

**AGENDA**  
**FLUVANNA COUNTY PLANNING COMMISSION**  
**Regular Meeting**  
**Circuit Court Room**  
**Fluvanna Courts Building**  
**May 22, 2013 at 7:00pm**

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**1-CALL TO ORDER, PLEDGE OF ALLEGIANCE**

**2-DIRECTOR'S REPORT**

**Ms. Allyson Finchum, Planning Director**

**N**

**3-PUBLIC COMMENTS #1 (3 minutes each)**

**4-APPROVAL OF MINUTES:**

**April 24, 2013**

**O**

**5- PUBLIC HEARINGS:**

**ZMP 13:01 – JCM III, LLC**

**P**

An ordinance to amend the Fluvanna County Zoning Map with respect to 5 acres of Tax Map 59, Section A, Parcel 8 to rezone the same from B-1, Business, General to I-1, Industrial, Limited. 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.

**6-PRESENTATIONS (normally not to exceed 10-minute limitation)**

**ZMP 12:02 - Hotel Street Capital, LLC**

**Q**

An ordinance to amend the Fluvanna County Zoning Map with respect to 222.0 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.

**7-SITE DEVELOPMENT PLANS:**

**SDP 13:05 – Virginia Electric Power Company**

**R**

A site development plan request for a natural gas metering and regulation station, and gas pressure reducing station with respect to 49.4 acres of Tax Map 59, Section 6, Parcels 2, 2A, 1, 1A, and Tax Map 62, Section A, Parcel 1. The property is zoned I-1, Industrial, Limited and is located on the southern side of Route 656 (Bremo Road) approximately .50 miles east of its intersection with Bremo Bluff Road. The property is located in the Fork Union Election District and is within the Rural Residential Community Planning Area

**8-SUBDIVISIONS:**

**9-UNFINISHED BUSINESS:**

**10-NEW BUSINESS:**

**11-PUBLIC COMMENT #2 (3 minutes each)**

**12-ADJOURN**

*For the Hearing-Impaired – there is a listening device available at the Circuit Court Room upon request. TTY access number is 711 to make arrangements.*

*For persons with Disabilities – if you have special needs, please call the County Administrator's Office at 591-1910 and relay your request.*

\*\*\*\*\*

**Pledge of Allegiance**

I pledge allegiance to the flag  
of the United States of America  
and to the Republic for which it stands,  
one nation, under God, indivisible,  
with liberty and justice for all.

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**ORDER**

1. It shall be the duty of the Chairman to maintain order and decorum at meetings. The Chairman shall speak to points of order in preference to all other members.
2. In maintaining decorum and propriety of conduct, the Chairman shall not be challenged and no debate shall be allowed until after the Chairman declares that order has been restored. In the event the Commission wishes to debate the matter of the disorder or the bringing of order; the regular business may be suspended by vote of the Commission to discuss the matter.
3. No member or citizen shall be allowed to use abusive language, excessive noise, or in any way incite persons to use such tactics. The Chairman and/or the County Planner shall be the judge of such breaches, however, the Commission may vote to overrule both.
4. When a person engages in such breaches, the Chairman shall order the person's removal from the building, or may order the person to stand silent, or may, if necessary, order the person removed from the County property.

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***FLUVANNA COUNTY PLANNING COMMISSION  
PUBLIC HEARING RULES OF PROCEDURE***

1. Purpose:  
The purpose of a public hearing is to receive testimony from the public on certain resolutions, ordinances or amendments prior to taking action. A hearing is not a dialog or debate. Its express purpose is to receive additional facts, comments and opinion on subject items.
2. Speakers:  
Speakers should approach the lectern so they may be visible and audible to the Commission.  
Each speaker should clearly state his/her name and address.  
All Comments should be directed to Commission.  
Each speaker is limited to three minutes and time may not be donated from other audience members.  
All questions should be directed to the Chairman. Members of the Commission are not expected to respond to questions, and response to questions shall be made at the Chairman's discretion. Speakers are encouraged to contact staff regarding unresolved concerns or to receive additional information.  
Speakers with questions are encouraged to contact County staff prior to the public hearing.  
Speakers should be brief and avoid repetition of previously presented comments.  
County residents and taxpayers may be given priority in speaking order.
3. Action:  
At the conclusion of the public hearing on each item, the Chairman will close the public hearing. The Commission will proceed with its deliberations and will act on or formally postpone action on such item prior to proceeding to other agenda items. Further public comment after the public hearing has been closed generally will not be permitted.

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## COUNTY OF FLUVANNA

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*"Responsive & Responsible Government"*

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 [www.co.fluvanna.va.us](http://www.co.fluvanna.va.us)

To: Fluvanna County Planning Commission  
From: Allyson Finchum, Director of Planning  
Date: May 22, 2013  
Re: Planning Director's Report

1. Board of Supervisors Actions:

May 1, 2013:

*Update on the Zion Crossroads Plan.*

May 15, 2013:

*Update on the Zion Crossroads Plan.*

2. Board of Zoning Appeals Actions:

*No May Meeting.*

3. Technical Review Committee:

May 9, 2013:

- I. **SDP 13:05 – Virginia Electric Power Company** – A site development plan request for a natural gas metering and regulation station, and gas pressure reducing station with respect to 49.4 acres of Tax Map 59, Section 6, Parcels 2, 2A, 1, 1A, and Tax Map 62, Section A, Parcel 1. The property is zoned I-1, Industrial, Limited and is located on the southern side of Route 656 (Bremo Road) approximately .50 miles east of its intersection with Bremo Bluff Road. The property is located in the Fork Union Election District and is within the Rural Residential Community Planning Area.
  
- II. **SUP 13:03 – Jason Farren Automotive Repair Shop** - A request for a special use permit to allow for an automobile 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.



**FLUVANNA COUNTY BUILDING INSPECTIONS  
MONTHLY BUILDING INSPECTION REPORT  
APRIL 2013**

USE	Apr-12	VALUE	YTD 12	VALUE	Apr-13	VALUE	YTD 13	VALUE	Apr/Diff	VALUE	YTD	VALUE
											PERMITS	
New Homes	7	1,027,000	20	3,287,000	9	1,303,393	23	4,168,643	2	276,393	3	881,643
Duplex	0	0	0	0	0	-	0	-	0	-	0	-
Single Family (Attached)	0	0	4	360,000	8	1,200,000	8	1,200,000	8	1,200,000	4	840,000
Adds&Alterations	20	366,562	86	1,263,716	26	303,530	88	946,444	6	(63,032)	2	(317,272)
Garages & Carports	0	0	5	55,000	1	68,000	2	103,000	1	68,000	-3	48,000
Accessory Buildings	0	0	3	8,500	0	-	5	50,400	0	-	2	41,900
Single Wide MH	0	0	0	-	1	3,000	1	3,000	1	3,000	1	3,000
Swimming Pools	3	100,000	4	126,000	2	82,000	2	82,000	-1	(18,000)	-2	(44,000)
Recreational Bldgs	0	0	0	-	0	-	0	-	0	-	0	-
Business Bldgs	0	0	1	744,000	0	-	0	-	0	-	-1	(744,000)
Industrial Bldgs	0	0	0	-	0	-	0	-	0	-	0	-
Other Buildings	1	75,000	3	80,100	0	-	0	-	-1	(75,000)	-3	(80,100)
<b>TOTALS</b>	<b>31</b>	<b>1,568,562</b>	<b>126</b>	<b>5,924,316</b>	<b>47</b>	<b>2,959,923</b>	<b>129</b>	<b>6,553,487</b>	<b>16</b>	<b>1,391,361</b>	<b>3</b>	<b>629,171</b>

FEES	Apr-12	PREV TOT	YTD 12	Apr-13	PREV TOT	YTD 13	DIFFERENCE	DIFFERENCE YTD
Building Permits	\$ 8,984.47	24,535.56	33,520.03	\$ 14,786.99	19,478.90	34,265.89	5,802.52	745.86
Land Disturb Permits	\$ 3,175.00	8,575.00	11,750.00	\$ 3,375.00	5,741.25	9,116.25	200.00	(2,633.75)
Zoning Permits/Proffers	\$ 4,650.00	18,900.00	23,550.00	\$ 2,550.00	3,000.00	5,550.00	(2,100.00)	(18,000.00)
<b>TOTALS</b>	<b>\$ 16,809.47</b>	<b>52,010.56</b>	<b>68,820.03</b>	<b>\$ 20,711.99</b>	<b>28,220.15</b>	<b>48,932.14</b>	<b>\$ 3,902.52</b>	<b>(19,867.89)</b>

