



**ALBEMARLE COUNTY PLANNING**  
**STAFF REPORT SUMMARY**

<b>Project Name:</b> SP201600003 West Glen – Fill in the floodplain SP	<b>Staff:</b> Rachel Falkenstein, Senior Planner
<b>Planning Commission Public Hearing:</b> June 21, 2016	<b>Board of Supervisors Hearing:</b> To be determined
<b>Owner(s):</b> Crozet Development Solutions, LLC	<b>Applicant(s):</b> Southern Development Group
<b>Acreage:</b> 40.77 acres	<b>Special Use Permit for:</b> Fill in the Flood Hazard Overlay under Section 30.3.11 of zoning ordinance
<b>TMP:</b> 055C0-03-00-000A0; 056A1-01-00-02500; 056A1-01-00-026A0; 05600-00-00-11500; 055C0-03-00-000A1 <b>Location:</b> South of Cling Lane, northeast of Peach Tree Drive and Orchard Drive	<b>Zoning/by-right use:</b> R-6 Residential (6 unit/acre).
<b>Magisterial District:</b> White Hall	<b>Conditions:</b> Yes
<b>DA (Development Area):</b> Crozet	<b>Requested # of Dwelling Units/Lots:</b> N/A
<b>Proposal:</b> Construction of stream crossing of Powell's Creek with box culvert and roadway in floodplain	<b>Comp. Plan Designation:</b> Neighborhood Density Residential – 3-6 units /acre, supporting uses such as religious institutions, schools and other small-scale non-residential uses; Greenspace – public parks, open space, environmental features
<b>Character of Property:</b> Currently vacant and wooded property; Powell's Creek and associated floodplain and stream buffer run through the length of the property	<b>Use of Surrounding Properties:</b> Residential neighborhoods of Crozet Crossing and Orchard Acres
<b>Factors Favorable:</b> <ol style="list-style-type: none"><li>1. The proposed stream crossing will not cause any rise in the base floodplain elevation.</li><li>2. The stream crossing will allow development of the property consistent with the Crozet Master Plan.</li><li>3. The applicants are proposing a greenway dedication in an area identified for greenway within the Crozet Master Plan, which will help ensure preservation of the stream buffer.</li><li>4. The stream crossing in this location promotes interconnectivity and disperses traffic onto a road system that is able to handle the additional traffic load.</li></ol>	<b>Factors Unfavorable:</b> <ol style="list-style-type: none"><li>1. The Crozet Master Plan does not identify a road with a stream crossing in this location and the Comprehensive Plan recommends that roads with stream crossings only occur in areas shown in the Master Plans.</li><li>2. The stream crossing will impact environmental features such as the floodplain, stream buffer and preserved slopes; however proposed mitigation measures will help alleviate these impacts.</li></ol>
<b>Recommendation:</b> Staff recommends approval of the special use permit with conditions as outlined below.	

**STAFF CONTACT:**  
**PLANNING COMMISSION:**  
**BOARD OF SUPERVISORS:**

Rachel Falkenstein, Senior Planner  
June 21, 2016  
TBD

**PETITION:**

PROJECT: SP201600003 West Glen

MAGISTERIAL DISTRICT: White Hall

TAX MAP/PARCEL: 055C00300000A0; 055C00300000A1; 056A1010002500, 056A10100026A0, 05600-000011500

LOCATION: Southwest of Cling Lane and northeast of Peach Tree Drive and Orchard Drive

PROPOSAL: Construction of stream crossing of Powell's Creek with box culvert and roadway in floodplain

PETITION: Fill in the Flood Hazard Overlay under section 30.3.11

ZONING: R-6 Residential – 6 units/acre

OVERLAY DISTRICT: FH – Flood Hazard Overlay

COMPREHENSIVE PLAN: Neighborhood Density Residential – 3-6 units /acre, supporting uses such as religious institutions, schools and other small-scale non-residential uses; Greenspace – public parks, open space, environmental features

**CHARACTER OF THE AREA:**

This proposal is for a crossing of Powell's Creek, which runs lengthwise through the property, south of Cling Lane and northeast of Peach Tree Drive and Orchard Drive. The Flood Hazard Overlay runs along the creek throughout the property and there is a 100' stream buffer on both sides of Powell's Creek.

