

ACTIONS Board of Supervisors Meeting of September 2, 2015		
		September 8, 2015
<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>PODCAST</u>
1. Call to Order. Meeting was called to order at 1:03 p.m., by the Chair, Ms. Dittmar. All BOS members were present. Also present were Tom Foley, Larry Davis and Travis Morris.		Listen
4. Adoption of Final Agenda. - Added discussion on possible JAUNT commuter route. - By a vote of 6:0, the Board ADOPTED the final agenda.		
5. Brief Announcements by Board Members. <u>Ann Mallek:</u> - Announced that volunteers at the Western Albemarle Rescue Squad along with staff from Albemarle Fire & Rescue are in the final stages of forming a water rescue team and will be undergoing swift water training on September 18, 19 and 20th. - On behalf of the Farm Services Agency reminded everyone that farming is the #1 industry in Virginia. - Announced that she has been in contact with the Attorney General's office to ask for guidance about drones. - Announced that there was a meeting held at Blue Ridge Cyclery in the Hollymead Town Center to discuss bicycle and driver behavior in preparation for the USA Cycling team training. - Mentioned that drivers are parking on both sides of Ridge Road, blocking traffic to large vehicles and is trying to contact the coach of the UVA Running team. - Mentioned that there has been a lot of night gun fire and requested a future discussion on the issue. <u>Jane Dittmar:</u> - Announced that she will be attending the Governor's Council on Broadband to discuss issues that will help Albemarle and other localities in the Commonwealth. - Announced that she had attended a back to school function in the Southwood community organized by the Albemarle County School System and reminded everyone to be mindful of students when traveling through the University area. - Announced that she and Supervisors Mallek and Boyd attended a VACo Summit.		

	<u>Diantha McKeel:</u> - Mentioned that she has had a drone appear in her backyard twice. <u>Ken Boyd:</u> - Suggested drones as an item for discussion on a future agenda.		
7.	From the Public: Matters Not Listed for Public Hearing on the Agenda. <u>The following individuals spoke on the proposed boundary adjustment to the Southern Urban Neighborhood (Route 29/I-64 Interchange):</u> - John Martin - Morgan Butler - Jeff Werner - Neal Williamson <u>Roger Voisin</u>, resident of the Scottsville District, gave a presentation entitled "Electric Car Policy: Investing in the Future". <u>Jennie Moore</u>, resident of the White Hall District and Chair of Crozet Community Advisory Committee, presented the Board with a resolution passed by the CCAC regarding the change of zoning in the Crozet interchange. <u>David Blount</u>, TJPDC Legislative Liaison, expressed appreciation to County staff and spoke on the Regional Legislative Program.		Listen
8.2	FY 2016 Budget Amendment and Appropriations. ADOPTED, resolution to approve appropriations #2016019, #2016020, #2016021, #2016022, #2016023, #2016024, and #2016025 for local government and school division projects and programs.	<u>Clerk:</u> Notify OMB, Finance and appropriate individuals. Forward copy of signed resolution to OMB and County Attorney's office. (Attachment 1)	Listen
8.3	FY 2015 Appropriations. ADOPTED, resolution to approve appropriations #2015111, #2015112, and #2015113.	<u>Clerk:</u> Notify OMB, Finance and appropriate individuals. Forward copy of signed resolution to OMB and County Attorney's office. (Attachment 2)	
8.4	Ordinance to Correct the Address of the Branchlands Precinct Polling Place Location and the Name of the Country Green Precinct Polling Place Location. SCHEDULED public hearing for October 7, 2015.	<u>Clerk:</u> Schedule on October 7 agenda.	
8.5	HO 2015-131, Jessalyn Fink Special Exception (White Hall District). ADOPTED, resolution approving the special exception to allow an increase in permitted traffic generation for HO 2015-131 subject to the following conditions, which cover peak activity: 1. Piano Lessons shall only be held Monday through Thursday.	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 3)	

	2. During weeks in which lessons are held (Monday through Thursday), no more than forty (40) total vehicle round trips generated by this home occupation are permitted.		
8.6	Ivy Fire Emergency Signal - Maintenance Agreement. • ADOPTED, resolution approving a maintenance agreement with VDOT for the Ivy Fire Station emergency signal and AUTHORIZED the County Executive to sign the agreement once it is approved as to content and form by the County Attorney.	<u>Clerk</u>: Forward copy of signed resolution to County Attorney's office. <u>County Attorney</u>: Forward copy of fully executed agreement to Clerk. (Attachment 4)	
8.7	SDP-2015-00024 Albrecht Place - Special Exception (Rio District). • ADOPTED, resolution approving the special exception to waive the buffer zone requirements of County Code § 18-21.7(c).	<u>Clerk</u>: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 5)	
8.8	VDOT Compensation Agreement for Route 29 Taking. • ADOPTED, resolution approving the proposed agreement in which the County accepts VDOT's compensation of \$3,300 for VDOT's taking of the two easements and authorizing the County Executive to sign such an agreement and any necessary related.	<u>Clerk</u>: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 6)	
8.9	ZMA200400024 Special Exception to Vary Old Trail Village Code of Development (White Hall District). • ADOPTED, resolution approving the special exception to vary the Code of Development to permit changes to stormwater treatment for Blocks 11, 12, 14 and 15 and to permit the requested variations for Block 12, as described by staff.	<u>Clerk</u>: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 7)	
8.10	Extension of Deferral of ZMA201200007 & SP201300027 5th Street Commercial (Scottsville District). • APPROVED, extension of the deferral of ZMA-2012-00007 and SP-2013-00027, 5th Street Commercial and Drive-Thru, to December 31, 2015.	<u>Community Development</u>: Proceed as approved.	
8.11	House Bill 2 Application. • APPROVED, submittal of HB2 applications for the following four (4) projects: 1. I-64 and Route 250 Interchange Improvements (Exit 124), 2. Proffit Road Improvements from Leake Lane/Worth Crossing to Baker Butler Elementary School (provided accurate cost estimates can be completed by the application deadline) 3. Sunset Road and County Green Road Improvements (secondary) From Fifth Street to City Limits/Moore's Creek,	<u>Community Development</u>: Proceed as approved.	

