Albemarle County Planning Commission
Work Session and Regular Meeting
Draft Minutes April 22, 2025

The Albemarle County Planning Commission held a public meeting on Tuesday, April 22, 2025, at 6:00 p.m.

Members attending were Fred Missel, Chair; Luis Carrazana, Vice-Chair; Julian Bivins; Corey Clayborne; Karen Firehock; Nathan Moore; Lonnie Murray.

Members absent none

Other officials present were Michael Barnes, Director of Planning; Rebecca Ragsdale, Planning Manager; Frank Pohl, County Engineer; Tony Edwards, Assistant County Engineer; Andy Herrick, County Attorney; and Carolyn Shaffer, Clerk to the Planning Commissions.

Call to Order and Establish Quorum

Ms. Shaffer called the roll.

Mr. Missel established a quorum.

Public Hearing

SP202400026 Woolen Mills Light Industrial Park

Rebecca Ragsdale, Planning Manager, said that she would be providing staff's presentation on the Woolen Mills Industrial request, which sought to fill in the floodplain. She said that they would review the site context, the regulatory framework, the comprehensive plan, and the specifics of the request and recommendation. She said that this particular site was located in the Woolen Mills area, along Franklin Street, and was outlined in yellow on the provided map.

Ms. Ragsdale said that the City was to the north and west, and the site was situated near Moores Creek, near the Woolen Mills neighborhood in the County, and adjacent to Interstate 64. She said that the site was a 7.8-acre property, and the request was to fill in 1.496 acres of the floodplain, located adjacent to Franklin Street. She said that this area was similar to the property beside it, which had been approved in 1997 for filling the floodplain.

Ms. Ragsdale said that the site was located in an area of the County with industrial uses and zoning. She said that the owner of this site was also developing the Woolen Mills Industrial Park. She said that if the floodplain request was approved, 1.496 acres would be developed, while the remaining 5.58 acres would remain outside of that developable area and be intact as a floodplain.

Ms. Ragsdale said that other uses mentioned included residential areas in the City, a manufactured home community, and adjacent properties owned by the Rivanna Water and Sewer Authority (RWSA), which were used for the treatment plant facilities, and a wetlands parcel to the south. She said that next was another view of the site, showcasing the proximity of the wetlands area and the industrial zone. She said that this was a more recent shot provided to highlight the industrial area.

Ms. Ragsdale said that the site was primarily wooded, with some areas adjacent to other properties. She said that a stormwater management facility was located adjacent to Moores Creek Lane, on the floodplain property. She said that in terms of the site context, one could see the industrial nature along Franklin Street, as well as the residential areas she had mentioned earlier.

Ms. Ragsdale said that the specifics of the request were focused on orienting them to Franklin Street and Moores Creek Lane. She said that on the provided concept plan, they showed the bakery next door, and the parcel boundary was highlighted in light green. She said that staff had wanted to flag this for the Commission's attention since the request was for a special use permit in the floodplain.

Ms. Ragsdale said that she had included information about the site, including the proposed use outside of the floodway, marked in yellow, and the 1.496-acre area outlined in yellow. She said that the extent of the floodplain was indicated by the turquoise line, showing the area that would remain for existing tree canopy preservation or required replanting. She said that as part of their application, they had offered an area for potential dedication to the County.

Ms. Ragsdale said that next was the zoning map, which highlighted the industrial nature of the parcels to the northeast. She said that this area was part of a concentration of industrial zoning in the County. She said that over here, with commercial zoning, was the area of Woolen Mills where Willow Tree was formerly located, and a pedestrian bridge over to the trail on the other side of Moores Creek. She said that there was also a rural area that had been rezoned in recent history.

Ms. Ragsdale said that the next map showed the floodplain in blue, with striping, and the purple indicated the stream buffer. She said that also pictured was Moores Creek again and Franklin Street. She said that the other request, which had been approved in 1997, allowed for filling in the floodplain. She said that they did not typically see fill-in requests as standalone applications, as they often accompanied another zoning action. She said that in the case of the Woolen Mills, it was necessary to consider the flood hazard overlay district.

Ms. Ragsdale said that they did see instances of fill-in requests in these locations, particularly in development areas. She said that the underlying zoning for this area was light industrial, and the purpose of this request was to potentially allow the 1.496-acre area to be filled and then accommodate future industrial uses. She said that there had been questions about the nature of this request and why they did not have a use currently designated for future industrial purposes.

She said that to address these questions, she would like to review the industrial uses that were permitted in their area. She said that this was a general overview and did not include every step in the process. She said that initially, the floodplain development permit had been reviewed by Engineering, which had identified the need for a special use permit.

Ms. Ragsdale said that the Federal Emergency Management Agency (FEMA) would be involved in any map revision letters if this were approved, and a special use permit would be required. She said that there would also be conditions and eventually a site plan if industrial uses were proposed. She said that she would discuss the unique steps in the process for industrial uses.

Ms. Ragsdale said that due to the floodplain and their recommendations, a special use permit would be required for this area. She said that the parks and green systems category, designated to protect those areas, was a designation seen in some of their master plans. She said that with the wording or slight variations of it, they may use the term "green space," but the objective is to retain and improve land cover as it relates to stream corridors and protect the floodplain, as part of the County's regulations to manage the floodplain.

Ms. Ragsdale said that the benefits of this approach extend beyond protection from flooding events to also provide environmental benefits. She said that this is not only about the general green space designation but also about the underlying reason behind it, which is to align with their comprehensive plan's strategies for riparian areas.

Ms. Ragsdale said that she would now focus on the specific request before the Commission, which was a special use permit request, and it was specific to the fill request in the flood hazard overlay district, one of the zoning districts applicable to this request. She said that as always, they wanted to review the SP criteria and consider the potential detriment to abutting properties. She said that the Flood Hazard Overlay District criteria was applicable to all special use permit requests, including the comprehensive plan she mentioned earlier.

Ms. Ragsdale said that there was also an inconsistency with the industrial use not being consistent with the district's requirements. She said that they had received a number of emails on this request, and part of staff's evaluation considers the public comments, including the community meeting that was held, which was attended by about five residents who expressed concerns. She said that the theme of these concerns was the potential impacts to Moores Creek, the Rivanna River, and the overall goals the County had for floodplain areas and their benefits. She said that they also needed to consider any cumulative changes to the floodplain.

Ms. Ragsdale said that they had received a range of emails, most of which were in opposition to this request, while one was in support. She said that they had continued to receive these emails up until this meeting.

Ms. Ragsdale said that she would now review the overlay district regulations and the special use permit request. She said that they utilized the terminology in the flood hazard overlay district of the floodplain as a general term, and there were distinctions made in terms of regulations in their ordinance. She said that this request was limited to the floodway fringe and the floodway, which was more restrictive.

Ms. Ragsdale said that staff could assure that this would not impact the floodway and was not allowed to do so in the more sensitive area, where they would have more concern about obstruction. She said that the fill in the floodplain request and any request for encroachment is reviewed against these criteria. She said that their ordinance has a lot of technical criteria, both in the flood hazard overlay district and the water protection ordinance.

Ms. Ragsdale said that the floodplain administrator, who was also the County Engineer, was available to answer technical questions and has reviewed this particular request for fill in the floodplain. She said that the presentation highlighted some of the information required and the things that need to be done. She said that findings that must be made for the County to potentially approve a fill in the floodplain request.

