

ACTIONS
Board of Supervisors Meeting of January 17, 2024

January 18, 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. 		
<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>Mike Pruitt:</u></p> <ul style="list-style-type: none"> Mentioned the serious weather the local area had been receiving and encouraged community members to reach out to the Board to report concerns regarding hazardous conditions they encounter. <p><u>Bea LaPisto-Kirtley:</u></p> <ul style="list-style-type: none"> Stated that there was a VDoT number where community members could report hazardous conditions and requested that staff put this number on the County website. <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> Announced that the Albemarle-Charlottesville Regional Jail would hold public meetings regarding the upcoming renovations at the Carver Recreation Center from 5:30 p.m. – 7:30 p.m. on January 25, February 12, and February 29, 2024. Mentioned that the Yancey Community Center held a Martin Luther King Jr. celebration and thanked Ed Brooks and the Yancey staff for their efforts in organizing the event. <p><u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> Commented that the Developer Incentives for Affordable Housing would be on the Planning Commission agenda on January 23, 2024. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Observed that Dominion crews had been out trimming branches and encouraged community members to alert Dominion should they encounter downed limbs on or near power lines. Stated that by state code, when temperatures dip below 32° special accommodations must be made for outdoor pets. <p><u>Jim Andrews:</u></p> <ul style="list-style-type: none"> Reminded community members to be vigilant with respect to weather and thanked VDoT for keeping the roads safe. Remarked that he and Supervisor McKeel attended an event at Yancey Community Center that was focused on Restorative Justice. Announced that on January 23, at 5:30 p.m. at the Center at Belvedere the Albemarle Charlottesville Historical Society would present “Charlottesville as Legal History” with Professor Risa Goluboff.” 		Link to Video
<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"> Neil Williamson, President of the Free Enterprise Forum, spoke towards item #9 on the agenda. 	
8.1	<p>Fiscal Year 2024 Appropriations.</p> <ul style="list-style-type: none"> ADOPTED, resolution to approve appropriations #20240427 for County government projects and programs. 	<p><u>Clerk:</u> Forward copy of signed resolution to Finance and Budget and County Attorney's office. (Attachment 1)</p>
8.2	<p>Tax Refund Approval Request.</p> <ul style="list-style-type: none"> ADOPTED, resolution to approve refund requests and authorize the Department of Finance and Budget to initiate the refund payments. 	<p><u>Clerk:</u> Forward copy of signed resolution to Finance and Budget and County Attorney's office. (Attachment 2)</p>
8.3	<p>SE202300049 Berkmar Self Storage Setback Modification and Stepback Waiver.</p> <ul style="list-style-type: none"> ADOPTED, resolution to approve special exceptions to modify the 30-foot maximum front setback requirement to 55 feet and to waive the 15-foot stepback requirement for the proposed hotel. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 3)</p>
9.	<p>Work Session: AC44 Work Session: Draft Goals and Objectives for Environmental Stewardship, Historic Resources, Parks and Recreation, Housing, and Economic Development.</p> <ul style="list-style-type: none"> HELD. 	<p><u>Community Development:</u> Proceed as discussed.</p>
	<p>Recess.</p> <ul style="list-style-type: none"> At 4:25 p.m., the Board recessed and reconvened at 4:36 p.m. 	
10.	<p>Presentation: Calendar Year 2024 Real Estate Reassessment Update.</p> <ul style="list-style-type: none"> RECEIVED. 	
	<p>Recess.</p> <ul style="list-style-type: none"> At 5:28 p.m., the Board recessed and reconvened at 6:00 p.m. 	
13.	<p>From the County Executive: Report on Matters Not Listed on the Agenda. <u>Jeff Richardson:</u></p> <ul style="list-style-type: none"> Presented the January 2024 Progress Albemarle report. 	
14.	<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"> There were none. 	
15.	<p>Pb. Hrg.: ZMA202200012 Arbor Oaks Townes.</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED ordinance to approve ZMA202200012 Arbor Oaks Townes. 	<p><u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 4-5)</p>
16.	<p>Pb. Hrg.: ZMA202300008 High School Center II at Albemarle High School.</p> <ul style="list-style-type: none"> By a vote of 6:0. ADOPTED ordinance to approve ZMA202300008 High School Center II at Albemarle High School. By a vote of 6:0, ADOPTED resolution to approve SE202300039 Maximum Setback Waiver. 	<p><u>Clerk:</u> Forward copies of signed ordinance and resolution to Community Development and County Attorney's office. (Attachments 6-8)</p>
17.	<p>From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Commented that she had shared with the Board, a children's story written by the Executive Director of NACo, Matthew Chase, and his son. She further commented that the handout highlights challenges with AI (artificial Intelligence). Spoke towards the failure of the U.S. Postal 	

service regarding delayed mail delivery and future plans to centralize sorting.		
18. Adjourn to February 7, 2024, 1:00 p.m., Lane Auditorium. • The meeting was adjourned at 7:24 p.m.		

