

<p style="text-align: center;">ACTIONS Board of Supervisors Meeting of January 15, 2020</p>		
		January 17, 2020
AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 1:11 p.m., by the Vice-Chair, Ms. Price. All BOS members were present with the exception of Mr. Gallaway, who arrived at 5:50, and Ms. LaPisto-Kirtley. Also present were Jeff Richardson, Greg Kamptner, Claudette Borgersen and Travis Morris. 		Link to Video
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> By a vote of 4:0 (Gallaway, LaPisto-Kirtley absent), ADOPTED the final agenda. 		
<p>5. Brief Announcements by Board Members.</p> <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> Encouraged the Board and the community to think about their neighbors and friends in Australia and the terrible tragedy and environmental catastrophe they were experiencing. <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> Announced that the Rivanna Solid Waste Authority (RSWA) now has a more formal agreement with Strategic Materials (in the Danville area) for glass recycling. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Announced that the Crozet School of the Arts was having their open house, along with their artists' and teachers' performance day on Saturday January 18, 2020. 		
<p>6. Proclamations and Recognitions.</p> <p>a. By a vote of 4:0 (Gallaway, LaPisto-Kirtley absent), ADOPTED Resolution Recognizing Elton Oliver Recognizing and presented to Elton Oliver.</p>	(Attachment 1)	
<p>7. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <u>Dr. Charles Battig</u>, Scottsville District, spoke towards climate change. <u>Mr. Sean Tubbs</u>, Piedmont Environmental Council, spoke towards transit and community mobility. 		
<p>8.2 Resolution for Scenic River Designation for James River.</p> <ul style="list-style-type: none"> ADOPTED the resolution supporting State Scenic River designation for the James River from the Town of Scottsville to the boat launch one mile above Warren. 	<u>Clerk:</u> Forward copy of signed resolution to Parks and Recreation and the County Attorney's office. (Attachment 2)	
<p>8.3 Resolution of Support for Afton Express Transit Service Grant.</p> <ul style="list-style-type: none"> ADOPTED the attached Resolution in support of the Afton Express Transit Grant. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and the County Attorney's office. (Attachment 3)	
<p>8.4 Road Naming and Property Numbering Ordinance and Manual.</p> <ul style="list-style-type: none"> ADOPTED the Resolution to amend the County's Road Naming and Property Numbering Manual. SET a public hearing to consider the adoption of the related proposed Ordinance. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and the County Attorney's office. (Attachment 4)	
<p>8.5 Resolution to Utilize Secondary Six Year Plan (SSYP) funding for Two Permanent Radar Devices on Earlysville Road.</p>	<u>Clerk:</u> Forward copy of signed resolution to Community	

<ul style="list-style-type: none"> • ADOPTED the Resolution to fund two permanent radar devices on Earlysville Road 	Development and the County Attorney's office. (Attachment 5) <u>Clerk:</u> Advertise in The Daily Progress when ready.	
<p>9. FY 21 Budget Development Guidance.</p> <ul style="list-style-type: none"> • CONSENSUS for uses of the \$5.9 million one-time money in the Unobligated General Fund fund balance: <ul style="list-style-type: none"> ○ Send 1.5 million to the Capital Improvement Plan. ○ Use 1.8 million for Leveraging Capacity for Community Initiatives and changed the name of the category to Add to Advancing Strategic Priorities Reserve. ○ Increase Climate Action Plan Reserve by \$250,000. ○ Add \$250,000 to the Economic Development Fund. • Liz Palmer requested guidance from staff on tracking solid waste issues as it refers to the transfer station. • Donna Price requested guidance on the beginning to the end of a budget item. • CONSENSUS on Advancing Strategic Priorities Reserve Process Recommendations: <ul style="list-style-type: none"> ○ Incorporate into the annual budget process ○ Prior to a request coming to Board, staff would review and make recommendations utilizing criteria, such as: <ul style="list-style-type: none"> ○ Strategic Plan connection ○ Leveraging opportunities ○ Other considerations such as timing, safety, urgency, connection to other County plans • CONSENSUS on Strategic Initiative Alignment. <ul style="list-style-type: none"> ○ Fund mandated increases for VRS and early voting. ○ Increase minimum wage for employees to \$15.00 per hour as part of a multi-year approach. ○ Market salary increases no less than 1.5% ○ Determining our share of costs associated with supporting existing services and agency partners. ○ CIP Advisory Committee's FY 21 – FY 25 CIP recommendation which includes a potential tax rate increase of 1 cent in CY 20 with additional potential tax rate increases in out-years. ○ Address emerging Fire/Rescue service challenges. ○ Increase reserves. ○ Consider department and agency operational needs related to population and workload growth. • Liz Palmer asked for more information on how the minimum wage increase affects compression in the future. 		
<p>10. Fill and Waste.</p> <ul style="list-style-type: none"> • Liz Palmer asked if somewhere in the process, the Board would receive an estimate of how many properties are practical. • Ann Mallek asked staff to consider if the County has the ability to have some sort of 		

