

ACTIONS
Board of Supervisors Meeting of July 12, 2006

July 17, 2006

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
1. Call to Order. The Board members met in the Auditorium to review the reconstruction taking place. There was not a quorum of the Board until about 5:45 p.m. and no discussion took place as a Board.	
3. Call to Order. The meeting was called to order at 6:10 p.m. by the Chairman, Mr. Rooker, because of a power outage in the building. All BOS members were present. Also present were Bob Tucker, Larry Davis, Diane Mullins and Meagan Hoy.	
6. From the Public: Matters Not Listed on the Agenda <ul style="list-style-type: none"> • Brooks Marshall spoke concerning family subdivision rights and VDOT requirements for an entrance. 	
7.1 Amendment of Commission on Children and Families Agreement. <ul style="list-style-type: none"> • APPROVED • Mr. Boyd again requested a matrix showing all agencies and programs supported by CCF to determine if there is an overlap in funding for these programs. 	<u>Roxanne White</u> : Proceed as directed.
7.2 JAUNT Funding Request. <ul style="list-style-type: none"> • APPROVED staff's recommendation to approve an additional one-time amount of \$11,350 for FY '07 from the Board's Reserve Fund. 	<u>OMB</u> : Prepare appropriation form for Board approval.
8. Recognitions. <ul style="list-style-type: none"> • Richard "Jake" Washburne, newly employed Registrar was present with Will Harvey, Chairman of the Electoral Board. • Yordanka Slavova and Nina Yordanova, interns from Bulgaria who are working for the County and the City this summer, were introduced. Ms. Slavova offered to share a CD with more detailed information on her native city with the BOS. 	
9. Polling Place Ordinance Amendment. <ul style="list-style-type: none"> • <u>ADOPTED Ordinance to establish Northside Precinct Polling Place.</u> 	Clerk: Forward Certified Copy to County Attorney and Registrar. (Attachment 1)
10. <u>SP-2006-005. Damon or Nadejda Galeassi.</u> APPROVED with the six conditions recommended by the Planning Commission. Vote: 6:0	Clerk: Forward conditions of approval to Planning staff. (Attachment 2)
11. <u>SP-2006-006. Mount Calvary Baptist Church.</u> APPROVED with the eight conditions recommended by the Planning Commission. Vote 6:0	Clerk: Forward conditions of approval to Planning staff. (Attachment 3)
12. <u>SP-2005-008. Tortilleria Y Panaderia La Michoacana.</u> APPROVED subject to nine conditions. Vote 5:1	Clerk: Forward conditions of approval to Planning staff. (Attachment 4)
13. <u>SP-2006-010. Charlottesville Waldorf School</u>	Clerk: Forward conditions of approval to

<p>Amendment, APPROVED subject to the 13 conditions recommended by the Planning Commission. Vote 6:0.</p>	<p>Planning staff. (Attachment 5)</p>
<p>14. Rivanna River Basin Commission. ADOPTED a resolution agreeing to becoming a member of and participating in the Rivanna River Basin Commission.</p>	<p><u>Clerk:</u> Forward signed copy of adopted resolution to Mr. Ridge Schuyler. (Attachment 6)</p>
<p>15. Eastern Connector Alignment Study. APPOINTED Mr. Ken C. Boyd to be a member of the project steering committee.</p> <ul style="list-style-type: none"> • Staff is to advertise for a citizen representative to the project steering committee. • The Board agreed that the Planning Commission will appoint their representative to the project steering committee. • The Board agreed that Juandiego Wade and Mark Graham as staff representatives to the project steering committee are appropriate. 	<p><u>Clerk:</u> Proceed as directed.</p>
<p>16. Other Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> • <u>David Wyant:</u> Asked that the Crozet Advisory Committee be reminded of the charge given them by the Board. • <u>Sally Thomas:</u> Mentioned a group called Creciendo Juntas (translated as “Growing Together”) and requested the Board schedule time on a future agenda for a discussion on how County staff may best communicate with and serve citizens in the Latino community. • <u>Ms. Thomas</u> mentioned the matter brought up by Mr. Marshall at the beginning of the meeting regarding VDOT’s requirements for an entrance permit where there are family subdivision rights involved. Mr. Davis said the County has no authority in this matter; these are VDOT requirements. • <u>Ken Boyd:</u> Mentioned infrastructure improvements in the Crozet Community and wondered if there is a way to distribute these costs to each new home built (basically countywide). He suggested the Fiscal Impact Committee look at this issue. Ms. Thomas said the cost of water and transportation/transit should be included in this discussion. • <u>Mr. Boyd</u> mentioned the Meadow Creek Parkway. He said there are some private developers who are interested in bringing forward a proposal for development in an area along Rio Road and they said they would build a large section of the Parkway which could amount to as much as \$8.0 million. The subject was discussed at length, however, there was no action taken. • <u>David Slutzky</u> mentioned the conflict with meetings scheduled for August 1 and August 3 with the Planning Commission and the Albemarle County Fair. Mr. Tucker said staff 	<p><u>Clerk:</u> Schedule on a future agenda.</p> <p><u>Steve Allshouse:</u> Proceed as directed.</p>

