

**FLUVANNA COUNTY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
Circuit Courtroom  
Fluvanna County Courts  
June 26, 2013  
7:00 p.m.**

MEMBERS PRESENT: Barry Bibb, Chairman  
Patricia Eager, Vice-Chairman  
Samuel Babbitt  
Donald Gaines  
Ed Zimmer  
Joe Chesser, Board of Supervisors Representative

ALSO PRESENT: Frederick Payne, Fluvanna County Attorney  
Allyson Finchum, Planning Director  
Steven Tugwell, Senior Planner  
Heather Poole, Senior Program Assistant

**CALL TO ORDER**

Chairman Bibb called the Planning Commission meeting of June 26, 2013 to order at 7:00 p.m. in the Circuit Court room of the Fluvanna County Courts Building in Palmyra, Virginia.

**PLANNING DIRECTOR'S REPORT**

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

➤ **Board of Supervisors**

○ **June 5, 2013**

▪ *None*

○ **June 19, 2013**

▪ **ZMP 13:01 – JCM III, LLC**

**Approved (5-0)** an ordinance to amend the Fluvanna County Zoning Map with respect to 4.81 acres of Tax Map 59, Section A, Parcel 8 to rezone the same from B-1, Business, General to I-1, Industrial, Limited (Conditional). The affected properties are located on the west side of Route 15 (James Madison Highway), at its intersection with Route 695 (Creasy Town Road) approximately 0.23 miles south of Route 713 (Bowles Town Lane). The properties are located in the Fork Union Election District and are within the Fork Union Community Planning Area.

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

➤ **Technical Review Committee**

○ **March 14, 2013**

▪ **SDP 13:06 – Ballif Investments, LLC**

A site development plan request for a 7,000 square foot shop building with respect to 4.68 acres of Tax Map 5, Section 20, Parcel 1B. The property is zoned I-1, Industrial, Limited and is located on the southern side of Route 250 (Richmond Road) approximately 300 feet east of Hunter's Branch Road. The property is located in the Palmyra Election District and is within the Zion Crossroads Community Planning Area.

**PUBLIC COMMENTS #1**

Chairman Bibb opened the floor for the first section of public comments.

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

**APPROVAL OF MINUTES**

**MOTION:**

Mr. Zimmer moved to **approve** the May 22, 2013 Planning Commission meeting minutes as presented.

Ms. Eager seconded. The motion carried with a vote of 5-0. AYES: Babbitt, Bibb, Eager, Gaines and Zimmer. NAYS: None.

**PRESENTATIONS:**

*None*

**PUBLIC HEARINGS:**

**SUP 13:03 – Jason Farren Automotive Repair Shop** – A request for a special use permit to allow for an automotive repair service establishment with respect to 4.567 acres of Tax Map 17, Section 16, Parcel 4. The property is currently zoned A-1 (Agricultural, General) and is located on the northern side of State Route 619 (Ruritan Lake Road), approximately 0.25 miles east of State Route 761 (Branch Road). The property is located within the Fork Union Election District. According to the 2009 Comprehensive Plan, the property is within the Rural Residential Planning Area.

Mr. Steve Tugwell, Senior Planner, presented the Special Use Permit request to allow for an automotive repair service establishment with respect to 4.567 acres of Tax Map 17, Section 16, Parcel 4 to the Planning Commission.

Chairman Bibb opened the public hearing.

With no one wishing to speak, Chairman Bibb closed the public hearing.

The Planning Commission discussed the possibility of an automotive repair service establishment at the requested location. Ms. Eager stated this establishment would be beneficial to the community.

**MOTION:**

Ms. Eager moved to **recommend approval** of SUP 13:03, a special use permit request to allow for an automotive repair service establishment with respect to 4.567 acres of Tax Map 17, Section 16, Parcel 4.

Dr. Babbitt seconded. The motion carried with a vote of 5-0. AYES: Babbitt, Bibb, Eager, Gaines and Zimmer. NAYS: None.

**ZMP 12:02 & SUP 13:02 – Hotel Street Capital, LLC**

ZMP 12:02 - An ordinance to amend the Fluvanna County Zoning Map with respect to 222.03 acres of Tax Map 30, Section A, Parcel 110, and 10 acres of Tax Map 19, Section A, Parcel 39C (former Rivanna Resort) to rezone the subject properties from R-3 (Residential, Planned Community) with proffers to PUD (Planned Unit Development). The subject property is located within the Palmyra Election District on the western side of U.S. Route 15 (James Madison Highway) at its intersection with State Route 644 (Friendship Road), approximately 0.25 miles north of State Route 661 (Rescue Lane). The proposed amendment would allow a maximum of 1,180 residential units (a mixture of single-family detached units, townhouses, and multi-family units) and 180,000 square feet of commercial space. According to the 2009 Comprehensive Plan, the property is located within the Palmyra Community Planning Area.

