

<p style="text-align: center;">ACTIONS Board of Supervisors Meeting of March 1, 2023</p>		
		March 2, 2023
AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 2:00 p.m., by the Chair, Ms. Price. All BOS members were present. Also present were Jeff Richardson, Steve Rosenberg, Claudette Borgersen, and Travis Morris. 		
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED final agenda. 		
<p>5. Brief Announcements by Board Members.</p> <p><u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> Commented on the passing of former Board of Supervisor member Ken Boyd and thanked him for his service. <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> Reflected on the passing of Ken Boyd and her relationship with him while serving on the School Board and Board of Supervisors. <p><u>Bea LaPisto-Kirtley:</u></p> <ul style="list-style-type: none"> Remarked that Ken Boyd faithfully served the Rivanna district for 12 years and was on the School Board for 4 years. <p><u>Jim Andrews:</u></p> <ul style="list-style-type: none"> Announced that Christine Hersh-Putnam, who serves on several of the County's Boards and Commissions, received the University of Virginia 2022 Sustainability Leadership Award for her work in the community. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Recalled her memories of Supervisor Ken Boyd and offered condolences to his family. Mentioned that illegal signs are appearing throughout the County and encouraged their removal. Commented that she reached out to Matt Lohr, Virginia Secretary of Agriculture, to request state assistance with the suppression of the Spotted Lanternfly. <p><u>Donna Price:</u></p> <ul style="list-style-type: none"> Commented on Christine Hersh-Putnam receiving the University of Virginia 2022 Sustainability Leadership Award. Mentioned that she had met that morning with Aileen Morse, newly elected to the Scottsville Town Council, and Matt Lawless, Scottsville Town Administrator. Commented that the previous weekend she went to see the play "Love, Loss, and What I Wore" at the Victory Hall Theater in Scottsville. Noted that the appropriate state agency with jurisdiction over the SPCA had conducted an investigation regarding recent allegations. Thanked Jeff Richardson and Dr. Jesse Turner for the college day for historic Black colleges and universities. Mentioned that Rob Bell was not running for reelection and thanked him for his years of service. She commented on his good character and remarked on similar character with Ken Boyd. 		
6. Proclamations and Recognitions.		

[Link to Video](#)

<p>a. Proclamation Proclaiming March as Red Cross Month.</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED proclamation and presented to Carolyn Devine Saint and Larry Murphy 	(Attachment 1)	
<p>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.</p> <ul style="list-style-type: none"> <u>The following individuals spoke towards item #11, Free Bridge Lane Conceptual Design Alternatives.</u> <ul style="list-style-type: none"> <u>Sara Robinson</u> <u>Dick Ruffin</u> <u>The following individuals spoke on the alleged toxic work environment and abuse of animals at the Charlottesville Albemarle SPCA.</u> <ul style="list-style-type: none"> <u>Kristen Swenson</u> <u>Louise Finger</u> 		
<p>8.2 Fiscal Year 2023 Appropriations.</p> <ul style="list-style-type: none"> ADOPTED, resolution to approve appropriations #2023031; and #2023032 for local government projects and programs. 	<p><u>Clerk</u>: Forward copy of signed resolution to Finance and Budget, and County Attorney's office. (Attachment 2)</p>	
<p>8.3 Mutual Aid Agreement - County of Albemarle and Town of Scottsville.</p> <ul style="list-style-type: none"> ADOPTED, resolution authorizing the County Executive to execute the Agreement with the Town of Scottsville after approval as to form and substance by the County Attorney. 	<p><u>Clerk</u>: Forward copy of signed resolution to Police Department and County Attorney's office. (Attachment 3)</p> <p><u>County Attorney</u>: Provide Clerk with copy of fully executed agreement. (Attachment 4)</p>	
<p>8.4 Resolution of Intent for Community Development Department Fee Structure Update.</p> <ul style="list-style-type: none"> ADOPTED, Resolution of Intent to amend the Community Development Department Fees in the County Code; and DIRECTED staff to schedule public hearing(s) to consider the adoption of any proposed fee ordinance(s). 	<p><u>Clerk</u>: Forward copy of signed resolution to Community Development and County Attorney's office; and Schedule on Agenda and Advertise in the Daily Progress when ready. (Attachment 5)</p> <p><u>Community Development</u>: Notify Clerk when ready.</p>	
<p>8.5 Resolution of Intent for Zoning Text Amendment(s) Related to Residential Density Bonus Factors.</p> <ul style="list-style-type: none"> ADOPTED, Resolution of Intent. 	<p><u>Clerk</u>: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 6)</p>	
<p>8.6 Letter of Support for Albemarle County Smart Scale Design-Build Transportation Project.</p> <ul style="list-style-type: none"> ADOPTED, Resolution authorizing the County Executive to sign a letter of support for VDOT project. 	<p><u>Clerk</u>: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 7)</p> <p><u>Community Development</u>: Provide Clerk with copy of signed letter.</p>	
<p>9. SE202200065 Greenfield Short Term Rental Homestay. (<i>Scottsville Magisterial District</i>)</p> <ul style="list-style-type: none"> DEFERRED to a meeting not earlier than the first meeting in April. 	<p><u>Clerk</u>: Schedule on agenda when notified by staff.</p>	
<p>10. Acquisition of Conservation Easements Program – Action on 2019 Class.</p> <ul style="list-style-type: none"> By a vote of 6:0, CLOSED consideration of the 2019 ACE applicant class and DIRECTED staff to notify Mr. Henley that the County will not invite an offer to sell the easement. 	<p><u>Community Development</u>: Proceed as directed.</p>	

