

COUNTY OF ALBEMARLE

EXECUTIVE SUMMARY

AGENDA TITLE: SDP2013-58. Rolkin Road Retail Center Special Exception	AGENDA DATE: February 5, 2014
SUBJECT/PROPOSAL/REQUEST: Request for a Special Exception to allow the disturbance of critical slopes	ACTION: INFORMATION:
STAFF CONTACT(S): Benish, Ray, and Greene	CONSENT AGENDA: ACTION: X INFORMATION:
LEGAL REVIEW: No	ATTACHMENTS: No
	REVIEWED BY:

BACKGROUND:

The Rolkin Road Retail Center is located in the southeast corner of the intersection of Rolkin and Abbey Roads, approximately 275' south of the intersection of Rolkin Road and Route 250. This site is an outparcel of the larger commercial development, Pantops Shopping Center, which was rezoned to PD-MC (Planned Development Mixed Commercial) under ZMA199800020. The initial site plan includes a 10,510 square foot retail building with associated parking and travelway, and requires this special exception to develop as proposed. The applicant is requesting a special exception to disturb a small area of man-made critical slopes.

STRATEGIC PLAN:

Goal 3: Encourage a diverse and vibrant local economy.
Goal 5: Ensure the health and safety of the community.

DISCUSSION:

1. CRITICAL SLOPES WAIVER

The proposed development will require the disturbance of critical slopes. A special exception to allow critical slopes disturbance is necessary before the final site plan can be approved by staff. The applicant has submitted a request and justification for the waiver, and this request has been reviewed for both the Engineering and Planning aspects of the critical slopes regulations. Section 4.2.1(a) of the Zoning Ordinance requires that the building site, and thus any improvements and earth-disturbing activity, be free from critical slopes. Section 4.2.5(b) allows this restriction to be waived when the slopes were created through development pursuant to an approved Site Plan.

The critical slopes in the area of this request appear to be man-made and created pursuant to the road plans for adjacent roads. Though no site plan for this particular parcel has been previously submitted, site plans for the adjacent parcels show no critical slopes on this parcel prior to 2001. Critical slopes have been created since that time, likely with the construction of Hickman Road. Staff is recommending approval of the special exception. This recommendation for approval is based on staff's assessment which finds that the proposed disturbance substantially meets the requirements listed in Section 4.2.5(b):

Review of the request by Engineering staff:

Description of critical slope area and proposed disturbance:

This is an infill lot for the Pantops Shopping Center. The adjacent site plans around the project show no critical slopes prior to 2001. Critical slopes have since been constructed, possibly with the construction of Hickman Road.

Areas	Acres	
Total site	1.67 acres approximately	
Critical slopes	0.25	15% of site
Critical slopes disturbed	0.25	100% of critical slopes

Exemptions to critical slopes waivers for driveways, roads and utilities without reasonable alternative locations:

This disturbance is not exempt.

Compliance with Zoning Ordinance Section 18-4.2:

“movement of soil and rock”

Proper slope construction, control of drainage, and vegetative stabilization will prevent any movement of soil.

“excessive stormwater runoff”

Stormwater runoff will be reduced in this area, as the slopes will be eliminated.

“siltation”

Inspection and bonding by the County will ensure siltation control during construction. Proper stabilization and maintenance will ensure long term stability.

“loss of aesthetic resource”

This area is visible from the roads and houses in the neighborhood. Some of the slopes were created with the roads.

“septic effluent”

This neighborhood is serviced by public sewer.

Based on the review above, there are no engineering concerns which prohibit the disturbance of the critical slopes as shown.

Review of the request by Planning staff:

Each of the following four factors delineated in Zoning Ordinance Section 18-4.2.5(b) are satisfied:

1. The property is not identified in the open space plan as one having any protected resources and a field inspection has confirmed that there are no significant or critical features on the property identified for protection in the open space plan;
2. There is no reasonable alternative that would eliminate or reduce the disturbance of critical slopes;
3. The developer submitted and obtained approval from the program authority of an erosion and sediment control plan; and
4. The developer submitted and obtained approval from the County Engineer of a plan that describes how the movement of soil and rock, stormwater runoff, siltation of natural and man-made bodies of water, the loss of aesthetic resources identified in the open space element of the comprehensive plan and, in the event of the failure of a treatment works and subsurface drainfield, a greater travel distance of septic effluent, will be mitigated through design, construction techniques, revegetation, stormwater management and other best management practices.

Based on the County Engineer’s comments, staff finds that this request meets the criteria noted above. These slopes are not identified on the Open Space Plan and are man-made. There are no concerns that would cause staff to object to the approval of the proposed critical slope disturbance request.

RECOMMENDATION:

Staff recommends approval of the special exception to allow the critical slopes to be disturbed, as required.

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