

ACTIONS Board of Supervisors Meeting of November 11, 2015		
		November 13, 2015
<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>PODCAST/ VIDEO</u>
1. Call to Order. Meeting was called to order at 2:03 p.m., by the Chair, Ms. Dittmar. All BOS members were present. Also present were Tom Foley, Larry Davis, Ella Jordan and Travis Morris.		Listen
2. Joint Meeting with School Board: 2a. Five Year Financial Plan. - By a vote of 1:5 (Palmer/Sheffield/Boyd/Dittmar/McKeel) motion to target a 1% salary increase based on available revenues for budget planning purposes failed. - Consensus of Board to continue discussion at December 2nd meeting. 2b. Adoption of Joint Resolution Recognizing Veteran's Day. - By a vote of 6:0, ADOPTED resolution recognizing Veteran's Day.	(Attachment 1)	
Recess. Board recessed at 4:47 p.m.		
3. Reconvene and Call to Order. At 6:00 p.m., the Board reconvened into open meeting.		Link to Video
6 Adoption of Final Agenda. - Added discussion on pedestrian crossing at Pantops. - Added for discussion updates from VACo Conference. - By a vote of 6:0, ADOPTED final agenda.		
7. Brief Announcements by Board Members. <u>Ann Mallek:</u> - Announced that she will be having town hall meetings starting Monday, November 16 at Brownsville Elementary School cafeteria; Tuesday, November 17 at Broadus Wood Elementary School cafeteria; and Saturday, November 21 at the White Hall Community Center. <u>Jane Dittmar:</u> - Announced that Ann Mallek was elected as the VACo Region V representative. <u>Ken Boyd:</u> - Announced that he and Liz Palmer attended a session at VACo about Hanover County and what they were doing about Public Private Partnerships.		
8. From the Public: Matters Not Listed for Public Hearing on the Agenda. <u>The following individuals spoke on the need for a pedestrian crossing (bridge) on Route 250 at Pantops.</u> - Diane Berlin - Debby Norton		

	• <u>The following residents of Ballards Mill Road, in Free Union, spoke in opposition to a request to allow farm winery, weddings and other events on Waterperry Farm:</u> • Nancy Breci • Bill Pritchard • Elizabeth Neff • Steve Blaine		
9.2	PROJECT: ZMA-2015-00004. Commonwealth Senior Living. (cancel public hearing and reschedule public hearing for date no earlier than December 2, 2015). • At request of applicant, scheduled public hearing for December 2, 2015.	<u>Clerk:</u> Readvertise and schedule public hearing on December 2 agenda.	
	9b. Discussion on Pedestrian Crossing at Pantops. • Discussed.		
10.	Pb. Hrg: PROJECT: SP-2015-00003. North Pointe Middle Entrance Amendment (Sign #61). • By a vote of 6:0, ADOPTED resolution to approve SP 2015-03 North Pointe Middle Entrance Amendment, subject to conditions of approval.	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 2)	
11.	Pb. Hrg: PROJECT: SP-2015-00023. 5th Street Station-Drive through Windows (Signs #47&48). • By a vote of 6:0, ADOPTED resolution to approve SP 2015-23 5th Street Station, Request for Drive-Through Windows, subject to conditions of approval. • By a vote of 6:0, ADOPTED resolution to approve special exceptions for SP 15-23 5th Street Station, Request for Drive-Through Windows.	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachments 3 and 4)	
12.	Pb. Hrg: ZTA-2015-00007. Wireless – Public notice. • By a vote of 5:1(Palmer), DENIED ZTA-2015-00007.		
13.	Continued discussion on “stale” proffers • DIRECTED, staff to move forward with Resolution of Intent.	<u>Community Development:</u> Proceed as directed.	
14.	From the Board: Matters Not Listed on the Agenda. a. Action: Joint Resolution of Charlottesville City Council and the Albemarle County Board of Supervisors Regarding Establishment of a Review Committee for the Charlottesville Albemarle Convention and Visitors Bureau. • By a vote of 5:1(Boyd), ADOPTED resolution. b. Discussion/Action: Rivanna Station Environmental Assessment. • Discussed. <u>Ann Mallek:</u> • Gave brief update of VACo Annual Conference.	<u>Clerk:</u> Forward copy of signed resolution to City Council and County Attorney's office. (Attachment 5)	
15.	From the County Executive: Report on Matters Not Listed on the Agenda. <u>Tom Foley:</u>		

