

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on April 17, 2024 at 1:00 p.m. in Lane Auditorium on the Second Floor of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA 22902.

BOARD MEMBERS PRESENT: Mr. Jim H. Andrews, Mr. Ned Gallaway, Ms. Beatrice (Bea) J.S. LaPisto-Kirtley, Ms. Ann H. Mallek, Ms. Diantha H. McKeel, and Mr. Michael Pruitt.

ABSENT: None.

OFFICERS PRESENT: County Executive, Jeff Richardson; County Attorney, Steve Rosenberg; Clerk, Claudette Borgersen; and Senior Deputy Clerk, Travis Morris.

Agenda Item No. 1. Call to Order. The meeting was called to order at 1:00 p.m. by the Chair, Mr. Jim Andrews.

Mr. Andrews said two Albemarle County Police Department staff were present to provide their services, Master Police Officer Chip Riley and Officer Andy Muncy.

Agenda Item No. 2. Pledge of Allegiance.

Agenda Item No. 3. Moment of Silence.

Agenda Item No. 4. Adoption of Final Agenda.

Mr. Andrews said that he had not heard any of any proposed amendments to the final agenda and asked for a motion.

Ms. Mallek **moved** to adopt the final agenda.

Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

Agenda Item No. 5. Brief Announcements by Board Members.

Ms. LaPisto-Kirtley reported that during the EDA (Economic Development Authority) meeting held yesterday, they approved providing funds for a beekeeper to establish a mobile beekeeping processing plant. She said that as a result, this initiative enabled them to assist smaller beekeepers in the area by visiting their locations and facilitating more efficient and cost-effective honey processing. She said that this benefited both the beekeepers and the environment.

Mr. Gallaway acknowledged the challenging time for public safety officials, including police, fire, and emergency response personnel, over the last seven to ten days. He said that he wanted to speak specifically to an incident that occurred at the Fairview Swim and Tennis Club in the Rio District. He said that HART (Human Services Alternative Response Team) was first on scene, finding a gentleman in a mental health crisis. He said that eventually, the Police Department had to intervene to help resolve the situation.

Mr. Gallaway said that the fact that the man was now receiving treatment highlighted their commitment to an approach in Albemarle County that he appreciated. He said that in other jurisdictions, this individual might have been shot and killed. He said that frankly, the shooting and killing of the man could have been justified. He said that just because it could be justified did not mean it was the right choice or the right thing to do. He said that this went to their community policing model in Albemarle County, which he was very appreciative of.

Mr. Gallaway expressed gratitude for all the men and women who handled that situation with patience, compassion, thought, and care, ensuring no residents or personnel were injured. He said that non-lethal means were used to subdue the gentleman, and now he was receiving the treatment he needed. He said that this type of commitment took strong leadership, which he believed they had in Colonel Reeves, Chief of Police, as he was committed to this policing model.

Mr. Gallaway expressed his gratitude towards the leadership provided by Mr. Richardson and the County Executive's Office. He acknowledged that this required not only the support from the higher authorities but also the commitment of the people who put it into practice on a daily basis. He said that these individuals often faced challenging situations and must make decisions based on their understanding of what was right, even if other justified approaches were available.

Mr. Gallaway said that he shared this information at a recent HOA (Homeowner Association Association) event in his district where he discussed this approach with attendees who represented various age groups and political views, and everyone present agreed that this was the correct and appropriate method to follow in Albemarle County. He emphasized the importance of reminding the Police Department and other public safety personnel that their citizens supported this commitment and

approach. He requested Mr. Richardson to share this message.

Mr. Pruitt said that firstly, he wanted to recognize that across the street in their neighboring City, Charlottesville, was the beginning of the Tom Tom Festival. He said that although it was not in their jurisdiction, he believed it was important because it addressed several issues related to how they governed and viewed themselves as a community. He said that specifically, on Saturday, there was a day-long panel for former offenders who were re-entering their community, discussing the challenges they faced and ways to build a world more supportive of them. He encouraged people to explore the program offered at this event.

Mr. Pruitt said that additionally, from 10:00 a.m. to 3:00 p.m., on Saturday, April 20, there was the Scottsville Literary Festival. He said if anyone was in the vicinity, he suggested attending the event at Victory Hall.

Mr. Pruitt said that lastly, similar to Mr. Gallaway, he expressed gratitude to all public safety professionals in the County who had been dealing with a challenging past two weeks. He said that he wanted to briefly discuss an incident that occurred within his jurisdiction. He said that a Planet Fitness gym in his district faced a bomb threat and had to be temporarily closed, along with several adjacent buildings.

Mr. Pruitt said that traffic to one of the most significant commercial areas in his entire district, Fifth Street Station, was also affected. He said that this Planet Fitness location was among dozens across the country targeted due to its policy not banning trans women from locker rooms. He said that he viewed this specifically as an anti-LGBT terror effort and he had been reassured by the fact that their community has strongly rejected such actions and hate within it.

Mr. Pruitt said that he would also like to address the fact that the Board had learned that their ability to seek damages following a conviction by the Commonwealth Attorney for the expenses they incurred during this incident was severely limited and would need to be contingent on an ordinance. He suggested to his peers on the Board and to their community that this was a very essential and basic next step that needed to be pursued to make sure they were responding as fully as possible to these future threats.

Mr. Pruitt stated that in general, their tools for directly confronting those who incited such incidents were deeply and frustratingly limited. He said that in his personal capacity, he planned to work with his representatives, who happened to both be lawyers, so they could think of something together, to see what kind of tools could be deployed in order to make it easier to hold people responsible who bring these threats into their community.

Mr. Pruitt expressed gratitude towards the public safety personnel and noted that this had resulted in an increase to security concerns for the County and himself. He said that in his personal capacity, he had received multiple death threats and hundreds of direct accusations of sexual predatorism and pedophilia sent directly to him because he spoke against an anti-LGBT terror threat in his community. He said that as a community, they expected this additional concern and threat. He said that he would admit that he had a lot of guilt making this statement knowing that they would expect this kind of additional concern and threat in their community.

Mr. Pruitt emphasized that they were becoming too comfortable with the normalization of such threats of violence in certain contexts in society. He asked everyone in the audience to think about how they participated and empowered voices that normalized political violence in their community. He said that on that note, he reminded everyone that the first day of in-person elections for the congressional primary was May 3, and the first day of in-person voting for the general election would be on September 20.

Ms. McKeel expressed her appreciation for her fellow Board members' comments and once again commended HART. She said that last week, a business owner informed her about an employee who experienced a mental health breakdown at work. She said that the owner called 911, and she was so appreciative of the assistance provided by HART, who managed to de-escalate the situation effectively. She said that she stated that in previous years, the outcome might not have been as favorable.

Ms. McKeel said that she knew she could speak on behalf of everyone present when mentioning their delight about the budget allocation for another team. She said that it would enable them to respond to calls outside of business hours, specifically during evenings and weekends.

Ms. McKeel expressed her appreciation towards those who attended her town hall meeting. She said that it was the first time they had more constituents than staff attending the meeting; 35 residents participated. She thanked the Albemarle County staff and team for introducing this new approach to town halls, which combined transportation, safety, and other reports along with budget information that were all of interest to the constituents of the Jack Jouett District.

Ms. Mallek expressed her appreciation for the three police chiefs since 2009 and the Board leadership of successive boards since that time. She said that these individuals had focused on community policing, which involved keeping the same staff in the same region for an extended period, something not done for 20 years prior.

Ms. Mallek said that this allowed officers to familiarize themselves with their neighbors and

maintain a strong connection with their constituents, whom they were protecting. She expressed her appreciation for these advancements and the work of former Police Chiefs Sellers and Lantz, and leadership from Police Chief Sean Reeves in sponsoring HART, which has already seen great success in its first six months.

Ms. Mallek said that the White Hall Town Halls marked the end of the season, with her attending her 91st one since 2008 on April 10 in Crozet. She said that this was the first time she had a contingent of staff there, and it was a fantastic experience. She said that the presentations were excellent, and County Executive Mr. Richardson did a great introduction. She said that together with other staff members, they answered many questions from constituents. She said that following that, she had slightly smaller contingencies of about 20 and 10 participants each, but overall, it was an excellent season. She thanked everyone for their participation and continuing to reach out to the Board of Supervisors with their concerns.

Ms. Mallek said that she had three announcements to share as well. She said that on April 19 at 11:00 a.m., there would be a rededication ceremony for the Dogwood Vietnam Memorial in McIntire Park. She said that parking would be in the field, and attendees would be directed to enter through the skate park from the westbound northbound on the bypass only.

Ms. Mallek said that secondly, on April 27 the White Hall Ruritans would be hosting a plant sale. She explained that these plants were grown from seeds or sourced from members' gardens, with proceeds allocated for high school graduate scholarships and maintaining the historic building that was once a parish church in 1905 and later gifted to the community around 60 years ago. She said that lastly, the 21st spring plant sale hosted by the Piedmont Master Gardeners would take place on Saturday, May 4 at Albemarle Square from 10:00 a.m. to 2:00 p.m., offering an opportunity for people to enhance their gardens with native plants grown locally.

Mr. Andrews said that in the Samuel Miller District, they had experienced a couple of fire incidents that required emergency response. He said that one was just an unattended grill which caused some damage; he emphasized the importance of practicing safety and recognizing that even though rainfall had occurred, the fire season was still ongoing.

Mr. Andrews said that he would like to inform everyone that he had the honor of signing and sending off thank you letters to the localities that assisted them with the March 20 mutual aid: Nelson County, Cumberland County, Amelia County, Isle of Wight County, Town of Pulaski, and Greene County. He expressed his gratitude for their support. He said that he also appreciated Mr. Gallaway's comments about the significance of HART and the approach they were taking towards addressing those issues.

Agenda Item No. 6. Proclamations and Recognitions.

Item No. 6. a. Proclamation Recognizing National Public Safety Telecommunicators Week.

Ms. LaPisto-Kirtley **moved** to adopt the proclamation recognizing National Public Safety Telecommunicators Week, which she read aloud.

Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

Proclamation Recognizing National Public Safety Telecommunicators Week

WHEREAS, in an emergency, community members depend on Public Safety Telecommunicators and access to 9-1-1 as their only means to request help from fire and rescue, law enforcement, animal control, and emergency mental health responders; and

WHEREAS, when an emergency occurs, the prompt response of field responders is critical to the protection of life and preservation of property, and Public Safety Telecommunicators are the "first, first responders," the single vital link between field responders and persons seeking immediate relief during an emergency; and

WHEREAS, the Charlottesville-UVA-Albemarle County Emergency Communications Center (CUA-ECC) was founded in 1984 as a joint partnership between the City of Charlottesville, the University of Virginia, and Albemarle County; and

WHEREAS, Public Safety Telecommunicators of the CUA-ECC process approximately 250,000 calls per year from persons who call, text, or video call the emergency communications center, and ensure the safety of our field responder personnel by monitoring their activities and providing them crucial information, thereby significantly contributing to crime reduction, fire suppression, and patient treatment; and

WHEREAS, each day, Public Safety Telecommunicators provide life-saving treatment instructions, compassion, understanding, and professionalism during the performance of their jobs.

NOW, THEREFORE, BE IT PROCLAIMED, that we, the Albemarle County Board of Supervisors, do hereby recognize the week of April 14-20, 2024, as National Public Safety Telecommunicators Week, in honor of telecommunicators and those whose roles provide support for them, whose diligence and professionalism keep our communities safe and healthy; and commemorate the 40th Anniversary of the CUA Emergency Communications Center.

Mr. Sonny Saxton, Executive Director of the Regional Emergency Communications Center (ECC) and immediate past president of the Virginia Association of Communications Officials accepted the proclamation. He thanked the Board for taking the time to recognize their public safety communications officers. He stated that there were over 60 employees at the ECC who were thankful of this recognition. He asked those joining him to stand and be recognized. He said that they would host an open house tomorrow from 4:00 p.m. to 7:00 p.m. at the Emergency Communications Center on Ivy. He said that they would serve hamburgers and hot dogs, and they would love for the community to visit.

Ms. LaPisto-Kirtley said that she appreciated 911, and wondered where they would be without it. She said that they had saved so many lives with their dedicated employees.

Mr. Gallaway expressed his appreciation for what they did, and the professionalism of the individuals involved.

Mr. Pruitt expressed his gratitude to their team, especially for their efforts during what had been a challenging few weeks.

Ms. McKeel asked if the other staff present could come forward and introduce themselves.

Celeste Baldino, Deputy Director of Operations, Josh Powell, Deputy Director of Support Services, Lily Gregg, Deputy Director of Technology, Penny Banks, Senior Systems Engineer, and Devin Capello, staff member, came forward and introduced themselves.

Ms. McKeel thanked them and said that this was an excellent example of how the County, the City, and UVA worked together for the benefit of the community.

Ms. Mallek thanked them and expressed her appreciation for how far the 911 system had come.

Mr. Andrews thanked them and said that a recent Festival of the Book event focused on the work of emergency responders during disasters.

Mr. Richardson said that they had an amazing team under Mr. Saxton's leadership, who balanced three organizations, and that many events involved more than one responding agency. He asked Mr. Saxton to speak to his recent comments regarding the daytime and nighttime population growth in the community as it related to the call volume at ECC and what he saw as to how the community grew by quite a bit during the day as a destination community.

Mr. Saxton said that they were challenged to answer calls during the daytime and evening hours because they were a destination community for many workers from communities around them. He said that the 911 call volume is equal to that of communities twice their size, and he believes that is due to the increase in the daytime and evening population.

Ms. Mallek asked him to bring to the Board a request for additional space without waiting until the last minute because it took a while to make that happen.

Ms. LaPisto-Kirtley presented the Proclamation to Mr. Saxton.

Agenda Item No. 7. 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.

Ms. Mary Krumbein said that she had recently purchased a property situated in Albemarle County's Scottsville District. She explained that the property, formerly known as Slate Hill Baptist Church, was also recognized as the old historic Slate Hill Meeting House. She said that it was listed on both the national and state Historic Registers of Places. She said that she was requesting a minor special exception to have it titled under a business name instead of her personal name. She said that after partially renovating the property, she planned to reside there.

Ms. Krumbein said that for liability reasons and for a construction loan to restore the property and bring it back to its original appearance, a Small Business Administration (SBA) loan required titling in a business name rather than personally. She said that Ms. Leah Brumfield had provided valuable information, suggesting she probably did not need to subdivide the property as initially requested in her special exception application, so she would probably not be doing that.

Mr. Tom Olivier, Samuel Miller District, said that he was there to discuss Rivanna Futures and related developments. He said that in previous updates to the Planning Commission and to the Board of

Supervisors, the County Executive Office staff suggested that Rivanna Futures could anchor an eight-mile defense and technology corridor running along Route 29 North all the way to the Greene County line. He mentioned that business community support for such a corridor was said to be already in place.

Mr. Olivier said that he had questions regarding the projected economic and environmental consequences of such developments. He said that for starters, he asked what obvious community need would an eight-mile military industrial complex on 29 North meet, and would its benefits exceed its detrimental effects. He stated that a multi-mile tech DOD (Department of Defense) corridor would expand the local economy, but he questioned if that was vital or even good.

Mr. Olivier said that Albemarle's economy had been relatively strong for decades. He said that for better or for worse, UVA was anchored here and served as an engine of growth. He said that an eight-mile military industrial complex on 29 North undoubtedly would attract many new highly skilled residents to fill new high-tech jobs.

Mr. Olivier said that however, he would point out that this would lead to associated new homes, the expense of new schools, new shopping centers, and new growth areas, along with worse traffic and more. He said that he was skeptical that most residents wanted those. He said that current low-income residents could reap the fewest benefits, as they would lack the skills to fill fancy tech jobs, and existing housing costs would rise, driving many poor people out of Albemarle.

Mr. Olivier said that turning to the environment, new building would destroy a fragment forest and other habitat blocks, undermining the County's 25-year-old commitment to protect its ecosystems. He said that new buildings would also expand heat islands and exacerbate climate resilience challenges. He said that the energy needs of new residents would undermine County efforts to become carbon neutral. He said that these environmental consequences of a tech DOD corridor would add to threats to their community's future.

Mr. Olivier acknowledged that he could be wrong with these seat-of-the-pants assessments. He said that perhaps they had analyses of the many impacts of a 29 North Tech DOD corridor. If they did, he requested they post them on the County website so citizens could examine them. He said that if they did not have impact analyses, he requested they hold off promotion of or commitments to a 29 North Tech DOD corridor until they had studies to inform their decisions.

Agenda Item No. 8. Consent Agenda.

Mr. Andrews said that he was not aware of any amendments to the consent agenda, and that the floor was open for a motion.

Ms. Mallek **moved** to approve the consent agenda.

Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

Item No. 8.1. Approval of Minutes: July 20 and August 3, 2022.

Mr. Gallaway had read the minutes of July 20, 2022 and found them to be in order.

Ms. McKeel had read the minutes of August 3, 2022 and found them to be in order.

By the above-recorded vote, the Board approved the minutes of July 20 and August 3, 2022.

Item No. 8.2. Schedule a Public Hearing for the Rivanna Water and Sewer Authority South Fork Rivanna Water Main Crossing Easement.

The Executive Summary forwarded to the Board states that the Rivanna Water and Sewer Authority (RWSA) has previously identified through master planning that a 24-inch water main will be needed from the South Rivanna Water Treatment Plant (SRWTP) to Hollymead Town Center to meet future water demands. Two segments of this water main were constructed as part of the VDOT Rt. 29 Solutions projects, including a 24-inch water main along Rt. 29 and a 24-inch water main along the new Berkmar Drive Extension, behind the Kohl's department store. An additional 24-inch water main was just installed from Kohl's to the northern terminus of Berkmar Drive Extension to the new Airport Road Pump Station (which will be completed this summer).

To complete the connection between the SRWTP and the new 24-inch water main under Rt. 29, there is a need to construct a new river crossing at the South Fork Rivanna River. The selected alternative will include a trenchless river crossing in between the South Fork Rivanna Dam and the Berkmar Bridge to minimize environmental impacts. Acquisition of easements is required for the river crossing on the County's Brook Hill River Park (Tax map parcel 45-66B) and along Rio Mills Road.

Because the County owns the property, Virginia Code 15.2-1800 requires an advertised public hearing.

RWSA is requesting Albemarle County to grant a temporary construction easement and a permanent waterline easement to install an underground trenchless 24" waterline crossing under the South Fork Rivanna River from South Rivanna Water Treatment Plant to Hollymead Town Center to meet future water demands. The line would cross Brook Hill River Park (Attachment A), which Crockett Corporation gifted to the County in 2018 for outdoor recreation. Staff confirmed that the Crockett Corporation did not have any concerns with the proposed deed of easement. The draft deed of easement (Attachment B) includes language to address wetlands located through this area.

There is no budget impact associated with this item.

Staff recommends that the Board schedule a public hearing to consider the Deed of Easement for the RWSA South Fork Rivanna Water Main Crossing at Brook Hill River Park.

By the above-recorded vote, the Board authorized the Clerk to schedule a public hearing to consider the deed of easement for the RWSA South Fork Rivanna water main crossing at Brook Hill River Park.

Item No. 8.3. Biscuit Run Maintenance Facility Design-Build Procurement.

The Executive Summary forwarded to the Board states that the County's Purchasing Manual Chapter 27, Design-Build Procedures, outlines the procedures for all departments, agencies, and institutions of the County for the procurement, as well as the administration of, Design-Build contracts. A Design-Build contract is an agreement between the County and another party in which the party contracting with the public body agrees to both design and build the structure, roadway, or other item specified in the agreement. In accordance with the procedures contained within the Purchasing Manual, the County may contract to secure Design-Build projects on the basis of either a fixed price or a not-to-exceed price. County staff are authorized to use competitive negotiation to procure Design-Build contracts if it determines, in advance and in writing, that the more standard practice of Design-Bid-Build is either not practicable or not fiscally advantageous to the public.

Prior to taking any action to pursue the Design-Build method of procurement, staff must submit a written determination letter to the Board of Supervisors stating the reasons why the Design-Bid-Build procurement method is not practicable or not fiscally advantageous, and must request authorization from the Board to utilize the Design-Build procurement method.

Staff request authorization to utilize the Design-Build method of procurement for the Biscuit Run Park Maintenance Facility. The recommendation is based on a scope and cost study that revealed the estimated probable cost of the project would likely exceed the funding allocated for this project. The study assumed the utilization of the more standard Design-Bid-Build method.

In this instance, a successful project does not require a custom-designed and custom-built maintenance facility. Utilization of the Design-Build procurement method and assuming the use of a pre-engineered metal building (PEMB) will reduce both design fees and construction costs. This method of project execution is also more time-efficient, reducing the impacts of cost escalation. Due to the nature of this project, the Design-Bid-Build method is not fiscally advantageous.

If authorized to use this procurement method, the County will solicit bids to engage a contractor to perform the site work and to coordinate design with PEMB subcontractors. The County's Purchasing Agent also provided its support for this project through a letter of support on March 8, 2024 (Attachment A).

Utilization of the Design-Build procurement method will help to control costs and keep this project within budget. This project is part of the approved Capital Budget.

Staff recommends that the Board adopt a resolution (Attachment B) to authorize staff to use the Design-Build procurement method for the Biscuit Run Maintenance Facility project.

By the above-recorded vote, the Board adopted the Resolution (Attachment B) to authorize staff to use the design-build procurement method for the Biscuit Run Maintenance Facility project:

**RESOLUTION TO APPROVE THE USE OF THE DESIGN-BUILD METHOD OF
PROCUREMENT FOR THE CONSTRUCTION OF THE BISCUIT RUN PARK
MAINTENANCE FACILITY**

WHEREAS, the County's Purchasing Manual Chapter 27, Design-Build Procedures, outlines the process for all departments, agencies, and institutions of the County for the procurement, as well as the administration of, Design-Build contracts.

WHEREAS, within the procedures it states that staff must submit a written letter to the Board of Supervisors outlining the need for the use of procurement of Design-Build prior to taking any action to pursue and request authorization for the utilization of the Design-Build procurement method;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby

authorizes staff to utilize the Design-Build method of procurement for the construction of the Biscuit Run Park Maintenance Facility.

Item No. 8.4. Resolution to accept road(s) in the Fairhill Subdivision into the State Secondary System of Highways (*White Hall Magisterial District*).

By the above-recorded vote, the Board adopted the resolution to accept road(s) in the Fairhill Subdivision into the State Secondary System of Highways:

R E S O L U T I O N

WHEREAS, the street(s) in Fairhill Subdivision, as described on the attached Additions Form AM-4.3 dated April 17th, 2024, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in Fairhill Subdivision, as described on the attached Additions Form AM-4.3 dated April 17th, 2024, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

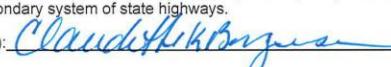
FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

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by Resolution of the governing body adopted 4/17/2024

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes to the secondary system of state highways.

A Copy Testee

Signed (County Official): 

Report of Changes in the Secondary System of State Highways

Project/Subdivision: **Fairhill**

CHANGE TYPE	RTE NUM & STREET NAME	CHANGE DESCRIPTION	FROM TERMINI	TO TERMINI	LENGTH	NUMBER OF LANES	RECORDATION REFERENCE	ROW WIDTH
Addition	Rt. 1336 - Fairhill Mountain View	New subdivision street §33.2-705	Int Rte 250 Rockfish Gap Turnpike	0.203Mi North to 1337 Eagle View	0.2030	2	5188/625	50
Addition	Rt. 1336 - Fairhill Mountain View	New subdivision street §33.2-705	Rte 1337 Eagle View	0.032Mi North to CDS	0.0320	2	5188/625	50
Addition	Rt. 1337 - Eagle View	New subdivision street §33.2-705	Rte 1337 Eagle View Begin CDS	0.061mi around open center CDS	0.0610		5188/625	128
Addition	Rt. 1337 - Eagle View	New subdivision street §33.2-705	Rte 1336 Fairhill Mountain View	0.203Mi West to CDS	0.2030	2	5188/625	50

Item No. 8.5. Resolution to accept road(s) in the Old Trail Creekside 3 Subdivision into the State Secondary System of Highways (*White Hall Magisterial District*).

By the above-recorded vote, the Board adopted the resolution to accept road(s) in the Old Trail Creekside 3 Subdivision into the State Secondary System of Highways:

R E S O L U T I O N

WHEREAS, the street(s) in Old Trail Creekside 3 Subdivision, as described on the attached Additions Form AM-4.3 dated April 17th, 2024, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

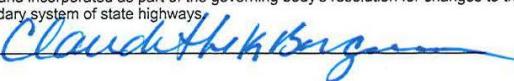
WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in Old Trail Creekside 3 Subdivision, as described on the attached Additions Form AM-4.3 dated April 17th, 2024, to the secondary system of state highways, pursuant to §33.2705, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

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Form AM 4.3 (Rev 03/21/2024)		ICR ID: 39764860 SSR						
VDOT COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION Form AM 4.3								
In Albemarle County								
by Resolution of the governing body adopted 4/17/2024								
The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes to the secondary system of state highways.								
A Copy Testee		Signed (County Official): 						
Report of Changes in the Secondary System of State Highways								
Project/Subdivision: Old Trail Creekside 3								
CHANGE TYPE	RTE NUM & STREET NAME	CHANGE DESCRIPTION	FROM TERMINI	TO TERMINI	LENGTH	NUMBER OF LANES	RECORDATION REFERENCE	ROW WIDTH
Addition	Rt. 1820 - Welbourne Lane	New subdivision street §33.2-705	Int Birchwood Hill Road	0.056 Mi South to Int. of Windmere Lane	0.0560	2	4848/555	40
Addition	Rt. 1916 - Birchwood Hill Road	New subdivision street §33.2-705	Int Birmingham Drive	0.08 Mi East to Int. Welbourne Lane	0.08	2	4848/555	40
Addition	Rt. 1916 - Birchwood Hill Road	New subdivision street §33.2-705	Inr. Welbourne Lane	0.11mi East to CDS	0.11	2	4848/555	40
Addition	Rt. 1917 - Birmingham Drive	New subdivision street §33.2-705	Rte 691 Jarmans Gap Road	0.098 Mi South to Int. Birchwood Hill Dr	0.0980	2	4848/555	40
Addition	Rt. 1917 - Birmingham Drive	New subdivision street §33.2-705	Int. Birchwood Hill Road	0.077 Mi South to CDS	0.0770	2	4848/555	40

Item No. 8.6. Request for ACSA Easement across County-Owned Land near Rio Point Development.

The Executive Summary forwarded to the Board states that the developer of the Rio Point project, located at the intersection of John Warner Parkway and Rio Road, is currently working through the site plan approval process with County staff. Though the site is within the Albemarle County Service Authority (ACSA) jurisdictional area for both water and sewer service, the site does not have access to sewer utilities because the nearest sewer line is located to the south, across Meadow Creek. During site plan review, the ACSA indicated that the most feasible and desirable route for extending sewer utilities to the Rio Point site would require establishing a new ACSA sewer easement on Parcel ID 061A0-03-00-000B1, which is owned by Albemarle County.

Virginia Code § 15.2-1800 requires a public hearing prior to the conveyance of most County-owned property, including this proposed easement interest. A proposed subdivision plat (Attachment A), currently under review with staff, shows the location of the proposed sewer easement on Parcel ID 061A0-0300-000B1. The easement would grant ACSA rights to construct and maintain the sewer utilities on the parcel.

The County would receive the estimated fair market value for the easement. This amount will be determined prior to the public hearing.

Staff recommends that the Board of Supervisors adopt the proposed resolution (Attachment B) to hold a public hearing on this request.

By the above-recorded vote, the Board adopted the proposed Resolution (Attachment B) to authorize the Clerk to schedule a public hearing on this request:

**RESOLUTION APPROVING THE SCHEDULING OF A PUBLIC HEARING ON THE
PROPOSED CONVEYANCE OF A SANITARY SEWER EASEMENT ACROSS
COUNTY-OWNED PARCEL 061A0-03-00-000B1**

WHEREAS, the County owns Parcel 061A0-03-00-000B1 along Meadow Creek;

WHEREAS, the developer of the Rio Point project and the Albemarle County Service Authority (ACSA) have requested that the County grant a sanitary sewer easement across this Parcel to the ACSA; and

WHEREAS, *Virginia Code 15.2-1800* requires a public hearing prior to the conveyance of this interest in County-owned real property;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the scheduling of a public hearing on this proposal.

Item No. 8.7. Rivanna Water and Sewer Authority (RWSA) Quarterly Report, **was received for information.**

Item No. 8.8. Albemarle County Service Authority (ACSA) Quarterly Report, **was received for information.**

Agenda Item No. 9. **Action Item:** SE202300042 3074 Doctors Crossing Homestay.

The Executive Summary forwarded to the Board states that the applicant is requesting a special exception for a homestay at 3074 Doctors Crossing.

Resident Manager. Pursuant to County Code § 18-5.1.48(d), the applicant is requesting authorization under County Code § 18-5.1.48(b)(2) to permit a resident manager to fulfill the residency requirements for a homestay use.

Please see Attachment A for full details of staff's analysis and recommendations.

Staff recommends that the Board adopt the attached Resolution (Attachment G) to approve the special exception.

Ms. Lea Brumfield, Senior Planner II, said that there were three homestay special exceptions before the Board today. She said that each of these requested authorization for a resident agent to fulfill residency requirements for a Homestay use. The first special exception was Special Exception 202300042 at 3074 Doctor's Crossing in Stony Point, which was a 65-acre parcel that was mostly forested and in hay.

Ms. Brumfield said that since this was a Rural Areas parcel of greater than five acres in size, it was permitted to rent up to five guest sleeping spaces within a single-family dwelling or an accessory structure built before August 7, 2019. She said that unhosted stays were permitted for up to seven days per month and up to 45 days per year. She explained that if the special exception to allow a resident agent was approved, the owner must then apply for a homestay zoning clearance.

Ms. Brumfield said that during that review process, the structure used for the homestay would be inspected for building and fire safety, the owners would need to send a notice to neighbors providing them with responsible agent contact information, and the homestay would also require guest parking on site at a standard rate of one parking space per guest bedroom. She said that in subsequent years, the property would need to pass an annual fire safety inspection.

Ms. Brumfield said that displayed was a slide included in the Board's materials, showing the homestay at 3074 Doctors Crossing proposed to be located in the center of the 65-acre parcel with a

yellow star indicating its location. She said that the closeup view showed the structure itself from an aerial perspective along with ample parking along the driveway. She said that a full view of the front of the single-family dwelling proposed for use as a homestay was also shown.

Ms. Brumfield said that the reason for requesting a special exception was because the property belongs to Ms. Leslie Martina Durr. She said that her letter to the Board was included in the provided packet. She said that as mentioned in the application, Ms. Durr currently resided in a retirement community and her son, Mr. Eric Hurt, lived on the property with his family. She said that Ms. Durr was asking for permission to have Mr. Hurt serve as her resident agent so that the property could host a homestay. She said that if this special exception was approved during the homestay clearance process, the residency would be reviewed and approved at that point.

Ms. Brumfield said that the next images showed on the slide the views from the structure facing south, west, and north. She said that it could be seen that there was dense vegetation and a lot of space in between this property and any other dwellings. She said that as such, staff would note the factors to be considered for the special exception.

Ms. Brumfield said that when considering factors for a special exception, they took into account adverse impacts to the surrounding neighborhood, public health, safety, and welfare, consistency with the Comprehensive Plan, and consistency in size and scale with the surrounding neighborhood.

Ms. Brumfield said that upon reviewing the application as a land use decision, staff believed that the homestay would not result in an adverse impact to the surrounding neighborhood, public health, safety, or welfare. She said that as it was in an existing structure and it was an accessory use to a residential dwelling, the use was considered consistent with the Comprehensive Plan and in the size and scale of the surrounding neighborhood. She said that staff recommends approving the homestay Special Exception 202300042 at 3074 Doctors Crossing.

Mr. Pruitt asked if the specification of the resident manager went with the land in the same manner as the special exception.

Ms. Brumfield said no, it did not. She said that the permission was for a resident agent. She said that as stated in the provided resolution, it was not a particular resident agent mentioned; instead, it allowed for one.

