

ACTIONS Board of Supervisors Meeting of December 2, 2015		
		December 4, 2015
<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>VIDEO</u>
1. Call to Order. Meeting was called to order at 1:05 p.m., by the Chair, Ms. Dittmar. All BOS members were present. Also present were Tom Foley, Larry Davis, Ella Jordan and Travis Morris.		Link to video
4. Adoption of Final Agenda. ADOPTED by a vote of 6:0.		
5. Brief Announcements by Board Members. <u>Ann Mallek:</u> - Announced that the Chestnut Grove Baptist Church, Earlysville, was recently celebrated by the Jamestown Chapter of the National Society of Colonial Dames XVII for its constant existence since 1773. - Reported on her attendance at a planning meeting held by the Chamber's Defense Affairs Committee. - Asked what happened to solarized program in the schools. <u>Jane Dittmar:</u> - Provided update on VanClief Natural area, a new park within the Town of Scottsville. - Announced that she and Ms. Palmer attended the first meeting of the 5th and Avon Street Advisory Committee. - Reported on the TJPDC regional legislative meeting held on December 1st.		
6. Recognitions: a. 2015 Green Government Challenge. HELD. b. Downtown Crozet Streetscape Project, Phase 2 – Virginia Transportation Construction Alliance 2015 Transportation Engineering Awards. HELD.		
7. From the Public: Matters Not Listed for Public Hearing on the Agenda. <u>Scott Leake</u>, from Congressman Hurt's office, extended appreciation to Ms. Dittmar and Mr. Boyd for their service on the Board. <u>Stacey Norris</u>, Co-President of Voices for Animals, and Founder/Director of the HOW Project, provided an update on their work. <u>Pete Caramanis</u>, representing Route 29 LLC, spoke about funding of the new JAUNT commuter route. <u>Lesley Fore</u>, Associate Director of LEAP, provided an update on their activities. <u>Neil Williamson</u>, President of the Free Enterprise Forum, spoke about the need for the County to proceed with taking action on amending the cash proffer process.		
8.2 FY 2016 Appropriations. Moved to regular agenda.		

8.3	Bent Creek Road, Road Name Change. APPROVED changing the road name of Brent Creek Road to 5th Street Station Parkway and AUTHORIZED staff to implement the change.	<u>Community Development:</u> Proceed as directed.	
8.4	Resolution to accept road(s) in Luxor Subdivision into the State Secondary System of Highways. (<i>Rivanna Magisterial District</i>) ADOPTED resolution.	<u>Clerk:</u> Forward copy of signed resolution to County Engineer. (Attachment 1)	
8.5	Resolution of Intent to amend Drive-Through Window Regulations. ADOPTED Resolution.	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 2)	
8.6	Fiscal Year 2016 County of Albemarle and State Health Department Local Government Agreement. ADOPTED resolution to approve FY 16 County of Albemarle and State Health Department Local Government Agreement and AUTHORIZED the County Executive to execute that agreement.	<u>Clerk:</u> Forward copy of signed resolution to County Attorney's office. <u>County Attorney:</u> Provide Clerk with copy of executed agreement. (Attachment 3)	
8.a	FY 2016 Appropriations. ADOPTED, by a vote of 6:0, resolution to approve appropriations #2016042, #2016044, #2015045, #2016046, #2016047, and #2016048 for local government and school division projects and programs. ADOPTED, by a vote of 4:1(Boyd):1(Sheffield recused), resolution to approve appropriation #2016041.	<u>Clerk:</u> Notify OMB, Finance and appropriate individuals. Forward copy of signed resolution to OMB and County Attorney's office. (Attachment 4) <u>Clerk:</u> Notify OMB, Finance and appropriate individuals. Forward copy of signed resolution to OMB and County Attorney's office. (Attachment 5)	
9.	Emerson Commons, private central sewer system. ADOPTED, by a vote of 6:0, resolution approving the installation of a common pump station subject to conditions. CONSENSUS to continue conversation with ACSA regarding maintenance. - Ms. McKeel asked about a future discussion of older properties in the urban ring that have failing septic systems and the inability of homeowners to pay to connect to the ACSA, and the role of the Health Department.	<u>Clerk:</u> Forward copy of signed resolution to County Engineer and County Attorney's office. (Attachment 6)	
10.	<u>Work Session:</u> Five Year Financial Plan. HELD.		
	Recess. Board recessed at 3:50 p.m., and reconvened at 4:05 p.m.		
11.	<u>Work Session:</u> Economic Development Work Plan and Strategic Plan. By a vote of 6:0, APPROVED the proposed comprehensive approach needed to develop an Economic Development Strategic Plan for the County; and ADOPTED Resolution to approve Appropriation #2016049 to appropriate \$25,000 to be used for the professional services needed to complete the County's Economic Development Strategic Plan.	<u>Clerk:</u> Notify OMB, Finance and appropriate individuals. Forward copy of signed resolution to OMB and County Attorney's office. (Attachment 7)	
12.	FY15 Comprehensive Annual Financial Report (CAFR). By a vote of 6:0, ACCEPTED the FY15 Comprehensive Annual Financial Report.		