11.	Free Bridge Lane Conceptual Design Alternatives. <ul style="list-style-type: none"> By a vote of 6:0, SUPPORTED the development of a Free Bridge Lane Promenade Pilot Program. 	<u>Community Development</u> : Proceed as directed.	
12.	Presentation : Board-to-Board, A Quarterly Report from the Albemarle County School Board to the Albemarle County Board of Supervisors. <ul style="list-style-type: none"> RECEIVED. 		
13.	Closed Meeting. <ul style="list-style-type: none"> At 4:47 p.m., the Board went into closed meeting pursuant to section 2.2-3711(A) of the Code of Virginia: under subsection (1), to discuss and consider appointments to various boards and commissions including, without limitation, the Architectural Review Board, the Jefferson Area Board for Aging, the Crozet Community Advisory Committee and the Places 29 (Hydraulic) Community Advisory Committee; and 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 under subsection (5), to discuss the location of two prospective businesses or industries in the northern part of the county, one in the Rio Magisterial District and one in the Rivanna Magisterial District, where no previous announcement has been made of the businesses' or industries' interest in locating their respective facilities in the community. 		
14.	Certify Closed Meeting. <ul style="list-style-type: none"> At 6:00 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
15.	Boards and Commissions: <ol style="list-style-type: none"> Vacancies and Appointments. <ul style="list-style-type: none"> REAPPOINTED, Mr. Frank Hancock to the Architectural Review Board with said term to expire on November 14, 2026. REAPPOINTED, Ms. Sue Friedman to the Jefferson Area Board for Aging (JABA) with said term to expire March 31, 2025. APPOINTED, Ms. Denise Bonds to the Jefferson Area Board for Aging (JABA) with said term to expire March 31, 2025. APPOINTED, Ms. Jaquelin Salazar to the Places 29 (Hydraulic) Community Advisory Committee to fill an unexpired term ending August 5, 2024. REAPPOINTED, Supervisor Diantha McKeel to the Jefferson Area Board for Aging (JABA) with said term to expire December 31, 2024. 	<u>Clerk</u> : Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.	
16.	From the County Executive: Report on Matters Not Listed on the Agenda. <ul style="list-style-type: none"> There were none. 		
17.	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. <ul style="list-style-type: none"> <u>The following individuals spoke on the alleged toxic work environment and abuse</u> 		

