

Albemarle County Planning Commission
July 21, 2015

The Albemarle County Planning Commission held a public hearing on Tuesday, July 21, 2015, at 6:00 p.m., at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Thomas Loach, Cal Morris, Chair; Richard Randolph, Mac Lafferty, Vice Chair; Bruce Dotson, and Tim Keller. Karen Firehock was absent. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was present.

Staff present was Elaine Echols, Principal Planner; David Benish, Chief of Planning; Wayne Cilimberg, Director of Planning; Faith McClintic, Director of Economic Development; Lee Catlin, Assistant County Executive; Susan Stimart, Economic Development Facilitator; Sharon Taylor, Clerk to Planning Commission and Andrew Herrick, Senior Assistant County Attorney.

Call to Order and Establish Quorum:

Mr. Morris, Chair, called the regular meeting to order at 6:00 p.m. and established a quorum.

Work Session

CPA-2015-00001 Comprehensive Plan Boundary Line Adjustment – Boundary Adjustment for the Southern Urban Neighborhood (Elaine Echols)

Ms. Echols said she was going to be presenting the staff report and Faith McClintic, Director of Economic Development, is going to be acting as the applicant in this particular case. Staff has been working on this boundary adjustment ever since the Board of Supervisors adopted a resolution of intent to consider whether or not the boundary should be adjusted. She reviewed a PowerPoint presentation to review the consideration of a boundary line adjustment to the Southern Urban Neighborhood. (PowerPoint Presentation – CPA-2015-00001 – Boundary Line Adjustment to the Southern Urban Neighborhood)

Background Information (See staff report)

- During the Comprehensive Plan update staff provided a lot of analysis on what our land capacity could provide. They provided an extensive residential capacity analysis. They provided information on industrial land and commercial land. (Comprehensive Plan Capacity Analysis)
- Comprehensive Plan Interstate Interchange Discussions
- New Economic Development Office
- Business Prospect
- Resolution of Intent
- **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
- The Board of Supervisors would like recommendation from the Planning Commission by September 1st to do their work in September either to approve or not approve a CPA

amendment. This is not a rezoning and any zoning activity would take place after a comprehensive plan amendment is adopted if one is adopted.

The Study Area

Area to consider for Boundary Adjustment

Current Zoning

Relationship to Comprehensive Plan

- Natural Resources
- Historic Cultural and Scenic Resources
- Economic Development
- Rural Area
- Development Area
- Transportation
- Parks and Recreation, Greenways, Blueways, and Green Systems

Slopes, Streams Mountain Protection Areas

Forest Cover and Biodiversity

Surveyed Properties – Dept. of Historic Resources

Rural Area, Economic Development and the Development Areas

- By-right: rural and residential uses
- 80 out of 223 acres in which development could occur
- Opportunity for Targets
 - R&D associated with 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
- Protection of nearby neighborhoods from noise and traffic

Transportation Impacts

- Interchange needs to be upgraded – highest priority in MPO LRTP
- Truck traffic movements – no left turn; restricted cut U-turn on 29 S
- Staff working with VDOT
- General analysis until specific users are known
- Signal at Teel/Gold Eagle Drive is very unlikely – too close to interchange
- Interconnections – ped/bike needed to Regional Mixed Use Area

Relationship to Parks and Greenways

Factors Favorable

- Properties could add inventory near interchange
- Utilities and access
- 80 acres are outside of important environmental resources
- Potential for permanent conservation or additional parkland

Unfavorable Factors

- Removal of forest resources – impact habitat corridors – but buffer could be added for species in park
- Interchange needs improvements
- No current plan of development to totally assess impacts – would occur at rezoning stage

Issues for Planning Commission Direction

- Is the area for a consideration of a potential boundary adjustment appropriate?
- Is the area identified for development appropriately located?
- Should just the developable area be added to the DAs or should all of the land be added and the undevelopable area designated for preservation?
- What information should a Comp. Plan Amendment reflect?

Information That Should Be Included in a CPA

- Designate buildable areas
- Emphasize protection of habitat in Heyward Park
- Encourage creativity in site design to reduce grading
- Identify 5 Targeted Industries
- Positive relationship needed to Regional Mixed Use Center
- Protect nearby properties from any noise and odors
- Wooded buffer frontage and boundary condition
- Emphasize need for interchange improvements to keep from making situation worse; find alternatives for truck traffic
- Provide pedestrian and bike connections to Mixed Use Center

PC Action Request

- Provide direction on identified issues
- Decide what should be put in a Comp Plan Amendment
- Set public hearing for August 18, 2015

Ms. Faith McClinton, the County's newly appointed Economic Development Director, acting as the applicant tonight, the Albemarle County Board of Supervisors. As the County's Economic Development Director she would like to offer some context of why the Board of Supervisors has initiated this request. She presented a PowerPoint presentation to explain why economic development is so important to our community and the reasons why the Commission should support the boundary line adjustment. (PowerPoint – CPA-2015-00001 Proposed Comprehensive Plan Amendment Study on a Development Area Boundary Adjustment – I64/Route 29 Interchange)

Why Is Economic Development Important?

- *Cost of Services is More Than Taxes Paid*

- The average Albemarle household pays only ~52% of the cost of providing County services to that home

Economic Development: Best Practices & Successful Strategies

Localities “set the stage” for ED activities:

- “Product” – Available buildings & sites
- Land – zoned & ready for development
- Utility & road infrastructure
- Accessibility: customers, workers, partners
- Streamlined, timely permitting processes
- Competitive tax structure & affordability
- Available, qualified workers
- Minimize uncertainties & investor risks
- Encourage economic/employment diversification
- Commercial/Industrial to Residential Mix:
 - o Goal is 25% / 75%

Why Adjust the Boundary?