	and from Old Lynchburg Road to Sunset Road 4. Route 250 and Route 151 intersection, Proffit Road Improvements from Leake Lane/Worth Crossing to Baker Butler Elementary School (provided accurate cost estimates can be completed by the application deadline). • SUPPORTED, The MPO's submittal of HB2 application for the I-64 and Route 29 Interchange Improvements (Exit 118).		
8.12	Study for Pedestrian Crossings on Route 29N and Route 250 Pantops. • DIRECTED, staff to bring back more information.	Clerk/Community Development: Schedule on agenda when ready.	Listen
9.	Rt. 29 Solutions Business Assistance Program. • By a vote of 6:0, ENDORSED the draft criteria for the County's matching grant program.	<u>Lee Catlin</u> : Proceed as directed. (Attachment 8)	Listen
10.	Budget Process Improvements and FY 17 Operating and Capital Budget Calendar. • By a vote of 6:0, CONCURRED with the proposed changes to the CIP process as presented by staff. • CONSENSUS, to proceed with budget development calendar and process as presented by staff.	<u>OMB</u> : Proceed as directed. (Attachment 9)	Listen
11.	Opposition to Longer Double-Trailer Trucks Being Authorized in U.S. Transportation Bill. • CONSENSUS, to draft letter for Chair's signature.	<u>Clerk</u> : Proceed as directed.	Listen
12.	2015 Citizen Survey Results. • RECEIVED.		Listen
13.	Video Streaming of Board of Supervisors Meetings. • RECEIVED.		Listen
	The Board recessed at 3:06 p.m., and reconvened at 3:18 p.m.		
14.	Work Session: CPA-2015-00001. Boundary Adjustment to the Southern Urban Neighborhood (Route 29/I-64 Interchange) (Samuel Miller Magisterial District). • HELD.		Listen
15.	Closed Meeting. • At 4:55 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to consider appointments to Boards, Committees, and Commissions in which there are pending vacancies or requests for reappointments; under Subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice concerning agreements relating to the Ivy Landfill; and under Subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal		Listen

	advice relating to easements acquired for the restoration and maintenance of pipes necessary for a road in Carrsbrook; and under Subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to the negotiation of an agreement for court facilities.		
16.	Certify Closed Meeting. At 6:09 p.m., the Board reconvened into open meeting and certified the closed meeting.		
17.	Boards and Commissions: Vacancies and Appointments. APPOINTED, Ms. Lin Burton, Ms. Nancy Hunt, Mr. David Wayland and Ms. Michelle Busby to the Places 29 Rio Community Advisory Committee with said terms to expire September 30, 2017. APPOINTED, Mr. Peter Borches, Ms. Virginia Roy, Ms. Katie Collins and Ms. Audrey Kocher to the Places 29 Rio Community Advisory Committee with said terms to expire September 30, 2018.	Clerk: Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.	
18.	From the Public: Matters Not Listed for Public Hearing on the Agenda. <u>Lonnie Murray</u>, spoke on the Boundary Adjustment to the Southern Urban Neighborhood (Route 29/I-64 Interchange).		Listen
19.	<u>Pb. Hrg: PROJECT: SP-2015-00007. All Saints Chapel – Special Use (Sign #97).</u> By a vote of 6:0, ADOPTED resolution to approve SP-2015-00007 All Saints Chapel, with the recommended conditions.	Clerk: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 10)	Listen
20.	<u>Pb. Hrg; PROJECT: SP-2015-00019. UVA Indoor Golf Practice Facility (Sign #104).</u> By a vote of 6:0, ADOPTED resolution to approve SP-2015-00019 with recommended conditions.	Clerk: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 11)	Listen
21.	<u>Pb. Hrg: PROJECT: ZMA-2015-00003. Riverside Village Neighborhood Model District.</u> By a vote of 6:0, ADOPTED ordinance approving ZMA-2015-00003.	Clerk: Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 12)	Listen
22.	<u>Pb. Hrg: PROJECT: ZMA-2015-00005. Out of Bounds (Sign #44).</u> - By a vote of 6:0, ADOPTED ordinance approving ZMA-2015-00005. - By a vote of 6:0, ADOPTED resolution approving special exception.	Clerk: Forward copy of signed ordinance and resolution to Community Development and County Attorney's office. (Attachment 13)	Listen
23.	<u>Pb. Hrg: PROJECT: ZMA-2015-00002. Franklin Street Steep Slopes (Sign #29).</u> By a vote of 6:0, ADOPTED resolution disapproving ZMA-2015-00002.	Clerk: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 14)	Listen
24.	Route 29 Solutions Project Delivery Advisory Panel		

	(PDAP) Monthly Update. • RECEIVED.		Listen
24b	Discussion on JAUNT commuter Route. • Discussed. • DIRECTED , staff to be bring back more information on October 7.	<u>Clerk</u> : Schedule on October 7 agenda.	
25.	Albemarle County Service Authority (ACSA) Quarterly Update. • RECEIVED.		Listen
26.	Rivanna Water and Sewer Authority (RWSA) Quarterly Update. • RECEIVED.		Listen
27.	From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Jane Dittmar</u> : • Provided Broadband Management Committee update. • Provided handout from VACo Summit. <u>Ann Mallek</u> : • Provided update on Workforce Development Network and Workforce Development Center.		Listen
28.	From the County Executive: Report on Matters Not Listed on the Agenda. <u>Tom Foley</u> : • Highlighted various items from the County Executives monthly report. • Announced that staff had met with three		
29.	Adjourned to September 9, 2015, 3:00 p.m., Room 241. • The meeting was adjourned at 9:32 p.m.		

ewj/tom

Attachment 1 – Resolution to Approve Additional FY 16 Appropriations

Attachment 2 – Resolution to Approve Additional FY 15 Appropriations

Attachment 3 – Resolution to Approve Special Exception for HO 2015-131, Jessalyn Fink

Attachment 4 – Resolution Approving Agreement between the County and the Virginia Department of Transportation for the Maintenance of the Ivy Fire Rescue Station Emergency Signal

Attachment 5 – Resolution to Approve Special Exception for SDP 2015-00024 Albrecht Place

Attachment 6 – Resolution to Approve an Agreement between the County of Albemarle, Virginia and the Commonwealth of Virginia for the Taking of Two Easements

Attachment 7 – Resolution to Approve Special Exception for ZMA-2004-00024, Old Trail Village

Attachment 8 – Rt. 29 Solutions Business Assistance Program Draft Matching Grant Criteria

Attachment 9 - FY 17 Budget Calendar

Attachment 10 – Resolution to Approve SP 2015-07 All Saints Chapel

Attachment 11 – Resolution to Approve SP 2015-19 UVA Indoor Golf Practice Facility

Attachment 12 – Ordinance No. 15-A(4) ZMA 2015-00003 Riverside Village Neighborhood Model District

Attachment 13 – Ordinance No. 15-A(5) and Resolution to Approve Special Exception for ZMA 2015-00005, Out of Bounds

Attachment 14 – Resolution Disapproving ZMA 2015-00002 Franklin Street

**RESOLUTION TO APPROVE
ADDITIONAL FY 16 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2016019, #2016020, #2016021, #2016022, #2016023, #2016024, and #2016025 are approved; and
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2016.

