

**ACTIONS**  
**Board of Supervisors Meeting of June 9, 2004**

June 10, 2004

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> <li>• Meeting was called to order at 6:00 p.m., by the Chairman, Mr. Dorrier. All BOS members were present. Also present were Bob Tucker, Larry Davis, Wayne Cilimberg and Ella Carey.</li> </ul>	
<p>4. From the Public: Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> <li>• Neil Williamson, Executive Director of the Free Enterprise Forum, presented proposed language for the Board's consideration regarding interconnectivity (This is in reference to the Subdivision Text Amendment).</li> <li>• John Cruickshank, representing the Piedmont Group of the Virginia Chapter of the Sierra Club, asked the Board to take an official position in opposition to the construction of two new nuclear power plants at the North Anna site in Louisa County.</li> <li>• Elena Day, a resident of 151 Buckingham Circle, asked the Board to oppose the nuclear power plants at North Anna.</li> <li>• Abhaya Thiele, a resident of 406 Key West Drive, representing the People's Alliance for Clean Energy, also spoke regarding the proposed nuclear power plants at North Anna.</li> <li>• Elizabeth Helmke, owner of Charlottesville Jazzercise Center, addressed the Board concerning her special permit application which was approved by the Board on May 12<sup>th</sup>. She asked the Board to relieve her of condition #2 requiring the owner to correct a violation on the property. Mr. Davis said the Board cannot take the action Ms. Helmke is requesting tonight. In addition the Zoning Administrator cannot issue a zoning clearance until the violation is corrected. He noted that Ms. Helmke began her operation prior to Board approval of the special permit. He added that the Zoning Administrator will work with Ms. Helmke to insure that she is not unreasonably affected by this condition.</li> <li>• Nancy Verell, on behalf of the Minor Hill Manor Homeowners Association, addressed the Board regarding the proposed earthen dam project in Whitewood Park. She asked that the Board make sure the natural environment of the Park continues to be preserved.</li> <li>• Gerald Gill, President of the Minor Hill Manor Homeowners Association, echoed the concerns expressed by Ms. Verell.</li> <li>• John Martin, a resident of Earlysville, suggested the Board review the second restated Articles of Incorporation for the Rivanna Water and Sewer Authority, relative to the structure of the Board</li> </ul>	

	of Directors. He suggested the Board appoint the Director of Community Development to the Rivanna Board.	
5.1	Set public hearing on an Ordinance to Amend Chapter 12, Sections 12-201 and 202 regarding Dance Hall permits. <ul style="list-style-type: none"> <li>• <b>SET</b> public hearing for July 7, 2004.</li> </ul>	<u>Clerk:</u> Advertise public hearing.
5.2	Adopt resolution approving Gilbert Station Road (Route 640) as Rural Rustic Paving Project. <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> resolution.</li> </ul>	<u>Clerk:</u> Forward resolution to Jim Bryan with copy to Juandiego Wade (Attachment 1).
5.3	Authorize County Executive to sign future construction agreement related to Hollymead Town Center Area B. <ul style="list-style-type: none"> <li>• <b>AUTHORIZED</b> County Executive to sign the Future Construction Agreement on behalf of the County after final language acceptable to the Department of Community Development and the County Attorney is agree upon, and the Agreement is approved as to form by the County Attorney.</li> </ul>	<u>County Attorney's office:</u> Provide Clerk's office with copy of agreement after it has been finalized and signed.
6.	<b><u>SP-2003-052. Larry Hawkins Home Occupation (Signs #63&amp;65).</u></b> <ul style="list-style-type: none"> <li>• <b>APPROVED SP-2003-052</b>, by a vote of 6:0, to grant the waiver for 2200 square feet to be reflective in condition #1, and subject to the six conditions recommended by the Planning Commission and amended at the Board meeting.</li> </ul>	<u>Clerk:</u> Set out conditions of approval (Attachment 2).
7.	<b><u>SP-2003-079. The Rock Amendment (Signs #49, 52&amp;53).</u></b> <ul style="list-style-type: none"> <li>• <b>APPROVED SP-2003-079</b>, by a vote of 6:0, subject to 20 conditions.</li> </ul>	<u>Clerk:</u> Set out conditions of approval (Attachment 2).
8.	<b><u>ZMA-2003-012. Stillfried Lane Townhouses (Signs #21&amp;51).</u></b> <ul style="list-style-type: none"> <li>• <b>APPROVED ZMA-2003-012</b>, by a vote of 6:0, subject to the revised proffers, <b>APPROVED</b> a reduction in the internal setbacks, and <b>RECOMMENDED</b> that the Planning Commission review the request for a critical slopes waiver.</li> </ul>	<u>Clerk:</u> Set out proffers (Attachment 2).
9.	<b><u>Appeal: ARB-2004-031 – Seminole Place Sign Refacing.</u></b> <ul style="list-style-type: none"> <li>• <b>AFFIRMED</b> the decision of the ARB.</li> </ul>	
10.	From the Board: Matters Not Listed on the Agenda. <p><u>David Wyant:</u></p> <ul style="list-style-type: none"> <li>• Asked that the Board discuss what action they will be taking on the Crozet Master Plan. He needs an understanding of what they will be voting on. Mr. Tucker suggested he and staff meet with Mr. Wyant and Mr. Boyd.</li> </ul> <p><u>David Bowerman:</u></p> <ul style="list-style-type: none"> <li>• Updated Board members on the Birnam Basin.</li> </ul> <p><u>Lindsay Dorrier:</u></p> <ul style="list-style-type: none"> <li>• Suggested that when the Board discuss economic development, it include a discussion on the wine industry.</li> <li>• <b>At 9:15 p.m.</b>, the Board went into Closed Session.</li> </ul>	

