

Albemarle County
Planning Commission Staff Report (Edits made to PC Staff Report)

Project: ZMA202300017, SP202300020, and SE202300041	Staff: Kevin McDermott, Deputy Director of Planning
Planning Commission Public Hearing: December 10, 2024	Board of Supervisors Public Hearing: To be Scheduled
Owners: Chestnut Grove Park LLC	Applicant: Justin Shimp, Shimp Engineering P.C.
Acreage: 50.62 acres	Rezone from: Rural Areas to R-4 Residential
Tax Map Parcels (TMP): 13400-00-00-00400	School Districts: Scottsville ES, Walton MS, and Monticello HS
By-right use: RA-Rural Areas; Single family residential at a density of 0.5 units/acre, agricultural uses and preservation.	Location: Adjacent to 9020 Chestnut Grove Rd. On the southside of Chestnut Grove Rd (723) approximately one mile west of the intersection of Chestnut Grove Rd and James River Rd (626).
Magisterial District: Rio	Proffers: Yes
DA (Development Area): N/A	Requested Dwelling Units: 50 manufactured homes
Proposal: <u>ZMA202300017</u> Rezoning from RA to R4. <u>SP202300020</u> Special use permit for a 50-unit manufactured home park. <u>SE202300047</u> Request to modify the manufactured home park supplementary regulations.	Comp. Plan Designation: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots) in Rural Area 4 of the Comprehensive Plan.
Character of Property: The subject property is 50.62 acres and almost entirely covered by dense forest.	Use of Surrounding Properties: The surrounding area is of rural character with a variety of Rural Areas uses including low-density single family residential, forests and open space, and agricultural uses.
Positive Aspects: 1. The proposal addresses the need for affordable homes by providing up to 17 land lease manufactured units at 50% AMI, the remaining land leased units at 100% AMI, and all units not land leased as affordable rental units at 60% AMI.	Concerns: 1. The proposal is inconsistent with the Rural Area goals, objectives, and strategies found in the Comprehensive Plan. 2. The proposal is inconsistent with the County's Growth Management Policy. 3. There are inadequate services, facilities, and infrastructure to support the development. 4. There is inadequate information to determine whether the proposal can be supported by the proposed central water and sewer service facility. 5. Potential conflicts exist with home sites in the stream buffer.
RECOMMENDATION: Staff recommends denial of ZMA202300017 and SP202300020 Chestnut Grove Manufactured Home Park Community rezoning and special use permit for the reasons in the Staff Report.	

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Kevin McDermott; Deputy Director of Planning
December 10, 2024
To be Scheduled

PETITIONS:

PROJECT: ZMA202300017, SP202300020, and SE202300041 Chestnut Grove Manufactured Home Park Community

MAGISTERIAL DISTRICT: Samuel Miller

TAX MAP/PARCEL: 13400-00-00-00400

LOCATION: Adjacent to 9020 Chestnut Grove Rd. On the south side of Chestnut Grove Rd (723) approximately one mile west of the intersection of Chestnut Grove Rd and James River Rd (626).

PROPOSAL: Rezone property from Rural Areas to R-4 Residential with a special use permit and special exception application to establish a manufactured home park community.

PETITION: Rezone 50.618 acres from Rural Areas to R-4 Residential with a special use permit under section 18-15.2.2(14) to establish a 50 unit manufactured home park on the site. Associated with this request is a special exception application to modify the manufactured home park regulations in section 18-5.3.

ZONING: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)

ENTRANCE CORRIDOR: No

OVERLAY DISTRICT: None

PROFFERS: No

COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots) in Rural Area 4 of the Comprehensive Plan.

CHARACTER OF THE AREA

The subject property for this rezoning application is made up of a 50.62-acre parcel of land currently zoned Rural Areas. The property is along Chestnut Grove Rd, which is a rural road in southern Albemarle. As described in the Application Narrative and depicted on the Existing Conditions sheet within the application materials, the surrounding properties are also zoned Rural Areas with a mixture of different Rural Areas uses (Exhibit 1: Zoning Map provided below).

