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MEMORANDUM

TO: Albemarle County Community Development Staff

FROM: Kendra G. Moon, PE
Line and Grade Civil Engineering

DATE: February 22, 2023
Revised May 1, 2023

RE: Special Exception Request: Sidewalk and Planting Strip Waiver
From Section 14-422 (A)

Project Details:

Applicant:	Southern Development
Engineer:	Kendra G. Moon, PE, Line and Grade
Name of Project:	Pen Place
Short Description:	Sidewalk and Planting Strip Waiver for One Side of Proposed Street
Proposed Site:	1130 Pen Park Lane, Charlottesville, VA 22901

Property Details:

Parcel ID Number:	061A0-00-00-02500
Short Parcel ID:	61A-25
Total Acres:	4.15 (per GIS); 4.136 (per survey)
Current Owner:	Catholic Diocese of Richmond
Property Address:	11 Cathedral Place, Richmond VA, 23220
Current Use:	Vacant Land
Magisterial District:	Rio
Zoning:	R4 Residential
Proffered:	No
ZMAs Related to Proffers:	None
Comprehensive Plan Area:	Neighborhood 2 – Places 29
Comprehensive Plan Use:	Urban Density Residential (Primary)
Land Use:	Residential
Surrounding Uses:	Single Family and Multifamily Homes to the West Charlottesville Catholic School to the North Single Family Home to the East Single Family Home to the South

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113 4th St. NE; STE 100
CHARLOTTESVILLE, VA 22902
TEL: (434) 262-0169
LINE-GRADE.COM

Subject Parcel:



Photo 1 – Aerial Image (2018) Courtesy of Albemarle County GIS

Basis of Special Exception

For the purposes of this special exception request related to the waiver of sidewalk and planting strip requirements, the following excerpts from County Code are cited herein and will be used to guide the framework of this request.

> Chapter 14; Article III; Division 3; Sec. 14-422 Sidewalks and Planting Strips
>
> A. **Requirement.** Sidewalks and planting strips for street trees and other vegetation shall be established on both sides of each new street within a subdivision creating lots for single family detached and single family attached dwellings in the development areas.

> Chapter 14; Article III; Division 3; Sec. 14-422 Sidewalks and Planting Strips
>
> E. **Variation of or exception to sidewalk requirements**. The requirements for sidewalks may be varied or excepted by the commission as provided in section 14-203.1. A request for a variation or exception may be made prior to or with submittal of a preliminary plat or with an application to rezone the land, as follows:
>
> 1. **Information to be submitted**. If such a request is made, it shall include: (i) a justification for the request; (ii) a vicinity map showing a larger street network at a scale no smaller than one inch equals 600 feet; (iii) a conceptual plan at a scale no smaller than one inch equals 200 feet showing surveyed boundaries of the property; (iv) topography of the property at five-foot intervals for the property being subdivided and on abutting lands to a distance of 500 feet from the boundary line or a lesser distance determined to be sufficient by the agent; (v) the locations of streams, stream buffers, steep slopes, floodplains, known wetlands; (vi) the proposed layout of streets and lots, unit types, uses, and location of parking, as applicable; and (vii) the location of any existing pedestrian network in the area, whether it is publicly or privately maintained, descriptions by widths and surfaces of the pedestrian ways within the

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existing pedestrian network, a proposed alternative profile and the intended ownership and maintenance.

Written Request of Special Exception

It is hereby expressed that the applicant requests an exception to this requirement. Specifically, the request is that sidewalks and planting strips be permitted within this development along only one (1) side of the street as shown in the attached drawing package.

(i) Justification for the Request

As can be seen in the attached documentation as well as Figure 1, below, this project utilizes a 40' wide 'pipe stem' to access the residential units. The required roadway width is 21' including curb, the sidewalk is 5', the planting strip is 6', and there are retaining walls ~2' in width required on either side of the road given the steep topography. In total, the required geometry for sidewalks and planting strips on both sides of the road would be 47'. Given the standard geometry for pedestrian infrastructure this 40' wide pipe stem is not wide enough for sidewalks to be installed on each side of the road in accordance with minimum geometric standards.

