

ACTIONS
Board of Supervisors Meeting of December 4, 2019

December 5, 2019

AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 1:02 p.m., by the Chair, Mr. Gallaway. All BOS members were. Also present were Jeff Richardson, Andy Herrick, Claudette Borgersen and Travis Morris. 		
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> Mr. Gallaway noted that there would be a Resolution of Appreciation added under Item #6. Ann Mallek requested adding an item for discussion at the end of the meeting under Matters from the Board about the CIP process. By a vote of 6:0, ADOPTED the final agenda as amended. 		
<p>5. Brief Announcements by Board Members.</p> <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> Recognized the death of Robert "Bob" Humphris. He and wife, Charlotte, were longtime residents of the Jack Jouett district and Charlotte served on the Board of Supervisors. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Announced that Saturday at 12:00 p.m. on December 14 is the Wreaths Across America event at military cemeteries and private monuments all across the country on the same day at the same time. She invited citizens to the Dogwood Memorial at the McIntire Bypass and then to the memorial in the County Office Building for the WWI ceremony. Remarked that the Solar and Water Conservation District has much federal revenue to share with landowners to assist with water quality improvement and stormwater runoff. Commented that she found a map of Virginia State Parks at the VACo conference and that there is a gap with no parks in the center of the State and this could aid in requesting the state legislature for Biscuit Run Park access funding. Noted she had a suggestion from a constituent, to collect the fees for swimming, during swimming season, closer to the swimming area to allow those who are not swimming to use the park without paying the fee. 		Link to Video
<p>6. Proclamations and Recognitions.</p> <p>a. Proclamation recognizing Joel DeNunzio.</p> <ul style="list-style-type: none"> By a vote of 6:0, Adopted the resolution. Presented to Joel DeNunzio. 	(Attachment 1)	
<p>7. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <u>Mason Pickett</u> requested an unmarked police car on Route 29 between Hydraulic and the river to catch red light runners. Commented on the survey conducted by the Albemarle County Public Schools. Rosemary Miller, representing the 		

	<p>Charlottesville Free Clinic, mentioned they would be putting up new building signage around the building to make their services more accessible and invited the Board to tour the clinic.</p> <ul style="list-style-type: none"> Charles Battig commented on climate change propaganda. <u>The following individuals spoke toward the potential sale of the Wesleyan Methodist Church to Champion Breweries and addressed concerns to the Board.</u> <ul style="list-style-type: none"> David Macdonald Ralph Morini 		
8.2	<p>FY 20 Appropriations.</p> <ul style="list-style-type: none"> ADOPTED Resolution to approve appropriations #2020038; #2020039; and #2020040 for local government and school division projects. 	Clerk: Forward copy of signed resolution to OMB and County Attorney's office. (Attachment 2)	
8.3	<p>Consent to Refugee Resettlement.</p> <ul style="list-style-type: none"> AUTHORIZED the Chair to act on the Board's behalf in affirming the Board's consent to such resettlement, in response to Executive Order 13888. 	Clerk: Forward copy of signed letter to the Secretary of State. (Attachment 3)	
8.4	<p>Modification of the Composition of the Albemarle Broadband Authority Board of Directors.</p> <ul style="list-style-type: none"> ADOPTED Resolution to APPROVE expanded and updated list of County staff eligible to serve on the Albemarle Broadband Authority Board of Directors. 	Clerk: Forward copy of signed resolution to County Attorney's office. (Attachment 4)	
9.	<p>Five-Year Financial Plan Work Session.</p> <ul style="list-style-type: none"> HELD. 		
10.	<p>Animal Protection Unit - Activity and Enforcement Update.</p> <ul style="list-style-type: none"> RECIEVED. 		
11	<p>FY19 Audit Results and Comprehensive Annual Financial Report (CAFR).</p> <ul style="list-style-type: none"> RECIEVED. 		
21.	<p>From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> CIP Process. <ul style="list-style-type: none"> DISCUSSED. CONCENSUS to bring more information back to the Board at a later date. 	Staff: proceed as directed.	
12.	<p>Board to Board, November 2019, A monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors.</p> <ul style="list-style-type: none"> RECIEVED. 		
13.	<p>Closed Meeting.</p> <ul style="list-style-type: none"> At 4:56 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia: Under Subsection (1), to discuss and consider appointments to the Charlottesville-Albemarle Joint Airport Commission and two County committees; and Under Subsection (3), to discuss the acquisition of property for a County facility, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board; and Under Subsection (7), to consult with legal counsel and briefings by staff members 		

