

ACTIONS
Board of Supervisors Meeting of January 13, 2015

January 14, 2015

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>PODCAST</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 5:01 p.m., by the Vice-Chair, Ms. Palmer. All BOS members, except Ms. Dittmar, were present. Also present were Tom Foley, Larry Davis and Ella Jordan. 		
<p>2. Work Session: CPA-2013-01. Comprehensive Plan Update/Amendment, to begin with public comments and possible Board direction.</p> <ul style="list-style-type: none"> Recommendations from Planning Commission for Borches CPA. Chapter 12: Community Facilities, including Solid Waste Chapter 13: Implementation (Text from Plan) <ul style="list-style-type: none"> HELD. 	<p><u>Wayne Cilimberg/Elaine Echols:</u> Proceed as directed. (Attachment 1)</p>	Listen
<p>Recess. The Board recessed at 6:28 p.m., and reconvened at 7:02 p.m.</p>		
<p>3. Continuation of Work Session to include public comments and possible Board direction.</p> <ul style="list-style-type: none"> Held. 	<p><u>Wayne Cilimberg/Elaine Echols:</u> Proceed as directed. (Attachment 1)</p>	
<p>NonAgenda. From the Public: Matter Not Listed on the Agenda.</p> <ul style="list-style-type: none"> <u>The following individuals spoke regarding the Route 29 Solutions package and the grade separated interchanges:</u> <ul style="list-style-type: none"> Peter Chandler – opposed grade-separated interchanges Kirk Bowers – supported Route 29 Solutions package Bill Kahn – opposed grade-separated interchanges Chuck Lebo – opposed grade-separated interchanges John Hossack – opposed grade-separated interchanges Timothy Hulbert – opposed grade-separated interchanges Morgan Butler – supported Route 29 Solutions package David Mitchell – opposed grade-separated interchanges Daniel Bowman – supported Route 29 Solutions package Geoff Kilmer – opposed grade-separated interchanges Jim Plotkin – opposed grade-separated interchanges Eddie Chiles – opposed grade-separated interchanges Jeff Werner – supported Route 29 Solutions package Sally Thomas – supported Route 29 Solutions package 		Listen

	<ul style="list-style-type: none"> John Lloyd – opposed grade separated interchanges 		
4.	<p>Draft Letter of Support for Route 29 Solutions Process.</p> <ul style="list-style-type: none"> By a vote of 4:1(Boyd) approved letter. 	Clerk: Forward signed letter to Secretary Layne (Attachment 2)	Listen
5.	<p>From the Board: Matters Not Listed on the Agenda.</p> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Attended robotics qualifying this past week and provided Board members with copy of program. <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> Announced that on January 26, 2015, at 7:00 p.m., she and Kate Acuff, Jack Jouett School Board representative, will be hosting an electronic tele-town hall meeting. <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> Announced that she and Ms. McKeel attended the kickoff for the University Architecture Schools annual vortex design exercise; this year's project is in the Ivy Road corridor. <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> Announced that on January 29, 2015, at 6:30 p.m., Sutherland Middle School, he will host a town hall meeting. 		Listen
6.	<p>From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> There were none. 		
7.	<p>Adjourn.</p> <ul style="list-style-type: none"> The meeting was adjourned at 7:50 p.m. 		

