

An adjourned meeting and a regular meeting of the Board of Supervisors of Albemarle County, Virginia, were held on August 13, 2014, in the Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia. The adjourned meeting was adjourned from August 6, 2014 and began at 4:00 p.m. The regular night meeting began at 7:00 p.m.)

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

ABSENT: None.

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

Agenda Item No. 1. The meeting was called to order at 4:00 p.m., by Ms. Dittmar.

Agenda Item No. 2. Closed Meeting.

At 4:00 p.m., Mr. Sheffield **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 in which there are pending vacancies or requests for reappointments and to discuss the annual performance review of the County Executive. Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

Agenda Item No. 3. Certify Closed Meeting.

At 5:06 p.m., Mr. Sheffield **moved** that the Board certify by a recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. Mr. Boyd **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

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

NAYS: None.

Agenda Item No. 4. Appointments.

Ms. McKeel **moved** to make the following appointments:

- **appoint** Ms. Kimberly Swanson, Ms. Leslie Middleton, Mr. Rob Neil, Mr. Joseph Jones, Ms. Alyson Sappington, Mr. George Goodwin, Ms. Roberta (Robbi) Savage, Mr. Jeffrey Sitler and Mr. Charlie Armstrong to the Water Resources Funding Advisory Committee with said terms to expire October 30, 2015;
- **appoint** Ms. Karen Firehock to the Water Resources Funding Advisory Committee as the Planning Commission Liaison with said term to expire October 30, 2015; and
- **appoint** Supervisor Ann Mallek to the Water Resources Funding Advisory Committee as the BOS Liaison with said term to expire December 31, 2014.

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

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

NAYS: None.

Agenda Item No. 5. **Work Session:** CPA-2013-01. Comprehensive Plan Update/Amendment, to begin with public comments and possible Board direction (continuation of RA discussion).

Ms. Elaine Echols, Principal Planner, said this work session will hopefully complete the Rural Area chapter of the plan. She explained that how staff has handled these processes previously is to take public comment first and then get direction from the Board on the chapter. Ms. Echols said, after the two remaining topics are covered, staff will pick up anything from the action memo which may or may not have been correct, and go over the criteria for review of new uses in addition to any other issues coming from the Board.

The Chair opened the public comment period.

Ms. Marcia Joseph addressed the Board, stating that she is a Rivanna District resident. She said, after listening to the Board at prior Rural Area work sessions, staff has suggested the following language which she hopes the Board will support: consider removing swim, golf and tennis or similar athletic facilities from the list of available special uses in the rural areas. She said care should also be taken in considering whether to permit new golf courses in the rural area, which typically involve activities that can result in significant adverse impacts to the rural land and uses and neighboring property owners. Because the Board decided to focus on the Rural Area section of the Comprehensive Plan on conservation, agriculture, forestry and natural resources, she said she is hopeful that language will be added to the Comprehensive Plan which will direct applicants and staff to be more sensitive to special use permits, the applications and requests that are on and/or nearby properties under conservation easement that have active agriculture or forestry uses, have potential for agriculture or forestry uses, and are important natural resource areas.

Mr. Peter Hallock addressed the Board, stating that he is a Rivanna District resident and, many years ago when Glenmore was added to the growth area, citizens were promised there would not be any hook-ups to the water line along Route 250. He stated that, if the Shadwell exit is put into the growth area, it would allow for those hook-ups.

There being no further public comment, the Chair closed the public comment portion of the work session.

Mr. Sheffield asked Ms. Echols if the easement situation, as described by Ms. Joseph, was addressed through County policy, in that a person with smaller parcels could apply by being adjacent to an easement. He said he had urged his parents to put their property in conservation easement because, even though it was a small parcel, the river that fed into their property came from a much larger adjacent property. Ms. Echols asked if Mr. Sheffield meant ag/forestal districts. Mr. Sheffield confirmed it was conservation easements, but said his question could pertain to both. Ms. Echols explained that, when the County reviews a special use permit in the rural area, staff looks at the nearby properties and the potential impacts to ag/forestal districts, conservation easements and other significant resources in the rural area. She said this is a matter of course because staff is looking for conformity with the Comprehensive Plan, and those kinds of things contribute to conformity with the plan.

Mr. Sheffield asked how staff takes that direction and where that policy is defined. Ms. Echols said it is in the Natural Resources section.

Mr. V. Wayne Cilimberg, Director of Planning, said for ag/forestal district potential impacts and relationships, the Ag/Forestal Advisory Committee comments on special use permits which may be requested within the district or might affect any particular district.

Ms. Mallek stated that, when the Board returns to this discussion, some phrasing for the last paragraph on the handout might be helpful, adding that the public recreation facilities easements should also be considered because, as far as the character of the neighborhood, all of these are contributing.

Ms. Echols said it is addressed in both the Rural Area chapter and Natural Resources chapters and, if necessary, additional wording could be done.

Ms. Palmer clarified that the request was to be more sensitive to special use permit applications, and Ms. Joseph's comment was that the Board needed to beef up the language.

Ms. Echols stated that the last time the Board discussed the proposed vision; there was an understanding that Ms. McKeel would address the language in the last bullet – "educational programs" – and her suggestion was to say, "exceptional educational opportunities."

Ms. Mallek and Ms. Dittmar commented that the wording was much better and more encompassing.

Ms. Echols said the Board would see it again when it reviews the final drafts of the plan.

Ms. Echols reported that the first topic for this discussion was interstate interchanges and, in February 2012, the previous Board discussed different kinds of potential uses for those. She said the County has seven interstate interchanges – 3.5 in the development area, and 3.5 rural. Ms. Echols said the Planning Commission looked at the policy, which currently speaks mostly to urban interchanges, and contemplated whether more should be said about rural interstate interchanges especially with the County's emphasis on improving the economy and better supporting agriculture/forestry uses. She stated that Commissioners came up with two strategies: one that talks about having the interchanges be supportive, and the second addressing Shadwell as an interchange to be studied for the potential level of things that might happen there, again, in support of agriculture and forestry. Ms. Echols said the Planning Commission looked at those interchanges and determined that those were not the same: some have better road access; some have a lot of conservation easements nearby or are really difficult to get to.

She stated that Commissioners weighed in because there was a particular request related to this which it did not believe mini-warehouses were appropriate in the rural area at interchanges.

Ms. Echols said the Planning Commission felt that, in order for interchanges to be considered special, those needed to have a higher level of use and something that extends further than agriculture and forestry with support uses appropriate anywhere in the rural area under the right conditions, not just at interstate interchanges. She stated that Commissioners also noted the Shadwell interchange was under review by VDOT and federal agencies for some improvements, and would be reconfigured at some point in the future, will affect all of the properties around the southern part of the interchange, as well as the access, which plays a key part in how or if property was further developed there. Ms. Echols said Shadwell was considered better able to support additional kinds of uses, but it did not really want to extend that other than the things which support rural area uses. She stated that the Commission felt staff and the Board should look at those a bit further to see what level of intensity would be appropriate there. She added that the economic development group felt it may also be appropriate to acknowledge the rural industrial parks, especially ones near the Shadwell interchange. She noted that the area has mixed zoning and uses, and is why it was being restudied. She said, in the end, the Commission simply suggested studying it because it is different from the other interchanges. Ms. Echols said her question for the Board at this point is whether the recommendations from the Commission are appropriate for the Shadwell interchange.

Ms. Palmer said she wanted to add "public use" as a possible option under Strategy 7E and it would read: "Study the Shadwell interchange to determine the potential level and concentration of operations, which are appropriate for agriculture, forestry, *and public use* at that intersection." She said that might be a place which could be a potential convenience center location.

Ms. Dittmar asked what the timeframe would be for the Virginia Department of Transportation (VDOT) in considering changes for that intersection. Ms. Echols said she did not know, but VDOT is looking at all three interstate interchanges in the urban areas with a long-term view, perhaps 5 to 10 years.

Ms. Dittmar said the corridor of Route 250 from Black Cat Road to the Shadwell interchange is very congested already. She commented that Mr. DeNunzio has said there is no money for it and, until there are some solutions for Rt. 250 and a plan for the interchange, there is nothing driving this.

Mr. Boyd said, if Supervisors look at what is developed on that corridor with a hotel, a trailer park, a VDOT office, a UPS center, etc., it is already developed, so the Board should start thinking in terms of allowing more development through there. He stated that the County needs development along interchanges, which is where companies and organizations want to go because they need easy access to interstates and also easy access to rail transit.

Ms. Dittmar stated that, with the development of Peter Jefferson Place, a lot more traffic is trying to access the area, and to study something is not a bad idea but she would recommend the Board not go into that level of detail at this point. She said, if VDOT is looking at it in 5 to 10 years, the Board will be refreshing or updating the Comprehensive Plan and will know then what will go on at that interchange, and perhaps the state will have money for the Route 250 section.

Mr. Boyd said one way to get added infrastructure is by allowing development across there, because VDOT is probably not going to do anything with that intersection for at least 20 years. He said there are land use issues as well as other concerns with upgrading that area more than what has already been done.

Ms. Mallek said her understanding is it is only the southeast corner that is not already developed, it has the rail line at the bottom of the hill so it does have a unique infrastructure feature which merits additional study. She added that there was a developer interested in that area, so it would be helpful if the County could have a little more information the next time interest is shown.

Ms. Dittmar said the fact that it is not developed to its highest and best use is apparent but the only thing there to support a greater intensity is land, and she would like to work on that language in terms of what a study would benefit.

Mr. Boyd said whether the County promotes new development or not, the Board needs to do something to allow the existing businesses there to thrive. He stated that there is a problem with the people there who cannot tap into the water and must depend on wells.

Ms. Dittmar noted that staff is not talking about putting them in the growth area with this section, but talking about studying the intersection. Ms. Echols agreed, and said that the growth area item would be a different matter which could be discussed in the Development Area section as it relates to the expansion area request.

Mr. Boyd said he has heard complaints from businesses along there for years that there is a waterline running in front of their business but cannot tap into it, so they cannot do anything with their property.

Ms. Palmer commented that additional development would certainly compound the congestion.

Mr. Boyd said he was trying to understand the context of the conversation and why Supervisors were discussing interchanges at this point instead of in the Development Area discussion.

Ms. Echols explained that it is because those are in the rural area. She said the Planning Commission did not recommend that the development area boundary be expanded to include the Shadwell area. She said Commissioners looked at it as a potential area for future growth but felt it was premature to do anything with it until there was a better idea of what the transportation network would be. She said it would be very expensive to extend sewer to those properties anytime in the near future, even though the water line is there. She stated that the railroad being down the hill at the bottom of slopes which may need to be preserved is not as much of an advantage as a property with a railroad location might. Ms. Echols noted that this is something the Board had asked the Planning Commission to look at specifically, and to look at expansion or at least what more might happen in the existing development. She said the Commission concluded that it was not the time to do anything else at this point at this interchange adding that the road infrastructure was a big factor.

Ms. Mallek said, at the five-year renewal, there may be new information.

Ms. Echols said what she heard from the Chair was that staff should change the strategy to talk about studying the Shadwell interchange to see what types of uses might be appropriate in the future, once plans for upgrading the interchange are known.

Ms. Dittmar said that causes her to think the County should study the infrastructure challenges at that intersection, i.e., sewer, roads, etc.

Ms. McKeel agreed.

Ms. Palmer said she would also like to know what is not appropriate, so developers are informed as they locate, at least until VDOT does whatever it is going to do in the long term.

Mr. Boyd said that would be defined by high traffic volumes and, as long as there is Zion's Crossroads and development in Fluvanna County, that entire corridor would be a challenge. He said, if the County waits for VDOT to solve that problem, it will be waiting forever.

Ms. Dittmar suggested staff add to this section the need to study the challenges there.

Ms. Echols said staff would make those changes, and the Board would see those in the action memos.

Mr. Cilimberg mentioned that it is not just to the extent it would support agriculture and forestry there, but is more generally to the extent there are challenges if the interchange were to be further developed.

Mr. Boyd said he agreed and did not want to limit it to just agriculture and forestry uses.

Ms. Echols focused the discussion on Rural Area B, which is usually thought about in the context of areas around the University and the City, so all entities work on those areas together. She stated that there are lots of Area B studies out there and staff is trying to get those updated and consolidated into this particular plan. Ms. Echols said the first one is the Faulkner or Westover property, which is south and west of the Colonnades off of Barracks Road. Ms. Echols pointed out that location in the rural area, and noted that it is not being proposed in this plan for anything other than a rural area land use. She said the University Foundation owns the property but, if UVA wanted to develop it, it would involve a Comprehensive Plan process Area B study with all three entities before anything would happen, therefore, the recommendation is that it should have an RA use. On the southeast side of that red line, she said it is indicated as a different land use and would be discussed when the Board studies the development areas.

Ms. Echols stated that the Northridge area includes two small parcels on Ivy Road near the new fire station; one is a health systems building with the other being the motor pool building. She said the recommendations are to continue the current University uses at those locations. Ms. Echols said Sherwood Farms is near Redfields, which is currently Neighborhood Five in the southern development area. She explained that a portion of Redfields is in the rural area, with all of Sherwood Farms being in the rural area, and the recommendation is to continue the current uses. Ms. Echols said the old Blue Ridge Hospital site is in the development areas, so those recommendations are in the Southern Neighborhoods Master Plan. She stated that there are a few areas near there, one south of Route 53 owned by the Thomas Jefferson Foundation; and one owned by the Thomas Jefferson Soil & Water Conservation District. She said the recommendations for this area are that the rural area properties should have rural area uses. Ms. Echols reported that there is a property on Incinerator Way, off of Avon Street Extended, and it is outside the development area. She said the recommendation is to continue the current University use, which is mostly warehousing, and staff would like to get more information to the Board about it.

Ms. Echols said that the last one is the Milton/Airport area, and stated that the property for further development is being considered for a firing range with the recommendations for the Area B study being continuation of the University uses and retention of the buffer on Milton Road. She stated that staff wants to update this as soon as the Board makes its decisions on what should happen at that location. She noted that the Planning Commission is hearing a compliance with the Comprehensive Plan review on this in September. Ms. Echols said staff would like to update the sections related to Milton/Airport once the firearms facility plans are fleshed out.

Mr. Boyd asked if the Planning Commission did not recommend any changes at all. Ms. Echols said it did not, but were simply acknowledging them and having something in writing so people can use that for reference as to what the plan recommends.

Ms. Dittmar asked if the County had any say over what can be done on state land. Mr. Cilimberg said the three-party agreement created a higher level of understanding regarding land use on properties of joint interest. He explained that Area A properties are University properties generally and, through the three-party agreement, there is a little more influence held over decisions which the University might make in utilizing the property. Mr. Cilimberg said the City and County both have a representative sitting on the University's master planning council, which reviews its master plan, i.e., calling out uses for particular properties. He stated that there is also a non-voting member on the Planning Commission from the University's Office of the Architect. He said the County also has review when those properties are proposed to go under development as a site plan review which the County provides input on, although it is non-binding. Mr. Cilimberg said the Area B joint plan is supposed to establish what is expected in the way of use of the property so, for example, if the Westover property went under development, the understanding would be that the Area B plan recommendations would need some amendments to the plan.

Ms. Dittmar commented that the Blue Ridge Hospital is foundation-owned. Mr. Cilimberg confirmed that the property had been transferred to the Foundation and, while the Foundation has been looking at it as a potential location for future development, it has not identified any particulars at this point.

Ms. Echols stated that she would like the Board to consider the action memo as prepared by staff, and said it is important that Board members look at the action memos as soon after a meeting as is possible. She said the most important section of the memo is the direction to staff on the Rural Area chapter, adding that the comments section is simply noting things people said and are not considered directional. Ms. Echols said it has been noted that there is discrepancy in how staff captures what the Board said, so staff would like to have that clarified.

Mr. Boyd said he was confused as to Board direction related to golf courses, swimming pools and tennis facilities in the rural areas, adding that he found the document to be conflicting in some places and also somewhat confusing.

Ms. Echols said what staff thought Board members said is that, under "Outdoor Recreational Activities," strategy 6F would say, "Consider updating the regulations that relate to swimming, tennis and golf clubs, and consider removing those from the list of available uses in the rural areas." She stated that the third paragraph on the next page was the one with the changes so it would read, "Care also should be taken in considering whether to permit new golf courses, which typically involve activities that can result in significant adverse impacts to the rural land uses and neighboring property owners. Together, the City and the County already have seven public and private golf courses available for residents and visitors; adjoining localities such as Wintergreen and Spring Creek in Gordonsville also have facilities."

Mr. Boyd said he did not think it was the Board's place in government to say the County already has enough of something so it should not consider adding any more to it.

Ms. Mallek said, with the Comprehensive Plan, the statute says, in order to change it, there should be a need to change it so, in this case, it is appropriate.

Ms. Palmer said Mr. Sheffield suggested eliminating that entire paragraph and, after giving it some thought, she would be OK with striking it.

Ms. Mallek said that would be leaving it as it is which is allowing those uses by special use permit.

Ms. Palmer said she wanted to take out the entire paragraph and put golf at the top, where it says "Consider removing tennis, swim and golf clubs," and say, "Care should also be taken..." paragraph.

Mr. Boyd commented that he wants to make sure that removing that paragraph leaves those in as special uses.

