



FLUVANNA COUNTY PLANNING COMMISSION

WORK SESSION AGENDA

Circuit Courtroom, Fluvanna Courts Building
August 24, 2016 at 6:00 pm

Planning Commission Work Session

1. Open the work session (Mr. Barry Bibb, Chairman)
2. Planning Director Comments
3. Public Comment (Limited to Three (3) Minutes Per Speaker)
4. Discussion of Sign Ordinance
5. Adjourn



FLUVANNA COUNTY PLANNING COMMISSION

REGULAR MEETING AGENDA (AMENDED)

Circuit Courtroom, Fluvanna Courts Building
August 24, 2016 at 7:00pm

TAB	AGENDA ITEMS
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1	CALL TO ORDER, PLEDGE OF ALLEGIANCE
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2	DIRECTOR'S REPORT
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3	PUBLIC COMMENTS #1 (3 minutes each)
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4	MINUTES
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Approval of Minutes

5 - PUBLIC HEARINGS

- I. **ZMP 16:04 Foster Fuels Rezoning**- 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.
- II. **SUP 16:08 Foster Fuels-Propane Tank** - 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 and the Columbia Election District.

- III. **ZMP 16:02 Rivanna Heights Rezoning**-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.

6 - PRESENTATIONS

None

7 - SITE DEVELOPMENT PLANS

- I. **SDP 16:07 – JaZan LLC** – 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.

8 - SUBDIVISIONS

-None

9 - UNFINISHED BUSINESS

-None

10 - NEW BUSINESS

-None

11 – OLD BUSINESS

-None

12 - PUBLIC COMMENTS #2 (3 minutes each)

13 - ADJOURN

Planning/Zoning Administrator Review

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.

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.

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.



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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

To: Fluvanna County Planning Commission
From: Jason Stewart, AICP
Date: August 24, 2016
Re: Planning Director's Report

Board of Supervisors Actions:

August 17, 2016

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 for August 11, 2016:

- I. **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.

- II. **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.

- III. **SDP 16:09 County of Fluvanna Farm Heritage Musuem** - 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.

Minutes From July 22and will be posted to the next Planning Commission Packet.

No Building Inspections report is available for June & July due to staffing issues. The June/July reports should be included in the next Planning Commission Packet.



Virginia Erosion and Sediment Control Program Monthly Land Disturbance Report

9VAC25-840-65 of the Virginia Erosion and Sediment Control Regulations requires Virginia Erosion and Sediment Control Programs (VЕСP) Authorities to report, at least monthly, a listing of each land disturbing activity that has been approved during the prior month. When listing land disturbing activities below include individual activities Approved as an agreement in Lieu of a Plan (AILP).

Please complete and send this form to your DEQ Regional Office by the 5th of each month, to ; **(RO STAFF EMAIL ADDRESS)**

Name of Locali Fluvanna County **Phone #:** 434-591-1935

Person Amy
Completing Helfrich/Roger
Report: Black **Date:**

Email: ahelfrich@fluvannacounty.org **Report (MM/YY):** 16-Jul

Name of Construction Activity	Site Address	Latitude (Decimal Degree) (e.g. 37.1234)	Longitude (Decimal Degree) (e.g. -78.1234)	Total Disturbed Area (to the nearest one-hundredth acre)	Date Plan or AILP Approved	Anticipated Start Date	Owner Name	Owner Contact (Address/Phone/E mail)
Residential	Zion Station Court	37.977532	78.2344	1.463 Acres	7/15/2016	7/15/2016	Richmond Road LLC/Jack Lugas	434-227-0833 434-245-0894
Residential	Tulip Drive	37.907197	78.342331	0.177 Acre	7/15/2016	7/15/2016	Southern Property LLC	Southern Development
Residential	Fair Oaks Drive	37.885081	78.385672	2.0 Acres	7/14/2016	7/14/2016	Herndon, Sean & Britney	589-5075 Taylor Lyn Homes

Residential	Salem Church Road	N/A			7/14/2016	7/14/2016	Central Virginia Electric Cooperative Richard & Martha Heck	434-981-2124 Rittenhouse Excavating
Residential	Two Rivers Drive	37.93427	78.306479	0.8 Acre	7/14/2016	7/14/2016	Fluvanna County Habitat For Humanity Donald & Casey King	434-242-0205 434-960-4407 Michael Himes 434-960-7739 Peak Builders
Residential	South Boston Rd	37.890836	78.312354	64.154 Acres	7/12/2016	7/12/2016		
Residential	Ruritan Lake Rd	37.882665	78.382324	2.0 Acres	7/6/2016	7/6/2016		

Monthly Approval Report July 2016

<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>
	<i>Approved</i>						
		ZTA 16-001	Zoning Ordinance County Fee Elimination			0	
Columbia							
	<i>Approved</i>						
		ZMP 16-003	BOS Approved 5-0-0	53	(A)62C	0	
Cunningham							
	<i>Approved</i>						
		SUB 16-012	Boundary Line Adjustment	26	A 15, 15C(17)8,9	30.8	4
Fork Union							
	<i>Approved</i>						
		SUP 16-005	Relocate Microwave Tower	59	(6) 1,2	0	

Thursday, August 18, 2016

Page 1 of 1

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



COUNTY OF FLUVANNA PAY-IN-VOUCHER

AR Charge Code	Explanation/Description	ORG	Object	Project	Remitter	Amount
SPUSEP	LEWIS Johnson, Cheryl Southernland Boundary Application 1010				CHECK # 1018	\$50.00
REZON	CPBURNS PROPERTIES LLC 29 WHIPPOORWILL LN				CHECK # 107	\$1,183.50
Total						\$1,233.50

By *Stephanie Kether* Department Planning Date 8/3/16
Signature

By *Stephanie Kether* Department TREASURER Date 8/3/16
Signature

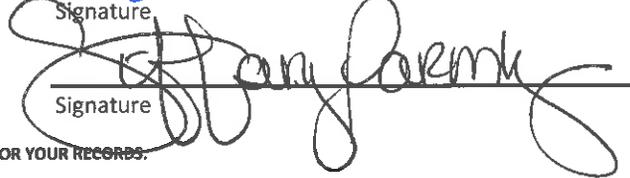
KEEP A COPY FOR YOUR RECORDS.



COUNTY OF FLUVANNA PAY-IN-VOUCHER

AR Charge Code	Explanation/Description	ORG	Object	Project	Remitter	Amount
SUBDIV	Nancy Bowles, SUB, CMH Homes				CHECK # 4792089	\$200.00
SUBDIV	P.F. Fox, Boudary ADJ.				CHECK # 10729	\$100.00
SIGN	CPBURNS Properties LLC, Sign Deposit				CHECK # 109	\$90.00
SPUSEP	VA Solar Center, SUP, Adv. Notice				CHECK # 001861	\$890.00
VARINC	PaPa Jims Soft Serve, BZA, Zoning Application				CHECK # 005057	\$550.00
SIGN	PaPa Jims Soft Serve, Sign Deposit				CHECK # 005057	\$90.00
Total						\$1,920.00

By  Department Planning Date 8/10/16
 Signature _____

By  Department TREASURER Date 8/10/16
 Signature _____

Transmittal Report July 2016

<i>Line Number</i>	<i>Code</i>	<i>Name</i>	<i>ID#</i>	<i>Amount Received</i>
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STSIGN

ZUP16008	\$5,500.00
ZUP16007	\$5,500.00
<i>Sum:</i>	\$11,000.00

10000013-318316

REZON *Rezoning*

ZMP16004	\$1,738.50
ZMP16005	\$1,183.50
<i>Sum:</i>	\$2,922.00

10000013-318319

SIGNPT *Sign Permit*

ZMP16004	\$90.00
<i>Sum:</i>	\$90.00

10000013-318337

SITEPL *Site Plan Review*

SDP16007	\$1,100.00
<i>Sum:</i>	\$1,100.00

10000013-318340

MISC *Miscellaneous*

MSC16007	\$155.00
<i>Sum:</i>	\$155.00

10000013-318341

SUBDIV *Subdivision & Plat Review*

SUB16012	\$100.00
SUB16014	\$225.00
SUB16015	\$500.00
<i>Sum:</i>	\$825.00

10000013-318342

<i>Line Number</i>	<i>Code</i>	<i>Name</i>	<i>ID#</i>	<i>Amount Received</i>
	<i>SPUSEP</i>	<i>Special Use Permits</i>		
			SUP16008	\$800.00
			SUP16009	\$890.00
			<i>Sum:</i>	\$1,690.00
			<i>Total:</i>	\$17,782.00



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www.fluvannacounty.org

STAFF REPORT

To: Fluvanna County Planning Commission
Case Number: ZMP 16:04
Tax Map: Tax Map 4, Section A, Parcel 99

From: James Newman
District: Palmyra
Date: August 24, 2016

General Information:

This request is to be heard by the Planning Commission on Wednesday August 24, 2016 at 7:00 pm in the Circuit Court Room in the Courts Building.

Owner/Applicant:

Owner is Kenneth Bahr. Applicant is Foster Fuels via Tim Spicer and Kim Johnson.

Representative:

Foster Fuels via Tim Spicer and Kim Johnson.

Requested Action:

A request to rezone from I-1, Industrial Limited, to I-2, Industrial General, with respect to 14.77 acres of Tax Map 4, Section A, Parcel 99. (Attachment A)

Location:

The property is located at 2969 Richmond Road. 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.

Existing Zoning:

I-1, Industrial Limited (Attachment B)

Proposed Zoning:

I-2, Industrial General

Existing Land Use:

Industrial-business

Planning Area:

Zion Community Planning Area

Adjacent Land Use:

Adjacent properties are zoned A-1 and I-1

Zoning History:

ZMP 08:04, to amend the Fluvanna County Zoning Map with respect to approximately 14.771 acres of Tax Map 4, Section A, Parcel 99, to conditionally rezone the same from A-1, Agricultural, General to I-1, Industrial, Limited

Zoning History (cont'd)

SDP 13:09 a major site development plan request to construct an 8,400 square foot building with respect to 14.771 acres of Tax Map 4, Section A, Parcel 99, subject to conditions listed in the staff report. Further, approved the requested sidewalk variance in accordance with Section 22-23-6BB of the Zoning Ordinance. Approved 3-0-0 at the Planning Commission September 25, 2014 meeting.

Neighborhood Meeting:

Neighborhood meeting was held July 13, 2016. There were five (5) attendees (on the Sign In Sheet in the attachment, Tim Spicer and Kim Johnson have written their names, but they were there only to present). The attendees had several concerns which are explained in detail in Attachment C.

In short, the questions (and answers) boiled down to:

1. *How does propane arrive on site?*—Via an 18 wheel tractor trailer for delivery to the site. A smaller 6 wheeled van delivers to customers.
2. *What is the purpose of the proposed storage area?*—It is a spot for consumer propane tanks to be stored.
3. *How many deliveries per day?*—1 delivery van per day to visit customers. Depends on season; more trips in winter, less in summer.
4. *Won't I-2 be too intensive for a residential area?*—The site is already zoned I-1 and is located in a growth area.
5. *What sort of noise will be generated from this use?*—The large propane tank makes almost no noise, and that small amount is generated only during fueling. The small trucks used for daily delivery do not generate an excessive amount of noise.
6. *Will the tank only be used to store propane?*—That can be made a condition of the Special Use Permit
7. *How many of these 30,000 gallon storage tanks will there be?*—One per Special Use Permit unless otherwise specified.
8. *What is the blast radius? Will there be any earthen dams to contain a blast?*—No hills or earthen dams will be created for this. In cases like this explosions go upward not outward.
9. *Why is the storage area located on the other side of the property?*—It's just been planned like that. No particular reason.
10. *Will there be any smell?* There should not be any noticeable smell.

There were also concerns about traffic, the ability of large vehicles to maneuver in the property, and deed restrictions regarding the amount of the property that can be developed.

Technical Review Committee:

The following comments are the result of the Technical Review Committee meeting that was held on Thursday, July 14, 2016. These comments are applicable for both your rezoning and special use permit request:

1. Planning Staff: Site has existing proffers, but those proffers would no longer be in effect with an I-2 rezoning.
2. Fire Chief wanted to know what measures would be taken to mitigate risk. Applicant responded that they would incorporate all building and fire code requirements, as well as install bollards and fencing for security. Applicant offered to send a Fire Safety Analysis to Fire Chief and to neighbors.

Fire Chief also stated that fire control exercises at the Fluvanna Correctional Center for Women could include this site. Applicant stated they are willing to work with the Fire Department.

Fire Chief wanted to make sure that vehicles entering the site be at least 50ft away from the propane tank at all times.

3. Erosion and Sediment Control had no comments.

4. VDOT offers the following comments:

The submitted plan sketch did not show much detail. I commented that the typical items would need to be thoroughly review the future site plan (Turn Lane Analysis, Sight Distance verification, 45' entrance radii etc.). However, it was brought to my attention that there was a current site improvement plan and the construction of those items is almost complete. Therefore, no further improvements were discussed.

The following are some details further clarified at the TRC meeting:

- The site will be used for distribution only, no retail.
- There is apparently some restrictive proffers from the previous rezoning that was brought to the planners attention after the meeting that may be restrictive to the proposed use. Needs clarification by County staff and possible proffer amendment.
- The site's owner stated that he was instructed by VDOT to place barrels along the uneven pavement course of the newly constructed turn-lane. He mentioned he was told that VDOT was to mill and repave his portion of Rte. 250 and was to also pave the final asphalt surface course of the new turn-lane in June. He wants to start using his turn-lane. I asked him to follow-up with you once you return to verify the paving schedule work and the outstanding items to be finalized.
- (*From Mark Woods replacement at the TRC*): The developer's contractor constructed the right turn lane and taper several months ago. VDOT has a paving overlay contract on Rte. 250 between Rte. 689 and Rte. 250 for this paving season. VDOT's pavement overlay of Rte. 250 is planned to tie into the developer's new right turn lane and taper. I

have sent an inquiry to VDOT's pavement manager asking when he anticipates VDOT's paving contractor to overly this section of Rte. 250.

5. Health Department had no comments.

The TRC letter can be found as Attachment D.

Surveys and applicable paperwork can be found in Attachment E.

Comprehensive Plan:

A request to rezone from I-1, Industrial Limited, to I-2, Industrial General, with respect to 14.77 acres of Tax Map 4, Section A, Parcel 99. The property is located at 2969 Richmond Road. 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.

