



Albemarle County

Meeting Agenda Board of Supervisors

*Supervisor, Rio District Ned Gallaway
Supervisor, Rivanna District Bea LaPisto-Kirtley
Supervisor, White Hall District Ann H. Mallek
Supervisor, Jack Jouett District Diantha H. McKeel
Supervisor, Samuel Miller District Liz A. Palmer
Supervisor, Scottsville District Donna P. Price
County Executive, Jeffrey B. Richardson
Clerk, Claudette K. Borgersen*

Wednesday, September 16, 2020

1:00 PM

Electronic Meeting

Regular Second Meeting

This meeting is being held pursuant to and in compliance with Ordinance No. 20-A (8);
An Ordinance to Ensure the Continuity of Government During the Covid-19 Disaster.

1. Call to Order.
 2. Pledge of Allegiance.
 3. Moment of Silence.
 4. Adoption of Final Agenda.
 5. Brief Announcements by Board Members.
 6. Proclamations and Recognitions:
 - 6.1. [20-472](#) Resolution Recognizing Bruce Dotson.
 7. From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.
 8. Consent Agenda (on next sheet)
- 2:00 p.m. - Action Item:**
9. [20-206](#) HS201900026 Homestay Special Exception Northfield Manor (Harris).
(Bart Svoboda, Zoning Administrator/Director of Zoning)

3:00 p.m. - Recess.**3:15 p.m. - Presentations:**

10. [20-461](#) CDD 2020 Work Program Presentation.
(Jodie Filardo, Director, Community Development)
11. [20-486](#) Thomas Jefferson Health District COVID-19 Update.
(Dr. Denise Bonds, Director, Thomas Jefferson Health District)

12. 4:45 p.m. - Closed Meeting.

Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- *Under Subsection (1), to discuss and consider the annual performance of the Clerk and the County Attorney; and*
- *Under Subsection (7), to consult with legal counsel and briefings by staff members pertaining to actual litigation regarding the interpretation of a proffer that had been accepted in conjunction with a rezoning.*

Closed meeting motion subject to change.

13. Certify Closed Meeting.**6:00 p.m.****14. From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.****Public Hearings:**

15. [20-450](#) ZMA202000006 Spring Hill Village Proffer. PROJECT: ZMA202000006 – Spring Hill Village Proffer Amendment MAGISTERIAL DISTRICT: Scottsville TAX MAP/PARCEL: 09000000002800 LOCATION: Parcel is approx. 12.63 acres and has frontage on both State Route 742 (Avon Street Extended) and State Route 20 (Scottsville Road). Parcel is located approx. 1,600 feet to the north of the intersection of State Route 742 and State Route 20. Parcel is located approx. 330 feet south of the intersection of State Route 742 and Stoney Creek Drive. PROPOSAL: Amend previously approved proffers per ZMA201300017 to revise the proposed improvements to Route 20 (Scottsville Road). Specifically, remove the proposed left turn lane on Route 20, and instead construct a right turn in, right turn out, left turn out at the intersection of Dauphin Drive (main road through Spring Hill Village) and Route 20. The applicant is also proposing to construct a pedestrian trail or path along Route 20 instead of the previously approved 8-foot sidewalk. The application plan has been updated to show these changes. PETITION: Proffer amendment of ZMA201300017. ZONING: NMD Neighborhood Model District - residential (3 – 34 units/acre) mixed with commercial, service and industrial uses. ENTRANCE CORRIDOR: Yes PROFFERS: Yes (ZMA2013-17) OVERLAY DISTRICT: Steep Slopes (managed) COMPREHENSIVE PLAN: Community Mixed Use – residential (up to 34 units/acre), community scale retail, service and office uses, places of worship, schools, public and institutional uses in the Southern and Western Urban Neighborhoods.

