

## COUNTY STAFF ANALYSIS OF REQUESTS FOR REZONINGS AND SPECIAL USE PERMITS

Requests for rezonings and special use permits involve analysis by at least 14 different reviewing departments, divisions, or agencies. Input from these different groups is used to help the Reviewing Planner advise the applicant on any changes that are needed to an application. The information is also used to advise the Planning Commission and Board of Supervisors on how closely an application conforms to the Comprehensive Plan and County's standards.

The information below is provided at this location to help applicants understand the level of review which takes place with each request. It is also available to inform the public on the nature of the review. Finally, it is placed at the County's website as a reference tool for reviewers.

For additional information about the nature of reviews, contact Elaine Echols ([eechols@albemarle.org](mailto:eechols@albemarle.org) or 434-296-5823 x 3252) for questions related to reviews in the Development Areas. Contact Joan McDowell ([jmcdowell@albemarle.org](mailto:jmcdowell@albemarle.org) or 434-296-5823 x 3249) for questions related to reviews in the Rural Areas.

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## QUESTIONS FOR REVIEWERS OF ZMA'S AND SP'S

### Questions for ACSA

1. Is the site in the jurisdictional area for water or sewer or both?
2. What is the distance to the closest water and sewer line, if in the jurisdictional area?
3. Are there water pressure issues which may affect the proposed use as shown on a plan?
4. Are there major upgrades needed to the water distribution or sewer collection system of which the applicant and staff should be aware?
5. Are there other service provision issues such as the need for grinder pumps?
6. Which issues should be resolved at the SP/ZMA stage and which issues can be resolved at the site plan/plat stage?
7. If the project is a large water user, what long-term impacts or implications do you foresee?

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### Questions for Building Official

1. If use of existing buildings is proposed, what issues should the applicant be aware of in order use the building as proposed?
2. If new buildings are proposed, are there potential building code issues which should be addressed at the SP/ZMA stage rather than at the site plan/plat stage? If so, what are they?

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**Questions for Current Development**

1. **Potential conformity with site plan and subdivision regulations**
  - a. Are there potential issues related with the ability of this plan to conform with site plan and subdivision regulations? If so, please identify and suggest solutions.
  - b. What future actions are needed in order to implement the plan, such as a resubdivision, boundary line adjustment, site plan, or site plan amendment?
  - c. What items need to be tied down at the “concept plan” phase and what can be put off until site plan or plat stage?
  
2. **Conflicts or relationships with site plans and plats under review/recently approved**
  - a. Has a site plan or subdivision plat recently been filed for this project? Please provide project number and date.
  - b. Are there other projects under review or recently approved that are near this parcel that would affect or be affected by this project?

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**Questions for Design Planner**

1. Is the property included in an Entrance Corridor and is this proposal subject to ARB review?
  
2. Design issues/elements typically reviewed in the Entrance Corridor relate to building layout, parking/travelway layout, building size/mass/scale, relationship of proposed development to surrounding context in the EC, change in grading/topography, change in wooded area/degree and character of proposed landscaping. In light of these items:
  - a. Does the proposed design, as illustrated in the submittal materials, look like it can meet the ARB Guidelines and can it be appropriately accommodated in the Entrance Corridor? Is there sufficient information in the submittal to make this determination?
  - b. If a revised plan is submitted following Design Planner comment, has the applicant addressed all concerns?
  
3. Are there items for which commitments are needed, either by SP or proffers, prior to approval of the request? If so, what are they?

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**Questions for Engineering**

1. **Concept Plan**
  - a. If a concept plan has been provided, does it sufficiently demonstrate the nature of the request and the general ability to meet engineering requirements of the County?
  - b. If not, what information is needed?
  
2. **Traffic/Transportation – Internal and External Circulation**

- a. Does access to existing and proposed public streets appear to meet County standards in terms of location and characteristics?
- b. Does the development provide interparcel connections in the appropriate locations for a good street network?
- c. If parking lots and circulation is shown, will the design generally be able to meet engineering standards? If not, what needs to be changed?
- d. If a traffic study is provided, do you agree with the conclusions? (to be coordinated with VDOT and Transportation Planner)

**3. Grading and Environmental Disturbance**

- a. Does proposed grading impact environmentally sensitive areas?
- b. Does there appear to be a way to avoid impacting the environmentally sensitive areas?
- b. For the Rural Areas, does the volume of fill require an SP?
- c. Are there swaths of steep slopes or retaining walls that need further attention?
- d. Are there areas of potential conflict between things such as utilities future landscaping or sewer lines shown in areas to be protected from disturbance?

