

| <p style="text-align: center;">ACTIONS Board of Supervisors Meeting of April 12, 2017</p> | | |
|--|--|-------------------------------|
| | | April 13, 2017 |
| <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 3:02 p.m., by the Chair, Ms. McKeel. All BOS members were present. Also present were Doug Walker, Greg Kamptner, Claudette Borgersen and Travis Morris. | | Link to video |
| 2. Hedgerow Property – Discussion of Possible Capital Improvements. <ul style="list-style-type: none"> By a vote of 6:0, AUTHORIZED Conceptual Engineering Study to address the number of potential issues that have design and cost implications. | <u>FES</u> : Proceed as authorized. | |
| 3. Chris Greene Lake – Discussion of Uses and Permissible Activities. <ul style="list-style-type: none"> By a vote of 6:0, SET public hearing for May 10 to consider amending Chapter 11, Parks and Recreation, Articles I, II, and III. | <u>Clerk</u> : Schedule on agenda and advertise in Daily Progress. | |
| 4. Closed Meeting. <ul style="list-style-type: none"> At the Board went into a 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: 1. Specific legal matters requiring legal advice pertaining to publishing and posting notices of public hearings. 2. Specific legal matters requiring legal advice pertaining to the Crozet Depot and Crozet Square properties. | | |
| 5. Certified Closed Meeting. <ul style="list-style-type: none"> At 6:02 p.m., the Board reconvened into open meeting and certified the closed meeting. | | |
| 6. Call Back to Order. <ul style="list-style-type: none"> At 6:04 p.m., the Chair called the regular night meeting to order. | | |
| 9. Adoption of Final Agenda. <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED the final agenda. | | |
| 10. Brief Announcements by Board Members. <u>Brad Sheffield</u> : <ul style="list-style-type: none"> Reminded Supervisors that he will miss the May 10 meeting due to professional obligations. <u>Rick Randolph</u> : <ul style="list-style-type: none"> Announced that the clearing for Rivanna Village had begun. Gave a report on the joint meeting between the School Board and Planning Commission. | | |
| 12. From the Public: Matters Not Listed for Public Hearing on the Agenda. <ul style="list-style-type: none"> <u>The following individuals spoke regarding the impact of inadequate Broadband:</u> <ul style="list-style-type: none"> Gary Edinfield Kurt Bradly | | |

| | | | |
|------|--|---|--|
| | <ul style="list-style-type: none"> • John Missick • Larry Melleger • <u>Jeff Werner</u>, spoke on the lack of biker pedestrian traffic accessibility at the new potential Hedgerow Park. • <u>Neil Williamson</u>, spoke on the School Board's and Planning Commission's willingness to discuss proffers, and the status of the Proffer Committee. | | |
| 13.2 | <p>Piedmont Workforce Network CLEO Agreement.</p> <ul style="list-style-type: none"> • ADOPTED Resolution to approve the CLEO Agreement Amendment and AUTHORIZED the Chair of the Board to sign the Agreement Amendment. | <p><u>Clerk:</u> Forward copy of signed resolution to Economic Development and County Attorney's office. (Attachment 1)</p> <p><u>Legal:</u> Provide clerk with fully executed copy of agreement.</p> | |
| 13.3 | <p>Resolution to accept road(s) in the Advance Mills Farm Phase 1 and Phase 2 Subdivision into the State Secondary System of Highways.</p> <ul style="list-style-type: none"> • ADOPTED resolution. | <p><u>Clerk:</u> Forward copy of signed resolution to Community Development. (Attachment 2)</p> | |
| 13.4 | <p>Resolution to accept road(s) in the Mountain Valley Subdivision into the State Secondary System of Highways.</p> <ul style="list-style-type: none"> • ADOPTED resolution. | <p><u>Clerk:</u> Forward copy of signed resolution to Community Development. (Attachment 3)</p> | |
| 13.5 | <p>Resolution to accept road(s) in the Albemarle Health and Rehabilitation Center Subdivision into the State Secondary System of Highways.</p> <ul style="list-style-type: none"> • ADOPTED resolution. | <p><u>Clerk:</u> Forward copy of signed resolution to Community Development. (Attachment 4)</p> | |
| 14. | <p>Field School Central Sewage.</p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED Resolution approving the request for a central sewerage system, subject to the conditions contained therein. | <p><u>Clerk:</u> Forward copy of signed resolutions to Community Development and County Attorney's office. (Attachment 5)</p> | |
| 15. | <p><u>SP201600022 Boys and Girls Club.</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED Resolution to approve SP201600022, with the conditions. | <p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 6)</p> | |
| 16. | <p><u>SP201600025. Regents School of Charlottesville.</u></p> <ul style="list-style-type: none"> • By a vote of 5:1 (Sheffield), ADOPTED Resolution to approve the special use permit, subject to the conditions contained therein. | <p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 7)</p> | |
| | <p>Recess.</p> <ul style="list-style-type: none"> • The Board recessed at 8:13 p.m., and reconvened at 8:24 p.m. | | |
| 17. | <p><u>ZMA-2014-00006. Avon Park II.</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED ordinance to approve ZMA201400006 with amended proffers dated April 12, 2017. | <p><u>Clerk:</u> Forward copy of signed resolutions to Community Development and County Attorney's office. (Attachment 8)</p> | |
| 18. | <p>From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> • Asked the status of the Broadband map update. • Requested an update on the Proffer Committee. <p><u>Diantha McKeel:</u></p> | | |

