

ACTIONS
Board of Supervisors Meeting of September 14, 2016

September 12, 2016

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>VIDEO</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 3:02 p.m. by the Chair, Ms. Palmer. All BOS members were present. Also present were Greg Kamptner, Claudette Borgersen and Travis Morris. 		Link to video
<p>2. Discussion: FY17/19 Strategic Plan Priority Objectives.</p> <ul style="list-style-type: none"> HELD. 		
<p>Recess. The Board recessed at 3:34 p.m., and reconvened at 3:37 p.m.</p>		
<p>3. Joint Meeting with School Board.</p> <p>a. Context Setting for Two Year Balanced Fiscal Plan/Five Year Financial Plan Process.</p> <ul style="list-style-type: none"> HELD. 		
<p>4. Closed Session. Personnel and Legal Matters.</p> <ul style="list-style-type: none"> At 5:05 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 and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to: 1. The acquisition of real property in conjunction with the Barracks Road sidewalk project; 2. The repair of drainage improvements and the acquisition of a related easement on Commonwealth Drive; 3. Consideration of negotiating the lease of office space for an entity created as the result of a public private partnership; and 4. The pending special use permit application for Restore'n Station. 		
<p>5. Certified Closed Meeting.</p> <ul style="list-style-type: none"> At 6:12 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
<p>6. Call back to Order.</p> <ul style="list-style-type: none"> At 6:13 p.m., the Chair called the meeting back to order. 		
<p>9. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED the final agenda. 		
<p>10. Brief Announcements by Board Members.</p> <p><u>Rick Randolph:</u></p> <ul style="list-style-type: none"> Reported that All God's Children Child Development Center opened at Christ Church on Glendower Rd., and it already has an enrollment of 15 students, and are discussing expanding the program. Announced that Scottsville United Methodist Church is hosting a packaging program for Stop Hunger Now. Announced that all of Scottsville will be celebrating a Harry Potter event on October 29th. <p><u>Ann Mallek:</u></p>		

<ul style="list-style-type: none"> Announced that on September 18th in Crozet there will be a Boys and Girls Club Cycling Challenge. <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> Announced that on September 29, 6 p.m., at Murray Elementary School on Morgantown Road the Rivanna Solid Waste Authority and the County will be presenting information on the transfer station which is being built on the Ivy Landfill site. <p><u>Norman Dill:</u></p> <ul style="list-style-type: none"> Announced that the MPO for transportation will hold a public joint City/County public meeting on the new expanded bridge at Free Bridge on Thursday, September 22nd at 6:30 p.m., Burnley-Moran Elementary School. 		
<p>11. Proclamations and Recognitions.</p> <p>a. Proclamation recognizing September 17, 2016 as Pride Festival Day.</p> <ul style="list-style-type: none"> ADOPTED, by a vote of 6:0, and presented to Amy Sarah Marshall. 	(Attachment 1)	
<p>12 From the Public: Matters Not Listed for Public Hearing on the Agenda</p> <ul style="list-style-type: none"> <u>Tom Loach</u>, a resident of Whitehall, spoke on the Board's previous discussion regarding Adelaide and the Crozet Master Plan. <u>Neil Williamson</u>, Free Enterprise Forum, addressed the Board and expressed his concerns at the role unelected organizations such as CAC's provide for the Board. 		
<p>13.2 Resolution to approve FY 17 Appropriation for local government and school division projects and programs.</p> <ul style="list-style-type: none"> ADOPTED, resolution to approve appropriation #2017030 for local government and school division projects and programs. 	<p><u>Clerk:</u> Notify OMB, Finance and appropriate individuals. Forward copy of signed resolution to OMB and County Attorney's office. (Attachment 2)</p>	
<p>13.3 Resolution to approve Note modification for Habitat for Humanity.</p> <ul style="list-style-type: none"> ADOPTED resolution. 	<p><u>Clerk:</u> Forward copy of signed resolution to Economic Development and County Attorney's office. (Attachment 3)</p>	
<p>13.4 Approval of Resolution approving, by special exception, to modify the maximum allowable wall signage for Wegmans.</p> <ul style="list-style-type: none"> ADOPTED, resolution to approve the special exception to modify the maximum allowable wall signage. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 4)</p>	
<p>13.5 Resolution to Support use of VHDA Financing for The Vue in Crozet.</p> <ul style="list-style-type: none"> ADOPTED, resolution making the determinations requested by the Vue Realty Partners LLC regarding the proposed project known as The Vue. 	<p><u>Clerk:</u> Forward copy of signed resolution to Housing and County Attorney's office. (Attachment 5)</p>	
<p>14. Pb. Hrg.: <u>ZMA-2012-00007. 5th Street Commercial.</u></p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED Resolution ZMA-2012-00007 to approve the special exception. By a vote of 6:0, ADOPTED Ordinance approving ZMA-2012-00007. 5th Street Commercial. 	<p><u>Clerk:</u> Forward copy of signed resolution and ordinance to Community Development and County Attorney's office. (Attachment 6)</p>	

