

<p style="text-align: center;">ACTIONS Board of Supervisors Meeting of July 17, 2019</p>		
		July 22, 2019
AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
1. Call to Order. <ul style="list-style-type: none"> Meeting was called to order at 1:00 p.m., by the Chair, Mr. Gallaway. All BOS members were present. Also present were Jeff Richardson, Greg Kamptner, Claudette Borgersen and Travis Morris. 		Link to Video
4. Adoption of Final Agenda. <ul style="list-style-type: none"> Ms. Palmer pulled Item 8.7 from the consent agenda for discussion. By a vote of 6:0, ADOPTED the final agenda as amended. 		
5. Brief Announcements by Board Members. <ul style="list-style-type: none"> There were none. 		
6. Proclamations and Recognitions. <ol style="list-style-type: none"> Proclamation of Appreciation for Mark Graham. <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED proclamation and presented to Mark Graham. 	(Attachment 1)	
7. From the Public: Matters Not Listed for Public Hearing on the Agenda. <ul style="list-style-type: none"> The following individuals spoke towards 999 Rio Road: <ul style="list-style-type: none"> Ms. Marty Topel Ms. Marcy Springett Neil Williamson spoke towards the improved process for public engagement. Morgan Butler of the Southern Environmental Law Center, spoke towards item Item 8.7. 		
8.2 Commonwealth's Attorney Memorandum of Understanding. <ul style="list-style-type: none"> ADOPTED resolution to APPROVE the MOU so that all of the employees of the Commonwealth Attorney's office will be given credit for all of their years of service provided to that office prior to June 28, 2019. 	<u>Clerk:</u> Forward copy of signed resolution to Finance and County Attorney's office. (Attachment 2)	
8.3 Biscuit Run Park Zoning Map Amendment. <ul style="list-style-type: none"> ADOPTED the Resolution of Intent for the rezoning of the Biscuit Run property. 	<u>Clerk:</u> Forward copy of signed resolution to Department of Parks and Recreation and County Attorney's office. (Attachment 3)	
8.4 Real Property Acquisitions for Capital Improvement Program (CIP) Projects. <ul style="list-style-type: none"> APPROVED the resolution AUTHORIZING the County Executive to accept conveyances of real property for Capital (CIP) projects, provided that the deeds for such conveyances are approved as to form and content by the County Attorney. 	<u>Clerk:</u> Forward copy of signed resolution to the County Executive and the County Attorney's office. (Attachment 4)	
8.5 Resolution of Intent to Amend Who is Authorized to Submit Special Use Permit Applications. <ul style="list-style-type: none"> ADOPTED the resolution of intent to consider amending Albemarle County Code § 18-33.32 and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and the County Attorney's office. (Attachment 5)	
8.6 SDP2018-66 Longhorn Steakhouse - Special Exception to vary SDP1979-7 Application Plan.	<u>Clerk:</u> Forward copy of signed resolution to Community Development and the County Attorney's office.	

	<ul style="list-style-type: none"> • ADOPTED the Resolution to APPROVE the special exception request, subject to the conditions attached thereto. 	(Attachment 6)	
8.8	<p>ZMA201800011 Brookhill Proffer Amendment.</p> <ul style="list-style-type: none"> • ADOPTED Ordinance to APPROVE ZMA201800011. • ADOPTED Resolution to support the Rio Mills Connector Road alignment. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and the County Attorney's office. (Attachment 7 and 8)</p>	
8.7	<p>Special Exception to Vary Stonefield Code of Development ZMA2001-7 to Allow for Drive-thru per 18-8.5.5.3.</p> <ul style="list-style-type: none"> • DISCUSSED 		
9.	<p>Lewis & Clark Dr. Utilities Maintenance Agreement.</p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED the resolution AUTHORIZING the County Executive to sign a three-party Memorandum of Agreement and any additional agreements that may be necessary to ensure that all responsibility for potential costs are borne by the Foundation once the final Agreement(s) have been approved as to form and substance by the County Attorney. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and the County Attorney's office. (Attachment 9)</p>	
10.	<p>Development Area Drainage Infrastructure Program Discussion.</p> <ul style="list-style-type: none"> • HELD. 		
	<p>Non-Agenda. Items for Future Agendas.</p> <ul style="list-style-type: none"> • Ms. Palmer said she would like to talk about borrow pits. • Ms. McKeel said she would like the addition of scooters, and a review of the County's regulations of cell towers. • Ms. Mallek requested the addition of that small intersection improvements, particularly Earlysville Road and Reys Ford. 		
8.7	<p>Special Exception to Vary Stonefield Code of Development ZMA2001-7 to Allow for Drive-thru per 18-8.5.5.3.</p> <ul style="list-style-type: none"> • APPROVE the special exception to vary the Code of Development for ZMA2001-7, Stonefield, as presented, subject to the condition. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and the County Attorney's office. (Attachment 10)</p>	
11.	<p>Closed Meeting.</p> <ul style="list-style-type: none"> • At 3:14 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 the annual performance of the Clerk to the Board and the County Attorney; • under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to the public's access to and use of the County Office Buildings and their grounds located on McIntire Road and 5th Street. 		
12.	<p>Certify Closed Meeting.</p> <ul style="list-style-type: none"> • At 5:21 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
	<p>Non-Agenda – Closed Meeting.</p> <ul style="list-style-type: none"> • At 5:22 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia: 		

<ul style="list-style-type: none"> under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to an existing zoning violation and an identified possible zoning violation. 		
<p>Non-Agenda – Certify Closed Meeting. At 6:02 p.m., the Board reconvened into open meeting and certified the closed meeting.</p>		
<p>13.</p> <ul style="list-style-type: none"> From the Public: Matters Not Listed for Public Hearing on the Agenda. The following individuals spoke towards the rezoning of 999 Rio Rd. <ul style="list-style-type: none"> Mr. Ed Guida, resident of Dunlora, Ms. Judy Schlusel Ms. Carol Carter, resident of Scottsville District, spoke towards the topic of climate change. 		
<p>14. <u>SP201500028 and SP201500029 Blue Ridge Swim Club.</u></p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED the resolution approving SP201500029 Blue Ridge Swim Club, subject to the conditions. By a vote of 6:0, ADOPTED the resolution approving SP201500028 Blue Ridge Swim Club–Day Camp, Boarding Camp, subject to the conditions. 	<p>Clerk: Forward copy of signed resolution to Community Development and the County Attorney's office. (Attachment 11)</p> <p>(Attachment 12)</p>	
<p>Ms. Palmer left the meeting at 6:30</p>		
<p>15. <u>ZMA201800013 Rio West.</u></p> <ul style="list-style-type: none"> By a vote of 4:1:1 (Dill) (Palmer absent), DEFERRED ZMA201800013 Rio West until August 21. 	<p>Clerk: Schedule on August 21 agenda.</p>	
<p>16. <u>ZMA201800014 Birdwood Mansion and Grounds.</u></p> <ul style="list-style-type: none"> By a vote of 5:0:1 (Palmer Absent), Adopted the ordinance approving ZMA201800014 Birdwood Mansion and Grounds, with the proffers included in the agreement with the Planning Commission. By a vote of 5:0:1 (Palmer Absent), Adopted the resolution to approve special exception for ZMA201800014 Birdwood Mansion and Grounds, as conditioned. 	<p>Clerk: Forward copy of signed resolution to Community Development and the County Attorney's office. (Attachment 13)</p> <p>(Attachment 14)</p>	
<p>17. <u>ZMA201800017, Woolen Mills Light Industrial Park Steep Slope Modification.</u></p> <ul style="list-style-type: none"> By a vote of 5:0:1 (Palmer Absent), ADOPTED the ordinance for ZMA201800017, Woolen Mills Light Industrial Park Steep Slope Amendment. 	<p>Clerk: Forward copy of signed resolution to Community Development and the County Attorney's office. (Attachment 15)</p>	
<p>18. <u>ZTA201900001 Zero Lot Line.</u></p> <ul style="list-style-type: none"> By a vote of 5:0:1 (Palmer Absent), ADOPTED Ordinance to approve ZTA201900001 Zero Lot Line. 	<p>Clerk: Forward copy of signed resolution to Community Development and the County Attorney's office. (Attachment 16)</p>	
<p>19. From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Announced that the VACO steering committee meetings would be held August 16 and encouraged supervisors to sign up for a committee. Informed the Board that she attended the first of six or seven Chesapeake Bay meetings on July 11. Spoke toward staff work on stormwater and 		

	evaluations instead of relying on the Department of Environmental Quality, which was backlogged.		
20.	<p>From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> Reported that they had a minor fire event this morning on the roof of the building as a result of overheating of an air handler junction box. He praised staff of Facilities and Environmental Services and thanked the Charlottesville Fire Department for arriving within one minute of alarm activation. Announced that Aleese Eatmon was a new addition to the Office of the County Executive. 		
21.	<p>Adjourn to August 7, 2019, 1:00 p.m., Lane Auditorium.</p> <ul style="list-style-type: none"> The meeting was adjourned at 9:13 p.m. 		

ckb/tom

Attachment 1 – Resolution of Appreciation for Mark Graham

Attachment 2 – Resolution Approving a Memorandum of Understanding Between the County of Albemarle and the County's Commonwealth's Attorney

Attachment 3 – Resolution of Intent Zoning of County-Owned Biscuit Run Property

Attachment 4 – Resolution Authorizing the County Executive to Accept Conveyances of Real Property for Capital Improvement Program (CIP) Projects

Attachment 5 – Resolution of Intent Zoning Text Amendment Submittal of Special Use Permit Applications

Attachment 6 – Resolution to Approve Special Exception for SDP 2018-66 Longhorn Steakhouse – Special Exception to Vary SDP 1979-7 Fashion Square Mall

Attachment 7 – Ordinance No. 19-A(9) ZMA 2018-00011 Brookhill Proffer Amendment

Attachment 8 – Resolution of Support for Rio Mills Connector to Berkmar Extended Alignment

Attachment 9 - Resolution to Authorize the County Executive to Sign A Memorandum of Agreement with The University of Virginia Foundation and the Commonwealth of Virginia Department of Transportation for Maintenance of Culverts and Utilities on Route 1571 (Lewis And Clark Drive)

Attachment 10 - Resolution to Approve a Special Exception to Vary the Code of Development for ZMA 2001-7 Stonefield (Formerly Albemarle Place)

Attachment 11 – Resolution to Approve SP 2015-28 Blue Ridge Swim Club – Day Camp, Boarding Camp

Attachment 12 – Resolution to Approve SP 2015-29 Blue Ridge Swim Club

Attachment 13 – Ordinance No. 19-A(10) ZMA 2018-00014 an Ordinance to Amend the Zoning Map for Tax Map Parcel 07500-00-00-06300

Attachment 14 - Resolution to Approve Special Exceptions for ZMA 2018-14 Birdwood Mansion and Grounds

Attachment 15 – Ordinance No. 19-A(11) ZMA 2018-00017 an Ordinance to Amend the Zoning Map for Tax Map Parcel 07700-00-00-040b0

Attachment 16 – Ordinance No. 18-18(5)

Resolution of Appreciation for Mark Graham

- WHEREAS,** Mark Graham has faithfully served the County of Albemarle for over 20 years, serving in multiple roles, including Senior Civil Engineer, Senior Project Manager and Director in the Department of Engineering and Public Works before his appointment as Director of Community Development in 2004; and
- WHEREAS,** Mark provided steady and motivational leadership throughout the consolidation of the departments of Engineering and Public Works, Planning & Community Development and Building & Zoning Services into the new Department of Community Development thus creating a “one-stop shop” which significantly improved overall customer service while at the same time leading the launch of a new permit and application tracking software; and
- WHEREAS,** Mark led the Community Development Department in its inspired work to better plan for the community’s future needs through adoption of the AIA award winning Neighborhood Model and a modernized Subdivision Ordinance, and guided staff through numerous process improvement efforts including the Development Initiatives Steering Committee (DISC) and the legislative process improvement initiative; and
- WHEREAS,** Mark supported and contributed to myriad policy, planning and project efforts to implement Comprehensive Plan and Strategic Plan strategies to enhance the quality of life for people in Albemarle County, including the Rio/29 Grade Separated Intersection, numerous master plans and area studies and dozens of legislative amendments; and
- WHEREAS,** Mark sets himself apart as a visionary for the exemplary way he conveys a broad community perspective, often anticipating future trends and conditions while also exemplifying attributes of a true servant-leader - supporting others to do their best work while demonstrating authenticity, honesty, adaptability, respectfulness, and a positive spirit.
- NOW THEREFORE BE IT RESOLVED,** by the Albemarle County Board of Supervisors that Mark Graham is hereby honored and commended for his many years of exceptional service to the County of Albemarle, the Department of Community Development, Albemarle County residents, the broader community in which we live, and the entire Commonwealth of Virginia with knowledge that Albemarle County is strengthened and distinguished by Mark’s dedication, commitment, professionalism and compassion in meeting community needs.
- BE IT FURTHER RESOLVED,** that a copy of this Resolution be spread upon the minutes of this meeting of the Albemarle County Board of Supervisors as a lasting, visible testament to the esteem in which Mark is held by this Board and previous Boards for his lasting legacy of community service and the tangible results from his work to make Albemarle County better for future generations.

Signed this ___ day of July, 2019

Ned L. Gallaway, Chair
Albemarle Board of County Supervisors

**RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING
BETWEEN THE COUNTY OF ALBEMARLE AND
THE COUNTY'S COMMONWEALTH'S ATTORNEY**

WHEREAS, the Board finds it is in the best interest of the County to enter into a Memorandum of Understanding with the County's Commonwealth's Attorney to formalize the agreement whereby the Constitutional Officer's employees adhere to certain County personnel and administrative policies in exchange for participating in the County's pay and classification system.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the County Executive to execute a Memorandum of Understanding between the County of Albemarle and the County's Commonwealth's Attorney once it has been approved as to substance and form by the County Attorney, that the Memorandum of Understanding be made effective as of June 28, 2019, and that all County Commonwealth's Attorney employees be given credit for all of their years of service provided to that office before June 28, 2019.

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE COUNTY OF ALBEMARLE, VIRGINIA AND
THE COMMONWEALTH'S ATTORNEY FOR ALBEMARLE COUNTY

This Memorandum of Understanding (the "Agreement") is made and entered into on the 28th day of June, 2018 by and between the County of Albemarle, Virginia (the "County") and the Commonwealth's Attorney for Albemarle County (the "Commonwealth's Attorney");

WHEREAS, the County and the Commonwealth's Attorney desire to enter into an agreement setting forth their understanding with respect to compensation, benefits, and personnel policies applicable to the employees of the Commonwealth's Attorney; and

WHEREAS, the Commonwealth's Attorney's Office is a constitutional office independent in all respects from the County of Albemarle. Individuals employed by the Commonwealth's Attorney are, and shall remain, appointees and employees of the Commonwealth's Attorney and are not employees of the County. Nothing in this Agreement shall alter or diminish the Commonwealth's Attorney's duties and rights with respect to his employees pursuant to Virginia Code §§ 15.2-1603 and 15.2-1604. Moreover, nothing in this Agreement shall alter, diminish, or supersede the constitutional independence or prosecutorial discretion of this office. Finally, nothing in this Agreement provides the County or the Albemarle County Board of Supervisors oversight, dominion, influence, or control over the Office of Commonwealth's Attorney.

NOW THEREFORE, the parties hereto covenant and agree as follows:

1. Personnel Policies. All Personnel Policies referenced in this Agreement are the personnel policies applicable to Albemarle County classified employees. Personnel Policies shall be referenced as Policy P-(number of policy) for purposes of this Agreement.

2. Employee Status. Individuals employed by the Commonwealth's Attorney are, and shall remain, appointees and employees of the Commonwealth's Attorney and are not employees of the County. Nothing in this Agreement shall alter or diminish the Commonwealth's Attorney's duties and rights with respect to his employees pursuant to Virginia Code §§ 15.2-1603 and 15.2-1604. The Commonwealth's Attorney's employees shall not be covered by the County's

employee grievance procedure contained in Policy P-03 and remain, in all respects, at-will employees of the Commonwealth's Attorney.

3. Compensation. The County and the Commonwealth's Attorney agree that employees of the Commonwealth's Attorney shall participate and be included in the County's classification and pay plan. The Commonwealth's Attorney understands that future compensation increases funded by the Commonwealth of Virginia through the Compensation Board will not be passed automatically to the Commonwealth's Attorney employees because his employees will be covered by the County's pay plan. Notwithstanding the above, compensation for the employees of the Commonwealth's Attorney will be no less than the compensation approved by the Compensation Board.

Employees of the Commonwealth's Attorney shall be eligible to receive any market rate salary increase that County employees are eligible to receive. An employee of the Commonwealth's Attorney shall receive the market rate salary increase upon the Commonwealth's Attorney submitting a completed satisfactory performance review to the County's Department of Human Resources pursuant to Policy P-23. The Commonwealth's Attorney's employees will not be eligible to receive any additional merit-based salary increase dependent upon the County's performance review process, however, they may be eligible to receive special one-time merit based pay if authorized by the Board of Supervisors.

4. Benefits. Health insurance, annual and sick leave (except as limited by State law, including Virginia Code § 15.2-1605), insurance protection, tuition assistance repayment, retirement programs, participation in deferred compensation programs, and certain other benefits available to County employees shall be available to the employees of the Commonwealth's Attorney and governed by the personnel policies and procedures of the County. However, because employees of the Commonwealth's Attorney are not County employees, they will not be included for recognition at the annual Albemarle County employee recognition ceremony.