INSPECTIONS	Apr-12	PREVIOUS	YTD 12	Apr-13	PREVIOUS	YTD 13		
	138	411	549	126	433	559	-12	10

Darius S. Lester  
Building Official

( ) represents a negative

# Monthly Approval Report for February 2013

<i>District</i>	<i>Action</i>	<i>ID#</i>	<i>Description</i>	<i>Tax Map</i>	<i>Parcels</i>	<i>Total Acreage</i>	<i>Number of Lots</i>
<b>Columbia</b>							
	<i>Approved</i>						
		BSP 13-006	Physical survey plat for a drainfield location	23	(A)14A	0	
		SUP 13-001	Retail Landscaping Operation	5	(A)61	4.48	
<b>Cunningham</b>							
	<i>Adjudicated/Closed</i>						
		CCE 13-001		29	(5)-7	1.01	
		CCE 13-006		17	(24)-22	2.97	
	<i>Pending Compliance</i>						
		CCE 13-002		27	(17)-8 & 9	5.052	
<b>Fork Union</b>							
	<i>Approved</i>						
		SDP 12-018	Minor Site Plan	59	(A)8	8.24	
		SUB 13-001	Family Subdivision	40	(A)24	29.42	3
	<i>Pending Compliance</i>						
		CCE 12-001		51A	(A)22	0.333	
<b>Palmyra</b>							
	<i>Adjudicated/Closed</i>						

<i>AFD - Agricultural Forestal District</i>	<i>BSP - Boundary Survey Plat</i>
<i>BZA - Board of Zoning Appeals (Variance)</i>	<i>CCE - Code Compliance Enforcement</i>
<i>CPA - Comprehensive Plan Amendment</i>	<i>SDP - Site Development Plan</i>
<i>SUB - Subdivisions</i>	<i>SUP - Special Use Permits</i>
<i>ZMP - Zoning Map Proposal (Rezoning)</i>	<i>ZTA - Zoning Text Amendment</i>

<i>District</i>	<i>Action</i>	<i>ID#</i>	<i>Description</i>	<i>Tax Map</i>	<i>Parcels</i>	<i>Total Acreage</i>	<i>Number of Lots</i>
		CCE 13-005		4	(22)-14	2	
	<i>Pending Compliance</i>						
		CCE 12-002		3	(A)-31, 32	101.59	
	<i>Pending PC Meeting</i>						
		SUP 13-002	SUP for major utilities in conjunction with PUD	30	(A)110, 19-A-39C	232.03	

Monday, May 20, 2013

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*AFD - Agricultural Forestal District*  
*BZA - Board of Zoning Appeals (Variance)*  
*CPA - Comprehensive Plan Amendment*  
*SUB - Subdivisions*  
*ZMP - Zoning Map Proposal (Rezoning)*

*BSP - Boundary Survey Plat*  
*CCE - Code Compliance Enforcement*  
*SDP - Site Development Plan*  
*SUP - Special Use Permits*  
*ZTA - Zoning Text Amendment*

# Code Compliance Enforcement Activity Report

ID#	Tax Map Parcels	Reported Against	Type of Violation	Comments	Status	Status Date
<b>Cunningham</b>						
CCE 13-002	27 (17)-8 & 9	Marks, David K. & Sandra M.	Auto	Complaint is in regards to "40+ vehicles on property". Site inspec. 1-30-13 noted approx. 15 unlicensed vehicles on one parcel and 5 unlicensed vehicles on the other. Code Complainece advised owner of violation of County Code Art.4, Sec.22-4-2.1 and 2.2 (automobile graveyard). 1st Letter of Violation sent 2-07-13. Owner has been removing several vehicles.	Awaiting Action	4/4/2013
<b>Fork Union</b>						
CCE 12-001	51A (A)22	JWS Enterprises, LLC (James W. Sherrill,	Misc.	Property address is 4985 James Madison Hwy. Site inspections on 12-20-11and 1-06-12 noted that the property is being used for general storage which is not a use permitted "by right" or "by SUP". 1st letter sent on 1/12/12. 2nd violation 1/31/12. Letter of intent approved by Darren Coffey 2/29/12. 3rd letter sent by hand delivery 4/09/13. Summons issued 4/29/13.	Warrant Obtained	4/29/2013
<b>Palmyra</b>						
CCE 12-002	3 (A)-31, 32	JWS Enterprises, LLC (James W. Sherrill,	Misc.	Property is behind 1017 Union Mills Road. Complaint is in regards to "dumping". Site inspec. 1/09/12 noted that contractor type materials are being stored on property. 1st letter sent 1/12/12. 2nd letter sent requesting intentions 1/31/12. Letter of intent approved by Darren Coffey 2/29/12. 3rd letter sent by hand delivery 4/09/13. Summons issued 4/29/13.	Warrant Obtained	4/29/2013
CCE 10-013	10 (3)-2B	Eric D. Taylor	SUPs	Property is at intersection of Union Mills Road and North Boston Road. SDP 10:09 approved 07/26/11. SDP requirements not implemented as of 9-23-11. 2nd letter sent 9/23/11. 3rd letter sent 1/24/12. Site inspec. 2/3/12 noted newly vegetative screening per/approved SDP. Monitoring conitues.	Awaiting Action	5/8/2012

**FLUVANNA COUNTY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
Circuit Courtroom  
Fluvanna County Courts  
April 24, 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

**CALL TO ORDER**

Chairman Bibb called the Planning Commission meeting of April 24, 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**

○ **April 3, 2013**

▪ *None*

○ **April 10, 2013**

▪ *None*

○ **April 17, 2013**

▪ **SUP 13:01 – Amy Williams and Greg Palmer**

**Approved** (5-0) A request for a special use permit to operate a landscaping materials supply business with respect to 4.48 acres of Tax Map 5, Section A, Parcel 61. The property is currently zoned A-1 (Agricultural, General) and is located on the eastern side of State Route 15 (James Madison Highway) approximately 500 feet south of its intersection with State Route 250 (Richmond Road). The property is located within the Columbia Election District. According to the 2009 Comprehensive Plan, the property is within the Zion Crossroads Community Planning Area.

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

➤ **Technical Review Committee**

○ **April 11, 2013**

▪ **ZMP 13:01 – JCM III, LLC** – An ordinance to amend the Fluvanna County Zoning Map with respect to 5 acres of Tax Map 59, Section A, Parcel 8 to rezone the same from B-1, Business, General to I-1, Industrial, Limited. 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

### **PUBLIC COMMENTS #1**

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

- Caroline Talley, 14307 James Madison Hwy resident, addressed the Planning Commission regarding when the applicant for ZMP 12:02 requested the public hearing deferral.
- Kate Skovira, 153 Chapel Ct resident, addressed the Planning Commission regarding road maintenance within the development she lives in.

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

### **APPROVAL OF MINUTES**

#### **MOTION:**

Mr. Gaines moved to **approve** the March 27, 2013 Planning Commission meeting minutes as presented.

Dr. Babbitt seconded. The motion carried with a vote of 3-0.

### **PUBLIC HEARINGS:**

#### **ZMP 12:02 – Hotel Street Capital, LLC**

**Applicant deferred.** An ordinance to amend the Fluvanna County Zoning Map with respect to 222.0 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.

#### **MOTION:**

Mr. Gaines moved to **recommend deferral** of ZMP 12:02, a request to rezone 222.0 acres of Tax Map 30, Section A, Parcel 110, and 10 acres of Tax Map 19, section A, Parcel 39 C (former Rivanna Resort) from R-3 (Residential Planned Community) with proffers to PUD (Planned Unit Development), and SUP 13:02, a request to allow for major utilities in conjunction with a PUD with respect to 222.0 acres of tax Map 30, Section A, Parcel 110, and 10 acres of Tax Map 10, Section A, Parcel 39C.

Dr. Babbitt seconded. The motion carried with a vote of 3-0.

### **PRESENTATIONS:**

#### **Zion Crossroads Plan**

Jay Lindsey, Comprehensive Planner, presented information on the timeline of this plan's completion to the Planning Commission.

### **SITE DEVELOPMENT PLANS:**

*None*

**SUBDIVISIONS:**

*None*

**UNFINISHED BUSINESS:**

Allyson Finchum, Planning Director, discussed the applicant's deferral for ZMP 12:02 public hearing, stating there were issues unable to be resolved before the current PC meeting. Therefore, the applicant agreed to defer to allow for adequate time for these issues to be resolved.

**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 April 24, 2013 at 7:45 p.m.

Minutes recorded by Steve Tugwell.

