

An afternoon-adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on February 8, 2012, at 3:00 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Kenneth C. Boyd, Mr. Christopher J. Dumler, Ms. Ann H. Mallek, Mr. Dennis S. Rooker, Mr. Duane E. Snow and Mr. Rodney S. Thomas.

ABSENT: None.

OFFICERS PRESENT: County Executive, Thomas C. Foley, County Attorney, Larry W. Davis, and Clerk, Ella W. Jordan.

Agenda Item No. 1. The meeting was called to order at 3:01 p.m., by the Chair, Ms. Mallek.

Agenda Item No. 2. **Joint Meeting with Planning Commission.**

PLANNING COMMISSION MEMBERS PRESENT: Edward Smith, Andres (Don) C. Franco, III, Richard Randolph, Calvin Morris, Thomas Loach, Russell (Mac) Lafferty, Julia Monteith

STAFF PRESENT: Mr. Greg Kamptner, Mr. Mark Graham, Mr. V. Wayne Cilimberg, Ms. Lee Catlin and Ms. Elaine Echols

Agenda Item No. 3. **Public Hearing: ZTA-2012-000 Special Exceptions** – Add Sec. 31.8, Special Exceptions, to Chapter 18, Zoning, of the Albemarle County Code. This ordinance would add Sec. 31.8 to authorize the board of supervisors to consider and act on special exceptions, identify the matters to be considered in acting on special exceptions, authorize the board to impose reasonable conditions in approving special exceptions, require that the board act on special exceptions within 90 days after the date of the request or other period if considered concurrently with certain zoning and site plan applications, and identify how applications are made. The matters requiring a special exception include requests for waivers, modifications, variations or substitutions required to be acted upon by the planning commission or an administrative officer under the current regulations, and any decision required by this chapter to be acted upon by the planning commission under the current regulations, with “decision” being defined. (*Advertised in the Daily Progress on January 23 and January 30, 2012.*)

The following executive summary was forwarded to Board members:

In *Sinclair v. New Cingular Wireless*, the majority of the Virginia Supreme Court concluded that any kind of waiver, modification or variation is a legislative act that can be approved only by the local governing body in the absence of State enabling authority that expressly allows another body or official to exercise that power. The Court found that the General Assembly had not enabled localities to delegate that authority to planning commissions or administrative officers. Zoning administrators may be authorized to grant a modification from any provision contained in the Zoning Ordinance, but only upon determining that a legal hardship exists, as set forth in the specific enabling authority. The Court also concluded that planning commissions do not have the authority to act on zoning matters in the administration of the locality’s zoning ordinance unless they are expressly enabled to do so by State law.

The proposed zoning text amendment (Attachment A) would provide that all waivers, modifications and variations under the current zoning regulations, and any regulation requiring a decision by the Planning Commission (*e.g.*, a decision on a Tier II wireless facility) would be considered and acted on by the Board of Supervisors as “special exceptions,” a type of approval expressly enabled by State law. *Virginia Code § 15.2-2286(A)(3)*. The Planning Commission adopted the attached Resolution of Intent (Attachment B) to initiate this zoning text amendment on January 24, 2012. The proposed zoning text amendment would not affect how the Planning Commission considers and makes recommendations on zoning text amendments, zoning map amendments, and special use permits. It also would not affect how the Planning Commission considers site plans and subdivision plats because it is enabled to consider those applications under the State Subdivision Law (as implemented under the County’s Subdivision Ordinance and Site Plan Ordinance), though it would apply to waivers, modifications and variations requested under the Zoning Ordinance that may be required in conjunction with a site plan or subdivision plat.

Special exceptions must be accompanied by “suitable regulations and safeguards.” *Virginia Code § 15.2-2286(A)(3)*. State law does not delineate the minimum regulations and safeguards deemed to be suitable. The proposed zoning text amendment would require that the Board consider the factors, standards, criteria, and findings, however denominated, in the applicable sections of the Zoning Ordinance. For example, when considering a special exception to consider critical slopes, the Board would consider the factors and criteria for allowing critical slopes to be disturbed in County Code §§ 18-4.2 and 18-4.2.5. However, the Board would not be required to make specific findings. The proposed zoning text amendment also would authorize the Board to impose reasonable conditions to address possible impacts, and require that the Board act on an application within 90 days after the date of the request, or concurrently with a zoning map amendment, special use permit, or site plan appeal, whichever is longer. Applications for special exceptions would be made as they are currently made for waivers, modifications or variations under the applicable sections of the Zoning Ordinance.

State law does not require that local governing bodies hold public hearings before acting on a request for a special exception, and staff suggests that most if not all special exceptions could be considered by the Board on its consent agenda.

The proposed zoning text amendment is a short-term solution to comply with the State enabling authority. One long-term solution is to obtain express enabling authority from the General Assembly to allow planning commissions to administer the zoning ordinance and to allow planning commissions and administrative officers to consider and act on waivers, modifications and variations. Many Virginia localities, including many of the largest localities, have zoning ordinances similar to Albemarle County's that allow their commissions or administrative officers to consider and act on these types of matters. Another long-term solution, in the absence of new State enabling authority, would be to amend the several sections of the Zoning Ordinance that pertain to waivers, modifications or variations and to either replace them with performance standards and designate some or all of them as special exceptions, or to eliminate some or all of the waiver, modification and variation regulations altogether. Staff is working on these possible long-term solutions.

Because most waivers, modifications and variations are approved administratively under the current zoning regulations, it is anticipated that preparing executive summaries for every special exception will adversely impact Department of Community Development resources.

After conducting the joint public hearing, staff recommends that the Planning Commission recommend approval of ZTA 2012-00001 as provided in Attachment A and that the Board adopt ZTA 2012-00001.

Mr. Graham reported that the special exception process was created due to a recent Supreme Court decision which overturned some of the County's processes and stated that there would be applications potentially delayed in the process until this issue was resolved. He said he is hopeful that a satisfactory solution will be worked out at today's meeting. He thanked the County Attorney's Office for their assistance, leadership and stewardship in finding solutions to this problem. Mr. Graham explained that the special exceptions process resolved the Sinclair problem by creating a process for Board decisions, rather than the Planning Commission or staff. He added that this process does not have any new fees associated with it even though there is additional county cost associated with it. He said any anticipated fees that might accompany the process could be considered part of the Zoning Ordinance update in 2013. He stated that this process does not require a public hearing or legal advertisements, although there are notices associated with a number of the measures that would continue in place as required by the Zoning Ordinance.

Mr. Graham stated that the goals for this recommended process were to ensure the County has legal compliance and matches the Supreme Court's decision, minimizes any delays or additional costs in the process, maintains the County's standards for the quality of development, and maintains the opportunities and public involvement that currently exist in the process or as had been discussed with the Board related to ministerial process changes. Mr. Graham said staff developed a recommended process in this ordinance amendment: a request that would go directly to the Board on the Consent Agenda where staff is recommending approval and the applicant is not contesting the recommended conditions. And otherwise if a Board member is requesting discussion, it would go to the regular agenda.

