



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Project Name: SP201900002 Pleasant Green – Fill in the floodplain SP	Staff: Megan Nedostup, Principal Planner
Planning Commission Public Hearing: July 14, 2020	Board of Supervisors Hearing: To be determined
Owner(s): SM CHARLOTTESVILLE LLC	Applicant(s): Scott Collins, Collins Engineering; Stanley Martin Homes
Acreage: Approximately 44 acres (Vue property is 21.8 acres)	Special Use Permit for: Fill in the Flood Hazard Overlay under Section 30.3.11 of zoning ordinance
TMP: 05600-00-00-11500; 056A1-01-00-030A0; 055C0-03-00-000A1 Location: South of Cling Lane, northeast of Peach Tree Drive and Orchard Drive (Attachment 1)	Zoning/by-right use: R-6 Residential (6 unit/acre).
Magisterial District: White Hall	Conditions: Yes
DA (Development Area): Crozet	Requested # of Dwelling Units/Lots: N/A
Proposal: Amendment to SP2016-003 West Glen to relocate the stream crossing of Powell's Creek with box culvert and roadway in floodplain	Comp. Plan Designation: Neighborhood Density Residential – 3-6 units /acre, supporting uses such as religious institutions, schools and other small-scale non-residential uses; Greenspace – public parks, open space, environmental features
Character of Property: Currently vacant and wooded property; Powell's Creek and associated floodplain and stream buffer run through the length of the property	Use of Surrounding Properties: Residential neighborhoods of Crozet Crossing, Blue Ridge Ave and Orchard Acres. Multifamily apartments on the Vue property.
Factors Favorable: <ol style="list-style-type: none"> 1. The new location of the stream crossing will greatly reduce the impact on the stream, buffer, and floodplain than the previous location. 2. The stream crossing will allow development of the property consistent with the Crozet Master Plan. 3. The applicants are proposing a greenway dedication in an area identified for greenway within the Crozet Master Plan, which will help ensure preservation of the stream buffer. 4. The stream crossing in this location promotes interconnectivity and disperses traffic onto a road system that is able to handle the additional traffic load. 	Factors Unfavorable: <ol style="list-style-type: none"> 1. The Crozet Master Plan does not identify a road with a stream crossing in this location and the Comprehensive Plan recommends that roads with stream crossings only occur in areas shown in the Master Plans.

Recommendation: Staff recommends approval of the special use permit with conditions as outlined in the staff report.

STAFF CONTACT:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Megan Nedostup, Principal Planner
July 14, 2020
TBD

PETITION:

PROJECT: SP201900002 Pleasant Green

MAGISTERIAL DISTRICT: White Hall

TAX MAP/PARCEL: 05600-00-00-11500; 056A1-01-00-030A0; 055C0-03-00-000A1

LOCATION: Southwest of Cling Lane and northeast of Peach Tree Drive and Orchard Drive

PROPOSAL: Amendment to SP2016-003 West Glen for relocation and construction of stream crossing of Powell's Creek with box culvert and roadway in floodplain.

PETITION: Fill in the Flood Hazard Overlay under section 30.3.11

ZONING: R-6 Residential – 6 units/acre

OVERLAY DISTRICT: FH – Flood Hazard Overlay

COMPREHENSIVE PLAN: Neighborhood Density Residential – 3-6 units /acre, supporting uses such as religious institutions, schools and other small-scale non-residential uses; Greenspace – public parks, open space, environmental features

CHARACTER OF THE AREA:

This proposal is for a crossing of Powell's Creek, which runs lengthwise through the property, south of Cling Lane and northeast of Peach Tree Drive and Orchard Drive. The Flood Hazard Overlay runs along the creek throughout the property and there is a 100' stream buffer on both sides of Powell's Creek.

