

**ACTIONS**  
**Board of Supervisors Meeting of April 9, 2008**

April 10, 2008

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> <li>Meeting was called to order at 2:00 p.m., in Room 241, by the Chairman, Mr. Boyd. All BOS members were present. Also present were Bob Tucker, Larry Davis, Tom Foley, Wayne Cilimberg, Ella Jordan and Meagan Hoy.</li> </ul>	
<p>2. Discussion and Adoption of FY 2008/09 Capital and Operating Budgets.</p> <ul style="list-style-type: none"> <li><b>ADOPTED</b> the attached Resolution.</li> </ul>	<u>Clerk:</u> Forward adopted resolution to Finance. (Attachment 1)
<p>3. Discussion and Adoption of Calendar Year 2008 Tax Rates.</p> <ul style="list-style-type: none"> <li><b>ADOPTED</b>, by a vote of 4:2 (Boyd, Dorrier) the attached Resolution to set the real estate tax rate at \$0.71/\$100 assessed valuation for real estate, public service and mobile homes for the 2008 tax year and at \$4.28/\$100 assessed value for the personal property tax rate, including machinery and tools, with the stipulation that one cent of the revenue be set aside in a Revenue Shortfall Contingency to be spent only in the event that projected revenues are less than budgeted, and if that proves not to be the case, the one cent go into the CIP Fund at the end of the year.</li> </ul>	<u>Clerk:</u> Forward adopted resolution to Finance. (Attachment 2)
<p>4. <b>Work Session:</b> Community Development Fees – Building Regulations and Water Protection Ordinances.</p> <ul style="list-style-type: none"> <li><b>MOVED</b>, by a vote of 6:0, to set for public hearing the proposed increase in building permit and inspection fees and Water Protection Ordinance fees.</li> </ul>	<u>Clerk:</u> Advertise for public hearing.
<p>5. Discussion: Land Use Tax Deferral.</p> <ul style="list-style-type: none"> <li>Rescheduled for May 14, 2008.</li> </ul>	<u>Clerk:</u> Schedule on Agenda.
<p>6. <b>Recess.</b></p> <ul style="list-style-type: none"> <li>The Board recessed at 5:35 p.m.</li> </ul>	
<p>7. Call to Order.</p> <ul style="list-style-type: none"> <li>Meeting was called back to order at 6:13 p.m., by the Chairman, Mr. Boyd.</li> </ul>	
<p>10. From the Board: Matters Not Listed on the Agenda.</p> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> <li>Notice needs to be given to area citizens when balloons are flown for locations of cell towers.</li> </ul> <p><u>Sally Thomas:</u></p> <ul style="list-style-type: none"> <li>Informed the Board of the situation at White Gables on Route 250. VDOT has advised that the warrants have not been met for a signal at that location. Board Members agreed that Ms. Thomas should discuss the issue with VDOT about installing a blinking signal that could later be converted to a red light.</li> </ul> <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> <li>Asked if any Board Members would be available on Saturday, May 10 to attend the Armed Forces</li> </ul>	

