

ACTIONS
Board of Supervisors Meeting of January 10, 2007

January 11, 2007

<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 2:00 p.m. by the Chairman, Mr. Boyd. All BOS members were present. Also present were Larry Davis, Ella Carey and Meagan Hoy. 	
<p>2a. Work Session: Business Plan (Strategic Initiatives).</p> <ul style="list-style-type: none"> DIRECTED staff to continue review of Strategic Initiatives, with consideration for Community Development and Work Plan issues DIRECTED staff to hold in reserve the \$3.5 million realized as a result of moving to annual reassessment. 	<p><u>Staff:</u> Proceed as directed.</p>
<p>At 3:04 p.m., the Board recessed.</p>	
<p>2b. Work Session: Mountain Overlay and Rural Areas Resource Protection.</p> <ul style="list-style-type: none"> Marcia Joseph called the Planning Commission to order. DIRECTED staff to summarize the consensus decision items on Mountain Overlay District provisions including application to the full rural areas. 	<p><u>Staff:</u> Proceed at directed.</p>
<p>3. At 5:20 p.m., the Board recessed.</p>	
<p>4. Call to Order.</p> <ul style="list-style-type: none"> The meeting was called back to order at 6:00 p.m., by the Chairman, Mr. Boyd. 	
<p>7. From the Public: Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> <u>Jay Willer</u>, Blue Ridge Home Builders, said Thursday, January 18th, there will be a training session at County Office Building on Earth Craft Inspections. They are advancing the effort to get builders to build greenhouses. <u>Joe Jones</u>, resident of White Hall and President of the Albemarle County Farm Bureau, provided Board members with a copy of a survey on land use taxation done by the Farm Bureau. <u>Rex Linville</u>, PEC, provided Board members with a copy of a handout asking members of General Assembly to support the Governor's conservation plans in his bi-annual budget. He asked the Board to also encourage VACO support. He also gave an update on land conservation in Albemarle County. <u>Jeff Werner</u>, PEC, presented to the County a check for \$5,000 to assist with historic research of Crozet. He also spoke against the proposed power line that would run through the Northern section of the Piedmont. He provided information on changing light bulbs to compact fluorescents in order to conserve energy. <u>John Martin</u> commended the County Attorney's staff for their work with the refund to the Charlottesville Area Community Foundation. 	

<p>8.1 Resolution accepting FY 2004-05 and FY 2005-06 landowners' offers to sell conservation easements.</p> <ul style="list-style-type: none"> • ADOPTED the resolution accepting FY 2004-05 applicants' offers (from Metcalf/South and Davey) to sell a conservation easement to the County, for the price specified and subject to the terms and conditions contained in the proposed deed of easement, and authorize the County Executive to sign the final deed of easement for each property • ADOPTED the resolution accepting FY 2005-006 applicants' offers (from Motley, Fields and Huckleberry Hills Farm) to sell a conservation easement to the County, for the prices specified and subject to the terms and conditions contained in the proposed deeds of easement, and authorize the County Executive to sign the final deed of easement for each property. • CONSENSUS of Board that staff provide a cashflow analysis when these reports come forward in the future. 	<p><u>Clerk:</u> Forward signed resolutions to David Benish and Ches Goodall. (Attachment 1)</p> <p>(Attachment 2)</p> <p><u>David Benish/Ches Goodall:</u> Provide requested information.</p>
<p>8.2 Resolution to modify the existing entrance to White Gables to a right-in, right-out only entrance.</p> <ul style="list-style-type: none"> • ADOPTED resolution requesting that VDoT approve an entrance permit for a right-in/right-out only entrance and exit for the existing entrance to the White Gables development. 	<p><u>Clerk:</u> Forward copy of resolution to Juan Wade and David Benish. (Attachment 3)</p>
<p>8.3 Charlottesville Area Community Foundation Refund Request.</p> <ul style="list-style-type: none"> • APPROPRIATED and authorized the return of \$300,000 to CACF previously received by the County from CACF as a grant for the purpose of providing affordable housing in satisfaction of the North Pointe proffer. 	<p><u>Clerk:</u> Forward signed appropriation to OMB and Finance.</p>
<p>8.4 Resolution of Support – Lewis and Clark Enhancement Grant Application.</p> <ul style="list-style-type: none"> • ADOPTED resolution. 	<p><u>Clerk:</u> Forward signed resolution to County Attorney's office. (Attachment 4)</p>
<p>9. <u>PROJECT: SP-2006-020. First Christian Church (Signs #74, 77).</u></p> <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, with the nine conditions recommended by the Planning Commission, and condition #6 amended. 	<p><u>Clerk:</u> Set out conditions of approval in Attachment 5.</p>
<p>10. <u>PROJECT: ZMA-2006-018. Forest Ridge Lots 1 and 22 Amendment (Signs # 81, 82).</u></p> <ul style="list-style-type: none"> • APPROVED, by a vote of 4:2, subject to acceptance of the applicant's proffers. 	<p><u>Clerk:</u> Set out proffers in Attachment 5.</p>
<p>11. <u>PROJECT: SP-2006-021 Kappa Sigma International Headquarters Amendment (Sign #78).</u></p> <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, subject to the nine conditions recommended by the Planning Commission. 	<p><u>Clerk:</u> Set out conditions of approval in Attachment 5.</p>
<p>12. From the Board: From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Sally Thomas:</u></p> <ul style="list-style-type: none"> • Commented that the letter landowners, in the Land Use Taxation Program, receive from Finance does not include provisions they have to be meet in order to remain in the Program. 	

