

**RESOLUTION TO APPROVE
SP202300003 MILL CREEK LOT 11**

WHEREAS, upon consideration of the staff reports prepared for SP 202300003 Mill Creek Lot 11 and all of their attachments, including staff's supporting analysis, the information presented at the public hearings, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-26.2(a), 18-26.3, and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Planned Unit Development-Industrial Park zoning district, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan; and

WHEREAS, upon consideration of all of the foregoing, the Board further finds that:

- a. The purpose of the industrial district is consistent with the use that is proposed;
- b. The proposed use and its proposed size would be consistent with the intent of the applicable industrial district;
- c. The use proposed would not be located on the lowest floor of any building having direct exterior access to the ground surface in order to allow that floor to be used for industrial purposes;
- d. The aggregate gross floor area of the independent offices or general commercial uses, or both, would not exceed 24,000 square feet; and
- e. The structure or structure expansion would be constructed to the standards required for industrial structures, regardless of its intended use.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP 202300003 Mill Creek Lot 11, subject to the conditions attached hereto, including the revised concept plan.

* * *

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of a Resolution duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of _____ to _____, as recorded below, at a regular meeting held on _____.

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Andrews	_____	_____
Mr. Gallaway	_____	_____
Ms. LaPisto-Kirtley	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Price	_____	_____

SP202300003 Mill Creek Lot 11 Special Use Permit Conditions

1. Development and use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the concept plan entitled, “Special Use Permit Concept Plan + Exhibits SP2023-00003, Mill Creek Lot 11, TMP 76M1-11,” prepared by Shimp Engineering, P.C., dated April 17, 2023, last revised September 1, 2023. To be in general accord with the exhibit, development must reflect the following essential major elements:
 - a. Location of the proposed building
 - b. Location of the parking and loading areas
 - c. Location of the sidewalk

Minor modifications to the plan that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance and State and Federal laws, with the approval of the Zoning Administrator and the Director of Planning.

2. The independent office use must not exceed 11,000 square feet of space in the proposed building.