

**County of Albemarle
Planning Staff Report**

Project Name: Old Ivy Residences	Staff: Cameron Langille, Principal Planner
Planning Commission Hearing: November 29, 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
Proposal: <u>ZMA202100008-</u> - 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. <u>ZMA202100009-</u> Amend the Steep Slopes Overlay district to rezone Preserved Slopes to Managed Slopes <u>SE202200011-</u> Stepback Waiver <u>SE202200017-</u> Parking Reduction Request	Requested Dwelling Units: 525 units
DA (Development Area): Neighborhood 7 of the Southern and Western Urban Neighborhoods	Comp. Plan Designation: <u>Urban Density Residential:</u> 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 - 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 properties are also near the UVA Darden School of Business.
Positive Aspects: - The request is mostly consistent with the Neighborhood Model Principles of the Comprehensive Plan and the master plan. - The request provides for continuation of the existing Rivanna Trail through the property and new crosswalk across Old Ivy Road. - The request provides proffers for bicycle and pedestrian improvements along Old Ivy Road as called for by the master plan. - The proposal would provide a mix of housing types in proximity to the University of Virginia and nearby commercial centers. - The proposal would provide 15% of the total number of units as affordable housing, which is consistent with the County's housing policy.	Concerns: - Albemarle High School is currently over capacity and the number of students that would be generated by this development would contribute further to overcrowding at the school. - 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. However, cash proffers to address the applicant's proportionate contribution to improvements and proffers related to construction of multi-use paths, have been offered to address impacts.
RECOMMENDATION: Staff recommends approval of ZMA202100008 and ZMA202100009, along with approval of special exceptions SE202200011- Stepback Waiver and SE202200017- Parking Reduction Request due to the positive aspects of the project.	

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Cameron Langille, Principal Planner
November 29, 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 proffer. This ZMA applied to TMP 60- 24C1, included in this application.

ZMA1985-21- 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.

ZMA2021-08 and ZMA2021-09 – a public hearing was held at the Planning Commission on June 14, 2022 and action on these items was deferred. Since that public hearing, the concept plan and proffers were revised.