**4. Water Protection**

- a. Is the stormwater management shown on the plan generally (or specifically) acceptable? Please look for water quality and quantity.
- b. Are floodplains impacted? If so, is an SP request included?

**5. Future Site Plan Issues**

- a. Are there items shown on the concept plan which will not be able to be accomplished because of engineering standards that will be imposed at the site plan stage? If so, what are they? Please provide a recommendation on how to resolve conflicting issues, if possible.

**6. Conditions and Proffers**

- a. For special use permits, are there conditions you would recommend relative to engineering needs or commitments?
- b. For rezonings, are there areas for which commitments are needed (proffers) in order to ensure that the plan proposed can be implemented?
- c. Are conditions or proffers you are reviewing workable? Could you implement them as written? How should they be rewritten? (Look at Greg's info in the Land Use Law Handbook and Amelia's info sheet)

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**Questions for Fire and Rescue**

1. What is the needed water pressure for the proposed use?
2. Is there anything in the proposed layout or design which would have a negative impact on provision of fire service?

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**Questions for Health Department**

1. If there is an existing septic system and/or well for the proposed use
  - a. Are they functioning or failing?
  - b. Do they have capacity for the proposed use?
2. Have sufficient tests been done on the property to assure that a septic system or well can function properly at this location? If not, what is needed?
3. At what stage of the process will Health Dept. approval be necessary?
4. Are there other Health Department regulations which would apply to the proposed use, such as for a food service or day care?

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**Questions for Historic Preservation Planner**

1. Are there historic or cultural resources on the property or on adjacent properties that may/will be impacted by the proposal?
2. What are the anticipated impacts?
3. What is the status of these resources (i.e., listed on the National or State Registers, eligible for listing, locally significant, etc.)?
4. What, if any, additional studies or assessments are needed to determine the existence of cultural resources and/or the potential impacts to such resources?
5. What suggestions would you offer the staff or applicant for preservation of any historic resources related to this proposal?

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**Questions for Housing Director**

1. If this proposal includes residential uses, how well does the proposal meet the County's affordable housing goals?
2. If the proposal is not appropriately meeting the County's affordable housing goals, what provisions should be made for affordable housing?
3. What proffers or conditions do you suggest? (please include specific language)
4. Are proffers or conditions provided by the applicant appropriate and enforceable? What suggestions for changes do you have?

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**Questions for Parks and Recreation Department**

1. Does the proposal conform to adopted plans and studies for parks and recreational facilities?
2. Are there existing or proposed trails near this property to which a trail on this property could tie to develop an interconnected system of trails?
3. If the project is not residential in nature, what advice, if any, do you have for open space on this project?
4. If the project contains residential units, do the additional units generate a need for parks on this property? If yes, would providing improvements to nearby park be a reasonable alternative to providing parks and recreational uses on the site?

5. If the project is residential in nature and amenities are shown on site, is the level of recreational amenity appropriate for the number and types of units being proposed?
6. If open space and amenities are provided, do you believe they should be public?

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### **Questions for Police**

1. Are there aspects of the proposed use that you believe will cause problems in providing police protection to the area?
2. Are there site design issues which may affect overall site security?

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### **Questions for VDOT**

1. Is a traffic study needed for this project?
2. Are there plans for road improvements that might impact this property? Based on the information you have right now, does there appear to be a need for additional r.o.w. dedication?
3. What improvements along existing public streets appear to be necessitated by this proposal such as additional lanes? Does the proposal address these needs?
4. Where public streets are involved, does internal circulation appear to meet VDOT requirements and guidelines?
5. What additional interconnections can you recommend?
6. What other changes are required or recommended in order to meet future VDOT approval? (Be specific about recommendations vs. requirements.) Can these be addressed at the site plan/plat or should they be addressed at the SP/ZMA stage?