- Unique “ideal” location at I-64 & Rt 29
- Proximity to Downtown & other local assets
- Accessible, reliable utility infrastructure
- Compatibility with nearby parks
- Provide additional “local” employment opportunities for County residents
 - o Over 40% of Albemarle labor force works outside the area (excluding Charlottesville)
- Limited “product” along primary transportation routes
- Only two parcels 20+ acres currently zoned LI
- UVA Research Park site limitations
- Offers site features desirable to targeted industries
- Provides options for existing companies to expand: 19 businesses/747 jobs
- Demand > Supply = higher costs; competitive disadvantage
- Creates revenue-generating opportunities instead of additional service demands:
 - o \$80-\$100 million investment = \$750k-\$1M/yr (revenue) versus
 - o ~52 lots @ \$3,231 (net to County) = \$168,012/yr (cost)

Comparison of Comp Plan Land Use Designations

	Land Mass	Total Acres	Industrial Acreage	% of Total Industrial	Commercial Acreage	Total Industrial + Comm
James City Co.	142.0	90,880.0	3043.0	3.348%	754.7	3797.7
Roanoke Co.	250.5	160,332.8	3803.6	2.372%	8492.8	12296.4

Frederick Co.	414.0	264,960.0	5486.0	2.071%	4242.0	9728.0
Bedford Co.	764.0	488,960.0	6587.0	1.347%	3797.0	10384.0
Louisa Co.	496.0	327,000.0	4000.0	1.223%	4200.0	8200.0
Fauquier Co.	647.5	414,368.0	2401.0	0.579%	1068.1	3469.1
Orange Co.	341.0	218,240.0	695.0	0.318%	560.0	1255.0
Augusta Co.	967.0	618,880.0	1958.0	0.316%	2246.0	4204.0
Albemarle Co.*	726.0	464,640.0	604.0	0.130%	221.2	825.2
* Includes property owned by UVA Real Estate Foundation (aprx 234 ac developable); lease-only options; UVA affiliation required						

Many communities on this list also have aggressive land conservation programs and explicit goals to protect their natural and historic resources; however, considering our physical size, the availability of land for industrial uses is minimal.

Final Considerations:

- County-initiated boundary adjustment – not the landowner;
- BOS wants to be responsive to this company within our targeted industry group;
- Even without an active prospect, the request is in keeping with BOS Strategic Goal #4: *Foster an environment that stimulates diversified job creation, capital investments & tax revenues that support community goals;*
- Consistent with Economic Development (ED) Goal of the Comp Plan to expand options for industrial land users ;
- Economic Development (ED) Office undertaking a comprehensive review of all properties identified for industrial use in the Development Areas & conducting detailed research & analysis of the County's competitive position;
- Business activity around major roadways maximizes ROI from transportation and utility infrastructure;
- Commonwealth of Virginia actively supports this project.

Mr. Morris invited public comment.

David van Roijen, resident of Samuel Miller District, read the following statement into the record. The proposed Boundary Adjustment to the Development Areas to create a light industrial zone adjoining the junction of U.S. 29 and Interstate 64 requires some very serious examination with regard to the impacts and appropriateness of such a change, not the expedited public notification and hearings now being attempted.

The public needs to be informed as to how it is that our comprehensive plan is so seriously flawed and out of date so quickly. What is wrong with the areas's present designation? It protects the southern entrance corridor and provides a buffer to the recently donated parkland.

What is it about to be raped?

“Proposed amendments to the Land Use Map should be reviewed for compliance with the general plan rather than an area-specific or parcel specific requests for a change in recommended use.” However, it would appear that this guideline is not being applied and Albemarle County is now for sale and open to any business with long term planning being omitted in hopes of business revenues.

I am not opposed to a change to an area’s designation if it has been well studied and is needed. This wholesale about-face to the Comprehensive Plan would not be tolerated in other districts of the county with similar areas like Crozet! I believe that before the proposed change is addressed a couple of steps need to be taken by the County:

1. The County staff and the newly hired Economic Development Officer should create a dynamic model of the positive and negative fiscal and environmental impacts of the proposed change.
2. Immediate road improvements need to address: the significant Interchange\Exit traffic problems (existing design shortfalls), the creation of by-pass traffic from the introduction of the new commercial development at Fifth Street, and the increased demands and impediments to this critical junction from this Land Use change.

(Attachment – Letter to Planning Commission from David M. van Roijen regarding boundary adjustment – Available with written minutes in the office of the clerk.)

Marcia Joseph expressed concerns from her email sent to the Commission. She asked the Commission to consider all other options available to businesses interested in locating in Albemarle County. The county has always developed carefully and thoughtfully. This attempt seems to be hurried and not well thought out. (Attachment 2: Email dated July 20, 2015 from Marcia Joseph to Planning Commission)

Norma Diehl said she was very pleased early on when the comprehensive plan was approved several months ago. But, before the ink was even dry on the plan this change was being pushed. This requested change would change this area totally and the life style of that 29 Corridor coming into Charlottesville. It was just for a mystery guest, which may become a pig in the poke. The citizens have no idea at this point. She noted the Commission has a copy of her letter addressed to the Planning Commission. But, she just wanted to make two other quick comments. One, she was concerned about the critical slopes in that area because they are very essential in many environmental ways. Any consideration of the change in status of this land should not include any of the critical slope area. The other issue that she has great concern about is the I64/29 interchange, which is hazardous at best. She would invite any of you to try to come down that road at rush hour and you will know exactly what concerns we of the neighborhoods have in terms of access with the merges in the ramps. That led apparently to the request for zoning almost a half a mile south of the Gold Eagle Drive so that an entrance could be placed further away from I-64. But, that also would lend itself to commercial or strip development in that area. She did not think the change to allow this use at this time is appropriate because she wanted to protect this rural entrance into the city. She read the last sentence of her email: “I served on the Planning Commercial for many years, and during that time saw Route 29N and 250E both, despite our best efforts, become somewhat blighted roadways into the city and county. I do not want to see that happen again, and would like to have this rural entrance to city.” (Attachment 3: Email dated 7-17-15 from Norma Diehl to Planning Commission.)