Mr. Graham said there was a question regarding the Planning Commission's role, and there were two directions in which to go: the first would be having all applications go directly to the Board without any Planning Commission review. Mr. Graham explained that would be the quickest method, and certainly meets the required 60-day timeframe, with fewer steps and lower cost, and best matches the intent of the ministerial process changes that have been discussed. He said that the cons would be an increase in the Board's workload, adding that any controversial decisions would not have had a chance to be vetted at the Planning Commission level, and a risk of new issues arising at the Board meeting. Mr. Graham said that the alternative process would be having an item that was not on the Consent Agenda, i.e., such as the case when staff hadn't recommended approval or the applicant was opposed to the conditions, would first go to the Planning Commission for a recommendation before it came to the Board. He stated that the pros to that approach were that it best matches the existing review process, the Commission's recommendations would help the Board with complex decisions, and any unvetted issues arising at the Board meeting would be reduced. Mr. Graham said that the cons would include an increase in the Board's workload and the possibility of not meeting the 60-day timeline. He stated that this process would basically add more steps and more complexity to the process, perhaps a month more to the process.

Mr. Graham said that, for Consent Agenda items, there would be limited project delay and additional cost, but the regular agenda items would increase application time and County cost, more so if there was the added step of Planning Commission review. He also stated that there were two other results that staff hadn't yet figured out how to avoid: construction-related waivers and modifications from a project not being built by the approved plan, such as the Wal-Mart project where the applicant hadn't built parking areas as shown on their plan. Mr. Graham said that staff had to do an administrative waiver in order to give Wal-Mart a certificate of occupancy on time, but the situation now would likely mean a delay of 30 days or more for the waiver application. He stated that is a consequence of this decision and, until the General Assembly changes the law and allows for administrative waivers, it is going to be a risk that happens. Mr. Graham explained that the other result is when applicants are selling or refinancing properties, especially commercial properties, and lenders require zoning compliance and want proof of that, however, staff would no longer be able to grant that to applicants who are not in compliance which, in the past, had been handled through administrative waivers.

Mr. Graham reported that staff's recommendation to the Planning Commission was that they recommend the Board adopt the ZTA as presented, and provide a recommendation as to which of the two process approaches the Planning Commission would prefer. Mr. Graham said that staff recommended to the Board of Supervisors that it adopt the special exception process as presented in the report and provide direction as to how staff should move applications forward.

Mr. Rooker asked for clarification on an intermediate position whereby applications with some complexity or difference of opinion might go to the Planning Commission.

Mr. Graham explained that if staff recommended approval with conditions and the applicant was in agreement with those conditions, then the application could go directly to the Board's Consent Agenda.

Mr. Thomas asked for elaboration on possible unvetted issues.

Mr. Graham responded that critical slopes waivers, for example, could come to the Planning Commission and some neighbor could perhaps step forward for the first time without any previous explanation of their concerns. He said staff tries to avoid those circumstances in working through those types of issues in advance of a meeting, but they do occur.

Mr. Rooker asked what percentage of applications would go to the Commission, using the first scenario.

Mr. Graham responded that currently it would be about 5-10% at the outside, and the process by nature of its delay creates a huge incentive for the applicant to try to find common ground with staff rather than go through those extra delays, so that percentage could drop even lower.

Mr. Morris stated that the Commission review process allows for more public input that they could pass onto the Board, adding that he thought this input is extremely valuable.

Ms. Mallek and Mr. Boyd agreed, and Mr. Rooker said that it made sense, given the small percentage of applications.

Ms. Mallek said she is concerned about staff being under tremendous pressure or being intimidated to make an agreement to save an applicant from having to go to the Planning Commission, and asked how detailed the guidelines were.

Mr. Graham replied that the vast majority would be those where staff had worked with the applicants to develop some middle ground, with support based on criteria for approval of a waiver having been adequately satisfied. He said there could be an isolated one here and there where there is not agreement.

Mr. Lafferty asked for clarification that it wasn't an "either/or," and that staff could make the decision as to which route a project takes.

Mr. Graham responded that staff effectively made the decision as to the direction by whether or not they were recommending approval and, if staff were recommending approval with agreement to conditions, it would go directly to the Board on the Consent Agenda.

Mr. Davis noted that the recommendations would be based on the criteria in the ordinance, and pointed out that there are no public hearings now at the staff or Planning Commission levels and although public comments taken, technically there is no hearing requirement.

Mr. Dumler asked what the consequences might be with the 60-day time limit.

Mr. Graham mentioned that there is a state requirement for review of site plans within 60 days, and the County tries to honor that but, at 60 days, a decision would need to be made about, i.e., a preliminary site plan. He said if the waiver hasn't been approved at 60 days, an applicant would have to request deferral or the County would have to deny it. He said that if an item was not on the Consent Agenda, there would not be enough time to get it through the process for a waiver and get a decision in 60 days.

Ms. Mallek emphasized that the way to avoid that from happening is for an applicant to get all of his ducks in a row before submitting paperwork.

Mr. Graham agreed, but recognized that the applicant often isn't even aware that he needs a waiver until staff completes their review of a plan. He said that one of the things considered by staff was to have the Board refer a waiver application back to the Planning Commission, although there would be additional time lost, which could potentially add 2-3 months to the process.

Mr. Boyd reiterated that this would only impact 5-10% of the projects that would have to be handled uniquely, based on staff's estimates.

Mr. Franco said that is 5% where the County and the applicant do not agree. He asked what percentage of applications come in whereby someone from the public speaks to it.

Mr. Graham said there are a large number of items that do get worked out but, of those that do come before the Planning Commission, the vast majority of those are on the Consent Agenda for the Planning Commission and it is just a question of possible concerns that cause the Planning Commission to pull it off the Consent Agenda.

Mr. Boyd said that people wouldn't be precluded from speaking about an item at the Board level.

Mr. Graham agreed and said that, just because the Planning Commission came up with a recommendation on something, didn't mean that the Board would avoid hearing the same comments from the same people, and often speakers would hone their arguments based on what happened at the Planning Commission level.

Ms. Mallek commented that that's actually a good process.

Mr. Graham added that he still anticipates controversy at the Board level.

Mr. Loach said there are a higher percentage of applications that are changed or altered prior to going to the Board.

Mr. Snow asked if staff could put a number on how many applications were involved in that 5%.

Mr. Graham responded that the number of waivers coming to the Planning Commission is fairly small, although the number of Tier II cell towers has grown considerable.

Mr. Cilimberg clarified that most of what the Board has been seeing are the Tier II towers, and staff has recently determined that most of those would not need a full review and could, therefore, be handled through the Consent Agenda. He said, if those types of projects were removed, the number would possibly be down to just 2 or 3 per month of, for example, waivers, modifications, or approvals by the Planning Commission.

Mr. Snow asked about the increase in the Board's workload that Mr. Graham had mentioned.

Mr. Davis said if the items stayed on the Consent Agenda, the amount of work might not be significant but if those items come off the Consent Agenda and involve long discussions it would appear to be a much heavier workload.

Mr. Cilimberg explained that staff's plan would be to have a very brief analysis and a recommendation of approval, so the vast majority would probably not take very long unless Board members had questions for staff to follow up on. He said those few that would end up on the regular agenda would need to be reviewed in the same manner as other matters before them, including public hearing matters. Mr. Cilimberg stated that the Planning Commission has dealt with those as regular items, so the time needed to commit would depend on how many needed to be on the Board's regular agenda.

Ms. Mallek opened the public hearing for the Board of Supervisors. Mr. Morris opened the public hearing for the Planning Commission.

