

<p style="text-align: center;">ACTIONS Board of Supervisors Meeting of April 16, 2025</p>		
		April 17, 2025
AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
<p>1. Call to Order.</p> <ul style="list-style-type: none"> The meeting was called to order at 1:01 p.m. by the Chair, Mr. Andrews. All BOS members were present. Also present were Jeff Richardson, Andy Herrick, Claudette Borgersen, and Travis Morris. 		Link to Video
<p>4. Adoption of the Final Agenda.</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED the final agenda. 		
<p>5. Brief Announcements by Board Members.</p> <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> Extended her gratitude to the staff for hosting her budget town hall on the previous Monday evening. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Thanked community members who participated in the town hall at Western Albemarle High School. Reminded the community that the 59th rededication of the Dogwood Vietnam Memorial would be held on Friday, April 18 at 11:00 a.m. <p><u>Bea LaPisto-Kirtley:</u></p> <ul style="list-style-type: none"> Thanked those who attended the budget town hall at North Fork. <p><u>Jim Andrews:</u></p> <ul style="list-style-type: none"> Mentioned that Saturday, April 19 would be the Rivanna Solid Waste Authority (RSWA) Household Waste Unwanted Electronic Devices Collection and encouraged community members to sign up in advance. Mentioned that there would be hazardous household waste collection days on April 25 and April 26, from 8:30 a.m. to 4:00 p.m., on May 3 for mattresses and furniture, on May 10 for appliances, and on May 17 for tire collection. Announced that April 26 was National Drug Takeback Day and community members could take their unused medications to one of the designated locations: the 5th Street Police Station, Wegmans, Sentara Martha Jefferson Outpatient Care Center, or the Crozet Family Practice Medicine at Park Ridge. Stated that the Resilient Together Community Design Nights would be held starting April 28 at Carver Rec, followed by events on May 12 at Stony Point Elementary, May 20 at Yancey Community Center, and May 29 at Greenwood Community Center. 		
<p>7. Public Comment on: Matters Previously Considered or Currently Pending Before the Board (Other than Scheduled Public Hearings).</p> <ul style="list-style-type: none"> <u>Gary Grant</u>, Rio District resident, commented on recent budget town halls. <u>Neil Williamson</u>, Free Enterprise Forum, commented on item #11 on the agenda. 		
<p>8.2 Piedmont Liability Trust Tax Agreement.</p> <ul style="list-style-type: none"> ADOPTED resolution. 	<p><u>Clerk:</u> Forward copy of signed resolution to County Attorney's office. (Attachment 1)</p>	

		<u>County Attorney:</u> Provide Clerk with copy of fully executed agreement.
8.3	Board of Supervisors and Economic Development Authority Memorandum of Understanding. • APPROVED Memorandum of Understanding.	<u>Clerk:</u> Facilitate MOU execution. (Attachment 2)
8.4	SE-2025-00006 Avon Court Industrial (Stepback Waiver). • ADOPTED Resolution to approve a special exception to waive the 15-foot stepback requirement for the proposed industrial building.	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 3)
9.	SE-2025-00005 3130 Sugar Hill Lane Homestay. (White Hall Magisterial District) • By a vote of 6:0, ADOPTED resolution to approve the special exception.	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 4)
10.	Old Dominion Village - Private Central Sewerage System. • By a vote of 6:0, ADOPTED resolution approving the installation of a central sewerage system, subject to the conditions herein.	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 5)
	Recess. At 1:48 p.m., the Board recessed and reconvened at 2:05 p.m.	
11.	Work Session: AC44: Thriving Economy and Community Facilities & Infrastructure Draft Chapters. • HELD.	
	Note: Mr. Gallaway left the meeting at 3:51 and returned at 5:05.	
12.	Closed Meeting. • At 4:50 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 the assignment of specific employees of the County; • under subsection (3), to discuss and consider the acquisition of an interest in real property in the White Hall Magisterial District where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County; and • under subsection (7), to consult with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, including on a contract payment issue.	
13.	Certify Closed Meeting. • At 6:04 p.m., the Board reconvened into an open meeting and certified the closed meeting.	
14.	From the County Executive: Report on Matters Not Listed on the Agenda. • Presented the April Progress Albemarle report.	
15.	Public Comment on: Matters Previously Considered or Currently Pending Before the Board (Other than Scheduled Public Hearings). • There were none.	
16.	Pb. Hrg.: ZMA202300005 Berkmar Flats. • By a vote of 6:0, ADOPTED ordinance.	<u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 6)
17.	Pb. Hrg.: SP202400004 and SE202400004 The K9 Hotel.	<u>Clerk:</u> Forward copies of signed resolutions to Community

<ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED resolution to approve SP202400004. • By a vote of 6:0, ADOPTED resolution to approve SE202400004, as amended. 	Development and County Attorney's office. (Attachments 7 and 8)	
18. From the Board: Committee Reports and Matters Not Listed on the Agenda: <u>Jeff Richardson</u> <ul style="list-style-type: none"> • Commented that he had participated in the TomTom Festival that morning noting that that this was the first time the County Executive's Office had been involved in the event. 		
19. Adjourn to April 23, 2025, 6:00 p.m., Lane Auditorium. <ul style="list-style-type: none"> • The meeting was adjourned at 7:59 p.m. 		

ckb/tom

Attachment 1 – Resolution Approving an Agreement with Piedmont Liability Trust for Payment in Lieu of Taxation
Attachment 2 – Board of Supervisors and Economic Development Authority Memorandum of Understanding
Attachment 3 – Resolution to Approve SE 2025-00006 Avon Court Industrial Stepback Waiver
Attachment 4 – Resolution to Approve SE-2025-00005 Sugar Hill Lane Homestay
Attachment 5 – Resolution to Approve Old Dominion Village Central Sewerage System
Attachment 6 – Ordinance No. 25-18(2)
Attachment 7 – Resolution to Approve SP202400004 The K9 Hotel
Attachment 8 – Resolution to Approve SE2024-000004 the K9 Hotel Special Exception

**RESOLUTION APPROVING AN AGREEMENT WITH
THE PIEDMONT LIABILITY TRUST FOR PAYMENT IN LIEU OF TAXATION**

WHEREAS, the Board finds it is in the best interest of Albemarle County to enter into an agreement with the Piedmont Liability Trust providing for payment in lieu of taxation.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves entering an agreement with the Piedmont Liability Trust providing for payment in lieu of taxation and authorizes the County Executive to sign such an agreement once it has been approved as to form and content by the County Attorney.

MEMORANDUM OF UNDERSTANDING
between
THE BOARD OF SUPERVISORS FOR THE COUNTY OF ALBEMARLE, VIRGINIA,
and
THE ECONOMIC DEVELOPMENT OFFICE OF ALBEMARLE COUNTY, VIRGINIA

This Memorandum of Understanding is dated April 23, 2025, and is entered into by and between the **COUNTY OF ALBEMARLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (the "County"), and the **ECONOMIC DEVELOPMENT AUTHORITY OF ALBEMARLE COUNTY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (the "EDA").

The purpose of this Memorandum of Understanding is to state the respective roles of the County and the EDA in implementing the County's policies, objectives, and goals pertaining to economic development as provided in the County's Comprehensive Plan and the County's Economic Development Strategic Plan, each as amended from time to time.

The County and the EDA agree to share in and to promote the County's economic development goals as articulated in the County's adopted Economic Development Strategic Plan.

- 1. The County, through its Board of Supervisors (the "Board"), will:**
 - a. Adopt and keep current the Economic Development Strategic Plan, in consultation with the EDA.
 - b. Through the County's economic development strategic plan, guide the County's economic development activities and investments, which will be implemented by the staff of the County's Economic Development Office and the EDA Board of Directors.
 - c. Support the EDA in utilizing the statutory powers granted to it by Virginia Code § 15.2-4905, as amended.

- d. Support the EDA in its economic development efforts identified below in Section 2(a).
- e. Appropriate funds to the EDA for the purpose of the EDA incentivizing, through grants and loans up to \$250,000.00, economic development activity within target industries and other opportune businesses and industries subject to a Board-approved framework or policy.