<p>more official permission regulations rather than saying someone got permission from a neighbor for access easements.</p> <ul style="list-style-type: none"> • ENDORSED the ordinance approach as outlined in Attachment A of the Executive Summary. 	<p><u>Staff:</u> Proceed as authorized. (Attachment 6)</p>	
<p>At 3:25 p.m., the Board recessed and reconvened at 3:37 p.m.</p>		
<p>11. 2020 Real Estate Reassessment Results.</p> <ul style="list-style-type: none"> • RECEIVED. 		
<p>12. Piedmont Family YMCA Annual Report.</p> <ul style="list-style-type: none"> • RECEIVED. 		
<p>13. Albemarle County Service Authority (ACSA) Quarterly Report.</p> <ul style="list-style-type: none"> • RECEIVED. 		
<p>14. Rivanna Water and Sewer Authority (RWSA) Quarterly Report.</p> <ul style="list-style-type: none"> • RECEIVED. 		
<p>15. Closed Meeting.</p> <ul style="list-style-type: none"> • At 5:15 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia: • Under Subsection (1): <ol style="list-style-type: none"> 1. To discuss and consider appointments of Supervisors as members to the Biscuit Run and Climate Change steering committees; and 2. To discuss and consider appointments of citizens to various County authorities and other public bodies, including the Albemarle County Service Authority, the Board of Equalization, and the Board of Appeals. 		
<p>16. Certify Closed Meeting. At 6:03 p.m., the Board reconvened into open meeting and certified the closed meeting.</p>		
<p>17. Vacancies and Appointments.</p> <ul style="list-style-type: none"> • APPOINTED Mr. John W. Parcells to the Albemarle County Service Authority, as the White Hall District representative, with said term to expire December 31, 2023. • REAPPOINTED Mr. David Ferrall to the Equalization Board, as the White Hall District representative, with said term to expire December 31, 2020. • REAPPOINTED Ms. Ann Mallek to the Biscuit Run Steering Committee with said term to expire December 31, 2020. • APPOINTED Ms. Donna Price to the Biscuit Run Steering Committee with said term to expire December 31, 2020. • APPOINTED Ms. Bea LaPisto-Kirtley to the Climate Change Steering Committee with said term to expire December 31, 2020. • REAPPOINTED Ms. Liz Palmer to the Climate Change Steering Committee with said term to expire December 31, 2020. 	<p><u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>	
<p>18. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> • <u>Mr. Kent Schlussell</u>, Rio District, spoke against the zoning change at 999 East Rio Road from R4 to Neighborhood Model. • <u>Ms. Judy Schlussell</u>, Rio District, spoke against the zoning change at 999 East Rio Road from 		

R4 to Neighborhood Model.		
19.	Work Sessions: Fire Rescue Service Challenges Work Session. <ul style="list-style-type: none"> • HELD 	
20.	Work Sessions: Avon Street Extended Corridor Plan. <ul style="list-style-type: none"> • By a vote of 5:0 (LaPisto-Kirtley absent) ENDORSED the Avon Street Extended Corridor Plan. 	
21	<u>Pb. Hrg.: Ordinance to Amend County Code Chapter 4, Animals.</u> <ul style="list-style-type: none"> • By a vote of 4:1 (Price) (LaPisto-Kirtley absent) ADOPTED the ordinance to amend County Code Chapter 4, Animals, to revise the provisions pertaining to animals making noise. 	Clerk: Forward copy of signed resolution to the County Attorney's office. (Attachment 7)
22.	<u>Pb. Hrg.: ZMA201700005 Hollymead Town Center Area C, Blocks II and VII.</u> <ul style="list-style-type: none"> • By a vote of 5:0 (LaPisto-Kirtley absent), ADOPTED the Ordinance to approve ZMA201700005 Hollymead Town Center Area C Blocks II and VII. 	Clerk: Forward copy of signed resolution to Community Development and the County Attorney's office. (Attachment 8)
23.	From the Board: Committee Reports and Matters Not Listed on the Agenda. <ul style="list-style-type: none"> • Ms. Price provided notice of a motion to be made at the February 5 meeting to amend the Board's policies to incorporate changes pertaining to travel reimbursement and disclosing roles on not-for-profit boards of trustees. These proposed changes were discussed during the Board's January 8 meeting. a. Resolution Supporting Equal Taxing Authority for Virginia Counties. <ul style="list-style-type: none"> • By a vote 5:0 (LaPisto-Kirtley absent), APPROVED the Resolution Supporting Equal Taxing Authority for Virginia Counties. 	
24.	From the County Executive: Report on Matters Not Listed on the Agenda. <ul style="list-style-type: none"> • There were none. 	
25.	Adjourn to February 5, 2020, 1:00 p.m., Lane Auditorium. <ul style="list-style-type: none"> • The meeting was adjourned at 9:11 p.m. 	

