

ACTIONS
Board of Supervisors Meeting of July 5, 2006

July 6, 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 9:07a.m. by the Chairman, Mr. Rooker. All BOS members were present; Mr. Slutzky arrived at 9:09 a.m. Also present were Bob Tucker, Larry Davis and Diane Mullins. 	
<p>4. From the Public: Matters Not Listed on the Agenda</p> <ul style="list-style-type: none"> Ed Imhoff spoke on the Glenoaks Subdivision Plat Appeal and was concerned about the integrity of the dam at the lake. He felt a structural engineering analysis should be conducted. The following citizens spoke concerning the Crozet Master Plan Population Estimate and proposed resolution: Mary Rice, David Wayland, Jim Stork, Mary Gallo, Barbara Westbrook, Tom Loach, Bob Miller, Karen Arch, Fred Williamson, Judi Burbes. Paul Newland spoke concerning the closing of the Advance Mills Bridge. Ann Mallek spoke concerning the closing of the Advance Mills Bridge. Randy O'Neill spoke about his mobile fitness facility, Kids' Fitness. John Martin asked the Board to appoint the Director of Community Development to the Rivanna Water & Sewer Authority Board of Directors. Jeff Werner, Piedmont Environmental Council, spoke about total number of developable acres as show on Table II in the Albemarle County Comprehensive Plan. 	
<p>5. Recognitions. n/a</p>	
<p>6.1 Blue Ridge Farm Road Name Change.</p> <ul style="list-style-type: none"> APPROVED the road name change from Blue Ridge Farm Road to Ortman Drive and AUTHORIZED staff to coordinate/implement the above referenced change. 	<p><u>Tex Weaver</u>: Proceed as approved.</p>
<p>6.2 Proposed 2007 Legislative Priorities for submission to the TJPDC and VACo 2007.</p> <ul style="list-style-type: none"> APPROVED the proposed 2007 Legislative Priorities for submission to VACo and the TJPDC except the request to maintain tax relief under the Personal Property Tax Relief Act at 70% level of relief. 	<p><u>Andy Bowman</u>: Forward Priorities to TJPDC and VACo. (Attachment 1)</p>
<p>6.3 Appraisals from Round 5 ACE properties (FY 2004-05) and purchase of easements on the top six properties.</p> <ul style="list-style-type: none"> APPROVED the nine appraisals by Pape and Company for properties in the year 2004-05 	<p><u>Ches Goodall/David Benish</u>: Proceed as approved.</p>

<p>applicant pool.</p> <ul style="list-style-type: none"> • AUTHORIZED staff to send invitations to offer to sell to the applicants, beginning with Davey, Vieille, Metcalf/South, Boyle and Rock Mills Farm, and continuing through the applicant pool until available funding is exhausted. • With the expectation that the acquisition of the five easements listed above plus the Donnelly easement will exceed the ACE fund balance at the end of FY 2004-05, AUTHORIZED the use of FY 2005-06 funds to fully fund the purchase the Donnelly easement. 	
<p>6.4 Record Retention/Destruction of Tax/Payroll Records.</p> <ul style="list-style-type: none"> • AUTHORIZED the destruction of the FY 2001 paid tax tickets. 	<p><u>Richard Wiggans</u>: Proceed as approved.</p>
<p>6.5 Appointment of Diane Mullins as Acting Clerk to the Board of Supervisors.</p> <ul style="list-style-type: none"> • APPROVED appointment effective July 1, 2006 through August 31, 2006. 	
<p>6.6 Resolution to accept road(s) Dunlora 4B into the State Secondary System of Highways.</p> <ul style="list-style-type: none"> • ADOPTED the attached resolution. 	<p><u>Clerk</u>: Forward copy of resolution and signed Form AM-4.3 to Greg Cooley. (Attachment 2)</p>
<p>6.7 Resolution to accept road(s) Dunlora 4C into the State Secondary System of Highways.</p> <ul style="list-style-type: none"> • ADOPTED the attached resolution. 	<p><u>Clerk</u>: Forward copy of resolution and signed Form AM-4.3 to Greg Cooley. (Attachment 3)</p>
<p>6.8 FY 07/FY 10 Strategic Plan.</p> <ul style="list-style-type: none"> • APPROVED the FY07/FY10 Strategic Plan. 	<p><u>Lori Allshouse</u>: Proceed as approved.</p>
<p>6.9 Resolution to add to the Secondary System of State Highways portions of Route 795 (Presidents Rd), identified as from .96 miles south of State Route 708, to 1.0 miles south of State Route 708 and 2.58 miles north of Route 713, a distance of 0.04 miles.</p> <ul style="list-style-type: none"> • ADOPTED the attached resolution. 	<p><u>Clerk</u>: Forward copy of resolution to VDOT Resident Engineer. (Attachment 4)</p>
<p>7a. Discussion: Reopening Advance Mills Bridge. Authorize County Executive to write a letter to VDOT to move ahead with preliminary design for replacing the Advance Mills Bridge. Letter should include commitment to add this project to the Secondary Road Project List in the fall. Once bridge reopens, the Board requested additional enforcement by County Police on vehicles weighing 3 tons or more.</p>	<p><u>Bob Tucker</u>: Proceed as directed.</p>
<p>7b. VDOT Monthly Report for June 2006. 7c. Matters not Listed on the Agenda. <u>Jim Utterback</u>:</p> <ul style="list-style-type: none"> • Rt. 601 near 250 by-pass has been reduced to one lane due to an accident and subsequent damage to bridge structure. VDOT hopes to have a contractor within 30-60 days. Mr. Wyant requested signage to detour traffic, if possible. • Jarman's Gap Road – VDOT is continuing to make plan changes. Community meeting set for July 27 between VDOT and church officials. • Proffit Road is now closed at the railroad bridge and repairs have begun. • White Mountain Road repairs are being made. 	<p><u>Clerk</u>: Forward comments to VDOT.</p>

