

ACTIONS
Board of Supervisors of January 11, 2006
2:30 P.M., Room 235

January 23, 2006

<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 2:35 p.m. by the Chairman, Mr. Rooker. All BOS members were present. Also present were Bob Tucker, Larry Davis, Roxanne White, Tom Foley, Mark Graham, Lori Allshouse, Melvin Breeden, Brenda Neitz and Debi Moyers. 	
<p>2. FY 2007 – FY 2010 Strategic Plan.</p> <ul style="list-style-type: none"> HELD. CONSENSUS of the Board to use the following Strategic Plan Objective regarding conservation easements: “By June 30, 2010, increase the total combined acreage in permanent conservation easements and qualifying public parkland by 30,000* additional acres (50%) using public and private means”. *Based on current figures. The Board requested that staff identify the source of protected acreage as part of updates/reports. Ms. Thomas also requested staff send a letter to the outside agencies that assist the County with this goal to let them know that the County has drafted a specific acreage objective statement for the next four years. 	<p><u>Lori Allshouse:</u> Proceed as directed.</p>
<p>3. Work Session: FY 2007 Business Plan.</p> <ul style="list-style-type: none"> HELD. Office of Management and Budget to resend to Board members the FY06/07 Strategic Initiative Request narratives resorted by OMB and Leadership Council rankings versus departments. Also clarify the schools state revenues increase for FY06/07. 	<p><u>OMB:</u> Proceed as requested.</p>
<p>4. Work Session: Development Review Process and Public Involvement.</p> <ul style="list-style-type: none"> HELD. Discussed creation of a Development Process Task Force. Additional information to come back to the Board. Mr. Rooker asked that the concepts talked about today and recommended by staff be brought back for discussion. CONSENSUS of the Board to bring this item back for discussion February 1st. Mr. Rooker asked that time be set aside to discuss the parallel consideration of rural area strategies. 	<p><u>Mark Graham/Wayne Cilimberg:</u> Proceed as directed.</p>
<p>5. Closed Session.</p> <ul style="list-style-type: none"> The Board recessed at 6:05 p.m. and did not go into closed session. 	

ACTIONS
Board of Supervisors of January 11, 2006

6:00 P.M., Meeting Room 241

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
<p>6. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 6:10 p.m. by the Chairman, Mr. Rooker. All BOS members were present. Also present were Bob Tucker, Larry Davis, V. Wayne Cilimberg and Debi Moyers. 	
<p>7. Certify Closed Session.</p> <ul style="list-style-type: none"> Closed Session was cancelled. 	
<p>10. From the Public: Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> Mary Rice spoke about the Crozet Master Plan. Tom Loach spoke about the Crozet Master Plan and stated he does not support the County joining TJPED. Paula Brown Steedly reiterated her past concerns about the Board doing something about Doctor's Crossing. Neil Williamson, of Free Enterprise Forum, spoke about the recently adopted Subdivision Text Amendment and the issue of inequity in interconnections. 	
<p>11.1 Request to set a public hearing to consider the amendment of the Lease for the Old Crozet Elementary School building by the Charlottesville Waldorf School.</p> <ul style="list-style-type: none"> SET public hearing for February 1, 2006. 	<p><u>Clerk:</u> Advertise and schedule on February 1st agenda.</p>
<p>11.2 Resolution to accept road(s) in Porters Village Subdivision into the State Secondary System.</p> <ul style="list-style-type: none"> ADOPTED the attached resolution. 	<p><u>Clerk:</u> Forward signed resolution to Greg Cooley in Department of Community Development. (Attachment 1)</p>
<p>12. Public hearing to solicit input on local community development and housing needs in preparation to seek funding through the Community Development Block Grant (CDBG) program.</p> <ul style="list-style-type: none"> Mr. Wyant asked staff to search the Greenwood/Newtown area for potential community improvement needs. Ms. Thomas discussed doing a project at Southwood Mobile Home. Mr. Boyd said he would like staff to look at using these funds for providing facilities for the Boys and Girls Club. SET second public hearing for March 8, 2006. 	<p><u>Mr. White:</u> Proceed as directed.</p> <p><u>Clerk:</u> Advertise and schedule on March 8th agenda.</p>
<p>13. SP-2005-025. Jarman's Sportcycles (Sign #32).</p> <ul style="list-style-type: none"> APPROVED SP-2005-025, by a vote of 6:0, subject to the nine conditions recommended by the Planning Commission with condition number nine being modified at the meeting. 	<p><u>Clerk:</u> Set out conditions of approval. (Attachment 2)</p>
<p>14. ZMA-2005-006. Logan, Clevester (Signs #10,11).</p> <ul style="list-style-type: none"> APPROVED ZMA-2005-006, by a vote of 6:0, as proffered January 11, 2006. 	<p>Sarah Baldwin: Post on County website. (Attachment 2)</p>
<p>15. ZMA-2005-008. Pantops Park (Sign #14).</p> <ul style="list-style-type: none"> APPROVED ZMA-2005-008, by a vote of 6:0, as proffered December 20, 2005 (version #7). APPROVED, by a vote of 6:0, waiving the 	<p><u>Sarah Baldwin:</u> Post on County website. (Attachment 2)</p>

