

COUNTY OF ALBEMARLE

APPLICATION FOR A SPECIAL EXCEPTION

- ☒ Request for a waiver, modification, variation or substitution permitted by Chapter 18 = \$457
- ☐ Variation to a previously approved Planned Development rezoning application plan or Code of Development = \$457

OR

- ☐ Relief from a condition of approval = \$457

Provide the following

- ☒ 3 copies of a written request specifying the section or sections being requested to be waived, modified, varied or substituted, and any other exhibit documents stating the reasons for the request and addressing the applicable findings of the section authorized to be waived, modified, varied or substituted.

- ☐ 3 copies of the existing approved plan illustrating the area where the change is requested or the applicable section(s) or the Code of Development. Provide a graphic representation of the requested change.

- ☐ 1 copy of a written request specifying the provision of the plan, code or standard for which the variation is sought, and state the reason for the requested variation.

Project Name and Assigned Application Number (SDP, SP or ZMA): ZMA 2012 00007Tax map and parcel(s): TMP 07600-00-00-055A0; TMP 07600 1-00-00-00 100; and Old Tebbbs Lane/Connector - NO TMP AssignedContact Person E Randall Ralston, ManagerAddress 943 Glenwood StationLane, Suite 101City CharlottesvilleState VAZip 22901Daytime Phone# (434) 817-1040Fax# (434) 220-4894Email randy@ralstonpc.comOwner of Record FTV Investments, LLCAddress 943 Glenwood Station LaneSuite 101City CharlottesvilleState VAZip 22901Daytime Phone# (434) 817-1040Fax# (434) 220-4894Email randy@ralstonpc.comApplicant (Who is the Contact Person representing?) FTV Investments, LLC

County of Albemarle

Department of Community Development

401 McIntire Road Charlottesville, VA 22902 Voice: (434) 296-5832 Fax: (434) 972-4126

COUNTY OF ALBEMARLE

APPLICATION FOR A SPECIAL EXCEPTION

Owner/Applicant Must Read and Sign

The foregoing information is complete and correct to the best of my knowledge.

By signing this application I am consenting to written comments, letters and or notifications regarding this application being provided to me or my designated contact via fax and or email. This consent does not preclude such written communication from also being sent via first class mail.

E. Randall Rolston, Manager Apr. 18, 2016

Signature of Owner, Contract Purchaser, Agent

Date

E. Randall Rolston

434-817-1040

Print Name

Daytime phone number of Signatory

***If multiple property owners are required to sign the application per Section 33.2 b (1b) then make copies of this page and provide a copy to each owner to sign. Then submit each original signed page for the Special Exception Application.

Tax Map & Parcel Number : _____

Owner Name of above Parcel: _____

FOR OFFICE USE ONLY SDP, SP or ZMA # _____

Fee Amount \$ _____

Date Paid _____

By who? _____

Receipt # _____

Ck# _____

By _____

FTV Investments, LLC

943 Glenwood Station Lane Suite 101
Charlottesville, Virginia 22901
Phone: (434) 817-1040

Facsimile: (434) 220-4894
email: randy@ralstonpc.com

April 18, 2016

Dr. Liz A. Palmer
Chair, Albemarle County Board of Supervisors
C/O Department of Community Development
Attn: Elaine K. Echols, FAICP
401 McIntire Road, North Wing
Charlottesville, Virginia 22902

Re: Application for Special Exception
ZMA201200007 – 5th Street Commercial
TMP: 07600-00-00-055A0
TMP: 076M1-00-00-00100
The “Old Tebbs Lane/Connector” (16,585 square foot – no
TMP number assigned)

Dear Dr. Palmer,

Enclosed please find an Application For Special Exception filed on behalf of FTV Investments, LLC, for the above referenced unimproved parcels (which are also the subject of ZMA201200007) {collectively, the “Property”}. You will also find enclosed a check made payable to the County of Albemarle, in the amount of \$457, which represents the filing fee for the Application.

Request for Special Exception:

The above referenced parcels are subject to the setbacks provided for in Section 18.4.20 of the Albemarle County Code (the “Code”) titled: **4.20 Setbacks and Stepbacks In Conventional Commercial and Industrial Districts**. Section 4.20.a. of the Code provides for a Front –Maximum setback of “30’ from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way...” Section 4.20.a.2 provides that “the maximum front setback may be increased by special exception to accommodate low impact design, unique parking or circulation plans, or a unique target market design.”