According to the 2015 Comprehensive plan, the purpose of the Zion Community Planning Area is such that:

“Located at the crossroads that connect Charlottesville, Richmond, and destinations to the north and south, Zion Crossroads is situated to contribute to Fluvanna County’s goals for the future. The county seeks to expand the services, recreation, restaurant, and retail options available to its residents, while at the same time retaining the area’s rural character... It should develop as an employment, retail, commercial, and recreation destination for county residents and travelers along Routes 64, 15, and 250. As the county’s Urban Development Area...Zion Crossroads is envisioned to be the most intensely developed part of the county, consisting of regional mixed-use, regional employment, and neighborhood mixed-use developments. This area is the county’s primary regional economic development area and is targeted as a regional employment center with primarily mixed-use, mixed-income development... The following recommendations focus on the potential of Zion Crossroads as a center of commerce, employment, and higher-density residential uses:

Support mixed-use development. *Mixed-use development appropriate for Zion Crossroads should include multifamily housing, small, locally owned shops, larger retail development, and light industry. Zion Crossroads is also favored for more intensive uses that stimulate the county economy, provide jobs, offer a range of retail stores, and provide for leisure activity through parks and playing fields within the defined growth area” (pgs.44-45).*

Protect the rural features of the Zion Crossroads area. *The development of Zion Crossroads need not come at the expense of its rural and environmental features.*

Support economic development and community-based services. *Since much of what constitutes Zion Crossroads is in Louisa County, the main opportunities in Fluvanna County lie south of the Route 15 and Route 250 intersection. The current industrial park on Route 250 just east of this intersection is in both Fluvanna and Louisa counties and may have the potential for additional development.” (pages 44-48)*

I-2 Industrial General is defined in the Zoning Ordinance:

“The primary purpose of this district is to establish an area as defined by the Comprehensive Plan where the principal use of land is for heavy commercial and industrial operations, which may create some nuisance, and which are not properly associated with, nor particularly compatible with, residential, institutional, and neighborhood commercial service establishments. The specific intent of this district is to: (A) encourage the construction of and the continued use of the land for heavy commercial and industrial purposes; (B) prohibit residential and neighborhood commercial use of the land and to prohibit any other use which would substantially interfere with the development, continuation or expansion of commercial and industrial uses in the district; (C) to encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this ordinance.” (pgs.333-334)

Site Plan Compliance

The site has site plan compliance issues. There are large metal dumpster-style/open-shipping containers on site, even though no storage area for such items is shown on Site Development Plan 13:09.

Furthermore, a temporary Certificate of Occupancy was issued in June 2016. The applicant had to comply with conditions from a letter dated May 6, 2016 in order to receive a permanent Certificate of Occupancy; those conditions have not been met as of August 16, 2016. (Attachment F)

Earlier Proffers and Conditions:

The proffers for ZMP 08:04 were:

(1) We hereby withdraw any and all plans to access this property from Zion Road (Rt 627) as previously shown on the preliminary site plan;

(2) We further propose to establish a landscaping buffer along the entire frontage of the property on Zion Road (Rt. 627) as well as along the eastern boundary adjacent to the Bourne and Wills properties;

(3) We propose that all building facades fronting onto Richmond Highway (Rt. 250) and Zion Road (Rt, 627) will incorporate finishing materials such as brick, stucco, split-faced block, etc.;

(4) ,we propose to follow "dark sky" exterior lighting as provided in Fluvanna County site plan requirements.

(5) We propose to follow Sec. 19-7-7, Article 7 of the Subdivision Design Standards which states: The proposed development shall be designed to minimize the impact of noise, glare and pollution on adjoining property and protect the surrounding lands from the same.

(6) In addition, we offer to proffer out of the list of permitted uses under I-1 by Special Use Permit the following uses:

(1) wood yard with chipper

(2) Solid waste material recovery facility

SDP 013:09 was approved by the Planning Commission on September 25, 2013 3-0-2, subject to the following conditions:

1. Meeting all final site plan requirements which include, but are not limited to, providing parking, landscaping, tree protection, directional signage, and outdoor lighting plans when and where applicable;
2. Meeting all public agency requirements including but not limited to VDOT requirements;
3. Meeting all Erosion and sedimentation control requirements;
4. The site shall be developed in compliance with the proffers approved with the rezoning of this property (ZMP 08:04), which was approved on September 17, 2008.

Attachment G is SDP 13:09 Staff Report. Attachment H is ZMP 08:04 Staff Report.

Analysis:

The existing property was rezoned from A-1 to I-1 via ZMP 06:06. While the property is within a Community Planning Area, there are concerns about potential increases in traffic, noise, and overall development in an area which is still predominately residential in character. When this site was initially rezoned from A-1 Agricultural General to I-1 Industrial Limited, a series of proffers were made. There are no proffers associated with this rezoning submission. There are outstanding site compliance issues. The applicant proposes a use (petroleum distribution facility) which requires a special use permit, which itself is dependent upon this rezoning from I-1 to I-2.

Conclusion:

This rezoning amendment request appears to meet the intent of the Comprehensive Plan in that the proposed rezoning may contribute to Zion Crossroads Community Planning Area *“as an employment, retail, commercial, and recreation destination for county residents and travelers along Routes 64, 15, and 250. As the county’s Urban Development Area...Zion Crossroads is envisioned to be the most intensely developed part of the county, consisting of regional mixed-use, regional employment, and neighborhood mixed-use developments. This area is the county’s primary regional economic development area and is targeted as a regional employment center with primarily mixed-use, mixed-income development”* (Comprehensive Plan pg. 44).

There are outstanding issues in regards to existing site compliance; specifically in regards to landscaping, and container storage area demarcation.

In addition to conformance with the Comprehensive Plan, the Planning Commission may want to consider any potential adverse impacts, such as traffic entering and exiting the property, noise, or potential impacts to adjacent properties that future development may cause as a result of this rezoning.

Suggested Motion:

I move that the Planning Commission recommend [approval/denial/deferral] of ZMP 16:04 a request to rezone from I-1, Industrial Limited, to I-2, Industrial General, with respect to 14.77 acres of Tax Map 4, Section A, Parcel 99.

Attachments:

- A – Application and APO Letter
- B – Aerial Vicinity Map
- C – Neighborhood meeting sign in sheet and comments
- D – TRC comment letter
- E—Surveys and associated paperwork
- F—Site Compliance Letter
- G—SDP 13:09 Staff Report
- H—ZMP 08:04 Staff Report
- I—Site pictures, taken July 29, 2016
- J—Zoning Ordinance Language

Copy: File

Received

JUL 01 2016

Planning Dept.



COMMONWEALTH OF VIRGINIA
 COUNTY OF FLUVANNA
Application for Rezoning

Owner of Record: Kenneth Bahr **Applicant of Record:** Same as Represent.
 E911 Address: 2969 Richmond Rd. Troy, Va E911 Address: " "
 Phone: (434) 975-3827 Fax: _____ Phone: _____ Fax: _____
 Email: kenbahr@comcast.net Email: _____

Representative: Foster Fuels YNC.
 E911 Address: 2151 Richmond Rd. Charlottesville, Va.
 Phone: (434) 531-2510 Fax: _____
 Email: Tim.Spicer@fosterfuels.com

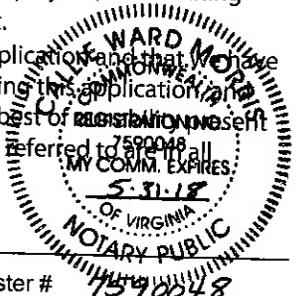
Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.

Tax Map and Parcel(s): Tax Map 4-A-99 **Deed Book Reference:** Db 899-603
Acreage: 14.77 **Zoning:** I2 **Deed Restrictions?** No Yes (Attach copy)
Location of Parcel: Rt. 250 E. ACROSS from fluvanna Women's Prison
Requested Zoning: I2 **Proposed use of Property:** Bulk-fill Station

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 I/we have familiarized ourselves with the rules and regulations of the Zoning Ordinance with respect to preparing and filing this application, that the foregoing statements and answers herein contained and the information on the attached map to the best of our knowledge present the argument on behalf of the application herewith requested and that the statements and information above referred to are true and correct to the best of our knowledge.

Date: 28 JUN 2016 Signature of Owner/Applicant: Kenn Bahr
 Subscribed and sworn to before me this 28th day of June, 20 16 Register # 17590048
 My commission expires: 5-31-2018 Notary Public: Callie Hood Moses



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: <u>7/1/16</u> Pre-Application Meeting:	PH Sign Deposit Received: _____ Application #: <u>ZMP 16 : 04</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>Columbia</u>	Planning Area: <u>Zion CPA</u>
Public Hearings	
Planning Commission	Board of Supervisors
Advertisement Dates:	Advertisement Dates:
APO Notification:	APO Notification:
Date of Hearing:	Date of Hearing:
Decision:	Decision:

Attachment A

Received

JUL 01 2016

Planning Dept.



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Public Hearing Sign Deposit

Name: Tim Spicer "on behalf of Foster Fuels Inc."
Address: 2969 Richmond Rd.
City: Troy
State: Va. Zip Code: 22974

I hereby certify that the sign issued to me is my responsibility while in my possession. Incidents which cause damage, theft, or destruction of these signs will cause a partial or full forfeiture of this deposit.


Applicant Signature

June 30, 2016
Date

*Number of signs depends on number of roadways property adjoins.

OFFICE USE ONLY

Application #: **BZA** ___ : ___ **CPA** ___ : ___ **SUP** ___ : ___ **ZMP** ___ : ___ **ZTA** ___ : ___

\$90 deposit paid per sign*:

Approximate date to be returned:

Attachment A

Received

JUL 01 2016

Kim Johnson

From: KENBAHR <kenbahr@comcast.net>
Sent: Thursday, June 30, 2016 8:39 AM
To: Kim Johnson
Subject: Re: Lease

Planning Dept.

Kenneth Bahr

2316 Highland Ave

Charlottesville, Va 22903

(434)975-3867

Re: Rezoning at 2969 Richmond Rd. Troy Va

Foster Fuels and its assigns have my permission to enter the property and serve as a representative for the purpose of rezoning action. The intention is that the property is to be rezoned to I-2 zoning as defined in the Fluvanna county code. I also authorize Foster to servie as a representative for the purpose of obtaining a special use permit as necessary to install and operate a bulk propane station.



Kenneth Bahr

Attachment A

Received
JUL 01 2016
Planning Dept.

106 309

Wm. Harlowe
D.B. 79-356 (plat)

found pipe .31' from
corner on property

found
pipe .97' from
corner in R/W

N 10° 06' 08" E

R=8763.00'

499.63'

A=47.01'

N 84° 21' 05" W
100.88'

N 79° 23' 11" W
100.89'

N 74° 24' 28" W
100.88'

R=4028.00'
A=531.18'

Rt. 627 old
three chopt
road
40 R/W



U.S. Rt. 250
R/W varies

14.771 Acres
D.B. 43-345



presented to the Clerk of the Circuit Court of Loudoun County, Virginia, on this 23rd day of July, 2016, by the undersigned, Robert L. Lum, a Certified Land Surveyor, and thereupon together with the certificate thereon annexed, submitted to record at \$25.00 per page, less imposed by Sec. 25-54 (b) (1) of the Code of Loudoun County, Virginia, at \$2.00 per page.

*Kenneth Baker
Property
Richmond Rd.*

S 88° 50' 10" E
183.87'

R=8763.00'
A=834.89'

axle set

322.15'

axle found
Walter Bourne
D.B. 60-202 (plat)

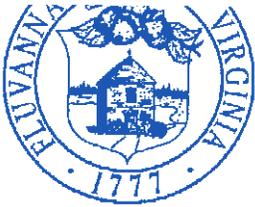
J.L. Goodson
D.B. 67-523 (plat)

N 69° 30' 06" W
237.84'

James Wills

PLAT SHOWING
A PORTION OF
THE J.P. LACY PROPERTY
PALMYRA DISTRICT
SHENANDOAH COUNTY, VIRGINIA

Attachment A



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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

MEMORANDUM

TO: Area Property Owners and Residents
FROM: Jason Stewart, AICP, Planning Director
DATE: July 7, 2016
SUBJECT: Neighborhood Meeting –July 13, 2016 – 4:30 p.m.

The following meetings have been scheduled to consider these requests:

ZMP 16:04 Foster Fuels Rezoning- 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.

SUP 16:08 Foster Fuels-Propane Tank - 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 and the Columbia Election District.

Both of these items affect the same property and will be run concurrently.

Neighborhood Meeting: The Neighborhood Meeting is scheduled for Wednesday, July 13, 2016 beginning at 4:30 p.m. at the County Administrative Building's Morris Room (former Board Room) – Main Level. This is an informal meeting that will give the applicant the opportunity to present his/her plan, and residents the opportunity to ask questions and express their views regarding the application prior to the Planning Commission and Board of Supervisors public hearings.

Technical Review Committee: This Committee Meeting is scheduled for Thursday, July 14, 2016 from 10:00 a.m. – 12:00 p.m. at the Historic Courthouse.

