

ACTIONS	
Board of Supervisors Meeting of December 14, 2011	
December 20, 2011	
<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
<u>3:00 P.M. – ROOM 241</u>	
1. Call to Order. Adjourned-Afternoon. <ul style="list-style-type: none"> At 3:04 p.m., the meeting was called to order by the Chair, Ms. Mallek. All BOS members were present. Also present were Tom Foley, Larry Davis and Ella Jordan. 	
2. Work Session: Five Year Financial Plan (continued from December 7, 2011). <ul style="list-style-type: none"> APPROVED, by a vote of 6:0, the Five Year Financial Plan at an equalized real estate tax rate with .5 cents dedicated to the Capital Program and including updated assumptions. 	<u>OMB</u> : Proceed as approved.
3. Closed Meeting. <ul style="list-style-type: none"> At 3:34 p.m., the Board went into closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under subsection (1) to consider appointments to boards, committees and commissions. 	
4. Certify Closed Meeting. <ul style="list-style-type: none"> The Board reconvened into open meeting at 4:03 p.m., and certified the closed meeting. 	
5. Joint Meeting with School Board. <ol style="list-style-type: none"> Capital Improvements Program. <ul style="list-style-type: none"> RECEIVED. Access Albemarle Update. <ul style="list-style-type: none"> RECEIVED. 	
6. Closed Meeting. <ul style="list-style-type: none"> At 5:26 p.m., the Board went into closed meeting 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 (3) to discuss the acquisition of real property for a public use because an open meeting discussion would adversely affect the bargaining position of the County; under subsection (5) to discuss a perspective business that may relocate to the County noting that the business has not publicly announced its interest in locating in the County; and under subsection (7) to discuss with legal counsel and staff a matter of pending litigation regarding employment benefits. 	
<u>6:00 P.M. - AUDITORIUM</u>	
7. Call to Order. Regular Night Meeting. <ul style="list-style-type: none"> Meeting was called to order at 6:10 p.m. by the Chair, Ms. Mallek. Also present were Tom Foley, Larry Davis, and Meagan Hoy. 	

8.	<p>Certify Closed Meeting.</p> <ul style="list-style-type: none"> • Immediately certified the closed motion after calling the meeting to order. 	
11.	<p>Adoption of Final Agenda.</p> <ul style="list-style-type: none"> • ADOPTED, by a vote of 6:0, the amended Agenda. 	
12.	<p>From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> • <u>Philp Anderson</u> spoke about the possibility of using bicycling and walking as opposed to building the Route 29 Bypass. • <u>Charles Batting</u> addressed the Board on LCAPP. • <u>Nancy Carpenter</u> voiced her support of the Occupy Charlottesville movement. • <u>Jeff Werner</u> commented on the Board's Rules of Procedure, and time allotted to speakers for Redfields. 	
	<p>NonAgenda: <u>Ken Boyd:</u></p> <ul style="list-style-type: none"> • Discussed the Board's current Rules of Procedure. • Said he would like to discuss a proposal for the Economic Vitality Policy at the end of the meeting. 	
13.2	<p>Resolution of Support for The University Community Next Generation Innovation Project (Gig.U).</p> <ul style="list-style-type: none"> • ADOPTED Resolution of Support. 	<p><u>Clerk:</u> Forward signed resolution to Mike Culp and County Attorney's Office. (Attachment 1)</p>
13.3	<p>Resolutions of Intent for Zoning and Subdivision Ordinance Amendments – Site Plan and Subdivision Review Processes.</p> <ul style="list-style-type: none"> • ADOPTED the proposed Resolutions of Intent; and • DIRECTED staff to proceed to an initial work session with the Planning Commission in early 2012. 	<p><u>Clerk:</u> Forward signed resolutions to Community Development and County Attorney's Office. (Attachment 2 & 3)</p> <p><u>Clerk:</u> Schedule Work Session with the Planning Commission.</p>
14.	<p><u>Future Pantops Fire Rescue Station Site.</u></p> <ul style="list-style-type: none"> • ACCEPTED the conveyance of the proposed fire/rescue station site; and • ADOPTED, by a vote of 5:0, (Rooker abstained) a Resolution authorizing the County Executive to execute the proposed deed, lease, and private access easement agreement in a form approved by the County Attorney. 	<p><u>Clerk:</u> Forward signed resolution to Dan Eggleston and County Attorney's Office. (Attachment 4)</p>
15.	<p><u>SP-2010-00034. Glenn A. Hall (Signs 76&76).</u></p> <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, SP-2010-00034 Glenn A. Hall, subject to two conditions as modified at the Board meeting. 	<p><u>Clerk:</u> Set out conditions of approval. (Attachment 5)</p>
16.	<p><u>ZMA-2010-00010. Peter Jefferson Overlook and SP-2010-00039. Peter Jefferson Overlook Offices. (Signs #82&83).</u></p> <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, ZMA-2010-00010, Peter Jefferson Overlook, with Proffers dated November 21, 2011. • APPROVED, by a vote of 6:0, SP-2010-00039, Peter Jefferson Overlook Offices with no conditions. 	<p><u>Clerk:</u> Set out proffers. (Attachment 6)</p>