<p>will man a booth at the Fair so the public will have an opportunity to give comments on the Mountain Overlay District and the Phasing and Clustering Ordinances.</p> <ul style="list-style-type: none"> • <u>Mr. Slutzky</u> asked if any Board member has a concern about the MPO moving forward with the idea of forming a joint transit authority. • <u>Bob Tucker</u> introduced Mark Graham to talk about a pilot program as it relates to expediting engineering review on subdivision and site plans only. There was a lengthy discussion of the request. Mr. Rooker asked what other localities are doing in this respect and said he would like to see the minutes of the Planning Commission on this subject. No action was taken; this was referred to the Development Review Task Force for further study. 	<p><u>Mr. Graham</u>: Proceed as directed.</p>
<p>17. Adjourned.</p> <ul style="list-style-type: none"> • At 10:06 p.m. this meeting was adjourned until August 1, 2006, at 6:00 p.m. in the Burley Middle School Auditorium for a joint meeting with the Planning Commission to take comments on the proposed Mountain Overlay District. 	

/dbm

- Attachment 1 - Ordinance No. 06-2(2) an ordinance to amend chapter 2, Elections
- Attachment 2 - SP-2006-005, Galeassi, Conditions of approval
- Attachment 3 - SP-2006-006, Mount Calvary, Conditions of approval
- Attachment 4 - SP-2005-008, La Michoacana, Conditions of approval
- Attachment 5 - SP-2006-010, Waldorf School, Conditions of approval
- Attachment 6 - Resolution-Rivanna River Basin commission

ORDINANCE NO. 06-2(2)

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, ARTICLE I, ELECTIONS, 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 2, Administration, Article I, Elections, is hereby amended and reordained as follows:

By Amending:

Sec. 2-102 Rio Magisterial District

Chapter 2. Administration

Article I. Elections

Sec. 2-102 Rio Magisterial District.

The Rio Magisterial District shall be bounded, and contain voting precincts and polling places, as follows:

A. *Description of district:* Beginning at the intersection of the South Fork Rivanna River and its intersection with the northeastern limits of the City of Charlottesville; then meandering north and west along the South Fork Rivanna River to its intersection with Seminole Trail (U.S. Route 29); then northeast along Seminole Trail to its intersection with the North Fork Rivanna River; then meandering along the North Fork Rivanna River northwest to its intersection with Dickerson Road (State Route 606); then south along Dickerson Road to its intersection with Earlysville Road (State Route 743); then northwest along Earlysville Road to its intersection with Buck Mountain Road (State Route 663); then northwest along Buck Mountain Road (State Route 663) to its intersection with Buck Mountain Road (State Route 664); then northwest along Buck Mountain Road (State Route 664) to its intersection with Buck Mountain Road (State Route 665); then southwest along Buck Mountain Road (State Route 665) to its intersection with Bleak House Road (State Route 662); then south along Bleak House Road to its intersection with Reas Ford Road (State Route 660); then south along Reas Ford Road to its intersection with the South Fork Rivanna River; then meandering southeast along the South Fork Rivanna River to its intersection with Earlysville Road (State Route 743); then south along Earlysville Road to its intersection with Hydraulic Road (State Route 743); then southwest along Hydraulic Road to its intersection with Whitewood Road; then east on Whitewood Road to its intersection with Greenbrier Drive; then east on Greenbrier Drive to its intersection with Seminole Trail (U.S. Route 29); then south on Seminole Trail to its intersection with the northern limits of the City of Charlottesville; then following the limits of the City of Charlottesville east to its intersection with the South Fork Rivanna River, the point of origin.