	Neighborhood Model residential requirement that each district shall have at least two housing types.	
16.	<p>SP-2005-015. Virginia National Bank at Pantops (Sign #57).</p> <ul style="list-style-type: none"> • APPROVED SP-2005-015, by a vote of 6:0, subject to the three conditions recommended by the Planning Commission. 	<u>Clerk</u> : Set out conditions of approval. (Attachment 2)
17.	<p>ZMA-2005-013. Inn at Monticello (Sign #78,79).</p> <ul style="list-style-type: none"> • APPROVED ZMA-2005-013, by a vote of 6:0, with amended proffers submitted by the applicant. 	<u>Sarah Baldwin</u> : Post on County website. (Attachment 2)
18.	<p>ZMA-2003-008. Woodbrook Station (formerly Rio Hills) (Signs #65,66,67)..</p> <ul style="list-style-type: none"> • APPROVED ZMA-2003-008, by a vote of 6:0, as proffered January 11, 2006. • APPROVED, by a vote of 6:0, waiving the Neighborhood Model residential requirement that each district shall have at least two housing types. 	<u>Sarah Baldwin</u> : Post on County website. (Attachment 2)
19.	<p>CPA-2005-001. Land Use Plan Transportation Update.</p> <ul style="list-style-type: none"> • ADOPTED CPA-2005-001, by a vote of 6:0, to amend transportation section of the Comp Plan and to include the following additional language under Hillsdale Drive Extended: "This roadway should be timed to be completed after the completion of the Meadow Creek Parkway." 	<u>Mr. Benish</u> : Proceed as directed.
20.	<p>Discussion: TJPED.</p> <ul style="list-style-type: none"> • HELD. • CONSENSUS of the Board to set a public hearing for February 8th to receive comments on the County becoming a member of TJPED. 	<u>Clerk</u> : Advertise and schedule on February 8 th agenda.
21.	<p>Appointments.</p> <ul style="list-style-type: none"> • APPOINTED Mary Lou Fowler, as the Jack Jouett District representative on the Social Services Board, with said term to expire December 31, 2009. 	<u>Clerk</u> : Prepare appointment letter, update Boards and Commissions book and notify appropriate persons.
22.	<p>From the Board: Matters Not Listed on the Agenda. <u>Wayne Cilimberg</u>:</p> <ul style="list-style-type: none"> • Wanted to clarify the display for Pantops Park. The no facilities A and the pedestrian signal, no crosswalk B are existing conditions not added. So the potential at Route 20, Riverbend and Richmond Road for a crosswalk and a signalization component does exist but VDOT would have to approve. Pricing that led to \$20,000 proffer actually would include the possibility of putting the signalization component there. • He did get the handout from Tom Loach regarding Crozet growth information. His staff will take a look at. <p><u>Bob Tucker</u>:</p> <ul style="list-style-type: none"> • Asked the Board to make a motion to confirm its determination made on July 7, 2004 that VDOT demonstrated to the satisfaction of the Board that the public would not be better served 	<u>Wayne Cilimberg</u> : Proceed as directed.