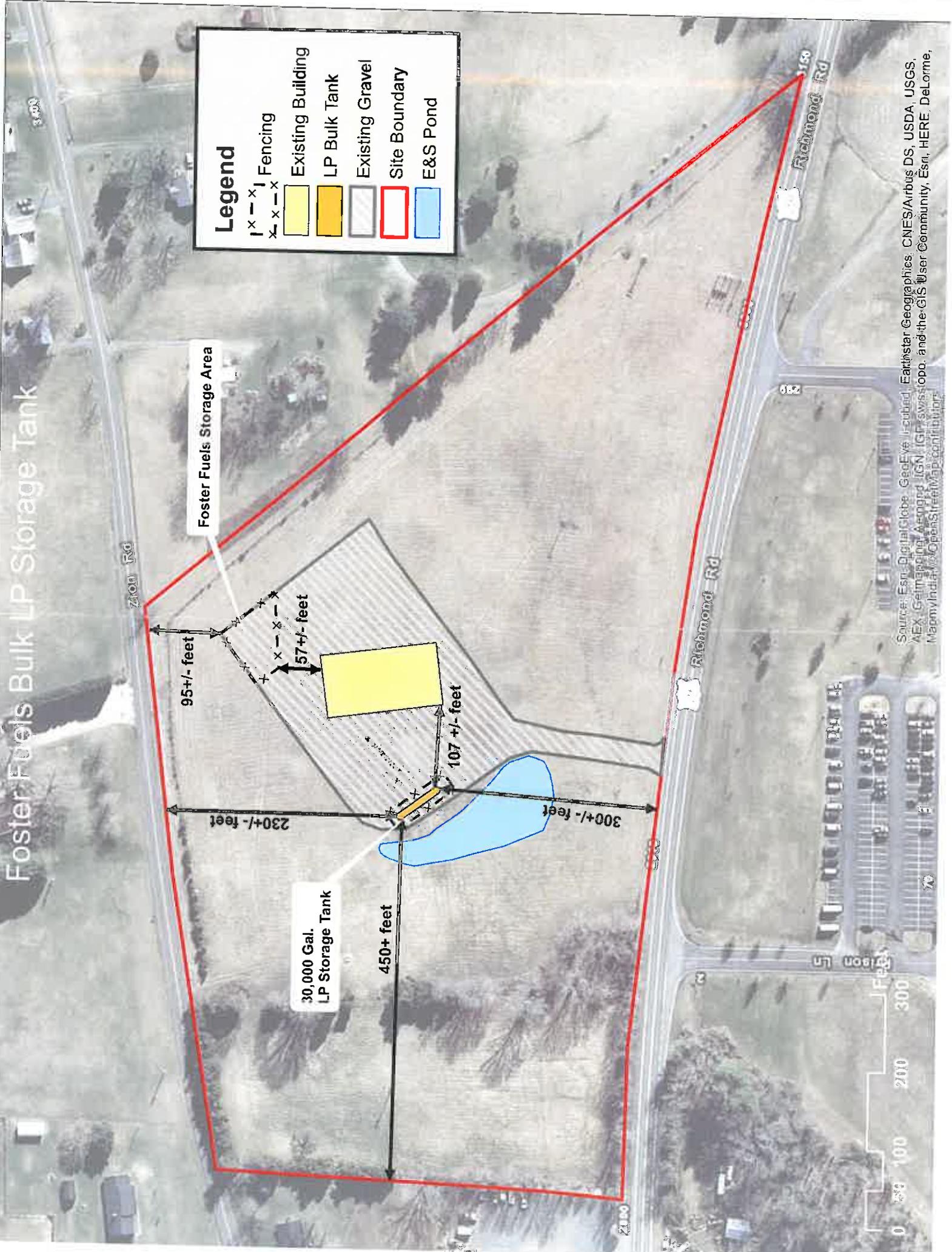
Fluvanna County Planning Commission Public Hearing: The Planning Commission's Public Hearing is scheduled for Wednesday, August 24, 2016, at 7:00 p.m. in the Circuit Court Room – Main Level of the Fluvanna County Courts Building. The Planning Commission will hold a public hearing, where there will be an opportunity for public comment, and forward a recommendation to the Board of Supervisors. A separate notice will be sent to adjacent property owners.

Fluvanna County Board of Supervisors Public Hearing: The Fluvanna County Board of Supervisors' Public Hearing is scheduled for Wednesday, September 21, 2016, at 7:00 p.m. in the Circuit Court Room – Main Level of the Fluvanna County Courts Building. The Board of Supervisors will hold a public hearing, where there will be an opportunity for public comment. A separate notice will be sent to adjacent property owners.

If you have further questions or need additional information, please contact the Fluvanna County Planning & Community Development Department at (434) 591-1910.

Attachment A

Foster Fuels Bulk LP Storage Tank



0899
0683

899 683

Attachment A

Prepared By: Larry J. McElwain VSB #15242
2340 Commonwealth Drive
Charlottesville, VA 22901

TMP: 4-A-99

Assessed Value: \$100,000.00

Title Underwriter: Old Republic National Title Ins. Co.

2836

THIS DEED, made this 12th day of June, 2013, by and between **SERENITY PARTNERS, LLC**, a Virginia limited liability company, Grantor, and **KENNETH BAHR**, Grantee, whose address is: 2316 Highland Avenue, Charlottesville, VA 22903.

W I T N E S S E T H :

That for and in consideration of the sum of FOUR HUNDRED FORTY FIVE THOUSAND AND 00/100 DOLLARS (\$445,000.00), cash in hand paid, the receipt and sufficiency of which is hereby acknowledged, the Grantor hereby GRANTS, BARGAINS, SELLS and CONVEYS WITH GENERAL WARRANTY AND ENGLISH COVENANTS OF TITLE, unto the Grantee, **ALL THAT** certain tract or parcel of land lying and being situate in the Palmyra Magisterial District of Fluvanna County, Virginia, containing 14.771 acres, by survey, on the north side of and adjoining U.S. Highway No. 250 and described by metes and bounds on plat of survey made by Robert L. Lum, C.L.S., dated May 14, 1974, recorded in the Clerk's Office of the Circuit Court of Fluvanna County, Virginia in Deed Book 106, page 309; **AND BEING** the same property conveyed to the Grantor by deed from Tracy Marie Cosner, dated June 17, 2008, recorded June 20, 2008 in the aforesaid Clerk's Office in Deed Book 769, page 273.

This conveyance is made subject to any easements, restrictions, reservations and conditions contained in duly recorded deeds, plats and other instruments constituting constructive notice in the chain of title to the property conveyed hereby which have neither expired due to a time limitation contained therein nor otherwise become ineffective.

WITNESS the following signature and seal:

Serenity Partners, LLC

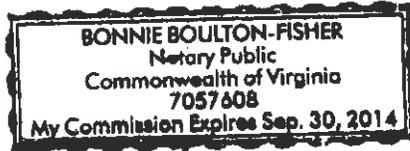
BY: [Signature] (SEAL)
Michael J. Clark,
Managing Member

COMMONWEALTH OF VIRGINIA

COUNTY OF ALBEMARLE:

I, the undersigned Notary Public, in and for the Commonwealth of Virginia, at large, hereby certify that the foregoing Deed was acknowledged before me this 9th day of July, 2013, by Michael J. Clark, Managing Member of Serenity Partners, LLC.

[Signature]
Notary Public



INSTRUMENT #1302836
RECORDED IN THE CLERK'S OFFICE OF
FLUVANNA COUNTY ON
JULY 11, 2013 AT 11:45AM
\$445.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$222.50 LOCAL: \$222.50

BOUSON E. PETERSON, CLERK
RECORDED BY: TLL

0899
0685

899 685

2837

RECORDATION REQUESTED BY:

Union First Market Bank, Charlottesville Commercial Office, 1658 State Farm Blvd, Charlottesville, VA 22911

WHEN RECORDED MAIL TO:

Union First Market Bank, Charlottesville Commercial Office, 1658 State Farm Blvd, Charlottesville, VA 22911

Tax Map Reference No(s): 4 A 99

This Deed of Trust prepared by: Commercial Loan Center, Union First Market Bank



LN740028348002630710201301

DEED OF TRUST

THIS IS A CREDIT LINE DEED OF TRUST

Maximum aggregate amount of principal
to be secured hereby at any one time: \$1,000,000.00

Name and address of Noteholder secured hereby:

Union First Market Bank
1658 State Farm Blvd
Charlottesville, VA 22911

THIS DEED OF TRUST is dated July 10, 2013, among Kenneth BAHR, whose address is 2316 Highland Avenue, Charlottesville, VA 22903 ("Grantor"); Union First Market Bank, whose address is Charlottesville Commercial Office, 1658 State Farm Blvd, Charlottesville, VA 22911 (referred to below sometimes as "Lender" and sometimes as "Beneficiary"); and John A. NERE, JR., a resident of Virginia, whose address is 808 Princess Anne Street, Fredericksburg, VA 22401 and Union Service Corporation, a United States-or Virginia-chartered corporation with its principal office in Virginia, whose address is c/o Union First Market Bank, 1051 East Cary Street, Suite 1200, Richmond, VA 23219 ("Grantee," also referred to below as "Trustee"), either of whom may act.

CONVEYANCE AND GRANT. For valuable consideration, Grantor conveys, transfers, encumbers and pledges and assigns to Trustee for the benefit of Lender as Beneficiary, all of Grantor's present and future right, title, and interest in and to the following described real property, together with all existing or subsequently erected or affixed buildings, improvements and fixtures; all easements, rights of way, and appurtenances; and all rights, royalties, and profits relating to the real property, including without limitation all minerals, oil, gas, geothermal and similar matters, (the "Real Property") located in Fluvanna County, Commonwealth of Virginia:

See Exhibit A, which is attached to this Deed of Trust and made a part of this Deed of Trust as if fully set forth herein.

The Real Property or its address is commonly known as 14.771 acres, more or less, on the north side of Richmond Road, Troy, VA. The Real Property Tax Map Reference No(s) is/are 4 A 99.

CROSS-COLLATERALIZATION. In addition to the Note, this Deed of Trust secures all obligations, debts and liabilities, plus interest thereon, of Grantor to Lender, or any one or more of them, as well as all claims by Lender against Grantor or any one or more of them, whether now existing or hereafter arising, whether related or unrelated to the purpose of the Note, whether voluntary or otherwise, whether due or not due, direct or indirect, determined or undetermined, absolute or contingent, liquidated or unliquidated, whether Grantor may be liable individually or jointly with others, whether obligated as guarantor, surety, accommodation party or otherwise, and whether recovery upon such amounts may be or hereafter may become barred by any statute of limitations, and whether the obligation to repay such amounts may be or hereafter may become otherwise unenforceable.

FUTURE ADVANCES. In addition to the amounts specified in the Note, this Deed of Trust also secures future advances.

Grantor presently, absolutely, and irrevocably assigns to Lender (also known as Beneficiary in this Deed of Trust) all of Grantor's right, title, and interest in and to all present and future leases of the Property and all Rents from the Property. In addition, Grantor grants to Lender a Uniform Commercial Code security interest in the Personal Property and Rents.

899 686



"LN74002834800263071020130Z"

Loan No: 7400283480

DEED OF TRUST
(Continued)

Page 2

THIS DEED OF TRUST, INCLUDING THE ASSIGNMENT OF RENTS AND THE SECURITY INTEREST IN THE RENTS AND PERSONAL PROPERTY, IS GIVEN TO SECURE (A) PAYMENT OF THE INDEBTEDNESS AND (B) PERFORMANCE OF ANY AND ALL OBLIGATIONS UNDER THE NOTE, THE RELATED DOCUMENTS, AND THIS DEED OF TRUST. THIS DEED OF TRUST, INCLUDING THE ASSIGNMENT OF RENTS AND THE SECURITY INTEREST IN THE RENTS AND PERSONAL PROPERTY, IS ALSO GIVEN TO SECURE ANY AND ALL OF GRANTOR'S OBLIGATIONS UNDER THAT CERTAIN CONSTRUCTION LOAN AGREEMENT BETWEEN GRANTOR AND LENDER OF EVEN DATE HEREWITH. ANY EVENT OF DEFAULT UNDER THE CONSTRUCTION LOAN AGREEMENT, OR ANY OF THE RELATED DOCUMENTS REFERRED TO THEREIN, SHALL ALSO BE AN EVENT OF DEFAULT UNDER THIS DEED OF TRUST. THIS DEED OF TRUST IS GIVEN AND ACCEPTED ON THE FOLLOWING TERMS:

PAYMENT AND PERFORMANCE. Except as otherwise provided in this Deed of Trust, Grantor shall pay to Lender all amounts secured by this Deed of Trust as they become due, and shall strictly and in a timely manner perform all of Grantor's obligations under the Note, this Deed of Trust, and the Related Documents.

POSSESSION AND MAINTENANCE OF THE PROPERTY. Grantor agrees that Grantor's possession and use of the Property shall be governed by the following provisions:

Possession and Use. Until the occurrence of an Event of Default, Grantor may (1) remain in possession and control of the Property; (2) use, operate or manage the Property; and (3) acting as Lender's agent, collect the Rents from the Property.

Duty to Maintain. Grantor shall maintain the Property in tenantable condition and promptly perform all repairs, replacements, and maintenance necessary to preserve its value.

Compliance With Environmental Laws. Grantor represents and warrants to Lender that: (1) During the period of Grantor's ownership of the Property, there has been no use, generation, manufacture, storage, treatment, disposal, release or threatened release of any Hazardous Substance by any person on, under, about or from the Property; (2) Grantor has no knowledge of, or reason to believe that there has been, except as previously disclosed to and acknowledged by Lender in writing, (a) any breach or violation of any Environmental Laws, (b) any use, generation, manufacture, storage, treatment, disposal, release or threatened release of any Hazardous Substance on, under, about or from the Property by any prior owners or occupants of the Property, or (c) any actual or threatened litigation or claims of any kind by any person relating to such matters; and (3) Except as previously disclosed to and acknowledged by Lender in writing, (a) neither Grantor nor any tenant, contractor, agent or other authorized user of the Property shall use, generate, manufacture, store, treat, dispose of or release any Hazardous Substance on, under, about or from the Property; and (b) any such activity shall be conducted in compliance with all applicable federal, state, and local laws, regulations and ordinances, including without limitation all Environmental Laws. Grantor authorizes Lender and its agents to enter upon the Property to make such inspections and tests, at Grantor's expense, as Lender may deem appropriate to determine compliance of the Property with this section of the Deed of Trust. Any inspections or tests made by Lender shall be for Lender's purposes only and shall not be construed to create any responsibility or liability on the part of Lender to Grantor or to any other person. The representations and warranties contained herein are based on Grantor's due diligence in investigating the Property for Hazardous Substances. Grantor hereby (1) releases and waives any future claims against Lender for indemnity or contribution in the event Grantor becomes liable for cleanup or other costs under any such laws; and (2) agrees to indemnify, defend, and hold harmless Lender against any and all claims, losses, liabilities, damages, penalties, and expenses which Lender may directly or indirectly sustain or suffer resulting from a breach of this section of the Deed of Trust or as a consequence of any use, generation, manufacture, storage, disposal, release or threatened release occurring prior to Grantor's ownership or interest in the Property, whether or not the same was or should have been known to Grantor. The provisions of this section of the Deed of Trust, including the obligation to indemnify and defend, shall survive the payment of the indebtedness and the satisfaction and reconveyance of the lien of this Deed of Trust and shall not be affected by Lender's acquisition of any interest in the Property, whether by foreclosure or otherwise.



"LN740028348002630710201303"

**DEED OF TRUST
(Continued)**

Loan No: 7400283480

Page 3

Nuisance, Wastes. Grantor shall not cause, conduct or permit any nuisance nor commit, permit, or suffer any stripping of or waste on or to the Property or any portion of the Property. Without limiting the generality of the foregoing, Grantor will not remove, or grant to any other party the right to remove, any timber, minerals (including oil and gas), coal, clay, scoria, soil, gravel or rock products without Lender's prior written consent.

Removal of Improvements. Grantor shall not demolish or remove any improvements from the Real Property without Lender's prior written consent. As a condition to the removal of any improvements, Lender may require Grantor to make arrangements satisfactory to Lender to replace such improvements with improvements of at least equal value.

Lender's Right to Enter. Lender and Lender's agents and representatives may enter upon the Real Property at all reasonable times to attend to Lender's interests and to inspect the Real Property for purposes of Grantor's compliance with the terms and conditions of this Deed of Trust.