There are four (4) parcels abutting the property that are 2-acre residential lots. Additional Rural Areas residential lots are to the west and east along Chestnut Grove Rd. There are also some larger lots within the area that have a present use of forest and/or open space as well as other Rural Areas uses such as agriculture. Chestnut Grove Baptist Church is about a half of a mile to the west along Chestnut Grove Rd. The property itself is undeveloped and completely covered in dense forest (Exhibit 2: Aerial Image).

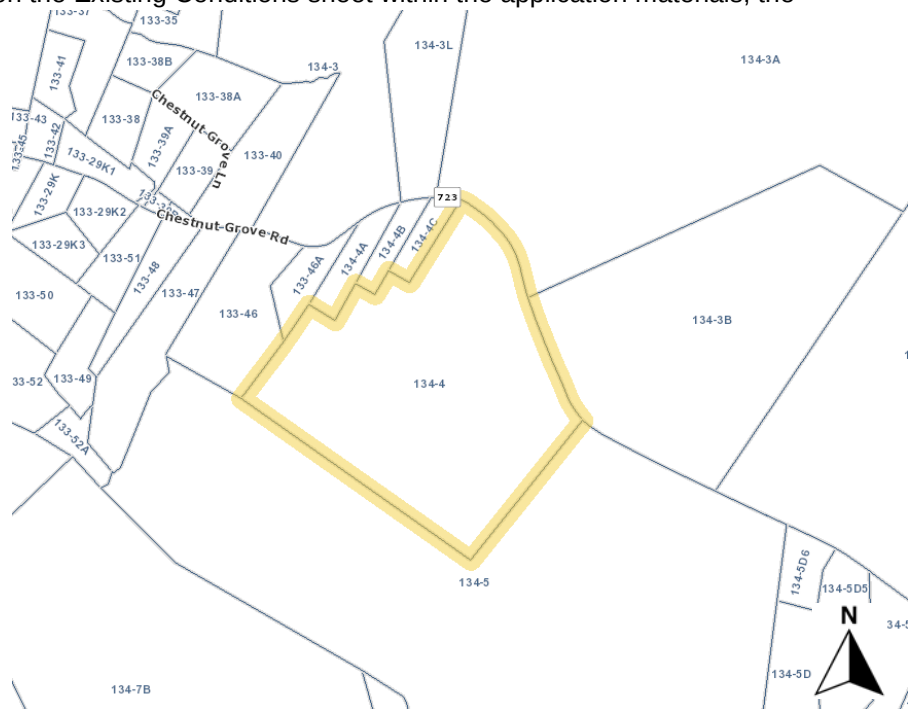


Exhibit 2: Aerial Image



PLANNING AND ZONING HISTORY

The 50.62-acre subject property as it exists today was established in 1975. There have been no additional subdivisions, planning, or zoning applications related to this property.

SPECIFICS OF THE PROPOSAL

The Applicant has provided a detailed Application Narrative (Attachment 1), Concept Plan (Attachment 2), and Proposed Proffers (Attachment 3).

The project proposal is to rezone the entire 50.62-acre subject property from Rural Areas to R-4 Residential with a special use permit request to establish a manufactured home park on the site. The Concept Plan shows a conceptual layout of the 50 manufactured homes and the proposed travelways and provides additional information including potential wells and drainfield locations, trails, landscaping, stormwater management facilities, and other features.

COMMUNITY MEETING

Two community meetings were held for this project. The first was held on January 16, 2024, at Scottsville Library and the second at Yancey Community Center on July 22, 2024. Approximately 40-50 community members were in attendance at each meeting. The community expressed a lot of interest in the project and many concerns regarding impacts on schools, emergency services, fire-rescue, police, existing roads, and traffic. Questions and concerns were raised regarding noise, trash, consistency of services such as power and cell service, maintenance, childcare services, proximity to jobs, and response times for services. Overall, the community felt the project was inconsistent with the rural character of the area given the project's proposed number of units and potential impacts to existing roads, schools, and services.

