

An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on February 10, 2016, at 3:30 p.m., Lane Auditorium, Second Floor, County Office Building, McIntire Road, Charlottesville, Virginia. The meeting was adjourned from February 3, 2016. The regular night meeting was held at 6:00 p.m., in the Lane Auditorium, County Office Building.

PRESENT: Mr. Norman G. Dill, Ms. Ann Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer, Mr. Rick Randolph, and Mr. Brad L. Sheffield.

ABSENT: None.

OFFICERS PRESENT: County Executive, Thomas C. Foley, County Attorney, Larry W. Davis, Clerk, Ella W. Jordan, and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. The meeting was called to order at 1:04 p.m., by the Chair, Ms. Palmer. Ms. Palmer then introduced County staff and the Police Officer.

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Agenda Item No. 2. **Discussion:** Strategic Plan Refocus (*continued from February 3, 2016*).

Ms. Palmer stated the Board will be finishing its work session on refocusing the strategic plan, as well as deciding on some zoning text amendments as discussed the previous week. She said the Board had gone through the Urban Redevelopment section of the plan and provided brief input on it, and at this meeting will be discussing the Natural Resources section, then go to questions on the Community Development work plan, which will lead into the ZTA discussion.

Ms. Lee Catlin, Assistant County Executive, addressed the Board and stated there are several desired outcomes for the meeting, with the hope of leaving with a commitment to the two identified strategic priorities and an agreement on the criteria for identifying the geographic boundaries for the urbanization initiatives, as well as confirming the expectation of an initial action plan to come to the Board by April 6 and coming to an understanding as to how this will impact other work facing Community Development and other departments. Ms. Catlin reported the Board will also have an opportunity to discuss the Natural Resources section and hopefully continue to have an open dialogue regarding the plan's other focus areas.

Mr. Doug Walker, Deputy County Executive, stated that staff wants this to be a conversation with a lot of dialogue from the Board, but they also need to discuss the principal elements identified previously as they focus on Natural Resources, including solid waste strategies and improvements at the Ivy MUC, which will impact the solid waste and recycling capabilities. He noted their discussion of the outcome of the work of the Long-Range Solid Waste Solutions Advisory Committee and what they have identified as near-term and long-term priorities. In the area of water resources, he said, the Water Resources Advisory Committee had reported to the Board in the fall and had promised to come back to them in the spring with more focused conversation as to whether now is the time to proceed with a particular funding mechanism, with a work session scheduled for March on that as part of the overall Natural Resources agenda. Mr. Walker noted those two items relates specifically to department restructuring, with General Services consolidating with the Office of Facilities Development to create the new Department of Facilities and Environmental Services, and both solid waste and water resources fit neatly into environmental services.

Mr. Walker reported the Natural Resources Manager position has already been filled, with that employee having been with the County now for about eight weeks and his work first focusing on the implementation of strategic plan objective to establish and begin implementation of priorities for the Natural Resources program, including performing the background research on priorities in the Comp Plan, establishing a working group to advise on implementation plan for the natural resources plan, and establishing a work schedule for development of the implementation plan. He said the position has assumed responsibility, as intended, to provide staff support for the Natural Heritage Committee, providing technical assistance to them on the green infrastructure grant, developing a GIS data layer for natural resources, and assisting with the committee's action plan. Mr. Walker added the position is performing stream analysis, as needed, in support of other County projects and is continuing to develop working relationships with partner organizations and the County workgroup. He said the employee already has significant experience within the community and is off to a quick start in the role.

Ms. Mallek asked about the timetable for the solid waste position. Mr. Foley responded that it is tied up with the budget proposal, so they will be discussing it July 1 at the earliest.

Ms. Palmer noted the Board has not yet seen a job description for that position. Mr. Foley clarified that staff would typically do some research on that, gather together some examples and look at other localities, but they have not started that process yet.

Ms. Palmer asked if the new Natural Resources Manager has experience with outreach in terms of going out into the community and talking to landowners. Mr. Mark Graham, Director of Community Development, responded that it is part of the plan being laid out, and staff will reach out to key stakeholders for the working group to make sure they are not missing any constituents. He confirmed the position is what the Board had seen before, and staff will be coming back to the Board with an update in the near future. Mr. Graham noted they have not yet formed the working group, but will ensure they are getting proper representation on it.

Ms. McKeel asked for the name of the new Natural Resources Manager. Mr. Graham responded that it is David Hannah, who had formerly been director of StreamWatch as well as Wild Virginia.

Ms. Palmer noted the staff report indicated he will be working on the Rivanna River Corridor small area plan, which is a Community Development planner type of position. Mr. Graham clarified that there is obviously a natural resources component to that, but his involvement in the plan will be more peripheral.

Ms. Palmer asked for confirmation that the priorities and timing in the Community Development work program will remain unchanged from what staff had stated before. Mr. Graham confirmed that this is already in the work program and staff is not planning to change it.

Ms. McKeel asked if Mr. Hannah is coming to a future Board meeting to be introduced and welcomed. Mr. Graham said that he would be.

Ms. Catlin stated that staff will move into the urbanization item, and said there is general understanding of Rio and 29, but need to clarify what that target area entails. She stated that staff is not yet presenting a line on a map because they feel it is important to talk through the criteria used to do that, with the Board providing input and a proposal coming before them in the action plan.

Mr. Wayne Cilimberg, Director of Planning, addressed the Board and said that in considering a geographic area of focus, staff feels there is a need to consider diverse land use elements, neighborhoods, commercial centers, redevelopment possibilities, and public investment potential, possibly leveraging money in the CIP for community facilities that has been identified. Mr. Cilimberg said staff feels it is important to have an operating public facility to serve as an anchoring feature, and the thought had been to have one or more schools, with other types of facilities also being part of the consideration for the area of focus. He stated the focus area should be compact, cohesive, and of a scale that will allow for progress to be made within a 12-18 month period, getting initiatives underway and accomplishing some projects. Mr. Cilimberg said that staff wants this to be done in parallel with the small area plan, the scope of which is currently being finalized with the goal of getting it underway in March. He noted that in talking with the community about the plan, it will provide a great opportunity to discuss potential projects that might be within this focused area for the urbanization efforts, with programs, such as building maintenance, also folding into this work.

Mr. Sheffield stated that from Mr. Graham's email about trying to get the ZTA into the work program for planning, it was suggested to put off urban revitalization and instead use the focus area approach as a springboard for that. Mr. Graham responded that he was talking about looking at the urban revitalization efforts as having more of a focus on the short term or what could be accomplished, as an implementation rather than a planning exercise, with the planning exercise for the long-term transitioning of neighborhoods being to pick one area of particular focus and wrapping it into their work with the small area plan.

Mr. Sheffield commented that the small area plan will essentially serve as a pilot to help inform what urban revitalization might look like in other places. He added that he wants to be sure a small area plan for Rio/29 is not specific in context and can be replicated in other areas like Pantops or Hydraulic, and asked staff how that will be achieved. Mr. Cilimberg responded that the scope of the small area plan itself talks about medium and long-term types of targets for the kinds of things they can do and how they will address land use and transportation improvements to help create community or place, which is already reflected in the work program from the planning perspective. He stated that on a parallel track, there would be possibilities for actual project initiatives during the same period, but noted they will not be big cost items because there is only so much funding to use for public improvement projects within the same basic area. Mr. Cilimberg said that in talking with people about their needs for the long term, they can also discuss short-term projects that can possibly be addressed through this effort. He noted there will be an interchange design underway in 2018 for the Hydraulic area under the Route 29 Solutions package, and it will be a great opportunity to be able to replicate what is being done in the Rio area for that project.

Mr. Sheffield encouraged fellow Board members to consider the scope of focus areas in their districts, as the Rio/29 plan will likely be the template.

Mr. Randolph commented that in considering the revitalization effort, it will be very valuable to look at how the private and nonprofit sectors can play a role in this effort, and the work of Habitat for Humanity and the Piedmont Housing Alliance have been critical to revitalization efforts in the City of Charlottesville. He emphasized they will need as many people as possible to move this uphill, because taking this on even for a major city has been challenging.

Mr. Cilimberg stated the County is only a facilitator, so there will have to be a lot of entities participating, and said that when the Board sees the small area plan effort itself, they will see that it is about engaging a variety of stakeholders with different interests in the outcome.

Ms. Mallek asked if there is a radius from the intersection that should be considered for planning purposes, such as a quarter or half mile in all directions. Mr. Cilimberg responded that as they get started with the small area plan, they should talk with the community about boundaries that make sense, but the Comp Plan does include a priority area that is identified with boundaries, which is what became the urban development area for the 29 North area. He said this may not be the boundary they wish to use for the focus area effort or small area plan, and there may be some variations that make more sense in terms of opportunities to do projects.

Ms. Palmer asked Mr. Cilimberg to point out the area, recognizing that it will not be the final boundary.

Ms. Mallek noted she may be asking about the EDA area.

Mr. Cilimberg stated the EDA area in full extends from Woodbrook to Hydraulic and 29, extending both west and east of the 29 corridor and including all of the commercial centers along 29, getting into the edges of neighborhoods. He added one thing that needs to be considered is the possibility of going further into neighborhood settings where there may be project needs such as sidewalk connections.

Ms. Palmer said that as it stands now, it will not include the area around CATEC and the Meadowcreek Parkway. Mr. Cilimberg clarified that it will not be that far east.

Mr. Dill asked what kinds of projects can be done inexpensively or in 12 to 18 months. Mr. Cilimberg stated that Mr. Walker has worked on some examples, but the example he provided of sidewalk connections would be one possibility. Mr. Walker stated that staff has not fully fleshed out a list, but one example is the County's street sign replacement project, as there has been a need to replace some of the dilapidated street signs in some of the older suburban neighborhoods expressed by at least one Board member. He said there is a possible alignment with that need and the existing program that will be relatively easy to address, in an area that needs public investment at some point anyway.

Ms. McKeel noted that she had raised that concern, and some of the street signs are 40 years old and rotting and falling down. Mr. Walker stated that another example is the bus shelter at the new Northside Library, with a wonderful new facility created there without the urban structure that will make it the most useful.

Mr. Randolph commented that one thing that will be critical in this effort will be to engage the community in these projects, and the key question becomes how to do them and who they will do them with. He said they will have to look at whether they want to create something similar to a Community Investment Collaborative (CIC), but they do not have master plans for all of these areas so they may need to look at neighborhood associations or a hybrid structure such as a small area leadership group. Mr. Randolph commented that in order to be successful, it is going to be very critical to get citizen participation and to do projects "with" people in the community and not "for" them, and the ultimate success will be to have community investment and ownership moving forward.

Ms. Mallek commented the Habitat example is a good one, with a focus on "appreciative inquiry," and a speaker from that organization who had visited the Charlottesville/Albemarle area had talked about successful redevelopment involving the people who currently live in an area and will continue to live there.

Mr. Foley noted that one of the County's strategic plan goals is community engagement and involvement, so out of this effort they will develop a new objective for involvement of people in this focus area. He stated their economic development effort is one of their eight goals also, and he would envision that they will be looking at public/private partnerships for redevelopment, with some attraction of business and industry into this area in a way that might not otherwise have been done.

Mr. Sheffield said he would be interested to see how they will develop a plan that will incentivize the redevelopment, especially in cases where there are businesses that are already successful, such as the Hardee's. He stated they can come up with the best possible vision, but it is the landowners who will have to embrace it, so the priority, in his mind, will be to develop a vision that shows where the County's money should go along with a strategy for getting landowners to be motivated.

Ms. Mallek stated they can use the window of opportunity when building leases transition, and perhaps owners who have participated will be in a better position to look at other options.

Mr. Sheffield said he used Hardee's as an example because it is such a defined building and a national chain, so it will be rare in those cases for uses to change over.

Ms. Mallek noted that Hardee's may be a tenant there, and she is not sure if there is an owner who has several parcels there.

Mr. Sheffield stated he is reminded of the corridor between Hanover and Richmond where he grew up, and while there have been plenty of visions for development, those uses have not changed in many years and are still somewhat profitable. He commented that without incentives, he is not sure why a business would give that up, and it is difficult for government to try to influence that type of change.

Mr. Cilimberg stated that one of the points in the small area plan is to develop redevelopment strategies and what can be a set of incentives for the area. He added that a big part of the first phase of the small area plan will be market analysis.

Mr. Randolph said Mr. Sheffield's point is a good one, and there are cases where it is a failure of business leadership not to recognize whether a corridor is reaching a tipping point as to whether they will remain competitive given convenience, appearance and the nature of the stores. He stated those businesses will generally lose market share, and unless a savior business can come in and restore a high degree of traffic, it will continue to spiral downward, so it is important to get input from business leaders and organizations. Mr. Randolph commented this is going to be a good process, and the 29 Small

Business Alliance will likely be supportive of these efforts, so anything the County can do to enhance their business prospects will be beneficial.

Mr. Dill stated he had recently spoken with someone who owns a six-acre parcel of land at the intersection of Stony Point/Route 20 and 250 between Malloy Ford and the Goodwill. Mr. Dill said that business people are looking for the best opportunities, and he had asked the landowner about a possible mixed use development with at least two stories, but because of setback and VDOT requirements he indicated it would be allowable and easier to put up a simple strip mall with a few shops. He stated this landowner does not really have a big vision for the property but views it as a good real estate investment that will likely be torn down in 20 years anyway. Mr. Dill emphasized this landowner does not have any kind of vision for the property, and he wonders if there is some kind of role for the County to help guide the landowner and offer something to encourage good use of the property.

Mr. Cilimberg pointed out the landowner, in that situation, actually went through a rezoning, and staff does have conversations with landowners about desirable possibilities in a given location, but that has to align with the resources they have available and what the market will bear. He stated the County has made some changes that allows projects to develop closer to the main roads, with setback changes and other measures to allow more flexibility, and it is simply a question of design and proximity to the road.

Mr. Dill said the landowner is not negative about the County, it is just evident the gap is that nobody knows what will be good there. Mr. Dill added that in some cities they have a sense of building styles and design centers, and what is lacking in the Pantops situation is the landowner's vision that his parcel would be a wonderful site for something special like a tourist attraction or high-end business, rather than just another strip mall.

Mr. Cilimberg stated this is common, and the small area plan will provide a better chance to talk about specifics of how development should take place in particular areas. He noted that for some individual owners though, they are simply looking at what is around them, and in the Pantops situation with a parcel surrounded by a car dealer and a Goodwill store they have no control over, but that might impact how that landowner redevelops his land.

Mr. Foley said that one of the goals of focusing on a particular area is to do more work on creating vision for the area that may spark some interest. To make some of that happen the County may have to implement measures such as a new zoning district like the one in Crozet whereby landowners have a new by-right opportunity. He stated that perhaps a new tax increment financing district can be implemented in an area to ensure that all the money generated above what is currently coming in is invested back into that area, and the Rio/29 area is the pilot for some new and different approaches. Mr. Foley said this may not impact every business owner, but will help those who are looking for new opportunities, and focusing public infrastructure in an area that redevelops streets and sidewalks and put in a pocket park, there may be excitement generated that might attract more investment. He added that conceptually, this is the vision for doing small area plans and putting all other resources and thoughts into making them thriving, different places.

Ms. Mallek commented that one of the big knowledge gaps they have is how much demand there is for any and all of these things, so she is interested in the results of the marketing analysis that will be done. She expressed concern that there are so many things going on that there may not be enough demand to go around for any of the players to really succeed, and she does not have the answer to this, but it concerns her greatly.

Mr. Dill stated this is the goal for the market study.

Mr. Cilimberg stated it is the goal to look at that area and how it will function within a larger market, and this is one of the reasons there has been such a focus on trying to work within the development area boundaries being established because there is a lot of potential for development already built into plans and approved zonings. He noted that for them to be successful, they must have some uniqueness in the market and be able to develop and get some of the elements that create the place they are talking about.

Mr. Dill said they need to think beyond retail, and this is where the market analysis will come in. He also noted that they do not know what businesses are already in the works, so the vision for a focus area will affect some businesses, but not all.

Ms. Palmer stated she is interested in trying to understand how this impacts the rest of the Community Development work plan and what will be put off. The Executive Summary from their meeting of February 3 referenced a "redirection" of parks and recreation trails, greenways and efforts to increase pedestrian connectivity in this area. She said the Wegman's store is coming in and the Parks and Recreation Department is looking at trails to connect the southern neighborhoods to that new development, and asked if that is something that would be pushed back because of redirection.

Mr. Walker explained there is work already in progress, including the Wegman's development, and he cannot envision that they would take away from projects that are already underway. He noted the Parks and Recreation Department is working on modeling a new GIS platform in the southern neighborhoods to illustrate these important connections, which will be an important tool to use elsewhere, and because it is so far along in its development, it does not make sense to stop work on it. Mr. Walker stated that to the extent there are opportunities in the next 12-24 months, they should prioritize new

initiatives such as pocket parks, pedestrian crossings, etc. He emphasized the focus will be on projects going forward, not those that are already underway, but when it comes time to prioritize investments for new sidewalk or road projects, they should be focusing on the Rio/29 area.

Ms. Palmer asked for confirmation that nothing they have been talking about that they are working on now will be set back by this new initiative. Mr. Walker responded it would not be consistent with what the County has represented to grant funders and partners if they are to back out of those things now, but they do not yet know what all of the implications of the focus areas will be.

Ms. Mallek commented there is work to be done in order for the next thing to happen, because most of the trail work has been done by volunteer builders, so each area is going to have to participate in a way they previously have not in order to make some of these things happen.

Ms. Palmer asked what the timing would be to proceed with service districts. Mr. Foley responded they will have some discussions about it during the budget process this year, and service districts can be implemented by a Board-adopted ordinance and will not have to go on a ballot. He added that a service district is a great example of something that can emerge from this process as a strategy for implementation in a focus area, and staff would request input from the Board as to whether they would support it. Mr. Foley said that they will also talk about this more specifically in April.

Mr. Randolph stated they cannot get into the funding mechanism until they know what the needs assessment reveals and dollar figure is, and what the community wants as part of that equation.

Ms. Mallek added they will also need to determine what the community is willing to put forth.

Ms. Catlin said that staff wants to have a parallel process of planning and some of the things that will be happening long term in the small area plan. Leveraging the energy and community gathering that will be happening in the early part of the process will allow them to delineate some of the short-term, easier fix, measurable improvements that will help get to the "doing" while planning is happening on a longer horizon. She noted that staff will be bringing back a plan on April 6 that will focus more on the short term and how to get to the doing while linking to the small area plan that will be happening on a parallel track.

Mr. Sheffield stated the small area plan includes a larger vision, with Places 29 being even bigger, but what is frustrating is the lack of process or method to get very small area plans and projects done, such as \$30,000 or \$40,000 studies that look at whether money is being invested in the right way. He said the two-lane section of Rio Road needs a good comprehensive vision and is getting to a built-out point, and he does not feel the \$1 million sidewalk should be it, with residents also wanting more in the way of improvements. Mr. Sheffield stated he wants to know how they can get their hands around issues with specific areas and a plan to tackle certain tasks. He cited the example of residents coming forward and wanting a pedestrian bridge, and the Board reacting to that and moving forward, but not everyone is willing to come out to a Supervisors meeting and ask for something to be done. Mr. Sheffield emphasized that it is the Board's job to funnel those requests directly and bring them forward while tempering them with what is already in the queue.

Mr. Randolph commented that Mr. Sheffield is asking good questions, and one concern he has as a CIP Oversight Committee member is that the established criteria for technical review means that planning never rises to a level that it will get funding in the CIP, so they are constantly falling behind. He stated this is a problem, and they need to look at an ongoing funding source for planning beyond just relying on matching funds, so they can do small area plans and master plans. Mr. Randolph said the other concern he has is who represents the community in a small area plan, and the logical starting point will be the community advisory councils close to an area. He noted that depending on how you draw the jurisdictional area for a small area plan, the closest CAC might be able to take partial responsibility for it along with other residents in that corridor, and at least they will have some experience with County processes. Mr. Randolph stated now that proffer funds are likely going to be off the table it is going to be even more challenging, and they will need to get creative and consider other funding mechanisms.

Mr. Sheffield stated it is not necessarily a money issue, and there are resources at UVA and the planning school, as well as using staff competencies. He stated that some of the items do not require in-depth analysis and it is about applying a small amount of expertise to evaluate things like VDOT requirements. Mr. Sheffield emphasized there seems to be small plans that need to be chipped away at, and they should not have to go through such a snake of bureaucracy.

Ms. McKeel commented that she has at least one or two of those areas, and it seems to be a great opportunity to partner with the City and University, and in one case they have tried to reach out, but she does not have anywhere to go with it.

Mr. Sheffield suggested that staff come back as part of the strategic plan refocus with how they will want the Board to get some of these items brought forward, and while the CACs might be helpful, not all residents are represented by them and he does not want to bog down small basic things with bureaucracy. He noted there will be some staff time involved, but he does not want to overburden this with time and cost.

Ms. McKeel said she has a Hydraulic CAC, and one of the areas she has referenced is right outside the boundary, so there needs to be some flexibility there if they want to get this work done.

Mr. Randolph stated that when they get down into the weeds, it looks like it would be easy because it is smaller, but because of the research required it may be even more complicated because they will have to research the background and previous uses, etc. He commented he is anti-bureaucratic, but he wants to be realistic and it is important for them to be sensitive about putting this all on Elaine Echols' shoulders as it will take her away from other priorities. Mr. Randolph said the more they can engineer this the better, and they all seem to be on the same page with the goals here.