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Barry A. Bibb, Chairman  
Fluvanna County Planning Commission



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# COUNTY OF FLUVANNA

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*"Responsive & Responsible Government"*

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 [www.co.fluvanna.va.us](http://www.co.fluvanna.va.us)

## STAFF REPORT

**To:** Fluvanna County Planning Commission  
**Case Number:** ZMP 13:01  
**Tax Map:** Tax Map 59, Section A, Parcel 8

**From:** Steve Tugwell  
**District:** Fork Union  
**Date:** May 22, 2013

- General Information:** This request is to be heard by the Planning Commission on Wednesday, May 22, 2013 at 7:00 pm in the Circuit Courtroom in the Courts Building.
- Owner/Applicant:** JCM III, LLC
- Representative:** Cabell Metts or Gregg Black
- Requested Action:** To amend the Fluvanna County Zoning Map with respect to approximately 4.81 acres of Tax Map 59, Section A, Parcel 8, to conditionally rezone the same from B-1, Business, General, to I-1, Industrial, General, subject to the submitted proffer. (Attachment A)
- Location:** The affected property is 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). (Attachment B).
- Existing Zoning:** B-1, Business, General
- Proposed Zoning:** I-1, Industrial, Limited with submitted proffer
- Existing Land Use:** Vacant building
- Planning Area:** Fork Union Community Planning Area
- Adjacent Land Use:** Adjacent properties are zoned A-1, Agricultural, General to the east, north, and south, R-1, Residential, Limited to the west, and B-1, Business, General to the east.
- Zoning History:** A site development plan (SDP 99:03) was approved for mobile homes sales and an auction house on April 26, 1999, A site

development plan (SDP 12:18) was approved for religious assembly on April 11, 2013, A special use permit (SUP 99:04) was approved for an auction house on May 19, 1999, a special use permit (SUP 99:05) was denied for mobile home sales on May 19, 1999, and a rezoning (ZMP 99:08) was approved from I-1 to B-1 on November 7, 1999.

**Submitted Proffers:** The applicant has submitted a proffer letter to staff indicating that they wish to exclude “*indoor shooting ranges*” out of the list of permitted uses in I-1 zoning.

**Neighborhood Meeting:**

With the exception of the applicants, there were no other attendees present at the April 10, 2013 Neighborhood meeting.

**Technical Review Committee:**

At the April 11, 2013 Technical Review Committee meeting, Charles Miller from the Health Dept. stated that since a drainfield has just been approved for the church use at this site, then they do not have any further input unless additional uses will be planned for the other buildings;

The Fire Department stated that they would like to know what the proposed uses for the site will be;

The E&S inspector said that the site may require a stormwater management pond;

Mr. Stephens with the Public Works Dept. stated the 110’ right-of-way may need to be widened, and inquired about the location of the drainfield;

Planning staff commented that the rezoning line will need to be delineated, and the property may need to be subdivided;

VDOT stated there are 3,900 vehicle trips per day, and that the proposed entrance is in a good location, and in excellent condition. (Attachment C)

**Statement of Intent:** The Statement of Intent indicates the purpose of the zoning district and describes the characteristics of uses generally found within the district.

The Statement of Intent for the I-1, Industrial, Limited Zoning District is as follows:

*“The primary purpose of this district is to permit certain light industries. The limitations on (or provisions relating to) height of building, horsepower, heating, flammable liquids or explosives, controlling emission of fumes, odors and/or noise, landscaping, and the number of persons employed are imposed to protect and foster adjacent residential property while permitting certain light industries to locate near a labor supply”.*

### **Analysis:**

The applicant is requesting to conditionally rezone 4.81 acres of a 7.54 acre parcel (Tax Map 59, Section A, Parcel 8) from B-1, Business, General to I-1, Industrial, Limited. The 4.81 acre portion of this parcel requested for rezoning contains a 100 x 200 metal lean-to type building. The applicant has stated that the property's current B-1 zoning has limited his ability to market the building and the property to prospective businesses. The applicant has also volunteered to subdivide the property if rezoned, in order to distinguish the B-1/I-1 zoning line, and to properly screen between the uses on either side, and from the adjoining A-1 zoned property. There is a substantial amount of existing trees and vegetation to the neighboring R-1 zoned property to the west, and this existing vegetation will contribute towards the required amount of screening. The applicant has submitted a sketch site plan that shows how the site could potentially be subdivided, as well as a proposed entrance from Creasy Town Lane (Route 695).

A site development plan for a church was recently approved on the 2.73 acre portion of the parcel that contains frontage on James Madison Highway (Route 15). This portion of the parcel and use has, and will contain its own access and parking area. If this rezoning is successful, a site development plan providing screening in accordance with Sec. 22-11-3 (b) shall be required. A work session regarding this rezoning application was held with the Planning Commission on May 8, 2013, and the list of permitted uses in the I-1 zoning district were discussed and considered. Following the work session, the applicant submitted a proffer letter to staff which eliminates "*indoor shooting ranges*" from the list of permitted uses in the I-1 zoning district.

The submitted sketch plan indicates that the existing metal building on the proposed I-1 portion of the parcel is in compliance with the required building setbacks in the I-1 zoning district. Sec. 22-11-5 states that "*buildings and accessory uses shall be located not less than one hundred (100) feet from any street right-of-way and all parking lots shall be located not less than fifty (50) feet from any street right-of-way*". Sec. 22-11-6 further states that, "*when permitted uses adjoin agricultural, residential, or business districts the minimum yard requirements shall be fifty (50) feet. All parking lots shall be located not less than twenty-five (25) feet from any residential or agricultural district*". According to the survey of this property, all of the required setbacks above are in compliance. (Attachment D)

### **Comprehensive Plan:**

#### **Land Use:**

This property is located in the Fork Union Community Planning Area, in Neighborhood Residential, and according to the 2009 Comprehensive Plan, the "*areas along Route 6 and West River Road in Fork Union proper should continue to be developed as a village, and the areas to the northeast should develop as neighborhood residential areas*". Additionally, "*Fork Union should continue to develop as a village in the core area near Fork Union Military Academy (FUMA), surrounded by residential neighborhoods*". While the Comprehensive Plan does not specifically recommend I-1 uses in neighborhood residential areas, it does recommend some small commercial and institutional uses be incorporated into the neighborhood residential community element. The subject parcel is located on the southern fringe of the Fork Union CPA,

well out of Fork Union proper. There is existing B-1 zoning and commercial uses near the subject property, and the prior use of this parcel suggests light-industrial may have been compatible to the area.

**Conclusion:**

This rezoning request appears to meet the intent of the Comprehensive Plan in that, “*in some cases, some small commercial and institutional uses may be incorporated into the neighborhood residential community element*”. Additionally, the applicant has provided a proffer statement excluding indoor shooting ranges, a use that may be perceived as too intense for the area.

When reviewing this rezoning request, the Planning Commission should take into consideration how this request accomplishes (or does not accomplish) the goals and intent of the Comprehensive Plan. While a neighborhood residential component is not provided, some commercial development and lighter-based industrial uses may be appropriate for the outer fringes of the Fork Union Community Planning Area.

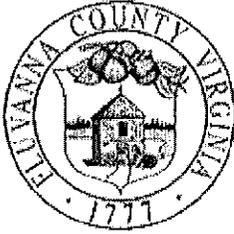
**Suggested Motion:**

I move that the Planning Commission recommend approval/denial of the attached ordinance for ZMP 13:01, a request to amend the Fluvanna County Zoning Map with respect to approximately 4.81 acres of Tax Map 59, Section A, Parcel 8, to conditionally rezone the same from B-1, Business, General, to I-1, Industrial, General, subject to the submitted proffer.

**Attachments:**

- A – Application and APO letter
- B – Aerial Vicinity Map
- C – TRC comment letter
- D – Sketch plan and proffer letter
- E – Proposed Ordinance

Copy: File



COMMONWEALTH OF VIRGINIA  
**COUNTY OF FLUVANNA** **Received**  
**Application for Rezoning** **APR - 1 2013**

**Fluvanna County**

**Owner of Record:** JCM III, LLC

**Applicant of Record:** JCM III, LLC

E911 Address: 2723 James Madison Highway Fork Union Virginia

E911 Address: 30 Highpockets Road Cartersville, VA 23027

Phone: 804-814-1955 Fax: 23055

Phone: 804-814-1955 Fax:

Email: cametts@aol.com

Email: cametts@aol.com

**Representative:** Cabell Metts or Gregg Beck 804-697-3563

**Note:** If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.

E911 Address: 30 Highpockets Road Cartersville, Virginia 23027

Phone: 804 814-1955 Fax:

Is property in Agricultural Forestal District?  No  Yes

Email: gregg.beck@thalhimer.com

If Yes, what district:

**Tax Map and Parcel(s):** 59-A-8

**Deed Book Reference:** DB 869 PG 970

**Acreage:** 5

**Zoning:** B-1

Deed Restrictions?  No  Yes (Attach copy)

Location of Parcel: **Fork Union at the Corner of Route 15 and Creasy Town Lane route 695**

Requested Zoning: I-1

Proposed use of Property: Rezone property to uses compatible with size and location of building

**Affidavit to Accompany Petition for Rezoning**

By signing this application, the undersigned owner/applicant authorizes entry onto the property by County Employees, the Planning Commission, and the Board of Supervisors during the normal discharge of their duties in regard to this request.

