

**COUNTY OF ALBEMARLE
PLANNING STAFF REPORT SUMMARY**

Project Name: CPA201500001 – Boundary Adjustment for the Southern Urban Neighborhood	Staff: Elaine K. Echols, FAICP, Principal Planner
Planning Commission Work Session: July 21, 2015, Proposed Public Hearing August 18, 2015	Board of Supervisors Work Session: September 2, 2015, Proposed Public Hearing September 9, 2015
Location: On Route 29 South (Monocan Trail) approximately 1/3 mile south of the interchange with Interstate 64 to the third crossover on Route 29 South.	Proposal: Add parcels to the Development Areas for Industrial Designation for new employment uses
Acreage: 223 acres	Magisterial District: Samuel Miller
By-right use: TMP 07500-00-00-04800 is zoned R1 Residential with density of 1 unit/acre. The other parcels are zoned RA for Rural Area uses.	Comp. Plan Designation: RA – Rural Area
Character of Property: Most of the properties are forested and parts are very steep as part of the Ragged Mountain ridge system. There are a few houses on the properties.	Use of Surrounding Properties: The area to the east on Route 29 is undeveloped except for a beverage distribution center and 2 houses. The future Heyward County Park is located to the west of the properties near I-64. A church with cemetery and scattered residences are on the north side of Route 29 South. Across Route 29 South and the railroad tracks are a church, a country store, a few houses, and the Sherwood Farms subdivision.
Factors Favorable: 1. The properties would add inventory to the County's land designated for industrial/employment uses to help provide more job opportunities for Albemarle County residents. This land could be used by target industries who need to locate near an interstate interchange with close proximity to downtown Charlottesville and/or the University of Virginia but are not adaptable to a mixed-use environment. 2. The site has reasonable access to water and sewer service, is served by a primary road (Route 29 South), and is approximately 1/3 mile from the I-64 interchange. 3. Of the properties under consideration, approximately 80 acres are located outside of critical slopes and other natural resources. With road access, they could provide building sites for new or expanding business and industry in Albemarle County. 4. The remaining 143 acres are generally adjacent to the Heyward County Park and could compliment the park through resource protection measures, potentially as an addition to the park or under a conservation easement.	Factors Unfavorable: 1. Addition of some or all of the subject area to the Development Area creates the potential for rezoning and development which would remove forested land, an important Rural Area resource, and affect habitats and fragment an existing wildlife corridor. However, land zoned Rural Areas could be timbered at the present time, so habitat protection cannot be guaranteed on land designated and zoned Rural Areas. 2. The interchange of Route 29 and I-64 has been identified as needing major improvements and additional traffic, particularly increased truck traffic, will further the need for improvements. This is the top priority in the regional Long Range Transportation Plan and improvements can be expected in the future. 3. There is no plan of development at this time, so it is difficult to assess how the properties would be developed and the particular impacts. All of these items would need to be reviewed, though, at the rezoning stage.
RECOMMENDATION: Staff believes that the properties under consideration for the boundary adjustment can provide additional area for target industries, particularly those needing immediate access to I-64 and/or the University of Virginia. The CPA has been analyzed against all of the criteria for review of Comprehensive Plan amendments. Development could be achieved in conformity with expectations for the Development Area and natural resource protection to provide for employment generating uses. Certain impacts (identified in the staff report) need further analysis and findings before an amendment is finalized. These should be addressed as part of a CPA prepared for public hearing with the bulleted items listed on page 18 of this staff report.	

STAFF PERSON: Elaine Echols
CPA 201500001: Boundary Adjustment

PLANNING COMMISSION WORKSESSION
July 21, 2015

PETITION

PROJECT: CPA201500001 Boundary Adjustment to the Development Areas

PROPOSAL: Amend Comprehensive Plan Land Use Map from Rural Area to Industrial designation (Manufacturing, processing, fabrication, assembly, storage, distribution and commercial and office activities related to the industrial use; research and development; wholesale, auto commercial, and institutional are secondary uses; no residential use) and Parks and Green Systems (parks, play areas, greenways, trails, outdoor sitting areas, natural areas and preserved environmental features; no residential use).

EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Area- preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/acre in development lots).

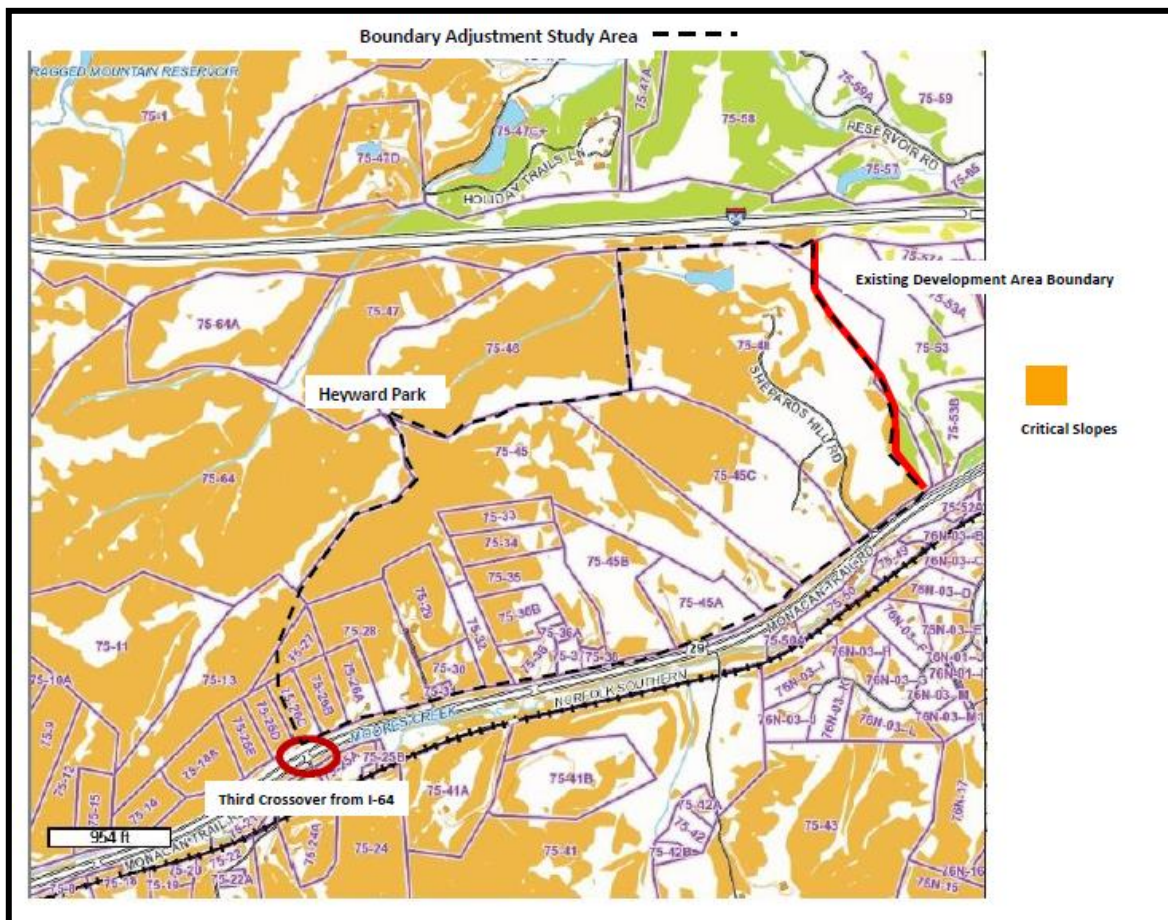
EXISTING ZONING: Rural Area (.05 units/acre)

