

ACTIONS
Board of Supervisors Meeting of February 7, 2024

February 8, 2024

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>VIDEO</u>
<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>Bea LaPisto-Kirtley:</u></p> <ul style="list-style-type: none"> Provided an update on HB49 which is a Photo Speed Camera legislation that is before the Virginia General Assembly. Announced that the Charlottesville and Monticello American Viticultural Area had received the Wine Star Award for Wine Region of the Year 2023 from Wine Enthusiasts. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Expressed gratitude for Supervisor LaPisto-Kirtley leadership regarding the Photo Speed Camera legislation issue and commented that significant progress had been made due to the support the Board had received. Announced that there would be open house tours at the Lewis and Clark Exploratory Center for schoolteachers, homeschool parents, private educators, and public educators on Friday, February 9th, from 10:00 a.m. to 12:00 p.m.; Saturday, February 10th, from 1:30 p.m. to 3:30 p.m.; and March 15th, from 10:30 a.m. to 2:30 p.m. Stated that the Virginia Department of Agriculture and Consumer Services announced that \$875,000 was awarded to six counties through the Virginia Farmland Preservation Fund and that she hoped that Albemarle County would be included in future years. <p><u>Mike Pruitt:</u></p> <ul style="list-style-type: none"> Reminded community members about early voting for the presidential primary and that the last day to update to register to vote was on March 1, 2024. He mentioned that in person early voting at the 5th Street Station County Office Building would continue until March 2, 2024, and that the in-person primary election day was on March 5, 2024. Mentioned that there would be a primary for the Republican and Democrat candidates for the 5th District's congressional seats, both of which had contested primaries. He said that early in-person voting began on May 3, 2024, and continued until June 8 and the final election date for that primary was June 18, 2024. <p><u>Jim Andrews:</u></p> <ul style="list-style-type: none"> Mentioned that the previous Friday, Supervisor Mallek and he attended the Local Government Day, sponsored by the Virginia Associations of Counties and the Virginia Municipal League, where he attended presentations and hearings, and meet with the local delegates. 		Link to Video
<p>6. Proclamations and Recognitions.</p>		

<p>a. Proclamation Recognizing Black History Month.</p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED proclamation and presented to Janasha Bradford. 	(Attachment 1)	
<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>Janie Holbrook</u>, resident of the White Hall District, commented on the Eastern Avenue Connector for Crozet. • <u>Peter Krebs</u>, Piedmont Environmental Council, invited Supervisors to the Charlottesville and Albemarle Active Mobility Summit on Thursday, March 21, 2024, at The Wool Factory. • <u>Mack McLellan</u>, Albemarle resident, asked the Board to support the library's CIP request to collaborate with the City to renovate the Central Library. • <u>Frederick Williamson</u>, a resident of the White Hall district, addressed the Board and expressed his support for Artisan Manufacturing in the County. 		
<p>8.1 Fiscal Year 2023 Annual Comprehensive Financial Report.</p> <ul style="list-style-type: none"> • ACCEPTED, FY 2023 Annual Comprehensive Financial Report. 		
<p>8.2 Resolution of Intent for Zoning Text Amendment(s) related to the Steep Slopes Overlay District.</p> <ul style="list-style-type: none"> • ADOPTED resolution of intent. 	<p><u>Clerk</u>: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 2)</p>	
<p>8.3 SE202300040 Glenbrook at Foothills Phase IV - Request to Reduce the Rear Minimum Setback.</p> <ul style="list-style-type: none"> • ADOPTED, resolution to approve a special exception for a reduced 10-foot setback on proposed Lots 118 and 121-133 of Glenbrook at Foothills Phase IV, allowing the projected features to be as close as six feet to the lot lines. 	<p><u>Clerk</u>: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 3)</p>	
<p>8.4 SE202300045 Modifications to Parking Lot Grade Requirements at Monticello Visitor Center.</p> <ul style="list-style-type: none"> • ADOPTED, Resolution to approve the special exception. 	<p><u>Clerk</u>: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 4)</p>	
<p>9. Safe Streets for All Grant Goal Determination.</p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED Resolution to Commit Albemarle County to Reduce Roadway-Related Deaths and Serious Injuries. 	<p><u>Clerk</u>: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 5)</p>	
<p>10. Discussion: Broadway Blueprint Phase 2 Plan, Mid-point Update.</p> <ul style="list-style-type: none"> • HELD. 		
<p>Recess.</p> <ul style="list-style-type: none"> • At 2:53 p.m., the Board recessed and reconvened at 3:09 p.m. 		
<p>11. Presentation: Transportation Planning Quarterly Report.</p> <ul style="list-style-type: none"> • RECEIVED. 		
<p>12. Presentation: Virginia Department of Transportation (VDOT) Quarterly Report.</p> <ul style="list-style-type: none"> • RECEIVED. 		
<p>13. Closed Meeting.</p> <ul style="list-style-type: none"> • At 4:22 p.m., the Board went into Closed Meeting pursuant to section 2.2-3711(A) of the Code of Virginia under subsection (1), to discuss and consider appointments to various boards and commissions including, without 		

<p>limitation, 5th and Avon Community Advisory Committee, Albemarle Conservation Easement Authority, Natural Heritage Committee, Pantops Community Advisory Committee, Places 29 (Hydraulic) Community Advisory Committee, Place 29 (North) Community Advisory Committee, and Piedmont Family YMCA Board of Directors.</p>		
<p>14. Certify Closed Meeting.</p> <ul style="list-style-type: none"> At 6:00 p.m., the Board reconvened into an open meeting and certified the closed meeting. 		
<p>15. Boards and Commissions:</p> <p>a. Vacancies and Appointments.</p> <ul style="list-style-type: none"> APPOINTED, Ms. Carreen de Cardenas to the 5th & Avon Community Advisory Committee, with said term to expire on September 30, 2025. REAPPOINTED, Ms. Annie Iazard to the Albemarle Conservation Easement Authority with said term to expire on December 13, 2026. APPOINTED, Mr. Kaleb Notari and Mr. Rob McGinnis to the Natural Heritage Committee, with said terms to expire on September 30, 2027. APPOINTED, Ms. Megan Nedostup to the Pantops Community Advisory Committee, with said term to expire on June 30, 2025. APPOINTED, Mr. Andrew Sallans to the Piedmont Family YMCA Board of Directors, with said term to expire on January 31, 2026. APPOINTED, Ms. Jane Fogleman to the Places 29 (Hydraulic) Community Advisory Committee, with said term to expire on August 5, 2025. APPOINTED, Ms. Mary Katherine King to the Region Ten Community Services Board to fill an unexpired term ending on June 30, 2024. 	<p><u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>	
<p>16. 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. 		
<p>17. 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"> The following individuals spoke regarding Artisan Manufacturing in the rural area: <ul style="list-style-type: none"> Connor O'Donnell John Casteen Dave Heller Ed Brown Daniel Funk Marcus Felipe Sepulveda Mike Funk 		
<p>18. <u>Pb. Hrg.: ZMA2022-00004 1906 Avon Street Extended.</u></p> <ul style="list-style-type: none"> By a vote of 5:1 (Mallek), ADOPTED ordinance to approve ZMA202200004 1906 Avon Street Extended subject to signed proffers dated January 23, 2024. 	<p><u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachments 6 and 7)</p>	
<p>19. <u>Pb. Hrg.: ZMA20210016 North Fork UVA Discovery Park.</u></p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED ordinance to approve ZMA202100016, subject to the signed proffers dated October 9, 2023. 	<p><u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachments 8 and 9)</p>	

