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December 6, 2018

Mr. David Benish, Chief of Planning
Albemarle County
Department of Community Development
401 McIntire Road
Charlottesville, Virginia 22902

RE: ZMA 2015-001 Old Trail Block Village Special Exception Request

Dear Mr. Benish,

Thank you and the other members of the County staff for your recent feedback on the impacts to the WPO Stream Buffer.

I am writing on behalf of my client to request a variation of the "Parks and Open Space" and "Stormwater Management" sections within the Old Trail Village Code of Development. In particular, we are requesting that a variation be allowed for the statement "Buildable areas within residential lots shall not be allowed within stream buffers."

After a site walkthrough at Old Trail Village, it has been determined by Albemarle County Engineering that the Stream Buffer limits from the Albemarle County GIS may vary from the field conditions of some perennial and intermittent streams on the Old Trail Village properties. Also, the quality of the existing vegetation in some areas of the stream buffer is described by David Hannah as "not good/not well vegetated". Due this observation and the location of the GIS stream buffers, this variation request is sought for Blocks 7, 19, 24, 25, 32, 34 and 35. We are seeking the variation to allow proposed lot areas and/or potential disturbance within the landward 25' of the County WPO Stream Buffers. Any impacts to the stream buffer in these cases would be mitigated with a 2:1 area ratio.

At the time of the approval of ZMA2004-24 and ZMA2015-1, the lot layout within the blocks was at a conceptual level based upon the overall site parameters and market demands. It is our client's wish to provide both a continuation of the reasonable layout for the development of the property and protect the WPO stream buffer. The current layouts of Blocks 7, 19, 24, 25, 32, 34 and 35 shown in the exhibits for this Special Exception request are an example of those desires coming together. The current lot and road layouts in those blocks provide for more reasonable lot areas and uniformity across the

development with a few instances of the lots extending 25' into the landward edge of the stream buffer.

Additionally, the requested lot impacts are located in areas that are not that well vegetated. The 25' encroachment areas do not affect any vegetation of significant landscape value. The required mitigation would allow Old Trail to establish a mix of desirable vegetation that would improve the quality of the stream buffers located around Upper Ballard Pond and Stormwater Management Facility S-1 (SWM S-1). A mitigation plan for Upper Ballard Pond and a portion of the shoreline for SWM S-1 is intended to be an improvement on the current situation creating views into the pond via areas of meadow grasses and perennials along between areas of hardwood and flowering trees and shrubs.

In an effort to continue the discussion for this application, I am including the latest comments from County staff and our responses.

- The proposed lots shown in the stream buffers on pages 1 (Block 7 and 35D) and on page 2 (Block 32) for lots 72 and 73 are acceptable, that is, we can support the Special Exception (SE) request provided that the remaining buffer (outside of the lots) is no less than 75 feet wide and the buffer is augmented/replanted with acceptable vegetation (the specifics of the mitigation measures probably still need to be worked out with Frank, but replanting at a 2:1 ratio of mitigated to impacted is the minimum level expected). This is what we are anticipating as conditions of approval for the SE. Frank and our Natural Resources Planner, David Hannah, have determined that the quality of the existing buffers in these locations are not that good/not well vegetated, and the maintenance of a 75 feet along with appropriate mitigation measures will result in an equal or probably better condition than maintaining the existing 100 foot buffer without any improvements. Maybe this was part of the mitigation plan that you mention in your e-mail below. Having your SE application include information about the condition of the existing buffers and proposed mitigation would be helpful for this review and file documentation.*

The stream buffer impacts proposed within Block 7 and 35D would affect slightly more than 16,600 sf and would not extend into the stream buffer more than 25'.

The lot layout in Block 32 has been revised. Lots 68-70 (previously Lots 72-73) have been adjusted so that the lots extend no more than 25' into the stream buffer.

- For lot 45 in Block 32 (page2), we believe this lot should be reduced in size to avoid any impacts to the stream buffer—the lot size reduction would be minimal. Other lots in this immediate stretch of lots are smaller in size than lot 45. Though the impact is small, we see no reason why there needs to be any part of this lot located in the stream buffer.*

The rear lot line for Lot 41 (previously Lot 45) has been adjusted to avoid any impact to the stream buffer.

- *On page 3 (and 4), the proposed impact from the hammerhead at the end of the road in Block 25 is acceptable due to the overall impact of the approved roads and intersection in this block area (and the public safety/emergency access need for the hammerhead).*

Acknowledged.

- *For lots 11-13 in Block 34 (page 3 and 4), staff cannot support an SE request at this time. This appears to be an existing wooded buffer of good quality which should be maintained, if possible. It also appears that smaller lots, similar in size to others shown/proposed in Blocks 33 and 34, could be used in this area to eliminate or further reduce impacts to this buffer. Lastly, Block 34 does not appear to be fully designed/vetted at this time based on the representation of the road rights of way on page 3 (different ROW widths; offset intersections). Lots 11-13 may be able to be shifted out of the stream buffer with further plan development/adjustments to Block 34, making a request for the SE for these lots premature. Further information regarding the condition of the existing buffer in this area, the need/justification for impacting the buffer in this area (why other apparent options are not viable), and/or proposed mitigation measures will need to be provided to justify the current proposal for these lots.*

The rear lot line for Lots 11-13 has been adjusted to avoid any impact to the stream buffer.

Thank you for the opportunity to continue our discussion with this application. Please feel free to contact me with any questions or comments.

Sincerely,

Ammy George

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