B. *Voting precincts:* The district shall be divided into five (5) voting precincts, as described herein:

1. *Agnor-Hurt Precinct:* Beginning at Seminole Trail (U.S. Route 29) and its intersection with Greenbrier Drive; then northeast along Seminole Trail to its intersection with the South Fork Rivanna River; then meandering west and south along the South Fork Rivanna River to its intersection with Earlysville Road (State Route 743); then south along Earlysville Road to its intersection with Hydraulic Road (State Route 743); then southwest along Hydraulic Road to its intersection with Whitewood Road; then east on Whitewood Road to its intersection with Greenbrier Drive; then east along Greenbrier Drive to its intersection with Seminole Trail, the point of origin.

2. *Branchlands Precinct:* Beginning at the northern city limits of Charlottesville and its intersection with Rio Road East (State Route 631) and the Southern Railroad right-of-way; then northwest on Rio Road East to its intersection with Seminole Trail (U.S. Route 29); then south on Seminole Trail to the northern city limits of Charlottesville; then east with the city limits to its intersection with the Southern Railroad right-of-way and Rio Road East, the point of origin.

3. *Dunlora Precinct*: Beginning at Rio Road East (State Route 631) at its intersection with the Southern Railroad right-of way; then northeast along the Southern Railroad right-of-way to its intersection with the South Fork Rivanna River; then meandering southeast along the South Fork Rivanna River to its intersection with the Charlottesville City limits; then following northwest along the Charlottesville City limits to the intersection with Rio Road East and the Southern Railroad right-of-way, the point of origin.

4. *Northside Precinct*: Beginning at the intersection of Seminole Trail (U.S. Route 29) and the South Fork Rivanna River; then northeast on Seminole Trail to its intersection with the North Fork Rivanna River; then meandering northwest to its intersection with Dickerson Road (State Route 606); then south along Dickerson Road to its intersection with Earlysville Road (State Route 743); then northwest along Earlysville Road to its intersection with Buck Mountain Road (State Route 663); then northwest along Buck Mountain Road (State Route 663) to its intersection with Buck Mountain Road (State Route 664); then northwest along Buck Mountain Road (State Route 664) to its intersection with Buck Mountain Road (State Route 665); then southwest along Buck Mountain Road (State Route 665) to its intersection with Bleak House Road (State Route 662); then south along Bleak House Road to its intersection with Reas Ford Road (State Route 660); then South along Reas Ford Road to its intersection with the South Fork Rivanna River; then meandering eastward to its intersection with Seminole Trail (U.S. Route 29), the point of origin.

5. *Woodbrook Precinct*: Beginning at the northern city limits of Charlottesville and its intersection with Rio Road East (State Route 631) and the Southern Railroad right-of-way; then northeast with the Southern Railroad right-of-way to its intersection with the South Fork Rivanna River; then meandering northwest with the South Fork Rivanna River to its intersection with Seminole Trail (U.S. Route 29); then south on Seminole Trail to its intersection with Rio Road East (State Route 631); then southeast on Rio Road East to its intersection with the Southern Railroad right-of-way and the northern city limits of Charlottesville, the point of origin.

C. *Polling places*: Each voting precinct shall have a polling place at the location identified below:

1. *Agnor-Hurt Precinct*: Agnor-Hurt Elementary School, 3201 Berkmar Drive.
2. *Branchlands Precinct*: Senior Center, 674 Hillsdale Drive.
3. *Dunlora Precinct*: Charlottesville-Albemarle Technical Education Center, 1000 East Rio Road.
4. *Northside Precinct*: Earlysville Volunteer Fire Station, 283 Reas Ford Road.
5. *Woodbrook Precinct*: Woodbrook Elementary School, 100 Woodbrook Drive.

