

**ACTIONS**  
**Board of Supervisors Meeting of October 12, 2016**

October 13, 2016

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>VIDEO</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> <li>Meeting was called to order at 3:02 p.m., by the Chair, Ms. Palmer. All BOS members were present. Also present were Tom Foley, Greg Kamptner, Claudette Borgersen and Travis Morris.</li> </ul>		<a href="#">Link to video</a>
<p>2. <b>Joint Work Session with School Board:</b> Annual Update on Employee Compensation, Health Insurance and Other Benefits.</p> <ul style="list-style-type: none"> <li><b>HELD.</b></li> </ul>		
<p>3. Closed Session. Personnel and Legal Matters.</p> <ul style="list-style-type: none"> <li>At 4:28 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 an agreement for, and the possible relocation of, court facilities. 2. The pending special use permit application for Restore'n Station. 3. The Revenue Sharing Agreement.</li> </ul>		
<p>4. Certified Closed Meeting.</p> <ul style="list-style-type: none"> <li>At 6:07 p.m., the Board reconvened into open meeting and certified the closed meeting.</li> </ul>		
<p>5. Call back to Order.</p> <ul style="list-style-type: none"> <li>Chair called meeting back to order at 6:07 p.m.</li> </ul>		
<p>8. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> <li>Removed agenda item #13.</li> <li>By a vote of 6:0, <b>ADOPTED</b> the final agenda.</li> </ul>		
<p>9. Brief Announcements by Board Members.</p> <p><u>Rick Randolph:</u></p> <ul style="list-style-type: none"> <li>Announced that he had attended the Buckingham County Board of Supervisors meeting to talk about the prospective Scottsville hub project on the potential expanding of Social Services.</li> <li>Reported out on TJPDC's request to localities.</li> </ul> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> <li>Handed out brochures on the County's burn laws.</li> <li>Announced that October 31<sup>st</sup> is the deadline for new applicant filings for the real estate program.</li> <li>Mentioned that she was a chaperone for the tech tour and encouraged Supervisors to join in next year.</li> <li>Announced that she attended the Crozet Arts and Craft festival.</li> </ul> <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> <li>Announced she attended the Drewary Brown</li> </ul>		

	<p>Bridge celebration honoring Luther D. Cooley, Holly Edwards, Teresa Walker Price and Mitch Van Yahres as Bridge Builders in the community.</p> <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> <li>Announced she attended the Southern Albemarle Expo in conjunction with Albemarle County Schools.</li> </ul>	
10.	<p>Proclamations and Recognitions:</p> <p>a. Proclamation recognizing October as Domestic Violence Awareness Month.</p> <ul style="list-style-type: none"> <li><b>ADOPTED</b>, by a vote of 6:0 and presented to Jenny Baker.</li> </ul> <p>b. Proclamation recognizing October 23 – 31, 2016 as Red Ribbon Week.</p> <ul style="list-style-type: none"> <li><b>ADOPTED</b>, by a vote of 6:0 and presented to Cody Jackson.</li> </ul> <p>c. Proclamation recognizing October as Wine Month.</p> <ul style="list-style-type: none"> <li><b>ADOPTED</b>, by a vote of 6:0.</li> </ul>	<p>(Attachment 1)</p> <p>(Attachment 2)</p> <p>(Attachment 3)</p>
11.	<p>From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <li><b><u>The following individuals spoke in regards to the Memorandum of Understanding between the Economic Development Authority and the County:</u></b> <ul style="list-style-type: none"> <li><u>John Martin</u></li> <li><u>Tom Oliver</u></li> <li><u>Jeff Werner</u></li> <li><u>Tom Loach</u></li> </ul> </li> <li><b><u>The following individuals spoke regarding agenda item #14 Restore n' Station:</u></b> <ul style="list-style-type: none"> <li><u>Jo Higgins</u></li> <li><u>Jason Crutchfield</u></li> </ul> </li> </ul>	
12.2	<p>SDP-2016-00018 Better Living Berkmar - Special Exceptions to Setbacks.</p> <ul style="list-style-type: none"> <li><b>ADOPTED</b>, resolution approving three special exceptions.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 4)</p>
12.3	<p>SDP-2016-00012 Nationwide Homes - Special Exception to Disturb Critical Slopes.</p> <ul style="list-style-type: none"> <li><b>ADOPTED</b>, resolution approving special exception.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 5)</p>
12.4	<p>Acquisition of Conservation Easements (ACE) Appraisals and Purchases for FY 2016 Applicant Class.</p> <ul style="list-style-type: none"> <li><b>AUTHORIZED</b>, staff to invite the owners of the Brighish, Moon, and Evans properties to make written offers to sell conservation easements to the County for no more than: * \$314,500 for the Brighish easement, * \$65,000 for the Moon easement, and * \$405,000 for the Evans easement; and <b>ACCEPT</b>, offers from any of the mentioned owners to sell conservation easements for no more than the above amounts; and <b>AUTHORIZED</b>, the County Executive to sign on behalf of the County the Deeds of Easement and related forms for any</li> </ul>	<p><u>Ches Goodall:</u> Proceed as directed.</p> <p><u>County Attorney:</u> Provide clerk with fully executed copy of deed of easement.</p>

