

ORDINANCE NO. 19-A()
ZMA 2018-00013

AN ORDINANCE TO AMEND THE ZONING MAP FOR TAX PARCELS
04500-00-00-01000, 04500-00-00-0100A, 04500-00-00-01010, 04500-00-00-0101B

WHEREAS, the application to rezone Tax Parcels 04500-00-00-01000, 04500-00-00-0100A, 04500-00-00-01010, and 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, the Applicant submitted further revised materials on July 15 in which all of staff's and the Planning Commission's recommended changes were made; and

WHEREAS, on July 17, 2019, the Albemarle County Board of Supervisors held a duly noticed public hearing on ZMA 2018-13, and discussed the need for a timing commitment for the construction of the proposed residential Block 1 building relative to the timing of the proposed interior storage building in Block 2, and the need for a commitment to the daylighting of the stream without relying on public funding, and deferred a vote on this application to August 21, 2019; and

WHEREAS, the Applicant submitted further revised materials on July 31, 2019; and

WHEREAS, on August 21, 2019, the Board determined that the revised materials for ZMA 2018-13 achieve the Board's desire for a good faith commitment to the construction of the Block 1 building.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2018-00013 and their attachments, including the revised proffers, code of development, and application plan, the information presented at the public hearing, any written comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code § 18-20A, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2018-00013 with the Code of Development entitled "ZMA2018-13 Rio Road West Code of Development," prepared by Shimp Engineering, P.C., dated October 18, 2018 and last revised on July 31, 2019, the Application Plan entitled "Zoning Map Amendment 2018-00013 Application Plan, Rio Road West, TMP(s) 45-101, 45-101b, 45-100-A, 45-100, Albemarle County, Virginia," prepared by Shimp Engineering, P.C., dated October 18, 2018 and last revised on June 24, 2019, and the Proffers dated July 31, 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 | _____ | _____ |