Radford Davis spoke against the proposal due to traffic concerns; that no studies have been done on the property; and other issues expressed in his email. He asked the Commission to

vote against adding this land to the growth area without customary and appropriate review. He thinks it is time to ask those questions and not hurry on and provide Mystery Industries, Incorporated the right to develop at will whatever they like on the property. (Attachment 4: Email dated 7-20-15 from Rad Davis to Planning Commission)

Jerry McCormick-Ray, White Hall resident, totally disagreed with changing the Comp Plan. The boundary line on the development and rural areas has been our guiding light for the whole Comprehensive Plan and changing that just weakens this whole process that we have been under. In weakening that boundary it is weakening it for other environmental aspects. From an environmental point of view those forested areas are vital to our groundwater supply and cleaning our air. They don't want to add more groundwater pollution to those areas. She asked the Commission to think very hard about considering this boundary change. It is a slippery slope and they have not even done the studies that would show us what kind of impact this is going to have. What is the cost to the community for the next couple of years to have to endure all the costs of noise, pollution, trucks, and the environment? It is not going to be an easy process and what is the gain. From my perspective we should stay within our land budget. If they can't develop wisely within our land area that we have and lose our rural area then our whole comp plan and vision for this county is not going to be saved or what we want. She thinks it is a dead process. So please think very hard about this boundary change.

Rich Barnett, teacher of history at UVA, pleaded against the request due to the damage it would do to the county. He has lived in the county for 41 years. He and his wife have owned property on Mountain View Drive for 10 years just across the highway from land you have targeted for development. He is against this proposal even though it is probably a done deal since big money trumps public opinion every time. He opposed the degradation of the last remaining unspoiled highway entrance to our city. We know this will not be put to a public vote and they know you seek tax revenues and a re-election funding. But, maybe we can respectfully state a few reasons why this project is going to damage the county. First, let us look at a recent routine development, the one east and opposite Willoughby Shopping Center on Fifth Street Extended. A year ago this was a fairly pristine forest with an older store house type of structure deep inside it at the end of a pothole road. Then suddenly the siren is on with tax revenues, low wage jobs and temporary construction income with some. The earth moving machinery went into high gear producing the current unsightly dirt and mud desert where in about 25 acres of life less ground not a blade of grass was left behind. Utilities now move in to enable whatever duplicate of offices, condos and boutiques, something so new and so different to be jammed into an oily sea of fresh asphalt. There is now nothing left but an eroded mountain of clay. Green tree wood was piled up higher and wider than the County Office Building. As green as it was burned into toxic ashes in smoldering pollution. Such are the most economical means of modern day development. He opposed Route 29S being turned into 29N. He quotes Joni Mitchell. I look about me and I see people who might remember what she said. "They took all the trees and put them in a tree museum and they charged the people just a dollar and a half just to see them. Don't it always seem to go you don't know what you have until it's gone. They paved paradise and put in a parking lot."

Carleton Ray said this is a really lousy idea for two reasons. One is economic development never pays for itself in the long run. He comes from New York City and knows of the high cost. He asked what is meant by a natural valuable area. He was on two mountain protection committees and the bio-diversity committee in the county and spent almost 12 years with colleagues debating these things. Two factors came out. One, is a critical slope and the second is what a stream buffer is. They recommended that critical slopes be much, much less on all 3 committees than 15 percent. He did not think that 15 percent is enough due to erosion caused by heavy rains and runoff. If they care about runoff he asked them to keep that in mind.

The recommendation for a stream buffer from an ecological point of view should be between 400' and 600'. That is a lot and closes off a lot of land. But, that is what you need if you are really going to protect streams from a lot of runoff. He asked the Commission to keep those two factors in mind when they think about this area in particular.

Helen Carlton, President of the Central Virginia Partnership for Economic Development, that is a not for profit public private partnership that represents the private sector higher education, which is University of Virginia, and both Piedmont Virginia Community College and Germania community College, as well as 8 counties plus the City of Charlottesville. They just got Madison County in so they have everybody now in our region from Nelson County all the way up to Culpeper. A few years ago they oversaw a comprehensive target market's report. She has been pleased to see that the Board of Supervisors in Albemarle County has embraced that report as a way to focus on economic development in very specific targets. It is not opening up the doors to the world. They are looking at what are the types of businesses that they want to keep here and help grow here so that they can be successful in the long term and have a vibrant economy. They also support the priorities that Albemarle County sets. They don't set priorities for them. They actually help them come to those decisions and then support whatever they decide. She thinks it is common knowledge that our successful businesses want to remain and grow here. They want to stay here, and if they want to retain them they just absolutely must have places for them to go. We need sites and buildings so that they can continue their successful operations here. Otherwise, they will take their jobs and our tax revenues elsewhere and they have seen that happen as you all know. She also serves in her role as president of the partnership as president of the Piedmont Workforce network, which is the region's workforce development board. In our region we need higher wage, high quality, career ladder jobs. In providing opportunities for the 40 percent out commuters to have jobs closer to home I thinks is very positive for all of us. The partnership strongly supports this boundary adjustment and greatly appreciate your consideration this evening.