2. The EDA will, to the extent that it is authorized under the Industrial Development and Revenue Bond Act (Virginia Code § 15.2-4900, *et seq.*), and to the extent that it has funding for these purposes:

- a. Act in the following areas subject to conformity with the County's adopted Comprehensive Plan and adopted Economic Development Strategic Plan, as amended from time to time:
 - i. Business attraction with emphasis on identified target industries.
 - ii. Ecosystem development and support with an emphasis on identified target industries.
 - iii. Business retention and expansion with an emphasis on identified target industries.
 - iv. Workforce development focusing on partnerships and networks to align workforce training with projected workforce talent need within target industries.
 - v. Real estate development, redevelopment, and building reuse in conformity with the County's Comprehensive Plan, the EDA's Building Reuse Grant Policy, and other applicable County and EDA plans and policies.
 - vi. New business establishment focused on partnerships that support entrepreneurial activity.
 - vii. Providing incentives at its discretion, including grants and loans of up to \$250,000.00, with an emphasis on target industries. The EDA's discretion must be exercised within a Board-approved framework or policy.
- b. Work with Board to develop the Rivanna Futures project.

- c. Execute a Fiscal Services Agreement wherein the County's Department of Finance and Budget will provide fiscal services to the EDA under terms and conditions as agreed upon by the Board and the EDA.

3. Interpretation and implementation. This Memorandum of Understanding will be interpreted and implemented as follows:

- a. The Board or its express designee will have the sole responsibility to interpret the County's Comprehensive Plan.
 - b. The term "target industry" will be interpreted consistent with the definition or description contained within the County's Economic Development Strategic Plan.
 - c. This Memorandum of Understanding is not to be interpreted so as to prohibit or restrict the EDA, its directors, or the County's EDO staff from discussing and exploring potential economic development projects with existing or prospective businesses and County landowners in an effort to gather information for the Board's consideration, deliberation, and potential support. In this context, the EDA will either directly or through EDO and other County staff communicate relevant economic development information to the Board.
- 4. Amendment.** The Memorandum of Understanding may be amended at any time in writing by mutual agreement of the County and the EDA.
- 5. Term.** Upon full execution, the initial term of this Memorandum of Understanding is five (5) years. Thereafter, it will renew automatically for successive one-year terms unless either the County or the EDA provides the other's Chair with ninety (90) days advance written notice of nonrenewal.
- 6. Legislative powers preserved.** The Memorandum of Understanding does not restrict or alter any legislative power granted to the Board under the Industrial Development and Revenue Bond Act or any other law.

[Signatures are on the Following Page]

COUNTY OF ALBEMARLE, VIRGINIA



James Andrews, Chair
Board of Supervisors

4/23/2025

Date

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



Donald D. Long, Chair
Board of Directors

4/17/25

Date

**RESOLUTION TO APPROVE SE 2025-00006
AVON COURT INDUSTRIAL STEPBACK WAIVER**

WHEREAS, upon consideration of the staff reports prepared for SE2025-00006 Avon Court Industrial Stepback Waiver and the attachments thereto, including staff's supporting analysis, any comments received, and all relevant factors in Albemarle County Code §§ 18-4.20(b)(3), and 18-33.9, the Albemarle County Board of Supervisors hereby finds that the proposed special exception is consistent with both (i) the intent of the Neighborhood Model Principles of the Comprehensive Plan and (ii) the designation of Industrial in the Southern and Western Master Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves a special exception on Parcel 07700-00-00-008B0 to waive the 15-foot minimum stepback otherwise required by County Code § 18-4.20(b)(3).

**RESOLUTION TO APPROVE SE-2025-00005
3130 SUGAR HILL LANE HOMESTAY**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE-2025-00005 3130 Sugar Hill Lane Homestay application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-5.1.48 and 18-33.9, the Albemarle County Board of Supervisors hereby finds that a modified regulation would satisfy the purposes of the Zoning Ordinance to at least an equivalent degree as the specified requirement, and that the requested special exception:

- (i) would not cause adverse impacts to the surrounding neighborhood;
- (ii) would not cause adverse impacts to the public health, safety, or welfare;
- (iii) would be consistent with the Comprehensive Plan and any applicable master or small-area plan(s); and
- (iv) would be consistent in size and scale with the surrounding neighborhood.

NOW, THEREFORE, BE IT RESOLVED, that in association with the SE-2025-00005 3130 Sugar Hill Lane Homestay application, the Albemarle County Board of Supervisors hereby grants a special exception to authorize the use of an accessory structure for a homestay use on Parcel 04100-00-00-041A2.