Mr. Cilimberg stated that there is no change that gets made by the Comprehensive Plan as to what is and what is not special use permits anyway so what would be remaining is the strategy to consider removing, which would come through a zoning text amendment process at some point.

Mr. Sheffield said he would interpret it as consideration to include additional recreation activities.

Ms. Cilimberg said Ms. Palmer is suggesting removing the last paragraph in the strategy section.

Ms. Palmer noted that the last paragraph was bothersome to several Board members, adding that Mr. Sheffield had made the comment that he would like to see the entire paragraph gone.

Mr. Sheffield agreed that is what he had said adding that part of his concern was isolating a specific recreation use.

Ms. Palmer said some Board members were trying to identify what recreational uses were inappropriate to use in the rural areas.

Mr. Sheffield said, under that scenario, he thinks zip lines are inappropriate because it would require the removal of trees in order to create a clear path.

Ms. Dittmar said a sentence could perhaps be included which helps clarify the statement that says, "Which typically involve activities that can result in significant adverse impacts to the rural land."

Ms. Mallek suggested taking out "golf courses" and replace it with "new recreational activities," then the same impact discussion would be held regardless of the specific use.

Ms. Echols said what the Board seems to be suggesting is a consideration to update the zoning regulations for recreational activities in the rural area and looking at the impacts to guide any new or removed uses, should the Supervisors decide to go down that path.

Ms. Palmer said she would still like to remove the swim, golf and tennis clubs because those have a significant impact.

Mr. Sheffield stated that he was against leaving that sentence in because it identifies a group of uses. He pointed out that there are other ones which have the same amount of impact, such as soccer fields.

Ms. Echols said what the Board may be saying is to study what recreational activities are appropriate in the rural area and, if appropriate, amend the zoning ordinance to reflect that; to study those appropriate in the rural area and consider the impacts of those.

Ms. Palmer asked what the timeline for staff to study which uses were appropriate.

Ms. Echols said the Board would be guiding staff through the work program.

Mr. Cilimberg said the Planning Commission had prioritized the strategies which have been recommended, and the Board said it would look at those and decide which it felt were most important, in order to guide staff's work program.

Ms. Mallek stated that she would like to see the swim, golf and tennis facilities segregated for earlier consideration rather than the wide gamut of things Supervisors know nothing about because those impacts and requirements are known.

Mr. Boyd said he was not in favor of specifying certain recreational uses, as opposed to saying those ought to be studied, and that study should be based on knowledge and science, not innuendo or suppositions.

Ms. Mallek responded that thousands of gallons of water consumption per day is pretty scientific to her.

Ms. Palmer said she was not sure the Board wanted to get into water use, because that can get really tricky.

Mr. Boyd stated that he did not want to get into any of those specifics, and added that the Board should consider the impact on the rural areas for any type of recreational activity.

Ms. Palmer said what the Board could say would be "consider removing them," and then direct staff to look at those things and those impacts, and whether it would be a good idea to remove them.

Mr. Sheffield pointed out that different recreational impacts change over time.

Ms. Palmer said so does the Comprehensive Plan.

Ms. Mallek agreed that those may change in the future, however, the Board is supposed to deal with the next five years and it does know what the impacts of these particular activities can be.

Mr. Sheffield said he understood that, but Board members are also dealing with the legacy of previous Comprehensive Plan decisions which were made 20 or so years ago. He said he would not want to send the Board in a direction of picking on hot topic recreational uses.

Ms. Mallek said her goal is the opposite which is to think of it in a proactive sense, almost in the abstract, with real data which exists rather than having to deal with it in a scramble when something appears. She emphasized that Supervisors do not want to put themselves in a situation of continually legislating because there is an application it has to deal with.

Mr. Sheffield said the Board cannot foresee all potential uses and, just a year or so ago, the Board was faced with contemplating use of a property which was being used for four-wheel drive events and activities.

Ms. Mallek said there was a zoning ordinance to take care of that though.

Mr. Sheffield said it is great to be proactive, but there will always be something new coming up.

Ms. Dittmar stated that the Board is trying to prevent adverse impacts in the rural area, and it wants the rural area to be a calm area which does not include too much activity, especially any that is not appropriate or reversible. She said, if the Board would like to study the specific aspects of swim, golf and tennis, a second sentence could be added relating to studying those for adverse impacts.

Mr. Boyd said if the Comprehensive Plan is to be specific about those other uses, he asked why soccer fields would not be included?

Ms. Palmer said it is important to consider Ms. Mallek's point about making sure things were reversible.

Ms. Echols said soccer fields come under the same general category in the Zoning Ordinance as swim, golf and tennis, and the kinds of things the Board is talking about in terms of adverse impacts are all the issues considered when a special use permit request is made, so staff looks at whether or not the particular request is appropriate in the particular location it is being requested under the conditions that would be established by the applicant. She said the Board is not obligated to approve every special use permit that comes to it, but the Board needs to be looking at those consistently. Ms. Echols said there have been a number of different uses which have been brought forth, adding that the Planning Commission makes its recommendation based on how well these things at a certain location achieve the goals of the Comprehensive Plan, and what the adverse impacts are. She stated that it may be that if the Board is going to be looking at adverse impacts on a case by case basis, it may not want to make this recommendation and would instead review it at the time to see if the location is appropriate and what the impacts are.

Ms. Palmer said she would very much like to be more proactive than that because, in her short time on the Board, she has learned how difficult some of those decisions can be so it is very important to be clear.

Ms. Dittmar stated that she did not check in with her Planning Commissioner, but did learn that the Commission spent a great deal of time on this and decided it wanted these specific athletic and recreational facilities addressed; but at the same time, she did not want to remove the reference to "adverse impacts."

Ms. Echols asked if the Board was agreeing to the wording, "Study recreational activities in the rural area for adverse impacts and consider future zoning text amendments to address uses in the rural area."

Ms. Palmer said she preferred the other version.

Ms. McKeel said the "studying" was concerning to her.

Ms. Mallek said it is the work that must be done before the Board makes an ordinance change so, if it is a matter of prioritizing that work, then that is when it finds out how quickly it can get to it.

Mr. Boyd said, without getting into specific things, the Board could simply move in the direction of "study the adverse impacts."

Ms. Mallek said her suggestion from the previous week was to consider removing the three high-impact elements from the list of available special uses, and asked if there was interest from other Board members in reaffirming that.

Ms. McKeel and Ms. Palmer said they were in favor of it.

Ms. Echols asked if the Board wanted to consider updating the zoning regulations or recommend that something be studied.

Ms. Mallek said she liked the idea of considering the update to zoning regulations, as it was more proactive than just looking at things.

Ms. Palmer agreed.

Ms. McKeel also agreed.

Mr. Cilimberg said it seemed four Board members wanted the first sentence to focus on updating zoning regulations – not to identify specific uses to add – and the second sentence would be essentially as it was recommended by the Commission with golf courses added.

Board members confirmed that was the intent.

Mr. Boyd asked when the Board had jumped from Comprehensive Plan changes to zoning requests.

Ms. Dittmar said she did not know the relationship with the Comprehensive Plan to that, but Mr. Cilimberg brought it up so she felt it was part of the discussion.

Mr. Cilimberg emphasized that it is only the guidance, and the Board was not making a decision to remove anything, but was calling attention to those as being potential uses of impact which may need to be considered for removal; however, Supervisors may decide against that. He added that the first sentence is just a general update of recreational regulations as those pertain to rural area uses.

Ms. Dittmar said zoning text amendment studies would first go through the Planning Commission, so the Board will have another shot at this.

Mr. Cilimberg said the Board would first identify whether it is a priority strategy for staff to undertake, and this would occur at the end of the Comprehensive Plan review. He said the Board would not see it until there is a resolution of intent and a Planning Commission recommendation made to the Board.

Ms. Echols said the Commission would study it, have public participation and comment before ever making a recommendation to the Board.

Ms. Mallek said this will at least highlight the fact that the Board thinks it is something important. Ms. Echols said the Board had agreed to revisit the criteria for review of new uses which would go into the rural area, and those new uses include restaurants, lodging and events. She said it was suggested at a previous meeting to start out by talking about things Board members wanted to see in the rural area and then talk about other things which might be appropriate. Ms. Echols asked if the Board wanted to add to the criteria for review anything else as a use in the rural area. She said she had already made a few changes to the list of criteria based on Board input. She said the first criteria change was that a new use must have a rural area location in order to be successful, which was a huge matter for the Planning Commission. Ms. Echols clarified that her request was for the Board to decide whether it wanted to put in some criteria for review of new uses, either for special use permits or by-right uses in the rural area in order to guide zoning text amendments as well as consideration of special use permits, and are those things against which the Board weighs its requests.

Ms. McKeel noted that this is where Board members had brought in the criteria of “reversibility.”

Ms. Palmer agreed, stating that she had included that in her red line version for the criteria. She suggested the following wording, “compliment the character of the area in which they will be located, and be reversible so that land can easily be returned to farming, forestry, conservation or other preferred uses.” She said her other suggestion would include the wording, “to be suitable for existing rural roads and result in little discernible difference in traffic patterns.”

Ms. Echols said that was the only one Supervisor Palmer had requested to come back. She asked that, other than the action memo, the Board confirm that was correct.

Ms. Mallek said she had also sent some suggestions.

Ms. Palmer said one of the things discussed last time was an addition to the statements above the criteria, such as the general statement about agriculture which comes from the current Comprehensive Plan and emphasizes ag/forestry and conservation as preferred uses. She said she could not recall if the Board had reached consensus on that or not.

Ms. Echols said her recollection was that the Board was going to look at the big uses first, and then the new uses and what she has suggested would accomplish that.

Ms. Palmer suggested the language referencing additional uses in the rural area be removed, because Board members are not all in agreement that there needs to have a lot more there. She said the strategies in the chapter all share the goal of helping keep the rural areas rural, and the changes reflect

the preferred uses and the ultimate goal of keeping the rural areas rural. Ms. Palmer stated that she had lifted two paragraphs from later in the draft – in strategy 7C – and moved those before the criteria, in order to focus, once again, on the preferred uses.

Ms. Echols asked if there was agreement to those changes. Mr. Sheffield said a lot of it is word-smithing and moving text around.

Ms. Palmer said her goal was to emphasize the preferred uses rather than the new uses.

Several Board members agreed that the strategies pertaining to preservation and easements be ahead of the strategies which reference subdividing.

Ms. Palmer said she had requested that staff include language that rural landowners should not expect all rural roads to be paved.

Ms. Echols said that related to expectations for service delivery, which is featured in the transportation section, so the Board could add a sentence here which cross-references it.

Ms. Mallek said she would like to include a list of roads that would not be continually brought up for paving.

Ms. Echols asked if the Board would like to defer that conversation to the transportation discussion.

The Board discussed how to reference rural preservation developments, and Ms. Echols suggested defining what those are but also consider in the zoning regulations for regular subdivisions a reference to “help achieve rural area goals” without reducing development rights, because there may be other things the Board would want to think about with regard to regular by-right development.

Ms. Palmer asked about strategy 7.21, objective 2. Ms. Echols said that had to do with the question of whether to emphasize agricultural/forestral economy or land use because, the way it is currently written, it implies that the rural area is enabled to stay rural because there are agricultural/forestral moneymaking activities. She said Ms. Palmer preferred an emphasis on supporting “strong agricultural and forestal land uses,” rather than saying “economy.”

Ms. Palmer said that was not her suggestion, but it did follow her intention.

Mr. Cilimberg said that had been a long-standing objective and is in the current plan, as a recognition that agricultural and forestal economy has some tradition but also needs to be successful in order for the land uses to be successful.

Ms. Palmer stated that she would like to change the wording in strategy 2-i in 7.28 to include the word “consider” before “changing zoning regulations to make appropriate scaled collection and distribution facilities.”

Ms. Echols said this was a deliberate word choice by the Planning Commission, as it felt strongly it needed to happen. She explained that there was a desire to provide better support to the rural area, and a target distribution facility is different than a small agricultural distribution facility. She said the Commission was trying to provide the ability for the small-scale facilities which do not exist currently, by special use permit or by-right in the RA zoning district.

Ms. Mallek asked if that meant packing sheds for orchards were now nonconforming. Ms. Echols said this would pertain to a stand-alone facility on a lot, such as a Relay Foods type station, as opposed to one that was operating in conjunction with an orchard and would be an accessory use.

Mr. Sheffield said he would propose leaving the language as the Planning Commission had it, as it seems to address a concern which it identified.

Ms. Mallek said if that language is going to be left in, the Board should strike out the sentence that says “by-right” because, in Advance Mills, there was a situation in which a stand-alone facility was started up with no farm. She said food was being imported, packaged, and transported by tractor-trailers to Northern Virginia; adding that there were 50 employees on site.

Ms. Palmer said this is why she had changed some of the action items to “consider” because Supervisors have had so many changes and problems in the past and now there is a new Board.

Ms. Dittmar said Mr. Boyd’s ongoing concern is relevant: how will staff use one versus the other.

Ms. Echols said when a ZTA is being studied, the question would be whether there are performance standards or conditions under which the Board may want to make these available by-right, and then it would come to the Board and the Commission to consider. She stated that “change” is pretty directive to staff and would be considered a priority.

Mr. Cilimberg said if the Board decides it is a priority strategy, there would be an expectation that regulations would be changed to specifically address these types of facilities, as opposed to a consideration that the County "may" mean this and "may" do that versus what the impacts might be.

Ms. Dittmar asked what the County had been encountering that was hurting farming operations, because the Planning Commission was clearly seeing a need for this distribution center provision. Ms. Echols said the Commission was looking at anything that the County would want to have happen in the rural area which it could tie performance standards to, to then make it by right and make it easier to provide these supporting uses. She said there are collection facilities which have asked where they can find a center to be a transfer station for their goods.

Ms. Mallek said the Food Hub is a perfect example, as it is an aggregator which 150 farms currently use, delivering what they have grown there for packaging and distribution. She said there are already loading docks and refrigeration there, so it was the perfect site for them but that does not mean they would be equally successful in the middle of Earlysville or Free Union or Batesville, and that is her concern. She stated that there is not a dramatic demand for these facilities now, because the Food Hub could probably handle double the amount of farmers it currently has.

Mr. Cilimberg said the Food Hub is on an industrial zoning site, and the Commission was proposing creating that as a use in the Rural Area district, perhaps not by-right, but at least available through special use permits so it would not be restricted to just industrial zoning.

Ms. Mallek asked for confirmation that a packing shed on an orchard would be an accessory and the farm would simply get a building permit. Ms. Echols said that would be the case.

Mr. Cilimberg said, if it was a facility on a freestanding lot, it would be by-right if the Board agreed to amend the ordinance, or at least be allowed by special use permit, and that would be considered during a zoning text change.

Mr. Sheffield commented that those goods have to go somewhere, either nearby or far away, so this encourages more local use in his opinion.

Ms. Mallek said she does not want to discourage it, she just feels there should be a process and by-right means going and getting a building permit with no notification and no process and, for that reason, it remains a concern of hers.

Mr. Cilimberg emphasized that the change is to introduce the use opportunity in the zoning district where it does not exist now, and the by-right is a possibility, not a given. He said, under the zoning text change, that issue would be decided.

Ms. Echols reported that the Board's next Comprehensive Plan review meeting would be held on September 8th. She said there is a question as to whether solid waste should be brought to that meeting also.

Ms. Palmer said she would very much like to get that done so the solid waste committee has an idea of where the Board is. She stated that the committee would work to get well-organized and will send information out to everyone.

Recess. The Board recessed its meeting at 6:47 p.m., and reconvened at 7:05 p.m.

Agenda Item No. 6. Call to Order Night Meeting.

At 7:05 p.m., the Chair called the night meeting to order.

Agenda Item No. 7. Pledge of Allegiance.
Agenda Item No. 8. Moment of Silence.

Agenda Item No. 9. Adoption of Final Agenda.

Ms. Dittmar introduced County staff present.

Ms. McKeel **moved** to adopt the final agenda as presented. Ms. Mallek **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

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

Agenda Item No. 10. Brief Announcements by Board Members.

Ms. Mallek reported that she and Ms. Dittmar have met with City Council colleagues and staff members on the courts issue. They have set up a series of meetings over the next six weeks to look at different aspects of the issue, and will then bring suggestions back to the Board.

She also reported that VDOT has done some very serious herbicide spraying – some of it on stream crossings – and she will be inquiring as to what chemicals they are using, as some they talked about using before were prohibited for use near water. She said that the one she saw today was directly on a stream that is a mile from Chris Greene Lake and feeds right into it.

Ms. Mallek reported that the previous evening she attended the annual meeting of the Albemarle County Farm Bureau, and representatives had wonderful things to say about the staff work leading up to the farm work session in September and felt included in that process.

She mentioned two upcoming events – the Heritage Harvest Festival on September 13 at Monticello, and on September 20, “Main Street Agriculture,” sponsored by the Virginia Farm Bureau, from the Main Street Arena to the Downtown Mall to Lee Park – with farm-to-family dinners on September 19 at participating restaurants downtown.

Ms. Dittmar reported that the next Supervisors’ certification class will begin September 12, entitled “Inventing Your County’s Future: the Role of Community Planning,” and the classes will be held at the County Office Building-5th Street.

She stated that the Stream Watch report distributed by Ms. Mallek includes five streams from her district – four of which are poor to very poor. She said that the Board should continue to look at why the local streams are being ranked so poorly.

