

**RESOLUTION DISAPPROVING
ZMA 2018-00013 RIO ROAD WEST**

WHEREAS, the application to rezone Tax Parcels 04500-00-00-01000, 04500-00-00-0100A, 04500-00-00-01010, 04500-00-00-0101B (the "Property") from C1 Commercial to NMD Neighborhood Model District to allow a mix of uses with a maximum of 112 units for a proposed density of approximately 34 units per acre is identified as ZMA 2018-00013 Rio Road West ("ZMA 2018-13"); and

WHEREAS, the Planning Commission held a duly noticed public hearing on ZMA 2018-13 on June 18, 2019 and recommended approval of ZMA 2018-13 contingent on the Applicant meeting all of staff's recommended changes, and providing landscaping and screening of Block 2 and construction of the sidewalk and street trees along Rio Road within one year of the issuance of a Certificate of Occupancy for the Block 2 building in lieu of staff's recommended timing commitment; and

WHEREAS, the Applicant submitted revised materials on June 26 in which most of staff's recommended revisions were made, with the exception of two recommendations regarding building height and setback; and

WHEREAS, on July 17, 2019, the Albemarle County Board of Supervisors held a duly noticed public hearing on ZMA 2018-13.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the staff report prepared for ZMA 2018-13 and its attachments, including the revised Proffers, Application Plan, and Code of Development dated April 26, 2019, the material and relevant factors in Virginia Code § 15.2-2284, and the failure of the application to achieve the vision of the Rio29 Small Area Plan or the intention of the Neighborhood Model District by ensuring a mixture of uses on the Property, the Board hereby disapproves ZMA 2018-13.

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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	_____	_____