ckb/tom

Attachment 1 – Resolution to Approve Additional FY 2024 Appropriations

Attachment 2 – Resolution Requesting Tax Refunds

Attachment 3 – Resolution to Approve SE202300049 Berkmar Self Storage Setback Modification and Stepback Waiver

Attachment 4 – Ordinance No. 24-A(2) ZMA 2022-00012

Attachment 5 – Proffer Statement for Arbor Oaks Townes Subdivision”

Attachment 6 – Ordinance No. 24-A(3) ZMA 2023-00008

Attachment 7 – Proffer Statement for ZMA 2023-00008

Attachment 8 – Resolution to Approve SE 2023-00039 High School Center II at Albemarle High School

**RESOLUTION TO APPROVE
ADDITIONAL FY 2024 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That the FY 24 Budget is amended to increase it by \$76,387;
- 2) That Appropriation #2024027 is approved;
- 3) 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, 2024.

**RESOLUTION
REQUESTING TAX REFUNDS**

WHEREAS, Virginia Code §58.1-3981 requires that erroneous tax assessments be corrected and that a refund, with interest as applicable, be paid back to the taxpayer;

WHEREAS, Tax refunds resulting from erroneous assessment over \$10,000 must be approved by the Board of Supervisors, after being certified by the Chief Financial Officer and the County Attorney;

NOW, THEREFORE, BE IT RESOLVED that a refund in the amount of \$10,231.18 has been reviewed and certified due to business overestimation and that this refund shall be remitted to Burlington #1372 to conform with Virginia Code §58.1-3981;

BE IT RESOLVED that a refund in the amount of \$10,499.93 has been reviewed and certified due to taxpayer overpayment and that this refund shall be remitted to Stern, Evan & Sandra Feagan Stern to conform with Virginia Code §58.1-3981;

BE IT RESOLVED that a refund in the amount of \$13,869.04 has been reviewed and certified due to amended business personal property return and that this refund shall be remitted to Charlottesville Area Dental Access Inc. to conform with Virginia Code §58.1-3981;

BE IT RESOLVED that a refund in the amount of \$13,938.98 has been reviewed and certified due to taxpayer overpayment and that this refund shall be remitted to Mountain Industrial Properties LLC to conform with Virginia Code §58.1-3981;

BE IT RESOLVED that a refund in the amount of \$14,404.36 has been reviewed and certified due to business overestimation and that this refund shall be remitted to Alltel Corporation DBA Verizon Wireless to conform with Virginia Code §58.1-3981;

BE IT RESOLVED that a refund in the amount of \$17,610.24 has been reviewed and certified due to business reclassification and that this refund shall be remitted to Sam's East Inc to conform with Virginia Code §58.1-3981;

BE IT RESOLVED that a refund in the amount of \$18,632.06 has been reviewed and certified due to taxpayer overpayment and that this refund shall be remitted to Blue Ridge Websoft LLC to conform with Virginia Code §58.1-3981;

BE IT RESOLVED that a refund in the amount of \$18,690.35 has been reviewed and certified due to business overestimation and that this refund shall be remitted to R G Brinkman Company to conform with Virginia Code §58.1-3981;

BE IT RESOLVED that a refund in the amount of \$19,782.04 has been reviewed and certified due to land value change and that this refund shall be remitted to Glenbrook LLC to conform with Virginia Code §58.1-3981;

BE IT RESOLVED that a refund in the amount of \$24,573.86 has been reviewed and certified due to land value change and that this refund shall be remitted to Stanley Martin Homes LLC to conform with Virginia Code §58.1-3981;

BE IT RESOLVED that a refund in the amount of \$25,083.63 has been reviewed and certified due to taxpayer overpayment and that this refund shall be remitted to Kathleen M Wallace to conform with Virginia Code §58.1-3981;