Mr. Foley said the whole purpose of the discussion is to say that if there are small projects in the urban areas, staff will want to focus these in the Rio area and start to ascertain the process needed for quick-fix projects and what planning is needed to fix a particular corner and put some infrastructure in place. He stated they will be evaluating how much money is needed or a particular type of staff person such, as an urban planner, and staff is trying to emphasize the use of Rio as the pilot rather than the entire urban area, so they can focus in on the trouble spots and actually get something accomplished. Mr. Foley said if they start pursuing that outside of the small area plan and start going in a bunch of different places, it will take the focus off of the area they are trying to make a difference in. He emphasized the only issue is figuring out a way to have a quick strike force to work on a particular issue, perhaps with a pot of money set aside to focus on particular problems, including planning money to get that piece done.

Mr. Sheffield stated the concerns he has cannot wait until the small area plan for Rio is done, and he would propose that staff bring back what this will look like in terms of resources so they can understand it in the context of other strategic priorities. He said the issues he ran on two years ago are still not getting addressed, and he would like to at least see a framework to get them done so they can be considered in the context of everything else happening.

Mr. Foley said that staff can bring back a concept of a quick fix approach, what it will cost and what will be involved in it, and there will need to be a process to evaluate the order of priorities and how the items will get done. He stated they can address dollars and resources as the Board directs, and they will need to start compiling a list of projects. Mr. Foley said he appreciated Mr. Sheffield's frustration, but the Board will need to indicate which items are priorities, where the dollars are going to come from, and how it will affect the work plan.

Ms. McKeel stated it would be useful for the Board to submit one or two specific areas of interest, so it will be easier for staff to get an idea of what they are talking about. Mr. Foley responded that it would be very helpful, and staff will figure out how to engage with the Board to get clarity on the items.

Mr. Randolph said he would like to see Mr. Sheffield and Ms. McKeel's lists of priorities, and Board members can weigh in on which they feel are the top two priorities.

Mr. Sheffield asked if he does not see those needs for the Scottsville District. Mr. Randolph explained the Board reached agreement at their February 3 meeting to prioritize the Route 29 corridor in the urban ring, and he does not feel they should mix in what is going on at Avon Street Extended or Pantops.

Mr. Sheffield said he would like for each Board member to offer a few priorities, and they redistricted in 2011 so that each district has some urban area within it, so theoretically they all have some urban issues and he does not want this to center just on his and Ms. McKeel's districts.

Mr. Foley stated there are two things going on in this discussion, the item that staff has brought before the Board regarding specific focus areas, and what Mr. Sheffield has raised about the urban areas overall. He said that staff is trying to find the balance between the focus and items that can be accomplished in the meantime, but they need a list of projects to prioritize in order to agree on priorities and establish cost estimates. Mr. Foley noted that a discussion of prioritization, dollars and staff time can lead to some additional resource needs, and the list will be a good starting point, but will need to be vetted with the whole Board.

Ms. Palmer said it sounds like they are trying to figure out a strategic plan to implement their strategic plan, and everyone likes the refocus on Route 29 North, but also wants to find a way to do some of the small areas on an ongoing basis. She asked Mr. Sheffield if his point is that part of talking about the strategic plan is establishing a method by which to accomplish some of the smaller items.

Mr. Sheffield agreed with Ms. Palmer's characterization of his intent and offered to provide examples, adding that he does not want this to be limited to just a few districts because they all have urbanized issues that will emerge at some point.

Ms. Catlin said she is hearing that the Board is in agreement on a strategic refocus on a to-be-determined geographic area around Rio and 29, and staff will look at the criteria as discussed with the Board and bring back in April a draft of an area for the Board to review. She noted it will have a relationship to the small area plan but may not necessarily be the same thing, and she understands the Board to be saying that this should not preclude them wanting to have the ability to identify some other small, but urgent, urban initiatives, and whether there is a way for the most urgent ones to come to the top to be addressed in some fashion.

Mr. Sheffield stated they will have to decide on that method, which may mean resources, money, staff time, etc., and it is fine with him for them to make that decision soon.

Ms. Catlin said that part of their discussion will be how to balance the ability to focus on the area discussed with some of the other emerging urgent matters.

Mr. Sheffield stated that having that will actually make his job easier, so that he can respond to residents about specific issues and explain to them what the solutions will be in the context of resource limitations. He noted at this point, those conversations do not happen and residents feel like he is not doing anything.

Mr. Foley said they will need to think of this as a new objective in the urban area of the strategic plan, which is different from what staff had brought forth for them to talk about.

Ms. McKeel stated that some of the items she is concerned about are safety issues, so the longer they wait the more at risk the citizens in that area will be.

Mr. Foley said the wait has to do with the fiscal constraints the County faces, so a list will help them determine how they will play out.

Ms. Palmer noted that staff will also be providing information on the resources necessary to accomplish those things.

Mr. Foley said the Board will soon be jumping into the budget, so this will play into that process also.

Ms. Mallek stated there are many good ideas here, and this will be a big change from the way projects have evolved in the past, and she does not feel she would be able to prioritize from a list without having extra information about what is needed to accomplish those things. She said she is not concerned at all about citizens coming forward and saying the County needs to do something, and having a critical mass of people pushing an issue has been the basis of the Board's actions for the past 25 years and how things got done. Ms. Mallek commented she does not want to discount that effort because people do want to get engaged, and when there is a list of needs identified, people will find ways to get involved. She added this is not all work that staff needs to be doing, and the communities have to step up.

Mr. Sheffield said if the vast majority of the public knows what it will take to get some small things done, they will have a much fuller audience at Board meetings. He stated the squeaky wheel member of the public is one approach, but the Board members tend to be the lightning rods for most issues.

Ms. Mallek commented there needs to be a critical mass, and somehow there has to be an evaluation of the community benefit.

Mr. Foley stated there are mechanisms in place to get projects identified and eventually accomplished, a five-year financial plan, CIP and annual budget, and staff will bring forward a way to address quick fix infrastructure improvements as a concept also.

Mr. Dill stated the Rio/29 area is exactly the kind of area that he feels needs redevelopment, with the CATEC building, McIntire Botanical Garden, the John Warner Parkway and all of the trail areas around offering open space, but there is not much they can do about the actual businesses on Route 29. He noted the other areas that might make sense is the Woodbrook area, which has a school, or the other side of 29 heading towards Earlysville where the Rock Store is located. Mr. Dill emphasized that it might make sense to pick an area that has some of those quick-fix problems so they can address both at the same time.

Ms. Catlin asked the Board whether their lists of problem areas can be submitted to staff within a week or so, so they can work them into something to bring back to the Board in April. She said that Mr. Dill's suggestion regarding the ability to incorporate some of the urgent quick-fix needs is a good point and can certainly be a part of their April conversation.

Mr. Sheffield commented they will find that most of the urbanized area issues are bleed overs from the core small area plan initiatives, and it is mainly because of the growth pressures in those areas that are pushing adverse impacts into neighborhood-level places.

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Agenda Item No. 2a. **Action:** Reconsideration of Applicant Initiated Zoning Text Amendments (continued from February 3, 2016).

Mr. Walker stated he had sent out information to the Board the previous day regarding the relationship between the ZTA work and the urbanization issue as identified in the Community Development work plan, and perhaps some of the conversation they just had may change this thinking. He stated their conclusion had been that the planning effort would be concentrated mostly on small area plan work already accounted for in the work plan, much of which is being handled by outside consultants. Mr. Walker said if that is the case and the urbanization strategic planning focus is more on doing than planning, the time that Community Development had assumed they would be spending on the urbanization initiative would not be as great, and they would likely have more time to focus on at least one of the ZTAs currently before the County, beginning with the ZTA on historic inns.

Mr. Dill commented this seems like a good strategy to him. Mr. Foley said that staff will proceed with the Clifton Inn ZTA within the work plan currently in place, but does not have the resources to start the other one.

Mr. Walker clarified the Clifton Inn historic inns issue will proceed now, and the artists' community item will stay on its current schedule and begin in 2017.

Mr. Foley pointed out that staff had reassessed this from the Board's conversation at their February 3 meeting regarding the work plan, as reflected in the email sent to the Board the previous day.

Ms. Palmer said she thought the reason why the Clifton Inn and transient lodging items were being put together in the first place was to better utilize staff time, and asked if they will continue to use staff time to finish it if they get into a more complicated situation with it. Mr. Graham responded they expect a little bit of transition and does not want to be so rigid that they cannot adjust things, but as the scope increases staff will need to check back in with the Board. He cited the example of the County's wireless policy, which began as one smaller issue and ended up in multiple tiers, but staff checked in with the Board all along the way.

Ms. Mallek said she is anticipating that if the ZTA works its way through, it will not be a radical change in process, and they are not saying that they are going from a legislative to a ministerial process.

Mr. Graham stated that staff is hoping they can keep the focus of this ZTA small and very focused on the intent when it is brought to the Planning Commission, and some of it may tie in to what the General Assembly is doing with transient lodging and AirBnBs.

Ms. Palmer said this is not pertaining to an historic building that used to be an operating inn, and the other issue is how big is too much, and asked how staff will work through that with a narrow scope.

Ms. Mallek said it can be phase two of the same process.

Mr. Graham said it will be one of those things that staff brings back to the Board, and staff will do the best job it can with staff analysis and bring a recommendation to the Planning Commission, who considers and provides a recommendation to the Board.

Mr. Foley stated that staff has enough direction from the Board to keep the scope narrow for the Clifton Inn ZTA, and the other ZTA will move along as scheduled in the work plan.

Ms. Palmer commented that the artists' colony is not even in the work plan.

Mr. Graham said it is going back to 2017, and confirmed that artists' colonies will be considered along with transient lodging. He added that he cannot speculate what staff's recommendation to the Planning Commission will be, but there may be considerable issues raised with it or very few concerns.

Ms. Mallek stated the Historic Preservation Committee feels more comfortable with the transient lodging discussion in the context of the rural area, not only historic buildings which originally seemed like a good idea but were perceived as being scapegoated.

Ms. Palmer said they also said it was not a legitimate form of historic preservation, which is even more precise.

Mr. Randolph **moved** to approve staff's recommendation to proceed on a limited zoning text amendment for transient lodging with historic properties. Ms. Mallek **seconded** the motion.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Sheffield and Mr. Dill,  
NAYS: None.

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Agenda Item No. 3. Recess. The Board recessed at 4:59 p.m.

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Agenda No. 4. Reconvene and Call back to Order. The Chair called the meeting back to order 6:00 p.m.

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Agenda Item No. 5. Pledge of Allegiance.  
Agenda Item No. 6. Moment of Silence.

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Agenda Item No. 7. Adoption of Final Agenda.

Ms. Palmer introduced County staff present.

Ms. Mallek stated that Item 14 that she had pulled from the Consent Agenda at their February 3 meeting can go back onto the Consent Agenda, as she now has clarification on the item.



Ms. McKeel moved to **adopt** the final agenda as modified. Ms. Mallek **seconded** the motion.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Sheffield and Mr. Dill,  
NAYS: None.

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Agenda Item No. 8. Brief Announcements by Board Members.

Ms. Mallek stated that she represented the Virginia Museum of Natural History for the Master Naturalists organization. The local chapter, the Rivanna Master Naturalists, based at Ivy Creek Natural Area, was the first to be founded in the Commonwealth. Ms. Mallek said there are over 4,000 individuals statewide who have been trained, with 1,000 fully certified, and each has graduated from natural history training programs and completed at least 40 service hours per year to maintain their certification. She stated there are currently more than 1,600 active volunteers, contributing \$3 million in service value to the state agency partners, the Virginia Natural History Museum, the Department of Environmental Quality, and the Department of Conservation and Recreation.

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Mr. Randolph stated the Chamber of Commerce had announced that Wegman's will be hiring 550 people, 500 of whom will be locally hired. He also reported that there will be a new 5<sup>th</sup> Street Station stop on Charlottesville Area Transit.

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Mr. Sheffield asked if the Board would discuss the Woodburn Road issues after the public comment period, as there will be some members of the public talking about that item.

Board members agreed.

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Agenda Item No. 9. Recognitions:

Item No. 9a. Proclamation recognizing THE BIG READ 2016: "The Heart is a Lonely Hunter" by Carson McCullers.

Ms. McKeel reported that there is a representative from the Jefferson-Madison Regional Library present, Ms. Joanne Duffet, and asked her to come forward as she read the following proclamation in honor of "The Big Read."

**Proclamation**

**THE BIG READ 2016:  
"The Heart is a Lonely Hunter"  
by Carson McCullers**

**WHEREAS**, THE BIG READ is designed to restore reading to the center of American culture and provides our citizens with the opportunity to read and discuss a single book within our community; and

**WHEREAS**, the Jefferson-Madison Regional Library invites all book lovers to participate in THE BIG READ that will be held throughout March 2016. The Library's goal is to encourage all residents of Central Virginia to read and discuss "THE HEART IS A LONELY HUNTER" by Carson McCullers; and

**WHEREAS**, the novel tells a dramatic story of poverty and racism in a 1930s Georgia mill town, and explores themes such as isolation and deaf culture; and

**WHEREAS**, THE BIG READ is an initiative of the National Endowment for the Arts in partnership with Arts Midwest; and is supported by the Art and Jane Hess Fund of the Library Endowment;

**NOW, THEREFORE, BE IT RESOLVED**, that I, Liz Palmer, Chair of the Board of Supervisors of Albemarle County, proclaim THE BIG READ during March 2016 and encourage all residents to read "THE HEART IS A LONELY HUNTER" during this time.

Ms. McKeel **moved** to adopt the proclamation. Ms. Mallek **seconded** the motion.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Sheffield and Mr. Dill,  
NAYS: None.

Ms. Joanne Duffet thanked the Board for the proclamation and encouraged everyone to read the book and attend the events associated with "The Big Read."

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Item No. 9b. Albemarle County Fire-Rescue, Albemarle Professional Firefighters' Local 4007 and the Muscular Dystrophy Association - 2015 Fill the Boot Campaign.

Ms. Palmer introduced Andrea Shaver, Executive Director of the Greater Virginia Muscular Dystrophy Association.

Ms. Andrea Shaver addressed the Board, stating that she is before them to recognize the joint efforts of the Albemarle County Fire and Rescue (ACFR), Albemarle County Professional Firefighters Local 4007, and local citizens throughout the region for their incredible impact of this year's MDA "Fill the Boot" campaign. Ms. Shaver stated that because of their support and funding, the average life expectancy of a child with Duchenne Muscular Dystrophy has gone from 16 to 25 in the last 10 years, and babies born with Pompeii's Disease no longer die from the disease, because of a drug developed that was supported by MDA funding. She reported the network of 200 MDA clinical care centers, three of which are at UVA, provide care for over 100,000 Americans. Ms. Shaver noted this multi-disciplinary approach has shown to extend the life expectancy of patients with neuro-muscular disease an additional year over their counterparts not attending such a clinic. She reported the number of drugs in clinical trials had quadrupled since 2005, and there are currently three new drugs in front of the FDA for approval that will be the first to effectively treat and save the lives of those with Duchenne Muscular Dystrophy and spinal muscular atrophy. Ms. Shaver said that Albemarle County firefighters save lives every day in their work, and thousands of additional lives through their support of MDA, which fosters independence for those like former ACFR Goodwill Ambassador Michelle Miles, who is now a freshman at UVA.

Ms. Shaver asked ACFR Chief, Dan Eggleston, and Local 4007 President, Robbie Gilmer, to come up, and asked the firefighters present to stand and be recognized. She stated the firefighters have set a new record in their fundraising, raising more than \$30,000 in 2015 and more than \$131,982 over the past eight years, which ranks them as the 11<sup>th</sup> top collecting department in the state, ahead of departments like Loudoun and Arlington that have four to five times the number of firefighters. Ms. Shaver introduced Andy Straka, whose daughter Noelle is affected by muscular dystrophy and serves as the ACFR Goodwill Ambassador for the first time in 2016.

Mr. Andy Straka addressed the Board, stating the MDA covers more than 40 different neuromuscular diseases, including CMT, which his daughter has. Mr. Straka said when Noelle was first diagnosed with CMT, their family was told to get in touch with the MDA, and they have been very supportive by supplying equipment, orthotics, research and guidance. He also expressed his appreciation of the ACFR firefighters for their support of the MDA.

Ms. Palmer and the Board thanked Mr. Straka and Noelle and the firefighters for their work.

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Agenda Item No. 10. From the Public: Matters not Listed for Public Hearing on the Agenda.

Ms. Teddy Hamilton addressed the Board and stated that she is a resident of Key West and is President of the Central Virginia Pickleball Club, which started on January 1, 2016. Ms. Hamilton introduced group treasurer and Greene County resident, Gene Raboy, and player, Jamel Craig, of Willoughby. She explained the game of pickleball through a PowerPoint presentation and stated that there is a large and growing group of players in the Charlottesville/Albemarle community. Ms. Hamilton noted the size of a pickleball court is about 1/3 the size of a tennis court, which makes it a very space-efficient game, and the game is suitable for all ages. She stated the Central Virginia Pickleball Club has outgrown its existing facilities and partnered with the Senior Center, which serves 6,000 seniors in the community.

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Ms. Lynda Harrill of the Samuel Miller District addressed the Board and stated that she is founder of Quick Start Tennis of Central Virginia, an all-volunteer community tennis association. Ms. Harrell stated that because of the kid-size Quick Start Tennis program, they have been able to introduce the sport to 9,500 kids in the public elementary and middle schools in Albemarle County through P.E. classes and after-school activities. She said that eight years ago, Albemarle Parks and Recreation had no tennis program, but now its summer catalog has six full pages of tennis programs and after-school programs are flourishing. Ms. Harrell noted they had their first junior tennis tournament circuit over the summer, and breakout kids were ranked in the Middle Atlantic Region, with one student at Cale Elementary ranked #1 in the girls 10 and under as a 9 year old, and ranked #19 in the girls 12 and under as a 10 year old. She stated the organization had painted blended lines on some full-size courts around the County and built six permanent kid-size courts at two sites in Crozet at a cost of \$120,000. Ms. Harrell noted that Albemarle County built nine permanent courts behind Jack Jouett Middle School, bringing the total to 15 kid-size courts. Ms. Harrell stated that all of this was done without displacing or interfering with any other sports because Quick Start is community-minded and has a vision for kids in tennis. She said the kids will eventually outgrow these courts and need full-size courts. The County has only four full-size courts at Darden Towe Park, which has been in disrepair for many years. Ms. Harrell emphasized the tennis community has patiently waited for the courts to be refurbished, and all four are needed for public play and practice for high school and Quick Start players. She stated that more tennis courts are needed, not fewer, and land was cleared directly across from Darden Towe for 300 homes that will be occupied by younger families who will need the courts. Ms. Harrell noted the master plan for Darden Towe shows the four existing tennis courts and four courts that have not yet been built. Quick Start would like for the County to first refurbish the old courts and then build the four new ones as called for in the plan.

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Ms. Beth Schmidt addressed the Board, stating that she is a resident of the Rio District and thanked Mr. Sheffield for his support of their Woodburn Road issue. Ms. Schmidt stated that she and her husband purchased their home on Woodburn Road in 1993 when it was a very peaceful, bucolic road. She said that VDOT and Lane Corman had essentially set up what was originally thought to be a staging area, but is now more like a construction site, with trucks running up and down the street day and night, and she and her husband have not had a good night's sleep since last August or September. Ms. Schmidt stated they wonder how a state agency, like VDOT, would feel if this activity was across the street from their homes, adding that mud is everywhere and signs are posted all over, along with floodlights shining all over the road. Ms. Schmidt said it is difficult to maintain a normal semblance of living, and although the area is posted as having a police presence, it did not stop a Lane Corman employee from walking down her driveway at 9:00 at night and trying to hustle her and her husband out of \$150 to get his car fixed. She added about a week later, police showed up at her house and indicated they were looking for the man because he was wanted for an infraction in Charlottesville. Ms. Schmidt stated the residents there need help, and thanked the Board for their assistance.

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Ms. Sarah Shepherd addressed the Board and stated that she has lived on Woodburn Road since 2002 and is distressed that VDOT has turned their residential neighborhood into an industrial construction zone, which it will be 24/7 for the next year and half, with noise, dirt, dust, piles of gravel, litter and a huge increase in traffic, including commercial trucks. Ms. Shepherd stated she had counted 30 vehicles in and out of VDOT in the course of an hour, and the vehicles travel in excess of the posted speed limit, and the road has hills, curves, blind curves, and is too narrow for heavy commercial traffic. She said the excavators onsite are diesel fueled and she is concerned for residents' health and for the environment, with diesel exhaust containing 40 substances that the EPA listed as hazardous air pollutants, with 15 of them probable or known to cause cancer. Ms. Shepherd stated that diesel fuel emissions are called "fine particulate matter," or soot, which is so small it gets deep into the lungs when inhaled. She said that acute exposure can irritate the eyes, nose, throat and lungs, cause lightheadedness, trigger asthma attacks, and make allergies worse. She stated that diesel emissions contribute to ground-level ozone, damaging trees and vegetation, and to acid rain that affects soil, lakes and streams, as well as causing property damage. Ms. Shepherd noted that she is not certain if diesel emissions can seep into soil groundwater, but there is runoff from VDOT construction headquarters toward the Rivanna Reservoir, which borders Woodburn Road to the west. She stated that most residents there have wells, and to the east is Agnor Hurt Elementary School and an adjacent soccer field, and children are especially vulnerable to soot. Ms. Shepherd indicated that "fugitive dust" is dust that blows around from piles of dirt and gravel, unpaved surfaces, dirt deposited on the road, and open, uncovered dump trucks. Virginia code contains a standard for fugitive dust emissions that VDOT and Lane Corman do not meet, so you can actually say they are violating state law. Ms. Shepherd stated that this situation must be rectified immediately and VDOT's construction headquarters must be moved, and she feels they should stop using the road immediately because the continued impacts to the health of residents and the environment is unacceptable.