	<p>pertaining to actual litigation between the Board of Supervisors and the Scottsville Volunteer Rescue Squad; and</p> <ul style="list-style-type: none"> Under Subsection (8), to consult with and be briefed by legal counsel regarding specific legal matters requiring legal advice relating to the community's use of the County Office Buildings. 	
14.	<p>Certify Closed Meeting.</p> <ul style="list-style-type: none"> At 6:05 p.m., the Board reconvened into open meeting and certified the closed meeting. 	
15.	<p>Boards and Commissions: Vacancies and Appointments.</p> <ul style="list-style-type: none"> APPOINTED Ms. Rosemary L. Miler to the Places 29 Hydraulic Community Advisory Committee, with said term to expire August 5, 2021. REAPPOINTED Mr. Roger W. Ray to the Acquisition of Conservation Easement (ACE) Appraisal Review Committee, with said term to expire December 31, 2020. 	<p>Clerk: Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>
16.	<p>From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <u>The Following citizens spoke towards the Board considering making Albemarle County a sanctuary county.</u> <ul style="list-style-type: none"> David Webb Gregory Quinn David Garth Ken Reisig Jay Saren Andy Eckert Judy Freeman Bekah Saxon Chase Welch Will Nelson Matthew Christianson Joe Thomas Earl Smith Thomas Sikes Nancy Rodland Mason Pickett John Haynes Keith Follett Jason Perry Karen Thorpe Timothy Faulkner Thomas McClure Steve Winenburg Matt Kiser Jeffrey Eice Todd Ivasek Tom Dolan 	
	<p>At 7:14 p.m., the Board recessed and reconvened at 7:23 p.m.</p>	
17.	<p><u>Pb. Hrg.: Ordinance to Change the Branchlands Precinct Polling Place Location.</u></p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED Ordinance. 	<p>Clerk: Forward copy of signed ordinance to Voter Registration and Elections and County Attorney's office. (Attachment 5)</p>
18.	<p><u>Pb. Hrg.: ZMA201900013 Biscuit Run Park.</u></p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED ordinance to approve ZMA201900013 Biscuit Run Park. 	<p>Clerk: Forward copy of signed ordinance to Community</p>

		Development and County Attorney's office. (Attachment 6)	
19.	<u>Pb. Hrg.: ZMA201800012 Galaxie Farm.</u> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED ordinance to approve ZMA201800012 Galaxie Farm. By a vote of 6:0, ADOPTED resolution to approve the Special Exception, Part F, for ZMA201800012 Galaxie Farm. 	Clerk: Forward copy of signed Ordinance and resolution to Community Development and County Attorney's office. (Attachment 7 and 8)	
20.	<u>Pb. Hrg.: ZTA 2019-05 Submittal of Special Use Permit Applications.</u> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED ordinance to approve ZTA201900005, as shown in the attachment. 	Clerk: Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 9)	
21.	<p>From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> Raised the issue with Champion Brewery on Earlysville Road and the ABC. <p><u>Ned Galloway:</u></p> <ul style="list-style-type: none"> Announced that on Wednesday, December 11 at 6:30 p.m. at Agnor-Hurt Elementary School's cafeteria, there will be a community meeting, and many questions around what is regulated by the State and what is lined up by the County will be reviewed so that all people concerned can have that information and ask the questions from there. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> In response to the discussion about planning ahead for schools and the constant approving of more development, asked Greg Kamptner to advise the Board on what the Board's avenues are to say they do not have the capacity to provide service and therefore, a developer will have to wait. 		
22.	<p>From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> There were none 		
23.	<p>Adjourn to November 13, 2019, 2:30 p.m., Room 241.</p> <ul style="list-style-type: none"> The meeting was adjourned at 8:29 p.m. 		

ckb/tom

Attachment 1 – Resolution of Appreciation for Joel Denunzio, P.E.