13.	Board-to-Board, December 2015, <i>A Monthly Report from the Albemarle County School Board to the Albemarle County Board of Supervisors.</i> • RECEIVED.		
14.	Route 29 Solutions Project Delivery Advisory Panel (PDAP) Monthly Update. • RECEIVED.		
15.	Closed Meeting. • NOT HELD.		
16.	Certify Closed Meeting. • REMOVED.		
17.	Recognitions: a. Citizens Resource Advisory Committee. • Recognized Committee members present. b. Long Range Solid Waste Solutions Advisory Committee. • Recognized Committee members present. c. Water Resources Funding Advisory Committee. • Recognized Committee members present.		
18.	From the Public: Matters Not Listed for Public Hearing on the Agenda. • There were none.		
19.	<u>Pb. Hrg: PROJECT: ZMA-2015-00004. Commonwealth Senior Living.</u> • By a vote of 6:0, ADOPTED ordinance approving ZMA-2015-00004 Commonwealth Senior Living.	Clerk: Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 8)	
20.	<u>Pb. Hrg: Agricultural and Forestal Districts.</u> Ordinance to amend Division 2, Districts, of Article II, Districts of Statewide Significance, of Chapter 3, Agricultural and Forestal Districts, of the Albemarle County Code, to add lands to certain districts, and to create certain districts, as specified below: a. <u>AFD201500001 Moorman's River Addition – Rinehart.</u> b. <u>AFD201500002 Jacob's Run Addition – Dick.</u> c. <u>AFD201500003 Blue Run Addition – Carpenter.</u> d. <u>AFD-2015-00004. Green Mountain District Creation.</u> e. <u>AFD-2015-00005. Eastham Addition – Henry.</u> f. <u>AFD-2015-00006. Carter's Bridge Addition – Frank.</u> g. <u>AFD-2015-00007. Hardware Addition – Keeling.</u> h. <u>AFD-2015-00008. Lanark Addition – Vernon.</u> i. <u>AFD-2015-00009. Keswick Addition – Aiello.</u> j. <u>AFD-2015-00010. Jacobs Run Addition – Collins.</u> k. <u>AFD-2015-00011. Keswick Addition – Traylor.</u> l. <u>AFD-2015-00012. Moorman's River Addition – McMurdo.</u> • By a vote of 6:0, ADOPTED ordinance dated November 9, 2015 amending Chapter 3 of the Albemarle County Code approving the additions to the Blue Run, Carter's Bridge, Eastham, Hardware, Jacob's Run, Keswick,	Clerk: Forward copy of signed ordinance to Community Development and County Attorney's office. Prepare letters for Chair's signature. (Attachment 9)	

	Lanark and Moormans River Agricultural and Forestal Districts, and the creation of the Green Mountain Agricultural and Forestal District.		
21.	From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Liz Palmer:</u> - In preparation for the Legislative meeting, discussed the County's initiative to get equal taxing authority to cities. <u>Ann Mallek:</u> - Mentioned potential issues with the fire code and the width of some streets that have been approved in accordance with the County's neighborhoods. Asked Boards members to consider requesting allowances. - Questioned the idea of working on and having a Utility Corridor.		
22.	From the County Executive: Report on Matters Not Listed on the Agenda. <u>Tom Foley:</u> Reminded Board members of the start times for the December 9, 2015 and January 13, 2016, Board work sessions.		
23.	Adjourned to December 4, 2015, 12:00 noon, Room 241. The meeting was adjourned at 9:16 p.m.		

ewj/tom

Attachment 1 – Resolution to accept road(s) in Luxor Subdivision into the State Secondary System of Highways

Attachment 2 – Resolution of Intent to amend Drive-Through Window Regulations

Attachment 3 – Resolution to approve FY 16 County of Albemarle and State Health Department Local Government Agreement

Attachment 4 – Resolution to approve appropriations #2016042, #2016044, #2015045, #2016046, #2016047, and #2016048 (without JAUNT)

Attachment 5 – Resolution to approve appropriation #2016041 (JAUNT)

Attachment 6 – Resolution and conditions to approve Emerson Commons

Attachment 7 – Resolution to approve Appropriation #2016049

Attachment 8 – Ordinance No. 15-A(6) ZMA-2015-00004 Commonwealth Senior Living

Attachment 9 – Ordinance No. 15-3(1)

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 2nd day of December, 2015, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Luxor Subdivision**, as described on the attached Additions Form AM-4.3 dated **December 2, 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 **Luxor Subdivision**, as described on the attached Additions Form AM-4.3 dated **December 2, 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.

* * * * *

The road(s) described on Additions Form AM-4.3 is:

- 1) **Rolkin Road (State Route 1779)** from Route 250 (Richmond Road) north to Route 1770 (Olympia Drive), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3530, page 111, for a length of 0.54 miles.
- 2) **Verona Drive (Extended) (State Route 1771)** from Route 1773 (Treviso Lane, southwest to Route 1779 (Rolkin Road), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3520, pages 644-660, for a length of 0.22 miles.

Total Mileage – 0.76

RESOLUTION OF INTENT

WHEREAS, drive through windows are currently authorized by special use permit in various commercial districts under the Albemarle County Zoning Ordinance; and

WHEREAS, applications for special use permits for drive through windows, for the most part, do not raise concerns about their potential adverse impacts from abutting landowners and other members of the public, and the conditions imposed in conjunction with such special use permits are now relatively standard; and

WHEREAS, staff researched best practices for drive through windows in conjunction with a recent application for such a special use permit and the conclusions from that research resulted in revised conditions that could serve as performance standards for drive through windows; and

WHEREAS, in order to improve efficiency in the development process while ensuring that any potential adverse impacts from drive through windows are addressed through performance standards, it may be desirable to amend the Albemarle County Code § 18-5 to establish performance standards for drive through windows and to amend the district to allow drive through windows by right, rather than by special use permit, subject to the proposed performance standards.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code §§ 18-5, 18-20, 18-20A, 18-20B, 18-22, 18-23, 18-24, 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 shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendations to the Board of Supervisors, at the earliest possible date.

**RESOLUTION TO APPROVE THE FY16 AGREEMENT
BETWEEN THE COUNTY OF ALBEMARLE AND
THE COMMONWEALTH OF VIRGINIA DEPARTMENT OF HEALTH**

WHEREAS, the Board finds it is in the best interest of the County to enter into an Agreement with the Commonwealth of Virginia Department of Health for the operation of the local Thomas Jefferson Health District Health Department.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to Virginia Code § 32.1-31, the Board of Supervisors of Albemarle County, Virginia hereby approves the FY 16 Agreement between the County of Albemarle and the Commonwealth of Virginia Department of Health and authorizes the County Executive to execute it on behalf of the County in a form approved by the County Attorney.