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Mr. Jack Schmidt addressed the Board, thanking them for providing the opportunity for residents to express themselves and referencing a petition presented that has signatures from residents along Woodburn Road, who are vehement in their support and outraged at the situation. Mr. Schmidt said that the trucks come and go all day long, and residents would like to have the construction site inoperable at night and not stockpile dirt and gravel, which is currently about three stories high and is replenished on a daily basis. He noted the trucks are 20-ton trucks that haul off about five tons of gravel, which sounds like a small explosion when it is being loaded, and the trucks themselves are noisy as they shift gears to travel down Rio Road. Mr. Schmidt said that residents would like for VDOT not to operate at night and to move their depot site to another location, perhaps across the river to where the Berkmar Bridge is going to be built.

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Mr. Andrew Hershey addressed the Board and said he agrees with the three previous speakers and has experienced all of the issues they have mentioned, adding that he hopes the Board can do something about it.

There being no further public comments, the Chair closed the Matters from the Public item.

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**NonAgenda.** Mr. Sheffield stated that Mr. Walker has been doing quite a bit to see what can be done with VDOT about the Woodburn Road situation. He said he does not feel that VDOT is doing all they can do to help mitigate this, and a big part is the connection to Berkmar Drive, because the land is there and they can make the connection; it just is not convenient for them. Mr. Sheffield stated that he would like to get consensus from the Board on asking staff to take a heavy hand with Lane Corman and their activities, such as an enhanced police presence, fire and rescue, etc. He said it is very clear that the trucks are tearing up Woodburn Road, with another two years for the project. Mr. Sheffield emphasized that VDOT has the money to make the Berkmar Drive connection, which both VDOT or Lane Corman can make, and it makes a lot of sense given the amount of activity that will be going on at Berkmar. He stated there is very little they can do about the noise since VDOT is currently exempt from the County's noise ordinance, but VDOT and Lane Corman need to know that the County is serious about the safety of its residents.

Mr. Randolph asked if there had been advance notice provided by VDOT to the residents of Woodburn Road. Mr. Sheffield responded there had not been.

Mr. Randolph asked if there is a requirement of the contractor as there is with a business like Luck Stone to clean the street with some frequency. Mr. Sheffield responded they started trying to put street sweepers out there, but that was just really swirling the dirt around.

Mr. Randolph stated this is why it needs to be watered down, which would at least improve the appearance of the street, although it will not reverse the wear and tear. He said that he would urge the contractor to look at staging the equipment elsewhere at night, because there is no reason for all of that heavy equipment to be in a residential zone, so perhaps they can be there during the day and move it to another location, such as a shopping center, at night. Mr. Randolph stated the residents of Woodburn Road are entitled to a good night's sleep free of the imposition of the truck traffic, so while he supports Mr. Sheffield's idea, he would like to add some caveats in the way of requirements and expectations. He added that perhaps there is something at the state level that needs to be addressed in terms of required consultation with an effected community when a project of this size and nature is undertaken, as this perceived indifference is what breeds mistrust among citizens.

Mr. Sheffield said in this type of setting, you would typically find VDOT putting its site closer to the project, such as Albemarle Square, and while they were asked, those landowners are apparently not supportive of that proposal. He stated it is unusual for a location to be so far away from the actual construction site, and he hopes they will move the materials on the other side of the river when they start working on Berkmar. Mr. Sheffield said he is hoping the Board can provide unanimous direction so that Mr. Walker can take a few additional steps in his mitigation efforts.

Mr. Walker stated that having the entire Board state their strong concern for this issue will provide more leverage and will communicate the Board's desires for the process.

Mr. Sheffield said the connection to Berkmar will address about half of the problems, and while the noise will not be completely mitigated it will be reduced, and the truck traffic situation will be resolved for the residents along Woodburn.

Ms. Palmer asked if they need a motion. Mr. Foley stated that consensus among Board members is probably sufficient.

Mr. Dill said that saying something along the lines that this is an immediate crisis needing attention might direct it more toward Berkmar, rather than a low-volume situation that was happening for a year and a half, although that has a cumulative effect that is wearing people down.

Mr. Randolph commented that the situation is intolerable, and he is sure that Board members would do the same if a project was affecting people in his district.

Ms. Mallek stated there are already rules about mud on the road, and contractors in the rural areas are fined \$150 per day for not cleaning up, and when she calls for help there is very quick enforcement.

Mr. Sheffield said it is really a matter of taking their existing regulations to their maximum, and perhaps the enhanced police presence will become such an inconvenience that the contractors will want to build the connector to Berkmar.

Ms. McKeel stated that she is in full support of this, and asked Mr. Sheffield if he had brought this up at a PDAP meeting. Mr. Sheffield responded that he had, and VDOT had essentially said they would keep using Woodburn. He said that VDOT had explored it and know what they need to do, as well as their limitations and the option of building the connector to Berkmar, but Lane Corman apparently feels that it is more cost effective to keep using Woodburn, and VDOT cannot really push them.

Ms. McKeel said the only other thing she would suggest is that he request that money be put into the budget to restore Woodburn Road and bring it back up to standard, and he should at least bring it up at the PDAP meetings. She suggested that Mr. Walker add this to the letter he is preparing for VDOT.

Mr. Walker said he certainly can and will be communicating with VDOT very soon, but he also feels it would be effective to bring it up at the PDAP meeting.

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Agenda Item No. 11. Consent Agenda.

**(Discussion:** Ms. McKeel stated she would like to pull Item 11.3 for some brief remarks, with regard to the additional monies in the amount of \$19,951 as a local supplement to the Commonwealth Attorney's office. She said that while she has no problem with the additional funding to bring the salary up to market, it is the responsibility of the General Assembly and state to fund this office so this is essentially another mandate being passed down to localities. Ms. McKeel stated that last year they had started keeping track of all of the items that were being pushed down from the state to the County and notifying legislators of those items, and she would like to continue doing that and have individual letter copies.

Mr. Sheffield clarified that the state had actually set the salary level for the Commonwealth Attorney's office, and now the County is having to take on part of it.

Ms. McKeel mentioned that part of this is also due to the increasing obligation toward VRS.

Mr. Foley said the state will pay a certain salary but does not pay a market salary, so this is clearly an underfunded mandate, and the same holds true for some positions in the sheriff's office, with the County also supplementing those salaries. He stated that staff will send an individual letter and copy Board members on it.

Mr. Randolph noted that Board members had all received a letter from Mr. Tracci requesting an additional position to address senior abuse, and he would like to see some empirical analysis of the trend lines over five years because social services staff had just indicated to the Board that they are seeing an increase in child abuse and the need to focus resources there.

Ms. Palmer said they can go over the details in Mr. Tracci's letter at another time.

Mr. Foley stated the Board can handle that request any way they want, although the budget request came at a time that was out of budget cycle, which staff does not typically spend any time on unless the Board requests it. He reminded the Board they had funded several new positions for that office last year and said the first budget work session will cover general government, which will include the Commonwealth Attorney's office.

Ms. Mallek commented that it will be difficult for the Board to evaluate the request without more detailed information from his office.

Mr. Foley asked if the Board would like for staff to request the data in preparation for the budget meeting.

Ms. Palmer said she had sent a letter to Mr. Tracci requesting information on what the state compensation board had awarded to his office, and how they are utilizing the resources provided last year: one attorney and one paralegal. She suggested if they want to discuss this further, they can do so during "From the Board." Ms. Palmer noted that Mr. Tracci had written back to her and indicated that he will provide a response to the information request in her letter prior to their budget worksession date.

Mr. Randolph pointed out that her letter did not request the trend data that he had mentioned.

Mr. Foley asked if the Board would like for the budget office to request additional data from Mr. Tracci.

Ms. Palmer said they should discuss this in more detail at the end of the meeting.

Mr. Randolph commented he just wants to make a judgement based on the full picture, and that would be fair to Mr. Tracci.)

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**Motion** was then offered by Ms. McKeel to approve Item 11.1 (as read) through 11.3 and Agenda Item No. 14, on the consent agenda. Ms. Mallek **seconded** motion.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Sheffield and Mr. Dill.  
NAYS: None

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Item No. 11.1. Approval of Minutes: November 11, December 1 and December 4, 2015.

Ms. Mallek had read the minutes of November 11, 2015, and found them to be in order, with the exception of some typographical errors.

Ms. Palmer asked that the minutes of December 1 and December 4, 2015, be pulled and carried forward to the next meeting.

**By the above-recorded vote, the Board approved the minutes as read.**

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Item No. 11.2. Resolution to Accept Road(s) in Lochlyn Hill Subdivision into the State Secondary System of Highways (*Rio Magisterial District*).

**By the above-recorded vote, at the request of the County Engineer, the Board adopted the following resolution:**

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 2<sup>nd</sup> day of December, 2015, adopted the following resolution:

#### **R E S O L U T I O N**

WHEREAS, the street(s) in **Lochlyn Hill Subdivision**, as described on the attached Additions Form AM-4.3 dated **February 10, 2016**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Lochlyn Hill Subdivision**, as described on the attached Additions Form AM-4.3 dated **February 10, 2016**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

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

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The road(s) described on Additions Form AM-4.3 is:

- 1) **Lochlyn Hill Drive (State Route 1399)** from the intersection of Lochlyn Hill Lane (State Route 1400) west to ESM/City line, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4476, pages 197-249, for a length of 0.05 miles.
- 2) **Lochlyn Hill Drive (State Route 1399)** from the intersection of Lochlyn Hill Lane (State Route 1400) east to ESM/City line, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4476, pages 197-249, for a length of 0.02 miles.
- 3) **Lochlyn Hill Lane (State Route 1400)** from Pen Park Lane (State Route 1481) south to intersection with Lochlyn Hill Drive (State Route 1399), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4476, pages 197-249, for a length of 0.09 miles.
- 4) **Pen Park Lane (State Route 1481)** from intersection of Lochlyn Hill Lane (State Route 1400) east to City line, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4472, pages 387-393, for a length of 0.03 miles.
- 5) **Pen Park Lane (State Route 1481)** from Woodmont Drive (State Route 1482) east to intersection with Lochlyn Hill Lane (State Route 1400), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4472, pages 387-393, for a length of 0.07 miles.

Total Mileage – 0.26

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Item No. 11.3. Salary Supplement for Commonwealth's Attorney Position.

The Executive Summary forwarded to the Board states that the General Assembly in the adopted State Budget sets the salary for each constitutional officer based on the locality's population. Virginia Code § 15.2-1605.1 enables localities to supplement these salaries using local funds. Many localities supplement the salary of the Commonwealth's Attorney to reflect a market salary for that jurisdiction. The County has provided such a supplement to the prior two Commonwealth's Attorneys. The amount of the supplement was adjusted annually to reflect percentage salary increases approved by the Board for County staff.

The Board can approve supplements for the individual holding the office or for the position. Because the supplement for the previous Commonwealth's Attorney was approved for the individual holding the office, Board action is required to authorize the supplement for the newly elected Commonwealth's Attorney.

Robert Tracci was elected as the County's Commonwealth's Attorney effective January 1, 2016. On January 20, 2016, after consultation with County Executive Office staff, Mr. Tracci submitted the attached letter (Attachment A) requesting that the Board continue the County's existing supplement to the Commonwealth's Attorney retroactive to January 1, 2016.

The prior Commonwealth's Attorney received the base salary set by the State, an additional \$6,888.70 of local funds required to hold harmless the 2012 VRS mandate that the Commonwealth's Attorney pay the VRS contribution, and a \$13,062.45 local supplement. To maintain the same salary for the new Commonwealth's Attorney would require a local supplement in the amount of \$19,951.15, the total of the locally funded VRS hold harmless contribution mandated for the prior Commonwealth's Attorney and the amount of the prior supplement.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to authorize a local supplement for the Commonwealth's Attorney in the amount of \$19,951.15 effective January 1, 2016. Staff further recommends that the supplement be authorized for the position rather than for the individual so that future salary adjustments can be based on market surveys for similar positions.

**By the above-recorded vote, the Board adopted the following Resolution to authorize a local supplement for the Commonwealth's Attorney in the amount of \$19,951.15 effective January 1, 2016:**

**RESOLUTION TO AUTHORIZE A LOCAL SUPPLEMENT FOR THE ALBEMARLE COUNTY  
COMMONWEALTH'S ATTORNEY POSITION**

**WHEREAS**, Virginia Code § 15.2 – 1605.1 enables localities to supplement the salary of constitutional officers; and

**WHEREAS**, the Board finds that it is appropriate to supplement the salary of the County's Commonwealth's Attorney position.

**NOW, THEREFORE, BE IT RESOLVED**, that the Albemarle County Board of Supervisors hereby authorizes a local supplement for the Commonwealth's Attorney's position in the amount of \$19,951.15 effective January 1, 2016, to be adjusted annually based on the percentage salary increase approved by the Board in the County's budget for County staff.

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**Note: This item was moved from the regular agenda to the consent agenda.** Agenda Item No. 14. ZMA-2004-00024. Special Exception to Vary Old Trail Village Code of Development.

The Executive Summary forwarded by staff states that a zoning map amendment was approved for Old Trail Village on September 14, 2005 that rezoned the property from Rural Areas, R-1, and R-6 to Neighborhood Model District, inclusive of an Application Plan and Code of Development. A subdivision plat for Block 31 was approved on December 29, 2015 (SUB201500191). Thirty-one (31) variations to the Application Plan and/or Code of Development have previously been granted. The Applicant has requested a special exception for Block 31 to reduce the side setback from 10 feet to 7.5 feet.

County Code § 18-8.5.5.3 allows special exceptions to vary approved Application Plans and Codes of Development upon considering whether the proposed variation: (1) is consistent with the goals and objectives of the comprehensive plan; (2) does not increase the approved development density or intensity of development; (3) does not adversely affect the timing and phasing of development of any other development in the zoning district; (4) does not require a special use permit; and (5) is in general accord with the purpose and intent of the approved application. County Code § 18-33.5(a)(1) requires that any request for a variation be considered and acted upon by the Board of Supervisors as a special exception. Staff opinion is that the requested variations meet the five criteria listed. A detailed analysis is provided in the Staff Report (Attachment A).

There is no budget impact.

Staff recommends that the Board adopt the attached Resolution (Attachment D) approving the special exception to permit 7.5 foot side setbacks in Block 31, as described in the attached staff report.

**By the above-recorded vote, the Board adopted the following Resolution approving the special exception to permit 7.5 foot side setbacks in Block 31, as described by staff:**

**RESOLUTION TO APPROVE SPECIAL EXCEPTION  
FOR ZMA 2004-024, OLD TRAIL VILLAGE**

**WHEREAS**, March Mountain Properties, LLC (the "Owner") is the owner of Tax Map and Parcel Number 055E0-01-00-000A1; and

**WHEREAS**, the Owner filed a request for a special exception to vary the Code of Development approved in conjunction with ZMA 2004-024, Old Trail Village to reduce the minimum side setbacks in Block 31.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the executive summary prepared in conjunction with the special exception request, staff's supporting analysis included in the executive summary and the attachments thereto, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-8.5.5.3(c) and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to vary the Code of Development approved in conjunction with ZMA 2004-024, Old Trail Village, to reduce the minimum side setbacks in Block 31 subject to the condition attached hereto.

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**ZMA 2004-24, Old Trail Village Special Exception Condition**

1. Lots 1-7 in Block 31 shall have minimum seven and one-half (7.5) foot side setbacks.
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Item No. 11.4. VDOT Culpeper District, Albemarle County Monthly Report, February, 2016, **was received for information.**

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Agenda Item No. 12. **PROJECT: CLE201500231 Charlottesville Beautiful Minds.**

MAGISTERIAL DISTRICT: Samuel Miller.

PROPOSED: Special exception to allow for a family day home to care for up to 12 children in a residence and may include up to two employees.

ZONING CATEGORY/GENERAL USAGE: PUD Planned Unit Development – residential (3 – 34 units per acre), mixed with commercial, service and industrial uses. SECTION: 20.3.1 13. Family day homes (reference 5.1.56).

COMPREHENSIVE PLAN LAND USE/DENSITY: RA Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/acre in development lots).

ENTRANCE CORRIDOR: No. LOCATION: 707 Acorn Lane.

TAX MAP/PARCEL: 073B0010007400.

*(Advertised in the Daily Progress on January 25 and February 1, 2016.)*

The Executive Summary presented by staff states that a “family day home” is a “child day program offered in the dwelling unit of the provider or the dwelling unit that is the home of any of the children in care for one through twelve children under the age of thirteen when at least one child receives care for compensation.” (Virginia Code § 15.2-2292 and County Code § 18-3.1 - definition of family day home). Family day homes for five or fewer children are treated as a residential occupancy and, therefore, no zoning-related approvals are required. The provider’s own children and any children who reside in the home are not counted in these numbers.

Virginia Code § 15.2-2292 enables localities to administratively approve family day homes for six to twelve children, provided that notice is given to abutting owners and none of them object. If a timely objection is received, a public hearing is required before the governing body. On September 11, 2013, the Board adopted an ordinance to amend the County’s family day home regulations to no longer require a special use permit for family day homes for six to twelve children and to allow them to be administratively approved, and to require a special exception if an abutting owner objects (See Attachment A for the current regulations).

Charlottesville Beautiful Minds (CLE 2015-231) has applied for a family day home for six to twelve children. After notice was sent to abutting property owners, the County received objections to the proposal. Because of the abutting owner objections, a special exception is required.

Charlottesville Beautiful Minds is located at 707 Acorn Lane in the Peacock Hill neighborhood, which is zoned PUD, Planned Unit Development. The family day home is located in the basement level of the home, accessed behind the dwelling. The yard has a fenced playground area located in the front yard of the property. This section of the neighborhood consists of six single family homes served by Acorn Lane, a private road, located off of Turkey Ridge Road, a public road. (See map, Attachment B). Charlottesville Beautiful Minds is currently operating a voluntarily registered family day home serving up to five children with the hours of 8:45 a.m. - 1:00 p.m., Monday - Friday. Charlottesville Beautiful Minds is now seeking a family day home license for up to 12 children. While the applicant is requesting a special exception to allow up to 12 children, the family day home will typically have eight or fewer children and no employees. The applicant is seeking a license for up to 12 children primarily for future flexibility in accepting younger siblings. Supplemental information provided by the applicant is included as Attachment C.

The objections from abutting owners are provided as Attachment D and include concerns regarding: (1) traffic and capacity of Acorn Lane; (2) on-street parking; (3) noise; (4) property values; and (5) septic capacity. The County has received no complaints regarding the family day home since it began operating with five children, and some residents of Peacock Hill are in support of the request. Detailed staff comments on the neighbor concerns are provided as Attachment D. Letters of support are provided as E, and a January 21, 2016 email from the Peacock Hill Homeowners Association is provided as Attachment G.

County Code § 18-5.1.56(b)(7)(b) provides that, in acting on a special exception, the Board “shall consider whether the proposed use will be a substantial detriment to abutting lots.” Staff opinion is that authorizing the family day home to provide care for up to 12 children, with the conditions below imposed, would not create a substantial detriment to abutting lots.

There is no anticipated budget impact with this request.

Staff recommends that the Board adopt the attached Resolution (Attachment H) approving this special exception with the following conditions:

1. No outside activities associated with this use other than child drop-off and pick-up shall occur before 10:00 a.m. or after 7:30 p.m.;
2. Parking for child drop-off and pick-up and for any employee not residing in the home shall be off -street only; and



3. Child drop-off and pick-up times shall be staggered at a minimum ten (10) - minute interval so that no more than two vehicles arrive to drop off or pick up at the same time.

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Ms. Rebecca Ragsdale, Senior Planner, addressed the Board, stating that this is not a request the Board sees very often, so she will review how this type of use is processed in the County based on the ordinance. Ms. Ragsdale explained that family day homes are in-home childcare, with two different tiers, and family day homes caring for five or fewer children do not require any permit from the County, and state law mandates that it be treated as a single-family use, which means that no additional clearances or regulations can be required. She stated that for family day homes of 6-12 children, there is a zoning clearance process that includes abutting neighbor notification, and if any objections are received the Board has to approve a special exception. Ms. Ragsdale said that family day homes are a fairly common form of childcare, and the current process has been in place since 2013 when the County initiated a zoning text amendment to encourage a more flexible option and provide a more streamlined process, with the former approach being a special use permit. She stated that under the new process, the County had processed 10 applications with no neighbor objections, some similar to this request that are operating in the County. Ms. Ragsdale noted that caring for more than 12 children would make an operation a daycare center, permitted by special use permit in the rural areas in residential districts and by right in commercial districts. She said that family day homes are permitted in all residential districts, all dwelling unit types, and in the rural area.

