

ACTIONS		
Board of Supervisors Meeting of June 19, 2019		
		June 20, 2019
AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
1. Call to Order. <ul style="list-style-type: none"> <li>Meeting was called to order at 1:00 p.m., by the Chair, Mr. Gallaway. All BOS members were present. Also present were Jeff Richardson, Greg Kamptner, Claudette Borgersen and Travis Morris.</li> </ul>		<a href="#">Link to Video</a>
4. Adoption of Final Agenda. <ul style="list-style-type: none"> <li>Mr. Gallaway announced that before the Board adopts the final agenda, they are going to add an item from Mr. Richardson before matters from the public.</li> <li>Ms. McKeel requested that the Board draft a letter to the Metropolitan Planning Organization about the Hydraulic Small Area Plan and Zan Road Bridge.</li> <li>By a vote of 6:0, <b>ADOPTED</b> the final agenda as amended.</li> </ul>		
5. Brief Announcements by Board Members. <u>Rick Randolph:</u> <ul style="list-style-type: none"> <li>Mentioned that he, Greg Kamptner, Ann Mallek and Bill Fritz attended a workshop of the High Growth Coalition.</li> <li>Announced that Batteau festival was being held on June 19, 2019, in Scottsville.</li> </ul> <u>Ann Mallek:</u> <ul style="list-style-type: none"> <li>Noted that the High Growth Coalition workshop was the most effective in 10 years.</li> <li>Mentioned that she was delighted to learn that the Supreme Court upheld the right of Virginia to ban Uranium mining.</li> <li>Mentioned that she attended the Defense Affairs Committee and the Chamber of Commerce committee meeting and encouraged everyone to write a letter to congress regarding the passing of the Budget to ensure the completion of the addition to the NGIC building.</li> <li>Commented that on Friday, June 14, 2019, citizens gathered in Crozet to dedicate a flag pole to honor the volunteer civic spirit of Crozet which is exemplified by fire rescue, police services, and the armed forces.</li> <li>Commented that on June 14, 2019, she attended the Farewell to David King.</li> </ul>		
6. Proclamations and Recognitions. <ul style="list-style-type: none"> <li>a. By a vote of 6:0, <b>ADOPTED</b> proclamation Recognizing Alzheimer's &amp; Brain Awareness Month and presented to Monique Bruce, Chair, Board of Directors Alzheimer's Association of Central and Western Virginia.</li> <li>b. By a vote of 6:0, <b>ADOPTED</b> Resolution of Appreciation for Ron White.</li> </ul>	(Attachment 1)	
<b>Non-Agenda:</b> Jeff Richardson reviewed the reasons for the proposed change to the Thomas Jefferson Holiday, item 8.2 on the agenda.	(Attachment 2)	
7. From the Public: Matters Not Listed for Public Hearing on the Agenda. <b><u>The following individuals spoke in regard to agenda item #8.2:</u></b> <ul style="list-style-type: none"> <li>Mr. Craig Decker</li> </ul>		

<ul style="list-style-type: none"> <li>• Phillip Van Cleave</li> </ul> <p><b><u>The following individuals spoke in regard to agenda item #9:</u></b></p> <ul style="list-style-type: none"> <li>• David Garth</li> <li>• Rick Bayless</li> <li>• Emil Groth, Whitehall</li> <li>• Debbie Garth</li>   <li>• <u>Rod Gentry</u>, Chair of the Economic Development Authority and resident of Rivanna District expressed his appreciation to the Board for leading the way, along with Department of Economic Development, to support Project Patriot in Crozet.</li> <li>• <u>Dave Stoner</u>, resident of Greenwood, former Chair of the Crozet CAC, and member of Crozet Downtown Initiative, spoke on behalf of the Initiative, and encouraged the Board to approve the agreement between the County and Crozet New Town. He also urged the Board to support the Governor’s resolution on gun violence.</li> <li>• <u>Doug Bates</u>, member of Downtown Crozet Initiative and Whitehall District Resident, commented that he thinks the (Barnes Lumber redevelopment) project actually works and presents an opportunity for the other growth areas to model. He also expressing support for the Governor and the Board.</li> <li>• <u>Sean Tubbs</u>, Piedmont Environmental Council, noted that there is a new era in the County regarding economic development and raised questions about transparency.</li> <li>• <u>Helen Cauthen</u>, President of the Central Virginia Partnership for Economic Development, informed the Board that CVPED has moved to a new office at University of Virginia Research and spoke towards item #11 on the agenda.</li> <li>• <u>Lori Schweller</u>, Habitat for Humanity Board member, spoke towards item #10 on the agenda and expressed support for the performance agreement.</li> <li>• <u>Will Devault-Weaver</u>, Southwood Resident, spoke towards item #10 on the agenda and expressed support for the performance agreement.</li> </ul>		
<p>8.1 FY 19 Appropriations.</p> <ul style="list-style-type: none"> <li>• Deferred to the July 3, 2019 meeting.</li> </ul>	<p><u>Clerk:</u> Schedule on the July 3, 2019 agenda.</p>	
<p>8.2 Proposed Change to Thomas Jefferson Holiday.</p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> the proposed 2019-2020 Holiday Schedule with proposed change incorporated.</li> <li>• <b>APPROVED</b> the proposed change to the Thomas Jefferson Birthday holiday including: <ul style="list-style-type: none"> <li>○ Local government offices open for regular business on April 13<sup>th</sup>.</li> <li>○ replacement of the birthday holiday with a floating holiday for staff.</li> </ul> </li> </ul>	<p><u>Human Resources:</u> Proceed as authorized.</p>	
<p>8.3 Circuit Court Agreement and Supplemental Funding Request.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> resolution approving the agreement.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed resolution to Finance and the County Attorney’s office. (Attachment 3)</p>	

		<u>County Attorney:</u> Provide clerk with fully executed copy of agreement.
8.4	Third Addendum to the County Attorney Employment Agreement. • <b>APPROVED.</b>	<u>Clerk:</u> Forward copy of signed resolution to Human Resources. (Attachment 4)
8.5	Amended Perrone Robotics Performance Agreement. • <b>ADOPTED</b> resolution amending the deadlines for various milestones and provides that JAUNT may create the public service corporation or other lawful entity whose purpose is to provide the autonomous shuttle service.	<u>Clerk:</u> Forward copy of signed resolution to the Economic Development Office and the County Attorney's office. (Attachment 5)
8.6	RSWA Support Agreement for McIntire Road Recycling Center. • <b>ADOPTED</b> resolution to approve Amendment No. 8 to Local Government Support Agreement for Recycling Programs.	<u>Clerk:</u> Forward copy of signed resolution to Facilities and Environmental Services and the County Attorney's office. (Attachment 6)
8.7	Request for Special Exception to Building Height for SDP201900012. • <b>ADOPTED</b> resolution to approve the special exception request.	<u>Clerk:</u> Forward copy of signed resolution to Community Development and the County Attorney's office. (Attachment 7)
8.8	ZMA201900013 Willow Glen Proffer Amendment – Deferral. • <b>DEFERRED.</b>	<u>Clerk:</u> Schedule on future agenda.
9.	Resolution Supporting the Governor's Call for a Special Session on Gun Violence. • By a vote of 6:0, <b>ADOPTED</b> resolution supporting the Governor's Call for a Special Session on Gun Violence, as amended.	<u>Clerk:</u> Forward copy of signed resolution to the County Attorney's office. (Attachment 8)
10.	Performance Agreement Among the County, the Economic Development Authority, and Habitat for Humanity. • By a vote of 6:0, <b>APPROVED</b> the June 19, 2019 revised performance agreement between the County of Albemarle, Economic Development Authority, and Habitat for Humanity of Greater Charlottesville. • Mr. Gallaway requested that annual reports include a status report for the area and the community.	<u>Clerk:</u> Forward copy of signed resolution to Community Development and the County Attorney's office. (Attachment 9) <u>County Attorney:</u> Provide clerk with fully executed copy of agreement. <u>Staff:</u> Proceed as directed.
11.	Authorization to Execute an Economic Development Agreement for a Public-Private Partnership (PPP) with Crozet New Town Associates, LLC. • By a vote of 6:0, <b>ADOPTED</b> resolution approving an agreement between the County, EDA, and Crozet Newtown Associates.	<u>Clerk:</u> Forward copy of signed resolution to the Economic Development Office and the County Attorney's office. (Attachment 10) <u>County Attorney:</u> Provide clerk with fully executed copy of agreement.
	At 3:24 p.m., the Board recessed and reconvened at 3:42 p.m.	
12.	Proposed 2020 Legislative Priorities. • <b>HELD.</b>	
13.	Closed Meeting. • At 4:15 p.m. p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia: • Under Subsection (1), to discuss and consider appointments to the Equalization Board, the James River Alcohol Safety Program, Thomas Jefferson Emergency	

<p>Services Counsel, and three board-appointed committees.</p> <ul style="list-style-type: none"> <li>Under Sub-Section 6, to discuss and consider the investment of public funds where bargaining was involved and where, if made public initially, would adversely affect the financial interest of the County, the two matters where public funds may be invested pertaining to: <ol style="list-style-type: none"> <li>1) acquiring a public school site in the County and</li> <li>2) maintaining and repairing real property it owns in Scottsville Magisterial District and which may include acquiring additional real property related thereto.</li> </ol> </li> </ul>		
<p>14. Certify Closed Meeting. At 5:13 p.m., the Board reconvened into open meeting and certified the closed meeting.</p>		
<p>15. Vacancies and Appointments.</p> <ul style="list-style-type: none"> <li><b>APPOINTED</b> Mr. Tristian Fessell to the Citizens Transportation Advisory Committee (CTAC) with said term to expire June 30, 2023.</li> <li><b>APPOINTED</b> Mr. Douglas Woodside and Ms. Diane L. Brown Townes to the Historic Preservation Committee with said term to expire June 4, 2022.</li> <li><b>REAPPOINTED</b> Mr. Ron Lantz to the James River Alcohol Safety Program with said term to expire January 1, 2022.</li> <li><b>APPOINTED</b> Ms. Michelle Busby to the Places 29 (Hydraulic) Community Advisory Committee with said term to expire August 5, 2020.</li> <li><b>APPOINTED</b> Mr. Lee Kondor to the Places 29 (Rio) Community Advisory Committee with said term to expire September 30, 2020.</li> <li><b>APPOINTED</b> Mr. Meade Whitaker to the Thomas Jefferson Emergency Medical Services Council with said term to expire January 1, 2022.</li> </ul>	<p><u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>	
<p>16. <b><u>Pb. Hrg: VDOT FY 20-25 Secondary Six-Year Program.</u></b></p> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> the Resolution approving the FY 20-25 Secondary Six-Year Program and authorize the County Executive to sign the FY 20-25 Secondary Six-Year Program.</li> <li>By a vote of 6:0, <b>APPROVE</b> the final FY20 Albemarle County Priority List for Secondary Road Improvements, Unpaved Roads.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and the County Attorney's office. (Attachment 11)</p> <p>(Attachment 12)</p>	
<p>17. <b><u>Pb. Hrg: ZTA 2019-04 Proffer (to update county code to reflect changes in state code).</u></b></p> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> the Ordinance.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and the County Attorney's office. (Attachment 13)</p>	
<p>23. From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> <li>Moved to earlier in the meeting.</li> <li>Commented that interviews are being conducted for the position of Executive Director of the Charlottesville-Albemarle Convention and Visitors' Bureau.</li> <li>Informed the Board that Deputy County Executive Doug Walker would be attending a</li> </ul>		

	conference of state, county, and city managers in Virginia Beach the week of June 17-21.		
18.	<p>From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <li>• <u>Sean Tubbs</u>, Piedmont Environmental Council, emphasized that the Board was taking action that impacts three of the County's development areas and commended the Board for investing the resources.</li> <li>•</li> </ul>		
22.	<p>From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> <li>• Moved to earlier in the meeting.</li> </ul> <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> <li>• Informed the Board that the MPO would hold a meeting in July and urged Mr. Gallaway and the Board to send the MPO a letter expressing support for the concept of the Zan Road Bridge.</li> <li>• Suggested they prioritize the \$18M that was left over from the Places 29 projects on the building of a two-lane Pedestrian/vehicular/ bicycle bridge over Rt. 29 from Stonefield to the City.</li> </ul>		
	At 5:56 p.m., the Board recessed and reconvened at 6:03 p.m.		
19.	<p><b><u>Pb. Hrg: ZMA201800005 Proposed Hotel – Pantops.</u></b></p> <ul style="list-style-type: none"> <li>• By a vote of 2-4 (Gallaway, Randolph, Mallek, McKeel), motion to hold item for the next meeting and investigate legislative issues <b>FAILED.</b></li> <li>• By a vote of 4-2 (Dill, Palmer), <b>SUSPENDED</b> further discussion until the applicant had had an opportunity to sign the application, after which the Board would reconsider the issue later in the meeting.</li> </ul>		
20.	<p><b><u>Pb. Hrg: CPA201800003 – Pantops Master Plan.</u></b></p> <ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>ADOPTED</b> the resolution to approve the Comprehensive Plan Amendment for CPA 201800003, Pantops Master Plan.</li> </ul>	Clerk: Forward copy of signed resolution to Community Development and the County Attorney's office. (Attachment 14)	
19.	<p><b><u>Pb. Hrg: ZMA201800005 Proposed Hotel – Pantops.</u></b></p> <ul style="list-style-type: none"> <li>• By a vote of 6:0. <b>ADOPTED</b> the ordinance, which includes proffers and the additional notations dealing with façade treatment and roof colors: <ul style="list-style-type: none"> <li>○ Façade's treatment of the hotel shown on the application plan dated 4/15/19 must be in substantial conformance with the Exhibit 1 attached.</li> <li>○ Membrane roof colors must be tan or brown, subject to approval by the Director of Planning.</li> </ul> </li> </ul>	Clerk: Forward copy of signed resolution to Community Development and the County Attorney's office. (Attachment 15)	
21.	<p><b><u>Pb. Hrg: ZTA 201700001 Homestay (previously Transient Lodging).</u></b></p> <ul style="list-style-type: none"> <li>• By a vote of 6:0. <b>DEFERRED</b> action to August 7, 2019.</li> </ul>	Clerk: Schedule on August 7 Agenda.	
24.	<p>Adjourn to July 3, 2019 at 1:00 p.m., Lane Auditorium.</p> <ul style="list-style-type: none"> <li>• The meeting was adjourned at 9:22 p.m.</li> </ul>		

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- Attachment 2 – Resolution of Appreciation for Ron White
- Attachment 3 – Resolution Approving an Agreement Between the County of Albemarle, the City of Charlottesville, and Greene County
- Attachment 4 – Third Addendum to the County Attorney Employment Agreement
- Attachment 5 – Resolution Approving a First Amended Agreement Between the County of Albemarle, the Albemarle County Economic Development Authority, and Perrone Robotics, Inc.
- Attachment 6 – Resolution Approving Amendment No. 8 to Local Government Support Agreement for Recycling Programs
- Attachment 7 – Resolution to Approve Special Exception to Vary the Code of Development for ZMA2001-7 Stonefield (Formerly Albemarle Place)
- Attachment 8 – Resolution Supporting the Governor’s Call for a Special Session on Gun Violence
- Attachment 9 – Resolution to Approve the Performance Agreement Among the County of Albemarle, the Albemarle County Economic Development Authority, and Habitat for Humanity of Greater Charlottesville, Inc.
- Attachment 10 – Resolution Approving an Agreement Between the County of Albemarle, the Albemarle County Economic Development Authority, and Crozet New Town Associates, LLC
- Attachment 11 – Resolution to Approve the Secondary System Six-Year Program (FY 20-25)
- Attachment 12 – Priority List for Secondary Road Improvements, Unpaved Roads
- Attachment 13 – Ordinance No. 19-18(4)
- Attachment 14 – Resolution to Approve CPA 2018-00003 Pantops Master Plan
- Attachment 15 – Ordinance No. 19-A(5) ZMA 2018-00005



## **Alzheimer's & Brain Awareness Month**

- Whereas,** Alzheimer's disease is a progressive, degenerative brain disease, tragically robbing individuals of their memories and every 65 seconds, someone develops Alzheimer's, and by 2050 someone in the United States will develop the disease every 33 seconds; and
- Whereas,** in Virginia, over 150,000 people have Alzheimer's or related dementia and in the United States, there are 5.8 million people living with Alzheimer's disease and unless a cure is found it is estimated that as many as 14 million will have the disease by 2050; and
- Whereas,** nearly two-thirds of those with Alzheimer's disease are women and Alzheimer's is the 6th leading cause of death in the United States; and
- Whereas,** the Alzheimer's Association is the world's leading voluntary health organization in Alzheimer's care, support and research, with the vision of a world without Alzheimer's disease; and
- Whereas,** The Longest Day on June 21st, a sunrise-to-sunset event symbolizing the challenging journey of those living with the disease and their caregivers, offers everyone the opportunity to get involved in the fight.
- NOW, THEREFORE, BE IT RESOLVED,** that we, the Albemarle County Board of Supervisors, do hereby, Proclaim June as Alzheimer's & Brain Awareness Month in the County of Albemarle and call upon all residents to show their support on The Longest Day, June 21, 2019 by wearing purple and engaging in a day of activities, honoring the strength, passion and endurance of people facing Alzheimer's disease; and
- BE IT FURTHER RESOLVED,** that we offer support to those living with Alzheimer's disease, and recognize those who care and provide for them, sharing their loved one's emotional, physical and financial strains; and honor their compassion, remember those we have lost, and press toward the next great scientific breakthrough.
- Signed this 19th day of June 2019.

