the Master Plan and as articulated in the "Pedestrian and Bicycle Network" recommendations on pages 39-40 of the VOR Master Plan.

In addition to the rezoning request, the applicant is requesting three modifications of street standards as indicated below. The applicant's justification and the detailed staff analysis of these requests is provided in Attachment 9.

1. 14-422(E)- Sidewalks along streets (Staff recommends denial)

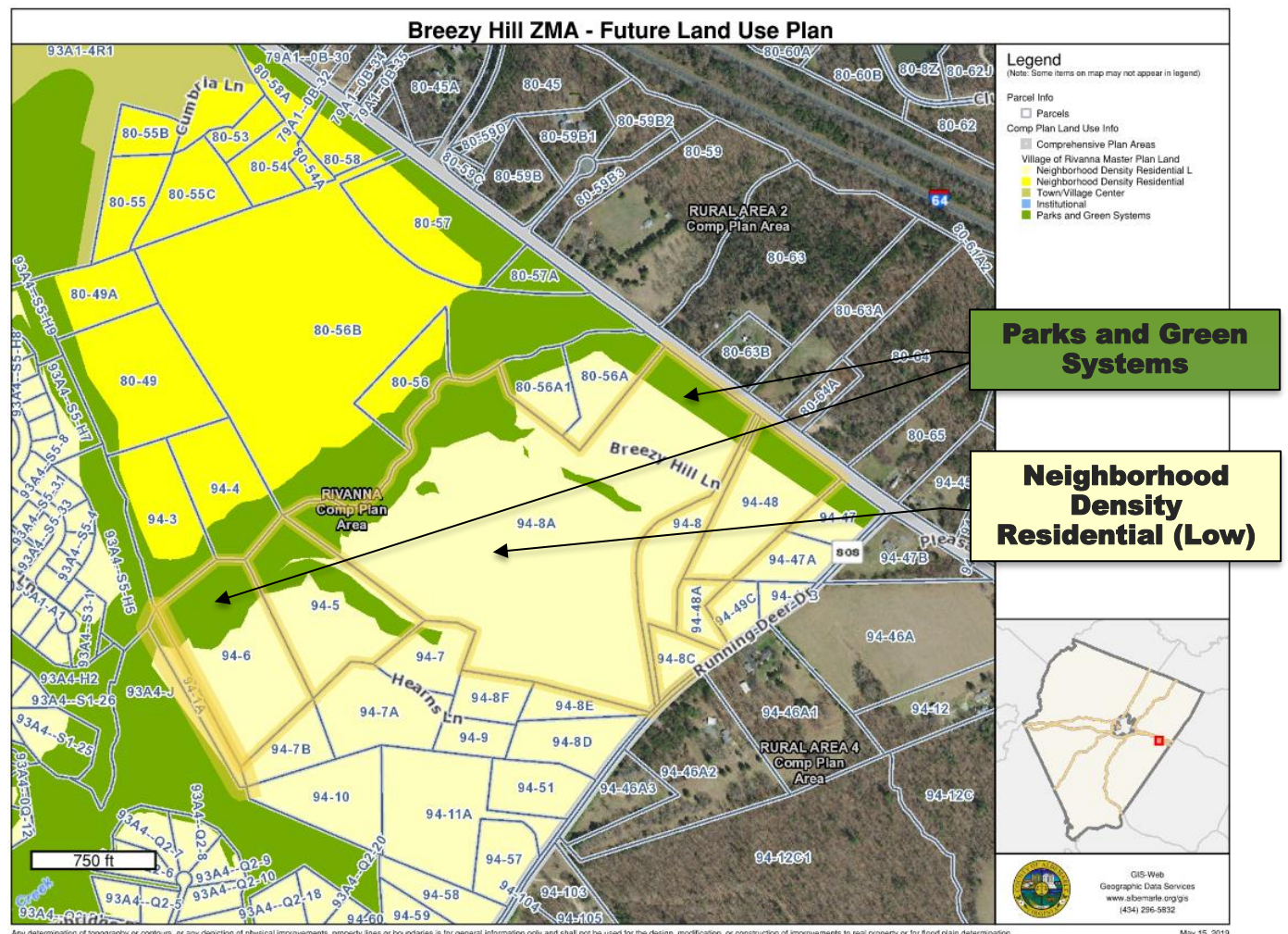
2. 14-422(F)- Planting strips along streets (Staff recommends denial)
3. 14-410 (I)- Curb and gutter (Staff recommends denial)

COMPREHENSIVE PLAN:

Staff has focused its analysis in this section on the proposal and those aspects that do not align with the Village of Rivanna Master Plan and Comprehensive Plan recommendations.

