



FLUVANNA COUNTY BOARD OF SUPERVISORS

REGULAR MEETING AGENDA

Circuit Courtroom, Fluvanna Courts Building

July 16, 2014, 7:00 pm

TAB AGENDA ITEMS

1 - CALL TO ORDER, PLEDGE OF ALLEGIANCE, MOMENT OF SILENCE

2 - COUNTY ADMINISTRATOR'S REPORT

BOARD OF SUPERVISORS' UPDATES

3 - PUBLIC COMMENTS #1 (5 minutes each)

4 - PUBLIC HEARING

G SUP 14-03/Jeff & Gayle Stoneman, Commercial Kennel – Mr. Steve Tugwell, Senior Planner

H SUP 14-04/Joyce Parr, The Light Academy – Mr. Jay Lindsey, Planner

I SUP 14-02 & ZMP 14-01/Hotel Street Capital, LLC – Mr. Steve Tugwell, Senior Planner

5 - ACTION MATTERS

J Appointment/Agricultural –Forestal Advisory Committee, At-Large Position – Mary L. Weaver, Clerk to the Board of Supervisors

6 - PRESENTATIONS (normally not to exceed 10 minutes each)

K Additional School Resource Officer – Eric Hess, Sheriff

L Fluvanna County Fair Update – Jason Smith, Parks & Recreation Director

M Schedule Change Capital Improvements Plan (CIP) – Eric Dahl, Finance Director

7 - CONSENT AGENDA

Mc Minutes of July 2, 2014 – Mary Weaver, Clerk to the Board

N VPPA Amendments – Joe Rodish, Purchasing Officer

O FY14 Voluntary Contributions 2nd Half – Eric Dahl, Director of Finance

P FY14 Fluvanna County Public Schools Budget Supplement – 2nd Half Voluntary Contributions – Eric Dahl, Director of Finance

Q Letter of Support for Seven Islands Conservation Easement Application – Jason Stewart, Planning & Zoning Administrator

R FY14 Cell Tower Budget Supplement – Eric Dahl, Director of Finance

8 - UNFINISHED BUSINESS

TBD

9 - NEW BUSINESS

TBD

10 - PUBLIC COMMENTS #2 (5 minutes each)

11 - CLOSED MEETING

TBD

12 – ADJOURN



Steven M. Nichols
2014.07.10
13:23:55 -04'00

County Administrator Review

PLEDGE OF ALLEGIANCE

I pledge allegiance to the flag
of the United States of America
and to the Republic for which it stands,
one nation, under God, indivisible,
with liberty and justice for all.

Fluvanna County...The heart of central Virginia and your gateway to the future!

ORDER

1. It shall be the duty of the Chairman to maintain order and decorum at meetings. The Chairman shall speak to points of order in preference to all other members.
2. In maintaining decorum and propriety of conduct, the Chairman shall not be challenged and no debate shall be allowed until after the Chairman declares that order has been restored. In the event the Board wishes to debate the matter of the disorder or the bringing of order; the regular business may be suspended by vote of the Board to discuss the matter.
3. No member or citizen shall be allowed to use abusive language, excessive noise, or in any way incite persons to use such tactics. The Chairman and/or the County Administrator shall be the judge of such breaches, however, the Board may vote to overrule both.
4. When a person engages in such breaches, the Chairman shall order the person's removal from the building, or may order the person to stand silent, or may, if necessary, order the person removed from the County property.

PUBLIC HEARING RULES OF PROCEDURE

1. PURPOSE
 - The purpose of a public hearing is to receive testimony from the public on certain resolutions, ordinances or amendments prior to taking action.
 - A hearing is not a dialogue or debate. Its express purpose is to receive additional facts, comments and opinion on subject items.
2. SPEAKERS
 - Speakers should approach the lectern so they may be visible and audible to the Board.
 - Each speaker should clearly state his/her name and address.
 - All comments should be directed to the Board.
 - All questions should be directed to the Chairman. Members of the Board are not expected to respond to questions, and response to questions shall be made at the Chairman's discretion.
 - Speakers are encouraged to contact staff regarding unresolved concerns or to receive additional information.
 - Speakers with questions are encouraged to call County staff prior to the public hearing.
 - Speakers should be brief and avoid repetition of previously presented comments.
3. ACTION
 - At the conclusion of the public hearing on each item, the Chairman will close the public hearing.
 - The Board will proceed with its deliberation and will act on or formally postpone action on such item prior to proceeding to other agenda items.
 - Further public comment after the public hearing has been closed generally will not be permitted.

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: July 16, 2014

AGENDA TITLE:	SUP 14:03 – Jeffrey Stoneman Commercial Kennel				
MOTION(s):	I move that the Board of Supervisors approve/deny/defer SUP 14:03, [if approved], with respect to 2.631 acres of Tax Map 30, Section A, Parcel 84B, with the seven (7) conditions as described in the staff report.				
CATEGORY	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
	X				
STAFF CONTACT(S):	Steve Tugwell, Senior Planner				
PRESENTER(S):	Steve Tugwell, Senior Planner				
RECOMMENDATION:	At its meeting on June 25, 2014, the Planning Commission recommended approval (5-0); Mrs. Eager moved to approve; Mr. Zimmer seconded; Ayes: Bibb, Eager, Gaines, Johnson, and Zimmer.				
TIMING:	Immediate decision requested at current meeting.				
DISCUSSION:	Request for a special use permit to allow for a commercial kennel with respect to 2.631 acres of Tax Map 30, Section A, Parcel 84B.				
FISCAL IMPACT:	-				
POLICY IMPACT:	<p>The Board of Supervisors may:</p> <ul style="list-style-type: none"> • Approve this request, allowing the commercial kennel; OR • Deny this request, preventing the commercial kennel; OR • Defer this request and make a final decision at a later date. 				
LEGISLATIVE HISTORY:	<p>Review of a commercial kennel in accordance with Chapter 22, Article 4 of the Fluvanna County Code (Zoning Ordinance: Uses permitted by special use permit only).</p> <p>Application was received on April 30, 2014.</p> <p>Planning Commission reviewed the request on June 25, 2014.</p>				
ENCLOSURES:	Staff Report (with accompanying attachments)				
REVIEWS	Legal	Finance	Purchasing	HR	Other
					X



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 www.co.fluvanna.va.us

STAFF REPORT

To: Fluvanna County Board of Supervisors
Case Number: SUP 14:03
Tax Map: Tax Map 30, Section A, Parcel 84B

From: Steve Tugwell
District: Palmyra
Date: July 16, 2014

General Information: This request is to be heard by the Board of Supervisors on Wednesday, July 16, 2014 at 7:00 pm in the Circuit Court Room in the Courts Building.

Owner/Applicant: The Cowboys, LLC

Representative: Jeffrey Stoneman

Requested Action: Request for a special use permit to allow for a commercial kennel with respect to 2.631 acres of Tax Map 30, Section A, Parcel 84B. The applicant is proposing to operate a commercial kennel. (Attachment A)

Location: The affected property is located on the southeast side of Route 15 (James Madison Highway), approximately 0.18 miles northeast of Route 53 (Thomas Jefferson Parkway). (Attachment B)

Existing Zoning: A-1, Agricultural, General (Attachment C)

Planning Area: Palmyra Community Planning Area

Existing Land Use: Vacant land

Adjacent Land Use: The surrounding area is zoned A-1, Agricultural, General.

Zoning History: None

Comprehensive Plan:

VISION 2009

The vision for Fluvanna County is based on key goals such as “*preserving the rural character, promote economic development and protect individual property rights*”. Protecting and preserving the rural character is essential as was expressed by Fluvanna citizens throughout the comprehensive planning process (see Appendix A in the Comprehensive Plan under the “2006 Planning Issues Survey”).

Land Use:

The Land Use section of the 2009 Comprehensive Plan for Palmyra states that “*the area should remain a village, and surrounding growth should be a mixture of uses and residential dwelling types that serve a variety of incomes*”. Additionally, the Land Use section states “*a mixture of medium and small commercial businesses combines with office, civic and residential uses to form a village-like, neo-traditional development or series of interconnected developments*”.

The addition of a commercial kennel near Palmyra village may contribute to the variety of existing businesses, and provide a service to the existing nearby residences.

Community Design:

The Community Design section of the 2009 Comprehensive Plan for Palmyra states “*growth in the Palmyra area should occur at a village scale, with economic and residential development complementing the existing conditions and fostering street life*”, and; “*development in the immediate area of the village of Palmyra should reflect the unique village style of development that currently exists*”. Mr. Stoneman is proposing to combine his residence with the commercial kennel, with the residence’s façade facing Route 15 (James Madison Highway). Mr. Stoneman has provided preliminary examples of the proposed building’s elevation, and it appears to be consistent with the scale and design of similar structures within Palmyra Village.

Analysis:

The applicant is proposing to operate a commercial kennel. The County’s definition of a *commercial kennel* is “*a place designed and used to house, board, breed, handle, or otherwise keep or care for dogs, cats, or other household pets for the specific intent of sale or in return for compensation*”.

Per Sec. 22-4-2.2 of the zoning ordinance, commercial kennels are allowed with a special use permit in the A-1 (Agricultural, General) zoning district.

The location of the proposed kennel is a 2.631 acre parcel situated on the southeast side of Route 15 (James Madison Highway), between the Village of Palmyra and the Rivanna River. The applicant intends on constructing his primary residence (a by-right use in the A-1 district) on the property, with an attached kennel approximately 60’ x 90’ in size. A six (6) foot privacy fence is proposed off the back of the kennel. According to the applicant, concerns about potential noise generated by the kennel will be addressed and “*special consideration has been taken to help mitigate the noise levels. The building and property are surrounded by moderate levels of*

vegetation which will help reduce noise. Noise exposure will be further mitigated through the use of landscaping and fencing to deflect sound away from the neighbors. Inside the kennel building, special insulation will be installed. The individual kennels will have privacy panels designed to reduce and discourage barking.” The proposed kennel would employ Mr. & Mrs. Stoneman, with the possibility to employ an additional four (4) people in the future. (Attachment D).

When evaluating proposed uses for a special use permit, in addition to analyzing the potential adverse impacts of the use, staff utilizes two (2) general guidelines for evaluation as set forth in the zoning ordinance.

First, the proposed use should not tend to change the character and established pattern of the area or community.

The proposed location for the commercial kennel is a 2.631) acre parcel situated on the southeast side of Route 15 (James Madison Highway), between the Village of Palmyra and the Rivanna River. Route 15 is a heavily traveled north-south corridor, and its traffic-generated noise levels may make potential noise levels generated by the kennel negligible. The parcel is bordered by vegetation and the kennel structure would be located downhill, approximately 200 feet from the nearest residence, with the next nearest residence more than 700 feet away. According to the application, steps have been taken to insulate the potential noise levels that could be generated by the kennel by sound-proofing the individual kennels, fencing, and landscaping.

Second, the proposed use should be compatible with the uses permitted by-right in that zoning district and shall not adversely affect the use/or value of neighboring property.

Small home industries and commercial kennels are allowed by SUP in the A-1 zoning district. By-right uses that are similar, in operation or size of structures, to this application may include home occupations, equestrian facilities, farm sales, non-commercial greenhouses, and accessory dwellings. Single-family dwellings are a by-right use in the A-1 zoning district, and a single-family dwelling is proposed on this property, along with the kennel.

Sec. 22-1-2 of the zoning ordinance states that the purpose of the zoning ordinance is “*to protect against over crowding of land*”. Commercial kennels are generally considered more intensive uses, however given the proximity of this property to Route 15, this proposal may be less impactive to neighboring properties. The applicant is applying to provide a service to the community by bringing a full-service commercial kennel to the area.

Neighborhood Meeting:

With the exception of the applicant’s, there were no other attendees present for this item at the May 7, 2014 Neighborhood meeting.

Technical Review Committee:

At the May 8, 2014 Technical Review Committee meeting:

- Mike Brent, Fire Chief has no comments;
- Mr. Wayne Stephens (County Engineer) with the Public Works Dept. stated that “connection to public sewer will be challenging. The only nearby sewer line is on the opposite side of Rt 15, and it is a force main. This means the owner would need to install a grinder pump system on their property, and route a small-diameter force main under Rt 15 to “over-pump” the County’s force main;

First, however, they would need to have a consulting engineer take a look at the County’s force main to see if it can be safely over-pumped. Assuming it is feasible from a technical and operational standpoint, they would need permission from the County to do connect directly to a force main;

Their only other option would be obtaining off-site easements and putting in a gravity sewer line flowing northward along Rt 15 to the County’s sewage pumping station (a much longer distance which traverses several private properties). Elevations and routes would need to be verified, but I think this option would eliminate the need for their own sewage pump station”;

- VDOT stated that “The existing entrance to the property (TMS 30-A-84B) has excellent intersection sight distance. Given the proposed use of the property as a residence in conjunction with a dog kennel, this proposal will qualify for a low commercial volume entrance (50 vehicles per day or less). The existing gravel entrance will have to be paved so that it is 20 ft. wide with 25 ft. radii. The pavement can terminate 25 ft. from the white edge line on Rte. 15 and the existing paved shoulder can be used as part of the paved low volume commercial entrance;
- Virginia Electric Cooperative stated they do not have any concerns with the application;
- Planning- if the SUP is approved, then a site development plan in compliance with the zoning ordinance will be required.

(Attachment E)

Planning Commission:

The Planning Commission discussed this SUP request at their June 25, 2014 meeting. There were two (2) speakers with regard to this application. The first speaker questioned whether or not this is the best use of the land, and the second had concerns about barking dogs being heard if the adjacent property were ever turned into a park.

The applicant, Mr. Jeffrey Stoneman, addressed the Planning Commission and clarified that he intends on purchasing the property if the SUP is approved. Mr. Stoneman notified the

Commission of his intent to build his home on the property and reside there, in conjunction with the family-owned kennel operation.

The Planning Commission voted to recommend approval of SUP 14:03 by a vote of 5-0.

Conclusion:

The Board of Supervisors should consider any potential adverse impacts, such as traffic entering and exiting the property, noise, dust, or visual clutter.

Recommended Conditions:

If approved Staff recommends the following conditions:

1. Prior to development of the site, a site development plan that meets the requirements of the Fluvanna County Zoning Ordinance, must be submitted for review and approval.
2. The site must meet all Virginia Department of Transportation requirements.
3. The site must meet the requirements set forth by the Virginia Department of Health.
4. The property shall be maintained in a neat and orderly manner so that the visual appearance from the road and adjacent properties is acceptable to County officials.
5. The Board of Supervisors, or its representative, reserves the right to inspect the business for compliance with these conditions at any time.
6. Under Sec. 22-17-4 F (2) of the Fluvanna County Code, the Board of Supervisors has the authority to revoke a Special Use Permit if the property owner has substantially breached the conditions of the Special Use Permit.
7. Dogs shall be housed indoors between the hours of 7pm and 7am.

Suggested Motion:

I move that the Board of Supervisors [**approve/deny/defer**] SUP 14:03, a request to allow for a commercial kennel with respect to 2.631 acres of Tax Map 30, Section A, Parcel 84B, [if approved] subject to the seven (7) conditions listed in the staff report.

Attachments:

- A – Application & APO Letter
- B – Aerial Map
- C - Zoning Map
- D – Sketch and business plan
- E – TRC Memos from the Health Dept., Public Works, and VDOT

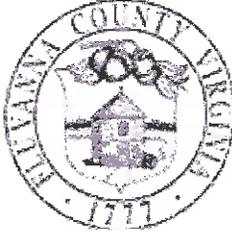
Copy:

Applicant – Barbara Wright Goshorn, PC, 203 Main Street, Palmyra, VA 22963, Mr. & Mrs. Jeffrey Stoneman, 15991 Newfound Hills Lane, Montpelier, VA 23192

File

Reset Form

Print Form



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA

Received
APR 30 2014

Application for Special Use Permit (SUP)

Planning Dept.

Owner of Record: The Cowboys, LLC

Applicant of Record: Jeffrey Stoneman

E911 Address: _____

E911 Address: 15991 Newfound Hills Lane, Montpelier VA

Phone: _____ Fax: _____

Phone: (804) 467-4600 Fax: _____

Email: _____

Email: jstoneman7@gmail.com

Representative: Jeffrey Stoneman

Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.

E911 Address: 15991 Newfound Hills Lane, Montpelier VA

Phone: (804) 467-4600 Fax: _____

Is property in Agricultural Forestal District? No Yes

Email: jstoneman7@gmail.com

If Yes, what district: _____

Tax Map and Parcel(s): Map 30, Parcel 84B 30CAB84B

Deed Book Reference: 419-764

Acreage: 2.631 Zoning: A-1

Deed Restrictions? No Yes (Attach copy)

Request for a SUP in order to:

Build/operate Kennel

Proposed use of Property: Commercial Kennel / Residence

*Two copies of a plan must be submitted, showing size and location of the lot, dimensions and location of the proposed building, structure or proposed use, and the dimensions and location of the existing structures on the lot.

By signing this application, the undersigned owner/applicant authorizes entry onto the property by County Employees, the Planning Commission, and the board of Supervisors during the normal discharge of their duties in regard to this request and acknowledges that county employees will make regular inspections of the site.

Date: 4/30/14 Signature of Owner/Applicant: Jeffrey S. Stoneman

Subscribed and sworn to before me this 30th day of April, 20 14 Register # 37114

My commission expires: June 30, 2015 Notary Public: [Signature]



Certification: Date: _____ Zoning Administrator: _____

All plats must be folded prior to submission to the Planning Department for review. Rolled plats will not be accepted.

OFFICE USE ONLY			
Date Received: <u>4/30/14</u>	Pre-Application Meeting:	PH Sign Deposit Received: <u>4.30.14</u>	Application #: <u>SUP 14 : 003</u>
\$800.00 fee plus mailing costs paid: <u>ch# 3281</u>		Mailing Costs: \$20.00 Adjacent Property Owner(APO) after 1st 15, Certified Mail	
Amendment of Condition: \$400.00 fee plus mailing costs paid:			
Telecommunications Tower \$1,500.00 fee plus mailing costs paid:		\$5,500 w/Consultant Review paid:	
Election District: <u>Fork Union</u>	Planning Area: <u>Palmyra CPA</u>		
Public Hearings			
Planning Commission		Board of Supervisors	
Advertisement Dates: <u>6-12-14; 6-19-14</u>		Advertisement Dates: <u>7-3-14; 7-10-14</u>	
APO Notification: <u>6-11-14</u>		APO Notification: <u>7-2-14</u>	
Date of Hearing: <u>6-25-14</u>		Date of Hearing: <u>7-16-14</u>	
Decision:		Decision:	

Reset Form

Print Form



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Public Hearing Sign Deposit

Name: Jeffrey Stoneman

Address: 15991 Newfound Hills Lane

City: Montpelier

State: VA

Zip Code: 23192

I hereby certify that the sign issued to me is my responsibility while in my possession. Incidents which cause damage, theft, or destruction of these signs will cause a partial or full forfeiture of this deposit.

Jeffrey S Stoneman
Applicant Signature

4/30/14
Date

*Number of signs depends on number of roadways property adjoins.

OFFICE USE ONLY	
Application #: BZA _____ : _____ CPA _____ : _____ SUP _____ : _____ ZMP _____ : _____ ZTA _____ :	
\$90 deposit paid per sign*:	Approximate date to be returned:

Received

APR 30 2014

Planning Dept.

Describe briefly the **improvements** proposed. State whether new buildings are to be constructed, existing buildings are to be used, or additions made to existing buildings.

Applicant request permission to operate a commercial kennel on the property located at just southwest of Stoneleigh Road on Route 15. The property is 2.63 acres, zoned A-1. Applicant wishes to construct a residence with an attached kennel building as well as a six foot privacy fence.

NECESSITY OF USE: Describe the reason for the requested change.

In accordance with section 22-4.2.2 of the code of the County of Fluvanna, commercial kennel facilities are permitted in areas zoned A-1 only upon approval of a special use permit. As such, applicant seeks approval of a special use permit in order to operate a new commercial kennel.

PROTECTION OF ADJOINING PROPERTY: Describe the effects of the proposed use on adjacent property and the surrounding neighborhood. What protection will be offered adjoining property owners?

Adjacent property owners will be most concerned about barking dogs. Special consideration will be given to this issue. We would install special insulation to midigate the noise created by dogs barking. Natural vegetation and the use of privacy fencing will help further reduce noise. Privacy panels between each kennel run will also discourage barking.

ENHANCEMENT OF COUNTY: Why does the applicant believe that this requested change would be advantageous to the County of Fluvanna? (Please substantiate with facts.)

Fluvanna is a growing and vibrant county. We believe that the addition of a quality pet care facility would be a much needed service and would add to the quality of life to the local residents. The opening of such a pet care facility would also help retain business in the county.

PLAN: Furnish plot plan showing boundaries and dimensions of property, width of abutting right-of-ways, location and size of buildings on the site, roadways, walks, off-street parking and loading space, landscaping, etc. Architect's sketches showing elevations of proposed buildings and complete plans are desirable and may be required with the application. Remarks:

See attached site plan and business plan.

BARBARA WRIGHT GOSHORN, PC

ATTORNEY AT LAW
P.O. Box 177
PALMYRA, VA 22963

BARBARA WRIGHT GOSHORN

(434) 589-2694
FAX: (434) 589-6262

April 28, 2014

Steven Tugwell,
Senior Planner
Fluvanna County
Palmyra, VA

Re: Application of Special Use Permit
Cowboys, LLC
Tax Map No. 30-A-84B

Dear Mr. Tugwell:

Mr. Jeff Stoneman, as the prospective tenant of Cowboys, LLC, which lease is contingent upon the acquisition of a special use permit by Mr. Stoneman permitting a kennel upon the parcel, is authorized by Cowboys, LLC to apply for such special use permit.

Cowboys, LLC

By


Barbara Wright Goshorn
Registered Agent

Received

APR 30 2014

Planning Dept.

Memorandum

DATE: July 2, 2014

RE: APO'S for **SUP 14:03** Public Hearing Letters

TO: Steve Tugwell, Senior Planner

FROM: Kelly Belanger Harris

Please be advised the attached letter went out to the attached list of Adjacent Property Owners for the **July 16, 2014** Board of Supervisors meeting re: SUP 14:03—Stoneman.



COUNTY OF FLUVANNA

“Responsive & Responsible Government”

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 www.fluvannacounty.org

NOTICE OF PUBLIC HEARING

July 2, 2014

«Owner»

«Address»

«City_State» «Zip_Code»

TMP# «TMP»

Re: Public Hearing on SUP 14:03

Dear «Owner»:

This letter is to notify you that the Fluvanna County Board of Supervisors will hold a public hearing on the above referenced item on **Wednesday, July 16, 2014 at 7:00 PM** in the Circuit Court Room at the Fluvanna County Courts Building in Palmyra, VA. The request is described as follows:

SUP 14:03 – Jeffrey Stoneman - A request for a Special Use Permit (SUP) to allow for a commercial kennel with respect to 2.631 acres of Tax Map 30, Section A, Parcel 84B. The property is zoned A-1 (Agricultural, General) and is located on the southeast side of Route 15 (James Madison Highway), approximately 0.18 miles northeast of Route 53 (Thomas Jefferson Parkway). The property is located in the Fork Union Election District and is within the Palmyra Community Planning Area.

The applicant or applicant’s representative must be present at the Planning Commission meeting. The tentative agenda and staff report will also be available for review by the public in the Fluvanna County Planning and Community Development Department during working hours (8:00 a.m. – 5:00 p.m., Monday through Friday). If you have any questions, please feel free to contact me at 434-591-1910.

Sincerely,

Steven Tugwell
Senior Planner

SUP 14-03--Stoneman

TMP	Title	Owner	Company	Address	City, State	Zip Code
30 A 85	Mr.	Stephen Pence		174 Stoneleigh Rd	PALMYRA, VA	22963
30 A 84	Mr. & Mrs.	John C Zehler, Jr & Kathryn K Zehler		240 Stoneleigh Rd	PALMYRA, VA	22963
30 A 85A		Fluvanna County Historical Society		P.O. Box 8	PALMYRA, VA	22963
30A A 33	Ms.	Alice H Clifford		407 Stoneleigh Rd	PALMYRA, VA	22963
Applicant/Representative		Jeff and Gayle Stoneman				22963

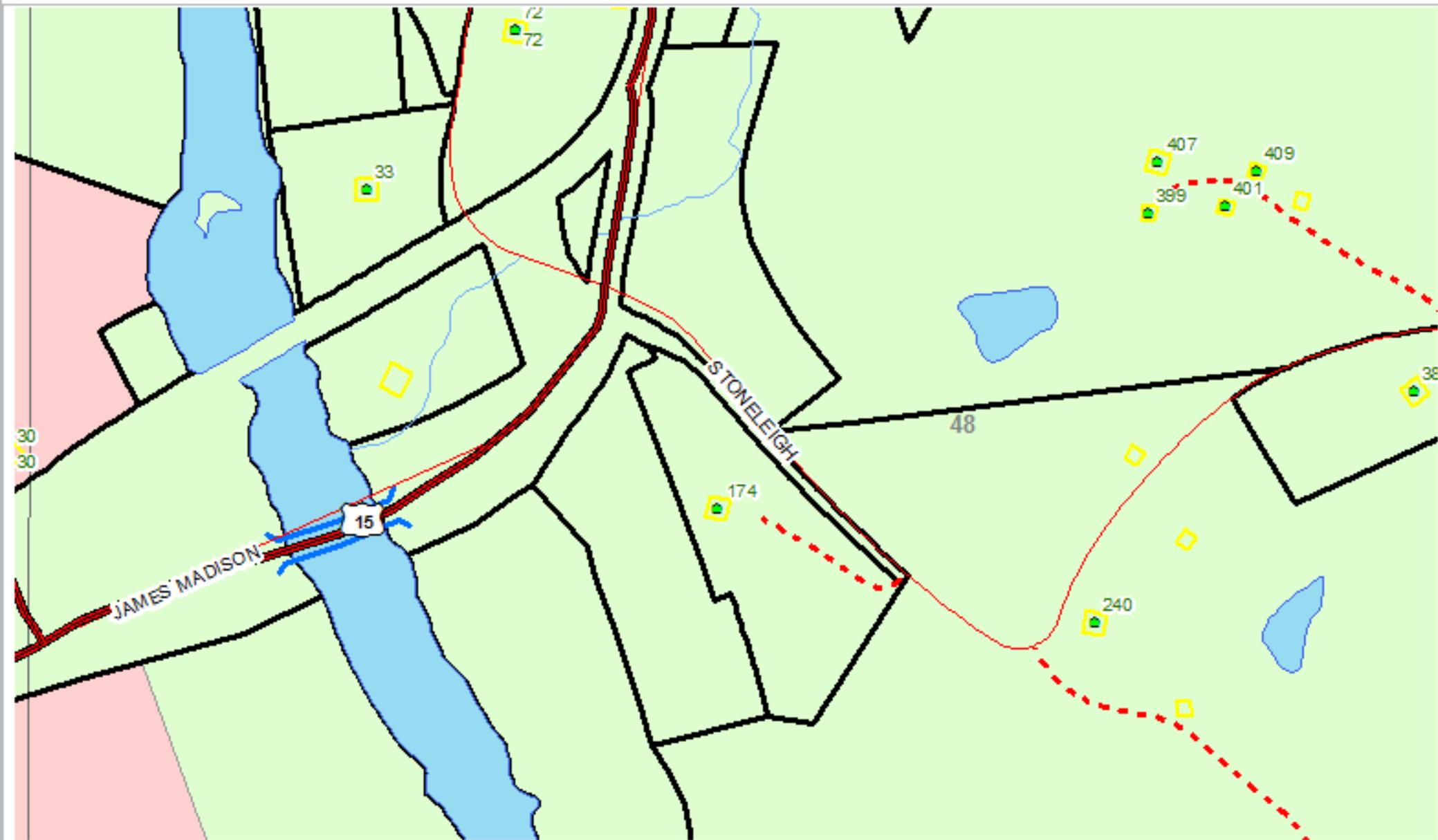


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Date: 06/14/2014

Printed By:

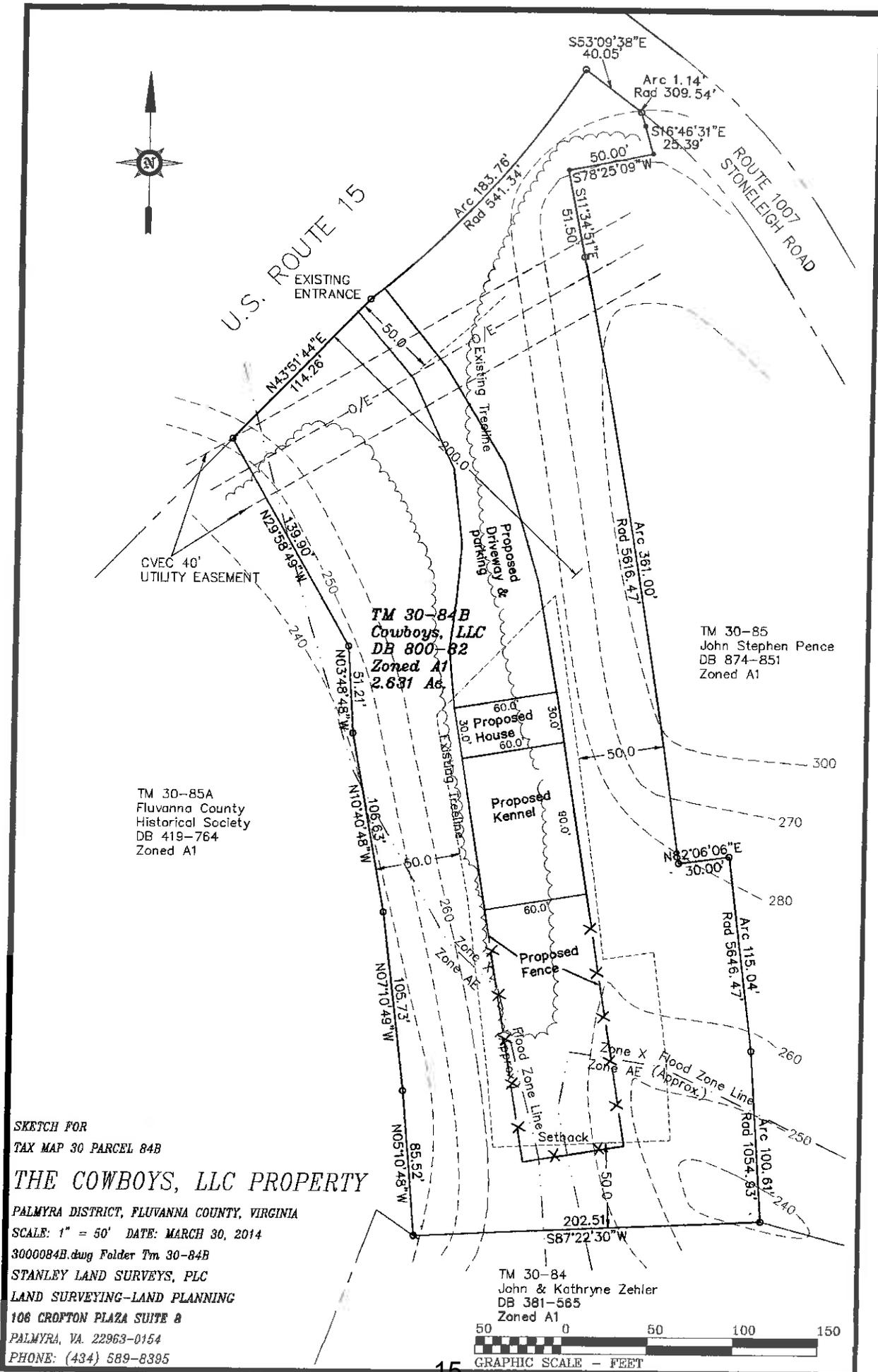
Under Virginia State Law, these real estate assessment records are public information. Display of this property information on the internet is specifically authorized by the Code of Virginia §58.1-3122.2(as amended).



Scale: 1:4513.988705

Date: 06/14/2014

Printed By:



SKETCH FOR
TAX MAP 30 PARCEL 84B

THE COWBOYS, LLC PROPERTY

PALMYRA DISTRICT, FLUVANNA COUNTY, VIRGINIA

SCALE: 1" = 50' DATE: MARCH 30, 2014

3000084B.dwg Folder Tm 30-84B

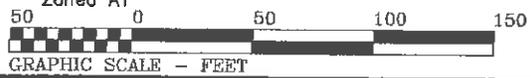
STANLEY LAND SURVEYS, PLC

LAND SURVEYING-LAND PLANNING

106 CROFTON PLAZA SUITE 2

PALMYRA, VA. 22963-0154

PHONE: (434) 589-8395



PawsCienda Pet Resort

PawsCienda Pet Resort
BUSINESS PLAN
May 1st, 2014

Jeff & Gayle Stoneman
Owners
PawsCienda Pet Resort
15081 Brown Pleasants Road
Montpelier, VA 23192
(804) 883-7245
Jstoneman7@gmail.com

Received

APR 30 2014

Planning Dept.

CONFIDENTIAL

No offering is made or intended by this document. Any offering of interests in PawsCienda Pet Resort will be made only in compliance with Federal and State securities laws.

This document includes confidential and proprietary information of and regarding PawsCienda Pet Resort. This document is provided for informational purposes only. You may not use this document except for informational purposes, and you may not reproduce this document in whole or in part, or divulge any of its contents without the prior written consent of PawsCienda Pet Resort. By accepting this document, you agree to be bound by these restrictions and limitations.



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I. Executive Summary

Business Overview

We are a state-of-the-art pet care facility specializing in pet boarding, day care, and training.

Success Factors

The PawsCienda Pet Resort is uniquely qualified to succeed because we have extensive experience in the pet care industry. For the past 27 years, we have been training dogs for competition, hunting and obedience. In 2000, we opened a full service state-of-the-art pet care facility in Montpelier, Virginia where we have uniquely designed our services to meet the needs of our surrounding community.

II. Company Overview

Below is a snapshot of the PawsCienda Pet Resort since its inception:

- The PawsCienda Pet Resort in Montpelier, Virginia opened for business in May of 2000.
- We are a Subchapter S Corporation.
- The PawsCienda Pet Resort is located in Montpelier, Virginia at the corner of Route 33 and Brown Pleasants Road. Our street address is 15081 Brown Pleasants Road.
- Our Missions Statement:

To bring honor and glory to God by serving others with excellence and treating others with respect by serving our community like we would like to be served. Maintaining our facility and making improvements in an effort to provide a clean and safe environment. To make sure our team is well-trained and courteous demonstrating our desire to serve others. To provide opportunities for our team to be successful and prosper.

III. Industry Analysis

Market Overview

The pet industry in the United States is booming! Americans own more pets than ever before. Growth in the pet care industry is derived both from increasing pet ownership as well as from increased spending per pet. Pet pampering is becoming the norm, as pet owner spending has moved far beyond the simple food and grooming expenses to more innovative and specialized premium products. The bottom line: Americans view their pets as part of the family and are willing to spend EVEN during difficult economic times.

According to the American Pet Product Association (APPA), Americans spent approximately \$47.7 billion on pet products and services in 2010, an increase of 4.8% over 2009. Since 1988, pet ownership has expanded from 56% of households to 62%. That's 71.4 million homes! Often one animal just isn't enough: some 46% of all households own more than one pet.

IV. Customer Analysis

Target Customers

Our customers are people who love their pets. Because the average resident commutes over 30 minutes a day to work, doggie day care can be a great comfort for the worrying parent. Our customers need a reputable, reliable and trustworthy pet care facility to leave their 'best friend' with when they vacation. A place where their pet will feel comfortable and not stressed.

Our target customers include dog owners who are married in between the ages of 30 – 50 years old. Our customers would also include those whose income is over \$50,000, live within a 30 mile radius and have at least 1 dog. Education is high school or higher.

On average Palmyra residents spend 35.6 minutes per day commuting to work, which is higher than the state average of 27.6 minutes and is higher than the national average of 25.4 minutes.

Customer Needs

Our customers want a reliable pet care facility that has a friendly staff that truly cares for their clients. Our customers expect a clean smelling facility and excellent customer service. Our location, right off of route 15, provides convenience for customers who are heading out of town on that much needed vacation.

Our customers expect high quality service for a price that is competitive in the industry. Serving our customers' needs is our number #1 priority.

V. Competitive Analysis

The following is an overview of PawsCienda Pet Resorts' competitors.

Direct Competitors

Our direct competitors include traditional full service boarding kennels (boarding, grooming, training, day care) within a 30 mile radius.

- **Direct Competitor #1: Pampered Pets**
 - Location: 601 Concord Ave., Charlottesville, VA 220-3
 - Distance: Pampered Pets is located 25 miles away.
 - Pampered Pets offers boarding, grooming and day care.
- **Direct Competitor #2: Pet Motel and Salon**
 - Location: 1187 5th St. SW / Charlottesville, VA 22902
 - Distance: Pet Motel and Salon is located 26 miles away.
 - Pet Motel and Salon offers boarding and grooming.
- **Direct Competitor #3: The Dogg House**
 - Location: 2101 Berkmar Drive, Charlottesville, VA 22901
 - Distance: The Dogg House is located 28 miles away.
 - The Dogg House offers boarding, grooming and training.

Indirect Competitors

Our indirect competitors include in-home pet walking/sitting, in-home pet boarding, and veterinarian clinics with boarding.

- **Indirect Competitor #1: Canine Concierge & Equine**
 - Location: 232 Bybee Farms Lane, Palmyra, VA 22963
 - Distance: Canine Concierge & Equine is located 7 miles away.
 - Canine Concierge & Equine offers at home day care and boarding.
- **Indirect Competitor #2: Sadie's Stay & Play**
 - Location: 3800 Richmond Road, Troy, VA 22974
 - Distance: Sadie's Stay & Play is located 10 miles away.
 - Sadie's Stay & Play offers at home day care and boarding.
- **Indirect Competitor #3: Fork Union Animal Clinic**
 - Location: 6690 James Madison Highway, Fork Union, VA 23055
 - Distance: Fork Union Animal Clinic is located 7 miles away.
 - Fork Union Animal Clinic offers boarding and grooming.
- **Indirect Competitor #4: Crossroads Animal Hospital**
 - Location: 65 Jefferson Court, Gordonsville, VA 22942
 - Distance: Crossroads Animal Hospital is located 10 miles away.
 - Crossroads Animal Hospital offers boarding and bathing.

Competitive Advantages

The PawsCienda Pet Resort is positioned to outperform competitors for the following reasons:

- The PawsCienda Pet Resort is a family owned and operated pet care facility. With 14 years of operational experience, we have developed practices that focus on maintaining a clean and safe facility.
- Our location, right off of route 15, will have high visibility and easy access for our customers traveling to or from I-64.
- Over the years, we have successfully incorporated state-of-the-art technology that focuses specifically on pet care needs. We plan to build our new facility using leading edge technology and construction materials to provide the best environment available.

- With 27 years of training experience in the area of behavioral modification, dog obedience and retriever training, we are uniquely qualified to provide a nurturing fun-filled atmosphere. Basically, we know dogs!

VI. Marketing Plan

We offer a state-of-the-art climate controlled all indoor facility. We will have outdoor fenced in play areas for our guests to exercise for a majority of the day. All of our guests will be provided with spacious and luxurious living quarters.

Our facility will be equipped with residential living quarters.

The owner of the PawsCienda Pet Resort has a vast experience in pet obedience and has trained and handled many award winning dogs.

With more and more families staying away from home more than 8 hours per day, doggie day care has become a necessity. Day care is a great way to keep your pet safe and happy while you are away from home. Day care provides a great outlet for your pet and will help discourage your pet from developing bad behaviors.

Pricing Structure

Our overnight guests will be provided luxury accommodations and extended outdoor play time for \$27 per night. Our doggie day care will include fun-filled, supervised recreational play time at \$18 per full day.

Promotions

The PawsCienda Pet Resort will use the following tactics to attract new customers:

- We will have high visibility due to our location on Route 15.
- Internet access through our website (www.pawscienda.com), google ad words, Facebook, etc.
- Development of meaningful relationships with area veterinarians, pet retail stores and local breeders.

VII. Operations Plan

Our business has been owned and operated by Jeff & Gayle Stoneman since 2000. The responsibilities of the day to day operations will be handled by the owners and other staff members.

The goal of our business is to maintain a family-oriented atmosphere while developing it into a multi-generational business. Our two sons have been involved in the operations of the business since they were 8 years old. They both plan to continue working and learning about the day to day business operations until such time their families can take over ownership.

Key Operational Processes

The owners will be on-site to oversee all operations. Our operations will include the daily managing of the kennel area, as well as the day care area. An office assistant will assist the owner with all accounting / payroll / receivables. All customer care needs and correspondence will be handled by the office receptionist.

Milestones

Our goal is to provide the highest quality pet care possible with a focus on customer service with a family atmosphere.

VIII. Management Team

Our management team will handle customer service needs, insure quality and provide a safe environment.

Management Team Members

- **Name: Jeff Stoneman**
 - Owner and Head Trainer
 - Will oversee all business operations
 - Will oversee all training operations

- **Name: Gayle Stoneman**
 - Owner and bookkeeper/treasurer
 - Will oversee all payroll distributions
 - Will oversee all tax and insurance issues.

- **Other Future Management Team positions:**
 - Kennel manager
 - Day Care manager
 - Office assistant
 - Office receptionist

IX. Financial Plan

Available upon request



COUNTY OF FLUVANNA

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May 21, 2014

Mr. Jeffrey Stoneman
15991 Newfound Hills Lane
Montpelier, VA 23192

Delivered via email

Re: SUP 14:03 Jeffrey Stoneman Commercial Kennel

Tax Map: 30, Section A, Parcel 84B

Dear Mr. Stoneman:

The following comments are the result of the Technical Review Committee meeting that was held on Thursday, May 15, 2014. Comments are outlined below:

1. Mike Brent, Fire Chief has no comments;
2. Mr. Wayne Stephens (County Engineer) with the Public Works Dept. stated that "connection to public sewer will be challenging. The only nearby sewer line is on the opposite side of Rt 15, and it is a force main. This means the owner would need to install a grinder pump system on their property, and route a small-diameter force main under Rt 15 to "over-pump" the County's force main;

First, however, they would need to have a consulting engineer take a look at the County's force main to see if it can be safely over-pumped. Assuming it is feasible from a technical and operational standpoint, they would need permission from the County to do connect directly to a force main.

Their only other option would be obtaining off-site easements and putting in a gravity sewer line flowing northward along Rt 15 to the County's sewage pumping station (a much longer distance which traverses several private properties). Elevations and routes would need to be verified, but I think this option would eliminate the need for their own sewage pump station";

3. VDOT stated that "The existing entrance to the property (TMS 30-A-84B) has excellent intersection sight distance. Given the proposed use of the property as a residence in conjunction with a dog kennel, this proposal will qualify for a low commercial volume entrance (50 vehicles per day or less). The existing gravel entrance will have to be paved

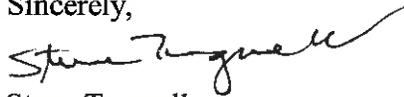
so that it is 20 ft. wide with 25 ft. radii. The pavement can terminate 25 ft. from the white edge line on Rte. 15 and the existing paved shoulder can be used as part of the paved low volume commercial entrance.

4. Virginia Electric Cooperative stated they do not have any concerns with the application;
5. Planning- if the SUP is approved, then a site development plan in compliance with the zoning ordinance will be required.

Please provide any revised sketch plans and email a PDF version of the plan to stugwell@fluvannacounty.org, along with any other materials or documentation that is to be included in the Planning Commission packet by **Friday, May 30, 2014**. Submitting revisions by this deadline will place your request on the **June 25, 2014** Planning Commission agenda.

If you have any questions or need additional information, please contact me at 434-591-1910.

Sincerely,



Steve Tugwell
Senior Planner
Dept. of Planning & Community Development

cc: File

Steven Tugwell

From: Miller, Charles (VDH) <Charles.Miller@vdh.virginia.gov>
Sent: Friday, May 23, 2014 11:29 AM
To: Steven Tugwell
Subject: RE: May 15th TRC comments

No other comments since the Dept. of Health does not have regs for kennels and I spoke with the contractor for Grace & Glory some time back & informed that they would go through a private concern & not our dept.

Thanks,

Charles

From: Steven Tugwell [<mailto:stugwell@fluvannacounty.org>]
Sent: Thursday, May 22, 2014 11:55 AM
To: Miller, Charles (VDH)
Subject: RE: May 15th TRC comments

Yes, that is correct. The school is served by Aqua for water and sewer.

Did you have any comments on the other two applications? There is the sup request for a commercial kennel and the Grace & Glory site plan.

Thanks,
Steve

From: Miller, Charles (VDH) [<mailto:Charles.Miller@vdh.virginia.gov>]
Sent: Thursday, May 22, 2014 11:47 AM
To: Steven Tugwell
Subject: RE: May 15th TRC comments

Steve,

Just to confirm that public water & sewer will be utilized for the proposed private school and we will not be involved.
Thanks

Charles

From: Steven Tugwell [<mailto:stugwell@fluvannacounty.org>]
Sent: Monday, May 19, 2014 2:30 PM
To: Wood, Mark, P.E., L.S (VDOT)
Cc: Miller, Charles (VDH); Castillo, Timothy E.
Subject: May 15th TRC comments
Importance: High

Hi Gents:

Steven Tugwell

From: Wayne Stephens
Sent: Wednesday, May 14, 2014 4:41 PM
To: Steven Tugwell
Subject: RE: Question

As with the previously proposed project, connection to public sewer will be challenging. The only nearby sewer line is on the opposite side of Rt 15, and it is a force main. This means the owner would need to install a grinder pump system on their property, and route a small-diameter force main under Rt 15 to "over-pump" the County's force main.

First, however, they would need to have a consulting engineer take a look at the County's force main to see if it can be safely over-pumped. Assuming it is feasible from a technical and operational standpoint, they would need permission from the County to do connect directly to a force main.

Their only other option would be obtaining off-site easements and putting in a gravity sewer line flowing northward along Rt 15 to the County's sewage pumping station (a much longer distance which traverses several private properties). Elevations and routes would need to be verified, but I think this option would eliminate the need for their own sewage pump station.

Perhaps I should just attend the meeting!

I'll plan on being there.

Wayne

J. Wayne Stephens
Director of Public Works
Fluvanna County Virginia

wstephens@fluvannacounty.org

From: Steven Tugwell
Sent: Wednesday, May 14, 2014 4:30 PM
To: Wayne Stephens
Subject: RE: Question

Just the SUP application for a commercial kennel that is proposed across the street. They had a question about connecting to the sewer line. It is tax map 30-A-84B. If you just want to respond by email in lieu of attending the meeting, that should suffice.

Thanks,
Steve

Steven Tugwell

From: Wood, Mark, P.E., L.S (VDOT) <James.Wood@VDOT.virginia.gov>
Sent: Monday, May 19, 2014 5:41 PM
To: Steven Tugwell
Cc: Miller, Charles (VDH); Castillo, Timothy E.; Reed, James M. (VDOT); Wolfrey, Sharon A. (VDOT)
Subject: RE: May 15th TRC comments
Importance: High

Steve,

As a follow up to the Fluvanna County TRC Meeting held on Thursday, May 15, 2014 I offer the following comments:

- **SDP 14:04 - Grace and Glory Lutheran Church** – As long as there is not an increase in the size of the church building, VDOT does not object to the existing entrance improvements on Rte. 53 serving the existing church and the proposed 58' x 24' picnic shelter and the 65 additional parking spaces.
- **SUP 14:03 - Jeffrey Stoneman** – The existing entrance to the property (TMS 30-A-84B) has excellent intersection sight distance. Given the proposed use of the property as a residence in conjunction with a dog kennel, this proposal will qualify for a low commercial volume entrance (50 vehicles per day or less). The existing gravel entrance will have to be paved so that it is 20 ft. wide with 25 ft. radii. The pavement can terminate 25 ft. from the white edge line on Rte. 15 and the existing paved shoulder can be used as part of the paved low volume commercial entrance.
- **SUP 14:03 – Joyce Parr** - The proposed school with up to 50 students will utilize suites 6 & 6B in the existing Lake Centre Shopping Center. There is an existing traffic signal with designated right and left turn lanes at the intersection of Rte. 600 and Slice Road/Abby Road that will adequately serve the school. In addition, there is over 225 ft. of corner clearance between Rte. 600 and Centre Court to allow for the stacking of vehicles. VDOT does not object to the proposal.

J. Mark Wood, P.E., L.S.
 Area Land Use Engineer
 Virginia Department of Transportation
 Land Development – South
 P.O. Box 1017
 11430 James Madison Highway
 Troy, VA 22974
 Phone: (434) 589-7932
 Cell: (540) 223-5240
 Fax: (434) 589-3967
 Email: Mark.Wood@VDOT.Virginia.gov

From: Steven Tugwell [<mailto:stugwell@fluvannacounty.org>]
Sent: Monday, May 19, 2014 2:30 PM
To: Wood, Mark, P.E., L.S (VDOT)
Cc: Miller, Charles (VDH); Castillo, Timothy E.

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: July 16, 2014

AGENDA TITLE:	SUP 14:04 – Joyce Parr - Educational Facility				
MOTION(s):	I move that the Board of Supervisors approve/deny/defer SUP 14:04, [if approved], with respect to 6.343 acres of Tax Map 18A, Section 4, Parcel 13A, with the four (4) conditions as described in the staff report.				
CATEGORY	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
	X				
STAFF CONTACT(S):	Jay Lindsey, County Planner				
PRESENTER(S):	Jay Lindsey, County Planner				
RECOMMENDATION:	At its meeting on June 25, 2014, the Planning Commission recommended approval (5-0); Mr. Zimmer moved to approve; Mr. Gaines seconded; Ayes: Bibb, Eager, Gaines, Johnson, and Zimmer.				
TIMING:	Immediate decision requested at current meeting.				
DISCUSSION:	Request for a special use permit to allow for an educational facility with respect to a portion of 6.34 acres of Tax Map 18A, Section 4, Parcel 13A.				
FISCAL IMPACT:	-				
POLICY IMPACT:	<p>The Board of Supervisors may:</p> <ul style="list-style-type: none"> • Approve this request, allowing the school; OR • Deny this request, preventing the school; OR • Defer this request and make a final decision at a later date. 				
LEGISLATIVE HISTORY:	<p>Review of an educational facility in accordance with Chapter 22, Article 4 of the Fluvanna County Code (Zoning Ordinance: Uses permitted by special use permit only).</p> <p>Application was received on May 01, 2014.</p> <p>Planning Commission reviewed the request on June 25, 2014.</p>				
ENCLOSURES:	Staff Report (with accompanying attachments)				
REVIEWS	Legal	Finance	Purchasing	HR	Other
					X



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STAFF REPORT

To: Fluvanna County Board of Supervisors

Case Number: SUP 14:04

Tax Map: Tax Map 18A, Section 4, Parcel 13A

From: Jay Lindsey

District: Palmyra

Date: July 16, 2014

General Information: This request is to be heard by the Board of Supervisors on Wednesday, July 16, 2014 at 7:00 pm in the Circuit Court Room in the Courts Building.