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Ned Gallaway, Chair  
Albemarle Board of County Supervisors



### Resolution of Appreciation for Ron White

- WHEREAS,** Ron White has faithfully served the County of Albemarle over the last 19 years as the Chief of Housing, providing mentorship and leadership on affordable housing issues and building and maintaining relationships with other departments, development partners, and funding partners that reflects the community's vision; and
- WHEREAS,** Ron's leadership and efforts with the Housing Committee in creating the County's Affordable Housing Policy resulted in proffers of approximately \$1.5 million and the potential for 1,000 affordable housing units; and
- WHEREAS,** Ron applied for and received over \$4 million in Community Development Block Grants resulting in improved housing for approximately 200 families, sewer connections for 75 families, and 39 new housing units being built; all benefiting families with low to moderate income; and
- WHEREAS,** Ron has diligently worked with developers, both non-profit and for-profit, in accessing low-income housing tax credits that created approximately 250 affordable rental units, and preserved approximately 150 affordable rental units; with sixty of the new units being developed in partnership with the City of Charlottesville and thirty of those units were restricted to homeless individuals.
- NOW, THEREFORE, BE IT RESOLVED,** that we, the Albemarle County Board of Supervisors, hereby honor Ron White and commend him for his many years of exceptional service to the County of Albemarle, the Department of Housing, Albemarle County residents, the broader community in which we live, and the Commonwealth of Virginia, with the knowledge that Albemarle County is strengthened and distinguished by Ron's leadership, dedication, commitment, professionalism and compassion in meeting community needs.

*Signed this 19th day of June 2019.*

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Ned Gallaway, Chair  
Albemarle Board of County Supervisors

**RESOLUTION APPROVING AN AGREEMENT  
BETWEEN THE COUNTY OF ALBEMARLE,  
THE CITY OF CHARLOTTESVILLE, AND GREENE COUNTY**

**WHEREAS**, the Board finds it is in the best interest of the County to enter into a cost-sharing Agreement between the County, the City of Charlottesville, and Greene County to fund a Legal Services Assistant position to support Judge Claude Worrell in his service to the County, the City of Charlottesville, and Greene County.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby authorizes the County Executive to execute an Agreement between the County of Albemarle, the City of Charlottesville, and Greene County, once it has been approved as to substance and form by the County Attorney.

**THIRD ADDENDUM TO THE COUNTY ATTORNEY EMPLOYMENT AGREEMENT**

This Third Addendum to the County Attorney Employment Agreement, is entered into by and between the **ALBEMARLE COUNTY BOARD OF SUPERVISORS** (the “Employer”) and **GUSTAV GREGORY KAMPTNER** (the “Employee”).

The parties agree to the following amendment to the County Attorney Employment Agreement entered into by and between the Employer and the Employee on April 13, 2016 (the “Agreement”), as thereafter amended by the First Addendum approved by the Board on June 14, 2017, and the Second Addendum approved by the Board on July 11, 2018 (which made only an annual salary adjustment) to the County Attorney Employment Agreement:

1. The first sentence of Section Five (“Compensation”), paragraph (A) (“Salary”), is amended to state: “The Employer shall pay the Employee, and the Employee shall accept from the Employer, an annual salary of \$173,698 effective July 1, 2019, payable in installments as provided for County employees generally.”

2. Except as amended above, the Agreement, as amended by the First Addendum, shall remain in full force and effect and the Employer and Employee hereby ratify and confirm all provisions, terms, and conditions set forth in the Agreement, the First Addendum, and this Addendum.

**IN WITNESS THEREOF**, the Albemarle County Board of Supervisors has caused this Third Addendum to the County Attorney Employment Agreement to be signed and executed in its behalf by its Chair and the Employee has signed and executed this Third Addendum, both in duplicate, the day and year first above written.

SIGNATURES ARE ON THE FOLLOWING PAGE

**ALBEMARLE COUNTY BOARD OF SUPERVISORS**

\_\_\_\_\_  
Ned L. Gallaway, Chair  
Albemarle County Board of Supervisors

COMMONWEALTH OF VIRGINIA  
COUNTY/CITY OF \_\_\_\_\_, to wit:

The foregoing Employment Agreement was acknowledged before me this \_\_\_\_\_ day  
of June, 2019, by Ned L. Gallaway, Chair.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

Registration No. \_\_\_\_\_

\_\_\_\_\_  
Gustav Gregory Kamptner, County Attorney

COMMONWEALTH OF VIRGINIA  
COUNTY/CITY OF \_\_\_\_\_, to wit:

The foregoing Employment Agreement was acknowledged before me this \_\_\_\_\_ day  
of June, 2018, by Gustav Gregory Kamptner, County Attorney.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

Registration No. \_\_\_\_\_

Approved as to form only:

\_\_\_\_\_  
Andrew H. Herrick, Deputy County Attorney

**RESOLUTION APPROVING A FIRST AMENDED AGREEMENT BETWEEN THE COUNTY OF ALBEMARLE, THE ALBEMARLE COUNTY ECONOMIC DEVELOPMENT AUTHORITY, AND PERRONE ROBOTICS, INC.**

**WHEREAS**, the County entered into an Agreement with the Albemarle County Economic Development Authority and Perrone Robotics, Inc. for Perrone Robotics, Inc., in collaboration with JAUNT, Inc., to develop and test an autonomous vehicle, and if testing is successful, to launch a three-month pilot program to use the vehicle to shuttle members of the public on one or more routes; and

**WHEREAS**, the Board finds it is in the best interest of the County to enter into a First Amended Agreement to extend the deadlines for various milestones and to provide that JAUNT may create the public service corporation or other lawful entity whose purpose is to provide the autonomous shuttle service.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby authorizes the County Executive to execute the First Amended Agreement between the County of Albemarle, the Albemarle County Economic Development Authority, and Perrone Robotics, Inc., once the Agreement has been approved as to substance and form by the County Attorney.

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**FIRST AMENDED ECONOMIC DEVELOPMENT  
PERFORMANCE AGREEMENT**

**THIS FIRST AMENDED AGREEMENT** is made and entered into on June 19, 2019, by and among the **COUNTY OF ALBEMARLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (the "County"), the **ECONOMIC DEVELOPMENT AUTHORITY OF ALBEMARLE COUNTY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (the "EDA"), and **PERRONE ROBOTICS, INC.**, a Delaware corporation ("Perrone"), and its successors and assigns.

**Recitals**

- R-1** Perrone has its headquarters in Crozet, Virginia, has created high-skill jobs in the County and has developed and is commercializing its autonomous software platform to be used in autonomous vehicles ranging from cars and sport utility vehicles to one of the world's largest mining trucks, as well as small, mobile robots for personal and professional use; and
- R-2** Perrone desires to develop and launch an autonomous shuttle service for County residents in collaboration with JAUNT, Inc., a public service corporation authorized to provide, and currently providing, transportation services in Albemarle County, the City of Charlottesville, and Nelson County ("JAUNT"); and
- R-3** Before launching an autonomous shuttle service for County residents, Perrone and JAUNT have identified a need to acquire and equip a vehicle with appropriate equipment to operate autonomously, conduct a pilot program to ensure that the safety and operational aspects of an autonomous vehicle are tested and, if testing is successful, launch an approximately three-month pilot program shuttling members of the public on one or more routes in and around Crozet with a professional safety-trained driver on board supplied by JAUNT, followed by related data collection and feedback (collectively, the "Project"); and
- R-4** The County and the EDA have determined that the Project will promote economic development because it may enable Perrone to expand its business and further anchor its headquarters in Albemarle County; and
- R-5** The County has also determined that the Project may inform County staff about impacts to its long-term plans, such as the Comprehensive Plan, the Capital Improvement Plan, as well as to the future built environment in the County's Development Areas; and
- R-6** The County is willing to transfer funds to the EDA, and the EDA is willing to transfer funds to Perrone, in the form of a grant, to support the Project, subject to the terms and conditions of this Agreement; and
- R-7** The County, the EDA, and Perrone desire to amend the deadlines for various milestones established in the original Agreement, dated December 7, 2018, because of the delay and legal impediments for the County Board of Supervisors to establish the legal entity described in Section 6 by March 1, 2019.

**Terms and Conditions**

The parties agree as follows:

- 1. Authority.** The County is authorized to transfer funds to the EDA pursuant to Virginia Code § 15.2-1205, which enables the County to give funds to any County-created authority, and the EDA is such an authority. The EDA is authorized to transfer funds to Perrone pursuant to Virginia Code § 15.2-4905(13), which gives the EDA the power to make grants to a business for the purposes of promoting economic development.

2. **Grant.** The County agrees to appropriate a grant to the EDA in the amount of \$238,000.00 on or before December 12, 2018, or as soon thereafter as legally possible. The EDA agrees to grant the \$238,000.00 to Perrone as soon as possible after the funds are appropriated to the EDA (the "Grant").
3. **Term of this Agreement.** The term of this Agreement is from the date first hereinabove written until December 31, 2019.
4. **Purposes for Which the Grant may be Used.** Perrone may use the Grant solely for the Project, which is composed of the following elements:
  - A. **Setup and Testing Phases.** The first phases of the Project are the setup and testing phases. These phases include Perrone acquiring an appropriate shuttle vehicle, equipping the vehicle with appropriate equipment to operate autonomously, and testing the vehicle at Perrone's test track facility in Crozet. Once the safety and operational aspects of the shuttle vehicle have been tested, initial trial runs will be conducted with a professional safety-trained driver on board as supplied by JAUNT, on one or more routes in and around Crozet. The following milestones apply to these phases:
    1. Complete setup operations. On or about February 22, 2019  
 This milestone includes coordinating route options and obtaining insurance for the Project.
    2. Establish a broader preliminary phased plan. On or about March 7, 2019  
 This milestone includes meeting with UVA to discuss its future involvement, discussing future phases, and developing materials for broader rollout concepts.
    3. Complete Neighborhood Electric Vehicle ("NEV") shuttle outfitting, testing, and training. On or about July 24, 2019  
 This milestone includes outfitting and testing an NEV for autonomous shuttling, training ambassadors for operations, and establishing a shuttle schedule for the pilot phase.
  - B. **Pilot Phase.** The pilot phase of the Project consists of operating the NEV shuttle to transport members of the public on one or more selected routes in the Crozet area with a professional safety-trained driver on board supplied by JAUNT. The following milestones apply to this phase:
    1. Hold the NEV shuttle launch event, which begins the 92-day NEV shuttle operation period. On or about July 31, 2019  
 This milestone includes organizing the event for launching the shuttle for the pilot phase and holding the launch event.
    2. Complete NEV shuttle operation period. On or about October 31, 2019  
 This milestone includes advertising and/or publishing routes if they may change, operating the shuttle on weekdays and weekends during established hours, and collecting feedback.

5. **Project Review Phase.** Following the conclusion of the pilot phase of the Project, Perrone, the County, JAUNT, and the Entity, as defined in Section 6, will review the Project between October 31, 2019 and on or about November 15, 2019. The project review phase includes the following:
  - A. **Feedback.** Perrone, in collaboration with JAUNT and the Entity, will evaluate the feedback collected regarding the testing, adoption, and use of the autonomous shuttle, and the possibility of the future launch of additional shuttles throughout the County. The evaluation of the feedback will be shared among Perrone, the County, the EDA, and JAUNT.
  - B. **Data Collection.** Perrone, in collaboration with the County, JAUNT, and the Entity, will gather data regarding, among other things, usage of the shuttle, traffic flows and congestion, weather conditions, risk mitigation strategies, feasibility of other shuttle routes, energy usage, repair and maintenance costs, and similar data to further improve and refine transportation services in Albemarle County using autonomous shuttles.
6. **The County's Obligation.** Subject to approval by the County's Board of Supervisors, exercising its sole legislative discretion, the County will create a public service corporation or other lawful entity (the "Entity") by no later than March 1, 2019 or, in the alternative, JAUNT may create the Entity by no later than June 30, 2019. The purpose of the Entity is to provide autonomous shuttle service in the County and in the remainder of JAUNT's service area in collaboration with Perrone and JAUNT. This section shall not be construed as the County's Board of Supervisors contracting away its legislative powers and discretion.
7. **Donation of Vehicle.** Upon request by the County or the Entity, Perrone will donate the vehicle acquired for the Project to the County, or to the Entity, within 60 days after receipt of the request. For the avoidance of doubt, when such vehicle is donated, Perrone will own and retain all intellectual property rights to its MAX software platform and the hardware design for the vehicle. The MAX software and hardware design will be licensed on a royalty-free basis, not sold, in connection with the donation.
8. **Perrone's Reporting Obligation.** Perrone shall provide information regarding the Project to the County and the EDA as follows:
  - A. **Periodic Reports.** Perrone shall provide, at its expense, detailed verification reasonably satisfactory to the County and the EDA of Perrone's progress on the milestones described in Sections 4 and 5. The progress reports shall be provided within three business days before or after February 21, 2019 and the 21<sup>st</sup> day each month thereafter through, and including, November 21, 2019. The February 21, 2019 progress report shall describe the actions taken by Perrone between the date of this Agreement and the date of the progress report. Each subsequent progress report shall identify the progress towards the milestones described in Sections 4 and 5 since the prior progress report.
  - B. **Other Information Requested by the County or the EDA.** The County and the EDA may request any other information regarding the status of the Project as either party may reasonably require.
9. **Perrone's Repayment Obligations.** Perrone shall repay all or a portion of the grant to the EDA which shall, in turn, promptly return the grant funds to the County, in any of the following circumstances:
  - A. **Failure to Launch.** If Perrone fails to timely complete the setup and testing phases as described in Section 4(A) and fails to timely complete the pilot phase by October 31, 2019 unless extended pursuant to Sections 16 or 17, with completion criteria to be reasonably agreed to by the parties in writing, Perrone shall repay the entire \$238,000.00 grant to the EDA.

**B. Shortened NEV Shuttle Operation Period.** For each day the NEV shuttle does not transport members of the public for two consecutive dates out of every seven-day week on the dates scheduled for the services, as agreed to in writing by the parties, during the 92-day pilot phase, not including dates on which the shuttle may be out of service for routine or emergency maintenance for any reason, including safety or weather reasons, Perrone shall repay \$2,587.00 of the grant to the EDA.

**C. Maintain Headquarters.** If Perrone fails to maintain its corporate headquarters in Albemarle County for three years after the date of this Agreement, Perrone shall repay the entire \$238,000.00 grant to the EDA. Nothing in this subsection requires Perrone to repay the grant if it opens other offices or research and development facilities outside of Albemarle County provided that opening of the new offices or research and development facilities is not done by relocating more than fifteen percent (15%) of the number of Perrone employees in Albemarle County existing on the date of the opening of such office or facility.

**10. Notices, Reports, and Correspondence.** Any notices, reports, or other correspondence required by this Agreement shall be given in writing, and shall be deemed to be received upon receipt or refusal after mailing of the same in the United States Mail by certified mail, postage fully pre-paid or by overnight courier (refusal shall mean return or certified mail or overnight courier package not accepted by the addressee):

If to Perrone, to:

Perrone Robotics, Inc.  
5625 The Square  
Crozet, VA 22932  
Attention: Paul J. Perrone, Founder/CEO

If to the County, to:

Albemarle County Executive's Office  
401 McIntire Road  
Charlottesville, Virginia 22902  
Attention: Jeffrey B. Richardson, County Executive

If to the Authority, to:

Economic Development Authority  
Albemarle County  
401 McIntire Road  
Charlottesville, Virginia 22902  
Attention: Rod Gentry, Chair

Any correspondence that is not required by this Agreement may be sent First Class in the United States Mail or by email to email addresses provided by the parties.

**11. Nonappropriation.** The obligation of the County to appropriate funds to the EDA as a grant as provided in Section 2 is subject to, and dependent upon, appropriations being made from time to time by the County's Board of Supervisors. Under no circumstances shall this Agreement be construed to establish an irrevocable obligation on the County to contribute the funds.

**12. Non-severability.** If any provision of this Agreement is determined by a court having jurisdiction to be unenforceable to any extent, the entire Agreement is unenforceable.

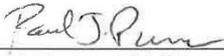
**13. Entire Agreement.** This Agreement states all covenants, promises, agreements, conditions, and

understandings between the County, the EDA, and Perrone regarding the EDA's grant to Perrone described in Section 2.

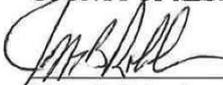
14. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia, without giving effect to its principles of conflict of laws.
15. **Dispute Resolution.** If a dispute arises out of or relates to this Agreement, or the alleged breach thereof, and if the dispute is not settled through negotiation in 30 days; the parties agree first to try in good faith to settle the dispute by mediation, also within 30 days; before resorting to litigation. If the parties are unable to agree on a mediator, an experienced mediator shall be randomly selected. The mediation process shall be confidential based on terms acceptable to the mediator and/or mediation service provider.
16. **Amendments.** This Agreement may be amended by a written amendment signed by the authorized representatives of the parties.
17. **Force Majeure.** In the event that Perrone's timely performance of Section 4(A) or 4(B) of this Agreement is interrupted or delayed by any occurrence not occasioned by the conduct of Perrone, whether the occurrence is an Act of God such as lightning, earthquakes, floods, or other similar causes; a common enemy; the result of war, riot, strike, lockout, civil commotion, sovereign conduct, explosion, fire, or the act or conduct of any person or persons not a party to or under the direction or control of Perrone or other circumstances beyond the reasonable control of Perrone, then performance of Section 4(A) or 4(B) of this Agreement shall be excused for Perrone for a period of time as is reasonably necessary after the occurrence to remedy the effects thereof.

