

**ACTIONS**  
**Board of Supervisors Meeting of February 17, 2021**

February 18, 2021

<u><b>AGENDA ITEM/ACTION</b></u>	<u><b>ASSIGNMENT</b></u>	<u><b>VIDEO</b></u>
1. Call to Order. <ul style="list-style-type: none"> <li>Meeting was called to order at 1:00 p.m. by the Chair, Mr. Gallaway. All BOS members were present. Also present were Greg Kamptner, Claudette Borgersen and Travis Morris.</li> </ul>		<a href="#">Link to video</a>
4. Adoption of Final Agenda. <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> the final agenda.</li> </ul>		
5. Brief Announcements by Board Members. <u>Donna Price:</u> <ul style="list-style-type: none"> <li>Expressed appreciation to the Blue Ridge Health Department for working hard to roll out the COVID-19 vaccinations.</li> <li>Commented on the impending inclement weather and encouraged community members to be prepared.</li> </ul> <u>Bea LaPisto-Kirtley:</u> <ul style="list-style-type: none"> <li>Urged community members to exercise caution during inclement weather.</li> </ul> <u>Liz Palmer:</u> <ul style="list-style-type: none"> <li>Reminded community members that they should bring their pet inside during inclement weather.</li> <li>Commented that vaccinations are taking place at the Yancey Community Center and thanked Ed Brooks for his work towards this effort.</li> </ul>		
7. From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or Matters that are Pending Before the Board. <ul style="list-style-type: none"> <li><u>Gary Grant</u>, Earlysville resident addressed the Board concerning the filing of Conflict of Interest statements.</li> <li><u>Paul Perrone</u>, CEO of Perrone Robotics and Crozet resident announced that Perrone Robotics recently closed on a \$10 million round of venture capital the prior week and thanked the citizens of Albemarle County for supporting the program.</li> </ul>		
8.1 Fiscal Year 2021 Virginia Department of Health (VDH) Local Government Agreement. <ul style="list-style-type: none"> <li><b>ADOPTED</b>, Resolution to approve the FY 21 Virginia Department of Health (VDH) Local Government Agreement and <b>AUTHORIZED</b> the County Executive to execute that Agreement after it is approved as to form by the County Attorney.</li> </ul>	<u>Clerk:</u> Forward copy of signed resolution to County Attorney's office. (Attachment 1)  <u>County Attorney:</u> Provide Clerk with copy of fully executed agreement when ready. (Attachment 2)	
9. Memorandum of Understanding for Collaboration Among the City of Charlottesville, the County of Albemarle, and the University of VA Regarding Equity and Inclusion. <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> Resolution to approve the MOU for Collaboration Between the City of Charlottesville, the County of Albemarle, and the University of Virginia Regarding Equity and Inclusion.</li> </ul>	<u>Clerk:</u> Forward copy of signed resolution to Office of Equity and Inclusion and County Attorney's office. (Attachment 3)  <u>County Attorney:</u> Provide Clerk with fully executed copy of MOU when ready. (Attachment 4)	
From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously		

	<p>Considered by the Board or Matters that are Pending Before the Board. (<b>continued</b>)</p> <ul style="list-style-type: none"> <li>• <u>Fraidoon Hovaizi</u>, owner of 126 Fontana Court addressed the Board concerning agenda item #10.</li> </ul>	
10.	<p>SE202000024 Homestay Special Exception - 126 Fontana Court (Fraidoon Hovaizi).</p> <ul style="list-style-type: none"> <li>• By a vote of 5:1 (Gallaway), <b>ADOPTED</b> Resolution to deny the special exception application.</li> </ul>	<p><u>Clerk</u>: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 5)</p>
11.	<p>CARES Coronavirus Relief Fund (CRF) Final Report and Potential Uses of the Pandemic Response, Recovery and Reconstitution and Contingency Reserve and the Advancing Strategic Priorities Reserve.</p> <ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>REQUESTED</b> that staff bring back an appropriation request to the Board to provide \$3M in one-time funding to support the expansion of Broadband access and affordability for infrastructure advancement, of which \$2M would be provided from the Pandemic Response, Recovery, and Reconstitution and Contingency Reserve and \$1M would be provided from the Advancing Strategic Priorities Reserve.</li> <li>• By a vote of 6:0, <b>REQUESTED</b> that staff bring back an appropriation request to the Board to provide \$1.1M in one-time funding from the Advancing Strategic Priorities Reserve to support the development of a Southern Albemarle Convenience Center.</li> <li>• By a vote of 6:0, <b>REQUESTED</b> that staff bring back an appropriation request to the Board to provide up to \$350K from the Advancing Strategic Priorities Reserve to support the Conceptual Analysis and Partial Design of Reas Ford and Earlysville Intersection Improvements.</li> </ul>	<p><u>Staff</u>: Proceed as directed.</p>
	<p><b>Recess.</b> The Board recessed at 3:53 p.m., and reconvened at 4:04 p.m.</p>	
12.	<p><b>Work Session:</b> ZTA201900008 - Section 33 - Zoning Text Amendments, Zoning Map Amendments, Special Use Permits and Special Exceptions.</p> <ul style="list-style-type: none"> <li>• <b>CONSENSUS</b> to set the Public Hearing.</li> </ul>	<p><u>Clerk</u>: Schedule on future agenda and advertise in Daily Progress.</p>
13.	<p><b>Presentation:</b> Defense Affairs Committee (DAC) Program Manager Report.</p> <ul style="list-style-type: none"> <li>• <b>RECEIVED.</b></li> </ul>	
14.	<p>Closed Meeting.</p> <ul style="list-style-type: none"> <li>• At 5:08 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:</li> <li>• Under Subsection (8), to consult with and be briefed by legal counsel regarding specific legal matters requiring legal advice relating to the Board's Rules of Procedure and disruptions during open meetings; and</li> <li>• Under Subsection (19), to discuss plans to protect public safety as it relates to cybersecurity vulnerabilities during open meetings and briefings by staff members and legal counsel concerning actions taken to respond to these matters.</li> </ul>	
15.	<p>Certified Closed Meeting.</p> <ul style="list-style-type: none"> <li>• At 6:03 p.m., the Board reconvened into open</li> </ul>	

meeting and certified the closed meeting.		
16.	<p>From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.</p> <ul style="list-style-type: none"> <li>• <u>Judy Schlusssel</u>, Rio district resident, spoke on the Boards February 3 Comp Plan amendment discussion.</li> <li>• <u>Kent Schlusssel</u>, Rio district resident addressed the Board concerning the Rio Road Corridor study.</li> </ul>	
17.	<p><b><u>Pb. Hrg.: ZMA2020-11 - Premier Circle.</u></b></p> <ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>ADOPTED</b> ordinance approving ZMA2020-11 Premier Circle.</li> <li>• By a vote of 6:0, <b>ADOPTED</b> resolution to approve SE202000023 Premier Circle.</li> </ul>	<p><u>Clerk:</u> Forward copies of signed resolutions to Community Development and County Attorney's office. (Attachments 6-10)</p>
18.	<p>From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> <li>• By a vote of 6:0, directed staff to develop a registration process and program for persons wanting to speak during "From the Public," which may include the speaker's name, telephone number, email address, address, and magisterial district; and to revise the guide provided to speakers during "From the Public" to include information regarding disruptive behavior</li> </ul> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> <li>• Commented that she thought the corridor study was going to be much longer in length and asked if there was an update on that decision and if there was any further analysis.</li> </ul> <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> <li>• Reminded everyone to have their devices charging as they go to bed that evening (due to the winter storm), as they may need them the next day.</li> </ul>	
19.	<p>From the County Executive: Report on Matters Not Listed on the Agenda.</p> <p><u>Jeff Richardson:</u></p> <ul style="list-style-type: none"> <li>• Reported that the Incident Management Team (IMT) has recommended that Albemarle County continue with its current building posture through May 17 and he has accepted that recommendation.</li> </ul> <p><u>Doug Walker:</u></p> <ul style="list-style-type: none"> <li>• Provided an update on the upcoming inclement weather and reported that the County Office Building would be physically closed on February 18.</li> </ul>	
20.	<p>Adjourn to February 24, 2021, 12:00 p.m., electronic meeting pursuant to Ordinance No. 20-A(16).</p> <ul style="list-style-type: none"> <li>• The meeting was adjourned at 7:56 p.m.</li> </ul>	

ckb/tom

Attachment 1 – Resolution to Approve the FY 21 Agreement between the County of Albemarle and the Commonwealth of Virginia Department of Health

Attachment 2 – Proposed Agreement between the Virginia Department of Health and the Albemarle County Board of Supervisors for Funding and Services of the Albemarle County Health Department

Attachment 3 – Resolution to Approve A Memorandum of Understanding with the City of Charlottesville and UVA for Collaboration Regarding Equity and Inclusion

Attachment 4 – Proposed Memorandum of Understanding for Collaboration Among Charlottesville, Albemarle, and UVA Regarding Equity and Inclusion

Attachment 5 – Resolution to Deny the Special Exception for SE202000024 126 Fontana Court (Fraidoon Hovaizi) Homestay

Attachment 6 – Ordinance No. 21-A(3) ZMA 2020-00011

Attachment 7 – ZMA202000011 Premier Circle Code of Development dated January 4, 2021

Attachment 8 – ZMA202000011 Premier Circle Application Plan dated January 15, 2021

Attachment 9 – ZMA202000011 Premier Circle Proffers dated January 25, 2021

Attachment 10 – Resolution to Approve SE202000023 Premier Circle



**RESOLUTION TO APPROVE THE FY 21 AGREEMENT  
BETWEEN THE COUNTY OF ALBEMARLE AND  
THE COMMONWEALTH OF VIRGINIA DEPARTMENT OF HEALTH**

**WHEREAS**, the Board finds it is in the best interest of the County to enter into an Agreement with the Commonwealth of Virginia Department of Health for the operation of the local Blue Ridge Health District Health Department.

**NOW, THEREFORE, BE IT RESOLVED** that, pursuant to Virginia Code § 32.1-31, the Board of Supervisors of Albemarle County, Virginia hereby approves the FY 21 Agreement between the County of Albemarle and the Commonwealth of Virginia Department of Health and authorizes the County Executive to execute it on behalf of the County after it is approved as to form by the County Attorney.

AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF HEALTH AND THE  
ALBEMARLE COUNTY BOARD OF SUPERVISORS FOR FUNDING AND SERVICES  
OF THE ALBEMARLE COUNTY HEALTH DEPARTMENT

This agreement ("Agreement") for the services to be provided by the Albemarle County Health Department and the funding therefore is by and between the Virginia Department of Health ("VDH") and the Albemarle County Board of Supervisors (collectively "the Parties").

