

A special meeting of the Board of Supervisors of Albemarle County, Virginia, was held on September 23, 2015, 6:00 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia. The meeting was called by notice of the Chair on September 11, 2015, for the purpose of discussing and taking action on CPA-2015-00001, boundary adjustment to the Southern Urban Neighborhood (Route 29/I-64 Interchange).

PRESENT: Mr. Kenneth C. Boyd, Ms. Jane D. Dittmar, Ms. Ann Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer and Mr. Brad L. Sheffield.

ABSENT: None.

OFFICERS PRESENT: County Executive, Thomas C. Foley, County Attorney, Larry W. Davis, and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. The meeting was called to order at 6:06 p.m., by the Chair, Ms. Dittmar.

Agenda Item No. 2. **CPA-2015-00001. Boundary Adjustment to the Southern Urban Neighborhood (Route 29/I-64 Interchange).** (continued discussion from September 9, 2015).

The executive summary as presented by staff states that on September 9, 2015, the Board of Supervisors held a public hearing on the above-noted CPA Boundary Adjustment to the Southern Urban Neighborhood. Following the public hearing, the Board deferred action and requested options for inclusion of only Tax Map Parcel 75-48 in the boundary adjustment, one inclusive of the entire parcel and the other inclusive of only that part of the parcel that is designated for Industrial use and intermingled Parks and Green Systems use within the reduced area, and options for inclusion of both Parcels 75-48 and 75-45C in the boundary adjustment, one inclusive of the entirety of both parcels and the other inclusive of only those parts of the two parcels that are designated for Industrial use and intermingled Parks and Green Systems use within the reduced area.

The intent of the Board's direction on September 9 was to consider boundary line adjustment options with less land area than advertised for public hearing that include options for which environmentally sensitive areas adjacent to the Hedgerow Park could remain in the Rural Areas rather than be included in the Development Areas as Parks and Green Systems. Attachments E, H, K and N are the land use maps reflective of the four (4) options requested by the Board on September 9 and are labeled 1a, 1b, 2a and 2b respectively. Attachments F, I, L and O are the corresponding text language for each of the referenced land use maps and are unchanged from the original language advertised for public hearing except for those sentences that are deleted in Options 1b and 2b because they would not be applicable based on the area being included in each option's boundary adjustment. In addition, for the Board's information, Attachment Q is a land use map reflective of only those parts of the entire area originally advertised for public hearing that are designated for Industrial use and intermingled Parks and Green Systems use within the reduced area.

While the Comprehensive Plan establishes expectations for the use of land and provision of infrastructure and services that impact both the future revenues and expenditures of the County, this CPA does not in and of itself have a budget impact.

After consideration of the options provided, staff recommends that the Board take action regarding CPA201500001 Boundary Line Adjustment to the Southern Urban Neighborhood in accordance with either: 1) the appropriately corresponding attached Resolution, Land Use Map and Text for an approval, or 2) Attachment P for disapproval.

Ms. Dittmar stated that this is a continuation of the public hearing of CPA 2015-0001 and said the Board had heard significant public comment about the item in addition to a staff presentation and Board discussion. She said the Board wanted some clarifications from staff on several matters, so they scheduled this special meeting to finish the public hearing.

Mr. Wayne Cilimberg, Acting Deputy Director of Community Development, addressed the Board and presented information on the area subject to the public hearing, including those areas designated for industrial use, parks and green systems. He stated out of the Board's discussion and public hearing, there were four options followed up on, with staff providing details and resolutions for each. Mr. Cilimberg stated that Option 1 was for Parcel 75-48 with some slivers of 75-53 on the western side of the existing development area, with about 35 acres of industrial and 48 acres of parks and green systems. He said Option 1-B would have the same industrial acreage but a much lesser amount of parks and green space intermingled in that area, with 32 acres of rural area remaining unchanged. Mr. Cilimberg stated Option 2 includes two parcels to the west of the existing development area, Parcels 48 and 45C, and their industrial acreage would amount to about 54 acres, with parks and green systems of 67 acres adjacent to the Hedgerow Park. He stated that Option 2-B would include the same industrial acreage but with the rural area remaining unchanged for most of the parks and green systems area, totaling about 48 acres, and with smaller parks and greenspace areas mingled in the industrial use area.

Ms. Faith McClintic, Director of Economic Development, addressed the Board and stated that there is another map included in the Board packet referenced as Attachment Q, which arose from the public hearing where the discussion was to add all of the industrial areas, which would comprise most of the parcels originally in the study area. She said that only about 43% of the total 227 acres originally

considered will still be remaining in the rural area, and the parcels with that option reflects those that have been part of the discussion between the brewery prospect and the landowners.

Mr. Cilimberg stated the Board's actions can be to approve, with the reference land use map and text, or to disapprove.

Ms. Dittmar asked staff if they had discussed with the landowner whether this is acceptable to them. Ms. McClintic responded that staff has been having regular conversations with the landowners or their representative, and Valerie Long of Williams Mullen law firm is present as their representative.

Ms. Palmer asked if they want to discuss the text at all, and said that assuming they are going to approve one of these, and asked if someone making the motion would need to do so with the text. Mr. Davis responded if there is going to be additional language added to the text, he feels it would be appropriate to have the Board go over the language and find some concurrence on it before a motion would be made, just to keep the process clear. He said Mr. Cilimberg is prepared to do that based on some suggestions that had been made earlier to him.

Mr. Cilimberg stated that staff has highlighted the additional language Ms. Palmer had suggested, regarding the properties being shown, and the text referring to that shows the western portion of the property for regional mixed use would have industrial uses preferred. Those areas within what is already designated were not included in the resolution of intent for the legal ad for public hearing. Mr. Cilimberg said because of this, staff does not feel the Board is in a position to make changes that reference the existing area, but everything being suggested for addition has been covered by the legal ad and is already shown as industrial, so there would be no language change for that area. He stated that proposed rezonings that do not advance the uses and activities recommended for the industrial areas would be discouraged, and said that Ms. McClintic will elaborate on that further.

