



ZMA 98-20

COUNTY OF ALBEMARLE

Dept. of Planning & Community Development

401 McIntire Road

Charlottesville, Virginia 22902-4596

(804) 296-5823

October 28, 1998

Steve Melton  
195 Riverbend Dr  
Charlottesville, VA 22911

RE: ZMA-98-20 Pantops PD-MC  
Tax Map 78, Parcels 20A, 73, 73A, 75 and 76

Dear Mr. Melton:

The Albemarle County Board of Supervisors, at its meeting on October 21, 1998, approved the above-noted request for approval of an application plan for the general development of 49.34 acres, zoned PD-MC (Planned Development Mixed Commercial); HC (Highway Commercial) and EC (Entrance Corridor Overlay District). Please note that this approval is subject to four modifications for the application plan and four requirements for application plan approval. The modifications and requirements are as follow:

Modifications for Application Plan approval:


- a. The Board granted a waiver of restrictions to development on critical slopes for and restricted to the Kroger Shopping Center site, the DMV site and to those areas shown for roadways and other infrastructure improvements on the Application Plan. Subsequent requests for other critical slopes waivers as may be requested as other site plans are presented will be entertained by the Planning Commission.
- b. The Board did not find that the request for relief from stormwater detention requirements to be contrary to general planning/policy issues. The Board will allow administrative determination by the Engineering Department subject to satisfaction of the Engineering Department concerns as to adequacy of water quality measures as well as adequacy of downstream channels;
- c. The Board can determine no compelling reason to incorporate commercial roadways into the public road network. Private roads will generally allow more flexibility in site design due to more flexibility in setbacks and improvements which may occur within the right-of-way. Therefore, the Board approved usage of private roadways internal to the development. This should not be viewed as a zoning restriction/prohibition to Board approval of these roads as public roads at some future date; and
- d. The Board believes that PD-SC parking standard was intended to encourage a Planned Development approach for shopping center development. The Board found that this intent has been accomplished through this petition and that usage of the PD-SC parking standard would be appropriate with this intent as well as with standards of the Comprehensive Plan.

**Requirements for Application Plan approval:**

1. A landscape plan providing full screening of all buildings and parking areas visible from Monticello shall be provided as a condition of site plan approval for all development. The landscape plan may preserve existing trees or provide plantings which shall provide the necessary screening within 15 years.
2. A street tree plan providing a visual buffer for Hansen Road and Rolkin Road shall be provided as a condition of site plan or road plan approval. Large street trees shall be planted on both sides of such roads in accordance with Section 32.7.9.6 of the Zoning Ordinance and shall be staggered on opposite sides of the road.
3. All buildings shall be designed to provide rooftop style, treatment and color schemes which assure minimal visual impact on the Monticello viewshed. Assurance of such style, treatment and color schemes shall be a condition of final site plan approval. Such approval may be given by the Director of Planning and Community Development after providing notice to the Thomas Jefferson Memorial Foundation and an opportunity for Foundation comments to be considered.
4. Approval and execution of the Four Party Road Improvement Agreement substantially in accord with the document dated October 20, 1998, and attached hereto, shall be required prior to the approval of any development plan.

If you have any questions or comments regarding the above-noted action, please do not hesitate to contact me.

Sincerely,



Ronald S. Keeler  
Chief of Planning

RSK/jcf

Cc: Amelia McCulley  
Jack Kelsey  
Tex Weaver  
Steve Allshouse  
Gordon Gledhill



COUNTY OF ALBEMARLE  
Department of Building Code and Zoning Services  
401 McIntire Road, Room 227  
Charlottesville, Virginia 22902-4596

FAX (804) 972-4126

TELEPHONE (804) 296-5832

TTD (804) 972-4012

MEMORANDUM

TO: The file, ZMA 98-20

FROM: Amelia McCulley, Zoning Administrator *AM*  
Wayne Cilimberg, Director of Planning and Community Development *WJC*

DATE: 01/19/01

RE: Landscape Plans for the entire Pantops PD-MC zoned by ZMA 98-20

This document is a Memorandum of Agreement set forth in an effort to meet the intent of the first "Requirements for Application Plan Approval" from ZMA 98-20. On October 21, 1998 the Board of Supervisors approved the Planned Development Mixed Commercial Application Plan with the following condition:

1. A landscape plan providing full screening of all buildings and parking areas visible from Monticello shall be provided as a condition of site plan approval for all development. The landscape plan may preserve existing trees or provide plantings which shall provide the necessary screening within 15 years.

The goal of "full screening" is not only to fully obscure but to provide the maximum screening through integration with the existing character of the forested slopes within the viewshed of Monticello. The County, the Developer and Thomas Jefferson Memorial Foundation all hereby agree that the following guidelines will be used in review of all the pertinent site plans on a case-by-case basis:

The sites should appear as natural as possible after development. This may involve randomly placing trees on a slope rather than having a large mowed area or a staggered row of evergreens. It may also provide for screening evergreen trees to be mixed with deciduous trees so as not to create a "block of green" every winter when the deciduous trees in the naturalized areas surrounding the development drop their leaves. The screening needs to be substantial, but a softer silhouette than the standard, using indigenous trees wherever possible, and scattered or in clumps, not in rows. Consideration should be given to species that will grow to a substantial size and are disease resistant so that they will survive and integrate into the native habitat.

There will be different considerations on each site depending on the acreage of the site, the topography or terrain, the visibility from Monticello, and the surrounding natural microcosm. The height, size, layout and colors used on the buildings to be constructed will also effect the required landscaping. Since cars and other vehicles reflect light and draw attention to one spot in a field of vision, thorough landscaping of parking lots and accessways is also a major consideration.