Village of Rivanna Master Plan:

As shown in Map 1 (below), the Future Land Use Map in the Village of Rivanna Master Plan (Master Plan) identifies the majority of the subject property as being designated for “Neighborhood Density Residential – Low” uses (shown in pale yellow). Additionally, the Master Plan recommends “Parks and Green Systems” uses in multiple areas (shown in green), including the riparian areas associated with Carrol Creek as well as a recommended buffer strip of primarily undeveloped land along the subject property’s frontage with US 250.



Map 1. This map shows the easternmost portion of the Village of Rivanna Land Use Plan, with the Breezy Hill subject properties highlighted with a gold outline.

The “Neighborhood Density Residential – Low” future land use designation supports residential uses at a density less than 2 dwelling units per acre. If applied to the subject property without factoring in other future land use recommendations contained in Chapter 4 of the Master Plan, this designation would support a maximum of 168 units (using gross density) or a maximum of 131 units [using net density, after factoring out areas designated for “Parks and Green Systems” on the Future Land Use Plan, in accordance with County policy contained in the [Development Areas](#) Strategy 8c (Comprehensive Plan page 8.37: “With the Comprehensive Plan...density is calculated by measuring the area with the land use designation other than

Parks and Green Systems"); see Exhibit 1, below].

However, the "Residential Areas" section of Chapter 4 of the Master Plan also contains detailed language that specifically recommends residential uses in this portion of the Village of Rivanna (VOR) Development Area at a density of 1 dwelling unit per acre, and which further expresses that it is appropriate for this portion of the VOR Development Area to be developed for residential uses at the lowest density within the overall VOR Development Area. This location-specific recommendation would equate to 84 units (using gross density) or 65-66 units (using net density, after factoring out areas designated for "Parks and Green Systems" on the Future Land Use Plan, in accordance with County policy contained in the Development Areas Strategy 8c (Comprehensive Plan page 8.37); see Exhibit 1, below).

The Commission affirmed during a 7/30/2019 work session that the "Residential Areas" insert and chart in the Master Plan should be used for density recommendations; and the Commission further affirmed that a net density – and not a gross density – of 1 dwelling unit per acre (equating to a total of 65-66 dwelling units) would be appropriate relative to the multiple recommendations contained in the Master Plan and the Comprehensive Plan. The proposal (160 dwelling units) represents a density that far exceeds these recommendations. In addition, the applicant offered proffers only indicate a "Density Limit", which does not specify a maximum number of units, and should be clarified for future interpretation, if recommended for approval.

The Master Plan recommends specific transportation improvements (Master Plan page 38) as "essential" to "be constructed before new development occurs in the Village." The following is part of Kevin McDermott, Transportation Planner's analysis (Attachment 5) on those transportation improvements including current project status, project need, and relationship between the proposed development and that need.

1. **Interchange improvements at I-64 and US 250 East** -The I-64 and US 250 Interchange is fully funded for reconstruction into a diverging diamond type interchange and expected to be completed prior to build out of this proposed development. The improvements could effectively handle any additional traffic from this development and therefore, this project can be considered complete for the purposes of this rezoning application. **This recommendation in the Master Plan is funded and will be complete.**
2. **Six-lane US 250 from Free Bridge east to the I-64 interchange** – The current proposal for this segment of US 250 is to develop two through lanes and a continuous right turn lane through the entire corridor. The continuous left turn lane would be replaced with a median and left turn lane as necessary. Portions of this cross-section have been completed since the approval of the Village of Rivanna Master Plan. The completion of the remaining sections is considered a high priority and recommended as a SMART Scale application in the 2020 grant cycle but are unfunded at this time. Therefore, completion of these improvements is a factor not fully addressed as it relates to any decision on this rezoning from a Master Plan standpoint. **This recommendation in the Master Plan is not complete.**
3. **Four-lane US 250 from the US250/I-64 interchange to Route 729 (Milton Road) and, possibly, Glenmore Way** – Although subsequent studies have recommended different solutions to address problems in this segment, no improvements have been funded or advanced in any manner. Operational improvements, including widening in portions of the segment, continue to be necessary and recommended and should be considered important in addressing this Master Plan requirement. These improvements are identified in the Albemarle County Transportation Priorities List at #39 in 2019. **This recommendation in the Master Plan is not complete.**
4. **Intersection improvements at US 250 and Route 729 (Milton Road)** – The Traffic Impact Analysis (TIA) addresses this project and identifies signal upgrades to improve operations at this intersection. The developer has proffered these upgrades through this rezoning application. Additional long-term improvements will still be necessary at this intersection. This proffer will essentially result in the impacts from the proposed development not making the intersection operate appreciably worse but