	or all of these three easements once such documents are approved by the County Attorney.	
13.	Memorandum of Understanding between the Economic Development Authority and the County. <ul style="list-style-type: none"> <li>Removed from agenda.</li> </ul>	Schedule on November 2 agenda.
14.	SP-2015-00032. ReStore N Station (amendment of SP 200900034) <b>deferred from September 14, 2016.</b> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> resolution to Deny SP-2015-00032. ReStore N Station.</li> </ul>	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 6)
15.	Board Discussion: Scheduling of Public Review and Comment on County Court Expansion Options. <ul style="list-style-type: none"> <li><b>CONSENSUS</b> to have a public review and comment on County Court Expansion Options on October 24, 2016.</li> </ul>	<u>Clerk:</u> Schedule meeting.
15a.	Resolution in Support of Regional Transit in Charlottesville-Albemarle. <ul style="list-style-type: none"> <li>By a vote of 5:0:1(Sheffield recused), <b>ADOPTED</b> resolution.</li> </ul>	<u>Clerk:</u> Forward copy of signed resolution to County Attorney's office and to City Council. (Attachment 7)
16.	<b>Pb. Hrg.: Old Trail Western Park.</b> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> resolution.</li> </ul>	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 8)
17.	<b>Pb. Hrg.: Agricultural and Forestal Districts Ordinance Amendment.</b> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> ordinance.</li> </ul>	<u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 9)
18.	<b>SP-2016-00009. Faith Christian Center International &amp; SP-2016-00013. Faith Christian Center International – Daycare Amendment (Sign 102).</b> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> resolution approving SP-2016-00009.</li> <li>By a vote of 6:0, <b>ADOPTED</b> resolution approving SP-2016-00013, subject to conditions.</li> </ul>	<u>Clerk:</u> Forward copy of signed resolutions to Community Development and County Attorney's office. (Attachment 10)
19.	<b>SP-2016-00010. Cornerstone Community Church Addition (Sign 105).</b> <ul style="list-style-type: none"> <li>By a vote of 5:1 (Mallek), <b>ADOPTED</b> resolution to approve SP-2016-00010, subject to conditions.</li> </ul>	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 11)
20.	<b>SP-2016-00015. Springhill/Towneplace Suites (Signs 59 &amp; 60).</b> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>DEFERRED</b> Special Exception for SP-2016-00015 to November 2.</li> <li>By a vote of 6:0, <b>MOVED</b> the adoption of the resolution approving SP-2016-00015 and SP-2016-00016 with conditions to November 2.</li> </ul>	<u>Clerk:</u> Schedule on November 2 agenda.
21.	<b>SP-2016-00016. Springhill/Towneplace Suites Parking Structure (Signs 59 &amp; 60).</b> <ul style="list-style-type: none"> <li>Handled under item #20.</li> </ul>	<u>Clerk:</u> Schedule on November 2 agenda.
22.	From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Rick Randolph:</u> <ul style="list-style-type: none"> <li>Commented on the day on the proposed changes to the rules for special use permits</li> </ul>	