5. County Personnel System. Without diminishing the Commonwealth's Attorney's authority to appoint, hire, or discharge his employees, the Commonwealth's Attorney agrees that he and his employees will follow the County's personnel policies in force during the period of this Agreement except as otherwise required by law (Under Virginia Code § 15.2-1605, the employees of the Commonwealth's Attorney's Office will accrue and accumulate leave pursuant to the County's personnel policies, including accrual of amounts to exceed the six week vacation leave accrued limit due to the entry of this Agreement) and except as

specifically excluded by this section. The Commonwealth's Attorney agrees to follow all County personnel policies except the following:

1. Assignment and Transfer (Policy P-38)
2. Employee Reduction in Force Procedures (Policy P-30)
3. Employee Discipline (Policy P-22)
4. Employee Grievance Procedure (Policy P-03)
5. Employee Relations Principles (Policy P-01)
6. Termination of Employment (Policy P-26)
7. Effect of Criminal Conviction or Arrest (Policy P-05)

The County agrees to provide assistance and services to the Commonwealth's Attorney concerning the personnel matters referenced in this Agreement through its Department of Human Resources and its Finance Department. The Parties agree that the Department of Human Resources shall maintain personnel records of the employees of the Commonwealth's Attorney except for documents related to payroll, which shall be maintained by the County's Finance Department. The Commonwealth's Attorney agrees to forward any such documentation to the appropriate County department in a timely fashion.

The Commonwealth's Attorney agrees not to fail or refuse to appoint or hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions or privileges of appointment or employment, because of such individual's race, color, religion, sex, or national origin pursuant to Virginia Code § 15.2-1604 (A). The Commonwealth's Attorney agrees to assume all liability if he disregards employment advice provided by the County's Department of Human Resources. Further, the Commonwealth's Attorney agrees that he will conduct all aspects of a prospective employee background check except for a criminal background check. The Department of Human Resources will conduct the prospective employee's criminal background check.

6. Administrative Policies. The Commonwealth's Attorney further agrees to comply with all Albemarle County Administrative Policies except AP-11 (Grants Process), AP-5 (Media Relations), and AP-4 (Inclement Weather). The Commonwealth's Attorney will follow the inclement weather schedule established by the Albemarle County Circuit Court.

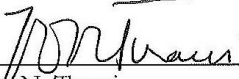
7. Limitations on Benefits to Commonwealth's Attorney. The County and the Commonwealth's Attorney agree that only the Commonwealth's Attorney's employees shall receive the compensation and benefits as set forth herein. Such compensation and benefits shall be available to the Commonwealth's Attorney only to

the extent required by applicable State law, such as Virginia Code § 15.2-1517(B) regarding group life, accident and health insurance.

8. Holidays. The County and the Commonwealth's Attorney acknowledge that the current holiday schedules maintained by the Commonwealth of Virginia and the County are not congruent. The Commonwealth's Attorney agrees to have his employees follow the legal holidays recognized by the Commonwealth of Virginia pursuant to Virginia Code §§ 15.2-1605 and 2.2-3300. However, the Commonwealth's Attorney's employees shall be subject to the other provisions of Policy P-81 (Holidays).

9. Office of the Commonwealth's Attorney Status. Virginia Code § 15.2-1600 and Article VII, Section 4 of the Constitution of Virginia establish that the Office of the Commonwealth's Attorney is independent from the oversight, dominion, or control of the County or the Albemarle County Board of Supervisors. Nothing in this Agreement shall alter, diminish, or supersede the constitutional independence or prosecutorial discretion of the Commonwealth's Attorney.

10. Term of Agreement. This Agreement shall take effect upon the full execution of this Agreement by the Commonwealth's Attorney and the County and shall remain in force for one calendar year, unless terminated by either party upon thirty (30) days prior written notice. This Agreement may be amended only upon the written agreement of both the Commonwealth's Attorney and the County.

By:  Date: 6-28-19
Robert N. Tracci,
Commonwealth's Attorney

COUNTY OF ALBEMARLE, VIRGINIA

By: _____ Date: _____
Jeffrey B. Richardson
County Executive

Approved as to Form:

County Attorney

RESOLUTION OF INTENT**ZONING OF COUNTY-OWNED BISCUIT RUN PROPERTY**

WHEREAS, the Neighborhood Model (NMD) zoning currently in place for County-owned Tax Parcels 090A0-00-00-001A0, 090A0-00-00-001B0, 090A0-00-00-00300, 090A1-00-00-00100, 09000-00-00-00500, 09000-00-00-006D0, 09000-00-00-017D0, 09000-00-00-015A0, and 09000-00-00-006C1 (the “Biscuit Run Property”) does not permit a public park over the entirety of the Biscuit Run Property; and

WHEREAS, in order to begin development of the proposed Biscuit Run Park, as previously directed by the Board of Supervisors, the Biscuit Run Property would need to be rezoned to allow for a large public park.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending (a) the zoning designations of the Biscuit Run Property and (b) any provisions of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the amendment(s) proposed by this resolution of intent, and make its recommendations to the Board of Supervisors, at the earliest possible date.

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO ACCEPT CONVEYANCES OF REAL
PROPERTY FOR CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECTS**

WHEREAS, certain projects in the County's Capital Improvement Program (CIP) require the acquisition of real property, whether by easement or full title; and

WHEREAS, sufficient funding for the estimated cost of each real property acquisition is included in the approved budget for each Capital project; and

WHEREAS, title to the needed property interests is transferred by deeds that are reviewed and approved by the County Attorney or his designee; and

WHEREAS, such deeds set forth the rights and responsibilities of the landowners and the County, including the rights, obligations, and remedies of the County, to make improvements in or on the conveyed properties; and

WHEREAS, under *Virginia Code* § 15.2-1803, no deed purporting to convey real estate to a locality shall be valid unless accepted by the locality, and executed by a person authorized to act on behalf of the locality; and

WHEREAS, though the Board of Supervisors approves all Capital projects through the adoption of an annual Capital budget, a separate Resolution would clarify and confirm the authority of the County Executive to accept CIP-related property conveyances on behalf of the County; and

WHEREAS, such a Resolution would increase the efficiency of County project development, and decrease the negative budgetary impact on County projects; and

WHEREAS, the efficiency of government would be improved by confirming the authority of the County Executive to accept such deeds on behalf of the County.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the County Executive, on behalf of the County of Albemarle, to accept conveyances of real property necessary for the completion of the Capital projects approved in the County's past, present, and future adopted budgets, provided that the deeds for such conveyances are approved as to form and content by the County Attorney.

RESOLUTION OF INTENT
ZONING TEXT AMENDMENT
SUBMITTAL OF SPECIAL USE PERMIT APPLICATIONS

WHEREAS, pursuant to Albemarle County Code § 18-33.32 applications for special use permits may be made an owner, a contract purchaser with the owner's consent, the owner's authorized agent, or an eligible easement holder; and

WHEREAS, electric cooperatives provide necessary electrical service to the Community; and

WHEREAS, it is necessary for electric cooperatives to periodically install new infrastructure to maintain and expand service to the community; and

WHEREAS, installation of new infrastructure by electric cooperatives requires a special use permit; and

WHEREAS, electric cooperatives may not be the owner, contract purchaser, the owner's authorized agent, or an eligible easement holder of land on which new infrastructure is proposed; and

WHEREAS, electric cooperatives may acquire ownership or easements on property by consent of the owner or by exercising eminent domain; and

WHEREAS, it is desired to review and amend Albemarle County Code § 18-33.32 to permit electric cooperatives to submit an application for a special use permit.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Albemarle County Planning Commission hereby adopts a resolution of intent to consider amending Albemarle County Code § 18-33.32 and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR SDP 2018-66 LONGHORN STEAKHOUSE –
SPECIAL EXCEPTION TO VARY SDP 1979-7 FASHION SQUARE MALL**

WHEREAS, the applicant filed a request for a special exception to vary the Application Plan approved in conjunction with SDP1979-7 Fashion Square Mall to develop a 89,948 square foot area on Tax Parcel 06100-00-00-13200 that currently functions as over overflow surface parking for the Fashion Square Mall, in conjunction with SDP201800066 Longhorn Steakhouse – Special Exception to Vary SDP1979-7 Application Plan (SDP 18-66); and

WHEREAS, because the applicant initially opposed certain conditions of approval recommended by staff, the special exception request was presented to the Planning Commission for its review and recommendation at its June 25, 2019 meeting, at which time the applicant informed staff and the Planning Commission that the applicant is now in agreement with staff's recommended conditions of approval; and

WHEREAS, on June 25, 2019, the Planning Commission recommended approval of the special exception request with the conditions recommended by staff, including minor technical revisions.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Memorandum prepared in conjunction with the special exception request and the attachments thereto, including the Planning Commission's staff report, staff's supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-8.5.5.3, 18-33.43, and 18-33.49, the Albemarle County Board of Supervisors hereby approves the special exception to vary the Application Plan approved in conjunction with SDP1979-7 as requested, subject to the conditions attached hereto.

* * *

**Special Exception to Vary the SDP1979-7 Fashion Square Mall
Application Plan Condition**

1. The final site plan must provide a shared use path, at least 10 feet wide, along the entire expanse of the eastern boundary of the lease area. The path must:
 - a. Connect to the required sidewalk along the southern egress for the site.
 - b. Include a 6' wide landscape strip between the shared use path and the mall "ring road" travelway, planted with street trees meeting the requirements of Section 32.7.9.5.
2. If VDOT does not approve a connection of the northernmost proposed shared use path to the existing sidewalk on Rte. 29, then the applicant must provide in place of the required sidewalk along the southern egress of the site either a 10' wide shared use path and a 6' wide landscape strip OR a 10' wide sidewalk and a 6' wide landscape strip for the duration of the southern egress road. In either case the landscape strip must abut the road and be provided the required street trees pursuant to Section 32.7.9.5 to buffer pedestrians. The total width of these improvements shall be 16' wide.

ORDINANCE NO. 19-A(9)
ZMA 2018-00011 BROOKHILL PROFFER AMENDMENT

**AN ORDINANCE TO AMEND THE PROFFERS APPROVED WITH ZMA 2015-00007
FOR TAX PARCELS 04600-00-00-018A0, 04600-00-00-01800, 04600-00-00-019A1,
04600-00-00-019A2, 04600-00-00-019B1, 04600-00-00-019B3, AND 04600-00-00-019B4**

WHEREAS, the application to amend the proffers that were approved with ZMA 2015-00007 for Tax Parcels 04600-00-00-018A0, 04600-00-00-01800, 04600-00-00-019A1, 04600-00-00-019A2, 04600-00-00-019B1, 04600-00-00-019B3, and 04600-00-00-019B4 (collectively, the “Property”) is identified as ZMA 2018-00011, Brookhill Proffer Amendment (“ZMA 2018-11”); and

WHEREAS, ZMA 2018-11 proposes to amend Proffer Numbers 1D, 1H, 6, and 8 of the Proffers that were approved in conjunction with ZMA 2015-07 due to VDOT’s planned construction of the Rio Mills Road connector road, specifically, to reflect that the developer will be responsible for the construction of the Rio Mills Road Connection only if VDOT does not do so, to reduce the value of the credit for in-kind contributions that are available to the developer, and to reduce the acreage of the high school or institutional use site that the developer is required to dedicate in fee simple to the County from 60 acres to 50 acres; and

WHEREAS, on November 14, 2018, the Albemarle County Board of Supervisors waived the Planning Commission and Board of Supervisors public hearing requirements pursuant to the applicant’s request and County Code § 18-33.15.A(1)(a); and

WHEREAS, staff recommends approval of ZMA 2018-11.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the staff report prepared for ZMA 2018-11 and its attachments, including the proposed amended proffers, 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 2018-11 with the proffers dated April 18, 2019.

Brookhill

PROFFER STATEMENT

Date: April 18, 2019

ZMA No. 201800011 Brookhill

Tax Map and Parcel Number(s): **04600-00-00-018A0, 04600-00-00-01800, 04600-00-00-019A1, 04600-00-00-019A2, 04600-00-00-019B1, 04600-00-00-019B3, and 04600-00-00-019B4**

Tax Map and Parcel Number(s) High School Site: **04600-00-00-018B0 and 04600-00-00-018D0**

This proffer statement shall amend and supersede the original proffer statement for Brookhill, ZMA 201500007, approved on November 9, 2016.

Owner(s) of Record: **CHARLES R. HAUGH & ELIZABETH ANN OGLESBY HAUGH; CHARLES R. HAUGH, & E. J. OGLESBY, JR., TRUSTEES; CROCKETT CORPORATION, a VIRGINIA CORPORATION; HORNE LAND CORPORATION, a VIRGINIA CORPORATION; CRAFTON CORPORATION, a VIRGINIA CORPORATION AND BROOKHILL APARTMENTS, LLC**

Approximately **277.5** acres zoned NMD (Neighborhood Model District)

CHARLES R. HAUGH & ELIZABETH ANN OGLESBY HAUGH are the owners of Tax Map Parcel **04600-00-00-018A0**; **CHARLES R. HAUGH & E. J. OGLESBY, JR. TRUSTEES** are the owners of Tax Map Parcel **04600-00-00-01800**; **BROOKHILL APARTMENTS, LLC** is the owner of Tax Map Parcel **04600-00-00-019B1**; and **CROCKETT CORPORATION** is the owner of Tax Map Parcels **04600-00-00-019A1, 04600-00-00-019A2, 04600-00-00-019B3, and 04600-00-00-019B4**; all of the owners of such parcels are referred to herein, collectively as the "Owner" and the parcels are referred to herein as the "Property". **HORNE LAND CORPORATION** is the owner of Tax Map Parcel **04600-00-00-018B0** and **CRAFTON CORPORATION** is the owner of Tax Map Parcel **04600-00-00-018D0**. The Property is the subject of the rezoning application identified by Albemarle County (the "County") as "ZMA 2015-007" for a project known as "Brookhill" (the "Project"), which includes the application plan prepared by Collins Engineering entitled, "Brookhill Neighborhood Model District (NMD) Application Plan," last revised September 16, 2016 (the "Application Plan"), and a Code of Development entitled the "Brookhill Neighborhood Model Code of Development," approved on November 9, 2016 by the Albemarle County Board of Supervisors and revised for variations #1 and #2 on September 5, 2018 (the "Code of Development"). Capitalized terms, not otherwise defined in these Proffers, shall have the same definitions as set forth in either the Code of Development or the Application Plan.

Pursuant to Section 33 of the Albemarle County Zoning Ordinance, the Owner hereby voluntarily proffers the conditions listed below which shall be applied to the Property if it is rezoned to the zoning district identified above. These conditions are proffered as a part of the proposed rezoning, and the Owner acknowledges that the conditions are reasonable.

1. Transportation Improvements.

- A. Polo Grounds Road Improvements. Pursuant to road plans approved by the Virginia Department of Transportation ("VDOT"), the Owner shall construct all intersection and turn lane improvements, including improvements to the horizontal alignment, vertical alignment and cross-section of Polo Grounds Road ("Polo Grounds Road Improvements"). The Polo Grounds Road Improvements shall be completed in two phases. Owner shall begin construction of Phase I, as

depicted on the Figure A, Brookhill Traffic Phasing Plan (“Traffic Phasing Plan”), prior to the issuance of a building permit (“Permit”) for the first (1st) dwelling within the Project, and the Phase I Polo Grounds Road Improvements shall be substantially completed prior to issuance of either i) a Permit for the fiftieth (50th) dwelling (other than an Assisted Living, nursing home, rest home or convalescent facility) within the Project, or ii) a certificate of occupancy for any units within a multi-family dwelling within the Project. Phase IV, as depicted on the Traffic Phasing Plan, shall be completed prior to issuance of any Permit for a dwelling (other than a multi-family dwelling, Assisted Living, nursing home, rest home or convalescent facility) within Blocks 14-18 of the Project. The Polo Grounds Road Improvements shall be designed and constructed to applicable VDOT standards, including, without limitation, VDOT’s Geometric Design. The Polo Grounds Road Improvements shall be determined to be substantially completed by: i) the Albemarle County Engineer, or its designee, or ii) when they are constructed, inspected and the VDOT construction bond is released, or iii) a VDOT official otherwise confirms that they are substantially complete.

Pursuant to approval by VDOT, Polo Grounds Road Improvements shall include salamander tunnels, shown conceptually in Figure B, (“Salamander Crossing Exhibit”). Maintenance of the salamander tunnels shall be the responsibility of the Owner, and a maintenance agreement shall be established and approved by VDOT during the VDOT review of the road plans for the Polo Grounds Road Improvements.

- B. Route 29 Intersection Improvements. Pursuant to road plans approved by VDOT, the Owner shall construct all intersection and turn lane improvements along Route 29, conceptually depicted on the Application Plan (“Route 29 Intersection Improvements”). The Route 29 Intersection Improvements shall be substantially completed prior to issuance of either i) a Permit for the fiftieth (50th) dwelling (other than an Assisted Living, nursing home, rest home or convalescent facility) within the Project or ii) a certificate of occupancy for any units within a multi-family dwelling within the Project, whichever occurs first. The Route 29 Intersection Improvements shall be designed and constructed to applicable VDOT standards, including, without limitation, VDOT’s Geometric Design. The Route 29 Intersection Improvements shall be determined to be substantially completed by: i) the Albemarle County Engineer, or its designee, or ii) when they are constructed, inspected and the VDOT construction bond is released, or iii) a VDOT official otherwise confirms that they are substantially complete.
- C. Ashwood Boulevard Connection. Pursuant to road plans approved by VDOT and a temporary construction easement and maintenance agreement approved by the County, the Owner shall construct the Ashwood Boulevard Connection, as conceptually depicted with improvements and landscaping shown on Exhibit C, Ashwood Boulevard Connection (“Ashwood Boulevard Connection”). The Ashwood Boulevard Connection, which includes a pedestrian connection, shall be bonded prior to road plan approval and substantially completed prior to: i) the issuance of the five hundredth (500th) Permit for a dwelling (other than a multi-family dwelling, Assisted Living, nursing home, rest home or convalescent facility) or ii) the issuance of the eight hundredth (800th) Permit for any dwelling type within the Project, whichever first occurs. In any event, Owner shall have completed the Ashwood Boulevard Connection prior to the completion of the western extension of Ashwood Boulevard to Berkmar Drive Extension.