does not necessarily address all the intersection issues or the Master Plan requirement. **This recommendation in the Master Plan is not complete.**

5. **Bridge improvement or replacement over railroad at Route 22 (Louisa Road)** – This project has been completed since the approval of the Rivanna Village Master Plan. However, the bridge was replaced without additional capacity added. There is no additional space on the bridge to allow for widening beyond the two existing lanes which relates to the requirement discussed in #3 above. **This recommendation in the Master Plan is partially complete.**
6. **Addition of eastbound left turn and westbound right turn lanes on US 250 at Route 616 (Black Cat Road)** – This project has not been prioritized in the Albemarle County Transportation Priorities List and was not evaluated in the TIA. Staff did not request this to be evaluated because of the low number of site generated trips that would go to this intersection. The C-A MPO Long Range Transportation Plan identified some minor congestion occurring at this intersection. There would likely be an operational benefit from these improvements and therefore should be a consideration as it relates to Master Plan consistency and this application. However, it should be noted that the proposed development of Breezy Hill would have little to no impact on traffic operations at that intersection. **This recommendation in the Master Plan is not complete.**

This area is not designated as a “priority area” for development or capital investment in the Comprehensive Plan or Master Plan.

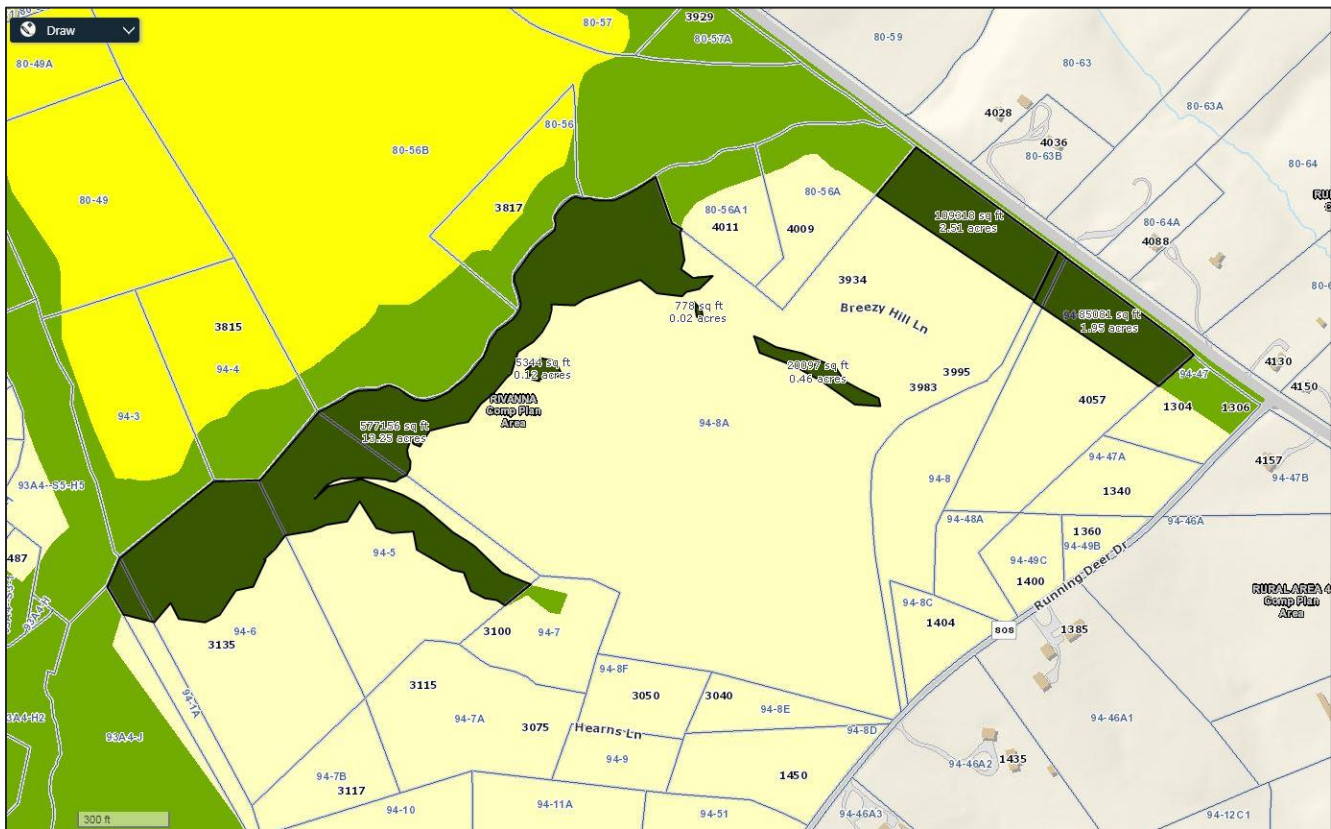


Exhibit 1. GIS-Web was used to identify and quantify the portions of the subject property designated as “Parks and Green Systems” on the Future Land Use Plan. The total area of the subject property with this designation (shown in dark green) is approximately 18.31 GIS acres. The Future Land Use Plan designates the remaining approximately 65.69 GIS acres of the subject property for “Neighborhood Density Residential – Low” future land uses.

Comprehensive Plan:

In addition to the recommendations in the Master Plan, Objective 7 of Chapter Five (Historic, Cultural, and Scenic Resources) of the Comprehensive Plan recommends maintaining or improving the visual quality of all of Albemarle’s roadways. Strategy 7a, under Objective 7, also notes a concern about the

integrity of the scenic quality of Virginia by-ways, including Route 250 East, where new residential developments eliminate traditional frontage treatments, resulting in sustained views of sprawling residential developments with their backs turned toward the road. A Virginia Byway is an existing road with high aesthetic or cultural value, leading to or lying within an area of historic, natural, or recreational significance. A Virginia Byway designation does not place any restrictions upon properties along the Byway. The primary purpose is to give formal recognition to deserving roads and to further the creation of a system of roads to promote tourism and public appreciation of natural and historic resources.