<ul style="list-style-type: none"> <li>• <b>At 9:45 p.m.</b>, the Board reconvened into Open Session and certified the Closed Session.</li> </ul>	
11. Adjourned. <ul style="list-style-type: none"> <li>• The meeting was adjourned at 9:45 p.m.</li> </ul>	

/ewc

Attachment 1 – Resolution – Gilbert Station Road  
Attachment 2 – Conditions of Approval

**RESOLUTION**

**WHEREAS**, during the 2002 session of the General Assembly, legislation was passed to revise §33.1-70.1 of the Code of Virginia, to allow for the improvement and hard surfacing of certain unpaved roads deemed to qualify for and be designated a Rural Rustic Road; and

**WHEREAS**, such roads must be located in a low-density development area and have a minimum of 50 vehicles per day (vpd), and have no more than 500 vpd; and

**WHEREAS**, this Board is unaware of pending development that will significantly affect the existing traffic on the road; and

**WHEREAS**, the citizens that utilize this road have been aware of this road being paved with minimal improvements; and

**WHEREAS**, this Board believes Route 640 – Gilbert Station Road should be designated a Rural Rustic Road, from Route 784 to Route 20 owing to its qualifying characteristics; and

**WHEREAS**, the road aforesaid is in this Board's six-year plan for improvements to its secondary system of state highways:

**NOW, THEREFORE, BE IT RESOLVED**, this Board hereby designates and requests VDOT's Resident Engineer to concur in the aforesaid road as a Rural Rustic Road.

**BE IT FURTHER RESOLVED**, this Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

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

### CONDITIONS OF APPROVAL

Agenda Item No. 6. **SP-2003-052. Larry Hawkins Home Occupation (Signs # 63&65).** Public hearing on a request to allow Home Occupation Class B for Excavation Contractor in accord w/Sec 10.2.2.31 of the Zoning Ord. TM 94, P 7B, contains 2 acs. Znd RA. Loc on 3117 Hearn Lane, approx .25 miles from intersec of Hearn Lane & Running Dear Rd (Rt 808). Scottsville Dist.

1. A storage shed or garage, not to exceed twenty-two hundred (2200) square feet shall be constructed for the purpose of storing all equipment and materials related to the approved use;
2. All on site repair or maintenance of vehicles or equipment related to the approved use shall occur within the storage shed or garage;
3. No outside storage of equipment, parts, mulch, inoperable vehicles, scrap or other construction materials shall be permitted. Any outdoor storage existing on the date of the approval of this permit by the Board of Supervisors' approval shall comply with this condition within one hundred twenty (120) days of the Board of Supervisors' approval of this special use permit;
4. The new storage shed or garage shall meet the minimum yard requirements for commercial structures, found in Section 21.7.2 of the ordinance. (No portion of any structure shall be located closer than fifty (50) feet to any residential or rural areas district.)
5. The storage shed or garage must meet the minimum landscaping and screening requirements for commercial and industrial uses, found in Section 32.7.9 of the ordinance; and
6. Before this permit may be used, the zoning administrator shall confirm that no junk is being stored on the property.