Owner/Applicant: Rountop Limited Partnership

Representative: Joyce Parr

Requested Action: Request for special use permit to allow for an educational facility with respect to a portion of 6.34 acres of Tax Map 18A, Section 4, Parcel 13A.

Location: The affected property is located within the Lake Centre Shopping Center at Center Court, Palmyra on the northwest side of the intersection of Slice Road and South Boston Road (route 600), approximately 500 feet from that intersection. (Attachment B)

Existing Zoning: B-1, Business, General

Planning Area: Rivanna Community Planning Area

Existing Land Use: The parcel is approximately 6.343 acres within the Lake Centre Shopping Center at Center Court, Palmyra.

Adjacent Land Use: The surrounding area is zoned A-1, Agricultural, General, R-2, Residential, General, R-4, Residential, Limited, and B-1, Business, Limited.

Zoning History: The parcel was rezoned from A-1 to B-1 in 1991. Two site development plans were approved for a daycare center and retail, respectively, in 1991. A special use permit was issued in 2003 for the siting of a cellular communications tower.

Comprehensive Plan:

VISION 2029

The vision for Fluvanna County is based on key goals such as “preserving the rural character, promote economic development and protect individual property rights”.

ECONOMIC DEVELOPMENT

Goal 3: *To protect rural areas through economic development.*

Implementation Strategy 3. Support the development of local economies, locally owned businesses, and entrepreneurial opportunities, particularly those that are of rural character and will require little provision of infrastructure.

Analysis:

The applicant is proposing to operate an educational facility within a tenant space approximately 1,800 square feet in area, referred to as Suites 6 and 6B. The building has been previously used as a Real Estate office. This structure is attached by a breezeway to an existing 2,555 square foot building housing the Dogwood Restaurant. The entire site is located within the existing Lake Centre Shopping Center and is zoned B-1.

Improvements to the structure will include installing a doorway and door to connect Suites 6 and 6B, removing a counter, and may include installing a sink or drinking fountain in a plumbed-ready wall in Suite 6B.

The educational facility is proposed to be a Kindergarten through 8th grade day school and a Kindergarten through 12th grade homeschool cooperative. According to the applicant, the homeschool cooperative will “*provide support to homeschooling parents and provide opportunities to share resources, joint field trips, project-based instruction, and other activities/programs.*” (Attachment A)

When evaluating proposed uses for a special use permit, in addition to analyzing the potential adverse impacts of the use, staff utilizes two (2) general guidelines for evaluation as set forth in the zoning ordinance.

First, the proposed use should not tend to change the character and established pattern of the area or community.

The educational facility would be located on a 6.34 acre parcel, within an existing shopping center. The surrounding area features a mix of residential, business, and agricultural uses. It does not appear that the educational facility, as proposed, would alter or change the established pattern of the community being that it would be located in an existing commercial structure within a shopping center.

Second, the proposed use should be compatible with the uses permitted by-right in that zoning district and shall not adversely affect the use/or value of neighboring property.

The educational facility would be housed in an existing structure in an existing shopping center in B-1 zoning. Neighboring properties include a dance studio, a restaurant, and a pre-school. There are other commercial uses nearby, and the residential uses should not be adversely affected by the operation of the educational facility.

Neighborhood Meeting:

With the exception of the applicant, there were no other attendees at the May 13th, 2013 neighborhood meeting.

Technical Review Committee:

At the May 15th, 2014 Technical Review Committee meeting:

1. Aqua Virginia stated that the site is served by public water and sewer, and at this time there is sufficient capacity for this use;
2. VDOT noted that there is an existing traffic signal with designated right and left turn lanes at the intersection of Rte. 600 and Slice Road/ Abby Road that will adequately serve the school. In addition, there is over 225 feet of corner clearance between Rte. 600 and Centre Court to allow for the stacking of vehicles. VDOT does not object to the proposal;
3. Central VA Electric Cooperative stated that they have no concerns with the project;
4. The Fire Chief said that an additional evacuation plan may be required; and
5. Planning Commission member Patricia Eager asked how many students the school will serve.

The full list of Technical Review Committee comments is attached to this staff report. (Attachment D)

Planning Commission:

At the June 25th, 2014 Planning Commission meeting, the Planning Commission and applicant discussed hours of operation and explored potential conflicts between the subject property and the Dogwood restaurant. The applicant stated that the school will be oriented to the rear parking lot and entrance, in order to minimize any potential conflict.

The Planning Commission and applicant briefly discussed additional uses that may be acceptable on the property, such as adult classes and fundraising activities, but the applicant and Planning Commission agreed to focus on the school itself, rather than potentially holding up the SUP process by proposing additional uses at this time.

The request for a special use permit to allow for an educational facility with respect to a portion of 6.34 acres of Tax Map 18A, Section 4, Parcel 13A, was approved by the Planning Commission by a vote of 5-0 with the following 4 conditions:

1. The maximum number of students on-site at any time during the academic year shall be fifty (50);
2. Regular school hours of operation shall be 7am through 8pm, Monday through Friday;
3. The Board of Supervisors, or representative, reserves the right to inspect the business for compliance with these conditions at any time; and
4. Under Sec. 22-17-4 F (2) of the Fluvanna County Code, the Board of Supervisors has the authority to revoke a Special Use Permit if the property owner has substantially breached the conditions of the Special Use Permit.

Conclusion:

The Board of Supervisors may want to consider any potential adverse impacts, such as traffic entering and exiting the property, safety, or potential impacts to adjacent properties.

Recommended Conditions

If approved, Staff recommends the following conditions:

1. The maximum number of students on-site at any time during the academic year shall be fifty (50);
2. Regular school hours of operation shall be 7am through 8pm, Monday through Friday;
3. The Board of Supervisors, or representative, reserves the right to inspect the business for compliance with these conditions at any time; and
4. Under Sec. 22-17-4 F (2) of the Fluvanna County Code, the Board of Supervisors has the authority to revoke a Special Use Permit if the property owner has substantially breached the conditions of the Special Use Permit.

Suggested Motion:

I move that the Board of Supervisors recommend [approval/denial] of SUP 14:04, [if approved], with respect to a portion of 6.34 acres of Tax Map 18A, Section 4, Parcel 13A, with the conditions as described in the staff report.

Attachments:

- A – Application, originally submitted sketch plan, & APO Letter
- B – Zoning map
- C – Aerial Vicinity Map
- D – TRC Comment Letter, Health Dept. memo, and applicant’s response letter

Cc: Rountop Limited Partnership, 2246 Ivy Road, Suite 5, Charlottesville, VA 22903, Ms. Joyce Parr, 13
Woodlawn Drive, Palmyra, VA 22963
File



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA

MAY 01 2014

Application for Special Use Permit (SUP) Planning Dept.

Owner of Record: Rountop Limited Partnership

Applicant of Record: Joyce Parr

E911 Address: 2246 Ivy Rd., Suite 5, Charlottesville, VA 22903

E911 Address: 13 Woodlawn Dr., Palmyra, VA 22963

Phone: 434-976-0568 Fax: 434-979-4421

Phone: 434-906-6769 Fax:

Email: jeepnewman@aol.com

Email: thelightacademyva@gmail.com

Representative: General Partner - James W. Newman Jr.

Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.

E911 Address: same as above

Is property in Agricultural Forestal District? No Yes

Phone: same as above Fax: same as above

If Yes, what district:

Email: same as above

Tax Map and Parcel(s): 18A 4 13A

Deed Book Reference: 371-856 383-188

Acreage: 6.34 **Zoning:** B1

Deed Restrictions? No Yes (Attach copy)

Request for a SUP in order to: operate a school

Proposed use of Property: educational facility

*Two copies of a plan must be submitted, showing size and location of the lot, dimensions and location of the proposed building, structure or proposed use, and the dimensions and location of the existing structures on the lot.

By signing this application, the undersigned owner/applicant authorizes entry onto the property by County Employees, the Planning Commission, and the board of Supervisors during the normal discharge of their duties in regard to this request and acknowledges that county employees will make regular inspections of the site.

Date: 5/01/14

Signature of Owner/Applicant: *Joyce Parr*

Subscribed and sworn to before me this

1st

day of

May, 20 14

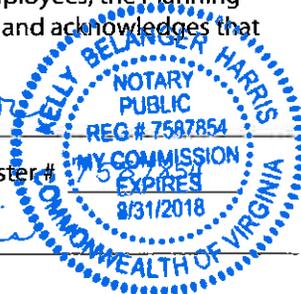
Register #

My commission expires:

8/31/2018

Notary Public:

Kelly Belanger Harris



Certification: Date:

Zoning Administrator:

All plats must be folded prior to submission to the Planning Department for review. Rolled plats will not be accepted.

OFFICE USE ONLY	
Date Received: 5.1.14	Pre-Application Meeting: 4/29/14 PH Sign Deposit Received: ch# 1693 Application #: SUP 14 : 004
\$800.00 fee plus mailing costs paid: ch # 1692	Mailing Costs: \$20.00 Adjacent Property Owner(APO) after 1st 15, Certified Mail
Amendment of Condition: \$400.00 fee plus mailing costs paid: —	
Telecommunications Tower \$1,500.00 fee plus mailing costs paid: — \$5,500 w/Consultant Review paid: —	
Election District: Palmyra	Planning Area: Rivanna Community Planning Area
Public Hearings	
Planning Commission	Board of Supervisors
Advertisement Dates: 5-12-14; 6-19-14	Advertisement Dates: 7-3-14; 7-10-14
APO Notification: 6-12-14 6-11-14	APO Notification: 7-3-14 7-2-14
Date of Hearing: 6-25-14	Date of Hearing: 7-16-14
Decision:	Decision:

Received

MAY 01 2014

Planning Dept.

Rountop Limited Partnership L L P
2246 Ivy Road Suite 5
Charlottesville, VA 22903
Telephone 434-979-0568 Facsimile 434-979-4421 Cell 434-825-2429

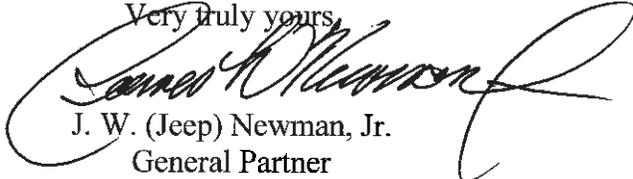
April 30, 2014

To whom it may concern:

As General Partner of Rountop Limited Partnership LLP, owner of Lake Centre Shopping Center located at Centre Court, Palmyra, Virginia;

I hereby authorize Joyce Parr as agent for all matters concerning her application for a Special Use Permit (SUP) for suites 6 & 6B which are located in my shopping center (please refer to attached map).

Very truly yours,



J. W. (Jeep) Newman, Jr.
General Partner



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Public Hearing Sign Deposit

Name: Joyce Parr
Address: 13 Woodlawn Drive
City: Palmyra
State: Virginia Zip Code: 22963

I hereby certify that the sign issued to me is my responsibility while in my possession. Incidents which cause damage, theft, or destruction of these signs will cause a partial or full forfeiture of this deposit.

Joyce Parr 5/01/14
Applicant Signature Date

*Number of signs depends on number of roadways property adjoins.

OFFICE USE ONLY	
Application #: BZA _____ : _____ CPA _____ : _____ SUP <u>14</u> : <u>004</u> ZMP _____ : _____ ZTA _____ :	
\$90 deposit paid per sign*: <u>ch# 1693</u>	Approximate date to be returned:

Received
MAY 01 2014
Planning Dept.

Received

MAY 01 2014

Planning Dept.

Joyce Parr

SUP request for 6 & 6b Centre Court, Palmyra, VA

Describe briefly the improvements proposed. State whether new buildings are to be constructed, existing buildings are to be used, or additions made to existing buildings.

The improvements proposed to this space include a doorway and a door to allow interior access to and from Suite 6 and 6b. There is a counter that will need to be removed, and we may possibly install a sink or a drinking fountain in a plumbed ready wall in Suite 6b. Fire alarms will be added as required by the Fire Marshall.

NECESSITY OF USE: *Describe the reason for the requested change.*

My school board and I are starting The Light Academy which is a non-denominational Kindergarten - 8th grade day school and a Kindergarten - 12th grade homeschool cooperative. Our goal is to provide a quality Christian education to students using direct instruction, project-based instruction, interdisciplinary units, and the use of technology. Our day school will also offer enrichment activities such as art, Bible, community service, foreign language, life skills, keyboarding, and music which will be centered around the concepts and or units being taught. Additional enrichment activities will be added as we develop our program.

Our homeschool cooperative will provide support to homeschooling parents and provide opportunities to share resources, joint field trips, project-based instruction, and other activities/ programs as we develop our homeschool cooperative program.

I am the principal of The Light Academy, and I have a B.S. degree in Elementary Education from Liberty University in Lynchburg, VA, and I have a M.Ed. degree in Educational Leadership from Lynchburg College in Lynchburg, VA. I have over 19 years of experience - 5 years of experience in teaching and over 14 years of experience in administration. Of my teaching and administrative experience, 14 of those years were in public schools and 5 were in a private school. I am knowledgeable of state requirements, policies, and procedures as they pertain to private and public schools, curriculum, instruction, testing, and accreditation. It is our goal to begin the accreditation process in the fall of 2015 with the Virginia Association of Independent Schools (VAIS.) Our staff will be qualified according to the VAIS requirements for accreditation and will have background checks with the Virginia State Police Department and the Department of Social Services.

Please refer to the attached "Light" Points which provides a "picture" of what we believe.

PROTECTION OF ADJOINING PROPERTY: *Describe the effects of the proposed use on adjacent property and the surrounding neighborhood. What protection will be offered adjoining property owners?*

This is currently a commercial space, and it is our goal to work with existing businesses cooperatively in and around our space. Our start and end times shouldn't interfere with their businesses and will be during times when their businesses are slower or not open. In fact, we hope to foster positive relationships with the existing businesses in the shopping center such as possibly working with Angell's dance studio for enrichment classes or after-school classes, and possibly working with the Dogwood Restaurant to allow our students to purchase lunches from them. We also hope to work with the Starting Gate Preschool to possibly start a "Book Buddy" program where our students would periodically visit preschool classrooms to read books with the preschoolers, etc. Being near the Starting Gate Preschool and not far from ABC Preschool will allow parents a close option for older siblings or for future private education for their child(ren).

ENHANCEMENT OF COUNTY: *Why does the applicant believe that this requested change would be advantageous to the County of Fluvanna? (Please substantiate with facts.)*

Our academy differs in many ways from existing private elementary and middle level mixed gender day schools in our county. First, our instructional program is somewhat traditional in what we want our students to learn, but somewhat nontraditional in our instructional approach. We believe children learn best when they are doing, creating, and thinking. We want our students to be prepared to be the future entrepreneurs, inventors, leaders, problem-solvers, and to have the confidence to excel in whatever field or career they choose.

Secondly, there is a great need for an organized homeschool cooperative in Fluvanna County. There is a small cooperative in Kents Store, and it is our hope to join forces with them and/or work with them cooperatively. There are many parents who currently homeschool in our area. Some of them participate in the large homeschool cooperative in Charlottesville because of the lack of homeschool support in our county.

When I contacted the Virginia Association of Independent Schools (VAIS) to inquire about accreditation and to consult with them, I was encouraged to pursue the start of our academy. The representative said they didn't have a school accredited by them in Palmyra, and they would love to see one. The representative I spoke to was complimentary of our instructional program when I describe it to her and the community service component we were incorporating into our enrichment activities.

Another benefit for having an academy with our uniqueness is our goal to work with retired folks who are experts in their field and have various work experience. We truly believe students can learn from a variety of people in addition to their teachers. We plan to invite community members to help us with project-based instruction from time to time as it pertains to their field or

expertise.

One of our goals is to be a community Christian academy who will work and serve with all of the area churches regardless of denomination. It might be as simple as contacting the churches for a local elderly person in their congregation for which we could volunteer to rake leaves or more involved such as performing a musical selection for their congregation. We want our students to learn about community service by doing and to learn how important it is to give back and be a part of their community. We plan to have monthly visits to the local nursing home in Fluvanna County, so our students can get to know the residents and can do various activities with them such as reading to them or making a craft with them, etc.

Lastly, our goal is to attract Fluvanna County and surrounding families who are already sending their children to private school in Charlottesville by offering a strong, quality, academic and enrichment program here in Fluvanna County for a more reasonable tuition.

110292

A PLAT SHOWING A PHYSICAL SURVEY OF
TAX MAP SECTION 18A, PARCEL (4)-13A

LAKE CENTRE PROFESSIONAL PARK

CUNNINGHAM DISTRICT, FLUVANNA COUNTY, VIRGINIA

DATE FEBRUARY 13, 1992 UPDATE JUNE 22, 1994

SCALE 1 INCH = 100 FEET

GREGORY D. HOSAFLOOK, P.C.
PROFESSIONAL LAND SURVEYOR
KENTS STORE, VIRGINIA 23084



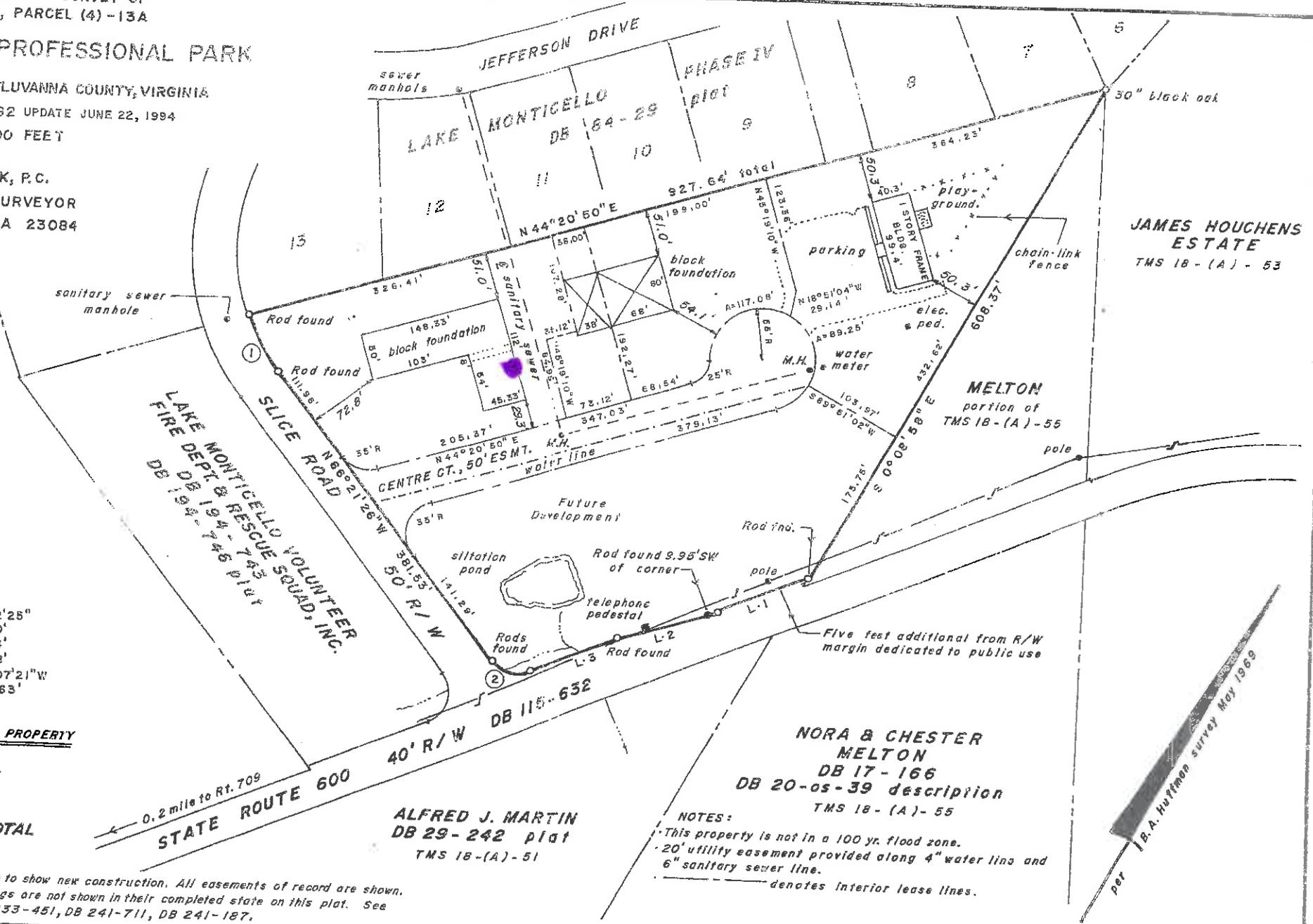
- L-1 S 38°32'41" W 100.10'
- L-2 S 45°29'41" W 109.88'
- L-3 S 58°38'15" W 100.02'

① A = 17°44'44" R = 215.00' A = 66.59' T = 33.56' C = N57°29'02"W 66.32'	② A = 75°02'25" R = 35.00' A = 45.84' T = 26.88' C = S76°07'21"W 42.63'
--	---

REFERENCES TO CAPTIONED PROPERTY

LAKE CENTRE, INC.
DB 227-568
DB 223-367 plat
6.343 ACRES SITE TOTAL

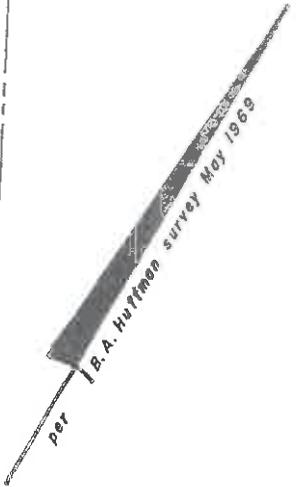
Note - June 22, 1994 update made to show new construction. All easements of record are shown. Clinic & pharmacy buildings are not shown in their completed state on this plat. See lease agreements in DB 233-451, DB 241-711, DB 241-187.



0.2 mile to Rt. 709
STATE ROUTE 600
40' R/W DB 115-632
ALFRED J. MARTIN
DB 29-242 plat
TMS 18-(A)-51

NORA & CHESTER
MELTON
DB 17-166
DB 20-os-39 description
TMS 18-(A)-55

NOTES:
This property is not in a 100 yr. flood zone.
20' utility easement provided along 4" water line and 6" sanitary sewer line.
--- denotes interior lease lines.



Memorandum

DATE: June 10, 2014

RE: APO'S for **SUP 14:04** Public Hearing Letters

TO: Jay Lindsey, Planner

FROM: Kelly Belanger Harris

Please be advised the attached letter went out to the attached list of Adjacent Property Owners for the **June 25, 2014** Planning Commission meeting re: SUP 14:04—Parr.

ATTACHMENT A

TMP	Name	address 1	address 2	City, State	zip
18A 4 10	WILLIAM F & MILDRED S. SMITH		185 JEFFERSON DR	Palmyra, VA	22963
18A 4 12	GEORGE S. & THELMA S. HOWARD		3846 Carters Mt Rd	Charlottesville, VA	22902
18A 4 9	CHESTER R & W SUE LANE		2 Pinecrest Court	Palmyra, VA	22963
18A 4 13	CRAIG OGDEN MARTIN, ET UX		191 JEFFERSON DR	Palmyra, VA	22963
18A 4 8	EDWARD P. & BARBARA J. BRADY		183 Bellevue Rd	Oakdale, NY	11769
18A 4 13A	ROUNTOP LIMITED PARTNERSHIP, LLC		2246 Ivy Rd Ste 5	Charlottesville, VA	22903
18A 4 7	CHRISTOPHER & CHRISTINA MELTON		177 JEFFERSON DR	Palmyra, VA	22963
18 A 52	OSCAR R HOUCHENS		PO Box 218	Lanexa, VA	23089
18A 4 11	CHARLES M & ELIZABETH M. JOHNSON		187 JEFFERSON DR	Palmyra, VA	22963
18A 4 13C	LAKE MONTICELLO ELECTIFICATION TRUST		PO Box 308	Palmyra, VA	22963
18c 1 C1	Ballif Investments, LLC		170 S Pantops Dr	Charlottesville, VA	22911
18c 1 C2	Curtis Naylor		747 Park St	Charlottesville, VA	22902
18c 1 C3	Hood Family Ltd Partnership, c/o Marilyn and Sammie Hood		6142 N Academy Ave	Clovis, CA	93619
Applicant	Joyce Parr		13 Woodlawn Dr	Palmyra, VA	22963
18A 4 6	SARAH G. YAGER		moved no forwarding address		



COUNTY OF FLUVANNA

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NOTICE OF PUBLIC HEARING

June 9, 2014

«Name_»
 «address_2»
 «City_State» «zip»
 TMP# «TMP»

Re: Public Hearing on SUP 14:04

Dear «Name_»:

This letter is to notify you that the Fluvanna County Planning Commission will hold a public hearing on the above referenced item on **Wednesday, June 25, 2014 at 7:00 PM** in the Circuit Court Room at the Fluvanna County Courts Building in Palmyra, VA. The request is described as follows:

SUP 14:04 – Joyce Parr – *A request for a Special Use Permit (SUP) to allow for an educational facility with respect to 6.343 acres of a portion of Tax Map 18A, Section 4, Parcel 13A. The property is zoned B-1 (Business, General) and is located on the north side of Slice Road, approximately 500 feet from its intersection with Route 600 (South Boston Road). The property is located in the Palmyra Election District and is within the Rivanna Community Planning Area.*

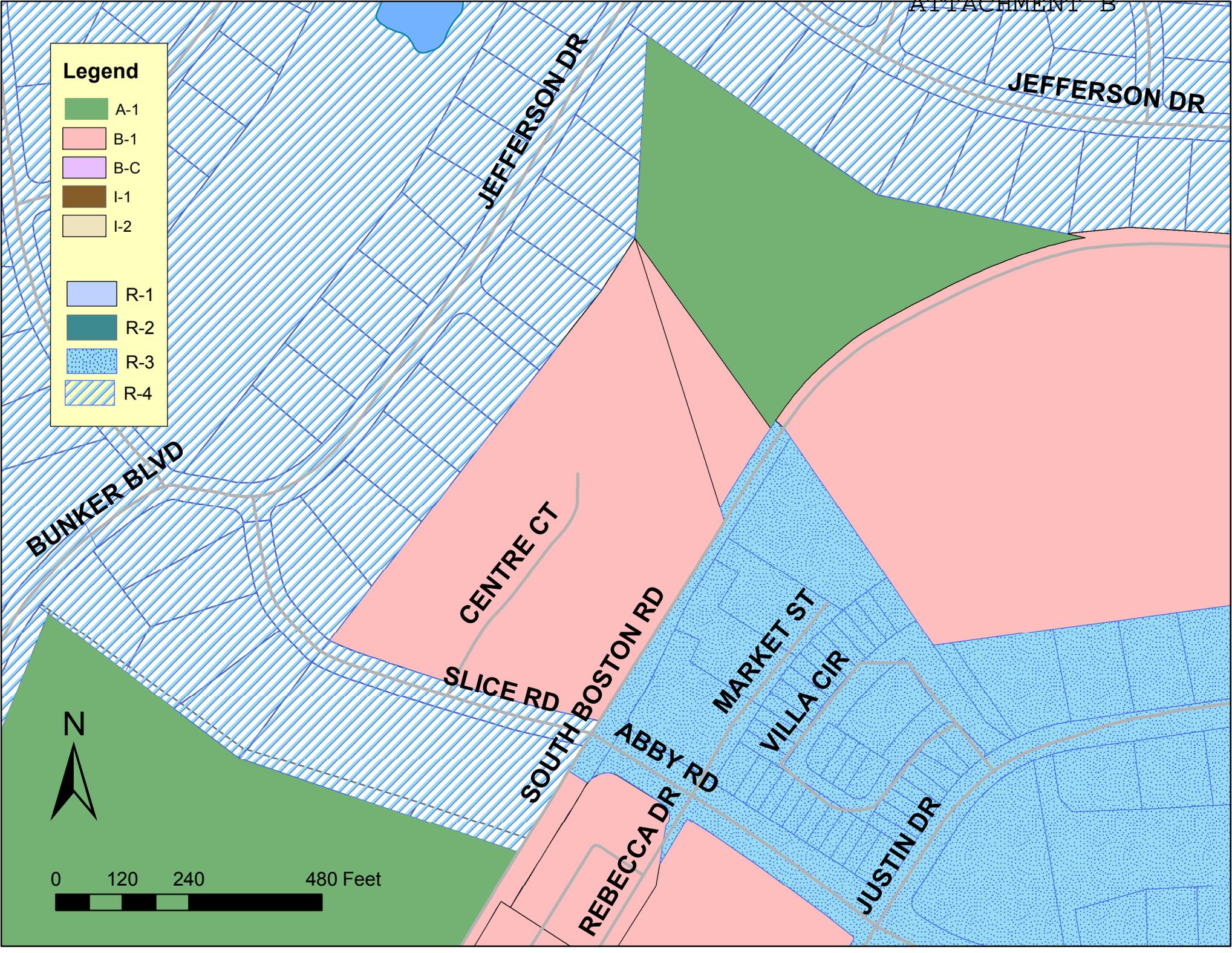
The applicant or applicant’s representative must be present at the Planning Commission meeting. The tentative agenda and staff report will also be available for review by the public in the Fluvanna County Planning and Community Development Department during working hours (8:00 a.m. – 5:00 p.m., Monday through Friday). If you have any questions, please feel free to contact me at 434-591-1910.

Sincerely,

Jay Lindsey
 Planner

Legend

- A-1
- B-1
- B-C
- I-1
- I-2
- R-1
- R-2
- R-3
- R-4





JEFFERSON DR

CENTRE CT

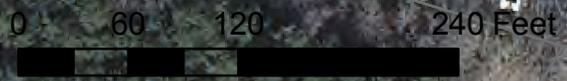
SOUTH BOSTON RD

SLICE RD

MARKET ST

VILLA CIR

ABBY RD





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May 21, 2014

Joyce Parr
13 Woodlawn Drive
Palmyra, VA 22963

Delivered via email

Re: SUP 14:04 Joyce Parr Educational Facility (The Light Academy)
Tax Map: 18A, Section 4, Parcel 13A

Dear Applicant:

The following comments are the result of the Technical Review Committee meeting that was held on Thursday, May 15, 2014. Comments are outlined below:

1. Aqua Virginia stated that this site is served by public water and sewer, and that at this time there is adequate capacity to serve this use;
2. VDOT stated that the proposed school with up to 50 students will utilize suites 6 & 6B in the existing Lake Centre Shopping Center. There is an existing traffic signal with designated right and left turn lanes at the intersection of Rte. 600 and Slice Road/Abby Road that will adequately serve the school. In addition, there is over 225 ft. of corner clearance between Rte. 600 and Centre Court to allow for the stacking of vehicles. VDOT does not object to the proposal;
3. Steve Olson with the Central Virginia Electric said that he has no concerns with the application;
4. The Fire Chief said that an additional evacuation plan may be required;
5. Mrs. Eager (Planning Commission rep.) asked how many students will attend.

Please provide any revised sketch plans and email a PDF version of the plan to stugwell@fluvannacounty.org, along with any other materials or documentation that is to be included in the Planning Commission packet by **Friday, May 30, 2014**. Submitting revisions by this deadline will place your request on the **June 25, 2014** Planning Commission agenda.

If you have any questions or need additional information, please contact me at 434-591-1910.

Sincerely,

Steve Tugwell
Senior Planner
Dept. of Planning & Community Development

cc: File

Steven Tugwell

From: Miller, Charles (VDH) <Charles.Miller@vdh.virginia.gov>
Sent: Thursday, May 22, 2014 11:47 AM
To: Steven Tugwell
Subject: RE: May 15th TRC comments

Steve,

just to confirm that public water & sewer will be utilized for the proposed private school and we will not be involved.
Thanks

Charles

From: Steven Tugwell [<mailto:stugwell@fluvannacounty.org>]
Sent: Monday, May 19, 2014 2:30 PM
To: Wood, Mark, P.E., L.S (VDOT)
Cc: Miller, Charles (VDH); Castillo, Timothy E.
Subject: May 15th TRC comments
Importance: High

Hi Gents:

Please email me your comments from last week's TRC meeting. I am attaching the agenda for your reference.

Tim- SUP 14:04 is a proposed private school within an existing tenant space next to the Dogwood restaurant. I presume that space is served by Aqua for both public water and sewer? If so, could you please reply to this email and confirm?

I'm trying to get my comment letter to the applicant's by tomorrow, so if you have any questions please let me know.

Thanks,
Steve

Steve Tugwell
Senior Planner
Dept. of Planning & Community Development
Fluvanna County, VA
434-591-1910
stugwell@co.fluvanna.va.us

 please conserve, do not print this e-mail unless necessary

Steven Tugwell

From: Castillo, Timothy E. <TECastillo@aquaaamerica.com>
Sent: Monday, May 19, 2014 5:44 PM
To: Steven Tugwell
Subject: RE: May 15th TRC comments

Steve,

Regarding SUP 14:04 – the location referenced in this application is served public water and sewer service by Aqua Virginia. There is adequate capacity to serve this use. Please let me know if you need further information.

Thanks
Tim



Timothy E. Castillo
Manager of Operations
Aqua Virginia
2414 Granite Ridge Road
Rockville, VA 23146
O: 804-749-8868 M: 434-906-9964



From: Steven Tugwell [<mailto:stugwell@fluvannacounty.org>]
Sent: Monday, May 19, 2014 2:30 PM
To: Mark Wood
Cc: charles.miller@vdh.virginia.gov; Castillo, Timothy E.
Subject: May 15th TRC comments
Importance: High

Hi Gents:

Please email me your comments from last week's TRC meeting. I am attaching the agenda for your reference.

Tim- SUP 14:04 is a proposed private school within an existing tenant space next to the Dogwood restaurant. I presume that space is served by Aqua for both public water and sewer? If so, could you please reply to this email and confirm?

I'm trying to get my comment letter to the applicant's by tomorrow, so if you have any questions please let me know.

Thanks,
Steve

Steve Tugwell
Senior Planner
Dept. of Planning & Community Development
Fluvanna County, VA

Steven Tugwell

From: Wood, Mark, P.E., L.S (VDOT) <James.Wood@VDOT.virginia.gov>
Sent: Monday, May 19, 2014 5:41 PM
To: Steven Tugwell
Cc: Miller, Charles (VDH); Castillo, Timothy E.; Reed, James M. (VDOT); Wolfrey, Sharon A. (VDOT)
Subject: RE: May 15th TRC comments
Importance: High

Steve,

As a follow up to the Fluvanna County TRC Meeting held on Thursday, May 15, 2014 I offer the following comments:

- **SDP 14:04 - Grace and Glory Lutheran Church** – As long as there is not an increase in the size of the church building, VDOT does not object to the existing entrance improvements on Rte. 53 serving the existing church and the proposed 58' x 24' picnic shelter and the 65 additional parking spaces.
- **SUP 14:03 - Jeffrey Stoneman** – The existing entrance to the property (TMS 30-A-84B) has excellent intersection sight distance. Given the proposed use of the property as a residence in conjunction with a dog kennel, this proposal will qualify for a low commercial volume entrance (50 vehicles per day or less). The existing gravel entrance will have to be paved so that it is 20 ft. wide with 25 ft. radii. The pavement can terminate 25 ft. from the white edge line on Rte. 15 and the existing paved shoulder can be used as part of the paved low volume commercial entrance.
- **SUP 14:03 – Joyce Parr** - The proposed school with up to 50 students will utilize suites 6 & 6B in the existing Lake Centre Shopping Center. There is an existing traffic signal with designated right and left turn lanes at the intersection of Rte. 600 and Slice Road/Abby Road that will adequately serve the school. In addition, there is over 225 ft. of corner clearance between Rte. 600 and Centre Court to allow for the stacking of vehicles. VDOT does not object to the proposal.

J. Mark Wood, P.E., L.S.
 Area Land Use Engineer
 Virginia Department of Transportation
 Land Development – South
 P.O. Box 1017
 11430 James Madison Highway
 Troy, VA 22974
 Phone: (434) 589-7932
 Cell: (540) 223-5240
 Fax: (434) 589-3967
 Email: Mark.Wood@VDOT.Virginia.gov

From: Steven Tugwell [<mailto:stugwell@fluvannacounty.org>]
Sent: Monday, May 19, 2014 2:30 PM
To: Wood, Mark, P.E., L.S (VDOT)
Cc: Miller, Charles (VDH); Castillo, Timothy E.

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: July 16, 2014

AGENDA TITLE:	SUP 14:02 & ZMP 14:01– Hotel Street Capital, LLC				
MOTION(s):	<p>I move that the Board of Supervisors approve/deny/defer SUP 14:02, a request for a special use permit to allow for major utilities in conjunction with a Master Plan Amendment (MPA) with respect to approximately 220.56 acres of Tax Map 30, Section A, Parcel 110 and 10 acres of Tax Map 19, Section A, Parcel 39C, [if approved] subject to the eleven (11) conditions listed in the staff report.</p> <p>I move that the Board of Supervisors approve/deny/defer ZMP 14:01 of the attached ordinance for ZMP 14:01, a request to amend the Fluvanna County Zoning Map with respect to approximately 220.56 acres of Tax Map 30, Section A, Parcel 110 and 10 acres of Tax Map 19, Section A, Parcel 39C, for an aggregate of 230.56 acres, to amend the same from R-3, Residential, Planned Community (conditional) to R-3, Residential, Planned Community (conditional).</p>				
CATEGORY	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
	x				
STAFF CONTACT(S):	Steve Tugwell, Senior Planner				
PRESENTER(S):	Steve Tugwell, Senior Planner				
RECOMMENDATION:	<p>At its meeting on June 25, 2014, the Planning Commission recommended denial of SUP 14:02 (5-0); Mrs. Eager moved to recommend denial, Zimmer seconded; Ayes: Bibb, Eager, Gaines, Johnson, and Zimmer.</p> <p>At its meeting on June 25, 2014, the Planning Commission recommended denial of ZMP 14:01 (5-0); Mrs. Eager moved to recommend denial, Johnson seconded; Ayes: Bibb, Eager, Gaines, Johnson, and Zimmer.</p>				
TIMING:	Immediate decision requested at current meeting.				
DISCUSSION:	Request to amend the Fluvanna County Zoning Map with respect to approximately 220.56 acres of Tax Map 30, Section A, Parcel 110 and 10 acres of Tax Map 19, Section A, Parcel 39C, for an aggregate of 230.56 acres, to amend the same from R-3, Residential, Planned Community (conditional) to R-3, Residential, Planned Community (conditional); and request for a special use permit for major utilities in conjunction with a Master Plan Amendment (MPA) with respect to 220.56 acres of Tax Map 30, Section A, Parcel 110 and 10 acres of Tax Map 19, Section A, Parcel 39C.				
FISCAL IMPACT:	-				

<p>POLICY IMPACT:</p>	<p>Regarding ZMP 14:01, The Board of Supervisors may:</p> <ul style="list-style-type: none"> • Approve this request, allowing the amendment from R-3 (conditional) to R-3 (conditional); OR • Deny this request, preventing the rezoning from R-3 (conditional) to R-3 (conditional); OR • Defer this request and make a final decision at a later date; and <p>Regarding SUP 14:02, The Board of Supervisors may:</p> <ul style="list-style-type: none"> • Approve this request, allowing the major utilities in conjunction with a Master Plan Amendment (MPA); OR • Deny this request, preventing the major utilities in conjunction with a Master Plan Amendment (MPA); OR • Defer this request and make a final decision at a later date 				
<p>LEGISLATIVE HISTORY:</p>	<p>Review of a proposed rezoning request in accordance with Chapter 22, Article 17 of the Fluvanna County Code (Zoning Ordinance: Conditional rezoning)</p> <p>Application was received on April 1, 2014</p> <p>Planning Commission reviewed the request on June 25, 2014; and</p> <p>Review of proposed major utilities in accordance with Chapter 22, Article 4 of the Fluvanna County Code (Zoning Ordinance: Uses permitted by special use permit only).</p> <p>Application was received on April 1, 2014</p> <p>Planning Commission reviewed the request on June 25, 2014</p>				
<p>ENCLOSURES:</p>	<p>Staff Report (with accompanying attachments)</p>				
<p>REVIEWS</p>	<p>Legal</p>	<p>Finance</p>	<p>Purchasing</p>	<p>HR</p>	<p>Other</p>
					<p>X</p>



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STAFF REPORT

To: Fluvanna County Board of Supervisors
Case Number: ZMP 14:01 & SUP 14:02
Tax Map: Tax Map 30, Section A, Parcel 110 &
Tax Map 19, Section A, Parcel 39C

From: Planning Staff
District: Palmyra
Date: July 16, 2014

General Information: This request is scheduled to be heard by the Board of Supervisors on Wednesday, July 16, 2014 at 7:00 pm in the Circuit Courtroom in the Courts Building.

Owner/Applicant: Hotel Street Capital, LLC

Representative: Justin M. Shimp, P.E., Shimp Engineering, P.C.

Requested Action: To amend the Fluvanna County Zoning Map with respect to approximately 220.56 acres of Tax Map 30, Section A, Parcel 110, and 10 acres of Tax Map 19, Section A, Parcel 39C, for an aggregate of 230.56 acres, to amend the same from R-3, Residential, Planned Community (conditional) to R-3, Residential, Planned Community (conditional). (Attachment A)

Location: The affected property is located in the Palmyra Election District on the western side of State Route 15 (James Madison Highway) and Route 644 (Friendship Road) approximately 0.25 miles north of Route 661 (Rescue Lane). (Attachment B)

Existing Zoning: R-3, Residential, Planned Community (conditional)

Proposed Zoning: R-3, Residential, Planned Community (conditional) - amended

Existing Land Use: The Laurel Ridge Golf Course and Clubhouse previously existed on the property. The Golf Course has closed and the Clubhouse is vacant.

Adjacent Land Use: Adjacent properties are zoned A-1, Agricultural, General. Camp Friendship is adjacent to the property to the north.

Comprehensive Plan: This parcel is located within the Palmyra Community Planning Area.

Zoning History:

A special use permit (SUP 95:13) was approved for this site on January 17, 1996 to allow for the golf course. A special exception permit (SEP 91:05) was approved on October 16, 1991 to allow for a hotel/conference center on Tax Map 19, Section A, Parcels 39 & 39A and the final site plan (SDP 06:11) for the resort and conference center was approved on July 25, 2008. SUB 06:96 was approved on April 14, 2008 which subdivided the 10 acre parcel (19-A-39C) off of Tax Map 19, Section A, Parcel 39. ZMP 08:05 was denied on February 18, 2009. ZMP 09:02 was approved on May 20, 2009. ZMP 12:02 was denied on February 19, 2014. (Attachment C)

Procedural Timeline:

- March 12, 2014 – Pre-application meeting.
- April 1, 2014 – Submittal of Poplar Ridge Master Plan Amendment and Special Use Permit applications.
- April 10, 2014 – Notice of a complete application sent to applicant.
- April 15, 2014 – Neighborhood meeting.
- April 17, 2014 – Technical Review Committee meeting.
- May 14, 2014 – Planning Commission Work Session.
- June 25, 2014 – Planning Commission Public Hearing.
- July 16, 2014 – Board of Supervisors Public Hearing.

Statement of Intent:

The Statement of Intent indicates the purpose of the zoning district and describes the characteristics of uses generally found within the district.

The Statement of Intent for the R-3, Residential, Planned Community Zoning District is as follows:

“This district is intended to permit compact village-style residential development and associated institutional uses, community serving mixed uses, open spaces, and creative design in accordance with a master plan. The development should occur in a manner that will protect and preserve the natural resources, trees, watersheds, contours and topographic features of the land; and to protect and enhance the natural scenic beauty of the area.... The scale of the housing and the commercial use should be appropriate to support the residential needs at a neighborhood scale.”

(Attachment D)

Analysis:

The applicant is requesting a master plan amendment of existing R-3, Residential, Planned Community (conditional), on two (2) parcels totaling 230.56 acres, Tax Map 30-A-110 (220.56

acres), and Tax Map 19-A-39C (10 acres). The existing zoning was approved on May 20, 2009 (ZMP 09:02), and included master plan approval for 254 residential units, and 63 hotel rooms. The prior plan included single-family detached, single-family attached, and townhome dwelling type housing. The proposed amended plan is limited to single-family attached, and single-family detached dwelling types, and excludes townhomes as a dwelling type.

The maximum gross density permitted based on the aggregate total acreage of 230.56 is 1.375 dwelling units per acre. The land-use table on sheet 3 of the plan identifies maximum residential density at 175 single-family detached units, and 156 single-family attached units, for a maximum residential density of 331 units, or an additional 14 units over what is approved with the current master plan. There appears to be a discrepancy in the total number of proposed units. The land-use table on sheet 3 of the plan references 317 residential units, but they add up to 331 units. 331 units is also the number stated on Anish Jantrania, Ph.D's report to Mr. Shimp dated March 31, 2014, and 331 units is stated on the traffic signal analysis report dated April 1, 2014. Maximum commercial density is 74,000 square feet. The plan is also providing a minimum of 20 park & ride spaces with the first phase of commercial development.

(Attachment E)

Areas H-1, H-2, and H-3 are shown as “*reserved areas*”, and may include parks, recreational areas, and minor utilities. Any future commercial or residential development proposed within these designated “*reserved areas*” shall require prior approval of a future amendment to this preliminary master plan by the Board of Supervisors. Development within any “*reserved areas*” shall not occur until or unless the Fluvanna County Board of Supervisors approves a future amendment to the master plan. In conjunction with this master plan amendment, the applicant is requesting a special use permit for major utilities, in order to establish on-site water service, and sewage disposal infrastructure. Placement or partial placement, of the proposed water and sewage disposal systems may be permitted within the designated “*reserved areas*”, only with an approved special use permit for major utilities. Areas H-1, H-2, and H-3 comprise 67.02 acres of the site, or 29% of the aggregate total acreage. A 22.12 acre riparian buffer is shown between the proposed development and the Rivanna River, as required by Sec. 22-24-5 of the Tree Protection section of the zoning ordinance.

According to the submitted master plan amendment, this site includes 27% open space, or 62 acres. The R-3, Residential, Planned Community section of the zoning ordinance (Sec. 22-27-12) requires three (3) groups of recreational amenities for units of 101, or greater. The open space in this amendment includes community greens/gardens, trailheads with benches, “primitive” walking trails, picnic pavilion, rectangular ballfield, playground, and a swimming pool/clubhouse. Additionally, the plan states that “*a golf course, which was approved as a permitted use in the previous R-3 preliminary master plan, is retained as a permitted use in reserved area blocks H-1c and H-2*”. This is consistent with the option to utilize parks and recreational amenities within an open space or reserved area. The proposed recreational facilities appear to meet the requirements of Sec. 22-27-12 of the zoning ordinance. (Attachment E)

Schools data:

The applicant has proffered the following for schools: “*For each dwelling unit constructed on the property, the owner shall contribute cash to Fluvanna County for funding the items as*

delineated in the attached adopted FY 2015-19 “C.I.P” under the heading “schools”, as follows: Two thousand dollars (\$2,000.00) for each dwelling unit. The cash contribution for each dwelling unit shall be paid at the time of the issuance of the certificate of occupancy for such dwelling unit”.

(Attachment F)

Special Use Permit for major utilities:

When evaluating special use permit applications, staff utilizes two (2) general guidelines as set forth in the zoning ordinance:

1. The proposed use should not tend to change the character and established pattern of the area or community.

Major utilities require a Special Use Permit in the R-3 zoning district. Public water supply is not available to this site, nor is the availability to connect to a sanitary sewer facility. Therefore an SUP is required for major utilities in order to establish onsite centralized water and sewer systems.

The master plan amendment proposes a maximum gross density of 1.375 dwelling units per acre, or 317 units per 230.56 acres, and not more than 74,000 sq. ft. of commercial space. While located within the Palmyra Community Planning Area, a development of this scale may change the character and established pattern of the area by nature of its residential density in that surrounding residential is served by individual water wells and drainfields.

If this master plan amendment is approved, subdivision and site plans must be submitted for review, and subsequent tree protection, riparian protection, and buffering and screening requirements must be in compliance prior to plan approval and site development.

2. The proposed use should be compatible with the uses permitted by-right in that zoning district and shall not adversely affect the use/or value of neighboring property.

Surrounding parcels are zoned A-1 (Agricultural, General), which permits single-family detached, and single-family attached (duplexes) by-right, but on a much smaller scale and density.

The zoning ordinance allows one (1) accessory dwelling unit per parcel; detached garages, and storage barns. The proposed master plan amendment utilizing onsite water and sewer facilities to serve a much higher density residential development may impact neighboring property, though the data provided by the applicant’s experts state sufficient water supply for the proposed units, no impact to surrounding groundwater, and a workable onsite sewage disposal system.

By-right uses that are similar (in operation or size of structures) include single-family detached and attached residences (duplexes) home occupations, equestrian facilities, farm sales, non-commercial greenhouses, and accessory dwellings.