There has been significant community feedback received on this proposal since the application was submitted. Attachment 4 contains all emails/letters received by the County prior to Dec. 4, 2024.

COMPREHENSIVE PLAN

Staff has found that the application, the proposed development of a 50-unit Manufactured Home Park Community in the Rural Area, is not consistent with the County's Comprehensive Plan including the County's Growth Management Policy and certain Goals, Objectives, and Strategies found in the Comprehensive Plan.

The Comprehensive Plan land use designation for the property is Rural Area. The property and all of the surrounding properties are designated as Rural Area and are within Rural Area 4 of the Comprehensive Plan (Exhibit 3: Comprehensive Plan Map). Where residential development is permitted, it is within development lots at a density of 0.5 du/acre or one dwelling unit every two acres.

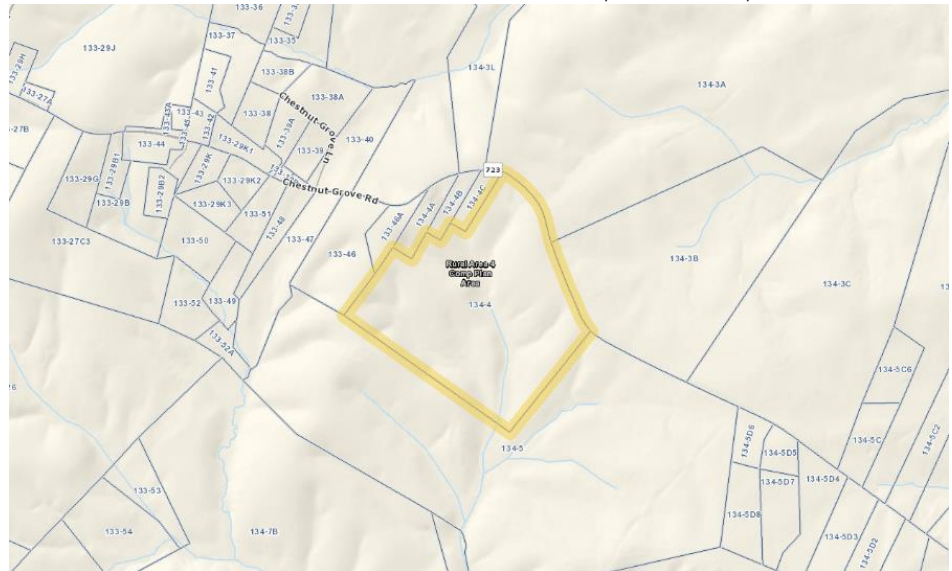
The Rural Area chapter of the Comprehensive Plan describes the Rural Area of Albemarle County as containing some of its most valued assets including farms and forests, mountain and valley views, historic buildings and sites, and abundant natural resources. These features are all part of the Rural Area, which makes up 95% of the County's land area, and gives Albemarle County its distinct character. Land uses in the Rural Area including agriculture, forestry, and conservation, are essential to preserving the county's environment, heritage, and economy. Along Chestnut Grove Road, there are numerous pine plantations, including on adjacent parcels. These forests play a significant role in maintaining the vitality of the County's local timber industry. Albemarle County aims to minimize new homebuilding in the Rural Area to protect these preferred uses and prevent rural landowners from feeling pressured to subdivide their land. The Growth Management Policy promotes residential development in the Development Areas where infrastructure and services are available to avoid conflicts with the above-mentioned Rural Area land uses.

Growth Management Goal: Albemarle County's Development Areas will be attractive, vibrant, areas for residents and businesses, supported by services, facilities, and infrastructure. Growth will be directed to the Development Areas and the County's Rural Area with its agricultural, forestal, historic, cultural, scenic, and natural resources will be preserved for future generations.

Objective 1: Continue to consistently use the Growth Management Policy as the basis on which to guide decisions on land use, capital expenditures, and service provision.

Strategy 1a: Continue to encourage approval of new development proposals in the Development Areas as the designated location for new residential, commercial, industrial, and mixed-use development. Only approve new development proposals in the Rural Area that are supported by Rural Area goals, objectives, and strategies.

