

**FLUVANNA COUNTY PLANNING COMMISSION**  
**REGULAR MEETING MINUTES**  
**Circuit Court Room**  
**Fluvanna County Courts**  
**August 27, 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/PLEDGE OF ALLEGIANCE**

Chairman Bibb called the meeting was called to order at 7:00p.m., after which the Pledge of Allegiance was recited.

**PLANNING DIRECTOR'S REPORT**

1. Board of Supervisors Actions:

*August 6, 2014:*

**Approved - 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.

**Approved - 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.

*No second August Board of Supervisors meeting.*

2. Board of Zoning Appeals Actions:

*No August Meeting.*

3. Technical Review Committee:

**SDP 14:05 – Northland Forest Products** - A site development plan request to construct a 9,000 square foot steel-frame building with respect to 37.858 acres of Tax Map 5, Section 11, Parcel 8A. The property is zoned I-1, Industrial, Limited and is located at the terminus of Route 795 (Zion Park Road) approximately 0.28 miles south west of Route 250 (Three

Notch Road). The property is located in the Columbia 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 public comment section.

### **APPROVAL OF MINUTES**

**MOTION:** Mrs. Eager moved to approve the minutes of the July 23, 2014 Planning Commission meeting as presented, which Mr. Zimmer seconded. The motion carried with a vote of 5-0-0. **AYES:** Bibb, Eager, Gaines, Johnson, Zimmer. **NAYS:** None. **ABSTAIN:** None.

### **SITE DEVELOPMENT PLANS:**

➤ None.

### **PUBLIC HEARINGS:**

**ZMP 14-02: Lafayette School & SUP 14-08: Lafayette School:** An ordinance to amend the Fluvanna County Zoning Map with respect to 1.148 acres of Tax Map 5, Section 24, Parcel 7 to rezone the same from I-1, Industrial, Limited to B-1, Business, General. And, a request for a Special Use Permit (SUP) to allow for an educational facility with respect to 1.148 acres of a portion of Tax Map 5, Section 24, Parcel 7. The affected property is located on the north side of Zion Station Drive, approximately 400 feet northeast of Route 250 (Richmond Road). The property is located in the Columbia Election District and is within the Zion Crossroads Community Planning Area. The property is located in the Columbia Election District and is within the Zion Crossroads Community Planning Area.

Senior Planner, Steve Tugwell, presented the request to amend the Fluvanna County Zoning Map. The affected property is located on the north side of Zion Station Drive, approximately 400 feet northeast of Route 250 (Richmond Road.) Chairman Bibb invited the applicant to speak on before of the request.

Mrs. Barrett Stump, co-director of the Lafayette School, thanked the Commission and briefly noted the history and mission of the Lafayette School.

Chairman Bibb opened the Public Hearing to public comments and concerns.

Janet Halo, 95 Zion Station Court, Troy, VA, voiced concerned about the safety of the students and anyone who might be coming to the school, with regards to the traffic on Rte. 250.

Chairman Bibb noted that VDOT has indicated that sight-distance is adequate the property.

Mr. Payne asked Mr. Tugwell to clarify the operating times of the school; the staff report states 4:00pm. Mrs. Barrett mentioned that teachers are sometimes there until 4:30p.m. Mrs. Barrett further clarified that the school operating times would in fact be 8:00a.m.-4:00p.m.

Chairman Bibb opened the floor to discussion among Planning Commissioners. Chairman Bibb noted that there were some concerns from the Fire Department regarding proximity to a propane filling facility and existing or proposed emergency evacuation plan. Ms. Eager reported speaking to Mr. Finch, representative from Tiger Fuel, owner of the propane filling facility, and was assured that all required safety precautions are in place at the facility.

Ms. Eager also suggested that an operating day of 8a.m.-5p.m would be better.

Mrs. Barrett detailed for the Commission the School Emergency Evacuation Plan and required emergency drills.

**MOTION:**

**Ms. Eager moved** that the Planning Commission recommend **approval** of the attached ordinance for ZMP 14:02, a request to amend the Fluvanna County Zoning Map with respect to 1.148 acres of Tax Map 5, Section 24, Parcel 7, to rezone the same from I-1, Industrial, Limited, to B-1, Business, General; *and that*,

that the Planning Commission recommend **approval** of SUP 14:08, a request to allow for an educational facility with respect to 1.148 acres of Tax Map 5, Section 24, Parcel 7, subject to the eight (8) conditions listed in the staff report.