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Agenda Item No. 7. **SP-2003-079. The Rock Amendment (Signs #49,52&53).** Public hearing on a request to amend existing special use permit for rural preservation development of more than 20 lots to: (1) amend the boundaries of the Rural Preservation Tract (TM 74, P 18); (2) amend the boundaries of TM 74, Ps 18C, 18C1, 18C2 and 18C3; (3) amend access to TM 74, Ps 18, 18C, 18C1, 18C2 and 18C3; & (4) allot development rights not used in the original proposal. This request is made in accord w/Sec 10.2.2.28 of the Zoning Ord, which allows for 20 or more Development Lots in a Rural Preservation Development. TM 74, Ps 18, 18C, 18C1, 18C2, 18C3, 18D, 18D1, 18D4, 18D7, 18D8, 18D9, 18E, 18E1, 18E2, 18E3, 18E4, 18E5, 18E8, 18E9, 18F, 18F1, 18F2, 18F3, 18F9, 18G, 18G1, 18G3, 18G4, 18G5, 18G6, 18G7, 18G8, contains approx 645 acs. Znd RA. Loc off of Rt 637 (Dick Woods Rd), at its intersect w/l-64. Samuel Miller Dist.

1. Except as otherwise provided herein development of The Rocks shall be in accord with the "Special Use Permit Plan..." prepared by Thomas B. Lincoln Land Surveyor, Inc. dated April 2, 2004. For purposes of these conditions the plan shall heretofore be referred to as "The Application Plan;"
2. Except for minor boundary adjustments, (as determined by the Agent), the boundaries of Tax Map 74, Parcels 18C, 18C1, 18C2 and 18C3 may be modified only as shown on "The Application Plan;"
3. Within the boundaries of Revised Lot 1, there shall be allowed a total of four (4) dwelling units or four (4) lots. Before a building permit is issued for a second dwelling unit, or before a subdivision plat is approved creating a new lot(s) within the boundaries of Lot 1, a new application plan shall be reviewed and approved administratively by the County authorizing the dwelling units or lots. For purposes of these conditions the term "subdivision" shall also mean family divisions;
4. All subdivisions within the boundaries of Revised Lot 1 shall meet the design standards and special provisions set forth in Section 10.3.3 of the Zoning Ordinance. This includes the requirement that it be demonstrated that the additional lots combined with the other approved lots do not exceed the actual number of lots that could have been achieved by conventional development of the total property;
5. All dwellings and development lots within the boundaries of Lot 1 shall be located east of the floodplain of Ivy Creek;

6. All future development lots subdivided from Lot 1 shall be no larger than 3.26 acres in area, shall be located in a manner consistent with, and be integrated into the overall design of the other development lots in The Rocks;
7. A minimum of ten (10) trees per acre shall be provided on the development lots, including those permitted by condition three (3), in accordance with Section 32.7.9.5 of the Zoning Ordinance for the purpose of providing screening from Interstate 64 and Route 637. Trees shall be installed within two (2) planting seasons of the date of issuance of a certificate of occupancy for the dwelling on the lots;
8. Clearing of land shall be limited to the minimum amount necessary for the construction of access roads, dwellings, and septic fields;
9. Building siding and trim shall be of colors and materials that blend with the surrounding natural environment as determined by the Director of Planning. Highly reflective colors or surfaces, or light colored roofs, as determined by the Director of Planning, are prohibited;
10. Concrete driveways visible from off-site shall be darkened to blend with the surrounding natural environment as determined by the Director of Planning;
11. The bridge shall not be constructed until the approvals in conditions twelve (12) through fifteen (15) have been obtained;
12. Department of Engineering issuance of an erosion and sediment control permit;
13. Department of Engineering approval of bridge design;
14. Department of Engineering approval of hydro geologic and hydraulic calculations to ensure compliance with Section 30.3. of the Zoning Ordinance;
15. Department of Engineering approval of private road plans and drainage calculations. Private roads shall be designed to Virginia Department of Transportation mountainous terrain standards. This condition is only applicable to the private roads constructed to access and provide frontage to all the lots in the Rocks development except the Rural Preservation Tract and revised Tax Map 74, Parcels 18C, 18C1, 18C2 and 18C3 as shown on "The Application Plan;"
16. The extension of Newcomb Mountain Lane as a private road is subject to Planning Commission approval. The Planning Commission shall establish the standard of the private road extension at the time of review;
17. The existing road, shown entering from Rocks Farm Drive, parallel to Interstate 64 and meandering through the Preservation Tract shall not be improved or widened except for agricultural and/or forestry purposes. The need for such improvements shall be reviewed by the Public Recreational Facilities Authority. If the Public Recreational Facilities Authority deems that the improvements are warranted, construction shall not commence until a road plan and an erosion and sediment control plan has been reviewed and approved by the County Engineer;
18. Prior to the approval of any plat modifying the boundaries of the Rural Preservation Tract, the rural preservation easement shall be amended to allow the modification; amendment to the easement is subject to the review and approval of the County and the Albemarle County Public Recreational Facilities Authority. Approval of this special use permit in no way implies or guarantees approval of a modified easement by the County or the Albemarle County Public Recreational Facilities Authority;
19. Prior to the approval of any plat providing access to Newcomb Mountain Lane an amended road maintenance agreement shall be reviewed and approved by the County Attorney. This agreement shall be recorded with the plat; and
20. Provide evidence to the County that the Rosemont Homeowner's Association consents to the Newcomb Mountain Lane extension to serve as access to Tax Map 74, Parcels 18C, 18C1, 18C2 and 18C3.

