

**IVY PROPER**

**CRITICAL SLOPES WAIVER –  
SPECIAL EXCEPTION REQUEST**

January 5, 2021  
Revised: April 26, 2021

**PREPARED BY:**



**TIMMONS GROUP**

YOUR VISION ACHIEVED THROUGH OURS.

608 PRESTON AVENUE, SUITE 200  
CHARLOTTESVILLE, VA 22903  
CRAIG KOTARSKI, PE

## Introduction

A Special Exception is being requested per Section 4.2.5.a of the Albemarle County Zoning Ordinance for a waiver to grade within critical slopes to support the development of the Ivy Proper commercial development. Per Section 4.2 of the Albemarle County Zoning Ordinance, steep and critical slopes are protected and preserved throughout the County to reduce “rapid and/or large-scale movement of soil and rock, excessive stormwater run-off, siltation of natural and man-made bodies of water, loss of aesthetic resource ... all of which constitute potential dangers to the public health, safety and/or welfare.” Within this application, we hope to demonstrate both the need for the critical slopes impact as well as the mitigation efforts implemented to ensure slopes are impacted responsibly in order to protect downstream land.

## Existing Conditions

The subject property (parcels 058A2-00-00-02000 and 058A2-00-00-01400) is located off Ivy Road within Albemarle County. It is zoned Commercial (C1), and the portion of the site being developed is currently undeveloped land. The land is partially paved, gravel surfaced, wooded, and pasture. The subject portion of the property is adjacent to the C&O Railroad Right-Of-Way to the north, Ivy Road to the South, commercial use to the East.

Per Albemarle County GIS, there is an area of critical slopes located within the subject property. The majority of the slopes are located on the north side of the property, adjacent to the railroad right-of-way.

## Proposed Special Exception

As proposed by the Final Site Plan, Per Section 4.2.5.a.3, a critical slopes waiver may be granted if it is found that it would “not be detrimental to public health, safety or welfare, to the orderly development of the area, or the adjacent properties; would not be contrary to sound engineering practices.” Additionally, the waiver request must prove that “strict application of the requirements of Section 4.2 would not forward the purposes of this chapter or otherwise serve the public health, safety or welfare.”

Site Data and Extents of Proposed Disturbance:

Site Area: 0.87 Acres (37,897 SF)

Critical Slopes Located Onsite: 5,820 SF

Proposed Critical Slopes Disturbance: 4,375 SF

The critical slopes disturbance (see **Image 1** below) is due to the geometry of the parcels, the need for a septic system due to lack of public sewer service availability and the need to provide adequate parking to serve the proposed commercial building. The proposed building and associated parking have been pushed towards the front of the property as much as possible in order to minimize disturbance of

slopes. Additionally, a shared entrance has been proposed in order to consolidate access and create less overall disturbance and proposed impervious area.

The site currently does not have available private or public sanitary sewer service. The proposed primary and reserve drainfields will provide sanitary sewer service for the proposed development. The proposed drainfields have been placed based on on-site soil and topographic conditions, and do not impact critical slopes. The drainfields are located at the farthest extent of the site which creates the longest septic effluent travel distance possible from adjacent development in the event of a septic system failure.

It is important to note, that the critical slopes located on site appear to be engineered and are a result of fill dirt placed during the railroad construction. Appropriate measures such as silt fence and sediment traps will be implemented during construction in accordance with the Virginia Erosion and Sediment Control Handbook. Post-construction stormwater runoff will be managed in accordance with the Virginia Stormwater Management Program procedures for water quality and quantity.

