

ACTIONS

Board of Supervisors Meeting of February 21, 2024

February 24, 2024

AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
<p>1. Call to Order.</p> <ul style="list-style-type: none"> The Meeting was called to order at 1:00 p.m. by the Chair, Mr. Andrews. All BOS members were present. Also present were Jeff Richardson, Steve Rosenburg, Claudette Borgersen, and Travis Morris. 		Link to Video
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED final agenda. 		
<p>5. Brief Announcements by Board Members.</p> <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> Reminded everyone that Superintendent Matt Haas would be presenting the FY2024-2025 funding request from the school division to the School Board the following evening in Lane Auditorium at 6:30 p.m. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Commented that in October 2023, the USDA began designating Virginia counties as primary natural disaster areas and producers within identified areas should contact their County's Farm Service Agency service center in Louisa for assistance. Mentioned that the Citizen Police Academy would be held on March 9, 16, and 23, and applications were available by contacting Master Police Officer Joe George. Mentioned that the Alliance to Advance Climate-Smart Agriculture was a funding pilot from the USDA through Virginia Tech and Albemarle County farmers could participate in the program. <p><u>Mike Pruitt:</u></p> <ul style="list-style-type: none"> Commented that early voting for the presidential primary ended on Saturday, March 2, 2024, and until then community members could vote in person at the 5th Street County Office Building. <p><u>Bea LaPisto-Kirtley:</u></p> <ul style="list-style-type: none"> Commented that more Citizen Police Academies would be held in the future. Mentioned that the Places 29 North CAC approved of the suggestion that developers should incorporate pollinator gardens in small areas. Commented that at the recent SWAAC meeting, an initiative to implement a program for recycling pickleballs was discussed. <p><u>Jim Andrews:</u></p> <ul style="list-style-type: none"> Mentioned that the Piedmont Master Gardeners was providing grants for youth education related to horticulture and gardening. 		
<p>7. From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.</p> <ul style="list-style-type: none"> <u>Marta Keane</u>, CEO of JABA and resident of the Rio District, thanked the Board for their support 		

	<p>and gave the Board an update on JABA.</p> <ul style="list-style-type: none"> • <u>Lori Schweller</u>, an attorney for the law firm of Williams Mullen, addressed the Board concerning agenda item #10, Housing Albemarle Developer Incentives. 	
8.2	<p>Resolution of Intent for a Potential for a Zoning Text Amendment (ZTA) to Permit Residential Use in Commercial Zoning Districts.</p> <ul style="list-style-type: none"> • ADOPTED the resolution of intent. 	<p><u>Clerk</u>: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 1)</p>
9.	<p>Presentation: County Executive's FY 2024-2025 Recommended Budget.</p> <ul style="list-style-type: none"> • RECEIVED. 	
10.	<p>Housing Albemarle Developer Incentives.</p> <ul style="list-style-type: none"> • By a vote of 6:0, APPROVED the Affordable Housing Incentive Program with the following changes to Section 3: <ol style="list-style-type: none"> 1. Change 10% to 15%; and 2. Change the word increment to the word bill. 	<p><u>Stacy Pethia</u>: Proceed as approved. (Attachment 2)</p>
	<p>Recess.</p> <ul style="list-style-type: none"> • At 3:53 p.m., the Board recessed and reconvened at 4:08 p.m. 	
11.	<p>Discussion: Fontaine Interchange Improvements.</p> <ul style="list-style-type: none"> • DISCUSSED. 	<p><u>Kevin McDermott</u>: Proceed as discussed.</p>
12.	<p>Closed Meeting.</p> <ul style="list-style-type: none"> • At 4:49 p.m., the Board went into Closed Meeting pursuant to section 2.2-3711(A) of the Code of Virginia under subsection (7), to consult with legal counsel and receive briefings by staff members pertaining to actual litigation concerning the Ragged Mountain Natural Area, in the case styled <i>Board of Supervisors of the County of Albemarle, Virginia v. City Council of the City of Charlottesville, Virginia</i> where consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the County and the Board. 	
13.	<p>Certify Closed Meeting.</p> <ul style="list-style-type: none"> • At 6:01 p.m., the Board reconvened into an open meeting and certified the closed meeting. 	
14.	<p>From the County Executive: Report on Matters Not Listed on the Agenda.</p> <p><u>Jeff Richardson</u>:</p> <ul style="list-style-type: none"> • There was no report. 	
15.	<p>From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.</p> <ul style="list-style-type: none"> • <u>Matthew Helt</u>, a resident of Crozet, encouraged the Board to build the Western Park at Old Trail. 	
16.	<p>Pb. Hrg.: <u>SP2023-07 Home Depot Outdoor Sales Storage and Display.</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED resolution to approve SP202300007 Home Depot Outdoor Storage, Display, and Sales. 	<p><u>Clerk</u>: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 3)</p>
17.	<p>Pb. Hrg.: <u>ZMA202000012 Montclair (formerly known as White Gate Village).</u></p>	<p><u>Clerk</u>: Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachments 4-5)</p>