ckb/tom

Attachment 1 – Resolution Recognizing Elton J. Oliver

Attachment 2 – Resolution to Support State Scenic River Designation for the Portion of the James River from the Town of Scottsville to a Location One Mile Upstream of Warren

Attachment 3 – Resolution of Support for The Afton Express Transit Service Grant Application

Attachment 4 – Resolution to Amend the County's Road Naming and Property Numbering Manual

Attachment 5 – Resolution to Utilize Secondary Six Year Plan (SSYP) funding for Two Permanent Radar Devices on Earlysville Road.

Attachment 6 – Fill and Waste Outline of Proposal

Attachment 7 – Ordinance No. 20-4(1)

Attachment 8 – Ordinance No. 20-A(1) ZMA 2017-00005 Hollymead Town Center, Area C, Blocks II and VII



Resolution Recognizing Elton J. Oliver

WHEREAS, Elton J. Oliver has served Albemarle County with distinction for eighteen years representing the Scottsville District as a Director of the Economic Development Authority of Albemarle County from 2002 to 2020; and

WHEREAS, Elton J. Oliver's stewardship as the Secretary-Treasurer has provided stability as the Authority transitioned from an Industrial Development Authority to an Economic Development Authority; and

WHEREAS, Elton J. Oliver's dedication and service has enabled the Economic Development Authority to issue bonds to promote and foster economic growth in Albemarle County; and

WHEREAS, Elton J. Oliver's faithful attendance at Economic Development meetings and functions has allowed the Authority to conduct its affairs in an efficient and timely manner; and

WHEREAS, Elton J. Oliver's consistent and deliberate manner has added a key element of thoughtfulness and wisdom to the Economic Development Authority's decision-making process; and

NOW, THEREFORE, BE IT RESOLVED, that we the Albemarle County Board of Supervisors do hereby honor and commend Elton J. Oliver for his eighteen years of service to Albemarle County and its residents as a Director of the Economic Development Authority representing the Scottsville District.

Signed this 15th day of January 2020

Ned L. Gallaway, Chair
Albemarle Board of County Supervisors

**RESOLUTION TO SUPPORT STATE SCENIC RIVER DESIGNATION
FOR THE PORTION OF THE JAMES RIVER FROM THE TOWN OF SCOTTESVILLE TO A
LOCATION ONE MILE UPSTREAM OF WARREN**

WHEREAS, the Code of Virginia, pursuant to Title 10.1, Sections 10.1-400 through 10.1-418.9, provides for a “Scenic Rivers Act” under the jurisdiction of the Virginia Department of Conservation and Recreation; and

WHEREAS, the portion of the James River from the Town of Scottsville upstream to a location one mile above Warren has qualified to be designated as a State Scenic River; and

WHEREAS, the Albemarle County Comprehensive Plan recognizes this designation and supports a strategy to pursue additional designations for rivers meeting state criteria; and

WHEREAS, designation of this portion of the James River as a Scenic River would recognize the quality and value of this natural and scenic resource; and

WHEREAS, on August 8, 2019, by letter to Danette Poole, Director of the Division of Planning and Recreation Resources, the Albemarle County Executive requested that the Virginia Department of Conservation and Recreation conduct a study of this portion of the Rivanna River to determine its potential as a State Scenic River; and

WHEREAS, on November 25, 2019, by letter to the Albemarle County Executive, Kelly McClary, Acting Director of the Division of Planning and Recreation Resources, declared that this portion of the James River was found to qualify for Virginia Scenic River designation.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby expresses its support for the designation of the James River from the Town of Scottsville upstream to the boat launch one mile above Warren to (a distance of approximately seven miles) as a “Scenic River” pursuant to the Scenic Rivers Act, Virginia Code Section 10.1-400 *et seq.*

BE IT FURTHER RESOLVED, that the Albemarle County Board of Supervisors does hereby respectfully request that the members of the Virginia General Assembly representing Albemarle County introduce legislation in the 2020 session so designating this section of the James River as a “Scenic River.”

