



**County of Albemarle
Planning Staff Report**

Project Name: Old Ivy Residences	Staff: Rebecca Ragsdale, Planning Manager
Planning Commission Hearing: June 14, 2022	Board of Supervisors Public Hearing: To be Scheduled
Owners: The Filthy Beast LLC, Father Goose LLC, Beyer Family Investment Partnership LP	Applicant: Greystar Development East LLC
Acreage: 35.37 acres	Rezone from: R-1, R-10, and R-15 with proffers to R-15 with new proffers
Tax Map Parcels (TMP): 06000000005100, 060000000024C0, 060000000024C1, 060000000024C3, 060000000024C4	Location: 2441 Old Ivy Road, north of Old Ivy Road and east of the intersection of Old Ivy Road and the southbound Route 29/250 on ramp
School Districts: Greer (Elementary); Jouett (Middle School); Albemarle (High School)	By-right use: Primarily residential uses at R1 density and a health care facility
Magisterial District: Jack Jouett	Proffers: Yes
<p>Proposal: <u>ZMA202100008-</u></p> <ul style="list-style-type: none"> • Rezone 5.52-acres (TMP 06000000005100) from R-1 (1 unit/acre) to the R-15 Residential (15 units/acre). • Rezone the approximately 1.8-acre portion of Tax Map Parcel 060000000024C1 that is zoned R-10 Residential (10 units/acre) to the R-15 Residential (15 units/acre). • Amend the proffers of ZMA198500021 as they apply to Tax Map Parcels 060000000024C0, 060000000024C1, 060000000024C3, and 060000000024C4. • Amend the concept plan and proffers of ZMA199600020 as they apply to Tax Map Parcel 060000000024C1. <p><u>ZMA202100009-</u> Amend the Steep Slopes Overlay district to rezone Preserved Slopes to Managed Slopes</p> <p><u>SE202200011-</u> Stepback Waiver</p> <p><u>SE202200017-</u> Parking Reduction Request</p>	Requested Dwelling Units: 525 units
DA (Development Area): Neighborhood 7 of the Southern and Western Urban Neighborhoods	<p>Comp. Plan Designation: <u>Urban Density Residential:</u></p> <ul style="list-style-type: none"> • Residential (6.01-34 units/acre)

	<ul style="list-style-type: none"> • Supporting uses such as places of worship, schools, public and institutional uses, neighborhood scale commercial, office, and service uses • Center in the Southern Neighborhood within the Southern and Western Urban Area Master Plan <u>Parks and Green Systems</u> – parks, playgrounds, play fields, greenways, transit
Affordable Housing Provided: Yes	Affordable Housing AMI (%): 80% of AMI as determined for a period of 10 years for rental housing
Character of Property: There are five separate parcels associated with this request, including wooded areas, a farm pond, open land, and a house that dates to 1930.	Use of Surrounding Properties: Surrounding properties include UVA associated offices, residential uses, and the Route 250/29 Bypass. The property is also near the UVA Darden School of Business.
Factors Favorable: <ol style="list-style-type: none"> 1. The request is mostly consistent with the master plan. However, development is proposed in areas designated Parks and Greenspace on the master plan. 2. The request provides for continuation of the existing Rivanna Trail through the property. 3. The proposal would provide a mix of housing types in proximity to the University of Virginia and nearby commercial centers. 	Factors Unfavorable: <ol style="list-style-type: none"> 1. The rezoning request does not provide the amount of affordable housing recommended in the comprehensive plan, at 15% of the total number of units developed. 2. Staff does not believe the proffer from ZMA1985-21 limiting the density of the rezoned parcel to the existing R- 1 density until Old Ivy Road was "improved to the satisfaction of the Board of Supervisors of Albemarle County" has been adequately addressed. 3. Traffic operations at the surrounding intersections are currently, or are projected to be, failing without the development of Old Ivy Residences as proposed. Additionally, those operations will further degrade with the construction of the proposal, moving from acceptable to failing or failing worse than would be projected without the development. The proffers related to construction of the multi-use path, while beneficial, would not provide a complete facility nor would it address the projected traffic impacts. 4. Ultimate improvement to nearby intersections have not been determined and/or funded for completion
RECOMMENDATION: Staff recommends disapproval of ZMA202100008 due to identified factors unfavorable. As staff is not recommending approval of ZMA202100008, staff does not recommend approval of the associated Steep Slopes Overlay District Amendment or Special Exceptions: <ul style="list-style-type: none"> • ZMA202100009- Amend the Steep Slopes Overlay district to rezone Preserved Slopes to Managed Slopes • SE202200011- Stepback Waiver • SE202200017- Parking Reduction Request 	

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Rebecca Ragsdale, Planning Manager
June 15, 2022
To be Scheduled

PETITIONS:

PROJECT: ZMA202100008 Old Ivy Residences

MAGISTERIAL DISTRICT: Jack Jouett

TAX MAP/PARCEL(S): 06000000005100, 060000000024C0, 060000000024C1, 060000000024C3, 060000000024C4

LOCATION: 2441 Old Ivy Road, Charlottesville, VA

PROPOSAL: Rezone multiple properties to the R-15 Zoning District, and amend existing proffers, to allow a maximum of 525 residential units (14 units/acre). This proposal also includes two special exceptions, SE202200012 to waive the 15' building step back requirement and SE202200017 to reduce required parking.

PETITION: 1). Rezone the 5.52-acre Tax Map Parcel 06000000005100 from the R-1 Zoning District (1 unit/acre) to the R-15 Residential Zoning District (15 units/acre). Rezone the approximately 1.8-acre portion of Tax Map Parcel 060000000024C1 that is zoned R-10 Residential (10 units/acre) to the R-15 Residential (15 units/acre). Amend the proffers of ZMA198500021 as they apply to Tax Map Parcels 060000000024C0, 060000000024C1, 060000000024C3, 060000000024C4. Amend the concept plan and proffers of ZMA199600020 as they apply to Tax Map Parcel 060000000024C1.

OVERLAY DISTRICT(S): ENTRANCE CORRIDOR, AIRPORT IMPACT AREA, and STEEP SLOPES – MANAGED and – PRESERVED.

ENTRANCE CORRIDOR (EC): Yes

PROFFERS: Yes

COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01-34 units/acre); supporting uses such as places of worship, schools, public and institutional uses, neighborhood scale commercial, office, and service 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 rivers and streams in Neighborhood 7 of the Southern & Western Neighborhoods Master Plan.

PROJECT: ZMA202100009 Old Ivy Residences Preserved to Managed Slopes

MAGISTERIAL DISTRICT: Jack Jouett

TAX MAP/PARCEL(S): 060000000024C1, 060000000024C3, 060000000024C4

LOCATION: 2441 Old Ivy Road, Charlottesville, VA, adjacent to Route 250/29 Bypass

PROPOSAL: Rezone areas of the Preserved Steep Slopes Overlay District to Managed Steep Slopes Overlay District.