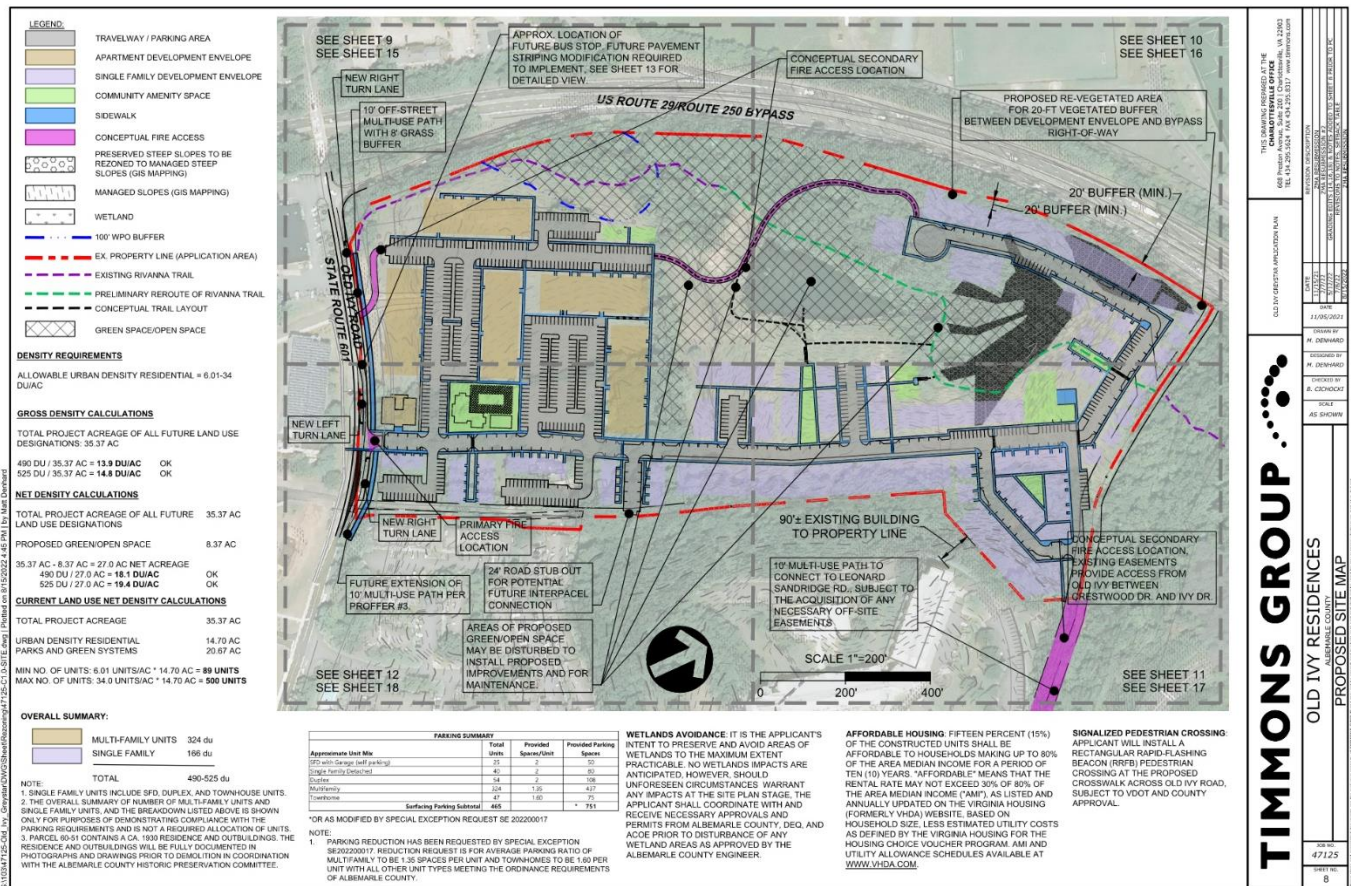
SPECIFICS OF THE PROPOSAL

Old Ivy Residences includes four separate requests, including two rezonings and two special exception requests. (Attachment 2-Narrative and Attachment 3-Concept Plan, Attachment 7-Proffers). Each request is analyzed below.

ZMA202100008:

This rezoning applies to five parcels and seeks to rezone the properties to R15 Residential, and amend previous proffers associated with the R10 and R15 parcels. There are no proffers associated with the R1 property. Summary is as follows:

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 (WPO) 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. Any substitutions of required recreational amenities will be evaluated at the site plan stage.

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 no new lots will be subdivided, the vehicular access is currently shown as a travelway. Should the property be subdivided in the future, a private street authorization request would be required. 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.



Figure 1

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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 which is consistent with the maximum density recommended in the master plan of up to 34 dwelling units per acre. However, the net

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

density calculation identifies 500 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.

Although the application proposes to build dwelling units and associated infrastructure in areas designated as Parks & Green Systems by the master plan, it appears generally consistent with the intent of the plan. Portions designated for Parks & Green Systems 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 & 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. Further analysis of the request to redesignate Preserved Steep Slopes to Managed Steep Slopes is included later in this report.

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.

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. 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. Based on the affordable housing policy, this proposal is 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 concept plan proposes several vehicular transportation improvements along Old Ivy Road. A new right-in turn lane, and new left-in turn would be provided at the entrance to the project. A new right turn lane would be installed at the northbound on-ramp to the Route 250/Route 29 bypass located immediately west of the proposal.

The applicant provided a Traffic Impact Analysis (TIA) that analyzes transportation impacts for streets within the larger vicinity of the project (Attachment 5). The TIA has been reviewed by County transportation planning staff, as well as VDOT staff. The TIA includes information about existing conditions (level of operation) of nearby intersections. It also forecasts the projected delay times at these intersections between the no-build scenario (anticipated future traffic conditions without construction of the Old Ivy Residences proposal) and build scenario (anticipated future traffic conditions with construction of the Old Ivy Residences proposal).

The TIA demonstrates that the existing conditions at 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 (the build scenario).