15.	<p>Pb. Hrg.: SP-2016-00003. West Glen.</p> <ul style="list-style-type: none"> By a vote of 5:1, (Mallek), ADOPTED adopt the Resolution SP201600003 with specified conditions. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 7)</p>
<p>Recess. The Board recessed at 8:16 p.m., and reconvened at 8:30 p.m.</p>		
16.	<p><u>PROJECT: SP-2015-00032. ReStore N Station (amendment of SP 200900034).</u></p> <ul style="list-style-type: none"> Motion to deny SP2015-32 because of the existing conditions adopted in conjunction with the Board's approval of SP2009-34 are reasonable were never challenged by the applicant and for all of the other reasons contained in the record that support this decision FAILED by a vote of 3:3 (McKeel/Sheffield/Dill). By a vote of 4:2 (Randolph/Mallek), DEFERRED to October 12 at the request of the applicant. 	<p>Clerk: <u>Schedule of October 12 agenda.</u></p>
17.	<p>From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Brad Sheffield</u> –</p> <ul style="list-style-type: none"> Announced that the Governor's Transportation Conference would held October 19 – 20 in Alexandria. <u>Announced that the USDOT is starting a new national academy for local decision makers that are non-transportation professionals.</u> 	
18.	<p>From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> There were none. 	
19.	<p>Adjourn to September, 20 2016, p.m., Room.241</p> <ul style="list-style-type: none"> The meeting was adjourned at 10:03 p.m. 	

/tom

- Attachment 1 – Proclamation Recognizing September 17, 2017 as Pride Festival Day
- Attachment 2 – Resolution to Approve Additional FY 17 Appropriation
- Attachment 3 – Resolution to Approve Note Modification for Habitat for Humanity
- Attachment 4 – Resolution to Approve Special Exception for ZMA-2009-001 Wegman's Sign
- Attachment 5 – Resolution to Support use of VHDA Financing for The Vue in Crozet
- Attachment 6 – Resolution to Approve Special Exception for ZMA-2012-07 5th Street Commercial and Ordinance
- Attachment 7 – Resolution to Approve SP 2016-03 West Glen

PROCLAMATION

WHEREAS, Albemarle County is a community that values human rights, and respects the dignity of each person; and

WHEREAS, the Albemarle County Board of Supervisors is committed to equal rights for all Americans and opposes discrimination in all forms; and

WHEREAS, the cultural diversity and heritage of the Albemarle County has been enriched by the contributions of its lesbian, gay, bisexual, transgender, queer and questioning (LGBTQ) community; and

WHEREAS, the County's LGBTQ community members are integrally and actively involved with the County's health and safety, learning and innovation, economic energy, and quality of life; and

WHEREAS, the Pride Festival celebrates the lesbian, gay, bisexual, transgender, queer and questioning (LGBTQ) community and its proud presence in Albemarle County.

NOW, THEREFORE BE IT RESOLVED, that the Albemarle County Board of Supervisors recognizes with pride the lesbian, gay, bisexual, transgender, queer and questioning community; and

BE IT FURTHER RESOLVED that, the Albemarle County Board of Supervisors, proclaim, Saturday, September 17, 2016, as Pride Festival Day.