<ul style="list-style-type: none"> By a vote of 4:2 (Andrews/Mallek), ADOPTED ordinance to approve ZMA202000012 Montclair. 		
<p>Recess.</p> <ul style="list-style-type: none"> At 10:05 p.m., the Board recessed and reconvened at 10:13 p.m. 		
<p>18. <u>Pb. Hrg.: ACSA202100002 Montclair ACSA Jurisdictional Area Amendment.</u></p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution to approve ACSA202100002 Montclair ACSA Jurisdictional Area Amendment for Parcel ID 05600-00-00-091A0. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 6)</p>	
<p>19. From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <p><u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> Reported on the most recent TJPDC meeting and noted the significant economic development occurring in Louisa County involving Amazon. <p><u>Mike Pruitt:</u></p> <ul style="list-style-type: none"> Acknowledged that the previous evening, an Albemarle County resident was killed in traffic in Albemarle County near the City border on Route 29 and commemorated this event, and its relevance, as the Board worked through traffic safety issues within the community. <p><u>Jim Andrews:</u></p> <ul style="list-style-type: none"> Reported on the recent SWAAC meeting and mentioned that they had proposed changes to their charter. 		
<p>20. Adjourn to February 28, 2024, 6:00 p.m., Lane Auditorium.</p> <ul style="list-style-type: none"> The meeting was adjourned at 10:24 p.m. 		

ckb/tom

Attachment 1 – Resolution of Intent for a Potential Zoning Text Amendment (ZTA) to Permit Residential Use in Commercial Zoning Districts

Attachment 2 – Albemarle County Affordable Rental Housing Incentive Program (ARHIP)

Attachment 3 – Resolution to Approve SP202300007 Home Depot Outdoor Storage, Display, and Sales

Attachment 4 – Ordinance No. 24-A(6) ZMA 2020-00012

Attachment 5 – ZMA202000012 Montclair Code of Development dated September 21, 2020, last revised April 13, 2023

Attachment 6 – Resolution to Approve ACSA202100002 Montclair for Parcel ID 05600-00-00-091A0

RESOLUTION OF INTENT

WHEREAS, the County of Albemarle is committed to ensuring that safe, decent, affordable, and accessible housing is available for all residents, and to improving the livability of all neighborhoods;

WHEREAS, the County of Albemarle has recognized affordable housing options as a priority and has assisted with redevelopment initiatives;

WHEREAS, the County's Zoning Ordinance is intended to implement the policies, goals, and objectives of the County's Comprehensive Plan; and

WHEREAS, analyzing the potential for additional housing options may include amending certain existing commercial zoning districts to permit residential uses, facilitating additional housing options that currently do not exist;

NOW, THEREFORE, BE IT RESOLVED that for purposes of public necessity, convenience, general welfare, and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Chapter 18 of the Albemarle County Code, and any other sections of the County Code deemed appropriate to achieve the purposes described herein.



Albemarle County Affordable Rental Housing Incentive Program (ARHIP)

I. Introduction

The Affordable Rental Housing Incentive Program (ARHIP) aims to support the construction or preservation of affordable rental housing units in Albemarle County's Development Areas. The incentive program is supported by an increase of property tax revenue to Albemarle County generated by an incentivized project, and may be provided to affordable housing projects that achieve one or more of the affordable housing objectives outlined in *Housing Albemarle*. All incentive awards are approved by the Albemarle County Board of Supervisors. Incentive awards are disbursed in annual or bi-annual installments only after all real estate property taxes have been paid.

II. Program Goals

- A. Support the creation of affordable rental housing units;
- B. Support the construction of residential rental projects in which 100% of the residential rental units are provided as affordable housing;
- C. Stimulate the inclusion of affordable rental housing in projects where affordable housing may not otherwise be made available;
- D. Support the preservation of existing units of affordable rental housing through rehabilitation of those units;
- E. Leverage market activities to advance the goals of *Housing Albemarle*; and
- F. Provide transparent and accountable stewardship of public investments.

III. Fiscal Approach

The ARHIP is supported by the net increase in property tax revenue generated by the project receiving incentive funding. The total amount of incentive funding to be provided each year will be equal to 15 percent of the property's real property tax bill provided that at least 20 percent of the total residential units on the property are provided as affordable housing in conformance with the requirements outlined in *Housing Albemarle*.

Disbursements will only be made if Albemarle County taxes for the project area are paid in full, the Albemarle County Board of Supervisors has approved a rezoning of the project site (if applicable),

and the project maintains compliance with the County's affordable housing requirements. The maximum term for the incentive is 30 years from the date a Certificate of Occupancy is issued.

IV. Program Requirements

Staff consults with applicants to determine whether a prospective project qualifies for funding under the ARHIP based on the eligibility criteria outlined below. If staff determines a project does not qualify for the incentive, staff will not recommend to the County Executive's Office that the project be considered.

Applicants should contact the Albemarle County Office of Housing via email at ADU@albemarle.org to establish whether a proposed project qualifies. Qualifying projects may be eligible for incentive funds, but are not entitled to receive funds. The amount of incentive offered, if any, is at the sole discretion of the Board of Supervisors.

Approval of an application under the ARHIP does not grant a project vested rights for development or grant any third-party benefit. The Board of Supervisors reserves the right to set priorities among applications under consideration. The Board may reject an application if it does not provide the information requested, or if circumstances change. The Board may offer other incentives for projects such as infrastructure investment, matching funds, or the like.

Projects falling outside of the incentive program parameters will be considered on a case-by-case basis.

All Affordable Rental Housing incentives are subject to a written and signed performance agreement.