SUP 13:02 - A request for a special use permit to allow for major utilities in conjunction with a Planned Unit Development (PUD) with respect to 222.03 acres of Tax Map 30, Section A, Parcel 110, and 10 acres of Tax Map 19, Section A, Parcel 39C. The property is currently zoned R-3 (Residential, Planned Community) and is located on the western side of State Route 15 (James Madison Highway) at its intersection with State Route 644 (Friendship Road), approximately 0.25 miles north of State Route 661 (Rescue Lane). The property is located within the Palmyra Election District. According to the 2009 Comprehensive Plan, the property is within the Palmyra Community Planning Area.

Mr. Tugwell, Senior Planner, presented both the rezoning request to amend the Fluvanna County Zoning Map with respect to 222.03 acres of Tax Map 30, Section A, Parcel 110, and 10 acres of Tax Map 19, Section A, Parcel 39C (former Rivanna Resort) to rezone the subject properties from R-3 (Residential, Planned Community) with proffers to PUD (Planned Unit Development) and the Special Use Permit request to allow for major utilities in conjunction with a Planned Unit Development (PUD) with respect to 222.03 acres of Tax Map 30, Section A, Parcel 110, and 10 acres of Tax Map 19, Section A, Parcel 39C jointly.

The Planning Commission questioned staff on the comments VDOT provided in regards to Walker's Ridge. Dr. Babbitt specifically asked about the meaning of Level of Service (LOS) D, the level of service VDOT anticipates if Walker's Ridge was built. Ms. Finchum explained LOS D indicates significant impacts to drivers including delays.

Dr. Babbitt discussed the issue of voting on ZMP 12:02 and SUP 13:02 as separate items. Mr. Payne, County Attorney, stated the Planning Commission is entitled to consider the appropriateness of utilities not only for the special use permit, but in conjunction with Walker's Ridge.

Chairman Bibb asked if the applicant had replied back to the electric company who, at the previous TRC meeting, had requested a plan in regards to electricity. Mr. Tugwell stated he had spoken with Mr. Olsen who had informed him he had not received anything as of yet.

Mr. Justin Shimp, representative of the applicant, addressed the Planning Commission with regard to the Walker's Ridge Planned Unit Development application.

Dr. Babbitt asked if the applicant would mitigate the area from attaining LOS D if the development was approved. Mr. Shimp replied the road would be widened in accordance with VDOT. Chairman Bibb

discussed the abandonment of the road at Camp Friendship. Mr. Shimp stated that, as part of VDOT's review, the road would remain the same except for the intersection being perpendicular instead of angled.

Chairman Bibb discussed the issue of the applicant not providing a stormwater plan and stated it was part of the PUD ordinance. Mr. Shimp stated there was a Best Management Practices (BMP) plan included in the Master Plan. Chairman Bibb asked if there was a comprehensive signage plan provided because that was included in the ordinance. Chairman Bibb noted the complexity of the ordinance and stated it was designed that way so that everything would be solved when it was time for an application to go before the Planning Commission.

The Planning Commission discussed water requirements, groundwater availability, and the development's potential effect on adjacent properties' water supply.

Chairman Bibb pointed out the development being classified under Neighborhood Residential, which, according to the Comprehensive Plan, should be predominately single-family. He expressed his concern that this development did not provide enough single-family units.

Mr. Zimmer discussed the architectural guidelines and how some elements were required but others were suggested.

Chairman Bibb opened the public hearing.