The Agreement is created in satisfaction of the requirements of § 32.1-31 of the Code of Virginia (1950), as amended, in order to operate the Albemarle County Health Department under the terms of this Agreement.

NOW, THEREFORE, in consideration of the covenants and agreements in this Agreement, the sufficiency of which is acknowledged, the Parties agree as follows.

§ 1. VDH, over the course of one fiscal year, will pay an amount not to exceed \$911,700.00, from the state general fund to support the cooperative budget in accordance with, and dependent upon, appropriations by the General Assembly, and in like time frame, the Board of Supervisors of Albemarle County will provide by appropriation and in equal quarterly payments a sum of \$745,936.00 local matching funds and \$59,886.00 one-hundred percent local funds for a total of \$805,822.00 local funds for this fiscal year.

In addition, the Board of Supervisors has approved the Albemarle County Health Department to carry forward \$0.00 in local matching funds for a total of \$745,936.00 matching funds and an additional \$0.00 in one-hundred percent local funds from the prior fiscal year closing locality balance.

These joint funds will be distributed in timely installments, as services are rendered in the operation of the Albemarle County Health Department, which shall perform public health services in Albemarle County as indicated in Attachment A(1.), and will perform services required by local ordinances as indicated in Attachment A(2.). Payments from the local government are due on the third Monday of each fiscal quarter.

§ 2. The term of the agreement begins July 1, 2020. This Agreement will be automatically extended on a state fiscal year to year renewal basis under the existing terms and conditions of the Agreement unless timely written notice of termination is provided by either party. Such written notice shall be given at least 60 days prior to the beginning of the fiscal year in which the termination is to be effective.

§ 3. The Commonwealth of Virginia ("Commonwealth") and VDH shall be responsible for providing liability insurance coverage and will provide legal defense for state employees of the local health department for acts or occurrences arising from performance of activities conducted pursuant to state statutes and regulations.

- A. The responsibility of the Commonwealth and VDH to provide liability insurance coverage shall be limited to and governed by the Commonwealth of Virginia Public Liability Risk Management Plan, established under § 2.2-1837 of the Code of Virginia (1950), as amended. Such insurance coverage shall extend to the services specified in Attachments A(1.) and A(2.), unless the locality has opted to provide coverage for the employee under the Public Officials Liability Self-Insurance Plan, established under § 2.2-1839 of the Code of Virginia (1950), as amended, or under a policy procured by the locality.
- B. The Commonwealth and VDH will be responsible for providing legal defense for those acts or occurrences arising from the performance of those services listed in Attachment A(1.), conducted in the performance of this contract, as provided for under the Code of Virginia and as provided for under the terms and conditions of the Commonwealth of Virginia Public Liability Risk Management Plan.

- C. Services listed in Attachment A(2.), any services performed pursuant to a local ordinance, and any services authorized solely by Title 15.2 of the Code of Virginia (1950), as amended, when performed by a state employee, are herewith expressly exempted from any requirements of legal defense or representation by the Attorney General or the Commonwealth. For purposes of assuring the eligibility of a state employee performing such services for liability coverage under the Commonwealth of Virginia Public Liability Risk Management Plan, the Attorney General has approved, pursuant to § 2.2-507 of the Code of Virginia (1950), as amended, and the Commonwealth of Virginia Public Liability Risk Management Plan, the legal representation of said employee by the city or county attorney, and, the Board of Supervisors of Albemarle County hereby expressly agrees to provide the legal defense or representation at its sole expense in such cases by its local attorney.
- D. In no event shall the Commonwealth or VDH be responsible for providing legal defense or insurance coverage for local government employees.

§ 4. Title to equipment purchased with funds appropriated by the local government and transferred to the Commonwealth, either as match for state dollars or as a purchase under appropriated funds expressly allocated to support the activities of the local health department, will be retained by the Commonwealth and will be entered into the Virginia Fixed Asset Accounting and Control System. Local appropriations for equipment to be locally owned and controlled should not be remitted to the Commonwealth, and the local government's procurement procedures shall apply in the purchase. The locality assumes the responsibility to maintain the equipment and all records thereon.

§ 5. This Agreement may only be amended or otherwise modified by an instrument in writing signed by the Parties.

\_\_\_\_\_  
Robert W. Hicks  
Deputy Commissioner for Community Health Services  
Virginia Department of Health

\_\_\_\_\_  
Local authorizing officer signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorizing officer printed name

\_\_\_\_\_  
Denise Bonds, MD, MPH  
District Health Director  
Blue Ridge Health District

\_\_\_\_\_  
Authorizing officer title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Approved as to form by the Office of the Attorney General on July 23, 2018

Attachments: Local Government Agreement, Attachment A(1.)  
Local Government Agreement, Attachment A(2.)



LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH  
COMMUNITY HEALTH SERVICES

BASIC PUBLIC HEALTH SERVICES TO BE **ASSURED** BY LOCAL HEALTH DEPARTMENTS  
INCOME LEVEL A IS DEFINED BY THE BOARD OF HEALTH TO BE MEDICALLY INDIGENT ([32.1-11](#))

For Each Service Provided, Check Block for Highest Income Level Served			
COLLABORATIVE COMMUNITY HEALTH IMPROVEMENT PROCESS	Income A only	Defined by Federal Regulations	All (specify income level if not ALL)
Assure that ongoing collaborative community health assessment and strategic health improvement planning processes are established. To include public health, health care systems and community partners. As provided for in §32.1-122.03 Code Link <a href="#">32.1-122.03</a> ; State Health Plan Link <a href="#">Virginia Plan for Well-Being 2016-2020</a>			X
COMMUNICABLE DISEASE SERVICES	Income A only	Defined by Federal Regulations	All (specify income level if not ALL)
Immunization of patients against certain diseases, including Childhood Immunizations As provided for in 32.1-46 Code Link <a href="#">32.1-46</a>			X
Sexually transmitted disease screening, diagnosis, treatment, and surveillance 32.1-57, Districts may provide counseling Code Link <a href="#">32.1-57</a>			X
Surveillance and investigation of disease 32.1-35 and 32.1-39 Code Links <a href="#">32.1-35</a> , <a href="#">32.1-39</a> , <a href="#">32.1-43</a>			X
HIV/AIDS surveillance, investigation, and sero prevalence survey 32.1-36, 32.1-36.1, 32.1-39 Code Links <a href="#">32.1-36</a> , <a href="#">32.1-36.1</a> , <a href="#">32.1-39</a>			X
Tuberculosis control screening, diagnosis, treatment, and surveillance 32.1-49, 32.1-50.1, and 32.1-54 Code Links <a href="#">32.1-49</a> , <a href="#">32.1-50</a> , <a href="#">32.1-50.1</a>			X
FAMILY PLANNING SERVICES	Income A only	Defined by Federal Regulations	All
Clinic services including drugs and Contraceptive supplies Family Planning Population Research Act of 1970, Title X Code Link <a href="#">32.1-77</a> , 42 U.S.C 300 et seq., and 42 CFR Part 59		X	
Pregnancy testing and counseling Family Planning Population Research Act of 1970, Title X Code Link <a href="#">32.1-77</a> , 42 U.S.C. 300 et seq., and 42 CFR Part 59\		X	

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH  
COMMUNITY HEALTH SERVICES

BASIC PUBLIC HEALTH SERVICES TO BE **ASSURED** BY LOCAL HEALTH DEPARTMENTS  
INCOME LEVEL A IS DEFINED BY THE BOARD OF HEALTH TO BE MEDICALLY INDIGENT ([32.1-11](#))

CHILD HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Children Specialty Services; diagnosis, treatment, follow-up, and parent teaching 32.1-77, 32.1-89 and 32.1-90 Code Links- <a href="#">32.1-77</a> , <a href="#">32.1-89</a> , <a href="#">32.1-90</a>			X
Screening for genetic traits and inborn errors of metabolism, and provision of dietary supplements Code Links- <a href="#">32.1-65</a> , <a href="#">32.1-67</a> , <a href="#">32.1-68</a>			X
Well child care up to age 18 Board of Health Code Link- <a href="#">32.1-77</a>	X		
WIC : Federal grant requirement Public Law 108-265 as amended, Child Nutrition Act of 1966; Child Nutrition and WIC Reauthorization Act 2009 Code Link 42 U.S.C. § 1786; 7 C.F.R. Part 26		X	
EPSDT: DMAS MOA Social Security Act section 1905(r) (5) Code Link- <a href="#">32.1-11</a>			X
Blood lead level testing Code Link- <a href="#">32.1-46.1</a> , <a href="#">32.1-46.2</a>			X
Outreach, Patient and Community Health Education Code Link- <a href="#">32.1-11</a> , <a href="#">32.1-11.3</a> ,			X
Community Education Code Link- <a href="#">32.1-11</a> , <a href="#">32.1-23</a>			X
Pre-school Physicals for school entry Code Link- <a href="#">22.1-270</a>	X		
Services for Children with Special health care needs Title V, Social Security Act Code Link- <a href="#">32.1-77</a>			X
Child restraints in motor vehicles Code Link- <a href="#">46.2-1095</a> , <a href="#">46.2-1097</a>			X
Babycare, <b>Child</b> : DMAS MOA			X
MATERNAL HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Prenatal and post partum care for low risk and intermediate risk women, Title V, Social Security Act Code Link- <a href="#">32.1-77</a>		X	
Babycare, <b>Maternal</b> : DMAS MOA		X	
WIC: Federal grant requirement Public Law 108-265 as amended, Child Nutrition Act of 1966; Child Nutrition and WIC Reauthorization Act 2009 Code Link 42 U.S.C §1786 and 7CFR Part 26		X	

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH  
COMMUNITY HEALTH SERVICES