Ms. McClintic said when planning staff was originally working on the text for the CPA, they worked hard to define the five particular industry sectors that are currently defined there, and while there is a good basis to focus on the industries identified in the study the Board had adopted in 2012, they want to be sure not to preclude any that may be complimentary to those industries or might have significant economic value to the County. He stated their intent is to direct specific users to this area, because they are the ones that need the attributes that this particular location offers, and they would not want to preclude anything that may be complimentary.

Mr. Cilimberg said Ms. McClintic had offered suggested language that says, "Development activities should be in keeping with the advancement of the County's overall economic development goals," and the specific use types would still be listed.

Ms. Mallek asked if this includes a statement that says the priority users would be those who absolutely needed this particular location with its transportation assets, because they should not put anyone in who could go into another place. Mr. Cilimberg stated it would be in addition to the existing language, so the focus will still be on the wording of the amendment.

Ms. Dittmar clarified that staff is suggesting the Board can replace the language offered by Ms. Palmer, as shown in the second bullet. She asked Ms. Palmer if that is acceptable to her.

Ms. Palmer stated she would like to hear what Ms. Mallek has to say.

Ms. Mallek said the first bullet offers a guidance statement that she feels is useful.

Ms. Dittmar asked staff for clarification as to the advertisement. Mr. Cilimberg said he and Mr. Davis have talked about that.

Mr. Davis clarified that portion of the Comp Plan is not before them for amendment, and the resolution of intent only addressed the proposed areas of expansion, and the advertisement was limited to that, so technically it is not before them.

Ms. Mallek said this would be something they would add to their priority projects, to tighten up these other things. Mr. Davis responded this would be included at the time the Board did its industrial inventory.

Mr. Cilimberg noted that this was a matter of discussion at the Planning Commission level during the review of the Comp Plan, and there was consideration of the existing area being designated industrial rather than regional mixed use, but there were property owners who were not supportive of that change, so the Commission ended up recommending it as regional mixed use, but added that industrial uses would be appropriate there.

Ms. Mallek pointed out the Planning Commission did not say "preferred" on purpose.

Ms. McKeel noted the listing of the specific industries would be following. Mr. Cilimberg confirmed that it will stay.

Mr. Cilimberg stated Ms. Palmer had suggested an added statement that the industrial designated is not suitable for large-scale standalone commercial uses such as big box retail stores, and the current zoning of the area or a rezoning would not allow such a use, so these uses would not be possible unless a rezoning were to occur that is inconsistent with the language already recommended in the Comp Plan

Amendment. He added they do not really need the language under the assumption that any subsequent rezoning would follow what the land use recommendation is, which does not allow big box retail.

Ms. Palmer commented she just wanted it to be clear that a big box was not recommended for this site. Mr. Cilimberg responded this type of rezoning might come in, so the Board would just need to follow those guidelines, and that is how staff would interpret it, as they have not at all considered this for big box retail. He added that within the regional mixed-use area, it is possible because of that designation, but that is not what is before them.

He stated that regarding Ms. Palmer's suggested added language related to special attention given to minimizing negative impacts to Moore's Creek, the typical Comp Plan language says "should" rather than "must," because it is guidance. He stated the Water Protection Ordinance is intended to do that and would be applicable, so if there is something beyond the ordinance the Board wants, they should clarify that now so that "special attention" can be clarified.

Ms. Dittmar asked Ms. Palmer if she has anything specific in mind. Ms. Palmer responded she was just trying to tighten it up as much as possible to make sure that it was protected, and asked Mark Graham if there is anything additional that can be done, especially since the stream is already degraded.

Mr. Mark Graham, Director of Community Development, stated the question is what kind of standard they are trying to reach, because there are always things that can be done. He explained that Moore's Creek has a total maximum daily load (TMDL) established, so they can do something to ensure there is consistency with that, which will provide guidance as it goes to rezoning in terms of addressing stormwater impacts.

Ms. Mallek stated she had suggested language that says "special design and construction elements," and "must prevent negative impacts," so it is important to figure out how to do things correctly before the changes happen. Mr. Graham suggested "avoid increasing impacts."

Ms. Palmer said she likes the suggestion related to the TMDLs, as it provides more clarity. Mr. Graham offered, "avoid impacts consistent with the approved TMDL for Moore's Creek," but said he is wordsmithing on the fly.

Ms. Palmer stated she just wants the strongest thing that is reasonable to put in the language, so the TMDL reference is acceptable to her. Mr. Graham said he has to have something more specific to know what is adequate, as it is hard for staff to know what is meant by "do something really good."

Mr. Cilimberg said what Mr. Graham has suggested is a more straightforward statement than what is currently in the recommended language.

Mr. Graham said his suggested language is "avoid impacts inconsistent with the goals of the TMDL for Moore's Creek."

Mr. Boyd expressed concern with changing the language that this will be open to staff interpretation when a rezoning comes forward, because they are talking about getting out of the way so a willing buyer and seller can be put together to create something good for the community in terms of jobs. He commented if they keep throwing hurdles up for people to overcome, it is defeating the purpose.

Ms. Mallek responded the TMDLs are a statutory requirement, and this language is just making that clear.

Mr. Graham stated the current ordinance addresses the issues consistent with state regulations.

Ms. Dittmar asked if this is redundant. Mr. Graham stated this is going beyond that, as it is saying they want to hold this property to a higher standard than they are holding other properties to currently.

Ms. Mallek asked why that is the case when there is a TMDL assignment. Mr. Graham explained that after they came up with the TMDL, the DEQ would then have to write that into permits as far as expected activity in the watershed, and that step has not happened, so they are essentially jumping ahead of DEQ in the process by adding this language.

Mr. Boyd said it also leaves the interpretation open to staff. Mr. Graham said that is why he wants to be very specific about the basis for it, and if it is tied to the TMDL it makes it easier because there is a bar set that is beyond "as good as you can."

Ms. Mallek said that "as good as you can" does not provide any guidance either and leaves it open to criticism by people who do not want to comply, and she is not interested in throwing all of their environmental regulations out in order to do this CPA. She added she is interested in doing whatever needs to be done to ensure that staff has the ability to do that.

Mr. Graham stated that Mr. Boyd has hit upon a fundamental question as to whether the Board is anticipating a need to hold this property to a higher standard than other property.

Mr. Foley clarified the standard will be higher than what is in the Water Protection Ordinance.