Signed and sealed this 14th day of September 2016.

**RESOLUTION TO APPROVE
ADDITIONAL FY 17 APPROPRIATION**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriation #2017030 is approved; and
- 2) That the appropriation referenced in Paragraph #1, above, is subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2017.

RESOLUTION
OF THE BOARD OF SUPERVISORS OF
ALBEMARLE COUNTY, VIRGINIA

WHEREAS, the Economic Development Authority of Albemarle County, Virginia (the "Authority"), has considered the application of Greater Charlottesville Habitat for Humanity Inc. ("Habitat") requesting the Authority's to modify an existing \$6,000,000 note (the "Original Note") of Southwood Charlottesville LLC ("Southwood"), whose sole member is Habitat, originally entered into in connection with the acquisition of approximately 350 trailer pads for the Southwood Mobile Homepark (the "Project"), which is located on approximately 100.5 acres of land at 387 Hickory Street, Charlottesville, Virginia 22902;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds;

WHEREAS, the Authority issues its bonds on behalf of Albemarle County, Virginia (the "County"); the Project is located in the County and the Board of Supervisors of Albemarle County, Virginia (the "Board") constitutes the highest elected governmental unit of the County;

WHEREAS, the Authority has recommended that the Board approve the modification of the Original Note (the Original Note, as so modified, is hereafter referred to as the "Note"); and

WHEREAS, a copy of the Authority's resolution approving the execution and delivery of the Note, subject to the terms to be agreed upon, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ALBEMARLE COUNTY, VIRGINIA:

1. The Board approves the execution and delivery of the Note by the Authority for the benefit of Habitat as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"), to permit the Authority to assist in the Project.

2. The approval of the execution and delivery of the Note does not constitute an endorsement to a prospective purchaser of the Note of the creditworthiness of the Project, Southwood or Habitat.

3. This resolution shall take effect immediately upon its adoption.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR ZMA 2009-001 WEGMANS SIGN**

WHEREAS, 5th Street Ventures, LLC (the "Owner") is the owner of Tax Map and Parcel Number 076M1-00-00-00200; and

WHEREAS, the Owner filed a request for a special exception to modify the maximum allowable wall signage set forth in County Code § 18-4.15.11.

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 summaries and the attachments thereto, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-8.2(b), 18-4.15.11, and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to modify the maximum allowable wall signage set forth in County Code § 18-4.15.11 subject to the condition attached hereto.

* * * * *

ZMA 2009-01 Wegmans Sign Special Exception Condition

1. The maximum wall signage shall be 542 square feet.

RESOLUTION

WHEREAS, the Board of Supervisors of the County of Albemarle, Virginia, desire to make the determination required by Section 36-55.30:2.B of the Code of Virginia of 1950, as amended, in order for the Virginia Housing Development Authority to finance the economically mixed project (the "Project") described as:

The VUE

1166 and 1194 Blue Ridge Avenue, Crozet, VA

TMP 05600-00-00-006A0 and TMP 05600-00-00-11500

A residential community consisting of 126 unit garden-style apartments and,

WHEREAS, the Project is a by-right development with an approved initial site plan.

NOW, THEREFORE, BE IT RESOLVED that the Board determines that:

(1) the ability to provide residential housing and supporting facilities that serve persons or families of lower or moderate income will be enhanced if a portion of the units in the Project are occupied or held available for occupancy by persons and families who are not of low and moderate income; and

(2) private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in the surrounding area of the Project and will induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR ZMA 2012-007, 5TH STREET COMMERCIAL**

WHEREAS, FTV Investments, LLC (the "Owner") is the owner of Tax Map and Parcel Numbers 07600-00-00-055A0 and 076M1-00-00-00100, collectively, the "Property"; and

WHEREAS, the Owner filed a request for a special exception to amend the Plan approved in conjunction with ZMA 1999-00013 to increase the maximum front setback on the Property.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the transmittal summary and staff reports prepared in conjunction with the special exception request, staff's supporting analysis and the Planning Commission's recommendation included in the summaries and the attachments thereto, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-4.20(a) and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to increase the maximum front setback on the Property, subject to the condition attached hereto.