PETITION: Rezone areas of existing Preserved Steep Slopes Overlay District to the Managed Steep Slopes Overlay District on Tax Map Parcels 060000000024C1, 060000000024C3, and 060000000024C4.

OVERLAY DISTRICT(S): ENTRANCE CORRIDOR, AIRPORT IMPACT AREA, and STEEP SLOPES – MANAGED and – PRESERVED.

ENTRANCE CORRIDOR (EC): Yes

PROFFERS: Yes

COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01-34 units/acre); supporting uses such as places of worship, schools, public and institutional uses, neighborhood scale commercial, office, and service 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 rivers and streams in Neighborhood 7 of the Southern & Western Neighborhoods Master Plan.

CHARACTER OF THE AREA

There are various properties subject to the rezoning that include undeveloped parcels with wooded, open fields, a pond with a Water Protection Ordinance buffer. Steep Slopes and Rivanna Trail. TMP 60-51 contains a residence and is primarily wooded. (Attachment 1-Location Map) Abutting properties are described below:

	<i>Land Use</i>	<i>Zoning District</i>	<i>Comp Plan Designation</i>
<u>North</u>	Wooded (UVA owned), Leonard Sandridge Dr., Darden School of Business at UVA	R1 Residential	Institutional
<u>South</u>	UVA owned properties and related offices/support services	C1 Commercial and LI Light Industrial	Institutional
<u>East</u>	Residential, University Village and Huntington Village	R10 Residential	Urban Density Residential
<u>West</u>	29/250 Bypass, Office, Private School	CO Commercial and R1 Residential	Greenspace along bypass, Neighborhood Density, Community Mixed Use

BACKGROUND/PLANNING AND ZONING HISTORY

ZMA1982- 11 - approved a rezoning of 33.549 acres from R-1 to R-10 on October 20, 1982 for the establishment of a continuing care facility. Proffers included provisions on building types, a maximum residential apartment number, details on the services, architecture of the continuing care facility campus, landscaped buffer requirements, and a transportation proffers. This ZMA applied to TMP 60- 24C1, included in this application.

ZMA198500021- approved rezoning of 28.29 acres from R-1 to R-15 with proffers limiting the density of the rezoned parcel to the existing R- 1 density until Old Ivy Road was " improved to the satisfaction of the Board of Supervisors of Albemarle County." This change was intended to permit the property owners to develop multi - family units on the parcel, while avoiding increasing the density of the parcel beyond the capacity of the existing access on Old Ivy Road. This ZMA applied to TMP 60-24C, 24C1 (portion), 24C3, and 24C4, included in this application. To-date, the Board of Supervisors has not made the determination that Old Ivy Road has been improved to allow density at up to R-15 on these parcels.

ZMA1987- 08 - amended the 1982 approval for the continuing care facility, providing additional details on the arrangement and landscaping of the facility, approved on October 7, 1987. This ZMA applied to TMP 60-24C1, included in this application.

SPECIFICS OF THE PROPOSAL

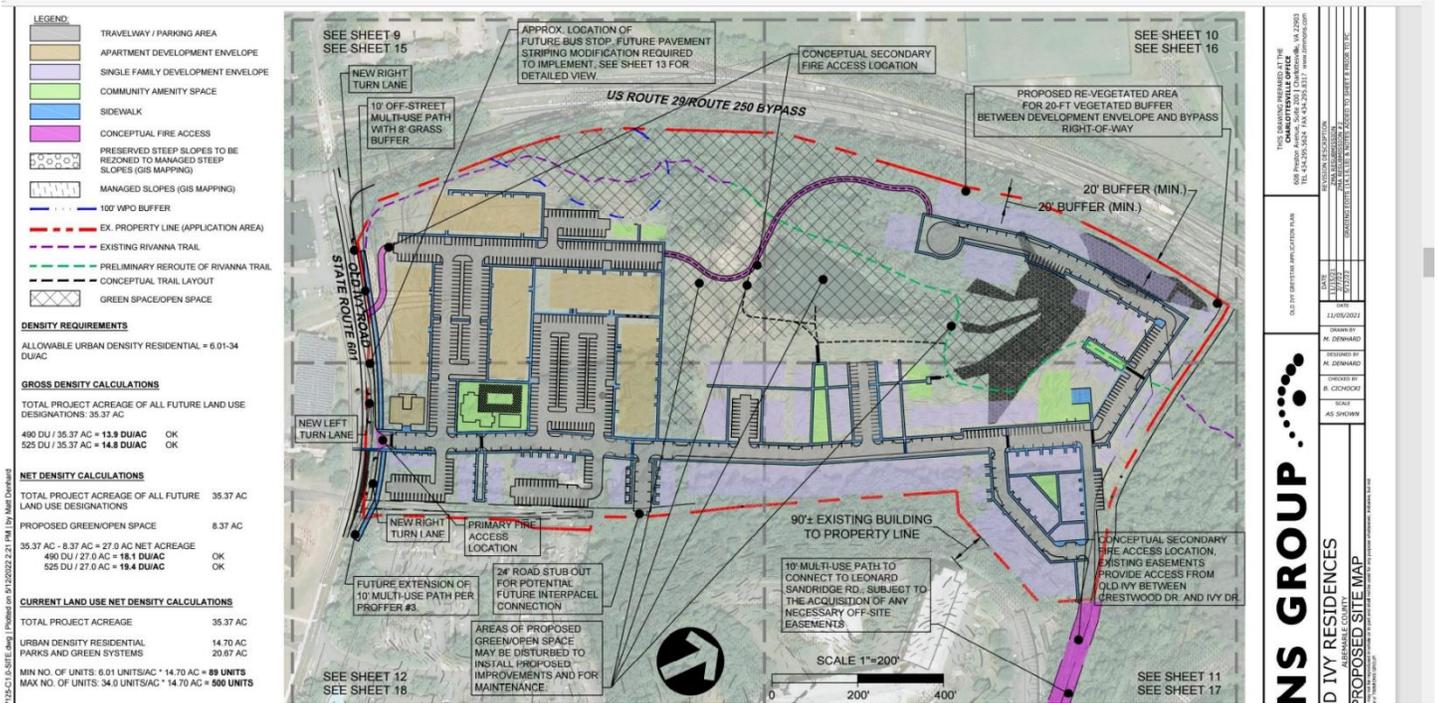
Old Ivy Residences includes four separate requests, including two rezonings and two special exception requests. (Attachment 2-Narrative and Attachment 3-Concept Plan, Attachment 4-Proffers) Each request is analyzed below.

ZMA202100008:

This rezoning applies to five parcels and seeks to amend previous proffers associated with the R10 and R15 parcels. There are no proffers associated with the R1 property. to R15 and several proffer amendments to prior approved R15 zoning:

1. Rezone 5.52 acres (TMP 60-51) from R1 to R15.
2. Rezone 1.561 acres (TMP 60-24C1) from R10 to R15 to amend proffers and concept plan that limit development to a health care facility.