Ms. Ragsdale said that part of that was the information necessary for the floodplain administrator to review the request. She said that the packet included a study prepared by Timmons Group on the modeling and the findings, including the impact on the floodplain and the base flood elevation. She said that the request was to fill to 325 feet.

Ms. Ragsdale said that in their report, they did not identify any wetlands to this point. She said that they have discussed this issue in several emails but based on their search of databases and review of the information available, they do not believe that these wetlands were located within the requested fill area. She said that the report also included information about habitat and endangered species, which they searched through various databases in addition to their review of the information they had related to the biodiversity program.

Ms. Ragsdale said that the next exhibit presented their concept, limited to the 1.496-acre area. She said that it included a retaining wall that may be 9 feet to 10 feet tall to create a building pad of 1.496 acres for potential future use. She said that the area that would be retained or required to be replanted was also specified. She said that the site had access off of Moore's Lane, which could potentially serve as access to any area offered to the public.

Ms. Ragsdale said that they did not have a more detailed concept plan with parking areas and building envelopes, which were typically included in items that come before the Commission. She said that there was a broad categorization of the broad uses that could be allowed by right in the industrial districts. She said that the industrial district was one where both light industrial and heavy industrial uses were permitted, and their ordinance had been updated to rely on broad categories and general definitions. She said that they also had a list of prohibited uses, which included items that would have additional impacts.

Ms. Ragsdale said that there were also uses within the industrial districts that required special use permits, such as automobile-oriented uses and commercial uses. She said that unique to the industrial districts was the requirement for additional information, as they had discussed during their previous rezoning discussion about an area near the airport. She said that this was one of the last items in their process for industrial uses. She said that they had the Certified Engineers Report, which outlined the nature and details of an industrial operation, including processes and products.

Ms. Ragsdale said that this report addressed the criteria the County staff were concerned about, such as impacts to adjacent properties and water-related discharges. She said that staff included this report in their process, typically when discussing industrial uses, as another step in the process. She said that the conditions of approval staff had recommended, if this were to be approved in the future or if the Commission had recommended approval, limited the request to the area shown on the concept plan.

Ms. Ragsdale said that these conditions were typical of floodplain special use permits they had processed. She said that the sixth condition included a review from the Historic Preservation group of staff, as well as input from the public regarding the need for an archaeological survey, given the potential for the site to contain cultural resources. She said that this would require a phase one study. She said that the condition had been updated to discuss the standards for the survey and the development of a treatment plan if any archaeological findings were to be made.

Ms. Ragsdale said that this condition had been shared with the applicant and the property owner, as outlined in the draft packet. She said that condition six was similar to one used in Belvedere and SACA, and they had included a summary and staff report in the packet, highlighting the positive aspects of meeting the technical findings and demonstrating the study's and evaluation's results. She said that while a major concern was the impact on a portion of the floodplain in an area recommended for parks and green spaces in their comprehensive plan, meaning the County prioritized preservation of stream buffers in that area. She said that however, the request would be limited to that area and staff recommended approval in the packet.

Mr. Moore said that for the benefit of those who may not be familiar with the topic, he would like to clarify the difference between a floodway and a floodplain. He said that he had a related question: did they have any information on the extent to which the floodplain had been filled with stormwater during some of the recent strong storms in their area?

Ms. Ragsdale said that she did not have any information in the slide show, and she thought the applicant may want to comment on occurrences of flooding on the property. She said that when she had visited the site, this area did not have that. She said that provided was the concept plan, and this was the floodway, as well as the floodplain. She said that these definitions came from their Ordinance, and County Engineer Frank Pohl could elaborate more on that information.

Mr. Moore asked Mr. Pohl what information staff had about flooding incidents in that area. He asked how much of this floodplain went underwater from Moores Creek when they experienced heavy rainfall from storms.

Mr. Pohl said that although he did not have specific data, he was sure that it would fill up. He said that this area was located at the confluence of the Rivanna River, where the two streams met. He said that as a result, it backed up to just upstream of this property, which was why the analysis for fill did not cause a rise in the floodplain.

Mr. Moore said that was actually his second question. He said that he was looking at this small valley, located immediately east of Franklin Street and the rest of this area in Moores Creek. He asked if a hurricane-type event were to occur and the area were to flood, how much the infill would affect the overall capacity for stormwater movement out of the area?

Mr. Pohl said that the 100-year flood had an established elevation, so he would anticipate that during a 100-year flood event, the water would reach that elevation. He said that according to the models, the elevation in this area was 324 feet. He said that if a storm event exceeded that elevation, the water would rise above it.

Mr. Pohl said that the floodwaters from the Rivanna River could back up into the creek, affecting not only the watersheds of Moores Creek but also the larger Rivanna watershed due to the confluence in this area. He said that a 1,000-year storm event would likely result in significantly higher elevations. He said that this why they had requested a one-foot freeboard to provide a buffer between the 100-year event, which they could regulate, and the 1,000-year event, which they could not, and the fill elevation.

Mr. Missel asked if filling in this area would lead to displacement of water, so another area would experience greater impacts of flood events.

Mr. Pohl said that according to the modeling, there was no displacement expected due to the fact that the area was considered a backwater zone. He said that the water flowed into this area, but it was able to continue through the floodway without a significant rise. He said that the backwater area, which was connected to the Rivanna, allowed the water to enter and then exit without causing a substantial increase in elevation.

Mr. Bivins asked if this area was in the floodway fringe or the floodplain.

Mr. Pohl said that there were two components to the floodplain: the fringe and the floodway. He said that the fill was not allowed in the floodway, but was allowed in the fringe.

Mr. Bivins asked if staff could indicate that the floodway and fringe were both components of the floodplain, rather than all three terms being different from each other. He said that in the report, it appeared that a conditional precedent required the County to approve the special use, and then FEMA became involved. He said that he found the sequence of approvals confusing. He said that it seemed that FEMA had already moved forward with some aspect of the process, and then subsequently required them to go through the legislative process

Mr. Pohl said that his understanding was that they had a conditional latter of map revision (CLOMR), specifically a CLOMR F for fill in the floodplain, as required by FEMA. He said that as a result, FEMA did not become involved in local legislative actions, but the County Ordinance required that they obtain a special use permit. He said that as part of that permit, they must obtain the CLOMR and FEMA approvals. He said that following the fill, they would need to obtain a letter of map revision (LOMR) to demonstrate that they had met the permit conditions for the CLOMR.

Mr. Bivins said that on a site visit, he observed a significant amount of construction fill already present. He asked if this was something the County should consider in this context.

Mr. Barnes said that the Zoning Department had been discussing that issue.

Tony Edwards, Deputy County Engineer, said that the material was being stored temporarily at that location before it was used elsewhere, and that was why it was permitted there. He said that the floodplain fringe allowed for certain materials to be stored there temporarily. He said that the idea was that it would eventually be relocated to another location.

Mr. Bivins said that if there was a yes, they would expect these materials to be relocated elsewhere. He asked if that would be the case if the application were denied, as well.

Mr. Edwards said that yes, it would be temporary regardless of the outcome of this application.

Mr. Missel said that he would like to note that he had heard something different at the Citizens Advisory Committee on Thursday regarding that material. He said that the applicant may want to address this issue.