	<p><u>of animals at the Charlottesville Albemarle SPCA.</u></p> <ul style="list-style-type: none"> • <u>Juliet Lunka</u> • <u>Sarah Lloyd</u> • <u>Katie Roche</u> • <u>Kay Cross</u> <p>• <u>The following individuals spoke towards affordable housing.</u></p> <ul style="list-style-type: none"> • <u>Tom Eckman</u> • <u>Laura Swift</u> • <u>Bob Law</u> 	
18.	<p><u>Pb. Hrg.: County Executive's Recommended Budget.</u></p> <ul style="list-style-type: none"> • <u>Held.</u> 	
19.	<p><u>Pb. Hrg.: ZMA202100008 Old Ivy Residences.</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED ordinance to approve ZMA202100008 Old Ivy Residences. • By a vote of 6:0, ADOPTED revised resolution to approve SE 2022-00011 Old Ivy Residences. 	<p><u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachments 8 and 9)</p>
20.	<p><u>Pb. Hrg.: ZMA202100009 Old Ivy Residences Preserved to Managed Slopes.</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED the ordinance to approve ZMA202100009 Preserved to Managed Steep Slopes 	<p><u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 10)</p>
21.	<p>From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> • There were none. 	
22.	<p>Adjourn to March 8, 2023, 3:00 p.m. Room 241.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 12:27 a.m. 	

ckb/tom

Attachment 1 – Proclamation Recognizing March as Red Cross Month

Attachment 2 – Resolution to Approve Additional FY 2023 Appropriations

Attachment 3 – Resolution to Approve the ACPD Mutual Aid Agreement between Albemarle County and the Town of Scottsville

Attachment 4 – Mutual Aid Agreement - County of Albemarle and Town of Scottsville

Attachment 5 – Resolution of Intent Development Fee Schedule

Attachment 6 – Resolution of Intent Zoning Text Amendment Residential Density Bonus Factors

Attachment 7 – Resolution to Authorize County Executive to Sign Letter of Support for Smart Scale Design-Build Transportation Project

Attachment 8 – Ordinance No. 23-A(2) ZMA 2021-00008

Attachment 9 – Revised Resolution to Approve SE 2022-00011 Old Ivy Residences

Attachment 10 – Ordinance No. 23-A(3) ZMA 2021-00009

Proclamation Recognizing March as Red Cross Month

WHEREAS, During American Red Cross Month in March, we celebrate the humanitarian spirit of Albemarle County and reaffirm our commitment to help ensure no one faces a crisis alone; and

WHEREAS, Caring for one another is at the heart of our community and exemplified by the people of Albemarle County, whose simple acts of kindness through the Red Cross provide help and hope in people's most difficult moments; continuing the lifesaving legacy of Clara Barton, who founded the organization more than 140 years ago to prevent and alleviate human suffering; and

WHEREAS, In Albemarle County, every day, ordinary individuals lend a helping hand to make an extraordinary difference for neighbors in need; whether it's providing emergency shelter, food and comfort for families displaced by home fires and other disasters; donating lifesaving blood for cancer patients, accident victims, and people with sickle cell disease and other life-threatening conditions; supporting military members and veterans, along with their families and caregivers, through the unique challenges of service; using vital skills like first aid and CPR to help others survive medical emergencies; or delivering international humanitarian aid and reconnecting loved ones separated by crises around the world; and

WHEREAS, Their support, volunteerism and generous donations are critical to our community's resilience. We hereby recognize this month of March in honor of all those who fulfill Clara Barton's noble words, "You must never think of anything except the need and how to meet it," and ask everyone to join in this commitment.

NOW, THEREFORE, BE IT PROCLAIMED that we, the Albemarle County Board of Supervisors do hereby recognize the month of March 2023 as Red Cross Month and encourage all residents of Albemarle County to get in touch and support their humanitarian mission.

Signed this 1st day of March 2023.

**RESOLUTION TO APPROVE
ADDITIONAL FY 2023 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2023033; #2023034; #2023035; #2023036; and #2023037 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 THE ALBEMARLE COUNTY
POLICE DEPARTMENT
MUTUAL AID AGREEMENT BETWEEN THE COUNTY OF ALBEMARLE
AND THE TOWN OF SCOTTSVILLE**

WHEREAS, the Board finds it is in the best interest of the County of Albemarle to enter into a Mutual Aid Agreement with the Town of Scottsville to continue the police assistance provided between the County of Albemarle and the Town of Scottsville.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia hereby approves the Mutual Aid Agreement between the County of Albemarle and the Town of Scottsville and authorizes the County Executive to execute the Agreement on behalf of the County once it is approved as to form and substance by the County Attorney.

