



**COUNTY OF ALBEMARLE
PLANNING STAFF REPORT SUMMARY**

Project Name: SUB2022-00190 Montgomery Ridge Waivers	Staff: Andy Reitelbach, Senior Planner II
Planning Commission meeting: April 25, 2023	Board of Supervisors meeting: Not applicable
Owner: Montgomery Ridge Owners Association, Inc., and Powell Ridge Partners, LLC	Applicant: Scott Collins, Collins Engineering
TMP(s): 046D00000000A2 and 04600000002400	Acreage: 14.27 acres
Location: 2506 Powell Ridge, Charlottesville, VA 22911	Zoning/By-right Use: R-1 Residential – one unit per acre
Magisterial District: Rivanna	School Districts: Albemarle High; Lakeside Middle; Hollymead Elementary
DA - X (Community of Hollymead) RA -	Comp. Plan Designation: Neighborhood Density Residential – residential (3-6 units per acre); supporting uses such as religious institutions, schools, and other small-scale non-residential uses in the Places29 Master Plan.
Proposal: Request to vary the planting strip and sidewalk requirements on a proposed street (known as Settlers Ridge Road) within a future subdivision, in accordance with Section 14-422(F) and Section 14-422(E) of the Subdivision Ordinance.	
Requested # of Dwelling Units/Lots: Max of 14	Conditions: Yes
Character of Property: Wooded, with one single-family house located on TMP 46-24.	Use of Surrounding Properties: To the west and northwest is the existing Montgomery Ridge subdivision. To the northeast is the Forest Lakes subdivision. To the east and southeast are large-lot residential properties and a parcel owned by the County.
Positive Aspects: <ol style="list-style-type: none"> 1. Allows for the interconnectivity of developments within the development area. 2. A sidewalk will be provided on the southern side of the street to facilitate pedestrian access and to maintain the urban character of the streets. 3. Planting strips will still be provided, although narrower, along with additional landscaping easements, to help maintain the urban character of the streets. 	Concerns: <ol style="list-style-type: none"> 1. None identified.
Recommendation: Staff recommends approval of the exception to vary the planting strip [14-422(F)] and sidewalk [14-422(E)] requirements on the proposed public street (known as Settlers Ridge Road), with the condition identified in the staff report.	

STAFF CONTACT:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Andy Reitelbach
April 25, 2023
Not applicable

SUB 2022-00190 Montgomery Ridge Waivers

PROPOSAL

The applicant is requesting an exception to vary the planting strip requirements for a proposed public street (known as Settlers Ridge Road) within a future subdivision, in accordance with Section 14-422(F) of the Subdivision Ordinance (see Attachment 4). The applicant is also requesting an exception to vary the sidewalk requirement on the northern side of the same proposed public street, in accordance with Section 14- 422(E) of the Subdivision Ordinance. These requests have been submitted with the submittal of a preliminary subdivision plat. The applicant provided the attached exhibit (Attachment 5) that depicts the proposed design for Settlers Ridge Road and the future 14-lot subdivision on TMPs 04600-00-00-02400 and 046D0-00-00-000A2.

COMPREHENSIVE PLAN

The Comprehensive Plan designates this property as Neighborhood Density Residential (see Attachment 3), with residential at 3 – 6 units per acre and supporting uses such as religious institutions, schools and other small- scale non-residential uses in the Community of Hollymead of the Places 29 Master Plan.

SELECTED PLANNING AND ZONING HISTORY

- **SUB2002-00230 Montgomery Ridge - Preliminary Subdivision Plat**
Approved 02-13-2003
- **SUB2005-00231 Montgomery Ridge — Phase 2 (Lots 17- 43 & 53) - Final Subdivision Plat**
Approved 04-17-2006

REASON FOR PLANNING COMMISSION REVIEW

Sections 14-422 (F) and 14- 422(E) of the Subdivision Ordinance authorize the Planning Commission to vary or except planting strip and sidewalk requirements as provided under Section 14- 203.1.

VARIATION OF THE PLANTING STRIP REQUIREMENT

Planting strips for street trees are required on both sides of each new street, between the street and the sidewalk, within a subdivision located in the development area. The applicant is requesting an exception to vary this requirement to provide narrower planting strips on each side of the proposed public street, known as Settlers Ridge Road. In addition, the applicant is proposing to obtain a landscaping easement from an adjacent property owner to plant additional vegetation on the other side of the proposed sidewalk on the south side of the street. This planting strip variation would apply to a total length of approximately 340 feet on the proposed Settlers Ridge Road, extending from the intersection of Montgomery Ridge Road through the length of the parcel currently owned by the Montgomery Ridge Owners Association (TMP 46D-A2) to approximately the property line of the parcel owned by Powell Ridge Partners (TMP 46-24).