This plan is proposing a centralized water and sewer system, and as such will require a special use permit for major utilities. The master plan amendment application plan states that, “*sewage disposal will be provided via on-site central treatment works*”. And, “*the treatment works shall be operated by a licensed utility company and will provide subsurface disposal of septic effluent in accordance with applicable local and state ordinances*”. The Virginia Department of Health has preliminarily stated that “*a huge drainfield will be required*”, and “*they say they have more than sufficient area of suitable soil for the project*”, “they” referring to the applicant. The current zoning allows connection to the Palmyra area wastewater treatment plant, however, the wastewater treatment plant does not have the capacity to serve the proposed development. This site is within proximity of the Palmyra Regional Service Facility, however they are not required to connect because pursuant to County Code Sec. 21-4-14, the proposed site is greater than four-hundred feet in distance from the facility. If the master plan amendment and special use permit requests are approved, this development will then be subject to County site plan and subdivision review processes. As part of those processes, independent and incremental evaluations of on-site water and sewer capabilities must be reviewed and approved prior to development. Additionally, a hydrological study may be required in order to adequately determine the feasibility of such on-site water and sewer facilities to serve the proposed number of units. If the Special Use Permit for major utilities is approved, staff is recommending the following conditions:

1. Construction, operation, and maintenance of the central water and sewer system shall comply with all local, State, and Federal requirements.
2. The central water and sewer system shall not have a detrimental impact on the Rivanna River, surrounding properties, or the water supply of surrounding properties.
3. The water system shall be adequate to provide fire suppression.
4. The project shall comply with all Virginia erosion and sediment control regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook as amended.
5. For construction of the water and sewer system occurring adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on the adjacent property. It is intended that the present and future results of the proposed extension not create adverse effects on the public health, safety, comfort, or convenience, or value of the surrounding property and uses thereon.
6. Vehicular access to all residences along the affected right-of-ways shall be maintained at all times.
7. All construction activity for the central utility system shall occur between 7:00 a.m. and 5:00 p.m. Monday through Friday.
8. The applicant shall avoid removing trees and bushes along the water and sewer corridor, except as shown on the approved site plan. Trees and bushes damaged during construction shall be replaced with a tree or bush of equal type as approved by the Planning Director.
9. The Homeowner’s Association shall be responsible for all maintenance of the on-site central water and sewer systems in perpetuity, and the responsibility for maintenance shall not be borne by the County of Fluvanna or any other public agency.
10. Areas of future development shall also have to comply with these special use permit conditions, and any additional conditions as may be deemed appropriate at that time.
11. Start of construction, as defined in the Fluvanna County Zoning Ordinance, shall have

commenced within twenty-four months of this special use permit approval, or the permit shall be void. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

(Attachment G)

Roadways & VDOT:

According to the submitted plan amendment, *“the new roads within the development shall be private with the exception of State Route 644 (Friendship Road)”*. Private roads shall be constructed as identified in the road design guidelines table on sheet 5 of the master plan amendment application. All materials and drainage shall comply with VDOT standards. Notes on the plan state that *“roads shall remain private and neither the County of Fluvanna, nor VDOT shall be responsible for maintenance of the private roads”*. It is further stated that *“The HOA for the development shall maintain funding as necessary for maintenance and snow removal for the private road network within the development”*.

Frontage Improvements: With regards to *“Poplar Ridge, and vehicular access of the same, the applicant has proffered the following: “Contemporaneously with, and as part of, frontage improvements along James Madison Highway (U.S. Route 15) required in connection with any subdivision plat or site plan for the property, the owner shall construct such turn lanes and improvements to the horizontal alignment, vertical alignment and cross-section of James Madison Highway (U.S. Route 15) as shown in the preliminary master plan, and as reasonably necessary to provide safe and convenient access to Poplar Ridge provided, however, that the owner’s responsibility under this proffer shall be limited to the extent of the Property’s frontage only. Improvements constructed in accordance with this proffer shall be designed and constructed to applicable VDOT standards, including, without limitation, VDOT’s Geometric Design Standards which may be amended from time to time”*.

VDOT comments from the “Poplar Ridge Traffic Signal Analysis: May 23, 2014

- In reviewing the development plans there are several large areas labeled “Future Development Area” (see Sheet 5 of 6) that were not included in the traffic analysis, but will affect the connections to Route 644 and Route 15 and may require additional improvements to these connections. The proposed development is planning uses at these connections that would restrict further intersection improvements if necessary for full development of the site. This is not acceptable. These future development areas should be evaluated in the traffic study to ensure that the full impacts are identified and addressed during the design and construction of the proposed development;
- Sheet 5 of 6, VDOT understands that the roads in Poplar Ridge shall be private with the exception of the public street (Rte. 644) that bisects the commercial property in Block A;
- Sheet 5 of 6, given the large increase in traffic volume on Rte. 644, the existing angle of intersection of Rte. 644 needs to be increased for traffic safety purposes, the desirable angle of intersection is 90 degrees. VDOT still recommends that a roundabout be constructed at this location, a roundabout would eliminate the need for the additional turn

and receiving lanes as well as the need for possible future signalization to handle the “Future Development Area”;

- The alignment of Rte. 644 has to be built to state standards which will include a horizontal curve instead of the intersection as shown on the Preliminary Masterplan. The private roads (B and C) will be under stop control where they intersect Rte. 644;
- Sheet 5 of 6, 225 ft. is the minimum corner clearance from the edge of the proposed right turn lane on Rte. 15 to the closest edge of the proposed entrances to the parking lots serving the commercial property in Block A;
- Proffer #2 regarding “Frontage Improvements” makes reference to “Rural Collector Road” geometric design standards, however, it should be noted that Rte. 15 has a functional classification of Rural Minor Arterial and that VDOT’s GS-2 Standards apply. It shall be the developer’s responsibility for acquiring any additional Right of Way and/or easements necessary to make the road improvements (turn lanes, road shoulders, ditches, fill/cut slopes, sight distance, etc.) as per VDOT’s appropriate Geometric Design Standards.

Subsequent comment from Charles Proctor at VDOT: June 25, 2014

- My comments are based on the study developed for the Stonehenge Estates Development that was dated March 27, 2009 (MORE THAN 5 YEARS OLD). Any prior study done for the Rivanna Resort Development is no longer available. Generally studies more than 2 years old should be updated to insure they remain valid.
- The Stonehenge TIA was based on a development consisting of 342 Townhouse/Condo units (the trip generation is higher for Single Family Dwelling units), 30,000 Sq Ft of General Office and 40,000 Sq Ft of Shopping Center type commercial generating 7020 additional daily trips on the road network. This study was based on a 2015 build-out which is not the case for the current Popular Ridge development plan. Also the density and makeup of the development is different, which may result in different trip generations from what was originally done for the Rivanna Resorts development.
- The results of the Stonehenge study show that 150 ft by 150 ft right and left turns lanes were required on Route 15 at the southern Route 644 intersection in addition to the geometric improvements to the connection to address the existing sight distance and intersection skew issues. The study also recommended right and left turn lanes on Route 644 at the approach to the Route 15 intersection to address the side street approach delay and queue. The minimum turn lane length is 100 ft with a 100 ft taper on the Route 644 approach. Signal Warrants were estimated as part of the study, but the warrants were not met.
- With these improvements the Stonehenge study states that the overall delay in the PM peak hour period for the intersection will increase approximately 6 seconds with the

Eastbound approach (from Route 644) increasing approximately 10 seconds and dropped from a LOS of B to an LOS of C. These delays were acceptable for the Stonehenge Development based on its development size and build-out time frame.

- For the Popular Ridge Development though similar to the Stonehenge development the type and density of units are different, which will have a different trip generation, and the build-out years are different, which mean the existing and background traffic are probable greater and the delay on the side street approach will be higher.
- As a note the Stonehenge Study also analyzed the effects on the intersection in Palmyra and found that the side streets at those intersection (at Courthouse Rd and at Palmyra Ave/Church St) experienced increases in delay from 6 to 27 seconds. At Courthouse in particular the Westbound side street delay went from 24 to 72 second, which is a level of Service F. The study did not recommend any improvements for these intersections.

Subsequent comment from Mark Wood at VDOT: June 25, 2014

- The realignment of the Rte. 644/15 intersection as shown on the Site Development Plan for Rivanna River Resort (approved 7/25/2008) will address VDOT's angle of intersection comment. The Rivanna River Resort site plan only showed a right turn taper and storage lane, construction of both the right turn and left turn lanes now proffered may require additional Right of Way and easements to construct in accordance with VDOT standards. It should be noted that any additional Right of Way and easements will be the developer's responsibility to obtain.

(Attachment H)

Neighborhood Meeting:

At the April 15, 2014 Neighborhood Meeting, there were approximately 15 citizens present, and had the following comments and questions:

- What has changed with this plan?
- How will wells impact neighboring wells and the Rivanna River?
- What is meant by the future development plan?
- Why was the name of the project changed?
- Why is this project economically feasible now?
- Who does this project benefit? What will it bring the county financially?
- Where will the residents of this proposed community work?
- How many units will be rental units?
- What happened to Nahor Village?
- Why are we continuing to build these subdivisions?
- What is the average cost of a house in Fluvanna County?
- What will be the square footage per unit?
- Water and sewer information?
- I wouldn't send my child to Camp Friendship with this type of development nearby.
- What type of impact will this development have on traffic?

- What is the right-of-way width coming into Camp Friendship?
- Significant concern about the proposed on-site water well drilling, and possibly draining the Rivanna River and existing nearby wells and water supplies.
- Why do you expect new business to survive at this development when there are empty buildings and businesses already in Fluvanna.
- There was concern on what type of impact this development will have on Camp Friendship.
- Will there be proffers or restrictions that govern the number of units.

(Attachment H)

Technical Review Committee:

At the April 17, 2014 Technical Review Committee (TRC) meeting, the following comments were received:

1. The Fire Dept. commented that they are strongly concerned with the cluster housing that is being proposed. As indicated on sheet 6 of the Poplar Ridge Master plan Proposal there is only 24', 30' and 40' spacing between the residences. This creates a potential for more than one residence burning should one catch on fire due to the close proximity to each other. This generally requires large amounts of water to contain the burning structure; and

If built, they request that an adequate water system be installed to provide fire with an adequate amount of water and Fire Hydrant connections. Fire flows are figured by the sq. footage of fire load. Hydrants should not be more than 800' apart and threads must be National Standard.

2. E & S

3. Planning staff:

- a. How does this plan comply with the comp. plan requirement to show impact on surrounding groundwater?
- b. How many units were approved for the resort center?
- c. Was the resort center proposed to be located on the separate 10-acre parcel?
- d. Is there an approved site plan for the resort center?
- e. State exactly what is changing with this amendment on the title sheet, including all prior land-use approvals for both Tax Map 30-A-110, and 19-A-39C.
- f. Are H1, H2, and H3 part of the open space?

- g. What are the H1, H2, and H3 areas proposed for?
- h. Sec. 22-7-4 (f) asks that pedestrian and bicycle facilities, including sidewalks and trails, with proposed cross-sections. Are sidewalks and trails proposed?
- i. What will the design of the buildings be? Are there architectural guidelines that will be proffered into this development?
(Attachment I)

Comprehensive Plan:

The following sections of the comprehensive plan should be considered when reviewing this project:

Vision section

Fluvanna County through self-reliance, self-sufficiency, and self-government is the ideal place to raise families, foster entrepreneurship, and do business in the Commonwealth.

— *Fluvanna County Board of Supervisors (2012)*

Fluvanna County's vision is based on the following key principles, which are used as guides for future development, governance, and land use policies for the county:

That good government is no substitute for self- government,

That our government should reflect the values and principles of the people,

That solidarity and prosperity are the proper means of fostering communities,

That people forge economies and communities,

That our rural character and natural resources are part of Fluvanna's unique heritage, and should be preserved where practical,

That the individual citizens and taxpayers of Fluvanna consist of our community, and that their individual interests and rights subordinate the collective desires of our government,

That a comprehensive, accessible, and quality system of education enabling a modern, highly skilled 21st century workforce is to be fostered,

That future development be fiscally prudent while respecting individual property rights,

That our infrastructure requirements are maintained and first-class,

That our public safety personnel are properly equipped and compensated in a manner and means that respects their sacrifice,

That Fluvanna's rich community heritage and our history be the cornerstones of our shared identity moving forward into the 21st century,

That our rights as enumerated in the Virginia Declaration of Rights and the Virginia Constitution are to be maintained both in letter and in spirit.

As a continuing effort for Fluvanna County's vision of becoming "*the most livable and sustainable community in the United States*", measuring smart-growth and implementing our key goals are essential elements to this process. According to the Vision 2029 section of the Comprehensive Plan, "*Land use is recognized as*

directly related to quality of life.” Towards this end, land use and land use implications are taken into consideration when an application for rezoning is evaluated. An example of such coordinated planning is the types of development within the community planning areas. It may not be adequate simply for a rezoning applicant to apply for an upzoning because a property is within a community planning area. Each application is independently considered by the county to see if the proposed development is well planned, consistent with the Comprehensive Plan, and shares compatibility with the surrounding community. As part of a successful rezoning process, the applicant is encouraged to meet with neighbors, the community, and county officials well in advance of application submittal. This process is beneficial not only to the applicant, but to the greater community.

Land Use chapter, Community Planning Area section

Palmyra

This historic village area is the county seat, and has a regional park, the new county high school campus, a library, a public safety center, and other municipal services. The area should remain a village, and surrounding growth should be a mixture of uses and residential dwelling types that support a variety of incomes.

Commercial and neighborhood streets, along with rural roads, make up the transportation network, along with sidewalks, trails, and bicycle lanes. Open space includes Pleasant Grove, neighborhood parks, and greenways, along with the town square.

A mixture of medium and small commercial businesses combines with office, civic and residential uses to form a village-like neo-traditional development or series of interconnected developments. Commercial and office structures do not exceed three stories, and residential density is up to four dwelling units per acre (4 du/ac). Density may be increased with incentives such as open space, affordable housing, or transfer of development rights, depending on the zoning district standards.

Community Design chapter, Community Plans section

Palmyra Community Plan Overview

Existing assets within the community should be properly integrated with new development in order to promote a cohesive, well-planned community. New housing should be allowed that complements existing historic resources and provides an expanded population base for local businesses. Economic development is appropriate in this area, and opportunities for tourism, including commercial uses that complement the historic aspects of Palmyra and its government center, should be promoted.

Neighborhood Mixed-Use

The neighborhood mixed-use community element incorporates multiple uses into a walkable, pedestrian-friendly environment with compact block sizes. Ideally, neighborhood mixed-use areas will include a mix of retail and office uses at the

center, with connected residential uses at the edge. A centralized public water space is encouraged to establish the identity of the center as focal point and important civic space in the community.

Neighborhood Residential

Neighborhood residential areas should provide a range of residential housing types and lot sizes. Generally, this includes a balance of single-family residences and some multifamily housing. A central neighborhood park is an excellent asset for a neighborhood center, and is strongly encouraged. Connections should be made to surrounding neighborhoods and commercial centers wherever possible. Where roadway connections are not feasible, greenway connections are recommended. Neighborhood residential centers typically border higher-density neighborhood mixed-use areas. In some cases, some small commercial and institutional uses may be incorporated into the neighborhood residential community element.

Village

Villages are characterized by a small, mixed-use core surrounded by residential uses. An essential component of villages is their strong connection to surrounding natural features and open spaces. Despite their small scale and limited density, villages typically have a generous amount of mixed use, often in the form of a major civic use. Outside of a small mixed-use center, villages are generally characterized by single-family residential uses. By focusing development around the center, a green buffer may be created at the perimeter of the village, closely integrating open spaces with the developed area.

This proposed development is located on the northern fringe of the Palmyra Community Planning Area and not within the Palmyra village core where many of the historic resources are located. Conventionally, community planning areas are typically designed for higher density projects within the county. The impacts to local businesses may be positive with the addition of more residents in the core of the County, however, considerations should also be given to the impacts to local schools, additional traffic, and the local water supply.

(Attachment J)

Planning Commission:

The Planning Commission considered this request at their June 25, 2014 meeting. Mr. Payne advised the Commission that they have two different applications before them to review, and two different procedures and standards of review. Mr. Payne read from Sec. 22-17-4 D. of the zoning ordinance, which identifies the considerations the governing body shall review a special use permit application against. They are, (a) the proposed use shall not tend to change the character and established pattern of the area or community in which it proposes to locate; and (b) the proposed use shall be compatible with the uses permitted by right in that zoning district and shall not adversely affect the use and/or value of neighboring property.

Mr. Payne further advised the Commission that they must find to their satisfaction, that each of those criteria have been met in order to approve the permit for major utilities. Mr. Payne went on to say that *“in your judgment, has the applicant met the burden on to establish, that the water system has adequate supply and will not adversely affect the neighborhood”*. With regard to the onsite sewerage system, Mr. Payne stated that the same issues apply, *“has the applicant established to your satisfaction that there is available sewerage for the use as proposed”*.

During Planning Commission discussion, Mr. Bibb stated that *“development should be required to show its projected impact on surrounding groundwater supplies, particularly within the context of the diminishing and limited supply of water available in any given area. Mitigating this impact on surrounding property owners is of utmost importance, especially in any discretionary zoning action, along with other potential impacts such as storm water and traffic, among other externalities. Fluvanna citizens have major concerns with groundwater availability”*. Mr. Bibb went on to express his concerns that Dr. Evans was only providing theory about groundwater and his estimation of groundwater, and at the work session it was brought up that a test well may be the best way to determine groundwater at the site. Mr. Bibb stated that he didn’t *“have as much trouble with the sewer”*. Mrs. Eager stated that she also has concerns about the water, and said *“I’m not sure how we recommend approval when independent and incremental evaluations for the onsite water and sewer haven’t been provided”*. There was some discussion about the time limit for taking action on the application, and whether or not the applicant has provided all of the information they need. Mr. Shimp stated *“I think our position is we’ve got those items addressed”*.

Mr. Tom Ross, managing partner for Hotel Street Capital, LLC addressed the Commission. Mr. Ross stated *“we certainly feel like we’ve demonstrated an adequate amount of information, more than adequate from the experts, that water is available in sufficient quantities, and to make the distinction between the idea that the health department requires a test well to be drilled and that somehow proves that there’s water or not water, I don’t think that’s the case at all. I think there’s water on the site and that’s what the expert said”*. Mrs. Eager stated *“well, I think that Mr. Shimp told us what we needed to hear. When he said we could dig around in the dirt a little bit, that’s not a test well, to see how it would affect the neighbors, and I don’t think we should go forward with this until we’re sure that it won’t affect the neighbors”*.

Ms. Eager moved to recommend denial of the attached ordinance for the master plan amendment (ZMP 14:01), and Mr. Johnson seconded. The motion carried with a vote of 5-0. AYES: Bibb, Eager, Johnson, Gaines, and Zimmer.

Ms. Eager moved to recommend denial of the special use permit (SUP 14:02), and Mr. Zimmer seconded. The motion carried with a vote of 5-0. AYES: Bibb, Eager, Johnson, Gaines, and Zimmer.

Conclusion and things to consider:

When reviewing this master plan amendment, and request for a special use permit for major utilities, the Board of Supervisors should take into consideration the potential adverse impacts that the development may have on the Palmyra area.

This project appears to achieve consistency with the established R-3, Residential, Planned Community section of the ordinance, and within the permitted residential density requirements prescribed by Sec. 22-7-8. Traffic should be carefully considered when reviewing this application. 331 additional residential units would generate an increase in traffic which will impact the roadways in the area.

Consideration should also be given to the availability of water, and water sustainability. It is very important to note that without the availability of public water and sewer supply to this location, a special use permit may still be required in either scenario, be it to develop the property in accordance with the existing zoning, or in accordance with the Master Plan Amendment (if approved).

Suggested Motions:

I move that the Board of Supervisors **approve/deny/defer** SUP 14:02, a request for a special use permit to allow for major utilities in conjunction with a Master Plan Amendment (MPA) with respect to approximately 220.56 acres of Tax Map 30, Section A, Parcel 110 and 10 acres of Tax Map 19, Section A, Parcel 39C, [if approved] subject to the condition listed in the staff report.

I move that the Board of Supervisors **approve/deny/defer** ZMP 14:01 of the attached ordinance for ZMP 14:01, a request to amend the Fluvanna County Zoning Map with respect to approximately 220.56 acres of Tax Map 30, Section A, Parcel 110 and 10 acres of Tax Map 19, Section A, Parcel 39C, for an aggregate of 230.56 acres, to amend the same from R-3, Residential, Planned Community (conditional) to R-3, Residential, Planned Community (conditional). ; and

(Attachment K)

Attachments:

- A – Applications, owner’s letter of permission, letter of a complete application, and APO letter
- B – Aerial Vicinity Map
- C – Existing zoning approval letter with proffers
- D – R-3, Residential, Planned Community process and ordinance section
- E – Submitted plan and applicant’s narrative, Zoning Administrator’s letter of determination
- F – Potential impact to local schools data
- G – Anish Jantrania, Ph.D’s flow and area calculations letter, and response letter to Wayne Stephens, P.E., County Engineer comments with regard to the SUP
- H – Traffic Impact Analysis and email response from Mark Wood, and Chuck Proctor with VDOT
- I - TRC comments and applicant’s response letter, emails
- J – Comprehensive Plan excerpts
- K – Proposed ordinance and submitted proffers

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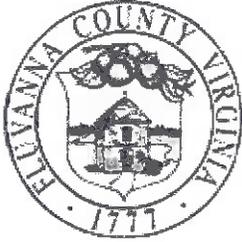
Owner/Applicant: Hotel Street Capital, LLC, 31 Garrett Street, Warrenton, VA 20186

Representative: Mr. Justin M. Shimp/Shimp Engineering, P.C., 201 E. Main Street, Charlottesville, VA 22902, and Mr. Keith B. Smith, 35 Acre Lane, Palmyra, VA 22963

File

Reset Form

Print Form



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Application for Rezoning

Received

APR 01 2014

Planning Dept.

Owner of Record: Hotel Street Capital, LLC Applicant of Record: Same as Owner of record.

E911 Address: 31 Garrett St. Warrenton, Va. 20186 E911 Address:

Phone: Fax: Phone: Fax:

Email: Email:

Representative: Keith Smith

E911 Address: 35 Acre Lane, Palmyra Va. 22963

Phone: 1-434-531-0795 Fax: Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.

Email: keithsmith011163@gmail.com Is property in Agricultural Forestal District? No Yes

Tax Map and Parcel(s): TM 30-A-110 & TM19-A-39c Deed Book Reference: BD 859 Pg 634 & BD 859 Pg 631

Acreage: 230.50 Zoning: R-3 Deed Restrictions? No Yes (Attach copy)

Location of Parcel: On the west side of Rt. 15 approx. a mile north on Rt. 15 from the No. intersection of Rt. 1001 and Rt. 15.

Requested Zoning: N/A Proposed use of Property: Master Planned Community

Affidavit to Accompany Petition for Rezoning

By signing this application, the undersigned owner/applicant authorizes entry onto the property by County Employees, the Planning Commission, and the Board of Supervisors during the normal discharge of their duties in regard to this request.

I/We, being duly sworn, depose and say that we are Owner/Contract Owner of the property involved in this application and that we have familiarized ourselves with the rules and regulations of the Zoning Ordinance with respect to preparing and filing this application, and that the foregoing statements and answers herein contained and the information on the attached map to the best of our ability present the argument on behalf of the application herewith requested and that the statements and information above referred to are in all respects true and correct to the best of our knowledge.

Date: 04-01-2014 Signature of Owner/Applicant:

Subscribed and sworn to before me this day of April, 2014 Register # 758754

My commission expires: 8/31/2018 Notary Public: Kelly Belanger Harris

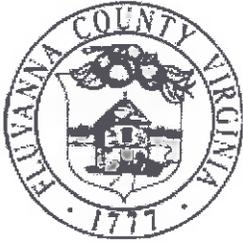
All plats must be folded prior to submission to the Planning Department for review. Rolled plats will not be accepted.

Table with columns for Date Received, Pre-Application Meeting, PH Sign Deposit Received, Application #, Mailing Costs, Proffer or Master Plan Amendment, Election District, Planning Area, Public Hearings, Planning Commission, Board of Supervisors, Advertisement Dates, APO Notification, Date of Hearing, Decision.

Reset Form

Received

Print Form



APR 01 2014

COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA

Application for Special Use Permit (SUP)

Planning Dept.

Owner of Record: Hotel Street Capital, LLC

Applicant of Record: Same as owner of record

E911 Address: 31 Garrett St. Warrenton Va. 20186

E911 Address: _____

Phone: _____ Fax: _____

Phone: _____ Fax: _____

Email: _____

Email: _____

Representative: Keith Smith

Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.

E911 Address: 35 Acre La. Palmyra Va. 22963

Phone: 1-434-531-0795 Fax: _____

Is property in Agricultural Forestal District? No Yes

Email: keithsmith011163@gmail.com

If Yes, what district: _____

Tax Map and Parcel(s): TM 30-A-110 & TM 19-A-39C

Deed Book Reference: DB 859 Pg 634 & DB 859 Pg 631

Acres: 230.56 Zoning: R3

Deed Restrictions? No Yes (Attach copy)

Request for a SUP in order to: Utilities, major

Proposed use of Property: Master Planned Community

*Two copies of a plan must be submitted, showing size and location of the lot, dimensions and location of the proposed building, structure or proposed use, and the dimensions and location of the existing structures on the lot.

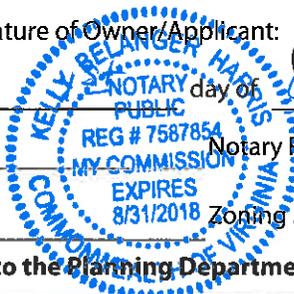
By signing this application, the undersigned owner/applicant authorizes entry onto the property by County Employees, the Planning Commission, and the board of Supervisors during the normal discharge of their duties in regard to this request and acknowledges that county employees will make regular inspections of the site.

Date: 04-01-2014

Signature of Owner/Applicant: _____

Subscribed and sworn to before me this _____ day of _____, 2014

My commission expires: 8/31/2018



Notary Public: Kelly Belanger Harris

Certification: Date: 4/1/14

Zoning Administrator: _____

All plats must be folded prior to submission to the Planning Department for review. Rolled plats will not be accepted.

OFFICE USE ONLY

Date Received: 4/1/14 Pre-Application Meeting: _____ PH Sign Deposit Received: _____ Application #: SUP 14 : 002

\$800.00 fee plus mailing costs paid: \$800 ch# 1968 Mailing Costs: \$20.00 Adjacent Property Owner(APO) after 1st 15, Certified Mail

Amendment of Condition: \$400.00 fee plus mailing costs paid: _____

Telecommunications Tower \$1,500.00 fee plus mailing costs paid: _____ \$5,500 w/Consultant Review paid: _____

Election District: Palmyra Planning Area: Palmyra

Public Hearings

Planning Commission

Board of Supervisors

Advertisement Dates: _____ Advertisement Dates: _____

APO Notification: _____ APO Notification: _____

Date of Hearing: _____ Date of Hearing: _____

Decision: _____ Decision: _____

Describe briefly the **improvements** proposed. State whether new buildings are to be constructed, existing buildings are to be used, or additions made to existing buildings.

The proposed use is Major Utilities, this includes treatment systems for water and sewer for the development.

NECESSITY OF USE: Describe the reason for the requested change.

The proposed SUP applies to a property within the Growth Area that is not supported by public water and cannot be supported by public sewer. The current Palmyra WWTP does not even have the capacity for the 30,000 GPD of sewer capacity that was previously reserved for the property. The SUP supports the County's vision for planned development districts in the development area and allows for technically superior central water and sewer facilities compared to the by-right alternatives.

PROTECTION OF ADJOINING PROPERTY: Describe the effects of the proposed use on adjacent property and the surrounding neighborhood. What protection will be offered adjoining property owners?

The proposed central sewer systems are heavily regulated by the Virginia Department of Health, and adequate capacity for the development is available for both primary and reserve systems. Required groundwater testing and monitoring for the sewer system ensures that the facility will always treat effluent and prevent impacts to adjoining property owners. The proposed water system is subject to the testing requirements outlined on the preliminary master plan. These requirements, developed by Nick Evans, PHD, ensure that a protocol is followed for any wells within close proximity to an existing well outside the property boundary. This protocol ensures that community wells on the Poplar Ridge site will not interfere with, or have adverse impacts on wells on adjoining properties.

ENHANCEMENT OF COUNTY: Why does the applicant believe that this requested change would be advantageous to the County of Fluvanna? (Please substantiate with facts.)

The SUP allows the development of a planned district within the growth area. This directly supports the County's vision of development within central planned districts in the County. These districts are within close proximity to County Services and major transportation corridors. The development of Poplar Ridge will prevent rural sprawl development, encourage a high quality of development, and be consistent with the goals and land use vision of the Fluvanna County Comprehensive Plan.

PLAN: Furnish plot plan showing boundaries and dimensions of property, width of abutting right-of-ways, location and size of buildings on the site, roadways, walks, off-street parking and loading space, landscaping, etc. Architect's sketches showing elevations of proposed buildings and complete plans are desirable and may be required with the application. Remarks:

Please refer to the utility section of the submitted preliminary master plan for the applicable schematic locations for the Major Utilities.

Reset Form

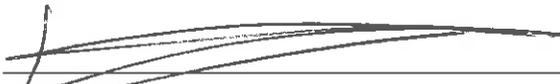
Print Form



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Public Hearing Sign Deposit

Name: Hotel Street Capital, LLC
Address: 31 Garrett St.
City: Warrenton
State: Va. Zip Code: 20186

I hereby certify that the sign issued to me is my responsibility while in my possession. Incidents which cause damage, theft, or destruction of these signs will cause a partial or full forfeiture of this deposit.


Applicant Signature

04-01-2014
Date

*Number of signs depends on number of roadways property adjoins.

OFFICE USE ONLY	
Application #: BZA _____ : CPA _____ : SUP _____ : ZMP _____ : ZTA _____ :	
\$90 deposit paid per sign*:	Approximate date to be returned:

Steven Tugwell

Received

APR 01 2014

Fluvanna County

Dear Mr. Stewart,

Please consider this email to be my official request to authorize two specific representatives on behalf of Hot application (TM 30 A 110 & TM 19 A 39C). Please send all correspondence via email to:

Justin Shimp, P.E. Justin@shimp-engineering.com, The principal engineer for the project.

Keith Smith keithsmith011163@gmail.com, Our authorized agent and local representative.

In addition, please continue to copy us via U.S. Mail at our address listed on the application.

Sincerely,

Hotel Street Capital

By

Thomas James Ross II, Manager

31 Garrett Street

Warrenton, VA 20186

[540-347-1000](tel:540-347-1000)-Office

[540-349-8166](tel:540-349-8166)-Fax

PLEASE NOTE The information contained in this message is privileged and confidential and is intended only for the use of the individual or entity named ; you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 www.co.fluvanna.va.us

April 10, 2014

Justin M. Shimp, P.E. (Shimp Engineering, P.C.)
201 E. Main Street, Suite M
Charlottesville, VA 22902

Re: Notice of a complete application regarding ZMP 14:01 and SUP 14:02

Dear Mr. Shimp:

Pursuant to Sec. 22-7-3 (b) of Article 7 of the Fluvanna County Zoning Ordinance, the Master Plan Amendment application (ZMP 14:01), and the Special Use Permit application (SUP 14:02) are hereby deemed to be complete applications.

We have the letter of authorization from the property owners, as well as a completed page three (3) of the Special Use Permit application, therefore these two (2) items may proceed with the regularly scheduled meetings that follow.

Planning staff is reviewing these applications, and will provide written comments at the Technical Review Committee meeting that is scheduled for Thursday, April 17, 2014 at 10 a.m. in the Historic Courthouse in Palmyra, VA.

If you have any questions, do not hesitate to contact me at 434-591-1910 or jstewart@fluvannacounty.org.

Sincerely,

Jason M. Stewart, AICP
Planning and Zoning Administrator
Dept. of Planning & Community Development

Cc: Mr. Keith B. Smith
File

TMP#	Owner	Address	City, State	Zip Code
19 A 31, 31B, 31C, 31D, 38	C RAYMOND ACKENBOM	P.O. BOX 145	PALMYRA, VA	22963
19 17 1, 2	D BURDELL CAVANAUGH	11889 JAMES MADISON HWY	PALMYRA, VA	22963
19 A 30	CAVANAUGH, THOMAS N EST C/O THOMAS CAVANAUGH, JR.	1030 EAST ANDREWS AVE	HENDERSON, NC	27536
19 A 40B	COMCAST OF CALIFORNIA ETC	ONE COMCAST CENTER 1701 JOHN F. KENNEDY BLVD, 32ND FL	PHILADELPHIA, PA	19103
30 A 119A	CSX TRANSPORTATION	500 WATER ST	JACKSONVILLE, FL	32202
19 A 37	DOGPOINT FARM PALMYRA VA LLC	P.O. BOX 132	SOMERSET, MA	02726
19 A 39B	FLUVANNA COUNTY	P.O. BOX 299	PALMYRA, VA	22963
19 A 39	FRIENDSHIP CAMP, INC	P.O. BOX 145	PALMYRA, VA	22963
30 A 110, 19 A 39C	HOTEL STREET CAPITAL LLC	31 GARRETT ST	WARRENTON, VA	20186
19 17 3	VICTOR & ALICE RIVERA	11416 COVENTRY GROVE CIRCLE	LITHIA, FL	33547
30 A 112, 112A	WILLIAM ALFRED TALLEY, JR.	P.O. BOX 10	PALMYRA, VA	22963
19 6 1A	JANET E.VAUGHN, EST. C/O FRANCIS D. CHAMBERLAYNE	1817 FAIRMONT AVE	RICHMOND, VA	23223
19 6 1	FLUVANNA HABITAT FOR HUMANITY	3661B LAKE MONTICELLO RD	PALMYRA, VA	22963
REPRESENTATIVE	JUSTIN SHIMP/SHIMP ENGINEERING	201 E. MAIN ST, SUITE M	CHARLOTTESVILLE	22902

ZMP 14:01 & SUP 14-02 Property Owners Adjacent to Adjacent Property Owners

TMP#	Owner	Address	City, State	Zip Code
19 A 32	CHARLES R.ACKENBOM, JR.	P.O. BOX 145	PALMYRA, VA	22963
19 A 22, 40	ALEXANDER, EMMA PURCELL, LAND & LUMBER CORP.	P.O. BOX 666	LOUISA, VA	23093
19 A 31A	RUTH ELDER ANDERSON	15404 JAMES MADISON HWY	PALMYRA, VA	22963
19 A 29	PEARLIE P. CARTER C/O NELLIE LEWIS	461 E. RIVER ROAD	FORK UNION, VA	23055
19 17 4	D. BURDELL CAVANAUGH	11880 JAMES MADISON HWY	PALMYRA, VA	22963
19 5 4	GLADYS & HELEN CAVANAUGH,	15258 JAMES MADISON HWY	PALMYRA, VA	22963
19 5 3	INA MAE CAVANAUGH	15234 JAMES MADISON HWY	PALMYRA, VA	22963
19 A 24, 25; 19 5 1	ROBERTA C. CAVANAUGH	642 FRIENDSHIP ROAD	PALMYRA, VA	22963
19 5 2	THOMAS N. CAVANAUGH, ESTATE C/O THOMAS CAVANAUGH, JR.	1030 EAST ANDREWS AVE	HENDERSON, NC	27536
19 A 33	MEGHAN CROAL	P.O. BOX 145	PALMYRA, VA	22963
30 2 1	FLUVANNA COUNTY SCHOOL BOARD	14455 JAMES MADISON HIGHWAY	PALMYRA, VA	22963
30 A 119B	FLUVANNA HERITAGE TRAIL INC.	P.O. BOX 501	PALMYRA, VA	22963
19 A 28	FLUVANNA HOUSING FOUNDATION	P.O. BOX 413	PALMYRA, VA	22963
19 A 47	LISA A. GARNER, ET AL C/O LAURE MCGRUDER	15446 JAMES MADISON HWY	PALMYRA, VA	22963

19 A 49	LUCY A GROOMS, ET AL C/O CONSTANCE PAYNE DAVIS	750 GREENWAY PLACE	DAYTONA BEACH, FL	32114
19 A 23	GLORIA J. HUBERT	771 FRIENDSHIP ROAD	PALMYRA, VA	22963
19 A 26	JOHN R. & JOAN B KEY	1352 CLOVERDALE RD	BREMO BLUFF, VA	23022
19 A 44	LINDA E MORGAN MAIR	111 SKYVIEW LANE	NEW ROCHELLE, NY	10804
19 A 36	L.P. & BRAXTON L. MCGRUDER	15446 JAMES MADISON HWY	PALMYRA, VA	22963
19 A 33A	DOROTHY P. MEADORS	1204 AGNESE ST.	CHARLOTTESVILLE, VA	22901
19 A 27	DAVID T. RICHARDSON	3080 PARK AVE. APT. 6H	BRONX, NY	10451
19 5 5	DAVID C SPENCER	15316 JAMES MADISON HWY	PALMYRA, VA	22963
30 A 113; 30 4 1, 2, 3; 30 3 2, 4A	ELEANOR W. TALLEY	P.O. BOX 10	PALMYRA, VA	22963
19 14 2, 4, 4A	DAVID W. & MARY W. TILMAN	P.O. BOX 238	PALMYRA, VA	22963
30 17 7	WOOD PROPERTY INVESTMENTS LLC	216 Highview Lane	CHARLOTTESVILLE, VA	22901



Poplar Ridge

Attachment B

19 A 39C

30 A 110

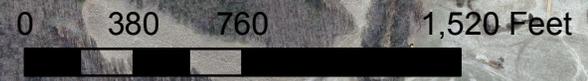
30 A 110

23

JAMES MADISON HWY

Legend

-  Poplar Ridge parcels
-  Main Roads





COUNTY OF FLUVANNA

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P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 www.co.fluvanna.va.us

May 21, 2009

Phil Carrow
 Rivanna Woods Golf Club, LP
 3504 Wedgewood Court
 Keswick, Va 22947

REF: ZMP 09:02 (Tax Map Parcels 30-A-110 and 19-A-39C)

Dear Mr. Carrow:

Please accept this letter as notification of the action taken on May 20, 2009 by the Board of Supervisors with regard to the request referenced above. Your request to amend the Fluvanna County Zoning Map with respect to approximately 220.56 acres of Tax Map 30, Section A, Parcels 110 and 10 acres of Tax Map 19, Section A, Parcel 39C, for an aggregate of 230.56 acres, to conditionally rezone the same from A-1, Agricultural, General to R-3, Residential, Planned Community was **approved (5-0)** by the Board of Supervisors with the following eleven (11) proffers:

1. The units in **"The Point at The Rivanna Resort"** will be sold subject to the attached "Residential density yield plan dated 02/27/09."
2. Rivanna Woods Golf Club L.P. proffers the attached Preliminary Master Plan for land use purposes. All vegetative buffers, building and parking locations adjoining existing Public Road Rights-of Ways shall be as per the attached Preliminary Master Plan. Necessary site developments shall be determined during the site plan approval process.
3. The golf course at **"The Point at The Rivanna Resort "** shall not become a private club but shall remain open to the public. The golf course property (composed of the 18 holes, club house and support facilities) shall not be used for any land use other than uses associated with the operation and support of the golf course.

4. Rivanna Woods Golf Club L.P. makes a cash proffer of \$5,000.00 per residential unit constructed at the proposed **“The Point at The Rivanna Resort”** project which funds shall be used for the construction of the new Fluvanna County High School to offset any possible additional expenses that this rezoning might cost the Fluvanna County Public Schools. In the event the proffered funds cannot be used for this purpose, they should be used for the development costs for the Pleasant Grove Community Center. The cash proffer shall be due and payable at closing of the sale of each unit(s) or prior to the issuance of a certificate of occupancy for such unit(s), whichever occurs first.
5. Rivanna Woods Golf Club L.P. shall pay \$1,000.00 to the Fluvanna / Louisa Housing Foundation per residential unit constructed at the proposed **“The Point at The Rivanna Resort”**. This money shall be earmarked for emergency repairs for Fluvanna County residents earning less than 80% of the area medium income. This proffer shall be due and payable at closing of the sale of each unit(s) or prior to the issuance of a certificate of occupancy for such unit(s), whichever occurs first.
6. Rivanna Woods Golf Club L.P. will improve Rt. 644 / Rt. 15 as provided in the traffic impact study and VDOT’s requirements associated with the site plan approval.
7. The applicant shall proffer up to \$50,000 to the construction of a future traffic light, if required by VDOT as result of future additional development in the area, at the intersection of Route 15 and Route 644. If the construction of the improvements is not started within 5 years of the successful final site plan approval of ZMP 09:02, this proffer shall expire.
8. Rivanna Woods Golf Club L.P. will provide a water and sewer tap connection location for the Palmyra Fire Station, located on Route 15, adjacent to the property. This is to facilitate the expansion of sewer services in the greater Palmyra area as the service area has been designed. Palmyra Fire Department and or /others will be responsible for application for service, application fee, required permitting by any prevailing authority, connection and construction expenses and or other fees and any required engineering.
9. Rivanna Woods Golf Club L.P. will provide one water and sewer tap connection location on Rt. 15 to facilitate the expansion of sewer services in the greater Palmyra area as the service area has been designed. The expanding entity and or /others will be responsible for application for service, application fee, required permitting by any prevailing authority, connection and construction expenses and or other fees and any required engineering.
10. Rivanna Woods Golf Club L.P. shall proffer the exterior commercial architectural guidelines in “Block #1 Commercial Center” at “The Point at The Rivanna Resort” to be consistent with the architectural design and materials use for the new Palmyra Fire Station located on Rt. 15, as determined by the convening County authority for site plan approval.

11. Rivanna Woods Golf Club L.P. shall proffer the following residential exterior architectural guidelines at “the Point at The Rivanna Resort”.

1. Siding;
No vinyl, aluminum and or metal siding shall be allowed. Only architectural grade natural siding products shall be allowed; such as cement fiber board siding, wood or equal.
2. Roofing;
Only architectural grade roofing and metal roofing or any combination there of shall be allowed. No three tab shingles shall be allowed.
3. Foundation covering;
All concrete and or masonry foundations above grade shall be embossed with either a brick and or stone pattern.

If I can be of any further assistance, please feel free to contact me.

Sincerely,

Darren K. Coffey
Planning Director

cc: Keith Smith, 6342 Thomas Jefferson Parkway, Palmyra, VA 22963
ZMP 09:02 File

12-31-08

Article 7. Residential, Planned Community, District R-3

Sec. 22-7-1. Statement of intent.

This district is intended to permit compact village-style residential development and associated institutional uses, community serving mixed uses, open spaces, and creative design in accordance with a master plan. The development should occur in a manner that will protect and preserve the natural resources, trees, watersheds, contours and topographic features of the land; and to protect and enhance the natural scenic beauty of the area and support. The scale of the housing and the commercial use should be appropriate to support the residential needs at a neighborhood scale.

Sec. 22-7-2. Establishment-- Request and master plan.

Request for establishment of a residential planned community shall be made initially to the planning commission and subsequently to the governing body accompanied by a "Master Plan" for the proposed community.

Sec. 22-7-3. Same-- Application.

- a) The applicant shall submit a sketch plan and meet with the Planning Director for a pre-proposal conference.
- b) Applicant submits a Preliminary Master Plan to the Planning Director. Within ten days the Planning Director shall review the preliminary master plan application for completeness, and if it is incomplete, so notify the subdivider, specifying instructions for its completion.
- c) After its determined to be complete, the applicant shall furnish with a rezoning application for establishment of a Residential Planned Community, thirty (30) copies of a Preliminary Master Plan prepared by a surveyor, engineer, landscape architect, or architect, duly authorized by the State to practice as such.
- d) After approval, R-3 zoning is established and the master plan governs development of the site. The master plan may be amended with the approval by the Planning Commission of a master plan amendment.

Sec. 22-7-4. Required information on Preliminary Master Plan.

- (a) The location of the open areas which shall comprise not less than twenty-five (25) percent of the whole. The open areas shall include parks, recreation facilities, residential

12-31-08

clubhouse grounds, lakes, trails, and land or water left in undisturbed natural condition and unoccupied by building lots, structures, streets and roads and parking lots. This area may be used for active recreation facilities identified in Section 22-7-12. The open areas of the tract shall be delineated due to their noteworthy features and value to the continued rural character of the county, including, but not limited to, lands with high scenic, open space and water quality protection values including riparian corridors and wildlife habitat; high environmental sensitivity such as steep slopes, wetlands, floodplains; high recreational value and/or having noteworthy historical, archaeological or cultural features.

(b) The plan shall also indicate the general location of the various types of land uses, including the general location of any village centers, and the residential density classifications of each residential area.

(c) Areas for residential development, with maximum proposed number of units, density calculations, and plot plans of typical units provided.

(d) Areas for commercial and/or institutional development, with maximum proposed square footages and floor area ratios indicated. The location of all buildings and improvements, and their proposed use, other than single-family dwellings, and the location of any public buildings shall be shown.

(e) Street layout, with indication of which are to be dedicated to public use and which are to be held in private ownership, and a brief description of maintenance arrangements; street functional classification; and proposed street cross-sections.

(f) Pedestrian and bicycle facilities, including sidewalks and trails, with proposed cross-sections.

(g) Orientation to surrounding community by extending the overall development and preservation pattern, tree protection and buffers, general building design, covenants and restrictions.

(h) The general location of all public and private roads shall be indicated on the plan.

(i) Adequate provisions for general sewer, storm drainage, and water supply shall be shown on the plan.

(j) Demonstrate compliance with the Comprehensive Plan.

12-31-08

Sec. 22-7-5. Development -- Final Master plan.

(a) Requirements for Submittal

- a. Five (5) copies of the final Master Plan. The final plan shall be prepared by a licensed surveyor, engineer, landscape architect, or architect.
- b. The Final Plans shall be consistent with the Master Plan as approved. The applicant may vary from the Master Plan to any degree if it does not vary the basic concept or character of the development.
- c. Any departure from the Master Plan shall be approved by the Planning Commission.

(b) Final Master Plan Requirements:

- a. All the Preliminary Master Plan Information.
- b. Existing and proposed property lines.
- c. Plans and Specifications for roads, pedestrian facilities, parking areas, Stormwater Management facilities, water and sewer system, active recreational facilities, and any other infrastructure elements proposed and shall be in compliance with Virginia Stormwater Management Regulations.
- d. Homeowners Association documents for County Attorney approval; if any roads, open space, or other facilities are proposed for ownership by such association.
- e. Final plat meeting the requirements of Chapter 19.
- f. Site Development Plan for commercial, institutional, multi-family meeting the requirements of Chapter 22-23.
- g. Performance bond for improvements as provided in Chapter 19.
- h. The applicant shall furnish with a Final Plan a proposed deed of easement including restrictions safeguarding the permanent use of open areas and preventing encroachment thereupon and any deeds for any land dedicated to the county as part of the Master Plan for approval by the County Attorney.

12-31-08

- i. When the Final Plan and deed of dedication shall have been approved by both the Planning Director and the County Attorney as being in conformity with this chapter and the Preliminary Master Plan, the Final Plan shall be approved for recordation and recorded. Thereafter, no modification may be made in any Final Plan except by an amended Final Master Plan submitted as provided for the original Final Master Plan.

Sec. 22-7-6. Reserved.

Sec. 22-7-7. Additional land.

Additional land area may be added to an existing Residential Planned Community if it is adjacent, is not separated by a public road, and forms a logical addition to the existing Residential Planned Community. The land must also be under the same ownership or control as the Residential Planned Community.

The procedure for an addition shall be the same as if an original application were filed, and all of the requirements of this chapter shall apply.

Sec. 22-7-8. Permitted residential density.

Maximum gross residential density: 2.9 residential units per acre.

Sec. 22-7-9.1. Uses permitted by right.

The following uses shall be permitted by right:

Agricultural Uses

Conservation areas

Civic Uses

Public parks and recreational areas

Public uses

Commercial Uses

Bakeries

Butcher shops

Financial institutions

Home occupations

Medical clinics

Offices

Personal improvement services

Personal service establishments

12-31-08

Pharmacies
 Restaurants, general
 Restaurants, small
 Retail stores, general
 Retail stores, neighborhood convenience
 Retail stores, specialty
 Studios, fine arts

Miscellaneous Uses

Accessory uses
 Greenhouses, non-commercial
 Kennels, private
 Marinas, private non-commercial
 Utilities, minor

Residential Uses

Dwellings, accessory
 Dwellings, multi-family
 Dwellings, single-family attached
 Dwellings, single-family detached
 Dwellings, townhouse
 Dwellings, two-family
 Group homes

(Ord. 10-21-09; Ord. 11-3-10)

Sec. 22-7-9.2. Uses permitted by special use permit only.

The following uses shall be permitted by special use permit only:

Agricultural Uses

Equestrian facilities

Civic Uses

Educational facilities
 Public assembly
 Public recreation assembly
 Religious assembly

12-31-08

Commercial Uses

Adult retirement communities
 Assisted living facilities
 Bed and breakfasts
 Car washes
 Daycare centers
 Family daycare homes
 Gas stations
 Grocery stores
 Hospitals
 Hotels
 Laundromats
 Lodges
 Nursing homes
 Outdoor recreation facilities
 Restaurants, fast food
 Self-storage facilities
 Taxidermists
 Veterinary offices

Miscellaneous Uses

Telecommunication facilities
 Utilities, major

(Ord. 10-21-09; Ord. 11-3-10)

Sec. 22-7-10. Limitations.

- (a) Commercial uses shall be located in "Village Centers" shown on the Final Master Plan and on the Final Plan, Village Centers shall be light commercial and office areas.
- (b) The amount of commercial area will be determined by the approved Final Master Plan.
- (c) The scale of the services provided in the Village Center shall be to provide neighborhood shopping and business convenience for nearby residential areas.
- (d) No trailer parks, trailer camps, or trailer courts may be permitted.

12-31-08

- (e) Uses in a Residential Planned Community shall be permissible only in the general location shown on the approved Master Plan as previously set forth.

Sec. 22-7-11. Building location and design requirements.

- a) The proposed location, arrangement, and design of non residential structures shall not be a detriment to the existing adjacent areas, and the prospective development of the Residential Planned Community. Therefore, structures shall be designed in a manner to facilitate the creation of a convenient, attractive and harmonious community.
- b) Open spaces between structures shall be protected where necessary by adequate covenants, conveyances, or dedications running with the land. The lot size, setback lines, lot coverage, width and frontage on the public street will be determined by the approved Master Plan.

Sec. 22-7-12. Recreation Requirements.

Active Recreation facilities may be located within the required open space and shall be provided as follows unless specifically exempted by an approved proffer:

Group A

Bicycling, walking, fitness, and equestrian trails, open play area (minimum ½ area), sitting area, picnic table units, tot lot equipment, community gardens that may be located within the required open space

Group B

Picnic shelter (3-4 picnic table units with grill), tennis court(s), multi-use court, active playground with equipment.