Mr. Pruitt asked if applicants were able to specify a specific resident agent in their exception.

Ms. Brumfield said that they usually did for context, but she was unsure if it could be listed in the resolution.

Mr. Steve Rosenberg, County Attorney, said that he believed the Board did not possess the authority to require that level of detail, regardless of whether it was under the existing ordinance or through an amendment. He said that the enabling statute would not allow for the implementation of such a regulation.

Mr. Pruitt said that in his previous observations of the Board's work on homestay exemptions, they had generally supported individual residents seeking these exemptions while also having concerns about the program itself and its structure. He said that this issue seemed to be another potential concern for future discussions with their colleagues in the General Assembly.

Mr. Pruitt said that it appeared prone to potential abuse because it allowed a non-resident to continue managing the property indefinitely, similar to how the homestay itself could travel with the land. He said that in all cases presented before them, the individuals had a personal connection to the owner; however, this was not necessarily required under the current structure. He said that he simply wanted to highlight this concern.

Ms. McKeel asked where the son would be residing on this property.

Ms. Brumfield clarified that he would be residing in the house, and the rental would be for unhosted stays. She said that these were very limited stays, allowed only seven days per month or 45 days annually. She said that he had mentioned building out the basement and creating an apartment there.

Ms. McKeel clarified that the son of the property owner was currently living in the house and therefore was the resident manager.

Ms. Brumfield said that was correct. She said that he would be the resident agent and responsible agent, fulfilling both of those roles.

Ms. McKeel said that if they approved this special exception, in the future the resident manager would not follow with the land when the property changed hands. She said that the property would be available for a homestay, but the details in this agreement would not follow.

Ms. Brumfield stated that the provisions in the agreement would follow as they specifically only allowed for a resident agent. She said that the resolution presented before the Board today did not identify who the resident agent was; it merely permitted one. She said that regarding Mr. Pruitt's earlier

concern, part of the annual short-term rental registry involved examining and updating the resident agent to ensure that the property remained occupied. She said that even though the resident agent might be under a different name or LLC, they could confirm that someone resided on the property.

Ms. Mallek said that in the past, when discussing Limited Liability Companies (LLCs), it was that the beneficiary of the LLC was a family member, and owner-occupied served as the basis for their ordinance. She said that the LLC coming in and have a resident agent had worked well for a particular property because the beneficiary remained both an owner and a family member.

Ms. Mallek said that she was confused about where this was going. She noted that it seemed as though the answer had changed, no longer relying on owner-occupied status, and she believed that they had not altered their ordinance to reflect this change. She requested clarification so that she would not need to ask again for the other two matters coming up. She sought confirmation regarding her understanding of the owner-occupied status.

Ms. Brumfield said that they had never specified who the resident agent was. She said that the ordinance currently required owner occupancy, which was why the special exception was before the Board today. She said that if the property was still occupied by its owner, they would not need to request a special exception. She said that since Ms. Durr no longer resided on the property, her son now lived there, necessitating the need for a special exception.

Mr. Rosenberg clarified that in this specific case, there was no LLC or business entity involved; the property belonged to an individual who did not reside there.

Ms. Mallek clarified that on July 1, the Board would get the authority to limit these to three years, which they should keep in mind.

Ms. LaPisto-Kirtley said that in the past, they had approved cases where the owner owned multiple parcels that were not adjacent, yet there was a tenant in one of the homes and the same tenant acted as the resident manager for the other home on the same property. She said that they were not related, but they had granted such approvals previously.

Ms. LaPisto-Kirtley **moved** that the Board of Supervisors adopt the resolution to approve a special exception, shown in the staff report as Attachment G, for SE202300042 at 3074 Doctor's Crossing.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

RESOLUTION TO APPROVE SE2023-00042 3074 DOCTORS CROSSING HOMESTAY

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE2023-00042 Doctors Crossing Homestay application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the relevant factors 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 3074 Doctors Crossing Homestay, the Albemarle County Board of Supervisors hereby approves the special exception to authorize a resident manager to fulfill the residency requirements for a homestay use on Parcel 04700-00-0047J0.

Agenda Item No. 10. **Action Item: SE202300043 5803 Tabor Street Homestay.**

The Executive Summary forwarded to the Board states that the applicant is requesting two special exceptions for a homestay at 5799 Tabor Street.

Resident Manager. Pursuant to County Code § 18-5.1.48(d), the applicant is requesting authorization under County Code § 18-5.1.48(b)(2) for a resident manager to fulfill the residency requirements for a homestay use.

Setbacks. Pursuant to County Code § 18-5.1.48(d), the applicant is requesting to modify County Code § 18-5.1.48(b)(3) to reduce the required setbacks for a homestay use.

Please see Attachment A for full details of staff's analysis and recommendations.

Staff recommends that the Board adopt the attached Resolution (Attachment F) to approve the special exceptions for a homestay use at 5799 Tabor Street both (a) to authorize a resident manager to fulfill the residency requirements and (b) to reduce the setback requirements.

Ms. Lea Brumfield, Senior Planner II, said that she would discuss the second proposed special exception for the Board that night, which was located at 5799 Tabor Street. She said that the parcel in question contained two dwellings. She said that the first dwelling was occupied by Ms. Cynthia Childs at 5803 Tabor Street, while the second structure was at 5799 Tabor Street and was proposed for use as a homestay.

Ms. Brumfield noted that 5803 Tabor Street was the primary structure on the parcel and had been listed in the agenda. She said that as a point of clarification, the staff analysis for this application mistakenly listed the Comprehensive Plan designation for the property as Rural Area; it was actually in the Development Area and was zoned R-2 Residential.

Ms. Brumfield explained that the reason that the property was before them for a special exception was because it was owned by R&R Partners LLC, a family-held LLC. She said that one of the owners of the LLC, Ms. Cynthia Childs, requested authorization to serve as the resident agent for a homestay use on that parcel. She said that she lived on the parcel, as noted. She said that additionally, while the structure proposed for use was six feet from the property boundary, the applicant would also be requesting a setback reduction.

Ms. Brumfield said that this application was for a 3.26-acre parcel near downtown Crozet. She said that residential zoned parcels were permitted to rent up to two guest sleeping spaces within a single-family dwelling. She said that primary structure setbacks were required unless accepted, and unhosted stays were not permitted. She said that all the other requirements for homestays were standard across the board and required, including parking, annual safety inspections, and short-term rental registry annually.

Ms. Brumfield said that on the parcel shown on the screen, the proposed resident agent, Ms. Childs, resided in the dwelling shown on the left with the blue asterisk. She said that the proposed homestay dwelling was highlighted with the green asterisk. She said that as seen in the image displayed on the screen, the parcel directly abutting that would be affected by the reduced setback was also owned by the same family-run LLC. She said that the aerial image on the next screen showed the proposed homestay location again with the green asterisk and abutting parcels highlighted also belonged to the same family-owned LLC.

Ms. Brumfield said that the abutting parcel, and then again the next abutting parcel, 1107, and the abutting parcel directly east of the parcel in question were all owned by the LLC. She said that the Foster Forge School and Tabor Presbyterian Church were located directly north of the proposed homestay location and outlined in blue and purple, respectively.

Ms. Brumfield said that the image displayed on the left showed views from a proposed homestay to the nearest dwelling to the east through the trees, where one could glimpse the only directly abutting parcel not owned by R&R Partners LLC. She said that the image on the right was looking in the direction of the requested reduced setback facing a dwelling owned by R&R Partners LLC and occupied by a family member.

Ms. Brumfield said that as staff noted the special exception factors to consider, due to the nature of special exceptions and that they run with the land, they were examining the use looking at the property itself, the greater context of the neighborhood, and less so the individual owner and individual ownership type on this parcel.

Ms. Brumfield said that because they were making a land use decision, and the use did not appear to cause any adverse impacts to neighborhood public health, safety, and welfare. She said that it was an existing pre-1900s structure consistent with the Comprehensive Plan as an accessory use and was consistent in size and scale with the neighborhood. She said that because the property was owned by a family LLC occupied by a member of that family, they did not find any negative impacts to surrounding properties.

Ms. Brumfield said that additionally, the reduced setback was to an abutting parcel owned by that family LLC. She said that as such, staff recommended approval of the special exception as shown in the staff report.

Ms. LaPisto-Kirtley asked if the property 1105 directly south of the subject property were sold, would that nullify the special exception for the homestay.

Ms. Brumfield said no.

Ms. McKeel said that if the land was sold, the person who purchased it would be aware of that situation because of the procedures they needed to complete.

Ms. Brumfield said yes. She noted that the property was in view from the abutting parcel.

Ms. Mallek said that she was glad for this wonderful reuse of a historic property. She said that people staying there would be able to walk to downtown, so it was a great location.

Mr. Andrews said if there were no other questions or comments, they were looking for a motion.

Ms. Mallek **moved** that the Board of Supervisors adopt the resolution to approve the special exceptions as shown in the staff report, Attachment F, SE202300043 at 5799 Tabor Street.

Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

**RESOLUTION TO APPROVE SE2023-00043
5799 TABOR STREET HOMESTAY**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE2023-00043 5799 Tabor Street Homestay application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-5.1.48 and 18-33.9, the Albemarle County Board of Supervisors hereby finds that modified regulations would satisfy the purposes of the Zoning Ordinance to at least an equivalent degree as the specified requirement, and that the requested special exceptions:

- (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 5799 Tabor Street Homestay, the Albemarle County Board of Supervisors hereby approves special exceptions:

- a. to authorize a resident manager to fulfill the residency requirements for a homestay use on Parcel 056A2-01-00-01000, pursuant to Albemarle County Code § 18-5.1.48(b)(2); and
- b. to modify the setbacks otherwise required by Albemarle County Code § 18-5.1.48(b)(3) for a homestay use on Parcel 056A2-01-00-01000 to six feet.

Agenda Item No. 11. **Action Item:** SE202300048 2895 Rolling Road Homestay.

The Executive Summary forwarded to the Board states that the applicant is requesting a special exception for a homestay at 2895 Rolling Road.

Resident Manager. Pursuant to County Code § 18-5.1.48(d), the applicant is requesting authorization under County Code § 18-5.1.48(b)(2) to permit a resident manager to fulfill the residency requirements for a homestay use.

Please see Attachment A for full details of staff's analysis and recommendations.

Staff recommends that the Board adopt the attached Resolution (Attachment G) to approve the special exception to authorize a resident manager to fulfill the residency requirements for a homestay use at 2895 Rolling Road.

Ms. Lea Brumfield, Senior Planner II, said that the final special exception for the Board to consider was Special Exception 202300048 2895 Rolling Road. She said that this was a bit out of the ordinary for a special exception, as it was an adaptive reuse proposal for an empty church, which had previously been the site of the Slate Hill Baptist Church. She said that the property owner, Ms. Krumbein, had spoken in front of the Board earlier and was the sole owner of Monticello Inn and Cottage LLC, which owned the parcel upon which 2895 Rolling Road was located.

Ms. Brumfield said that by right, this 10-acre parcel was permitted to rent up to five guest sleeping spaces within a single-family dwelling or accessory structure built prior to August 7, 2019. She said that it was permitted to have up to two homestay uses, one per single family dwelling. She said that if the special exception was approved, the owner of the property must apply for a homestay zoning clearance.

Ms. Brumfield said that during that process, the structure used for the homestay would be inspected for building and fire safety. She said that the owners would send a notice to neighbors providing them with conduct information. She said that homestays would require guest parking on site at a rate of one guest parking space per guest bedroom.

Ms. Brumfield said that as seen in the provided aerial photograph, there was currently plenty of

parking available. She said that the former site of the Slate Hill Baptist Church was highlighted with a yellow star.

Ms. Brumfield said that Ms. Krumbein intended to convert the former church into both her home and a bed-and-breakfast style homestay. She said that the renovation process would be a historic preservation project. She said that the contributing parts of the building were the main chapel, which would be registered and considered by the Virginia Department of Historic Resources.

Ms. Brumfield said that she wanted to point out that the next slide illustrated that the parcel surrounding the vast majority of the parcel in question was forested, and it was held by the University of Virginia Foundation. She said that the other large parcel, immediately to the south, was undeveloped. She said that the small parcel directly abutting this property contained a structure at 2941 Rolling Road, which had recently been declared blighted by ordinance and was under an abatement plan, including demolition.

Ms. Brumfield said that as noted in this application, the applicant intended to renovate the church and live in it, with her homestay as an accessory use on the parcel. She said that in her application, she additionally noted that in the coming years, she intended to build a second dwelling on the parcel, out of which she would run an additional four or five bedrooms for rent in the style of a bed-and-breakfast.

Ms. Brumfield said that displayed in the image on the slide was the approximate location of the second dwelling, marked by a blue star. She said that as mentioned earlier, the applicant had expressed her intention to construct a second dwelling on the same parcel without subdividing the land, preserving the entire acreage and utilizing the existing development rights for this purpose. She said this would also eliminate the need for an additional resident agent; however, the applicant planned to appoint a manager to oversee the rental of that structure and maintain peace and harmony in that area of the parcel.

Ms. Brumfield said that because this proposal differed from any previously presented to the Board, she wanted to emphasize the section of the ordinance that would permit this if the applicant owned the parcel under her own name instead of an LLC. She said County Code §18-5.1.48(c)2 allowed for up to two homestay uses in two single-family residences on rural parcels over five acres in size. She said that a use refers to a single-family dwelling with up to five guest rooms available as a homestay rental. She said this was permitted by right per the ordinance, and the requested exception was authorization to carry out this use while owning the parcel through the LLC.

Ms. Brumfield said the factors to be considered for granting a special exception included potential adverse impacts on the surrounding neighborhood; to the public health, safety, or welfare; consistency with the Comprehensive Plan; and consistency in size and scale with the surrounding neighborhood. She said the conversion of this property into a residence with a homestay would promote reuse, restoration, and preservation of a historic structure and the surrounding parcels due to the ownership of the larger parcel was unlikely to develop anytime in the near future, and the use proposed was by right under the property owner's individual name rather than an LLC. She said the staff was reviewing this application solely as a land use decision and recommended approval of the Homestay Special Exception 202300048 at 2895 Rolling Road., as stated in the staff report.

Mr. Gallaway said that to clarify, the LLC needed the resident manager, so the property owner would serve as the resident manager and hire a manager for future volumes, while still allowing the resident manager title to be transferred to another individual.

Ms. Brumfield said yes, that was possible. She said that currently, the applicant was intending to build it out as her own family home for her children.

Mr. Pruitt said that typically, Rural Areas did not have the development rights to build two single-family homes. He asked if the homestay use allowed for that to happen.

Ms. Brumfield said no. She said that the property did have development rights. She said that if Ms. Krumbein wanted to live there and had a family member who wished to live on the parcel, she could renovate the church and build a second dwelling. She said that such a situation would not appear before the Board of Supervisors; only the County building inspectors would review that as a building permit because it was a by-right use.

Ms. Brumfield said that under this application, it required a five-acre parcel. She said that in the Rural Areas, if they had two development rights on a four-acre parcel, they could have two single-family dwellings but could not have two or even one five-bedroom homestay; it would need five acres. She said that under the homestay regulations, it expanded the size of the parcel for the second dwelling. She said that this was because the use was not only residential but also a homestay use.

Ms. McKeel asked if the parking was stacked along the driveway.

Ms. Brumfield said that the applicant would likely create a larger parking lot after the parcel was finished.

Ms. McKeel said that she was wondering how the entrance and parking would be planned in terms of emergency access.

Ms. Brumfield said that for fire safety considerations, they would take it into account during the

zoning clearance approval stage. She said that furthermore, it would be discussed thoroughly during the building permit process. She said that at present, two vehicles could pass on the far side where it denoted parking. She said that one car could be parked while another one went by since there was sufficient width. She said that regarding fire safety access, it would be addressed during this process.

Mr. Andrews said that upon reading through the application, he noticed there were discussions for a second dwelling and comments stating that they would not host weddings or other events. He asked for clarification regarding which of these required further action. He asked if a second dwelling being constructed would require additional approvals.

Ms. Brumfield said that the approval was for the resident agent for the parcel. She said that the second dwelling as a residence was a by-right use for a parcel of this size.

Mr. Andrews asked what the rights were with respect to events if this application were approved.

Ms. Brumfield said that the events portion of the application was included because it was stressed during the pre-application meeting for this application that wedding events would not be permitted on this parcel unless it was agricultural, and she is not intending to run a winery or have events like that serving anyone who was not staying on the parcel. She said that it was included as part of the business plan explanation in that some bed and breakfasts did have weddings, but this one would not.

Mr. Andrews said he had no other questions, and if there were no other concerns, they were ready for a motion.

Mr. Pruitt **moved** that the Board of Supervisors adopt the resolution to approve a special exception as shown in the staff report, Attachment G, for SE202300048 2895 Rolling Road.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

**RESOLUTION TO APPROVE SE2023-00048
2895 ROLLING ROAD HOMESTAY**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE2023-00048 2895 Rolling Road Homestay application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the relevant factors 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 2895 Rolling Road Homestay, the Albemarle County Board of Supervisors hereby approves the special exception to authorize a resident manager to fulfill the residency requirements for a homestay use on Parcel 10300-00-00-06800.

Recess. The Board recessed its meeting at 2:16 p.m. and reconvened at 2:31 p.m.

Agenda Item No. 12. **Action Item:** SE202300036 Orchard Acres Lots 37 & 38 - Clean Earth Fill.

The Executive Summary forwarded to the Board states that pursuant to County Code § 18-5.1.28(d), the applicant is seeking special exceptions to waive two regulations pertaining to clean earth and inert waste fill activity on Parcels 055C0-00-0A03700 and 055C0-00-0A-03800:

1. County Code § 18-5.1.28(a)(7), which otherwise requires a minimum setback of 75 feet from all property lines in residential zoning districts and a 100-foot minimum setback from dwellings on adjacent properties.
2. County Code § 18-5.1.28(a)(9), which otherwise requires a minimum lot size of five acres.

The disturbed area would be distributed between the two parcels. The size of that area is approximately one acre. The proposed improvements would create two single-family building sites.

Based on the staff analysis (Attachment A), staff recommends that the Board adopt the attached resolution (Attachment G) to approve the special exceptions for the proposed clean earth fill area on Parcels 055C0-00-0A-03700 and 055C0-00-0A-03800, provided that placement of any fill on these Parcels must be in general accord with either the Water Protection Ordinance (WPO) plan dated February

9, 2024 (Attachment C) or a duly-issued building permit.

Mr. Bart Svoboda, Deputy Director of Community Development and Zoning Administrator, said that he was joined by Ms. Lisa Green, Manager of Code Compliance, who would be presenting the majority of the staff report. He said that he would like to briefly discuss fill and inert fill. He said that they had previously talked about this topic several times. He said that this was their third special exception regarding fill, with two of them requested by the same individual, Mr. Kendrick.

Mr. Svoboda said that this particular situation appeared to be ideal in how they set up the ordinance and if they wanted to do infill to parcels such as these. He said these particular lots were not average in terms of setting up pads when grading out a subdivision, using Belvedere as an example. He said that this particular subdivision had been developed in the 1970s, making it unique compared to current lot development practices since houses were not built on these residual lots.

Ms. Lisa Green, Manager of Code Compliance, said that the special exception under discussion pertained to Parcels 55C-A-37 and 55C-A-38 in the White Hall District, located within the Orchard Acres Subdivision, an established residential neighborhood in the Crozet Development Area. She said that the applicant was requesting a waiver of two sections of 5.1.28: the minimum setback requirement and the minimum lot size requirement.

Ms. Green said that the parcels' history was simple, as they had been rezoned to R-2 in 1974, which was represented by the gold-green color on the slide. She said that the two parcels under consideration were 0.54 acres and 0.46 acres respectively, both fronting Orchard Drive and having historically been vacant wooded land. She said that the current owner had owned these parcels since the inception of the subdivision.

Ms. Green said that for reference, she provided a view of the parcel from Orchard Drive looking toward the southwest. She said that the next slide showed a view of the parcel looking at the road to help them understand its topography challenges more clearly. She said that the elevations indicated an approximately 8 to 10-foot drop from the road to the buildable areas. She said that next displayed was another visual, looking northwest along Orchard Drive, which further illustrated the grade change difference.

Ms. Green said that the fill had been placed on the site; however, once the Community Development Department notified the owner that this property was subject to 5.1.28 regulations, a stop work order was issued, and the importation of fill and grading ceased, and the property was stabilized. She said that staff had been working with the property owner's representative for several months to develop a plan to bring the site into compliance. She said that provided was an additional photograph from the road showing the stabilization of the fill area.

Ms. Green said that the owner submitted a Water Protection Ordinance (WPO) plan in September, followed by the special exception request in October. She explained that this plan submitted with the special exception application indicated the limits of the fill activity area. She said that the improvements proposed were to create two single-family building sites, keeping the building sites close to the road and minimizing the disturbed area in the buffer.

Ms. Green said that next displayed on the slide was an exhibit that was a part of the WPO plan submitted. She said that it showed the representation of the location of future homes to be built. She said that the current status of the WPO plan was under review, pending the outcome of today's vote. She said that pending if the special exception were to be granted, the WPO plan could be approved, abating the violation.

Ms. Green said that because these lots had existed since 1974, if a building permit application were submitted, this type of activity would be reviewed and approved administratively through the building permit review process. She said that in that case, a special exception would not be required. She stated that staff recommended approval of the special exception request.

Ms. LaPisto-Kirtley asked if slide 7 was a photograph of the work done so far to stabilize the area.

Ms. Green said yes, that was correct.

Ms. McKeel asked if the WPO plan would be approved after the special exception was approved.

Ms. Green said that was correct.

Ms. Mallek asked if the work done so far was the extent of the fill required or if more fill must be pushed in.

Mr. Svoboda confirmed that more fill would be put in, but it would be in compliance with the plan.

Ms. Mallek asked if the pipe shown in slide 6 was where the pipe would be located for the access or if it would be located closer to the road.

Mr. Svoboda said that it was the current location.

Ms. Mallek asked if it would be made official in the case of approval today. She asked if this was the right length for the double entrance or needed to be redone.

Mr. Svoboda said that he would have to verify it to be certain, but he believed that it was the correct pipe and no extension would be required.

Ms. Mallek said that while she understood the lot preceding the date of the ordinance, there were still limits to that interpretation and therefore not every lot could be built on. She said that some lots were not built on because they did not meet any requirements of sustainability. She asked if staff could discuss the details of the involvement of Department of Environmental Quality (DEQ) in this process.

Mr. Svoboda said that letters from DEQ were provided in the Board packet. He said that they performed their own investigation at the site and found no concerns regarding the wetlands or other issues investigated based on a complaint. He said that there was no action required because there was nothing to be corrected.

Ms. Mallek said that it was important to ensure that the drinking water located downstream was not impacted. She asked if the 24-foot-by-36-foot housing envelopes were the maximum size of the houses that could be built there. She asked if it would be part of the general accord that could be approved with the special exception today.

Mr. Svoboda said that this particular application was about fill, and the provided graphic was meant to illustrate the size of the houses that the fill would accommodate. He said that the underlying zoning did not have a maximum square footage for houses, so as long as they met setbacks, building code, and other provisions the ordinance would require, they would not be limiting the size of the houses. He said that the graphic represented the actual proposed size of the structure with the fill around it.

Ms. Mallek asked if these measurements could be conditioned as part of the approved exception.

Mr. Svoboda said no. He said that because this was an exception pertaining to the fill, it was about the impact of the fill and not the impact of the house. He said that if the applicant came in for a building permit, they would not be doing a special exception because backfilling along the foundation of the house was part of that permit, and the permit would not limit the size of the structure beyond the requirements for stream buffers and setbacks. He said that in this particular case, some of the reasons to be able to cross the stream was because these lots existed prior to the adopted date of some of the regulations. He said that it said that one had the ability to cross that stream to build the first dwelling unit with no limitations on size.

Mr. Svoboda said that typically, such situations were encountered primarily in Rural Areas on parcels where a creek needed to be crossed. He said that this scenario was somewhat unique as it occurred within a subdivision with multiple lots. He said that if one traced the headwaters back, they would find that they originated from a farmer's field, which was likely less than a quarter mile away or so.

Ms. Mallek said that the amount of fill shown in the graphics provided were a part of the plan, so that in effect limited the area where the house could go. She said that her concerns were regarding the waiver for setback from the property line and the waiver for the fill. She said that it should have some amount of limit in terms of what was being asked for, and this was what she took away from this picture.

Mr. Svoboda said that following the plan would limit what they referred to as pure fill. He said that if the applicant returned later to request a larger or smaller house, that would be separate from the current conversation about fill.

Ms. Mallek asked if the applicant would need to come back again if they wanted to change this.

Mr. Svoboda said no. He said that under a building permit, it was not fill and was considered part of the construction. He explained that they reviewed this application as if the fill did not exist currently. He said there were two analyses to conduct: one was if they had come in with a building permit, all their regulations would allow this without any special exception since these lots existed prior to the adoption date of the ordinances they were asking for waivers from or stream crossings.

Mr. Svoboda said that any preparatory work done on the lots without a building permit would subject the backfill to the fill and inert waste. He said that they wanted to limit pre-development, pre-structure activity because they did not want to issue a fill exception that covered the whole lot if they only planned to build a 1,000-square-foot house.

Mr. Svoboda said that if they chose to build a 1,200-square-foot house instead of an 800-square-foot house, they could modify the backfill with that building permit and it would not require a special exception. He said that this was only there because there was not another application that would exempt it. He said that the same applied to any other house.

Ms. Mallek said that they would not be getting approval to fill the entire lot because of all the other implications.

Mr. Svoboda said that if he applied for a building permit for a 5,000 square foot house on this lot, they could backfill in as much of the lot as they could as part of the construction as long as they stayed

out of all other things that were required. He said that based on the age of this lot, many things required such as stream crossings were not considered because the lots existed prior to the ordinance.

Mr. Svoboda said that they could use the lot under the regulations as if those ordinances did not exist. He said that this was strictly about the applicant prematurely moving forward with the fill on the site in trying to develop the pad site, so when the staff received the inquiry and posted the stop work order, the applicant submitted the WPO plan and they were waiting to see whether that plan could be approved to stabilize the site and make these lots either donatable or marketable.

Mr. Andrews said that his main concerns were regarding the WPO plan, which was not before the Board at this time. He said that he noticed in the DEQ report they mentioned they did not observe any wetland soils within this area, which could not be evaluated as a wetland because it had already been filled. He said that he wanted to confirm that the County had not been prevented from investigating something that it needed to look into.

Ms. Mallek said that this was due to the owner acting without permission.

Mr. Svoboda said that without having seen it, he did not know exactly what was there. He said that there was likely a way to mitigate the wetland to allow the use of these lots based on their current regulations. He said that they could not prohibit that, but through either DEQ or the County's process, they could mitigate wetlands impacts. He said that one way or another; to prevent a taking, they could allow the use of the lots, and without another access point.

Mr. Svoboda said that this was a double-fronted lot, and that this might be a different conversation for corner lots with alternative access areas. He said that one lot may qualify, while the other one may not, but to Mr. Andrews' point, without knowing what was there previously, and understanding that the County and DEQ also had no pre-existing records of wetlands in that area.

Ms. Mallek said that she felt bound by the pre-existing lot and planned to rely on staff oversight to make sure that the mitigation. She said that first they were told that there were no wetlands, then they were told that there may be wetlands, but that they were doing to mitigate them. She said that this inconsistency created confusion. She said she had anticipated that the applicant would have an opportunity to question these matters; however, this did not seem to be part of the current process.

Ms. Mallek **moved** that the Board of Supervisors to adopt the Resolution (Attachment G) to approve SE202300036 on Parcels 55C-A-37 and 55C-A-38 for reasons stated in the staff report and with staff conditions as presented.

Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

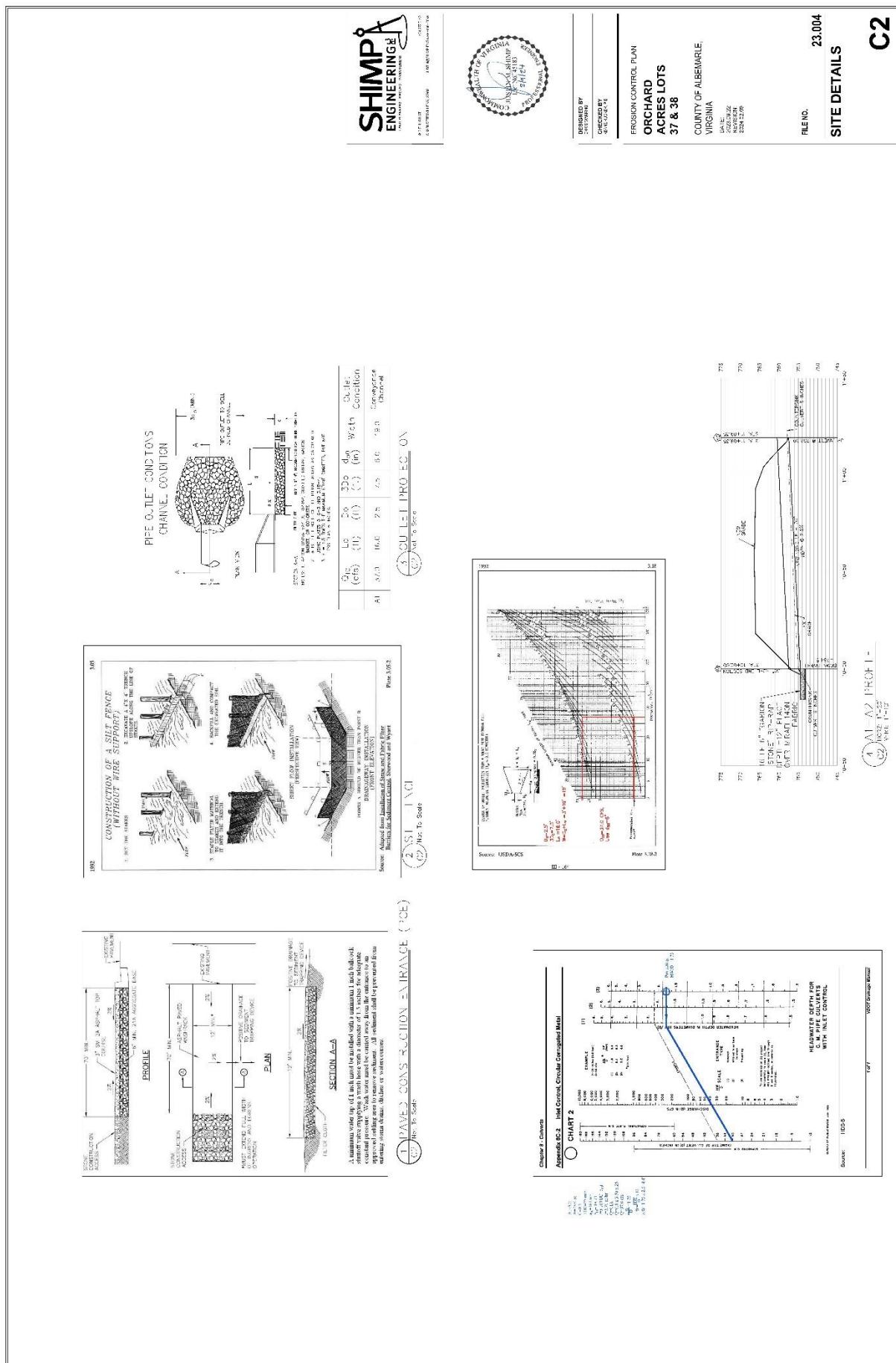
Ms. Mallek requested staff to provide information regarding the accountability going forward when these repeated fillings happen.

