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MEMORANDUM

TO: Albemarle County Community Development Staff

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

DATE: March 18, 2024
Revised August 27, 2024

RE: Special Exception Request: Planting Strip Design Exception
From Section 14-422(D)

Project Details:

Applicant:	Southern Development
Engineer:	Kendra G. Moon, PE, Line and Grade
Name of Project:	Pen Place
Short Description:	Planting Strip Design Exception to Reduce Width to 5ft
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

This special exception request is an addendum to the approved request SE202300008 which allows a sidewalk and planting strip to be provided on only one side of the proposed private road, Pen Place. For the purposes of this special exception request related to the reduction of planting strip width 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
>
> D. **Planting Strip Design.** Each planting strip shall be a minimum of six feet in width except that the minimum width may be less in areas of transition between rural cross-section and urban cross-section streets. On an urban cross-section street, the planting strip shall be located between the curb and the sidewalk. The planting strip shall be located between the paved travelway and the sidewalk.
>
> F. **Variation of or exception to planting strip requirements.** The requirements for planting strips 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:
>
> a. **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; and (vi) the proposed layout of streets and lots, unit types, uses, and location of parking, as applicable.

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Written Request of Special Exception

It is hereby expressed that the applicant requests an exception to these design requirements. Specifically, the request is that the required width of the planting strip be reduced along the pipe stem portion of the property. The planting strip is proposed at a minimum width of 5 ft for 181 LF, keeping in mind that 85 LF of planting strip has already been approved to be reduced in width or removed altogether as part of SE20230008 to accommodate road grading requirements.

(i) Justification for the Request

As can be seen in the attached documentation as well as Figure 1, below, this project utilizes a 40 ft wide 'pipe stem' to access the residential units which significantly limits the space available for infrastructure and grading. Due to topographic constraints, there are retaining walls on either side of this access road which are limited to a maximum height of 10 ft. During the road plan review process, it was noted by engineering staff that more space must be provided between the western property line and the proposed retaining wall to allow for the concrete channel to remain 1 ft off of the property line and to allow for the construction of the wall. Due to retaining wall height limitations, road grading constraints, and the geometry of the parcel boundaries (and inability to obtain construction easements from neighbors), the only way to permit this road is by reducing the required width of the planting strip along the pipe stem portion of the property.

Though the planting strip width will be reduced, it will functionally serve the development as is intended by design guidelines by providing adequate space for the street trees to grow.

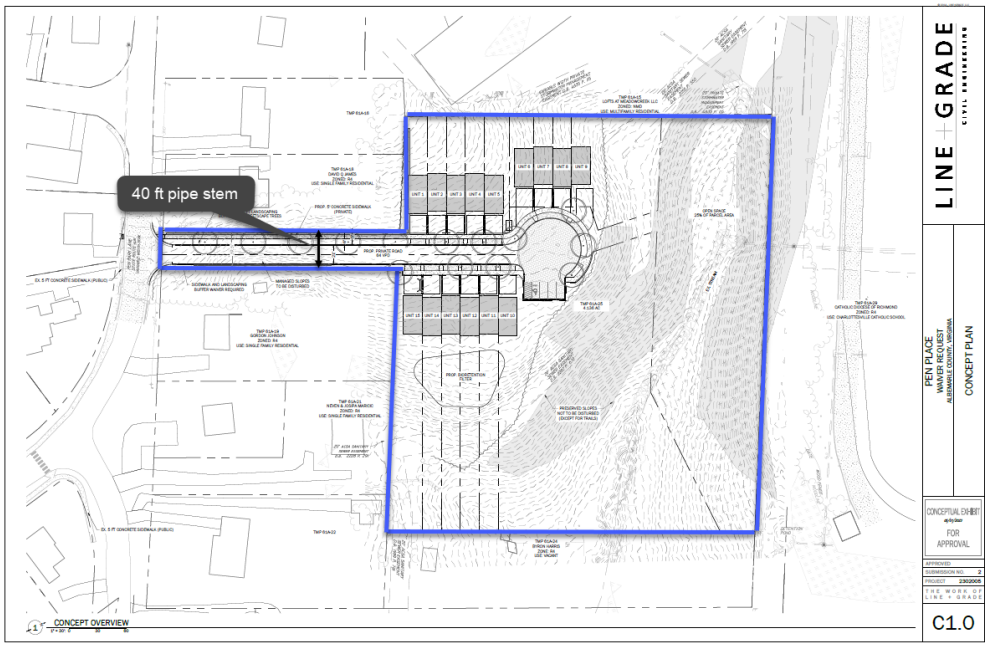


Figure 1 – Proposed Plan Highlighting 40' Pipe Stem for Connection to Pen Park Lane

(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)

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
>
> F. **Variation of or exception to planting strip requirements**. The requirements for planting strips 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 any requirement for planting strips, the commission shall consider whether: (i) a variation or exception to allow a rural cross-section has been granted; (ii) a sidewalk variation or exception has been granted; (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; and (iv) waiving the requirement would enable a different principle of the neighborhood model to be more fully achieved.

