



Albemarle County

Legislation Text

File #: 19-402, **Version:** 1

AGENDA DATE: 7/17/2019

TITLE:

Biscuit Run Park Zoning Map Amendment

SUBJECT/PROPOSAL/REQUEST: Resolution of Intent to Consider Amending the Zoning of the Biscuit Run Park Property from Neighborhood Model District - NMD to Rural Areas District, RA

ITEM TYPE: Consent Action Item

STAFF CONTACT(S): Richardson, Walker, Kamptner, Herrick, Benish, Langille

PRESENTER (S): N/A

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: Biscuit Run Park consists of Tax Map Parcels (TMPs) 090A0-00-00-001A0, 090A0-00-00-001B0, 090A0-00-00-00300, 090A1-00-00-00100, 09000-00-00-00500, 09000-00-00-006D0, 09000-00-00-017D0, 09000-00-00-015A0, and 09000-00-00-006C1 and is located in Albemarle County just south of the City of Charlottesville. The Park consists of approximately 1,190 acres with frontage on Routes 20 and 631. On September 12, 2007 the Board of Supervisors re-zoned the parcels now constituting the park from the R1 and R2 Residential Zoning Districts to Neighborhood Model District - NMD (ZMA2005-17) with associated application plan, proffers and Code of Development. The Commonwealth of Virginia acquired these parcels from Forest Lodge LLC in December 2009 with the intended purpose of ultimately developing a state park. With the adoption of the County Comprehensive Plan on June 10, 2015, these lands were designated Parks and Green Systems and identified for the future Biscuit Run State Park. On January 4, 2018, Albemarle County and the Virginia Department of Conservation and Recreation (DCR) signed a 99-year lease for the property designed to provide for the development of a County park in lieu of a state park while assuring the protection of the park's natural and cultural resources. After a subsequent planning process, the Biscuit Run Park Master Plan (Attachment A) was approved by the Board of Supervisors on December 12, 2018 and DCR on May 15, 2019 (Attachment B). Since its approval of the master plan, the Board has agreed to use \$2.2 million originally identified for Hedgerow Park in FY2020 for the initial phase of the Biscuit Run Park development instead.

STRATEGIC PLAN: Engage Citizens: Successfully engage citizens so that local government reflects their values and aspirations. **Natural Resources Stewardship:** Thoughtfully protect and manage Albemarle County's ecosystems and natural resources in both the rural and development areas to safeguard the quality of life of current and future generations.

DISCUSSION: The County Attorney has advised that if the Commonwealth uses the property for the state's own public purpose, then the property is exempt from local zoning laws. However, if the state leases the property to another entity, that entity is subject to local zoning laws. Since the County is leasing the property from the Commonwealth and the County subjects itself to its own zoning laws, the County is subject to the

NMD zoning currently in place for Biscuit Run. The current NMD zoning does not permit a public park over the entirety of the property. In order to change this condition and begin development of the park, the County needs to rezone the property to a more appropriate designation that allows for a large public park. While noting that the Commonwealth is not subject to local zoning regulations, DCR has provided its consent for the rezoning of the Biscuit Run property (Attachment C). It should be noted that there remains land that was part of the NMD zoning approved with ZMA2005-17 that is privately owned (TMP 09000-00-00-005A0) and not proposed for inclusion in this rezoning initiative. The Breeden family, owners of this property, was advised as to the effect of this rezoning on them and consulted about their interest in joining in this rezoning. After some discussion and consideration, they decided they would keep their NMD zoning with the possibility of seeking a separate rezoning of their property at some point in the future. Rural Area zoning allows public uses such as a park by-right and will reflect the intent for this land as established in the Comprehensive Plan. The attached Resolution of Intent will initiate this process.

BUDGET IMPACT: There will be costs associated with processing the rezoning that will result from approval of this Resolution of Intent, such as legal advertising.

RECOMMENDATION:

Staff recommends that the Board adopt the attached Resolution of Intent (Attachment D).

ATTACHMENTS:

Attach. A - Biscuit Run Master Plan

Attach. B - Biscuit Run Master Plan Approval Letter

Attach. C - Virginia Department of Conservation & Recreation Letter of Consent

Attach. D - Resolution of Intent