**RESOLUTION TO APPROVE SE2023-00036
ORCHARD ACRES LOTS 37 & 38 – CLEAN EARTH FILL**

WHEREAS, upon consideration of the staff reports prepared for SE2023-00036 Orchard Acres Lots 37 & 38 – Clean Earth Fill and the attachments thereto, including staff's supporting analysis, any comments received, and all of the relevant factors in Albemarle County Code § 18-5.1.28 and § 18-33.9, the Albemarle County Board of Supervisors hereby finds that the applicable requirements would not forward the purposes of the Zoning Ordinance or otherwise serve the public health, safety, or welfare, and that:

- (1) The proposed special exceptions would be consistent with an approved and valid initial or preliminary site plan or other land use decision of the County;
- (2) The proposed fill activity would be of limited duration (less than 90 days) and involve not more than 10,000 cubic feet of fill within any 12 months;
- (3) There would be no detriment to any abutting lot; and
- (4) There would be no harm to the public health, safety, or welfare.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves special exceptions for clean earth fill activity on Parcels 055C0-00-0A-03700 and 055C0-00-0A-03800, to waive both: (i) the minimum setback of 75 feet from all property lines in residential zoning districts and the 100-foot minimum setback from dwellings on adjacent properties otherwise required by County Code § 18-5.1.28(a)(7) for clean earth fill activity, and (ii) the minimum lot size of five acres otherwise required by County Code § 18-5.1.28(a)(9) for clean earth fill activity, each provided that placement of any fill on these Parcels must be in general accord with either the Water Protection Ordinance (WPO) plan dated February 9, 2024 or a duly-issued building permit.







Agenda Item No. 13. Presentation: Department of Social Services Advisory Board Annual Report Fiscal Year 2023.

The Executive Summary forwarded to the Board states that the Department of Social Services Advisory Board, required by the Code of Virginia, was established by the Board of Supervisors to demonstrate an interest in all matters pertaining to local social services, monitor social service programs, and provide an annual report to the governing body. The

Department of Social Services Advisory Board enjoys participation from each of the five magisterial districts, meets monthly with Department of Social Services leadership, and receives monthly departmental updates by unit. The Department of Social Services Advisory Board is pleased to present this annual report for the activities of Fiscal Year 2023.

The theme for the Fiscal Year 2023 Department of Social Services Annual Report is 'IMPACTS'. This theme reflects the work done by the department to understand, evaluate, increase, and improve its positive impact on community and individual well-being during Fiscal Year 2023. The report reflects output and outcome data in the programming areas of prevention, child welfare, economic assistance, self-sufficiency, health care, adult and elder services, language assistance, and business services. The Advisory Board is pleased to submit this report to illustrate the impact of the work provided by the Department of Social Services staff.

There is no impact to budget.

Staff recommend the Board receive this report as an informational item only. No action is needed at this time.

Ms. Kaki Dimock, Chief Human Services Officer, stated that they were legally required to provide this annual report to the Board, and it was something they enjoyed doing. She said that she was joined by Mary McIntyre, the Advisory Board chair, who would be presenting. She said that hopefully Mary Stebbins, Director, would join them to assist in answering questions at the end of the presentation.

Ms. Mary McIntyre, Rio District Representative and Chair of the Department of Social Services (DSS) Advisory Board, said that this was almost her sixth year on the Board, and she wanted to thank Mr. Gallaway for giving her the opportunity to serve the community on the DSS Advisory Board. She said that when he asked her to serve as the Rio District representative, she said she did not know anything about social services, and he reassured her that it was not necessary, as they wanted a diverse board with members from various walks of life and different professions. She said that she had tried her best to listen, learn, and provide recommendations during her time on the board.

Ms. McIntyre said that the rest of their board would be joining them shortly. She said that they had maintained stability for the past two years, but there was still a vacancy for a Scottsville representative. She encouraged anyone interested in representing the Scottsville District and having an interest in human services to talk to their supervisor or contact her directly. She expressed her appreciation for the current board members, who were intentional and thoughtful in their approach to understanding presentations and reading materials beforehand. She said that their questions were always well-informed.

Ms. McIntyre said that the theme of this year's annual report was impacts. She said that when she first joined the board, she admitted that she knew nothing about social services and did not know anyone involved in them. She said that however, she later realized that many people in Albemarle County received services from DSS, whether they were aware of it or not. She said that these clients were neighbors, fellow drivers on the roads, shoppers, and they were playing in the parks with other's children.

Ms. McIntyre said that DSS had a major impact by helping the most vulnerable members of the community. She said that the number of people receiving Supplemental Nutrition Assistance Program (SNAP) benefits had increased by nearly 44% since pre-pandemic levels, indicating a growing need for assistance in the area. She said that DSS was able to provide help through various means.

Ms. McIntyre said that additionally, Child Protective Services (CPS) referrals had increased by almost 20%. She said that although they had managed these referrals with the same staffing levels, continued growth may require additional resources. She said that regarding patients securing Medicaid benefits through UVA, out of the 1,479 people receiving assistance, some did not live in their area but came to the area for medical care and needed help connecting to and accessing Medicaid services.

Ms. McIntyre said that she wanted to highlight the Energy Assistance Program, which provided assistance in three different ways: fuel for heating, cooling assistance through the purchase or repair of air conditioners, and crisis assistance during dangerous situations when people lack heating or cooling. She said that one additional way they helped vulnerable individuals was through their Family Support Program, which supported elementary and middle school students and their families. She said that on average, 123 families received support every month to find and maintain stable housing, employment, childcare, mental health services, and more.

Ms. McIntyre said that their belief at DSS was that youth did best in their families, driving the decisions and impacts of the department. She said that in kinship placements, they had a high success rate in finding placements for children who needed support or foster care. She said that this was something they should be proud of as it was among the highest rates in the state. She said that the Family Preservation Services partnered with families to create family-specific service plans, and that they increased child safety, reduced risk, and built on the family's existing strengths through vital collaboration with community partners. She said that family partnership meetings were based on these values: families were experts on themselves; all families had strengths and could make well-informed decisions about their children when supported; teams often made better and more creative decisions than individuals; and when families were involved in decision-making and shared responsibility with DSS for achieving goals, outcomes improved for their children.

Ms. McIntyre said that there was an ongoing need in Albemarle County for foster families willing to care for LGBTQ youth. She said that this had been a vital need for the past few months, sometimes resulting in children being placed outside of this area due to a lack of families willing to take them in.

Ms. McIntyre said that another impact that DSS had was supporting affordable housing. She said that even though housing was no longer through their office, they wanted to share this information because it was related. She said that families receiving a housing voucher had received up to \$3.7 million in subsidies; however, they were only able to help about 20% of the people who needed it. She said that the others were referred to outside community agencies and resources, and vouchers and subsidies could only be a part of this solution. She said that due to the difficulty in the rental market, they had had to increase the amount of payment given for rental assistance. She said that a survey from a few years ago showed that there was a need for around 10,000 more affordable units; they had very far to go.

Ms. McIntyre said that the DSS helped people find and get living wage jobs by providing job leads daily to those seeking employment. She said that in their Career Center, out of the 846 people who visited, 427 were first-time visitors. She said that their Career Center was a one-stop shop offering various services such as computers with internet access, a fax machine, a phone, and resume assistance. She said that they also provided help with local and state employment information and assisted people in applying for jobs online. She said that additionally, they offered reentry support to individuals who had recently returned from incarceration, aiming to help them find jobs and avoid being incarcerated again.

Ms. McIntyre said she recently learned at a board meeting the concerning fact that Albemarle County was a childcare desert, which posed challenges for people working towards self-sufficiency. She said that they struggled to find childcare while obtaining job training and well-paying jobs. She said that many people had to quit those jobs because they could not find a place for their child to go during the day. She said that this issue also affected those who received the childcare subsidy as many providers did not accept it. She clarified that even if a parent found a place for their child to go, they could not put their child in the program because they could not use the subsidy. She said that their team helped clients create long-term plans for self-sufficiency and celebrated their achievements when they reached their goals.

Ms. McIntyre said that DSS had a significant impact in leveraging big money, turning \$10 million into \$216 million for Albemarle residents. She challenged the Board to find a better return on investment in the County. She expressed her appreciation for the Board's ongoing commitment to this department and funding the needs of Albemarle residents. She said that provided was a list of their collaborators who helped them meet their goals.

Ms. McIntyre said that she was continually impressed by how strategic and planful the department was. She said that they spent a considerable amount of time this year understanding and aligning with the Board of Supervisors' new strategic plan goals. She said that every work unit and staff member now knew how their tasks and goals contributed to the County achieving its goals. She said that as a board member, she had been impressed by the level of reflection, openness to feedback, and responsiveness of the entire department during her past five years on the board.

Ms. McIntyre said that DSS was meeting the community's needs. She said that she wanted to draw the Supervisors' attention to the two numbers at the top of the slide: the number of children in the County who lived in poverty and the number of people over the age of 65 in the County who lived in poverty. She said that these two numbers used to be closer together, but recently, there were more older residents than children living in poverty. She said that it would be interesting to see if these numbers stayed this way.

Ms. McIntyre mentioned that they had 16,000 households identified as asset-limited, income-constrained, and employed. She said that they should remember that they were working, yet not earning enough to support their families. She acknowledged the difficulty in finding enough resources, well-paying jobs, and affordable housing units for all of the residents of Albemarle County. She pointed out that nearly 5,000 Albemarle residents paid more than 50% of their household income just for their housing.

Ms. McIntyre said that one of the things that the department had done very well and continued to improve on was language assistance for all of their clients. She said that they met the requirement of the Civil Rights Act that people with limited English proficiency had meaningful access to their programs through staff interpreters, contracted face-to-face and telephonic interpretation, and new technologies like handheld devices that provided on-the-spot translation at a low cost. She mentioned that the languages most commonly needed were Spanish, followed by Pashto, Arabic, and Dari.

Ms. McIntyre said that regarding a point of pride, there were many to choose from; however, she wanted to highlight one particular instance. She said that their department had a staff member who was once a child in their Bright Stars classrooms. She said that she would read the provided quote for everyone's benefit. "All it takes is one adult to show up, believe in you, and guide you in the right direction. I often reflect on my time with Bright Stars, and firmly believe that my journey and the person I have become today are deeply influenced by the love, compassion, and kindness of a single person showing up every day, no matter what. As I continue my work in the youth development field, I remind myself that I have the power to help a child feel safe, loved, and respected in an environment that allows them to flourish, and in doing so, the possibilities of who they are capable of becoming are endless."

Ms. McIntyre said that when she asked Ms. Dimock what was the biggest challenge facing this department, she answered that it was staff stability. She said that they struggled to fill openings with highly trained individuals. She said that one notable fact was that this department had the highest staff satisfaction rating among all departments in the County, and that was remarkable because with the workloads and stress levels these staff members managed daily, she would not expect such a high

satisfaction rate. She said that this spoke volumes about the leadership and organization.

Ms. McIntyre said that displayed on the slide were some pictures of children who were adopted and agreed to share their names and faces; they loved celebrating successful adoptions of their kids. She said that they loved seeing children find loving, stable, safe, and supportive families. She said that in conclusion, she wanted to invite everyone to attend their board meetings. She has seen Ms. McKeel there many times. She said that their DSS Advisory Board meetings were held on the third Tuesday of each month from 3:30 p.m. to 5:00 p.m. at the DSS office, and they were always welcome to attend.

Ms. LaPisto-Kirtley asked if DSS also worked with CASA (Court Appointed Special Advocates), where they focused on kin-placement adoptions.

Ms. Dimock said yes, CASA was one of their community partners and they had worked on many cases together.

Mr. Gallaway thanked Ms. McIntyre for her service on the board and said that he had a few questions for clarification. He said that on page 7 of the report, under adult services reports of abuse, he had an inquiry about the monthly touches for those individuals. He said that he noticed a drop to 74% year over year during the first two quarters. He asked if this was primarily due to staffing issues.

Ms. Dimock said that it was really a community partner issue because they worked together with other agencies on these cases. She said that the delays from their community partners affected their data, so they were still trying to determine how to separate what they were responsible for and completing on time versus what their community partners were responsible for and not doing on time without publicly shaming those community partners.

Mr. Gallaway said that it appeared that with the increases in the third and fourth quarter, they were aware of it and would be addressing it.

Ms. Dimock said that they hoped by next year the data would be clearer on all of those cases.

Mr. Gallaway said that on page 8 of the report, under family preservation, there was a Q4 drop to 74%. He said that significant drops like that were noticeable. He said that the overall target they were hitting was 87%. He asked if this was a similar answer to his previous question.

Mary Stebbins, Deputy Director of DSS, said that this statistic was related to staffing.

Mr. Gallaway asked if they did not have enough staff to achieve their target goals.

Ms. Stebbins said that was correct.

Mr. Gallaway asked if they felt it was a similar situation during this quarter.

Ms. Stebbins said that they were down by two staff members in that unit and had recently hired personnel for both positions, so hopefully those numbers would be going back up.

Mr. Gallaway said that on CPS referrals, he noted that validations stayed similar, but their reported cases had risen considerably. He asked what the factors were that contributed to that spike in reported cases.

Ms. Dimock said that the majority of reports come from government agencies, which were primarily schools in this case. She said that considering FY23's relationship to the pandemic, it was the first full year that schools were back in session for real. She said that they anticipated across the board that they would see a slight spike. She said that in fact, most child protective service agencies were terrified of a large spike when schools went back into session. She said that there was a 20% increase, which was less than what they initially anticipated. She said they hope it would not be sustained.

Mr. Gallaway said that the increase could create another staffing issue if it continued. He asked if they felt that the seniors receiving services to maintain their independent living situation was a true representation or if they were missing people from the reported 591 individuals.

Ms. Dimock said that she was certain they were missing people and that there were folks who did not know what was available or what they were eligible for, or they were receiving more services than necessary. She said that the ideal continuum involved providing the precise level of support needed, not jumping from one extreme to another; however, she acknowledged that their system might not be designed for nuanced, progressive caregiving.

Ms. Dimock said that she was certain that there were people who were missing. She said that they primarily received referrals from caregiving agencies and did not wait for individuals to approach them, as they believed they might be eligible. She said that instead, others identified these individuals on their behalf. She said that however, she felt certain that there were people they were missing.

Mr. Gallaway said that he wondered if the information about services was not being adequately distributed by means other than electronic communications. He asked what they could do to ensure that the best modes of communication were being utilized.

Ms. Dimock said that they worked very hard at their relationships so that they tried to do a lot of word-of-mouth and educating people who naturally came into contact with their clients rather than waiting for individuals to find them on their own. She said that they should ensure that digital equity was in place and that people knew how to use the tools available or the fiber being installed in their houses.

Mr. Gallaway said that many organizations frequently engaged in direct, in-person interactions.

Ms. Dimock said exactly. She said that it may include educating staff in doctor's offices or other establishments where potential clients would have natural contact with those who may be able to refer them.

Mr. Pruitt asked if Ms. Dimock could speak to the identified need in the area regarding the energy assistance program and what may be unmet. He said that it was a major climate equity issue, especially for low-income and rural residents.

Ms. Dimock said that one of those emergency fund pools they had never run into not being able to get emergency money for somebody. She said that however, the traditional funding sources were consistently depleted, and now earlier in the year than ever before. She said that consequently, their experience in distributing heating and cooling assistance money demonstrated the reduction over the last ten years in the amount of money allocated for services to individuals at the highest risk.

Mr. Pruitt said that he was interested in exploring additional local tools for addressing unmet needs in the community during the next time this issue comes before the Board. He said that he believed this would become increasingly important, particularly for members of the poor rural community. He appreciated the good work being done with kinship placement compared to the rest of the state and wanted to ensure he was correctly correlating it with the Key Performance Indicators (KPIs). He said that he understood that they were outperforming the state, and asked if it was accurate that they were doing the worst to their own KPI in terms of the foster care children being reunified with their families within 12 months.

Ms. Dimock said that it was associated but not exactly the same. She said that kinship placements involved placing children with a family member when their current household was deemed unsafe. She said that in this case, perhaps a sister living nearby had agreed to take the kids temporarily until the situation improved. This was an example of a kinship placement.

Ms. Dimock said that regarding reunified cases, it referred to the timeline of a case and that there were numerous benchmarks from the state related to foster care which were overly optimistic and difficult for anyone in the state to meet due to the scheduling of court processes and caseloads. She said that the piece of data discussed earlier regarding the adult protective services responsiveness, they would like to report accurately whether they were matching the state standards as well as in relation to other people in the Piedmont region or other DSS processes in the state. She said that the report may be longer as a result, but it was important that the data be provided for context.

Mr. Pruitt said that he was interested in seeing more information regarding the main obstacles regarding foster care placements and exploring ways to get that number up.

Ms. Stebbins said that often, children in foster care had parents with substance use disorder that was nearly impossible to remedy and provide safety and stability within a 12-month timeline. She said that it was difficult to arrange necessary services and reunify the children with their parents within a timeline. She said that the substance abuse was one of the barriers to allowing children to come home quickly.

Mr. Pruitt said that he appreciated the mention of the Housing Choice Voucher Program. He said that despite appearing unrelated, it was important to emphasize its interconnectedness with other aspects. He asked about the current utilization rate, or how many vouchers issued were actually realized. He said that he believed their performance to be satisfactory due to their professional staff, and he was curious if there was a figure they could provide.

Ms. Dimock said that while she appreciated Mr. Pruitt's assumption, she believed they had lower utilization rates because they had not adjusted their rents. She said that recently, they modified their rents to cover a higher percentage of local rents, and she expected improved utilization. She said that at present, she did not know the precise number of individuals who could not find an appropriate rental location within the 90 days allowed for the Housing Choice Voucher program, but it was more than they would like. She said that consequently, they were attempting to pull some additional levers to guarantee that people had access to a higher range of potential rental units.

Mr. Pruitt said that he would like to emphasize for everyone that this issue was not about whether the neighborhood is wealthy or poor, but rather an inventory question concerning the variety of housing options available. He said that it was not caused by the fact that the area had a high cost of living and is taxed according to the Area Median Income (AMI) through the fair market rent standard. He said that there were other wealthier communities with utilization rates exceeding 95%, which should be a goal for this community as well.

Mr. Pruitt pointed out that the 20% figure mentioned by Ms. Stebbins referred to the percentage of people served by the Housing Choice Voucher (HCV) program who required it to live comfortably in the community, meaning that 80% did not. He noted that Charlottesville had a voucher program called

CSRAP (Charlottesville Supplemental Rental Assistance Program) that was almost identical to the HCV program and half of those recipients were Albemarle residents and voters living within the County. He suggested considering matching funds for this program or finding a way to regionalize it.

Ms. McKeel asked if staff could provide information about the apartment complexes and property owners who were accepting the vouchers.

Mr. Pruitt said that all of them must accept the vouchers by law.

Ms. Dimock said that it was always a moving target in terms of finding openings. She said that housing choice vouchers were required to be accepted everywhere so long as the voucher covered the published rent. She said that they kept a list of known openings, and she was happy to share that, but it was subject to change rapidly.

Ms. McKeel asked of how the housing voucher process varied from the IRC (Integrated Resource Plan) housing process, because the IRC had limited access to apartment buildings due to them not answering the phone. She said that she wanted to understand how this affected housing navigation in areas with only willing apartment buildings for IRC or voucher participants.

Ms. Dimock said that she would suggest that housing navigation was critically needed for most nonprofit providers serving financially struggling individuals. She said it was challenging for them to create connections with landlords or property managers, so this difficulty navigating the rental world was experienced by many in their community, particularly nonprofits.

Ms. Dimock explained that some nonprofits had created positions called housing navigators, whose job was to accompany clients, meet with landlords, and ensure that landlords answered phone calls. She noted that Albemarle County utilized some of its ARPA (American Rescue Plan Act) funding to support a housing navigator for Albemarle County clients at the Financial Opportunity Center. She said that her suggestion for IRC and others was to make referrals and connections to the Financial Opportunity Center.

Ms. McKeel said that the IRC provided to her the apartment complexes of where the majority of their folks go because it was critical that those apartment buildings were on transit lines and other amenities. She asked for further information regarding the Medicaid application assistance.

Ms. Dimock said that there was a significant unit within their eligibility department dedicated to assisting individuals in applying for and obtaining Medicaid benefits. She noted that this task was one of the main responsibilities of DSS: supporting people who apply for Medicaid. She said that additionally, they had a separate group of Medicaid staff members stationed at the University of Virginia Hospital, which assisted patients dealing with medical bills while they were in the hospital. She said that in some cases, their employees even visited patients' bedsides to help them fill out applications while they were still in the hospital.

Ms. McKeel asked if it was true across the state and country that localities were doing this work for major universities. She said that she was surprised that this was coming out of this department's budget.

Ms. Dimock said that to clarify, UVA paid 100% for that particular unit. She said that additionally, this unit had agreements with other localities to represent residents from those areas. She said that for instance, if a Greene County resident was currently in the hospital, their unit funded by UVA would assist them in completing a Medicaid application. She said that they had interagency cooperation across most of the counties and the state. She said that consequently, when individuals from these areas were at UVA Hospital, they did not face denial of access to their services.

Ms. McKeel acknowledged there was a childcare desert situation in their community and that UVA helped in various ways. She said that UVA's four childcare facilities accepted only faculty members, which could be frustrating when trying to staff clinics due to childcare issues among employees. She said that as the largest employer in the community, it was essential for them to consider how they addressed childcare needs of their employees going forward.

Ms. McKeel suggested reaching out to UVA to explore partnerships and potential solutions. She said that when she was on the School Board, they attempted to secure slots or scholarships at their facilities but were unsuccessful. She said that partnering with UVA to address this pressing concern for both their community and their employees was important. She said that although they might lack data on this issue, it was worth exploring together.

Ms. Dimock said that they had excellent data. She stated that a recent report highlighted the current emergency situation concerning their desert status, which they were eager to share with their UVA partners.

Ms. McKeel said that she would love to see that. She asked if staff could provide updated Asset Limited, Income Constrained, Employed (ALICE) data.

Ms. Dimock said that she would be glad to share the ALICE data they had available, which was from 2022.

Ms. Mallek expressed her appreciation for the unwavering dedication and intense emotional work of DSS staff and the advisory board. She asked for clarification regarding the caseload situation and if they exceeded the recommended levels of the state.

Ms. Stebbins said that they were in a better position than before due to the positions received over the past year and a half, which were made possible by the Board's efforts. She highlighted that their main challenge now was ensuring workforce stability and retaining the existing staff members. She said that this was their primary focus at present. She said that once this stability was achieved, they would have a clearer understanding of their caseloads.

Ms. Stebbins said that according to workload measures, they were currently operating way beyond the recommended caseload levels in several areas. She said that they were attempting to evaluate the actual need by ensuring all staff members were trained and up to speed, which would provide them with a more accurate picture of this issue. She emphasized that this process was still ongoing.

Ms. Mallek expressed her appreciation for their work on the kinship placements, and asked if the housing vouchers were being increased in terms of dollar amounts or if there was still a cap on federal funds.

Ms. Dimock said that it was correct that it was a fixed pool of money and not a fixed pool of vouchers. She said that the total funding amount was what determined how many vouchers they could distribute. She said that most communities with high costs of living and high rents, such as Albemarle, meant that they had unused vouchers that remained unfunded because funding had been used for other vouchers due to the high rents.

Ms. Mallek clarified that there were allocated vouchers without funds to support them.

Ms. Dimock confirmed that was correct.

Ms. Mallek acknowledged the importance of the assistance provided by the Career Center. She asked if DSS was in contact with area churches or a pastor organization to ensure that rural residents living alone were aware of all the services available.

Ms. Dimock said that there were a number of pastoral groups aware of the services offered by DSS and who made referrals to the department. She stated that their primary method of reaching out to people was through families involved in schools within rural communities. She said that this connection ideally led to contact with someone from DSS, either as a classroom family support member or Bright Stars program participant, or via a social worker at school. She said that through this outreach, families could access the full support provided by the department.

Ms. Mallek said that she could provide further resources to DSS for connecting people via the smaller rural congregations.

Mr. Andrews said that it troubled him to see the amount of people seeking services from DSS had been increasing. He said that it was unclear whether it meant they were serving better or that the needs were greater than in the past.

Ms. Dimock said that she believed the demand for assistance had increased, both in terms of its intensity and the number of individuals requiring help. She said that the charts may be misleading due to the pandemic. She said that during this time, the federal government relaxed requirements for SNAP, Medicaid, and TANF (Temporary Assistance for Needy Families). She said that as a result, more people received these services during the pandemic than would have under normal circumstances.

Ms. Dimock explained that as part of the post-pandemic adjustments, the federal government was returning to pre-pandemic standards or rules regarding eligibility for these services. She said that over a 10-year period, they may expect a chart showing gradual increases and then more significant increases followed by decreases and eventual normalization. She said that she anticipated that their FY24 report would show some of these changes, with certain indicators going down. She said that whether this reflected an improvement in people's financial situations or a shift in federal policy, they would need to analyze contextual data to understand.

Mr. Andrews said that it was concerning to consider that the lack of support might cause issues. He said that there was discussion on staffing needs and staff stability, and he was curious about burnout and its prevalence. He said that working in this field could be extremely challenging.

Ms. Dimock stated that individuals often experience burnout in their roles. She said that a social worker capable of enduring requires a unique blend of experiences, intentions, skills, and tactics. She said that this also applied to firefighters and police officers. She explained that they may train someone for a year before allowing them the real experience of the job over the next six months, only to discover that they prefer working in a bank.

Ms. Dimock said that it would take time to ascertain if a new social worker would remain with them long-term. She said that most departments of social services take on numerous newcomers to social work, and it was an 18-month process to determine their staying potential. She said that if they left, the remaining workers faced increased caseload burdens. She emphasized that they aimed to break this

cycle and focus on stabilization, as Ms. Stebbins identified, to halt the turnover because it can be fatal for the group.

Mr. Andrews said that the real reward for the work was found in the personal stories included in the report.

Ms. LaPisto-Kirtley asked if the statistic of 24% of people over 65 living alone was inclusive of those living in poverty or was a separate statistic.

Ms. Dimock said that 11% lived in poverty while 24% lived alone, some of whom may have means and others not.

Ms. LaPisto-Kirtley asked if kinship referred to non-blood-related family friends. She said that this was the case for CASA.

Ms. Stebbins said that those relationships were referred to as "fictive kin," which was a separate category within kinship.

Ms. Mallek said that Ms. Stebbins mentioned the reporting dilemma of meeting the 12-month deadline due to medical health, mental health, and substance abuse issues. She proposed adding an asterisk to provide some flexibility in such situations. She emphasized that the safety of the child should be the top priority, rather than strictly adhering to a state deadline that might not be relevant if these factors are not taken into account. She requested that staff consider this perspective as they proceed with their work.

Agenda Item No. 14. **Presentation:** Rivanna Futures Update.

The Executive Summary forwarded to the Board states that on December 15, 2023, Albemarle County closed on 462 acres of real property located in the Rivanna Magisterial District accessed from Boulders Road. The acquisition followed a due diligence period of several months, during which geotechnical, environmental, and other studies were conducted to understand the viability of a conceptual plan for a campus development that supports the long-term vibrancy of the local defense sector.

On March 20, 2024, the Board authorized the County Executive to submit land use applications on behalf of the County, as property owner, to advance future development. Applications have been filed for the approximately 230 acres in the Development Area to rezone to Light Industry and to obtain a special use permit for office use, to advance site readiness of the property.

Since closing on the property, staff have pursued several lines of effort in order to advance the project. During this presentation, the Board will receive an update on the property and related property management efforts, technical master

Facilities & Environmental Services is supporting property maintenance obligations associated with the three leases for a portion of the acquired property, as well as general property maintenance for all acquired land. The County is receiving lease revenue on a monthly basis from the three leases (how much?). The Economic Development Fund is supporting contract services associated with site readiness.

Staff recommends the Board receive this presentation as a project update.

Mr. Trevor Henry, Deputy County Executive, said that he would be presenting on the project they had been working on for quite a while. He said that Michael Barnes, their Director of Planning, would also be at the podium. He acknowledged that they had a strong team supporting the project from its inception. He said that many attendees in the first few rows of the auditorium had been involved since the beginning, with regular weekly meetings continuing.

Mr. Henry said that although they had accomplished a lot last year to get them through the acquisition process, and he joked with his team that was actually the easier part. He said that the real challenge lay ahead as they continued their work internally and engaged with others. He said that the purpose of today's presentation was to provide an update on the project. He said that they closed the deal in December, but their work had not stopped. He said that as they said during the previous fall, there were tasks they needed to complete to ensure the property was properly and consistently zoned, which he would discuss further.

Mr. Henry said that he also intended to talk about significant engagement with the intelligence community, which had reached out to them in a meaningful way over the past few months. He said that their presentation would consist of a limited number of slides, allowing ample time for Board questions. He said that he, Mr. Barnes, or his expert colleagues could answer these questions.

Mr. Henry said that displayed on the slide was a visual they had used throughout the process, which was a 3D rendering depicting the potential future rendering of the project. He said that it was created through state work in 2014 and showed a possible campus-like extension, completion of Boulders Road, opportunities for federal expansion, university support, and involvement from other entities that would be beneficial to their mission areas. He reiterated that the visual represented a concept, but it had been valuable throughout the process. He said that the Intelligence and National Security Innovation

Campus was the concept they were moving forward with.

Mr. Henry said that today's discussion would cover acquisition, work on site readiness which Mr. Barnes would talk about later, things coming back in front of the Board over the next few months, and partner engagement updates for the Board.

Mr. Henry said that in the previous presentation to the Board in November, they recommended giving the green light to closing. He said the closing took place on December 15, 2023. He said that there was a significant effort from the CFO's (Chief Financial Officer's) office and the County Attorney's office to make this happen. He said that he was extremely grateful for their work.

Mr. Henry said that regarding the slide image, Route 29 North was the reference point, and Boulders Road, a Virginia Department of Transportation (VDOT) road, came in and ended at the commercial building, which was outside the fence line. He said that this area, known as Boulders 1 by those working on Rivanna Station, was owned by an outside LLC but had been supporting DIA (Defense Intelligence Agency) and NGIC (National Ground Intelligence Center) for over a decade. He said that it was hardened inside and has received substantial federal funding. He said that it was also reported that the Army was extending its lease for another five years due to demand in the area.

Mr. Henry said that the red boundary represented the government-owned property of Fort Belvoir, which was the official owner of this 75-acre sub-installation. He said that the NGIC was located here and undergoing a significant addition set to open in a year. He said that the DIA also operated within this facility. He said that notably, there was a child development center currently under renovation for the past year, scheduled to open this spring. He said that it aimed to support staff working at this facility and the waitlist was quite long.

Mr. Henry said that he was providing an orientation for this work. He said that the County had been involved with the state, particularly through their Defense Affairs Committee (DAC), regarding this property for the past decade. He said that there were several reasons why the Board decided to proceed with the acquisition in support of staff's recommendation last year. He said that one of the primary reasons was addressing concerns raised over encroachment and build-out of this property in an incompatible way or use that would threaten its use. He said that Mr. Richardson referred to this as a defensive maneuver to help secure, through land acquisition, the existing function and what it brought to the community and defense support. He said that on the offensive side of this issue, they believed there was demand and need for expansion of this work and that economic development opportunities would arise from it.

Mr. Henry noted that a study was conducted by Weldon Cooper for the DAC at the end of 2022, released in 2023, which assessed the economic impact in the region. He said that they knew defense was significant; however, they did not realize that it was the number two economic generator in their entire Albemarle County region, including the City and Greene County. He said that this amounted to approximately \$1.3 billion annually, with Rivanna Station being the anchor at over 50% and nearly 3,000 employees.

Mr. Henry said that for further orientation, the white area on the map represented the total acquisition of the property. He said that they believed that the yellow area was currently an approximation of what falls within their Development Area. He said that however, he informed the Board last year that even though the yellow indicated Development Areas, some of the zoning was mixed. He said that as a result, one of the tasks they need to complete internally was ensuring consistent zoning. He said that this would allow them to fulfill certain requirements with the state that they currently could not meet.

Mr. Henry pointed out that as they became the property owners, there was an existing parking lot, which was just under where his cursor was now on the map. He said that as property owners, they also inherited a lease with the Army, and they got about just under \$30,000 a month to help cover the costs of maintenance and other things that they needed to do up there.

Mr. Henry said that as property owners, they were responsible for safety and security, as well as maintenance. He said that a minor issue, when the weather event occurred earlier in the year, a complaint out of Rivanna Station was that that was considered a secondary road. He said that VDOT had a methodology by which they determined treatment, and they worked through their process. He said that this had historically created challenges for the staff due to elevation and slope. He said that however, during the recent weather event, they were able to clear the property with the County's Facilities Department and their contractor. He said that the parking lot being owned by them allowed them to run blades up and down the road as well.