ENTRANCE CORRIDOR: Yes

LOCATION: The properties are located on the west side of Route 29 South (Monacan Trail Road), adjacent to the Development Area boundary, approximately 1/3 mile from the I-64 Interchange. The properties abuts the new County park, Heyward Park, which is adjacent to the Ragged Mountain Natural Area south of I-64.

MAGISTERIAL DISTRICT: Samuel Miller

AREA UNDER CONSIDERATION FOR BOUNDARY ADJUSTMENT



STUDY AREA: The Board of Supervisors assigned a study area that extends from the western edge of the Southern Urban Neighborhood Development Area, south to the third cross-over. The image on the previous page shows those properties.

AREA TO CONSIDER FOR BOUNDARY ADJUSTMENT: The logical area for consideration only extends as far as the properties outlined in the image on the following page below because of the large expanse of critical slopes on the western side of the study area, particularly adjacent to the future County park. This area is approximately 223 acres and consists of 8 properties in their entirety and portions of two adjacent parcels to the north. Approximately 143 acres are in critical slopes, stream buffer, within a mountain protection area, or in an area of fragmented slopes. Approximately 80 acres are contiguous and not fragmented. These areas are shown on the map on the following page.

CHARACTERISTICS OF THE SITE & SURROUNDING AREA

The area under consideration is located south and west of the Route 29 South interchange with I-64. It abuts the Development Areas to the north and east and Moore's Creek and a railroad track to the south. The 223 acres has steep topography and is in woodlands with a few houses interspersed. Almost 2/3 of the land is in critical slopes and approximately 23 acres are in the designated Mountain Protection Area. The area to the north on Route 29 is undeveloped except for a beverage distribution center and 2 houses. The new Heyward Park is located to the west of the properties near I-64. A church and cemetery are adjacent to the properties on Route 29 South. Across Route 29 South and the railroad tracks are a church, a country store, a few houses, and the Sherwood Farms subdivision.

PLANNING & ZONING HISTORY

There is no known zoning or subdivision history on the properties, with the exception of a 1975 special use permit for a mobile home that is no longer there.

In 2012, as part of a discussion on economic development potential of the interstate interchanges and expansion opportunities for employment uses, the Planning Commission considered a number of possible expansion areas. This area was part of the Commission's analysis and discussion. The staff report for that meeting can be found below:

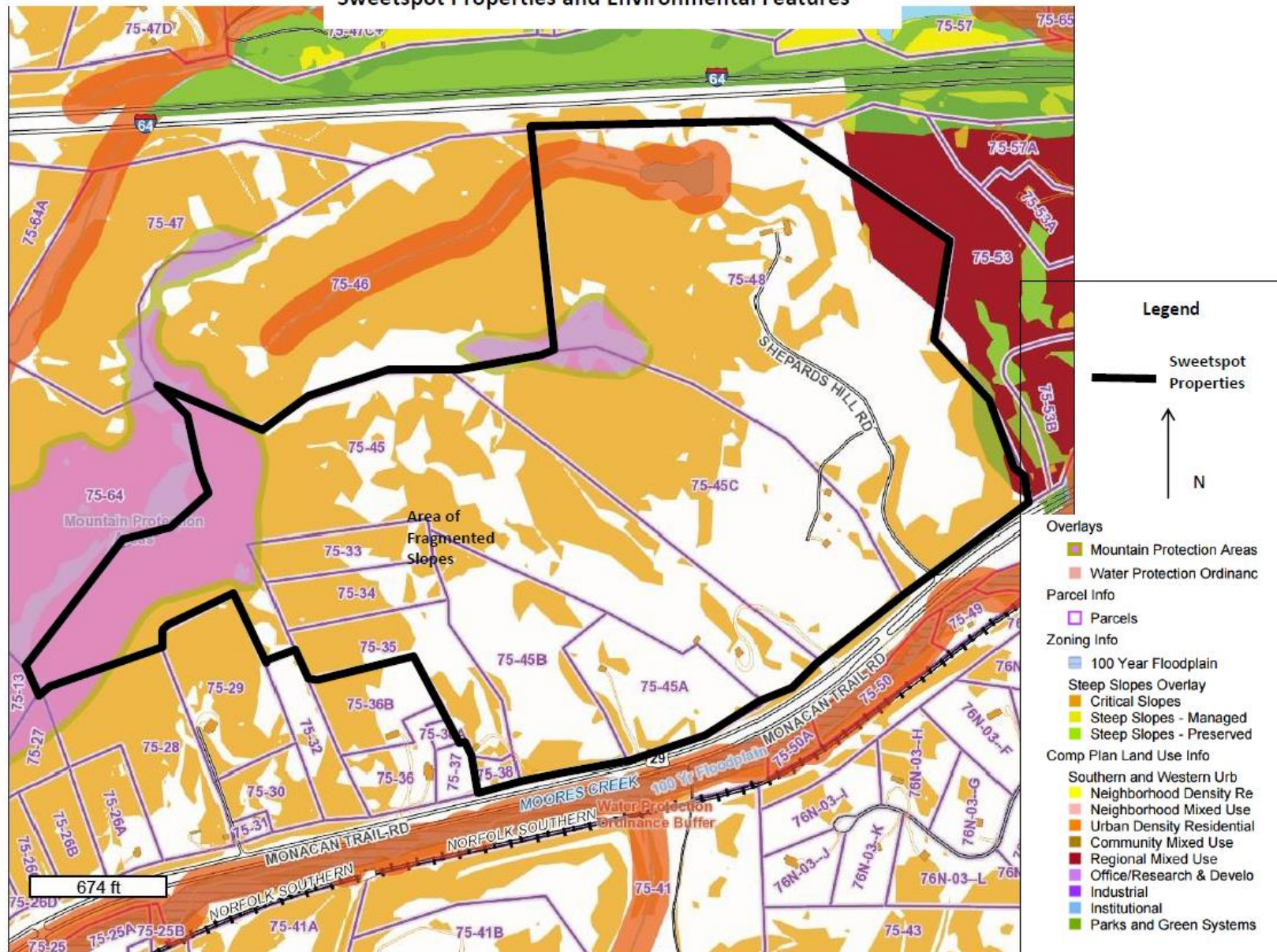
http://www.albemarle.org/upload/images/forms_center/departments/community_development/forms/P_C_Reports/CPA-13-1_Comp_Plan_Review_March_20_Worksession.pdf