The applicant also provided supplemental information identifying road improvements that have occurred along Old Ivy Road since approval of ZMA1985-21 (Attachment 6). The improvements identified were all required to address site-specific access needs as properties within the corridor developed over previous decades. These improvements have primarily been turn lanes that lead into/out of the entrances of nearby parcels. It is true that these improvements have enhanced access and safety for vehicles traveling to specific parcels/destinations along Old Ivy Road. However, they have not significantly relieved congestion for vehicles traveling to or through the entire Old Ivy Road transportation corridor.

VDOT recently completed a study of road network surrounding Old Ivy Road, which includes the streets and intersections identified in the “congestion area” referenced in proffer #3. Preliminary results of this study indicate that there are feasible solutions to relieving traffic congestion to the west of the Old Ivy Residences proposal. These solutions target the intersections along the southbound off-ramp of the Route 250/Route 29 bypass. At peak travel hours, this segment of roadway is where congestion is currently the most problematic.

The applicant has included a proffer (proffer #3) to help offset traffic impacts generated by the development. The proffer would require the owner (developer) to provide a cash contribution to the County’s Capital Improvement Program (CIP) that could be used for transportation improvement projects within the “congestion area” identified in the exhibit at the end of the proffer statement. The congestion area coincides with the streets evaluated in the aforementioned VDOT study, and includes roads and intersections that currently experience poor operational conditions west of the subject properties. The cash contribution would be equal to 6% of the total cost of future transportation improvement projects in this area, which equates to the estimated percentage increase in traffic volumes that would result from this development. Since the total costs of these potential

future projects is not yet known, the proffer establishes a minimum and maximum dollar amount for the cash contribution, being a minimum of \$150,000 and maximum of \$750,000.

The application proposes additional pedestrian and bicycle infrastructure along the Old Ivy Road. Specifically, this would be a 10' multi-use path along the project frontage with Old Ivy Road, with potential for future extension eastward. The extension of the path is contingent upon adjacent property owners donating the necessary land along Old Ivy Road to allow the developer to construct the extension of the path as referenced previously, this would create a 10' multi-use path that is approximately 1,275 linear feet long on the north side of Old Ivy Road. If the adjacent owners do not donate the land, then the proffer includes a provision that would require the developer to contribute \$500,000 to the County's CIP that could be used for alternative multi-modal infrastructure projects along Old Ivy Road. The applicant has also committed to constructing a pedestrian crossing of Old Ivy Road near the proposed entrance to the development and a right-turn lane for west-bound traffic to access the north-bound US 250 Bypass.

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 have informed the applicant that they must continue to work with ACSA and the City to address these matters and ensure that sewer utilities will be upgraded as necessary to accommodate the needs of this project should it move forward to full site design.

Anticipated impact on environmental, cultural and historic resources:

There are several small areas of wetlands within the subject properties. 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. 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. The applicant has worked with Community Development staff to minimize any potential disturbances to wetlands. As indicated on the concept plan (sheets 14-18), no grading or other disturbances are shown encroaching into wetland areas. The concept plan also gives the County Engineer final discretionary authority to evaluate wetland disturbances if unforeseen circumstances arise during site design. This would allow staff to prohibit wetland disturbances if alternative solutions are feasible.

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 AS APPROVED BY THE ALBEMARLE COUNTY ENGINEER.

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 November 17, 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, last revised August 15, 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.

g. Turn lanes

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 work with the Rivanna Trails Foundation to convert the existing license agreement to a permanent easement, 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. If the Relocated Rivanna Trail is located where a crossing at an internal travelway is necessary, pavement markings and signage for the crossing of the Relocated Rivanna Trail will be provided as a condition of final site plan approval.

This proffer provides assurances that the Rivanna Trail will remain across the property, relocated in some instances.