**RESOLUTION TO APPROVE
ADDITIONAL FY 15 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2015111, #2015112, and #2015113 are approved; and
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2015.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR HO 2015-131, JESSALYN FINK**

WHEREAS, Alexander J. Fink is the owner of Tax Map and Parcel Number 057A0-01-00-13400 (the "Property"); and

WHEREAS, Jessalyn Fink resides at the Property and owns a business; and

WHEREAS, Jessalyn Fink filed a request for a special exception in conjunction with HO 2015-131, Jessalyn Fink, to modify the number of vehicle trips permitted by County Code § 5.2(e) to be generated by a proposed home occupation to add an additional ten (10) round trips per weekday- Monday through Thursday.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the executive summary prepared in conjunction with the special exception request, staff's supporting analysis included in the executive summary, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-5.1 and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to modify the number of vehicle trips permitted in conjunction with HO 2015-131, Jessalyn Fink, as described hereinabove, subject to the conditions attached hereto.

HO 2015-131, Jessalyn Fink Special Exception Conditions

1. Piano Lessons shall only be held Monday through Thursday.
2. During weeks in which lessons are held (Monday through Thursday), no more than forty (40) total vehicle round trips generated by this home occupation are permitted.

**A RESOLUTION APPROVING AN AGREEMENT
BETWEEN THE COUNTY AND THE VIRGINIA DEPARTMENT OF TRANSPORTATION
FOR THE MAINTENANCE OF THE IVY FIRE RESCUE STATION EMERGENCY SIGNAL**

WHEREAS, the Albemarle County Board of Supervisors finds it is in the best interest of the County to enter into a maintenance agreement with the Virginia Department of Transportation (VDOT) for the maintenance of an Ivy Fire Rescue Station emergency signal, which is needed to facilitate the Station's emergency response times and to ensure the safety of the emergency crews and drivers on Ivy Road.

NOW, THEREFORE, BE IT RESOLVED THAT, the Albemarle County Board of Supervisors hereby approves a maintenance agreement between the County and VDOT for the maintenance of the Ivy Fire Rescue Station emergency signal at the intersection of Ivy Road (US Route 250) and Kirtley Lane, and authorizes the County Executive to execute on behalf of the County an agreement once it is approved as to content and form by the County Attorney.

MEMORANDUM OF AGREEMENT

**FOR MAINTENANCE OF THE ALBEMARLE COUNTY FIRE AND RESCUE IVY
FIRE EMERGENCY SIGNAL**

THIS MEMORANDUM OF AGREEMENT made and executed in triplicate this ____ day of _____, 2015, by and between the COUNTY OF ALBEMARLE, VIRGINIA, hereinafter referred to as the COUNTY, and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT.

WHEREAS, §33.1-12 and §33.1-13 of the Code of Virginia, as amended, provide that the Commissioner may "do all acts necessary or convenient for constructing, improving, maintaining, and preserving the efficient operation of the roads embraced in the systems of state highways ..."; and

WHEREAS, the DEPARTMENT is undertaking project # 0000107920, which benefits the COUNTY; and

WHEREAS, the COUNTY has requested an emergency traffic signal to access Ivy Road from Kirtley Lane to facilitate rapid emergency responses from its Fire Station located on Kirtley Lane; and

WHEREAS, the DEPARTMENT does not object to this request.

NOW THEREFORE, in consideration of the mutual premises contained herein, the parties agree as follows:

1. The COUNTY shall:
 - a. Replace and/or repair the traffic signal, pole and/or mast arm if subjected to any catastrophic damage requiring full replacement of mast arm/poles and/or foundations;
 - b. Perform any lifecycle maintenance activities if inspection reveals any need for replacement; and
 - c. Notify the DEPARTMENT within 30 days of any cessation in the use of the Albemarle County Fire and Rescue site for Fire and/or Emergency Service operations.
2. The DEPARTMENT shall:

- a. Retain routine maintenance and operational control of the traffic signal, pole and mast arm.
 - b. Deactivate and remove from operation the Albemarle County Fire and Rescue signal upon notification from the COUNTY that the site will cease to be used for Fire and/or Emergency Service operations.
3. The DEPARTMENT and the COUNTY agree that all currently established policies and procedures for the urban system extend to this Agreement.
4. Nothing in this Agreement shall be construed as a waiver of sovereign immunity of the COUNTY or of the Commonwealth of Virginia.

THIS AGREEMENT has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

THIS AGREEMENT, when properly executed, shall be binding upon both parties, their successors, and assigns.

THIS AGREEMENT may be modified in writing by mutual agreement of both parties.

THIS AGREEMENT may be terminated by either party upon 30 days advance written notice. If this Agreement is terminated by the COUNTY, the DEPARTMENT will not replace the signal and the COUNTY consents to the removal of the signal at the end of its lifecycle or upon any damage making it inoperable. If this Agreement is terminated by the DEPARTMENT, the COUNTY may assume maintenance responsibility for the signal or may remove it, at the COUNTY's option.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR SDP 2015-00024 ALBRECHT PLACE**

WHEREAS, Anvince Land Trust (the "Owner") is the owner of Tax Map and Parcel Number 061M0-00-12-001E0 (the "Property"); and

WHEREAS, the Owner filed a request for a special exception in conjunction with SDP 2015-00024, Albrecht Place, to waive the buffer zone requirement of County Code § 18-21.7(c) to allow the disturbance of 80 square feet of the buffer zone in the southwest corner of the Property to allow for the installation of a stormwater pipe.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the executive summary prepared in conjunction with the application and its supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-21.7(c) and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to waive the buffer zone requirements of County Code § 18-21.7(c) to allow the disturbance of 80 square feet of the buffer zone in the southwest corner of the Property as shown on the schematic drawing attached hereto.

**RESOLUTION TO APPROVE AN AGREEMENT
BETWEEN THE COUNTY OF ALBEMARLE, VIRGINIA
AND THE COMMONWEALTH OF VIRGINIA
FOR THE TAKING OF TWO EASEMENTS
ON TAX MAP PARCEL 04500-00-00-094B1**

WHEREAS, the Board finds it is in the best interest of the County to enter into an Agreement with the Commonwealth of Virginia for the County to accept the Virginia Department of Transportation's offer of \$3,300 for the taking of a permanent utility easement on 761 square feet and a temporary construction easement on 1,034 square feet located on County-owned property identified as Tax Map Parcel 04500-00-00-094B1.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the Agreement between the County and the Commonwealth of Virginia regarding compensation for these two easements and authorizes the County Executive to execute an Agreement and any necessary related documents once they have been approved as to substance and form by the County Attorney.