Christine Davis said she would hit the high points in her email sent today. She asked the Commission to require the following additional and detailed information before voting: a funded and completed small area study of the US 29 South Corridor; a completed VDOT study; a firm date and funding verification for when the VDOT improvements to the 64/29 Interchange will be done; cost analysis and logistical plan for how water and sewer would be extended down 29; a plan to address the school bus route; and an actual cost analysis and payback period analysis of extending police, fire and other public services to the property. It should be done with detailed analysis, firm data and with caution. (Attachment 5 – Email dated 7-21-15 from Christine Davis to Karen Firehock)

Morgan Butler, Southern Environmental Law Center, noted the problems mentioned in the staff report were with the readiness in infrastructure and the location of the county's vacant industrial land. It was very hard to provide specific comments on this because of the lack of information about the uses that would follow. One of his broad concerns is that this growth area expansion has suddenly jumped in front of all of those other strategies. By allowing it to do so could establish a damaging precedent with the county adopted growth management policies to fit the desires of a business prospect rather than the other way around. The fact that the area being evaluated tripled in size between May and June and no longer seems tailored to just the one business prospect is also troubling. It undermines the urgency argument being used to push this forward on a fast track. With the more comprehensive analysis the comp plan calls for now getting underway shouldn't we be looking with this request a smaller area, such as the 83 acre parcel that is already in the jurisdictional area, and was the parcel originally identified when this prospect and proposal first surfaced. This goes to the first question we were asked to address tonight. The community had their public hearing and they feel there are several key questions

that need to be answered before an informed recommendation can be offered. Here are two that have not come up tonight. First, the staff report mentions a potential lack of sewer capacity for at least the water intensive use until 2024. That is a key issue in light of the apparent urgency underlying this request and one on which more information is clearly needed. Second, sizeable expansions and upgrades of utilities would be necessary. All told nearly 2 ½ miles of water, sewer and gas line extensions will be necessary to make this work. How much would these cost and who would pay for all of them. Thank you for the chance to comment tonight and for your careful consideration of this proposal.

Neil Williamson, Free Enterprise Forum, voiced his concerns outlined in his letter as submitted. He noted The Free Enterprise Forum hopes tonight's work session will include a discussion of how you plan to fully restore the developable land in the development area to 5% of the land mass of the County. (Attachment 5 – Statement submitted on 7-21-15 by Neil Williamson. Available with the minutes in the office of the clerk.)

Planning Commission Direction:

The Planning Commission held a discussion with staff, which included Lee Catlin, Assistant County Executive and Susan Stimart, Economic Development Facilitator. The Planning Commission provided direction on the issues identified by staff and provided comments and suggestions on information that should be included in a CPA for the August 18th public hearing. The Planning Commission generally were in agreement with all the issues identified by staff noting the importance of protecting nearby properties from noise and odors as being something they are really interested in; however, taking the comments of Mr. Randolph and looking at an overall larger area that could be potentially ratcheted back.

The Planning Commission generally agreed with the recommendations for inclusion in the CPA provided by staff:

- Designate buildable areas
- Emphasize protection of habitat in Heyward Park
- Encourage creativity in site design to reduce grading
- Identify 5 Targeted Industries
- Positive relationship needed to Regional Mixed Use Center
- Protect nearby properties from any noise and odors
- Wooded buffer frontage and boundary condition
- Emphasize need for interchange improvements to keep from making situation worse; find alternatives for truck traffic
- Provide pedestrian and bike connections to Mixed Use Center

The Commission also noted the importance of provisions that would address protection of nearby properties from noise and odors.

Mr. Randolph listed the following that need to be addressed for him to support the CPA:

- 1) By August 18th the Commission needs to receive a statement from the BOS that they consider this rezoning/CPA as an isolated, single-case study and that it is not precedent-setting. In language similar to the Supreme Court in *Bush v. Gore* there needs to be a statement that this decision rezoning/CPA carries no precedent for any future discussion of development in other interchanges or in any other corners of this interchange. This is a single-shot rezoning/CPA that is expressly not the first step to a series of rezonings

down 29 S or rezonings in other interchanges in the County such as Crozet, Shadwell and Keswick.

- 2) To reinforce this point, I suggest the Commission needs to view a site plan on August 18th for a 100 yard buffer on either side along the southern -most entrance, along either side of a potential entrance/exit road and beyond going all the way up to Heyward County Park, to separate the Developed Area to the north from the rural properties to the south. This buffered cordon sanitaire is designed to serve as a physical and symbolic break between the Developed Area to the north and the Rural area to the south and make it harder for the owners of the property to the south to argue that their properties should be eligible to also be included in the Developed Area. Along this buffer could run the county's access road to the park.
- 3) A commitment needs to be secured from VDOT that it will conduct a publicly disclosed traffic impact analysis of the truck loading that the designated new industry's traffic will produce on the I-64/29 intersection and then provide a preliminary build plan for necessary improvements at the intersection that include estimated costs, sources of funds and probable start/completion dates.
- 4) A commitment from the County to conduct a hydrologic study of the benefits provided to Moore's Creek by the existing unspoiled topography within the proposed Developed Area and the estimated TMDLs and water quality impacts resulting from the proposed development on this site of this industry and other(s) potentially to the north.
- 5) For the purposes of this project the County and the industry agree that all the slopes within this potential new Development Area are preserved so that any proposed building in this site must conform to the slopes rather than the slopes conforming to the building. The industry should also consider placing any undeveloped property contiguous to the Park under conservation easement to preserve it in perpetuity.
- 6) The County will commit to conducting a community meeting with the residents of Redfield for the express purpose to discuss explicitly the sizing requirements of the interceptor tie in for this industry and the probable construction time line for this work.
- 7) The County will share with the Commission the RSWA's preliminary estimates of water usage by this industry at this site and provide clarification of RSWA's water usage policy during drought conditions, identifying whether the industry has first or preferential rights to water from the Ragged Mountain reservoir.
- 8) Within six months the County should develop a preliminary plan for unified LI development within the quadrant's existing Development Area, with the goal of actively marketing the property within the next nine months.
- 9) The County should attempt to secure VDOT's support for pressure-activated traffic lights at the locations warranted by VDOT to maximize the current ease of travel north and south on 29.
- 10) The BOS may find it advisable and advantageous to authorize the Parks and Recreation Department to create a recreational use advisory committee that reports to the Department. This committee should be composed of recreational and competitive mountain bikers, hikers, other outside groups such as the Audubon Society, members of the new LI business and adjacent to the Park property owners to advise Parks and Recreation on the creation of a Recreational Master Plan for the Park. Consideration should also be given by this committee to the potential creation of a cyclocross course within the Park which will be contiguous to the new LI business.
- 11) The Planning Commission and Board of Supervisors should expect to receive within the next six months an updated, current inventory (following this potential rezoning) of all existing LI properties and commercial properties equal to or larger than five acres to help County elected and appointed officials strategically plan for future LI growth."

