



**COUNTY OF ALBEMARLE
PLANNING STAFF REPORT SUMMARY**

Project Name: ZMA202100004 Breezy Hill	Staff: Megan Nedostup, Development Process Manager
PC Public Hearing: July 20, 2021	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): 09400-00-00-001A0; 09400000000500; 09400000000600; 09400000000800; 094000000008A0 Acreage: 75.6 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-1 Residential Proffers: Yes	Comp. Plan Designation: Village of Rivanna Comp Plan Area. “Neighborhood Density Residential (Low)” and within Area B in the Master plan – residential uses (1 unit/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.
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 76 acres from Rural Areas zoning, which allows agricultural, forestal, and fishery uses as well as residential uses (0.5 unit/acre), to R-1 Residential zoning, which allows residential uses (1 units/acre). 80 dwelling units (maximum) are proposed (1 unit/acre gross; 1.4 units/acre net).	Requested # of Dwelling Units: 80 Affordable Housing: None provided
Factors Favorable: 1. The proposed development includes two connections from Rt 250 and Running Deer, 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).”	Factors Unfavorable: 1. The proposed density exceeds the recommendations in the Master Plan per Chapter 8 Strategy 8c of the Comprehensive Plan. 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 have been mitigated.

<p>4. The proposal meets the intents and purposes of the proposed R1 zoning district.</p>	<p>4. The proposal does not meet the affordable housing policy. 5. The proposal does not meet a number of the applicable Neighborhood Model Principles.</p>
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Staff Recommendations:
In consideration of the unfavorable factors outweighing the favorable factors, staff recommends that the Commission recommend denial of ZMA201900004 Breezy Hill.

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Megan Nedostup, Development Process Manager
July 20, 2021
TBD

PETITION:

PROJECT: ZMA202100004 Breezy Hill

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL(S): 09400-00-00-001A0; 09400000000500; 09400000000600; 09400000000800; 094000000008A0

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 80 residential units.

PETITION: Rezone a total of approximately 75.6 acres from Rural Areas zoning district, which allows agricultural, forestal, and fishery uses as well as residential uses (0.5 unit/acre density), to R1 Residential, which allows residential uses (1 unit/acre density). 80 residential units are proposed at a gross density of approximately 1 unit/acre and a net density of approximately 1.4 units/acre.

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

ENTRANCE CORRIDOR (EC): Yes

PROFFERS: Yes

COMPREHENSIVE PLAN: Village of Rivanna Comp Plan Area. “Neighborhood Density Residential (Low)” and within Area B in the Master plan – residential uses (1 unit/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.

CHARACTERISTICS OF THE SITE & AREA:

The subject property for this Breezy Hill ZMA application includes approximately 75.6 acres of land on five parcels of record on Tax Map #94 (identified as Parcels #1A, 5, 6, 8, and 8A,). 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 (Attachment 4).

APPLICANT’S JUSTIFICATION FOR THE REQUEST:

The Project Narrative submitted on 2/23/2021 (Attachment 2) describes a substantial and increasing market demand for the type of new development that the applicant is proposing 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. The applicants provide additional justification and explanation in the comment response letter dated 5/11/2021 (Attachment 5).

COMMUNITY MEETING:

The Community Meeting for this proposed project was held on My 10, 2021 during a virtual meeting of the Village of Rivanna Community Advisory Committee (VORCAC). Attendees representing Albemarle County included County Supervisor Donna Price, Planning Commissioner Rick Randolph, Megan Nedostup (Development Process Manager) and Tori Kanellopoulos (Senior Planner and staff VORCAC liaison). A large number of interested members of the public attended the community meeting.

The issues and concerns raised by the community included the connection to Running Deer Drive, density above the recommendation within the Master Plan, stormwater management, proposed trail access (public or private), recreational amenities, tree clearing, the development potential of the parcels removed from the prior application, transportation impacts, and school impacts.

SPECIFICS OF THE ZMA PROPOSAL:

This application is a new submittal of a previous application (ZMA2019-004) that was denied by the Board of Supervisors on [January 20, 2021](#). Changes from the prior proposal include:

1. Requested zoning from RA to R1 (previous submittal was for R4 zoning);
2. Reduction of maximum units/lots from 160 to 80;
3. Two parcels were removed from the project (09400000004800; 094000000048A0), and access is being provided to them via the development;
4. Back parcel is now shown to be subdivided into 18 lots;
5. Proffers were revised to only include the plan and elements of the plan.

The applicants propose to rezone five (5) development area properties totaling approximately 75.6 acres from RA Rural Areas zoning (which allows residential uses at 0.5 unit/acre density) to R-1 Residential zoning (which allows residential uses at 1 units/acre density). The applicant proposes a maximum total of 80 dwelling units at a proposed gross density of approximately 1 units/acre and a proposed net density of approximately 1.4 units/acre.