A. Eligible Projects

To be eligible for an Affordable Rental Housing incentive, the proposed project must meet the following general eligibility criteria:

1. Eligible projects must have proposed new construction, an addition to an existing structure, conversion of an existing non-residential structure to residential units, or the substantial rehabilitation of an existing affordable multifamily structure.
2. Eligible projects must have at least 11 residential rental units.
3. Eligible projects must be located within one of Albemarle County's designated Development Areas.
4. The applicant must own or have site control of the eligible project site.
5. If the proposed project is not a by-right development, an applicant's rezoning application must be approved by the Board of Supervisors.

6. At least 20% of the total residential rental units in the eligible project must be offered as affordable housing as defined under *Housing Albemarle*.

B. Rental Project Requirements

In addition to the general eligibility criteria outlined above, proposed projects that include affordable units for rent must meet the following additional criteria:

1. **Financial need** - Applicant’s pro forma must demonstrate that the tax incentive is necessary in order to provide affordable (as defined below) rental units in the project.
2. **Affordability requirements** – The applicant must make at least 20% of the total number of units in the project available to households with gross incomes no greater than 60% of area median income (AMI) as determined by the U.S. Department of Housing and Urban Development and adjusted by household size.

The maximum rents for affordable rental units must be determined by multiplying the AMI by the factors in the found in the table below for the appropriate unit size for each affordable rental unit provided. The factors include an allowance for tenant provided utilities.

Unit Size	Factor
Efficiency	0.009479
1 bedroom	0.010833
2 bedroom	0.013542
3 bedroom	0.016927
4 bedroom	0.018958
5 bedroom	0.021802
6 bedroom	0.024646

3. **Distribution of Affordable Units** – The affordable rental units must be equally distributed within the development and within buildings. The mix of affordable unit styles, square footage, and number of bedrooms must be equal to or greater than the mix of market rate units. Affordable units may float within an eligible project to ensure the required percentage of each affordable unit type is maintained throughout the compliance period.
4. **Affordability Compliance Period** – Rental units designated as affordable must remain affordable for a period of 30 years. The applicant must record a covenant running with the land in favor of the County, which provides that for 30 years from the date of issuance of the first Certificate of Occupancy for the ADUs that:
 - No ADU may be rented for an amount that exceeds the limits set by the Albemarle County Office of Housing;

- The covenant is senior to all instruments securing permanent financing; AND
 - The covenant is binding upon all assignees, mortgagees, purchasers and other successors interest.
5. **Consistency with Comprehensive Plan** – The applicant’s project must be consistent with the land use recommendations of the Comprehensive Plan.

V. Application Requirements

Complete applications must include the following information, and all supporting documentation as described below:

A. Application Form

The application form must be completed in its entirety, and signed by the applicant. The project information to be provided on the form includes the following:

1. Project name; contact name, title, organization, contact information, and signature;
2. Estimated total amount of incentive funding requested;
3. Total number of residential units broken down by size and unit type;
4. Total number of affordable units broken down by size and unit type;
5. Type of project (new construction, conversion, rehabilitation, acquisition for preservation);
6. Proposed rental prices of the affordable units.

B. Project Narrative

The project narrative should be no more than three pages, and must include the following information:

1. A description of the existing site and use of the existing property including, if appropriate, a justification for the elimination of existing sound and rehabilitable housing.
2. A description of the proposed project including site location, neighborhood characteristics, access to transportation options, community amenities to be provided or that are located within ¼ mile of the project site.
3. A description of the type of construction materials to be used.
4. A description of the accessibility features to be included, or how units may be adapted to meet future accessibility requirements.

5. If the existing site includes occupied residential dwelling units, a description of any relocation support services to be offered to existing residents.
6. A description of how the proposed project will meet the objectives of *Housing Albemarle*.
7. Outline of the project schedule.
8. A description of the ownership structure of the proposed project, and declaration of any mutual identity of interest between the applicant, the construction contractor, or property management company.

C. Financial Information

1. Development budget with detailed project costs;
2. Budget sources and uses;
3. Three different 30-year pro forma operating cash flow scenarios (income and expense analyses)
 - a. Scenario 1: affordable units *without* the incentive– demonstrate 10-year average cash on cash return¹.
 - b. Scenario 2: affordable units *with* the incentive – demonstrate 10-year average cash on cash return.
 - c. Scenario 3: showing the necessary *increase in unit rents* (from Scenario 1) to achieve the same cash on cash return as with the incentive (Scenario 2).
4. Rent structure, by unit type. If the rent structure has varying rents within unit types (e.g., multiple rent levels for 1 bedroom units), include a roll up of total count by unit type.
5. Demonstration of how real estate taxes without the exemption were determined.
6. Demonstration of each component of the applicant’s equity including invested cash and any deferred fees.
7. Economic feasibility, market analysis, or evidence of cost comparisons when appropriate.

D. Supporting Documentation

1. Conceptual site plan and supporting maps.

¹ Cash-on-cash return, or the cash yield, measures the cash income earned on the cash invested in a property.

2. Initial schematic or architectural drawings of floor plan(s).
3. Documentation of site control and supporting materials including:
 - Property tax printout for all parcels showing tax account numbers and legal descriptions; and
 - Copy of deed
4. Copy of market study provided to senior lender for the project.

E. Additional Information

Such other information that is reasonably necessary.

VI. Application Approval

A. Review of Program Requirements

The Albemarle County Office of Housing (ACOH) will determine if applications meet the program and application requirements.