* * *

**RESOLUTION OF SUPPORT
FOR THE AFTON EXPRESS TRANSIT SERVICE GRANT APPLICATION**

WHEREAS, the Albemarle County Board of Supervisors has routinely provided funding to the City of Charlottesville's Charlottesville Area Transit and to JAUNT for both fixed route and on-demand public transportation services for areas within the County of Albemarle; and

WHEREAS, Virginia Code §15.2-947 enables local governing bodies to contract with any authority providing public transportation in contiguous localities for transportation services or the interchange of passengers for the purpose of providing continuous service between localities; and

WHEREAS, the Albemarle County Comprehensive Plan Transportation Objective 3 states, "multi-modal transportation has been a hallmark of the Charlottesville Albemarle long-range transportation plan, including traffic demand management techniques. It is also a key principle in the Neighborhood Model, as discussed in the Land Use for Development Areas Chapter. Providing regional multimodal transportation options featured prominently in the joint City-County policy recommendations in the Livable Communities Planning Project. Albemarle County strives to promote transit-friendly, walkable, mixed-use communities that are served by multiple transportation modes. A connected, mixed-used community can reduce the number of vehicle miles traveled (VMT) and, thereby, improve citizens' health by reducing vehicle emissions"; and

WHEREAS, the SHRP II Interstate 64 Corridor Plan developed by the Charlottesville Albemarle Metropolitan Planning Organization in December 2017 identified in Goal # 1: "further integrate transit into the corridor through supporting research and development of inter-regional transit options; and

WHEREAS, the SHRP II Interstate 64 Corridor Plan identified that 4,597 workers from Augusta County and the Cities of Waynesboro and Staunton travel daily into the Albemarle-Charlottesville area; and

WHEREAS, the Central Shenandoah Planning District Commission developed an I-81/I-64 Inter-Regional Public Transportation Feasibility Study that identifies a plan to provide public transit services connecting stops in Staunton, Fishersville, Waynesboro, Charlottesville and Albemarle County with eight daily trips on Mondays through Fridays; and

WHEREAS, the Feasibility Study's recommended services estimate a removal of at least 21,000 single occupant vehicle trips per year from the corridor travel; and

WHEREAS, the cost to run this service from Fiscal Year 2021 through Fiscal Year 2024 is estimated at \$1,145,297, which includes a required local match of \$209,058 for this period; and

WHEREAS, each of the local governments and the University of Virginia are being requested to provide a portion of the required local match; and

WHEREAS, Albemarle County's portion of the required match is a total of \$17,437 over the Fiscal Years 2021 through 2024; and

WHEREAS, the Albemarle County Board of Supervisors recognizes the need to reduce single occupant vehicles within the Interstate 64 corridor reducing carbon emissions, reducing traffic congestion and destination parking, improving travel times and improving traffic safety; and

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, and general welfare, the Albemarle County Board of Supervisors hereby supports the recommended Afton Express Transit Service Plan that includes at least one Albemarle County stop for Fiscal Years 2021 through 2024; and

BE IT FURTHER RESOLVED THAT the Albemarle County Board of Supervisors supports the total contribution of \$17,437 toward the local match to provide the Afton Express Transit Services for Fiscal Years 2021 through 2024.

RESOLUTION

WHEREAS, the Albemarle County Road Naming and Property Numbering Manual ("Manual") has been adopted by the Board of Supervisors; and

WHEREAS, the Board desires to amend the Manual.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Albemarle County, Virginia, hereby amends the Albemarle County Road Naming and Property Numbering Manual, as set forth on the attached document, attached hereto and incorporated herein.