* * * * *

ZMA 2012-07, 5th Street Commercial Special Exception Condition

1. Parcels 07600-00-00-055A0 and 076M1-00-00-00100 shall have a maximum front setback of 74 feet.

ORDINANCE NO. 16-A(6)
ZMA 2012-00007

**AN ORDINANCE TO AMEND THE ZONING MAP FOR TAX MAP
AND PARCEL NUMBERS 07600-00-00-055A0, 076M1-00-00-00100, and 07600-00-00-055C0**

WHEREAS, the application to amend the zoning map for Tax Map and Parcel Numbers 07600-00-00-055A0 ("Parcel 76-55A") (portion), 076M1-00-00-00100 ("Parcel 76M1-100"), and 07600-00-00-055C ("Parcel 76-55C") (portion), collectively, the "Property", is identified as ZMA 2012-000007 5th Street ("ZMA 2012-00007"); and

WHEREAS, Parcels 76-55A (portion), 76M1-100, and 76-55C (portion) are zoned Highway Commercial (HC), subject to the Proffers and a Plan, which were approved on July 3, 2002 in conjunction with ZMA 1999-00013; and

WHEREAS, ZMA 2012-00007 proposes to amend the Proffers and the Plan to allow commercial uses on the Property; and

WHEREAS, on June 21, 2016, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2012-00007, subject to four conditions being met prior to the Board meeting, which have since been satisfactorily addressed; and

WHEREAS, on September 14, 2016, the Albemarle County Board of Supervisors held a duly noticed public hearing on ZMA 2012-00007.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff reports prepared for ZMA 2012-00007 and their attachments, including the proffers and the proffered plan, 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 2012-00007 with the proffers dated September 1, 2016, and the proffered plan entitled "5th Street Development Application Plan" last revised July 28, 2016, and the zoning map for Tax Map and Parcel Numbers 07600-00-00-055A0 (portion), 076M1-00-00-00100, and 07600-00-00-055C0 (portion) are amended accordingly.

* * * * *

Original Proffers _____
Amendment X

PROFFER STATEMENT

Rezoning Application Number: ZMA No. 201200007

Tax Map and Parcel Number(s): TMP 07600-00-00-055A0; and portions of TMP 076M1-00-00-00100; and of TMP 07600-00-00-055C0, consisting of 0.430 acres, more or less, as shown on Attachment A.

Zoning: HC Highway Commercial to HC Highway Commercial

Owner of Record: FTV Investments, LLC, a Virginia limited liability company

Date of Proffer Signature: September 1, 2016

FTV Investments, LLC, a Virginia limited liability company, is the owner (the "Owner") of Tax Map and Parcel Number: TMP 07600-00-00-055A0; and portions of TMP 076M1-00-00-00100, and of TMP 07600-00-00-055C0 {the "Property"} which is the subject of rezoning application ZMA No. 201200007, a project known as "5th Street Development" (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. The location of buildings, including orientation, walkways, retaining walls and access point to greenway shall be in the general locations shown on the attached conceptual plan entitled "5TH STREET DEVELOPMENT APPLICATION PLAN" dated December 9, 2013, as updated and last revised July 28, 2016; prepared by Collins Engineering (hereinafter the "Conceptual Plan"), as determined by the Director of Planning and Zoning Administrator. Minor modifications to the plan which are in general accord with the general locations of buildings, walkways, retaining walls and access points to greenway may be made to ensure compliance with the Zoning Ordinance. Modifications are to be considered in terms of minimizing or improving impact on adjoining properties and roadways, to address Architectural Review Board requirements, or to comply with the Flood Hazard Overlay District.

