ATTAIN ON 5TH STREET
PHASE 2

PRESERVED SLOPES –
ZONING MAP AMENDMENT
ZMA 2025-0005

APRIL 29, 2025
REVISED JULY 24, 2025

PREPARED BY:

TIMMONS GROUP
YOUR VISION ACHIEVED THROUGH OURS.

608 PRESTON AVENUE, SUITE 200
CHARLOTTESVILLE, VA 22903
CRAIG KOTARSKI, PE

Introduction

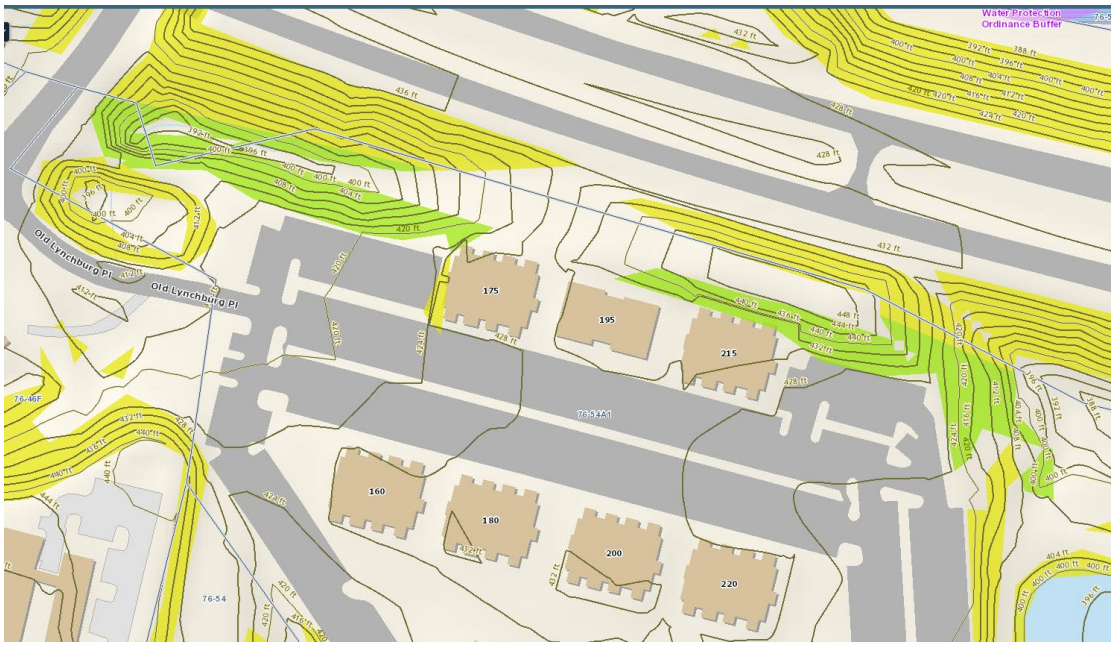
A zoning map amendment is being requested per Section 30.7.6 of the Albemarle County Zoning Ordinance, to rezone areas of man-made preserved slopes to managed slopes within the Attain on 5th Phase 2 proposed development (ZMA 2025-004) on parcel 76-54A1 (the "Property"). The slopes that are being requested for reclassification, while 25% or greater in slope, are misclassified as preserved slopes and better described as managed slopes, as they are manufactured, which is made evident from the previous documented site plan. In addition, the connected and adjacent steep slopes that are within the Interstate 64 right of way have been designated as managed, however these man-made slopes, that are located on private property, have been designated as preserved arbitrarily.

While these slopes are being requested to be changed to managed slopes, there is a recognition of the County's goal, related to steep slopes, to reduce "rapid and/or large-scale movement of soil and rock, excessive stormwater run-off, siltation of natural and man-made bodies of water, loss of aesthetic resource … all of which constitute potential dangers to the public health, safety and/or welfare." This application will demonstrate that the request to reclassify approximately 0.55 acres of preserved slopes to being defined as "managed" will not violate the county's stated goals.