	<p>community meetings as it concerns the community advisory committees.</p> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> <li>• Mentioned she would like to allow special legislation for speed cameras similar to the City if Del. Toscano is sponsoring a bill.</li> <li>• Requested that staff provide her with the regulations shooting ranges in Albemarle County.</li> </ul> <p><u>Rick Randolph:</u></p> <ul style="list-style-type: none"> <li>• Suggested that the Board consider establishing a Founder's Day Celebration for those citizens who have made a significant contribution to Albemarle County.</li> </ul>	
23.	<p>From the County Executive: Report on Matters Not Listed on the Agenda.</p> <p><u>Tom Foley:</u></p> <ul style="list-style-type: none"> <li>• Reminded Supervisors to select a voting delegate to represent the Board at the Annual VACo Conference.</li> <li>• By a vote of 6:0, <b>SELECTED</b> Ann Mallek as its VACo delegate and Liz Palmer as its alternate.</li> </ul>	
24.	<p>Adjourn to September, 20 2016, p.m., Room.241</p> <ul style="list-style-type: none"> <li>• The meeting was adjourned at 10:14 p.m.</li> </ul>	

ckb/tom

Attachment 1 – Proclamation recognizing October as Domestic Violence Awareness Month

Attachment 2 – Proclamation recognizing October 23 – 31, 2016 as Red Ribbon Week

Attachment 3 – Proclamation recognizing October as Wine Month

Attachment 4 – Resolution to Approve SDP-2016-00018 Better Living Berkmar - Special Exceptions to Setbacks.

Attachment 5 – Resolution to Approve SDP-2016-00012 Nationwide Homes - Special Exception to Disturb Critical Slopes

Attachment 6 – Resolution to Deny SP 2015-32 Restore'n Station

Attachment 7 – Resolution in Support of Regional Transit in the City of Charlottesville and Albemarle County

Attachment 8 – Resolution Approving the Granting of Easement on the Old Trail Park Property

Attachment 9 – Ordinance No. 16-3(2)

Attachment 10 – Resolution to Approve SP 2016-00009 and Resolution to Approve SP 2016-00013

Attachment 11 – Resolution to Approve SP 2016-00010 Cornerstone Community Church

**PROCLAMATION**

**WHEREAS**, the problems of domestic violence are not confined to any group or groups of people but cross all economic, racial and societal barriers, and are supported by societal indifference; and

**WHEREAS**, the crime of domestic violence violates an individual's privacy, dignity, security, and humanity, due to systematic use of physical, emotional, sexual, psychological and economic control and/or abuse, with the impact of this crime being wide-ranging; and

**WHEREAS**, no one person, organization, agency or community can eliminate domestic violence on their own—we must work together to educate our entire population about what can be done to prevent such violence, support victims/survivors and their families, and increase support for agencies providing services to those community members; and

**WHEREAS**, the Shelter for Help in Emergency has led the way in the County of Albemarle in addressing domestic violence by providing 24-hour hotline services to victims/survivors and their families, offering support and information, and empowering survivors to chart their own course for healing; and

**WHEREAS**, the Shelter for Help in Emergency commemorates its 37<sup>th</sup> year of providing unparalleled services to women, children and men who have been victimized by domestic violence;

**NOW THEREFORE, BE IT RESOLVED**, in recognition of the important work being done by the Shelter for Help in Emergency, that we, the Albemarle County Board of Supervisors, do hereby proclaim the month of

**October 2016**

**as**

**DOMESTIC VIOLENCE AWARENESS MONTH**

and urge all citizens to actively participate in the scheduled activities and programs sponsored by the Shelter for Help in Emergency, and to work toward the elimination of personal and institutional violence against women, children and men.

Signed and sealed this 12<sup>th</sup> day of October, 2016.

**PROCLAMATION**

**Whereas**, communities across America have been plagued by numerous problems associated with illicit drug use and those that traffic in them and where citizen support is one of the most effective tools in the effort to reduce the use of illicit drugs in our communities; and

**Whereas**, hope lies in education by organizations to foster a healthy, drug-free lifestyle and where the red ribbon has been chosen as a symbol to represents the belief that one person can make a difference ; and

**Whereas**, the Red Ribbon Campaign was established by Congress in 1988 to encourage a drug-free lifestyle and involvement in drug prevention and reduction efforts; and

**Whereas**, October 23-31 has been designated National Red Ribbon Week, which encourages Americans to wear a red ribbon to show their support for a drug-free environment;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of Albemarle County, Virginia, does hereby proclaim

October 23-31, 2016,

as

**RED RIBBON WEEK**

in Albemarle County and urge all citizens to join in this special observance.

Signed and sealed this 12<sup>th</sup> day of October 2016.