The property is currently vacant and mostly wooded with some gentle sloping towards the creek. There is one area of preserved steep slopes south of Powell's Creek adjacent to Orchard Drive. There is an existing crossing of Powell's Creek northwest of the property that was permitted through a previous special use permit for fill in the floodplain to allow for the construction of Cling Lane and the Crozet Crossing subdivision. This crossing contains two box culverts. Southeast of the existing Cling Lane crossing is a small dam with a small area of impoundment behind it. The applicant is proposing to remove the dam and restore the stream in this area as part of the stream mitigation efforts.

Neighboring properties are mostly single family detached residential. Crozet Crossing is north of the property and Orchard Acres is to the South. The Buckingham Branch Railroad runs north of the property and there are a few single family residential properties to the east and some narrow, unimproved private road easements including McComb Street and Pleasant Green Street running through the parcels to the east connecting to Blue Ridge Avenue (Attachment A).

Staff recently approved an initial site plan with conditions for a development called The Vue, which is proposing a 126-unit by right apartment development on the southeastern portion of TMP 56-115 that fronts on Blue Ridge Avenue. TMP 56-115 is part of the SP application for West Glen because the proposed stream crossing and road will traverse across a portion of this same parcel; however, developers for West Glen are not proposing any dwelling units on TMP 56-115.

The property is zoned R-6 Residential and most adjacent parcels to the north and east are also zoned R-6. Properties to the south are zoned R-2 and parcels east across Blue Ridge Avenue are also zoned R-2 (Attachment B).

**PLANNING AND ZONING HISTORY:**

- **SP 1990-103 Orchard Acres** – SP for fill in the floodplain for stream crossing that allowed the existing crossing of Powell's Creek and construction of Cling Lane. The SP contained a condition

restricting the development of the property to only 30 lots in the Crozet Crossing subdivision and required a second access to Orchard Drive be provided prior to further development of the residue (Attachment C).

- **SUB2015-29 Crozet Development Solutions** – Boundary line adjustment plat to add acreage from 55-C-3A to TMP 56-115 and combine with existing parcels along Blue Ridge Ave.
- **SDP2016-11 The Vue** – Initial site plan proposing 126 apartments on TMP 56-115 along Blue Ridge Avenue. Conditionally approved on 4/22/16.

#### **DETAILS OF THE PROPOSAL:**

The property is zoned R-6 Residential and contains a section of Flood Hazard Overlay District running along Powell's Creek. No zoning change is proposed but the applicant desires to develop the property and needs a second point of access to Orchard Drive to further develop the property to address conditions of SP1990-103.

To build the second access, the applicant proposes to construct a stream crossing over Powell's Creek, which requires a special use permit for fill in the floodplain. The proposed crossing will satisfy the previous SP condition. The proposed crossing will be a 10'x10' triple box culvert, which the applicant has demonstrated will not cause any rise in the base floodplain elevation, or 100-year floodplain elevation (Attachment D).

The proposed roadway crossing the stream will be an extension of Cling Lane, labeled as Cling Lane Extended on the concept plan. Cling Lane currently ends in a cul-de-sac, and Cling Lane Extended will extend the roadway to cross the Powell's Creek floodplain at its narrowest point, just south of the existing Cling Lane cul-de-sac. After the stream crossing, Cling Lane Extended will curve to the east and run parallel to Powell's Creek until intersecting with Orchard Drive. Due to the narrow width of the parcel south of the crossing point there will be an additional disturbance to the floodplain within the floodway fringe and the road will traverse a small area of preserved slopes, which cannot be avoided if this access is to be constructed (Attachment E).