2. The uses of the Property shall be limited to those listed in Attachment B.

3. Vehicular access from 5th Street to the Project shall be provided via a shared entrance with the existing use on the remainder of TMP 07600-00-00-055C0. This entrance shall be modified to be used for left turn movements from 5th Street and right-in/right out traffic movements only, as shown on the Conceptual Plan. The modified entrance shall meet Virginia Department of Transportation ("VDOT") standards for commercial entrances and will be constructed in conjunction with

improvements shown on the first final site plan. The Owner shall provide for an additional interconnection and ingress and/or egress for the use on the remainder of TMP 07600-00-00-055C0, as shown on the Conceptual Plan, in conjunction with improvements shown on the first final site plan.

4. All off-site traffic improvements and on-site improvements designed to manage ingress and egress to 5th Street shown on the Conceptual Plan shall be completed prior to the first certificate of occupancy, provided that any off-site traffic improvement shown on the Conceptual Plan shall not be required if VDOT determines that the particular off-site traffic improvement is not required.

5. By Deed of Dedication and Easement and Bill of Sale dated April 1, 2008, recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia in Deed Book 3580, pages 497-505 ("Easement"), Owner granted an Easement to the County of Albemarle providing access over the Property to the County's Greenway Trail.

- A. In addition to the screening requirements of the Albemarle County Architectural Review Board and Section 32.7.9 of the Albemarle County Zoning Ordinance, the Owner shall provide a vegetated buffer for the purposes of screening the development from the Greenway Trail shown on the Conceptual Plan. This vegetated buffer shall be provided in a manner consistent with Section 32.7.9 of the Albemarle Zoning Ordinance and the landscaping shall be shown on the final site plan and installed as part of any construction shown on the final site plan for development of the Property.
- B. The Owner shall construct a vehicular and pedestrian travel way ("Travel Way") from the proposed parking area to the edge of the Greenway Trail, in the approximate locations shown on the Conceptual Plan. The Travel Way shall be constructed to meet Class A (low maintenance multi-use/shared use path) standards in accordance with the County's Design Standards Manual. The Travel Way shall be shown on the first final site plan and installed by the Owner in conjunction with the improvements shown on the first final site plan approved for development of the Property. The Travel Way shall be maintained by the Owner.
- C. To the extent the location of the Travel Way on the Conceptual Plan is inconsistent with the locations shown on the Easement, the Owner shall, at its sole expense, prepare and execute an easement and accompanying easement plat, if necessary, in a form acceptable to the County of Albemarle, to correct the location of the Easement.

6. The Owner shall select and use roof materials on Buildings A, B and C, as shown on the Conceptual Plan, that are non-reflective earth tone or brown stone colors, and that are in general accord with the Monticello view shed guidelines as promulgated by the Thomas Jefferson Foundation.

7. The Owner shall provide for bicycle access to the Property by inclusion of bicycle lanes in its improvements to the frontage of 5th St. The bicycle lanes shall be shown on the first final site plan and installed by the Owner in conjunction with the improvements shown on the first final site plan approved for development of the Property.

8. The Owner shall grant an easement to the County for the "Primitive Trail Connection" as shown on the Conceptual Plan, provided that the deed of easement to the County may include a provision in which the County holds the Owner harmless as provided in Virginia Code § 29.1-509(E). The easement shall be granted within 90 days of the County's request for the trail easement. The Primitive Trail Connection shall be for pedestrian access only and shall be constructed to meet Class B (primitive nature trail) standards in accordance with the County's Design Standards Manual. The Primitive Trail Connection shall be shown on the first final site plan and installed by the Owner in conjunction with the improvements shown on the first final site plan approved for development of the Property. The Primitive Trail Connection shall be maintained by the Owner; however, at its discretion, the County may assume maintenance of the Primitive Trail Connection by informing Owner in writing that it will take over maintenance of the Primitive Trail Connection.

OWNER:

FTV Investments, LLC, a Virginia limited liability company

By: E. Randall Ralston

Its: Manager

COMMONWEALTH OF VIRGINIA:

CITY/COUNTY OF ALBEMARLE, to-wit:

The foregoing Proffer Statement was acknowledged before me this 1st day of September, 2016, by E. Randall Ralston, as Manager of FTV Investments, LLC, a Virginia limited liability company.