Staff has recommended that the stormwater facility shown adjacent to Route 250 be designed as an integrated landscape feature with a positive visual impact on the streetscape along this by-way. The applicant has stated that this facility will be integrated into the design and that enhanced landscaping will be provided along the frontage, and provided a label on the plan in this area as “Enhanced Extended Detention;” however, details have not been provided to ensure how this is will be accomplished at the subdivision or site plan stage.

The Neighborhood Model:

Staff has reviewed the proposal against the Neighborhood Model (NM) Principles and has found that it is not consistent with a number of the applicable principles. 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 development standards. It states under the Guiding Principles 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.”

A detailed staff analysis is found in Attachment 8. The principles that are identified as not being met are as follows: pedestrian orientation, interconnected streets and transportation networks, relegated parking, and respecting terrain and careful grading and re-grading of terrain.

Affordable Housing:

The applicant has offered proffers that address the affordable housing policy of 15%, see below for details under the Proffers section of this report.

ZONING ORDINANCE REQUIREMENTS:

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

The intentions of the requested R-4 Residential zoning district are contained in Zoning Ordinance (ZO) Section 15.1, and include the following:

“This district is created to establish a plan implementation zone that: Provides for compact, medium-density, single-family development; Permits a variety of housing types; and Provides incentives for clustering of development and provision of locational, environmental, and development amenities.”

Staff notes the discrepancy between the permissible density in the requested R-4 district and the proposed density of this ZMA proposal: this application requests R-4 Residential zoning for the subject property, which would allow residential uses at a density of 4 units/acre; but the application only proposes residential development at a gross density of 1.9 units/acre and a net density of 2.5 units/acre. Staff also notes that one of the codified purposes of the R-4 district is to “provide for compact, medium-density, single-family [residential] development.” However, this application proposes relatively low-density residential development, at a development density approximately half of what would otherwise be permissible in the R-4 district.

The zoning district that would be appropriate given the density recommendations of the Master Plan, would be R1 residential, however the applicant has requested to allow single family attached units, which would not be permitted in that district.