The applicant is proposing a number of measures to mitigate the impacts to the stream and stream buffer. There is an existing dam on the west side of the property that the applicant proposes to remove with this development. The removal of the dam will allow the stream in this area to return to a natural state. Staff from the Army Corps of Engineering has indicated their support for the dam removal project and is of the opinion that the dam removal/stream restoration would more than offset any environmental impacts from the proposed road crossing (Attachment F). The applicant is also proposing mitigation plantings throughout the property in areas where the stream buffer is currently not vegetated. A mitigation plan will be required in accordance with the Water Protection Ordinance (WPO) to be reviewed and approved by the County Engineer to show how impacts to the stream buffer will be mitigated with this proposal. The applicant also proposes to maintain the area of greenway south of Powell's Creek in open space, as shown in the Crozet Master Plan and proposes to dedicate an area of greenway for a trail in this location (Attachment G).

If the SP is approved, the applicant proposes to develop the portion of the property north of Powell's Creek along with a few lots on TMP 55C-03-A1 fronting on Orchard Drive with a by-right development in accordance with the existing R-6 zoning. The concept plan shows a mix of single family detached and attached residential units at a proposed density of about 4 units/acre, or 81 units total. Prior to any subdivision of the property the applicant will be required to submit a subdivision plat for staff to review, which must comply with subdivision and zoning ordinance requirements prior to approval.

#### **ANALYSIS OF THE SPECIAL USE PERMIT REQUEST**

Section 33.8 of the Zoning Ordinance states that the Planning Commission and Board of Supervisors

shall reasonably consider the following factors when reviewing and acting upon an application for a special use permit:

**No substantial detriment. The proposed special use will not be a substantial detriment to adjacent lots.**

With fill in the floodplain requests, the effect on adjacent lots refers to the potential for flooding of adjacent properties. The County Engineer has reviewed the proposal and concurs with the applicant's conclusion that the construction of the proposed stream crossing will not result in an increase in the 100-year flood elevation and will not detrimentally impact adjacent properties.

**Character of district unchanged. The character of the district will not be changed by the proposed special use.**

The character of the Flood Hazard Overlay District will not be changed by the proposed changes to the stream crossing design or SP conditions.

**Harmony. The proposed special use will be in harmony with the purpose and intent of this chapter.**

The proposed special use permit will remain in harmony with the purpose and intent of the Flood Hazard Overlay District chapter which is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base. These purposes are expected to be accomplished through the following measures: (i) regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies; (ii) restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding; (iii) requiring all of those uses, activities, and developments that do occur in areas subject to flooding to be protected or flood-proofed, or both, against flooding and flood damage; and (iv) protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards. The chapter is also intended to address a local need for flood insurance and to participate in the National Flood Insurance Program.

**...with the uses permitted by right in the district**

The proposed stream crossing will allow the property to be developed to its by-right potential of R-6 Residential.

**...with the regulations provided in section 5 as applicable,**

There are no supplemental regulations in section 5 applicable to this use.

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

With regard to future flooding, the public health, safety and general welfare is not expected to be impacted by the stream crossing. There may be impacts to the stream and environmental features associated with this stream; however, the proposed mitigation measures are expected to lessen the impacts of the crossing and development and the mitigation measure of removing the dam may result in an improvement to the condition of the stream bank in this area.

The applicant has also offered to provide a dedication of greenway to the County of an area south of Powell's Creek. This is consistent with an area of greenway as shown on the Crozet Master Plan. Parks and Recreation staff have reviewed this request and have expressed interest in a greenway trail in this location and is supportive of the dedication. Dedication of the land or an easement over the greenway will help to mitigate impacts of the stream crossing by ensuring this area of greenway within the stream buffer and flood hazard overlay are protected in perpetuity.

**Consistency with the Comprehensive Plan. The use will be consistent with the Comprehensive Plan.**

The Crozet Master Plan designates the portion of this property north of Powell's Creek as Neighborhood Density Residential, which calls for a density of 3-6 units per acre in the areas that are shown in the yellow color on the Master Plan (Attachment H). Part of the property is shown in green which is designated as Parks and Green Systems, representing floodplain, steep slopes and stream buffer. No density is expected in areas with this designation.

With regard to the stream crossing, the provision of interconnected streets and transportation networks is one of the principles of the Neighborhood Model and is an important strategy within the Development Areas Chapter of the Comprehensive Plan. The proposed stream crossing will provide a connection that will help provide alternative routes for vehicles, bicyclists and pedestrians and will provide a more direct link to downtown Crozet for residents in the area.

