

| <b>ACTIONS</b><br><b>Board of Supervisors Meeting of February 1, 2023</b>   |                   |                               |
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| <b>February 2, 2023</b>   |                   |                               |
| <b>AGENDA ITEM/ACTION</b>   | <b>ASSIGNMENT</b> | <b>VIDEO</b>                  |
| 1. Call to Order. <ul style="list-style-type: none"> <li>Meeting was called to order at 1:01 p.m., by the Chair, Ms. Price. All BOS members were present, with the exception of Mr. Andrews. Also present were Jeff Richardson, Steve Rosenburg, Claudette Borgersen, and Travis Morris.</li> </ul>   |                   |                               |
| 4. Adoption of Final Agenda. <ul style="list-style-type: none"> <li>By a vote of 5:0, <b>ADOPTED</b> final agenda.</li> </ul>   |                   |                               |
| Announcement. <ul style="list-style-type: none"> <li>Chair Price announced that for today's Board of Supervisors meeting, there was a temporary change to the Zoom meeting link for virtual participation, and for the February 15 meeting, a permanent change to the Zoom meeting link will occur. After the change to the meeting link for the February 15 meeting, the link is not expected to change. Community members are advised to go to the Participation Guide for Public Meetings on the Albemarle County Board of Supervisors webpage to access the correct Zoom link for each meeting.</li> </ul>  |                   |                               |
| 5. Brief Announcements by Board Members. <p><u>Bea LaPisto-Kirtley:</u></p> <ul style="list-style-type: none"> <li>Reported on her participation as a judge for Albemarle County Public School Elementary Schools student spelling bee.</li> </ul> <p><u>Donna Price:</u></p> <ul style="list-style-type: none"> <li>Announced that former Supervisor Lindsay Dorrier Jr. had passed away and thanked him and his family for their service to the country and to the Albemarle County community.</li> <li>Reported that she and Supervisor Andrews attended VACo's Chairperson's Institute.</li> <li>Reported on her attendance at the American Council on Growth as a member of the Virginia Council on Women and commented that at the end of the meeting she would share some slides from that meeting.</li> </ul> |                   | <a href="#">Link to Video</a> |
| 6. Proclamations and Recognitions. <ol style="list-style-type: none"> <li>Proclamation Celebrating Black History Month.</li> </ol> <ul style="list-style-type: none"> <li>By a vote of 5:0, <b>ADOPTED</b> proclamation and presented to Jesse Brookins and Samuel Spencer.</li> </ul>  | (Attachment 1)    |                               |
| 7. From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or Matters that are Pending Before the Board. <ul style="list-style-type: none"> <li><u>John Hall</u>, Charlottesville resident, commented on annexation and the uses that could be applied with the money saved.</li> <li><u>Margaret Maupin</u>, a Free Union area resident in the Jack Jouett District, spoke in response to a letter she read about a person who has applied for a major home business dealing in firearms.</li> <li><u>Neal Williamson</u>, Free Enterprise Forum, spoke towards agenda item # 10, Affordable Housing Developer Incentives Work Session.</li> <li><u>Bart Svoboda</u>, Zoning Administrator,</li> </ul>   |                   |                               |