WITNESS, the following authorized signatures:

**PERRONE ROBOTICS, INC.**

  
\_\_\_\_\_  
Paul J. Perrone, Chief Executive Officer

**COUNTY OF ALBEMARLE, VIRGINIA**

  
\_\_\_\_\_  
Jeffrey B. Richardson, County Executive

**ECONOMIC DEVELOPMENT AUTHORITY  
OF ALBEMARLE COUNTY, VIRGINIA**

  
\_\_\_\_\_  
W. Rod Gentry, Chairman

Approved as to form:

  
County Attorney

**RESOLUTION APPROVING AMENDMENT NO. 8 TO LOCAL GOVERNMENT  
SUPPORT AGREEMENT FOR RECYLCING PROGRAMS**

**WHEREAS**, the County, the City, and the Rivanna Solid Waste Authority (“RSWA”) entered into an Agreement dated August 23, 2011 providing the terms of the County’s and City’s shared financial support for, and the RSWA’s operation of, the Recycling Services through June 30, 2012, with an option for the County and the City to extend the agreement for two successive one-year periods; and

**WHEREAS**, the County and the City exercised their first option to extend the term of the Agreement through June 30, 2013; and

**WHEREAS**, the County, the City and the RSWA entered into Amendment Nos. 1, 2, 3, 4, 5, 6 and 7 to extend the term of the Agreement through December 31, 2013, June 30, 2014, June 30, 2015, June 30, 2016, June 30, 2017, June 30, 2018, and June 30, 2019, respectively; and

**WHEREAS**, the County desires an additional extension of the term of the Agreement through June 30, 2020; and

**WHEREAS**, the County desires that this agreement automatically renew unless terminated in writing by the City or the County.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves the Amendment No. 8 to Local Government Support Agreement for Recycling Programs and authorizes the County Executive to sign the Amendment subject to it being approved as to content and form by the County Attorney.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION TO VARY THE CODE OF DEVELOPMENT FOR ZMA2001-7 STONEFIELD (FORMERLY ALBEMARLE PLACE)**

**WHEREAS**, the Owner of Tax Map Parcels 061W003D2000A0; 061W003D2000A0; 061W003D202200; 061W003D202300; 061W003D202400; 061W003D202500; 061W003D202600; 061W003D202700; 061W003D202800; 061W003D202900; 061W003D203000; 061W003D203100; 061W003D203200; 061W003D203300; 061W003D203400; 061W003D203500; 061W003D203600; 061W003D203700; 061W003D203800; 061W003D203900; 061W003D204000; 061W003D204100; 061W003D204200; 061W003D204300; 061W003D204400; 061W003D204500; 061W003D204600; 061W003D204700; 061W003D204800; 061W003D204900; 061W003D205000; 061W003D205100; 061W003D205200; 061W003D205300; 061W003D205400; 061W003D205500; 061W003D205600; 061W003D205700; 061W003D205800; 061W003D205900; 061W003D206000; 061W003D206100; 061W003D209000; 061W003D209100; 061W003D209200; 061W003D209300; 061W003D209400; 061W003D209500; 061W003D209600; 061W003D209700; 061W003D209800; 061W003D209900; 061W003D210000; 061W003D210100; 061W003D210200; 061W003D210300; and 061W003D210400 filed a request for a special exception to vary the Code of Development approved in conjunction with ZMA2001-7 Stonefield (formerly Albemarle Place) to modify the maximum number of stories in Block D2 from five (5) stories to six (6) stories.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the Memorandum prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-8.5.5.3, 18-33.5, and 18-33.49, the Albemarle County Board of Supervisors hereby approves the special exception to vary the Code of Development approved in conjunction with ZMA2001-7 Stonefield (formerly Albemarle Place) as described above, subject to the conditions attached hereto.

\* \* \*

**ZMA2001-7 Stonefield (formerly Albemarle Place) – Special Exception Conditions**

1. The special exception applies to Block D2 as depicted on the application plan that was approved in conjunction with ZMA201300009 entitled "Amended Application Plan – Full Build, Exhibit A," prepared by W/W Associates, dated October 21, 2013.
2. All rooftop mechanical equipment must be fully screened from the view of adjacent properties and adjacent public streets.
3. A vegetative screening buffer of evergreens, which must be six feet in height when planted to the satisfaction of the Planning Director, must be provided adjacent to the parcels along Commonwealth Drive.
4. The development must be in general accord with the application plan for this Special Exception Request entitled "Key Plan", prepared by 30 Scale LLC, dated May 1, 2019.

\*\*\*

# 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 :** Stonefield Block D2

**Current Assigned Application Number (SDP, SP or ZMA)** SDP 2014-00070

**Tax map and parcel(s):** 61W-030D2-A, 61W-03-D2-(22-61), and (90-104)

**Applicant / Contact Person** Christopher at Stonefield, LLC / Michael F. Myers, PE, CFM

**Address** 10461 White Granite, Suite 103 City Oakton State Va Zip 22124

**Daytime Phone#** ( 434 ) 242-2866 **Fax#** ( 703 ) 352-0960 **Email** Mike@30scale.com

**Owner of Record** Christopher at Stonefield, LLC and The Towns of Stonefield Homeowners Association, Inc.

**Address** 10461 White Granite, Suite 103 City Oakton State Va Zip 22124

**Daytime Phone#** ( 703 ) 352-5950 **Fax#** ( 703 ) 352-0960 **Email** Johnr@ChristopherCompanies.com

County of Albemarle  
 Community Development  
 401 McIntire Road Charlottesville, VA 22902 Voice: (434) 296-5832 Fax: (434) 972-4126

# COUNTY OF ALBEMARLE

## APPLICATION FOR A SPECIAL EXCEPTION

### APPLICATION SIGNATURE PAGES

#### VERIFICATION OF THE SIGNATURE ON THE NEXT PAGE MUST HAPPEN BEFORE THE APPLICATION MAY BE DEEMED COMPLETE

If ownership of the property is in the name of any type of legal entity or organization including, but not limited to, an LLC, a corporation, a partnership or association, or a trust, then a document acceptable to the County must be submitted with this application certifying that the person signing has the authority to do so.

If the applicant is a contract purchaser, a document acceptable to the County must be submitted containing the owner's written consent to the application and must include any applicable documents authorizing that person to provide consent.

If the applicant is the agent of the owner, a document acceptable to the County must be submitted that is evidence of the existence and scope of the agency. Please attach the owner's written consent.

#### One (1) copy of the applicable ownership information.

CHECK AS APPLICABLE	OWNERSHIP OF THE PROPERTY IS A	DOCUMENT TO BE PROVIDED FOR THIS APPLICATION
<input checked="" type="checkbox"/>	Limited liability company ("LLC")	The articles of organization and when the power is delegated to someone other than a manager or a member, also the operating agreement.
<input type="checkbox"/>	Stock & Nonstock corporation	
<input type="checkbox"/>	for a board of directors	Stock - the articles of incorporation or a shareholders agreement may limit the board's statutory authority.  Nonstock - the articles of incorporation and the by-laws, the latter of which may include a member or director agreement, may limit the board's statutory authority
<input type="checkbox"/>	for a person expressly authorized by the board of directors	written evidence of that authorization such as a board resolution or board minutes
<input type="checkbox"/>	for a committee	an action of the board of directors authorizing the committee to act; the articles of incorporation or the by-laws may limit the statutory authority
<input type="checkbox"/>	for a corporate officer	the by-laws or the delegating resolution of the board of directors.
<input type="checkbox"/>	Partnership	The statement of partnership authority, which may limit the authority of one or more partners.
<input type="checkbox"/>	Limited partnership	The partnership agreement, or amendments thereto, which may limit the authority of one or more general partners.
<input type="checkbox"/>	Incorporated & Unincorporated church and other religious body	(1) for trustees, an authorizing court order (2) for the corporation holding title, the appropriate corporate documents (2) for a bishop, minister or ecclesiastical officer, the laws, rules or ecclesiastical polity of the entity that authorizes the person to hold, improve, mortgage, sell and convey the property.
<input type="checkbox"/>	Land trust	The deed of conveyance to the trustees and the trust instrument

See Attachment A in the Land Use Law Handbook for a complete list of Authorized Signatories for Land Use Applications

# COUNTY OF ALBEMARLE

## APPLICATION FOR A SPECIAL EXCEPTION

### Owner/Applicant Must Read and Sign

I hereby certify that I own the subject property, or have the legal power to act on behalf of the owner in filing this application. I also certify that the information provided on this application and accompanying information is accurate, true, 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.

  
\_\_\_\_\_  
Signature of Owner/Agent or Contract Purchaser

02/19/2019  
\_\_\_\_\_  
Date

E. John Regan Jr. Executive Vice President of CMI, Ma  
\_\_\_\_\_  
Print Name

703-927-8677  
\_\_\_\_\_  
Daytime phone number of Signatory

FOR OFFICE USE ONLY APPLICATION# SDP2014-70 Fee Amount \$ 457- Date Paid 3/5/19  
By who? E. John Regan Receipt # 110998 Ch# 12009107 By JS  
9589

30 Scale, LLC  
871 Justin Drive, Palmyra, VA 22963  
Ph. 434.242.2866  
[mike@30scale.com](mailto:mike@30scale.com)



March 9, 2019  
*Revised May 1, 2019*

Mr. David Benish  
Chief of Planning  
County of Albemarle  
Department of Community Development  
401 McIntire Road  
Charlottesville, VA 22902

**RE: Stonefield – Block D2 – Phase Two – Major Site Plan Amendment -  
Request for a Variation to the Albemarle Place Code of Development for Building Height  
Albemarle County TMP 61W-03-D2A, 22-61 AND 90-104**

Dear David,

Please find this letter and attachments our request for a variation to the Albemarle Place Code of Development (COD) to allow for an increase in the maximum structure height from five stories to six stories.

This letter is organized into the following sections:

- I. Background information
- II. Narrative on Consistency with 18-8.5.5.3(c)(1-5)
- III. Narrative on Roof Deck
- IV. Narrative on Screening

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## **I. Background Information**

The applicant is pursuing approval of a Major Site Plan Amendment of Block D2 – Phase 2 for a six (6)-story mixed-use building with 20,000 GSF of office space on the basement level and five stories of multifamily above, consisting of 160 apartments (approximate 50/50 mix of 1-BR and 2-BR).

The 20,000 GSF of office area is on the Inglewood Drive (east) side of the building with underground parking on the Kober Way (west) side as shown in **Figure 1** on page 2. Please note that the applicant agreed to provide this 20,000-sf office footprint to fulfill a need identified by Planning Director Andrew



Gast-Bray and Economic Development Coordinator Roger Johnson, who were able to connect the applicant with a software company that wanted to move their business to Albemarle County.

There is a single garage entrance at the northwestern corner of the building for vehicular access. An approximate 6,000-sf lobby for the multi-family units is also located on the basement level (south side). Direct access to the lobby and office is to be provided for those who park in the underground garage. Also, the lobby and office will have at-grade entrances along the eastern edge of the building with the main entrance to the lobby located at the southeast corner. Note, lobby access will be limited to multi-family residents. An elevator, small café and fitness center are located in the lobby. There will also be an outside sitting/gathering/fire pit area just outside of the main entrance (southeast corner).

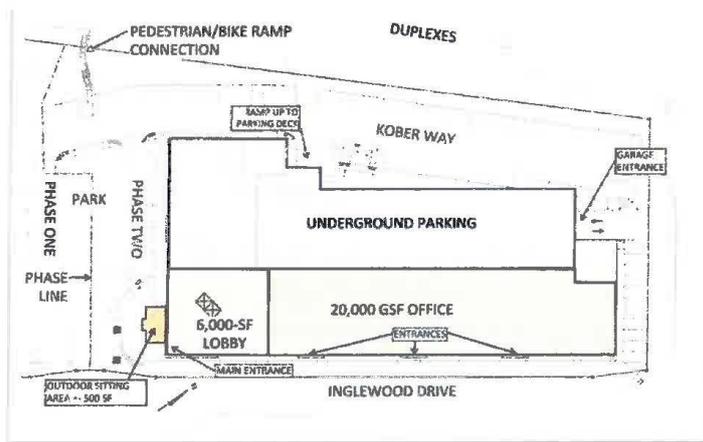


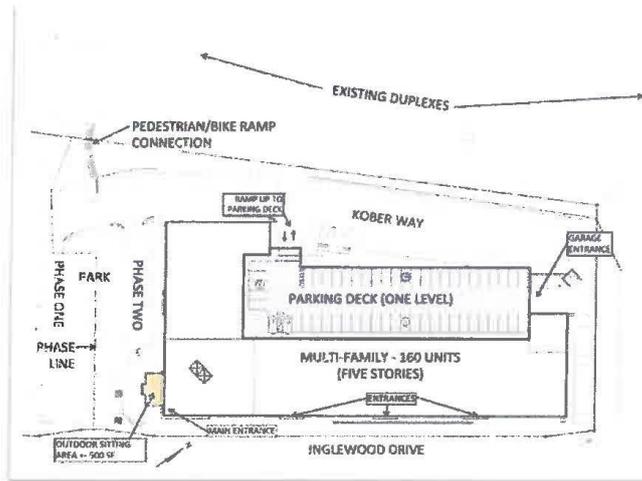
Figure 1 - Basement Level Schematic Site Plan

The basement level will be constructed with poured concrete walls as a "podium". On the level above the podium, there will be a one-level parking deck and five stories of multifamily as shown in Figure 2 on the following page. The parking deck is accessed via a ramp on the southwestern corner of the deck as shown.

Located to the west of the subject property is a row of existing duplex homes that access via a frontage road that connects to Commonwealth Drive. The applicant has paid special attention to the height of the Phase 2 building as it relates to the viewshed from the point of view of the duplexes. To soften the viewshed, the applicant is proposing the following measures:



- 1) Providing a screen yard in the buffer area at the western edge of the property. Refer to IV. **Narrative on Screening** for additional information.
- 2) Constructing a retaining wall (maximum 17'-high), which in effect, "drops" Kober Way. This topographical relationship at the least obscures, but for the most part, blocks the view of Kober Way and the parking deck from the duplexes.
- 3) Constructing a pedestrian stairwell with a bicycle ramp that will provide more direct access for the duplex residents to access the Stonefield Shopping Center.



**Figure 2 -Multi-Family Schematic Site Plan**

Please also refer to the Special Exception Exhibit, which contains site cross-sections and views from the point of view of the Commonwealth Drive duplexes

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## II. Narrative on Consistency with 18-8.5.5.3(c)(1-5)

In accordance with Ordinance Section 18-8.5.5.3(c):

*The director of planning is authorized to grant a variation upon a determination that the variation:*



**(1) is consistent with the goals and objectives of the comprehensive plan;**

The Comprehensive Plan designation for this parcel per the Places29 Master Plan is a) Destination Center, b) Urban Mixed Use (in Centers); and c) Urban Mixed Use (in areas around Centers). The comprehensive plan also sets guidelines for the guiding Neighborhood Model District. The project is consistent with the goals of these designations as follows:

**a) Destination Center**

The parcel is part of the overall Stonefield Shopping Center (formerly known as Albemarle Place), which is one of the five Destination Centers referenced in the Places29 Master Plan.

The Master Plan states that *"...Destination Centers provide regional-scale destinations for retail, entertainment, service and employment uses..."* The Stonefield Shopping Center has been developed with a variety of consistent regional-scale uses such as a movie theater, restaurants, boutique retail, and big-box retail to meet the Master Plan concept of a Destination Center.

The Master Plan further states that *"...Destination Centers should include residential or employment uses on upper floors and be designed with multiple connections to surrounding areas..."* The proposal includes a residential use (160 apartments) on the upper floors of the proposed building. 20,000 GSF of office on the basement level is consistent with the provision of employment uses in Destination Centers. The applicant is providing sidewalk connections to Inglewood Drive at the Kober Way/Houston Drive intersection. Furthermore, the applicant is providing a stairwell connection with bicycle ramp for the benefit of the residents on Commonwealth Drive, Turtle Creek and beyond to access the shopping center.

The proposal is further consistent with the Development Center designation in that it is visible and accessible from the two major roads, Seminole Trail and Hydraulic Road, and is providing an open park area in the middle of block D2 that will serve as a compact, urban open space, which is at a pedestrian-friendly scale with benches, sitting area and grassy space. Please note that this compact space is not intended to meet the central open space area requirement for the Stonefield Shopping Center. Note this is further addressed in section 3) of this summary.