The properties under consideration for this request are currently undeveloped and mostly wooded with some gentle sloping towards the creek. A by-right site plan and subdivision plat were approved for Phase 1 of the development, that are not subject to the special use permit, earlier this year and construction has started in this area. There is one area of preserved steep slopes south of Powell's Creek adjacent to Orchard Drive. There is an existing crossing of Powell's Creek northwest of the property that was permitted through a previous special use permit for fill in the floodplain to allow for the construction of Cling Lane and the Crozet Crossing subdivision. This crossing contains two box culverts. Southeast of the existing Cling Lane crossing is a small dam with a small area of impoundment behind it. The applicant is proposing to remove the dam and restore the stream in this area as part of the stream mitigation efforts.

Neighboring properties are mostly single family detached residential. Crozet Crossing is north of the property and Orchard Acres is to the South. The Buckingham Branch Railroad runs north of the property and there are a few single family residential properties to the east and along Blue Ridge Ave. There are existing residences on properties that will be a part of the Pleasant Green development, but are not required for the special use permit request, including a historic residence. In addition, the Vue apartment development, located on TMP56-115, that fronts on Blue Ridge Ave is under construction. TMP 56-115 is part of the SP application for Pleasant Green because the proposed stream crossing and road will traverse across a portion of this same parcel; however, developers for Pleasant Green are not proposing any dwelling units on TMP 56-115 (Attachments 5 and 6).

The property is zoned R-6 Residential and most adjacent parcels to the north and east are also zoned R-6. Properties to the south are zoned R-2 and parcels east across Blue Ridge Avenue are also zoned R-2.

PLANNING AND ZONING HISTORY:

- **SP 1990-103 Orchard Acres** – SP for fill in the floodplain for stream crossing that allowed the existing crossing of Powell's Creek and construction of Cling Lane. The SP contained a condition restricting the development of the property to only 30 lots in the Crozet Crossing subdivision and

required a second access to Orchard Drive be provided prior to further development of the residue (Attachment 3).

- **SUB2015-29 Crozet Development Solutions** – Boundary line adjustment plat to add acreage from 55-C-3A to TMP 56-115 and combine with existing parcels along Blue Ridge Ave.
- **SDP2016-49 The Vue** – Final site plan proposing 126 apartments on TMP 56-115 along Blue Ridge Avenue. Approved on 6/1/2017.
- **SP2016-003 West Glen** – Special use permit for fill in the flood plain for the crossing of Powell's Creek. Approved with conditions 9/14/2016.
- **SDP2018-068 and SUB2018-159 Pleasant Green Phase 1**– Initial site plan and preliminary subdivision plat for Phase 1 of the by-right development approved 10/25/18.
- **SDP2019-009 Pleasant Green Phase 1**– Final site plan for Phase 1 of the by-right development. Approved 2/20/2020.
- **SUB2019-108 Pleasant Green Phase 1**- Final subdivision plat for Phase 1 of the by-right development. Approved 1/6/2020.
- **SDP2020-019 and SUB2020-033 Pleasant Green Phase 2**- Initial site plan and preliminary subdivision plat for Phase 2. These applications are subject to the special use permit and were deferred by the applicant on 4/30/2020.

COMMUNITY MEETING:

A community meeting was held on April 10, 2019 to discuss the special use permit and the proposed change to the location of the crossing. While there was concerns about traffic in this area due to the development of the property, the Crozet Community Advisory Committee supported the change in location of the crossing (Attachment 6).

DETAILS OF THE PROPOSAL:

The applicant is proposing to amend SP2016-003 to relocate the stream crossing to allow a lesser impact to the stream. The properties are zoned R-6 Residential and contain a section of Flood Hazard Overlay District running along Powell's Creek. No zoning change is proposed but the applicant desires to develop the property and needs a second point of access to Orchard Drive to further develop the property to address conditions of SP1990-103.

Since the approval of West Glen (SP2016-003- Attachment 4) the properties to the east have been acquired and the applicant is requesting that the crossing be relocated approximately 925 linear feet downstream of the previously approved crossing to allow a lesser impact. The revised location will greatly reduce the impact to the stream and flood plain. The previous impact to the stream buffer was 1.22 acres and 9,660 square feet of preserved slopes. The revised location will be 0.62 acres of impact to the stream buffer, and there are no impacts to the preserved slopes. In addition, the linear footage of roadway and drainage improvements will be reduced from 1200 linear feet to 450 linear feet. The revised crossing will be a 10'x10' triple box culvert, which the applicant has demonstrated will not cause any rise in the base floodplain elevation, or 100-year floodplain elevation (Attachment 5).