Anticipated impact on public facilities and services:

Streets:

Page 43 of the VOR Master Plan states that “Addressing traffic issues on US 250 is the highest priority for the Village of Rivanna. ... approval of any development by rezoning will be predicated on the completion of a number of transportation improvements, which are identified in the tables in this chapter. These improvements are needed to improve the volume to capacity ratio of US 250 between Route 22 (Louisa Road) and the City of Charlottesville. ... It is essential that all of the US 250 improvements be constructed before new development occurs in the Village.”

A Traffic Impact Analysis (TIA) and additional supplements were submitted by the applicant (Attachment 4), and both the Virginia Department of Transportation (VDOT), Adam Moore, and the County's Transportation Planner, Kevin McDermott have reviewed those documents. Please note that a number of studies and supplements were submitted. An excerpt from the most recent and relevant supplement, dated October 29, 2019 and updated January 13, 2020 titled “Breezy Hill Supplemental Study #2- with coordinated Traffic Signals Only” is provided in Attachment 4 along with the full study and supplements. The applicant has offered two proffers to address transportation impacts. Proffer 2 provides signalization improvements, and Proffer 3 provides \$500,000 towards either transportation or school improvements.

A detailed analysis by Kevin McDermott is provided in Attachment 5, he offers the following comment on the offered cash proffer as well as a conclusion statement:

While other transportation needs have been identified in the corridor the proposed \$500K, while a significant amount, would not likely fully fund any of the identified solutions and the ability to leverage this funding into another project has not been assessed to the level necessary to state with certainty that it could address a need on the short term.

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 build-out 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.

In addition to the above, VDOT has stated that the current proposal, with the proposed emergency access only to Running Deer Lane, does not meet the requirement for a second connection under the Secondary Street Acceptance Requirements (SSAR). This will require a waiver from VDOT to not provide a second connection, which has not been submitted to date. Staff recommends that the note on the plan related to the Running Deer connection be revised to allow a full connection if required by VDOT.

Schools:

Staff has coordinated with Rosalyn Schmitt with Albemarle County Public Schools. The following comments and analysis (below), including concerns about building capacity are derived from that coordination:

The proposal includes a maximum of 160 new dwelling units. The subject property is within the Southern Feeder Pattern, and residents of the proposed Breezy Hill neighborhood would attend Stone-Robinson Elementary School, Burley Middle School, and Monticello High School. Stone Robinson Elementary is projected to be at its building capacity by the 2021/22 school year which will make

accommodating additional students difficult. The applicant has not provided a breakdown of the number of units by type, therefore an enrollment calculation could not be completed.

It should be noted that additional information was recently provided by Ms. Schmitt for Stone Robinson Elementary School that updates the data found in the Long Range Plan for the schools completed July 11, 2019. The Analysis table on page 10 of Albemarle County Public Schools' ["Long Range Planning Advisory Committee - Final Report 2019"](#) identifies the following notable characteristics with these public schools:

- Stone-Robinson Elementary School currently has low capacity conflicts.
- Burley Middle School currently has moderate capacity conflicts and a high population growth forecast. ACPS has identified the following capacity recommendation: "middle school facility planning study"
- Monticello High School currently has high capacity conflicts and a high population growth forecast. ACPS has identified the following capacity recommendation: "high school center expansion"

Since that report was finalized, schools enrolled an additional 70 students this school year at Stone Robinson, 60 more than anticipated. This unexpected increase was mostly from new development and has influenced updated enrollment projections which were conducted in the fall.

As stated above, the applicant has offered a proffer for \$500,000 towards either transportation or school improvements to address the impact of the development. There is not an identified project within the Capital Improvement Program (CIP) that would address capacity at Stone-Robinson Elementary or Burley Middle School at this time. However, a High School Center II project has been identified and will help with the capacity issues at Monticello High School.

Fire & Rescue:

The proposed Breezy Hill development would be located in close proximity to the East Rivanna Volunteer Fire Company. Albemarle County Fire & Rescue indicated "No Objection" to this proposal.