With that in mind, this application will discuss the following related to the rezoning of these preserved slopes to managed slopes:

- Explore the existing conditions and designation of this area as preserved slopes versus managed slopes.
- Mitigation efforts to eliminate effects of slope impacts

Image 1: County GIS Slopes Mapping- Yellow: Managed; Green: Preserved



Existing Conditions

The Property was rezoned to R-10 on June 18, 1997 (ZMA 1996-024), and following that rezoning, the Final Site Development plan (SDP 2001-129), previously titled "Sterling University Housing," (now the Phase 1 units within Attain on 5th) was approved in April 29, 2002. The grading plan on the approved site plan, sheets 4 and 7, indicate the proposed design that created the steep slopes within the subject parcel and that they are not naturally occurring. The approved site plan has been attached to this request as Exhibit A for reference.

Mitigation Efforts

In order to protect downstream land, adequate erosion control measures reviewed and approved by Albemarle County will be implemented during construction to mitigate runoff while preserved slope disturbance takes place. More specifically, downstream measures, such as wired-backed silt fence and sediment traps/basins will be required. Each of these measures will be placed in a way to ensure protection of the downstream lands.

Image 2: GIS Slopes overlayed on approved Site Plan for Sterling University Housing (Sheet 4) showing the proposed grading and evidence that the slopes are man-made.