Compliance with Governmental Requirements. Grantor shall promptly comply with all laws, ordinances, and regulations, now or hereafter in effect, of all governmental authorities applicable to the use or occupancy of the Property, including without limitation, the Americans With Disabilities Act. Grantor may contest in good faith any such law, ordinance, or regulation and withhold compliance during any proceeding, including appropriate appeals, so long as Grantor has notified Lender in writing prior to doing so and so long as, in Lender's sole opinion, Lender's interests in the Property are not jeopardized. Lender may require Grantor to post adequate security or a surety bond, satisfactory to Lender, to protect Lender's interest.

Duty to Protect. Grantor agrees neither to abandon or leave unattended the Property. Grantor shall do all other acts, in addition to those acts set forth above in this section, which from the character and use of the Property are necessary to protect and preserve the Property.

DUE ON SALE - CONSENT BY LENDER. Lender may, at Lender's option, declare immediately due and payable all sums secured by this Deed of Trust upon the sale or transfer, without Lender's prior written consent, of all or any part of the Real Property, or any interest in the Real Property. A "sale or transfer" means the conveyance of Real Property or any right, title or interest in the Real Property, whether legal, beneficial or equitable; whether voluntary or involuntary; whether by outright sale, deed, installment sale contract, land contract, contract for deed, leasehold interest with a term greater than three (3) years, lease-option contract, or by sale, assignment, or transfer of any beneficial interest in or to any land trust holding title to the Real Property, or by any other method of conveyance of an interest in the Real Property. If any Grantor is a corporation, partnership or limited liability company, transfer also includes any change in ownership of more than twenty-five percent (25%) of the voting stock, partnership interests or limited liability company interests, as the case may be, of such Grantor. However, this option shall not be exercised by Lender if such exercise is prohibited by federal law or by Virginia law.

TAXES AND LIENS. The following provisions relating to the taxes and liens on the Property are part of this Deed of Trust:

Payment. Grantor shall pay when due (and in all events prior to delinquency) all taxes, special taxes, assessments, charges (including water and sewer), fines and impositions levied against or on account of the Property, and shall pay when due all claims for work done on or for services rendered or material furnished to the Property. Grantor shall maintain the Property free of all liens having priority over or equal to the interest of Lender under this Deed of Trust, except for the lien of taxes and assessments not due and except as otherwise provided in this Deed of Trust.

Right to Contest. Grantor may withhold payment of any tax, assessment, or claim in connection with a good faith dispute over the obligation to pay, so long as Lender's interest in the Property is not jeopardized. If a lien arises or is filed as a result of nonpayment, Grantor shall within fifteen (15) days after the lien arises or, if a lien is filed, within fifteen (15) days after Grantor has notice of the filing, secure the discharge of the lien, or if requested by Lender, deposit with Lender cash or a sufficient corporate surety bond or other security satisfactory to Lender in an amount sufficient to discharge the lien plus any costs and attorneys' fees, or other charges that could accrue as a result of a foreclosure or sale under the lien. In any contest, Grantor shall defend itself and Lender and

Attachment A

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0688

899 688



LN740028348002630710201304

DEED OF TRUST (Continued)

Loan No: 7400283480

Page 4

shall satisfy any adverse judgment before enforcement against the Property. Grantor shall name Lender as an additional obligee under any surety bond furnished in the contest proceedings.

Evidence of Payment. Grantor shall upon demand furnish to Lender satisfactory evidence of payment of the taxes or assessments and shall authorize the appropriate governmental official to deliver to Lender at any time a written statement of the taxes and assessments against the Property.

Notice of Construction. Grantor shall notify Lender at least fifteen (15) days before any work is commenced, any services are furnished, or any materials are supplied to the Property, if any mechanic's lien, materialmen's lien, or other lien could be asserted on account of the work, services, or materials and the cost exceeds \$100,000.00. Grantor will upon request of Lender furnish to Lender advance assurances satisfactory to Lender that Grantor can and will pay the cost of such improvements.

PROPERTY DAMAGE INSURANCE. The following provisions relating to insuring the Property are a part of this Deed of Trust.

Maintenance of Insurance. Grantor shall procure and maintain policies of fire insurance with standard extended coverage endorsements on a replacement basis for the full insurable value covering all improvements on the Real Property in an amount sufficient to avoid application of any coinsurance clause, and with a standard mortgagee clause in favor of Lender. Grantor shall also procure and maintain comprehensive general liability insurance in such coverage amounts as Lender may request with Trustee and Lender being named as additional insureds in such liability insurance policies. Additionally, Grantor shall maintain such other insurance, including but not limited to hazard, business interruption, and boiler insurance, as Lender may require. Policies shall be written in form, amounts, coverages and basis acceptable to Lender and issued by a company or companies acceptable to Lender. Grantor, upon request of Lender, will deliver to Lender from time to time the policies or certificates of insurance in form satisfactory to Lender, including stipulations that coverages will not be cancelled or diminished without at least thirty (30) days prior written notice to Lender. Each insurance policy also shall include an endorsement providing that coverage in favor of Lender will not be impaired in any way by any act, omission or default of Grantor or any other person. Should the Real Property be located in an area designated by the Director of the Federal Emergency Management Agency as a special flood hazard area, Grantor agrees to obtain and maintain Federal Flood Insurance, if available, for the full unpaid principal balance of the loan and any prior liens on the property securing the loan, up to the maximum policy limits set under the National Flood Insurance Program, or as otherwise required by Lender, and to maintain such insurance for the term of the loan.

Application of Proceeds. Grantor shall promptly notify Lender of any loss or damage to the Property if the estimated cost of repair or replacement exceeds \$20,000.00. Lender may make proof of loss if Grantor fails to do so within fifteen (15) days of the casualty. Whether or not Lender's security is impaired, Lender may, at Lender's election, receive and retain the proceeds of any insurance and apply the proceeds to the reduction of the indebtedness, payment of any lien affecting the Property, or the restoration and repair of the Property. If Lender elects to apply the proceeds to restoration and repair, Grantor shall repair or replace the damaged or destroyed improvements in a manner satisfactory to Lender. Lender shall, upon satisfactory proof of such expenditure, pay or reimburse Grantor from the proceeds for the reasonable cost of repair or restoration if Grantor is not in default under this Deed of Trust. Any proceeds which have not been disbursed within 180 days after their receipt and which Lender has not committed to the repair or restoration of the Property shall be used first to pay any amount owing to Lender under this Deed of Trust, then to pay accrued interest, and the remainder, if any, shall be applied to the principal balance of the indebtedness. If Lender holds any proceeds after payment in full of the indebtedness, such proceeds shall be paid to Grantor as Grantor's interests may appear.

Grantor's Report on Insurance. Upon request of Lender, however not more than once a year, Grantor shall furnish to Lender a report on each existing policy of insurance showing: (1) the name of the insurer; (2) the risks insured; (3) the amount of the policy; (4) the property insured, the then current replacement value of such property, and the manner of determining that value; and (5)

Attachment A

0899
0689

899 689



"LN740028348002630710201305"

DEED OF TRUST (Continued)

Loan No: 7400283480

Page 5

the expiration date of the policy. Grantor shall, upon request of Lender, have an independent appraiser satisfactory to Lender determine the cash value replacement cost of the Property.

LENDER'S EXPENDITURES. If any action or proceeding is commenced that would materially affect Lender's interest in the Property or if Grantor fails to comply with any provision of this Deed of Trust or any Related Documents, including but not limited to Grantor's failure to discharge or pay when due any amounts Grantor is required to discharge or pay under this Deed of Trust or any Related Documents, Lender on Grantor's behalf may (but shall not be obligated to) take any action that Lender deems appropriate, including but not limited to discharging or paying all taxes, liens, security interests, encumbrances and other claims, at any time levied or placed on the Property and paying all costs for insuring, maintaining and preserving the Property. All such expenditures incurred or paid by Lender for such purposes will then bear interest at the rate charged under the Note from the date incurred or paid by Lender to the date of repayment by Grantor. All such expenses will become a part of the indebtedness and, at Lender's option, will (A) be payable on demand; (B) be added to the balance of the Note and be apportioned among and be payable with any installment payments to become due during either (1) the term of any applicable insurance policy; or (2) the remaining term of the Note; or (C) be treated as a balloon payment which will be due and payable at the Note's maturity. The Deed of Trust also will secure payment of these amounts. Such right shall be in addition to all other rights and remedies to which Lender may be entitled upon Default.

WARRANTY; DEFENSE OF TITLE. The following provisions relating to ownership of the Property are a part of this Deed of Trust:

Title. Grantor warrants generally that: (a) Grantor holds good and marketable title to the Property in fee simple, free and clear of all liens and encumbrances other than those set forth in the Real Property description or in any title insurance policy, title report, or final title opinion issued in favor of, and accepted by, Lender in connection with this Deed of Trust, and (b) Grantor has the full right, power, and authority to execute and deliver this Deed of Trust to Lender.

Defense of Title. Subject to the exception in the paragraph above, Grantor warrants and will forever defend the title to the Property against the lawful claims of all persons. In the event any action or proceeding is commenced that questions Grantor's title or the interest of Trustee or Lender under this Deed of Trust, Grantor shall defend the action at Grantor's expense. Grantor may be the nominal party in such proceeding, but Lender shall be entitled to participate in the proceeding and to be represented in the proceeding by counsel of Lender's own choice, and Grantor will deliver, or cause to be delivered, to Lender such instruments as Lender may request from time to time to permit such participation.

Compliance With Laws. Grantor warrants that the Property and Grantor's use of the Property complies with all existing applicable laws, ordinances, and regulations of governmental authorities.

Survival of Representations and Warranties. All representations, warranties, and agreements made by Grantor in this Deed of Trust shall survive the execution and delivery of this Deed of Trust, shall be continuing in nature, and shall remain in full force and effect until such time as Grantor's indebtedness shall be paid in full.

CONDEMNATION. The following provisions relating to condemnation proceedings are a part of this Deed of Trust:

Proceedings. If any proceeding in condemnation is filed, Grantor shall promptly notify Lender in writing, and Grantor shall promptly take such steps as may be necessary to defend the action and obtain the award. Grantor may be the nominal party in such proceeding, but Lender shall be entitled to participate in the proceeding and to be represented in the proceeding by counsel of its own choice, and Grantor will deliver or cause to be delivered to Lender such instruments and documentation as may be requested by Lender from time to time to permit such participation.

Application of Net Proceeds. If all or any part of the Property is condemned by eminent domain proceedings or by any proceeding or purchase in lieu of condemnation, Lender may at its election require that all or any portion of the net proceeds of the award be applied to the indebtedness or the repair or restoration of the Property. The net proceeds of the award shall mean the award after payment of all reasonable costs, expenses, and attorneys' fees incurred by Trustee or Lender in



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connection with the condemnation.

IMPOSITION OF TAXES, FEES AND CHARGES BY GOVERNMENTAL AUTHORITIES. The following provisions relating to governmental taxes, fees and charges are a part of this Deed of Trust:

Current Taxes, Fees and Charges. Upon request by Lender, Grantor shall execute such documents in addition to this Deed of Trust and take whatever other action is requested by Lender to perfect and continue Lender's lien on the Real Property. Grantor shall reimburse Lender for all taxes, as described below, together with all expenses incurred in recording, perfecting or continuing this Deed of Trust, including without limitation all taxes, fees, documentary stamps, and other charges for recording or registering this Deed of Trust.

Taxes. The following shall constitute taxes to which this section applies: (1) a specific tax upon this type of Deed of Trust or upon all or any part of the indebtedness secured by this Deed of Trust; (2) a specific tax on Grantor which Grantor is authorized or required to deduct from payments on the indebtedness secured by this type of Deed of Trust; (3) a tax on this type of Deed of Trust chargeable against the Lender or the holder of the Note; and (4) a specific tax on all or any portion of the indebtedness or on payments of principal and interest made by Grantor.

Subsequent Taxes. If any tax to which this section applies is enacted subsequent to the date of this Deed of Trust, this event shall have the same effect as an Event of Default, and Lender may exercise any or all of its available remedies for an Event of Default as provided below unless Grantor either (1) pays the tax before it becomes delinquent, or (2) contests the tax as provided above in the Taxes and Liens section and deposits with Lender cash or a sufficient corporate surety bond or other security satisfactory to Lender.

SECURITY AGREEMENT; FINANCING STATEMENTS. The following provisions relating to this Deed of Trust as a security agreement are a part of this Deed of Trust:

Security Agreement. This instrument shall constitute a Security Agreement to the extent any of the Property constitutes fixtures, and Lender shall have all of the rights of a secured party under the Uniform Commercial Code as amended from time to time.

Security Interest. Upon request by Lender, Grantor shall take whatever action is requested by Lender to perfect and continue Lender's security interest in the Rents and Personal Property. In addition to recording this Deed of Trust in the real property records, Lender may, at any time and without further authorization from Grantor, file executed counterparts, copies or reproductions of this Deed of Trust as a financing statement. Grantor shall reimburse Lender for all expenses incurred in perfecting or continuing this security interest. Upon default, Grantor shall not remove, sever or detach the Personal Property from the Property. Upon default, Grantor shall assemble any Personal Property not affixed to the Property in a manner and at a place convenient to Lender and make it available to Lender promptly following Lender's request to the extent permitted by applicable law.

Addresses. The mailing addresses of Grantor (debtor) and Lender (secured party) from which information concerning the security interest granted by this Deed of Trust may be obtained (each as required by the Uniform Commercial Code) are as stated on the first page of this Deed of Trust.

FURTHER ASSURANCES; ATTORNEY-IN-FACT. The following provisions relating to further assurances and attorney-in-fact are a part of this Deed of Trust:

Further Assurances. At any time, and from time to time, upon request of Lender, Grantor will make, execute and deliver, or will cause to be made, executed or delivered, to Lender or to Lender's designee, and when requested by Lender, cause to be filed, recorded, refiled, or rerecorded, as the case may be, at such times and in such offices and places as Lender may deem appropriate, any and all such mortgages, deeds of trust, security deeds, security agreements, financing statements, continuation statements, instruments of further assurance, certificates, and other documents as may, in the sole opinion of Lender, be necessary or desirable in order to effectuate, complete, perfect, continue, or preserve (1) Grantor's obligations under the Note, this Deed of Trust, and the Related Documents, and (2) the liens and security interests created by this Deed of Trust as first and prior liens on the Property, whether now owned or hereafter acquired by Grantor. Unless



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prohibited by law or Lender agrees to the contrary in writing, Grantor shall reimburse Lender for all costs and expenses incurred in connection with the matters referred to in this paragraph.

Attorney-in-Fact. If Grantor fails to do any of the things referred to in the preceding paragraph, Lender may do so for and in the name of Grantor and at Grantor's expense. For such purposes, Grantor hereby irrevocably appoints Lender as Grantor's attorney-in-fact for the purpose of making, executing, delivering, filing, recording, and doing all other things as may be necessary or desirable, in Lender's sole opinion, to accomplish the matters referred to in the preceding paragraph.