Ms. Dittmar reported that the County has been researching various alternatives to property tax, business tax, and personal property tax – and to find ways for taxes to be less onerous on the population. She emphasized that the County is a well-run, financial capable entity, with a triple AAA-bond rating. While they are not forecasting a tax increase for operating revenues, last year the Board – under a Republican majority – added potentially two cents in the five-year plan to support a \$40 million courts project.

Agenda Item No. 11. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Dr. Charles Battig, resident of the White Hall District, said that despite many loud claims to the contrary, disasters associated with droughts, floods, hurricanes or tornados have increased on climate time scales either in the U.S. or globally – and drought has become shorter, less frequent, and less expansive over the last century in the U.S., with little change globally over the past 60 years. He said that CO2 has gone up 9-10%, with global temperatures remaining unchanged for the past 17 years. He stated that most of what is reported are climate predictions based on computer models, and they fail. Sea level rise has been increasing for over a century, but at the same rate of 7-10 inches per year. Dr. Battig said that while air is cleaner than ever, incidence of asthma has risen 75%. He stated that a U.S. Senate report recognized the Virginia Organizing Project, which had requested \$13,000 from the Board but ended up with \$4,000 – which eventually was given to Thomas Jefferson Health Department. There are people coming to the County for money who has no business asking for it.

Mr. Mike Basile, a resident of the Samuel Miller District, and President of the Jefferson Area Tea Party, said that Governor Terry McAuliffe rented the Lincoln bedroom, capitalizing on the pioneer savings and loan failure, while families lost their savings and taxpayers were out \$500 million. He stated that under Gov. McAuliffe’s leadership, the Global Crossing Company destroyed \$54 billion of investors’ assets – yet he made out with \$8 million. Mr. Basile said that Green Tech Auto in Mississippi is still waiting on jobs that he promised – and his business plan relies on government subsidies. He stated that there is also an inquiry by the Department of Homeland Security as to whether Gov. McAuliffe got special treatment in getting visas for some of his foreign investors, and a lot of his business practices are not desirable. Mr. Basile said that this is who the County is going into business with when they are looking at the Route 29 project. In his mind it is a dictate from Richmond to say the County must do Rio Road and Route 29 first. He stated that he drives it every day during rush hour, and that intersection was designed for the traffic coming up from the John Warner Parkway, and it can be handled without all the construction they want to do. Mr. Basile said that the community does not want to tear up Rio Road and Route 29 – but Richmond does. If history is a guide, this will harm the community, and taxpayers will be out \$200 million, and the business district on Route 29 will be destroyed. He stated that the Board needs to say “no” to Richmond, “no” to the bypass, and have local people put together solutions for the traffic problems on Route 29 and Rio Road.

Mr. Neil Williamson, President of the Free Enterprise Forum, addressed the Board, said that he has read the staff's report on the economic development item on the Board's agenda. The staff report seems like a thoughtful process. He encouraged the Board to proceed with creating the objectives, defining them, and then getting out of the way. Too many localities have tried to micro-manage the economic development process. Mr. Williamson said that the next step in the process is to include stakeholders, which he hopes include not only the business and environmental community but the job training community. He encouraged the Board to reach out to the rural community because a significant amount of time has been invested in these interests. He stated that he is glad the Board is creating an economic development department in general terms, and creating broad and accountable structures, but he hopes they do not micro-manage that process.

There being no further speakers, the Chair closed the public comment period.

Item No. 12. Consent Agenda. Ms. McKeel **moved** to approve the consent agenda with Items 12.1 (as read) and to pull Item 12.3 for further discussion. Mr. Sheffield **seconded** the motion. (**Note:** Discussions on individual items are included with that agenda item.) Roll was called, and the motion passed by the following recorded vote:

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

NAYS: None.

Item No. 12.1. Approval of Minutes: August 14, August 21, October 2 and October 9, 2013.

Ms. Mallek had not read the minutes of August 14, 2013, pages 14 – end, and asked that they be pulled and carried forward to the next meeting.

Ms. Mallek had not read the minutes of August 21, 2013, and asked that they be pulled and carried forward to the next meeting.

Ms. Mallek had read the minutes of October 2, 2013 and October 9, 2013, and found them to be in order.

By the above-recorded vote, the Board approved the minutes of October 2 and October 9, 2013, as read.

Item No. 12.2. SDP-2008-00086. Willow Glen – Special Exception to Authorize Variations from the Application Plan and Code of Development (ZMA-2006-00019).

The executive summary states that Willow Glen is a Planned Residential Development (PRD) containing multiple housing types located off of Town Center Drive and Dickerson Road, near the Hollymead Town Center in the Community of Hollymead. A Comprehensive Plan Amendment ("CPA") and rezoning to PRD, with proffers, were approved on October 10, 2007. A site plan and minor amendments have previously been approved for Phase 1, which is under construction. The applicant is requesting a special exception to authorize variations from the approved Application Plan and Code of Development. This request represents the second set of variation requests to this PRD and, as such, is referred to as "Variation #2."

The following summarizes findings for each variation request. The attached staff report provides details for each request.

- Replace condominium building with townhomes. *Very limited demand for condominium units given the current market/economic condition. This change will provide for more marketable and affordable units consistent with today's conditions.*
- Remove shared driveways for several single-family homes. *Not a significant change in form from the original zoning approval.*
- Remove one tot lot location. *Change will be paired with an increase in the area of the remaining tot lot.*
- Modify construction phasing. *Inconsequential change moving the phase line so that the proposed townhomes will be in Phase 2 instead of Phase 3.*

No impact will result from this special exception authorizing multiple variations.

Staff recommends approval of this special exception authorizing multiple variations.

By the above-recorded vote, the Board approved the special exception to allow variations (Variation #2) from the Application Plan (ZMA-2006-00019) to: 1) replace one condominium building (28 unites) with 12 townhomes; 2) remove shared driveways for several single-family

homes; 3) remove one tot lot location; and, 4) modify construction phasing, as outlined in the illustrations contained in Attachment C (on file in the Clerk's office).

Item No. 12.3. Resolution to Amend Board of Supervisors' Meeting Schedule.

(Discussion: Ms. Dittmar asked that this item be pulled for discussion at the end of the meeting.)

Item No. 12.4. Expansion of Photosafe Program to the Intersection of Greenbrier Drive and Seminole Trail **(to defer indefinitely).**

(Discussion: Mr. Sheffield and Mr. Boyd asked for more information from staff as to why this item is being deferred indefinitely.

Mr. Foley said that "indefinite" just means staff does not have an absolute time to move it to yet, but does intend to bring it back to the Board once more information is available from the Route 29 group regarding the timing and impacts of construction. Staff wants to better assess whether it is appropriate to move forward with that light or not. He stated that it is being delayed hopefully for just a few months until there is more information available.

Mr. Boyd said that Chief Sellers said last week that it was not going to be impacted by the new construction, but now it sounds like it is. If there are new developments, he would like to hear what they are.

Mr. Foley said that staff does not have enough information yet to come with anything conclusive at this point. He did speak with Chief Sellers last night about it; so staff needs more time to assess what comes out of the RFP or RFQ process, and things that are going on with the projects.

Mr. Sheffield said that this is the kind of clarification he is looking for.

Mr. Boyd said he wants to make sure the public knows they are not indefinitely putting this off, they just need more information and are not sure when they are going to get it – but hopefully in the next few months.

Mr. Foley said that staff is hoping and planning to bring it back in the next few months.)

By the above-recorded vote, the proposed expansion of the Photosafe Program to the intersection of Greenbrier Drive and Seminole Trail was deferred indefinitely.

Agenda Item No. 13. **Public Hearing: PROJECT: SP-2014-00005. Regents School of Charlottesville (Signs #81&82).** Samuel Miller Magisterial District.

Proposal to increase the student enrollment to 115 students for the 2014 - 2015 school year. To increase the student enrollment to 130 for the 2015 - 2016 school year. Utilize existing structure, no additional buildings proposed.

ZONING CATEGORY/GENERAL USAGE: CO Commercial Office – offices, supporting commercial and service; residential by special use permit (15 units/acre).

SECTION: Chapter 18 Section 23.2.2(6) of the Albemarle County Code, which allows for School of Special Instruction.

COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Area 1 - Rural Areas – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/acre in development lots).

ENTRANCE CORRIDOR: Yes. LOCATION: 3045 Ivy Road, Charlottesville VA.

TAX MAP/PARCEL: 05900-00-00-023G1.

(Advertised in the Daily Progress on July 28 and August 4, 2014)

Agenda Item No. 14. **SDP-2014-00046. Christian Aid Mission.** Critical Slopes Waiver – Major Site Plan Amendment.

The executive summary forwarded to Board members states that on June 3, 2014, the Planning Commission held a public hearing on this special use permit application and recommended denial of the application due to traffic safety concern due to excessive delay times while exiting the property in the morning hours.

After the Planning Commission's public hearing, the applicant and owner of the property, Christian Aid Mission (CAM), requested approval of a major site plan amendment to construct a new entrance from the site onto Broomley Road (Route 677). The Site Review Committee (SRC) has reviewed the site plan amendment and the proposal appears approvable once all comments provided to the applicant are adequately addressed. The applicant also provided additional traffic study information

assuming the installation of the new entrance on Broomley Road, as well as crash data from 2008 to 2014 for Route 250.

- The traffic study indicates that the level of service (LOS) at the existing modified (right in and out only) entrance on Rte 250 improves from a LOS F to a LOS C or better, and that the Broomley Road entrance will perform at a LOS C or better. (Attachment A).
- VDOT crash data for the site from January 1, 2008 to January 1, 2014 shows no collisions from vehicles turning into or out of the entrance to this site but does show four (4) collisions between 2009 and 2010 from vehicles turning left out of entrances in this general area to travel east on Rte 250 towards Charlottesville. Two of these collisions were at the entrance to Northridge prior to the traffic signal being installed at that location (Attachment B).
- As noted above, the site plan amendment for the new entrance on to Broomley Road has been reviewed by the Site Review Committee and appears approvable once all minor site plan items are addressed. The proposed entrance is located in an area containing critical slopes and will require that the Board approve a special exception to allow grading of those slopes. The critical slopes appear to be man-made, and the County Engineer and planning staff have recommended approval of this special exception. Staff analysis of the special exception is provided as Attachment C.
- Since the public hearing staff has received considerable opposition from residents of neighboring communities in Flordon, West Leigh and Candlewyck neighborhoods with regards to the new entrance on Broomley Road as well as with the increase in enrollment at the site (see Attachment D for letters and emails from citizens).

The Planning Commission recommended denial of this request due to concerns with traffic impacts from the proposed enrollment expansion. Subsequent information provided by the applicant demonstrates that constructing a new entrance on to Broomley Road and modifying the existing entrance on Route 250 (to right in/right out only) will address those traffic concerns. Alternate conditions of approval were provided by staff in the original staff report and include a condition that requires the construction of the Broomley Road entrance prior to allowing any expansion of enrollment. These conditions have been updated to address some technical corrections. Should the Board move to approve this request, staff recommends the following revised conditions of approval:

1. The school is limited to the existing administrative building and grounds, as shown on the concept plan (Attachment A). All parking for the facility shall be located in areas designated on the concept plan as P1, P2, P3, P6, and P7. Any additional buildings or other site changes beyond those shown on the approved site plan for SDP1992-052 titled "Christian Aid Mission Administration Building" prepared by William W. Finley and date approved July 14, 1994 require an amendment to this Special Use Permit. If an entrance to the school from Broomley Road is pursued by the applicant, the final site plan on which the Broomley Road entrance is approved shall supersede the approved site plan for SDP 1992-052 without requiring an amendment to this Special Use Permit.
2. If the entrance to the school is solely from Rte 250, the maximum enrollment shall not exceed 98 students.
3. If an entrance to the school is also provided from Broomley Road, the entrance from Rte 250 shall be reconfigured to be right-in/right-out only and the maximum enrollment shall not exceed 130 students.
4. If the entrance to the school is from Broomley Road, the permittee shall design and construct a vehicle entrance onto the site from Broomley Road according to all applicable VDOT design and construction standards and all other VDOT requirements.
5. All students shall be over the age of two and one-half (2 ½) years old.
6. The hours of operation for the school shall be between 7:45 a.m. and 4:00 p.m., except that occasional school-related events may occur after 4:00 p.m.
7. No food preparation is permitted onsite without an amendment to this Special Use Permit to authorize onsite food preparation.
8. The permittee shall obtain an annual fire inspection from the County fire marshal.
9. In no case shall the total number of people (students and school personnel) utilizing the school building exceed 150.

Staff also recommends approval of the Special Exception to permit grading on critical slopes.

Mr. David Benish, Chief of Planning, reported that this is a proposal to amend the existing conditions for a private school, to increase the enrollment from its current 83 students under the existing special use permit and ultimately allow 130 students. Mr. Benish said that the proposal is to increase to 115 students this academic year, and then go up to 130 students. He stated that the site is located on Route 250 West and is in the Christian Aid Mission complex. The property is designated rural area in the Comp Plan – with the property zoned CO-commercial office. The properties to the east and west are zoned C1-commercial and HC-highway commercial. Properties to the north and south of the site are zoned rural areas. Mr. Benish said that the complex is comprised of four buildings on 12.5 acres, with the proposal for the administrative building – which is used for the school and is multiple stories with a basement. He presented a concept plan with revisions for the use, and pointed out the location of the parking areas and the circulation on the site. He, also, presented an aerial view of the site.

Mr. Benish said that the site conditions that are favorable for the request are that the site utilizes existing buildings; there is adequate parking onsite; and the Health Department has approved the capacity for septic for the proposed size of the school. He stated that the primary issues of concern with this site are traffic impacts from its existing access, and the increased number of persons at the facility may create an unsafe condition due to the excessive delay time as the traffic exist the site in the morning. He said this would encourage unsafe movement to avoid those long delays – a “median merge” whereby people trying to cross the westbound lane of Route 250 use the median area where the right-turn lane is into the site, then merge into the westbound lane; or U-turn movements that would occur on Route 250 as people make a right turn at the site and ultimately do a U-turn to head back west. He stated that this is an existing condition, and under the current operation, based on the traffic modeling, the leg on the site – which is the primary issue of concern – is functioning at a level of service “F.” Mr. Benish said that the right and left turn movements from Route 250 into the site are functioning adequately, so the primary issue is existing the site and queuing into existing traffic.

Mr. Benish presented a picture of the entrance looking west, stating that the predominant movement is heading eastward. During the review of this proposal, a number of improvements or approaches to address the traffic issue were discussed with the applicant, who offered many of the proposals – including a two-stage merge lane westbound on Route 250; that essentially allows traffic to queue into what would have been a marked lane, and then allowing the traffic to merge into the eastbound lane. Mr. Benish said that unfortunately the width and spacing on the existing road does not allow that option, so that is not a viable option. He stated that another option was to provide some type of bus or shuttle service to reduce trips to the site, but while they may reduce traffic, it is difficult to guarantee that level of improvement and it is also a difficult condition to enforce at the County staff level. He said that police directing traffic at peak periods was also considered, but it is dependent on the quality and judgment of the individual doing the traffic management onsite, and requires the person to be located within the roadway – which is a higher volume and speed road, and is not seen as a viable long-term solution for a use that could be on the site for a very long time. Mr. Benish said that restricting left-turn movements out of the site as a sole method would require turning movements to be right out westward, and would require U-turning movements for the predominant traffic heading eastward into town – so that also was not seen as a desirable long-term solution.

Mr. Benish reported that the proposed solution before the Board is a combination of restricting left-turn movements at the existing entrance, and the proposed construction of an entrance onto Broomley Road. He said that this would address the delays that are occurring – both the existing delays at the Route 250 current intersection, and accommodation of future expansion. Traffic from the site would have access to a signalized intersection, and according to the traffic study, Broomley Road’s intersection would still function at an adequate level of service “C.” He then presented a rendering of the proposed entrance onto Broomley Road, and noted the proposed entrance to existing Route 250 that would restrict turning movements out but would still allow for left turning movements from Route 250 into the site. Mr. Benish said that the proposed entrance modifications and new entrance to Broomley Road would address the level of service at the existing entrance, and that improvement does allow for an adequate level of service at both the new entrance onto Broomley and the intersection of that road with Route 250. He stated that crash data for the area did not indicate any collisions in the area from 2008-2014, but there were 10 incidents in the general corridor roughly between Northridge and west of Broomley Road.

Mr. Benish said that the applicant has submitted a major site plan amendment to install the entrance onto Broomley Road, which requires a critical slopes waiver from the Board of Supervisors and impacts some areas of critical slope – which staff believes are old manmade slopes created by construction of Broomley Road and reconstruction of the frontage on the site to eliminate an old entrance. He stated that it also requires a waiver from VDOT for the spacing requirements between Route 250 and the new entrance location into the roadway. It is his understanding that the waiver has not yet been approved by VDOT, but local department staff is recommending favorable on that waiver although the process has not been completed yet. Mr. Benish presented a map showing location of critical slopes and entrances.

