

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

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

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

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

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

WHEREAS, staff recommends approval of ZMA 2018-11.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the staff report prepared for ZMA 2018-11 and its attachments, including the proposed amended proffers, the information presented at the public hearing, the material and relevant factors in Virginia Code § 15.2-2284, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2018-11 with the proffers dated April 18, 2019.

* * *

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of _____ to _____, as recorded below, at a regular meeting held on _____.

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Dill	_____	_____
Mr. Gallaway	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Mr. Randolph	_____	_____