<ul style="list-style-type: none"> • The Six Year Secondary Road Plan budget for 2006-07 will be \$3.7 million including federal monies. <p><u>David Wyant:</u></p> <ul style="list-style-type: none"> • Buck Mountain Road drainage culvert blocked at lower end of road. <p><u>Lindsay Dorrier:</u></p> <ul style="list-style-type: none"> • Route 713 – Mr. Utterback said crews have applied dust control measures three times this spring and will continue to monitor. <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> • Polo Grounds Road - Has received positive comments about the light at the railroad bridge. Some have suggested it be made permanent. • Maxfield Road – Asked if this road would be eligible as a Rural Rustic Road project, and if so, could status be changed without losing its priority on the Secondary Road Plan. <p><u>David Slutzky:</u></p> <ul style="list-style-type: none"> • Rio Road/Hillsdale/Northfield intersection – inquired again about a study of the intersection. Mr. Utterback has resubmitted his request for a study and report is expected within 30 days. • Route 29/Hydraulic Road – question about signage. Mr. Utterback will check on this. <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> • Asked VDOT to check height of grass at key intersections in the County where grass is obscuring sight distance. 	
<p>8. Update on Department of Forestry Activities, Nelson J. Shaw.</p> <ul style="list-style-type: none"> • RECEIVED. 	
<p>9. <u>Appeal: SUB-2006-045. GlenOaks Preliminary Plat.</u></p> <ul style="list-style-type: none"> • DEFERRED to allow the developer to resubmit his plans. 	
<p>At 12:04 p.m., the Board recessed and reconvened at 12:14 p.m.</p>	
<p>10. Resolution – Crozet Master Plan Population Estimates.</p> <ul style="list-style-type: none"> • NO ACTION. 	
<p>11. Overview of Master Planning Process and Schedule.</p> <ul style="list-style-type: none"> • RECEIVED. 	
<p>12. RWSA Drought Watch Declaration.</p> <ul style="list-style-type: none"> • DELETED from the Agenda. 	
<p>13. Closed Session.</p> <ul style="list-style-type: none"> • At 1:15 p.m., the Board went into closed session pursuant to Section 2.2-3711(A) of the Code of Virginia, under Subsection (1) to consider appointments to boards, committees, and commissions; under Subsection (1) to discuss an administrative evaluation. 	
<p>14. Certify Closed Session.</p> <ul style="list-style-type: none"> • At 2:06 p.m., the Board reconvened into open session and certified the closed session. 	
<p>15. Boards and Commissions – Appointments.</p>	<p><u>Clerk:</u> Prepare appointment/reappointment</p>