<p>Recess.</p> <ul style="list-style-type: none"> At 9:26 p.m., the Board recessed and reconvened at 9:32 p.m. 		
<p>20. <u>Pb. Hrg.: ACSA2300002 Farmington Country Club Sewer Service Request.</u></p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution to approve an amendment to the ACSAJA to allow public sewer service to the relocated laundry and maintenance building, but not to the proposed lightning shelter. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 10)</p>	
<p>21. From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <p>a. Authorize Chair to Sign Letter of Support for FY2024 RAISE Planning Grant Application.</p> <ul style="list-style-type: none"> By a vote of 6:0, AUTHORIZED the Chair to sign a letter of support on behalf of the Board for the FY2024 RAISE Planning Grant Application. <p>b. Authorize Chair to Sign Letters of Support for the Affordable Connectivity Program Extension Act.</p> <ul style="list-style-type: none"> By a vote of 6:0, AUTHORIZED the Chair to sign letters of Support on behalf of the Board for the Affordable Connectivity Program Extension Act. <p><u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> Commented that the Regional Housing Partnership engaged in a productive conversation regarding their strategic plan and that that two key conversations emerged: homelessness and rural affordable housing, particularly in areas such as Nelson, Fluvanna, and Louisa, along with other counties outside of their urban ring and further updates on these topics should be provided by the end of March. Commented that he had conducted a check in with staff regarding the Berkmar Extended project funding and he would investigate any remaining gaps. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Followed up on Supervisor Gallaway's comment regarding the Berkmar roundabout and mentioned that there was the three to five years of telefee monies diverted from other locations for this project in addition to the million-plus amount that the County had already invested. Commented that following the recent RWSA meeting, there was extensive discussion about the high-water event which flooded Riverview Park and numerous high manholes; she noted how much forestry area had been cut down in the watershed near the North Fork-South Fork juncture. <p><u>Mike Pruitt:</u></p> <ul style="list-style-type: none"> Commented on Artisan Manufacturing in the rural area brought forth by the speakers during item #17, From the Public. <ul style="list-style-type: none"> CONSENSUS for staff to provide the Board with more information at a future meeting. 	<p><u>Clerk:</u> Prepare letter of support for Chair's signature. (Attachment 11)</p> <p><u>Clerk:</u> Prepare letters of support for the Chair's signature and mail to local Congressional Delegation. (Attachment 12)</p> <p><u>Staff:</u> Proceed as requested.</p>	
<p>22. Adjourn to February 21, 2024, 1:00 p.m. Lane Auditorium.</p> <ul style="list-style-type: none"> The meeting was adjourned at 10:13 p.m. 		

ckb/tom

- Attachment 1 – Proclamation Celebrating Black History Month
- Attachment 2 – Resolution of Intent Zoning Text Amendment Steep Slopes Overlay District
- Attachment 3 – Resolution to Approve SE 2023-00040 Glenbrook at Foothills Phase IV
- Attachment 4 – Resolution to Approve SE202300045 Modifications to Parking Lot Grade Requirements at MVC
- Attachment 5 – Resolution of Commitment to Roadway Safety Goals
- Attachment 6 – Ordinance No. 24-A(4) ZMA 2022-00004
- Attachment 7 – Revised Proffer Statement, dated January 23, 2024
- Attachment 8 – Ordinance No. 24-A(5) ZMA 2021-00016
- Attachment 9 – North Fork UVA Signed Proffer Statement
- Attachment 10 – Resolution to Partially Approve ACSA202300002 Farmington Country Club
- Attachment 11 – Letter of Support - RAISE Planning Grant Application
- Attachment 12 – Letter of Support - Affordable Connectivity Program Extension Act

PROCLAMATION CELEBRATING BLACK HISTORY MONTH

WHEREAS, February 2024 marks the 98th anniversary of Historian Carter G. Woodson's Dedication in promoting the achievements of Black Americans and people of African Descent; and

WHEREAS, February 2024 marks the 48th anniversary of the federal recognition of Black History Month; and

WHEREAS, Albemarle County celebrates the wisdom of civil rights leaders and community builders this month (and every day); and

WHEREAS, Albemarle County seeks to acknowledge and recognize Black Americans in the local workforce and community who contribute much time and service to enhancing the well-being of all residents.

NOW, THEREFORE, BE IT PROCLAIMED, that we, the Albemarle County Board of Supervisors, do hereby honor and celebrate Black History Month as an opportunity for all County residents to recognize and support the social, physical, and cultural contributions of Black Americans and to take meaningful actions to create a more equitable and inclusive community for all.

Signed this 7th day of February 2024

**RESOLUTION OF INTENT
ZONING TEXT AMENDMENT
STEEP SLOPES OVERLAY DISTRICT**

WHEREAS, the Albemarle County Code (“County Code”) includes design standards applying to land disturbing activities in the Steep Slopes Overlay District; and

WHEREAS, the County Code limits retaining wall height in the Steep Slopes Overlay District; and

WHEREAS, the height limit on retaining walls in the Steep Slopes Overlay District is inconsistent with the height limit on retaining walls elsewhere; and

WHEREAS, no provisions allow for special exceptions to waive or modify retaining wall height limits; and

WHEREAS, the Albemarle County Board of Supervisors desires to adopt regulations that would establish consistent regulations for retaining wall heights in all districts; and

WHEREAS, the Albemarle County Board of Supervisors desires to adopt regulations that would authorize special exceptions to retaining wall height limits where appropriate.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code § 18-4.3.3, § 18-30.7.5, and any other section(s) of the Zoning Ordinance deemed appropriate to achieve the purposes described herein.