3. Rezone 0.969 acres (TMP 24C1) from R15 with an amended proposed proffer stating that the road proffer associated with ZMA 1985-21 has been deemed satisfied.
4. Rezone 27.34 acres (TMP 60-24C, 24C3 and 60-24C4) from R15 with an amended proposed proffer stating that the road proffer associated with ZMA 1985-21 has been deemed satisfied.
5. Make all five properties subject to the concept plan and proffers proposed by the applicant:



Residential building envelopes are proposed totaling 27 acres to allow for multifamily residential (Apartment Development Envelope), single family detached, single family attached/duplex, and townhouse building envelopes (Single Family Development Envelope). A maximum of 525 residential units are proposed at a gross density of 14.9 dwelling units per acre. The applicant has indicated the units will likely be comprised entirely of rental units.

Open Space totaling 8.37 acres is identified on the Concept Plan and will include Water Protection Ordinance buffers, existing pond, 20' buffers along the Route 29/250 Bypass, and a proposed relocation of the existing Rivanna Trail. The open space is primarily central to the site where existing wooded areas and pond will remain. Community Amenity areas are shown on the plan and will allow for recreation facilities required under Section 4.16. Final design and required recreation will be provided at site plan and ordinance minimums for tot lots and basketball courts, or equivalent, provided. Potential substitutions are proposed on the application plan and listed below. The Planning Director may make substitutions but cannot waive minimum requirements. Staff has not approved these substitutions and that will be reviewed at site development, tot lots must be provided.

The primary entrance and access to the project are proposed near the eastern property line from Old Ivy Road. Since the applicant has indicated they expect to do rental units and not subdivide the property, the vehicular access is currently shown as a travelway. Should the property be subdivided in the future, a private street would need to be approved in the future. While the plan describes it as a travelway, it will have some functionality as a street even if not subdivided. Right and left turn lanes are proposed into the property, along with a right turn lane to the Route 29/250 southbound on-ramp. An interconnection is proposed to the property to the east. Frontage improvements would include a 10' multi-use path and provisions for a bus stop pull off area. Potential extension and continuation of the multi-use path along Old Ivy Road across adjacent parcels is

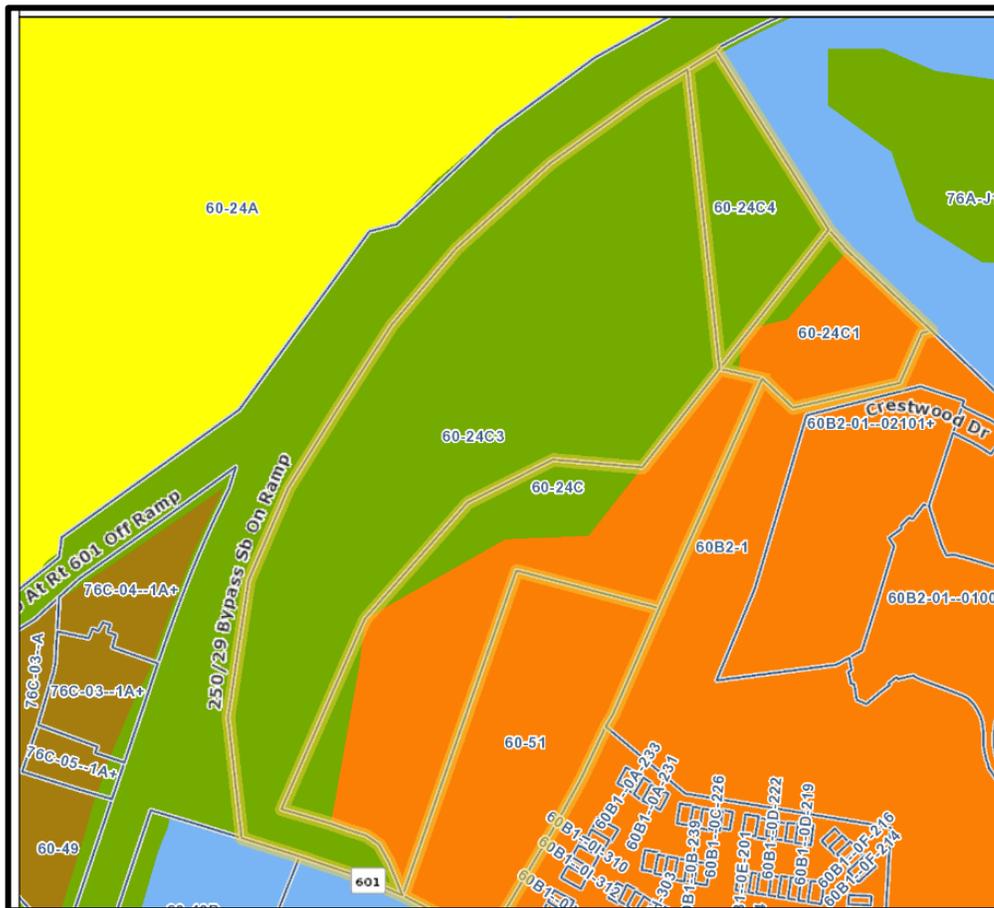
proffered. A potential multi-use path connection to Leonard Sandridge, across adjacent property, is also proffered. Proffers are discussed in more detail below. Two potential emergency access points are provided on the Application Plan, one west of the entrance along Old Ivy Road and the other to the east, from University Village.

COMMUNITY MEETING

A virtual community meeting was held for this proposal on November 15, 2021 during the Places29- Hydraulic Community Advisory Committee (CAC) meeting; this meeting was conducted using Zoom. The meeting may be viewed at this [LINK](#). Comments and concerns from the community included pedestrian safety concerns, concerns about the capacity of Old Ivy Road to handle additional traffic, comments regarding the constraints at the eastern intersection of Old Ivy Road and Ivy Road (under the railroad). Concerns were also expressed about the intersection of Old Ivy Road and the Rt 250/29 Bypass. There were also questions regarding the Rivanna Trail through the property. Community members noted that they felt the design of the project was appropriately sensitive to environmental features on the site.

COMPREHENSIVE PLAN

The Western Urban Neighborhoods Future Land Use Plan contained in the Southern & Western Neighborhoods Master Plan identifies two future land use classifications on the subject properties, Parks and Green Systems and Urban Density Residential. The categories and their general descriptions are described below.



Urban Density Residential This designation represents residential areas with supporting uses and non-residential uses. Density ranges from at a density of 6.01-34 dwellings per acre. Building height is recommended at 1-3 stories, additional stories where appropriate. Primary uses include residential uses of all housing types, along with places of worship, public and private schools, early childhood education centers (day care centers and pre-schools), public uses, and public institutional uses. Secondary uses include neighborhood serving retail/commercial areas.