**Proclamation  
Virginia Wine Month**

- WHEREAS,** from modest beginnings in colonial times, Virginia has become a nationwide leader in the wine industry, now fifth in the nation both in wine production and in number of wineries and with wine sales growing 34 percent since 2010, to 6.6 million bottles of Virginia wine sold worldwide in fiscal year 2016; and
- WHEREAS,** wines from the Commonwealth, including those from Albemarle County, are winning national and international awards and recognition for their elegant qualities, imparted by skilled vintners and Virginia's terroir; and
- WHEREAS,** many of Albemarle's more than 30 vineyards, most with wineries on site, are run by families as strong agricultural enterprises that can be passed on to future generations, providing economic benefit for winery owners and employees and for other Albemarle ventures supported by the patronage and purchasing power of winery visitors, including farming of heritage and heirloom crops, restaurant cuisine committed to selling local where possible, and tourism focused on sustaining the land and the local culture; and
- WHEREAS,** in 2015 Albemarle County had the most bearing acres of grapes of any area in the state--570 acres, or 18% of the state's total bearing acres -- and is part of the central region of Virginia which produced the most tons of grapes -- 3,691 tons, or 42.5% of the total in the state in 2015; and
- WHEREAS,** Albemarle County values our wineries' stewardship, keeping their land producing and protected in agricultural uses, preserving scenic vistas, historic sites and other amenities which make Albemarle wineries ideal places of entertainment, culture, enjoyment and social engagement that enrich Albemarle County's quality of life and culture of hospitality.
- NOW, THEREFORE, BE IT RESOLVED,** that the Albemarle County Board of Supervisors, does hereby recognize Albemarle County wineries and their contribution to the Virginia wine industry's success and encourage County residents and visitors to visit a winery or purchase local wines through local restaurants and shops during October 2016, Virginia Wine Month.

Signed and sealed this 12<sup>th</sup> day of October, 2016.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION  
FOR SDP 2016-00018 BETTER LIVING BERKMAR**

**WHEREAS**, B Properties, LC (the "Owner") is the owner of Tax Map and Parcel Numbers 04500-00-00-112B0 and 04500-00-00-112A0 (the "Property"); and

**WHEREAS**, the Owner filed a request for a special exception in conjunction with SDP 2016-00018, Better Living, to modify the front setback requirements of County Code § 18-4.20(a)(2) to increase the maximum front setback from 30' to 83'; to modify the side setback requirements of County Code § 18-4.20(a)(3) to reduce the side setback for the proposed building from 50' to 20' and to eliminate the side setback for the proposed parking area; and to waive the buffer zone requirements of County Code § 18-21.7(c) to allow the disturbance of the 20' buffer zone along the southern property line for the construction of the proposed parking.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the executive summary prepared in conjunction with the application and its supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-4.20(a)(2), 18-4.20(a)(3), 18-21.7(c) and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to modify the front setback requirements of County Code § 18-4.20(a)(2) to increase the maximum front setback to 63'; to modify the side setback requirements of County Code § 18-4.20(a)(3) to reduce the side setback for the proposed building to 20', to waive the side setback requirements of County Code § 18-4.20(a)(3) to eliminate the side setback requirement for the proposed parking area, and to waive the buffer zone requirements of County Code § 18-21.7(c) to allow the disturbance of the 20' buffer zone along the southern property line for the construction of the proposed parking.



**RESOLUTION TO APPROVE SPECIAL EXCEPTION  
FOR SDP 2016-00012 NATIONWIDE HOMES**

**WHEREAS**, Heartrock Farm LLC (the "Owner") is the owner of Tax Map and Parcel Number 07800-00-00-049A0 (the "Property"); and

**WHEREAS**, the Owner filed a request for a special exception in conjunction with SDP 2016-00012, Nationwide Homes, to allow the disturbance of critical slopes, as the Property is depicted on the pending plans under review by the County's Department of Community Development.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the executive summary prepared in conjunction with the application, and its supporting analysis included as Attachment B thereto, the Applicant's critical slopes waiver request dated August 10, 2016 and plan entitled "Major Site Plan Amendment for 2300 Hunter's Way, Albemarle County, Virginia" prepared by Shimp Engineering, P.C. and dated August 10, 2016, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-4.2.5 and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to authorize the disturbance of critical slopes for Heartrock Farm LLC's development of the Property, subject to the condition attached hereto.

\* \* \* \* \*

**SDP 2016-00012, Nationwide Homes Special Exception Condition**

1. The area of land disturbance on critical slopes shall not exceed 3,491 square feet as shown on Sheet 4 of the plan entitled "Major Site Plan Amendment for 2300 Hunter's Way, Albemarle County, Virginia" prepared by Shimp Engineering, P.C. and dated August 10, 2016.