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH**

STATEMENT OF AGREEMENT WITH the Board of Supervisors of Albemarle County

Under this agreement, which is created in satisfaction of the requirements of § 32.1-31 of the **Code of Virginia** (1950), as amended, the Virginia Department of Health, over the course of one fiscal year, will pay an amount not to exceed \$827,005, from the state general fund to support the cooperative budget in accordance with appropriations by the General Assembly, and in like time frame, the **Board of Supervisors of Albemarle County** will provide by appropriation and in equal quarterly payments a sum of \$640,828 local matching funds and \$0 one-hundred percent local funds for a total of \$640,828 local funds. These joint funds will be distributed in timely installments, as services are rendered in the operation of the **Albemarle County** Health Department, which shall perform public health services to the Commonwealth as indicated in Attachment A(1.), and will perform services required by local ordinances as indicated in Attachment A(2.). Payments from the local government are due on the third Monday of each fiscal quarter.

The term of this agreement begins July 1, 2015. This agreement will be automatically extended on a state fiscal year to year renewal basis under the terms and conditions of the original agreement unless written notice of termination is provided by either party. Such written notice shall be given at least 60 days prior to the beginning of the fiscal year in which the termination is to be effective. Any increase or decrease in funding allocation shall be made by an amendment to this agreement.

The parties agree that:

1. Under this agreement, as set forth in paragraphs A, B, C, and D below, the Commonwealth of Virginia and the Virginia Department of Health shall be responsible for providing liability insurance coverage and will provide legal defense for state employees of the local health department for acts or occurrences arising from performance of activities conducted pursuant to state statutes and regulations.
 - A. The responsibility of the Commonwealth and the Virginia Department of Health to provide liability insurance coverage shall be limited to and governed by the Self-Insured General Liability Plan for the Commonwealth of Virginia, established under § 2.2-1837 of the Code of Virginia. Such insurance coverage shall extend to the services specified in Attachments A(1.) and A(2.), unless the locality has opted to provide coverage for the employee under the Public Officials Liability Self-Insurance Plan, established under § 2.2-1839 of the Code or under a policy procured by the locality.
 - B. The Commonwealth and the Virginia Department of Health will be responsible for providing legal defense for those acts or occurrences arising from the performance of those services listed in Attachment A(1.), conducted in the performance of this contract, as provided for under the Code of Virginia and as provided for under the

terms and conditions of the Self-Insured General Liability Plan for the Commonwealth of Virginia.

- C. Services listed in Attachment A(2.), any services performed pursuant to a local ordinance, and any services authorized solely by Title 15.2 of the Code of Virginia, when performed by a state employee, are herewith expressly excepted from any requirements of legal defense or representation by the Attorney General or the Commonwealth. For purposes of assuring the eligibility of a state employee performing such services for liability coverage under the Self-Insured General Liability Plan of the Commonwealth of Virginia, the Attorney General has approved, pursuant to § 2.2-507 of the Code of Virginia and the Self-Insured General Liability Plan of the Commonwealth of Virginia, the legal representation of said employee by the city or county attorney, and the **Board of Supervisor of Albemarle County** hereby expressly agrees to provide the legal defense or representation at its sole expense in such cases by its local attorney.
 - D. In no event shall the Commonwealth or the Virginia Department of Health be responsible for providing legal defense or insurance coverage for local government employees.
- 2. Title to equipment purchased with funds appropriated by the local government and transferred to the state, either as match for state dollars or as a purchase under appropriated funds expressly allocated to support the activities of the local health department, will be retained by the Commonwealth and will be entered into the Virginia Fixed Asset Accounting and Control System. Local appropriations for equipment to be locally owned and controlled should not be remitted to the Commonwealth, and the local government's procurement procedures shall apply in the purchase. The locality assumes the responsibility to maintain the equipment and all records thereon.
 - 3. Amendments to or modifications of this contract must be agreed to in writing and signed by both parties.

Marissa J. Levine, MD MPH
State Health Commissioner
Virginia Department of Health

Local authorizing officer signature

Authorizing officer printed name

Authorizing officer title

Date

Date

**RESOLUTION TO APPROVE
ADDITIONAL FY 16 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2016042, #2016044, #2016045, #2016046, #2016047, and #2016048 are approved; and
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2016.

**RESOLUTION TO APPROVE
ADDITIONAL FY 16 APPROPRIATION**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriation #2016041 is approved; and
- 2) That the appropriation referenced in Paragraph #1, above, is subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2016.

**RESOLUTION TO APPROVE SDP 2008-00074 BLUE RIDGE COHOUSING
APPLICATION TO INSTALL A PRIVATE CENTRAL SEWER SYSTEM
ON TAX MAP AND PARCEL NUMBER 05600-00-00-067A0
UNDER CHAPTER 16 OF THE ALBEMARLE COUNTY CODE**

WHEREAS, Blue Ridge Cohousing LLC was the owner of Tax Map and Parcel Number 05600-00-00-067A0 (the "Property") when the Board approved a rezoning of the Property in 2007 and when a site plan application was submitted (SDP 2008-00074 Blue Ridge Cohousing); and

WHEREAS, Sheeflee, LLC (the "Owner") is the current record owner of the Property and has submitted an application to install a common pump station on the Property, which is subject to review and approval by the Albemarle County Board of Supervisors as a private central sewer system under Chapter 16 of the Albemarle County Code; and

WHEREAS, on December 2, 2015, the Albemarle County Board of Supervisors considered the Owner's application to install a private central sewer system on the Property.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for Sheeflee, LLC's application, and all of its attachments, the information presented at the Board meeting, and the recommendation of the County Engineer under Albemarle County Code §§ 16-100 et seq., the Albemarle County Board of Supervisors hereby approves Sheeflee, LLC's application to install a private central sewer system on the Property, subject to the conditions attached hereto.

