

ACTIONS Board of Supervisors Meeting of September 9, 2015		
		September 11, 2015
<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>PODCAST</u>
1. Call to Order. Meeting was called to order at 3:03 p.m., by the Chair, Ms. Dittmar. All BOS members were present. Also present were Tom Foley, Larry Davis, Ella Jordan and Travis Morris.		Listen
2. Joint Meeting with School Board: 2.a Funding for the Future – Planning and Policy Discussion. HELD Discussed.		
3. Matters Not Listed on Agenda. There were none.		
Recess. At 4:44 p.m., the Board went into Closed Meeting pursuant to section 2.2-3711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees and commission in which there are pending vacancies or requests for reappointments.		
4. Reconvene and Call to Order. At 6:00 p.m., the Board reconvened into open meeting and certified the Closed Meeting.		Listen
7. Adoption of Final Agenda. By a vote of 6:0, ADOPTED final agenda.		
8. Brief Announcements by Board Members. <u>Ann Mallek:</u> - The Rivanna River Renaissance Conference will be held on Friday, October 2, 2015. Agenda information is available at the websites of the Rivanna River Basin Commission or the Thomas Jefferson Planning District Commission. <u>Jane Dittmar:</u> - The Town of Scottsville will holds its Annual Community Day on Saturday, September 12, 2015.		
9. Proclamations and Recognitions: a. Resolution recognizing the 2014 James River Grand Basin Clean Water Farm Award to Ronnie and Brenda Morris. ADOPTED by a vote of 6:0, and presented to Ronnie and Brenda Morris.	(Attachment 1)	Listen
10. From the Public: Matters Not Listed for Public Hearing on the Agenda. There were none.		Listen
11.2 Resolution of Intent for Phase 2 of Route 29 Business Signage. ADOPTED, Resolution of Intent relating to the provision of additional temporary signage.	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 2)	Listen
11.3 SDP-2008-00155. Thomas Jefferson Foundation-Special Exception. ADOPTED Resolution to approve the special exception to disturb critical slopes subject to the condition recommended by staff.	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 3)	

11.4	Resolution to accept Boulders Road, Phase 1 & 2, into the State Secondary System of Highways. (Rivanna Magisterial District) • ADOPTED Resolution.	<u>Clerk:</u> Forward copy of signed resolution to Glenn Brooks and County Attorney's office. (Attachment 4)	
12.	Pb. Hrg: SP-2015-00020. CVS at Rio and 29N. • By a vote of 6:0, ADOPTED resolution to approve SP-2015-00020 subject to conditions.	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 5)	Listen
13.	Pb. Hrg: SP-2010-00017. All God's Children Child Development Center (Sign #41). • By a vote of 6:0, ADOPTED resolution approving SP-2010-00017 All God's Children Child Development Center subject to conditions.	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 6)	Listen
14.	Pb. Hrg: CPA-2015-0001. Boundary Adjustment to the Southern Urban Neighborhood (Route 29/I-64 Interchange). • By a vote of 5:1(Boyd) DEFERRED CPA-2015-0001 to a special meeting to be determined at a later date.	<u>Clerk:</u> Schedule when ready to come back to Board.	Listen
15.	Boards and Commissions: Appointments. • APPOINTED the following individuals to the 5 th & Avon Community Advisory Committee, with said terms to expire September 30, 2017: Rex Linville; Roger Schickedantz; Thomas Kochka; Pam Riley; Virginia Ann Neumark; Daniel Heuchert; (Emilie) Adele Wood; and Steve Whitaker. • APPOINTED the following individuals to the 5 th & Avon Community Advisory Committee, with said terms to expire September 30, 2018: Stuart Lowson; Brian Roy; Christopher LeBlanc; Jonathon Earl; Stephanie Blanch; Amy Brereton; and David Thomas. • REAPPOINTED Stephen T. McLean, A. Bruce Dotson and Sherry Buttrick to the Acquisition of Conservation Easements Committee, with said terms to expire August 1, 2018. • APPOINTED Andrea Saathoff to the CACVB Management Board, with said term to expire August 1, 2017. • APPOINTED Crystal Ptacek to the Historic Preservation Committee, with said term to expire June 4, 2018.	<u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.	Listen
16.	From the Board: Matters Not Listed on the Agenda. <u>Ann Mallek:</u> • Announced that the Department of Housing and Community Development did not award the Town of Crozet the 2015 CDBG Planning Grant. • Reiterated that there needs to be simplified parameters laid out for special permits for drive-thrus.		Listen
17.	From the County Executive: Report on Matters Not Listed on the Agenda. • There were none.		
18	Adjourn to September 10, 2015, 3:00 p.m.,		