Group C

Community Center/Clubhouse/ Fitness Center, Indoor Swimming Pool, Athletic fields for private unorganized activities (Baseball, football/soccer) – minimum 2 acres

< 14 Residential Units	Group A - Choice of two or more Minimum of one acre of recreation area
15-60 Residential Units	Group A – Choice of two or more Group B – Choice of two or more Minimum of three acres of recreation area

12-31-08

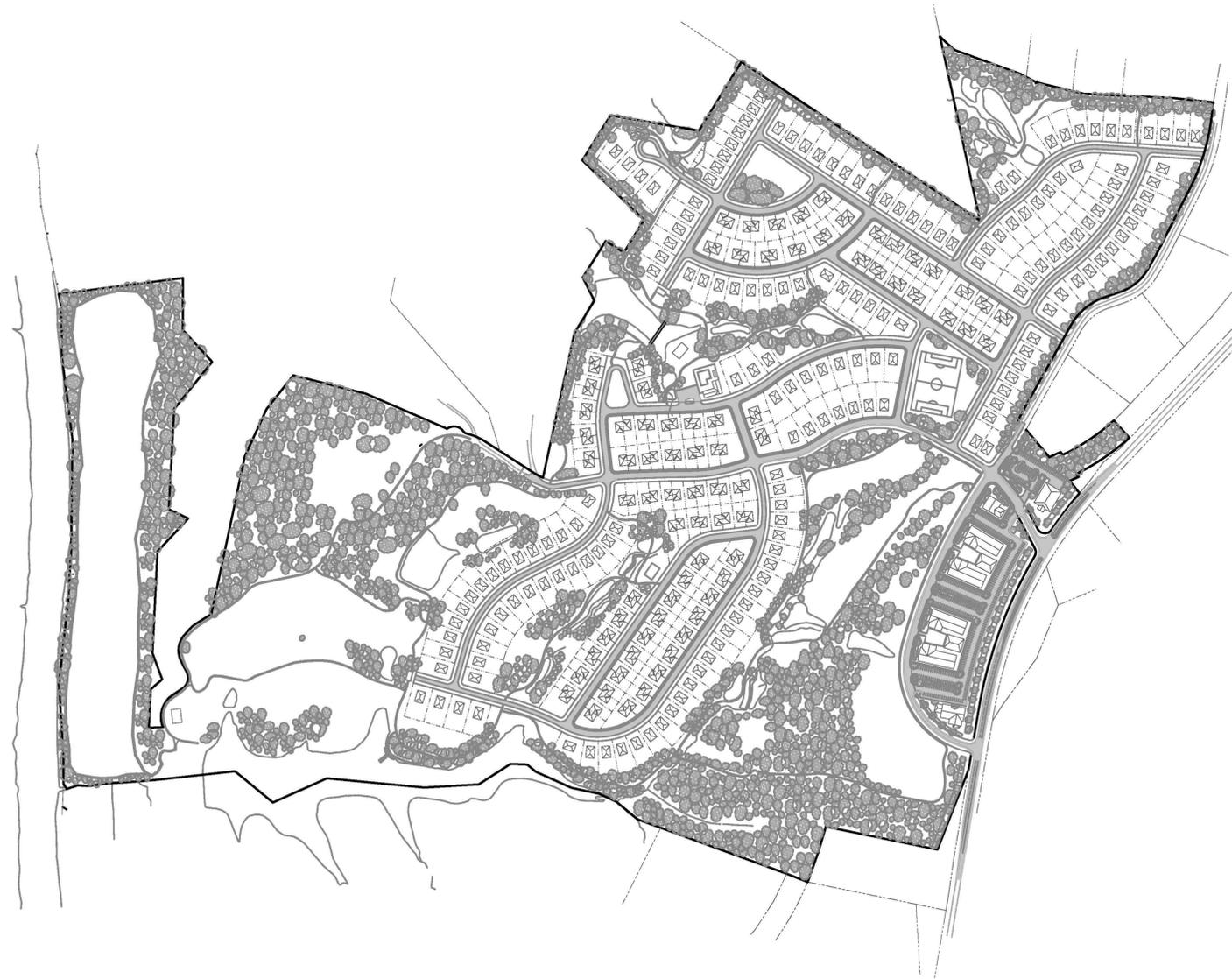
61- 100 residential units

Group A – Choice of three
Group B- Choice of three
Minimum of six acres of active recreation

101 + residential units

Group A- Choice of three
Group B – Choice of three
Group C – Choice of one
Minimum of eight acres of active recreation

PRELIMINARY MASTER PLAN AMENDMENT FOR POPLAR RIDGE



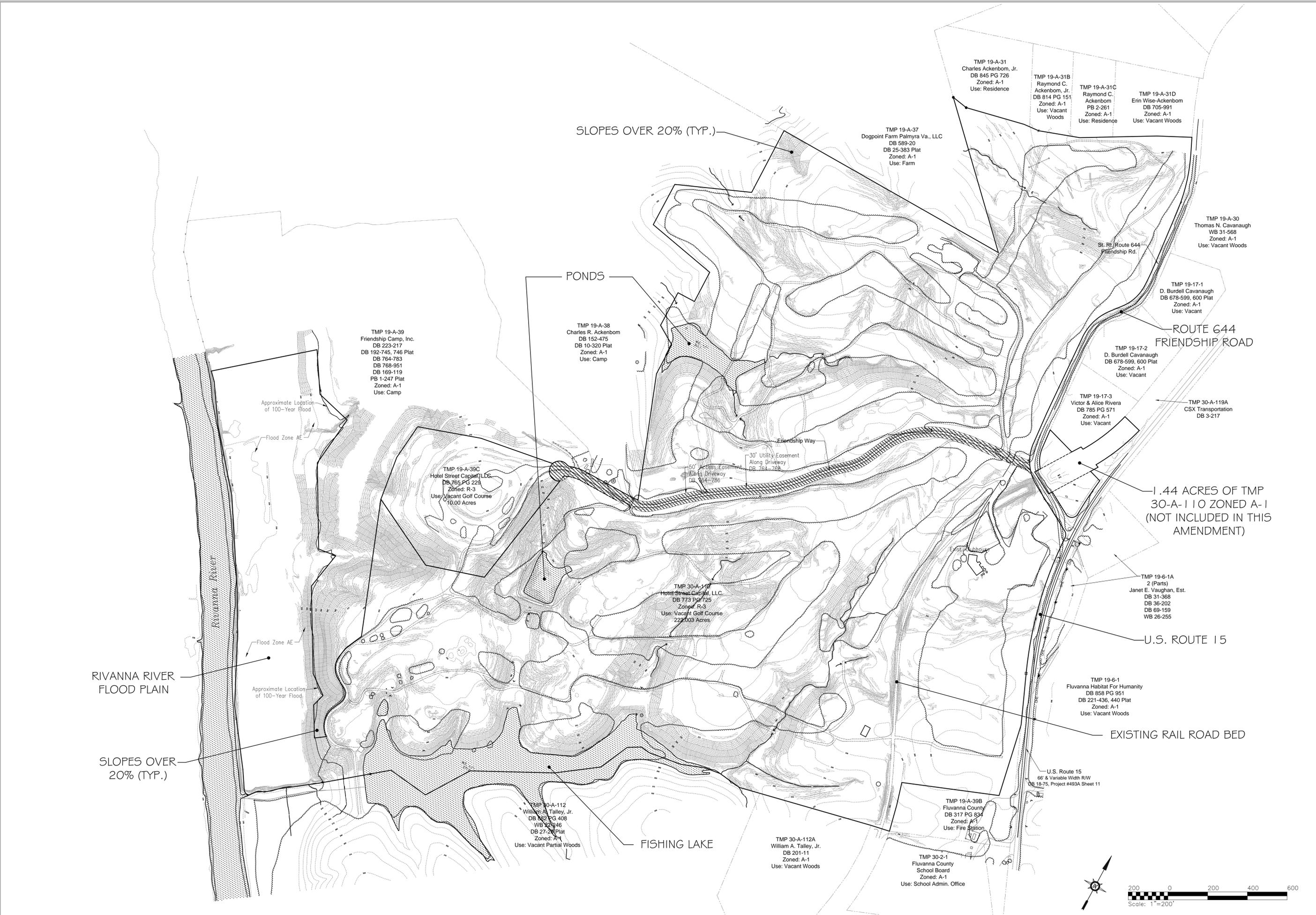
FORMERLY THE POINT AT THE RIVANNA RESORT
TAX MAP 30, SECTION A, PARCEL 110 and
TAX MAP 19, SECTION A, PARCEL 39C
PALMYRA DISTRICT, FLUVANNA COUNTY, VIRGINIA
MARCH 31, 2014
Revised June 3, 2014



201 EAST MAIN STREET, SUITE M
CHARLOTTESVILLE, VA 22902
(434) 207-8086

SHEET INDEX

- C1 - COVER SHEET
- C2 - EXISTING CONDITIONS
- C3 - PRELIMINARY MASTER PLAN
- C4 - AMENITIES PLAN
- C5 - UTILITY PLAN
- C6 - DESIGN GUIDELINES

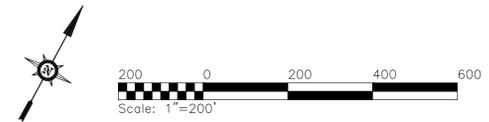


EXISTING CONDITIONS

Rev #	Date	Description
1	06-03-2014	VOOT AND COUNTY COMMENTS

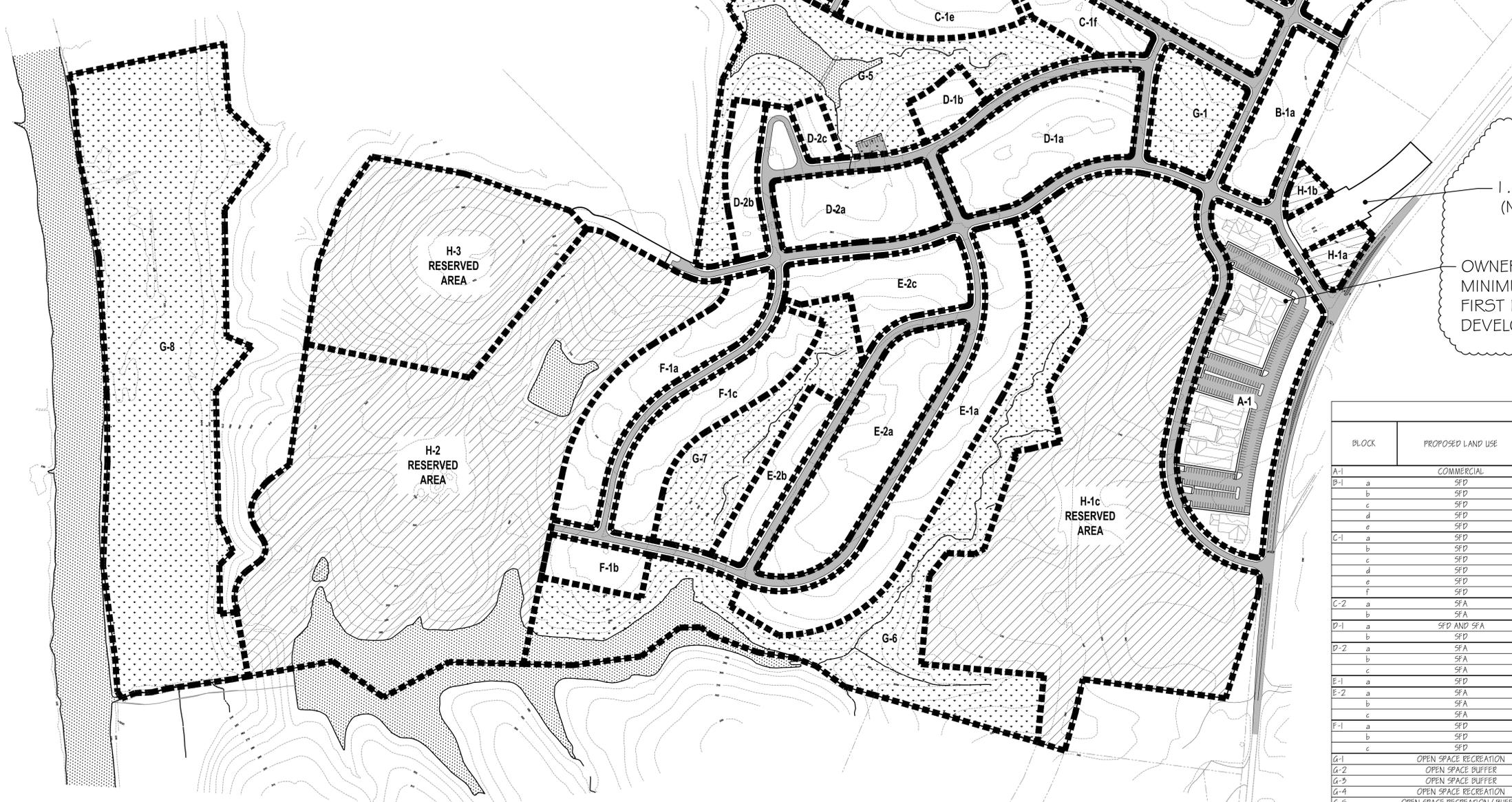
PRELIM. MASTERPLAN AMENDMENT FOR:
POPLAR RIDGE
FLUVANNA COUNTY, VIRGINIA

Date	03/31/2014
Scale	1" = 200'
Sheet No.	2 OF 6
File No.	11.022



LAND USE NOTES:

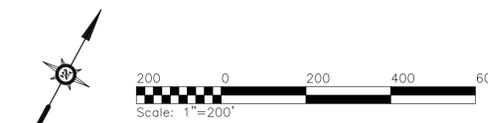
- ★ RESERVED AREAS (H-1, H-2, and H-3) shall require approval of a future amendment to this Preliminary Master Plan by the Fluvanna County Board of Supervisors in accordance with Section 22-7 of the Fluvanna County Zoning Ordinance prior to any residential and/or commercial development. Minor Utilities, Public Parks and Recreation areas, and Conservation Areas shall be permitted in these RESERVED AREAS in accordance with Section 22-7-9.1 and Major Utilities shall be permitted in these areas in accordance with Section 22-7-9.2 of the Fluvanna County Zoning Ordinance.
- ★★ A Golf Course, which was approved as a permitted use in the previous R-3 Preliminary Master Plan, is retained as a permitted use in RESERVED AREA Blocks H-1c and H-2 in accordance with the note provided above.
- ★★★ While individual Block Densities may be higher in accordance with the Land Use Table on this sheet, the maximum gross density permitted for the entire Poplar Ridge development shall be 1,375 dwelling units per acre (or 317 units per 230.56 acres).
- ★★★★ The entire area of Block G-8 (22.45 acres) shall be maintained as a Riparian Protection Area of the Rivanna River in accordance with Section 22-22.1 of the Fluvanna County Zoning Ordinance.



1.44 ACRES OF TMP 30-A-110 ZONED A-1 (NOT INCLUDED IN THIS R-3 MASTER PLAN AMENDMENT)

OWNER/DEVELOPER SHALL PROVIDE A MINIMUM OF 20 PARK & RIDE SPACES WITH FIRST PHASE OF COMMERCIAL DEVELOPMENT

LAND USE TABLE						
BLOCK	PROPOSED LAND USE	ACREAGE	TOTAL ACRES	MAXIMUM RESIDENTIAL DENSITY (UNITS)	MAXIMUM COMMERCIAL DENSITY (SQUARE FEET)	PERCENTAGE OF DISTRICT
A-1	COMMERCIAL		7.86	0	74,000	3%
B-1	a SFD		14.92	55	0	6%
	b SFD					
	c SFD					
	d SFD					
	e SFD					
C-1	a SFD		11.29	46	0	5%
	b SFD					
	c SFD					
	d SFD					
	e SFD					
	f SFD					
C-2	a SFA		7.28	50	0	3%
	b SFA					
D-1	a SFD AND SFA		5.45	22	0	2%
	b SFD					
D-2	a SFA		4.98	54	0	2%
	b SFA					
	c SFA					
E-1	a SFD		6.14	25	0	3%
	b SFA					
	c SFA					
E-2	a SFA		9.48	68	0	4%
	b SFA					
	c SFA					
F-1	a SFD		8.50	55	0	4%
	b SFD					
	c SFD					
G-1	OPEN SPACE RECREATION	2.3	62.00	0	0	27%
G-2	OPEN SPACE BUFFER	5.08				
G-3	OPEN SPACE BUFFER	3.59				
G-4	OPEN SPACE RECREATION	1.26				
G-5	OPEN SPACE RECREATION / BUFFER	9.19				
G-6	OPEN SPACE BUFFER	15.98				
G-7	OPEN SPACE RECREATION / BUFFER	4.48				
G-8	OPEN SPACE BUFFER / RIPARIAN PROTECTION AREA*****	22.12				
H-1	a RESERVED AREA*	0.65	67.02	0*	0*	29%
	b RESERVED AREA*	0.56				
	c RESERVED AREA* / GOLF**	25.89				
H-2	RESERVED AREA* / GOLF**	29.20				
H-3	RESERVED AREA*	10.94				
	ROAD RIGHT-OF-WAY	25.64		N/A	N/A	11%
	TOTAL R-3 DISTRICT	230.56		317***	74,000	100%



PRELIMINARY MASTER PLAN

Date: 06-03-2014

Rev # 1

Description: VDOT AND COUNTY COMMENTS

PRELIM. MASTERPLAN AMENDMENT FOR:

POPLAR RIDGE

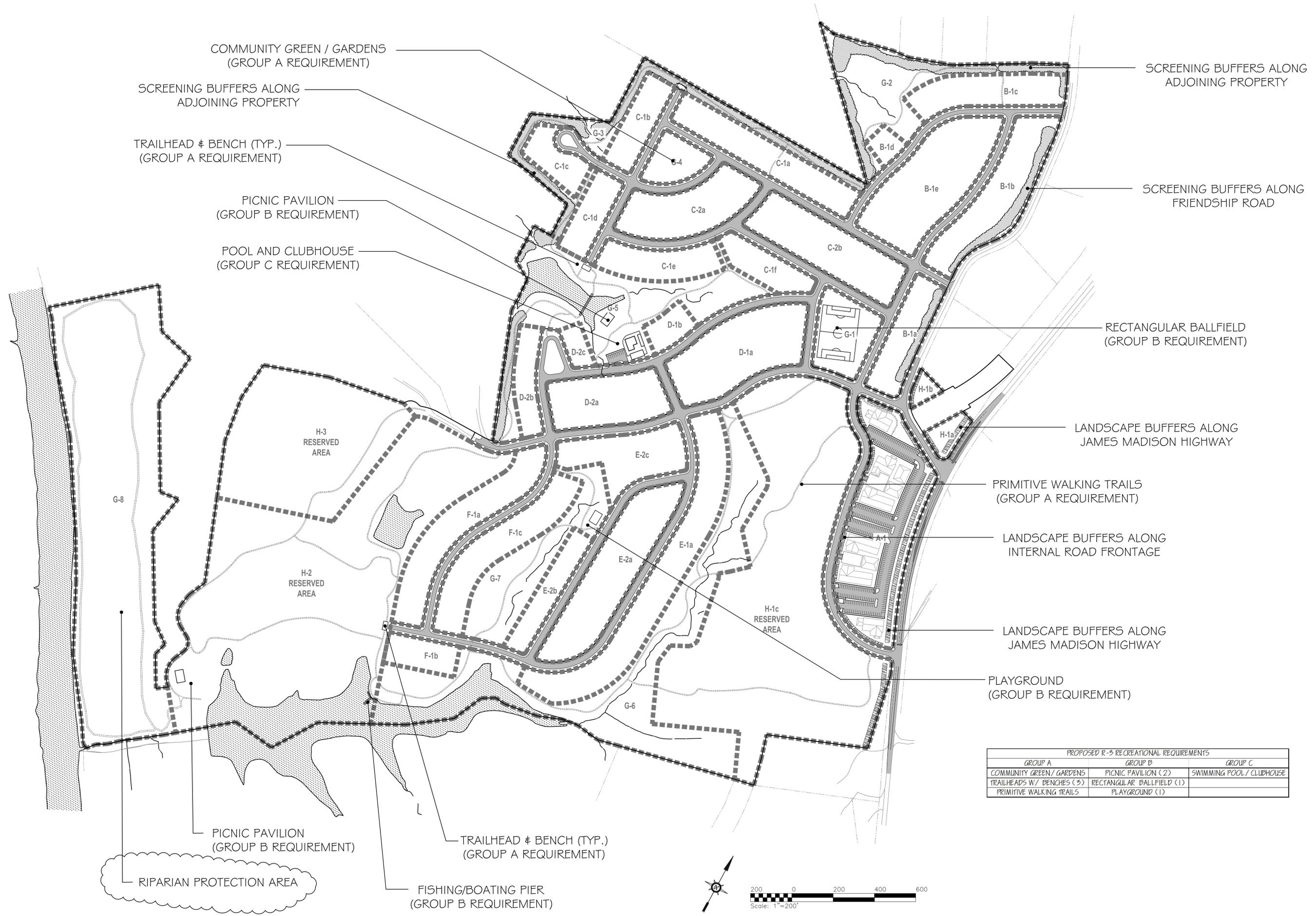
FLUVANNA COUNTY, VIRGINIA

Date: 03/31/2014

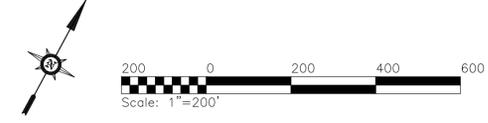
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Sheet No. 3 OF 6

File No. 11.022



PROPOSED R-3 RECREATIONAL REQUIREMENTS		
GROUP A	GROUP B	GROUP C
COMMUNITY GREEN/ GARDENS	PICNIC PAVILION (2)	SWIMMING POOL / CLUBHOUSE
TRAILHEADS W/ BENCHES (3)	RECTANGULAR BALLFIELD (1)	
PRIMITIVE WALKING TRAILS	PLAYGROUND (1)	

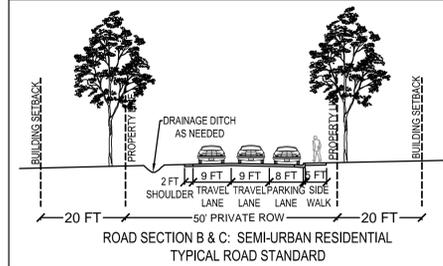


AMENITIES PLAN

Rev #	Date	Description
1	06-03-2014	VOTED AND COUNTY COMMENTS

PRELIM. MASTERPLAN AMENDMENT FOR:
POPLAR RIDGE
 FLUVANNA COUNTY, VIRGINIA

Date	03/31/2014
Scale	1" = 200'
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EXISTING POND TO BE MODIFIED FOR ON-SITE STORMWATER MANAGEMENT

EXISTING POND TO BE MODIFIED FOR ON-SITE STORMWATER MANAGEMENT

NEW STORMWATER MANAGEMENT FACILITY (TYP.)

NEW STORMWATER MANAGEMENT FACILITY (TYP.)

UTILITY, INFRASTRUCTURE, & SWM NARRATIVE:

SANITARY SEWER:
 Sewage disposal will be provided via onsite central treatment works. (Major Utility) The treatment works shall be operated by a licensed utility company and will provide subsurface disposal of septic effluent in accordance with applicable local and state ordinances.

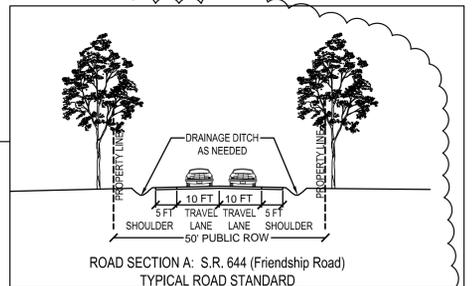
WATER SERVICE:
 Water service for the site will be provided by an onsite central water system. (Major Utility) The water system will be operated by a licensed utility company in accordance with the applicable local and state ordinances. If onsite wells are used as a source for water then the testing procedures as outlined on sheet 6 shall be implemented.

ROAD NETWORK:
 The new roads within the development shall be private with the exception of Road A (State Route 644 Friendship Road). Private roads shall be constructed per the road design guidelines on this sheet. All materials and drainage design shall be in conformance with VDOT standards. Roads shall remain private and the neither the County of Fluvanna, nor VDOT shall be responsible for maintenance of the private roads. The HOA for the development shall maintain funding as necessary for maintenance and snow removal of the private road network within the development.

SWM STRATEGY:
 Storm Management shall be provided for the site through a variety of methods to ensure compliance with the Storm Water Management guidelines developed by DEQ. Existing ponds will be converted to permanent detention basins and modified as required to comply with the applicable regulations. Open space areas with existing streams and wetland areas will be improved as practicable for increasing potential of infiltration and detention of storm water runoff.

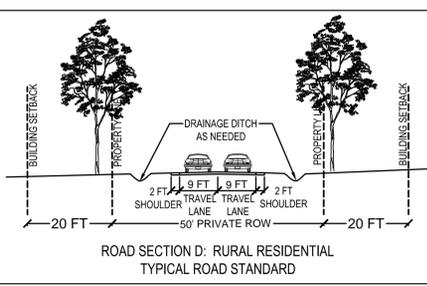
GRAPHIC LEGEND:

- Proposed Storm Water Management Area
- Proposed Sanitary Drainfield Locations
- Proposed water Well/Treatment Location
- Proposed Fire Hydrant Location

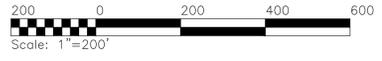


NOTE: State Route 644 alignment and Section detail is shown conceptually as per Sheet S10 of approved Site Development Plan for Rivanna River Resort, dated 11-16-2007 and last revised on 07-22-08.

- POTENTIAL WELL LOCATION FOR BLOCK A I
- POTENTIAL DRIP SYSTEM LOCATION FOR BLOCK A
- STORMWATER MANAGEMENT AND STREAM RESTORATION AREA WITH SERIES OF TREATMENT, INFILTRATION, AND DETENTION MEASURES AS REQUIRED BY VA DEQ.



Road Design Guidelines					
KEY	Road Type	Design Speed	Min. Horizontal Radius	Maximum Grade	Notes
(A)	Rural Local Street (No On-Street Parking)		PER VDOT		
(B)	Primary Connecting Roadway (With On-Street Parking)	25 MPH	110 FT	10 %	PRIVATE
(C)	Subdivision Access Road (TH or SFD) (No On Street Parking)	20 MPH	110 FT	16 %	PRIVATE
(D)	Subdivision Access Road (TH or SFD) (With On Street Parking)	20 MPH	110 FT	10 %	PRIVATE



UTILITIES PLAN

PRELIM. MASTERPLAN AMENDMENT FOR:

POPLAR RIDGE
 FLUVANNA COUNTY, VIRGINIA

Date: 03/31/2014
 Scale: 1" = 200'
 Sheet No. 5 OF 6
 File No. 11.022

Architectural and Landscape Standards:

Architectural Guidelines:

General Requirements:

Structures within Poplar Ridge shall be designed to be generally compatible with the surrounding neighborhoods. An Architectural Review Committee (ARC) shall be established by the Developer (or future HOA) for the purpose of reviewing architectural plans for the development and providing comments.

Exterior materials used within Poplar Ridge shall be chosen from the materials listed hereinafter for the specific use (commercial or residential) and be of a low maintenance character in the interest of maintaining a quality appearance.

Architectural Standards for Commercial Uses:

Commercial and Civic Structures:

- Massing of commercial and civic structures shall be broken up in such a manner as to avoid boxy appearing buildings. Use of gables, offsets, and similar details to break down the mass of the building is strongly encouraged.
- Buildings shall maintain a consistent street edge with at least one street oriented entrance.
- Use of multiple, yet compatible wall materials is encouraged.
- Use of arches, columns, quoins, and similar details is encouraged.
- Storefront metal shall be factory finished. Mill finish aluminum is prohibited.
- Accessory structures shall be constructed of materials similar to the main structure on the lot.

Permitted Wall Materials

- A. Brick
- B. Stone, natural or portland cement simulated (Cultured Stone or similar)
- C. Fiber reinforced cementitious siding (Hardiplank or similar)
- D. Wood siding, painted or stained
- E. Wood or fiber reinforced cement shingles
- F. Architectural precast concrete (cast stone)
- G. Stucco

Permitted Visible Roofing Materials

- A. Standing seam metal
- B. Slate
- C. Simulated slate
- D. Architectural shingles designed to simulate slate.

Permitted Trim Materials

- A. Fiber reinforced cementitious trim (Hardietrim, Hardiesoffit, or similar)
- B. Cellular PVC
- C. Wood, painted or stained
- D. Factory finished aluminum clad wood (fascia & rake boards)
- E. Vented or unvented aluminum or vinyl soffit panels

Permitted Window Materials

- A. Painted Wood
- B. Clad (aluminum or fiberglass) wood
- C. Extruded fiberglass or aluminum
- D. Aluminum Storefront
- E. Divided light windows shall have SDL or true divided light muntins.
- F. Vinyl

Permitted Door Materials

- A. Wood
- B. Insulated metal
- C. Fiberglass
- D. Aluminum storefront

Other Permitted Materials

- A. Fabric awnings
- B. Cellular PVC railings
- C. Metal railings
- D. Factory finished aluminum or natural copper gutters & downspouts
- E. Wood or vinyl shutters

Architectural Standards for Residential Uses:

Permitted Wall Materials

- A. Any material permitted in Commercial Uses plus the following:
- B. Vinyl siding
- C. Painted concrete foundations with simulated brick face

Permitted Visible Roofing Materials

- A. Any material permitted in Commercial Uses plus the following:
- B. Architectural shingles designed to simulate wood shakes (Timberline or similar)

Permitted Trim Materials

- A. Any material permitted in Commercial Uses

Permitted Window Materials

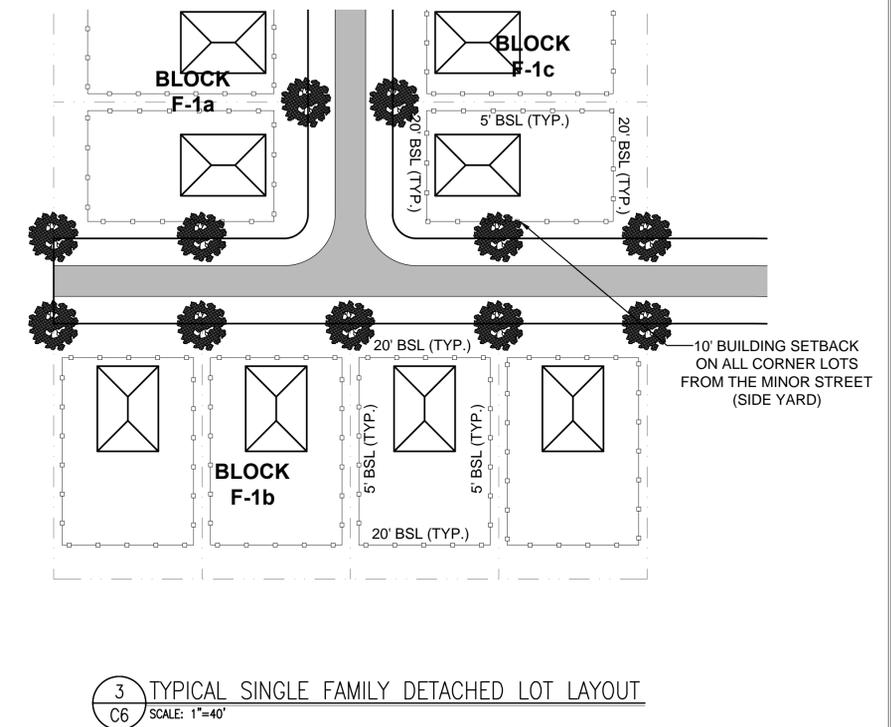
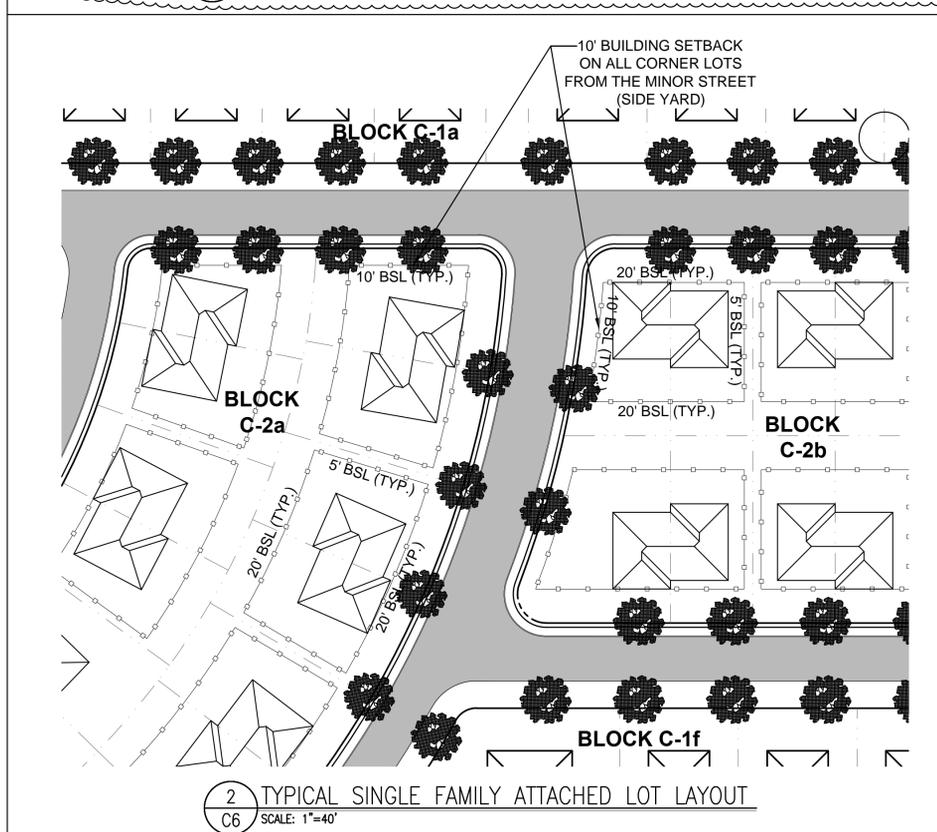
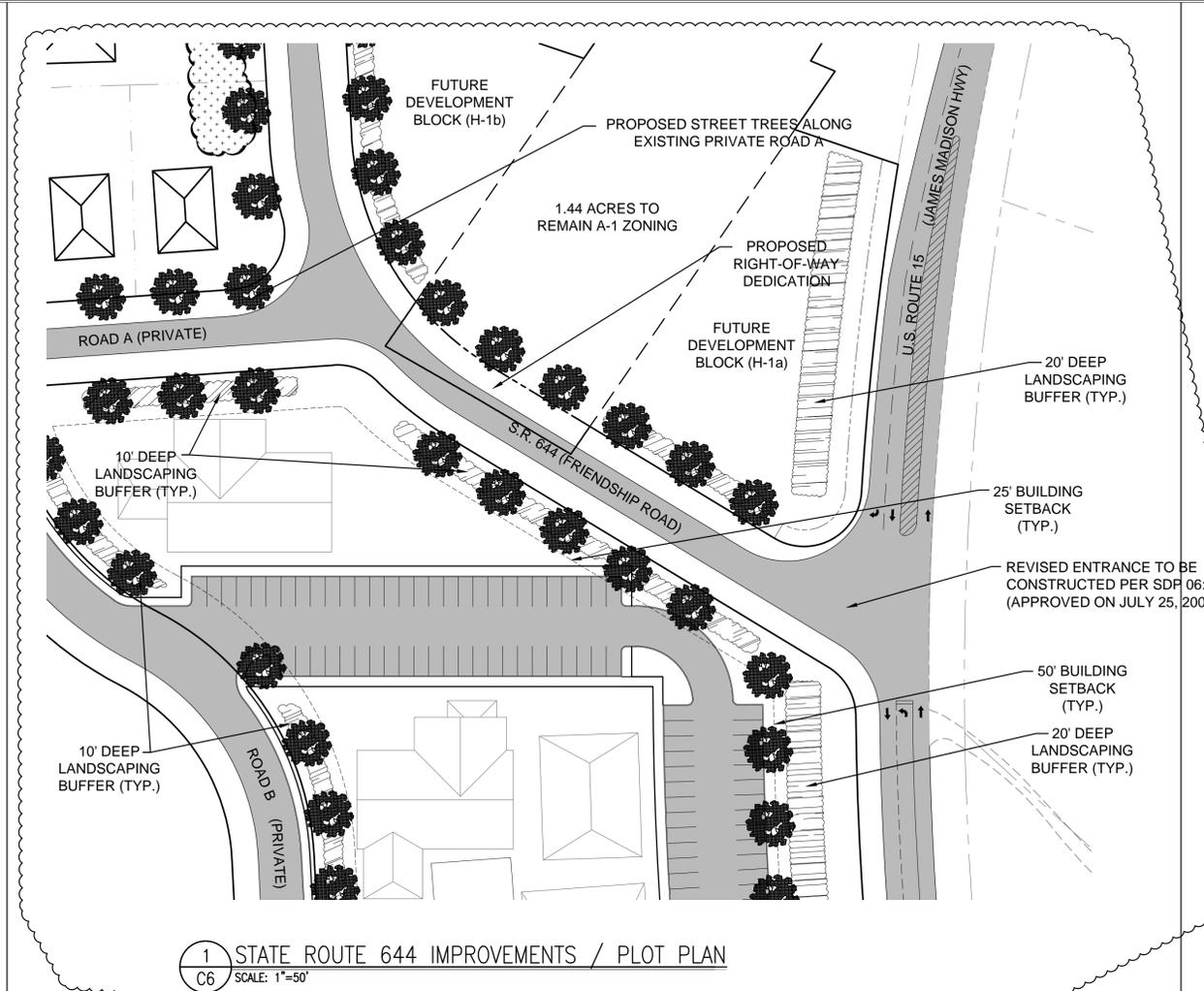
- A. Any material permitted in Commercial Uses.

Permitted Door Materials

- A. Any material permitted in Commercial Uses.

Other Permitted Materials

- A. Any material permitted in Commercial Uses plus the following:
- B. Pressure treated wood railings.



GROUNDWATER TESTING PROTOCOL FOR WELL SYSTEMS:

In conjunction with the development of a central water system utilizing onsite groundwater wells the following assessment will be required by a professional geologist or similarly qualified individual (hereafter the Geologist):

- Geologic Mapping.
- A fracture Trace Analysis & Electric Resistivity Geophysical Survey.
- Prepare an inventory of existing groundwater wells within 1,000 feet of the property line.

The aforementioned steps will form the basis for determining optimal drilling sites for construction of the first well. Design specifications will be in accordance with VDH guidelines. If a blown yield measurement by the driller indicates sufficient capacity for use the following testing procedure shall commence:

- Pump test shall be performed for 72 hours.
- Any public well within 500' of the well being tested shall be pumped at its rated capacity simultaneous with the new well for the duration of the test to evaluate possible interference between the two wells. If the Geologist determines that significant interference is present the well site will be abandoned and a new well site developed.
- Two observation wells shall be installed in locations selected by the geologist to monitor ground water impacts from wells on the north and east sides of the site.
- When a well site is selected a review of wells within the area shall be performed. The owner of any offsite well within 1000' of the proposed well site will be notified of the proposed well. The new well installation will then commence. If the offsite well owner grants the geologist permission to monitor their well and agrees to follow the testing protocol as outlined by the geologist the offsite well shall be monitored for interference with the new well site. If the geologist determines that significant interference is present, the proposed well site shall be abandoned and a new site developed.

SHIMP ENGINEERING, P.C.
ENGINEERING - LAND PLANNING - PROJECT MANAGEMENT
PHONE: (434) 207-8066
201 E. MAIN ST., SUITE M
CHARLOTTEVILLE, VA 22902
JUSTIN@SHIMP-ENGINEERING.COM

DESIGN STANDARDS

Rev #	Date	Description
1	06-03-2014	VOOT AND COUNTY COMMENTS

PRELIM. MASTERPLAN AMENDMENT FOR:
POPLAR RIDGE
FLUVANNA COUNTY, VIRGINIA

Date	03/31/2014
Scale	N/A
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PROJECT MANAGEMENT
CIVIL ENGINEERING
LAND PLANNING

Attachment E

Planning Dept.

APR 01 2014

Received

April 1st, 2014

Mr. Jason Stewart
Planning and Zoning Administrator
County of Fluvanna, Virginia

(Delivered by Hand)

**Regarding: Poplar Ridge R3 Master Plan Amendment (Formally the Point at the Rivanna Resort)
Poplar Ridge Major Utility SUP
Fluvanna County Tax Map 30-A-110 and 19-A-39C**

Dear Mr. Stewart;

Shimp Engineering, P.C. is pleased to present the attached amended R3 master plan and proffers for the above referenced project. As we discussed at our pre-application meeting we are now proposing a new project, titled Poplar Ridge, as a master plan amendment to the prior R3 approval for the property.

Attached with this letter are 30 copies of the revised preliminary master plan, 30 copies of an illustrative concept plan showing a likely development of the proposed master plan, one copy of a traffic analysis showing the required improvements on route 15 for the development of this project, and one copy of an updated letter from North West Cascade confirming that adequate soils are available on the site for onsite disposal. As previously discussed with prior project submittals adequate groundwater yield for onsite wells has been previously established. A new requirement for well testing has been provided on sheet 6 of the master plan which should be reviewed in conjunction with the special use permit application for Major Utilities.

Please advise if you have any questions about our submittal, we look forward to hearing from you within 10 days confirming that the application is complete as submitted.

Sincerely,

Justin Shimp, P.E.



June 4, 2014

Mr. Steve Tugwell
Senior Planner
Fluvanna County
Department of Planning & Community Development
P.O. Box 540
Palmyra, VA 22963

**Regarding: ZMP 14:01, Hotel Street Capital Master Plan Amendment and
SUP 14:02, Hotel Street Capital request for major utilities in conjunction with ZMP 14:01
Resubmittal of Application**

Dear Mr. Tugwell,

We are happy to resubmit the Poplar Ridge ZMP and SUP applications for consideration at the regular meeting of the Fluvanna County Planning Commission on June 25, 2014. Please find the following documents enclosed:

- a) 10 copies of the Poplar Ridge Master Plan Amendment, revised June 3, 2014,
- b) 1 copy of signed and notarized proffers for the above application, and
- c) 10 copies of the Poplar Ridge SUP application for Major Utilities.

Please let us know if you require anything further for the public hearing.

Best Regards,

A handwritten signature in black ink, appearing to be "Justin Shimp", written over a horizontal line.

Justin Shimp, P.E.
Shimp Engineering, P.C.

Received

JUN 04 2014

Planning Dept.



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 www.co.fluvanna.va.us

June 10, 2014

Re: Zoning Determination for subject property (Tax Parcel Numbers 30-A-110 and 19-A-39C), also known as "Poplar Ridge" Master Plan Amendment (ZMP 14:01), and accompanying Special Use Permit request (SUP 14:02)

To whom it may concern:

The Zoning Administrator has made the determination that the Master Plan approved at (Tax Parcel Numbers 30-A-110 and 19-A-39C) by the Fluvanna County Board of Supervisors allows 254 residential units and 63 hotel rooms to be developed according to the terms of the Master Plan (ZMP 09:02) and Site Development Plan (SDP 06-11). Expansion or enlargement of the Master Plan would be subject to the approval of the Planning Commission and potentially the Board of Supervisors as well if warranted by the extent of the deviation from the original Master Plan.

If you have any further questions please contact me at jstewart@fluvannacounty.org or at (434) 591-1910

Sincerely,

Jason Stewart, AICP
Planning & Zoning Administrator

Projection Methodology 1

High Growth	Students Per Unit	SFD Units	SFA Units	Total
		175	156	331
Single Fam Detached Ratio	0.94	164.5		
Single Family Attached Ratio	1.19		185.64	
				350.14

Projection Methodology 2

K12 Projection*	Fluvanna Households	K12 per Household	Poplar Households	Projected K12
3594	10,566	0.3401476	331	113

* Weldon Cooper School Efficiency Review of Fluvanna County Public Schools

Projection Methodology

K12 Projection*	Fluvanna Households	K12 per Household	Poplar Households	Projected K12
3712	9,449	0.3928458	331	130

* Weldon
Cooper
School
Efficiency
Review of
Fluvanna
County Public
Schools



Experts in non-sewered development

A Division of Northwest Cascade Inc.

Attachment G
Received

APR 01 2014

Planning Dept.

March 31, 2014

Justin M. Shimp, P.E.
President
Shimp Engineering, P.C.
201 E. Main Street, Suite M
Charlottesville, VA 22902

Subject: Flow and Area Calculations for the Revised Development Unit Numbers

Dear Justin:

As per your email dated March 25th, we understand that the revised numbers for the proposed Palmyra Development are as following:

Single Family Detached:	175
<u>Single-Family Attached:</u>	<u>156</u>
Total Residential Units:	331 units
General Office:	20,000
Restaurant (no drive-through):	8,000
Financial Institution:	4,000
<u>General Retail Use:</u>	<u>42,000</u>
Total Commercial space:	74,000 square feet

You have asked us to recalculate the design flow and area requirements for the revised numbers and to determine the effect of the revised numbers on area availability for subsurface disposal of treated wastewater on the property.

The revised numbers for the development units indicate significant reduction in both the overall number of the residential units (from more than 800 to less than 400) and commercial space (from more than 150,000 sqft to less than 75,000 sqft). Since the wastewater flow generated from a development is directly proportional to the number of development units, reduction in the number of development units will result in reduced amount of wastewater flow. Using the same unit flow numbers for both the residential and commercial space, we have determined that the designed wastewater flow from the proposed development units would be 132,000 gallons per day (GPD), which is less than half (about 47%) compared to the flow from originally proposed development units.

10412 John Bananola Drive • P.O. Box 73399 • Puyallup, WA 98373
www.ncswastewater.com 800-444-2371 phone 253-848-2545 fax

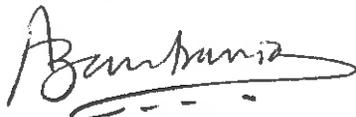
Following table gives the details on the design wastewater flow from the revised number of development units:

Revised Calculation - March 2014			GPD/Unit	
Residential	Units	GPD	Residential Detached	400
Single Family Detached	175	70,000	Residential Attached	300
Single Family Attached	156	46,800	Commercial	200 per 1,000 sqft
Total for Residential	331	116,800	Restaurent	50 per 200 sqft
Commercial	SqFt	GPD		
General Office	20,000	4,000		
Restaurant (no drive-through)	3,000	2,000		
Financial Institution	4,000	800		
General Retail Use	42,000	8,400		
Total for Commercial	74,000	15,200		
TOTAL FLOW GPD =		132,000	47% of the previous proposal	

The land area required for subsurface disposal of treated wastewater (drainfield area) will also be reduced as the amount of wastewater is reduced. Based on the conservative loading rate (half a gallon per day per square foot) that we use for determining land area requirements at this preliminary stage, estimated area for draifield for the revised development units would be 6.6 acres primary and 6.6 acres reserved area, total of 13.2 acres. Our soil scientist (John Harper, AOSE, CPSS) has identified at least 40 acres of drainfield area, which is more than double what would be needed for the proposed development. Thus, we have more than 2x safety factor available for the drainfield area.

Please let me know if you or anyone from Fluvanna County have any additional questions related to wastewater system for the proposed Palmyra development.

Sincerely,



Anish Jantrania, Ph.D., P.E.
Senior Project Manager.



PROJECT MANAGEMENT
CIVIL ENGINEERING
LAND PLANNING

May 7, 2014

Mr. Wayne Stephens, PE – County Engineer
Public Works Department
County of Fluvanna, Virginia

Regarding: April 16, 2014 Comments on SUP Application 14-002 – Poplar Ridge Utilities

Dear Mr. Stephens,

Thank you for providing comments regarding our Special Use Permit application for major utilities for the Poplar Ridge R3 development project. Please consider the following responses to your comments:

General:

- 1) *Based on the development plan included in the application package, the developer's computed average daily flows of 132,000 gpd. appear reasonable.*

We are in agreement and no further response is provided.

- 2) *There are currently no public water or sewer systems in the Palmyra area which can supply the public water and sewer demands for a project of the size of Poplar Ridge, and it is unlikely that public water or sewer service on such a scale will be available to the Palmyra CDA in the near future. The County has no public water system, and the public sewer system has insufficient capacity to serve the proposed needs of the project. The sewage collection system does not currently extend to any of the parcels associated with the project. The Palmyra Area Wastewater Treatment Plant (WWTP) currently operates under a Virginia Pollutant Discharge Elimination System (VPDES) Permit which allows it to discharge average flows of 39,900 gallons. Based on recent average daily flows, it appears the plant has excess capacity of no more than 20,000 gpd.*

We are in agreement, but please note that the current County approved master plan for the property dictates a connection to the Palmyra Area WWTP for 342 residential units and additional commercial development. The proposed plan will address sewer service needs via onsite infiltration, we believe this to be better for us, better for the County and better for the environment.

3) Several of the comments and concerns I noted in my memorandum of November 15, 2013, regarding the proposed Walker's Ridge project have not yet been addressed. These apply to this proposed project at a scale and to an extent appropriate to the reduced size of the project.

Hydrogeologic Reports, Feasibility Assessments, Soil Reports, and Site Capacity Studies were provided by our consultants on the Walker's Ridge project. This information was submitted to Fluvanna County on October 30, 2013. We received your comment letter, dated November 15, and responded to your comments the following week on November 22, 2013. We have not been informed of any comments that were not addressed in our response.

Water:

4) In my opinion, the application does not provide sufficient information to determine whether there is a reasonable likelihood of finding sufficient groundwater resources to provide the estimated demands, and I do not agree that adequate yields for on-site wells has been previously established in prior submittals. The proposed 331 residential units will require a minimum total well yield of 166 gpm. This is not an insubstantial amount, especially given that the median well yield of other wells drilled in the area has been reported by the developer to be 8gpm.

Please consider the following four points:

- 1) The current by-right zoning for the property allows a central water system with connections for 342 residential units (we are requesting a reduction in the current application).
- 2) A "Feasibility Study of Groundwater Potential of The Walker's Ridge Development" prepared by Eaton Geological Consulting, LLC and dated October 25, 2013, provides professional documentation supporting on-site sustainable withdrawals on the order of 212,239 gallons per day (GPD), supporting a maximum of 707 equivalent residential units. "Eaton Geological Consulting, LLC finds that the groundwater potential of this site is sufficiently favorable that it would be feasible to conduct geophysical survey work and drill test wells." This professional recommendation was made for a project with over two times as many residential units proposed as the current proposal.
- 3) On October 28, 2013, The Center for Sustainable Groundwater provided a preliminary assessment of the potential for off-site impacts of the groundwater usage at the site, based on an estimated (at that time) of 952 residential units. Dr. Nick Evans, in his assessment, found that a) there would be sufficient groundwater recharge on the site to meet the demand for 952 residential units, b) most of the groundwater used would be returned to the ground as recharge through a sanitary drainfield system, and c) each surface water bodies located on site (4 ponds and the adjacent Rivanna River) each constitutes a hydrologic buffer that recharges groundwater contained in the surrounding rocks. Dr. Evans has served for over 10 years as the Director and chairman of the Thomas Jefferson Soil and Water Conservation District, he has published a technical report on "The role of groundwater ecosystem services

in determining an optimal sustainable population size for the Charlottesville/Albemarle community”, he has published “Water Resources in Fluvanna County: present conditions and recommendations for preservation and restoration”, and he has published a “Hydrogeologic Database for Fluvanna County, Virginia.”