FULL PERFORMANCE. If Grantor pays all the indebtedness when due, terminates the line of credit, and otherwise performs all the obligations imposed upon Grantor under this Deed of Trust, Lender shall execute and deliver to Trustee a request for full reconveyance and shall execute and deliver to Grantor suitable statements of termination of any financing statement on file evidencing Lender's security interest in the Rents and the Personal Property. Any reconveyance fee required by law shall be paid by Grantor, if permitted by applicable law.

EVENTS OF DEFAULT. Each of the following, at Lender's option, shall constitute an Event of Default under this Deed of Trust:

Payment Default. Grantor fails to make any payment when due under the indebtedness.

Other Defaults. Grantor fails to comply with or to perform any other term, obligation, covenant or condition contained in this Deed of Trust or in any of the Related Documents or to comply with or to perform any term, obligation, covenant or condition contained in any other agreement between Lender and Grantor.

Compliance Default. Failure to comply with any other term, obligation, covenant or condition contained in this Deed of Trust, the Note or in any of the Related Documents.

Default on Other Payments. Failure of Grantor within the time required by this Deed of Trust to make any payment for taxes or insurance, or any other payment necessary to prevent filing of or to effect discharge of any lien.

Default in Favor of Third Parties. Should Grantor default under any loan, extension of credit, security agreement, purchase or sales agreement, or any other agreement, in favor of any other creditor or person that may materially affect any of Grantor's property or Grantor's ability to repay the indebtedness or Grantor's ability to perform Grantor's obligations under this Deed of Trust or any of the Related Documents.

False Statements. Any warranty, representation or statement made or furnished to Lender by Grantor or on Grantor's behalf under this Deed of Trust or the Related Documents is false or misleading in any material respect, either now or at the time made or furnished or becomes false or misleading at any time thereafter.

Defective Collateralization. This Deed of Trust or any of the Related Documents ceases to be in full force and effect (including failure of any collateral document to create a valid and perfected security interest or lien) at any time and for any reason.

Death or Insolvency. The death of any Grantor, the insolvency of Grantor, the appointment of a receiver for any part of Grantor's property, any assignment for the benefit of creditors, any type of creditor workout, or the commencement of any proceeding under any bankruptcy or insolvency laws by or against Grantor.

Creditor or Forfeiture Proceedings. Commencement of foreclosure or forfeiture proceedings, whether by judicial proceeding, self-help, repossession or any other method, by any creditor of Grantor or by any governmental agency against any property securing the indebtedness. This includes a garnishment of any of Grantor's accounts, including deposit accounts, with Lender. However, this Event of Default shall not apply if there is a good faith dispute by Grantor as to the validity or reasonableness of the claim which is the basis of the creditor or forfeiture proceeding and if Grantor gives Lender written notice of the creditor or forfeiture proceeding and deposits with Lender monies or a surety bond for the creditor or forfeiture proceeding, in an amount determined by Lender, in its sole discretion, as being an adequate reserve or bond for the dispute.


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Breach of Other Agreement. Any breach by Grantor under the terms of any other agreement between Grantor and Lender that is not remedied within any grace period provided therein, including without limitation any agreement concerning any indebtedness or other obligation of Grantor to Lender, whether existing now or later.

Events Affecting Guarantor. Any of the preceding events occurs with respect to any Guarantor of any of the indebtedness or any Guarantor dies or becomes incompetent, or revokes or disputes the validity of, or liability under, any Guaranty of the indebtedness.

Adverse Change. A material adverse change occurs in Grantor's financial condition, or Lender believes the prospect of payment or performance of the indebtedness is impaired.

Right to Cure. If any default, other than a default in payment is curable and if Grantor has not been given a notice of a breach of the same provision of this Deed of Trust within the preceding twelve (12) months, it may be cured if Grantor, after Lender sends written notice to Grantor demanding cure of such default: (1) cures the default within thirty (30) days; or (2) if the cure requires more than thirty (30) days, immediately initiates steps which Lender deems in Lender's sole discretion to be sufficient to cure the default and thereafter continues and completes all reasonable and necessary steps sufficient to produce compliance as soon as reasonably practical.

RIGHTS AND REMEDIES ON DEFAULT. If an Event of Default occurs under this Deed of Trust, at any time thereafter, Trustee or Lender may exercise any one or more of the following rights and remedies:

Election of Remedies. Election by Lender to pursue any remedy shall not exclude pursuit of any other remedy, and an election to make expenditures or to take action to perform an obligation of Grantor under this Deed of Trust, after Grantor's failure to perform, shall not affect Lender's right to declare a default and exercise its remedies.

Accelerate Indebtedness. Lender shall have the right at its option without notice to Grantor to declare the entire indebtedness immediately due and payable, including any prepayment penalty which Grantor would be required to pay. This right is in addition to all other rights given to holders of promissory notes under Title 55 of the Code of Virginia.

Foreclosure. With respect to all or any part of the Real Property, the Trustee shall have the right to foreclose by notice and sale, and Lender shall have the right to foreclose by judicial foreclosure, in either case in accordance with and to the full extent provided by applicable law. In any foreclosure by notice and sale, the advertisement of sale by the Trustee shall be published once a week for two successive weeks in a newspaper having general circulation in a city or county where the Real Property, or any part of it, is located. Grantor expressly waives and releases any requirement or obligation that Lender or Trustee present evidence or otherwise proceed before any court or other judicial or quasi-judicial body as a precondition to or otherwise incident to the exercise of the powers of sale authorized by this Deed of Trust. The proceeds of sale shall be applied by Trustee as follows: (a) first, to pay all proper advertising expenses, auctioneer's allowance, the expenses, if any, required to correct any irregularity in the title, premium for Trustee's bond, auditor's fee, attorneys' fees, and all other expenses of sale incurred in or about the protection and execution of this Deed of Trust, and all moneys advanced for taxes, assessments, insurance, and with interest thereon at the rate provided in the Note, and all taxes and assessments due upon the Property at time of sale, and to retain as compensation a reasonable Trustee's commission; (b) second, to pay the whole amount then remaining unpaid on the indebtedness; (c) third, to pay liens of record against the Property according to their priority of lien and to the extent that funds remaining in Trustee's hands are available; and (d) last, to pay the remainder of the proceeds, if any, to Grantor, Grantor's heirs, personal representatives, successors or assigns upon the delivery and surrender to the purchaser of possession of the Property, less costs and expenses of obtaining possession.

UCC Remedies. With respect to all or any part of the Personal Property, Lender shall have all the rights and remedies of a secured party under the Uniform Commercial Code.

Collect Rents. Lender shall have the right, without notice to Grantor to take possession of and manage the Property and collect the Rents, including amounts past due and unpaid, and apply the net proceeds, over and above Lender's costs, against the indebtedness. In furtherance of this right, Lender may require any tenant or other user of the Property to make payments of rent or use



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fees directly to Lender. If the Rents are collected by Lender, then Grantor irrevocably designates Lender as Grantor's attorney-in-fact to endorse instruments received in payment thereof in the name of Grantor and to negotiate the same and collect the proceeds. Payments by tenants or other users to Lender in response to Lender's demand shall satisfy the obligations for which the payments are made, whether or not any proper grounds for the demand existed. Lender may exercise its rights under this subparagraph either in person, by agent, or through a receiver.

Appoint Receiver. Lender shall have the right to have a receiver appointed to take possession of all or any part of the Property, with the power to protect and preserve the Property, to operate the Property preceding foreclosure or sale, and to collect the Rents from the Property and apply the proceeds, over and above the cost of the receivership, against the indebtedness. The receiver may serve without bond if permitted by law. Lender's right to the appointment of a receiver shall exist whether or not the apparent value of the Property exceeds the indebtedness by a substantial amount. Employment by Lender shall not disqualify a person from serving as a receiver.

Tenancy at Sufferance. If Grantor remains in possession of the Property after the Property is sold as provided above or Lender otherwise becomes entitled to possession of the Property upon default of Grantor, Grantor shall become a tenant at sufferance of Lender or the purchaser of the Property and shall, at Lender's option, either (1) pay a reasonable rental for the use of the Property, or (2) vacate the Property immediately upon the demand of Lender.

Other Remedies. Trustee or Lender shall have any other right or remedy provided in this Deed of Trust or the Note or available at law or in equity.

Notice of Sale. Lender shall give Grantor reasonable notice of the time and place of any public sale of the Personal Property or of the time after which any private sale or other intended disposition of the Personal Property is to be made. Reasonable notice shall mean notice given at least fourteen (14) days before the time of the sale or disposition. Any sale of the Personal Property may be made in conjunction with any sale of the Real Property.

Sale of the Property. To the extent permitted by applicable law, Grantor hereby waives any and all rights to have the Property marshalled. In exercising its rights and remedies, the Trustee or Lender shall be free to sell all or any part of the Property together or separately, in one sale or by separate sales. Lender shall be entitled to bid at any public sale on all or any portion of the Property.

Attorneys' Fees; Expenses. If Lender institutes any suit or action to enforce any of the terms of this Deed of Trust, Lender shall be entitled to recover such sum as the court may adjudge reasonable as attorneys' fees at trial and upon any appeal. Whether or not any court action is involved, and to the extent not prohibited by law, all reasonable expenses Lender incurs that in Lender's opinion are necessary at any time for the protection of its interest or the enforcement of its rights shall become a part of the indebtedness payable on demand and shall bear interest at the Note rate from the date of the expenditure until repaid. Expenses covered by this paragraph include, without limitation, however subject to any limits under applicable law, Lender's attorneys' fees and Lender's legal expenses, whether or not there is a lawsuit, including attorneys' fees and expenses for bankruptcy proceedings (including efforts to modify or vacate any automatic stay or injunction), appeals, and any anticipated post-judgment collection services, the cost of searching records, obtaining title reports (including foreclosure reports), surveyors' reports, and appraisal fees, title insurance, a reasonable Trustee's commission and reasonable attorney fees incurred by the Trustee in performing its duties under the Deed of Trust, to the extent permitted by applicable law. Grantor also will pay any court costs, in addition to all other sums provided by law.

Rights of Trustee. Trustee shall have all of the rights and duties of Lender as set forth in this section.

POWERS AND OBLIGATIONS OF TRUSTEE. The following provisions relating to the powers and obligations of Trustee are part of this Deed of Trust:

Powers of Trustee. In addition to all powers of Trustee arising as a matter of law, Trustee (and each of them if more than one) shall have the power to take the following actions with respect to the Property upon the written request of Lender and Grantor: (a) join in preparing and filing a map or plat of the Real Property, including the dedication of streets or other rights to the public; (b) join



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in granting any easement or creating any restriction on the Real Property; and (c) join in any subordination or other agreement affecting this Deed of Trust or the interest of Lender under this Deed of Trust.

Obligations to Notify. Trustee shall not be obligated to notify any other party of a pending sale under any other trust deed or lien, or of any action or proceeding in which Grantor, Lender, or Trustee shall be a party, unless the action or proceeding is brought by Trustee.

Trustee. Trustee shall meet all qualifications required for Trustee under applicable law. In addition to the rights and remedies set forth above, with respect to all or any part of the Property, the Trustee shall have the right to foreclose by notice and sale, and Lender shall have the right to foreclose by judicial foreclosure, in either case in accordance with and to the full extent provided by applicable law.

Successor Trustee. Lender, at Lender's option, at any time hereafter and without prior notice and without specifying any reason, may from time to time appoint a successor Trustee to any Trustee appointed under this Deed of Trust by an instrument executed and acknowledged by Lender and recorded in the office in the jurisdiction where this Deed of Trust has been recorded. The instrument shall contain, in addition to all other matters required by state law, the names of the original Lender, Trustee, and Grantor, the book and page where this Deed of Trust is recorded, and the name of the successor trustee and the county, city or town in which he or she resides, and the instrument shall be executed and acknowledged by Lender or its successors in interest. The successor trustee, without conveyance of the Property, shall succeed to all the title, power, and duties conferred upon the Trustee in this Deed of Trust and by applicable law. This procedure for substitution of Trustee shall govern to the exclusion of all other provisions for substitution.

Power to Act Separately. If more than one Trustee is named in this Deed of Trust, any Trustee may act alone, without the joinder of any other Trustee, to exercise any or all the powers given to the Trustees collectively in this Deed of Trust or by applicable law.

NOTICES. Any notice required to be given under this Deed of Trust, including without limitation any notice of default and any notice of sale shall be given in writing, and shall be effective when actually delivered, if hand delivered, when actually received by telefacsimile (unless otherwise required by law), when deposited with a nationally recognized overnight courier, or, if mailed, when deposited in the United States mail, as first class, certified or registered mail postage prepaid, directed to the addresses shown near the beginning of this Deed of Trust. All copies of notices of foreclosure from the holder of any lien which has priority over this Deed of Trust shall be sent to Lender's address, as shown near the beginning of this Deed of Trust. Any party may change its address for notices under this Deed of Trust by giving formal written notice to the other parties, specifying that the purpose of the notice is to change the party's address. For notice purposes, Grantor agrees to keep Lender informed at all times of Grantor's current address. Unless otherwise provided or required by law, if there is more than one Grantor, any notice given by Lender to any Grantor is deemed to be notice given to all Grantors.

ADVERTISEMENT REQUIRED REGARDING REAL PROPERTY. With respect to all or any part of the Real Property, the advertisement required by the Trustee of a sale under this Deed of Trust shall be once a week for two (2) consecutive weeks in a newspaper having a general circulation in the City or County wherein the property to be sold, or any portion thereof, lies.

MISCELLANEOUS PROVISIONS. The following miscellaneous provisions are a part of this Deed of Trust:

Amendments. This Deed of Trust, together with any Related Documents, constitutes the entire understanding and agreement of the parties as to the matters set forth in this Deed of Trust. No alteration of or amendment to this Deed of Trust shall be effective unless given in writing and signed by the party or parties sought to be charged or bound by the alteration or amendment.

Annual Reports. If the Property is used for purposes other than Grantor's residence, Grantor shall furnish to Lender, upon request, a certified statement of net operating income received from the Property during Grantor's previous fiscal year in such form and detail as Lender shall require. "Net operating income" shall mean all cash receipts from the Property less all cash expenditures made in connection with the operation of the Property.



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Caption Headings. Caption headings in this Deed of Trust are for convenience purposes only and are not to be used to interpret or define the provisions of this Deed of Trust.

Merger. There shall be no merger of the interest or estate created by this Deed of Trust with any other interest or estate in the Property at any time held by or for the benefit of Lender in any capacity, without the written consent of Lender.

Governing Law. This Deed of Trust will be governed by federal law applicable to Lender and, to the extent not preempted by federal law, the laws of the Commonwealth of Virginia without regard to its conflicts of law provisions. This Deed of Trust has been accepted by Lender in the Commonwealth of Virginia.