Mr. Henry said that the commanding officer at the NGIC praised this quick response, stating it was the first time in 10 years roads were cleared so quickly. He said that this minor action demonstrated their ability to control some aspects of the property and be good neighbors. He said that they had revenues that help cover necessary work on site, allowing them to maintain a positive relationship with Fort Belvoir as well as entities at Rivanna Station.

Mr. Henry said that in his role with public safety, he had been engaged with them over the past year on emergency management. He said that they had a memorandum of agreement (MOA) on Fire Rescue. He said that they were in the drafting stage for one for Police for response. He said that additionally, they were in discussions about potentially conducting a tabletop and field training exercise for response, similar to what they did with Schools. He said that these actions embodied being a good

neighbor.

Mr. Henry said that moving on to site readiness, which they would discuss over the next several slides, their internal work involved conceptual engineering, or technical assessments of the property, as part of their due diligence process. He mentioned that Mr. Barnes would talk about the rezoning process, which was underway.

Mr. Henry said that the next slide may seem busy, but it represented Virginia's site readiness for development from a state perspective, according to the Virginia Economic Development Partnership (VEDP). He said that the assessment ranked sites from Tier 1 for least ready to Tier 5 for being zoned and ready to go vertical. He said that businesses and companies found this meaningful when considering moving their functions. He said that the goal for the County had been to get the land next to Rivanna Station into a Tier 4 readiness level, which was part of their request for state funding support. He said that the recommended work in front of the Board over the coming months was focused on consistent zoning and would help achieve Tier 3 readiness, which was also a trigger to apply for state site readiness money.

Mr. Henry said that when performing due diligence, they knew there was an intent to provide security to the existing function, but they also needed to validate that they believed it was buildable in order to achieve a return on investment. He said that the slide showed a strictly conceptual block plan. He said that their engineer determined that they could potentially develop upwards of 100 acres to 125 acres to the west and north, which this concept reflected.

Mr. Henry said that the initial focus was on the immediate adjacent campus shown in the first slide, and that the engineering work being done was aimed at validating that work. He said that their Facilities Department managed this work, which would feed into the rezoning process. He said that they were conducting aerial utility mapping, walking the site, and developing concept plans that included roadway layouts, traffic generation figures, and stormwater management. He said that these tasks were all part of the technical master plan.

Mr. Henry said it was expected that as they continued their engagement at the state and federal level over the next several months, they would likely issue an RFP (Request for Proposals) to bring in services to help further master plan and develop the site using consultant services experienced with large-scale projects around military bases and installations. He said that they would particularly seek organizations familiar with working with the intelligence community, given Rivanna Station's specialized nature. He said that they wanted the right contractor to assist with that. He said that Mr. Barnes would discuss the rezoning aspect, and he would return to discuss engagement.

Mr. Michael Barnes, Director of Planning, said that he would explain why they were moving towards Tier 3 and 4. He said that most of what he would discuss pertained to reaching Tier 3, which was proper zoning. He said that there would be a significant amount of work involved in the technical master planning that Mr. Henry mentioned earlier. He said that a lot of what they were trying to do here; the slide showed the area with the orange boundary around it.

Mr. Barnes said that the white was currently zoned Rural Areas, while the green area represented an old Planned Residential Development prior to their acquisition of the property. He said that this rezoning involved changing it to Light Manufacturing (LI) with a special use permit for office uses. He said that this supported the light manufacturing and office uses envisioned by the project.

Mr. Barnes said that the next phase of this project would lead them to Tier 3 zoning, which met their second immediate goal: enabling eligibility for the Virginia Economic Development Grant. He said that the grant would help fund the initial phase of the project. He emphasized that as they learned more about the project and conducted further master planning, a subsequent rezoning on this parcel may be necessary. He said that again, they were trying to move the process quickly, particularly because it was necessary to be eligible for the grant.

Mr. Barnes explained that the land they were discussing, shown in blue on the slide, wrapped around the Rivanna Station Complex. He said that the area totaled approximately 462 acres and was purchased last year. He said that they were now focusing on rezoning the area in orange, which was about 172 acres.

Mr. Barnes said that finally, he would provide everyone with a timeline that outlined both the conceptual planning and the rezoning process. He said that the darker green section represented the rezoning, while the yellow highlighted portion discussed some of the work being done by FES (Facilities and Environmental Services). He said that in March, they passed a resolution to authorize the submission of the application.

Mr. Barnes said that staff hoped to present this to the Planning Commission for a public hearing in May. He said that by June 12, they would present it again to the Board to be ready to submit the grant application in the summer. He said that meanwhile, in April, there was the kickoff of conceptual engineering, aerial surveys, and other work. He said that in June, they would begin working on the conceptual road layout.

Mr. Henry said that the purpose of the final slide was to illustrate the different elements of their work. He said that a critical element was site control, which they had secured. He said that this allowed them to engage with the public in a meaningful way. He said they had meaningful engagement at the

state level, including submitting a budget amendment resolution as part of the Board's legislative priorities, which did not make it through as requested.

Mr. Henry said that they had engagement at the state level with the State's Military and Veterans Caucus in the General Assembly and provided information to several key officials, such as the Secretary of Transportation and Finance. He said that furthermore, they had strong engagement with Commerce, specifically the VEDP, and their officers. He said that as for the state budget, it was their understanding that they were going back to the drawing board. He said that they would continue to monitor this situation and pursue any additional requests or opportunities that may arise.

Mr. Henry said they had also maintained regular communication with representatives of their Congressional Delegation. He said that Senator Warner had been briefed by Mr. Richardson and him in person, while they had several engagements with his key staff members. He said that they had also toured the site with Senator Kaine's staff.

Mr. Henry said that the entities at Rivanna Station continued to advocate for and support their work, future plans, and needs. He said that this was one of the biggest mission growth areas. He said that the intelligence community and defense work were among the largest growth areas in their defense strategy. He said that this site had been active during the global war on terror and continued to be so in the current world situation.

Mr. Henry said that with the addition opening next year, they felt that they were already site-constrained and required additional space. He said that they continued working towards actionable requirements. He said that they had also had great engagement with the Virginia National Guard, meeting with the adjutant general in May or June. He said that there was great interest in developing an armory-type function here with skiff space to support the reserve side of the Guard's work.

Mr. Henry said that the addition would be completed sometime between February and March next year, with a grand opening event attended by dignitaries from Washington D.C., and the Board would participate in that. He mentioned that they were working with their state partners to host an intelligence and national security alliance conference in Albemarle County this fall. He said that this professional conference brought together the best and brightest members of the intelligence community periodically, and he hoped to have Senator Warner as the keynote speaker for the event.

Mr. Henry said that some opportunities would continue to be communicated to the Board as they developed, with possible timelines in November or December. He said that before passing it over to the Board for questions, he believed this information was relevant to what they envisioned the future entailed with this work and this site.

Mr. Henry said that there was a company called Data Shapes, which had relocated to Albemarle County and has set up at North Fork by renting space there. He said that it was a smaller company, approximately 12 to 15 employees. He said that that they were AI (Artificial Intelligence)-based and specifically working in the realm of electronic warfare and intelligence solutions.

Mr. Henry read a quote from Logan Selby, co-founder and president of Data Shapes, which was included in a press release: "Charlottesville has emerged as a hub of innovation attracting top companies from Silicon Valley. Its proximity to D.C. underscores the crucial nature of our collaboration with government and defense organizations." He said that he believed this quote highlighted the opportunity they saw and the future of supporting their intelligence community at this site.

Ms. LaPisto-Kirtley asked if the \$1.3 billion revenue generated was from Albemarle County alone.

Mr. Henry said that the \$1.3 billion was inclusive of Albemarle, Charlottesville, and Greene. He said that 50% of that amount originated from Rivanna Station. He said that he believed that Albemarle's contribution was around \$700 million but he would have to verify that number to be certain.

Ms. LaPisto-Kirtley asked if it was correct that it was \$1.3 million.

Mr. Henry said that it was \$1.3 billion.

Ms. LaPisto-Kirtley conformed that that was in the region and asked if Albemarle County received about half of that.

Mr. Henry said that it was Albemarle County, Charlottesville, and Greene County where it applied, and half of that was generated at Rivanna Station. He said that he believed the Albemarle piece of that was in the \$700 million region, but that he would need to confirm that number.

Mr. LaPisto-Kirtley confirmed that there were 125 acres adjacent that were planned for development on the site.

Mr. Henry said that there were 462 areas in total, and there were 232 acres in the Development Area. He said that their primary focus had been on the immediate west and northwest, which totaled approximately 125 acres. He noted that there may be further development opportunities, but this was the initial focus of the work.

Ms. LaPisto-Kirtley asked if the rezoning would be applied to those northern and western areas.

Mr. Henry said that the rezoning area was highlighted in orange on the map. He said that there was an additional Development Area that could be rezoned, but for now they were focusing on this initial set. He said that as they advanced with their master plan and further definition, they may return to the Board with more rezoning work.

Ms. LaPisto-Kirtley confirmed that they were getting a lot of help from federal and state for this project and asked if staff had reached out for any private partnerships at this time.

Mr. Henry said that they had been contacted by private sector entities but were primarily focused on state and federal engagement first.

Mr. Gallaway asked if it was Tier 3 or Tier 4 that qualified them for state funding.

Mr. Henry confirmed that it was Tier 3.

Mr. Gallaway asked if that allowed them to move forward during the summer.

Mr. Henry confirmed that was correct.

Mr. Pruitt asked if any partner agencies at Rivanna Station had raised concerns about possible uses not covered under Light Industrial. He said that he was unsure what amount of their work involved primary intelligence or collections. He said that he was curious whether there were any primary collection tools or laboratory spaces that would need to be included in the zoning but were not currently covered.

Mr. Barnes stated that they believed the Light Industrial zone would allow for numerous uses catering to most needs. He said that furthermore, this special use permit could also accommodate office uses. He said that there was a discussion about potentially using it for army barracks and more residential purposes; however, they could address that quickly, if necessary, but it was not part of this particular round of rezoning. He said that the primary objective was to prepare themselves for Tier 3 in order to qualify for the grant and proceed to Tier 4. He said that once they reached Tier 4, they would have a clearer understanding of various possibilities and ensure that the property met all requirements.

Mr. Pruitt said that upon viewing the conceptual designs, he noticed that it included a large amount of parking. He said that he could speak from his personal experience at the Office of Naval Intelligence where their parking garage was condemned due to imminent collapse. He said that the issue was a major systematic problem since GSA (General Services Administration) moved slowly when it came to authorizing new construction for parking. He said that the only way that installation at Suitland Federal Center and the ONI (Office of Naval Intelligence) compound there could continue to be successful was because they had access to reliable commuter transit with a direct line associated. He suggested that an important aspect of making this site incredibly viable was ensuring the development of robust, reliable commuter transit services in parallel. He said that once these services were established, they could then focus on finding a way to get those buses through the ECP (Entry Control Point). He said that given the size of the site, he did not want people walking from the gate.

Mr. Henry said that he could provide data to the Board in the future regarding the inclusion of this area in their MicroCAT pilot. He said that he was unaware of the current level of service being provided there, but he could follow up with their CAT (Charlottesville Area Transit) partners about this issue.

Ms. McKeel said that regarding Mr. Pruitt's point, she knew that the condition of parking decks and parking garages had become a nationwide issue of concern.

Ms. Mallek said that she had received questions regarding why they were expanding the Growth Area this way, and her answer had been that they were not because the Rural Areas section within the parcel could be used for recreational pathways and other purposes. She said that another question she received was if the local government would follow the same rules and processes as local businesses and her answer had been yes. She said that she was grateful about the clarification about the Residential because the barracks' attitude or people intricately involved in 24/7 work at the station was the way she had interpreted it, but she was very glad to know that that was what was being considered and that it could be done separately. She said that she understood that they were having trouble staffing the childcare center, which was one of the biggest problems to their numbers, and perhaps they could get the workforce center helping on that.

Mr. Henry said that they had offered many times to host a job fair; anything they could do through their network and facilities to support Fort Belvoir. He said that they had not taken them up on that offer yet.

Ms. Mallek said that, regarding the lack of snow plowing there, she knew that the state emergency facilities or Dominion and VDOT had separate lists for hospitals and things like that, and perhaps this would be an appropriate place to put on that list. She said that she was glad to see locally driven/state supported/federally shared. She said it took the County years to understand how it worked, that the locality had to make a stake first, then get the state involved, then maybe the federal government would fill in the gaps. She said that she was grateful that this Board and staff got them to this point. She said that there was potential to connect the Proffit Road train station to this area by providing a shuttle to Rivanna Station, so she hoped that this would be considered when they got to that point.

Mr. Andrews said that they received public comment earlier regarding the necessity of an impact analysis and understanding of what was expected. He said that as they moved forward, they must consider all impacts of each of the pieces of development as part of this process.

Agenda Item No. 15. Closed Meeting.

At 4:22 p.m., Mr. Pruitt moved the Board of Supervisors convene a closed meeting pursuant to section 2.2-3711(A) of the Code of Virginia:

- under subsection (8) to consult with legal counsel regarding specific legal matters requiring legal advice relating to the County's authority to regulate recreational uses of Ragged Mountain Reservoir under § 11-303 of the Albemarle County Code.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

Agenda Item No. 16. Certify Closed Meeting.

At 6:00 p.m., Mr. Pruitt **moved** that the Board of Supervisors certify by a recorded vote that, to the best of each supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting, were heard, discussed, or considered in the closed meeting.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

Agenda Item No. 17. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Jeff Richardson, County Executive, said that he would present his monthly report on County operations. He acknowledged that without the attention from department heads and Community Engagement, this work may not receive proper recognition, and he thanked them for their efforts. He said that he wanted to take a moment to recognize the recent loss experienced by Albemarle County. He said that the Albemarle County Fire Rescue (ACFR) Department had lost firefighter Micah Myers on Friday, March 29, in an off-duty death.

Mr. Richardson said that a public memorial service was held for him on Saturday, April the 6, and ACFR and the community paid their tributes. He said that in response to this tragic event, ACFR leadership and Chief Eggleston and Deputy Chief Puckett recognized the need to strengthen counseling and peer support services to provide mental health support to those affected by the loss.

Mr. Richardson said that the department also offered extensive support to firefighter Myers' family. He said that the organization came together in support of one another, offering active listening, assistance, empathy, and creating a supportive environment. He said that they also emphasized leaning into resources like the employee assistance program and peer support groups during difficult times.

Mr. Richardson acknowledged the efforts of volunteer fire departments and rescue services across the County. He said that on Saturday, April the 6, they stepped forward to cover all departmental duties so that professional paid service staff could attend the services for fallen firefighter Myers. He stated that their hearts continued to be with the family and ACFR.

Mr. Richardson said that Deputy County Executive Ann Wall spoke at the FLIPP (Flexibility, Leveled Emotionality, Impulse Control, Planning, and Problem Solving), Inc. graduation. He said that this organization was one of the recipients of the Community Climate Action Grants. He said that through the grant, they had provided free training to Albemarle County residents, preparing them to become solar installation technicians. He said that Ms. Wall gave the keynote address at FLIPP's most recent graduation.

Mr. Richardson said that their work was important as their society transitioned to clean energy. He said that the Community Climate Action Grant was launched by the Climate Protection Program in 2023 to support creative local projects and leverage community resources outside the local government to implement the County's Climate Action Plan. He noted that this aligned well with Goal 2, which was designing programs and services focused on climate resiliency.

Mr. Richardson said that he mentioned during the last Board meeting that at the end of March that the American Red Cross supported ACFR through two crucial efforts: assisting crews during the brush fires on March 20 and distributing smoke alarms on March 23. He said that during the brush fires, Red Cross volunteers worked around the clock to provide support to Fire Rescue, including food and

water for the crews.

Mr. Richardson said that on March 23, ACFR partnered with Red Cross with their Sound the Alarm Program, where they canvassed and installed smoke alarms in the Willow Lake neighborhood. He said that they installed 59 smoke alarms to address resident safety. He said that this aligned with Goal 1, to nurture a safe and healthy community.

Mr. Richardson expressed his excitement about the work being done in Social Services at this level, as it was not often heard about. He said that two fraud investigators in Social Services recently passed the certified welfare fraud investigator test: Amanda Stevens and Sherry Turner. He said that certification provided them with specialized expertise to efficiently detect and prevent welfare fraud.

Mr. Richardson said that it was a professional goal of theirs, investing in their professional development. He added that strengthening their organization and being more fiscally conservative helped meet state and federal obligations with taxpayer dollars. He said that it also invested in their workforce.

Mr. Richardson said that Albemarle County government had been named one of Virginia's top employers for interns in 2024 by the Virginia Talent and Opportunity Partnership (VTOP). He said that the annual award celebrated Virginia employers who provided high-quality internships to students. He said that this recognition highlighted the Department of Finance and Budget Internship Program, which offered two tracks of learning: accounting and finance.

Mr. Richardson said that six interns had participated in the program so far, including David Baseme, Lara Andrake, and Newsha Dau, who had worked over the past three years to build, design, and improve a program that enhanced careers for interns. He said that they continued to work hard with key community partners to build that talent pipeline as they looked to do good succession planning.

Mr. Richardson said that recently, he talked about a regional training: the Internet Crimes Against Children Task Force Regional Training. He said that their own Police Department hosted a four-day Internet Crimes Against Children class with 29 investigators from 16 local, state, and federal agencies participating. He said that the training provided the tools and techniques necessary to develop an effective response to technology-facilitated child sexual exploitation and Internet crimes against children.

Mr. Richardson said that displayed on the slide was the new transportation project dashboard, which was recently introduced in their budget and transportation town halls across the community. He said that the interactive map allowed users to click on projects from around the County to learn what it was, what phase it was in, as well as provided links to websites or plans to give citizens more details. He said that this tool would be able to provide a near-comprehensive view of the work that planning staff had been working on.

Mr. Richardson stated that the Office of Equity and Inclusion partnered with several local partners, including the City of Charlottesville and Charlottesville National Organization for Women, for this spring's community read. He said that this spring's book was All We Can Save, an anthology of writings by 60 women at the forefront of climate work. He said that the initiative culminated with a panel discussion on April 21.

Mr. Richardson said that he had mentioned briefly the community town hall. He said that the purpose of these budget transportation and traffic town halls was to create an accessible and welcoming opportunity for community members to come and share ideas, questions, and feedback. He thanked the Board of Supervisors who staffed all seven town halls with staff from a wide range of departments.

Mr. Richardson said that during the fiscal 25 budget process discussions, they covered transportation funding on current projects and traffic enforcement and safety initiatives. He expressed gratitude to Community Development and the Police Department for their support in all seven events. He said that a total of 134 community members participated in these town halls, while 48 staff members provided support to these events. He said that the staffing changed at each event, resulting in a nice participation level from across departments.

Mr. Richardson said that staff would evaluate their work with the goal of improving for next year and provide more timely information for these town halls. He acknowledged CAPE, the Community and Public Engagement Division, for their excellent framing and support of these town halls. He said that a report recapping the themes and takeaways for staff was being prepared, and they would appreciate feedback as well.

Mr. Richardson said that regarding the Rivanna Solid Waste Authority (RSWA) 2024 Household Hazardous Waste Days, he requested the Board members share this information with the community. He said that the event would take place on Friday, April 26, and Saturday, April 27, from 9:00 a.m. to 2:00 p.m. at the Ivy Materials Utilization Center (MUC). He said that additionally, the Rivanna Authority would offer free mulch for customers at the Ivy MUC. He said that for more details, they could visit rivanna.org.

Ms. McKeel asked if Mr. Richardson could provide details regarding the town hall meetings they routinely hosted for employees.

Mr. Richardson said that they held virtual employee town halls at 11:00 a.m. on the Thursday following the second Board meeting of the month. He said that they were one hour long and recorded and sent to all employees to access. He said that they often had 30 to 40 minutes of information presented,

followed by 20 minutes of questions.

Mr. Richardson said that employees posed insightful questions that sometimes required further consideration before providing an answer. He said that on average, 125 to 175 staff participated in these calls. He said that he had a brief meeting today about ways to engage more staff in the meetings so that they could better communicate across their organization.

Ms. Mallek said that public safety statistics were of great interest to her constituents in the White Hall District, so she would ask staff to consider regularly incorporating that information into their town hall meetings for next year. She asked about the availability of books in the Little Free Libraries.

Ms. Emily Kilroy, Assistant to the County Executive, said that books were placed a couple of weeks ago in all Little Free Libraries in the County. She said that after mid-March, they may have been already taken. She said that they could certainly ensure Ms. Mallek received a copy.

Mr. Andrews asked if FLIPP was an acronym.

Mr. Richardson said that he was honestly unsure but could follow up with an answer.

Agenda Item No. 18. 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.

Ms. Libby Jones, Executive Director of the Charlottesville-Albemarle SPCA (Society for the Prevention of Cruelty to Animals), said that she would like to take this opportunity to introduce herself. She said that their organization existed within Mr. Gallaway's Rio District, and she would like to invite all the Board members to their annual fundraiser event, the Bow Wow Walk, that weekend. She said that they had been looking closely at their budget and found that for 2023, public funding accounted for 18.1% of the expense budget for the SPCA and therefore relied heavily on their fundraising.

Ms. Jones said that the Bow Wow Walk would take place at Boar's Head from 9:00 a.m. to 1:00 p.m., and she would ask that they share this information with the community. She said that if they did not wish to walk, they could participate in the R.J. Hess Memorial Golf Tournament at 9:00 a.m. at Meadow Creek Golf Course.

Ms. Jones explained that this event honored U.S. Army First Lieutenant Robert Joseph Hess, who had lost his life in combat in Afghanistan in 2013. She said that every year, the Cavalier Battalion held an event to honor First Lieutenant Hess, and this year, his family and the battalion decided to donate the proceeds to their SPCA. She expressed her heartfelt gratitude for this generous gesture.

Agenda Item No. 19. **Public Hearings: Public Hearing on the Board of Supervisors FY 2025 Proposed Budget**. To receive comments on the Proposed FY 25 Operating and Capital Budgets.

The Executive Summary forwarded to the Board states that each year, the County Executive formally presents their Recommended Budget to the Board of Supervisors at a public meeting. At subsequent Board of Supervisors' meetings, a public hearing on the Recommended Budget is held, followed by budget work sessions in which the Board conducts a review of each area of the budget and may propose specific changes to the County Executive's Recommended Budget. After budget changes are agreed upon for the Board of Supervisors' Proposed Budget, a public hearing is held on the Proposed Budget.

The Proposed Budget contains summary information on the Total County Budget, organized into several funds to provide appropriate accounting and budgeting control, including: the General Fund (expenditures for general operations of the County), Special Revenue Funds (expenditures restricted for specific governmental purposes such as state and federal grant funds), the School Fund (expenditures for general operations of the County school system), Other School Funds (expenditures restricted for specific school purposes such as the Food Services Fund), Capital Funds (expenditures for acquiring, constructing, or maintaining capital facilities), and Debt Service Funds (expenditures for paying principal, interest, and charges on general long-term debt). The Proposed Budget contains a complete plan of all contemplated expenditures and estimated revenues and borrowings for the Fiscal Year.

This public hearing is part of the regular process to develop and approve the annual County budget.

Staff recommends that the Board conduct the public hearing.

Mr. Jacob Sumner, Chief Financial Officer, said that this evening they would be holding the public hearing for the FY2025 Proposed Budget. He said that he would provide an overview of the proposed budget in the following slides before the Chair opened the public hearing. He said that the proposed budget began with the Board's strategic plan adopted in 2022, which focused on goals and objectives related to safety and well-being, resilient, equitable, and engaged community, infrastructure and placemaking, quality of life, education and learning, and workforce and customer service.

Mr. Sumner said that when preparing a balanced budget, they took into account many factors

such as the strategic plan, their five-year financial plan, economic outlook, revenue growth, obligation, and existing commitments made in previous budgets. He said that all these considerations were done with an eye on the Board's financial policies and commitment to fiscal stewardship.

Mr. Sumner said that in terms of their economic outlook, inflation had fallen but remained higher than pre-pandemic levels. He said that vehicle valuations followed a similar pattern. He shared some statistics, such as real property assessments increasing by 4%, which was a more normal level of growth than the 13% increase seen last year and the pre-pandemic times.

Mr. Sumner said that consumer-driven revenues, including sales tax, food and beverage, and transient occupancy tax, were up 4.7%. He said that this represented positive growth but at a lower rate compared to the previous year. He said that their transient occupancy tax, which was on overnight stays at hotels and B&Bs, had rebounded from the pandemic downturn and grew by 17% this past year. He said that additionally, their business-driven revenues experienced 1.5% growth but were down from over 11% in the previous year, showing continued growth but at a much slower pace.

Mr. Sumner said that the theme for FY25 was to continue building upon what had been done previously. He said that the focus was on continuing the momentum established in FY24, which marked the beginning of a new five-year strategic plan. He said that during FY24, revenues exceeded expectations and with the implementation of the new strategic plan, key positions were hired, and essential programs and services were launched. He said that at that time, it was anticipated that the years ahead would be more average in terms of economic growth.

Mr. Sumner explained that although the local economy's pace of growth has slowed down from previous years, the Board's actions during FY24, such as increasing the budget stabilization reserve and directing a portion of new ongoing revenues as a one-time transfer to the capital fund, helped the County better manage the impact of the reduced growth. He said that as a result, the County entered FY25 in a strong position to continue to advance strategic plan priorities as the focus shifted from stabilizing the foundation to building momentum.

Mr. Sumner said that annual budgeting decisions affected future years, and choices made during one fiscal year impacted the next. He said that the decisions made in FY25 would influence the budget for FY26. He said that in FY25, the County was expected to cover some costs that were agreed upon by previous policies and policy decisions. He said that these included funding requirements for new courts, a capital expense, staffing to operate the new building and expand its square footage, as well as grant-funded initiatives scheduled for FY25 that would necessitate additional local funding. He said that similarly, the County was keeping an eye on FY26, as other planned expenses would require local funding as well.

Mr. Sumner pointed out some examples of how past decisions made by the Board members could influence future budgets. He mentioned that several pilots had been launched over the past few years to test different approaches, with some having concluded while others continue to gain momentum, which they wanted to keep moving forward.

Mr. Sumner said that when planning new facilities, they focused on the capital improvement plan, borrowing costs, and ongoing service debt. He stated that two facilities opening in FY25 would require additional staff for operation. He said that upon accepting grants, continued funding was necessary for sustaining programs or services.

Mr. Sumner said that they had successfully received FEMA (Federal Emergency Management Agency) Safer grants to support hiring firefighters; however, these initial grants were expiring, leading them to transition to local funding. He said that also, federal and state funding for their transit services related to CAT (Charlottesville Area Transit) and MicroCAT was gradually decreasing.

Mr. Sumner stated that the proposed budget for FY25 amounted to \$635 million, an increase of \$80.4 million from FY24. He said that this increase was due to fluctuations in capital program needs based on the timing of capital outlays and debt issuances, as well as increased debt service from their last issuance, which funded the Rivanna Futures and court projects. He said that they were also incorporating commitments and obligations from FY24 into the general fund.

Mr. Sumner said that during budget season, the primary focus was on the general fund, where all types of revenues were received, and it served as the main funding source for Schools and capital and debt. He said that it was where the Board has maximum policy discretion. He said that general fund revenues for FY25 were estimated at \$438 million.

Mr. Sumner said that the budget process consists of three major milestones: the County Executive's recommended budget, the Board's proposed budget, and the adopted budget. He said that after several work sessions to analyze the details of the County Executive's recommended budget, on March 17, the Board approved a proposed budget that included two potential rate increases. He said that one was for personal property and aimed to restore overall revenues from this source to its FY22 level when the Board reduced this rate to mitigate the impact of rapid vehicle value increases during the pandemic.

Mr. Sumner said that the second was their transient occupancy tax (TOT), applied to overnight lodging stays at hotels and B&Bs. He said that this tax was paid by those who visited the community and benefited from its high quality of life while they were present. He said that the City of Charlottesville

recently increased the rate by 1% and the Board believed it was appropriate to increase this as well because they shared the same tourism market with the City. He said that he would discuss the details of these increases on the next couple of slides.

Mr. Sumner said that regarding personal property and machinery tools, the proposed tax rate was \$3.96, a \$0.54 increase which would generate approximately \$4.5 million. He said that since this tax was shared revenue, it was divided between capital and debt, Public Schools, and County Government operations. He said that the revenue split for the additional income generated could be seen in the chart displayed on the screen.

Mr. Sumner stated that the proposed budget included a rate increase for the TOT, from 8% to 9%. He said that this would generate approximately \$900,000 in additional revenue. He said that like the personal property and machinery tools tax, this was also shared revenue and would go through the funding allocation.

Mr. Sumner said that the recommended expenditures were balanced on the proposed revenues, and thus, the proposed general fund expenditures totaled \$438 million.

Mr. Sumner said that displayed on the screen were some major areas where they recommended allocating new revenues in FY25, including \$13 million to Schools according to their funding formula; \$9.3 million to workforce and customer service for salary adjustments, healthcare costs, and implementation of the community development system; additional funding for partner agencies as well as transportation costs with MicroCAT and CAT; and investing \$2.4 million in safety and well-being with operational costs for the general district court building.

Mr. Sumner said that additionally, funding was included for more firefighters to support an ambulance in the Berkmar area and to address the 24/7 staffing needs in North Garden; expansion of the HART (Human Services Alternative Response Team) team, as well as an additional Sheriff's deputy and a police officer.

Mr. Sumner said that the proposed budget also supported the five-year capital improvement plan (CIP). He said that Schools-related capital projects within the five-year plan totaled \$206.8 million. He said that the plan included funding for projects such as High School Center II, a southern feeder pattern elementary school, and a northern feeder pattern elementary school, along with system-wide renovation and maintenance projects.

Mr. Sumner said that the Local Government's capital projects within the five-year plan totaled \$128.8 million dollars. He said that this plan included funding for projects such as transportation leveraging, Biscuit Run, courts, central library renovations, and capital needs at two of their volunteer fire stations.

Mr. Sumner said that with regard to their strategic plan, there were several areas that they recommended allocation of revenues in FY25. He said that these included opening Biscuit Run in FY25, continuing MicroCAT services, and achieving universal broadband access across the County.

Mr. Sumner said that as mentioned earlier, there were three significant milestones in the budget process: the County Executive's recommended budget, the Board's proposed budget, and finally the adopted budget. He said that the difference between the County Executive's recommended budget and the proposed budget, which they were discussing today, included technical adjustments that occurred after the budget was recommended, as well as board-driven adjustments discussed during work sessions.

Mr. Sumner said that on the next slide, outlined were the technical adjustments that staff had identified through the budget process. He said that he would briefly touch upon them since they had talked about these before.

Mr. Sumner said that the item for JAUNT was the County's portion of funding available above the JAUNT fund balance policy. He said that this was considered a one-time funding and could not be counted on in any given fiscal year. He said that state revenue included updated adjustments to state reimbursements from the Compensation Board for those County-funded positions eligible for state reimbursement. He said that this would be ongoing revenues available for use in the FY25 budget.

Mr. Sumner said that the RSWA item was the updated County contribution as approved by the RSWA Budget Subcommittee. He said that the County's contribution in the FY25 recommended budget was based on a draft that they received in early March. He said that they may remember that the Board recently approved the RSWA to consider raising their tipping fee rates, and this figure was inclusive of that additional revenue.

Mr. Sumner said that on the capital side, they spoke about the removal of funding for the Blue Ridge Area Food Bank. He said that also, as part of the RSWA budget amendments, there was an increase in the portion of the annual contribution for the Ivy Landfill Remediation Project.

Mr. Sumner said that the budget amendments presented by the Board of Supervisors included adjustments to the recommended budget. He said that the revenue side consisted of personal property tax and TOT, while the expenditure side proposed funding for additional firefighters in Berkmar area and 24/7 staffing at North Garden, as well as investment in HART team expansion, Sheriff's deputy, and

police officer positions. He said that operational efficiencies and contingency reserves were also included.

Mr. Sumner said that on the capital fund side, the Board requested moving the funding for community capital requests from Earlysville and Seminole Trail volunteer fire stations from FY27 to FY25.