4) The current proposal includes three conditions for locating onsite water well sites and four conditions for determining groundwater impacts from wells drilled on-site. These restrictions are not applicable to the current zoning.

5) *The application includes no details regarding the locations and routes of the proposed water distribution system, the location and type(s) of proposed storage tank(s), treatment facilities or any other infrastructure related to the proposed water system. At the very least, a preliminary plan for the water system should be provided.*

In paragraph D of Section 22-17-4 of the Fluvanna County Zoning ordinance, three guidelines are provided for consideration of a special use permit. The third guideline (c) requires a current survey of the subject property and a sketch plan of the proposed improvements. A preliminary plan for the water system is well beyond the scope of this requirement, however, please consider the attached SUP Application Plan that includes a “conceptual layout” for sewer and water distribution systems and facilities. Please note that this conceptual plan is not provided as a condition of approval for the SUP and, with or without approval of the SUP, the Owner/Developer reserves the right to develop on-site water and sewer in accordance with state and local code requirements.

Sewer:

6) *In my opinion, the developer has not provided sufficient information to determine whether is a reasonable likelihood that the available soils on the site are of sufficient quantity and quality to be support an on-site disposal system of the size and scope required for the developer's projected flows.*

The current by-right zoning allows a maximum of 342 residential units to connect to the Palmyra Area Wastewater Treatment Plant which, as noted in comment #1, does not have capacity for the development. An on-site central sewerage system is a reasonable alternative if the County is not inclined to expand the capacity of the facility at this time. A “Soil Feasibility Study” was prepared on October 29, 2013 by Environmental Soil Consultants, LLC and a “Preliminary Feasibility Assessments of Drainfield Site Capacity” was prepared on November 1, 2013 by NCS Wastewater Solutions. The study and assessments conclude that there is an adequate amount of area and soils available to support an on-site wastewater disposal system for 952 residential units (almost three times what is currently proposed).

7) *The application includes no details regarding the locations and routes of proposed gravity sewer lines pump stations, force mains, treatment facilities or any other infrastructure related to the proposed sewage collection, treatment and disposal system. At*

the very least, a preliminary plan for the proposed sewer system should be provided.

Please see the response to comment # 5 above.

8) In order to perform a proper preliminary assessment of the soils on the site, it is recommended that the applicant be required to provide a map at minimum scale 1" = 200' and which shows the currently mapped soils for the site overlain with topography, the former golf course layout, and the locations and computed areas of all proposed/preliminary drip disposal drainfield locations.

Please see the response to comment # 5 above. This requested information is provided in the attached SUP Application Plan.

In conclusion, we have provided (in addition to the information required in Section 22-17-4 of the Fluvanna County Ordinance) a conceptual plan for on-site major utilities, site overlays as requested, documentation for on-site water system capacities (for over twice as many residential units as proposed), documentation for on-site sewer system capacities (for over three times as many residential units as proposed), a reasonable alternative to expanding the Palmyra Area WWTP, and we have offered conditions of approval that will further meet the requirements of zoning ordinance. If the County has other resources available for our consideration, we would be anxious to explore these options. As always, we welcome the opportunity to meet with you or any County Staff, Planning Commissioner or Supervisor to discuss this matter further and we will make ourselves available at your convenience.

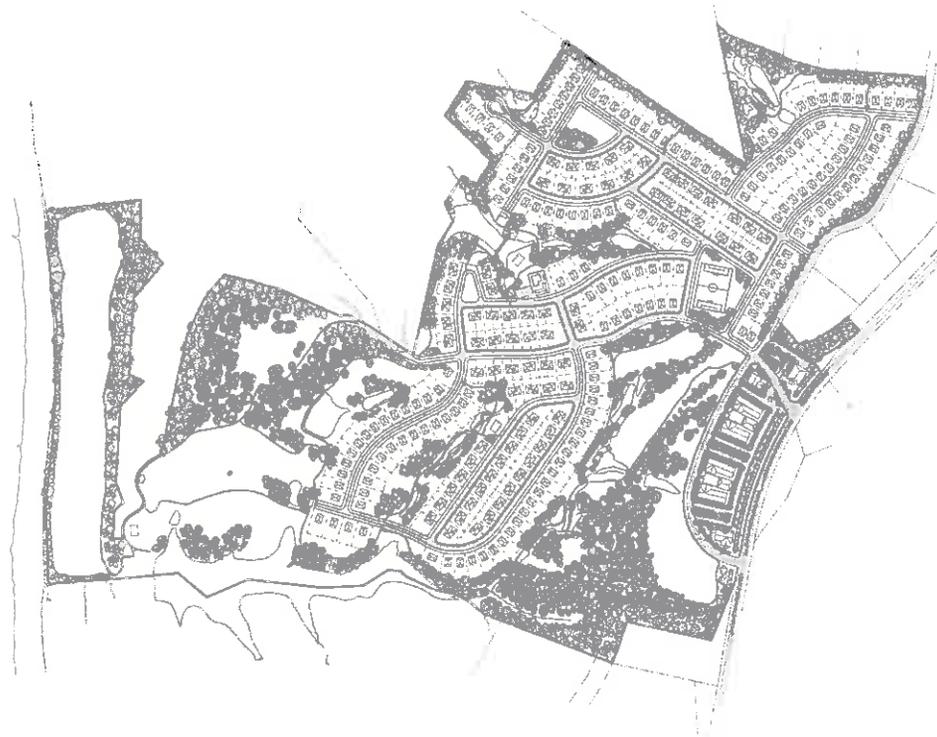
Sincerely,

Justin Shimp, P.E.

Attachments:
SUP Concept Plan

CC:
Steven Tugwell
Dr. Nick Evans
Dr. Scott Eaton
Mr. Anish Jantrania
Mr. Keith Smith

SUP APPLICATION PLAN FOR MAJOR UTILITIES POPLAR RIDGE



FORMERLY THE POINT AT THE RIVANNA RESORT
TAX MAP 30, SECTION A, PARCEL 110 and
TAX MAP 19, SECTION A, PARCEL 39C
PALMYRA DISTRICT, FLUVANNA COUNTY, VIRGINIA
MARCH 31, 2014

SHIMP
ENGINEERING^{PC}

PROJECT MANAGEMENT
CIVIL ENGINEERING
LAND PLANNING

201 EAST MAIN STREET, SUITE M
CHARLOTTESVILLE, VA 22902
(434) 207-8086

SHEET INDEX

- C1 - COVER SHEET
- C2 - EXISTING CONDITIONS
- C3 - CONCEPTUAL UTILITY PLAN
- C4 - DESIGN GUIDELINES

LEGEND

	LAKES / PONDS		ABANDONED GOLF COURSE GREENS AND TEEBOXES
	STEEP SLOPES (OVER 20% TYP.)		ACCESS EASEMENT
	AREAS WITH SOILS UNSUITABLE FOR DRAINFIELDS		



EXISTING CONDITIONS

NO.	DATE	DESCRIPTION

SUP APPLICATION PLAN FOR:
POPLAR RIDGE
 FLUVANNA COUNTY, VIRGINIA

Date: 04/30/2014
 Scale: 1"=200'
 Sheet No.: 2 OF 4
 File No.: 11.022

SHIMP ENGINEERING, P.C.
 ENGINEERING, LAND PLANNING, PROJECT MANAGEMENT
 201 E. MAIN ST., SUITE 300
 CHARLOTTE, NC 28202
 PHONE: (704) 387-8899
 FAX: (704) 387-8898
 WWW.SHIMPEngineering.com

UTILITY, INFRASTRUCTURE, & SWM NARRATIVE:

SANITARY SEWER:
 Sewage disposal will be provided via onsite central treatment works (Major Utility). The treatment works shall be operated by a licensed utility company and will provide subsurface disposal of effluent in accordance with applicable local and state ordinances.

WATER SERVICE:
 Water service for the site will be provided by an onsite central water system (Major Utility). The water system will be operated by a licensed utility company in accordance with the applicable local and state ordinances. If cante wells are used as a source for water then the testing procedures are outlined on sheet 0 shall be implemented.

ROAD NETWORK:
 The new roads within the development shall be private with the exception of the public street shown block A (Commercial). Private roads shall be constructed per the road design guidelines on the sheet. All materials and drainage design shall be in accordance with VDOT standards. Roads shall remain private and the public the County of Fluvanna, nor VDOT shall be responsible for maintenance and/or removal of the private road network within the development.

SWM STRATEGY:
 Storm Management shall be provided for the site through a variety of methods to ensure compliance with the Storm Water Management guidelines developed by VDOT. Existing ponds will be converted to permanent detention basins and modified as required to comply with the applicable regulations. Open space areas with existing streams and wetland areas will be improved as practicable for increasing potential of infiltration and detention of storm water runoff.

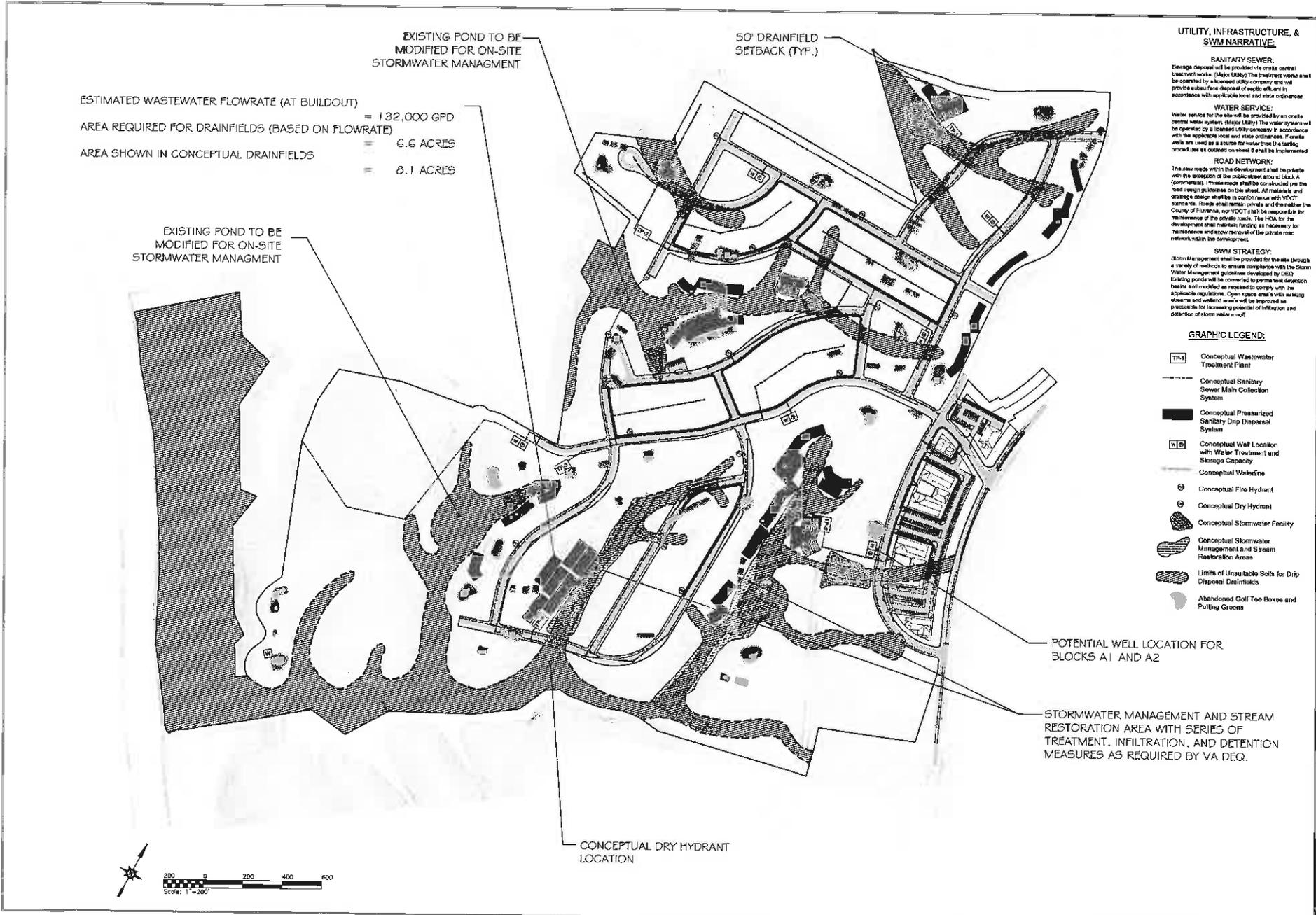
GRAPHIC LEGEND:

- Conceptual Wastewater Treatment Plant
- Conceptual Sanitary Sewer Main Collection System
- Conceptual Pressurized Sanitary Drip Disposal System
- Conceptual Well Location with Water Treatment and Storage Capacity
- Conceptual Waterline
- Conceptual Fire Hydrant
- Conceptual Dry Hydrant
- Conceptual Stormwater Facility
- Conceptual Stormwater Management and Stream Restoration Areas
- Limits of Unsuitable Soils for Drip Disposal Drains/inks
- Abandoned Golf Tee Boxes and Putting Greens

CONCEPTUAL CENTRAL UTILITY PLAN	
REV.	DESCRIPTION

SUP APPLICATION PLAN FOR:
POPLAR RIDGE
 FLUVANNA COUNTY, VIRGINIA

Date	04/30/2014
Scale	1" = 200'
Sheet No.	3 OF 4
File No.	11.022



APR 01 2014

Planning Dept.

TO: JUSTIN SHIMP, P.E.	FROM: BILL WUENSCH, PE, PTOE
ORGANIZATION: SHIMP ENGINEERING	DATE: APRIL 1ST, 2014
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: POPLAR RIDGE TRAFFIC SIGNAL ANALYSIS	YOUR REFERENCE NUMBER:

MEMORANDUM

URGENT
 FOR REVIEW
 PLEASE COMMENT
 PLEASE REPLY
 FOR YOUR USE

Poplar Ridge Traffic Signal Analysis

Background Information

In this memo, as an update to the prior Walkers Ridge TIS, EPR examined the new Poplar Ridge Development, as provided in March, 2014, to explore the trip generation of the new development, and if any traffic signal is needed at any of the three intersections that the new development might impact. The new development includes 331 residential units and 74,000 square feet commercial uses, which are specified as:

- 175 single-family detached houses;
- 156 single-family attached houses;
- 20,000 square feet offices;
- 42,000 square feet general retail (specialty retail);
- 4,000 square feet financial institution (drive-in bank);
- and, 8,000 square feet high-turnover restaurant;

The access to the new development will be via three entrances, as shown in **Figure 1**:

- the main entrance at the southern intersection of Route 15 and Route 644;
- the 2nd entrance south to Route 644 on Route 15;
- and, the 3rd entrance on Route 644.

The intersections this memo examined, as shown in **Figure 2**, include:

- the southern intersection of Route 15 and Route 644 – the main entrance;
- the intersection of Route 15 and the 2nd entrance – the 2nd entrance;
- and, the northern intersection of Route 15 and Route 644.

Existing (2014) and Background (2026) Traffic Volumes

In this memo, the Poplar Ridge Development is assumed to be completed in 12 years, in the year 2026. The existing (2014) and background (2026) traffic volumes were calculated from 2012 traffic count data in the prior Walkers Ridge TIS report by using a 1% per year background growth rate.

Site Trip Generation, Distribution, and Assignment

Site trip generation was calculated per ITE Trip Generation (9th Edition). Land use code 210 was used for single-family detached houses, land use code 230 was used for single-family attached houses, land use code 710 was used for offices, land use code 826 was used for general retail (specialty retail), land use code 912 was used for financial institution (drive-in bank), and land use code 932 was used for high-turnover restaurant.

According to VDOT's Traffic Impact Analysis Regulations Administrative Guidelines, the internal capture trip was assumed as the smaller of 15% residential or 15% nonresidential trips generated. The pass-by trip was assumed as 25% of the trips to general retail (specialty retail) and high-turnover restaurant and 40% of the trips to financial institution (drive-in bank).

Table 1 summarized the trip generation for the Poplar Ridge Development.

Table 1 Poplar Ridge Development Site Trip Generation

Use Description	ITE	Qty	Daily	AM		PM	
				in	out	in	out
Single Family Detached	210	175	1,840	35	106	116	68
Single Family Attached	230	156	947	13	61	58	29
Office	710	20,000	386	46	6	17	84
Specialty Retail	826	42,000	1,861	0	0	54	68
Drive-In Bank	912	4,000	593	28	21	49	49
High-Turnover (Sit-Down) Restaurant	932	8,000	1,017	48	39	47	32
	total		6,645	170	234	341	329
internal capture			418	7	25	26	15
Peak Hour Trips After Reductions (driveway trips)			6,226	162	209	315	315
Pass-by			957	23	18	45	44
Primary Trips			5,270	139	190	270	270
	total peak		5,270	330		540	

Site trip distribution was developed based on the site plan and an examination of the existing traffic volumes travelling from north and south on Route 15.

Build Traffic Volumes

The trips generated from the Poplar Ridge Development were calculated and assigned to the roadway network, and then added to the background (2026) traffic volumes.

Figure 3 provided the illustration for the build (2026) traffic volumes.



Intersection Laneages

Based on the site plan as provided and the build (2026) traffic volumes, this memo recommends that the three study intersections be configured as following:

The southern intersection of Route 15 and Route 644 – the main entrance –

- Northbound (Free) – a through lane and a left turn lane;
- Southbound (Free) – a through lane and a right turn lane;
- Eastbound (Stop) – a left / right turn combined lane.

The intersection of Route 15 and the 2nd entrance – the 2nd entrance –

- Northbound (Free) – a through lane and a left turn lane;
- Southbound (Free) – a through / right turn combined lane;
- Eastbound (Stop) – a left / right turn combined lane.

The northern intersection of Route 15 and Route 644 –

- Northbound (Free) – a through / left turn combined lane;
- Southbound (Free) – a through / right turn combined lane;
- Eastbound (Stop) – a left / right turn combined lane.

Turn lane warrant sheets for the northbound left turn and the southbound right turn at the southern intersection of Route 15 and Route 644 and the northbound left turn at the intersection of Route 15 and the 2nd entrance are provided in the attachment.

Build (2026) Traffic Operations

The build (2026) conditions were simulated with Synchro (version 8), and the resulting levels of service for the proposed configuration of the intersections were shown in Table 2.

Table 2 Build (2026) Condition LOS and Delay

	2026 Build AM		2026 Build PM	
	LOS	DELAY	LOS	DELAY
Southern Route 15/Route 644 (Main Entrance)				
EBL/EBR	C	16.3	C	21.0
NBL	A	8.2	A	9.0
NBT	A	0.0	A	0.0
SBT	A	0.0	A	0.0
SBR	A	0.0	A	0.0
Overall	A	4.0	A	4.5
Route 15/2nd Entrance (2nd Entrance)				
EBL/EBR	B	12.9	C	16.7
NBL	A	8.2	A	8.4
NBT	A	0.0	A	0.0
SBT/SBR	A	0.0	A	0.0
Overall	A	0.8	A	2.8
Northern Route 15/Route 644				
EBL/EBR	B	14.7	C	17.1
NBL/NBT	A	0.0	A	0.0
SBT/SBR	A	0.0	A	0.0
Overall	A	0.4	A	0.4

The results indicated that, with the new development and the proposed configurations, the three intersections and all movements will operate at LOS C or better.

Conclusions

This memo leads to following principal conclusions:

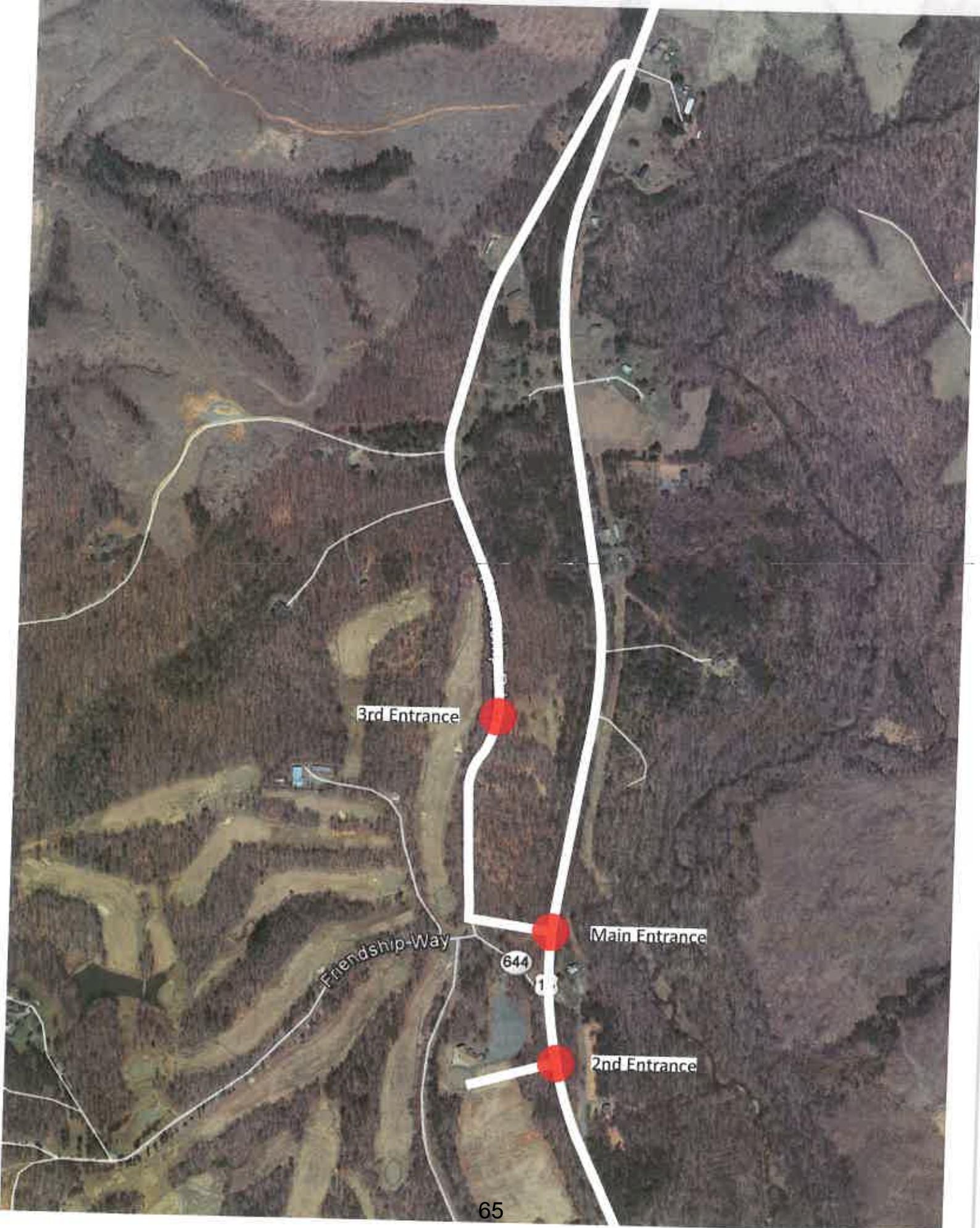
- Based on the new Poplar Ridge Development, in daily, the development will generate 5,270 new trips to/from the site, and cause 957 existing trips changing to pass-by trips to/from the site.
- The total peak hour trips to/from the site are 162 ingress (139 new trips and 23 pass-by trips) and 209 egress (190 new trips and 18 pass-by trips) in the morning peak hour, and 315 ingress (270 new trips and 45 pass-by trips) and 315 egress (270 new trips and 44 pass-by trips) in the afternoon peak hour.
- A 100 feet left turn storage lane and a full-width right turn storage lane at the southern intersection of Route 15 and Route 644, and a 75 feet left turn storage lane at the intersection of Route 15 and the 2nd entrance are recommended based on turn lane warrant.
- No traffic signal is recommended based on the traffic operation analyses or MUTCD traffic signal warrant.

Attached:

- Figure 1 – Figure 3
- Turn Lane Warrant Sheets
- Synchro Output for Build Conditions

Attachment

Attachment A Figure 1 – Figure 3



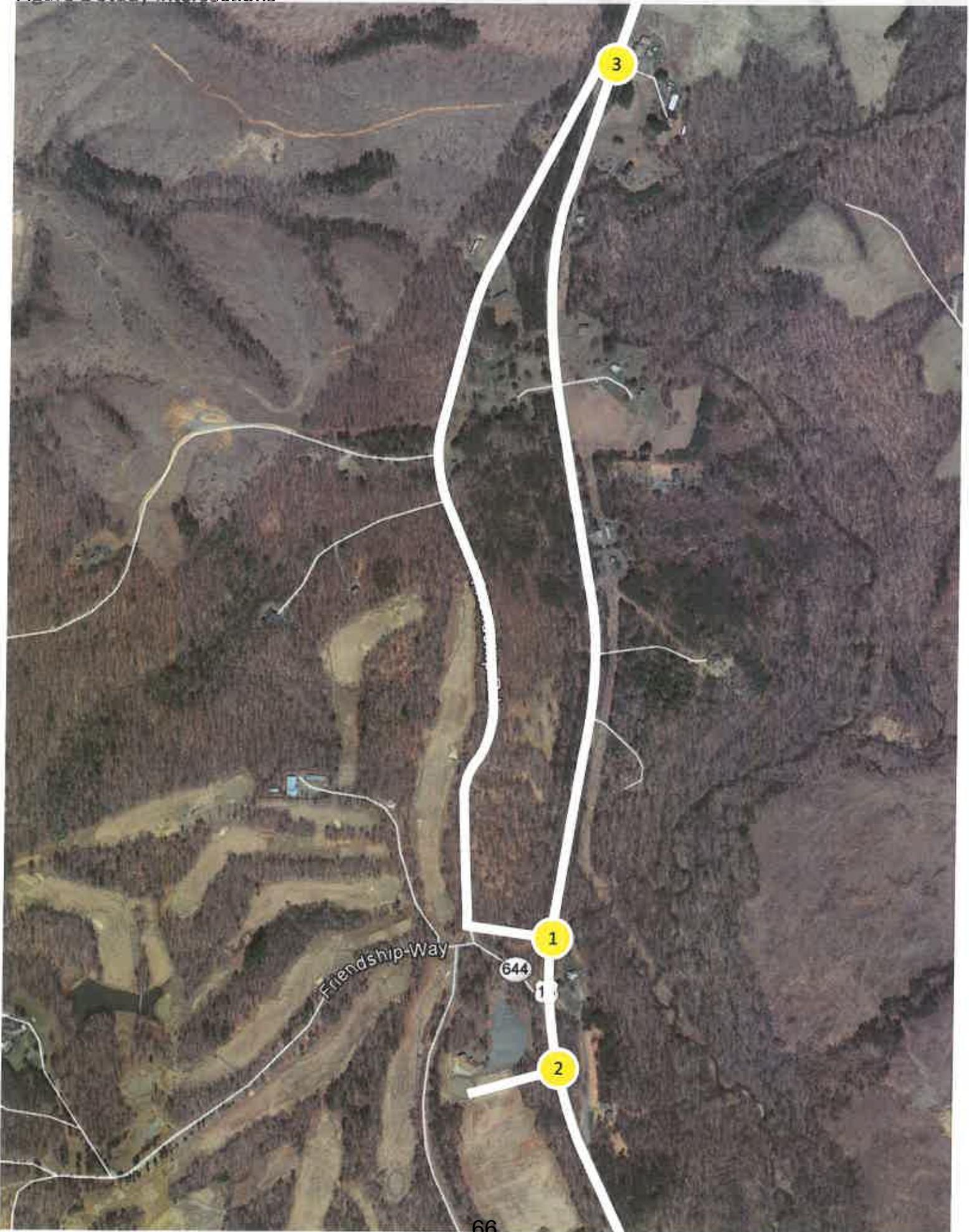
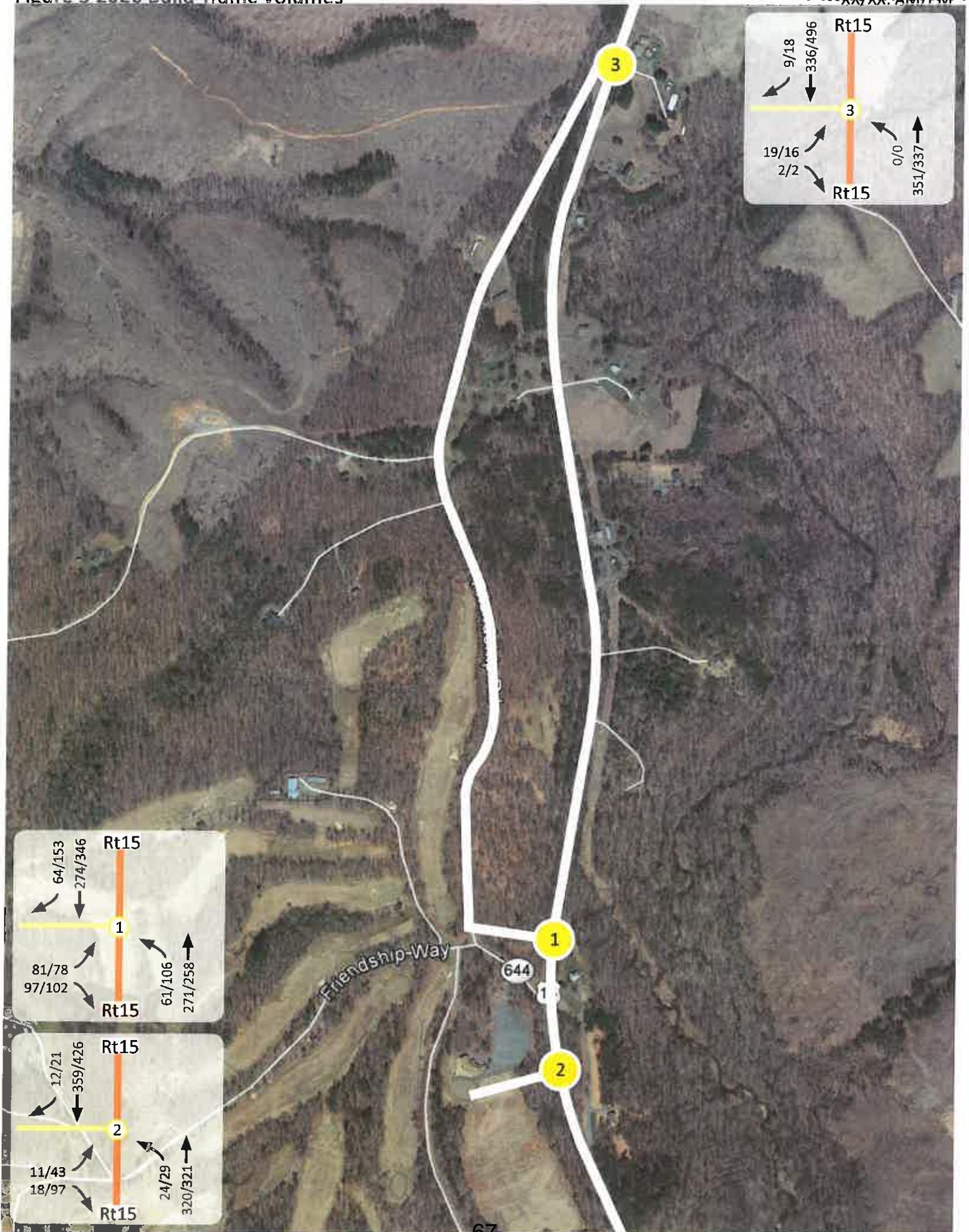


Figure 3 2026 Build Traffic Volumes



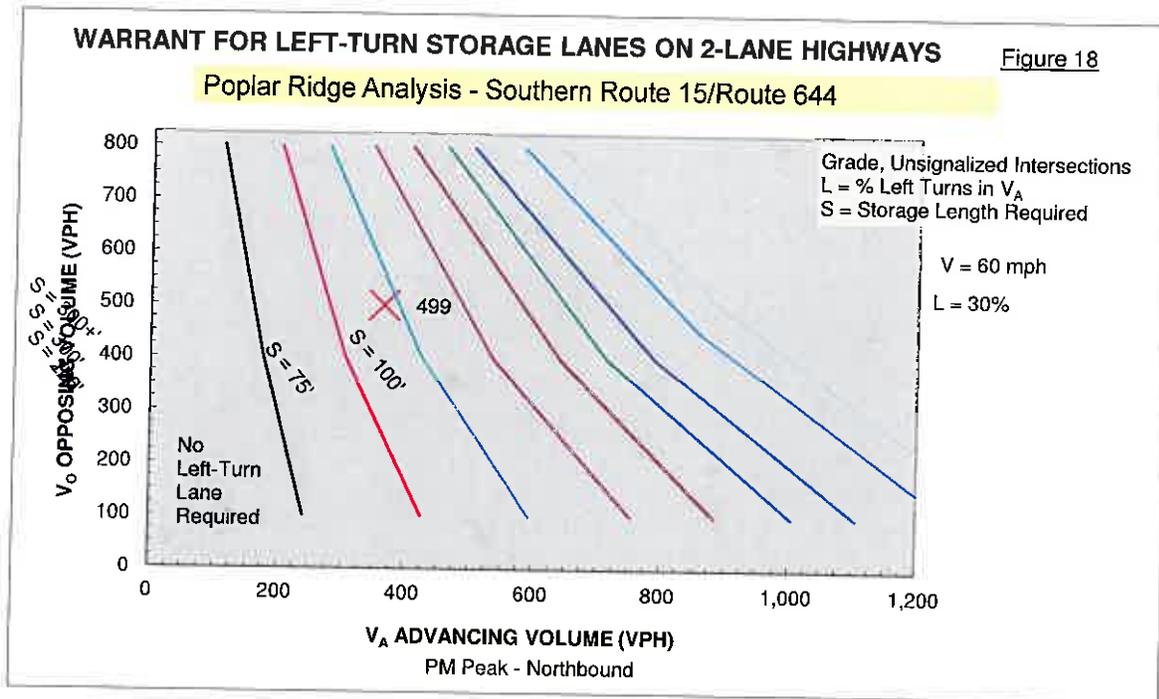
Attachment B Turn Lane Warrant Sheets

WARRANT FOR LEFT-TURN STORAGE LANES ON TWO-LANE HIGHWAYS

Project:	Poplar Ridge Analysis	Analysis Date:	2014
Intersection:	Southern Route 15/Route 644	Data Date:	2014
Approach Direction:	Northbound	Projection Year:	2026
Peak Hour:	PM Peak		
Peak Hour Left Turns (V_L):	106 vph		
Advancing Volume (V_A):	364 vph (Northbound Approach)		
Opposing Volume (V_O):	499 vph (Southbound Approach)		
Operating/Design Speed (V):	60 mph		

% Left Turns in V_A (L): **30%** (Calculated Value: 29.1%)
 Optional % Left Turn Override:
 (100' storage required based on chart)
 % Trucks in V_L : **0%** (0' additional storage for trucks)

CONCLUSION: 100' LEFT-TURN STORAGE REQUIRED

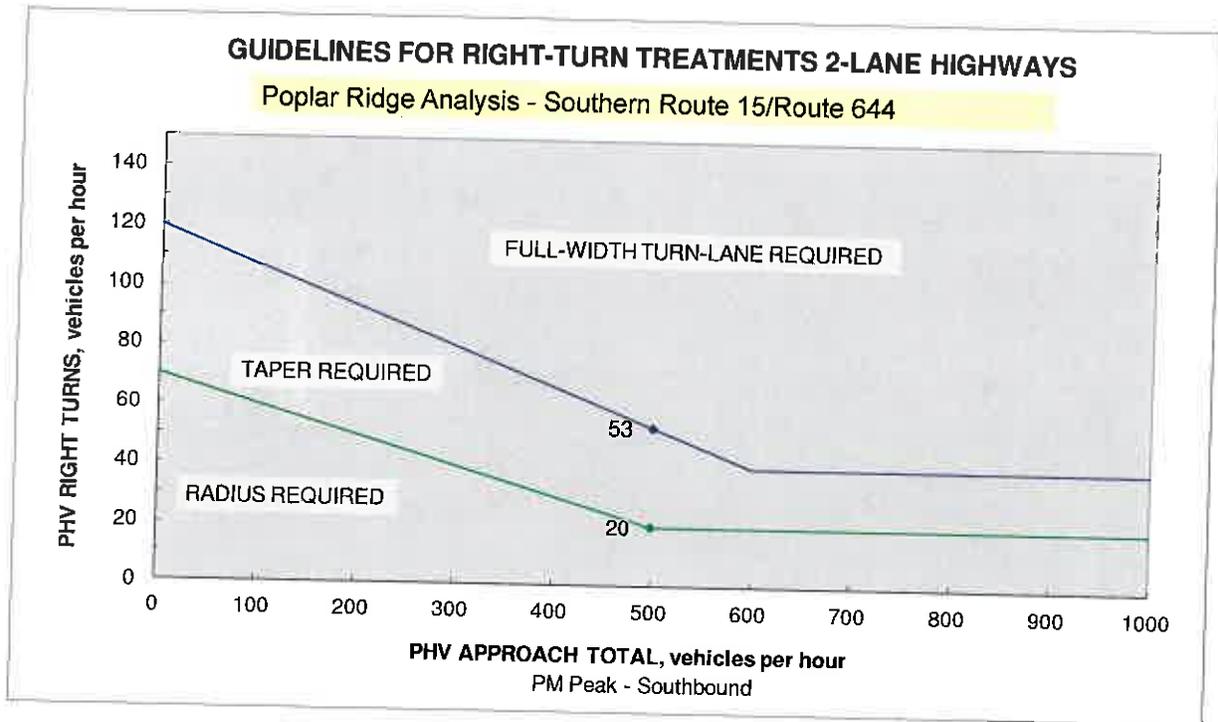


Source: Highway Research Record Number 211 - Figure 18

GUIDELINES FOR RIGHT-TURN TREATMENTS ON 2-LANE HIGHWAYS

Project:	Poplar Ridge Analysis		Analysis Date:	2014
Intersection:	Southern Route 15/Route 644		Data Date:	2014
Approach Direction:	Southbound		Projection Year:	2026
Peak Hour:	PM Peak			
PHV Right Turns:	153	vph		
PHV Approach Total:	499	vph		

CONCLUSION: FULL-WIDTH RIGHT-TURN LANE AND TAPER REQUIRED



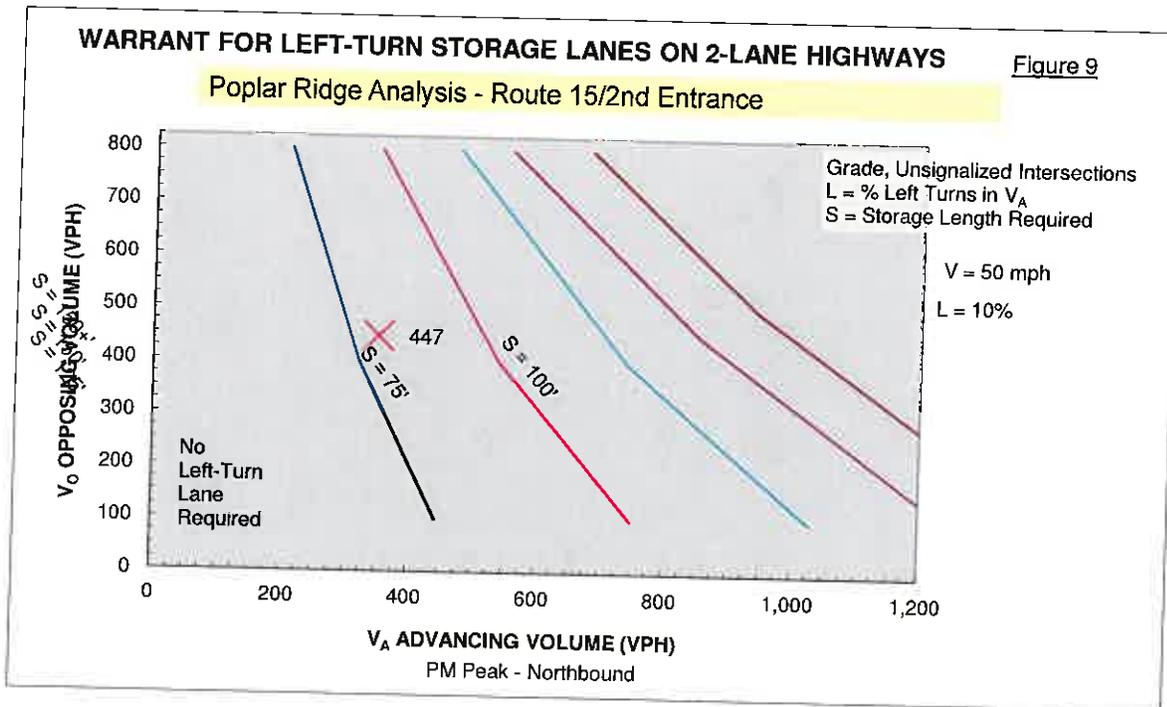
Source: VDOT Minimum Standards of Entrances to State Highways - Figure 5

WARRANT FOR LEFT-TURN STORAGE LANES ON TWO-LANE HIGHWAYS

Project:	Poplar Ridge Analysis	Analysis Date:	2014
Intersection:	Route 15/2nd Entrance	Data Date:	2014
Approach Direction:	Northbound	Projection Year:	2026
Peak Hour:	PM Peak		
Peak Hour Left Turns (V_L):	29 vph		
Advancing Volume (V_A):	350 vph (Northbound Approach)		
Opposing Volume (V_O):	447 vph (Southbound Approach)		
Operating/Design Speed (V):	50 mph		

% Left Turns in V_A (L): **10%** (Calculated Value: 8.3%)
 Optional % Left Turn Override:
 (75' storage required based on chart)
 % Trucks in V_L : **0%** (0' additional storage for trucks)

CONCLUSION: 75' LEFT-TURN STORAGE REQUIRED



Source: Highway Research Record Number 211 - Figure 9

Attachment C Synchro Output for Build Conditions

HCM Unsignalized Intersection Capacity Analysis

5: Route 15 & 2nd Entrance

3/28/2014

						
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Volume (veh/h)	11	18	24	320	359	12
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	12	20	26	348	390	13
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type				None	None	
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	797	397	403			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	797	397	403			
tC, single (s)	6.4	6.2	4.1			
tC, 2 stage (s)						
tF (s)	3.5	3.3	2.2			
p0 queue free %	97	97	98			
cM capacity (veh/h)	348	653	1155			
Direction, Lane #	EB 1	NB 1	NB 2	SB 1		
Volume Total	32	26	348	403		
Volume Left	12	26	0	0		
Volume Right	20	0	0	13		
cSH	490	1155	1700	1700		
Volume to Capacity	0.06	0.02	0.20	0.24		
Queue Length 95th (ft)	5	2	0	0		
Control Delay (s)	12.9	8.2	0.0	0.0		
Lane LOS	B	A				
Approach Delay (s)	12.9	0.6		0.0		
Approach LOS	B					
Intersection Summary						
Average Delay			0.8			
Intersection Capacity Utilization			29.9%		ICU Level of Service	A
Analysis Period (min)			15			

HCM Unsignalized Intersection Capacity Analysis

6: Route 15 & 1st Entrance

3/28/2014

						
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Volume (veh/h)	81	97	61	271	274	64
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	88	105	66	295	298	70
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type				None	None	
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	725	298	367			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	725	298	367			
tC, single (s)	6.4	6.2	4.1			
tC, 2 stage (s)						
tF (s)	3.5	3.3	2.2			
p0 queue free %	76	86	94			
cM capacity (veh/h)	370	742	1191			
Direction, Lane #	EB 1	NB 1	NB 2	SB 1	SB 2	
Volume Total	193	66	295	298	70	
Volume Left	88	66	0	0	0	
Volume Right	105	0	0	0	70	
cSH	509	1191	1700	1700	1700	
Volume to Capacity	0.38	0.06	0.17	0.18	0.04	
Queue Length 95th (ft)	44	4	0	0	0	
Control Delay (s)	16.3	8.2	0.0	0.0	0.0	
Lane LOS	C	A				
Approach Delay (s)	16.3	1.5		0.0		
Approach LOS	C					
Intersection Summary						
Average Delay		4.0				
Intersection Capacity Utilization		38.2%		ICU Level of Service		A
Analysis Period (min)		15				

HCM Unsignalized Intersection Capacity Analysis
7: Route 15 & Route 644 (Northern)

3/28/2014



Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	2	1	0	1	1	1
Volume (veh/h)	19	2	0	351	336	9
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	21	2	0	382	365	10
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type				None	None	
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	752	370	375			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	752	370	375			
tC, single (s)	6.4	6.2	4.1			
tC, 2 stage (s)						
tF (s)	3.5	3.3	2.2			
p0 queue free %	95	100	100			
cM capacity (veh/h)	378	676	1183			
Direction, Lane #	EB 1	NB 1	SB 1			
Volume Total	23	382	375			
Volume Left	21	0	0			
Volume Right	2	0	10			
cSH	395	1183	1700			
Volume to Capacity	0.06	0.00	0.22			
Queue Length 95th (ft)	5	0	0			
Control Delay (s)	14.7	0.0	0.0			
Lane LOS	B					
Approach Delay (s)	14.7	0.0	0.0			
Approach LOS	B					
Intersection Summary						
Average Delay			0.4			
Intersection Capacity Utilization		28.5%		ICU Level of Service		A
Analysis Period (min)			15			

HCM Unsignalized Intersection Capacity Analysis

5: Route 15 & 2nd Entrance

3/28/2014

						
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Volume (veh/h)	43	97	29	321	426	21
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	47	105	32	349	463	23
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type				None	None	
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	886	474	486			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	886	474	486			
tC, single (s)	6.4	6.2	4.1			
tC, 2 stage (s)						
tF (s)	3.5	3.3	2.2			
p0 queue free %	85	82	97			
cM capacity (veh/h)	306	590	1077			
Direction, Lane #	EB 1	NB 1	NB 2	SB 1		
Volume Total	152	32	349	486		
Volume Left	47	32	0	0		
Volume Right	105	0	0	23		
cSH	459	1077	1700	1700		
Volume to Capacity	0.33	0.03	0.21	0.29		
Queue Length 95th (ft)	36	2	0	0		
Control Delay (s)	16.7	8.4	0.0	0.0		
Lane LOS	C	A				
Approach Delay (s)	16.7	0.7		0.0		
Approach LOS	C					
Intersection Summary						
Average Delay			2.8			
Intersection Capacity Utilization		39.1%		ICU Level of Service		A
Analysis Period (min)			15			

HCM Unsignalized Intersection Capacity Analysis
6: Route 15 & 1st Entrance

3/28/2014



Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Volume (veh/h)	78	102	106	258	346	153
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	85	111	115	280	376	166
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type				None	None	
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	887	376	542			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	887	376	542			
tC, single (s)	6.4	6.2	4.1			
tC, 2 stage (s)						
tF (s)	3.5	3.3	2.2			
p0 queue free %	70	83	89			
cM capacity (veh/h)	279	670	1026			
Direction, Lane #	EB 1	NB 1	NB 2	SB 1	SB 2	
Volume Total	196	115	280	376	166	
Volume Left	85	115	0	0	0	
Volume Right	111	0	0	0	166	
cSH	417	1026	1700	1700	1700	
Volume to Capacity	0.47	0.11	0.16	0.22	0.10	
Queue Length 95th (ft)	61	9	0	0	0	
Control Delay (s)	21.0	9.0	0.0	0.0	0.0	
Lane LOS	C	A				
Approach Delay (s)	21.0	2.6		0.0		
Approach LOS	C					
Intersection Summary						
Average Delay		4.5				
Intersection Capacity Utilization		44.7%		ICU Level of Service		A
Analysis Period (min)		15				

HCM Unsignalized Intersection Capacity Analysis

7: Route 15 & Route 644 (Northern)

3/28/2014

						
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Volume (veh/h)	16	2	0	337	496	18
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	17	2	0	366	539	20
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type				None	None	
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	915	549	559			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	915	549	559			
tC, single (s)	6.4	6.2	4.1			
tC, 2 stage (s)						
tF (s)	3.5	3.3	2.2			
p0 queue free %	94	100	100			
cM capacity (veh/h)	303	536	1012			
Direction, Lane #	EB 1	NB 1	SB 1			
Volume Total	20	366	559			
Volume Left	17	0	0			
Volume Right	2	0	20			
cSH	318	1012	1700			
Volume to Capacity	0.06	0.00	0.33			
Queue Length 95th (ft)	5	0	0			
Control Delay (s)	17.1	0.0	0.0			
Lane LOS	C					
Approach Delay (s)	17.1	0.0	0.0			
Approach LOS	C					
Intersection Summary						
Average Delay			0.4			
Intersection Capacity Utilization		37.2%		ICU Level of Service		A
Analysis Period (min)			15			

Steven Tugwell

From: Wood, Mark, P.E., L.S (VDOT) <James.Wood@VDOT.virginia.gov>
Sent: Friday, May 23, 2014 2:18 PM
To: Steven Tugwell
Cc: Barron, L. Marshall (VDOT); Proctor, Charles C. (VDOT); Reed, James M. (VDOT); Jason Stewart
Subject: Poplar Ridge Traffic Study (Rte. 15 & Rte. 644), Fluvanna County
Importance: High

VDOT has reviewed the Poplar Ridge (formerly Walkers Ridge) traffic study Bill Wuensch performed for the development and we have the following comments:

- In reviewing the development plans there are several large areas labeled “Future Development Area” (see Sheet 5 of 6) that were not included in the traffic analysis, but will affect the connections to Route 644 and Route 15 and may require additional improvements to these connections. The proposed development is planning uses at these connections that would restrict further intersection improvements if necessary for full development of the site. This is not acceptable. These future development areas should be evaluated in the traffic study to ensure that the full impacts are identified and addressed during the design and construction of the proposed development.
- Sheet 5 of 6, VDOT understands that the roads in Poplar Ridge shall be private with the exception of the public street (Rte. 644) that bisects the commercial property in Block A.
- Sheet 5 of 6, given the large increase in traffic volume on Rte. 644, the existing angle of intersection of Rte. 644 needs to be increased for traffic safety purposes, the desirable angle of intersection is 90 degrees. VDOT still recommends that a roundabout be constructed at this location, a roundabout would eliminate the need for the additional turn and receiving lanes as well as the need for possible future signalization to handle the “Future Development Area”.
- The alignment of Rte. 644 has to be built to state standards which will include a horizontal curve instead of the intersection as shown on the Preliminary Masterplan. The private roads (B and C) will be under stop control where they intersect Rte. 644.
- Sheet 5 of 6, 225 ft. is the minimum corner clearance from the edge of the proposed right turn lane on Rte. 15 to the closest edge of the proposed entrances to the parking lots serving the commercial property in Block A.
- Proffer #2 regarding “Frontage Improvements” makes reference to “Rural Collector Road” geometric design standards, however, it should be noted that Rte. 15 has a functional classification of Rural Minor Arterial and that VDOT’s GS-2 Standards apply. It shall be the developer’s responsibility for acquiring any additional Right of Way and/or easements necessary to make the road improvements (turn lanes, road shoulders, ditches, fill/cut slopes, sight distance, etc.) as per VDOT’s appropriate Geometric Design Standards.