Mr. Bivins said that currently, the tension between the comprehensive plan and zoning regulations seemed to be the main issue. He said that to resolve this, he would be looking only at the zoning, and this property was zoned light industrial. He said that he believed the County had an agreement to remove the green space designation from private land, effectively removing it from the parks and greenways.

Mr. Barnes said that Mr. Bivins was referring to the new comprehensive plan designations. He said that the current comprehensive plan from 2015 displayed everything in one color, showcasing various components such as homeowners associations, critical slopes, stream buffers, floodplains, and County parks. He said that he believed the direction they were heading with the new comprehensive plan was to include only publicly owned land and places where the County may have easements for trail systems. He said that as a result, this parcel would likely be designated as a darker green for environmental resources, as opposed to the lighter green for publicly accessible areas.

Ms. Firehock said that it was meant to separate parks and green systems, so people would not assume certain green spaces would be parks. She said that it was not to indicate that privately owned land would not be green space.

Mr. Barnes said that the use of darker green was meant to symbolize the open space or environment, as opposed to the lighter green, which indicated parks.

Mr. Bivins said that the property was currently zoned for Light Industrial use. He asked what their by-right development options would be.

Mr. Barnes said that there were certain environmental factors on the property that must be taken into consideration for any development. He said that the Rivanna Water and Sewer Authority had restored a wetland on the adjacent property. He said that to put a structure there, they would need to bring it out of the floodplain.

Mr. Barnes said that this was part of their work with FEMA. He said that they were responsible for ensuring that building permits were issued in compliance with floodplain regulations, thereby preventing unauthorized structures from being built in floodplains.

Mr. Murray said that he had a question regarding the frequency of updates to these maps by FEMA. He asked if they were confident that they were accurate at this time. He said that he was concerned because, for example, he recalled the Pantops area flooding, which was not 100 years ago. He said that although it was a statistical event, he was looking at the 100-year floodplain and wondered if they could trust the accuracy of these flood maps.

Ms. Firehock said that the 1% chance of flooding at any time during the year was what the 100-year designation implied. She said that she found the name to be unnecessary and somewhat misleading.

Mr. Murray said that he believed that many of these areas were experiencing more frequent flooding than was currently mapped, and this was largely due to climate change, which was causing more frequent storms, especially as they continued to increase the amount of impervious surface. He asked what the confidence level was in the current map designations.

Mr. Pohl said that the maps had recently been updated. He said that he believed the Rivanna and the Woolen Mills' bridge structure were remapped in 2022 by an engineer. He said that based on the modeling he had seen, he was fairly confident of the elevation.

Mr. Pohl said that looking ahead, they did not regulate anything above the 100-year mark, even if there may be an increase in the future. He said that currently, the County's jurisdiction was limited to the 100-year elevation. He said that there were a couple of ways to address this issue, but for now, it was based on the 100-year elevation.

Mr. Pohl said that the County had no jurisdiction beyond that. He said that given that they were seeing more frequent and larger storms, such as the thousand-year storm in Ivy, and the significant storms in Batesville, it was likely that they would see more frequent and potentially larger storms in the future.

Mr. Murray said that he hoped everyone recalled the flooding at Cosner's, which had been underwater. He said that similarly, the other facility raised concerns about hazardous material storage. He said that given that these locations were prone to flooding, and they were seeing more frequent flooding events, he was curious about the regulations in place for the storage of chemicals or other substances that could contaminate the waterway if they were to flood.

Mr. Pohl said that they did not have any other regulations in place. He said that once a building was outside the floodplain, it was not subject to floodplain regulations. He said that he had discussed this with their staff and would like to propose requiring site plans for all buildings to be at least a foot above the floodplain elevation, even if they were outside of the floodplain overlay district.

Mr. Pohl said that currently, they did not have this regulation in place, but they did not allow structures in floodplains. He said that the vertical line from the edge of the floodplain up into space could not be elevated, unlike in many parts of the state. He said that this was why he believed the applicant were requesting fill here, as it would remove them from the floodplain and allow them to build on it. He said that they did allow parking lots in the floodplain, but overnight parking was not permitted, which was an enforcement issue. He said that they had approved a few of these projects in the past.

Mr. Pohl said that beyond that, they stopped at the edge of the floodplain. He said that when the fill was moved, the edge would move, and staff had also requested a one-foot buffer to address concerns about larger storm events. He said that this would provide some room to accommodate a higher rise in the event of a larger storm.

Mr. Murray asked if they had any general regulations regarding the storage of hazardous materials for light industrial.

Ms. Ragsdale said that where the floodplain regulations did not cover it, there were other ways to cover it through their Certified Engineers' report process, which provided information on what would be stored on site and allowed them to pull in reviews from other agencies, including the

Fire Marshal and Department of Environmental Quality (DEQ) permits. She said that they could look for compliance with those regulations for any industrial use.

Mr. Missel said that the diagram Ms. Ragsdale presented included a certified engineer's report, which was the final box. He said that it included the regulatory process.

Ms. Ragsdale said that she understood needing the clarification regarding the FEMA steps in the process, so she appreciated Mr. Pohl explaining those.

Mr. Clayborne said that staff may have addressed his question regarding by-right and light industrial uses, including smoke and emissions, odor, and other concerns. He asked if it was a by-right use, the report would indicate the level of exposure to these risks, allowing them to determine whether it was acceptable or not, or if the by-right use meant that there was no analysis.

Ms. Ragsdale said that their industrial uses had recently been updated to eliminate potentially hazardous uses that could cause emissions, and if allowed, these uses often required special permits. She said that this process did cover these aspects. She said that a crucial part of this process was ensuring that it was covered by the relevant regulatory agency, such as the state regulations referenced. She said that this was why some of the other state regulations were included in the Certified Engineers Report process.

Mr. Clayborne said that he was trying to clarify if there was a regulatory process in place that allowed them to halt a project if they identified any issues with odor, emissions, smoke, or waste that did not meet their standards. He asked if this process provided a safeguard to ensure that their environmental standards were not compromised.

Ms. Ragsdale said that once a project met all the necessary regulations, it may be difficult for them to deny it. She said that she thought it was worth noting that they had tried to implement safety valves throughout the process to mitigate potential concerns.

Mr. Clayborne said that he was asking because the comprehensive plan's language regarding that parcel suggested there was a specific reason for mentioning these things.

Mr. Missel said that the Certified Engineers Report was a required document for any light industrial use, regardless of the location or floodplain designation. He said that if, for instance, water discharges did not meet the applicable regulations set by the State Water Control Board, the project could not be built as designed. He said that in such a case, modifications would be necessary to obtain an acceptable Certified Engineers Report.

Mr. Barnes said that one would logically assume that once the facility was built, any future violations would be in violation of those established standards.

Mr. Carrazana said that he believed many of his questions had been addressed, but he would like to revisit the regulatory process. He said that now that they were in the special use permit process, he would like to understand the next steps. He said that since the application did not include a specific use, it would be determined by the applicant, whether they sold the property, decided to build something, or explored alternative uses. He said that there were some uses that were permitted by right in the light industrial zone, while others required a special use permit. He said that they would need to go through another special use permit process for those uses, and even for by-right uses, there were ordinances and regulations they must comply with. He said that furthermore, they must adhere to the concept plan, which was one of the conditions.