Attachment 2 – Resolution to Approve Additional FY 2020 Appropriations

Attachment 3 – Refugee Resettlement Letter

Attachment 4 – Resolution to Modify the List of County Staff Eligible to Serve on the Albemarle Broadband Authority Board of Directors

Attachment 5 – Ordinance No. 19-2(3)

Attachment 6 – Ordinance No. 19-A(17) - ZMA 2019-00013

Attachment 7 – Ordinance No. 19-A(18) ZMA 2018-00012

Attachment 8 – Resolution to Approve Special Exception for ZMA201800012 Galaxie Farm

Attachment 9 – Ordinance No. 19-18 (7)

Resolution of Appreciation for Joel DeNunzio, P.E.

- WHEREAS,** Joel DeNunzio has served Albemarle County with distinction as a representative of the Virginia Department of Transportation Charlottesville Residency for many years; and
- WHEREAS,** Joel's many professional accomplishments during his tenure as Resident Engineer are exemplified by his active leadership in the series of Route 29 Solutions projects, including the Route 29/Rio Road Grade Separated Intersection, Berkmar Drive Extension, the Route 29 widening project and the "Best Buy" Ramp project; and
- WHEREAS,** throughout his tenure, Joel provided outstanding assistance to members of the Board of Supervisors and County staff in support of project prioritization for the various funding programs including Rural Rustic Road, Smart Scale, Transportation Revenue Sharing, and the primary and secondary road Six-Year Plans; and
- WHEREAS,** in countless ways Joel has provided exemplary service to Albemarle County through the application of his extensive knowledge, technical skill and ability as a transportation engineer, as well as through his collaborative personal style, his commitment to constructive two-way communication and his authentic problem-solving approach to improving the quality of life for the people of this county.
- NOW, THEREFORE, BE IT RESOLVED** that we, the Albemarle County Board of Supervisors do hereby commend Joel DeNunzio with high esteem for his many significant contributions to the transportation network throughout Albemarle County, that will benefit generations of County residents and all who travel its public rights of way and, further, extend a heartfelt "Thank You" to Joel for his graceful dedicated service to the County and its residents.

Signed this 4th day of December 2019

**RESOLUTION TO APPROVE
ADDITIONAL FY 2020 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2020038; #2020039; and #2020040 are approved; and
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2020.

Secretary Michael R. Pompeo
U.S. Department of State
2201 C Street NW
Washington DC, 20520

Dear Secretary Pompeo:

This letter is in reference to Executive Order 13888, "*On Enhancing State and Local Involvement in Resettlement*."

After an affirmative vote on December 4, 2019 by the Albemarle County Board of Supervisors, the County of Albemarle, Virginia consents to initial refugee resettlement in Albemarle County as per the terms of the Executive Order.

Sincerely,

Ned Gallaway
Chair, Albemarle County Board of Supervisors

CC:
Principal Deputy Assistant Secretary Carol T. O'Connell
Bureau of Population, Refugees, and Migration
U.S. Department of State
Governor Ralph Northam

**RESOLUTION TO MODIFY THE LIST OF COUNTY STAFF ELIGIBLE TO SERVE ON THE ALBEMARLE
BROADBAND AUTHORITY BOARD OF DIRECTORS**

WHEREAS, the Albemarle County Board of Supervisors created the Albemarle Broadband Authority (ABBA) as a Wireless Service Authority by Resolution dated August 2, 2017; and

WHEREAS, the resolution provided that two members of the ABBA Board of Directors be selected from a list of County staff, which included a Deputy County Executive, the County Director of Finance, the Community Development Department's (CDD) Chief of Special Projects, and the County Director of Information Technology (IT); and

WHEREAS, the Director of IT currently serves in dual roles as an ABBA Director and as its appointed Chief Administrative Officer; and

WHEREAS, the Director of IT participates in discussions and negotiations with outside parties and stakeholders and possesses unique knowledge and insight that would allow him to discuss publicly ABBA business and transactions before the Albemarle County Board of Supervisors but cannot perform such functions in the presence of two other Directors without having to schedule and call a public meeting; and

WHEREAS, it would serve the best interests of Albemarle County, the Board of Supervisors, and ABBA if the Director of IT could administer ABBA's operations without having to serve as a Director; and

WHEREAS, the CDD Chief of Special Projects position has been realigned and no longer exists; and

WHEREAS, the County has only one Deputy County Executive and one Assistant County Executive; and

WHEREAS, it would serve the County's interests to expand and update the list of County staff eligible to serve on the ABBA Board of Directors.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby modifies the list of County staff eligible to serve on the Board of Directors of the Albemarle Broadband Authority as follows:

1. A Deputy or Assistant County Executive;
2. The Director of Finance/Chief Financial Officer or designee;
3. The Director of Community Development or designee (i.e., director of special projects, director of zoning, or other);
4. The Director of Information Technology; or
5. The Director of Economic Development.