During their review, the Planning Commission did not find a compelling reason to recommend expansion of the Development Area at this location. However, when the Board of Supervisors adopted the updated Comprehensive Plan on June 10, 2015, they asked for additional study at this location for employment and industrial uses. They passed a Resolution of Intent directing this Comprehensive Plan Amendment (CPA) be considered. (See Attachment A.)

BY-RIGHT USE OF THE PROPERTY

Most of the properties are designated as Rural Area (RA) and are zoned consistent with that designation. They are owned by Sweetspot, LLC. The RA zoning district allows agricultural, forestry, and fishery uses along with residential at a density of 0.5 units/acre in development lots. Civic, uses, sawmills, private schools, veterinary uses, kennels and other uses are allowed by special use permit. It is unknown how many development rights exist on the properties zoned RA. TMP 07500000004800 has 82 acres and is zoned R1 Residential. Only about 40 of its 82 acres is potentially developable. The R1 zoning district allows for cluster development with a minimum of 25% of the acreage in open space. The cluster provision would allow for a reduction of the minimum lot size from 42,253 sq. ft. to 30,000 sq. ft. It would appear that up to 52 lots are possible outside of the critical slopes area; however, without a plan of development showing roads and stormwater facilities it is impossible to know how many lots could actually be created.

Sweetspot Properties and Environmental Features



SPECIFICS OF THE PROPOSAL

The proposal under consideration would add an area of approximately 223 acres to see to the Development Areas for future employment uses. As mentioned earlier, approximately 80 acres of buildable area may be present on the 223 acres. This 80 acres would need to include building sites, roads to serve the properties, and areas for stormwater detention.

Industries or businesses from the County's Target Industry list that need access to major transportation facilities, access to multi-directional transportation corridors, and proximity to downtown Charlottesville and the University of Virginia would be expected at this location. The list of Target Industries includes: Bioscience and Medical Devices, Business and Financial Services, Information Technology and Defense Security, and Agribusiness, Food Processing and Related Technology. Many of the businesses in the Business and Financial Service group could use commercially designated land for development or redevelopment. Defense-related groups would likely locate closer to Rivanna Station on Route 29 North. The most likely industries for this site would be research & development with associated light assembly, specialty food production and distribution, adult beverage production and distribution, other small distribution facilities ancillary to a production operation, and business and financial processing.

Water and Sewer: If added to the Development Area, the properties would also be added to the Jurisdictional Area, which is the part of the County that can be served by public water and sewer. According to the Albemarle County Service Authority (ACSA) and the Rivanna Water and Sewer Authority, water lines would connect to lines in the public system near the Fontaine Research Park which is approximately 4,000 feet away. With the 50 year water supply plan using Ragged Mountain, ACSA does not see any problems with serving a water intensive use with the capacity that exists. Pressure issues could occur at the higher elevations, which some users could overcome with on-site mechanical equipment. Sewer would be extended from the western side of the Redfields development under the railroad tracks to the site. The closest wastewater line is located approximately 2,300 feet away. Gravity flow is expected. Sewer capacity for a water intensive (and hence a wastewater intensive) use is currently limited by line size and size of the Rivanna Interceptor. Depending on the timing of the need for capacity and other development in the watershed, the Rivanna Interceptor might not have sufficient capacity in the short term. The Interceptor is slated for upgrades in 2024.

Other Utilities: Charlottesville Gas is 6,458 feet from the site and can be extended. Pressure is available for the needs of the target industries. Dominion Power has the capacity to serve high electric loads and recently has completed sub-station upgrades to improve reliability to this area. CenturyLink has fiber optic lines at the Route 29 and I-64 intersection. The presence of all of these utilities is advantageous for business and industry.

JUSTIFICATION FOR REQUEST

The recent update of the Comprehensive Plan identifies some problems with site readiness, location, and infrastructure of industrial sites in the Development Areas. In the Comprehensive Plan, the Board of Supervisors set an expectation for the Economic Development Director to assess the existing inventory, assess the effectiveness of the County's business assistance program, and suggest changes to more effectively attract business and industry to Albemarle County. This work was expected to begin with the establishment of the Economic Development office, but would take several months. In the meantime, a business prospect has expressed strong interest in the area subject to this amendment. The Board of Supervisors felt this potential opportunity warranted an expedited review of the CPA by the Planning Commission and a recommendation by September 1. A tentative public hearing date has been set for the Commission on August 18, 2015.

PUBLIC COMMENT TO DATE

The first of two community meetings was held on July 7, 2015. Comments from that meeting are provided in Attachment B. The second meeting will be held on July 30, 2015.

CRITERIA FOR THE REVIEW OF COMPREHENSIVE PLAN AMENDMENT APPLICATIONS

All CPAs are evaluated against the following criteria:

- A. The Comprehensive Plan provides a long-range guide for direction and context of the decision-making process for public and private land uses. The Comprehensive Plan is general in nature rather than attempting to identify specific geographic locations. The Land Use Map of the Comprehensive Plan suggests the relationship of recommended uses to general areas. Proposed amendments to the Land Use Map should be reviewed for compliance with the general plan rather than area-specific or parcel-specific requests for a change in the recommended use. The purpose of the Land Use Map is to provide and plan for a balance of land uses, equipped with adequate utilities and facilities, in a comprehensive, harmonious manner. Any proposed change in the Land Use Map will be evaluated for protection of the health, safety, and welfare of the general public rather than the proprietary interests of an individual.