Mr. Graham confirmed that is the case, and if the goal is to treat this property the same as other areas of the County, they are already there.

Mr. Sheffield stated if the ordinance covers it sufficiently from staff's viewpoint, there is no need for the extra layer unless there is a situation of which he is not aware. Mr. Graham responded the only question is, recognizing that Moore's Creek is an impaired stream, if they feel there should be extra consideration given to the impacts, and he is trying to provide guidance as to language that might address those.

Mr. Sheffield said if staff feels the Water Protection Ordinance provides that, there is no need for anything additional. Mr. Graham stated the ordinance provides a level of protection consistent with state law and regulations, and that can be enforced right now.

Mr. Sheffield said that as Mr. Boyd stated, "special attention" is open to staff interpretation. Mr. Graham stated he would really struggle with what is meant by that.

Ms. Dittmar asked if they do not want to put the additional language in.

Ms. McKeel and Mr. Sheffield said they do not feel it is necessary.

Mr. Cilimberg stated there is a recommendation related to the parks and green systems and the environmentally sensitive areas within that these areas should be preserved to help minimize adverse environmental impacts from new development. He said in the case of steep slopes, there will need to be a determination through rezoning to the steep slopes overlay district, whether slopes are managed or preserved, and the additional language provides more Comp Plan guidance that would be considered during the potential steep slopes overlay rezoning of any area added to the Comp Plan development area. Mr. Cilimberg stated this is important because they do not know yet what access to properties will be most warranted or desirable, particularly along Route 29. He said there is language pertaining specifically to access that says some limited areas designated for preservation may need to be disturbed to build entrance roads to the properties, but otherwise the suggested additional language from Ms. Palmer would be further guidance as to how the steep slopes overlay will be applied.

Ms. Palmer asked if that is acceptable to staff. Mr. Cilimberg responded it will be up to the Board's decision as to whether they want to further stress preservation of slopes, or there will potentially be the judgment call of what is managed and what is preserved.

Mr. Foley asked if that process would happen anyway as part of the Board's review. Mr. Cilimberg stated the Board will have that as a process, and staff's recommendations will be based in part on the plan along with six other criteria.

Ms. McKeel asked if this would be redundant. Ms. Mallek responded it is a matter of priority and ranking, and whether they are establishing that the slopes should be avoided.

Mr. Cilimberg stated it does have the potential of creating the preference for preserved slopes versus managed slopes in a judgment call situation, which does have impact on developability, and the only proviso exception written in is when there are access needs that can potentially impact preserved slopes. He said that inclusion of the language depends on whether the Board wants to retain some flexibility in terms of how those slopes are applied under the steep slopes overlay when it comes before them, at which time they will have a judgment call as to how to apply them with or without the language.

Mr. Foley said including the language means they are effectively deciding that now instead of deciding it in the process in place to assess it, with that information to evaluate managed versus preserved slopes.

Mr. Sheffield stated that as with the Franklin Street project, this will still leave the door open that a prospective developer or landowner would challenge what staff has assessed as managed or preserved slopes.

Mr. Cilimberg stated that since they are talking about a fairly small area than the original overlays are applied to, they will work with the property owner even before the steep slopes overlay is adopted to try to avoid the type of situation they have with Franklin, which had occurred after the fact.

Mr. Sheffield said his concern is determining how much is too much with the language they will be adding.

Ms. McKeel said she is comfortable with the review they will be providing at the time the critical slopes comes before them.

Ms. Mallek stated she does not think there is an equal balance in going from managed to preserved as opposed to preserved to managed, as she does not think anyone would come to them and ask for a managed slope to go back to preserved, so this is their one shot to get it started as preserved. She added she likes the addition of the highlighted text.

Ms. Dittmar stated she is worried about creating special exceptions, and she wants to look at how they are fair with all their processes. She said she has not had a chance to go to the site to look at critical slopes, because she does not feel she needs to at this juncture.

Mr. Boyd said he would not support the addition of this language, as he feels the Board will be abdicating its responsibility of dealing with this at the zoning stage for a specific application and giving that role to staff.

Ms. Palmer noted there is not enough Board support for it.

Mr. Cilimberg reported the forested buffers recommendation provides additional guidance for Entrance Corridor review and the more definitive expectation that forested buffers will be preserved as part of the corridor, although there will be points of access where there would need to be disturbance. He stated the language will not be creating a barrier for staff in terms of their Entrance Corridor review, it just further defines what is expected.

Ms. Mallek stated it is a source of comfort for the community to have it included.

Mr. Cilimberg said the last area of focus is the idea of phasing development to the timing of completion of the interchange, and restrictions needed on additional truck traffic to and from rezoned areas during peak travel periods until the interchange improvements are complete. He stated staff wants the language of a plan to speak more to proposed development, because it may be a rezoning, but it may be something else later in the process that proposes to develop a particular property. Mr. Cilimberg stated staff feels the decisions related to phasing and restrictions to truck traffic are better with a traffic impact analysis at the time of rezoning, when they know more specifically what they will be dealing with in terms of development of the site and traffic generation from the site, and what VDOT feels is best to address those impacts. He said that staff does not feel the language is necessary, although it is obviously intended to address the problems with the interchange, with or without this CPA.

Ms. Dittmar said she agrees they should drill down in the rezoning phase for traffic studies, and asked the Board for their input on including the proposed language.

Mr. Sheffield stated he does not feel it is needed, and said the Board has put conditions on rezonings before, as they had with Branchlands in terms of truck traffic.

Mr. Cilimberg summarized the Board's agreement to include the language related to forested buffers, and the language related to economic development goals as Ms. McClintic had suggested, which will lead into the listing of the five general industry types.

Ms. Dittmar stated the Board should discuss whether there is a proposed resolution that meets their approval.

Ms. Mallek asked Mr. Cilimberg to point out on the slide presented which parcel is 48 and which is 53. Mr. Cilimberg noted that 48 is the much larger piece and 53 is the sliver, which when added together comprises Option 1-A, and he pointed out the edge of the development area.

Ms. Mallek stated that 1-B is parcel 48 without the steep slopes area and critical resource area.

Mr. Cilimberg responded that with either of those options, the landowner would prefer those to remain RA, and it will still be zoned under its current zoning and retain its jurisdictional area designation.