No comments were offered, the public hearing was closed, and the matter was placed before the Board and Commission.

Mr. Boyd said he was in favor of having items go straight to the Board, and if it's found not to work out, it could be changed back.

Mr. Cilimberg noted that having joint public hearings would be a way to help fast-track some projects.

Mr. Lafferty stated that someone might be more intimidated to speak in front of the Board than the Planning Commission and, if there were a lot of people in opposition, they could consolidate their views and be more organized before coming to the Board.

Mr. Loach said that complex decisions are usually due to complex issues and having both a Commission hearing and a Board hearing gives the public at least two opportunities to express their opinions. He stated that there have also been changes in projects after a Planning Commission hearing, prior to that project going to the Board.

Mr. Randolph stated that it would be ironic to move the Planning Commission out of a decision-making role because that would shorten the opportunity for public participation and the exercise of democratic rights. He said he didn't think that is what the Supreme Court would have wanted, and didn't believe it is in the spirit of the decision. He added that the County would be working against the best interests of applicants. He pointed out that the Planning Commission's role is to help nurture public discussion and awareness, provide input and a written record for the Board to read before the issues come before them. He added that it's always a good goal to try to expedite the process as much as possible; however, in this case, it could be counterproductive.

Mr. Franco asked if there was a notification requirement for an item to be placed on the Board's Consent Agenda if an item wasn't going to have a public hearing.

Mr. Graham responded that there was not such a requirement.

Mr. Franco suggested that a hybrid system could have an item go on the Planning Commission's Consent Agenda for recommendation to the Board and, if someone from the public wanted to speak on it, they could pull it, have that public discussion and vet some of the issues. He said any issues that are not discussed could be moved forward to the Board.

Mr. Smith agreed and said he didn't want the public to feel short-changed in their lack of opportunity to speak out on an issue.

Ms. Monteith added that cost shouldn't be a major driver, but more about public process which she thought should be the priority in this instance.

Mr. Franco asked if it would be possible to go to the Commission on the Consent Agenda and then move forward to the Board at either the next session or a week later.

Mr. Graham said that if an item was going to the Planning Commission, it was because staff was recommending denial or the applicant had not agreed to the conditions which staff had recommended for approval. He said he didn't see how that goes on a Consent Agenda for the Planning Commission when it is obviously something that will need additional discussion.

Mr. Franco agreed, but said he was referring also to items that the public took exception to and wanted to speak to the items. He said if all the items that fell in this category went to the Planning Commission on the Consent Agenda; the public would have that opportunity.

Mr. Graham said he understood, and said that the time overlap was doable but the Board had concerns with that in the past as they were getting everything verbally from staff the next day. The Board would have no indication as to what the discussion was at the Planning Commission.

Mr. Boyd stated that it would be impractical to have an item brought to the Board on a Wednesday following a Tuesday meeting.

Mr. Franco said he wasn't really pushing for it but if the goal was providing the public an opportunity to speak twice, that method would accomplish it.

Mr. Graham clarified that there was an action required to process the Zoning Text Amendment in order to get the ordinance passed, and the second part was asking the Commission which two recommended processes would best serve the public's interest.

Mr. Morris asked if there was any further discussion for approval or denial of ZTA 2012-0001.

Mr. Lafferty **moved** to recommend approval of ZTA-2012-00001. Mr. Franco **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Smith, Mr. Franco, Mr. Lafferty, Mr. Morris, Mr. Loach and Mr. Randolph.
NAYS: None.

Mr. Morris asked Commissioners to make recommendations as to the process for special exceptions, reminding them of the options of either having all applications go directly to the Board or first going to the Planning Commission for recommendation.

Mr. Franco said that, based on discussion he heard, sending it to the Board directly, unless there was dispute between staff and the applicant, should be supported.

Mr. Randolph agreed.

Mr. Franco then **moved** to approve Option B to support staff's recommendation for processing applications for special exceptions Mr. Lafferty **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Smith, Mr. Franco, Mr. Lafferty, Mr. Morris, Mr. Loach and Mr. Randolph.
NAYS: None.

Mr. Rooker then **moved** to approve ZTA-2012-00001. Mr. Thomas **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Dumler, Ms. Mallek, Mr. Rooker, Mr. Snow, Mr. Thomas and Mr. Boyd.
NAYS: None.

ORDINANCE NO. 12-18(1)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE IV, PROCEDURE, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article IV, Procedure, is hereby amended and reordained as follows:

By Adding:

Sec. 31.8 Special exceptions

Chapter 18. Zoning

Article IV. Procedure

Sec. 31.8 Special exceptions

The board of supervisors reserves unto itself the authority to consider and act upon special exceptions as follows:

- a. *Matters requiring a special exception.* Notwithstanding any other section of this chapter:
 1. Any request for a waiver, modification, variation or substitution permitted by this chapter shall be considered and acted upon by the board.
 2. Any requirement for a decision by the planning commission required by this chapter shall be considered and acted upon by the board. For the purposes of this section, a decision by the planning commission does not include the consideration and action by the commission on a preliminary or final site plan under section 32 of this chapter or any action provided in section 32 enabled under Virginia Code § 15.2-2242(1).
- b. *Consideration and action.* In acting upon a special exception, the board shall consider the factors, standards, criteria, and findings, however denominated, in the applicable sections of this chapter, provided that the board shall not be required to make specific findings in support of its decision.
- c. *Conditions.* In approving a special exception, the board may impose reasonable conditions to address any possible impacts of the special exception.
- d. *Time for action.* A request for a special exception shall be acted on by the board within ninety (90) days after the date of the request, or concurrently with a zoning map amendment, special use permit, or site plan appeal, whichever is longer.
- e. *Request.* Each request for a special exception shall be made as provided under the applicable section of this chapter.

Ms. Mallek asked Board members for input on the two processes presented.

Mr. Boyd said that he felt Option A was a better approach, with staff having the discretion to bring items to the Commission if they felt there was controversy. He added that he took exception to the fact that the Board made its rules based on the 5-10% of cases and not 95% of cases.

Ms. Mallek said that the 95% would already go under Option A.

Mr. Rooker stated that, where there were disputes with an application and staff doesn't recommend approval and the public had interest, those few cases would go to the Planning Commission.

Mr. Boyd said he didn't understand that fact when it was presented, but said he could support it.

Mr. Rooker **moved** to support staff's recommendation (Option B) for processing applications for special exceptions as follows:

1. Applications that have a staff recommendation for approval, the applicant agrees to staff's recommended conditions, and no Board member has requested this be discussed will be placed on the Board's consent agenda. In placing an application on the consent agenda, staff will provide the Board the specific request with the applicable ordinance section(s), a summary of staff's findings as to required considerations, and a recommendation. (It is anticipated this process will be used for the vast majority of Special Exception applications.)
2. Applications that are not placed on the consent agenda and were previously decided by the Planning Commission will first go to the Planning Commission for a recommendation and then be forwarded to the Board. Staff will continue to provide a report to the Planning Commission with analysis of the application and this report will be forwarded to the Board with the Planning Commission's recommendation. (It is anticipated this will be the process for some Special Exception applications.)
3. Applications that are not placed on the consent agenda and were previously decided by staff will be placed on the Board's regular agenda. Staff will provide a report to the Board with analysis of the application and a recommendation. (It is anticipated this process will be used for only a few applications.)