The proposed roadway crossing the stream will be a part of the Pleasant Green development road network that will connect to Orchard Drive. In addition, this proposed development will also include roads that will connect to Cling Lane (as required per SP1990-103) and Blue Ridge Ave.

The applicant is proposing a number of measures to mitigate the impacts to the stream and stream buffer. There is an existing dam on the west side of the property that the applicant proposes to remove with this development. The removal of the dam will allow the stream in this area to return to a natural state. Staff from the Army Corps of Engineering had indicated their support for the dam removal project and was of the opinion that the dam removal/stream restoration would more than offset any environmental impacts from the proposed road crossing during the review of the prior SP for West Glen.

A mitigation plan will be required in accordance with the Water Protection Ordinance (WPO) to be reviewed and approved by the County Engineer to show how impacts to the stream buffer will be mitigated with this proposal. The applicant also proposes to maintain the area of greenway south of Powell's Creek in open space, as shown in the Crozet Master Plan and proposes to dedicate an area of greenway for a trail in this location.

If the SP is approved, the applicant proposes to develop the property north of Powell's Creek with a by-right development in accordance with the existing R-6 zoning. The concept plan shows all unit types to be attached residential units. A final site plan and plat were approved for Phase 1 of this development with its access from Blue Ridge Avenue. The by-right development was not dependent on this stream crossing for public road access. However, an initial site plan, and preliminary plat for Phase 2 were submitted for this area and cannot be approved until this special use permit is approved. These applications were deferred by the applicant on April 30, 2020.

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST

Section 33.40 of the Zoning Ordinance states that the Planning Commission and Board of Supervisors shall reasonably consider the following factors when reviewing and acting upon an application for a special use permit:

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

With fill in the floodplain requests, the effect on adjacent lots refers to the potential for flooding of adjacent properties. The County Engineer has reviewed the proposal and concurs with the applicant's conclusion that the construction of the proposed stream crossing will not result in an increase in the 100-year flood elevation and will not detrimentally impact adjacent properties. In addition, the revised location greatly reduces the impact to the stream buffer and floodplain and no longer impacts preserved slopes.

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.

This is an amendment to an existing special use permit that was approved to allow the stream crossing and impact the floodplain. Therefore, staff's opinion is that since this use and crossing can be built in a different location, relocating the crossing to be less impactful improves the condition and the adjacent parcels and nearby area will not be changed. There is otherwise no significant difference to the impact to adjacent parcels between the proposed location and the previously approved location (as regards visibility, noise, etc.)

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

The proposed amended special use permit will remain in harmony with the purpose and intent of the Flood Hazard Overlay District chapter which is to 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. These purposes are expected to be accomplished through the following measures: (i) regulating 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) restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding; (iii) requiring 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) protecting individuals from buying land and structures which are unsuited for

intended purposes because of flood hazards. The chapter is also intended to address a local need for flood insurance and to participate in the National Flood Insurance Program.

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

The proposed stream crossing will allow the property to be developed to its by-right potential of R-6 Residential.

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

There are no supplemental regulations in section 5 applicable to this use.

