

ACTIONS	
Board of Supervisors Meeting of November 10, 2004	
November 16, 2004	
<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 4:00 p.m., by the Chairman, Mr. Dorrier. All BOS members were present. Also present were Bob Tucker, Larry Davis and Ella Carey. 	
<p>2. Work Session: North Pointe.</p> <ul style="list-style-type: none"> ADOPTED the following policy to limit the use of developer initiated CDAs to the following situations: <ol style="list-style-type: none"> Projects implementing an approved master plan that is part of the County's Comprehensive Plan; and Exceptional projects that are only considered either after all zoning is in place or contemporaneous with the rezoning and which demonstrate that a CDA is necessary to accomplish the infrastructure improvements for that area that are consistent and necessary to implement the Comprehensive Plan. CONSENSUS that the applicant finalize the North Pointe plan and associated proffers, and coordinate a date with staff for the public hearing. 	<u>Elaine Echols/Mark Graham</u> : Proceed as directed.
<p>3. Recess.</p> <ul style="list-style-type: none"> The Board recessed at 5:40 p.m. 	
<p>4. Reconvene.</p> <ul style="list-style-type: none"> Meeting was called back to order at 6:00 p.m., by the Chairman. All BOS members were present. Also present were Bob Tucker, Larry Davis, Wayne Cilimberg and Ella Carey. 	
<p>7. From the Public: Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> Mr. Tom Loach, a resident of Crozet, said he would like to volunteer to serve on a committee to look at land use taxation, if the Board appoints such a committee. He asked that the taxpayers have adequate representation on such a committee. With regard to CDAs, he expressed concern about a two-tiered taxing system in the County. He believes the Board needs to make sure the development benefits the public and the CDA within the development is a benefit to the County. 	
<p>9. <u>SP-2004-00044. Albemarle Ballet Theatre (Signs #52&63).</u></p> <ul style="list-style-type: none"> APPROVED SP-2004-00044, by a vote of 6:0, subject to the five conditions recommended by the Planning Commission. 	<u>Clerk</u> : Set out conditions of approval. (Attachment 1)
<p>10. <u>SP- 2004-0045. Charlottesville First Assembly (Sign #65).</u></p> <ul style="list-style-type: none"> APPROVED SP-2004-00045, by a vote of 6:0, subject to the four conditions recommended by 	<u>Clerk</u> : Set out conditions of approval. (Attachment 1)

<p>discuss with legal counsel and staff specific legal issues regarding an interjurisdictional agreement; and under subsection 7 to consult with legal counsel and staff regarding pending litigation.</p> <ul style="list-style-type: none"> • The Board reconvened into open session at 7:40 p.m., and certified the closed session. • ADOPTED resolution requesting VDOT Industrial Access funds and to authorize the County Executive to sign the VDOT State Environmental Review Process (SERP) Acknowledgment form. 	<p><u>Clerk:</u> Forward signed resolution and acknowledgement form to Jack Kelsey with copy to County Attorney's office. (Attachment 3)</p>
<p>13. Adjourn to November 11, 2004, 11:45 a.m., COB-5th Street.</p> <ul style="list-style-type: none"> • At 7:45 p.m., the meeting was adjourned to November 11, 2004, 11:45 a.m., for a luncheon meeting with Charlottesville City Council. 	
<p>Joint Luncheon Meeting with City Council of November 11, 2004</p>	
<p>1. Call to Order.</p> <ul style="list-style-type: none"> • Meeting was called to order at 12:17 p.m., by the Chairman, Mr. Dorrier, and Mayor, Mr. Brown. All BOS and City Council members were present. 	
<p>3. Discussion of Water Supply Issues by Board and Council.</p> <ul style="list-style-type: none"> • CONSENSUS that the Chairman and Mayor meet to consider the suggestion regarding restructuring the Rivanna Authorities (RWSA and RSWA), specifically as they relate to local government elected officials serving on those boards. • Mr. Lynch also suggested looking into the possibility of combining the RWSA, ACSA and City water and sewer service into one entity. 	
<p>4. Discussion of Transportation Issues by Board and Council.</p> <ul style="list-style-type: none"> • Expressed support of the MPO's formation of an ad hoc committee, comprised of community and business leaders, to take a look at prioritizing road projects and suggesting different funding options. 	
<p>5. Adjourn.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 1:35 p.m. 	

/ewc

- Attachment 1 – Conditions of Approval
- Attachment 2 – Resolution to authorize acquisition of property - Robert and Patricia Byrom
- Attachment 3 – Resolution requesting VDOT Industrial Access funds

CONDITIONS OF APPROVAL

SP-2004-00044. Albemarle Ballet Theatre (Signs #52&63). Public hearing on a request to allow priv ballet school in accord w/Sec 22.2.2.6 of Zoning Ord which allows for private schools in C-1 Dist. TM 56A1-1, P 65, contains 1.208 acs. Znd C-1. Loc on Rt 240 (Three Notched Rd) at intersec of Three Notched Rd & Rt 810 (Crozet Ave). White Hall Dist.