**RESOLUTION TO APPROVE
SE 2023-00040 GLENBROOK AT FOOTHILLS
PHASE IV**

WHEREAS, upon consideration of the staff reports prepared for SE2023-00040 Glenbrook at Foothills Phase IV 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 the proposed special exception:

- (i) would be consistent with the intent and purposes of the R-6 Residential district under the particular circumstances and satisfy all other applicable requirements of Albemarle County Code § 18-4.19;
- (ii) would be consistent with R-6 Residential district design principles; and
- (iii) would not adversely affect the public health, safety, or general welfare.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves a special exception to modify the 20-foot minimum rear setback requirement of County Code § 18-4.19 to 10 feet on existing Parcel 056A2-01-00-062R0 for proposed Lots 118 and 121-133, as shown on the "Glenbrook at Foothills Phase IV – Initial Site Plan & Prelim. Plat" by Collins Engineering, dated October 16, 2023.

**RESOLUTION TO APPROVE
SE202300045 MODIFICATIONS TO PARKING LOT GRADE REQUIREMENTS
AT MONTICELLO VISITOR CENTER**

BE IT RESOLVED that, upon consideration of the staff reports prepared in conjunction with SE202300045 and the attachments thereto, including staff's supporting analysis, all of the comments received, and all of the relevant factors in Albemarle County Code §§ 18-4.12.2(c), 18-4.12.15(c), 18-4.12.17(a), and 18-33.9, the Albemarle County Board of Supervisors hereby finds that:

- a. the public health, safety or welfare would be equally or better served by the proposed modifications;
- b. the proposed modifications would not otherwise be contrary to the purpose and intent of the Zoning Ordinance;
- c. no reasonable design alternative would reduce or alleviate the need for a vehicle access aisle grade exceeding 10 percent; and
- d. the increase in vehicle access aisle grade would be in the best interest of public health, safety, and welfare.

WHEREUPON, the Albemarle County Board of Supervisors hereby approves SE202300045 Modifications to Parking Lot Grade Requirements at Monticello Visitor Center to modify Albemarle County Code § 18-4.12.15(c) and § 18-4.12.17(a) on Parcels 07800-00-00-02200 and 07800-00-00-02300, to permit (i) the maximum grade of parking areas to exceed 5% and (ii) the grade for vehicle access aisles not adjacent to parking spaces to exceed 10%, both subject to the condition attached hereto.

* * * * *

**SE202300045 Modifications to Parking Lot Grade Requirements at Monticello Visitor
Center Condition**

- 1) The grade of parking spaces and of vehicle access aisles must be in accord with the conceptual plans titled "Repositioning of the Visitor Center at Monticello – Parking and Drive Aisle Slopes Waiver Request," dated December 11, 2023, and prepared by Timmons Group.

RESOLUTION OF COMMITMENT TO ROADWAY SAFETY GOALS

WHEREAS, 875 people were killed or seriously injured in crashes that took place in Albemarle County from 2018 to 2022 and have lasting impacts on victims, loved ones, and communities at large; and

WHEREAS, to better comply with the Albemarle County Comprehensive Plan adopted in June 2015, reducing or eliminating roadway fatalities and serious injuries in Albemarle County will require collaboration among Albemarle residents and other jurisdictions, as well as regional, state, and federal organizations; and

WHEREAS, the Bipartisan Infrastructure Law established the Safe Streets and Roads for All (SS4A) discretionary program and funds regional, local, and Tribal initiatives through grants to prevent roadway fatalities and serious injuries; and

WHEREAS, Move Safely Blue Ridge—the safety action plan for the Thomas Jefferson Planning District Commission (TJPDC) —will identify and prioritize roadway safety improvements in the region; and

WHEREAS, the federal grant received by the TJPDC requires that this safety action plan contain an official public commitment to an ambitious percentage reduction of roadway fatalities and serious injuries by a specific date with an eventual goal of eliminating roadway fatalities and serious injuries; and

WHEREAS, Albemarle County is committed to the Virginia Strategic Highway Safety Plan (SHSP)'s vision of zero deaths and serious injuries and its goal to reduce roadway fatalities and serious injuries by half by 2045;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Albemarle County that the County supports Move Safely Blue Ridge, will actively participate in the planning process, and will prioritize implementation of the recommended safety countermeasures, all with the eventual goal of zero roadway fatalities and serious injuries.

RESOLVED, that Albemarle County commits to undertake efforts to one day eliminate roadway fatalities and serious injuries; and,

RESOLVED, that Albemarle County commits to undertake efforts to reduce the combined number of roadway fatalities and serious injuries in the County by 50 percent by 2045.

**ORDINANCE NO. 24-A(4)
ZMA 2022-00004**

**AN ORDINANCE TO AMEND THE ZONING MAP FOR
PARCELS 09000-00-00-03300, 09000-00-00-033B0, AND 09000-00-00-033C0**

WHEREAS, application ZMA 2022-00004 was submitted to rezone 3.643 acres of Parcels 09000-00-00-03300, 09000-00-00-033B0, and 09000-00-00-033C0 from R-1 Residential 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 2022-00004;

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 2022-00004 and their attachments, including both the Project Narrative last revised November 7, 2023 and the "Final Proffer Statement" for 1906 Avon Street Extended, dated January 23, 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 § 18-18.1, and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board hereby approves ZMA 2022-00004 with the Project Narrative entitled "Narrative for ZMA 2022-00004 Avon Street Extended" dated May 11, 2022, last revised on November 7, 2023, and subject to the "Final Proffer Statement" for 1906 Avon Street Extended, dated January 23, 2024.

