



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

<b>Proposal:</b> SP-2025-00006 Woolen Mills Light Industrial Fill in the Floodplain	<b>Staff:</b> Rebecca Ragsdale, Planning Manager
<b>Planning Commission Public Hearing:</b> December 16, 2025	<b>Board of Supervisors Hearing:</b> January 14, 2026
<b>Owner:</b> Elemental Ecotech	<b>Applicants:</b> Tim Miller, P.E., Meridian Engineering; Kelsey Schlein, Tatalein, Inc.; Bryan Cichoki, P.E. Timmons Group
<b>Acreage:</b> 7.08 acres	<b>Special Use Permit:</b> Grading activities, including Fill in the Floodplain (Section 30.3.11)
<b>TMP:</b> 07700-00-00-040B2  <b>Location:</b> Franklin St., south of 475 Franklin St. and south of Moore's Creek Ln.	<b>Zoning/by-right use:</b> <u>LI Light Industrial</u> - industrial, office, and limited commercial uses (no residential use)
<b>Magisterial District:</b> Scottsville	<b>School Districts:</b> Mountainview (Elementary), Walton (Middle), Monticello (High)
<b>Proposal:</b> 1.346 acres of fill in the floodplain	<b>Comp. Plan Designation:</b> <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.
<b>Character of Property:</b> The site is adjacent to Franklin Street and Moore's Creek Lane, it includes a stockpile area and a stormwater management, with the remainder largely wooded and with the stream buffer/flood plain of Moore's Creek	<b>Use of Surrounding Properties:</b> Residential, industrial (Carter Bakery and Woolen Mills Light Industrial Park), and RWSA treatment plant
<b>Positive Aspects:</b> 1. The applicant has shown that filling in the floodplain is possible without raising the flood elevation or having an impact on neighboring properties.	<b>Concerns:</b> 1. The property is designated Parks and Green Systems, and industrial use is not consistent with that designation. However, proposed development is limited to 1.36 acres and the majority of the property will remain consistent.
<b>RECOMMENDATION:</b> Staff recommends approval of the special use permit with conditions.	

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

Rebecca Ragsdale, Planning Manager  
December 16, 2025  
January 14, 2026

**DETAILS OF THE PROPOSAL**

The special use permit request proposes 1.346 acres of fill in the floodway fringe of the 100-year floodplain of Moore's Creek to remove that portion of the 7.08-acre parcel from the floodplain. The fill would allow a building site for future industrial uses, which would be an extension of the Woolen Mills Industrial Park currently under construction to the north. A pad would be filled to an elevation of 324 to be above the base flood elevation along that portion of Moore's Creek. A concept plan has been provided to illustrate potential building locations, retaining wall, and stormwater management strategies. Floodplain analysis indicates that no rise would occur in the flood plain, along with a Conditional Letter of Map Revision from FEMA. The applicant estimates that all fill that would be placed on the parcel would be moved from the adjacent Woolen Mills Industrial site, and not from other sites. Staff have recommended a number of special use permit conditions, should the special use permit be approved, to address removal of the 1.346 acre portion of the floodplain. (Attachments 1-Narrative, 2-Concept Plan, and 3-Floodplain Analysis)

**CHARACTER OF SURROUNDING AREA**

The parcel is 7.08 acres in size and located along Franklin Street, adjacent to the City of Charlottesville, and adjacent to Moore's Creek Lane. The parcel includes a temporary stockpile area adjacent to Franklin Street and a stormwater management facility adjacent to Moore's Creek Lane. It is entirely within the floodplain and contains areas of Preserved Steep Slopes, primarily along Moore's Creek and the stormwater facility. The remainder of the property is primarily wooded. The parcel is zoned LI Light Industrial and entirely 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 of Charlottesville is developed residentially and zoned R3/R2 Residential. All other immediately surrounding and nearby properties in the County are zoned LI Light Industrial. Parcels to the north are developed with warehouse and other industrial uses, including the Carters Bakery warehouse immediately adjacent to the property. The Rivanna Water and Sewer Authority (RWSA) own parcels to the south and east. The RWSA wastewater treatment facility is located across Moore's Creek from the property. The RWSA parcel to the south on Franklin Street includes restored wetlands. A Rivanna Trails Foundation greenway trail is located along the eastern side of the Moore's Creek. (Attachment 4-Location Map)

**PLANNING AND ZONING HISTORY**

Tax Map Parcel 07700-00-00-040B2 is a portion of a larger parcel, 07700-00-00-04000, that has been subdivided. While the fill in the floodplain request is specific to 07700-00-00-040B2, all relevant history is included below.

SP199700039	A special use permit was approved on 07700-00-00-04000 to allow fill in the floodplain adjacent to the subject parcel and Moore's Creek Lane. Parcel 07700-00-00-040B2, subject of this special use permit, is the residue of that parcel.
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SDP201600076	A site plan was approved on to allow the Woolen Mills Industrial Park currently under construction. Subsequent amendments (SDP201800065) to this site plan have been approved and 50,470 square feet of industrial is allowed on the site . A floodplain development permit was approved (FDP202000039) to allow a by-right stormwater management facility to serve the industrial park on 07700-00-00-040B2 and a Forest and Open Space easement was placed on the remainder of the property.
ZMA201800017	A rezoning of Preserved Steep Slopes to Managed Steep Slopes was approved on 07700-00-00-040B2 to allow development of the Woolen Mills Industrial Park currently under construction.
FDP202400001	A floodplain development permit was submitted in January 2024 on 07700-00-00-040B2 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.
SP202400026	A special use permit was requested to allow 1.496 acres of fill in the flood plain. A public hearing was held at the Planning Commission (PC) on April 22, 2025 and the PC voted to recommend approval by a vote of 4:3. (Attachment 5-PC Minutes). A public hearing was held at the Board of Supervisors (BOS) on June 4, 2025 and the motion to approve did not pass with a vote of 3:3. (Attachment 6-BOS Minutes)

### **COMMUNITY MEETING**

A community meeting was held with the 5<sup>th</sup>/Avon Community Advisory Committee on November 20, 2025. Staff presented information on the application review process and the applicant presented details on the proposed request, including differences from the prior special use permit application. There were an estimated seven (7) community members in attendance who had questions and expressed concerns/objection with the fill in the floodplain request. Those concerns included impacts to Moore's Creek, watershed protection, loss of benefits of floodplain, affect of cumulative floodplain changes and worsening flood events, increased run-off from additional impervious area and fill, potential Monacan resources on the site, along with questions on potential displacement of floodwaters.

### **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 1.346 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 recommend 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 1.346 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 to the north and would comply with required development standards for industrial uses.

**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. The LI district primarily allows the following uses by-right:

***Manufacturing/Processing/Assembly/Fabrication/Recycling.*** means the processing and/or converting of goods, materials or products; the assembly of components, pieces or subassemblies into articles or substances of different character, or for use for a different purpose.

***Storage/Warehousing/Distribution/Transportation.*** means an establishment used primarily for the safekeeping, selling or transferring of saleable goods or raw materials to be incorporated into saleable goods including, but not limited to, storage facilities, call centers, data processing facilities or transit; an establishment used as a privately owned and operated waste transfer station; and towing services and the storage of vehicles in conjunction with that service.

***Laboratories/Research and Development/Experimental Testing.*** means scientific research, testing, investigation or experimentation, the development of prototype products, and/or the assembly or manufacture of prototype products and including, but not limited to, bioscience and medical devices research, development and manufacturing, and information technology and defense security research, development and manufacturing; scientific or technical instruction.

A number of more intensive uses and outdoor activities are only permitted by special use permit, or are prohibited.

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

There are no applicable regulations in Section 5 specific to fill in the floodplain. However, many industrial uses are subject to additional regulations in Section 5. Any future industrial use will be subject to the Performance Standards (noise, vibration, emissions) in Section 4 and be required to submit a Certified Engineer's Report.

**...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.**

While the County adopted an update to the Comprehensive Plan (AC44) on October 15, 2025, the effective date of the plan is January 1, 2026. This proposal has been evaluated for consistency with the 2015 Comprehensive Plan in effect currently.



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 1.346 acres and will allow reasonable use of the parcel under the existing LI Zoning. The remainder of the parcel will be preserved, which is consistent with this land use designation. Conditions of approval are recommended to preserve existing vegetation, replant with native plantings, and establish more stringent water quality measures.

## **SUMMARY**

### **Staff finds the following positive aspects to this request:**

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

### **Staff have 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 1.346 acres and the majority of the property will remain consistent.

## **RECOMMENDED ACTION**

Staff recommends approval of SP-2025-00006 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 Concept Plan titled " SP-2025-00006 Special Use Permit for Fill in the Floodplain Woolen Mills Light industrial Park," 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 at least one-foot above the Base Flood Elevation (BFE).

2. The County Engineer's approval of an erosion and stormwater management plan.
3. The County Engineer's receipt of proof of compliance with Federal and State agencies regulating activities affecting wetlands and floodplains. The applicant must obtain a Conditional Letter of Map Revision for Fill (CLOMR-F) and a Letter of Map Revision (LOMR) to fill in the floodplain fringe as required by the Federal Emergency Management Agency (FEMA). All FEMA permitting requirements must be met, including the timely processing of the LOMR application upon completing fill activities.
4. The County Engineer's approval of a mitigation plan outlining mitigation measures for any encroachments into the floodplain.
5. The owner(s) must obtain approval by the Agent (in consultation with the County Engineer) of a tree planting plan within the floodplain to protect the currently open (non-forested) areas and replant with native vegetation, including areas that may already include stormwater facilities. The site must be planted with species listed as appropriate for the "Piedmont" region in the brochure titled "Native Plants for Conservation, Restoration, and Landscaping: Virginia Riparian Buffer Zones," published by the Virginia Department of Conservation and Recreation.
6. 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.
7. Stormwater treatment must be provided on-site and must equal twice the total required phosphorus load reduction.
8. 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 SP-2025-00006 of 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 SP-2025-00006.** *Should a commissioner motion to recommend approval, he or she should state the reason(s) for recommending approval.*

**ATTACHMENTS**

1. Applicant Narrative
2. Proposed Concept Plan
3. Floodplain Analysis
4. Location Map
5. SP202400026 Planning Commission April 22, 2025 Minutes
6. SP202400026 Board of Supervisors June 4, 2025 Minutes