

**RESOLUTION TO APPROVE
SP 2016-01 KAPP DRIVEWAY**

WHEREAS, Constance Kapp is the record owner (the “Owner”) of Tax Map Parcels 09800-00-00-004C0 (“TMP 98-4C”) and 09800-00-00-01400 (TMP 98-14); and

WHEREAS, the Owner filed an application for a special use permit to permit floodplain fill and the construction of culverts for two floodplain crossings of the South Branch of the North Fork Hardware River on TMP 98-4C in order to provide access to three existing dwellings on TMP 98-14 and to a currently undeveloped portion of TMP 98-4C, and the application is identified as Special Use Permit 2016-00001 Kapp Driveway (SP 2016-01”); and

WHEREAS, on August 23, 2016, after a duly noticed public hearing, the Albemarle County Planning Commission recommended denial of SP 2016-01 based on a failed motion to approve; and

WHEREAS, on November 2, 2016, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2016-01.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2016-01 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 2016-01, subject to the conditions attached hereto.

* * *

I, Claudette K. Borgersen, 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. Dill	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Mr. Randolph	_____	_____
Mr. Sheffield	_____	_____

SP-2016-00001 Kapp Driveway Conditions

1. The stream crossing locations shall be in general accord with the locations shown on sheet 3 of 4 of the plan titled "Kapp Driveway SP," prepared by Shimp Engineering P.C., and dated 5/25/16.
2. The travelway on each stream crossing shall be at least ten feet in width but shall not exceed twelve feet in width.
3. No more than one dwelling shall be accessed via the crossing labelled as "Proposed Second Crossing Location" on sheet 3 of 4 of the plan titled "Kapp Driveway SP," prepared by Shimp Engineering P.C., and dated 5/25/16.
4. Prior to construction of either stream crossing, the applicant shall provide signed and sealed documentation from a licensed engineer establishing that each stream crossing is designed to support a minimum weight of 64,000 pounds for fire-apparatus access.
5. The applicant shall obtain a Program Authority approval for an erosion and sediment control plan, and obtain a land disturbance permit according to the Water Protection Ordinance requirements, prior to the start of construction of either stream crossing, regardless of whether the project exceeds the minimum disturbance limits.
6. The applicant shall obtain a Program Authority approval of a mitigation plan prior to the start of construction of either stream crossing, and provide mitigation according to Water Protection Ordinance requirements.
7. The applicant shall obtain approval from FEMA for changes to the floodplain, and update the FEMA maps. This shall include FEMA's conditional approval prior to the start of construction of either stream crossing.
8. The applicant shall obtain all necessary federal and state agency approvals prior to the start of construction of either stream crossing (including but not limited to the Army Corps of Engineers and the Department of Environmental Quality).