Modification Requests – Staff Analysis

#1: Authorization of Private Streets
Private streets may be authorized by the Planning Commission as provided by any one of the provisions of Section 14-233.

The applicant has requested approval of a private street, Bishopgate Place (or Bishopgate Lane Extended – the final name would be determined in accordance with County E911 policies if this private street request is approved), in Block 32 of the Old Trail Village NMD using Neighborhood Model Development as justification, specifically 14-233(A)(1)(ii). Ordinance language presented in ***italics*** followed by staff comment.

ANALYSIS OF SECTION 14-233(A)(1) Neighborhood model development.
May be authorized if the proposed private street(s) would enable the principles of the neighborhood model to be more fully implemented than could be achieved with a public street, without diminishing other principles of the neighborhood model, in the following circumstances:
(i) the subdivision would have a streetscape more consistent with the neighborhood model; ***(ii) the subdivision design would allow it to better achieve the density goals of the comprehensive plan;*** *(iii) rear vehicular access to buildings would be provided so that the buildings may face a common amenity; (iv) a significant environmental resource would be protected; or (v) relegated parking would be provided to a greater extent than could otherwise be provided.*

Staff has reviewed this request and found that the short addition of this new private street would allow an additional lot to the development, which would allow it to better achieve the density goals of the comprehensive plan in this area.

ANALYSIS OF SECTION 14-234:
Per Section 14-234(C), the Commission may authorize one or more private roads to be constructed in a subdivision if it finds that one or more of the circumstances described in Section 14-233 exists and that: (ordinance language presented in ***bold italics*** followed by staff comment)

1. The private road will be adequate to carry the traffic volume which may be reasonably expected to be generated by the subdivision.
The amount of traffic expected on the requested private street is minimal and is designed to carry the small number of vehicles that will use it for access.

2. The comprehensive plan does not provide for a public street in the approximate location of the proposed private road;
The Crozet Master Plan does not show a public street in the location of this proposed private street.

3. The fee of the private road will be owned by the owner of each lot abutting the right-of-way thereof or by an association composed of the owners of all lots in the subdivision, subject in either case to any easement for the benefit of all lots served by the road;
Section 14-317 of the Subdivision Ordinance requires that a maintenance agreement be submitted for review by Planning staff and the County Attorney in all situations where improvements are required to be maintained. This agreement will be required with the approval of the subdivision plat. The applicant has indicated that the private streets will be entirely owned and maintained by the Old Trail Village HOA, and the development already has a number of private streets being maintained by the HOA (see Attachment 3 for map, provided by the applicant, of private streets in the Old Trail Village development).

4. Except where required by the commission to serve a specific public purpose, the private road will not serve through traffic nor intersect the state highway system in more than one location;
The proposed private street will not serve through traffic nor intersect the state highway system in more than one location.

5. If applicable, the private road has been approved in accordance with section 30.3, flood hazard overlay district, of the zoning ordinance and other applicable law.
The requested private streets will not require any upgrades nor impact the flood plain.

Summary:
Staff recommends approval with the following conditions:

1. The private street, which is called Bishopgate Place (or Bishopgate Lane Extended), also identified as Fire Access Lane, and the associated subdivision must be in general accord with the layout as depicted on “Exhibit A,” dated March 16, 2021, exhibit prepared by Timmons Group, which is included in Attachment 2 of this staff report.

2. Bollards must be provided at the end of the private street where the street will transition into emergency access.

2a: Exception of Sidewalk Requirement

Sidewalks and planting strips for street trees and other vegetation are required to be established on both sides of each new street within a subdivision in the development areas. The applicant has requested that along Bishopgate Place (or Bishopgate Lane Extended) that sidewalks and planting strips be provided on one side of the street only. The requirements for sidewalks and planting strips may be modified by the commission as provided in section 14-203.1.

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

Per Section 14-422(E)(2), in reviewing a request to waive 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.

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

Lots are provided along only one side of Bishopgate Place (or Bishopgate Lane Extended), and therefore, allowing sidewalks on one side of the street is appropriate.

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

There is a network of sidewalks that provide pedestrian access to all of Block 32 and into the rest of Old Trail NMD. The sidewalk is proposed along the side of the street where the lots will be located, and these lots will have pedestrian access to the existing and proposed 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 length of the proposed street is so short, and lots are only located on one side of the street, so it is unlikely that the sidewalk on the other side of the street would be used to the extent that it would provide a public benefit.

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 for private streets would be maintained by the Homeowners Association. Sidewalks adjacent to public streets will be maintained by VDOT.

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

The modification to have sidewalks on one side of the street does not promote the goals of the comprehensive plan, neighborhood model, or the applicable neighborhood master plan. However, as stated above, pedestrian access is still being provided for the lots along Bishopgate Place (or Bishopgate Lane Extended).

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 finding is that sidewalk along one side of this short private street is acceptable and recommends approval with the following condition:

1. Sidewalk must be provided along the north/northwest side of Bishopgate Place (or Bishopgate Lane Extended), also identified as Fire Access Lane, as shown on "Exhibit A," dated March 16, 2021, exhibit prepared by Timmons Group, which is included in Attachment 2 of this staff report.

2b: 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 a modification of this requirement to match the sidewalk on one side of the street. The requirements for planting strips may be modified by the commission as provided in Section 14-203.1.

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.

ii. A sidewalk waiver has been granted;

A sidewalk waiver is included with this request and is recommended for approval 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

Eliminating the planting strip on one side of the street does not promote the goals of the comprehensive plan, neighborhood model, or the applicable neighborhood master plan. However, sidewalks and street trees/planting strip will be on one side of the street, and are required and provided on both sides of the street on all the public roads within Block 32.

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 finding is that a planting strip for street trees along one side of this short private street is acceptable and recommends approval with the following condition:

1. Planting strips must be provided along the north/northwest side of Bishopgate Place (or Bishopgate Lane Extended), also identified as Fire Access Lane, as shown on "Exhibit A," dated March 16, 2021, exhibit prepared by Timmons Group, which is included in Attachment 2 of this staff report.