3. Contribution to Off-Site Transportation Improvements:

The Owner's traffic impact analysis prepared by Timmons Group dated July 19, 2021, last revised November 7, 2022 (the "Traffic Study"), concludes there is existing traffic congestion during the peak hours along and near the western end of Old Ivy Road in the following locations:

- Along the Route 250/29 Bypass Southbound at Route 601 Off Ramp (the "Route 601 Off Ramp") from mainline US Route 29/250 to the unsignalized intersection of Old Ivy Road, Old Garth Road, and the Route 601 Off Ramp (the "Old Ivy/Old Garth/Off Ramp Intersection");
- Between the Old Ivy/Old Garth/Off Ramp Intersection and the signalized intersection of Ivy Road and Canterbury Road, and at the signalized intersection of Ivy Road and Canterbury Road;
- Along Faulconer Road between its intersection with the Route 601 Off Ramp and its intersection with Old Ivy Road; and
- Along Old Ivy Road between the Old Ivy/Old Garth/Off Ramp Intersection west to the bridge carrying Old Ivy Road across the railroad tracks.

These areas are collectively referred to herein as the "Congestion Area," and are generally shown on Exhibit A attached hereto. The Traffic Study further concludes that at full buildout of the Project, the Project is estimated to contribute approximately 6% of the total vehicle trips travelling through the Congestion Area during peak hours.

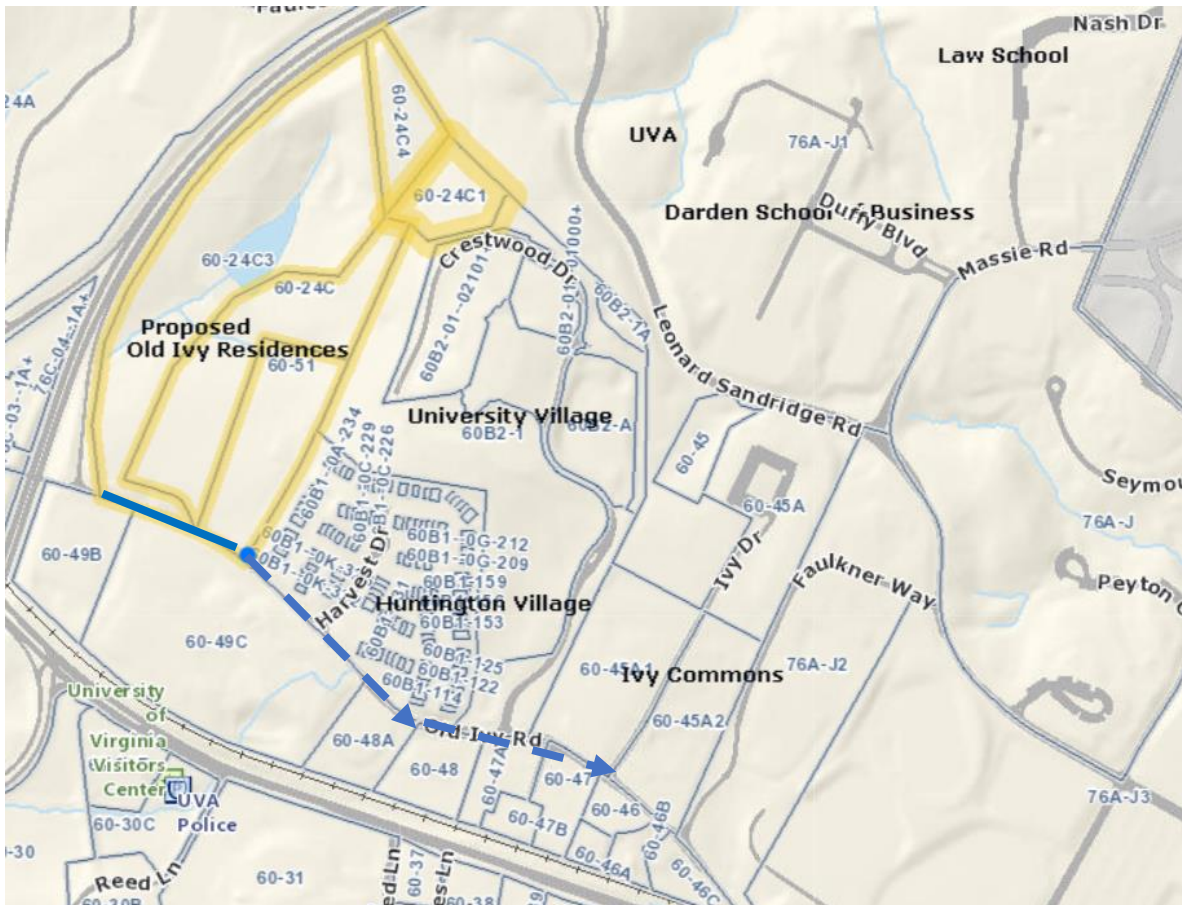
To mitigate the Owner's proportionate contribution to the existing traffic congestion in the Congestion Area at the Project's full buildout, prior to the issuance of the first certificate of occupancy for a unit within the Project, the Owner shall contribute cash to the County Capital Improvement Program fund to be applied toward the cost of constructing future transportation improvements (including multi-modal