* * * * *

**RESOLUTION TO UTILIZE SECONDARY SIX YEAR PLAN
FUNDS FOR RADAR INSTALLATION**

WHEREAS, Virginia Code § 33.2-331 provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six Year Plan (SSYP); and

WHEREAS, The SSYP allocates funding for the construction, maintenance, and improvement of roads in the state secondary system (roads with a route number of 600 or higher); and

WHEREAS, on June 19, 2019 the Albemarle County Board of Supervisors approved the SSYP (FY20-25) and authorized the County Executive to sign the SSYP (FY 20-25); and

WHEREAS, the use of Countywide Traffic Services funds from the SSYP for the installation and maintenance of two permanent radars devices at the intersection of Earlysville Road (Route 743) and Reas Ford Road (Route 660) is in the best interest of the County and of the citizens of the County.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby authorizes the use of Countywide Traffic Services funds from the SSYP for the installation and maintenance of two permanent radars devices at the intersection of Earlysville Road (Route 743) and Reas Ford Road (Route 660); and

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

Attachment A

Outline of Proposal**General Concept:**

Limit the types of materials that may be placed by-right in the Rural Areas to natural materials.

Inert materials such as concrete, block etc., may still be placed by-right in zoning districts other than the Rural Areas. In the Rural Areas inert materials may be placed only by special use permit.

Establishes new performance standards for the placement of material. These new regulations address issues such as: setback, access, hours of operation, area of activity, volume of material, placement of material in sensitive locations.

Allows some tree cutting in the development areas in order to facilitate the placement of material in the development areas instead of the Rural Areas and to account for the restriction of by-right placement of inert material in the Rural Areas.

Benefits of the proposed regulations:

Limiting the by-right use of the Rural Areas to natural materials limits the total amount of fill activity in the Rural Areas. This reduces the total volume of truck traffic in the Rural Areas associated with fill activity. This reduction in traffic in the Rural Areas may help to improve safety and reduce truck miles which helps to reduce the County's environmental impact. The use of only natural materials in the Rural Areas may help to preserve land for future agricultural production.

The proposed performance standards will help protect properties adjacent to fill activities and the view from public streets. Limitations on the volume of fill will help to reduce unsightly mounds or stockpiles of materials and is consistent with the goals of the County to respect terrain. Restricting the placement of material on critical slopes or hydric soils is consistent with goals of the Comprehensive Plan.

Permitting some tree cutting in the development areas may assist in the preparation of land for future development. This may allow for the creation of pad ready sites. The lack of pad ready sites has been identified as a concern by the Economic Development Office.

Potential negative impacts of proposed regulations:

Limiting the by-right use of the Rural Areas to natural material only will increase pressure on using the Development Areas for the placement of inert material. This may result in the partial development of property that sits idle until full development of property occurs.

Additional regulations may result in increased requests for special use permits or special exceptions. This may result in increased cost to the community and the County.

Increased regulations may result in increased administrative cost. Staff is not able to fully estimate cost until the extent of the regulations is known. Based on the proposed regulations the anticipated increase in administrative cost is minimal. This assumption is based on the fact that currently most fill operations are associated with a permit application and that the cost of reviewing any increase in the number of permitted operations will be partially offset by fees. These fees do represent an increased cost to the development community.

ORDINANCE NO. 20-4(1)

AN ORDINANCE TO AMEND DIVISION 4, STOLEN DOGS AND CATS, AND NOTICE, OF ARTICLE 3, ANIMALS, OF CHAPTER 4, ANIMALS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Division 4, Stolen Dogs and Cats, and Noise, of Article 3, Animals, of Chapter 4, Animals, is hereby amended as follows:

By Amending:**Sec. 4-319 Frequent or continuous sounds by animals are prohibited****Chapter 4. Animals****Article 3. Animals****Division 4. Stolen Dogs and Cats, and Noise****Sec. 4-319 Frequent or continuous sounds by animals are prohibited.**

Frequent or continuous howls, barks, and other excessive or continuous sounds by animals may be enforced as follows:

- A. *Sounds from animals; exclusions.* It is unlawful and shall be a nuisance for an owner or custodian of an animal to harbor the animal within the County if that animal frequently or for a continued duration howls, barks or makes other excessive or continuous sounds which are audible on the property of a complainant in the County. For the purposes of this section, "excessive or continuous sounds" means any howling, barking or other animal noise which continues for at least 30 consecutive minutes with no cessation of such sounds for time periods greater than five minutes during the 30 consecutive minute period. This section does not apply to any of the following:
 - 1. *Game hunting.* During the applicable hunting season, sounds created by a dog while participating in an organized fox or other game hunt.
 - 2. *Animals in shelters.* Sounds created by any animal in a public or private animal shelter.
 - 3. *Animals in commercial kennels or hunt club kennels.* Sounds created by any animal in a commercial kennel as defined in County Code Chapter 18 or in a kennel operated by a hunt club.
 - 4. *Livestock or poultry.* Sounds created by livestock or poultry.
- B. *Complaints of animal noise.* Notwithstanding County Code § 4-102, no person shall be charged with a violation of this section unless the complainant appears before a magistrate and requests a summons to be issued. However, when a violation is committed in the presence of an animal control officer or police officer, he shall have the authority to initiate all necessary proceedings.
- C. *Penalty for violation.* A violation of this section is punishable as a class 3 misdemeanor, and any owner or custodian of an animal found guilty under this section shall be required to abate the disturbance.

(§ 4-319: (§ 4-106: [Ord. 08-4\(1\)](#), 6-11-08, § 4-601, § 4-602, § 4-603; [Ord. 09-4\(1\)](#), 7-8-09; [Ord. 14-4\(1\)](#), 6-4-14, effective 7-1-14); § 4-319, Ord 18-4(1), 10-3-18; Ord. 20-4(1), 1-15-20)

State law reference-Va. Code § [15.2-1200](#).

**ORDINANCE NO. 20-A(1)
ZMA 2017-00005 HOLLYMEAD TOWN CENTER, AREA C, BLOCKS II AND VII**

**AN ORDINANCE TO AMEND THE PROFFERS AND APPLICATION PLAN
APPROVED WITH ZMA 2001-00020 AND
THE CODE OF DEVELOPMENT APPROVED WITH ZMA 2013-00004
FOR TAX PARCELS 03200-00-00-041J0 AND 03200-00-00-041P0**

WHEREAS, the application to amend the proffers and the application plan that were approved with ZMA 2001-00020 and the Code of Development that was approved with ZMA 2013-00004 for Tax Parcels 03200-00-00-041J0 and 03200-00-00-041P0 (collectively, the "Property") is identified as ZMA 2017-00005, Hollymead Town Center, Area C, Blocks II and VII ("ZMA 2017-05"); and

WHEREAS, the Planning Commission voted to recommend approval of ZMA 2017-05 on June 18, 2019 with the revisions recommended by staff, and recommended that the applicant hold another community meeting; and

WHEREAS, subsequent to the Planning Commission meeting, the applicant held another community meeting, and submitted a revised proffer statement, application plan, and code of development that addresses staff's and the Planning Commission's recommendations.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2017-05 and their attachments, including the proposed amended proffer statement, application plan, and code of development, 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 § 18-25A, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2017-05 with the proffers dated January 3, 2020, the application plan dated June 19, 2017, with page A2 of 2 last revised on December 18, 2019, and the code of development plan dated June 19, 2017, last revised on December 18, 2019.

* * *

Original Proffers _____
Amendment X

PROFFER STATEMENT

ZMA Number and Name: ZMA2017-00005 Hollymead Town Center Area C Blocks II and VII

Tax Map and Parcel Number(s): 03200-00-00-041P0, 03200-00-00-041J0

Owner(s) of Record: Post Office Land Trust

Date of Proffer Signature: JANUARY 3, 2020

Rezone 2.02 acres (TMP 32-41P) from Planned Development Mixed Commercial to Planned Development Mixed Commercial

Rezone 3.93 acres (TMP 32-41J) from Planned Development Mixed Commercial to Planned Development Mixed Commercial

Post Office Land Trust is the owner (the "Owner") of Tax Map and Parcels 03200-00-00-041P0 and 03200-00-00-041J0 (collectively, the "Property") which is the subject of rezoning application ZMA No. ZMA2017-00005, a project known as "Hollymead Town Center Area C Blocks II and VII" (the "Project").

Pursuant to Section 33.3 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 requested rezoning and the Owner acknowledges that the conditions are reasonable. Each signatory below signing on behalf of the Owner covenants and warrants that it is an authorized signatory of the Owner for this proffer statement. This proffer statement amends the proffers applicable to the Project that were accepted in conjunction with ZMA2001-00020, Hollymead Town Center Area C.