(Tori Kanellopoulos, Planner)

16. [20-449](#) SP201900002 Pleasant Green. PROJECT: SP201900002 Pleasant Green MAGISTERIAL DISTRICT: White Hall TAX MAP/PARCEL: 05600-00-00-11500; 056A1-01-00-030A0; 055C0-03-00-000A1 LOCATION: Southwest of Cling Lane and northeast of Peach Tree Drive and Orchard Drive PROPOSAL: Amendment to SP2016-003 West Glen for relocation and construction of stream crossing of Powell's Creek with box culvert and roadway in floodplain. PETITION: Fill in the Flood Hazard Overlay under section 30.3.11 ZONING: R-6 Residential – 6 units/acre OVERLAY DISTRICT: FH – Flood Hazard Overlay COMPREHENSIVE PLAN: Neighborhood Density Residential – 3-6 units /acre, supporting uses such as religious institutions, schools and other small-scale non-residential uses; Greenspace – public parks, open space, environmental features.

(Megan Nedostup, Principal Planner)

17. [20-455](#) ZTA201900007 Fill Areas and Waste Areas. ZTA 201900007 Fill Areas and Waste Areas. A proposed ordinance to amend the Albemarle County Code to define types of fill activity and establish regulations for the placement of fill. Among other revisions, the proposed ordinance would: Amend § 7-103 by excluding the application, storage, or disposal of certain material from the definition of “agricultural activity”; Amend § 18-3.1 to modify and expand the existing regulations for fill and waste areas by defining two types of fill: clean earth fill and inert waste fill; Amend § 18-4.2.3 to prohibit the placement of clean earth fill or inert waste fill on critical or preserved slopes except as otherwise permitted; Amend § 18-4.3.1 to permit inert waste fill and clean earth fill in all zoning districts; Add § 18-5.1.28(a)(10) to prohibit fill activity within the drip line of any tree; Add § 18-5.1.28(a)(12) to permit tree cutting by-right for fill activity; Add § 18-5.1.28(a)(15) to require a tree canopy be re-established in zoning districts other than the Rural Areas (RA), Village Residential (VR), or Monticello Historic (MHD) districts; Amend § 18-5.1.28(b) to subject all fill activity of 2,500 square feet or greater to regulations, including: setbacks, maximum fill height, hours of operation, access standards, prohibition of placement of fill on critical slopes or hydric soils, a minimum lot size for fill activity of 5 acres, and a maximum fill area of 2 acres; Amend § 18-5.1.28(c) to require a variation or special exception for inert waste fill activity in the RA, VR, or MHD zoning districts; Amend § 18-5.1.28(d) to allow the Board of Supervisors to modify regulations and to permit the placement of inert waste fill in the RA, VR, or MHD zoning districts by special exception; and Amend § 18-31.5 to include clean earth fill activity and inert waste fill as activity requiring a zoning clearance.

(Bill Fritz, Chief of Special Projects)

18. [20-474](#) Ordinance to Prevent the Spread of the Novel Coronavirus, SARS-CoV-2, and the Disease it Causes, Commonly Referred to as COVID-19. To receive public comment on its intent to adopt an ordinance entitled “An Ordinance to Prevent the Spread of the Novel Coronavirus, SARS-CoV-2, and the Disease it Causes, Commonly Referred to as COVID-19,” which was first adopted by the Board of Supervisors as an emergency ordinance on July 27, 2020 (Ordinance No. 20-E(5)). The ordinance establishes: (1) limitations on the number of persons at food establishments, farm wineries, limited breweries, and limited distilleries; (2) limitations on the number of attendees at gatherings; and (3) requires persons to wear face coverings in public places. The ordinance also includes definitions, specific provisions for when and how the above-described limitations apply, and imposes criminal penalties for violations.

(Greg Kamptner)

19. [20-483](#) Ordinance to Amend Ordinance No. 20-A(8), An Ordinance to Ensure Continuity of Government During the COVID-19 Disaster. To receive public comment on its intent to adopt an ordinance to amend Ordinance No. 20-A(8), An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster, as authorized by Virginia Code § 15.2-1413 during the novel coronavirus (COVID-19) disaster. The proposed amendments would update the ordinance's recitals, amend Sec. 4 to reflect organizational changes; Sec. 6 to clarify and change certain terminology regarding public meeting procedures; Sec. 7 to more specifically identify the circumstances under which certain deadlines established by law may be extended; and Sec. 13 to delete a reference to a superseded ordinance.