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

(ii) A sidewalk variation or exception is not proposed on this side of the street, a full 5 ft width sidewalk is still proposed.

(iii) 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)

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

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PEN PLACE

SPECIAL EXCEPTION SE202400010

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:

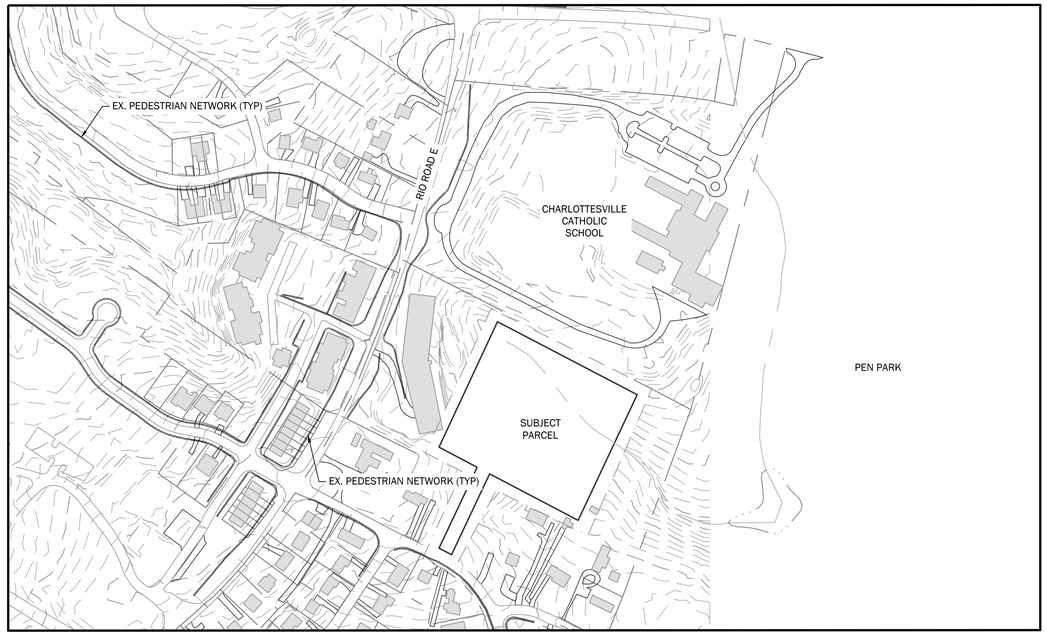
CONTACT: LINE AND GRADE CIVIL ENGINEERING
KENDRA MOON, PE
ADDRESS: 113 4TH STREET NE; STE 100
CHARLOTTESVILLE, VA 22902
PHONE: 434-262-0169
EMAIL: KMOON@LINE-GRADE.COM

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

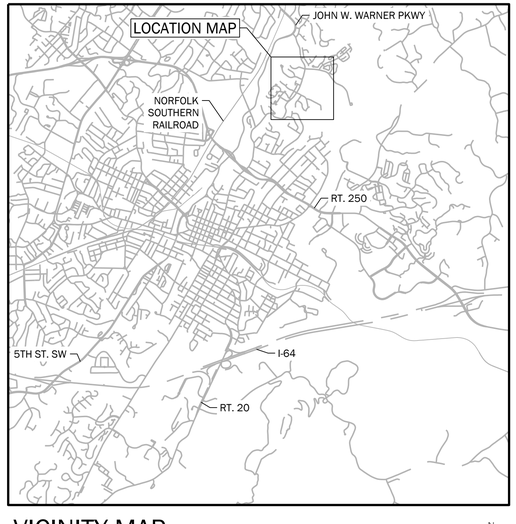
PARCELS:

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



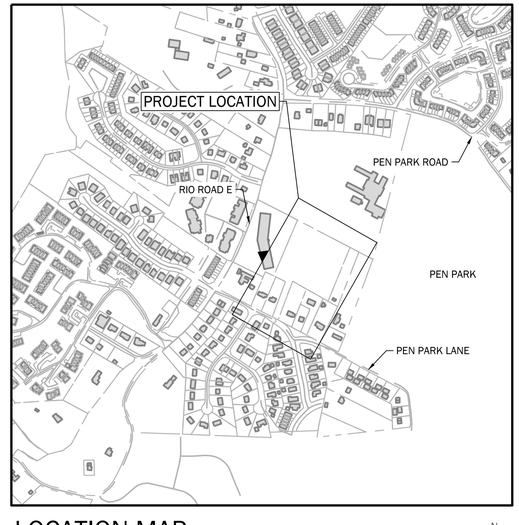
EXISTING PEDESTRIAN NETWORK MAP

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	Concept Plan

SUBMITTAL LOG

SUBMISSION	DESCRIPTION	RECIPIENT	SUBMITTAL DATE
1	ADDENDUM	ALBEMARLE COMMUNITY DEVELOPMENT	3/18/2024
2	REV. GEOM.	ALBEMARLE COMMUNITY DEVELOPMENT	08/27/2024