Ms. Ragsdale referenced the zoning regulations as listed, noting there is a zoning clearance application that goes to Community Development, and there is a requirement for these facilities to be licensed by the Department of Social Services, so the County does not issue a zoning clearance until it is verified that the applicant will comply with licensing. She noted there is an extensive set of regulations and a separate process for family day homes, with two inspections per year to ensure they are in compliance, and the Fire Marshal does an inspection during the zoning clearance process as well as an annual inspection thereafter. Ms. Ragsdale noted the building official also reviews these applications, with Zoning checking for adequate parking, access and entrance to the site, and traffic limits allowed by the ordinance. She explained that if concerns from abutting property owners are received, state law requires the County to send a notice to the applicant by certified mail, and the Board must review a request and approve it, with the determination made as to whether there will be substantial detriment to adjoining lots, or "significant negative impacts" to abutting property owners.

Ms. Ragsdale reported that Charlottesville Beautiful Minds is located in Peacock Hill, which is a planned unit development located in the rural area of the County, off of Dry Bridge Road near I-64. She pointed out the location on a map provided, stating the property is located on a private road, Acorn Lane, with most of the roads in the development being public roads, including those leading to Acorn Lane. Ms. Ragsdale stated there is a significant amount of correspondence from residents on Acorn Lane as well as comments from residents on Big Oak Road and along Turkey Ridge Road. She mentioned there are also comments provided from the families who use the family day home, and noted that the lots on Acorn Lane are all about 1/3 acre in size. Ms. Ragsdale said the facility is currently hosting five children in the family day home, which is allowed by right, and the center offers mostly a structured half-day preschool program. She stated this application is for the center to increase to up to the maximum of 12 children, although the applicant anticipates typically having 8 children, with no additional employees.

Ms. Ragsdale stated that Peacock Hill neighbors have expressed concern about adding traffic within the existing development, which currently has 170-190 homes, and the traffic from this family day home is within ordinance limits. She said that staff has recommended staggering drop-off and pick-up times so that everyone is not arriving at once, and the hours of operation are not during peak traffic times in the morning or afternoon. Ms. Ragsdale noted that Acorn Lane is a private road maintained by the homeowners association, and staff's opinion is that the travel way and characteristics of the road are adequate for the additional traffic on it, with no additional maintenance needs anticipated. She said there are some questions from neighbors as to whether the County can require the applicant to contribute more to the road maintenance, but that would be the responsibility of the HOA and staff's opinion is that the traffic will not cause additional wear and tear. Ms. Ragsdale stated the homeowners association issued a letter indicating they did not object to the use and is remaining neutral, but they did say that the use does not violate their covenants, and there is open space adjoining the family day home property. She mentioned there are some concerns about using on-street parking, but parking for the family day home will be from the driveway and staff has made that a condition of the special exception. Ms. Ragsdale said that in the past when there has been noise concerns with family day homes, staff has made conditions about hours of operation, and people are not arriving early in the morning or late at night, as is the case with some other family day homes. She stated there have been some questions about septic capacity, but that is something the Health Department reviews as part of the normal process. Ms. Ragsdale added there has also been concerns about a decline in property values, but family day homes do not have signage and no changes to the residential character of the neighborhood are expected.

Ms. Ragsdale said that staff recommends approval with the conditions as presented.

Ms. Mallek asked how the staggered drop-off and pick-up will be enforced. Ms. Ragsdale responded that it will be a condition of approval, and as with any zoning requirement, the enforcement will lie with them and will be up to the day home manager.

Mr. Randolph asked if there is anything in the code pertaining to the health department that requires the frequency of septic system cleanout to be increased, given the additional use associated with this application. Ms. Ragsdale responded that she has not seen the Health Department require that

particular condition, as they are looking at when the system was put in, what its capacity was when it was put in, and whether there would be any upgrades needed. She noted the homeowner had met with the Health Department and could probably provide additional details, and County staff usually only sees the approval and the number of people permitted.

Mr. Randolph stated it might be prudent to suggest the owners get on an every other year septic system cleanup schedule, and if they are not full at time of cleanout then the schedule can be changed. He stated this would be helpful to the applicant as well as to neighboring property owners, because if septic systems fail it is an immensely costly problem.

Ms. Palmer said the applicant will likely address this.

Ms. Mallek commented that she is not sure if those requirements are within the County's scope, as they are Virginia Department of Health requirements. Mr. Davis responded that perhaps the County can put an additional requirement on the special exception if it is specifically related to the use, but there has not been an issue in the past with other similar applications.

Ms. Palmer said the Health Department will address that if the applicant does not pass the necessary requirements. Ms. Ragsdale clarified the applicant has already met with the Health Department, so they are in the process of reviewing it and will make any needed recommendations.

The Chair opened the public hearing.

Mr. Miles Davis and Ms. Kristie Davis addressed the Board, stating the property location for their special exception application is in the Samuel Miller District. He thanked the Board for their consideration and recognized the professionalism of staff, particularly Ms. Ragsdale and Captain Gilmer of the Fire Marshal's office. Mr. Davis stated that his wife was born in Albemarle County and attended James Madison University as well as Mary Washington for her master's degree in early childhood education. He said he is a former U.S. Army officer and an Iraq War veteran and is 70% disabled. Mr. Davis explained the application intends to expand their family day home from 5 children currently to 12 children maximum per day, with a maximum of 2 employees. Mr. Davis said the zoning approval is a requirement of the Department of Social Services licensing, and the primary purpose for their special exception is to maintain sibling integrity. He stated that two General Assembly bills signed in March 2015, HB1570 and SB1168, further constrains the licensing requirements for family day homes, with the primary purpose of protecting the interests of children, as several children have perished in unlicensed family day homes. He noted the bills will go into effect on July 1, 2016.

Mr. Davis reported that in 2011, he and his wife met with the Small Business Administration and developed a business plan and conducted a market study that determined that western Albemarle County is underserved for the type of academic service they want their family day home to provide. He said this was during the Crozet boom, and they specifically sought out their property at Peacock Hill, primarily due to its location between Charlottesville and Crozet and its proximity to I-64. Prior to closing on the property, Mr. Davis said, they determined that the family day home would not violate HOA covenants and declarations and would be in compliance, and also determined that a previous family day home had operated in Peacock Hill to serve those residents. He stated that because of those factors, they felt confident in their purchase of the property. Mr. Davis noted that because of the new legislation, the number of children in a family day home will be reduced to 4 beginning in fall 2016. He mentioned that his wife had previously taught in Albemarle County Schools, the Peabody School and Millstone of Ivy, and has seen the entire spectrum of children, from gifted to Title I, and is very well equipped to handle the variety of children the day home will serve. Mr. Davis stated they are advertising in the HOA newsletter and maintaining full transparency in the process.

Ms. Kristie Davis addressed the Board, stating that she and her husband take their business and education very seriously, and moved to western Albemarle to provide their own two sons with the best education possible. Ms. Davis said it is her goal, as an educator and a mother, to provide the school that offers the best resources to the community and to children, and they are not trying to maximize the usage but simply want to accommodate siblings and additional children through the special exception.

Mr. Davis pointed out the family day home already offers staggered drop-off and pick-up times and they do not charge late fees, primarily so that parents do not speed through their neighborhood. He noted the business is EPB approved and has a semi-private fence.

Ms. Davis stated they are also more than happy to have the septic system maintained as often as necessary, as they do not want to create any negative impacts on the neighborhood.

Mr. Wayne Fusco addressed the Board, stating that he is a resident of Peacock Hill and fully supports the family day home. Mr. Fusco said when he and his wife moved to the neighborhood 12 years earlier, there were not a lot of young families and children, and when it came time to look for daycare it was a hardship for them. He stated they tried more than four different daycares before finding one that met their needs as a caring facility with an educational environment, and the one they found was 25 minutes each way. Mr. Fusco said the neighborhood now has a lot of families with young children, and if he were a father of young children again, he would be overjoyed to find Mr. and Ms. Davis's family day home.

Ms. Eleanor Cartwright addressed the Board and stated that she is a resident of Peacock Hill and thanked the Board for the opportunity to speak. Ms. Cartwright said she is a longtime resident of

Albemarle County and a retired mental health professional who has worked as a consultant to daycare in several states, and is opposed to Charlottesville Beautiful Minds' application for a special exception to increase their capacity. Ms. Cartwright emphasized that she is a strong supporter of daycare and the family day home legislation, and that is not the reason why she is objecting. She stated that her opposition is based on her belief that increasing enrollment of this particular daycare does not strongly support the intent of ordinance 15.2-2292 to provide "public benefits to families who most need them as described in the Executive Summary supporting this ordinance." Ms. Cartwright said there is also strong community opposition from adjoining property owners and other Peacock Hill residents who will be affected, and it also lacks the support of the Peacock Hill HOA Board based on their vote of "no position," with one member actively speaking against it. She stated there are three specific goals stated in the Executive Summary accompanying the ordinance, one of which is "providing increased opportunities for pre-Kindergarten learning," and she feels this goal was met as Ms. Davis is imminently qualified as a preschool teacher. Ms. Cartwright stated that regarding the second goal of "providing additional high-quality childcare options to families which may be more affordable," the fees listed on the website are in line with those in the community, with no mention of scholarships or sliding scale. She noted that a rationale for the increase stated in this application is simply "to obtain capital required to secure a commercial space." Ms. Cartwright said the third stated goal of the ordinance is "offering flexibility as to the hours available to provide care," which allows them to serve parents who work evening, 24-hour, or weekend shifts, but the application documents show the hours as 9 a.m. to 12 p.m. and 1:00 p.m. to 5:00 p.m., five days per week, and refers parents seeking a full-day preschool to contact Ivy Schoolhouse Preschool. She stated that exceptions to zoning regulations are not given lightly, and the rationale for allowing the commercial enterprise in other than a residential area is to provide a needed public benefit. Ms. Cartwright said there are currently 10 licensed daycare and preschool facilities, including this one, for a total of 238 spaces, and the application documents state that of the four current families enrolled in Beautiful Minds, one child is from Peacock Hill and the others are from Charlottesville, Keswick and Louisa, and a waiting list of those who cannot be served is not provided. She added that for all of the reasons, she asks the Board to deny the application.

Mr. Paul Dowell addressed the Board, stating that he is a resident of Big Oak Lane and has been in the area for four years and has owned property in the area for nine years. Mr. Dowell stated he is in favor of the application and feels the Davis family present themselves as how they live in the community, with a beautiful home they have upgraded. He said he has no intention of mentioning the HOA because he is speaking as an individual, but he is president of the HOA and presided over the meeting at which the vote was taken. Mr. Dowell clarified the HOA voted unanimously to take a neutral position only because they felt it should be the Board of Supervisors who rule on the application, and found no violation of covenants, with one member commenting that it might not be a good idea but voting to remain neutral. He stated all of the concerns raised have been addressed by the Davis family, and the impact to the neighborhood is that it upgrades the neighborhood and provides a valuable service, and makes the community a better place to live without creating any distraction.

Mr. Peter Drenan addressed the Board and stated that his property is immediately adjacent to this daycare center, and he and his wife raised their family in this house and in the community. He stated their objections to the proposal are not against quality daycare nor to the existing operations, but to the further expansion based on the substantial detriments it will create. Mr. Drenan said the 2013 County Code requires that when acting on a special exception request, the Board should consider whether the proposed use will be a substantial detriment to abutting lots, but Virginia Code further requires the special exceptions shall not be a substantial detriment to adjacent properties and the character of the neighborhood shall not be changed. He stated that both laws established that any substantial detriment to the abutting properties is the primary governing concern in granting special exceptions, but neither law defined what that means, so property owners are before the Board to defend what "substantial detriments" mean to them as abutting property owners in addition to those objections already identified. Mr. Drenan said that Turkey Ridge Road is the only road leading to and from Acorn Lane and is used extensively for exercising and walking pets, and cars traveling too fast is already an existing problem. He stated that intentionally increasing traffic on this road increases safety concerns and decreases their recreational enjoyment of this walking area, and for every person added to the facility, the traffic can increase by as much as 1,000 vehicle trips per year, or 10,000 trips if 10 children are added to the center. Mr. Drenan said the additional traffic on Turkey Ridge Road will change the nature and quality of the neighborhood. He stated that just because the zoning staff cannot address property values does not mean it is not a detrimental impact, and discussions with local realtors, brokers and assessors showed agreement that this facility in this rural neighborhood will reduce the market value of neighboring properties, limit the pool of potential buyers, and increase the length of time these properties will be on the market. Ms. Drenan said the financial gain of one commercial facility that actually induces financial losses for a broader band of neighboring property owners on Big Oak Road and Acorn Lane is a substantial detriment. He stated that Acorn Lane is a very small cul-de-sac where the confluence of traffic already creates daily safety concerns, and having additional vehicles and small children running to and from cars in the area should be limited or carefully restricted in order to avoid any horrific accidents. Mr. Drenan stated that since the objections represent real, tangible detriments to abutting properties and cause changes to the character of the neighborhood, the primary governing laws of Virginia and Albemarle County for approving special exceptions has not been met. He said the Board has no choice but to deny this special exception in order to be in compliance with the laws of the Commonwealth.

Ms. Julia Martin addressed the Board and stated that she is also a resident of Peacock Hill and stated that given the precedence of other cases of this sort, the effort to prevent the expansion of Beautiful Minds is unlikely to succeed, but she feels it is highly unjust that for the convenience a relatively few number of parents, most of whom do not live in Peacock Hill, and for the sake of one family's business success, many others will be inconvenienced and outright damaged.

Mr. Don O'Neil addressed the Board and stated that he is before them with his wife, Carolyn. Mr. O'Neil stated their property abuts the Davis's home and is probably the closest, right across the street. He said his front yard faces their playground, with his home office facing the playground, and with the five children who come to the daycare currently he sees every car that comes down the cul-de-sac and goes into the home. Mr. O'Neil stated he feels this expansion will be an asset to the community and has no problem with more children coming to the home, and actually feels it is a joy to see the children arrive and to meet the families.

Ms. Suzanne Schaefer addressed the Board, stating that she is also an abutting property owner on Big Oak Road, and she also works from home and is there all day long. Ms. Schaefer stated she never noticed traffic or even knew there was a daycare center there, and she does not see how expansion to add a few siblings is going to have the dire consequences that have been mentioned. She emphasized this is a positive addition to the neighborhood and does not have any impacts to neighborhood properties or affects the residential character of Peacock Hill. Ms. Schaefer said the applicants have already done everything possible to limit impacts including licensure for the center before they even needed it and already offering staggered drop-offs, and her property value has actually gone up, not down, so she does not feel that is a valid concern. She stated the characterization of the HOA meeting is not accurate and is split about 50/50 in support/opposition of the center, and voted to remain neutral because they did not feel the proposal violated any of the covenants. Ms. Schaefer said the Davis's are great people and good, conscientious neighbors, and asked the Board to grant the special exception.

There being no further public comment, the Chair closed the public hearing.

Mr. Dill stated he used to live on the street leading up to Peacock Hill, Golden Ridge Road, and with five children, he appreciates good, responsible daycare nearby, so on an emotional level he feels that it would be very good. He said he has many friends in that development and would be in favor of approval, including following staff's recommendations for staggered hours and other limitations.

Ms. McKeel said she is impressed that the abutting neighbors do not seem to oppose the application, and in her neighborhood there was a similar daycare many years ago, with the only problem being parents dropping children off and then speeding away. She stated that often these parents do not live in the neighborhood and have no connection to it, and often are in a hurry to get to work, but the applicants seem to be trying to address it.

Ms. Mallek stated the applicants meet the County's expectations, and thanked them.

Mr. Randolph commented that without good daycare, he and his wife would not have been able to work, and they used a similar family daycare with a mother who was probably not even as qualified as Ms. Davis is. He stated this is a caring operation and an asset to the community, and reminded people that at Yancey Elementary School, the daycare center there is pulling parents from other counties as well as Albemarle, and they need to think less parochially about daycare as it is allowing men and women to work and be productive and to raise children the way they want to raise them. Mr. Randolph said the Davises are doing wonderful work and he hopes the County sees more applicants as well qualified and committed to the welfare of children, along with the support they have established. He stated to the neighbors who are dubious about the application, time will heal and they will appreciate that they have an asset in the community.

Ms. Palmer stated that neighbors are concerned about people using the facility leaving the car running while dropping off children and picking them up, and she would hope the Davis's will instruct their customers not to do that. She said the other concern is that the road is narrow and is on a hill, with many people walking their dogs, so she will have to remind patrons to be careful of neighbors, because people dropping off kids are always late. Ms. Palmer suggested that the Davises attend HOA meetings regularly to listen for any problems or concerns, and young families who need daycare are probably moving in.

Ms. Palmer then **moved** to adopt the proposed resolution to approve the special exception for the family day home with conditions. Ms. Mallek **seconded** the motion.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Sheffield and Mr. Dill,  
NAYS: None.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION  
FOR CLE 2015-231 CHARLOTTESVILLE BEAUTIFUL MINDS (KRISTIE DAVIS)**

**WHEREAS**, Kristie L. Davis and Miles J. Davis II are the owners of Tax Map and Parcel Number 073B0-01-00-07400 (the "Property"); and

**WHEREAS**, Kristie Davis filed a request for a special exception in conjunction with CLE 2015-231 Charlottesville Beautiful Minds (Kristie Davis) on November 10, 2015 to allow Charlottesville Beautiful Minds to care for six to twelve children.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the executive summary prepared in conjunction with the special exception request, staff's supporting analysis included in the executive summary, and all of the factors relevant to special exceptions in Albemarle County Code

§§ 18-5.1.56(b)(7)(b) and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to allow Charlottesville Beautiful Minds to care for six to twelve children in conjunction with CLE 2015-231, as described hereinabove, subject to the performance standards for this use in Albemarle County Code § 18-5.1.56(b) and the conditions attached hereto.

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**CLE 2015-231 Charlottesville Beautiful Minds (Kristie Davis) Special Exception Conditions**

1. No outside activities associated with this use other than child drop-off and pick-up shall occur before 10:00 a.m. or after 7:30 p.m.;
2. Parking for child drop-off and pick-up and for any employee not residing in the home shall be off-street only; and
3. Child drop-off and pick-up times shall be staggered at a minimum ten (10) - minute interval so that no more than two vehicles arrive to drop off or pick up at the same time.

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**Recess.** The Board recessed their meeting at 7:46 p.m. and reconvened at 7:56 p.m.

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**Agenda Item No. 13. PROJECT: ZMA-2015-00001. Old Trail Village (Sign 51 & 41).**

MAGISTERIAL DISTRICT: White Hall.

TAX MAP/PARCEL: 055E00100000A1; 055E00100000A2; 055E00100000A3; 055E00100000A4; 055E00100000A5; also 055E0012701000, 055E0012701100, 055E0012701200, 055E0012701300, 055E0012701400, 055E0012701500, 055E0012701600, 055E0012701700, 055E0012701800, 055E0012701900, 055E0012702000, 055E0012702100, 055E0012702200, 055E0012702300, 055E0012702400, 055E0012702500 which formally were a part of TMP 055E00100000A1.

LOCATION: Old Trail Drive and Rockfish Gap Turnpike (Route 250).

PROPOSAL: To amend Code of Development and Application Plan for approved ZMA201400004 (Old Trail NMD). No change to maximum allowed density is proposed.

PETITION: Request to amend Code of Development to reduce the minimum number of residential units from 1,600 to 1,000 units; remove, revise and add a number of regulatory tables and text pertaining to street specifications, density and floor area ranges, maximum units by unit type, zoning regulations, spatial enclosure and building height, setbacks, architectural and landscape standards, and land uses allowed; add farm stands, Tier I, Tier II, Tier III Personal Wireless Facilities, and Cluster Cottage units as permitted uses; request for private streets; request for modification of street standards; request for modifications to sign regulations; for ZMA201400004 on property zoned Neighborhood Model District (NMD) which allows residential mixed with commercial, service and industrial uses at a density of 3-34 units/acre.

OVERLAY DISTRICT: Entrance Corridor (EC); Flood Hazard (FH); Steep Slopes (SS); Scenic Byways (SB).

PROFFERS: Yes.

COMPREHENSIVE PLAN: Greenspace; Mixed Use- residential (18 units per acre maximum), commercial, and office uses; Neighborhood Density Residential- 3-6 units/acre; supporting uses such as religious institutions, schools and other small scale non-residential uses; Urban Density Residential- 6-12 units/acre; supporting uses such as religious institutions, schools, commercial, office and service uses.

*(Advertised in the Daily Progress on January 25 and February 1, 2016.)*

The Executive Summary as summarized by staff states that at its meeting on December 15, 2015, the Planning Commission ("PC") voted 6:0 (Firehock absent) to recommend approval of ZMA201500001 with changes recommended by staff as listed on Attachment G of the December 15, 2015 PC staff report, provided that those changes were made prior to the Board meeting.

In addition to the rezoning request, the applicant requested a special exception to modify the regulations for sign area and sign height (See attachment H of the PC staff report). The PC recommended approval of the special exception to modify the regulations for sign area and sign height by a vote of 5:1 (Keller nay) (Firehock absent).

