

<p style="text-align: center;">ACTIONS Board of Supervisors Meeting of December 14, 2016</p>		
		December 16, 2016
<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>VIDEO</u>
1. Call to Order. <ul style="list-style-type: none"> Meeting was called to order at 3:00 p.m., by the Chair, Ms. Palmer. All BOS members were present with the exception of Ms. McKeel. Also present were Tom Foley, Greg Kamptner, Claudette Borgersen and Travis Morris. 		Link to video
2. Work Session: Approval of FY18 – FY19 Two Year Fiscal Plan. <ul style="list-style-type: none"> By a vote of 5:0:1 (McKeel Absent), APPROVED the FY 18 - FY 19 Two Year Fiscal Plan. 		
3. Exploration of Public/Private Partnership to Relocate Courts/County Admin to County Location. <ul style="list-style-type: none"> By a vote of 3:2:1 (Dill/Palmer) (McKeel absent) DIRECTED staff to proceed with procuring legal advisor and development advisor. 		
Closed Session. Personnel and Legal Matters <ul style="list-style-type: none"> At 4:56 p.m., the Board went into Closed Meeting pursuant to: <ul style="list-style-type: none"> Subsection (1), to discuss and consider the performance of the deputy county executive in his Board-appointed role as the interim county executive effective February 1, 2017. Subsection (7), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to an ordinance being considered by the Charlottesville City Council regarding permitted activities at the Ragged Mountain Reservoir. 		
Certified Closed Meeting. <ul style="list-style-type: none"> At 6:02p.m., the Board reconvened into open meeting and certified the closed meeting. 		
7. Adoption of Final Agenda. <ul style="list-style-type: none"> Discussion added on renaming of streets. By a vote of 5:0:1 (McKeel Absent), ADOPTED the final agenda. 		
8. Brief Announcements by Board Members. <u>Brad Sheffield:</u> <ul style="list-style-type: none"> Requested consideration to allow John Jones presenting to the Board in January regarding the CIP consideration for the Senior Center. <u>Rick Randolph:</u> <ul style="list-style-type: none"> Announced his attendance at a presentation by Brian Conner of VA 21/21 On Sunday, December 11th, 2016 regarding Gerrymandering. Announced that he attended the holiday party of the Scottsville Volunteer Rescue Squad on December 21, 2016. 		

	<u>Ann Mallek:</u> <ul style="list-style-type: none"> Attended the Chamber of Commerce Defense Affairs Committee Lunch with Lee Catlin and Norman Dill. 	
9.	Proclamations and Recognitions: a. Proclamation in Recognition of George Mason Award <ul style="list-style-type: none"> By a vote of 5:0:1 (McKeel Absent), ADOPTED and presented to John Halliday 	(Attachment 1)
10.	From the Public: Matters Not Listed for Public Hearing on the Agenda <ul style="list-style-type: none"> There were none. 	
11.1	Rio Road, Avon Street Extended, US250W/Rockfish Gap Turnpike Sidewalks. <ul style="list-style-type: none"> CONCURRED with the inclusion of the mid-block pedestrian crossing in this project and with staff requesting VDOT transfer \$200,000 of the remaining Meadow Creek Parkway (UPC 2530) Revenue Sharing funds to this project (UPC 104159). An appropriation request will follow at a later date if approved. 	
11.2	B201602090TWR Woodburn Road Personal Wireless Service Facility Special Exception. <ul style="list-style-type: none"> ADOPTED the Resolution approving the special exceptions, subject to the conditions attached thereto. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 2)
11.3	SDP201600042 - Region Ten Women's Center – Special Exceptions to Setbacks. <ul style="list-style-type: none"> ADOPTED the Resolution approving the two (2) special exceptions, subject to the conditions attached thereto. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 3)
11.4	Cancel January 11, 2017, Regular Night Meeting. <ul style="list-style-type: none"> APPROVED 	
12.	ZMA 2015-00001 Old Trail Special Exception to Modify Freestanding Sign Regulations. <ul style="list-style-type: none"> ADOPT the attached Resolution to approve the special exception to modify the freestanding sign regulations of County Code § 18-4.15.10, subject to the conditions attached thereto. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 4)
13.	Pb. Hrg.: <u>SP-2016-00011. Malloy Ford Outdoor Storage & Display.</u> <ul style="list-style-type: none"> By a vote of 5:0:1 (McKeel Absent), ADOPTED resolution. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 5)
14.	Pb. Hrg.: <u>SP-2016-00018. Malloy Ford Body Shop.</u> <ul style="list-style-type: none"> By a vote of 5:0:1 (McKeel Absent), ADOPTED resolution. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 6)
15.	Pb. Hrg.: <u>ZMA 201600009. Wood Von Storch.</u> <ul style="list-style-type: none"> By a vote of 5:0:1 (McKeel Absent), ADOPTED Ordinance. By a vote of 5:0:1 (McKeel Absent), ADOPTED Resolution. 	<u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 7) (Attachment 8)
16.	Pb. Hrg.: <u>ZTA 201600013. Historic Restaurants, Inns and Taverns, expansion (Clifton Inn Request).</u>	<u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 9)

