

**RESOLUTION DISAPPROVING  
ZMA 2018-00013 RIO ROAD WEST**

**WHEREAS**, the application to rezone Tax Parcels 04500-00-00-01000, 04500-00-00-0100A, 04500-00-00-01010, 04500-00-00-0101B (the "Property") from C1 Commercial to NMD Neighborhood Model District to allow a mix of uses with a maximum of 112 units for a proposed density of approximately 34 units per acre is identified as ZMA 2018-00013 Rio Road West ("ZMA 2018-13"); and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on ZMA 2018-13 on June 18, 2019 and recommended approval of ZMA 2018-13 contingent on the Applicant meeting all of staff's recommended changes, and providing landscaping and screening of Block 2 and construction of the sidewalk and street trees along Rio Road within one year of the issuance of a Certificate of Occupancy for the Block 2 building in lieu of staff's recommended timing commitment; and

**WHEREAS**, the Applicant submitted revised materials on June 26 in which most of staff's recommended revisions were made, with the exception of two recommendations regarding building height and setback; and

**WHEREAS**, on July 17, 2019, the Albemarle County Board of Supervisors held a duly noticed public hearing on ZMA 2018-13.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the staff report prepared for ZMA 2018-13 and its attachments, including the revised Proffers, Application Plan, and Code of Development dated April 26, 2019, the material and relevant factors in Virginia Code § 15.2-2284, and the failure of the application to achieve the vision of the Rio29 Small Area Plan or the intention of the Neighborhood Model District by ensuring a mixture of uses on the Property, the Board hereby disapproves ZMA 2018-13.

\* \* \*

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of \_\_\_\_ to \_\_\_\_, as recorded below, at a regular meeting held on \_\_\_\_\_.

\_\_\_\_\_  
Clerk, Board of County Supervisors

|              | <u>Aye</u> | <u>Nay</u> |
|--------------|------------|------------|
| Mr. Dill     | _____      | _____      |
| Mr. Gallaway | _____      | _____      |
| Ms. Mallek   | _____      | _____      |
| Ms. McKeel   | _____      | _____      |
| Ms. Palmer   | _____      | _____      |
| Mr. Randolph | _____      | _____      |