



COUNTY OF ALBEMARLE
Department of Planning & Community Development
401 McIntire Road, Room 218
Charlottesville, Virginia 22902-4596
(434) 296 - 5823
Fax (434) 972 - 4012

July 11, 2002

Robert T. Smith
P O Box 7120
Charlottesville, VA 22906

RE: ZMA-1999-013 Young America and SP-1999-059 Young America
Tax Map 76M1, Parcel 1

Dear Mr. Smith:

The Albemarle County Board of Supervisors, at its meeting on July 3, 2002, took the following actions:

- **ZMA-1999-013 Young America** – Approved subject to proffers dated 5/7/02 and signed by Kevin P. Mahaney, President for Morris Creek Yacht Club (copy attached).
- **SP-1999-059 Young America** – Approved as submitted.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, reading "V. Wayne Cillimberg".

V. Wayne Cillimberg
Director of Planning & Community Development

VWC/jcf

Cc: Amelia McCulley

Jack Kelsey

Matt Grimes

Original Proffer: 4/3/02
 Amended Proffer 6/6/02
 (Amendment # 3)

PROFFER FORM

Date: 5/7/02

ZMA #: 99-59

Tax Map and Parcel Number(s): 76M(1)-1 and 76-55A

2.20 Acres to be rezoned from LI to HC (0.43 acres unzoned former VDOT right-of-way)

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the owner, or its duly authorized agent, hereby voluntarily proffers the conditions listed below which shall be applied to the property, if rezoned. These conditions are proffered as a part of the requested rezoning and it is agreed that: (1) the rezoning itself gives rise to the need for the conditions; and (2) such conditions have a reasonable relation to the rezoning request.

1. The development of the site will be in general accord with the plan entitled "Conceptual Site Plan", prepared by John McNair and Associates, dated January 8, 2002 and revised on April 2, 2002.
2. The Owners shall restrict the uses on the property to hotels, motels, restaurants, service stations, convenience stores and gift, craft or antique shops.
3. Vehicular access from 5th street to development on the properties subject to ZMA 99-13 and SP 99-59 shall be provided by a single entrance to be shared with the existing Holiday Inn. The final site plan for development of the subject properties shall cause the existing entrance to the Holiday Inn to be modified to be used as an "in only" entrance as shown on the Conceptual Site Plan and the modified entrance shall meet Virginia Department of Transportation standards for one-way commercial entrances. Additionally, the final site plan shall provide the Holiday Inn with an additional entrance for two-way traffic flow. This additional entrance shall be at a minimum safe distance from the "in only" entrance as determined by the Albemarle County Engineering Department.
4. All proposed buildings shall be sited so that the fronts of the buildings are oriented to face 5th Street as generally shown on the Conceptual Site Plan.
5. All fuel islands shall be located behind a building as generally shown on the Conceptual Site Plan.
6. All existing and new utility lines on the proposed site shall be underground. The placement of these underground utilities shall be shown and constructed as part of any final site plan for development of the rezoned properties.
7. As part of preliminary site plan submitted for any development on the rezoned property, the owner shall conduct a Traffic Study which reflects the traffic impacts of all the proposed uses and the existing Holiday Inn (Tax Map 76 Parcel 55C). All improvements identified by the traffic study shall be subject to VDOT and County Engineering approval and provided prior to the issuance of a certificate of occupancy. These improvements, if required by the traffic study, may include, but shall not be limited to, a traffic signal at the entrance from 5th Street; an extension of the turn lane in the northbound lane of 5th Street coming from Interstate 64, and an extension of the existing turn lane from 5th Street southbound to the entrance of the proposed development.
8. The Owners shall grant an easement to the County for the "Greenway Easement" as shown on the accompanying Conceptual Site Plan provided that the County holds the owner harmless as provided in Virginia Code §29.1-509(E). This easement shall be granted within 90 days of approval by the Board of Supervisors of ZMA 99-13 and SP 99-59.

In conjunction with the Greenway, the Owner(s) shall:

- A. In addition to the screening requirements of the Albemarle County Architectural Review Board and section 32 of the Albemarle County Zoning Ordinance, the owner shall provide a vegetated buffer for the purposes of screening the development from the proposed greenway trail shown on the Conceptual Site Plan. This

vegetated buffer shall be provided in a manner consistent with section 32.7.9.2 of the Albemarle County Zoning Ordinance and the landscaping shall be shown on the final site plan and installed as part of any final site plan for development of the rezoned properties.