Exhibit 3: Comprehensive Plan Map



In addition to these Growth Management Policy goals and objectives, Staff believes the development proposal is not supported by the Rural Area goals, objectives, and strategies, including the ones provided below.

Rural Area Goal: Albemarle's Rural Area will have thriving farms and forests, traditional crossroads communities, protected scenic areas, historic sites, and preserved natural resources.

Objective 1: Support a strong agricultural and forestal economy

Strategy 1b: Continue to promote farming and forestry activities in the County by retaining Rural Area zoning on Rural Area designated land.

Objective 2: Protect and preserve natural resources, which include mountains, hills, valleys, rivers, streams, groundwater, and continuous and unfragmented land for agriculture, forestry, biodiversity and natural resource protection.

Strategy 2a: Direct residential development to and continue to make the Development Areas more livable, attractive places.

Objective 6: Provide distinct boundaries between the Rural Area and Development Areas.

Lastly, the Rural Area chapter of the Comprehensive Plan discusses criteria for review of new uses that are proposed in the Rural Area. Staff has found the proposal is inconsistent with the following:

- Compatible with, and have a negligible impact, on natural, cultural, and historic resources;
- reflect a size and scale that complement the character of the area in which they will be located;
- be reversible so that the land can easily return to farming, forestry, conservation, or other preferred rural uses;
- be suitable for existing rural roads and result in little discernible difference in traffic patterns;
- generate little demand for fire and rescue and police service;
- sustainable with available groundwater; and
- consistent with other Rural Area policies

In summary, Staff has found that the application, the proposed development of a 50-unit Manufactured Home Park Community in the Rural Area, is not consistent with the County's Comprehensive Plan including the County's Growth Management Policy and certain Goals, Objectives, and Strategies found in the Rural Area chapter of the Comprehensive Plan. Staff cannot recommend approval of the Zoning Map Amendment application, Special Use Permit, or Special Exception applications given these significant inconsistencies.

ANALYSIS OF THE REZONING REQUEST

Anticipated impact on public facilities and services:

Transportation:

Chestnut Grove Road is a rural road with an estimated 150 vehicle trips per day according to VDOT traffic volume data. In the Application Narrative, the Applicant estimates that 356 additional trips will be added to Chestnut Grove Road. While this is a significant increase in the number of daily trips, Chestnut Grove Rd would still be operating as a low-volume road with the proposed increase.

The development proposes private internal travelways to be maintained by the manufactured home park community. The proposal includes a special exception application to vary the design standards of

these internal roads including allowing 20' width and gravel surfaces. While gravel roads are a common surface treatment for these types of communities, this is still a variance from the required paved surface treatment requirements. Maintenance of these roads is a significant concern for this community.

Proximity to businesses, grocery stores, employment, childcare facilities, and other needed services is a significant concern. There is no reliable public transportation service within the immediate vicinity of this development, so residents would need to rely on their own personal vehicles. Scottsville and Charlottesville are an estimated 15 minutes and 45 minutes, respectively, from the subject property. While the proposal does provide an affordable housing option, other costs including transportation greatly impact the real affordability level of this development proposal. According to AAA, owning a personal vehicle costs over \$10,000 per year.

Schools:

Students living in the development would be in the school districts for Scottsville Elementary, Walton Middle, and Monticello High. Included in the Applicant's Narrative, the ACPS subdivision yield analysis suggests that 50 additional manufactured home park units could add 12 students to Scottsville Elementary School, 3 students to Walton Middle School, and 15 students to Monticello High School, for a total of 30 students.

Based on the Albemarle County Public Schools (ACPS) Long Range Planning Advisory Committee 2023 Recommendations, Scottsville Elementary School and Walton Middle School will have capacity for these additional students for the next 10 years, while Monticello will have varying levels of capacity conflicts. However, these impacts may be mitigated by the additional High School Center II coming online in the near future.