| | | | |
|-----|---|---|--|
| | <ul style="list-style-type: none"> • Asked if there was interest in receiving factual information on the City/County Revenue Sharing agreement as an agenda item in the future. • CONSENSUS to schedule presentation on Revenue Sharing with the City. • Received a request to sign a letter of support for the Strengthening System proposal to the Charlottesville Area Community Foundation (CACF) for Building a Regional Bicycle and Pedestrian Trail Network. | <p><u>County Attorney:</u> Notify Clerk when ready to schedule on agenda.</p> <p><u>Clerk:</u> Schedule on April 18 consent agenda.</p> | |
| 19. | <p>From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> • There were none. | | |
| 21. | <p>Adjourn to April 18, 2017, 9:00 a.m., CTB Meeting at Boars Head Inn.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 9:26 p.m. | | |

ckb/tom

Attachment 1 – CLEO Agreement Resolution

Attachment 2 – Resolution to accept road(s) in the Advanced Mills Farm Phase 1 and Phase 2 Subdivision into the State Secondary System of Highways.

Attachment 3 – Resolution to accept road(s) in the Mountain Valley Subdivision into the State Secondary System of Highways.

Attachment 4 – Resolution to accept road(s) in the Albemarle Health and Rehabilitation Center Subdivision into the State Secondary System of Highways.

Attachment 5 – Resolution to Approve Field School Central Sewerage System

Attachment 6 – Resolution to Approve Boys and Girls Club Expansion

Attachment 7 – Resolution to Approve Regent School Special Use Permit

Attachment 8 – Ordinance No. 17-A(5) ZMA 2014-00006 Avon Park II

**RESOLUTION APPROVING THE CHIEF LOCAL ELECTED
OFFICIALS AGREEMENT AMENDMENT TO RE-DESIGNATE LOCAL WORKFORCE DEVELOPMENT
AREA 6 AND TO CONTINUE TO IMPLEMENT THE WORKFORCE INNOVATION AND
OPPORTUNITY ACT**

WHEREAS, the Workforce Investment Act was established in 1998 to create opportunities for job seekers to gain self-sufficiency skills and employment and to assist employers in gaining a qualified workforce that meets their current and future job demand; and

WHEREAS, The U.S. Department of Labor provides funding through the Workforce Investment Act to states to provide these services to job seekers and employers; and

WHEREAS, Workforce Investment Boards were established to, among other things, oversee the funding of these programs; and

WHEREAS, the County is one of 11 jurisdictional members of Local Workforce Investment Area 6 that is served by the Piedmont Workforce Network; and

WHEREAS, the 11 member jurisdictions entered into an Interlocal Agreement to establish the Local Workforce Investment Area and to outline the responsibilities of each locality, including the requirement that the Chief Local Elected Officials (the Board Chair or Mayor) of the 11 jurisdictions, or their designees, serve on the Piedmont Workforce Network Council; and

WHEREAS, the 11 member jurisdictions entered into a new two-year term Interlocal Agreement in 2015 that reflected new 2014 legislation in which the Workforce Investment Act was replaced with the Workforce Innovation and Opportunity Act; and

WHEREAS, the 11 member jurisdictions must re-designate Local Workforce Development Area 6 for another two-year period in order to continue to implement the Workforce Innovation and Opportunity Act.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the Chief Local Elected Officials Agreement Amendment and authorizes the Chair of the County's Board of Supervisors to sign the Agreement Amendment.

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 12th day of April, 2017, adopted the following resolution:

R E S O L U T I O N

WHEREAS, the street(s) in **Advance Mills Farm Phase 1 And Phase 2 Subdivision**, as described on the attached Additions Form AM-4.3 dated **April 12, 2017**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Advance Mills Farm Phase 1 And Phase 2 Subdivision**, as described on the attached Additions Form AM-4.3 dated **April 12, 2017**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

* * * * *

Report of Changes in the Secondary System of State Highways

Project/Subdivision **Advance Mills Farm Phase 1 And Phase 2**

Type Change to the Secondary System of State Highways:

Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: §33.2-705

**Street Name and/or Route
Number**

- ☐ **Frays Ridge Road, State Route Number 1884**

Old Route Number: 0

- ☐ From: Route 1880, Frays Ridge Crossing

To: .4 Miles West to CDS/ESM, a distance of: 0.40 miles.