ORDINANCE NO. 19-2(3)

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, ARTICLE 1, ELECTIONS, 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 2, Administration, Article 1, Elections, is hereby amended and reordained as follows:

By Amending:

Sec. 2-102 Rio Magisterial District.

Chapter 2. Administration**Article 1. Elections**

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Sec. 2-102 Rio Magisterial District.

The Rio Magisterial District shall be bounded, and contain precincts and polling places, as follows:

- A. *Description of district.* Beginning at the intersection of Seminole Trail (U.S. Route 29) and the South Fork Rivanna River; then northeast along Seminole Trail to its intersection with Dickerson Lane (State Route 763); then west along Dickerson Lane to its intersection with Dickerson Road (State Route 606); then south along Dickerson Road to its intersection with Earlysville Road (State Route 743); then northwest along Earlysville Road to its intersection with Buck Mountain Road (State Route 663); then northwest along Buck Mountain Road (State Route 663) to its intersection with Buck Mountain Road (State Route 664); then northwest along Buck Mountain Road (State Route 664) to its intersection with Buck Mountain Road (State Route 665); then southwest along Buck Mountain Road (State Route 665) to its intersection with Bleak House Road (State Route 662); then south along Bleak House Road to its intersection with Reas Ford Road (State Route 660); then south along Reas Ford Road to its intersection with the South Fork Rivanna River; then meandering southeast along the South Fork Rivanna River to its intersection with Earlysville Road (State Route 743); then south along Earlysville Road to its intersection with Hydraulic Road (State Route 743); then southwest along Hydraulic Road to its intersection with Whitewood Road; then east along Whitewood Road to its intersection with Greenbrier Drive; then southeast along Greenbrier Drive to its intersection with Seminole Trail (U.S. Route 29); then south along Seminole Trail to its intersection with Charlottesville's northern city limits; then along the Charlottesville city limits east to its intersection with the Rivanna River; then meandering north along the Rivanna River to its confluence with the South Fork Rivanna River; then meandering north and west along the South Fork Rivanna River, to Seminole Trail (U.S. Route 29), the point of origin.
- B. *Precincts.* The district shall be divided into five precincts, which are described as follows:
 1. *Agnor-Hurt Precinct.* Beginning at Seminole Trail (U.S. Route 29) and its intersection with Greenbrier Drive; then northeast along Seminole Trail to its intersection with the South Fork Rivanna River; then meandering west and south along the South Fork Rivanna River to its intersection with Earlysville Road (State Route 743); then south along Earlysville Road to its intersection with Hydraulic Road (State Route 743); then southwest along Hydraulic Road to its intersection with Whitewood Road; then east along Whitewood Road to its intersection with Greenbrier Drive; then southeast along Greenbrier Drive to its intersection with Seminole Trail, the point of origin.
 2. *Branchlands Precinct.* Beginning at Charlottesville's northern city limits and its intersection with Denice Lane and Rio Road East (State Route 631); then northwest along Rio Road East to its intersection with Seminole Trail (U.S. Route 29); then south along Seminole Trail to Charlottesville's northern city limits; then east along the Charlottesville city limits to its intersection with Denice Lane and Rio Road East, the point of origin.
 3. *Dunlora Precinct.* Beginning at Rio Road East (State Route 631) at its intersection with the Norfolk Southern Railway right-of way and the Charlottesville city limits; then northeast along the Norfolk Southern Railway right-of-way to its intersection with the South Fork Rivanna River; then meandering southeast along the South Fork Rivanna River to its confluence with the North Fork Rivanna River and the Rivanna River; then running south along the Rivanna River to its intersection with the Charlottesville city limits; then south and west along the Charlottesville city limits to its intersection with the Norfolk Southern Railway

right-of-way; then northeast along the Norfolk Southern Railway right-of-way and the Charlottesville city limits to its intersection with Rio Road East, the point of origin.