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|  | addressed the Board regarding Gun Smith Home Occupation applications and the approval process.                                   |  |
| 8.1 Fiscal Year 2023 Appropriations. <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> resolution to approve appropriations #2023031; and #2023032 for local government projects and programs.</li> </ul>  | Forward copy of signed resolution to Finance and Budget, and County Attorney's office. (Attachment 2)                            |  |
| 8.2 Department of Environmental Quality (DEQ) Certification of Compliance of S.L. Williamson Asphalt Plant. <ul style="list-style-type: none"> <li>• <b>AUTHORIZED</b> certification of the DEQ Site Suitability Form and DEQ Local Governing Body Certification Form, confirming that the S.L. Williamson Asphalt Plant is located in a suitable location and is consistent with applicable local ordinances, as required by DEQ.</li> </ul>  | <u>Clerk:</u> Prepare forms for County Executive signature.  |  |
| 8.3 SE202200064 Charlottesville Church of the Brethren Wireless Special Exception. <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> Resolution to approve the special exception, provided that no antenna project more than 14.5 inches from the face of the monopole to the closest point of the back of the antenna.</li> </ul>   | <u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 3)            |  |
| 9. SE202200066 Estouteville Farm Homestay. <ul style="list-style-type: none"> <li>• By a vote of 5:0, <b>ADOPTED</b> resolution to approve the special exception.</li> </ul>   | <u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 4)            |  |
| 10. <b>Work Session:</b> Affordable Housing Developer Incentives. <ul style="list-style-type: none"> <li>• <b>HELD.</b></li> </ul>   | <u>Clerk:</u> Schedule on April 19 agenda.<br><br><u>Stacy Pethia:</u> Proceed as discussed and provide Clerk with agenda title. |  |
| <b>Recess.</b> At 3:27 p.m., the Board recessed and reconvened at 3:40 p.m.  |  |  |
| 11. <b>Presentation:</b> Central Virginia Regional Housing Partnership. <ul style="list-style-type: none"> <li>• <b>RECEIVED.</b></li> </ul>   |  |  |
| 12. Closed Meeting. <ul style="list-style-type: none"> <li>• At 4:07 p.m., the Board went into closed meeting pursuant to section 2.2-3711(A) of the Code of Virginia:</li> <li>• under subsection (1): <ul style="list-style-type: none"> <li>• to discuss and consider appointments to various boards and commissions including, without limitation, the Albemarle County Easement Authority, the Board of Equalization, and the Pantops Community Advisory Committee; and</li> <li>• to discuss the assignment, appointment, promotion, performance, demotion, salary, disciplining, or resignation of a specific administrative employee of the County;</li> </ul> </li> <li>• under subsection (3), to discuss or consider the acquisition of real property in the Rivanna Magisterial District for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County; and</li> <li>• under subsection (5), to discuss the location of a prospective business or industry in the northern part of the county where no previous announcement has been made of the</li> </ul> |  |  |

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| <p>business's or industry's interest in locating its facilities in the community.</p>   |  |  |
| <p>13. Certify Closed Meeting.</p> <ul style="list-style-type: none"> <li>At 6:07 p.m., the Board reconvened into open meeting and certified the closed meeting.</li> </ul>   |  |  |
| <p>14. Boards and Commissions:</p> <ul style="list-style-type: none"> <li>Vacancies and Appointments.</li> <li><b>REAPPOINTED</b>, Mr. Jay Fennell to the Albemarle Conservation Easement Authority with said term to expire December 13, 2025.</li> <li><b>REAPPOINTED</b>, Mr. Waki Wynn to the Equalization Board as the Rio District representative, with said term to expire December 31, 2023.</li> <li><b>APPOINTED</b>, Ms. Kate Kaminski to the Pantops Community Advisory Committee with said term to expire June 30, 2024.</li> </ul>  | <p><u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>     |  |
| <p>15. From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> <li>There were none.</li> </ul>  |  |  |
| <p>16. From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.</p> <ul style="list-style-type: none"> <li><u>Heather Rowland</u>, resident of the Samuel Miller district spoke on the alleged toxic work environment and abuse of animals at the Charlottesville Albemarle SPCA.</li> <li><u>Vikki Bravo</u>, spoke on behalf of IMPACT Charlottesville and addressed the Board on affordable housing and the importance of having affordable housing incentives such as the affordable housing grant program.</li> </ul>   |  |  |
| <p>17. <u>Pb. Hrq.: ACSA202200001 Albemarle County Service Authority Jurisdictional Area Amendment (Pitsiokos).</u></p> <ul style="list-style-type: none"> <li>By a vote of 5:0, <b>ADOPTED</b> resolution to deny the requested amendment.</li> </ul>  | <p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 5)</p>                     |  |
| <p>18. <u>Pb. Hrq.: ZMA202100001 Willow Glen.</u></p> <ul style="list-style-type: none"> <li>By a vote of 5:0, <b>ADOPTED</b> ordinance approving ZMA 2021-00001.</li> <li>By a vote of 5:0, <b>ADOPTED</b> resolution to approve SE202100007.</li> <li>By a vote of 5:0, <b>ADOPTED</b> resolution to approve SE202100008.</li> </ul>  | <p><u>Clerk:</u> Forward copies of signed ordinance and resolutions to Community Development and County Attorney's office. (Attachments 6-9)</p> |  |
| <p>19. From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <p><u>Bea LaPisto-Kirtley:</u></p> <ul style="list-style-type: none"> <li>Reported on her most recent Pantops CAC meeting and complimented staff on the proposals that were presented.</li> </ul> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> <li>Encouraged Board members and eligible staff members to consider applying for open positions on VACo Committees.</li> <li>Updated the Board members on a substitute to HB 2100, which would have considered establishing a local ordinance for the administration of accessory dwelling units.</li> </ul> <p><u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> <li>So that other Board members could consider which VACo committees to consider joining, commented that he is on the Transportation and Economic Development committees.</li> <li>Announced that the Thomas Jefferson</li> </ul> |  |  |