* * *

SDP-2008-00074 Blue Ridge Cohousing Conditions

1. The sewerage facility shall be constructed in accord with the Plan Sheets C4-01 and C4-02, attached hereto, provided that the final plans shall be subject to approval by the County Engineer before starting construction of the system.
2. The sewerage facility shall be either bonded with the County or its construction shall be completed prior to issuance of any building permits for dwelling units to be served by this sewerage facility.
3. The operation and maintenance of the sewerage system shall be the responsibility of the Owner of tax map and parcel number 05600-00-00-067A0.
4. The Owner shall provide the County Engineer annual documentation of maintenance that demonstrates compliance with all State operation and maintenance requirements.
5. In conjunction with the sale of each condominium unit, the Emerson Commons Condominium Unit Owners' Association (hereinafter, the "Association," and which includes any successor) shall disclose to the buyer in writing that the condominium unit is served by a central sewerage system and that the Association is obligated to operate, maintain, and replace the central sewerage system at its sole expense. In addition, in January of each calendar year, the Association shall provide written notice to each condominium unit owner that the condominium unit is served by a central sewerage system and that the Association is obligated to operate, maintain, and replace the central sewerage system at its sole expense. The form and substance of the disclosure statement and notice shall be subject to the prior approval of the County Attorney. Copies of the written disclosure at the time of sale and the annual notice and a certification that the disclosure has been properly delivered shall be provided to the Director of the Department of Community Development, 401 McIntire Road, Charlottesville, Virginia, 22902 within thirty (30) days after the sale of the condominium unit or the annual notice.

**RESOLUTION TO APPROVE
ADDITIONAL FY 16 APPROPRIATION**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriation #2016049 is approved; and
- 2) That the appropriation referenced in Paragraph #1, above, is subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2016.

**ORDINANCE NO. 15-A(6)
ZMA 2015-00004 COMMONWEALTH SENIOR LIVING**

**AN ORDINANCE TO AMEND THE ZONING MAP
FOR TAX MAP AND PARCEL NUMBER 07800-00-00-055A1**

WHEREAS, the application to amend the zoning map for Tax Map and Parcel Number 07800-00-00-055A1, (the "Property"), is identified as ZMA 2015-00004, Commonwealth Senior Living ("ZMA 2015-04"); and

WHEREAS, the zoning of the Property, together with Tax Map and Parcel Number 07800-00-00-055A5 ("TMP 78-55A5"), was amended by ZMA 1999-01 on January 12, 2000, to rezone the Property from R-10 to PRD to allow assisted living and independent living uses; and

WHEREAS, the zoning of the Property, together with TMP 78-55A5, was again amended by ZMA 2001-11 on October 3, 2001 with revised Proffers to allow road access; and

WHEREAS, ZMA 2015-04 proposes to amend the Proffers and the Application Plan applicable to the Property in order to increase the number of allowable assisted living and independent living units from 100 to up to 140; and

WHEREAS, on October 20, 2015, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2015-04, provided that technical revisions were made to the proffers, and such revisions have since been made.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the staff report prepared for ZMA 2015-04 and its attachments, including the proffers revised after the Planning Commission public hearing, the information presented at the public hearing, the material and relevant factors in Virginia Code § 15.2-2284, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2015-04 with the Proffers dated November 23, 2015, and the Application Plan dated July 6, 2015, with sheets 1 and 3 of 3 last revised September 25, 2015 and sheet 2 revised August 17, 2015, and the zoning map for Tax Map and Parcel Number 07800-00-00-055A1 is amended accordingly.

Original Proffers _____
Amendment X

PROFFER STATEMENT

ZMA No. 2015-00004 Commonwealth Senior Living Proffer Amendment

Tax Map and Parcel Number(s): **07800-00-00-055A1**

Owner(s) of Record: **Osprey/Pantops Place LLC**

Date of Proffer Signature: November ²³ 23 , 2015, last revised November 5, 2015

3.851 acres zoned PRD

Osprey/Pantops Place LLC is the owner ("Owner") of Tax Map and Parcel Number **07800-00-00-055A1** which is subject to this zoning map amendment (the "Property"). The Property is a portion of the property that was the subject of rezoning applications ZMA 1999-001 and ZMA 2001-011, for a project then known as "Pantops Place," (the "Pantops Place Rezoning"). The portion of the overall Pantops Place Rezoning property affected by these Proffers consists of an existing building of approximately 110,000 square feet that will be internally reconfigured to convert various independent living units into assisted living units to result in a greater number of assisted living units than that which was envisioned in ZMA 2001-011 and will now be referred to as "Commonwealth Senior Living" (the "Project").

ZMA 1999-001 and ZMA 2001-011 also pertained to Tax Map and Parcel Number 07800-00-00-055A5. Pantops Place Limited Partnership is the owner of Tax Map and Parcel Number 07800-00-00-055A5 which consists principally as open space (the "Open Space"). The Property and the Open Space were subject to Proffers dated January 5, 2000 and August 28, 2001 (the "Previous Proffers") as part of the actions approving rezoning applications ZMA 1999-001 and ZMA 2001-011. These Proffers are intended to amend the Previous Proffers as they relate to the **Property** only; the Open Space therefore will still be subject to the Previous Proffers, to the extent applicable, unless or until the Previous Proffers are amended with respect to the Open Space.

Pursuant to Section 33 of the Albemarle County Zoning Ordinance, the Owner hereby voluntarily proffers the conditions listed below which shall be applied to the Property if it is rezoned to the zoning district identified above. These conditions are proffered as a part of the proposed rezoning, and the Owner acknowledges that the conditions are reasonable.

1. Residential density limits shall be as follows:

The building containing the Assisted Living units and the Independent Living units will be no greater than 110,000 square feet. The total number of Assisted Living units and Independent Living units together shall not exceed **140**. The Owner reserves the right to adjust the ratio of Assisted Living to Independent Living units for this site based on the parking requirements as described on sheet 3 of the Application Plan.

2.

- a) Vehicular access to the Property from Route 250 East shall be limited to a single location via Pantops Mountain Place, as shown on the Application Plan.

- b) The Owner shall provide for access to the adjoining property described as Albemarle County Tax Map 78, parcel 55A7 in the general location shown on that certain Application Plan for Peter Jefferson Overlook, dated October 18, 2010, attached.
 - c) The Owner shall provide shuttle service at a minimum of three (3) times a week to convey residents to appointments, shopping, and other destinations.
3. The Owner shall maintain a 15 foot wide buffer on the property along its entire common boundary with the Glenorchy subdivision as shown on the Application Plan prepared by McKee Carson, entitled Pantops Place, sheet 2 of 3, dated October 18, 1999. The 15 foot buffer shall be shown on any approved site plan for the Property. The purpose of this buffer is to ensure the preservation of an existing fieldstone wall and a mature hedgerow along this common boundary line. The existing fieldstone wall shall not be removed or modified. No plant removal, other than dead, diseased or noxious vegetation shall take place in this area. Only limited grading as shown on the approved site plans shall be permitted, and new beneficial plant material may be sensitively introduced to augment the efficacy of the hedgerow as a screening element. Pedestrian access to this area shall not be restricted.
4. The Owner shall not disturb the existing natural and landscaped screening along or adjacent to the Glenorchy subdivision, to ensure that the service areas for existing or future buildings will be properly screened from the Glenorchy subdivision.