Mr. Sumner noted that the budget document contained numerous numbers and figures representing the results of funded projects and staff accomplishments. He said that in 2023, there were 74,000 police calls for service, 18,000 Fire Rescue calls for service, 35,000 building permit inspections, and over 2 million visits to County parks. He praised the remarkable work of staff members.

Mr. Sumner said that as they neared the end of the budget calendar, there would be another public hearing next week focusing on tax rates. He said that after that, final budget adoption and appropriation would take place on May 1.

Mr. Gallaway asked if the advertised tax rate increase had been programmed based on the changes requested by the Board.

Mr. Sumner said that the budget was balanced. He said that yes, there were additional expenditures on the support side for Fire Rescue, the Sheriff's deputy, and the police officer, as well as expansion of the HART team. He said that additionally, there were increased revenues to slightly increase the reserve for contingencies for FY25. He said that most of these positions were funded at half a year based on their hiring cycle, particularly for public safety personnel. He acknowledged that in the upcoming FY26, they would bear the full annualized cost for those positions.

Mr. Gallaway requested that staff provide information regarding the financial data as it related to the County Executive's recommended budget and the subsequent changes requested by the Board.

Ms. McKeel clarified that the Board had worked on this budget for 13 total hours in their work sessions, and there remained a variety of requests from their departments that they did not fund this year. She asked if Mr. Sumner could explain the split between the Schools and County Government regarding new monies.

Ms. Sumner explained that the division of revenues was outlined in Board-approved financial policies that provided the authority they followed to allocate revenues. He said that these were not all revenues that went into the general fund; rather, they were considered shared revenues. He said that 10% was taken off the top of those shared revenues and moved to capital and debt for funding those expenditures. He said that 54% of the remaining shared revenues was allocated towards Public Schools, while the final 36% was allocated to Local Government operations.

Ms. McKeel asked for clarification regarding helping to balance the budget with \$500 thousand in efficiencies.

Mr. Sumner said that one of the factors taken into account when proposing a balanced budget was introducing additional efficiencies throughout the County as an organization. He said that this was done in recognition of the staff's efforts to modernize some core systems, such as the Community Development system and the new financial system. He mentioned that they were examining organizational changes to do things differently and be more efficient while ensuring that they focused on doing the right things well. He said that in FY25, a target of \$250,000 was set for this initiative, which was expected to continue around the \$500,000 range in FY26.

Ms. Mallek said that during one of the town halls, someone had inquired about more information on this topic, which prompted her to pose this question to Mr. Sumner. She said that in August 2008, the legislature issued a notice to the County, indicating that the \$6 million they were planning to send would not be sent after all. She said that this reduction was absorbed by both Schools and Local Government according to existing policy. She asked whether the same split had been taken into account when there was a decrease in revenue due to the reduced personal property tax rate for cars three years prior.

Ms. Sumner replied that yes, the situation applied to both additional revenues and when revenues were lower than the previous year. He explained that when there were extra funds, they were divided equally among capital and debt, Public Schools, and Local Government, and similarly, if the revenues came in less than before, the reduction was also split evenly between those three areas.

Mr. Andrews noted that the decisions made in Richmond may complicate budgetary matters, but that was yet to be determined.

Mr. Andrews opened the public hearing.

Ms. Lydia Brunk, Samuel Miller District requested an increase in funding for Emergency Rent Relief to at least \$2 million. She acknowledged the need to balance a lot of priorities and constituent interests. She said that she appreciated that after 13 hours of work sessions they were willing to listen to constituents speak about issues important to them. She said that nothing was more important to her than providing community members with a place to live, which was one of humanity's most basic needs.

Ms. Brunk said that they all knew that housing prices were continuously and drastically rising in the area, both in sales and in rents. She said that she grew up in the area and moved back after

graduating from college. She said that the first job she got was as a cashier, and the only way she was able to live in this community was due to her luck in having a family member willing to let her live with them and pay a reduced rent. She said that even now, having a better job than she did then, it still took her six months to find a place she could comfortably afford.

Ms. Brunk said that she wanted this community to be a place for cashiers, teachers, bus drivers, custodians, sanitation workers, firefighters, healthcare workers, library technicians, government officials, and everyone who provided them with that quality of life that they had talked about. She said that a key part of that was an effective safety net for those who lived in this community. She explained that as rental prices continued to increase higher and higher, it became easier for things such as a chipped tooth, new glasses, or a car repair to result in a spiral out of fiscal control.

Ms. Brunk said that missing one rent payment could lead to late fees and difficulty recovering. She said that an effective safety net was necessary with a fully-funded emergency rent relief program to help community members stay in their homes. She said that rent relief was not going to be effective as they continued to reduce the amount available to individuals due to lack of funding. She sincerely from her heart requested an increase in funding for this program.

Mr. Gustavo Espinosa, Community Organizer with the Legal Aid Justice Center, said that firstly, each Board member's constituents still required and requested additional funding for ACERP (Albemarle County Emergency Relief Program) to ensure the safety and housing of County residents. He said that along with several tenant leaders from Albemarle County and members of Legal Aid Justice Center, he visited some of the top evictors in low-income housing communities across all districts. He said that they spoke with families about their living conditions and concerns.

Mr. Espinosa said that almost every single person who answered the door mentioned unaffordability, displacement risks, and neighbors being evicted. He said that these constituents supported the petition for more emergency relief. He said that they collected 272 signatures from over 40 neighborhoods and rental communities in support of increased funding. He said that the petition was provided to the Clerk, along with a list of the top 15 evictors and a report on evictions in Albemarle County and Charlottesville City over the past year.

Mr. Espinosa secondly stated that ACERP needed and deserved more time and attention throughout the budget discussions year-round. He noted that low-income residents should have a more significant voice in the process. He said that while there were newsletters, budget town halls, and other public engagement opportunities, he believed that much more was necessary. He said that as the County Executive had said, the more engagement, the better.

Mr. Espinosa said that during the work sessions, the Board and staff had discussed level funding for ACERP, but they needed to spend more time to understand the need and how many more people could be protected with additional funding. He mentioned that the community and the Board members as representatives would benefit from a better understanding of the current program operations, including eligibility, the average amount requested, the average amount given, how it changed over the fiscal year, and demographic information about applicants and recipients as well. He pointed out that the affordable housing shortage disproportionately impacted lower-income people and people of color.

Mr. Espinosa suggested that the Board should take advantage of every opportunity to secure funding for ACERP, including fiscal year closeout money, unspent American Rescue Plan Act (ARPA) funds, and state and local fiscal recovery funds. He requested the Board to be creative in utilizing all available funding sources, including the budget, to support this program sufficiently.

Mr. Espinosa said that finally, in addition to meaningful emergency rental assistance, they also needed the Board's support in establishing and investing in an affordable housing trust fund. He said that all research showed that it was the best way to ensure long-term funding, planning, and accountability of affordable housing. He said that Albemarle County faced a preventable mass loss of subsidy for hundreds of affordable apartments as low-income housing tax credit time limits expired over the next five to ten years. He emphasized that the only way they could effectively prevent homelessness and maximize family stability was through dedicated funding.

Ms. Kristi Hagan, Rivanna District, said that she had lived in Albemarle County for most of her life and was fortunate to live with her family here. She said that in her professional capacity as a social worker at UVA Hospital, she met with patients from this area who were concerned about their ability to pay for rent, medical bills, and food.

Ms. Hagan said that most of these patients were out of work during the recovery process, and some may never return to employment. She said that their jobs may not offer short-term disability benefits, and if they did, it often resulted in reduced income. She said that these patients hoped for a swift recovery so they could rejoin the workforce as soon as possible. She said that she provided the patients with resources that had lengthy waitlists, reduced funding, and no guarantee of support.

Ms. Hagan emphasized the importance of affordable housing for Albemarle County and acknowledged that there was no single solution to address the current housing crisis. She said that to tackle this issue effectively, multiple approaches were needed to increase the number of affordable units and prevent evictions.

Ms. Hagan expressed her support for increasing funding for the Emergency Relief Program, which assisted individuals and families in crisis situations, enabling them to stay in their homes despite financial difficulties resulting from injuries, medical illnesses, or other crises that made it challenging to afford rent or mortgage payments. She requested an increase in funding for this program in the coming year and urged the County to prioritize it.

Ms. Margaret Rubin, Samuel Miller District, requested the Board to increase emergency assistance rent funds, stating that the current amount was \$260,000, which had previously been \$2 million. She said that she believed that the higher figure was more appropriate. She said that having volunteered with Loaves and Fishes and traveled throughout the County, she encountered many renters living in low-rent apartments who faced eviction. She said that once someone got evicted, they were still in the County, but often lost their jobs, as well as their car and the place where their children resided. She said that one client had a six-month-old baby, and she lost her caretaker when she was evicted, which led to losing her job.

Ms. Rubin said that evictions came with significant fees, causing long-term debt. She said that people often lost all their possessions, so all family assets, and their ability to contribute to the community was gone. She said that their children were devastated, sometimes forced out of school for a while, and may end up couch surfing. She said that these individuals remained part of the community but could no longer contribute and their children were traumatized.

Mr. Andrews closed the public hearing and said the matter rested with the Board.

Mr. Gallaway said that he was still considering his position regarding the advertised tax rates and the expenditures they paid for. He said that he looked forward to further discussions on this topic in the future.

Mr. Pruitt asked Mr. Sumner if the Board contingency for programming additional funding was distinct from the 2% strategic contingency, distinct from the 10% operating funds contingency, and the County Executive's contingency used to fill in gaps.

Mr. Sumner stated that the County Executive's contingency was synonymous with the reserve contingency. He explained that there were three, and one contingency had already been appropriated when reaching that stage of the process and could be used to address any urgent needs that arose during the fiscal year.

Mr. Pruitt asked if Mr. Sumner could provide the current amount for the Board contingency.

Mr. Ryan Davidson, Deputy Chief of Budget, said that 1.9% was the cap on the Board's strategic capital contingency within the capital program. He said that the reserve for contingency was being discussed on the budget amendments as part of the proposed budget and would be approximately \$830,000.

Mr. Pruitt asked if it would be \$830,000 of new funds for contingencies.

Mr. Davidson said that was correct.

Mr. Pruitt said that to triple the size of the Albemarle County eviction prevention fund would be \$780,000. He said that they could increase the amount that they were funding to support contingencies and triple the amount allocated for eviction prevention with the currently advertised rates without involving any additional revenue sources.

Mr. Sumner said that with the advertised rates and proposed budget, which included \$830,000 for reserve for contingencies, these reserves were split between ongoing and one-time funding sources. He said that staff would recommend matching the use of these funds as a best budget practice. He noted that starting with the reserve for contingencies was also a best practice because unexpected challenges may arise during the fiscal year, particularly as they began this process in late fall through winter into spring. He said that the reserves served as their first line of defense against these unknown challenges.

Mr. Pruitt said that from his perspective, there were several additional lines of defense for these types of considerations. He mentioned there were reserves for capital contingencies, strategic reserve, and operating fund reserves. He said that although they preferred not to access them, this was a third or fourth tier of accessibility that they had in new money they were proposing to program. He said that there was an emergent need before them.

Mr. Pruitt noted that they actually could quadruple it with \$780,000 because they had already programmed \$260,000. He said that therefore, they could triple it, quadruple it, or double it within the advertised amount if the Board decided to act on that. He said that this would be done without dipping into any existing contingencies and while still being able to save for funding an additional contingency. He submitted this as a simple decision for the Board's consideration.

Mr. Gallaway said that the matter should be discussed in terms of other unfunded priorities of the Board.

Ms. McKeel asked Mr. Sumner if there may be overages when their revenues came in during June.

Mr. Sumner said that they were not discussing tax rates during this meeting but would cover them at the public hearing next week. He mentioned that he had addressed these in his presentation earlier. He said that the tax rates being discussed were for the CY2024, which would affect tax bills, particularly personal property taxes because that would span across multiple fiscal years. He pointed out that the first half of the tax bill, due in June, would reflect the tax rate that the Board would consider. He said that this was what they had discussed on the slides today.

Mr. Sumner said that if the tax rate for personal property were increased to \$3.96, they would recognize additional revenue in the current FY24. He said that these funds could contribute to their fiscal year-end funding. He said that as per their usual practice, after the audit and year-end were completed, they would return to the Board to consider one-time funding opportunities should any residual funds remain. He said that this additional funding would factor into that calculation.

Ms. McKeel said that she believed that at that point in time they could discuss allocating any additional funds to identified priorities.

Mr. Gallaway clarified that he was not disagreeing with the housing priority, but that it should not be done in a vacuum, and that there were several things, including DSS positions, which needed to be weighed against this priority.

Ms. Mallek said that they had heard from residents about the climate, biodiversity, and native plants investments. She said that when the time was appropriate, they would have a better understanding about the ongoing efforts at that time, and where the shortcomings were.

Mr. Andrews said that to the extent that there was a reserve in a budget, it was present every time they created a budget. He said that whether they used it or not depended upon the circumstances of that particular year. He said that when he heard it being referred to as new money, it bothered him because any reserve was set aside at the beginning and then decided whether or not it would be needed.

Ms. LaPisto-Kirtley said that they should revisit the 8-page list of requested priorities if they receive additional revenues during the year.

Agenda Item No. 20. Public Hearing: Public Hearing to Consider the Adoption of an Ordinance to Modify Real Estate Tax Relief for Elderly and Disabled Persons. To receive public comment on its intent to adopt an ordinance to amend County Code Chapter 15, Taxation. The proposed ordinance would amend Article 7, Real Property Tax, Division 2, Real Property Tax Exemption for Certain Elderly and Disabled Persons, Sections 15-709, Real property eligible for an exemption, and 15-710, Amount of exemption. The proposed amendment would increase the maximum annual income threshold eligible for the exemption from \$83,850 to \$88,800, would increase each income bracket eligible for partial tax relief, and would increase the net worth threshold eligible for tax exemption from \$250,000 to \$305,000. All proposed amendments would be enabled by Virginia Code §§ 58.1-3210 and 58.1-3215, to be effective on and after January 1, 2024.

The Executive Summary forwarded to the Board states that during its Fall 2023 five-year financial planning process, the Board indicated support for broadening the eligibility for real property tax relief through the current program for Real Estate Tax Relief for Elderly and Disabled Persons. The Board directed staff to evaluate program adjustments during the Fiscal Year 2025 budget process. Staff evaluated increasing the income limit to align to the current value for the US Department of Housing & Urban Development Area Median Income (AMI) Limits, using the value for 80% AMI for a family of four in Albemarle County, as well as the net combined financial worth limit. Under Virginia Code § 58.1-3210, the County has authority to modify the qualifying criteria.

Albemarle County Code Chapter 15, Article 7, Division 2, Real Property Tax Exemption for Certain Elderly and Disabled Persons, describes the County's real property tax relief program for elderly and disabled persons. Based on direction from the Board of Supervisor's March 13, 2024 budget work session, the proposed ordinance (Attachment A) would modify the current program criteria with the following:

- Increase the net income limit from \$83,850 to \$88,800
- Increase the net financial worth limit from \$250,000 to \$305,000
- Modify the three relief percentage brackets from \$0 to \$44,400 for 100% relief, \$44,401 to \$66,600 for 75% relief, and \$66,601 to \$88,800 for 50% relief.

The change would be effective for Tax Year 2024, which began on January 1, 2024.

The proposed modification to the Real Estate Tax Relief for Elderly and Disabled Persons program would decrease collectible tax revenues. For FY 25, the budgetary impact of increasing the income and net worth limits is estimated to be \$120,000 and is incorporated into the Board of Supervisors' FY 25 Recommended Budget.

Staff recommends that the Board adopt the attached proposed ordinance (Attachment A).

Ms. Jennifer Matheny, Chief of Revenue Administration, said that she would present information regarding the public hearing to amend Albemarle County Code Chapter 15 on taxation, specifically modifying their Real Estate Tax Relief for the Elderly and Disabled program.

Ms. Matheny said that she had ten slides to cover regarding the program. She said she would provide an overview of the current program, followed by proposed updates, which would be the subject of the public hearing. She said that afterward, they would transition into the public hearing itself and conclude with the staff-recommended proposed ordinance.

Ms. Matheny said she would begin by reviewing the existing program, noting that her team believed it was one of the most important offered in Albemarle County. She said that they found assisting these applicants rewarding as they helped them to remain in their homes. She explained that most participants would not be able to afford their taxes without this program, and she expressed gratitude for being part of a positive and life-changing impact on their community.

Ms. Matheny said she would now discuss the current program's qualifications. She stated that to be eligible, one had to be 65 years old or older, or totally and permanently disabled, that they must own the property as of January 1, and that it could not be used for business purposes. She said the two other criteria determined the amount of relief received: income and net worth.

Ms. Matheny said that currently, the maximum income was \$83,850, and the maximum net worth was \$250,000. She said the relief percentage was tiered based on income levels between 100%, 75%, and 50%. She mentioned that changes had been made to simplify the chart, making it easier for applicants to understand.

Ms. Matheny said that one thing she wanted to mention was the confusion surrounding the program. She explained that the program excluded the primary residence and land up to 10 acres. She clarified that this was not a limit on the total amount of land one can have; for example, if someone had 15 acres, their dwelling plus 10 acres would receive 100%, 75%, or 50% relief, while the remaining acres, such as 5 acres, would still be taxed at the regular rate. She said that she wanted to clarify this point because participants had questions about it when they applied.

Ms. Matheny said that when income and net worth limits were raised last year, more people could apply for the program. She said that as a result, 94% of applicants who applied were approved, up from 89% in 2022. She said that there were 811 households that participated in the program in 2023, and a total relief of \$1.8 million was awarded.

Ms. Matheny stated that the average income of applicants in 2023 was \$32,000, and the average net worth was \$48,000. She said that displayed on the bottom of the slide was a chart to illustrate the percentage of relief the majority of applicants received. She said that 73% of applicants received 100% relief, while 22% received 75%, and 5% received 50% relief.

Ms. Matheny said that staff had shown the next chart to the Board before and wanted to share it again for reference. She said the orange line on the chart represented the Countywide average tax bill based on a 2024 assessed real estate value of \$436,300. She noted that the majority of applicants were below the average. She said that this analysis focused on individuals who received 100% relief, which was the largest group. She said that the program, designed as it currently was, assisted those who were economically most vulnerable.

Ms. Matheny said that regarding how to improve the program further, expanding the initiative with a comprehensible basis should be considered. She said that they had a program that was relatively easy to explain, and applicants understood it. She said that in considering this, they wanted to maintain an easy-to-understand, grounded in prudent financial management approach. She said that the program should be administered with minimal impact on the system and implemented for CY24.

Ms. Matheny explained that if expanded, the program could increase the net income limit and the net financial worth limit. She said that these limits had been funded in the proposed FY25 budget. She said that this would provide approximately \$120,000 in additional relief. She said that if these changes were approved, her staff would begin working on it first thing tomorrow morning to ensure that all current renewals, which had a deadline of April 1, were processed. She said that all applicants had received their award letters, and any necessary updates for increased tax relief would be sent before generating bills at the beginning of May.

Ms. Matheny said that for the past two years, the Board of Supervisors had tied income criteria to 80% of the area median income (AMI) for a family of four, which was linked to the affordable housing policy. She said that using the same approach for CY24, that limit would increase to \$88,800. She said that this method was easily understandable, implementable for CY24, and could be executed within their current tax system with some updates on limits, without creating any administrative burden. She said that there was an increased cost, but it was reasonably predictable.

Ms. Matheny said that this budget impact included people who were newly eligible for the program and also considered those that would move up to a higher percentage with a budget projection impact of about \$60,000.

Ms. Matheny said that staff proposed increasing the net worth to \$305,000, tying it to inflation. She said that it had been \$200,000 since 2007, and was increased to \$250,000 the previous year as the first step. She said that their goal was to move it up further, albeit there were uncertainties about that. She said that by raising it to \$305,000 based on last year's data and assumptions, they expected to attract more people while still being able to budget with greater confidence. She said that last year's increase had shown a positive impact on the program, making staff feel more comfortable recommending this change.

Ms. Matheny said that the FY25 budget projection was about \$60,000. She said that in 2023, three applicants would have become eligible if this increase had been made last year, and that they were basing this information on that data.

Ms. Matheny said that their intent was to bring this to the Board annually, as they planned to maintain 80% of the AMI and rate of inflation. She noted that any other programmatic changes could take place in the fall when they returned to discuss these updates.

Ms. Matheny said that to conclude her formal remarks, the displayed slide highlighted the changes for public hearings. She said that the green represented the current program, and the blue represented the proposed changes.

Ms. Mallek asked if there were any cases where an individual's income had risen, resulting in them not qualifying this year despite having qualified previously.

Ms. Matheny said no, that typically was not seen with this program. She said that it was very rare, and she had never witnessed that during her tenure with the County.

Mr. Andrews opened the public hearing. Seeing no speakers, he closed the public hearing and said the matter rested with the Board.

Ms. LaPisto-Kirtley said that Ms. Matheny had mentioned three individuals who would have qualified under the new criteria. She asked if these individuals were eligible for the 100%, 75%, or 50% threshold.

Ms. Matheny said that for last year, it would have put them in the 75% range.

Ms. LaPisto-Kirtley said that it was said earlier in the presentation that they were able to serve 94% of applicants. She asked if the remaining 6% were not able to be served due to a lack of funds or because of ineligibility for the program.

Ms. Matheny replied that it was because they did not qualify for the program.

Mr. Gallaway said that he was supportive of the adjustment of net worth to keep up with inflation. He said that additionally, basing income on the AMI was a procedural approach that allowed them to gradually move towards some potential goals while maintaining diligence. He said that furthermore, with property values stabilizing after previous highs, residents would not experience the spikes in bills they had faced in recent years.

Ms. McKeel expressed her gratitude for the process and for its understandability.

Ms. Mallek expressed her appreciation to staff and the community members who supported the change, and for the understandable metrics chosen.

Mr. Andrews said that he supported this, and said that they were being asked to adopt a proposed ordinance to make the amendments

Ms. Mallek **moved** that the Board of Supervisors adopt Attachment A, a proposed Ordinance to set these rates for the eligibility for this real property exemption.

Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

ORDINANCE NO. 24-15(1)

AN ORDINANCE TO AMEND CHAPTER 15, TAXATION, ARTICLE 7, REAL PROPERTY TAX, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 15, Taxation, Article 7, Real Property Tax, is hereby amended as follows:

By Amending:

Sec. 15-709 Real property eligible for an exemption.
Sec. 15-710 Amount of exemption.

Chapter 15. Taxation

Article 7. Real Property Tax

Sec. 15-709 Real property eligible for an exemption.

Real property that satisfies all of the following requirements is eligible for the exemption established in County Code § 15-708:

- A. *Age or disability.* The eligible owners shall have either:
 1. *Age.* Reached the age of 65 years prior to the taxable year for which the exemption is claimed; or
 2. *Disability.* Become permanently and totally disabled prior to the taxable year for which the exemption is claimed.
- B. *Ownership.* The eligible owners shall have title or partial title in the dwelling. Any interest under a leasehold or for term of years is neither title nor partial title. The eligible owners claiming the exemption shall own title or partial title to the real estate for which the exemption is claimed on January 1 of the taxable year.
- C. *Joint ownership.* Jointly owned dwellings are eligible for the exemption in the following circumstances, provided that any other requirements for the exemption are satisfied:
 1. *Joint ownership with spouse.* A dwelling jointly owned by a husband and wife may qualify if either spouse is 65 years of age or older or is permanently and totally disabled.
 2. *Joint ownership with person other than spouse.* A dwelling jointly owned by two or more persons, all of whom are either 65 years of age or older or are permanently and totally disabled.
- D. *Occupancy of the dwelling.* The eligible owners shall occupy the dwelling as that owner's sole dwelling.
 1. *Business uses limited.* The dwelling may not be used in a business that is required to pay a County business license tax or fee.
 2. *Residing in medical or mental care facilities for extended periods does not disqualify.* An eligible owner's residence in a hospital, nursing home, convalescent home, or other facility for physical or mental care for extended periods of time for extended periods does not disqualify the real estate from the exemption. The dwelling continues to be the sole dwelling of the eligible owner during these extended periods in a facility, provided that the real estate is not used or leased to others for consideration.
- E. *Manufactured homes.* A manufactured home is real estate eligible for the exemption if the eligible owner demonstrates to the satisfaction of the Director of Finance that the manufactured home is permanently affixed. Either of the following is evidence that the manufactured home is permanently affixed:
 1. *Ownership and connection to water and sewage lines or facilities.* The eligible owner owns title or partial title to the manufactured home and the land on which the manufactured home is located, and the manufactured home is connected to permanent water and sewage lines or facilities; or
 2. *Permanent foundation or connected rooms or additions.* The manufactured home rests on a permanent foundation and consists of two or more units which are connected in such a manner that they cannot be towed together on a highway, or consists of a unit and other connected rooms or additions which must be removed before the manufactured home can be towed on a highway.
- F. *Maximum annual income allowed.* The total combined income shall not exceed \$88,800 for the calendar year immediately preceding the taxable year.
- G. *Maximum net combined financial worth allowed.* The net combined financial worth shall not exceed \$305,000 as of December 31 of the calendar year immediately preceding the taxable year.

(2-15-73; 3-20-75; 11-9-77; 8-13-80; 6-12-85; 5-13-87; Ord of 12-19-90; Ord. of 4-7-93; Ord. 96-8(2), 12-11-96; Code 1988, § 8-26; 9-9-81; Ord. 12-19-90; Code 1988, § 8-26.1; § 15-704, Ord. 98-A(1), 8-5-98; Ord. 00-15(2), 9-20-00; Ord. 03-15(2), 11-5-03; Ord. 04-15(2), 12-1-04, effective 1-1-05; Ord. 06-15(3), 11-1-06, effective 1-1-07; Ord. 07-15(1), 10-3-07, effective 1-1-08; Ord. 14-15(3), 9-3-14; § 15-709, Ord. 19-15(1), 4-17-19; Ord. 22-15(1), 4-20-22, effective 1-1-22); Ord. 23-15(1), 4-19-23, effective 1-1-23; Ord. 24-15(1) 4-17-24, effective 1-1-24);

State law reference(s)—Va. Code §§ 58.1-3210 —58.1-3215.

Sec. 15-710 Amount of exemption.

The exemption established by this article shall apply only to the real property taxes for the qualifying dwelling and the land, not exceeding ten acres, upon which it is situated. The amount of the exemption for any taxable year is as follows:

Percentage of Real Estate Tax Exempted		Net Combined Financial Worth
		\$0-\$305,000
Total	\$0 to \$44,400	100.00%
Combined	\$44,401 to \$66,600	75.00%
Income	\$66,601 to \$88,800	50.00%

(2-15-73; 11-9-77; 8-13-80; Ord. of 12-19-90; Ord. of 4-7-93; Code 1988, § 8-27; § 15-705, Ord. 98-A(1), 8-5-98; Ord. 00-15(2), 9-20-00; Ord. 04-15(2), 12-1-04; Ord. 06-15(3), 11-1-06, effective 1-1-07; Ord. 07-15(1), 10-3-07, effective 1-1-08; Ord. 11-15(1), 5-11-11; § 15-710, Ord. 19-15(1), 4-17-19; Ord. 22-15(1), 4-20-22, effective 1-1-22); Ord. 23-15(1), 4-19-23, effective 1-1-23; Ord. 24-15(1), 4-17-24, effective 1-1-24

State law reference(s)—Va. Code § 58.1-3212.

This ordinance is effective on and after tax year 2024 that begins on January 1, 2024.

Agenda Item No. 21. Public Hearing: ZMA202300004 Cornerstone Community Church.

PROJECT: ZMA202300004 Cornerstone Community Church

MAGISTERIAL DISTRICT: Rivanna

TAX MAP/PARCEL(S): 078000000058K0

LOCATION: 1395 Stony Point Rd

PROPOSAL: Rezone one parcel to allow for religious assembly uses (300 seats) and commercial uses (13,500 sq.ft.)

PETITION: Rezone a 3.578 acre parcel from R-1 Residential, which allows residential uses at a density of 1 unit per acre, to C-1 Commercial, which allows retail sales and service and residential uses at a density of 15 units per acre by special use permit. No residential units proposed.

ZONING: R-1 Residential - 1 unit/acre

OVERLAY DISTRICT(S): Entrance Corridor, Flood Hazard Overlay District

PROFFERS: Yes

COMPREHENSIVE PLAN: Urban Density Residential – residential (6-34 du/acre), religious assembly uses, schools and childcare, institutional. Secondary commercial/retail, offices and Parks & Green Systems – stream buffers, floodplain, and steep slopes, privately owned open space, natural areas in Neighborhood 3 of the Pantops Master Plan Area.

The Executive Summary forwarded to the Board states that this rezoning application was considered by the Planning Commission (PC) at a public hearing on Tuesday, November 14, 2023. At the PC meeting, staff recommended approval of the proposed Zoning Map Amendment. The PC voted 6:0 to recommend approval of ZMA202300004. The PC's staff report, action letter, and meeting minutes are attached (Attachments A, B, and C).

Several community members expressed concerns, while others expressed support. Concerns included traffic, lack of a residential component to provide mixed use, and ensuring that commercial uses were appropriate for the location.

The applicant provided draft proffers for the Planning Commission public hearing (Attachment A5). Following the hearing, a signed proffer statement has been provided with only non-substantive corrections. (Attachment D)

In addition to the rezoning request, the applicant has requested special exceptions to County Code §§ 18-4.20(a) and 18-21.7(c), which establish setbacks for commercial properties and use buffers adjacent to residential properties. The PC was not required to act on the proposed special exceptions.

None of the existing structures on the property would comply with commercial setbacks or the use buffer requirements. The special exceptions would allow (i) two existing structures that encroach into the required 50-foot setback to remain and (ii) disturbance within the 20-foot use buffer to remove structures and establish plantings/screening, as outlined in Attachment A6. The Planning Staff Report illustrates buildings (or portions thereof) to be removed and those to remain:

- The existing house would remain, with a 47.6-foot setback, a reduction of 2.4 feet.
- The metal garage would remain, with a setback as close as 28.5 feet, a reduction of 21.5 feet, after the overhang portion is removed.

County Code § 18-4.20 requires no specific findings for the proposed setback modification. Staff believes that the removal of the structures (or portions thereof) would leave ample area to provide the required minimum 20' use buffer and screening requirements to comply with County Code § 18-21.7(c) and mitigate impacts to the adjacent residential parcel.

Staff recommends that the Board adopt both the attached Ordinance (Attachment E) to approve ZMA202300004 Cornerstone Community Church and the attached Resolution (Attachment F) to approve proposed special exception SE202300031.

Ms. Rebecca Ragsdale, Planning Manager, stated that the item under consideration was a rezoning request for Cornerstone Community Church, which also included an additional item, which was a special exception associated with this request. She said that the proposal was a rezoning from R-1 Residential to C-1 Commercial.

Ms. Ragsdale said that she would provide details about the site location. She said that the property was situated between Riverside Village and Wilton Farm on Route 20, just north of its intersection with Richmond Road and Stony Point. She said that the property was a pie-shaped parcel that currently housed a single-family home, a carport, some smaller outbuildings, a larger garage and storage building, and a large parking area used by the residents on the property. She said that there were two entrances to the property; however, these would be consolidated.

Ms. Ragsdale said that the property was currently zoned R-1, and the surrounding context of Riverside Village, located across 20, was zoned Neighborhood Model with some commercial uses along Route 20, mix of uses now in terms of that property. She said that to the south lay the commercial area at Pantops. She said that according to their Comprehensive Plan, this area was designated Urban Density Residential, where they would expect secondary uses such as a religious assembly and neighborhood scale commercial. She said that there were no issues regarding consistency in that regard.

Ms. Ragsdale said that moving on to the specifics of the plan, the concept plan proffered included a building envelope, indicated by the dark line on the image, which utilized existing buildings, removed a portion of the parking from the stream buffer, and committed to plantings in that area to restore it as a stream buffer. She said that the applicant had limited the commercial development to 13,500 square feet and anticipated a maximum of up to 300 seats for religious assembly use, which was generally what was provided with a rezoning.