J. Mark Wood, P.E., L.S.
Area Land Use Engineer
Virginia Department of Transportation
Land Development – South
P.O. Box 1017
11430 James Madison Highway
Troy, VA 22974
Phone: (434) 589-7932
Cell: (540) 223-5240
Fax: (434) 589-3967

Steven Tugwell

From: Wood, Mark, P.E., L.S (VDOT) <James.Wood@VDOT.virginia.gov>
Sent: Wednesday, June 25, 2014 3:26 PM
To: Steven Tugwell; Justin Shimp; Proctor, Charles C. (VDOT)
Cc: Keith Smith
Subject: RE: Poplar Ridge

Steve,

In response to item #3 below I offer the following:

- The realignment of the Rte. 644/15 intersection as shown on the Site Development Plan for Rivanna River Resort (approved 7/25/2008) will address VDOT's angle of intersection comment. The Rivanna River Resort site plan only showed a right turn taper and storage lane, construction of both the right turn and left turn lanes now proffered may require additional Right of Way and easements to construct in accordance with VDOT standards. It should be noted that any additional Right of Way and easements will be the developer's responsibility to obtain.
- Chuck Proctor will respond to item #1 and #2 below.

J. Mark Wood, P.E., L.S.
 Area Land Use Engineer
 Virginia Department of Transportation
 Land Development – South
 P.O. Box 1017
 11430 James Madison Highway
 Troy, VA 22974
 Phone: (434) 589-7932
 Cell: (540) 223-5240
 Fax: (434) 589-3967
 Email: Mark.Wood@VDOT.Virginia.gov

From: Steven Tugwell [<mailto:stugwell@fluvannacounty.org>]
Sent: Tuesday, June 24, 2014 4:48 PM
To: Justin Shimp; Wood, Mark, P.E., L.S (VDOT); Proctor, Charles C. (VDOT)
Cc: Keith Smith
Subject: RE: Poplar Ridge

Justin,

Any update from VDOT?

Thanks,
 Steve

From: Justin Shimp [<mailto:justin@shimp-engineering.com>]
Sent: Monday, June 23, 2014 8:34 AM

Steven Tugwell

From: Proctor, Charles C. (VDOT) <Charles.Proctor@VDOT.Virginia.gov>
Sent: Wednesday, June 25, 2014 5:32 PM
To: Steven Tugwell; Justin Shimp; Wood, Mark, P.E., L.S (VDOT)
Cc: Keith Smith
Subject: RE: Poplar Ridge

Steven,

My comments are based on the study developed for the Stonehenge Estates Development that was dated March 27, 2009 (MORE THAN 5 YEARS OLD). Any prior study done for the Rivanna Resort Development is no longer available. Generally studies more than 2 years old should be updated to insure they remain valid.

The Stonehenge TIA was based on a development consisting of 342 Townhouse/Condo units (the trip generation is higher for Single Family Dwelling units), 30,000 Sq Ft of General Office and 40,000 Sq Ft of Shopping Center type commercial generating 7020 additional daily trips on the road network. This study was based on a 2015 build-out which is not the case for the current Poplar Ridge development plan. Also the density and makeup of the development is different, which may result in different trip generations from what was originally done for the Rivanna Resorts development.

The results of the Stonehenge study show that 150 ft by 150 ft right and left turns lanes were required on Route 15 at the southern Route 644 intersection in addition to the geometric improvements to the connection to address the existing sight distance and intersection skew issues. The study also recommended right and left turn lanes on Route 644 at the approach to the Route 15 intersection to address the side street approach delay and queue. The minimum turn lane length is 100 ft with a 100 ft taper on the Route 644 approach. Signal Warrants were estimated as part of the study, but the warrant were not met.

With these improvements the Stonehenge study states that the overall delay in the PM peak hour period for the intersection will increase approximately 6 seconds with the Eastbound approach (from Route 644) increasing approximately 10 seconds and dropped from a LOS of B to an LOS of C. These delays were acceptable for the Stonehenge Development based on its development size and build-out time frame.

For the Poplar Ridge Development though similar to the Stonehenge development the type and density of units are different, which will have a different trip generation, and the build-out years are different, which mean the existing and background traffic are probable greater and the delay on the side street approach will be higher.

As a note the Stonehenge Study also analyzed the effects on the intersection in Palmyra and found that the side streets at those intersection (at Courthouse Rd and at Palmyra Ave/Church St) experienced increases in delay from 6 to 27 seconds. At Courthouse in particular the Westbound side street delay went from 24 to 72 second, which is a level of Service F. The study did not recommend any improvements for these intersections.

Let me know if this address your questions.

Thanks,

Chuck

Charles C. Proctor III
Culpeper District
Planning and Land Development Section



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 www.co.fluvanna.va.us

April 25, 2014

Mr. Keith B. Smith
35 Acre Lane
Palmyra, VA 22963

**Re: SUP 14:02 & ZMP 14:01 Hotel Street Capital, LLC (Master Plan Amendment of ZMP 09:02, and Special Use Permit application for major utilities)
Tax Map: 30-A-110 & 19-A-39C**

April 17, 2014 TRC Comments

Dear Mr. Smith:

The following comments are the result of the Technical Review Committee meeting. Comments are outlined below:

1. The Fire Dept. commented that they are strongly concerned with the cluster housing that is being proposed. As indicated on sheet 6 of the Poplar Ridge Master plan Proposal there is only 24', 30' and 40' spacing between the residences. This creates a potential for more than one residence burning should one catch on fire due to the close proximity to each other. This generally requires large amounts of water to contain the burning structure; and

If built, they request that an adequate water system be installed to provide fire with an adequate amount of water and Fire Hydrant connections. Fire flows are figured by the sq. footage of fire load. Hydrants should not be more than 800' apart and threads must be National Standard.

2. E & S
3. Planning staff:
 - a. How does this plan comply with the comp. plan requirement to show impact on surrounding groundwater?
 - b. How many units were approved for the resort center?
 - c. Was the resort center proposed to be located on the separate 10-acre parcel?

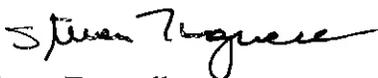
- d. Is there an approved site plan for the resort center?
- e. State exactly what is changing with this amendment on the title sheet, including all prior land-use approvals for both Tax Map 30-A-110, and 19-A-39C.
- f. Are H1, H2, and H3 part of the open space?
- g. What are the H1, H2, and H3 areas proposed for?
- h. Sec. 22-7-4 (f) asks that pedestrian and bicycle facilities, including sidewalks and trails, with proposed cross-sections. Are sidewalks and trails proposed?
- i. What will the design of the buildings be? Are there architectural guidelines that will be proffered into this development?

Please note:

Planning staff has requested comments from VDOT, Erosion and sedimentation, and the Health Dept., and will forward those comments in writing to the applicant as soon as they become available.

If you have any questions or need additional information, please contact me at 434-591-1910.

Sincerely,



Steve Tugwell
Senior Planner
Dept. of Planning & Community Development

cc: Mr. Justin M. Shimp, P.E., Shimp Engineering, P.C., 201 E. Main Street, Suite M., Charlottesville, VA 22902
File



PROJECT MANAGEMENT
CIVIL ENGINEERING
LAND PLANNING

May 1, 2014

Mr. Steven Tugwell, Senior Planner
Department of Planning & Community Development
Fluvanna County, Virginia

Regarding: SUP 14:02 & ZMP 14:01 Hotel Street Capital, LLC (Master Plan Amendment of ZMP 09:02, and Special Use Permit application for major utilities)
Tax Map: 30-A-110 & 19-A-39C

April 17, 2014 TRC Comment Responses

Dear Mr. Tugwell,

Thank you for your letter dated April 25, 2014 providing comments received at the Technical Review Committee meeting on April 17th. Please consider the responses below to the concerns raised at the meeting:

Comment #1: *The Fire Department commented that they are strongly concerned with the cluster housing that is being proposed. As indicated on sheet G of the Poplar Ridge Master plan Proposal there is only 2'-, 30' and 40' spacing between the residences. This creates a potential for more than one residence burning should one catch on fire due to the close proximity to each other. This generally requires large amounts of water to contain the burning structure; and if built, they request an adequate water system be installed to provide fire with an adequate amount of water and fire hydrant connections. Fire flows are figured by the square footage of fire load. Hydrants should not be more than 800' apart and threads must be National Standard.*

Response: All final site development plans and subdivision plats will be in compliance with the Virginia Statewide Fire Prevention Code and with the Fluvanna County Fire Protection and Public Safety Code. Dry hydrants, Fire hydrants, adequate fire flow, and fire apparatus access will be provided in accordance with these State and Local code requirements. The building separations shown on the Poplar Ridge Master Plan are consistent with building setbacks allowed by-right in rural cluster developments within Fluvanna County. Furthermore, with a fire station located adjacent to the Poplar Ridge site, response times for fires within the development will be at a minimum.

Comment #2: *E&S*

Response: An Erosion and Sediment Control Plan and Narrative are not requirements in an R3 Preliminary Master Plan and we assume that E & S comments have not been provided for this reason. If the

R3 Master Plan revision and special use permit application are approved; an erosion plan and narrative will be provided along with any future site plans, road plans, and subdivision plats for Poplar Ridge.

Comment #3: *Planning Staff:*

- a. *How does this plan comply with the comprehensive plan requirement to show impact on surrounding groundwater?*
- b. *How many units were approved for the resort center?*
- c. *Was the resort center proposed to be located on the separate 10-acre parcel?*
- d. *Is there an approved site plan for the resort center?*
- e. *State exactly what is changing with this amendment on the title sheet, including all prior land-use approvals for both Tax Map 30-A-110 and 19-A-39C.*
- f. *Are H1, H2, and H3 part of the open space?*
- g. *What are the H1, H2, and H3 areas proposed for?*
- h. *Sec. 22-7-4 (f) asks that pedestrian and bicycle facilities, including sidewalks and trails, with proposed cross-sections. Are sidewalks and trails proposed?*
- i. *What will the design of the buildings be? Are there architectural guidelines that will be proffered into this development?*

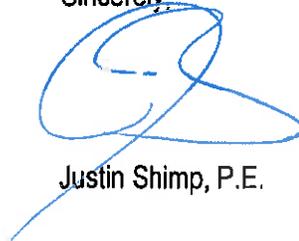
Response:

- a. **Impact on surrounding groundwater:** The Natural Environment chapter of the Fluvanna County Comprehensive Plan contains four paragraphs containing information on groundwater resources and recommendations based on this information. The two references provided within this section of the Comprehensive Plan are the UVA Climatology Office and the Virginia Water Resource Research Center at Virginia Tech. In evaluating these two agencies, it is evident that very little information and resources have been provided to evaluate groundwater resources; and no specific information can be found that pertains to Fluvanna County.
Two reports were provided by consultants for this project. These reports were prepared by geologists, hydrogeologists, engineers, and soil scientists specifically for this site. Dr. Nick Evans, in 1999, published a 57 page report titled "Groundwater resources of Fluvanna County" and in 2001 he published "A Hydrogeologic Database for Fluvanna County". Dr. Evans report shows that there is no impact on surrounding groundwater from the proposed development of Poplar Ridge.
- b. **Resort Center units:** It could be argued that SEP 91:05 (approved October 6, 1991) allows up to 100 units for the resort Center. From Sheet A-2 of the approved Preliminary Master Plan for ZMP 09:02, Block 2 (Commercial Resort) is approved (per SDP 11-2006) for a maximum of 88 residential units, 9 commercial units, and up to 30,000 square feet of restaurant and meeting area.
- c. **Separate 10-acre parcel:** The Owner/Developer of the resort is no longer associated with this property and the resort center is not proposed with the revised preliminary master plan. We do not know what the intentions of the previous owner were regarding the plat for the resort center.
- d. **Approved site plan:** SDP 06:11 was approved on July 25, 2008 for the resort and conference center.
- e. **Changes to the preliminary master plan:** A note will be added to sheet #1 to explain that the following items are changed from the current approved preliminary master plan (ZMP 09:02): remove golf course, remove resort and conference center, remove multi-family housing, remove

- townhomes, add swimming and fitness center, add additional single-family and attached homes, add future development areas, and reconfigure road alignments and street design.
- f. H1, H2, and H3: Blocks H1, H2, and H3 are labelled as Future Development Areas, and as such, they are not included in any open space calculations for the development.
 - g. As Future Development Areas, without any proposed density, infrastructure, or land use provided; these areas will require a future amendment to the Preliminary Master Plan before they can be developed for any use that would require a site plan or subdivision plat.
 - h. Sidewalks and trails: Sidewalks and trails are proposed and are shown on sheets 4, 5, and 6.
 - i. Architectural Guidelines: Architectural Guidelines are provided on Sheet 6 of the Preliminary Master Plan.

As always, we welcome the opportunity to meet with you or any County Staff, Planning Commissioner or Supervisor to discuss these comments further and will make ourselves available at your convenience. We look forward to our work session with the Planning Commission on the 14th.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Justin Shimp', is written over the word 'Sincerely,'.

Justin Shimp, P.E.

Steven Tugwell

From: Miller, Charles (VDH) <Charles.Miller@vdh.virginia.gov>
Sent: Thursday, May 15, 2014 4:22 PM
To: Steven Tugwell
Subject: FW: April 17 TRC meeting

Steve,

These were my only comments for April 17th meeting.

Thanks,
Charles

From: Miller, Charles (VDH)
Sent: Tuesday, May 06, 2014 10:56 AM
To: 'Steven Tugwell'
Subject: RE: April 17 TRC meeting

Steve,

I met with Don Hackler, AOSE who is a member of Beulah Church, to discuss future expansion plans for the church. He stated that the plans are to do the expansion in three phases. Prefers to use the existing drainfield, but design and install necessary components for timed dosing. He has submitted his soil evaluation and area to be used in the future when needed. Sounds reasonable to me and I didn't see any problems with their plans. Would like to see design for timed dosing by time of final.

I have talked with Anish Jantrania several times regarding central water and sewer for what is now being called Poplar Ridge. I have not received any technical data or soil study info at this point, but it's a little early for that, I'm sure. John Harper who Anish referred to doing the soil evaluation is an AOSE, licensed by the state and my previous experience with NW Cascade has been satisfactory. A huge drainfield area will be required, but they say they have more than sufficient area of suitable soil for the project. Will have to be approved by our engineers.

Thanks,
Charles

From: Steven Tugwell [<mailto:stugwell@fluvannacounty.org>]
Sent: Thursday, April 24, 2014 9:52 AM
To: Miller, Charles (VDH)
Subject: April 17 TRC meeting

Hi Charles,

Did you have any comments to provide for last week's TRC meeting? If so, could you please send them to me?

Thanks!

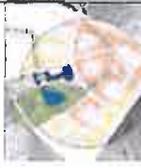
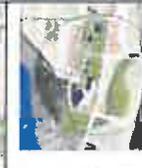
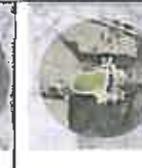
COMMUNITY ELEMENT MATRIX						
						
Regional Mixed Use	Regional Employment	Neighborhood Mixed Use	Neighborhood Residential	Village	Rural Cluster	Rural Preservation
Street Types						
Commercial street Main street Neighborhood street	Commercial street Main street Neighborhood street	Commercial street Main street Neighborhood street	Neighborhood street	Commercial street Neighborhood street Rural road	Neighborhood street Rural road	Rural road
Block Size						
400–800 ft.	400–800 ft.	300–600 ft.	200–600 ft.	200–600 ft.	200 ft.–varies	Varies
Building Height						
2–6 stories	2–6 stories	2–4 stories	1–3 stories	1–3 stories	1–2 stories	1–2 stories
Frontage						
Commercial storefront	Commercial storefront	Storefront Porch	Storefront Porch Residential yard	Storefront Porch Residential yard	Porch Residential yard	Porch Residential yard Open space
Parking						
Structured On-street Surface	On-street Surface	On-street Surface Residential	On-street Surface Residential	On-street Surface Residential	Residential	Residential Unstructured
Mix of Uses						
Large commercial (25–40%) Storefront retail (25–40%) Civic (10–25%) Office (10–25%) Restaurant (10–25%) Multifamily residential (5–20%)	Office (25–75%) Health/medical (10–25%) Light industrial (10–25%) Storefront retail (5–20%) Multifamily residential (5–20%)	Storefront retail (25–75%) Civic (10–25%) Office (10–25%) Restaurant (10–25%) Multifamily residential (10–35%) Single-family residential (5–20%)	Single-family residential (25–75%) Multifamily residential (25–50%) Limited retail (10–25%)	Storefront retail (10–25%) Civic (10–25%) Office (10–25%) Restaurant (5–20%) Multifamily residential (25–50%) Single-family residential (25–75%)	Single-family residential (50–100%) Multifamily residential (25–50%) Limited retail (10–25%)	Single-family residential (10%) Country stores (5%)
Density						
Commercial FAR: 2.0 Residential DUA: 10–15	Commercial FAR: 2.0 Residential DUA: 10–15	Commercial FAR: 1.0 Residential DUA: 8–10	Commercial FAR: 0.5 Residential DUA: 4–8	Commercial FAR: 0.75 Residential DUA: 4–6	Commercial FAR: 0.5 Residential DUA: 2–6 (net)	Commercial FAR: 0.1 Residential DUA: 0.5–0.1
Open Space						
Town square Pocket park	Pocket park	Town square Pocket park Neighborhood park	Neighborhood park Recreational park	Neighborhood park Recreational park Passive open space	Neighborhood park Recreational park Passive open space	Recreational park Agriculture and forest land Passive open space

Figure LU-21, Community Element Matrix

Palmyra Community Plan

Overview

Palmyra serves as the centrally located county seat and governmental center. The village proper has abundant natural and social resources that together form a vibrant village atmosphere. These assets include the historic courthouse and Old Stone Jail as well as the Main Street residences and businesses, the county administrative offices and courthouse, and the businesses that front Route 15 and Route 53.

Growth in the Palmyra area should occur at a village scale, with economic and residential development complementing the existing conditions and fostering street life. Existing and new development must be served by a safe, efficient, multimodal transportation system that respects pedestrians, bicyclists, and motorists. Finally, new development and improvements to the transportation system should not compromise the underlying natural and social fabric unique to Palmyra and Fluvanna County.

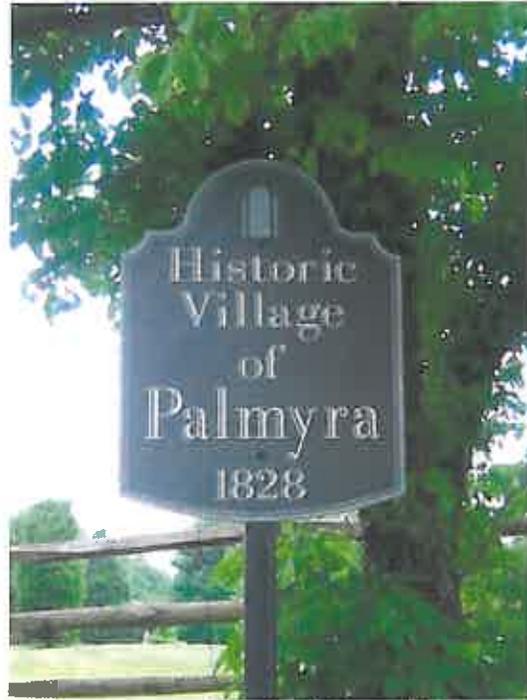


Figure CD-13, Sign for Village of Palmyra

Development in the immediate area of the village of Palmyra should reflect the unique village style of development that currently exists. The area to the immediate south and southwest of the village should develop as a neighborhood mixed-use area.



Figure CD-14, Old Stone Jail

Existing assets within the community should be properly integrated with new development in order to promote a cohesive, well-planned community. New housing should be allowed that complements existing historic resources and provides an expanded population base for local businesses. Economic development is appropriate in this area, and opportunities for tourism, including commercial uses that complement the historic aspects of Palmyra and its government center, should be promoted.

The recommendations of the Palmyra Community Plan aim to fulfill the following goals:

- To enhance and maintain the village-scale atmosphere of Palmyra.
- To improve the safety, efficiency, and diversity of the transportation system.
- To protect the social and environmental resources of the area.

Recommendations

Enhance village character.

- Encourage active use of Confederate Park by improving access to the park.
- Improve the streetscape by burying utility lines, completing the sidewalk network through the existing village, installing streetlamps, and constructing a centrally located town clock.
- Install a gateway median and welcome signs on Route 15.

Guide village-scaled development.

- Develop guidelines to foster village-scaled developments that include a mix of building types, commercial uses, local jobs, increased retail options such as shopping, cafés and restaurants, and affordable housing.
- Seek out commercial uses that complement historic features and integrate new development with existing assets.
- Explore expansion of the historic district to include the area south of Stoneleigh Road and east of Route 15.
- Provide sewer and water service to existing and new village areas to make desired compact form possible.



Figure CD-15, Historic Courthouse

Improve the safety and efficiency of the transportation system.

- Coordinate short- and long-term transportation recommendations with the forthcoming Northwest Fluvanna / Southwest Louisa Corridor Study.
- Increase transportation choices by improving bus service, increasing participation in RideShare, and developing visible and accessible park-and-ride locations.
- Implement a coordinated plan to improve safety on Route 15 that includes roundabouts or other safety and capacity improvements, a median island, and curb and gutter enhancements for access management.
- Create short- and long-term solutions to improve connectivity to Pleasant Grove.
- Enhance the pedestrian network by improving access and coordinating pedestrian improvements with streetscape enhancements and traffic-calming measures.

- Ensure that pedestrian and bicycle facilities on Route 15 mirror those on the new Route 15 bridge.
- Explore the long-term option of constructing a pedestrian/bicycle bridge over the Rivanna River as part of a larger network of trails in the surrounding area.

Protect social and environmental resources.

- Consider alternative uses for the Palmyra School, including reinstating the facility as a community school or site for after-school programs.
- Encourage development that fosters social interaction and takes advantage of the natural beauty of the area.
- Actively preserve open space and the rural character of the area by clustering new development on a village scale, partnering with local and regional agencies, and analyzing the size of the Palmyra community planning area.
- Support the county's efforts to develop a stormwater management ordinance and a dark-sky ordinance.

Implementation

The implementation strategies that follow are presented in three general time frames—immediate, short-term, and long-term. Priority for individual projects is not implied in this list and should be considered in the context of funding availability. Designation as short-term or long-term is not meant to be a final categorization, nor is it tied to a specific time period.



Figure CD-16, Palmyra Community Study Area

Immediate

- Form a steering committee (completed).
- In addition to assisting with implementing the Palmyra Community Plan, the steering committee will assist the county with the Comprehensive Plan update.
- Combine pedestrian and pavement improvements with sewer work.
- Funnel any available construction or safety funds to improvements on Route 15 to alleviate potential increases in speed due to new geometry (concurrent with construction of new Route 15 bridge).

Short-Term

- Draft village development guidelines.
- Construct roundabout tied to new bridge alignment.
- Apply TEA grant money to expansion of rail trail and construction of parks.
- Expand water and sewer service beyond the government district.
- Develop interim connections to Pleasant Grove.

A primary agent of sprawl development is often the sporadic rezoning of properties throughout a locality. Spot zoning is the reclassifying of one or more tracts of land primarily for the private interests of one or more landowners instead of furthering the welfare of the entire community as part of an overall zoning plan. There must be valid reasons for any zoning amendment that are substantially related to the public welfare and necessity. It is not sufficient that an applicant merely show that there is no neighborhood objection to the requested amendment. Three questions may be asked as a litmus test for spot zoning:

- (1) Is the proposed change contrary to the established land-use pattern?
- (2) Is the proposed land-use change in conformance with the Comprehensive Plan?
- (3) Would the proposal create an isolated zoning district unrelated to similar districts?

Zoning applications for residential, commercial, or industrial development should be well planned and integrated with the future vision of that area. Critical items include buffers and screening between incompatible uses, connectivity and walkability, adequate infrastructure, sustainable and attractive design, and other factors that will mitigate any adverse impacts, and result in a fiscally responsible and value-added development for the community. Applications that do not address a project's external costs to the community and provide a clear fiscal benefit to the county will not be favorably received. This decision is subjective, and completely within the purview of the Board of Supervisors; however, this plan will be used as a reference in evaluating all such discretionary projects.

Future Land-Use Tools

In addition to the county's land-use assessment policy, ag/forestral districts, conservation easements, and cluster development regulations, as well as the land-use concepts that will be discussed below, additional policies and programs should be considered both to help implement the Zion Crossroads urban development area and the community planning areas, but also to achieve the county's rural preservation vision.

Innovative transfer of development rights (TDR) and purchase of development rights (PDR) programs should be seriously examined to encourage a transfer of density from the designated rural preservation or rural residential areas to the Zion Crossroads urban development area. These programs are allowed under state law, but have yet to be fully, or widely, implemented in a Virginia community. County funding of a TDR program may not be needed, but should be examined for its potential impact on such a program. A PDR program, at least initially, would need to be funded by the county.

Utilities, specifically sewerage systems, need to be carefully controlled and regulated. Both centralized and decentralized systems have serious long-term maintenance challenges that need to be proactively addressed by the county in close coordination with the Virginia Department of Health. These regulations and controls are designed not to control land use but rather to assist in the implementation of the prescribed land-use plan in a sustainable and environmentally responsible manner.

Design Elements and Standards

The design elements and standards described in this section set the stage for how development should occur and what type of development should be permitted. The *transect concept* sets a framework for how development density and level of activity should be configured along an urban-to-rural continuum. *Traditional neighborhood development* describes what type of development should be permitted. *Community elements* set forth the standards for development along the transect continuum.

The Transect Concept

A transect is the continuum of zones from the town or city business district core outward through a high-density, mixed-use city center; a general-use area, including multifamily housing; an edge area of single-family housing and schools; and finally reserves of green space. Figure LU-7 shows how the areas can work together.



Source: Duany Plater-Zyberk & Company

Figure LU-7, Transect Concept

The transect focuses growth in more concentrated urban centers, thereby allowing for the preservation of rural land. The transect is also a device for planning walkable neighborhoods, in which pedestrians can travel comfortably from one destination to another within about a quarter-mile walk.

Within the transect concept, traditional neighborhood development (TND) captures the function and form of development.

Traditional Neighborhood Development (TND)

The TND model, also frequently interchanged with the terms *new urbanism* or *neotraditional development*, offers a blueprint for the greater community based on traditional community development patterns that were prevalent prior to the enormous expansion of the car-dominated suburbs in the post-World War II era. In other words, what is old is new again—and the traditional model worked well.

Function is the basic building block in traditional neighborhood developments. The emphasis is on human-scale design sized for easy walking distance, town and neighborhood centers, public spaces, civic uses, and other features that foster a sense of community. This type of development is also characterized by an interconnected network of narrow streets. Narrow street widths, on-street parking, street trees, and other features are intended to slow local traffic and create a safe, attractive environment for pedestrians, in addition to cars. Transit and bicycle travel are also accommodated. The grid pattern of streets includes collectors and arterials, but also provides a variety of routes for local traffic.

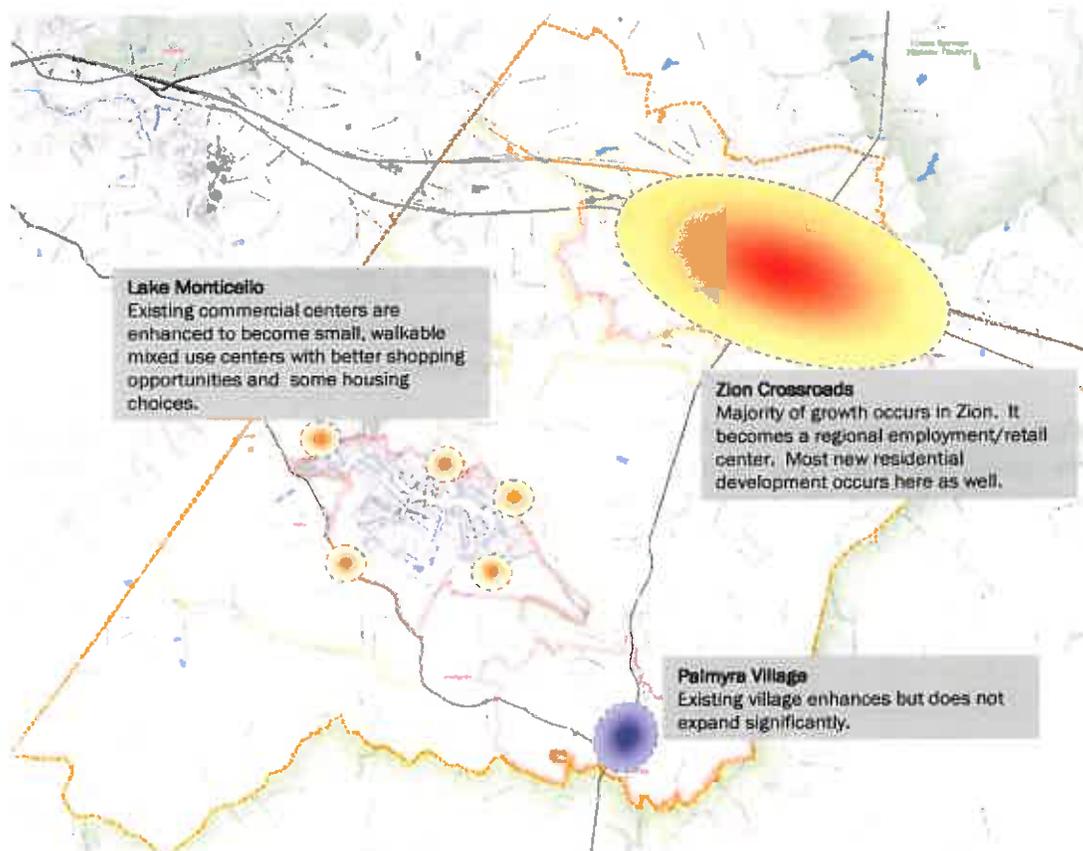


Figure LU-8, Preferred Development Scenario

Street Types

Neighborhood streets are the primary street type within the neighborhood residential element. Because of the residential character of these centers, commercial streets are limited.

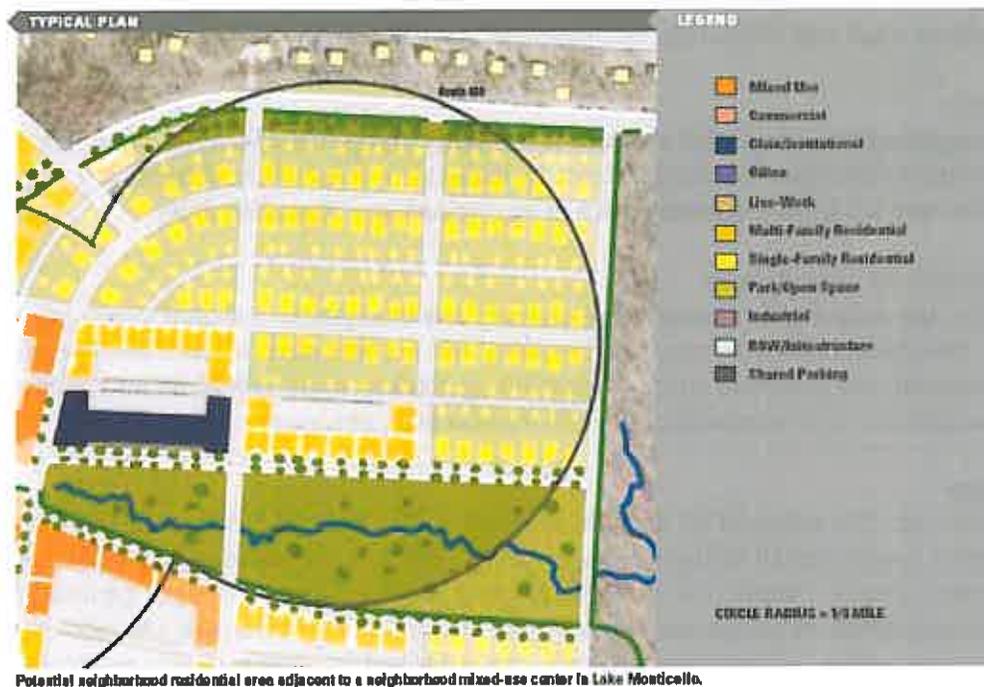


Figure LU-15, Neighborhood Residential

Connectivity and Block Size

Block size should relate to the lot size and density of residences. Higher-density blocks allow for smaller block sizes, where lower-density areas may have larger-scale blocks. Connectivity with adjacent land uses, primarily nearby neighborhoods, is encouraged. Where street connections are not feasible, greenways are recommended.

Building Height and Frontage

The majority of buildings in neighborhood residential areas are residences. As such, buildings have a reduced scale and greater setbacks in comparison to regional centers and neighborhood mixed use. Shorter setbacks are recommended for higher-density residential blocks.



Figure LU-16, Residential Streetscape

Parking

On-street parking is suggested in higher-density residential areas. Where block sizes are bigger, on-street parking may fully give way to residential driveways and garages. Where

Parking

On-street parking is encouraged along both commercial and residential streets. Surface parking should be placed to the rear of buildings, shielded from the sidewalk and Main Street setting. Large surface parking lots should be placed within the interior of blocks and arranged to maximize sharing between multiple uses.

Mix of Uses

Although the neighborhood mixed-use element has a retail bias, a diverse integration of uses, including storefront retail, office, civic, and residential, is recommended. This mixed-use quality is important to the vibrancy of the center, creating an energized streetscape for residents, patrons, and workers.

Density

The neighborhood mixed-use element combines higher-density retail and residential uses. Large parking areas should be minimized in order to optimize the potential density of the center. Most residential uses should be multi-family, with single-family residences only appropriate at the edges as a transition into neighborhood residential areas.

Integration of Open Spaces

Due to its development intensity, the neighborhood mixed-use element allows limited opportunities for open space. A town square or pocket park is the most appropriate type of open space and is encouraged to establish a public civic space at the core. Greenways may connect between the center and peripheral areas. Recreational parks may be integrated at the edge of the commercial area to serve the community at large.

Neighborhood Residential

Neighborhood residential areas should provide a range of residential housing types and lot sizes. Generally, this includes a balance of single-family residences and some multifamily housing. A central neighborhood park is an excellent asset for a neighborhood center, and is strongly encouraged.

Connections should be made to surrounding neighborhoods and commercial centers wherever possible. Where roadway connections are not feasible, greenway connections are recommended. Neighborhood residential centers typically border higher-density neighborhood mixed-use areas. In some cases, some small commercial and institutional uses may be incorporated into the neighborhood residential community element.

garages are present, it is important to set them to the side and rear of the residence, so that they do not dominate the residential frontage.

Mix of Uses

While predominately single-family residential, neighborhood residential areas should incorporate some degree of mixed use, primarily in the way of multifamily residential. Storefront retail and office may be integrated at a residential scale.

Density

The neighborhood residential element is primarily composed of single-family residences. Residential development should strive to maintain a reasonable density (e.g., less than quarter-acre lots), freeing green space to be retained as a shared amenity.

Integration of Open Spaces

Ideally, the neighborhood residential element can incorporate a shared green space at its core. Neighborhood parks may vary in scale, but are intended to serve local residents as recreational and gathering space. If possible, greenway trails should be integrated to link the neighborhood to surrounding neighborhoods and open spaces.

Village

Villages are characterized by a small, mixed-use core surrounded by residential uses. An essential component of villages is their strong connection to surrounding natural features and open spaces. Despite their small scale and limited density, villages typically have a generous amount of mixed use, often in the form of a major civic use. Outside of a small mixed-use center, villages are generally characterized by single-family residential uses. By focusing development around the center, a green buffer may be created at the perimeter of the village, closely integrating open spaces with the developed area.



Figure LU-17, Village Element

NATURAL ENVIRONMENT

Understanding Fluvanna's Natural Resources

VISION

Fluvanna has conserved its natural resources and managed its growth challenges by directing development into specified growth areas called community planning areas, as well as by specifying what kind of and how development will be sustainable and have a positive impact on the county. Well-managed forests and farms continue to be a primary land use, and a key component of the county's historic and rural character as well as its economic viability. Heritage tourism and ecotourism are also large contributors to this financial and environmental success.

The James, Rivanna, and Hardware rivers are a critical part of the history and ecology of the county and are healthy, viable rivers with a diversity of aquatic life. Diverse and robust vegetative buffers along each river's floodplain, sensitive development within the watersheds, and other innovative development and preservation techniques have served to protect and enhance these important natural resources. Groundwater has been similarly protected and serves as the primary water source for the rural areas of the county. Fluvanna's strict groundwater regulations have allowed underground aquifers to recharge or remain stable over the years.

Similarly, responsible, well-planned, compact development that efficiently utilizes green infrastructure, creating interconnected, walkable, and fiscally sustainable communities that employ the latest in environmental controls, is the rule, not the exception. Sustainable technologies have enabled continued residential and commercial development that employs alternative and renewable energy with minimal to no emissions, and has a positive impact on the county tax base. Fluvanna County's government leads by example with energy efficiency and the use of renewable technologies.

Low land-use assessment taxes and conservation easements continue to be valuable tools for land preservation and conservation. Ag/forestal districts are also abundant in rural areas, and permanent open spaces including greenway corridors, parks, and buffer areas are preserved as part of the development process. The growth area nodes and surrounding rural areas are integrally connected through this open-space network.

EXISTING CONDITIONS

Historic Conditions

Fluvanna County is, significantly, the product of centuries of intensive agricultural production and environmental exploitation. This fact in itself does not make the county unique, but the specific history of the intensity and duration of agricultural production within this geographic and geologic part of Virginia does tell a distinctive tale.

Fluvanna County has adopted an erosion and sediment control ordinance in compliance with state regulations. The purpose of this ordinance is to conserve the land, water, air, and other natural resources of the county, and to promote the public health and welfare of the people of Fluvanna County by establishing requirements for the control of erosion and sedimentation, and by establishing enforcement procedures.

Air Quality and Energy

Fluvanna's air quality is a major asset to the environment and scenic beauty of the county. The Environmental Protection Agency (EPA) establishes standards monitored by the Department of Environmental Quality, which determine whether a region is an "air quality attainment area" or not. Fluvanna County lies within a region that achieves this designation. Those areas that do not achieve designation as an air quality attainment area are required to design a plan and to take steps to improve air quality.

Air pollutants that do exist come primarily from the combustion of fossil fuels from stationary and mobile sources, originating not only locally but also from other areas. Motor vehicle emissions are the major local source. Preserving or planting appropriate trees species throughout heavily traveled vehicular corridors is a good way to mitigate the effects of automobile emissions.

The best way to maintain and enhance air quality and to conserve resources is to reduce energy use, thus decreasing fossil fuel combustion and air pollutant emissions. Advancement of the community as an energy-efficient model will not only lessen energy consumption locally but also encourage surrounding communities to conserve, which will lead to a reduction of migratory pollutants. Chapter 4, "Infrastructure," has more discussion on energy efficiency and the benefits of "green communities."

Transportation accounts for most of the total end use energy consumed in the county. The county can improve its transportation energy efficiency and reduce pollutant emissions with a reasonably compact development pattern, and by developing a greenway, bikeway, and walkway system.



Figure NE-11, Tenaska

Energy consumed by buildings, both residential and commercial, accounts for another main segment of the county's end use energy. Improving the efficiency of both new and existing buildings provides an opportunity for increased energy efficiency.

Finally, land-use patterns that are properly oriented, maximize infill, cluster, and employ mixed-use development can enhance the usage of natural heating and cooling and reduce residents' transportation energy needs

Tourism & Agriculture

Tourism remains a part of the economic renaissance over the last two decades, as the link between Fluvanna's heritage and history meets the opportunities Fluvanna enjoys along the I-64 corridor. Tourists come from as far away as Washington, Staunton, Hampton Roads and Danville to enjoy a weekend along the trails at Pleasant Grove's Heritage Museum, or to drive the circuit from Palmyra to Monticello and back. Working with the Fluvanna Historical Society, the rich heritage of Fluvanna's history from the Revolutionary War to the modern day offers a visitor a glimpse at what early America was like, what early America became, and perhaps an opportunity to both do business in — and possibly move to — Fluvanna County.

Land Use

Fluvanna's land use practices ensure the rural appearance of the county is not substantially different than it was 20 years ago, even though Fluvanna now has a larger population and a healthier economic base.

Land use is directly related to quality of life. Natural resources are protected, ensuring that our rivers and streams are clean and full of life. The land's relationship to the availability of clean and adequate water, clean air, and successful forestry and agriculture production -- both large scale and small scale -- are just a few of the factors considered in planning decisions.

Other land use planning decisions include the direction of residential and commercial/industrial growth to areas that have facilities and adequate infrastructure, both public and private. Areas of service include Columbia, Fork Union, Palmyra, Lake Monticello, and Zion Crossroads. Water and sewer systems will have a minimal, if not negligible, impact on local streams, rivers, and groundwater.

The continued protection of the Rivanna River remains a priority as a scenic river. Zoning and subdivision regulations provide for the preservation of a significant amount of open space, particularly within designated rural residential and rural preservation areas.

Agriculture, open space, and forestry continue to be important land uses over the next two decades. Networks and infrastructure for local farm and forest products and the expansion of diversified local and speciality markets continue to strengthen. Farmers and other large landowners will have local and state guidance in successfully navigating the challenges of increasing costs for energy, fertilizer, and other inputs.



Figure V-2: Agricultural Land

Lake Monticello

Lake Monticello continues to be the center of gravity for the county population, now being serviced with a collection of small shops as well as a completed set of biking trails and walking paths leading south to Pleasant Grove and Palmyra. Fire and rescue services continue to be well

Well-designed streetscapes focus on creating pedestrian-friendly environments and are essential to community preservation. Pedestrian promenades are effective in creating pedestrian-friendly areas for people to gather and walk. A streetscape's layout, quality, and appearance can largely determine whether an area appears safe and welcoming. For instance, wide streets that carry high volumes of traffic are hostile to pedestrians.

Phasing

Another important element in designing a sustainable project, both for the developer and the host community, is the phasing of a project. Rarely will a project be developed all at once, and paying for the critical infrastructure must be done carefully and according to the developer's ability to pay and financing arrangements. Larger projects, in particular, will need to be phased, and this strategy should be discussed during the rezoning/master plan phase of the project.

Plans can be proffered in a certain order, during certain time frames, or contingent on the provision of certain infrastructure. For instance, a developer could proffer that a project's residential component would not commence until the county determined that an adequate public water supply was in place. Such a proffer assures the community that this infrastructure will be in place prior to additional demand being placed on the existing community's resources. The timing of a project is at least as critical to a developer as it is to the community, so the wording of any proffers that may be made during a rezoning process should be clear, concise, and well thought out by the developer so that those commitments can be met if the project is approved.

Architecture

The design and style of buildings, both commercial and residential, significantly impacts the streetscape of a community. The quality of materials also affects the sustainability of the community. Low-maintenance, sturdy, but attractive products should be used as a standard in lieu of more traditional materials such as vinyl or metal siding, low-grade asphalt shingles, or flat tarpaper roofing.

State-of-the-art materials are more energy-efficient and require less upkeep. Current products vary widely but include HardiePlank siding, composite decking, nontoxic cellulose wall insulation, low-VOC caulks, adhesives, and paints, low-E argon-filled windows, and Energy Star light fixtures. Recycled or renewable products such as bamboo floors reduce the environmental footprint of development. Brick, block, standing seam metal roofing, green roofs, higher-grade asphalt shingles, and other traditional materials are also encouraged.

Architectural styles can and should vary widely among developments, but should remain consistent within a project. While the attractiveness of a style is subjective, its quality of material and sustainability should not vary widely, and should not be compromised by low-quality, high-maintenance materials. While it is not desirable to regulate specific materials, it is very feasible for a developer to commit to specific material types and styles as part of a project's approval, preferably in the form of legally binding proffers.

Community Elements

The Northwest Fluvanna / Southwest Louisa Multimodal Corridor Study identifies a preferred development scenario for Fluvanna County that focuses growth within and around existing centers using a model of walkable mixed-use centers. The study provides specific descriptions for each of the seven community elements.

- Most new growth occurs at Zion Crossroads, which develops into a large regional mixed-use center featuring employment centers as well as a diverse mix of retail opportunities and housing options.
- The current retail centers surrounding Lake Monticello, in the Rivanna community planning area, develop into neighborhood mixed-use centers with smaller-scale retail opportunities and housing options.
- Growth in the courthouse area of Palmyra should be scaled to match that of the surrounding village, with new neighborhood mixed-use developing near Pleasant Grove.
- Fork Union should continue to develop as a village in the core area near Fork Union Military Academy, surrounded by residential neighborhoods.
- Finally, developments occurring in rural areas should be limited to rural housing clusters and limited residential development with a large open-space component.

Regional Centers

Regional Mixed-Use Center

The regional mixed-use center is a focal point for the larger region and reinforces this through its scale of development and rich range of land uses. Regional mixed-use development is characterized by a higher intensity and mixture of land uses than surrounding areas. Larger-scale commercial uses, such as big-box stores, are situated along the main arterial roadway, with slower-speed streets and smaller block sizes pulled off of the busy arterial.



Figure LU-9, Walkable Streetscape

Regional Employment Center

The regional employment center is predominately devoted to employment uses, but still maintains a small mixed-use component to serve employees and surrounding residents. In the Zion Crossroads area, it will play an integral part in the vitality of the mixed-use center. Employment uses may include professional office space, research facilities, storefront offices, and warehouse and light industrial uses. Office uses are recommended at the core, while warehousing and light industry are appropriate at the periphery. It is important to link larger single-use areas with adjacent mixed-use development. Live-work units are recommended to maximize the residential capacity of regional

TRANSPORTATION

How to Get There from Here

VISION

Transportation systems are closely correlated with land-use policies for a comprehensive and diverse network of roads and alternative transportation networks. Primary roads serve all community planning areas with a well-maintained network of secondary and local roads that are connected to disperse traffic throughout each community.

Roadways are well maintained through a combination of state and local funding sources. Local funds are primarily derived from the county's commercial and industrial tax base, which is a primary beneficiary of the extensive road network. Fluvanna's economic success is due, in part, to its easy access to Interstate 64, U.S. Routes 250 and 15, and other primary routes, along with its location between Interstates 81 and 95. In turn, these roads must be kept in good condition, with minimal increase in traffic congestion and level of service, with substantial upgrades paid for by the causal development.

Alternative transportation sources include rail, transit, and regional airports. All of these transportation systems have grown over time to compete with automobile travel, particularly for the transport of goods. As the economy continues to diversify, so too must the delivery of the goods demanded by end users.

Locally, alternative transportation systems include greenway trails, bicycle lanes, sidewalks, and regional transit, including ride sharing. The expansion of these networks is accomplished primarily through the development process and is recognized as a benefit to the community as a result of well-planned and -coordinated projects. Without the adequate maintenance and expansion of the local transportation system, new growth is not possible or sustainable without significant degradation to the high quality of life in Fluvanna County.

EXISTING CONDITIONS

The Fluvanna transportation system is comprised of a local and regional system of roads, JAUNT paratransit service, and limited accommodations for pedestrians and bicyclists. As with most rural localities, Fluvanna's transportation system is oriented to automobiles. However, recent approaches to land-use planning—most notably community plans for Palmyra, Fork Union, and Lake Monticello, along with the Northwest Fluvanna/Southwest Louisa Multimodal Corridor Study—offer other considerations. They emphasize alternative transportation options, especially walking, biking, and transit, as methods of reducing reliance on the automobile.

Secondary Roads

Secondary roads are those numbered 600 and above. There are 285 miles of roads in the secondary system, with 261 paved miles and 24 stabilized dirt (gravel) miles. Aside from funding, the most significant hindrance to improvement on many roads is inadequate right-of-way. Relatively few of the miles have the required fifty-foot right-of-way needed for adequate bank cut, shoulders, and drainage. Utilities, both above- and belowground, challenge the limits of the narrow rights-of-way. The secondary road system has thirty-six bridges and twenty-six major culverts of various designs and construction methods, with fifty-two being two-lane and ten being one-lane.

Former gravel roads, currently being paved, have eighteen feet of pavement, mitigated curves, and wide shoulders. New bridges and culverts installed as individual projects are wide enough to accommodate later road upgrades. Many secondary roads serve as heavily traveled commuter routes, commercial routes, and emergency detours during natural disasters.

An annual allocation of funds to the county from VDOT provides for improvements to the secondary road system. These funds are used as decided by the Board of Supervisors with advice of the Louisa VDOT resident administrator and through input at annual public hearings.

Private Roads

There are numerous private roads in the county, ranging from primitive logging roads to the fifty-eight-mile paved system of Lake Monticello. The Department of Game and Inland Fisheries and the Department of Conservation and Recreation have a limited road presence in the county. The county has some direct responsibility for roads such as those in the Carysbrook complex and the landfill access road.

Alternative Transportation

Rail Access

AMTRAK passenger rail service is available in Charlottesville, with at least two trains daily. The Crescent travels between New Orleans and New York City, stopping in Charlottesville in the morning on the way north, and in the evening on the way south. A second train, the Cardinal, travels between New York (by way of Washington, D.C.) and Chicago three times a week.

Freight rail serving Fluvanna County is the CSX line, whose single track follows the James River along the county's southern border from Columbia in the southeast to Scottsville in the southwest.

Pedestrians

There are very few sidewalks in the populous areas of the county, and many are in disrepair. The state is now required to provide pedestrian accommodations for all VDOT construction projects. New subdivisions should provide for pedestrian access within the development and in conjunction with adjoining housing developments and businesses in order to reduce vehicle trips.

An Ordinance to amend the Fluvanna County Zoning Map with respect to approximately 220.56 acres of Tax Map 30, Section A, Parcel 110 and 10 acres of Tax Map 19, Section A, Parcel 39C, for an aggregate of 230.56 acres, to amend the same from R-3, Residential, Planned Community (conditional) to R-3, Residential, Planned Community (conditional). **(ZMP 14:01)**

BE IT ORDAINED BY THE FLUVANNA BOARD OF SUPERVISORS, pursuant to Virginia Code Section 15.2-2285, that the Fluvanna County Zoning Map be, and it is hereby, amended, as follows:

That 220.56 acres of Tax Map 30, Section A, Parcel 110 and 10 acres of Tax Map 19, Section A, Parcel 39C, be and is hereby, amended from R-3, Residential, Planned Community, to R-3, Residential, Planned Community subject to the submitted proffers as set out in the letter dated June 4, 2014, which is attached hereto.