Mr. Benish said that the Planning Commission recommended denial of this request due to concerns with traffic impacts as discussed. The subsequent information provided by the applicant does demonstrate that the new Broomely Road entrance and restriction of left turning movements at the existing entrance onto 250 do address the traffic concerns. He stated that the proposed improvements address an existing failing condition that exists today at the one leg of the Route 250 intersection. Mr. Benish said that conditions of approval require construction of the Broomley Road entrance before there is expansion of enrollment to the site. Mr. Benish said that there are some technical corrections to the conditions, including an error in the number used for enrollment. They are changing the reference to “total people on site,” to include staff and not just enrolled students, so the total number of 83 equates to 96. He said that the next change is to clarify that what is acceptable to VDOT and staff is the restriction of left turn movements at the existing entrance on route 250, but it does allow for left turns in from Route 250 into the site; the prior language would have inadvertently precluded that movement.

Ms. Dittmar asked what the best way to proceed would be in considering this application. Mr. Davis said that only the special use permit requires a public hearing, but this would be an opportunity for anyone to speak on either of the issues. At the conclusion of the public hearing, the Board would need to take separate actions – one on the special permit, and one on the critical slopes waiver.

Mr. Boyd asked Mr. Benish to elaborate on what VDOT has not yet approved. Mr. Benish stated that the proposed entrance location does not meet VDOT's spacing requirements, but there is a waiver process to allow VDOT to approve it.

Mr. Troy Austin, area land use engineer with VDOT for the County, said that the applicant would need to get a waiver for the spacing from Route 250. He said that VDOT is in the process of reviewing that now; it looks like something that VDOT can approve and move forward.

Mr. Boyd asked if the applicant would have to pass the VDOT process in order to get the road open, regardless of what the Board decides tonight. Mr. Austin said he would, if there is going to be an entrance put there.

Ms. Palmer said that normally VDOT would ask for a 400-foot spacing, but this one is 115 feet. Mr. Austin said that it is 125 feet. The required spacing in the access management regulations is 440 feet – which is fairly close to where the bridge is in this case, so almost any entrance the applicant has on Broomley Road would require this exception.

Ms. Palmer said that it was explained to her as 400 feet, if they were having just the one lane going out. Mr. Austin said that any full-access entrance, which means any maneuver can be made, requires 440 feet – but if you restrict any of those movements, it is reduced.

Ms. Palmer asked if the 125 feet was from the start of the intersection, and asked how many cars that would be. Mr. Austin said that the measurement is the center of the entrance to the center of the intersection with Route 250, and that would allow for five or six cars to back up on Broomley Road.

Ms. Palmer stated that you would want the exit behind the queue in a rush hour situation for safety reasons. Mr. Austin said that would be ideal, but what will end up happening based on the study is that vehicles leaving the school site will have to wait until it is clear for them to go. He said that the study indicates that when the signal at Broomley Road changes to green, the entire queue clears out, so at that point the vehicles will be able to leave the school; but during the peak hour, it is very likely they will have to wait in their entrance until the queue clears out.

Ms. Mallek said that this is a similar situation to the school where she used to teach near the bypass, and when there is a long line of cars you just wait your turn with two or three cars getting out at a time.

Ms. Palmer stated that VDOT and the County seem to have separate concerns, with Mr. Benish expressing concern about a backup of cars on the site, and VDOT expressing concern about what happens on Route 250.

Mr. Benish said that there are three legs of the existing intersection. The one leg on the property is where the long delay is – and the County Engineer expressed concern that it would encourage unsafe movements to circumvent the long delay, which include turning movements, U-turn movements on Route 250, or using the merge lane there. He stated that VDOT was more concerned about the movements that occur directly to the site, and understood the concern about U-turn movements because Route 250 does not have an area that is good for making that movement in the right-of-way.

Mr. Austin said that when VDOT look at the initial traffic study, their primary focus is the impact on the Route 250 corridor and making sure it is not adversely affected. He said that they realize there is an issue with the traffic trying to leave the Regents School, but that is on private property and should be addressed at the local level – which is what the County Engineer did.

Ms. Palmer said that the County is not really concerned with how long people have to wait; it is what it encourages people to do.

Mr. Austin mentioned that there is no history of accidents of vehicles leaving or going into the site. Typically if it is a problem there will be angle-type crashes at that location, and in that timeframe from 2008-2014, there was no record of that type of crash at their entrance. He said that the number of crashes is how they often judge problems at entrances, and there is no history of it there.

Ms. Mallek said that the eastbound Route 250 traffic would still be able to turn into the entrance where it is now, so the wedge that would be put in would somehow be changed to allow them to get in. Mr. Benish said that it is not a full "pork chop," so you can make a left from Route 250 into the site which would be advantageous because it allows for turning movements from the westbound to have two places to turn into the site and would not be restricted to the Broomley Road entrance. He stated that this has never been a concern based on the traffic study, either in the existing condition or future, as that turning movement functions adequately – with the bigger issue being the left turns out of the site.

Ms. Mallek asked if the proposed driveway to Broomley Road would be exit only. Mr. Benish said that his understanding is that it is a full entrance. The primary purpose is to allow for traffic to exit and make a left turn at a controlled entrance, so it might be able to be one way but those are sometimes

difficult to enforce. He said that he believes it is designed as a two way, but the primary goal is to get exiting traffic to the controlled intersection.

The Chair then opened the public hearing.

Ms. Valerie Long addressed the Board on behalf of the applicant, the Regents School of Charlottesville. Ms. Long introduced Ms. Courtney Palumbo, head of the school, and Mr. Don Richardson, chair of the school's board of directors. She thanked the Board for the time spent talking with her, constituents and VDOT, and digging into the facts of the application. Ms. Long also recognized staff and VDOT for the significant amount of time they have spent with her.

Ms. Long reported that the School would like to grow at a modest amount. The primary purpose behind the request to increase enrollment is to accommodate siblings of existing families, with some additional numbers built in for cushion. She said that the current site is not their permanent home and was never intended to be, but it is working well for them now. Ms. Long said this is the third special use permit the school has applied for, and they have come in at the Planning staff's direction in increments. She stated that the proposed enrollment is for a maximum of 130 students. The current enrollment is 86 students, and they are proposing an interim step of increasing enrollment to 98 students – which would allow them to accommodate the students on their existing waiting list, more than one-half of which are siblings. Ms. Long said that one of the new families has four children, and there will not be a lot of new vehicles coming to the site. In future years, she said, they are proposing to increase enrollment to 130, with the school calculating at least 26 siblings potentially attending with their older siblings within the next four years. Ms. Long said that the 130 enrollment would allow for those students, and about 10 new students.

Ms. Long stated that they do not want to create additional safety concerns or anxiety on the part of their neighbors, and the school felt that the Broomley Road entrance was the only option. She said that when she got involved, she realized there were concerns and they worked hard to come up with a package of solutions that could be implemented to avoid the need for the Broomley Road entrance, if that is the preference of the Board. Ms. Long presented a summary of the current school enrollment. She said that the first option would not involve the creation of the Broomley Road entrance; it would prohibit left turns out of the site onto Route 250 – the modified “pork chop,” allowing everything except a left out – which means everyone would need to turn right. She said that about three-fourths of the families eventually will need to turn around somewhere, and the school has worked hard to secure agreements with adjacent landowners to permit their property further west on Route 250 to be used as a U-turn location – one is the And George antique store, and one is All Saints Church. Ms. Long stated that while there is no requirement to secure a turn around, having at least one would be a good faith effort to demonstrate to the Board, and many families have indicated they are very willing to drive an extra one-half mile west on Route 250 and make a U-turn at the antique store to avoid creating any safety problems and avoid the need to have the entrance on Broomley Road. She said that the school has also worked with another local church that has two vans, and they have agreed to loan them to the school for van pools, which would help reduce the overall number of vehicle trips that would come to the site. Ms. Long stated that staff has said that is not an enforceable mechanism, and if this were a long-term permanent location for the school, the applicant would understand that it is not a permanent solution. The applicant is willing to have this as a condition of approval, with staff and neighbors monitoring it in addition to the school's commitment to making it work. She said that they would also be willing to have the special use permit expire once Regents School vacates the property, although they are aware that is not typically advised or approached in that manner. Ms. Long added that there would also be no entrance on Broomley Road. She stated that the second option, which is least preferred, would be to construct the new entrance on Broomley Road, subject to VDOT approving the waiver and the Board approving the slope waiver. In addition they would still build the modified pork chop and prohibit turns out of the site.

Ms. Long then presented a map showing where families are located, with about six or seven families west of town and the remainder to the east, north or in town. She also presented letters from the All Saints Church and the And George antique store in support of using their properties as turnaround spots.

Ms. Mary Caldejon addressed the Board, stating that her family lives in Crozet in the White Hall District. Ms. Caldejon stated that she and her husband moved from Washington, D.C. to the area due to the location, the lifestyle, healthcare, transportation options and the wide range of educational choices the County has to offer. She said that they visited the Regents School at its first location at Jefferson Park Baptist Church in 2011, and although the school was small at that time, they were elated to locate a school that provided a classical curriculum. The incorporation of Latin, classical literature, and logic represented a unique framework that they value and want for their daughters at this stage of their education. Ms. Caldejon said that this fall, their daughters will begin their third year at Regents, and the education they have received has been superb, with the caliber of teachers being quite impressive. She said that she and her husband have been actively involved in a number of ways, i.e., homeroom parents, dad's curbside duty, helped paint walls and participates in annual fundraising. She stated that there is only one classical Christian School in Albemarle County. She believes that the growth of the school speaks to the need it is filling in the community and adds to the extensive education portfolio here. She thanked the Board for its consideration of the request.

Mr. Pierre Poindexter, a City resident, said that Regents School points his children to what is “true, good and excellent”. The school requires excellence in character, academics and thought. Mr. Poindexter said that the school is giving his children opportunities he did not have growing up. This country is in an educational crisis because there are not enough schools like Regents that require excellence from children. He stated that regardless of the color of students’ skin, the opportunities afforded them at Regents are generation-changing, culture changing, and life-changing. He asked the Board not to limit the number of children who are given this opportunity.

Ms. Laura Oktay addressed the Board, stating that she is a resident of Greene County. She said that she has two children enrolled at Regents, having joined the school at a time of educational crisis for their family when they felt their children’s academic growth had become stagnant. Ms. Oktay said they desired an environment where their children could develop their strengths and work on their areas of challenge, which they found at Regents. She stated that her children have gained confidence at the school, and she is grateful for the teachers’ support, encouragement and instruction. Ms. Oktay read a letter from her daughter, Danielle, asking the Board to allow the expansion; and from her son, Christopher, speaking to the attributes of the school and its curriculum.

Mr. Greg Brown, a resident of Charlottesville, said that he will have two children who enrolled in Regents this year. He said that he recently moved back to the area after 12 years in the military. Mr. Brown said that there is a sense of love and community at the school, and he would like his two younger children to attend also – but they might not be able to if the expansion is not allowed.

Mr. Don Richardson addressed the Board, stating that he is a retired physician who practiced medicine in Charlottesville for 40 years, living most of his life in the White Hall District. Mr. Richardson asked those in the audience to support Regents School to stand (a majority of the audience stood). Mr. Richardson said that he is a member of the Regents School Board. In his retirement he has chosen to get involved with things that he thinks will help the community. He said that he has good friends who have grandchildren at the school, and many other younger friends who have children at the school. He stated that the families tell him that the students are not only growing academically, they are growing in character and are just great kids. Mr. Richardson said that the school fulfills both academic and character needs. Mr. Richardson said those who come out of Regents School will be great kids.

Mr. Brian Johnson addressed the Board, stating that he is a resident of the Flordon neighborhood in the Jack Jouett District. The neighbors who are present are not present to talk against the school; they are concerned about the safety issues related to the traffic problems that the options will create, particularly option 2. He said that those who are present in opposition to the special use permit amendment and the critical slopes waiver are focused on the safety issues related to the Broomley Road driveway. Mr. Johnson stated that if someone makes a left-hand turn onto Broomley heading down toward the bridge, there is only about a second or second and a half to make a decision as to stopping if someone pulls out in front of you – and that is not addressed in the traffic study. He said that it is a real safety issue to put the driveway that close, as there are people making left-hand turns heading uphill, and car traffic coming down Broomley Road. Mr. Johnson said that the other concern he has is that the driveway placement is being driven by the fact there will be bridge construction, and if that was already in place they could just move the driveway further down the hill to make it safer and have more clearance. He stated that if the Board is going to make a decision to expand the school, the only responsible thing to do is option 1, because it protects those who are using Broomley Road. If the Board cannot do that, he said, residents would urge them to keep the enrollment where it is and hopefully have the school transition soon to a new location.

Mr. Tommy Everett addressed the Board, stating that he is also a Flordon neighborhood resident, and emphasizing that this is a safety issue and a process of the Board of Supervisors. Mr. Everett stated that he is a former board member of the Pantops Montessori School and is a CPA, and he understands Regents’ situation – but it is a school and a business, and to sustain itself it has to grow, with that growth causing problems. He said that the original special use permit was in the 45-person range, and it will eventually reach 130 students with 150 total people including staff, a three-fold increase. Mr. Everett stated that the incrementalism is what is causing the safety issues. He said that he was not aware of option 1 until this meeting; Broomley Road is a “C” level of service. He stated that there is only 100 feet to stop coming down the hill, and this would be a real issue when there is ice on the road, with Broomley Road being notorious for not being plowed very much. Mr. Everett said that this is a T-bone accident situation waiting to happen, and residents would hate to see kids in vehicles getting hit from the side. He stated that option 1 is the best choice to resolve the situation.

Mr. Jim Speers addressed the Board, stating that he is a resident of the Scottsville District and is before the Board as a concerned and caring citizen and a taxpayer in Albemarle County. Mr. Speers said that private education is good for children, their families and the community, especially at a time when public schools are struggling to make ends meet. He stated that as a retired businessman, many of the businesses he dealt with were seeking ways to continue to grow. To have a business that is not able to grow is a “special curse.” Mr. Speers said that any plan that would restrict Regents School’s growth is giving them that curse to deal with going forward. Regents School is a young business and he urges the Board to approve a plan that will allow them to grow.

Mr. Jared Christophel addressed the Board, stating that he is a physician at UVA. He stated that he and his family moved here four years ago from Minneapolis after he finished his training. He said that enrolling their two oldest children at Regents has been the most substantial part of their lives. He added that he also serves on the schools' board of directors. Mr. Christophel said that they are a growing school, and it is important to maintain this quality of education – especially at this price point, which is one-third of what other private schools charge in Charlottesville and Albemarle. He stated that the school has a viable product, but still needs some runway in order to continue to grow and take off – and to be limited in that would severely restrict them. Mr. Christophel urged the Board to make the safest decision for the entrance and exit out of the property. He thanked the Board for its consideration.

Mr. Alvin Edwards addressed the Board, stating that he is Pastor of Mount Zion First African Baptist Church and is a resident of the City of Charlottesville. Mr. Edwards said that he supports Regents School and is a firm believer in quality education. He urged the Board to do what was necessary to make it safe for students and help to guarantee a good education for other students.

Mr. Kevin Lee addressed the Board, stating that he is a resident of the Flordon Subdivision in the Jack Jouett District and stands in support of Regents School. Mr. Lee said that this is the first he has heard of option 1, and he encourages the Board to embrace that as the Broomley Road option does not seem like something they want.

Mr. Vaden Warren, a resident of Flordon, said he would like to applaud Regents School for their success. He said that as a father of a nine and eleven-year-old, he understands the importance of finding a good school that's a good fit for your children, but he is very concerned about having a driveway onto Broomley Road. Mr. Warren said that traffic typically comes west on Route 250, and makes a right onto Broomley Road, and those cars are traveling at 25-35 mph if the light is green when they make the turn. He stated that the average stopping distance for a vehicle going 35 mph is approximately 135 feet, and that does not allow much stopping distance there. Mr. Warren said he is concerned about the safety of his own family, as well as the families who use the school. If they are granted expanded enrollment he would like the Board to consider option 1.

Ms. Kristen Brockmeier addressed the Board, stating that she also resides in Flordon. She stated that there is a misconception that neighbors do not support the Regents School. Ms. Brockmeier stated that this is completely a safety issue for her family and the neighborhood, and she feels that it will be very dangerous – with all of the special waivers speaking for themselves as to why it is not safe. She said that there is a reason the rules are in place, and that is to protect people because it is dangerous. Ms. Brockmeier urged the Board to consider the first option, as it resolves a lot of the neighbors' concerns and the unwanted traffic on Broomley Road. She said that anything that is done will be permanent, while the school will only be there a few more years.

Mr. Ben Maiden addressed the Board, stating that he is a resident of the Samuel Miller District and the father of rising 4th and 6th graders at Regents School, and where he also hopes to enroll his kindergartener next year. Mr. Maiden said that Regents is a "veritable machine" for turning out good citizens and conscientious members of the community, with invaluable classical and Christian virtues cultivated among students. He stated that two of the virtues cultivated there are hospitality and neighborliness, and he knows that there is a deep commitment by the school to those things. Mr. Maiden said that the last thing they want to do is be adversaries to the neighbors, and they are doing all they can to minimize the traffic issues there.

Mr. Don Woodsmall addressed the Board, stating that he is a resident of the Dunlora community and has been a real estate lawyer and a developer for 33 years. He encouraged the Board to support the expansion of the school. He noted that with 130 students, the school is saving the County between \$1.3 and \$1.9 million every year because those students are not enrolled in the public school system at a cost of \$10,000-\$15,000 per child. Mr. Woodsmall said that the benefits to the County both financially and spiritually are enormous, and the cost is minimal. He stated that he has made the turn off of Route 250, and he is never going 25 mph – with plenty of room for cars to stop. Mr. Woodsmall said that if the cars have to queue to wait, they must do so on the school property at their own disadvantage. He encouraged the Board to approve the permit.