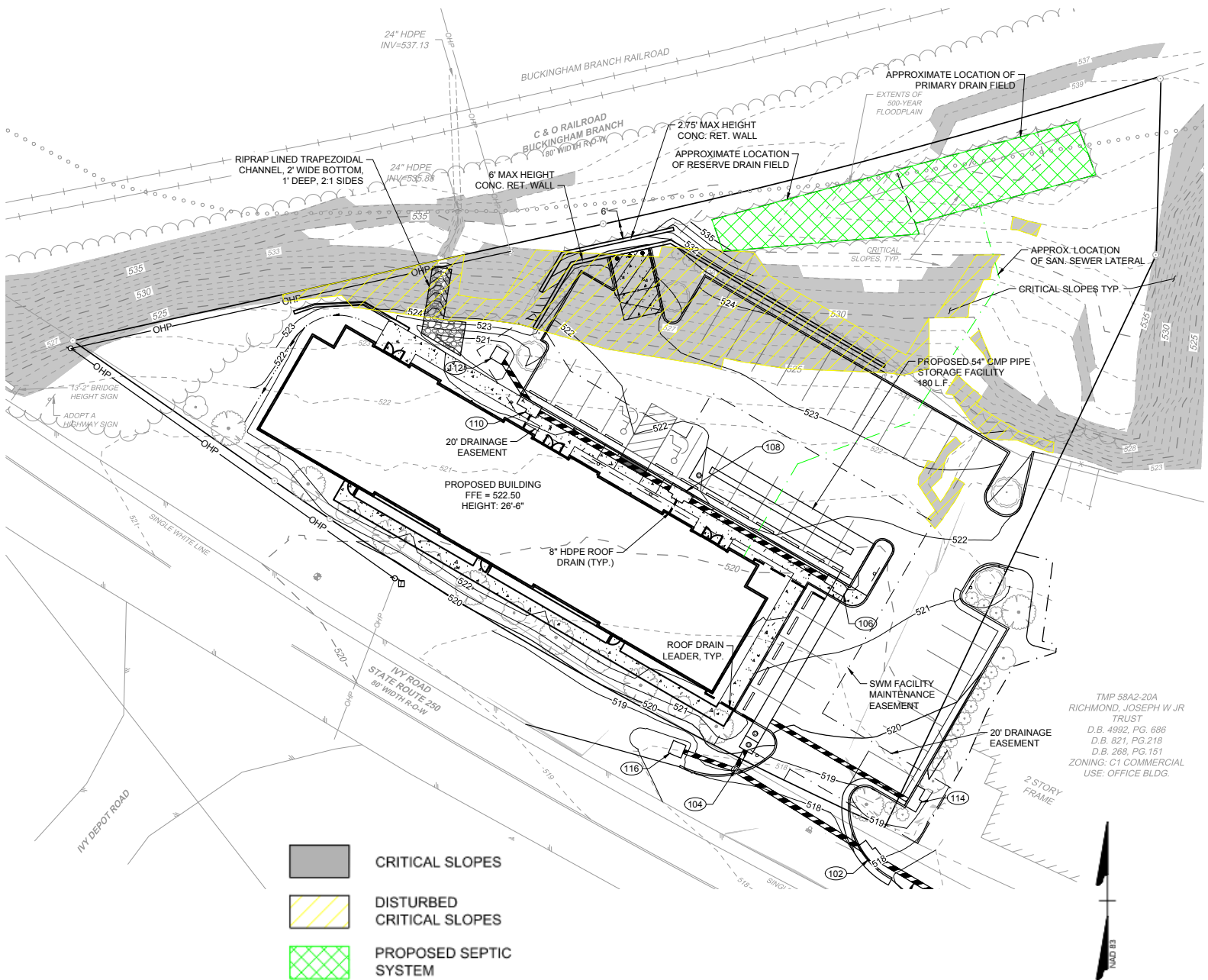


Image 1: Areas of critical slope disturbance proposed on site.

## Conclusion

As detailed above, granting a waiver for the proposed critical slopes disturbance is not detrimental to public safety and welfare or a detriment to the environment. The slopes in question are not adjacent to waterways and are not environmentally sensitive but rather appear to be a result of fill dirt placed during the railroad construction. Granting the slopes waiver would allow for the site to be developed in a way that is consistent with the Comprehensive plan.