Received

JUN 04 2014

Planning Dept

PROFFER STATEMENT

Poplar Ridge

Date of Proffer: ~~March 31st~~, 2014, Revised Tuesday, June 03, 2014

Project Name: **Poplar Ridge**

ZMP Number: 14:01

Owner: Hotel Street Capital, LLC
31 Garrett Street
Warrenton, VA 20186

Existing Zoning: R3-Residential

Action Requested: Amendment of the Preliminary Master Plan and proffers approved by the Fluvanna County Board of Supervisors on the 20th of May 2009.

Acreage Amended: 230.56 acres

Magisterial District: Palmyra

Tax Map #(s): A portion of Tax Map 30 Section A Parcel 110 (220.56 acres), As shown on the Preliminary Master Plan
Tax Map 19 Section A Parcel 39C (10.00 acres)

Legal Reference: Fluvanna County Deed Book 859 Page 634 (TMP 30-A-110)
Fluvanna County Deed Book 859 Page 631 (TMP 19-A-39C)

The Term "Owner" as referenced within this document shall include within its meaning the owner, or owners, of record of the Property, or properties, and their successors in interest.

The Owner hereby voluntarily proffers that if the Fluvanna County Board of Supervisors acts to Preliminary Master Plan as requested, the Owner shall develop the Property in accord with the following proffered development conditions (each, a "Proffer," and collectively, the "Proffers"), which the Owner acknowledges are reasonable, pursuant to

Section 15.2-2303 of the Code of Virginia, 1950, as amended, and pursuant to Section 22-14-2 of the Fluvanna County Zoning Ordinance. If the Preliminary Master Plan is approved, these proffers shall replace the eleven (11) proffers approved with ZMP 09:02 on May 20, 2009. If the Preliminary Master Plan is denied, these proffers shall immediately be null and void and of no force and effect.

- 1) **The Preliminary Master Plan.** The Preliminary Master Plan is proffered for land use, residential density calculations, density classification, on and off site improvements, amenities, landscaping and vegetative buffering.

- 2) **Frontage Improvements.** Contemporaneously with, and as part of, frontage improvements along James Madison Highway (U.S. 15) required in connection with any subdivision plat or site plan for the Property, the Owner shall construct such turn lanes and improvements to the horizontal alignment, vertical alignment and cross-section of James Madison Highway (U.S. 15) as shown in the Preliminary Master Plan , and as reasonably necessary to provide safe and convenient access to **Poplar Ridge** provided, however, that the Owner's responsibility under this Proffer shall be limited to the extent of the Property's frontage only. Improvements constructed in accordance with this proffer shall be designed and constructed to applicable VDOT standards, including, without limitation, VDOT's Geometric Design Standards which may be amended from time to time.

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3) **The Fluvanna/Louisa Housing Authority.** For each dwelling unit constructed on the Property, the Owner shall contribute to The Fluvanna/Louisa Housing Authority Five Hundred Dollars (\$500.00) for each dwelling unit. The payment for each dwelling unit shall be paid at the time of the issuance of the certificate of occupancy for such dwelling unit.

Cash Proffers Methodology:

- a. All cash proffers are per. the attached FY 2015-19 “C.I.P.” adopted by the Fluvanna County Board of Supervisors.
- b. All cash proffers below are based on an estimate of approximately 10,000.00 dwellings currently located within Fluvanna County.

4) **Cash Proffer for “Community Services”.** For each dwelling unit constructed on the Property, the Owner shall contribute cash to Fluvanna County for funding the items as delineated in the attached adopted FY 2015-19 “C.I.P” under the heading **“Community Services”**, as follows: Five Hundred Dollars (\$500.00) for each dwelling unit. The cash contribution for each dwelling unit shall be paid at the time of the issuance of the certificate of occupancy for such dwelling unit.

5) **Cash Proffer for “Public Safety”.** For each dwelling unit constructed on the Property, the Owner shall contribute cash to Fluvanna County for funding the items as delineated in the attached adopted FY 2015-19 “C.I.P” under the heading **“Public Safety”** , as follows: Five Hundred Dollars (\$500.00) for each dwelling unit. The cash contribution for each dwelling unit shall be paid at the time of the issuance of the certificate of occupancy for such dwelling unit.

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6) Cash Proffer for "Schools". For each dwelling unit constructed on the Property, the Owner shall contribute cash to Fluvanna County for funding the items as delineated in the attached adopted FY 2015-19 "C.I.P" under the heading "Schools", as follows: Two Thousand Dollars (\$2,000.00) for each dwelling unit. The cash contribution for each dwelling unit shall be paid at the time of the issuance of the certificate of occupancy for such dwelling unit.

WITNESS the following signature:

Hotel Street Capital, LLC

By: 
Owner and or designated Agent. Keith B Smith

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Albemarle, to wit:

The foregoing instrument was acknowledged before me this 3 day of June 2014 by Keith B. Smith, Owner and or designated Agent of Hotel Street Capital, LLC, a Virginia Corporation.

My Commission expires: 4/31/2018
Debra G Detamore

Notary Public



Received

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FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: July 16, 2014

AGENDA TITLE:	Appointment to the Agricultural/Forestral Advisory Committee, At-Large Position				
MOTION(s):	I move to appoint _____ to the Agricultural/Forestral Advisory Committee, At-Large Position, with a term to begin immediately and to terminate June 30, 2018.				
CATEGORY	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
		X			
STAFF CONTACT(S):	Mary Weaver, Clerk to the Board of Supervisors				
PRESENTER(S):	Steven M. Nichols, County Administrator				
RECOMMENDATION:	Approval				
TIMING:	Normal				
DISCUSSION:	Applicants who have shown an interest in this position are: Rebecca A. Ragsdale				
FISCAL IMPACT:	None				
POLICY IMPACT:	None				
LEGISLATIVE HISTORY:	None				
ENCLOSURES:	Boards and Commissions Applications				
REVIEWS	Legal	Finance	Purchasing	HR	Other

Interest in Agricultural/Forestal Advisory Committee

Rivanna

Last Name **First Name** **Date Recieved**

Mailing Address **City** **State** **Postal Code**

Home Phone **Work Phone** **Cell Phone/Other**

Fax **Email Address**

Physical Address **City** **State** **Postal Code**

Education and Experience:

I have worked in local government for more than 12 years. I began my career in Frederick County, VA and am now with Albemarle County, where I'm employed as a Senior Planner. I have a variety of experience in land use planning, zoning, historic preservation and other local government issues. Bachelor's degree in Urban and Environmental Planning, UVA. High school and elementary education in Nottoway, VA. I am not a member of any committees at this time. In my professional experience I have provided staff support to a variety of committees and boards, including the Historic Resources Advisory Committee, Agricultural and Forestal district committee, Board of Zoning appeals, Community Advisory Councils, Planning commission, and Board of Supervisors.

Civic Activities and Committee Memberships:

American Cancer Society Fundraising/Relay of Life volunteer. Beautiful Gate church. I have a 13-year-old daughter in the Fluvanna County School system, entering 8th grade this Fall. Past volunteer with Madison House in charlottesville and church Sunday school teacher.

Interest in Committee:

I would like to contribute to the community where I lived for the past 8 years and hope that my professional skills and experience can be of a benefit to Fluvanna County.

Comments:

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: July 16, 2014

AGENDA TITLE:	Additional School Resource Officer Position and Funding				
MOTION(s):	N/A				
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
			XX		
STAFF CONTACT(S):	Sheriff Eric Hess				
PRESENTER(S):	Sheriff Eric Hess				
RECOMMENDATION:	N/A				
TIMING:	Implementation by October 1, 2014				
DISCUSSION:	The current School Resource Officer is overwhelmed and in a reactive, not proactive capacity, which is the desired function of the program. This is partly due to an increase in the student population of high school and a general increase in juvenile activity. This limits the available expertise he provides to the other schools in the district. The creation of an additional position would provide relief for the current SRO and facilitate proactive programing.				
FISCAL IMPACT:	A request for funding consistent with salary pay band and employer deductions for a School Resource Officer position. Currently, a School Resource Officer position is in Pay Band 13.				
POLICY IMPACT:	None				
LEGISLATIVE HISTORY:	None				
ENCLOSURES:					
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: 16 July 2014

AGENDA TITLE:	Fluvanna County Fair				
MOTION(s):	N/A				
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
			X		
STAFF CONTACT(S):	Jason Smith; Parks and Recreation Department Director				
PRESENTER(S):	Jason Smith				
RECOMMENDATION:	N/A				
TIMING:	Activity takes place August 21 to August 23.				
DISCUSSION:	Fluvanna County Fair update and program information.				
FISCAL IMPACT:	N/A				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	N/A				
ENCLOSURES:	N/A				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: 16 July 2014

AGENDA TITLE:	Capital Improvements Plan (CIP) Schedule Change				
MOTION(s):	N/A				
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
			X		
STAFF CONTACT(S):	Eric Dahl, Finance Director				
PRESENTER(S):	Eric Dahl, Finance Director				
RECOMMENDATION:	N/A				
TIMING:	August 1, 2014				
DISCUSSION:	<p>Planned schedule change will help spread CIP development and review workload over an earlier period to conflict less with high workload requirements during County budget development each fall.</p> <p><u>Other potential process improvements:</u></p> <ul style="list-style-type: none"> • Increase the CIP item threshold \$20K up to a higher amount (e.g., \$50K) <ul style="list-style-type: none"> - Move lower dollar value items back to departmental budgets? - Move lower dollar value items into Capital Reserve Maintenance Fund process? • Remove Maintenance & Repair items from the CIP <ul style="list-style-type: none"> - Move operational budget? - Increase Capital Reserve Maintenance Fund to handle these items (BOS still has specific approval)? 				
FISCAL IMPACT:	N/A				
POLICY IMPACT:	May require changes to County finance policies.				
LEGISLATIVE HISTORY:	N/A				
ENCLOSURES:	N/A				

REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other
		X			

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: July 16, 2014

AGENDA TITLE:	Adoption of the Fluvanna County Board of Supervisors regular meeting minutes.				
MOTION(s):	I move the regular meeting minutes of the Fluvanna County Board of Supervisors for Wednesday, July 02, 2014 be adopted.				
CATEGORY	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
				XX	
STAFF CONTACT(S):	Mary L. Weaver, Clerk to the Board of Supervisors				
PRESENTER(S):	Steven M. Nichols, County Administrator				
RECOMMENDATION:	Approve				
TIMING:	Routine				
DISCUSSION:	None				
FISCAL IMPACT:	N/A				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	None				
ENCLOSURES:	Draft minutes for July 02, 2014				
REVIEWS	Legal	Finance	Purchasing	HR	Other
	N/A	N/A	N/A	N/A	N/A

**FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Court Room
July 02, 2014, 4:00 pm**

MEMBERS PRESENT: Mozell Booker, Chairperson
Bob Ullenbruch, Vice-Chairperson
Donald W. Weaver
Mike Sheridan
Tony O'Brien

ALSO PRESENT: Steven M. Nichols, County Administrator
Fred Payne, County Attorney
Mary Weaver, Clerk to the Board of Supervisors

CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Chairperson Booker called the meeting of Wednesday, July 02, 2014, to order at 4:00 p.m., in the Circuit Courtroom in Palmyra, Virginia; and the Pledge of Allegiance was recited, after which, Chairperson Booker called for a moment of silence.

COUNTY ADMINISTRATOR'S REPORT

Mr. Nichols reported on the following topics:

- Had a successful BBQ, Bands, and Brews sponsored by Fluvanna County Chamber of Commerce on Saturday, June 28, 2014.
- Completed Meals on Wheels Ride Around, great volunteer-led program.
- Library summer events going well, great turn out.
- Great visit on June 30th by the Honorable Maurice Jones, Secretary of Commerce and Trade for the Commonwealth of Virginia
- County Administrator selected as Vice Chairman of the Central Virginia Partnership for Economic Development (CVPED)
- Chairman Booker and County Administrator spoke at the Chamber Breakfast on a variety of topics.
- Barking dog complaints in the County, 295 were received from Lake Monticello area and 6 from other areas in the county over the past FY14.
- Would like to move the Accounts Payable report to the second meeting of the month to allow for a full month of transactions, starting in September
- Emergency Services Coordinator invited to observe the VOPEX14 exercise on Tuesday, July 8th at the Virginia EOC in Richmond.
- Fork Union Streetscape Update, contract completion 150 days after construction begins approximately beginning of 2015.
- Pleasant Grove House Construction, final completion expected for September 25, 2014.
- Pleasant Grove Interpretive Plan Exhibits, Final installation approximately October 3, 2014.
- Pleasant Grove Amphitheatre, No date set.
- Upcoming meetings
 - Wednesday, July 16, 2014 – 7:00 pm, Regular Meeting

PUBLIC COMMENTS #1

Chairperson Booker opened the floor for the first round of public comments.

- Roman Bakke, Cunningham District – addressed the Board in regards to his interest in being selected for the Finance Board. Offers a perspective from a private industry point of view.
- Dr. Fred Lang, Cunningham District – addressed the Board in regards to his interest in being selected for the Piedmont Virginia Community College (PVCC) Board. Believes in continued education and would like to serve senior citizens by providing services and helping retrain them.
- Rudy Garcia, Fork Union District – addressed the Board in regards to his interest in being selected for the Finance Board. Extensive experience working on Boards, Commissions, and Committees. Compelled to give back to county in a good way.

- Richard Payne, Rivanna District – addressed the Board in regards to his interest in being selected for the Finance Board. Important to preserve taxpayers money yet earn appropriate interest while holding it in our trust, ensure transparency.
- Dr. Frank Gallo, Palmyra District – addressed the Board in regards to his interest in being selected for the Piedmont Virginia Community College (PVCC) Board. Has two areas of experience, taught several years at PVCC and lived in area for 45 years. Would like to seek revenue from non-governmental sources.
- Dan Nunziato, Cunningham District – addressed the Board in regards to his interest in being selected for the Piedmont Virginia Community College (PVCC) Board.
- Melissa Kenney, Columbia District – addressed the Board in regards to the disestablishment of the Town of Columbia, would like the request postponed.
- Dr. Taj'ullah Sky Lark, Columbia District – addressed the Board in regards to his interest in being selected for the Piedmont Virginia Community College (PVCC) Board. Offers 32 years of experience in education, diversity of expertise in education.
- Paul Brady, Albemarle County, Town of Columbia property owner – addressed the Board in regards to the disestablishment of the Town of Columbia; feels the past and present Town Councils dropped the ball.

With no one else wishing to speak, Chairperson Booker closed the first round of public comments.

PUBLIC HEARING

Fork Union Sanitary District (FUSD) Ordinance Amendment/Rates Change – Mr. Wayne Stephens, Public Works Director, addressed the Board in regards to this request to change the FUSD rates. Mr. Ullenbruch expressed that this is only a band-aid to the issue.

Chairperson Booker opened the floor for the Public Hearing.

With no one wishing to speak Chairperson Booker closed the Public Hearing.

The Board questioned if a past offer to buy FUSD came to the Board. Mr. Weaver challenged if the offer came to the Board. The Board discussed when the rates should take effect and how often rates should be increased.

MOTION:

Mr. Ullenbruch moved that the Board of Supervisors amend Section 9-2-2 of the County Code regarding charges for water consumption on the FUSD water system as below, effective August 1, 2014:

~~\$21.00~~ ~~\$17.76~~ for first 2,000 gallons (minimum charge);

~~\$11.00~~ ~~\$8.88~~ for each 1,000 gallons up to 300,000 gallons;

~~\$11.00~~ ~~\$4.57~~ for each 1,000 gallons above 300,000 gallons.

Mr. Weaver seconded. The motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O'Brien and Weaver. NAYS: None. ABSENT: None.

Board **directed staff** to set process to evaluate Fork Union Sanitary District rates every two years.

ACTION MATTERS

Resolution to Support the Disestablishment of the Town of Columbia – Ms. Jessica Phillips, Attorney on behalf of the Town of Columbia, addressed the Board in regards to this request to abandon the Town Charter for the Town of Columbia and the steps required to have a referendum in November 2014. It is unclear who owns the Town Hall. The disestablishment of the Town of Columbia is ultimately up to the Town residents. John Hammond, Mayor of the Town of Columbia, believes this is the consensus of the residents. Mr. Fred Payne, County Attorney, discussed that there are some very serious legal issues that have not been addressed, would be a major effort to get Town up to date along with funding. Mr. Weaver expressed his disappointment on the process of informing the town of this request.

MOTION:

Mr. Sheridan moved to approve the Resolution entitled, "AGREEMENT FOR TRANSFER AND ASSUMPTION OF CERTAIN ASSETS AND INDEBTEDNESS" to support the disestablishment of the Town of Columbia. Mr. O'Brien seconded. The motion carried, with a vote of 4-1. AYES: Booker, Sheridan, O'Brien and Weaver. NAYS: Ullenbruch. ABSENT: None.

Adoption of Memorandum of Understanding (MOU) between Fluvanna County Parks and Recreation and the Jefferson Area Board for Aging (JABA) – Mr. Jason Smith, Parks and Recreation Director, addressed the Board with this request in regards to this agreement with JABA to ensure the meals provided by JABA for the Senior Center are

handled correctly. Chairman Booker apologized for not informing the Board that this was going to be put back on the agenda because it was not voted on at the last meeting.

MOTION:

Mr. Sheridan moved to adopt the Memorandum of Understanding between Fluvanna County Parks and Recreation and the Jefferson Area Board for Aging for nutritional services in support of Fluvanna County Senior Center operations, and authorize the County Administrator to execute the agreement, subject to approval as to form by the County Attorney. Mr. O'Brien seconded. The motion carried, with a vote of 4-1. AYES: Booker, Sheridan, Ullenbruch and O'Brien. NAYS: Weaver. ABSENT: None.

Update Grievance Procedure Policy – Ms. Gail Parrish, Human Resources Manager, addressed the Board with this request in regards to updating the Grievance Procedure Policy to bring into compliance with the state code 63.2-219 by including Directors.

MOTION:

Mr. Ullenbruch moved to adopt and approve the July 2, 2014 amended Fluvanna County Grievance Procedure Policy pursuant to VA Code 63.2-219 and 15.2-1507. Mr. O'Brien seconded. The motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O'Brien and Weaver. NAYS: None. ABSENT: None.

FY14 Department of Social Services Share of the Cost Allocation Funds – Mr. Eric Dahl, Director of Finance, addressed the Board with this request in regards to a Cost Allocation Plan (CAP) for the purpose of accounting for the indirect overhead costs the County incurs for the Department of Social Services.

MOTION:

Mr. Weaver moved the Board of Supervisors approve a supplemental appropriation to the General Fund in the amount of \$18,588.11 to reflect the annual cost allocation payment to Social Services Special Welfare Fund. Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O'Brien and Weaver. NAYS: None. ABSENT: None.

Appointment/Piedmont Workforce Investment Board, Business Member Position – Mr. Steven Nichols, County Administrator, addressed the Board with this request to fill the Business Member Position for the Piedmont Workforce Investment Board.

MOTION:

Mr. Ullenbruch moved to appoint Chadwick R. Taberner to the Piedmont Workforce Investment Board, Business Member Position, with a term to begin immediately and to terminate June 30, 2015. Mr. Weaver seconded. The motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O'Brien and Weaver. NAYS: None. ABSENT: None.

Appointment/Fluvanna Partnership for Aging, Columbia Position – Mr. Steven Nichols, County Administrator, addressed the Board with this request to fill the Columbia Position for the Fluvanna Partnership for Aging.

MOTION:

Mr. Ullenbruch moved to appoint Nikki A. Sheridan to the Fluvanna Partnership for Aging, Columbia Position, with a term to begin immediately and to terminate December 31, 2014. Mr. O'Brien seconded. The motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O'Brien and Weaver. NAYS: None. ABSENT: None.

Appointment/Piedmont Virginia Community College (PVCC) Board, At-Large Position – Mr. Steven Nichols, County Administrator, addressed the Board with this request to fill the At-Large Position for the PVCC Board. The Board discussed the candidates that applied.

MOTION:

Mr. Weaver moved to appoint Dr. Frank Gallo to the Piedmont Virginia Community College (PVCC) Board, At-Large Position, with a term to begin immediately and to terminate June 30, 2018. Mr. O'Brien seconded. The motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O'Brien and Weaver. NAYS: None. ABSENT: None.

Appointment/Finance Board, Citizen Representative Position – Mr. Steven Nichols, County Administrator, addressed the Board with this request to fill the Citizen Representative Position for the Finance Board. The Board discussed the candidates that applied.

MOTION:

Mr. O'Brien moved to appoint Rudy Garcia to the Finance Board, Citizen Representative Position, with a term to begin immediately and to terminate June 30, 2018. Mr. Weaver seconded. The motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O'Brien and Weaver. NAYS: None. ABSENT: None.

Appointment/Central Virginia Jail Board, At-Large Position – Mr. Steven Nichols, County Administrator, addressed the Board with this request to fill the At-large Position for the Central Virginia Jail Board.

MOTION:

Mr. Weaver moved to appoint Supervisor Ullenbruch to the Central Virginia Jail Board, At-Large Position, with a term to begin immediately and to terminate June 30, 2015. Mr. Sheridan seconded. The motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O'Brien and Weaver. NAYS: None. ABSENT: None.

PRESENTATIONS

Staff Update of Special Use Permits – Mr. Steven Tugwell, Senior Planner, presented to the Board the status of Special Use Permits, specifically Cellular Towers.

Three towers approved and constructed, SUP 11:01, 11:06, & 12:04.

One approved, over two years old, not constructed, SUP 11:03.

Four approved, over 18 months old, not constructed, SUP 12:01, 12:02, 12:03 & 12:07.

Three new applications submitted to Planning on July 1, 2014, SUP 14:05, 14:06 & 14:07.

Board requested staff to go forward with expiration of the four towers, SUP 12:01, 12:02, 12:03, 12:07 and begin proceedings with SUP 11:03 according to county code.

Proposed Fluvanna Christian Service Society (FCSS) Food Bank Building – Mr. Wayne Stephens, Public Works Director, reviewed with the Board the desire for Fluvanna Christian Service Society (FCSS) to build a new pantry to replace the two existing buildings that currently house non-perishable items. FCSS will raise the funds and there will be no cost to the county. Staff is looking for consensus to move forward and present an agreement for action. The Board asked the staff to move forward with this.

CONSENT AGENDA

The following items were approved under the consent agenda:

MOTION:

Mr. Weaver moved to approve the consent agenda, which consisted of:

- Minutes of June 18, 2014.
- Accounts Payable Report, \$1,470,193.24.
- Addendum to UVa Employee Leasing & Medical Direction Agreement.
- Capital Reserve Maintenance Fund Request/Asbestos Abatement and Air Tests, Central Elementary, \$3,100.00
- Capital Reserve Maintenance Fund Request/New Carpet for Music Room, Carysbrook Elementary, \$3,520.00

Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O'Brien and Weaver. NAYS: None. ABSENT: None.

UNFINISHED BUSINESS

Mr. Ullenbruch inquired about the animal control program and the amount of calls per year. Sheriff Hess explained that he was looking at just one category of calls. In the first six months of the year they have answered 920 calls for service. Lake Monticello officers are not trained to handle Animal Control calls.

NEW BUSINESS

None.

PUBLIC COMMENTS #2

Chairperson Booker opened the floor for the second round of public comments.

- Frank Gallo, Palmyra District – Thanked the Board for the confidence of appointment to the Piedmont Virginia Community College Board.

With no one else wishing to speak, Chairperson Booker closed the second round of public comments.

CLOSED MEETING

MOTION TO ENTER INTO A CLOSED MEETING:

At 7:32 p.m., Mr. Weaver moved the Fluvanna County Board of Supervisors enter into a closed meeting, pursuant to the Virginia Code Section 2.2-3711A.5 and 2.2-3711A.7 for discussion of Prospective Industry and Legal Matters. Mr. Sheridan seconded. The motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O’Brien and Weaver. NAYS: None. ABSENT: None.

MOTION TO EXIT A CLOSED MEETING & RECONVENE IN OPEN SESSION:

At 7:58 p.m., Mr. Weaver moved the closed meeting be adjourned and the Fluvanna County Board of Supervisors reconvene again in open session and **“BE IT RESOLVED** to the best of my knowledge (i) only public business matters lawfully exempted from open meeting requirements under Section 2.2-3711-A of the Code of Virginia, 1950, as amended, and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting.” Mr. Sheridan seconded. The motion carried, with a roll call vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O’Brien and Weaver. NAYS: None. ABSENT: None.

ADJOURN

MOTION:

At 8:00 p.m., Mr. Ullenbruch moved to adjourn the meeting of Wednesday, July 02, 2014. Mr. Sheridan seconded. The motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, Sheridan, O’Brien and Weaver. NAYS: None. ABSENT: None.

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

Mary L. Weaver, Clerk

Mozell H. Booker, Chairperson

AN ORDINANCE TO AMEND SECTION 9-2-2 OF THE COUNTY CODE TO INCREASE THE MONTHLY CHARGES FOR WATER CONSUMPTION FROM THE PUBLIC WATER SUPPLY SYSTEM OF THE FORK UNION SANITARY DISTRICT

BE IT ORDAINED BY THE FLUVANNA COUNTY BOARD OF SUPERVISORS that the County Code be, and it is hereby, amended in Chapter 9, Section 9-2-2, as follows:

Sec. 9-2-2. Schedule of consumption charges.

The monthly charges for water consumption shall be in accordance with the following schedule:

~~\$21.00~~ ~~\$17.76~~ for first 2,000 gallons (minimum charge);
~~\$11.00~~ ~~\$8.88~~ for each 1,000 gallons up to 300,000 gallons;
~~\$11.00~~ ~~\$4.57~~ for each 1,000 gallons above 300,000 gallons.

In addition to the foregoing, during the existence of any water emergency which has been declared by the governing body in accordance with Sec. 9-2-12 of this Code, each and every charge for water consumption shall be subject to a surcharge of 10%. Such surcharge shall be calculated by multiplying the rates stated above by 110%. Such surcharge shall apply at the beginning of the regular billing period next succeeding the adoption of this section or the declaration of such emergency condition, whichever shall last occur. Such surcharge shall cease to apply at the end of the regular billing period which is nearest to, but not later than, 60 days after the governing body shall have declared such water emergency to be at an end.

(Min. Bk. 6, pp. 321, 445; Min. Bk. 7, p. 92; Comp. 1974, ch. 10; Ord. 11-3-80; Ord. 7-15-86; Ord 5-21-97, Ord. 7-15-98; Ord. 11-28-01; Ord. 11-20-02; Ord. 06-21-06; Ord. 5-5-10)

**AGREEMENT FOR TRANSFER AND ASSUMPTION OF CERTAIN ASSETS AND
INDEBTEDNESS**

This agreement, made as of the 2nd day of July, 2014, by and between the **TOWN COUNCIL OF THE TOWN OF COLUMBIA**, a municipal corporation and political subdivision of the Commonwealth of Virginia (“the Town”), of the first part; and the **BOARD OF SUPERVISORS OF COUNTY OF FLUVANNA**, a political subdivision of the Commonwealth of Virginia, (“the County”);

WITNESSETH:

WHEREAS the Town is a municipal corporation located within the limits of the County;
and

WHEREAS the Town desires to initiate proceedings for the annulment and repealer of the Town charter in accordance with Virginia Code Title 15.2, Subtitle III, Chapter 37 (Sec. 15.2-3700, *ff.*; and

WHEREAS the Town and the County believe that the citizens of the Town and the County will best be served by such annulment and repealer; and

WHEREAS the Town intends to propose an ordinance providing for a referendum on the question of whether the Town Charter should be repealed; and

WHEREAS the Town and the County wish to enter into an agreement to facilitate such annulment and repealer pursuant to Virginia Code Sec. 15.2-3701;

NOW THEREFORE, for and in consideration of the premises, the Town and the County hereby agree as follows:

1. **Ordinance requesting referendum:** The Town agrees that it will propose an ordinance petitioning the Circuit Court for an order requiring a referendum on the question of whether the Town charter shall be annulled and repealed.

2. **Transfer of revenues, services, facilities and other assets:** The Town agrees to transfer all of its revenues, services, facilities (including real and personal property, including without limitation the interest of the public in and to the public streets within the Town) and other assets unto the County, effective upon the annulment of the Town charter. The County agrees to accept the same and to assume all of the Town’s indebtedness, bonded and otherwise. The foregoing notwithstanding, prior to the annulment of the Town charter, the Town shall have the right to convey to a third party, either with or without consideration, a certain parcel of real property commonly known as the Town Hall, located at 40 Washington Street, Columbia, Virginia and also known as Tax Map Parcel 54A-1-61B, and shall have no duty to account to the County for such conveyance; provided, however, that such conveyance shall not create or continue an indebtedness or obligation which may thereafter be binding upon the County. This conveyance may occur only if the Town can resolve the outstanding question regarding the chain of title and fee simple ownership of the Town Hall by the Town. If the Town cannot resolve that question and cannot verify by the proper official records that it is the fee simple owner of the Town Hall, the Town cannot make said conveyance. Further, the Town could not claim the Town Hall as an asset to be transferred to the County per this agreement. As of the date hereof, the assets of the Town are listed on Exhibit 1 hereto. To the best of the knowledge and belief of the parties, the Town has no debt as of the date hereof. Notwithstanding the listing of assets and indebtedness listed herein, the parties intend that the Town will transfer to the County all of its assets, subject to the hereinabove described conveyance of the Town Hall and of the payment of the expenses, including but

not limited to reasonable and necessary costs and attorneys' fees; and the County intends to assume all indebtedness, whenever and however acquired, in existence upon the effective date of the annulment of the Town charter.

3. **Agreement for the provision of planning and other services:** Pending the annulment and repealer of the Town charter, the County shall continue to provide to the Town certain services, including, but not limited to, the services of the director of planning and development; of the building official; of other officers and employees of the County; and of the planning commission, as provided by certain existing agreements between the Town and the County, as may be appropriate to ensure efficient service to the citizens of the Town as well as the County. Upon the effective date of the annulment of the Town charter, the County shall agree to assume any and all necessary maintenance and costs for operation of the street lights located within the limits of the Town.

4. **Recordation of agreement:** The County may provide for the recordation of this agreement before, at or subsequent to the effective date of the annulment and repealer of the Town charter in order to perfect the transfer and assumption of the assets and indebtedness of the Town, all as provided by Virginia Code Sec. 15.2-3708.

In witness whereof, the Town and the County have caused this agreement to be signed by their respective duly authorized agents.

TOWN OF COLUMBIA

COUNTY OF FLUVANNA

BY _____
Mayor

BY _____
Chairman of the Board of Supervisors

Date: _____

Date: _____

APPROVED AS TO FORM:

County attorney

EXHIBIT 1 – ASSETS OF THE TOWN OF COLUMBIA

REAL PROPERTY:

Town Hall - 40 Washington Street, Columbia, VA (Tax Map Parcel 54A-1-61B)

*Subject to provisions of Paragraph 2 of this agreement. At this time it is not known whether the Town owns this property, and there is no recorded document or other title document that evidences that the Town does own this property. Further research is ongoing.

PERSONAL PROPERTY:

Capital One Bank Account: \$15,796.41

Bank of Essex Account: \$50,681.33

*\$10,000.00 previously allocated for participation in approved FEMA grant

**\$10,000.00 currently in dispute regarding fire funds from 2002

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: July 16, 2014

AGENDA TITLE:	VPPA Amendments				
MOTION(s):	I move to adopt and approve the revisions made to the Fluvanna County General Conditions and Instructions to Bidders pursuant to the changes made to the Virginia Public Procurement Act.				
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
				X	
STAFF CONTACT(S):	Joe Rodish, Purchasing Officer				
PRESENTER(S):					
RECOMMENDATION:	Approve				
TIMING:	Changes go into effect July 1, 2014				
DISCUSSION:	<p>Changes to General Condition and Instructions are not material and substantive in nature. The proposed changes are as follows:</p> <ul style="list-style-type: none"> • The definition of competitive sealed bidding has condensed and been moved to Sec. 2.2-4302.1 of the Code of Virginia. • The definition of competitive negotiation has been condensed and moved to Sec. 2.2-4302.2 of the Code of Virginia. • A definition for “Job Order Contracting” has been added to section 2.2-4301. • The Department of Minority Business Enterprise has been replaced with the Department of Small Business and Supplier Diversity. 				
FISCAL IMPACT:	N/A				
POLICY IMPACT:	Change to County’s General Conditions and Instructions to Bidders				
LEGISLATIVE HISTORY:					
ENCLOSURES:	General Conditions and Instructions with highlighted changes				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other
	X		X		

Appendix I

COUNTY OF FLUVANNA

GENERAL TERMS, CONDITIONS AND INSTRUCTIONS TO BIDDERS AND CONTRACTORS

GENERAL TERMS, CONDITIONS AND INSTRUCTIONS TO BIDDERS AND CONTRACTORS

These General Terms, Conditions and Instructions to Bidders and Contractor (hereinafter referred to as the “General Conditions”) shall apply to all purchases and be incorporated into and be a part of each Solicitation (as defined below) and every Contract (as defined below) awarded by Fluvanna County, a political subdivision of the Commonwealth of Virginia (hereinafter referred to as the “County”) unless otherwise specified by the County in writing. Bidders, Offerors and Contractors or their authorized representatives are expected to inform themselves fully as to these General Conditions before submitting Bids or Proposals to and/or entering into any Contract with the County: failure to do so will be at the Bidder’s/Contractor’s own risk and except as provided by law, relief cannot be secured on the plea of error.

Subject to all Federal, State and local laws, policies, resolutions, regulations, rules, limitations and legislation, including the County’s Procurement Policies and Procedures, Bids or Proposals on all Solicitations issued by County will bind Bidders or Offerors, as applicable, and Contracts will bind Contractors, to all applicable terms, conditions, instructions, rules and requirements herein set forth unless otherwise SPECIFICALLY set forth by the County in writing in the Solicitation or Contract. All provisions of these General Conditions are material to any contract between the County and a Contractor.

INTRODUCTION

1. **VIRGINIA PUBLIC PROCUREMENT ACT AND ETHICS IN PUBLIC CONTRACTING:** The Virginia Public Procurement Act of Virginia Code §§ 2.2-4300 *et seq.* (hereinafter the “VPPA”) is incorporated herein by reference. Nothing in these General Conditions is intended to conflict with the VPPA and in case of any conflict, the VPPA controls. Specifically, the provisions of Article 6 of the VPPA (Virginia Code §§ 2.2-4367 through 2.2-4377) relating to ethics in contracting, shall be applicable to all Solicitations and Contracts solicited or entered into by the County. By submitting their Bids or signing any Contract, all Bidders and Contractors certify that they have not violated any of the provisions of Article 6 of the VPPA, including, but not limited to, that their Bids are made without collusion or fraud and that they have not offered or received any kickbacks or inducements.
2. **DEFINITIONS:** The definitions of Virginia Code §§ 2.2-4301, 2.2-4302.1 and 2.2-4302.2 are specifically incorporated herein by reference and as used in these General Conditions, whether capitalized or not, any of such defined terms have the same meaning as such terms have under the VPPA: such defined terms include: “Affiliate”, “Best Value”, “Business”, “Competitive Negotiation”, “Competitive Sealed Bidding”, “Construction”, “Construction Management Contract”, “Design-Build Contract”, “Employment Services Organization”, “Goods”, “Informality”, “Job Order Contracting”, “Multiphase Professional Services Contract”, “Nonprofessional Services”, “Potential Bidder or Offeror”, “Professional Services”, “Public Body”, “Public Contract”, “Responsible Bidder or Offeror”, “Responsive Bidder”, “Reverse Auctioning” and

“Services”. Additionally, as used in these General Conditions, the following terms, whether capitalized or not, have the following meanings:

- a. Bid/Proposal: The offer of a Bidder or Offeror to provide specific Goods or Services at specified prices and/or other conditions specified in the Solicitation. The term “Bid” is used throughout these General Conditions and where appropriate includes the term “Proposal” or any modifications or amendments to any Bid or Proposal.
- b. Bidder/Offeror/Vendor: Any individual(s), company, firm, corporation, partnership or other organization bidding or offering on any Solicitation issued by the County and/or offering to enter into Contracts with the County. The term “Bidder” is used throughout these General Conditions and where appropriate includes the term “Offeror” and/or “Vendor”.
- c. Contract: Any contract to which the County will be a party.
- d. Contractor: Any individual(s), company, firm, corporation, partnership, or other organization to whom an award is made by the County or whom enters into any contract to which the County is a party.
- e. County: The County of Fluvanna, a political subdivision of the Commonwealth of Virginia, including where applicable all agencies and departments of the County.
- f. County Administrator: The Fluvanna County Administrator.
- g. County Attorney: The Fluvanna County Attorney.
- h. Purchasing Agent: The County Administrator is the County’s Purchasing Agent and is responsible for the purchasing activity of Fluvanna County; and has signatory authority to bind the County to all contracts and purchases made lawfully under the Fluvanna County Small Purchasing Procedures. The Purchasing Agent has signatory authority to bind the County to all other contracts and purchases only after the contracts or purchases have been approved by a vote of the Fluvanna County Board of Supervisors.
- i. General Terms, Conditions and Instructions to Bidders and Contractors (also referred to herein as the “General Conditions”): These General Terms, Conditions and Instructions to Bidders and Contractors shall be attached to and made a part of all Solicitations by the County and all Contracts to which the County is party.
- j. His: Any references to “his” shall include his, her, their, or its as appropriate.
- k. Invitation to Bid (also referred to herein as an “IFB”): A request which is made to prospective Bidders for their quotation on Goods or Services desired by the County. The issuance of an IFB will contain or incorporate by reference the General Conditions and the other specifications and contractual terms and

conditions applicable to the procurement.

- l. Purchasing Officer: The Purchasing Officer employed by the County and to whom Bidders/Contractors can submit questions relating to any Bid or Contract.
 - m. Request for Proposal (also referred to herein as a “RFP”): A request for an offer from prospective Offerors which shall indicate the general terms which are sought to be procured from Offerors. The RFP will specify the evaluation factors to be used and will contain or incorporate by reference the General Conditions and other applicable contractual terms and conditions, including any unique capabilities or qualifications that will be required of the Contractor.
 - n. Small Purchasing Procedures: The County’s Small Purchasing Procedures, being Chapter 4 of the County’s Procurement Policies and Procedures, a method of purchasing not requiring competitive sealed bids or competitive negotiation for single or term contracts for goods and services other than professional services if the aggregate or the sum of all phases is not expected to exceed \$50,000; and also allowing for single or term contracts for professional services without requiring competitive negotiation, provided the aggregate or the sum of all phases is not expected to exceed \$50,000.
 - o. Solicitation: The process of notifying prospective Bidders or Offerors that the County wishes to receive Bids or Proposals on a set of requirements to provide Goods or Services. “Solicitation” includes any notification of the County requirements may consist of public advertising (newspaper, County’s website, or other electronic notification), the mailing of notices of Solicitation, any Invitation for Quotes (“IFQ”), Initiations to Bid (“IFB”), or Requests for Proposal (“RFP”), the public posting of notices, issuance of an Open Market Procurement (“OMP”), or telephone calls to prospective Bidders or Offerors.
 - p. State: The Commonwealth of Virginia.
3. **AUTHORITY**: The Purchasing Agent shall serve as the principal public purchasing official for the County, and shall be responsible for the procurement of goods, services, insurance and construction in accordance with the County’s Procurement Policies and Procedures. The Purchasing Agent has responsibility and authority for negotiating, placing and when necessary modifying every Solicitation, Contract and purchase order issued by the County under the County’s Small Purchasing Procedures. The Purchasing Agent has signatory authority to bind the County to all contracts and purchases made lawfully under the County’s Small Purchasing Procedures. The Purchasing Agent has responsibility and authority for negotiating, placing and when necessary modifying every other Solicitation, Contract and purchase order issued by the County except that the Purchasing Agent has signatory authority to bind the County to all other contracts and purchases ONLY after the contracts or purchases have been adopted and approved by a vote of the Fluvanna County Board of Supervisors (the “Board”).

Unless specifically delegated by the Board or the Purchasing Agent, and consistent with the limited authority granted thereto, no other County officer or employee is authorized to order supplies or Services, enter into purchase negotiations or Contracts, or in any way obligate the County for any indebtedness. Any purchase or contract made which is contrary to such authority shall be of no effect and void and the County shall not be bound thereby.

For convenience, the County's Purchasing Officer shall serve as an intermediary between the Purchasing Agent and the Bidder or Contractor and any Bidder or Contractor may direct communications regarding any purchase, Solicitation or Contract to the Purchasing Officer; however as stated *supra* only the Board or County's Purchasing Agent can bind the County and only upon the conditions stated *supra*.

CONDITIONS OF BIDDING

4. **COMPETITION INTENDED:** It is the County's intent to encourage and permit open and competitive bidding in all Solicitations. It shall be the Bidder's responsibility to advise the County in writing if any language, requirement, specification, etc., or any combination thereof, stifles competition or inadvertently restricts or limits the requirements stated in a Solicitation to a single source. The County must receive such notification not later than seven (7) business days prior to the deadline set for acceptance of the Bids. In submitting a Bid, the Bidder guarantees that he or she has not been a party with other Bidders to an agreement to bid a fixed or uniform price. Violation of this implied guarantee shall render the Bid of any Bidder involved void.
5. **DISCRIMINATION PROHIBITED:** Pursuant to Virginia Code § 2.2-4310, the County does not discriminate against Bidders, Offerors or Contractors because of race, religion, color, sex, national origin, age, disability, status as a service disabled veteran, or any other basis prohibited by state law relating to discrimination in employment. Whenever solicitations are made, the County shall include businesses selected from a list made available by the Department of ~~Minority Business Enterprise~~Small Business and Supplier Diversity. Pursuant to Virginia Code § 2.2-4343.1, the County does not discriminate against "faith-based organizations", being a religious organization that is or applies to be a contractor to provide goods or services for programs funded by the block grant provided pursuant to the Personal Responsibility and Work Reconciliation Act of 1996, P.L. 104-193.
6. **CLARIFICATION OF TERMS:** Pursuant to Virginia Code § 2.2-4316, if any Bidder has questions or comments about the specifications or other Solicitation documents, the prospective Bidder should contact the County no later than seven (7) business days prior to the date set for the opening of Bids or receipt of Proposals. Any revisions to the Solicitation will be made only by written addendum issued by the County. Notifications regarding specifications may not be considered if received in less than seven (7) business days of the date set for opening of Bids/receipt of Proposals.

7. MANDATORY USE OF COUNTY FORM AND TERMS AND CONDITIONS:

Unless otherwise specified in the Solicitation, all Bids must be submitted on the forms provided by the County, including but not limited to, a Cover Sheet or Pricing Schedule, if applicable, properly signed in ink in the proper spaces and submitted in a sealed envelope or package. Unauthorized modification of or additions to any portion of the Solicitation may be cause for rejection of the Bid. However, the County reserves the right to decide, on a case by case basis, in its sole discretion, whether to reject any Bid or Proposal which has been modified. These General Conditions are mandatory provisions of all Solicitations and all Contracts of the County.

8. LATE BIDS & MODIFICATION OF BIDS:

Any Bid or modification thereto received at the office designated in the Solicitation after the exact time specified for receipt of the Bid is considered a late Bid or modification thereof. The County is not responsible for delays in the delivery of the mail by the U.S. Postal Service, private carriers or the inter-office mail system. It is the sole responsibility of the Bidder to ensure their Bid reaches County by the designated date and hour. The following rules apply to all Bids submitted to the County:

- a. The official time used in the receipt of Bids/Proposals is that time on the automatic time stamp machine in the Finance Department;
- b. Late Bids or modifications thereof will be returned to the Bidder UNOPENED, if Solicitation number, due date and Bidder's return address is shown on the container;
- c. If a Bid is submitted on time, however a modification thereto is submitted after the due date and time, then the County in its sole discretion may choose to consider the original Bid except that the County may not consider such original Bid if the Bid is withdrawn by the Bidder pursuant to Section 9 below; and
- d. If an emergency or unanticipated event or closing interrupts or suspends the County's normal business operations so that Bids cannot be received by the exact time specified in the Solicitation, then the due date/time specified for receipt of Bids will be deemed to be extended to the same time of day specified in the Solicitation on the first work day on which normal County business operations resume.

9. WITHDRAWAL OF BIDS:

- a. Pursuant to Virginia Code § 2.2-4330, a Bidder for a public construction contract, other than a contract for construction or maintenance of public highways, may withdraw his Bid from consideration if the price bid was substantially lower than the other Bids due solely to a mistake in the Bid, provided the Bid was submitted in good faith, and the mistake was a clerical mistake as opposed to a judgment mistake, and was actually due to an unintentional arithmetic error or an unintentional omission of a quantity of work, labor or material made directly in the compilation of a Bid, which unintentional arithmetic error or unintentional omission can be clearly shown by objective evidence drawn from inspection of

original work papers, documents and materials used in the preparation of the Bid sought to be withdrawn.

If a Bid contains both clerical and judgment mistakes, a Bidder may withdraw his Bid from consideration if the price bid would have been substantially lower than the other Bids due solely to the clerical mistake, that was an unintentional arithmetic error or an unintentional omission of a quantity of work, labor or material made directly in the compilation of a Bid that shall be clearly shown by objective evidence drawn from inspection of original work papers, documents and materials used in the preparation of the Bid sought to be withdrawn. The Bidder shall give notice in writing to the County of his or her claim of right to withdraw his or her Bid within two (2) business days after the conclusion of the Bid opening procedure and shall submit original work papers with such notice.

- b. A Bidder for a Contract other than for public construction may request withdrawal of his or her Bid under the following circumstances:
 - i. Bids may be withdrawn on written request from the Bidder received at the address shown in the Solicitation prior to the time of opening.
 - ii. Requests for withdrawal of Bids after opening of such Bids but prior to award shall be transmitted to the County, in writing, accompanied by full documentation supporting the request. If the request is based on a claim of error, documentation must show the basis of the error. Such documentation may take the form of supplier quotations, Bidder work sheets, etc. If Bid bonds were tendered with the Bid, the County may exercise its right of collection.
- c. No Bid may be withdrawn under this Section 9 when the result would be the awarding of the Contract on another Bid of the same Bidder or of another Bidder in which the ownership of the withdrawing Bidder is more than five percent (5%).
- d. If a Bid is withdrawn under the authority of this Section 9 the lowest remaining Bid shall be deemed to be the low Bid.
- e. No Bidder who, is permitted to withdraw a Bid shall, for compensation, supply any material or labor to or perform any subcontract or other work agreement for the person or firm to whom the Contract is awarded or otherwise benefit, directly or indirectly, from the performance of the project for which the withdrawn Bid was submitted.
- f. The County shall notify the Bidder in writing within five (5) business days of its decision regarding the Bidder's request to withdraw its Bid. If the County denies the withdrawal of a Bid under the provisions of this Section 9, it shall State in such notice the reasons for its decision and award the Contract to such Bidder at the Bid price, provided such Bidder is a responsible and responsive Bidder. At the

same time that the notice is provided, the County shall return all work papers and copies thereof that have been submitted by the Bidder.

- g. Under these procedures, a mistake shall be proved only from the original work papers, documents and materials delivered as required herein. The work papers, documents and materials submitted by the bidder shall, at the bidder's request, be considered trade secrets or proprietary information subject to the conditions of subsection F of Virginia Code § 2.2-4342.

10. ERRORS IN BIDS: When an error is made in extending total prices, the unit Bid price will govern. Erasures in Bids must be initialed by the Bidder. Carelessness in quoting prices, or otherwise in preparation of the Bid, will not relieve the Bidder. Bidders/Offerors are cautioned to recheck their Bids for possible error. Errors discovered after public opening cannot be corrected and the Bidder will be required to perform if his or her Bid is accepted.

11. IDENTIFICATION ON BID ENVELOPE: All Bids, Proposals and requested copies thereof submitted to the County shall be in a separate envelope or package, sealed and identified with the following information clearly marked on the outside of the envelope or package:

- a. Addressed as indicated on page 1 of the solicitation;
- b. Solicitation number;
- c. Title;
- d. Bid due date and time;
- e. Bidder's name and complete mailing address (return address); and
- f. Pursuant to Virginia Code § 2.2-4311.2, the Bidder's identification number issued by the State Corporation Commission, or if the bidder is not required to be authorized to transact business in the Commonwealth as a foreign business entity under Title 13.1 or Title 50 or as otherwise required by law shall include in its bids or proposal a statement describing why the bidder or offeror is not required to be so authorized.

If a Bid is not addressed with the information as shown above, the Bidder takes the risk that the envelope may be inadvertently opened and the information compromised, which may cause the Bid to be disqualified. Bids may be hand delivered to the designated location in the County's offices. No other correspondence or other Proposals/Bids should be placed in the envelope. Any Bidder or Offeror that fails to provide the information required in (f) above shall not receive an award unless a waiver is specifically granted by the County Administrator.

12. ACCEPTANCE OF BIDS: Unless otherwise specified, all formal Bids or Proposals submitted shall be valid for a minimum period of one hundred twenty (120) calendar days following the date established for opening or receipt, respectively, unless extend by mutual agreement of the parties. At the end of the one hundred twenty (120) calendar days the Bid/Proposal may be withdrawn at the written request of the Bidder. Thereafter,

unless and until the Proposal is withdrawn, it remains in effect until an award is made or the Solicitation is canceled by the County. The County may cancel any Solicitation at any time by notice of such cancelation to the Bidders.