These conditions are proffered as part of the requested zoning and it is agreed that: 1) the rezoning itself gives rise to the need for the conditions; and 2) such conditions have a reasonable relation to the rezoning request:

1. Development shall be in general accord with the Application Plan entitled Rezoning Application Plans for Hollymead Town Center Regional Service Area C, (Sheets A-1, A-2, only), prepared by Rivanna Engineering & Surveying, PLC, revised, last revised July 7, 2003 with plan revisions to Sheet A-2 prepared by Shimp Engineering, P.C. dated December 18, 2019 (collectively, the "Application Plan"). The standards of development and central features and major elements within the Property essential to the design of the development shall be in general accord with the Block Exhibit, the Code of Development's Narrative, and the Code of Development's tables and appendices set forth in the attached Application Booklet, entitled "Revised Application Booklet for Code of Development ZMA201700005: A Revision to ZMA 201300004 Originally Revised from ZMA 01-20-2001 (Area C) 'At Hollymead Town Center'" dated June 19, 2017 and last revised December 18, 2019. The Owners have presented, as part of their rezoning application, a number of conceptual plans and illustrations for various purposes, but principally to provide justification for the rezoning actions they are seeking. Unless specifically referenced in these proffers, all plans and illustrations submitted as part of the Applicant's rezoning application, other than the Application Plan as defined above, shall be deemed illustrative only, and such plans and illustrations shall not be deemed proffers. The Owners reserve the right to reconfigure the internal block improvements, consisting of buildings, parking and drive aisles and drive-through window features and as shown on the Application Plan in order to: i) comply with conditions imposed by Special Use Permits, and ii) assure compliance with ARB requirements and iii) and provide all necessary storm water management and BMP's as necessary.

2. The Owners of Area C, as shown on the Application Plan (the "Owner") shall cause completion of the following road improvements that shall be roads constructed to VDOT standards and either be accepted by VDOT or be bonded for VDOT's acceptance as follows:

- A. Construction of Timberwood Boulevard, as depicted on the Application Plan and further described as follows: i) from the intersection at US Route 29 to a new terminus within Hollymead Town Center that is shown at the extension of the VDOT future road improvement project of Airport Road, this will provide the connection to Airport Road from Route 29 as previously proffered as part of ZMA-94-08. The constructed improvements shall include two Eastbound lanes in conjunction with the improvements designed for TM 32 Parcels 41D1 and 41A to the first dual lane roundabout at access road B and Westbound lanes of dual left lanes; one thru lane and one continuous right turn lane-from the roundabout at access road B to the intersection with Route 29, from the roundabout at access road B a two lane section shall be constructed to the VDOT extension, with additional turn lanes at intersections located in Area C pursuant to road plans approved by the Virginia Department of Transportation ("VDOT") and the County as part of the Area C site plan.
- B. Construction of dual left turn lanes at the intersection of Route 29 and Timberwood Boulevard, from northbound Route 29 into Timberwood Boulevard. The turn lane and taper lengths will be determined with final road plans to be reviewed and approved by VDOT.
- C. Signalization at Timberwood Boulevard and Route 29 shall include reconstruction at the Forest Lakes Subdivision entrance location, as scheduled in coordination with VDOT. All turn movements shall be signaled at the intersection of Route 29 and Timberwood Boulevard, as approved by VDOT. The existing intersection exiting Forest Lakes shall be reconstructed to maintain the dual left lanes, the continuous right turn lane and add a through lane according to the final design in the previous paragraph.
- D. The Owner proffers to dedicate land and construct a third through lane on Route 29 (consisting of lane width, shoulder and drainage improvements) southbound from the entrance road, (Timberwood Boulevard) at the Property's Northern boundary. The Owner also shall dedicate land or cause to be dedicated and construct: i) a continuous through lane 500-feet to the Southern boundary of Area C, ii) a taper lane consisting of a 200 foot taper beginning at the Southern boundary and Route 29 (in the event area B is not rezoned and their proffers accepted), and iii) a continuous right turn lane starting at the right-in at the Northern boundary of TM 32 Parcel 41A to the right-in at the Southern entrance of Area C.
- E. Construction of one additional continuous right turn Northbound lane starting 1090 feet south of Timberwood Boulevard at the location of the beginning of the turn and taper of Worth Crossing and Route 29, and terminating at Timberwood Boulevard.
- F. Access Road C, between Area A and its intersection with Timberwood will be built or bonded before the issuance of the first certificate of occupancy within Area B. If bonded, the road will be constructed for acceptance by VDOT within one year of the first certificate of occupancy.