It is therefore recommended that the proposed roadway provide one (1) 5' sidewalk (on the west side of the road) with a 6' wide planting strip between the travelway and the pedestrian sidewalk. Given the site constraints and the limited pedestrian volume anticipated, it is assumed better to provide a single, high functioning and safe sidewalk than to provide two (2) sidewalks which would sacrifice the planting strip, an important component of the streetscape.

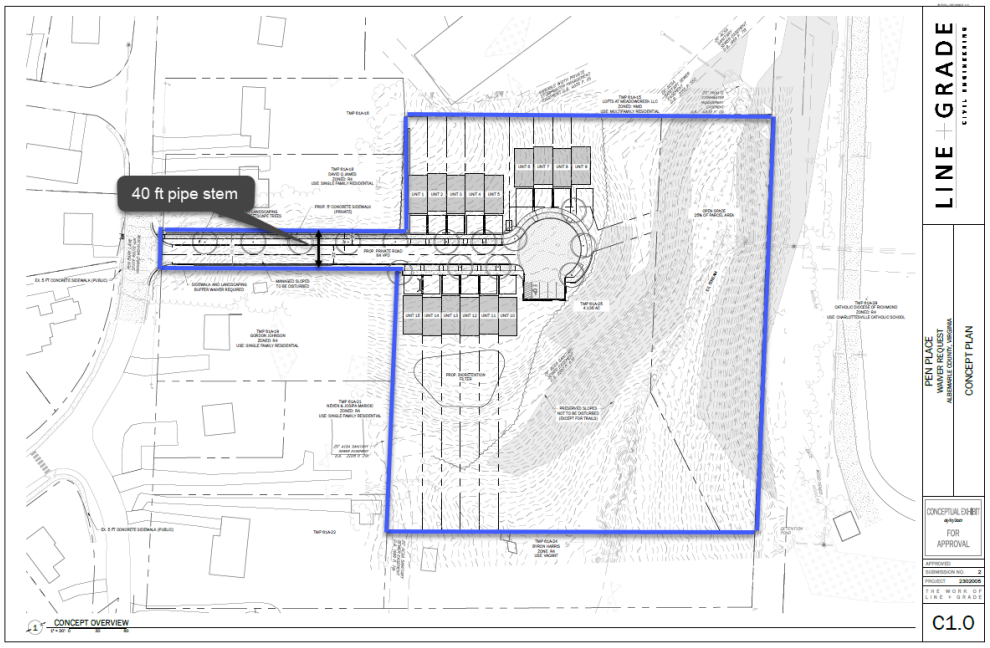


Figure 1 – Proposed Plan Highlighting 40' Pipe Stem for Connection to Pen Park Lane

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(ii) Vicinity Map (See Attached Documentation)
(iii) Conceptual Plan (See Attached Documentation)
(iv) Topography of Property (See Attached Documentation)
(v) Location of Critical Resources (See Attached Documentation)
(vi) Proposed Layout (See Attached Documentation)
(vii) Location of Existing Pedestrian Networks (See Attached Documentation)

Consideration

In accordance with the County's Zoning Ordinance the following responses are provided for the Commission's consideration of this matter:

Chapter 14; Article III; Division 3; Sec. 14-422 Sidewalks and Planting Strips[1]

E. **Variation of or exception to sidewalk requirements**. The requirements for sidewalks may be varied or excepted by the commission as provided in section 14-203.1. A request for a variation or exception may be made prior to or with submittal of a preliminary plat or with an application to rezone the land, as follows:

2. **Consideration.** In reviewing a request to vary or except the requirement for sidewalks, the commission shall consider whether: (i) a variation or exception to allow a rural cross-section has been granted; (ii) a surface other than concrete is more appropriate for the subdivision because of the character of the proposed subdivision and the surrounding neighborhood; (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; (iv) the sidewalks reasonably can connect into an existing or future pedestrian system in the area; (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; (vi) an alternate pedestrian system including an alternative pavement could provide more appropriate access throughout the subdivision and to adjoining lands, based on a proposed alternative profile submitted by the subdivider; (vii) the sidewalks would be publicly or privately maintained; (viii) the waiver promotes the goals of the comprehensive plan, the neighborhood model, and the applicable neighborhood master plan; and (ix) waiving the requirement would enable a different principle of the neighborhood model to be more fully achieved.