Original Proffers X
 Amendment

FINAL PROFFER STATEMENT

ZMA Number and Name: 2022-00004 1906 Avon Street Extended
 Parcel ID Numbers: 09000-00-00-03300, 09000-00-00-033B0,
 09000-00-00-033C0
 Owners: Smith, Jeannette D.
 Date of Proffer Signature: 1/23/2024 , 2024
 3.643 acres to be rezoned from R-1 Residential to R-10 Residential

Jeannette D. Smith is the owner (the “Owner”) of Tax Parcels 09000-00-00-03300, 09000-00-00-033B0, and 09000-00-00-033C0 (the “Property”) which together are the subject of rezoning application ZMA No. 2022-00004, a project known as “1906 Avon Street Extended” (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 development of Property if it is rezoned to the requested zoning district, R-10 Residential. These conditions are proffered as a part of the requested rezoning and the Owner specifically deems the following proffers reasonable and appropriate, as conclusively evidenced by the signature below. The 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. **CONCEPT PLAN:** The Property shall be developed in general accord with the Zoning Map Amendment Concept Plan + Exhibits, prepared by Shimp Engineering, dated May 11, 2022, last revised January 3, 2024 and shall reflect the following major elements as shown and noted on the Concept Plan and Exhibits:
 - a. the internal street network, pedestrian connections, and building envelopes shown on the Concept Plan on Sheet 5
 - b. development in accordance with the Development Table on Sheet 4 which regulates housing types, density, building height, and setbacks and limits the maximum number of dwelling units to 21

2. **AFFORDABLE HOUSING:** 15% of the total residential dwelling units 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.

- a. **For-Sale Affordable Dwelling Units:** All purchasers of the affordable units shall be approved by the Albemarle County Community Development Department or its designee (“Community Development”). 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 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 thirty (30) days within which to provide a qualified purchaser for such for sale Affordable 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.
- b. **For-Rent Affordable Dwelling Units:**
 - i. **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). 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.
 - 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 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.

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.

c. **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 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.

3. **CONSTRUCTION ENTRANCE:** To limit the impacts of construction traffic on the existing portion of Hathaway Street located within the Avon Park neighborhood, the location of the construction entrance for the purposes of developing the Property is restricted from connecting to Hathaway Street.

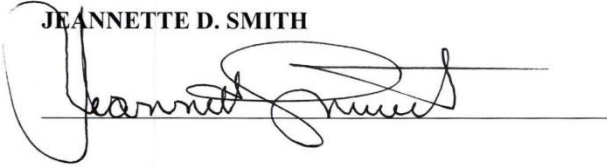
(Signature Pages Immediately Follow)

WITNESS the following signature:

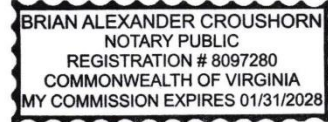
OWNER:

Owner of Tax Parcels 09000-00-00-03300, 09000-00-00-033B0, 09000-00-00-033C0:

JEANNETTE D. SMITH



COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Charlottesville, to wit:



The foregoing instrument was acknowledged before me this 23 day of January 2024 by Jeannette D. Smith.

My Commission expires: 1/31/2028


Notary Public

**ORDINANCE NO. 24-A(5)
ZMA 2021-00016**

**AN ORDINANCE TO AMEND THE ZONING MAP FOR
PARCELS 03200-00-00-006A2, 03200-00-00-006R0, 03200-00-00-01800, 03200-00-00-018A0, 03200-
00-00-019C0, 03200-00-00-019D0, 03200-00-00-019E0, 03200-00-00-019F0, 03200-00-00-019F1,
03200-00-00-019G0, 03200-00-00-019H0, 03200-00-00-019H1, 03200-00-00-019J0, 03200-00-00-
019J1, 03200-00-00-022B1, AND 03200-00-00-022B2**

WHEREAS, application ZMA 2021-00016 was submitted to rezone the southern portion of the North Fork Industrial Park from Planned Development Industrial Park (PDIP) to Neighborhood Model Development (NMD) and to amend the Code of Development and Application plan for the northern area to include 7 acres of land as PDIP; and

WHEREAS, on October 24, 2023, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2021-00016;

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 2021-00016 and their attachments, the signed Proffers dated October 9, 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 § 18-20A.1 and § 18-29.1, and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board hereby approves ZMA 2021-00016, subject to the signed Proffers dated October 9, 2023.

AMENDED PROFFER STATEMENT
UNIVERSITY OF VIRGINIA FOUNDATION
NORTH FORK REZONING AMENDMENT

Date: October 9, 2023

ZMA-2021-00016 North Fork UVA Discovery Park

Tax Map Parcels – see list of parcel numbers, existing zoning designation, and proposed zoning designation below:

Parcel	Owner	Existing Zoning Designation	Proposed Zoning Designation	Acres
03200000001800	University of Virginia Foundation	PD-IP	NMD	11.220
032000000018A0	University of Virginia Foundation	PD-IP	NMD	9.501
032000000006R0 (Portion)	University of Virginia Foundation	PD-IP	NMD	151.580
032000000006R0 (Residue)	University of Virginia Foundation	PD-IP	PD-IP*	315.943
032000000022B1	University of Virginia Foundation	HI**	PD-IP	4.979
032000000022B2	University of Virginia Foundation	R1	PD-IP	1.897
032000000019D0	University of Virginia Foundation	PD-IP	PD-IP*	4.002
032000000019H1	University of Virginia Foundation	PD-IP	PD-IP*	0.326
032000000019F1	University of Virginia Foundation	PD-IP	PD-IP*	2.532
032000000019G0	University of Virginia Foundation	PD-IP	PD-IP*	4.770
032000000019E0	University of Virginia Foundation	PD-IP	PD-IP*	7.100
032000000019C0	University of Virginia Foundation	PD-IP	PD-IP*	4.863
032000000019F0	University of Virginia Foundation	PD-IP	PD-IP*	6.024
032000000006A2	University of Virginia Foundation	PD-IP	PD-IP*	7.110
032000000019J1	University of Virginia Foundation	PD-IP	PD-IP*	4.669
032000000019H0	University of Virginia Foundation	PD-IP	PD-IP*	2.601
032000000019J0	University of Virginia Foundation	PD-IP	PD-IP*	4.333
			Total Acres:	543.450
			Total NMD Acres:	172.301

*The Application Plan and Proffers are being amended for those parcels that are remaining PD-IP.

** The existing HI Property associated with ZMA 1987-007 is being amended to be rezoned to PD-IP and remove existing proffers.

All of the parcels listed above are part of ZMA 2021-016, and subject to these proffers (the “Property”).