Ms. Ragsdale said that when reviewing their Ordinance, one would notice that it was either by right or by special use permit, and it was often listed in parentheses. She said that this provision was commonly found in their rural areas and industrial districts. She said that Section 5 of their

Ordinance was what they referred to as supplemental regulation, which may include additional regulations on top of the existing ones. She said that this could involve additional screening and buffer requirements, as well as safeguards in both the heavy industrial and light industrial districts.

Mr. Missel said that site 7740 was approved in 1998 for filling in the floodplain. He said that this approval was also reflected in the parks and green systems area, as well as some adjacent properties, and extended into 7821B on the far right. He said that he was just clarifying that there were other developed areas currently under the parks and green space designation, as shown on the comprehensive plan. He said that the boundaries were generously drawn. He said that he would like to ask another question, possibly for the engineers or the applicant. He said that the nine-foot retaining wall was adjacent to the floodway. He said that he was inquiring about a specific setback distance that they were referring to.

Ms. Firehock said that the applicant should clarify that, because at the community meeting, they said that the wall would be 11 feet.

Mr. Missel said that to clarify, he was wondering if there was a setback requirement or any other requirement that he had missed. He said that upon reviewing the materials, he noticed an image that he had not seen before, which showed grades adjacent to the wall coming closer to the floodway.

Ms. Ragsdale said that the final engineering and design of the retaining wall was a crucial aspect that they had previously discussed, and the final height could not exceed 10 feet. She said that as it appeared in the Timmons Group packet, the wall was depicted with a solid line, which addressed the question regarding setbacks. She said that within the Zoning Ordinance's purview, there were no setbacks applicable to retaining walls. She said that however, she was unsure if there were any specific requirements or restrictions in the flood hazard overlay that may impact this aspect of the design.

Mr. Barnes said that one thing he would like to mention was that the fill was typically 10, 11, or 9 feet in height, and its purpose was to elevate the area out of the floodplain. He said that this did not necessarily mean it was a wall of that height. He said that a fill slope could be stabilized with riprap, and it may also include a wall component, particularly at the top.

Mr. Barnes said that for example, the last part of the fill may be a wall-like structure, and they had seen similar designs in their local area. He said that there were various ways to engineer and place the fill, and while it must meet certain standards to prevent erosion, there were multiple approaches to achieving this.

Mr. Missel said that the wall height was listed on one of the drawings.

Mr. Pohl said that he believed there were no setbacks. He said that the only requirement was to stay out of the floodway.

Mr. Missel asked if they could not grade into the floodway.

Mr. Pohl said that was correct.

Mr. Bivins said that he noticed at the site there was material to keep silt from running off. He asked if that material marked the boundary of the project, or if it was just an arbitrary location.

Ms. Ragsdale said that her understanding was that the silt fence was required around the temporary storage area, but it was not delineating the boundary.

Mr. Missel opened the public hearing. He asked if the applicant had a presentation.

Tim Miller, Meridian Civil Survey, said that he appreciated the Planning Commission's consideration of the special use permit tonight. He said that he would first like to address the comments referring to the retaining wall. He said that it was a nine-foot wall, but there were two feet of fill sloping up, resulting in a total of 11 feet of fill that had been discussed at the community meeting. He said that however, the wall would only be nine feet tall at this point.

Mr. Miller said that he would explain the history leading up to this application. He said that Chris Donaldson, the owner, had originally intended to use Parcel 41B, the Woolen Mills Light Industrial, and this parcel. He said that this had gone through the site plan process and had been approved, with construction commencing. He said that the excavation for the stormwater management basin had to be temporarily stored elsewhere on the site.

Mr. Miller said that the County and DEQ had agreed that this site was convenient for the temporary stockpile, and certain erosion control measures, including silt fence, monitoring, and seeding, had been implemented at that time. He said that additionally, there had been a significant amount of rock on the property that had been stored there. He said that a grinder had been brought in to crush it, and the resulting base material had been reused in the construction process. He said that RWSA had also been renovating some of their facilities and had had excess concrete that had been left on the site.

Mr. Miller said that an agreement had been made with Mr. Donaldson to stockpile this concrete and crush it for use as base material on the construction site. He said that this had all been temporary and had been monitored and approved by the County and DEQ throughout the process. He said that at one point, after construction had started, contracts had been made to purchase condominiums on parcel 41B1, and the County had required parcel 41B2 to be separated from the main parcel.

Mr. Miller said that this had resulted in two parcels, but this was essentially one project with one owner. He said that the owner's intent during the site plan process had been to get 41B1 approved, start construction, identify interests and needs, and then evaluate this area for filling the floodplain and adding additional light industrial area to the parcel and development. He said that there was a significant variation in industrial uses and needs, and the owner had decided it would be preferable to have this area approved for fill, install the fill, and then determine the specific needs and uses for the area.

Mr. Miller said that this approach avoided the need to go through the site plan process now and potentially have to amend or revamp it later when the true use was determined. He said that previously, they had gone through the process of evaluating the site for the CLOMR F. He said that they were not allowed to cross in the floodway, so all the fill had to be in the floodway fringe. He said that Timmons had worked with FEMA to determine that there would be no increase in flood risk as long as they remained within the floodway fringe.

Mr. Miller said that once the special use permit, site plan, fill, and wall were approved, they would submit the site to FEMA for an official letter of map revision, which would amend and revise the flood map as part of the process. He said that Chris Donaldson was also present, so if anyone had any questions about the property, he could provide more information.

Mr. Missel asked if the Commission had any questions for the applicant.

Mr. Murray said that given the concerns expressed by the community regarding the fill and the condition of the river, he would like to ask if the applicant had considered any ways to mitigate these impacts. He asked if, for instance, they had thought about implementing low-impact development strategies or alternative methods for managing stormwater that could potentially reduce the negative effects when this development was completed.

Mr. Miller said that at this point, they had some initial thoughts on the matter, although they had not delved into the details. He said that one of the issues they had considered was to donate the buffer along the stream, which was the primary source of treatment before the water entered the stream. He said that the County was very successful at managing these buffers and maintaining them, allowing them to function as effectively as possible.

Mr. Miller said that if the site were to be developed into a park or another use in the future, that would be great. He said that their initial thought was to provide this area as a buffer for any additional treatment before the water entered Moores Creek. He said that once they moved into the site plan process, they could evaluate other options that could be implemented within the fill area of the property. He said that at this stage, it was too preliminary to explore that further.

Mr. Murray said that many industrial buildings, which often featured flat roofs with rubber liners, were already equipped to handle green roofs. He said that this could be a consideration as they thought about minimizing impacts on the waterway. He said that he suggested this as a potential solution.

Mr. Miller said that Mr. Donaldson was very receptive to such ideas. He said that one example of this was the recycling of stone and concrete, which he had made an effort to implement. He said that Mr. Donaldson was working to incorporate some of these elements into the design of the main parcel, as well as each individual building. He said that he was not involved in the design process, so he did not have specific knowledge about the elements he was incorporating into the buildings.

Mr. Bivins asked if the development on Belmont Avenue was part of this project. He said that he was trying to determine if this parcel was part of the larger property that had been previously approved or if it was a separate piece of land. He said that he recalled visiting that location and exploring the remnants of a post-Civil War railway, which his colleague was currently researching. He said that he was having trouble understanding the relationship between these parcels. He said that he was unclear about whether they were all part of the same property or separate entities. He said that he must compliment them on the retaining walls on Belmont Avenue, which were among the nicest in Albemarle County.

