



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Project Name: SP201500003, North Pointe Middle Entrance Amendment	Staff: Claudette Grant, Senior Planner
Planning Commission Public Hearing: October 6, 2015	Board of Supervisors Hearing: To be determined.
Owner(s): CWH Properties LP, and Violet Hill Associates, LLC, c/o Great Eastern Management Co.	Applicant(s): North Pointe Charlottesville, LLC, c/o Great Eastern Management Company, represented by David Mitchell. Contact: Valerie W. Long with Williams Mullen, PC
Acreage: Approximately 161 acres	Special Use Permit for: Fill-in the floodplain under Section 30.3 of Zoning Ordinance.
TMP: 03200000002000 and 03200000002300 Location: North of Proffit Road, east of Route 29 North, across from Northside Drive and south of the Rivanna River. (See Attachment A)	Zoning: Planned Development Mixed Commercial – allows large-scale commercial uses; residential by special use permit (15 units/acre). Flood Hazard Overlay District (30.3)
Magisterial District: Rivanna	Conditions: Yes
Proposal: To amend approved special use permit (fill-in the flood plain) conditions for SP2007-00003 under Section 30.3 of Zoning Ordinance to modify conditions requiring an arched span crossing of Flat Branch. (See page 2 of 3 of Attachment B)	DA (Development Area): Hollymead – Places 29
Requested # of Dwelling Units/Lots: N/A	Comp. Plan Designation: Urban Mixed Use (in Destination and Community Centers) – retail, residential, commercial, employment, office, institutional, and open space; Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses; Privately Owned Open Space; Environmental Features – privately owned recreational amenities and open space; floodplains, steep slopes, wetlands, and other environmental features; and Institutional – civic uses, parks, recreational facilities, and similar uses on County-owned property.
Character of Property: The subject properties are primarily wooded and undeveloped.	Use of Surrounding Properties: The North Fork Rivanna River is located to the north of the property. Pritchett Road is the eastern boundary on which there are houses and pastureland. A mobile home park, medical office and lumberyard are to the south of the property. The University Foundation has a research park located to the west across Route 29 and an industrial park is located on Northside Drive. Halls Body Shop and another mobile home park are also located to the west,

		across Rt. 29 from the site.
Factors Favorable: 1. The proposed design modifications are not expected to change the floodplain levels or the overall impact to the stream. 2. Environmental impacts appear to be the same, regardless of the design. 3. The proposed design is similar to the design approved for the northernmost stream crossing for North Pointe. 4. There are no anticipated detrimental impacts to the use or on adjacent property resulting from the proposed revisions to the special use permit and conditions.		Factors Unfavorable: 1. No unfavorable factors.
Recommendation: Based on the findings contained in this staff report, staff recommends approval of SP 2015-00003, North Pointe Middle Entrance Amendment with conditions.		

STAFF CONTACT:

Claudette Grant, Senior Planner

PLANNING COMMISSION:

October 6, 2015

BOARD OF SUPERVISORS:

TBD

PETITION:

PROJECT: SP201500003/North Pointe Middle Entrance Amendment

MAGISTERIAL DISTRICT: Rivanna

TAX MAP/PARCEL: 03200000002000

LOCATION: North of Proffit Road, east of Route 29 North, across from Northside Drive and south of the Rivanna River

PROPOSAL: Amend conditions of approval for SP2007-00003 to modify conditions requiring an arched span crossing of Flat Branch.

PETITION: Amend conditions for fill-in the floodplain SP2007-0003 under Section 30.3 of Zoning Ordinance. No dwelling units proposed.

ZONING: PD-MC Planned Development Mixed Commercial - large-scale commercial uses; residential by special use permit (15 units/acre). Flood Hazard Overlay District (30.3)

ENTRANCE CORRIDOR: Yes

AIRPORT IMPACT AREA: Yes

COMPREHENSIVE PLAN: Urban Mixed Use (in Destination and Community Centers) – retail, residential, commercial, employment, office, institutional, and open space; Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses; Privately Owned Open Space; Environmental Features – privately owned recreational amenities and open space; floodplains, steep slopes, wetlands, and other environmental features; and Institutional – civic uses, parks, recreational facilities, and similar uses on County-owned property in Hollymead - Places 29.

CHARACTER OF THE AREA:

This particular site is vacant, undeveloped with a mixture of woodland and overgrown fields, and a stream (Flat Branch) flowing south to north to the North Fork Rivanna River. However, portions of nearby and surrounding properties are developed with single family houses, mobile homes, a University of Virginia research park, commercial uses, such as an auto body shop, outdoor supply store, and a medical office facility. The remaining nearby properties are vacant and undeveloped land that is primarily wooded with streams running through the area. Although the area is wooded with mature vegetation and streams, the environmental character of the area is slowly beginning to change as the area becomes developed.