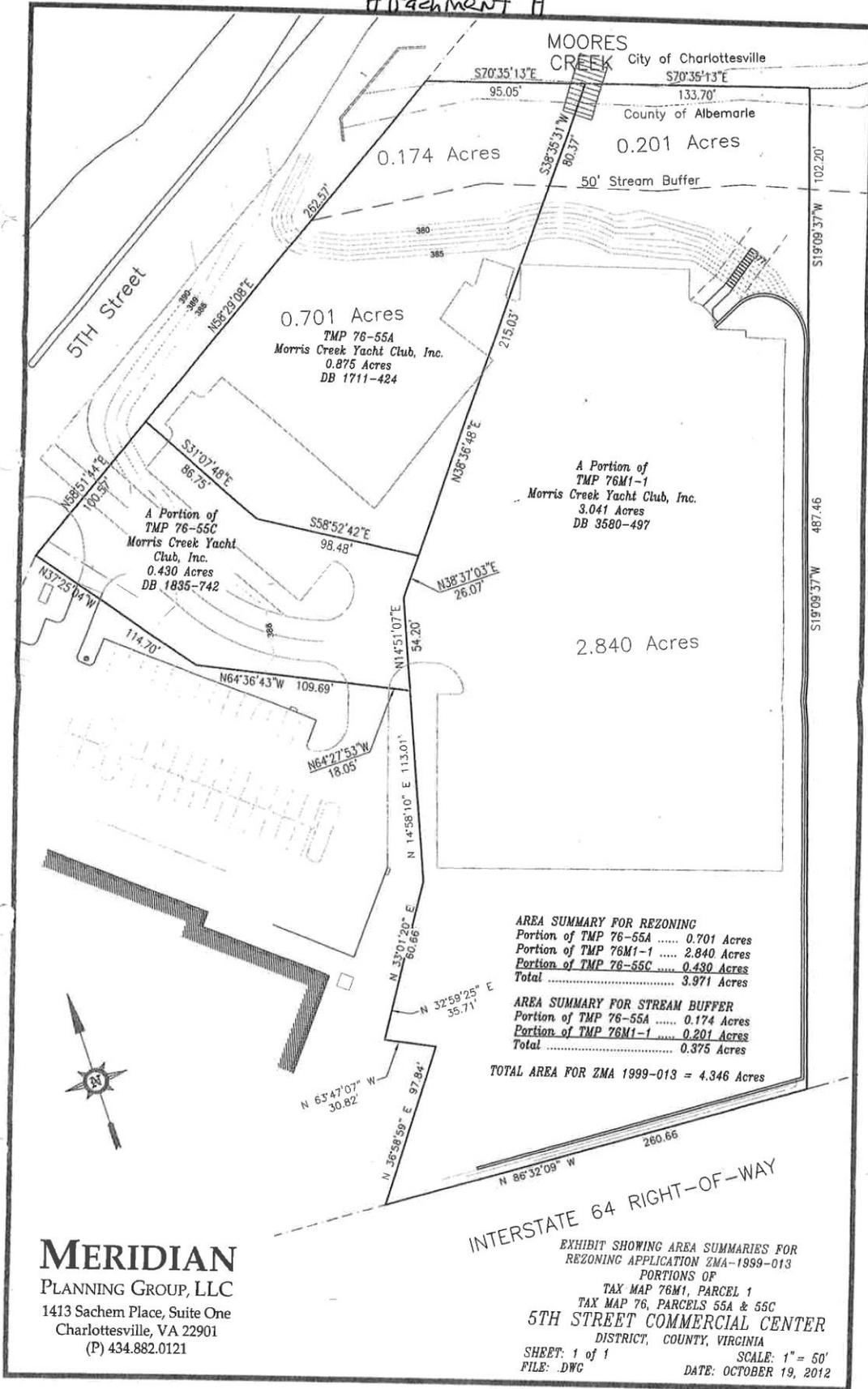
My commission expires: August 31, 2019.