Mr. Bivins said that, however, he was unclear about the connection between this parcel and the parcel where the bread manufacturer and bakery were located. He said that he was also puzzled by the fact that they had mentioned one approved parcel, but now they had two other parcels, and he was unable to locate parcel number 41 or the other parcel they had referred to, which had created confusion.

Mr. Miller said that during the site plan process and initial construction, the parcel was designated as 40B, and it spanned both sides of Moores Creek Lane, which was part of the initial site plan approvals. He said that there were contracts on two of those parcels for condominium development. He said that they created the condominium subdivision when the County required this separate parcel to be separated from the main one because there was no ability to build condominiums on the 40B2 parcel at the time.

Mr. Miller said that prior to this, there was no possibility of building condominiums on the parcel they were discussing today, so it was requested that it be removed from the condominium development property. He said that as a result, 40B1 was the main parcel being developed, located on the hillside. He said that 40B2 was the parcel they were currently discussing.

Mr. Bivins asked if 40B1 was light industrial.

Mr. Miller said that it was an industrial condominium, not a residential condominium.

Mr. Missel said that he had a few quick questions. He asked if there was no use in mind for the site.

Mr. Miller said that they were only considering by-right uses.

Mr. Missel asked if the vision for adding green space for public use on the back side was not part of a larger plan, and was just intended for future public use in general.

Mr. Miller said that yes, they hoped it would become part of a larger area effort to have a linear park or buffer the County could maintain for public use.

Mr. Missel asked if the depicted bioretention area that would be a stormwater pond.

Mr. Miller said that the excavated material from that was temporarily stockpiled in another location on the site.

Mr. Missel said that in response to Mr. Murray's question, he was wondering about the possibility of utilizing the facility for water quality or quantity improvements.

Mr. Miller said no, because it was uphill from where the impact to the site would be.

Mr. Missel asked if any members of the public wished to address this item.

Eli Connell, 720 Franklin Street, said that he lived directly across from the subject site. He said that in response to the point about higher intensity of storms and increased flooding, he would like to share his experience. He said that although he had only lived there for about four years, Franklin Street had already experienced several instances of flooding.

Mr. Connell said that to him, the County Engineer's analogy of a bathtub did not quite make sense. He asked if this meant they could fill in the entire floodplain and not affect the flow of water. He said that on Nassau Street, they had also developed several residential buildings, filling in the floodway fringe. He said that while a single small acre parcel with 10 feet of fringe may not significantly impact the base flood elevation, he was concerned that adding 15 more of these parcels, and then 15 more, and so on, could eventually increase the flood risk for larger-scale events.

Mr. Connell said that given the climate science, they were experiencing a longer hurricane season, more intense hurricanes, and more frequent hurricanes. He said that it seemed to him that this was something they should have been approved in 1990, when they did not have as much knowledge about the issue. He said that now, with the advancements in climate science, it was clear how crucial their flood systems and paths were.

Mr. Connell said that he would acknowledge that he lived in the floodplain, so he felt like he was one of the people most at risk. He said that looking around Virginia, places like Claytor Lake and Buchanan were being severely impacted by flooding. He said that he feared that it was short-sighted not to consider the long-term consequences of these actions. He said that he was not trying to throw stones from his own flooded house, but he hoped they could have a more informed discussion about this issue.

Jenny Mikulski, 718 Franklin Street, said that she purchased her home six years ago with the Virginia First-Time Homebuyers Grant. She said that she was a working-class person, as were most of her neighbors. She said that she did not know what happened on other County projects when they were working right on the boundary, but she had yet to see any mention of or depiction of what was on the other side of the street. She said that Franklin Street was unstriped and lacked

a side box, making it narrow. She said that they already had a significant amount of truck traffic from the bread factory that was permitted in 1997.

Ms. Mikulski said that Mr. Donaldson's main project, as they knew, on the slope was approximately 160,000 square feet permitted. She said that it had was not even remotely close to completion, and it had been under construction for six years. She said that they had been living with the rubble grinding directly across the street from them as he built those roads. She said that the pressure on their community was yet to be tested in many ways. She said that runoff, noise, and truck traffic would be significant concerns.

Ms. Mikulski said that she had lived all over Charlottesville, and Franklin Street was undoubtedly the street where they would see people walking every hour, all the time. There people of all ages, including children playing in the street, many low-income people who did not have cars, bicyclists, and motorized wheelchairs. She said that this would be the only mode of access to the area. She said that the industrial park had its own entrance on Moores Creek Lane, but this development was not showing how one would exit and enter. She said that they would have to do so from Franklin Street, directly in front of their homes.

Ms. Mikulski said that the proposed development could go as high as 67 feet by right, which would block out all of their morning sun. She said that she had few additional points: an isolated park on the rear of this lot would be very unsafe and difficult to maintain, posing a liability for the County. She said that it was well below the grade of Moores Creek Lane and would require large culverts on either side. She said that it would be extremely challenging for any type of landscape equipment to access the area to maintain the weeds or other vegetation. She said that there was no connection to the trail system at all. She said that the Rivanna Trail is located on the other side of Moores Creek.

Ms. Mikulski said that the footbridge at the Wool Factory provides a safe crossing and passes under Monticello Avenue, emerging at Quarry Park. She said that this site appeared to be a red herring, as there was no opportunity to connect to trails. She said that if the entire site were donated to the community for a park, it would be an incredible opportunity. She said that Habitat for Humanity recently acquired the trailer park, and she was aware that they had hosted quinquennia's with 100 people in tiny tents, so an actual park here for the community would be a wonderful amenity.

Ms. Mikulski said that there were creative ways to achieve this at the surface level, incorporating stormwater mitigation techniques beneath the surface. She said that considering the significant investment of over $50 million by the state, County, City, and its partners in the past seven years, including the removal of the dam on the Rivanna for aquatic species, the remediation of the RWSA for odor, and the rehabilitation of the Woolen Factory and Habitat for Humanity acquisition, it was clear that the situation had changed significantly since 1997.

Mr. Missel asked if the Commissioners had any further questions for the applicant. He said that he did have one question. He said that there was mention of a square footage of 160,000 gross square feet by right, and he wondered how that calculation was determined.

Mr. Miller said that the 40B1 parcel was subdivided off as part of the original site plan. He said that this parcel was now part of the approved site plan for Woolen Mills Industrial Park. He said that the proposed development included 11 buildings, each with two to three floor levels, resulting in a total of approximately 160,000 square feet of space.

Mr. Missel asked if it applied to the 1.5 acres under consideration tonight.

Mr. Miller said that no, none of the square footage mentioned was part of parcel 40B2; it was all included in the 40B1 Woolen Mills Industrial Park development, located across Moores Creek Lane.

Mr. Bivins asked if access using Moores Creek Lane into this project could serve as an alternative way to access the project, other than through Franklin Street.

Mr. Miller said that the area to be dedicated to the County had access from Moores Creek Lane as an easement. He said that the 1.49-acre site would have access off of Franklin Street.

Mr. Bivins asked if there would be other buildings on the hillside that were not included under the current roof.

Mr. Miller said yes, the approved site plan again showed 11 buildings, located on the 40B1 parcel on the other side of Moores Creek Lane. He said that none of that square footage would be located on parcel 40B2.

Mr. Missel closed the public hearing and the matter rested with the Commission.