Until such time as the County determines to submit the Ashwood Boulevard Connection for public dedication, the Owner shall be responsible for all maintenance, repairs, bonding and insurance of the Ashwood Boulevard Connection. The Owner shall submit a temporary construction easement and maintenance agreement that is acceptable to the County prior to approval of road plans for Phase I roadway improvements. The Owner’s improvements shall be dedicated, together with the County-owned right-of-way at such time as the County determines to submit the Ashwood

Boulevard Connection for public dedication. The Ashwood Boulevard Connection shall be determined to be substantially completed by: i) the Albemarle County Engineer, or its designee or ii) when it is constructed, inspected and VDOT has accepted the Ashwood Connection for dedication, or iii) a VDOT official otherwise confirms that they are substantially complete.

- D. Rio Mills Road Connection. Within six (6) months after written request by the County, the Owner shall dedicate to the County, by General Warranty Deed and without consideration, fee simple title to a parcel of land for a public road connection, including right-of-way and granting of easements, from Rio Mills Road to the Berkmar Drive Extension in the approximate location shown on Exhibit D, Rio Mills Roadway Connection ("Rio Mills Road Connection").

Substantial completion of the Rio Mills Road Connection by VDOT is anticipated prior to December 31, 2023. If VDOT is unable to complete the Rio Mills Road Connection by December 31, 2023 and permission is granted to the Owner by VDOT and the County, the Owner shall be responsible for the construction the Rio Mills Road Connection pursuant to road plans approved by VDOT, in the approximate location shown on Exhibit D, Rio Mills Roadway Connection ("Rio Mills Road Connection"). The Rio Mills Road Connection, if constructed by the Owner, shall be substantially completed prior to December 31, 2027. The Rio Mills Road Connection shall be determined to be substantially completed by: i) the Albemarle County Engineer, or its designee or ii) when it is constructed, inspected and VDOT has accepted the Rio Mills Connection for dedication, or iii) a VDOT official otherwise confirms that they are substantially complete.

The Credit for In-Kind Contributions, as referenced in Proffer 6, shall be increased to \$31,086,662.86 if the Owner completes the construction of the Rio Mills Road Connection.

- E. Transit Stop. The Owner shall construct a Transit Stop within the general location shown as a proposed Transit Stop on the Application Plan (the "Transit Stop"). The Transit Stop shall be designed and constructed in coordination with, and approval by the County Director of Community Development and Regional Transit Authority (if in place) and shall incorporate a shelter, including a rest bench, pedestrian access, and signage equal to or better than the current transit stops for Charlottesville Area Transit (CAT). The Transit Stop shall be installed and completed concurrently with the installation of surrounding roads and sidewalks within Block 1. The Transit Stop and above referenced features shall be dedicated to public use, or the Owner shall grant an easement as necessary to allow for the public access and usage of such facilities.
- F. Public Transit Operating Expenses. Within sixty (60) days of transit services to the Property having commenced by CAT, a regional transit authority, or other provider of transit service selected by the County, the Owner shall contribute Fifty Thousand Dollars (\$50,000) to the County to be used for operating expenses relating to transit service to the Property; and Owner shall contribute Fifty Thousand Dollars (\$50,000) to the County each year thereafter for a period of nine (9) additional years, such that the cash contributed to the County pursuant to this Proffer 1G, shall not exceed Five Hundred Thousand Dollars (\$500,000). The monetary contribution in years two (2) through ten (10) shall be paid by the anniversary date of the first contribution and each such contribution shall be conditioned upon transit service being provided to the Property during the twelve (12) month period prior to such contribution.
- G. Construction Traffic Management. The Owner shall establish Construction Entrances to the Property in locations as approved by the County and VDOT as part of the Erosion and Sediment Control Plan and Site Plan process. During the period in which all roads will be constructed within the Property (and until completion), construction traffic shall be required to use the Construction

Entrances as designated in the approved Erosion and Sediment Control Plan. The Owner shall prohibit such construction traffic from entering the Project via Ashwood Boulevard and Montgomery Ridge Road. Once the roads are completed and dedicated for public use the Owner shall no longer have the authority or responsibility to regulate traffic thereon.

- H. Road Improvements, Generally. The road improvements listed in paragraph 1C (the “Road Improvements”), above shall be constructed in accordance with road plans submitted by the Owner and approved by VDOT, and shall be dedicated to public use. All of the Road Improvements shall be designed and constructed to applicable VDOT standards, including, without limitation, VDOT’s Geometric Design.

- I. Polo Grounds Road Railroad Overpass. Within ninety (90) days after the request by the County and the approval by VDOT, Owner shall cause to be installed, at Owners expense, a traffic signal at the Polo Grounds Road and Norfolk Southern Railroad Overpass. If, within ten (10) years after the date of issuance of the first (1st) CO for a single-family dwelling within the Project, the County has not so requested, (or VDOT has not approved the traffic signal within that time period) the Owner shall be relieved of any obligation to install a traffic signal.

2. Trails, Parks and Civic Spaces. The Owner shall provide the following improvements within the property:

- A. Trail Network. A primitive trail network (the “Trail Network”), consistent with the County’s design standards for a Class B- type 1 primitive nature trail, shall be established within the Greenway as described within the Code of Development. The general location of the Trail Network is shown on the Application Plan; however exact trail locations shall be determined by the Owner based on site conditions and in coordination with the County. Installation of the Trail Network shall commence concurrently with the site work for the first Block developed within the Project and the entire trail network shall be substantially completed prior to issuance of the five hundredth (500th) Permit for a dwelling (other than a Multi-family dwelling, Assisted Living, nursing home, rest home or convalescent facility) within the Project. The Trail Network shall be determined to be substantially completed by the Albemarle County Engineer, or its designee.

Upon written request by the County, but not prior to the issuance of the five hundredth (500th) Permit for a dwelling within the Project, the Owner shall dedicate to the County an easement for public use over the Greenway area, as shown on the Application Plan. Prior to the County’s request to dedicate such easement, the Owner may dedicate portions of the Greenway by easement concurrently with one or more subdivision plats for areas lying adjacent to the Greenway; provided however, that Owner may reserve in such easements, rights of access for grading, utilities and maintenance. Each subdivision plat shall depict the Greenway area to be dedicated and shall bear a notation that the Greenway area is dedicated for public use. If, at the time the County requests dedication of the Greenway, any part of the Greenway that has not been dedicated by subdivision plat, shall be (within six (6) months of such request) at Owner’s cost, surveyed, platted and recorded with one or more deeds of easement dedication.

Pursuant to signage plan approval by the Rivanna Water and Sewer Authority (the “RWSA”), the Owner shall install signage along the Trail Network within the Dam Break Inundation Zone designating evacuation routes. Signage shall be installed as the Trail Network is established.

- B. Parks and Civic Spaces. The Owner shall provide not less than 3.2 acres of land within the Project for Parks and Civic Spaces as described in the Code of Development and generally shown on the Application Plan. Each Park or Civic Space shall be substantially completed prior to the issuance

of the fortieth (40th) CO for a residential dwelling unit in the Block in which it is located. Parks and Civic Spaces shall be conveyed to and maintained by the Owner's Association.

3. Cash Proffer for Capital Improvements Projects.

- A. The Owner shall contribute cash on a per "market-rate" dwelling unit basis in excess of the number of units that are allowed by right under the zoning in existence prior to the approval of this ZMA 2015-007 for the purposes of addressing the fiscal impacts of development on the County's public facilities and infrastructure, i.e., schools, public safety, libraries, parks and transportation. For the purposes of this Proffer 3, the number of units allowed by right under the R-1 Residential zoning is two hundred sixty-nine (269) single-family detached units. A "market rate" unit is any dwelling unit in the Project that is not either a For-Sale Affordable Housing Unit or For -Rent Affordable Unit as described in Proffer 4 ("Market Rate Unit"). The cash contributions shall be Seven Thousand Three Hundred and Thirty-three and 18/100 Dollars (\$7,333.18) for each single family detached Market Rate Unit, other than a constructed For-Sale Affordable Dwelling Unit within the Project qualifying as such under Proffer 4. In other words, the cash contribution for market rate single family units shall begin after the issuance of a CO for the 269th single family dwelling unit and prior to the issuance of a CO for the 270th single family dwelling unit. The cash contributions for each single family attached Market Rate Unit shall be Five Thousand Four Hundred and Forty-seven and 57/100 Dollars (\$5,447.57), other than a constructed For-Sale Affordable Housing Unit or a For Rent Affordable Housing Unit within the Project qualifying as such under Proffer 4. The cash contributions for each multifamily Market Rate Unit shall be Seven Thousand Four Hundred Nineteen and 91/100 Dollars (\$7,419.91), other than a constructed For Sale Affordable Housing Unit or For Rent Affordable Housing Unit within the Project qualifying as such under Proffer 4.

4. Affordable Housing.

The Owner shall provide affordable housing equal to fifteen percent (15%) of the total number of residential units constructed on the Property. For example, if one thousand (1000) total units are constructed in the Project, one hundred fifty (150) units, or their equivalent, are required to be provided to satisfy this Proffer 4, subject to paragraph 4C. The Owner or its successors in interest reserve the right to meet the affordable housing objective through a variety of housing types, including but not limited to for sale units, rental units, accessory units and Carriage Units, ("Affordable Units") or through cash contributions, as more particularly described in sections 4A, 4B and 4C below.

- A. For-Sale Affordable Housing Units. All purchasers of the For-Sale Affordable Housing Units, (defined below) shall be approved by the Albemarle County Housing Office or its designee. "For-Sale Affordable Housing Units" shall be dwelling units offered for sale at prices for which households with incomes less than eighty percent (80%) of the area median income may qualify, and shall not exceed sixty-five percent (65%) of VHDA's Maximum Sales Price for first-time homebuyers. The Owner shall provide the County or its designee a period of one hundred twenty (120) days to identify and prequalify an eligible purchaser For-Sale Affordable Housing Units. The one hundred twenty (120) day period shall commence upon written notice from the Owner that the unit(s) shall be available for sale. This notice shall not be given more than ninety (90) days prior to receipt of the Certificate of Occupancy for the applicable For-Sale Affordable Housing Unit; the County or its designee may then have thirty (30) days within which to provide a qualified purchaser for such For-Sale Affordable Housing Unit. If the County or its designee does not provide a qualified purchaser during the 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 the purchaser(s). Carriage Units, as defined in the Code, shall not exceed twenty-five percent (25%) of the total Affordable Units.

B. For-Rent Affordable Housing Units.

- (1) Rental Rates. The initial net rent for each rental housing unit for which Owner seeks qualification for the purposes of this Proffer 4, ("For-Rent Affordable Housing Unit") shall not exceed the then-current and applicable maximum net rent rate approved by the Albemarle County Housing Office. In each subsequent calendar year, the monthly net rent for each For-Rent Affordable Housing Unit may be increased up to three percent (3%). For purpose of this Proffer 4B, the term "net rent" means that the rent does not include tenant-paid utilities. The requirement that the rents for such For-Rent Affordable Housing Units may not exceed the maximum rents established in this paragraph 4B shall apply for a period of ten (10) years following the date the certificate of occupancy is issued by the County for each For-Rent Affordable Housing Unit, or until the units are sold as low or moderate cost units qualifying as such under either the Virginia Housing Development Authority, Farmers Home Administration, or Housing and Urban Development, Section 8, whichever comes first (the "Affordable Term").
- (2) Conveyance of Interest. All deeds conveying any interest in the For-Rent Affordable Housing Units during the Affordable Term shall contain language reciting that such unit is subject to the terms of paragraph 4B. In addition, all contracts pertaining to a conveyance of any For-Rent Affordable Housing Unit, or any part thereof, during the Affordable Term shall contain a complete and full disclosure of the restrictions and controls established by this paragraph 4B. At least thirty (30) days prior to the conveyance of any interest in any For-Rent Affordable Housing Unit during the Affordable Term, the then-current Owner shall notify the County in writing of the conveyance and provide the name, address and telephone number of the potential grantee, and state that the requirements of this paragraph 4B(2) have been satisfied.
- (3) Reporting Rental Rates. During the Affordable Term, within thirty (30) days of each rental or lease term for each For-Rent Affordable Housing Unit, the then-current Owner shall provide to the Albemarle County Housing Office a copy of the rental or lease agreement for each such unit rented that shows the rental rate for such unit and the term of the rental or lease agreement. In addition, during the Affordable Term, the then-current Owner shall provide to the County, if requested, any reports, copies of rental or lease agreements, or other data pertaining to rental rates as the County may reasonably require.

C. Cash in lieu of Constructing Affordable Dwelling Units.

In lieu of constructing For-Sale, or For-Rent Affordable Dwelling Units for fifteen percent (15%) of the total number of Units, the Owner has the option to make a cash contribution to Albemarle County for the affordable housing program in the amount of Twenty-Four Thousand and Three Hundred Seventy Five Dollars (\$24,375.00) (the "Affordable Housing Cash Proffer") for each such unit as follows: the Owner shall exercise the option to make, and thereby shall pay the Affordable Housing Cash Proffer to the County, if the Affordable Housing requirement has not been proportionally met otherwise, in four (4) installments; after an inspection and prior to the issuance of approval of a CO for each of the two hundredth (200th), five hundredth (500th), eight hundredth (800th), and one thousandth (1000th) dwelling unit within the Project. The total Cash in lieu contribution due to Albemarle County at each of the four (4) payment periods as noted above shall be calculated based on the total number of Certificates of Occupancy issued for Market Rate and Affordable Housing Units.

5. Cost Index.

Beginning January 1 of each year following the approval of ZMA 2015-007, the amount of each cash contribution required by Proffers 3 and 4 (collectively, the "Cash Contributions" and individually "Cash Contribution") shall be adjusted annually until paid, to reflect any increase or decrease for the preceding calendar year in the Marshall and Swift Building Cost Index for masonry walls in the Mid-Atlantic ("MSI"). The annual adjustment shall be made by multiplying the proffered Cash Contributions amount due for the preceding year by a fraction, the numerator of which shall be the MSI as of December 1 in the preceding calendar year, the denominator of which shall be the MSI as of December 1 in the year preceding the calendar year most recently ended (the "Annual Percentage Change"). By way of example, the first annual adjustment shall be $\$7,333.18 \times 2017 \text{ MSI} / 2016 \text{ MSI}$. Each annual adjustment shall be based on the amount of the proffered Cash Contribution due for the immediately preceding year based on the formula contained in this Proffer 5 (the amount derived from such formula shall be referred to hereinafter as the "Cash Contribution Due"), provided, however, in no event shall the Cash Contribution amount paid by the Owner be less than Seven Thousand Three Hundred Thirty-three and 18/100 Dollars \$7,333.18 per single family detached Market Rate Unit and Five Thousand Four Hundred Forty-seven and 57/100 Dollars \$5,447.57 per single family attached Market Rate Unit and Seven Thousand Four Hundred Nineteen and 91/100 Dollars \$7,419.91 per multifamily Market Rate Unit under Proffer 3 or Twenty-Four Thousand and Three Hundred Seventy Five Dollars \$24,375.00 per affordable dwelling unit under Proffer 4 (the "Minimum Cash Contribution"). The Annual Percentage Change shall be calculated each year using the Cash Contribution Due, even though it may be less than the Minimum Cash Contribution, HOWEVER, the amount paid by the Owner shall not be less than the Minimum Cash Contribution. For each cash contribution that is being paid in increments, the unpaid incremental payments shall be correspondingly adjusted each year.

6. Credit For In-Kind Contributions.

Notwithstanding the provisions of these Proffers to the contrary, the Owner's obligation to pay Cash Contributions shall not commence until the number of units, to which such Cash Contributions apply have been completed that results in what would otherwise have been a total Cash Contribution equal to the total value of: i) the Elementary School Site, and related improvements to be completed by Owner, ii) the High School Site, iii) the Polo Grounds Road Improvements, iv) Route 29 Intersection Improvements, v) Ashwood Boulevard Connection, and vi) the Trail Network, (collectively referred to as the "In-kind Contribution"). The In-Kind Contribution amount shall be \$28,336,662.00. The In-kind Contribution reflects the value of the improvements that the Owner has committed to make in these proffers that are for the benefit of the public. In other words, the Owner shall not be required to pay any per unit Cash Contributions until the time of the issuance of the building permit for a new unit completed after applying a credit for the In-kind Contribution. In the event that the Project is completed prior to the balance of the In-kind Contribution being exhausted, any remaining balance of the In-kind Contribution may not be applied for any other project or development.

7. Elementary School Site.

Within one year after written request by the County, but in no event earlier than one year after the date of issuance of the first (1st) CO issued for a dwelling within the Project, the Owner shall dedicate to the County, by General Warranty Deed and without consideration, fee simple title to a parcel of land for a public elementary school of, as shown on Figure E: Brookhill School Sites Exhibit and labeled "Elementary School Site" (the "Elementary School Site"). The Elementary School site shall not be less than seven (7) acres, and shall abut a publicly-dedicated right of way. The Elementary School Site shall be a graded and compacted pad site with water, sewer and electricity utility connections constructed to the edge of the parcel to accommodate an elementary school according to standards of the County School Division's Building

Services Department. At the option of the County, and in lieu of the construction of a school, a public park may be established by the County on the Elementary School Site.