ENVIRONMENTAL HEALTH SERVICES  
BASIC PUBLIC HEALTH SERVICES TO BE **ASSURED** BY LOCAL HEALTH DEPARTMENTS

<p><b>The following services performed in accordance with the provisions of the Code of Virginia, the regulation of the Board of Health and/or VDH agreements with other state or federal agencies and VDH policies. Data regarding the below services shall be entered in, or exported to, the statewide environmental health database for all available data fields. Local health department staff shall be responsible for responding to all complaints, constituent responses, media inquiries, and Freedom of Information Act request related to the following services.</b></p>	
<p><b>Investigation of communicable diseases:</b> Pursuant to §§ 32.1-35 and 32.1-39 of the Code of Virginia, the local health director and local staff are responsible for investigating any outbreak or unusual occurrence of a preventable disease that the Board of Health requires to be reported. Code Links- <a href="#">32.1-35</a>, <a href="#">32.1-39</a></p>	X
<p><b>Marinas:</b> Pursuant to § 32.1-246 of the Code of Virginia, local health department staff are responsible for permitting marinas and other places where boats are moored and is responsible for inspecting them to ensure that their sanitary fixtures and sewage disposal facilities are in compliance with the Marina Regulations (12VAC5-570-10 et seq.) Code Link- <a href="#">32.1-246</a></p>	X
<p><b>Migrant labor camps:</b> Pursuant to §§ 32.1-203-32.1-211 of the Code of Virginia, local health departments are responsible for issuing, denying, suspending and revoking permits to operate migrant labor camps. Local health departments also must inspect migrant labor camps and ensure that the construction, operation and maintenance of such camps are in compliance with the Rules and Regulations Governing Migrant Labor Camps (12VAC5-501-10 et seq.). Code Links- <a href="#">32.1 Chapter 6 Article 6</a></p>	X
<p><b>Milk:</b> Pursuant to §§ 3.2-5206, 3.2-5208 of the Code of Virginia and the agency's MOA with VDACS, the local health department is responsible for issuing, denying, suspending and revoking permits for Grade "A" milk processing plants which offer milk and or milk products for sale in Virginia. Local health departments are also responsible for the inspection of Grade "A" milk plants for compliance with the Regulations Governing Grade "A" Milk (2VAC5-490-10). Code Links- <a href="#">3.2-5206</a>, <a href="#">3.2-5208</a></p>	X
<p><b>Alternative discharging sewage systems:</b> Pursuant to § 32.1-164(A) of the Code of Virginia, local health departments are responsible for issuing, denying and revoking construction and operation permits for alternative discharging systems serving individual family dwellings with flows less than or equal to 1,000 gallons per day on a monthly average. Local health departments are also required to conduct regular inspections of alternative discharging systems in order to ensure that their construction and operation are in compliance with the Alternative Discharging Sewage Treatment Regulations for Individual Family Dwellings (12VAC5-640-10 et seq.). Code Link- <a href="#">32.1-164</a></p>	X
<p><b>Onsite sewage systems:</b> Pursuant to § 32.1-163 et seq. of the Code of Virginia, local health department staff is responsible for reviewing and processing site evaluations and designs of onsite sewage systems in accordance with applicable state regulations and may perform such evaluations and designs as allowed. Local health department staff is also responsible for issuing, denying and revoking construction and operation permits for conventional and alternative onsite sewage systems. Local health department staff are responsible for assuring that onsite sewage systems are inspected at time of construction for compliance with the Sewage Handling and Disposal Regulations (12VAC5-610-20 et seq.; "SHDR") and the Alternative Onsite Sewage System Regulations (12VAC5-613-10 et seq.; "AOSS Regulations"); local health department staff may perform such inspections as required. Local health department staff is also responsible for assuring the performance, operation, and maintenance of onsite sewage systems are in compliance with the SHDR and AOSS Regulations. Code Link- <a href="#">32.1-163</a></p>	X
<p><b>Rabies:</b> Pursuant to § 3.2-6500 et seq. of the Code of Virginia, the local health department is responsible for investigating complaints and reports of suspected rabid animals exposing a person, companion animal, or livestock to rabies. Code Link- <a href="#">3.2-6500</a></p>	X



LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH  
COMMUNITY HEALTH SERVICES

ENVIRONMENTAL HEALTH SERVICES  
BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS

<b>Restaurants/eating establishments:</b> Pursuant to § 35.1-14 of the Code of Virginia, local health departments are responsible for issuing, denying, renewing, revoking and suspending permits to operate food establishments. In addition, local health departments are required to conduct at least one annual inspection of each food establishment to ensure compliance with the requirements of the Food Regulations (12VAC5-421-10 et seq.). These regulations include requirements and standards for the safe preparation, handling, protection, and preservation of food; the sanitary maintenance and use of equipment and physical facilities; the safe and sanitary supply of water and disposal of waste and employee hygiene standards. Code Link- <a href="#">35.1-14</a>	X
<b>Hotels/Motels:</b> In accordance with § 35.1-13 of the Code of Virginia, local health department staff is responsible for issuing, denying, revoking and suspending permits to operate hotels. The local health department is responsible for conducting inspections of hotels to ensure compliance with the Hotel Regulations (12VAC5-431-10 et seq.). These regulations include requirements and standards for physical plant sanitation; safe and sanitary housekeeping and maintenance practices; safe and sanitary water supply and sewage disposal and vector and pest control. Code Link- <a href="#">35.1-13</a>	X
<b>Wells:</b> Pursuant to § 32.1-176.4, and the resulting authority provided by the Board, local health departments are responsible for issuing, denying and revoking construction permits and inspection statements for private wells. Local health departments are also responsible for inspecting private wells to ensure that their construction and location are in compliance with the Private Well Regulations. (12VAC5-630-10 et seq.) Code Link- <a href="#">32.1-176.4</a>	X
<b>Homes for adults:</b> The local health department, at the request of the Department of Social Services (DSS), will inspect DSS-permitted homes for adults to evaluate their food safety operations, wastewater disposal and general environmental health conditions. (22VAC40-80-160(B)(3))	X
<b>Juvenile Justice Institutions:</b> Pursuant to § 35.1-23 of the Code of Virginia and the agency's memorandum of understanding with the Department of Corrections, local health departments are responsible for conducting at least one annual unannounced inspection of juvenile justice institutions in order to evaluate their kitchen facilities, general sanitation and environmental health conditions. Code Link- <a href="#">35.1-23</a>	X
<b>Jail inspections:</b> Pursuant to § 53.1-68 of the Code of Virginia and the agency's memorandum of understanding with the Department of Corrections, local health departments are responsible for conducting at least one annual unannounced inspection of correction facilities in order to evaluate their kitchen facilities, general sanitation and environmental health conditions. Code Link- <a href="#">53.1-68</a>	X
<b>Daycare centers:</b> At the request of DSS will inspect DSS-permitted daycare centers to evaluate their food safety operations, wastewater disposal and general environmental health conditions. (22VAC40-80-160(B)(3))	X
<b>Radon</b> Pursuant to § 32.1-229, local health department may assist VDH Central Office with Radon testing and analysis. Code Link- <a href="#">32.1-229</a> .	X
<b>Summer camps/ Campgrounds:</b> Pursuant to §§ 35.1-16 and 35.1-17 of the Code of Virginia and the corresponding regulations, local health departments are responsible for issuing, denying, and revoking permits to operate summer camps and campgrounds. The local health department is responsible for conducting inspections of summer camps and campgrounds not less than annually to ensure that their construction, operation and maintenance are in compliance with the Regulations for Summer Camps (12VAC5-440-10 et seq.) and the Rules and Regulations Governing Campgrounds (12VAC5-450-10 et seq.). Code Links- <a href="#">35.1-16</a> , <a href="#">35.1-17</a>	X



LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH  
COMMUNITY HEALTH SERVICES

OTHER PUBLIC HEALTH SERVICES  
BASIC PUBLIC HEALTH SERVICES TO BE **ASSURED** BY LOCAL HEALTH DEPARTMENTS

The following services performed in accordance with the provisions of the Code of Virginia, the regulations of the Board of Health and/or the policies and procedures of the State Department of Health	
Pre-Admission Screenings (PAS) DMAS MOA Code Link- <a href="#">32.1-330</a>	X
Comprehensive Services Act Community Policy and Management Teams (CPMT) 2.2-5201-2.2-5211 Code Link- <a href="#">2.2-5201</a> , <a href="#">2.2-5211</a>	X
Interagency Coordinating Council (Infants/Toddlers) Early Intervention Services Code Link- <a href="#">2.2-5305</a> , <a href="#">2.2-5306</a>	X
Vital Records Code Link- <a href="#">32.1-254</a> , <a href="#">32.1-255</a> , <a href="#">32.1-272</a>	X
Immunizations for maternity and post-partum patients Code Link- <a href="#">32.1-11</a> , <a href="#">32.1-325</a> , <a href="#">54.1-3408</a> .	X
AIDS Drug Assistance Program (ADAP) Code Link- <a href="#">32.1-11</a> ,	X
Emergency Preparedness and Response Code Link- <a href="#">32.1-42</a> , <a href="#">32.1-43</a> et seq., <a href="#">32.1-229</a> ,	X
HIV Counseling, Testing and Referral Code Link- <a href="#">32.1-37.2</a>	X

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH  
COMMUNITY HEALTH SERVICES

**OPTIONAL PUBLIC HEALTH SERVICES**

For Each Service Provided, Check Block for Highest Income Level Served			
COMMUNICABLE DISEASE SERVICES	Income A only	Defined by Federal Regulations	All
Foreign Travel Immunizations			
Other:			
CHILD HEALTH SERVICES			
Disabled disability Waiver Screenings DMAS MOA Code Link <a href="#">32.1-330</a> Other:			
Other			
MATERNAL HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Other:			
FAMILY PLANNING SERVICES	Income A only	Defined by Federal Regulations	All
Nutrition Education			
Preventive Health Services			
Pre-Conception Health Care			
Other:			
MEDICAL SERVICES - <b>Please identify services</b>	Income A only	Defined by Federal Regulations	All
Community Education			
Other			

VIRGINIA DEPARTMENT OF HEALTH  
COMMUNITY HEALTH SERVICES

**OPTIONAL PUBLIC HEALTH SERVICES**

For Each Service Provided, Check Block for Highest Income Level Served
--

SPECIALTY CLINIC SERVICES - <b>Please identify services</b>	Income A only	Defined by Federal Regulations	All
DENTAL HEALTH SERVICES - <b>Please identify services</b>	Income A only	Defined by Federal Regulations	All

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(2.)