If an application is complete and meets program requirements, the ACOH will work with the applicant to draft a term sheet for the incentive.

B. County Executive Review

The County Executive will review applications and make recommendations for moving applications forward for public hearing.

C. Final Approval

The Board of Supervisors has the final approval of all incentive requests. The Board may accept or reject the application, or may approve the application with suggested modifications.

D. Execution of Agreement

Following approval of the application, staff will prepare, or cause to be prepared, an ARHIP agreement. The agreement must be fully executed by all parties before incentive funds can be disbursed.

**RESOLUTION TO APPROVE
SP202300007 HOME DEPOT
OUTDOOR STORAGE, DISPLAY, AND SALES**

WHEREAS, upon consideration of the staff reports prepared for SP202300007 Home Depot Outdoor Storage, Display, and Sales and all of their attachments, including staff’s supporting analysis, the information presented at the public hearings, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-30.6.3(a)(2)(b) 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 Planned Development Shopping Center zoning district, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan and the applicable design guidelines.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP202300007 Home Depot Outdoor Storage, Display, and Sales, subject to the conditions attached hereto.

* * * * *

SP202300007 Home Depot Outdoor Storage, Display, and Sales Special Use Permit Conditions

1. Development must be in general accord with the Home Depot plans (the Plan) drawn by Kimley Horn dated 10/16/2023 (Attachment A6), and MG2 Home Depot plan sheets DD50-08 and DD50-09 dated 11/16/23 (Attachment A7). To be in general accord, development must reflect the following major elements essential to the design of the development:
 1. Location of areas of storage, sale, and display; and
 2. Location and design of fencing.
2. Products for storage, display and/or sale must not be stacked higher than the adjacent garden center fence.
3. The color temperature of garden center light fixtures must not exceed 3000K.
4. Outdoor illumination, including illumination of items for storage, display, and sale, must not exceed 30 footcandles at the display areas facing Rt. 29 and 20 footcandles elsewhere.
5. All outdoor illumination must be full-cutoff fixtures.
6. Large shade trees, 3½” caliper at planting, spaced 35’ on center, and interspersed ornamental trees are required along the Rt. 29 frontage of parcel 61-132. An alternative planting within the existing planting area located between the parking lot and the right-of-way may be approved by the ARB with the final site plan, subject to VDOT approval.
7. The Rio Rd. frontage of parcel 61-132 must be landscaped as shown on the Plan, except that the landscape plan must be revised to include more diverse species along Rio Rd. Other changes to the landscape plan may be approved by the ARB with the final site plan.

**ORDINANCE NO. 24-A(6)
ZMA 2020-00012**

**AN ORDINANCE TO AMEND THE ZONING MAP FOR
PARCELS 05600-00-00-091A0 AND 056E0-00-00-00200**

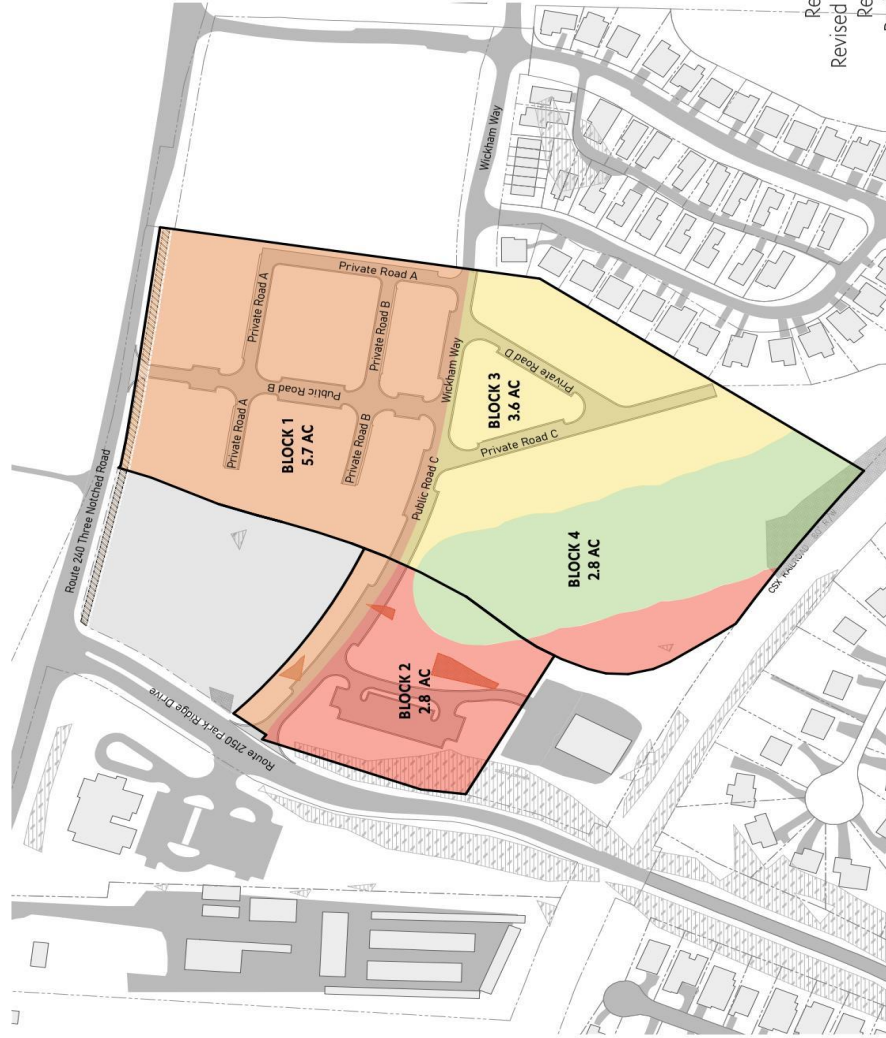
WHEREAS, an application was submitted to rezone 14.9 acres on Parcels 05600-00-00-091A0 and 056E0-00-00-00200 from Rural Areas (RA) and Light Industry (LI) to Neighborhood Model District (NMD); and