Ms. Ragsdale noted that there was a lot of detail in the packet with the proffers, covering a commitment to the concept plan and restoration in the stream buffer. She said that the number of stories and types of uses allowed were also limited. She said that there was discussion about appropriate site uses.

Ms. Ragsdale explained that the rezoning was to C-1, not allowing auto-oriented uses, and that the proffered uses remained consistent with Riverside Village's code of development across the street. She said that staff considered the Comprehensive Plan and neighbor input in that regard. She said that this captured a general overview of proffers, with more detail available if there were any questions.

Ms. Ragsdale stated that the special exception related to the property line along the rear, where Wilton Farm was, and this area was residential. She explained that commercial districts required a 50-foot setback, shown with a black dashed line on the slide. She indicated that buildings were encroaching and not meeting the new requirement of the 50-foot setback and were marked in tan on the slide. She said that removal of these items would leave one corner of building number two at 47.6 feet and another larger corner of the garage building proposed to remain at 28.5 feet. She said that this still allowed maintaining the 20-foot required landscape screening and use buffer.

Ms. Ragsdale said that this special exception was recommended for approval by staff, with no Planning Commission comment.

Ms. Ragsdale clarified that regarding the stream buffer or floodplain information for the property, when reading the minutes, it could be seen that there was a great deal of discussion about that. She added that they now had the new mapping from FEMA regarding the floodplain, and it had changed significantly for this property, showing that it would no longer be in the floodplain.

Ms. Ragsdale said that despite the stream buffer being applicable as it was still a stream, the parking area within the floodplain would remain unchanged with this proposal. She said that no buildings would be in the floodplain with this plan. She mentioned that even if the floodplain maps did not change with the FEMA maps, which they did not anticipate, they would need to address it before the end of the year concerning their ordinance and maps. She said that a portion of the existing parking area would remain there, and that parking was allowed in the floodplain, but no overnight storage of vehicles or overnight parking.

Ms. Ragsdale acknowledged that staff had preferred all parking be removed from the floodplain in their analysis but understood that it was an allowed use, and most of it had been removed and there were stream buffer proffers. She said that they had provided recommendations and resolutions for the special exception, which they discussed with the applicant.

Ms. Ragsdale said that only a small part of the buildings, appearing pink or red on the screen, would encroach into the 50-foot setback. She said that both the Planning Commission and staff recommended approval, and they included those factors they talked about with the applicant. She said that staff had made the applicant aware of these issues, and the applicant had addressed their concerns as much as possible.

Mr. Gallaway said that the staff report discussed why they were pursuing rezoning instead of merely a special use permit during the community meeting and input session. He said that furthermore, it mentioned that allowing commercial would allow the daycare operation. He said that the site had been considered for a daycare several years ago previously. He asked if this was just a way to achieve the daycare use.

Ms. Ragsdale said that this was a rezoning to commercial, which allowed religious assembly uses by right in the district. She said that unlike some properties requiring special use permits for these uses and often needing to return repeatedly, it offered ultimate flexibility for that use. She said that daycares were frequently associated with religious assembly uses, and there were existing buildings that typically

included a daycare.

Ms. Ragsdale said that, however, staff was not opposed to the daycare use in the way the current proposal was crafted in terms of the proffers and limits for commercial development. She said that traffic had been evaluated, including a turn lane analysis. She said that there were no concerns at that point, but that that would need to be reevaluated as future commercial proposals came forward. She said that it was not the use itself before; it was likely other factors that were the issue.

Mr. Gallaway said that at that time, he was not opposed to the daycare use. He said that he recalled the stream buffer and floodplain being concerns. He asked if in the future if they moved to have a daycare, if there would be an evaluation that would happen or if they could simply proceed.

Ms. Ragsdale said that the only reevaluations through another rezoning process would be if they wanted to amend anything with the proffers. She said that the evaluation she was referring to would involve the actual expected trip generation figures, the actual uses proposed on the site, and a VDOT evaluation of the turn lanes and that stretch of road.

Mr. Andrews asked if a different allowed C-1 use came to this location in the future whether it would require a turn-lane and traffic analysis at that time.

Ms. Ragsdale said that Mr. McDermott might be able to explain what set thresholds for triggering a further traffic analysis. She clarified that trip generation figures were always included in each site plan submission.

Mr. Kevin McDermott, Deputy Director of Planning, said that the analysis presented regarding trip generation addressed the uses permitted for commercial at 13,000 square feet and church use. He said that no issues with the traffic generated by these uses were identified. He said that however, if they wanted to rezone or obtain a special use permit for something not currently allowed under this rezoning, they would request additional traffic analysis. He said that there was a separate issue concerning the turn lane.

Ms. McDermott said that whenever a new use was proposed, whether it was commercial or another use within this rezoning, if they need a site plan, VDOT would review the traffic generation for something like a turn lane, if necessary. He stated that VDOT always reviewed all site plans for the need for left or right turn lanes. He said that the analysis conducted by County staff was broader and considered larger issues, such as whether the proposed development would impact a major intersection nearby. He said that therefore, the VDOT evaluation would still occur under any site plan that they submitted.

Mr. Andrews asked if the list of allowed uses was consistent with those across the street.

Ms. Ragsdale said that was correct. She clarified that it did not prohibit any of the special use permit uses for C-1 Commercial zoning, such as residential; the proffers were solely addressing the by-right uses.

Mr. Andrews opened the public hearing and invited the applicant to begin their presentation.

Ms. Kendra Moon, Senior Project Engineer from Line + Grade Engineering, said that she was representing Cornerstone Community Church. She said that she would briefly mention the topics Ms. Ragsdale had already covered before discussing the evolution of this application and how they ended up where they were at today. She said that Cornerstone Community Church had been in existence since 1933 and currently had over 100 members.

Ms. Moon said that they were temporarily hosting their services at Regal Cinemas in Stonefield until they could find a permanent home, which was why this property was an ideal candidate for them. She explained that the property already had infrastructure on-site, which could be utilized by Cornerstone Community Church to host small services while they fundraised and made plans for future renovations and growing into the site.

Ms. Moon said that in the near term, the church would expect to move into the middle garage building after making some necessary infrastructure improvements such as hooking up to public water and renovations made to the building. She said that this site would allow them to move immediately. She noted that it was currently zoned R-1 Residential but the proposed commercial use was consistent with the surrounding parcels' zoning. She mentioned that there was highway commercial adjacent, R-15 Residential just behind the property, and commercial across the street.

Ms. Moon said that the proposed use of the site was consistent with the Comprehensive Plan, which included half Urban Density Residential and half Parks and Green System. She said she would touch on the Parks and Green System portion in a bit as it related to the floodplain designation. She said that in terms of Urban Density Residential, it was consistent with the primary and secondary uses in this district. She noted that R-15 would be allowable through special use permit.

Ms. Moon stated that regarding the history of the site, there had been a previous ZMA for a daycare. She said that the main concerns from that Board meeting were parking in the floodplain and traffic. She said she would address these concerns shortly. She said that while a religious assembly had

limited traffic impacts, she acknowledged that this was a rezoning to C-1, so other uses could be implemented on this site.

Ms. Moon said there was an existing lefthand turn lane into this site, and they planned to close this entrance, which might be required by VDOT during the site plan process. She said that this would result in only one entrance remaining. She stated that she conducted a turn lane warrant analysis for right-hand turns and found that only a pharmacy had sufficient usage to potentially necessitate one. She said that with the traffic on this road, it did not warrant one at the scale this site would see.

Ms. Moon said that regarding the floodplain revisions, the red lines on the displayed map represented the current limits as per FEMA's (Federal Emergency Management Agency) maps and GIS (Geographic Information System) maps. She said that the pink, magenta line showed the actual base flood elevation identified by FEMA and topographic data. She stated that the existing garage structure was very close to the current floodplain limits; however, the draft floodplain limits removed the entire property from the floodplain, so they did not anticipate this being a concern. She added that Frank Pohl, County Engineer, mentioned things were still moving but there was no set date for when it would be adopted.

Ms. Moon said that regarding the stream buffer, initially, there was no stream buffer because the stream was not identified as perennial at the time. She said that during the community meeting, this concern was raised, and County staff evaluated the stream and found it to be perennial. She said that now, a stream buffer was shown on GIS, although it had not been included during the process, they decided to move forward with the assumption there would be a 100-foot stream buffer.

Ms. Moon said they had ensured that all parking and site disturbances were outside of the stream buffer. She said that this resulted in a decrease in usable area on site and demonstrated the applicant's willingness to work with the County on addressing concerns. She said that originally, their concept had parking closer to the stream, but they had since proposed removing any disturbances in the stream area, except for the removal of the existing parking that was already there.

Ms. Moon said that the provided graphic highlighted areas of buildings that would be removed. She said that the earlier concept used orangish-brown color to show portions of existing structures that would also be removed, but there were still some small encroachments into the 50-foot setback from residential properties. She said that this was a reduction in the existing building on site when the applicant first looked at the property. She said that as Ms. Ragsdale mentioned, 21.5 feet would be the most significant encroachment into the setback of this property.

Ms. Moon said that regarding their proffers for mitigating impacts due to rezoning, the applicant proffered a diagram instead of a concept plan since the church wanted the opportunity to grow into the site. She said that they were unsure about their final build-out, but they confirmed that there would be no parking in the stream buffer. She added that they had proposed removing the existing parking in the stream buffer and restoring it.

Ms. Moon said that the buildings would be located approximately in the indicated location, taking into account travel ways. She said that they would not have a huge building in this shape. She said that required setbacks would be observed, except for the existing buildings they were asking for exceptions for. She said that in terms of building constraints, they proffered the maximum height of the buildings to be consistent with the Comprehensive Plan for this area.

Ms. Moon said that they did not need to review all these uses now, but generally, they had proffered out uses that were out of scale for a neighborhood service center or not walkable. She said that for example, a department store was probably not something one would walk to, and an indoor theater was considered out of scale for this site.

Ms. Moon said that the final proffer was for stream buffer mitigation for disturbed areas within the stream buffer. She concluded by saying that this rezoning was very important for Cornerstone Community Church to serve their existing congregation in Charlottesville and Albemarle.

Ms. LaPisto-Kirtley asked about their plan should FEMA change their final draft this year regarding the floodplain. She asked about the impact if something happened or if FEMA changed the final draft. She asked how FEMA keeping the original floodplain parameters would affect their plan.

Ms. Moon said that if FEMA did not adopt the proposed floodplain map or if it took longer, and they reached the site plan phase without adoption, they would likely hire another firm to conduct a hydraulic analysis themselves and submit a Letter of Map Amendment Revision (LOMAR) to FEMA. She stated that this process would be faster than adopting an entirely new floodplain map for the area.

Ms. Moon explained that if there was an error in the current modeling for the area, they would need to revise the plan to ensure no buildings were within the area and seriously consider adding parking on the site. She mentioned that the County ordinance required one parking space per three seats in the church.

Ms. LaPisto-Kirtley said that she appreciated the respect given to the stream buffer for the stream located on the property. She asked why the two existing structures on the map were listed as daycare.

Ms. Moon said that this was a context slide from the previous rezoning. She clarified that they were not proposing a daycare but was meant to walk through the history of the property.

Ms. LaPisto-Kirtley asked if the church was proposed to be located in either the garage or home structure.

Ms. Moon said that the church was planning to renovate the garage to hold services within.

Ms. LaPisto-Kirtley asked if they were planning to put in a new structure closer to Route 20 for the church.

Ms. Moon said that they did foresee expanding the garage structure in the future. She said that for funding purposes, phase one would be to renovate the existing structure, move in, and then plan for an expansion of that structure in the future.

Ms. LaPisto-Kirtley asked if the garage/church would function as a daycare center in the future.

Ms. Moon said that there was not currently a plan for a daycare center, but they would like to keep it open in case there were other uses contemplated for the site.

Ms. LaPisto-Kirtley said that she had concern regarding the encroachment of 28 feet into the 50-foot buffer zone. She said that Wilton Place, a residential area located adjacent to it, might experience noise problems from any commercial entity. She said that she was worried about the buffer and asked if there were plans to address this issue since they were going 28 feet into a 20-foot-long buffer. She asked whether measures such as trees and bushes would be taken to protect the neighbors in Wilton Place.

Ms. Moon confirmed that it was included in the special exception. She said that they had discussed adding additional planting behind the garage structure to reduce impacts on neighboring homes. She mentioned that a 50-foot buffer was necessary for C-1 zones adjacent to residential. She said that if this were an R-1 use with a special use permit for a church, that buffer would not be required. She acknowledged the worry about potential future uses, but they planned to plant along the buffer.

Ms. LaPisto-Kirtley said that sometimes churches could be loud, so she had some concern regarding the potential noise level, which was why she asked about the buffer. She asked if they had plans to do something with the fencing between the property and Wilton Place.

Ms. Moon said that she received an email from Ms. Ragsdale earlier today regarding concerns about the barbed wire fencing. She said that portions of it had already been removed, and plans were in place to remove the remaining sections. She said that the church did not wish for it to be there either.

Mr. Gallaway asked if the slide displaying the different uses was going to be included in the proffer statement.

Ms. Moon said no, it was not comprehensive of the included uses. She said that they just included the excluded uses in the proffer statement.

Mr. Gallaway said that some of the terms used in these lists appeared outdated. He asked if "department store" was specifically defined for some reason.

Ms. Ragsdale said that this was bringing to light the necessity of modernizing the Zoning Ordinance. She said that it was a somewhat outdated list and they did not have a definition for every use on the list. She said that they considered other proffers like the limit on square footage so they were not as concerned about some of the other uses. She said that if one of the uses could operate within a smaller footprint of 13,500 square feet, it was comparable to a smaller commercial neighborhood scale type developments they had seen.

Mr. Gallaway asked if the 13,500 square feet was included in the proffer statement.

Ms. Moon said that this was another point discussed by the Planning Commission, which she also intended to address. She said that this was outdated from their first submission wherein they included a concept plan that demonstrated a conceptual expansion of the church in 13,500 square feet of commercial, but they purposefully did not proffer building sizes because of the development area that was there on site, and with parking, they did not feel that it was necessary.

Mr. Gallaway said that some proffers stated a square footage and others did not. He said that it appeared that they were not supposed to be including a square footage.

Ms. Ragsdale said that Ms. Moon was correct that it was a prior estimate discussed; however, the current concept plan did not include the 13,500 square feet as a proffer and was acceptable without that specification given the size of the parcels, the wedge in which they had to work, and the constraints.

Mr. Gallaway clarified that the proffers were aimed at addressing high-volume and high-impact issues on the site, and this was why the by-right uses had been removed through the proffer statement.

Mr. Gallaway asked what the peak usage times were for the church.

Ms. Moon said that they currently operated solely on Sundays.

Mr. Gallaway asked if moving to this site allowed them to expand services to evening services.

Ms. Moon said that it was not the current plan, as their main focus was finding a permanent location. She said that they may potentially expand them in the future, but currently it was Sunday services.

Mr. Gallaway said that the applicant chose a quiet roadway for this location, and it would not be as much of an issue on Sundays for those attending the service. He acknowledged that it would be different to have a 6:00 p.m. service there. He said that this was when concerns about traffic impacts from residents might arise. He said that on Sundays, many churches had off-peak commuting times, which was advantageous.

Mr. Pruitt asked how many people they had in pews on a Sunday, which may be less than their total number of congregants.

Mr. Tony Schiavone, Senior Pastor at Cornerstone Community Church, said that they had roughly 100 people attending Sunday services.

Mr. Pruitt asked how the church's goals for growth were considered in terms of the use of this site.

Mr. Schiavone explained that they were part of the Wesleyan denomination and determined their capacity based on the number of seats they could fit within a particular square footage. He said that regardless of how the building was designed long-term, they were not looking to become a church with thousands of members. He said that their expected range for attendance was likely between 300 to 600 people, depending on multiple services, primarily Sunday morning gatherings for larger gatherings.

Mr. Pruitt said that they had been discussing traffic-related concerns, and his main concern was about the ability to park on this parcel. He asked whether there would be an expansion to include Wednesday night fellowship opportunities.

Mr. Schiavone said that yes, anything during the week would probably be smaller events including small group meetings, training sessions, educational courses, and collaborations with local community partners. He said that their plan was for the main time designated for larger gatherings to be on Sunday mornings.

Mr. Pruitt said that their application had an emphasis on potential additional revenue partnerships. He asked if they had a good sense of when they expected those to come online.

Mr. Schiavone said that at present, the primary focus was on renovation, parking, and site development. He said that he expected that in the years ahead, not right away, there would be a concentration on that aspect mainly because of cost considerations.

Mr. Pruitt asked if Mr. Schiavone could provide some information regarding the audio-visual setup during worship services. He asked if there were any plans within the renovation plan for the garage that addressed the concern raised in the question, which was sound mitigation for a robust AV system.

Mr. Schiavone confirmed that they would definitely include AV for worship and music, among other things. He said that they aimed to collaborate with a general contractor to ensure proper insulation that effectively addressed the issue. He acknowledged their shared concern about not being a nuisance to Wilton Farms. He said that to maintain a positive relationship, they planned to engage in discussions with their leadership to establish a partnership.

Mr. Pruitt asked if they started discussing future perspective parking easements or parking Memorandums of Understanding (MOUs) with the neighbors. He said that this was a common approach for such projects. He said that he was curious if they were laying that groundwork. He said that his primary concern was that their growth might outpace the site's capacity.

Mr. Schiavone said that he would address the question with two points. He said that firstly, if they outgrew the site, they would contemplate multiplication rather than additions; this meant focusing on planting smaller churches at strategic locations instead of continually expanding. He said that they did not anticipate needing to find parking all over the area. He said that they had briefly discussed options like using space across the street or the park, but their goal was not to rely on those. He said that instead, they would explore multiple services and, when necessary, consider multiplication and other strategic sites in the region.

Ms. McKeel said that utilizing the park was interesting and asked Ms. Ragsdale to respond.

Ms. Ragsdale said that they had not discussed any of these off-site parking options during the process, and that utilization of the park would be something that they would have to discuss with the County Attorney's Office.

Mr. Schiavone said that he had misspoken. He said that during COVID they had met in the park, but that they would not have weekly parking in the park.

Ms. McKeel asked Ms. Ragsdale if an expansion of the existing garage and subsequent parking requirements would necessitate further approval from the County.

Ms. Ragsdale said that there was no building footprint; only a general building envelope as denoted by the gray triangle. She said that there were no commitments as to exactly what would happen in that gray triangle. She said that expansions would need to comply to the concept plan and special exception approval but could not increase the size of the building or make additional encroachments without coming back. She said that the flexibility within that triangle was essential for this type of site, as there were no specific requirements for building footprints or square footage.

Ms. McKeel asked if they would have to go to VDOT for traffic if they expanded.

Ms. Ragsdale said that yes, they would consider the addition of the turn lane.

Ms. Mallek said that she had concern regarding the change to commercial when similar uses were applicable in a residential zone. She asked if the setbacks that would apply in the case that no buildings existed on the site apply if there was some other commercial use.

Ms. Ragsdale said that the setbacks, which were covered by the ordinance, included a 10-foot setback for front setbacks and a maximum of 30 feet for new buildings depending on their location. She said that the ordinance also allowed additions to existing buildings. She explained that this was a C-1 Commercial rezoning application that included the applicant's best determination of their future planning.

Ms. Mallek said that her point was that they did not need separate waivers; these waivers would still be valid even if the use changed significantly.

Ms. Ragsdale said that they would apply to the C-1 uses previously listed.

Ms. Mallek asked if those uses could be within the 50-foot buffer toward the back toward Wilton.

Ms. Ragsdale said there was a 50-foot building setback line and there were corner encroachments into it. She said that for commercial uses, and as recommended as a condition for religious assembly uses in residential districts as well, there was a 20-foot use buffer and the 20-foot screening requirements of the ordinance applied. She said there would be plantings to the standards and a 20-foot depth according to the County's ordinance.

Ms. Ragsdale said that there was a setback within that 50 feet, which included the buffer and screening requirements. She said that there could not be any. She said that they were only approving if they approved the special exception for those little pink corners to go into that 50 feet. She said that one of them is not little, it is 20 feet long. She said that anything else happening within that 50-foot or 20-foot area that did not comply with the ordinance would have to come back as a special exception request.

Ms. Mallek said that the original footprint would apply, meaning that if those buildings were demolished, no new construction could take place in that location. She explained that therefore, the concept of grandfathering applied.

Ms. Ragsdale said that she could check on the wording of the resolution to approve in order to clarify that point.

Ms. Mallek asked a question to the applicant regarding the parking situation. She said that according to the charts, many spaces were removed from the buffer area, which was appreciated. She said that however, she noticed that 100 additional spaces were needed, but only around 15 could be seen on the map. She requested clarification about where the remaining 85 spaces would be located. She asked if they planned to place them around the property's frontage or elsewhere.

Ms. Moon said that it was anticipated that some would be relocated to the side of the building.

Ms. Mallek asked if none would be located in the 50-foot buffer towards Wilton Farms.

Ms. Moon said that it would not be within the 20-foot use buffer. She clarified that the 50-foot buffer was a building setback, and the 20-foot use buffer meant that no grading or construction was permitted.

Ms. Mallek said that there was a 20-foot landscape buffer beyond that, which was close to 50 feet.

Ms. Moon said that no, the 20-foot use buffer was the landscape buffer. She clarified that it was not 40 feet but rather 20 feet.

Ms. Ragsdale confirmed that it was not 20 feet plus 20 feet. She stated that parking was allowed up to 20 feet on commercial properties. She said that these were the standards for any commercial property throughout the County that would apply. She said that she wanted to clarify that the special exception approval referred specifically to the content displayed on the accompanying exhibit, thus limiting its scope to what was shown there.

Mr. Andrews asked if a newly constructed building with the same footprint could still encroach. He said that they were not looking at this as a nonconforming use to be allowed but were looking at it as a special exception.

Ms. Moon said that she was unsure how staff had worded it, but the intention was for the existing, nonconforming building to remain, which was why they wanted to renovate it. She clarified that they were not intending to write it such that any building in the future could be in that pink area.

Ms. Ragsdale asked if the special exception resolution included this intent or if it should be added.

Mr. Andy Herrick, Deputy County Attorney, said that Ms. Ragsdale was correct that to a certain extent, the current resolution was worded to allow a revised setback based on the exhibit. He said that if the applicant or future owner of the property chose to demolish the building, they would still be entitled to rebuild in that exact same footprint, so it was not limited to the existing structure. He reiterated that replacement structures could be constructed by the current owner or a future owner in that same footprint.

Mr. Andrews asked if there was an option to change that at this point.

Mr. Herrick said that they would have to reword the resolution.

Mr. Andrews said that he wanted to highlight that the initial summary of the Planning Commission's actions discussed a 13,500 square feet area plus a 300-seat religious assembly use. He said that these were two separate buildings; however, currently there was no square footage limitation. He said that there still existed a 45-foot height limitation in the proffer, but no square footage restriction on commercial use or overall size. He said that only the building envelope was the constraint at this point.

Ms. Ragsdale said that was correct.

Mr. Andrews said that regarding the fence with razor wire along the boundary with Wilton Farms, he was unsure if there had been any communication between the two parties. He said that he noticed it yesterday and questioned whether it aligned with the desired connectivity and commercial use. He said that it was ultimately up to the neighboring party whether one would be allowed to cross that boundary, but he hoped the razor wire would be removed.

Ms. LaPisto-Kirtley said that the applicant had stated earlier that the razor wire would be removed. She asked if they would be taking down the entire fence.

Mr. Schiavone said that he was unsure but would be glad to speak with Wilton Farms to see what could be done. He said that the razor wire was unacceptable, so they would remove that as soon as possible, then discuss the future of the fencing.

Ms. LaPisto-Kirtley asked if they planned to soundproof the garage.

Mr. Schiavone said that they would be working with a general contractor and felt that that would be ideal. He said that they had not discussed it in depth, but because it was a metal building, they acknowledged that the more insulation they had, the better.

Ms. LaPisto-Kirtley asked if the portion encroaching into the setback was an overhang, or if it was part of the building.

Mr. Schiavone said that there were two pieces, both of which were complete structures.

Ms. Moon said that the overhang would be removed.

Ms. LaPisto-Kirtley asked if their future plans for a daycare would depend on the congregants.

Mr. Schiavone said that having the flexibility to do that would be good, but with the vision they had now, they had no desire to start a preschool at this time.

Ms. LaPisto-Kirtley asked if Mr. Schiavone could discuss the potential 600 members in their future congregation, as the County had been anticipating 300.

Mr. Schiavone said that it was difficult to predict those numbers, but a good guide would be the number of seats they could fit in their building. He said that with 180 seats in this initial phase, parking may determine the capacity for a particular service.

Ms. LaPisto-Kirtley said that with 600 congregants, there would be insufficient parking.

Mr. Schiavone said that in the case of that number of congregants, they would be split among multiple services. He said that a more accurate estimate was between 300 and 400 people.

There were no speakers from the public and Mr. Andrews closed the public hearing. He said that the matter was back before the Board for additional comments.

Ms. LaPisto-Kirtley asked if the resolution could be amended so that another building must abide by the 50-foot setback.

Mr. Herrick said that he had been suggesting or providing suggested language to Mr. Rosenberg, which he could share with the Board if they were interested in pursuing additional language for the existing special exception resolution. He said that the Board would be considering two items: first, commercial rezoning and then a special exception. He mentioned that they could alter the wording of the special exception with some additional language if the Board was interested in this as an option.

Mr. Gallaway said that he was fine with the resolution as is. He said that it sounded like the applicant's intent to tear down and rebuild. He said that it seemed that the concerns about the stream buffer and floodplain issue had been addressed, and that proffering away the by-right items took away some of the bigger high-impact, especially for transportation. He said that he would support the application.

Mr. Pruitt said that he supported the application and was excited for the church to find a new home. He said that he thought they had done due diligence lining out some of the more intensive uses that the property could be used for, and that the remaining uses were conducive with neighborhood character, that were identical or less intensive to those across the street. He said that he did not feel strongly about making changes to the resolution.

Ms. McKeel asked if there could be a requirement included for sound insulation or buffering.

Ms. Ragsdale said that they had not discussed any conditions regarding soundproofing for religious assembly uses previously. She said that however, she believed that the building code and the standards they would need to meet, along with the 20-foot buffer, would be sufficient. She said that she could not recall any noise complaints from their existing facilities in that area. She asked if Ms. McKeel was suggesting or asking if they could add that requirement to the special exception.

Ms. McKeel asked if they could require buffering for the noise. She said that if staff felt comfortable that it could be handled as presented, she was supportive.

Ms. Ragsdale said that it was staff's opinion that there were processes in place to verify there would be no negative impacts in that regard.

Ms. Mallek said that the metal buildings on her property were much louder in the building than outside, and that soundproofing would benefit them personally.

Mr. Andrews said that he would feel more comfortable if they could ensure that the normal setbacks would be followed if they demolished the building and constructed a new one.

Mr. Rosenberg said that he believed the Board had the authority to impose that extra requirement. He said that he would send the updated version of the resolution provision to the Board. He said that they would act on the ordinance first, to approve the rezoning with proffers before considering an action on the resolution granting the special exception. He said that in the email he sent, there was a correction and addition. He said that the correction was to change "step back" to "set back."

Mr. Rosenberg said that if the Board desired to limit the special exception to existing structures, an added phrase could be included: "limited to the existing structures presently on the subject property." He said that this could be added to the operative provision of the resolution. He said that when it came time to make a motion to approve the resolution, he suggested making a motion to approve the resolution with the amendments and revisions recommended by the County Attorney.

Mr. Andrews said that they would first consider the motion on the screen by the Supervisor of record.

Ms. LaPisto-Kirtley **moved** that the Board of Supervisors to adopt the attached Ordinance (Attachment E) to approve ZMA202300004 Cornerstone Community Church for the reasons stated in the staff report.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

ORDINANCE NO. 24-A(8)
ZMA 2023-00004

**AN ORDINANCE TO AMEND THE ZONING MAP FOR
PARCEL 07800-00-00-058K0**

WHEREAS, application ZMA 2023-00004 was submitted to rezone Parcel 07800-00-00-058K0 from R-1 Residential to C-1 Commercial; and

WHEREAS, on November 14, 2023, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2023-00004;

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 2023-00004 and their attachments, including the signed Proffer Statement dated March 18, 2024, 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 § 18-22.1, and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board hereby approves ZMA 2023-00004, subject to the signed Proffer Statement dated March 18, 2024.

Original Proffers X
Amendment

PROFFER STATEMENT

ZMA Number and Name: 2023-00004 Cornerstone Community Church

Tax Map Parcel Number: 07800-00-00-058K0

Owner: James A. Dettor, Jr. and Peggy W. Dettor

Date of Proffer Signature: 3/18/24

Description of ZMA: 3.578 acres to be rezoned from R-1 Residential to C-1 Commercial

James A. Dettor and Peggy W. Dettor are the owners (the "Owners") of Tax Map Parcel 07800-00-00-058K0 (the "Property") which is the subject of rezoning application, a project known as "Cornerstone Community Church" (the "Project"). The term "Owner" shall apply to the current owner and all successors in interest. Cornerstone Community Church is the contract purchaser of the property and has the Owners' authorization to file a land use application for the property. Cornerstone Community Church is the applicant (the "Applicant") for the project.

Pursuant to Section 33 of Albemarle County zoning Ordinance (Chapter 18 of the Albemarle County Code), the Owner hereby voluntarily proffers the conditions listed below which shall be applied to the Property if it is rezoned to the requested rezoning district, C-1 Commercial. These conditions are proffered as a part of the requested rezoning and the Owner acknowledges that the conditions are reasonable. Each signatory below signing on behalf of the Owner covenants and warrants that it is an authorized signatory of the Owner for this Proffer Statement.

1. **FUTURE USES:** Commercial C-1: The use of the Property shall allow for all by right uses pursuant to Section 22.2.1 of the Albemarle County Zoning Ordinance except for the following listed uses:
 - a. The following retail sales and service establishments:
 - 22.2.1(a)(3.) Department Store.
 - 22.2.1(a)(7.) Furniture and homes appliances (sales and service).
 - 22.2.1(a.)(17.) Laboratories/Research and Development/Experimental Testing; gross floor areas of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
 - 22.2.1(a.)(18.) Manufacturing/Processing/Assembly/Fabrication and Recycling; gross floor area of the establishment does not exceed 4,000 square

feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.

- 22.2.1(a.)(19.) Drive-through windows
- b. The following services and public establishments:
 - 22.2.1(b.)(9.) Indoor theaters.
 - 22.2.1(b.)(10.) Laundries, dry cleaners.
 - 22.2.1(b.)(22.) Automobile, truck repair shop excluding body shop.
- c. If the use is served by either public water or an approved central water supply:
 - 22.2.1(c.)(1.) Automobile service stations

2. MAXIMUM BUILDING HEIGHT: The maximum height of any building on the Property shall be the lesser of 45' or three (3) stories.

3. SITE DEVELOPMENT: Development of the use must be in general accord with the plan titled "Site Development Diagram," last revised October 27, 2023 and prepared by Line and Grade. To be in general accord with the plan, development must reflect the following major elements essential to the design of the development:

- A. Proposed building and parking locations shall remain within envelopes indicated on plan (portions of existing buildings may remain outside of building envelopes as allowed by SE202300031)
- B. Stream buffer to be established in accordance with Sec. 17-600 of Albemarle County Zoning Ordinance

4. STREAM BUFFER MITIGATION:

- C. Establishment: Prior to issuance of the first certificate of occupancy issued for any renovated or new building on the Property, the Owner shall remove all gravel within the stream buffer extents and bond or establish vegetation within the disturbed areas in the stream buffer in accordance with the planting rates below.
- D. Extents: The stream buffer extents shall be as defined in Sec. 17-600 of Albemarle County's Zoning Ordinance. For the purposes of establishing vegetation, "disturbed areas" shall exclude disturbances prior to the execution of this document.
- E. Planting: A mitigation plan in accordance with Sec. 17-406 shall be prepared to restore disturbed areas within the stream buffer with native grasses, trees, and shrubs. Note that an ACSA sanitary main runs through this area, and no trees shall be planted within 10 ft on either side of the sanitary main. Planting within the disturbed areas of the stream buffer shall be provided in accordance with one of the following:
 - i. For every 400 square foot unit or fraction thereof plant one (1) canopy tree measuring 1 1/2" – 2" caliper or a large evergreen 6 feet in height, one

(1) understory tree measuring $\frac{3}{4}$ " – 1 $\frac{1}{2}$ " caliper or one evergreen 4 feet in height, and one (1) small shrub 15"-18" in height.