This Proffer Statement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same instrument.

WITNESS the following signatures:

OWNER:

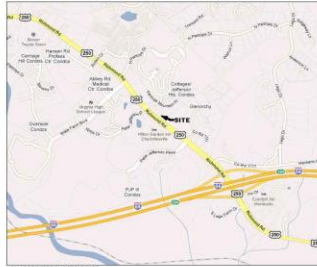
Osprey/Pantops Place LLC, a Delaware limited liability company

By: 
Richard G. Corey, President

ZMA APPLICATION PLAN 201500004 FOR
COMMONWEALTH SENIOR LIVING
TAX MAP 78, PARCEL 55A1
RIVANNA DISTRICT, ALBEMARLE COUNTY, VIRGINIA

SETHUP ENGINEERING, P.C.
ENGINEERING - LAND PLANNING - PROJECT MANAGEMENT
P.O. Box 1113, Charlottesville, VA 22902-1113
Tel: 800.828.7272 Fax: 434.283.7272
www.sethup-engineering.com

VICINITY MAP SCALE: 1"=1,000'



SHEET INDEX

- C1 - COVER SHEET
- C2 - REGIONAL CONTEXT MAP
- C3 - APPLICATION PLAN

PROPERTY INFORMATION

OWNER: COMMONWEALTH SENIOR LIVING
PROJECT: COMMONWEALTH SENIOR LIVING
PROJECT ADDRESS: 10000 I-66
PROJECT CITY: CHARLOTTESVILLE, VA
PROJECT STATE: VA
PROJECT ZIP: 22902
PROJECT COUNTY: ALBEMARLE
PROJECT DISTRICT: RIVANNA
PROJECT ZONE: ZMA99-01

BASE INFORMATION

APPLICANT: COMMONWEALTH SENIOR LIVING
APPLICANT ADDRESS: 10000 I-66
APPLICANT CITY: CHARLOTTESVILLE, VA
APPLICANT STATE: VA
APPLICANT ZIP: 22902
APPLICANT COUNTY: ALBEMARLE
APPLICANT DISTRICT: RIVANNA
APPLICANT ZONE: ZMA99-01
APPLICANT PHONE: 434.283.7272
APPLICANT FAX: 434.283.7272
APPLICANT EMAIL: info@sethup-engineering.com

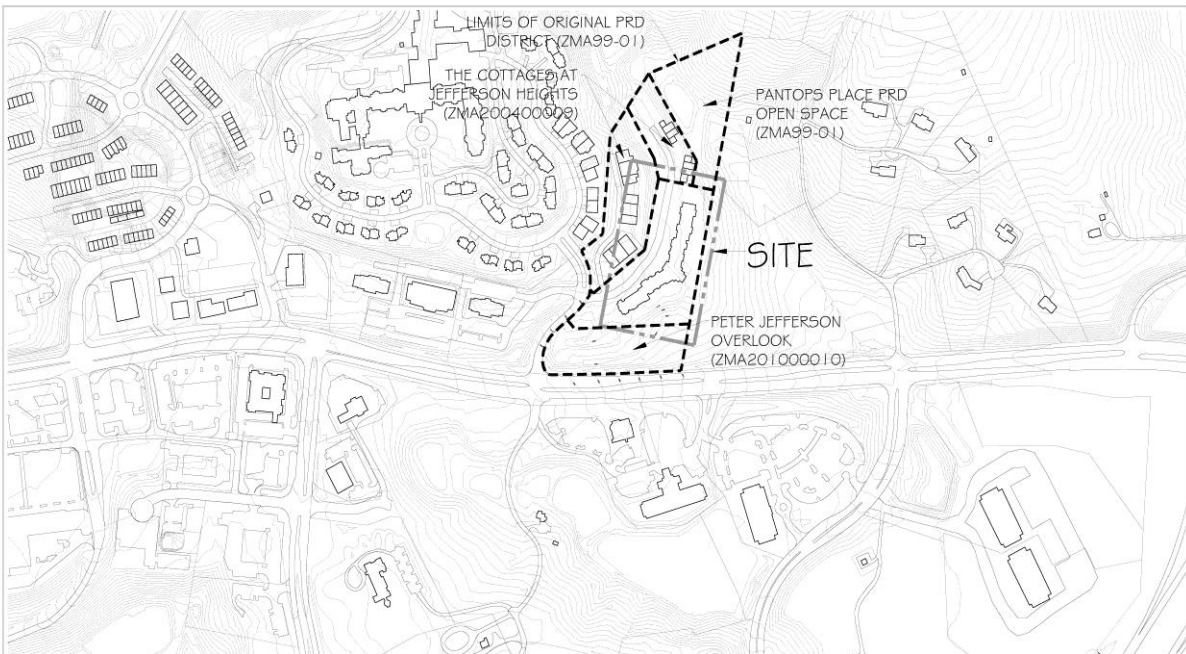
APPLICATION PLAN NOTES:

THIS APPLICATION IS SUBMITTED IN ACCORDANCE WITH THE ZONING ORDINANCE OF ALBEMARLE COUNTY, VIRGINIA, AND THE ZONING MAP OF ALBEMARLE COUNTY, VIRGINIA. THE APPLICANT REQUESTS A ZONING MAP AMENDMENT TO REZONE THE PROJECT SITE FROM ZONE ZMA99-01 TO ZONE ZMA201000010. THE APPLICANT REQUESTS A ZONING MAP AMENDMENT TO REZONE THE PROJECT SITE FROM ZONE ZMA99-01 TO ZONE ZMA201000010. THE APPLICANT REQUESTS A ZONING MAP AMENDMENT TO REZONE THE PROJECT SITE FROM ZONE ZMA99-01 TO ZONE ZMA201000010.