Parks and Green Systems This designation represents areas for parks, recreation, environmental preservation, and areas otherwise not intended for development. Land with this designation cannot be used to calculate available density for a parcel of land. Primary uses include parks, playgrounds, play fields, greenways, equipment, trails, paths, recreation equipment and facilities, plazas, outdoor sitting areas, and natural areas. Also, preservation of stream buffers, floodplains, known wetlands, and slopes of greater than 25% adjacent to rivers and streams. Property may be owned publicly or privately. Secondary uses include public and private outdoor art, monuments, and non-advertising signage.

The Project's density also supports Objective 4 of Chapter 8 (Development Areas) of the Comprehensive Plan, recommending the "[u] se [of] Development Areas land efficiently to prevent premature expansion of the Development Areas."

Consistency with the Master Plan:

Residential uses are consistent with recommendations of the master plan. A mix of residential uses are proposed, however no commitment to a mix is made on the Concept Plan, although Apartment and Single-Family building envelopes are identified. The Master Plan recommends a density of 34 dwelling units per acre in the Urban Density Residential designated areas. Building heights up to 3 stories are recommended in the master plan with additional stories where appropriate. Staff would note that the gross density proposed with this application is 14 dwelling units per acre. Maximum density recommended in the master plan of 34 dwelling units per acre. The net density calculation identifies 500

CURRENT LAND USE NET DENSITY CALCULATIONS

TOTAL PROJECT ACREAGE	35.37 AC
URBAN DENSITY RESIDENTIAL	14.70 AC
PARKS AND GREEN SYSTEMS	20.67 AC
MIN NO. OF UNITS: 6.01 UNITS/AC * 14.70 AC =	89 UNITS
MAX NO. OF UNITS: 34.0 UNITS/AC * 14.70 AC =	500 UNITS

units as the total maximum units that could be built based on the acreage of the Urban Density Residential identified across the subject parcels according to the Master Plan. The Concept Plan proposes 525 units, reducing the number of units to 500 would provide better consistency with the master plan.

While all areas designated on the master plan as Parks and Green Systems are not provided for in the application; it appears generally consistent with the intent of the plan. Portions designated include land that was previously acquired by the Virginia Department of Transportation (VDOT) for development of the Western Bypass. After VDOT eliminated plans for the Western Bypass, the Commonwealth of Virginia (through the Commissioner of Highways) transferred the property to the current owner. Staff believes the purpose of the Greenspace designation was intended to mitigate visual and noise impacts from the Bypass, along with preservation of existing steep slopes and water features. Now that the Western Bypass project has been terminated, there is no longer any need for such a large buffer area; since the concerns for visual and noise impacts from the Western Bypass were eliminated when that project was terminated. Staff acknowledges the unique history of the Parks and Green Systems designation on this parcel, with regard to its primary purpose to buffer a potential future Western Bypass. Staff believes the primary intent is preservation of environmentally sensitive areas. The applicant is providing a 20' landscaped buffer along the Route 250/29 Bypass to provide

for buffering. The Concept Plan shows impacts to Preserved Slopes which are proposed to be rezoned to Managed Slopes.

The Neighborhood Model

Staff has reviewed the proposal against the Neighborhood Model Principles and found that it is consistent with most of the principles. The detailed Neighborhood Model Analysis for all of the principles can be found in Attachment 4 . While the proposal is consistent with most principles, staff believes that the Concept Plan could be revised to strengthen principles related to Affordable Housing, Building and Spaces of Human Scale along the proposed travelway, which will function like a street and should have setbacks established from it, and Interconnected Streets/Multimodal Transportation.

Affordable Housing

The County's current housing policy recommends that new residential rezonings provide 15% of the total proposed units as affordable housing. For rental units, the rental rate is 50% AMI. While the application narrative and Sheet 2 of the Application Plan indicates that this project proposes to provide 15% affordable units, with this calculation, the applicant has omitted what could be developed under the current by right zoning and only bases the 15% on the potential new units achieved with this rezoning above the by right density.

The County's current housing policy recommends that new residential rezonings provide 15% of the total proposed units as affordable housing. For rental units, the rental rate is 50% AMI. This rezoning proposal includes a maximum of 525 dwelling units, which would provide 79 affordable units based on the County's policy of 15% of the total number of units. The applicant, however, is proposing that the 15% be calculated only on the difference between what they believe would be allowed by-right (430 units) and the number of units to be constructed. This estimate is assuming the Board of Supervisors has already deemed the transportation proffer associated with the prior rezoning (ZMA 1985-21) satisfied which would allow 28.3 acres to develop at R-15 density. The difference based on the applicant's calculation of the by-right potential and the total number of units proposed (525-430) is 95 units, which at 15% would provide 14 affordable units.

AFFORDABLE HOUSING: UNDER THE EXISTING ZONING OF THE PROPERTY, 430 UNITS COULD BE CONSTRUCTED BY-RIGHT (THE "BY-RIGHT UNIT YIELD"). FIFTEEN PERCENT (15%) OF THE CONSTRUCTED UNITS ABOVE THE BY-RIGHT UNIT YIELD SHALL BE AFFORDABLE TO HOUSEHOLDS MAKING UP TO 80% OF THE AREA MEDIAN INCOME FOR A PERIOD OF TEN (10) YEARS. "AFFORDABLE" MEANS THAT THE RENTAL RATE MAY NOT EXCEED 30% OF 80% OF THE AREA MEDIAN INCOME ("AMI"), AS LISTED AND ANNUALLY UPDATED ON THE VIRGINIA HOUSING (FORMERLY VHDA) WEBSITE, BASED ON HOUSEHOLD SIZE, LESS ESTIMATED UTILITY COSTS AS DEFINED BY VIRGINIA HOUSING FOR THE HOUSING CHOICE VOUCHER PROGRAM. AMI AND UTILITY ALLOWANCE SCHEDULES AVAILABLE AT WWW.VHDA.COM.

Based on the affordable housing policy, the applicant's methodology to calculate the 15% is not consistent with the Comprehensive Plan Chapter 8, Strategy #2g and Chapter 9, Strategy #6b.

ZONING ORDINANCE REQUIREMENTS

The purpose and intent of the R-15 Zoning District as indicated in the Zoning Ordinance is to:

- Provides for compact, high-density residential development;
- Permits a variety of housing types; and
- Provides incentives for clustering of development and provision of locational, environmental and developmental amenities.

Staff believes the Concept Plan is meeting the purpose and intent of the R15 Zoning District.

Anticipated impact on public facilities and services:

Transportation:

The property is located on Old Ivy Road, VDOT and Transportation Planning staff have several remaining questions and comments about technical aspects of the Traffic Impact Analysis (TIA). (Attachment 5) This includes information so that reviewers can verify the projected delay times between the no-build and build conditions stated in the TIA. VDOT staff have identified several technical revisions needed to the TIA.