<p>by grade separating the Meadow Creek Parkway and Melbourne Road and has satisfied condition #4 of the Meadow Creek Parkway Resolution of Intent adopted by the Board on May 5, 2004. Motion was offered by Mr. Boyd which was seconded by Mr. Wyant. Motion PASSED by a vote of 6:0.</p> <p><u>David Wyant:</u></p> <ul style="list-style-type: none"> Said he received a \$4,000 check from Jefferson Country Fire and Rescue Association towards recruitment display of the volunteers. Mr. Rooker asked that a thank you letter be sent from the Board. <p><u>Sally Thomas:</u></p> <ul style="list-style-type: none"> Wanted to know if the Board members would like more information on the MPO other than the year-end report. Asked if the Board would like quarterly reports. Mr. Rooker said the TJPDC.org website covers everything the MPO adopts or does. Mr. Boyd would like copies of the MPO minutes put in the Board packets. <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> For informational purposes, he had a meeting with an individual from Rivanna Village. There is an interest in engaging in a visioning process for Rivanna Village of Glenmore leading to a Master Plan. He suggested Harrison Rue to see if TJPDC had time to do it. May require some allocation of resources and come back to the Board. Ms. Thomas said she does not believe TJPDC will do anything unless Albemarle County asks them to get involved. 	<p><u>Clerk:</u> Turn check over to Ed Koonce in Finance and draft letter for Chairman’s signature.</p> <p><u>Clerk:</u> Proceed as directed.</p>
<p>23. Adjourn.</p> <ul style="list-style-type: none"> The meeting was adjourned at 9:17 p.m. 	

/djm

Attachment 1 – Resolution to accept road(s) in Porters Village Subdivision into the State Secondary System

Attachment 2 – Conditions of Approval for Planning Items

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 7th day of December 2005, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Porters Village Subdivision**, described on the attached Additions Form LA-5(A) dated **January 11, 2006**, 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 **Porters Village Subdivision**, as described on the attached Additions Form LA-5(A) dated **January 11, 2006**, to the secondary system of state highways, pursuant to §33.1-229, 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.

* * * * *

The road(s) described on Additions Form LA-5(A) is:

- 1) **Simpson Lane (State Route 1049)** from the intersection of Route 627 to the cul-de-sac, as shown on plat recorded 09/16/1998 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1744, page 659, with a 50-foot right-of-way width, for a length of 0.25 miles.

Total Mileage – 0.25 miles

SP-2005-025. Jarman's Sportcycles (Sign #32). PROPOSAL: Outdoor display of vehicles in accord w/Sec 30.6.3.2(b) of the Zoning Ord which allows for outdoor sales, storage and/or display in the EC (Entrance Corridor Overlay) Zoning District. ZONING CATEGORY/GENERAL USAGE: The property contains 2.219 acres zoned EC (Entrance Corridor) & HC (Highway Commercial). Tax Map 78, Parcel 33B. Loc on south side of Richmond Rd (US 250 East) approx .14 miles west of its intersection w/Sleepy Hollow Lane (private right-of-way). MAGISTERIAL DISTRICT: Scottsville.

1. The outdoor display of vehicles shall be limited to the covered porches of the building only. Vehicles shall not be displayed elsewhere on the site, or between the northern parcel boundary and the EC;
2. Vehicles shall not be elevated anywhere on site;
3. The existing woodland on site, as indicated by the "existing tree line," shall be retained in its entirety, with the exception of that area necessary for installation of the septic field;
4. The existing four Sycamore (or London Plane) trees (*Platanus x acerifolia* or *Platanus occidentalis*) located along the Route 250 East side of the property shall be preserved;
5. Tree preservation measures shall be included on the E&S plan and the grading plan (submitted with the final site plan) to provide for conditions #3 and #4, above. The E&S plan and grading plan shall include notes and details consistent with chapter 3.38 "Tree Preservation and Protection" of the Virginia Erosion and Sediment Control Handbook (current edition). Tree preservation measures shall be coordinated throughout the site plan set and E&S drawings. In the event that any site plan or E&S drawings show inconsistent information regarding tree protection, the drawing(s) showing the greatest tree protection shall prevail;
6. Site and building lighting shall be limited to the satisfaction of the ARB as illustrated in an ARB approved lighting plan submitted with the final site plan;
7. Site and building signage shall be limited to the satisfaction of the ARB as illustrated in an ARB approved drawing included with the applicant's final submittal for a Certificate of Appropriateness;
8. The three board fence proposed along the Route 250 East side of the property shall align with the fence on the adjacent property to the west. The color of the proposed three board fence shall match the color of the fence on the adjacent property to the west; and
9. Additional plants along the east face of the building shall be installed to provide adequate screening. Plant materials shall be six (6) feet to eight (8) feet in height, spaced fifteen (15) feet on center, and should include Hollies, Leyland Cypress and/or Cedars.