<ul style="list-style-type: none"> • APPOINTED: Community Criminal Justice Board – George Noteman JAUNT – Jamie Hughes Crozet Advisory Committee – Tonya Brockett and Gloria Johnson Route #250 West Task Force – Robert Bakalian and Barbara Franko 	<p>letters, update Boards and Commissions book and notify appropriate persons.</p>
<p>16. FY 2006 Budget Amendment.</p> <ul style="list-style-type: none"> • APPROVED the FY 2006 Budget Amendment in the amount of \$728,041.96, and APPROVED Appropriations #2006085, #2006086, #2006087, #2006088, #2006089, and #2006090 to provide funds for various General Government, School, ECC and Capital Improvement Programs. Ms. Thomas requested an update on the 800 MHz system. 	<p><u>Clerk:</u> Forward signed appropriation forms to Finance, OMB, and copy appropriate individuals.</p> <p>Mr. Rooker suggested this report be sent to the BOS via e-mail.</p>
<p>17. FY 2007 Budget Amendment.</p> <ul style="list-style-type: none"> • APPROVED the FY 2007 Budget Amendment in the amount of \$3,953,538, and APPROVED Appropriations #2007001 to provide funds for various Capital Improvement Programs; and #2007002 to provide for funds for increase in School capital projects. 	<p><u>Clerk:</u> Forward signed appropriation forms to Finance, OMB, and copy appropriate individuals.</p>
<p>18. <u>SP-2005-029. PRO Distribution (Sign #9).</u></p> <ul style="list-style-type: none"> • APPROVED SP-2005-029, by a vote of 6-0, subject to five conditions. 	<p><u>Clerk:</u> Set out conditions of approval in Attachment 4.</p>
<p>19. <u>SP-2006-007. Thomas Jefferson Parkway Parking Signs #57,58,65).</u></p> <ul style="list-style-type: none"> • APPROVED SP-2006-007, by a vote of 6-0, subject to eight conditions. 	<p><u>Clerk:</u> Set out conditions of approval in Attachment 4.</p>
<p>20. <u>ZMA-2005-014. Poplar Glen Phase II Signs #81,83).</u></p> <ul style="list-style-type: none"> • APPROVED ZMA-2005-014, by a vote of 6-0, with proffers. 	<p><u>Clerk:</u> Set out proffer in Attachment 5.</p>
<p>21. <u>ZMA-2006-004. Albemarle County Service Authority-Crozet Property (Sign #72).</u></p> <ul style="list-style-type: none"> • APPROVED ZMA-2006-004, by a vote of 6-0, with proffers. 	<p><u>Clerk:</u> Set out proffer in Attachment 6.</p>
<p>22. <u>ZTA-2006-002. Civil Penalties.</u></p> <ul style="list-style-type: none"> • ADOPTED ordinance by a vote of 6-0. Asked that the issue of fairness be considered in the criteria for evaluating ZTA's. 	<p><u>Clerk:</u> Forward copy of signed ordinance to County Attorney's office and Zoning Enforcement. (Attachment 7)</p>
<p>23. From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Sally Thomas:</u></p> <ul style="list-style-type: none"> • Thought it would be helpful if drought information could be shared with well water users. It was suggested that this information be posted on the County's webpage. • Brought up Red Hill Quarry and how it is visually impacting the neighborhood. • Brought up ZTAs for contractors offices and storage yards. Mr. Cilimberg said it is on the list of items that were deferred due to the development review process currently being 	

<p>discussed.</p> <p><u>Lindsay Dorrier</u></p> <ul style="list-style-type: none"> • n/a <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> • ADOPTED: Resolution to Set FY 07 Compensation & Benefits for the County Executive. <p><u>David Slutzky:</u></p> <ul style="list-style-type: none"> • Commented on the need for better signage on properties which are the subject of re-zonings. <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> • The Clerks should set aside 15-30 minutes on a future agenda to discuss the make-up of the Board of Directors for Rivanna Water & Sewer Authority. • Mr. Graham should arrange for a DEQ representative to come before the BOS in September or October to discuss the 2006 Virginia Water Quality Assessment. • Brought up the recent shooting of a cat in a subdivision. Requested County Attorney to contact Commonwealth's Attorney to discuss options restricting discharging firearms in subdivisions. 	
<p>24. Adjourn July 12, 2006, 5:30 p.m., Auditorium.</p> <ul style="list-style-type: none"> • At 4:58 p.m., the meeting was adjourned until July 12, 2006, 5:30 p.m. 	