WHEREAS, on September 26, 2023, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2020-00012;

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 2020-00012 and their attachments, including the Code of Development last revised April 13, 2023 and the information presented at the public hearings, any written comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code § 18-20A.1, and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board hereby approves ZMA 2020-00012 with the Code of Development entitled "Montclair | Code of Development: A Neighborhood Model District," dated September 21, 2020, last revised on April 13, 2023.

MONTCLAIR | Code of Development
A Neighborhood Model District

Code of Development
The following is a Code of Development ("COD") drafted in accordance with Section 20A.5 of Chapter 18 of the Code of Albemarle, Virginia. This COD is specific to tax map parcels 56-91A and a portion of 56E-2 and establishes the unifying design guidelines, specific regulations, and block characteristics within this Neighborhood Model District (NMD) known as Montclair. The COD also provides certainty about the permitted uses, locations, and appearance of central features.



Revised 13 April 2023
Revised 19 December 2022
Revised 17 June 2022
Revised 07 March 2022
Revised 17 November 2021
Submitted 21 September 2020
ZMA2020-12 COD | 1

SHIMP ENGINEERING, P.C.

Block Character Descriptions

Block 1

Block 1 consists of a substantial landscape buffer along Route 240 and features a mixture of unit types and sizes. Block 1 is proposed to contain the highest residential density in the Montclair NMD. The residential units are to be accessed by a road network, which provides the framework for short, walkable blocks and pockets of greenspace and amenity areas.

Block 2

Block 2 establishes the opportunity for neighborhood-scale commercial and residential uses. Neighborhood-scale commercial uses are dictated by this Code of Development, which includes the provisions for office space, restaurants, and retail services. Block 2 extends east of tax map parcel 056E0-00-002A0, a site with an existing daycare facility. Because the Code of Development allows a daycare use in Block 2, there is an opportunity for the existing daycare facility to utilize this additional land in the NMD for future preschool expansion.

Block 3

Block 3 is a residential block, positioned furthest away from Route 240 and Park Ridge Drive. As Block 1 and 2 establish higher densities, additional commercial uses, and a variety of residential unit types and sizes, Block 3 is imagined to build-out larger units in the development, at a lower density. These units are anchored by a central greenspace and back up to protected environmental features in Block 4.

Block 4

Block 4 is proposed as a conservation area and is to be utilized as a community open space with passive recreational amenities.

SHIMP ENGINEERING, P.C.

Revised 13 April 2023
Revised 19 December 2022
Revised 17 June 2022
Revised 07 March 2022
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TABLE A. Uses

	BLOCK 1	BLOCK 2	BLOCK 3	BLOCK 4
RESIDENTIAL				
Single-family detached dwellings, attached single-family dwellings such as two-family dwellings, triplexes, quadruplexes, townhouses, and townhouses with accessory apartments	BR	BR	BR	BR
Multifamily	BR	BR	N	N
Group Homes	BR	BR	BR	BR
Boarding Houses	BR	BR	BR	BR
Home Occupation Class A	BR	BR	BR	BR
Family Day Home	BR	BR	BR	BR
NON-RESIDENTIAL				
Office	N	BR	BR	N
Light Industrial	N	N	N	N
Retail Sales and Service	N	BR	BR	N
Barber, beauty shops	N	BR	BR	N
Health Spas	N	BR	BR	N
Child day centers (reference 5.1.06)	N	BR	BR	N
Tailor, seamstress	N	BR	BR	N
Restaurants	N	BR	BR	N
Financial Institutions	N	BR	BR	N
Religious Assembly Use	BR	BR	BR	BR
				See note 3 below

“BR” = “By-right”
 “SP” = “Special Use Permit”
 “N” = “Not Permitted”

Revised 13 April 2023
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MONTCLAIR | Code of Development
A Neighborhood Model District

	BLOCK 1	BLOCK 2	BLOCK 3	BLOCK 4
Hotel	N	BR	N	See note 3 below
Farmers' markets (reference §18-5.1.47)	N	N	N	
Car Washes	N	N	N	
Automobile, Truck Repair Shops	N	N	N	
Machinery and equipment sales, service, and rental	N	N	N	
Manufactured home and trailer sales and service	N	N	N	
Motor vehicle sales, service and rental	N	N	N	
Wholesale Distribution	N	N	N	
Sale of major recreational equipment and vehicles	N	N	N	
Storage Yards	N	N	N	
Drive-through windows	N	N	N	
Water, sewer, energy and communications distribution facilities	BR	BR	BR	
Accessory uses and buildings including storage buildings	BR	BR	BR	
Temporary construction headquarters and temporary construction storage yards (reference §18-5.1.18)	BR	BR	BR	
Temporary industrialized buildings (reference §18-5.8)	N	N	N	
Public Uses (reference §18-5.1.12)	BR	BR	BR	
Tier I and Tier II Personal wireless (reference §18-5.1.40)	BR	BR	BR	
Stand alone parking	N	N	N	

Notes to Table A:

1. A minimum of two housing types shall be provided in Montclair.
2. Hotel use is limited to no more than 20 guest rooms.
3. Permitted uses and activities shall comply with the Albemarle County Zoning Ordinance, Chapter 17, Article VI, Stream Buffers as applicable within established buffer areas.
4. Any use not expressly permitted by Table A may be permitted upon a determination by the zoning administrator pursuant to Sec. 18-8.5.2(c)1 of the Albemarle County Zoning Ordinance.