Mr. Danny Baer addressed the Board, stating that he is a resident of Carrsbrook and a self-employed contractor. He often spends his time helping many nonprofits in the area. Mr. Baer said that both of his children are enrolled at Regents and if it means children will be safer, they will go the extra driving distance. Mr. Baer said that he and his wife pay County taxes and believe in it overall, but made personal choices to use Regents and hopes the Board will help make this happen.

There being no further public comment, the Chair asked the applicant to make a final comment.

Mr. Boyd asked staff if the applicant had considered the preferred option 1, because that seems to be a win/win approach.

Ms. Long stated that the applicant is committed to working with the Board and the neighbors to find a solution that works for the school. She said that she has discussed with staff a compromise that would work for the community and the school, and staff's concern is that reducing left turns out of the site

at Route 250 requires people to go down and find a U-turn – which is not an optimal solution for expanding an existing use. Ms. Long said that staff has said that van pools are not an enforceable option, and while those solutions are not ideal for the long term, they may suffice since this is not a permanent location for the school. She stated that Mr. Baer expressed that they are already making a commitment and a personal sacrifice to drive their children to school, and driving an extra half mile to make a U-turn probably is not an issue for them, although she realizes that it is an issue for staff. Ms. Long said that the school has offered other suggestions, but none yet have been identified as perfect solutions.

Ms. Mallek asked if the school had made an arrangement for a public safety officer. Ms. Long said that the head of school has been working with the County Police Department, and there is a process by which you can apply and contract with the police to do that. She said that the applicant is more than willing to do that, but there is concern that a police officer in the road will hold up traffic – as is done at Western Albemarle and Henley Middle Schools – and cause more delays. Ms. Long said that if the goal is to prevent left turns, the modified pork chop seems like a good option. She said that they have also talked about having a parent volunteer to remind people they must turn right.

Mr. Boyd said that the first question is whether the County has the right to approve option 1, and whether VDOT would be okay with it.

Mr. Davis stated that Mr. Benish and VDOT should probably speak to the U-turn movements and the enforceability of the van pool, noting that Ms. Long's proposed condition is not very specific. He said that condition #10 proposing that the special use permit run with the applicant rather than the property owner is not something the County can legally require under the established case law, because special permits run with the land, not with the applicant. However, if that condition were imposed and not appealed within 30 days, it would be a final condition and no one would have standing to challenge it. Mr. Davis said that what has been done in the past is imposing an expiration date for a special use permit, and if it needed renewal an applicant would have to go back through the special permit process, and that would limit the term of the enrollment increase with a future opportunity to revisit it to see if conditions were appropriately addressed.

Mr. Boyd asked if that change in conditions would require the Board to hold another public hearing. Mr. Davis responded, "no".

Ms. Mallek said that it would be an automatic renewal as long as all the conditions were met and all the same players were involved. Mr. Davis said they would have to have an expiration date that would require the applicant to go back through the process.

The Chair closed the public hearing portion of the meeting.

Recess. At 8:41 p.m., the Board recessed its meeting, and reconvened at 8:54 p.m.

Ms. Dittmar stated that the Board's task tonight was to consider a special use permit to increase enrollment, and secondarily to consider a critical slopes waiver if they are looking at the Broomley Road option.

Mr. Davis clarified that the special use permit can be either approved or denied. If it is approved it can be approved with reasonable conditions. Should the Board approve the permit, staff has proposed nine conditions. He said that the applicant has proposed option 1 and option 2, which have conditions that staff would likely want to modify depending on which option the Board selects. Mr. Davis stated that if the Board does not feel the increased enrollment could be adequately addressed by conditions, the alternative is to deny the special use permit request. He said that the critical slopes waiver involves a separate issue from this application, but it is required if there is going to be an entrance onto Broomley Road – and that application is by the property owner, not by the school. Mr. Davis stated that an entrance could be approved as part of a site plan amendment that has been filed if the critical slopes waiver is granted by the Board. He said that the determination of whether to grant the waiver is based on certain criteria set forth in the ordinance, one of which is that the special exception would be required for the purposes of the Zoning Ordinance, or otherwise serve the public health, safety or welfare. If the Board does not make that finding, then it would be appropriate to deny the critical slopes waiver, which would not allow the entrance to be approved as part of the site plan amendment proposed by the property owner. If the Board finds there is grounds to advance the ordinance, he said, the environmental criteria has been deemed by the Engineering Department to have been met – and under that circumstance the Board could approve the critical slopes waiver – which would allow the site plan amendment to be approved for that entrance. Mr. Davis said those are the two decisions before the Board, although there are a lot of variations to consider. Depending on the Board's findings, there are grounds for the Board to approve or deny the special use permit based on whether they find the impacts can be adequately addressed.

Ms. Palmer asked what order the Board should take the two items in. Mr. Davis said the special use permit should be addressed first and that staff's recommendation initially – unless the traffic issue for

Route 250 was addressed – was for denial, because the increased enrollment would cause additional traffic that would exacerbate the entrance movements onto Route 250. He stated that Mr. Benish can further address staff's position on the Broomley Road entrance option, because that is the essence of what is before the Board.

Mr. Benish said that planning and engineering staff feel that the modified pork chop eliminates the left turn conflicts occurring at the existing entrance and provides for an adequate entrance that functions properly that provides access to the site to a controlled intersection. It also eliminates the concern of the resulting U-turn movements that the modified pork chop would create – and that is why staff recommended that as the best option.

Mr. Boyd asked for clarification that the modified pork chop as a special condition would allow the application to get staff's approval. Mr. Benish said that staff's proposal, which includes the Broomley Road entrance, is one that eliminates the concern with the modified pork chop as the sole traffic control measure. He said that is why the Broomley Road entrance was proposed – to help address the U-turn movements that would be created by that modified pork chop limiting the left-turn movements, which account for about three-quarters of all traffic movements. Mr. Benish stated that the concern with the modified pork chop alone is that it generates U-turn movements, which would be needed for people traveling west but wanting to travel east because they would have to find a place to turn around. He said that they are not within the VDOT right of way, unlike Route 29 or Route 250 west where there are medians or better controlled locations in some situations – and there are not really any good intersections that allow for a U-turn. The Broomley Road/250 West intersection does not accommodate that turning movement. He said that the applicant's proposal is to identify sites where U-turn movements can be made, which is a good effort, but there is no way for staff to enforce that or ensure that people will use those. Mr. Benish added that the special permit runs with the land, not the school, so a future business would be bound to these same unenforceable conditions – and the modified pork chop creates that U-turn demand. He said that as a general rule, bus service can address traffic growth that might occur – but this proposed condition does not have any particular minimums for capture, and it is difficult to guarantee that you will capture that amount of traffic so the benefit is unknown. Mr. Benish said that having a van pool in place might be a benefit, but there is no way to enforce that.

Ms. Dittmar commented that there is not currently an accident problem along that stretch, but the concern is that increasing cars might cause that – and there is no way to quantify reducing cars.

Mr. Benish said that the existing condition has the time delay already associated with it, but the van pool might at least mitigate that and/or mitigate the growth that would occur from going from 83 to 130 – which is almost 50 students. As proposed, he said, there is not a guarantee that there would be a certain amount of capture, and it is difficult to enforce that performance anyway.

Ms. Palmer said that she has spent an incredible amount of time looking at this, and she appreciates all the emails to the Board and the work the school has done on this. She stated that she has no doubt that Regents is a wonderful school, but this is not about that – it is about safety, and it always must be about safety. Ms. Palmer said that she drives this road regularly and also comes down Old Ballard a lot, waiting in a queue just to get across the bridge because of people coming out of Flordon – and she questions how quickly those cars would get out of the entrance onto Broomley Road. She stated that she tried to make a left-hand turn out of the church at 10:30 a.m. when there was almost no traffic at all, and she was amazed at how poor the sight distance is – and she feels it is probably quite dangerous. Ms. Palmer said that she also got an email from a parent who was on traffic detail at the school, and he said there have been many near misses out there although the school and its families are vigilant about making sure there is someone there at all times to ensure the safety of the students. She stated that initially she thought the Broomley Road entrance could potentially work and could improve the safety of the area, but there is a bridge going in and the corridor will probably look much different after that happens. She added that she would not approve the Broomley Road entrance at this time. Ms. Palmer said that they do not want to put in an entrance they have to live with that is in the wrong spot, and they may be creating something very dangerous that will be there for years – so they could look at this at a later date and put the entrance further back if they chose.

Ms. Palmer said that she is also having a difficult time with option 1. The Anglican Church came to the Albemarle County Service Authority when she was on that board and asked for removal of a waterline because they were trying to put in a turn lane – and a number of parishioners came in and told the ACSA how dangerous it was to try to turn into that church heading west. She stated that she would not want anyone turning around there, and there was a crash somewhat recently there. Ms. Palmer said that the road in front of the antique shop is only two lanes, and there is not a way to turn around – and staff has indicated that it is not enforceable, along with being very far down the road. She stated that she understands the school's need to grow, especially to accommodate siblings, so this is a struggle. She wondered if there could be a van with just the siblings, although she is concerned about enforcing that. Ms. Palmer emphasized that this is not a great place for this school – it is a dangerous stretch, it is old zoning from the 1960s, it is in the rural areas, the roads cannot take it, and she is afraid someone is going to get hurt.

Ms. McKeel asked how other private schools handle siblings.

Mr. Sheffield said that other schools often create a placeholder when they know siblings are coming up, and build those numbers into future enrollment so that they only take a certain number of new applicants in order to accommodate the siblings.

Ms. Mallek asked if the traffic generation numbers were based on total people, or on families, because a large percentage of siblings would greatly change the traffic dynamics. Ms. Long said that she believes that the traffic study was more vehicle-based, and one note in the traffic study pointed out that upon visual observation, many vehicles entering the site had two to three students in the vehicles.

Mr. Justin Shimp, the Project Engineer, explained that the traffic count is done two ways – one based on standard trip generation, and one looking at a prorated increase of who is already there. He said that if there were more siblings coming in, there would be fewer cars than projected in the study.

Ms. Dittmar asked how many Supervisors want to discuss a Broomley Road entrance to see if they could focus on it or eliminate it, and then they could discuss the disparate options.

Mr. Sheffield said that if Broomley Road is required, he does not support the expansion because he does not support use of that road – specifically because there is a better opportunity to create the entrance once the bridge is built.

Ms. McKeel stated that the new bridge will go out to bid in December, so the construction will start fairly quickly and will take 18 months – so that area would look very different. She said that approving an entrance onto Broomley Road would be very short-sighted, because it is possible they could end up with an entrance VDOT might not approve, or would not be safe, so it is just not the time to be putting an entrance there.

Mr. Boyd said that he could not support Broomley Road due to concerns over the safety of neighbors there.

Ms. Mallek said she would like to focus on option 1.

Mr. Boyd said that he would like to hear VDOT's opinion of the pork chop approach.

Ms. Dittmar said that if they take Broomley Road off, they take critical slopes off and consider whether to increase enrollment and what options they want to put into a requirement.

Mr. Cilimberg stated that the critical slopes waiver is associated with a site plan amendment, which can occur without the special use permit, so the Board will need to act on that waiver as well.

Mr. Austin said that the pork-chop option addresses the primary concern with the existing entrance, which is the left turns out of the site, and it prohibits those. He stated that the majority of vehicles leaving the site are wanting to travel back towards Charlottesville, and the vehicles leaving have several options as to how to do that regardless of whether there is an agreement or not. Mr. Austin said they can use Dick Woods Road and take the interstate back to town, or use any other public entrance that is a safe turnaround to pull off the right of way – unless the landowner prohibits it. He stated that VDOT does not want to see drivers make a U-turn within the right of way, although it does happen.

Mr. Boyd asked for confirmation that putting a pork chop in so that you could not turn left would not create a problem as far as VDOT's approval of the entrance. Mr. Austin confirmed that was the case.

Ms. Palmer asked for staff's opinion on using the antique shop. Mr. Benish said that it would be a U-turn movement on a high volume road, and he has not looked yet to see if there is a left-turn lane in that area.

Ms. Long said that Mr. Shimp pulled up a Google map image that showed there is a left-turn lane there at the store.

Ms. Mallek said that the Field School has used a bus very successfully, with more than 60% of students riding it, and it seems that having a van pool for Regents is a viable option. She stated that in the 1960s, there was a nightclub and theater in that spot, and there were dozens of cars there late every night – so it has a long history as a commercial site as well as an office facility. Ms. Mallek said that she is trying to find an improvement to a current situation that does not make it worse in the future or force something to revert to something which would be a whole lot worse. She stated that she found condition #10 to be appealing, because it runs with the applicant and not the land, so if there is a way for the Board to impose a sunset clause on the permit that would accomplish the same objective.

Ms. McKeel stated that this is a conundrum because there is an old zoning designation that is in conflict with the Comprehensive Plan and the intent to keep the rural area rural. She said that the Planning Commission noted that it is debatable whether the proposed increase in the school's enrollment would constitute a small-scale use as recommended in the rural areas chapter. Ms. McKeel said that her concern is that Route 250 is already full and congested, especially at the peak times, and she is concerned about increasing enrollment because of the traffic and safety issues. She stated that it seems

to her that requiring so many conditions indicates that perhaps this is not the right spot, and she is concerned about improving an increase in enrollment at this time.

Ms. Dittmar said that her understanding is that a condition that prohibits left-hand turns and encourages van usage might actually yield a reduction in the number of cars. She asked how it would be handled for the Board to put in stipulations that are enforceable.

Mr. Davis stated that in a special use permit process, the Board has authority to impose reasonable conditions, so they can construct whatever conditions they think are necessary to address the impacts of the proposed increase in enrollment. He said that staff has proposed some conditions, and the applicant has proposed some alternate conditions for an approval. The condition that prohibits the left turns out are not problematic to staff. The condition regarding van pools does not have any teeth in it. Mr. Davis stated that Mr. Cilimberg was going over the condition required with the Field School application, and that required 50% of the students to be bussed, Monday through Friday, morning and evening – which is far more specific than saying, “There will be van pools.” Mr. Davis said that if the Board felt that was an important part of the approval conditions, staff would need to discuss with the applicant what could reasonably be expected and put those in specific terms in the condition to address that. He stated that staff’s recommendation would be that if they are going to try just the right-turn movement, having an expiration date on the permit would be advisable because they would have an opportunity to correct the situation if it did not work out appropriately. Mr. Davis said that the expiration date could be any timeframe, and that would be an enforceable condition. The condition proposed by the applicant that was tied to the applicants no longer using the private school for a period of 120 days, is not an enforceable condition under Virginia law. He said that if any condition is not challenged within 30 days, those conditions become final, and no one would have standing to oppose it at that time – so it could be an enforceable condition if it was not challenged, but that is not something staff would recommend the Board do.

Ms. Dittmar asked if the construction of the bridge at Broomley Road would mean that no traffic would come through there at all, which would mean less traffic overall.

Ms. Palmer said that is not necessarily the case because it would depend on how they divert the traffic. She stated that VDOT is talking about putting a light at Owensville Road and diverting it there, so some people would come out of there and go to Garth Road, but some would come to Owensville Road and get back on Route 250 or try to get on I-64.

Ms. Mallek said that what Ms. Dittmar was saying is that between the railroad tracks and Route 250, there would be no traffic quite a lot of time.

Ms. Palmer stated that it does not mean there will necessarily be a lot less cars on Route 250. She said that while she would love the school to use a van, the County cannot enforce it. She said that she would be willing to implement the modified pork chop, and have the school take the 11 kids on the waiting list, using the turnaround at the antique shop – and allow the permit for three years, encouraging the school to find a new site.

Ms. McKeel asked if a condition would be needed to stipulate that the enrollment increase does not follow with the property. Mr. Davis said that the entire special use permit could have an expiration date. Regents School is proposing that if they vacated the property for 120 days, the permit would expire –but that would be tying it to the applicant and not the property, which is not enforceable under Virginia law. He stated that one way to tie the enrollment to the students who are currently on the waiting list would be to increase the maximum enrollment to 98 students, along with the other condition implementing a right-turn out only traffic movement. Mr. Davis said this would address the school’s immediate need and would address to some extent the safety conditions of the entrance, and the Board could still add the condition of the van pool knowing it is not enforceable. He stated that the Board could then determine whether a time limit for the special use permit would still be desired, which would signal the school that there was only a limited amount of time under which they could operate the school under those circumstances.

Ms. Palmer said that the school’s plan is to find a new site in the next two years, which would give them ample time to incorporate the kids currently on the waiting list and to find a new site.

Ms. McKeel and Ms. Mallek expressed concern that the timeframe was too short.

Ms. Palmer said that her idea was three years.

Mr. Sheffield said that going with two years would give them time to see if the van pool strategy is working, and that seems to be a reasonable time to measure the success of some of the traffic strategies.

Ms. Palmer said that she just does not think this is a good place for a school. There are other things the building could be used for where not all the traffic would come in during the morning and leave all in the afternoon.

Mr. Boyd said he is prepared to make a motion.