RW-38
Revised 3/15
UPC 106136
PARCEL NO. 015

THIS AGREEMENT, made this 23rd day of April, 2015, between **the COUNTY OF ALBEMARLE, VIRGINIA, GRANTOR**, and the **COMMONWEALTH OF VIRGINIA**, acting by and through the Commissioner of Highways, **GRANTEE**,

WITNESSETH:

WHEREAS, in connection with State Highway Route 29 Project 0029-002-901 in the County of **Albemarle** Virginia ("Project"), the **GRANTEE**, in accordance with the provisions of Title 33.2, Chapter 10 of the Code of Virginia of 1950, as amended, has lodged with the Clerk of the Circuit Court of the County of Albemarle, Virginia, Certificate Number C-715021, in the amount of **\$3,300.00**, for the benefit of the **GRANTOR**; and

WHEREAS, the **GRANTEE** has appointed the law firm of St. John, Bowling, Lawrence & Quagliana, LLP as its attorney to institute condemnation proceedings for the purpose of determining the amount to be paid for the land, or interest therein, as described in the Certificate aforesaid, and damages to the remaining lands, if any, of the **GRANTOR**; and **WHEREAS**, the **GRANTEE** has not yet filed a Petition In Condemnation in the Circuit Court of Albemarle County; and

WHEREAS, the parties have now agreed upon the following amount of just compensation for the land or interests therein and damages to the remainder, if any, and for all other claims and demands by the **GRANTOR** against the **GRANTEE** arising out of the filing of the Certificate, the Petition In Condemnation, and the conveyance of the property.

NOW THEREFORE, in consideration of the recitations above which are made a part of this Agreement, the parties agree as follows:

1.) All issues between the **GRANTEE** and the **GRANTOR** as described herein, including but not limited to just compensation, public use, public necessity, lost profits and lost access, the **GRANTEE'S** bona fide but ineffectual effort to purchase the property prior to the filing of the Certificate, and all other statutory prerequisites to condemnation are hereby settled and forever resolved and the pending condemnation proceeding will be dismissed in accordance with Section 33.2-1027 of the Virginia Code (1950), as amended. The recitals set forth above are hereby incorporated herein as if repeated in full and are true in all respects.

2.) GRANTEE has offered and the **GRANTOR** has accepted consideration in the amount of **\$3,300.00** as total just compensation for the acquisition of all of the property identified and described in the

Certificate, and satisfaction of all Claims (as defined below) including but not limited to Claims arising out of the filing of the Certificate, the filing of the Petition In Condemnation, any physical invasion or physical damage to the **GRANTOR'S** property outside of the fee or easement areas described in the Certificate which the **GRANTOR** has actual knowledge of or should have knowledge of based upon a reasonable inquiry, as of the date of this Agreement, and/or the conveyance of said property to **GRANTEE** pursuant to Virginia Code Section 33.2-1001, as well as all Claims for lost profits and/or lost access, and all Claims under the Rules of the Virginia Supreme Court related to the taking of said property. Said amount is inclusive of the amount deposited under the Certificate. In addition, **GRANTOR** accepts such just compensation in full, final and unconditional settlement and release of any and all claims, demands, remedies, damages and liability in the manner and to the extent as set forth below.

3.) GRANTOR hereby waives and relinquishes all rights, claims, demands, remedies, damages, costs, interest, expert fees, attorney fees, and liability, including claims against **GRANTEE**, **GRANTEE'S** agents and contractors, and any utility company or agent or contractor of such utility company involved in the construction work of the Project and any other parties acting under the color of the Certificate, (collectively referred to as "Claims"), that **GRANTOR** may have arising out of or related to the filing of the Certificate, the filing of the Petition In Condemnation, the acquisition of the property and property rights described in the Certificate, any physical invasion or physical damage of the **GRANTOR'S** property outside of the fee or easement areas described in the Certificate which the **GRANTOR** has actual knowledge of or should have knowledge of based upon a reasonable inquiry, as of the date of this Agreement, and/or the conveyance of said property to **GRANTEE** pursuant to Virginia Code Section 33.2-1001, *et seq.* as well as all Claims for lost profits and/or lost access and all Claims under the Rules of the Virginia Supreme Court relating to the taking of said property.

4.) Notwithstanding any provision to the contrary, **GRANTOR'S** settlement in paragraph two (2) and waiver in paragraph three (3) does not apply to any unlawful interference with access caused by something other than the rights conveyed in the Certificate and/or Petition, any physical invasion of or physical damage to the **GRANTOR'S** property outside of the fee or easement areas described in the Certificate which the **GRANTOR** has no actual knowledge of nor should have no knowledge of based upon a reasonable inquiry, as of the date of this Agreement. **GRANTOR** hereby represents and warrants that, as of the date of this Agreement, he is unaware of (a) any unlawful interference with access caused by something other than the rights conveyed in the Certificate and/or Petitioner, (b) any physical invasion of any property outside the fee or easement area described in the Certificate and (c) any physical damage caused by **GRANTEE**, its agents or contractors to **GRANTOR'S** remaining property. Nothing in this paragraph shall be read to exclude any other lawful claims that the **GRANTOR** may otherwise possess and which are not otherwise waived in this Agreement.

5.) As part of the consideration for this Agreement, **GRANTOR** warrants and represents that since the recordation of the aforesaid Certificate and continuing to the date of this Agreement, there has been no sale or contract for sale of the land or interest therein or any part thereof between the **GRANTOR** and any third party.

6.) There have been no other promises, consideration or representations made which are not set forth in this Agreement.

7.) The consideration hereinabove mentioned represents the value of all estates or interests in such land and the damage to the remaining property, if any, and is in lieu of any and all Claims (subject to the terms of Paragraph 4, above) for compensation and damages by reason of the location, construction and maintenance of the highway including such drainage facilities within the fee and easement acquisition areas as may be described in the Certificate.

8.) The **GRANTOR** agrees to accept its legally proportionate share (if there be such apportionment) of such total consideration for the interests and rights in the land. If the settlement funds described in paragraph 2 of this Agreement are subject to any liens pursuant to Section 33.2-1021 of the Virginia Code (1950), as amended, the **GRANTOR** shall be responsible for securing and recording a proper instrument in the Clerk's Office of the Circuit Court where the Certificate was recorded releasing such liens prior to the funds being distributed. Notwithstanding any provision to the contrary, and in addition to the compensation stated above, the **GRANTEE** will pay the cost, if any, of recording such instrument.

9.) The parties hereto agree that the total consideration set forth above shall be reduced to the extent of any payment made pursuant to the provisions of Section 33.2-1023 of the Code of Virginia 1950, as amended, if any.

WITNESS the following signatures and seals:

THE COUNTY OF ALBEMARLE, VIRGINIA

By: (SEAL)

_____ [Name]

_____ [Title]

COMMISSIONER OF HIGHWAYS

BY: _____

James M. Bowling, IV,
its attorney duly authorized to act
Commonwealth of Virginia,

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR ZMA 2004-00024, OLD TRAIL VILLAGE**

WHEREAS, March Mountain Properties, LLC (“March Mountain”) is the owner of Tax Map and Parcel Number 055E0-01-00-000A1 (the “Property”); and

WHEREAS, March Mountain filed an application to vary the Code of Development approved in conjunction with ZMA 2004-00024, Old Trail Village (the “Code of Development”):

- to permit an extended detention water quality pond to treat stormwater from Blocks 11, 12, 14 and 15;
- to permit lot sizes below 4,000 square feet in Block 12;
- to permit a building height above the maximum 2.5 stories in Block 12;
- to reduce the setbacks in Block 12; and
- to allow roof overhands and eaves to encroach the building setback in Block 12.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the executive summary prepared in conjunction with the application, and its supporting analysis included as Attachment A thereto, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-8.5.5.3(c) and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exceptions to vary the Code of Development as set forth hereinabove, subject to the conditions attached hereto.