However, the Comp Plan expects us to strike a balance between the frequency of stream crossings and the potential effects that the crossing may have on stream banks, riparian habitats and the stream itself. The Comp Plan further states that the Master Planning process should be used to determine which streams will ultimately be crossed for interconnections and which streams should be avoided. The Crozet Master Plan does not show a stream crossing in this location and shows conceptual streets through adjacent properties to the east connecting to Blue Ridge Avenue.

This sets up a challenge for the applicant because unless the stream crossing and connection to Orchard Drive is provided, per the previous SP conditions, then the property cannot be developed. The alternative to constructing the stream crossing would be to amend the previous special use permit condition requiring the connection to Orchard Drive. But the applicant would likely still face obstacles with the development of this property even if this condition were removed. A second connection in some location would still be required for the property to develop further, per the requirements of the Fire Code stating that a second point of access be provided for more than 30 single-family units. In order to meet this requirement, the developer would need either to provide the stream crossing or acquire necessary right-of-way through adjacent properties to the east and provide a connection to Blue Ridge Avenue.

The applicant has stated that they were not able to come to an agreement with the adjacent property owner to acquire sufficient right-of-way to construct a road connection to Blue Ridge Avenue as shown in the Master Plan, leaving the stream crossing as the only viable alternative for the property to develop at this time. The applicant is left with the choice of waiting until the owner of the adjacent property is ready to provide access or to ask to build the connector road as required by the previous SP.

Staff acknowledges that this development could be premature because the proposed road connections and new road are not consistent with the Master Plan and the argument could be made that the development should not occur until the right-of-way needed for the connection shown in the Master Plan can be provided. The Planning Commission could recommend denial of the special use permit for the stream crossing based on this connection not being shown in the Master Plan.

It should be noted the connection shown in the Master Plan, east to Blue Ridge Avenue would put further strain on a currently deficient roadway. Blue Ridge Avenue is a public road that was built prior to current road standards and was not designed to carry a large volume of traffic. The road width and slope could pose safety concerns with the additional traffic load. The capacity of Blue Ridge Avenue is likely to be stretched further in the near future by the proposed by-right development of The Vue,

which will add 126 units to Blue Ridge Avenue. No public improvements to Blue Ridge Avenue are proposed in the Six Year Transportation Plan nor are upgrades shown within the Crozet Master Plan.

Staff has grappled with the pros and cons of this project (Attachment I) and is of the opinion that the connection onto Orchard Drive might be a better location for a roadway connection for a development of this size because Orchard Drive can more safely handle the additional traffic load. Further, the location of this connection would be less impactful to existing neighborhoods with vehicles having to travel just a short distance on Orchard Drive before intersecting with Jarmins Gap Road. For this reason, and because approval would address conditions of SP1990-103, staff is recommending approval of this SP request, with conditions as outlined below.

Staff is recommending a condition that the development of the property not exceed the net density as recommended by the Master Plan. This would mean that land designated as Parks and Green Systems would not be included in the calculation of density. Staff is also recommending a condition that residential lots be kept out of the stream buffer, preserved slopes and flood hazard overlay, except that lots may be permitted to be located within the landward 10 feet of the 100 foot stream buffer if the lots are adjacent to stormwater management facilities located within the buffer. These conditions will not only help ensure the property is developed in accordance with the Master Plan but will help mitigate the impacts of the fill in the floodplain by limiting the developable acreage to land outside of sensitive environmental features such as the stream buffer and preserved slopes. Staff is also recommending a condition that, at a minimum, an easement be provided for a greenway trail as shown on the concept plan. This will further mitigate impacts of the stream crossing by ensuring this area of greenway within the stream buffer is protected in perpetuity.

If the Commission is to recommend denial of this SP for the stream crossing, it should be acknowledged that if and when a connection to Blue Ridge Avenue, as shown in the Master Plan is able to be provided, that the County may need to commit public funding towards upgrades for Blue Ridge Avenue to improve the safety and capacity of the roadway. The previous SP from 1990 would also need to be amended to remove the condition requiring the connection to Orchard Drive before this can occur.