<p>17. <u>ZMA-2011-0001. Fontana Trails Proffer Amendment.</u></p> <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, ZMA-2011-0001, inclusive of proffers dated October 18, 2011 and signed October 18 and 19, 2011. 	<p><u>Clerk</u>: Set out proffers. (Attachment 7)</p>
<p>18. <u>ZMA-2011-00006 and SP-2011-00014. Albemarle Health and Rehab Center (Sign #28).</u></p> <ul style="list-style-type: none"> • DEFERRED, by a vote of 6:0, ZMA-2011-00006 and SP-2011-00014, pursuant to the applicant's request. 	<p><u>Clerk</u>: Schedule when ready to come back.</p>
<p>19. <u>ZMA-2010-00017. Redfields PRD (Sign # 90).</u></p> <ul style="list-style-type: none"> • DENIED, by a vote of 6:0, ZMA-2010-00017. 	
<p>20. From the Board: Matters not Listed for Public hearing on the Agenda. <u>Ken Boyd</u>:</p> <ul style="list-style-type: none"> • Asked staff to put together a team to review high visibility, revenue positive, economic projects to be moved through the planning process faster. CONSENSUS of the Board to ask staff to come forward with a plan for fast-tracking desirable projects. 	<p><u>Mark Graham</u>: Proceed as directed.</p>
<p>21. Adjourn to December 15, 2011, 12:00 Noon, Room 241.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 11:18 p.m. 	

ewj/mrh

- Attachment 1 - Resolution of Support for The University Community Next Generation Innovation Project
- Attachment 2 - Zoning Ordinance Resolution of Intent – Site Plan Reviews
- Attachment 3 - Subdivision Ordinance Resolution of Intent
- Attachment 4 - Future Pantops Fire Rescue Station Site Resolution
- Attachment 5 – Conditions of Approval on Planning items
- Attachment 6 – Peter Jefferson Overlook Proffers
- Attachment 7 – Fontana Trails Proffers

RESOLUTION

WHEREAS, developing world-leading networks and applications are vital to America's global leadership and such developments spur economic growth, investment and job creation while stimulating a new generation of innovations to address critical needs, such as health care, energy and education; and

WHEREAS, the U.S. is falling behind the rest of the world in ultra-high speed Internet access as other nations move towards gigabit connectivity and the next generation of broadband based innovations; and

WHEREAS, the University Community Next Generation Innovation Project ("Gig. U") is a project of broad-based group of universities and communities across the country working together to accelerate the deployment of world-leading, next generation networks and services in the United States; and

WHEREAS, Gig. U universities and their surrounding communities have the most favorable conditions for a market-based, ultra high-speed broadband strategy, including dense populations and high demand; and

WHEREAS, these communities are the communities most likely to use networks and applications in ways that create a new generation of opportunities for the American economy; and

WHEREAS, these communities are already hubs of innovation and discovery, but to continue to lead the country – and the world – they must have access to the next generation networks and services; and

WHEREAS, Albemarle County and its surrounding region, together with the University of Virginia, one of the nation's leading research universities, is perfectly positioned to play a leading role in next generation opportunities and discoveries, provided the community has the necessary communications resources.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Albemarle County hereby acknowledges the importance of deploying leading edge networks and services for economic growth, investment and job creation and supports the University Community Next Generation Innovation Project, known as Gig. U.

RESOLUTION OF INTENT

WHEREAS, the Albemarle County Zoning Ordinance includes regulations pertaining to the procedures for the review of applications for site plans; and

WHEREAS, in order to improve quality and efficiency in the application and review processes for site plans, it may be desirable to amend the regulations in the Zoning Ordinance pertaining to the application requirements and the review procedures for preliminary (initial) and final site plans, to allow grading permits to be issued upon approval of the initial (preliminary) site plan, and to provide for dormant applications to be deemed withdrawn.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code §§ 18-30.6, Entrance Corridor Overlay District, and 18-32, Site Plans, and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission will hold a public hearing on the zoning text amendment proposed pursuant to this resolution of intent, and make its recommendations to the Board of Supervisors at the earliest possible date.