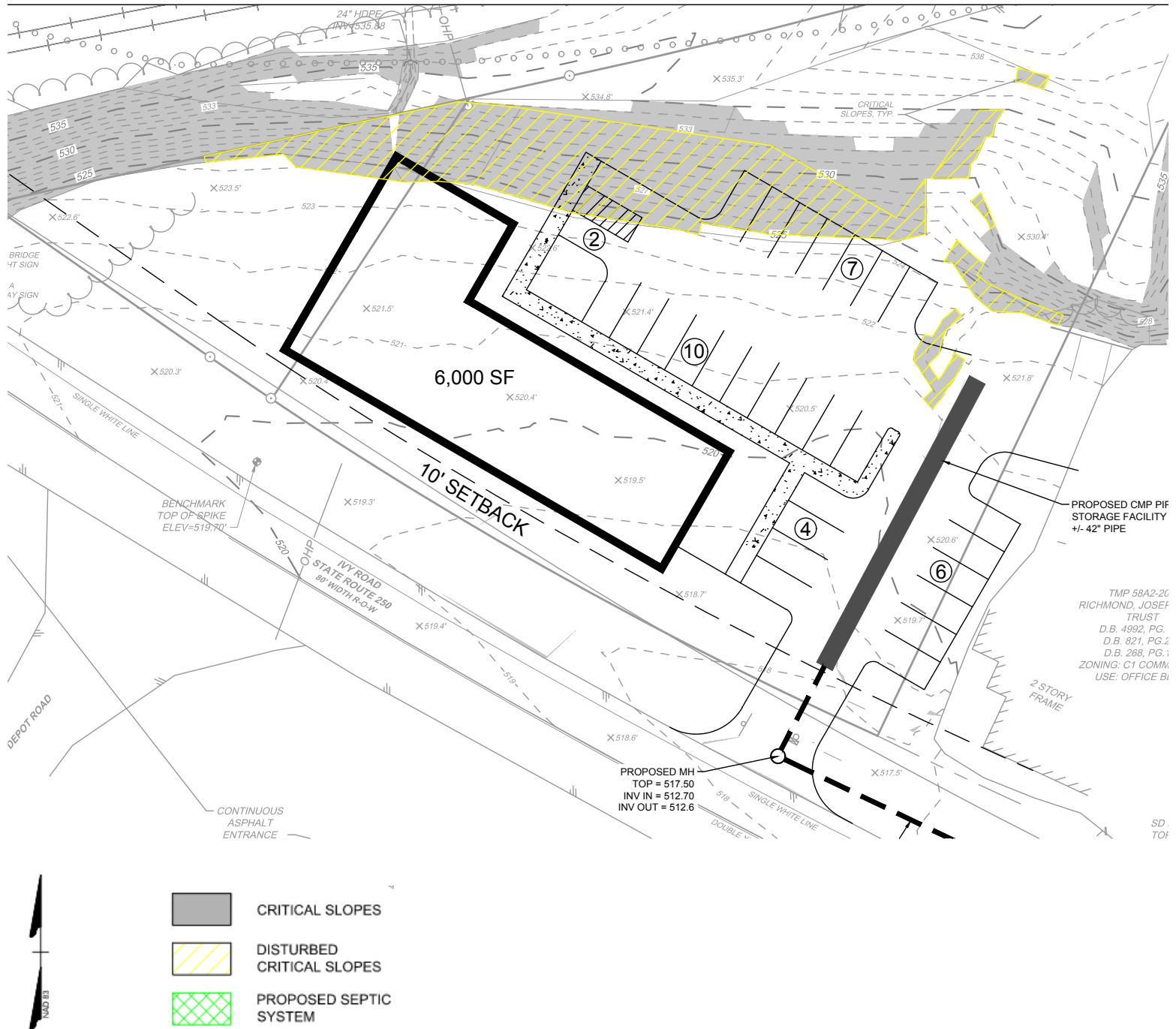
The current designs have been informed by the specific processes prescribed by the County ordinance. At the pre-development conference it was clear that VDOT strongly preferred the entrance to the site be as far east and away from the railroad trestle as possible. We have gone so far as to negotiate a shared entrance with the adjacent property owner to the east to ameliorate this concern. This solution coupled with the ARB's guidelines for relegated parking provided the foundation for all future design concepts.

Appendix A includes several alternate site design iterations that led to the ultimate proposed site design. The alternate designs provided demonstrate that they provide little to no improvements to critical slope disturbance. The final consideration to reduce the parking to the required minimum only reduces the disturbance by 275 SF, but could have serious adverse affects the potential success of the project. Successful businesses need sufficient parking. Additional parking in this area greatly improves the desirability of the location. The last thing Ivy needs is another empty building like the one across the road.

Improvements to the alternative designs that are reflected in the ultimate proposed site layout include the following:

- ✪ The proposed dumpster pad was relocated to limit the impact to the critical slopes on the east end of the site while also removing it from the line-of-site from the entrance corridor.
- ✪ The height and length of the proposed retaining walls have been minimized with at least 6' of separation from the adjacent railroad property. The retaining wall typology has been clarified to be poured concrete, reducing the layback / excavation requirements during construction. These revisions were made in conjunction with our structural engineers to ensure that the retaining walls can effectively be constructed as drawn, without impacting the adjacent property belonging to the railroad.
- ✪ A trapezoidal, rip-rap stone lined ditch has been added to allow for non-erosive conveyance of the off-site stormwater drainage from the adjacent railroad property. This will be a significant improvement over the heavily eroded condition of the critical slopes that is currently exists.