Utilities:

The subject property is within the ACSA water and sewer service jurisdictional area, and both services are available. Regarding utilities and infrastructure capacity, the VOR Master Plan states the following:

- "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." (Master Plan p. 7)
- "Additional development in the Village currently is limited by ... the capacity of the sewage treatment plant which was installed for the Village. ... The actual number of additional units which may be approved for development in the future depends on the capacity of the sewage treatment plant. ... Monitoring of available capacity is essential for any future development." (Master Plan p. 43)

Dyon Vega, P.E., Civil Engineer for RWSA commented on 6/11/2019 that there are no known issues or "red flags," but also commented that "This proposal requires RWSA [sewer] capacity certification." Additionally, Mr. Alexander J. Morrison, P.E., Senior Civil Engineer with ACSA, communicated the following via email on 7/19/2019:

- (Regarding water utilities and capacity): "There is no water capacity issues that would restrict the rezoning and development of Breezy Hill."
- (Regarding wastewater utilities and capacity): "The ACSA conducted a study on the existing wastewater plant serving Glenmore and the surrounding community. During this study, the ACSA took into account the approved Village of Rivanna Master Plan and applied additional

density factors to the undeveloped areas. The ACSA has concluded that there are no wastewater capacity issues associated with the full buildout of the Village of Rivanna Master Plan.”

Anticipated impact on environmental, cultural and historic resources:

The proposal designates approximately 32 acres (or 38% of the subject property) as “green space,” that includes stream buffers, flood plain, preserved and managed slopes, open space, and recreation areas such as pocket parks and trails, as shown on the concept plan.

There are several outstanding impacts that staff has identified related to environmental, cultural and historic resources, summarized as follows:

1. While proposed blocks are shown outside of environmental features, including stream buffers and preserved slopes on the plan, staff has concerns that during the subdivision plat stage, that lots will encroach into these areas and impact these features.
2. As mentioned above in the Comprehensive Plan section, details on the enhanced stormwater management facility and landscaping have not been provided to reduce the impact to the designated Virginia by-way, Route 250.
3. Strategy 1a in the Natural Resources Chapter includes a recommendation to “control nonpoint source pollution, erosion and sedimentation, and stream channel erosion”. Additional erosion and sediment control measures recommended by the County Engineer to protect Carrol Creek and the stream buffers, have not been provided.
4. Stormwater management is not provided 100% on site as recommended by the County Engineer. The applicant has committed to 75% on site.

Anticipated impact on nearby and surrounding properties:

The revised and resubmitted proposal was modified in response to public comments provided during the PC work session. These modifications include the elimination of a full-access vehicular entrance on Running Deer Drive; and the siting of single-family attached and/or townhouse dwelling unit types in the northeastern portions of the subject property, so that all dwelling unit types closer to the existing Running Deer neighborhoods would be single-family detached and thereby have a similar residential character to the adjoining neighborhood. While the access to Running Deer Drive has been revised to state that it will be an emergency access only, concern has been raised about construction traffic using this entrance/exit. The applicant has not addressed this concern to date.

Staff acknowledges that any land development and/or land use changes to this partially undeveloped subject property on the edge of the Development Area will likely be perceived as having a negative impact on the adjoining and nearby properties within the Rural Area.

Public need and justification for the change:

Albemarle County’s Growth Management Policy provides an overarching policy position that development should primarily occur within the Development Area. This ZMA proposal does conform to this countywide policy of concentrating new land development into designated Development Areas. However, as noted elsewhere in this report, this proposal does create particular concerns among staff regarding appropriateness and justification for the proposed ZMA with regards to timing and adequacy of infrastructure and other impacts.

PROFFERS:

The proposal includes an undated Draft Proffer Statement (Attachment 12). The applicant prepared these proffers pursuant to the new proffer laws (Code of Virginia § 15.2-2203.4) which went into effect on 7/1/2019 and submitted them with the revised resubmittal materials on 6/5/2020. The proffer statement includes the following voluntary commitments, as summarized below. Staff comments on these proffers that address the impacts of the development are located under the ‘Zoning Ordinance Requirements’ section of this report.