(8-19-71, § 1; 9-5-72; 7-15-81; Code 1988, § 6-1; 5-15-91; Ord. 95-6(1), 1-11-95; Ord. 98-A(1), 8-5-98, § 2-100(1), § 2-101; Ord. 01-2(1), 5-9-01; Ord. 06-2(2), 7-12-06)

SP-2006-005. Damon or Nadeida Galeassi (Signs # 32,44). **Public Hearing on** PROPOSED: Home Occupation 'Class B': roofing business; one shed 10'x15'; parking two pickup trucks and one small dump truck; helpers off site. ZONING CATEGORY/GENERAL USAGE: RA--Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre). SECTION: Section 10.2.2.31 Home Occupation 'Class B'; 5.2 Home Occupations. COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/acre). LOCATION: 5066 Giannini Lane, Schuyler. TAX MAP/ PARCEL: TM 126 Parcel 31H5. MAGISTERIAL DISTRICT: Scottsville.

1. Special Use Permit 2006-05 shall be developed in general accord with the concept plan, titled "Plan 'B'" amended by Damon Galeassi in April of 2006 (Attachment A.) However, the Zoning Administrator may approve revisions to the concept application plan to allow compliance with the Zoning Ordinance;
2. The proposed shed shall be constructed no larger than 10' x 15';
3. Employees shall not report to this property for work assignments, equipment, or materials;
4. All materials associated with this home occupation shall be stored in the proposed shed;
5. No deliveries of materials associated with this home occupation shall be made to this site;
6. Vehicles parked on site associated with this home occupation shall be limited to two pickup trucks and one small dump truck.

SP-2006-006. Mount Calvary Baptist Church (Sign # 54). Public Hearing on PROPOSED: Construction, new church building. ZONING CATEGORY/GENERAL USAGE: RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre); VR Village Residential. SECTION: Section 12.2.2.15. COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/ acre). LOCATION: 3045 Morgantown Road, Charlottesville. TAX MAP/ PARCEL: TM 58A1 Parcel 20. MAGISTERIAL DISTRICT: Samuel Miller.

1. Special Use Permit 2006-06 shall be developed in general accord with the concept plan dated May 31, 2006, prepared by Dex Sanders, architect, and titled "Masterplan Mount Calvary Baptist Church" (Attachment F.) Important elements of the concept plan include the following:
 - The church shall be located as close to Route 738 as possible to maintain the overall hierarchy of buildings along Morgantown Road and their placement related to one another and to the street;
 - To protect the adjacent dwelling to the east, no parking shall be located in the area labeled mixed trees and shrubs adjacent to the dwelling on the east side of the church property;
2. The ingress/egress from Route 738 (Morgantown Road) shall be consolidated into a single entrance that meets VDOT Minimum Standards for Entrances to Private Street requirements;
3. A 12' wide by 48' long right-turn taper shall be constructed for access to the entrance from eastbound Morgantown Road;
4. Two, 10 foot, one-way travel lanes shall be required to access the parking area to the south of the new cemetery. In order to reduce as much as possible the amount of retaining wall needed, the specific length of these travel ways, their configuration, and the arrangement of the parking area shall be determined at final site plan review;
5. The existing 1890's church building shall be documented using the Secretary of the Interior's Standards for Historical Documentation prior to any disturbance of the site. Copies of the documentation of the building shall be provided to the Virginia Department of Historic Resources and the Albemarle County Historic Preservation Planner;
6. Permanent fencing shall be installed on the portion of the perimeter of the cemetery known as the 'Cooper Family Cemetery' that is located on the property known as Tax Map 58A(1) Parcel 20. The location and extent of the boundary of the 'Cooper Family Cemetery' (labeled 'Old Cemetery' on the concept plan) on Parcel 58A1-20 shall be located in the field and fencing shall be fully installed as approved by the Director of Planning direction before any site disturbance occurs;
7. Any area of platted cemetery that is proposed to be used as parking area shall be formally abandoned prior to site plan approval;
8. Construction of the church as shown on the concept plan shall commence within five years of the date of approval of this special use permit or it shall expire.