**RESOLUTION OF INTENT
DEVELOPMENT FEE SCHEDULE**

WHEREAS, Section 35, Fees, of the Zoning Ordinance (Chapter 18 of the Albemarle County Code) establishes a schedule of fees for services provided by the County of Albemarle under the Zoning Ordinance; and

WHEREAS, it is desired to amend Section 35.1 of the Zoning Ordinance in order both to simplify the schedule of development fees and consolidate related fees from other sections of the County Code; and

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 amend Section 35.1 of the Zoning Ordinance and any other sections of the Albemarle County Code deemed to be appropriate to achieve the purposes described herein; and

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

**RESOLUTION OF INTENT
ZONING TEXT AMENDMENT
RESIDENTIAL DENSITY BONUS FACTORS**

WHEREAS, the Albemarle County Code ("County Code") includes residential density bonus factors to encourage development that reflects the goals and objectives of the Comprehensive Plan;

WHEREAS, the County Code limits the resulting density from the use of these bonus factors to the recommended density shown in the Comprehensive Plan; and

WHEREAS, the Comprehensive Plan does not contain numeric residential density recommendations for certain areas, especially those not designated as primarily residential; and

WHEREAS, the Albemarle County Board of Supervisors desires to adopt regulations that would limit the use of residential density bonus factors to only areas designated by the Comprehensive Plan as primarily residential.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code §§ 18-2.4.1 and any other relevant section(s) of the Zoning Ordinance deemed appropriate to achieve the purposes described herein.

**RESOLUTION TO AUTHORIZE COUNTY EXECUTIVE
TO SIGN A LETTER OF SUPPORT FOR
A SMART SCALE DESIGN-BUILD TRANSPORTATION
PROJECT**

WHEREAS, the Albemarle County Board of Supervisors adopted a resolution in support of the Albemarle County Smart Scale Design-Build Transportation Projects, including the Route 20/649 Intersection Improvement (the "Project"), on May 20, 2020; and

WHEREAS, the Virginia Department of Transportation has requested a letter of support for this Project;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the County Executive to sign a letter of support for the above referenced Project on behalf of Albemarle County.

ORDINANCE NO. 23-A(2)
ZMA 2021-00008

**AN ORDINANCE TO AMEND THE ZONING MAP FOR
PARCELS 06000-00-00-05100, 06000-00-00-024C1, 06000-00-00-024C3, AND 06000-00-00-024C4**

WHEREAS, an application was submitted to rezone 5.52 acres on Parcel 00600-00-00-05100 from R-1 Residential to R-15 Residential zoning, and 1.8 acres on Parcel 06000-00-00-024C1 from R-10 Residential to R-15 Residential zoning, to amend the proffers of ZMA 198599921 as they apply to Parcels 06000-00-00-05100, 06000-00-00-024C1, 06000-00-00-024C3, and 06000-00-00-024C4, and to amend the concept plan and proffers of ZMA199600020 as they apply to Parcel 06000-00-00-024C1, to be rezoned with the amended plan and proffers;

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 2021-00008 and their attachments, including the Concept Plan last revised August 15, 2022 and the Proffers revised February 17, 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 § 18-18.1, and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board hereby approves ZMA 2021-00008 with the revised Concept Plan entitled “ZMA 2021-00008 Rezoning Concept Plan for Old Ivy Residences” prepared by Timmons Group, dated July 19, 2021, last revised on August 15, 2022, and the Proffers revised February 17, 2023.

Original Proffers X
Amendment

PROFFER STATEMENT

Project Name: **ZMA 2021-00008 Old Ivy Residences**

Date: February 17, 2023

Parcel Numbers: 06000-00-00-024C3 (13.29 acres); 06000-00-00-024C0 (11.58 acres); 06000-00-00-024C1 (2.53 acres); 06000-00-00-024C4 (2.47 acres); and 06000-00-00-05100 (5.52 acres)

Owner(s) of Record:

Father Goose, LLC (TMP 06000-00-00-024C3)

The Filthy Beast, LLC (TMP 06000-00-00-024C0, 06000-00-00-024C1, and 06000-00-00-024C4)

Beyer Family Investment Partnership, L.P. (TMP 06000-00-00-05100)

Proposal:

- Rezone parcels 06000-00-00-024C3 (13.29 acres), 06000-00-00-024C0 (11.58 acres), a portion of 06000-00-00-024C1 (0.969 acres), and 06000-00-00-024C4 (2.47 acres) from R-15 residential with proffers to R-15 Residential with proffers;
- Rezone the remaining portion of parcel 06000-00-00-024C1 (1.561 acres) from R-10 Residential with proffers to R-15 Residential with proffers, and remove this land from any association with ZMA 1982-11, ZMA 1987-08, and ZMA 1996-20, including any approved application plans or proffers associated with any of them; and
- Rezone parcel 06000-00-00-05100 (5.52 acres) from R-1 Residential to R-15 Residential with proffers.