	Day Celebration. Ms. Thomas and Ms. Mallek volunteered to go.	
11.	From the Public: Matters not Listed on the Agenda. <ul style="list-style-type: none"> <li>• There were none.</li> </ul>	
12.1	Crozet Downtown Zoning District - Zoning Map Amendment Resolution of Intent. <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> the attached Resolution.</li> </ul>	<u>Community Development:</u> Proceed as approved. (Attachment 3)
13.	<b><u>PROJECT: SP-2005-0028. Biscuit Run #2 (Mid) (Signs #3,6&amp;22).</u></b> <ul style="list-style-type: none"> <li>• <b>APPROVED SP-2005-0028</b>, by a vote of 6:0, subject to the nine conditions recommended by the Planning Commission.</li> </ul>	<u>Clerk:</u> Set out conditions of approval. (Attachment 4)
14.	<b><u>PROJECT: SP-2006-001. Biscuit Run #3 (Southern) (Signs #3,6&amp;22).</u></b> <ul style="list-style-type: none"> <li>• <b>APPROVED, SP-2006-01</b>, by a vote of 6:0, subject to the nine conditions recommended by the Planning Commission.</li> </ul>	<u>Clerk:</u> Set out conditions of approval. (Attachment 4)
15.	<b><u>PROJECT: SP-2006-002. Biscuit Run Stream Crossing #1 (Northern) (Signs #3,6&amp;22).</u></b> <ul style="list-style-type: none"> <li>• <b>APPROVED SP-2007-002</b>, by a vote of 6:0 subject to the nine conditions recommended by the Planning Commission.</li> </ul>	<u>Clerk:</u> Set out conditions of approval. (Attachment 4)
16.	<b><u>PROJECT: ZMA-2007-021. Cavalier Mini Storage (Sign #102).</u></b> <ul style="list-style-type: none"> <li>• <b>DENIED ZMA-2007-021</b>, by a vote of 6:0.</li> </ul>	
17.	<b><u>PROJECT: ZMA 2007-022. Innovative Construction (Sign #103).</u></b> <ul style="list-style-type: none"> <li>• <b>APPROVED ZMA-2007-022</b>, by a vote of 6:0, inclusive of proffers dated and signed March 20, 2008, including the plan described as the J.V. Webster Property dated April 25, 2005.</li> </ul>	<u>Clerk:</u> Set out proffers. (Attachment 5)
18.	From the Board: Matters Not Listed on the Agenda. <u>Sally Thomas:</u> <ul style="list-style-type: none"> <li>• Updated the Board on her trip to Annapolis.</li> <li>• Residents of Red Hill School Road do not want the road paved.</li> <li>• There is a video of what the lights in our area look like at night from the sky.</li> <li>• Asked that Rivanna look into energy saving.</li> <li>• Chesapeake Forest Conservation Summit will be held at the end of May.</li> </ul> <u>Ann Mallek:</u> <ul style="list-style-type: none"> <li>• There is a "Go Green" conference for local governments in Lynchburg on April 29, 2008.</li> <li>• Asked about the status of Mr. Clayton's conservation check.</li> </ul>	
19.	Adjourn. <ul style="list-style-type: none"> <li>• The meeting was adjourned at 8:14 p.m.</li> </ul>	

ewj/mrh

Attachment 1 – Resolution - FY 2008/09 Capital and Operating Budgets

Attachment 2 – Resolution - Calendar Year 2008 Tax Rates

Attachment 3 – Resolution of Intent - Crozet Downtown Zoning District - Zoning Map Amendment

Attachment 4 – Conditions of Approval – Planning Items

Attachment 5 – Proffers - ZMA 2007-022. Innovative Construction

## BUDGET RESOLUTION

**BE IT RESOLVED** by the Board of County Supervisors of Albemarle County, Virginia:

- 1) That the budget for the County for the Fiscal Year beginning July 1, 2008 is summarized as follows:

	<b>FY 08/09 Adopted</b>
Administration	\$10,608,896
Judicial	3,887,331
Public Safety	30,323,179
General Services	4,664,740
Human Development (including PVCC)	23,962,283
Parks, Recreation, and Culture	6,444,495
Community Development	10,324,699
Refunds/Other	438,500
City/County Revenue Sharing	13,633,950
General Government Capital Projects	15,576,476
Stormwater Improvements	800,000
General Government Debt Service	2,213,822
Education - Capital Projects	32,867,000
Education - Debt Service	13,137,712
Education - School Operations	147,587,033
Education - Self-Sustaining Funds	16,125,489
Revenue Shortfall Contingency	1,614,072
Board Reserves	447,118
<b>TOTAL</b>	<b>\$334,656,795</b>

- 2) That the budget for the County for the Fiscal Year beginning July 1, 2008 as described in 1) above be approved.

RESOLUTION

**BE IT RESOLVED** that the Board of Supervisors of Albemarle County, Virginia, does hereby set the County Levy for the Calendar Year 2008 for general County purposes at Seventy-One Cents (\$0.71) on every One Hundred Dollars of assessed value of real estate; at Seventy-One Cents (\$0.71) on every One Hundred Dollars of assessed value of manufactured homes; at Seventy-One Cents (\$0.71) on every One Hundred Dollars of assessed value of public service assessments; at Four Dollars and Twenty-Eight Cents (\$4.28) on every One Hundred Dollars of assessed value of personal property; and at Four Dollars and Twenty-Eight Cents (\$4.28) on every One Hundred Dollars of assessed value of machinery and tools; and

**FURTHER** orders that the Director of Finance of Albemarle County assess and collect the taxes on all taxable real estate and all taxable personal property.

**RESOLUTION OF INTENT**

**WHEREAS**, the Crozet Master Plan describes downtown Crozet as the historical focal point for cultural and commercial activities in Crozet and the surrounding areas; and

**WHEREAS**, one of the findings and recommendations of the Crozet Master Plan is to focus on the redevelopment and invigoration of the downtown area; and

**WHEREAS**, the lands within downtown Crozet are currently within various zoning districts, and the regulations within those districts have been identified as imposing a number of impediments to the development and redevelopment of downtown Crozet in a manner consistent with the Crozet Master Plan; and

**WHEREAS**, on September 6, 2006, the Board adopted a resolution of intent to amend the Albemarle County Zoning Ordinance to establish a zoning district for downtown Crozet having regulations specifically designed to be consistent with the Crozet Master Plan, and those regulations are currently being prepared; and

**WHEREAS**, after several public work sessions conducted by the Planning Commission and the Board, and with input from several committees comprised of members of the Crozet community, the boundaries of the proposed Crozet Downtown Zoning District have been identified; and

**WHEREAS**, it is desired to amend the Albemarle County Zoning Map to establish the boundaries of the proposed Crozet Downtown Zoning District.

**NOW, THEREFORE, BE IT RESOLVED THAT** for purposes of public necessity, convenience, general welfare and good zoning practices, the Board of Supervisors hereby adopts a resolution of intent to amend the Albemarle County Zoning Map to establish the boundaries of the Crozet Downtown Zoning District as depicted as the "Proposed Downtown Zoning District" on the attached map entitled "Crozet Downtown Zoning \* Recommended Boundary," dated January 2008, prepared by Ty Chambers, Albemarle County GDS.

**BE IT FURTHER RESOLVED THAT** the Planning Commission shall hold a public hearing on the zoning map amendment proposed by this resolution of intent, and make its recommendation to the Board of Supervisors, at the earliest possible date.

**CONDITIONS OF APPROVAL**

**PROJECT: SP-2005-0028. Biscuit Run #2 (Mid) (Signs #3,6&22).**

1. The applicant must obtain a map revision, letter of revision, or letter of amendment as required from the Federal Emergency Management Agency (FEMA) and copy the County Engineer on all correspondence;
2. Army Corp of Engineers, Virginia Department of Environmental Quality, and other necessary state and federal agency approvals must be obtained prior to issuance of grading permits for construction of the new stream crossing and approaches;
3. County approval of road and bridge plans for the crossing to be in accord with the application plan, as determined by the County Engineer;
4. County approval of a grading and an erosion and sediment control plan prior to the issuance of a grading permit for construction of the new stream crossing and approaches;
5. County approval of a stream buffer mitigation plan prior to the issuance of a grading permit for construction of the new stream crossing and approaches;
6. Grading within floodplain shall be confined to the minimum necessary to construct the bridge. Changes in final design of the bridge, such as use of a longer span, are acceptable if the changes reduce impacts to the floodplain, in the opinion of the County Engineer;
7. Construction of the new crossing shall commence on or before April 9, 2013, or this special use permit shall be deemed abandoned and the authority granted hereunder shall thereupon terminate;
8. VDOT approval shall be required for the stream crossing to ensure that the roads and the bridges meet VDOT standards; and
9. The approval of this special use permit does not supersede or modify any proffer or provision of the Code of Development related to ZMA-2005-00017 or any subsequent amendments thereto.

---

**PROJECT: SP-2006-001. Biscuit Run #3 (Southern) (Signs #3,6&22).**

1. The applicant must obtain a map revision, letter of revision, or letter of amendment as required from the Federal Emergency Management Agency (FEMA) and copy the County Engineer on all correspondence;
2. Army Corp of Engineers, Virginia Department of Environmental Quality, and other necessary state and federal agency approvals must be obtained prior to issuance of grading permits for construction of the new stream crossing and approaches;
3. County approval of road and bridge plans for the crossing to be in accord with the application plan, as determined by the County Engineer;
4. County approval of a grading and an erosion and sediment control plan prior to the issuance of a grading permit for construction of the new stream crossing and approaches;
5. County approval of a stream buffer mitigation plan prior to the issuance of a grading permit for construction of the new stream crossing and approaches;
6. Grading within floodplain shall be confined to the minimum necessary to construct the bridge. Changes in final design of the bridge, such as use of a longer span, are acceptable if the changes reduce impacts to the floodplain, in the opinion of the County Engineer;
7. Construction of the new crossing shall commence on or before April 9, 2013, or this special use permit shall be deemed abandoned and the authority granted hereunder shall thereupon terminate;
8. VDOT approval shall be required for the stream crossing to ensure that the roads and the bridges meet VDOT standards; and
9. The approval of this special use permit does not supersede or modify any proffer or provision of the Code of Development related to ZMA-2005-00017 or any subsequent amendments thereto.

**PROJECT: SP-2006-002. Biscuit Run Stream Crossing #1 (Northern) (Signs #3,6&22).**

1. The applicant must obtain a map revision, letter of revision, or letter of amendment as required from the Federal Emergency Management Agency (FEMA) and copy the County Engineer on all correspondence;
2. Army Corp of Engineers, Virginia Department of Environmental Quality, and other necessary state and federal agency approvals must be obtained prior to issuance of grading permits for construction of the new stream crossing and approaches;
3. County approval of road and bridge plans for the crossing to be in accord with the application plan, as determined by the County Engineer;
4. County approval of a grading and an erosion and sediment control plan prior to the issuance of a grading permit for construction of the new stream crossing and approaches;
5. County approval of a stream buffer mitigation plan prior to the issuance of a grading permit for construction of the new stream crossing and approaches;
6. Grading within floodplain shall be confined to the minimum necessary to construct the bridge. Changes in final design of the bridge, such as use of a longer span, are acceptable if the changes reduce impacts to the floodplain, in the opinion of the County Engineer;
7. Construction of the new crossing shall commence on or before April 9, 2013, or this special use permit shall be deemed abandoned and the authority granted hereunder shall thereupon terminate;
8. VDOT approval shall be required for the stream crossing to ensure that the roads and the bridges meet VDOT standards; and
9. The approval of this special use permit does not supersede or modify any proffer or provision of the Code of Development related to ZMA-2005-00017 or any subsequent amendments thereto.

**Proffers - ZMA 2007-022. Innovative Construction**

PROFFER FORM

Original Proffer X  
Amendment   

Date of Proffer Signature: March     , 2008  
ZMA # 2007 -00022  
Tax Map and Parcel Number: Tax Map 90, Parcel 35C  
0.977 Acres to be rezoned from HC to LI

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the Owner hereby voluntarily proffers the conditions listed below which shall be applied to Tax Map 90 Parcel 35C (the "Property"), if rezoned. These conditions are proffered as a part of the requested rezoning and the Owner acknowledges that the conditions are reasonable.

1. The by right use of the Property shall be limited to those uses allowed under Section 27.2.1 (2), (4), (5), (6), (7), (8), (9), (11), (12), (13), (14), (15), (16), (18) and (19), of the Zoning Ordinance of Albemarle County, Virginia as Section 27.2.1 is in effect on April 9, 2008, a copy of which is attached hereto as Exhibit A.
2. The portion of the Property that may be used as a contractor's equipment storage yard shall be limited to the area behind the main building, as shown on the plat attached hereto as Exhibit B (the "Plat"). The area outlined in blue and labeled S1 on the Plat shall be limited to storage of equipment not exceeding eight feet in height; the area outlined in blue and labeled S2 on the Plat shall be limited to storage of equipment not exceeding twelve feet in height.
3. A screening fence shall be constructed at issuance of zoning clearance and maintained in the location shown on the Plat, in a line which is an extension of the plane formed by the rear wall of the main building on the site. The fence shall be six feet in height, constructed of 1" x 6" pressure treated vertical boards, installed flush with one another to form a solid fence. The wood shall not be stained or painted, but left to weather naturally.
4. The Owner shall connect the Property to public water and sewer within one year after each of these services becomes available either along the Avon Street Extended frontage of the Property or within a public easement adjacent to the Property. Until the connection to public water and sewer is made, the use of the Property shall be limited to a single use permitted by Proffer 1.
5. Until the Owner connects the Property to public water and sewer, there shall be no changes to the Property from what is depicted on the Plat, except that the Owner shall remove the structures shown thereon as "10' x 13' Metal Bld.", "8' x 12' Frame Bld.", and 8' x 18' Truck Bed".

Owner: Woolen Mills Self Storage, LLC

By: John E. Wray  
John E. Wray, Manager

Date: 3/20/08

**Attachment II**