BE IT RESOLVED that a refund in the amount of \$27,096.32 has been reviewed and certified due to amended business filings and that this refund shall be remitted to Boyd Caton Group Inc to conform with Virginia Code §58.1-3981;

BE IT RESOLVED that a refund in the amount of \$32,429.42 has been reviewed and certified due to taxpayer overpayment and that this refund shall be remitted to Shank, Sara as Trustee of the Sara S Shank 2017 to conform with Virginia Code §58.1-3981;

BE IT RESOLVED that a refund in the amount of \$38,639.83 has been reviewed and certified due to business overestimation and that this refund shall be remitted to Carloltz Group Inc to conform with Virginia Code §58.1-3981;

BE IT RESOLVED that a refund in the amount of \$58,277.82 has been reviewed and certified due to land value change and that this refund shall be remitted to North Pointe Charlottesville LLC to conform with Virginia Code §58.1-3981;

BE IT RESOLVED that a refund in the amount of \$61,355.63 has been reviewed and certified due to taxpayer overpayment and that this refund shall be remitted to 540 Founders Place LLC to conform with Virginia Code §58.1-3981;

BE IT RESOLVED that a refund in the amount of \$71,287.79 has been reviewed and certified due to the business being located in the City of Charlottesville and not Albemarle County and that this refund shall be remitted to Allen Allen Allen & Allen Corporation to conform with Virginia Code §58.1-3981;

**RESOLUTION TO APPROVE
SE202300049 BERKMAR SELF STORAGE SETBACK MODIFICATION
AND STEPBACK WAIVER**

WHEREAS, upon consideration of the staff reports prepared for SE202300049 Berkmar Self Storage Setback Modification and Stepback Waiver and the attachments thereto, including staff's supporting analysis, any comments received, and all relevant factors in Albemarle County Code §§ 18-4.20 and 18-33.9, the Albemarle County Board of Supervisors hereby finds that:

1. The maximum front setback should be increased by special exception to accommodate unique parking or circulation plans on the subject parcel; and
2. The proposed special exceptions are consistent with the intent of the Highway Commercial (HC) zoning district and the Neighborhood Model Principles of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves special exceptions on Parcel 04500-00-00-112E0 both (a) to modify the 30-foot maximum front setback requirement of County Code § 18-4.20 to 55 feet and (b) to waive the 15-foot stepback requirement for the proposed hotel.

**ORDINANCE NO. 24-A(2)
ZMA 2022-00012**

**AN ORDINANCE TO AMEND THE ZONING MAP FOR
PARCEL 06100-00-00-03800**

WHEREAS, application ZMA 2022-00012 was submitted to rezone Parcel 06100-00-00-03800 from R-4 Residential to R-15 Residential with proffers; and

WHEREAS, on October 10, 2023, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2022-00012;

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 2022-00012 and their attachments, including both the Project Narrative last revised May 5, 2023 and the "Proffer Statement for Arbor Oaks Townes Subdivision" dated November 15, 2022, last revised December 22, 2023, 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 § 18-18.1, and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board hereby approves ZMA 2022-00012 with the Project Narrative entitled "Narrative for ZMA 2022-00012 Arbor Oaks Townes TMP 061-00-00-03800" dated November 5, 2022, last revised on May 5, 2023, and subject to the "Proffer Statement for Arbor Oaks Townes Subdivision" dated November 15, 2022, last revised December 22, 2023.

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**PROFFER STATEMENT
FOR
ARBOR OAKS TOWNES SUBDIVISION**

Date: November 15, 2022

Revised: May 5, 2023

ZMA2022-00012 Arbor Oaks Townes Rezoning

Tax Map Parcel #: 06100-00-00-03800

The purpose of ZMA2022-00012 is to rezone 0.96 acres from R-4 Residential to R-15 Residential

Fusion Properties, LLC, a Virginia limited liability company, is the fee simple owner of Tax Map Parcel 06100-00-00-03800 (the "Property"). Fusion Properties, LLC shall hereinafter be referred to as the "Owner." The Property is the subject of the zoning map amendment application ZMA2022-00012 known as "Arbor Oaks Townes." The Applicant for Arbor Oaks is the Owner. The Arbor Oaks Townes development is herein referred to as the "Project."