**RESOLUTION TO DENY  
SP 2015-32 RESTORE'N STATION**

**WHEREAS**, Jeffries II, LLC is the owner of Tax Map and Parcel Number 055B0-00-00-00100 (the "Property"); and

**WHEREAS**, a special use permit was approved by the Board for this property on November 3, 2010 (SP 2009-34), authorizing the use of 1,625 gallons of groundwater per day, which included conditions that limited groundwater use, as well as conditions that restricted building size and other activities on the site in order to restrict groundwater consumption; and

**WHEREAS**, Jeffries II, LLC filed an application for a special use permit to amend the conditions associated with the approval of SP 2009-34 to allow an intensification of development and activities on the Property, and the application is identified as Special Use Permit 2015-32 Restore'n Station ("SP 2015-32"); and

**WHEREAS**, on June 7, 2016, after a duly noticed public hearing, the Albemarle County Planning Commission recommended denial of SP 2015-32 by a 6 to 0 vote; and

**WHEREAS**, on September 14, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2015-32 and considered five proposed conditions and deferred action at Jeffries II, LLC's request to October 12, 2016; and

**WHEREAS**, on October 12, the Board considered alternative conditions proposed by Jeffries II, LLC 2016.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the transmittal summary and staff report prepared for SP 2015-32 and all of their attachments for both the September 14 public hearing and the October 12 meeting, the information presented at the public hearing, the information submitted after the public hearing and prior to the Board's consideration of the application on October 12, the information presented on October 12, the factors articulated by the Planning Commission in its recommendation for denial and the factors relevant to this special use permit in Albemarle County Code §§ 18-1.4.10 and 18-33.8, the Albemarle County Board of Supervisors hereby denies SP 2015-32 for the following reasons:

1. The conditions imposed in conjunction with SP 2009-34 are reasonable, were not challenged following approval of SP 2009-34, and, therefore, should be retained without amendment; and
2. SP 2009-34 allows a reasonable use of the Property and a reasonable use exists on the Property; and
3. Jeffries II, LLC presented average but not peak water use readings. Therefore, the Board could not be assured that the peak water use demand would be at or below 1,625 gallons of groundwater per day with the development and activities proposed by Jeffries II, LLC.

**RESOLUTION IN SUPPORT OF REGIONAL TRANSIT IN THE CITY OF CHARLOTTESVILLE AND ALBEMARLE COUNTY**

**WHEREAS**, the public transit services of the Charlottesville Area Transit and JAUNT are considered regional in scope; and

**WHEREAS**, the County of Albemarle, through its partnership with the City of Charlottesville, provides funding for both Charlottesville Area Transit and JAUNT to regularly engage in transit planning and transit operations; and

**WHEREAS**, changes effective October 1, 2016 cause ten of the thirteen Charlottesville Area Transit routes to cross from the City of Charlottesville into Albemarle County's "urban ring" surrounding the City; and

**WHEREAS**, the multimodal focus of the urban ring is to create a transportation network adjacent to the City of Charlottesville that is transit supportive in land use, responsive to economic development competitiveness, connects people to jobs, and reduces congestion; and

**WHEREAS**, the County of Albemarle intends to strengthen its commitment to transit service through funding the expansion of transit into developing areas and providing faster, more frequent service to the existing urban ring; and

**WHEREAS**, the County of Albemarle is firmly committed to establishing a more robust regional transit service and believes greater efficiencies and effectiveness can be gained through a unified system; and

**WHEREAS**, the City of Charlottesville and the County of Albemarle have agreed to move forward with a facilitated discussion on the concerns, expectations, and outcomes related to the possible formation of a unified regional transit system.

**NOW, THEREFORE BE IT RESOLVED THAT** the County of Albemarle intends to work with the City of Charlottesville to address outstanding issues in order to establish common ground on how both entities can move forward with improved regional transit infrastructure and service, thus allowing the County to provide future investments in area transit.

**RESOLUTION APPROVING THE GRANTING OF  
EASEMENTS ON THE OLD TRAIL PARK PROPERTY**

**WHEREAS**, the County of Albemarle owns certain property known as the Old Trail Park and identified as Parcel ID 055E0-01-00-000H0; and

**WHEREAS**, stormwater management, greenway trail, and grading easements across this County-owned property are necessary for March Mountain Properties, LLC and East Village, LLC to construct and maintain improvements required for the Old Trail Subdivision; and

**WHEREAS**, additional easements across this County-owned property are necessary for the Albemarle County Service Authority (ACSA) to provide sanitary sewer service to the Old Trail Subdivision.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves the granting of stormwater management, greenway trail, and grading easements to March Mountain Properties, LLC and East Village, LLC, and the granting of a sanitary sewer easement to the ACSA, and authorizes the County Executive to sign all documents necessary to convey these easements across Parcel ID 055E0-01-00-000H0 and to implement the terms and conditions thereof once they have been approved as to substance and form by the County Attorney.