Betty C. Dickenson
Notary Public

7102546
Notary Registration Number

Attachment A



ATTACHMENT B

24.2 PERMITTED USES

24.2.1 BY RIGHT

The following uses shall be permitted in any HC district, subject to the applicable requirements of this chapter. The zoning administrator, after consultation with the director of planning and other appropriate officials, may permit, as a use by right, a use not specifically permitted; provided that such use shall be similar to uses permitted by right in general character, and more specifically, similar in terms of locational requirements, operational characteristics, visual impact and traffic generation. Appeals from the zoning administrator's decision shall be as generally provided in section 34.

1. Automobile laundries.
2. Automobile, truck repair shops.
- ERR 3. ~~Automobile service stations (reference 5.1.20).~~
4. Building materials sales.
5. Churches, cemeteries.
6. Clubs, lodges (reference 5.1.02).
7. Convenience stores.
8. Educational, technical and trade schools.
9. Factory outlet sales - clothing and fabric.
10. Feed and seed stores (reference 5.1.22).
11. Financial institutions.
12. Fire extinguisher and security products, sales and service.
13. Fire and rescue squad stations (reference 5.1.09).
14. Funeral homes.
15. Furniture stores.
16. Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.
17. Home and business services such as grounds care, cleaning, exterminators, landscaping and other repair and maintenance services.
18. Hardware.
19. (Repealed 6-3-81)
20. Hotels, motels and inns.
21. Light warehousing.
22. Machinery and equipment sales, service and rental.
23. Mobile home and trailer sales and service.
24. Modular building sales.
25. Motor vehicle sales, service and rental.
26. New automotive parts sales.
27. Newspaper publishing.
28. Administrative, business and professional offices.
29. Office and business machines sales and service.
30. Eating establishment; fast food restaurants.
31. Retail nurseries and greenhouses.
32. Sale of major recreational equipment and vehicles.
33. Wayside stands - vegetables and agricultural produce (reference 5.1.19).
34. Wholesale distribution.
35. Water, sewer, energy and communications distribution facilities.

36. Public uses (reference 5.1.12).
37. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
38. Indoor theaters.
39. Heating oil sales and distribution (reference 5.1.20).
40. Temporary nonresidential mobile homes (reference 5.8).
41. Uses permitted by right pursuant to subsection 22.2.1 of section 22.1, commercial, C-1.
42. Indoor athletic facilities.
43. Farmers' market (reference 5.1.47).
44. Stormwater management facilities shown on an approved final site plan or subdivision plat.
45. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
46. Storage yards.
47. Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
48. Manufacturing/Processing/Assembly/Fabrication and Recycling; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
49. Storage/Warehousing/Distribution/Transportation; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
50. Drive-through windows (reference 5.1.60). (Added 3-2-16)

24.2.2 BY SPECIAL USE PERMIT

The following uses shall be permitted by special use permit in the HC district:

1. Commercial recreation establishment including but not limited to amusement centers, bowling alleys, pool halls and dance halls.
2. Septic tank sales and related service.
3. Livestock sales.
4. Veterinary office and hospital (reference 5.1.11).
5. Drive-in theaters (reference 5.1.08).
6. Energy and communications transmission facilities (reference 5.1.12).
7. Hospitals, nursing homes, convalescent homes (reference 5.1.13).
8. Auction houses.
9. Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential - R-15, in compliance with regulations set forth therein.
10. Commercial kennels - indoor only (reference 5.1.11).
11. Stand-alone parking and parking structures (reference 4.12, 5.1.41).
12. (Repealed 3-2-16)
13. Uses permitted by right, not served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day. Uses permitted by right, not served by public sewer, involving anticipated discharge of sewage other than domestic wastes.
14. Warehouse facilities not permitted under section 24.2.1 (reference 9.0).
15. Animal shelter (reference 5.1.11).
16. Tier III personal wireless service facilities (reference 5.1.40).
17. Body shops.