As indicated above, the Comprehensive Plan should provide and plan for a balance of land uses, equipped with adequate utilities and facilities, in a comprehensive, harmonious manner. Aspects of the Comprehensive Plan that are important to this CPA are discussed below:

Natural Resources Goal: Albemarle's ecosystems and natural resources will be thoughtfully protected and managed in both the Rural and Development Areas to safeguard the quality of life of present and future generations.

Strategy 1a: Continue to apply the Watershed Protection Ordinance throughout the County to help protect and preserve water resources.

Moore's Creek is adjacent to the properties under consideration. These properties are located in the Moore's Creek drainage basin. There is only one stream on the properties for which a 100 foot stream buffer is required on both sides. If the 223 acres is added to the Development Areas, mitigation to 50 feet would be allowed. Development of any of the properties under consideration will be required to conform to current water quantity, water protection, and water quality standards. This conformity includes dealing with state mandated TMDLs for Moore's Creek.

Objective 4: Protect the biological diversity and ecological integrity of the County in both the Rural Area and Development Areas.

The properties under review are heavily forested. Properties to the west near I-64 are under a conservation easement and were recently donated to the County for Heyward Park. As part of the Ragged Mountain ridge system, they provide important habitat for plant and animal species as part of a larger area of mountain land protected by conservation easements and/or public ownership. Staff has no information on specific plant or animal occurrences of interest on this site; however, this does not reflect an absence of actual occurrences, but the fact that no biological surveys have been done here.

Disturbance of the larger 223 acres would negatively affect primary habitat for species on that land, as well as on Heyward Park and Ragged Mountain reservoir properties. Development of just the 80 acres on which development could take place will reduce primary habitat for some species and affect connectivity of habitat corridors. To mitigate impacts in the Heyward Park and Ragged Mountain protected properties, a buffer area in forest cover would help decrease edge effects (invasive species, generalist species replacing less-common core forest species, wind/sun effects on vegetation, etc.). If the properties that are most steep and fragmented (approximately 143 acres) were to be permanently protected, they could provide this buffer. It

should be noted that, while current RA zoning provides some protection of RA properties, residential development could occur by right on both RA land and R1 zoned land. In addition, timbering or clearing could occur in the RA zoned land all of which could affect habitat on all of the properties.

Objective 5: Retain mountain resources.

Strategy 5a: Continue to protect mountain resources identified for protection in the Mountain Contour List.

A portion of the land under consideration for designation (23 acres) is identified on the Mountain Contour list for protection. This area should be protected from development.

Strategy 5b: Continue to protect critical slopes in the Rural Area.

Approximately 95 of the 223 acres are in critical slopes. (The portion of the properties in the Mountain Protection Area is fairly flat.) These slopes could be permanently protected through conservation easement, dedicated for parkland, or proffers for preservation. At present, any disturbance of the critical slopes as part of development would require waivers because the property is all located in the designated RA.

Strategy 5c: Protect slopes of 25% or greater in the DA that are shown for preservation on DA Master Plan maps.

Areas of steep slopes, streams, stream buffers, wetlands, floodplain, and other identified areas of importance to the County, such as park land, are designated as Parks and Green Systems on Master Plans. If the 223 acres were added to the Development Areas, then approximately 2/3 of the area should be designated for preservation. In addition, slopes of 25% or greater to be included in the Development Areas would need to be identified as either managed or preserved slopes and added to the Critical Slopes Overlay zoning district. Preserved slopes would be extremely restricted for disturbance or development. Most of the critical slopes would be designated as preserved slopes on the properties. There are three small patches of slopes of 25% or greater that do not appear to meet the criteria for preserved slopes that would likely be designated as managed slopes.

Strategy 5d: Encourage voluntary measures, such as conservation easements, agricultural and forestal districts, and use value taxation to protect mountain resources.

None of the properties is in an ag/for district or conservation easement; however, all benefit from use-value taxation. Any property that remains in the RA potentially could be part of an ag/for district and/or be eligible for protection under a conservation easement. Conservation easement designation could also be possible for property intended for preservation in the Development Area.

Objective 7: Protect residents and properties from damage that can be prevented when natural hazards are present.

All of the properties contain small portions that are in the state designated dam break inundation zone associated with the Ragged Mountain Reservoir. A large swath of the dam break inundation zone is along Route 29 South, coincident with and extending from the Moore's Creek floodplain. County engineering staff has indicated that the properties would likely not be affected by a dam break because the spillway is upstream of this development.

Historic, Cultural, and Scenic Resources Goal: Albemarle's historic, cultural, and scenic resources will be preserved. Attractive entrance corridors will welcome visitors and residents to and within the County.

Objective 1: Continue to identify and recognize the value of buildings, structures, landscapes, sites, and districts that have historical, architectural, archaeological, or cultural significance.

There are no known historical, architectural, or archaeological resources on the properties under consideration for the boundary adjustment. However, several properties nearby have been surveyed for which records exist at the Virginia Department of Historic Resources. Some of the properties appear to have historic significance and could be eligible for designation on the National Register. The properties include the Church of the Good Shepherd, built in 1905 and part of 39 mountain missions established in the Episcopal Archdiocese of the Blue Ridge covering an area between Charlottesville and Luray; sites of the Hickory Hill Church, Hickory Hill railroad depot, the Brenwana Hotel/Hilltop Hideaway, the Hickory Hill School; the Maury-Longley House, and the Jack Brown Cabin. Attachment C shows the general location of the resources. Future development should avoid negatively impacting any of these resources.

Objective 8: Maintain the visual integrity of Albemarle's Entrance Corridors.

The properties under consideration for Development Area status are located in the Entrance Corridor. The Architectural Review Board would ensure visual compatibility during a rezoning and site plan process, including the relationship of historic properties to new development.

Objective 5: Help protect Monticello's Viewshed.

None of the properties lie in the viewshed of Monticello.

Strategy 8e: Use recommendations from Development Area master plans for frontage treatments of Entrance Corridors to guide decision-making.

