

**FLUVANNA COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
Circuit Courtroom
Fluvanna County Courts
June 27, 2012
7:00 p.m.**

MEMBERS PRESENT: Donald Gaines, Vice-Chairman
Samuel Babbitt
Barry Bibb
Carolyn Tinsley
Joe Chesser, Board of Supervisors Representative

MEMBERS ABSENT: James Halstead, Jr., Chairman

ALSO PRESENT: Frederick Payne, Fluvanna County Attorney
Allyson Finchum, Planning Director
Steve Tugwell, Senior Planner
Andrew Pompei, Planner
Lauren Ryalls, Senior Program Support Assistant

CALL TO ORDER

Vice-Chairman Gaines called the Planning Commission meeting of June 27, 2012 to order at 7:00 p.m. in the Circuit Court room of the Fluvanna County Courts Building in Palmyra, Virginia. After the meeting was called to order, the Pledge of Allegiance was recited.

PLANNING DIRECTOR'S REPORT

Ms. Allyson Finchum, Planning Director, gave the monthly report to the Planning Commission.

➤ **Board of Supervisors – June 6, 2012**

- Patricia Eager was appointed to the Planning Commission for a four year term.
- Barry Bibb was reappointed to the Planning Commission for another four year term.
- Andrew Sorrell was appointed to the Agricultural/Forestral Advisory Committee for a four year term.
- Laura Lee and Kent Loving were both reappointed to the Agricultural/Forestral Advisory Committee for four year terms.

➤ **Board of Supervisors – June 20, 2012**

- **CPA 12:01 - Fluvanna County** (Comprehensive Plan Text Amendment)
Approved (5-0) an amendment to the Vision chapter of the Comprehensive Plan, along with any other associated changes to the plan as a result of the additions. The existing text within the Vision chapter will be replaced with new text and illustrations prepared by the Board of Supervisors. The proposed amendment to the Comprehensive Plan adjusts the vision statement in order to better reflect the adopted goals of the Board of Supervisors and elaborate on the meaning of the County's vision statement. The amendment is generally consistent with other chapters of the Comprehensive Plan.
- **ZTA 12:01 – Fluvanna County – Zoning Text Amendment**
Deferred (5-0) until August 1, 2012 an amendment of the Fluvanna County Zoning Ordinance to update and strengthen regulations regarding tree protection, landscaping, and off-street parking (Chapter 22, Article 22: Definitions; Chapter 22, Article 24: Tree Protection; Chapter 22, Article 26: Off-Street Parking & Loading Spaces).
- **ZTA 12:02 – Fluvanna County – Subdivision Ordinance Amendment**
Deferred (5-0) until August 2012 an amendment of the Fluvanna County Subdivision Ordinance to update and strengthen regulations regarding landscaping and similar improvements (Chapter 19, Article 7: Subdivision Design Standards; Chapter 19, Article 8: Required Improvements).

➤ **Board of Zoning Appeals Actions – No June Meeting.**

➤ **Technical Review Committee – June 14, 2012**

- **SUP 12:05 – Robert S. Hale-MacKinnon**
A request for a Special Use Permit (SUP) to allow for educational facility with respect to 5.193 acres of Tax Map 23, Section A, Parcel 48. The property is zoned A-1 (Agricultural, General) and is located on the north side of Perkins Road (State Route 623) near its intersection with Kents Store Way (Route 659). The property is located in the Columbia Election District and is within the Rural Preservation Planning Area.

PUBLIC COMMENTS #1

Vice-Chairman Gaines opened the floor for the first section of public comments.

With no one wishing to speak, Vice-Chairman Gaines closed the first section of public comments.

APPROVAL OF MINUTES

A motion by Mr. Bibb and seconded by Dr. Babbitt to **approve** the May 23, 2012 minutes by a vote of 4-0. AYES: Babbitt, Bibb, Gaines, and Tinsley. NAYS: None. ABSENT: Halstead.

PUBLIC HEARINGS:

AFD 02:03 – Riverside Agricultural and Forestal District (AFD) – A review of the Riverside Agricultural and Forestal District (AFD), which is set to expire on August 7, 2012. The Riverside AFD currently consists of 18 parcels totaling 552.526 acres. The properties are zoned A-1 (Agricultural, General) and are generally located along, or in close proximity to, Bremo Road (State Route 656). The properties are located within the Fork Union Election District and are within the Rural Residential and Rural Preservation Planning Areas.

Mr. Andrew Pompei, Planner, presented the review of the Riverside Agricultural and Forestal District to the Planning Commission.

Vice-Chairman Gaines opened the public hearing.

With no one wishing to speak, Vice-Chairman Gaines closed the public hearing.

MOTION:

Ms. Tinsley moved to recommend that the Riverside Agricultural and Forestal District **be terminated** following its expiration on August 7, 2012, since the district no longer meets the minimum size requirements set forth in Sec. 3.1-4 of the Fluvanna County Code.

Dr. Babbitt seconded. The motion carried with a vote of 4-0. AYES: Babbitt, Bibb, Gaines, and Tinsley. NAYS: None. ABSENT: Halstead.