**Mr. Gaines seconded. Motion carries, 5-0-0.** AYES: Bibb, Eager, Gaines, Johnson, Zimmer. NAYS: NONE. ABSTAIN: NONE.

The Conditions (if approved) will be:

1. The site must meet the requirements set forth by the Virginia Department of Health.
2. The site must meet all Virginia Department of Transportation requirements.
3. 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.
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 maximum number of students enrolled at this facility during the academic school year shall be twenty-four (24).
6. The regular school hours of operation shall be 8:30 a.m. for students, and 8 a.m. to 5:00 p.m. for staff, Monday through Friday.
7. The Board of Supervisors, or representative, reserves the right to inspect the business for compliance with these conditions at any time.
8. 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.

**SUP 14-05 52-Eighty Partners, LLC**—Construct Telecommunications Tower--A request for a Special Use Permit (SUP) to allow for a 199-foot wireless telecommunications tower with respect to 18.3 acres of Tax Map 59, Section A, Parcel 65A. The affected property is located approximately 0.5 miles southwest of West Bottom Road (Route 655) on the south side of Bremono Road (Route 601).

Mr. Tugwell presented the request for a Special Use Permit for a new telecommunications tower. Chairman Bibb invited the applicant to speak on behalf of the request.

Mr. Dale Finocchi, representative for 52 Eighty Partners, LLC, spoke regarding all three of the special use permit requests being heard tonight, for new telecommunications towers, detailing the history and vision for expansion of telecommunication and broadband accessibility in rural areas. Mr. Finocchi also addressed and asked for clarification on the stated conditions.

Mr. Stewart asked the applicant to speak to what other localities may require as a normal order of business for a request such as this.

Chairman Bibb asked for clarification on the space that will be leased and fenced on each of the affected properties and the landscaping that might be done on each site.

Mr. Finocchi noted that in each of the leases with landowners, there is a condition to provide an easement if the area that is required to be screened expands beyond the lease space.

Chairman Bibb noted that in the compound area, there is a tower that is not located in the center of the property.

Mr. Finocchi stated that the placement of the tower in the offset position is intentional in order to limit land disturbance and minimization of construction cost.

Ms. Eager asked if the County would be allowed to collocate on these towers free of charge. Mr. Finocchi noted that fees/charges would be dependent on the contract that is negotiated with the County at the time of need.

Chairman Bibb asked CityScape consultant, Susan Rabold, to bring questions and comments forward.

Ms. Rabold, congratulated the applicant on the thoroughness of his presentation.

Chairman Bibb opened the Public Hearing for the request.

With no one wishing to speak, Chairman Bibb started the discussion with the Commissioners, noting that he thinks more cell towers are needed in Fluvanna County.

Chairman Bibb called for a motion.

**MOTION:**

**Ms. Eager moved**, with changes suggested by Mr. Payne, that the Planning Commission recommend **approval** of SUP 14:05, a special use permit request to allow the construction of a 199-foot monopole telecommunications tower with respect to 18.3 acres of Tax Map 59, Section A, Parcel 65A subject to the nineteen(19) conditions listed in the staff report. **Mr. Johnson seconded**. The motion carries 5-0. AYES: Bibb, Eager, Gaines, Johnson, Zimmer. NAYS: None. ABSTAIN: None.

If approved, staff recommends that the following conditions be imposed:

1. The owner shall provide the correct address and T-Mobile shall confirm compliance; and
2. The owner shall provide new and correctly formulated Breakpoint Technology documentation; and,
3. The owner shall submit corrected ground compound drawings; and,
4. The owner shall clarify no lightening rod will be installed; and
5. The owner shall submit satisfactory National Environmental; Policy Act (NEPA) and State Historic Preservation Office (SHPO) documentations; and,
6. The tower, including antennae, will not be higher than 199 feet and will not be lit;
7. The tower shall be in the same location as shown in the application;
8. The Applicant confirms the new support structure will be capable of supporting a total of six (6) antenna arrays, in compliance with EIA/TIA 222-G;
9. The proposed new tower shall accommodate no less than six (6) different wireless services providers' antenna arrays, all of the same general design;
10. The ground compound shall be so designed as to allow for expansion sufficient to accommodate up to six different wireless service providers' ground mounted electronic equipment.
11. The tower shall be available for co-location by other telecommunications companies, with Fluvanna County having the right of first refusal prior to the approval of each proposed co-location;
12. The Applicant shall obtain all necessary County permits prior to any work on the site;
13. All access ports shall be sufficiently sealed to prevent infiltration or habitation by any type of wildlife; and
14. The facility shall be protected from access from unauthorized personnel both during construction and during all periods of operation;
15. All feed lines shall be installed within the shell of the monopole and no lines will be exposed except at the antennas;
16. If the structures should no longer be needed, the applicant shall remove them, and restore the grounds to the prior condition;

17. Violation of any condition of this permit shall be grounds for revocation of this permit;
18. The Board of Supervisors, or their representatives, has the right to inspect the property for compliance with these conditions at any time;
19. The facility shall be constructed and receive final inspection from the Fluvanna County Department of Building Inspections within eighteen (18) months of the date of approval of the special use permit.

**SUP 14-06: 52-Eighty Partners, LLC**—Construct Telecommunications Tower—A request for a Special Use Permit (SUP) to allow for a 199-foot wireless telecommunications tower with respect to 97.5 acres of Tax Map 53, Section A, Parcel 56. The affected property is located approximately ½ mile southwest of East River Road (Route 6) on the west side of Bremono Road (Route 656).

Mr. Tugwell presented the request for a Special Use Permit for a new telecommunications tower. Chairman Bibb invited the applicant to speak.

Mr. Finocchi gave information specific to this site.

Chairman Bibb invited additional comments and questions from the Commission.

Mr. O'Brien asked the CityScape consultant to clarify a few comments made in the Staff Report. Ms. Rabold, deferred to CityScape engineer Rick Edwards.

Chairman Bibb called for a motion.

**MOTION:**

**Mr. Gaines** moved that the Planning Commission recommend **approval** of SUP 14:06, a special use permit request to allow the construction of a 199-foot monopole telecommunications tower with respect to 97.5 acres of Tax Map 53, Section A, Parcel 56 subject to the eighteen (18) conditions listed above. **Mr. Zimmer seconded** the motion which was approved 5-0-0. AYES: Bibb, Eager, Gaines, Johnson, Zimmer. NAYS: None. ABSTAIN: None.

If approved, staff recommends that the following conditions:

1. The owner shall certify the street address listed in their FCC compliance letter, figure 9, as 7791 Bremono Road is actually 7605 Bremono Road; and,
2. The owner shall submit corrected ground compound drawings; and,
3. The owner shall clarify no lightning rod will be installed; and,
4. The owner shall submit satisfactory National Environmental Policy Act (NEPA) and State Historic Preservation Office (SHPO) documentation; and,
5. The tower, including antennae, will not be higher than 199 feet and will not be lit;
6. The tower shall be in the same location as shown in the application;
7. The Applicant confirms the new support structure will be capable of supporting a total of six (6) antenna arrays, in compliance with EIA/TIA 222-G;
8. The proposed new tower shall accommodate no less than six (6) different wireless services providers' antenna arrays, all of the same general design;
9. The ground compound shall be so designed as to allow for expansion sufficient to accommodate up to six different wireless service providers' ground mounted electronic equipment;
10. The tower shall be available for co-location by other telecommunications companies, with Fluvanna County having the right of first refusal prior to the approval of each proposed co-location;
11. The Applicant shall obtain all necessary County permits prior to any work on the site;
12. All access ports shall be sufficiently sealed to prevent infiltration or habitation by any type of wildlife; and
13. The facility shall be protected from access from unauthorized personnel both during construction and during all periods of operation;
14. All feed lines shall be installed within the shell of the monopole and no lines will be exposed except at the antennas;

15. If the structures should no longer be needed, the applicant shall remove them, and restore the grounds to the prior condition;
16. Violation of any condition of this permit shall be grounds for revocation of this permit;
17. The Board of Supervisors, or their representatives, has the right to inspect the property for compliance with these conditions at any time;
18. The facility shall be constructed and receive final inspection from the Fluvanna County Department of Building Inspections within eighteen (18) months of the date of approval of the special use permit.