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Agenda Item No. 8. **ZMA-2003-012. Stillfried Lane Townhouses (Signs #21&51).** Public hearing on a request to rezone 6.652 acs from R-1 to PRD to allow 26 townhouse units. TM 60, Ps 31, 32, 33, & 34. Loc on Stillfried Lane off Rt 250W (Ivy Rd) behind Kluge Children's Rehabilitation Center. (The Comp Plan designates this property as Neighborhood Residential in Neighborhood 6.) Jack Jouett Dist.

**PROFFER FORM**

Date of Proffer Signature: 6.9.04

ZMA # 2003-012

Tax Map 60 and Parcel Numbers 32, 33 and 34

6.652 Acres to be rezoned from R-1 (Residential) to PRD (Planned Residential Development)

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the owner, or its duly authorized agent, hereby voluntarily proffers the conditions listed below which shall be applied to the property, if rezoned with the offered plans approved for development. These conditions are proffered as a part of the requested rezoning and it is agreed that: (1) the rezoning itself gives rise to the need for the conditions; and (2) such conditions have a reasonable relation to the rezoning request.

- (1) The development on Tax Map 60 Parcel Numbers 32, 33 and 34 shall be in general accord with the plan produced by Terra Partners, LLC, dated December 19, 2003, revised April 23, 2004 entitled "The Stillfried Lane Townhomes at Poplar Glen", herein referred to as the Application Plan, (sheets 2 of 3 and 3 of 3).
- (2) No building permit shall be issued unless and until the Director of Community Development, or his assigns, determines that the building facades are in general accord with the architecture plans produced by Bosserman Design/Development, dated 10/29/03, last revised 12/22/03, entitled "Poplar Glen, Stillfried Lane Townhomes", sheets p-1, p-2, and p-3. The façades shall be determined to be in general accord if the architecture implements features that break up the massing of the building, such as the porches, porticos, variations in building materials, and gables which break up the rooflines
- (3) The owner shall avoid cutting all trees (greater than six (6) inches diameter at breast height) in the area labeled Conservation Area on the Application Plan.
- (4) The owner shall bury all utilities on the project site during the construction of the townhouses, including those utilities (electric, telephone, sewer and water) serving the UVA Cochran House on Tax Map 60 Parcel 34A, prior to issuance of the first Certificate of Occupancy for any dwelling unit.
- (5) The owner shall contribute a sum of \$3,000 cash per dwelling unit to the County for funding Capital Improvements or affordable housing programs. The cash contribution will be paid at the time of the issuance of the Building Permit for that dwelling unit. If this cash contribution has not been exhausted by the County for the stated purpose within ten (10) years from the date of the contribution, all unexpended funds shall be refunded to the owner.

(Signed) Mark Powell  
Signature of All Owners

(Printed) Mark Powell, VP of Weather Hill Homes, LLC  
Printed Names of All Owners

6-9-04  
Date