

STAFF ANALYSIS

STAFF PERSON: Syd Shoaf, Senior Planner II
BOARD OF SUPERVISORS: June 18, 2025
PROJECT: SE-2025-00016 Old Dominion Village – Gas Easement Relocation
PARCEL IDs: 05600-00-00-067B0 and 05600-00-00-074A0

Proposed special exception to vary the Code of Development and Application Plan approved in with Old Dominion Village (ZMA202000005)

PROPOSAL

Under County Code § 18-8.5.5.3(a)(6), the Board of Supervisors (Board) may grant a minor variation to an approved plan, code, or standard for:

Minor changes to the design and location of stormwater management facilities, minor land disturbance including disturbance within conservation areas, and mitigation, all subject to a recommendation for approval by the county engineer.

The applicant is requesting a special exception to vary the Old Dominion Village Code of Development and application plan (ZMA202000005) for land disturbance within a conservation area. County Code § 18-3.1 defines a “Conservation Area” as:

An area identified on a plan submitted for approval which contains cultural assets or natural features such as non-tidal wetlands, floodplain, slopes identified in the open space element of the comprehensive plan, or streams and stream buffers, within which only limited disturbance or development is allowed. Uses allowed in conservation areas include, but are not limited to, utilities, greenways, pedestrian paths, streets, and stormwater management facilities, where, in the opinion of the County Engineer, no other location is reasonably available and when these improvements have the least impact possible on the environmental features of the area.

The application plan and code of development approved with ZMA202000005 established green space areas. Specifically, Table C of the code of development outlines green space and amenity requirements. Green Space 1 consists of 5.74 acres. Its allowable uses and characteristics include the Water Protection Ordinance (WPO) buffer and a future greenway amenity. On Sheets 4 and 5 of the application plan for ZMA202000005, a portion of the existing 50’ gas easement is depicted within Green Space 1. However, the remainder of the existing gas line easement was shown outside of the stream buffer and to remain in residential development Blocks #2, 3, and 10. No utilities were shown within Green Space 1. Though proffers were accepted for dedication of green space areas for public trails (where utilities may be allowed), the 50’ gas line was not allowed on the code of development or application plan.

The proposed special exception is to relocate a significant portion of the existing 50’ gas easement from residential blocks into Green Space Area, which is designated as a conservation area and includes a WPO buffer. Retaining stream buffers within the green space areas was a major element of the application plan and code of development.

CHARACTER OF THE AREA

The Old Dominion Village rezoning (ZMA202000005) was approved on August 17, 2022, rezoning 23.72 acres to Neighborhood Model Development (NMD). The development is a mixed-use development that allows up to 110 residential units and veterinary clinic uses. An initial site plan (SDP202300067) was approved in November 2024. The Board approved two special exceptions to vary the approved code of development’s arrangement of buildings (SE202400028) and setback requirements for corner lots (SE202400029) in December 2024.

The 50' gas easement was established in May 1957, recorded in Deed Book 333, Page 194. Currently, the gas easement is maintained and operated by Columbia Gas of Virginia.

Surrounding properties include the Blue Ridge Cohousing development to the north, which is zoned Planned Residential Development. To the south across Route 240, the parcels are zoned Light Industry. To the east and west, the parcels are zoned Rural Areas. Across the northern portions of the subject property are the WPO buffer and Flood Hazard Overlay zone (100-Year Floodplain) associated with the Parrot Branch and a tributary. The subject properties and surrounding area are within the Beaver Creek Reservoir Water Supply Watershed, into which Parrot Branch directly flows.

ANALYSIS OF SPECIAL EXCEPTION REQUEST

Under County Code § 18-33.9(A), the Board is to review factors, standards, criteria, and findings, however denominated, in the applicable sections of the Zoning Ordinance, when considering special exception applications.