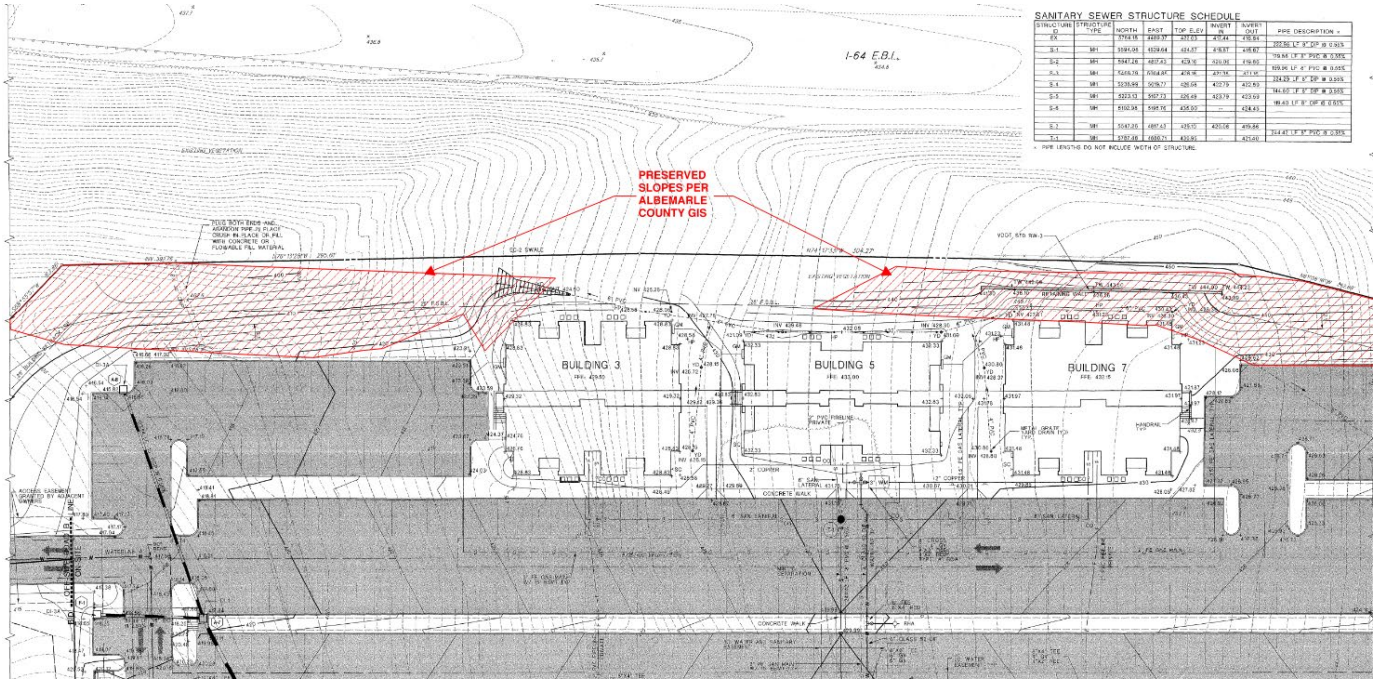
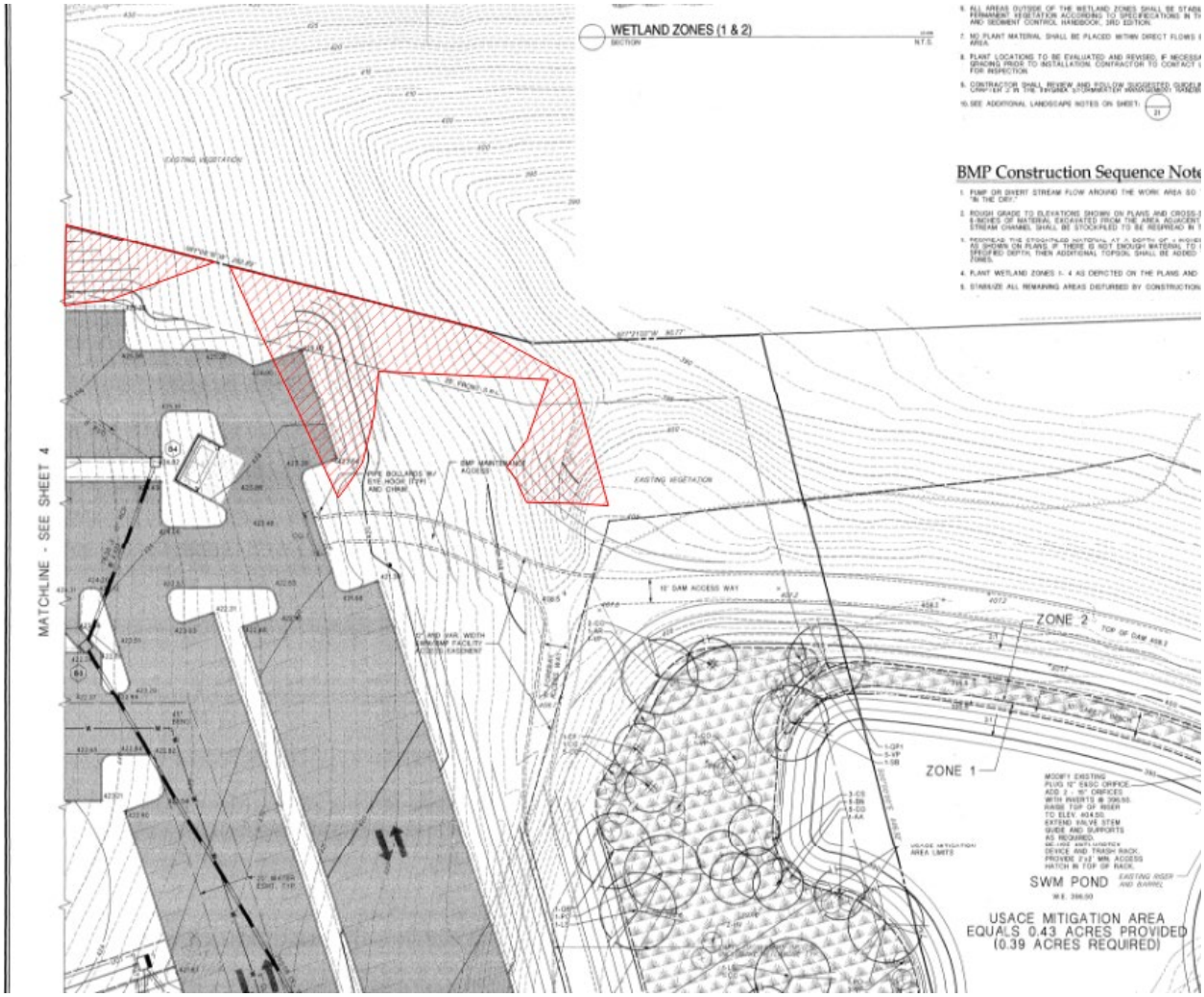