ewj/tom

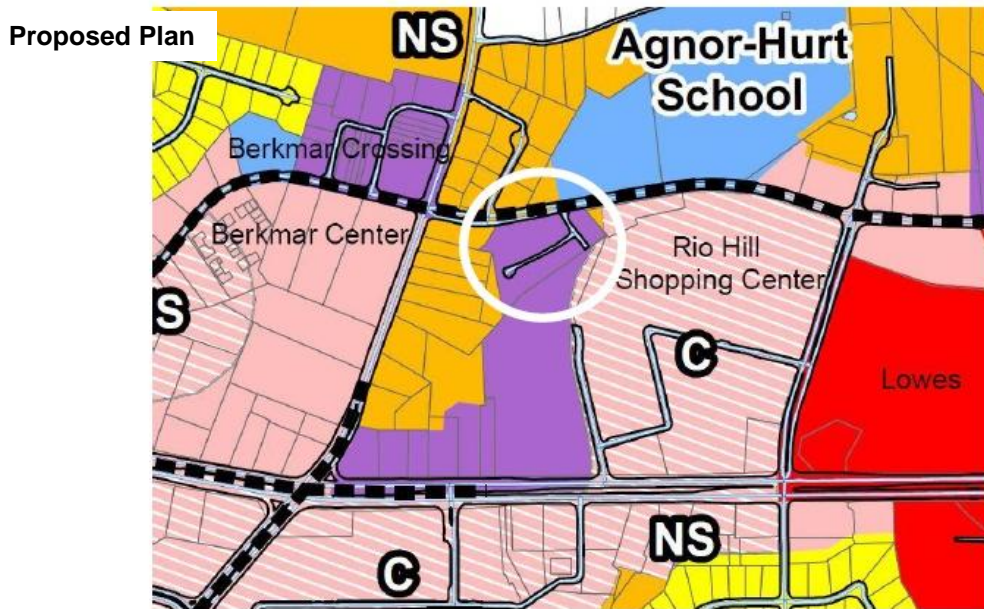
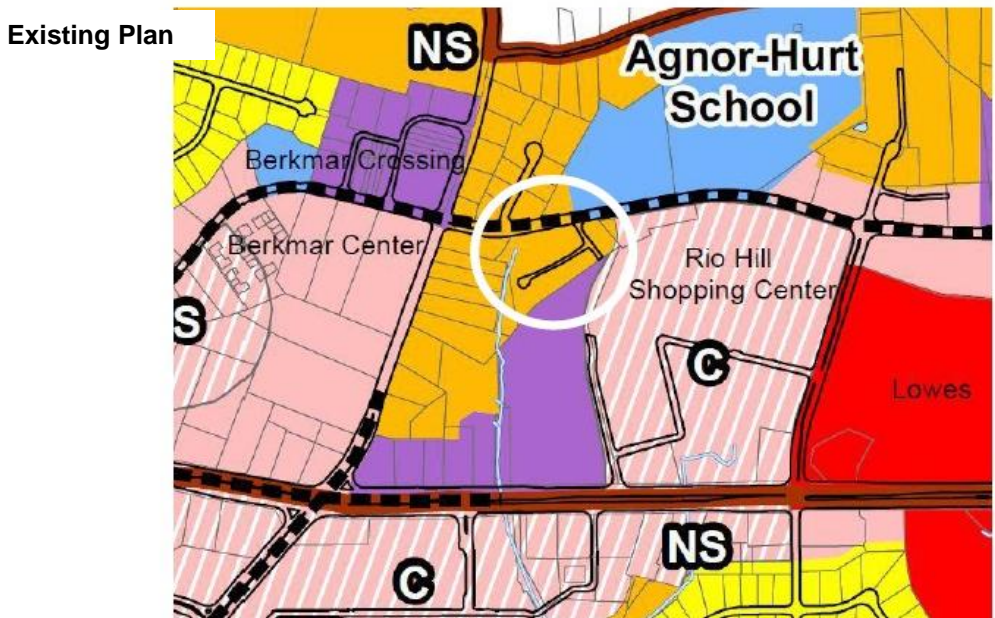
Attachment 1 – Comprehensive Plan Update Discussion
Attachment 2 – Letter to Secretary Layne

ALBEMARLE COUNTY COMPREHENSIVE PLAN
DIRECTION AND COMMENTS ON COMMUNITY FACILITIES
AND CMA PROPERTIES COMPREHENSIVE PLAN AMENDMENT (CPA) REQUEST

January 13, 2015

Direction from the Board – CMA Properties CPA Request

- Make the following land use change to Places 29 for the CMA Properties CPA request:



To the Places29 Plan, add to page 4-17 (Rio Road/US 29 Sub-Area)
Until the Small Area Plan can be completed, development along Rio, Berkmar, and Route 29 should provide adequate right-of-way for the future road improvements shown in this Plan.
Add to page 4-20 (The Rio Road and US 29 Intersection Study Area)

A potential extension of Myers Drive to Berkmar Drive as an interconnection between Route 29 North and Berkmar Drive should be studied in conjunction with the Small Area Plan. If development is proposed near Myers Drive or Berkmar Drive prior to completion of the Small Area Plan, land for potential road connections should be kept free from impediments so that an extension of Myers Drive could be made in the future, if deemed appropriate.

- If the CMA Properties ZMA application comes to the Board prior to the adoption of the full Comprehensive Plan update that would include the CMA Properties CPA, then the Board will hold a public hearing for the CPA at the same meeting as the ZMA and act on the CPA prior to consideration of the ZMA.