The Applicant has submitted a rezoning request which provides for two rows of parking and a 24- travel way in the front of the proposed building adjacent to 5th. St. The proposal would

require a 74' setback from the right-of-way as opposed to the current 30' maximum setback. Based upon the information provided below, the Applicant requests the Board of Supervisors grant a variance from the current 30' setback requirements and approve a 74' setback for the Property:

1. **Unique Target Market** While the Property is located within the Entrance Corridor, and subject to the Neighborhood Model concept, the Applicant believes the area is unique in that it is a regional service area, primarily accessible by vehicular traffic, and development of the Property would be better served by the requested variance.

The Property is located within 600' of Interstate 64, adjacent to a Holiday Inn on the South side and bordered by the City of Charlottesville on the North. The Holiday Inn building setback is in excess of 30'; all commercial buildings located on the west side of 5th St are setback well in excess of 30'; and all commercial buildings located to the north (in the City of Charlottesville) have setbacks in excess of 30'. In fact, there are no commercial properties located within miles of the Property that conform to the current setback requirements (including the Albemarle County Police Department and County of Albemarle Fire & Rescue buildings). Google Map Photos of the adjoining parcels are attached to the Application.

Given (i) the close proximity to Interstate 64, (ii) the fact that no major housing subdivisions or apartment complexes are located within easy walking distance of the Property, and (iii) there is minimal neighborhood pedestrian traffic in the area, the Applicant believes the Property and surrounding areas do not conform to the traditional neighborhood model concept. That portion of the Property adjacent to 5th St is best designed to support vehicular traffic.

The Applicant is not unsympathetic to the County's desire to provide for pedestrian access. In fact, the Applicant has included in its plans a separate pedestrian access from the interior of the Property – to permit pedestrian access from the Property to the County Greenway adjacent to Moore's Creek. The Applicant has also discussed with the Planning Department the possibility of including a secondary pedestrian access to the Greenway - directly off of 5th St. However, the final topography of the site may make the inclusion of a secondary pedestrian access impracticable.

Finally, Applicant believes the planned commercial development on the Property would be more in accord with the surrounding developments, and to require strict adherence to the 30' setback requirements would cause the Property to appear "out of place" with the surrounding target market.

2. **Unique Parking and Circulation Plans**. The Property has certain attributes that requires a more uniquely designed parking layout and circulation design; development would be adversely impacted if the Board requires a strict adherence to the current 30' setback requirements. At the request of the Planning Commission, the Applicant prepared several conceptual site plans which illustrate the difficulty in developing the Property without a variance. (Please note the required location of the building with the 30' maximum building setback):

- (a) Option # 1: Double sided, 90 degree parking. This option requires a 71.5' variance and adversely impacts the number of parking spaces, as the width of the travel way is reduced to 20', but requires the width of the each parking space to be increased to 10';
- (b) Option # 2: Double sided, 45 degree parking. This option requires a 69.2' variance, and adversely impacts the number of parking spaces available for the building;
- (c) Option # 3: Double sided, 30 degree parking. This option requires a 62.6' variance, and adversely impacts the number of parking spaces available for the building; and
- (d) Option # 4: Double sided, 90 degree parking. This option is preferred by Applicant, and as referenced on the attached conceptual plan, requires a 74' variance.

If the Board were to require the Applicant to adhere to a 30' setback, it would prevent *any* access in front of the building, including a travel way. Egress from the Property to 5th St has been reduced to a "right-out" only. The Virginia Department of Transportation is requiring the construction of a "bump out" adjacent to the access road and 5th St, and this bump out would prevent Applicant from constructing a travel way in the front of the building – much less provide for handicapped parking (a non negotiable condition of all our perspective tenants). Accordingly, the only options left to the Applicant are to: (i) have ZERO vehicular access in front of the building, or (ii) to request a variance.

The Applicant met with Elaine Echols to review the development options. Ms. Echols acknowledged the issues raised by the Applicant in its request for relief from the 30' setback, and Staff was receptive to options which might permit a building to be located outside the 30' setback. Once the decision is made to deviate from the standard, the question arises as to how much of a deviation should be permitted. Ultimately, that decision rests with the Board of Supervisors.

The Applicant respectfully requests the Board of Supervisors approve the Application for Special Exception and grant the Applicant's request for a 74' setback.