<p>Suggested that staff provide an addendum to the letter outlining the requirements. Mr. Tucker said he would have a draft letter prepared for the Board's review.</p> <ul style="list-style-type: none"> • She asked the Board to join in the request for support of the land conservation funding. CONSENSUS of Board to support. <p><u>David Slutzky:</u></p> <ul style="list-style-type: none"> • Asked for the Board's support of a resolution of support for HB 2503 regarding transfer of development rights enabling legislation. By a vote of 6:0, the resolution was ADOPTED. <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> • Discussed the process and expense for acquiring easements. • At a joint meeting with City officials, a formula for transit rates was accepted. City and County staff are now working to formalize that, and it will come back to this Board. • Interested in staff drafting a communication to distribute to individuals, filing for building permits, when their property lies in Mountain Overlay areas, about the importance of those areas, the County's interests in protecting the areas, including the use of neutral colors on their homes. <p><u>David Wyant:</u></p> <ul style="list-style-type: none"> • Offered a motion that the Board direct the Planning Commission to move forward on a proposed Comprehensive Plan amendment application, from a developer, for the area south of Hollymead Town Center. Mr. Cilimberg explained that the proposed area is part of the Places29 Master Plan. Following discussion, the motion was withdrawn. <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> • Suggested the Board hold a public hearing on the new concept of the MOD before moving forward on drafting the ordinance. This would allow the public an opportunity to weigh in on the proposed changes. Mr. Cilimberg suggested that staff provide a recap of today's discussion, and then suggest steps to move forward. 	<p><u>Clerk:</u> Forward resolution to Delegate Toscano.</p>
<p>13. Adjourn.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 9:08 p.m. 	

/ewc

- Attachment 1 – ACE Resolution Accepting Offers to Sell FY 2004-05 Easements to the County
- Attachment 2 – ACE Resolution Accepting Offers to Sell FY 2005-06 Easements to the County
- Attachment 3 – White Gables Resolution
- Attachment 4 – Lewis and Clark Resolution
- Attachment 5 – Conditions of Approval on Planning items
- Attachment 6 – Resolution – HB2503

**RESOLUTION ACCEPTING OFFER TO SELL
A CONSERVATION EASEMENT UNDER THE ACE PROGRAM**

WHEREAS, the County has received an offer to sell a conservation easement under the ACE Program from the owner(s) of the following properties:

Davey	TM 112, Parcel 15	(271.740 acres)
	TM 112, Parcel 15B	(22.490 acres)
	<u>Total</u>	<u>(294.230 acres)</u>
Metcalf/South	TM 97, Parcel 24A	(145.710 acres)

WHEREAS, the owner(s) offered to sell a conservation easement on the respective properties to the County for a fixed purchase price, subject to terms and conditions set forth in the proposed deed of easement enclosed with the County’s invitation to offer to sell, subject to any further revisions deemed necessary by the County Attorney and agreed to by the owner.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors hereby accepts the offer to sell a conservation easement for each of the properties described above, and authorizes the County Executive to execute all documents necessary for completing the acquisitions.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby directs the County Attorney to send copies of this resolution to the owner(s) of the properties identified herein, or their contact persons.

