



COUNTY OF ALBEMARLE PLANNING
STAFF REPORT SUMMARY

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| Proposal: SP202400024 Spring Hill Farm | Staff: Rebecca Ragsdale, Planning Manager |
| Planning Commission Public Hearing: May 27, 2025 | Board of Supervisors Hearing: To be scheduled |
| Owner: Blue Springs Land Corporation | Applicant: Ethan Miller |
| Acreage: 342 acres | Special Use Permit: 10.2.2.28 Divisions of land as provided in section 10.5.2.1 |
| TMP: 05800-00-00-095E0 Location: Grassmere Road/Ivy Depot Road/Loblolly Lane/Spring Lane/Dick Woods Road (Rt 637), approximately 0.5 miles from the intersection of Route 637 and Interstate 64 | Zoning/by-right use: <u>RA Rural Area</u> - agricultural, forestal, and fishery uses; residential not permitted without a special use permit amendment |
| Magisterial District: Samuel Miller | Conditions: Yes |
| School Districts: Murray (Elementary), Henley (Middle), Western Albemarle (High) | |
| Proposal: Six large residential/rural tracts and conservation areas | Requested # of Dwelling Units: 6 single family dwellings |
| DA: RA: X | Comp. Plan Designation: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots). |
| Character of Property: Largely wooded, stream buffers, flood plain, Ivy Creek, Little Ivy Creek | Use of Surrounding Properties: Mix of residential lots and farms |
| Positive Aspects: 1. The proposed lots are consistent with nearby lot patterns. 2. The conceptual plat proposes conservation areas to protect stream buffers and flood plain. | Concerns: 1. Additional residential development is not consistent with the goals of the Comprehensive Plan. |
| RECOMMENDATION: Staff recommends approval of SP202400024. | |

STAFF CONTACT:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Rebecca Ragsdale, Planning Manager
May 27, 2025
To be scheduled

PETITION

PROJECT: SP202400024 Spring Hill Farm Subdivision
MAGISTERIAL DISTRICT: Samuel Miller
TAX MAP/PARCEL: 05800-00-00-095E0
LOCATION: Grassmere Road/Ivy Depot Road/Loblolly Lane/Dick Woods Road (Rt 637), approximately 0.5 miles from the intersection of Route 637 and Interstate 64
PROPOSED: Special Use Permit amendment to allow creation of additional residential lots of more than 21 acres from a 349 acre parcel.
ZONING CATEGORY/GENERAL USAGE: RA Rural
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas

CHARACTER OF SURROUNDING AREA

The total parcel is 349.13 acres in size (according to GIS) and located in the west-central part of the County, just south of Ivy. The parcel is zoned RA Rural Areas and is not permitted to be developed without special use permit approval. The parcel is mostly wooded and terrain is hilly. Ivy Creek, an important stream valley, crosses through the east side of the parcel on the portion along Dick Woods Rd (Rt. 637). Prior analysis of the parcel indicated important soils, presence of the James River Spiny Mussel, and soils for forestry. In addition to Ivy Creek, there are additional streams, such as Little Ivy Creek, and areas of critical slopes on the parcel.

Adjacent to the north is Spring Hill Farm subdivision and to the south Blue Springs Farm subdivision, which include lots that were developed from the original parent parcels. Spring Hill lots range in size from about two acres to seven acres, with an average lot size of 4.5 acres and includes a 10- acre and 56-acre parcel. Blue Springs Farm lots average 14.5 acres in size and range from 5 to 23 acres. The surrounding parcels are characterized by a mix of large farms and large lot subdivisions. (Attachment 1)

PLANNING AND ZONING HISTORY

The parcel is zoned RA and is restricted from further development without a special use permit. If further development is allowed, lots must be 21 acres or larger and the number of lots is limited to those that could have been created with the original parent parcels. This is discussed further under detailed parcel history below.