COVER SHEET
DATE: 07/06/2015
SCALE: 1"=1,000'

APPLICATION PLAN FOR:
COMMONWEALTH SENIOR LIVING
ALBEMARLE COUNTY, VIRGINIA

Date: 07/06/2015
Scale: 1"=1,000'
Sheet No: 10 of 3
File No: 15.034

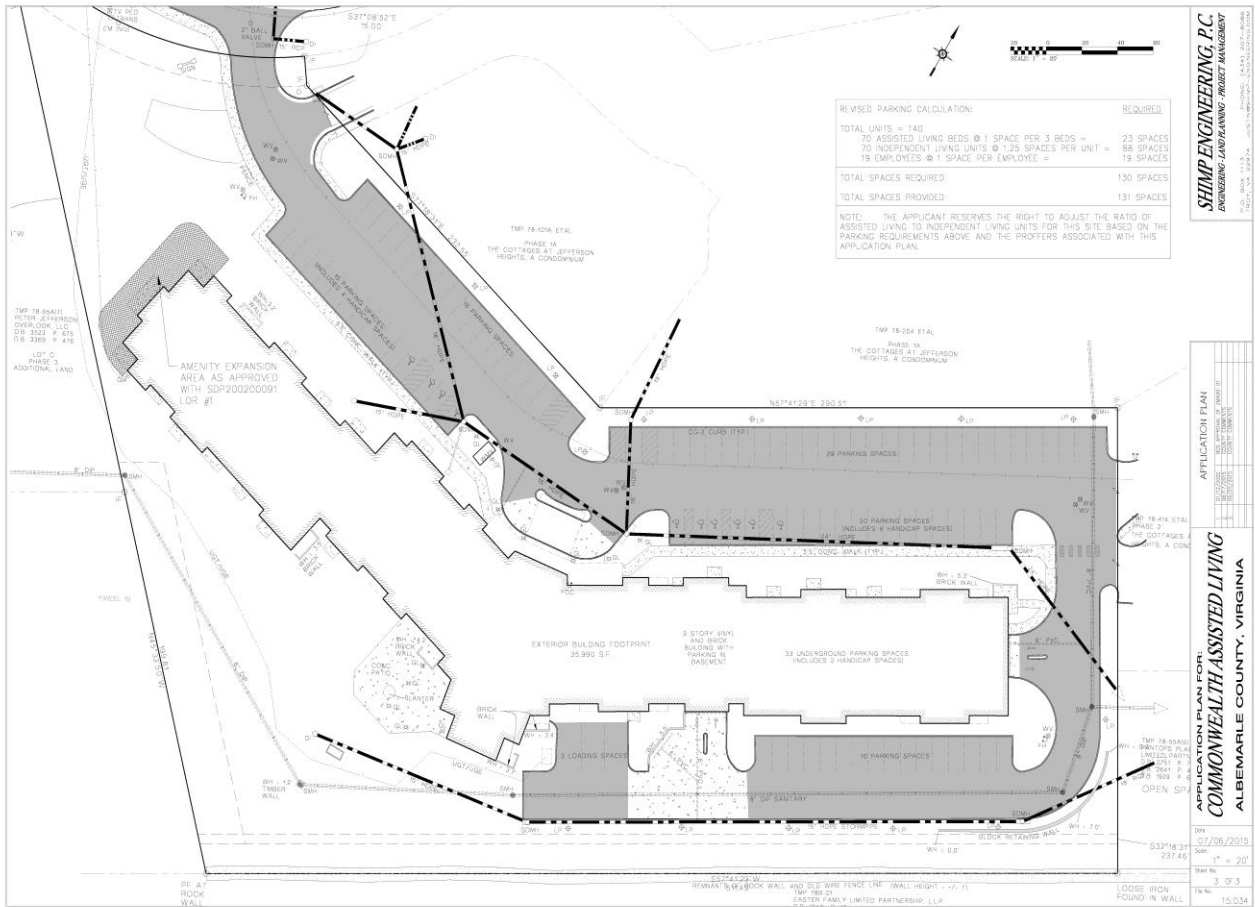


SETHUP ENGINEERING, P.C.
ENGINEERING - LAND PLANNING - PROJECT MANAGEMENT
P.O. Box 1113, Charlottesville, VA 22902-1113
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www.sethup-engineering.com

REGIONAL CONTEXT MAP
DATE: 07/06/2015
SCALE: 1"=1,000'

APPLICATION PLAN FOR:
COMMONWEALTH SENIOR LIVING
ALBEMARLE COUNTY, VIRGINIA

Date: 07/06/2015
Scale: 1"=1,000'
Sheet No: 2 of 3
File No: 15.034



ORDINANCE NO. 15-3(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, ARTICLE II, DISTRICTS OF STATEWIDE SIGNIFICANCE, DIVISION 2, DISTRICTS, 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 3, Agricultural and Forestal Districts, Article II, Districts of Statewide Significance, Division 2, Districts, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

By Amending:

Sec. 3-208 Blue Run Agricultural and Forestal District
 Sec. 3-210 Carter's Bridge Agricultural and Forestal District
 Sec. 3-212 Eastham Agricultural and Forestal District
 Sec. 3-214 Hardware Agricultural and Forestal District
 Sec. 3-218 Jacob's Run Agricultural and Forestal District
 Sec. 3-219 Keswick Agricultural and Forestal District
 Sec. 3-221 Lanark Agricultural and Forestal District
 Sec. 3-222 Moorman's River Agricultural and Forestal District

By Adding:

Sec. 3-213.6 Green Mountain Agricultural and Forestal District

CHAPTER 3. AGRICULTURAL AND FORESTAL DISTRICTS
ARTICLE II. DISTRICTS OF STATEWIDE SIGNIFICANCE
DIVISION 2. DISTRICTS

Sec. 3-208 Blue Run Agricultural and Forestal District.