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### **Questions for Water Resources Analysis**

#### **1. Streams**

- a. Will streams and stream buffers be adversely impacted by the proposed project? If so, what is the nature of the disturbance? Can impacts reasonably be mitigated?
- b. Is the mitigation plan generally acceptable? If not, what is needed?
- c. Are there existing or needed easements?
- d. For Development Areas – what stream rating has been provided for any streams which exist on the property? Are any proposed changes to the stream in keeping with the stream rating recommendations?

#### **2. Conditions and Proffers**

- a. For special use permits, are there conditions you would recommend relative to streams and stream protection?
- b. For rezonings, are there areas for which commitments are needed (proffers) in order to ensure that the plan proposed can be implemented?

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**Questions for Zoning:**

**1. Zoning history relevant to the request**

- a. Are there violations on the property? If so, what are they and what is their status of resolution?
- b. Is this an owner's attempt to rectify a zoning violation? If so, will the proposal rectify the zoning violation?
- c. Does the reviewer know of any relevant history that the planner should research?
- d. Are there existing proffers or conditions that affect what is being requested? If so, how do they affect the proposal?

**2. Concept Plan**

- a. If a concept plan is not provided, is one needed in order for you to do your review?
- b. If yes, what information specifically is needed?
- c. If a concept plan is provided, does it have enough information for you to understand the nature of the request and provide comment?

**3. Application Plan or General Plan of Development and Code of Development**

- a. Are all items required by the Zoning Ordinance provided with the application?
- b. What changes are needed to make the proposal conform to the Zoning Ordinance requirements for this planned district?

**4. Conformity with Zoning Ordinance**

- a. Does the concept plan, application plan, or general plan of development show items that clearly do not conform to the zoning ordinance? If so, are waivers available? What kind of resolution is needed?
- b. Are there areas where the plan may not be able to conform to the zoning ordinance?
- c. What parking issues does the proposal raise? Does parking that is shown conform?
- d. Are there procedural issues, such as the need to submit a subdivision plat, necessary to implement the request? If so, please identify.

**5. Property Issues**

- a. Can you see potential problems related to meeting zoning requirements that would affect adjoining properties?

**6. Conditions**

- a. In addition to the standard conditions, are there other conditions that you believe are important for the use? If so, please provide specific language you would like used.

**7. Proffers**

- a. Are there items for which you believe commitments are needed to ensure that a plan is implemented the way it is shown?
- b. Are proposed proffers acceptable for zoning enforcement? If not, provide recommended language.

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### **Questions for Review Coordinator/Planner**

Using the above information and information from the Comprehensive Plan, the reviewing planner is to answer the following questions:

1. What does the Comprehensive Plan recommend for this property? Is the proposal generally in keeping with the land use recommendations from the Comprehensive Plan?
2. If the project is in the Development Areas, how well does the project meet the principles of the Neighborhood Model? What changes are needed in order for the proposal to conform with the Comprehensive Plan?
3. If the project is in the Rural Areas, how well does it meet specific Comprehensive Plan goals for the Rural Areas? Does the application conflict with or support Rural Areas character? Could changes be made to the project to more closely conform with the Comprehensive Plan?
4. For special use permits, how does the proposal relate to the zoning district's purpose? How will the public health, safety, and general welfare be protected if the use is approved?
5. For rezonings, what is the by-right use of the property? What level of change is being requested?
6. How well does the proposal meet the purpose and intent of the proposed zoning district? Is the zoning district requested the appropriate district for the area?
7. What impacts are expected to nearby or adjoining properties, water and sewer service, schools, streets and roads, fire, police, and rescue service? Would this application create a need for additional services? Are impacts appropriately mitigated?
8. What commitments, if any, are needed to ensure that the proposal does not result in adverse impacts on any of these areas?
9. What impacts are anticipated on environmental resources? How do these impacts relate to the recommendations in the County's Open Space Plan? If impacts are acceptable, are they appropriately mitigated?
10. Does the jurisdictional area boundary need to be amended because the use is in the development area?
11. Do proposed design standards conform to recommendations from the Comprehensive Plan?
12. Are proposed design standards, with details, reflective of good planning and zoning practice?