Mr. Murray said that the way this area had been planned reflected a mindset from the early 20th century, when they viewed the river and surrounding areas as waste spaces for industrial uses and other activities they would not want to locate elsewhere in the community. He said that this approach also aligned with the idea he previously mentioned about prioritizing these designated areas for parks and greenways, but the mentality was that they must develop the site to protect the area.

Mr. Murray said that to obtain a small, unimpressive patch of green space that likely would not benefit the community, they had to fill in the floodplain and develop the surrounding area. He said that it was disappointing that, outside of this specific instance, they did not have a land swap program or transfer development rights program to facilitate the movement of land from areas they wanted to protect as parks and green space to more suitable locations for light industrial development.

Mr. Murray said that this was particularly relevant, as they were increasingly adding impervious surfaces, which exacerbated flooding issues. He said that climate change was only one factor; the sheer amount of impervious surface was also contributing to the problem. He said that there was another area along the Rivanna River where, historically, farmers were able to walk their cattle across the area. He said that however, due to the significant removal of soil from the landscape, which was largely a result of stormwater runoff, it was now impossible to do so.

Ms. Firehock said that she wanted to add to that since her comments aligned with Mr. Murray’s thoughts. She said that there were many things they could do with engineering, utilizing big machines and modern equipment. She said that it was true that one possibility was to build up the soil and create an island or elevation, allowing them to place a structure outside the 100-year floodplain. She said that they could also pipe the creek and pave it over, eliminating the need for a buffer zone. She said that in fact, the Army Corps of Engineers could grant permits for such projects. She said that however, the question remained: should they?

Ms. Firehock said that the 100-year floodplain played a crucial role in hydrology, allowing water to spread out and dissipate the velocity of the water during storms. She said that this process created fertile floodplain soils, making them ideal for farming. She said that when they constricted the water flow, it accelerated, which could have unintended consequences. She said that from a larger perspective, she understood Mr. Pohl's and Timmons' concerns about not raising the overall flood elevation; however, she was also considering two other viewpoints.

Ms. Firehock said that firstly, she was concerned about the "death by a thousand cuts" approach, where all the little fills would have a cumulative impact. She said that secondly, she was worried that this would be ignoring the purpose of the floodplain definitions. She said that Charlottesville had allowed a housing development in a floodplain that she used to kayak in when the waters were high. She said that she felt bad for those folks when they got another big storm.

Ms. Firehock said that as someone with a 35-year career in floodplain and watershed management, she strongly believed in keeping people out of floodplains. She said that the zoning, which dated back to 1997, was not relevant to the current discussion. She said that she was not suggesting that the proposed area become a park, but rather that it be designated as a green system, as the County had done with other floodplains.

Ms. Firehock said that this designation acknowledged the ecological functions that occurred in these areas, including habitat for biota, including salamanders and other wildlife. She said that she was not in favor of filling in the floodplain, as she believed the zoning was outdated and could lead to negative consequences. She said that she agreed with Mr. Murray that developing near rivers could be problematic, especially when it came to industrial activities. She said that a lot of the reasoning behind past development near the river was because the river served as a transportation system; they put goods on boats and sent them down to Richmond. She said that the water supply of the river was another reason why they developed near it.

Ms. Firehock said that today, they were not here to debate the zoning, but rather to consider the implications of filling in the floodplain. She said that she would stick with the comprehensive plan's designation of this area as a green system, regardless of whether it was used for recreation or not. She said that her position was driven by hydrologic and ecological concerns. She said that she did not think they were getting a significant return for allowing this site to transition to an industrial use by removing it from the floodplain.

Mr. Clayborne said that he did not disagree with the technical attributes his colleagues had shared. He said that he wanted to express that he hated the image he was currently viewing to the left of Franklin Street. He asked what socioeconomic band they thought those residents were in, and where else in the County they would see something like this. He said that he was wondering where else in their County would they find something like this. He said that this was a design of injustice, and on top of all the other things the Commissioners had said, there was a reason why the comprehensive plan stated what it did, and there was a reason why they did not recommend building in a floodplain today. He said that those reasons were there for a purpose, and he agreed with the previous statements made by his fellow Commissioners. He said that he was a hard no on this request.

Mr. Moore said that this was an unusual proposal, and he did not think he had seen one like it in his two years on this Commission. He said that given the proximity of the City-County line, it was particularly odd. He said that they often discussed what was across the street, and in this case, across the street was the City. He said that they barely spoke to the City, which was a structural problem. He said that they had limited regional cooperation across boundaries, despite being in an area that was essentially one neighborhood. He said that it sounded like Franklin Street, as reported by some citizens, seemed to be neglected by the City. He said that it appeared they should make it suitable for trucks, with sidewalks and lines. He said that he hoped the City would take this into consideration.

Mr. Moore said that he found the proffer of an acre and a half along the river to be unimpressive and did not have any real benefit to the community. He said that it was wedged between industrial and sewage treatment, and difficult to access. He said that additionally, it was already unbuildable due to being within the stream buffer, but it was a proffer, nonetheless. He said that he understood the concerns about removing acres from the floodplain, and while he did not have expertise in

hydrology, he understood that it was not ideal. He said that however, he had read the County Engineers' study and methodology, and it seemed logical.

Mr. Moore said that the County Engineers had determined that this request would not pose a major issue. He said that the pros of this proposal were that it would accommodate light industrial operations, which they already had in abundance, including the sewage treatment plant and nearby light industrial businesses. He said that if they were considering light industrial, it was adjacent to existing light industrial areas. He said that the main difference was the terrain change.

Mr. Moore said that another aspect of this was that they had discussed and heard from the Economic Development Office during budget season that commercial and light industrial projects generated more revenue than required to service it. He said that he was not sure of the magnitude of this impact in this context because they did not often discuss economic impacts on this Commission, but they did have limited parcels available, and they had touched on this in staff's presentations.

Mr. Moore said that he wondered if it would be a reasonable approach, as the Engineers said it would not harm the water side. He said that in that case, he thought that this could be a good opportunity to utilize a parcel that would improve tax revenue. He said that was his perspective. He said that he did not have a strong stance on this, but he would lean towards accepting it, while also not being enthusiastic about it.

Mr. Bivins said that he was supportive of the proposal and wanted to explain why. He said that those who had been here for a while remembered that this used to be a stockyard, which was located down there. He said that while he appreciated the efforts being made, he also appreciated that out of the total acreage, 5.5 acres would remain untouched.

Mr. Bivins said that this area would be preserved and would likely become a habitat for newts, salamanders, and other wildlife. He said that for him, the development was significant because it represented an opportunity to create jobs in a location that was easily accessible on foot, which aligned with his focus on economic development. He said that the current state of their housing stock was a result of economic factors, specifically the inability of people to afford moving to a different area.

Mr. Bivins said that this was a common issue, as highlighted in an article in The Atlantic, which explored how economic factors had limited people's ability to improve their social standing. He said that by consolidating areas like Broadway, they risked repeating the mistakes of the past, as the Commission had not been comfortable with that area becoming residential. He said that this development felt like part of what was happening on Broadway. He said that furthermore, his visit to Mount Bellevue revealed that even in challenging spaces, thoughtful development could occur, as evidenced by the building's owners' consideration of the neighboring building's view.