Mr. Dotson agreed that rural interchanges are not on the table for discussion and asked for the following in considering the CPA:

- Inventory of the available industrial sites and/or land.
- Information on other urban interchanges as was provided during the Comprehensive Plan review.
- VDOT and RSWA representatives to attend the CPA public hearing.

Mr. Loach agreed with Mr. Randolph's list as things that are needed before the land would be rezoned. He also emphasized the need for concurrency of infrastructure with development of any land that would be rezoned.

Regarding staff's third question, "Should the developable area be added to the DAs or should all of the land be added and the undevelopable area designated for preservation?" It was the consensus of the Commission to include all of the land in the CPA as described by staff which would allow the Commission to scale back the actual added area it recommends if it so chooses.

No formal action was taken by the Planning Commission.

Mr. Morris thanked all the Commissioners, staff and the public for their input. Please remember they are coming back on the 18th of August to have the public hearing at 6:00 p.m. They will see what the staff comes up with as far as the proposed amendment.

Mr. Cilimberg noted for those in attendance, too, and Planning Commissioners that they do have another community meeting scheduled for next Thursday, July 30th beginning at 5:00 p.m. at the 5th Street Office Building to essentially get a recap of what they heard tonight and what they will be looking at.

Mr. Morris invited everyone to be there.

Mr. Cilimberg noted the location in August on the 18th would also be at COB 5th Street Room A because the auditorium here was out of service due to some improvements

(Recorded and transcribed by Sharon C. Taylor, Clerk to Planning Commission & Planning)

(Attachments available in separate file.)

Attachment 1 7-21-15
Planning Commission
Minutes CPA-15-1

Dear Planning Commission,

The proposed Boundary Adjustment to the Development Areas to create a light industrial zone adjoining the junction of U.S. 29 and Interstate 64 requires some very serious examination with regard to the impacts and appropriateness of such a change, not the expedited public notification and hearings now being attempted.

The public need to be informed as to how it is that our comprehensive plan is so seriously flawed and out of date so quickly. What is wrong with the area's present designation? It protects the southern entrance corridor and provides a buffer to recently donated parkland. Why is it about to be raped?

"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 recommended use" However, it would appear that this is guideline not being applied and Albemarle County is now for sale and open to any business with long term planning being omitted in hopes of business revenues.

I am not opposed to a change to an area's designation if it has been well studied and is needed. This wholesale about-face to the Comprehensive Plan would not be tolerated in other districts of the county with similar areas like Crozet! I believe that before the proposed change is addressed a couple of steps need to be taken by the County:

- 1.) The County staff and the newly hired Economic Development Officer should create a dynamic model of the positive and negative fiscal and environmental impacts of the proposed change.
- 2.) Immediate road improvements need to address: the significant Interchange\ Exit traffic problems (existing design shortfalls), the creation of by-pass traffic from the introduction of the new commercial development at Fifth Street, and the increased demands and impediments to this critical junction from this Land Use change.

IF YOU THINK AND PLAN BEFORE YOU VOTE WE WILL ALL HAVE A
BETTER COUNTY!

David M. van Roijen
2014 Monacan Trail Rd.
Samuel Miller
434 977-4299

Sharon Taylor

Attachment 2 7-21-15
Planning Commission Minutes

From: Marcia Joseph <marcia481@earthlink.net>
Sent: Monday, July 20, 2015 10:14 AM
To: Planning Commission
Subject: CPA201500001 Comprehensive Boundary Line Adjustment

Categories: Red Category

Dear Planning Commission Members,

After reading our new economic development guru stating her thoughts about the growth area expansion at 29 and I64 "This is a very unique place because of the convergence of the interstate highway and a major primary highway in Virginia," said Faith McClintic, the county's recently hired economic development director. "Having spent a lot of time in other rural communities, I can tell you they would kill to have one interchange like this." (Daily Progress July 7, 2015) I remembered the other proposals Albemarle County has considered over the years and rejected because the county has always discouraged development at the I 64 interchanges. The Yancey property and the Shadwell property come to mind.

The community and staff have spent years trying to preserve aspects of the landscape that personify Albemarle County. Obviously, other communities may indeed salivate over our interchanges because they are not cluttered with Cracker Barrels and Mobile stations and signs as high as nine story buildings. I guess it may appear as a blank canvass to someone who hasn't spent a lot of time and energy trying to protect the essence of Albemarle. Isn't that a big part of what makes this a desirable community? The fact that we all take pride and do not choose to develop haphazardly is why the county looks the way it does today. And in this case the only reason to change our standards would be just to award an entity we know nothing about.

Has staff considered guiding the unknown entity to properties in commercial zoning districts that are currently vacant or have large vacant buildings and easily connected to public water and sewer? The county itself has done a terrific job converting the old Phillips building into a state of the art library and community meeting space. One would think that a clever company could do the same. A couple of years ago the zoning ordinance was amended to allow industrial uses within the commercial zoning districts. Industrial uses measuring over 4,000 square feet can be approved by special use permit in commercial zoning districts. Surely this would be more acceptable than creating the impression that the county now has a fairly elastic growth area boundary evidenced by its' zealous enthusiasm to accommodate secret interested parties.