Recordation Reference: DB 2432, 3130: PG 222-237A, 42-46

Right of Way width (feet) = 0

**Street Name and/or Route
Number**

- ☐ **Frays Meadow Lane, State Route Number 1885**

Old Route Number: 0

- ☐ From: Route 1884, Frays Ridge Road

To: .14 Miles North to Route 1886, Frays Meadow Court, a distance of: 0.14 miles.

Recordation Reference: DB 2432, 3130: Pg 222-237A, 42-46

Right of Way width (feet) = 0

**Street Name and/or Route
Number**

- ☐ **Frays Ridge Crossing, State Route Number 1880**

Old Route Number: 0

- ☐ From: Route 1884, Frays Ridge Road

To: .7 Miles North to Existing Rt 1880, Frays Ridge Crossing, a distance of: 0.70 miles.

Recordation Reference: DB 2432, 3130: PG 222-237A, 42-46

Right of Way width (feet) = 0

**Street Name and/or Route
Number**

- ☐ **Frays Meadow Court, State Route Number 1886**

Old Route Number: 0

- ☐ From: Route 1885, Frays Meadow Lane

To: .2 Miles East To CDS/ESM, a distance of: 0.20 miles.

Recordation Reference: DB 2432, 3130: PG 222-237A, 42-46

Right of Way width (feet) = 0

**Street Name and/or Route
Number**

- ☐ **Frays Ridge Road, State Route Number 1884**

Old Route Number: 0

- ☐ From: Route 1885, Frays Meadow Lane

To: .143 miles West to Route 1880, Frays Ridge
Crossing, a distance of: 0.14 miles.

Recordation Reference: DB 2432, 3130: PG 222-237A, 42-46

Right of Way width (feet) = 0

**Street Name and/or Route
Number**

- ☐ **Frays Meadow Lane, State Route Number 1885**

Old Route Number: 0

- ☐ From: Route 1886, Frays Meadow Court

To: .15 Miles North to CDS/ESM, a distance of: 0.15
miles.

Recordation Reference: DB 2432, 3130: PG 222-237A, 42-46

Right of Way width (feet) = 0

**Street Name and/or Route
Number**

- ☐ **Frays Ridge Road, State Route Number 1884**

Old Route Number: 0

- ☐ From: Route 743, Advance Mills Road

To: .75 Miles West to Route 1885, Frays Meadow Lane,
a distance of: 0.75 miles.

Recordation Reference: DB 2432, 3130: PG 222-237A, 42-46

Right of Way width (feet) = 0

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 12th day of April, 2017, adopted the following resolution:

R E S O L U T I O N

WHEREAS, the street(s) in **Mountain Valley Subdivision**, as described on the attached Additions Form AM-4.3 dated **April 12, 2017**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Mountain Valley Subdivision**, as described on the attached Additions Form AM-4.3 dated **April 12, 2017**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

* * * * *

Report of Changes in the Secondary System of State Highways

Project/Subdivision Mountain Valley

Type Change to the Secondary System of State Highways:

Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: §33.2-705

Street Name and/or Route Number

☐ **Ambrose Commons Drive, Extension, State Route Number 1870**

Old Route Number: 0

☐ From: Route 1874, Ridgetop Drive

To: 2.4 Miles South to CDS/ESM, a distance of: 2.40 miles.

Recordation Reference: DB 3128, 3385, 3491: PG 589-623, 603-610, 554-559

Right of Way width (feet) = 0

Right of Way width (feet) = 0

Street Name and/or Route Number

- ☐ **Founders Place, State Route Number 1293**

Old Route Number: 0

- ☐ From: 4 Lane Section

To: .07 Miles South, a distance of: 0.07 miles.

Recordation Reference: DB 4425, PG 145-158

Right of Way width (feet) = 0

**RESOLUTION TO APPROVE
A CENTRAL SEWERAGE SYSTEM
ON TAX MAP PARCELS 06000-00-00-06800
AND 06000-00-00-068E0**

WHEREAS, on March 8, 2017, the Board of Supervisors approved the Field School of Charlottesville's request for a special use permit to construct a new private school on Tax Map Parcels 06000-00-00-06800 and 06000-00-00-068E0 (collectively, the "property"), and the application is identified as Special Use Permit SP201500024 The Field School of Charlottesville ("SP 2015-24"); and

WHEREAS, in conjunction with SP 2015-24, the Field School of Charlottesville requested approval of a central sewerage system to serve its private school on the property; and

WHEREAS, on April 12, 2017, the Albemarle County Board of Supervisors considered the Field School of Charlottesville's request for approval of a central sewerage system on the property.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for this request and all of its attachments, the information presented to the Board of Supervisors, and the factors relevant to central sewerage systems in County Code Chapter 16 and the Albemarle County Comprehensive Plan, the Albemarle County Board of Supervisors hereby approves the Field School of Charlottesville's request for a central sewerage system on Tax Map Parcels 06000-00-00-06800 and 06000-00-00-068E0, subject to the conditions contained herein.