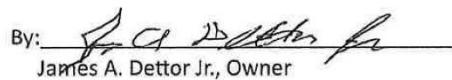
- ii. For every acre or fraction thereof, plant 1,210 hardwood and/or pine seedlings on approximately 6'x6' centers without tree tubes and mats.
- iii. For every acre or fraction thereof, plant 600 hardwood and/or pine seedlings on approximately 8'x8' centers with tree tubes and mats.

WITNESS the following signatures:

OWNER:

Owner of Tax Map Parcels 07800-00-00-058K0:

JAMES A. DETTOR, JR. AND PEGGY W. DETTOR

By: 
James A. Dettor Jr., Owner

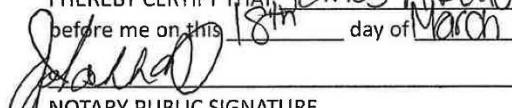
By: 
Peggy W. Dettor, Owner

NOTARY PUBLIC ACKNOWLEDGMENT

VA
STATE OF

Albemarle
COUNTY/CITY OF

SEAL

I HEREBY CERTIFY THAT James A. Dettor & Peggy W. Dettor (NAME) appeared
before me on this 18th day of March, 2024 and signed this form in my presence.

NOTARY PUBLIC SIGNATURE

12/31/25 MY COMMISSION EXPIRES (DATE)

3

JOHANNA C QUINTANILLA FUENTES
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES DEC. 31, 2025
COMMISSION # 7939165

Mr. Andrews asked for the second special exception motion.

Mr. Herrick asked if the Board was amenable to take a brief recess in order for staff to provide the correct language for the subsequent motion.

Mr. Andrews called for a five-minute recess.

Non-Agenda Item. **Recess.** The Board recessed its meeting at 8:37 p.m. and reconvened at 8:44 p.m.

Agenda Item No. 21. **Public Hearing: ZMA202300004 Cornerstone Community Church, continued.**

Ms. LaPisto-Kirtley **moved** that the Board of Supervisors adopt the attached Resolution (Attachment F) to approve SE202300031 Cornerstone Community Church for the reasons stated in the staff report, with the addition to the phrase "and limited to the existing structures presently on the subject property," at the end of the operative provision.

Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

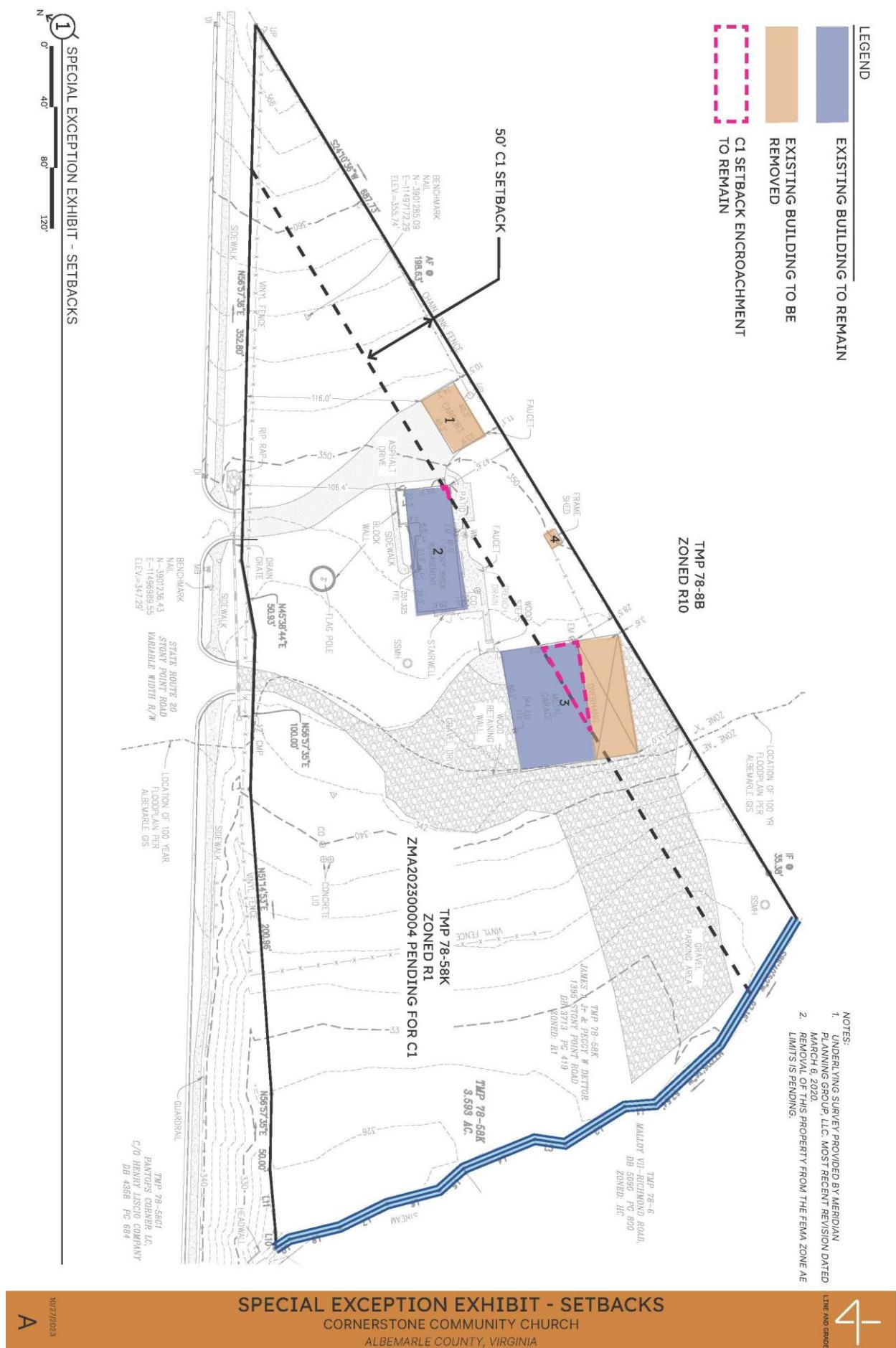
AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

**RESOLUTION TO APPROVE SE 2023-00031
CORNERSTONECOMMUNITY CHURCH**

WHEREAS, upon consideration of the staff reports prepared for SE2023-00031 Cornerstone Community Church and the attachments thereto, including staff's supporting analysis, any comments received, and all relevant factors in Albemarle County Code §§ 18-4.20, 18-21.7(c), and 18-33.9, the Albemarle County Board of Supervisors hereby finds that:

- (i) the developer or subdivider has demonstrated that grading or clearing is necessary or would result in an improved site design;
- (ii) minimum screening requirements would be satisfied; and
- (iii) existing landscaping in excess of minimum requirements would be substantially restored.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves special exceptions on Parcel 07800-00-00-058K0 to modify both (i) the 50-foot minimum side and rear setback otherwise required by County Code § 18-4.20(a), and (ii) the 20-foot residential use buffer otherwise required by County Code § 18-21.7(c), each subject to the reduced setbacks shown in the Special Exception Exhibit - Setbacks from Line and Grade Civil Engineering, dated September 5, 2023, revised October 27, 2023.



Agenda Item No. 22. **Public Hearing: ZMA20230006 Woodbrook Apartments.**
PROJECT: ZMA20230006 Woodbrook Apartments

Agenda Item No. 22. **Public Hearing: ZMA20230006**
PROJECT: ZMA202300006 Woodbrook Apartments

PROJECT: ZMA20230008 WO
MAGISTERIAL DISTRICT: Rio

MAGISTERIAL DISTRICT: R10
TAX MAP/PARCEL(S): 045000000088B0; 04500000009000; 045000000091C0;
045000000091D0

LOCATION: 1989, 1991, 2005, 2009, and 2021 Woodburn Road, Charlottesville, VA 22901
PROPOSAL: Rezone four parcels to allow a maximum of 244 residential units

PETITION: Request to rezone a total of approximately 7.202 acres from the R-6 Residential Zoning District, which allows residential uses at densities up to six units/acre, to PRD Planned Residential Development, which allows residential (maximum of 35 units/acre) with limited commercial uses. A maximum of 244 multi-family dwelling units is proposed, at a gross and net

density of approximately 34 dwelling units/acre.

ZONING: R-6 Residential – 6 units/acre

OVERLAY DISTRICT(S): AIA – Airport Impact Area

PROFFERS: Yes

COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses. In Neighborhood 1 in the Places29 Master Plan area.

The Executive Summary forwarded to the Board states that this rezoning application was considered by the Planning Commission (PC) at a public hearing on Tuesday, February 27, 2024. No community members spoke at the public hearing. At the meeting, the PC voted 6:0 to recommend approval of ZMA202300006 Woodbrook Apartments. The PC's staff report, action letter, and meeting minutes are attached (Attachments A, B, and C).

Following the PC hearing, the applicant submitted a revised proffer statement (Attachment D), which now includes a clause to address annual inflation of the cash contribution offered for pedestrian improvements at the intersection of Woodbrook Drive and Berkmar Drive.

The applicant has requested two special exceptions, which did not require PC action but do require Board action:

- 1) To waive the stepback requirements for buildings in the development.
- 2) To modify the rear setback requirements for buildings in the development.

Although no PC action was required or taken on these proposed special exceptions, the PC did discuss the request to waive the stepback requirements, over concern that adequate information was not available to assess the relationship and impacts of the proposed buildings to the adjacent streetscape. Staff believes that given the proposed arrangement of buildings on the application plan, and their setbacks and building separation, no stepbacks are needed for four story buildings.

Staff recommends that the Board adopt the attached Ordinance (Attachment E) to approve ZMA202300006 Woodbrook Apartments.

Staff recommends that the Board also adopt the attached Resolutions (Attachments F and G) to approve proposed special exceptions SE202300026 and SE202300033.

Mr. Andy Reitelbach, Senior Planner II, stated that he would present the staff report on the rezoning request ZMA 202300006 Woodbrook Apartments. He said that to provide some context on the location of the site of this rezoning application, he provided an aerial view showing the four parcels that were included in this application.

Mr. Reitelbach said that they were located on Woodburn Road to the east side, and the South Fork Rivanna Reservoir was up in the upper left-hand corner of this slide. He said that the Albemarle-Charlottesville SPCA (Society for the Prevention of Cruelty to Animals) was to the northeast of this property, and Agnor-Hurt Elementary School was directly to the south. He said that the property also had easement access to Woodbrook Drive, which was the cul-de-sac that one could see to the southeast of the highlighted parcels.

Mr. Reitelbach said that looking at the zoning, all four parcels that were part of this rezoning application were currently zoned R-6 Residential, which permitted six units per acre. He said that by right, the property owner could develop a total of 43 residential units on this property currently. He said that adjacent parcels were zoned R-6 to the north and south, and there was one property zoned R-15 to the south as well. He said that the properties to the east were zoned C-1 Commercial, and to the west across Woodburn Road, the properties were zoned Rural Areas. He said that these parcels were also located in the Airport Impact Area Overlay District.

Mr. Reitelbach said that the parcels were within the Places 29 Master Plan and designated as Urban Density Residential, which recommended residential uses between six and 34 units per acre, along with small-scale secondary uses such as retail office and commercial that support the neighborhood. He said the recommended residential building height in Urban Density Residential was a maximum of four stories or 45 feet.

Mr. Reitelbach said that nearby land use designations included office, R&D, flex, and Light Industrial to the northeast, urban mixed-use to the east, institutional to the south, which was Agnor-Hurt Elementary School. He said that there were other parcels designated for Urban Density Residential surrounding these four parcels as well. He said that to the west across Woodburn Road lay a part of the designated Rural Area of the County.

Mr. Reitelbach said that the applicant's proposal was to rezone the four parcels, which totaled approximately 7.202 acres, from R-6 to Planned Residential Development (PRD). He said that existing uses included single-family detached houses with accessory structures. He said that the applicant had requested to rezone these four parcels to PRD with a proffer statement, requesting a maximum of 244 multifamily dwelling units. He said that this would result in a density of about 33.9 units per acre, which was at the top of the range recommended for Urban Density Residential.

Mr. Reitelbach said that the displayed slide showed a screenshot from the application plan that

was part of this requested rezoning, displaying the general layout: five residential buildings scattered throughout the site, two fronting on Woodburn Road and three more interior to the site. He said that several areas were designated for recreational facilities and amenities, including one central space considered for a clubhouse and a pool.

Mr. Reitelbach said that there was also a dog park in the top, triangular area. He said that other smaller recreational facility and amenity areas existed as well, along with several buffer areas surrounding the property on its perimeter. He noted that there was an existing cemetery in the far top-right corner of the property, depicted with an orange parallelogram. He said that in addition to promising not to disturb the cemetery, the applicant had proposed to fence the portion of the cemetery that existed on their property and to provide access to any descendants of the individuals buried in the cemetery.

Mr. Reitelbach stated that there were five multifamily buildings proposed, with two located on Woodburn Road and three within the site's interior. He said that the building heights ranged from three to five stories depending on their location. He said that there were two primary access points: one from Woodburn Road and another using an easement access granted by the property owner, which led to the cul-de-sac of Woodbrook Drive.

Mr. Reitelbach said that as a PRD, at least 25% open space was required throughout the site. He said that he had reviewed the open space areas, recreational facilities, and amenity areas, and the applicant had demonstrated that they could meet this minimum requirement. He noted that there was also the existing cemetery on the property.

Mr. Reitelbach said that the applicant proposed a pedestrian path consisting of a mix of sidewalks and crosswalks across the travel lanes and parking lots to connect the cul-de-sac's end on Woodbrook Drive with the entrance on Woodburn Road. He said the applicant proposed 15% of affordable housing at 80% AMI (area median income), which aligned with the County policy in place when this application was submitted and reviewed, originally submitted in the middle of last year.

Mr. Reitelbach said that two special exceptions were also requested alongside this rezoning application. He said that one was to waive the step-back requirement for all buildings above the third story or 40 feet. He said that since several of these buildings were proposed to be four stories and over 45 feet in height, they asked for a waiver on the step-back requirement. He said that additionally, the applicant sought a special exception to reduce the minimum rear setback on the property from 20 feet to 10 feet.

Mr. Reitelbach said that the applicant had also provided a proffer statement with two proffers. He said that one was a \$10,000 contribution to the Capital Improvement Program (CIP) for constructing a crosswalk and pedestrian signal at the intersection of Berkmar Drive and Woodbrook Road to help residents in this area access commercial uses and properties on the other side of Berkmar Drive. He said that this proffer included a provision for increasing the cash amount based on an inflation rate, ensuring that if construction was delayed for several years, the cash amount did not remain at \$10,000.

Mr. Reitelbach said that the second proffer provided for pavement markings on Woodburn Road, primarily in front of Agnor-Hurt Elementary School up to the subject property's northern boundary. He said that this addition aimed to enhance clarity on the lanes along Woodburn Road, particularly given the traffic from buses and students entering the school property.

Mr. Reitelbach said that the exhibit illustrated a potential development based on the application plan, featuring five residential buildings, a clubhouse and pool, various amenity spaces, recreational facilities, buffers, and the central pedestrian path, running through the middle of the property from Woodburn Road entrance to the cul-de-sac on Woodbrook Drive.

Mr. Reitelbach said that the proposal would result in additional students at the schools, with an estimated 20 students at Agnor-Hurt Elementary School, eight at Burley Middle School, and 15 at Albemarle High School, totaling 43 students. He said that the ACPS (Albemarle County Public Schools) student yield ratio and Planning Division's methodology were used for these calculations. He noted that Agnor-Hurt and Burley were currently under capacity and would remain so with additional students, while Albemarle was over capacity and would continue to be so with more students.

Mr. Reitelbach said that in staff's review of this application, they identified several positive aspects, which included that it was consistent with the Urban Density Residential uses and the recommended density range of six to 34 units per acre from the Places 29 Master Plan, that the request aligned with the applicable Neighborhood Model principles, and that it provided affordable units at 15% of the total number of units constructed, which was consistent with County policy at the time this application was submitted and reviewed. He said that the request also included proffered improvements to Woodburn Road and a cash contribution for transportation impacts on Woodbrook Drive and Berkmar Drive.

Mr. Reitelbach said that staff identified concerns as well. He said that the proposed development would result in additional student enrollment at area schools, including Albemarle High School, which was over capacity. He said that building number 5 was proposed to be five stories high, which was one story higher than the maximum recommended by the Places 29 Master Plan. He said that however, this building was located interior to the site, farthest away from other residential uses and Woodburn Road frontage, and near existing commercial uses.

Mr. Reitelbach said that this application went through a public hearing with the Planning Commission on February 28, 2024. He said that the Planning Commission voted 6-0 to recommend

approval of the zoning map amendment. He said that special exceptions did not require review by the Planning Commission; however, staff recommended approval of both special exception requests, one to waive step-back requirements on all buildings, and the other to modify rear step-back requirements throughout the entire property.

Mr. Gallaway said that regarding the proffered markings to be extended along Woodburn Road, they currently did not reach the Agnor-Hurt entrance currently. He asked if the proffered markings would continue from where they currently ended and reach the site.

Mr. Reitelbach said that his understanding was that they would mostly be in front of Agnor-Hurt Elementary School.

Mr. Gallaway asked if the markings would go all the way up to the entrance of the development.

Mr. Reitelbach said that they would reach the northern entrance of the property.

Mr. Gallaway stated that considering Woodburn Road as a unique situation, staff should take into account the broader context. He said that there were plenty of places on Rio Road where, development or not, there could be increased traffic. He said that on Woodburn Road, there was an increase in traffic because of development. He said that the road served as a boundary between Development and Rural Areas, and the impact of the number of units being built is considerable.

Mr. Gallaway asked when the County or VDOT would decide that the road was insufficient because of increased development. He said that pavement markings alone would not resolve the issue of back-and-forth traffic on this road, particularly in certain areas where it can be tight. He asked when VDOT and the County would acknowledge their responsibility to enhance Woodburn Road beyond merely adding painted lines.

Mr. Reitelbach stated that he believed it would be on a case-by-case basis, examining each development. He mentioned that VDOT looked at the site planning stage for developments and assesses whether any specific road improvements were needed in the frontage of this property. He asked if Mr. McDermott had anything else to add from a transportation planning perspective.

Mr. Gallaway said that there were other developments in the area; some of them were emptying onto Woodburn, while others were not. He said that he hoped that most residents living nearby would choose to go onto Berkmar. He said that regardless of the issues with the intersection of Woodburn with Rio Road, the road was not particularly wide, painting could help, but there was limited shoulder for vehicles to go. He asked how they should address this issue since it was a dead-end road for the most part, and if it were not for the development, there would be no traffic increase on this road.

Mr. McDermott, Deputy Director of Planning, said that Mr. Reitelbach had accurately stated that VDOT would review every project, whether it was by right or through a rezoning, in order to determine if the impacted roads would be able to handle additional traffic. He said that in this particular project, there would be very few trips expected on Woodburn Road. He said that most of these trips were expected to use Woodbrook to reach Berkmar.

Mr. McDermott said that however, he had not assessed Woodburn Road's width requirements yet. He said that VDOT had different requirements based on the use it was getting, but as far as he knew, VDOT had not raised any concerns about Woodburn at this point. He suggested that they should continue monitoring the situation and that there are future projects coming to the Board that would provide additional opportunities for them to check in on that.

Mr. Gallaway asked if the southern entrance would be functioning only as an emergency access and would not be open all the time.

Mr. Reitelbach said that was correct, one entrance on the southside of Woodburn Road was an emergency access, and the main entrance was in the middle.

Mr. Gallaway asked if the main entrance in the middle was being required by the County or VDOT.

Mr. Reitelbach said that he could not recall if it was required by the County, but staff had recommended it so there would be adequate access points to the development.

Mr. Gallaway asked what the estimated stormwater impacts of this development were.

Mr. Reitelbach said that the applicant could provide further information, but his understanding was that in the WPO (Water Protection Ordinance) and VSMP (Virginia Stormwater Management Program) plans submitted to the engineering division during the site planning stage, the applicant was required to identify the current level of runoff and how it could be mitigated with the development and the proposed impervious surface for their new project.

Mr. Gallaway asked who would enforce those mitigations to ensure they happened.

Mr. Reitelbach said that his understanding was that it was the responsibility of the engineering division and the inspectors to ensure that the erosion and sediment control inspectors, when they went

out to the property, verified that what was happening there aligned with what was shown on the plan.

Mr. Gallaway clarified that it would be County personnel doing that inspection. He said that the applicant was contributing funding to the crosswalk at Berkmar. He asked if there was a planned project or if they knew what the timing would be in relation to the buildout of this site.

Mr. Reitelbach said that he did not believe it was a planned project at this time.

Mr. McDermott said that at present, they did not have the project in question as a planned project, and they acknowledged that \$10,000 was an insufficient amount to construct it. He said that they were currently working on extending the Berkmar shared use path, which began on the north side of Woodbrook and Berkmar and proceeded northward.

Mr. McDermott said that in the future, they proposed extending this path further south all the way down to Rio. He said that if they were to upgrade that pedestrian crossing, it would become part of that extension south from Woodbrook down to Rio. He said that as mentioned earlier, they did not currently have that as a funded project, and \$10,000 was insufficient for full funding.

Mr. Gallaway said that they were paying their portion of it and not the entire project. He asked if the currently funded project stopped at Woodbrook and did not give a crosswalk from the north side of Woodbrook to the south side of Woodbrook.

Mr. McDermott said that it did have a crosswalk to get to the south side. He said that the crosswalk under consideration was to cross Berkmar and not across Woodbrook.

Mr. Gallaway asked if the crosswalk for the current project would cross Berkmar.

Mr. McDermott said yes. He said that he would have to verify this, but he believed they had to shorten that project due to funding constraints. He said that initially, it had been proposed to extend further south of Woodbrook but had to end it at Woodbrook while still keeping the pedestrian ramps on the north and south side of Berkmar along with the crosswalk across Woodbrook. He said that however, it would end right at that pedestrian ramp, so there was nowhere else for pedestrians to go until they could get another crosswalk across or south from there.

Mr. Gallaway said that there was a sidewalk on the west side, which meant if they had obtained the crosswalk piece, there would have been infrastructure connecting in that manner.

Mr. McDermott said yes, exactly.

Mr. Gallaway said that regardless of the crosswalks, in terms of the timing of the light at Woodbrook, if this was to be the main entryway and exit point for the development, the light was not expecting all the queuing from the west side there. He asked if it would be addressed once the development was completed.

Mr. McDermott said yes; once the site plan came in, they began to see the traffic numbers with respect to the development, they expected to work with VDOT to retime that signal as necessary. He said that VDOT was continually readjusting signals as necessary in response to identified issues.

Mr. Pruitt said that during the Planning Commission public hearing, the applicant had discussed outdoor facilities such as fire pits and gathering areas. He asked where those were located in the site.

Mr. Reitelbach said that some of those facilities were proposed in the amenity area to the east of building one, between the parking lot and the apartment buildings, as well as in the clubhouse and pool area.

Ms. McKeel asked if the units to be built would be rented.

Mr. Reitelbach said yes, that was the applicant's intent.

Ms. McKeel asked if there would be no public roads.

Mr. Reitelbach said no, it would be one parcel under one management company, so there would only be entrances onto the existing public roads, Woodbrook and Woodburn.

Ms. McKeel asked if Mr. Reitelbach could provide more information about the parking exception.

Mr. Reitelbach said that the applicant was also interested in reducing the number of parking spaces. He said there were methods within the County Zoning Ordinance, based on alternative transportation uses such as biking, pedestrian facilities, and transit, to reduce the number of parking spaces. He said the applicant aimed to implement these strategies, and he believed they had observed similar approaches in other larger developments. He said it was possible that the specifically required parking by the Zoning Ordinance exceeded what the developer deemed necessary.

Ms. McKeel said that Albemarle High School was definitely over capacity. She said that there was a master plan, and all it would take was political will to remove any extraneous facilities from the property so that it could expand as necessary.

Ms. Mallek expressed concern regarding the timing of the signals along Berkmar, which would affect traffic on Rio and down Route 29. She said that she remained confused about delaying the evaluation of road sufficiency until later since VDOT would review it afterward. She said that approval may have already been granted by that time if it got approved. She said that in such a scenario, there was no chance for the applicant to contribute to the improvement process. She asked if staff could provide more information on this matter.

Mr. Reitelbach said that during their review of the rezoning application, VDOT took into account the number of units proposed and the expected traffic generation from those units. He stated that at that time, they did not express any concerns regarding the existing road capacity and this development. He said that however, during the site planning stage, this development would be reassessed to determine if road improvements like turn lanes were required and to evaluate overall rights-of-way on Berkmar, Woodburn, Woodbrook Drive, and other nearby adjacent streets. He said that as additional new developments are submitted, whether by right site plans or rezonings, they would reassess the capacity of these roads to handle the new traffic. He said that with this application specifically at this time, VDOT did not identify any concerns.

Ms. Mallek expressed concern that the issue would fall on the County's taxpayers in the future because no proactive action was taken at this time. She said that with 2,000 cars per day, even if equally distributed, the traffic flow would be insufficient and would affect the nearby intersections.

Mr. Andrews said that he concurred with the statements made regarding the timing at the Woodbrook light. He recognized the proffered amount toward the cost of the crosswalk and signal cost and asked if staff knew what the total cost may be for that.

Mr. McDermott said that the applicant could address that issue further. He said that through the proffers, the applicant would be responsible for making that determination. He said that when reviewing their estimate, it appeared that it was approximately the percentage of traffic overall going into that intersection, and the estimate of what they would generate was about that much.

Mr. Andrews said that there was an estimate discussing the impact on schools for a development consisting of 244 apartments and 43 students. He said that it appeared to be a small number, maybe a smaller percentage compared to single-family homes. He said that he wondered if anyone had thought about examining examples like the apartments nearby to see their actual student generation numbers. He said that given the proximity to an elementary school, it seemed suitable for families with young children. He asked how these estimates were calculated.

Mr. Reitelbach said that staff utilized the ACPS Long Range Planning Advisory Committee (LRPAC) report. He said that in their 2023 report, in one of the appendices, there was a table containing student yield ratios for each school in the County and various housing types such as multifamily, single-family detached, townhouse, and mobile home. He said that additionally, they provided the expected multiplier for each type. He said that when the Planning Division analyzed school generation numbers, they used the multipliers provided by the School System multiplied by the number of proposed units. He said that for instance, 244 multi-family in this case was how they calculated the overall number for each school level.

Mr. Andrews asked if they took into account the proximity of developments to the schools themselves.

Mr. Reitelbach said that he was unsure how the School System developed those ratios.

Ms. LaPisto-Kirtley asked if the entrance to Woodbrook Drive would only be used for emergency exits.

Mr. Reitelbach said that the cul-de-sac, located at the bottom right of the provided visual, would be one of the two primary entrances. He said that the second primary entrance would be on Woodburn Drive, situated in the center area on the left side of this slide. He said that there was another entrance in the bottom left corner below building number one, between building one and the entrance into Agnor-Hurt Elementary School. He said that this entrance served as the third entrance and provided emergency access only.

Mr. Andrews opened the public hearing.

Ms. Valerie Long, attorney with Williams Mullen, stated that she was representing GW Real Estate Partners. She said that they had several representatives from the development company present, including Rob and Will Gordon, the brother principals of the group. She said that additionally, Scott Collins from Collins Engineering was there, and their traffic engineer, Carl Hultgren, was participating remotely. She said that she would not reiterate the points discussed by Mr. Reitelbach but would review some exhibits to clarify some of the questions raised.

Ms. Long said that displayed on the slide was a vicinity map, which did not precisely show where Woodburn Road went, but it did in fact connect to Rio. She clarified that this was a secondary entrance, and the primary entrance for this development would be off of Berkmar and Woodbrook due to the signal there. She added that a traffic study had been prepared, and their traffic engineer estimated that only

10% of the trips would come in or out on Woodburn Road.

Mr. Long said that the map showed the property's surroundings, which included the SPCA land, the school, an existing four-story apartment building, and Woodburn Road, which formed the edge of the Development Area. She provided images for reference, explaining that the entrance would be through a reserved access easement location. She said that Woodburn Road was currently wooded and would form a nice edge to the Development Area as per the Neighborhood Model District.

Ms. Long said that the site to the left was the project area, and there was currently no striping on Woodburn Road for the school. She said that the applicant had proposed adding it throughout its length, as shown in the following slide. She said that she could refer back to the illustrative plan as necessary. She said that this project offered numerous benefits. She said that it aligned with the Comprehensive Plan and promoted multi-modal transportation. She said that the location was ideal for apartments within the community.

Ms. Long said that the next slide depicted the application plan. She pointed out the three amenity areas depicted in the site plan but noted that they remained conceptual at this stage. She said that the applicant would need to program them more formally during the construction process. She said that GW Real Estate Partners has two ongoing projects in Albemarle County: one at North Point and another on Rio Road, which were approved a few years ago. She mentioned that this project would be very similar to those communities.

Ms. Long said that additionally, the school had a large playground with equipment for various age groups, sport courts, and a frequently used ball field. She emphasized that the Places 29 Master Plan specifically envisioned or called for a bicycle or pedestrian connection from Woodburn Road to the Woodbrook cul-de-sac. She said that they had made sure this consistent, seamless pedestrian path was maintained throughout. She said that there were sidewalks everywhere else as well, and that there were many bus stops, some of them in close proximity.

Ms. Long said that there were two slides showing actual exhibits to the proffer statement. She said that the yellow-highlighted area was where they proposed contributing to cash for future sidewalks. She said that this was a proportionate share, as there were numerous new residential developments to the north on Berkmar, all by-right projects that substantially increased the need for better pedestrian improvements but had no obligation to contribute to future sidewalks.

Ms. Long said that the exhibit she wanted to show was about pavement markings proposed as part of the proffer, covering both the entire project site frontage and a large portion of the school site. She said that they believed this would substantially increase safety based on comments from the Public School division.

Ms. Long said that they had shown the following exhibit during the request for a step-back waiver. She said that the exhibit showed that on Woodburn Road, there was a hard edge between the Rural Area and Development Area, as well as the four-story building on Woodburn in relation to sidewalks in terms of massing and distance. She said that they believed a step-back was not necessary, and they could say for certain that it would create a significant hardship on the property and project because it would impact the floor plan of the building so substantially.

Ms. Long said that at the Planning Commission, there had been a request for more information about whether the five-story building would tower over Berkmar and adjacent commercial buildings. She indicated the proposed building on-site, with context provided by nearby buildings like the two-story office building. She said that while it was at a higher elevation, it was fairly far back and had parking lots and buffers and vegetation in between. She said that therefore, they believed it was an appropriate massing for this area within the Development Area.

Ms. Long said that regarding the step-back requirement, if it were not waived, it would significantly impact the floor plan. She said that it did not work well for the residential buildings and given that there was an appropriate amount of setback from Woodburn, the applicant felt that the stepback waiver was necessary. She said that there were many project benefits, such as commitments from the application plan that made it an ideal location for rental housing close to employment areas, destination centers, and schools.

Ms. Long noted that the five-story building was internal to the property and not on the edge of the Rural Areas. She said that referring to the illustrative plan, the purple line represented a 50-foot buffer required to be maintained by the SPCA as a condition of their zoning approvals. She said that this was shown for context only. She said also indicated was the secondary entrance, where about 10% of all trips from the development would be originating from, and the southern entrance was emergency access only and closed off except for emergency vehicle access.

Ms. Long said that referring to the main entrance, it would have sidewalks connecting communities, with a pedestrian connection to the school site. She said the applicant would work with the School Division Facilities to identify how to make the concept work safely. She said that there was already an existing footpath in the area where current area residents utilized.