It is also hard to accept any sort of argument that no one wants to be located on Route 29N. The county has spent considerable time, effort and funds to support growth in the Places 29 area. The Chamber of Commerce considers the area the economic powerhouse of Albemarle County. Once the Berkmar connector opens, it will allow for additional traffic options and open up additional areas currently within the growth area boundaries designated within the current recently approved Comprehensive Plan. If we all believe that the Route 29 N corridor is not an attractive option for businesses, then perhaps we should consider removing some of this land from our designated growth areas.

Please consider all other options available to businesses interested in locating in Albemarle County. We have always developed carefully and thoughtfully. This attempt appears hurried and not well thought out.

Thanks you for considering my words,
Marcia

Marcia Joseph
Joseph Associates LLC
481 Clarks Tract
Keswick, Virginia 22947
phone 434-984-4199

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marcia481@earthlink.net

Sharon Taylor

From: normadiehl@aol.com
Sent: Friday, July 17, 2015 12:11 PM
To: Planning Commission
Subject: Fwd: Commission Work Session July 21

Attachment 3 7-21-15
Planning Commission
minutes CPA-15-1

***Could a copy of this letter be given to each Commission member prior to the work session?
Thank you very much.***

-----Original Message-----

From: normadiehl <normadiehl@aol.com>
To: kfirehock <kfirehock@albemarle.org>
Sent: Fri, Jul 17, 2015 11:33 am
Subject: Commission Work Session July 21

To: Karen Firehock

Samuel Miller District Planning Commissioner

I have been a resident in the Sherwood Farms community since 1975. I am writing to express concerns about the proposed change in use suggested for the properties at Rte 29S and I64.

This gateway to Charlottesville is unique in its rural beauty – the most scenic entrance to the city; used by many visitors to the University and UVA hospital facilities.

I attended the community session orchestrated by the economic development staff, and was dismayed by the illogical explanation and rationalizations for the change in use.

On the plat we were shown, about one half of the acreage in question is designated "critical slopes". These areas should not be included in any new boundary – they are integral to water run-off protection of the nearby stream and residential areas. To suggest, in the staff report, that they could be logged, is disingenuous and a red herring. Only non-critical slope areas should be considered in this request: otherwise we may be faced with our own versions of "mountain-top removal"!

Our current intersection at 29 and 64 is incredibly hazardous: accidents occur there on a regular basis: there is simply too much traffic to be accommodated by the merges, ramps, and tractor-trailers. To consider adding additional development before this situation is corrected is unthinkable. The current entrance from the distribution company is too close to, and too steep, to be used by further development: a second entrance would be needed.

I have great concerns about the potential area shown along Route 29 as it proceeds south, for almost a one-half mile. This obviously would be a magnet for commercial strip development – the bane of our other city entrances. Under no circumstances should the development area be extended so far. It abuts critical slope areas, so the only use would be as strip stores.

I do think that a portion of the suggested area could be developed in a careful, responsible manner given water and sewer connections and improved traffic movement. But I am very concerned about the broad definition of "LI" in the ordinance, and also note that the staff report only indicated "Industrial Designation". Why is that?

I served on the Planning Commission for many years, and during that time saw Route 29N and 250E both, despite our best efforts, become blighted roadways into the city and county. I do not want to see that happen again, and will fight tooth and nail to prevent another such debauché.

Norma A. Diehl

108 Mountain View Drive



Sharon Taylor

From: Rad Davis <rad_davis@sent.com>
Sent: Monday, July 20, 2015 11:47 PM
To: Planning Commission; Sean Tubbs; green.29south.initiative@justemail.net
Subject: "CPA201500001 - Boundary Adjustment for the Southern Urban Neighborhood," or Planner speak with forked tongue

Dear Albemarle County Planning Commission:

I read the report. I see that the planning staff has done just what the Board of Supervisors told it to do, in spite of the lack of facts: try to make the case for adding a parcel to the growth area without appropriate analysis and review.

All of the 'above the fold' information in this 'summary' happens to favor what the BOS wants to do. All of the 'below the fold' information details the many reasons why it's actually a really bad idea to bypass the normal planning process.

Let's start with the title: "Boundary Adjustment for the Southern Urban Neighborhood." What 'urban neighborhood' are they referring to? The parcels under discussion and ALL of the land surrounding them except the beer distributor itself are zoned either conservation, rural or residential. They're definitely not 'urban,' nor are they 'mixed use.' By my rough estimate, there are 100 or more single family residences within a half mile radius, three businesses (counting the forestry department), and no medium or heavy industry. Yet the Board of Supervisors suddenly, and without customary review, want to add this land to the growth plan as *industrial* land.

Oh well, maybe it gets more truthful in the body text.

The 'factors favorable' list includes the mention that 143 of the 223 acres being considered for addition to the growth area are so un-buildable that they are better suited to be a park. That's sort of like saying that a lake is a great place for a highway because it allows walking on water as a transport system.

'Factors unfavorable' dances very lightly around the fact that there is NO plan from VDOT for improvements on the US29/I64 interchange, nor even a definite timeline to STUDY such improvements and that the interchange is already dangerously over capacity.

"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." Translation: I'm a planner, but I don't actually know anything, because the BOS won't say anything, so it's impossible for me (or anybody else) to predict, or plan, what is going to happen if the BOS approves this. The Romans had a phrase for this: *caveat emptor*, 'let the buyer beware.' Remember, citizens of Albemarle - *you're* the buyers.