Total land area: Approximately 35.39 acres

The Filthy Beast, LLC, Father Goose, LLC, and Beyer Family Investment Partnership, L.P. are collectively the owners (the "Owner" or "Owners") of Parcel Numbers 06000-00-00-024C0, 06000-00-00-024C1, 06000-00-00-024C3, 06000-00-00-024C4, and 06000-00-00-05100 (collectively, the "Property"), which is the subject of a rezoning application identified as ZMA 2021-00008, a project known as "Old Ivy Residences" (the "Project").

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

1. Concept Plan:

The property must be developed in general accord with Sheet 8 within the plan set titled "Rezoning Concept Plan for Old Ivy Residences," prepared by Timmons Group, dated July 19, 2021, last revised August 15, 2022 (the "Concept Plan"), and must reflect the following major elements as shown and noted on the Concept Plan:

- a. The Project is limited to a maximum of 525 dwelling units.
- b. The general locations and general sizes of open space, stream buffers, and amenities.
- c. The general locations of the trail and pedestrian network.
- d. Entrance location on Old Ivy Road.
- e. Pedestrian crossing on Old Ivy Road at the entrance to the Project.
- f. Affordable housing.
- g. Turn lanes.

2. Rivanna Trail:

- a. Upon written request by the County, but not prior to the date that is nine (9) months after the issuance of the first Certificate of Occupancy within the Project, the Owner will relocate and establish the portions of the Rivanna Trail located on the Property (the "Relocated Rivanna Trail"), as a Class B- type 1 primitive nature trail. The general location of the proposed Relocated Rivanna Trail is shown on the Concept Plan; however, the exact location will be field located in coordination with the Rivanna Trails Foundation and Albemarle County Parks and Recreation.
- b. The Owner will work with the Rivanna Trails Foundation to convert the existing license agreement to a permanent easement, as amended to reflect the final location of the Relocated Rivanna Trail, concurrently with the site plan; subject to the reservation of rights of access for grading, utilities, maintenance, and other uses not inconsistent with the Relocated Rivanna Trail. The Owner shall record such permanent easement in the land records of Albemarle County prior to the issuance of the first certificate of occupancy for a unit within the Project.
- c. If the Relocated Rivanna Trail is located where a crossing at an internal travelway is necessary, pavement markings and signage for the crossing of the Relocated Rivanna Trail will be provided as a condition of final site plan approval.

3. Contribution to Off-Site Transportation Improvements:

The Owner's traffic impact analysis prepared by Timmons Group dated July 19, 2021, last revised November 7, 2022 (the "Traffic Study"), concludes there is existing traffic congestion during the peak hours along and near the western end of Old Ivy Road in the following locations:

- Along the Route 250/29 Bypass Southbound at Route 601 Off Ramp (the "Route 601 Off Ramp") from mainline US Route 29/250 to the unsignalized intersection of Old Ivy Road, Old Garth Road, and the Route 601 Off Ramp (the "Old Ivy/Old Garth/Off Ramp Intersection");
- Between the Old Ivy/Old Garth/Off Ramp Intersection and the signalized intersection of Ivy Road and Canterbury Road, and at the signalized intersection of Ivy Road and Canterbury Road;
- Along Faulconer Road between its intersection with the Route 601 Off Ramp and its intersection with Old Ivy Road; and
- Along Old Ivy Road between the Old Ivy/Old Garth/Off Ramp Intersection west to the bridge carrying Old Ivy Road across the railroad tracks

These areas are collectively referred to herein as the “Congestion Area,” and are generally shown on Exhibit A attached hereto. The Traffic Study further concludes that at full buildout of the Project, the Project is estimated to contribute approximately six percent (6%) of the total vehicle trips travelling through the Congestion Area during peak hours.

