

**FLUVANNA COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
Circuit Court Room
Fluvanna County Courts
April 23, 2014
7:00 p.m.**

MEMBERS PRESENT: Barry Bibb, Chairman
Patricia Eager, Vice-Chair
Donald Gaines
Lewis Johnson
Ed Zimmer
Tony O'Brien, Board of Supervisors Representative

ALSO PRESENT: Frederick Payne, Fluvanna County Attorney
Jason Stewart, Planning and Zoning Administrator
Steven Tugwell, Senior Planner
Jay Lindsey, Planner
Kelly Belanger Harris, Senior Program Support Assistant

CALL TO ORDER

After the meeting was called to order at 7:03p.m., the Pledge of Allegiance was recited.

Chairman Bibb welcomed Boy Scout Troop 138. Mr. Zimmer introduced the troop, indicating that the troop, with Scout Leader Mike Capps, was attending in support of earning the Community Badge.

PLANNING DIRECTOR'S REPORT

Mr. Jason Stewart, Planning and Zoning Administrator, gave the monthly report to the Planning Commission.

- **Board of Supervisors Actions:** *None.*
- **Board of Zoning Appeals Actions:** *No February Meeting.*
- **Technical Review Committee:**
 - April 17, 2014:
 - **SDP 14:03 – Beulah Baptist Church** – A site development plan request in three (3) phases to construct an 800 seat sanctuary, 10 classrooms, and a 70x80 multi-purpose area with respect to 9.497 acres of Tax Map 23, Section A, Parcel 20. The property is zoned A-1, Agricultural, General and is located on the west side of Route 659 (Kents Store Way) approximately 0.30 miles south of its intersection with Route 613 (Perkins Road). The property is located in the Columbia Election District and is within the Rural Preservation Planning Area.
 - **SUP 14:02 - Hotel Street Capital, LLC** – A request for a special use permit to allow for major utilities in conjunction with a Master Plan Amendment of rezoning ZMP 09:02 with respect to 222.03 acres of Tax Map 30, Section A, Parcel 110, and 10 acres of Tax Map 10, 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.
 - **ZMP 14:01 – Hotel Street Capital, LLC** – A Master Plan Amendment of rezoning ZMP 09:02 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

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). The property is located in the Palmyra Election District and is within the Palmyra Community Planning Area.

PUBLIC COMMENTS #1

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

#1: Mr. Al Talley, 14307 James Madison Highway, suggested that the Planning Commission consider reducing size of Palmyra Planning area or eliminating it completely, noting that water and sewer needs, and intensive growth in the county were not taken into account when the planning area was considered. With concerns that Fluvanna will soon become a second “Northern Virginia,” Mr. Talley suggested filling empty lots first before approving new areas for development. Mr. Talley voiced the opinion that Fluvanna’s growth has not brought prosperity because growth has been focused on residential growth only. A plan for *no growth* would be preferable, but if growth is necessary or wanted, please *plan* for it.

Chairman Bibb commented that while the Commission is reviewing the Comprehensive Plan, there will be multiple opportunities for public comment.

Mr. Talley reiterated that he would like for the County to get ahead of the curve on the planning side.

#2: Mary Tillman, 15686 James Madison Highway, voiced her opinion that putting Palmyra in the Planning Area has destroyed it and that if allowed to be built up, it will destroy the village of Palmyra. Mrs. Tillman suggested a Clean Up Palmyra committee. She then reminded the Commission that, “It’s in your hands in Planning Commission,” and thanked them for their work.

#3: Mollie Suling, 219 Main St, Palmyra, voiced her understanding that the term “Palmyra Planning District” means “High Intensity Growth.” This undesirable, harmful, large development without infrastructure is not good. She voiced concern that Palmyra could become the “NOVA of Central Virginia.” Ms. Suling reiterated that residential, without strong corresponding business and commercial, growth is not beneficial. Ms. Suling questioned what is being done to attract growth/business in areas that have been closed/shut down in recent years. Ms. Suling expressed gratitude for the opportunity for citizens to provide feedback during the Comprehensive Plan review period. She then asked that the area designated at the Palmyra Planning Area be eliminated from the Comprehensive Plan at this time.