/dbm

- Attachment 1 – 2007 Legislative Priorities
- Attachment 2 – Resolution-Dunlora 4B.
- Attachment 3 – Resolution-Dunlora 4C.
- Attachment 4 - Resolution – Presidents Road (State Route 795)
- Attachment 5 – Conditions of approval on Planning items
- Attachment 6 – Proffers-ZMA-2005-014. Poplar Glen Phase II
- Attachment 7 – Proffers-ZMA-2006-004. Albemarle County Service Authority-Crozet Property
- Attachment 8 - ZTA-2006-002. Civil Penalties Ordinance

Proposed 2007 Legislative Priorities

Land Use and Growth Management

- **Local Authority:** Request the legislature 1) Strengthen local authority in land use decisions; 2) Provide high-growth jurisdictions with growth management tools such as adequate public facilities ordinances and impact fees; and 3) Oppose any preemption or circumvention of existing local authority to regulate land use.
- **Conservation Easements:** Request the legislature support and augment local efforts in natural resource protection through 1) Continuing to fund the Virginia Land Conservation Foundation (VLCF) for locally established and funded Purchase of Development Rights programs (e.g. ACE Program in Albemarle County); 2) Retaining current provisions in transient occupancy tax legislation so that funds can continue to be used to protect open-space and resources of historical, cultural, ecological and scenic value that attract tourism; and 3) Maintaining existing incentives for citizens to create conservation easements.
- **Scenic Protection and Tourist Enhancement:** Request enabling legislation for an Albemarle County pilot program to provide for a scenic protection and tourist enhancement overlay district. As the County pursues options to protect the visual quality of land as an aesthetic and economic resource, this legislation would provide the County with a method to ensure full consideration of visual resources and scenic areas when the County or state makes land use decisions in designated areas.

Transportation

- **Transportation Funding:** Request the legislature establish stable and consistent state revenues for Virginia's long-term transportation infrastructure needs. The state should direct its funding efforts at all transportation modes and coordinate planning for transportation and land use, being mindful of local Comprehensive and regional Transportation Plans when planning transportation systems within a locality.
- **Use of Primary Funding on Urban Construction Projects:** Amend Section 33.1-23.2 of the *Code of Virginia* to allow for the application of primary funding to projects maintained by a municipality, without a corresponding decrease in their urban construction allocation, only when the route is on the National Highway System (NHS). This would enable the Commonwealth Transportation Board to allocate primary funding to projects located on a NHS route within an urban municipality to accelerate funding of projects. Routes designated as part of the NHS, by act of Congress, are deemed to have regional or national significance.

Health and Human Services

- **Comprehensive Services Act (CSA):** Request the legislature fully fund CSA mandates, including obligations for administrative overhead and children, both of which have been shifted to localities in recent years.
- **Reauthorization of Temporary Assistance to Needy Families (TANF) Program:** Request the state take advantage of the federal reauthorization of TANF by streamlining eligibility requirements and providing maximum flexibility to localities so counties can implement the TANF program that best meets local needs. Further, that the state provide sufficient funding to support the expanded VIEW population with funds for childcare, Medicaid, employment services and related administrative expenses.
- **Child Care for Low Income Working Families:** Request the legislature provide sufficient matching funds to local governments to assist low-income working and TANF families with childcare costs. This funding helps working-class parents pay for supervised day care facilities and supports efforts for families to become self-sufficient.

Public Safety

- **Quality E-911 Systems and Service Delivery:** To ensure the safety of Virginia citizens, request support for legislation that would have private branch exchange (PBX) telephone systems report an exact location to the 911 system for each line so that optimal information is provided to responding emergency workers.

Local Government Administration / Laws

- **Full Funding of State Mandates:** Request the state provide full funding for its mandates in all areas of local government including the Standards of Quality (SOQs), positions approved by the Compensation Board and

costs related to jails and juvenile detention centers. These mandates have been shifted to localities in recent years.

- **Local Control of Real Property Taxation:** Request the legislature take no action to restrict or limit the local control of real property taxation.
- **Personal Property Tax Relief:** Request the legislature provide funding for tax relief under the Personal Property Tax Relief Act (PPTRA) at the 70% level of relief. Funding provided by the legislature has not met this level in 2006.