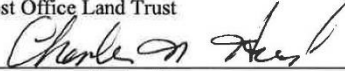
The road improvements listed in proffer 2A, 2B, 2C, 2D, 2E and 2F above shall be constructed, in accordance with road plans submitted by the Owner and approved by VDOT. All of the foregoing improvements shall be i) constructed to VDOT design standards pursuant to detailed plans agreed to between the Applicant and VDOT, and ii) accepted by VDOT for public use or bonded for VDOT's acceptance as a condition for issuance of any certificate of occupancy for Area C improvements (except as otherwise provided in proffer 2F). The width, length, location, (inside median or outside existing pavement), type of section (e.g., urban vs. rural), and geometrics of all lane improvements

shall be as required by VDOT design standards and detailed plans submitted by the Owner and approved by VDOT.

3. All road improvements listed in proffer 2 above shall be substantially completed prior to the issuance of the first Certificate of Occupancy in Area C; notwithstanding the foregoing, the road proffers described in proffer 2 above shall be satisfied if the Owner has submitted plans for all such road improvements for review by VDOT, and although such improvements are not fully completed by the issuance of a Certificate of Occupancy for Area C, sufficient bond has been supplied to satisfy all costs to complete such improvements in accordance with plans approved by VDOT. Substantially complete for the purposes of these proffers shall mean approved sub-base gravel, curb and gutter, intermediate surface and necessary storm water management improvements and satisfactory completion of road improvements required for public safety, and signalization; but shall not include final activated signals which are subject to testing and synchronization according to VDOT inspection. All proffers to make road improvements contained in proffer 2 of these proffers are conditioned upon VDOT's approval of an entrance permit at the Timberwood Boulevard intersection with Route 29 as shown on the Application Plan. The Owner shall submit to VDOT plans for such road improvements within 30 days of the rezoning and shall diligently pursue such approvals from VDOT.
4. Upon request of the County, the Owner shall contribute \$10,000.00 to the County or VDOT for the purposes of funding a regional transportation study for the Route 29 Corridor. The \$10,000.00 contribution shall be made within 30 days after requested by the County after the first final site plan or subdivision plat is approved in Area C and, if not expended for such purposes within three years from the date the funds were contributed such funds shall be refunded to the Owner.
5. The Owner shall contribute \$200,000.00 (the "total contribution") to the County for the purpose of funding capital improvements related to the Hollymead Town Center. The contribution shall be paid as follows: \$100,000.00 shall be contributed to the County within 30 days after the first final site plan or subdivision plat containing dwelling units is approved in Area C; the remainder of the contribution shall be paid on a pro rata basis at the time a certificate of occupancy is issued for each dwelling unit; the pro rata contribution shall be based upon the number of dwelling units approved as part of the first final site plan or subdivision plat. If five years after the date of approval of the first final site plan or subdivision plat the total contribution has not been fully paid, the Owner shall contribute the unpaid balance within 30 days upon the request of the County. If the fund is not exhausted within 10 years from the date the last contribution is made, such unexpended funds shall be refunded to the Owner.
6. Upon the request of the County, for any parcel used for non-residential purposes in the portion that is currently zoned Light Industry that will be rezoned to PDMC the Owner shall petition for and consent to a Community Development Authority ("CDA") established pursuant to Section 15.2-5152, et seq. of the Code of Virginia ("Code") to be created for the purpose of financing, funding, planning, establishing, constructing, reconstructing, enlarging, extending or maintaining Route 29 and roads and other improvements associated therewith, which shall include, but may not be limited to improvements to Route 29 from the South Fork of the Rivanna River to Airport Road, the extension of Ridge Road as depicted on the Master Plan, to the South and across the Rivanna River to connect to Berkmar Drive.

OWNER:

Post Office Land Trust



By: Dr. Charles Hurt

Title: Trustee, Post Office Land Trust

OWNER:

Post Office Land Trust



By: Shirley Fisher

Title: Trustee, Post Office Land Trust

The undersigned Owner hereby proffers that the use and development of the Property shall be in conformance with the proffers and conditions herein above. This document shall supersede all other agreements, proffers or conditions that may be found to be in conflict. The Owner agrees that all proffers shall be binding to the property, which means the proffers shall be transferred to all future property successors of the land.

WITNESS the following signatures:

OWNER:

Post Office Land Trust

Charles M. Hurt
By: Dr. Charles Hurt
Title: Trustee, Post Office Land Trust

OWNER:

Post Office Land Trust

Shirley R. Fisher
By: Shirley Fisher
Title: Trustee, Post Office Land Trust

COMMONWEALTH OF VIRGINIA

~~CITY~~/COUNTY OF Virginia, to wit:

The foregoing instrument was acknowledged before me this 3rd day of January 2020 by Post Office Land Trust.

My Commission expires: May 31, 2021

Gail B. Watkins
Notary Public