Image 3: GIS Slopes overlayed on approved Site Plan for Sterling University Housing (Sheet 7)



Summary of Justification for Rezoning

While the steep slopes overlay district strives to protect preserved slopes within the County, it also affords relief through the zoning map amendment process when certain preserved slopes are outside the criteria of those considered preserved slopes. Given the clear evidence that these preserved slopes were previously created by construction of Phase 1 of the development, it stands to reason that they should be considered managed slopes.

As further justification for reclassifying these slopes, a critical analysis of Zoning Ordinance §30.7 regarding the classification of slopes and how they relate to the slopes in this request is included below:

Managed slopes. The characteristics of managed slopes are the following:

(i) the contiguous area of steep slopes is limited or fragmented;
The two areas of steep slopes are limited and fragmented. The slopes being requested to be redesignated are not contiguous, they are separated from each other, and connect

to managed slopes within the Virginia Department of Transportation right of way for Interstate 64. There are no other steeps slopes in close proximity.

(ii) the slopes are not associated with or abutting a water feature, including, but not limited to, a river, stream, reservoir or pond;
While there is a man-made stormwater management pond nearby on the adjacent property, these slopes are not located in close proximity where they would be considered associated with this water feature.

(iii) the slopes are not natural but, instead, are manufactured;
The Phase 1 approved site plan provides evidence that these slopes are manufactured.

(iv) the slopes were significantly disturbed prior to June 1, 2012;
The man-made slopes were created with Phase 1 of the development as shown on the approved site plan in 2002. No disturbance has occurred following the creation of these slopes.

(v) the slopes are located within previously approved single-family residential lots; or
The slopes are not located within previously approved single-family residential lots.

(vi) the slopes are shown to be disturbed, or allowed to be disturbed, by a prior county action.
While the slopes have not been shown to be disturbed in a prior County action, the slopes were created by an approved site plan following approval of a prior County action for the rezoning of the Property in 1997.

Preserved slopes. The characteristics of preserved slopes are the following:

(i) the slopes are a contiguous area of 10,000 square feet or more or a close grouping of slopes, any or all of which may be less than 10,000 square feet but whose aggregate area is 10,000 square feet or more;
Both areas of slopes are contiguous of 10,000 square feet or more.

(ii) the slopes are part of a system of slopes associated with or abutting a water feature including, but not limited to, a river, stream, reservoir or pond;
While there is a man-made stormwater management pond nearby on the adjacent property, these slopes are not located in close proximity where they would be considered associated with this water feature.

(iii) the slopes are part of a hillside system;
The slopes are not a part of a hillside system, but rather are located near a federal interstate highway.

(iv) the slopes are identified as a resource designated for preservation in the comprehensive plan;
The slopes are identified as Parks and Green Systems within the master plan, however, these slopes are manufactured and therefore, should not be considered a resource.

(v) the slopes are identified as a resource in the comprehensive plan;

The slopes are identified as Parks and Green Systems within the master plan, however, these slopes are manufactured and therefore, should not be considered a resource.

(vi) the slopes are of significant value to the entrance corridor overlay district; or
Given the adjacent and attached slopes within the entrance corridor right of way for I-64 are designated as managed, there is no basis to indicate that these man-made slopes add value to the entrance corridor and are only considered preserved on private property.

(vii) the slopes have been preserved by a prior county action, including, but not limited to, the placement of an easement on the slopes or the acceptance of a proffer or the imposition of a condition, restricting land disturbing activity on the slopes.
The slopes are manufactured and are a result from the construction for Phase 1 of the development.

Conclusion

Given the clear evidence that these preserved slopes were previously created by construction of Phase 1 of the development, it stands to reason that they should be considered managed slopes. In addition, the connected and adjacent steep slopes that are within the Interstate 64 right of way have been designated as managed, however these man-made slopes, that are located on private property, have been designated as preserved slopes arbitrarily.