The 'Recommendation' is carefully worded. It doesn't actually recommend anything. It uses weasel words like 'can' and 'could' instead of saying 'will' or 'should.' This is bureaucratese for 'I can't say this is a bad idea because my boss really wants it.'

Having gotten through the 'keep the boss happy' first pages, the truth comes out around page six. From there on, the italic print (planner's comments) point out in great detail just why industrial growth here, particularly without planning, is a bad idea.

Watershed issues, biodiversity issues, mountain resource issues, historical architecture issues, entrance corridor

issues, neighborhood continuity issues, rural area preservation issues, roadway issues, bulldozer issues (they note that flattening a lot of the site will be necessary), neighborhood livability issues, roadway issues, haste issues ('a more comprehensive study will take place over the next year,') are all cited as potential problems. Most of the time the right answer to the issue cited is 'nobody knows,' because there has not yet been any business proposal or detailed plan to consider.

There's a lot of handwavy text about how they can add to the greenway and trails with this land, which seems to be oblivious that the parcel is landlocked from most of the greenway/trail system by two four-lane limited access highways. I don't see any mention of multiple flyover bicycle/pedestrian bridges as proffers; this is what is commonly called 'lip service.' Similar discussion of mixed use is equally meaningless, but then all planning aspects of the plan are meaningless without any knowledge of the business being sited there.

In conclusion, there's nothing new here. None of the existing concerns have been addressed, because there is no information with which to address them. There's no actual *planning* in the planning report.

We do know something we didn't know: This report shows that the county planners aren't being allowed to actually *plan* anything. Not only does nobody know what will happen if this business moves here, nobody *wants* to know (or at least wants the citizens to know) until it's too late to stop. We also know that it's because Sweetspot of Albemarle Principal Douglas S. Holladay Jr. of Atlanta, GA (or his purchaser Mystery Business) doesn't want them to. He's dangled a business siting proposal in front of the Board of Supervisors in hopes that they'll just give him whatever he wants without proper review - without regard to the consequences to the people of Albemarle County. He doesn't want to bother with doing it right. Why should he? He's probably never been back here since he left Darden. He (and the Mystery Business) wants it just his way, or he'll pick up his toys and go home.

Nobody has yet bothered to explain *why* it would be a bad thing if that happened. Faith McClintic saying, "Because economic development and jobs are good!" does not constitute an explanation. Especially not when she gushes on in the next sentence about how plentiful interest there is among business wanting to locate here. You can't have it both ways - either it's a rare and valuable opportunity, or it's one of many.

Nobody has yet explained why this sort of development of the parcel by such a self-interested party (who obviously does not care for how we would prefer to run our county) would be good for anyone but the investors and developer, and certainly not in *quantifiable* terms. How Many Jobs? What average wage? \$8/hour warehouse jobs are less appealing than research jobs for PhDs. What growth potential? What likelihood that the business will just leave when the economic inducements look better somewhere else and leave an EPA cleanup site behind like Avionics Specialties did? What will it cost the county to host these jobs? None of these questions is even addressed in the report, because they can't be. Please require specific, quantified answers to these questions before you vote whether to change the plan you just spent four years making.

Is this the new status quo of Albemarle County planning? Having just spent four years defining a Comprehensive Growth Plan, do we now ignore it whenever it is inconvenient to a Georgia land speculator and Mystery Business? There *is* a plan: the County Comprehensive Plan. It says that this land is not part of the growth area. If you vote to countermand it without appropriate review, you are declaring yourselves and four years of study irrelevant as part of Albemarle County's growth process.

I hope Albemarle County is smarter than that. I hope *you're* smarter than that. I hope that you think better of yourselves and the purpose of your Commission and its work than that. Vote against adding this land to the growth area without customary and appropriate review.

Sincerely,

Sharon Taylor

From: Chris D <chrisd@sent.com>
Sent: Tuesday, July 21, 2015 1:37 PM
To: Karen Firehock
Subject: CPA201500001 – Boundary Adjustment for the Southern Urban Neighborhood- More Study Please

Dear Planning Commissioners of Albemarle County:

I'm writing to ask you to require the County Planning Department and Board of Supervisors to provide more data and analysis before you vote on whether to approve adding parcels on 29S to the growth area. The offered Planning Staff Report Summary lacks necessary data and analysis. The BOS's refusal to indicate even the industry of the "Mystery Business" makes it impossible to plan or study mitigation of its negative impacts on the community.

I ask that you require the following before you vote: a funded and completed Small Area Study of the US 29 South corridor; a site-specific environmental impact study and mitigation plan; a completed VDOT traffic study; a completed VDOT traffic mitigation plan; a firm date and funding verification for VDOT improvements to the I64/29S interchange; a costing analysis and logistical plan for how water and sewer would be extended down 29 and across any railroad tracks; a plan to address the school bus route on 29S; and a cost analysis and payback period of extending police, fire, and any other public services to the properties.

I also ask that you require the County to present detailed information on the Mystery Business such as the nature, quantity and times of day for traffic generated; quantity and types of jobs, as well as wages; how long it commits to staying at the location; and a preliminary site plan.

The County can easily omit or redact the name of the Mystery Business from its reports and analyses in order to keep its confidentiality agreement with MB, which says it will locate here only if the growth-area and zoning processes are rammed through for it by the BOS. MB requires that the properties be pre-zoned for light industrial before it will buy the parcels, negating any possibility of proffers. The Mystery Business is likely a poor citizen of our community if it requires this type of blind approval.

In addition to the inadequate data and analysis in the Report, my reasons for opposing the extension of the growth area to 29S at this time include:

*During the drafting of the newly-approved Comprehensive Plan, this land *was considered for addition to the growth corridor and was not added*. No change in its suitability for industrial development has been put forth by anyone. A BOS member stated in a letter to constituents that the BOS had been considering this area for a year. Yet they did not during that time propose adding it to the growth area. The driving change appears to be a new Director of Economic Development who is eager to ink a deal, any deal.