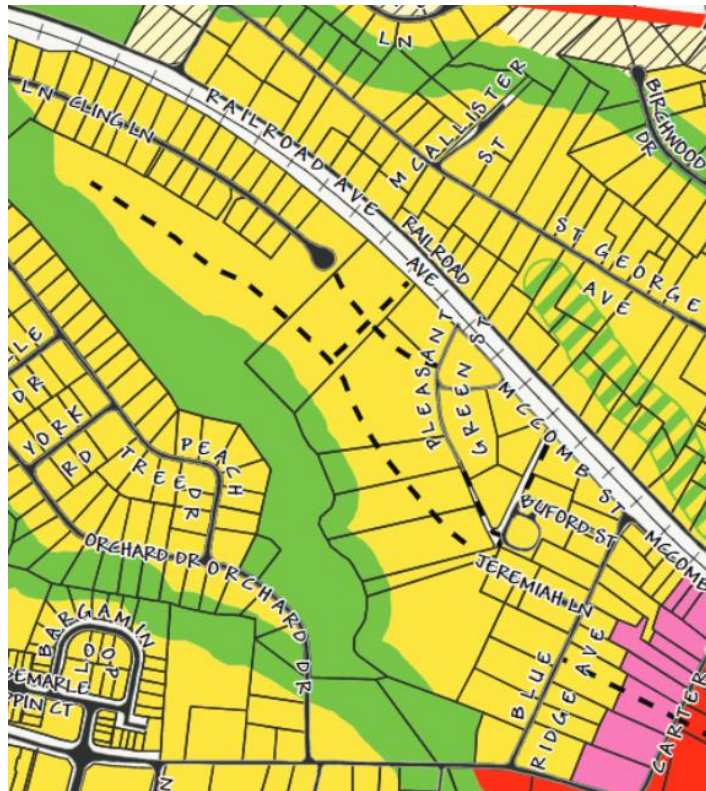
...and with the public health, safety and general welfare.

With regard to future flooding, the public health, safety and general welfare is not expected to be impacted by the stream crossing. There may be impacts to the stream and environmental features associated with this stream; however, the proposed new location and mitigation measures are expected to lessen the impacts of the crossing and development and the mitigation measure of removing the dam may result in an improvement to the condition of the stream bank in this area.

The applicant has also offered to provide a dedication of greenway to the County of an area south of Powell's Creek. This is consistent with an area of greenway as shown on the Crozet Master Plan. Parks and Recreation staff have reviewed this request and have expressed interest in a greenway trail in this location and is supportive of the dedication. Dedication of the land or an easement over the greenway will help to mitigate impacts of the stream crossing by ensuring this area of greenway within the stream buffer and flood hazard overlay are protected in perpetuity.

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

The current Crozet Master Plan designates the portion of this property north of Powell's Creek as Neighborhood Density Residential, which calls for a density of 3-6 units per acre in the areas that are shown in the yellow color on the Master Plan (see below). Part of the property is shown in green which is designated as Parks and Green Systems, representing floodplain, steep slopes and stream buffer. While the Concept Plan (Attachment 5) for the whole development of Pleasant Green does not show all lot lines, it appears that lots could be within the Parks and Green Systems. However, proposed Condition #3 would address this concern.



Crozet Master Plan- Land Use Plan

With regard to the stream crossing, the provision of interconnected streets and transportation networks is one of the principles of the Neighborhood Model and is an important strategy within the Development Areas Chapter of the Comprehensive Plan. The proposed stream crossing will provide a connection that will help provide alternative routes for vehicles, bicyclists and pedestrians and will provide a more direct link to downtown Crozet for residents in the area.

While the Master Plan does not show a stream crossing in this location, and since the previous approval of the crossing the properties that would allow a road as shown in the Master Plan to be built have been acquired, it should be noted that a single connection east to Blue Ridge Avenue would put further strain on a currently deficient roadway. The transportation planner, Kevin McDermott, has reviewed the application and recommends that all three connections be made to allow the distribution of traffic in this area. Blue Ridge Avenue is a public road that was built prior to current road standards and was not designed to carry a large volume of traffic. No public improvements to Blue Ridge Avenue are proposed in the Six Year Transportation Plan nor are upgrades shown within the Crozet Master Plan. Staff is of the opinion that the connection onto Orchard Drive would provide yet another alternative for this development, and Orchard Drive can more safely handle the additional traffic load. Further, the location of this connection would be less impactful to existing neighborhoods with vehicles having to travel just a short distance on Orchard Drive before intersecting with Jarmans Gap Road.