4. *Northside Precinct.* Beginning at the intersection of Seminole Trail (U.S. Route 29) and the South Fork Rivanna River; then northeast along Seminole Trail to its intersection with Dickerson Lane (State Route 763); then west along Dickerson Lane to its intersection with Dickerson Road (State Route 606); then south along Dickerson Road to its intersection with Earlysville Road (State Route 743); then northwest along Earlysville Road to its intersection with Buck Mountain Road (State Route 663); then northwest along Buck Mountain Road (State Route 663) to its intersection with Buck Mountain Road (State Route 664); then northwest along Buck Mountain Road (State Route 664) to its intersection with Buck Mountain Road (State Route 665); then southwest along Buck Mountain Road (State Route 665) to its intersection with Bleak House Road (State Route 662); then south along Bleak House Road to its intersection with Reas Ford Road (State Route 660); then South along Reas Ford Road to its intersection with the South Fork Rivanna River; then meandering east along the South Fork Rivanna River to its intersection with Seminole Trail (U.S. Route 29), the point of origin.
5. *Woodbrook Precinct.* Beginning at Charlottesville's northern city limits and its intersection with Rio Road East (State Route 631) and the Norfolk Southern Railway right-of-way; then northeast along the Norfolk Southern Railway right-of-way to its intersection with the South Fork Rivanna River; then meandering northwest along the South Fork Rivanna River to its intersection with Seminole Trail (U.S. Route 29); then south along Seminole Trail to its intersection with Rio Road East (State Route 631); then southeast along Rio Road East to its intersection with the Norfolk Southern Railway right-of-way and Charlottesville's northern city limits, the point of origin.

C. *Polling places.* Each precinct shall have a polling place at the location identified below:

1. *Agnor-Hurt Precinct.* Agnor-Hurt Elementary School, 3201 Berkmar Drive.
2. *Branchlands Precinct.* Church of the Incarnation, Activity Center, 1455 Incarnation Drive.
3. *Dunlora Precinct.* Charlottesville-Albemarle Technical Education Center, 1000 East Rio Road.
4. *Northside Precinct.* Earlysville Volunteer Fire Station, 283 Reas Ford Road.
5. *Woodbrook Precinct.* Woodbrook Elementary School, 100 Woodbrook Drive.

(8-19-71, § 1; 9-5-72; 7-15-81; Code 1988, § 6-1; 5-15-91; Ord. 95-6(1), 1-11-95; Ord. 98-A(1), 8-5-98, § 2-100(1), § 2-101; Ord. 01-2(1), 5-9-01; Ord. 02-2(3), 5-1-02; Ord. 06-2(2), 7-12-06; Ord. 11-2(2), 5-4-11; Ord. 15-2(2), 10-7-15; Ord. 18-2(2), 4-11-18; Ord. 19-2(2), 8-7-19; Ord. 19-2(3), adopted 12-4-19, effective 1-1-20)

State law reference—Va. Code §§ 15.2-1211, 24.2-304.1 *et seq.*, 24.2-305 *et seq.*

This Ordinance shall be effective on and after January 1, 2020.

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**ORDINANCE NO. 19-A(17)
ZMA 2019-00013**

**AN ORDINANCE TO AMEND THE ZONING MAP
FOR TAX PARCELS 09000-00-00-001A0, 090A0-00-00-001B0, 090A0-00-00-00300, 090A1-0-00-0010, 09000-00-00-00500, 09000-00-00-006D0 (PORTION), AND 09000-00-00-017D0**

WHEREAS, the application to rezone 1,171 acres from Neighborhood Model District (NMD) to Rural Areas (RA) on Tax Parcels 09000-00-00-001A0, 090A0-00-00-001B0, 090A0-00-00-00300, 090A1-0-00-0010, 09000-00-00-00500, 09000-00-00-006D0 (Portion), and 09000-00-00-017D0, is identified as ZMA 2019-00013 Biscuit Run Park ("ZMA 2019-00013"); and

WHEREAS, on July 17, 2019, the Board of Supervisors approved a Resolution of Intent for a County Initiated rezoning for the properties; and

WHEREAS, on November 5, 2019, the Planning Commission voted to recommend approval of ZMA 2019-00013

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2019-00013 and their attachments, the information presented at the public hearings, any written comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code § 18-10.1, the Southern and Western Neighborhoods Master Plan and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board hereby approves ZMA 2019-00013.