#4 Judith Michaelson, 33 Main Street—Executive Director of the Fluvanna Historical Society, thanked the Commission and voiced her respect for the Commission and is hopeful that the commission will be responsible. Ms. Michaelson voiced that she trusts this commission completely and knows that it will listen and respond. Ms. Michaelson urged economic development in the right places and the elimination or close-out of the Palmyra Planning District so that the Palmyra Historic District continues to be a historic place for people to come and enjoy.

#5 Garrett Dudley, 14111 James Madison Highway, voiced a desire to speak to the Comprehensive Plan and the historical nature Palmyra. Mr. Dudley ask that the Commission please preserve this history. Palmyra stands to lose its historic feeling if storage facilities, Sheetz gas stations, and drive through restaurants are allowed to build in the county. He asked that the County plan for growth in areas that are already growing and please preserve the history that is here. By removing the Palmyra Planning Area from the Comprehensive Plan, history is preserved.

#6 Shawn O’Malley, 155 Lexie Lane, thanked for the Commission for the opportunity to speak on this important topic. Mr. O’Malley believes it is prudent for Palmyra to tighten its scope and get ahead of the curve, in this case, energy costs and its impact on housing. As prices go up people won’t be able to buy houses distant from their places of employment. If Fluvanna is banking on residential building as a growth engine, it needs to refocus. Mr. O’Malley believes there is more growth possible, and agrees with previous speakers and sees a way forward with smart growth, possibly with more vineyards, more tourism.

#7 Jeff Suling, 219 Main St., reiterates what other speakers have said. Mr. Suling believes that once a community is destroyed, there is no way to get it back. Mr. Suling pointed out that it is not only Palmyra residents that are concerned or that would be impacted by intensive growth in Palmyra village. Many people love the Village of Palmyra.

#8 Ina Cavanaugh, 15234 James Madison Highway, asks the Commission to please remove the Palmyra Planning Area from Comprehensive Plan.

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

APPROVAL OF MINUTES

MOTION:

Mr. Zimmer moved to **approve** the minutes of the March 26, 2014 Planning Commission meeting as presented, with Mr. Johnson seconding. **The Motion carried** with a vote of 3-0-2. AYES: Gaines, Johnson, Zimmer. NAYS: None. ABSTAIN: Chair Bibb and Vice Chair Eager.

PRESENTATIONS:

None

PUBLIC HEARINGS:

SUP 14:01 – Timothy Reese - A request for a Special Use Permit (SUP) to allow for a landscaping materials supply business. The property is zoned A-1 (Agricultural, General) and is located on the east side of Paynes Mill Road approximately 0.5 miles south of its intersection with Richmond Road (Route 250). The property is located in the Palmyra Election District and is within the Rural Residential Planning Area.

Mr. Steve Tugwell, Senior planner presented the site development plan with respect to 11.558 acres of Tax Map 4, Section A, Parcel 38.

Chairman Bibb inquired about additional screening added to the entrance and front of property since original site plan. Senior Planner, Mr. Steve Tugwell applied in the affirmative.

Mr. Zimmer questioned whether or not this SUP allows for onsite retail sales to which Mr. Tugwell indicated, yes, that is part of the nature of retail landscape sales, however Mr. Reese did not indicate on his application that he would be operating a retail business on the property.

Chairman Bibb then opened the hearing to the applicant.

Mr. Reese, a landscaping contractor by trade, introduced himself, owner of Belle Terre Landscaping. Mr. Reese indicated that his intent is for this property to be a place for employees to meet at the beginning of the day, gather materials, in preparation for the day's work.

Chairman Bibb opened the Public Hearing to public comments.