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| SP198100001 SP198100055 | <p>In 1981, special use permits (SP) were approved to allow sections of Spring Hill Farm (TMP 58-95 and 58-96) to be divided into a total of 33 residential parcels with a residue of approximately 480 acres. Both approvals included conditions that required amendment before further subdivision of the residue. Those SPs were approved under a section of the zoning ordinance that has since been repealed. At the time, Section 10.5.2.1 allowed applicants to obtain SPs to reorganize the size and shape of development right lots and by-right (21-acre) lots.</p> <p>The two original parcels had a total of 41 lots available for division and 33 were utilized.</p> |
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| SP200000034 SP200000038 | The Board of Supervisors approved a special use permit to create a 103-acre parcel from the residue of TMP 58-95 for one single family dwelling and a stream crossing to access the new parcel from Dick Wood's Road. The approval included conditions for riparian buffer easements and limited land clearing for residential development to no more than 2 acres. |
| SP200200067 | The Board of Supervisors approved an extension of the stream crossing special use permit. This special use permit expired prior to commencement of the stream crossing. |
| SP200200068 | The Board of Supervisors approved an amendment to the riparian buffer easement condition and removal of the land clearing condition approved with SP200000034. This special use permit expired before additional lots were created. |
| SP200200069 | The Board of Supervisors approved an extension of the deadline to begin work until April 25, 2004. This special use permit expired. |
| SP201000051 | A request to create a 103-acre parcel was submitted but was withdrawn. |
| SP201000052 | A request for a stream crossing was submitted but was withdrawn. |
| SUB202200122 | A plat was submitted to subdivide a portion of TMP 58-95 into two lots to be served by a private street. When this plat was reviewed, the owner was advised SP198100001 and SP198100055 would need to be amended to allow creation of the new lots. All other special use permits had expired and were no longer valid. Once SP202200030 was approved, this subdivision was approved. |
| SP202200030 | <p>The Board of Supervisors approved an amendment to prior approved special use permits (SP198100001 and SP198100055) to allow creation of two lots of 28.77 acres and 64.52 acres from a 442.42 acre parcel to be accessed from Dick Woods Rd., along with conservation areas and a residue of 349.13 that may not be further subdivided without special use permit approval. (Attachment 2)</p> <p>Based on prior SP and subdivision history, six lots are theoretically remaining that can be divided if a special use permit is approved. Lots must be 21 acres or larger.</p> |
| SP202400024 | The Planning Commission held a public hearing on March 25, 2025 and at the applicant's request, deferred the item. The proposal included a concept plan proposing six residential tracts and three conservation areas, along with hiking trails. Staff had several concerns with the concept plan. Staff believed conservation areas could be enlarged, driveway lengths could be reduced and shared. Additional detail on the concept plan was needed to further assess impacts to the Rural Area. Staff believed driveways and building sites could be adjusted, along with minimizing the width of hiking trails. (Attachment 3 and 4) |

DETAILS OF THE PROPOSAL

The proposed special use permit request is to allow creation of six lots (tracts) and three conservation areas as shown on the attached proposed concept plan and described in the applicant's narrative. Tracts would get access from multiple roadways as indicated in the table below and require a waiver of the Subdivision ordinance Section 14-404, which the applicant has indicated they would submit with the subdivision plat process. (Attachment-5 revised concept plan)

The concept plan has been revised since the March 25, 2025 public hearing to respond to concerns. Acreage in residential tracts has been reduced and additional conservation areas have been added:

| Tract/Lot | Acreage | Access | Characteristics |
|---------------------|---------|-------------------------------------|--|
| Tract 1 | 31.86 | Spring Lane | Residential, Rural uses |
| Tract 2 | 34.68 | Loblolly Lane | Residential, Rural uses |
| Tract 3 | 36.34 | Loblolly Lane | Residential, Rural uses |
| Tract 4 | 24.44 | Grassmere Road | Residential, Rural uses |
| Tract 5 | 44.91 | Shared driveway from Grassmere Road | Residential, Rural uses |
| Tract 6 | 21.66 | Shared driveway from Grassmere Road | Residential, Rural uses |
| Area 1A | 11.39 | | Hiking trail through flood plain/stream and along Ivy Creek |
| Area 1 | 48.42 | | Hiking trail through flood plain/stream and along Ivy Creek |
| Area 2 | 25.68 | | Hiking trail through flood plain/ stream buffer and along Little Ivy Creek |
| Conservation Area A | 17.59 | | Stream buffer and hiking trail |
| Conservation Area B | 48.42 | | Stream buffer and hiking trail |
| Conservation Area C | 3.88 | | Stream buffer and hiking trail |

COMMUNITY MEETING

A community meeting was held on February 17, 2025 and more than 20 neighbors attended. There were no concerns with the proposal. However, there was discussion regarding access from Grassmere including issues with trains blocking access over the railroad crossing. Neighbors mentioned they liked the idea of more hiking trails they could access and the larger size of the lots.