RESOLUTION OF INTENT

WHEREAS, the Albemarle County Subdivision Ordinance includes regulations pertaining to the procedures for the review of applications for subdivision plats; and

WHEREAS, in order to improve quality and efficiency in the application and review processes for subdivision plats, it may be desirable to amend the regulations in the Subdivision Ordinance pertaining to the application requirements and the review procedures for preliminary and final subdivision plats and to provide for dormant applications to be deemed withdrawn.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good land development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to amend Albemarle County Code §§ 14-209 *et seq.* and 14-213 *et seq.* and any other sections of the Subdivision Ordinance deemed appropriate to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission will hold a public hearing on the zoning text amendment proposed pursuant to this resolution of intent, and make its recommendations to the Board of Supervisors at the earliest possible date.

**RESOLUTION TO AUTHORIZE
ACQUISITION OF PROPERTY**

WHEREAS, the County of Albemarle desires to accept certain properties within the County by gift from Worrell Land & Development Company, L.C. ("Worrell Land") for the purpose of providing a fire rescue station site; and

WHEREAS, all necessary agreements for the acquisition of said property have been made and presented to the Board of Supervisors for its consideration.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the County Executive to execute the following Agreements and all other documents, all in a form approved by the County Attorney, necessary to acquire Tax Map Parcel 78-31 in the County of Albemarle:

1. Deed of Dedication from Worrell Land to the County of Albemarle, Virginia conveying Tax Map Parcel 78-31 in the County of Albemarle;
2. Agreement of Lease between the County of Albemarle and Worrell Land for Worrell Land's continued use of a portion of Tax Map Parcel 78-31 in the County of Albemarle;
3. Private Access Easement Agreement between PJP Building Six, L.C. and PJP Building Seven, L.C., Grantors, and the County of Albemarle, Grantee, granting the County a private, non-exclusive access easement from Peter Jefferson Parkway to the fire rescue station across Tax Map Parcels 78-31J and 78-31K in the County of Albemarle.

CONDITIONS OF APPROVAL

SP-2010-00034 Glenn A. Hall

1. The proposed subdivision of Tax Map 34, Parcel 74B shall only be permitted as a "family subdivision" as provided by Chapter 14 of the Albemarle County Code; and
2. The family division period to retain the property shall be extended to fifteen (15) years.

Original Proffer _____
Amendment X
Amendment to ZMA 200400009

PROFFER FORM

Date of Proffer Signatures: 11/21/2011
ZMA # 201000010 Peter Jefferson Overlook
Tax Map and Parcel Number(s): 07800-00-00-055A7

2.089 Acres to be rezoned from PRD to PRD (With Amended Proffers)

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 the property, if rezoned with the offered plans approved for development (hereinafter, the "Property"). These conditions are proffered as a part of the requested rezoning and the Owner acknowledges that the conditions are reasonable.

The proffers below replace and supersede the proffers accepted in conjunction with the rezoning entitled ZMA 2004-00009

1. Sidewalks as shown on the Application Plan shall be installed by the Owner to the standards of the Virginia Department of Transportation ("VDOT") and the County of Albemarle. Sidewalks shall be installed prior to issuance of the first certificate of occupancy for the Property. Sidewalks not within the U.S. 250 right-of-way shall be maintained by the Owner in accordance with County standards.
2. Prior to issuance of the first certificate of occupancy on the Property, the Owner shall complete construction of the extension of the existing right turn lane and taper, the existing left turn lane and taper, and any additional related improvements required by VDOT (collectively, the "extension improvements"). The extension improvements shall be deemed complete when they are approved by VDOT.
3. The existing fieldstone wall and hedgerow, located on the Property's eastern line shared with Tax Map 78B Parcel 1, shall be incorporated into the final site plan as shown on the Application Plan. The Owner shall be responsible for preserving and maintaining the portions of the wall and hedgerow that are on the Property in a consistent manner with landscaping and site features on the approved site plan.
4. The Owner shall adhere to the architectural elements of the "Monticello Viewshed Guidelines for Developers" established by the Thomas Jefferson Foundation, a copy of which is attached hereto.