* * * * *

The Field School of Charlottesville Central Sewerage System Conditions

1. The County Engineer and the Health Department shall approve the applicant's final plans before the central sewerage system is constructed.
2. The number of connections shall be limited to three (3) connections.

**RESOLUTION TO APPROVE
SP 2016-22 BOYS AND GIRLS CLUB EXPANSION**

WHEREAS, the Boys and Girls Club of Central Virginia, on behalf of the Owner of Tax Map Parcel 090A1-00-00-001D0 (the "Property"), filed an application to: 1) amend a previously-approved special use permit (SP 201200009) to expand the community center use by increasing the permitted enrollment from 120 children to 200 children; 2) to permit the addition of an approximately 2,800 square foot modular building on the property to accommodate the additional enrollment; and 3) to expand the parking area, and the application is identified as Special Use Permit 2016-00022 Boys and Girls Club Expansion (SP 2016-22"); and

WHEREAS, on February 7, 2017, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2016-22 with staff-recommended conditions; and

WHEREAS, on April 12, 2017, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2016-22.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2016-22 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 2016-22, subject to the conditions attached hereto.

* * * * *

SP-2016-00022 Boys and Girls Club Expansion Conditions

1. Development shall be in general accord with the concept plan titled "Southwood Boys and Girls Club Expansion" dated April 13, 2012 and the concept plan titled "Southwood Boys and Girls Club Expansion" dated January 27, 2017 (hereafter "Concept Plans") as determined by the Director of Planning and the Zoning Administrator. To be in general accord with these Concept Plans, the proposed buildings and uses shall reflect the following major elements within the site essential to the design of the site, as shown on the Concept Plans:
 - Location of buildings, uses, and structures, inclusive of the minimum setback for the structure from Bitternut Lane must be 15 feet (as approved under SP201200009)
 - Location of parking areas
 - Location of outdoor play area
2. Minor modifications to the Concept Plans which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance; and
3. The parking study is based on a maximum of 200 children. There shall be no more than 200 children at any one time served at this location of the Boys and Girls Club.

**RESOLUTION TO APPROVE
SP 2016-25 REGENTS SCHOOL OF CHARLOTTESVILLE**

WHEREAS, Christian Aid Mission is the owner of Tax Map Parcel Number 05900-00-00-023G1 (the "Property"); and

WHEREAS, the Regents School of Charlottesville ("Regents School") operates a private school on a portion of the Property; and

WHEREAS, Regents School filed an application to amend a condition of a previously-approved special use permit (SP 201400005) to extend the special use permit expiration date to August 13, 2021 to allow the school more time to find a suitable location to relocate, and the application is identified as Special Use Permit 2016-00025 Regents School of Charlottesville (SP 2016-25"); and

WHEREAS, on February 7, 2017, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2016-25 with staff-recommended conditions; and

WHEREAS, on April 12, 2017, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2016-25.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2016-25 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 2016-25, subject to the conditions attached hereto.

* * * * *

SP-2016-00025 Regents School of Charlottesville Conditions

1. The school is limited to the existing administrative building and grounds, as shown on the concept plan (Attachment A). All parking for the facility shall be located in areas designated on the concept plan as P1, P2, P3, P6, and P7. Any additional buildings or other site changes, except for those required by the conditions of this permit, beyond those shown on the approved site plan for SDP-1992-052 titled "Christian Aid Mission Administration Building" prepared by William W. Finley and date approved July 14, 1994 require an amendment to this Special Use Permit;
2. The entrance from Rte 250 shall be reconfigured to prohibit left turns out within thirty (30) days of approval of SP-2014-00005, and the maximum enrollment shall not exceed ninety-eight (98) students in the 2014-2015 school year, and one hundred thirty (130) students in the 2015-2016 school year and any subsequent years;
3. The permittee shall implement and maintain van pools beginning with the 2014-2015 school year;
4. All students shall be over the age of two and one-half (2 ½) years old;
5. The hours of operation for the school shall be between 7:45 a.m. and 4:00 p.m., except that occasional school-related events may occur after 4:00 p.m.;
6. No food preparation is permitted onsite without an amendment to this Special Use Permit to authorize onsite food preparation;
7. The permittee shall obtain an annual fire inspection from the County fire marshal;
8. In no case shall the total number of people (students and school personnel) utilizing the school building exceed one hundred fifty (150); and

9. SP-2016-00025 shall expire on August 13, 2021.
10. If the applicant's traffic engineer can demonstrate to the reasonable satisfaction of the Director of Planning, that for a period of two years from the date of the approval of SP2016-00025, there has not been more than one left turn angle crash that is (a) due to site ingress or egress at the Regents School entrance during school activity hours; and (b) determined to be specifically attributable to the Regents School use, then condition #9 shall automatically expire and become null and void at the end of such two-year period.