**RESOLUTION TO APPROVE
SP 2016-03 WEST GLEN**

WHEREAS, Crozet Development Solutions, LLC is the owner of Tax Map and Parcel Numbers 055C0-03-00-000A0, 056A1-01-00-02500, 056A1-01-00-026A0, 05600-00-00-11500, and 055C0-03-00-000A1, collectively, the "Property"; and

WHEREAS, a special use permit was approved by the Board for this property on July 1, 1991 (SP 1990-103 Orchard Acres) to allow fill in the floodplain for the construction of the existing stream crossing across Powell's Creek and the construction of Cling Lane, including a condition requiring that a second access to Orchard Drive be provided prior to further development of the property; and

WHEREAS, the Owner filed an application for a special use permit to allow fill in the floodplain to construct a second stream crossing over Powell's Creek in order to further develop the Property in accordance with the above-referenced SP 1990-103 condition, and the application is identified as Special Use Permit 2016-03 West Glen ("SP 2016-03"); and

WHEREAS, on June 21, 2016, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2016-03; and

WHEREAS, on September 14, 2016, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2016-03.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the transmittal summary and staff report prepared for SP 2016-03 and all of their attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code §§ 18-30.3.11 and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2016-03, subject to the conditions attached hereto.

* * * * *

**SP-2016-03 WEST GLEN
Conditions**

1. The culverts under Cling Lane Extended shall be in general accord with the attached drawing titled "Special Use Permit Plans for West Glen Subdivision" (the "Plan") prepared by Dominion Engineering with a revision date of June 3, 2016. To be in general accord with the Plan, development shall reflect the general size, arrangement, and location of the culverts, as well as maintaining no increase of the 100 year flood elevation outside of the West Glen Subdivision property. Modifications to the plan, which do not conflict with the elements above may be approved subject to the review and approval of the County Engineer.
2. Prior to final road plan approval or permitting of a land disturbance in the floodplain, the applicant shall obtain from the Federal Emergency Management Agency (FEMA) a conditional letter of map revision (CLOMR or CLOMA), and prior to road acceptance the applicant shall obtain from FEMA a letter of map revision (LOMR or LOMA). In addition, the applicant shall copy the County Engineer on all correspondence with FEMA. Construction and installation of the culverts shall be in compliance with approved road plans and the FEMA approved CLOMR or CLOMA.
3. Any residential lots and associated streets resulting from the subdivision of the Property, with the exception of the stream crossing and roadway identified on the attached plan as Cling Lane Extended, shall be located outside of the 100 foot stream buffer, Flood Hazard Overlay District and preserved slopes on the Property. Lots may be permitted to be located within the landward 10 feet of the 100 foot stream buffer only if the lots are adjacent to approved stormwater management facilities located within the landward 50 feet of the stream buffer. Approval of lots located within the stream buffer shall be subject to Subdivision Agent approval.
4. The net density of the Property shall not exceed 6 units per acre, in accordance with the Crozet Master Plan. Net density shall be calculated by subtracting the area within the Flood Hazard Overlay District, the 100 foot stream buffer, and areas of preserved slopes from the total acreage of the Property.
5. Prior to issuance of a grading permit to allow installation of the stream crossing or with submittal of the final subdivision plat, whichever comes first, the applicant shall submit an easement plat dedicating to the County

the area identified for a greenway trail on the Plan.

6. If the construction of the stream crossing for which this Special Use Permit is issued is not commenced by September 14, 2021, the permit shall be deemed abandoned and the authority granted thereunder shall thereupon terminate.
7. Prior to approval of the first final Virginia Stormwater Management Program (VSMP) plans or the first final subdivision plat, whichever comes first, the applicant shall conduct a Phase II Environmental Site Assessment (ESA) in accordance with ASTM standards. The Phase II ESA shall include sampling and testing of accumulated sediment behind the dam that exists on the Property. The applicant shall be required to comply with all recommendations of the Phase II ESA prior to issuance of the first building permit on the Property. The applicant shall also be required to remove accumulated sediment from behind the dam prior to demolition of the dam and dispose of the sediment, either on site or off site, in accordance with the Phase II ESA recommendations.