PLANNING AND ZONING HISTORY:

There are several rezoning and special use permit approvals associated with the North Pointe development. The following projects are the most pertinent to the subject request:

- **ZMA200000009** was approved on August 2, 2006. The concept plan associated with this approved rezoning illustrates this crossing of Flat Branch to serve as the middle of three proposed entrances from Route 29 to the North Pointe development.
- **SP200600034** was approved on February 14, 2007 to allow fill in the floodplain of Flat Branch for a road crossing to serve as the northernmost entrance of the proposed North Pointe community. This approved crossing is located on a nearby parcel and is not affected by the current request.
- **SP200700003** was approved on June 6, 2007 to install a new stream crossing within the floodplain to serve the Northside Drive entrance (middle entrance) for the North Pointe community.

DETAILS OF THE PROPOSAL:

The original SP 200700003 was approved to permit fill in the floodplain of Flat Branch Creek to allow the extension of Northside Drive, located west of Route 29 to North Pointe Boulevard. North Pointe

Boulevard is east of and parallel to Route 29 and is the primary internal street in the North Pointe development. The extension of Northside Drive (Northside Drive East) connects the two sides of Route 29. Conditions of the approved special use permit require a single arch culvert with a bottomless design that would leave most of the natural stream channel undisturbed and minimize stream bank disturbance. This design was intended to be more environmentally sensitive than using conventional box culverts. Knowing that VDOT might not approve this type of culvert, the original SP conditions included the following language: "in case VDOT does not approve the placement of footings or the arch span under Northside Drive, then box culverts may be used subject to the review and approval of the Planning Commission."

As the applicant began final road design, it reviewed associated costs of the span culvert and found the span culvert to be significantly more expensive than box culverts. In addition, knowing that VDOT had concerns and might not support the original approved design, citing the need for extensive soil tests on arch culvert footings and future maintenance costs were reasons to reassess the original design. For these reasons, the applicant has requested that conditions of the original SP be modified from a single arched culvert that incorporates a pedestrian walkway in the culvert to a design that incorporates two (2) 6 x 8 box culverts at the crossing with a separate 8 x 8 lighted underground pedestrian tunnel at existing grade.

The applicant describes this proposal to be significantly less expensive and still allow 100 year flood plain levels to be contained within the project limits while not expanding to offsite properties. Furthermore, the applicant states that the proposed crossing would utilize box culverts that will convey Flat Branch Creek stormwater in a more conventional construction type, and will require less maintenance than the single arch bridge structure that is currently required with SP 200700003. The proposed box culverts are similar to box culverts that were approved with SP200600034, which is a separate, but related special use permit for fill-in the floodplain for a road crossing located on a parcel within the North Pointe Development, and to the north of the subject area. The proposed design modifications are not expected to change the floodplain levels nor the impacts to the stream. (See Attachment B)

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST

Section 33.8 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. The proposed special use will not be a substantial detriment to adjacent lots.

With fill in the floodplain requests, the effect on adjacent lots refers to the potential for flooding of adjacent properties. As part of his analysis, the County Engineer asked for a comparison between the arch span and box culverts, including differences to the stream and floodplain, as well as hydraulic models. In addition, he asked for data to demonstrate effects on floodplain rise. The information provided by the applicant showed that the box culverts would not cause flooding to adjacent properties. In addition, the County Engineer has said that the fill in the floodplain is not expected to be different with this proposal than what was expected with the original request. Any changes to the physical layout of the site is not anticipated to impact adjacent properties. There is no other change to the use on site with this Special Use Permit request.

Character of district unchanged. The character of the district will not be changed by the proposed special use.

The character of the district will not be changed by the proposed changes to the stream crossing design, or SP conditions.

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

The approved and proposed special use permit will remain in harmony with the purpose and intent of this 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 by: (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; and

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 changes will not prohibit or affect permitted uses of adjacent property.

...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.

The public health, safety, and general welfare of the public is not expected to be affected by the change in design. While the County Engineer says that the proposed design is not necessarily an improvement over the original design, it is no worse. With the construction of either design, there will be some level of impact to the floodplain. The proposed design is just different, less costly and better supported by VDOT. (See Attachment C for VDOT comments)

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

In addition to the potential for causing an increase in flood levels, requests for fill in the floodplain are reviewed for environmental impacts. In this case, the applicant has demonstrated to the County Engineer that obstruction and fill is minimized and protected against erosion or pollution to at least the same level as the span culvert.

The existing special use permit (SP200700003) and zoning (ZMA200000009) approved for North Pointe are consistent with the Places 29 land use designations and recommendations. This special

use permit request does not propose to change the uses previously approved for North Pointe (SP200700003) and it does not propose to change the road network previously approved for North Pointe in ZMA200000009. The findings regarding consistency with the Comprehensive Plan provided at the time of the original special use permit remain applicable.

This site is located in the Entrance Corridor and the proposal has been reviewed by the ARB staff. Although portions of this proposal might be visible at certain times of the year from the Entrance Corridor, there are no objections to the proposal.

The proposed pedestrian trail has been reviewed by the Parks and Recreation staff who believe that the new design is more user friendly because the proposed location will provide a direct path of travel to the pedestrian trails proposed for the development. Also the revised location of the pedestrian trail is separate from the road, making it a safer route.

SUMMARY:

While an arch span might be considered more environmentally friendly than two box culverts, the County Engineer describes the approved design of an arch span to have just as much impact to the floodplain as the proposed design. In addition, the applicant was able to demonstrate to the County Engineer that there is no real difference.

