

**RESOLUTION TO APPROVE
SP 2015-03 NORTH POINTE MIDDLE ENTRANCE AMENDMENT**

WHEREAS, CWH Properties Limited Partnership is the record owner of Tax Map and Parcel Number 03200-00-00-02000, and Violet Hill Associates, LLC is the record owner of Tax Map and Parcel 03200-00-00-02300 (collectively, the “Owner” and the “Property”); and

WHEREAS, ZMA 2000-09 was approved on August 2, 2006, approving the North Pointe development, and SP 2007-03 was approved on June 6, 2007, which allows the Owner to install a new stream crossing within the floodplain of Flat Branch Creek and thereby extend Northside Drive to serve as the middle entrance for the North Pointe community.

WHEREAS, the Owner filed an application for a special use permit to amend the conditions of approval for SP 2007-03 to modify conditions requiring an arched span culvert crossing of Flat Branch Creek to allow two box culverts, and the application is identified as Special Use Permit 2015-00003 North Pointe Middle Entrance Amendment (“SP 2015-03”); and

WHEREAS, on November 10, 2015, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2015-03 with the conditions recommended by County staff, including the elimination of several conditions that are no longer needed, and the revision of several conditions to provide clarity and to be consistent with current Albemarle County Code requirements; and

WHEREAS, on November 11, 2015, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2015-03.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2015-03 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code § 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2015-03, subject to the conditions attached hereto.

* * *

I, Ella W. Jordan, do hereby certify that the foregoing writing is a true, correct copy of a Resolution duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of ____ to ____, as recorded below, at a regular meeting held on _____.

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Boyd	_____	_____
Ms. Dittmar	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Mr. Sheffield	_____	_____

SP-2015-00003 North Pointe Middle Entrance Amendment Conditions

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. 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 (the “Plan”). 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.
3. 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 by the County’s Design Planner and the site shall be landscaped as provided on the approved landscape plan. The landscape plan shall include a complete planting schedule keyed to the plan and shall provide the following:
 - a. The existing tree line and proposed tree line that will remain, the limits of clearing and grading, and methods of 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; and
 - 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.
4. 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 County’s Design Planner.
5. If the use, structure, or activity for which this special use permit is issued is not commenced by November 11, 2020, the permit shall be deemed abandoned and the authority granted there under shall thereupon terminate.