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Dumler, Ms. Mallek, Mr. Rooker, Mr. Snow and Mr. Boyd.
NAYS: Mr. Thomas.

Mr. Boyd asked for clarification of what was just approved, and asked if it meant applications would go directly to the Board unless there was an exception generated, at which time it would go to the Planning Commission first, and then to the Board.

Mr. Graham said that the vast majority of applications would come straight to the Board on the Consent Agenda, but those applications with a conflict or disagreement would go to the Planning Commission first.

Ms. Mallek said that one project she hoped would soon come to a joint Planning Commission meeting would be the revival of Avon Park, which both bodies had been anticipating.

Agenda Item No. 4. **Work Session:** Economic Vitality Action Plan Implementation Schedule:

a. Target Industry Study Results

b. Comprehensive Plan Update Schedule regarding LI and Interstate Interchange Policy

The following executive summary was forwarded to the Board:

On January 11, 2012, the Board of Supervisors requested a joint work session with the Planning Commission to discuss the status of several efforts related to the County's Economic Vitality Action Plan. Three of the Plan's goals are closely tied to improving the County's ability to provide appropriate locations for businesses: Goal #2 – Simplify/Create Certainty in Development Review; Goal #3 – Support quality job opportunities; and Goal #4 – Expand options for light industrial land. These three goals contain a number of strategies that are currently underway as described in the chart *in Attachment A*. One of those strategies involves conducting a Target Industry Study to determine the County's best suited enterprise sectors. Several of the other strategies are strongly connected to the current Comprehensive Plan update process as part of its implementation.

The Board of Supervisors has discussed whether the schedule for the Comprehensive Plan update should be adjusted to allow consideration of LI/Interstate Interchanges to be accelerated in that process. Because Board members recognized that the Target Industry Study is a foundational item for informing the LI/Interstate Interchanges portion of the Comprehensive Plan update, the Board decided to delay consideration of any adjustment to the schedule pending the results of the Target Industry Study. Preliminary Target Industry Study results are now available from the consultant. In addition, staff has prepared initial background material and obtained roundtable feedback on the LI/Interstate Interchange elements of the Comprehensive Plan.

The Board of Supervisors and the Planning Commission will review this material during the joint work session, and the Board will be requested to provide guidance about the scheduling and sequencing of the Comprehensive Plan update process based on this discussion. Currently, the complete Comprehensive Plan update is scheduled to be before the Planning Commission in Fall, 2012, with its adoption by the Board of Supervisors scheduled for early 2013. A detailed schedule will be reviewed at the work session.

The work session will be presented as two major topics – the Target Industry Study and the Comprehensive Plan Update regarding LI/Interstate Interchanges. Following presentation and discussion of these two items, staff will ask for Board direction regarding the scheduling and sequencing of the remainder of the Comprehensive Plan update process.

Target Industry Study

The Thomas Jefferson Partnership for Economic Development is overseeing consultant work on a Target Industry Study for its member jurisdictions, including Albemarle County. This study identifies types of industries that have the strongest potential to succeed and offer the best prospects for "good jobs," meaning jobs that offer a higher quality of life (security, higher wages, training, flexibility), both in our larger region and specifically in Albemarle County. The target industry analysis matches locality preferences, economic characteristics, resources and advantages with general location and work force requirements for desired industry segments. Staff believes that the Target Industry Study will be an important basis for strategic economic development that will help Albemarle County assess and leverage its unique assets to provide economic vitality and diversification and to develop a place-specific strategy that supports the County's long term quality of life. Preliminary high level results of the study are provided in *Attachment B* for initial review by the Board of Supervisors and Planning Commission. It is important to note that the study is still in a working stage, with opportunity for dialogue with the consultant and the County's regional partners to form the final product.

The consultant will present the full report containing the final results of the Target Industry Study to stakeholders from all member jurisdictions in the next month or so. Once the final study is presented, staff will evaluate the complete study results and will work with the Board to confirm final target industries that not only have been identified as most likely to succeed based on the County's capabilities and the external environment but also that are compatible with the County's character and that further its goals,

objectives and preferences. Future steps will involve determining specific actions for directing economic development energy and resources toward those identified target enterprises.

Comprehensive Plan Update for LI/Interstate Interchanges

The Planning Commission's work to date has included an analysis of goals and objectives, residential capacity and future needs, and providing more opportunities for agricultural and tourist-related commercial uses in the Rural Areas. Work on the LI/Interstate Interchanges is underway in preparation for review by the Planning Commission. Specifically, staff from Community Development and the Office of Community and Business Partnerships held a Roundtable on activities, amenities and infrastructure needed to support business and industry in the County. Staff has also prepared material regarding the County's non-residential inventory, future needs for industry and employment.

Goal 4 of the Economic Vitality Action Plan contains the following strategy: *As part of the current effort to update the County's Comprehensive Plan, include for the Board's consideration a proposed modification of the Interstate Interchange Policy that might allow lower impact industrial and rural-serving uses at those intersections located in the rural areas but are also served by highway access.*

Consistent with that strategy, the Roundtable held by staff also included questions on how the interstate interchanges might be better used to support low-impact industries as well as provide support for agriculture. The LI material, Roundtable feedback and information about the County's interstate interchanges, including their general description and characteristics, and current policy about appropriate uses, is provided in *Attachment C*.

The issue before the Board of Supervisors at this work session following discussion of these two topics is whether there is interest in adjusting the Comprehensive Plan update process as it currently exists. A schedule of that process is included with *Attachment C*.

Conclusions

The preliminary results of the Target Industry Study provide important high level insights regarding the County's potential priority industry sectors based on initial data and research. Further work will be necessary by staff and the Board once the final report is presented to analyze the results, decide how the information should inform our final priority target industry sectors and incorporate that work into the appropriate areas of the Comprehensive Plan update, including industrial land capacity and interstate interchange uses. Based on the results available to date, staff does not see a significant benefit resulting from accelerating the LI/Interstate Interchange work by several months as opposed to the schedule that is currently in place for the update process. Staff believes that other strategies of the Economic Vitality Action Plan, including an industrial uses ordinance amendment and voluntary County-initiated rezoning, would result in a more immediate availability of properly designated and zoned industrial land. In addition, completing review of the Comprehensive Plan and the potential addition of more land designated for industrial uses will not by itself make land ready for development. A rezoning of the property that is consistent with the new designation would also be required by the landowner and need to go through the normal rezoning process.

To encourage the expansion and new location of priority industries prior to the completion of the Comprehensive Plan update, the Board of Supervisors could consider some type of formalized fast track process for projects that provide significant economic benefits while still maintaining the high standards that define our community and attract and retain quality employers. Used strategically, expedited review for projects that meet defined strategic criteria can be an effective tool for encouraging preferred industry growth in a community. Virtually all counties researched tied a fast track review option to qualified target industry enterprises that meet certain other qualifications, for example minimum levels of job creation at certain salary levels. The County's review of a potential fast track option is scheduled to come before the Board for consideration in March.

There is no significant budget impact associated with this item.

Staff recommends that the Comprehensive Plan update remain on its current schedule, with the entire plan recommendations scheduled to be presented to the Board in January 2013. This would allow the careful consideration and integration of the Target Industry Study results into the appropriate Comprehensive Plan chapters. Of most help in keeping the update on schedule will be decisions on how the Target Industry Study affects the sectors of the economy the County wishes to support and how the interstate interchanges should be used in conjunction with the target industries. These decisions will allow for a coordinated effort with the rest of the Comprehensive Plan update.