Ms. Mallek asked if there was interest among fellow Supervisors to ask the school to document the percentage of students carpooling and the number of vehicle trips per day, then the Board could grant them increased enrollment toward their 130 for the year after based on success achieved through their mitigation measures. She stated that looking for a new site is difficult and takes longer than everyone thinks it will.

Ms. McKeel and Ms. Palmer said they were not willing to support that, expressing concerns about putting more traffic onto Route 250 and the need to encourage the school to find a new site.

Ms. Dittmar said that she was willing to explore Ms. Mallek's proposal, because their strategies may result in fewer cars. Broomley Road will not be in use for approximately 24 months – which will help give the applicant time to find another site. She asked if the school could comment on what enrollment number would accommodate just siblings.

Ms. Courtney Palumbo addressed the Board, stating that this year, six out of seven kindergarteners are siblings; the following year, there are eight kindergarteners that are siblings – so they estimate about 15 students added every year. She stated that with the sibling factor, and factoring in students who do not return to Regents, they would be looking at an additional seven cars per year for the next two years. Ms. Palumbo said that they are already looking for a new spot and hope to be there in two years, but deals fall through and they need to increase enrollment to increase their ability to raise money and then move.

Ms. McKeel asked what the enrollment was when the school started. Ms. Palumbo said that they started with seven students, but from this point forward the school is looking at 12-15 new students a year – not doubling.

Ms. McKeel pointed out that the enrollment would be 130 though. Ms. Palumbo said that they are thinking 115 the second year, 130 the third year, and the school would like to not keep coming back to the Board as it is expensive and time-consuming.

Mr. Sheffield said that he understands that concern, but two years gives a chance to measure the success of traffic mitigation. There is also the possibility of having a new Board who does not know the history. Ms. Palumbo said that the original concern with the traffic was that the increase in students would increase the stacking, and her understanding is that just turning right would fix the problem – and the van pool was just an additional gesture from the school to help address any traffic problems. She stated that safety is an unquantifiable thing here, because there have not been any problems.

Ms. Palmer clarified that the lack of traffic on Broomley Road during construction does not necessarily affect the ability to make a left-hand turn out of the site, because it may not change the traffic on Route 250.

Ms. Dittmar said that she understood that, but there is a flow of traffic coming up Broomley Road in the morning that would no longer be there while the bridge is under construction.

Mr. Davis presented the 10 conditions before the Board from the applicant as option 1. He said that there are three decision points the Board needs to make in order for those conditions to be something staff would be comfortable with. The changes shown in condition #1 are acceptable to staff. For condition #2 the Board would need to determine if it wants a maximum number of students based on the fact there would be no left turns, with this proposing 98 students in the 2014-15 school year and 130 in the 2015-16 school year and thereafter. He said the Board could also put an absolute number that would be effective going forward, in order to address the traffic impacts. Mr. Davis said that condition #3 is acceptable, but staff continues to have concerns about the U-turn movements going into properties.

Mr. Boyd asked if it has to even be in there. Mr. Davis said that it does not, and it would be hard to enforce that condition.

Mr. Cilimberg suggested not including it.

Mr. Boyd suggested striking condition #3.

Mr. Davis said that condition #4 regarding the van usage does not have any teeth in it, but is a good faith effort on the part of the school. He stated that with condition #10, staff recommends that the special use permit expire on a certain date, and three years out would be August 13, 2017. He stated that the revisions would mean nine conditions, and the proposed resolution would incorporate those by reference if it were approved.

Mr. Benish said that he would recommend an expiration date of at least three years, because it takes an amount of time to bring a special use permit forward, which cuts into the second year, and it takes a number of years to find a site.

Ms. Mallek said that someone made a comment about not being able to get feedback on the success of the mitigation measures, but that will come immediately because everybody will be watching the site. She added that she still proposes five years for expiration.

Mr. Davis said that if the condition is five years, the impact may be immediately known but there is nothing the Board can do about it until the expiration date in five years.

Mr. Sheffield stated that his concern is that the Board would have to wait five years to be able to do anything if there is an issue, whereas two years would allow them the ability to check in.

Mr. Boyd asked if they could put an automatic renewal in so it would extend for another three years beyond an original two. Mr. Davis said the Board could not because this is a legislative act and they would have to go through the legislative process to extend it.

Ms. McKeel said that she appreciates the work of the school and the efforts to try to help them out, she does not feel that it is an appropriate place for the school, and thus cannot support an increase in enrollment for safety reasons and the potential of putting more cars on Route 250. She added that all of the conditions indicate to her that it is not an appropriate place for the school.

Mr. Boyd **moved** to adopt the proposed resolution to approve SP-2014-005 with the nine conditions as proposed., with an expiration date of August 13, 2019. Ms. Mallek **seconded** the motion.

Ms. Dittmar asked if Mr. Boyd would consider dropping that by one year, although two years is too short.

Mr. Boyd **amended** his **motion** to make condition #9 expire on August 13, 2018.

Mr. Sheffield said that he would be more comfortable with three years, and said he is concerned about being able to see results with the things the County can enforce – and there will also be the work on the bridge.

Mr. Boyd stated that it is not like it is a brand new school; it has been there for a while.

Ms. Dittmar asked Ms. Long or Ms. Palumbo to comment on the three-year timeframe.

Ms. Long stated that it is not just about finding the new school; it is about finding the location and working through this process all over again with that site. In many zoning districts a private school requires a special use permit, so they need to allocate enough time for that, the site plan approval process, possibly the ARB approval process, and a construction time period if necessary. She said that five years is preferred but they could probably live with four years. There is a lot of future planning that goes into running the school. Ms. Long said that 130 is 32 more than the number of adding just what is on the waiting list now, so the number of 98 would not accommodate any future growth; 26 of the 32 students are siblings, so there would be a maximum of six new vehicles. She stated that she is open to some options of a check-in period, and the school could provide activity logs of traffic, U-turns, van pooling, etc. She said that there is no guarantee people will use the van option, but when things are made to be convenient, people take advantage of them.

Mr. Sheffield said that he is not using three years for the school's relocation, he is using it to measure the effectiveness of the safety mitigation – and the shorter the time period, the sooner they can evaluate that. He also stated that he would like the time period to cover a point where he can take responsibility for the decision, and in four years he may not be there.

Mr. Boyd said that he would be willing to modify his **motion** to change condition #9 to be three years.

Mr. Davis clarified that the condition would read, "SP2014-005 shall expire on August 13, 2017."

Ms. Mallek **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

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

NAYS: Ms. McKeel and Ms. Palmer.

Mr. Davis said the matter before the Board now is the critical slopes waiver. Staff has also prepared a resolution that would set forth the basis to deny the waiver, should that be the finding of the Board.

Ms. Mallek said that in previous applications the Board was told that access to a property would be exempted from the critical slopes issue, and asked why it is not exempt in this case. Mr. Davis said

that this property already has an access, and confirmed that if this was the only access the process would be exempt.

Ms. Palmer asked if the owner of the property could come in and put in the entrance, if the Board were to approve the waiver. Mr. Davis said that the owner could. This process is a site plan amendment that is a ministerial approval – so if it was approved and VDOT approved the entrance, the property owner could connect to Broomley Road with the site plan amendment. He said that it cannot happen without the critical slopes waiver, and in order to approve it the Board must make a determination that it serves the public health, safety and welfare. The record demonstrates that has not been established.

Mr. Boyd asked for confirmation that the resolution to deny the critical slopes waiver does not keep them from increasing their enrollment. Mr. Davis responded that it does not.

Mr. Shimp said that the applicant would like to request a withdrawal of the consideration of the waiver at this time.

Mr. Davis said that if it is withdrawn, the site plan would have to be denied.

Mr. Benish asked if the applicant was requesting withdrawal of the site plan, which is for the entrance.

Mr. Shimp said that he would withdraw the entire site plan as long as they do not need one for the pork chop arrangement.

Mr. Boyd suggested just denying the critical slopes waiver.

Ms. Palmer **moved** to deny the critical slopes waiver. Ms. McKeel **seconded** the motion.

Mr. Davis said that a denial of the critical slopes waiver would be a final decision on the critical slopes issue for purposes of the major site plan amendment that is before the staff for administrative approval, and unless the site plan was modified to no longer show the entrance, it could not be approved.

Mr. Shimp said that they will just modify the plan to reflect that the critical slopes will no longer be disturbed.

Mr. Benish said that the essence of the action means that the site plan before them has to be modified or it cannot be approved, and it is just a matter of resubmitting minus the entrance location.

Ms. Long said that her only concern is the timing, because the condition as approved is to install the pork chop within 30 days – and if they withdraw the amendment and then resubmit it based on the review schedule, it is probably impossible to get a brand new one approved in time to get the construction done.

Mr. Benish said that the action for denial of the special exception will require a revision anyway because it cannot be shown on the site plan. He stated that this change will not create a significant review; they just need to make sure the erasure does not cause other mistakes. He confirmed that there is no need for another site review meeting.

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

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

NAYS: None.

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

RESOLUTION

WHEREAS, Christian Aid Mission is the owner of Tax Map and Parcel Number 05900-00-00-023G1 (the "Property"); and

WHEREAS, Christian Aid Mission filed applications to amend its site plan to establish an entrance on Broomley Road and to obtain a special exception identified as SDP-2014-00046 ("SDP-2014-46") to disturb critical slopes in conjunction with the construction of the entrance on Broomley Road; and

WHEREAS, the Property has an existing entrance on Route 250; and

WHEREAS, it is premature to evaluate an entrance on Broomley Road until the Broomley Road bridge over the railroad tracks abutting the Property is replaced; and

WHEREAS, establishing a second entrance on the Property would facilitate more intensive use of the Property and would not improve the level of service on this segment of Broomley Road; and

WHEREAS, the Property is zoned Commercial Office (CO) but is designated as Rural Area in the Comprehensive Plan (the "Plan") and facilitating the intensification of the use of the Property is contrary to the Plan's policy of preserving the rural character of the County's Rural Area, and, in considering the scale and intensity of the use of the Property, is contrary to several of the guiding principles for the Rural Area including, but not limited to, protecting and enhancing the rural quality of life for present and future Rural Area residents.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared in conjunction with SDP-2014-46, which is Attachment C to the executive summary for Special Use Permit 2014-00005, also considered on August 13, 2014, and all of the factors relevant to a special exception to disturb critical slopes in Albemarle County Code §§ 18-4.2.5 and 18-33.8, the Albemarle County Board of Supervisors does not find that disturbing the critical slopes as proposed would forward the purposes of Chapter 18, Zoning, of the Albemarle County Code or otherwise serve the public health, safety or welfare, and it hereby denies the special exception to disturb critical slopes in conjunction with SDP-2014-46.

Mr. Davis pointed out that condition #1 of the approved special use permit ties the special permit to the site plan that was approved on July 14, 1994. If this amended site plan is required to show the pork chop as a right-turn restriction, then the site plan will no longer be the appropriately referenced site plan. He explained that it would prohibit Regents from doing the right turn amendment on a site plan, so if staff is determining that the site plan amendment would be required to implement condition #2, the Board may need to have a motion to reconsider and amend condition #1 to properly reference any amended site plan that is necessary to establish the right turn only movement.

Ms. Mallek **moved** to reconsider SP-2014-005. Mr. Boyd **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

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

Mr. Davis said there needs to be a motion to approve the resolution with the attached conditions as previously described, with an amendment to condition #1 to say, "Any other buildings or site changes, except for those required by the conditions of this permit, beyond those shown on the approved site plan titled..." with the rest of it to read the same.

Mr. Boyd **moved** to adopt the proposed resolution to approve SP-2014-005 subject to the nine attached conditions and an amendment to condition #1. Ms. Mallek **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

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

(Note: The adopted resolution and conditions of approval are set out below:)

RESOLUTION

WHEREAS, Christian Aid Mission is the owner of Tax Map and Parcel Number 05900-00-00-023G1 (the "Property"); and

WHEREAS, the Regents School of Charlottesville ("Regents School") operates a private school on a portion of the Property pursuant to Special Use Permit 2013-00010 ("SP-2013-10"), which in Condition 2 limits the maximum number of students and school personnel to not more than ninety-six (96); and

WHEREAS, Christian Aid Mission and Regents School filed an application to amend SP-2013-10 to increase the maximum number of students and school personnel to one hundred thirty (130), which application is identified as Special Use Permit 2014-00005 ("SP-2014-05"); and

WHEREAS, on June 3, 2014, after a duly noticed public hearing, the Albemarle County Planning Commission recommended disapproval of SP-2014-05, primarily because the increased enrollment would cause additional unsafe turning movements exiting the Property onto Route 250 in the morning due to excessive delays (the "Traffic Safety Issue"); and

WHEREAS, on August 13, 2014, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP-2014-05; and

WHEREAS, the Traffic Safety Issue is adequately addressed if the Regents School is served by an entrance on Broomley Road because the Broomley Road-Route 250 intersection is served by a traffic signal; and

WHEREAS, after the Planning Commission's June 3, 2014 recommendation on SP-2014-05, Christian Aid Mission filed applications to amend its site plan to establish an entrance on Broomley Road and to obtain a special exception to disturb critical slopes in conjunction with the construction of an entrance on Broomley Road.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the executive summary prepared for SP-2014-05 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code § 18-33.8, the Albemarle County Board of Supervisors hereby approves SP-2014-05, subject to the conditions attached hereto.

CONDITIONS OF APPROVAL

1. The school is limited to the existing administrative building and grounds, as shown on the concept plan (Attachment A). All parking for the facility shall be located in areas designated on the concept plan as P1, P2, P3, P6, and P7. Any additional buildings or other site changes, except for those required by the conditions of this permit, beyond those shown on the approved site plan for SDP-1992-052 titled "Christian Aid Mission Administration Building" prepared by William W. Finley and date approved July 14, 1994 require an amendment to this Special Use Permit;
1. The entrance from Rte 250 shall be reconfigured to prohibit left turns out within thirty (30) days of approval of SP-2014-00005, and the maximum enrollment shall not exceed ninety-eight (98) students in the 2014-2015 school year, and one hundred thirty (130) students in the 2015-2016 school year and any subsequent years;
2. The permittee shall implement and maintain van pools beginning with the 2014-2015 school year;
3. All students shall be over the age of two and one-half (2 ½) years old;
4. The hours of operation for the school shall be between 7:45 a.m. and 4:00 p.m., except that occasional school-related events may occur after 4:00 p.m.;
5. No food preparation is permitted onsite without an amendment to this Special Use Permit to authorize onsite food preparation;
6. The permittee shall obtain an annual fire inspection from the County fire marshal;
7. In no case shall the total number of people (students and school personnel) utilizing the school building exceed one hundred fifty (150); and
9. SP-2014-00005 shall expire on August 13, 2017.

Agenda Item No. 15. Establishment of Economic Development Office.

The executive summary forwarded to Board members states that the FY15 Budget includes funding for the establishment of an Economic Development Office to include a new full time Director position and a new half time administrative support position in addition to the existing Economic Development Facilitator position. The purpose of the review with the Board is to discuss overall direction for the program, high level priorities, and desired initial outcomes for the Office prior to beginning the hiring process for the new Director position.

Major Milestones:

There is has been significant work regarding the establishment of an Economic Development Office over the past several years, including:

- **May, 2012** – The establishment of the Office was identified as an objective in the Board's FY13-17 Strategic Plan.
- **February, 2013** – The preliminary program concept was shared with the Board. Board members supported the general direction of the program and directed staff to hold a roundtable of community stakeholders.
- **March, 2013** – A draft program concept was discussed with community stakeholders at a roundtable.
- **September, 2013** – The Board received the final report on the three year Economic Vitality Action Plan.
- **November, 2013** - The Board supported the process for considering the establishment of an Office, but deferred the final decision until the budget process.
- **December, 2013** – The Board directed staff to initiate an information gathering and education process.
- **January, 2014** – The Board held a joint work session with the Economic Development Authority to review research results and to hear from outside expert(s) regarding the current and future state of economic development.
- **February, 2014** – The Board held a work session, which included an opportunity for public comment, to discuss the proposed Economic Development Program framework, including mission, guiding principles, and program components (See Attachment A).

- **Late February/early March, 2014** – The Board reviewed detailed cost information for establishing an Office as part of the budget process.
- **April, 2014** – The Board approved funding for an Office as part of FY15 Adopted Budget.

Program Framework:

As mentioned above, an Economic Development program framework was developed in consultation with key stakeholders and was reviewed by the Board in February, at which time there was an opportunity for public comment. The program framework acknowledges that a program that allows the County to achieve its vision of being a thriving county as related to economic vitality requires an effective team approach that includes continuing community development department efforts, refocusing on strategic partnerships, and establishing an office to focus on dedicated core functions of economic development. Roles and responsibilities for these three elements are described below:

- **Community Development Department** – Continue focus on strategic land use planning, development review processes, and regulatory reform across various functions of the Community Development Department.
- **Strategic Partnerships** - Refocus the existing Office of Community and Business Partnerships to:
 - 1) increase efforts related to communications/marketing, tourism/agritourism, and public outreach and engagement; and 2) provide leadership in leveraging new and existing partnerships that create opportunities to enhance community vitality and address strategic priorities and challenges.
- **Economic Development** - Establish an Economic Development Office to focus on core functions of economic development not currently being adequately addressed.

The program framework outlines major program components of an ongoing program that would fulfill the County's mission and fit within the larger guidelines of existing County policies, such as the Comprehensive Plan.