Some of the parcels comprising the Property were originally rezoned as part of the original rezoning of the University of Virginia Research Park to Planned Development-Industrial Park as ZMA 95-04, which was amended by ZMA 1998-27. The zoning was further amended with ZMA 2005-0003, which added additional parcels. Parcel 32-22B1 was zoned Heavy Industrial (“HI”) by ZMA 1989-07.

ZMA 95-04, ZMA 1998-27, ZMA 2005-003, and ZMA 1989-07, together with all applicable application plans and proffer statements associated therewith, are collectively referred to herein as the “Prior Zoning Actions.”

This rezoning amendment application identified as “ZMA-2021-00016 North Fork UVA Discovery Park” proposes to rezone some of the parcels subject to the prior Zoning Actions from Planned Development-Industrial Park (“PD-IP”) to Neighborhood Model District (“NMD”), to rezone one parcel from R-1 Residential (“R-1”) to PD-IP, to rezone one parcel from HI to PD-IP, and to amend previously approved application plans and proffers associated with the Prior Zoning Actions, each as listed in more detail on the table on page one (1) herein (the “Rezoning Amendment”). This amended proffer statement associated with the Rezoning Amendment (this “Amended Proffer Statement”) modifies and supersedes all prior proffer statements, application plans, exhibits, or other materials associated with the Prior Zoning Actions. For purposes of transportation proffers, all traffic counts and studies related to the existing buildings, uses, parking, streets, turn lanes, travel ways, and other transportation improvements that have been built on the Property as of the date of the approval of this proffer statement, together with all applicable related site plans, road plans, and subdivision plats, are collectively referred to herein as “Prior Site Actions.”

The development of the Property authorized by this Rezoning Amendment is referred to as the “Project.” The University of Virginia Foundation is the owner of the Property (the “Owner”) and the Applicant of this Rezoning Amendment (the “Applicant”). For purposes of this Amended Proffer Statement, the terms Applicant and Owner are interchangeable.

The Applicant hereby voluntarily proffers that if the Albemarle County Board of Supervisors acts to rezone the property subject to the Rezoning Amendment as requested, the Applicant shall develop the Property in general accord with the following proffers pursuant to Sections 15.2-2303 and 15.2-2303.4 of the Code of Virginia, 1950, as amended, and pursuant to Section 33.7 of the Albemarle County Zoning Ordinance. The Applicant specifically deems the following proffers reasonable and appropriate, as conclusively evidenced by the signatures below. If the Rezoning Amendment is denied, this Amended Proffer Statement shall immediately be null and void and of no further force and effect.

1. Application Plan and Code of Development. The Property is depicted on the plans entitled “North Fork ZMA Rezoning Application Plan” dated December 13, 2021, last revised June 23, 2023, prepared by Timmons Group and LPDA (the “Application Plan”). Exhibit Q to the Application Plan is a Code of Development that shall regulate the development of the areas within the Project that are proposed to be zoned NMD (the “Code of Development”). The Property will be developed in general accord with the essential elements of the Application Plan, and in the areas zoned NMD, the Code of Development.

2. Maximum Non-Residential Area. The total maximum square footage of non-residential uses developed within the Project shall not exceed three million, seven hundred thousand (3,700,000) square feet gross floor area (the “Non-Residential Limit”). The Non-Residential limit shall expressly exclude the following permitted uses:

- a. Recycling centers

- b. Structures included as amenities within Green Space or amenity areas (as shown on the Application Plan or as regulated by the Code of Development) or any other common area, or open space area, such as picnic shelters, trail head kiosks, and restrooms.
- c. Fire and emergency response stations(s)
- d. Temporary construction uses
- e. Storage buildings that are accessory to a permitted primary use (as distinguished from uses defined in Section 3.1 of the Zoning Ordinance as “Storage/Warehousing/Distribution/Transportation”)
- f. Utility infrastructure
- g. Public Uses
- h. Other uses that the Zoning Administrator determines to be similar in nature to those listed herein.

3. **Transportation Improvements.** For purposes of this paragraph 3, all traffic counts and trips that were associated with Prior Site Actions have been addressed by previously constructed transportation improvements and therefore references to projected traffic counts within this paragraph 3 shall not include any traffic counts or trips associated with Prior Site Actions. To accommodate the additional traffic estimated to be generated by the Project, the Applicant will design and construct the following road improvements, each as generally shown on Exhibit K to the Application Plan entitled “Proffered Road Improvements:”

A. US Route 29 at Lewis & Clark Drive Intersection.

- i). Second Eastbound Left Turn Lane. Prior to obtaining a certificate of occupancy for a use within the Project that, based on a projected traffic count, would cause the eastbound left turn volume (turning left from Lewis & Clark Drive to proceed north on to Route 29) generated by the Project to exceed one hundred fifty (150) vehicles during the PM peak hour, the Applicant shall install a second eastbound left turn lane.
- ii). Second Northbound Left Turn Lane. Prior to obtaining a certificate of occupancy for a use within the Project that, based on a projected traffic count, would cause the northbound left turn volume generated by the Project making a northbound left turn lane (turning left from Route 29 to proceed west onto Lewis & Clark Drive) to exceed one hundred fifty (150) vehicles during the AM peak hour, the Applicant shall install a second northbound left turn lane.

B. Berkmar Roundabout at Airport Road, Lewis and Clark Drive, and Future Berkmar Road Extended.

- i. Within ninety (90) days after receipt of a written request of Albemarle County (the “County”), the Applicant shall dedicate at no cost to the County up to 0.70 acres of land, and up to 1.0 acres of negotiated easements (or as otherwise agreed to by the Applicant) required for the construction of the planned Berkmar Road Extended Roundabout project to be located on and around Airport Road at its intersection with Lewis & Clark Drive and the planned extension of Berkmar Drive to its intersection with Airport Road (the “Berkmar Roundabout Project”), including land

needed for associated road frontage improvements and shared use pathways, and temporary construction easements and permanent utility easements (the "Roundabout Dedication Land").

- ii. The Applicant shall make a cash contribution to the County's Capital Improvement Program fund (the "CIP Fund") in the amount of Two Million, Five Hundred Thousand Dollars (\$2,500,000) toward the costs of the Berkmar Roundabout Project (the "Roundabout Cash Contribution"). The Roundabout Cash Contribution shall be made within ninety (90) days after receipt of a written request of the County, provided that such written request is delivered to the Applicant after the engineered road plans for the Berkmar Roundabout Project are at 100% completion, all right-of-way and easements necessary for the Berkmar Roundabout Project have been obtained, and the Berkmar Roundabout Project is otherwise fully funded. Notwithstanding any other provision of law, the Roundabout Cash Contribution shall be used only for the costs of the Berkmar Roundabout Project, and not for any other road improvement or transportation improvement other than the Berkmar Roundabout Project, including any other alternative improvements of the same category within the locality in the vicinity of the Berkmar Roundabout Project.