1. The total number of students attending classes on site shall not exceed twenty-four (24) at any given time;
2. Classes shall be staggered so that no class begins or ends within fifteen (15) minutes of the beginning or ending of another class;
3. Normal hours of operation for the school shall be from 9:00 a.m. to 9:00 p.m. provided that occasional school-related events may occur after 9:00 p.m.;
4. The parking spaces required for this use shall not be reserved; and
5. On site recitals shall be held on Sundays only.

SP- 2004-0045. Charlottesville First Assembly (Sign #65). Public hearing on a request to amend existing SUP to allow expansion of the church use in accord w/Sec 15.2.2.12 of the Zoning Ord. TM 61, P 153A1. Znd R-4 and contains 4.71 acs. Loc on Rt 631 (E Rio Rd) between CATECH & Railroad bridge. Rio Dist.

1. The church's improvements and the scale and location of the improvements shall be developed in general accord with the concept plan entitled "Charlottesville First Assembly Minor Amendment to Valid Special Use Permit" prepared by Terra Partners, LLC and dated July 19, 2004; (the "concept plan"), as further modified as required by conditions 3 and 4;
2. Day care use shall be prohibited unless approved through a special use permit amendment;
3. The owner shall reserve the proposed right-of-way for dedication for public use upon demand by the County that is identified on the plan modified by Jack Kelsey, attached hereto. The site plan shall show the reserved right-of-way and include the following note: "Right-of-way reserved for dedication for public use upon demand by the County"; and
4. The owner shall plant and maintain six (6) additional shade trees in the front portion of the parking lot to further buffer the visual impact of the parking lot along Rio Road and to address the urban heat island dynamic. At least two (2) of the six (6) trees shall be planted in the center of the first full row of parking parallel to Rio Road. The remaining trees shall be placed in the area between Rio Road and the parking lot to augment the street trees shown on the plan.

**RESOLUTION TO AUTHORIZE
ACQUISITION OF PROPERTY**

WHEREAS, the County of Albemarle desires to accept certain properties within the County by gift from Robert M. Byrom and Patricia A. Byrom for the purpose of providing a public forest preserve park; and

WHEREAS, all necessary agreements for the acquisition of said properties have been made and presented to the Board of Supervisors for its consideration.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the County Executive to execute the following Agreements and all other documents necessary to acquire Tax Map Parcels 6-16, 6-28D, and 6-29 in the County of Albemarle:

1. Deed of Gift from Robert M. Byrom and Patricia A. Byrom dated November 1, 2004 conveying Tax Map Parcels 6-16, 6-28D, and 6-29 in the County of Albemarle;
2. Agreement between the County of Albemarle and the Big Eight Hunt Club for the Hunt Club's continued use, subject to certain conditions, of Tax Map Parcels 6-16, 6-28D, and 6-29 in the County of Albemarle;

RESOLUTION

WHEREAS, the University Real Estate Foundation (UREF) desires to facilitate the industrial development of property located in the County of Albemarle; and

WHEREAS, this property is expected to be the site of new private capital investment in land, building, and manufacturing equipment which will provide substantial employment; and

WHEREAS, the subject property has no access to a public street or roadway and will require the construction of a new roadway which will connect to the intersection of Quail Run (Route 1666) and Lewis and Clark Drive (Route 1571); and

WHEREAS, the County of Albemarle hereby guarantees that the necessary environmental analysis, mitigation and right of way for this new roadway and utility relocation Or adjustments, if necessary, will be provided at no cost to the Virginia Department of Transportation; and

WHEREAS, the County of Albemarle acknowledges that the State Environmental Review Process (SERP) must be completed prior to any construction activity on this project as a condition of the use of the Industrial, Airport and Rail Access Fund.

WHEREAS, the County of Albemarle hereby guarantees that all ineligible project costs and any other costs not justified by eligible capital outlay will be provided from sources other than the Industrial, Airport and Rail Access Fund.

NOW, THEREFORE, BE IT RESOLVED that the County of Albemarle Board of Supervisors hereby requests that the Commonwealth Transportation Board provide financing from the Industrial, Airport and Rail Access Fund to provide an adequate road to this property; and

BE IT FURTHER RESOLVED that the County of Albemarle hereby agrees to provide a surety or bond, acceptable to and payable to the Virginia Department of Transportation, in the full amount of the cost of the road; this surety shall be exercised by the Department of Transportation in the event that sufficient qualifying capital investment does not occur on tax map parcel 32-6A within five years of the Commonwealth Transportation Board's allocation of funds pursuant to this request.

BE IT FURTHER RESOLVED that the County of Albemarle Board of Supervisors hereby agrees that the new roadway so constructed will be added to and become a part of the road system of the Secondary System of Highways.