Ms. Catlin addressed the Board, stating that today was an important check-in opportunity on some key work products: the Target Industry Study, and the Light Industrial (LI) and Interstate Interchange work to date to include background material. She said that the decisional item needed from the Board was whether it felt the schedule established for the Comp Plan update needed to be changed, as Board Members had indicated they wanted to wait until some Target Industry Study results were completed. Ms. Catlin stated that staff would also do an overview of the Economic Vitality Action Plan components, spend some time on the preliminary Target Industry results as well as the LI and Interstate Interchange background material, review the Comp Plan update schedule, and then provide a quick summary and get some direction from the Board.

Ms. Catlin reported that staff wanted to begin the discussion in the broader context of the adopted Economic Vitality Action Plan because, in looking at the three goals of the plan that were most closely related to helping businesses establish themselves in the County, a lot of efforts are moving forward on a

number of tracts to improve the County's effectiveness. She said that goal two included a strong commitment to streamlining the ministerial process and bringing that discussion forward in early 2012 along with legislative review work; the Target Industry Study draft was completed with the report moving toward finalization; the Industrial Uses Ordinance change where the Planning Commission had a work session on the industrial uses ordinance change, which rolls into a county-wide rezoning process; and all of those items lead to the actions pertaining to the Comp Plan update. Ms. Catlin stated that the Industrial Use Ordinance change and county-wide rezoning will have real potential to make appropriately zoned land available much more quickly than other processes. She said a lot of these efforts are moving forward simultaneously, some of them are inter-dependent on each other and need to be built on the efforts of the other one and some of them are going to have a more immediate impact while others will have longer term impacts in helping the County achieve the plan.

Ms. Mallek asked where the small technical changes to the ordinance, such as food service, fit in this long, drawn out process.

Ms. Catlin responded that, on March 7, the Board would see the work the Commission has done thus far on items such as the rural economy, and Board Members would have an opportunity to comment at that point.

Mr. Boyd said he thought the Board would also be able to see what came out of the roundtables regarding LI and HI designations.

Ms. Mallek said she was asking about the technical changes that do not seem to be a priority, and stated those were the small, quick changes she was concerned about.

Ms. Catlin reiterated that the Board would have an opportunity to discuss that on March 7.

Ms. Catlin reported that the Thomas Jefferson Partnership for Economic Development (TJPED) had overseen the consultant's work on the Target Industry Study for all member jurisdictions, including Albemarle County, and the study provided an understanding of industry groups already in the County and the region as well as identifying those target industry groups with the strongest rationale and best industry outlook for being successful. She said that the analysis matched the locality's economic characteristics, resources, advantages, and specific qualities and put those against the requirements for certain desired industry segments in an effort to identify the best matches. Ms. Catlin presented a slide showing the research and data that came out of the study, noting that it was very comprehensive and also included information about the workforce.

Ms. Catlin stated that the study was viewed as the basis for strategic economic development choices to help leverage unique assets to ensure the County was focusing on the kinds of industries and enterprises that would be most successful here. She said that these were preliminary results and this is still a work in progress, so it was important that the Board work with staff to digest the information and assess the information in order to put the right lens on the data gathered through the study. Ms. Catlin said that the Board and Commission would provide input today; the consultant will engage with staff again in a couple weeks and then come up with a final report and meet with stakeholders from all of the Thomas Jefferson Partnership for Economic Development (TJPED) member jurisdictions to roll it out. Ms. Catlin stated that the consultant would then present to the Board and get their feedback.

Ms. Catlin said that the study analyzed existing industry groups in the community in terms of growth, levels of specialization in the current economy, degree of connectedness to the County's economy, etc. She said the consultant took into account the County's strategic focus of balancing growth with maintaining outstanding quality of life.

Mr. Rooker commented that there should be a category called environmental considerations, as that concept was sprinkled throughout the County's Economic Vitality Plan.

Ms. Catlin responded that that was good feedback and would be shared with the consultant.

Mr. Lafferty added that having a category addressing upward mobility for the worker would be good also.

Ms. Mallek said it could be career ladder jobs or something similar.

Ms. Catlin reported that the consultants did a lot of research and interviewing but recognized it was still an ongoing dialogue with the County. She said that the consultant recommended three major categories of optimal targets, i.e., targets that provide a solid business rationale for firms to locate here, or existing firms to expand here, or new firms to start up here and also to provide County residents with a strong reason to support a firm's presence in the community. Ms. Catlin said that, for each of the target areas that matched the screening criteria, two additional conditions had to be met: positive projected employment growth over the next five years, and industry specific earnings greater than overall local or state average.

Ms. Catlin stated that, based on screening criteria, optimal targets for Albemarle County fell into three major categories including bioscience and medical devices, adding that the consultants felt the County demonstrated strength and competitive advantages in this industry group already, with growth potential generated by the number of startups here and commercialization opportunities provided by the University of Virginia. She said that the medical devices subset had the potential to create some light

manufacturing jobs, and the consultants felt it was a good category because those occupations include a wide variety of jobs from management and executive positions to life and physical sciences positions as well as production positions. Ms. Catlin noted that these targets were expected to experience significant growth in the future.

Ms. Catlin said that the County's location between D.C. and the Research Triangle, two high-performing areas, positions the County well for this particular industry sector. She stated that there was high relative patent activity related to this industry group, and the University of Virginia's degree completions in fields such as biological sciences, chemistry, and mathematics were strong support factors. Ms. Catlin added that consultants felt this target was expected to experience significant growth, and potential gain of customers through mandated healthcare, innovation and new product development.

Mr. Randolph asked if the consultant factored in proximity to Richmond from the standpoint of bioscience and medical devices.

Ms. Catlin reported that the consultants had done so, and mentioned several recent articles in the newspaper about the strength of this area in that field.

Ms. Catlin said that the second category identified by the consultants was the business and financial services industry, as the County had demonstrated some strong, competitive advantages as well as specialization in growth momentum. She stated that there were already 500 or more firms operating in this category, and they predict an average projected job growth over five years of 17% in some of the subsectors of this area. Ms. Catlin added that the consultants see strong future growth due to increases in electronic payments, retail electronic payment growth including mobile technologies, and returning to the United States of some foreign outsource services because of diminished customer satisfaction and inefficiencies, with subsets such as financial transaction processing, data processing and hosting, and third-party administration of insurance and pension funds being particularly suited for this area.

Ms. Catlin stated that the third category identified was information technology and defense security, building on two large existing federal installations and a large number of high-paying jobs with at least 10 federal contractors currently, in addition to the presence of large industries such as Northrup Grumman and General Electric already. She said that there had been some concern about the direction of defense spending and local reliance on that, but the consultants felt the intelligence community may be more immune to some of those cuts than others and the trend toward moving those assets out of D.C. into different areas may provide to be an advantage. Ms. Catlin reported that when the consultants look at new product development, growth in the market for semi-conductors and consumer electronics, and increased use of electronics in transportation and in military industries, they put a significant focus on communications equipment manufacturing, electronic connector manufacturing, and instruments and related products manufacturing.