Mr. Bivins said that he was trying to think of locations in the County where they could co-locate light industry. He said that this particular location had an antecedent history about why it became a light industrial area. He said that, however, that was a longer and more complex story than what they were discussing tonight. He said that when the applicant had to deal with moving water off the street, they would likely be challenged in doing so in a way that was beneficial to the property.

Mr. Bivins said that in contrast to the current situation, where there was a gully between Carlton Street Avenue and Franklin Street that appeared to be the source of water running down. He said that if water was not a problem in this area, then he believed this space could help mitigate some of the water-related issues they faced. He said that on the other hand, if water was a concern, then they had a different problem to address. He said that he was willing to consider this proposal for an acre and some change, as it was a more feasible option than developing the larger, undeveloped landscape behind the former livestock area.

Ms. Firehock said that she wanted to reiterate a point she previously made. She said that their staff had done their job in assessing the surrounding uses, which included light industrial activities. She said that however, it was also across from a residential neighborhood. She said that she knew this specifically because she had served as vice president of the Belmont Neighborhood Association. She said that, having personally delivered newsletters to every trailer and house in the neighborhood on a quarterly basis, and having spent a significant amount of time in the area, she had a deep understanding of the area.

Ms. Firehock said that her 10 years of conducting water quality monitoring of Moores Creek showed improvement over time, but unfortunately, the creek remained an impaired waterway due to sediment pollution, bacterial contamination, and extreme stormwater runoff, exceeding the total daily maximum load (TMDL) allowed. She said that in addition to the impaired creek, the area was also a residential neighborhood.

Ms. Firehock said that she wanted to emphasize that they must consider the social justice implications of placing industrial activities next to residential neighborhoods. She said that they should not ignore the concerns of their neighbors across the street, simply because they were in a different jurisdiction. She said that she was not accusing anyone of ignoring these concerns, but she did want to highlight the importance of acknowledging the proximity of industrial and residential areas.

Mr. Bivins said that he agreed that residents had been present in that area for more than decades, and the community had been actively engaged in providing shelter for individuals for over 100 years. He said that on the other side of the street, the area was primarily used for light industry and warehousing. He said that this area did not have industrial uses that were toxic to the environment; it could be a bakery, storage, or logistics facility, which would provide employment opportunities for individuals living in the area.

Mr. Bivins said that he was interested in creating centers that people could walk to or bike to, and also have access to job opportunities. He said that he did not want this parcel to remain as a temporary wayside for construction infill for an indeterminate number of years and would rather see this become a productive piece of property.

Ms. Firehock said that she understood that it was a relatively light footprint, considering the small portion they were taking up. She said that she recalled in Charlottesville's comprehensive plan many years ago, there was a plan in the appendix by Torti Gallas that showed they could just fill in the whole Rivanna floodplain, put in massive walls, and put hotels on top. She said that it was a terrible plan, and Charlottesville did not follow it. She said that there had been many bad plans out there, and she appreciated that this one could be worse.

Mr. Missel said that one additional point to consider was that there had been a recent situation where an application had been submitted to the City to fill a floodplain, but the City had denied it and subsequently purchased the land.

Mr. Carrazana said that this was a challenging issue, and he agreed with the perspectives presented on both sides of the argument. He said that where he was landing was that over five and a half acres were being dedicated, primarily as a preserve. He said that this open area provided ecological benefits, distinct from the strip along the river. He said that he was unclear about the potential connection to the wetlands and whether this area could expand them. He said that the hydrological implications of the fill were also unknown at this stage.

Mr. Carrazana said that approximately 30% of the site was dedicated to mixed-use development, with the majority of the area set aside for this purpose. He said that they often discussed the importance of mixed-use development in creating walkable areas with jobs. He said that the

presence of jobs and other buildings being constructed in the area suggested a significant benefit. He said that there were numerous examples across the nation of former light industrial sites being repurposed as retail and livable areas.

Mr. Carrazana said that Albuquerque, where he had previously lived, was a notable example of an area that was once in blight but had since been revitalized into a thriving retail and artistic hub. He said that for the applicant, he would encourage considering how this site could engage the community and potentially become a resource beyond jobs. He said that this could involve thinking about the frontage of the site and how it could be developed to benefit the community. He said that they had a residential neighborhood directly across the street, which should be taken into consideration when developing the site. He said that however, overall, he believed the benefits of this project outweighed some of the challenges they had discussed, and he therefore supported the request.

Mr. Missel said that he wanted to share some ideas and approach these topics as objectively as possible, which he believed everyone did. He said that he respected all the comments that had already been made and did not think he disagreed with any of them. He said that they were well thought out, reasonable, logical, and helpful. He said that as he reviewed the material, he considered both sides of the issue. He said that he had a balanced perspective, weighing the pros and cons. He said that to cut to the chase, he felt his scale was tipping more towards the reasons to support the request.

Mr. Missel said that the staff report highlighted numerous checks and balances, which he found helpful in understanding the next steps. He said that he was aware of existing impacts in the grading of this area, and although he would not say that they were the right thing to do, they did exist. He said that the site was a small fill area, covering approximately 21% of the total seven-acre parcel, with the remainder in a buffer and the remaining portion untouched floodway.

Mr. Missel said that he was uncertain about the wall's location and whether it could be constructed outside the floodway. He said that as he understood it, the wall must be built outside the floodway, which was another check and balance. He said that he agreed with the need for light industrial use, as it aligned with their goal of not impacting the rural area while unlocking development potential in the development area. He said that he thought this might be an opportunity to achieve that.

Mr. Missel, that the substantial buffer and fill location near the river created a buffer between the use and the residential area, which he believed was a good thing. He said that, however, getting closer to the river was not a desirable outcome, and entering the floodway was a concern. He said that he believed this proposal attempted to strike a balance. He said that he wanted to echo Mr. Carrazana’s comments to the applicant about creating a buffer zone. He said that this was not an entrance corridor, and it would not be subject to Architectural Review Board (ARB) oversight.

Mr. Missel said that nevertheless, it should be sensitive to the adjacent neighborhood, and he thought that was important. He said that he appreciated the applicant's efforts to reuse materials to promote sustainability, which he believed was a positive aspect. He said that the fact that the site was located in a backwater area, Mr. Pohl helped to provide context. He said that he did not think they were setting a precedent here, as they did not set precedents on individual parcels. He said that on the other side, he agreed with the concerns and opposition the Commissioners had raised. He said that he was slightly hesitant and agreed with Mr. Moore that it was a difficult situation, and he was not 100% in agreement with the proposal, but was at least 51% in favor of recommending approval.

Ms. Firehock said that she wanted to emphasize that this difficult situation with industrial and commercial sites would continue to be so in the future. She said that they did not have many easy

sites left to work with and that would be their future. She said that as they strived to minimize their overall impact on the County, they were left with these unusual sites, and eventually that was all that they would have left. She said that she recognized this would be the dynamic over and over again, and they would have to work through both sides of the equation.

Mr. Missel said that he believed the comprehensive plan was another important consideration. He said that staff had mentioned that the plan was quite generous. He said that as someone who had been involved in mapping the comprehensive plan, including green spaces, he understood the process that went into its development. He said that the plan was aspirational and important to pay attention to, although he was not sure its boundaries were clearly defined.

Mr. Bivins said that regarding the green space concept, he would like to clarify what he meant by a "green taking." He said that when they discussed green spaces, passionate individuals often claimed it was about preserving ecological areas. He said that when it came to private land, the County must be mindful of how it was presented to avoid giving the impression of an ecological taking. He said that he believed this sensitivity was crucial, especially when using different colors and hashing to convey the intended use.