To mitigate the Owner’s proportionate contribution to the existing traffic congestion in the Congestion Area at the Project’s full buildout, prior to the issuance of the first certificate of occupancy for a unit within the Project, the Owner shall contribute cash to the County Capital Improvement Program fund to be applied toward the cost of constructing future transportation improvements (including multi-modal transportation improvements) designed to mitigate existing traffic impacts in either the Congestion Area or anywhere else along Old Ivy Road to its intersection with Ivy Road (the “Future Transportation Improvements Area”), on the following terms and conditions:

- a. The Owner’s contribution shall be the amount equal to six percent (6%) of the total cost of the future transportation improvements for the Future Transportation Improvements Area, up to a maximum of Seven Hundred Fifty Thousand Dollars (\$750,000) (the “Owner’s Proportionate Cash Contribution”). In no event shall the Owner’s Proportionate Cash Contribution be less than One Hundred Fifty Thousand Dollars (\$150,000).
- b. **Multi-Use Pedestrian/Bike Path:** To further mitigate the Owner’s proportionate contribution to the existing traffic congestion in the Congestion Area at the Project’s full buildout, the final site plan for the Project shall include the installation of a multi-use path along the entire frontage of the Property that is adjacent to Old Ivy Road, as shown on the Concept Plan (the “Multi-Use Path”), and the Multi-Use Path shall be installed at substantially the same time as other road improvements shown on the Concept Plan to support the Project, such as the new turn lanes.

In addition, if the owners of those parcels to the east of the Project (between the eastern edge of tax map parcel 06000-00-00-05100 and the western edge of tax map parcel 06000-00-00-045A1) donate the necessary land at no cost to the Owner prior to the approval of the final site plan for the Project, the Owner will also construct a multi-use path of similar dimensions (subject to available land and actual room in the field) across the front of those parcels (the “Extended Multi-Use Path”), such that the Multi-Use Path and the Extended Multi-Use Path will begin at the western edge of parcel 06000-00-00-024C3, and extend to the western edge of parcel 06000-00-00-045A1, a distance of approximately one thousand two hundred seventy-five (1,275) linear feet. If the Extended Multi-Use Path is to be installed by the Owner, the Extended Multi-Use Path shall be installed at substantially the same time as other road improvements shown on the Concept Plan to support the Project, such as the new turn lanes.

Alternatively, if the owners of either of those parcels to the east of the Project (between the eastern edge of tax map parcel 06000-00-00-05100 and the western edge of tax map parcel 06000-00-00-045A1) do not donate the land necessary for the construction of the Extended Multi-Use Path at no cost to the Owner prior to the approval of the final site plan for the Project, then prior to the issuance of the first certificate of occupancy for a unit within the Project, the Owner shall contribute cash to the County Capital Improvement Program fund to be applied toward the cost of constructing the Extended Multi-Use Path and/or other

transportation or multi-modal transportation improvements within the Future Transportation Improvements Area, in the amount of Five Hundred Thousand Dollars (\$500,000).

Any approvals required in connection with the donation of land for the Extended Multi-Use Path shall include any and all approvals and authorizations as may be required by applicable law or by the governing instruments of any applicable condominium.

4. Additional Receiving Lane on the North-Bound Ramp Leading to U.S. Route 250 Bypass

To further mitigate the Owner's proportionate contribution to the existing traffic congestion in the Congestion Area at the Project's full buildout, subject to the terms and conditions of this paragraph 4, the final site plan for the Project shall include the installation of a second vehicle receiving lane on the north-bound ramp leading to the U.S. Route 250 Bypass from Old Ivy Road (the "Additional Receiving Lane"). The Additional Receiving Lane shall be constructed to Virginia Department of Transportation ("VDOT") standards and specifications, which specifications are estimated to require a two hundred (200) foot long travel lane no more than twelve (12) feet wide, and a two hundred fifty (250) foot long taper lane, for a total estimated lane length of four hundred fifty (450) feet. In the event that there is not sufficient existing right-of-way to construct the Additional Receiving Lane, the Owner will dedicate such land adjacent to the future Additional Receiving Lane as necessary to construct it to VDOT standards and specifications. The Additional Receiving Lane shall be installed at substantially the same time as other road improvements shown on the Concept Plan to support the Project, such as the new turn lanes.