VIRGINIA DEPARTMENT OF HEALTH  
COMMUNITY HEALTH SERVICES

PUBLIC HEALTH ENVIRONMENTAL SERVICES PROVIDED  
UNDER LOCAL ORDINANCE OR CONTRACT

Neither the <i>Code of Virginia</i> nor Regulations of the Board of Health requires the following services to be provided by the local health department	Place an X in this column if service is provided for locality	Local ordinance code cite	Provide a brief description of local ordinance requirements
Water supply sanitation- Inspection of Water Supplies. Code Link- <a href="#">15.2-2144</a> on local regulation			
Other Environmental – identify services below			
Smoking Ordinances	X	Albemarle Code §7-308 Charlottesville Code § 24.1-11	Enforcement
Water Supplies and Sewer System	X	Albemarle County Code, Chapter 18, Section 4.1	Enforcement- Establishes minimum area requirements for original and replacement subsurface drainfields that are more restrictive than state regulations require
Location of Onsite Sewage Systems	X	Albemarle County Code, Chapter 18, Section 4.2.4	Enforcement – In support of Section 4.2(Critical Slopes), intent is to discourage onsite sewage systems on slopes of twenty (20) percent or greater
Types of structures, improvements and activities which may be allowed in a stream buffer by program authority	X	Albemarle County Code, Chapter 17, Section 600	Enforcement – In support of Chapter 17 (Stream Buffers), intent is to provide stream buffers in the development area, water supply protection area and rural area which require sewage disposal systems to be located a minimum of 100 horizontal feet from a perennial or intermittent stream and 200 horizontal feet from the flood plain of any public water supply impoundment. The applicable state regulations require a minimum of 50 horizontal feet.


LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(2.)

VIRGINIA DEPARTMENT OF HEALTH  
COMMUNITY HEALTH SERVICES

PUBLIC HEALTH SERVICES PROVIDED UNDER  
LOCAL ORDINANCES OR CONTRACT WITH LOCAL GOVERNMENTS

**OPTIONAL PUBLIC HEALTH MEDICAL SERVICES**

For Each Service Provided, Check Block for Highest Income Level Served			
Neither the <i>Code of Virginia</i> nor Regulations of the Board of Health requires the following services to be provided by the local health department.  (identify services below)	Income A only	Local ordinance code cite, or contract number	All

**RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING  
WITH THE CITY OF CHARLOTTESVILLE AND THE UNIVERSITY OF VIRGINIA FOR COLLABORATION  
REGARDING EQUITY AND INCLUSION**

**WHEREAS**, the City, the County, and UVA are committed to working in partnership to achieve their mutual goals to advance equity and inclusion in our regional community; and

**WHEREAS**, the Board of Supervisors finds it is in the best interest of the County to approve entering a Memorandum of Understanding with the City and UVA to develop and enact plans to identify mutually beneficial ways to cooperate and communicate where possible.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Albemarle County, Virginia hereby approves the Memorandum of Understanding between the County, the City, and UVA for collaboration regarding equity and inclusion, and authorizes the Chair of the Board of Supervisors to execute the Memorandum of Understanding on behalf of the County.

**MEMORANDUM OF UNDERSTANDING FOR COLLABORATION  
AMONG THE CITY OF CHARLOTTESVILLE, THE COUNTY ALBEMARLE, AND  
THE UNIVERSITY OF VIRGINIA REGARDING EQUITY AND INCLUSION**

WHEREAS, the City of Charlottesville, the County of Albemarle, and the University of Virginia are committed to the provision of quality services to our entire community regardless of ethnicity, race, color, sex, sexual orientation, religion, language competence, socioeconomic status, physical health, mental health, disability, gender identification or expression, age, cognitive ability, physical ability, cultural affiliation, national or ethnic origin, immigration status, family structure, veteran status, political affiliation, or employment status; and

WHEREAS, the City, the County, and the University are uniquely poised to promote an equitable and welcoming community by increasing accessibility, promoting unity, and honoring diversity; and

WHEREAS, the City, the County, and the University recognize and affirm their shared responsibility in advancing equity and inclusion in our regional community and seek to work in partnership to achieve their mutual goals; and

WHEREAS, the City, the County, and the University recognize the importance of collaboration in creating a more equitable, inclusive, and welcoming community; and

WHEREAS, While the City, the County, and the University recognize that each jurisdiction's first and main priority is to serve their constituents/stakeholders, we pledge to:

- Evaluate current programs and policies and modify appropriately to address deficiencies
- Collectively invest, with allocated resources, in supporting programs and initiatives
- Set measurable goals and monitor progress of diversity, equity, and inclusion efforts
- Use available tools (such as the Equity Atlas and impact assessment tools) to support data-informed decision making
- Deepen our commitment to improved inclusivity and equity in the communities we serve
- Evaluate services and relationships through an equity lens that affect our communities
- Identify underserved communities through outreach and community partnership
- Implement programs and develop partnerships that close opportunity gaps
- Work to achieve alignment in both priorities and strategies employed to improve regional outcomes
- Designate resources including staff member(s) assigned to promote success

**NOW, THEREFORE,**

1. The City Council of Charlottesville, the Board of Supervisors of Albemarle County, and the University of Virginia hereby agree to this Memorandum of Understanding committing to developing and enacting plans to identify mutually beneficial ways to cooperate and communicate where possible.

2. This Memorandum of Understanding shall begin on the date of signatures by the Mayor of the City of Charlottesville, the Chair of the Board of Supervisors of Albemarle County, and University of Virginia President, as authorized by their respective bodies.



**CITY OF CHARLOTTESVILLE**

\_\_\_\_\_  
By: Nikuyah Walker, Mayor

\_\_\_\_\_  
Date

**COUNTY OF ALBEMARLE, VIRGINIA**

\_\_\_\_\_  
By: Ned L. Gallaway, Chair

\_\_\_\_\_  
Date

**THE RECTOR AND VISITORS OF THE UNIVERSITY OF VIRGINIA**

\_\_\_\_\_  
By: James E. Ryan, President

\_\_\_\_\_  
Date

**RESOLUTION TO DENY THE SPECIAL EXCEPTION APPLICATION  
FOR SE202000024 126 FONTANA COURT (FRAIDOOON HOVAIZI) HOMESTAY**

**BE IT RESOLVED** that, upon consideration of the Memorandum prepared in conjunction with the application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to special exceptions in Albemarle County Code §§ 18-5.1.48 and 18-33.49, the Albemarle County Board of Supervisors hereby denies the special exception application to modify the number of guest rooms permitted in a homestay from two to four for SE2020-00024 126 Fontana Court (Fraidoon Hovaizi) Homestay.

**ORDINANCE NO. 21-A(3)  
ZMA 2020-00011**

**AN ORDINANCE TO AMEND THE ZONING MAP  
FOR TAX PARCEL 061M0-00-00-00600**

**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 2020-00011 and their attachments, including the code of development dated January 4, 2021, the application plan dated January 15, 2021, and the proffers dated January 25, 2021, the information presented at the public hearing, any comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code §§ 18-20A.1 and 18-33.27, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2020-00011 with the code of development dated January 4, 2021, the application plan dated January 15, 2021, and the proffers dated January 25, 2021.

\* \* \* \* \*

Premier Circle, ZMA 2020-00011  
 September 21, 2020; Second Submission November 20, 2020; Third Submission January 4, 2021

## CODE OF DEVELOPMENT

The following is a Code of Development ("COD") drafted in accordance with Section 20A.5 of Chapter 18 of the Code of Albemarle, Virginia and specific to tax map parcel 061M0-00-00-00600. This Code of Development establishes the unifying design guidelines, specific regulations and block characteristics. The COD also provides certainty about permitted uses, locations and appearance of central features.

### I. Table of Uses by Block (Section 20A.5a)

The table below establishes the permitted and prohibited uses by block.

"BR" = By-Right, "SP" = Special Permit, "N" = Not Permitted

TABLE A. USES: BY-RIGHT, by Special Permit, and Not Permitted		
BLOCK	BLOCK 1	BLOCK 2
	Non-residential	Mixed-Use or Residential
Residential		
Single Family Detached	N	N
Single Family Attached	N	N
Multifamily	N <sup>1</sup>	BR
Assisted Living Facilities (20A.8a)	N	BR
Skilled Nursing Facilities (20A.8a)	N	BR
Group Homes (20A.8a)	N	BR
Transient Lodging	N <sup>1</sup>	BR
Home Occupation, Class A	N	BR
Accessory Uses and Buildings Including Storage	N	BR
Non-Residential		
Retail (Neighborhood, Community and Regional)	BR	BR
General Commercial Service	BR	BR
Office/R&D	BR	BR
Flex	BR	BR
Light Manufacturing / Storage / Distribution	BR	SP
Stand Alone Parking	N	N
Heavy Manufacturing / Storage / Distribution	N	N
Warehousing / Distribution	BR	N
Institutional	BR	SP
Public Uses (5.1.12)	BR	BR
Farmers' Markets (5.1.47)	BR	BR
Family Day Homes (5.1.56)	BR	BR
Childcare Center	BR	BR
Auto Service Uses	N	N
Electric, gas, oil, and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters, and related facilities for distribution of local service and owned and operated by a public utility. Water distribution / sewage collection lines, pumping stations / appurtenances owned and operated by the ACSA. Except as otherwise expressly provided, central water supplies / central sewage systems in conformance with all applicable law.	BR	BR

BLOCK	BLOCK 1	BLOCK 2
	Mixed-Use or Non- residential	Mixed-Use or Residential
Temporary construction uses	BR	BR
SWM facilities shown on an approved final site plan or subdivision plat	BR	BR
Tier I and Tier II personal wireless service facilities	BR	BR
Accessory Uses and Buildings including home occupation, Class A and storage	BR	BR

**Notes to Table A:**

1. Use of all units within the existing buildings identified on the application plan as Buildings A, B, C, and Building D is permitted as multifamily housing or transient lodging until the redevelopment of the site occurs per the phasing plan outlined on the application plan.
2. Reference to uses not otherwise defined or listed in this Code of Development shall be defined as listed first, in the Albemarle County Zoning Ordinance, or second in the "Future Land Use Plan and Transportation Network" Section of the Places29 Master Plan adopted February 2, 2011, revised June 10, 2015. If no definition of the use is provided (Code of Development, Zoning Ordinance, Comprehensive Plan) or if there is uncertainty as to whether such use is included in the uses listed in Table A, then such use must be officially determined by the Zoning Administrator to be permitted in a particular Block.
3. The Project must contain at least two uses at final build-out.
4. The Owner shall provide affordable housing equal or greater than sixty percent (60%) of the total number of residential dwelling units constructed on the Property. See section VII of this Code of Development for Supplemental Regulations regarding Affordable Housing and Residential Uses.