transportation improvements) designed to mitigate existing traffic impacts in either the Congestion Area or anywhere else along Old Ivy Road to its intersection with Ivy Road (the “Future Transportation Improvements Area”), on the following terms and conditions:

- a. The Owner’s contribution shall be the amount equal to six percent (6%) of the total cost of the future transportation improvements for the Future Transportation Improvements Area, up to a maximum of Seven Hundred Fifty Thousand Dollars (\$750,000) (the “Owner’s Proportionate Cash Contribution”). In no event shall the Owner’s Proportionate Cash Contribution be less than One Hundred Fifty Thousand Dollars (\$150,000).
- b. Multi-Use Pedestrian/Bike Path: To further mitigate the Owner’s proportionate contribution to the existing traffic congestion in the Congestion Area at the Project’s full buildout, the final site plan for the Project shall include the installation of a multi-use path along the entire frontage of the Property that is adjacent to Old Ivy Road, as shown on the Concept Plan (the “Multi-Use Path”), and the Multi-Use Path shall be installed at substantially the same time as other road improvements shown on the Concept Plan to support the Project, such as the new turn lanes.

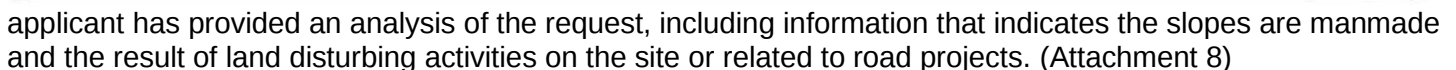
In addition, if the owners of those parcels to the east of the Project (between the eastern edge of tax map parcel 06000-00-00-05100 and the western edge of tax map parcel 06000-00-00-045A1) donate the necessary land at no cost to the Owner prior to the approval of the final site plan for the Project, 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 parcel (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.

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 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 and/or other transportation or multi-modal transportation improvements within the Future Transportation Improvements Area, 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 06000-00-00-024C1 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.

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



Section 30.7.3.A Managed Slopes

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.

Recommendation: Staff believes that the applicant has provided sufficient evidence that the Preserved Steep Slopes proposed to be re-designated as Managed Steep Slopes are the man-made and the result of various

construction activities that have occurred over the past 30-40 years. Although the slopes identified as “Slope B” in attachment 8 are adjacent to some existing wetlands, the applicant is not proposing to disturb the wetlands. Re-designating the slopes to Managed Steep Slopes will therefore preserve sensitive environmental features on-site.

Therefore, staff recommends approval of this rezoning ZMA202100009.

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 multi-family apartment buildings immediately north of Old Ivy Road. All other dwellings within the project would remain under the height threshold that would require a setback.

The applicant has provided a narrative and illustrative plan in support of this request. The applicant indicates 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, thus the creation of a “canyon” effect is avoided.

Based on the location of the building envelopes, staff agrees with the applicant’s justification for this request and finds that project would still be consistent with the applicable Neighborhood Model Principles from the Comprehensive Plan if the setback requirement would be eliminated. Furthermore, County ARB staff have evaluated this request, and have found that eliminating the setback requirement for the multifamily structures would not have a negative impact on the Bypass Entrance Corridor.

Recommendation:

Staff recommends approval of SE202200011.

