

**FLUVANNA COUNTY PLANNING COMMISSION**  
**REGULAR MEETING MINUTES**  
**Circuit Court Room--Fluvanna County Courts**  
**August 24, 2016**  
**7:00 p.m.**

**MEMBERS PRESENT:** Barry Bibb, Chairman  
Lewis Johnson, Vice Chairman  
Ed Zimmer  
Lewis Johnson Howard  
Lagomarsino Donald  
Gaines

**ALSO PRESENT:** Jason Stewart, Planning and Zoning Administrator  
Brad Robinson, Senior Planner  
James Newman, Planner  
Frederick Payne, Fluvanna County Attorney  
Stephanie Keuther

**Absent:** Tony O' Brien

**CALL TO ORDER/PLEDGE OF ALLEGIANCE**

Chairman Bibb called the meeting to order at 7:00 p.m., followed by reciting the Pledge of Allegiance.

**PLANNING DIRECTOR'S REPORT (Mr. Stewart)**

**Board of Supervisors Actions:**

**ZMP 16:01– Nahor Village Amendment-** A request to amend the Nahor Village Master Plan in regards to the number and type of single family dwellings, with respect to the Entirety of Nahor Village, centered around 2.84 acres of Tax Map 17, Section A, Parcel 1F. The property is zoned R-3 Residential, and is located at the intersection of Village Boulevard and Thomas Jefferson Parkway (State Route 53). The property is located in The Cunningham Election District, and is within the Rivanna Community Planning Area.

**Approved 5-0**

**ZTA 16:02:** An ordinance to amend and reenact Chapter 19, Article 9 of the Fluvanna County Code by certain amendments to Sections and Subsections 19-9-6, thereof, Amending and reenacting the Fluvanna County Subdivision Ordinance to conform to the current enabling legislation, as amended. Action: **Approved 5-0**

**SUP 16:07 Sycamore Square** - A request for a special use permit to operate an assisted living facility, with respect to 3.36 acres of Tax Map 9, Section A, Parcel 14. The property is located at the intersection Ashlawn Boulevard and Lake Monticello Road (State Route 618). The parcel is zoned R-3. The parcel is within the Rivanna Community Planning Area and the Palmyra Election District. **Approved 5-0**

**SUP 16:06 Silver Lining Flowers LLC** - A request for a special use permit to operate a commercial greenhouse, with respect to 35.26 acres of Tax Map 40, Section 19, Parcel D. The property is located south of Haden Martin Road (State Route 640), approximately One mile north-east of the intersection of Haden Martin Road and Forest Glen Lane. The Parcel is zoned A1. The parcel is within a Rural Preservation Planning Area and the Fork Union Election District. **Approved 5-0**

**BOARD OF ZONING APPEALS ACTIONS:**

None

**TECHNICAL REVIEW COMMITTEE August 11, 2016:**

**ZMP 16:05 Fluvanna Self Storage Rezoning-** A request to rezone, from A-1 Agricultural, General to B-1 Business, General, 3.67 acres of Tax Map 8, Section A Parcels 31 and 32. The property is located on the north side of Lake Monticello Road (State Route 618), approximately one half mile east of the intersection of Thomas Jefferson Parkway (State Route 53). The parcels are within the Rivanna Community Planning Area and the Palmyra Election District.

**SUP 16:09 Coronal Development Solar Farm** - A request for a special use permit to construct a solar farm (Major Utility), with respect to 57 acres of Tax Map 5, Section A, Parcels 23 and 23A. The property is located along Palmer Farm Lane off Little Creek Road (State Route 617), approximately 800 feet west of the intersection with James Madison Highway (US Route 15). The parcels are zoned A-1 Agricultural, General and

I-1 Industrial, Limited. The parcels are within the Zion Crossroads Community Planning Area and the Columbia Election District.

