



COUNTY OF ALBEMARLE PLANNING
STAFF REPORT SUMMARY

Proposal: SP202200030 Spring Hill Farm	Staff: Rebecca Ragsdale, Planning Manager
Planning Commission Public Hearing: January 24, 2023	Board of Supervisors Hearing: To be scheduled
Owner: Blue Springs Land Corporation	Applicant: Ethan Miller
Acreage: 442.42	Special Use Permit: 10.2.2.28 Divisions of land as provided in section 10.5.2.1
TMP: 05800-00-00-09500 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	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: Amend prior approved special use permit to allow creation of two lots of 28.77 acres and 64.52 acres to be accessed from Dick Woods Rd., along with conservation areas and a residue of 370.91 that may not be further subdivided without special use permit approval of acres.	Requested # of Dwelling Units: 2 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, and an existing access from prior forestry activity	Use of Surrounding Properties: Mix of residential lots and farms
Positive Aspects: 1. The proposed lots are consistent with nearby residential lot patterns. 2. The conceptual plat proposes permanent conservation areas to protect stream buffers and flood plain.	Concerns: 1. Additional residential development is not consistent with the goals of the Comprehensive Plan. 2. While conservation areas are proposed for conservation of streams and flood plain, the proposal does not address limits of clearing and the fragmentation of the parcel for residential uses.
RECOMMENDATION: Staff recommends approval of SP202200030 with conditions.	

STAFF CONTACT:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Rebecca Ragsdale, Planning Manager
January 24, 2023
To be scheduled

PETITION

PROJECT: SP202200030 Spring Hill Farm Development Rights Request
MAGISTERIAL DISTRICT: Samuel Miller
TAX MAP/PARCEL: 05800-00-00-09500
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 (SP198100001, SP198100055) to allow creation of a 24.64 acre lot for one dwelling and a 46.87 acre lot for one dwelling from an existing 442.42 acre parcel, with a 370.91 residue.
ZONING CATEGORY/GENERAL USAGE: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
SECTION: 10.2.2.28 Divisions of land as provided in section 10.5.2.1;
ENTRANCE CORRIDOR: No
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/ acre in development lots)

CHARACTER OF SURROUNDING AREA

The parcel is 442.42 acres in size and located in the west-central part of the County, just south of Ivy. The parcel is mostly wooded and terrain is hilly. Ivy Creek crosses through the east side of the parcel on the portion along Dick Woods Rd (Rt. 637) and is an important stream valley. 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 and areas of critical slopes on the parcel. Adjacent to the north is Spring Hill Farm and to the south Blue Springs Farm, 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 include 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-Location Map)

PLANNING AND ZONING HISTORY

The history of the parcel is summarized below.

SP198100001 SP198100055	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 lots. The two original parcels had a total of 41 lots available for division and 33 were utilized. The current number of theoretical available lots for TMP 58-95. Those can only be utilized if a special use permit is approved consistent with the Comprehensive Plan and reviewed thoroughly against RA criteria.
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. This is the same portion of the parcel where the applicant now requests

	creation of two parcels for two 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.
SP200200068	The Board of Supervisors approved an amendment the riparian buffer easement condition and removal of the land clearing condition approved with SP200000034. This special use permit expired.
SP200200069	The Board of Supervisors approved an extension of the
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 create subdivide a portion of TMP 58-95 into two lots to be served by 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. That application remains under review until action on the special use permit (SP202200030) request is taken. Since

DETAILS OF THE PROPOSAL

The proposed special use permit request is to allow creation of two lots to be accessed off of Dick Woods Road with lot sizes of 28.77 and 64.52 acres to allow construction of a single family home on each new lot. The remainder of the property will be 370.91 acres in size and may not be developed without special use permit approval. The area of the parcel proposed for lots will have sole access from Dick Woods Road from an existing entrance and that access will not connect to the residue. The conceptual plat also identifies Conservation Areas A and B. (Attachments 2 and 3)

COMMUNITY MEETING

A community meeting was not required for this request. Abutting property owners were previously notified of the applicant's intent to subdivide the property when SUB202200122 was submitted. Based on the scope of the proposal, staff did not believe a community meeting was needed.