**ORDINANCE NO. 16-3(2)**

AN ORDINANCE TO AMEND CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, ARTICLE II, DISTRICTS OF STATEWIDE SIGNIFICANCE, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 3, Agricultural and Forestal Districts, Article II, Districts of Statewide Significance, is hereby amended and reordained as follows:

**By Amending:**

Sec. 3-201      Creation of districts  
 Sec. 3-203      Addition of land to district

**Chapter 3. Agricultural and Forestal Districts****Article II. Districts of Statewide Significance****Sec. 3-201 Creation of district.**

Each agricultural and forestal district of statewide significance shall be created as provided herein:

A. *Application.* On or before one or more application dates each year set by the director of planning, any owner or owners of land may submit an application to the director for the creation of a district. The application shall be made on a form developed and provided by the director and shall be signed by each owner of the land proposed to be included in the district. Each submitted application shall be accompanied by: (i) maps or aerial photographs, or both as may be required by the director, that clearly show the boundaries of the proposed district, the boundaries of the parcels owned by each applicant, and any other features prescribed by the director; and (ii) the fee required by section 3-206.

B. *Receipt and referral of application.* Upon receipt of an application for a district, the director shall refer the application to the advisory committee.

C. *Advisory committee review.* Upon receipt of an application from the director, the advisory committee shall review the application and any proposed modifications and report its recommendations to the planning commission. The advisory committee shall apply the criteria in subsection (F) in its review of each application.

D. *Planning commission review.* Upon receipt of the report of the advisory committee on an application, the planning commission shall: (i) provide the notice required by Virginia Code § 15.2-4307(1); (ii) hold a public hearing; and (iii) after the public hearing, report its recommendations to the board of supervisors. The planning commission shall apply the criteria in subsection (F) in its review of each application. The planning commission's report shall include the potential effect of the district and any proposed modifications upon the county's planning policies and objectives.

E. *Hearing and action by board of supervisors.* After receiving the reports of the planning commission and the advisory committee, the board of supervisors shall hold a public hearing on the application. After a public hearing, the board of supervisors may by ordinance create a district as applied for or with any modifications it deems appropriate, as provide herein.

1. The ordinance shall be adopted pursuant to the conditions and procedures provided in Virginia Code § 15.2-4309.

2. The board of supervisors shall act to either adopt the ordinance creating the district, or reject the application, or any modification to it, within one hundred eighty (180) days after the application date set by the director under which the application was received.

F. *Criteria to be applied by the advisory committee and the planning commission.* The advisory committee and the planning commission shall apply the following criteria in their respective reviews of each application:

1. The agricultural and forestal significance of land within the district or addition and in areas adjacent thereto; in judging the agricultural and forestal significance of land, any relevant agricultural or forestal maps may be considered, as well as soil, climate, topography, other natural factors, markets for agricultural and forestal products, the extent and nature of farm structures, the present status of agriculture and forestry, anticipated trends in agricultural economic conditions and such other factors as may be relevant.

2. The presence of any significant agricultural lands or significant forestal lands within the district and in areas adjacent thereto that are not now in active agricultural or forestal production, considering the maps, factors, markets, and other information described in subsection (F)(1);

3. The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent thereto;

4. Local development patterns and needs;

5. The comprehensive plan and the applicable zoning regulations;

6. The environmental benefits of retaining the lands in the district for agricultural and forestal uses;

7. Whether any parcel has one or more development rights that would allow the creation of one or more parcels less than twenty-one (21) acres in size; in considering whether to include any parcel in a district, the policy of the county is to not include any parcel determined to have no development rights and cannot be further divided to create one or more parcels less than twenty-one (21) acres in size; and

8. Any other matter which may be relevant.

(§ 2.1-2; 6-8-83, §§ 3, 4, 5; 12-16-87; 12-11-91; 7-1-92; Code 1988, § 2.1-2; Ord. 98-A(1), 8-5-98; Ord. 09-3(1), 6-10-09; Ord. 11-3(3), 8-3-11)

**State law reference--**Va. Code §§ 15.2-4303 through 15.2-4307 and 15.2-4309.

### **Sec. 3-203 Addition of land to district.**

Land may be added to an agricultural and forestal district of statewide significance as provided herein:

A. *Application.* On or before one or more application dates each year set by the director of planning, any owner or owners of land may submit an application to the director to add one or more parcels to an existing agricultural and forestal district of statewide significance. The application shall be made on a form developed and provided by the director and shall be signed by each owner of the land proposed to be added to the district.