**SUP 14-07: 52 Eighty Partners, LLC**—Construct Telecommunications Tower—A request for a Special Use Permit (SUP) to allow for a 199-foot wireless telecommunications tower with respect to 16.1 acres of Tax Map 22, Section A, Parcel 90C. The affected property is located 0.2 miles southwest of Dogwood Drive (Route 631) on the north side of Venable Road (Route 601).

Mr. Jay Lindsey, Planner, presented the request for a Special Use Permit for a new telecommunications tower.

Chairman Bibb invited the applicant to speak on behalf of the request.

Mr. Dale Finocchi provided information regarding the site.

Chairman Bibb asked which site will be owned by 52 Eighty Partners, LLC.

Mr. Finocchi stated that it is the land on which SUP 14-05, on Venable Rd, Kents Store.

Chairman Bibb invited the consultant to speak. Ms. Rabold declined.

Edward Whalen, 2834 Venable Rd, lives right across the road from the proposed tower site, in favor of the site.

Chairman Bibb closed the Public Hearing and opened discussion.

**MOTION:**

**Mr. Zimmer** moved that the Planning Commission recommend **approval** of SUP 14:07, a special use permit request to allow the construction of a 199-foot monopole telecommunications tower with respect to 16.1 acres of Tax Map 22, Section A, Parcel 90C (if approved) subject to the amended eighteen (18) conditions listed above. Mr. Gaines seconded; the motion carried 5-0-0. AYES: Bibb, Eager, Gaines, Johnson, Zimmer. NAYS: None. ABSTAIN: None.

If approved, staff recommends that the following conditions:

1. The owner shall provide the correct street address and T-Mobile shall confirm the proposed site is acceptable; and,
2. The owner shall submit corrected ground compound drawings; and,
3. The owner shall clarify no lightening rod will be installed; and,
4. The owner shall submit satisfactory National Environmental Policy Act (NRPA) and State Historic Preservation Office (SHPO) documentation; and,
5. The tower, including antennae, will not be higher than 199 feet and will not be lit;
6. The tower shall be in the same location as shown in the application;
7. The Applicant confirms the new support structure will be capable of supporting a total of six (6) antenna arrays, in compliance with EIA/TIA 222-G;
8. The proposed new tower shall accommodate no less than six (6) different wireless services providers' antenna arrays, all of the same general design;
9. The ground compound shall be so designed as to allow for expansion sufficient to accommodate up to six different wireless service providers' ground mounted electronic equipment;

10. The tower shall be available for co-location by other telecommunications companies, with Fluvanna County having the right of first refusal prior to the approval of each proposed co-location;
11. The Applicant shall obtain all necessary County permits prior to any work on the site;
12. All access ports shall be sufficiently sealed to prevent infiltration or habitation by any type of wildlife; and
13. The facility shall be protected from access from unauthorized personnel both during construction and during all periods of operation;
14. All feed lines shall be installed within the shell of the monopole and no lines will be exposed except at the antennas;
15. If the structures should no longer be needed, the applicant shall remove them, and restore the grounds to the prior condition;
16. Violation of any condition of this permit shall be grounds for revocation of this permit;
17. The Board of Supervisors, or their representatives, has the right to inspect the property for compliance with these conditions at any time;
18. The facility shall be constructed and receive final inspection from the Fluvanna County Department of Building Inspections within eighteen (18) months of the date of approval of the special use permit.

**PRESENTATIONS:**

- None.

**SUBDIVISIONS:**

- None.

**UNFINISHED BUSINESS:**

- Mr. Jay Lindsey presented an update on revisions to the Comprehensive Plan.

**NEW BUSINESS:**

- *None.*

**PUBLIC COMMENTS #2**

There being no one present to speak, Chairman Bibb passed over the second round of public comments in favor of adjourning.

**ADJOURN**

There being no further business, Mr. Bibb adjourned the Planning Commission meeting of August 27, 2014 at 8:39.

Minutes recorded by Kelly Belanger Harris.

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Barry A. Bibb, Chairman  
Fluvanna County Planning Commission