	<ul style="list-style-type: none"> By a vote of 5:0:1 (McKeel Absent), ADOPTED Ordinance. 		
17.	<p>From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Ann Mallek:</u> Circulated by e-mail letter from Mary Biggs regarding school support to the Legislature. <u>Rick Randolph:</u></p> <ul style="list-style-type: none"> Contacted Ron Lantz for advisement regarding the Fraternal Order of Police letter to President-Elect Donald Trump. Addressed a request from Together Charlottesville regarding the gathering of immigrant status data. <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> Discussion: Road Naming and Property Numbering <ul style="list-style-type: none"> Consensus to schedule on the February agenda. Announced she will not seek Chair for next year. <p><u>Ann Mallek</u> – Requested an update from Greg Kamptner regarding by-right density bonus as it pertains to interior streets.</p>	<p><u>Clerk:</u> Schedule on February agenda.</p>	
18.	<p>From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> There were none. 		
29.	<p>Adjourn to December 21, 2016, 6:00 p.m., Lane Auditorium.</p> <ul style="list-style-type: none"> The meeting was adjourned at 7:12 p.m. 		

ckb/tom

Attachment 1 – Proclamation in Recognition of George Mason Award

Attachment 2 – B201602090TWR Woodburn Road Personal Wireless Service Facility Special Exception

Attachment 3 – SDP201600042 - Region Ten Women's Center – Special Exceptions to Setbacks

Attachment 4 – ZMA 2015-00001 Old Trail Special Exception to Modify Freestanding Sign Regulations

Attachment 5 – SP-2016-00011. Malloy Ford Outdoor Storage & Display Resolution

Attachment 6 – SP-2016-00018. Malloy Ford Body Shop Resolution

Attachment 7 – Ordinance NO. 16-A(10) ZMA 2016-00009 Wood Von Storch

Attachment 8 – Resolution to Approve Special Exception for ZMA 2016-00009 Wood Von Storch

Attachment 9 – ZTA 201600013. Historic Restaurants, Inns and Taverns, Expansion Ordinance

RECOGNITION

WHEREAS, John Halliday has been Executive Director of the Jefferson-Madison Regional Library since 1997, overseeing the building of two new libraries; and

WHEREAS, during the process leading up to the building of the libraries John managed multiple public meetings to gain input and ideas for the new libraries and incorporated as many ideas as possible and to this day both libraries have demonstrated impressive growth and usage by the public; and

WHEREAS, the demonstrated success of the new libraries has led to the creation of several friend groups who are now exploring new libraries in their area of the Jefferson-Madison system; and

WHEREAS, while spending hundreds of hours managing two new library projects, John has maintained a high standard of operation for the Jefferson-Madison Regional Library, a system of eight libraries, 100 plus employees and over 200 volunteers; and

WHEREAS, John is a published children's authority, a professional at every aspect, a gifted communicator and an excellent administrator who is passionate about making library services available for all.

NOW, THEREFORE, BE IT RESOLVED, that, we, the Albemarle County Board of Supervisors, do hereby congratulate John Halliday on receiving the 2016 George Mason Award for his overall excellent leadership, opening two new libraries: an 18,300 square foot library in Crozet and a 30,000 square foot library in Albemarle County, and his ability to operate a library system that covers four counties and a city.

**RESOLUTION TO APPROVE SPECIAL EXCEPTIONS FOR
B201602090ATWR WOODBURN ROAD
PERSONAL WIRELESS SERVICE FACILITY SPECIAL EXCEPTIONS**

WHEREAS, Verizon c/o Stephen Waller, AICP filed an application for a building permit to add an antenna to the existing water tank located on Tax Map Parcel Number 04500-00-00-00720, which application is identified as Building Permit 2016-2090ATWR Woodburn Road Personal Wireless Service Facility ("BP 2016-2090"); and

WHEREAS, BP 2016-2090 included a request for a special exception to waive the requirements of County Code §§ 18-5.1.40(a)(4)(f) and 18-5.1.40(b)(3), and to modify the requirements of County Code 18-5.1.40(b)(2)(c); and

WHEREAS, Albemarle County Code § 18-5.1.40.a(4)(f) requires that the applicant submit a tree survey identifying and labeling all trees within 50 feet of the facility and all trees to be removed, which may be waived by special exception; and