*Twelve of the 18 pages of the Report Summary mostly note reasons why this land should *not* be added to the growth area without more study. The County Planning Office clearly does not endorse this insufficiently studied addition to the growth area, but is being pressured by the BOS to appear to approve it.

*Performing a Small Area Study later, during "the zoning process" rather than before addition to the growth area, is neither reasonable nor customary. Nonetheless, the Board of Supervisors is asking that you approve this procedure.

*The Report's "Recommendation" doesn't actually recommend anything: it says that industrial development on the property *could* meet all the comprehensive plan requirements. It doesn't say that it *will*, because the BOS and Planning Department refuse to supply the necessary, name-redacted data.

* There is a mention that VDOT has prioritized improvements at this interchange. There is, however, no timeline for study, no timeline for planning, no timeline for any remediation necessary to make the interchange safe at the existing traffic levels, and a blithe disregard of additional dangers associated with more heavy or light vehicle traffic at this interchange. VDOT prioritized a bypass around Charlottesville five years ago. That shows the value of VDOT's prioritizations. A timeline of "Soon" as expressed in the Report is never a justification for business or civic decisions.

*There is casual mention of the fragility of the mountain woodland and the desirability of its preservation, including problems with overloading storm sewers with parking lot runoff and likely damage to the already water-quality-challenged Moore's creek. No studies, though, and no plan. The City of Charlottesville is already engaged in mitigation of Moore's Creek and the resulting consequences to the Rivanna River.

*There's no mention of growth area 'domino effect.' If you approve this addition without appropriate study, you may rest assured that more will follow, because you will have announced that a speculator need only apply to the BOS to bypass both the customary planning process and the Planning commission in order to build whatever he likes.

Perhaps most importantly, there is no mention of the likely costs and benefits (economic and otherwise) of the industrial development of this land. Will the county suffer more loss of agritourism and potential residential growth due to creating a 'sweet spot' for some unspecified industry? Will, or won't the Rivanna Interceptor handle the additional sewer demand before the planned 2024 upgrade? What will the cost be if it doesn't? Neglected are dark sky and other impacts on the nearby but not immediately adjacent Fan Mountain Observatory, Camp Holiday Trails, Red Hill School, and the Ednam, Nob Hill, Redfields, and North Garden neighborhoods and other stakeholders. The Planning Department said in June that it would not notify anyone more than ½ mile from the proposed industrial site, though there is no commitment to disallowing development further south on 29. For those approximately 100+ homes within 1/2 mile of the site, the Comp. Plan-required "promotion of livability for existing residential neighborhoods" will clearly be violated.

"Trust me" is not an appropriate basis for making decisions that will affect the lives (and possibly health) of thousands and that may cost the taxpayers millions of dollars. The lately-arrived Development Manager Faith McClintic says other communities "would kill" to have an rural interchange like I64/29S. The uniqueness of this area is reason to proceed with more caution, not less.

Sincerely,

Christine Davis, 120 Overlook, Albemarle

Good Evening, I am Neil Williamson and I serve as President of the Free Enterprise Forum a privately funded public policy organization focused on local government.

A review of Albemarle County's Development Area designation and implementation reminds me a great deal of Lily Tomlin's 1981 masterpiece, The Incredible Shrinking Woman.

According to the online records, Albemarle County's development area was first ordained in 1971. In that initial map **37,000 acres (~58 square miles) were in the development areas** and there were an additional 14 villages identified for development.

In the 1977 Comprehensive Plan the Development Area was reduced to about 25,000 acres (~39 square miles).

In 1982, the number of villages dedicated for development dropped to four. The early 1990s saw a number of Comprehensive Plan amendments approved for expansion of the development areas including Rivanna Village, North Fork Research Park Expansion, Towers Land Trust (Northpointe) and Piney Mountain. These totaled over 2,400 acres.

Fast forwarding to the 2000s and we find the manner in which development areas are reduced is no longer by moving the lines and reducing the land mass. Instead, well intentioned environmental restrictions were passed that reduced the amount of land available for development in the development areas.

Preserved slopes are hillsides of 25% or greater that the County has determined are not to be disturbed (with some minor exceptions). This reduced the developable acreage by 2,271 acres (~3.5 Square miles).

Stream buffers also reduce the amount of developable amount of land available as does the flood plain. Many of these parcels may also be counted in the preserved slope number so, to be conservative, we opted not to count those in Albemarle's "shrinkage".

Last week, I told the Commission that I did not recall having the opportunity to speak at the Comprehensive Plan Amendment that removed Biscuit Run State Park from the Development Area. As my good friend Jeff Werner of the Piedmont Environmental Council (PEC) reminded me, Biscuit Run is still in the Development Area. Chalk up another 800 undevelopable Development Area acres

for Biscuit Run. You can also deduct 138 acres for the County's Development Area Parks. Therefore parks reduce the developable acreage by 938 acres (~1.5 square miles).

Land dedicated to schools and other community infrastructure (Airport = 610 acres) further limits the amount of developable land in the development area.

In addition, Albemarle's Neighborhood Model Development policies dictate most new developments have 15% open space as a part of their development plan, this coupled with street design regulations may reduce the true developable acreage by an additional 17% 3,808 acres (~6 square miles).

Combined these decisions and policies have reduced the developable acreage by 7,017 acres (~11 square miles).

At a time when your so called "peer" communities have dedicated 20% or greater of their land mass to development areas, The Free Enterprise Forum hopes tonight's work session will include a discussion of how you plan to fully restore the developable land in the development area to 5% of the land mass of the County.

Thank you for the opportunity to speak.

Respectfully Submitted,

Neil Williamson