- 13. COMPLETENESS:** To be responsive, a Bid must include all information required by the Solicitation.
- 14. CONDITIONAL BIDS:** Conditional Bids are subject to rejection in whole or in part.
- 15. RESPONSE TO SOLICITATIONS:** In the event a Bidder cannot submit a Bid on a Solicitation, the Bidder is requested to return the Solicitation cover sheet with an explanation as to why the Bidder is unable to Bid on these requirements, or if there be no cover sheet for the Solicitation a letter to the County explaining the same.
- 16. BIDDER INTERESTED IN MORE THAN ONE BID AND COLLUSION:** More than one bid from an individual, firm, partnership, corporation or association under the same or different name will be rejected. Reasonable grounds for believing that a bidder is interested in more than one bid for the work contemplated will cause rejection of all bids in which the bidder is interested. Any or all bids may be rejected if there is any reason for believing that collusion exists among the bidders. Participants in such collusion may not be considered in future bids for the same work. Each bidder, as a condition of submitting a bid, shall certify that he is not a party to any collusive action as herein defined. However, a party who has quoted prices on work, materials, or supplies to a Bidder is not thereby disqualified from quoting prices to other Bidders or firms submitting a Bid directly for the work, materials or supplies.
- 17. BID OPENING:** Pursuant to Virginia Code § 2.2-4301, all Bids received in response to an IFB will be opened at the date, time and place specified, and announced publicly, and made available for inspection as provided in Section 21 of these General Conditions. Proposals received in response to an RFP will be made available for inspection as provided in Section 21 of these General Conditions.
- 18. TAX EXEMPTION:** The County is exempt from the payment of any federal excise or any Virginia sales tax. The price bid must be net, exclusive of taxes. Tax exemption certificates will be furnished if requested by the Bidder.
- 19. DEBARMENT STATUS:** By submitting their Bids, Bidders certify that they are not currently debarred from submitting Bids on Contracts by the County, nor are they an agent of any person or entity that is currently debarred from submitting Bids or Proposals on Contracts by the County or any agency, public entity/locality or authority of the State.
- 20. NO CONTACT POLICY:** No Bidder shall initiate or otherwise have contact related to the Solicitation with any County representative or employee, other than the Purchasing Officer or Purchasing Agent, after the date and time established for receipt of Bids. Any contact initiated by a Bidder with any County representative, other than the Purchasing

Officer or Purchasing Agent, concerning this Solicitation is prohibited and may cause the disqualification of the Bidder.

21. VIRGINIA FREEDOM OF INFORMATION ACT: As provided under Virginia Code § 2.2-4342, all proceedings, records, Contracts and other public records relating to procurement transactions shall be open to the inspection of any citizen, or any interested person, firm or corporation, in accordance with the Virginia Freedom of Information Act of Virginia Code §§ 2.2-3700 *et seq.*, except:

- a. Cost estimates relating to a proposed procurement transaction prepared by or for the County shall not be open to public inspection;
- b. Any competitive sealed bidding Bidder, upon request, shall be afforded the opportunity to inspect Bid records within a reasonable time after the opening of Bids but prior to award, except in the event that the County decides not to accept any of the Bids and to reopen the Contract. Otherwise, Bid records shall be open to public inspection only after award of the Contract;
- c. Any competitive negotiation Offeror, upon request, shall be afforded the opportunity to inspect Proposal records within a reasonable time after the evaluation and negotiations of Proposals are completed but prior to award except in the event that the County decides not to accept any of the Proposals and to reopen the Contract. Otherwise, Proposal records shall be open to the public inspection only after award of the Contract;
- d. Any inspection of procurement transaction records under this Section 21 shall be subject to reasonable restrictions to ensure the security and integrity of the records;
- e. Trade secrets or proprietary information submitted by a Bidder, Offeror or Contractor in connection with a procurement transaction shall not be subject to public disclosure under the Virginia Freedom of Information Act; however, the Bidder, Offeror or Contractor must invoke the protections of this Section 21 prior to or upon submission of the data or other materials, and must identify the data or other materials to be protected and State the reasons why protection is necessary; and
- f. Nothing contained in this Section 21 shall be construed to require the County, when procuring by “competitive negotiation” (RFP), to furnish a Statement of reasons why a particular Proposal was not deemed to be the most advantageous to the County.

22. CONFLICT OF INTEREST: Bidder/Contractor certifies by signing any Bid/Contract to/with the County that no conflict of interest exists between Bidder/Contractor and County that interferes with fair competition and no conflict of interest exists between Bidder/Contractor and any other person or organization that constitutes a conflict of interest with respect to the Bid/Contract with the County.

SPECIFICATIONS

23. OMISSIONS OR DISCREPANCIES: Any items or parts of any equipment listed in a Solicitation which are not fully described or are omitted from such specification, and which are clearly necessary for the completion of such equipment and its appurtenances, shall be considered a part of such equipment although not directly specified or called for in the specifications. Should a Bidder find a discrepancy or ambiguity in, or an omission from, the Solicitation, including the drawings and/or specifications, he or she shall so notify the County within twenty-four (24) hours of noting the discrepancy, ambiguity or omission and in any event no less than five (5) days prior to the date set for the opening of Bids. If necessary, the County will send a written addendum for clarification to all Bidders no later than three (3) days before the date set for opening of Bids. Any notification regarding specifications received less than five (5) days prior to the date set for the opening of Bids may or may not be considered by the County in its sole discretion. The Bidder shall abide by and comply with the true intent of the specifications and not take advantage of any unintentional error or omission, but shall fully complete every part as the true intent and meaning of the specifications and drawings. Whenever the mention is made of any articles, material or workmanship to be in accordance with laws, ordinances, building codes, underwriter's codes, A.S.T.M. regulations or similar expressions, the requirements of these laws, ordinances, etc., shall be construed as to the minimum requirements of these specifications.

24. BRAND NAME OR EQUAL ITEMS: Pursuant to Virginia Code § 2.2-4315, unless otherwise provided in the Solicitation, the name of a certain brand, make or manufacturer does not restrict Bidders to the specific brand, make or manufacturer named; it conveys the general style, type, character, and quality of the article desired, and any article which the County in its sole discretion determines to be the equal of that specified, considering quality, workmanship, economy of operation, and suitability for the purpose intended, shall be accepted. The Bidder is responsible to clearly and specifically indicate the product being offered and to provide sufficient descriptive literature, catalog cuts and technical detail to enable the County to determine if the product offered meets the requirements of the Solicitation. This is required even if offering the exact brand, make or manufacturer specified. Normally in competitive sealed bidding, only the information furnished with the Bid will be considered in the evaluation. Failure to furnish adequate data for evaluation purposes may result in declaring a Bid non-responsive. Unless the Bidder clearly indicates in its Bid that the product offered is "equal" product, such Bid will be considered to offer the brand name product referenced in the Solicitation.

25. FORMAL SPECIFICATIONS: When a Solicitation contains a specification which states no substitutes, no deviation therefrom will be permitted and the Bidder will be required to furnish articles in conformity with that specification.

26. CONDITION OF ITEMS: Unless otherwise specified in the Solicitation, all items shall be new, in first class condition.

AWARD

27. RESPONSIBLE BIDDERS: In determining whether a Bidder is a responsible Bidder as defined herein, at minimum, the following criteria will be considered:

- a. The ability, capacity and skill of the Bidder to perform the Contract or provide the service required under the Solicitation;
- b. Whether the Bidder can perform the Contract or provide the service promptly, or within the time specified, without delay or interference;
- c. The character, integrity, reputation, judgment, experience and efficiency of the Bidder;
- d. The quality of performance of previous Contracts or Services;
- e. The previous and existing compliance by the Bidder with laws and ordinances relating to the Contract or Services;
- f. The sufficiency of the financial resources and ability of the Bidder to perform the Contract or provide the service;
- g. The quality, availability and adaptability of the Goods or Services to the particular use required;
- h. The ability of the Bidder to provide future maintenance and service for the use of the subject of the Contract;
- i. The number and scope of the conditions attached to the Bid;
- j. Whether the Bidder is in arrears to the County on debt or Contract or is a defaulter on surety to the County or whether the Bidder's County taxes or assessments are delinquent; and
- k. Such other information as may be secured by the County, the Purchasing Agent or the Purchasing Officer having a bearing on the decision to award the Contract. If an apparent low Bidder is not awarded a Contract for reasons of nonresponsibility, the County shall so notify that Bidder and shall have recorded the reasons in the Solicitation or Contract file.

28. AWARD OR REJECTION OF BIDS; WAIVER OF INFORMALITIES: The County shall award the Contract to the lowest responsive and responsible Bidder complying with all provisions of the IFB, provided the Bid price is reasonable and it is in the best interest of the County to accept it. Awards made in response to a RFP will be made to the highest qualified Offeror whose Proposal is determined, in writing, to be the most advantageous to the County taking into consideration the evaluation factors set forth in the RFP. The County reserves the right to award a Contract by individual items, in the aggregate, or in combination thereof, or to reject any or all Bids and to waive any informality in Bids received whenever such rejection or waiver is in the best interest of the County. Award may be made to as many Bidders/Offerors as deemed necessary to fulfill the anticipated requirements of the County. The County also reserves the right to reject the Bid if a Bidder is deemed to be a non-responsible Bidder. Pursuant to Virginia Code § 2.2-4319, an IFB, a RFP, any other solicitation, or any and all bids or proposals, may be canceled or rejected by the County at any time. The reasons for cancellation or rejection shall be made part of the contract file. The County shall not cancel or reject an IFB, a RFP, any other solicitation, bid or proposal solely to avoid awarding a contract to a particular responsive and responsible bidder or offeror.

29. EXCLUSION OF INSURANCE BIDS PROHIBITED: Pursuant to Virginia Code § 2.2-4320, notwithstanding any other provision of law or these General Conditions, no insurer licensed to transact the business of insurance in the State or approved to issue surplus lines insurance in the State shall be excluded from presenting an insurance bid proposal to the County in response to a RFP or an IFB; excepting that the County may debar a prospective insurer pursuant to its Debarment Policy, see Chapter 2 of the County's Procurement Policies and Procedures.

30. ANNOUNCEMENT OF AWARD: Upon the award or announcement of the decision to award a Contract as a result of this Solicitation, the County will publicly post such notice on the County's bulletin board located at 72 Main Street, 2nd Floor, Palmyra, Virginia 22963. Award results may also be viewed on the County's website.

31. QUALIFICATIONS OF BIDDERS OR OFFERORS: The County may make such reasonable investigations as deemed proper and necessary to determine the ability of the Bidder to perform the work/furnish the item(s) and the Bidder shall furnish to the County all such information and data for this purpose as may be requested. The County reserves the right to inspect Bidder's physical facilities prior to award to satisfy questions regarding the Bidder's capabilities. The County further reserves the right to reject any Bid or Proposal if the evidence submitted by or investigations of, such Bidder fails to satisfy the County that such Bidder is properly qualified to carry out the obligations of the Contract and to complete the work/furnish the item(s) contemplated therein.

32. TIE BIDS AND PREFERENCE FOR VIRGINIA PRODUCTS WITH RECYCLED CONTENT AND FOR VIRGINIA FIRMS:

- a. Pursuant to Virginia Code § 2.2-4328, in the case of a tie bid on an IFB only, the County may give preference to Goods, Services and construction produced in Fluvanna County or provided by persons, firms or corporations having principal places of business in Fluvanna County. If such choice is not available, preference shall then be given to Goods produced in Virginia, or for goods, services or construction provided by Virginia persons, firms, corporations, pursuant Virginia Code § 2.2-4324. If no County or State choice is available, the tie shall be decided publicly by lot. The decision by the County to make award to one or more such Bidders shall be final.
- b. Whenever the lowest responsive and responsible bidder is a resident of any other state and such state under its laws allows a resident contractor of that state a percentage preference, a like preference shall be allowed to the lowest responsive and responsible bidder who is a resident of Virginia and is the next lowest bidder. If the lowest responsive and responsible bidder is a resident of any other state and such state under its laws allows a resident contractor of that state a price-matching preference, a like preference shall be allowed to responsive and responsible bidders who are residents of Virginia. If the lowest bidder is a resident contractor of a state with an absolute preference, the bid shall not be considered. The Department of General Services shall post and maintain an updated list on its website of all states with an absolute preference for their resident contractors and those states that allow their resident contractors a percentage preference,

including the respective percentage amounts. For purposes of compliance with this Section 32, the County may rely upon the accuracy of the information posted on this website.

- c. Notwithstanding the provisions of subsections a and b, in the case of a tie bid in instances where goods are being offered, and existing price preferences have already been taken into account, preference shall be given to the bidder whose goods contain the greatest amount of recycled content.
- d. For the purposes of this Section 32, a Virginia person, firm or corporation shall be deemed to be a resident of Virginia if such person, firm or corporation has been organized pursuant to Virginia law or maintains a principal place of business within Virginia.

33. NEGOTIATION WITH LOWEST RESPONSIBLE BIDDER: Pursuant to Virginia Code § 2.2-4318, unless cancelled or rejected, a responsive Bid from the lowest responsible Bidder shall be accepted as submitted, except that if the Bid from the lowest responsible Bidder exceeds available funds, the County may negotiate with the apparent low Bidder to obtain a Contract price within available funds. However, the negotiation may be undertaken only under conditions and procedures described in writing and approved by the County prior to issuance of the IFB and summarized therein.

CONTRACT PROVISIONS

34. APPLICABLE LAW AND COURTS: Any Bid or Contract resulting from a Solicitation and its terms, including, but not limited to, the parties' obligations under it, and the remedies available to each party for breach of it, shall be governed by, construed and interpreted in accordance with the laws of the Commonwealth of Virginia, and exclusive jurisdiction and venue of any dispute or matters involving litigation between the parties hereto shall be in the courts of Fluvanna County, Virginia. Any jurisdiction's choice of law, conflict of laws, rules, or provisions, including those of the Commonwealth of Virginia, that would cause the application of any laws other than those of the Commonwealth of Virginia, shall not apply. The Contractor shall comply with applicable federal, State and local laws, ordinances, rules and regulations in performance of the Contract.

35. PROVISION AND OWNERSHIP OF INFORMATION: The County shall make a good faith effort to identify and make available to the Contractor all non-confidential technical and administrative data in the County's possession which the County may lawfully release including, but not limited to Contract specifications, drawings, correspondence, and other information specified and required by the Contractor and relating to its work under any Contract. The County reserves its rights of ownership to all material given to the Contractor by the County and to all background information documents, and computer software and documentation developed by the Contractor in performing any Contract.

36. DOCUMENTS: All documents, including but not limited to data compilations, drawings, reports and other material, whether in hard copy or electronic format, prepared,

developed or furnished by the Contractor pursuant to any Contract shall be the sole property of the County. At the direction of the County, the Contractor shall have the right to make copies of the documents produced available to other parties. The County shall be entitled to delivery of possession of all documents, upon payment in accordance with the terms of any Contract for the service incurred to produce such documents.

37. CONFIDENTIALITY: Contractor shall not publish, copyright or otherwise disclose or permit to be disclosed or published, the results of any work performed pursuant to this contract, or any particulars thereof, including forms or other materials developed for the County in connection with the performance by Contractor of its services hereunder, without prior written approval of the County. Contractor, cognizant of the sensitive nature of much of the data supplied by the County, shall not disclose any information (other than information which is readily available from sources available to the general public) obtained by it in the course of providing services hereunder without the prior written approval of the County, unless disclosure of such information by it is required by law, rule or regulation or the valid order of a court or administrative agency.

38. INDEPENDENT CONTRACTOR: The Contractor and any agents, or employees of the Contractor, in the performance of any Contract shall act as an independent contractor and not as officers, employees or agents of the County.

39. INSURANCE: The Contractor agrees that, during the period of time it renders services to the County pursuant to any Contract, it shall carry (and provide the County with evidence of coverage) the following minimum amounts of insurance:

Automobile	\$500,000	Liability Medical Payment Comprehensive Collision
Public Liability	\$1,000,000	
Professional Liability	\$1,000,000	
Excess Liability	\$2,000,000	Aggregate Over Above Policy Limits (Excluding Professional Liability)
Worker’s Compensation	Amount required by Virginia law	

The Contract may specifically require the Contractor to carry higher minimum amounts of insurance.

In addition, the Contractor shall require, and shall include in every subcontract, that any subcontractor providing any goods or services related to such Contract obtain, and continue to maintain for the duration of the work, workers’ compensation coverage in the amount required by Virginia law.

40. KEY PERSONNEL: For the duration of any Contract, the Contractor shall make no substitutions of key personnel unless the substitution is necessitated by illness, death, or termination of employment, or as expressly approved by the County. The Contractor shall notify the County within five (5) calendar days after the occurrence of any of these events and provide the information required by the paragraph below.

The Contractor shall provide a detailed explanation of the circumstances necessitating any proposed substitution, complete resumes for the proposed substitute, and any additional information requested by the County. The proposed substitute should have comparable qualifications to those of the person being replaced. The County will notify the Contractor within fifteen (15) calendar days after receipt of all required information of its approval or disapproval of the proposed substitution.

41. SEVERABILITY: If any term, covenant or provision of these General Conditions or any Contract shall be held to be invalid, illegal or unenforceable in any respect, these General Conditions and any Contract shall remain in effect and be construed without regard to such provision.

42. TITLES: The titles and section headings herein and in any Contract are inserted solely for convenience and are not to be construed as a limitation on the scope of the provisions to which they refer.

43. ATTORNEYS' FEES: In the event of a dispute between the County and Contractor under any Contract which cannot be amicably resolved, in addition to all other remedies, the party substantially prevailing in any litigation shall be entitled to recover its reasonable expenses, including, but not limited to, reasonable attorneys' fees.

44. NO WAIVER: Neither any payment for, nor acceptance of, the whole or any part of the services by the County, nor any extension of time, shall operate as a waiver of any provision of any Contract, nor of any power herein reserved to the County, or any right to damages herein provided, nor shall any waiver of any breach of any Contract be held to be a waiver of any other or subsequent breach. Failure of the County to require compliance with any term or condition of any Contract shall not be deemed a waiver of such term or condition or a waiver of the subsequent enforcement thereof.

45. NO FINANCE CHARGES: No finance charges shall be paid by the County.

46. ANTITRUST: By entering into a Contract, the Contractor conveys, sells, assigns, and transfers to the County all rights, title and interest in and to all causes of the action it may now have or hereafter acquire under the antitrust law of the United States or the State, relating to the particular Goods or Services purchased or acquired by the County under said Contract. Consistent and continued tie bidding could cause rejection of Bids by the County and/or investigation for antitrust violations.

47. PAYMENT: Pursuant to Virginia Code § 2.2-4352, unless more time is provided in the Solicitation or Contract, payment will be made forty-five (45) days after receipt by the County of a proper invoice, or forty-five (45) days after receipt of all Goods or acceptance of work, whichever is later. The County reserves the right to withhold any or all payments or portions thereof for Contractor's failure to perform in accordance with the provision of the Contract or any modifications thereto. Within twenty (20) days of receipt of proper invoice or of goods or services, the County shall notify the Contractor if any defect or impropriety that would prevent payment by the payment date. The following provisions apply to such payments:

- a. Invoices for items/Services ordered, delivered/performed and accepted shall be submitted by the Contractor in duplicate directly to the payment address shown on the purchase order, Solicitation or Contract, as applicable. All invoices shall show the Contract number, purchase order number, or Solicitation number, as applicable, and as required under Virginia Code § 2.2-4354, either the individual Contractor's social security number or the Contractor's federal employer identification number, whichever is applicable.
- b. Any payment terms requiring payment in less than forty-five (45) days will be regarded as requiring payment forty-five (45) days after receipt of proper invoice or receipt of all Goods or acceptance of work, whichever occurs later. Notwithstanding the foregoing, offers of discounts for payment in less than forty-five (45) days are valid and enforceable.
- c. Pursuant to Virginia Code § 2.2-4353, the date any payment shall be deemed the date of postmark in all cases where payment is made by mail.
- d. The County's fiscal year is July 1 to June 30. Contractors are advised to submit invoices, especially for Goods and/or Services provided in the month of June, for the entire month (i.e. June 1 - June 30), so that expenses are recognized in the appropriate fiscal year.
- e. Any payment made by the Contractor to the County shall only be made in U.S. Dollars. If payment is received in foreign currency the County may, in its sole discretion, reject such payment and require immediate compensation in U.S. Dollars.

48. SUBCONTRACTORS: Pursuant to Virginia Code § 2.2-4354, in the event that any subcontractors are used by Contractor in connection with the work, Contractor shall:

- a. Within seven (7) days after receipt of amounts paid to the Contractor for work performed by a subcontractor, either:
 - i. Pay the subcontractor for the proportionate share of the total payment received attributable to the work performed by the subcontractor under any Contract; or

- ii. Notify the County and subcontractor, in writing, of his intention to withhold all or a part of the subcontractor's payment with the reason for nonpayment.
- b. Contractor shall require each subcontractor to provide either (i) for an individual, their social security numbers, or (ii) for proprietorships, partnerships, and corporations to provide their federal employer identification numbers.
- c. The Contractor shall pay interest to any subcontractor on all amounts owed by the Contractor that remain unpaid after seven days following receipt by the Contractor of payment from the County for work performed by the subcontractor under any Contract, except for amounts withheld as allowed in subdivision (a)(II) above. Unless otherwise provided under the terms of any Contract, interest shall accrue at the rate of one percent (1%) per month.
- d. The Contractor shall include in each of its subcontracts under any Contract a provision requiring each subcontractor to include or otherwise be subject to the above payment and interest requirements (a), (b) and (c) with respect to each lower tier subcontractor.
- e. The Contractor's obligation to pay an interest charge to a subcontractor pursuant to the payment clause in this Section 48 shall not be construed to be an obligation of the County. No Contract modification may be made for the purpose of providing reimbursement for such interest charge. No cost reimbursement claim may include any amount for reimbursement for such interest charge.

49. RETAINAGE ON CONSTRUCTION CONTRACTS: Pursuant to Virginia Code 2§ 2.2-4333, if a Contract for construction provides for progress payments in installments based upon an estimated percentage of completion, then the contractor shall be paid at least ninety-five percent (95%) of the earned sum when payment is due, with no more than five percent (5%) being retained to ensure faithful performance of the contract. All amounts withheld may be included in the final payment. Any subcontract related to work on a Contract that provides for similar progress payments shall be subject to the provisions above and the Contractor agrees to include such provisions in every subcontract.

50. SUCCESSORS AND ASSIGNS: The County and the Contractor bind themselves and their respective successors and assigns to any Contract. The foregoing notwithstanding, the Contractor shall not assign, sublet or transfer its interest in any Contract without the prior written consent of the County, which may be granted or withheld in the County's sole discretion. Nothing hereinafter mentioned shall be construed as creating any personal liability on the part of any officer, agent or employee of the County, nor shall it be construed as giving any benefits hereunder to anyone other than the County and the Contractor.

51. DEFAULT: Failure of a Contractor to deliver Goods or Services in accordance with Contract terms and conditions and/or within the time specified, or within reasonable time

as interpreted by the County in its sole discretion, or failure to make replacements/corrections of rejected articles/services when so requested, immediately or as directed by the County, or failure of the Contractor to act in accordance with the Contract in any material respect, as reasonably determined by the County, shall constitute a “default” by the Contractor and shall further authority for the County to purchase in the open market articles/services of comparable grade/quality to replace the services, articles rejected, and/or not delivered. On all such purchases, the Contractor shall reimburse the County, within a reasonable time specified by the County, for any expense incurred in excess of Contract prices including, but not limited to, any purchase and administrative costs. Such purchases shall be deducted from the Contract quantities, if applicable. Should public necessity demand it, the County reserves the right to use or consume articles delivered or services performed which are substandard in quality, subject to an adjustment in price to be determined by the County. In case of any default, the County, after due oral or written notice if required in accordance with the Contract, may terminate the Contract at its option in its sole discretion effective immediately. These remedies shall be in addition to any other remedies which the County may have, including but not limited to, any remedies at law, under the Contract or in equity.

Notwithstanding the foregoing, the Contractor shall not be liable for damages for delay in shipment or failure to deliver when such delay or failure is the result of fire, flood, strike, act of God, act of Government, act of an alien enemy or by any other circumstances which, in the County's opinion, are beyond the control of the Contractor. Under such circumstances, however, the County may, at its sole discretion, terminate or cancel the Contract effective immediately.

52. NON-DISCRIMINATION ASSURANCES: The Contractor shall conform to the provisions of the Federal Civil Rights Act of 1964, as amended, as well as the Virginia Fair Employment Act of 1975, as amended, where applicable, and § 2.2-4311 of the Virginia Procurement Act:

- a. During the performance of any Contract, the Contractor agrees as follows: the Contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the Contractor. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. The Contractor, in all Solicitations or advertisements for employees placed by or on behalf of the Contractor, will state that such Contractor is an equal opportunity employer. Notices, advertisements and Solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this Section 52.

- b. The Contractor shall include the provisions of paragraph (a) above in every subcontract or purchase over \$10,000.00 so that the provisions will be binding upon each subcontractor or Vendor.

53. MODIFICATION:

- a. Pursuant to Virginia Code § 2.2-4309, these General Conditions and any Contract entered into by the County and any Contractor shall not be subject to change, modification, or discharge except by written instrument signed by the County and Contractor, but no fixed-price contract may be increased by more than twenty-five percent (25%) of the amount of the contract or \$50,000, whichever is greater, without the advance written approval of the County's Board. In no event may the amount of any contract, without adequate consideration, be increased for any purpose, including, but not limited to, relief of an offeror from the consequences of an error in its bid or offer.
- b. The County may, but is not obligated to, extend the term of an existing contract for services to allow completion of any work undertaken but not completed during the original term of the contract.
- c. Nothing in this Section 53 shall prevent the County from placing greater restrictions on contract modifications.

54. INDEMNIFICATION: Contractor agrees to indemnify, keep and save harmless the County, its officers, agents, officials, employees and volunteers against any and all claims, claims of injuries, death, damage to property, patent claims, suits, liabilities, judgments, losses, costs and expenses, including but not limited to costs of investigation, all reasonable attorneys' fees (whether or not litigation results), and the cost of any appeal, occurring or arising in connection with the Contractor's, its agents', subcontractors', employees', or volunteers' negligence or wrongful acts or omissions in connection with its performance of any Contract. The Contractor shall, at his or her own expense, appear, defend and pay all charges of attorneys and all costs and other expenses arising therefrom or incurred in connection therewith; and if any judgment shall be rendered against the County in any such action, the Contractor shall, at his or her own expenses, satisfy and discharge the same. Contractor expressly understands and agrees that any performance bond or insurance protection required by any Contract, or otherwise provided by the Contractor, shall in no way limit the responsibility to indemnify, keep and save harmless and defend the County as herein provided. Nothing contained in this Solicitation or the Contract shall be deemed to be a waiver of the County's sovereign immunity.

55. DRUG-FREE WORKPLACE: Pursuant to Virginia Code § 2.2-4312, in every Contract over \$10,000.00 the following provisions apply: During the performance of any Contract, the Contractor agrees to (i) provide a drug-free workplace for the Contractor's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a Statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is

prohibited in the Contractor's workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all Solicitations or advertisements for employees placed by or on behalf of the Contractor that the Contractor maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

For the purposes of this Section, "*drug-free workplace*" means a site for the performance of work done in connection with a specific Contract awarded to a Contractor in accordance with this the VPPA and the County's Procurement Procedures, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the Contract.

56. TERMINATION: Contracts will remain in force for full periods specified and/or until all articles ordered before date of termination shall have been satisfactorily delivered and accepted and thereafter until all requirements and conditions shall have been met, unless:

- a. Terminated prior to expiration date by satisfactory deliveries of entire Contract requirements;
- b. Terminated by the County upon thirty (30) days written notice to the Contractor at the County's convenience in the County's sole discretion ("termination for convenience"), unless a termination for convenience is specifically and expressly prohibited by the Contract. Any Contract cancellation notice shall not relieve the Contractor of the obligation to deliver and/or perform on all outstanding orders issued prior to the effective date of the termination;
- c. Terminated by the County for cause, default or negligence on the part of the Contractor. However, pursuant to Section 51 of these General Conditions, the County may hold the Contractor responsible for any resulting additional purchase and administrative costs. There is no advance notice requirement in the event of Termination for Cause and termination is effective immediately upon notice to Contractor of the termination for cause;
- d. Extended upon written authorization of County and accepted by Contractor, to permit ordering of unordered balances or additional quantities at Contract prices and in accordance with Contract terms.

57. APPROPRIATIONS: Notwithstanding any other provision of any Contract, the payment of the County's obligations under any Contract shall be subject to annual appropriations by the Board of Supervisors of the County in each fiscal year of monies sufficient to satisfy the same.

58. REFERENCES TO VIRGINIA LAW: Any reference in these General Conditions to the Code of Virginia or other relevant Federal, State or local law is incorporated in whole

herein by reference as in effect at the time of the Solicitation or Contract as such statutory provisions may be amended or replaced by any statute dealing with the same or similar subject matter.

59. COOPERATIVE PROCUREMENT: Except as prohibited by the current Code of Virginia, all resultant Contracts will be extended to other Public Bodies of the Commonwealth of Virginia, to permit their ordering of Goods, supplies and/or Services at the prices and terms of the resulting Contract (“cooperative procurement”). By submitting any Bid or entering into any Contract with the County a Bidder/Contractor expressly authorizes cooperative procurement under Virginia Code § 2.2-4304 to the full extent permitted by law. If any other public body decides to use any Contract, the Contractor must deal directly with that public body concerning all matters relating thereto, including but not limited to, the placement or orders, issuance of the purchase order, contractual disputes, invoicing and payment. The County acts only as the “Contracting Agent” for these public bodies. Any resulting contract with other public bodies shall be governed by the laws of that specific entity. It is the Contractor’s responsibility to notify the public bodies of the availability of the Contract. Fluvanna County shall not be held liable for any direct or indirect costs, damages or other claim of any kind incurred by another public body or any Contractor as a result of any cooperative procurement.

60. AUDIT: The Contractor hereby agrees to retain all books, records and other documents relative to any Contract for five (5) years after final payment, or until audited by the County, whichever is sooner. The County, its authorized agents, and/or County auditors shall have full access to and right to examine any of said materials during said period.

61. GUARANTIES AND WARRANTIES: All guarantees, representations and warranties required shall be furnished by the Contractor and shall be delivered to the Purchasing Agent before final payment on any Contract is made. In addition to any guarantees, representations and warranties required under the Contract, the Contractor agrees to:

- a. Save the County, its agents and employees harmless from liability of any nature or kind for the use of any copyrighted or un-copyrighted composition; secret process, patented or unpatented; invention; article or appliance furnished or used in the performance of a Contract for which the Contractor is not the patentee, assignee, licensee or owner;
- b. Protect the County against latent defective material or workmanship and to repair or replace any damages or marring occasioned in transit or delivery;
- c. Furnish adequate protection against damage to all work and to repair damages of any kind to the building or equipment, to the Contractor’s own work or to the work of other contractors, for which the Contractor’s workers are responsible;
- d. Pay for all permits, licenses and fees and give all notices and comply with all laws, ordinances, rules and regulations of the County; and

- e. Protect the County from loss or damage to County owned property while it is in the custody of the Contractor;
- f. At minimum supply all Goods or Services with the manufacturer's standard warranty, if applicable; and
- g. For any Contract involving Services of any nature, the Contractor further agrees to:
 - i. Enter upon the performance of Services with all due diligence and dispatch, assiduously press to its complete performance, and exercise therein the highest degree of skill and competence;
 - ii. Allow Services to be inspected or reviewed by an employee of the County at any reasonable time and place selected by the County;
 - iii. Acknowledges that the County shall be under no obligation to compensate Contractor for any Services not rendered in strict conformity with the Contract; and
 - iv. Stipulates that the presence of a County Inspector shall not lessen the obligation of the Contractor for performance in accordance with the Contract requirements, or be deemed a defense on the part of the Contractor for infraction thereof. The Inspector is not authorized to revoke, alter, enlarge, relax, or release any of the requirements of any Contract. Any omission or failure on the part of the Inspector to disapprove or reject any work or material shall not be construed to be an acceptance of any such defective work or material.

62. PRICE REDUCTIONS: If at any time after the date of the Bid/Contract the Contractor makes a general price reduction in the comparable price of any material covered by the Contract to customers generally, an equivalent price reduction based on similar quantities and/or considerations shall apply to any Contract for the duration of the Contract period (or until the price is further reduced). Such price reduction shall be effective at the same time and in the same manner as the reduction in the price to customers generally. For purpose of this provision, a "general price reduction" shall mean any horizontal reduction in the price of an article or service offered (1) to Contractor's customers generally, or (2) in the Contractor's price schedule for the class of customers, i.e., wholesalers, jobbers, retailers, etc., which was used as the basis for bidding on this Solicitation. An occasional sale at a lower price, or sale of distressed merchandise at a lower price, would not be considered a "general price reduction" under this provision. The Contractor shall submit his or her invoice at such reduced prices indicating on the invoice that the reduction is pursuant to the "Price Reduction" provision of the Contract documents. The Contractor in addition will within ten (10) days of any general price reduction notify the County of such reduction by letter. FAILURE TO DO SO IS A DEFAULT UNDER THE CONTRACT AND MAY RESULT IN TERMINATION OF THE CONTRACT IN THE COUNTY'S DISCRETION. The Contractor, if requested, shall furnish, within ten (10) days after the end of the Contract period, a statement certifying either (1) that no general

price reduction, as defined above, was made after the date of the Bid or Contract, or (2) if any such general price reductions were made, that as provided above, they were reported to the County within ten (10) days and the County was billed at the reduced prices. Where one or more such general price reductions were made, the statement furnished by the Contractor shall include with respect to each price reduction (1) the date when notice of any such reduction was issued, (2) the effective date of the reduction, and (3) the date when the County was notified of any such reduction.

63. COMPLIANCE WITH IMMIGRATION LAW: Pursuant to Virginia Code § 2.2-4311.1, in every Contract the following provision applies: the Contractor does not, and shall not during the performance of the Contract, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.

64. VIRGINIA STATE CORPORATION COMMISSION: Pursuant to Virginia Code § 2.2-4311.2, Any Bidder or Contractor organized as a stock or non-stock corporation, limited liability company, business trust, or limited partnership or registered as a registered limited liability partnership shall be authorized to transact business in the Commonwealth as a domestic or foreign business entity if so required by Title 13.1 or Title 50 of the Code of Virginia, or as otherwise required by law, at the time of the Bid, Proposal or any response to Solicitation and during the term of the Contract and any Contract renewal. The Contractor shall not allow its existence to lapse or its certificate of authority or registration to transact business in the Commonwealth, if so required, to be revoked or cancelled at any time during the term or any renewal of the Contract. If the Contractor fails to remain in compliance with the provisions of this Section 64, the Contract may become void at the option of the County.

65. CLAIMS PROCEDURE:

- a. The procedure for consideration by the County of contractual claims for any Contract shall be that set forth in Virginia Code § 15.2-1243, *et seq.*
- b. In addition, pursuant to Virginia Code § 2.2-4364, contractual claims, whether for money or other relief, shall be submitted in writing to the County Administrator no later than sixty (60) days after final payment; however, written notice of the Contractor's intention to file such claim shall have been given at the time of the occurrence or beginning of the work upon which the claim is based. Nothing herein shall preclude a Contract from requiring submission of an invoice for final payment within a certain time after completion and acceptance of the work or acceptance of the Goods. Pendency of claims shall not delay payment of amount agreed due in the final payment.
- c. No written decision denying a claim or addressing issues related to the claim shall be considered a denial of the claim unless the written decision is signed by the Board or the County Administrator. The contractor may not institute legal action prior to receipt of the final written decision on the claim unless the County fails to render a decision within ninety (90) days of submission of the claim. Failure of

the County to render a decision within ninety (90) days shall not result in the contractor being awarded the relief claimed or in any other relief or penalty. The sole remedy for the County's failure to render a decision within 90 days shall be the contractor's right to institute immediate legal action.

- d. A Contractor may not institute legal action, prior to receipt of the County's decision on the claim, unless the County fails to render such decision within the time specified by law. A failure by the County to render a decision within the time provided by law shall be deemed a final decision denying the claim by the County.
- e. The decision of the Board or the County Administrator shall be final and conclusive unless the Contractor appeals within six (6) months of the date of the final written decision by instituting legal action as provided in Virginia Code § 2.2-4364.
- f. No administrative appeals procedure pursuant to Virginia Code § 2.2-4365 has been adopted for contractual claims by the County.
- g. Nothing herein shall be construed to prevent the County from instituting legal action against any Contractor or Bidder.

66. NOTICES: All written notices required or permitted under any Solicitation, Bid or Contract shall be deemed sufficient if delivered in person to the County Purchasing Agent or Bidder/Contractor, as applicable, or sent by first class mail to the County or Bidder/Contractor at the addresses set forth in the Solicitation, Bid or Contract or at such other address as a party may designate from time to time by notice given in accordance with the terms of this Section 66; except that where a Solicitation, Bid or Contract expressly requires notice to a specific individual or at a specific location, such shall control. Such notices are deemed received when actually delivered to the party or its representative or agent if hand delivered, or one (1) business day after deposited into the United States mail, if mailed.

DELIVERY

67. SHIPPING INSTRUCTIONS-CONSIGNMENT: Unless otherwise specified in the Solicitation or Contract, as applicable, each case, crate, barrel, package, etc., delivered under the Contract must be plainly stenciled or securely tagged, stating the Contractor's name, purchase order number, and delivery address as indicated in the order. Where shipping containers are to be used, each container must be marked with the purchase order number, name of the Contractor, the name of the item, the item number, and the quantity contained therein. Deliveries must be made within the hours of 8:00 a.m. – 3:00 p.m. Deliveries at any other time will not be accepted unless specific arrangements have been previously made with the designated individual at the delivery point. No deliveries will be accepted on Saturdays, Sundays and holidays unless previous arrangements have

been made. It shall be the responsibility of the Contractor to insure compliance with these instructions for items that are drop-shipped.

- 68. RESPONSIBILITY FOR SUPPLIES TENDERED:** The Contractor shall be responsible for the materials or supplies covered by the Contract until they are delivered at the designated point. The Contractor shall additionally bear all risk on rejected materials or supplies after notice of rejection is tendered by the County. Rejected materials or supplies must be removed by and at the expense of the Contractor promptly after notification of rejection, unless public health and safety require immediate destruction or other disposal of rejected delivery. If rejected materials are not removed by the Contractor within ten (10) days after date of notification, the County may return the rejected materials or supplies to the Contractor at the Contractor's risk and expense or dispose of them as abandoned property.
- 69. INSPECTIONS:** The County reserves the right to conduct any test/inspection it may deem advisable to assure supplies and Services conform to the specification in the Solicitation, Bid or Contract, as applicable. Inspection and acceptance of materials or supplies will be made after delivery at destinations herein specified unless otherwise stated. Unless otherwise specified in the Contract, if inspection is made after delivery at the destination specified, the County will bear the expense of inspection except for the value of samples used in case of rejection. Final inspection shall be conclusive except in regard to latent defects, fraud or such gross mistakes as to amount to fraud. Final inspection and acceptance or rejection of the materials or supplies will be made as promptly as practicable, but failure to inspect and accept or reject materials or supplies shall not impose liability on the County for such materials or supplies as are not in accordance with the specifications.
- 70. COMPLIANCE:** Delivery must be made as ordered and in accordance with the Solicitation, Bid or Contract, as applicable, or as directed by the County when not in conflict with the Bid/Contract. The decision as to reasonable compliance with delivery terms shall be final. Burden of proof of delay in receipt of Goods by the purchaser shall rest with the Contractor. Any request for extension of time of delivery from that specified must be approved by the County, such extension applying only to the particular item or shipment affected. Unless otherwise specified in the Contract, should the Contractor be unreasonably delayed by the County, there shall be added to the time of completion a time equal to the period of such delay caused by the County. However, the Contractor shall not be entitled to claim damages or extra compensation for such delay or suspension. These conditions may vary for construction Contracts.
- 71. POINT OF DESTINATION:** All materials shipped to the County must be shipped F.O.B. DESTINATION unless otherwise stated specifically in the Solicitation, Bid or Contract, as applicable. The materials must be delivered to the "Ship To" address indicated on the purchase order or Solicitation, as applicable.

72. REPLACEMENT: Materials or components that have been rejected by the County, in accordance with the terms of the Contract, shall be replaced by the Contractor at no cost to the County.

73. DAMAGES: Any and all damages to property of the “County” that is the direct result of the Contractor, the employees of the Contractor and/or its subcontractors, agents, licensees, successors, or assigns, shall be the sole responsibility of the Contractor. The property shall be repaired to its last known condition prior to the damages and/or replaced at no cost to the County. The County shall approve any and all repairs/replacements prior to acceptance of the repairs/replacement.

74. PACKING SLIPS OR DELIVERY TICKETS: All shipments shall be accompanied by Packing Slips or Delivery Tickets and shall contain the following information for each item delivered:

- a. Purchase Order Number;
- b. Name of Article and Stock Number;
- c. Quantity Ordered;
- d. Quantity Shipped;
- e. Quantity Back Ordered; and
- f. The Name of the Contractor.

Contractors are cautioned that failure to comply with these conditions shall be considered sufficient reason for refusal to accept the Goods.

75. ADDITIONAL CHARGES: No delivery charges of any kind shall be added to any invoice; except that (i) if Goods are expressly bought F.O.B. "shipping point" under the Contract and the Contractor prepays transportation, then delivery charges shall be added to invoices; and (ii) if express delivery is authorized and substituted by the County on orders for the method specified in the Contract, then the difference between freight or mail and express charges may be added to invoice.

76. METHOD AND CONTAINERS: Unless otherwise specified, Goods shall be delivered in commercial packages in standard commercial containers, so constructed as to ensure acceptance by common or other carrier for safe transportation to the point of delivery. Containers become the property of the County unless otherwise specified by bidder.

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: 07/16/2014

AGENDA TITLE:	FY14 Voluntary Contributions 2nd Half				
MOTION(s):	<p>I move the Board of Supervisors approve the following supplemental appropriation for FY14 Voluntary Contributions – 2nd Half:</p> <ul style="list-style-type: none"> • \$50.00 – Transfer to DSS: Special Welfare Fund • \$230.00 - County Library: Books/Publications • \$360.00 – Sheriff’s Dept.: Other Operating Supplies • \$220.00 – General Fund: BOS Contingency • \$748.92 – Transfer to Schools: Instruction 				
CATEGORY	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
				X	
STAFF CONTACT(S):	Mary Anna Twisdale, Management Analyst				
PRESENTER(S):	Eric Dahl/ Director of Finance				
RECOMMENDATION:	I recommend approval of the following actions.				
TIMING:	Routine				
DISCUSSION:	The Board of Supervisors approved the “Fluvanna County Voluntary Contributions Program Policy” August 7 th , 2013, with the program to become effective September 1 st , 2013.				
FISCAL IMPACT:	This supplemental appropriation would authorize staff to appropriate the revenue to the specific donation general ledger account and expenditures as indicated above.				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	N/A				
ENCLOSURES:	N/A				
REVIEWS	Legal	Finance	Purchasing	HR	Other
		X			

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: 7/16/2014

AGENDA TITLE:	FY14 Fluvanna County Public Schools Budget Supplement – Donations 2 nd Half				
MOTION(s):	I move the Board of Supervisors approve a supplemental appropriation to the FY14 School budget for \$748.92 to reflect additional funds from donations received by Fluvanna County and designated for FCPS.				
CATEGORY	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
				X	
STAFF CONTACT(S):	Ed Breslauer, Director of Finance, Fluvanna County Public Schools Eric Dahl, Director of Finance, Fluvanna County				
PRESENTER(S):	Eric Dahl/ Director of Finance				
RECOMMENDATION:	Approval				
TIMING:	Immediate				
DISCUSSION:	Fluvanna County will transfer an additional \$748.92 to FCPS for donations received by Fluvanna County and designated for FCPS. This supplemental appropriation will increase the Local Government revenue by \$748.92 and will be used for Instruction.				
FISCAL IMPACT:	Increase in FY14 School budget by \$748.92 to \$35,434,899.88.				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	N/A				
ENCLOSURES:	Supplemental Appropriation Request #1				
REVIEWS	Legal	Finance	Purchasing	HR	Other
		X			

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: July 16, 2014

AGENDA TITLE:	Letter of Support for Seven Islands Conservation Easement Application				
MOTION(s):	I move the Board of Supervisors approve the Letter of Support for the Seven Islands Farm application for acceptance into the Forest Legacy Program for a permanent conservation easement administered by the Virginia Department of Forestry.				
CATEGORY	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
				X	
STAFF CONTACT(S):	Jason Stewart, Planning & Zoning Administrator				
PRESENTER(S):	Jason Stewart, Planning & Zoning Administrator				
RECOMMENDATION:	Approve				
TIMING:	Immediately				
DISCUSSION:	<p>The Forest Legacy Program (FLP), is a highly competitive Federal program in partnership with Virginia and other states, to support state efforts to protect environmentally important forestlands. The FLP is designed to encourage the protection of privately-owned forestlands and is an entirely voluntary program managed by the Va. Dept. of Forestry. Most FLP conservation easements such as this one, restrict development, require sustainable forestry practices, and protect other conservation values. The owners of Seven Islands Farm in the southern part of the County along the James River seek a letter of support from Fluvanna County to include with their application to be accepted into this competitive conservation easement program. The sole purpose of this request is to indicate to reviewers that placement of a conservation easement on this property is supported by the County and its future land use plan and goals. Attached is the proposed letter of support.</p>				
FISCAL IMPACT:	None				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	N/A				
ENCLOSURES:	Proposed Letter of Support				
REVIEWS	Legal	Finance	Purchasing	HR	Other
	X				



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snichols@fluvannacounty.org

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mweaver@fluvannacounty.org

July 16, 2014

Mr. Lawrence W. Mikkelson
Virginia Forestry Legacy Program Coordinator
Virginia Department of Forestry
900 Natural Resources Drive, Suite 800
Charlottesville, Virginia 22903

Re: Letter of Support—Forest Legacy Proposal for Seven Islands Farm

Dear Mr. Mikkelson,

The Fluvanna County Board of Supervisors strongly supports the Forest Legacy proposal to conserve the Seven Islands property consisting of 360 acres in southern Fluvanna County, Virginia of which 150 acres are forested islands in the James River. Additionally, the main property includes over one half a mile of frontage on the James River and the islands include over two miles of frontage on both sides of the river. The Seven Islands property serves as an important forested riparian buffer just upriver from the future location of the James River water pipeline that is proposed to withdraw water from the James River for use by Fluvanna and Louisa Counties.

At one time the James River was the primary means of transportation in the County and Seven Islands supported a small village of homes, stores, mills, a post office, and a church. Those days are long past and today Seven Islands is undeveloped, forested rural land. The Seven Islands property is adjacent to Virginia Department of Games and Inland Fisheries (VDGIF) Hardware River Wildlife Refuge to the west. The property is also adjacent to the Caring for Creatures animal rescue operation to east. Nearby are several large properties under permanent conservation easement along the James River including Melrose and Upper and Lower Bremo. Since 2001, the Seven Islands property has been within the Shores-Hardware Agricultural and Forestal District and under an active forest management plan. The property has been within Fluvanna land use taxation for many years as well.

A primary principle and vision of Fluvanna's Comprehensive Plan as expressed by Fluvanna citizens is maintaining the rural character of the county. Of the two land use designations that are meant to maintain the county's rural character, rural preservation is intended for the least developed areas of Fluvanna. The County's Comprehensive Plan last updated in 2009, notes that the Seven Islands property is part of the Rural Preservation area on the County's future land use plan.

As noted in the land use chapter of the County's Comprehensive Plan, areas of rural preservation (RP) have primary uses of agriculture and forestry. Residential density is intended to be low in order to maximize the opportunity for continued preservation of farm, forestland and other open space uses. Preservation of the Seven Islands property

directly correlates to three goals and five implementation strategies of the Comprehensive Plan as outlined below.

Land Use Chapter	Natural Environment Chapter
Goal 5: To actively preserve and promote open space.	Goal 1: To develop land-use policies and regulations that will preserve and enhance the county's natural environment.
<u>Implementation Strategies:</u>	<u>Implementation Strategies:</u>
1. Promote the county's conservation easement program, along with other open-space preservation alternatives (e.g., Virginia Outdoors Foundation).	5. Protect farm and forest landowners from conflicting adjacent land uses with utilization of buffers, screening, and contiguous tracts of open space. 7. Actively encourage and facilitate conservation easements on land that meets the minimum IRS criteria for easement donation.
	Goal 3: To manage and protect surface water and groundwater resources.
	<u>Implementation Strategies:</u>
	8. Require riparian buffers adjacent to waterways to protect local and regional water resources such as perennial streams, floodplains, wetlands, steep slopes, and highly erodible soils. 9. Proactively educate the public on the values and benefits of preserving river and stream corridors.

The permanent preservation of the Seven Island property through the Forest Legacy Program will actively preserve rural open space the County desires to keep in rural agriculture and forestal use. Maintaining the property in a forested state will enhance the County's natural environment by providing significant riparian buffers adjacent to and on the James River which will further protect local and regional water resources. Permanent preservation of the Seven Islands property protects the capacity of this property to continue providing timber resources as well as safeguarding the ecological attributes of this biologically rich and special area of Fluvanna County.

The Fluvanna County Board of Supervisors endorses this proposal as an excellent example of how best to balance the protection of both habitat values and natural resource values that are important to Fluvanna County citizens.

Sincerely,

Mozell Booker
Chairperson, Fluvanna County Board of Supervisors

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date:

AGENDA TITLE:	FY14 Cell Tower Budget Supplement				
MOTION(s):	I move the Board of Supervisors approve a supplemental appropriation of \$16,000.00 to the FY14 Planning Development Budget to reflect an increase in the number of cell tower applications.				
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
				X	
STAFF CONTACT(S):	Eric Dahl, Director of Finance				
PRESENTER(S):	Eric Dahl, Director of Finance				
RECOMMENDATION:	I recommend approval of the supplemental appropriation as stated above.				
TIMING:	Routine				
DISCUSSION:	During the FY14 Budget process, the amount of cell tower applications to be received was based upon projected estimates at the time. The FY14 estimates for special use permits and the associated expenditures were underestimated. Revenue of \$16,000 has been received for these applications.				
FISCAL IMPACT:	The FY14 General Fund Budget will increase by \$16,000.00				
POLICY IMPACT:	None				
LEGISLATIVE HISTORY:					
ENCLOSURES:					
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other
		X			



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MEMORANDUM

TO: Board of Supervisors
FROM: Mary Anna Twisdale/ Management Analyst
SUBJECT: FY15 Contingency Balance
DATE: July 8, 2014

The balance for the BOS Contingency line for FY15 is as follows:

Board of Supervisors Contingency:

Beginning Budget:	\$150,000.00
Available:	\$150,000.00

Total Available Budget: Board of Supervisors Contingency Line

\$150,000.00



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MEMORANDUM

TO: Board of Supervisors
FROM: Mary Anna Twisdale/ Management Analyst
SUBJECT: FY15 Capital Reserve Balance
DATE: July 8, 2014

The balance for the Capital Reserve for County and Schools in FY15 is as follows:

County Capital Reserve:

FY14 Carryover:	\$2,470.00
FY15 Beginning Budget:	\$200,000.00
Available:	\$202,470.00

Schools Capital Reserve:

FY14 Carryover:	\$122,693.00
FY15 Beginning Budget:	\$200,000.00
Less: Carysbrook Elementary Music Room Carpet Replacement 7.2.14	-\$3,520.00
Less: Central Elementary Asbestos Abatement and Air Tests 7.2.14	-\$3,100.00
Available:	\$316,073.00