Ms. Catlin also reported that the consultants had identified complimentary targets that go along with those primary categories, and serve to boost the attraction to the area, add to the quality of life, support a vibrant and sustainable community including health services which can support an aging population and relocating retirees, adding that arts, design, sports and media appeal to younger people; and are features that help attract people to the area.

Ms. Catlin said that she wanted to discuss the fast-track review process as part of today's discussion, noting that it was the County's goal to provide timely and responsive reviews for all applicants which is what the ministerial changes and legislative changes pertain to, along with other work being done by staff lately. She stated that there were businesses that bring such a strong advantage to the community that it may be worth looking at how they could be put through the system as quickly as possible. Ms. Catlin said that this approach could be put on a more immediate track than other items related to the Comp Plan review. She added that other communities that were studied tied their fast-track review to an incentive in target industry discussions which encourage expansion and location of these priority businesses. She said that staff would be spending more time on this at the March 7 meeting but wanted to identify this as a tool that could help with the business location issues that were discussed earlier in the meeting.

Ms. Catlin stated that some of the criteria other communities were using in order to qualify businesses for a fast track review process included whether a business was in the qualified industry enterprise group adopted, and many communities with targeting have those strongly identified. She reported that other criteria pertain to projects located in a priority area, such as a particular technology zone or in focus priority areas of the master plan. Ms. Catlin stated that most communities researched were looking at projects that provided value-added employment with higher wages than prevailing wages or a particular number of jobs associated with that business. She said that some communities look at enterprises that sell more than a certain percentage outside of the jurisdiction or serve multi-state and/or international markets because those businesses bring new money into the local economy.

Mr. Lafferty noted that this also related to available transportation and felt the discussion should include ways of getting product out.

Ms. Mallek commented that one category not on the list would be a project that was already approved but needed to have some revision of element in its plans in order to move forward quickly or gain a tenant, which is a little different than always looking at a business from the outside.

Ms. Catlin said that all of the things discussed today are completely geared toward existing businesses, expanding businesses, and those businesses that are starting up in the community, as well

as appropriate target industries that the County would want to have located here.

Mr. Randolph asked if the consultants had any comparable communities in mind around the country, citing Spartanburg, South Carolina's ability to attract BMW because that locality put the infrastructure in place first. He said those kinds of efforts make it easier to pitch to the industry. He said it would be useful to look at comparable communities that have wrestled similarly with this process on a national level and see how those processes have worked out in those communities.

Ms. Catlin said that would be a great idea, and said the new TJPED president has just started work this week and has been in communities that have been through this process. She said it starts to drive decision-making and planning in being able to attract and accommodate these targets.

Mr. Snow stated that Culpeper analyzed what kinds of businesses they wanted to attract, then brought them in with a minimum number of people and a minimum amount of infrastructure and he said it was quite successful for that locality.

Ms. Catlin emphasized that a big component of this study is looking at the skill sets of the employees who are already here, those employees that are unemployed or under-employed and what could those people most likely do, so this study is really geared at the local community to help people obtain employment or be employed at a higher level.

Mr. Snow commented that he couldn't recall the exact figure of people leaving the County each day to work in a different part of the state.

Ms. Mallek said there were 30,000 people going in and out, but Mr. Rooker pointed out that the County had more coming in than going out.

Ms. Catlin asked the Board for any comments that staff should pass along to the consultant. She said the final, full report will be rolled out to all the regional stakeholders and then staff will schedule a time for the consultant to come to the County to talk about and assess the study.

Ms. Mallek asked if the results would be available by mid-March and Ms. Catlin said yes.

Mr. Rooker stated that, in talking to early-stage companies in the area, the biggest problem they have is raising money and said that perhaps the Darden School could facilitate conferences in which outside investors were brought in to hear pitches from local companies. He suggested staff get more information related to this because, at the end of the day, the early-stage companies need to have facilitated capital.

Ms. Catlin said that was a good point, and stated that the University's Economic Development staff have been sitting at the table for this study and were involved in the technology assets assessment piece of it. She added that UVA is familiar with it and it is very important to have them continue to be a part of the conversation.

Mr. Boyd mentioned that Mark Kroll had also been very involved in the Research Triangle Park, and is another person who is very experienced in how to grow a company.

Ms. Catlin said that UVA officials showed a high level of interest in wanting to ensure the ecosystem was ready for and supportive of the kinds of start-ups that are being launched out of there.

Ms. Monteith stated that UVA's Batten School could be another resource in terms of innovation. She added that, in addition to comparable communities, the County needs to consider its physical infrastructure, what is available in this region, and access that information from a physical as well as a people perspective. She pointed out that those issues are going to either create roadblocks or open the gates, and it seems really important to consider.

Ms. Catlin responded that the consultants did an extensive inventory of physical assets and when they meet with the County again, those specifics, such as utility analysis, could be further examined to see how the consultants came to their conclusions and recommendations.

Mr. Boyd said that this was a good initial first step, but what he believes the County needs to determine as a government entity is to find what its role is in this. He stated that, even though there are a number of defined issues, it doesn't mean that Albemarle County has to do it all, adding that what the County needs to do is concentrate on going forward with eliminating some of the obstacles that might prevent some of this from happening in the processes of government. He said that is an important next step, and stated that there are a lot of good things in the study but, beyond that, it really is the private sector's place to grow the jobs and the businesses and the County just needs to make sure it is not in the way.

Ms. Catlin commented that this discussion was all foundational for decisions moving forward in the Comp Plan update, which Ms. Echols would be presenting next.

Ms. Echols reported that the Planning Commission began its Comprehensive Plan update process in July 2011 and has been working continuously since then and includes getting public input through their work sessions, the Livability Project workshops, and the roundtables. She said that, as part of the land use analysis that was part of the Comprehensive Plan update, staff looked at existing

inventory. Ms. Echols presented slides that indicated there was more land zoned residential than designated in the Comp Plan, more land zoned commercial than designated in the Comprehensive Plan, but less land zoned industrially than is recommended in the Comprehensive Plan.

Mr. Rooker said that, in looking at the target industries mentioned in the study, virtually any of them could go into the University Research Park, but that land seems to always be left off the charts, even though there is 3.1 million square feet of unbuilt space there and 300,000 square feet of unbuilt space at Fontaine. He emphasized that those were the types of places where the target industries would typically want to be, so it is really misleading not to reflect that information in the study.

Mr. Boyd responded that, at the roundtable discussions, those who were not affiliated with the University said it was too expensive and too restrictive and added that start-up companies are not going into those spots and pay the kinds of prices they are asking.

Ms. Mallek commented that it would still be appropriate to have it show up somewhere in the "pie" of available land.

Ms. Echols said that information is reflected within the pie, and is designated as existing zoned land of 6% and includes the UVA Research Park, which is industrial. She emphasized that the review considered land area, not square footage, and there were several industrially zoned properties that have a tremendous amount of available square footage. Ms. Echols also said that, in terms of vacant industrially zoned parcels, those available parcels are small except for the UVA Research Park. She stated that the County needs to have a variety of parcels that are available adding that most vacant industrial land is in those small parcels. She stated that the voluntary rezoning would do a lot for increasing the number of parcels, increasing the land area, increasing the amount of land and the location so that some of the issues related to the small parcels might be taken care of through that action which is already on the list.