I/We, being duly sworn, depose and say that we are Owner/Contract Owner of the property involved in this application and that we have familiarized ourselves with the rules and regulations of the Zoning Ordinance with respect to preparing and filing this application, and that the foregoing statements and answers herein contained and the information on the attached map to the best of our ability present the argument on behalf of the application herewith requested and that the statements and information above referred to are in all respects true and correct to the best of our knowledge.

Date: 4-1-13

Signature of Owner/Applicant: [Signature]

Subscribed and sworn to before me this

1 day of

Apr: 1

, 20 13

Register #

7509817

My commission expires:

10/31/2015

Notary Public:

[Signature]

**All plats must be folded prior to submission to the Planning Department for review. Rolled plats will not be accepted.**

OFFICE USE ONLY			
Date Received:	Pre-Application Meeting:	PH Sign Deposit Received:	Application #: <u>ZMP 13 : 0</u>
\$1,000 plus \$50 for per acre plus mailing costs fee paid:		Mailing Costs: \$20.00 Adjacent Property Owner(APO) after 1st 15, Certified	
Proffer or Master Plan Amendment: \$750.00 plus mailing costs			
Election District: <u>Fork Union</u>		Planning Area: <u>Fork Union</u>	
Public Hearings			
Planning Commission		Board of Supervisors	
Advertisement Dates: <u>9 + 16 May 2013</u>		Advertisement Dates:	
APO Notification: <u>2</u>		APO Notification:	
Date of Hearing: <u>22 May 2013</u>		Date of Hearing:	
Decision:		Decision:	



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# COUNTY OF FLUVANNA

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"Responsive & Responsible Government"

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 [www.fluvannacounty.org](http://www.fluvannacounty.org)

## NOTICE OF PUBLIC HEARING

May 10, 2013

«Title» «First\_Name» «Last\_Name»  
«Company\_Name»  
«Address\_Line\_1»  
«City», «State» «ZIP\_Code»  
TMP# «TMP\_»

**Re: Public Hearing on ZMP 13:01**

Dear «Title» «Last\_Name»«Company\_Name»:

This letter is to notify you that the Fluvanna County Planning Commission will hold a public hearing on the above referenced item on **Wednesday, May 22, 2013 at 7:00 PM** in the Circuit Court Room at the Fluvanna County Courts Building in Palmyra, VA. The request is described as follows:

- I. **ZMP 13:01 – JCM III, LLC** – *An ordinance to amend the Fluvanna County Zoning Map with respect to 5 acres of Tax Map 59, Section A, Parcel 8 to rezone the same from B-1, Business, General to I-1, Industrial, Limited. 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.*

The applicant or applicant's representative must be present at the Planning Commission meeting. The tentative agenda and staff report will also be available for review by the public in the Fluvanna County Planning and Community Development Department during working hours (8:00 a.m. – 5:00 p.m., Monday through Friday). If you have any questions, please feel free to contact me at 434-591-1910.

Sincerely,

Steve Tugwell  
Senior Planner

David M. & Eleanor L Tolliver  
1620 Teepee Town Rd  
Bremo Bluff, VA 23022

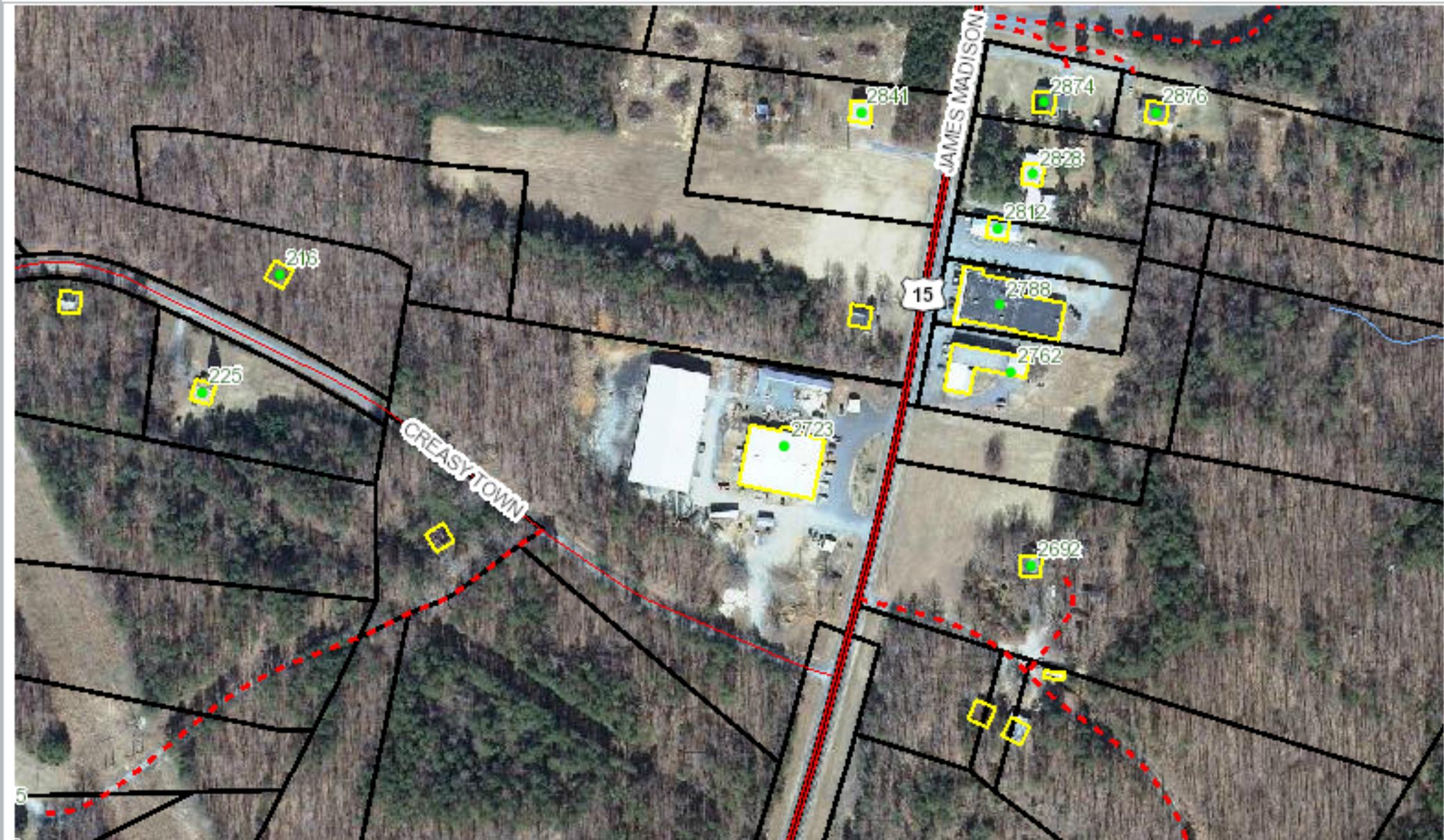
JCM III LCM  
30 Highpockets Rd  
Cartersville, VA 23027

Mr. and Mrs. Hughes  
P.O. Box 14  
Fork Union, VA 23055

Mr. and Mrs. Melton  
2692 James Madison Hwy  
Bremo Bluff, VA 23022

Cleophus & Eva Smith  
5001 Lydianne Ln Apt 102  
Suitland, MD 20746

Darryl G. Fleming  
3532 Wentworth Crew  
Jacksonville, FL 32277



Scale: 1:4513.988705

Date: 05/19/2013

Printed By:

Under Virginia State Law, these real estate assessment records are public information. Display of this property information on the internet is specifically authorized by the Code of Virginia §58.1-3122.2(as amended).




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## COUNTY OF FLUVANNA

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April 22, 2013

JCM III, LLC  
30 Highpockets Road  
Cartersville, VA 23027

**Re: ZMP 13:01 – Rezoning from B-1 to I-1  
Tax Map 59-A-8**

**April 11, 2013 TRC Comments**

Dear Mr. Metts:

The following comments are the result of the Technical Review Committee meeting. Comments are outlined below:

1. Charles Miller from the Health Dept. stated that since a drainfield has just been approved for the church use at this site, then they do not have any further input unless additional uses will be planned for the other buildings;
2. The Fire Department stated that they would like to know what the proposed uses for the site will be.
3. The E&S inspector said that the site may require a stormwater management pond;
4. Mr. Stephens with the Public Works Dept. stated the 110' right-of-way may need to be widened, and inquired about the location of the drainfield;
5. Planning staff commented that the rezoning line will need to be delineated, and the property may need to be subdivided;
6. VDOT stated there are 3,900 vehicle trips per day, and that the proposed entrance is in a good location, and in excellent condition;

If you have any questions or need additional information, please contact me at 434-591-1910.