ZMA 2004-24, Old Trail Village Special Exception Conditions

1. The detention water quality pond may be located as shown on the exhibit created by Roudabush, Gale and Associates, Inc., dated July 23, 2015, attached hereto.
2. No lot size for a single family attached unit in Block 12 shall be less than one thousand eight hundred (1,800) square feet.
3. No building height in Block 12 shall be greater than 3.5 stories.
4. Lots 13-24 in Block 12 shall have five (5) foot front, zero (0) foot side, and five (5) foot rear setbacks.
5. Lots 8-12 in Block 12 shall have five (5) foot front, side, and rear setbacks.
6. Roof overhangs and eaves in Block 12 shall not be permitted to project further than one (1) foot into the building setback.

Business Assistance Program Matching Grant Criteria

Funding

- Funded through the EDA.
- No grant award will exceed \$2,000.
- Funding from this program cannot be used for administrative costs, capital and operating costs, salaries, advertising or marketing for church or faith-based organizations, or for political or lobbying activities, or for travel or entertainment costs.
- Match is a cash match only. No in-kind goods or services will be allowed.
- Any changes from the approved application must be submitted in writing.
- All advertising or marketing projects must be completed by December 2016.

Eligible Businesses

- Existing businesses as of January 1, 2016, located in the "Tier 2" project area
- Business meets the definition of a "small business" which for the purposes of this program is defined as 100 employees or less
- Businesses must not have delinquent tax status
- Business applicant must have attended at least one marketing workshop or completed a consulting or mentoring session under Albemarle County's Business Assistance Program.

Project Criteria

- The messaging of the proposed project must be in line with what is developed through the Collective Marketing Campaign ("Open For Business!") and must contain the logo and/or tagline developed through the Collective Marketing Campaign.
- Additional consideration will be given to applications in which two or more businesses partner on a project
- All projects must run between March 2016 and December 2016.
- Examples of eligible projects
 - Commercials on local media, including radio and television
 - Advertisements in local print and online periodicals
 - Sponsored content on social media (Facebook, Twitter)
 - Website enhancements¹
 - Printed marketing materials, including direct mailings and brochures. If creating a brochure, must include a plan to disseminate it.
- Examples of ineligible projects
 - Signage
 - Administrative/overhead costs
 - Promotional items, including t-shirts, pens, and similar items.

Documentation

- Award recipients must submit a copy (digital or print) of the project
- Where two or more businesses collaborate, a letter of support from each applicant business.
- All award recipients must provide report on performance measures using the form provided by Albemarle County by January 15, 2017. Measures include:
 - Distribution channel(s)
 - Circulation of the project (based on periodical circulation, web analytics, etc.)
 - Placement date(s)

¹ Funds may not be used for website maintenance or hosting fees.

FY17 BUDGET CALENDAR

September 2015

Wednesday 9 BOS/School Board Joint Work Session – Funding Formula, Five Year Plan Initial Assumptions and Major Drivers

October 2015

Wednesday 14 BOS/School Board Joint Work Session – Compensation and Benefits

November 2015

Wednesday 4 Citizens Resource Advisory Committee Presentation
Legislative Program

Wednesday 11 BOS/School Board Work Session
– Five Year Financial Plan Assumptions and Major Drivers - updates
– Preliminary CIP Overview
– Efficiency Team Recommendations
– Citizens Resource Advisory Committee Recommendation

Mon.- Fri. 16 -20 Special Focus: Public engagement opportunities during this week on Five Year Financial Plan and guidance for FY 17 budget development*

December 2015

Wednesday 2 BOS Work Session – Five-Year Financial Plan

Wednesday 9 BOS Departmental Budgets Presentations (Two Departments TBD)

Wednesday 9 BOS Work Session – Five-Year Financial Plan/Guidance for Annual Budget

February 2016

Friday 19 (Noon) County Executive's Presentation to Board - Recommended Budget

Tuesday 23 Public Hearing on County Executive's Recommended Budget

Thursday 25 BOS Budget Work Session #1

Monday 29 BOS Budget Work Session #2

March 2016

Wednesday 2 Regular BOS meeting

Thursday 3 BOS Budget Work Session #3

Tuesday 8 BOS Budget Work Session #4 – Finalize Tax Rate for Advertisement/Approval of Board's Proposed Budget

Wednesday 9 Regular BOS meeting

Wednesday 30 Public Hearing on Board's Proposed Budget

April 2016

Mon.-Fri. 4-8 Spring Break

Wednesday 6 Regular BOS meeting

Tuesday 12 Public Hearing on the CY 16 tax rate (BOS sets tax rate and adopts budget after public hearing**)

Wednesday 13 Holiday

* Public Engagement Opportunities will occur throughout Budget Development Process

**To meet legal requirements, BOS must set the CY 16 tax rate by April 15

Note: Times for budget work sessions will be set in January at the Board's organization meeting

**RESOLUTION TO APPROVE
SP 2015-07 ALL SAINTS CHAPEL**

WHEREAS, the Trustees of St. Johns Mission Church is the owner of All Saints Episcopal Church and of Tax Map and Parcel Number 04800-00-00-01600 and Dovedale LLC is the owner of Tax Map and Parcel Number 04800-00-00-019E0, collectively the “Owners” and the “Property”; and

WHEREAS, the Owners filed an application for a special use permit to expand the existing church by constructing a 795 square foot building addition (social hall), associated parking, and entrance upgrades on the Property, and the application is identified as Special Use Permit 2015-00007 All Saints Chapel (“SP 2015-07”); and

WHEREAS, the proposed use is allowed on the Property by special use permit under Albemarle County Code § 18-12.2.2(15); and

WHEREAS, on August 4, 2015, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2015-07 with modified conditions; and

WHEREAS, on September 2, 2015, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2015-07.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Transmittal Report prepared for SP 2015-07 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code § 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2015-07, subject to the conditions attached hereto.

SP-2015-00007 All Saints Chapel Conditions

1. Development and use shall be in general accord with the conceptual plan titled “All Saints Chapel SP201500007” prepared by Joseph Associates LLC and dated June 1, 2015 (hereafter “Conceptual Plan”), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:
 - *building orientation*
 - *building mass, shape, and height*
 - *location of buildings and structures*
 - *location of parking areas*
 - *relation of buildings and parking to the street*

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.
2. Side and rear setbacks shall be commercial setback standards, as set forth in Section 21.7(b) of the Albemarle County Zoning Ordinance, and shall be maintained adjacent to residential uses or residentially zoned properties. Front yard setbacks associated with parking shall be commercial setback standards, as set forth in Section 21.7(a) of the Albemarle County Zoning Ordinance.
3. There shall be no day care center or private school on site without approval of a separate special use permit.
4. The applicant shall obtain VDOT approval of a commercial entrance, if required by VDOT, prior to approval of the final site plan.
5. The applicant shall obtain Virginia Department of Health approval of well and/or onsite sewage system prior to approval of the final site plan.