The proposal is depicted on the revised concept plan (“Rezoning Concept Plan,” revision date 5/12/2021) (Attachment 4). Staff has identified the following notable characteristics of the concept plan.

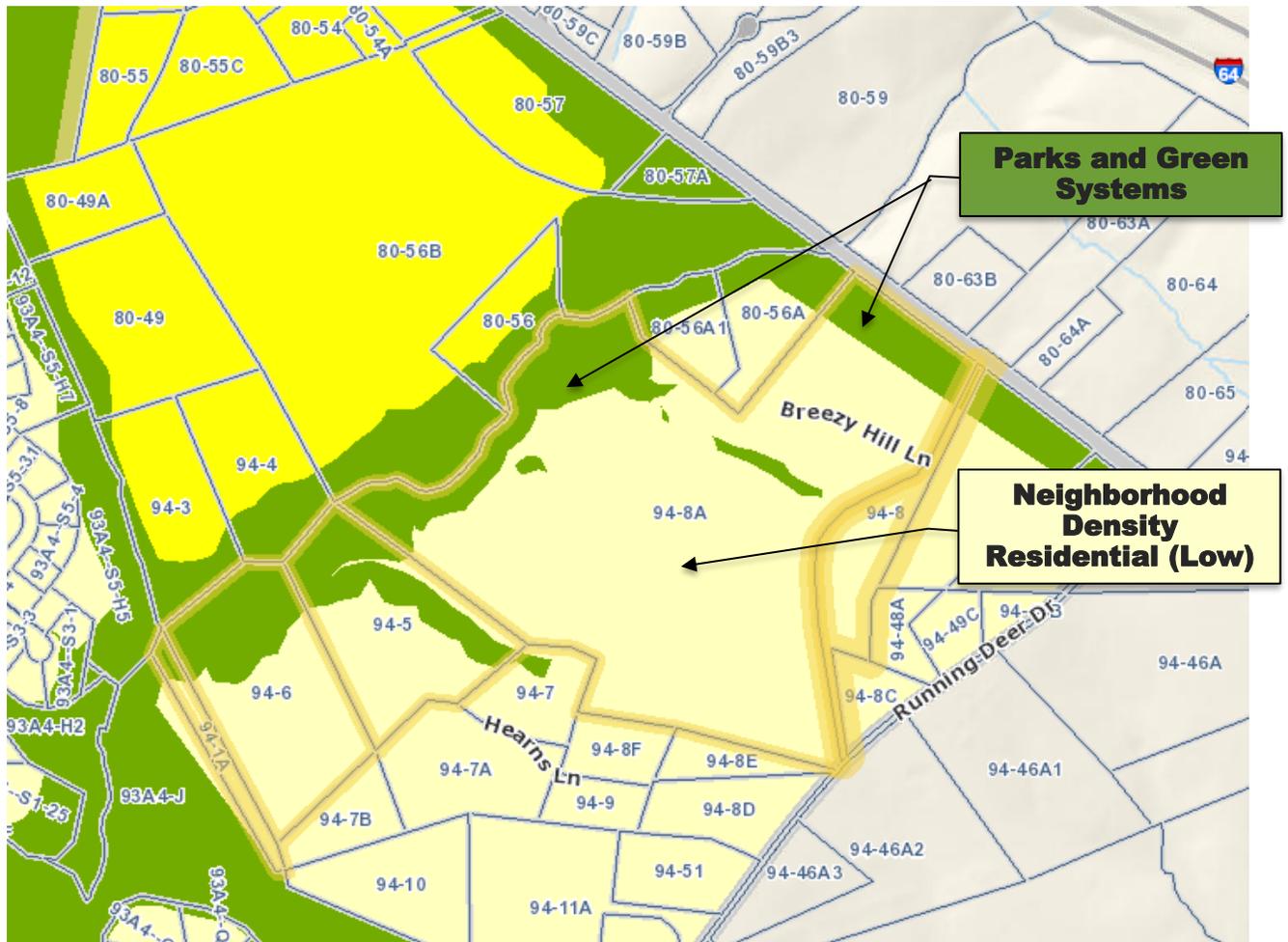
- The proposed development is shown as having a full-access commercial entrance on US 250, and full access entrance on Running Deer Drive. These two entrances are proposed in locations that are recommended on the “Future Land Use Plan (Detail Map 2)” in the Master Plan.
- The proposal includes a “multi-use path” along US 250, as recommended in the “Future Transportation Network” section of the Master Plan.
- The proposal 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.