The TIA demonstrates that the existing conditions at the intersections to the west of the development, including at the US 250/Canterbury Rd/Rt 846 intersection and Old Ivy Rd/Rt 846 intersection are currently very poor resulting in excessive delays and congestion. These conditions would slightly degrade for most movements with construction of the proposed development with some movements increasing delay by over 30 seconds on average during the peak hours.

The TIA's recommended improvements are located along the frontage of the project only, and do not address the anticipated transportation impacts for all of Old Ivy Road. Potential improvements for all of Old Ivy Road should be specified in the TIA. Staff does not believe ZMA198500021 proffer has been satisfied at this time. There are not currently any County Capital Improvement Plan (CIP) or VDOT projects or plans in place to upgrade the Old Ivy Road corridor street network (and associated intersections). Therefore, it is unlikely that the funds proposed by proffer #3 would be able to be utilized for the specified transportation improvements. However, VDOT and the County are currently evaluating for potential future improvements in an attempt to address existing issues at the adjacent intersections and to improve bicycle and pedestrian connectivity.

The applicant provided supplemental information to identify the road improvements along Old Ivy Road that have occurred since approval of ZMA1985-21. (Attachment 6) The improvements identified were all required to address site-specific requirements as properties within the corridor developed over time. The TIA shows that the Old Ivy Road corridor still has poor overall operations and further improvements are needed to improve operations and offset additional traffic that would be created through this development. This includes bicycle and pedestrian infrastructure, as well as intersection-specific improvements. Staff acknowledges that the application now proposes additional pedestrian infrastructure (multi-use path along project frontage with Old Ivy Road). However, the proposed multi-use path does not provide continuous connectivity through the corridor to adjacent facilities.

If all of the transportation proffers are completed there would still be significant gaps in the bicycle and pedestrian network that are necessary to provide utility. Additionally, there would still be significant operational issues in the vehicular network surrounding the development. Staff understands that many of these issues exist currently and would only be exacerbated by the proposed development by a small amount. However, these existing and future transportation deficiencies remain a concern for County staff that may not be able to be addressed. Staff requests that the applicant continue to evaluate potential options to address the transportation deficiencies that will be exacerbated by the development in a manner that can provide a recognizable benefit for the residents of the proposed development. Currently all solutions rely on a future project to address the impact of the development proposed under this rezoning.

Schools:

Students living in the Project would be within the current school districts for Greer Elementary School, Jack Jouett Middle School, and Albemarle High School. Based on the Albemarle County Schools Long Range Planning Advisory Committee Recommendations', both Greer and Jouett are under capacity, while Albemarle High School is overcapacity. Based on the anticipated unit-type mix, the total number of estimated students is 129 broken down as follows, 64 elementary, 31 middle, and 34 high. The Schools division continues to work on

solutions to the overcapacity issue at Albemarle High School.

Parks:

The existing segment of the Rivanna Trail (RT) that is currently on the subject property is a major recreational asset and benefit to the general public. Albemarle County Parks and Recreation (ACPR) supports the applicants' continued inclusion of and accommodations for the RT in the development proposal. The Concept Plan proposes to relocate a portion of the Rivanna Trail, shifting it to the east near the farm pond and routed through a development envelope. The final location of the trail will be field located during site development plan review. Crosswalks and signage will be provided on portion rerouted onto the sidewalk and travelway crossing.

Fire and Rescue:

Fire and Rescue has reviewed this rezoning application and has no objection to the proposal building and fire codes. Emergency access from Old Ivy Road to the site is accommodated. All requirements of the Fire Code would be met at site development plan review.

Utilities:

This project is in the Albemarle County Service Authority (ACSA) water and sewer service jurisdictional area. ACSA staff indicate that sewer lines that would serve this project are currently in need of upgrades and may not have adequate capacity. Furthermore, ACSA staff have indicated that the developer/applicant "will need to sign an agreement stating that the applicant will be responsible for upgrading the necessary sewer segments if capacity is exceeded by this development." If the proposed lift station will not be publicly owned and will have 3 or more connections, a central sewerage system approval must be approved by the Board of Supervisors. A central sewerage system application has been received and will be analyzed when this item goes to the Board. Please note that ACSA has stated that there are capacity issues with some segments of the existing sewer system. The applicant will need to continue to coordinate with the City of Charlottesville and ACSA regarding upgrades to the sewer system. Staff recommend that the applicant continue to work with ACSA and the City to verify that sewer utilities can accommodate the increased demand for service generated by this proposal.

Anticipated impact on environmental, cultural and historic resources:

Wetlands are shown on Sheet 3 of the Concept Plan but their identification has not been carried over throughout the other plan sheets. Objective 6 of the Comprehensive Plan identifies several strategies for conserving and protecting wetlands, which includes not allowing for their disturbance or removal with development projects. The 2:1 slopes adjacent this wetland may need reverse benches, which would push grading further into the wetlands. Stream buffers are not required on the wetlands (Chapter 17), however, the Comprehensive Plan calls for preserving wetlands, even if a stream buffer is not required. Retaining walls may be required to prevent

WETLANDS AVOIDANCE: IT IS THE APPLICANT'S INTENT TO PRESERVE AND AVOID AREAS OF WETLANDS TO THE MAXIMUM EXTENT PRACTICABLE. NO WETLANDS IMPACTS ARE ANTICIPATED, HOWEVER, SHOULD UNFORESEEN CIRCUMSTANCES WARRANT ANY IMPACTS AT THE SITE PLAN STAGE, THE APPLICANT SHALL COORDINATE WITH AND RECEIVE NECESSARY APPROVALS AND PERMITS FROM ALBEMARLE COUNTY, DEQ, AND ACOE PRIOR TO DISTURBANCE OF ANY WETLAND AREAS.

impacts to the wetland note (inset to right) has been added to Sheet 8 of the Concept Plan regarding Wetlands Avoidance but does not provide for a commitment to not disturb the wetlands. Staff believes the plan set should be updated to show wetlands on each applicable plan sheet and the note should be revised to prevent any wetlands disturbance.

Parcel 60-51 includes a circa 1930 Colonial Revival residence with outbuildings. The property has not been evaluated by the Virginia Department of Historic Resources, but its date of construction places it within the standard 50-year period of consideration as a potential historic resource. Incorporating the residence into the new development would acknowledge the significance of its age, style and historic associations. The Historic Resources planner advised that if the outbuildings, and the residence if it cannot be retained, they should be fully documented in photos and drawings prior to demolition. Albemarle County Historic Preservation Committee is available to assist with this documentation. It should be noted that some archaeological testing in the vicinity has revealed some scattered artifacts. Previous ground disturbance may have destroyed other archaeological resources, and construction activity could uncover additional resources. The applicant has provided a note on Sheet 8 of the application plan that the residence and outbuildings will be documented prior to demolition.