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.

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

Staff believes that the proposal will not be of substantial detriment to adjacent properties. The proposed lot sizes are larger than most of the lots in the adjacent Spring Hill and Blue Springs Farm subdivisions. Neighbors expressed no concerns at the community meeting and looked forward to having a level of certainty as to what may happen on the parcel and looked forward to potentially more walking trails.

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 lots would not be out of character with nearby rural residential development patterns. However, the character of the property may change with the establishment of residential uses and is not in character with expectations of the Rural Area. A large parcel that is unfragmented would be more consistent.

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

The purposes of the RA zoning district, as stated in the ordinance, are:

- Preservation of agricultural and forestal lands and activities;
- Water supply protection;
- Limited service delivery to the rural areas; and
- Conservation of natural, scenic, and historic resources.

Residential development not related to bona fide agricultural/forestal use shall be encouraged to locate in the urban area, communities and villages as designated in the comprehensive plan where services and utilities are available and where such development will not conflict with the agricultural/forestal or other rural objective. Where development does occur, rural residents should expect to receive a lower level of service delivery than will be provided to residential developments in designated growth areas. In relation to residential development, agricultural/forestal activities shall be regulated only to the extent necessary to protect public health and safety.

New residential development is not encouraged. Staff believes the purpose and intent under which the special use permit was approved is to preserve the larger parcel for conservation, agricultural, or forestal uses. Although the request includes larger tracts with one dwelling each, and commitments to limiting residential uses to 2 acres, retaining larger conservation areas would be more consistent with the Rural Area. However, staff believes even if more acreage is not held in conservation parcels, special use permit conditions of approval can achieve the same goals.

Since the March 25, 2025 PC meeting, the concept plan has been revised to adjust driveways, building sites, and to reduce the width of hiking trails reduced from 15' to 6'. The concept plan provides a general lot layout. Additional detail would be provided prior to final plat approval, land clearing, and building permit. At that stage, staff will have the level of detail needed to determine if critical slopes waivers may be needed. If needed, a special exception application would be required to approve any disturbance not exempt. Staff will also have the level of detail needed to grant a waiver of Section 14-404 of the Subdivision Ordinance with the final subdivision application. This section of the ordinance requires the subdivision be served by a single point of access. A waiver may be considered and reviewed under the criteria established in the ordinance. In summary, a justification must be provided and a plan showing more detail on proposed layout of lots, location of existing features such as buildings, fences, drainfields, existing driveways or other access ways, or other significant features. The agent is authorized to grant a waiver and make the findings provided in Section 14-203.1. The agent would review any request under these criteria:

- (i) installing a single point of access would substantially impact environmental resources such as streams, stream buffers, steep slopes, and floodplain;

- (ii) construction of a single point of access would substantially impact features existing on the property prior to October 14, 2009;
- (iii) granting the variation or exception would contribute to maintaining an agricultural or forestal use of the property; and
- (iv) granting the variation or exception would facilitate development of areas identified in the open space plan as containing significant resources.

The Section 404 waiver and necessary detail can be reviewed prior to final plat approval.

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

Staff does not believe there would be conflicts with by-right uses permitted in the RA district. Adequate area remains in the Conservation Areas and residential Tracts for agricultural or forestry uses, which are the primary by-right uses encouraged for the RA district.

...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 given the level of review that can be accomplished with the general concept plan. If additional residential development is approved with the special use permit, the Zoning and Subdivision Ordinance provide for regulations that adequately address health and safety. Fire Rescue, VDOT, Health Department would be part of that process.

The Fire Marshal has indicated a concern with adequate vehicle turn around areas given the proposed driveway lengths. A condition of approval has been added to ensure that emergency vehicles can safely enter and exit residential tracts. Proposed driveway locations may need to be adjusted during plan approval. The ordinance requires driveways to all home sites must not exceed 16%. Existing driveways may only be used if the longitudinal slope is less than 16%. If slopes exceed 16%, alternate alignments will be required. Approval of this SP does not grant waivers for driveway requirements or impacts to critical slopes.