The PC also approved exceptions under the Subdivision Ordinance that allow the applicant to not install gutters, sidewalks, and planting strips on private streets that serve amenity-oriented lots (e.g., lots oriented to a common area). Under the Subdivision Ordinance, applications for exceptions are considered by the Board only if the PC denies the application or approves an exception with conditions that are objectionable to the subdivider.

Additionally, the applicant separately requested a special exception to reduce the minimum side setbacks in Block 31, and that request is being presented to the Board for its consideration as a separate agenda item on February 10, 2016. The applicant is most eager to have that request approved as soon as possible, and wanted to avoid any delay in the consideration of that special exception request.

The applicant has made all of the changes requested by the PC to staff's satisfaction. The revised Code of Development, Application Plan, and Proffers are attached as Attachments A-C. The County Attorney has prepared the attached Ordinance to approve ZMA 201500001 (Attachment D) and the attached Resolution to approve the special exceptions to modify the regulations for sign area and sign height (Attachment E), reflecting the recommendation of the Planning Commission. The Planning

Commission's action letter, staff report, and minutes from the December 15, 2015 meeting are also attached (Attachments F – H).

Staff recommends that the Board adopt: 1) the attached Ordinance to approve ZMA201500001; and 2) the attached Resolution to approve the special exception to modify the sign area and sign height regulations.

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Ms. Meghan Yaniglos, Principal Planner, addressed the Board, stating that this is an amendment to the Old Trail neighborhood model rezoning that took place in 2004, and referenced a map provided showing the development's location on Route 250 West. Ms. Yaniglos stated that Old Trail is requesting to amend the code of development application plan for proffers and is one of the first neighborhood model developments to be approved in the County. She noted that staff and the applicant found many inconsistencies and obstacles with the existing code and plan during the site plan and subdivision processes. She said this amendment incorporated the previously approved variations for the blocks being requested, and simplified and clarified the code and plan so that it is easier for staff, the public and the applicant to interpret. Ms. Yaniglos stated they are requesting to reduce the minimum density from 1,600 to 1,000 units to allow for market changes, and are requesting to add cluster cottage unit farm stands, and Tier I, II and III wireless facilities as uses. She noted that in addition to the rezoning requests, the applicant is asking for a modification of sign regulations in area and height, and there are a number of revisions required by the Planning Commission, which the applicant has addressed to staff's satisfaction as outlined in Attachment G of the Commission's staff report.

Ms. Yaniglos stated the Planning Commission has unanimously approved the rezoning request, and favorable factors include the zoning amendment is consistent with the Crozet Master Plan, incorporated the previously approved variations within the blocks and simplified and clarified the code and plan, and the cluster cottage unit type allows for an additional housing type that provides more opportunities for affordable housing. She said that staff did not identify any unfavorable factors at this time and recommend approval of the rezoning request. Ms. Yaniglos noted there had been some concern regarding the sign modifications, and she will defer to the expertise of Ms. Ragsdale and Margaret Maliszewsky, who review signs for the County.

Ms. Mallek asked if there will be a presentation later on the sign modifications. Ms. Yaniglos responded that Ms. Ragsdale had not planned to give a full presentation.

Ms. Mallek said they may need to call up the information later.

Mr. Sheffield asked Mr. Randolph if he had voted for this while serving on the Planning Commission. Mr. Randolph responded that he had, and stated that it had been a unanimous vote on the rezoning and a 5-1 vote on the sign issue, which the Board will talk about during this application review.

The Chair opened the public hearing.

Ms. Valerie Long of Williams Mullen law firm addressed the Board, stating that she is representing March Mountain Properties, the owner and developer of Old Trail properties. She introduced David Brockman, Development Manager for Old Trail Village; Leslie Tate, a land planner with Roudabush Gale & Associates; and Bill Ledbetter, who is President of Roudabush Gale and handles all of the engineering in Old Trail. Ms. Long stated that Old Trail had submitted the application in early 2015 and thanked Ms. Yaniglos and team for their patience as the Old Trail team works through all of the details pertaining to the rezoning. She noted that most of the revisions to the code are technical in nature, and Old Trail was originally approved in 2005 as one of the County's first neighborhood model projects, and there was a lot of detail in the original code of development, which had created some questions and confusion. Ms. Long indicated the goal of this rezoning is almost entirely to streamline the code, clarify and update the rules and regulations, and to implement the large number of variations for the project that have been taking place over the years, which currently has to be applied as separate variations for development block. She noted this code revision will fold them into an updated code of development and updated application plan, and there are also some technical revisions to the proffers.

Ms. Long stated she has been a resident of Old Trail since 2012 and feels very passionate about the neighborhood, with continuous improvements being done by management there. She said the development offers many home types including single-family homes, townhouses, attached villas, and a large common area called Lower Ballard that features semi-annual campouts. Ms. Long stated that Old Trail offers commercial establishments, restaurants, retail shops, dentists and physicians, and an ACAC facility, and one of the questions that Mr. Brockman receives most often is, "When are we getting more commercial businesses?" She said that a lot of what this rezoning will do is facilitate the process to make that easier, and noted the rezoning only covers the village center portion of the neighborhood, which was originally rezoned in 2005. Ms. Long referenced a map provided and pointed out which blocks will be subject to the application and those that have already been developed.

Ms. Long stated the sign application might appear that Old Trail is requesting four times the sign area, but what they are actually asking for is the ability to have a three or four-sided sign, because every side counts towards the sign area limits. She said that from the beginning, Mr. Brockman and Mr. Tate met with Ms. Maliszewsky, Ms. Ragsdale and Stewart Wright from the Zoning Department to discuss more creative options for signage to improve what is there and make it more effective. Ms. Long stated that staff has been great to work with, and Old Trail has their support for this proposal. She presented information on "theme panels," which counts toward the sign area face regulations in terms of size and

can never be larger than 16 square feet with the area containing the text never exceeding 32 square feet, and each side of the pillar counting toward sign area regulations. Ms. Long said the footprint for the sign is substantially smaller than what is allowed, so they are asking for a slight increase in sign area to allow for the theme elements, which are designed to reflect the various natural elements in the community, mountains, meadows and ponds. She stated there are a lot of competing elements where the signs are proposed to be located, and their design has the signs going a little bit taller but with less of a footprint.

Ms. Long stated the applicants have reduced the minimum number of residential units required to be in the community from 1,600 to 1,000 units, so the lots can be slightly larger than they would otherwise have to be and more green space can be incorporated into each of the blocks. She said that Old Trail might have more than 1,000 units, but would like to have the comfort of knowing they will not be in violation of zoning approvals if they do not reach 1,600 units.

Mr. Randolph said the Planning Commission had worked out with staff the issue of the single road connection between blocks 32 and 22, as the neighborhood model calls for interconnectivity as one of its eight criteria. He stated that he still sees a single connection, and in the event of flooding or something like a fuel truck explosion, block 32 will become a completely isolated neighborhood.

Ms. Long responded the connection shown is actually the secondary access that is just an emergency access used as needed, and the primary entrance for block 32 will be off of Old Trail Drive. She stated that under the ordinance, any development with more than 50 units must have a second point of access for emergency, so the original application plan showed a connection for the blocks across the creek. Ms. Long said that in looking at the amendment, the applicant feels this creates an impact on the stream in that location and they might not want to build that if they do not need to. She stated that part of the concern is the existing application plan shows it as a road, and if they do not address it now it would have been required when they went to build block 32, and staff cannot approve a subdivision plat without it. Ms. Long said the road is shown with a note that says if they need a secondary point of access in this block and they are not able to provide it somewhere else, they will build it, probably as an emergency-only and/or pedestrian connection with ballards such as those at Estes Park, so it will not serve as a day to day vehicular connection. She stated that Old Trail may have some options to obtain a secondary access point through the golf course on some other roads, which would be their preference and may still include pedestrian connections, and the Planning Commission had approved that as one of its many motions.

Mr. Randolph asked if they are proposing cutting the setbacks from 10 feet to 7.5 feet, and asked if those will be the narrowest side setbacks at Old Trail. Ms. Long responded that in some locations there are 5-foot minimums proposed to provide maximum flexibility, with the understanding that some will exceed this, and there are some zero lot line areas for attached villas.

Ms. Mallek asked if lot 32 access to Old Trail Drive is north or south of the stream and if it is fairly close to the stream. Ms. Long pointed out the location on the map and noted the environmentally sensitive preserved areas near the stream buffers.

Mr. David Brockman addressed the Board and stated that he is the Old Trail Development Manager as well as a resident there, and said there is a trailhead that goes into that area as well as a streambed that straddles on both sides of the trailhead that heads west, and the entry will be in the same general area as the trailhead so it ends up on the landward side.

Ms. Mallek asked if the wireless facilities are specific requests or just on Old Trail's code of development list. Ms. Long explained that when Old Trail was approved in 2005, the Tier I, II and III wireless concept had not yet been developed, similar to the definitions for farm stands and farmers markets, so they would like to modify the code of development so those uses are allowed under zoning.

Ms. Palmer asked Ms. Long about the time needed for the sign presentation. Ms. Long said that it will only take a minute, and explained the zoning approvals do not permit commercial development up against Route 250 in the front, and there are also strong provisions requiring the maintenance of existing trees or the addition of a vegetative row of landscaping to protect the scenic beauty along 250. She stated the businesses that are there struggle without visibility from Route 250, which is critical for them, and Mr. Brockman has worked hard to improve the signage that is there, which originally was no sign. Ms. Long said they have tried to come up with an attractive design that will make the signage more effective, as the businesses are not visible from Route 250 so even though they can have wall signs it is hard for those commercial businesses to show that they are even there and compete with other businesses nearby. Ms. Long added that there were similar sign requests granted for Stonefield for the same reason back in 2010, which were also a neighborhood model development and were subject to the smaller sign standards.

Mr. Travis Pietila of the Southern Environmental Law Center addressed the Board and stated that he will address some of the points made earlier and reiterate concerns stated in the SELC's letter. Mr. Pietila stated the ordinance made clear that in measuring the sign area, all of the textural, background and thematic elements counted toward the relevant square footage limit in the ordinance, so for this request, the parts of the sign stating "Old Trail Village" should not be considered separate from the theme panels when calculating sign area. He said the applicant is requesting permission to build two four-sided monuments at its entrance on Route 250, and while the SELC has no issue with the plan to use one monument for freestanding signs and one for subdivision signs, they do have concerns that both the area and height requested for the monuments significantly exceed the allowances for both sign types in the ordinance. Mr. Pietila said that regarding the monument using the freestanding sign allowance, the sign

ordinance treats a four-sided monument as two double-sided signs. He explained under a straightforward reading of the ordinance, putting two signs at an entrance limits the area of each face to 16 square feet, but the applicant is requesting for each side of a freestanding sign monument to 64 square feet, which is four times the standard in the ordinance. Mr. Pietila stated that using the subdivision sign allowance, the ordinance limits each of the four sides to 12 square feet, so the request exceeds the standard by an even greater amount. He said the proposed monuments will also be 10 feet taller than the standard for subdivision signs and 4 feet taller for the standard for freestanding signs, and on top of the request to expand the size and height of its signs, the applicant appears to be asking to still retain its ability to attach bonus tenant panels to its freestanding signs. Mr. Pietila stated that overall, the SELC feels this request is clearly excessive and does not feel the applicant's rationale for why it deserves a special exception from the ordinance to be compelling, especially an exception of this magnitude along scenic Route 250 West. He said they also have concerns about the precedential effect that approving this exception can have, from a practical and political standpoint because the next applicant will argue that their request should be granted also. Mr. Pietila stated the SELC urges the Board to reject this special exception request regarding the applicant's signage and instead require the applicant to develop a concept that reflects the standards set forth in the ordinance.

There being no further public comment, the Chair closed the public hearing and the matter was placed before the Board.

Mr. Dill asked if there will be signs for the restaurants and ACAC on Route 250, or just for Old Trail itself. Mr. Brockman responded that it is important to note that this does not give blanket approval to the sign and just provides a guideline on which Old Trail will work with County ARB, and Old Trail did not have the specific information component of the sign available at the time this was developed. He said the amount of information they would be able to put into 32 square feet will be limited by the number of colors, but if they are able to fit individual store owners within that space, that is something they will consider. Mr. Brockman said that ideally they are just trying to promote the commercial aspect of Old Trail, so they will most likely have words such as "health," "wellness," "shopping," and "dining," and those types of key words to let people know there is a viable commercial entity inside the project. He added this is why there is a caveat that it is still subject to review.

Mr. Dill asked if they would not have many different store logos with their branded colors. Mr. Brockman responded it would all work in one cohesive design with all the information embedded inside the information panel.

Ms. Mallek asked if the current monument and all of the individual elements will go away. Mr. Brockman explained the idea is to take away the sign that is there currently and put it into a better quality design, and when they did that version they tried to put individual names on there and they all had to be the same color, but that is not working. He stated that only one quarter of Old Trail's commercial development has built out, so ultimately there will be 30 businesses and not all of their names will fit on the sign. Mr. Brockman said the idea is to promote the spirit of commercial enterprise that will be put in with more thematic elements and a title of something like "Old Trail commercial – with health, wellness, shopping and dining."

Ms. McKeel stated that she is feeling a disconnect with the information provided, and asked if the sign will not really look like the pictures. Mr. Brockman responded that in speaking with Ms. Maliszewsky, they wanted to establish a design parameter to work within and set limits they would not exceed so that Old Trail would come back and the ARB would have the final discretion on approval of the final design going forward.

Ms. McKeel asked where all the verbiage will be placed. Mr. Brockman said that the "Old Trail Village" is the 32 square feet, and all of the information written would be in that space, with "Old Trail Village Center" with "Shopping, Dining and Entertainment" or something similar written below it in smaller letters.

Mr. Sheffield asked if this will qualify for the directional sign (TODS) program. Ms. Long replied that she does not know.

Mr. Brockman stated they looked into those, but that would be a separate sign with VDOT, and Old Trail does not feel that it would be appropriate signage for them. Ms. Long pointed out that Old Trail is asking for deviation from parameters, and even if they are not, the ARB will still have review jurisdiction over the signage because it is on an Entrance Corridor and this is a sign. She stated there is much more detail to be worked out, such as landscaping issues and how to light the sign, but they wanted to show the concept so there can be an official application for the ARB's review.

Ms. McKeel said when they were hearing "quadruple in size," it really was not, because the proposed sign will be four-sided.

Ms. Long clarified that it is four sides and each side counts toward sign area with a double-sided sign, and it is a much smaller footprint.

Ms. McKeel commented that the proposed monument sign is also much taller. Ms. Long said that it is taller.

Ms. Mallek stated that going from 10 to 16 feet is a big difference. Ms. Long said the dimensions, as shown in her printed exhibit, are 3 to 5.5 feet.



Ms. Mallek stated it is 16 feet tall. Ms. Long clarified that the text where it says "Old Trail Village" can never exceed 32 square feet, which is what they can do without any request, but they want to have theme panels to make it more attractive. She stated the theme panels count toward the sign area, so even though it was not text it counted, and in order to add those elements and make it more attractive they have to ask for the larger sign area restriction. Ms. Long said that as long as the text for each side does not exceed 32, they can have the additional theme elements to make it more attractive, but the tradeoff for the additional height is that the footprint is much smaller and will fit in much better with that area.

Ms. Mallek said that 5 feet wide is enormous, and a pedestal that is 5 feet times 4 sides and 16 feet high is huge, even larger than the sign at Seminole Square, and having two of them on either side of the intersection will multiply the effect. She stated that someone had mentioned the competition along 250, but this just seems like declare sign war to her and she is having a really hard time with this.

Ms. Long stated that Old Trail tried to do this right from the very beginning and sat down with Ms. Maliszewsky and Ms. Ragsdale to come up with some options that are attractive and will still be supported by the Architectural Review Board.

Ms. Mallek emphasized this is a dramatic change from what the sign ordinance says, and this proposal is really discounting completely what the County had spent about four years getting to, and if this is something that staff and people feel should be incorporated, she would rather take it up as a discussion in the sign ordinance rather than trying to make a decision for one applicant, because it seems that in short order others will be requesting the same. She said she is putting all of her concerns on the table now for discussion.

Ms. Long said the challenge has been that the sign regulations for a neighborhood model district are much more restrictive than they are for other commercial districts, and with developments like Old Trail there is the challenge of trying to advertise that they are a residential community but also have commercial businesses. She stated this is the same challenge faced with Stonefield when they were subject to the much smaller neighborhood regulations, and the Board, at that time, decided that the commercial use is the predominant use, with all the residential in the back, so they granted a waiver to allow the commercial sign regulations to apply. Ms. Long said this is an effort to balance out the fact that the commercial businesses here are invisible from Route 250.

Mr. Randolph stated that he voted for this before as a Planning Commissioner, and had met with Commission Chairman Keller earlier that morning and told him that he regretted voting for it because when he did he thought it was a two-dimensional sign. Mr. Randolph said that in looking at the dimensions of the sign, the only word to describe this sign is "obelisk," and this one will be 16 feet tall, which is a major size sign. He stated that because of this and the significant increase from standards in the sign ordinance, he feels compelled to change his favorable vote as a Commissioner and vote against it as a Supervisor.

Mr. Dill commented that he does not feel this will set a precedent, as Old Trail is larger than any other entity out there other than perhaps Wintergreen, and a sign should be in relationship to its presence. He stated that Old Trail is huge with residential, commercial and a golf course, and as a lifetime retailer he understands that the sign is extremely important to the success of the development, and he does not feel that visually it will even feel that much out of place given the scale of the development at hundreds of acres and the sense that it is the dominant feature in that part of the County. Mr. Dill said he trusts the final committee will come up with something that does not look outrageous through a combination of colors and style, and he feels pretty good about the proposal.

Mr. Sheffield asked what the buildout of homes is at Old Trail. Ms. Long responded that under the current approvals, it is a minimum of 1,600 units and a maximum of 2,200 dwelling units, with 500,000 square feet of commercial space, not counting the golf course and clubhouse, and restoration hall.

Mr. Dill asked if the senior center is considered part of the commercial development. Ms. Long stated it is not technically considered part of commercial, so it is in addition to those limits.

Mr. Davis pointed out that the zoning map amendment would reduce the minimum level to 1,000 units. Ms. Long clarified that the 1,600-2,200 units does not include the additional 400-600 homes in the other areas of the development, which do not have any commercial.

Ms. McKeel said she thought when Old Trail was built the idea was to screen it from 250, and the businesses and commercial were for the people who live there, and while she understands the need to attract additional consumers, she does not really see the comparison with Stonefield at all.

Ms. Long stated that her point is that neighborhood model districts can be different, and both Stonefield and Old Trail are the first two, so they are both subject to the sign regulations for the district, and the Board had, in the past, at least once recognized for Stonefield that neighborhood model districts merited an exception. She said that most neighborhood model districts do not have the amount of commercial that Stonefield or even Old Trail do, and while the commercial development is intended for the benefit of the residents there, they cannot survive without others from the outside community. Ms. Long stated that even with the Old Trail residential buildout, there are not enough rooftops to support those businesses, and Mr. Brockman works hard to host events to draw people from other communities to come into the development, but it is a challenge to compete with businesses that have direct street frontage on 250. She said that as Mr. Dill had indicated, Old Trail is a very diverse community with

businesses, retail, residential, golf, the restoration hall, and individual businesses.

Ms. Mallek asked how the challenge they are facing would be helped by this idea, 16 feet as opposed to 10, and there is already a great big highway sign that says "Old Trail Drive." She stated that she understands the classy marker and feels it is a great idea to have a symbol that represents the entire neighborhood, but it is the height she cannot wrap her head around.

Ms. Palmer stated that she was sad to see the Tapas Restaurant go away, and she had found it via the internet and by using her GPS, which is how many people find things now. She said she feels the proposed sign is too tall and the County had just gone through a sign ordinance, which is where this should be addressed rather than in a special exception. Ms. Palmer stated they are supposed to have a buffer from Route 250, and the County has worked very hard to keep the road scenic, which has been a challenge. She stated that every fall the Crozet Gazette has a photography contest at which a National Geographic photographer gives a lecture and critiques everyone's photos. Ms. Palmer said this year, the photographer was commenting on why there were three National Geographic photographers living here, and he said this is a beautiful community because of zoning, great planners and elected officials who keep the zoning under control. She noted that he talked about downtown Crozet and I-64, and she feels they have done a lot of work on the sign ordinance and feels they should support staff in the great job that was done and not grant a special exception with a 16-foot tall sign, even though the design itself is nice. Ms. Palmer pointed out that she has no problem with the rest of Old Trail's proposal, just not this sign.

Ms. McKeel asked if staff has any other comments they would like to make, since they referenced so much in this discussion. Ms. Ragsdale said she wants to clarify how they regulate freestanding signs, and explained that a monument sign can have each side at 32 square feet as allowed by the ordinance, and the only other things pointed out in the report were that 16 feet in height is what was allowed with planned development-commercial.

Ms. Mallek said it certainly does not seem that all signs on Route 29 are 16 feet.

Mr. Dill said that they are.

Ms. Ragsdale noted that some of those signs probably predate the ordinance and probably are taller than 16 feet, and Ron Higgins is present if clarification is needed.

Ms. Mallek commented that the Board had been talking about 4'x8' panels as being the limit, and if that has changed dramatically she would have to look at this differently, and the reason why businesses park their trucks with giant panel ads on the sides everywhere is because they cannot get that surface area through their permanent signs.