ZMA-2005-006. Logan, Clevester (Signs #10,11). PROPOSAL: Rezone .545 acres from R-2 (Residential) Zoning District to R-4 (Residential) Zoning District to allow property boundary line adjustments. ZONING CATEGORY/GENERAL USAGE: Tax Map 61, parcels 44A & 44A1 (portion of, 17,503 sq ft adjacent to Tax Map 61, parcel 44 including existing dwelling) located at 2530 Hydraulic Rd (Rt 743) at intersection of Hydraulic Rd and Turtle Creek Rd. It is zoned R-2 (Residential) and EC (Entrance Corridor) Overlay. The R-4 Zoning District allows for up to 6 dwelling units per acre. MAGISTERIAL DISTRICT: Jack Jouett.

PROFFER FORM

Date: 1-11-2006
ZMA #: 2005-00006
Tax Map and Parcel Number: 61-44A1 and 61-44A

.545 Acres to be rezoned from R-2 to R-4

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. 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.

Vehicular ingress and egress to and from the property shall be only from Turtle Creek Road, and such access from Hydraulic Road shall thereafter be prohibited, if either: (1) the primary structure on the property ceases to be used as a single family residence; or (2) the accessory cottage is occupied as a dwelling unit.

Signature of All Owners
(Signed) Clevester Logan

Printed Names of All Owners
Clevester Logan

Date
1/11/2006

Signature of All Owners
(Signed) Mattie W. Logan

Printed Names of All Owners
Mattie W. Logan

Date
1/11/2006

ZMA-2005-008. Pantops Park (Sign #14). PROPOSAL: Rezone 4.87 acres (Tax Map 78, Parcel 16) from HC (Highway Commercial) to NMD (Neighborhood Model District) to allow 42,000 sq ft bank & office building & two 22,500 sq ft mixed office & retail buildings with proffers. Highway Commercial zoning allows for commercial & service uses & residential use by special use permit (15 units/acre). Neighborhood Model District zoning is intended to provide for compact, mixed-use developments with urban scale, massing, density & infrastructure configuration that integrates diversified uses within close proximity to each other. EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Regional Service & Community Service in Neighborhood Three. Regional Service designates areas for regional-scale retail, wholesale, business and/or employment centers & residential (6.01-34 units/acre). Community Service designates areas for community-scale retail wholesale, business & medical offices, mixed use core communities and/or employment services & residential (6.01-34 units/acre). LOCATION: Tax Map 78, Parcel 16. Located in EC Entrance Corridor Overlay District on south side of Rt 250. This property is the former Moore's Lumber site. MAGISTERIAL DISTRICT: Rivanna.

Proffer: December 20, 2005
Version # 7

PROFFER FORM

Date: December 20, 2005

ZMA #: 2005-0008

Tax Map 78, Parcel 16

4.77 Acres to be rezoned from Highway Commercial to Neighborhood Model District

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the Owner hereby voluntarily proffers the conditions listed herein below which shall be applied to Pantops Park (herein after "the Property") if the Zoning Map Amendment (hereinafter "ZMA") is approved by the County of Albemarle. These conditions are proffered as a part of the requested ZMA and it is agreed that: (1) the ZMA itself gives rise to the need for the conditions, and (2) such conditions have a reasonable relation to the rezoning requested.

The term "Owner" as referenced herein shall include within its meaning the owner of record of the Property and successors in interest. The term "ZMA Application Plan," prepared by the Cox Company, last revised November 11, 2005, serves as the General Development Plan under Albemarle County Zoning Ordinance § 20A.4, and is referred to herein as Exhibit A. The term "Code of Development" refers to Exhibit B.

The headings of the proffers and conditions set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provisions of the proffers.