Anticipated impact on nearby and surrounding properties:

County staff have received a number of comments from members of the public regarding concerns with aspects of this application. Primary concerns have been related to pedestrian safety and traffic concerns.

Public need and justification for the change:

The County's growth management policy states that new residential development should occur in the designated Development Areas where infrastructure and services are provided, rather than in the Rural Area.

Proffers

To address impact concerns, proffers have been offered. The most recent draft proffer statement is dated February 7, 2022 and is provided as Attachment 7. Proffers are summarized below, followed by staff comments.

1. Concept Plan-The property must be developed in general accord with Sheet 8 within the plan set titled "Rezoning Concept Plan for Old Ivy Residences," prepared by Timmons Group, dated February 7, 2022 (the "Concept Plan"), and must reflect the following major elements as shown and noted on the plan:
 - a. The Project is limited to a maximum of 525 dwelling units.
 - b. The general locations and general sizes of open space, stream buffers, and amenities.
 - c. The general locations of the trail and pedestrian network.
 - d. Entrance location on Old Ivy Road.
 - e. Pedestrian crossing on Old Ivy Road at the entrance to the Project.
 - f. Affordable housing.

Because the applicant is rezoning to R15, and not a Planned Development District like PRD, proffers are the mechanism to provide commitments to major elements of the Concept Plan.

2. Rivanna Trail-
 - a. Upon written request by the County, but not prior to the date that is nine (9) months after the issuance of the first Certificate of Occupancy within the Project, the Owner will relocate and establish the portions of the Rivanna Trail located on the Property the " Relocated Rivanna Trail"), as a Class B- type 1 primitive nature trail. The general location of the proposed Relocated Rivanna Trail is shown on the Concept Plan; however, the exact location will be field located in coordination with the Rivanna Trails Foundation and Albemarle County Parks and Recreation.
 - b. The Owner will maintain the existing license agreement with the Rivanna Trails Foundation, as amended to reflect the final location of the Relocated Rivanna Trail, concurrently with the site plan; subject to the reservation of rights of access for grading, utilities, maintenance, and other uses not inconsistent with the Relocated Rivanna Trail.

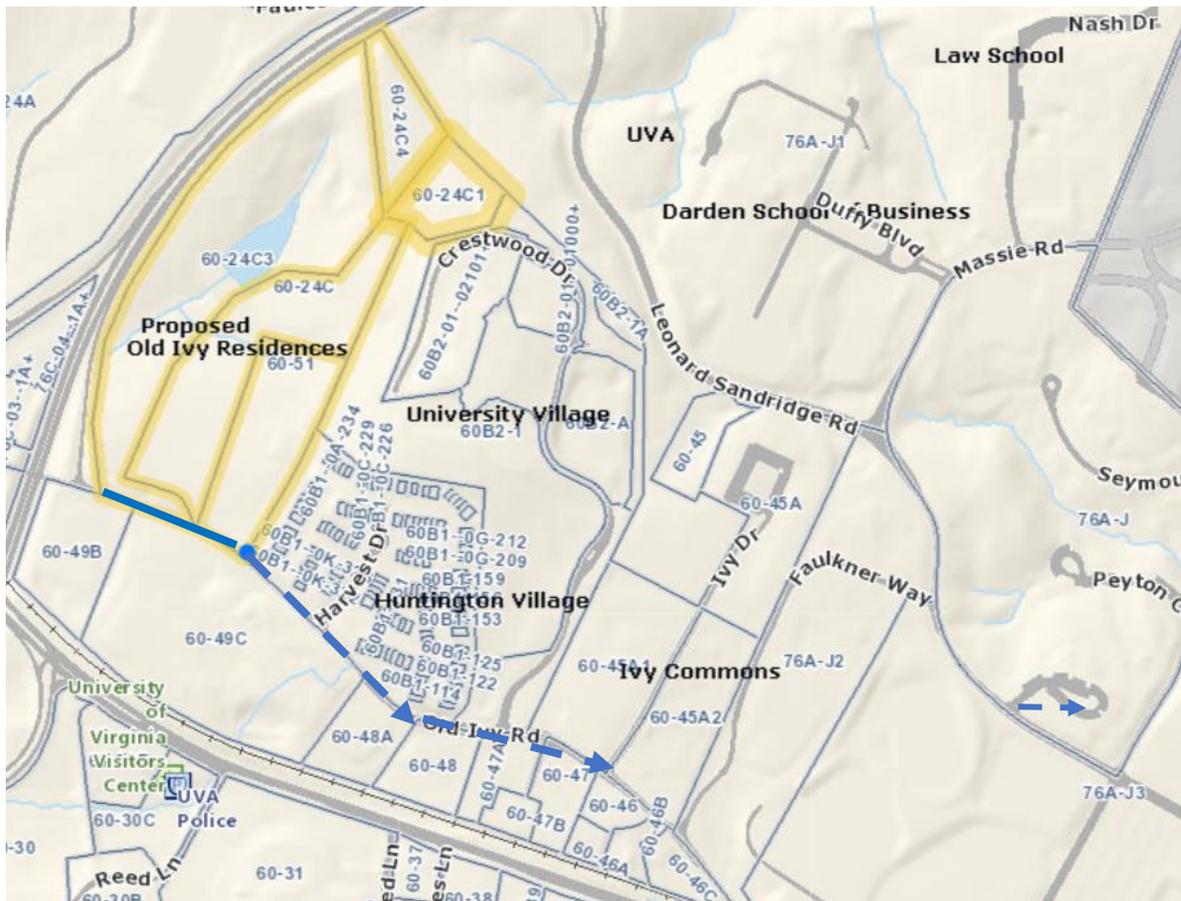
- c. This proffer assures adequate pavements markings and signage for any trail crossing of an internal travelway. This will be required as necessary and shown on final site development plans.

This proffer provides assurances that the Rivanna Trail will remain across the property, relocated in some instances. Staff is not certain of the timing/phasing of the proposed development and if there would be the need for trail closures.

3. Multi-use Pedestrian/Bike Trail-

Based on the applicant's findings in traffic study, they estimate the project would contribute 6.5% of the total vehicle trips through the congested area during peak hours. To mitigate traffic impacts, the proffer provides for not only the multi-use across the frontage but also extensions of the trail to abutting properties.

- If the owners of those parcels to the east of the Project (between the eastern edge of tax map parcel 06000- 00- 00- 05100 and the western edge of tax map parcel 06000- 00- 00- 045A1) donate the necessary land at no cost to the Owner prior to the approval of the final site plan for the Project, the Owner will also construct a multi -use path of similar dimensions subject to available land and actual room in the field) across the front of those parcels (the Extended Multi -Use Path"), such that the Multi -Use Path and the Extended Multi -Use Path will begin at the western edge of parcel 06000- 00-00- 024C3, and extend to the western edge of parcel 06000- 00- 00- 045A1, a distance of approximately 1, 275 linear feet. (Refer blue dashed line on map below.)