**b) Urban Mixed Use (in Centers)**

The mixed-use proposal is consistent with the Residential and Office Uses as described in Table LU-1 in the Places29 Master Plan in the Destination Center category as follows:



Residential Uses:

- *Single-family attached and multifamily are recommended.*

**Block D2 provides a mix of attached townhouses (Phase 1) and multifamily units (Phase 2).**

- *A density of 6.01 – 60 units/acre is recommended.*

**Residential density in Block D2 is 38.1 DU/AC (209 units/5.49 acres). Block D2 - Phase 2 considered alone is just at the maximum recommended density with 60.2 DU/AC. (Block D2 - Phase 1 alone is at a density of 17.3 DU/AC). It should be noted that the overall density of the Stonefield development is governed by the Code of Development. Currently, the residential and office density is well below the maximums prescribed by the Code. Note this is discussed further under section 2) of this summary.**

- *The maximum recommended building height is 5 stories.*

**This section is not applicable because the Code of Development has provisions that allow the building heights in the adjacent Phase E to be 90-foot maximum, or 8 stories to facilitate “multi-family buildings.”**

Office Uses:

- *Maximum Single building footprint is 20,000 SF*

**The proposed office use is 20,000 SF. It should be noted however that the building footprint is larger than 20,000 sf, which is governed by the approved Code of Development.**

Open Space:

**The proposed land use does include two small park areas, the 6,000-sf central park area and an approximate 5,300-sf open space/tot lot area in Phase 1. The multifamily use will also have a fitness center for its residents. The proposed land use does not include the central green space/amenity for the Stonefield Development.**

**c) Urban Mixed Use (in areas around Centers)**



The mixed-use proposal is consistent with the Residential and Office Uses as described in Table LU-2 in the Places29 Master Plan for areas around centers as follows:

Residential Uses:

- *Density 3-34 DU/AC in areas that are not in the center.*

**Not applicable, the parcel is in the Center and density is governed by the Code of Development. Currently, the residential and office density is well below the maximums prescribed by the Code Note this is discussed further in section 2) of this summary.**

- *Minimum 25% of urban mixed-use development should be residential.*

**The parcel achieves this threshold. However, the overall mix of uses is governed by the Code of Development.**

- *Residential may be mixed vertically or horizontally.*

**The proposal meets this requirement with a variety of housing types to include townhomes (three-level living) and multifamily units (one level living).**

Office Uses:

- *Minimum 20 percent of development in this designation should be office.*

**The parcel is governed by a Code of Development that governs the mix of uses.**

Open Spaces:

- *Public/privately owned parks, greens, commons, plazas to serve businesses, employees, customers*

**The parcel has a privately maintained compact park that will serve this need.**

- *Nearest Open space should be within ¼ mile of businesses or residences.*



This requirement is met with the onsite park and the available amenities in the Stonefield shopping center.

- *Tot lots or active recreation areas should be provided with residential use.*

There is an existing tot lot in Phase 1. The multifamily will provide a fitness center for residents in Phase 2.

- d) The proposal is consistent with the underlying guiding principles of the **Neighborhood Model** in accordance with the following:

- i. **Pedestrian orientation** – The proposed building is designed with a clear separating line between the lower level and the upper residential levels to provide a distinct pedestrian orientation to the building. The building elevation, captioned below in **Figure 3**, creates a “storefront” appearance along Inglewood Drive. A 5’-wide sidewalk running along the building frontage with Inglewood Drive contributes to the pedestrian orientation.



**Figure 3 - "Storefront" Elevation along Inglewood Drive**

- ii. The main entrance to the building will be located at the intersection of Inglewood Drive with Bond Street and will be oriented for the pedestrian experience. An outdoor sitting/gathering/fire pit area will be provided at the main entrance (southwest corner of building). There will be a 10’-wide sidewalk and tree grates along Bond Street opposite from the main entrance. Sidewalk will connect Inglewood Drive to the building and to the expanded central park area. From there, sidewalk and crosswalk are provided to the proposed stairwell/bike ramp connection to the adjacent shopping center parcel to the north.



- iii. **Neighborhood friendly streets and paths** – The one-way street pattern of Bond Street with compact (12' radius) curb returns, and a compact (40' centerline radius) curve in Kober Way will serve to slow down vehicular traffic on the parcel, giving it a neighborhood feel. Also, parallel parking along the west face of the building will have a traffic calming influence and add to the neighborhood appeal of the development.
- iv. **Interconnected streets and transportation networks** – The proposal will connect Kober Way to Inglewood Drive and complete the sidewalk along Inglewood Drive thereby completing the street connectivity of Block D2 to the rest of Stonefield. The pedestrian/bike ramp connection to the north will provide a more direct connection with Commonwealth Drive, which will be even more beneficial to bikers and pedestrians when the Zan Road flyover connection is completed and the east and west sides of Seminole Trail are connected.
- v. **Parks and open space as amenities** – The proposal includes expansion to the existing central park area to 6,000-sf that includes benches, tables and sitting areas in addition to a green space area. The development also has an approximate 5,300-sf open space area with a tot-lot in Phase 1.
- vi. **Neighborhood centers** – The Stonefield development is an existing neighborhood center. The proposal contributes to the overall neighborhood feel of the development.
- vii. **Buildings and spaces of human scale** – The building architecture demonstrates very well how a large building can be designed to incorporate the human scale. As described under a) above, the lower level is broken up vertically from the upper levels, thereby creating the human scale on the ground level. A variety of glass and transom window details intermingled with brick on the ground level, integrated with sidewalk and landscaping, along with canopies at the entry points all serve to break up the massing on the first level. As the eyes move up the building, there are sections of varying color, material, height and depth. Architectural details including windows, balconies and doorways contribute to the human scale of the building. Refer to **Figures 4 and 5** on the following page below for a building elevation.
- viii. **Relegated parking** – The majority of onsite parking will be provided with structured parking, including one level of underground garage and one level of parking deck above the garage.
- ix. **Mixture of uses and use types** – Residential and Office Uses are proposed

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- x. **Mixture of housing types and affordability** – The property will have an approximate 50/50 mix of 1BR and 2BR apartments for rent which will serve to provide affordability to a broader range of citizens.
- xi. **Redevelopment** – The proposal includes the provision of a sanitary sewer outfall to the neighboring shopping center owner, which may facilitate future redevelopment of that property.



Figure 4 – Building Elevation Showing Human Scale (zoom view)



Figure 5 - Building Elevation Showing Human Scale (wide view)

- xii. **Site planning that respects terrain** - to the maximum extent possible, the site plan honors the terrain in accordance with the Conceptual Grading Plan in the underlying Code of Development
- xiii. **Clear boundaries with the rural areas** – The site is not located in the vicinity of the rural areas.

***(2) does not increase the approved development density or intensity of development;***

The proposal does not increase the approved density or intensity of the project. Following approval of the application, the Stonefield Development will still be well below its maximum build-out numbers. Following approval, there will be approximately 410,000 sf of leasable non-retail space and 319 residential units remaining that may be approved.

***(3) does not adversely affect the timing and phasing of development of any other development in the zoning district;***

The proposal does not adversely affect the timing and phasing of development of any other development in the zoning district. Although the applicant does not control the timing of the submission of other applications yet to be approved for Block D1 and the C Block, the overall office square footage and number of residential units continues to be coordinated between the applicant and the developer of the shopping center.

During the design development of the Block D2 proposal, staff had raised the issue of a central open space element that would need to be provided with the final parcels that were being developed, namely, Block D1 and Block C (aka Hyatt #2 on the “grassy knoll”). It was



determined at meetings with County staff that the central open space was controlled by the developer and not the Block D2 applicant. Further, it was not appropriate or in line with the Code of Development to provide the central open space in Block D2, a residential/office mix on the perimeter of the shopping center. It was determined that the location for the central open space would be coordinated between staff and the developer prior to approval of the final undeveloped parcel, presumably the mixed-use project envisioned for Block D1. However, please note that this issue is outside of the control of the applicant and therefore approval of this variation would not have any impact on the remaining parcels.

***(4) does not require a special use permit; and***

The use does not require a special use permit.

***(5) is in general accord with the purpose and intent of the approved application.***

The variation request is in conformance with the application plan approved with ZMA 2013-009, and the Code of Development (COD) from ZMA 2001-007. To indicate the general accord, the analysis is broken into five main categories as follows:

**A) The Built Form**

One of the underlying themes in the COD is that the "... *principal architectural objective is to create structures with a distinctly human scale, mass and texture*" (COD, Page 12) for Blocks A-E. The mixed-use building has been presented at a human scale as covered in the Neighborhood Model section of this summary. As with other buildings on the Application Plan, the mixed-use building will need to obtain formal approval from the Albemarle County Architectural Review Board prior to Site Plan Approval and may undergo additional modifications to ensure conformance with the COD and County standards.

**B) Conformance with the Elements of Block Group "1" and Flexibility in the Block Group**

The COD and Application plan groups Blocks A, B, C and D into Block Group "1". The COD stipulates several elements to be included within Block Group 1. The proposed mixed-use building adheres to the elements that are applicable, such as conformance in size and location for the building, open space, street network, sidewalks, green space and hardscape area, and also meets two elements which have not yet been met with the current development, a mixed-use building and structured parking.



In addition to the above elements to be included in Block Group 1, the proposal incorporates a mixed-use building with *“first floor specialty retail and office and/or residential spaces above”* (COD, Page 9 - highlighted for emphasis).

The proposal also provides *“On-street and structured parking facilities with close pedestrian access to commercial and residential uses...”* (COD, Page 9).

The COD envisioned the flexibility to provide the mixed use buildings and parking structure in any one of the blocks in Block Group 1 with the following statement: *“The uses and amenities as described for each block group ... may be transferred between blocks within each block group without the need for an Application plan change... provided that the total residential dwelling units and gross leasable area for all land uses at full development within each of the three block groups do not fall short of the Minimum Block Intensity, nor exceed the Maximum Blok Intensity.”* (COD, Page 8).

#### C) Western Property Line Landscaping

The Code of Development stipulates that a *“...mixed coniferous and deciduous screening buffer shall be employed along the western property line common with the duplex residential units that front on Commonwealth Drive”* (COD, Page 18).

The proposal provides a landscape buffer as described and as is shown on the site plan, cross-section and rendered view from the point of view of the duplex units. Also refer to **IV. Narrative on Screening** for additional information.

#### D) Adjusted Block Areas

The Code of Development on Page 8 allows for flexibility in Block Geometry to account for architectural and engineering changes. As can be seen on the overlay in **Figure 6** on the next page, the block boundary between Blocks D and E was changed to allow for this flexibility.

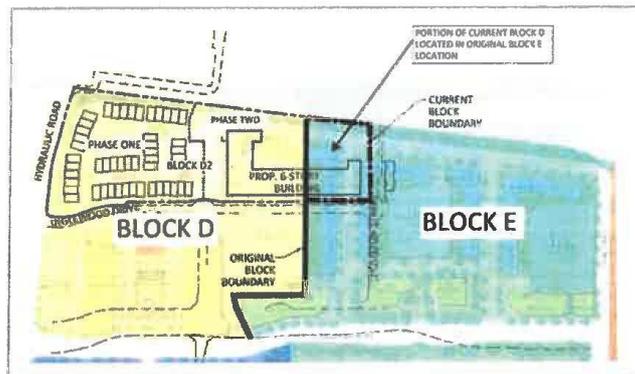
It should be noted that the proposed location of the mixed-use building straddles the original block boundary between Blocks D and E. This is an important consideration since the Code of Development prescribes a maximum building height in Block E of 8 stories (or maximum 90-feet high) to *“accommodate a multi-family building”*. As discussed in earlier sections of this summary, the height guidelines increase as the plan moves further down in



elevation along the western property line. Please also refer to the attached cross-sections and View Renderings.

**E) Shared Parking**

The proposal has received approval of a 35% parking reduction as a result of the offsetting of the peak parking demand for the residential and office uses. The parking reduction was made in accordance with the procedures outlined in the Code of Development and the Albemarle County Zoning Ordinance.



**Figure 6 - Overlay of Block D2 Development on Application Plan**

---

**III. Narrative on Screening**

The applicant is providing a vegetative buffer varying in width from 10 to 15 feet along the western property line. The overall length of the buffer is approximately 550 feet. The majority of this distance, 430 feet, is located adjacent to the existing duplexes on Commonwealth Drive. As prescribed by the Code of Development, the applicant is providing a mix of coniferous and deciduous landscaping screening along the entire length of the buffer, with a denser mix adjacent to the duplexes.



It should be noted that the grade from the duplex units to the common property line drops by 24' to 10' moving south to north. There will be a staggered row of groups of 3, 4 or 5 of coniferous or deciduous trees in the 430-foot buffer yard as shown in Figure 7 below. The trees will be selected by a landscape architect to ensure adequate screening is achieved and that the trees will not adversely impact the retaining wall below.

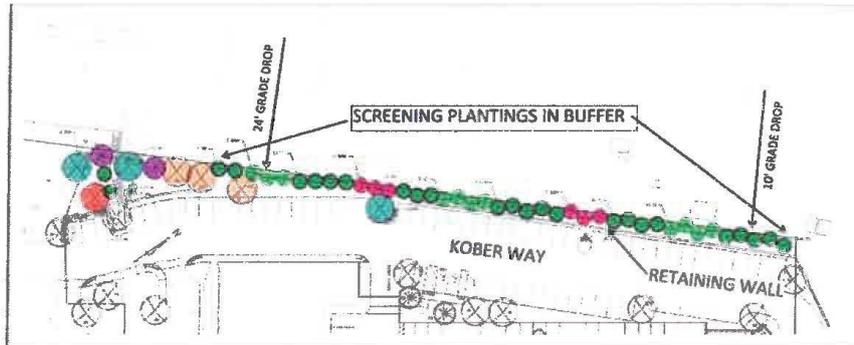


Figure 7- Screening Plantings adjacent to Duplexes

It should be noted that the existing grade drop from the duplex buildings to the common property line provides a more effective screen than landscaping since the view of the parking deck and Kober Way from the duplex units is highly obscured, or completely blocked. The screening trees will provide a more effective screen as they grow taller over the years. They will also provide an excellent screen to the view of the mixed-use building from the point of view of someone standing on the duplex units closer to the common property line. Also, the parking lot shade trees will provide a visual screen at such time they begin to grow taller over the years.

#### IV. Narrative on Roof Deck

The roof deck is at elevation 574.9, or 70.9' above the basement floor elevation of 504.0. The roof deck will be utilized for mechanical equipment only. It is anticipated that individual HVAC units will be provided for each unit. There will be a "penthouse" access to the roof deck for maintenance purposes. There will be no living space on the roof deck.

The mechanical equipment will not be visible from the duplex units. A roof parapet will be provided to block the view of mechanical equipment. In an elevation analysis, a 24"-high parapet was able to block

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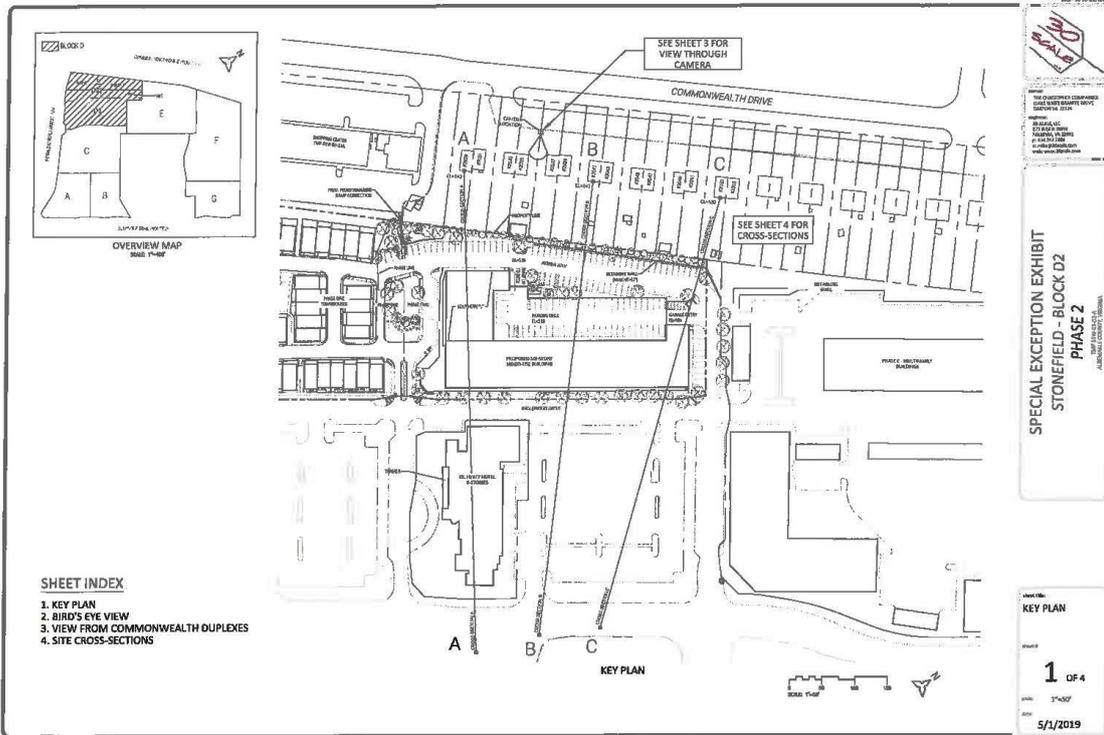
the view of hypothetical 6'-8' high mechanical equipment from the duplex units. Since the individual HVAC units will be on the order of 3'-4' tall, the view will be blocked. Also, the building design includes bumpout "hats" that will extend higher than the parapet in regular locations along the building façade. These will assist in providing additional screening. The applicant does not propose any livable space above the fifth floor.

We thank you for taking the time to review this request and look forward to your favorable response. Based on the information provided, the 6-story proposal is difficult to distinguish from the 5-story option when viewed in context. The relatively long distance from the duplexes to the mixed-use building provide a viewing angle where one additional story has a negligible effect on the viewshed. Please feel free to call me at any time if you have any questions or would like additional information.