- 1. Construction and Dedication to Public Use of Extension of Spotnap Road:** Owner shall design and construct to VDOT public road standards, at no expense to the County of Albemarle

or the Commonwealth of Virginia, an extension of Spotnap Road from its present terminus to US Route 250 within the recorded 50 foot access easement which runs from the existing terminus of Spotnap Road to TMP 78-16, and adjacent to the eastern boundary line of TMP 78-16 to US Route 250, as shown on the ZMA Application Plan, including a pedestrian sidewalk along the western side of such extension. The design of the extension shall accommodate vehicular ingress and egress to and from the lower parking lot located on TMP 78-15C, owned by the Albemarle County Service Authority. Owner shall construct an entrance from such parking lot to the extension in conjunction with the construction of the extension. Owner shall complete construction of the extension by the later of twenty-four (24) months after the first final site plan or subdivision plat is approved by the County, or eighteen (18) months after the first building permit has been issued by the County for the construction of a commercial building on the Property. The extension shall be deemed to be complete when it is either accepted by VDOT or bonded for acceptance by VDOT, and the easement on which the extension is constructed on TMP 78-16, if not previously dedicated to the County on a final subdivision plat, has been dedicated to the County in fee simple for public use. If the written consent to the dedication to public use proffered herein is not obtained from the Albemarle County Service Authority, owner of TMP 78-15C, by February 28, 2006, the portion of this proffer relating to dedication to public use shall be null and void as to portions of the easement located on TMP 78-15C.

2. **Improvement and Dedication to Public use of Existing Spotnap Road.** Owner shall construct all improvements to Spotnap Road which are required for Spotnap Road to be accepted into the state maintained highway system, and cause the fee interest in Spotnap Road, together with any necessary easements for fills, drainage and sight distance, to be dedicated to public use. Owner shall complete construction of the improvements to Spotnap Road by the later of twenty-four (24) months after the first final site plan or subdivision plat is approved by the County, or eighteen (18) months after the first building permit has been issued by the County for the construction of a commercial building on the Property. If the written consent to the dedication to public use proffered herein is not obtained from the Albemarle County Service Authority, owner of TMP 78-15C, and from the owners of TJMJ 78-15C4, TMP 78-15C5 and TMP 78-15C7, by February 28, 2006 the portion of this proffer which relates to dedication to public use shall be null and void.
3. **Access Easement for Benefit of Adjoining Properties West of TMP 78-16:** Prior to issuance of a Certificate of Occupancy for Building 1-A as shown on the ZMA Application Plan, Owner shall (i) convey a recorded private cross-easement for ingress and egress to the extension of Spotnap Road for the benefit of properties adjacent to the western boundary of TMP 78-16 via one point as shown on the ZMA Application Plan, and (ii) construct and pave the travelway at grade within the cross-easement area contained on the Owner's property as depicted by the ZMA Application Plan.
4. **Pedestrian Crosswalk Improvements on Riverbend Drive.** Owner shall design and construct pedestrian crosswalk improvements in accordance with VDOT standards on Riverbend Drive between its intersections with South Pantops Drive and US Route 250 at a cost not to exceed \$20,000.00. Owner shall complete construction of the pedestrian crosswalk improvements by the later of twenty-four (24) months after the first final site plan or subdivision plat is approved by the County, or within eighteen (18) months after the first building permit has been issued by the County for the construction of a commercial building on the Property.

The undersigned, which is the sole owner of the Property, hereby proffers that the use and development of the Property shall be in conformance with the proffers and conditions hereinabove and these proffers shall supersede all other proffers and conditions made prior hereto.

PANTOPS PARK, LLC

By: (Signed) William D. Dittmar, Jr.
William D. Dittmar, Jr., Manager

Date: 12-20-2005

SP-2005-015. Virginia National Bank at Pantops (Sign #57). PROPOSAL: drive-in window for bank in accord w/Sec 24.2.2 of the Zoning Ord which allows for drive-in windows serving or associated with permitted uses within HC (Highway Commercial) zoning. The request is in conjunction with request to rezone THE property from HC to NMD (Neighborhood Model District). ZONING CATEGORY/GENERAL USAGE: Tax Map 78 Parcel 16 contains 4.87 acres & is zoned HC, Highway Commercial & EC, Entrance Corridor. Located at 1241 Richmond Rd (US Rt 250E), approx 200 ft from intersection of Richmond Rd & Stony Point Rd (US Rt 20N). MAGISTERIAL DISTRICT: Rivanna.

1. Drive-up windows will be limited to three (3); including one to be used for an ATM;
2. Architectural Review Board issuance of a Certificate of Appropriateness; and
3. Applicant is responsible for installation and maintenance of control devices such as signage, and pavement markings as indicated on the site plan. The crosswalk just beyond the drive-up window bays for the bank shall be identified with crosswalk signage on either side of the drive aisle.