- Alternatively, if either of the owners of those parcels to the east of the Project (between the eastern edge of tax map parcel 06000- 00- 00- 05100 and the western edge of tax map parcel 06000- 00- 00- 045A1) do not donate the necessary land at no cost to the Owner prior to the approval of the final site plan for the Project, then prior to the issuance of the first certificate of occupancy for a unit

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within the Project, the Owner shall contribute cash to the County Capital Improvement Program fund to be applied toward the cost of constructing the Extended Multi - Use Path in the amount of Five Hundred Thousand Dollars (\$500,000).

4. Satisfaction of ZMA 1985- 21 Proffer -By the Board of Supervisors approval of ZMA 2021- 00008 and acceptance of this Proffer Statement, the approved proffer associated with ZMA 1985- 21 is deemed satisfied and is hereby eliminated.
5. R-10 Residential Portion of Parcel 06000- 00- 00- 024C1 -By the Board of Supervisors approval of ZMA 2021- 00008 and acceptance of this Proffer Statement, the 1. 561 acre portion of parcel 06000- 00-00- 024C 1 that is zoned R- 10 residential and is associated with ZMA 1982- 11 and ZMA 1987- 08, including any approved application plans or proffers associated with either, shall be rezoned to R- 15 Residential, and shall no longer be associated with, or bound by either ZMA 1982- 11 or ZMA 1987- 08, or any application plans or proffers associated with either.

ZMA202100009 STEEP SLOPES OVERLAY DISTRICT AMENDMENT:

The property (TMPs 60-24C1, 60-24C3 and 60-24C4) is subject to the Steep Slopes Overlay District and contains approximately 1.55 acres of Preserved Steep Slopes, located near the Route 250/29 Bypass. The



applicant has provided an analysis of the request, including information that indicates the slopes are manmade and the result of land disturbing activities on the site or related to road projects. (Attachment 8)

The applicable section of the Zoning Ordinance for the application is [Sec. 30.7](#) Steep Slopes Overlay. The application seeks to reclassify the Preserved (Steep) Slopes on the property as Managed Slopes. The following information presents the ordinance criteria of both Preserved Slopes ([Sec. 30.7.3.A](#)) and Managed Slopes ([Sec. 30.7.3.B](#)) with staff analysis (in italics) following the ordinance criteria.

Section 30.7.3.A Managed Slopes

The characteristics of managed slopes are the following:

- i. the contiguous area of steep slopes is limited or fragmented;*
The site contains two groups of man-made slopes. One adjacent to the Route 29/250 Bypass and one adjacent to what is referred to as the farm pond.
- ii. the slopes are not associated with or abutting a water feature, including, but not limited to, a river, stream, reservoir or pond;*
Slopes on the property are not associated with a water feature subject to the Water Protection Ordinance but are adjacent to a man-made pond.
- iii. the slopes are not natural but, instead, are manufactured;*
The steep slopes within the project area appear to have been largely created by previous grading in 1990's and 2000's.
- iv. the slopes were significantly disturbed prior to June 1, 2012;*
As noted above, the majority of the slopes were disturbed prior to June 2012. The applicant has provided a detailed history of the site and land disturbance activities.
- v. the slopes are located within previously approved single-family residential lots; or the slopes are shown to be disturbed, or allowed to be disturbed, by a prior county action.*
While the staff has not found County action that allowed disturbance of the slopes, documentation by the applicant suggests the disturbance was associated with allowed disturbance in the 1990s and 2000s, some of which related to nearby roads.

Section 30.7.3.B Preserved Slopes

The characteristics of preserved slopes are the following:

- i. the slopes are a contiguous area of 10,000 square feet or more or a close grouping of slopes, any or all of which may be less than 10,000 square feet but whose aggregate area is 10,000 square feet or more;*
The preserved slopes are in two groups, both over 10,000 square feet each.
- ii. the slopes are part of a system of slopes associated with or abutting a water feature including, but not limited to, a river, stream, reservoir or pond;*
One grouping of Preserved Slopes is adjacent to the pond and wetland area located between the pond and preserved slopes.
- iii. the slopes are part of a hillside system;*
The slopes are not part of a hillside system and are adjacent to the Route 250/29 Bypass.
- iv. the slopes are identified as a resource designated for preservation in the comprehensive plan;*
The slopes are not a specifically identified natural resource for preservation in the comprehensive plan.
- v. the slopes are identified as a resource in the comprehensive plan;*

The slopes are not specifically called out for preservation according to the Western Neighborhoods Master Plan. They are within an area designated for Parks & Green Systems in the master plan which is not intended to be disturbed.

vi. *the slopes are of significant value to the entrance corridor overlay district;*

The rezoning request has been evaluated for impacts to the Entrance Corridor Overlay District. There is no objection from Architectural Review Board staff and a 20' landscaped buffer is proposed between the development and the Entrance Corridor. (Att. B-Concept Plan Sheet 5)

vii. *the slopes have been preserved by a prior county action, including, but not limited to, the placement of an easement on the slopes or the acceptance of a proffer or the imposition of a condition, restricting land disturbing activity on the slopes.*

The slopes have not been preserved by prior County action. As stated above, the slopes were approved for disturbance by prior County action. However, those approvals have expired.

Recommendation: Staff believes that while the slopes may have been man-made and have some characteristics of Managed Slopes, the slopes have important characteristics of Preserved Slopes. They are wooded and located adjacent to a pond and wetlands. The recommendations of the master plan are to preserve environmentally sensitive areas. Staff believes at a minimum, the plan should be revised to avoid impacts to Preserved Slopes near wetland areas.

As proposed, and because staff is not recommended approval of ZMA202100008, staff does not recommend approval of this rezoning ZMA202100009 at this time.

SE202200011 – STEPBACK WAIVER REQUEST

The applicant is seeking to waive the requirement for a minimum setback of 15 feet for each story that begins above 40 feet in height or for each story above the third story. County Code § 18-4.19 requires that in residential districts, each story that begins above 40 feet in height or each story above the third story, whichever is less, have a minimum setback of 15 feet. The setback requirement applies only to the front of the building. County Code § 18-4.19.5 allows special exceptions to the requirement for a minimum setback of 15 feet. The applicant has submitted an application and justification for this special exception, which can be found in Attachment 9.

County Code § 18-4.19.5 does not list any criteria for special exceptions, and no modifications or waivers are being sought under sections 5, 21, 26, or 32. Staff believes this Comprehensive Plan goal is applicable:

Development Areas Objective 2: "Create a physical environment that supports healthy lifestyles through application of the Neighborhood Model Principles" [including "Pedestrian Orientation" and "Buildings and Spaces of Human Scale"].