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 5th day of July 2006, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Dunlora Subdivision, Phase 4B**, described on the attached Additions Form LA-5(A) dated **July 5, 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 **Dunlora Subdivision, Phase 4B**, as described on the attached Additions Form LA-5(A) dated **July 5, 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) **Loring Run (State Route 1705)** from the intersection of Route 1706 (Loring Circle) to the end of state maintenance intersection of Route 1711 (Breckenridge Court), as shown on plat recorded 09/27/2001 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2084, page 734, with a 50-foot right-of-way width, for a length of 0.11 miles.
- 2) **Breckenridge Court (State Route 1711)** from the intersection of Route 1705 (Loring Run) to the cul-de-sac, as shown on plat recorded 09/27/2001 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2084, page 734, with a 50-foot right-of-way width, for a length of 0.06 miles.

Total Mileage – 0.17 miles

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 5th day of July 2006, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Dunlora Subdivision, Phase 4C**, described on the attached Additions Form LA-5(A) dated **July 5, 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 **Dunlora Subdivision, Phase 4C**, as described on the attached Additions Form LA-5(A) dated **July 5, 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) **Pike Place (State Route 1712)** from the intersection of Route 1705 (Loring Run) to the cul-de-sac, as shown on plat recorded 04/10/2003 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2428, page 149, with a 50-foot right-of-way width, for a length of 0.04 miles.

Total Mileage – 0.04 miles

RESOLUTION

WHEREAS, the Virginia Department of Transportation has provided the Board of County Supervisors of Albemarle County, Virginia, with a sketch dated July 5, 2006, depicting the additions, discontinuances and abandonments required in the secondary system of state highways; and

WHEREAS, the portions of Route 795 (Presidents Road) identified to be discontinued is deemed to no longer serve public convenience warranting maintenance at public expense; and

WHEREAS, the new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors abandons as part of the secondary system of state highways those portions of Route 795 (Presidents Road), identified as from .96 miles south of State Route 708 to 1.01 miles south of State Route 708, a distance of 0.05 miles, pursuant to Section 33.1-155, of the Code of Virginia; and

BE IT FURTHER RESOLVED, that the Board of Supervisors hereby requests the Virginia Department of Transportation to add to the secondary system of state highways those portions of Route 795 (Presidents Road), identified as from .96 miles south of State Route 708, to 1.0 miles south of State Route 708 and 2.58 miles north of Route 713, a distance of 0.04 miles, pursuant to Section 33.1-229, of the Code of Virginia; and

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

* * * * *

The roads described on Additions Form AM-4.3 are:

Abandonment

- 1) **Presidents Road (State Route 795)** from .96 miles south of State Route 708 to 1.01 miles south of State Route 708, as shown on plat recorded 03/03/2006 in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 2218, page 296, with a 30-foot right-of-way width, for a length of 0.05 miles.

Addition

- 1) **Presidents Road (State Route 795)** from .96 miles south of State Route 708 to 1.0 miles south of State Route 708 and 2.58 miles north of Route 713, as shown on plat recorded 03/03/2006 in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 2218, page 296, with a 40-foot right-of-way width, for a length of 0.04 miles.

SP-2005-029. PRO Distribution (Sign #9). PROPOSED: Retail tire sales/service. ZONING CATEGORY/GENERAL USAGE: LI - Light Industrial - industrial, office, and limited commercial uses (no residential use). SECTION: 18.27.2.2.13 Subordinate retail sales exceeding 15% of floor area of the main use. COMPREHENSIVE PLAN LAND USE/DENSITY: Crozet Master Plan designates CT1 Development Area preservation of open space, CT3 Urban Edge: single family residential(net 3.5-6.5 units/acre) supporting uses such as religious institutions and schools and other small-scale non-residential uses, and CT4 Urban General: residential (net 4.5 units/acre single family, net 12 units/acre townhouses/apartments, net 18 units/acre mixed use) with supporting uses such as religious institutions and schools and mixed uses including retail/office ENTRANCE CORRIDOR: Yes X. LOCATION: Tax Map 56, Parcel 87, located at 5155 Three Notched Road/Route 240. MAGISTERIAL DISTRICT: White Hall.