Under County Code § 18-8.5.5.3(b), the Board may grant a variation from a code of development upon a determination that the variation:

- (1) is consistent with the goals and objectives of the comprehensive plan;
- (2) does not increase the approved development density or intensity of development;
- (3) does not adversely affect the timing and phasing of development of any other development in the zoning district;
- (4) does not require a special use permit; and
- (5) is in general accord with the purpose and intent of the approved application.

Planning staff and the County Engineer offer the following analysis of the factors in County Code § 18-8.5.5.3(c):

(1) Whether the proposed variation would be consistent with the goals and objectives of the comprehensive plan;

The Albemarle County Comprehensive Plan is the guiding document for growth, development, and investment in Albemarle County. The Crozet Master Plan is a component of the Comprehensive Plan.

The following objectives and strategies of the Comprehensive Plan are relevant to this site:

- Chapter 4 Natural Resources, Objective 1: Ensure clean and abundant water resources for public health, business, healthy ecosystems, and personal enjoyment by preventing shortages and contamination.
 - Strategy 1a: Continue to apply the Water Protection Ordinance throughout the County to help protect and preserve water resource
- Chapter 4 Natural Resources, Objective 4: Protect the biological diversity and ecological integrity of the County in both the Rural Area and Development Areas.
 - Strategy 4d: Preserve existing vegetation in areas shown as Parks and Green Systems on Development Area Master Plans.

The proposal is inconsistent with the objectives and strategies of Chapter 4 (Natural Resources). According to the conceptual plan for the proposed relocation of the 50' gas line, approximately 13,470 square feet would be within the WPO buffer. This large area within the buffer would directly threaten the protection and preservation of water resources.

- Chapter 4 (Natural Resources), Objective 6: Retain and improve land cover near rivers and streams and protect wetlands.
 - Strategy 6a: Continue to use the Water Protection Ordinance, critical slopes

- regulations, and other measures to preserve designated river and stream valleys in their natural state, to protect significant resources associated with river and stream valleys, and to provide buffer areas.
- Strategy 6b: Protect wetlands from inappropriate uses and protect or restore them, where possible to maintain surface water quality and other benefits.

The proposal conflicts with this objective and strategies.

This area is shown as Green Systems on the Crozet Master Plan Parks and Green Systems Plan. This designation calls for preservation of areas providing ecosystem and cultural services (including recreation), critical environmental resources, and areas held in common ownership. The disturbance for the relocation of a gas line easement within that land use designation is not consistent with the recommendations of the Crozet Master Plan. Additionally, the applicant has not provided a tree study or mitigation plan that would illustrate areas of disturbance, preservation, and restoration.

(2) Whether the proposed variation would increase the approved development density or intensity of development;

The proposed special exception would not increase the overall approved development density approved, but staff believes that reducing green space would increase the intensity of development.

(3) Whether the proposed variation would adversely affect the timing and phasing of development of any other development in the zoning district;

This special exception would not have any impact on the timing or phasing of other development in the zoning district.

(4) Whether the proposed variation would require a special use permit; and

A special use permit would not be required.

(5) Whether the proposed variation would be in general accord with the purpose and intent of the approved application.

The staff analysis for the prior rezoning application specifically cited dedication of wooded lands and their protection as an important natural resource and a factor in recommending approval. Green space areas were intentionally shown in the code of development and application plan with detailed provisions to preserve natural resources and limit disturbance. The proposed special exception is not in general accord with the purpose and intent of the approved application. The approved application established a conservation area that protected the WPO buffer from disturbance. If the applicant had proposed to relocate a portion of an existing 50' gas easement into the WPO buffer at the time of the rezoning application, the outcome may have been different. The purpose and intent of the approved application was to establish a development that was outside of the WPO buffer area.

RECOMMENDATION

Staff recommends that the Board deny the variation to allow land disturbance for the proposed 50' gas easement within the conservation area in the approved application plan and code of development. The County Engineer believes the required findings are not met and that the request is not minor in nature.