SUP 12:01 – Clear Signal Towers, LLC (Kidds Store) – A request for a Special Use Permit (SUP) to allow for a 195-foot wireless communications tower with respect to 331.29 acres of Tax Map 39, Section A, Parcel 34. The property is zoned A-1 (Agricultural, General) and is located on the south side of West River Road (State Route 6) near its intersection with Rolling Road South (Route 620). The property is located in the Fork Union Election District and is within the Rural Preservation Planning Area. The property is part of the Kidds Store Agricultural and Forestal District (AFD).

Mr. Andrew Pompei, Planner, presented the Special Use Permit request to allow for a 195-foot wireless communications tower with respect to 331.29 acres of Tax Map 39, Section A, Parcel 34 to the Planning Commission.

Ms. Dorothy Brunetti, applicant for Clear Signal Towers, LLC, addressed the Planning Commission regarding deferral of this special use permit. Ms. Brunetti is requesting the deferral, because they are looking at an existing tower at Cunningham Elementary School.

Mr. Fred Payne, County Attorney, suggested deferring the public hearing, subject to being re-advertised at the expense of the applicant.

Vice-Chairman Gaines opened the public hearing.

With no one wishing to speak, Vice-Chairman Gaines closed the public hearing.

MOTION:

Mr. Bibb moved that the Planning Commission **defer** SUP 12:01, a special use permit request to allow the construction of a 175-foot monopole telecommunications tower with respect to 331.29 acres of Tax Map 39, Section A, Parcel 34 without a public hearing, with the condition that the applicant be responsible for covering all expenses associated with re-advertising the public hearing.

Ms. Tinsley seconded. The motion carried with a vote of 3-0-1. AYES: Bibb, Gaines, and Tinsley. NAYS: None. ABSTAINED: Babbitt. ABSENT: Halstead.

SUP 12:02 – Clear Signal Towers, LLC (Hardware River) - A request for a Special Use Permit (SUP) to allow for a 175-foot wireless communications tower with respect to 71.46 acres of Tax Map 48, Section A, Parcel 94. The property is zoned A-1 (Agricultural, General) and is located on the north side of West River Road (State Route 6) 1.3 miles west of its intersection with Hardware Road (Route 646). The property is located in the Cunningham Election District and is within the Rural Residential Planning Area.

Mr. Andrew Pompei, Planner, presented the Special Use Permit request to allow for a 175-foot wireless communications tower with respect to 71.46 acres of Tax Map 48, Section A, Parcel 94 to the Planning Commission.

Vice-Chairman Gaines opened the public hearing.

With no one wishing to speak, Vice-Chairman Gaines closed the public hearing.

MOTION:

Ms. Tinsley moved that the Planning Commission **recommend approval** of SUP 12:02, special use permit request to allow the construction of a 175-foot monopole telecommunications tower with respect to 71.46 acres of Tax Map 48, Section A, Parcel 94 subject to the conditions listed in the staff report.

Mr. Bibb seconded. The motion carried with a vote of 3-0-1. AYES: Bibb, Gaines, and Tinsley. NAYS: None. ABSTAINED: Babbitt. ABSENT: Halstead.

SUP 12:03 – Clear Signal Towers, LLC (Weber City) - A request for a Special Use Permit (SUP) to allow for a 195-foot wireless communications tower with respect to 46.6 acres of Tax Map 59, Section A, Parcel 13B. The property is zoned A-1 (Agricultural, General) and is located on the east side of James Madison Highway (Route 15) 1.2 miles south of its intersection with Winnsville Drive (Route 612). The property is located in the Fork Union Election District and is within the Rural Residential Planning Area.

Mr. Steve Tugwell, Senior Planner, presented the Special Use Permit request to allow for a 195-foot wireless communications tower with respect to 46.6 acres of Tax Map 59, Section A, Parcel 13B to the Planning Commission.

Vice-Chairman Gaines opened the public hearing.

With no one wishing to speak, Vice-Chairman Gaines closed the public hearing.

MOTION:

Mr. Bibb moved that the Planning Commission **recommend approval** of SUP 12:03, a special use permit request to allow for a 195 foot monopole telecommunications tower with respect to 46 acres of Tax Map 59, Section A, Parcel 13B subject to the conditions listed in the staff report.

Ms. Tinsley seconded. The motion carried with a vote of 3-0-1. AYES: Bibb, Gaines, and Tinsley. NAYS: None. ABSTAINED: Babbitt. ABSENT: Halstead.

SUP 12:04: Clear Signal Towers, LLC (Cohasset) - A request for a Special Use Permit (SUP) to allow for a 195-foot wireless communications tower with respect to 97.7 acres of Tax Map 50, Section A, Parcel 3. The property is zoned A-1 (Agricultural, General) and is located on the west side of Mountain Hill Road (Route 650) approximately 500 feet south of its intersection with West River Road (State Route 6). The property is located in the Fork Union Election District and is within the Rural Preservation Planning Area.

Mr. Steve Tugwell, Senior Planner, presented the Special Use Permit request to allow for a 195-foot wireless communications tower with respect to 97.7 acres of Tax Map 50, Section A, Parcel 3 to the Planning Commission.