6. The drainfields shall be placed in the areas shown on Exhibit A dated September 2, 1015 illustrating the drainfield locations in the southern portion of the parcel.
7. Materials and colors of the addition shall be compatible with the materials and colors of the historic chapel.
8. Except for repair and maintenance of the fence where there is no substantial change in design, and except for renovation of the fence to accommodate a new gate to provide access from the parking area to the existing front entrance of the chapel where the gate design is compatible in form and materials with the existing fence design, the fence and its stone end piers shall be retained without change, provided that the easternmost stone pier forming the existing gate edge need not be retained if the applicant determines that the cost of retention is cost prohibitive as provided in Condition 9.
9. If the applicant determines that relocating the easternmost stone pier to the east side of the new entrance drive is cost prohibitive, prior to its removal the applicant shall document the stone pier in photographs and a to-scale, annotated line drawing. Copies of the documentation shall be provided to the County's Design Planner for the County's files and for forwarding to the Virginia Department of Historic Resources.
10. Prior to final site plan approval, the entrance to the site shall either be located entirely on the Church Property (TMP 04800-00-00-01600) by adjusting the property line between TMP 04800-00-00-01600 and TMP 04800-00-00-019E0, or the applicant shall obtain an easement from the owner of TMP 04800-00-00-019E0 to allow the portion of the entrance to be located on that parcel.
11. The construction of any structure required for the use must commence within five (5) years from the approval of the Special Use Permit.

**RESOLUTION TO APPROVE
SP 2015-19 UVA INDOOR GOLF PRACTICE FACILITY**

WHEREAS, the University of Virginia Real Estate Foundation is the record owner of Tax Map and Parcel Number 07500-00-00-06300 and the University of Virginia Foundation is the record owner of Tax Map and Parcel Numbers 06000-00-00-028B0 and 06000-00-00-028C0 (collectively the “Owner”); and

WHEREAS, a special use permit to allow the existing golf course in R-1 zoning and to allow the enclosure of a golf cart storage area on the property (SP 1996-53) was approved in 1997 with a condition that required an amendment to the special use permit to allow new construction or any expansion outside of the current boundaries of the existing golf course; and

WHEREAS, the Owner has submitted an application to construct an indoor golf practice facility consisting of eight indoor hitting bays, which will open to the existing driving range, as well as locker rooms, coaches’ offices and a meeting space, and the application is identified as Special Use Permit 2015-00019 UVA Indoor Golf Practice Facility (“SP 2015-19”); and

WHEREAS, on July 14, 2015, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2015-19 with the conditions recommended by County staff; and

WHEREAS, on September 2, 2015, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2015-19.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2015-19 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code § 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2015-19, subject to the conditions attached hereto.

SP-2015-0019 UVA Indoor Golf Practice Facility Conditions

1. Development shall be in general accord with the plan titled “UVA Golf Indoor Practice Facility, Site Plan Diagram” prepared by Dewberry dated April 30, 2015 (hereafter “Layout Plan”) as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Layout Plan, development and use shall reflect the following major elements as shown on the Plan:
 - Building location, orientation and mass
 - Access to the site via new road labeled “Access Drive”
 Minor modifications to the Plan that do not otherwise conflict with the elements listed above may be made to ensure compliance with the Zoning Ordinance.
2. Ingress and egress along Birdwood Drive shall be restricted, to the satisfaction of the Zoning Administrator, to only those residences served by Birdwood Drive and shall not be used as an access to the indoor golf practice facility.
3. Any new construction at the existing golf course facility and site other than the site improvements shown on the Layout Plan, except for minor changes (such as additional practice tees, modifications of greens and other changes that do not require a site plan), shall require an amended special use permit.
4. The Owner shall continue to implement an Integrated Pest Management/Nutrient Management Plan to reduce adverse water quality impacts.

**ORDINANCE NO. 15-A(4)
ZMA 2015-00003 RIVERSIDE VILLAGE NEIGHBORHOOD MODEL DISTRICT**

**AN ORDINANCE TO AMEND THE ZONING MAP
FOR TAX MAP AND PARCEL NUMBER 07800-00-00-05800**

WHEREAS, the application to amend the zoning map for Tax Map and Parcel Number 07800-00-00-05800 (the "Property"), is identified as ZMA 2015-00003, Riverside Village Neighborhood Model District ("ZMA 2015-00003"); and

WHEREAS, the Property is zoned Neighborhood Model District – NMD, subject to the Proffers, a Code of Development, and an Application Plan, all of which were adopted on November 13, 2013 in conjunction with ZMA 2012-00002; and

WHEREAS, ZMA 2015-00003 proposes to amend the Proffers and the Code of Development applicable to the Property in order to add Block 5 as a location for affordable housing and to allow accessory apartments as affordable rental housing; and

WHEREAS, on July 14, 2015, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2015-00003.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the staff report prepared for ZMA 2015-00003 and its attachments, the information presented at the public hearing, the material and relevant factors in Virginia Code § 15.2-2284, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2015-00003 with the Proffers dated August 20, 2015, and the Code of Development, which is contained on sheets 5 and 6 of the document entitled "Rezoning Application Plan Amendment for Riverside Village Tax Map 78, Parcel 58 Rivanna District, Albemarle County, Virginia ZMA 201500003" prepared by Shimp Engineering and dated May 21, 2012, with sheets 2, 3, 4, 6, 7, and 8 last revised on May 18, 2015 and sheets 1 and 5 last revised on June 18, 2015, and the zoning map for Tax Map and Parcel Number 07800-00-00-05800 is amended accordingly.

Original Proffers _____
Amendment X

PROFFER STATEMENT

ZMA Number: 201500003
Tax Map and Parcel Number: 07800-00-00-05800
Owner: Riverside Village Properties, Inc.
200 Garrett Street, Suite O
Charlottesville, VA 22902
Date of Proffer Signature: November 13, 2013
Date of Proffer Amendment Signature: August 22, 2015
18.66 acres to be rezoned from NMD to NMD

Riverside Village Properties, Inc, is the owner (the "Owner") of Tax Map and Parcel Number 07800-00-00-05800 (the "Property") which is the subject of rezoning application ZMA No. 2012-00002, a project known as "Riverside Village" (the "Project").

