



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

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February 12, 2015

Mr. E. Randall Ralston
Manager
FTV Investments, LLC
943 Glenwood Station Lane, Suite 101
Charlottesville, VA 22901

RE: ZMA2012-00007 – 5th Street Commercial

Dear Mr. Ralston:

We have received your letter dated January 29, 2015, in which you requested that the indefinite deferral of the application for ZMA2012-00007 – 5th Street Commercial be extended. Section 33.4 (r) (2) of the Albemarle County Zoning Ordinance says:

“When application deemed withdrawn. An application shall be deemed to have been voluntarily withdrawn if the applicant requested that further processing or formal action on the application be indefinitely deferred and the commission or the board of supervisors is not requested by the applicant to take action on the application within one (1) year after the date the deferral was requested. Upon written request received by the director of planning before the one (1) year period expires, the director may grant one extension of the deferral period for a period determined to be reasonable, taking into consideration the size or nature of the proposed use, the complexity of the review, and the laws in effect at the time the request for extension is made. Upon written request received by the clerk of the board of supervisors before the extension of the deferral period granted by the director expires, the board of supervisors may grant one additional extension of the deferral period determined to be reasonable, taking into consideration the size or nature of the proposed use, the complexity of the review, and the laws in effect at the time the request for extension is made. The timely receipt by the clerk of the extension request shall toll the expiration of the extended deferral period until the board acts on the request.”

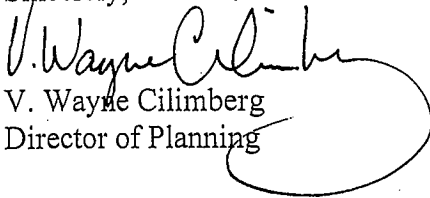
The initial applicant, Katurah Rouell, requested an indefinite deferral in an e-mail dated February 20, 2014, noting the need for additional time to obtain all the required information requested by the County in the February 5, 2014 staff comment letter. You have indicated that your current request for an extension of the deferral beyond February 20, 2015 is based on changes in

February 12, 2015

circumstances due to delays in the adjacent 5th Street Station development (Wegman's) and the need to change the scope of your traffic study due to changes in proposed uses on the property subject to the ZMA2012-00007 application. You have indicated that you anticipate the revised traffic study being completed in February, and therefore, plan to re-submit your application within the next 30 days. Based on the particulars of the ZMA2012-00007 application and the circumstances you describe relating to delays in the adjacent development and revisions to the traffic study, I can grant an extension of the deferral until August 31, 2015. Please be advised that in order to have a public hearing advertised for the last scheduled August Planning Commission meeting, August 18th, material to be reviewed by staff and considered at that public hearing must be re-submitted no later than June 15, 2015. This allows for staff's comments to be provided to you on July 15, 2015 in advance of the legal ad for that public hearing being ordered. Should you desire a further extension of the deferral beyond August 31, 2015, a written request must be made by that date to the Clerk of the Board of Supervisors. The Board can only grant one additional extension of the deferral period.

I trust this extension will enable you to complete the work necessary to bring ZMA2012-00007 5th Street Commercial to public hearing with the Planning Commission before August 31, 2015. Please coordinate with Claudette Grant, the planner coordinating review of this proposal, regarding the submittal of new information and scheduling this for a Planning Commission public hearing. Please do not hesitate to contact me should you have any questions.

Sincerely,



V. Wayne Cilimberg
Director of Planning

Cc: Claudette Grant, Senior Planner
Amelia McCulley, Zoning Administrator
Ella Carey, Clerk of the Board of Supervisors