“BR” = “By-right”
“SP” = “Special Use Permit”
“N” = “Not Permitted”

SHIMP ENGINEERING, P.C.

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TABLE B. SQUARE FOOTAGE

	BLOCK 1	BLOCK 2	BLOCK 3	BLOCK 4	TOTAL
MIN Non-Residential Square Footage	0	0	0	0	0
MAX Non-Residential Square Footage	2,000	16,500	2,000	0	16,500

Notes to Table B:
1. The maximum non-residential square footage in Montclair is limited to 16,500 SF; therefore, blocks that permit non-residential square footage may not be permitted to build the maximum square footage allocated per block if the maximum non-residential square footage in the NMD has been reached.

TABLE C. RESIDENTIAL DENSITY

	BLOCK 1	BLOCK 2	BLOCK 3	BLOCK 4	TOTAL
Approximate Block Area (AC)	5.7 (Gross) 4.8 (Net)	2.8	3.6	2.8	14.9 (total) 14 (net)
MIN Residential Units	28	8	10	-	46
MAX Residential Units	85	16	21	-	122
	57 units				
	28 bonus units ²				
MAX Block Density (DUA)	15 (Gross) 18 (Net)	6	6	-	9 (Gross) 9 (Net)

Notes to Table C:
1. Total number of residential units in Montclair not to exceed 122.
2. If provided, bonus units shall be achieved through providing additional affordable housing (beyond the 15% Affordable Housing Requirement), or through the construction of small-scale housing types; small-scale housing types include, but are not limited to, bungalow courts, small and medium multiplexes, accessory dwelling units, live/work units, small single family cottages, and tiny houses.
3. The area of the blocks may vary by 10%.

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Revised 19 December 2022
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Revised 17 November 2021
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TABLE D. GREENSPACE & AMENITIES

	BLOCK 1	BLOCK 2	BLOCK 3	BLOCK 4	TOTAL
Approximate Block Area (AC)	5.7	2.8	3.6	2.8	14.9
Amenity Area MIN SF	5,000	1,049	1,800	121,960	129,809
Amenity Area MIN %	2.0%	0.9%	1.1%	100%	20%
Amenity Characteristics	Passive & active recreational opportunities; sitting garden, central pocket park, walking path, multi-use path, community garden	Passive & active recreational opportunities; sitting garden, walking path, community garden	Passive & active recreational opportunities; sitting areas, landscaping	Walking paths, bike paths, landscaping, natural amenities	
Green Space MIN SF	5,000	1,049	1,800	121,960	129,809
Green Space MIN %	2.0%	0.9%	1.1%	100%	20%
Green Space Characteristics	Grass/other vegetation, landscaped areas, required yards, community garden, sitting garden, landscape buffer	Grass/other vegetation, landscaped areas, required yards, community garden, sitting garden, landscape buffer	Grass/other vegetation, landscaped areas, required yards	Vegetative Buffer, stream	

Notes to Table D:

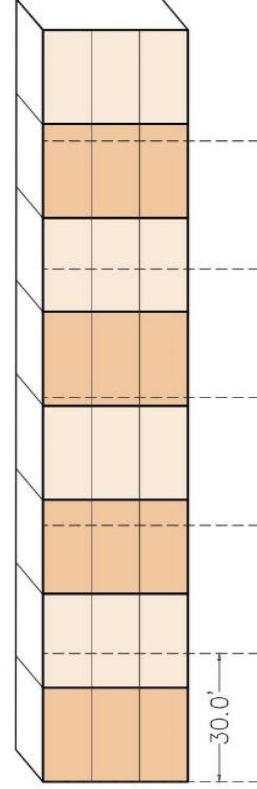
1. Multi-use path improvements dedicated to public right-of-way may count towards the minimum amenity square footage requirements in Block 1 and within Montclair.
2. Amenities listed in Table D provide an overview of potential amenity improvements; this list is not exhaustive and final amenities will be determined at site plan.
3. Per Section 3.1 of the Albemarle County Zoning Ordinance, uses in green space may include, but are not limited to, stormwater areas, wooded slopes, graded & revegetated slopes of 25% to 50%, required yards on both residential & non-residential lots, landscaped areas, landscaped islands in parking lots, and other land covered in vegetation. Where areas for amenities are vegetated, amenities, such as in parks and playgrounds, shall be included in required greenspace calculations.

TABLE D1. RECREATIONAL EQUIPMENT & FACILITIES ALTERNATIVES	
Section 4.16.2 Minimum Facilities	Alternative Facilities
Minimum 2,000 sq. ft. tot lot	<ul style="list-style-type: none"> • Natural Playscape (≥ 2000 sq. ft.) • Community Gardens • Pedestrian Trails • Bike Trails
1/2 basketball court	<ul style="list-style-type: none"> • Active Recreation Areas • Picnic Shelter • Bocce Ball Court
Notes to Table D1:	
1. The alternative equipment & facilities provided are non-exhaustive and are meant to provide a general framework for potential equipment & facilities substitutions that may be pursued at site plan.	