Mr. Gallaway said that he agreed with the comment about the ideal spot for placing the pathway to Agnor-Hurt. He said that it eliminated the need for pedestrians to cross the road, as they could exit left towards the sidewalk, which was also used for bus and parent drop-offs. He said that having the entrance

stay on that side of the road was an advantageous design choice. He said that regarding the layout in the southern area, there was the tot lot and amenity space, followed by a five-foot buffer with numerous trees. He said that he was assuming this was a screening buffer that was required.

Ms. Long said that it was meant to depict the landscaping requirements along travelways and parking lots.

Mr. Gallaway said that while it seemed safer for children to walk along that side where the trees were in order to get to the tot lot and to the school path.

Ms. Long said that the plan was to gather input from the School Division about their preferred approach and they would ensure that the site was fully engineered during the site plan stage.

Mr. Gallaway said that the applicant was responsible for the stormwater analysis for this development. He said that this was a well-treated lot, and they had to determine the pre-construction runoff, then build a stormwater facility to match that. He asked if the applicant could discuss that process and what type of facility they planned to install. He said that he understood where the stormwater was leaving the site and where it was draining into, which was his concern.

Mr. Scott Collins, Collins Engineering, said that it was correct that the stormwater management requirements vary significantly between sites due to existing conditions. He said that if there was an impervious site that was being redeveloped, one would only need to do about 15% because one may actually be reducing the amount of impervious area when it was redeveloped.

Mr. Collins said that on the other hand, this site had a fair amount of stormwater management requirements as it offset natural wooded areas, which was the most extreme case when going from wooded area to highly impervious area with the proposed development. He said that what was interesting about this site was that it was originally designed to drain to what used to be Rio Shopping Center. He said that he was not sure if that had changed names or anything.

Mr. Collins said that there was a pond down there, and this was one of the tax parcels that were incorporated into that overall stormwater management plan to drain to it, which it did, but they could not use that for their stormwater management requirements anymore. He said that this was because back in the 1970s, stormwater management requirements were far different than what they were now. He said that therefore, they had to do on-site stormwater management for the site, which would be predominantly underground detention because they were detaining so much to get down to that pre-existing condition.

Mr. Collins said that when they released the water from the site back into their existing storm sewer systems around the site, they had to release the drainage at that pre-existing condition, which in this case was predominantly wooded areas. He said that all of this was incorporated into the stormwater management plans reviewed by Albemarle County per the DEQ (Department of Environmental Quality) requirements, and once the entire facility was installed, inspected, and certified, DEQ would sign off on the fact that they had done it correctly and installed it and it was operational.

Mr. Gallaway asked how litter and other debris was filtered out of the stormwater.

Mr. Collins explained that since most of the drainage, approximately 90% to 95%, would go to the underground detention facility, there were low flow orifices within the underground detention tanks for releasing water. He said that these orifices were around three to four inches in size, making them quite small. He said that the water was released slowly over time through these orifices.

Mr. Collins said that large pipes collected all of the water. He said that trash racks underneath the system gathered a significant amount of trash entering it. He said that regular inspections and removal of any accumulated trash from those areas were necessary. He said that due to the limited flow release from the system because of the small orifices, it effectively collected trash.

Mr. Gallaway asked if there was an estimate for the amount of trash that would fall through the filter. He said that his district had faced a lot of downstream issues.

Mr. Collins said that this area drained into the storm sewer system along Woodbrook Drive and eventually reached the pond in Rio Hills Shopping Center. He said that it had its own trash racks and facilities on that stormwater management facility for treatment. He said that in essence, it underwent treatment twice before being discharged to one of the streams, offering two opportunities for trash removal.

Mr. Collins said that he was unsure if it was appropriate to discuss Woodburn Road further but believed it could be beneficial for the discussions. He said that he and Mr. McDermott had briefly talked about it. He said that referring to some pictures, one could see that Woodburn Road was wider from Rio Road to the school. He said that as properties were developed, whether through development by right or rezoning, the streetscape was improved in front of those properties.

Mr. Collins said that for instance, this property and one of the by-right properties they did about a year and a half ago further down Woodburn Road, which was Victorian Heights, had curb and gutter installed, planting strips added, and sidewalks laid. He said that the road had expanded from its centerline to the property line, following VDOT standards. He said that consequently, the 17-foot road in that picture became a wider road from Rio Road down Woodburn Drive to the school as more properties got

developed.

Mr. Collins said that the SPCA property had a lot of undeveloped land, so if they came in and did an entrance off the back, they would also improve that streetscape. He said that this was widening Woodburn Road, with only one or two spots where the road might be a little narrower if a property was not redeveloped. He said that this was how it progressed along with VDOT standards.

Mr. Gallaway asked if the markings they would put down would be with the additional width, and whether they would be double lines. He said that it would be helpful to know the width would expand, which made him think about the possibility of putting in double yellow lines and white lines on the side for better visibility. He asked if this was what was envisioned.

Mr. Collins said that yes, the double yellow line would extend down that road. He confirmed that it would not be necessary to have it on the side with curb and gutter, but painting a white line on the Rural Areas side that still had a roadside ditch may be beneficial.

Mr. Gallaway asked if Ms. Long could discuss the plan for litter and trash control on the site that did not go into the stormwater, which otherwise would spread everywhere and potentially contaminate the stormwater.

Ms. Long said that it hopefully would be retrieved before it entered the on-site storm sewer system. She said that the GW did employ a third-party property management company, which had a strong motivation to remove trash daily and patrol the site. She said that trash receptacles were available throughout the neighborhood for convenience. She said that the property management company tackled this issue proactively. She said that maintaining and clearing trash from underground stormwater facilities was costly, so there was an additional incentive to keep it out of those systems.

Mr. Gallaway said that he saw it was labeled a trash compactor. He asked if it was actually a trash compactor.

Ms. Long said yes; it had become a standard practice in the projects she was involved in.

Mr. Gallaway asked if it only operated during business hours.

Ms. Long said that she did not know. She said that it would make brief noise.

Mr. Gallaway said that in the Development Area, when dumpsters may have been picked up or emptied, some individuals attempted to get there too early before their designated time, causing noise. He said that there may be complaints from neighbors across the street in that circumstance. He asked whether the exit on Woodburn was required or merely a preference.

Ms. Long stated that it was required to have a secondary entrance when there were over 50 units. She said that having a secondary entrance would help distribute trips throughout the property. She said that the traffic engineer had recommended during his process was a site trip distribution analysis, with assumptions made about the number of cars traveling in each direction.

Ms. Long said that in the submitted Traffic Impact Analysis (TIA) for rezoning, it was estimated that approximately 10% of the trips would use Woodburn, while the remaining 90% would prefer the primary entrance at Woodbrook due to its signalization. She said that this would provide a safer option for those wanting to turn left onto Rio, as it was easier and more desirable to do so at the signalized intersection of Woodbrook and Berkmar, then proceeding down to the signal at Berkmar and Rio. She said the turn from Woodburn to Rio would not be as safe.

Mr. Gallaway asked if the property management company could suggest or promote the primary entrance as the best option. He acknowledged that they could not force this, but the existing infrastructure was located there, and Woodburn Road had concerns until it was fully improved, because even what was done up to Agnor-Hurt might not be ideal. He asked if this was something they could do with residents to encourage them to use the primary entrance.

Ms. Long said yes. She said that she did pull out the traffic study during peak hours, specifically morning and afternoon. She said that the estimated 10% increase resulted in approximately 10 trips or a little less per peak hour, which was a small number. She said that property management could collaborate with neighbors and their residents to encourage the use of the primary entrance as needed.

Mr. Gallaway asked what the projected date of completion was for this project.

Ms. Long said that after receiving approval tonight, the applicant would initiate the site plan process, which was expected to take at least a year. She said that following this, they could commence the site work, which also required time. She estimated that it would take two years for completion, during the second half of 2026, approximately.

Mr. Gallaway asked if the portion of the cemetery located on the adjacent property would remain unfenced.

Ms. Long said that the applicant did not wish to impose any requirements or obligations on the SPCA; however, they were welcome to working with the SPCA to enclose the rest of the cemetery with

fencing. She said that in addition, there would be a sidewalk and parking spaces provided for the descendants of those who were buried there.

Mr. Gallaway asked how many units would be lost in the case that the stepback waiver was not granted.

Ms. Long said that the floor plans had not been finalized, but it was estimated that 4 to 8 units would be lost across the front.

Mr. Will Gordon stated that by imposing the stepback requirement, it would result in removal of the entire floor due to the loss of efficiency. He said that it would result in 10 to 12 units per floor removed. And the building with the fifth floor of 10-12 unites.

Mr. Pruitt said that he understood the applicant was proffering striping on the roadway, but maintenance of the striping would be separate.

Ms. Long said that they did not account maintenance into the cost of installation. She said that they would be striping it based on the directions of VDOT and the School Division. She said that it may be a double yellow line in the middle, but that specific design had not been finalized.

Mr. Pruitt noted that another large development had come before the Board after they implemented new inclusionary zoning standards. He said that however, these standards would not be effective for this particular development. He said that this served as an important reminder about the importance of acting quickly because timing matters.

Mr. Pruitt said that the affordability period of ten years and the degree of affordability offered in those 15% of the units were quite meager. He said that they were still more expensive than any mortgage he had ever taken out, which he found upsetting. He said that he was not blaming the applicant; they did not blame the applicant for following rules set by others. He said that the fault lay with those who set the rules.

Ms. McKeel expressed concern that property management companies had become unreliable over time. She asked if it would be a local property management company that would be employed for this development.

Ms. Long said that she was uncertain if that had been decided.

Ms. McKeel stated that she remained gravely concerned about property management companies that were located far away from their tenants.

Ms. Long said that the applicant had two other complexes under construction in the County as of now and had attended this meeting to hear the Board's comments. She said that knowing the standards they maintained their properties at, hopefully it was different than the properties Ms. McKeel was referring to. She noted that the applicants for this development also lived in the County.

Ms. McKeel said that property management companies often changed frequently, sometimes every two years. She said that it was a challenge that was a major concern for residents, and there was very little control over this issue.

Ms. Long said that communities such as this one would face strong competition in the market, especially those with comparable standards and quality being developed simultaneously. She acknowledged that to make the units appealing for leasing purposes, it was crucial to maintain the property in excellent condition over an extended period, such as five, ten, or even twenty years. She said that this approach helped preserve its value, leaseability, and attractiveness. She said that this was not a perfect solution, but she did not know of a better alternative. She said that she would be glad to receive information about the problematic property management companies Ms. McKeel knew of in order for them to avoid them.

Ms. McKeel asked for clarification that the applicant would be installing native plants and no invasive species.

Ms. Long said that they had not planned what species would be planted, but as part of the site plan process they had to provide that detail. She said that it was understood that the County maintained a list of approved plant species, which would be adhered to. She said that they had an advantage of collaborating with a regional civil engineering company that had a knowledgeable landscape architect who was well-versed in the County's guidelines and requirements.

Ms. McKeel said that she was very grateful for the agreement to adjust their contributions to the crosswalk project to keep up with inflation. She asked if the piping to the existing stormwater pond crossed any private property that could refuse the connection.

Ms. Long said that acquiring off-site easements for utilities from adjacent owners could be very challenging, and she could attest to that. She said that Mr. Collins had clarified that the Rio Hill Shopping Center had a large stormwater facility right adjacent to Route 29. She said that he indicated that this facility was designed to serve as a regional one, with underground piping beneath, for example, the Rio Hill Shopping Center parking lot.

Ms. Long said that all development in this area drained into that pond. She said that due to newer and more current regulations, they must treat it on-site first before draining into the stormwater facility. She said that she understood that there were easements in place because the facility had been there for so long. She said that otherwise, it tied into the existing storm drains that stubbed up to the property.

Mr. Collins said that 75% of the site drained north through the SPCA property. He said that there was a drainage basin just north of the cemetery with a 30-inch pipe. He said that they have decided not to use it for their primary outfall. He said that instead, they collaborated with the property owner of the commercial building with that parking lot right there adjacent to building number five. He said that to acquire a drainage easement, they would route it from the underground detention near the cemetery. He said that it would pass through that parking lot area.

Mr. Collins said that the underground detention area had been constructed in the lowest spot of their site. He said that it would extend across this parking lot and connect to the Woodbrook Drive storm sewer system, which drained to Rio Hills Shopping Center. He said that this system handled storms from one-year and ten-year events. He indicated where there was a small outlet pipe there to manage storms higher than 10-year events, releasing water into the drainage soil that connected to the 36-inch pipe in an identified location.

Mr. Collins said that they would not drain any storm event below the ten-year level through this path because they wanted to avoid creating problems or potential drainage issues, especially when changing the hydrology of a site from wooded area to primarily impervious area. He said that they would direct the drainage to existing VDOT right-of-ways and control it at Rio Hills Shopping Center.

Ms. Mallek expressed concern regarding this development's impacts to the schools. She said that the Schools' formula had failed miserably in predicting past developments' estimated student counts. She said that she did not have an answer for it; they must work with what they were given. She said that this issue had been mentioned repeatedly over the years, but she had not seen any improvements. She acknowledged that it was outside the applicant's responsibility, but perhaps someone could help to obtain better answers.

Ms. Long said that she would like to add a clarification regarding the number of units that could be built by right under the existing R-6 zoning. She said that with this zoning, a maximum of 43 units could be constructed. She said that based on the Schools' estimator, there were 14 school students that would result from that by-right development. She said that with the proposed rezoning to PRD, the estimate was for 29 new students. She said that while the staff report mentioned 43 new students, that was the total but did not net out the by-right students. She said that she understood Ms. Mallek's concern.

Ms. Long said that as was noted, Agnor-Hurt Elementary School was under capacity, as was Burley Middle School, so they would not exacerbate that issue. She said that she hoped that having this be a desirable location for families with children who would attend Agnor-Hurt, as well as young teachers, made it an ideal spot for them to walk. She mentioned that Ms. Mallek indicated there has been significant work and funding put towards the Lambs Lane campus to address the capacity issues at Albemarle, and she hoped that this would help.

Mr. Andrews said that he shared the concern regarding the impacts to schools due to the increased number of students who would live in this development. He asked how the \$10,000 contribution towards the crosswalk had been determined.

Ms. Long said that it was based on the traffic engineer's estimate for the cost of a signalized crosswalk at an intersection. She noted that there was other infrastructure associated with the crosswalk installation as well. She said that the basis for this was a 10% proportionate increase in vehicle trips added to existing trips at the intersection. She said that they conducted a traffic study by counting current trips during peak hours using a clicker. She said that they estimated new trips generated by the proposed development and factored in background traffic. She said that by the time of full build-out, anticipated in 2026, they calculated that 10% of total trips at the intersection would stem from this project. She said that the \$10,000 estimate was derived based on this proportionate cost for a signal and related infrastructure enhancements. She said that she was unsure about the precise percentages but confirmed that they were not arbitrary. She said that regarding another traffic aspect, all intersections studied currently had an acceptable level of service C. She said that following the development with this project, they would maintain a level of service C at those intersections, and the traffic study did not identify any issues or recommend necessary improvements.

Mr. Andrews asked if staff could provide more information regarding setback rules in the future.

Mr. Andrews asked if there were any speakers from the public.

Ms. Libby Jones, Executive Director of Charlottesville-Albemarle SPCA, said that she would like to highlight some of the positive aspects of the project, such as building more affordable housing and planning a dog park. She said that as head of the SPCA, her questions would focus on the dog park topic since she dealt with related issues daily through their social services.

Ms. Jones asked about the pet restrictions and size limitations for the dog park. She asked where dogs would be allowed to walk. She said that lately the developments surrounding their property had

sidewalks that led to their property. She said that considering the SPCA's facility housed dangerous animals and had done so for 70 years, handling impoundments, protective custody cases, and reactive animals, she emphasized the need to consider how these new homes might affect their property and fencing needs.

Ms. Jones expressed her support for building the complex but insisted that answers should be provided for some critical questions. She said that she would like to invite all SPCA volunteers and staff to attest to the Woodburn Road. She said that people living in the area would likely prefer walking towards the wooded area with their pets instead of towards the school. She said that there was no shoulder or painted lines further up.

Ms. Jones said that with a sidewalk leading to a wooded road, people would walk on the road, which was not safe for residents and other drivers, adding to the already present traffic issues. She said that she understood that studies were ongoing. She added that in her recent experience as a transplant, she had faced major difficulty in finding a rental that accepted her two dogs and three boys.

Ms. Long said that she would love to chat with the new SPCA director and her team. She said that it made sense for them to discuss various issues related to the project. She emphasized that they did not want to take any actions that could endanger the dogs at the SPCA or the pets of the development's owners. She said that there were numerous alternative sidewalks on Woodbrook Drive, along Berkmar, and other public walkways for pet owners to safely walk their pets.

Ms. Long said that they could not prevent people from making poor decisions and walking their pets in Woodburn if they chose to do so. She noted that a sidewalk would be constructed on the site's frontage, and as Mr. Collins mentioned, hopefully more. She said that she believed that dogs were not allowed at County School parks. She said that these were issues they could work together on.

Mr. Andrews informed the applicant that they had five minutes for rebuttal.

Mr. Gordon said that he would like to point out that due to the topography of the site, the side facing the SPCA would have a retaining wall, which would serve as a substantial barrier between the properties.

Ms. LaPisto-Kirtley asked if there would be a retaining wall around the dog park. She asked if there would also be a fence between the applicant's property and the SPCA's property. She said that if the dog park had a retaining wall, they would not go into the wooded area, but if they lived in buildings four or five, they may want to go into the wooded area. She asked if there would be a fence preventing that.

Mr. Collins stated that there was a retaining wall beginning at the location indicated by his cursor on the screen. He said that this wall extended around the area specified. He said that there were steps leading down to the cemetery from another point. He said that the retaining wall continued throughout this section. He said that another retaining wall starts again in the same spot, which could be observed on this particular wall. He said that it was actually two retaining walls that surrounded the dog park and extended up. He said that they were extensive retaining walls that would have a safety fence installed on top.

Mr. Andrews closed the public hearing and brought the matter back before the Board for comments.

Mr. Gallaway said that he supported the project but found it disconcerting that abrupt boundaries existed between Development Areas and Rural Areas for long-time residents. He said that the changes along Berkmar had been noticeable, and he appreciated efforts to address impacts, particularly on Woodburn Road, and the pedestrian and traffic facilities at Woodbrook and Berkmar. He said that with respect to the speaker, they did not erect fences between abutting residential. He said that he would not impose fences even without a retaining wall. He said that that would be their choice on their property if desired. He said that the connectivity, walkways, and multiuse paths in Berkmar were beneficial. He said that he would advocate for crosswalk improvements before the development commenced in 2026.

Mr. Gallaway said that regarding Woodburn Road's public impact, he wanted to emphasize the management company's efforts to encourage residents to use Woodbrook Drive instead. He said that this choice benefited everyone. He said that there was no opposition to traffic impacts along Woodburn Road since it was a known Development Area. He said that he was pleased that this rezoning allowed them to address the project's impacts. He said that while he would have preferred input on by-right projects, they did not receive that opportunity.

Mr. Gallaway said that he was less concerned about school numbers. He said that the redistricting for Agnor-Hurt had added 59 students, which he assumed was considered in these calculations. He said that if not, the figures may be skewed. He said that however, this redistricting was part of preparations for the northern elementary school, where site selection and student origins were being determined. He said that even with that redistricting, it should be able to absorb it in Agnor-Hurt and of course at Burley. He said that Center II would be operational by the time the project was completed. He said that the impacts on schools would be addressed.

Mr. Gallaway said that he appreciated the comments and explanation regarding the stormwater

system. He said that residents in the area were very concerned about stormwater, especially about how the piping led to the natural channels, leading to issues for private properties across Route 29 during rain events. He said that the applicant's project would pass behind the south end of Woodbrook and loop around, heading out through Carrsbrook to the river. He said that the area was a concern. He said that he appreciated the applicants saying that this was a treed site and that it was the most extreme change, and that their system was going to impact that.

Mr. Gallaway said that he trusted the applicant's expertise in assessing parking requirements for such sites based on their experience with other facilities and projects they had worked on. He said that this project provided an opportunity to continue discussions about developer incentives, even though it might not be implemented here. He commended their participation in these ongoing conversations and looked forward to future talks about how their projects could contribute to the creation of more affordable housing units. He said that with this understanding, he would support the project.

Mr. Pruitt stated that he had little to add after all the previous discussions; he appreciated highlighting the value of pedestrian interconnectivity. He said that others often considered it merely as a means to travel from point A to point B, but he believed it was also a fundamental amenity that allowed people to live their lives as they chose. He said that in deeply Urban Areas, unlike historically car-dependent communities like Albemarle, there were still places where one could walk a dog. He said that as they continued planning for the future, he suggested prioritizing this kind of connectivity. He expressed his general support for the project and thanked everyone involved.

Ms. McKeel reiterated her concern about the property management companies. She said that however, she was supportive of the project.

Ms. Mallek said that she supported this, and that she appreciated the thorough approach taken to address future impacts. She said that she appreciated gaining insight into financing at an outside funding scale, to which she had no previous experience. She said that it was notably different from the process of selling single-family houses and using the proceeds to build the next one. She said that the topic proved fascinating and provided a valuable learning opportunity.

Mr. Andrews said that he understood the location for the project due to its location being near many amenities, but he agreed with Mr. Gallaway that the hard edge along the Rural Areas would be jarring. He said that he could not say he was necessarily supportive of the proposal but would not stand in the way of it.

Mr. Andrews asked if Mr. Gallaway would like to make a motion. He said that there were three to consider.

Mr. Gallaway **moved** that the Board of Supervisors adopt the Ordinance (Attachment E), to approve ZMA202300006 Woodbrook Apartments.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

ORDINANCE NO. 24-A(9)
ZMA 2023-00006

AN ORDINANCE TO AMEND THE ZONING MAP FOR
PARCELS 04500-00-00-088B0, 04500-00-00-09000, 04500-00-00-091C0, AND 04500-00-00-091D0

WHEREAS, an application was submitted to rezone Parcels 04500-00-00-088B0, 04500-00-00-09000, 04500-00-00-091C0, and 04500-00-00-091D0 from R-6 Residential to Planned Residential Development (PRD); and

WHEREAS, on February 27, 2024, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2023-00006;

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 2023-00006 and their attachments, including the Proffer Statement dated March 20, 2024, 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 2023-00006, subject to the Proffer Statement dated March 20, 2024.

Original Proffers X
Amendment _____

PROFFER STATEMENT

Project Name: **ZMA 2023-00006 Woodbrook Apartments**

Date: March 20, 2024

Parcel Numbers: 04500-00-00-09000 (5.21 acres); 04500-00-00-091C0 (0.41 acres); 04500-00-00-091D0 (0.48 acres); and 04500-00-00-088B0 (1.57 acres)

Owners of Record:

Arthur and Alyson Valente (Parcels 04500-00-00-09000 and 04500-00-00-091C0)
Gladys Schmunk (Parcel 04500-00-00-091D0)
Crystal Hobbs (Parcel 04500-00-00-088B0)

Proposal:

- Rezone parcels 04500-00-00-09000 (5.21 acres); 04500-00-00-091C0 (0.41 acres); 04500-00-00-091D0 (0.48 acres); and 04500-00-00-088B0 (1.57 acres) from R-6 residential to Planned Residential Development (PRD) with proffers.

Total land area: Approximately 7.202 acres

Arthur and Alyson Valente, Gladys Schmunk, and Crystal Hobbs are collectively the owners (the “Owner” or “Owners”) of Parcel Numbers 04500-00-00-09000, 04500-00-00-091C0, 04500-00-00-091D0, and 04500-00-00-088B0 (collectively, the “Property”), which is the subject of a rezoning application identified by Albemarle County as ZMA 2023-00006, a project known as “Woodbrook Apartments” (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. Contribution to Off-Site Transportation Improvements:

A. **Pedestrian Improvements:** To mitigate the Owner’s proportionate contribution to the existing need for pedestrian facilities at the intersection of Woodbrook Drive and Berkmar Drive, prior to the issuance of the first certificate of occupancy for a unit within the Project, the Owner shall contribute Ten Thousand Dollars (\$10,000) to the County Capital Improvement Program fund to be applied toward the cost of constructing a future crosswalk and pedestrian signal at the intersection of Woodbrook Drive and Berkmar Drive in the area shown as “Pedestrian Improvement Area (Yellow)” on the attached Exhibit A (the “Cash Contribution”).

Beginning January 1 of each year following the approval of ZMA 2023-00006, the Cash Contribution shall be adjusted annually until paid, to reflect any increase for the proceeding calendar year in the Marshall and Swift Building Cost Index for masonry walls in the Mid-

Atlantic (the “MSI”). The annual adjustment shall be made by multiplying the Cash Contribution due for the preceding year by a fraction, the numerator of which shall be the MSI as of December 1 in the preceding calendar year, the denominator of which shall be the MSI as of December 1 in the year preceding the calendar year most recently ended (the “Percentage Increase”). By way of example, if ZMA 2023-00006 is approved in 2024 the first annual adjustment shall be calculated as of January 1, 2025 as follows: $\$10,000 \times 2024 \text{ MSI} \div 2023 \text{ MSI}$. The annual adjustment shall be made by multiplying the Cash Contribution by the Percentage Increase to determine the additional funds due. Notwithstanding the provisions of this paragraph, in no event shall the Cash Contribution paid by the Owner be less than Ten Thousand Dollars (\$10,000).

B. **Pavement Markings on Woodburn Road:** To mitigate the Owner’s proportionate contribution to the existing need for transportation safety improvements along Woodburn Road related to Agnor-Hurt Elementary School, prior to the issuance of the first certificate of occupancy for a unit within the Project, the Owner shall install pavement markings in the form of double yellow lines on Woodburn Road. The pavement markings will extend from the end of the existing markings on Woodburn Road adjacent to Agnor-Hurt Elementary School, north along Woodburn Road to the northern most property line for the Project as shown on Exhibit A. The pavement markings shall be installed to Virginia Department of Transportation (“VDOT”) standards and specifications.

[SIGNATURE PAGE IMMEDIATELY FOLLOWS]

Signature Page for Proffer Statement for Woodbrook Apartments, ZMA 2023-00006

OWNER:

Arthur and Alyson Valente

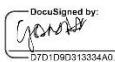
By:  0951EA0F0E334C2...

By:  109AF551038478...

Gladys E. Schmunk

By:  61FFEFCA056849F...

Crystal Hobbs

By:  D7D1D9D313334A0...

(103469298.5)

ZMA 2023-00006 Woodbrook Apartments – Exhibit A to Proffer Statement

Proffer 1A: Pedestrian Improvements



Proffer 1B: Pavement Markings



Mr. Gallaway **moved** that the Board of Supervisors adopt the Resolution (Attachment F) to approve proposed Special Exception request SE202300026 Woodbrook Apartment.

Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

**RESOLUTION TO APPROVE SE2023-00026
WOODBROOK APARTMENTS STEPBACK WAIVER**

WHEREAS, upon consideration of the staff reports prepared for SE2023-00026 Woodbrook Apartments Stepback Waiver and the attachments thereto, including staff's supporting analysis, any comments received, and all relevant factors in Albemarle County Code §§ 18-4.19, 18-8.2, and 18-33.9, the Albemarle County Board of Supervisors hereby finds that the proposed waiver:

- (i) would be consistent with the intent and purposes of the planned development district under the particular circumstances and satisfy all other applicable requirements of County Code § 18-8; (ii) would be consistent with planned development design principles; and (iii) would not adversely affect the public health, safety, or general welfare.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves a special exception to waive the 15-foot stepback requirement of County Code § 18-4.19.5 on Parcels 04500-00-00-088B0, 04500-00-00-09000, 04500-00-00-091C0, and 04500-00-00-091D0.

Mr. Gallaway **moved** that the Board of Supervisors adopt the Resolution (Attachment G) to approve proposed Special Exception request SE202300033.

Ms. LaPisto-Kirtley **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.
NAYS: None.

**RESOLUTION TO APPROVE SE 2023-00033
WOODBROOK APARTMENTS SETBACK MODIFICATION**

WHEREAS, upon consideration of the staff reports prepared for SE2023-00033 Woodbrook Apartments Setback Modification and the attachments thereto, including staff's supporting analysis, any comments received, and all relevant factors in Albemarle County Code §§ 18-4.19, 18-8.2, and 18-33.9, the Albemarle County Board of Supervisors hereby finds that the proposed modification:

- (i) would be consistent with the intent and purposes of the planned development district under the particular circumstances and satisfy all other applicable requirements of County Code § 18-8;
- (ii) would be consistent with planned development design principles; and
- (iii) would not adversely affect the public health, safety, or general welfare; and that the public purposes of the original regulation would be satisfied to at least an equivalent degree by the proposed modification.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves a special exception to modify the 20-foot rear setback requirement of County Code § 18-4.19 to 10 feet on Parcels 04500-00-00-088B0, 04500-00-00-09000, 04500-00-00-091C0, and 04500-00-00-091D0.

Agenda Item No. 23. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Gallaway said that his comment was related to the public comment for the last application from the Executive Director of the SPCA (Society of the Prevention of Cruelty to Animals), and also to the incident at Belvedere. He said that the issue of proper advice for residents encountering trespassing situations in common areas within an HOA (Homeowner Association) be brought up.

Mr. Gallaway said that he received questions about this at the town hall meeting he attended last week. He asked about the process that follows when a 911 call was made for trespassing and how the resident was involved. He said that there were concerns about whether the resident must accompany the police officer to confront the individual and ask them to leave.

Mr. Gallaway said that he wanted to address publicly the question because he was not prepared to answer it earlier, emphasizing the importance of residents' safety and concern as well as for those who may find themselves living on someone else's property. He mentioned that there were services and supports in place, and an approach in the County to deal with this issue thoughtfully.

Mr. Gallaway acknowledged that trespassing situations can vary, such as when someone was walking on property where they should not be versus discovering someone on one's own property. He said that in the latter case, he was wondering what the appropriate response for citizens should be. He said that as Board members, they should conduct outreach within the County to inform residents about how these matters should be handled beyond simply making a phone call.

Mr. Pruitt said that at present, there was not an ordinance to give the enabling legislation to request reimbursement for bomb threats and terror hoaxes incidents. He sought consensus on pursuing such an ordinance in the future. He said that it would be a simple ordinance, not requiring specific customization. He asked if the Board was interesting in pursuing this matter.

Mr. Gallaway asked if they had the enabling authority, but it had not been officially recorded in the County.

Mr. Pruitt said that was correct. He said that the main purpose would be to add the extra layer of deterrence as well as symbolizing the Board's commitment to using all possible avenues to address the issue.

Mr. Andrews asked if they could review what other jurisdictions had done in this circumstance.

Mr. Steve Rosenberg, County Attorney, said that there were other jurisdictions that had implemented the enabling authority included in the state code. He said that he was willing to share examples with the Board via email if they desired.

Ms. Mallek asked if staff could inform them of the overall impacts as well.

Mr. Rosenberg said that he thought the most significant issue was collecting. He said that the expenses incurred by various departments would have to be documented.

Ms. McKeel said that frequently, when discussing proposals concerning schools and capacity, the precision of their calculations might be questionable or difficult to understand. She said that it could be advantageous to request further information from the School Board regarding their methodology. She said that this matter may potentially be addressed during a joint meeting with the School Board so that it could be better understood by everyone.

Ms. Mallek said that in the recent weeks, two individuals had asked her whether there had been instances in the County where people returning from spending winter away found someone else living in their homes. She asked about how such situations were handled, especially if the intruder was still present. She expressed her surprise in finding this was an issue, but she was interested in learning more about addressing it and knowing whom to contact other than the police chief. She said that she would like to know what suggestions staff might have regarding this matter.

Agenda Item No. 24. Adjourn to April 24, 2024, 2024, 6:00 p.m., Lane Auditorium.

At 10:35 p.m., the Board adjourned its meeting to April 24, 2024 at 6:00 p.m. in Lane Auditorium, on the Second Floor of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA 22902. Opportunities for the public to access and participate in this meeting are posted on the Albemarle County website on the Board of Supervisors home page and on the Albemarle County calendar. Participation will include the opportunity to comment on those matters for which comments from the public will be received.

Chair

Approved by Board
Date: 08/20/2025
Initials:CKB