CitySpace. With no further business to come before the Board, at 10:24 p.m., the meeting was adjourned to September 10, 2015.		
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Attachment 1 – Resolution recognizing 2014 James River Basin Clean Water Farm Award to Ronnie & Brenda Morris

Attachment 2 – Resolution of Intent for Phase 2 of Route 29 Business Signage

Attachment 3 – Resolution to approve Special Exception for SDP-2008-00155 Thomas Jefferson Foundation

Attachment 4 – Resolution to accept Boulders Road, Phase 1 & 2, into the State Secondary System of Highways

Attachment 5 – Resolution and conditions to approve SP-2015-00020. CVS at Rio and 29N

Attachment 6 – Resolution and conditions to approve SP-2010-00017. All God's Children Child Development Center

RESOLUTION
In Recognition of Outstanding Conservation Farmer

In recognition of **Ronald Morris** for his outstanding farm conservation management practices which includes implementation of a farm conservation plan,

WHEREAS, the Thomas Jefferson Soil and Water Conservation District serves this community through programs and activities that enhance water quality of our surface and ground waters; while conserving and protecting our natural resources; and

WHEREAS, in cooperation with the Virginia Department of Conservation and Recreation, farmers who demonstrate outstanding management practices which conserve our precious natural resources are selected and recognized through the Clean Water/Bay Friendly Farm Award Program; and

WHEREAS, the Thomas Jefferson SWCD has selected Ronald Morris as the Clean Water Farm Award Program recipient of Albemarle for 2014 and the Virginia Department of Conservation and Recreation has selected Ronald Morris as the James Grand Basin recipient for the State of Virginia.

WHEREAS, Ronald Morris, demonstrates a commitment to the conservation of the natural resources on his farm through:

- rotationally grazing 115 acres of pasture as 13 paddocks with 40 cow/calf pairs;
- managing 75 acres of woodland for wildlife;
- protecting 2.4 miles of streams with 14 acres of riparian buffers;
- installing 7 automatic water troughs; and
- 100% stream exclusion on two family farm properties.

NOW, THEREFORE, BE IT RESOLVED by the Albemarle County Board of Supervisors that Ronald Morris is hereby commended for his commitment to protecting and enhancing waters that flow beyond farm boundaries and for the conservation ethic he demonstrates through his farm management practices.

Signed and Sealed this 9th day of September, 2015.

RESOLUTION OF INTENT

WHEREAS, the Virginia Department of Transportation construction project commonly known as “Route 29 Solutions,” which is along Route 29 North and the adjoining areas between the southern terminus of Berkmar Drive and Myers Drive (the “Project” and the “Project Area”); and

WHEREAS, on May 6, 2015, the Albemarle County Board of Supervisors amended County Code § 18-4.15 to extend the duration for which temporary signs may be erected to allow those businesses whose permanent signs are removed in conjunction with the Project to erect temporary signs until new permanent signs are erected or the Project is completed, whichever occurs first; and

WHEREAS, the County has solicited and received additional feedback from business owners within the Project area and they expressed concern about the visibility of their businesses and marketing their businesses during the Project and possible solutions to address those concerns, including allowing additional temporary signage during the Project;

WHEREAS, it may be desirable to amend the County’s sign regulations to allow one additional temporary sign, with a maximum sign area of up to forty-eight (48) square feet and, in order to avoid a proliferation of temporary signs and to encourage multiple businesses to share the same sign, to allow the one such additional temporary sign on a per site, rather than per establishment, basis.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending County Code § 18-4.15, Signs, and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein; and

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

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR SDP 2008-00155 THOMAS JEFFERSON FOUNDATION**

WHEREAS, Thomas Jefferson Foundation, Inc. (the “Owner”) is the owner of Tax Map and Parcel Numbers 07700-00-00-03100, 07800-00-00-02200, 07800-00-00-02300, 07800-00-00-02500, and 09200-00-00-00100 (the “Property”); and

WHEREAS, the Owner filed a request for a special exception in conjunction with SDP 2008-00155, Thomas Jefferson Foundation, Inc., to allow the disturbance of critical slopes, as the Property is depicted on the pending plans under review by the County’s Department of Community Development.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the executive summary prepared in conjunction with the application, and its supporting analysis included as Attachments C and D thereto, the Applicant’s critical slopes waiver request dated July 6, 2015 and plan entitled “Thomas Jefferson Foundation Water and Wastewater Improvements Part II Critical Slopes Application Plan” prepared by WW Associates and dated July 6, 2015, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-4.2.5 and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to authorize the disturbance of critical slopes for Thomas Jefferson Foundation, Inc.’s installation of water and waste water

SDP 2008-00155, Thomas Jefferson Foundation Special Exception Condition

1. The area of land disturbance on critical slopes shall not exceed twelve thousand, two hundred, twenty-six (12,226) square feet as shown on the plan entitled “Thomas Jefferson Foundation Water and Wastewater Improvements Part II Critical Slopes Application Plan” prepared by WW Associates and dated July 6, 2015.