Mr. Brockman thanked Ms. Ragsdale and stated that he had always thought that freestanding mixed-use planned development signs were allowed to be 16 feet, and Old Trail is trying to work within dimensions that are part of the code, and all of the information will stay within the 32 square feet. He said their goal is to give respectful homage to the community and provide structural scenery with mountains and scenery rather than faux wood, and with respect to the four sides there will never be more than two panels of information. Mr. Brockman said that it costs a lot of money to create these things, and he is waiting to get guidance so they wrote in their request that they will most likely do a three-sided sign, with one side having trees behind it. He stated that in looking at the size of commercial in relation to the size of the development, one quarter of the commercial planned for Old Trail is about all that is needed to service the residents there. Mr. Brockman said that under the neighborhood model development and master plan scheme for all of the villages to connect, what downtown Crozet and Old Trail are trying to do is to create a destination that is cohesive and have some synergy. He emphasized that all of the businesses in the area need to reach out, and 250,000 square feet of commercial development is well beyond what is needed just for Old Trail, and all of the restaurants there draw from Nelson and Ivy and Waynesboro. Mr. Brockman said that many people commented that they find it more convenient to go to Old Trail or Crozet than into Charlottesville. He also noted that the sign height is currently just over 12 feet, and the proposed height will be shorter than the stoplight there.

Mr. Sheffield said the standard stoplight height is 16 feet.

Ms. McKeel asked for clarification that the height is within standard.

Ms. Mallek stated that her understanding is that the height limit is 10 feet, and she has been operating under that information for four years.

Ms. Ragsdale explained that this varies by district, and there is a series of sign tables in the ordinance and a set of regulations for planned development-commercial, planned development-shopping center, residential and commercial districts, and 12 feet is the maximum height for neighborhood model.

Ms. Mallek stated that she strongly supports the reduction in minimum numbers to 1,000 units, because when it went into the process in 2004 there were 800 units, but it came out of the public hearing with 2,200 units, and the community completely balked because they were completely out of the discussion. She said that through two issues of the master plan and a lot of terrific redesign and nimble changes offered by the development, they are getting back down to the level at which people bought into to begin with. Ms. Mallek added that people really like the smaller houses and that model type is selling quickly, which shows how good Old Trail's planning is in response to consumer demand.

**Motion** was then offered by Ms. Mallek to adopt the ordinance approving ZMA 2015-0001. Mr. Randolph **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Sheffield and Mr. Dill,  
NAYS: None.

**ORDINANCE NO. 16-A(1)**  
**ZMA 2015-00001 OLD TRAIL VILLAGE**

**AN ORDINANCE TO AMEND THE ZONING MAP FOR TAX MAP AND PARCEL NUMBERS  
055E0-01-00-000A1 (portion), 055E0-01-00-000A2, 055E0-01-00-000A3, 055E0-01-00-000A4, 055E0-01-00-000A5, 055E0-01-27-01000, 055E0-01-27-01100, 055E0-01-27-01200, 055E0-01-27-01300, 055E0-01-27-01400, 055E0-01-27-01500, 055E0-01-27-01600, 055E0-01-27-01700, 055E0-01-27-01800, 055E0-01-27-01900, 055E0-01-27-02000, 055E0-01-27-02100, 055E0-01-27-02200, 055E0-01-27-02300, 055E0-01-27-02400, AND 055E0-01-27-02500**

**WHEREAS**, the application to amend the zoning map for Tax Map and Parcel Numbers 055E0-01-00-000A1 (excluding those portions that lie outside the zoning boundary for ZMA 2004-024), 055E0-01-00-000A2, 055E0-01-00-000A3, 055E0-01-00-000A4, 055E0-01-00-000A5, 055E0-01-27-01000, 055E0-01-27-01100, 055E0-01-27-01200, 055E0-01-27-01300, 055E0-01-27-01400, 055E0-01-27-01500, 055E0-01-27-01600, 055E0-01-27-01700, 055E0-01-27-01800, 055E0-01-27-01900, 055E0-01-27-02000, 055E0-01-27-02100, 055E0-01-27-02200, 055E0-01-27-02300, 055E0-01-27-02400, and 055E0-01-27-02500, collectively, "the Property", is identified as ZMA 2015-00001, Old Trail Village ("ZMA 2015-00001"); and

**WHEREAS**, the Property is zoned Neighborhood Model District – NMD, subject to the Code of Development, the Application Plan, and Proffers, all of which were adopted on September 15, 2005 in conjunction with ZMA 2004-024; and

**WHEREAS**, the Property was subsequently amended by ZMA 2008-05 on November 12, 2008, which amended the Code of Development and the Proffers, and by ZMA 2014-04 on March 11, 2015, which again amended the Code of Development and the Proffers; and

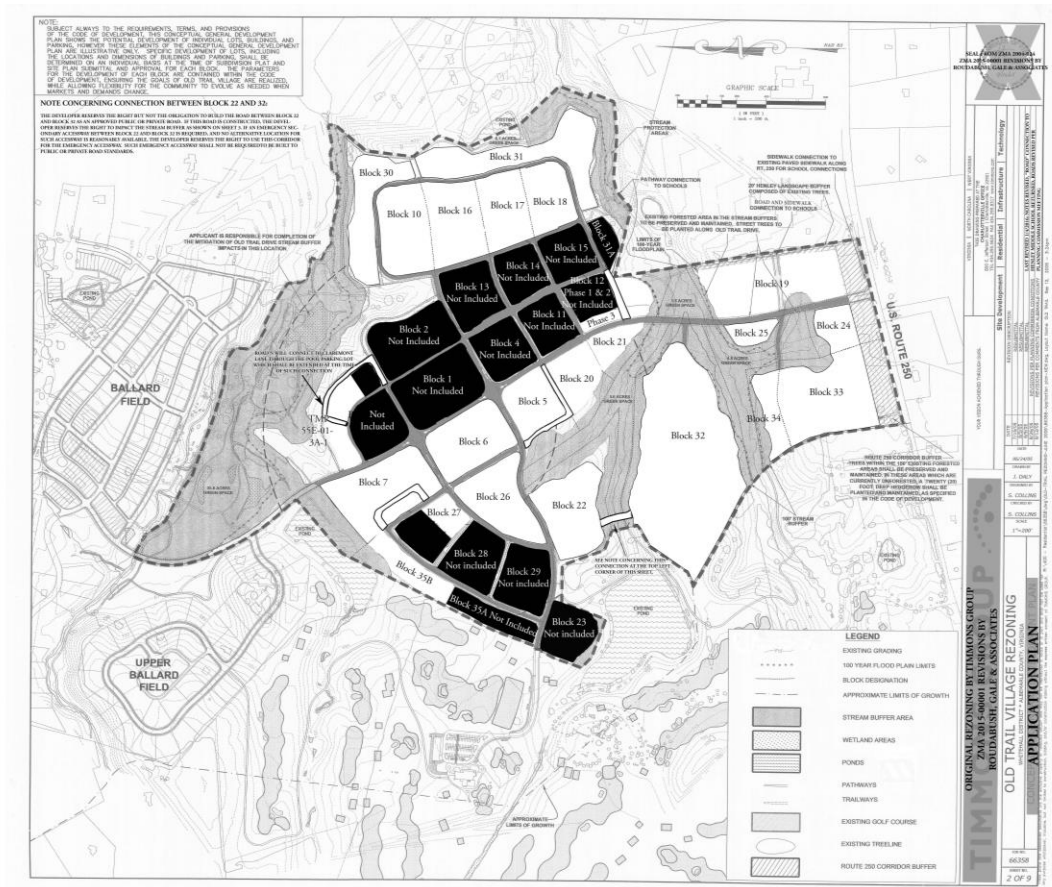
**WHEREAS**, ZMA 2015-00001 proposes to amend the Code of Development, the Application Plan, and the Proffers applicable to the Property in order to:

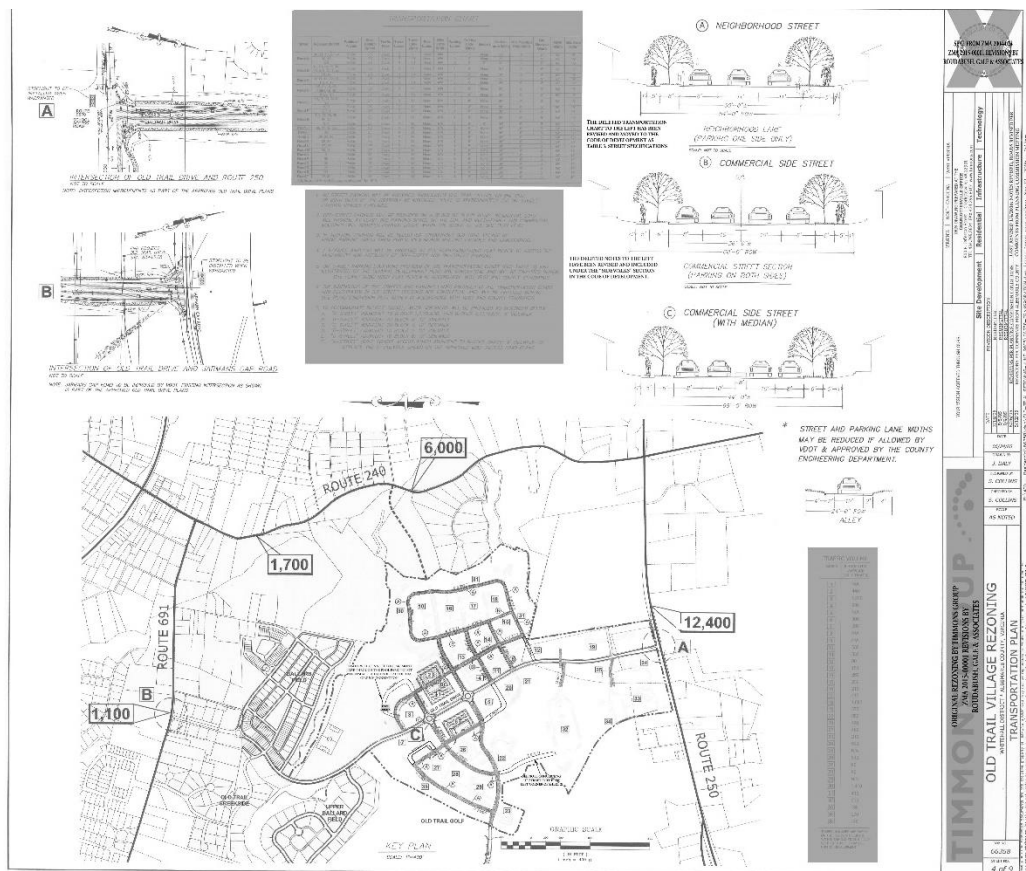
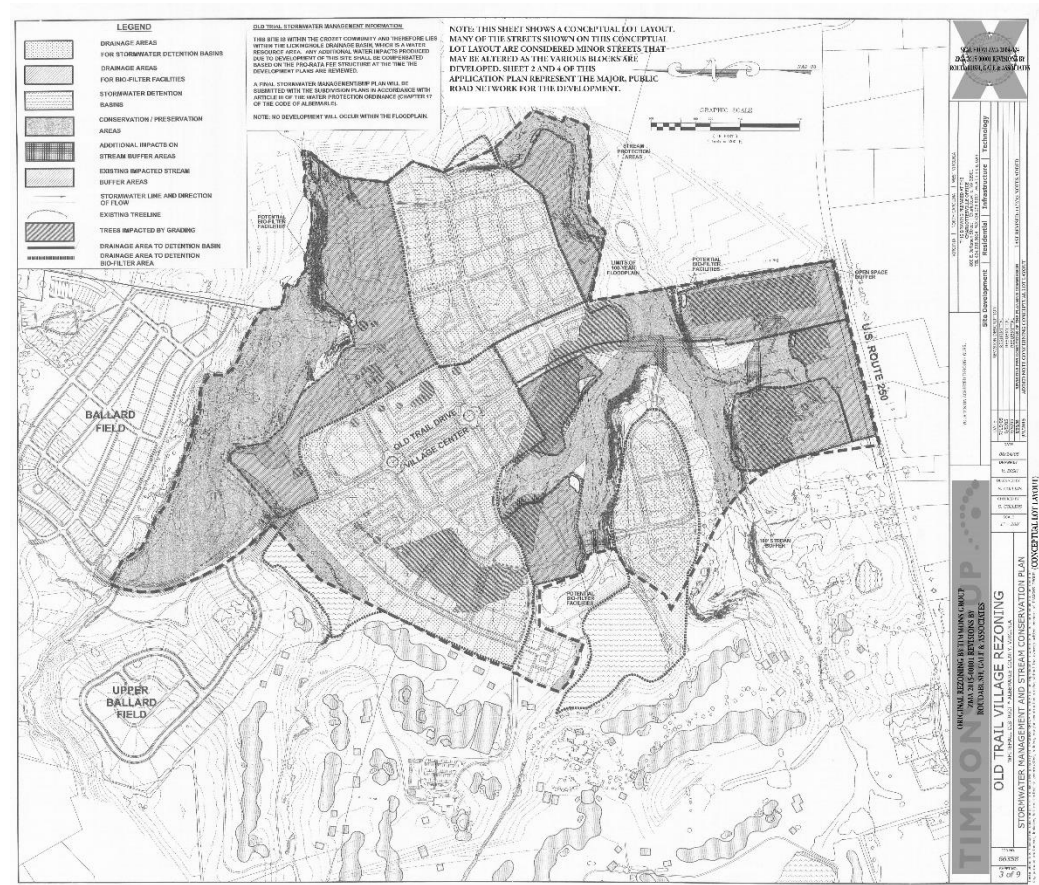
- reduce the minimum number of residential units from 1,600 to 1,000 units;
- remove, revise and add a number of regulatory tables and text pertaining to street specifications, density and floor area ranges, maximum units by unit type, zoning regulations, spatial enclosure, building height, setbacks, architectural and landscape standards, and land uses allowed;
- add farm stands, Tier I, Tier II, and Tier III Personal Wireless Facilities, and Cluster cottage units as permitted uses; and
- revise the street system plan/map to show only the major streets, to delete two street interconnections, and to update the designations of those streets serving amenity oriented lots and those that are approved as private streets; and

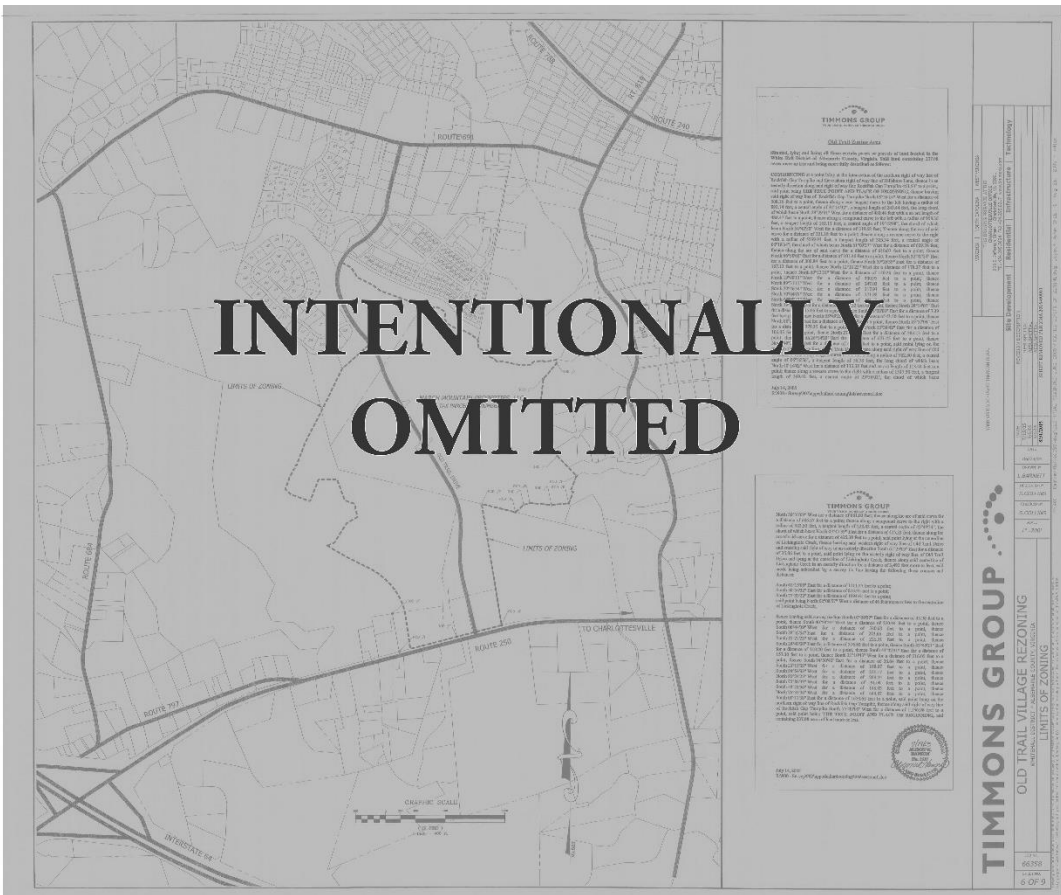
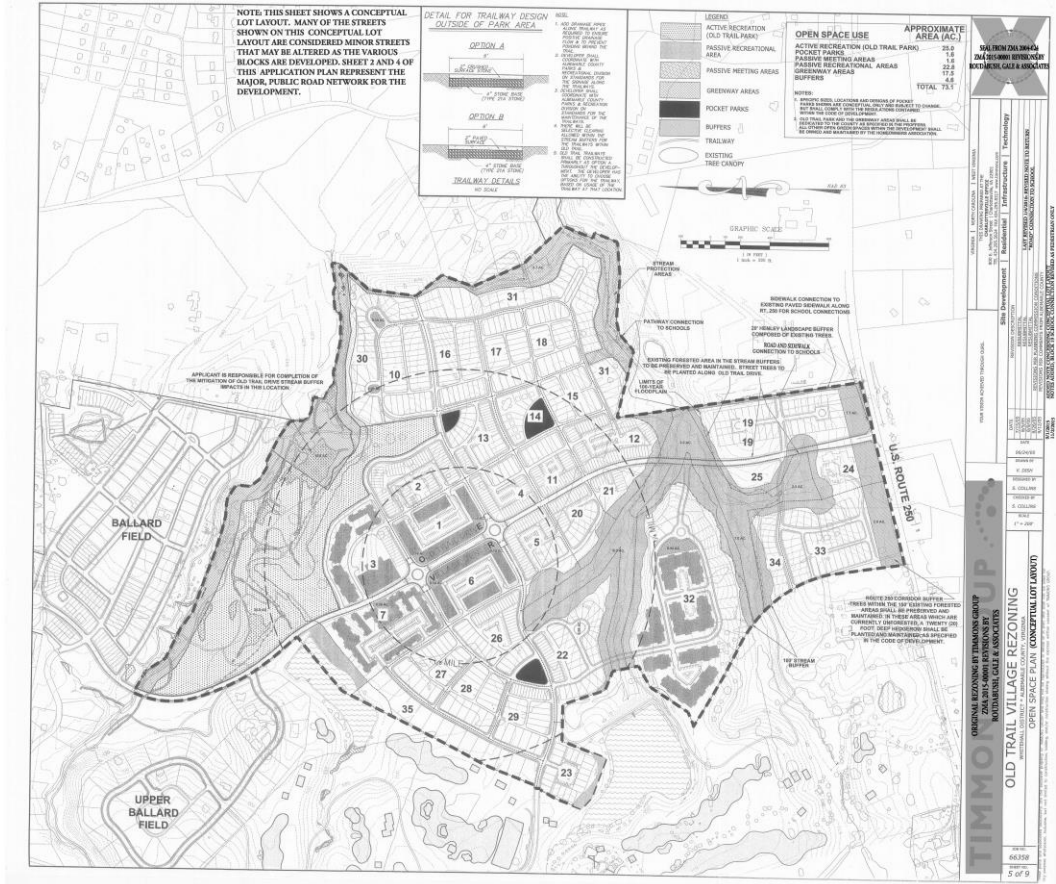
**WHEREAS**, on December 15, 2015, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2015-00001, provided that the Planning Commission's recommended changes and any other minor technical revisions recommended by staff were made to the Code of Development, the Application Plan, and the Proffers before the ZMA was presented to the Board for its approval, and such revisions have since been made.

**BE IT ORDAINED** by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the staff report prepared for ZMA 2015-00001 and its attachments, including the Code of Development, the Application Plan, and the Proffers revised after the Planning Commission public hearing, 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 2015-00001, with the Code of Development, entitled "Old Trail Village Amendment, ZMA-2015-00001, Amended Code of Development, March Mountain Properties, LLC" and dated January 14, 2016, the Application Plan, entitled "Old Trail Village Rezoning, ZMA 2015-00001, Amended Application Plan" and prepared by Roudabush, Gale & Associates, with pages 3, 7, 8 and 9 last revised on November 12, 2015, pages 2, 4, and 5 last revised on January 4, 2016, page 1 last revised on January 14, 2016, and page 6 removed, and the Proffers dated January 13, 2016, attached hereto and incorporated herein, and the zoning map for Tax Map and Parcel Numbers 055E0-01-00-000A1 (portion), 055E0-01-00-000A2, 055E0-01-00-000A3, 055E0-01-00-000A4, 055E0-01-00-000A5, 055E0-01-27-01000, 055E0-01-27-01100, 055E0-01-27-01200, 055E0-01-27-01300, 055E0-01-27-01400, 055E0-01-27-01500, 055E0-01-27-01600, 055E0-01-27-01700, 055E0-01-27-01800, 055E0-01-27-01900, 055E0-01-27-02000, 055E0-01-27-02100, 055E0-01-27-02200, 055E0-01-27-02300, 055E0-01-27-02400, and 055E0-01-27-02500, are amended accordingly.