SUMMARY:

Staff has identified factors which are favorable and unfavorable to this proposal:

Factors Favorable:

1. The new location of the stream crossing will greatly reduce the impact on the stream, buffer, and floodplain than the previous location.

2. The stream crossing will allow development of the property consistent with the Crozet Master Plan.
3. The applicants are proposing a greenway dedication in an area identified for greenway within the Crozet Master Plan, which will help ensure preservation of the stream buffer.
4. The stream crossing in this location promotes interconnectivity and disperses traffic onto a road system that is able to handle the additional traffic load.

Factors unfavorable to this request include:

1. The Crozet Master Plan does not identify a road with a stream crossing in this location and the Comprehensive Plan recommends that roads with stream crossings only occur in areas shown in the Master Plans.

RECOMMENDED ACTION:

Based on the findings described in this staff report and factors identified as favorable, staff recommends approval of the SP amendment, **SP 2019-002 Pleasant Green**, with the following conditions:

1. The culverts under the proposed Connector Road extension over Powell's Creek must be in general accord with the attached Concept Plan titled "Pleasant Green Subdivision Special Use Permit Plan" (the "Plan") prepared by Collins Engineering with a revision date of March 2, 2020. To be in general accord with the plan, development must reflect the general size, arrangement, and location of the culverts, as well as maintaining no increase of the 100 year flood elevation outside of the Pleasant Green property. Modifications to the plan, which do not conflict with the elements above may be approved subject to the review and approval of the County Engineer.
2. Prior to final road plan approval or permitting of a land disturbance in the floodplain, the applicant must obtain from the Federal Emergency Management Agency (FEMA) a conditional letter of map revision (CLOMR, or CLOMA), and prior to road acceptance the applicant must obtain from FEMA a letter of map revision (LOMR or LOMA). In addition, the applicant must copy the County Engineer on all correspondence with FEMA. Construction and installation of the culverts must be in compliance with approved road plans and FEMA approved CLOMR or CLOMA.
3. Any residential lots and associated streets resulting from the subdivision of the property, with the exception of the stream crossing and roadway identified on the attached plan as Connector Road, must be located outside of the 100 foot stream buffer, Flood Hazard Overlay and preserved slopes on the property. Lots may be permitted to be located within the landward 10 feet of the 100 foot stream buffer only if the lots are adjacent to approved stormwater management facilities located within the landward 50 feet of the stream buffer. Approval of lots located within the stream buffer must be subject Subdivision Agent approval.
4. The net density of the property must not exceed 6 units per acre, in accordance with the Crozet Master Plan. Net density must be calculated by subtracting the area within the Flood Hazard Overlay District, the 100-foot stream buffer, and areas of preserved slopes from the total acreage of the property subject to the special use permit.
5. Prior to issuance of a grading permit to allow installation of the stream crossing or with submittal of the final subdivision plat, whichever comes first, the applicant must submit an easement plat dedicating to the county the area identified for a greenway trail on the attached plan.
6. If the construction of the stream crossing for which this Special Use Permit is issued is not commenced by [insert date 5 years after the date the County Board approval of the Special Use Permit], the permit will be deemed abandoned and the authority granted there under will thereupon terminate.
7. Prior to approval of the first final Virginia Stormwater Management Program (VSMP) plans or the first final subdivision plat, whichever comes first, the applicant shall conduct a Phase II Environmental Site Assessment (ESA) in accordance with ASTM standards. The Phase II ESA

shall include sampling and testing of accumulated sediment behind the dam that exists on the Property. The applicant shall be required to comply with all recommendations of the Phase II ESA prior to issuance of the first building permit on the Property. The applicant shall also be required to remove accumulated sediment from behind the dam prior to demolition of the dam and dispose of the sediment, either on site or off site, in accordance with the Phase II ESA recommendations.

ATTACHMENTS

- 1 – Location map
- 2 – Applicant Narrative and Conditions
- 3 – SP1990-103 Approval and conditions
- 4 – SP2016-003 Approval and conditions
- 5 – Concept plan dated March 2, 2020
- 6 – Crozet Community Advisory Committee Resolution