The district known as the "Blue Run Agricultural and Forestal District" consists of the following described properties: Tax map 22, parcel 10; tax map 35, parcels 22, 23, 24A, 26, 26B, 26B1, 26C, 26D, 28A, 29, 31, 32A, 37A1, 41A, 41A1, 41E, 43; tax map 36, parcels 6A, 9, 20; tax map 49, parcels 4A1, 4A5, 24, 24A, 24B; tax map 50, parcels 5, 5B, 32A, 41A, 41Q, 42A, 42A1, 43, 45B, 47, 47A, 47B; tax map 51, parcels 13, 14. This district, created on June 18, 1986 for not more than 8 years, since amended at its last review on December 5, 2012 to continue for not more than 10 years, shall next be reviewed prior to December 5, 2022.

(5-11-94; 7-13-94; 4-12-95; Code 1988, § 2.1-4(d); Ord. 98-A(1), 8-5-98; Ord. 01-3(3), 8-8-01; Ord. 02-3(3), 7-10-02; Ord. 09-3(4), 12-2-09; Ord. 10-3(3), 12-1-10; Ord. 11-3(2), 7-6-11; Ord. 11-3(4), 12-7-11; Ord. 12-3(2), 12-5-12)

Sec. 3-210 Carter's Bridge Agricultural and Forestal District.

The district known as the "Carter's Bridge Agricultural and Forestal District" consists of the following described properties: Tax map 101, parcels 55A, 60; tax map 102, parcels 17A, 17B, 17B1, 17C, 17D, 18, 19, 19A, 19C, 20B; tax map 111, parcel 48; tax map 112, parcels 1, 3, 15, 15A, 16E, 16E1, 16E2, 16F2, 16J, 16K, 18H, 19E, 19F, 20, 21, 33A, 37D; tax map 113, parcels 1, 1A, 6A, 11A, 11F, 11F1, 11F2, 11F3, 11G, 11G1, 11G2, 11G3, 11H, 11I, 11J, 11K; tax map 114, parcels 2, 25A, 30, 31B, 31C, 31D, 51, 55, 56, 57, 57C, 57D, 67C, 67D, 67E, 67F, 67G, 67H, 67H1, 17I(part), 68, 69, 70; tax map 115, parcel 10; tax map 122, parcels 4, 4A, 6, 7, 8, 9, 10, 12, 12D, 12E, 12N, 18D, 33, 33A, 36; tax map 123, parcel 13B; tax map 124, parcel 11; tax map 130, parcel 19B. This district, created on April 20, 1988 for not more than 10 years and last reviewed on July 9, 2008, shall next be reviewed prior to July 9, 2018.

(Code 1988, § 2.1-4(j); Ord. 98-A(1), 8-5-98; Ord. 98-3(1), 9-9-98; Ord. 99-3(2), 2-10-99; Ord. 99-3(4), 5-12-99; Ord. 08-3(1), 7-9-08; Ord. 09-3(4), 12-2-09; Ord. 12-3(2), 12-5-12)

Sec. 3-212 Eastham Agricultural and Forestal District.

The district known as the "Eastham Agricultural and Forestal District" consists of the following described properties: Tax map 46, parcels 91B, 91C, 91E; tax map 47, parcel 17B; tax map 63, parcels 1, 1A, 1A1, 2, 4, 14G, 14H, 14I, 26, 26A, 27, 28, 28A, 30F, 30G, 41A, 41A1, 41A2. This district, created on October 2, 1985 for not more than 10 years and last reviewed on August 6, 2014, shall next be reviewed prior to August 6, 2024.

(12-8-93; 5-11-94; Code 1988, § 2.1-4(c); Ord. 98-A(1), 8-5-98; Ord. 04-3(2), 4-14-04; Ord. 09-3(4), 12-2-09; Ord. 14-3(1), 8-6-14)

Sec. 3-213.6 Green Mountain Agricultural and Forestal District.

The district known as the "Green Mountain Agricultural and Forestal District" consists of the following described properties: Tax map 120, parcels 15A, 15B, 16C, 18A, 18A1; tax map 121, parcel 2. This district, created on December 2, 2015 for not more than 10 years, shall next be reviewed prior to December 2, 2025.

(Ord. 15-3(1), 12-2-15)

Sec. 3-214 Hardware Agricultural and Forestal District.

The district known as the "Hardware Agricultural and Forestal District" consists of the following described properties: Tax map 72, parcel 51C; tax map 73, parcels 38, 39C7, 41A, 41B1, 41B2, 42, 42A, 43, 44; tax map 74, parcels 6H, 6N, 26, 28, 28B; tax map 75, parcels 4A, 5; tax map 86, parcels 14, 16, 16A, 16C, 16D, 16E, 16F, 16H, 27, 27A; tax map 87, parcels 10, 13A, 13E (part consisting of 89.186 acres), 16A; tax map 88, parcels 2A, 3M, 3R, 3T, 3U, 3V, 6A, 20A, 20B, 20C, 20D, 20F, 23, 23E, 23F, 24, 24A, 24B, 26B, 29, 40, 42; tax map 99, parcels 10(part), 29, 52, 52B. This district, created on November 4, 1987 for not more than 10 years and last reviewed on September 12, 2007, shall next be reviewed prior to September 12, 2017.

(Code 1988, § 2.1-4(h); Ord. No. 98-A(1), 8-5-98; Ord. 00-3(2), 7-12-00; Ord. 07-3(2), 9-12-07; Ord. 09-3(4), 12-2-09; Ord. 10-3(2), 7-7-10; Ord. 10-3(3), 12-1-10; Ord. 12-3(1), 7-11-12; Ord. 13-3(1), 12-4-13; Ord. 14-13(2), 11-12-14)

Sec. 3-218 Jacobs Run Agricultural and Forestal District.

The district known as the "Jacobs Run Agricultural and Forestal District" consists of the following described properties: Tax map 19, parcels 25, 25A; tax map 19A, parcels 9, 22, 31; tax map 20, parcels 6J, 6S; tax map 30, parcel 32B; tax map 31, parcels 1, 1B, 4K, 8, 8E, 16, 16B, 44C, 45, 45B. This district, created on January 6, 1988 for not more than 6 years, since amended to continue for not more than 10 years and last reviewed on December 2, 2009, shall next be reviewed prior to December 2, 2019.