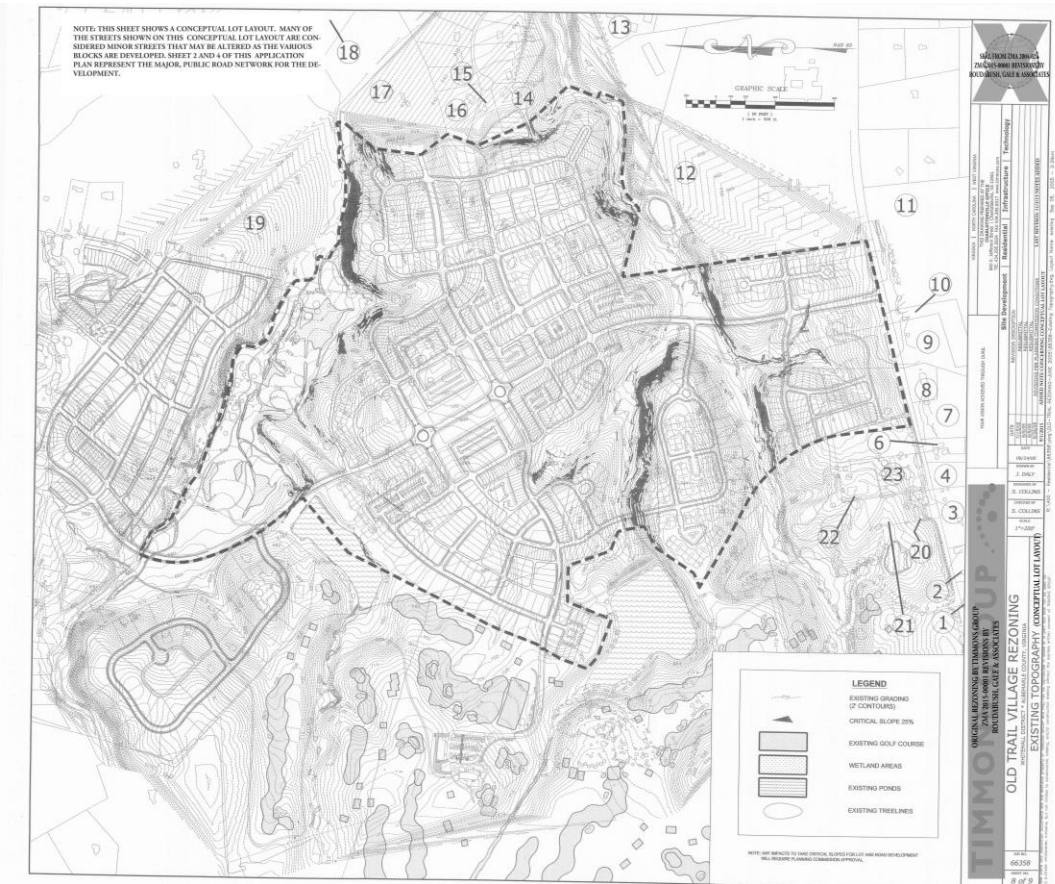
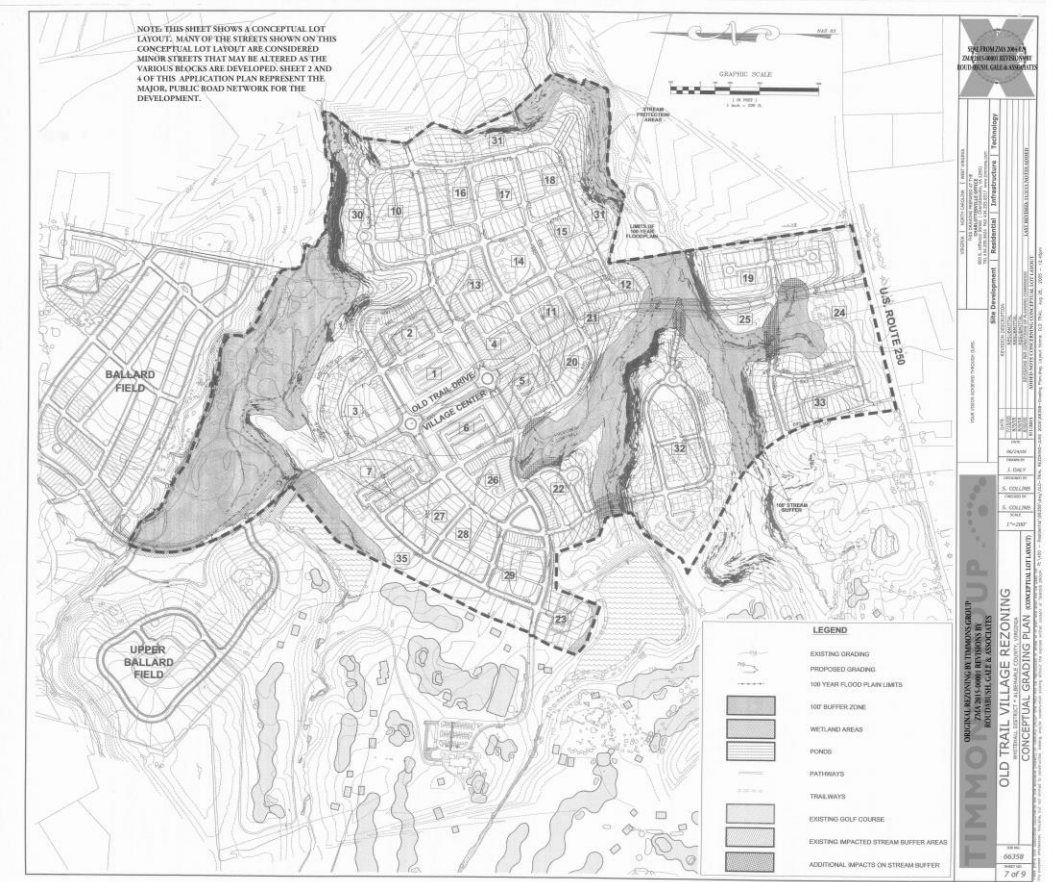
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**PROFFER STATEMENT  
OLD TRAIL VILLAGE**

Date: January 13, 2016  
ZMA #: ZMA 2015-00001 Old Trail Village Amendment #3  
Tax Map Parcel Numbers: 055E0-01-00-000A1 (excluding those portions that lie outside the zoning boundary for ZMA 2004-024), 055E0-01-00-000A2, 055E0-01-00-000A3, 055E0-01-00-000A4, 055E0-01-00-000A5, 055E0-01-3A-00100, 055E0012701000, 055E0012701100, 055E0012701200, 055E0012701300, 055E0012701400, 055E0012701500, 055E0012701600, 055E0012701700, 055E0012701800, 055E0012701900, 055E0012702000, 055E0012702100, 055E0012702200, 055E0012702300, 055E0012702400 and 055E0012702500.

The Owner of the parcels identified herein above (the “Property”) is March Mountain Properties, L.L.C., a Virginia limited liability company (the “Owner”). This Proffer Statement shall relate to the Code of Development for Old Trail Village approved as part of ZMA 2004-024, as amended by ZMA 2008-05, as further amended by ZMA 2014-00004, and as further amended by ZMA 2015-00001, as such Code of Development may be amended from time to time in the future in accordance with the Albemarle County Zoning Ordinance (the “Code of Development”), and to the Application Plan prepared by Timmons Group entitled “Old Trail Village Rezoning ZMA 04-024 General Development Plan,” last revised by Roudabush, Gale & Associates with a latest revision date of January 14, 2016, and including any previously approved amendments thereto (the “Application Plan”).

The Owner hereby voluntarily proffers that if the Albemarle County Board of Supervisors acts to rezone the Property as requested, the Owner shall develop the Property in accord with the following proffers pursuant to Section 15.2-2303 of the Code of Virginia, 1950, as amended, and pursuant to Section 33.3 of the Albemarle County Zoning Ordinance. These conditions are voluntarily proffered as part of the requested rezoning, and the Owner acknowledges that (1) the rezoning itself gives rise to the need for the conditions; and (2) such conditions have a reasonable relation to the rezoning requested. This proffer statement shall supersede and replace in all respects the proffer statements approved by the Board of Supervisors in connection with ZMA 2004-024, ZMA 2008-05, and ZMA 2014-00004. If rezoning application ZMA 2015-00001 is denied, these proffers shall immediately be null and void and of no further force and effect.

1. **Green Space; Park Land and Greenway Dedication.** The Owner shall devote a minimum of twenty percent (20%) of the land within the Property to green space as shown on sheet 5 of 9 of the General Development Plan. Of this green space land, within five (5) years after the date that ZMA 2004-024 is approved by the County, or within thirty (30) days after the request of the County, whichever is sooner, the Owner shall dedicate to the County for public use for parks and open space resources and for a greenway, a 25-acre park, a 10.8-acre greenway area, and a 6.7-acre greenway area, each as further shown on sheet 5 of 9 of the General Development Plan (collectively, the “Park and Greenway Area”). After it is dedicated to public use, the Park and Greenway Area shall continue to be included in the total area of green space and amenities within the Property. At the time of the conveyance and dedication, the Park and Greenway Area land will be subject to the Architectural and Landscape Standards for Old Trail Village, as provided in the Code of Development. The remaining green space land within the Property that will not be dedicated to the County for public use shall be maintained by the Old Trail Owner’s Association. The dedication of the Park and Greenway Area land shall be a fee simple interest in such land. If the Park and Greenway Area land is not dedicated as part of a site plan or subdivision plat, the Owner shall pay the costs of surveying the land and preparing the deed of dedication. The Owner shall construct the trail through the 6.7-acre Greenway Area, as shown on sheet 5 of 9 of the General Development Plan, within six (6) months after the approval by the County of the first subdivision plat or site plan applicable to any portion of block 30 or 31.



site plan applicable to any portion of block 30 or 31. The trail shall be constructed to the County standards for a Class A trail, with a surface of compacted stone dust.

2. **Affordable Housing.** The Owner shall provide affordable housing units equal to fifteen percent (15%) of the total residential units constructed on the Property, in the form of for-sale units, for-rent units, "accessory units" (as defined in paragraph 2(C)(3) herein), and "carriage units" (as defined in paragraph 2(C)(3) herein) and subject to the terms herein ("Affordable Units"). The Affordable Units shall be reasonably interspersed throughout the Property as provided in this paragraph 2, subject to the requirements of the Application Plan and the Code of Development. If the Owner elects at its option to provide for-sale single family detached Affordable Units, such units shall be applied toward the 15% requirement. Each subdivision plat and site plan for land within the Property shall designate the lots or units, as applicable, that will, subject to the terms and conditions of this proffer, incorporate Affordable Units as described herein, and the aggregate number of such lots or units designated for Affordable Units within each subdivision plat and site plan shall constitute a minimum of fifteen percent (15%) of the lots in such subdivision plat or site plan. Notwithstanding the foregoing, however, the Owner may "carry-over" or "bank" credits for Affordable Units in the event an individual subdivision plat or site plan designates Affordable Units that in the aggregate exceed the fifteen percent (15%) minimum for such subdivision plat or site plan, and such additional Affordable Units may be allocated toward the fifteen percent (15%) minimum on any future subdivision plat or site plan, provided however, that the maximum number of Affordable Units that may be carried over or banked shall not exceed fifteen percent (15%) of the total units on any subdivision plat or site plan.

The Owner shall convey the responsibility of constructing the Affordable Units to the subsequent owners of lots within the Property and such subsequent owner/builder shall succeed to the duties of the Owner under this paragraph 3A, and the term "Owner" shall refer to such subsequent owner/builder. Such subsequent owner/builder shall create Affordable Units affordable to households with incomes less than eighty percent (80%) of the area median income 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.

A. **For-Sale Affordable Units.** All purchases of the for-sale Affordable Units shall be approved by the Albemarle County Housing Office or its designee. The subsequent owner/builder shall provide the County or its designee a period of ninety (90) days to identify and prequalify an eligible purchaser for the Affordable Units. The ninety (90)-day period shall commence upon written notice from the then-current owner/builder that the Affordable Unit(s) will be available for sale. If the County or its designee does not provide a qualified purchase during this ninety (90)-day period, the then-current owner/builder shall have the right to sell the Affordable Unit(s) without any restriction on sales price or income of the purchaser(s), and such Affordable Unit(s) shall be counted toward the satisfaction of this paragraph 2. This requirement shall apply only to the first sale of each of the for-sale Affordable Units.

B. **For-Rent Affordable Units.**

(1). **Rental Rates.** The initial net rent for each for-rent Affordable Unit shall not exceed the then-current and applicable maximum net rent rate approved by the County Housing Office. In each subsequent calendar year, the monthly net rent for each for-rent Affordable Unit may be increased up to three percent (3%). For purpose of this proffer statement, the term "net rent" means that the rent does not include tenant-paid utilities. The requirement that the rents for such for-rent Affordable Units may not exceed the maximum rent established in this paragraph 2B shall apply for a period of five (5) years following the date the certificate of occupancy is issued by the County for each for-rent Affordable Unit, or until the units are sold as low or moderate cost units qualifying as such under either the Virginia

Housing Development Authority, Farmers Home Administration, or Housing and Urban Development, Section 8, whichever comes first (the “Affordable Term”).

(2). **Conveyance of Interest.** All deeds conveying any interest in the for-rent Affordable Units during the Affordable Term shall contain language reciting that such unit is subject to the terms of this paragraph 2. In addition, all contracts pertaining to a conveyance of any for-rent Affordable Unit, or any part thereof, during the Affordable Term shall contain a complete and full disclosure of the restrictions and controls established by this paragraph 2B. At least thirty (30) days prior to the conveyance of any interest in any for-rent Affordable Unit during the Affordable Term, the then-current owner shall notify the County in writing of the conveyance and provide the name, address and telephone number of the potential grantee, and state that the requirements of this paragraph 2B(2) have been satisfied.

(3). **Reporting Rental Rates.** During the Affordable Term, within thirty (30) days of each rental or lease term for each for-rent Affordable Unit, the then-current owner shall provide to the Albemarle County Housing Office a copy of the rental or lease agreement for each such Affordable Unit rented that shows the rental rate for such Affordable Unit and the term of the rental or lease agreement. In addition, during the Affordable Term, the then-current Owner shall provide to the County, if requested, any reports, copies of rental or lease agreements, or other data pertaining to rental rates as the County may reasonably require.

C. **Mixture of Types of Affordable Units.** No more than fifty percent (50%) of the Affordable Units may be accessory units and/or carriage units. For purposes of this proffer statement, “accessory units” shall mean Accessory Apartments as defined in the Albemarle County Code, Chapter 18, Section 3.1, and as regulated by the Albemarle County Code, Chapter 18, Section 5.1.34, and a unit within a two-family dwelling as a two-family dwelling is defined in the Virginia Uniform Statewide Building Code. For the purposes of this proffer statement, “carriage units” shall mean any separate, independent, accessory dwelling unit detached from, but located on the same parcel as the structure of and clearly subordinate to a single family detached dwelling, as distinguished from a duplex or other two-family dwelling.

3. **Cash Proffer for School Projects.** For each dwelling unit constructed on the Property that is not an Affordable Unit, the Owner shall contribute cash to Albemarle County for funding school projects within the Community of Crozet and shown on the County’s Capital Improvements Program, as follows: one thousand dollars (\$1,000.00) for each single family detached unit, five hundred dollars (\$500.00) for each townhouse unit, and two hundred fifty dollars (\$250.00) for each multifamily unit. The cash contribution for each dwelling unit shall be paid at the time of the issuance of the building permit for such dwelling unit, unless the timing of the payment is otherwise specified by state law. If the cash contribution has not been exhausted by the County for the stated purposes within ten (10) years from the date of the issuance of the last residential building permit within the Property, all unexpended funds shall be refunded to the Owner.

4. **Cash Proffer for Park Master Plan.** Within one (1) year after the date that ZMA 2004-024 is approved, or within thirty (30) days after the request by the County, whichever is sooner, the Owner shall make a cash contribution to the County in the amount of fifty thousand dollars (\$50,000.00) for the purpose of funding a master plan for the 25-acre park land shown on sheet 5 of 9 of the General Development Plan (the “Park Master Plan”). If the Park Master Plan is completed for less than fifty thousand dollars (\$50,000.00), any remaining funds may be retained by the County and used to fund parks and recreation projects and improvements as described in paragraph 5. If such case contribution is not expended for the Park Master Plan within two (2) years from the date of the contribution, all unexpended funds shall be refunded to the Owner; provided that any portion of the cash contribution note

required to fund the Park Master Plan that is retained by the County as provided herein, shall be refunded to the Owner as provided in paragraph 5 if such funds are not expended within the time provided therein. **THE REQUIREMENTS OF THIS PARAGRAPH FOUR HAVE BEEN SATISFIED.**

5. **Cash Proffer for Park Projects.** For each dwelling unit constructed on the Property that is not an Affordable Unit, the Owner shall contribute cash to Albemarle County for funding parks and recreation projects and improvements identified on the County's Capital Improvements Program within the Park and Greenway Area in general accord with the Park Master Plan as available funding allows, as follows: one thousand dollars (\$1,000.00) for each single family detached unit, five hundred dollars (\$500.00) for each townhouse unit, and two hundred fifty dollars (\$250.00) for each multifamily unit. Notwithstanding the terms of this paragraph 5 to the contrary, however, the Owner shall receive a "credit" against the first fifty thousand dollars (\$50,000.00) that would otherwise be owed to the County pursuant to this paragraph 5, in recognition of the cash proffer referenced in paragraph 4. In the event the cash proffer referenced in paragraph 4 is not sufficient to fund the Park Master Plan, the County may apply a portion of the cash proffer described in this paragraph 5 as required to fully fund the Park Master Plan. If the County determines it to be a more reasonable use of funds, the County may substitute facilities shown on the Park Master Plan or locate facilities shown on the Park Master Plan elsewhere in the Community of Crozet. The cash contribution for each dwelling unit shall be paid at the time of the issuance of the building permit for such dwelling unit, unless the timing of the payment is otherwise specified by state law. If the cash contribution has not been exhausted by the County for the stated purpose within ten (10) years from the date of the issuance of the last residential building permit within the Property, all unexpended funds shall be refunded to the Owner.

6. **Phasing of Retail Development.** Prior to the issuance of a building permit for the five hundredth (500<sup>th</sup>) dwelling unit within the Property, the aggregate retail space within the Property shall not exceed forty-eight thousand (48,000) square feet. Prior to the issuance of a building permit for the one thousandth (1,000<sup>th</sup>) dwelling unit within the Property, the aggregate retail space within the Property shall not exceed ninety-six thousand (96,000) square feet. Prior to the issuance of a building permit for the one thousand five hundredth (1,500<sup>th</sup>) dwelling unit within the Property, the aggregate retail space within the Property shall not exceed one hundred forty-four thousand (144,000) square feet. Prior to the issuance of a building permit for the two thousandth (2,000<sup>th</sup>) dwelling unit within the Property, the aggregate retail space within the Property shall not exceed one hundred ninety-two thousand (192,000) square feet. Retail space shall not include office space or any health and fitness facility.

7. **Overlot Grading Plan.** The Owner shall submit an overlot grading plan meeting the requirements of this section (hereinafter, the "Plan") with the application for each subdivision of the single family detached and single family attached dwelling units shown on the General Development Plan. The Plan shall show existing and proposed topographic features to be considered in the development of the proposed subdivision. The Plan shall be approved by the County Engineer prior to final approval of the subdivision plat. The subdivision shall be graded as shown on the approved Plan. No certificate of occupancy shall be issued for any dwelling on a lot where the County Engineer has determined the lot is not graded consistent with the approved grading Plan. The Plan shall satisfy the following:

A. The Plan shall show all proposed streets, building sites, surface drainage, driveways, trails and other features the County Engineer determines are needed to verify that the Plan satisfies the requirements of this paragraph 7.

B. The plan shall be drawn to a scale not greater than one (1) inch equals fifty (50) feet.

C. All proposed grading shall be shown with contour intervals not greater than two (2) feet. All concentrated surface drainage over lots shall be clearly shown with the proposed grading. All proposed grading shall be shown to assure that surface drainage can provide adequate relief from flooding of dwellings in the event a storm sewer fails.

D. Graded slopes on lots proposed to be planted with turf grasses (lawns) shall not exceed a gradient of three (3) feet of horizontal distance for each one (1) foot of vertical rise or fall (3:1). Steeper slopes shall be vegetated with low maintenance vegetation as determined to be appropriate by the County's program authority in its approval of an erosion and sediment control Plan for the land disturbing activity. These steeper slopes shall not exceed a gradient of two (2) feet of horizontal distance for each one (1) foot of vertical rise or fall (2:1), unless the County Engineer finds that the grading recommendations for steeper slopes have adequately addressed the impacts.