8. Public High School or Institutional Use Site.

Within one year after written request by the County, the Owner shall dedicate to the County, by General Warranty Deed and without consideration, fee simple title to a parcel of land for a public high school, and/or such other use as the County may determine suitable, of not less than fifty (50) acres abutting a publicly-dedicated right of way, as shown on Figure E: Brookhill Schools Sites Exhibit and labeled “High School Site” (the “High School Site”). The High School Site shall be conveyed as-is, without any improvements or warranty as to suitability.

9. Historic Resources.

- A. National Register of Historic Places Eligibility. The existing Brookhill dwelling is eligible for the National Register of Historic Places. Owner shall address any adverse impact to this designation as part of the Section 106 Review under the National Historic Preservation Act of 1966 (NHPA), which is administered by the Virginia Department of Historic Resources (DHR).
- B. Cemetery Delineation. Owner shall i) delineate any cemeteries encountered within the Project on the site plan or subdivision plat for the area to be developed which contains such cemetery or cemeteries, and ii) submit a treatment plan for any such cemetery for approval by the County Director of Community Development, or its designee at the plan or plat review.
- C. Greenway Area Woodlands Camp. There shall be no land disturbance by Owner or by any of its licensees, or successors of the Woodlands Camp located in the Greenway Area and identified in the Phase I Historic Resources Study for the Project.

This Proffer Statement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same instrument.

[Signature Pages to Follow]

WITNESS the following signature:


OWNERS of Tax Map Parcel 04600-00-00-018A0:


By: 
CHARLES R. HAUGH

By: 
ELIZABETH ANN OGLESBY HAUGH

Date: May 8, 2019

OWNERS of Tax Map Parcel 04600-00-00-01800:

By: 
CHARLES R. HAUGH, TRUSTEE

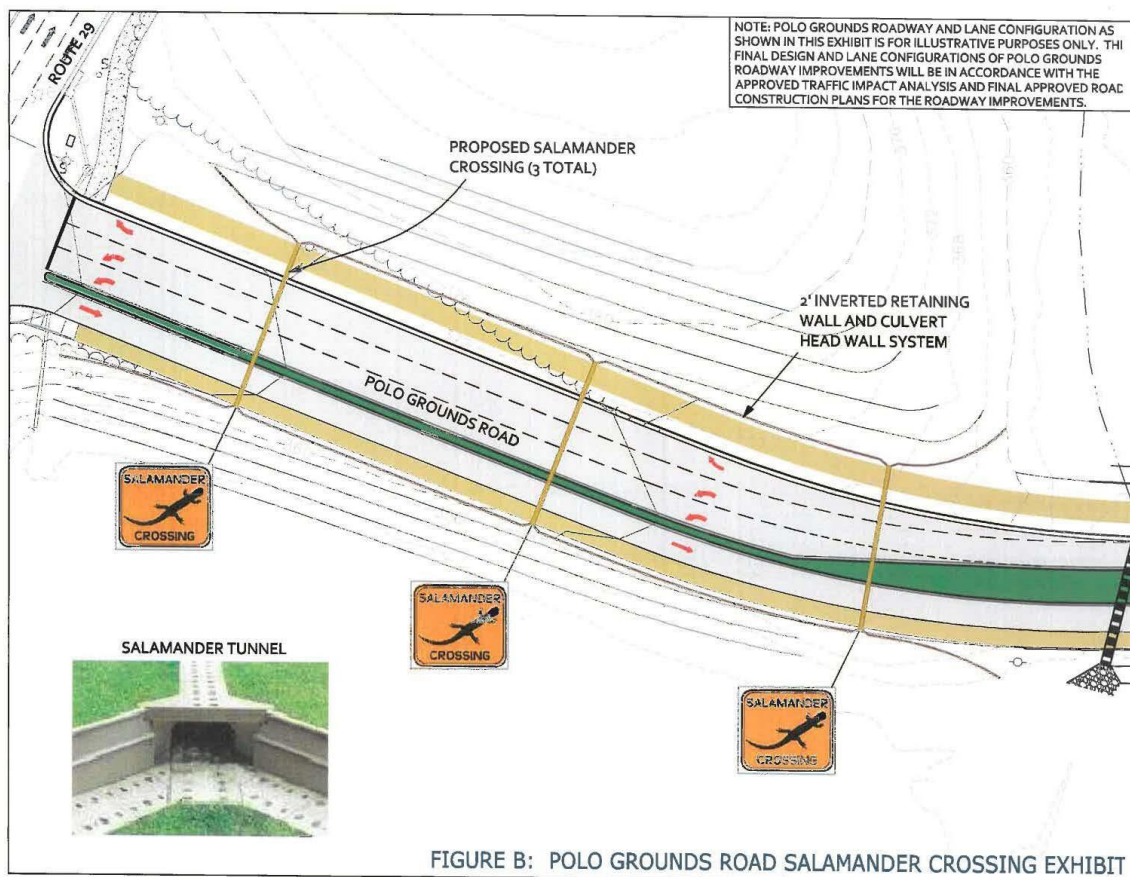
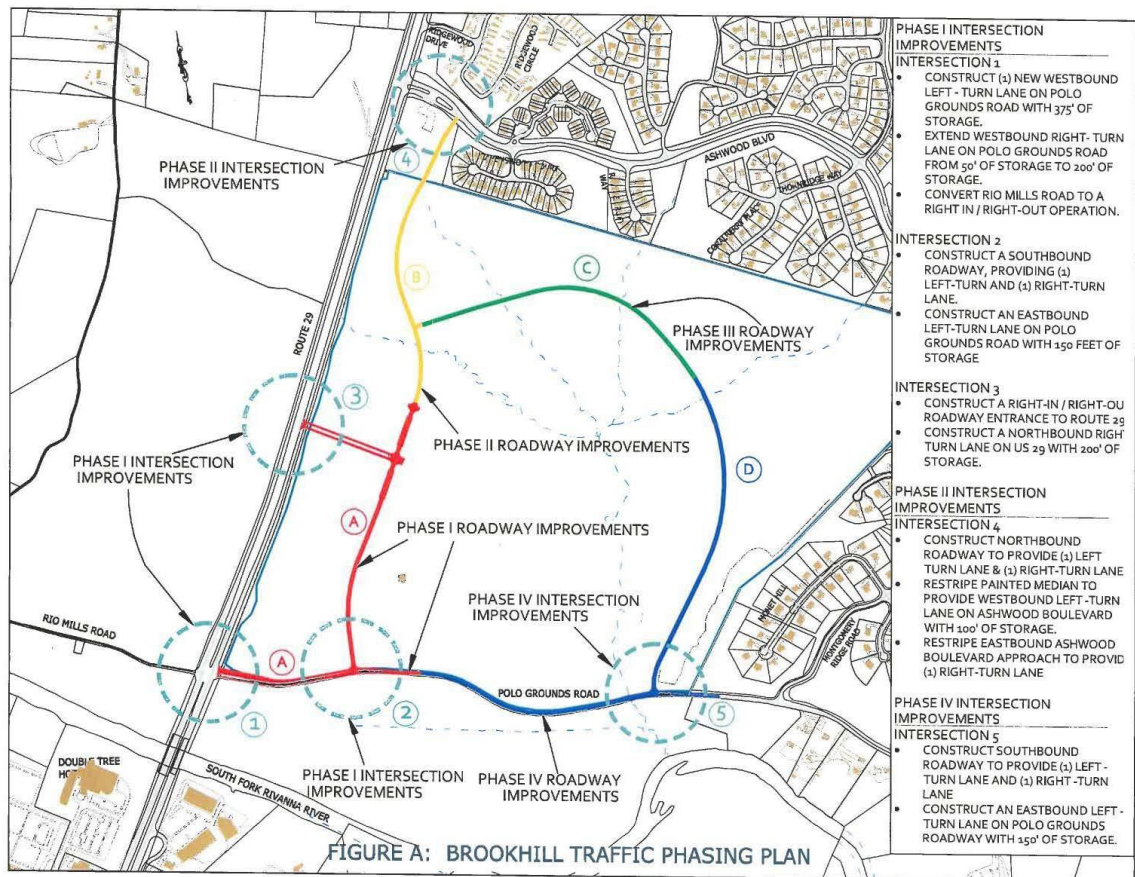
By: 
DOUGLAS B. OGLESBY, TRUSTEE

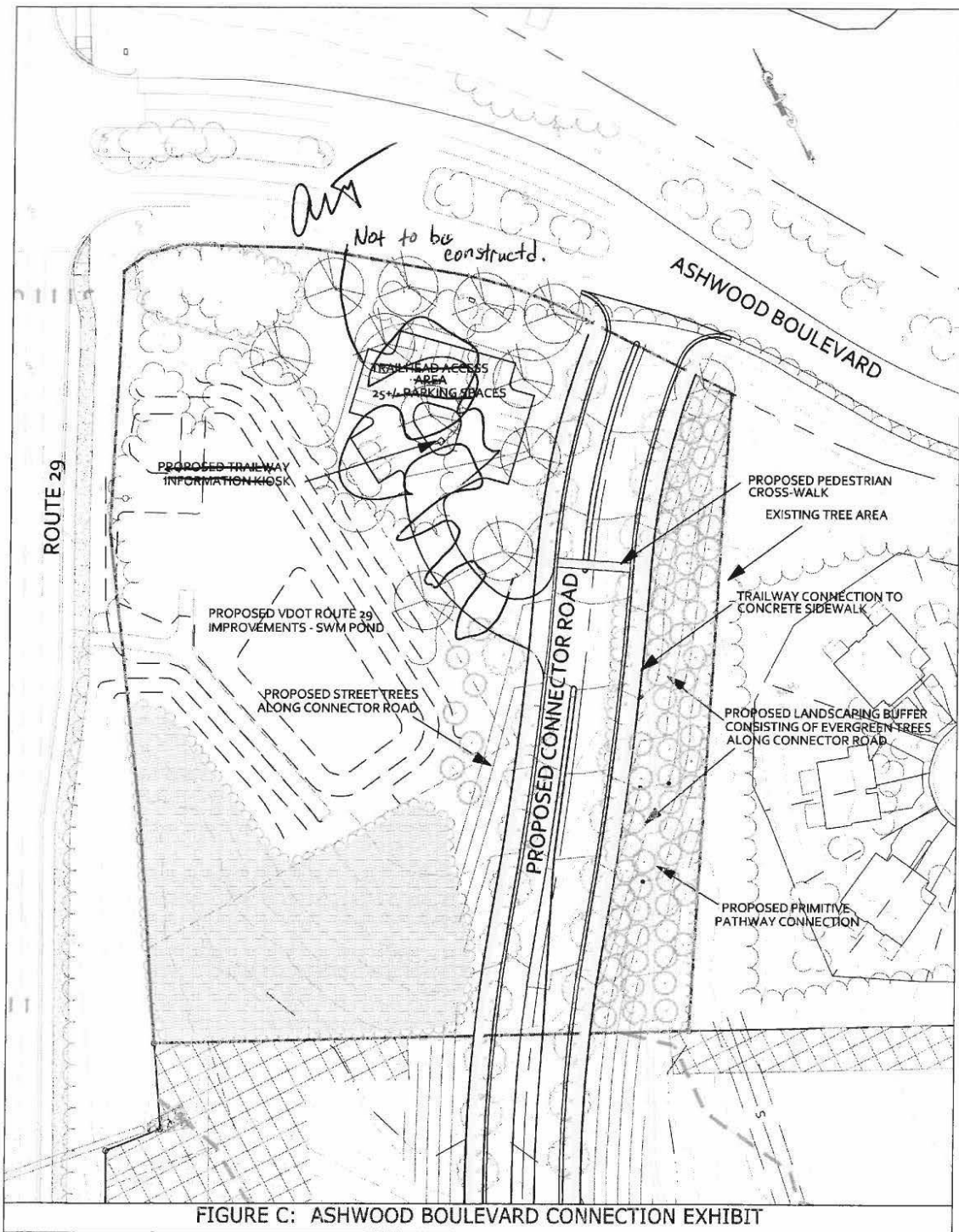
Date: 5-8-19

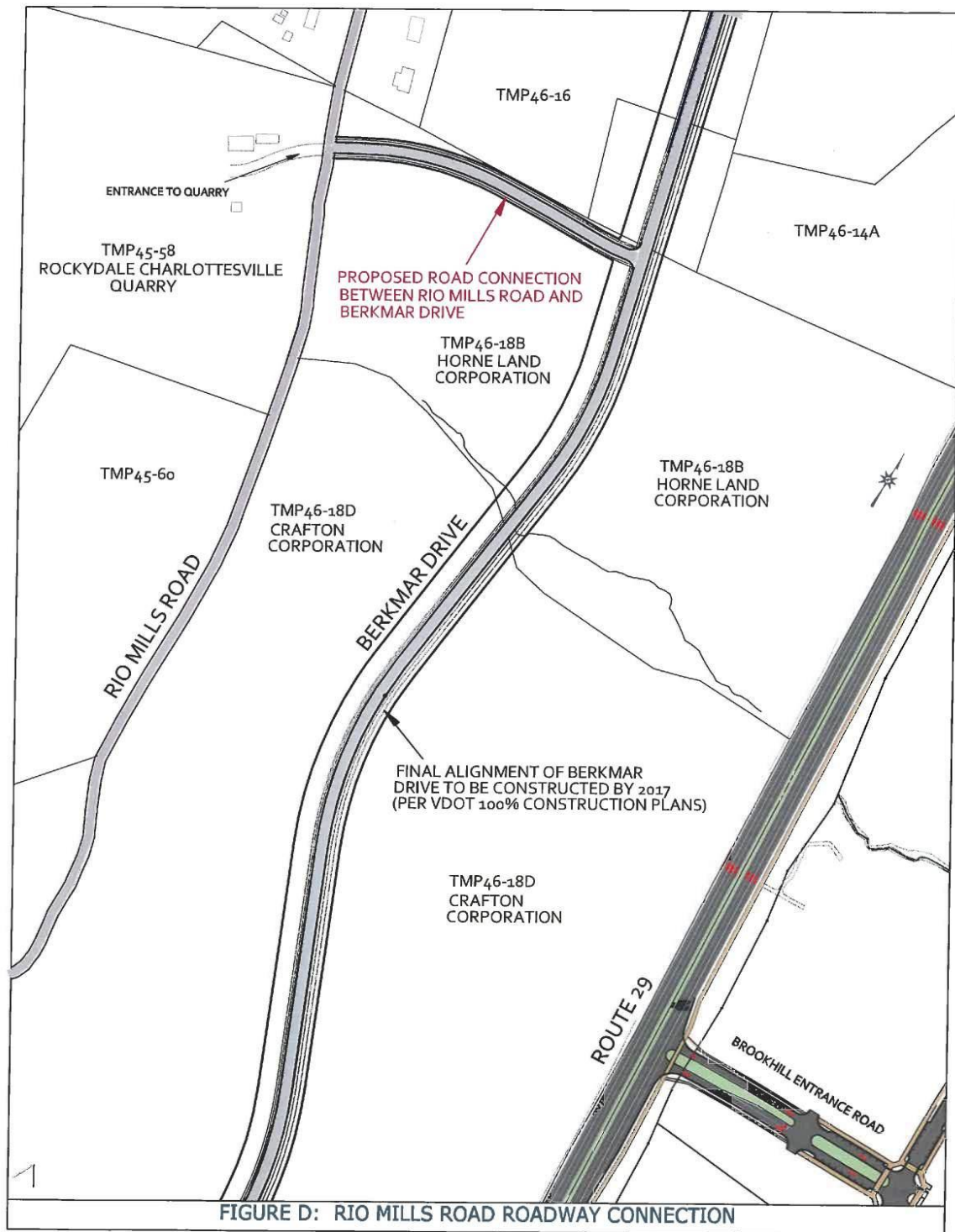
OWNER of Tax Map Parcel 04600-00-00-019B4, 04600-00-00-019B3,
04600-00-00-019A1, 04600-00-00-019A2:
CROCKETT CORPORATION, a Virginia corporation