RESOLUTION TO APPROVE OLD DOMINION VILLAGE CENTRAL SEWERAGE SYSTEM

WHEREAS, Old Dominion Village is seeking approval of a central sewerage system to serve up to 111 connections on Parcels 05600-00-00-067B0 and 05600-00-00-074A0 (collectively, "Old Dominion Village").

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for this request and all of its attachments, the information presented to the Board of Supervisors, and the factors relevant to central sewerage systems in County Code Chapter 16 and the Albemarle County Comprehensive Plan, the Albemarle County Board of Supervisors hereby approves a new central sewerage system, as proposed in the submitted materials, to serve up to 111 connections on Parcels 05600-00-00-067B0 and 05600-00-00-074A0, subject to the conditions attached hereto.

* * * *

Old Dominion Village Central Sewerage System Conditions

1. The central sewerage system must be constructed in accord with the Old Dominion Village CSW-2025-00002 preliminary plan and the DEQ Reliability Classification Worksheets.
2. Final plans and specifications require County Engineer approval with the final site plan prior to commencing construction of the sewerage system.
3. Prior to issuance of any certificate of occupancy for any building to be served by the sewerage system, the owner must demonstrate to the satisfaction of the County Engineer that the system was constructed in accord with public utility standards.
4. The Old Dominion Village property owners association must assume full responsibility for the operation and maintenance of the sewerage system.
5. The Old Dominion Village property owners association must annually document compliance with all State operation and maintenance requirements.

**ORDINANCE NO. 25-18(2)
ZMA 2023-00005**

**AN ORDINANCE TO AMEND THE ZONING MAP FOR
PARCELS 04500-00-00-08100, 04500-00-00-08200, and 04500-00-00-082A0**

WHEREAS, application ZMA2023-00005 (Berkmar Flats) was submitted to rezone Parcels 04500-00-00-08100, 04500-00-00-08200, and 04500-00-00-082A0 from R-6 Residential to R-15 Residential; and

WHEREAS, on January 28, 2025, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2023-00005;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2023-00005 and their attachments, the Proffers signed April 2, 2025, the information presented at the public hearings, any written comments received, the material and relevant factors in *Virginia Code* § 15.2-2284 and *Albemarle County Code* § 18-33.6, and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board hereby approves ZMA 2023-00005 subject to the Proffers signed April 2, 2025.

**RESOLUTION TO APPROVE SP202400004
THE K9 HOTEL**

WHEREAS, upon consideration of the staff report prepared for SP202400004 The K9 Hotel, the recommendation of the Planning Commission and the information presented at the public hearing, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-10.1 and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the zoning district, with the applicable provisions of Albemarle County Code § 18-5.1.11, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP202400004 The K9 Hotel, subject to the conditions attached hereto.

* * * *

SP202400004 The K9 Hotel - Conditions

1. Development of the use must be in general accord with the Conceptual Plan titled, "Plat Showing Survey of TMP 48-77A3" drawn by Residential Surveying Services dated October 3, 2024. To be in general accord with the Conceptual Plan, development must reflect the following major elements essential to the design of the development:
 - a. Location of proposed building; and
 - b. Location of proposed parking area

Minor modifications to the plan that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. The structures must not exceed one-story in height.
3. The use may not exceed twenty (20) dog kennels.
4. The kennel building must not exceed 1,200 square feet in size and must be sound-proofed.
5. The outdoor run area must not exceed 1,560 square feet in size.
6. The outdoor run must be surrounded by a sound-dampening fence.

**RESOLUTION TO APPROVE SE2024-000004
THE K9 HOTEL SPECIAL EXCEPTION**

WHEREAS, upon consideration of the staff reports prepared for SE2024-000004 The K9 Hotel Special Exception and the attachments thereto, including staff's supporting analysis, any comments received, and all relevant factors in Albemarle County Code §§ 18-5.1.11(b) and 18-33.9(A), the Albemarle County Board of Supervisors hereby finds that a modified regulation would satisfy the purposes of the Zoning Ordinance to at least an equivalent degree as the specified requirement;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby grants the proposed special exception to modify the 200 foot setback otherwise required by County Code § 18.5.11(b) to 75 feet on Parcel 04800-00-00-077A3.