Ms. Echols said that, in terms of whether additional industrial land needs to be identified, she said that they were looking at the economic development policy in the land use plan and, what is decided as far as target industries go directs what kind of land and where it should be located that the County would want to designate through the land use process. She stated that another piece of this in terms of looking at the Comp Plan and what kind of additional industrial land would be needed, is work being done on neighborhoods 4, 5, 6 and 7. Ms. Echols stated that there is designated land in neighborhoods 4 and 5, especially in neighborhood 4, that should be looked at because there are three interchanges in that particular area where there is land already designated in the urban setting that could be looked at as potentially a different kind of designation and better meets the needs for target industries. She said those neighborhoods were critical in the planning process, and the interstate interchange information was something the Board had asked about and is included in their Economic Vitality Action Plan.

Ms. Echols said that one of the goals therein was to consider modifying the interstate interchange policy to allow lower impact industrial and rural serving uses at rural interchanges, which is something the Board had been asking about through the Comprehensive Plan process. She stated that the current policy does not allow for lower impact industrial and rural serving uses in RA zoning districts so, in order to make changes in that regard, there would need to be both Comp Plan and zoning changes. Ms. Echols stated that the Commission would be looking at those areas in order to make recommendations, with direction taken from the Targeted Industry Study. Ms. Echols noted that urban interchanges would be discussed at a later time, with the focus today just on rural interchanges.

Ms. Echols presented images of the Boyd Tavern/Black Cat interchange, Exit 129, noting that it is a very rural, heavily wooded interchange and, although there are some vacant parcels, those abut conservation easements, and most of the parcels in this particular area have critical environmental resources on them. She said this interchange is located far from the jurisdictional area so there is no water or sewer service available, and it is a very rural interchange with some protected properties nearby.

Ms. Echols presented images of the Shadwell interchange, noting that it would be considered as part of development area expansion in the future. She said the Planning Commission has already asked that it be considered to determine the attributes that it would bring to the development areas. She stated that currently there was a patchwork of zoning in this area, with utilities nearby, environmental features that pose some problems such as access to the Lego Farm property, visibility from Monticello as well as its ownership of some properties in the area. Ms. Echols said that the Shadwell interchange would warrant some additional discussion given those issues.

Ms. Echols reported that the Ivy interchange, Exit 114, is a lot like Boyd's Tavern in terms of having a rural appearance and is heavily wooded with significant environmental resources on and near the properties, especially the critical slopes. She said that access to the parcels could meet standards, as there are VDOT standards for spacing of crossovers, however, the roads around the interchange are fairly narrow and winding. Ms. Echols stated that this interchange is far away from the jurisdictional area and water and sewer would not be available here.

Ms. Echols said that the last interchange to consider is Exit 107, the Crozet interchange, which has seen the most attention recently due to a request to put properties in the northeast side of I-64 in the development areas. She stated that, through the Crozet Master Plan process, it was decided not to add this area to development areas, but to study it in conjunction with the rural interchanges. Like Shadwell, she said, there is existing zoning nearby and it could be served by public utilities. Ms. Echols said that visibility in the northeastern corner is greater than it is at Ivy and Black Cat Road and, as with other rural interchanges, there are a number of environmental resources on these properties near the interchange. She stated that the entrances to the properties to the south and west of the interstate would have some

difficulty in terms of meeting VDOT entrance separation requirements, and part of the interchange is in the Yancey Mills Historic District.

Ms. Echols explained that the next step in the process is whether to pull these issues out of the current schedule for review or keep them as part of the overall Comprehensive Plan process, noting that the current review schedule is very aggressive and staff is committed to keeping it on schedule and providing the information necessary for people to be able to make the decisions they need to make. She said that, regardless of whether the interstate interchange and light industrial work is pulled out and processed separately, there would still need to be decisions made about the Target Industry Study. Ms. Echols stated that the time to develop language for a Comp Plan amendment outside of the process would require multiple hearings and extend the process, and staff felt there were advantages to keeping this project on schedule with another work session date added to the Commission's meeting schedule in April.

Ms. Echols said that staff's goal was to get a recommendation from the Planning Commission on the entire Comprehensive Plan by the end of the year so the Board could have it to review in January.

Ms. Catlin summarized what staff reviewed at the meeting, including discussion on the tracks of the Economic Vitality Action Plan (EVAP) and the Comp Plan process which will ensure that there is good understanding that the ministerial process improvements, the legislative process improvements, the industrial use changes, the voluntary rezoning, and the Target Industry Study are all very important items that will require everyone's attention to keep on track and moving forward along with the Comprehensive Plan process. She said that the Target Industry Study results will be incredibly useful and beneficial and will ensure that the results are used in the best possible way. She said the County will need to continue discussions and analysis as well vetting of those findings to determine how they work best for the County and how they can inspire future actions. Ms. Catlin stated that the Comp Plan update is important but has had little impact on the immediate availability of industrial land. She said the voluntary rezoning will make product available in a more immediate fashion. She also said there could be some positive impact realized by a fast-track review process for qualified projects that could move some projects along that staff feels have such an important impact to the community that would justify some special handling.

Ms. Catlin concluded by stating that staff is recommending the Comprehensive Plan update remain on its current schedule and that the entire plan be presented to the Board in January 2013. Staff feels this would allow for the careful consideration and integration of the Target Industry Study results into the appropriate Comp Plan chapters as well as keeping all of the other projects on track. She emphasized that the most helpful strategy in keeping the schedule would be for the Board and the Commission, along with staff and the public, to be aggressive about the decisions that need to be made which will keep things moving along.

Mr. Thomas asked if the process could be moved along any faster and if staff was trying to get the Comp Plan more organized.

Mr. Cilimberg referenced the particulars of the schedule presented, stating that there is a lot of work yet to be done and that staff feels this is the most aggressive approach. He said that the schedule does rely on the Target Industry Study to help with some of the industrial and interstate interchange decisions that the Commission and Board will ultimately make, in addition to incorporating public input. This does utilize one primary public hearing ultimately by the Planning Commission on the Comp Plan and then one ultimate public hearing by the Board on the Comp Plan, rather than each section having their own public hearing, which would extend the process.

Mr. Boyd said what bothers him about this approach is the attempt to do everything as one big encompassing project, similar to Places 29, and said it's very difficult to get one's arms around a massive Comprehensive Plan. He said when this is presented to the public, he is afraid the public will get lost in the whole process because it's such a huge update. Mr. Boyd suggested pulling out Light Industrial and interstate interchanges so that people can concentrate on those issues. He acknowledged that, from a planning standpoint, staff likes to consider the impacts on other parts of the Comp Plan, but that could be done in the next step. He suggested moving forward in smaller segments. He added that, if there is one big public hearing for massive changes to the Plan, a lot of things get lost in the shuffle.

Ms. Mallek stated that there wouldn't necessarily be massive changes.

Mr. Boyd asked why it was taking so long if there weren't massive changes.

Mr. Lafferty said one reason was the Target Industry Study because so much is contingent on that particular area and doing anything ahead of that would be premature. He stated that several studies have indicated that the County has enough rezoned commercial square footage to last for the next 20 years.

Mr. Boyd said that it doesn't do any good if the area is in the wrong place, which is what he heard in the workshops.

Mr. Lafferty stated that they wouldn't have that information until the study is done.

Mr. Boyd said that it should be up to individual landowners to put their property up for some kind of light industrial development, then find out it is in the wrong place. The County should be looking for the people who are willing to develop their property.