II. Development Square Footage Proposed and Residential Density (Section 20A.b and c)

TABLE B. DENSITY, HOUSING TYPE, AND NON-RESIDENTIAL USE BY BLOCK								
BLOCK	APPROX. BLOCK SIZE	MIN. DWELLING UNITS	MAX. DWELLING UNITS <sup>1</sup>	MAX PROJECT GROSS DENSITY	PERMITTED HOUSING TYPES	MAX NON-RESIDENT. SINGLE BUILDING FOOTPRINT (SF)	MIN NON-RESIDENT. GROSS BUILDING AREA	MAX NON-RESIDENT. GROSS BUILDING AREA
BLOCK 1 Non-Residential	46,609 SF (1.07 acres)	0	0 <sup>1</sup>	0 DUA	NA <sup>1</sup>	20,000 <sup>5</sup>	5,000	40,000
BLOCK 2 Mixed-Use or Residential	116,740 SF (2.68 acres)	80	140 <sup>1</sup>	37 DUA	Multifamily, Special Needs Housing	5,000	0	35,000
TOTAL	163,335 SF (3.75 acres)	80	140 <sup>1</sup>	37 DUA	MF, SNH	20,000 <sup>5</sup>	<b>5,000</b>	<b>40,000</b>

Notes to Table B:

1. Use of all units within the existing buildings identified on the application plan as Buildings A, B, C, and Building D is permitted as multifamily housing or transient lodging until the redevelopment of the site occurs per the phasing plan outlined on the application plan.
2. Total maximum non-residential square footage per the Project may not exceed the total however the total square footage may be allowed in Block 1 only.
3. Total maximum gross density may not exceed 140 dwelling units for the entire Project; however, the total density may be allowed in Block 2 only.
4. The size of the blocks may vary by 10%.
5. The maximum non-residential single building footprint area is 10,000 sf for retail-only uses.

III. Green Space, Amenities (Section 20A.5d) and Recreational Facilities

TABLE C. MINIMUM GREEN SPACE AND AMENITIES BY BLOCK							
	AMENITY AREA MIN SF	AMENITY AREA %	AMENITIES	GREEN SPACE MIN SF	GREEN SPACE %	GREEN SPACE ELEMENTS	AMENITY & GREEN SPACE %
Block 1 Non- Residential	4,661	10% (4,661 of 46,609 total SF)	Courtyard/Plaza, Landscaping, Seating, Streetscape, Playgrounds	9,322	20% (9,322 of 46,609 total SF)	Entrance Corridor Landscape and Streetscape	20%
Block 2 Mixed-Use or Residential	11,674	10% (11,674 of 116,740 total SF)	Outdoor Courtyards/Plazas with Landscaping and Seating; Meditative Garden; Indoor Community Rooms; Indoor Computer Rooms, Playgrounds	23,348	20% (23,348 of 116,740 total SF)	Landscaped Buffer and Streetscape at Premier	20%
<b>TOTAL</b>	<b>16,335 <sup>5</sup></b>	<b>10% (16,335 of 163,350 total SF)</b>		<b>32,670</b>	<b>20% (32,670 of 163,350 total SF)</b>		<b>20%</b>

Notes to Table C:

1. Location of amenities and greenspace shall be assessed at the site plan stage of development.
2. The minimum amenity space and greenspace area per block may vary so long as the overall total is provided per the Project.
3. Amenity Space may be provided within buildings.
4. Amenity Space may be within Greenspace per the Zoning Ordinance Section 20A.9.d.
5. A minimum of 2,500 sf of Amenity Space must be provided by the end of Phase 1 redevelopment of the site per the phasing plan outlined on the Application Plan.

TABLE D: RECREATIONAL FACILITY REQUIREMENTS		
BLOCK	FACILITY	MIN. FACILITY AREA SF
Blocks 1 & 2	Recreational requirements will meet 4.16 unless substitutions are approved by the Planning Director at the site plan stage. If Planning Director approves the substitution, one (1) 2,000 sf <b>contiguous</b> community garden may be provided as substitution for the requirements of 4.16 per each residential multifamily building constructed. If a community garden is provided, the garden shall provide the following: <ul style="list-style-type: none"> <li>• raised garden beds</li> <li>• a continuous perimeter fence</li> <li>• accessibility</li> <li>• adequate sun exposure</li> <li>• adequate size, location, shape, slope and condition of the land</li> <li>• a water source</li> <li>• a plan for long-term maintenance</li> </ul>	Recreational requirements will meet 4.16 unless substitutions are approved by the Planning Director at the site plan stage. If approved, a 2,000 SF contiguous space must be provided per community garden with proportions adequate to the associated activity.
	Recreational requirements will meet 4.16 unless substitutions are approved by the Planning Director at the site plan stage. If Planning Director approves the substitution, one (1) 500 sf interior fitness room may be provided as substitution for the requirements of 4.16 per each residential multifamily building constructed. This fitness room shall provide equipment appropriate for the residents to whom it serves.	Recreational requirements will meet 4.16 unless substitutions are approved by the Planning Director at the site plan stage. If approved, a 500 SF min space per fitness room with proportions adequate to fitness and required clearances around equipment.

**Notes to Table D:**

1. Location of recreational facilities shall be assessed at the site plan stage of development and substitutions other than those listed above may be approved by the planning director to provide recreational space(s) appropriate to the population and demographic of this project.
2. Recreational facilities must be accessible to the residents whom they serve and are not required to be accessible to the public.

IV. Architectural Standards and Landscape Treatment (Sections 20A.5g and h)

**Landscaped Buffer Next to Street**

A Landscaped Buffer shall be provided adjacent to the Entrance Corridor as specified in the Entrance Corridor Design guidelines, subject to the following conditions:

1. Street trees shall be appropriate for the grade of the terrain.



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2. Street trees shall be placed to avoid utility easements and overhead powerlines.
3. A row of vegetative screening as specified in Section 18-32.7.9.7 shall be used adjacent to parking along the Entrance Corridor.
4. The landscaping shall allow for future potential pedestrian paths or sidewalks to comply with Urban Frontage or Landscape Development Frontage as described in the Places29 Master Plan adopted February 2, 2011, revised June 10, 2015.

**Landscaping Along Premier Circle**

Landscaping along Premier Circle and any interior roads shall be provided as specified in Interior Roads section of the Entrance Corridor Design guidelines.

**Landscaping of Buildings and Other Structures at Entrance Corridor**

Landscaping along Buildings in Block 1 shall be provided as specified in the Entrance Corridor Design guidelines.

**Landscaping of Parking Areas**

Landscaping in parking areas in Block 1 adjacent to the Entrance Corridor shall be provided as specified in the Entrance Corridor Design guidelines.

**Landscaped Buffer Next to UDA Boundary**

A 20' minimum landscaped Buffer shall be provided adjacent to the UDA Boundary as described in the "Future Land Use Plan and Transportation Network" Section of the Places29 Master Plan adopted February 2, 2011, revised June 10, 2015 also described as the northwest property line between the Property and Berkley Subdivision. This buffer must contain a mixture of ever green or deciduous trees and shrubs and provide screening to comply with the Zoning Ordinance Section 32.7.9.7 where required. This buffer may be disturbed but must be replanted.

V. Lot and Building Height Regulations (Section 20A.5 i)

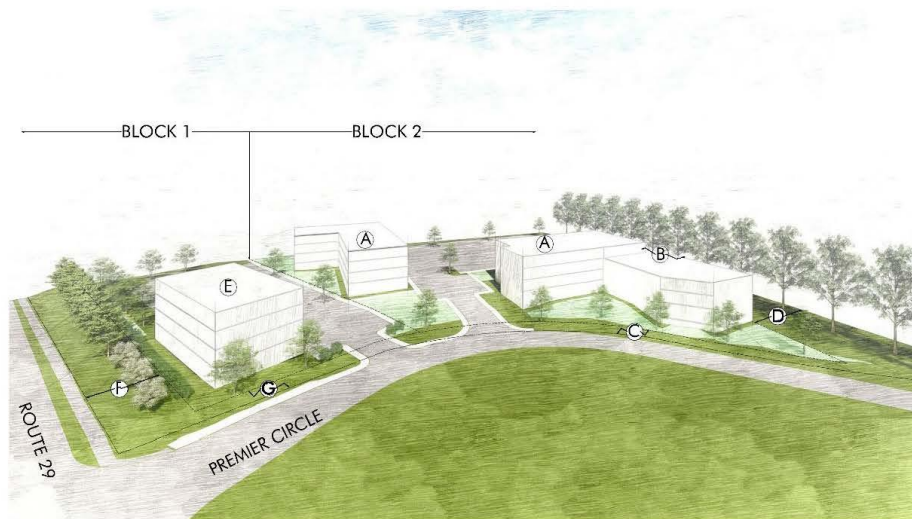
TABLE E. LOT AND BUILDING REGULATIONS		
	BLOCK 1	BLOCK 2
	Non-Residential	Mixed-Use or Residential
Building Height		
Stories	1 Min.	1 Min.
Min.	4 Max. <sup>7</sup>	4 Max.
Max.		
Max. Height	50'	50'
Building Setbacks		
Front at Entrance Corridor	30' Min. – 50' Max.	NA
Front	10' Min. – 50' Max.	5' Min. (No. Max.)
Rear	10' Min. (No Max.)	5' Min. (No Max.)
Side	5' Min. (No Max.)	0' Min. (No Max.)
Along the UDA Boundary <i>(also described as the northwest property line between the Property and Berkley Subdivision)</i>	NA	50' Min. (No Max.)
<b>Stepback</b> along building face that directly faces UDA Boundary <i>(also described as the northwest property line between the Property and Berkley Subdivision)</i>		
Min.		15'
At Building Height Of	NA	3 Stories (OR 40')
Other		
Lot Size (Min. or Max.)	None	None
Residential Units Allowable	See TABLE B	
Residential Unit Type		
Parking		
Min. Required	20 – 133, depending on mixture of uses	28 – 106, depending on unit count, etc.
Total Required	48 – 239, depending on mixture of uses	

**Notes to Table E:**

1. Porches, eaves, and awnings shall be considered part of the structure and shall not extend closer to the street than the required setbacks.
2. The precise number of minimum required parking spaces shall be determined at the site plan phase of development depending on density and types of residential units pursuant to Section VI of this Code of Development and non-residential uses pursuant to 18-4.12.6. Minimum parking requirements may restrict some uses that historically require large amounts of parking. Multiple parking alternatives per 18-4.12 of the Zoning Ordinance may be utilized during the site plan phase of development as determined by the Zoning Administrator.
3. Minimum building separation shall be required pursuant to the Zoning Ordinance Section 4.11.

4. Any primary structure in Block 1 shall conform to provisions of the Entrance Corridor Design Guidelines.
5. Dumpsters and Dumpster Pads on the Property shall be screened pursuant to the Zoning Ordinance Section 4.12.19.
6. At the UDA Boundary as described in the "Future Land Use Plan and Transportation Network" Section of the Places29 Master Plan adopted February 2, 2011, revised June 10, 2015 also described as the NW property line between the Property and Berkeley Subdivision, a 20' minimum landscaped buffer shall be maintained as measured from the property line. See Section IV. of this Code of Development for more regulations regarding the Landscaped Buffer Next to the UDA Boundary.
7. Total building height may only be 3 stories for retail uses per the Places29 Master Plan adopted February 2, 2011, revised June 10, 2015.