**ORDINANCE NO. 17-A(5)
ZMA 2014-00006 AVON PARK II**

**AN ORDINANCE TO AMEND THE PROFFERS
AND APPLICATION PLAN APPROVED WITH
ZMA 2012-00004 FOR TAX MAP PARCEL NUMBER 09000-00-00-03100**

WHEREAS, the application to amend the proffers and application plan that were approved with ZMA 2012-00004 for Tax Map Parcel Number 09000-00-00-03100 is identified as ZMA 2014-00006, Avon Park II ("ZMA 2014-06"); and

WHEREAS, ZMA 2014-06 proposes to amend the proffers and application plan that were approved with ZMA 2012-00004 to: 1) address the conditions related to parking and emergency access that were imposed with the approval of the initial site plan related to SDP2014-00024; and 2) reduce the cash proffer amounts; and

WHEREAS, staff recommended approval of ZMA 2014-06 provided that technical revisions were made to the proffers and the application plan; and

WHEREAS, the Planning Commission held a duly noticed public hearing on ZMA 2014-06 on July 12, 2016, and recommended approval with the exception of the reduction of cash proffers, conditioned on the applicant making the staff-recommended revisions, demonstrating that access to water exists for the neighboring properties to the south, and investigating three issues that concerned property owners to the north regarding screening, recreational amenities, and erosion and sediment control; and

WHEREAS, subsequent to the Planning Commission public hearing, the applicant made all of the recommended revisions to the proffers and the application plan, with the exception of the cash proffer amounts, and addressed the Planning Commission's other conditions of approval noted above; and

WHEREAS, on April 12, 2017, the Albemarle County Board of Supervisors held a duly noticed public hearing on ZMA 2014-06;

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the staff report prepared for ZMA 2014-06 and its attachments, including the application plan dated February 10, 2015 and last revised on May 24, 2016, and the proffers dated March 27, 2017, the information presented at the public hearing, the material and relevant factors in County Code § 18-33.6, Virginia Code § 15.2-2284, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2014-06, with the application plan dated February 10, 2015 and last revised on May 24, 2016, and the proffers dated March 27, 2017.

* * * * *

Original Proffers: 11/21/13

Amendment: ~~3/27/17~~

4/12/17

PROFFER STATEMENT

ZMA No. 2014-00006 Avon Park II

Tax Map and Parcel Number: 09000-00-00-03100 (D.B. 3786 P.G. 060)

Owner of Record: BELLEVUE REAL ESTATE, LLC

Date of Proffer Signature: March 27, 2017

Proffer Statement for 5.262 acres to be rezoned from Planned Residential District (PRD) to Planned Residential District (PRD)

Bellevue Real Estate LLC, a Maryland Limited Liability Company, is the owner (the "Owner") of Tax Map and Parcel Number 09000-00-00-03100 (the "Property") which is zoned as Planned Residential Development (PRD) subject to rezoning application ZMA No. 2014-00006, a project known as "Avon Park II" (the "Project") and the application plan (the "Plan") entitled, "Avon Park II Zoning Map Amendment Plan, created by Roudabush, Gale, and Associates February 10, 2015, last revised May 24, 2016. This current proffer statement (the "Proffer Statement") supersedes the proffer statement dated November 21, 2013 pertaining to ZMA-2012-00004 and the application plan entitled, Avon Park II Zoning Map Amendment Application Plan prepared by Pohl Engineering, LLC, dated August 20, 2012, last revised 10/25/13.

Pursuant to Section 33 of the Albemarle County Zoning Ordinance (Chapter 18 of the Albemarle County Code), the Owner hereby voluntarily proffers the conditions listed below which shall be applied to the Property. These conditions are proffered as a part of the PRD zoning applicable to the Property and the Owner acknowledges that the conditions are reasonable. Each signatory below signing on behalf of the Owner covenants and warrants that it is an authorized signatory of the Owner for this Proffer Statement.

1) AFFORDABLE HOUSING

minimum of 32

The Owner will provide ~~six~~ (6) affordable housing units within the Project in the form of for lease or for sale affordable dwelling units (the "Affordable Dwelling Units" or "Affordable Units"). Each subdivision plat and site plan for land within the Property shall designate the lots or units, as applicable, that will, subject to the terms and conditions of this proffer condition, incorporate Affordable Units as described herein, and the aggregate number of such lots or units designated for Affordable Units within each subdivision plat and site plan shall be referenced in such subdivision plat or site plan.

a) There shall be a maximum of 32 dwelling units on 30 lots in the development. The Affordable Dwelling Units shall be comprised of one or more of the following unit types:

1. Single family townhomes OR
2. Units that will be constructed and maintained as two-family dwellings as defined in the Virginia Uniform Statewide Building Code.

