



COUNTY OF ALBEMARLE PLANNING
STAFF REPORT SUMMARY

Proposal: SP202400026 Woolen Mills Industrial	Staff: Rebecca Ragsdale, Planning Manager
Planning Commission Public Hearing: April 22, 2025	Board of Supervisors Hearing: To be scheduled
Owner: Elemental Ecotech	Applicant: Tim Miller, P.E., Meridian Engineering
Acreage: 7.08 acres	Special Use Permit: Grading activities, including Fill in the Floodplain (Section 30.3.11)
TMP: 07700-00-00-040B2 Location: Franklin St., south of 475 Franklin St. and south of Moore's Creek Ln.	Zoning/by-right use: <u>LI Light Industrial</u> - industrial, office, and limited commercial uses (no residential use)
Magisterial District: Scottsville	School Districts: Mountainview (Elementary), Walton (Middle), Monticello (High)
Proposal: 1.496 acres for LI Light Industrial use; 1.3 acres designated for future public park use.	Comp. Plan Designation: <u>Parks and Green Systems</u> – parks, playgrounds, play fields, greenways, trails, paths, recreational facilities and equipment, plazas, outdoor sitting areas, natural areas, preservation of stream buffers, floodplains and steep slopes adjacent to rivers and streams.
Character of Property: Largely wooded, flood plain, Moore's Creek	Use of Surrounding Properties: Residential, industrial, and RWSA treatment plant
Positive Aspects: 1. The applicant has shown that fill in the floodplain is possible without raising the flood elevation or having an impact on neighboring properties.	Concerns: 1. The property is designated Parks and Green Systems and industrial use is not consistent with that designation. However, proposed development is limited to 1.496 acres and the majority of the property will remain consistent.
RECOMMENDATION: Staff recommends approval of SP202400026 with conditions.	

STAFF CONTACT:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Rebecca Ragsdale, Planning Manager
April 22, 2025
To be scheduled

PETITION

PROJECT: SP202400026 Woolen Mills Light Industrial Park (Signs#34&35)
MAGISTERIAL DISTRICT: Scottsville
PARCEL ID: 07700-00-00-040B2
LOCATION: Franklin St., south of 475 Franklin St. and south of Moore's Creek Ln.
PROPOSAL: Grading activities, including Fill in the Floodplain (Section 30.3.11)
ZONING: LI Light Industrial, Flood Hazard Overlay District

CHARACTER OF SURROUNDING AREA

The parcel is 7.08 acres in size and located along Franklin Street, adjacent to the City, and adjacent to Moore's Creek Lane. The parcel is undeveloped, zoned LI Light Industrial and entirely within the Flood Hazard Overlay District. During a flood event, a backwater condition from the Rivanna River extends through the stream reach of Moore's Creek. Property adjacent to the west in the City is developed residentially. All other surroundings and nearby properties in the County are zoned LI Light Industrial. Those properties also in the floodplain are designated Parks and Green Systems in the master plan. Parcels to the north are developed with warehouse and other industrial uses. The Rivanna Water and Sewer Authority (RWSA) owns the parcels, including where the wastewater treatment plant is located. Across Moore's Creek, greenway trails are located along the creek. (Attachment 1)

PLANNING AND ZONING HISTORY

SP199700039 was approved on 07700-00-00-04000 to allow fill in the floodplain for warehouse uses. Parcel 07700-00-00-040B2, subject of this special use permit, is the residue of 07700-00-00-040B2.
FDP202400001-A floodplain development permit was submitted in January 2024 to allow fill in the floodplain in association with a Conditional Letter of Map Revision (CLOMR) submitted to FEMA. With review of FDP202400001, the applicant was advised a special use permit and site plan are required.

DETAILS OF THE PROPOSAL

The special use permit request proposes fill in the 100-year flood plain of Moore's creek to remove a 1.496-acre portion of the 7.08-acre parcel from the flood plain to allow a building site for future industrial use. An on-site pad will be filled to an elevation of 324 to be above the base flood elevation along that portion of Moore's Creek. No additional structures are proposed to be constructed in the floodplain. Hydrological analysis and concept plan are included in Attachment 2 and 3.

COMMUNITY MEETING

A community meeting is scheduled for April 17, 2025 at the 5th/Avon Community Advisory Committee meeting. Staff will provide any relevant feedback received at that community meeting to the Planning Commission at the public hearing.

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST

This special use permit, and all special use permits, are evaluated for compliance with the provisions of Chapter 18, Section 33.8 of the Code of Albemarle. Each provision of that section is addressed below. The provisions of the ordinance are in bold font and underlined. Within the

Flood Hazard Overlay District, the use is permitted by special use permit, provided that the use or structure satisfies all applicable requirements of this chapter. including, but not limited to, the permitting requirements of [section 30.3.12](#) and the encroachment and construction standards in [sections 30.3.13](#) through [30.3.15](#).

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

Given the extensive review of the proposed fill in the floodplain required by the ordinance, and information provided to-date, the proposed 1.496 acres of fill is not expected to cause detriment to adjacent parcels.

Historic Resources:

The Virginia Department of Historic Resources (VDHR) records indicate that archaeological resources have been discovered on the southern portion of the parcel and there is potential that the site could contain significant additional archaeological deposits, and potentially human remains. Staff recommends that an archaeological survey be completed prior to any ground disturbance south of Moore's Creek Lane to protect any buried resources and the information they contain relative to our local history.

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 proposed fill in the floodplain would be limited to 1.496 acres and an industrial use on the parcel is not expected to change the industrial character of this area. Industrial use is consistent with the adjacent industrial uses and would comply with required setbacks and screening to residential.

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

The purposes and intent of the Flood Hazard Overlay District (Section 30.3) are:

- A. *Prevention of harm.* 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.
- B. *Means used.* In order to prevent the several harms described in subsection (A), section 30.3 establishes an overlay zoning district to:
 - (i) regulate 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) restrict or prohibit certain uses, activities, and development from locating within areas subject to flooding;
 - (iii) require 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) protect individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.
- C. *Flood insurance.* Address a local need for flood insurance and to participate in the National Flood Insurance Program.

These provisions are intended to restrict the unwise use, development and occupancy of lands subject to inundation which may result in: danger to life and property; public costs for flood control measures and/ or rescue and relief efforts; soil erosion, sedimentation and siltation; pollution of water resources; and general degradation of the natural and man- made

environment." The district is also intended to help the County qualify for the National Flood Insurance Program. If approved, the SP will allow sufficient fill in the floodplain to remove this site from the floodplain. It will, therefore, be out of the Flood Hazard Overlay District.

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

The property is zoned LI Light Industrial. Fill in the floodplain will allow a building site that can be available for future LI uses.

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

There are no applicable regulations in Section 5.

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

No issues with public health, safety and general welfare have been identified. If approved, a map revision must be approved by FEMA, approval of a site development plan by the County, and a flood development plan. Engineering has reviewed the proposal and has indicated no concerns and provided detailed comments with FDP202400001 that must be addressed prior to final approvals. The applicant has demonstrated that there will be no impact of the effective base flood elevation of water surface elevation of Moore's Creek in this portion of the reach, a backwater area.

The fill will not, in the opinion of the floodplain administrator, result in any increase in the base flood elevation above that authorized in [section 30.3.13](#); and no fill will be placed in the regulatory floodway. No rise certification is required.

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

The parcel is designated Parks & Green Systems in the Southern and Western Area Master Plan. Development with LI uses is not consistent with the land use designation. However, staff notes the area to be filled is 1.496 acres and will allow reasonable use of the parcel under the existing LI Zoning. The remainder of the 7.08-acre parcel will be preserved, with a portion offered for dedication to the County, which is consistent with this land use designation.

SUMMARY

Staff finds the following positive aspects to this request:

1. The applicant has shown that fill in the floodplain is possible without raising the flood elevation or having an impact on neighboring properties.

Staff has the following concerns with this request.

1. The property is designated Parks and Green Systems and industrial use is not consistent with that designation. However, proposed development is limited to 1.496 acres and the majority of the property will remain consistent.

RECOMMENDED ACTION

Staff recommends approval subject to these conditions:

1. The fill in the floodplain must be shown on a site development plan and must be in general accord with the "Special Use Permit Plan Woolen Mills Industrial Park, last revised March

29, 2024," , except as may be modified in order to meet the requirements of the County's Water Protection Ordinance, as determined by the County Engineer. The site must be elevated/filled to one-foot above the Base Flood Elevation (BFE) (324' + 1' = 325').

2. The County Engineer's approval of an erosion and sediment control plan.
3. The County Engineer's receipt of proof of compliance with Federal and State agencies regulating activities affecting wetlands and watercourses. The applicant must obtain a map revision, a letter of map revision for fill in floodplain fringe (LOMR- F/COMR-F) as required from the Federal Emergency Management (FEMA) and copy the County Engineer on all correspondence.
4. The County Engineer's approval of a mitigation plan outlining mitigation measures for any encroachments into the stream buffer.
5. The County Engineer's approval of computations and plans documenting changes to the floodplain. Computations must demonstrate compliance with Sections 30.3 2.2 [verification of limits of floodway and floodway fringe] and 30.3.3 [general requirements for flood hazard overlay districts] of the Zoning Ordinance. Plans must show the existing and proposed floodplain boundaries and elevations along with the applicable "No Rise" signed certification statement.
6. A phase I archeological survey must be conducted prior to approval of a floodplain development permit.

MOTIONS:

- A. Should the Planning Commission **choose to recommend approval** of this special use permit:

I move to recommend approval of SP202400026 for the reasons 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 SP202400026. Should a commissioner motion to recommend approval, he or she should state the reason(s) for recommending approval.

ATTACHMENTS

1. Location Map
2. SP202400026 Applicant Narrative
3. SP202400026 Proposed Concept Plan