Requiring front setbacks is one way the County attempts to ensure that Development Areas have appropriate "spatial enclosure" and a desirable "relationship of building height and setback to road widths. "The regulation for setbacks is intended to create buildings and spaces of human scale and to promote harmonious development with the surrounding area. Furthermore, the setback requirement is intended to avoid the creation of spaces that create a "canyon effect" in their physical impression. The waiver would remove the required setback of 15 feet on the frontage of the building for the fourth floor.

The applicant has provided a narrative and illustrative plan in support of this request. No other supporting information was provided, such as building and massing diagram or indication of what building materials might be utilized for the apartments. They have indicated that since the apartment buildings are set back a generous distance from Old Ivy Road and within the development, there is sufficient space and light between buildings, a

“canyon” effect is avoided. Based on the location of the building envelopes, staff does not have concerns about a “canyon” effect or issue with buildings and spaces of human scale. However, staff believes minimum setbacks should be established on the Concept Plan. R-15 setbacks

Eliminating the setback requirement on the Old Ivy Road face of the buildings is not expected to have a negative impact on the Bypass Entrance Corridor.

Recommendation:

As staff is not recommending approval of ZMA202100008, staff does not recommend approval of this special exception at this time. Also, staff believes the Concept Plan should provide additional information related to setbacks.

SE202200017 – PARKING REDUCTION REQUEST

The request to reduce parking requirements by an expected 20% has been reviewed by Planning and Zoning staff. The applicant’s request is provided as Attachment 10. As noted on Sheet 8 of the Concept Plan and the special exception narrative, the applicant has identified 911 total parking spaces required based on their anticipated buildout through different unit types (totaling 490 units). Although, the Concept Plan allows up to 525 units. The request is to allow 730 total parking spaces instead of the required 911. This includes a request to modify the following parking requirements:

UNIT TYPE	ZONING ORDINANCE REQUIRED PARKING	PROPOSED PARKING
1-Bedroom Apartment	1.5	1.35
2-Bedroom Apartment	2	1.35
Townhouse	2	1.6

The ordinance also requires if parking is provided on individual lots, such as for duplexes and single family attached townhouses, rather than in lots or bays that are shared by all units in the development, 1 guest space per 4 units.

Staff acknowledges and supports the proposal to include a transit stop along the frontage of the development, as well as the proposed multi-use path. Staff also acknowledge that the Rivanna Trail will provide a means for some future residents to travel to and from the project and UVA grounds. In the analysis, the applicant has provided a detailed justification for the request, including ITE figures and the expected tenancies with reduced car ownership and use of on-demand transportation.

However, staff has several concerns with this request, as summarized below:

- Transit systems do not currently serve this segment of the Old Ivy Road corridor and it is unknown as to when service may be available. Staff cannot consider transit services as a viable justification for a parking reduction at this time.
- The Rivanna Trail is proposed in the proffers as a Class B primitive trail which can pose challenges for regular/daily pedestrian usage as a primary means of transportation.
- The Old Ivy Road corridor lacks complete sidewalk networks, paved multi-use paths, or transit services that provide access to necessary services for future residents of this project. It is likely that many residents of the Old Ivy Residences project would rely on personal vehicles as a primary means of transportation, which means more parking is needed.

Recommendation: As staff is not recommending approval of the rezoning, staff does not recommend approval of the parking reduction request.

If the Planning Commission or Board of Supervisors wish to approve this request, staff recommends the following conditions:

1. Multi-family apartments shall provide parking at a ratio of 1.35 spaces/unit and townhomes shall provide parking at a ratio of 1.6 spaces/unit.
2. These reduced ratios may only be used in required parking calculations if a multi-use trail connection is provided from the development to Leonard Sandridge Drive, at a safe pedestrian crossing that connects to a sidewalk or multi-use path.

SUMMARY

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

1. The request is mostly consistent with the master plan. However, development is proposed in areas designated Parks and Greenspace on the master plan.
2. The request provides for continuation of the existing Rivanna Trail through the property.
3. The proposal would provide a mix of housing types in proximity to the University of Virginia and nearby commercial centers.

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

1. The rezoning request does not provide the amount of affordable housing recommended in the comprehensive plan, at 15% of the total number of units developed.
2. Staff does not believe the proffer from ZMA1985-21 limiting the density of the rezoned parcel to the existing R- 1 density until Old Ivy Road was " improved to the satisfaction of the Board of Supervisors of Albemarle County" has been adequately addressed.
3. Traffic operations at the surrounding intersections are currently, or are projected to be, failing without the development of Old Ivy Residences as proposed. Additionally, those operations will further degrade with the construction of the proposal, moving from acceptable to failing or failing worse than would be projected without the development. The proffers related to construction of the multi-use path, while beneficial, would not provide a complete facility nor would it address the projected traffic impacts.
4. Ultimate improvement to nearby intersections have not been determined and/or funded for completion.

RECOMMENDATION

For the reasons outlines in the staff report, staff does not recommend approval of the four requested applications at this time. The Planning Commission may recommend denial, recommend approval, or recommend approval provided certain issues are addressed. In order for action by the Commission to be deferred, the applicant would have to make a request for deferral. Suggested motions for each of the four applications are below.

PLANNING COMMISSION POTENTIAL MOTIONS

1. **ZMA202100008**
 - a. Should a Planning Commissioner **choose to recommend denial** of zoning map amendment **ZMA202100008**:

Move to recommend denial for the reasons stated in the staff report.

- b. Should a Planning Commissioner **choose to recommend approval** of this zoning map amendment:

Move to recommend approval of, (outline. reasons for approval).

2. **ZMA202100009**

- a. Should a Planning Commissioner **choose to recommend denial** of zoning map amendment **ZMA202100009 to rezoned Preserved to Managed Slopes:**

Move to recommend denial for the reasons stated in the staff report.

- b. Should a Planning Commissioner **choose to recommend approval** of this zoning map amendment:

Move to recommend approval of, (outline. reasons for approval).

3. **SE202200011**

- a. Should a Planning Commissioner **choose to recommend denial** special exception **SE202200011 to waive stepback requirements:**

Move to recommend denial for the reasons stated in the staff report.

- b. Should a Planning Commissioner **choose to recommend approval** of this zoning special exception:

Move to recommend approval of, (outline. reasons for approval).

4. **SE202200017**

- a. Should a Planning Commissioner **choose to recommend denial** special exception **SE202200017 to reduce parking:**

Move to recommend denial for the reasons stated in the staff report.

- b. Should a Planning Commissioner **choose to recommend approval** of this special exception:

Move to recommend approval of, (outline. reasons for approval and include staff recommended conditions of approval).

Attachments

1. [Location Map](#)
2. [Concept Plan](#)
3. [Application Narrative](#)
4. [Neighborhood Model Analysis](#)
5. [Transportation Impact Analysis](#)
6. [Summary of Transportation Improvements](#)
7. [Proposed Proffers](#)
8. [Steep Slopes Overlay Narrative](#)
9. [Stepback Waiver Request](#)
10. [Parking Reduction Request](#)