(3-2-94; Code 1988, § 2.1-4(i); Ord. 98-A(1), 8-5-98; Ord. 00-3(1), 4-19-00; Ord. 09-3(4), 12-2-09; Ord. 10-3(2), 7-7-10; Ord. 11-3(2), 7-6-11; Ord. 13-3(1), 12-4-13)

Sec. 3-219 Keswick Agricultural and Forestal District.

The district known as the "Keswick Agricultural and Forestal District" consists of the following described properties: Tax map 48, parcels 30, 30A, 30B, 30C, 30D, 30E, 45, 46; tax map 63, parcels 39, 39A, 40, 42A; tax map 64, parcels 5, 7, 7A, 8A, 9, 10 10A, 10B, 10C, 10D, 11, 12, 13, 13A, 14; tax map 65, parcels 13, 14A, 14A1, 31C1, 31C3, 31D, 32; tax map 79, parcel 46; tax map 80, parcels 1, 2, 2A, 2C, 3A, 3A1, 3G, 3H, 3I, 4, 61D, 88, 114A, 115, 164, 169, 169A, 169C, 169C1, 174, 176, 176A, 182, 183A, 190, 192, 194; tax map 81, parcels 1, 8A, 11H, 15A6, 15B, 63, 69, 72, 73, 74, 79. This district, created on September 3, 1986 for not more than 10 years and last reviewed on November 12, 2014, shall next be reviewed prior to November 12, 2024.

(10-12-94; 4-12-95; 8-13-97; Code 1988, § 2.1-4(e); Ord. 98-A(1), 8-5-98; Ord. 04-3(3), 11-3-04; Ord. 09-3(4), 12-2-09; Ord. 10-3(3), 12-1-10; Ord. 11-3(4), 12-7-11; Ord. 12-3(1), 7-11-12; Ord. 13-3(1), 12-4-13; Ord. 14-3(2), 11-12-14)

Sec. 3-221 Lanark Agricultural and Forestal District.

The district known as the "Lanark Agricultural and Forestal District" consists of the following described properties: Tax map 90, parcels 12, 14A; tax map 90B, parcel A-11; tax map 91, parcels 21, 21A, 31; tax map 92, parcels 64, 64A, 64C; tax map 102, parcels 33, 35, 35A, 35B, 35C, 37, 40, 40B, 40C; tax map 103, parcels 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1H1, 1J, 1K, 1L, 1M, 2A, 2B, 2E, 3, 3A, 3B, 3C, 3G, 5, 9, 10A, 10B, 10D, 43, 43D, 43F, 43J, 43L, 43L1, 43M, 68 (part). This district, created on April 20, 1988 for not more than 10 years and last reviewed on July 9, 2008, shall next be reviewed prior to July 9, 2018.

(Code 1988, § 2.1-4(k); Ord. 98-A(1), 8-5-98; Ord. 98-3(1), 9-9-98; Ord. 99-3(2), 2-10-99; Ord. 99-3(5), 10-6-99; Ord. 08-3(1), 7-9-08; Ord. 09-3(4), 12-2-09)

Sec. 3-222 Moorman's River Agricultural and Forestal District.

The district known as the "Moorman's River Agricultural and Forestal District" consists of the following described properties: Tax map 27, parcels 32, 34, 34A, 40, 40A, 40A1, 42, 42A; tax map 28, parcels 2, 2A, 3, 4, 5, 6, 6A, 6B, 7A, 7A1, 7B, 8, 12, 12A, 12B, 13, 13A, 17A, 17C, 18, 25 (part), 30, 30A, 30A1, 30B, 32B, 32D, 34B, 35, 35B, 37A, 37B, 37C, 38; tax map 29, parcels 2C, 4E, 8, 8B, 8E, 8E1, 8J, 9, 10, 15C, 40B, 40C, 40D, 45, 45H1, 45H2, 49C, 50, 54A, 61, 62, 63, 63A, 63D, 67C, 69F, 70A, 70B, 70C, 70F, 70H1, 70K, 70L, 70M, 71, 71A, 74A, 76, 78, 78A1, 79C, 79E, 79F, 84, 85; tax map 30, parcels 10, 10A, 10C, 12, 12C, 12C1, 12D, 23; tax map 41, parcels 8, 8B, 8C, 8D, 9E, 15, 15A, 17C, 18, 19, 41C, 41H, 44, 50, 50C, 65A1, 67B, 70, 72, 72B, 72C, 72D, 72E, 72F, 89; tax map 42, parcels 5, 6, 6B, 8, 8C, 10, 10A, 10D, 37F, 37J, 38, 40, 40C, 40D, 40D1, 40G, 40H2, 41, 41B, 42B, 42B1, 43, 43A, 44; tax map 43, parcels 1, 1F, 2A1, 2B, 3A, 4D, 5, 5A, 9, 10, 16B2, 16B3, 18E4, 18G, 18J, 19I, 19N, 19P, 20A, 20B, 20C, 2I, 21A, 24, 25A, 25B, 30, 30A, 30B, 30B1, 30B2, 30B3, 30B4, 30G, 30H, 30M, 30N, 32H, 33, 33E, 34D1, 41, 42, 43, 44, 45, 45C, 45D; tax map 44, parcels 1, 2, 24, 26, 26A, 26B, 26C, 27B, 27C, 28, 29, 29A, 29D, 30, 30A, 30B, 31, 31A, 31A1, 31D, 31F, 31G, 31H; tax map 57, parcel 69; tax map 58, parcels 65A4, 65E, 65I; tax map 59, parcels 32, 32A, 34, 35, 82A; tax map 60E3, parcel 1. This district, created on December 17, 1986 for not more than 10 years and last reviewed on November 12, 2014, shall be next reviewed prior to November 12, 2024.

(4-14-93; 12-21-94; 4-12-95; 8-9-95; Code 1988, § 2.1-4(g); Ord. 98-A(1), 8-5-98; Ord. 99-3(4), 5-12-99; Ord. 00-3(1), 4-19-00; Ord. 04-3(4), 12-1-04; Ord. 05-3(2), 7-6-05; Ord. 08-3(2), 8-6-08; Ord. 09-3(4), 12-2-09; Ord. 10-3(2), 7-7-10; Ord. 14-3(2), 11-12-14)