Sincerely,

  
Steve Tugwell  
Senior Planner  
Dept. of Planning & Community Development

cc: File

JCM III LLC  
30 Highpockets Rd  
Cartersville, VA 23027  
804-814-1955

May 17, 2013

Steve Tugwell  
County of Fluvanna  
P.O. Box 540  
Palmyra, VA 22963

Re: Rezoning JCM III LLC from Business General B-1 to Industrial Limited I-1

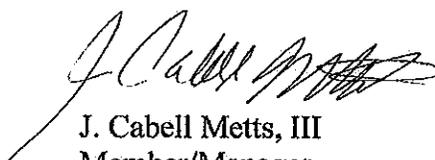
This letter is to inform the Fluvanna County Board of Supervisors and the Fluvanna County Planning Commission that we wish to proffer out of the list of permitted uses under I-1

Shooting Range Indoor

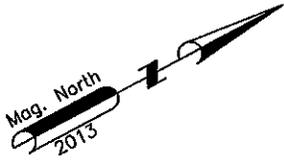
Please include this proffer in your presentation to the Board of Supervisors and the Planning Commission.

If you have any questions, please call me at (804) 814-1955.

Sincerely,

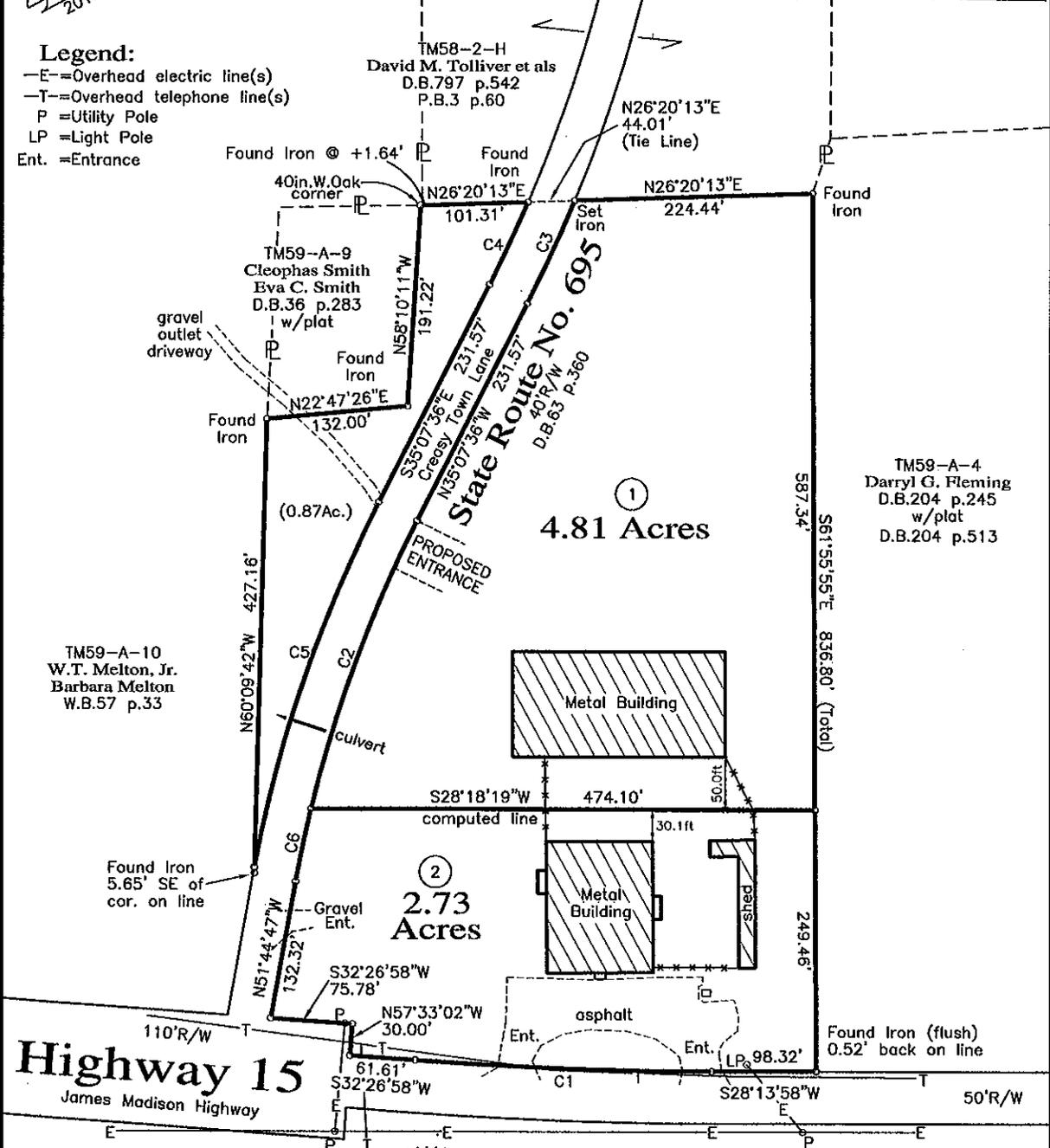


J. Cabell Metts, III  
Member/Manager

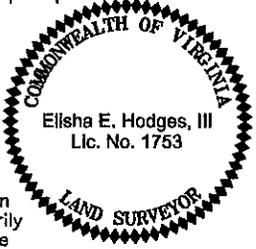


CURVE	RADIUS	ARC LENGTH	CHORD LEN.	CHORD BEARING	DELTA ANGLE
C1	3794.71'	279.27'	279.21'	S30°20'28"W	04°13'00"
C2	1253.24'	292.60'	291.93'	N41°48'54"W	13°22'37"
C3	1447.96'	107.64'	107.62'	N37°15'23"W	04°15'34"
C4	1407.96'	86.57'	86.56'	S36°53'17"E	03°31'23"
C5	1293.24'	368.37'	367.12'	S43°17'12"E	16°19'13"
C6	1253.24'	70.93'	70.92'	N50°07'30"W	03°14'35"

**Legend:**  
 -E- = Overhead electric line(s)  
 -T- = Overhead telephone line(s)  
 P = Utility Pole  
 LP = Light Pole  
 Ent. = Entrance



**Highway 15**  
 James Madison Highway



- Notes:**
1. Tax Map Parcel No. 59-A-8.
  2. This plat has been done without the benefit of a title examination and therefore does not necessarily indicate all encumbrances on the property.
  3. This plat agrees with found plats, deed descriptions, ground evidence and local witnesses as near as possible.
  4. This plat is based on a current field survey.

Conceptual Division of Property  
 for  
**JCM III, L.L.C.**  
 Current Owner by D.B.869 p.970  
 Fork Union District, Fluvanna County  
 Virginia

May 8, 2013  
 Scale: 1 in. = 100 ft.  
 0' 100' 200' 300'

**Maxey & Associates, P.C.**  
 Land Surveyors • Engineers • Planners • Consultants  
 P.O. Box 90 • Farmville Virginia 23901 • Tel:434-392-8827

**An Ordinance To Amend The Fluvanna County Zoning Map, With Respect To 4.81 acres of Tax Map 59, Section A, Parcel 8 to conditionally rezone the same from B-1, Business, General to I-1, Industrial, Limited.**

**(ZMP 13:01)**

BE IT ORDAINED BY THE FLUVANNA BOARD OF SUPERVISORS, pursuant to Virginia Code Section 15.2-2285, that the Fluvanna County Zoning Map be, and it is hereby, amended, as follows:

That 4.81 acres of Tax Map 59, Section A, Parcel 8, be and is hereby, rezoned from B-1, Business, General to I-1, Industrial, Limited, subject to the submitted proffer as set out in the letter dated May 17, 2013, which is attached hereto.

This letter is to inform the Fluvanna County Board of Supervisors and the Fluvanna County Planning Commission that we wish to proffer out of the list of permitted uses under I-1

Shooting Range Indoor



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# COUNTY OF FLUVANNA

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## STAFF REPORT

**To:** Fluvanna County Planning Commission

**Case Number:** SDP 13:05

**Tax Map:** Tax Map 59, Section 6, Parcels 1, 1A, 2, 2A  
Tax Map 62, Section A, Parcel 1

**From:** Steve Tugwell

**District:** Fork Union

**Date:** May 22, 2013

**General Information:** This item is scheduled to be heard by the Planning Commission on Wednesday, May 22, 2013 at 7:00 p.m. in the Circuit Courtroom in the Courts Building.