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| <p>Planning District Commission (TJPDC) received the Safe Streets and Roads for All grant from the U.S. Department of Transportation.</p> <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> <li>• Reminded community members about the upcoming transportation town halls.</li> <li>• Emily Kilroy stated that the Albemarle County Police Department (ACPD), the Virginia Department of Transportation (VDoT), and Community Development were partnering for the upcoming traffic town halls and listed the following dates: <ul style="list-style-type: none"> <li>○ February 6<sup>th</sup> at 7pm at the East Rivanna Fire Station - cohosted by Supervisor LaPisto-Kirtley and Supervisor Price.</li> <li>○ February 7<sup>th</sup> from 6:30 pm- 8pm at The Center – cohosted by Supervisor McKeel and Supervisor Gallaway.</li> <li>○ February 16<sup>th</sup> at 7pm at the North Garden Fire Department – Cohosted by Supervisor Mallek and Supervisor Andrews</li> </ul> </li> <li>• Emily commented that anyone in the community could attend any of the town halls. She noted that a special purpose recorded presentation would be posted and community members would be able to submit questions.</li> <li>• Mentioned that the Regional Transit Partnership is working with City and County schools to create a career ladder for bus drivers.</li> </ul> <p><u>Donna Price:</u></p> <ul style="list-style-type: none"> <li>• Commented that on the previous day, Doug Walker and other County staff visited the Charlottesville/Albemarle County Health Department for an overview and presentation of the work performed by the Health Department. She noted that in the Albemarle County community, there were about 12,000 volunteers in the Medical Reserve Corps.</li> <li>• Presented slides from her attendance at the American Council on Growth regarding Supply Chain issues.</li> <li>• Shared her observations regarding the Charlottesville City Council open seat.</li> </ul> |  |  |
| <p>20. Adjourn to February 15, 2023, 1:00 p.m. Lane Auditorium.</p> <ul style="list-style-type: none"> <li>• The meeting was adjourned at 8:51 p.m.</li> </ul>   |  |  |

ckb/tom

Attachment 1 – Proclamation Celebrating Black History Month

Attachment 2 – Resolution to Approve Additional FY 2023 Appropriations

Attachment 3 – Resolution to Approve SE 2022-00064 Charlottesville Church of the Brethren Wireless

Attachment 4 – Resolution to Approve SE2022-00066 Estouteville Farm Homestay

Attachment 5 – Resolution to Deny ACSA202200001 James River Road for Parcel ID 13600-00-00-02700

Attachment 6 – Ordinance No. 23-A(1) ZMA 2021-00001

Attachment 7 – Resolution to Approve SE202100007 Willow Glen

Attachment 8 – Resolution to Approve SE202100008 Willow Glen

Attachment 9 – Proffers ZMA 2021-00001

**PROCLAMATION CELEBRATING BLACK HISTORY MONTH**

**WHEREAS**, February 2023 marks the 97<sup>th</sup> anniversary of Historian, Carter G. Woodson's Dedication in promoting the achievements of Black Americans and people of African Descent; and

**WHEREAS**, February 2023 marks the 47th anniversary of the federal recognition of Black History Month; and

**WHEREAS**, Albemarle County celebrates the wisdom of civil rights leaders and community builders this month (and every day); and

**WHEREAS**, Albemarle County seeks to acknowledge and recognize Black Americans in the local workforce and community who contribute much time and service to enhancing the well-being of all residents.

**NOW, THEREFORE, BE IT PROCLAIMED**, that we, the Albemarle County Board of Supervisors, do hereby honor and celebrate Black History Month as an opportunity for all County residents to recognize and support the social, physical, and cultural contributions of Black Americans, and to take meaningful actions to create a more equitable and inclusive community for all.

Signed this 1<sup>st</sup> day of February 2023

**RESOLUTION TO APPROVE  
ADDITIONAL FY 2023 APPROPRIATIONS**

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

- 1) That Appropriations #2023031; and #2023032 are approved;
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2023.

**RESOLUTION TO APPROVE  
SE 2022-00064 CHARLOTTESVILLE  
CHURCH OF THE BRETHREN  
WIRELESS**

**WHEREAS**, upon consideration of the Memorandum prepared in conjunction with the SE 2022-00064 Charlottesville Church of the Brethren Wireless application and the attachments thereto, including staff's supporting analysis, any comments received, all of the factors relevant to the special exception in County Code §§ 18-5.1.40 and 18-33.9, and the information provided at the Board of Supervisors meeting, the Albemarle County Board of Supervisors hereby finds that a modified regulation would satisfy the purposes of the County's zoning regulations to at least an equivalent degree as the specified requirement, and that the proposed special exception would not have adverse visual impacts.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves a special exception to modify the requirements of County Code § 18-5.1.40(b)(2)(c) as specified in the SE 2022-00064 application, provided that no antenna authorized by this special exception may project more than 14.5 inches from the face of the monopole to the closest point of the back of the antenna.