B. *Procedure.* The procedure for adding land to a district shall be the same procedure provided for the creation of a district in section 3-201(B) through (F).

(§ 2.1-2; 6-8-83, §§ 3 through 5; 12-16-87; 12-11-91; 7-1-92; Code 1988, § 2.1-2; Ord. 98-A(1), 8-5-98; Ord. 11-3(3), 8-3-11)

**State law reference--**Va. Code § 15.2-4310.

**RESOLUTION TO APPROVE  
SP 2016-00009 FAITH CHRISTIAN CENTER INTERNATIONAL**

**WHEREAS**, the Faith Christian Center International (the "Owner") is the owner of Tax Map and Parcel Number 07800-00-00-047A0 (the "Property"); and

**WHEREAS**, the Owner filed an application for a special use permit to amend the conditions of approval for a Special Use Permit approved in September, 2010 (SP200700028) to change the planting standards in the stream buffer, and the application is identified as Special Use Permit 2016-00009 Faith Christian Center International ("SP 2016-09"); and

**WHEREAS**, the proposed change meets the Department of Conservation and Recreation's standards for riparian buffer planting areas; and

**WHEREAS**, on August 23, 2016, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2016-09 with conditions recommended by staff; and

**WHEREAS**, on October 12, 2016, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2016-09.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the Transmittal Report prepared for SP 2016-09 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 §§ 18-10.2.2.35 and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2016-09, subject to the conditions attached hereto.

## SP-2016-00009 Faith Christian Center International Conditions

1. Development of the use shall be in accord with the conceptual plan titled "Faith Christian Center International Special Use Permit – Concept Plan" prepared by Brian P. Smith Civil Engineering, Inc., and dated May 13, 2010 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development shall reflect the following major elements within the development essential to the design of the development:
  - building orientation;
  - building mass, shape, and height;
  - location of buildings and structures;
  - turn lane design;
  - location of parking areas;
  - relation of buildings and parking to the street.

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. The area of assembly shall be limited to a maximum three hundred ninety nine (399)-seat sanctuary.
3. Side and rear setbacks shall meet commercial setback standards, as set forth in Section 21.7 of the Albemarle Zoning Ordinance, of fifty (50) feet for structures (excluding signs) and twenty (20) feet for parking lots and loading spaces adjacent to residential uses or residentially zoned properties.
4. All outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to not greater than 0.3 foot candles shall be submitted to the Zoning Administrator or their designee for approval prior to approval of the final site plan.
5. The area labeled "Re-planting Area" on the Conceptual Plan shall be replanted (where tree cover does not already exist) according to "Restoration/Establishment Table B", option B, in Appendix D of the "Riparian Buffers Modification & Mitigation Manual," published by the Virginia Department of Conservation & Recreation's Chesapeake Bay Local Assistance program. This area shall be replanted with species listed in the brochure titled "Native Plants for Conservation, Restoration, and Landscaping: Piedmont Plateau," published by the Virginia Department of Conservation and Recreation.



**RESOLUTION TO APPROVE  
SP 2016-00013 FAITH CHRISTIAN CENTER INTERNATIONAL – DAYCARE AMENDMENT**

**WHEREAS**, the Faith Christian Center International (the “Owner”) is the owner of Tax Map and Parcel Number 07800-00-00-047A0 (the “Property”) and of the daycare approved for the Property; and

**WHEREAS**, the Owner filed an application for a special use permit to amend the conditions of approval for a Special Use Permit approved in September, 2010 (SP200700029) to change the planting standards in the stream buffer, and the application is identified as Special Use Permit 2016-00009 Faith Christian Center International (“SP 2016-13”); and

**WHEREAS**, the proposed change meets the Department of Conservation and Recreation’s standards for riparian buffer planting areas; and

**WHEREAS**, on August 23, 2016, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2016-13 with conditions recommended by staff; and

**WHEREAS**, on October 12, 2016, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2016-13.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the Transmittal Report prepared for SP 2016-13 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 §§ 18-10.2.2.7 and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2016-13, subject to the conditions attached hereto.