The major concern for schools is the location of the subject property and ability to get these students to the applicable schools. Scottsville Elementary School is the closest at 10 miles or a 17-minute drive. Walton is 15.7 miles and a 23-minute drive. And Monticello is 22.2 miles and a 31-minute drive. These distances provide significant round trip commute times for any school buses, parents, or students just to attend school.

Parks:

The proposal does not include any public parks or open spaces. The proposed development provides private amenities including primitive trails and access to forested areas within the subject property. Totter Creek Reservoir Park is approximately eight miles away.

Fire and Rescue:

Call response times for Police and Fire and Rescue services are a significant public safety concern for the proposed development. Community members have expressed that given the rural characteristics of the area, response times are significant. Estimated response times are between 16-18 minutes for this area. Response times are a significant factor in health and safety especially when something is life-threatening.

From a development standpoint, Fire and Rescue has reviewed this rezoning application and has no significant Fire Rescue concerns based on the layout and overall proposed development. All requirements of the Fire Code will be met at site development plan review.

Utilities:

The Applicant has provided that the development will be served by a private well and septic system. The Application Narrative states that a soils analysis has been conducted and determined that the site

could support a septic system sufficient to serve the development. This soils analysis has not been provided to the County and it is not a requirement of the rezoning application. However it will be required at site plan stage at which time it will be reviewed in order to receive approval of the site plan. Board of Supervisors approval of a central sewer system request will be required prior to site plan approval.

Anticipated impact on environmental, cultural and historic resources:

The parcel is forested and contains areas of critical slopes and a stream with a Water Protection Ordinance Buffer on it. Clearing of existing vegetation and minor grading will be required within areas of site development. A preliminary grading plan was not provided. The narrative and concept plan indicate that the site will be developed in a cluster style with more than half of the property to remain undisturbed. The concept plan also shows development site features avoiding critical slopes and the WPO buffer area. However, a stream buffer field survey has not confirmed the stream buffer limits, and the Concept Plan shows sites where potential conflict may exist. The County Code provides: each stream buffer shall be incorporated into the design of the development by keeping stream buffers in open or natural spaces, and out of residential lots or areas of active use, to the fullest extent possible.

While not located within an Ag/Forestal District, the Totier Creek Ag/Forestal District is located across Chestnut Grove Road from the site. No impacts to this District are expected from this proposal.

There are no identified cultural or historic resources although the site does lie within the Southern Albemarle Rural Historic District.

Anticipated impact on nearby and surrounding properties:

Many nearby and directly adjacent properties are undeveloped and in forestry uses. The buffers shown on the concept plan between the development sites and adjacent rural residential properties appear sufficient to prevent any direct impacts to those properties.

Public need and justification for the change:

The applicant's Narrative describes the need for this proposal as addressing critical affordable housing needs by providing a variety of housing options meeting affordable price points. Additional information on these affordable options and the public need can be found in the description of the draft proffers below and the Project Narrative in Attachment 1.

Proffers

A Draft Proffer Statement has been provided and is included as Attachment 3. The Draft Proffer Statement addresses Prohibited Uses for this development that are typically allowed by-right in the R-4 Zoning District including disallowing higher density residential developments such as triplexes and townhouses and public uses. It also prohibits assisted living facilities, hospitals, and stand-alone parking typically allowed by Special Use Permit in the R-4 District.

The proffers also limit the number of manufactured homes to no more than 50 units. If the manufactured home park is not developed, the Proffers limit the residential density to that allowed by-right under the existing RA zoning, which is six units.

Finally, the Draft Proffer Statement also sets affordability requirements for the manufactured home park. These requirements include that all manufactured homes in the Project shall be designated as either Affordable Land Lease Units 50% Area Median Income (AMI), Affordable Land Lease Units 100% AMI, or Affordable Rental Units. All units within the Project will be income qualified. Of the units that are land leased, 33% will be Affordable Land Lease Units at 50% AMI with the

remainder of land leased units being Affordable Land Lease Units at 100% AMI. Units that are not land leased will be Affordable Rental units at 60% AMI. See Attachment 4 for additional details.

SUMMARY

Staff has identified the following positive aspects this this rezoning request:

1. The proposal addresses the need for affordable homes by providing up to 17 land lease manufactured units at 50% AMI, the remaining land leased units at 100% AMI, and all units not land leased as affordable rental units at 60% AMI.

Staff has identified the following concerns with this rezoning request:

1. The proposal is inconsistent with the Rural Area goals, objectives, and strategies found in the Comprehensive Plan.
2. The proposal is inconsistent with the County's Growth Management Policy as it proposes residential development in the Rural Area.
3. There are inadequate services, facilities, and infrastructure to support the development in the proposed location.
4. There is inadequate information to determine whether the proposal can be supported by the proposed central water and sewer service facility. The Virginia Department of Health has not received enough information to review the proposed wells, soils, and drainfield locations.
5. Until a stream buffer field survey has confirmed top of bank to stream buffer limits, potential conflict exists with home sites in the buffer. The County Code provides: each stream buffer shall be incorporated into the design of the development by keeping stream buffers in open or natural spaces, and out of residential lots or areas of active use, to the fullest extent possible.

RECOMMENDATION

For the reasons outlined in the staff report, staff recommends denial of ZMA202300017 Chestnut Grove Manufactured Home Park Community.

POTENTIAL PLANNING COMMISSION MOTIONS

ZMA202300017 Chestnut Grove Manufactured Home Park Community - Rezoning

- a. Should a Planning Commissioner **choose to recommend denial** of this zoning map amendment:

Move to recommend denial of ZMA202300017 Chestnut Grove Manufactured Home Park Community for the reasons as stated in the Staff Report.

- b. Should a Planning Commissioner **choose to recommend approval** of this zoning map amendment:

Move to recommend approval of ZMA202300017 Chestnut Grove Manufactured Home Park Community. State reasons for approval.

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST:

In accordance with Chapter 18 Section 15.2.2 of the Albemarle County Code, manufactured home parks are permitted by special use permit in the R-4 Residential zoning district. Special use permits are evaluated under reasonable standards, based on zoning principles which include the proposal's compliance with the Comprehensive Plan. Any impacts caused by the proposal may be addressed through conditions which must be reasonably related and roughly proportional to the impacts.

Section 33.8(A) states that the Commission, in making its recommendation, shall consider the following factors:

1. No substantial detriment. Whether the proposed special use will be a substantial detriment to adjacent parcels.

Many nearby and directly adjacent properties are undeveloped and in forestry uses. The buffers shown on the concept plan between the development sites and adjacent rural residential properties appear sufficient to prevent any detriment to those properties.

2. Character of the nearby area is unchanged. Whether the character of the adjacent parcels and the nearby area will be changed by the proposed special use.

The character of the of the nearby area consists of rural residential uses on large lots and forestry uses. Development of manufactured home park at the proposed densities would be inconsistent with the prevailing character. Increase in residential traffic and the necessary clearing and grading for the site development has the potential to change the character of the area. However, this change is not necessarily a result of the development of a manufactured home park but is a factor of the increased density allowed by the rezoning.

3. Harmony. Whether the proposed special use will be in harmony with the purpose and intent of this chapter,

Section 18, Chapter 10 of the Zoning Ordinance outlines the purpose of the Rural Areas zoning district as follows:

“This district (hereafter referred to as RA) is hereby created and may hereafter be established by amendment of the zoning map for the following purposes:

- *Preservation of agricultural and forestal lands and activities;*
- *Water Supply protection;*
- *Limited Service Delivery to the rural areas; and*
- *Conservation of natural, scenic, and historic resources*

Staff has found that the proposal is not in harmony with this purpose and intent. While the impact area is relatively small and less permanent than most denser residential uses, it does not further the preservation of these forestal lands. It will also create larger areas of impervious surface than is typically desired in the rural areas to protect water supply. Additional service delivery will be required to address the needs of the future residents of this park including Fire and Rescue, school, and utilities. The density of this proposed development does not actively conserve the natural, scenic, and historic resources of the of the Rural Area.

with the uses permitted by right in the district,

The uses permitted by right in the district include those related to agriculture, forestal, and rural residential at low densities. The increase in density allowed by this proposal is not found to be in harmony with those uses for the reasons stated throughout this report.

with the regulations provided in Section 5 as applicable,

Manufactured home parks are subject to the supplementary regulations provided in Section 5.3 of the Zoning Ordinance. The Applicant has requested a special exception application to modify or waive six specific regulations as described in the Application Narrative. Staff has not completed a full analysis of these special exceptions because the rezoning and special use permit are being recommended for denial.

and with the public health, safety, and general welfare.

The public health, safety, and general welfare of the community are protected through the special use permit process, which assures that the proposed use is appropriate in the location requested. Community Development Staff and our partner agencies including Planning, Zoning, Engineering, Building Inspections, VDOT, Fire-Rescue, and VDH have reviewed this application.

Increasing residential density in an area not well served by Fire and Rescue services is not considered to be in harmony with the public health, safety, and general welfare of the potential future residents of this park or the communities in the **surrounding area which would also be impacted through the further straining of existing services.**

4. *Consistency with the Comprehensive Plan. Whether the proposed special use will be consistent with the Comprehensive Plan.*

As described above, the proposal is inconsistent with the Rural Area land use recommendations for the subject property found in the Comprehensive Plan. The proposal goes against the Growth Management Policy and proposes residential development at a scale inconsistent with the Rural Area and surrounding area of the subject property.

SUMMARY:

Staff finds the following positive aspects of this special use permit request:

1. The proposal addresses the need for affordable homes by providing up to 17 land lease manufactured units at 50% AMI, the remaining land leased units at 100% AMI, and all units not land leased as affordable rental units at 60% AMI.

Staff finds the following concerns with this special use permit request:

1. The proposal is inconsistent with the Rural Area goals, objectives, and strategies found in the Comprehensive Plan.
2. The proposal is inconsistent with the County's Growth Management Policy as it proposes residential development in the Rural Area.
3. There are inadequate services, facilities, and infrastructure to support the development in the proposed location.
4. There is inadequate information to determine whether the proposal can be supported by the proposed central water and sewer service facility. The Virginia Department of Health has not received enough information to review the proposed wells, soils, and drainfield locations.
5. Until a stream buffer field survey has confirmed top of bank to stream buffer limits, potential conflict exists with home sites in the buffer. The County Code provides: each stream buffer shall be incorporated into the design of the development by keeping stream buffers in open or natural spaces, and out of residential lots or areas of active use, to the fullest extent possible.

RECOMMENDED ACTION:

Based on the findings contained in this staff report, staff recommends denial of the special use permit application SP202300020 Chestnut Grove Manufactured Home Park Community.

At this time, Staff has not drafted any special use permit conditions since we are recommending denial of the rezoning and special use permit request. At the Planning Commission's request, Staff will further evaluate conditions to address impacts of the special use permit as needed.

POTENTIAL PLANNING COMMISSION MOTIONS

SP202300020 Chestnut Grove Manufactured Home Park Community – Special Use Permit

- a. Should a Planning Commissioner **choose to recommend denial** of this special use permit:

Move to recommend denial of SP202300020 Chestnut Grove Manufactured Home Park Community for the reasons as recommended in the Staff Report.

- b. Should a Planning Commissioner **choose to recommend approval** of this special use permit:

Move to recommend approval of SP202300020 Chestnut Grove Manufactured Home Park Community. State reasons for approval.

SPECIAL EXCEPTION APPLICATION

Manufactured home parks are subject to the supplementary regulations in Section 5.3 of the Zoning Ordinance. The Applicant has requested a special exception application to modify or waive six specific regulations as described in the Application Narrative. Staff has not fully evaluated these special exceptions as the rezoning and special use permit are being recommended for denial. If the planning commission votes to approve the ZMA and SP, Staff will fully evaluate the special exception requests prior to the Board of Supervisors meeting. If the Planning Commission has comments on the special exception requests those will be included in the analysis presented to the Board. Following is a list of the Special Exceptions requested along with the justification provided by the applicant.