**RESOLUTION TO APPROVE  
SE2022-00066 ESTOUTEVILLE FARM HOMESTAY**

**WHEREAS**, upon consideration of the Memorandum prepared in conjunction with the SE2022-00066 Estouteville Farm Homestay application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-5.1.48 and 18-33.9, the Albemarle County Board of Supervisors hereby finds that a modified regulation would satisfy the purposes of the Zoning Ordinance to at least an equivalent degree as the specified requirement, and that the requested special exception:

- (i) would not cause adverse impacts to the surrounding neighborhood;
- (ii) would not cause adverse impacts to the public health, safety, or welfare;
- (iii) would be consistent with the Comprehensive Plan and any applicable master or small-area plan(s); and
- (iv) would be consistent in size and scale with the surrounding neighborhood.

**NOW, THEREFORE, BE IT RESOLVED**, that in association with the Estouteville Farm Homestay, the Albemarle County Board of Supervisors hereby approves the special exception to permit a resident manager to fulfill the residency requirements for a homestay use.

**RESOLUTION TO DENY  
ACSA202200001 JAMES RIVER ROAD  
FOR PARCEL ID 13600-00-00-02700**

**WHEREAS**, in application ACSA202200001 (“ACSA 2022-01”), the owner of Parcel ID 13600-00-00-02700 (“Parcel 136-27”) has applied for an amendment to the Albemarle County Service Authority (ACSA) Jurisdictional Area to authorize water service to a barn/apartment (531 James River Road), in addition to the existing residence at 9067 Valmont Lane; and

**WHEREAS**, on February 1, 2023, the Albemarle County Board of Supervisors held a duly noticed public hearing on ACSA 2022-01; and

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the staff report prepared for ACSA 2022-01 and all of its attachments, the information presented at the public hearing, and the factors relevant to the ACSA Jurisdictional Area in Virginia Code § 15.2-5111 and in Chapter 12.1, Community Facilities, Strategy 9a, of the Albemarle County Comprehensive Plan, as well as the Comprehensive Plan’s Growth Management Policy and Land Use Plan, the Albemarle County Board of Supervisors hereby denies ACSA 2022-01.

**ORDINANCE NO. 23-A(1)**  
**ZMA 2021-00001**

**AN ORDINANCE TO AMEND THE ZONING MAP FOR  
PARCELS 03200-00-00-049F0, 03200-00-00-049I0, AND 03200-00-00-049J0**

**WHEREAS**, an application was submitted to rezone 19.27 acres on Parcels 03200-00-00-049F0, 03200-00-00-049I0, and 03200-00-00-049J0 from its zoned Planned Residential Development (PRD) to be rezoned with the amended plan and proffers;

**WHEREAS**, on November 22, 2022, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2021-00001;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2021-00001 and their attachments, including the Application Plan last revised January 5, 2023 and the Proffers revised January 11, 2023, the information presented at the public hearings, any written comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code § 18-19.1, and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board hereby approves ZMA 2021-00001 with the revised Application Plan entitled "Willow Glen Phase 2 – Rezoning PRD Amendment Application for Dickerson Overlook" prepared by Edwards designStudio, dated January 19, 2021, last revised on January 5, 2023, and the Proffers revised January 11, 2023.

**RESOLUTION TO APPROVE  
SE202100007 WILLOW GLEN**

**BE IT RESOLVED** that, upon consideration of the staff reports prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, all of the comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-4.16, 18-8.2(b), 18-19.6.2 and 18-33.9, the Albemarle County Board of Supervisors hereby finds:

- i. that the proposed special exception is consistent with the intent and purposes of the planned
- ii. development district under the particular circumstances, and satisfies all other applicable requirements of section 8 of the Zoning Ordinance;
- iii. that the proposed special exception is consistent with planned development design principles;
- iv. that the waiver or modification would not adversely affect the public health, safety or general welfare; and
- iv. that the public purposes of the original regulation would be satisfied to at least an equivalent degree by the modification.

**WHEREUPON**, the Albemarle County Board of Supervisors hereby approves SE202100007 Willow Glen and grants a modification of Albemarle County Code § 18-4.16 and § 18-19.6.2 to allow substitutions of recreational facilities that are in accord with the applicant's Recreational Facilities Substitution Request Narrative, last revised March 21, 2022.