Ms. Mallek said that there may not be adequate services or transportation to those sites.

Mr. Rooker commented that it would become a piece-meal approach and would take much, much longer because there would need to be Commission and Board hearings on each piece.

Ms. Mallek said that was the process ten years ago and it did take a long time.

Mr. Boyd said the light industrial and interchanges pieces could both be done together and that is probably the biggest part of this whole process.

Ms. Mallek said the ZTA is the part she is trying to make sure is pushed along faster rather than getting swallowed up. She said she has been assured that this is happening.

Ms. Catlin said the ZTA portion is moving along. She pointed out that the ministerial overhaul, the legislative processes, and industrial uses leading to voluntary rezoning were on own track and are moving along as quickly as possible and separately from the Comp Plan process.

Mr. Cilimberg commented that there was good input received last week regarding industrial uses with the Commission and included public feedback, and the County is also looking at how commercial uses might be integrated into industrial type uses with the understanding that commercial and industrial becomes somewhat of a blend in today's world. He said that is work staff is proceeding on; staff is not waiting for the Comp Plan for that work.

Mr. Boyd asked if redefining what qualifies as Light Industrial requires a Comp Plan change.

Mr. Cilimberg responded that uses would not require a change, and explained that when the industrial use zoning map amendment changes were made they would be done in concert with the current plan and includes Places 29 recommendations. He said that, subsequent to the Comp Plan update, staff might go in and make further changes to industrial land zoning in concert with that plan. Mr. Cilimberg said Ms. Echols had mentioned specific neighborhoods 4, 5, 6 and 7 which may have industrial lands identified through the Comp Plan process that should be zoned as a follow-up to the Comp Plan change. He stated that staff is not going to wait until the Comp Plan is done to deal with those zonings that already would be in conformance with the Comp Plan which would make up for that 'pie chart' difference.

Mr. Boyd pointed out that the interstate interchange projects were brought up five or six years ago, and the County has been unable to address them and move forward with them.

Ms. Mallek explained that there is no active application right now for those.

Mr. Rooker said that they have zoned land and that's all that a locality can do. He reiterated what Mr. Boyd said earlier about private companies needing to create the jobs, and needing to make the investment. He noted that landowners had zoned property on areas that were on the interstate and have chosen not to go forward with their projects, and there was already designation in the Comp Plan for industrial land. He pointed out that the decisions about whether or not to go forward with a project are also based on what's happening elsewhere in the County. He explained that there is a Hollymead Town Center and Stonefield going forward, along with 8.5 million square feet, which is about a 40-year supply of approved land zoned for retail/office/industrial. He said it is less likely that a piece of land off of Fifth Street may develop, if they are looking at the other side of the County and seeing 2 million square feet of retail being developed when they know there is only a certain amount of retail and office that can be absorbed into the community. He stated that those are business decisions, not government decisions.

Ms. Mallek said that people were unlikely to invest where there is no demand.

Mr. Boyd said it is a government decision if the County is precluding people who want to develop their property and essentially take away property rights. He mentioned that John Chevan at Shadwell had proposed his property be rezoned, the Yancey Mills project that has been put forward, and the Crozet Community Association voted against it, which they did not have the authority to do because it is not in the Master Plan, but that is something he would like to see move forward.

Ms. Mallek said that Yancey Mills has been before the Board twice and has been voted down.

Mr. Loach said that the Yancey Mills project had also been voted down by the Commission twice. He stated that he felt the Crozet Community Advisory Council did their due diligence; they took a poll of the community and, in the end, the Planning Commission did not recommend it to the Board. He said that, from what he was hearing at this meeting, it seems there is consideration of changing zoning on property contiguous to growth areas even though there is already a significant amount of LI space in Crozet, not to mention 60,000 square feet of flex space in the downtown area and a 31-acre lumber yard at an opposing interchange. He stated that it is important to the growth area residents that, if the Board is going to circumvent the will of the people in the growth areas because it thinks it's a good idea to zone land that's rural, to change the zoning over the objections of the community, that would be a very important decision.

Mr. Boyd said that he didn't feel that it was circumventing the community because there was a small group of people out there that are activists that get together and make the decisions for the community.

Ms. Mallek responded that it is a very large number of people.

Mr. Loach stated that an independent study was done that received 700 responses out of a community of 3,500 and the overwhelming number of people were against it.

Ms. Monteith said that the Commission and Board were asked specifically about a schedule change, and their goal at this point is to see how the Target Industry Study would be integrated into the Comp Plan. She requested from staff some examples of how the study would impact the Comp Plan.

Ms. Echols explained that with biomedical companies, for example, they may not need a manufacturing facility; they may be able to use office R&D flex that is already designated in the Places 29 Plan and outside or inside the Research Park. She said it's who the targets need to be, what their needs are then, to advise on what the land area requirements are and the locations. She said that a distribution center is a totally different animal from a biomedical research facility with different needs. When the Board can advise staff on what it is that the County needs to be filling the need for, then those questions can be answered. She said there is a very strong relationship here.

Ms. Catlin said it is staff's intent to have the final target industry results available within the next month which would allow staff to stay on the Comp Plan schedule. She said the rapid discussions and decisions by the Planning Commission and the Board will help staff stay on track.

Mr. Loach said that his suggestion was for the LI recommendations to go back to each advisory committee because those recommendations have not been reviewed at that level and, if there are plans for changes in zoning or uses within the Master Plan areas, those committees should have a chance to review and provide recommendations because county citizens have spent tens of thousands of hours on these Master Plans and he believes the citizens deserve to see the changes that will be made.

Ms. Catlin stated that, at the town hall meeting, people were made aware of what that process was and staff encouraged people to feed into the established processes. She said staff had committed to e-mailing people to let them know exactly when their opportunities were to feed into the process because staff felt it was important. The concern is staff's ability to take four separate parallel processes and feed them into something that is an established-forward moving process.

Mr. Boyd said that advisory council members could attend these meetings, noting that there was a big contingency from Crozet today, but pointed out that he never thought it was the Board's intent to add councils as part of the decision-making process.

Ms. Mallek suggested that the individuals should get the packets, via e-mail, at the same time as others do.

Mr. Rooker said that in their report, staff indicated that they didn't see an advantage to accelerating the LI and interstate interchange process and also said that other approaches would yield available land more quickly.

Mr. Rooker **moved** to stay with the Comp Plan review schedule as presented by staff.

Mr. Snow asked for clarification that fast-tracking of projects is not tied up in this. Ms. Catlin confirmed that fast-tracking is not tied up in the Comp Plan schedule, and staff would be presenting that information in March.

Mr. Snow **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Dumler, Ms. Mallek, Mr. Rooker, Mr. Snow and Mr. Thomas.

NAYS: Mr. Boyd.

Agenda Item No. 5. Adjourn.

At 4:47 p.m., Mr. Morris adjourned the Planning Commission meeting to reconvene on February 14, 2012 in the Lane Auditorium.

At 4:47 p.m., Mr. Thomas **moved** that the Board go into a closed meeting pursuant to Section 2.2-3.711(A) of the Code of Virginia under Subsection 1 to consider appointments to boards, committees and commissions. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Dumler, Ms. Mallek, Mr. Rooker, Mr. Snow, Mr. Thomas and Mr. Boyd.
NAYS: None.

Chairman

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