A recommended frontage treatment for properties added to the Development Area will be needed if any of the subject parcels are included in a boundary adjustment. Because of its location at the edge of the Development Area, a rural appearance along the frontage would be preferred at this location. Such rural area appearance would be similar to the expectations for Entrance Corridors along I-64 and on the parcels to the east in the Development Area.

Economic Development Goal: Albemarle's economy will be diverse, strong, and sustainable, and retain and benefit County citizens, existing businesses, and new local ventures.

Adding land to the Development Areas at this location could provide more opportunity to diversify and strengthen the County's economic base and be available for expansion of existing businesses or new ventures in the County.

Strategy 1a: Promote new employment activities in the Development Areas and encourage developers of commercial and industrial projects to incorporate the Neighborhood Model principles.

The properties to the north and east of the 223 acres, which are already in the Development Areas, are designated as a Regional Mixed Use Center and would be expected to reflect

principles of the Neighborhood Model. Businesses that do not lend well to mixed use situations or are more likely to utilize independent sites due to their operations and transportation needs would be expected to locate in this newly designated area. However, they could develop a relationship to the Regional Mixed Use Center where housing and shops are expected. Such a relationship is set up particularly through internal street, pedestrian, and bicycle connections to the Regional Mixed Use area. The extent to which the Neighborhood Model Principles can be achieved would need to be determined at the time of rezoning. As the new location for business and industries would be located at the edge of the Development Area, some industries will be accessible almost exclusively by automobile and have a trucking function which may not be compatible with pedestrian activity.

Strategy 3a: Continue to use the 2012 Target Industry Study to guide decisions for economic development.

The Target Industry Study, also called the Target Markets Report, identified 4 categories of uses targeted for Albemarle County: Bioscience and Medical Devices, Business and Financial Services; Information Technology and Defense and Security, and Agribusiness, Food processing, and Related Technology. Two complementary targets were identified as Health Services and Arts, Design and Sports and Media. If the properties are included in the Development Area, they should be designated for one of the target markets. As mentioned previously, the most likely targets would be research & development with associated light assembly, specialty food production and distribution, adult beverage production and distribution, other small distribution facilities ancillary to a production operation, and processing facilities for business and financial institutions.

Objective 4: Ensure that there is sufficient land to accommodate future business and industrial growth, and plan for infrastructure to serve employment areas there these businesses are located.

Strategy 4a: Provide a strategic assessment of properties available for existing business expansion, start-up industries, and desirable locations for target industries. Continue to assess the quality of the areas designated for business and industry to ensure that there is land for business and industrial growth with parcels of suitable size, topography, location, and infrastructure.

See “Justification of Request” provided earlier in this report.

Objective 6: Increase local business development opportunities, including support for entrepreneurial and startup businesses.

Designating this area for industrial and/or employment uses could increase opportunities for locally grown businesses that need interstate access for shipping or materials to expand and grow near an interchange. It could also support such businesses which desire a relationship in close proximity to UVA or the City of Charlottesville.

Rural Area Goal: Albemarle’s Rural Area will have thriving farms and forests, traditional crossroads communities, protected scenic areas, historic sites and preserved natural resources.

At present, the 223 acres under consideration with this boundary adjustment are in the RA. Not all of the 223 acres would have to be designated Development Area land. Any portion retained as RA would be consistent with the goal for thriving forests and preserved natural resources. (See Natural Resources Objective 4 for more discussion.)

Objective 2: Protect and preserve natural resources, which include mountains, hills, valleys, rivers, streams, groundwater, and retain continuous and unfragmented land for agriculture, forestry, biodiversity, and natural resource protection.

If the properties under consideration for inclusion in the Development Areas are added to the Development Areas and subsequently developed, some of the County's environmental resources and areas of biodiversity would be affected. County regulations will help preserve water resources and steep slopes on the properties. As mentioned earlier in this report, habitat areas will likely become fragmented and reduced as a result of land development. A buffer of protected land between Heyward Park and land to be developed would help retain biodiversity in Heyward Park and other properties south and west of the site.

Strategy 2d: Continue to promote conservation easements to provide a financially attractive way for landowners to protect family farms in Albemarle county and their unique open space resources, to provide an opportunity for landowners to voluntarily sell a conservation easement to a public agency to be held in trust for perpetuity, and to preserve important features of the Rural Area for all.

Also as mentioned earlier, conservation easements could be sought for land designated RA (or designated for preservation in the Development Areas). Alternatively, this same land could be dedicated to public use or otherwise permanently preserved.

Strategy 2: Encourage connectivity of conservation land wherever feasible.

See comments under Objective 2.

Objective 6: Provide distinct boundaries between the Rural Area and the Development Areas.

Providing visually different boundaries between the RA and Development Areas helps residents and visitors perceive that expectations are different for each area. A forested buffer could provide a boundary treatment by preserving forests, slopes, and streams the area of the site in steep slopes.

Development Areas Goal: Albemarle's Development Areas will be vibrant active places with attractive neighborhoods, high quality, mixed use areas, thriving business and industry, all supported by services, infrastructure, and multimodal transportation networks.

The proposal to move the boundary of the Development Areas is being considered as a way to increase opportunities for thriving business and industry. Utilities are available. Proximity to the interstate improves prospects for businesses with shipping needs.

Objective 1: Use Master Plans to guide development and investment in each Development Area.

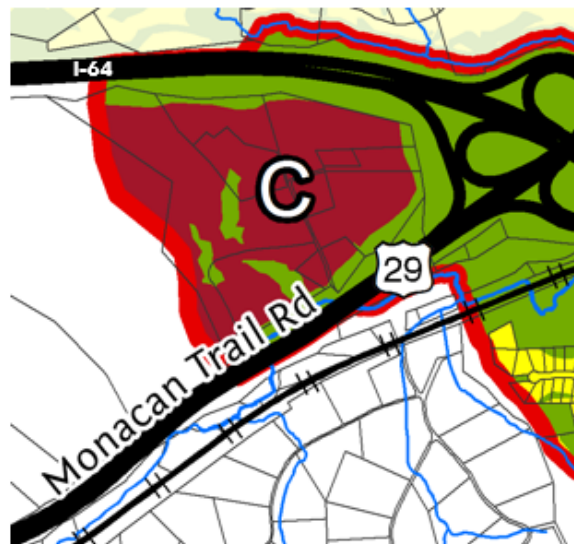
If a portion of the properties under consideration for an Industrial designation are brought into the Development Areas, the Southern Urban Neighborhood Master Plan will help provide necessary guidance for any future rezoning. This CPA, if approved, will need to provide information on how the Master Plan should be modified.