Direction from the Board – Community Facilities

- Add language about environmental responsibility and/or environmental stewardship to the Community Facilities goal, which currently states: “Facilities and services provided by Albemarle will be high-quality and delivered in a responsible and cost-effective manner.”
- Add an additional objective and strategies about public-private and public-public partnerships and discuss how County goals and objectives can be achieved through such partnerships. One example of group the County could partner with is the Senior Center.
- Staff should email the Board more information about alternative onsite sewage systems including the state regulations about capacity.
- Amend Strategy 1h to state, “Continue to design and construct public facilities that are energy efficient and environmentally responsible.”
- Under Objective 4 which states “Provide firefighting and rescue facilities and equipment as needed to meet the characteristics of particular service areas.” Add a strategy for providing County support/assistance for volunteer fire/rescue facilities. It is currently difficult for the County to assist in upgrades to volunteer facilities that are not owned by the County. Staff can obtain the current County Policy on volunteer Fire/Rescue services from the County Executive’s office to provide a basis for this language.
- Board affirmed updated Objective 7 which states, “Enable efficient and cost-effective solid waste disposal and sustainable materials management to reduce waste, conserve resources, protect human and environmental health and decrease greenhouse gas emissions.”
- The first sentence in the third paragraph under Objective 7 should be changed to, “Given the difficulty in locating and obtaining permits for a new landfill in Virginia and the current environment...”

Board Comments – CMA Properties CPA Request

- If the Rio Road/Route 29 intersection is completed within VDOT’s expected timeline then we should make it a priority to get the Small Area Plan completed in 2 years, as recommended by the Planning Commission.
- Language should be added to the Planning Commission’s recommended language for the CPA request stating that the area of Myers Drive should only be kept free from impediments for up to two years if the Small Area Plan is not complete, as suggested by the applicant.
- Leaving the language open-ended could result in a de-facto right of way that may never get connected.
- We should be somewhat hesitant to put an arbitrary date on the completion of the Small Area Plan but the Board should make it a priority and strive for completion by the mid-year of 2017, if this is agreeable to the applicant.
- The proper place in the Comprehensive Plan to discuss the timeline for completion of the Small Area Plan is the implementation chapter. The Board will discuss where the Small Area Plan falls within the priority list during the next two meetings.
- Given the opposition to the Rio and Route 29 intersection improvements there could also be conflict and opposition in the drafting of the Small Area Plan.
- Setting a priority of two years for the Small Area Plan completion would mean allocating funds during this budget year to start the plan by the end of the calendar year.
- The Board has taken roads out of the Comp Plan before without a Small Area Plans, so completing the Small Area Plan should not be a requirement for the removal of the Myers Drive connection.
- The applicant does not wish to leave the question of reserving land for (or constructing) Myers drive open-ended. It is likely that, with his rezoning, he will limit the time he is willing to wait to for an answer to the question to 2 years from the date of approval of the ZMA.
- The record of Board’s discussion tonight will reflect the Board’s wish not to have the applicant held to keeping Myers Drive free from impediments for an indeterminate period of time and the specific timeline can be worked out with the proffers for the rezoning application.

- Board members should look at the location of Myers Drive in relation the proposed grade separated intersection for Rio Road and Route 29 and think about how additional through traffic here to Berkmar Drive might impact Route 29.
- Discussion on the expected timing of development of the small area plan should occur when prioritization of the Comprehensive Plan strategies and decisions on the Community Development Work Program take place, which will begin in February.

Board Comments – Community Facilities

- The Board may need to revisit having Tuesday work sessions. There have been some conflicts with applicants and citizens wanting to attend both Planning Commission meetings and the Board's Tuesday work sessions, which often fall on the same night.
- The County is required to permit "pocket plants," or alternative onsite sewage systems, per state regulations and stricter language cannot be included in the plan regarding the regulation of these systems. The Board still has authority to regulate systems connecting three or more residents or users on one system.
- One issue with alternative onsite sewage systems is that they are expensive to maintain and there is no requirement by the state for sellers to notify perspective buyers about the existence of such systems. This can cause system failures and result in sewage leaks and pollution.

ALBEMARLE COUNTY COMPREHENSIVE PLAN
PUBLIC COMMENTS ON COMMUNITY FACILITIES AND CMA PROPERTIES CPA REQUEST
January 13, 2015

5:00 PM Public Comment

Jeff Warner, Piedmont Environmental Council, thanked the Board for the wireless policy. He reminded the Board that wireless and broadband not the same. He emphasized that broadband follows the wireless guidelines and policy and that broadband often still involves towers. He spoke about the pocket (sewage treatment) plant on Route 250 East that is proposed on 60 acres of old zoning. He told the Board it would be helpful to have something in the Comp Plan about studying old zoning sites in the County and potential impacts of the use and development of these sites. He explained to the Board that a “pocket plant” is a modular sewage treatment plant where traditional septic fields have failed or are not possible. He asked the Board to examine this recent change by the General Assembly and have a discussion of how these systems might impact the County’s Rural Areas. He also said that the Colonial Auto Center CPA application clearly states that in light of transportation developments at the Rio Road/Route 29 intersection there is now an urgency to develop the CMA Properties site. He told the Board they should not be taking sections of Places 29 and doing piecemeal changes, especially in light of the fact that the applicant is trying to derail the proposed intersection improvements. He asked if the opponents to the Rio Road/ Route 29 interchange are successful in killing that project, then what is the point of the piecemeal CPA?