Exhibits

A. SDP 2001-0129 Sterling University Housing Site Plan Approved April 29, 2002

SANITARY SEWER STRUCTURE SCHEDULE

STRUCTURE ID	STRUCTURE TYPE	NORTH	EAST	TOP ELEV	INVERT IN	INVERT OUT	PIPE DESCRIPTION x
EX		5764.18	4489.37	422.03	417.44	416.84	
							222.96 LF 8" DIP @ 0.55%
S-1	MH	5594.08	4639.64	424.57	418.87	418.67	
							179.86 LF 8" PVC @ 0.55%
S-2	MH	5547.26	4817.43	429.10	420.06	419.86	
							199.96 LF 8" PVC @ 0.55%
S-3	MH	5466.79	5004.85	426.18	421.36	421.16	
							224.29 LF 8" DIP @ 0.55%
S-4	MH	5238.99	5019.77	426.58	422.79	422.59	
							144.80 LF 8" DIP @ 0.55%
S-5	MH	5223.13	5167.73	426.49	423.79	423.59	
							119.40 LF 8" DIP @ 0.55%
S-6	MH	5102.98	5195.76	435.00	--	424.45	
S-2	MH	5547.26	4817.43	429.10	420.06	419.86	
							244.42 LF 8" PVC @ 0.55%
T-1	MH	5787.48	4880.71	430.95	--	421.40	

x PIPE LENGTHS DO NOT INCLUDE WIDTH OF STRUCTURE.

MATCHLINE - SEE SHEET 3

MATCHLINE - SEE SHEET 7

MATCHLINE - SEE SHEET 5

ISSUE FOR CONSTRUCTION

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Scale 1"=20' Contour Interval=2' Prop., 1' Ex.

0 20 40 80

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CONSULTING ENGINEERS
LANDSCAPE ARCHITECTS
LAND PLANNERS

301 East High Street
Charlottesville, VA 22902
804-979-7522
www.mckeecarson.com

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COMMONWEALTH OF VIRGINIA
STEVEN L. DRIVER
NO. 019933
PROFESSIONAL ENGINEER

STERLING UNIVERSITY HOUSING

Albemarle County, Virginia

GRADING AND UTILITIES PLAN

Revisions:
1. 01/11/02 ACSA Comments
2. 01/21/02 ACSA Comments
3. 01/30/02 County Comments
4. 02/01/02 ACSA Comments
5. 03/06/02 County Comments

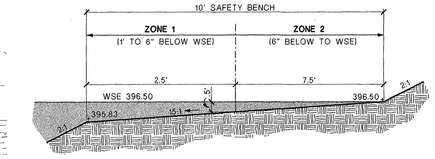
Scale:	1" = 20'
Date:	12/14/01
Project No.:	0110
Designed:	ERF
Checked:	SLD

Sheet No.: 4

MRD 4.29.02

Of: 25

NOTE:
WATER SURFACE ELEVATION (WSE)



WETLAND ZONES (1 & 2)
SECTION
LD-606
N.T.S.

