



COUNTY OF ALBEMARLE
Department of Community Development
401 McIntire Road, Room 227
Charlottesville, Virginia 22902-4596

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August 16, 2007

Valerie W. Long (Williams Mullen)
321 East Main Street, Suite 400
Charlottesville, VA 22902

RE: SP2007-00003 North Pointe Stream Crossing – Middle Entrance (Signs #40 & 74)
Tax Map 32, Parcels 20 & 23

Dear Valerie W. Long:

On June 6, 2007, the Albemarle County Board of Supervisors took action on SP #2007-00003 to allow fill in the floodplain of Flat Branch Creek for a road crossing to provide access for the North Pointe development on TMP 32-20 & 23 in the Rivanna District. This special use permit was approved based on the following conditions:

1. The applicant must obtain a map revision, letter of revision, or letter of amendment as required from the Federal Emergency Management Agency (FEMA) and copy the County Engineer on all correspondence, since changes to the floodplain are proposed;
2. County and VDOT approval of the final lane configuration for North Side Drive over the stream crossing with the final road plans;
3. County approval of hydrologic and hydraulic computations for the dam, culvert crossing and channels is required prior to issuance of grading permits;
4. Unless otherwise permitted by the County Engineer, there shall be no disturbance within fifty (50) feet of the stream channel, exclusive of the dam, the culvert under North Side Drive East, and walking trails. (In the Figure 2 above, the grading shown at points 1 and 2 must be eliminated, and where proposed contours are shown closer than fifty (50) feet to the stream, such as at point 3, the grading must be pulled back.);
5. The culvert under North Side Drive shall be an arch culvert which leaves the natural stream channel and banks undisturbed for a minimum width of twenty-four (24) feet. In the case that VDOT does not approve the placement of footings or the arch span under North Side Drive, box culverts may be used, subject to the review and approval of the County Engineer. In this case a minimum of two (2) culverts with one (1) countersunk for base stream flow shall be used, with impacts to the FEMA floodplain equal to or better than for the arch culvert span;
6. County Engineer approval of the following:
 - a. The culvert and embankments for North Side Drive shall encroach a maximum of one hundred ninety (190) feet along the stream channel;

- b. The dam shall be designed with an emergency spillway (separate from the primary spillway) which will pass the one hundred (100) year storm (base flood) under the road which traverses the dam; and
 - c. The dam shall allow for a continuation of the base flow in the stream.
7. Unless otherwise permitted by the County Engineer, buildings and structural foundations shall be a minimum of twenty (20) feet from the limits of the floodplain. (This is a precautionary measure, anticipating the reaction of owners or tenants to water levels close to buildings, such as proposed in Area 1 in Figure 2.);
8. Army Corp of Engineers, Virginia Department of Environmental Quality, and other necessary state and federal agency approvals must be obtained prior to issuance of grading permits;
9. Natural Resources Manager approval of a stream buffer mitigation plan prior to the issuance of a grading permit prior to placement of any fill in the floodplain, and County approval of an erosion and sediment control plan prior to the issuance of a grading permit for placement of any fill in the floodplain;
10. Design Planner approval of a landscape plan. The landscape plan shall be shown on the road plans and erosion and sediment control plans submitted for North Side Drive. The landscape plan shall include a complete planting schedule keyed to the plan and shall provide the following:
 - a. Existing tree line and proposed tree line to remain, the limits of clearing and grading, and tree protection;
 - b. Provide an informal planting of mixed tree and shrub species and sizes to compensate for removed vegetation, and low-growing plants to stabilize slopes in the areas of proposed grading and tree removal. This planting shall occur regardless of the grading proposal (DDR or KCA) chosen;
 - c. Provide large shade trees on the north and south side of North Side Drive, along the sidewalk and space reserved for the sidewalk, two and one-half (2 ½) inches caliper minimum at planting, forty (40) feet on center, for a minimum distance of four hundred (400) feet from the existing edge of pavement of Route 29 North; and
 - d. Provide large shade trees on the north and south side of North Side Drive, along the sidewalk and space reserved for the sidewalk, two and one-half (2 ½) inches caliper minimum at planting, forty (40) feet on center, for a minimum distance of four hundred (400) feet from the existing edge of pavement of Route 29 North.
11. Design details of the retaining walls, including column cap design, pier design, stone finish, etc. shall be shown on the road plans and are subject to review of the Design Planner; and
12. If the use, structure, or activity for which this special use permit is issued is not commenced within sixty (60) months after the permit is issued, the permit shall be deemed abandoned and the authority granted there under shall thereupon terminate.

Please be advised that although the Albemarle County Board of Supervisors took action on the project noted above, no uses on the property as approved above may lawfully begin until all applicable approvals have been received and conditions have been met. This includes:

- compliance with conditions of the SPECIAL USE PERMIT;
- approval of and compliance with a SITE PLAN; and
- approval of a ZONING COMPLIANCE CLEARANCE.

In the event that the use, structure or activity for which this special use permit is issued is not commenced within sixty (60) months from the date of Board approval, it shall be deemed abandoned and the permit terminated. The term "commenced" means "construction of any structure necessary to the use of the permit."

If you have questions or comments regarding the above-noted action, please do not hesitate to contact Sherri Proctor at 296-5832.

Sincerely,


V. Wayne Cilimberg
Director of Planning

Cc: CWH Properties Limited Partnership
P O Box 5526
Charlottesville, VA 22905

North Pointe Charlottesville
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Tex Weaver
Chuck Proctor
Sherri Proctor

File