1. Proffered Plan: Improvement to the property shall be in general accord with the concept plan, including eight (8) major elements.
2. Transportation/Transit:
 - a. The owner shall design and install, with input and approval from VDOT, signal timing and coordination improvements to the Route 250 corridor that improve the flow of traffic and improve the volume to capacity ratio on Route 250 at the intersections with Route 729 (N. Milton Road) and Route 22 (Louisa Road).
3. Cash Proffer for Transportation and/or Schools: Cash Proffer of \$500,000 towards transportation, transit, or school capital projects that directly benefit the residents of the Village of Rivanna.
4. Affordable Housing:
 - a. Cash Proffer: In lieu of constructing affordable dwelling units for 15% of the total number of units, the Owner has the option to make a cash contribution to Albemarle County, Piedmont Housing Alliance, Habitat for Humanity, or another local non-profit affordable housing provider in the amount of \$21,125 for each such cash-in-lieu-of-construction unit prior to the issuance of a Certificate of Occupancy for that unit. This proffer specifies a maximum cash proffer of \$507,000.
 - b. For-sale Units: The Owner maintains the right to construct and sell all or a portion of the affordable units within the property. The "Affordability" section of this proffer defines "affordable housing" as "units affordable to households with incomes less than 80% of the area median income [AMI] ... such that housing costs ... do not exceed 30% of the gross household income."
 - c. For Rent Units: The Owner maintains the right to construct and rent all or a portion of the affordable units within the property. The "Affordability" section of this proffer defines "affordable housing" as "units affordable for rent by households with incomes less than 80% of the area median income [AMI] ... such that rent payments ... do not exceed 30% of the gross household income."
5. Cost Index: This proffer establishes a method for the amount of each cash contribution required by proffer 3 to be adjusted annually, to reflect any increase or decrease for the preceding calendar year in the Marshall and Swift Building Cost Index.
6. Counterparts: This proffer establishes that "This Proffer Statement may be executed in any number of counterparts, each of which shall be an original and which shall constitute but one and the same instrument."

MODIFICATION REQUESTS

The applicant is requesting three modifications as indicated below. The applicant's justification and a detailed staff analysis of these requests is provided in Attachment 9.

1. 14-422(E)- Sidewalks along streets (Staff recommends denial)
2. 14-422(F)- Planting strips along streets (Staff recommends denial)
3. 14-410 (I)- Curb and gutter (Staff recommends denial)

STAFF ANALYSIS

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

1. The proposed development includes an entrance as recommended on the "Future Land Use Plan" (Detail Map 2).
2. The proposal includes a multi-use path along US 250, as per the "Future Transportation Network."
3. The proposal includes a (future) vehicular and/or pedestrian interparcel connection to the west across Carrol Creek, as recommended on the "Future Land Use Plan (Detail Map 2)."
4. The proposal's Affordable Housing proffer would generate \$507,000 (max) of monetary contributions to support off-site affordable housing initiatives; or ensure construction of 24 affordable dwelling units (max) for sale or for rent; or an adjusted combination of those outcomes.

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

1. The proposed density exceeds the recommendations in the Master Plan as well as the guidance provided by the Planning Commission at the work session on 7/30/2019.
2. The proposal does not address the transportation improvements identified in the Master Plan as being prerequisite to new development through rezoning.
3. The applicants have not clearly demonstrated that the impacts of the development to transportation facilities and schools has been mitigated. However, the applicant has offered a contribution towards transportation and/or school improvements.
4. The proposal does not meet a number of the applicable Neighborhood Model Principles.
5. The proposal does not address identified impacts to environmental, cultural, and historic resources.
6. The application does not meet VDOT's Secondary Street Acceptance Requirements for a second connection.
7. The proposal does not address the impact of construction traffic that may be generated by the development and access to Running Deer Drive.

RECOMMENDATION

Zoning Map Amendment: In consideration of staff evaluation and analysis of this proposal relative to the factors contained in Zoning Ordinance Section 33.27.B, and based on the unfavorable factors substantially outweighing the favorable factors, **staff recommends denial of ZMA201900004 "Breezy Hill."**

Modification Requests: Modification of street standards

1. 14-422(E)- Sidewalks along streets (Staff recommends denial)
2. 14-422(F)- Planting strips along streets (Staff recommends denial)
3. 14-410 (I)- Curb and gutter (Staff recommends denial)

ATTACHMENTS:

- 1- Location Maps
- 2- Project Narrative
- 3- Community Meeting Notes and Public Petitions
- 4- Traffic Impact Analysis (excerpt); [Full Study](#)
- 5- Transportation Staff Analysis
- 6- Concept Plan ("Rezoning Concept Plan")
- 7- Comment Response Letter
- 8- Neighborhood Model Staff Analysis
- 9- Street Standards Modification request and Staff Analysis
- 10- [PC Work Session Staff Report](#)
- 11- [PC Work Session Meeting Minutes](#)
- 12- (Draft) Proffer Statement (*undated; submitted 6/5/2020*)