The planting strip on the north side of the proposed new street would be a minimum of four feet

in width, instead of the required six feet. However, this strip will act more like a buffer, as no sidewalk is proposed on this side of the street (see sidewalk exception analysis later in this report). This “planting strip” will be contiguous with the adjacent property owner’s yard.

The planting strip on the south side of the proposed new street will be a minimum of three feet in width, to provide a buffer between the street and the sidewalk. In addition, the applicant is proposing to obtain a minimum three-foot landscaping and maintenance easement from the adjacent property owner to allow for additional vegetation along the sidewalk.

ANALYSIS OF 14-422(F) VARIATION OF OR EXCEPTION OF PLANTING STRIP REQUIREMENTS

Per Section 14-422(F)(2), in reviewing a request to vary the requirement for planting strips, the commission shall consider whether (ordinance language presented in ***bold italics*** followed by staff comment):

- (i) ***a variation or exception to allow a rural cross-section has been granted;*** No such variation has been granted. The applicant is proposing a public street, Settlers Ridge Road, within the development that will connect with the adjoining public street, Montgomery Ridge Road (SR 1788).
- (ii) ***a sidewalk variation or exception has been granted;*** A sidewalk variation for one side of the street has been requested. Staff analysis of this request is found later in the report.
- (iii) ***reducing the size of or eliminating the planting strip promotes the goals of the comprehensive plan, the neighborhood model, and the applicable neighborhood master plan;*** While the proposed request does not promote the goals of the comprehensive plan, neighborhood model, or applicable neighborhood master plan, the existing 40-foot wide public right-of-way reservation area, TMP 046D0-00-00-000A2, approved with phase 2 of the Montgomery Ridge Subdivision is not wide enough for a new public street designed with sidewalks and planting strips on both sides of the road as the Subdivision Ordinance currently requires. Allowing for variations to the planting strips and the sidewalk will reduce the design requirements enough to permit the installation of the public road within this existing reservation area, thereby allowing the continuation of the public street network and facilitating the interconnection of streets within the development areas, which is a principle of the neighborhood model and a strategy within the comprehensive plan. Facilitating this interconnection also allows development of the subject parcel, which is in accordance with the comprehensive plan’s goals to focus new residential construction in the development areas.
- (iv) ***Waiving the requirement would enable a different principle of the neighborhood model to be more fully achieved.*** Since the right-of-way previously platted for reservation does not allow for a public road with sidewalks and planting strips on both sides, the Neighborhood Model Principle of Interconnected Streets and Transportation Networks is more fully achieved by a design that allows for the interconnection and still provides pedestrian connectivity.

SUMMARY

The opinion of staff is that permitting the variations to the planting strip requirements along the proposed public street allows for interconnectivity to be achieved between developments

located in the development area and within the area previously preserved for right-of-way. Staff does not anticipate any adverse impacts from the variations to the planting strip requirements and recommends approval of this request.

VARIATION OF SIDEWALK REQUIREMENT

Sidewalks are required on both sides of each new street within a subdivision. The applicant is requesting an exception to vary this requirement to provide sidewalk on only one side of the proposed public street, known as Settlers Ridge Road. Similar to the planting strip variation request, this sidewalk variation would apply to a length of approximately 340 feet, extending from the intersection of Montgomery Ridge Road through the length of the parcel currently owned by the Montgomery Ridge Owners Association (TMP 46D-A2) to approximately the property line of the parcel owned by Powell Ridge Partners (TMP 46-24). However, this request to waive the sidewalk requirement also extends farther along Settlers Ridge Road to include the northwestern side of that street which will be located on TMP 46-24. This section is contiguous with the portion proposed for exception on TMP 46D-A2, and no houses are proposed along the northwestern side of the street. See the area identified as Open Space A on Attachment 5. Since only open space is proposed in this area, the applicant requests a waiver from the sidewalk requirement. A sidewalk would still be provided on the other side of the street where houses are proposed to be constructed.

ANALYSIS OF 14-422(F) VARIATION OF OR EXCEPTION OF SIDEWALK REQUIREMENTS

Per Section 14-422(E)(2), in reviewing a request to vary or except the requirement for sidewalks, the commission shall consider whether (ordinance language presented in ***bold italics*** followed by staff comment):