WHEREAS, Albemarle County Code § 18-5.1.40.b(3) requires that the Applicant submit a tree conservation plan; and

WHEREAS, Albemarle County Code § 18-5.1.40.b(2)(c) requires that antennas be mounted so that in no case shall the farthest point of the back of the antenna be more than eighteen (18) inches from the facility, which may be modified by special exception.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared in conjunction with the application, all of the factors relevant to the special exceptions in County Code §§ 18-5.1.40(a)(4)(f), 18-5.1.40(b)(3), 18-5.1.40(b)(2)(c), 18-33.5, and 18-33.9, and the information provided at the Board of Supervisors meeting, the Albemarle County Board of Supervisors hereby approves the special exceptions to waive the requirements of County Code §§ 18-5.1.40.a(4)(f) and 18-5.1.40.b(3), and to modify the requirements of County Code 18-5.1.40.b(2)(c), subject to the conditions attached hereto.

**RESOLUTION TO APPROVE SPECIAL EXCEPTIONS
FOR SDP 2016-00042 REGION TEN WOMEN'S TREATMENT CENTER**

WHEREAS, the Owner of Tax Map Parcel Number 07600-00-00-046F0 (the "Property") filed a request for two special exceptions in conjunction with SDP201600012, Region Ten Women's Treatment Center, to modify the required 50' setback and to waive the buffer zone requirement, as 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 C thereto, the Applicant's special exception request dated July 5, 2016 and Major Site Plan Amendment entitled "Region Ten Women's Shelter" prepared by Alan Franklin, P.E. and dated July 5, 2016, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-4.20, 18-21.7, 18-33.5, and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exceptions to modify the required 50' setback and to waive the buffer zone requirement for the development of the Property, subject to the conditions attached hereto.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR ZMA 2015-00001 OLD TRAIL VILLAGE**

WHEREAS, March Mountain Properties, LLC ("March Mountain") is the owner of Tax Map Parcel Numbers 055E0-01-00-000A3 and 055E0-01-00-000A4 (collectively, "the Property"); and

WHEREAS, on February 10, 2016, the Board approved a zoning map amendment for the Property (ZMA 2015-01, Old Trail Village); and

WHEREAS, the application for ZMA 2015-01 included a request for a special exception to modify the sign regulations for maximum sign area and maximum sign height in County Code § 18-4.15.10 for certain freestanding signs in the Neighborhood Model District, and the special exception request was indefinitely deferred; and

WHEREAS, the Applicant has submitted a revised request for a special exception to modify the sign regulations for maximum sign area and maximum sign height in County Code § 18-4.15.10 for certain freestanding signs described herein.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the executive summary to the Board of Supervisors and all of its attachments, staff's supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-8.2(b)(4) and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to modify the freestanding sign regulations in County Code § 18-4.15.10 to allow two freestanding signs, each of up to 64 square feet in size and 15 feet tall, subject to the conditions attached hereto.

**RESOLUTION TO APPROVE
SP 2016-11 MALLOY FORD OUTDOOR STORAGE & DISPLAY**

WHEREAS, Malloy Properties III, LC submitted an application for a special use permit to establish an outdoor vehicle sales, storage, and display area on Tax Map Parcel Number 04500-00-00-068C1, and the application is identified as SP201600011 Malloy Ford Outdoor Storage & Display ("SP 2016-11"); and

WHEREAS, on October 18, 2016, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2016-11 with conditions; and

WHEREAS, on December 14, 2016, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2016-11.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2016-11 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 §§ 18-30.6.3 and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2016-11, subject to the conditions attached hereto.

**RESOLUTION TO APPROVE
SP 2016-18 MALLOY FORD BODY SHOP**

WHEREAS, Malloy Properties III, LC submitted an application for a special use permit to establish a body shop on Tax Map Parcel Number 04500-00-00-068C1, and the application is identified as SP201600018 Malloy Ford Body Shop ("SP 2016-18"); and

WHEREAS, on October 18, 2016, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2016-18 with conditions; and

WHEREAS, on December 14, 2016, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2016-18.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2016-18 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 2016-18, subject to the applicable performance standards for the body shop use in Albemarle County Code § 18-5.1.31, and the conditions attached hereto.