1. Site plan approval of the proposed retail tire sales use if required;
2. Retail tire sales shall be limited to the building labeled as Office/Storage Building F as shown on the approved SDP #03-043 for that building;
3. The floor area devoted to tire sales within Building F shall not exceed one thousand six hundred fifty-four (1654) square feet of floor area in that building;
4. Hours of operation for the retail tire sales business shall be between 7:30a.m. and 6:00p.m.; and
5. There shall be no outdoor storage of tires or equipment associated with the wholesale or retail tire sales business.

SP-2006-007. Thomas Jefferson Parkway Parking (Signs # 57,58,65). PROPOSED: Construction of additional parking at the intersection of Thomas Jefferson Parkway (Rt 53) and Scottsville Road (Rt 20) to serve the pedestrian trail accessing Monticello. ZONING CATEGORY/GENERAL USAGE: RA - Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre); EC, Entrance Corridor Overlay to EC Entrance Corridor/overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access. SECTION: 10.2.2(46) which permits Off-site parking for historic structures or sites. COMPREHENSIVE PLAN LAND USE/DENSITY: Institutional uses allow for a range of public uses including schools, universities and public recreational facilities. LOCATION: The proposed parking is located on the north side of Thomas Jefferson Parkway (Rt 53) across from the existing parking area for the pedestrian

1. The site shall be developed in general accord with the plan entitled "Concept Plan-Thomas Jefferson Parkway Parking" including the "Existing Conditions & Demolition Plan", prepared by Rieley & Associates, revised April 2006;
2. The parking area shall be limited to fifty (50) spaces;
3. The parking area shall not be expanded without prior approval of a new special use permit;
4. No lighting shall be permitted in the parking area;
5. The parking area shall be closed and access restricted while the park is closed by Thomas Jefferson Parkway staff. The parking area shall be opened at dawn and closed at dusk;
6. The applicants shall secure VDOT approval of the entrance from Route 20, prior to the issuance of a zoning compliance clearance for use of the site;
7. Approval by the Architectural Review Board of final plans is required and supplemental plantings may be required to screen the parking lot from Route 20 and Route 53; and
8. Directional signage shall be provided (to identify the new parking lot), at both the existing trailhead parking lot and the proposed parking lot, prior to the issuance of a zoning compliance clearance for the new parking lot.

Original Proffer X

PROFFER FORM

Date of Proffer Signature: June 22, 2006
ZMA #2005-014
Tax Map 60H Parcel Number A2

3.636 Acres to be rezoned from R-1 (Residential) to PRD (Planned Residential Development)
in accordance with the General Development Plan dated
August 29, 2005 w/latest revision dated June 6, 2006

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 owner shall make cash contributions totaling \$155,600 as follows: \$89,600 cash (28 units x \$3,200/unit = \$89,600) to the County for funding Capital Improvements, and \$66,000 cash in lieu of 4 affordable units (4 units x \$16,500/unit = \$66,000) for the affordable housing program. The cash contributions will be paid to the County in four (4) installments of \$38,900 (4 x \$38,900 = \$155,600) as follows: \$38,900 shall be paid at the issuance of the 7th, 14th, 21st and 28th Building Permits. Contributions shall not be refundable.
- (2) Owner shall record a Supplemental Declaration of Covenants, Conditions, Restrictions and Easements for Poplar Glen Townhomes to include the Property within Poplar Glen Owners' Association, Inc. pursuant to Art. II Section 2 of the Declaration of Covenants, Conditions, Restrictions and Easements for Poplar Glen Townhomes recorded in the Clerk's Office for the Circuit Court of Albemarle County in Deed Book 3125 Page 346
- (3) In addition to treating and attenuating runoff from the Poplar Glen 2 development as required by County Ordinance, 4 or more acres of off-site drainage from the University Heights property [Tax Parcel ID: 06000-00-00-040C5 and 40C7] will be captured within the on-site detention system to improve the downstream drainage condition for the two (2) and ten (10)-yr storm events. These storm events will be routed with runoff reduced below the undeveloped condition for the 4-acre offsite area, in addition to the undeveloped condition for the Poplar Glen 2 development.

Signatures of All Owners



Marc C. Powell, Manager
Weather Hill Development, L.L.C.