Pam Gregory, 2171 Paynes Mill Road, expressed her belief that the business doesn't belong in a quiet residential area. Ms. Gregory's concerns included the potential noise level and increased traffic on Paynes Mill Road. Ms. Gregory believes that 7am is too early to start business for the day in a residential neighborhood. Ms. Gregory expressed her opinion that granting an SUP in this instance is irresponsible and not beneficial to the county. She believes that this business should be placed in an area that is already designated for business. Ms. Gregory then thanked the Commission for allowing the opportunity to speak.

Mr. David Gregory, 2171 Paynes Mill Road, expressed concern about water capacity, stored pesticides, noise, and employee parking close to the road. Mr. Gregory shared that he and Mrs. Gregory moved to Fluvanna to be in a quiet area and urged the Commission to think about what is happening here.

There being no more public hearing comments, Chairman Bibb opened the Hearing to discussion by the Commission.

Ms. Eager questioned Mr. Reese about the type of screening that would be provided and Mr. Reese indicated that on the north side of property there would be green giant arbor vitae and Leyland cypress. On the west side of the property, large pyramidal evergreens as well as a dense evergreen hedge to supplement the white pines already there.

Ms. Eager then questioned the anticipated water usage. Mr. Reese indicated that water usage would be minimal, with need for an employee bathroom, occasional washing of vehicles, and the watering of plants that are waiting to be planted for customers and that plants are only ordered when a job is sold.

Mr. Bibb inquired about any pesticides that might be stored on site. Mr. Reese indicated that no pesticides or herbicides would be stored on site. Fertilizers for new lawns would be kept on site but Mr. Reese indicated that he would not be using or storing pesticides or herbicides on site.

Mr. Zimmer questioned whether Mr. Reese is licensed by the State of Virginia to use pesticides in his business with Mr. Reese indicating that he is licensed and regulated by the State.

Mr. O'Brien asked how many deliveries of mulch by large truck Mr. Reese currently receives. Mr. Reese answered that he probably receives 12 mulch loads per year, averaging once a month, by tractor trailer. Seasonal plants are delivered by truck, approximately every two weeks.

Mr. O'Brien asked the number of employees; Mr. Reese responded he currently has five (5) employees.

Mr. O'Brien inquired about potential noise issues, with Mr. Reese responding that there are potentially mowers getting worked on, a loader, and other expected noises associated with a landscape business. Mr. Reese indicated that he has had no employee issues with noise to date and that the current business location has a residence 30-40 yards from rental site and no complaints from the nearby property owners.

Mr. Gaines asked where on the property materials would be loaded, how close to the property line. Mr. Reese indicated it would be at least 150 feet from closest point. Mr. O'Brien followed up, asking about the proximity of the nearest neighbor. Mr. Reese referred back to the presentation, indicated that the nearest neighbor is on the north side and that side is already screened.

Mr. Zimmer posed a question to Mr. Tugwell, asking about the similarity of a landscape business to an agricultural operation and whether it could be considered a by-right usage. Mr. Tugwell indicated in the affirmation that agricultural usage on an A1 zoned property is indeed a by-right usage. Ms. Eager indicated that she lives near the proposed site and sees this type of business no different from a farm and believes this to be an appropriate use for the land.

Fred Payne suggested that if the Commission is disposed to recommend approval that it consider imposing conditions that would regulate the concerns brought up. Conditions that restrict water usage, retail sales, and on site storage of pesticides and herbicides could be included and will help restrict the possibility of future changes by the applicant.

Chairman Bibb allowed Mr. Reese to make a further statement regarding any conditions or restrictions placed on herbicide and pesticide storage; Mr. Reese stated that being restricted in the ability to store pesticides and herbicides would inhibit his ability to do his job. Mr. Reese questioned the commission about the regulation of water usage.

Mr. Zimmer reiterated the three primary concerns that were raised: noise, water usage, and the storage of pesticides. Mr. Zimmer asked whether the business is exempted from the County noise ordinance and was assured by Mr. Payne that Staff Recommendations supersede any exemptions, as Staff has imposed a Noise Restriction already. After further discussion regarding water usage, storage of pesticides, Mr. Payne suggested language for conditions to be placed on the Special Use Permit. Chairman Bibb suggested Mr. Payne provide language for those conditions.