Planning staff in their professional capacity will review the landscape plans for all sites within the PD-MC. In the process, they must uphold the Zoning Ordinance, the conditions of the Application Plan, and help achieve the goals set out above.

Agreed to by:

*Kat Imhoff*  
Kat Imhoff, for Thomas Jefferson Memorial Foundation

*Steve Melton*  
Steve Melton, for Hurt Investment Company



# COUNTY OF ALBEMARLE

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

February 25, 2003

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Katurah Roell  
195 Riverbend Drive  
Charlottesville, VA 22911

Dennis Minetos  
1389 Richmond Road  
Charlottesville, VA 22911

RE: ZMA-02-08 South Pantops Office; Tax Map 78, Parcel 73A and 13

Dear Mr. Roell and Mr. Minetos:

The Albemarle County Board of Supervisors, at its meeting on, February 12, 2003, approved by a vote of 6:0, to amend the application plan for ZMA 98-20 for the Tax Map 78, Parcel 73A as outlined below, and with acceptance of the applicant's proffers (attached).

**Tax Map 78-73A: Modification of the ZMA 98-20 Application Plan and Proffers:**

- A. The portion of the Application Plan for ZMA 98-20 (Attachment B), outlined in red, located generally west of Hansen Road, and comprised of the area designated as "Hotel # 7 - 100 Rooms" on the attached copy of the ZMA 98-20 Application Plan, is amended to allow "Office Space" instead of a hotel. The development of this Office Space area shall be in general accord with the "Preliminary Site Development Plans for Office at South Pantops", prepared by Rivanna Engineering, dated January 3, 2002 and revised January 7, 2003 (Attachment A).
- B. The portion of the Application Plan for ZMA 98-20 (Attachment B) outlined in blue, located generally east of Hansen Road, and comprised of the area designated as "Office Space # 5 - 45,000 SQ FT". is amended to reduce the permitted square footage of office space use from forty-five thousand (45,000) square feet to twenty thousand (20,000) square.
- C. The tree conservation area depicted by dotted lines on the "Preliminary Site Development Plans for Office at South Pantops", prepared by Rivanna Engineering, dated January 3, 2002 and revised January 7, 2003 (Attachment A) may be reduced in size so that its western boundary is moved in from the common property line with Tax Map 78 parcel 13A by up to fifty (50) feet.
- D. The three modifications listed in A, B and C above are in addition to those previously approved, and in all other respects the previously approved Application Plan and the modifications and requirements reflected in the October 28, 1998 letter (Attachment C) apply.
- E. The applicant shall provide the County with a modified application plan showing the changes authorized by the modifications, listed in A, B and C above, per section 8.5.5 of the Albemarle County Zoning Ordinance. However, the modified application plan can be limited to the area covered by this zoning request.
- F. Accept the proffer pertaining to the 120-foot "no build zone" (Attachment D).

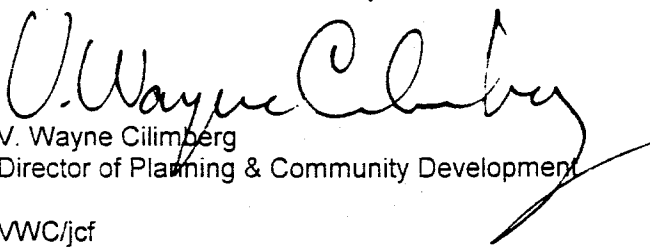
The Board also approved by a 6:0 vote to rezone a portion of Tax Map 78, Parcel 13 from the Planned Development Mixed Commercial District (PD-MC) to Highway Commercial (HC) as outlined below and with acceptance of the applicants proffer (see attached).

**Tax Map 78-13: Rezoning from PDMC to HC:**

- A. The portion of the Application Plan for ZMA 98-20 (Attachment B), outlined in green, which was added to Tax Map 78 parcel 13, is rezoned to HC (Highway Commercial) from PDMC (Planned Development-Mixed Commercial).
- B. Accept the proffer pertaining to the 120-foot "no build zone" (Attachment D).

If you should have any questions or comments regarding the above-noted action, please do not hesitate to contact me.

Sincerely,



V. Wayne Cilimberg  
Director of Planning & Community Development

WVC/jcf

Cc: Amelia McCulley  
Jack Kelsey  
Tex Weaver  
Steve Allshouse  
Matt Grimes, VDOT

Original Proffer 1/1/02  
 Amended Proffer 2/12/03  
 (Amendment # 3)

**PROFFER FORM**  
 (For South Pantops Office)

Date: February 12, 2003  
 ZMA # 2002-008  
 Tax Map and Parcel Number(s) 78-73A

6.96+ Acre to be rezoned from PDMC to PDMC

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 Owner hereby proffers not to construct any building within 120 feet of the common property line with Carriage Gate (TMP 78-20NN) for the purposes of the possibility of extending a road through that portion of the property for a period of TEN years. After such time this proffer will expire.

by Hurt Investment Co.  
 Signatures of All Owners Charles W. Hurt Printed Names of All Owners 2-12-03 Date

OR

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

Printed Name of Attorney-in-Fact

Original Proffer 1/7/02  
 Amended Proffer 2/12/03  
 (Amendment # 3)

**PROFFER FORM**  
 (For Dennis Enterprises)

Date: February 12, 2003  
 ZMA # 2002-008  
 Tax Map and Parcel Number(s) 78-13

1 + Acre to be rezoned from PDMC to HC

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 Owner hereby proffers not to construct any building within 120 feet of the common property line with Carriage Gate (TMP 78-20NN) for the purposes of the possibility of extending a road through that portion of the property for a period of TEN years. After such time this proffer will expire.

Dennis Minetos  
 Signatures of All Owners Dennis Minetos Printed Names of All Owners 2-12-03 Date

Signature of Attorney-in-Fact

Printed Name of Attorney-in-Fact