6/22/06
Date

PROFFER FORM

Date: May 24, 2006

ZMA # 2006-004

Tax Map and Parcel Number(s) 57-29B

4.01 Acres to be rezoned from LI to LI

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) Permitted uses of the property, and/or uses authorized by special use permit, shall include only the following sections of Albemarle County Zoning Ordinance in effect on May 24, 2006; a copy of the sections being attached hereto:

27.2.1.2 Fire and rescue squad stations (reference 5.1.9).

27.2.1.9 Contractor's office and equipment storage yard.

27.2.1.11 Electric, gas, oil and communication facilities excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformance with Chapter 10 of the Code of Albemarle and all other applicable law. (Amended 5/12/93)

27.2.1.12 Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (Reference 31.2.5); public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority (Reference 31.2.5; 5.1.12). (Amended 11/1/89)

27.2.1.17 Warehouse facilities and wholesale businesses not involving storage of gasoline, kerosene or other volatile materials; dynamite blasting caps and other explosives; pesticides and poisons; and other materials which could be hazardous to life in the event of accident. (Added 12/2/87)

(2) Notwithstanding Proffer #1, on and after October 1, 2016 the following uses shall not be permitted:

27.2.1.9 Contractor's office and equipment storage yard.

27.2.1.17 Warehouse facilities and wholesale businesses not involving storage of gasoline, kerosene or other volatile materials; dynamite blasting caps and other explosives; pesticides and poisons; and other materials which could be hazardous to life in the event of accident. (Added 12/2/87)

Signatures of All Owners

Printed Names of All Owners

Date

Gary W. Fern, PE

May 24, 2006

ORDINANCE NO. 06-18(1)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE V, VIOLATION AND PENALTY, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article V, Violation and Penalty, is hereby amended and reordained as follows:

By Amending:

Sec. 37.2 Civil penalty

Chapter 18. Zoning**Article V. Violation and Penalty****Sec. 37.2 Civil penalty.**

Any person, whether owner, lessee, principal, agent, employee or otherwise, who violates any provision of this chapter, or permits any such violation, or fails to comply with any of the requirements hereof, or who erects any building or structure or uses any building, structure or land in violation of this chapter or any site plan or other detailed statement or plan submitted by him and approved under the provisions of this chapter, shall be subject to the following:

- A. Any violation of this chapter shall be subject to a civil penalty of two hundred dollars (\$200.00) for the first violation, and a civil penalty of five hundred dollars (\$500.00) for each subsequent violation arising from the same set of operative facts (Amended 3-16-05).
- B. Each day during which a violation is found to exist shall be a separate offense. However, the same scheduled violation arising from the same operative set of facts may be charged not more than once in a ten (10) day period, and the total civil penalties from a series of such violations arising from the same set of operative facts shall not exceed five thousand dollars (\$5,000.00) (Amended 3-16-05).
- C. Any person summoned for a scheduled violation may elect to pay the civil penalty by making an appearance in person or in writing by mail to the department of finance prior to the date fixed for trial in court. A person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. A signature to an admission of liability shall have the same force and effect as a judgment of court. However, such an admission shall not be deemed a criminal conviction for any purpose. If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided by law. A finding of liability shall not be deemed a criminal conviction for any purpose.
- D. A violation enforced under section 37.2 shall be in lieu of any criminal penalty and, except for any violation resulting in injury to persons, such a designation shall preclude the prosecution of the particular violation as a criminal misdemeanor, but shall not preclude any other remedy available under this chapter.
- E. Section 37.2 shall not be construed to allow the imposition of civil penalties: (i) for activities related to land development within the meaning of Virginia Code § 10.1-603.2; or (ii) for violation of any provision of the zoning ordinance relating to the posting of signs on public property or public rights-of-way.

(Ord. 00-18(5), 6-14-00; Ord. 02-18(3), 2-13-02; Ord. 05-18(3), 3-16-05)

State law reference – Va. Code § 15.2-2209.

I, Diane B. Mullins, Acting Clerk, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of 6 to 0, as recorded below, at a regular meeting held on July 5, 2006.

Acting Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Boyd	<u>X</u>	_____
Mr. Dorrier	<u>X</u>	_____
Mr. Rooker	<u>X</u>	_____
Mr. Slutzky	<u>X</u>	_____
Ms. Thomas	<u>X</u>	_____
Mr. Wyant	<u>X</u>	_____