Strategy 2f: Continue to promote centers as focal points for neighborhoods and places for civic engagement.

A center is proposed for the Regional Mixed Use area to the east of the properties. As seen in the excerpt from the Master Plan below, that center should provide commercial, retail, and housing uses. The description of this area in the Master Plan will need to be modified to reflect expectations for the expanded area if the CPA is approved.

6. Property adjacent to the **Rt. 29 South and I-64 interchange** (Figure 16) is a future Center which is shown for Regional Mixed Use. Commercial and residential uses are expected on the property, which may also be used for industrial uses. At present, part of this Center contains a beverage distribution business. Properties in this area have fairly hilly terrain. A creek crosses the front of the property along Route 29 South. Access roads into the site may result in disturbance of slopes designated for preservation. A new entrance to the area shown for Regional Mixed Use will need to be sufficiently spaced from Interstate 64 to meet Virginia Department of Transportation (VDOT) safety standards. Any future improvements to the interchange may affect the size of the properties and developers should coordinate with the VDOT on future plans for interchange improvements.

Figure 16: Rt. 29 and I-64 Area



Strategy 2m: Continue to promote appropriate scale, massing, and enclosure with new development proposals.

Industrial uses that involve manufacturing can have special building needs; however, scale, massing, and enclosure can be incorporated into design of an area. Since the properties in question are in the Entrance Corridor, scale and massing will be evaluated during the rezoning and/or site plan process.

Strategy 2p: Encourage developers to design buildings that fit into the terrain rather than flattening the land for trademark buildings.

Although areas subject to development would be outside of critical resources, the topography of the area will likely require significant grading to create building/parking pads and roads to industrial sites. In keeping with the Neighborhood Model, buildings that can be designed to fit into the terrain rather than create large flattened sites are preferred.

Strategy 2q: Require that re-graded slopes result in smooth rather than abrupt or steep grades that are difficult to vegetate and maintain.

Steep slopes that are designated as “managed slopes” and regraded will be required by ordinance to meet standards that result in more gentle and easy-to-maintain slopes. Other site grading should also be consistent with this strategy.

Objective 3: Promote Livability in Existing Residential Neighborhoods.

Locating certain types of industries away from residential uses when those uses are not adaptable to a mixed use setting helps to promote livability in existing residential neighborhoods. In addition to traffic, the most important issues of concern near residential neighborhoods are potential noise and odors from activities on industrial sites. Noise is regulated through the Zoning Ordinance and for this reason, noise should not be problematic to nearby residents. Although the industries targeted for this location are not expected to produce undesirable odors, with any rezoning it would be important to ensure that the potential for odors are addressed so that residents and employees in nearby neighborhoods and offices are not negatively impacted. Industries with emissions will have to conform to federal air emission standards.

Objective 4: Use Development Area land efficiently to prevent premature expansion of the Development Areas.

When the Planning Commission initially considered this area for expansion of the Development Areas in March 2012, they determined it was not needed due their belief that sufficient industrially zoned and/or designated area was available at that time inside the Development Areas. Since then, the Board has determined that sufficient land area may not now be available for certain target industries and directed this consideration of a CPA.

Strategy 6d: Continue to require screening, buffering, and, physical separation, where necessary, to promote compatibility of residential and non-residential uses.

The closest residential use is approximately 300 feet away, across Route 29 South. This house and houses in the Sherwood Farms subdivision take access from Teel Lane. Teel Lane connects to Overlook Drive under the railroad tracks. Screening and buffering of the frontage of Route 29 South could help to promote visual compatibility with the houses on the east side of Route 29 South. A wooded buffer could be retained to provide protection to the church to the south of the site.

Strategy 7a: Continue to ensure that sufficient developable land is available for future commercial and industrial development needs.

See comments under Objective 4.

Objective 8: Preserve natural systems which are shown for preservation on Master Plan Land Use Plans.

Natural resources on the site are described earlier in this report. Areas expected for preservation should be designated as Parks and Green Systems.

Objective 9: Match infrastructure availability and capacity with new development, especially in Priority Areas.

The properties are not part of a Priority Area. As a result, new development would be expected to provide corresponding road improvements and infrastructure necessary to serve the properties.

Transportation Goal: Albemarle's transportation network will be increasingly multi-modal, environmentally sound, well maintained, safe, and reliable.

Objective 4: Strengthen efforts to complete a local transportation system that includes access to pedestrian and bicycle facilities.

Inclusion of the properties in the Development Areas provides a unique opportunity to create a connected trail system from the Regional Mixed Use properties to the east all the way to the future Heyward Park. Such a trail system was anticipated in the adopted Greenway Plan and Master Plan for the Southern and Western Urban Neighborhoods. Ultimately, a trail in this part of the Development Areas would be linked to a trail system on the Ragged Mountain property. Connections to the Regional Mixed Use properties to the north should include sidewalks and bicycle trails.

Objective 5: Continue to preserve the functionality of the roadway systems in Albemarle County and plan for and implement access management strategies.

The properties are located on a major collector road, Route 29 South, and are within 1/3 mile of the off-ramp from I-64 going south. Route 29 South has 17,000 vehicle trips per day (vpd) at this location and operates at a high level of service south of the interchange. However, some problems exist with the functionality of the interchange including traffic traveling north on Route 29, turning left and crossing southbound Route 29 to go west on I-64. Additional traffic at this location will make the situation less tolerable, particularly truck traffic making this turning movement. I-64 and Route 29 interchange improvements (Exit 118) are the highest priority in the Thomas Jefferson Area's Metropolitan Planning Organization's Long Range Transportation Plan. Replacement for both capacity and safety, including related improvements to the Fontaine Avenue interchange is proposed.

If the properties are designated for industry, changes may be needed to Route 29 South, south of a new entrance. These changes could include modifying the existing crossover between Gold Eagle Drive and Teel Lane such that truck movement through the crossover is prohibited, but residential traffic could continue; moving a more southern crossover to line up with a new entrance road to the properties; and/or adding a restricted cut u-turn design south on Route 29 to allow trucks leaving the properties to make a u-turn to get to an I-64 on-ramp. Additional traffic signals are not desired on Route 29 South, so all alternatives would be explored. Specific improvements would be predicated on a plan for development which typically comes during a rezoning.