Ms. Mallek asked why the green critical areas in 48 are not part of the area because they would obviously be tricky to do anything with, and she is not sure why they are being included. Mr. Cilimberg explained there are areas of steep slopes that run within the more concentrated area of industrial that may be used during the development process or may not be, depending on how the steep slopes overlay applies, and that is when it will be determined whether those slopes can be disturbed or not. He said they are kept because a developer can keep them as a feature or might have to because they are preserved slopes under zoning, or they may be managed slopes that can be disturbed, and there is criteria as to how that will happen.

Ms. Mallek asked if the source of that information would be engineers hired by the owners. Mr. Cilimberg responded when they did the steep slopes overlay, they started from the aerials and the topo associated with them, but for particular properties it may be a much more ground level analysis.

Mr. Sheffield stated this is an interesting approach but might actually limit development potential because someone might determine the critical slopes could actually have been developed, and asked how confident they are that it is critical slopes. Mr. Cilimberg responded if there is an area that might qualify as managed slopes, Option 1-A keeps that opportunity available because it goes into the development area.

Mr. Sheffield said he wonders if it is possible to make the line a bit gray until an affirmative decision is made about what is there. Mr. Cilimberg stated they are trying to respect the landowner's intent to keep what they want to have as RA, so the line can be generalized but staff tried to make that tighter and create a buffer against true industrial land because they had to have that in the zoning anyway. He said the line is hard to definitively put on the ground, so there is some flexibility.

Ms. McClintic said Mr. Sheffield's point is valid because the actual development opportunity on the parcel in question will be fairly limited, especially if the slopes are deemed to be critical in the piece that is still brought into the development area.

Mr. Boyd asked to go back to the option in Attachment Q, and asked for clarification that they will not have to go by the parcel lines in what is designated as the growth area. Mr. Cilimberg responded that one line is based on the parcel on the end, but the remainder are based on what areas are predominately resources areas, to the west side of the property.

Mr. Boyd said his understanding is that this option would have the most developable land available, and would encompass 82 acres instead of 227. He added he had spoken with some engineers who had looked at the site, and they indicated this would be the most developable area.

Mr. Cilimberg stated this gives the entire area within the larger area of the first consideration, which is all of the industrial from what went to public hearing, but what will not be used industrially will remain rural area.

Ms. McClintic said she has also had similar discussions as Mr. Boyd's with engineers, who have said the parcels that would be the least costly to develop and would allow for the greatest contiguous portions are the ones closest to Route 29.

Mr. Boyd asked how other Board members feel about this option.

Mr. Sheffield stated when first looking at this proposal, it only includes the first parcel because of the water and sewer jurisdictional area, so his concern is that if they expand this it will commit the water and sewer authority to expand their infrastructure, at a cost that is not yet known.

Mr. Cilimberg stated the larger area will provide for more development opportunity, and typically as development occurs it is the developer that pays for extension of the utilities.

Mr. Sheffield said if they are trying to attract a prospect to the site, one of the tools with which to do that would be to pay for infrastructure for them, and his concern is they are setting themselves up to take care of that.

Mr. Cilimberg stated it may be a question as to how much bang for your buck you would get for that investment.

Ms. McClintic said typically when localities contribute to the cost of the infrastructure, they bring it to the edge of the site boundary, and the developer would carry it forward to their site. She stated if the County were to make an investment and assist with the infrastructure, they would be able to maximize the value of the County's investment by extending it into more parcels and area.

Mr. Sheffield asked why they have a water and sewer jurisdiction if that is the case. Mr. Cilimberg said the jurisdictional area is to reflect the development area boundary, and that is why they have it.

Mr. Sheffield said in this case, a swath of the jurisdictional area is in the rural area. Mr. Cilimberg stated it is one of the few that remains from the 1970s, and it has never gotten water and sewer, but at one time there may have been a larger development area boundary.

Ms. Palmer said she looked up in the minutes that when they drew boundaries in 1980, there was a letter in the records from a man who wrote to the Board saying he had purchased the land as an investment after I-64 went in and wanted the County to extend the property to the development area. She stated the Board had refused, so it seemed that the compromise was to offer the extension of the jurisdictional area.

Mr. Sheffield commented that even then there was the assumption that this would come into the development area.

Ms. Dittmar said that at the time, the Board was trying to change a lot of what the land was all about, and out of respect for landowners there were different agreements that they are now trying to clean up.

Ms. Palmer commented that it was an attempt to prevent sprawl, and Albemarle has done a pretty good job in that regard when compared to some peer localities.

Ms. Mallek said it is an important distinction to say "sometime in the future," as Ms. McClintic had said, because the rest of the area in queue is for something in the future after the County has completed its evaluation of all the properties in the growth area.

Ms. Palmer stated she wants to make a statement prior to a motion being entered: "At the completion of this process, the Board concludes that it is appropriate to expand the development areas to include only those lands already zoned R-1 and within the jurisdictional area for public water and sewer services, but to exclude those portions of those lands that are environmentally sensitive and in critical slopes that are not integrated with the buildable portions of the land. This is reflected in Option1-B discussed in the executive summary and its attachments. Therefore, I **move** that the Board approve CPA 2015-0001 and adopt the resolution identified as Attachment G, and its corresponding attachments as amended."

Ms. McKeel **seconded** the motion.

Mr. Boyd stated he feels this provides the least developable amount of space on the site, which greatly concerns him because if they are going to attract a business to that location, they need to provide as much flexibility as possible. He said this is very limited, with the smallest amount of industrial space available, so it provides anybody wanting to use the property very limited ability to work on an acceptable site plan.

Ms. Palmer said directly after that, they need to move into doing the study as suggested so they are not doing piecemeal changes and have some basis.

Mr. Sheffield stated he will support more area, but only after they have studied it some more because it is a lot more land and it raises questions about precedent and need and the types of industries they are looking for. He said he has the same hesitation, but he would rather they go through an assessment process more quickly so they are better prepared. Mr. Sheffield emphasized his major uneasiness is that they are so unprepared for this opportunity, which is no one's fault, and coming out of the recession, they will see more of these opportunities so if they can move forward as quickly as possible it would be good.