Figure 1: LOT AND BUILDING REGULATIONS ILLUSTRATED



- |  |  |
|--|--|
| (A) 4 STORIES MAX. BLOCK 2   | (D) 50' MIN. BUILDING SETBACK AT UDA BOUNDARY WITH 20' LANDSCAPE BUFFER AT BOUNDARY LINE |
| (B) 15' BUILDING STEPBACK AT UDA BOUNDARY/BOUNDARY AT RESIDENTIAL NEIGHBORHOOD AT 3RD STORY                        | (E) 4 STORIES MAX. BLOCK 1   |
| (C) 5' MIN. FRONT AND REAR SETBACK BLOCK 2 WITH EXCEPTION FOR SETBACK AT UDA BOUNDARY 0' MIN. SIDE SETBACK BLOCK 2 | (F) 30' MIN. - 50' MAX. FRONT SETBACK AT ROUTE 29  |
|  | (G) 5' MIN. SIDE SETBACK BLOCK 1   |

## VI. Parking Regulations (Section 20A.5 i)

TABLE F. RESIDENTIAL PARKING REQUIREMENTS	
RESIDENTIAL USE	NUMBER OF PARKING SPACES
<b>multifamily</b>	
<500 sf	0.35
1 bedroom	1.3
2+ bedrooms	1.3
<b>special needs housing</b>	
<500 sf	0.35
1 bedroom	1.3
2+ bedrooms	1.3

### Location of Parking

The precise number of minimum required parking spaces shall be determined at the site plan phase of development depending on density, types of residential units, and commercial uses pursuant to the uses described in Table E in section VI of this Code of Development and pursuant to the Zoning Ordinance Section 4.12.6. Multiple parking alternatives per Section 4.12 of the Zoning Ordinance may be utilized during the site plan phase of development as determined by the Zoning Administrator.

### Screening

Pursuant to the Zoning Ordinance Section 32.7.9.7, the parking areas along Premier Circle and Route 29 boundaries of the Property are required to be screened as specified in the Zoning Ordinance Section 32.7.9.7(b).

## VII. Supplemental Regulations for Affordable Housing and Residential Uses

The Owner shall provide affordable housing equal or greater than sixty percent (60%) of the total number of residential dwelling units constructed on the Property, subject to the following conditions:

1. These units may be created as for-sale or for-rent. The affordable housing objective may be met through any of the permitted housing types per Section I of this Code of Development.
2. "For-Sale Affordable Housing Units" shall be a residential unit offered for sale to Qualifying Families with evidence of incomes less than eighty percent (80%) of the area median income (as determined by the U.S. Department of Housing and Urban Development (HUD) from time to time) such that housing costs consisting of principal, interest, real estate taxes and homeowners insurance (PITI) do not exceed thirty percent (30%) of the gross household income. All purchasers of for-sale affordable units shall be approved by Albemarle County Community Development Department or its designee. The Owner shall provide the County or its designee a period of 120 days to identify and pre-qualify an eligible purchaser for the affordable units. The 120-day period shall commence upon written notice from the Owner that the units will be available for sale. This notice shall not be given more than 90 days prior to the anticipated receipt of the certificate of occupancy. If Albemarle County or its designee does not provide a qualified purchaser within this 120-day period for such For-Sale Affordable Housing Units, the Owner shall have the right to sell the unit(s) without any restriction on sales price or income of the purchaser(s).

3. "For-Rent Affordable Housing Units" shall be a residential unit offered for rent to Qualifying Families with evidence of incomes less than eighty percent (80%) of the area median income (as determined by HUD from time to time) at an initial rent that does not exceed the then-current and applicable U.S. Department of Housing and Urban Development (HUD) Fair Market Rents minus an allowance for any tenant-provided utilities. The designated affordable rental units shall remain affordable for a minimum of 15 years after initial occupancy.
4. Affordable Units shall also be defined as a for-rent or for-sale dwelling unit for households with income less than 80% or below the Area Median Income (AMI) as determined by the U.S. Department of Housing and Urban Development such that housing costs do not exceed HUD's affordability standard of thirty percent (30%) of household income.
5. Each subdivision plat or site plan shall designate the number of affordable units provided and the minimum number of required affordable units per the Code of Development.

#### VIII. Pedestrian Circulation and Access to Public Transit

---

1. **On-site Bus Stop:** Following commencement of construction of Phase I of the Project, upon demand by the County of Albemarle, the Owner shall construct a Charlottesville Area Transit (CAT) stop (the "Transit Stop") on the Property. The Transit Stop shall be designed and constructed in coordination with, and shall be approved by, the appropriate County authority and CAT and shall incorporate pedestrian access and signage consistent with similar existing CAT transit stops. The Owner shall dedicate any such portion of the Transit stop located on the Property to public use or grant an easement as necessary to allow for the public access and usage of the Transit Stop.
2. **Inter-parcel Pedestrian Connection:** The Application Plan shows potential future pedestrian connections between the Property and the parcels along the northeast side of Westfield Road. Any such future pedestrian connection will be subject to future development and access easement agreements; therefore, it is not intended that any or all depicted connections will be made, rather that these are identified as potential points of connection to future development on the neighboring property(ies). The connections may provide a direct route for residents to access the future development of a Neighborhood Service Center and to the existing bus stop on Commonwealth Drive. The Applicant will grant such inter-parcel easement(s) across the Property at the request of the County.





Premier Circle

405 PREMIER CIRCLE  
 TMF 61M-6

FOR

ZMA 2020-00011

FOR LENDER	2001
DATE	09.1.2020
APPROVED BY	
2017	© 2020-2021, D.C.

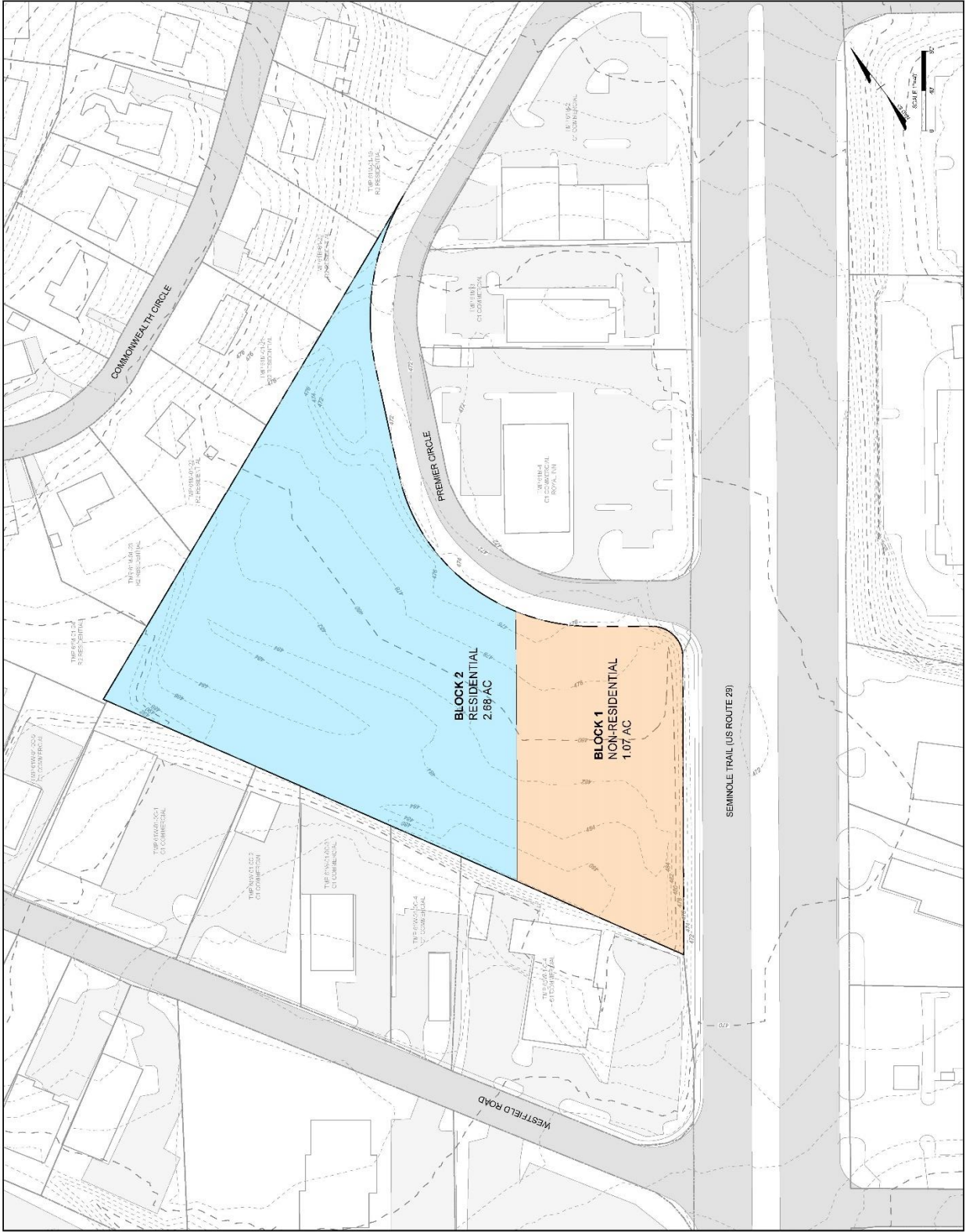
ZMA 2020-00011

REVISIONS	
NO. 001	09.1.2020
NO. 002	09.1.2020
NO. 003	09.1.2020
NO. 004	09.1.2020

# SHEET 2

EXISTING  
 CONDITIONS





Premier Circle  
405 PREMIER CIRCLE  
TWP 61N-6  
-CH  
ZNA 2020-00011



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DATE	09.21.2022
DESCRIPTION	12.5.2022
APPROVED BY	20.7.2022
PROJECT	20.7.2022