Choice of Venue. If there is a lawsuit, Grantor agrees upon Lender's request to submit to the jurisdiction of the applicable courts for Caroline County, Commonwealth of Virginia.

No Waiver by Lender. Lender shall not be deemed to have waived any rights under this Deed of Trust unless such waiver is given in writing and signed by Lender. No delay or omission on the part of Lender in exercising any right shall operate as a waiver of such right or any other right. A waiver by Lender of a provision of this Deed of Trust shall not prejudice or constitute a waiver of Lender's right otherwise to demand strict compliance with that provision or any other provision of this Deed of Trust. No prior waiver by Lender, nor any course of dealing between Lender and Grantor, shall constitute a waiver of any of Lender's rights or of any of Grantor's obligations as to any future transactions. Whenever the consent of Lender is required under this Deed of Trust, the granting of such consent by Lender in any instance shall not constitute continuing consent to subsequent instances where such consent is required and in all cases such consent may be granted or withheld in the sole discretion of Lender.

Severability. If a court of competent jurisdiction finds any provision of this Deed of Trust to be illegal, invalid, or unenforceable as to any circumstance, that finding shall not make the offending provision illegal, invalid, or unenforceable as to any other circumstance. If feasible, the offending provision shall be considered modified so that it becomes legal, valid and enforceable. If the offending provision cannot be so modified, it shall be considered deleted from this Deed of Trust. Unless otherwise required by law, the illegality, invalidity, or unenforceability of any provision of this Deed of Trust shall not affect the legality, validity or enforceability of any other provision of this Deed of Trust.

Successors and Assigns. Subject to any limitations stated in this Deed of Trust on transfer of Grantor's interest, this Deed of Trust shall be binding upon and inure to the benefit of the parties, their heirs, personal representatives, successors and assigns. If ownership of the Property becomes vested in a person other than Grantor, Lender, without notice to Grantor, may deal with Grantor's successors with reference to this Deed of Trust and the indebtedness by way of forbearance or extension without releasing Grantor from the obligations of this Deed of Trust or liability under the indebtedness.

Time is of the Essence. Time is of the essence in the performance of this Deed of Trust.

Waive Jury. All parties to this Deed of Trust hereby waive the right to any jury trial in any action, proceeding, or counterclaim brought by any party against any other party.

Homestead Waiver. Grantor waives the benefit of Grantor's homestead exemption as to the Property described in this Deed of Trust.

DEFINITIONS. The following capitalized words and terms shall have the following meanings when used in this Deed of Trust. Unless specifically stated to the contrary, all references to dollar amounts shall mean amounts in lawful money of the United States of America. Words and terms used in the singular shall include the plural, and the plural shall include the singular, as the context may require. Words and terms not otherwise defined in this Deed of Trust shall have the meanings attributed to such terms in the Uniform Commercial Code:

Beneficiary. The word "Beneficiary" means Union First Market Bank, and its successors and assigns.



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Borrower. The word "Borrower" means Kenneth Bahr and includes all co-signers and co-makers signing the Note and all their successors and assigns.

Deed of Trust. The words "Deed of Trust" mean this Deed of Trust among Grantor, Lender, and Trustee.

Default. The word "Default" means the Default set forth in this Deed of Trust in the section titled "Default".

Environmental Laws. The words "Environmental Laws" mean any and all state, federal and local statutes, regulations and ordinances relating to the protection of human health or the environment, including without limitation the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. Section 9601, et seq. ("CERCLA"), the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499 ("SARA"), the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801, et seq., the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901, et seq., or other applicable state or federal laws, rules, or regulations adopted pursuant thereto.

Event of Default. The words "Event of Default" mean any of the events of default set forth in this Deed of Trust in the events of default section of this Deed of Trust.

Grantor. The word "Grantor" means Kenneth Bahr.

Guarantor. The word "Guarantor" means any guarantor, surety, or accommodation party of any or all of the indebtedness.

Guaranty. The word "Guaranty" means the guaranty from Guarantor to Lender, including without limitation a guaranty of all or part of the Note.

Hazardous Substances. The words "Hazardous Substances" mean materials that, because of their quantity, concentration or physical, chemical or infectious characteristics, may cause or pose a present or potential hazard to human health or the environment when improperly used, treated, stored, disposed of, generated, manufactured, transported or otherwise handled. The words "Hazardous Substances" are used in their very broadest sense and include without limitation any and all hazardous or toxic substances, materials or waste as defined by or listed under the Environmental Laws. The term "Hazardous Substances" also includes, without limitation, petroleum and petroleum by-products or any fraction thereof and asbestos.

Improvements. The word "Improvements" means all existing and future improvements, buildings, structures, mobile homes affixed on the Real Property, facilities, additions, replacements and other construction on the Real Property.

Indebtedness. The word "Indebtedness" means all principal, interest, and other amounts, costs and expenses payable under the Note or Related Documents, together with all renewals of, extensions of, modifications of, consolidations of and substitutions for the Note or Related Documents and any amounts expended or advanced by Lender to discharge Grantor's obligations or expenses incurred by Trustee or Lender to enforce Grantor's obligations under this Deed of Trust, together with interest on such amounts as provided in this Deed of Trust. Specifically, without limitation, indebtedness includes all amounts that may be indirectly secured by the Cross-Collateralization provision of this Deed of Trust.

Lender. The word "Lender" means Union First Market Bank, its successors and assigns.

Note. The word "Note" means the promissory note dated July 10, 2013, in the original principal amount of \$1,000,000.00 from Grantor to Lender, together with all modifications of and renewals, replacements, and substitutions for the promissory note or agreement.

Personal Property. The words "Personal Property" mean all equipment, fixtures, and other articles of personal property now or hereafter owned by Grantor, and now or hereafter attached or affixed to the Real Property; together with all accessions, parts, and additions to, all replacements of, and all substitutions for, any of such property; and together with all proceeds (including without limitation all insurance proceeds and refunds of premiums) from any sale or other disposition of the Property.

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Property. The word "Property" means collectively the Real Property and the Personal Property.

Real Property. The words "Real Property" mean the real property, interests and rights, as further described in this Deed of Trust.

Related Documents. The words "Related Documents" mean all promissory notes, credit agreements, loan agreements, environmental agreements, guaranties, security agreements, mortgages, deeds of trust, security deeds, collateral mortgages, and all other instruments, agreements and documents, whether now or hereafter existing, executed in connection with the indebtedness.

Rents. The word "Rents" means all present and future rents, revenues, income, issues, royalties, profits, and other benefits derived from the Property.

Trustee. The word "Trustee" means John A. Nere, Jr., whose address is 806 Princess Anne Street, Fredericksburg, VA 22401 and Union Service Corporation, whose address is c/o Union First Market Bank, 1051 East Cary Street, Suite 1200, Richmond, VA 23219 and any substitute or successor trustees. If more than one person is named as trustee, the word "Trustee" means each such person.

GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS DEED OF TRUST, AND GRANTOR AGREES TO ITS TERMS.

THIS DEED OF TRUST IS GIVEN UNDER SEAL AND IT IS INTENDED THAT THIS DEED OF TRUST IS AND SHALL CONSTITUTE AND HAVE THE EFFECT OF A SEALED INSTRUMENT ACCORDING TO LAW.

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GRANTOR:

x Kenneth Bahr (Seal)
Kenneth Bahr

INDIVIDUAL ACKNOWLEDGMENT

STATE OF VIRGINIA)
) SS
COUNTY OF ALBEMARLE)

On this day before me, the undersigned Notary Public, personally appeared Kenneth Bahr, to me known to be the individual described in and who executed the Deed of Trust, and acknowledged that he or she signed the Deed of Trust as his or her free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 10th day of July, 2013.

By [Signature] Residing at _____

Notary Public in and for _____ My commission expires _____

My registration number is _____

JOHN A. DEZIO
Notary Public
Commonwealth of Virginia
280058
My Commission Expires Jul 31, 2015

0899
0699

Attachment A

899 699

EXHIBIT A

All that certain tract or parcel of land lying and being situate in the Palmyra Magisterial District of Fluvanna County, Virginia, containing 14.771 acres, by survey, on the north side of and adjoining U.S. Highway No. 250 and described by metes and bounds on plat of survey made by Robert L. Lum, C.L.S., dated May 14, 1974, recorded in the Clerk's Office of the Circuit Court of Fluvanna County, Virginia, in Deed Book 106, page 309; AND BEING the same property conveyed to the Grantor by deed from Serenity Partners, LLC, a Virginia limited liability company, dated June 12, 2013, recorded immediately prior hereto.

C:\Jean Old PC\Johns Docs\B\Bahr, Kenneth 13-092\SCHEDULE A re Fla. Co..docx

INSTRUMENT #1302837
RECORDED IN THE CLERK'S OFFICE OF
FLUVANNA COUNTY ON
JULY 11, 2013 AT 11:48AM

BOUSON E. PETERSON, CLERK
RECORDED BY: TLL

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RECORDATION REQUESTED BY:

Union First Market Bank, Charlottesville Commercial Office, 1658 State Farm Blvd, Charlottesville, VA 22911

WHEN RECORDED MAIL TO:

Union First Market Bank, Charlottesville Commercial Office, 1658 State Farm Blvd, Charlottesville, VA 22911

Tax Map Reference No(s): 4 A 99

This ASSIGNMENT OF RENTS prepared by: Commercial Loan Center, Union First Market Bank



LN740028348002640710201301

ASSIGNMENT OF RENTS

THIS ASSIGNMENT OF RENTS dated July 10, 2013, is made and executed between Kenneth BAHR, whose address is 2316 Highland Avenue, Charlottesville, VA 22903 (referred to below as "Grantor") and Union First Market Bank, whose address is 1658 State Farm Blvd, Charlottesville, VA 22911 ("Grantee", also referred to below as "Lender").

ASSIGNMENT. For valuable consideration, Grantor hereby assigns, grants a continuing security interest in, and conveys to Lender all of Grantor's right, title, and interest in and to the Rents from the following described Property located in Fluvanna County, Commonwealth of Virginia:

See Exhibit A, which is attached to this Assignment and made a part of this Assignment as if fully set forth herein.

The Property or its address is commonly known as 14.771 acres, more or less, on the north side of Richmond Road, Troy, VA. The Property Tax Map Reference No(s) is/are 4 A 99.

CROSS-COLLATERALIZATION. In addition to the Note, this Assignment secures all obligations, debts and liabilities, plus interest thereon, of Grantor to Lender, or any one or more of them, as well as all claims by Lender against Grantor or any one or more of them, whether now existing or hereafter arising, whether related or unrelated to the purpose of the Note, whether voluntary or otherwise, whether due or not due, direct or indirect, determined or undetermined, absolute or contingent, liquidated or unliquidated, whether Grantor may be liable individually or jointly with others, whether obligated as guarantor, surety, accommodation party or otherwise, and whether recovery upon such amounts may be or hereafter may become barred by any statute of limitations, and whether the obligation to repay such amounts may be or hereafter may become otherwise unenforceable.

FUTURE ADVANCES. In addition to the amounts specified in the Note, this Assignment also secures future advances.

THIS ASSIGNMENT IS GIVEN TO SECURE (1) PAYMENT OF THE INDEBTEDNESS AND (2) PERFORMANCE OF ANY AND ALL OBLIGATIONS OF GRANTOR UNDER THE NOTE, THIS ASSIGNMENT, AND THE RELATED DOCUMENTS. THIS ASSIGNMENT IS GIVEN AND ACCEPTED ON THE FOLLOWING TERMS:

PAYMENT AND PERFORMANCE. Except as otherwise provided in this Assignment or any Related Documents, Grantor shall pay to Lender all amounts secured by this Assignment as they become due, and shall strictly perform all of Grantor's obligations under this Assignment. Unless and until Lender exercises its right to collect the Rents as provided below and so long as there is no default under this Assignment, Grantor may remain in possession and control of and operate and manage the Property and collect the Rents, provided that the granting of the right to collect the Rents shall not constitute Lender's consent to the use of cash collateral in a bankruptcy proceeding.

GRANTOR'S REPRESENTATIONS AND WARRANTIES. Grantor warrants that:

Ownership. Grantor is entitled to receive the Rents free and clear of all rights, loans, liens, encumbrances, and claims except as disclosed to and accepted by Lender in writing.

Right to Assign. Grantor has the full right, power and authority to enter into this Assignment and to assign and convey the Rents to Lender.

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**ASSIGNMENT OF RENTS
(Continued)**

Loan No: 7400283480

Page 2

No Prior Assignment. Grantor has not previously assigned or conveyed the Rents to any other person by any instrument now in force.

No Further Transfer. Grantor will not sell, assign, encumber, or otherwise dispose of any of Grantor's rights in the Rents except as provided in this Assignment.

LENDER'S RIGHT TO RECEIVE AND COLLECT RENTS. Lender shall have the right at any time, and even though no default shall have occurred under this Assignment, to collect and receive the Rents. For this purpose, Lender is hereby given and granted the following rights, powers and authority:

Notice to Tenants. Lender may send notices to any and all tenants of the Property advising them of this Assignment and directing all Rents to be paid directly to Lender or Lender's agent.

Enter the Property. Lender may enter upon and take possession of the Property; demand, collect and receive from the tenants or from any other persons liable therefor, all of the Rents; institute and carry on all legal proceedings necessary for the protection of the Property, including such proceedings as may be necessary to recover possession of the Property; collect the Rents and remove any tenant or tenants or other persons from the Property.

Maintain the Property. Lender may enter upon the Property to maintain the Property and keep the same in repair; to pay the costs thereof and of all services of all employees, including their equipment, and of all continuing costs and expenses of maintaining the Property in proper repair and condition, and also to pay all taxes, assessments and water utilities, and the premiums on fire and other insurance effected by Lender on the Property.

Compliance with Laws. Lender may do any and all things to execute and comply with the laws of the Commonwealth of Virginia and also all other laws, rules, orders, ordinances and requirements of all other governmental agencies affecting the Property.

Lease the Property. Lender may rent or lease the whole or any part of the Property for such term or terms and on such conditions as Lender may deem appropriate.

Employ Agents. Lender may engage such agent or agents as Lender may deem appropriate, either in Lender's name or in Grantor's name, to rent and manage the Property, including the collection and application of Rents.

Other Acts. Lender may do all such other things and acts with respect to the Property as Lender may deem appropriate and may act exclusively and solely in the place and stead of Grantor and to have all of the powers of Grantor for the purposes stated above.

No Requirement to Act. Lender shall not be required to do any of the foregoing acts or things, and the fact that Lender shall have performed one or more of the foregoing acts or things shall not require Lender to do any other specific act or thing.