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 751 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 and 3-Bedroom Apartment	2	1.35
Single-family detached (w/garage)	2	2
Single-family detached (no garage)	2	2
Townhouse	2	1.6
Duplex	2	2

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. The applicant has also cited parking demands of other developments that they have built with similar unit types as proposed by Old Ivy Residences. The project does provide new and preserve existing pedestrian infrastructure that would allow residents to utilize other means of transportation (sidewalks, shared use paths, future transit service). Due to the fact that these dwellings would be rental units, it is likely that a significant portion of residents would be students at UVA. Due to the site's close proximity to several academic buildings (Darden School of Business, UVA Law School), residents of the development will be afforded with alternative means of travel to locations they are likely to frequent. Based on this information, staff believe the total amount of parking proposed would be sufficient to handle the expected demands of residents living within the development.

Recommendation: Staff recommends approval of the parking reduction request with 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 have identified the following positive aspects of the proposal:

1. The request is mostly consistent with Neighborhood Model Principles of the Comprehensive Plan and the master plan.
2. The request provides for continuation of the existing Rivanna Trail through the property and new crosswalk across Old Ivy Road.
3. The request provides proffers for bicycle and pedestrian improvements along Old Ivy Road as called for by the master plan.
4. The proposal would provide a mix of housing types in proximity to the University of Virginia and nearby commercial centers.
5. The proposal would provide 15% of the total number of units as affordable housing, which is consistent with the County's housing policy.

Staff have identified the following concerns:

1. Albemarle High School is currently over capacity and the number of students that would be generated by this development would contribute further to overcrowding at the school.
2. 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. However, cash proffers to address the applicant's proportionate contribution to improvements and proffers related to construction of multi-use paths, have been offered to address impacts.

RECOMMENDATION

For the reasons outlines in the staff report, staff recommends approval of the four requested applications. Suggested motions for each of the four applications are below.

PLANNING COMMISSION POTENTIAL MOTIONS

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

Move to recommend approval for the reasons stated in the staff report.
 - b. Should a Planning Commissioner **choose to recommend denial** of this zoning map amendment:

Move to recommend denial of, (outline. reasons for denial).
2. **ZMA202100009**
 - a. Should a Planning Commissioner **choose to recommend approval** of zoning map amendment **ZMA202100009 to rezoned Preserved to Managed Slopes**:

Move to recommend approval for the reasons stated in the staff report.
 - b. Should a Planning Commissioner **choose to recommend denial** of this zoning map amendment:

Move to recommend denial of, (outline. reasons for denial).
3. **SE202200011**
 - a. Should a Planning Commissioner **choose to recommend approval** of special exception **SE202200011 to waive setback requirements**:

Move to recommend approval for the reasons stated in the staff report.
 - b. Should a Planning Commissioner **choose to recommend denial** of this zoning special exception:

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

4. **SE202200017**

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

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

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

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

Attachments

[Attach 1 ZMA2021-08 & ZMA202109 Old Ivy Residences & Preserved to Managed Slopes Location Map](#)

[Attach 2 ZMA2021-08 & ZMA202109 Old Ivy Residences & Preserved to Managed Slopes Application Narrative](#)

[Attach 3 ZMA2021-08 & ZMA202109 Old Ivy Residences & Preserved to Managed Slopes Concept Plan](#)

[Attach 4 ZMA2021-08 & ZMA202109 Old Ivy Residences & Preserved to Managed Slopes Neighborhood Model Analysis](#)

[Attach 5 ZMA2021-08 & ZMA202109 Old Ivy Residences & Preserved to Managed Slopes Transportation Impact Analysis](#)

[Attach 6 ZMA2021-08 & ZMA202109 Old Ivy Residences & Preserved to Managed Slopes Summary of Transportation Improvements](#)

[Attach 7 ZMA2021-08 & ZMA202109 Old Ivy Residences & Preserved to Managed Slopes Proposed Proffers](#)

[Attach 8 ZMA2021-08 & ZMA202109 Old Ivy Residences & Preserved to Managed Slopes Steep Slopes Overlay Narrative](#)

[Attach 9 SE202200011 Graystar Old Ivy Residences Stepback Waiver Request](#)

[Attach 10 SE202200017 Old Ivy Residences Parking Reduction Request](#)