E. Surface drainage may flow across up to three (3) lots before being collected in a storm sewer or directed to a drainage way outside of the lots.

F. No surface drainage across a residential lot shall have more than one-half (1/2) acre of land draining to it.

G. All drainage from streets shall be carried across lots in a storm sewer to a point beyond the rear of the building site.

H. INTENTIONALLY OMITTED.

I. The Plan shall demonstrate that an area at least ten (10) feet in width, or to the lot line if it is less than (10) feet, from the portion of the structure facing the street, has grades no steeper than ten (10) percent adjacent to possible entrances to dwellings that will not be served by a stairway. This graded area also shall extend from the entrances to the driveways or walkways connecting the dwelling to the street.

J. Any requirement of this condition may be waived by the County Engineer by submitting a waiver request with the preliminary plat. If such a request is made, it shall include: (i) a justification for the request contained in a certified engineer's report; (ii) a vicinity map showing a larger street network at a scale no smaller than one (1) inch equals six hundred (600) feet; (iii) a conceptual plan at a scale no smaller than one (1) inch equals two hundred (200) feet showing surveyed boundaries of the property; (iv) topography of the property at five (5) foot intervals for the property being subdivided and on abutting lands to a distance of five hundred (500) feet from the boundary line or a lesser distance determined to be sufficient by the agent; (v) the locations of streams, stream buffers, steep slopes, floodplains, known wetlands; and (vi) the proposed layout of streets and lots, unit types, uses, and location of parking, as applicable. In reviewing a waiver request, the County Engineer shall consider whether the alternative proposed by the Owner satisfies the purpose of the requirement to be waived to at least an equivalent degree. In approving a waiver, the County Engineer shall find that requiring compliance with the requirement of this condition would not forward the purposes of the County's Subdivision and Water Protection Ordinances or otherwise serve the public interest; and granting the waiver would not be detrimental to the public health, safety or welfare, to the orderly development of the Project, and to the land adjacent thereto.

K. The Owner may request that the Plan be amended at any time. All amendments shall be subject to the review and approval by the County Engineer.

L. In the event that the County adopts overlot grading regulations after the date ZMA 2004-024 is approved, any requirement of those regulations that is less restrictive than any requirement of this


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paragraph 7 shall supersede the corresponding requirement of this paragraph, subject to the approval of the Director of the Department of Community Development.

8. **Construction of School Connections.** The Owner shall construct the pathway connections to the schools, shown as "Pathway Connection to Schools," and "Road and Sidewalk Connection to Schools" on sheet 5 of 9 of the General Development Plan, within six (6) months after the approval by the County of the first subdivision plat or site plan applicable to any portion of a block that either includes or is adjacent to any such connection.

WITNESS the following signature:

MARCH MOUNTAIN PROPERTIES, L.L.C.

By:   
Printed Name: James L. Jessup  
Title: Manager

Mr. Davis noted that the Board needs to take an action on the special exception, so they could change the wording in the resolution to "denial" in Attachment E if there was a motion to deny it.

Ms. Long stated that the applicant would prefer to come up with a solution that would be supported by the Board and would be happy to sit back down with staff and work with Ms. Mallek on a refined request that is something they all can support.

MOTION: Ms. Mallek moved to defer the Old Trail sign special exception at the request of the applicant until the matter is brought back to the Board by staff. Ms. McKeel seconded the motion, which passed unanimously (6-0).

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Sheffield and Mr. Dill,  
NAYS: None.

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Agenda Item No. 14. ZMA-2004-00024. Special Exception to Vary Old Trail Village Code of Development. **Moved to the consent agenda for consideration.**

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Agenda Item No. 15. Amending Albemarle County's 2016 Holiday Schedule.

The Executive Summary presented by staff states that on January 6, 2016, a scheduling conflict was noted by Board members between a regularly scheduled Board meeting and the County's April 13, 2016 holiday for the observance of Thomas Jefferson's Birthday. This scheduling conflict led to a discussion among Board members as to whether, due to the significance of Veterans Day as a federal holiday, the County should observe Veterans Day (November 11) as a holiday in place of another scheduled holiday such as Thomas Jefferson's Birthday or Lee-Jackson Day. The Board requested that the County Executive return with information regarding amending the County's 2016 holiday schedule.

The Board expressed interest in considering an amendment to the County's 2016 holiday schedule to resolve the scheduling conflict between a Board meeting and Jefferson's Birthday. Staff is providing the following background on the observance of Jefferson's Birthday and Lee-Jackson Day in Albemarle County and presenting options for the Board to consider regarding amending the County's holiday schedule.

#### History of the Observance of Jefferson's Birthday and Lee-Jackson Day in Albemarle County

Since 1937, Albemarle County local government offices have closed at least one half day on April 13 to observe Thomas Jefferson's Birthday. On November, 21, 1945, in a regular meeting, the Board resolved to observe Jefferson's Birthday and Armistice Day as full day holidays. In 1957, the Board eliminated the Armistice Day holiday and added Lee-Jackson Day and Washington's Birthday as holidays. The Washington's Birthday holiday is now known as President's Day. Thomas Jefferson's Birthday remains a holiday for both the County and the City of Charlottesville. The County and the City are the only two localities in Virginia that observe Jefferson's Birthday as a holiday. The City eliminated its Lee-Jackson Day holiday and replaced it with a Veterans Day holiday in 2016.

Both Jefferson's Birthday and Lee-Jackson Day have significance to local residents, so it is likely that a replacement of either holiday will generate some controversy. Of the counties surrounding Albemarle (Nelson, Fluvanna, Buckingham, Louisa, Greene, Orange, and Rockingham), Greene County is the only county that does not observe Lee-Jackson Day. However, all of the surrounding counties observe Veterans Day, which is also a state and federal observed holiday.

#### Options for Resolving the Scheduling Conflict Between the Board's Meeting Schedule and the Observance of Jefferson's Birthday

##### **Option A: Retain the current County holiday schedule and do not reschedule the April 13, 2016 Board meeting.**

If the Board meeting is held on Jefferson's Birthday, it is anticipated that it would be a light agenda and only a limited number of staff would be impacted. These staff, under the Personnel Policy, would be provided an alternative day off in lieu of the holiday. Because this holiday is not a State or Federal holiday, the holding of the meeting on this day would probably not impact public participation.

##### **Option B: Retain the current County holiday schedule and reschedule the April 13, 2016 Board meeting.**

A common practice is that if a Board meeting date falls on a holiday, the Board meeting is held on the following day.

##### **Option C: Amend the County's holiday schedule.**

If the Board desires to add an observation of Veterans Day to the holiday schedule without impacting the total number of holidays, staff recommends one of the following two potential options:

**1)** Amend Personnel Policy P-81 to remove Jefferson's Birthday (April 13) from and add Veteran's Day (November 11) to the County holiday schedule by adopting Resolution 1;

**2)** Amend Personnel Policy P-81 to remove Lee-Jackson Day (the Friday before Martin Luther King, Jr.'s Birthday) from and add Veteran's Day (November 11) to the County holiday schedule by adopting Resolution 2.

There would be no budget impact related to rescheduling the April 13, 2016 Board meeting or to making either proposed change to the holiday schedule.

Staff recommends that the Board decide how it would like to resolve the scheduling conflict and/or address the observance of Veteran's Day.

If the Board decides to hold the Board meeting on Jefferson's Birthday and keep it as a County holiday (Option A), no action is required.

If the Board decides to reschedule the April 13, 2016 Board meeting, staff recommends that it be rescheduled to April 14, 2016 at 6:00.

If the Board decides to change the County's holiday schedule, staff recommends that the Board adopt either Resolution 1 or Resolution 2, attached.

Mr. Foley stated that this item is before the Board because of a conflict that arose when they scheduled their annual meeting, and explained that a normal second meeting would have occurred on April 13, 2016, but that conflicts with the observance of Thomas Jefferson's Birthday. He said the scheduling conflict led to a discussion among Board members that perhaps they could trade out an existing holiday in order to observe Veteran's Day, and the possibility of replacing Lee-Jackson Day was considered. Mr. Foley stated that staff provided some research on when Thomas Jefferson's Birthday was established, which was first observed in 1937; and Lee-Jackson Day was first observed in 1957. He said that the City and County are the only counties in Virginia that observes Thomas Jefferson's Birthday, and the City recently eliminated the Lee-Jackson Day and replaced it with Veteran's Day, and Greene County is the only county that does not observe Lee-Jackson Day, but every locality observes Veteran's Day.

Mr. Foley said the first option for the Board to consider is to retain the current County holiday schedule and not reschedule the April 13 meeting, which will result in County employees working on a holiday but getting a replacement day off; the second is to retain the current holiday schedule and reschedule the April 13 meeting to April 14; and the third and final will be to amend the County's holiday schedule in order to observe Veteran's Day, removing Jefferson's Birthday or Lee-Jackson Day as holidays.

Mr. Sheffield commented that initially he was resistant to the second option, but people are looking to transact business and the County is closed on Lee-Jackson Day.

Mr. Davis said this does not address the April 13 issue.

Ms. Mallek suggested eliminating observance of Lee-Jackson Day and Thomas Jefferson's Birthday, and she supports having County employees being able to participate in Veteran's Day events around the community on what has typically been a workday. She said she also feels it is important for elected officials and citizens to attend the 10:00 a.m. event for Jefferson's Birthday on April 13, which is a fantastic event that people come from all over the world to see, so as long as they do not have a 9:00 a.m. day meeting, they can participate. Ms. Mallek added that she would also support doing a two for one swap.

Mr. Dill asked what the result of that would be, and whether that would mean having one less state holiday.

Ms. Mallek said there are many state holidays added on each year, and the County's policy has been to always follow that need.

Mr. Davis clarified that this will create one less holiday than all state employees have, and every other local government.

Mr. Foley said why this is important is that the County traded out holidays in the past to be equal, so they would have one less holiday than other jurisdictions.

Ms. Mallek asked if that takes into account the other holidays that the Governor grants. Mr. Foley said they all have the same number of days, so if the Board takes two away, it will mean there is one less than all other localities.

Mr. Sheffield asked if they could take the two away and add Veteran's Day as well as one floating holiday that employees could choose.

Ms. Mallek commented that the Governor grants holidays around Christmas and she supports maintaining those.

Mr. Davis clarified that State Code establishes the 12 legal holidays for the state, including Veteran's Day and Columbus Day, which the County does not observe. He explained that Albemarle added the day before Christmas and Jefferson's Birthday, so the numbers matched, and the state provided that the Governor can grant additional holidays, and because he usually adds Christmas Eve, that means the state gets more holidays than the County does. Mr. Davis said that typically it is dependent on what day of the week the holidays fall on, and the state will normally grant Christmas Eve, which is already a County holiday that counts as one of the 12 holidays.

Mr. Foley noted that this year the Governor only provided a half day before Thanksgiving.

Ms. Mallek said her only concern is that people drive from out of town to do services, which are on both of these days, and she does not know how to decide which is more important, but if they take away Jefferson's Birthday they will need to advertise heavily that staff will be here.

Mr. Randolph stated they are sending an odd message if they choose Lee-Jackson day over Veteran's Day, and it is an appropriate change for them to observe the latter. He said he would also like to see them remove Jefferson's Birthday as a holiday, because even as a UVA graduate he feels that it is an insult to a portion of the population that lived an enslaved existence. Mr. Randolph stated that he feels it would be a better course for the County to honor on that day all of those who helped found the County, enslaved and free alike, immigrants from Ireland and Italy and all over the world. He said they honor people on Founders Day each year, and there have been memorial services for many who gave much to the County, such as Chris Lee and Paul Grind, and it would be wonderful to have an event that is more of a Founders Day that incorporates Jefferson's Birthday, but also moves them into the 21<sup>st</sup> Century in honoring people who have served the community.

Ms. Mallek said those events could be in the afternoon, and she really loves that idea.

Mr. Dill commented there would need to be someone responsible for organizing and publicizing the event, as well as inviting people to the service. He said his concern with that idea is that it would be good the first few years but then would become routine and not very special, and all of those people could be honored on the anniversary of their death or birth, and he does not feel it is very honorable to lump them all together in one service. Mr. Dill stated it seems clear that they are in favor of observing Veteran's Day over Lee-Jackson Day, and said that for all his faults there is still a lot to honor about Jefferson. He said that he feels they can take the small step of switching out Veteran's Day for Lee-Jackson Day.

Ms. Palmer said that is fine with her and asked if they want to have their Board meeting on April 13<sup>th</sup> or April 14<sup>th</sup>, and Mr. Foley had indicated that an April 13 evening meeting would be a light agenda without a lot of staff.

Mr. Foley stated they could continue with that plan and just give staff a day off otherwise.

Mr. Davis stated that no action is required since the April 13 meeting is their regularly scheduled Board day, but if they want to change their holiday schedule for Veteran's Day, that is Resolution #2, Attachment B.

Ms. McKeel then **moved** to adopt Resolution #2, Attachment B, which would amend Personnel Policy P-81 to remove Lee-Jackson Day (the Friday before Martin Luther King, Jr.'s birthday) from and add Veteran's Day (November 11) to the County holiday schedule.

Mr. Davis said this will add an extra holiday in this calendar year, but in the fiscal year there will be the same number of holidays, and that is the way they are budgeted.

Mr. Foley clarified that this will be effective this calendar year, but next fiscal year.

Mr. Dill asked if they need to have a public hearing about Lee-Jackson Day, and whether the Board is going to be accused of taking a late-night vote.

Ms. Mallek stated it was advertised as part of the Board's regular agenda.

Ms. McKeel asked Mr. Davis what their standard operating procedure would be. Mr. Davis explained that this is an amendment to the personnel policy, which had always been adopted by resolution with no public hearing required or held. He stated there is no legal requirement to have a public hearing on this matter, so it is just a matter of the Board's comfort with the action.

Board members agreed that it had been advertised and it is acceptable to act on it.

Mr. Dill said they all recognized that this is not saying they are getting Thanksgiving eve off, and some people may feel it is important.

Ms. Mallek stated there are many important days in their history, and she feels strongly that they should encourage people to learn about their history and not pretend that it did not happen.

Ms. Mallek **seconded** Ms. McKeel's motion.

Mr. Davis pointed out that Lee-Jackson Day will remain a state holiday so courts will be closed, and Constitutional officers will have a different work schedule than County employees.

Mr. Foley commented that they may follow suit, and the City had just changed their observance of Lee-Jackson Day.

Mr. Randolph asked for clarification of the motion.

Ms. Palmer stated that beginning with this calendar year, the County will not observe Lee-Jackson Day as a staff holiday and will instead observe Veteran's Day.

Mr. Davis clarified that their action amends the County's personnel policy that establishes County-observed holidays and substituted Veteran's Day for Lee-Jackson Day.

Roll was then called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Sheffield and Mr. Dill,  
NAYS: None.

## RESOLUTION

**WHEREAS**, the County of Albemarle Personnel Policy has been adopted by the Board of Supervisors; and

**WHEREAS**, the Board desires to amend the employee holiday schedule.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board of Supervisors of Albemarle County, Virginia, hereby amends Section P-81, Holidays, of the County of Albemarle Personnel Policy, as follows:

### §P-81 HOLIDAYS

All permanent employees are allowed twelve paid holidays per year:

1. New Year's Day – January 1
2. Martin Luther King, Jr. Day - Third Monday in January
3. President's Day (Washington's Birthday) – Third Monday in February
4. Jefferson's Birthday – April 13
5. Memorial Day – Last Monday in May
6. Independence Day – July 4
7. Labor Day – First Monday in September
8. Veteran's Day – November 11
9. Thanksgiving Day – Fourth Thursday in November
10. Friday after Thanksgiving
11. Christmas Eve – December 24
12. Christmas Day – December 25

Other holidays are granted by special proclamation of the Governor and/or Board of Supervisors. Permanent employees are eligible for holidays with pay as soon as they begin work. If a holiday falls on a Sunday, the following day will be observed as a holiday. If a holiday falls on a Saturday, the previous day will be observed as a holiday. If a holiday falls within the employee's vacation, it is not charged to that employee's annual leave.

### Holiday Pay

Employees who are terminating employment with the County will not qualify for holiday pay unless they work the next working day after the holiday.

Note: The above-noted holidays, while being followed by the majority of employees, are not guaranteed as to specific dates. Under some situations, due to coverage requirements, the holidays for an individual employee or group of employees may be scheduled by the department head on alternate dates as long as the total number of holidays per fiscal year is granted to the employee(s).

Amended: August 4, 1993; August 2, 2000; February 10, 2016

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Agenda Item No. 16. ~~Reconsideration of Applicant Initiated Zoning Text Amendments (continued from February 3, 2016).~~ **Moved to Item No. 2a.**

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Agenda Item No. 17. Agenda for Joint City Council/Board of Supervisors meeting.

Ms. Palmer stated that the Board needs a bit more information back from the Councilors, and she is proposing to move the discussion until February 19 when the conversation can be more meaningful.



Board members agreed.

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Agenda Item No. 18. From the Board: Matters Not Listed on the Agenda.

Ms. Mallek stated that a letter will go out under the Chair's signature to accompany a grant that the Soil and Water Conservation District is submitting to get funding for local homeowner assistance for stormwater measures, which forwards the County's policy while helping with some funding issues.

Ms. Palmer said that it had come to the Board a bit late and would be circulated to Board members, and the grant is to help homeowners hook up to public sewer.

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Mr. Sheffield asked if Board members have any objection to adding Mr. Davis to the Board's email list.

Mr. Sheffield stated that a resident complained that the elevator at the Northside Library had broken, and while staff had done everything possible to try to get it fixed it seems to be a recurring problem and he is concerned about exposing the County to a disability lawsuit.

Mr. Foley said that staff has been doing everything possible.

Mr. Sheffield stated that staff has been doing everything it can.

Mr. Davis said this is typically an ADA issue, but if they are taking all reasonable measures to repair it, they should be in good shape.

Mr. Sheffield reported that he and Ms. Mallek and perhaps other Board members are receiving calls about the Earlysville Road truck restriction, and there is a growing concern about this diverting trucks up Rhea's Ford Road. He asked Mr. Foley to make sure that staff is prepared to address that issue, and said he is not sure if it would be possible to extend the restriction so that it goes from Rio to the roundabout instead of Woodlands to the roundabout.

Ms. Mallek said it really could not and would have to be a separate effort, and the section from Woodlands to the Rock Store has to stay unrestricted, but she did take all of Mr. Gatobu's wording and dropped it into a new petition to share with a constituent who had raised concerns. Ms. Mallek stated that if it is brought to the Board, they can consider whether to go to step two. She said she had asked staff to try to find the paperwork from the business park redevelopment to warehousing, because there was great discussion about not having those trucks on Rhea's Ford Road, but it has not been found yet. Ms. Mallek mentioned that Donnie Foster had indicated that it is very disconcerting to him that the 18-wheelers are going up to Rhea's Ford, which has terrible turns and is close to the river, which are the same concerns that Jack Kelsey had originally written in the petitions for Earlysville Road.

Mr. Sheffield said he is not proposing that, he just wants staff to be prepared for the community's pushback about the Earlysville restriction causing a problem on Rhea's Ford. He stated if staff can be prepared with information about any legal aspect for the industrial park that would have prevented trucks on Rhea's Ford, and what kind of delay they might face if that comes up.

Ms. Mallek said that parallel route availability will be a problem with Rhea's Ford.

Mr. Foley asked if Mr. Sheffield is referring to a delay if they add this to the restriction currently being pursued. Mr. Sheffield responded that he wants to demonstrate that this can mean a lengthy delay, and this has already been at least two years in the making.

Mr. Davis explained that it will have to go back to VDOT to see if it meets the minimum requirements for restriction, and then there will have to be an advertisement that establishes the length of the road and the access, so they will basically be starting the process over, with additional analysis and advertisement.

Mr. Foley said that staff will be prepared to lay out those options.

Mr. Randolph asked if there are any other potential businesses like Rockydale Quarry that customarily drive trucks that can make the argument that they should be grandfathered, because this will create a real enforcement problem for police to differentiate as to which truck is on the road and where it originated. He said the GIS will show those potential businesses that can use trucks that will be on that highway.

Ms. Mallek said the statute describes it by class of vehicle and not origin or business, so she would rather not pursue that.

Mr. Davis clarified that he does not think VDOT grandfathered anyone.

Ms. Mallek asked if there is anything else to discuss regarding the Commonwealth Attorney's request.

Ms. Palmer stated that she does not feel they can discuss it further without his response to their questions, and Board members agreed.

Mr. Foley said that if Board members are planning to have smaller community meetings about the budget, they should get in touch with Ms. Catlin about it.

Mr. Sheffield stated that he would like to review the budget first.

Mr. Foley agreed that they will have a better idea after they receive the overview.

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Agenda Item No. 19. From the County Executive: Report on Matters Not Listed on the Agenda.

There were none.

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Agenda Item No. 20. Adjourn to February 19, 2016, 12:00 noon.

At 9:29 p.m., Ms. Mallek **moved** to adjourn the meeting to February 19, 2016 at 12:00 noon. Mr. Sheffield **seconded** the motion.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Sheffield and Mr. Dill,  
NAYS: None.

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Chairman

Approved by Board
Date 06/01/2016
Initials TOM