(i) Not Applicable. This project is not requesting a variation to allow a rural cross-section.

(ii) Not Applicable. This project proposes to use asphaltic concrete as the paving material which is typical for projects of this nature.

(iii) Environmental considerations were not a determining factor in this request as the width of the pipe step was the limiting factor to this proposed roadway.

(iv) The proposed development will make a connection to the existing pedestrian sidewalk along Pen Park Lane. The existing sidewalk is on the opposite side of the road from this

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[1] Note that subsection F for the exception to planting strip requirements is not outlined in this document, but is addressed by way of satisfying the requirements of subsection E.

development so a crossing of Pen Park Lane will be required. Where this development proposes homes on each side of the street a sidewalk is provided on both sides. It is only along the pipe stem where the typical section includes a single sidewalk. There are no other known future pedestrian systems that this sidewalk could tie into.

(v) Given the proposed density of this development (15 units), one (1) sidewalk will be more than sufficient for anticipated pedestrian volumes.

(vi) Alternative systems are not proposed.

(vii) The applicant is proposing that this road and sidewalk be privately maintained by a homeowner's association.

(viii) This waiver allows the proposed development to achieve the goals of the County's Comprehensive Plan. Without this waiver, the land could only be developed as a two lot subdivision. The comprehensive plan identifies this parcel as Urban Density Residential. Furthermore, the project promotes several specific objectives of the Comprehensive plan, namely:

- Development Area Objective 5 "Promote density within the Development Areas to help create new compact urban places." (2015 Comp. Plan, pp 8.29).

- Development Area Objective 6 "Promote infill and redevelopment that is compatible with surrounding neighborhoods and uses." (2015 Comp. Plan, pp 8.32)

(ix) Approving this waiver will allow this compact development to be possible.

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PEN PLACE
WAIVER REQUEST
ALBEMARLE COUNTY, VIRGINIA

PROJECT SUMMARY

NAME OF PROJECT: PEN PARK LANE R4

PROJECT ADDRESS: BETWEEN 1120 AND 1140 PEN PARK LANE

DEVELOPMENT TYPE: BY-RIGHT SUBDIVISION

PROJECT NARRATIVE: **PROPOSED SUBDIVISION CREATING UPTO 15 LOTS**

APPLICANT

CONTACT: SOUTHERN DEVELOPMENT
CHARLES ARMSTRONG
ADDRESS: 142 SOUTH PANTOPS DRIVE
CHARLOTTESVILLE, VA 22911
PHONE: 434-245-0894
EMAIL: CHARLESA@SOUTHERN-DEVELOPMENT.COM

ENGINEER OF RECORD:

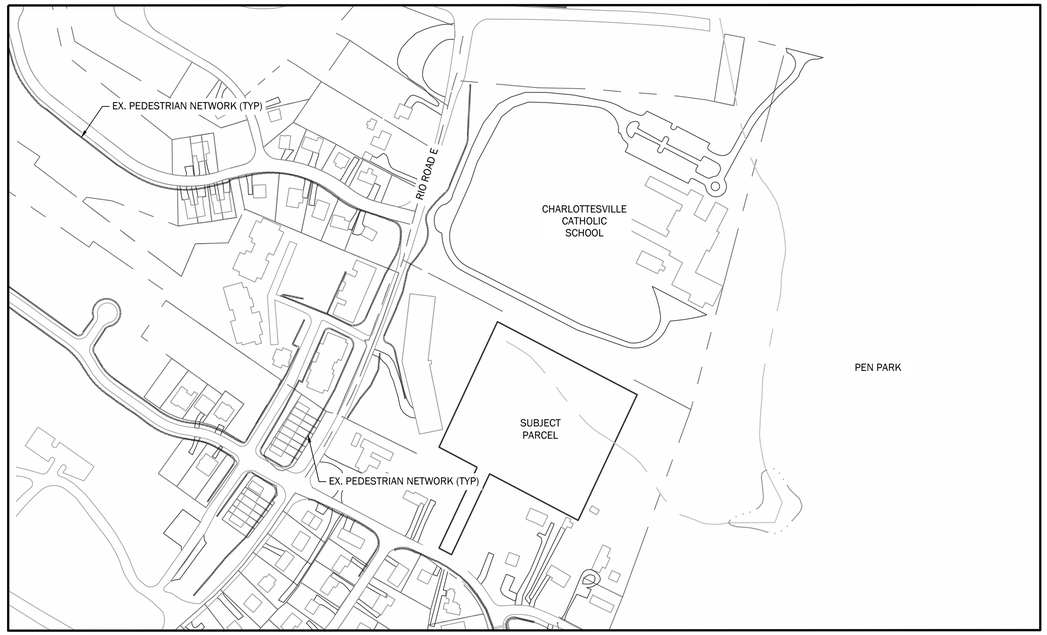
CONTACT: LINE AND GRADE CIVIL ENGINEERING
KENDRA MOON, PE
ADDRESS: 113 4TH STREET NE; STE 100
CHARLOTTESVILLE, VA 22902
PHONE: 434-262-0169
EMAIL: KMOON@LINE-GRADE.COM

SOURCE OF BOUNDARY SURVEY AND TOPOGRAPHY:

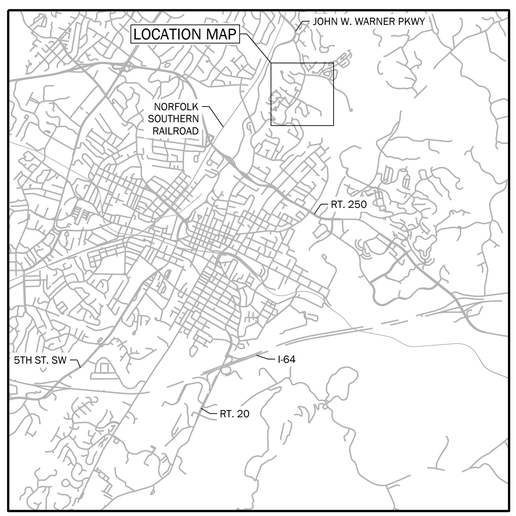
SOURCE: FIELD SURVEY, NAVD '88, NAD '83 (FEB 28, 2023)
CONTACT: LINCOLN SURVEYING
CHRIS KEAN
ADDRESS: 632 BERKMAR CIRCLE
CHARLOTTESVILLE, VA 22901
PHONE: 434-974-1417
EMAIL: CHRIS.KEAN@LINCOLNSURVEYING.COM

PARCELS:

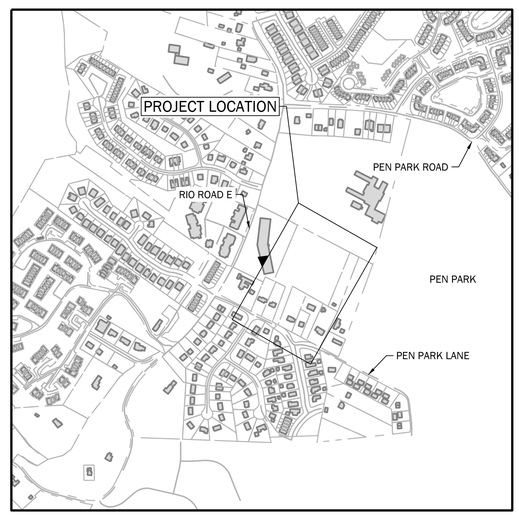
PARCEL ID: 61A-25
OWNER: CATHOLIC DIOCESE OF RICHMOND, WALTER F SULLIVAN BISHOP ET AL
ZONED: R4
OVERLAYS: MANAGED AND PRESERVED SLOPES
PROFFERS: N/A
LEGAL AREA: 4.136 AC



EXISTING PEDESTRIAN NETWORK MAP
SCALE: 1" = 200'