Sincerely,

Michael Myers, P.E., CFM

Cc: John Regan, The Christopher Companies  
Randy Steck, The Christopher Companies  
attachments



**BIRD'S EYE VIEW  
6-STORY PROPOSAL**

**BIRD'S EYE VIEW  
5-STORY COMPARISON**

NOTE: IMAGE OF PROPOSED MIXED-USE BUILDING ON THIS SHEET IS CONCEPTUAL. FOR ACTUAL BUILDING APPEARANCE, REFER TO ARCHITECTURAL ELEVATIONS SUBMITTED WITH THE ARB APPLICATION.

SEAL: [Professional Seal]

PROJECT: [Project Name]

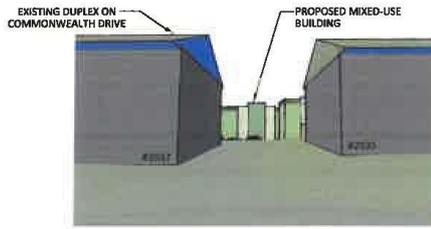
DATE: [Date]

**SPECIAL EXCEPTION EXHIBIT  
STONEFIELD - BLOCK D2  
PHASE 2**

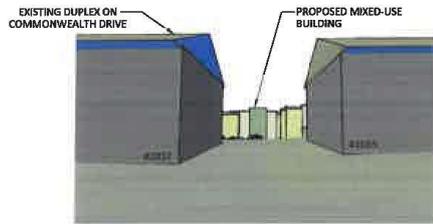
PROJECT NO: [Project No.]  
 BIRD'S EYE VIEW  
 2 OF 4  
 R.T.C.  
 5/1/2019



PHOTOGRAPH



VIEW FROM COMMONWEALTH  
6-STORY PROPOSAL



VIEW FROM COMMONWEALTH  
5-STORY COMPARISON

NOTE: IMAGE OF PROPOSED MIXED-USE BUILDING ON THIS SHEET IS CONCEPTUAL AND IS SHOWN TO DISPLAY VIEW FROM COMMONWEALTH DRIVE DUPLEX LOTS.

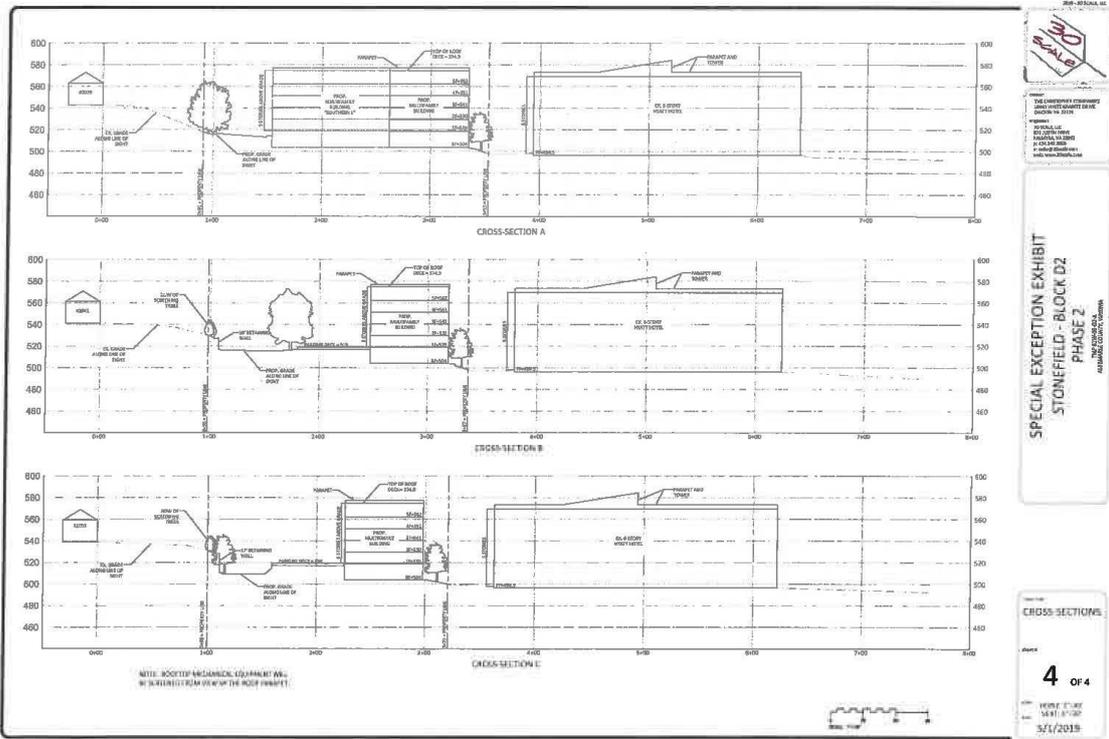
FOR ACTUAL BUILDING APPEARANCE, REFER TO ARCHITECTURAL ELEVATIONS SUBMITTED WITH THE ARB APPLICATION.



THE ARCHITECT'S PROFESSIONAL SEAL MUST BE SUBMITTED WITH THE ARB APPLICATION.  
ARCHITECT  
JAMES J. O'NEILL, LIC.  
000000000  
REGISTERED IN 2006  
1000 COMMONWEALTH DRIVE, SUITE 200  
CAMDEN, NJ 08105

SPECIAL EXCEPTION EXHIBIT  
STONEFIELD - BLOCK D2  
PHASE 2  
ARCHITECTURE

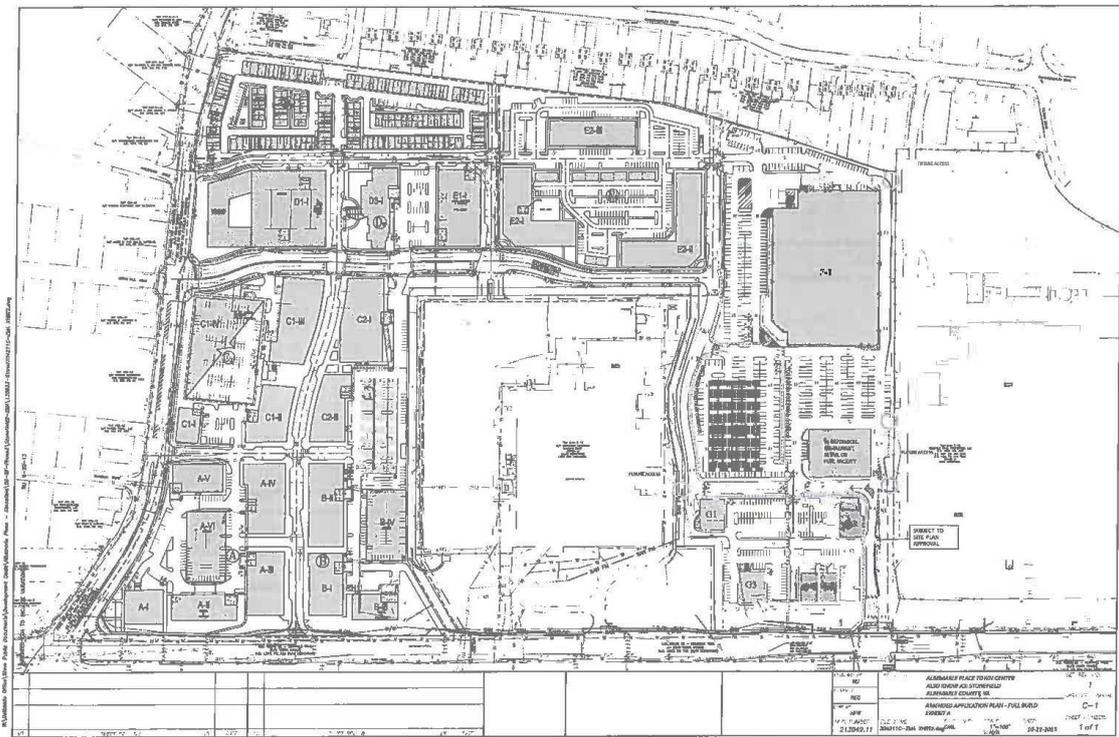
VIEW FROM COMMONWEALTH DUPLEXES  
Sheet # 3 OF 4  
DATE: 5/1/2019



THE INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

**SPECIAL EXCEPTION EXHIBIT**  
**STONEFIELD - BLOCK D2**  
**PHASE 2**  
Approved for Release by NSA on 05-08-2014 pursuant to E.O. 13526

Sheet No. **4** OF 4  
CROSS-SECTIONS  
DATE: 3/1/2019



*ZMA Code of Development*

# *Albemarle Place*

*The County of Albemarle, Virginia*



*Submitted by:*

*The Landonomics Group • Owners and Developers*

*The Cox Company • Planning and Design Consultants*

*KA, Inc. • Architects*

*October 15, 2003*

**CODE OF DEVELOPMENT APPENDIX A – Permitted/Prohibited Uses by Block\***

October 15, 2003 (revised July 8, 2010)

\*P-Permitted uses by block; SP-Uses that may be applied for via Special Use Permit; Blank – Uses prohibited within block.  
The square footages for all uses shaded in this table shall count towards the retail portion of the non-residential square footage maximum established in the Code of Development in Table I: "Uses Table"

Block Group	Block	1				2		3	
		A	B	C	D	E	F	G	
RESIDENTIAL	Detached single family								
	Semi-detached and attached single-family dwellings such as duplexes, triplexes, quadraplexes, townhouses, atrium houses and patio houses, and accessory apartments.	P	P	P	P	P			
	Multiple-family dwellings	P	P	P	P	P			
	Rental of permitted residential uses	P	P	P	P	P			
	Homes for developmentally disabled persons (reference 5.1.07)	P	P	P	P	P			
	Boarding houses	P	P	P	P	P			
	Tourist lodgings (reference 5.1.17)	P	P	P	P	P			
	Home occupation, Class A (reference 5.2)	P	P	P	P	P			
	Home occupation, Class B (reference 5.2)	SP	SP	SP	SP	SP			
	Accessory uses and buildings, including storage buildings	P	P	P	P	P	P	P	
	Assisted living	P	P	P	P	P	P	P	
	Rest home, nursing homes, or convalescent homes	P	P	P	P	P	P	P	
	Administrative, business and professional offices	P	P	P	P	P	P	P	
	NON-RESIDENTIAL	Antique, gift, jewelry, notion and craft shops	P	P	P	P	P	P	P
Auction houses		P	P	P	P		P	P	
Automobile laundries		P	P	P	P		P	P	
Automobile, truck repair shop excluding body shop							P		
Automobile service stations (reference 5.1.20)									
Barber, beauty shops		P	P	P	P	P	P	P	
Body Shop		SP	SP	SP	SP		SP	SP	
Building materials sales		P	P	P	P		P	P	
Tier I personal wireless service facilities (reference 5.1.40)		P	P	P	P	P	P	P	
Tier II personal wireless service facilities (reference 5.1.40)		P	P	P	P	P	P	P	
Tier III personal wireless service facilities (reference 5.1.40)		SP	SP	SP	SP	SP	SP	SP	
Cemeteries									
Churches		P	P	P	P	P	P	P	
Clothing, apparel and shoe shops		P	P	P	P	P	P	P	
Clubs, lodges, civic, fraternal, patriotic (reference 5.1.2)		P	P	P	P	P	P	P	
Commercial kennels – indoor only (reference 5.1.11)		P	P	P	P		P	P	
Commercial recreation establishments including but not limited to amusement centers, bowling alleys, pool halls and dance halls		P	P	P	P	P	P	P	
Community center		P	P	P	P	P	P	P	
Contractors' office and equipment storage yard		P	P	P	P	P	P	P	
Convenience stores		P	P	P	P	P	P	P	
Day care, child care, or nursery facility (reference 5.1.06)		P	P	P	P	P	P	P	
Department store		P	P	P	P	P	P	P	
Drive-in theaters									
Drive-in windows serving or associated with permitted uses	SP	SP	SP	SP	SP	SP	SP		
Drug store, pharmacy	P	P	P	P	P	P	P		
Eating establishment (not including fast food restaurant)	P	P	P	P	P	P	P		

Exhibit C

**CODE OF DEVELOPMENT APPENDIX A – Permitted/Prohibited Uses by Block\***

October 15, 2003 (revised ~~July 8, 2010~~)

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The square footages for all uses shaded in this table shall count towards the retail portion of the non-residential square footage maximum established in the Code of Development in Table I: "Uses Table"

Block Group	1				2		3	
	A	B	C	D	E	F	G	
Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformance with Chapter 16 of the Code of Albemarle and all other applicable law.	P	P	P	P	P	P	P	
Factory outlet sales – clothing and fabric	P	P	P	P	P	P	P	
Farm Stand	P	P	P	P	P	P	P	
Farmers' market (reference 5.1.36)	P	P	P	P	P	P	P	
Fast food restaurant	P	P	P	P	P	P	P	
Feed and seed stores (reference 5.1.22)	P	P	P	P	P	P	P	
Financial institutions	P	P	P	P	P	P	P	
Fire and rescue squad stations (reference 5.1.09)	P	P	P	P	P	P	P	
Fire extinguisher and security products, sales and service	P	P	P	P	P	P	P	
Florist	P	P	P	P	P	P	P	
Food and grocery stores including such specialty shops as bakery, candy, milk, dispensary and wine and cheese shops	P	P	P	P	P	P	P	
Funeral homes	P	P	P	P		P	P	
Furniture and home appliances (sales and service)	P	P	P	P	P	P	P	
Hardware store	P	P	P	P	P	P	P	
Health club or spa	P	P	P	P	P	P	P	
Heating oil sales and distribution (reference 5.1.20)	P	P	P	P	P	P	P	
Home and business service such as grounds care, cleaning, exterminators, landscaping and other repair and maintenance	P	P	P	P	P	P	P	
Hospitals	SP	SP	SP	SP	SP	SP	SP	
Hotels, motels and inns	P	P	P	P	P	P	P	
Indoor athletic facilities	P	P	P	P	P	P	P	
Indoor theaters	P	P	P	P	P	P	P	
Laboratories, medical or pharmaceutical	P	P	P	P	P	P	P	
Laundries, dry cleaners	P	P	P	P	P	P	P	
Laundromat (provided that an attendant shall be on duty at all hours during operation)	P	P	P	P	P	P	P	
Libraries, museums	P	P	P	P	P	P	P	
Light warehousing	P	P	P	P	P	P	P	
Livestock sales								
Machinery and equipment sales, service and rental	P	P	P	P	P	P	P	
Medical center	P	P	P	P	P	P	P	
Mobile home and trailer sales and service								
Modular building sales								
Motor vehicle sales, service and rental	SP	SP	SP	SP	SP	SP	SP	
Musical instrument sales	P	P	P	P	P	P	P	
New automotive parts sales	P	P	P	P	P	P	P	
Newspaper publishing	P	P	P	P	P	P	P	
Newsstands, magazines, pipe and tobacco shops	P	P	P	P	P	P	P	

**CODE OF DEVELOPMENT APPENDIX A – Permitted/Prohibited Uses by Block\***

October 15, 2003 (revised July 8, 2010)

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The square footages for all uses shaded in this table shall count towards the retail portion of the non-residential square footage maximum established in the Code of Development in Table I: "Uses Table"

Block Group	1				2	3	
	A	B	C	D	E	F	G
Office and business machines sales and service	P	P	P	P	P	P	P
Optical goods sales	P	P	P	P		P	P
Outdoor Amphitheatre with no fixed seats and limited operation (such as no loudspeakers after 10pm, weekends only, etc.)				P			
Outdoor eating establishment or café	P	P	P	P	P	P	P
Outdoor storage, display and/or sales serving or associated with a by-right permitted use, if any portion of the use would be visible from a travelway	SP	SP	SP	SP	SP	SP	SP
Parks, playgrounds and civic spaces	P	P	P	P	P	P	P
Photographic goods sales	P	P	P	P	P	P	P
Private schools	P	P	P	P	P	P	P
Professional offices, including medical, dental and optical	P	P	P	P	P	P	P
Public and private utilities and infrastructure	P	P	P	P	P	P	P
Public uses and buildings, including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state, or federal agencies, public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority	P	P	P	P	P	P	P
Research and development activities including experimental testing	P	P	P	P	P	P	P
Retail nurseries and greenhouses	P	P	P	P	P	P	P
Sales & Service of goods associated with principal use	P	P	P	P	P	P	P
Sales of major recreational equipment and vehicles						P	P
School of special instruction	P	P	P	P	P	P	P
Seasonal and periodic events such as holiday festivals, community fairs, artisan and public open markets, and other pedestrian related events to be conducted on adjacent private streets	P	P	P	P	P	P	P
Temporary Events	SP	SP	SP	SP	SP	SP	SP
Septic tank sales and related services							
Sporting goods sales	P	P	P	P	P	P	P
Stand alone parking and parking structures (reference 4.12, 5.1.41)	P	P	P	P	P	P	P
Stormwater management facilities shown on an approved final site plan or subdivision plat	P	P	P	P	P	P	P
Swim, golf, tennis or athletic facility	P	P	P	P	P	P	P
Tailor, seamstress	P	P	P	P	P	P	P
Temporary construction uses (reference 5.1.18)	P	P	P	P	P	P	P
Temporary nonresidential mobile homes (reference 5.8)	P	P	P	P	P	P	P
Veterinary Office and Hospital	P	P	P	P	P	P	P
Visual and audio appliances sales	P	P	P	P	P	P	P
Warehouse facilities not permitted under section 24.2.1 (reference 9.0)							
Wayside stands – vegetables and agricultural produce (reference 5.1.19)	P	P	P	P	P	P	P
Wholesale Distribution	SP	SP	SP	SP	SP	SP	SP

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[mike@30scale.com](mailto:mike@30scale.com)



March 4, 2019

Mr. Andrew Gast-Bray  
Assistant Director of Community Development/Director of Planning  
County of Albemarle  
Department of Community Development  
401 McIntire Road  
Charlottesville, VA 22902

**RE: Stonefield – Block D2 – Phase Two – Major Site Plan Amendment -  
Request for a Variation to the Albemarle Place Code of Development for Building  
Height  
Albemarle County TMP 61W-03-D2A, 22-61 AND 90-104**

Dear Andrew,

Please find this letter and attachments our request for a variation to the Albemarle Place Code of Development (COD) to allow a six-story mixed-use building in Block D2 – Phase Two.