Economic Development Office Priority Program Components:

Based on prior Board feedback, staff is providing an opportunity to begin the discussion on prioritizing the major program areas for specific focus of the Economic Development Office during the first two to three years. Staff recommends the following focus areas, focus percentages and related tasks:

Existing Business Retention/Expansion 50%

- Relationship building with key partners, including assessment of opportunities and challenges
- Albemarle's Business First program targeting 150 visitations annually
- Specific focus on critical and/or challenged industries – i.e. defense industry/federal contractors
- Supporting existing business expansion – including sites and buildings/real estate-related work
- Business assistance program for Route 29 construction

New Business Start Ups 25%

- Support to small businesses in negotiating approval and permitting processes
- More focused partnership with UVA to leverage technology transfer/commercialization possibilities and build the entrepreneurial ecosystem

Workforce Development 10%

- Active involvement in the Piedmont Workforce Network
- Engagement with education partners at the secondary and post-secondary levels
- Support workforce training programs tied to target enterprises or key sectors that build employment pipelines for a full spectrum of skill levels

Agribusiness 10%

- Work with partners to expand visibility of local products and build customer base and business profitability
- Leverage state and federal grant opportunities to support agricultural and forestal industry
- Promote/assist business ventures that support agricultural industry

Business Attraction 5%

- Respond to inquiries that come to us directly or that are forwarded to the County by the Central Virginia Partnership for Economic Development and the Virginia Economic Development Partnership

If the Board determines the priority focus areas during this meeting, staff suggests that the information be shared with key stakeholders at a roundtable in early September. The Board may determine that other public comment opportunities should be made available during this time also. Staff would then anticipate coming back to the Board for final comments and direction at the October 1 meeting, after which time the hiring process for the Director would be initiated.

The FY15 Budget provides an increase of \$155,000 to establish the new Economic Development Office for a total budget amount of \$262,089.

Staff recommends that the Board: 1) provide feedback on the priority of the economic development program components; and 2) direct to staff to hold a roundtable of key stakeholders in early

September to solicit input and to provide any other opportunities for public comment the Board deems appropriate.

Mr. Sheffield recognized Ms. Lettie Bien of the Economic Development Authority, who was present at the meeting.

Ms. Lee Catlin, Assistant to the County Executive for Community and Business Partnerships, said she and Ms. Susan Stimart, Economic Development Facilitator, will discuss with the Board overall direction for the newly established economic development program and get feedback on high level priorities and desired initial outcomes for the office, prior to beginning the hiring process for the new director position. She referenced a list of milestones that have occurred over the past few years in getting the program up and running. She pointed out that a lot of significant work has been put in by the past and current Boards as well as members of the public. Ms. Catlin said a roundtable was held in March 2013 along with numerous Board discussions. After the new Board took office in 2014, she said a joint work session was held with the Economic Development Authority as well as a work session with outside experts in which the proposed economic development program framework was discussed. She said an opportunity for public input was also provided. She stated that the Board had an opportunity to review detailed cost information during the budget process and, in April, funding was approved by the Board. Ms. Catlin presented the mission statement on the video screen.

Ms. Catlin stated that the economic development program framework, developed in consultation with key stakeholders and reviewed with the Board in February, talked about the need for an economic development program which would allow the County to achieve its vision of being a thriving County, related to economic vitality, and would require an effective team approach. When looking at the desired outcomes of quality development, quality jobs, strong capital investment and an expanded tax base, she said there are a number of players that need to participate in order to make that come about. She stated that the Community Development Department would continue to play an important role, focusing on strategic land use planning, development review processes and regulatory reform in order to encourage the kind of economic vitality put out to the community. She said what was transitioned into the Office of Community and Business Partnerships during the Economic Vitality Action Plan would be transitioned once again to something along the lines of "strategic partnerships," which would refocus efforts on the communications and marketing piece of economic development, tourism, public outreach and engagement, and providing leadership and leveraging new and existing partnerships. She stated that economic development itself would focus on the very core functions of economic development, some of which have not been developed to the extent necessary due to resource limitations.

Ms. Catlin reported that the economic development program framework addresses a number of elements, so the goal for this meeting is to begin the discussion on prioritizing the major program areas that would provide focus for the economic development program once it is established. She said it is important that staff have a sense of the priorities the Board wants to see the energy put into before staff begins a hiring process and to also identify the skill sets which will make the new director successful. Ms. Catlin said staff did not want to get caught up in exact percentages of work priorities but, instead, present the relative comparison of the importance of these different areas.

Ms. Catlin stated that the first category is business retention and expansion, which is the foundation and most important part of efforts to date as well as what the office would continue to focus on. She said there are important needs in the areas of relationship-building, existing business visitation program, anchoring existing industries and supporting their expansion. Ms. Catlin noted that Music Today was recently purchased by Delivery Agent and would become an expanded operation in the community. She noted that the County is currently working on at least nine other potential active expansion projects. She said this generates some need in terms of sites and building work, real estate work, and other facets that will give those businesses the right home to be able to expand in the community. Ms. Catlin said staff feels the business retention and expansion area is one which needs to be addressed in the first several years, and will then become part of an ongoing effort for the economic development office.

Ms. Catlin said another major category is the new business start-up area. She said the County has the opportunity to grow new ventures into successful local businesses, to foster partnerships with the University of Virginia (UVA) and other entrepreneurial entities. She stated that part of this effort is to continue to enhance resources like the Community Investment Collaborative (CIC), Startup Weekend, the Center for Innovative Technology, and UVA Commercial Licensures that are supporting a tremendous number of startups. Ms. Catlin said that the County is currently working with 13 or 14 entities which would be considered startups, and are looking to either launch or to land somewhere successful in the community.

Ms. Catlin said workforce development is something that staff feels needs a significant amount of attention also, although somewhat less than the existing business cultivation and new business startups. Ms. Catlin said staff has had a lot of discussions with the Board about building the pipelines for the full spectrum of skill sets. She referenced a recent e-mail that Mr. Boyd had sent which was very much on target in terms of the need to match up the job needs of target industries and the efforts by the County to attract, train and retain professionals in those areas, with a focus on growing the talent of tomorrow. She

stated that in looking at pipeline projects in the community in the retail, information and manufacturing sectors, there is demand for quite a number of jobs, and the County needs to be geared up to match that.

Ms. Catlin said another important program component laid out in the framework is agri-business. She stated that many of the needs of agri-business will be met when considering them to be existing businesses or startup businesses but, beyond that, there needs to be some special effort, because agri-business is an element of the economy as well as a strategy of rural area protection. She stated that when enterprises in the rural area are successful in keeping the land in agricultural use, that is an important value for businesses such as the Heritage Harvest Festival and Main Street Agriculture Celebration, the Tom Tom Local Food Expo, and the flash-freezing facility feasibility study all of which need to be supported by the Economic Development Office.

Ms. Dittmar commented that the first two areas of focus were functional, but this is a sector. Ms. Catlin agreed that it was a sector, but it is an important sector to the community and merits a special call-out; it is a target industry and requires a special level of effort which staff wants to ensure does not get lost.

Ms. Dittmar asked what the percentages mean. Ms. Catlin responded that the percentages are what staff suggests are the amount of focus each of these efforts would receive for the first several years of the Economic Development Office's operation.

Ms. Dittmar said there is a mix of apples and oranges here by isolating agri-business. She stated that, in talking about the office itself, a subset of business retention and expansion was time allocation, however, if the County feels that agri-business is important, it can be stipulated that a large chunk of that specific function goes to agribusiness. She said mixing up agri-business with the same heading status as the functional areas was confusing to her.

Ms. Mallek said, at some point, she would like to know what the office would be doing in terms of agri-business, similar to workforce development which, for example, could be enhanced if the County wanted to put more money there for training. Ms. Catlin explained that it is similar to what Ms. Stimart is already doing, such as several of the APHID grants which are out in the community such as Flash Freezing, the Local Food Hub, the Heritage Harvest Festival, etc. She said if it did not make sense to the Board, it could be folded into a functional area.

Ms. Palmer asked if the percentages and categories were intended to help define the scope of the position in an effort to inform the kind of person the County would be hiring. Ms. Catlin said the County would want someone to realize that, when they came into the job, it is an important aspect of economic development which might be different than a traditional economic development approach.

Ms. Dittmar stated that if the County does look at sectors, the County could say there is business development, retention and expansion, workforce needs of that sector or it could be said there are specific functions, with a large percentage of agri-business, etc. Mr. Foley said staff's general approach has been to go functional, as it is a better way to identify the skill set and experience of someone coming in. He explained that agri-business has been such a big focus over the last three years of the action plan, so staff has called it out a bit more.

Ms. Catlin stated that staff can certainly fold it in, as it was one of the five strategies of the Economic Vitality Action Plan. She said there were several things that brought it to the level of being called out but staff can certainly fold it into a larger functional area.

Ms. Mallek noted that it was the sector that brought the broad community support to the action plan from people who were not strictly in the business community. She said it is very important as an overall element, but she is glad to be able to hear the discussion and to hear another way to look at it.

Mr. Foley said 10% could go into startups and existing businesses, because that is the appropriate place for agri-business to go, and the last 5% would be the smallest and would focus on business attraction.

Ms. Catlin stated that the business attraction piece would not be the primary focus for the first several years and beyond, but there is some important element of it which the County needs to be prepared for. She said the County does get inquiries from target sectors which are very valuable without seeking them out. She said there are currently three active out-of-town activities which were not solicited, and are the types of companies that would be very intriguing and positive for the community. Ms. Catlin stated that there would be some level of business attraction but, at this point, it would be in the lower end of the focus area rather than the other elements she has talked about thus far.

Mr. Sheffield said staff had mentioned that there was not enough of a sophisticated static product, and there are businesses that are searching the community without the County knowing.

Ms. Catlin said a lot of the companies that do searches are doing so through data research and website scrutiny and a lot of other checking before the County is even aware it is being looked at, so that is one place the County could beef up its profile.

Mr. Sheffield stated that he was surprised it was not included in the plan, because it seemed that it should be an ongoing focus of establishing it and continuously evaluating its effect.

Ms. Catlin said staff would consider that under "prospect readiness," which means the County would have information and data, etc. that would be of interest to a high-level prospect.

Mr. Boyd suggested that, if the Board is going to take agri-business out as a stand-alone item, that 10% should be added to business attraction in order to make that category 15%. He said there was an earlier discussion of developing an asset list, adding that this is a great community which wants to attract high-paying jobs. He stated that he would not want the County to get overlooked because it did not pay attention to that aspect of economic development.

Ms. Palmer said the Board could consider that after the office is established.

Mr. Boyd said that was one of the things talked about in the economic development meeting. He added that companies now research a location on the internet and the County could be overlooked before it ever knows a company was looking at the County.

Ms. Dittmar asked where redevelopment would come into this because she sees it as critical. Ms. Catlin said redevelopment would probably cross the boundary of business attraction and existing business, because it is about getting sites and buildings ready for those entities that are here already and/or those that would be coming in.

Ms. Dittmar said that is a high-level skill which would need to be considered in the context of this new position.

Mr. Foley said it is product readiness, and the question here is whether 5% is realistic in terms of what the County would have to spend in terms of getting product ready for businesses that would want to come here. He stated that the Board is developing a general outline here to provide guidance to the office, and the input about agri-business as a sector rather than a function is a good comment. He said the question is whether there is enough time allocated to it.

Ms. Dittmar said if there is an ideal prospect, the office would stop working on other things because it would eat up a lot of time. She emphasized that it is hard to control the percentage of time spent on any one area.

Ms. Catlin stated that putting in percentages does make it hard, and what staff is really interested in is the relative importance of these things to each other and whether business expansion is the most important thing that the office does. She asked if the next most important area that the office would focus on would be helping new businesses start up, etc. She said this was designed to be an average over a year or two years, and if it falls into the right categories.

Mr. Foley noted that if he were a candidate, he said the percentages would be really important to him; dependent on how he would view the work. He explained that 75% of the program as it starts out is allocated to startups and existing businesses. He stated that the County is not proposing to start off with a high percentage devoted to new business attraction. He said this merely sets a skill set for potential candidates as the office is launched.

Ms. Mallek said emphasizing agri-business is something that will attract some and not others.

Ms. Catlin mentioned that it is one of the target industries, so it may be that staff adds some language related more to all four target industries rather than just calling out agri-business.

Ms. Dittmar commented that there would be a lot of help from the Central Virginia Partnership on Economic Development (CVPED) on attraction, so the County would not need to have this as a large percentage as long as the County is coordinating well. She stated that product redevelopment takes a lot of time, and she was not sure how to reconcile 5% with that.

Ms. Catlin said she sees that as part of the existing business facet, because product development is very important to the ten companies they have now that want to grow their business from 20 jobs to 50 jobs, and are looking for a place to go. She stated that business expansion includes site options and building opportunities, so that would drive a lot of the redevelopment as much as business attraction.

Ms. Dittmar said redevelopment may not necessarily be answering the call of a specific employer; it may be redeveloping a shopping center or corridor by working with an already urbanized community.

Ms. Catlin said staff would make sure to emphasize redevelopment, as there are a lot of those areas in the County which need some special attention.

Ms. McKeel stated that business assistance could be interpreted as financial assistance, and asked staff for some clarification as to what that means.

Ms. Catlin said staff was working with the City's economic development staff to develop a package on exactly what that might look like. She said what business assistance would potentially look like is technical help to businesses unrelated to money, what resources are available in the community to help with training and help them stay viable, etc. so business assistance would really require a variety of people coming in and doing a variety of things.

Ms. McKeel said the County wants to help businesses during this phase, but there are businesses under construction all over the place all the time, and there should be some clarity as to what the word "assistance" means. She indicated some care should be taken related to expectations throughout the business community as to what the County will provide.

Ms. Catlin said staff would work on better language, and emphasized that it is "support" more than anything else. She reported that staff wanted to provide the Board with milestones as to where the process would go over the next several months, and to solicit feedback from Supervisors beyond what has already been offered. Ms. Catlin said what staff is envisioning is for the Board to provide some preliminary guidance now and, in September; staff would pull together a stakeholder roundtable as was done with the Economic Vitality Action Plan. She stated that part of the Board's strategic plan under the economic development goal and several conversations with EDA members and others revealed a desire for the public to get a better understanding of what was meant by "economic development," to help address any misconceptions about that happening in a way that was incompatible with what Albemarle County is all about. Ms. Catlin said, because of this, staff suggests a public education session done in partnership with CVPED and others. She stated that, in October, staff would come back to the Board with any revisions and solicit final direction on how to move forward, and also present the director's skill set so the priority list translates into specific qualifications which they will need to bring to the County.

Ms. Catlin said, after that, staff would go through an advertisement and application review process and, in early December, staff would do initial interviews with a team which includes outside assistance. She stated that the team would include Morgan Butler from the Southern Environmental Law Center, John Lowery from the Economic Development Authority, Helen Cauthen from CVPED, and Tim Hulbert from the Chamber of Commerce along with Mark Graham and Steve Sellers from the County. Ms. Catlin said, from that initial round, the panel would narrow it down to finalists, who would visit the community in early to mid-January, meet selected business representatives, the Assistant County Executives, etc. She stated that this would include a recommendation to Mr. Foley, who would meet the applicants and, in turn, recommend a finalist. She said that candidate would then have the opportunity to meet with the Board Chair and Vice-Chair. In early February, she said the Board would have the opportunity to take action on the recommended candidate.

Mr. Foley said the final recommendation would be brought to the Board in closed session as a final step in the process, with a review of the recommended candidate's skill set.

Ms. Mallek said the entire Board was able to meet Colonel Sellers.

Mr. Foley said that would be possible for this process also, as long as confidentiality was ensured by meeting with the candidate in closed session.

Ms. Catlin stated that staff would like feedback from Board members at this point as to whether this process and the hiring milestones will meet expectations.

Ms. Mallek commented that there are not enough hours in the day for the new person to do all of what has been outlined.

Ms. Catlin said if the Board provides direction to move forward with this path, staff will set up the stakeholder roundtable, the public education session, etc.

Mr. Sheffield asked who the newest significant employer in the area was. Ms. Catlin said CustomInk might be the newest large scale employer.

Ms. Mallek said it would probably be Rivanna Station.

Mr. Sheffield suggested including the newest large business in the process, because they have very recent experience as to what the County was able to do or not do for them.

Ms. Catlin said perhaps a representative with the Shops at Stonefield might be appropriate, and said it was a really good idea to include them in the process.

Mr. Sheffield asked if there is a way of tracking information on which employers produce products that go out of the area versus those produced for local consumption. Ms. Stimart addressed the Board, stating that she tracks that perspective as far as whether those businesses would be applicants for the Virginia Jobs Investment Grant program which is available to new or expanding companies and the criteria is that they must be exporting a good or a service.

Ms. Catlin stated that staff also keeps track of it in the Albemarle Business First program, which has a hit list of businesses staff is trying to get to more quickly. She said one of the categories they look at includes those businesses which are bringing outside money into the community through export.

Mr. Sheffield said the diversity of that is important, especially during a local recession.

Ms. Palmer said she would like to find someone with innovative ideas on research recovery for small businesses, as it would be an interesting dynamic to explore.

Ms. Catlin asked Mr. Foley if a specific action on the program was needed. Mr. Foley said he did not think so; he felt staff received good general input from the Board as to the focus of the program on startups and existing industry and an understanding that the other areas would need response as things get rolling. He stated that product development and readiness was both an existing industry challenge as well as one for expansion.