- (i) ***A variation or exception to allow a rural cross section has been granted;*** No such variation has been granted. The applicant is proposing a public street, known as Settlers Ridge Road, within the development that will connect with the adjoining public street, Montgomery Ridge Road (SR 1788).
- (ii) ***A surface other than concrete is more appropriate for the subdivision because of the character of the proposed subdivision and the surrounding neighborhood;*** There is no request to substitute a different surface or material for the concrete sidewalk provided on the other side of the proposed public street.
- (iii) ***Sidewalks on one side of the street are appropriate due to environmental constraints such as streams, stream buffers, steep slopes, floodplain, or wetlands, or because lots are provided on only one side of the street;*** No sensitive areas such as buffers, steep slopes, floodplain or wetlands are located in the area subject to the sidewalk request; however, the street design is impacted by the existing 40-foot wide public right-of-way reservation area (TMP 046D0-00-00-000A2), approved with phase 2 of the Montgomery Ridge Subdivision, which has existing residential lots on either side of the proposed road. Sidewalks on one side of the street are appropriate to serve the proposed 14-lot subdivision on the subject property. In addition, in the area on the northwest side of the proposed Settlers Ridge Road where the sidewalk waiver is requested (on TMP 46-24), no residential lots are proposed. Only open space is anticipated for this area.
- (iv) ***The sidewalks reasonably can connect into an existing or future pedestrian system in the area;*** The sidewalk reasonably connects into an existing pedestrian system within the adjacent subdivision.

- (v) ***The length of the street is so short and the density of the development is so low that it is unlikely that the sidewalk would be used to an extent that it would provide a public benefit;*** The length of the road is relatively short and the amount of proposed units in the development is relatively low, so it is unlikely that sidewalks on both sides would be used to an extent that it would provide a public benefit over sidewalks on only one side of the proposed road.
- (vi) ***An alternate pedestrian system including an alternative pavement could provide more appropriate access throughout the subdivision and adjoining lands, based on a proposed alternative profile submitted by the subdivider;*** The applicant is proposing a primitive trail system in the open space areas of the development that would connect with the existing Montgomery Ridge subdivision.
- (vii) ***The sidewalks would be publicly or privately maintained;*** The sidewalk provided on the southern side of the new street will be publicly maintained. All other public street requirements will need to be met during the road plan review process.
- (viii) ***The waiver promotes the goals of the comprehensive plan, the neighborhood model, and the applicable neighborhood master plan;*** While the proposed request does not promote the goals of the comprehensive plan, the neighborhood model, or the applicable neighborhood master plan, the existing 40-foot wide public right-of-way reservation area, approved and platted with phase 2 of the Montgomery Ridge Subdivision is not wide enough for a new public street designed with sidewalks and planting strips on both sides of the road. Allowing for the planting strip and the sidewalk on one side of the road will reduce the design requirements enough to permit the installation of the public road within this existing reservation area, thereby allowing the continuation of the public street network and facilitating the interconnection of streets within the development areas, which is a principle of the neighborhood model and a strategy within the comprehensive plan.
- (ix) ***Waiving the requirement would enable a different principle of the neighborhood model to be more fully achieved;*** Since the right of way previously platted for reservation does not allow for a public street with sidewalks and planting strips on both sides, the Neighborhood Model principle of Interconnected Streets and Transportation Networks is more fully achieved by a design that allows for the interconnection and still provides pedestrian connectivity.

SUMMARY

The opinion of staff is that permitting the sidewalk requirement on one side of the proposed public street allows for interconnectivity to be achieved between developments within the development area, within the area already reserved for right-of-way. Staff does not anticipate any adverse impacts from the variation of the sidewalk on one side of the proposed street and recommends approval of this request.

SUMMARY AND RECOMMENDATION

Positive aspects:

1. Allows for the interconnectivity of developments within the development area.
2. A sidewalk will be provided on the southern side of the street to facilitate pedestrian access and to maintain the urban character of the streets.
3. Planting strips will still be provided, although narrower, along with additional landscaping easements, to help maintain the urban character of the streets.

Concerns:

1. None identified.

RECOMMENDATION

Staff recommends approval of the exception to vary the planting strip [14-422(F)] and sidewalk [14-422(E)] requirements on the proposed public street (known as Settlers Ridge Road), with the condition listed below:

1. The modifications to the planting strip and sidewalk requirements apply only to Settlers Ridge Road as depicted on sheet 3, "Site Plan," of the plan titled, "Montgomery Ridge Phase 4 – Preliminary Subdivision Plat," dated September 6, 2022, last revised December 27, 2022, prepared by Collins Engineering.

ATTACHMENTS

Attach 1 – [SUB2022-190 Montgomery Ridge Waivers - Location Map](#)

Attach 2 – [SUB2022-190 Montgomery Ridge Waivers - Zoning Map](#)

Attach 3 – [SUB2022-190 Montgomery Ridge Waivers - Master Plan Land Use Designation Map](#)

Attach 4 – [SUB2022-190 Montgomery Ridge Waivers - Applicant Request and Justification, dated October 31, 2022](#)

Attach 5 – [SUB2022-190 Montgomery Ridge Waivers - Conceptual Site Plan and Layout Exhibit, dated December 27, 2022](#)