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



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 151 units (using gross density) or a maximum of 117 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 75-76 units (using gross density) or 58-59 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).

It should be noted that the questions regarding density were discussed during the prior application, and during a work session on 7/30/2019, the Commission affirmed 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 would be appropriate relative to the multiple recommendations contained in the Master Plan and the Comprehensive Plan. While the Comprehensive Plan does not specifically state “net density” this term has been used to describe the calculation as recommended in Strategy 8c.

The revised proposal (80 dwelling units) represents a density that exceeds these recommendations.

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’s, Planning Manager including Transportation, analysis (Attachment 3) 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 thru 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. Additional improvements to achieve this were funded in the most recent round of Smart Scale. However, even with that new project, the entire corridor will not be six-lanes. 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)** – VDOT is beginning a study now to evaluate long-term improvements at this intersection. However no specific project or funding has been identified at this time. **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.

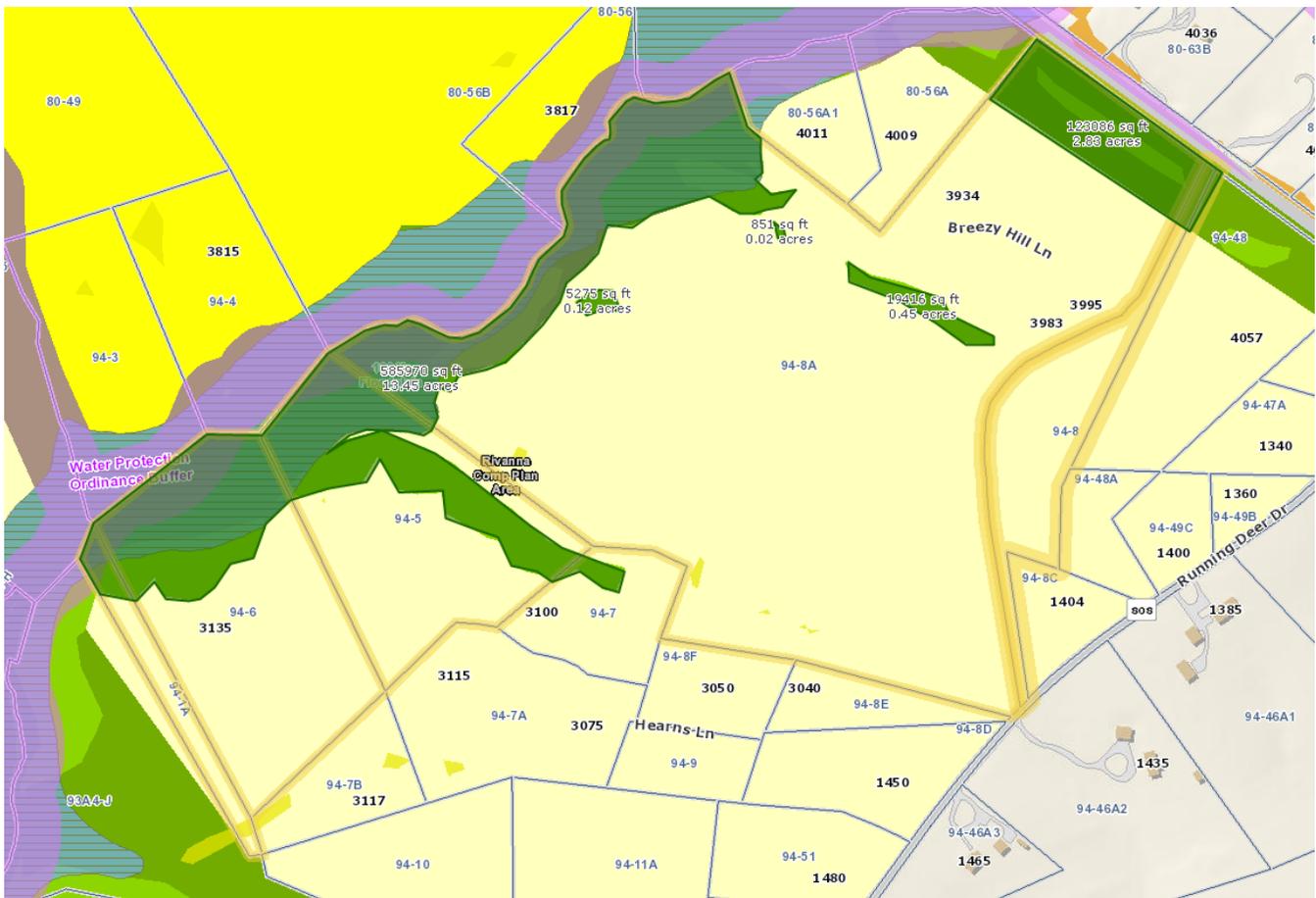


Exhibit 1. GIS-Web was used to identify and quantify the portions of the subject property designated as “Parks and Green Systems” on the Future Land Use Plan. The total area of the subject property with this designation (shown in dark green) is approximately 58.73 GIS acres. The Future Land Use Plan designates the remaining approximately 65.69 GIS acres of the subject property for “Neighborhood Density Residential – Low” future land uses.