APPLICATION OF RENTS. All costs and expenses incurred by Lender in connection with the Property shall be for Grantor's account and Lender may pay such costs and expenses from the Rents. Lender, in its sole discretion, shall determine the application of any and all Rents received by it; however, any such Rents received by Lender which are not applied to such costs and expenses shall be applied to the indebtedness. All expenditures made by Lender under this Assignment and not reimbursed from the Rents shall become a part of the indebtedness secured by this Assignment, and shall be payable on demand, with interest at the Note rate from date of expenditure until paid.

FULL PERFORMANCE. If Grantor pays all of the indebtedness when due and otherwise performs all the obligations imposed upon Grantor under this Assignment, the Note, and the Related Documents, Lender shall execute and deliver to Grantor a suitable satisfaction of this Assignment and suitable statements of termination of any financing statement on file evidencing Lender's security interest in the Rents and the Property. Any termination fee required by law shall be paid by Grantor, if permitted by applicable law.

LENDER'S EXPENDITURES. If any action or proceeding is commenced that would materially affect Lender's interest in the Property or if Grantor fails to comply with any provision of this Assignment or any Related Documents, including but not limited to Grantor's failure to discharge or pay when due any amounts Grantor is required to discharge or pay under this Assignment or any Related Documents,



"LN740028348002640710201303"

**ASSIGNMENT OF RENTS
(Continued)**

Loan No: 7400283480

Page 3

Lender on Grantor's behalf may (but shall not be obligated to) take any action that Lender deems appropriate, including but not limited to discharging or paying all taxes, liens, security interests, encumbrances and other claims, at any time levied or placed on the Rents or the Property and paying all costs for insuring, maintaining and preserving the Property. All such expenditures incurred or paid by Lender for such purposes will then bear interest at the rate charged under the Note from the date incurred or paid by Lender to the date of repayment by Grantor. All such expenses will become a part of the Indebtedness and, at Lender's option, will (A) be payable on demand; (B) be added to the balance of the Note and be apportioned among and be payable with any installment payments to become due during either (1) the term of any applicable insurance policy; or (2) the remaining term of the Note; or (C) be treated as a balloon payment which will be due and payable at the Note's maturity. The Assignment also will secure payment of these amounts. Such right shall be in addition to all other rights and remedies to which Lender may be entitled upon Default.

DEFAULT. Each of the following, at Lender's option, shall constitute an Event of Default under this Assignment:

Payment Default. Grantor fails to make any payment when due under the indebtedness.

Other Defaults. Grantor fails to comply with or to perform any other term, obligation, covenant or condition contained in this Assignment or in any of the Related Documents or to comply with or to perform any term, obligation, covenant or condition contained in any other agreement between Lender and Grantor.

Default on Other Payments. Failure of Grantor within the time required by this Assignment to make any payment for taxes or insurance, or any other payment necessary to prevent filing of or to effect discharge of any lien.

Default in Favor of Third Parties. Any guarantor or Grantor defaults under any loan, extension of credit, security agreement, purchase or sales agreement, or any other agreement, in favor of any other creditor or person that may materially affect any of any guarantor's or Grantor's property or ability to perform their respective obligations under this Assignment or any of the Related Documents.

False Statements. Any warranty, representation or statement made or furnished to Lender by Grantor or on Grantor's behalf under this Assignment or the Related Documents is false or misleading in any material respect, either now or at the time made or furnished or becomes false or misleading at any time thereafter.

Defective Collateralization. This Assignment or any of the Related Documents ceases to be in full force and effect (including failure of any collateral document to create a valid and perfected security interest or lien) at any time and for any reason.

Death or Insolvency. The death of any Grantor, the insolvency of Grantor, the appointment of a receiver for any part of Grantor's property, any assignment for the benefit of creditors, any type of creditor workout, or the commencement of any proceeding under any bankruptcy or insolvency laws by or against Grantor.

Creditor or Forfeiture Proceedings. Commencement of foreclosure or forfeiture proceedings, whether by judicial proceeding, self-help, repossession or any other method, by any creditor of Grantor or by any governmental agency against the Rents or any property securing the Indebtedness. This includes a garnishment of any of Grantor's accounts, including deposit accounts, with Lender. However, this Event of Default shall not apply if there is a good faith dispute by Grantor as to the validity or reasonableness of the claim which is the basis of the creditor or forfeiture proceeding and if Grantor gives Lender written notice of the creditor or forfeiture proceeding and deposits with Lender monies or a surety bond for the creditor or forfeiture proceeding, in an amount determined by Lender, in its sole discretion, as being an adequate reserve or bond for the dispute.

Property Damage or Loss. The Property is lost, stolen, substantially damaged, sold, or borrowed against.

Events Affecting Guarantor. Any of the preceding events occurs with respect to any Guarantor of

LN740028348002640710201304

**ASSIGNMENT OF RENTS
(Continued)**

Loan No: 7400283480

Page 4

any of the indebtedness or any Guarantor dies or becomes incompetent, or revokes or disputes the validity of, or liability under, any Guaranty of the indebtedness.

Adverse Change. A material adverse change occurs in Grantor's financial condition, or Lender believes the prospect of payment or performance of the indebtedness is impaired.

Cure Provisions. If any default, other than a default in payment is curable and if Grantor has not been given a notice of a breach of the same provision of this Assignment within the preceding twelve (12) months, it may be cured if Grantor, after Lender sends written notice to Grantor demanding cure of such default: (1) cures the default within thirty (30) days; or (2) if the cure requires more than thirty (30) days, immediately initiates steps which Lender deems in Lender's sole discretion to be sufficient to cure the default and thereafter continues and completes all reasonable and necessary steps sufficient to produce compliance as soon as reasonably practical.

RIGHTS AND REMEDIES ON DEFAULT. Upon the occurrence of any Event of Default and at any time thereafter, Lender may exercise any one or more of the following rights and remedies, in addition to any other rights or remedies provided by law:

Accelerate Indebtedness. Lender shall have the right at its option without notice to Grantor to declare the entire indebtedness immediately due and payable, including any prepayment penalty that Grantor would be required to pay.

Collect Rents. Lender shall have the right, without notice to Grantor, to take possession of the Property and collect the Rents, including amounts past due and unpaid, and apply the net proceeds, over and above Lender's costs, against the indebtedness. In furtherance of this right, Lender shall have all the rights provided for in the Lender's Right to Receive and Collect Rents Section, above. If the Rents are collected by Lender, then Grantor irrevocably designates Lender as Grantor's attorney-in-fact to endorse instruments received in payment thereof in the name of Grantor and to negotiate the same and collect the proceeds. Payments by tenants or other users to Lender in response to Lender's demand shall satisfy the obligations for which the payments are made, whether or not any proper grounds for the demand existed. Lender may exercise its rights under this subparagraph either in person, by agent, or through a receiver.

Appoint Receiver. Lender shall have the right to have a receiver appointed to take possession of all or any part of the Property, with the power to protect and preserve the Property, to operate the Property preceding foreclosure or sale, and to collect the Rents from the Property and apply the proceeds, over and above the cost of the receivership, against the indebtedness. The receiver may serve without bond if permitted by law. Lender's right to the appointment of a receiver shall exist whether or not the apparent value of the Property exceeds the indebtedness by a substantial amount. Employment by Lender shall not disqualify a person from serving as a receiver.

Other Remedies. Lender shall have all other rights and remedies provided in this Assignment or the Note or by law.

Election of Remedies. Election by Lender to pursue any remedy shall not exclude pursuit of any other remedy, and an election to make expenditures or to take action to perform an obligation of Grantor under this Assignment, after Grantor's failure to perform, shall not affect Lender's right to declare a default and exercise its remedies.

Attorneys' Fees; Expenses. If Lender institutes any suit or action to enforce any of the terms of this Assignment, Lender shall be entitled to recover such sum as the court may adjudge reasonable as attorneys' fees at trial and upon any appeal. Whether or not any court action is involved, and to the extent not prohibited by law, all reasonable expenses Lender incurs that in Lender's opinion are necessary at any time for the protection of its interest or the enforcement of its rights shall become a part of the indebtedness payable on demand and shall bear interest at the Note rate from the date of the expenditure until repaid. Expenses covered by this paragraph include, without limitation, however subject to any limits under applicable law, Lender's attorneys' fees and Lender's legal expenses, whether or not there is a lawsuit, including attorneys' fees and expenses for bankruptcy proceedings (including efforts to modify or vacate any automatic stay or injunction), appeals, and any anticipated post-judgment collection services, the cost of searching records, obtaining title reports (including foreclosure reports), surveyors' reports, and appraisal fees, title insurance, and



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**ASSIGNMENT OF RENTS
(Continued)**

Loan No: 7400283480

Page 5

fees for the Trustee, to the extent permitted by applicable law. Grantor also will pay any court costs, in addition to all other sums provided by law.

MISCELLANEOUS PROVISIONS. The following miscellaneous provisions are a part of this Assignment:

Amendments. This Assignment, together with any Related Documents, constitutes the entire understanding and agreement of the parties as to the matters set forth in this Assignment. No alteration of or amendment to this Assignment shall be effective unless given in writing and signed by the party or parties sought to be charged or bound by the alteration or amendment.

Caption Headings. Caption headings in this Assignment are for convenience purposes only and are not to be used to interpret or define the provisions of this Assignment.

Governing Law. This Assignment will be governed by federal law applicable to Lender and, to the extent not preempted by federal law, the laws of the Commonwealth of Virginia without regard to its conflicts of law provisions. This Assignment has been accepted by Lender in the Commonwealth of Virginia.

Choice of Venue. If there is a lawsuit, Grantor agrees upon Lender's request to submit to the jurisdiction of the applicable courts for Caroline County, Commonwealth of Virginia.

Merger. There shall be no merger of the interest or estate created by this assignment with any other interest or estate in the Property at any time held by or for the benefit of Lender in any capacity, without the written consent of Lender.

Interpretation. (1) In all cases where there is more than one Borrower or Grantor, then all words used in this Assignment in the singular shall be deemed to have been used in the plural where the context and construction so require. (2) If more than one person signs this Assignment as "Grantor," the obligations of each Grantor are joint and several. This means that if Lender brings a lawsuit, Lender may sue any one or more of the Grantors. If Borrower and Grantor are not the same person, Lender need not sue Borrower first, and that Borrower need not be joined in any lawsuit. (3) The names given to paragraphs or sections in this Assignment are for convenience purposes only. They are not to be used to interpret or define the provisions of this Assignment.

No Waiver by Lender. Lender shall not be deemed to have waived any rights under this Assignment unless such waiver is given in writing and signed by Lender. No delay or omission on the part of Lender in exercising any right shall operate as a waiver of such right or any other right. A waiver by Lender of a provision of this Assignment shall not prejudice or constitute a waiver of Lender's right otherwise to demand strict compliance with that provision or any other provision of this Assignment. No prior waiver by Lender, nor any course of dealing between Lender and Grantor, shall constitute a waiver of any of Lender's rights or of any of Grantor's obligations as to any future transactions. Whenever the consent of Lender is required under this Assignment, the granting of such consent by Lender in any instance shall not constitute continuing consent to subsequent instances where such consent is required and in all cases such consent may be granted or withheld in the sole discretion of Lender.

Notices. Any notice required to be given under this Assignment shall be given in writing, and shall be effective when actually delivered, if hand delivered, when actually received by telefacsimile (unless otherwise required by law), when deposited with a nationally recognized overnight courier, or, if mailed, when deposited in the United States mail, as first class, certified or registered mail postage prepaid, directed to the addresses shown near the beginning of this Assignment. Any party may change its address for notices under this Assignment by giving formal written notice to the other parties, specifying that the purpose of the notice is to change the party's address. For notice purposes, Grantor agrees to keep Lender informed at all times of Grantor's current address. Unless otherwise provided or required by law, if there is more than one Grantor, any notice given by Lender to any Grantor is deemed to be notice given to all Grantors.

Powers of Attorney. The various agencies and powers of attorney conveyed on Lender under this Assignment are granted for purposes of security and may not be revoked by Grantor until such time as the same are renounced by Lender.

Severability. If a court of competent jurisdiction finds any provision of this Assignment to be



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**ASSIGNMENT OF RENTS
(Continued)**

Loan No: 7400263480

Page 6

illegal, invalid, or unenforceable as to any circumstance, that finding shall not make the offending provision illegal, invalid, or unenforceable as to any other circumstance. If feasible, the offending provision shall be considered modified so that it becomes legal, valid and enforceable. If the offending provision cannot be so modified, it shall be considered deleted from this Assignment. Unless otherwise required by law, the illegality, invalidity, or unenforceability of any provision of this Assignment shall not affect the legality, validity or enforceability of any other provision of this Assignment.

Successors and Assigns. Subject to any limitations stated in this Assignment on transfer of Grantor's interest, this Assignment shall be binding upon and inure to the benefit of the parties, their heirs, personal representatives, successors and assigns. If ownership of the Property becomes vested in a person other than Grantor, Lender, without notice to Grantor, may deal with Grantor's successors with reference to this Assignment and the indebtedness by way of forbearance or extension without releasing Grantor from the obligations of this Assignment or liability under the indebtedness.

Time is of the Essence. Time is of the essence in the performance of this Assignment.

Waive Jury. All parties to this Assignment hereby waive the right to any jury trial in any action, proceeding, or counterclaim brought by any party against any other party.

Homestead Waiver. Grantor waives the benefit of Grantor's homestead exemption as to the Property described in this Assignment.

DEFINITIONS. The following capitalized words and terms shall have the following meanings when used in this Assignment. Unless specifically stated to the contrary, all references to dollar amounts shall mean amounts in lawful money of the United States of America. Words and terms used in the singular shall include the plural, and the plural shall include the singular, as the context may require. Words and terms not otherwise defined in this Assignment shall have the meanings attributed to such terms in the Uniform Commercial Code:

Assignment. The word "Assignment" means this ASSIGNMENT OF RENTS, as this ASSIGNMENT OF RENTS may be amended or modified from time to time, together with all exhibits and schedules attached to this ASSIGNMENT OF RENTS from time to time.

Borrower. The word "Borrower" means Kenneth Bahr.

Default. The word "Default" means the Default set forth in this Assignment in the section titled "Default".

Event of Default. The words "Event of Default" mean any of the events of default set forth in this Assignment in the default section of this Assignment.

Grantor. The word "Grantor" means Kenneth Bahr.

Guarantor. The word "Guarantor" means any guarantor, surety, or accommodation party of any or all of the indebtedness.

Guaranty. The word "Guaranty" means the guaranty from Guarantor to Lender, including without limitation a guaranty of all or part of the Note.