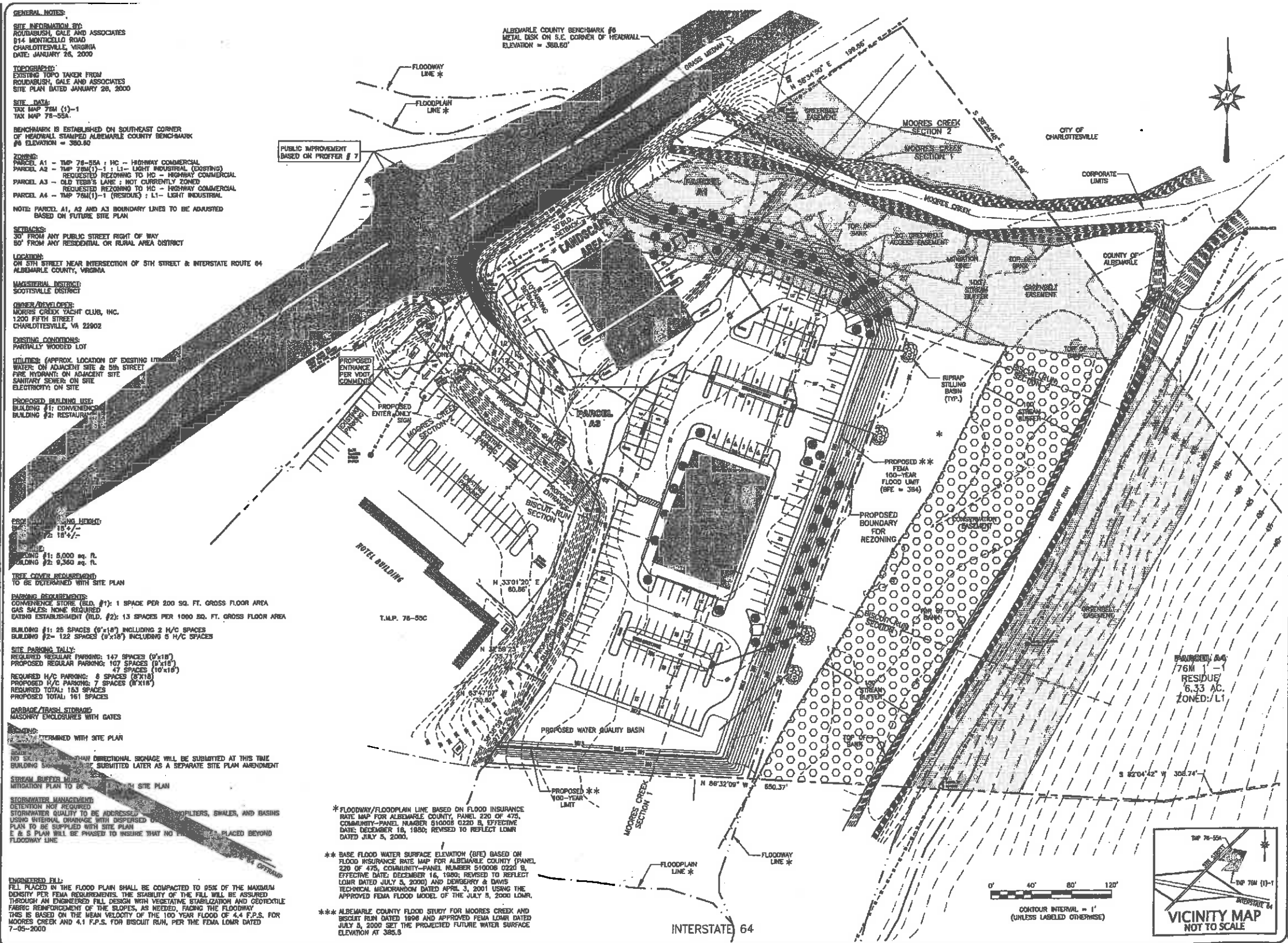
- B. Steps and a vehicle travelway from the proposed parking area to the edge of the proposed Greenway Easement shall be constructed in the approximate locations shown on the Conceptual Site Plan. These improvements shall be shown and constructed as part of any final site plan for development of the rezoned properties and maintained by the owner.
- C. A contribution of five hundred dollars (\$500.00) shall be made to the County to upgrade the existing bridge that formerly served the Old Lynchburg Road that lies in the proposed Greenway easement. This contribution shall be made prior to Final Site Plan approval.