	• Provided detailed overview of the orientation schedule for the newly elected Supervisors.		
16.	Closed Meeting. • At 9:34 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 negotiation of agreements for the Ivy Landfill Transfer Station; 2) The negotiation of easements on the County Office Building Property; and 3) The negotiation of an agreement for the Court Facilities.		
17.	Certify Closed Meeting. • At 10:59 p.m., the Board reconvened into open meeting and certified the closed meeting.		
18.	Adjourn to December 1, 2015, 6:00 p.m., Room 241. • The meeting was adjourned at 11:00 p.m.		

ewj/tom

Attachment 1 – Resolution of Appreciation

Attachment 2 – Resolution to Approve SP 2015-03 North Pointe Middle Entrance Amendment

Attachment 3 – Resolution to Approve SP 2015-23 5th Street Station, Request for Drive-Through Windows

Attachment 4 – Resolution to Approve Special Exceptions for SP 15-23 5th Street Station, Request for Drive-Through Windows

Attachment 5 – Joint Resolution to Charlottesville City Council and the Albemarle Board of Supervisors Regarding Establishment of a Review Committee for the Charlottesville Albemarle Conventions and Visitors Bureau

RESOLUTION OF APPRECIATION

- WHEREAS,** the United States of America was founded on the principles of liberty, opportunity and justice for all; and
- WHEREAS,** America has called on her men and women in uniform to protect our national security, to advance our national interests and to preserve our rights and freedoms; and
- WHEREAS,** on Veterans Day we remember and pay tribute to the millions of patriots whose courage and sacrifice have secured our freedom and defended our values; and
- WHEREAS,** we also honor all men and women currently serving in the military for their sacrifices; and
- WHEREAS,** over one hundred fifteen (115) veterans continue to serve their country in public schools and government as teachers and other professionals providing services to the students and citizens of Albemarle County; and
- WHEREAS,** these veterans employed by Albemarle County Public Schools and Local Government deserve recognition for their continued service;
- NOW, THEREFORE, BE IT RESOLVED,** that the Albemarle County Board of Supervisors and the Albemarle County School Board do hereby recognize all veterans and the men and women that are currently serving in our armed forces around the world; and
- BE IT FURTHER RESOLVED,** that the Albemarle County Board of Supervisors and the Albemarle County School Board do hereby recognize and honor the continued contributions and sacrifices of the Armed Forces veterans employed by local government and public schools; and
- FURTHER RESOLVED,** that this Resolution celebrating Veterans Day, be adopted this day of November 11, 2015.

**RESOLUTION TO APPROVE
SP 2015-03 NORTH POINTE MIDDLE ENTRANCE AMENDMENT**

WHEREAS, CWH Properties Limited Partnership is the record owner of Tax Map and Parcel Number 03200-00-00-02000, and Violet Hill Associates, LLC is the record owner of Tax Map and Parcel 03200-00-00-02300 (collectively, the “Owner” and the “Property”); and

WHEREAS, ZMA 2000-09 was approved on August 2, 2006, approving the North Pointe development, and SP 2007-03 was approved on June 6, 2007, which allows the Owner to install a new stream crossing within the floodplain of Flat Branch Creek and thereby extend Northside Drive to serve as the middle entrance for the North Pointe community.