Mr. Zimmer indicated two conditions, in addition to Staff Recommendations: restricting water usage and any retail nursery operations.

Mr. Payne reminded the Commission that traffic was also mentioned as a concern, and suggested that restricting retail operations would significantly address any traffic concerns.

Mr. Payne suggested language to restrict this application including: no greenhouse or cultivation of irrigated plants on site, and no retail sales on site.

MOTION:

Mr. Johnson **moved to approve SUP 14:01**, subject to conditions and Staff Recommendations, with Ms. Eager offering a second. The **motion** was **approved** with a vote of 5-0-0. AYE: Bibb, Eager, Gaines, Johnson, Zimmer. NAY: None. ABSTAIN: None.

SITE DEVELOPMENT PLANS:

SDP 14:02 – Campbell Equipment – A site development plan request to construct a 90x36 addition and a 20x64. The property is zoned B-1, Business, General and is located on the east side of Route 15 (James Madison Highway) at its intersection with Route 613 (Bybees Church Road). The property is located in the Columbia Election District and is within the Rural Residential Planning Area.

Mr. Steve Tugwell, Senior Planner, presented the site development plan request for a 90x36 and a 20x64 addition with respect to 1.849 acres of Tax Map 19, Section 11, Parcel 1.

Mr. Tugwell indicated that the site plan is subject to VDOT approval regarding the consolidation of the multiple entrances from both US 15 (James Madison Highway) and SR 613 (Bybees Church Rd).

Mr. Boucheron, architect employed by Campbell's spoke to the probability of changing the current entrances from both Bybees Church Rd and James Madison Highway.

Chairman Bibb opened the Public Hearing to Public Comment. With no one wishing to comment, Chairman Bibb opened the Public Hearing to discussion by the Planning Commission. With no further questions or discussion, Chairman Bibb called for a motion.

MOTION:

Mr. Zimmer moved to **approve** Site Development Plan 14:02, a request for a 90x36 and a 20x64 addition with respect to 1.849 acres of Tax Map 19, Section 11, Parcel 1, subject to conditions set forth by staff report. Gaines second. The motion carried with a vote of 5-0-0. AYE: Bibb, Eager, Gaines, Johnson, Zimmer. NAY: None. ABSTAIN: None.

SUBDIVISIONS:

None

UNFINISHED BUSINESS:

The Commission continued the discussion of the review of the Comprehensive Plan, Community Design chapter. Mr. Jay Lindsey provided a review of updates to the Plan. The review is currently a process of information gathering and updating instead of new policy creation, including review and updating of relevant statistics.

Discussion centered on the changes in the County since the Comprehensive Plan was devised, with regards to Community Planning Areas, growth density, and infrastructure.

Mr. Stewart indicated that Mr. Wayne Stevens would be attending the May Planning Commission meeting and questions regarding water in the Palmyra area could be addressed then.

NEW BUSINESS:

None.

PUBLIC COMMENTS #2

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

Mr. Talley, 14307 James Madison Highway spoke again. Mr. Talley wished to clarify the reason numerous Palmyra citizens attended the Planning Commission meeting. The citizens came as a result of the Neighborhood Meeting for Poplar Ridge on April 17, 2014 and at that time, were encouraged by a County employee to take their concerns to the Planning Commission. Mr. Talley reiterated that Palmyra citizens like the quality of life and trust the Planning Commission to preserve it. It was not the intent of the Palmyra citizens to become adversarial.

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

ADJOURN

There being no further business, Mr. Gaines adjourned the Planning Commission meeting of April 23, 2014 at approximately 9:03 p.m.

Minutes recorded by Kelly Belanger Harris.

Barry A. Bibb, Chairman
Fluvanna County Planning Commission