Vice-Chairman Gaines opened the public hearing.

With no one wishing to speak, Vice-Chairman Gaines closed the public hearing.

Mr. Chesser asked how long until one of these antennas would be in place assuming it was approved by the Board of Supervisors. Ms. Dorothy Brunetti, applicant for Clear Signal Towers, LLC, answered Mr. Chesser's question with an approximate time of six to eight months.

MOTION:

Ms. Tinsley moved that the Planning Commission **recommend approval** of SUP 12:04, a special use permit request to allow for a 195 foot monopole telecommunications tower with respect to 97.7 acres of Tax Map 50, Section A, Parcel 3 subject to the conditions listed in the staff report.

Mr. Bibb seconded. The motion carried with a vote of 3-0-1. AYES: Bibb, Gaines, and Tinsley. NAYS: None. ABSTAINED: Babbitt. ABSENT: Halstead.

PRESENTATIONS:

None

SITE DEVELOPMENT PLANS:

SDP 12:09 – Triangle Realtors – A site development plan request for a 11,200 square foot retail building with respect to 1.59 acres of Tax Map 17, Section 21, Parcel D. The property is zoned B-1, Business, General and is located on the eastern side of Heritage Drive approximately 400 feet east of Turkeysag Trail (Route 1015). The property is located in the Cunningham Election District and is within the Rivanna Community Planning Area.

Mr. Steve Tugwell, Senior Planner, presented the site development plan request for a 11,200 square foot retail building with respect to 1.59 acres of Tax Map 17, Section 21, Parcel D to the Planning Commission.

Mr. Ray Burkholder, Balzer and Associates, addressed the Planning Commission regarding this Site Development Plan.

Mr. Alan Dahl, one of the owners of the proposed property, addressed the Planning Commission about concerns regarding the consolidation of the dumpsters in that area.

The Planning Commission discussed the sidewalks surrounding the proposed building and how to connect this business to local businesses for pedestrians.

Mr. Tugwell clarified for the Planning Commission that sidewalks are required on both sides of public and private streets and that staff will be looking for those details on the final site plan if approved tonight by the Planning Commission.

Mr. Fred Payne, County Attorney, recommended adding a fifth condition to provide for pedestrian access along westerly and easterly sides of the property as required by section 22-23-6BB of the County Code. Mr. Payne stated this condition should solve the problem and provide guidance for the staff when reviewing the final site plan.

MOTION:

Ms. Tinsley moved that the Planning Commission **approve** SDP 12:09, a sketch site plan to build an 11,200 square foot retail building with respect to 1.59 acres of Tax Map 17, Section 21, Parcel D, subject to the conditions listed in the staff report and adding a fifth condition to provide pedestrian access along westerly and easterly sides of the property as required by County Code Section 22-23-6BB.

Dr. Babbitt seconded. The motion carried with a vote of 4-0. AYES: Babbitt, Bibb, Gaines, and Tinsley. NAYS: None. ABSENT: Halstead.

SUBDIVISIONS:

None

UNFINISHED BUSINESS:

The Planning Commission discussed landscaping-related businesses and the Zoning Ordinance and how to strengthen the Zoning Ordinance by providing additional definitions.

Dr. Babbitt moved that the Planning Commission direct staff to prepare appropriate resolutions to initiate changes to the Zoning Ordinance with respect to the definitions of commercial and noncommercial greenhouses, nurseries, farm sales, garden centers, landscaping material supplies and appropriate amendments to provide for those uses in the various districts.

Ms. Tinsley seconded. The motion carried with a vote of 4-0. AYES: Babbitt, Bibb, Gaines, and Tinsley. NAYS: None. ABSENT: Halstead.

NEW BUSINESS:

None

OLD BUSINESS:

The Planning Commission discussed ZTA 12:01 and ZTA 12:02; amendments to the Zoning Ordinance and Subdivision Ordinance.

Mr. Payne recommended discussing these amendments in depth at the July Planning Commission Work Session before it goes before the Board of Supervisors on August 1, 2012.

The Planning Commission decided to discuss these amendments to the Zoning Ordinance and Subdivision Ordinance at the July work session.

PUBLIC COMMENTS #2

Vice-Chairman Gaines opened the floor for the second section of public comments.

- Keith Lancaster, Southern Development, spoke in reference to the letter that was presented to the Planning Commission that was written by Charlie Armstrong and the Rivanna River Basin Commission regarding the Zoning Text Amendments.

With no one else wishing to speak, Vice-Chairman Gaines closed the second section of public comments.

SPECIAL PRESENTATION

Ms. Finchum, Planning Director, presented an engraved plaque in honor of Mr. James Halstead, Jr., representative for the Palmyra District, for his four years of service and dedication to the Planning Commission.

ADJOURN

There being no further business, Vice-Chairman Gaines adjourned the Planning Commission meeting of June 27, 2012 at 8:57 p.m.

Minutes recorded by Lauren Ryalls.

Donald Gaines, Vice-Chairman
Fluvanna County Planning Commission