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**ORDINANCE NO. 19-A(18)
ZMA 2018-00012**

**AN ORDINANCE TO AMEND THE ZONING MAP FOR TAX PARCELS
09100-00-00-00900 AND 09100-00-00-01500**

WHEREAS, the application to rezone Tax Parcels 09100-00-00-00900 and 09100-00-00-01500 (the "Property") from R1 Residential to Planned Residential Development (PRD) to allow residential use at a proposed density of approximately 6 units per acre is identified as ZMA 2018-00012 Galaxie Farm ("ZMA 2018-12"); and

WHEREAS, the Planning Commission voted to recommend approval of ZMA 2018-12 on October 15, 2019 with the recommendation that the density be reduced to match the Comprehensive Plan and that additional changes recommended by staff be made to the application plan; and

WHEREAS, subsequent to the Planning Commission meeting, the applicant submitted a revised application plan that staff believes addresses the Planning Commission's recommendations.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2018-00012 and their attachments, including the revised application plan dated November 13, 2019, the information presented at the public hearing, any written comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code § 18-19.1, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2018-00012.

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**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR ZMA201800012 GALAXIE FARM**

WHEREAS, the Owner of Tax Parcels 09100-00-00-00900 and 09100-00-00-01500 (the "Property") filed a request for a special exception in conjunction with ZMA201800012 Galaxie Farm to modify the required five foot front and 20 foot rear setbacks on lots that are accessed by Road E to three feet and five feet respectively, as depicted in the pending plan under review by the County's Department of Community Development; and

WHEREAS, staff and the Planning Commission recommend that the front setbacks of amenity-oriented lots accessed by Road E only be modified to three feet, that all other lots maintain the required five foot front setback, and that the rear setback for all lots accessed by Road E only be modified to five feet, and all other lots maintain the required 20 foot rear setback; and

WHEREAS, subsequent to the Planning Commission's October 15, 2019 meeting, the applicant submitted a revised plan depicting revised setbacks as recommended by staff and the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Board's approval of ZMA2018-00012, the Staff Report and Transmittal Summary prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-4.19 and 18-33.49, the Albemarle County Board of Supervisors hereby approves the special exception request to modify the County Code requirement as set forth upon, subject to the condition contained herein.

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ZMA 2018-12 Galaxie Farm Special Exception Condition

1. The modification of County Code § 18-4.19 shall be in accordance with the Application Plan entitled "Zoning Map Amendment, Application Plan, ZMA 201800012, Galaxie Farm, TMP(s) 91-90, 91-15" prepared by Shimp Engineering, P.C., dated September 17, 2018, and last revised on November 13, 2019.

ORDINANCE NO. 19-18 (7)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE II, BASIC 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 II, Basic Regulations, is hereby amended and reordained as follows:

By Amending:

Sec. 33.32 Application for a special use permit.

Sec. 33.34 Filing the application; determining completeness of the application; paying fees; resubmitting an application originally determined to be incomplete.

Chapter 18. Zoning**Article II. Basic Regulations**

**Section 33 Zoning Text Amendments, Zoning Map Amendments,
Special Use Permits and Special Exceptions**

Sec. 33.32. Application for a special use permit.

Each application for a special use permit shall be filed as follows:

- A. *Who may file an application.* An owner, a contract purchaser with the owner's consent, the owner's authorized agent (collectively in this division, the "owner" or the "applicant"), or an eligible easement holder, or an electric cooperative may file an application for a special use permit. An "eligible easement holder" is a holder of an easement for which the special use permit is sought for a use allowed by the deed of easement or equivalent instrument. For the purposes of this article, "electric cooperative" means (a) a utility consumer services cooperative formed under or subject to the Utility Consumer Services Cooperatives Act (*Virginia Code* § 56-231.15 *et seq.*) or (b) a distribution cooperative formed under the former Distribution Cooperatives Act (*Virginia Code* § 56-209 *et seq.*).
- B. *Who must sign an application.* The application shall be signed by the owner or the eligible easement holder of each parcel that is the subject of the special use permit, or by any duly authorized agent of an electric cooperative.
- C. *Documentation regarding the authority to apply.* The Director of Planning may require the applicant to submit documentation establishing ownership of, or the easement interest in, any parcel that is the subject of the application, the electric cooperative's signatory's authority, and the authority of each signatory to sign the application on behalf of an eligible applicant.
- D. *Application forms.* The Director of Planning may establish appropriate application forms for special use permits.
- E. *Information required to be submitted with an application.* Each application shall include the information identified in Section 33.33 required by the Director of Planning to be submitted. In determining what information the applicant must submit, the Director shall consider the proposed use and other relevant considerations applying sound zoning principles.