Sincerely,



E. Randall Ralston, Manager



Imagery ©2016 Google, Map data ©2016 Google 50 ft

Google Maps

Holiday INN
East Side 5th Street
Albemarle County

subject ↑
Property



Imagery ©2016 Google, Map data ©2016 Google 50 ft

East Side - 5th Street
City of Charlottesville



Google Maps

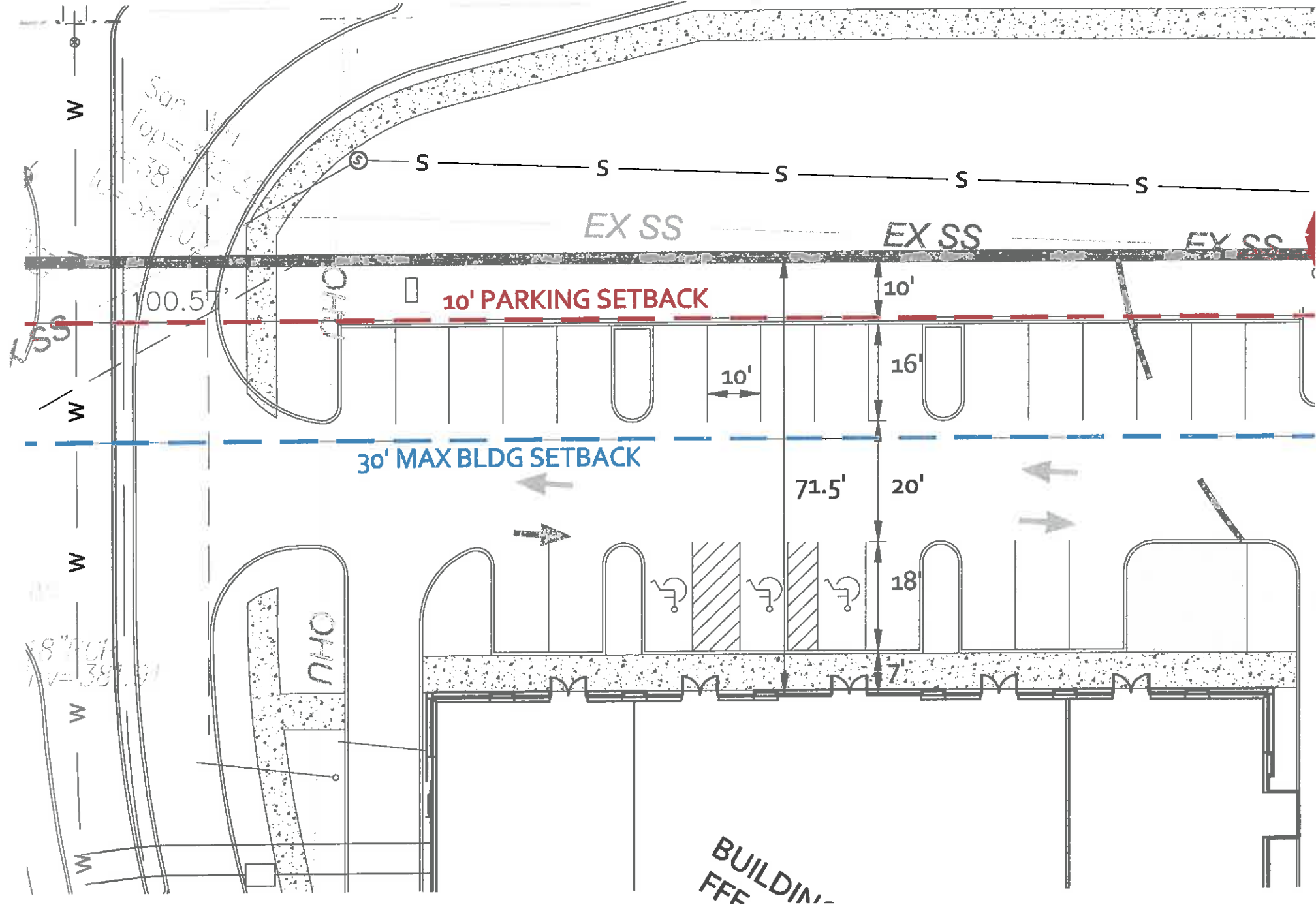
West Side - 5th Street
Albemarle County



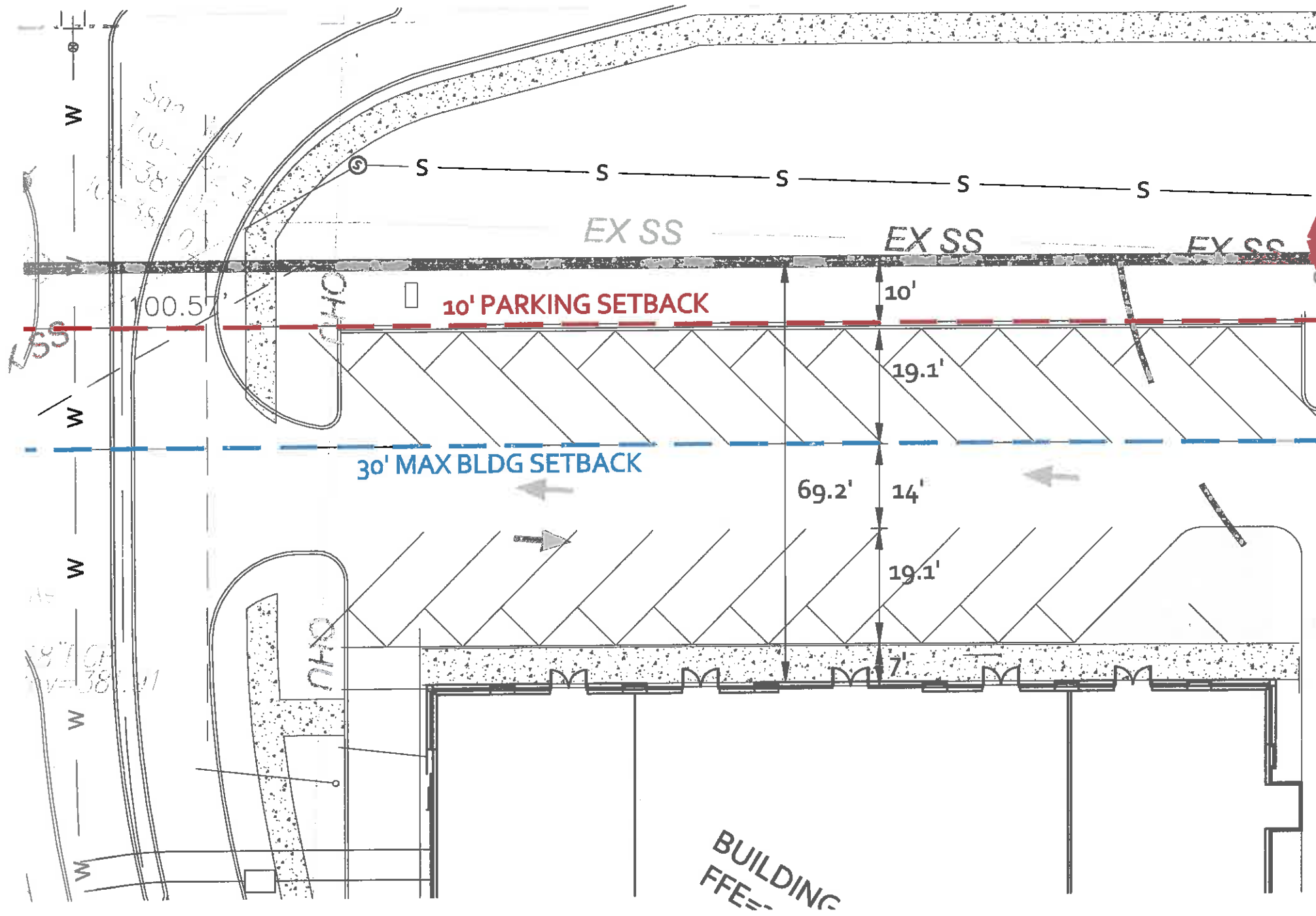
Imagery ©2016 Google, Map data ©2016 Google 100 ft

Albemarle County Police Department

Option Number 1



Option Number 2



Site plan for Building A, showing setbacks and dimensions. The plan includes a building footprint labeled "BUILDING A" with a floor area of "FFE=391.6-". A "10' PARKING SETBACK" is indicated by a red dashed line. A "30' MAX BLDG SETBACK" is indicated by a blue dashed line. The plan also shows "EX SS" (Existing Street) and "SS" (Street) lines. Dimensions include 100.5', 10', 16.8', 62.6', 12', and 7'. The plan is oriented with North at the top, indicated by a north arrow. The plan is dated "10/1/11" and includes a scale bar.