C. Contribution to Future Transportation Improvements.

The Applicant's traffic impact analysis prepared by Timmons Group and dated December 2021, last revised July, 2023 (the "Traffic Study") concludes there is existing traffic congestion during the peak hours at the Route 29/Airport Road intersection and along Route 29 between Timberwood Boulevard and Lewis and Clark Drive (the "Congestion Area"). To mitigate the Project's contribution to the existing traffic congestion in the Congestion Area, the Applicant will contribute cash to the County CIP Fund to be applied toward the cost of constructing future transportation improvements (including multi-modal and transit improvements) designed to mitigate traffic impacts in the Congestion Area or to widen or otherwise improve Lewis & Clark Drive, on the following terms and conditions:

- i. Ten Thousand (10,000) Trips Per Day: Prior to obtaining a certificate of occupancy for a use within the Project that, based on a projected traffic count, would cause the projected number of vehicle trips generated by the Project to exceed ten thousand (10,000) vehicle trips per day, the Applicant shall contribute Five Hundred Thousand Dollars (\$500,000) to the County CIP Fund.
- ii. Twelve Thousand (12,000) Trips Per Day: Prior to obtaining a certificate of occupancy for a use within the Project that, based on a projected traffic count, would cause the projected number of vehicle trips generated by the Project to exceed twelve thousand (12,000) vehicle trips per day, the Applicant shall contribute Five Hundred Thousand Dollars (\$500,000) to the County CIP Fund.
- iii. Twenty Thousand (20,000) Trips Per Day: Prior to obtaining a certificate of occupancy for a use within the Project that, based on a projected traffic count,

would cause the projected number of vehicle trips generated by the Project to exceed twenty thousand (20,000) vehicle trips per day, the Applicant shall contribute Five Hundred Thousand Dollars (\$500,000) to the County CIP Fund.

- iv. As an alternative to the provisions of paragraphs 3.C.i, 3.C.ii, and 3.C.iii herein, in the event that prior to the County's request for one or more of the contributions required pursuant to paragraphs 3.C.i, 3.C.ii, and 3.C.iii herein, the County and/or the Virginia Department of Transportation identify and approve specific transportation improvements within the Congestion Area that would benefit from a lump sum payment from the Applicant instead of three individual payments, then within ninety (90) days after receipt of a written request of the County, the Applicant shall make a cash contribution to the County's CIP Fund toward the cost of such approved future transportation improvements in the amount equal to the portion of the payments required pursuant to paragraphs 3.C.i, 3.C.ii, and 3.C.iii herein that has not already been contributed to the County, provided that in no event shall the Applicant's obligation pursuant to this paragraph 3.C exceed One Million, Five Hundred Thousand Dollars (\$1,500,000) in total, regardless of whether it is contributed in a single payment or in one, two, or three payments of Five Hundred Thousand Dollars (\$500,000). Such contribution pursuant to this paragraph 3.C.iv shall be in full satisfaction of paragraphs 3.C.i, 3.C.ii, and 3.C.iii herein, and the Applicant shall have no obligation for payment of the funds required by paragraphs 3.C.i, 3.C.ii, and 3.C.iii herein.

5. Buffer Adjacent to Dickerson Road. The one hundred fifty (150) foot buffer adjacent to Dickerson Road and shown as "150' Buffer Area" on Exhibit C to the Application Plan, entitled "NMD-PDIP Application Plan," may be reduced by up to fifty (50) feet if the dedication of right of way is required for the widening of Dickerson Road by VDOT. In such instance, the Applicant shall dedicate, without monetary consideration, the right of way within six (6) months following the Applicant's receipt of the written request by the County (or within such extended period as may be required to obtain final approval of any necessary subdivision plat or other plan).

6. Recreational Areas, Trails, Green Space and Open Space.

- A. Dabney Grove Recreation Area. In the area shown and labeled as "Dabney Grove Park Parcel" on Exhibit E to the Application Plan entitled "Proposed and Existing NMD-PDIP Parks & Rec Facilities" ("Exhibit E") (the "Dabney Grove Park Parcel"), the Applicant shall construct an active amenity area containing a recreation field with irrigation, parking lot, picnic area, and restrooms (the "Dabney Grove Recreation Area"). The portions of the Dabney Grove Park Parcel containing the existing family cemetery, existing ice house pit, former homestead site, and the existing Dabney Grove Pavilion will be outside of the boundaries of the dedicated Dabney Grove Recreation Area.

The Applicant shall construct and dedicate the Dabney Grove Recreation Area to the County for public use prior to the earliest to occur of:

1. obtaining a certificate of occupancy for the two hundred and first (201st) residential dwelling unit within the Project; or
2. January 1, 2035, or such later date as the County and the Applicant may mutually agree upon.

At the time of dedication of the Dabney Grove Recreation Area to the County for public use the Applicant shall coordinate with the County to permit the use of the Dabney Grove Pavilion by the public when not in use by the Applicant.

Notwithstanding the provisions of this paragraph 6A, in the event the County's written request for the dedication of Dabney Grove Recreation Area is delivered to the Applicant prior to the Applicant's completion of any or all of the amenities required to be constructed as part of the Dabney Grove Recreation Area (such as restrooms or the recreation field), the Applicant shall dedicate the Dabney Grove Recreation Area within ninety (90) days after receipt of a written request of the County in the condition it is in as of the date of the County's written request notice, and such dedication shall be in full satisfaction of this paragraph 6A, and the Applicant shall have no further obligation to construct any other amenities within the Dabney Grove Recreation Area.