## SP-2016-00013 Faith Christian Center International Daycare Amendment Conditions

1. Development of the use shall be in accord with the conceptual plan titled "Faith Christian Center International Special Use Permit – Concept Plan" prepared by Brian P. Smith Civil Engineering, Inc., and dated May 13, 2010 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development shall reflect the following major elements within the development essential to the design of the development:
  - building orientation;
  - building mass, shape, and height;
  - location of buildings and structures;
  - turn lane design;
  - location of parking areas;
  - relation of buildings and parking to the street.

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. The maximum number of children shall not exceed one hundred twenty (120) or the number of students as approved by the Health Department or the Department of Social Services, whichever is less.
3. Side and rear setbacks shall meet commercial setback standards, as set forth in Section 21.7 of the Albemarle Zoning Ordinance, of fifty (50) feet for structures (excluding signs) and twenty (20) feet for parking lots and loading spaces adjacent to residential uses or residentially zoned properties.
4. All outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to not greater than 0.3 foot candles shall be submitted to the Zoning Administrator or their designee for approval prior to approval of the final site plan.
5. The area labeled "Re-planting Area" on the Conceptual Plan shall be replanted (where tree cover does not already exist) according to "Restoration/Establishment Table B", option B, in Appendix D of the "Riparian Buffers Modification & Mitigation Manual," published by the Virginia Department of Conservation & Recreation's Chesapeake Bay Local Assistance program. This area shall be replanted with species listed in the brochure titled "Native Plants for Conservation, Restoration, and Landscaping: Piedmont Plateau," published by the Virginia Department of Conservation and Recreation.
6. The hours of operation for the day care shall not begin earlier than 7:00 A.M. and shall end not later than 6:00 P.M., each day, Monday through Friday, provided that occasional day care-related events may occur after 6:00 P.M.

**RESOLUTION TO APPROVE  
SP 2016-00010 CORNERSTONE COMMUNITY CHURCH**

**WHEREAS**, the Monticello Wesleyan Church, which is now operating under the name of the Cornerstone Community Church (the "Owner"), is the owner of Tax Map and Parcel Number 04500-00-00-031D0 (the "Property"); and

**WHEREAS**, the Owner filed an application for a special use permit to expand the existing church building by adding 8,800 square feet of internal space, increasing the external footprint by 4,250 square feet, and by expanding the associated parking on the Property, and the application is identified as Special Use Permit 2016-00010 Cornerstone Community Church ("SP 2016-10"); and

**WHEREAS**, the proposed use is allowed on the Property by special use permit under Albemarle County Code §§ 18-10.2.2.35 and 18-4.2.6(a); and

**WHEREAS**, on August 23, 2016, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2016-10 with modified conditions; and

**WHEREAS**, on October 12, 2016, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2016-10.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the Transmittal Report prepared for SP 2016-10 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 §§ 18-10.2.2.35, 18-4.2.6(a), and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2016-10, subject to the conditions attached hereto.

## SP-2016-00010 Cornerstone Community Church Conditions

1. Development and use shall be in general accord with the conceptual plan titled "Cornerstone Community Church Addition – Application Plan" prepared by Timmons Group and dated 9/16/2016 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:

- building orientation
- building size

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. The site plan for this expansion shall include trees to be planted in each biofilter or similar stormwater management facility. The tree species for these plantings shall be native species, shall be taken from the "Large Deciduous Trees" section of the County's "Plant Canopy Calculations" document, and shall comply with the minimum caliper size or height listed in that document at time of planting. The trees in each biofilter or similar stormwater management facility shall have a total mature canopy area, as calculated by the number of trees multiplied by the "Area of Canopy" value for each species in the "Plant Canopy Calculations" document, of at least 50 percent of the floor area of the biofilter.
3. The area of assembly shall be limited to a maximum 250-seat sanctuary.
4. There shall be no day care center or private school on site without approval of a separate special use permit.
5. The applicant shall obtain Virginia Department of Health approval of well and/or onsite sewage system prior to approval of the final site plan.
6. All outdoor lighting shall be only full cut off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot candles shall be approved by the Zoning Administrator or his/her designee prior to approval of the final site plan.
7. If the use, structure, or activity for which this special use permit is issued is not commenced by October 12, 2019, the permit shall be deemed abandoned and the authority granted thereunder shall thereupon terminate.