COUNTY OF ALBEMARLE
PLANNING STAFF REPORT SUMMARY

Project Name: SE202300008 Pen Park Ln Sidewalk and Planting Strip Exception	**Staff:** Kevin McCollum, Senior Planner I
Planning Commission meeting: 5/23/2023	**Board of Supervisors meeting:** N/A
Owner: Catholic Diocese of Richmond, Walter F Sullivan Bishop Etal	**Applicant**: Kendra Moon, Line and Grade Civil Engineering
TMP(s): 061A0-00-00-02500	**Acreage**: 4.15 acres
Location: Between 1120 and 1140 Pen Park Ln	**Zoning/By-right Use:** R4 Residential – 4 units/acre
Magisterial District: Rio	**School Districts:** Agnor-Hurt Elementary, Burley Middle, Albemarle High
Development Area: Yes	**Comp. Plan Designation:** Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses in Neighborhood 2 of the Places 29 Master Plan.
Proposal: Request for an exception in accordance with Section 14-422(E), 14-422(F), and 14-203.1(B) to waive the requirement of a sidewalk and planting strip on one side of a proposed private street.	
Requested # of Dwelling Units/Lots: 15	**Conditions:** Yes
Character of Property: Wooded undeveloped land served by a 40' pipestem connecting to Pen Park Ln.	**Use of Surrounding Properties:** The property is surrounded by mostly single family detached housing. The Lofts at Meadowcreek, a multifamily residential building, are to the West, and the Catholic School of Charlottesville is to the north. Pen Park is just to the east.
Positive Aspects: 1. A sidewalk and planting strip will be provided on one side of the street, in front of all proposed units, and adjacent to the proposed parking areas. 2. The proposed private street, sidewalk, and planting strip will meet all other design requirements and allow pedestrians and traffic to move in and out of the proposed development safely.	**Concerns:** 1. None identified.
Recommendation: Staff recommends approval of the exception to waive the sidewalk [14-422(E)] and planting strip [14-422(F)] requirements on one side of the proposed private street with the condition identified in the staff report.	

STAFF CONTACT: **Kevin McCollum**
PLANNING COMMISSION: **May 23, 2023**
BOARD OF SUPERVISORS: **Not applicable**

SE202300008 Pen Park Ln Sidewalk and Planting Strip Exception

PROPOSAL

The Applicant is requesting an exception in accordance with Section 14-422(E and F) and 14-203.1(B) to waive the requirement of a sidewalk and planting strip on one side of a proposed private street. Section 14-422(A) requires sidewalks and planting strips on both sides of each new street within a subdivision creating lots for single family attached dwellings in the development areas. The Applicant has provided that the existing conditions of a 40' wide pipe stem is not wide enough to provide the required travelway width along with sidewalk and planting strips on both sides of the proposed street (Attachment 1 – Exception Request, including location map and proposed plan).

COMPREHENSIVE PLAN

The Comprehensive Plan designates this property as Urban Density Residential, with residential at 6.01 – 34 units per acre and supporting uses such as religious institutions, schools, commercial, office and services uses in Neighborhood 2 of the Places 29 Master Plan.

SELECTED PLANNING AND ZONING HISTORY

Section 14-422(E) and Section 14-422(F) provides that the exception to waive the sidewalk and planting strip requirement can be made prior to the submittal of a preliminary plat.

These applications were submitted on May 1, 2023, and are currently under review. Both the preliminary plat and initial site plan are for the development as depicted in the Exception Application.

SUB202300064 Pen Place Preliminary Plat
Preliminary plat proposing the subdivision of 15 townhouse unit lots at a proposed density of 3.61 units per acre. The proposal includes a private street authorization request for a proposed private street connecting the townhouse units to Pen Park Ln.

SDP202300032 Pen Place Initial Site Plan
Initial site plan proposal showing the development of the 15 townhouse units, private street, and proposed stormwater management facilities.

REASON FOR PLANNING COMMISSION REVIEW

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

ANALYSIS OF 14-422(E) 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;*** Not applicable. This proposal is not requesting a variation to allow a rural cross-section.

(ii) ***A surface other than concrete is more appropriate for the subdivision because of the character of the proposed subdivision and the surrounding neighborhood*****;** Not applicable. There is no request to substitute a different surface or material for the sidewalk. The applicant has provided that the surface will be an asphaltic concrete.

(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;*** Not applicable. The site is impacted by the width of the existing pipe stem not environmental constraints.

(iv) ***The sidewalks reasonably can connect into an existing or future pedestrian system in the area;*** The proposed sidewalk leads to Pen Park Ln and will connect to the existing and/or future pedestrian network. Any necessary crosswalks or other improvements will be reviewed along with the site plan and subdivision applications mentioned above.

(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***; Given the proposed density of 15 units, one sidewalk with a planting strip will be more than sufficient for the anticipated pedestrian volumes.

(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***; Not applicable. Alternative systems are not proposed.

(vii) ***The sidewalks would be publicly or privately maintained;*** The sidewalk and planting strip will be privately maintained by the proposed subdivision's HOA.

(viii) ***The waiver promotes the goals of the comprehensive plan, the neighborhood model, and the applicable neighborhood master plan***; The waiver will allow the private street to be built to serve 15 units which promotes additional housing and density in the development areas. The proposed sidewalk will provide adequate pedestrian facilities and walkability for the proposed units.

(ix) ***Waiving the requirement would enable a different principle of the neighborhood model to be more fully achieved;*** Waiving the requirement of the sidewalk and planting strip on one side of the street will allow for the necessary street to be built to serve a compact and dense development with a sufficient sidewalk and planting strip. Specifically, this promotes the Neighborhood Model Principles of Pedestrian Orientation, Interconnected Streets and Transportation networks, and Multi-Modal Transportation Opportunities.

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;*** Not applicable. This proposal is not requesting a variation to allow a rural cross-section.

(ii) ***a sidewalk variation or exception has been granted;*** The sidewalk exception is

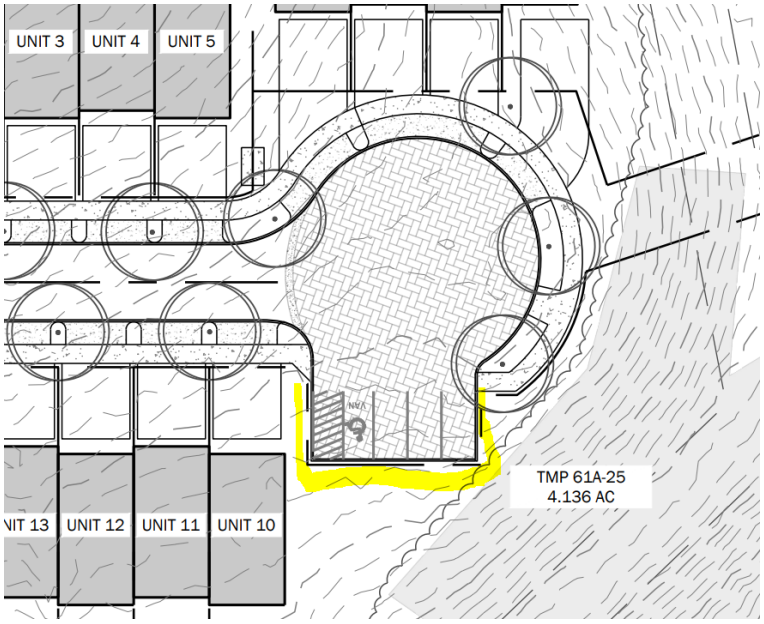
being reviewed along with the planting strip exception.

(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***; As discussed in the Applicant's narrative, the existing condition of a 40' wide pipe stem is not wide enough to provide the required travelway width along with a sidewalk and planting strip on both sides of the proposed street.

(iv) ***Waiving the requirement would enable a different principle of the neighborhood model to be more fully achieved.*** Waiving the requirement of the sidewalk and planting strip on one side of the street will allow for the necessary street to be built to serve a compact and dense development with a sufficient sidewalk and planting strip. Specifically, this promotes the Neighborhood Model Principles of Pedestrian Orientation, Interconnected Streets and Transportation networks, and Multi-Modal Transportation Opportunities. The Applicant has provided that the only way to put sidewalks on both sides of the street is to remove planting strips on both sides of the street. By waiving the planting strip and sidewalk on one side, a sidewalk and planting strip can be provided on one side which are both important elements of the streetscape.

ADDITIONAL COMMENTS

Staff has one substantive concern regarding the Conceptual Exhibit. As proposed, there is no sidewalk around the parking spaces that are located in the cul-de-sac, which results in a gap in pedestrian connectivity. Staff is recommending approval of the exception request, provided that a sidewalk is also provided around these parking spaces (see condition below).



In addition to Planning, staff from the Engineering Division, Fire-Rescue, and VDOT have all reviewed this exception request. All reviewers have provided "no objection" to the proposed waiver of the sidewalk and planting strip requirement on one side of the proposed street. These reviewers may have additional comments to be addressed during site planning or subdivision stage, but have no concerns with the proposed exception request.

SUMMARY

The opinion of staff is that permitting the sidewalk and planting strip exception on one side of the proposed private street will allow for the street to be built to the necessary design standards to adequately serve the proposed number of units while still providing adequate sidewalk and pedestrian facilities. Staff does not anticipate any adverse impacts from the exception of the sidewalk and planting strip on one side of the proposed street and recommends approval of this request.

SUMMARY AND RECOMMENDATION

Positive aspects:

1. A sidewalk and planting strip will be provided on one side of the street, in front of all proposed units, and adjacent to the proposed parking areas.
2. The proposed private street, sidewalk, and planting strip will meet all other design requirements and allow pedestrians and traffic to move in and out of the proposed development safely.

Concerns:

1. None identified.

RECOMMENDATION

Staff recommends approval of the exception to vary the sidewalk [14-422(E)] and planting strip [14-422(F)] requirements on one side of the proposed private street with the condition listed below:

1. The modifications to the sidewalk and planting strip requirements apply to the proposed private street as depicted on the Concept Plan included with the Exception Request dated February 22, 2023, last revised May 1, 2023, prepared by Line and Grade Civil Engineering, provided that a sidewalk connection be provided around proposed parking spaces.

ATTACHMENTS

1. Exception Request
2. Resolution to Approve Sidewalk Exception
3. Resolution to Approve Planting Strip Exception