SP-2005-008. Tortilleria Y Panaderia La Michoacana (Sign #31). Public Hearing on PROPOSED: Home Occupation Class B for catering business. ZONING CATEGORY/GENERAL USAGE: VR--Village Residential; EC Entrance Corridor Overlay. SECTION: Section 10.2.2.31 Home Occupations Class B. COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Area. LOCATION: 3808 Monacan Trail (Rt 29), south of intersection of Monacan Trail and Plank Rd (Rt 712/Rt 692). TAX MAP/PARCEL: TM 99, Parcel 27A1, contains 2.007 acres. MAGISTERIAL DISTRICT: Samuel Miller.

1. Special Use Permit 2005-08 shall be developed in general accord with the concept plan, titled 'Gaona Home Occupation' (Attachment A, reference Condition #7.) and dated June 8, 2006. However, the Zoning Administrator may approve revisions to the concept plan to allow compliance with the Zoning Ordinance;
2. The proposed shed shall be constructed no larger than 18' x 20';
3. The entrance from Route 29 South shall meet VDOT Minimum Standards for Entrances to Private Street requirements;
4. No more than two employees other than persons living on the property are permitted to come to this site for any work-related purpose;
5. The hours of operation of this home occupation shall be limited to 8:00 am until 6:00 pm.
6. Vehicles parked on site associated with this home occupation shall be limited to one panel truck and one trailer;
7. The applicant shall plant and maintain a 100' long continuous buffer adjacent to the southern parcel boundary. The buffer shall begin 15' from the westernmost trunks of the existing cluster of large deciduous trees located at the intersection of parcels 27A1, 27A2, and Route 29 South. The plants comprising the buffer shall be evergreen trees or large shrubs (6' tall minimum upon planting; 8' minimum mature height); mixed species or a monoculture. The trees/shrubs shall be planted a minimum of 8' on center for the continuous 100' length. Suggested species include: *Juniperus virginiana* (Virginia red cedar) and *Ilex opaca* (American holly). The approximate location of the buffer is indicated on the concept plan (Attachment A.);
8. There shall be no delivery of food products or business materials on site; and
9. There shall be no on-site sales of food products.

(NOTE: Mr. Cilimberg noted that Attachment "A" said "Ref. Condition #" and did not have the number "7" after it. It has been marked on the copy in the staff report in the Board's Office.)

SP-2006-010. Charlottesville Waldorf School Amendment (Sign #11). Public Hearing on PROPOSED: Amendment of Special Use Permit to allow for revisions to approved concept plan. ZONING CATEGORY/GENERAL USAGE: R-4 Residential (4 units/acre). SECTION: 15.2.2.5 which allows for private schools in R-4 residential by special use permit. COMPREHENSIVE PLAN LAND USE/DENSITY: Urban Density Residential - residential (6.01-34 units/acre) and supporting uses such as religious institutions, schools, commercial, office and service uses in Neighborhood Two. ENTRANCE CORRIDOR: Yes. LOCATION: 734 Rio Road, near the intersection of Penn Park Road and Rio Road. TAX MAP/PARCEL: Tax Map 61, Parcel 17. MAGISTERIAL DISTRICT: Rio.