ZNA 2020-00011

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**SHEET**  
**3**

BLOCK NETWORK

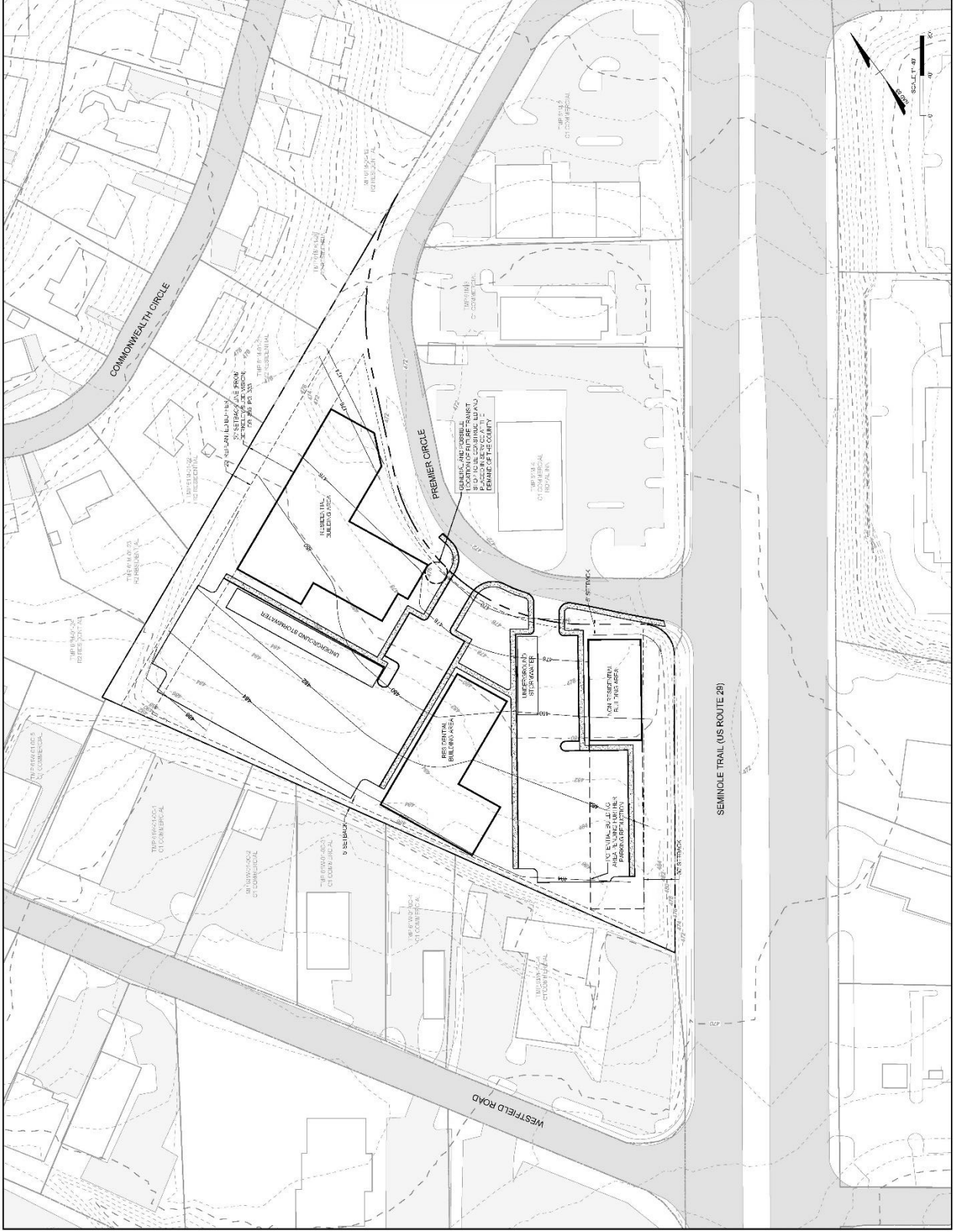




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SHEET  
4

**BUILDABLE AREA +  
CONCEPTUAL  
STORMWATER &  
GRADING PLAN**



ZMA 2020-00011

REVISIONS	
11/22/25	300 L40-SS-CH
07/04/25	HD 9/8-1225N
01/12/25	47 9050025N

**SHEET**  
**5**

**CONCEPTUAL  
PROPOSED  
CIRCULATION**



Premier Circle
405 PREMIER CIRCLE TWP 61M-5
FOR
ZMA 2020-00011

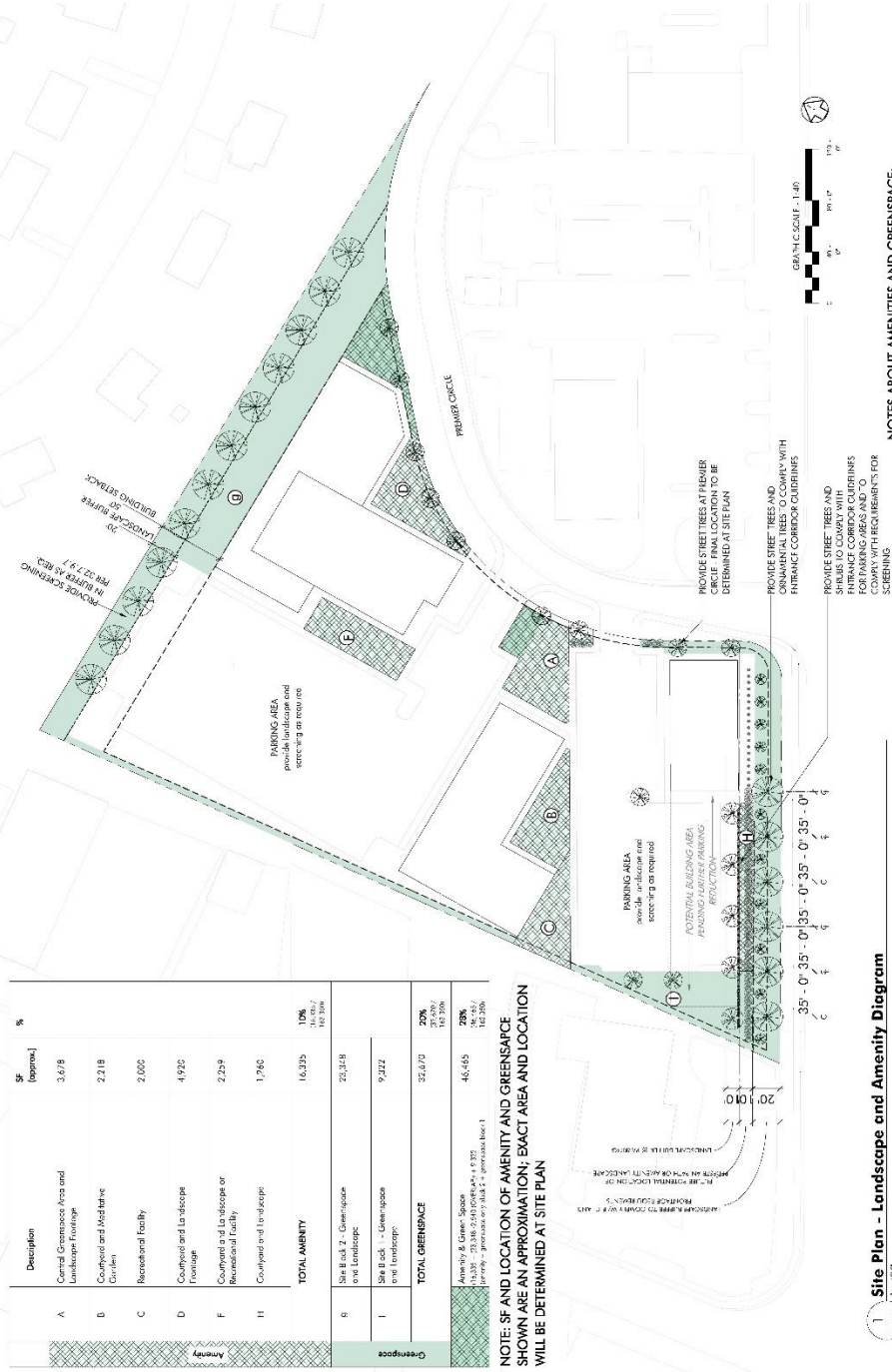
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ZMA 2020-00011
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REVISIONS
1. 09/21/2020 2. 09/21/2020 3. 09/21/2020

# SHEET 6

CONCEPTUAL  
PROPOSED AMENITY  
AND LANDSCAPE



- NOTES ABOUT AMENITIES AND GREENSPACE:**
1. BUILDING LAYOUT, PARKING LAYOUT, AND SIDEWALKS ARE CONCEPTUAL. EXACT LOCATION AND AREAS WILL BE DETERMINED AT SITE PLAN.
  2. THE CODE OF DEVELOPMENT SHALL REGULATE REQUIRED GREEN & AMENITY SPACES AND LANDSCAPE THERE. PROVIDED SUCH REQUIREMENTS ARE SATISFIED, NON-SUBSTANTIVE CHANGES TO THE DEPICTED DESIGN ARE ALLOWED. THERE WILL BE A MINIMUM OF 20% AMENITY AND GREEN SPACE.
  3. IF ADDITIONAL PARKING REDUCTIONS ARE APPROVED DURING SITE PLANNING, OR LESS PARKING IS REQUIRED, BUILDINGS MAY ALSO BE LOCATED WITHIN PARKING AREAS OF BLOCK 1.

1 Site Plan - Landscape and Amenity Diagram  
SHEET 6

NOTE: SF AND LOCATION OF AMENITY AND GREENSPACE SHOWN ARE AN APPROXIMATION; EXACT AREA AND LOCATION WILL BE DETERMINED AT SITE PLAN

Description	SF (approx.)	%
A Central Greenhouse Area and Landscape Footprint	3,678	
B Courtyard and Meditative Garden	2,218	
C Recreational Facility	2,002	
D Courtyard and La Vie Scope Footprint	4,920	
E Courtyard and La Vie Scope or Recreational Facility	2,259	
F Courtyard and La Vie Scope	1,760	
<b>TOTAL AMENITY</b>	<b>16,235</b>	<b>10%</b> 744,000 / 142,300
G Site Block 2 - Greenhouse and Landscape	22,348	
H Site Block 1 - Greenhouse and Landscape	9,222	
<b>TOTAL GREENSPACE</b>	<b>32,817</b>	<b>20%</b> 744,000 / 142,300
<b>Greenhouse</b>	<b>45,455</b>	<b>28%</b> 744,000 / 142,300