<u><i>[Signature]</i></u> Signatures of All Owners <u>for Morris Creek Yacht Club</u>	<u>Kevin P Mahoney, pres.</u> Printed Names of All Owners <u>for Morris Creek Yacht Club</u>	<u>6-13-02</u> Date <u>6-13-02</u>
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OR

 Signature of Attorney-in-Fact
 (Attach Proper Power of Attorney)

 Printed Name of Attorney-in-Fact



GENERAL NOTES:

SITE INFORMATION BY:
ROUNDBUSH, GALE AND ASSOCIATES
914 MONTICELLO ROAD
CHARLOTTESVILLE, VIRGINIA
DATE: JANUARY 26, 2000

TOPOGRAPHY:
EXISTING TOPO TAKEN FROM
ROUNDBUSH, GALE AND ASSOCIATES
SITE PLAN DATED JANUARY 26, 2000

SITE DATA:
TAX MAP 76M (1)-1
TAX MAP 76-55A

BENCHMARK: IS ESTABLISHED ON SOUTHEAST CORNER
OF HEADWALL STAMPED ALBEMARLE COUNTY BENCHMARK
#6 ELEVATION = 380.60

ZONING:
PARCEL A1 - TWP 76-55A : HC - HIGHWAY COMMERCIAL
PARCEL A2 - TWP 76M(1)-1 : L1 - LIGHT INDUSTRIAL (EXISTING)
REQUESTED REZONING TO HC - HIGHWAY COMMERCIAL
PARCEL A3 - OLD TEBB'S LANE : NOT CURRENTLY ZONED
REQUESTED REZONING TO HC - HIGHWAY COMMERCIAL
PARCEL A4 - TWP 76M(1)-1 (RESIDUE) : L1 - LIGHT INDUSTRIAL

NOTE: PARCEL A1, A2 AND A3 BOUNDARY LINES TO BE ADJUSTED
BASED ON FUTURE SITE PLAN

SETBACKS:
30' FROM ANY PUBLIC STREET RIGHT OF WAY
50' FROM ANY RESIDENTIAL OR RURAL AREA DISTRICT

LOCATION:
ON 5TH STREET NEAR INTERSECTION OF 5TH STREET & INTERSTATE ROUTE 64
ALBEMARLE COUNTY, VIRGINIA

MAJOR DISTRICT:
SCOTTSDALE DISTRICT

OWNER/DEVELOPER:
MOORE'S CREEK YACHT CLUB, INC.
1200 FIFTH STREET
CHARLOTTESVILLE, VA 22902

EXISTING CONDITIONS:
PARTIALLY WOODED LOT

UTILITIES (APPROX. LOCATION OF EXISTING UTILITIES):
WATER ON ADJACENT SITE & 5TH STREET
FIRE HYDRANT ON ADJACENT SITE
SANITARY SEWER ON SITE
ELECTRICITY ON SITE

PROPOSED BUILDING USE:
BUILDING #1: CONVENIENCE
BUILDING #2: RESTAURANT

PROPOSED BUILDING HEIGHT:
BUILDING #1: 10' +/-
BUILDING #2: 12' +/-

AREA:
BUILDING #1: 5,000 sq. ft.
BUILDING #2: 9,360 sq. ft.