or more 32

The Owner or his successor in interest reserves the right to achieve six ~~(6)~~ Affordable Dwelling Units utilizing the above mentioned unit types alone or in combination as outlined below. The Owner shall convey the responsibility of constructing the affordable units to any subsequent purchaser of the Property. The current Owner or subsequent Owner shall create units affordable to households with incomes less

than 80% of the area median family income (the "Affordable Unit Qualifying Income"), such that housing costs consisting of principal, interest, real estate taxes and homeowner's insurance (PITI) do not exceed 30% of the Affordable Unit Qualifying Income; provided, however, that in no event shall the selling price of such Affordable Units be more than sixty-five percent (65%) of the applicable Virginia Housing Development Authority (VHDA) sales price/loan limits for VHDA's first-time homebuyer programs provided that the selling price will be equal to or less than the Albemarle County affordable housing home price. This home price will increase or decrease per year based on Albemarle County's designated affordable home pricing. All financial programs or instruments described herein must be acceptable to the primary mortgage lender. The value of Seller-paid closing costs shall be excluded from the selling price of such Affordable Dwelling Units.

- i) For-Sale Affordable Units - All purchasers of for-sale Affordable Units shall be approved by the Albemarle County Office of Housing (the "Housing Office") or its designee. The Owner shall provide the County or its designee a period of one hundred twenty (120) days to identify and pre-qualify an eligible purchaser for the Affordable Units. The 120-day period shall commence upon written notice from the Owner that the units will be available for sale. This notice shall not be given more than 90 days prior to the anticipated receipt of the certificate of occupancy. If the County or its designee does not provide a qualified purchaser during this one hundred twenty (120) day period, the Owner shall have the right to sell the Unit(s) without any restriction on sales price or income of purchaser(s); provided, however, that any Units(s) sold or leased without such restriction shall nevertheless be counted toward the number of Affordable Units required to be provided pursuant to the terms of this proffer. If these Units are sold, this proffer shall apply only to the first sale of each unit. Nothing herein shall preclude the then-current Owner/builder from working with the Housing Office prior to the start of the notification periods described herein in an effort to identify qualifying purchasers for Affordable Units.
- b) County Option for Cash in Lieu of Affordable Units. If at any time prior to the County's approval of any preliminary site plan or subdivision plat for the subject property which includes one or more for-sale Affordable Dwelling Units, the Housing Office informs the then-current owner/builder in writing that it may not have a qualified purchaser for one or more of the for-sale Affordable Dwelling Units at the time that the then-current owner/builder expects the units to be completed, and that the County will instead accept a cash contribution to the County to support affordable housing programs in the amount of Twenty Four Thousand Three Hundred Seventy Five Dollars (\$24,375.00) in lieu of each Affordable Unit(s), then the then-current owner/builder shall pay such cash contribution to the County prior to obtaining a certificate of occupancy for the Unit(s) that were originally planned to be Affordable Dwelling Units, and the then-current owner/builder shall have the right to sell the Unit(s) without any restriction on sales price or income of the purchaser(s). For the purposes of this proffer condition, such Affordable Dwelling Units shall be deemed to have been provided when the subsequent owner/builder provides written notice to the Albemarle County Office of Housing or its designee that the Affordable Units(s) will be available for sale.

2) CASH PROFFER

- a) The Owner shall contribute cash to the County in the following amounts for each dwelling unit constructed within the Property that is not an Affordable Dwelling Unit. The cash contribution shall be used only for capital improvements in the form of public facilities (i.e., schools, public safety, libraries, parks or transportation) located within the Scottsville magisterial district of the County and no funds shall be used for capital improvements to any public facility existing as of the date of this Proffer Statement, such as a renovation or technology upgrade, that does not expand the capacity of such facility. The cash contribution shall not be used for any operating expense of any existing or new facility such as ordinary maintenance or repair. The cash contribution for each individual dwelling unit shall be paid to the County after completion of the final building inspection and prior to issuance of a certificate of occupancy for the

individual unit. The cash contribution for each dwelling unit shall be based upon the type of the dwelling unit and in the amount set forth for each type of dwelling unit as follows:

- Dollars*
- Thirteen thousand nine hundred thirty and 9/10 \$13,913.18 For each attached town home/condominium unit*
- i) ~~Three Thousand Six Hundred Forty Five Dollars and 99/100 (\$3,645.99)~~ for each attached town home/condominium unit that is not an Affordable Dwelling Unit. *20,460.57 Dollars*
- ii) ~~Seventeen Thousand One Twenty Three Dollars and 12/100 (\$17,123.12)~~ for each single family detached dwelling unit. *Twenty thousand four hundred sixty and 5/10*
- iii) Zero Dollars (\$0.00) for each Affordable Dwelling Unit. *for each single family detached dwelling unit.*
- b) Annual Adjustment of Cash Proffers: Beginning January 1, 2017, the amount of each cash contribution required herein shall be adjusted annually until paid, to reflect any increase or decrease for the preceding calendar year in the Marshall and Swift Building Costs Index (the "MSI"). In no event shall any cash contribution amount be adjusted to a sum less than the amount initially established by these proffers. The annual adjustment shall be made by multiplying the proffered cash contribution amount for the preceding year by a fraction, the numerator of which shall be the Index as of December 1 in the preceding calendar year, and the denominator of which shall be the Index as of December 1 in the year preceding the calendar year most recently ended. For each cash contribution that is being paid in increments, the unpaid incremental payments shall be correspondingly adjusted each year.
- c) The applicant will receive a cash proffer credit from Albemarle county for the number of dwelling units permitted under the prior by-right zoning of the Property (Tax Map and Parcel Number 09000-00-00-03100), which would yield five (5) single family detached homes.