BMP Planting Notes

1. RECONFIRM ELEVATIONS OF WETLAND ZONES PRIOR TO PLANTING TO ENSURE PROPER ELEVATION.
2. ALL EMERGENT WETLAND PLANTS ARE TO BE PLANTED AT A TIME OF YEAR SPECIFIED BY THE SUPPLIER AND OWNER.
3. ALL EMERGENT WETLAND PLANTS ARE TO BE PLANTED IMMEDIATELY AFTER SHIPPING AND KEPT MOIST DURING STORAGE.
4. ALL EMERGENT WETLAND PLANTS IN ZONES 1 AND 2 ARE TO BE PLANTED IN GROUPS OF LIKE SPECIES. GROUPS SHALL BE APPROXIMATELY 200-500 SQUARE FEET IN AREA. INDIVIDUAL PLANTS ARE TO BE PLANTED AT A DENSITY OF 18" O.C. ZONE 3 PLANTS ARE TO BE PLANTED IN THE AREA SPECIFIED ON THE PLANS. INDIVIDUAL PLANTS ARE TO BE PLANTED IN GROUPS OF LIKE SPECIES OR CLUSTERS AT A DENSITY OF 4' O.C. UNLESS OTHERWISE SHOWN.
5. PRIOR TO PLANTING, WETLAND ZONES ARE TO HAVE 3" OF TOPSOIL APPLIED. TOPSOIL SHALL BE DISKED INTO THE UNDERLYING SOIL. MULCH SHALL BE FREE OF WEED SEEDS, SOIL, ROOTS, OR ANY OTHER SUSTANCE NOT CONSISTING OF EITHER BOLE OR BRANCH WOOD AND BARK.
6. ALL AREAS OUTSIDE OF THE WETLAND ZONES SHALL BE STABILIZED WITH PERMANENT VEGETATION ACCORDING TO SPECIFIECATIONS IN THE VIRGINIA EROISION AND SEDIMENT CONTROL HANDBOOK, 3RD EDITION.
7. NO PLANT MATERIAL SHALL BE PLACED WITHIN DIRECT FLOWS ENTERING THE SWM/BMP AREA.
8. PLANT LOCATIONS TO BE EVALUATED AND REVISED, IF NECESSARY, AFTER FINISHED GRADING PRIOR TO INSTALLATION. CONTRACTOR TO CONTACT LANDSCAPE ARCHITECT FOR INSPECTION.
9. CONTRACTOR SHALL REVIEW AND FOLLOW SUGGESTED GUIDELINES OUTLINED IN CHAPTER 3 IN THE VIRGINIA STORMWATER MANAGEMENT HANDBOOK, 1ST EDITION, VOL. 1
10. SEE ADDITIONAL LANDSCAPE NOTES ON SHEET: 21

BMP Construction Sequence Notes

1. PUMP OR DIVERT STREAM FLOW AROUND THE WORK AREA SO THAT GRADING IS DONE "IN THE DRY."
2. ROUGH GRADE TO ELEVATIONS SHOWN ON PLANS AND CROSS-SECTION. THE TOP 6-INCHES OF MATERIAL EXCAVATED FROM THE AREA ADJACENT TO THE EXISTING STREAM CHANNEL SHALL BE STOCKPILED TO BE RESPREAD IN THE WETLAND AREAS.
3. RESPREAD THE STOCKPILED MATERIAL AT A DEPTH OF 4-INCHES ONTO ZONES 1 AND 2 AS SHOWN ON PLANS. IF THERE IS NOT ENOUGH MATERIAL TO COVER ZONES AT THE SPECIFIED DEPTH, THEN ADDITIONAL TOPSOIL SHALL BE ADDED TO COVER THE WETLAND ZONES.
4. PLANT WETLAND ZONES 1- 4 AS DEPICTED ON THE PLANS AND CROSS-SECTION.
5. STABILIZE ALL REMAINING AREAS DISTURBED BY CONSTRUCTION.