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[§ 33.32: (§ 33.2: Ord. 12-18(7), 12-5-12, effective 4-1-13 (§ 33.0, 12-10-80; Ord. 01-18(6), 10-3-01)(§ 33.1, 12-10-80) (§33.2, 12-10-80)(§§ 33.2.1, 33.2.2, 33.2.3, 12-10-80; 5-5-82)(§ 33.10.2, 12-10-80, 3-10-93))+ (§ 33.4: § 33.2, 12-10-80)(§ 33.4, 12-10-80; Ord. 03-18(2), 3-19-03)(§ 33.5, 12-10-80; Ord. 03-18(2), 3-19-03)(§ 33.6, 12-10-80)(§ 33.7, 12-10-80, 6-19-96; Ord. 01-18(6), 10-3-01)(§ 33.8, 12-10-80, 6-19-96)(§ 33.8.1, 12-10-80, 6-19-96; Ord. 01-18(6), 10-3-01)(§ 33.8.2, 12-10-80, 6-19-96)(§ 33.8.3, 12-10-80, 6-19-96); §33.4, Ord. 12-18(7), 12-5-12, effective 4-1-13; Ord. 14-18(2), 3-5-14; Ord. 16-18(3), 4-6-16; Ord. 16-18(4), 4-6-16); § 33.32, Ord. 18-18(3), 9-5-18; Ord. 19-18(7), 12-4-19]

Sec. 33.34. Filing the application; determining completeness of the application; paying fees; resubmitting an application originally determined to be incomplete.

Each application for a special use permit shall be filed as follows:

...

- A. *Mailed notice to the owner that an application for a special use permit has been filed by an easement holder or an electric cooperative.* The Department of Community Development shall provide written notice to the owner of the parcel for which a special use permit is sought when an application is filed by an eligible easement holder or an electric cooperative. The notice shall be provided within 10 days after the application for the special use permit is determined to be complete. The notice shall be sent by first class mail. The notice shall inform the recipient that the application has been filed and describe the nature of the application. An action on an application shall not be declared invalid solely because of the failure to timely mail this notice.
- B. *Mailed notice to certain easement holders that an application for a special use permit has been filed.* For special use permit applications pertaining to a parcel subject to an open-space easement or a conservation easement, the Director of Planning shall provide written notice within 10 days after the application is determined to be complete to each holder of the open-space easement, other than the County, or the conservation easement. The notice shall be sent by first class mail. The notice shall inform the recipient that the application has been filed and describe the nature of the application. An action on an application shall not be declared invalid solely because of the failure to timely mail this notice.

[§ 33.34: (§ 33.4: § 33.2, 12-10-80)(§ 33.4, 12-10-80; Ord. 03-18(2), 3-19-03)(§ 33.5, 12-10-80; Ord. 03-18(2), 3-19-03)(§ 33.6, 12-10-80)(§ 33.7, 12-10-80, 6-19-96; Ord. 01-18(6), 10-3-01)(§ 33.8, 12-10-80, 6-19-96)(§ 33.8.1, 12-10-80, 6-19-96; Ord. 01-18(6), 10-3-01)(§ 33.8.2, 12-10-80, 6-19-96)(§ 33.8.3, 12-10-80, 6-19-96); §33.4, Ord. 12-18(7), 12-5-12, effective 4-1-13; Ord. 14-18(2), 3-5-14; Ord. 16-18(3), 4-6-16; Ord. 16-18(4), 4-6-16); § 33.34, Ord. 18-18(3), 9-5-18; Ord. 19-18(7), 12-4-19]