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PEN PLACE
SPECIAL EXCEPTION SE202400010
ALBEMARLE COUNTY, VIRGINIA

TITLE SHEET

CONCEPTUAL EXHIBIT
08/27/2024
FOR APPROVAL

APPROVED

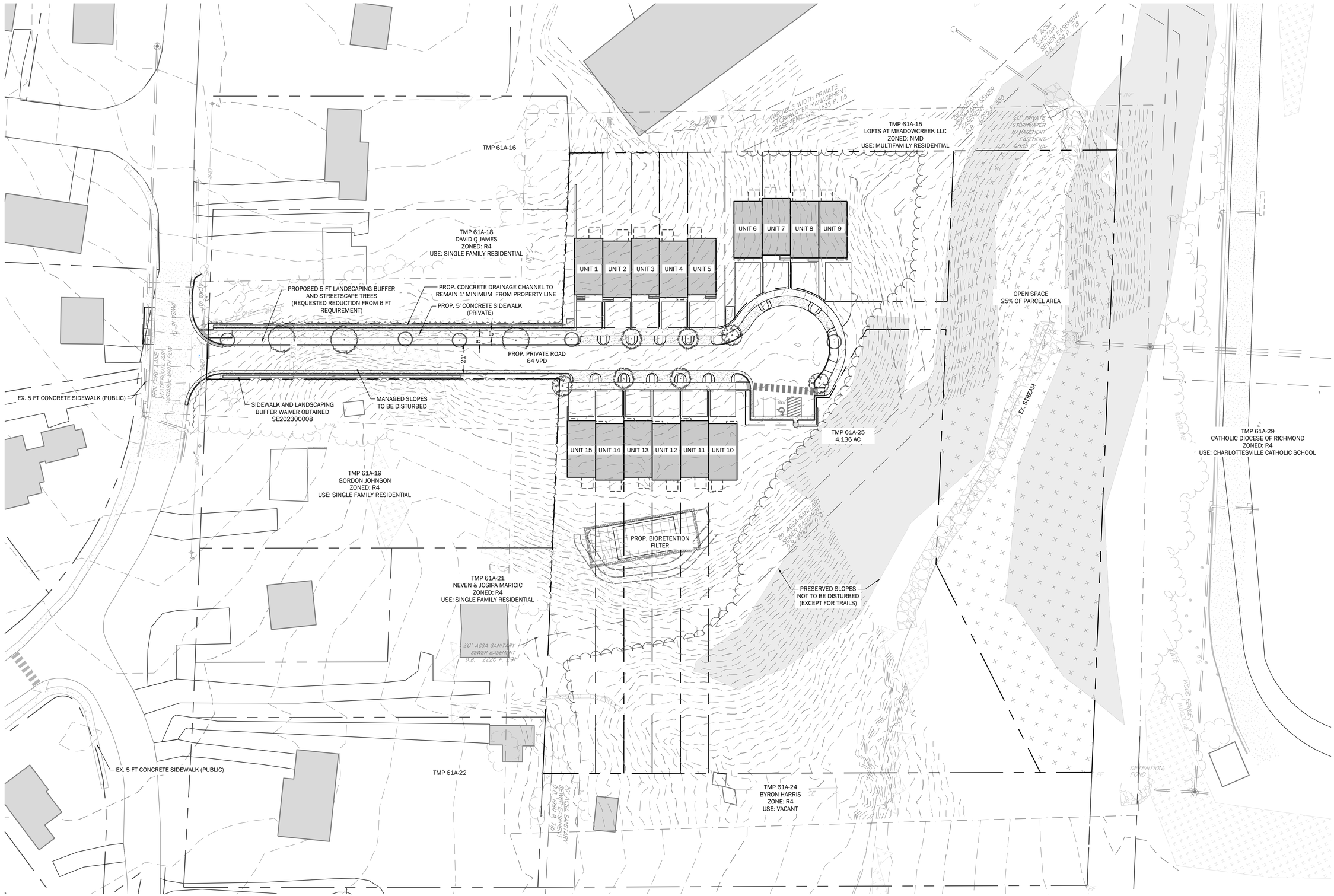
SUBMISSION NO. 2

PROJECT 2302005

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C0.0

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1 CONCEPT OVERVIEW
1" = 30': 0 30 60

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PEN PLACE
SPECIAL EXCEPTION SE202400010
ALBEMARLE COUNTY, VIRGINIA

CONCEPT PLAN

CONCEPTUAL EXHIBIT
08/27/2024
FOR APPROVAL

APPROVED	
SUBMISSION NO.	2
PROJECT	2302005

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