(Greg Kamptner)

20. From the Board: Committee Reports and Matters Not Listed on the Agenda.

21. From the County Executive: Report on Matters Not Listed on the Agenda.

22. Adjourn to October 7, 2020, 1:00 p.m., electronic meeting pursuant to Ordinance No. 20-A(8).

CONSENT AGENDA**8. FOR APPROVAL (by recorded vote):**

- 8.1. [20-466](#) FY 2021 Appropriations.
(Andy Bowman)
- 8.2. [20-463](#) Schedule a Public Hearing to Consider the Adoption of an Ordinance to Amend County Code Chapter 1, General Provisions.
(Greg Kamptner)
- 8.3. [20-467](#) Third Amendment to Woolen Mills Economic Opportunity Fund Performance Agreement.
(Roger Johnson)
- 8.4. [20-482](#) ZMA201900010 3223 Proffit Road, deferred from September 2.
(Andy Reitelbach)

8. FOR INFORMATION (no vote necessary):

- 8.5. [20-470](#) County Grant Application/Award Report, including CARES Funding.
(Lori Allshouse)
- 8.6. [20-478](#) Updated Albemarle County 1st Quarter 2020 Building Activity Report.
(Bill Fritz)
- 8.7. [20-469](#) Albemarle County 2020 2nd Quarter Building Permit Report.
(Bill Fritz)
- 8.8. [20-468](#) Albemarle County 2020 2nd Quarter Certificate of Occupancy Report.
(Bill Fritz)
- 8.9. [20-434](#) VDoT Monthly Report (September) 2020.
(Carrie Shepheard)

Thank you for attending today's public hearing. During the 2020 Calendar Year, the Chair is Ned L. Gallaway and the Vice-Chair is Donna P. Price.

During the time set aside for "Matters Not Listed for Public Hearing on the Agenda", individuals may address the Board of Supervisors concerning any issue not listed on the agenda for Public Hearing. Individuals are allowed three minutes to speak, unless otherwise decided. A sign-up sheet is provided at the meeting.

During Public Hearings, the Board will only acknowledge speakers addressing the item listed for Public Hearing. Speakers are limited to one appearance of three minutes per public hearing item. A sign-up sheet is provided at the meeting and you may sign up online in advance of the meeting at <http://www.albemarle.org/bosspeakers/>. Speakers will be called forward in an alternating pattern of in person sign ups and online sign ups. Applicants are limited to a ten minute presentation of their proposal and are allowed a five minute rebuttal at the close of the public hearing.

Time keeping is conducted through a timer and a light system at the podium. The green light will go on when you begin speaking and this begins your allotted time; a yellow light indicates you have one minute to finish your comment; a red light indicates your time has expired. If more than 10 speakers are signed up to speak, the time allotted to speak will be reduced to two minutes and the yellow light will indicate you have 30 seconds to finish your comment. In order to give all speakers equal treatment and courtesy, the Board requests that speakers adhere to the following guidelines:

When called to the speaker's podium, state your name and magisterial district;

Address comments directly to the Board as a whole;

Give written statements and other supporting material to the Clerk;

If you represent a group or organization, you may ask others present to raise their hands and be recognized;

If you exceed your allotted time, you will be asked to end your comments;

If a speaker does not use all allocated time, the unused time may not be shared with another speaker;

Speakers are permitted one opportunity to comment during each of the public comment periods per meeting;

Back-and-forth debate is prohibited;

Do not speak from your seat or out of turn;

Persons in the audience are encouraged to raise their hands to indicate their support or opposition to speakers at the podium or any item during the meeting;

Please refrain from applause and other forms of approval or disapproval, as a courtesy to each speaker;

Signs are permitted in the meeting room so long as they are not attached to any stick or pole and do not obstruct the view of persons attending the meeting.

All comments are live streamed, recorded and published on the Albemarle County website.

Please turn off all pagers and cellular telephones.

Clerk, Board of County Supervisors
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