Staff has worked with and will continue to work with the Virginia Department of Transportation (VDOT) as called for in the Code of Virginia regarding the assessment of this amendment.

Objective 6: Continue to provide safe, effective, and improved urban roads in the Development Areas while recognizing that multi-modal opportunities help to improve road functions.

New streets in the Development Areas are expected to have curb and gutter, sidewalks, and street trees. As indicated earlier in this report, pedestrian and bikeway connections will be needed to connect this employment area to the Regional Mixed Use center.

Parks and Recreation, Greenways, Blueways, and Green Systems Goal: Albemarle will have a system of high quality parks and recreational facilities throughout the County that is interconnected by greenways and paths.

Objective 1: Preserve and maintain important natural areas, rivers, and lakes in County-owned parks in the Development Area and the Rural Area, in parks jointly owned with the City, and in City-owned land surrounding drinking water reservoirs in the County.

The undevelopable parts of the properties under review should be preserved, but, passive recreational use could be allowed. Trails are desired in this area to make a connection to the City's Ragged Mountain natural area. If the owner of the properties wished to dedicate the undevelopable parts to the County, these areas could be added to the Heyward Park to enhance the trail system for residents as well as tourists.

Strategy 1a: Continue to preserve and maintain the County's Rural Area parks: Heyward Park (listed).

Heyward Park contains a conservation easement intended to preserve habitat and prevent development. In order to achieve habitat preservation, a forested buffer area will be needed adjacent to the Park.

Objective 3: Complete the greenway trail system and provide access to blueways.

Rezoning the properties under consideration with this CPA could help provide an opportunity to complete the greenway trail system in this area.

B. The merit of Comprehensive Plan amendment requests shall be largely determined by the fulfillment of support to the "Goals and Objectives" specified in the Comprehensive Plan.

An assessment of this request to the goals and objectives of the Comprehensive Plan is provided above.

C. A primary purpose of the Comprehensive Plan and Land Use Map is to facilitate the coordination of improvements to the transportation network and the expansion of public utilities in an economical, efficient, and judicious manner. Comprehensive Plan amendments which direct growth away from designated development areas shall be discouraged unless adequate justification is provided. Amendments to the boundaries of development areas may be considered appropriate if the request is comprehensive, proposes to follow a logical topographic or man-made feature and is supported by adequate justification. No Comprehensive Plan amendment shall be considered in areas where roads are non-tolerable or utilities are inadequate unless the improvement of those facilities is included in the Comprehensive Plan amendment proposal.

Staff has evaluated this proposal for changes to the Southern Urban Neighborhood boundary to create additional area for employment and industry. This area has both challenges and opportunities. While the topography is steep in places and development may involve significant grading, the area could provide employment opportunities residents and also improve the tax base to pay for needed community improvements. Transportation networks are available to serve the properties and utilities can be extended. I-64 and Route 29 South can provide access to employers who need or want easy access to the interstate and the University of Virginia. If the Regional Mixed Use Center contains housing, then, workers could live and work in close proximity. Employers who grade and build with the terrain will have a less dramatic impact on the hillside than employers who want to build large flattened area for operations. Staff believes that a boundary adjustment to include approximately 80 acres within which development could occur has

the potential for a logical addition to the Development Areas to achieve employment and economic development goals.

- D. Proposed Comprehensive Plan amendments shall be evaluated for general compliance with adopted County plans, policies, studies and ordinances and to determine if corresponding changes are necessary.**

This report has provided most of the information necessary to determine general compliance with County plans, policies, studies, and ordinance. Strategy 2a in the Economic Development Chapter recommends additional work to determine the availability and suitability of land for industry. While this CPA review is a portion of that work, a more comprehensive study will take place over the next year.

- E. Except as otherwise provided, the following conditions may be considered in the evaluation of a request to amend the Comprehensive Plan.**

- 1. Change in circumstance had occurred; or**

A change in circumstance has occurred with the appearance of a unique business prospect which is one of the County's targets and who could benefit from an industrial designation at this location. While all targets and locations for business and industry will be reviewed over the next year, the Board of Supervisors believes that this is an opportunity that warrants consideration of the CPA.

- 2. Updated information is available; or**

No information on availability of industrial land exists, other than what was provided with the recent Comprehensive Plan update. The capacity analysis performed with the update showed that while there are approximately 600 acres of vacant land zoned and/or designated for industrial development, most of it is in small parcels and not located near interstate interchanges. This CPA is intended to address the availability of land in for industries that need an interstate interchange location.

- 3. Subsequent portions of the Comprehensive Plan have been adopted or developed; or**

As the Comprehensive Plan was just adopted, consideration of this criterion is unnecessary.

- 4. A portion of the Plan is incorrect or not feasible; or**

The Comprehensive Plan does not appear to obtain a mistake or lack of feasibility.

- 5. The preparation of the Plan as required by the Code of Virginia was incomplete or incorrect information was employed.**

The Comprehensive Plan anticipated the need for additional work and potential amendments related to economic development. Consideration of this boundary line adjustment is a logical next step.

ISSUES FOR PLANNING COMMISSION DIRECTION

- 1. Is the area identified for consideration for the boundary adjustment on page 3 appropriate?**

Staff believes that the extensive system of critical slopes on the southern end of the larger study area dictate the need for properties south of the Sweetspot parcels to remain in the Rural Area. Several properties south of the Sweetspot parcels have been surveyed and may have significant resources. For these reasons, it is appropriate to consider a boundary adjustment only on the Sweetspot parcels.

2. Is the area within which development could occur appropriately located?

The 80 acre area within which development could occur is the land near Route 29 South, downhill from the large system of critical slopes adjacent to Heyward Park. It contains the majority of contiguous land that is not in critical slopes. Several areas of critical slopes follow Route 29 South, which should be preserved and designated as Parks and Green Systems.

Staff believes that the land without important environmental features and land not identified for mountain protection provides a reasonable opportunity for industrial development. Such development, however, will likely involve significant grading for roads and potentially for building and parking sites. Grading activities will remove forest cover. The extent to which these activities will take place will be unknown until a plan of development is presented. Staff believes, though, that development of this area could take place without harming Heyward Park by retaining a forested buffer on the unbuildable parts of the properties. In addition, design and construction of buildings and parking that work with rather than against the terrain could result in greater building square footage, less grading, and better conformity with principles of the Neighborhood Model. In any event, land to be preserved should remain forested for natural resource preservation and to serve as a visual buffer for the Entrance Corridor and nearby residential and rural historic properties.