WHEREAS, the Owner filed an application for a special use permit to amend the conditions of approval for SP 2007-03 to modify conditions requiring an arched span culvert crossing of Flat Branch Creek to allow two box culverts, and the application is identified as Special Use Permit 2015-00003 North Pointe Middle Entrance Amendment (“SP 2015-03”); and

WHEREAS, on November 10, 2015, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2015-03 with the conditions recommended by County staff, including the elimination of several conditions that are no longer needed, and the revision of several conditions to provide clarity and to be consistent with current Albemarle County Code requirements; and

WHEREAS, on November 11, 2015, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2015-03.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2015-03 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code § 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2015-03, subject to the conditions attached hereto.

SP-2015-00003 North Pointe Middle Entrance Amendment Conditions

1. Prior to final road plan approval, 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.
2. The culvert under Northside Drive shall be in general accord with the attached drawing titled “North Pointe SP Crossing of Flat Branch” prepared by Townes Site Engineering with a revision date of July 20, 2015, page 2 of 3 (the “Plan”). To be in general accord with the Plan, development shall reflect the general size, arrangement, and location of the culverts. 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.
3. Prior to obtaining approval of the road plans and erosion and sediment control plans for Northside Drive, the applicant shall obtain approval of a landscape plan by the County’s Design Planner and the site shall be landscaped as provided on the approved landscape plan. The landscape plan shall include a complete planting schedule keyed to the plan and shall provide the following:
 - a. The existing tree line and proposed tree line that will remain, the limits of clearing and grading, and methods of tree protection;
 - b. Provide an informal planting of mixed tree and shrub species and sizes to compensate for removed vegetation, and low-growing plants to stabilize slopes in the areas of proposed grading and tree removal; and

- c. Provide large shade trees on the north and south side of Northside Drive, along the sidewalk and space reserved for the sidewalk, two and one-half (2½) inches caliper minimum at planting, forty (40) feet on center, for a minimum distance of four hundred (400) feet from the existing edge of pavement of Route 29 North.
- 4. Design details of the retaining walls, including column cap design, pier design, stone finish, and similar design details shall be shown on the road plans and are subject to review and approval of the County's Design Planner.
- 5. If the use, structure, or activity for which this special use permit is issued is not commenced by November 11, 2020, the permit shall be deemed abandoned and the authority granted there under shall thereupon terminate.

**RESOLUTION TO APPROVE
SP 2015-23 5th STREET STATION, REQUEST FOR DRIVE-THROUGH WINDOWS**

WHEREAS, 5th Street Station Ventures, LLC (the “Owner”) is the owner of Tax Map and Parcel Numbers 076M1-00-00-002A0, 076M1-00-00-002B0, and 076M1-00-00-004A0 (the “Property”); and

WHEREAS, the Owner filed an application for a special use permit to establish drive-through windows, and the application is identified as Special Use Permit 2015-00023 5th Street Station, Request for Drive-Through Windows (“SP 2015-23”); and

WHEREAS, on October 6, 2015, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2015-23 with modified conditions; and

WHEREAS, on November 11, 2015, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2015-23.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2015-23 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code § 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2015-23, subject to the conditions attached hereto.

SP-2015-00023 5th Street Station, Request for Drive-Through Windows Conditions

1. If the building is adjacent to a public street, any drive-through windows shall be located on the side or rear of the building, away from the public street.
2. Drive-through lanes shall not be located between a building and a public street unless separated from the right of way by a landscaped area at least ten (10) feet in depth extending the length of the drive-through lane that complies with Albemarle County Code § 32.7.9.5(b), (c), (d), and (e).
3. Drive-through lanes shall be separated from sidewalks and any vehicular travel areas by a planting strip at least five (5) feet in width.
4. Where pedestrian access crosses drive-through lanes, a five (5) foot wide raised pedestrian travelway or a five (5) foot wide pedestrian travelway containing a change in texture and visual markings shall be provided.
5. Drive-through lanes shall be at least eleven (11) feet wide.
6. Drive-through lanes shall not enter directly from or exit directly to any public street.
7. Entrances to drive-through lanes shall be more than fifty (50) feet from any intersection with a public or private street or travelway without parking (interior circulation in shopping areas).
8. Drive-through lane length shall be a minimum of one hundred (100) feet measured from the center of the first window or service point. This length may be reduced if a study is submitted and approved by the Director of Community Development or their designee demonstrating that a shorter length will be sufficient for a particular use.
9. The drive-through lane shall extend at least twenty (20) feet beyond the drive-through window.
10. Where a drive-through lane is located adjacent to an internal travelway, the direction of travel in the drive-through lane and the travelway shall be the same unless they are separated from one another