3) LANDSCAPE EASEMENTS

- a) The Owner shall obtain a variable width landscape easement behind lots 1-7 on Tax Map and Parcel Number 090F0-00-00-000A1 (owned by the Avon Park Community Association) as shown on the Plan. The owner shall install plants within the proposed easement as per the final approved landscape plan during the first fall planting season after the adjacent retaining wall is installed but prior to the issuance of the certificate of occupancy for the seventh completed dwelling unit located on lots 1 through 7. There shall be no obligation on the Owner to install landscaping on the adjoining property if permission from the impacted property owner is not obtained.
- b) The Owner shall install plants within the proposed 10' landscape easement shown on page 5 of the Plan at the rear of lots 8-10 prior to the issuance of the certificate of occupancy for the 3rd completed dwelling unit located on lots 8-10.
- c) The Owner shall install plants within the proposed 10' landscape easement shown on page 5 of the Plan at the rear of lots 13-15 prior to the issuance of the certificate of occupancy for the 3rd completed dwelling unit located on lots 13-15.
- d) The Owner shall install plants within the proposed 10' landscape easement shown on page 5 of the Plan at the rear of lots 16-22 prior to the issuance of the certificate of occupancy for the 7th completed dwelling unit located on lots 16-22.
- e) The Owner shall install plants within the proposed 10' landscape easement shown on page 5 of the Plan at the rear of lots 23-26 prior to the issuance of the certificate of occupancy for the 3rd completed dwelling unit located on lots 23-26.

- f) The Owner shall install plants as shown on Page 9 of the Plan within the proposed 20' private drainage and landscape easement shown on page 5 of the Plan at the rear of lots 28-30 prior to the issuance of the certificate of occupancy for the 3rd completed dwelling unit located on lots 28-30.
- g) The Owner shall install the off-site plants along Hathaway Street at the entrance to the Avon Park 2, as shown on page 9 of the Plan, development during the first fall planting season after the base coat of asphalt is installed on the road.

4) EROSION AND SEDIMENT CONTROL

The Owner shall provide additional erosion and sediment control measures beyond the standard regulatory requirements stated in the Virginia Erosion and Sediment Control Handbook (VESCH) applicable on the date of approval of this Proffer Statement. These additional measures shall consist of the following:

- a) Silt Fencing (VESCH Standard 3.05):
 - i) Contributing drainage area to non-wire reinforced silt fence shall be reduced from one quarter (0.25) acre per 100 feet of silt fence length to two-tenths (.20) per 100 feet of silt fence. Contributing drainage area to wire reinforced silt fence shall not exceed one quarter acre per 100 feet of silt fence; and
 - ii) Maximum contributing drainage area to non-wire reinforced silt fence from minor swales or ditch lines shall be reduced from 1 acre and no greater than 1 cfs to 0.8 acre and no greater than .08 cfs. Maximum contributing drainage area to wire reinforced silt fence from minor swales or ditch lines shall be 1 acre and no greater than 1 cfs; and
 - iii) The height of any silt fence shall be a minimum of 24 inches above the original ground surface and shall not exceed 34 inches above ground elevation; and
 - iv) Post spacing for non-wire-reinforced silt fence shall be reduced from a maximum 6 feet apart to a maximum 5 feet apart. Post spacing for wire reinforced silt fence shall be reduced from a maximum 10 feet apart to a maximum 8 feet apart.
- b) Temporary Diversion Dike (VESCH Standard 3.09):
 - i) The maximum allowable drainage area to a temporary diversion dike shall be reduced from five (5) acres to three (3) acres.
- c) Temporary Sediment Trap (VESCH Standard 3.13):
 - i) Maximum total contributing drainage area shall be reduced from three (3) acres to two (2) acres; and
 - ii) The storage volume requirement shall be increased by a factor of 1.2.
- d) Temporary Sediment Basin (VESCH Standard 3.14):
 - i) A temporary sediment basin shall be provided where the total contributing drainage area exceeds two (2) acres; and
 - ii) The permanent pool and dry storage volumes shall be increased by a factor of 1.2.