ATTACHMENT 4

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 9th day of September 2015, adopted the following resolution:

R E S O L U T I O N

WHEREAS, the street(s) in **Boulders Road, Phases 1&2**, as described on the attached Additions Form AM-4.3 dated **September 9, 2015**, 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 **Boulders Road, Phases 1&2**, as described on the attached Additions Form AM-4.3 dated **September 9, 2015**, 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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The road(s) described on Additions Form AM-4.3 is:

- 1) **Boulders Road (State Route 16003)** from Seminole Trail (Route 29) east, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3805, pages 154-161; Deed Book 3819, pages 74-82; and Deed Book 1509, pages 50-53, for a length of 0.53 miles.

Total Mileage – 0.53

**RESOLUTION TO APPROVE
SP 2015-20 CVS AT RIO AND 29N**

WHEREAS, Rio XRoad LLC is the record owner of Tax Map and Parcel Number 06100-00-00-123F0 and Seminole Trail LLC is the record owner of Tax Map and Parcel Number 06100-00-00-123G0 (collectively the “Owner”); and

WHEREAS, the Owner submitted an initial site plan (SDP 2015-00016) for the construction of a CVS Pharmacy with a drive-through window; and

WHEREAS, the initial site plan for the proposed CVS Pharmacy, which is a by-right use in the HC zoning district, was approved in June, 2015; and

WHEREAS, the proposed drive-through window requires a special use permit, and the application is identified as Special Use Permit 2015-00020 CVS at Rio and 29N (“SP 2015-20”); and

WHEREAS, on August 4, 2015, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2015-20 with the conditions recommended by County staff; and

WHEREAS, on September 9, 2015, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2015-20.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2015-20 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code § 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2015-20, subject to the conditions attached hereto.

SP-2015-20 CVS at Rio and 29N

1. Development and use shall be in general accord with the following revised plans prepared by Kimley-Horn, Sheet CS-101 (1 of 3 in special use permit plan set) dated June 17, 2015 (hereafter “Layout Plan”), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the specified plans, development and use shall reflect the following major elements as shown on the plans:
 - a. Relationship of drive-through lanes to the building and the parking lot
 - b. Building location, orientation and mass
 - c. Minor modifications to the plan that do not otherwise conflict with the elements listed above, may be made to ensure compliance with the Zoning Ordinance.
2. The applicant shall install and maintain traffic control devices including, but not limited to, signage and pavement markings at the entrance and exit points of the drive-through lanes, subject to county engineer approval to ensure appropriate and safe travel patterns.
3. The use shall not commence prior to the issuance of a Certificate of Appropriateness by the Architectural Review Board.
4. The use shall commence on or before September 9, 2018 or the permit shall expire and be of no effect

**RESOLUTION TO APPROVE
SP 2010-17 ALL GOD'S CHILDREN CHILD DEVELOPMENT CENTER**

WHEREAS, Christ Church is the record owner (the "Owner") of Tax Map and Parcel Number 12200-00-00-002A0; and

WHEREAS, the Owner submitted an application for a Special Use Permit, and the application is identified as Special Use Permit 2010-00017 All God's Children Child Development Center ("SP 2010-17"); and

WHEREAS, on August 4, 2015, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2010-17 with modified conditions; and

WHEREAS, on September 9, 2015, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2010-17.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2010-17 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code §§ 18-10.2.2.7 and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2010-17, subject to the conditions attached hereto.

SP-2010-17 All God's Children Child Development Center

1. Development of the use shall be in general accord with the conceptual plan titled "All God's Children Child Development Center," revised 7/23/15, (hereafter, the "Conceptual Plan") as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, the development shall reflect the following major elements within the development essential to the design of the development:
 - Use of the existing building; no new structures shall be used for the day-care useMinor modifications to the Plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.
2. Maximum enrollment shall be thirty-four (34) children.
3. The permittee shall obtain written approval of the entrance design from the Virginia Department of Transportation prior to the County issuing a zoning clearance and the permittee commencing the use.
4. The permittee shall obtain written approval of the water supply and the onsite sewage system from the Virginia Department of Health prior to the County issuing a zoning clearance and the permittee commencing the use.
5. All outdoor lighting at the site shall either emit three thousand (3,000) lumens or less or be a full cutoff luminaire.
6. The use shall commence on or before September 9, 2018 or the permit shall expire and be of no effect.