Neil Williamson, Free Enterprise Forum, said that the Board should do piecemeal considerations of Comprehensive Plan Amendments. He said the only times when things get done is when private owners come forward with requests for development. He said he has no opinion about the current CPA proposal but that he feels it should be considered. He said that in regards to “pocket plants” and the alternative septic landscape changes that the Board should get advice from Mr. Davis. He said that the wireless policy is not strong enough and that phones today are smarter than they were 15 years ago. He said there should be language about the impacts to citizens who do not have broadband and are using wireless for their broadband service. He said the lack of service in some areas of the County is hurting economic development and is a safety concern. He encouraged the Board to look at the wireless policy in light of the needs of today rather than the needs from 15 years ago.

Kurt Bowers, Sierra Club, said he has concerns with the wireless policy because of attempts to put a cell tower in the Key West subdivision. He said the policy is not strong enough to prohibit the usage of cell towers in subdivisions. He said cell towers are not an appropriate use within a subdivision.

Pete Borches, applicant for CMA Properties CPA, said his team has been working very hard to find a solution and that he appreciates efforts and communications from the County. He said he was pleased for the support and the recommendation from the Planning Commission. He asked the Board to act on the proposed land use change. He said this approval would help his team move forward with other approvals that are necessary for the proposed use. He said they will also need a Zoning Map Amendment, two Special Use Permits, a site plan and several other approvals from the County before they can begin construction. He said there is a high likelihood that they will not be prepared when construction begins on the Rio Road/Route 29 intersection. He said he has been discussing this project with the County for the better part of one year. He said the proposed CPA allows a local business to plan to grow with infill development in an organic nature. He said the use received unanimous approval from the Planning Commission and the Places29 Community Advisory Council. He said he hopes the Board will support his request from a local business

Valerie Long, representing CMA properties, said that staff made two excellent comments in the Planning Commission staff report, noting two significant changes that have occurred since the adoption of the Places29 Master Plan. She said these changes are the closure of Greenfields Mobile Homes Community on the CMA Properties site and also the speed with which the Rio Road/Route 29 improvements are moving forward. She said staff and PC saw these as significant enough changes to prompt the need for the CPA. She said there was one item she would like to dispute based on the Staff Report. She said the report describes the Planning Commission recommendation that the Small Area Plan be completed in two years or less. She said she felt that the intent was also for the applicant not to be required to keep the area of Myers Drive unobstructed for longer than 2 years time, even if the Small Area Plan was not complete. She said the applicant is concerned that this could be an indefinite requirement for the property if the language is included in the plan. She said the Small Area Plan was supposed to be written prior to the Rio Road/Route 29 improvements. She said they are concerned that the Plan is still not funded and that it is still unknown when the plan will be complete.

January 13, 2015

The Honorable Aubrey L. Layne, Jr.
Secretary of Transportation
Office of the Secretary of Transportation
P.O. Box 1475
Richmond, VA 23218

Dear Honorable Secretary Layne:

The Albemarle County Board of Supervisors would like to express its appreciation to the Governor of Virginia, the Secretary of Transportation and the staff at the Virginia Department of Transportation (VDOT) for their continued support and the effective implementation of the Route 29 Solutions Package. Further, as reflected by the majority vote multiple times in 2014 (5-1 in favor), the Board of Supervisors maintains its support for these projects.

Our community has benefited greatly from the enhanced and thorough engagement process VDOT has established with the Solutions Package. As occurs with many major transportation projects, the community understandably has a range of questions and concerns. Even though these queries come from a variety of perspectives, and some have been generated from misleading information, VDOT staff and Philip Shucet have been very receptive, consistent and inclusive in responding. The result of this approach is comprehensive information that better informs the community.

Also, the Board of Supervisors continues to recognize the importance of building the Rio Road/US29 Grade Separated Interchange first, and we support an expedited process to minimize disruption to neighborhoods and businesses. We also recognize that VDOT will need help from the Board to ensure that accurate and timely information continues to be available to the community and the majority of our Board members remain committed to providing this assistance.

The Albemarle Board of Supervisors asks that VDOT continue its open and thorough process of engagement. Once a contractor is selected and construction is more imminent, our community expects to remain highly engaged as the details become more clearly defined.. As VDOT moves into the next steps of the projects, we hope it will continue to find new ways to engage, inform and listen to the opinions of our residents.

Please share this letter and our appreciation with Governor McAuliffe and VDOT Commissioner Kilpatrick for the commitment to the Albemarle County community and for providing the necessary resources to implement the Route 29 Solutions Package.

Sincerely,

Jane D. Dittmar, Chair