- *[Sec. 5.3.4(B)] Each manufactured home shall front on an internal street.*

New streets are not proposed with this development. The manufactured home lots shall front on an internal travel way.

- *[Sec. 5.3.7(C)] Outdoor living and storage areas. An outdoor living area shall be provided on each manufactured home lot. At least 100 square feet shall be hard surfaced. Storage buildings not to exceed 15h square feet shall be permitted in a designated area on each lot. Additional storage facilities may be provided in common areas.*

Because modern manufactured homes may include an outdoor deck or patio area, this is requested to be waived.

- *[Sec. 5.3.8(A)] Off-street parking. Off-street parking for manufactured homes, recreational uses, and service areas shall be provided in accordance with section 4.12 of this ordinance.*

Because new streets are not proposed with this development, parking is to be accessed from the travelway. The parking schedule is to be provided in accordance with section 4.12.6.

- *[Sec. 5.3.8(B)] Internal street. A minimum of right-of-way width of 40 feet shall be established on internal private streets for the purpose of measuring setbacks. The right-of-way shall be maintained clear of all obstructions.*

- *[Sec. 5.3.8(B)] Minimum typical street sections for internal streets*

2. *Minimum typical street section for lot frontages of 85 feet or greater*

While the designated shoulder/ditch section will be provided, a gravel section is proposed as a rural property.

3. *General Design Notes:*

- b. Pavement shall be prime and double seal bituminous surface treatment. Base shall be six inches of 21A or 21B aggregate base.*

As described above, a gravel section is proposed.

- *[Sec. 5.3.8(C)] Recreation requirements. See section 4.16.*

With more than half of the site to remain in an undisturbed condition, residents may enjoy over 25 acres of natural recreation. The applicant proposes primitive trails throughout the property to encourage active recreation of the surrounding natural amenities.

- *[Sec. 5.3.8(D)] Pedestrian access. The requirements of section 32.7.2.3 shall be met.*

There are no sidewalks in the near vicinity of this site. As a development that seeks to align with the rural character of the area, this requirement is requested to be waived. While the applicant seeks to install primitive trails and areas of passive recreation for residents to enjoy within the 50-acre property, sidewalks/pedestrian walkways between each manufactured home lot is not desired nor necessary. As 20' gravel travelways are proposed to provide access for vehicles, pedestrians could easily utilize the gravel area to access their neighbors or trail areas as vehicles would be traveling a very low speed. Where the comprehensive plan encourages new uses in the Rural Areas to "be reversible so that the land can easily return to farming, forestry, conservation, or other preferred rural uses" (7.5), additional disturbance, grading, and new impervious area would directly contradict the development of this rural community where access may be shared along the low-speed gravel accessways.

Section 5.1 of the Zoning Ordinance provides that any requirement of Section 5 may be modified or waived in an individual case as provided herein:

- a. The Board of Supervisors may modify or waive any such requirement upon a finding that such requirement would not forward the purposes of this chapter or otherwise serve the public health, safety, or welfare or that a modified regulation would satisfy the purposes of this chapter to at least an equivalent degree as the specified requirement; and upon making any finding expressly required for the modification or waiver of a specific requirement; except that, in no case, shall such action constitute a modification or waiver of any applicable general regulation set forth in [section 4](#) or any district regulation. In granting a modification or waiver, the commission may impose conditions as it deems necessary to protect the public health, safety, or welfare.

Since Staff is recommending denial of the rezoning application, conditions of approval for these special exceptions have not been drafted. At the recommendation of the Planning Commission, Staff will consider drafting conditions at the PC's guidance.

Special Exception

The Planning Commission is not required to make a recommendation on this Special Exception. However, if the Planning Commission chooses to provide comments on the special exception, staff will include those in the Transmittal Summary to the Board of Supervisors.

Attachments

1. Application Narrative
2. Concept Plan
3. Proposed Proffers
4. Community Feedback