COUNTY OF ALBEMARLE
PLANNING STAFF REPORT SUMMARY

Project Name: SE202400010 Pen Place Planting Strip Special Exception	**Staff:** Kevin McCollum, Senior Planner II Jered Tate, Senior Planner I
Planning Commission meeting: 10/22/2024	**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(F) and 14-203.1(B) to modify the planting strip requirements along a private road.	
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. The reduction in the width of the planting strip could potentially lead to issues of sidewalk upheaval once the street trees reach maturity. Pen Place is proposed as a private road, so all future maintenance of sidewalks, etc. will be the responsibility of the homeowners.
Recommendation: Staff recommends approval of the exception to modify the planting strip design requirements [14-422(D)] with the condition identified in the staff report.	

STAFF CONTACT: **Jered Tate**
PLANNING COMMISSION: **October 22, 2024**
BOARD OF SUPERVISORS: **Not applicable**

SE202400010 Pen Place Planting Strip Special Exception

PROPOSAL

The Applicant is requesting an exception in accordance with Section 14-422(F) and 14-203.1(B) to modify the planting strip requirements along a proposed private street. Section 14-422(D) provides the planting strip design guidelines.

> *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.*

The Applicant has provided a detailed Application Narrative (Attachment 1) that provides the justification for the request.

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(F) provides that the exception to modify the planting strip requirement can be made prior to or with the submittal of a preliminary plat.

Based on the language of 14-422(F), despite having an already approved Preliminary Plat, SUB202300064 Pen Place, the Applicant was required to submit a new Preliminary Plat application in order for Staff to review this request.

SUB202400121 Pen Place Preliminary Plat – Under Review
The preliminary subdivision plat was resubmitted on 9/16/2024 so that Staff can review the proposed special exception application. This plat is substantially the same as the already approved preliminary plat below. The only reason for resubmittal was to enable to the review of the SE. However, the resubmitted preliminary plat does show several changes to the layout of the stormwater sewer system as well as associated minor changes to the layout of the sanitary sewer system.

SUB202300064 Pen Place Preliminary Plat – Approved 6/23/2024
Preliminary plat showing the subdivision of 15 townhouse unit lots at a density of 3.61 units per acre. The proposal included a private street authorization request for the proposed private street to connect the townhouse units to Pen Park Ln.

SDP202300032 Pen Place Initial Site Plan – Approved 6/23/2024
Initial site plan proposal showing the development of the 15 townhouse units, private street, and proposed stormwater management facilities.

SE202300008 Pen Place Special Exception – Approved 5/23/2023
This SE waived the requirement of a sidewalk and planting strip on one side of the private street.

In addition, the final site plan, easement plat, VESMP, and road plans are all under review.

SUB202400008 Pen Place Easement Plat – Under Review
This plat shows all the proposed easements for the development. This cannot be approved until the pending SE application is acted upon. The easement plat must be approved and recorded prior to final site plan approval.

WPO202300034 Pen Place VSMP – Under Review
WPO approval is required prior to road plan approval and final site plan approval.

SUB202300088 Pen Place Road Plans – Under Review
This cannot be approved until the pending SE application is acted upon. This application shows the required street trees along the proposed private street. The landscaping plan shown on these plans will need to be revised if the special exception application is approved. Staff will work with the Applicant to provide street trees that will fit within the reduced planting strip as necessary.

SDP202300059 Pen Place Final Site Plan – Under Review
All subdivision plats, road plans, and WPOs must be approved and recorded (as applicable) prior to final site plan approval.

REASON FOR PLANNING COMMISSION REVIEW

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

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 that is proposed along this reduced planting strip will be required to meet all county standards. The conceptual plan shows this as being a 5’ wide sidewalk that meets our design requirements.
- ***(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 conditions of the site including the topography, the 40’ wide pipe stem, and the need to construct retaining walls impacts the amount of space physically available to provide the private street, sidewalk, and planting strip. Staff agrees with the Applicant’s justification provided in their narrative, and that the variation promotes the

goals of the comprehensive plan, the neighborhood model, and the Places 29 Master Plan by providing compact infill development housing in the development areas. Without this special exception, the development would be limited based on the applicable minimum street design standards.

(iv) ***Waiving the requirement would enable a different principle of the neighborhood model to be more fully achieved.*** The proposal does not seek to waive the requirement, but to reduce the planting strip from the required 6' to 5'. Staff believes that this modification is minimal and the design still achieves the neighborhood model principles.

SUMMARY

The opinion of staff is that the reduction of the planting strip along 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 planting strip design requirements 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. The planting strip will be reduced, leading to potential sidewalk upheaval by tree roots once the street trees reach maturity in another 15 to 20 years. As Pen Place is proposed as a private street, all future maintenance of sidewalks and other associated infrastructure will be the sole responsibility of the homeowners or a homeowner's association, should one be established. However, Staff will review the proposed street tree species along with the site development plans and road plans and will work with the Applicant to ensure that recommended plant species are used, and care is taken to plant street trees that will prosper in the reduced planting strip with minimal impact on surrounding infrastructure.

RECOMMENDATION

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

1. The modifications to the planting strip requirements apply to the proposed private street as depicted on the Concept Plan included with the Application Narrative dated August 27, 2024, prepared by Line and Grade Civil Engineering.

ATTACHMENTS

Attach. 1 – SP2024-10 Pen Place – Planting Strip Special Exception - Application Narrative