- B. Pedestrian Trails. The Applicant has previously conveyed to the County a Deed of Dedication and Easement for the County to construct a public access trail and greenway within the area shown as "Existing Greenway Easement along Rivanna River" on Exhibit E (the "Rivanna River Greenway Trail"). As of the date of this Proffer Statement, the Rivanna River Greenway Trail has not been constructed. The Applicant shall construct the following improvements within the Project:

i). Trail Connecting Dabney Grove Park Parcel to a Greenway Trail. The Applicant will construct a pedestrian connection between the Dabney Grove Park Parcel and either the Rivanna River Greenway Trail or the Jacob's Run Greenway Trail in at least one (1) of the potential areas shown and labeled as "Potential Trail Connection" on Exhibit E (the "Connection Trail"). The Connection Trail may be comprised of a Class B, Type 2 trail, or a public sidewalk, or some combination thereof, and shall be made available for public use via a public access easement. The Connection Trail shall be constructed prior to obtaining a certificate of occupancy for the two hundred and first (201st) residential dwelling unit within the Project; provided, however, if the Rivanna River Greenway Trail has not yet been constructed at such time, the Applicant shall commence construction of the Connection Trail within three (3) months after the County notifies the Applicant in writing that it has completed construction of the Rivanna River Greenway Trail, and shall complete construction and dedication of the Connection Trail within twelve (12) months following the commencement of construction.

ii). Public Pedestrian Trail within Jacob's Run Greenway. Subject to the terms and conditions of an existing license with the U.S. Department of Forestry, the Applicant will construct a Class B, Type 1 primitive trail (a "Primitive Trail") through the area shown and labeled as "Jacob's Run Greenway and Primitive Trail" on Exhibit E, which trail shall be dedicated to the County for public use (the "Jacob's Run Greenway Trail"). The Jacob's

Run Greenway Trail shall be completed and dedicated prior to obtaining a certificate of occupancy for the two hundred and first (201st) residential dwelling unit within the Project; provided, however, if the Rivanna River Greenway Trail has not yet been constructed at such time, the Applicant shall commence construction of the Jacob's Run Greenway Trail within three (3) months after the County notifies the Applicant in writing that it has completed construction of the Rivanna River Greenway Trail, and shall complete construction and dedication of the Jacob's Run Greenway Trail within twelve (12) months following the commencement of construction.

iii). Future Expansion of Rivanna River Greenway Trail Easement. The County has determined that it will likely need to expand the boundary of the existing easement for the Rivanna River Greenway Trail in limited locations to reasonably forward the County's goal of enabling Greenway trail sites (including their associated pedestrian/bicycle bridge projects) that reasonably minimize project costs and complexity, perpetual maintenance costs and risks, and impacts to environmentally sensitive areas, while maximizing project sustainability, durability, and flood resilience (the "Greenway Program Goals"). Subject to the Applicant's reasonable review and approval of the design plans for such limited easement boundary expansions to confirm that such proposed expansions are generally consistent with the areas shown as "Potential Future Expansion Areas for Rivanna River Greenway Trail" on Exhibit E, and will support the County's Greenway Program Goals, then within six (6) months following the Applicant's receipt of a written request by the County (or within such extended period as may be required to obtain final approval of any necessary easement plat or similar plat) the Applicant shall dedicate to the County, without monetary consideration, a permanent easement in such area(s).

iv). Notwithstanding the provisions of paragraphs 6.B(i) and 6.B(ii) herein, in the event that the County commences and diligently pursues construction of the Rivanna River Greenway Trail prior to the Applicant being required to construct either the Connection Trail or the Jacob's Run Greenway Trail, and notifies the Applicant of such commencement, the Applicant shall commence construction of either the Connection Trail or the Jacob's Run Greenway Trail within one (1) year after the Applicant's receipt of such notice (or within such later time period as the parties may mutually agree, or as may be required to obtain final approval of any necessary plat or required permit), and shall thereafter complete construction of both the Connection Trail and the Jacob's Run Greenway Trail within two (2) years following the commencement of construction of the first of such two trails.

v). Easement for Future Shared-Use Path Along US Route 29. Within six (6) months following the Applicant's receipt of a written request by the County (or within such extended period as may be required to obtain final approval of any necessary easement plat or similar plat) the Applicant shall dedicate to the County, without monetary consideration, a permanent easement of up to fifteen (15) feet along the Property's frontage on US Route 29, as necessary for the construction of a shared-use path along the Property's frontage on US Route 29.

- C. Trailhead Parking Area. The Applicant will provide a trailhead parking area to accommodate approximately seven (7) vehicles in an area within the Property that provides reasonably convenient public access to the Connection Trail trailhead, which may be a portion of an existing parking lot (the "Trailhead Parking Area"). The Trailhead Parking Area shall be completed generally at the same time as the Connection Trail.
- D. NMD Amenity Areas. In the areas zoned NMD, the Code of Development shall regulate the development of Amenity Areas.
- E. Green Space and Open Space.
 - i). Total Area of Green Space and Open Space. The total area of green space and open space over the entirety of the Project (areas zoned NMD and areas zoned PD-IP) will not be less than two hundred (200) acres. The Dabney Grove Park Parcel, the Dabney Grove Recreation Area, any land that is shown as green space or open space on the Application Plan, and any land that is or has been dedicated to the County or to any other public entity shall continue at all times to be counted as green space or open space (as applicable) for purposes of this paragraph 6.E.
 - ii). Green Space in NMD Areas. The Code of Development shall regulate the green space in the areas zoned NMD.
 - iii). Open Space in PDIP Areas. In addition to the improvements required within the Dabney Grove Park Parcel and the Dabney Grove Recreation Area, the open space areas within the areas zoned PDIP may include improvements such as, but not limited to utilities, stormwater management facilities, graded and revegetated slopes of 25 percent to 50 percent, pedestrian and bike trails, restrooms, trailhead parking areas (and other trailhead improvements), amenity improvements, and similar structures determined by the County to be appropriate for green space and/or open space areas, or as otherwise permitted by applicable provisions of the County Code.

7. Historic Resources in Block D. Prior to demolition of any of the existing buildings located within Blocks D-1 or D-2 (except for the Fire Rescue Station Parcel), the Applicant shall document such buildings with photographs and drawings in coordination with the Albemarle County Historic Preservation Committee.

8. Water Conservation. No single industrial or commercial user which proposes a use that will require more than One Hundred Twenty-Five Thousand (125,000) gallons per day (average daily consumption) of potable water shall be constructed without written confirmation from the Albemarle County Service Authority prior to approval of a final site plan (or prior to issuance of a building permit or final zoning clearance if a site plan is not required) that sufficient water capacity exists to support such a user, or is expected to exist at the time of completion of construction of any building(s) for such user. Such site plan approval, building permit, or zoning clearance, as applicable, may include reasonable conditions related to water usage.

