



**County of Albemarle
Department of Community Development**

To: Albemarle County Planning Commission
From: Megan Nedostup
Date: November 24, 2020
Item: ZMA201900004, Breezy Hill

BACKGROUND:

This rezoning application was first submitted on May 1, 2019. The applicant held one community meeting with the Village of Rivanna Community Advisory Committee on June 24, 2019. The application was discussed at a worksession with the Planning Commission on July 30, 2019. This application has been considered during a public hearing at both Planning Commission on July 7, 2020, and Board of Supervisors on September 2, 2020. The Board voted on October 21, 2020 to send the review of this application back to the Planning Commission. The applicant has since revised the application to address concerns and comments heard at these public hearings. This application will again be considered by both the Planning Commission and Board of Supervisors.

DISCUSSION:

At its meeting on July 7, 2020, the Planning Commission voted 6:0 (Firehock absent) to recommend denial of ZMA201900004. The Planning Commission also denied the requests for private streets, curb and gutter, and planting strips related to standards under the Subdivision Ordinance. The full discussion is included in the Planning Commission minutes, which are linked below.

At its meeting on September 2, 2020, the Board of Supervisors held a public hearing on this item and accepted the request for deferral from the applicant at the meeting. Subsequently, the Board took action to defer this application back to the Planning Commission on October 21, 2020. The main concerns discussed at the Board of Supervisors public hearing included density above the Master Plan recommendation, impact to transportation, impact to the residents of Running Deer and Village of Rivanna area, and impact to schools.

The applicant has revised the Concept Plan and Proffers to address concerns from the Planning Commission and Board of Supervisors. The following is a summary of changes made since the application was before the Planning Commission and further discussed in the applicant's narrative in Attachment 3:

Overall:

1. Density was reduced from 160 units to 130 units.

Proffers:

1. Proffer 1b was updated to include language that would allow a full vehicular connection at Running Deer Drive, if required by VDOT.
2. Proffer 1c was offered to prohibit construction traffic from using the Running Deer Drive entrance.
3. Proffer 1i was revised to include the maximum number of units with a reduction from 160 units to 130 units.

4. Proffer 1j was offered to limit the net density for Block 5 to 1 unit per acre.
5. Proffer 1k was offered to restrict Block 6 to one dwelling via a deed restriction in favor of the future Breezy Hill homeowner's association.
6. Additional technical changes were made at the recommendation of the County Attorney's Office.
7. The total cash contribution for affordable housing was revised in Proffer 4a to account for the reduction in units, from a total of \$507,000 for 24 affordable units (160x15%) to \$422,500 for 20 affordable units (130x15%).

Concept Plan:

1. Street sections were updated to include sidewalk, planting strip, and curb and gutter.
2. Mid-block, multi-use 10' asphalt trails were added.
3. Notation added that the connection at Running Deer Drive would be either emergency access only or a full vehicular connection, if required by VDOT.
4. Mid-block trail standard was revised to be 10' asphalt multi-use trail.
5. A cross section of the stormwater management pond along Route to 250 was provided on sheet 4 that shows how the enhanced extended detention pond works with the 10' multi-use path, landscaping, and preserved steep slopes.
6. Notation added that the lots would not encroach into the stream buffer or preserved slopes on the cover sheet.
7. Notation added that street trees would be provided.
8. Notation added that two layers of erosion and sediment control measures would be provided where development abuts stream buffers.
9. Notation added that no erosion and sediment control measure would be located within the stream buffer.
10. Notation added that grading activities would not be allowed within the stream buffer.
11. Notation added that all construction traffic would enter/exit the site through the main entrance on Route 250 and would not be permitted to use the entrance at Running Deer Drive.
12. Design and alignment of Road B has been reconfigured.

UPDATED FACTORS:

The factors favorable and unfavorable have been updated below. Those factors that are new or revised are in italics and those factors that have been addressed have a strike through.

Factors Favorable:

1. The proposed development includes an entrance as recommended on the "Future Land Use Plan" (Detail Map 2).
2. The proposal includes a multi-use path along US 250, as per the "Future Transportation Network."
3. The proposal includes a (future) vehicular and/or pedestrian interparcel connection to the west across Carrol Creek, as recommended on the "Future Land Use Plan (Detail Map 2)."
4. *The proposal's Affordable Housing proffer would generate \$422,500 (max) of monetary contributions to support off-site affordable housing initiatives; or ensure construction of 20 affordable dwelling units (max) for sale or for rent; or an adjusted combination of those outcomes.*
5. *The proposal meets the applicable Neighborhood Model Principles.*

Factors Unfavorable:

1. The proposed density exceeds the recommendations in the Master Plan as well as the guidance provided by the Planning Commission at the work session on 7/30/2019.
2. The proposal does not address the transportation improvements identified in the Master Plan as being prerequisite to new development through rezoning.
3. The applicants have not clearly demonstrated that the impacts of the development to transportation facilities and schools has been mitigated. However, the applicant has offered a contribution towards transportation and/or school improvements.
- ~~4. The proposal does not meet a number of the applicable Neighborhood Model Principles.~~
- ~~5. The proposal does not address identified impacts to environmental, cultural, and historic resources.~~
- ~~6. The application does not meet VDOT's Secondary Street Acceptance Requirements for a second connection.~~
- ~~7. The proposal does not address the impact of construction traffic that may be generated by the development and access to Running Deer Drive.~~

RECOMMENDATIONS:

Staff acknowledges that the applicant has addressed a number of concerns identified and raised by staff, members of the community, the Planning Commission, and the Board of Supervisors, however staff's recommendation has not changed. Staff continues to recommend denial of ZMA201900004 due to the unfavorable factors identified.

ATTACHMENTS:

Att 1: [ZMA-2019-00004 Breezy Hill Plan 11042020](#)

Att 2: [Proffer Form revised 11-4-2020](#)

Att 3: [Applicant Changes Since Previous PC Meeting on July 7](#)

LINKS TO PREVIOUS PLANNING COMMISSION AND BOARD OF SUPERVISORS ACTIONS:

Planning Commission Public Hearing Staff Report and Board of Supervisors Transmittal Summary: [September 2, 2020](#)

Planning Commission: [Action Memo](#) from July 7, 2020

Planning Commission: [Minutes](#) from July 7, 2020

Board of Supervisors Public Hearing: [Video](#) from September 2, 2020

Board of Supervisors: [Action Memo](#) from September 2, 2020

Board of Supervisors vote to defer the application back to the Planning Commission: [Video](#) from October 21, 2020