## **SUMMARY:**

Staff has identified factors which are favorable and unfavorable to this proposal:

### **Factors favorable to this request include:**

1. The proposed stream crossing will not cause any rise in the base floodplain elevation.
2. The stream crossing will allow development of the property consistent with the Crozet Master Plan.
3. The applicants are proposing a greenway trail dedication in an area identified for greenway within the Crozet Master Plan, which will help ensure preservation of the stream buffer.
4. The stream crossing in this location promotes interconnectivity and disperses traffic onto a road system that is able to handle the additional traffic load.

### **Factors unfavorable to this request include:**

1. The Crozet Master Plan does not identify a road with a stream crossing in this location and the Comprehensive Plan recommends that roads with stream crossings only occur in areas shown in the Master Plans.
2. The stream crossing will impact environmental features such as the floodplain, stream buffer and preserved slopes; however proposed mitigation measures will help alleviate these impacts.

## **RECOMMENDED ACTION:**

Based on the findings described in this staff report and factors identified as favorable, staff recommends approval of the SP amendment, **SP 2016-03 West Glen**, with the following conditions:

1. The culverts under Cling Lane Extended shall be in general accord with the attached drawing titled "Special Use Permit Plans for West Glen Subdivision" prepared by Dominion Engineering with a revision date of June 3, 2016. To be in general accord with the plan, development shall reflect the general size, arrangement, and location of the culverts, as well as maintaining no increase of the 100 year flood elevation outside of the West Glen Subdivision property. Modifications to the plan, which do not conflict with the elements above may be approved subject to the review and approval of the County Engineer
2. Prior to final road plan approval or permitting of a land disturbance in the floodplain, the applicant shall obtain from the Federal Emergency Management Agency (FEMA) a conditional letter of map revision (CLOMR, or CLOMA), and prior to road acceptance the applicant shall obtain from FEMA a letter of map revision (LOMR or LOMA). In addition, the applicant shall copy the County Engineer on all correspondence with FEMA. Construction and installation of the culverts shall be in compliance with approved road plans and FEMA approved CLOMR or CLOMA.
3. Any residential lots and associated streets resulting from the subdivision of the property, with the exception of the stream crossing and roadway identified on the attached plan as Cling Lane Extended, shall be located outside of the 100 foot stream buffer, Flood Hazard Overlay and preserved slopes on the property. Lots may be permitted to be located within the landward 10 feet of the 100 foot stream buffer only if the lots are adjacent to approved stormwater management facilities located within the landward 50 feet of the stream buffer. Approval of lots located within the stream buffer shall be subject Subdivision Agent approval.
4. The net density of the property shall not exceed 6 units per acre, in accordance with the Crozet Master Plan. Net density shall be calculated by subtracting the area within the Flood Hazard Overlay District, the 100 foot stream buffer and areas of preserved slopes from the total acreage of the property.
5. Prior to issuance of a grading permit to allow installation of the stream crossing or with submittal of the final subdivision plat, whichever comes first, the applicant shall submit an easement plat dedicating to the county the area identified for a greenway trail on the attached plan.
6. If the construction of the stream crossing for which this Special Use Permit is issued is not commenced by [insert date 5 years after the date the County Board approval of the Special Use Permit], the permit shall be deemed abandoned and the authority granted there under shall thereupon terminate.

## **MOTIONS:**

- A. Should the Planning Commission choose to recommend approval of this special use permit:  
I move to recommend approval of SP 2016-03 West Glen with the conditions outlined in the staff report.
- B. Should the Planning Commission choose to recommend denial of this special use permit:  
I move to recommend denial of SP 2016-03 West Glen (state reasons for denial).

## **ATTACHMENTS**

- A – [Location map](#)
- B – [Zoning map](#)
- C – [SP1990-103 Approval and conditions](#)
- D – [Engineering comments](#)
- E – [Concept plan](#)
- F – [Army Corps of Engineering correspondence](#)
- G – [Project narrative](#)
- H – [Master Plan land use](#)
- I – [Pros and cons list](#)