## Appendix A - Alternate Site Designs



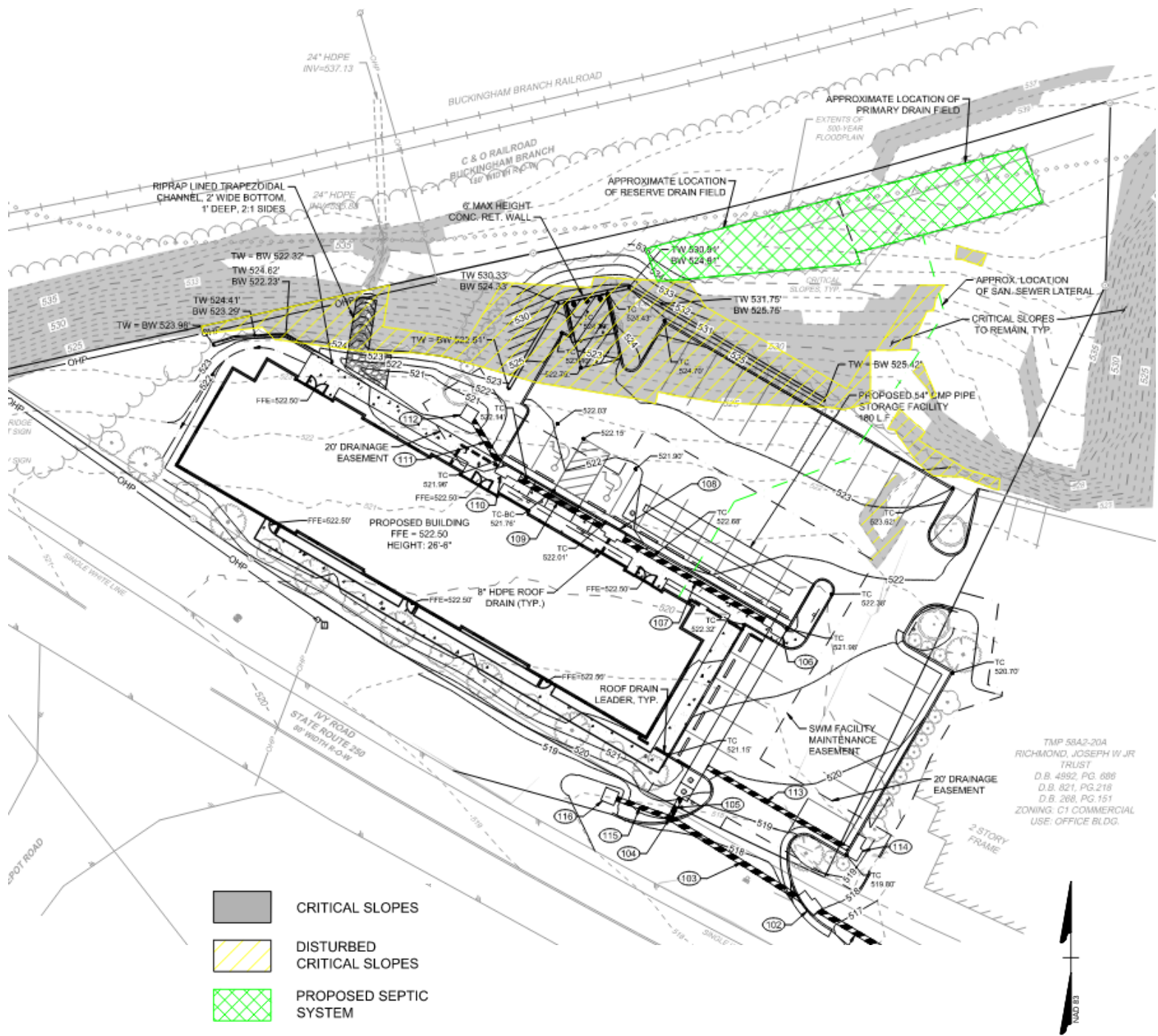
Proposed Slopes Disturbance Comparison:

Current Proposed Site Design Critical Slopes Disturbance: 4,375 SF

"Alternate 1" Proposed Critical Slopes Disturbance: 4,180 SF

NB: This layout did not allow for adequate capture and conveyance of stormwater, including runoff from the railroad right-of-way. Nor did it address the location of the dumpster or ADA parking spaces.





Proposed Slopes Disturbance Comparison:

Current Proposed Site Design Critical Slopes Disturbance: 4,375 SF

"Alternate 3" Proposed Critical Slopes Disturbance: 4,100 SF

NB: This plan eliminates 3 parking spaces that are important to a successful project and only reduces the disturbance by 275 SF. A strong project with leased premises is better for all parties than an empty building (like across the road).