Attachment II

WITNESS the following signatures:

Owner

By: 
David S. Witmer, Manager
Peter Jefferson Overlook, LLC
Owner of Tax Map and Parcel Number
07800-00-00-055A7

Thomas Jefferson
MONTICELLO

MONTICELLO VIEWSHED GUIDELINES FOR DEVELOPERS

1. Monticello is renowned for its vistas. Those from three areas are paramount:
 - a. From the northwest terrace (elevation 871 feet). This promenade is where visitors exit from the house tour and begin to explore the landscape.
 - b. From the shuttle bus stop northeast of the house.
 - c. From the "First Roundabout," the uppermost road that encircles the house.

This primary pedestrian road is approximately a half-mile in circumference.
2. Parking lots are best concealed when located on the far side of the building (as viewed from Monticello) and the area broken up by plantings.
3. Building facades are less intrusive if articulated and not monolithic.
4. Earth-tone colors such as reddish-brown brick help to soften the visual impact of a building. If not adopted for the street side, consider it for the back of the building if it faces Monticello.
5. Dark roofs (black, gray) are preferred. Expansive flat roofs can be camouflaged by mottled patches of light and dark stone.
6. Screening by a long narrow border of trees of a single species should be avoided.
7. Consider a canopy of lofty trees (such as tulip poplars) to screen out development if the vista from Monticello is angled down on the site. The lower limbs of the trees can be pruned to open ground-level views while protecting the vista from Monticello.
8. The lighting of buildings and parking areas should be shielded to eliminate glare.

Attachment II

Original Proffer _____
Amended Proffer X
(Amendment # 1 to ZMA 2004-00018)

PROFFER FOR FONTANA PHASE 4C

Date: 10/18/11

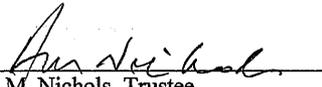
ZMA # 2011-00001

Tax Map and Parcel Number: Tax Map 78E, Parcel A
17.15 Acres to be rezoned from R-4 to R-4 (with amended Proffer #10)

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 the property, if rezoned. These conditions are proffered as a part of the requested rezoning and it is acknowledged that such conditions are reasonable.

The proffer below replaces Proffer # 10 accepted in conjunction with the rezoning entitled ZMA 2004-00018 Fontana Phase 4C, Tax Map 78E, Parcel A. All other proffers accepted in conjunction with ZMA 2004-00018 remain in full force and effect.

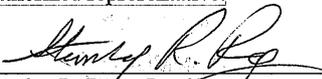
- 10. **Plan for Pedestrian Paths for Phases 1, 2, 3, 4A and 4B of Fontana Subdivision:** The Owner shall construct pedestrian paths in Phases 1, 2, 3, 4A and 4B of Fontana Subdivision in accordance with the standards and locations shown on the plan entitled "Fontana Subdivision Pedestrian Path Plan," prepared by Terra Engineering and Land Solutions and dated June 14, 2011, a copy of which is attached hereto and incorporated herein. These paths shall be completed to the satisfaction of the County Engineer prior to grading in Phase 4C.