Ms. McClintic stated she had already begun to evaluate the properties in the development area today, but it had already been determined that there is nothing of this nature that falls into the area of an interchange.

Mr. Sheffield said there is land out there that is zoned residential that can be rezoned light industrial, such as Berkmar Drive, and having a comprehensive study will provide the Board with what they need to make these decisions more comfortably.

Mr. Foley pointed out that Ms. McClintic had already begun the process of evaluating industrial properties in the development area that are either designated or zoned or both as to whether they are really adequate to meet needs, and a more holistic look at the properties outside of that will go through the Planning Commission, which will be a much longer and more involved process. He stated if the Board decides that it wants to move more expeditiously on a larger study, they should know that it will impact the development work plan and so forth.

Ms. McKeel stated she feels comfortable moving forward with the motion that Ms. Palmer had put on the table, but she feels they need to move forward with the study of what land is available and what might be the best approach to go forward. She added that she is concerned that they not piecemeal it, and do it quickly without looking comprehensively, so she is comfortable with Option 1-B.

Ms. Mallek said that assuming they are going to have a discussion about the importance of Parcel 48 and prioritization of the properties in the growth area as important, but to go with a larger study is an entirely different matter.

Ms. McKeel stated they will soon have their strategic planning retreat, and she would like to talk about the growth area and what areas the County has within that, including those that might need some revitalization.

Ms. Palmer said she would like to fix some of the problems they have, such as properties that may need to be rezoned, although she is not against the Planning Commission taking a more comprehensive look at their boundaries and exits.

Ms. Dittmar stated when they began looking at this in the spring, they were only looking at the jurisdictional area, and partly because of the reasons that Ms. McClintic and Mr. Boyd cited, they want to see if it is making any kind of difference at all. She said while it might be more comfortable to stay in "clean-up mode," if they are going to look at this and truly prioritize this, she would like for them to consider another motion to expedite the process.

Ms. Mallek said she recognizes that this is a baby step, but the community is more supportive of this than something much larger that might create other problems.

Mr. Boyd stated that in 2010, the Board put economic development as their top priority, and they just now hired an Economic Development Director, so it does not seem realistic that they are going to complete a study process in six months. He emphasized they should have dealt with these questions a long time ago, when they did the Comp Plan Amendment. Mr. Boyd stated he is very disappointed that the Planning Commission fell into the trap that was set up by the Piedmont Environmental Council and the Southern Environmental Law Center that said they have more space than what they will ever need. He said that now they know they do not have that kind of space and the acreage needed to generate the revenues they will need, and they will be facing a revenue gap for the next five years that will require a 20-cent increase in the tax rate. Mr. Boyd said they can deal with it now by generating some economic development, or five years from now.

Ms. Dittmar said that part of dealing with it today is making sure they will clear the decks to get this done.

Ms. Mallek said it is important to clarify that the available space was based on commercial, not light industrial.

Ms. Dittmar stated they are trying to conform the development area with the jurisdictional area, which includes the land that was not zoned R-1.

Mr. Davis said what Ms. Palmer stated before is consistent with the jurisdictional area zoned R-1, not RA, except for excluding the non-integrated parcel. He stated those are the two key distinguishing issues for the parcel, and he does not know that they need to get into other facts that distinguish this property from other properties as those will be evident with future applications.

Mr. Sheffield added the Planning Commission's decision may have sent a negative ripple in terms of this prospect and others, so he is happy to see a petition that had been circulated a few days earlier in support of this CPA. He said in reading the petition, it did not necessarily say that people are supporting a big addition to the growth area, they are supporting this business and the economic prospect. Mr. Sheffield noted there were about 333 signatures as of 4:00 p.m. on the day of this meeting.

Ms. Palmer said that people who are opposing this CPA are against it because it is this particular spot, not because they are against economic development.

Mr. Sheffield stated he fully respects those who are opposed to this, and it falls on the Board to figure out how to make this balance, because people say they want this business but do not want it in this site.

Ms. Dittmar said there will always be a creative friction between the values of preservation of the rural area and the need for jobs and sustainability for families, balanced with the need for tax revenue. She added they need to have the infrastructure to be able to have the conversation.

Mr. Boyd stated he will vote in favor of this because he feels it sends the right message to the company, but five Supervisors were at the job summit held by the Free Enterprise Forum and the Chamber of Commerce, who showed a map from the Orange Dot Report that indicated a lot of Ms. Dittmar's district is below the poverty line. He said he does not know what kind of message this will send, but if this becomes an unbuildable site because they restrict it to 35 acres instead of 83 acres, they have lost an opportunity to make a small dent in the poverty issue. Mr. Boyd said he will vote in favor of this because he wants it to be a unanimous vote, but he is opposed to the option that is being suggested.

Ms. Dittmar said she is aware of all of the people in the community who are in need of jobs, and it can be frustrating because the community tends to take baby steps. She mentioned a constituent who delivers Meals on Wheels to people in the southern area of the County who are hanging onto Social Security because they have not been retooled as employees.

Ms. Mallek said even though what they are adding today is a smaller number of acres, there is a great potential to work with the landowners and be able to get a more comprehensive and unified approach, and she hopes this will encourage them to work together to create an employment campus.

Roll was then called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield, Mr. Boyd and Ms. Dittmar.

NAYS: None.

(Note: The adopted resolution is set out below:)

RESOLUTION TO APPROVE CPA 2015-00001

WHEREAS, on June 10, 2015, the Albemarle County Board of Supervisors adopted a Resolution of Intent to consider whether to amend the Comprehensive Plan by expanding the Development Areas to include those lands located near the Interstate 64/Route 29 South interchange southwest of the existing Development Area boundary (the "Lands" and "CPA 2015-00001," respectively); and

WHEREAS, the Lands are approximately 223 acres in area, composed of Parcel IDs 07500-00-00-03300, 07500-00-00-03400, 07500-00-00-03800, 07500-00-00-04500, 07500-00-00-045A0, 07500-00-00-045B0, 07500-00-00-045C0, and portions of 07500-00-00-04800 and 07500-00-00-05300 (the remainders of such parcels are currently within the Development Areas); and

WHEREAS, as directed by the Resolution of Intent, County staff studied the Lands for the purposes of evaluating whether amending the Comprehensive Plan by expanding the Development Areas is appropriate at this time, identifying appropriate land use designations for the Lands that would accommodate Target Industries, and identifying preserved land that may complement the future County park in the vicinity (the "Study"); and

WHEREAS, on August 18, 2015, the Albemarle County Planning Commission held a duly noticed public hearing on CPA 2015-00001, at the conclusion of which it recommended disapproval; and

WHEREAS, on September 9, 2015, the Board of Supervisors held a duly noticed public hearing on CPA 2015-00001, deferred taking action, and directed County staff to return to the Board with four options that would add only a portion of the Lands to the Development Areas; and

WHEREAS, on September 23, 2015, the Board of Supervisors considered the four options at a special meeting, and those options are identified as Options 1a, 1b, 2a, and 2b; and

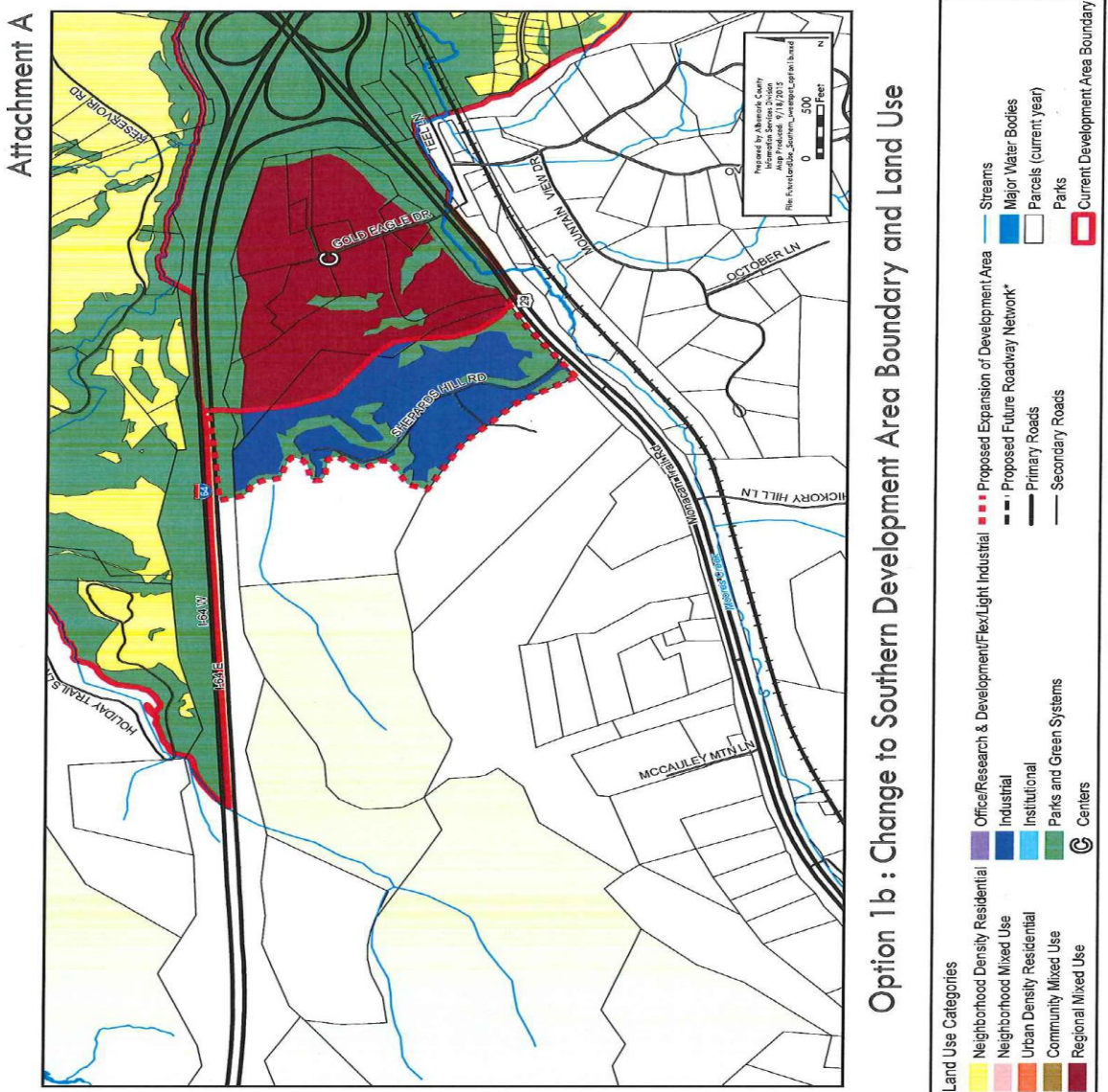
WHEREAS, the Board of Supervisors has carefully considered the discussion and recommendation of the Planning Commission, the Study and its related analysis and other information provided by County staff, and the information and comments provided by the public; and

WHEREAS, the Board of Supervisors concludes that approval of CPA 2015-00001 for a portion of the Lands is appropriate and consistent with the coordinated, adjusted, and harmonious development of Albemarle County and, in accordance with present and probable future needs and resources, CPA

2015-00001 will best promote the health, safety, morals, order, convenience, prosperity, and general welfare of all inhabitants of the County.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, and for the purposes articulated in Virginia Code § 15.2-2223, the Albemarle County Board of Supervisors hereby approves CPA 2015-00001 and amends the Development Areas boundary and designates the portions of Parcel IDs 07500-00-00-04800 and 07500-00-00-05300 not already in the Development Areas as Industrial (approximately 35.28 acres) and Parks and Green Systems (approximately 15.99 acres) as provided in Option 1b as depicted on the map attached hereto as Attachment A and the text of the Southern Urban Neighborhood's Master Plan attached hereto as Attachment B; and