- Richard Skovira, 153 Chapel Court, spoke in opposition of the Walker's Ridge development stating Mr. Smith had already left two developments incomplete.
- Marvin Moss, Columbia District, spoke in opposition of the Walker's Ridge development stating this plan did not meet the standards of the Comprehensive Plan, it was a fiscal disaster, and it would have a negative impact on the Rivanna River.
- Chuck Ackenbom, owner of Camp Friendship, spoke in opposition of the Walker's Ridge development stating the development would ruin what he had worked towards for a greater portion of his life. His camp opens its doors to underprivileged children as well as children from all over the world (90 different countries). He stated the children loved the peaceful, rural atmosphere that this development would infringe upon, taking away the peace and tranquility of this location.
- Paul Crowther, 284 Georges Mill Rd., spoke in opposition of the Walker's Ridge development stating the numbers don't add up in regards to the needs for community services and infrastructure and that there are too many uncertainties.
- Dennis Holder, Kent Store, spoke in opposition of the Walker's Ridge development stating this development brought in too much residential and would not provide economic development.
- Andy Sorrell, 637 Courthouse Rd., spoke in opposition of the Walker's Ridge development stating his main concern was drinking water supply.
- Angus Murdoch, Kent Store, spoke on behalf of the Rivanna Conservation Society Board of Directors in opposition of the Walker's Ridge development stating he was concerned about the amount of groundwater the development would use as well as the details of the sewer system or lack thereof.
- Al Talley, 14307 James Madison Creek, spoke in opposition of the Walker's Ridge development. He commended the Planning Commission and staff for their hard work dealing with a complicated ordinance and application. He suggested that, although it was a complicated ordinance, staff and Planning Commission should ensure all things are considered fairly and equally so the ordinance is adequately enforced.
- Samantha Adhoot, volunteer at Camp Friendship, spoke in opposition of the Walker's Ridge development stating the experience at Camp Friendship is irreplaceable for the children.
- Elizabeth Franklin, Columbia District, spoke in opposition of the Walker's Ridge development commending the Planning Commission's hard work. She also stated it would be folly to approve this development when the County is already strapped for money.
- Alina Ackenbom, Camp Friendship employee, spoke in opposition of the Walker's Ridge development stating her concern of the impact this development would have on the camp.
- Ms. Finchum read a letter from Adrian Miller, citizen, stating that he was in opposition of the Walker's Ridge development because it would only help the developer, not the taxpayer. He stated this project does not belong in historic Palmyra.

With no one else wishing to speak, Chairman Bibb closed the public hearing.

The Planning Commission discussed the proposed development. Dr. Babbitt stated that, although he originally wanted this development to work because of Fluvanna County's desire for PUDs, two major issues concerned him: 1) water and 2) the Comprehensive Plan stating Palmyra should be developed as part of a village. He stated the scope of the proposed project is so large it would be detrimental to the village.

Mr. Zimmer stated his main concern was the proposed development's fiscal impact. He stated it was not reasonable to approve a project that would make the commercial/residential ratio in Fluvanna County worse.

**MOTION:**

Ms. Eager moved to **recommend denial** of ZMP 12:02, an ordinance to amend the Fluvanna County Zoning Map with respect to 222.03 acres of Tax Map 30, Section A, Parcel 110, and 10 acres of Tax Map 19, Section A, Parcel 39C to rezone the subject properties from R-3 (Residential, Planned Community) with proffers to PUD (Planned Unit Development).

Mr. Zimmer seconded. The motion carried with a vote of 5-0. AYES: Babbitt, Bibb, Eager, Gaines and Zimmer. NAYS: None.

**MOTION:**

Ms. Eager moved to **recommend denial** of SUP 13:02, a request for a Special Use Permit to allow for major utilities in conjunction with a Planned Unit Development (PUD) with respect to 222.03 acres of Tax Map 30, Section A, Parcel 110, and 10 acres of Tax Map 19, Section A, Parcel 39C subject to conditions listed in the staff report; it is recommended that if the Board of Supervisors approve SUP 13:02, that infrastructure is limited to the Walker's Ridge development only.

Mr. Gaines seconded. The motion carried with a vote of 5-0. AYES: Babbitt, Bibb, Eager, Gaines and Zimmer. NAYS: None.

**SITE DEVELOPMENT PLANS:**

*None*

**SUBDIVISIONS:**

*None*

**UNFINISHED BUSINESS:**

Mr. Chesser stated he had been in discussion with Louisa County regarding Zion Crossroads. He stated he and the Louisa Planning Commission Chairman believed it would be useful for the two Planning Commissions to come together to discuss common issues.

**NEW BUSINESS:**

*None*

**PUBLIC COMMENTS #2**

Chairman Bibb opened the floor for the second section of public comments.

With no one wishing to speak, Chairman Bibb closed the second section of public comments.

**ADJOURN**

There being no further business, Chairman Bibb adjourned the Planning Commission meeting of June 26, 2013 at 10:21 p.m.

Minutes recorded by Heather Poole.

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Barry A. Bibb, Chairman  
Fluvanna County Planning Commission