9. Miscellaneous.

- A. Tracking Details on Site Plan. If requested by the County in connection with its review of any site plan application within the Project, the Applicant shall include a summary chart of total gross square footage of non-residential uses and number of residential dwelling units completed within the Project to date, and/or trip generation estimates for such application, to assist with monitoring compliance with this Amended Proffer Statement.
- B. Dedication of Land or Easements. For any proffer in this Amended Proffer Statement requiring the Applicant to dedicate land or easements to the County for public use, the Applicant shall bear the costs of preparing any necessary subdivision plat, easement plat, or related plat, and the cost to prepare the Deed or other instrument.
- C. Right of County to Extend Deadlines. Any deadlines for completion of road improvements, trails, or other improvements or obligations of the Applicant contained in this Amended Proffer Statement may be extended by the County in its reasonable discretion as may be required to obtain final approval of any necessary subdivision plat, site plan, easement plat, road plan, or similar plan, or to accommodate unforeseen delays, supply chain disruptions, contractor delays, and force majeure events such as, but not limited to, natural disasters, quarantine, and pandemic without withholding issuance of any certificate of occupancy.

This Amended Proffer Statement shall run with the Property and each reference to the "Applicant" or "Owner" within this Amended Proffer Statement shall include within its meaning, and shall be binding upon, Applicant's and Owner's successor(s) in interest and/or the developer(s) of the Property or any portion of the Property.

OWNER and APPLICANT:

UNIVERSITY OF VIRGINIA FOUNDATION
a Virginia non-stock corporation

By: 
Tim R. Rose, Chief Executive Officer

(46651722.16)

**RESOLUTION TO PARTIALLY APPROVE
ACSA202300002 FARMINGTON COUNTRY CLUB
FOR PARCEL ID 060E2-00-00-00100**

WHEREAS, in application ACSA202300002 (“ACSA 2023-02”), the owner of Parcel 060E2-00-00-00100 (“Parcel 60E2-1”) has applied for an amendment to the Albemarle County Service Authority (ACSA) Jurisdictional Area to include (i) a proposed laundry and maintenance building and (ii) a proposed lighting shelter, both on Parcel 60E2-1, in the area for sewer service; and

WHEREAS, on February 7, 2024, the Albemarle County Board of Supervisors held a duly noticed public hearing on ACSA 2023-02; and

WHEREAS, the Board hereby finds that the proposed extension of the ACSA Jurisdictional Area to the proposed laundry and maintenance building on Parcel 60E2-1 would be consistent with Strategy 9a of the Community Facilities chapter of the Comprehensive Plan; and

WHEREAS, the Board hereby finds that the proposed extension of the ACSA Jurisdictional Area to the proposed lighting shelter on Parcel 60E2-1 would not be consistent with Strategy 9a of the Community Facilities chapter of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for ACSA 2023-02 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 (i) approves ACSA 2023-02 as to the proposed laundry and maintenance building on Parcel 60E2-1 and (ii) disapproves ACSA 2023-02 as to the proposed lighting shelter on Parcel 60E2-1.

February 7, 2024

The Honorable Peter Paul Montgomery Buttigieg
United States Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: FY2024 RAISE Planning Grant Application - Rivanna River Bicycle and Pedestrian Crossing:
Preliminary Engineering Phase

Dear Secretary Buttigieg,

On behalf of the Albemarle County Board of Supervisors, I am writing to express support for the Thomas Jefferson Planning District Commission's (TJPDC) application for funding through the U.S. Department of Transportation's FY2024 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Discretionary Grant Program (DTOS59-24-RA-RAISE) to complete the preliminary engineering phase of work for the Rivanna River Bicycle and Pedestrian Crossing, which would provide a vital multi-modal connection between the Pantops growth area in Albemarle County and the rest of the Charlottesville-Albemarle urbanized area.

The County of Albemarle has actively contributed to the planning work completed to date on this project through participation in the Charlottesville-Albemarle Metropolitan Planning Organization (CA-MPO), staffed by the Thomas Jefferson Planning District Commission. Due to the collaborative regional planning approach taken to advance this project, a bridge location was selected that will support a number of ongoing County initiatives. The bridge will improve the overall connectivity of the Pantops growth area to the larger urbanized area, integrate with economic development and revitalization goals for sites in close proximity to the Rivanna River, and support Albemarle County's Climate Action Plan recommendations by providing safe and comfortable multi-modal infrastructure as an alternative to single occupancy vehicle use. This bridge is supported by the Pantops Master Plan and the Urban Rivanna River Corridor Plan, which were both accepted by the Albemarle County Board of Supervisors.

I am pleased to offer my ongoing support for this application to complete the preliminary engineering project phase as the next step towards the construction of this bridge.

Sincerely,

Jim H. Andrews
Chair, Albemarle County Board of Supervisors

CC:
Albemarle County Board of Supervisors
Jeffrey B. Richardson, County Executive
Steve Rosenberg, County Attorney

February 7, 2024

Honorable Senator Tim Kaine
231 Russel Senate Office Building
Washington, DC 20510

Dear Senator Tim Kaine,

On behalf of the Albemarle County Board of Supervisors, I write to urge your support in favor of the recently introduced Affordable Connectivity Program Extension Act and appreciate your championing of this legislation amongst your colleagues to build bipartisan support for this bill.

The Affordable Connectivity Program (ACP) has proven its importance through the thousands of individuals that have benefited from broadband access and allowing ACP to lapse would set back Virginia's efforts to close the digital divide in our rural communities.

In Albemarle County, more than 2,550 Albemarle households rely on the \$30 per month that is provided by the ACP. Allowing a funding gap in this program would leave these struggling households to either forgo other needed expenses or go without necessary internet service.

Broadband service is not the luxury it once was – every day, households of all means conduct business on-line, engage government services through the web, receive medical care through telehealth/virtual visits, and learn using web-based tools. Until recently, none of this was possible for the tens of thousands that lived in Albemarle's rural areas. Thousands in our rural and urban communities will find themselves unable to engage in these basic activities if funding for ACP is allowed to lapse. The impact of this will not just be felt in Albemarle, but across the more than 450,000 households enrolled in ACP throughout Virginia.

Thank you for your continued support of the residents of Virginia and your attention to this important matter.

Sincerely,

Jim H. Andrews
Chair, Albemarle County Board of Supervisors

CC:
Albemarle County Board of Supervisors
Jeffrey B. Richardson, County Executive
Steve Rosenberg, County Attorney