TREE COVER REQUIREMENTS:
TO BE DETERMINED WITH SITE PLAN

PARKING REQUIREMENTS:
CONVENIENCE STORE (BLD. #1): 1 SPACE PER 200 SQ. FT. GROSS FLOOR AREA
GAS SALES: NONE REQUIRED
EATING ESTABLISHMENT (BLD. #2): 13 SPACES PER 1000 SQ. FT. GROSS FLOOR AREA

BUILDING #1: 26 SPACES (9'x18') INCLUDING 2 H/C SPACES
BUILDING #2: 122 SPACES (9'x18') INCLUDING 5 H/C SPACES

SITE PARKING TALLY:
REQUIRED REGULAR PARKING: 147 SPACES (9'x18')
PROPOSED REGULAR PARKING: 107 SPACES (9'x18')
47 SPACES (10'x18')

REQUIRED H/C PARKING: 8 SPACES (9'x18')
PROPOSED H/C PARKING: 7 SPACES (9'x18')
REQUIRED TOTAL: 155 SPACES
PROPOSED TOTAL: 161 SPACES

CARRIAGE/TRASH STORAGE:
MASONRY ENCLOSURES WITH GATES

REZONING:
TO BE DETERMINED WITH SITE PLAN

NO SIGNAGE:
NO SIGNAGE OTHER THAN DIRECTIONAL SIGNAGE WILL BE SUBMITTED AT THIS TIME
BUILDING SIGNAGE TO BE SUBMITTED LATER AS A SEPARATE SITE PLAN AMENDMENT

STREAM BUFFER:
MITIGATION PLAN TO BE SUBMITTED WITH SITE PLAN

STORMWATER MANAGEMENT:
STORMWATER QUALITY TO BE ADDRESSED WITH FILTERS, SHALES, AND BASINS
USING INTERNAL DRAINAGE WITH DISPERSED
PLAN TO BE SUPPLIED WITH SITE PLAN
E & S PLAN WILL BE PHASED TO INSURE THAT NO FLOODING IS PLACED BEYOND
FLOODWAY LINE

ENGINEERED FILL:
FILL PLACED IN THE FLOOD PLAIN SHALL BE COMPACTED TO 95% OF THE MAXIMUM
DENSITY PER FEMA REQUIREMENTS. THE STABILITY OF THE FILL WILL BE ASSURED
THROUGH AN ENGINEERED FILL DESIGN WITH VEGETATIVE STABILIZATION AND GEOTEXTILE
FABRIC REINFORCEMENT OF THE SLOPES, AS NEEDED, FACING THE FLOODWAY
THIS IS BASED ON THE MEAN VELOCITY OF THE 100 YEAR FLOOD OF 4.4 F.P.S. FOR
MOORE'S CREEK AND 4.1 F.P.S. FOR BISCUIT RUN, PER THE FEMA LOMR DATED
7-05-2000

*** FLOODWAY/FLOODPLAIN LINE BASED ON FLOOD INSURANCE
RATE MAP FOR ALBEMARLE COUNTY, PANEL 220 OF 475,
COMMUNITY-PANEL NUMBER 510006 0220 B, EFFECTIVE
DATE: DECEMBER 16, 1980; REVISED TO REFLECT LOWR
DATED JULY 5, 2000.**

**** BASE FLOOD WATER SURFACE ELEVATION (RFE) BASED ON
FLOOD INSURANCE RATE MAP FOR ALBEMARLE COUNTY (PANEL
220 OF 475, COMMUNITY-PANEL NUMBER 510006 0220 B,
EFFECTIVE DATE: DECEMBER 16, 1980; REVISED TO REFLECT
LOWR DATED JULY 5, 2000) AND DERIGNEY & DAVIS
TECHNICAL MEMORANDUM DATED APRIL 3, 2001 USING THE
APPROVED FEMA FLOOD MODEL OF THE JULY 5, 2000 LOWR.**

***** ALBEMARLE COUNTY FLOOD STUDY FOR MOORE'S CREEK AND
BISCUIT RUN DATED 1996 AND APPROVED FEMA LOWR DATED
JULY 5, 2000 SET THE PROJECTED FUTURE WATER SURFACE
ELEVATION AT 385.5**

REVISIONS	
NO.	DATE
1	01-29-02

John McNair and Associates
Consulting Engineers
L.B. McNair Building
P.O. Box 942-1
Charlottesville, VA 22902
Phone: (804) 942-1153
Fax: (804) 942-1153
E-Mail: jmcnair@earthlink.net

CONCEPTUAL SITE PLAN
5TH STREET DEVELOPMENT
MORRIS CREEK YA' CLUB, INC.
CHARLOTTESVILLE, VIRGINIA

PROJECT NO. 201104
DATE: 01-29-02
DESIGN BY: DUC
DRAWN BY: CEN
APPROVED: DUC
SCALE: 1" = 40'
SHEET NUMBER:
C2
OF 4 SHEETS