**Owner:** Central Virginia Electric Cooperative

**Applicant/Representative:** John McCauley, P.E.

**Requested Action:** Approval of a sketch plan to convert an existing coal-fired power generation facility into a gas-fired power generation facility including gas line and all peripheral equipment with respect to 49.4 acres of Tax Map 59, Section 6, Parcels 1, 1A, 2, 2A, and Tax Map 62, Section A, Parcel 1. (Attachment A)

**Location:** The subject property is located on the southern side of Route 656 (Bremo Road) approximately .50 miles east of its intersection with Bremo Bluff Road). (Attachment B)

**Existing Zoning:** I-1, Industrial, Limited

**Existing Land Use:** Coal-fired power generation facility

**Adjacent Land Uses:** Adjacent properties are zoned A-1

**Comprehensive Plan:** Rural Residential Planning Area

**Zoning History:** Bremo Power Station has been operating at its current location since around 1930. A site plan was approved for a 4,800 square foot synthetic fuel facility on November 29, 2004, and a variance was approved to increase the height of the synfuel facility from 45 feet to 60 feet on December 7, 2013.

## **Analysis:**

The applicant is requesting sketch plan approval in order to convert an existing coal-fired power generation facility into a gas-fired power generation facility including gas line and all peripheral equipment. The conversion will require alterations to the two (2) existing 1950's era Babcock & Wilcox balanced draft, pulverized coal-fired boilers. According to the applicant, *“the conversion to natural gas is a requirement in the PSD air permit for Dominion’s Virginia City Hybrid Energy Center in St. Paul, Virginia, subject to Virginia SCC approval. If the Bremo units were to continue coal-fired operation, each unit would require a costly scrubber, a baghouse and other necessary equipment and controls to comply with current environmental requirements. Such environmental retrofitting would be more expensive than conversion to natural gas”*. (Attachment C)

This conversion as proposed would include the removal of coal feeders and burners. Some of the equipment required for natural gas operation would include gas burners and igniters, boiler overfire air systems to reduce emissions, modifications to the super heater and reheater spray attenuators for steam temperature control, as well as reinforcement of the boiler structures. A new Continuous Emissions Monitoring System would be needed to monitor stack emissions. Additionally, gas valve racks, a new auxiliary boiler, flame scanners with cooling systems, as well as new plant controls and safety systems would also be required for natural gas operation.

A maintenance building will contain pressure reducing valves, pressure regulating valves and revenue flow measurement meters. Lastly, a pipeline cleaning “pig” launcher and receiver will also be included for installation and ongoing maintenance of the pipeline.

The Zoning Administrator has previously determined that a special use permit is not required in order for the conversion to take place, due to the establishment of this facility as a major utility prior to the adoption of a County Zoning Ordinance. (Attachment D)

### *Parking/Roads*

The site has existing access from State Route 656 (Bremo Road), and no new points of access are proposed. The number of employees is not increasing, therefore on-site parking requirements are not changing.

Additionally, pursuant to Section 22-23-6 BB of the Zoning Ordinance, the applicant has requested a variation to the sidewalk regulations by the Planning Commission for the reasons they have stated in their request letter. Granting the variation to sidewalk requirements at this site may be appropriate due to the fact this site is located outside of a growth-area, and all adjacent properties are zoned A-1 (Agricultural, General). (Attachment E)

### *Landscaping/Screening*

All landscaping should be in compliance with the Fluvanna County Zoning Ordinance. All parking lots of five or more spaces must be screened from view of public roads, rights-of-way,

and adjacent properties. Shade trees are required in the parking islands and at the ends of all parking bays. Tree protection barriers that meet the requirements of Sec. 22-24-8 of the Fluvanna County Code should be placed around any natural areas to be retained on the site.

### *Signage & Outdoor Lighting*

Traffic circulation should be controlled by appropriate signage at the entrance/exit points into the site, and site lighting may only be required if the number of parking spaces is increasing. Any new signage is subject the regulations as prescribed in Article 15 of the Zoning Ordinance.

### *Stormwater Management*

An erosion and sediment control plan would be required for review and approval prior to the issuance of any land disturbing permit.

### *Septic and Water Usage*

Water and sewer service to this site is not impacted, therefore changes are not required and the Health Department made no comment.

### **Technical Review Committee:**

At the May 9, 2013 Technical Review Committee meeting, The Health Department stated they had no comments on this site;

The Fire Chief asked how the natural gas will be transported across the river;

The E & S inspector commented that most or all of the VA Power Project will be covered by their Annual Standards and Specifications filed with DCR; and if the connection between the pipeline terminus and the power generation building does not fall under DCR jurisdiction but proposes to disturb 10,000 sq. ft. of land, or more, Fluvanna County would require that an Erosion & Sediment Control Plan be submitted to the Building Department for review and approval prior to the issuance of a Land Disturbing Permit;

As of May 20, 2013, VDOT had not responded to requests from staff to provide comments for this site. (Attachment F)

### **Conclusion:**

The submitted sketch plan appears to meet the sketch plan requirements of Section 22-23-8.A of the Fluvanna County Zoning Ordinance. Prior to final approval, a site development plan that meets the requirements of Sections 22-23, 24, 25 and 26 of the Fluvanna County Zoning Ordinance must be submitted for staff review and approval.

**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 when and where applicable;
2. Meeting all public agency requirements including but not limited to VDOT requirements.

**Suggested Motion:**

I move to approve SDP 13:05, a sketch site plan to convert an existing coal-fired power generation facility into a gas-fired power generation facility including gas line and all peripheral equipment with respect to 49.4 acres of Tax Map 59, Section 6, Parcels 1, 1A, 2, 2A, and Tax Map 62, Section A, Parcel 1, subject to the conditions listed in the staff report.

Further, I move to approve/deny the request to the variation of the sidewalk regulations of Section 22-23-6 BB of the Zoning Ordinance.

**Attachments:**

- A – Application
- B – Aerial Vicinity Map
- C – Sketch Site Plan
- D – Zoning Administrator’s Zoning Determination Letter
- E - Applicant’s request for a variation to the sidewalk regulations as required by Sec. 22-23-6 BB.
- F - TRC Comment Letter, and emails from the Health Dept. & E&S inspector

Copy:

Owner: Virginia Electric and Power Company, 1038 Bremo Road, Bremo Bluff, VA 23022

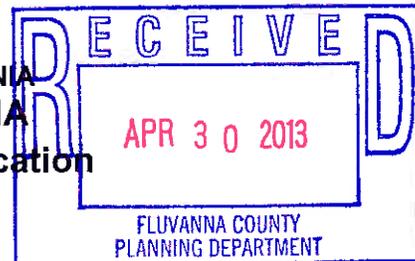
Applicant/Representative: John McCauley, P.E., 5000 Dominion Boulevard, Richmond, VA 23060

Planning Commission

File



COMMONWEALTH OF VIRGINIA  
 COUNTY OF FLUVANNA  
 Site Development Application



Owner of Record: Virginia Electric and Power Co. Applicant of Record: Robert B. McKinley, Vice President

E911 Address: 1038 Breomo Road, Breomo Bluff, VA 23022 E911 Address: 5000 Dominion Blvd, Richmond VA 23060

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Phone: 804-273-4544 Fax: \_\_\_\_\_

Email: \_\_\_\_\_ Email: \_\_\_\_\_

Representative: John McCauley

E911 Address: 5000 Dominion Blvd, Richmond VA 23060

Phone: 804-517-6136 Fax: 804-273-4450

Email: john.mccauley@dom.com

Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.

Is property in Agricultural Forestal District?  No  Yes

If Yes, what district: \_\_\_\_\_

Tax Map and Parcel(s): 59-6-2,2A 59-6-1,1A 62-A-1 Deed Book Reference: DB 19/177 DF 1843 DB 39/216

Acreage: 16.6 16.1 16.7 Zoning: I-1 Industrial Deed Restrictions?  No  Yes (Attach copy)

49.4 ac

Location: 1038 Breomo Road, Breomo Bluff, VA 23022

Description of Property: Breomo Power Station

Proposed Structure: natural gas metering & regulation station and gas pressure reducing station building

Dimensions of Building: 8x12, 36x32, 32x13 Lighting Standards on Site:  No  Yes

# of Employees: no increase # of Parking Spaces: no increase

Noise Limitations: no increase

I declare that the statements made and information given on this application are true, full and correct to the best of my knowledge and belief. I agree to conform fully to all terms of any certificate or permit which may be issued on account of this application.