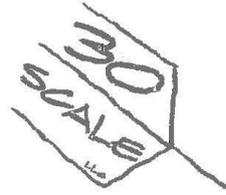
The owner/applicant, Christopher Companies, is pursuing approval of a Major Site Plan Amendment to SDP 2014-00070 to construct a six (6)-story mixed-use building consisting of 160 apartment units and 20,000 GSF of commercial office space in lieu of the fifty-five (55) proposed townhouses.

The 20,000 GSF of commercial space is located on the basement level with five stories of apartments above. The Major Site Plan Amendment is being submitted concurrently with this Variation Request.

Block D2 – Phase Two is located to the east of a row of existing residential duplex lots on Commonwealth Drive. The basement level of the six-story building is buried on the high (Commonwealth) side, so the effective height as viewed from the east is closer to five stories with more of the basement level being revealed as the grade falls towards the east.

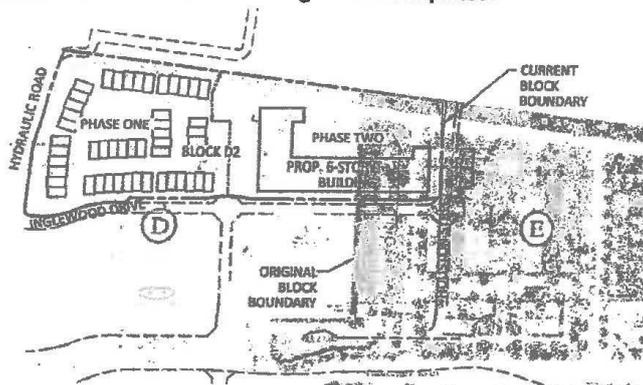
1 | Page

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mike@30scale.com



Also, the proposed building location is approximately 30 feet further away and downhill from the common property line than the approved townhouses. Please refer to the attached Composite Cross Sections that illustrate the existing and proposed topography and sight lines.

Page 22 of the COD (attached herein) states that buildings in Block D shall be between two (2) and five (5) stories. It should also be noted that Page 22 further allows eight (8) stories to accommodate a "potential multi-family structure" in Block E, which is located directly adjacent and to the north of Block D. In fact, the boundary of Block D was previously adjusted (as permitted by the COD), as indicated on Exhibit A below. The location of the proposed mixed-use building on Block D2 – Phase Two straddles the original Block D/Block E boundary line from the COD. This is additional justification to allow a one-story increase in this "transition" zone to Block E, where a maximum 90-foot tall building was contemplated.



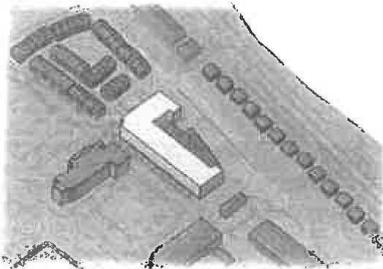
**EXHIBIT A - BLOCK D2 DEVELOPMENT  
OVERLAID ON CODE OF DEVELOPMENT BLOCK PLAN (SHEET SP3 OF COD)**

In addition to the cross-sections attached to this letter, Exhibit B on the following page shows a schematic view of a portion of Block D and E, and an aerial photo for comparison. As can be seen on this exhibit, there is a significant amount of existing tree cover screening on the rear yards of the Commonwealth lots, particularly the six buildings located adjacent to Phase Two. The applicant is also providing additional screening comprised of a mix of coniferous and deciduous screening trees in accordance with the COD. For comparison, Exhibit B also illustrates the size of a six-story building in context since the existing six-story Hyatt Hotel is located directly adjacent to the west of the Phase Two building.

30 Scale, LLC  
871 Justin Drive, Palmyra, VA 22968  
Ph. 434.242.2866  
[mike@30scale.com](mailto:mike@30scale.com)



As a show of good faith to the neighbors on Commonwealth, the applicant is proposing to construct a pedestrian stair/bike ramp connection to the adjacent shopping strip center at TMP 61W-3-21A. This will provide an access for the Commonwealth residents to visit the Shops at Stonefield, a quicker route to public transportation, and a more convenient way to facilitate bicycle travel, and will help with connections to future improvements, including more transit and when the Zan Road connection is made.



Rendered Schematic View



Aerial Photo from Google Maps

EXHIBIT B

We thank you for taking the time to review this request. Please feel free to call me at any time if you have any questions or would like additional information.

Sincerely,

Michael Myers, P.E., CFM

Cc: John Regan, The Christopher Companies  
Randy Stack, The Christopher Companies  
attachments

3-4-2019 - SPECIAL EXCEPTION REQUEST FOR VARIATION TO THE CODE OF DEVELOPMENT TO ALLOW A SIX-STORY BUILDING IN BLOCK D2

*Albemarle Place*

design process, the Director of Planning and Community Development could grant an exception allowing for a plaza area that would set the building facade back farther than 20 feet from the street curb.

**Minimum Yard Dimensions (20A.5.i.4)**

- There shall be no minimum or maximum lot width and depth requirements.

**Building Heights (20A.5.i.5)**

- The maximum building height for retail buildings shall be seventy five (75) feet, with a ninety (90) foot limitation for residential and mixed-use structures.

Block Group 1:

Buildings within Blocks A, B, and D shall range in height from one to five stories tall. Buildings in Block C will range in height from two to five stories tall. Buildings less than two stories in height within this block group shall be restricted to include only those devoted to restaurants, outdoor cafe's and retail kiosks in general conformity with the Application Plan.

Block Group 2:

Buildings within Block E shall range in height from two to as many as eight stories tall to accommodate a potential multifamily structure.

Block Group 3:

Buildings within Blocks F and G shall range in height from one to three stories tall.

**Sidewalk and Pedestrian Paths (20A.5.i.6)**

- See Section 3.D: Streetscape Standards of this Code.

**RESOLUTION  
SUPPORTING THE GOVERNOR'S CALL  
FOR A SPECIAL SESSION ON GUN VIOLENCE**

**WHEREAS** between January 1, 2019 and June 6, 2019 in the United States, there have been at least 158 mass shootings, defined to be a single incident in which four or more people were killed or wounded; and

**WHEREAS**, on May 31, 2019, 12 of our fellow Virginians were killed, and an additional five were wounded, in a mass shooting at the Virginia Beach Municipal Center; and

**WHEREAS**, in the aftermath of the Virginia Beach mass shooting, Governor Northam has called for a special session of the General Assembly to be held on July 9, 2019 for the purpose of addressing gun violence in the Commonwealth; and

**WHEREAS**, the Governor has stated that he will propose during the special session several ideas to control gun violence, including universal background checks, a ban on assault weapons to include suppressors and bump stocks, extreme risk protective orders, reinstating the one-gun-a-month law, child access prevention, requiring people to report lost and stolen firearms, and expanding local authority to regulate firearms, including in government buildings.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Board of Supervisors of the County of Albemarle, Virginia (the "Board") that it supports the Governor's call for the special session described above; and

**BE IT FURTHER RESOLVED** that allowing localities to regulate firearms in government buildings as proposed by the Governor will allow the local duly-elected governing bodies to decide for their respective communities whether and to what extent firearms may be possessed, carried, or transported in local government buildings, and the Board respectfully requests that this proposed authority be expanded to include not only local government buildings, but all local government property; and

**BE IT FURTHER RESOLVED** that the Board encourages the Governor and the General Assembly to consider during the special session the Commonwealth's obligation to provide adequate and appropriate mental health, education, and training resources that support reducing gun violence.

**RESOLUTION TO APPROVE THE PERFORMANCE AGREEMENT AMONG THE  
COUNTY OF ALBEMARLE, THE ALBEMARLE COUNTY ECONOMIC  
DEVELOPMENT AUTHORITY, AND HABITAT FOR HUMANITY  
OF GREATER CHARLOTTESVILLE, INC.**

**WHEREAS**, the Board of Supervisors finds that it is in the best interest of the County to enter into a Performance Agreement (the “Agreement”) with the Albemarle County Economic Development Authority (the “EDA”), and Habitat for Humanity of Greater Charlottesville, Inc. (“Habitat for Humanity”), regarding the County’s financial contribution to Habitat for Humanity, through the EDA, to be used for the construction of affordable dwelling units by Habitat for Humanity or builders acting under contract with Habitat for Humanity within the Southwood Neighborhood.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Albemarle County, Virginia hereby approves the Agreement with the EDA and Habitat for Humanity, and authorizes the Chair to execute the Agreement on behalf of the County once it has been approved as to substance and form by the County Attorney.

**RESOLUTION APPROVING AN AGREEMENT  
BETWEEN THE COUNTY OF ALBEMARLE,  
THE ALBEMARLE COUNTY ECONOMIC DEVELOPMENT  
AUTHORITY, AND CROZET NEW TOWN ASSOCIATES, LLC**

**WHEREAS**, the Board finds it is in the best interest of the County to enter into an Agreement with the Albemarle County Economic Development Authority and Crozet New Town Associates, LLC to support the redevelopment at the former Barnes Lumber site in Downtown Crozet, which is expected to grow the commercial tax base and create positive tax revenue growth.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby authorizes the County Executive to execute an Agreement between the County of Albemarle, the Albemarle County Economic Development Authority, and Crozet New Town Associates, LLC to support the redevelopment of the former Barnes Lumber site in Downtown Crozet once the Agreement has been approved as to form and content by the County Attorney.

**RESOLUTION TO APPROVE  
THE SECONDARY SYSTEM SIX-YEAR PROGRAM (FY 20-25)**

**WHEREAS**, Virginia Code § 33.2-331 provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary System Six-Year Program; and

**WHEREAS**, the Board has previously agreed to assist in the preparation of this Program, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Program (FY 20-25), after being duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Program and Priority List; and

**WHEREAS**, local and regional representatives of the Virginia Department of Transportation recommend approval of the Secondary System Six Year Program (FY20-25); and

**WHEREAS**, the Secondary System Six Year Program (FY20-25) is in the best interest of the County and of the citizens of the County

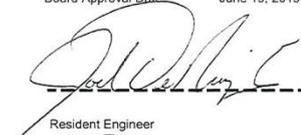
**NOW, THEREFORE, BE IT RESOLVED**, that the Albemarle County Board of Supervisors hereby approves the Secondary System Six-Year Program (FY20-25) and authorizes the County Executive to sign the Secondary System Six-Year Program (FY 20-25); and

**BE IT FURTHER RESOLVED**, that the clerk of the Board shall forward a certified copy of this resolution to the District Administrator of the Virginia Department of Transportation.

Secondary System  
 Albemarle County  
 Construction Program  
 Estimated Allocations

Fund	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025	Total
CTB Formula - Unpaved State	\$550,892	\$0	\$0	\$0	\$0	\$0	\$550,892
TeleFee	\$355,279	\$355,279	\$355,279	\$355,279	\$355,279	\$355,279	\$2,131,674
District Grant Unpaved	\$0	\$773,496	\$522,580	\$694,463	\$751,383	\$751,383	\$3,493,305
<b>Total</b>	<b>\$906,171</b>	<b>\$1,128,775</b>	<b>\$877,859</b>	<b>\$1,049,742</b>	<b>\$1,106,662</b>	<b>\$1,106,662</b>	<b>\$6,175,871</b>

Board Approval Date: June 19, 2019

  
 Resident Engineer Date 7/1/19

  
 County Executive Date 6/26/19

**Received**  
 JUL 18 2019  
 County of Albemarle  
 Board of Supervisor's Office

**SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)**

District: Culpeper  
 County: Albemarle County  
 Board Approval Date: June 19, 2019

2019-20 through 2024-25

Route	Road Name	Estimated Cost	Previous Funding	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS					Balance to complete	Traffic Count
					2019-20	2020-21	2021-22	2022-23	2023-24		
RL9989	RIO MILLS CONNECTOR	PE RW CON Total	\$355,000 \$157,500 \$3,286,733 \$3,799,233	\$1,315,811	\$0	\$800,000	\$515,811	\$0	\$0	\$0	TELEFEE FUNDS / SMARTSCALE FUNDS BALANCE TO BE FUNDED THROUGH SMART SCALE
109387	CONNECTOR ROAD BETWEEN RIO MILLS ROAD AND BERKMAR DRIVE EXTENDED										
S	ROUTE 643										
Single Hearing	BERKMAR DRIVE EXTENDED										
0001.00	0.20										
RL0731	KESWICK DRIVE	PE RW CON Total	\$621 \$0 \$360,812 \$361,433	\$0	\$0	\$0	\$0	\$0	\$0	\$0	300 VPD 06/26/2012 CTB FORMULA UNPAVED >50 VPD RURAL RUSTIC RESOLUTION RECEIVED 04/05/2017
104649	0731-002-P86, N-501										
S	RTE. 731 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD)										
NO PLAN, SECONDARY	ROUTE 744										
0002.00	0.70										
RL0747	PREDDY CREEK ROAD	PE RW CON Total	\$2,358 \$0 \$417,642 \$420,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	120 VPD 07/25/2012 CTB FORMULA UNPAVED >50 VPD RURAL RUSTIC RESOLUTION RECEIVED 04/05/2017
107526	0747-002-P13, N-501										
S	RTE. 747 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD)										
NO PLAN, SECONDARY	ROUTE 600										
0003.00	1.60										
RL0824	PATTERSON MILL LANE	PE RW CON Total	\$10,000 \$0 \$260,000 \$270,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	250 VPD 06/06/2012 CTB FORMULA UNPAVED >50 VPD RURAL RUSTIC RESOLUTION RECEIVED 04/05/2017
111744	0824-002-P24, N-501										
S	RTE. 824 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD)										
NO PLAN, SECONDARY	ROUTE 688										
0004.00	1.04 MI. N. ROUTE 688										
RL0637	DICK WOODS ROAD	PE RW CON Total	\$15,000 \$0 \$310,000 \$325,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	130 VPD 07/09/2012 CTB FORMULA UNPAVED >50 VPD RURAL RUSTIC RESOLUTION RECEIVED 06/06/2016
111745	0637-002-P44, N-501										
S	RTE. 637 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD)										
NO PLAN, SECONDARY	ROUTE 151										
0005.00	NELSON COUNTY LINE										
006.00	0.70										

**SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)**

District: Cuipeper  
 County: Albemarle County  
 Board Approval Date: June 19, 2019

Route	Road Name	Project #	Description	FROM	TO	Length	Estimate Cost	Previous Funding	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS					Balance to complete	Traffic Count
										2019-20	2020-21	2021-22	2022-23	2023-24		
0006.00 RL0772	NORTH GARDEN LANE	0712-002-P38, N-501	RTE. 712 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD)				PE \$10,000 RW \$0 CON \$225,000 Total \$235,000	\$114,266	\$120,734	\$0	\$0	\$0	\$0	\$0	290 VPD 03/29/2012	
0006.00 RL0772	COLES ROLLING ROAD	0712-002-P37, N-501	RTE. 712 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD)				PE \$15,000 RW \$0 CON \$363,000 Total \$378,000	\$0	\$378,000	\$0	\$0	\$0	\$0	\$0	290 VPD 09/11/2012	
0006.00 RL0772	COLES ROLLING ROAD	0712-002-P38, N-501	RTE. 712 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD)				PE \$15,000 RW \$0 CON \$349,500 Total \$364,500	\$0	\$364,500	\$312,342	\$0	\$0	\$0	\$0	290 VPD 09/11/2012	
0006.00 RL0784	BURNT MILL ROAD	0784-002-P84, N-501	RTE. 784 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD)				PE \$0 RW \$0 CON \$319,500 Total \$319,500	\$0	\$319,500	\$0	\$0	\$0	\$0	\$0	300 VPD 09/11/2012	
0009.00 RL0702	RESERVOIR ROAD	0702-002-P85, N-501	RTE. 702 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD)				PE \$0 RW \$0 CON \$436,500 Total \$436,500	\$0	\$436,500	\$294,846	\$0	\$0	\$0	\$0	400 VPD 04/01/2015	
0010.00	END STATE MAINTENANCE	0.97 MI. E. END STATE MAINT						\$0	\$0	\$141,654	\$294,846	\$0	\$0	\$0	DISTRICT GRANT UNPAVED \$60 VPD	

**SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)**

District: Cuipeper  
 County: Albemarle County  
 Board Approval Date: June 19, 2019