**RESOLUTION ACCEPTING OFFER TO SELL
A CONSERVATION EASEMENT UNDER THE ACE PROGRAM**

WHEREAS, the County has received an offer to sell a conservation easement under the ACE Program from the owner(s) of the following properties:

Motley	TM 66, Parcel 3 (36.600 acres)
Fields	TM 81, Parcel 48 (110.810 acres)
Huckleberry Hill Farm	TM 19, Parcel 1(A) (181.320 acres)
	TM 19, Parcel 1(B) (17.750 acres)
	TM 19, Parcel 1© (4.980 acres)
	TM 19, Parcel 1(D) (14.690 acres)
	<u>TM 19, Parcel 4 (18.910 acres)</u>
	Total (237.650 acres)

WHEREAS, the owner(s) offered to sell a conservation easement on the respective properties to the County for a fixed purchase price, subject to terms and conditions set forth in the proposed deed of easement enclosed with the County’s invitation to offer to sell, subject to any further revisions deemed necessary by the County Attorney and agreed to by the owner.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors hereby accepts the offer to sell a conservation easement for each of the properties described above, and authorizes the County Executive to execute all documents necessary for completing the acquisitions.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby directs the County Attorney to send copies of this resolution to the owner(s) of the properties identified herein, or their contact persons.

**RESOLUTION REQUESTING THAT THE VIRGINIA DEPARTMENT OF
TRANSPORTATION APPROVE AN ENTRANCE PERMIT FOR A
RIGHT-IN/RIGHT-OUT ONLY ENTRANCE AND EXIT DESIGN FOR
THE EXISTING ENTRANCE TO THE WHITE GABLES DEVELOPMENT**

WHEREAS, the White Gables development (Tax Map 60, Parcels 26 and 27A) is located on Route 250 West and it has an existing entrance (hereinafter, the “Existing Entrance”) that preceded the approval of the White Gables development; and

WHEREAS, one of the conditions of approval of the special use permit for the White Gables development provides that if a consolidated entrance is established that will provide an entrance from Route 250 West to both the White Gables development and the development to the west (now known as the Kenridge development), either the Virginia Department of Transportation or the County Engineer could require the White Gables developer to close the Existing Entrance, convert it to a right-in/right-out only entrance and exit, or require that other modifications be made to the Existing Entrance; and

WHEREAS, a consolidated entrance as described herein has been constructed in conjunction with the Kenridge development; and

WHEREAS, the County Engineer recommends that the Existing Entrance be converted to a right-in/right-out only entrance and exit.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors requests the Virginia Department of Transportation approve an entrance permit for a right-in/right-out only entrance and exit design for the Existing Entrance to the White Gables development.

RESOLUTION

WHEREAS, the Lewis and Clark Exploratory Center of Virginia (LCEC) is an educational center for visitors of all ages commemorating the Lewis and Clark Expedition; and

WHEREAS, the County of Albemarle and the City of Charlottesville have demonstrated their support of LCEC's mission by granting a long-term lease of land in Darden Towe Park, participation by the City Parks and Recreation Department in the boatbuilding program for youths, donation of office space by Albemarle County, and participation by area schools in LCEC programs; and

WHEREAS, the LCEC has applied for \$300,000.00 in Transportation Enhancement Funds from the Virginia Department of Transportation which, when combined with other grant funds, will be used to construct a 2,500 square foot visitor's center, develop a system of interpretive hiking trails, and create a ferry boat crossing to allow pedestrian passage across the Rivanna River to the greenbelt trails in Pen Park; and

WHEREAS, the Board of Supervisors strongly supports the educational mission of the Lewis and Clark Exploratory Center, and values the LCEC as an important community resource; and

WHEREAS, the Board of Supervisors strongly supports the grant application made by the Lewis and Clark Exploratory Center of Virginia for \$300,000.00 in Transportation Enhancement Funds from the Virginia Department of Transportation; and

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the Board of Supervisors before the Virginia Department of Transportation can program a transportation enhancement project in the County of Albemarle.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia, hereby requests that the Commonwealth Transportation Board establish a project for the Lewis and Clark Exploratory Center.

BE IT FURTHER RESOLVED, that the County hereby agrees to pay a minimum of 20 percent of the total cost for planning and design, right of way, and construction of this project, and that, if the County subsequently elects to cancel this project, the County hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation.

CONDITIONS OF APPROVAL

Agenda Item No. 9. **PROJECT: SP-2006-020. First Christian Church (Signs #74, 77):**
 PROPOSED: New church on 15-acre parcel with seating for 306 persons, (eventual expansion to 650 persons), rooms for youth/community events, church office, and outdoor pavilions for church activities.
 LOCATION: Northeast corner of Richmond Road (US Rt 250) and Keswick Road (Rt 731). TAX
 MAP/PARCEL: 79-24A. MAGISTERIAL DISTRICT: Scottsville.

1. The church's improvements and the scale and location of the improvements shall be developed in general accord with the conceptual plan entitled "First Christian Church," prepared by McKee Carson, and dated 11-14-2006L;
2. The area of assembly shall be limited to a maximum three hundred six (306)-seat sanctuary;
3. No grading or tree removal shall take place within the area marked "area not to be disturbed" on the conceptual plan or within the seventy-five (75)-foot setback adjacent to Route 250 East;
4. No erosion and sedimentation control plan nor building permit shall be approved for the area marked "area not to be disturbed" without prior approval of a tree conservation plan complying with section 32.7.9.4 of the Zoning Ordinance;
5. All parking setbacks and undisturbed buffers required by Zoning Ordinance section 21.7, Minimum Yard Requirements, shall apply if this use is developed;
6. Lighting of the site shall be limited as follows:
 - a. Light levels at the property lines shall be no greater than 0.3 foot candles;
 - b. No flood lighting of the building is permitted;
 - c. Utilize bollard type lights in place of pole lights whenever possible. Use only full cutoff fixtures;
 - d. Site and building illumination shall be limited to the satisfaction of the ARB; and
 - e. All outdoor lighting shall be arranged or shielded to reflect light away from the abutting properties.
7. The existing prescriptive right-of-way along this parcel's Keswick Road (Route 731) frontage shall be replaced with a public right-of-way at least twenty-five (25) feet wide and dedicated to public use;
8. There shall be no day care center or private school on site without approval of a separate special use permit; and
9. If the use, structure, or activity for which this special use permit is issued is not commenced within sixty (60) months after the permit is issued, the permit shall be deemed abandoned and the authority granted thereunder shall thereupon terminate.

Agenda Item No. 10. **PROJECT: ZMA-2006-018. Forest Ridge Lots 1 and 22 Amendment (Signs # 81, 82).** PROPOSED: Rezone 9.9 acres from property zoned R-10 (10 units/acre) with proffers to reduce reserved right-of-way, provide utility easement, and allow building setbacks. Currently has 38 duplex units, rezoning would permit 4 more. LOCATION: Property is located on southeast and southwest corners of Proffit Road/Moubry Lane intersection, approximately 1800 feet east of US 29 in Hollymead Development Area. TAX MAP/PARCEL: TMP 46B4-03, Parcels 1, 22, B, and C. MAGISTERIAL DISTRICT: Rivanna.

Original Proffer _____
Amended Proffer X
(Amendment # 1)

PROFFER FORM

Date: January 10, 2007

ZMA # 2006-018

Tax Map and Parcel Number(s) 046B4-03-00-00100, 046B3-03-02200, 046B4-03-00-000B0, 046B4-03-00-000C0

9.9 Acres to be rezoned from R-10 to R-10

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. These proffers amend those accepted in conjunction with ZMA # 91-08.

1. Any plan submitted for review to Albemarle County after rezoning will honor a minimum fifty (50) foot building setback buffer (utility construction is not restricted) from the existing drainage swale at the rear of Parcel 29N; the buffer will exceed fifty (50) feet from the print where contour 498 leaves the fifty (50) foot buffer, and follow contour 498 to the western property line, in order to protect critical slopes in the buffer area. A topographic and boundary sketch dated November 22, 1991 is attached hereto for visual clarification.
2. Any plan submitted to Albemarle County after rezoning will include areas reserved for construction of connecting internal roads with fifty (50) foot rights-of-way to adjacent properties, with the exception of Forest Lakes townhouses, for future access as the County may deem necessary. The Owner shall not be obligated for the cost of construction of such connecting internal roads.
3. Upon the request of Albemarle County, the Owner shall dedicate to public use for improvements to State Route 649 the twenty-four (24) foot strip adjacent to State Route 649 (Proffit Road) identified as "24' Dedicated to Future Road Right of Way" on the "Sketch Showing Option 1 Forest Ridge Parcel 'A' and 'B'" attached hereto. The deed of dedication shall be in a form acceptable to the County. The Owner shall bear the expense of preparing the deed, the survey, and the plat required to accompany the deed of dedication.
4. Upon the request of Albemarle County and in conjunction with the dedication provided in Proffer 3, the Owner shall grant an easement to the County over the fifteen (15) foot strip identified as "15' Bike Path and Landscape Easement (Open Space)" on the "Sketch Showing Option 1 Forest Ridge Parcel 'A' and 'B'" attached hereto. The deed of easement shall expressly allow the County or its designee to establish and maintain a shared bike/pedestrian path, landscaping, and utilities therein. The deed of easement also shall grant a public right of passage over the eased lands, and grant rights of ingress and egress to the County and its designees to establish and maintain the path, landscaping and utilities. The granted rights shall be in perpetuity. The deed of easement shall be in a form acceptable to the County. The Owner shall bear the expense of the survey and the plat required to accompany the deed of easement. The Owner shall not be obligated for the costs of constructing or maintaining the path, landscaping or utilities.

Craig Builders of Albemarle, Inc.
(Signed) Sam Craig
Signature of Owner
Title: President/Owner

Sam Craig
Printed Name of Owner

01/10/2007
Date

Agenda Item No. 11. **PROJECT: SP-2006-021 Kappa Sigma International Headquarters Amendment (Sign #78):** PROPOSED: Request to modify SP-03-91(6.14 acres) (reconfigure grass stabilized parking and include future improvements, such as picnic pavilions, maintenance building and recreational areas). LOCATION: 1612 Scottsville Rd. (Rt 20) approx. 1 mile south of Mill Creek Drive. TAX MAP/PARCEL: 91/16 and 91/16D. MAGISTERIAL DISTRICT: Scottsville.

1. The Kappa Sigma improvements and the scale and location of the improvements shall be developed in general accord with the plan (Illustration A) entitled Kappa Sigma Fraternity International Headquarters, prepared by Glave & Holmes Associates and dated September 20, 2006, revised December 11, 2006;
2. Lighting of the site shall be limited as follows:
 - a. Light levels at the property lines shall be no greater than 0.3 foot candles;
 - b. No flood lighting of the building is permitted;
 - c. Only the parking lot north of the building shall be allowed pole lights;
 - d. Utilize bollard type lights in place of pole lights whenever possible. Use only full cutoff fixtures;
 - e. Site and building illumination shall be limited to the satisfaction of the ARB; and
 - f. The lighting for any recreational facility may only be inside the picnic pavilions. Lighting shall be excluded from other recreational areas.
3. Final site plans shall show a reservation, or provide a note, for future vehicular and pedestrian connections to adjacent parcels to the north and south;
4. A pedestrian connection from the future pedestrian/bike pathway on Route 20 into the site shall be constructed with the site improvements. The pedestrian path (from Route 20 to the building and aligned along the travelway as shown on the revised application plan, dated September 20, 2006, revised December 11, 2006) shall be constructed in accordance with Chapter 6 of the Design Standards Manual;
5. A right turn and taper shall be constructed at the entrance in Route 20 to the satisfaction of VDOT;
6. Landscaping shall be provided to limit the impact of the storm water area on the Entrance Corridor to the satisfaction of the ARB;
7. The applicant shall construct public water service to the site via extension of the existing Albemarle County Service Authority water line located on the west side of Route 20 and public sewer service via extension of the existing Albemarle County Service Authority sewer line located along route 20 and the Cow Branch Creek, generally as provided in the report entitled, *Preliminary Engineering Report Water and Sewer Facilities for Kappa Sigma Headquarters by Draper Aden Associates, dated march 30, 2004;*
8. A plat to combine the parcels shall be submitted concurrent with the amended site plan submittal or an SP will be required; and
9. All grass parking areas shall be "Grasspave" unless a product deemed equivalent is approved by the county engineer and the amended site plan shall include "Grasspave" manufacturers material specifications, requirements for installation, provisions for watering (ex. sprinkler system, etc.), and maintenance requirements (ex. fertilizing, watering, mowing, etc.) to the satisfaction of the county engineer.

**RESOLUTION OF SUPPORT FOR HB 2503
REGARDING TRANSFER OF DEVELOPMENT RIGHTS (TDR)
ENABLING LEGISLATION**

WHEREAS, the County of Albemarle's citizens have overwhelmingly indicated that they support measures designed to reduce the amount of development that occurs in our Rural Areas; and

WHEREAS, the County of Albemarle has endeavored to adopt a range of policies and regulations intended to protect the economic, cultural, and natural resources of Albemarle County's Rural Areas; and

WHEREAS, the Virginia General Assembly in 2006 enacted enabling legislation allowing local governments to establish Transferable Development Rights programs that would make it possible for development to occur in a more desirable manner; and

WHEREAS, the aforementioned TDR enabling legislation included certain language that may limit Albemarle County's opportunities to implement a successful TDR program;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby expresses its support of any effort by the General Assembly to increase the opportunities for local governments to implement effective TDR programs, including but not limited to such modifications of the existing enabling legislation reflected in HB 2503, a draft of which is attached hereto.