**SDP 16:09 County of Fluvanna Farm Heritage Museum** - A site development plan request to construct a new museum building with 16' overhang and additional parking, with respect to 500 acres of Tax Map 30, Section A, Parcel 1. The property is located along Thomas Jefferson Parkway (State Route 53), approximately 1.32 miles west of the intersection with James Madison Highway (US Route 15). The property is zoned A-1 Agricultural, General and located within the Zion Crossroads Community Planning Area and the Columbia Election District.

#### **PUBLIC COMMENTS**

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

- Ken Bahr - 2969 Richmond Rd – Comments In regards to the water line, Concerned about the reasoning for this and is it due to adding high business volumes.

#### **APPROVAL OF MINUTES:**

**MOTION:** Due to staffing issues, the minutes will be present on the September 28, 2016 meeting.

#### **PUBLIC HEARINGS**

**ZMP 16:04 Foster Fuels Rezoning** – James Newman Planner, presented a request to rezone, from I-1 Industrial Limited, to I-2 Industrial General, 14.77 acres of Tax Map 4, Section A, Parcel 99. The property is located on the north side of Richmond Road (US Route 250), approximately one half mile east of the intersection of Zion Road (State Route 627) and Richmond Road. The parcel is zoned I1. The parcel is within the Zion Community Planning Area and the Columbia Election District. The Reasoning for this rezoning is that a Special Use Permit is needed to install a Petroleum distribution facility. Rezoning in regards to a 30,000 gallon gas propane tank and structure. There are currently no proffers proposed. There are currently site plan and construction issues with respect to this property, in relation to another development proposal.

#### **PC COMMENTS**

**Mr. Bibb** They are currently not in compliance with temporary zoning?

**James Newman** Correct.

**Mr. Zimmer** No proffers? Old proffers will be voided.

**James Newman:** Correct.

**Mr. Bibb** Request that the applicant answer questions in regards to not completing previous zoning compliance's. **Ken Bahr** 2969 Richmond Rd – Not sure of the extent on what needs to be fixed. As far as landscaping I am currently short two sycamore trees and a handful of pine trees that have died due to weather and heat. I have been advised at this time of year it is not good to re - plant them. Applicant states he previously worked with Mr. Steven Tugwell in respect to the property structure. The applicant doesn't feel he got the adequate help and guidance needed to complete the task at hand.

**Mr. Bibb** Asked in regards to staff showing up; have you ever denied or threatened any compliance officers that were on your property at any time?

**Ken Bahr** NO, except on another property...I detained but without weapons.

**Mr. Bibb** Are there hazardous materials, and if so the deed and trust agreement states that it's not allowed? Also, is the bank aware of these hazardous materials?

**Mr. Bahr** - States that yes there are hazardous materials and yes the bank is aware.

**Kim Johnson/Foster Fuels** – States information in regards to the deed and the tanks being above ground.

**Tim Spicer/ Foster Fuels** - Explains Foster Fuels history, current business and future plans. Mr. Spicer also explains the trucks, their loads and routes that would be taken.

#### **PUBLIC COMMENTS ZMP 16:04**

**Jamie Payne** 3165 Richmond rd. Concerned about compliance issues and is against the rezoning.

**Marshal Tomlin Jr.** 3424 Mt. Zion Rd. Presented a petition of Nays and says he is concerned about who this is good for? Fluvanna..? Or just Mr. Bahr?

**Mike Rogoll** 3560 Zion Rd – Speaking on behalf of his elderly father. Concerns are with compliance. Nay

**Bobby McGee** 3356 & 3360 Richmond Rd. Has an adjoining property by Mr. Bahr and the prison. Mr. McGee states that he hasn't had anything wrong with his water/spring. He also states that the only noise he hears is from the prison along with the trash that he is always picking up and returning to the prison.

**Gwendolyn Rogoll** 3560 Zion Rd. Gave pictures to the Planning Commission to look over.

**Tim Spicer Foster fuels** Responds to the state of the traffic, with the change in the zoning it will limit the right use now.