Comprehensive Plan:

The Neighborhood Model:

Staff has reviewed the proposal against the Neighborhood Model (NM) Principles and has found that it is not consistent with some 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 6. The principles that are identified as not being met are as follows: mixture of housing types and affordability; interconnected streets and transportation networks; parks, recreation amenities, and open space; relegated parking.

Affordable Housing:

The applicant is not proposing affordable housing that meets the existing policy of 15% with this proposal.

ZONING ORDINANCE REQUIREMENTS:

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

The intentions of the requested R-1 Residential zoning district are contained in Zoning Ordinance (ZO) Section 13.1, and include the following:

“This district (hereafter referred to as R-1) is created to establish a plan implementation zone that:

- Recognizes the existence of previously established low density residential districts in communities and the urban area;*
- Provides incentives for clustering of development and provision of locational, environmental and development amenities; and*
- Provides for low density residential development in community areas and the urban area.*

R-1 districts may be permitted within community and urban area locations designated on the comprehensive plan.”

The proposed rezoning meets the intent and purposes of the R1 zoning 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.”

Due to the reduced number of units, a traffic impact analysis was determined to not be required. Both the Virginia Department of Transportation (VDOT), Adam Moore, and Kevin McDermott, County Planning Manager including Transportation, have reviewed the proposal and found that the impact to the transportation network would be minimal.

A detailed analysis by Kevin McDermott is provided in Attachment 3 on the specific recommendations within the Master Plan, he offers the following conclusion statement:

In conclusion, the traffic impacts of the proposed development are expected to be 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 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.

Schools:

Staff has coordinated with Rosalyn Schmitt with Albemarle County Public Schools. The following comments are derived from that coordination:

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. Burley Middle School and Monticello High School both have adequate capacity to accommodate additional students. However, Stone Robinson Elementary is projected to approach building capacity which will make accommodating additional students difficult.

There is not an identified project within the Capital Improvement Program (CIP) that would address capacity at Stone-Robinson Elementary at this time.

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 22.1 acres (or 29% 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. The plan shows states that lots will be outside of the preserved slopes, floodplain, and stream buffer.

The proposed lots in the back of the development will require disturbance of preserved slopes for the public road access, which is permitted under the steep slopes ordinance.

Anticipated impact on nearby and surrounding properties:

The nearby community members that attended the community raised concerns that were outlined previously in this report. Overall, the major concern of nearby residents includes the connection to Running Deer Drive and the vehicles from this development that will access into and out of the development. Running Deer is a public street, and as stated previously in this report, this connection is needed for VDOT requirements, as well as to meet the goals stated in the Comprehensive Plan regarding interconnectivity.

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.

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 a Draft Proffer Statement (Attachment 7). 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 nine (9) major elements.
2. 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."

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 meets the intent and purposes of the proposed R1 zoning.

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

1. The proposed density exceeds the recommendations in the Master Plan.
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.
4. The proposal does not meet the existing affordable housing policy.
5. The proposal does not meet a number of the applicable Neighborhood Model Principles.

RECOMMENDATION

In consideration of staff evaluation and analysis of this proposal relative to the factors contained in Zoning Ordinance Section 33.6 and based on the unfavorable factors outweighing the favorable factors, **staff recommends denial of ZMA202100004 “Breezy Hill.”**

If the Planning Commissions wishes to recommend approval of the rezoning application, staff recommends the following changes be provided prior to the Board of Supervisors public hearing:

1. A width should be provided on the plan for the future connection across Carrol Creek, recommend 50 feet to have adequate area for a vehicular connection. Also, the wording should be revised to state “Upon Demand of the County”.
2. Provide a recreational area for children in the pocket park. A residential development as proposed would typically include a number of families with children, and a playground or other active space (example: play field that is graded and smooth) would be appropriate to provide in the pocket park beyond grills and picnic tables.

ATTACHMENTS:

- 1- [Location Maps](#)
- 2- [Project Narrative](#)
- 3- [Transportation Staff Analysis](#)
- 4- [Concept Plan \(“Rezoning Concept Plan”\)](#)
- 5- [Comment Response Letter](#)
- 6- [Neighborhood Model Staff Analysis](#)
- 7- [\(Draft\) Proffer Statement \(dated May 7, 2021\)](#)