**ORDINANCE NO. 16-A(10)
ZMA 2016-00009 WOOD VON STORCH**

**AN ORDINANCE TO REZONE 4.428 ACRES
FROM R6-RESIDENTIAL DISTRICT TO HIGHWAY COMMERCIAL (HC)
FOR TAX MAP PARCEL NUMBERS 04500-00-00-11200 AND 04500-00-00-112E0**

WHEREAS, the application to rezone 4.428 acres from R6-Residential District to Highway Commercial (HC) for Tax Map Parcel Numbers 04500-00-00-11200 and 04500-00-00-112E0 is identified as ZMA 2016-00009 Wood Von Storch ("ZMA 2016-09"); and

WHEREAS, staff recommended approval of ZMA 2016-09 provided that minor revisions were made to the proffers and the concept plan; and

WHEREAS, the Planning Commission held a duly noticed public hearing on ZMA 2016-09 on October 18, 2016, and recommended approval conditioned on the applicant making the staff-recommended revisions, as well as an additional revision, and such revisions have since been made; and

WHEREAS, on December 14, 2016, the Albemarle County Board of Supervisors held a duly noticed public hearing on ZMA 2016-00009.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the staff report prepared for ZMA 2016-09 and its attachments, including the proffers dated December 9, 2016, the information presented at the public hearing, the material and relevant factors in Virginia Code § 15.2-2284, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2016-09 with the proffers dated December 9, 2016.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR ZMA 2016-00009 WOOD VON STORCH**

WHEREAS, the Owners of Tax Map Parcel Numbers 04500-00-00-11200 and 04500-00-00-112E0 filed a request for a special exception in conjunction with ZMA 2016-00009 Wood Von Storch to allow the gross floor area to exceed 4,000 square feet for each of three Highway Commercial (HC) uses, as 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 staff report prepared in conjunction with the application, and all of its attachments, including its supporting analysis, the Applicant's special exception request dated June 20, 2016, and Concept Plan entitled "3400 Berkmar Drive Concept Plan" prepared by Stoneking Von Storch Architects and dated November 16, 2016, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-24.2.1(47), (48), and (49), 18-33.5, and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to allow the gross floor area to exceed 4,000 square feet for each of the following uses:

Laboratories/Research and Development/Experimental Testing,
Manufacturing/Processing/Assembly/Fabrication and Recycling, and
Storage/Warehousing/Distribution/Transportation.

ORDINANCE NO. 16-18(7)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, ARTICLE II, BASIC REGULATIONS, AND ARTICLE III, DISTRICT REGULATIONS, 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 18, Zoning, Article I, General Provisions, Article II, Basic Regulations, and Article III, District Regulations, are hereby amended and reordained as follows:

By Amending:

Sec. 3.1 Definitions
 Sec. 10.2.2 By special use permit

By Adding:

Sec. 5.1.61 Historic restaurants, taverns, and inns

Chapter 18. Zoning**Article I. General Provisions****Sec. 3.1 Definitions**

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Historic district: Any historic district listed in the National Register of Historic Places or the Virginia Landmarks Register. (Added 12-10-09)

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Article II. Basic Regulations

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Sec. 5.1.61 Historic restaurants, taverns, and inns

In addition to the factors to be considered for a special use permit under section 33.8, each application for one or more uses authorized under section 10.2.2(27)(a) shall conform to the following:

1. The use shall be consistent with the Rural Area goals listed in the Comprehensive Plan.
2. The location and scale of proposed structures and additions shall be complementary and proportionate to the existing structures and/or site, and additions and new structures shall be clearly subordinate to the historic structures on the site. In no event shall the proposed additions, new structures, or exterior modifications to the historic structure adversely impact the historic character or significance of the structure and/or site as determined by the director of planning or his/her designee.
3. In no event shall the proposed additions, new structures, or exterior modifications to the historic structure result in de-listing of the structure and/or site from the National Register of Historic Places and/or Virginia Landmarks Register, as indicated in a determination by the Virginia Department of Historic Resources.
4. The proposed additions, new structures, and exterior modifications to the historic structure shall protect archaeological resources and preserve them in place. If such resources must be disturbed, mitigation measures as determined by the director of planning or his/her designee shall be undertaken.

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Sec. 10.2.2 By special use permit

The following uses shall be permitted by special use permit in the RA district, subject to the applicable requirements of this chapter:

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27. Restaurants, taverns, and inns that are:

- a. Located on a site containing a structure that is a historic structure and/or site as defined in section 3.1 or located on a site containing a structure that is identified as contributing to a historic district as defined in section 3.1, provided: (i) the structure was historically used as a restaurant, tavern or inn or previously approved for such use by special use permit; and (ii) if renovation or restoration of the historic structure is proposed, such changes shall restore the structure as faithfully as possible to the architectural character of the period(s) of its significance and shall be maintained consistent therewith; and (iii) that any additions or new structures shall serve a restaurant, tavern or inn use existing within the historic structure and lawfully operating on December 14, 2016; or
- b. Nonconforming uses, provided the restaurant or inn is served by existing water and sewerage systems having adequate capacity for both the existing and proposed uses and facilities without expansion of either system. (Amended 11-8-89; 10-18-00)