COUNTY OF ALBEMARLE
Department of Community Development
401 McIntire Road, Room 227
Charlottesville, Virginia 22902-4596

Phone (434) 296-5832

Fax (434) 972-4012

May 30, 2008

Katurah S. Roell
172 South Pantops Drive
Charlottesville, Va 22911

RE: SP200700063 5th Street Development
Tax Map Parcel 76-55A and Tax Map Parcel 76M1-1

Dear Mr. Roell:

On May 14, 2008, the Albemarle County Board of Supervisors took action on SP #2007-00063, 5th Street Development to allow a special use permit for fill in the floodplain on Tax Map Parcel 76-55A and Tax Map Parcel 76M1-1 in the Scottsville District. This special use permit was approved based on the following conditions:

1. The fill in the floodplain shall be shown on a site development plan and shall be in general accord with the "Conceptual Site Plan," dated January 8, 2002, and most recently revised on March 10, 2008, except as may be modified in order to meet the requirements of the County's Water Protection Ordinance, as determined by the County Engineer;
2. The County Engineer's approval of an erosion and sediment control plan;
3. The County Engineer's receipt of proof of compliance with Federal and State agencies regulating activities affecting wetlands and watercourses. The applicant must obtain a map revision, a letter of map revision, or a letter of amendment as required from the Federal Emergency Management (FEMA) and copy the County Engineer on all correspondence;
4. The County Engineer's approval of a mitigation plan outlining mitigation measures for encroachments into the stream buffer; and
5. The County Engineer's approval of computations and plans documenting changes to the floodplain. Computations must demonstrate compliance with Sections 30.3.2.2 [verification of limits of floodway and floodway fringe] and 30.3.3 [general requirements for flood hazard overlay districts] of the Zoning Ordinance. Plans must show the existing and proposed floodplain boundaries and elevations.

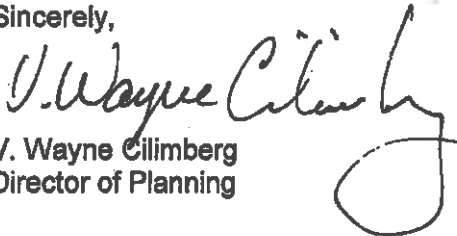
Please be advised that although the Albemarle County Board of Supervisors took action on the project noted above, no uses on the property as approved above may lawfully begin until all applicable approvals have been received and conditions have been met. This includes:

- compliance with conditions of the SPECIAL USE PERMIT;
- approval of and compliance with a SITE PLAN; and
- approval of a ZONING COMPLIANCE CLEARANCE.

In the event that the use, structure or activity for which this special use permit is issued is not commenced within twenty-four (24) months from the date of Board approval, it shall be deemed abandoned and the permit terminated. The term "commenced" means "construction of any structure necessary to the use of the permit."

If you have questions or comments regarding the above-noted action, please do not hesitate to contact Sherri Proctor at 296-5832.

Sincerely,


V. Wayne Cilimberg
Director of Planning

Cc: 64 and Fifth, LLC
109 Robinson Woods
Charlottesville, Va 22903

Morris Creek Yacht Club LLC C/O The Olympia Companies
280 Fore St
Portland Me 04101

Email Copy: Tex Weaver; Chuck Proctor; Sherri Proctor; Stewart Wright

File

GENERAL NOTES:

SITE INFORMATION BY:
KOUDBUSI, GALE AND ASSOCIATES
514 MONTICELLO ROAD
CHARLOTTESVILLE, VIRGINIA
DATE: JANUARY 26, 2000

TOPOGRAPHY:
EXISTING TOPO TAKEN FROM
KOUDBUSI, GALE AND ASSOCIATES
SITE PLAN DATED JANUARY 26, 2000

SITE DATA:
TAX MAP 76M (1)-1
TAX MAP 76-55A

BENCHMARK IS ESTABLISHED ON SOUTHEAST CORNER
OF HADWALL STAMPED ALBEMARLE COUNTY BENCHMARK
#6 ELEVATION = 380.80

ZONING:
PARCEL A1 - TMP 76-55A : HC
PARCEL A2 - TMP 76-55A (OLD TEBB'S LANE) : HC
PARCEL A3 - TMP 76M(1)-1 : HC
PARCEL A4 - TMP 76M(1)-1 (RE-DUE) : L1