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the Owner hereby voluntarily proffers the conditions listed in this Proffer Statement, which shall be applied to the Property if the rezoning is approved by Albemarle County. These conditions are proffered as part of the rezoning and it is agreed that the conditions are reasonable.

1. Affordable Housing.

The Owner shall provide a total of two (2) Affordable Dwelling Units (as defined herein) within the Project (the "Affordable Housing Requirement"). The Owner or its successors in interest reserve the right to meet the Affordable Housing Requirement through a variety of housing types, including but not limited to, for-sale units or rental units.

A. For-Sale Affordable Dwelling Units.

The Owner may meet the Affordable Housing Requirement by constructing Affordable Dwelling Units. For purposes of this Proffer 1(A), "Affordable Dwelling Unit" shall mean any unit affordable to households with incomes less than eighty percent (80%) of the area median income (as determined from time to time by the Albemarle County Office of Housing) in no event shall the selling price for such affordable units be more than sixty-five (65%) of the applicable federal HOME Investment Partnership Program (HOME) Homeownership Value Limits at the beginning of the 180-day period referenced in Proffer 1(A)(1) hereof (the "VHDA Limit"). The Owner shall impose by contract the responsibility herein of constructing and selling the Affordable Dwelling Units to any subsequent owner or developer of the Property (or any portion thereof). Such subsequent owner(s) and/or developer(s) shall succeed to the obligations of the Owner under this Proffer 1; and the term "Owner" shall refer to such subsequent owner(s) and/or developer(s), as applicable.

B. Role of County Office of Housing.

All purchasers of the for sale Affordable Dwelling Units shall be approved by the Albemarle County Office of Housing or its designee (the "Office of Housing"). At the proposed time of construction of any Affordable Dwelling Unit, the Owner shall provide the Office of Housing a period of one hundred eighty (180) days to identify and approve an eligible purchaser for such affordable unit. The 180-day qualification period shall commence upon written notice from the Owner to the Office of Housing of the approximate date the Unit is expected to receive a certificate of occupancy from the County (the "Notice"). Such Notice shall be given no more than ninety (90) days prior to the expected issuance of the certificate of occupancy, and the 180-day approval period shall extend no less than ninety (90) days after the issuance of the certificate of occupancy. Nothing in this Proffer 1 shall prohibit the Office of Housing from providing the Owner with information on income eligibility sufficient for the Owner to identify eligible purchasers of Affordable Dwelling Units for approval by the Office of Housing. If, during the 180-day qualification period, (i) the Office of Housing fails to approve a qualified purchaser, (ii) a qualified purchaser fails to execute a purchase contract for an Affordable Dwelling Unit or (iii) a local non-profit affordable housing provider does not purchase the unit, then, in any case, the Owner shall have the right to sell the Unit without any restriction on sales price or income of the purchaser(s), and such unit shall be counted toward the satisfaction of this Proffer 1. This Proffer 1 shall apply only to the first sale of each of the for-sale Affordable Dwelling Units. For the purposes of this Proffer 1, such Affordable Dwelling Units shall be deemed to have been provided when the subsequent Owner/builder provides written notice to the Albemarle County Office of Housing or its designee that the unit(s) will be available for sale.

C. For-Rent Affordable Dwelling Units.

- i. **Rental Rates.** The net rent for each rental housing unit which shall qualify as an Affordable Dwelling Unit ("For-Rent Affordable Dwelling Unit") shall not exceed HUD's affordability standard of thirty percent (30%) of the income of a household making less than or equal to sixty percent (60%) of the area median income (as determined by HUD from time to time). In each subsequent calendar year, the monthly net rent for each For-Rent Affordable Dwelling Unit may be increased up to three percent (3%). The term "net rent" means that the rent does not include Homeowners Association fees but does include an allowance for tenant-paid utilities. 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 low or moderate cost units qualifying as such under either the VHDA, Farmers Home Administration, or Housing and Urban Development, Section 8, whichever comes first (the "Affordable Term").

- ii. **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 ForRent 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.
- iii. **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.

D. Tracking.

Each subdivision plat and site plan for land within the Property shall: i) designate the lots or units, as applicable, that will constitute Affordable Dwelling Units within the Project and ii) contain a running tally of the Affordable Dwelling Units either constructed or contributed for under this Proffer 1. The designated lots or units shown on the applicable subdivision plat or site plan may not be shown as being constructed in a future phase.