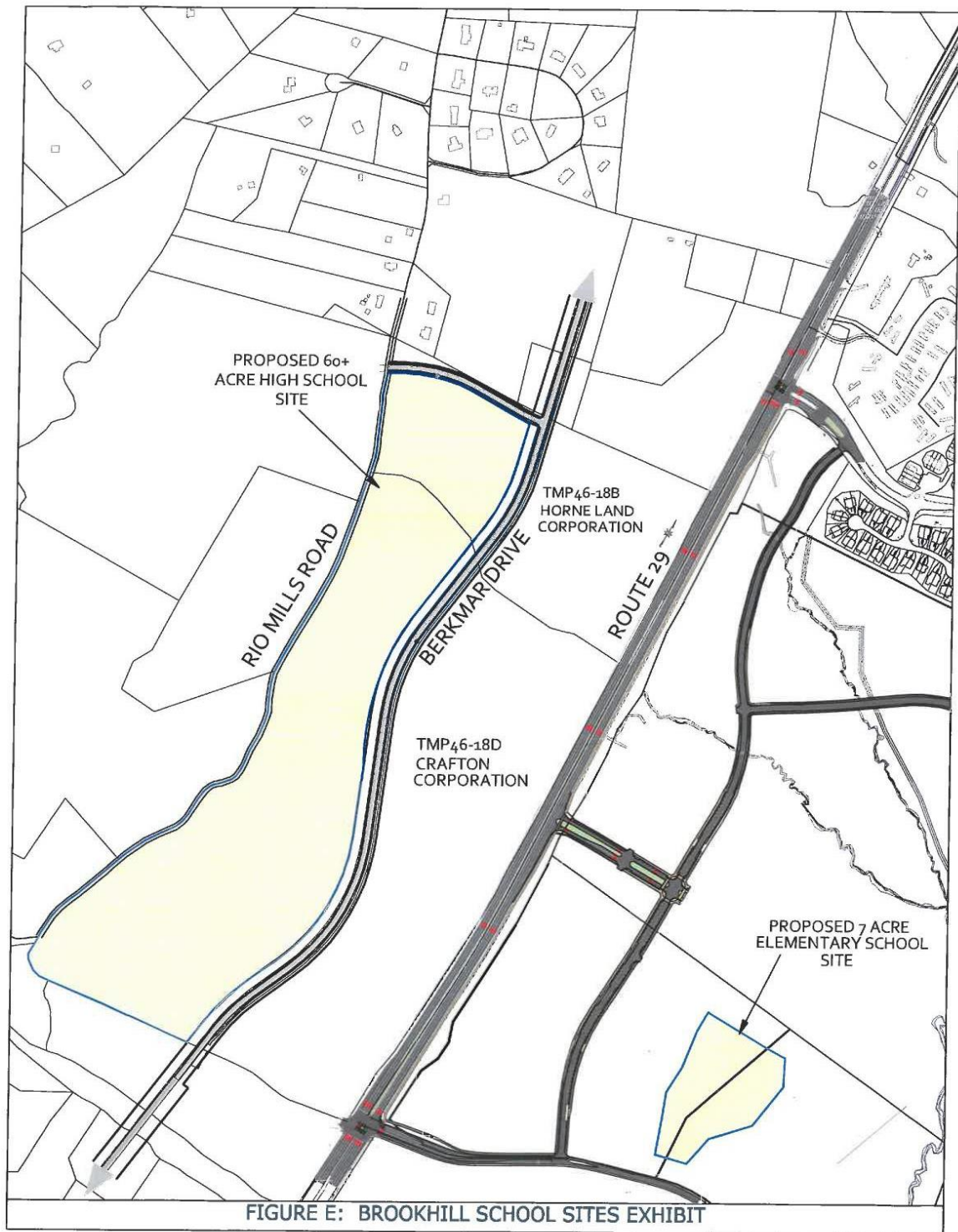
By:  President
Ann O. Haugh, Its President

Date: May 8, 2019









**RESOLUTION OF SUPPORT
FOR RIO MILLS CONNECTOR TO BERKMAR EXTENDED ALIGNMENT**

WHEREAS, Albemarle County included a connection from Rio Mills Road to the new Berkmar Drive Extended in the Places 29 Master Plan as a priority road improvement; and

WHEREAS, Albemarle County approved the accumulation of Telefee funds in the Secondary Six Year Plan to be designated to the construction of this Connector road; and

WHEREAS, the Commonwealth Transportation Board approved the remainder of funding necessary to complete the connector road to be awarded to Albemarle County through the Smart Scale program based on Albemarle County's 2016 Grant application; and

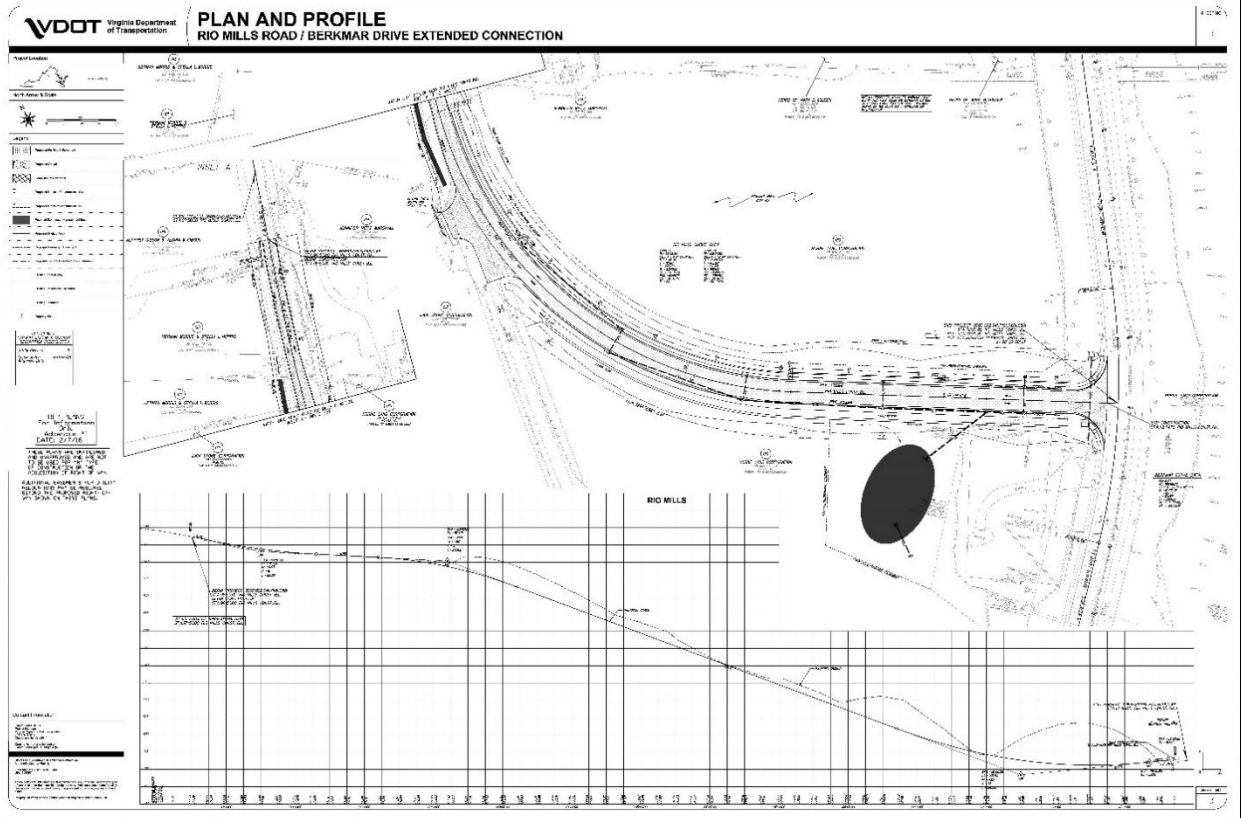
WHEREAS, the Virginia Department of Transportation worked extensively with Albemarle County staff, Albemarle County Schools Division, and the developer of Brookhill on the proposed alignment of the connector road; and

WHEREAS, the Virginia Department of Transportation received public comments on the preliminary design and alignment at advertised Public Hearings on October 9, 10, and 11, 2018; and

WHEREAS, the public comments received by the Virginia Department of Transportation supported the proposed alignment of the new connector road.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby fully endorses and supports the proposed alignment as presented by the Virginia Department of Transportation for the Rio Mills to Berkmar Drive Connector; and

BE IT FURTHER RESOLVED, that the Board of Supervisors hereby respectfully requests the Commonwealth Transportation Board to approve the proposed alignment for design and construction.



RESOLUTION TO AUTHORIZE THE COUNTY EXECUTIVE TO SIGN A MEMORANDUM OF AGREEMENT WITH THE UNIVERSITY OF VIRGINIA FOUNDATION AND THE COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE OF CULVERTS AND UTILITIES ON ROUTE 1571 (LEWIS AND CLARK DRIVE)

WHEREAS, the University of Virginia Foundation (the “Foundation”) is the owner of the UVA Research Park site in Albemarle County and is constructing an extension of State Route 1571 (Lewis and Clark Drive) to connect the current termini of Lewis and Clark Drive at State Route 1666 (Quail Run) and State Route 1654 (Innovation Drive), which includes the placement of culverts to facilitate the crossing of drainage areas; and

WHEREAS, the design of roadway requires that certain utilities be placed longitudinally with the roadway between the surface and the culverts to reduce environmental impacts, excessive costs, and access and maintenance issues; and

WHEREAS, the Commonwealth of Virginia Department of Transportation (“VDOT”) typically expects all longitudinal utility installations to be placed outside of the right-of-way when practical along proposed roads functionally classified as collector and above that are to be accepted into the state system of highways; and

WHEREAS, VDOT has reviewed the proposed Lewis and Clark Drive designs and determined that they will permit longitudinal utility installations within the right-of-way of Lewis and Clark Drive to minimize environmental impacts to wetlands and streams under specific conditions; and

WHEREAS, those conditions include that the utilities will be located in the graded and unpaved portion of the typical section of the road and that Albemarle County will guarantee, through a three-party or other agreement, that all costs associated with utility relocation for repair or replacement of box culverts will be paid; and

WHEREAS, Albemarle County concurs with VDOT that the Foundation should be responsible for all costs due to the location of the longitudinal utilities on the VDOT maintained highway systems serving the event site.

IT IS HEREBY RESOLVED, that the Albemarle County Board of Supervisors authorizes the County Executive to sign a Memorandum of Agreement(s) with the University of Virginia Foundation and/or the Commonwealth of Virginia Department of Transportation for maintenance of Route 1571, (Lewis and Clark Drive) related to the drainage structures carrying longitudinal utilities within the right-of-way, as well as any additional agreements that may be necessary to protect the County’s interests and ensure that all responsibility for potential costs is borne by the Foundation.

**RESOLUTION TO APPROVE A SPECIAL EXCEPTION
TO VARY THE CODE OF DEVELOPMENT FOR
ZMA2001-7 STONEFIELD (FORMERLY ALBEMARLE PLACE)**

WHEREAS, the Owner of Tax Parcel 061W0-03-00-019A0 filed a request for a special exception to vary the Code of Development approved in conjunction with ZMA2001-7 Stonefield (formerly Albemarle Place) to modify the Code of Development to allow drive-through windows by-right in Block G.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Memorandum 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 §§ 18-8.5.5.3 and 18-33.49, the Albemarle County Board of Supervisors hereby approves the special exception to vary the Code of Development approved in conjunction with ZMA2001-7 Stonefield (formerly Albemarle Place) as described above, subject to the condition attached hereto.

ZMA2001-7 Stonefield (formerly Albemarle Place) – Special Exception Condition

1. The special exception must apply to the area shown on the application plan for this Variation Request entitled "C&F Bank at Stonefield: Special Exception for Drive-Through", prepared by Design Develop, dated April 29, 2019.



1 COVER
3 TABLE OF CONTENTS - PROJECT DESCRIPTION
4 VICINITY MAP
5 CODE OF DEVELOPMENT APPENDIX A
6 EXISTING SITE PLAN
7 PROPOSED SITE PLAN

A. Introduction We are seeking a Special Exception to the Stonefield Code of Development to allow for a drive-through at a bank being designed in Stonefield Block G. Currently, the Code allows financial institutions by right, however associated drive-through windows require a Special Use Permit. We would like to amend Stonefield's Code of Development to allow drive-through windows to be allowed by right in Block G in accordance with the Neighborhood Model District (NMD), which has allowed drive-through windows by right since 2016.

B. Consistency with the Goals and Objectives of the Comprehensive Plan Allowing a Drive-Through window by right in the Stonefield Code of Development is consistent with the Neighborhood Model District's goal of providing "compact, mixed-use development with ... an infrastructure configuration that integrates diversified uses within close proximity to each other," by allowing the bank to develop a financial center that can satisfy customer needs through multiple means of service. This drive-through would also be in accordance with providing NMD characteristics including "interconnected streets and transportation networks," and "relegated parking" by creating a means of service that does not rely on additional parking but integrates into the existing street system in the area of development. It also meets the characteristics of contributing to "neighborhood centers," and a "mixture of uses and use types" by developing the first financial center in the Stonefield Development area.

C. Does not increase the Approved Development Density or Intensity of Development The addition of a Drive-Through Window will not increase the intensity of development, but decrease the amount of parking congestion by providing customers with multiple means of utilizing the bank's services.

D. Does not Adversely affect the Timing and Phasing of Development of any other Development in the Zoning District As the last plot of land to be developed in Block G of Stonefield, the request will not adversely affect any additional development in the zoning district.

E. Does not Require a Special Use Permit Per a Zoning Text Amendment approved 03-02-2016, Drive-Through Windows are permitted By Right in Neighborhood Model Districts (18-20A.6 section a.12). This Special Exception requests that Stonefield's Code of Development, which currently only allows drive-through windows through a Special Use Permit, be amended to meet NMD's by right uses for drive-throughs, specifically within Block G of Stonefield.

F. Is in General Accord with the Purpose and Intent of the Approved Application The proposed modification to Stonefield's Code of Development is consistent with the purpose and intent of by right uses in Neighborhood Model Districts to create a diverse mixture of uses and use types and create consistency between the NMD comprehensive plan and Stonefield's Code of Development.



STONEFIELD CODE OF DEVELOPMENT

NEIGHBORHOOD MODEL DISTRICT ZONING SUPPLEMENT

CODE OF DEVELOPMENT APPENDIX A - Permitted/Prohibited Uses by Block*							
October 15, 2003 (as revised on July 8, 2010 and approved by Board of Supervisors on August 4, 2010, and as further revised on June 3, 2013)							
*P=Permitted uses by block; SP=Uses that may be applied for via Special Use Permit; Blank = Uses prohibited within block. The square footages for all uses shown in this table shall count towards the retail portion of the non-residential square footage maximum established in the Code of Development in Table I. "Uses Table"							
Block Group		1		2		3	
Block		A	B	C	D	E	F
RESIDENTIAL	Detached single family	P	P	P	P	P	
	Semi-detached and attached single-family dwellings such as duplexes, triplexes, quadruplexes, atrium houses and patio houses, and accessory apartments	P	P	P	P	P	
	Multiple family dwellings	P	P	P	P	P	
	Residential permitted residential uses	P	P	P	P	P	
	Homes for developmentally disabled persons (reference 5.1.07)	P	P	P	P	P	
	Boarding houses	P	P	P	P	P	
	Tourist lodgings (reference 5.1.17)	P	P	P	P	P	
	Home occupation, Class A (reference 5.2)	P	P	P	P	P	
	Home occupation, Class B (reference 5.2)	SP	SP	SP	SP	SP	
	Accessory uses and buildings, including storage buildings	P	P	P	P	P	P
COMMERCIAL	Assisted living	P	P	P	P	P	P
	Rest home, nursing homes, or convalescent homes	P	P	P	P	P	P
	Administrative, business and professional offices	P	P	P	P	P	P
	Antiques, gift, jewelry, notions and craft shops	P	P	P	P	P	P
	Auction houses	P	P	P	P	P	P
	Automobile dealerships	P	P	P	P	P	P
	Automobile, truck repair shop excluding body shop					P	P
	Automobile service stations (reference 5.1.20)					P	P
	Barber, beauty shops	P	P	P	P	P	P
	Body Shop	SP	SP	SP	SP	SP	SP
INDUSTRIAL	Building materials sales	P	P	P	P	P	P
	Tier I personal wireless service facilities (reference 5.1.40)	P	P	P	P	P	P
	Tier II personal wireless service facilities (reference 5.1.40)	P	P	P	P	P	P
	Tier III personal wireless service facilities (reference 5.1.40)	SP	SP	SP	SP	SP	SP
	Cemeteries	P	P	P	P	P	P
	Churches	P	P	P	P	P	P
	Clothing, apparel and shoe shops	P	P	P	P	P	P
	Cheese, lodges, civic, fraternal, patriotic (reference 5.1.2)	P	P	P	P	P	P
	Commercial kennels - indoor only (reference 5.1.11)	P	P	P	P	P	P
	Commercial recreation establishments including but not limited to amusement centers, bowling alleys, pool halls and dance halls	P	P	P	P	P	P
UTILITIES	Community center	P	P	P	P	P	P
	Concessions office and equipment storage yard	P	P	P	P	P	P
	Convenience stores	P	P	P	P	P	P
	Day care, child care, or nursery facility (reference 5.1.06)	P	P	P	P	P	P
	Department store	P	P	P	P	P	P
	Drive-in theaters	P	P	P	P	P	P
	Drive-in window serving or associated with permitted uses	SP	SP	SP	SP	SP	SP
	Drug store, pharmacy	P	P	P	P	P	P
	Eating establishment (not including fast food restaurant)	P	P	P	P	P	P

20A.6 PERMITTED USES

The following uses shall be permitted in an NMD, subject to the regulations in this section and section 8, the approved application plan and code of development, and the accepted profiles:

- a. *By right use.* The following uses are permitted by right if the use is expressly identified as a by right use in the code of development or if the use is permitted in a determination by the zoning administrator pursuant to subsection 8.5.5.3(c)(1):
- Each use allowed by right or by special use permit in any other zoning district, except for those uses allowed only by special use permit delineated in subsections 20A.6(b)(2) and (b)(3); provided that the use is identified in the approved code of development.
 - Water, sewer, energy and communications distribution facilities.
 - Accessory uses and buildings including storage buildings.