Pursuant to Section 33 of the Albemarle County Zoning Ordinance (Chapter 18 of the Albemarle County Code), the Owner hereby voluntarily proffers the conditions listed below which shall be applied to the Property if it is rezoned to the zoning district identified above. These conditions are proffered as a part of the requested rezoning and the Owner acknowledges that the conditions are reasonable. Each signatory below signing on behalf of the Owner covenants and warrants that it is an authorized signatory of the Owner for this Proffer Statement.

1. Park Land Dedication; Trails System. Within five (5) years after the date that ZMA 2012-00002 is approved by the County, or within thirty (30) days after the request of the County, whichever is sooner, the Owner shall dedicate to the County for public use for parks and open space resources an 8-acre park, (the "Park") more particularly shown as "Block 6" on sheet 4 of the Application Plan, dated May 21, 2012, revised May 18, 2015 and prepared by Shimp Engineering, P.C. (the "Application Plan"). After it is dedicated to public use, the Park may continue to be included in Project for the purposes of calculating total area of green space and amenities within the Project. The Park shall continue to be subject to the Architectural and

Landscape Standards for Riverside Village, as set forth in the approved Code of Development for ZMA 2012-00002. Any remaining green or open space land within the Property not dedicated for public use shall be maintained by the Riverside Village Owner's Association. The dedication of the Park shall be in fee simple. If the Park land is not dedicated as part of a site plan or subdivision plat, the Owner shall pay the costs of surveying the land and preparing the deed of dedication. The Owner shall construct trails through the Park area as shown on sheet 7 of 8 of the Application Plan, within six (6) months after the approval by the County of the first subdivision plat or site plan applicable to any portion of Blocks 2 through 5 of the Project. The trails shall be constructed to the standards for a Class B trail, as shown in the Design Standards Manual.

2. **Affordable Housing.** The Owner shall provide ten (10) affordable housing units ("Affordable Housing Units") in the form of for-sale and/or for-rent accessory apartments, condominiums or apartment units. The Affordable Housing Units shall be subject to the requirements as set forth in Section VI of the Code of Development. The Affordable Housing Units shall be constructed within Block 1, Block 2, and/or Block 5, as shown on the Application Plan. Before the Owner applies for a building permit for the fortieth (40th) residential unit within the Property, the Owner shall have offered for sale or rent, as provided herein, six (6) Affordable Housing Units within the Project. Before the Owner applies for a building permit for the fiftieth (50th) residential unit within the Property, the Owner shall have offered for sale or rent, as provided herein, all ten (10) Affordable Housing Units within the Project.

A. **For-Sale Affordable Units.** All purchasers of the for-sale Affordable Housing Units shall be approved by the Albemarle County Housing Office or its designee. The Affordable Housing Units will be designed for households with incomes less than eighty percent (80%) of the area median income such that housing costs consisting of principal, interest, real estate taxes, and homeowners insurance (PITI) do not exceed thirty percent (30%) of the gross household income. The Owner shall provide the County or its designee a period of ninety (90) days to identify and prequalify an eligible purchaser for the affordable units. The ninety (90) day period shall commence upon written notice from the Owner that the unit(s) will be available for sale. This notice shall not be given more than sixty (60) days prior to receipt of the Certificate of Occupancy for the applicable Affordable Housing Unit; the County or its designee may then have thirty (30) days within which to provide a qualified purchaser for such Affordable Housing Unit. If the County or its designee does not provide a qualified purchaser during the ninety (90) day period, the Owner shall have the right to sell the unit(s) without any restriction on sales price or income of the purchaser(s). This proffer shall apply only to the first sale of each of the for-sale affordable units.

B. **For-Rent Affordable Units.**

(1). **Rental Rates.** The initial net rent for each for-rent Affordable Housing Unit shall not exceed the then-current and applicable maximum net rent rate approved by the Albemarle County Housing Office. In each subsequent calendar year, the monthly net rent for each for-rent Affordable Housing Unit may be increased up to

three percent (3%). For purpose of this proffer statement, the term "net rent" means that the rent does not include tenant-paid utilities. The requirement that the rents for such for-rent Affordable Housing Units may not exceed the maximum rents established in this paragraph 2B shall apply for a period of ten (10) years following the date the certificate of occupancy is issued by the County for each for-rent Affordable Housing Unit, or until the units are sold as low or moderate cost units qualifying as such under either the Virginia Housing Development Authority, Farmers Home Administration, or Housing and Urban Development, Section 8, whichever comes first (the "Affordable Term").

(2). **Conveyance of Interest.** All deeds conveying any interest in the for-rent Affordable Housing Units during the Affordable Term shall contain language reciting that such unit is subject to the terms of this paragraph 2. In addition, all contracts pertaining to a conveyance of any for-rent Affordable Housing Unit, or any part thereof, during the Affordable Term shall contain a complete and full disclosure of the restrictions and controls established by this paragraph 2B. At least thirty (30) days prior to the conveyance of any interest in any for-rent Affordable Housing Unit during the Affordable Term, the then-current owner shall notify the County in writing of the conveyance and provide the name, address and telephone number of the potential grantee, and state that the requirements of this paragraph 2B(2) have been satisfied.

(3). **Reporting Rental Rates.** During the Affordable Term, within thirty (30) days of each rental or lease term for each for-rent Affordable Housing Unit, the then-current owner shall provide to the Albemarle County Housing Office a copy of the rental or lease agreement for each such unit rented that shows the rental rate for such unit and the term of the rental or lease agreement. In addition, during the Affordable Term, the then-current Owner shall provide to the County, if requested, any reports, copies of rental or lease agreements, or other data pertaining to rental rates as the County may reasonably require.

3. **Cash Proffer for Park Master Plan.** Within one (1) year after the date that ZMA 2012-00002 is approved, or within thirty (30) days after the request by the County, whichever is sooner, the Owner shall make a cash contribution to the County in the amount of Thirty Thousand Dollars (\$30,000.00) for the purpose of funding a master plan for the Park (the "Park Master Plan"). If the Park Master Plan is completed for less than Thirty Thousand Dollars (\$30,000.00), any remaining funds may be retained by the County and used to fund construction or maintenance of the park. Albemarle County at its sole discretion may choose to use this cash proffer (\$30,000) toward improvements to the existing Darden Towe Park in lieu of onsite park planning and improvements.

4. **Frontage and Other Road Improvements.** Contemporaneously with, and as part of, frontage improvements along Stony Point Road (Rt. 20) in connection with the first subdivision plat or site plan for the Property, the Owner shall construct all turn lanes and improvements to the horizontal alignment, vertical alignment and cross-section of Stony Point Road (Rt. 20) as shown in the Application Plan, to provide safe and convenient access to Riverside Village. Improvements constructed in accordance with this proffer shall be designed and constructed to applicable Virginia Department of Transportation ("VDOT") standards, including, without

limitation, VDOT's Geometric Design Standard for an Urban Collector Road as such standards may be amended from time to time.