3. Assuming that the buildable land should be added to the Development Areas, should the remaining areas for preservation remain in the RA or be moved into the Development Area and designated as Parks and Green Systems?

The Rural Area Goal in the Comprehensive Plan provides an expectation for thriving forests and preserved natural resources. A Development Area objective is to preserve natural systems which are shown for preservation on Master Plan Land Use Plans. Both the Rural Area and Development Areas Chapters assume that important natural resources on the properties will be preserved. With this in mind, the question arises as to the appropriate land use designation for the 143 acres of land that should be preserved.

Retaining a RA designation clearly identifies that the land is not appropriate for the Development Areas where growth is expected. A distinct boundary between the Development Areas and the RA could be achieved by keeping the unbuildable area in the RA. However, a RA designation suggests that all RA uses are appropriate at this location. Timbering is a by-right use that could take place either through clear cutting or by selective cut. If clear cut, replanting of trees or vegetation would be required to prevent erosion. A selective cut would remove certain species of trees. Either activity, though, would have a negative effect on habitat. A RA designation will not prevent existing zoning from taking place, which could also include residential development. Critical slopes waivers are available, which, if approved, would allow the potential for residential development where not desired.

Providing a Development Area designation has advantages and disadvantages, as well. Adding 223 acres of land to the Development Areas where almost 2/3 is slated for preservation may not make sense, given that the purpose of the Development Areas is to provide places for new development to occur. However, there are two advantages of adding preservation land to the Development Areas. One would be to clearly state the expectation for preservation of the area is to help preserve natural resources and prevent habitat fragmentation in Heyward Park and beyond. The second would be to place more restrictive zoning on land in critical slopes with the steep slopes overlay district.

Since both rezonings and critical slopes waivers are Board decisions and one assumes that the Board would prevent grading in critical resource areas, then either scenario could achieve

the desired purpose. A request for rezoning to allow for development of the 80 buildable acres could be accompanied by a commitment to preserve 143 acres on the Sweetspot parcels whether the land was designated in the Rural Area or Development Area. A conservation easement could be sought regardless of a Rural or Development Area status if the land in the Development is shown for preservation on the Comprehensive Plan.

4. What information should the Comprehensive Plan reflect about the area to be added to the Development Areas?

If the Comprehensive Plan is to be amended, staff believes the following information should be included:

- Designation of buildable areas and unfragmented land for industrial development and the environmentally sensitive and mountain protection areas for preservation and passive recreation;
- Emphasis on the importance of permanently protecting land adjacent to the Heyward Park for habitat protection within Heyward Park and the Ragged Mountain Natural Area;
- Text that encourages creativity in building design and construction to minimize site grading, minimize removal of tree cover, and discourage building of tall retaining walls;
- Identification of the following industries as most suitable for this location:
 - Research and development with associated Light Assembly
 - Specialty food production and distribution
 - Adult beverage production and distribution
 - Other small distribution facilities ancillary to a production operation
 - Business and financial processing operations
- Articulation of the expected relationship of development of these properties to the Regional Mixed Use Center which could provide for residential and commercial uses;
- Expectations that noise and odors should be addressed, as necessary, to avoid negative impacts on nearby properties;
- A land use map that shows and text that describes a frontage and boundary condition of a wooded buffer area along Route 29 South, I-64, and the western boundary of the properties;
- Description of a trail extending through the properties to Heyward Park;
- Statements on the need for improvements, as identified by VDOT and others, which include the I-64-Route 29 South interchange improvement project in the Long Range Transportation Plan and may also include the importance of preserving left turn movements from Teel Lane south on Route 29 for residents, preventing left turn movements from Gold Eagle Drive towards I-64, and finding alternatives for truck u-turn movements on Route 29 South that are safe and convenient without need for a traffic signal.
- Expectations for pedestrian, bicycle, and vehicular connections to the Regional Mixed Use Center adjacent to the designated area.

SUMMARY:

Staff has identified the following factors favorable to this request:

1. The properties would add inventory to the County's land designated for industrial/employment uses to help provide more job opportunities for Albemarle County residents. This land could be used by target industries who need to locate near an interstate interchange with close

proximity to downtown Charlottesville and/or the University of Virginia but are not adaptable to a mixed-use environment.

2. The site has reasonable access to water and sewer service, is served by a primary road (Route 29 South), and is approximately 1/3 mile from the I-64 interchange.
3. Of the properties under consideration, approximately 80 acres are located outside of critical slopes and other natural resources. With road access, they could provide building sites for new or expanding business and industry in Albemarle County.
4. The remaining 143 acres are generally adjacent to the Heyward County Park and could compliment the park through resource protection measures, potentially as an addition to the park or under a conservation easement.

Staff has identified factors unfavorable to this request:

1. Addition of some or all of the subject area to the Development Area creates the potential for rezoning and development which would remove forested land, an important RA resource, and affect habitats and fragment an existing wildlife corridor. However, land zoned Rural Areas could be timbered at the present time, so habitat protection cannot be guaranteed on land designated and zoned Rural Areas.
2. The interchange of Route 29 and I-64 has been identified as needing major improvements and additional traffic, particularly increased truck traffic, will further the need for improvements. This is the top priority in the regional Long Range Transportation Plan and improvements can be expected in the future.
3. There is no plan of development at this time, so it is difficult to assess how the properties would be developed and the particular impacts. All of these items would need to be reviewed, though, at the rezoning stage.

RECOMMENDATION:

Staff believes that the properties under consideration for the boundary adjustment can provide additional area for target industries, particularly those needing immediate access to I-64 and/or the University of Virginia. The CPA has been analyzed against all of the criteria for review of Comprehensive Plan amendments. Development could be achieved in conformity with expectations for the Development Area and natural resource protection to provide for employment generating uses. Certain impacts (identified in the staff report) need further analysis and findings before an amendment is finalized. These should be addressed as part of a CPA prepared for public hearing with the bulleted items listed on page 17 of this staff report.

ATTACHMENTS:

Attachment A: [Resolution of Intent adopted June 10, 2015](#)

Attachment B: [Questions, Answers, and Comments from Community Meeting July 7, 2015](#)

Attachment C: [Location of Properties that Have Been Surveyed, Provided by DHR](#)