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.

The comments below are based on staff's analysis of the application including information submitted by the applicant. The information submitted by the applicant contains detailed information. Staff will not restate all of the submitted information in this staff report and refers the reader to attachments for detailed information.

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.

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.

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 permits were approved is to preserve the larger parcel for conservation, agricultural, or forestal uses. Although the request is for two lots with one dwelling each, the primary land use of the parcel would change from agricultural and forestry to single-family residential. The extent to which the parcel would remain in agricultura/forestal uses would depend on the owners. While the lots are not inconsistent with surrounding residential development, the purpose of the RA zoning district is to encourage preservation of agricultural and forestal lands and activities.

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

Staff does not believe there would be any conflicts with by-right uses permitted in the 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 are anticipated. The Subdivision Ordinance provides for regulations that adequately address health and safety when subdividing property. There are no issues with the existing single family dwellings located on the property. VDOT has reviewed the proposed entrance and Engineering has reviewed the proposed and have not indicated any concerns.

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 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. Under the Rural Areas Section of the Comprehensive Plan allowing an additional uses within the approved commercial building 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.

While residential development is not encouraged, staff believes the applicant is making good faith efforts with the proposed conservation areas to protect resources and the water supply. However, the extent of clearing for residential uses is not limited on the remainder of the parcel. While previous conditions regarding clearing were removed, this proposal is for two residential lots that could result in even more clearing than previous requests and without conditions of approval to land for agricultural and forestal uses.

SUMMARY

Staff finds the following positive aspects to this request:

1. The proposed lots are consistent with nearby residential lot patterns.
2. The conceptual plat proposes conservation areas.

Staff has the following concerns with this request.

1. The Comprehensive Plan does not encourage residential development in the RA Rural Area.
2. While conservation areas are proposed for conservation of streams and flood plain, the proposal does not address limits of clearing and the fragmentation of the parcel for residential uses.

RECOMMENDED ACTION

Based on the findings contained in this staff report staff has drafted the following conditions of approval, which are consistent with prior approved special use permits for the parcel. These are draft potential conditions that will be finalized before the Board of Supervisors public hearing, after input from the Commission and applicant.

1. No further division of the new parcels, referred to as Lot 1 and Lot 2, and the residue of Parcel 58-95 is not permitted.
2. Development of the parcel must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the proposed lot layout for Lots 1 and 2 prepared by Kirk Hughes and Associates last revised 12-21-22. To be in accord with the Conceptual Plan, development must reflect the following major elements within the development essential to the design of the development:
 - a. Location of Lots 1 and 2
 - b. Location of Conservation Areas
 - c. Location of entrance and access to Lots 1 and 2

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

3. Only one dwelling unit is permitted each new lot (Lots 1 and 2)
4. Permanent riparian easements or deed restrictions must be established in Conservation Areas to include 100 feet from each bank on all streams on Parcel 58-95, including a tree-planting plan to be approved by the Agent. The final plat creating new lots shall not be signed until these easements or deed restrictions are reviewed and approved by the Agent.
5. Land clearing for residential development (including accessory structures such as sheds or pools) shall be limited to no more than 2 acres. This condition is not intended to limit agricultural or forestry on the parcel.

MOTIONS:

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

I move to recommend approval of SP202200030 with the conditions 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 SP202200030. Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.

ATTACHMENTS

- Attach 1 - [SP2022-30 Spring Hill Farm Location Map](#)
Attach 2 - [SP2022-30 Spring Hill Farm Applicant Narrative](#)
Attach 3 - [SP2022-30 Spring Hill Farm Proposed Lot Layout](#)