NOTE: PARCEL A1, A2 AND A3 BOUNDARY
LINES TO BE ADJUSTED BASED ON FUTURE SITE PLAN

SETBACKS:
30' FROM ANY PUBLIC STREET RIGHT OF WAY
50' FROM ANY RESIDENTIAL OR RURAL AREA DISTRICT

LOCALITY:
ON 5TH STREET NEAR INTERSECTION OF 5TH STREET
INTERSTATE 64, ALBEMARLE COUNTY, VIRGINIA

MAGISTRAL DISTRICT:
SCOTTSDALE DISTRICT

OWNER:
MORRIS CREEK YACHT CLUB, INC.
1200 FIFTH STREET
CHARLOTTESVILLE, VA 22902

EXISTING CONDITIONS:
PARTIALLY WOODED LOT

UTILITIES (APPROX. LOCATION OF EXISTING UTILITIES SHOWN):
WATER: ON ADJACENT SITE & 5TH STREET
FIRE HYDRANT: ON ADJACENT SITE
SANITARY SEWER: ON SITE
ELECTRICITY: ON SITE

PROPOSED BUILDING USE:
BUILDING #1: CONVENIENCE STORE
BUILDING #2: RESTAURANT

PROPOSED BUILDING HEIGHT:
BUILDING #1: 12'-0"
BUILDING #2: 18'-0"

LAND USE:
BUILDING #1: 5,000 sq. ft.
BUILDING #2: 8,580 sq. ft.

TRAIL COVER REQUIREMENT:
TO BE DETERMINED WITH SITE PLAN

PARKING REQUIREMENTS:
CONVENIENCE STORE (Bld. #1): 1 SPACE PER 200 SQ. FT. GROSS FLOOR AREA
GAS SALES WAREHOUSE (Bld. #2): 13 SPACES PER 1000 SQ. FT. GROSS FLOOR AREA

BUILDING #1: 25 SPACES (9'x18') INCLUDING 2 H/C SPACES
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REQUIRED H/C PARKING: 5 SPACES (8'x18')
PROPOSED H/C PARKING: 7 SPACES (8'x18')
REQUIRED TOTAL: 153 SPACES
PROPOSED TOTAL: 161 SPACES

GARBAGE/ASH STORAGE:
MASONRY ENCLOSURES WITH GATES

JOINTING:
TO BE DETERMINED WITH SITE PLAN

SIGNAGE:
NO SIGNAGE OTHER THAN DIRECTIONAL SIGNAGE WILL BE SUBMITTED AT THIS TIME
BUILDING SIGNAGE MAY BE SUBMITTED LATER AS A SEPARATE SITE PLAN AMENDMENT

STREAM BUFFER MITIGATION:
MITIGATION PLAN TO BE SUPPLIED WITH FUTURE SITE PLAN

STORMWATER MANAGEMENT:
RETENTION NOT REQUIRED
STORMWATER QUALITY TO BE ADDRESSED THROUGH BIOFILTERS, SWALES, AND BASINS
USING INTERNAL DRAINAGE WITH DISPERSED OUTFALLS
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MOORES CREEK AND 4.1 F.P.S. FOR BISCUIT RUN, PER THE FEMA LOMR DATED
7-05-2000



REVISIONS	
NO.	BY
1	COMMENTS
2	COMMENTS
3	COMMENTS

DATE: 04-02-01
DATE: 04-02-01
DATE: 04-02-01

John McNair and Associates
Consulting Engineers
11408 Building - Waynesboro, VA 22986
Ph: (540) 942-1161 - Fax: (540) 942-1163
E-Mail: jmc@mcnaire.com

PROFESSIONAL ENGINEER
DAVID L. COLLINS
No. 10,200-B
3/19/10, 2005

CONCEPTUAL SITE PLAN
5TH STREET DEVELOPMENT
64 AND FIFTH, LLC
ALBEMARLE COUNTY, VIRGINIA

PROJECT NO.: 207162
DRG. DATE: 31 08 02
DESIGN BY:
DRAWN BY:
APPROVED:
SCALE: AS SHOWN
SHEET NUMBER:
C-2
OF 4 SHEETS