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Architectural Standards (Sections 20A.5g)

Form, Massing, and Proportion of Structures	Maximum Facade Segment Length	No building facade ¹ may extend for more than 30', measured horizontally, without a physical break or visual break in the plane of the facade
	Permitted Options for Articulating a Facade	Physical breaks in the plane of the facade (such as wall recesses and vertical and horizontal projections) Visual breaks in the plane of the facade, including material changes, texture changes, and detailing Roofline breaks, balconies, arcades, awnings, and canopies
Facade Treatments	Visibly discernible stories shall be achieved through the use of windows and/or building entries on each story, using varied building materials, special ground-floor design treatments, and other facade elements or other architectural details	
Building Facades in Blocks 1 & 2	Building facades facing Route 240 and Park Ridge Drive in Blocks 1 & 2 shall be designed as front building facades unless a landscape screening buffer is provided in accordance with §18-32.7.9.7.	
Prohibited Building Facade Materials	Aluminum siding, vinyl siding, unfinished/untreated wood siding	
Notes to Architectural Standards: 1. "Building facade" pertains to a series of attached structures or one singular structure.		



Maximum 30' of horizontal length of building facade before a physical break or visual break in the plane of the facade

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TABLE E. LOT 5: BUILDING REGULATION

	BLOCK 1	BLOCK 2	BLOCK 3	BLOCK 4
Building Height				
Stories	1 Min - 3 Max	1 Min - 3 Max	1 Min - 3 Max	-
Height	45'	45'	45'	-
Building Footprint (MAX)				
Residential				-
Single-family detached dwellings, attached single-family dwellings such as two-family dwellings, triplexes, quadruplexes, townhouses, and townhouses with accessory apartments	1,500 SF	2,000 SF	2,500 SF	-
Multifamily/multiplexes	12,000 SF	5,000 SF	-	-
Non-Residential + Mixed Use				-
Commercial/retail	-	5,000 SF	-	-
Office/institutional	2,000 SF	16,500 SF	2,000 SF	-
Setbacks				
Front	5' Min	5' Min	5' Min	-
Side	5' Min	5' Min	5' Min	-
Rear	5' Min	5' Min	5' Min	-
Notes to Table E:	<p>1. Side setbacks apply unless the building shares a common wall. 2. Front setbacks shall be measured from the edge of the right-of-way or the exterior edge of the sidewalk, if the sidewalk is outside of the right-of-way. 3. Building separation shall comply with all applicable USBC regulations & Section 4.11 of the Zoning Ordinance. 4. Minimum and maximum building story ranges provided are for above grade stories. 5. Accessory structures shall be a minimum of 5' from property lines.</p>			

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Parking Areas (Section 20A.5i(8))

Parking shall be generally located as shown in Figure 4. Relegated parking from Route 240 and Park Ridge Drive are key design elements of the parking program shown in Figure 4.

Parking, stacking, and loading shall be provided in accordance with Section 4.12 of Chapter 18 of the Albemarle County Code except that the minimum required parking may be provided on-site off-street, on-street, or in a parking lot so long as the minimum number of parking spaces is provided within the NMD. Any off-site parking space provided must be within 350' of the building or area containing the use affiliated with the parking area to contribute to the minimum parking requirement.

Landscape Treatments (Section 20A.5h)

Landscaping and screening shall be provided in accordance with Section 32.7.9 of the Albemarle County Code. Plantings may be provided in the Virginia Department of Transportation right-of-way only as permitted by VDOT. Both evergreen and deciduous trees and shrubs of varying sizes will create a natural buffer along the Route 240 frontage and will be subject to Architectural Review Board approval. The Route 240 buffer shall be 100' in width, measured from the Route 240 edge of pavement.

Dumpsters and Dumpster Pads on the Property shall be screened pursuant to Section 4.12.19 of the Zoning Ordinance.

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Figure 4



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Sidewalks & Pedestrian Paths (Section 20A.5i(5))

Sidewalks and pedestrian paths shall be generally located per the Application Plan associated with this ZMA. Exact location of sidewalks and pedestrian paths will be determined at site plan.

Sidewalks within the NMD must be constructed, at minimum, to VDOT standards. Sidewalks will be located generally as shown in Figure 5 of this Code of Development and as provided for in the Application Plan however, final sidewalk locations will be determined at site plan. Modifications to general sidewalk locations may be pursued at site plan so long as pedestrian connections providing comparable connectivity to the connections shown in Figure 5 are provided. The “comparable connectivity” of any modifications to the general location of sidewalk connections shown in Figure 5 shall be determined by the Director of Planning or its designee. In addition to the general locations shown in Figure 5 sidewalks will be constructed to provide safe and convenient pedestrian connections between parking areas and building entrances.