18-20A-3

Zoning Supplement #104, 10-11-17

- Home occupation, Class A, where the district includes residential uses.
- Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
- Public uses (reference 5.1.12).
- Tourist lodgings, where the district includes residential uses.
- Group homes, where the district includes residential uses.
- Tier I and Tier II personal wireless service facilities (reference 5.1.40).
- Farmers' markets (reference 5.1.47).
- Family day homes (reference 5.1.56). (Added 9-11-13)
- Drive-through windows (reference 5.1.60). (Added 3-2-16)

- b. *By special use permit.* The following uses are permitted by special use permit if the use is expressly identified as use permitted by special use permit in the code of development:

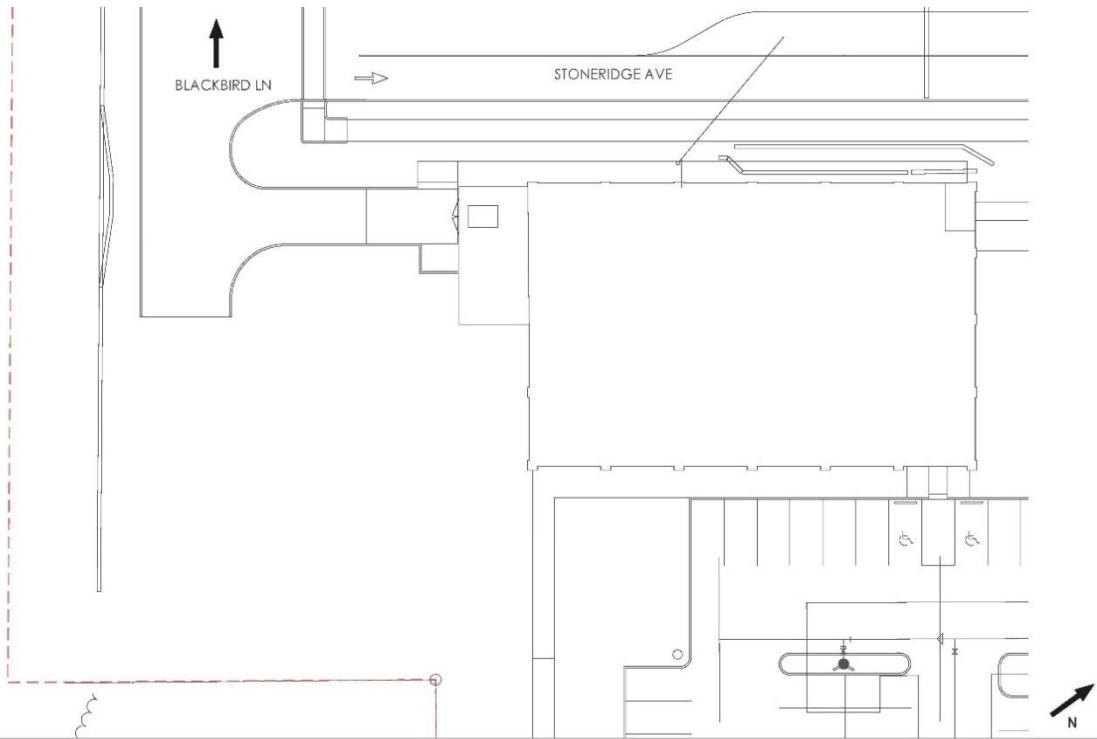
- Each use allowed by right or by special use permit in any other zoning district.
- (Repealed 3-2-16)
- Outdoor storage, display and/or sales serving or associated with a by right permitted use, if any portion of the use would be visible from a travelway.

(Ord. 03-18(2), 3-19(3); Ord. 04-18(2), 10-13-04; Ord. 09-18(9), 10-14-09; Ord. 10-18(4), 5-5-10; Ord. 13-18(2), 4-3-13; Ord. 13-18(5), 9-11-13; Ord. 16-18(2), 3-2-16)

C&F BANK AT STONEFIELD
ALBEMARLE COUNTY, VA

CODE OF DEVELOPMENT

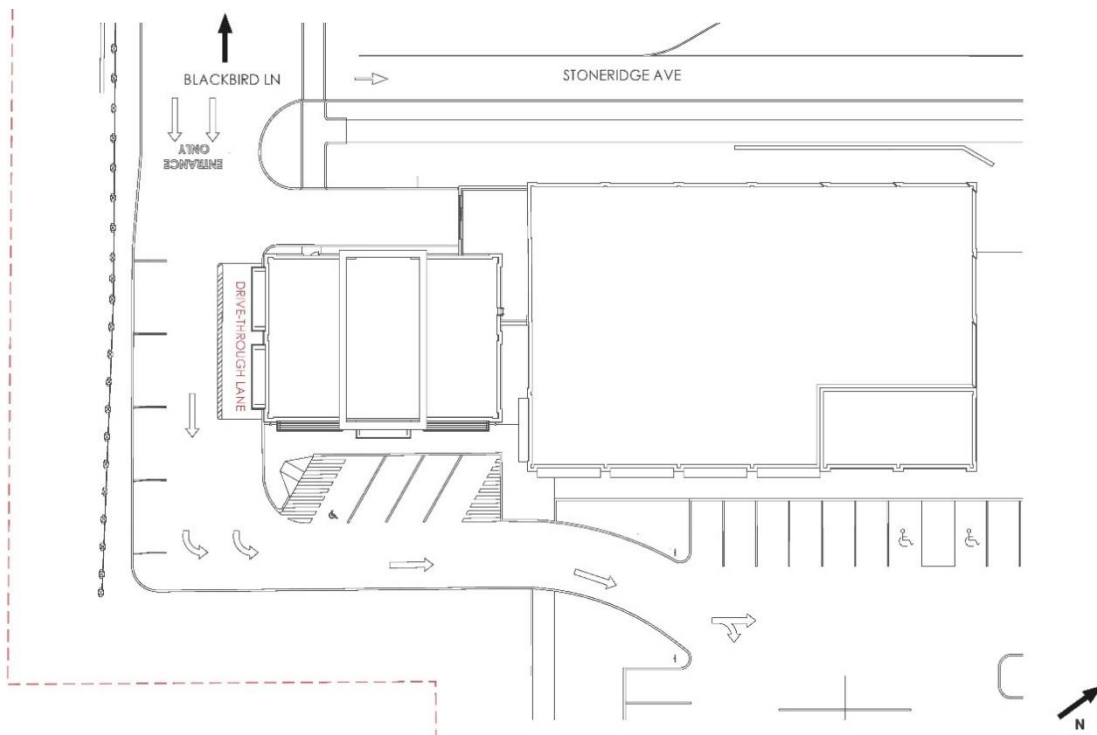
SPECIAL EXCEPTION APPLICATION
APRIL 29, 2019



C&F BANK AT STONEFIELD
ALBEMARLE COUNTY, VA

EXISTING SITE CONDITIONS

SPECIAL EXCEPTION APPLICATION
APRIL 29, 2019



C&F BANK AT STONEFIELD
ALBEMARLE COUNTY, VA

PROPOSED SITE PLAN

SPECIAL EXCEPTION APPLICATION
APRIL 29, 2019

**RESOLUTION TO APPROVE
SP 2015-28 BLUE RIDGE SWIM CLUB
– DAY CAMP, BOARDING CAMP**

WHEREAS, the applicant submitted an application for a special use permit to amend a previously approved special use permit (SP 2010-35) to change the current boundaries of the use by allowing a portion of Tax Parcel 05800-00-00-075A0 to be divided off and used as a residential lot and to remove the expiration date of the day camp and boarding camp use, and the application is identified as SP201500028 Blue Ridge Swim Club – Day Camp, Boarding Camp (“SP 2015-28”); and

WHEREAS, on May 21, 2019, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2015-28 with staff-recommended conditions, provided that the Concept Plan was revised to show the replacement of the White Pines with tree species similar to those already existing on the site; and

WHEREAS, the applicant has since submitted a revised Concept Plan that includes what staff believes to be appropriate tree species for the site; and

WHEREAS, on July 17, 2019, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2015-28.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2015-28 and all of its attachments, the information presented at the public hearing, any written comments received, and the factors relevant to a special use permit in Albemarle County Code §§ 18-10.2.2(20) and 18-33.40, the Albemarle County Board of Supervisors hereby approves SP 2015-28, subject to the applicable performance standards for day camps and boarding camps in Albemarle County Code § 18-5.1.05, and the conditions attached hereto.

* * *

**SP-2015-28 Blue Ridge Swim Club – Day Camp, Boarding Camp
Special Use Permit Conditions**

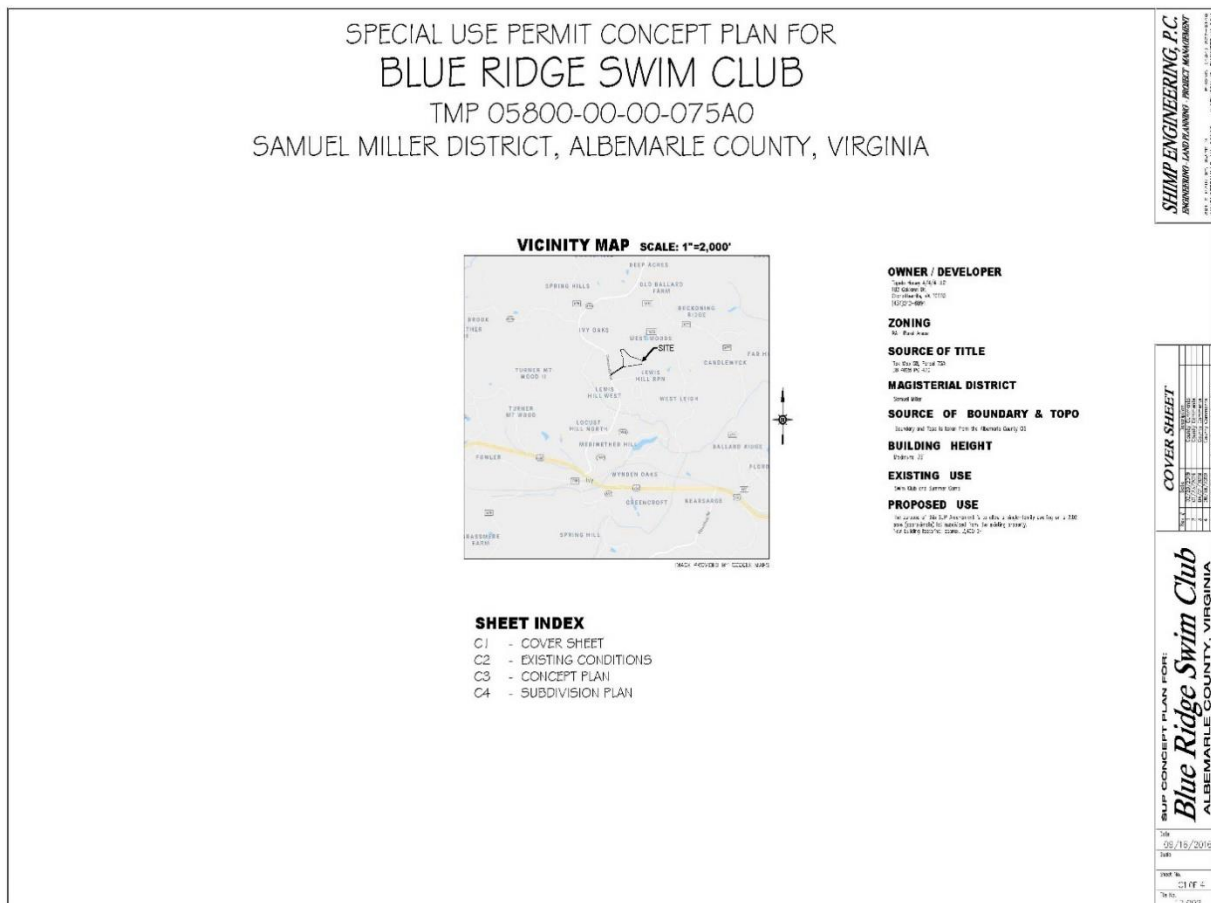
1. Development of the camp use must be in general accord with the conceptual plan titled “SUP Concept Plan For: Blue Ridge Swim Club,” prepared by Shimp Engineering, and dated 6/21/2019, (hereafter “Conceptual Plan ”), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development must reflect the following major elements within the development essential to the design of the development:

- Limits of disturbance
- Location of pavilion building; Pavilion footprint may be no larger than 1300 sf ft.
- Location of parking areas
- Minimum clearing possible may be allowed to locate well, septic line and drainfields, parking and pavilion as shown on the Blue Ridge Swim Club concept plan.

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

2. The hours of operation for SP201500028 Blue Ridge Swim Club – Day Camp, Boarding Camp: five days per week, Memorial Day weekend through Labor Day weekend and must not begin earlier than 8: 30 AM and must not end later than 5: 00 PM Monday, Tuesday, Wednesday, and Friday. On Thursdays, 8: 30 AM through overnight stays will be permitted. The nighttime maximum sound level of 55 decibels shall be imposed from 9: 30 PM to 8: 30 AM.

3. All outdoor lighting must be only full cut -off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot candles must be submitted to the Zoning Administrator or their designee for approval.
4. Food prepared off -site may be sold from a concession stand that is depicted on the Conceptual Plan.
5. Approval of the Health Department for the well, septic and food concession will be required prior to approval of a site plan.
6. Approval by the Virginia Department of Transportation for the entrance will be required prior to approval of site plan.
7. Prior approval by the Fire Department will be required prior to all outdoor cooking and /or campfires.
8. No amplification of sound will be permitted, with the exception of a megaphone used on Fridays during each season (Memorial Day through Labor Day) during field games, radios and electronic sound producing or reproducing devices, provided that any such amplified sound must comply with the applicable noise regulations.
9. Parking on Owensville Road by attendees or staff of the Blue Ridge Swim Club or the Camp will not be permitted.
10. No more than 200 people will be permitted on the property for any purpose at any time.
11. No more than 100 overnight campers will be permitted at any one time.
12. Planting or bonding of the new trees shown on sheet C3 of the Conceptual Plan will be required prior to the approval of a final plat subdividing the property as shown on the conceptual plan.



**RESOLUTION TO APPROVE
SP 2015-29 BLUE RIDGE SWIM CLUB**

WHEREAS, the applicant submitted an application for a special use permit to amend a previously approved special use permit (SP 2010-41) to change the current boundaries of the use by allowing a portion of Tax Parcel 05800-00-00-075A0 to be divided off and used as a residential lot, and the application is identified as SP201500029 Blue Ridge Swim Club (“SP 2015-29”); and

WHEREAS, on May 21, 2019, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2015-29 with staff-recommended conditions, provided that the Concept Plan was revised to show the replacement of the White Pines with tree species similar to those already existing on the site; and

WHEREAS, the applicant has since submitted a revised Concept Plan that includes what staff believes to be appropriate tree species for the site; and

WHEREAS, on July 17, 2019, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2015-29.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2015-29 and all of its attachments, the information presented at the public hearing, any written comments received, and the factors relevant to a special use permit in Albemarle County Code §§ 18-10.2.2(4) and 18-33.40, the Albemarle County Board of Supervisors hereby approves SP 2015-29, subject to the applicable performance standards for swimming facilities in Albemarle County Code § 18-5.1.16, and the conditions attached hereto.

* * *

**SP-2015-29 Blue Ridge Swim Club
Special Use Permit Conditions**

1. Development of the swim club use must be in general accord with the conceptual plan titled “SUP Concept Plan For: Blue Ridge Swim Club,” prepared by Shimp Engineering, and dated 6/21/2019, (hereafter "Conceptual Plan "), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development must reflect the following major elements within the development essential to the design of the development:
 - Limits of disturbance
 - Location and size of pavilion building
 - Location of parking areas
 - Minimum clearing possible may be allowed to locate well, septic line and drainfields, parking and pavilion as shown on the Blue Ridge Swim Club concept plan.

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.
2. The hours of operation for SP201500028 Blue Ridge Swim Club must not begin earlier than 12:00 PM (noon) and must end not later than 8: 00 P. M., each day, seven days per week, Memorial Day weekend through Labor Day weekend.
3. All outdoor lighting must be only full cut -off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0. 3 foot candles must be submitted to the Zoning Administrator or their designee for approval.
4. Food prepared off -site may be sold from a concession stand that is depicted on the Conceptual Plan.

5. Approval of the Health Department for the well, septic and food concession will be required prior to approval of a site plan.
6. Approval by the Virginia Department of Transportation for the entrance will be required prior to approval of site plan.
7. Prior approval by the Fire Department will be required prior to all outdoor cooking and /or campfires.
8. No amplification of sound will be permitted, with the exception of a megaphone used on Fridays during each season (Memorial Day through Labor Day) during field games, radios and electronic sound producing or reproducing devices, provided that any such amplified sound must comply with the applicable noise regulations.
9. Parking on Owensville Road by attendees or staff of the Blue Ridge Swim Club or the Camp will not be permitted.
10. No more than 200 people will be permitted on the property for any purpose at any time.
11. Planting or bonding of the new trees shown on sheet C3 of the Conceptual Plan will be required prior to the approval of a final plat subdividing the property as shown on the conceptual plan.

ORDINANCE NO. 19-A(10)
ZMA 2018-00014

**AN ORDINANCE TO AMEND THE ZONING MAP
FOR TAX MAP PARCEL 07500-00-00-06300**

WHEREAS, the application to rezone a 15.2-acre portion of the 544-acre property from R1 Residential to HC Highway Commercial for Tax Map Parcel 07500-00-00-06300 is identified as ZMA 2018-00014 Birdwood Mansion and Grounds (“ZMA 2018-00014”); and

WHEREAS, on June 4, 2019, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2018-00014; and

WHEREAS, on July 17, 2019, the Albemarle County Board of Supervisors held a duly noticed public hearing on ZMA 2018-00014.

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 2018-00014 and their attachments, 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 §§ 18-24.1 and 1-33.27, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2018-00014 with the Concept Plan entitled “Birdwood Mansion and Grounds, Charlottesville, VA, ZMA 2018-00014,” prepared by Elise Cruz, UVA Foundation, with page 1 of 3 dated May 10, 2019, and pages 2 and 3 of 3 dated March 28, 2019, and Proffers dated May 10, 2019.