Robert B. McKinley

*[Signature]* 4/26/2013  
 Applicant Signature and Date

Applicant Name (Please Print)

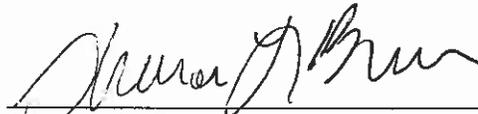
OFFICE USE ONLY		
Date Received: <u>5/1/2013</u>	Fee Paid: <u>\$1,100 CH# 486391</u>	Application #: <u>SDP13:005</u>
Election District: <u>Fork Union</u>	Planning Area: <u>RR</u>	Number of Lots: _____
Total Fees Due at Time of Submittal		
Sketch Plan: \$150.00	Minor Plan: \$550.00	Major Plan: \$1,100.00
Additional Fees Due at Time of Review		
Health Department Subdivision Review:	\$250.00 + \$25.00 per lot	Existing System Review \$50.00
Street Sign Installation:	\$200.00 Per Intersection	
Amendment of Plan	\$150.00	
Outdoor Lighting Plan Review*	\$ 50.00	
Landscape Plan Review*	\$ 50.00	
Tree Protection Plan Review*	\$ 50.00	
* If not part of a Site Plan Review		

**VIRGINIA ELECTRIC AND POWER COMPANY**  
Secretary's Certificate

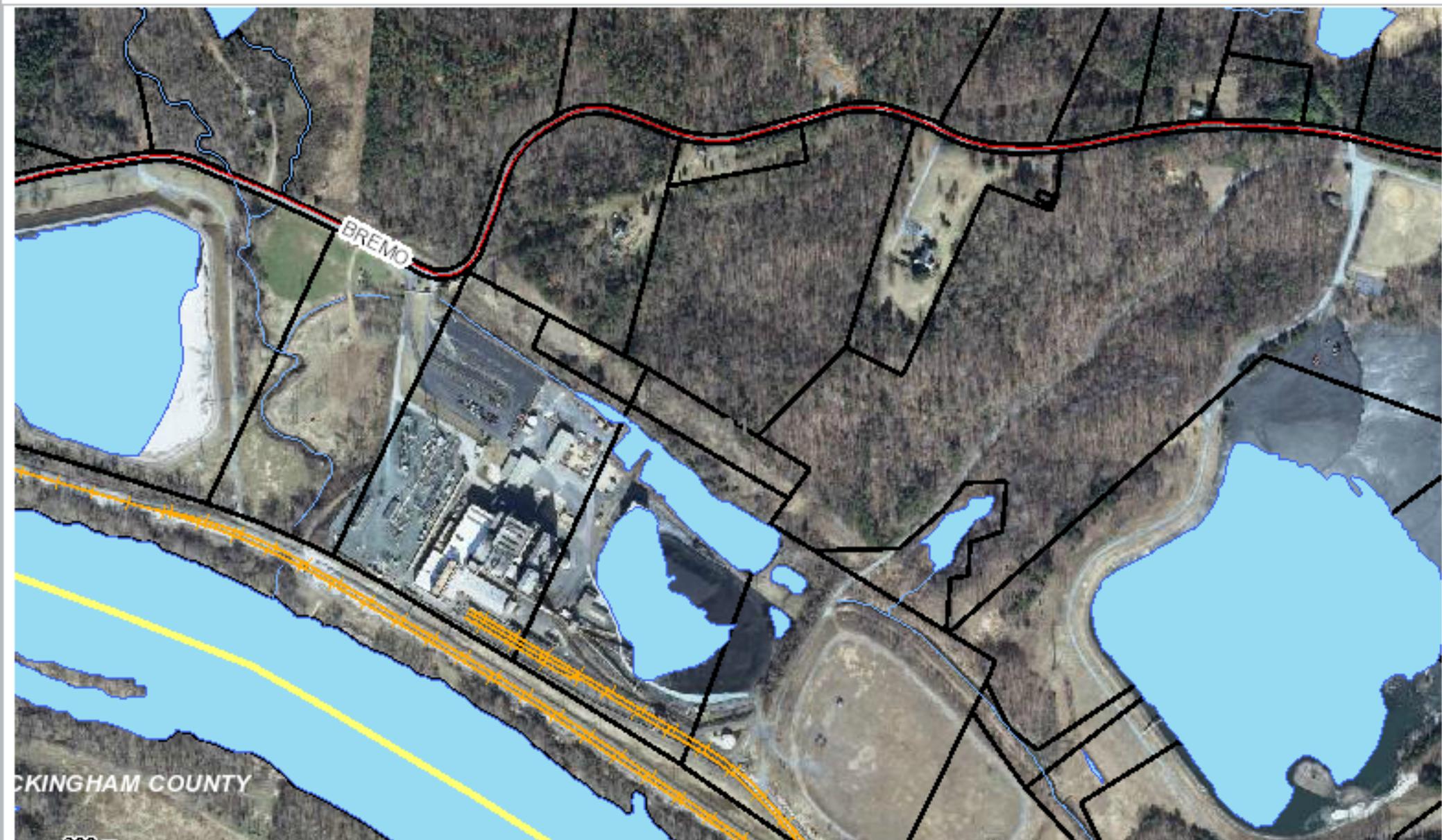
I, the undersigned, hereby certify that I am Assistant Corporate Secretary of Virginia Electric and Power Company, a Virginia public service corporation.

I certify that Robert B. McKinley is an officer of the corporation holding the position of Vice President – Generation Construction.

IN WITNESS WHEREOF, I have hereunto set my hand and have affixed the corporate seal of said Company this 23rd day of April, 2013.

  
\_\_\_\_\_  
Sharon L. Burr

CORPORATE  
SEAL



Scale: 1:9027.977411

Date: 05/20/2013

Printed By:

Under Virginia State Law, these real estate assessment records are public information. Display of this property information on the internet is specifically authorized by the Code of Virginia §58.1-3122.2(as amended).





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## COUNTY OF FLUVANNA

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*"Responsive & Responsible Government"*

ATT D

P.O. Box 540  
Palmyra, VA 22963  
(434) 591-1910  
Fax (434) 591-1911  
www.fluvannacounty.org

April 9, 2013

James E. Eck, Vice President—Business Development  
Virginia Electric and Power Company  
120 Tredegar Street  
Richmond, Virginia 23219

Zoning Determination Letter for Property Identified as Tax Parcels 59-6-1, 59-6-1A, 59-6-2, 59-6-2A, 59-6-3, 59-7-1A, 62-A-1, 62-1-2, 62-1-3, (the "Property")

Dear Mr. Eck:

Per the request of representatives of Virginia Electric and Power Company (the "Company"), this letter is to confirm the status of rights with regard to conversion of the existing coal-fired power generation facility on the Property (the "Existing Facility") to a gas-fired power generation facility.

The Property currently is classified under the I-1 Industrial zoning district classification under Fluvanna County zoning ordinance (the "Zoning Ordinance"). Under the Zoning Ordinance, the Existing Facility is classified under the use designation of "Utility, Major". The "Utility, Major" use is permitted in the I-1 district by issuance of a special use permit under the Zoning Ordinance. Notwithstanding the current zoning district classification, the Existing Facility was developed prior to the establishment of a zoning ordinance in Fluvanna County. Since the Existing Facility was developed prior to the County's enactment of a zoning ordinance, continued operation of the Existing Facility is a lawful yet nonconforming use pursuant to section 22-16.1 of the Zoning Ordinance and requires no further approvals from the County for its continued operation.

After analyzing the proposed conversion of the Existing Facility in light of the Zoning Ordinance, I have determined that a coal-fired power generation facility and a gas-fired power generation facility both fall within the definition of "Utility, Major" under the Zoning Ordinance. Thus, conversion of the Existing Facility from a coal-fired power generation facility to a gas-fired power generation facility is the continuation of a lawful, yet nonconforming use (Utility, Major) on the Property pursuant to section 22-16.1 of the Zoning Ordinance and does not require any additional approvals from the County other than any administrative approvals that may otherwise be required as described herein.

Based on the above analysis and in consultation with the County Attorney, I have determined that, pursuant to the requirements of Virginia Code section 15.2-2307, the Company has certain vested rights in and to development of the Property as discussed above. Specifically, the Company has the right to continue to use the Property for the “Utility, Major” use and shall have the right to further expand that use on the Property for conversion of the Existing Facility from a coal-fired power generation facility to a gas-fired power generation facility without obtaining any additional governmental approvals from Fluvanna County (including, but not limited to, a special use permit) except for any required administrative approvals. Specifically, although conversion of the Existing Facility as described herein is vested as stated above, such conversion and any related expansion of the Existing Facility may require the issuance of applicable building permits and shall be subject to requirements of the Zoning Ordinance with regard to site plans.

This determination is limited to the vested rights determination contained herein. This determination does not include, nor have we analyzed, whether the Property has the benefit of additional vested rights for any other uses on the Property.

As part of the conversion of the Existing Facility from coal-fired units to gas-fired units, the Company’s gas supplier must install a meter and regulator station on the Property (the “M&R Station”). We understand that facilities like the M&R Station are common in the natural gas distribution business, because of the necessity to measure the gas and to regulate the pressure of that gas as it is delivered to a customer. Based on this understanding of the function of the M & R Station, we have determined that the M&R Station qualifies as a “Utility, Minor” use and, as such, is a permitted, by-right use in the I-1 district pursuant to Section 22-11-2.1 of the Zoning Ordinance. The M & R Station may require issuance of applicable building permits and shall be subject to requirements of the Zoning Ordinance with regard to site plans.