Ms. Mallek noted that it impacted all economic sectors.

The Board thanked staff for its work.

Agenda Item No. 16. Rivanna Solid Waste Authority (RSWA) Depreciations Funds.

Ms. Palmer said Mr. Boyd had a question regarding what County funds were put into the RSWA moving forward, and stated that Mr. Foley has done some research on this. She stated that there are several reasons why it is important to know how much of the depreciation funds were contributed by the County versus the City, adding that there is a large portion of it which comes from residential and commercial customers. Ms. Palmer said the goal is that a small portion of the funds could be used for a consultant to the committee, but there are other reasons as well.

Mr. Foley said RSWA has already done the research on this and determined that the County has put in a certain amount of money over the last four years since it has been paying 100% of operations that was allocated to depreciation. He said the County now needs for the RSWA Board to say it is reasonable for the money to be available to the County to do this study. Mr. Foley said if, for some reason, that money gets bogged down, there is money set aside over the past five years to pay to Rivanna which was not all needed, and was not discovered until after the County had adopted its budget in the end of the calendar year when the audit was done; so, there is some balance available which could be used for a consultant to the committee. He stated that one of those two places would help achieve what the committee's going to need in order to have some viable options that have been fleshed out, and the first step would be pursuing it with Rivanna. Mr. Foley said the study would impact more than Albemarle County as it is hoping to make solid waste a regional partnership effort. He recognized Ms. Palmer for pushing on this and Mr. Boyd for asking Tom Frederick to do the analysis.

Ms. Mallek thanked Mr. Boyd for doing that again, because the Board had asked for it at least nine months ago but it disappeared.

Ms. Palmer said one of the challenges has been that there was some reluctance by Rivanna because some of the money was very difficult to divide and, with the additional direction of just focusing on the direct contribution, it is moving along more easily.

Mr. Foley said the issue was moving forward, and no further action was needed from the Board at this point.

Agenda Item No. 17. Discussion: Route 29 Project Delivery Advisory Panel Update.

Mr. Sheffield reported that the Rt. 29 Panel met in the past week and covered several different topics, including the timeline for VDOT's process for public input. He said there would be a meeting on September 16 related to the alignment of where Berkmar Drive would be located, but emphasized that this does not involve the design with bike lanes, sidewalks, curbs etc. but just a "black line on the map" of the most logical location. He stated that, after input is taken, VDOT will process the information and the Commonwealth Transportation Board (CTB) will vote on the alignment, which takes place in October. Mr. Sheffield said sometime between September 16 and October 2, the Board may want to endorse one alignment or another to send the CTB the message of where the Board stands. He said the other public hearings to be held by VDOT would be in November and would cover the Rio intersection, the widening, and Berkmar and the public would have an opportunity to provide input on the actual designs. He stated that, on September 28, a meeting related to refined concepts on the Rio interchange will be held for the panel to provide input, and he would like to propose several changes including elimination of signalized right-hand turns at Rio Road so traffic would flow as a merge lane onto Route 29.

Mr. Sheffield said several other matters came up at the panel meeting, including the connection of Ashwood Boulevard to Berkmar Drive extended, and VDOT had not been building it into its main plans. He said he had asked Mr. Boyd to take the lead on this, adding that defined public input is needed on this

to ensure there are no issues with it moving forward. Mr. Sheffield stated that, if the community feels it is a good idea, Supervisors should suggest to VDOT that this plan be included in the design. He said another topic which came up was accelerating the Best Buy ramp project, and the panel agreed it should be advanced with Philip Shucet and VDOT considering it for a May 2016 deadline. Mr. Sheffield said the panel is also trying to get all the project drawings – for Hillsdale Drive, the Best Buy ramp, etc. – available to the public so people will be able to see what has been designed and planned. He stated that he asked the City if it would hold a public meeting or two regarding the Hillsdale project, as there are people in his district who are concerned about changes which they were unaware of in the design of the road.

Ms. Mallek said that was a great idea, as it had been many years since the City had held public meetings on the road at the Senior Center.

Mr. Sheffield said, at the next meeting, the panel should get a better idea of what the Metropolitan Planning Organization's (MPO) role would be as it relates to community outreach, and he would like the MPO to define a few more dates for public outreach. He added that he had asked Mr. Foley and Mr. Graham if Mr. Graham could provide the updates in the future, so he is not viewed as tainting the report and it would be coming from staff instead.

Mr. Mark Graham, Director of Community Development, said Mr. Sheffield's report was very thorough. He said one other issue which had come up was architectural review and the opportunity for the Architectural Review Board (ARB) to comment and advise on landscaping and structured design. He said the Hillsdale plans are loaded onto the Route 29 panel site now, so those can be accessed there, and VDOT is trying to figure out how to get the Best Buy plans on the site as well.

Mr. Sheffield noted that Mr. Chuck Lebo of the advisory panel brought up the fact that VDOT projects do not have to adhere to ARB standards but, given the Rio intersection and some other factors, the panel would like to have VDOT adhere to some aesthetic standards. He said he did not know if VDOT would take any of the ARB's recommendations, but the Board should provide direction for the ARB to review the plan and provide appropriate comments.

Ms. Mallek said that was part of the promise volunteered from VDOT, and Philip Shucet stated that this would have a higher level of design with aesthetic features, so the Board has every right to expect VDOT to follow through on that promise.

Ms. Dittmar asked if the business community seemed engaged at the panel meeting.

Mr. Sheffield stated that he hoped the business community was getting there. He said he had offered a comment at the meeting that all panel members should speak up as to its support of ideas like the Ashwood connection, because the panel's role is to weigh in on projects and make sure they stay in the forefront. He said the panel needs to continue to find areas of consensus and, hopefully, feel more engaged. Mr. Sheffield said, once the Rio design was brought forward, the meeting on the 28th would focus on that design and likely dominate the allocated two hours.

Agenda Item No. 18. Discussion/Action: Proposed Route 29 Solutions Package Resolution.

Mr. Boyd stated that the Rio project is moving very quickly, and he feels it is time for the Board to go on record by stating that Supervisors want to be very involved in the process. He said most of the clauses refer to things which have already happened, and the last clause refers to paying attention to these items in the design and the design-build process. Mr. Boyd stated that he hoped there was nothing controversial in here, as these are all things the Board wants to see in the process – such as engaging people in the process, and the sequencing of the project. He said he did not understand why VDOT would not build the parallel roads before starting on the Rio interchange.

Mr. Sheffield said he would be happy to sit down with maps and explain it, adding that he was adamantly opposed to proceeding that way.

Mr. Boyd said this is going to create a horrible situation on Polo Grounds Road, Proffit Road, and Georgetown Road as these become the eastern connectors for traffic.

Mr. Sheffield said he did not believe that would happen, and asked Mr. Boyd to articulate his intent with this resolution, because there are a lot of good things in the resolution; however, there is a "sour pill" at the end that he cannot swallow. He said if the Board is looking at modifications to the plans, he did not want to lose Mr. Boyd's intent.

Mr. Boyd said he feels this is a project being run out of Richmond by Philip Shucet and Transportation Secretary Aubrey Lane, both of whom are honorable men, however, he believes the marching orders from them seem to be to ram this thing through as quickly as possible and he does not feel the public is engaged in it. He stated that the business community is engaged in this, but the neighborhoods are just starting to become engaged so he feels the Board needs to figure out how to make that happen.

Mr. Sheffield stated that he is surprised at the direction Mr. Boyd's resolution is taking because, in the articles that followed up the June 2011 bypass decision, Mr. Boyd praised VDOT for the processes it had in place to make sure these things do not get designed in a vacuum and assured the public that the design-build would not just railroad through. Mr. Sheffield stated that Mr. Boyd made it clear at that time that he trusted VDOT to ensure the community was engaged and, while the Governor's administration had changed, VDOT staff has not changed.

Mr. Boyd said VDOT staff has not changed but the whole approach has changed.

Mr. Sheffield said he has seen no change from the design-build for the bypass.

Ms. Mallek and Ms. McKeel commented that the process has actually gotten better.

Mr. Sheffield said building the parallel roads before Rio is a huge mistake. He said VDOT knows what the current traffic patterns are and those are reflected in the modeling data within the long-range plan.

Mr. Boyd stated that VDOT is basing all of that on 24-year-old data.

Mr. Sheffield said that information is based on existing conditions, and can work with those conditions as a critical piece of the Rio intersection and VDOT can manage them accordingly but building the parallel roads shifts the traffic patterns dramatically.

Mr. Boyd stated that those roads would provide alternatives.

Mr. Sheffield said there would be no alternatives and explained that, if a driver goes north on Hillsdale, that driver would hit Rio and have two choices: cut through a neighborhood or go through Rio. He said building Berkmar will create two left-turn lanes going left onto Rio, which people would use.

Mr. Boyd asked what the timeframe is for the Rio Road interchange.

Ms. Dittmar stated that she had called Mr. Shucet the morning after Secretary Layne attended the Board meeting, and expressed concern that business representatives were feeling disenfranchised and encouraged him to engage them as the meeting facilitator. She said she also asked Mr. Shucet about the sequencing, as it did not make sense to her either, and he explained that what is desired is the least amount of disruption on Route 29 at Rio for the business community. She said if VDOT does the parallel roads and makes it easy for people to be on them, the disruption when they get around to doing the grade-separated interchange will mean managing much more traffic and it will take much longer to complete. Ms. Dittmar emphasized that she trusts VDOT's process going forward, and Secretary Layne has said it will be the contractor's decision as to how to sequence the project so VDOT will need to make sure that the RFP includes an effort to minimize the impact on the intersection using all strategies possible.

Mr. Boyd said he did not agree with that, and anyone who is thinking logically would not agree either.

Ms. Palmer stated that she thought it made sense to do the parallels first, but she sat down with a map and thought about her own driving habits, and it dawned on her that everywhere she would go in that area would bring her back to that intersection which is where she wanted to be.

Mr. Sheffield emphasized that Hillsdale and Berkmar are not parallel to Rio; they all intersect there.

Ms. Palmer agreed, and said it would be the equivalent of enlarging all the water pipes going in and keeping the small one in the middle, adding that it is a choke point.

Ms. Mallek said it is the east/west connection which the County has to have.

Mr. Sheffield said he may not fully agree with VDOT, but he is going to leave it in the engineer's hands as they are the professionals, and their job is to get this done as quickly and efficiently as possible. He added that he did not really think the widening should be done as quickly as it would be done because it would add more demand to Rio, but that was just his professional opinion.

Ms. Dittmar asked Mr. Boyd to clarify his goal of the resolution.

Mr. Boyd said the goal of the resolution is to put VDOT on record that the Board wants to be totally engaged in the process, not just have it orchestrated in Richmond and done solely by VDOT.

Mr. Sheffield stated that he fully supported that, but there was some wording in the resolution he did not agree with.

Mr. Boyd said if there are wording changes, then other Board members would need to bring forth another proposal for it.

Mr. Boyd **moved** to adopt his resolution as presented.

Ms. Mallek asked if now was the time she could bring up suggestions as to the paragraph she cannot support.

Ms. Dittmar said if Ms. Mallek seconds the motion, the Board can discuss whatever it wants and amend the motion.

Mr. Davis said if there is no second, the motion would fail and, if a Board member has a different resolution, that Board member could propose a motion to approve a different resolution.

Mr. Boyd said he could not vote on a red-lined version of this resolution at 11:15 p.m. because he would not have time to study it.

Ms. McKeel said it is not red-lined as much as it might seem, and does use a lot of Mr. Boyd's original resolution.

Mr. Sheffield said he is pleased that the intent is to keep the Board engaged and to not push a sequencing agenda, and is in favor of supporting a resolution that would put VDOT on record that the Board will be engaged; however, he could not vote for Mr. Boyd's specific resolution because of the sequencing component as well as a few other edits.

Ms. Mallek said she could not vote for a resolution which says VDOT would start construction before the design is complete, because that is just not true.

Since there was no second to the motion, the **motion failed**.

Given the late hour, Ms. Dittmar asked if Board members wanted to ask Mr. Boyd to work with other Supervisors on it, and then bring it back at a future meeting.

Mr. Sheffield said Mr. Boyd has set the expectation of passing the resolution to make sure VDOT knows the Board wants to be engaged and, since Ms. McKeel has that prepared, the Board should move forward.

Ms. McKeel said she and Mr. Sheffield had taken the bulk of Mr. Boyd's resolution and made some changes.

Ms. Dittmar suggested the Board table this discussion, and noted that Mr. Boyd was leaving the meeting.

Mr. Boyd stated that the edited resolution has been offered which has not been sent to the Board three days in advance, as Board rules dictate.

Ms. McKeel said these were changes to Mr. Boyd's resolution, and it was not required to be sent three days in advance. She stated that the expectation has now been set in the community for this resolution and, in all fairness, the Board should move forward. She reiterated that she has taken Mr. Boyd's resolution and, along with Mr. Sheffield, made some suggested changes.

Mr. Boyd stated that he would like to have time to read it and study it. (**Note:** He then left the meeting at 11:18 p.m.)

Ms. Dittmar asked if there was some urgency to the resolution.

Mr. Sheffield said Mr. Boyd and others would paint it as the Board not supporting a resolution asking VDOT to ensure the Board is engaged, which is misinformation. He said the Board is simply proposing some changes to the resolution to ensure that it clearly states what the Board agrees on.

Ms. McKeel said Mr. Boyd had announced that to the community.

Ms. Dittmar suggested that someone make a resolution that the Board be engaged with VDOT throughout the process. She said she could not read the resolution at this point and did not want to. She said no Supervisor remaining wanted to put a resolution on the agenda, and this was in response to a resolution which failed.

Mr. Sheffield said the expectation has been set that the Board should vote on a resolution. He stated that he would take hits for not wanting to make sure the community is engaged which is a flat-out lie. He stated that Supervisors should do something to make sure the intent of Mr. Boyd's resolution is met, or do what has been expected and not pass a resolution.

Ms. McKeel said this process is no different from the last resolution the Board passed.

Ms. Dittmar said that it is much later.

Ms. McKeel said that it is later, but the process is the same.

Ms. Dittmar said she would need to have time to read the resolution.

Ms. McKeel offered to read it to Ms. Dittmar.

Ms. Dittmar stated that she is very tired, and one of her contacts was out so she could not see. She said she would, however, sit with Supervisors while the resolution was discussed. She suggested that Supervisors consider this a "work in progress," and could add a half-hour to discuss it before the closed meeting of the August 26 meeting. Ms. Dittmar said she would like to read every word of it and have time to process it.

Mr. Sheffield **moved** to ask Ms. McKeel to work with staff to draft and disseminate a resolution which keeps the same intent as the resolution presented earlier by Mr. Boyd, with the exception of the sequencing, and that this matter will be discussed at the Board's August 26, 2014 meeting. Ms. Palmer **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Boyd.

Item 12.3. Resolution to Amend Board of Supervisors' Meeting Schedule. (*Pulled from Consent Agenda.*)

Mr. Foley noted that the Consent Agenda item which the Board had moved earlier could be resolved simply by changing the word "Monday" to the word "Tuesday," which would be better for Board members' schedules.

Ms. Mallek **moved** to adopt the resolution in Consent Agenda Item 12.3 as modified, to change the Comprehensive Plan meetings, previously scheduled for Mondays, to Tuesdays. Ms. Palmer **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Boyd.

Ms. Palmer asked staff to send a note out reminding Board members of changes.

(**Note:** The resolution as adopted is set out in full below.)

RESOLUTION

WHEREAS, the Board at its August 6, 2014 meeting voted to change its regular meeting schedule to enhance public convenience and access to regular Board meetings and to improve the efficiencies in the conduct of the business of the Board; and

WHEREAS, it is appropriate for the Board to formalize any change to the established regular meeting dates and times by adoption of a Resolution to be posted and advertised pursuant to Virginia Code § 15.2-1416.

NOW, THERE ISFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby amends its regular meeting schedule for September 2014 through January 2015 to meet at the following dates and times:

1. On the first Wednesday of each month, a meeting shall commence at 1:00 P.M.;
2. On the Tuesday prior to the second Wednesday of each month, a meeting shall commence at 5:00 P.M.; and
3. On the second Wednesday of each month, a meeting shall commence at 6:00 P.M.

Regularly scheduled meetings will be held in the County Office Building on McIntire Road, Charlottesville, VA;

BE IT FURTHER RESOLVED that the Clerk of the Board shall cause a copy of this Resolution to be posted and advertised pursuant to the requirements of Virginia Code § 15.2-1416 at least seven days prior to the first Board meeting in September of 2014.

Agenda Item No. 19. From the Board: Committee Reports and Matters Not Listed on the Agenda.

None were presented.

Agenda Item No. 20. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Foley said the Board schedule has the second Wednesday of the month from 4:00-5:30 p.m. designated for Comp Plan work sessions as needed, adding that those meetings would definitely be needed.

Agenda Item No. 21. Adjourn to August 26, 2014, 4:30 p.m., Room 241.

At 11:25 p.m., Ms. Palmer **moved** to adjourn the Board meeting to August 26, 2014 at 4:00 p.m. in Room 241 of the County Office Building. Mr. Sheffield **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Boyd.

Chairman

Approved by Board
Date: 04/01/2015
Initials: EWJ