**RESOLUTION TO APPROVE  
SE202100008 WILLOW GLEN**

**BE IT RESOLVED** that, upon consideration of the staff reports prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, all of the comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-4.12.6, 18-8.2(b), and 18-33.9, the Albemarle County Board of Supervisors hereby finds:

- i. that the proposed special exception is consistent with the intent and purposes of the planned development district under the particular circumstances, and satisfies all other applicable requirements of section 8 of the Zoning Ordinance;
- ii. that the proposed special exception is consistent with planned development design principles;
- iii. that the waiver or modification would not adversely affect the public health, safety or general welfare; and
- iv. that the public purposes of the original regulation would be satisfied to at least an equivalent degree by the modification.

**WHEREUPON**, the Albemarle County Board of Supervisors hereby (i) approves SE202100008 Willow Glen and (ii) pursuant to Albemarle County Code § 18-8.2(b), grants a modification of § 18-4.12.6 to require only 550 parking spaces, in accord with the applicant's Special Exception Request Narrative, last revised October 18, 2021.

Original Proffers \_\_\_\_\_  
 Amendment X \_\_\_\_\_

## PROFFER STATEMENT

### ZMA 2021-00001 (Amendment to ZMA 2006-00019)

Project Name: **Dickerson Overlook (Willow Glen Phase 2)**

Parcel Numbers (hereinafter, collectively, the "Property"): **03200-00-00-049F0 (3.63 acres), 03200-00-00-049I0 (4.57 acres), 03200-00-00-049J0 (11.07 acres)**

Owner of Record (hereinafter the "Owner"): **Dickerson Ridge, LLC**

Date: 1/20/2023

### **Approximately 19.27 acres zoned Planned Residential Development (PRD) with proffers to be rezoned PRD with amended Plan and proffers**

Dickerson Ridge, LLC, a Virginia limited liability company, is the sole owner of the property identified as Albemarle County Parcel Numbers 03200-00-00-049F0, 03200-00-00-049I0, and 03200-00-00-049J0, which is the subject of an application (ZMA 2021-00001) for the amendment of ZMA 2006-00019, a project known as "Willow Glen Phase 2" (the "Project"). The Project's Application Plan, dated January 19, 2021, last revised January 5, 2023, prepared by Edwards designStudio, consists of Sheet Z4 of the plans entitled, "Willow Glen, Rio District, Albemarle County, Virginia Rezoning Amendment Application" (the "ZMA 2021-00001 Application Plan"). The Application Plan approved with ZMA 2006-00019, entitled "Willow Glen," dated September 17, 2007, and prepared by Terra Concepts, PC (the "ZMA 2006-00019 Application Plan") will continue to regulate the development of Willow Glen Phase 1, except as to the removal of the vehicular connection between Phases 1 and 2.

Pursuant to *Albemarle County Code* § 18-33.7, the Owners hereby voluntarily proffer the conditions listed below, which will apply to the Property if it is rezoned to the zoning district identified above. These conditions are proffered as a part of the requested rezoning. The Owners specifically deem the following proffers reasonable and appropriate, as conclusively evidenced by their signatures below.

#### **1. Removal of ZMA 2006-00019 Proffers as to Willow Glen Phase 2:**

All existing proffers associated with the Application Plan for ZMA 2006-00019 (the "Original Proffers") are hereby removed as to Parcel Numbers 03200-00-00-049F0, 03200-00-00-049I0, and 03200-00-00-049J0, and are hereby superseded by these proffers.

#### **2. Sidewalk along Property frontage on Dickerson Road.**

At the time of construction of the right turn taper into the southern entrance to the Project, the Owners will construct a sidewalk along the southwest boundary of the Property in the Dickerson Road right-of-way from the southern entrance into the Project to a point 185 feet southwest along the southwest boundary line. The attached exhibit, entitled "Willow Glen

Dickerson Road Conceptual Sidewalk Improvement Exhibit," dated March 21, 2022, prepared by Edwards designStudio (the "Exhibit"), illustrates the general location of the proposed sidewalk. When the parcel south of the Project, currently identified as Parcel Number 32-56A, is developed such that the owner of such parcel may be required to construct a sidewalk along the frontage of that parcel, the Owners will convey to the owner of such parcel a temporary grading and construction easement necessary for the completion of the construction of the sidewalk from the southern end of the sidewalk to the Property's southern boundary line. The conceptual size and location of the temporary grading and construction easement is illustrated on the Exhibit.

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**OWNER:**

DICKERSON RIDGE, LLC,  
a Virginia limited liability company

By:   
George W. Ray, Jr., Manager