Mr. Bivins said that in his experience on the Commission, he had noticed that in Crozet, any green space was viewed as untouchable, even when it was privately owned. He said that while he had mentioned that if someone felt strongly about a green space, they could buy it and make it their own, he thought it was essential to have an intentional conversation with the property owner to explain the County's intentions and how the public would perceive the space. He said that there was potential for further consideration of tax benefits being given to landowners whose parcels had green system designations.

Mr. Murray said that it was a very interesting idea. He said that there were likely were ways to make it work. He said that he appreciated Charlottesville's approach to a similar issue, where they purchased land in a floodplain to mitigate the problem. He said that he thought about their comprehensive plan, where they designated areas as green systems, and how that related to their designations for industrial or residential areas. He said that it was aspirational, but they needed practical tools to achieve it. He said that he believed they lacked the necessary tools to make some of these green systems a reality.

Mr. Murray said that other localities had successfully implemented designations for sensitive areas, such as resource management areas, where they could balance development with low-impact requirements and stormwater sensitivity. He said that he hoped they could adopt a similar approach for sites like this, which would give him greater confidence in the project if they could ensure it adhered to low-impact development standards from the outset.

Ms. Firehock said that they could purchase off-site water quality credits and not treat the water quality on-site, as permitted under state code. She said that the County currently lacked the necessary tools to control that. She said that specifically, they did not have an overlay designation for sensitive areas, which some localities had implemented.

Mr. Missel said that he thought one very positive aspect of their conversations with AC44 had been focused on turning those aspirations into tangible, achievable actions. He said that he believed they had made significant progress in that area.

Mr. Missel motioned that the Planning Commission recommend approval of SP202400026 for the reasons outlined in the staff report and the conditions in the staff presentation on April 22, 2025. Mr. Bivins seconded the motion, which carried (4-3). (Mr. Clayborne, Ms. Firehock, and Mr. Murray dissented).

Ms. Firehock said that the reason for her no was that it did not align with the comprehensive plan, which designated this area for parks and green systems. She said that it also did not support the comprehensive plan's goals for protecting natural resources.

Committee Reports

Mr. Murray said that the Metropolitan Planning Organization (MPO) Tech Committee recently met. He said that as a result, they had approved the Unified Planning Work Program draft, which had been presented to them. He said that they had a presentation on the Safe Streets and Roads for All FY25 grant application. He said that given his interest in pedestrian safety, he was particularly enthusiastic about gathering data on ways to make streets safer through this grant. He said that he believed this was crucial work that needed to be done. He said that they had received an update on the existing Move Safely Blue Ridge grant.

Mr. Bivins asked Mr. Murray if there was any discussion at the MPO about specific projects that the Federal Highway Administration had ruled out, given the information that was presented today, which appeared to be cutting out several potential funding opportunities.

Mr. Murray said that there was a concern, but nothing was certain at this point. He said that the situation remained unknown. He said that one thing that had impacted budgets was the recent snow and weather events, which required diversion. He said that in terms of the potential impacts from federal actions, that remained to be seen.

Review of Board of Supervisors Meeting: April 16, 2025

Michael Barnes, Director of Planning, said that staff presented AC44's chapters on Thriving Economy and Community Facilities to the Board. He said that a significant amount of discussion centered around community facility proposals, with a focus on how they should be working to create these spaces. He said that unfortunately, there were some errors in the plan that needed to be addressed, primarily spelling and typing mistakes.

Mr. Barnes said that he should not be too concerned about this, but he was because his staff should not have brought these issues to the Board's attention, he said that additionally, Berkmar Flats was an interesting presentation, as it was the project that initially sparked discussion about a connection between Woodburn and Berkmar. He said that the Commission had recommended they defer the project in order to include more green space, and the Board supported the Commission’s position in order to create more walkable areas and green spaces. He said that staff also presented the canine kennel proposal in Stony Point. He said that Mr. Clayborne had suggested increasing the kennel's size to 1,200 square feet, and the Board actually supported them allowing up to 20 dogs there, rather than 12 dogs.

Ms. Firehock said that she was confused about why the Board brought that up. She asked if they were concerned about the viability of the applicant’s business.

Mr. Barnes said that Mr. Gallaway seemed to recognize that the effort was an economic strategy and would prevent them the applicant from returning in the future for an additional request to allow more dogs. He said that both Berkmar Flats and the dog kennel both passed.

Mr. Carrazana said that he believed they would have to make the facility bigger to better accommodate the operations.

Mr. Herrick said that the applicant received permission too, but he was unsure if they would.

New Business

Mr. Missel said that although it was not on the agenda, he would like to ask Mr. Barnes if there were any AC44 updates. He said that he appreciated the Commission had received the Transportation Chapter well in advance, which was great.

Mr. Barnes said that Ms. Shaffer had sent them an updated agenda. He said that they planned to incorporate these two-month look-ahead schedule for all of them. He said that June's agenda currently had limited items, but they would likely add a few more as they moved forward. He said that they had also adjusted the schedule from May 13, when they were set to cover the Cultural Resources chapter, to May 27 to accommodate the Commissioners' schedules.

Mr. Barnes said that this would be the conclusion of the 10-chapter process, although they may drop it down to nine chapters. He said that he was thinking out loud here, but it seemed that the Community Resiliency Chapter, as it had been reviewed by others, had been perceived as disjointed and lacking key elements.

Ms. Firehock said that the chapter contained principles that underpinned the entire plan.

Mr. Barnes said yes. He said that it seemed that they may be revisiting the approach, moving away from the previous chapter's format, and instead, incorporating some of the other elements into the other nine chapters. He said that they would discuss this in greater detail on May 27.

Mr. Murray said that there had been some notable changes that happened before these topics were presented to the Board of Supervisors that the Commission did not participate in. He said that there had been discussion of transfers of development rights and development area and rural area swaps.

Ms. Firehock said that there had been a lot of new considerations from the Board in terms of the development area's shape and size that the Planning Commission received emails about, but the Commission had not formally discussed them. She said that it seemed the Board had gone further in these discussions and the Commission had not had the same opportunity to do so.

Mr. Murray asked Mr. Barnes when the Commission would have the opportunity to have those discussions themselves.

Mr. Barnes said that once staff finished the entire chapters, they would bring back the entire comprehensive plan for the Commission to review in its totality. He said that some of the changes Mr. Murray had mentioned would become apparent as they were incorporated into the comprehensive plan. He said that they would have a work session and public hearing when bringing the plan back to the Planning Commission. He said that the discussions regarding changes to the boundaries, which had been touched upon at the Board level, would also be brought back to Commission.

Mr. Barnes said that the comprehensive plan was divided into three major sections: an introductory section, a growth management policy section, and a section on criteria for expansion of growth management or development areas. He said that as far as the discussions the Board had about the items, the Commission could make recommendations to the Board, but after that, the Board could do as they saw fit.

Adjournment

At 8:26 p.m., the Commission adjourned to May 6, 2025, Albemarle County Planning Commission meeting, 6:00 p.m.

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Michael Barnes, Director of Planning

(Recorded by Carolyn S. Shaffer, Clerk to Planning Commission & Planning Boards; transcribed by Golden Transcription Services)

Approved by Planning Commission
Date:
Initials: