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SPECIAL EXCEPTION REQUEST (SE202400012)

TO: Syd Shoaf
Senior Planner
Albemarle County Community Development

FROM: Kendra Moon, PE
Line and Grade Civil Engineering

DATE: April 15, 2024
Revised July 15, 2024

RE: Knight Berkshire Mixed Use
Special Exception Request – Use Buffer

PROJECT DETAILS

Applicant:	Knight Berkshire Holdings LLC
Consultant:	Line and Grade Civil Engineering | Kendra G. Moon, PE
Name of Project:	Knight Berkshire Mixed Use
Short Description:	Special Exception to Use Buffer Adjacent to Residential
Proposed Site:	615 Woodbrook Drive, Charlottesville, VA 22901

PROPERTY DETAILS

Parcel ID Number:	04500-00-00-091A0
Short Parcel ID:	45-91A
Total Acres:	1.05 ac
Owner:	Knight Berkshire Holdings LLC
Current Tenant:	Dental Office (commercial)
Magisterial District:	Rio
Zoning:	C1 Commercial
Proffered:	No
Overlays:	Airport Impact Area, Managed Steep Slopes
Comprehensive Plan Area:	Neighborhood 1 - Places 29
Comprehensive Plan Use:	Urban Density Residential
Land Use:	Commercial
Surrounding Uses:	Multifamily residential zoned R-15 to the northwest; offices to the north zoned C1 (note ZMA202300006 for PRD to share entrance with this parcel); retail to the east zoned C1; and Agnor-Hurt Elementary School to the south zoned R-6

EXECUTIVE SUMMARY

Knight Berkshire Holdings LLC would like to formally request a Special Exception (SE) to the required 20 ft use buffer for commercial properties adjacent to residential properties on parcel TMP 45-91A in Albemarle County, Virginia. This request is for multiple encroachments, a minor encroachment of the site entrance and therefore future continuation of the entrance, an existing storm pipe encroachment and proposed connection, and a proposed pedestrian pathway. Note that a special use permit for residential units has been submitted alongside this request; however, this request stands regardless of the outcome of the special use permit.

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Site Mapping



Image 1 – Subject parcel, source: Albemarle County GIS



Image 2 – Subject parcel as seen from Woodbrook Drive, source: Google Street View, July 2023

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BACKGROUND INFORMATION

The subject property is zoned C1 Commercial and is bordered to the northwest by R15 residential property TMP 45-91, and to the west by R6 residential property 45-95A (Agnor Hurt Elementary School).

A use buffer is required for commercial zoned properties adjacent to residential, according to Chapter 18, Article III, Section 21.7(c) of the County's Code of Ordinances, as follows:

> *Use buffer adjacent to residential and rural areas districts.* For the purpose of this subsection, a use buffer shall not be required when a commercial zone is across a street from a residential or rural area district. No construction activity including grading or clearing of vegetation shall occur closer than 20 feet to any residential or rural areas district. Screening shall be provided as required in section 32.7.9. The board of supervisors may waive by special exception the prohibition of construction activity, grading or the clearing of vegetation in the use buffer in a particular case upon consideration of whether: (i) the developer or subdivider demonstrates that grading or clearing is necessary or would result in an improved site design; (ii) minimum screening requirements will be satisfied; and (iii) existing landscaping in excess of minimum requirements is substantially restored.

The subject property has an existing building that was permitted with SDP199500115. According to those plans, a 20 ft use buffer was to be maintained adjacent to residential property TMP 45-91 to the northwest. No buffer is shown adjacent to TMP 45-95A, though there are no proposed facilities in that area. However, based on field survey, the entrance to the site has been built with a minor encroachment into this buffer (approximately 35 square feet). Additionally, a storm drainage pipe has been built within the buffer adjacent to TMP 45-95A. This pipe appears to have been built with the detention pond for TMP 45-91.

REQUEST OF SPECIAL EXCEPTION TO USE BUFFER

In order to improve site design and utilize existing infrastructure, three encroachments into the use buffer are proposed, 1) to allow the existing entrance to remain, 2) to allow for a connection to an existing storm pipe, 3) to allow for a future pedestrian connection to Agnor Hurt Elementary School, should this be desired by ACPS.

Existing entrance and proposed travelway alignment

Based on field survey, the existing entrance encroaches approximately 35 sf into the use buffer adjacent to TMP 45-91. The curbline is generally about one foot away from the buffer, further from the residential property. A wooden retaining wall continues beyond the curb line towards the rear of the property. As the property line turns, the wooden wall continues straight, therefore holding back the slope and treeline within the use buffer. The concept proposes to continue the curb line and build a small portion of the travelway within this buffer in the area where the site has already been graded and cleared. See Image 3 below for an illustration of what is being described.

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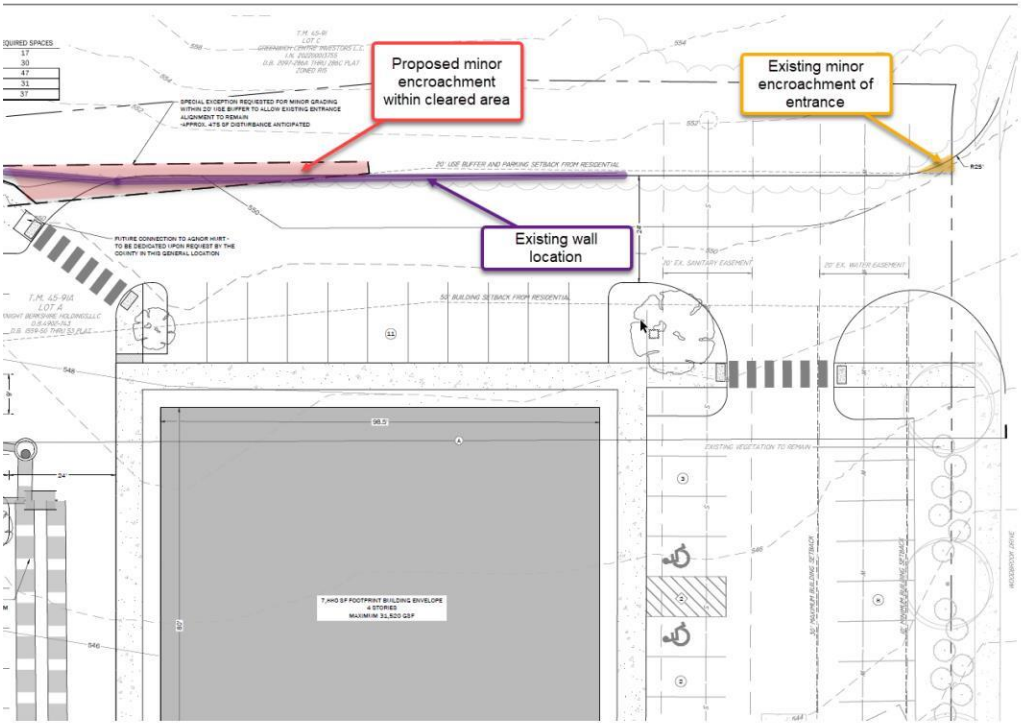


Image 3 – Proposed buffer encroachment due to entrance location

A maximum of 475 sf disturbance is estimated for planning purposes, though it is likely to be less as the wooden retaining wall will remain. Keeping the existing entrance location cuts down on new infrastructure and allows a slightly larger building footprint and additional parking space. Alternatively, the entrance could be removed and rebuilt approximately 3 ft southeast, but this does not seem to add a significant benefit to the neighboring property. Large evergreen trees exist adjacent to TMP 45-91 to screen the subject property's entrance and parking area (see Image 4). There will be no removal of existing landscaping, therefore impacts are anticipated to be minimal.



Image 4 - Existing screening vegetation, source: Google Streetview

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Existing storm pipe connection

An existing storm pipe exists within the 20 ft use buffer at the rear of the site. Proposed stormwater management infrastructure on the subject property will likely tie into a storm manhole in this location, therefore a small disturbance area of approximately 140 sf within the buffer is proposed. See Image 5 below for the location.

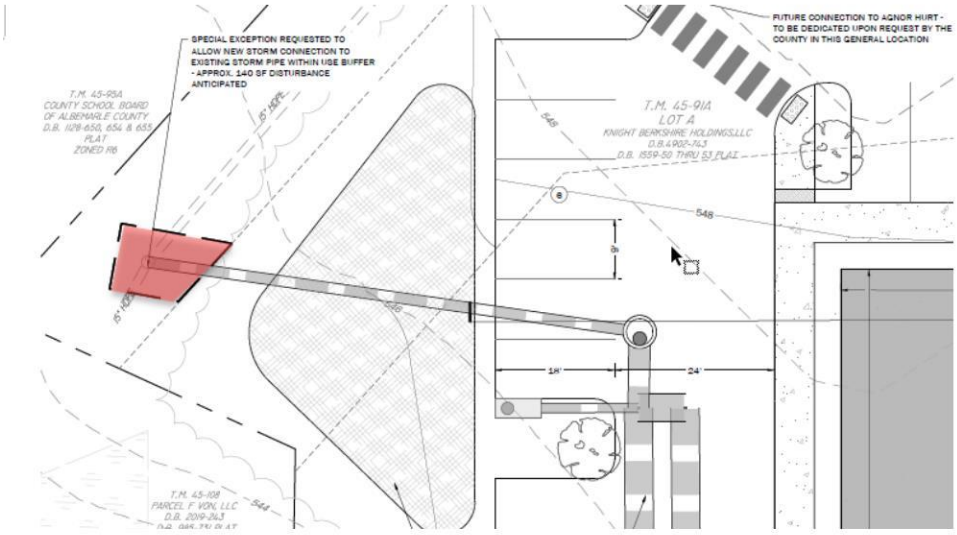


Image 5 – Proposed storm pipe connection

A storm pipe connection in this location would create less disturbance than the alternative, which is to connect to the existing pipe east of the building, within the managed slopes area.

Future pedestrian connection

During the preapplication meeting with the County, staff mentioned that this site would be ideal for a future pedestrian connection to Agnor Hurt Elementary School. Therefore, the concept plan shows a potential connection to TMP 45-95A, which is inherently located within the use buffer since it is a proposed connection to a residential property. Approximately 400 sf disturbance is anticipated, see Image 6 below.

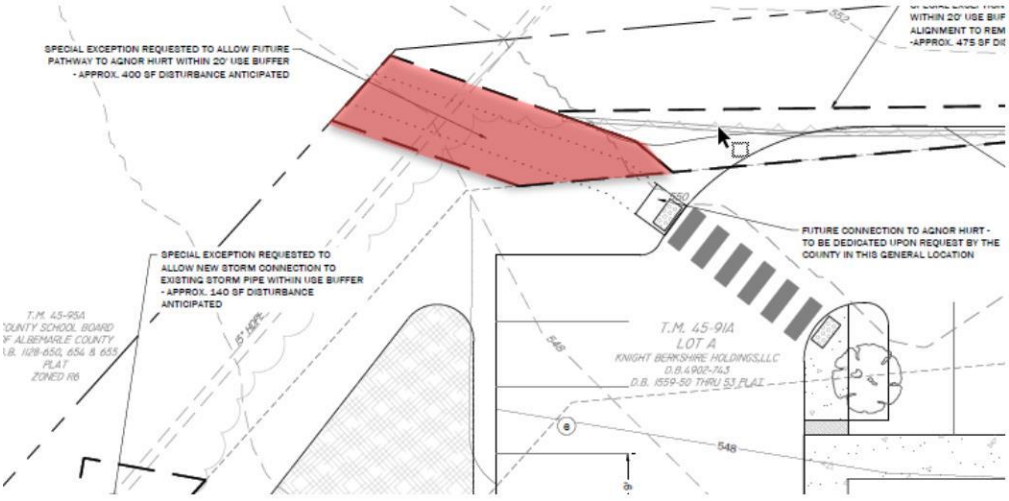


Image 6 – Proposed pedestrian connection