



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

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November 7, 2019

Justin Shimp
912 E. High St
Charlottesville VA 22902

RE: ZMA201900003 Royal Fern

Dear Mr. Shimp,

The Albemarle County Planning Commission, at its meeting on October 8, 2019, Denied deferral of ZMA201900003 Royal Fern, deferral as requested by the applicant as well as deferral of all 5 of the Special Exceptions. Deferral failed on a vote of 3:4.

The Planning Commission recommended denial of the application by a vote of 7:0 based on the proposed development's location including being bisected by Old Lynchburg Road, small acreage, reduction of open space and the community design do not meet the PUD intent regulation which is described as intended to serve as a neighborhood or mini-neighborhood within designated communities in urban development; there is a lack of information about possible solutions to the off-site impacts of traffic and schools; and thirdly, the proposed development does not adequately address the off-site impacts, specifically impacts to area traffic and the additional students that would be enrolled at Cale Elementary School, which is already over capacity. These impacts are both listed in the unfavorable factors section of the staff report.

The Planning Commission recommended denial by a vote of 7:0 of the special exception request for Section 20.7.1: PUD Minimum Area Requirements, because it was far below the actual acreage in the ordinance.

The Planning Commission recommended denial by a vote of 7:0 of the special exception request for Section 20.8.2: Open Space Requirements, because it is far below the amount required by the ordinance, and no adequate justification was given for that declination.

The Planning Commission recommended denial by a vote of 7:0 of the special exception request for Section 20.9.3: Total Gross Floor Area in Commercial and Service Areas of the PUD, reasons for this is that the request is far in excess of what would be allowed in the PUD, with many factors of magnitude.

The Planning Commission recommended denial by a vote of 7:0 of the special exception request for Section 20.9.4: PUD Building Permits Issuance for Commercial/Service Uses, because the rationale provided for the applicant to vary from the original ordinance was not sufficient.

The Planning Commission recommended denial by a vote of 7:0 of the special exception request for Section 20.10.3: PUD Building Permits Issuance for Shopping Center Uses, because the justification provided by the applicant was not sufficient.

If you should have any questions or comments regarding the above noted action, please do not hesitate to contact me at (434) 296-5832.

Sincerely,

Andy Reitelbach
Senior Planner
Planning Division

cc: Gambit LLC & Snow Paws LLC et als.
PO Box 6846
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cc: 5th Street Forest LLC
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