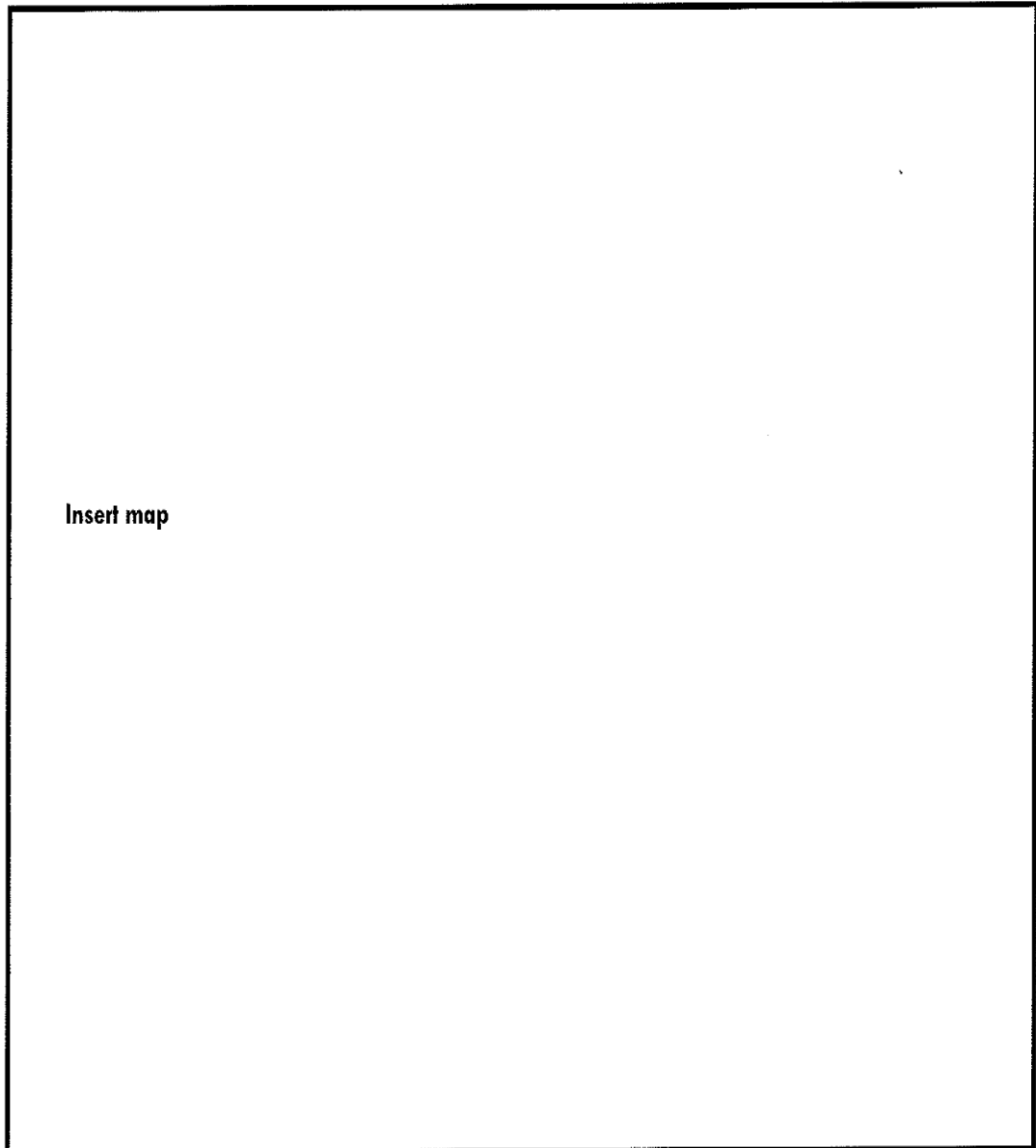
BE IT FURTHER RESOLVED that the land use designation of the Lands and the applicable map in the Comprehensive Plan are amended accordingly.



RESOLUTION OF INTENT TO APPROVE CPA 2015-01
ATTACHMENT B

Adjustment to Southern Urban Neighborhood
Changes to Page A.8.S+W. 25 of the Southern and Western Urban Neighborhoods Master Plan
(See "Changes to Southern Development Area Boundary and Land" Map for Legend)

Figure 16: Rt. 29 and I-64 Area



6. The southwest quadrant of the **Route 29 South and I-64 interchange** (Figure 16) contains a future Center which is shown for Regional Mixed Use, land with an Industrial designation, and areas shown for Parks and Green Systems. At present, part of the Center contains a beverage distribution business. Commercial and residential uses are allowed on the property shown for Regional Mixed Use, although this area may also be used for industrial uses. The Industrially designated area is expected to support the County's target industries that need a location near an interstate interchange and/or close proximity to downtown Charlottesville and/or the University of Virginia,

Mr. Sheffield stated they know what kind of target industries they can accommodate, but he would like to know from staff how much time is needed to assess the land and whether it is in the development area or not. Mr. Foley responded there are two things that need to be addressed: the assessment of the development areas, which was a specific strategy in the adopted Comp Plan, which Ms. McClintic is conducting to assess how useful the parcels are for meeting their needs; and a different process regarding the development area boundaries, which typically would be under the purview of the Planning Department and Planning Commission.

Ms. Dittmar stated that inventory is part of what they are looking for to address the critical shortage of light industrial land in the development area, and the solutions to that. She said she also wants them to do this in a timely way.

Ms. McKeel said she wants them to plan and not just do a piecemeal expansion, but she does not understand why it will take them so long.

Mr. Foley suggested that Ms. McClintic answer the development area question first.

Ms. McClintic stated at the Board's public hearing on the CPA, she presented a list of the minimal criteria with the basic things a business prospect has to have in order to be able to consider this location, and there are a few more criteria that needs to be applied. She said as part of this process, she has already begun looking at those properties in the development area and will begin assessing those which are zoned industrial. Ms. McClintic stated she does not want to rely only on GIS maps and will need assistance from the engineering community to help define where a stream buffer can go in relation to how a building will be sited, but they have already seen examples of the challenges in terms of the viability of these sites, even from the shape of the parcel. She said while she is grateful they have added some land, they will still have challenges in developing Parcel 75-48 because of the topography of the property and the issue of getting contiguous property. Ms. McClintic stated she had promised to the Board an overall portrait of the County, because they can add land and change Comp Plan boundaries, but they need to look at things from a holistic level so they can have a complete package to evaluate beyond just inventory, even regarding properties that are in the development area today.