ZMA-2005-013. Inn at Monticello (Sign #78,79). PROPOSAL: Rezone 4.6 acres from R-4 Residential (4 units per acre) to amend proffers to allow additional dwelling unit & possible expansion of existing inn. PROFFERS: Yes. EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Neighborhood Density Residential-residential (3-6 units/acre) & supporting uses such as religious institutions & other small-scale non-residential uses. LOCATION: Tax Map 77E1, Section 1, Parcel 1; 1188 Scottsville Rd (Rt. 20) & Willow Lake Dr (Rt 1135). MAGISTERIAL DISTRICT: Scottsville.

PROFFER FORM

Date: **November 28, 2005/December 13, 2005**

ZMA # **2005-00013**

Tax Map and Parcel Number(s): **77E1, Section 1, Parcel 1**

_____ Acres to be rezoned from _____ to _____

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. 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. No more than two (2) dwelling units shall be constructed on this 4.6-acre property.
2. The Owners shall not establish any additional tourist lodging in any dwelling unit other than the one existing on the property on [date of rezoning by BOS] unless and until a site plan meeting all the requirements of Section 32 of the Zoning Ordinance is approved by the County.
3. During the site plan review process for additional tourist lodging as referenced in proffer 2, the existing bridge shall be evaluated by the County Engineer for its ability to provide adequate access for the additional traffic and to assure that fire and rescue vehicles and equipment can cross the bridge at all times, including during flood events.
4. Should the bridge be found to be inadequate by the County Engineer, the Owners shall provide alternative methods of access prior to final site plan approval.
5. Prior to issuance of a building permit for any additional dwelling units, the Owners shall consult with and obtain approval by the Virginia Department of Historic Resources and the County's Director of Planning regarding the design of the proposed Structure. The final building design shall be compatible with the existing historic dwelling in terms of form, mass, scale, material, and overall character, as determined by the Director of Planning.

Signature of All Owners
(Signed) Rebecca K. Lindway

Printed Names of All Owners
Rebecca K. Lindway

Date
Nov 28, 2005

Signature of All Owners
(Signed) Norman J. Lindway

Printed Names of All Owners
Norman J. Lindway

Date
Nov 28, 2005

ZMA-2003-008 Woodbrook Station (formerly Rio Hills) (Signs #65,66,67). PROPOSAL: Rezone 1.21 acres from PD-SC (Planned Development Shopping Center) shopping centers, retail sales & service uses; & residential by special use permit (15 units/acre) to NMD (Neighborhood Model District) residential (3 -34 units per acre), mixed with commercial service & industrial uses. PROFFERS: Yes. EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Regional Service–regional-scale retail wholesale, business and/or employment centers & residential (6.01-34 units/acre). LOCATION: Tax Map 45, Parcel 94A. Located on Berkmar Drive (Rt 1403) approx .75 miles from intersection of Berkmar Drive & Rio Rd. MAGISTERIAL DISTRICT: Rio.

PROFFER FORM

Date: **01/11/2006**

ZMA # **03-008**

Tax Map and Parcel Number(s): **TMP 45-94A**

1.21 Acres to be rezoned from PDSC to NMD

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. 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 Owner shall establish the sidewalks, pedestrian pathway, and stairway shown on the plan entitled Woodbrook Station Rezoning Application Site Concept, prepared by McKee Carson, Consulting Engineers, Landscape Architects, Land Planners, last revised October 24, 2005 including that portion of the pedestrian pathway shown on Tax Map and Parcel Number 45-94A, in conjunction with the first site plan approved for the property. The sidewalks, pedestrian pathway and stairway shall be designed and constructed to VDOT or County standards, as applicable, as provided in Albemarle County Code 18-32.7.2.8. These improvements shall be completed prior to the issuance of any CO's for any business or residences in the development. The Owners shall maintain the pedestrian pathway it establishes on Tax Map and Parcel number 45-94A.
2. The Owner shall contribute to Albemarle County one thousand seven hundred twenty-five dollars (\$1,725) cash per dwelling unit for affordable housing. The cash contribution shall be due and payable with each application for a building permit. If the cash contribution has not been exhausted by the County for the stated purpose within 10 years from the date of the last payment of the contribution, all the unexpended funds shall be applied to projects identified in the County's Capital Improvements Program.

Signature of All Owners
(Signed) George W. Ray, Jr.
Member, Parkside I, LLC

Printed Names of All Owners
George W. Ray, Jr.
Member, Parkside I, LLC

Date
1/11/06