**Mr. Bahr** Responds/remarks to the questions and concerns.

#### **PC Discussion**

**Mr. Zimmer** Confirmed about proffers with Mr. Payne

**Mr. Bibb** Since we have had compliance issues in the past, giving more intense zoning compliance to an owner

that has issues already with what he has doesn't make much sense. I have looked over the property pictures which show the property is not being well kept.

**Mr. Gaines** Has the same concerns of if it's not kept up with now, why would it be later.

**Motion to Deny:**

**Mr. Johnson moved to recommend denial of ZMP 16:04 Foster Fuels Rezoning Mr. Gaines Seconded. The motion carried with a vote of 5-0-0. AYES: Mr. Bibb, Mr. Lagomarsino and Mr. Zimmer. NAYS: None. Abstain: None**

**Mr. Bibb** My question with this is with zoning. If denied would SUP be applicable?

**Mr. Payne** Yes, because the board could approve.

**SUP FOSTER FUELS – PROPANE TANK 16:08 – James Newman, Planner presented**

A request for a special use permit to install a petroleum distribution facility, with respect to 14.77 acres of Tax Map 4, Section A, Parcel 99. The property is located on the north side of Richmond Road (US Route 250), Approximately one half mile east of the intersection of Zion Road (State Route 627) and Richmond Road.

The parcel is zoned I1. The parcel is within the Zion Community Planning Area.

Applicant would participate in classes. 30 gal instillation tank only. Prison across the road has one with no issues, Zoning would have to be changed to I-2 for the SUP to be approved.

**Mr. Zimmer –** Just to confirm Rezoning was denied?

**Jason Stewart -** Yes

**Mr. Payne –** We need to consider SUP permit as if approved, board will consider your denial...

**Mr. Payne** Explains the terms of a SUP and the boards PH.

**Mr. Payne** explains if the applicant Foster Fuels goes to the board that this Cannot be brought back for another year.

**Mr. Spicer** States if Foster Fuels were to leave that the 30,000 gal tank we leave with Foster Fuels.

**Mr. Bibb & Mr. Payne** Confirm questions and answers of a/the SUP

**Tim Spicer States** if Foster Fuels were to leave that the 30,000 gal tank will leave with Foster Fuels...

**PUBLIC HEARING COMMENTS**

**Mike Rogoll** 3560 Zion rd. The parcel property where the tractor trailer on 250, the right front in order to operate would have to go around the building. Except currently the dumpsters are there. This could cause fires, and have more demand of fire and rescue.

**PC DISCUSSION**

**Mr. Bibb** I still have concerns in regards to what I read if this was not rezoned to I-2. My Main concern is not with Foster Fuel and their reputation they seem to be reputable.

**Mr. Zimmer** My concerns of noncompliance and adverse reactions. If Foster Fuels was to leave it is a bigger concern.

**Mr. Bibb** There are three choices approve, refer, or deny.

**Motion to Defer by:**

**Mr. Lagomarsino moved to deferral SUP FOSTER FUELS – PROPANE TANK 16:08 to September meeting, Second by Mr. Zimmer. The motion carried with a vote of 5-0-0. AYES: Mr. Bibb, and Mr. Johnson. NAYS: None. Abstain: None**

**ZMP 16:02 RIVANNA HEIGHTS REZONING –**

James Newman, Planner presented a request to rezone from A-1, Agricultural General, to R-3, Residential Planned Community, with respect to 13.81 acres of Tax Map 18, Section A, Parcel 10. The property is located on South Boston Road, roughly 1,000 feet south of the intersection of South Boston Road (State Route 600) and Lake Monticello Road (State Route 618). The parcel is within the Rivanna Community Planning Area and the Palmyra Election District. They have added a parking area for the Sheriff's office based on TRC Reviews and a deceleration lane.