Alternatively, in the event that the final estimated cost to construct the Additional Receiving Lane exceeds Five Hundred Thousand Dollars (\$500,000.00), the Owner, in its discretion, may elect to contribute cash to the County Capital Improvement Program Fund to be applied toward the cost of constructing the Additional Receiving Lane, in the amount of Five Hundred Thousand Dollars (\$500,000), instead of constructing the Additional Receiving Lane. In the event that the Owner elects to make such contribution instead of constructing the Additional Receiving Lane, if there is not sufficient existing right-of-way to construct the Additional Receiving Lane, the Owner will dedicate such land adjacent to the future Additional Receiving Lane as necessary to construct it to VDOT standards and specifications.

5. Satisfaction of ZMA 1985-21 Proffer

By the Board of Supervisors approval of ZMA 2021-00008 and acceptance of this Proffer Statement, the approved proffer associated with ZMA 1985-21 is deemed satisfied and is hereby eliminated.

6. R-10 Residential Portion of Parcel 06000-00-00-024C1

By the Board of Supervisors approval of ZMA 2021-00008 and acceptance of this Proffer Statement, the 1.561 acre portion of parcel 06000-00-00-024C1 that is zoned R-10 Residential and is associated with ZMA 1982-11, ZMA 1987-08, and ZMA 1996-20, including any approved application plans or proffers associated with any of them, shall be rezoned to R-15 Residential, and shall no longer be associated with, or bound by any of ZMA 1982-11, ZMA 1987-08, or ZMA 1996-20, or any application plans or proffers associated with any of them.

[SIGNATURE PAGE IMMEDIATELY FOLLOWS]

OWNER:

FATHER GOOSE, LLC
a Virginia limited liability company

By: W. K. Heischman
W. K. Heischman, Manager

THE FILTHY BEAST, LLC
a Virginia limited liability company

By: W. K. Heischman
W. K. Heischman, Manager

BEYER FAMILY INVESTMENT PARTNERSHIP, L.P.
a California limited partnership

By: Nikki G. Beyer
Nikki G. Beyer, Trustee
of the Beyer Gift Trust dated March 19, 2015
General Partner

By: Richard M. Beyer
Richard M. Beyer, Trustee
of the Beyer Gift Trust dated March 19, 2015
General Partner

ZMA 2021-00008 Old Ivy Residences – Exhibit A to Proffer Statement



46396124.10

**REVISED RESOLUTION TO APPROVE
SE 2022-00011 OLD IVY RESIDENCES**

WHEREAS, upon consideration of the staff reports prepared for SE2022-00011 Old Ivy Residences (in conjunction with ZMA202100008) and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-4.19(5), and 18-33.9, the Albemarle County Board of Supervisors hereby finds that the proposed special exception:

- (i) would be consistent with the applicable Neighborhood Model Principles from the Comprehensive Plan; and
- (ii) would not have a negative impact on the Bypass Entrance Corridor

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves a special exception to waive the 15-foot setback requirement of County Code § 18-4.19 for the multi-family structures on Parcels 06000-00-00-05100, 06000-00-00-024C0, and 06000-00-00-024C3.

**ORDINANCE NO. 23-A(3)
ZMA 2021-00009**

**AN ORDINANCE TO AMEND THE ZONING MAP FOR
PARCELS 06000-00-00-024C1, 06000-00-00-024C3, AND 06000-00-00-024C4**

WHEREAS, an application was submitted to rezone 1.55 acres on Parcels 06000-00-00-024C1, 06000-00-00-024C3, and 06000-00-00-024C4 from Preserved Steep Slopes to Managed Steep Slopes; and

WHEREAS, on November 29, 2022, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2021-00009;

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 2021-00009 and their attachments, including the Old Ivy Residences Preserved Slopes Zoning Map Amendment last revised February 7, 2021, 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 § 18-30.7.3, and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board hereby approves ZMA 2021-00009 with the revised Application Narrative entitled “Old Ivy Residences Preserved Slopes Zoning Map Amendment” prepared by Timmons Group, dated July 19, 2021, and indicated as last revised on “February 7th, 2021 [*sic*].”