A.M. Nichols, Trustee
Fontana Land Trust
Owner

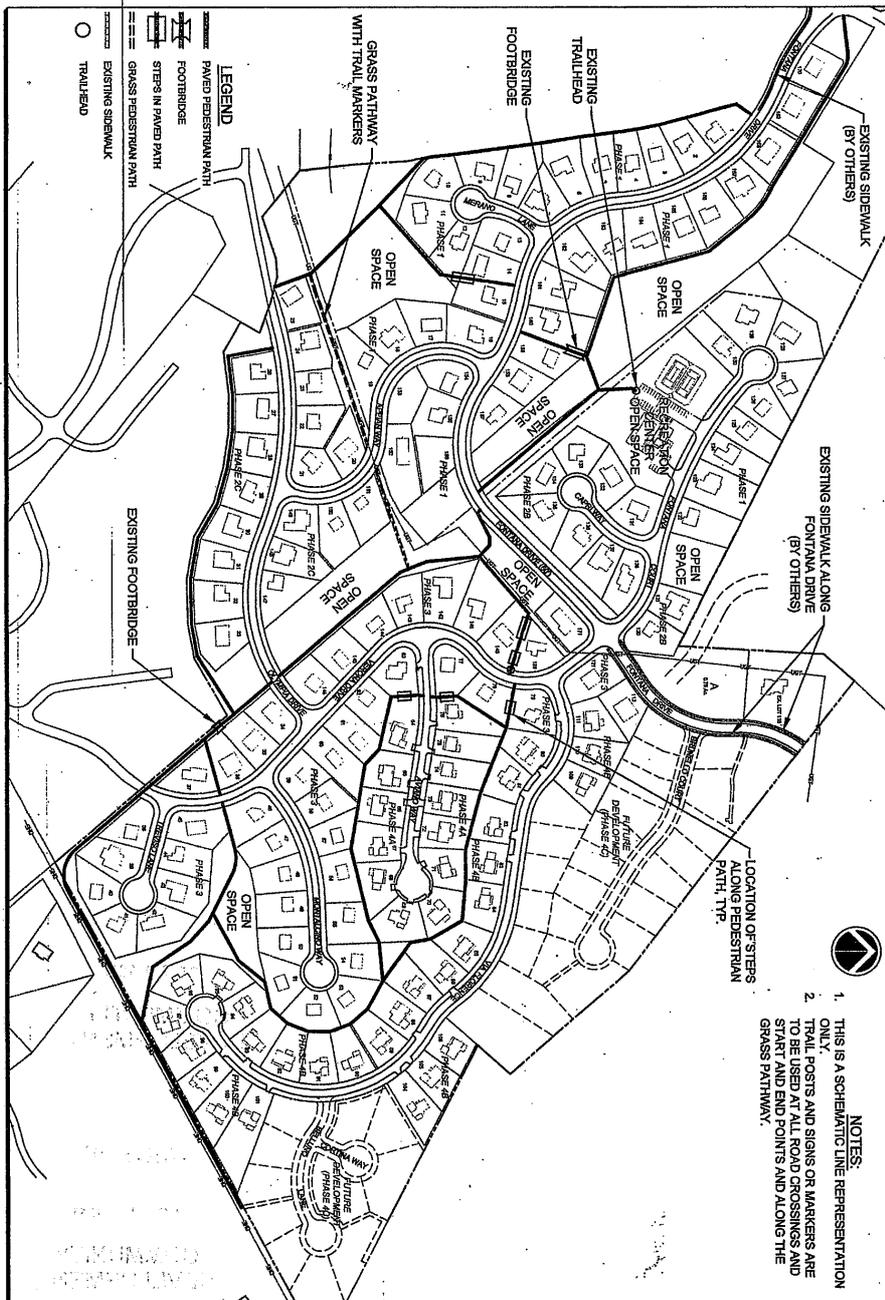
10/18/11
Date

Fontana Owners Association, Inc. is the owner of tax map parcel(s) ~~078E-00-001~~^{000E} through which a portion of the trail system will be installed, and which entity will allow for the installation of the trail and associated signage. To the extent the consent of the Fontana Owners Association, Inc. is required for this Proffer Statement, such consent is evidenced by the signature hereto of its authorized representative.

SPR


Stanley R. Rose, President
Fontana Owners Association, Inc.

10/19/11
Date



- NOTES:**
1. THIS IS A SCHEMATIC LINE REPRESENTATION ONLY.
 2. TRAIL POSTS AND SIGNS OR MARKERS ARE TO BE USED AT ALL ROAD CROSSINGS AND START AND END POINTS AND ALONG THE GRASS PATHWAY.

<p>LEGEND</p> <ul style="list-style-type: none"> PAVED PEDESTRIAN PATH FOOTBRIDGE STEPS IN PAVED PATH GRASS PEDESTRIAN PATH EXISTING SIDEWALK TRAILHEAD 	<p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>1</td> <td>11-20-07</td> <td>ISSUED FOR PERMITS</td> </tr> <tr> <td>2</td> <td>JUNE 15, 2008</td> <td>FOR COMMENTS</td> </tr> <tr> <td>3</td> <td>JAN 15, 2009</td> <td>FOR COMMENTS</td> </tr> <tr> <td>4</td> <td>APR 15, 2009</td> <td>FOR COMMENTS</td> </tr> </table>	NO.	DATE	DESCRIPTION	1	11-20-07	ISSUED FOR PERMITS	2	JUNE 15, 2008	FOR COMMENTS	3	JAN 15, 2009	FOR COMMENTS	4	APR 15, 2009	FOR COMMENTS
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FONTANA SUBDIVISION
ALLEN COUNTY, VIRGINIA

PEDESTRIAN PATH PLAN

TERRA ENGINEERING AND LAND SOLUTIONS, P.C.
PLANNING
LAND SURVEYING
CIVIL ENGINEERING

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STUARTS DRAFT, VIRGINIA 24177
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