Staff has identified factors which are favorable to this proposal and has identified no unfavorable factors:

Factors favorable to this request include:

1. The proposed design modifications are not expected to change the floodplain levels or the overall impact to the stream.
2. Environmental impacts appear to be the same, regardless of the design.
3. The proposed design is similar to the design approved for the northernmost stream crossing for North Pointe.
4. There are no anticipated detrimental impacts to the use or on adjacent property resulting from the proposed revisions to the special use permit and conditions.

Factors unfavorable to this request include:

1. There are no unfavorable factors.

RECOMMENDED ACTION:

Based on the findings contained in this staff report, staff recommends approval of SP 2015-00003, North Pointe Middle Entrance Amendment with the following changes in conditions from the original SP:

- Change to Condition 1 to reflect new ordinance requirements related to fill in the floodplain;
- Elimination of Conditions 2, 3, 4, 8 and 9, since these are now ordinance requirements;
- Elimination of Conditions 6 and 7 because they are no longer accurate; and
- Revision of Conditions 5, 10, 11 and 12 for clarity and with technical language updates.

See Attachment D for Action Letter, dated August 16, 2007, inclusive of the approved special use permit conditions. Blackline of approved and proposed conditions are provided below:

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;~~
Prior to final road plan approval, the applicant shall obtain from the Federal Emergency Management Agency (FEMA) a conditional letter of map revision (CLOMR, or CLOMA), and prior to road acceptance the applicant shall obtain from FEMA a letter of map revision (LOMR or LOMA). In addition, the applicant shall copy the County Engineer on all correspondence with

FEMA.

2. (Intentionally deleted)
3. (Intentionally deleted)
4. (Intentionally deleted)
5. The culvert under Northside 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 Northside 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; in general accord with the attached drawing titled "North Pointe SP Crossing of Flat Branch" prepared by Townes Site Engineering with a revision date of July 20, 2015, page 2 of 3. To be in general accord with the plan, development shall reflect the general size, arrangement, and location of the culverts. 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;
6. (Intentionally deleted)
7. (Intentionally deleted)
8. (Intentionally deleted)
9. (Intentionally deleted)
10. Design Planner approval of a landscape plan. Prior to obtaining approval of the road plans and erosion and sediment control plans for Northside Drive, the applicant shall obtain approval of a landscape plan. The landscape plan shall be shown on the road plans and erosion and sediment control plans submitted for Northside 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 Northside Drive, along the sidewalk and space reserved for the sidewalk, two and one-half (2½) 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. and similar design details shall be shown on the road plans and are subject to review and approval 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~~ by [insert date that is 5 years after the date the BOS approves the SP], the permit shall be deemed abandoned and the authority granted there under shall thereupon terminate.

Conditions (Clean copy):

1. Prior to final road plan approval, the applicant shall obtain from the Federal Emergency Management Agency (FEMA) a conditional letter of map revision (CLOMR, or CLOMA), and prior to road acceptance the applicant shall obtain from FEMA a letter of map revision (LOMR or LOMA). In addition, the applicant shall copy the County Engineer on all correspondence with FEMA.
2. (Intentionally deleted)
3. (Intentionally deleted)
4. (Intentionally deleted)
5. The culvert under Northside Drive shall be in general accord with the attached drawing titled "North Pointe SP Crossing of Flat Branch" prepared by Townes Site Engineering with a revision date of July 20, 2015, page 2 of 3. To be in general accord with the plan, development shall reflect the general size, arrangement, and location of the culverts. 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;
6. (Intentionally deleted)
7. (Intentionally deleted)
8. (Intentionally deleted)
9. (Intentionally deleted)
10. Design Planner approval of a landscape plan. Prior to obtaining approval of the road plans and erosion and sediment control plans for Northside Drive, the applicant shall obtain approval of a landscape plan. 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;
 - c. Provide large shade trees on the north and south side of Northside Drive, along the sidewalk and space reserved for the sidewalk, two and one-half (2½) 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
11. Design details of the retaining walls, including column cap design, pier design, stone finish, and similar design details shall be shown on the road plans and are subject to review and approval of

the Design Planner; and

12. If the use, structure, or activity for which this special use permit is issued is not commenced by [insert date that is 5 years after the date the BOS approves the SP], the permit shall be deemed abandoned and the authority granted there under shall thereupon terminate.

Motions:

Special Use Permit

- A. Should the Planning Commission **choose to recommend approval** of this special use permit:
I move to recommend approval of SP 201500003 North Pointe Middle Entrance Amendment 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 SP 201500003 North Pointe Middle Entrance Amendment with reasons for denial.

ATTACHMENTS

Attachment A – [Location Map](#)

Attachment B – [North Pointe SP Crossing of Flat Branch” prepared by Townes Site Engineering with a revision date of July 20, 2015 \(pages 1-3\).](#)

Attachment C – [VDOT Letter from Troy Austin, dated August 11, 2015](#)

Attachment D – [Action Letter from V. Wayne Cilimberg, dated August 16, 2007](#)