Contemporaneously with, and as part of the first subdivision plat or site plan for the Property, Owner shall dedicate sufficient land along the frontage of Stony Point Road (Rt. 20) to permit the future widening of Rt. 20 by others, as shown on the Application Plan. Owner shall pay the costs of surveying the land, preparing a subdivision plat creating the parcel to be dedicated for review and approval by the County, and for preparing the deed of dedication.

Certain road improvements and dedicated portions of property for such improvements described in this Proffer 4 exceed those required for the development of the parcel and are for the benefit of the public.

5. Cash Proffers for Residential Units.

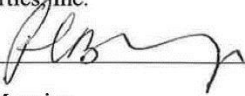
Subject to the credits for in kind and cash contributions as outlined below, the Owner shall contribute cash for each new residential unit in excess of the number of units that are allowed by-right under the zoning in existence at the time of this zoning map amendment (18) and that is not classified as an Affordable Housing Unit for the purposes of addressing the fiscal impacts of development on the County's public facilities and infrastructure, *i.e.*, schools, public safety, libraries, parks and transportation. The cash contributions shall be at the following rates: Twenty Thousand Four Hundred Sixty and 51/100 dollars (\$20,460.51) cash for each new single family detached dwelling unit, Thirteen Thousand Nine Hundred Thirteen and 18/100 dollars (\$13,913.18) cash for each new single family attached or townhome dwelling unit, and Fourteen Thousand Four Hundred Ninety Seven and 77/100 dollars (\$14,497.77) cash for each new multi-family dwelling unit. The cash contribution shall be paid at the time of the issuance of the building permit for each new unit, unless the timing of the payment is otherwise specified by state law; provided however that the cash contributions shall not be made until the number of units have been completed that results in what would otherwise have been a cash contribution of \$971,189.00 (the "In-kind Contribution). The In-kind Contribution reflects the value of the improvements that the Owner has committed to make in these proffers that are for the benefit of the public. In other words, the Owner shall not be required to pay the per unit cash contributions described herein until the time of the issuance of the building permit for a new unit completed after applying a credit for the In-kind Contribution of \$971,189.00. In the event that the Project is completed prior to the balance of the In-kind Contributions being exhausted, no remaining balance of the In-kind Contribution may not be applied for any other project or development.

Beginning January 1, 2014, the amount of the cash contribution required by this proffer shall be adjusted annually until paid, to reflect any increase or decrease for the proceeding calendar year in the Marshall and Swift Building Cost Index ("MSI"). In no event shall any cash contribution amount be adjusted to a sum less than the amount initially established by this proffer. The annual adjustment shall be made by multiplying the proffered cash contribution amount for the

preceding year by a fraction, the numerator of which shall be the MSI as of December 1 in the preceding calendar year, and the denominator of which shall be the MSI as of December 1 in the year preceding the calendar year most recently ended.

OWNER:

Riverside Village Properties, Inc.

_____

By: Paul B. Manning

Title: President

Tax Map and Parcel Number: 07800-00-00-05800

**ORDINANCE NO. 15-A(5)
ZMA 2015-00005 OUT OF BOUNDS**

**AN ORDINANCE TO AMEND THE ZONING MAP
FOR TAX MAP AND PARCEL NUMBER 06000-00-00-06500**

WHEREAS, the application to amend the zoning map for Tax Map and Parcel Number 06000-00-00-06500 (the "Property"), is identified as ZMA 2015-00005, Out of Bounds ("ZMA 2015-00005"); and

WHEREAS, the Property is zoned Neighborhood Model District – NMD, subject to the Proffers, a Code of Development, and an Application Plan, all of which were adopted on December 11, 2013 in conjunction with ZMA 2012-00003; and

WHEREAS, ZMA 2015-00005 proposes to amend the Proffers, the Application Plan, and the Code of Development applicable to the Property in order to allow for the sale or rental of affordable townhouse units instead of the rental of multi-family units in Block 3; and

WHEREAS, on July 14, 2015, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2015-00005.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the staff report prepared for ZMA 2015-00005 and its attachments, the information presented at the public hearing, the material and relevant factors in Virginia Code § 15.2-2284, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2015-00005 with the Proffers dated August 19, 2015, and the Application Plan entitled "Rezoning Application Plan Amendment for Out of Bounds TMP 06000-00-00-06500 Jack Jouett District, Albemarle County, Virginia" prepared by Shimp Engineering and dated April 1, 2013, with sheets 2, 3, 5, 6 and 8 last revised on April 20, 2015 and sheets 1, 4 and 7 last revised on June 30, 2015, and the zoning map for Tax Map and Parcel Number 06000-00-00-06500 is amended accordingly.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR ZMA 2015-00005, OUT OF BOUNDS**

WHEREAS, Barracks Heights, LLC (the "Owner") is the owner of Tax Map and Parcel Number 06000-00-00-06500; and

WHEREAS, the Owner filed a request for a special exception to vary the Code of Development approved in conjunction with ZMA 2015-05, Out of Bounds, to permit the elimination of planting strips for a 200 foot portion along the existing single family residential lot and Georgetown Court; and

WHEREAS, ZMA 2015-00005 was previously approved this same day.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared in conjunction with the special exception request, staff's supporting analysis included in the staff report, and the attachments thereto, and all of the factors relevant to the special exceptions in Albemarle County Code § 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to vary the Code of Development approved in conjunction with ZMA 2015-00005, Out of Bounds, to permit the elimination of planting strips for a 200 foot portion along the existing single family residential lot and Georgetown Court, subject to the condition attached hereto.

ZMA 2015-05, Out of Bounds Special Exception Condition

1. A six (6) foot landscape easement shall be established on the back of the sidewalk.

**RESOLUTION DISAPPROVING
ZMA 2015-00002 FRANKLIN STREET**

WHEREAS, the application to amend the zoning map for Tax Map and Parcel Number 07700-00-00-040B0 (the "Property"), is identified as ZMA 2015-00002, Franklin Street ("ZMA 2015-00002"); and

WHEREAS, the Property is zoned Light Industry and Steep Slopes Overlay District; and

WHEREAS, ZMA 2015-00002 proposed to amend the Steep Slopes Overlay District zoning map to rezone 31,894 square feet of steep slopes on the Property to change the designation of those slopes from preserved slopes to managed slopes in order to allow their disturbance for any use permitted in the Steep Slopes Overlay District zoning district pursuant to County Code § 18-30.7.6, subject to the design standards in County Code § 18-30.7.5; and

WHEREAS, on July 14, 2015, after a duly noticed public hearing, the Planning Commission recommended disapproval of ZMA 2015-00002.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for ZMA 2015-00002 and all of its attachments, the information presented at the public hearing, the written comments received from members of the public, the factors articulated by the Planning Commission in its recommendation for disapproval, and the material and relevant factors in County Code § 18-33.6 and Virginia Code § 15.2-2284, the Board hereby disapproves ZMA 2015-00002.