**RESOLUTION TO APPROVE SPECIAL EXCEPTIONS
FOR ZMA 2018-14 BIRDWOOD MANSION AND GROUNDS**

WHEREAS, the owner of Tax Parcel 07500-00-00-06300 filed a request for special exceptions to modify or waive requirements of the following Zoning Ordinance requirements in conjunction with ZMA 2018-14 Birdwood Mansion and Grounds as depicted on the pending plans under review by the County's Department of Community Development:

General regulations:

- § 18-4.20(a) – Setbacks and setbacks in conventional commercial and industrial districts

Commercial District – Generally:

- § 18-21.7 – Minimum yard requirements

Site plans:

- § 18-32.7.9 – Landscaping and screening; and

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Transmittal Summary and Staff Analysis prepared in conjunction with the application, all of the factors relevant to the special exceptions in County Code §§ 18-4.20(a), 18-21.7, 18-32.7.9, 18-33.47.B, 18-33.48.B, and 18-33.49, and the information provided at the Board of Supervisors' meeting, the Albemarle County Board of Supervisors hereby approves the special exceptions to authorize the modification and waiver of the County Code sections set forth above, subject to the conditions attached hereto.

ZMA 2018-14 Birdwood Mansion and Grounds Special Exception Conditions

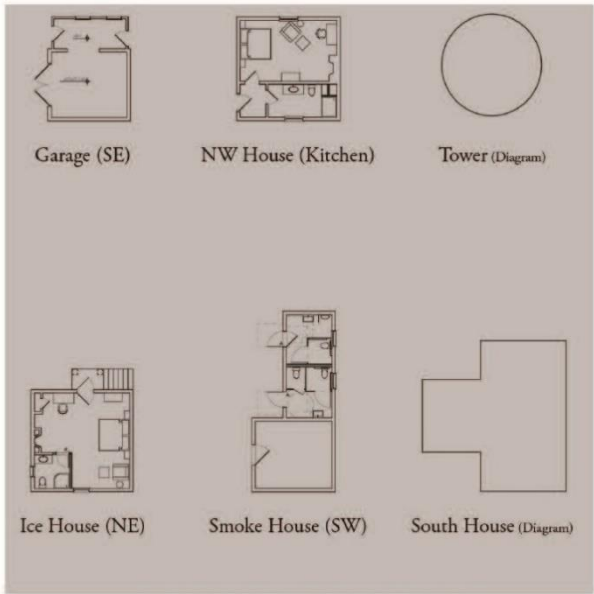
1. The modification and waivers of the above-referenced County Code sections must be in general accordance with the Concept Plan entitled "Birdwood Mansion and Grounds, Charlottesville, VA, ZMA 2018-00014," prepared by Elise Cruz, UVA Foundation, with page 1 of 3 dated May 10, 2019, and pages 2 and 3 of 3 dated March 28, 2019, and Proffers dated May 10, 2019.

Existing Conditions



Elise Cruz, UVA Foundation
3/28/2019
Page 2

Outbuildings Detail



Existing floor plans with potential uses for outbuildings. All buildings will be preserved; some may be renovated and reused.



Current site layout

Prepared By:
Elise Cruz
UVA Foundation
3/28/2019
Page 3

This plan is for illustrative purposes only and is subject to change.

BIRDWOOD MANSION AND GROUNDS

ZMA 2018-00014

PROFFER STATEMENT

Date: May 10, 2019
ZMA#: ZMA 2018-00014
Tax Map Parcel #: 07500-00-00-06300 (portion of)
Owner of Record: University of Virginia Foundation

15.21 acres to be rezoned from R-1 Residential ("R-1") to Highway Commercial ("HC").

The following property is subject to rezoning application ZMA 2018-00014 (the "Application") and thus to this proffer statement: a portion of Tax Map Parcel 07500-00-00-06300 shown as "Proposed Area of Rezoning 15.21 acres" on the Rezoning Boundary Exhibit, prepared by Roger W. Ray & Assoc., Inc, dated October 18, 2018, last revised March 21, 2019, and attached hereto as Exhibit A (the "Property"). The Applicant and owner of the Property is University of Virginia Foundation (the "Owner").

The Owner hereby voluntarily proffers that if the Albemarle County Board of Supervisors acts to approve the Application, as requested, the Owner and its successors and assigns shall develop the Property in accord with the following proffers pursuant to Section 15.2-2298 of the Code of Virginia, 1950, as amended, and pursuant to Section 33.22 of the Albemarle County Zoning Ordinance. These conditions are voluntarily proffered as part of the Application, and the Owner acknowledges that (1) the rezoning itself gives rise to the need for the conditions; and (2) such conditions have a reasonable relation to the rezoning requested.

In the event the Application is denied the proffers shall immediately be null and void and of no further force or effect.

1. Development of the Property shall be in general accord with the plan entitled "Rezoning Conceptual Plan" prepared by Elise Cruz and dated May 10, 2019, and attached hereto as Exhibit B (the "Conceptual Plan"). The Owner reserves the right to develop the Property in phases.
2. Within the Property, only the following uses shall be permitted by right, subject always to the express terms of this proffer statement:
 - a. Pursuant to subsection 24.2.1 of Section 24, HC Highway Commercial zoning district, of the Albemarle County Zoning Ordinance, as those regulations exist on the date of approval of ZMA 2018-00014, as set forth below: Section 24.2.1 numbers 20, 35, 36, 37, 41, 44, and 45.
 - b. Pursuant to subsection 22.2.1 of Section 22, C-1 Commercial zoning district, of the Albemarle County Zoning Ordinance, as those regulations

exist on the date of approval of ZMA 2018-00014, as set forth below:
Section 22.2.1 numbers b.17, b.18, b.19, b.26, and b.27.

The by-right uses of the Property that are permitted pursuant to sections 24.2.1 and 22.2.1 and pursuant to this Proffer Statement are shown below without strikethrough. Uses which will not be permitted on the Property (subject always to the express terms of this proffer statement) have been indicated by strikethrough.

24.2.1 BY RIGHT

The following uses shall be permitted in any HC district, subject to the applicable requirements of this chapter. The zoning administrator, after consultation with the director of planning and other appropriate officials, may permit, as a use by right, a use not specifically permitted; provided that such use shall be similar to uses permitted by right in general character, and more specifically, similar in terms of locational requirements, operational characteristics, visual impact and traffic generation. Appeals from the zoning administrator's decision shall be as generally provided in section 34.

1. Automobile laundries.
2. Automobile, truck repair shops.
3. Automobile service stations (reference 5.1.20).
4. Building materials sales.
5. Churches, cemeteries.
6. Clubs, lodges (reference 5.1.02).
7. Convenience stores.
8. Educational, technical and trade schools.
9. Factory outlet sales—clothing and fabric.
10. Feed and seed stores (reference 5.1.22).
11. Financial Institutions.
12. Fire extinguisher and security products, sales and service.
13. Fire and rescue squad stations (reference 5.1.09).
14. Funeral homes.
15. Furniture stores.
16. Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.
17. Home and business services such as grounds care, cleaning, exterminators, landscaping and other repair and maintenance services.
18. Hardware.
19. (Repealed 6-3-81).
20. Hotels, motels and inns.
21. Light warehousing.
22. Machinery and equipment sales, service and rental.
23. Mobile home and trailer sales and service.
24. Modular building sales.
25. Motor vehicle sales, service and rental.
26. New automotive parts sales.

27. Newspaper publishing.
28. Administrative, business and professional offices.
29. Office and business machine sales and service.
30. Eating establishment; fast food restaurants.
31. Retail nurseries and greenhouses.
32. Sale of major recreational equipment and vehicles.
33. Wayside stands—vegetable and agricultural produce (reference 5.1.19).
34. Wholesale distribution.
35. Water, sewer, energy and communications distribution facilities.
36. Public uses (reference 5.1.12).
37. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
38. Indoor theaters.
39. Heating oil sales and distribution (reference 5.1.20).
40. Temporary industrialized buildings (reference 5.8.)
41. Uses permitted by right pursuant to subsection 22.2.1 of section 22.1, commercial, C-1.
42. Indoor athletic facilities. (Added 9-15-93).
43. Farmer's market (reference 5.1.47). (Added 10-11-95).
44. Stormwater management facilities shown on an approved final site plan or subdivision plat. (Added 10-9-02)
45. Tier I and Tier II personal wireless services facilities (reference 5.1.40). (Added 10-13-04)
46. Storage yards.
47. Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
48. Manufacturing/Processing/Assembly/Fabrication and Recycling; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
49. Storage/Warehousing/Distribution/Transportation; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
50. Drive-through windows (reference 5.1.60). (Added 3-2-16).

22.2.1 BY RIGHT

The following uses shall be permitted in any C-1 district, subject to the applicable requirements of this chapter. The zoning administrator, after consultation with the director of planning and other appropriate officials, may permit, as a use by right, a use not specifically permitted; provided that such use shall be similar to uses permitted by right in general character, and more specifically, similar in terms of locational requirements, operational characteristics,

visual impact and traffic generation. Appeals from the zoning administrator's decision shall be as generally provided in section 34.

- a. The following retail sales and service establishments:
 - 1. ~~Antique, gift, jewelry, notion and craft shops.~~
 - 2. ~~Clothing, apparel and shoe shops.~~
 - 3. ~~Department store.~~
 - 4. ~~Drug store, pharmacy.~~
 - 5. ~~Florist.~~
 - 6. ~~Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.~~
 - 7. ~~Furniture and home appliances (sales and service).~~
 - 8. ~~Hardware store.~~
 - 9. ~~Musical instruments.~~
 - 10. ~~Newsstands, magazines, pipe and tobacco shops.~~
 - 11. ~~Optical goods.~~
 - 12. ~~Photographic goods.~~
 - 13. ~~Visual and audio appliances.~~
 - 14. ~~Sporting goods.~~
 - 15. ~~Retail nurseries and greenhouses.~~
 - 16. ~~Farmers' markets (reference 5.1.47).~~
 - 17. ~~Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.~~
 - 18. ~~Manufacturing/Processing/Assembly/Fabrication and Recycling; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.~~
 - 19. ~~Drive-through windows (reference 5.1.60). (Added 3-2-16)~~
- b. The following services and public establishments:
 - 1. ~~Administrative, professional offices.~~
 - 2. ~~Barber, beauty shops.~~
 - 3. ~~Religious assembly use, cemeteries.~~
 - 4. ~~Clubs, lodges (reference 5.1.02).~~
 - 5. ~~Financial institutions.~~
 - 6. ~~Fire and rescue squad stations (reference 5.1.09).~~
 - 7. ~~Funeral homes.~~
 - 8. ~~Health spas.~~
 - 9. ~~Indoor theaters.~~
 - 10. ~~Laundries, dry cleaners.~~
 - 11. ~~Laundromat (provided that an attendant shall be on duty at all hours during operation).~~
 - 12. ~~Libraries, museums.~~
 - 13. ~~Nurseries, day care centers (reference 5.1.06).~~

14. ~~Eating establishments.~~
15. ~~Tailor, seamstress.~~
16. ~~Automobile service stations (reference 5.1.20).~~
17. Water, sewer, energy and communications distribution facilities.
18. Public uses (reference 5.1.12).
19. Temporary construction headquarters and temporary construction storage yards (reference 5.1.2).
20. ~~Dwellings (reference 5.1.21).~~
21. ~~(Repealed 4-3-13).~~
22. ~~Automobile, truck repair shop excluding body shop.~~
23. ~~Temporary industrialized buildings (reference 5.8).~~
24. ~~Indoor athletic facilities. (added 9-15-95)~~
25. ~~(Repealed 5-5-10).~~
26. Stormwater management facilities shown on an approved final site plan or subdivision plat. (Added 10-9-02)
27. Tier I and Tier II personal wireless service facilities (reference 5.1.40). (Added 10-13-04)

Notwithstanding that the above-referenced uses will not be permitted on the Property, this proffer statement shall not be interpreted to prohibit uses accessory to a hotel, motel or inn, or any other uses permitted as by-right per this proffer statement.

3. Prior to issuance of a certificate of occupancy for the Birdwood Mansion and Grounds, the Owner shall submit for approval by the Zoning Administrator a current Event Management Plan to provide adequate parking for the public during events at the Property, and further designed to avoid or minimize public parking in adjacent and nearby residential areas during such public events. Such a plan shall include a commitment by the Owner to provide adequate event parking on the Property or the adjacent Boar's Head property with additional access to the Property either by shuttle service or on foot, at the discretion of the Owner. Parking may also be provided in other parking areas controlled by the Owner or its affiliated entities, each in the discretion of the Owner given the expected attendance at each particular event. Such a plan will also provide for the use of shuttle services as necessary given the size and nature of a particular event, for the use of adequate signage directing the public to permitted parking areas, and the use of appropriate personnel to direct the public to such permitted parking areas and to discourage or prohibit public parking in adjacent and nearby residential areas.

4. The Owner agrees to conduct warrant analyses, and to provide a pro rata financial contribution to future transportation improvements (as may be warranted), as established in conditions of approval #8 and #9 in special use permit amendment SP201700032.

5. Prior to final site plan approval, the Owner shall obtain the approval from the Zoning Administrator of a shared parking agreement with the owner of the adjacent Boar's Head Resort parcels.

6. For all events at the Property involving amplified music, the Owner shall utilize a house sound system that has a maximum sound level output of 85 dBA, measured at a distance of fifty (50) feet from the speaker.

WITNESS the following duly authorized signature:

UNIVERSITY OF VIRGINIA FOUNDATION

By: Tim Rose

Printed Name: Tim Rose

Title: Chief Executive Officer

Date: 7/1/2019

Rezoning Conceptual Plan

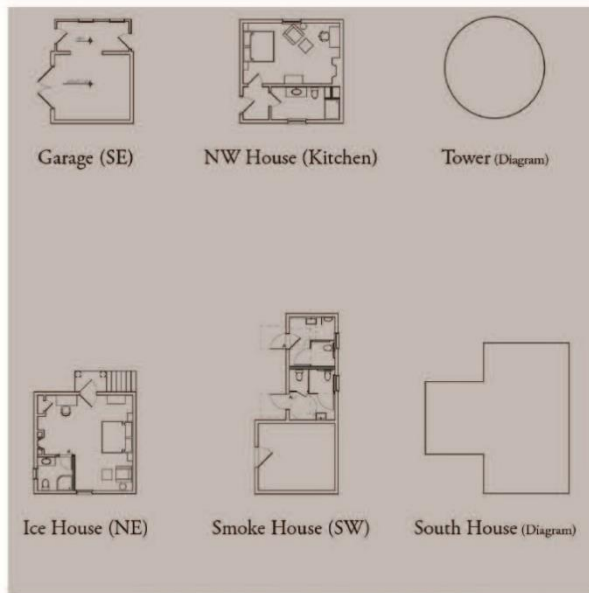


Existing Conditions



Elise Cruz, UVA Foundation
3/28/2019
Page 2

Outbuildings Detail



Existing floor plans with potential uses for outbuildings. All buildings will be preserved; some may be renovated and reused.



Current site layout

This plan is for illustrative purposes only and is subject to change.

Prepared By:
Elise Cruz
UVA Foundation
3/28/2019
Page 3

ORDINANCE NO. 19-A(11)**ZMA 2018-00017****AN ORDINANCE TO AMEND THE ZONING MAP
FOR TAX MAP PARCEL 07700-00-00-040B0**

WHEREAS, the application to rezone .45 acres (19,660 square feet) of preserved slopes to managed slopes within the Steep Slopes Overlay District on Tax Parcel 07700-00-00-040B0 is identified as ZMA 2018-00017 Woolen Mills light Industrial Park, Steep Slope Amendment (“ZMA 2018-00017”); and

WHEREAS, on April 9, 2019, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2018-00017; and

WHEREAS, on July 17, 2019, the Albemarle County Board of Supervisors held a duly noticed public hearing on ZMA 2018-00017.

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 2018-00017 and their attachments, including the revised Application Plan, 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 § 18-30.7, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2018-00017 with the Application Plan entitled “ZMA 201800017, Zoning Map Amendment for Woolen Mills Light Industrial Park, TMP 07700-00-00-040B0,” prepared by Meridian Planning Group, LLC, 440 Premier Circle, Ste 200, Charlottesville, VA 22901,” dated December 17, 2018.

* * *



December 28, 2018

Lea Brumfield
Zoning Senior Planner
Albemarle County
210 McIntire Road
Charlottesville, VA 22901

**RE: ZONING MAP AMENDMENT APPLICATION FOR
TMP 07700-00-00-040B0
WOOLEN MILLS LIGHT INDUSTRIAL PARK**

The applicant is requesting the rezoning of a strip of land that is the site of an abandoned railroad track. Much of the land in this section is less than a 25% slope, and that portion that is steeper than 25% can be readily seen to be manmade – an embankment created by the railroad in order to build a siding to serve the now defunct woolen mill. We are not requesting any change of the zoning for the preserved slopes along Broadway, Franklin, or Moore's Creek lane, thereby preserving the buffer for the neighbors (including the old stone wall). Once the by-right (already approved and permitted) development is built, the strip of land in question will be an island surrounded by buildings, pavement, and storm water management systems. The fact that it is man-made, coupled with the fact that its disturbance would not be detrimental to the public health safety or welfare, and its preservation will not forward the purposes of the critical slopes ordinance, make it a suitable candidate for re-zoning. Therefore, this Zoning Map Amendment (ZMA) will be limited only to the preserved slopes that are on TMP 07700-00-00-040B0 and parallel the northern curved property line between TMP 07700-00-00-040B0 and TMP 07700-00-00-040M0. Refer to the Rezoning Application Plan for the Preserved Slopes to be rezoned to Managed Slopes.