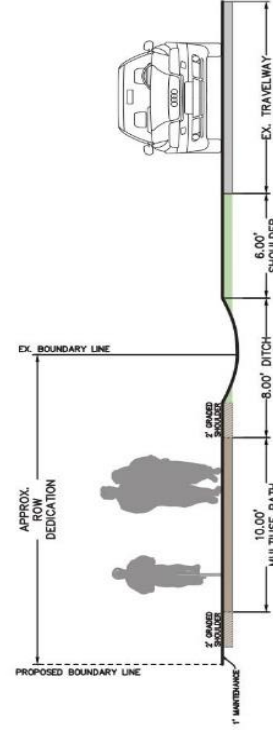
Figure 5¹



1. Access to eastern portion of Block 2 to be provided through adjacent parcel, TMP 56E-2A

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Revised 19 December 2022
Revised 17 June 2022
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Figure 6¹



1. Source: VDOT Road Design Manual, Appendix A(1); VDOT Complete Streets: Bicycle & Pedestrian Facility Guidelines, Bus Stop Design & Parking Guidelines, (A1)-24, 26

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AFFORDABLE HOUSING

15% of the total residential dwelling units built within areas designated for residential use within the project shall be Affordable Dwelling Units (the “15% Affordable Housing Requirement”). The 15% Affordable Housing Requirement may be met through a variety of housing types, including but not limited to, for-sale units or rental units.

For-Sale Affordable Dwelling Units:

All purchasers of the affordable units shall be approved by the Albemarle County Office of Housing. A for-sale Affordable Dwelling Unit shall mean any unit affordable to households with income less than eighty percent (80%) of the area median income (as determined by the U.S. Department of Housing and Urban Development (HUD) from time to time) 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 maximum sales price shall be 65% of Virginia Housing’s maximum sales price/loan limit for the first-time homebuyer program. The Applicant or its successor shall provide the County or its designee a period of ninety (90) days to identify and prequalify an eligible purchaser for the for-sale Affordable Dwelling Units. The ninety (90) day period shall commence upon written notice from the Applicant, or its successor, 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 for-sale Affordable Dwelling Unit; the County or its designee may then have ninety (90) days within which to provide a qualified purchaser for such for-sale Affordable **SHIMP ENGINEERING, PC.**

Dwelling Unit. If the County or its designee does not provide a qualified purchaser during the ninety (90) day period, the Applicant or its successor shall have the right to sell the unit(s) without any restriction on sales price or income of the purchaser(s). This shall apply only to the first sale of each of the for-sale Affordable Dwelling Units.

For-Rent Affordable Dwelling Units:

1.) **RENTAL RATES:** The gross rent (meaning the unit rent plus tenant-paid utilities) for each rental housing unit which shall qualify as an Affordable Housing Unit (“For-Rent Affordable Dwelling Unit”) shall not exceed HUD’s affordability standard of thirty percent (30%) of the income of a household making eighty percent (80%) of the area median income (as determined by HUD from time to time). In each subsequent calendar year, the monthly net rent (meaning the unit rent minus tenant-paid utilities) for each For-Rent Affordable Dwelling Unit may be increased up to three percent (3%). The requirement that the rents for such For-Rent Affordable Dwelling Units may not exceed the maximum rents established in this Section 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 Dwelling Unit, or until the units are sold as For-Sale Affordable Dwelling Units.

2.) **CONVEYANCE OF INTEREST:** All deeds conveying any interest in the For-Rent Affordable Dwelling Units during the Affordable Term shall contain language reciting that such unit is subject to the terms of this Section. In addition, all contracts pertaining to a conveyance of any

For-Rent Affordable Dwelling Unit, or any part thereof, during the Affordable Term shall contain a complete and full disclosure of the restrictions and controls established by this Section. At least thirty (30) days prior to the conveyance of any interest in any For-Rent Affordable Dwelling 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 Section 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 Dwelling Unit, the Applicant or its successor shall provide to the 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 Applicant or its successor 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.

Tracking: Each subdivision plat and site plan for land within the Property shall designate lots or units, as applicable, that will satisfy the 15% Affordable Housing Requirement. Such subdivision plat(s) or site plan(s) shall not be required to identify the method by which the 15% Affordable Housing Requirement will be satisfied. The aggregate number of such lots or units designated for affordable units within each subdivision plat or site plan shall constitute a minimum of fifteen percent (15%) of

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the lots or units in such subdivision plat or site plan, unless such subdivision plat or site plan does not contain any residential uses. The Applicant, at the Applicant's option, may accelerate the provision of affordable units ahead of the 15% Affordable Housing Requirement and shall be entitled to receive credit on future subdivision plat(s) or site plan(s) for any such units provided beyond the 15% Affordable Housing Requirement.

**RESOLUTION TO APPROVE
ACSA202100002 MONTCLAIR
FOR PARCEL ID 05600-00-00-091A0**

WHEREAS, in application ACSA202100002 (“ACSA 2021-02”), the owner of Parcel 05600-00-00-091A0 (“Parcel 56-91A”) has applied for an amendment to the Albemarle County Service Authority (ACSA) Jurisdictional Area to include Parcel 56-91A in the area for water and sewer service; and

WHEREAS, on February 21, 2024, the Albemarle County Board of Supervisors held a duly noticed public hearing on ACSA 2021-02; and

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for ACSA 2021-02 and all of its attachments, the information presented at the public hearing, and the relevant factors in Virginia Code § 15.2-5111, in Chapter 12.1, Community Facilities, Strategy 9a, of the Albemarle County Comprehensive Plan, and in the Comprehensive Plan’s Growth Management Policy and Land Use Plan, the Albemarle County Board of Supervisors hereby approves ACSA 2021-02.