2019-20 through 2024-25

Route	Road Name	Project #	Description	FROM	TO	Length	Priority #	Estimated Cost	Previous Funding	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS					Balance to complete	Traffic Count	
											SSYP Funding	Other Funding	Total	2019-20	2020-21			2021-22
R10720	HARRIS CREEK ROAD	0720-002-P35, N-501	RTE. 720 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD)					PE RW CON Total	\$7,500 \$0 \$95,000 \$102,500	\$0 \$102,500	\$0	\$102,500	\$0	\$0	\$0	\$0	190 VPD 06/01/2012	DISTRICT GRANT UNPAVED >50 VPD
0011.00	END STATE MAINTENANCE		0.25 MI. W. ROUTE 20															RURAL RUSTIC PROJECT RESOLUTION NEEDED
0011.00	END STATE MAINTENANCE		0.38															
R10707	BLAIR PARK ROAD	0707-002-P43, N-501	RTE. 707 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD)					PE RW CON Total	\$10,000 \$0 \$100,000 \$110,000	\$0 \$110,000	\$0	\$110,000	\$0	\$0	\$0	\$0	180 VPD 06/09/2012	DISTRICT GRANT UNPAVED >50 VPD
0012.00	END STATE MAINTENANCE		ROUTE 691															RURAL RUSTIC PROJECT RESOLUTION NEEDED
0012.00	END STATE MAINTENANCE		0.35															
R10612	HAMMOCKS GAP ROAD	0612-002-960, N-501	RTE. 612 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD)					PE RW CON Total	\$10,000 \$0 \$81,000 \$91,000	\$0 \$91,000	\$0	\$91,000	\$0	\$0	\$0	\$0	170 VPD 04/10/2015	DISTRICT GRANT UNPAVED >50 VPD
0013.00	NO PLAN, SECONDARY		ROUTE 20															RURAL RUSTIC PROJECT RESOLUTION NEEDED
0013.00	NO PLAN, SECONDARY		0.52 MI. S. RTE. 20															
R10760	RED HILL SCHOOL ROAD	0760-002-961, N-501	RTE. 760 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD)					PE RW CON Total	\$15,000 \$0 \$252,750 \$267,750	\$0 \$267,750	\$0	\$267,750	\$0	\$0	\$0	\$0	170 VPD 04/10/2015	DISTRICT GRANT UNPAVED >50 VPD
0014.00	NO PLAN, SECONDARY		ROUTE 29															RURAL RUSTIC PROJECT RESOLUTION NEEDED
0014.00	NO PLAN, SECONDARY		ROUTE 712															
R10671	WESLEY CHAPEL ROAD	0671-002-P86, N-501	RTE. 671 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD)					PE RW CON Total	\$0 \$0 \$55,000 \$55,000	\$0 \$55,000	\$0	\$55,000	\$0	\$0	\$0	\$0	140 VPD 06/07/2012	DISTRICT GRANT UNPAVED >50 VPD
T22803	S/F HIRED EQUIP.		CHAPEL SPRING ROAD															RURAL RUSTIC PROJECT RESOLUTION NEEDED
0015.00	NO PLAN, SECONDARY		FOX MOUNTAIN ROAD															
0015.00	NO PLAN, SECONDARY		0.10															

**SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)**

District: Cullpeper  
 County: Albemarle County  
 Board Approval Date: June 19, 2019

2019-20 through 2024-25

Route	Road Name	Estimated Cost	Previous Funding	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS					Balance to complete	Traffic Count
					2019-20	2020-21	2021-22	2022-23	2023-24		
RL0721	OLD DOMINION ROAD	PE \$10,000 RW \$0 CON \$201,750 Total \$211,750	\$0	\$211,750	\$0	\$0	\$211,750	\$0	\$0	\$0	130 VPD 03/27/2012
113780	S/F HIRED EQUIP. S										DISTRICT GRANT UNPAVED >50 VPD
NO PLAN. SECONDARY											RURAL RUSTIC PROJECT RESOLUTION NEEDED
0016.00	ROUTE 6										
0017.00	ROUTE 712										
RL0633	COVE GARDEN ROAD	PE \$20,000 RW \$0 CON \$242,500 Total \$262,500	\$0	\$262,500	\$0	\$0	\$84,197	\$178,303	\$0	\$0	190 VPD 08/16/2012
113782	S/F HIRED EQUIP. S										DISTRICT GRANT UNPAVED >50 VPD
NO PLAN. SECONDARY											RURAL RUSTIC PROJECT RESOLUTION NEEDED
0017.00	ROUTE 29										
1.50 MI. E. RTE 29											
0018.00	ROUTE 29										
1.50 MI. E. RTE 29											
3.00 MI. E. RTE 29											
RL0633	COVE GARDEN ROAD	PE \$20,000 RW \$0 CON \$242,500 Total \$262,500	\$0	\$262,500	\$0	\$0	\$0	\$262,500	\$0	\$0	80 VPD 04/01/2015
113783	S/F HIRED EQUIP. S										DISTRICT GRANT UNPAVED >50 VPD
NO PLAN. SECONDARY											RURAL RUSTIC PROJECT RESOLUTION NEEDED
0018.00	ROUTE 712										
1.50 MI. E. RTE 29											
3.00 MI. E. RTE 29											
RL0633	COVE GARDEN ROAD	PE \$20,000 RW \$0 CON \$242,500 Total \$262,500	\$0	\$262,500	\$0	\$0	\$0	\$262,500	\$0	\$0	80 VPD 04/01/2015
113784	S/F HIRED EQUIP. S										DISTRICT GRANT UNPAVED >50 VPD
NO PLAN. SECONDARY											RURAL RUSTIC PROJECT RESOLUTION NEEDED
0019.00	ROUTE 712										
1.50 MI. E. RTE 29											
3.00 MI. E. RTE 29											
RL9589	CONNECTOR ROAD	PE \$1,500,000 RW \$3,000,000 CON \$11,200,000 Total \$15,700,000	\$652,237	\$15,047,763	\$355,279	\$355,279	\$355,279	\$0	\$0	\$15,656,647	TELEFEE FUNDS
111734	CONTRACT										CONSTRUCTION ON NEW ALIGNMENT
RAAP. SECONDARY											
Single Hearing 0020.00	BERKMAR DRIVE EXTENDED AIRPORT ROAD										

**SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)**

District: Culpaeper  
 County: Alleghenie County  
 Board Approval Date: June 19, 2019

2019-20 through 2024-25

Route	Road Name	Estimated Cost	Previous Funding	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS					Balance to complete	Traffic Count
					2019-20	2020-21	2021-22	2022-23	2023-24		
RI0805 T22804	HENDERSON LANE 0805-002-P87, N-501 S/F HIRED EQUIP. S	PE \$0 RW \$0 CON \$76,500 Total \$76,500	\$0	\$76,500	\$0	\$0	\$0	\$0	\$0	\$0	70 VPD 4/10/2015
0021.00	ROUTE 29 END OF STATE MAINTENANCE 0.24										DISTRICT GRANT UNPAVED >50 VPD
RI0735 113858	WHITES MOUNTAIN ROAD 0735-002-P90, N-501 S/F HIRED EQUIP. S	PE \$20,000 RW \$0 CON \$435,000 Total \$455,000	\$0	\$455,000	\$0	\$0	\$0	\$0	\$455,000	\$0	\$0 VPD 7/10/2012
NO PLAN, SECONDARY	ROUTE 635 ROUTE 636 2.60										DISTRICT GRANT UNPAVED >50 VPD
0022.00	CONNECTOR ROAD STUDY										RURAL RUSTIC PROJECT RESOLUTION NEEDED
RI5959 111736	CONNECTOR ROAD STUDY 9999-002-967 STUDY ONLY - CONNECTOR ROAD	PE \$800,000 RW \$0 CON \$0 Total \$800,000	\$0	\$800,000	\$0	\$0	\$0	\$0	\$0	\$0	TELEFEE FUNDS
NO PLAN, SECONDARY	BERKMAR DRIVE EXTENDED LEWIS & CLARK DRIVE										STUDY ONLY - CONNECTOR ROAD BETWEEN BERKMAR DR. EXT. AND LEWIS & CLARK DR.
9999.99 RI3959 T2376	9999-002-101 FUTURE DISTRICT GRANT UNPAVED FUNDS FOR YR4-YR6 S	PE \$0 RW \$0 CON \$267,963 Total \$267,963	\$0	\$267,963	\$0	\$0	\$0	\$0	\$267,963	\$0	DISTRICT GRANT UNPAVED >50 VPD
NO PLAN, SECONDARY											
9999.99 RI4007 99700	1204007 COUNTYWIDE TRAFFIC SERVICES VARIOUS LOCATIONS IN COUNTY	PE \$0 RW \$0 CON \$854,135 Total \$854,135	\$143,577	\$710,558	\$0	\$0	\$0	\$0	\$355,279	\$355,279	TRAFFIC SERVICES INCLUDE SECONDARY SPEED ZONES, SPEED STUDIES, OTHER NEW SECONDARY SIGNS
9999.99											

**SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)**

District: Culppeper  
 County: Albemarle County  
 Board Approval Date: June 19, 2019

2019-20 through 2024-25

Route	Road Name	Estimated Cost	Previous Funding	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS						Balance to complete	Traffic Count
					2019-20	2020-21	2021-22	2022-23	2023-24	2024-25		
9999.99 R14008 99775	1204008 COUNTYWIDE RIGHT OF WAY ENGR. VARIOUS LOCATIONS IN COUNTY	PE \$0	\$54,083	\$0	\$0	\$0	\$0	\$0	\$0	\$0		Scope of Work FHWA # Comments
		RW \$0										
9999.99 R14006 99803	1204006 COUNTYWIDE FERTILIZATION & SEEDING VARIOUS LOCATIONS IN COUNTY	PE \$0	\$47,506	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
		RW \$0										
9999.99 R14009 99846	1204009 COUNTYWIDE TRAFFIC CALMING VARIOUS LOCATIONS IN COUNTY	PE \$0	\$59,034	\$0	\$0	\$0	\$0	\$0	\$0	\$0		TRAFFIC CALMING MEASURES AS DETERMINED BY RESIDENCY AND DISTRICT TRAFFIC ENGINEER
		RW \$0										
9999.99 R14005 99823	1204005 COUNTYWIDE ENGINEERING & SURVEY VARIOUS LOCATIONS IN COUNTY	PE \$0	\$4,520	\$0	\$0	\$0	\$0	\$0	\$0	\$0		MINOR SURVEY & PRELIMINARY ENGINEERING FOR BUDGET ITEMS AND INCIDENTAL TYPE WORK.
		RW \$0										

**ORDINANCE NO. 19-18(4)**

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE IV, PROCEDURES, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article IV, Procedures, is hereby amended and reordained as follows:

**By Amending:**

- Sec. 33.21       Studies identifying potential impacts of zoning map amendment  
 Sec. 33.22       Proffers

**Chapter 18. Zoning****Article IV. Procedures****Section 33. Zoning Text Amendments, Zoning Map Amendments, Special Use Permits And Special Exceptions**

.....

**Sec. 33.21 Studies identifying potential impacts of zoning map amendment.**

When the filed application is complete, the Director of Planning may require an applicant to submit studies identifying the nature and extent of potential impacts resulting from a proposed zoning map amendment. In addition:

- A. *Studies pertaining to particular impacts.* The following requirements apply to particular impacts:
1. *Impacts on traffic, generally.* The Director may require a traffic study for any application for a zoning map amendment. The scope of the appropriate traffic study shall be determined by the County's transportation engineer in consultation with the Virginia Department of Transportation.
  2. *Impacts on public transportation facilities, public safety facilities, public school facilities, and public parks; zoning map amendments for new residential development or new residential uses.* For zoning map amendments that propose new residential development or new residential uses as defined in and subject to Virginia Code § 15.2-2303.4, the Director may require studies that identify the impacts of the project on public transportation facilities, public safety facilities, public school facilities, and public parks. If required, the studies shall identify impacts that are specifically attributable to the project and, for impacts to public facilities that are located outside of the project, shall also identify: (i) the extent to which the project creates a need, or an identifiable portion of a need, for one or more public facility improvements in excess of existing public facility capacity at the time of the zoning map amendment; and (ii) the extent to which the applicant or its successors would receive direct and material benefits from any proffer related to any public facility improvements.
- B. *Form and content of studies; authority of the Director of Planning.* The Director may establish the form and determine the required content of any study.
- C. *Time to submit studies.* The Director may establish deadlines by which any studies must be submitted by the applicant in order to provide County staff adequate time to review the study before scheduling the Commission's public hearing on the application.

**State law reference**-Va. Code §§ 15.2-2285, 15.2-2286, 15.2-2303, 15.2-2303.4.

**Sec. 33.22 Proffers.**

The Board of Supervisors may accept proffers pursuant to Virginia Code §§ 15.2-2303 and 15.2-2303.4 in conjunction with zoning map amendments as follows:

- A. *Purpose.* Proffers are reasonable conditions proposed by the applicant governing the use of parcels being rezoned. The conditions are in addition to the regulations in this chapter that apply to the district.
- B. *Form.* Proffers shall be in writing and be in a form that is approved by the County Attorney. The Director of Planning may provide applicants with a proffer statement form.
- C. *Proffers addressing impacts from new residential developments or uses.* For zoning map amendments that propose new residential development or new residential uses as defined in and subject to Virginia Code § 15.2-2303.4, any proposed proffers addressing the impacts resulting from the new residential development or new residential uses shall comply with the requirements of Virginia Code § 15.2-2303.4.
- D. *Time to submit.* The applicant shall submit proffers by the following deadlines:
  - 1. *Before the Commission's public hearing.* Proposed proffers, regardless of whether they are signed by the owners of all parcels subject to the zoning map amendment, shall be submitted to the Department of Community Development at least 14 days before the Commission's public hearing on the zoning map amendment.
  - 2. *Before the Board of Supervisors' public hearing.* Proposed proffers, signed by the owners of all parcels subject to the zoning map amendment, shall be submitted to the Department of Community Development before the Board's public hearing on the zoning map amendment. The Director of Planning may establish written guidelines that require signed proffers to be submitted a reasonable period of time prior to the public hearing to allow County officers and employees and members of the public a reasonable period of time to review the proffers.

**State law reference-**Va. Code §§ 15.2-2303, 15.2-2303.4.

[§ 33.22: (§ 33.7: Ord. 12-18(7), 12-5-12, effective 4-1-13 (§ 33.3, 12-10-80; 4-4-90; Ord. 07-18(1), 7-11-07)(§ 33.3.1, 12-10-80; 4-4-90; Ord. 16-18(4), 4-6-16); § 33.22 Ord. 18-18(3), 9-5-18]

**This ordinance shall be effective on and after July 1, 2019.**

**RESOLUTION TO APPROVE CPA 2018-00003  
PANTOPS MASTER PLAN**

**WHEREAS**, Chapter 8 of the Albemarle County Comprehensive Plan adopted by the Board of Supervisors on June 10, 2015, recommends the use of Master Plans to guide development and investment in each Development Area and that each Master Plan be updated every five years; and

**WHEREAS**, County staff has updated the recommended land uses covering the area within the Pantops Development Area boundary to amend the Land Use Plan section of the Albemarle County Comprehensive Plan and 2008 Pantops Master Plan; and

**WHEREAS**, the updated Pantops Master Plan would establish revised land use policies, guidelines, recommendations, goals and strategies for future development within the Pantops Development Area; and

**WHEREAS**, the proposed Pantops Master Plan would establish the following for the Plan area: a vision for the development and redevelopment of the area and supporting recommendations; land use, center and district types with form and use recommendations; a plan for the transportation network and its integration with the land use and centers; a plan for open space, trails and natural resource protection and enhancement; and a plan for implementation and supporting community facilities and infrastructure; and

**WHEREAS**, on May 14, 2019, the Albemarle County Planning Commission held a duly noticed public hearing on CPA 2018-00003, at the conclusion of which it: (i) concluded that approval of CPA 2018-00003 is appropriate and consistent with the coordinated, adjusted, and harmonious development of Albemarle County and, in accordance with present and probable future needs and resources, CPA 2018-00003 will best promote the health, safety, morals, order, convenience, prosperity, and general welfare of all inhabitants of the County; and (ii) adopted a Resolution recommending approval; and

**WHEREAS**, on June 19, 2019, the Board of Supervisors held a duly noticed public hearing on CPA 2018-00003.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, and for the purposes articulated in Virginia Code § 15.2-2223, the Albemarle County Board of Supervisors hereby approves CPA 2018-00003 and amends: (i) the Land Use Plan section of the Albemarle County Comprehensive Plan as shown on the draft Pantops Master Plan dated May 31, 2019, and (ii) the Pantops Master Plan as shown on the proposed Pantops Master Plan with maps dated May 31, 2019.

**BE IT FURTHER RESOLVED** that the land use designation of the Lands and the applicable map in the Comprehensive Plan are amended accordingly.

**ORDINANCE NO. 19-A(5)**  
**ZMA 2018-00005**

**AN ORDINANCE TO AMEND THE ZONING MAP**  
**FOR TAX MAP PARCELS 07800-00-00-06400 and 07800-00-00-06500**

**WHEREAS**, the application to amend the zoning map for Tax Map Parcel 07800-00-00-06400 and 07800-00-00-06500 is identified as ZMA 2018-00005, Proposed Hotel (“ZMA 2018-00005”); and

**WHEREAS**, ZMA 2018-00005 is a request for approval of an Application Plan pursuant to County Code § 18-8.5.5.5a for the two Tax Map Parcels identified above, which are within a previously-established Planned District Mixed Commercial (PD-MC) planned development district and for which an application plan was not previously approved, in conjunction with the proposed development of a 109-room hotel; and

**WHEREAS**, on May 28, 2019, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2018-00005; and

**WHEREAS**, on June 19, 2019, the Albemarle County Board of Supervisors held a duly noticed public hearing on ZMA 2018-00005.