A. PROJECT PROPOSAL

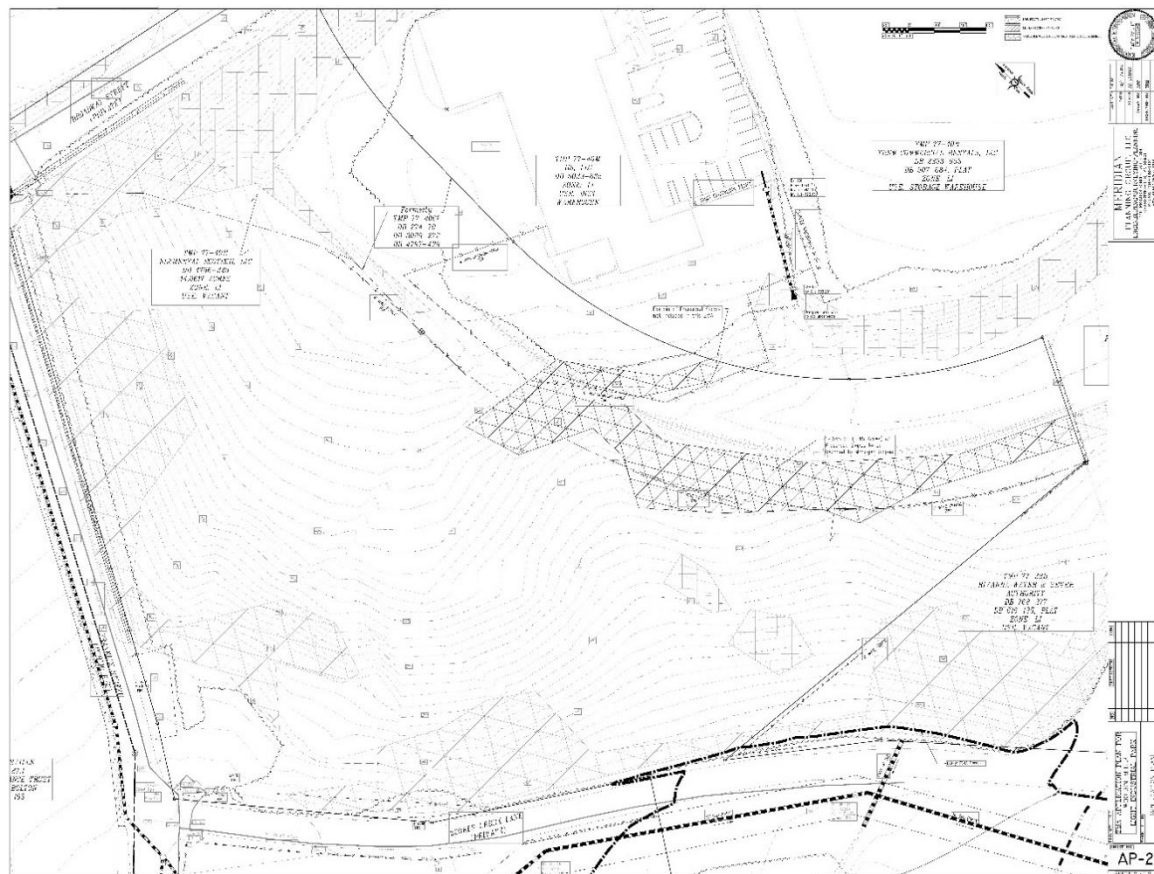
The purpose of this ZMA is to rezone a 19,635 SF (0.45 acre) area of Preserved Slope Zoning to Managed Slope Zoning. The Rezoning Application Plan shows the limits of the area to be rezoned. Although the total area marked preserved and which is requested to be rezoned is 19,635 s.f., field observations and the county gis confirm that much of this strip is in fact at a less than 25% grade, and that furthermore the sections that do exceed 25% are manmade.

The Preserved Slopes are located within the properties, consequently this rezoning would not have any affect on the public need or benefit.

B. CONSISTENCY WITH THE COMPREHENSIVE PLAN

TMP 77-40B is located in Neighborhood 4 of the Southern and Western Urban Neighborhoods development area.

The Comprehensive Plan designates the future land use Classification of TMP 77-40B as Parks and Green Systems. Chapter 11 of the Comprehensive Plan calls for a new pedestrian or multi-purpose path through this parcel but does not designate this parcel as a location for a public park or greenway trail. The proposed rezoning will allow for a new pedestrian or multi-use path through the parcel.



ATTACHMENT B

ORDINANCE NO. 18-18(5)**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, are hereby amended and reordained as follows:

By Amending:

- Sec. 4.11.1 Covered Porches, Balconies, Chimneys, and Like Features
- Sec. 4.11.2 Accessory Structures in Required Yards
- Sec. 4.11.3 Reduction of Building Separation and Side Yard
- Sec. 4.19 Setbacks and Stepbacks in Residential Districts

CHAPTER 18. ZONING**ARTICLE II. BASIC REGULATIONS**

...

4.11.1 COVERED PORCHES, BALCONIES, CHIMNEYS AND LIKE FEATURES

Covered porches, balconies, chimneys, eaves and like architectural features may project not more than four (4) feet into any required yard; provided that no such feature shall be located closer than five (5) feet from any side lot line in a non-infill development within the R-1, R-2, R-4, R-6, R-10, R-15, PRD, or PUD districts, and no closer than six (6) feet from any other lot line. (Amended 9-9-92)

4.11.2 ACCESSORY STRUCTURES IN REQUIRED YARDS

Accessory structures are authorized in required yards as follows:

- a. *Front yards.* Accessory structures, including detached garages, are prohibited within the minimum front yard required by the applicable district regulations except as otherwise provided in subsection (c).
- b. *Side and rear yards.* Accessory structures are permitted in side and rear yards, provided that they are erected no closer than five (5) feet from any side lot line in a non-infill development within the R-1, R-2, R-4, R-6, R-10, R-15, PRD, or PUD districts, and no closer than six (6) feet from any other side or rear property lines or, in the case of an alley or a shared driveway, no closer than three (3) feet to the edge of the easement or right-of-way of the alley or shared driveway except as otherwise provided in subsection (c). The zoning administrator may authorize an accessory structure to be located closer to the edge of an alley easement or right-of-way if the county engineer determines that the proposed design incorporates features that assure public safety and welfare. In making the determination, the county engineer shall consider the provision of adequate access to required onsite parking and/or garages, unimpeded vehicular circulation along the alley, an adequate clear zone along the alley, and other safety issues deemed appropriate for the conditions.
- c. *Accessory structures permitted in required yards.* The following accessory structures are permitted in required yards provided that they comply with the visibility clearance requirements of section 4.4:
 1. Fences, including free-standing walls enclosing yards and other uncovered areas.
 2. Freestanding mail and newspaper boxes.
 3. Retaining walls.

4. Shelters for school children traveling to and from school.
5. Public telephone booths, provided that: (i) the telephones are equipped for emergency service to the public without prior payment; (ii) the zoning administrator determines that the location of the booth will not adversely affect the safety of the adjacent street; and (iii) the booth shall be subject to relocation at the expense of the owner, whenever relocation is determined by the zoning administrator to be reasonably necessary to protect the public health, safety and welfare or whenever relocation is necessary to accommodate the widening of the adjacent street.
6. Automated teller machines.
- d. *Accessory structures located closer than three (3) feet to primary structure.* Accessory structures for which any part is located closer than three (3) feet to any part of a primary structure shall comply with the minimum applicable yard requirements for a primary structure.

(§ 4.11.2, 12-10-80, 3-18-81; § 4.11.2.1, 12-10-80, 1-1-83, Ord. 02-18(2), 2-6-02; § 4.11.2.2, 12-10-80, 3-18-81, § 4.11.2.3, 3-18-81; Ord. 09-18(4), 7-1-09)

4.11.3 REDUCTION OF BUILDING SEPARATION AND SIDE YARDS (Added 1-1-83, Amended 6-11-08)

The minimum building separation or side yards for primary structures may be reduced or eliminated if the structure is located in an area where available fire flows are adequate under Insurance Service Offices standards to allow the reduction. Each primary structure for which the minimum building separation or side yard has been reduced or eliminated as provided in this section shall be subject to the following:

- A. In the case of a side yard reduction or elimination, the Albemarle County fire official may require a guarantee as deemed necessary to insure compliance with the provisions of this section, and this guarantee may include, but not be limited to, appropriate deed restrictions, disclosure, and other such instruments, which shall be of a substance and be in a form approved by the fire official and the county attorney, and shall be recorded in the records of the circuit court of the county;
- B. No structure may encroach within any emergency accessway required by the Albemarle County fire official;
- C. No structure may encroach on any utility, drainage or other easement, or on any feature required by this chapter or other applicable law.
- D. The subdivider shall submit with the final subdivision plat a lot development plan showing all the lots with reduced or zero setbacks and delineating the location of each affected dwelling unit;
- E. The subdivider shall establish perpetual building maintenance easement(s) adjacent to each reduced or zero setback so that, with the exception of fences, a minimum width of ten (10) feet between dwelling units shall be kept clear of structures in perpetuity. This easement shall be shown on the final plat, shall be of a substance and be in a form approved by the director of community development and the county attorney, shall be recorded in the records of the circuit court of the county with the approved final subdivision plat, and shall be incorporated by reference in each deed transferring title to each lot that is a dominant and servient estate; and
- F. Building footings may penetrate the easement on the adjacent lot to a maximum distance of eight (8) inches.
- G. No portion of the building, including overhangs and footings, may cross the property line.

(1-1-83; 10-15-86; Ord. 08-18(4), 6-11-08)

4.19 SETBACKS AND STEPBACKS IN RESIDENTIAL DISTRICTS

The following shall apply within the R-1, R-2, R-4, R-6, R-10, R-15, PRD, and PUD districts:

Infill: Setbacks	
Front-Minimum	Closest setback of an existing main building within 500 feet in each direction along the same side of the street fronted
Front-Maximum	None
Garage-Minimum	Front loading attached or detached garage: Whichever is greater between the closest setback of an existing main building within 500 feet in each direction along the same side of the street fronted or 18 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way Side loading garage: Closest setback of an existing structure within 500 feet in each direction along street fronted
Garage-Maximum	None
Side-Minimum	10 feet, unless the building shares a common wall; provided that (a) in the R-10 and R-15 districts if the abutting lot is zoned residential other than R-10 and R-15, Rural Areas, or the Monticello Historic district, any dwelling unit that exceeds 35 feet in height shall be set back 10 feet plus one foot for each foot the dwelling unit exceeds 35 feet in height; and (b) any minimum side setback otherwise required by this section may be reduced in accordance with section 4.11.3.
Side-Maximum	None
Rear-Minimum	20 feet
Rear- Maximum	None
Infill: Stepbacks	
Front	For each story that begins above 40 feet in height or for each story above the third story, whichever is less, the minimum stepback shall be a minimum of 15 feet
Side and Rear	None
Non-Infill: Setbacks	
Front-Minimum	5 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way
Front-Maximum	In the R-1 and R-2 districts: None In the R-4, R-6, R-10, and R-15 districts: 25 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way; none, on any lot, including a corner lot, abutting a principal arterial highway or interstate
Garage-Minimum	Front loading garage: 18 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way Side loading garage: 5 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way
Garage-Maximum	None
Side-Minimum	5 feet, unless the building shares a common wall; provided that (a) in the R-10 and R-15 districts if the abutting lot is zoned residential other than R-10 and R-15, Rural Areas, or the Monticello Historic district, any dwelling unit

	that exceeds 35 feet in height shall be set back 5 feet plus one foot for each foot the dwelling unit exceeds 35 feet in height; and (b) any minimum side setback otherwise required by this section may be reduced in accordance with section 4.11.3.
Side-Maximum	
Rear-Minimum	None
Rear- Maximum	20 feet
Non-Infill:Building Separation	None
Minimum	10 feet, unless the building shares a common wall; provided that in the R-10 and R-15 districts if the abutting lot is zoned residential other than R-10 and R-15, rural areas, or the Monticello Historic district, any building that exceeds 35 feet in height shall be separated from any other building by 10 feet plus one foot for each foot the building exceeds 35 feet in height
Side-Maximum	None
Non-Infill: Stepbacks	
Front	For each story that begins above 40 feet in height or for each story above the third story, whichever is less, the minimum stepback shall be 15 feet
Side and Rear	None

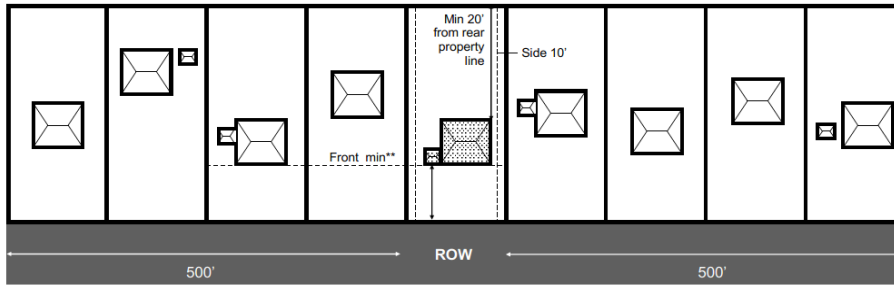
1. Whether a site is an infill or non-infill development, and the minimum and maximum setback, shall be determined by the zoning administrator as an official determination provided to the owner.
2. Any minimum setback and any minimum building separation for a side yard, may be reduced by special exception.
3. The maximum front setback for a non-infill development shall be increased to the depth necessary to avoid existing utilities, significant existing vegetation steep slopes, perennial and intermittent streams, stream buffers, public spaces and public plazas shown as such on an approved site plan or subdivision plat, to satisfy a condition of a certificate of appropriateness, and in circumstances where there are multiple buildings on the same lot and prevailing development patterns. On any parcel with multiple main buildings, at least one main building shall meet the maximum setback.
4. The maximum front setback for a non-infill development may be increased by special exception to accommodate low impact design, unique parking or circulation plans, or a unique target market design.
5. The minimum 15 foot stepback applies to all buildings on the property and may be reduced by special exception.
6. Notwithstanding section 4.6.3, the front setbacks in the districts subject to this section shall be measured from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way.
7. On any site subject to proffered conditions accepted in conjunction with a zoning map amendment establishing minimum or maximum setbacks or stepbacks, the proffered setbacks or stepbacks shall apply.

Figures

Figures 1 through 4 are for illustration purposes only. If there is a conflict or inconsistency between a regulation in section 4.19 to which a Figure pertains and the Figure itself, the regulation is controlling. In addition, Figures 1 through 4 merely illustrate specific requirements and do not show all applicable requirements of the applicable district regulations.

Figure 1

Conventional Residential Districts, Infill* Example

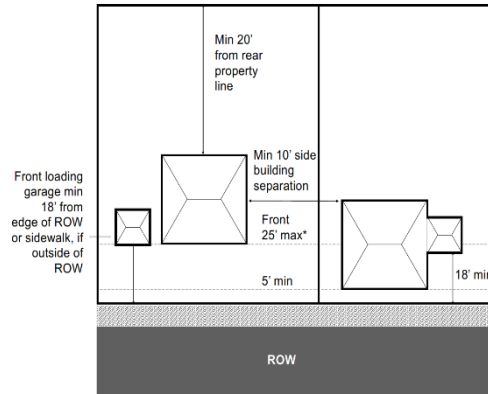


* Infill $\geq 40\%$ of residentially zoned frontage developed within 500' of subject lot (frontage $\leq 120'$)

** Front loading garage min 18' from edge of ROW or sidewalk, if outside of ROW

Figure 2

Conventional Residential Districts (except R-1 and R-2), Non-infill



* No maximum front setback in R1 & R2 districts & along principal arterials

Figure 3

**Conventional Residential Districts
Front Stepback (side view)**

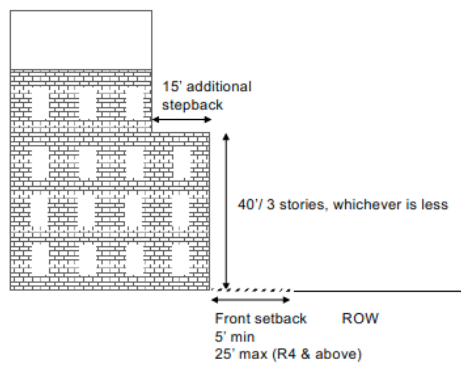
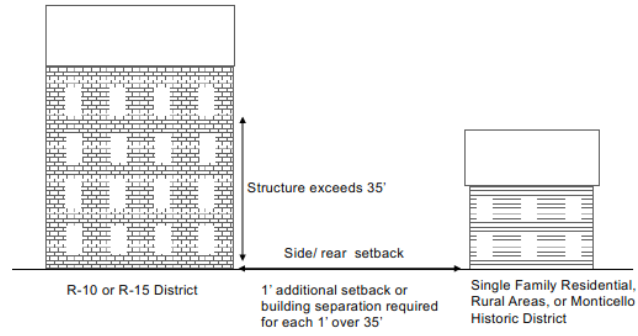


Figure 4

**Conventional Residential Districts (R-10 or R-15 only)
Abutting Single Family Residential, Rural Areas, or
Monticello Historic Districts, Side & Rear Setback**



State law reference – Va. Code § 15.2-2280

(Ord. 15-18(4), 6-3-15; Ord. 16-18(1), 3-2-16; Ord. 17-18(4), 8-9-17)

. . .