VICINITY MAP
SCALE: 1" = 4,000'



LOCATION MAP
SCALE: 1" = 500'

SHEET LIST TABLE

SHEET NUMBER	SHEET TITLE
C0.0	TITLE SHEET
C1.0	SCHEMATIC LAYOUT

SUBMITTAL LOG

SUBMISSION	DESCRIPTION	RECIPIENT	SUBMITTAL DATE
1	CONCEPTUAL	ALBEMARLE COMMUNITY DEVELOPMENT	3/24/2023
2	REVISED LAYOUT	ALBEMARLE COMMUNITY DEVELOPMENT	05/01/2023

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PEN PLACE
WAIVER REQUEST
ALBEMARLE COUNTY, VIRGINIA

TITLE SHEET

CONCEPTUAL EXHIBIT
05/01/2023
FOR APPROVAL

APPROVED

SUBMISSION NO. 2

PROJECT 2302005

THE WORK OF LINE + GRADE

C0.0

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TMP 61A-16

TMP 61A-18
DAVID Q JAMES
ZONED: R4
USE: SINGLE FAMILY RESIDENTIAL

TMP 61A-15
LOFTS AT MEADOWCREEK LLC
ZONED: NMD
USE: MULTIFAMILY RESIDENTIAL

VARIABLE WIDTH PRIVATE STORMWATER MANAGEMENT EASEMENT D.B. 4035 P. 115

20' ACSA SANITARY SEWER EASEMENT D.B. 1089 P. 178

20' ACSA SANITARY SEWER EASEMENT D.B. 1089 P. 650

20' PRIVATE STORMWATER MANAGEMENT EASEMENT D.B. 4035 P. 115

UNIT 1 | UNIT 2 | UNIT 3 | UNIT 4 | UNIT 5 | UNIT 6 | UNIT 7 | UNIT 8 | UNIT 9

REQUIRED 6 FT LANDSCAPING BUFFER AND STREETSCAPE TREES

PROP. 5' CONCRETE SIDEWALK (PRIVATE)

OPEN SPACE
25% OF PARCEL AREA

PEN PARK LANE
STATE ROUTE 1447
VARIABLE WIDTH ROW

6'

5'

21'

PROP. PRIVATE ROAD
64 VPD

EX. 5 FT CONCRETE SIDEWALK (PUBLIC)

SIDEWALK AND LANDSCAPING BUFFER WAIVER REQUIRED

MANAGED SLOPES TO BE DISTURBED

UNIT 15 | UNIT 14 | UNIT 13 | UNIT 12 | UNIT 11 | UNIT 10

TMP 61A-25
4.136 AC

EX. STREAM

TMP 61A-29
CATHOLIC DIOCESE OF RICHMOND
ZONED: R4
USE: CHARLOTTESVILLE CATHOLIC SCHOOL

TMP 61A-19
GORDON JOHNSON
ZONED: R4
USE: SINGLE FAMILY RESIDENTIAL

PROP. BIORETENTION FILTER

20' ACSA SANITARY SEWER EASEMENT D.B. 1089 P. 670

TMP 61A-21
NEVEN & JOSIPA MARICIC
ZONED: R4
USE: SINGLE FAMILY RESIDENTIAL

PRESERVED SLOPES NOT TO BE DISTURBED (EXCEPT FOR TRAILS)

20' ACSA SANITARY SEWER EASEMENT D.B. 2226 P. 291

EX. 5 FT CONCRETE SIDEWALK (PUBLIC)

TMP 61A-22

20' ACSA SANITARY SEWER EASEMENT D.B. 1089 P. 16

TMP 61A-24
BYRON HARRIS
ZONE: R4
USE: VACANT

DETENTION POND

6' WOOD FENCE

1 CONCEPT OVERVIEW

1" = 30': 0 30 60

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PEN PLACE
WAIVER REQUEST
ALBEMARLE COUNTY, VIRGINIA

CONCEPT PLAN

CONCEPTUAL EXHIBIT
05/01/2023
FOR APPROVAL

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SUBMISSION NO. 2

PROJECT 2302005

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