**Mr. Bibb** To my understanding applicants have complied with all of VDOTS standards?

**James Newman** Yes

**Applicant Bill Bailey** Shows pictures of the 40 town homes and there styles. There are going to be styles for all types. Town homes to be 1200 to 1400 sq. feet, and cost to be in the uppers close to the 200's. We also would like to have a community garden. We have talked with VDOT to meet the expectations of their upcoming concerns. **Mr. Bibb Recommends** reducing the speed limit due to non – compliance of the speed limit now.

**Mr. Gaines** Would they be connecting with Aqua VA?

**Bill Bailey** Yes

**Mr. Payne** if approved there would need to be a subdivision review. The plan here is a conceptual plan, there would have to be a more detailed plan. If there is only one way in then there would only be one way out! This is on a state road route. He expressed concerns with traffic flow onsite.

**Bill Bailey** The width of that road is 20 ft. for emergency, VDOT has asked for a one way road.

**PUBLIC HEARING COMMENTS**

**Mrs. Eager** Troy, VA. Why is the Community Garden in the front?

**Terry Collison** Lake Monticello, Comments on garden, we do have them at Pleasant Grove other than 2 months out of the year they are an eye sore. Trail/locks, are not accessible to people. You cannot see well at the entrance. There will be busloads of kids considering, Rd 600 is difficult especially with a bus!

## **PC COMMENTS**

**Mr. Bibb** Expressed concerns with traffic flow. Recommends going back and talking with VDOT, we are currently looking at something that has concerning issues. You could combine the pull off with a secondary entrance as an option.

### **Motion to Defer by:**

**Mr. Zimmer moved to recommend deferral of ZMP 16:02 RIVANNA HEIGHTS REZONING Mr. Gaines Seconded. The motion carried with a vote of 5-0-0. AYES: Mr. Bibb, Mr. Lagomarsino and Mr. Johnson. NAYS: None. Abstain: None**

## **7 - SITE DEVELOPMENT PLANS**

**SDP 16:07 – JaZan LLC** – James Newman Planner, presented A site development plan request to construct, in three (3) phases, a series of industrial use buildings, with respect to 1.69 acres of Tax Map 5, Section 24, Parcel 2. The property is zoned I-1 Industrial, Limited and is located approximately 500 feet east of the intersection of Richmond Road (US Route 250) and Zion Station Road (State Route 631). The parcel is within the Zion Community Planning Area and the Columbia Election District.

**Graham Murray** Garrett Street, Charlottesville, VA Another parcel in this area had a similar non sidewalk that was approved.

### **Recommended Conditions:**

1. Meeting all final site plan requirements which include, but are not limited to, providing parking, landscaping, tree protection, and outdoor lighting plans;
2. Meeting all VDOT requirements;
3. Meet all required Erosion and Sedimentation Control regulations.
4. All uses for structures must either be allowed by right or receive Special Use Permit approval from the Fluvanna County Board of Supervisors.

### **PC DISCUSSION-**

None

### **Motion to Approve by:**

**Mr. Gaines moved to recommend Approval of SDP 16:07 – JaZan LLC Mr. Johnson Seconded. The motion carried with a vote of 5-0-0. AYES: Mr. Bibb, Mr. Lagomarsino and Mr. Zimmer. NAYS: None. Abstain: None**

Motion to waive the sidewalk requirement.

### **Motion to Approve by:**

**Mr. Gaines moved to recommend Approval of the sidewalk requirements Mr. Johnson Seconded. The motion carried with a vote of 5-0-0. AYES: Mr. Bibb, Mr. Lagomarsino and Mr. Zimmer. NAYS: None. Abstain: None**

## **8 - SUBDIVISIONS**

None

## **9 - UNFINISHED BUSINESS**

None

## **10 - NEW BUSINESS**

None

## **11 – OLD BUSINESS**

None

## **12 -PUBLIC COMMENTS #2**

None

## **13- ADJOURNED –**

Chairman Bibb adjourned the Planning Commission Meeting of August 24, 2016 at 9:11 p.m.

Minutes recorded by Stephanie Keuther