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

The Rural Area Chapter ([Chapter 7](#)) of the Comprehensive Plan designates the subject area for Rural Area land uses. The intent of the Rural Area designation is to allow uses that preserve and protect agricultural, forestal, open space, and natural, historic, and scenic resources; and also, to allow residential uses at a density of up to 0.5 acres per dwelling unit. The Rural Areas Section of the Comprehensive Plan supports the following Guiding Principles:

Objective 1: Support a strong agricultural and forestal economy. Strategy 1a: Continue to promote use of Rural Preservation Developments (RPDs), conservation easements, and Transfer of Development Rights (TDRs) programs, if developed, to help preserve agricultural and forestal soils and to increase the acreage of productive soils for agriculture and forestry.

Objective 2: Protect and preserve natural resources, which include mountains, hills, valleys, rivers, streams, groundwater, and continuous and unfragmented land for agriculture, forestry, biodiversity and natural resource protection.

One of the Guiding Principles for the Rural Areas is “Water supply resources- Protect the quality and supply of surface water and groundwater resources.” The study submitted indicates that there is sufficient supply of groundwater in this area to support the proposed use.

Residential development is not encouraged or supported by the Comprehensive Plan. Staff believes the applicant has made efforts with the proposed conservation areas to protect resources and the water supply. Previous special use permit requests that were granted retained the larger tract and were limited to only a portion of the larger tract. However, this proposal is limited to six additional single-family dwellings on residential tracts and conservation parcels will be retained. Staff believes that Rural Area concerns can be addressed with special use permit conditions that limit disturbance for residential uses and avoid impacts to critical resources, including the requirement for more detailed plans prior to grading or building permits.

SUMMARY

Staff finds the following positive aspects to this request:

1. The proposed lots are consistent with nearby lot patterns.
2. The conceptual plat proposes some permanent conservation areas to protect stream buffers and flood plain.

Staff has the following concerns with this request.

1. Additional residential development is not consistent with the goals of the Comprehensive Plan.

RECOMMENDED ACTION

Based on the findings contained in this staff report, staff recommends approval with the following conditions:

1. Development of the parcel must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the concept plan titled “Preliminary Plat” prepared by Kirk Hughes & Associates, last revised 4-25-2025. To be in general accord with the Preliminary Subdivision Plat, development must reflect the following major elements essential to its design:

- a. Location of proposed Tracts
- b. Location of Conservation Areas
- c. Location of entrance and access to proposed Tracts
- d. Location of proposed hiking trails

Minor modifications to the Plat that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. Only one dwelling unit is permitted on each new Tract.
3. Stream buffers must be established and maintained consistent with Sec. 17-601 of Chapter 17 of the Albemarle County (the “Water Protection Ordinance”) along all streams; provided, however, that any existing entrance driveway and stream crossing that is permitted under the Water Protection Ordinance may remain within the stream buffer. A tree planting plan within the stream buffers to protect the currently open (non-forested) areas adjacent to the streams must be approved by the Agent, in consultation with the County Engineer, prior to the final subdivision plat creating any new Tracts.

4. Prior to any lots engaging in agriculture, a best management practices plan must be approved by the Agent, which must at a minimum include:
 - Fencing livestock out of streams;
 - Installing alternative watering systems for livestock;
 - Planting riparian buffers with native vegetation; and
 - Establishing nutrient management plans.
5. Land clearing for residential development (including driveways, accessory structures such as sheds or pools) may not exceed two acres per parcel. This condition does not apply to agricultural or forestry use(s). For purposes of this condition, land clearing for the construction of farm buildings, such as barns for the storage of tractors and other agricultural equipment, is considered agricultural use and not residential development but may require permitting under Chapter 17 of the Albemarle County Code.
6. Prior to any land disturbance for residential uses, a grading plan and erosion and sediment control plan meeting the requirements of Chapter 17 of the Albemarle County (the "Water Protection Ordinance") must be approved.
 - a. This subdivision will create a common plan of development. All land disturbing activities to construct the homes will require land disturbance permits in addition to building permits. Land disturbance includes residential development according to Condition 5, including driveways, home sites, and drainfield sites.
 - b. Driveway designs must be submitted with the building and land disturbance permit applications.
7. Any driveway, shared driveway, or private street must provide a turnaround area adequate for emergency vehicles, as determined by the Fire Marshal.

MOTIONS:

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

I move to recommend approval of SP202400024 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 SP202400024. Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending approval.

ATTACHMENTS

1. Location Map
2. SP202200030 Action Letter
3. SP202400024 Applicant Narrative
4. SP202400024 Proposed Concept Plan dated February 20, 2025
5. SP202400024 Revised Concept Plan dated April 25, 2025