BMP Plant List

Notes	Botanical Name	Common Name	Quantity	Caliper	Size	Root	Comments
PROPOSED PLANTINGS: ZONE 1							
PC	Pontederia cordata	Pickerelweed	200			1 QL	All plants from one source, dense, good color, free from rot & diseases; Plant up to 3' of water
PV	Peltandra virginica	Arrow arum	200			2" plug	All plants from one source, dense, good color, free from rot & diseases; Plant up to 3' of water
SC	Sparganium eurycarpum	Lizard's Tail	200			2" plug	All plants from one source, dense, good color, free from rot & diseases; Plant up to 3' of water
SL	Sagittaria latifolia	Arrowhead	150			bare	All plants from one source, dense, good color, free from rot & diseases; Plant up to 3' of water
TA	Typha angustifolia	Narrowleaf Cattail	150			bare	All plants from one source, dense, good color, free from rot & diseases
PROPOSED PLANTINGS: ZONE 2							
AC	Acorus calamus	Sweet flag	300			bare	All plant from one source, dense, good color, free from rot & diseases
CL	Carex longii	Caric sedge	600			2" plug	All plants from one source, dense, good color, free from rot & diseases; Plant up to 1'of water
IP	Iris pseudacorus	Yellow Flag Iris	500			2" plug	All plants from one source, dense, good color, free from rot & diseases; Plant up to 1'of water
IV	Iris versicolor L.	Blue Flag Iris	500			2" plug	All plants from one source, dense, good color, free from rot & diseases; Plant up to 1'of water
PL	Nuphar lutuem	Spatterdock	300			bare	All plants from one source, dense, good color, free from rot & diseases; Plant up to 1'of water
PC	Pontederia cordata	Pickerelweed	200			bare	All plants from one source, dense, good color, free from rot & diseases; Plant up to 1'of water
SL	Sagittaria latifolia	Arrowhead	200			1 QL	All plants from one source, dense, good color, free from rot & diseases; Plant up to 1'of water
SV	Scirpus validus	Soft-stem bulrush	300			1 QL	All plants from one source, dense, good color, free from rot & diseases; Plant up to 1'of water
PROPOSED PLANTINGS: ZONE 3							
AA	Amelanchier arborea	Downy Serviceberry	2	1-1.5"	6-8'	B&B	Standard, straight trunk; branching begins at 2'
AR	Acer rubrum	Red Maple	3	1-1.5"		B&B	Standard, straight trunks; well branched
CO	Cephalanthus occidentalis	Buttonbush	23		3-4'	1 G	Dense branching, well rooted, self-supporting stems; 4' O.C.
CS	Cornus sericea	Red Osier Dogwood	10		3-4'	5 G	Dense branching, well rooted, self-supporting stems; 4' O.C.
PO	Platanus occidentalis	Sycamore	2	1-1.5"		B&B	Standard, straight trunks; well branched; matched
QB	Quercus bicolor	Swamp White Oak	1	1-1.5"		B&B	Standard, straight trunks; well branched; matched
SB	Salix babylonica	Weeping Willow	2	1-1.5"		B&B	Standard, straight trunks; well branched; (no airright whip roots)
VT	Viburnum dentatum	Arrow-wood Viburnum	14		2-3'	SG	Dense branching; well rooted, self-supporting stems; 4' O.C.
PROPOSED PLANTINGS: ZONE 4							
BN	Betula nigra	River birch	10	1-1.5"		clump	Multi-stem (3-5 trunk); dense branching; well-rooted, yadon
CC	Cercis canadensis	Eastern Redbud	5	1-1.5"		B&B	Standard, straight trunk; branching begins at 3'
CF	Cornus florida	Flowering Dogwood	2	1-1.5"		B&B	Standard, straight trunk; branching begins at 3'
HV	Hamamelis virginiana	Witch Hazel	11		2-4'	3 G	Dense branching, well rooted, self-supporting stems; 4' O.C.
LS	Liquidambar styraciflua	Sweetgum	2	1.5-2"		B&B	Standard, straight trunk; well branched, loose coarse
QP	Quercus palustris	Pin Oak	1	1.5-2"		B&B	Standard, straight trunks; well branched; matched
QH	Quercus phellos	Willow Oak	2	1-1.5"		B&B	Standard, straight trunks; well branched; matched

Notes:

Prepared: 01/30/02
Revised: 02/04/02
Zone 1: 1' to 6" below water surface elevation (WSE).
Zone 2: 6" below to WSE.
Zone 3: Shoreline- plants can be located right at or just above WSE.
Zone 4: Upland- plants prefer moist conditions, but not located in standing wet conditions.
Plant in like species unless otherwise noted.
Species may be substituted at time of construction inf approved by Landscape Architect and County Water Resource Manager.

MC Project #: 0110
Page 1 of 1

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STEVEN L. DRIVER
NO. 019933
PROFESSIONAL ENGINEER

STERLING UNIVERSITY HOUSING

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2. 01/21/02 ACSA Comments
3. 01/30/02 County Comments & General Revisions
4. 03/06/02 County Comments
5. 03/08/02 County Comments
6. 04/11/02 County & VDOT Comments

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