**BE IT ORDAINED** by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2018-00005 and their attachments, including the proffers and the application plan, the information presented at the public hearing, the material and relevant factors in Virginia Code § 15.2-2284 and County Code §§ 18-8.5.5.5.a, 18-24.2.1(2), 18-25A.2.1(1), and 18-33.27(B), and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2018-00005 with the proffers dated June 4, 2019, and the application plan entitled “Zoning Map Amendment 2018-00005 for PT Hotel, LLC,” prepared by Bohler Engineering, dated April 15, 2019.

\* \* \*

**Pantops Hotel – State Farm Boulevard**

**ZMA 2018-00005**

**PROFFER STATEMENT**

**Date:** June 4, 2019  
**ZMA#:** ZMA 2018-00005  
**Tax Map Parcel #:** 07800-00-00-06400 and 07800-00-00-06500  
**Owner of Record:** Kimco, LC

Approximately 4.42 acres to be rezoned from Planned Development Mixed-Commercial (“PD-MC”) to PD-MC with an Application Plan.

The following parcels are subject to rezoning application ZMA 2018-00005 (the “Application”) and thus to this proffer statement: Tax Map Parcels 07800-00-00-06400 and 07800-00-00-06500 (the “Property”). The Owner of the Property is Kimco, LC (the “Owner”). The Applicant and contract purchaser of the Property is PT Hotel, LLC.

The Owner hereby voluntarily proffers that if the Albemarle County Board of Supervisors acts to approve the Application, as requested, the Owner and its successors and assigns shall develop the Property in accord with the following proffers pursuant to Section 15.2-2203 of the Code of Virginia, 1950, as amended, and pursuant to Section 33.22 of the Albemarle County Zoning Ordinance. These conditions are voluntarily proffered as part of the Application, and the Owner acknowledges that (1) the rezoning itself gives rise to the need for the conditions; and (2) such conditions have a reasonable relation to the rezoning requested.

In the event the Application is denied the proffers shall immediately be null and void and of no further force or effect.

1. Development of the Property shall be in general accord with the plan entitled “Zoning Map Amendment 2018-00005 for PT Hotel, LLC” prepared by Bohler Engineering, dated June 18, 2018, last revised April 15, 2019 (the “Application Plan”).
2. The Owner shall reserve the area shown as “Proposed Easement for Future Park (2.0 Acres +/-)” on Sheet 3 of the Application Plan (the “Reserved Land”) for future dedication for public use for a public park and/or a connection to any future park to be constructed on a parcel or parcels adjacent to the Property. Upon the written request of the County, the Owner shall dedicate in fee simple to the County the Reserved Land to permit the construction by the County of public access trails or other pedestrian connections from the Reserved Land to the future park. Such dedication shall occur after final site plan approval, after issuance of Certificate of Occupancy for the proposed hotel use on the Property, and after delivery by the County to the Owner of a written request for such dedication (the “Dedication Request Notice”). The dedication shall be completed within six (6) months after delivery of the Dedication Request Notice. The Reserved Land shall be dedicated by

subdivision plat, and the Owner shall be responsible for the cost of a survey and preparing the deed to convey the Reserved Land to the County.

Witness the following signature:

KIMCO, LC,  
a Virginia limited liability company

By *Barbara H. Cosner*

Printed Name: *Barbara H. Cosner*

Title: *Manager - owner*

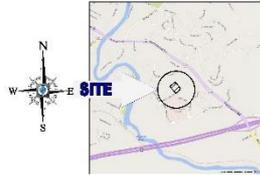


*Sharon Engle*  
*6/6/19*

37205047\_6

# ZONING MAP AMENDMENT 2018-00005 FOR PT HOTEL, LLC

LOCATION OF SITE  
1628 STATE FARM BOULEVARD  
TAX MAP 07800-00-00-06500, 07800-00-00-06400  
RIVANNA MAGISTERIAL DISTRICT  
ALBEMARLE COUNTY, VIRGINIA



LOCATION MAP

**CONTACT INFORMATION**

**DEVELOPER/ENGINEER**  
 • 20 YEARS OF EXPERIENCE IN COMMERCIAL DEVELOPMENT  
 • 100% SUCCESS RATE IN OBTAINING PERMITS  
 • 24 HOUR EMERGENCY SERVICE  
 • 100% CLIENT SATISFACTION

**OWNER**  
 PT HOTEL, LLC  
 1628 STATE FARM BOULEVARD  
 ALBEMARLE COUNTY, VA 22902

**DEVELOPER**  
 BOHLER ENGINEERING  
 28 BLACKWELL PARK LANE, SUITE 201  
 WARRENTON, VIRGINIA 20186



"WE MAKE IT BY"  
**BOHLER**  
 ENGINEERING  
 28 BLACKWELL PARK LANE, SUITE 201  
 WARRENTON, VIRGINIA 20186  
 Phone: (540) 548-6500  
 Fax: (540) 548-0521  
 VA@BohlerEng.com  
 CONTACT: JOHN C. WRIGHT, P.E.

SHEET INDEX		
SHEET NO.	TITLE	DATE
1	ZONING MAP AMENDMENT	10/1/18
2	EXISTING CONDITIONS	10/1/18

SCHEDULE OF FEES		
DESCRIPTION	AMOUNT	DATE
PLANNING	\$1,000.00	10/1/18
PERMITS	\$2,000.00	10/1/18
TOTAL	\$3,000.00	

**BOHLER ENGINEERING**  
 28 BLACKWELL PARK LANE, SUITE 201  
 WARRENTON, VIRGINIA 20186  
 (540) 548-6500  
 VA@BohlerEng.com

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**REVISIONS**

NO.	DATE	DESCRIPTION
1	10/1/18	ISSUED FOR PERMITS

---

**811**  
 PREPARE TO CALL  
 BEFORE YOU DIG  
 1-800-4-A-DAWG

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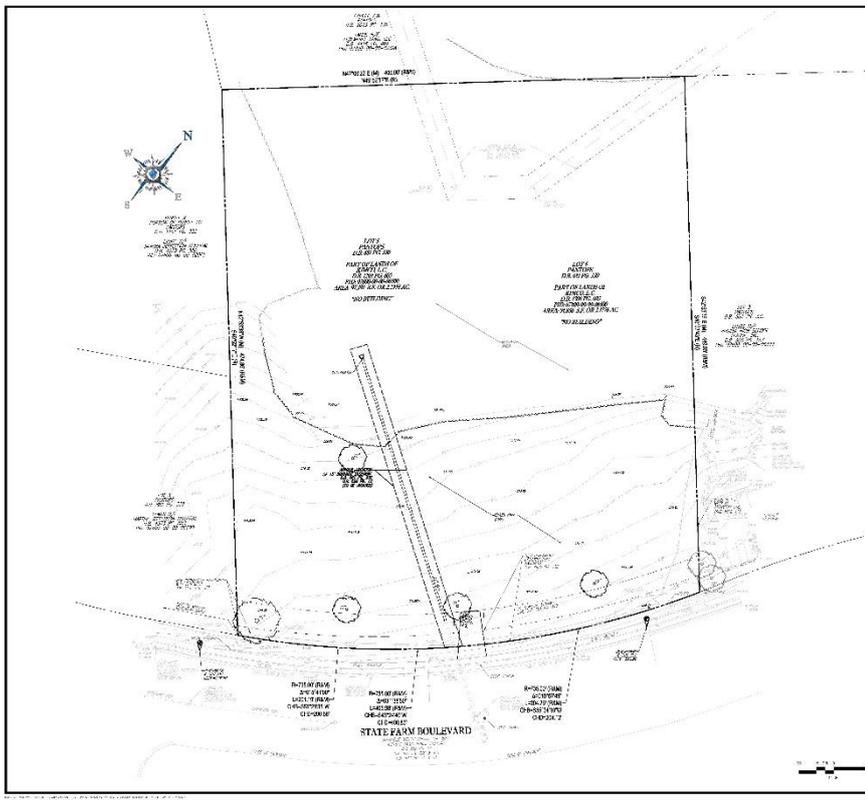
**ZONING MAP AMENDMENT**  
 PT HOTEL, LLC

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**BOHLER ENGINEERING**  
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 WARRENTON, VIRGINIA 20186  
 (540) 548-6500  
 VA@BohlerEng.com

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**COVER SHEET**  
 1



**BOHLER ENGINEERING**  
 28 BLACKWELL PARK LANE, SUITE 201  
 WARRENTON, VIRGINIA 20186  
 (540) 548-6500  
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**REVISIONS**

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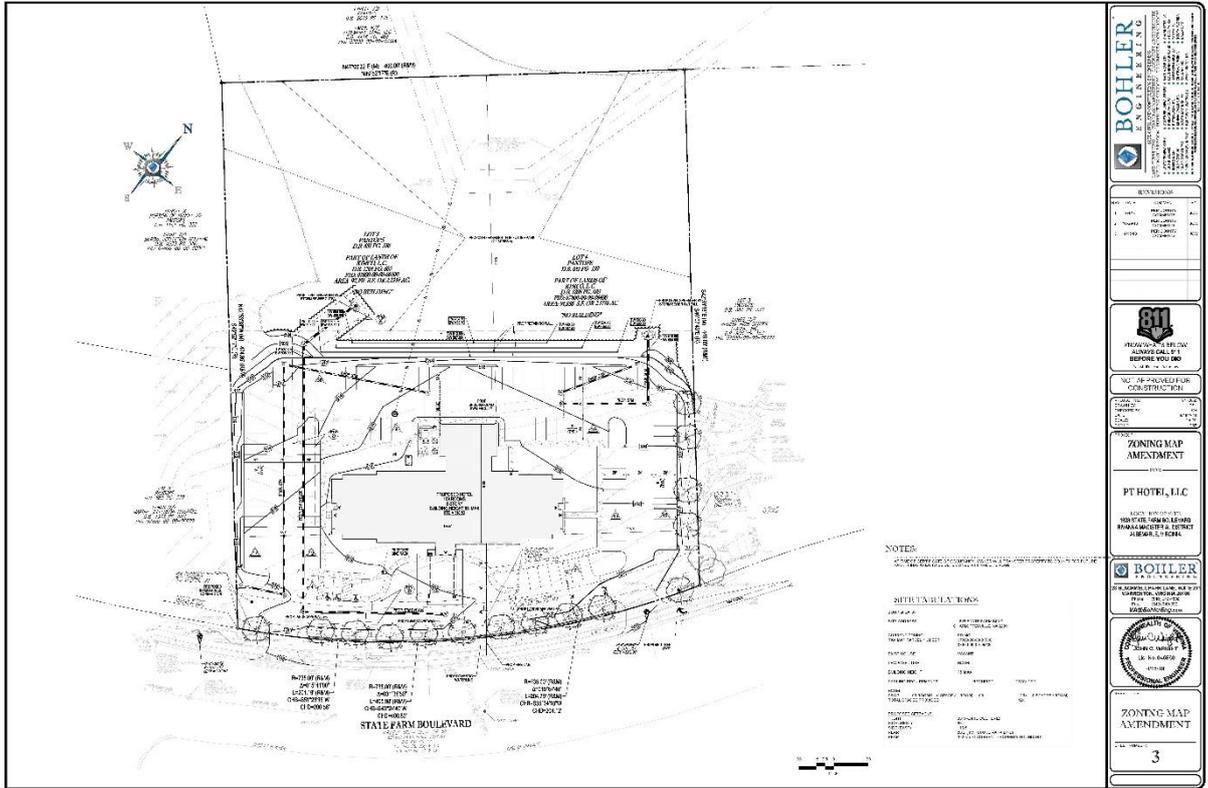
**ZONING MAP AMENDMENT**  
 PT HOTEL, LLC

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 28 BLACKWELL PARK LANE, SUITE 201  
 WARRENTON, VIRGINIA 20186  
 (540) 548-6500  
 VA@BohlerEng.com

---

**EXISTING CONDITIONS**  
 2



**BOHLER ARCHITECTS, P.C.**  
 12345 MAIN STREET, SUITE 100  
 ALEXANDRIA, VA 22304  
 TEL: 703.555.1234  
 FAX: 703.555.5678  
 WWW.BOHLERARCHITECTS.COM

**REVISIONS:**

NO.	DATE	DESCRIPTION
1	08/15/2023	ISSUED FOR PERMIT
2	08/20/2023	REVISED PER CITY COMMENTS
3	09/05/2023	REVISED PER CITY COMMENTS

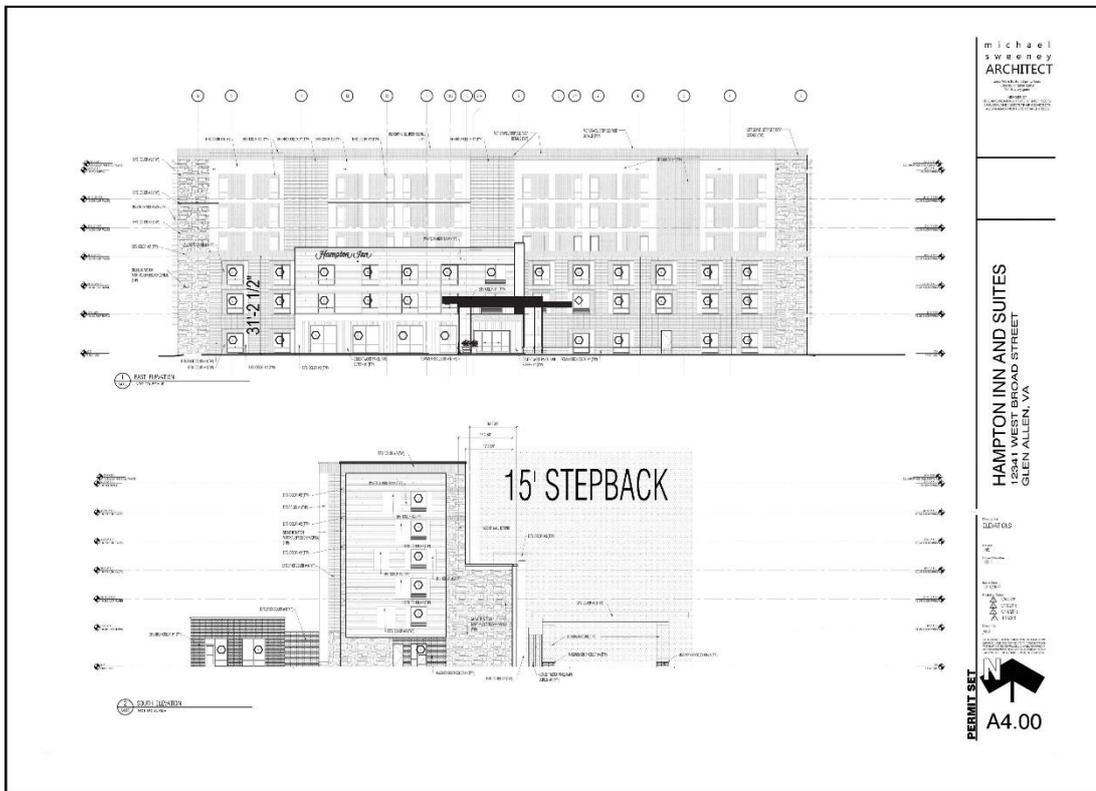
**PERMIT TO CONSTRUCT**  
 REVIEWED BY: [Signature]  
 DATE: 09/15/2023

**ZONING MAP AMENDMENT**  
 11111

**PT HOTEL, LLC**

**BOHLER ARCHITECTS, P.C.**  
 12345 MAIN STREET, SUITE 100  
 ALEXANDRIA, VA 22304  
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 FAX: 703.555.5678  
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**ZONING MAP AMENDMENT**  
 3



**michael s. gray ARCHITECT**  
 12345 MAIN STREET, SUITE 100  
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 FAX: 703.555.5678  
 WWW.MGRAYARCHITECT.COM

**REVISIONS:**

NO.	DATE	DESCRIPTION
1	08/15/2023	ISSUED FOR PERMIT
2	08/20/2023	REVISED PER CITY COMMENTS
3	09/05/2023	REVISED PER CITY COMMENTS

**PERMIT TO CONSTRUCT**  
 REVIEWED BY: [Signature]  
 DATE: 09/15/2023

**ZONING MAP AMENDMENT**  
 11111

**PT HOTEL, LLC**

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**ZONING MAP AMENDMENT**  
 4

Architectural drawings for Hampton Inn and Suites, including a floor plan and a section showing a 15' stepback. The drawings are accompanied by a permit set stamp and a title block.

**15' STEPBACK**

**PERMIT SET**

**A4.01**

**BUILDING ELEVATIONS**

**5**

**michael swenney ARCHITECT**

**BOHLER**

**HAMPTON INN AND SUITES**  
12241 WEST BROAD STREET  
GLEN ALLEN, VA

**ZONING MAP AMENDMENT**

**PT HOTEL, LLC**



EXHIBIT 1.

*Michael Sweeney*  
MICHAEL SWEENEY V.P. PT HOTEL, LLC