2. Concept Plan

The Concept Plan is hereby proffered as part of this rezoning.

3. Open Space Dedication to HOA.

The Owner shall restrict from development all open space areas which are shown as "Open Space" on the Concept Plan; provided, however, that the Owner may modify such areas so long as a minimum of twenty-five percent (25%) of the Project is restricted. These areas shall be used for the use and enjoyment of the residents of the Subdivision, subject to the restrictions that may be imposed by any declaration recorded as part of a conveyance of these areas to a homeowner's association. The Open Space dedication shall occur prior to the Certificate of Occupancy of the third (3rd) residential dwelling unit.

4. Miscellaneous.

This Proffer Statement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same instrument.

WITNESS the following duly authorized signature:

Owner:

Fusion Properties, LLC,
a Virginia limited liability company



By: Katurah Roell, Manager

**ORDINANCE NO. 24-A(3)
ZMA 2023-00008**

**AN ORDINANCE TO AMEND THE ZONING MAP FOR
A PORTION OF PARCEL 06000-00-00-078A0**

WHEREAS, application ZMA 2023-00008 was submitted to rezone a 9.9-acre portion of Parcel 06000-00-00-078A0 from Rural Areas (RA) to R-10 Residential with proffers; and

WHEREAS, on November 28, 2023, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2023-00008;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2023-00008 and their attachments, the signed Proffers dated January 3, 2024, 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 § 18-17.1, and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board hereby approves ZMA 2023-00008, subject to the signed Proffers dated January 3, 2024.

* * *

Original Proffers x
 Amendment

PROFFER STATEMENT

ZMA No. **ZMA202300008 High School Center II at Albemarle High School**

Tax Map and Parcel Number(s): **06000-00-00-078A0 (portion)**

Owner(s) of Record: **School Board of Albemarle County, Virginia**

Date of Proffer Signature: January 3, 2024

9.9 acres to be rezoned from **RA** to **R10**

School Board of Albemarle County, Virginia, is the owner (the “Owner”) of Tax Map and Parcel Number **06000-00-00-078A0** (the “Property”) which is the subject of rezoning application ZMA No. **ZMA202300008**, a project known as “**High School Center II at Albemarle High School**” (the “Project”).

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, 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.

1. **FUTURE USES:** Residential R-10: The use of the Property shall allow for all by right uses pursuant to Section 17.2.1 of the Albemarle County Zoning Ordinance except for the following listed uses:
 - a. Detached single-family dwellings.
 - b. Semi-detached and attached single-family dwellings such as two-family dwellings, triplexes, quadraplexes, and townhouses, provided that density is maintained, and provided further that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall.
 - c. Multiple-family dwellings such as garden apartments.
 - d. Cluster development of permitted residential uses.
 - e. Rental of permitted residential uses and guest cottages; provided that yard, area and other requirements of this ordinance shall be met for each such use whether or not such use is on an individual lot.
 - f. Group home (reference 5.1.07). (Amended 8-9-17).
 - g. Boarding houses.
 - h. Homestays (reference 5.1.48).
 - i. Family day homes (reference 5.1.56). (Added 9-11-13).

2. **SETBACK:** Construction of High School Center II shall have a minimum setback from Georgetown Green property line (TMP 060F0-00-00-00200) of 50-feet.

OWNER:
School Board of Albemarle County, Virginia

OWNER:



By: **Judy Le**
Title: **Chair of School Board, Rivanna Magisterial District**
School Board of Albemarle County, Virginia

**RESOLUTION TO APPROVE
SE 2023-00039 HIGH SCHOOL CENTER II
AT ALBEMARLE HIGH SCHOOL**

WHEREAS, upon consideration of the staff reports prepared for SE2023-00039 High School Center II at Albemarle High School and the attachments thereto, including staff's supporting analysis, any comments received, and all relevant factors in Albemarle County Code §§ 18-4.19 and 18-33.9, the Albemarle County Board of Supervisors hereby finds that:

1. The maximum front setback should be waived by special exception to accommodate unique parking or circulation plans on the subject parcel; and
2. The proposed special exception is consistent with the intent of the R-10 Residential zoning district and the Neighborhood Model Principles of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves a special exception to waive the 25-foot maximum front setback requirement of County Code § 18-4.19 on Parcel 06000-00-00-078A0.