by a landscaped area at least ten (10) feet in depth extending the length of the drive-through lane that complies with Albemarle County Code § 32.7.9.5(b), (c), (d), and (e).

11. The use shall commence on or before November 11, 2018 or the permit shall expire and be of no effect.

**RESOLUTION TO APPROVE SPECIAL EXCEPTIONS
FOR SP 15-23, 5th STREET STATION, REQUEST FOR DRIVE-THROUGH WINDOWS**

WHEREAS, 5th Street Station Ventures, LLC (the "Owner") is the owner of Tax Map and Parcel Numbers 076M1-00-00-002A0, 076M1-00-00-002B0, and 076M1-00-00-004A0 (the "Property"); and

WHEREAS, Albemarle County Code § 18-4.12.17(c)(2) requires that one-way access aisles be 12 feet in width and Albemarle County Code § 18-4.12.6 requires that one-way access aisles be 5 stacking spaces long; and

WHEREAS, the Owner filed a request for a special exception in conjunction with SP 2015-00023, 5th Street Station, Request for Drive-Through Windows, to allow drive-through window access aisles that have a minimum travel way width of 11 feet and that are 100 feet long.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared in conjunction with the application, the supporting analysis included in the staff report, and all of the factors relevant to the special exception in Albemarle County Code §18-4.12.2(c)(2), the Albemarle County Board of Supervisors hereby approves the special exception to allow an 11-foot-wide, 100 foot long one-way access aisle for the drive-through windows.

**Joint Resolution of Charlottesville City Council and the Albemarle County Board of Supervisors
Regarding Establishment of a Review Committee for the Charlottesville Albemarle Convention and
Visitors Bureau**

WHEREAS, generating revenue through Charlottesville's and Albemarle's abundant and unique tourism assets assists our economy and serves to lower the tax burden on our permanent residents, and

WHEREAS, the two jurisdictions together generated approximately \$5.8 million in transient occupancy taxes in FY 15 and also generated a combined total of approximately \$40.8 million in meals and sales tax, a very significant percentage of which is attributable to tourists, during that same period, and

WHEREAS, the Commonwealth of Virginia requires that a certain portion of County revenues collected from the Transient Occupancy Tax (TOT) be designated and spent solely for tourism and travel, including marketing of tourism that, as determined after consultation with the local tourism industry, attracts travelers to the County and generates tourism revenues to the County, and

WHEREAS, the City of Charlottesville and the County of Albemarle created the Charlottesville Albemarle Convention and Visitor's Bureau (CACVB) in 1979, with the last amended agreement in 2004, to provide that consultation and to use the designated revenues to enhance the economic prosperity of the City and County by promoting, selling and making the City of Charlottesville and County of Albemarle a destination for tourism and to promote their meetings and tourism markets, and

WHEREAS, the City and County desire to ensure these funds are managed effectively producing the desired results, and

WHEREAS, it would be beneficial to have the City and County leadership meet at least twice annually and no more frequently than quarterly to receive information and provide feedback as to CACVB performance,

Now, THEREFORE, BE IT RESOLVED, that the Charlottesville City Council and the Albemarle County Board of Supervisors hereby request that the City Manager and the County Executive establish a review committee, no later than December 8, 2015, to perform such review, analyze CACVB performance and provide feedback to the CACVB director, the CACVB Management Board, and to the respective governing bodies after each review committee meeting as to the efficiency and effectiveness of our jointly created and managed bureau. The elected boards will consider any potential changes needed resulting from the reviews.