6) ADDITIONAL TREE REMOVAL

The owner shall identify the location of the trees located at the rear of tax map parcels identified as 090F0-00-00-000A2, 090F0-00-0F-04200, 090F0-00-0F-04300, and 090F0-00-0F-04400. If trees are located within 5' or less of the property line the owner will remove the trees on those adjoining existing properties. Tree removal will be subject to the existing property owner's written approval permitting the Owner, the owner's subcontractors, and/or employees, of Avon Park II property to come onto the property and remove the trees.

7) ALLOWED USES

The use of the Property shall be limited to those uses allowed by right under section 19.3.1; and the use allowed by special use permit under section 19.3.2(7) of chapter 18, Zoning, of the Albemarle County Code, Zoning Supplement #91 dated 6-3-15 and in effect on the date of approval of this Proffer, copies of which are attached hereto and incorporated herein as Attachment A.

8) RECREATIONAL AMENITIES

The Owner shall provide and install the following recreational amenities in the existing "park" on Tax Map and Parcel Number 090F0-00-00-000A1 (owned by the Avon Park Community Association). These amenities are at the request of the Avon Park Community Association Board and will be installed upon issuance of the 24th Certificate of Occupancy.

- a) A 40' x 50' fenced dog park area with two small benches.
- b) Two (2) additional play structures for older children in the existing tot lot area.

9) OVERLOT GRADING

The Owner shall submit an overlot grading plan (hereinafter the "Grading Plan") meeting the requirements of this proffer condition with the application for each subdivision of the Property. The Plan shall show existing and proposed topographic features. The Grading Plan shall be approved by the County Engineer prior to approval of an erosion and sediment control plan related to said subdivision. The land area within the subdivision shall be graded as shown on the approved Plan. No building permit shall be issued for any dwelling on a lot where the County Engineer has determined the lot grading is not in general conformance with the approved Plan. The Grading Plan shall satisfy the following:

- a) The Grading Plan shall show all proposed streets, building sites, setbacks, surface drainage, driveways, trails, and other features the County Engineer determines are needed to verify that the Plan satisfies the requirements of this proffer condition.
- b) The Grading Plan shall be drawn to a scale not smaller than one (1) inch equals fifty (50) feet.
- c) All proposed grading shall be shown with contour intervals not greater than two (2) feet. All concentrated surface drainage over lots shall be clearly shown with the proposed grading. All proposed grading shall be designed to assure that surface drainage can provide adequate relief from the flooding of dwellings in the event a storm sewer fails.
- d) Graded slopes on lots proposed to be planted with turf grasses (lawns) shall not exceed a gradient of three (3) feet of horizontal distance for each one (1) foot of vertical rise or fall (3:1). Steeper slopes shall be vegetated with low maintenance vegetation as determined to be appropriate by the County's program authority in its approval of an erosion and sediment control plan for the land disturbing activity. These

steeper slopes shall not exceed a gradient of two (2) feet of horizontal distance for each one (1) foot of vertical rise or fall (2:1) unless the County Engineer finds that the grading recommendations for steeper slopes have adequately addressed the impacts.

- e) Surface drainage may flow across up to three (3) lots before being collected in a storm sewer or directed to a drainage way outside of the lots.
- f) No surface drainage across a residential lot shall have more than one-half (1/2) acre of land draining to it.
- g) All drainage from streets shall be carried across lots in a storm sewer to a point beyond the rear of the building site
- h) The Grading Plan shall demonstrate that for each dwelling unit, an area at least ten (10) feet in width abutting the primary dwelling entrance facing the street not be served by a stairway, has grades no steeper than ten percent (10%) should the primary dwelling entrance facing the street be less than ten (10) feet from the Lot's property line, then this grade requirement shall only extend to the area between the entrance and the lot line. This graded area also shall extend from the primary entrance to the driveway or walkway connecting the dwelling to the street.
- i) Any requirement of this proffer condition may be waived by submitting a request for special exception with the Plan. If such a request is made, it shall include a justification for the request containing a valid professional seal from a PE, LA or LS type B. In reviewing a waiver request, the County Engineer shall consider whether the alternative proposed by the Owner satisfies the purpose of the requirement to be waived to at least an equivalent degree.
- j) In the event the County adopts overlot grading regulations after the date this Proffer Statement is approved, any requirement of those regulations that is less restrictive than any requirement of this proffer condition shall supersede the corresponding requirement of this proffer condition.

9) SCRIM FENCE

A Scrim Fence shall be installed along the Avon Park 1 property line at the rear lots 1-9 shown on the Plan on the owner's property or, if granted permission by the owner of lot 090F0-00-00-000A1 to protect the plantings and provide existing residents an additional visual screen during construction. The height of the screening material shall not exceed 6 feet and will be installed immediately following the grading of lots 1-9.

OWNER

Bellevue Real Estate, L.L.C.



Name: Beau Dickerson Title: Managing member of LLC
Tax Map and Parcel Number: 09000-00-00-03100