If you disagree with the determinations contained in this letter, you may appeal these determinations, provided that any such appeal is made within thirty (30) days of the date hereof in accordance with Va. Code § 15.2-2311(A) and Sections 22-18-2(a) and 22-18-2(c) of the Zoning Ordinance. The determinations set forth in this letter shall be final and unappealable if not appealed within such thirty (30) day period.

Signed,

  
Allyson L. Finchum

cc: Rudolph Bumgardner, Esquire  
Assistant General Counsel—Generation  
Virginia Electric and Power Company

Dominion Generation  
5000 Dominion Boulevard, Glen Allen, VA 23060



May 17, 2013

Ms. Allyson L. Finchum  
Planning Director  
County of Fluvanna  
132 Main Street  
Palmyra, VA 22963

Re: Request for Sidewalk Variance for Bremo Gas Project Site Development Plan  
Application Number SDP 13:005

Dear Ms. Finchum,

A variance to the requirement for installation of sidewalks on route 656 at the Bremo Power Station is respectfully requested. Pursuant to Section 22-23-6 (BB) of the County of Fluvanna Zoning Ordinance, the installation of sidewalks would not further the goals of the Comprehensive Plan or otherwise serve the greater public's health, safety, and welfare.

The proposed improvements to the facility will not increase the number of parking spaces or employees and do not require any modification to the access from route 656. There are currently no sidewalks installed on this section of route 656.

Your consideration of this matter is greatly appreciated.

Sincerely,

A handwritten signature in black ink that reads "John W. McCauley". The signature is fluid and cursive.

John W. McCauley, PE  
Owner Representative  
Project Manager  
Dominion Resources Services, Inc.

cc: Steven Tugwell, Senior Planner

*Generation Construction Fossil and Hydro Division*




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## COUNTY OF FLUVANNA

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*"Responsive & Responsible Government"*

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 [www.co.fluvanna.va.us](http://www.co.fluvanna.va.us)

May 16, 2013

Virginia Electric and Power Company  
1038 Bremono Road  
Bremono Bluff, VA 23022

Delivered via email

**Re: SUP 13:05 Natural Gas Metering & Regulation Station**

**Tax Map:** Tax Map 59, Section 6, Parcels 2, 2A, 1, 1A, and Tax Map 62, Section A, Parcel 1

Dear Applicant:

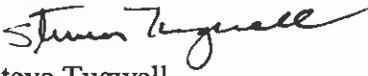
The following comments are the result of the Technical Review Committee meeting. Comments are outlined below:

1. The Health Department stated they have no comments on this site;
2. The Fire Chief asked how the natural gas will be transported across the river;
3. The E & S inspector commented that most or all of the VA Power Project will be covered by their Annual Standards and Specifications filed with DCR; and if the connection between the pipeline terminus and the power generation building does not fall under DCR jurisdiction but proposes to disturb 10,000 sq. ft. of land, or more, Fluvanna County would require that an Erosion & Sediment Control Plan be submitted to the Building Department for review and approval prior to the issuance of a Land Disturbing Permit;
4. As of May 20, 2013, VDOT had not responded to requests from staff to provide comments for this site.

Please provide a minimum of 3 11"x 17" copies of the revised sketch plans and email a PDF version of the plan to [stugwell@fluvannacounty.org](mailto:stugwell@fluvannacounty.org), along with any other materials or documentation that is to be included in the Planning Commission packet by **Friday, May 17, 2013**. Submitting revisions by this deadline will place your request on the **May 22, 2013** Planning Commission agenda.

If you have any questions or need additional information, please contact me at 434-591-1910.

Sincerely,

A handwritten signature in black ink that reads "Steve Tugwell". The signature is written in a cursive style with a large, sweeping initial "S".

Steve Tugwell  
Senior Planner  
Dept. of Planning & Community Development

cc: John McCauley, 5000 Dominion Boulevard, Richmond, VA 23060;  
File

## Steven Tugwell

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**From:** Miller, Charles (VDH) <Charles.Miller@vdh.virginia.gov>  
**Sent:** Wednesday, May 08, 2013 2:56 PM  
**To:** Steven Tugwell  
**Subject:** RE: May 9th TRC agenda

Steve,

I have a staff meeting in Charlottesville on Thurs. so I'm not sure I'll be able to attend the TRC meeting. I could not coordinate the TM #'s and the directions to either of the properties. No comments on the Virginia Power item. It seems from our records that the location of the Farren Repair Shop might be in the Lynch Subdivision off Rt. 619. If so, it appears that the shop, parking etc. may infringe on the shallow placed drainfield and/or designated reserve area. We would request an AOSE report stating that neither was impacted or that another suitable area was found, accompanied by a scaled drawing of the site showing any relevant items within 200 ft. Any questions just let me know.

Thanks,

Charles

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**From:** Steven Tugwell [<mailto:stugwell@fluvannacounty.org>]  
**Sent:** Monday, May 06, 2013 8:27 AM  
**To:** Allyson Finchum; Alyson Sappington; Andrea Gaines; Andy Wills; Barry Bibb; Miller, Charles (VDH); Wright, Chuck (DOF); Donald Gaines; Shaunesey, Donna; Ed Zimmer; [fuac@embarqmail.com](mailto:fuac@embarqmail.com); Rice, Gary (VDH); Goodale, James E. (VDOT); Heather Poole; Jay Lindsey; Joe Chesser; Mike Brent; Patricia Eager; Robert Popowicz; Roger Black; Sam Babbitt; [solson@forcvec.com](mailto:solson@forcvec.com); Wayne Stephens  
**Cc:** [john.mccauley@dom.com](mailto:john.mccauley@dom.com); Jason Farren ([nontech327@hotmail.com](mailto:nontech327@hotmail.com))  
**Subject:** May 9th TRC agenda

Dear TRC members:

Let's try that with the agenda this time!

Hope to see you Thursday.

Thanks,  
-Steve

Steve Tugwell  
Senior Planner  
Dept. of Planning & Community Development  
Fluvanna County, VA  
434-591-1910  
[stugwell@co.fluvanna.va.us](mailto:stugwell@co.fluvanna.va.us)

 please conserve, do not print this e-mail unless necessary

## Steven Tugwell

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**From:** Roger Black  
**Sent:** Wednesday, May 08, 2013 3:51 PM  
**To:** Steven Tugwell  
**Subject:** RE: May 9th 2013 TRC agenda

Steve,

I believe that most or all of the VA Power Project will be covered by their Annual Standards and Specifications filed with DCR. If the connection between the pipeline terminus and the power generation building does not fall under DCR jurisdiction but proposes to disturb 10,000 sq. ft. of land, or more, Fluvanna County would require that an Erosion & Sediment Control Plan be submitted to the Building Department for review and approval prior to the issuance of a Land Disturbing Permit.

Thanks,  
Roger

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**From:** Steven Tugwell  
**Sent:** Friday, May 03, 2013 4:56 PM  
**To:** Allyson Finchum; Alyson Sappington; Andrea Gaines; Andy Wills; Barry Bibb; [charles.miller@vdh.virginia.gov](mailto:charles.miller@vdh.virginia.gov); [chuck.wright@dof.virginia.gov](mailto:chuck.wright@dof.virginia.gov); Donald Gaines; Donna Shaunesey; Ed Zimmer; [fuac@embarqmail.com](mailto:fuac@embarqmail.com); [gary.rice@vdh.virginia.gov](mailto:gary.rice@vdh.virginia.gov); Goodale, James E.; Heather Poole; Jay Lindsey; Joe Chesser; Mike Brent; Patricia Eager; Robert Popowicz; Roger Black; Sam Babbitt; [solson@forvec.com](mailto:solson@forvec.com); Wayne Stephens  
**Cc:** [john.mccauley@dom.com](mailto:john.mccauley@dom.com); Jason Farren ([nontech327@hotmail.com](mailto:nontech327@hotmail.com))  
**Subject:** May 9th 2013 TRC agenda

Dear TRC members:

Attached is the TRC agenda for our Thursday, May 9<sup>th</sup>, 2013 TRC meeting. Please remember the meeting time has been changed from 10am to 2pm, and the meeting location has been changed from the Historic Courthouse to the Morris Room in the County Administration Building.

If you cannot attend the meeting or if you don't have any comments, kindly respond and let me know.

Please contact me ahead of the meeting if you have any questions or comments, and I look forward to seeing you all on the 9<sup>th</sup>!

Steve

Steve Tugwell  
Senior Planner  
Dept. of Planning & Community Development  
Fluvanna County, VA  
434-591-1910  
[stugwell@co.fluvanna.va.us](mailto:stugwell@co.fluvanna.va.us)

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