



December 23, 2014

Ms. Lory Markham  
Secretary to the Planning Commission  
Department of Community Development  
900 East Broad Street, Room 511  
Richmond, Virginia 23219

**RE: Exceptions Request – Adams Park Section 3&4 Tentative Subdivision  
5107 Kenmare Loop (the “Property”)  
File #8682F**

Dear Ms. Markham,

Avon Associates, LLC, the owner of the Property, requests an exception from Sections 94-71 (Width of Streets), 94-101 (Length and Area of termini), and 94-213 (Curbs, Gutters and Sidewalks) of the Code. Section 94-71 requires a right-of-way of 50 feet for any street not specifically shown in the Master Plan; a 44 foot right-of-way is proposed. Section 94-101 limits the length of cul-de-sac streets to 400 feet; the two proposed streets with cul-de-sacs exceed this length. Section 94-213 requires sidewalks to be installed on both sides of the street; sidewalks are proposed on one side of the street. The previous subdivision approval for the Property was granted similar exceptions by the Planning Commission in 2006 and was pursued as far as construction drawings. The logic supporting the exceptions remains the same with the new tentative subdivision proposal.

The Property was rezoned to R-5C pursuant to Ordinance 2014-74-69, and during the public zoning process, the challenges of sensitively developing the site according to guidance contained within the City’s Master Plan and Green Infrastructure Plan were thoroughly discussed. As an outcome of the zoning process, the owner proffered a concept plan that utilized a variety of concepts in order to more sensitively develop the property from an environmental standpoint. Among other things, the plan relies on the retention of existing forested land and the reduction of imperious surfaces. Benefits include cleaner air, reduced storm water requirements and pollution reductions. The improvements proposed with the tentative subdivision plat including but not limited to reduced right-of-way width, the cul-de-sac configuration/length, and sidewalks on one side of the street are consistent with that concept. The desire to maximize environmental sensitivity, consistent with City policy and the approved conceptual layout, represents an extraordinary or exceptional circumstance within in the meaning of Section 94-9 of the Code concerning variations and exceptions. Additionally, there are topographical concerns that when considered in the context of environmental sensitivity also represent an extraordinary or exceptional circumstance.

***Section 94-71 (Width of Streets):***

Utilizing a 44 foot right-of-way increases environmental sensitivity over the use of the typical 50' right-of-way and is consistent with the City's unique policy goals for the Property. The reduction in width reduces overall right-of-way area by 12 percent, which results in increased undisturbed area. Additionally, there are topographical concerns. The street layout utilizes the ridge line in order to reduce the need for grading. While more environmentally sensitive, this configuration results in a topographical condition where some homes lie below the street in elevation. The narrower right-of-way allows for more flexibility in laying out the street network to limit this effect. The proposed reduction of the right-of-way width to 44 feet is an exception that would allow these extraordinary or exceptional circumstances (both environmental goals and unique topographical concerns) to be addressed more sensitively. This request is unique and is tied to the characteristics of the Property – it does not represent a special privilege or convenience that is being sought by the developer. The proposed improvements within the 44' right-of-way would be indistinguishable from those that would be required within a 50' right-of-way. The reduction in right-of-way width is only being contemplated in this request based on the extraordinary and exceptional circumstances related to unique topographical conditions and maximizing environmental sensitivity according to City policy.

***Section 94-101 (Length and Area of termini):***

The two cul-de-sac streets within the proposed subdivision exceed 400 feet. However, these streets are consistent with the approved concept plan in design. The concept plan was intended to minimize environmental impacts by utilizing a street pattern for the two streets which follows the existing ridgelines. This results in a configuration that minimizes grading and the disturbance of existing forested land in comparison to the layout that would otherwise result from this requirement. The approval of the concept plan as a part of the rezoning establishes a unique circumstance whereby the subdivision must utilize this proposed layout – the tentative plat must be consistent with the concept plan and, therefore, this layout must be used. That aside, the increased environmental sensitivity and the design geared toward the existing topography do represent extraordinary or exceptional circumstances warranting approval of a variation. This request is unique to this Property and does not represent a special privilege or convenience that is being sought by the developer. The increased cul-de-sac street length is only being requested in order to address the unique topographical conditions of the site and maximize environmental sensitivity according to City policy

***94-213 (Curbs, Gutters and Sidewalks)***

The proposed tentative plat includes sidewalk on one side of the street. This is consistent with the previously approved tentative subdivision plat for sections 3 and 4. The Commission granted this same exception in 2006 in conjunction with that plat and the owner would like to retain the exception in this reconfiguration. At that time it was noted in the staff report that, among other things, the request represented a "reduction in hard paved surfaces which would reduce the amount of runoff into the adjacent reservoir." It was also noted that the sidewalk configuration was found acceptable by the Department of Public Works. Subsequently, the single-sidewalk configuration was developed in section 2.

Since the previous approval, and as discussed during the review of the rezoning, City policy has intensified with regard to the site with adoption of the Green Infrastructure Plan as part of the Mayor's Sustainability Initiative. The plan recognizes the Property as a priority conservation area. This echoes the goals of the Master Plan and provides more specificity. In comparing the relative benefits of the new proposed layout versus the old, the retention of forested area and the reduction of paved surface were considered – the analysis did not contemplate sidewalks on both sides of the street. Eliminating the sidewalk on one side of the street allows for less grading in areas of topographical concern, less impervious surface/run off, more planted area, and potentially less disturbance of existing vegetation – all benefits when it comes to environmental sensitivity. As in 2006, designing for the specific policy guidance regarding environmental sensitivity continues to represent an extraordinary and exceptional

circumstance. This request is unique to this Property and does not represent a special privilege or convenience that is being sought by the developer. The elimination of sidewalk on one side of the street is only being requested in order to address the unique topographical conditions of the site and maximize environmental sensitivity according to City policy.

Thank you in advance for forwarding this request to the Planning Commission. Please feel free to call me or email me at [markbaker@bakerdevelopmentresources.com](mailto:markbaker@bakerdevelopmentresources.com) should you have any questions.

Sincerely,



Mark R. Baker