1. Maximum enrollment of the Charlottesville Waldorf School shall be three hundred fifty (350) students, with a maximum of 40 staff. Any increase to enrollment or staffing shall require amendment of this special permit;
2. Normal hours of operation for the school shall be from 8:00 a.m. to 6:00 p.m. weekdays, with occasional uses in the evenings and weekend;
3. The approved final site plan shall be in general accord with Drawing 3 titled "Amendment to SP 2001-040", dated May 24, 2006, hereinafter, the "Concept Plan" and shall reflect all required pedestrian and road connections to adjacent properties;
4. A building setback and tree screening buffer to the satisfaction of the agent shall be maintained adjacent to the Village Square residential development to the south and adjacent to Tax Map 61, Parcel 171, as shown on the Concept Plan;
5. The school shall be operated in general accord with the Special Use Permit Application and Justification (SP 2001-040) submitted August 27, 2001 and the Site Development Strategy Narrative submitted via facsimile December 18, 2001; and the stand-alone parking Special Use Permit Application and Justification submitted March 20, 2003 for SP 2003-029;
6. If it is determined to be necessary by the County to provide for interparcel access as shown on the concept plan and labeled "Proposed Road Easement", the owner shall make the reserved vehicular connection available for such use. This reservation may be relocated or modified so long as it is in general accord with the Concept Plan;
7. If it is determined by the County that alternate access connections are necessary for the properties adjacent to the school's main access road, the owner shall construct vehicular access from this parcel to the property line of Tax Map 61, Parcels 173A and 174 in an appropriate location and manner to be determined in conjunction with the County's review and approval of the site plan for the school, so as not to conflict with access to the private school;
8. A pedestrian connection shall be made to the parcel or parcels located to the south of the school property as shown on SDP-2003-097;
9. As a condition of final site plan approval, the owner shall dedicate to Albemarle County are for a greenway along Meadow Creek at the western boundary of the parcel as delineated on the Concept Plan;
10. No disturbance of the critical slopes located at the western portion of the site or other undisturbed areas identified on the conceptual master plan of the original SP 2001-040 shall occur as a result of site development other than development of a pedestrian access to the greenway. As a condition of final site plan approval, the owner shall submit a tree preservation plan for approval by the Zoning Administrator, addressing in detail the limits of all disturbed areas, diameter and location of trees to be preserved, clearing and limbing policy for trees to be preserved, and supplemental trees and shrubs (if any), and related issues. Screening consisting of an opaque fence and landscaping shall be installed along the shared boundary between Parcels 170 and 172A where deemed necessary by the agent for screening;
11. As a condition of final site plan approval, the area necessary for a future sidewalk along Rio Road shall be identified and right-of-way dedicated;
12. No structure, parking, or loading shall be located closer than 20 feet to any residential district. This 20-foot setback shall also include an undisturbed buffer, subject to Section 21.7.3;
13. Future amendments to this special use permit shall be evaluated for conformity with the Jones and Jones study (Final Report dated May, 2001) for relationships of building placement and their relationship with open space.

RESOLUTION

Rivanna River Basin Commission

WHEREAS the majority of Albemarle County (67.9%) lies in the Rivanna River watershed; and

WHEREAS the Albemarle County Board of Supervisors has recognized in its Comprehensive Plan that “[p]rotection of water resources is essential to Albemarle County and Virginia in general;” and

WHEREAS the Comprehensive Plan provides as one of its Principles that “[w]ater resources do not follow jurisdictional boundaries” and that “Albemarle County is connected hydrologically (through surface water and groundwater) to the City of Charlottesville, Greene County, Fluvanna County, Nelson County, Louisa County, Orange County, and the rest of the Chesapeake Bay watershed;” and

WHEREAS the statute authorizing the creation of the Rivanna River Basin Commission establishes a framework that will allow the County of Albemarle to work across jurisdictional boundaries to advance its goals for protecting water resources as set forth in its Comprehensive Plan;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of this jurisdiction hereby agrees to become a member of and participate in the Rivanna River Basin Commission as described in Chapter 5.6 (§62.1-69.45 et seq.) of Title 62.1 of the Code of Virginia.

I, Diane B. Mullins, do hereby certify that the foregoing writing is a true and correct copy of a Resolution duly adopted by the Board of Supervisors of Albemarle County by a vote of 6 to 0, as recorded below, at a meeting held on July 12, 2006.

Acting Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Boyd	<u>Y</u>	___
Mr. Dorrier	<u>Y</u>	___
Mr. Rooker	<u>Y</u>	___
Mr. Slutzky	<u>Y</u>	___
Ms. Thomas	<u>Y</u>	___
Mr. Wyant	<u>Y</u>	___