Premier Circle

405 PREMIER CIRCLE  
 TMP 61M-6

FOR

ZMA 2020-00011



DATE	2001
BY	JAN 21 2001
APP'D	2/1
2017	© Emerald's, LLC

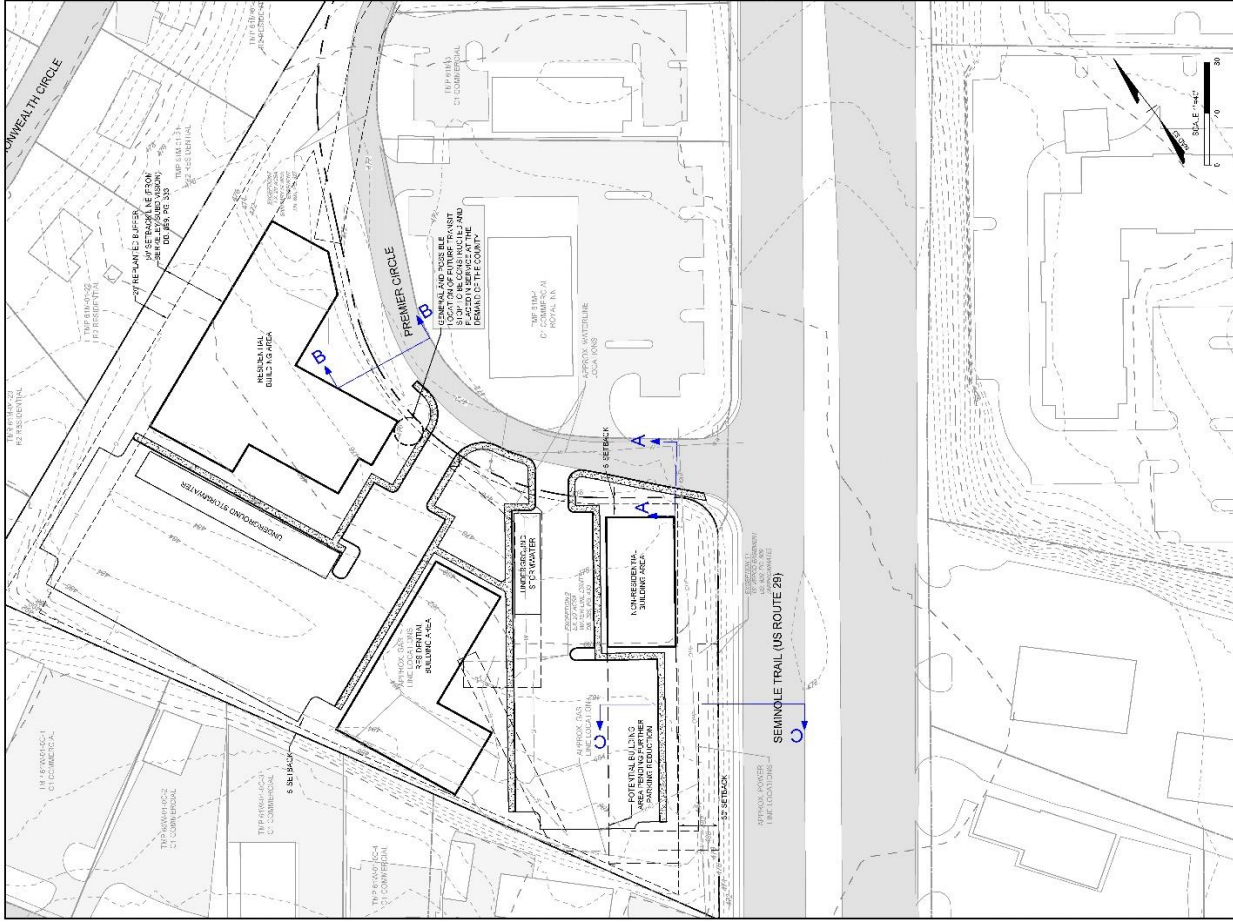
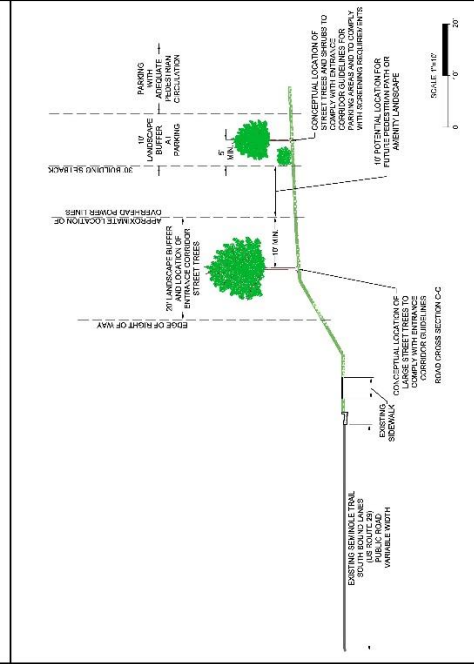
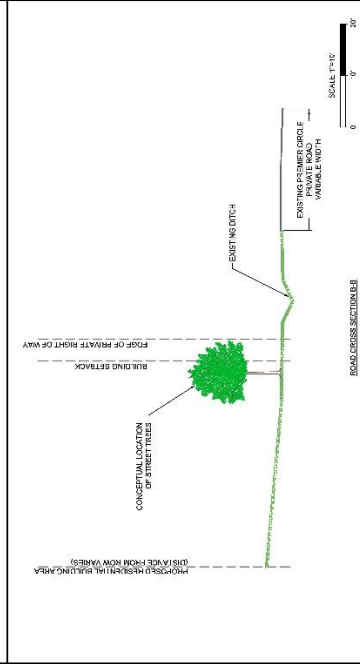
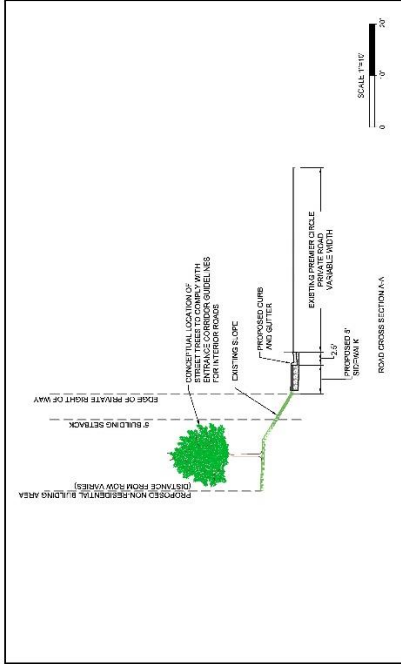
ZMA 2020-00011

REVISIONS
1. 02.20.2020 - 2ND DRAFT - 01.11.2021 - 01.11.2021

# SHEET

## 8

CONCEPTUAL  
 STREET  
 SECTION



Original Proffers   X    
 Amendment           

## PROFFER STATEMENT

**ZMA 2020-00011**

Project Name: **Premier Circle**

Parcel Number: **061M0-00-00-00600**

Owner of Record: **Tiota, Ltd.**

Date: January 25, 2021

**Approximately 3.75 acres to be rezoned from C-1 Commercial to NMD – Neighborhood Model Development**

Tiota, Ltd. is the sole owner (the “Owner”) of Parcel Number 061M0-00-00-00600 (the “Property”), which is the subject of rezoning application ZMA 2020-00011, a project known as “Premier Circle” (the “Project”). The Project’s conceptual plan, dated September 21, 2020, last revised January 4, 2021, prepared by BRW Architects and Timmons Group, is entitled “Premier Circle, ZMA 2020-00011, County of Albemarle, Virginia, Rio District” (the “Concept Plan”). A Code of Development, drafted by BRW Architects in accordance with *County Code* § 18-204.5, specific to Parcel Number 061M0-00-00-00600, is entitled “Premier Circle, ZMA 2020-00011,” dated September 21, 2020, last revised January 15, 2021.

Pursuant to *Albemarle County Code* § 18-33.3, the Owner hereby voluntarily proffers the conditions listed below, which will apply to the Property if it is rezoned to the zoning district identified above. These conditions are proffered as a part of the requested rezoning. The owner and applicant specifically deem the following proffers reasonable and appropriate, as conclusively evidenced by the signature(s) below.

1. **Premier Circle Improvements:**

- (a) To contribute to traffic safety, the Owner must restripe the centerline and stop bars at each end of Premier Circle and repaint faded directional arrows or other traffic control striping in accordance with Virginia Department of Transportation (VDOT) standards. The Owner must complete such restriping before the County issues a Certificate of Occupancy for the building(s) constructed in Phase I of the Project.
- (b) Within thirty (30) days of the issuance of a land disturbance permit for the Project, the Owner must trim vegetation obstructing free vehicular passage over the Premier Circle right-of-way, and, throughout the existence of the Project, will ensure that Premier Circle is kept clear of limbs and other vegetation that may impede safe passage over the road.



- (c) No later than thirty (30) days following the issuance of a land disturbance permit for the Project, the Owner must install a stop sign at the southern terminus of Premier Circle, at its intersection with U.S. Route 29 North (Seminole Trail).
- (d) Prior to issuance of the first Certificate of Occupancy, the Owner must construct sidewalks in the Premier Circle right-of-way to connect the entrance of the Project to the existing sidewalk system along U.S. Route 29 North (Seminole Trail) and to the transit stop described in the proffer below. The general location of the sidewalks within the Premier Circle right-of-way is shown on Sheet 5 of the Concept Plan. If the transit stop is located in front of the Project, the Owner must connect the sidewalk along Premier Circle to that transit stop.
- (e) Commencing no later than thirty (30) days following site plan approval, the Owner must use commercially reasonable efforts to cause the Declaration, dated November 1, 1983, recorded in the Clerk's Office of the Circuit Court of Albemarle County in Deed Book 797, page 242 (the "Declaration") to be amended and/or restated to upgrade the applicable road standard, specify members' obligations to contribute to road maintenance, and add association governance provisions.

2. **Transit Stop.**

Following commencement of construction of Phase I of the Project, upon demand by the County of Albemarle, the Owner must construct a transit stop (the "Transit Stop") on the Property. The Transit Stop must be designed and constructed in coordination with, and is subject to the approval of, the appropriate County and transit authorities. The Transit Stop must incorporate pedestrian access and signage consistent with similar existing transit stops. The Owner must either (a) dedicate any portion(s) of the Transit Stop located on the Property to public use or (b) grant any easement necessary to allow public access and usage of the Transit Stop.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK.]

Signature Page for Proffer Statement for Premier Circle, ZMA 2020-00011  
TMP 061M0-00-00-00600

**OWNER:**

**TIOTA, LTD.,**  
a Virginia corporation

By:

  
Christopher S. Tyler, President

44296587v1



**RESOLUTION TO APPROVE  
SE202000023 PREMIER CIRCLE**

**NOW BE IT RESOLVED** that, upon consideration of the staff reports prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, all of the comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-20A.8(a) and 18-33.49, the Albemarle County Board of Supervisors hereby approves SE202000023 Premier Circle to allow for one housing type in the development.