Mr. Sheffield stated he is not looking for just an inventory, but would want an assessment to include a comprehensive look at what target industries are looking for, such as the interstate access in this case. He said he would also be looking for redevelopment strategies, because there are parcels in the community that are right for that and they need to also discuss possible incentives to make that happen.

Ms. Dittmar stated those things are related, and they should look at the full spectrum of properties that might be available in the next five or ten years.

Mr. Foley asked if the Board is looking for a general timeline on the initial inventory assessment, with the understanding that there will be more to it.

Ms. Mallek clarified that as part of phase one, Ms. McClintic will do both those properties zoned currently and those designated LI but not zoned, with the third component being willing landowners, because without that they are not anywhere. She added this will really inform what the available acreage is, more so than how many dots on the map exist.

Mr. Sheffield offered to make a motion on this item.

Ms. Dittmar asked if they have clarified that it is not just quantitative. Mr. Cilimberg said one of the things anticipated in the Planning Commission's recommendation was that there is going to be an analysis of those properties that have potential for industrial uses that may not have zoning or direct Comp Plan designation. He explained the County has some hybrid designations and allowances within zoning that present possibilities for industrial uses that will be an important part of the analysis.

Mr. Sheffield stated that Berkmar Drive will be a prime target for Comp Plan amendments and rezonings once it is extended.

Ms. McClintic noted they already have people approaching them about it.

Mr. Sheffield stated he would like to look at a more proactive rezoning there.

Ms. McClintic said this is certainly something considered in the Comp Plan, and she has also had conversations with Morgan Butler at the SELC about proactively rezoning land, but it will be important for the Board to discuss what that will mean and how it will work with the current process and requirements with the applicant paying for infrastructure.

Mr. Foley stated that given the current circumstances and the County's regulations, it is almost impossible for that to happen, but that is part of what they will need to discuss.

Ms. McKeel commented that they are taking the first step with that now.

Mr. Sheffield moved to direct staff to conduct a comprehensive assessment of the needs and supply of Light Industrial property and hold off on piecemeal expansions until that study can be completed.

Ms. Palmer and Ms. McKeel suggested they use language other than "hold off."

Mr. Sheffield said the language can state that they not do any additional development area expansions.

Mr. Foley added that it will not be until the development area review is completed.

Ms. Mallek said that quantitative, qualitative and willing are the three factors.

Mr. Sheffield then **moved** that the Board resolve to not consider any further piecemeal expansions of the development areas, and to support only those expansions of the development areas after a comprehensive study of the County's supply, need and location for industrially designated lands, and request that the staff and the Planning Commission initiate the work plan that's identified in the 2015 Comprehensive Plan to begin a comprehensive study of supply, need and location of available and needed industrial land for the County. Ms. McKeel **seconded** the motion.

Ms. Mallek said the motion is describing phase two, and they need to focus on phase one in the growth area first, quantitative, qualitative and willing, because without that information first, they will not have anything to go on outside of the growth area.

Mr. Davis stated that his understanding of Mr. Sheffield's motion will be to do a comprehensive study, with the first step being an evaluation of what industrial land exists in the current development areas. He said if the study reveals that additional industrial land is needed, the next step will be to identify where and how much additional land is needed, which might generate a comprehensive Comp Plan Amendment that will look at whether there needs to be expansion of development areas. Mr. Davis stated if the study reveals that it is not needed, they will not need to go there, but if the inventory is determined to be inadequate and the Board feels there is a need for more, they will then start the CPA process, but in a comprehensive fashion rather than piecemeal, so the impacts can be addressed.

Ms. Dittmar said she likes this, but what is missing is a sense of urgency, not haste, but a prioritization.

Mr. Sheffield stated he does not want to put a burden on the Economic Development office that displaces other work.

Ms. Dittmar suggested putting something in that indicates it is a priority.

Mr. Davis suggested they consider the motion, and then direct staff to bring back a timeline, because if the Board agrees to move forward with the process they will probably want some input from staff on it.

Ms. Dittmar said she was reminded of Mr. Boyd's comment regarding the five years it took to get to this point, and she asked if there is an interest in adding a word or two as to the value and importance of this effort.

Mr. Davis suggested adding "to make this work plan a high priority" to Mr. Sheffield's motion.

Mr. Sheffield agreed to **amend** his **motion** to make this work plan a high priority. Ms. Mallek **seconded** the **amended** motion.

Roll was then called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield and Ms. Dittmar.

ABSTAIN: Mr. Boyd.

NAYS: None.

Ms. Mallek noted that in addition to the Economic Vitality Action Plan suggested in January 2010, the effort was widened to include agriculture and small businesses and other parts of the economy, which have made tremendous strides because they were in control of local people. She stated the reason this particular element is so difficult is because so much of the work is from the outside, and she hopes there will be more space for local businesses to grow into.

Mr. Sheffield stated he feels it had not happened before because they did not have staff, but now they do.

Mr. Foley noted the plan is a three-year plan, with the last step being to hire an Economic Development Director, which was delayed a bit because of budget issues, so perhaps the plan should be more aggressive going forward.

Ms. Dittmar asked when they might see a recommendation for the process. Mr. Foley responded that staff will try to get something to the Board in October, or early November at the latest.

Ms. McClintic said the plan is something she has been working on, and it is really to try to develop an economic development strategic plan, and while that is related to this new initiative, it will take away her ability to complete the strategic plan by the end of the year. She emphasized the physical sites are one component of that, but they also need to evaluate how they compare to other localities with other components beyond land and buildings.

Mr. Foley stated that staff will provide some insight into the broad picture, with specifics to inform the process, and that may take until their first meeting in November.

Ms. Dittmar stated the Board has taken a lot of time with this CPA, as has staff, the Planning Commission, advocacy groups and the public.

NonAgenda. Ms. Mallek announced that on September 27, Shenandoah National Park will be holding a "moon party" at the park, and details are on their website.

Agenda Item No. 3. Adjourn.

At 7:36 p.m., M. Sheffield **moved** to adjourn to September 25, 2015, Morven Farm, 8:30 a.m. for the Board's annual retreat. Ms. Mallek **seconded** the motion.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield, Mr. Boyd and Ms. Dittmar.
NAYS: None.

Chairman

Approved by Board
Date: 12/02/2015
Initials: EWJ