Indebtedness. The word "Indebtedness" means all principal, interest, and other amounts, costs and expenses payable under the Note or Related Documents, together with all renewals of, extensions of, modifications of, consolidations of and substitutions for the Note or Related Documents and any amounts expended or advanced by Lender to discharge Grantor's obligations or expenses incurred by Lender to enforce Grantor's obligations under this Assignment, together with interest on such amounts as provided in this Assignment. Specifically, without limitation, indebtedness includes all amounts that may be indirectly secured by the Cross-Collateralization provision of this Assignment.

Lender. The word "Lender" means Union First Market Bank, its successors and assigns.

Note. The word "Note" means the promissory note dated July 10, 2013, in the original principal amount of \$1,000,000.00 from Grantor to Lender, together with all modifications of and renewals, replacements, and substitutions for the promissory note or agreement.



LN740028348002640710201307

**ASSIGNMENT OF RENTS
(Continued)**

Loan No: 7400283480

Page 7

Property. The word "Property" means all of Grantor's right, title and interest in and to all the Property as described in the "Assignment" section of this Assignment.

Related Documents. The words "Related Documents" mean all promissory notes, credit agreements, loan agreements, environmental agreements, guaranties, security agreements, mortgages, deeds of trust, security deeds, collateral mortgages, and all other instruments, agreements and documents, whether now or hereafter existing, executed in connection with the indebtedness.

Rents. The word "Rents" means all of Grantor's present and future rights, title and interest in, to and under any and all present and future leases, including, without limitation, all rents, revenue, income, issues, royalties, bonuses, accounts receivable, cash or security deposits, advance rentals, profits and proceeds from the Property, and other payments and benefits derived or to be derived from such leases of every kind and nature, whether due now or later, including without limitation Grantor's right to enforce such leases and to receive and collect payment and proceeds thereunder.

THE UNDERSIGNED ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS ASSIGNMENT. THIS DOCUMENT IS EXECUTED ON JULY 10, 2013.

THIS ASSIGNMENT IS GIVEN UNDER SEAL AND IT IS INTENDED THAT THIS ASSIGNMENT IS AND SHALL CONSTITUTE AND HAVE THE EFFECT OF A SEALED INSTRUMENT ACCORDING TO LAW.



"LN740026348002640710201308"

**ASSIGNMENT OF RENTS
(Continued)**

Loan No: 7400263480

Page 8

GRANTOR:

x Kenneth Bahr (Seal)
Kenneth Bahr

INDIVIDUAL ACKNOWLEDGMENT

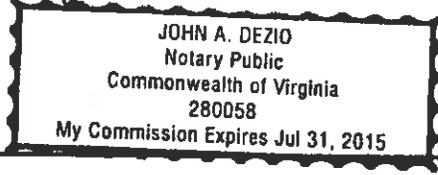
STATE OF VIRGINIA)
) SS
COUNTY OF Albemarle)

On this day before me, the undersigned Notary Public, personally appeared Kenneth Bahr, to me known to be the individual described in and who executed the ASSIGNMENT OF RENTS, and acknowledged that he or she signed the Assignment as his or her free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 10th day of July, 2013.

By [Signature] Residing at _____

Notary Public in and for _____ My commission expires _____



My registration number is _____

0899
0708

Attachment A

899 708

EXHIBIT A

All that certain tract or parcel of land lying and being situate in the Palmyra Magisterial District of Fluvanna County, Virginia, containing 14.771 acres, by survey, on the north side of and adjoining U.S. Highway No. 250 and described by metes and bounds on plat of survey made by Robert L. Lum, C.L.S., dated May 14, 1974, recorded in the Clerk's Office of the Circuit Court of Fluvanna County, Virginia, in Deed Book 106, page 309; AND BEING the same property conveyed to the Grantor by deed from Serenity Partners, LLC, a Virginia limited liability company, dated June 12, 2013, recorded immediately prior hereto.

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INSTRUMENT #1302838
RECORDED IN THE CLERK'S OFFICE OF
FLUVANNA COUNTY ON
JULY 11, 2013 AT 11:50AM
BOUSON E. PETERSON, CLERK
RECORDED BY: TLL

Attachment B



Attachment C

Fluvanna County Neighborhood Meeting July 13, 2016

Sign In Sheet

- I. **ZMP 16:04 Foster Fuels Rezoning**- 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.
- II. **SUP 16:08 Foster Fuels-Propane Tank** - 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 and the Columbia Election District.

Name	Address	Phone/Email	Item interested in
Marshall Finkler Jr	3422 Zion Rd Troy, Va 22974	434-293-7520	Both
Joanne Wells	3143 Rich. Rd. Troy Va 22974	434-296-8080	Both
Jessica Wilk-Payne	3165 Rich. Rd. Troy, VA 22974	434-293-4395	Both
Awendorn Rogoll	3560 Zion Rd. Troy VA 22974	434-295-6009	Both
Michael Rogoll	2151 Richmond Rd. Troy	" "	Both
Jim Spicer	2151 Richmond Road Charlottesville VA. 22911	434-975-2345	" "
Kim Johnson	" " same	" "	same

Attachment C

2 MP 16.04 July 13, 2016

- How does propane arrive?
(Via 18 wheeler trucks for delivery to, 6 wheel truck for delivery to customers.)
- Where is storage area?
(Sp. for consumer tanks to be stored)
- How many deliveries per day?
(1 per day for deliveries to customers)
- Won't I-2 be too intensive for residential area?

Main Concern

- 1 - Noise concern.
↳ Small trucks for delivery. Not tractor trailers for daily delivery.
- Will it only be propane?
↳ Can be a condition of permit.
- How many tanks?
↳ 1 per SUP unless otherwise specified
- Blast radius?
↳ No hills or other features that, for stopping explosion. Explosion, go upward.
- Why is storage so far away from main tank?
(Just placed that way)
- Smell?
↳ Should not be noticeable.

Attachment C

- Traffic concerns & safety of funds
- Deed restricts growth to 25% of property or so.

Make sure to add zoning info/description to staff report, language from Ordinance.



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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

August 15, 2016

Tim Spicer
2151 Richmond Road
Charlottesville VA

Delivered via email to tim.spicer@fosterfuels.com

Re:

ZMP 16:04 –Foster Fuels Rezoning
SUP 16:08- Foster Fuels Propane Tank
Tax Map: 4, Section A, Parcel 99

Dear Mr. Spicer:

The following comments are the result of the Technical Review Committee meeting that was held on Thursday, July 14, 2016. These comments are applicable for both your rezoning and special use permit request:

1. Planning Staff: Site has existing proffers, but these do not appear to affect the use of a petroleum distribution facility or rezoning to I2.
2. Fire Chief wanted to know what measures would be taken to mitigate risk. Applicant responded that they would incorporate all building and fire code requirements, as well as install bollards and fencing for security. Applicant offered to send a Fire Safety Analysis to Fire Chief and to neighbors.

Fire Chief also stated that fire control exercises at the Fluvanna Correctional Center for Women could include this site. Applicant stated they are willing to work with the Fire Department.

Fire Chief wanted to make sure that vehicles entering the site be at least 50ft away from the propane tank at all times.

3. Erosion and Sediment Control had no comments.

4. VDOT offers the following comments:

The submitted plan sketch did not show much detail. I commented that the typical items would need to be thoroughly review the future site plan (Turn Lane Analysis, Sight Distance verification, 45' entrance radii etc.). However, it was brought to my attention that there was a current site improvement plan and the construction of those items is almost complete. Therefore, no further improvements were discussed.

The following are some details further clarified at the TRC meeting:

Attachment D

- The site will be used for distribution only, no retail.
 - There is apparently some restrictive proffers from the previous rezoning that was brought to the planners attention after the meeting that may be restrictive to the proposed use. Needs clarification by County staff and possible proffer amendment.
 - The site's owner stated that he was instructed by VDOT to place barrels along the uneven pavement course of the newly constructed turn-lane. He mentioned he was told that VDOT was to mill and repave his portion of Rte. 250 and was to also pave the final asphalt surface course of the new turn-lane in June. He wants to start using his turn-lane. I asked him to follow-up with you once you return to verify the paving schedule work and the outstanding items to be finalized.
 - (*From Mark Woods Replacement at the TRC*): The developer's contractor constructed the right turn lane and taper several months ago. VDOT has a paving overlay contract on Rte. 250 between Rte. 689 and Rte. 250 for this paving season. VDOT's pavement overlay of Rte. 250 is planned to tie into the developer's new right turn lane and taper. I have sent an inquiry to VDOT's pavement manager asking when he anticipates VDOT's paving contractor to overly this section of Rte. 250.
5. Health Department had no comments.

The Planning Commission will have a meeting to discuss this item at their Wednesday, August 24, 2016 meeting. Your attendance is required at this meeting.

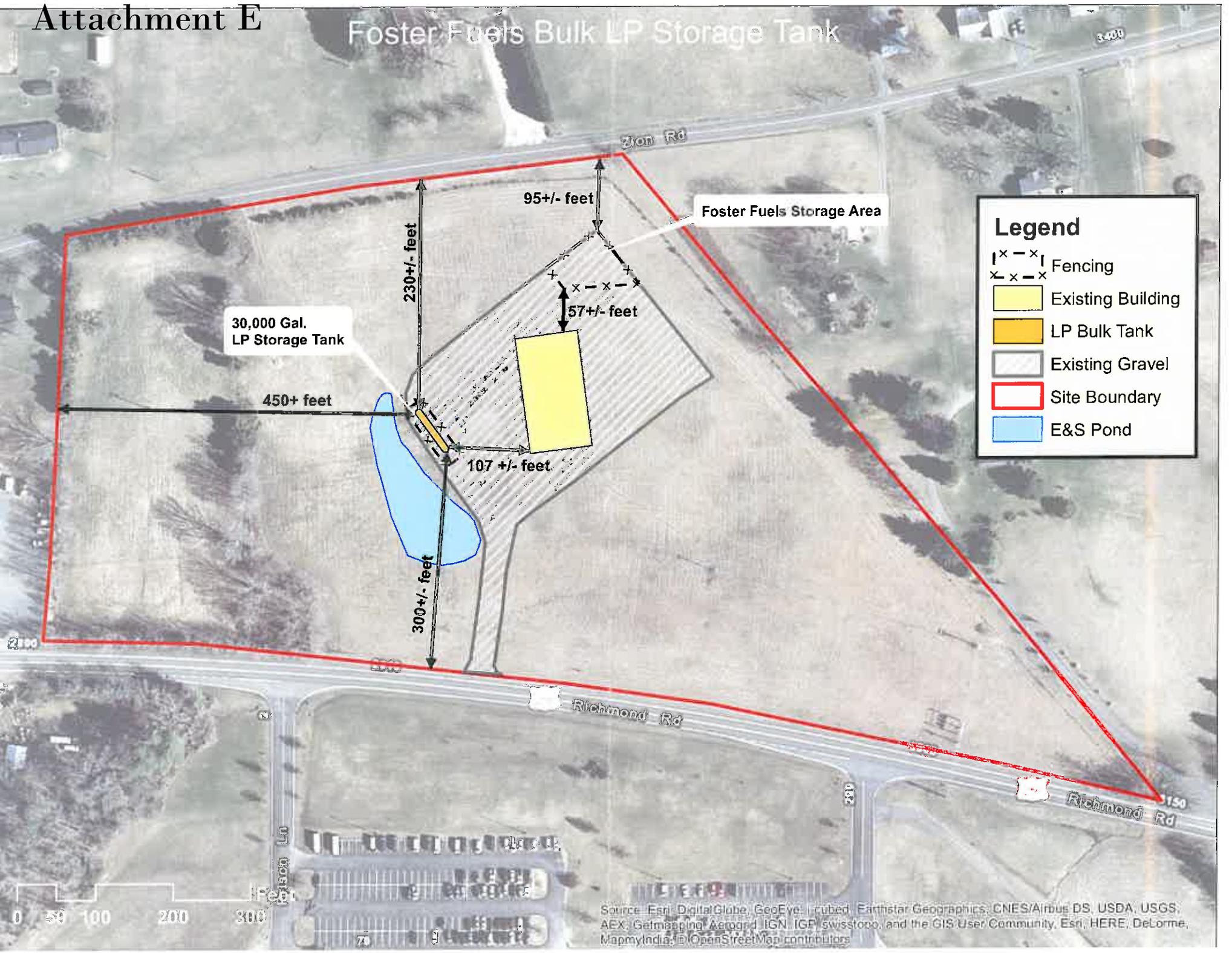
If you have any questions or need additional information, please contact me at 434-591-1910.

Sincerely,
James Newman
Planner
Dept. of Planning & Zoning

cc: File
Kim Johnson at kim.johnson@fosterfuels.com

Attachment E

Foster Fuels Bulk LP Storage Tank

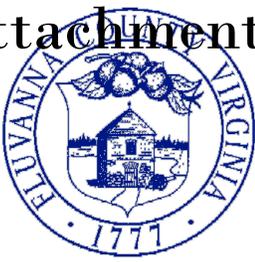


Legend

- Fencing
- Existing Building
- LP Bulk Tank
- Existing Gravel
- Site Boundary
- E&S Pond



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Geomatics, Aerogrid, IGN, IGP, Swisstopo, and the GIS User Community, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors



COUNTY OF FLUVANNA

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May 6, 2016

Ken Bahr
2316 Highland Avenue
Charlottesville VA 22903

Delivered via email to kenbahr@comcast.net

REF: Re: SDP 13:09 Cavalier Containers Landscape Plan comments, Tax Map 4-A-99

Dear Mr. Bahr:

I have reviewed the landscape, well and septic plan dated July 6, 2015. Based on our site review yesterday May 5, 2016, I have the following comments:

1. Please plant two (2) additional trees on the driveway. These tree must be of the same species as those which front Route 250.
2. Please remove all dead or dying landscaping trees and replace them with living versions of the same species.

Once these actions have been done, and based on Steve Tugwell's previous letters, I will consider the site to be in compliance with the landscape ordinance and with the submitted landscape portion of the landscape, well and septic plan dated July 6, 2015.

If you have any questions or comments, feel free to contact me at (434) 591-1910 or at jnewman@fluvannacounty.org.

Sincerely,

James Newman
Planner
Dept. of Planning & Community Development

Copy: Mark Keller, Terra Concepts P.C., 2046 Rock Quarry Road, Louisa VA 23093, at mkeller@terraconceptspc.com
File



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Attachment F

August 17, 2016

Ken Bahr
2316 Highland Avenue
Charlottesville VA 22903

Delivered via mail

REF: **Re: SDP 13:09 Cavalier Containers Landscape Plan comments, Tax Map 4-A-99**

Dear Mr. Bahr:

Please be aware that you have not yet reached full compliance with your Site Development Plans regarding the aforementioned property. The following must be done in order for you to reach compliance and therefore receive a permanent Certificate of Occupancy.

1. Please plant two (2) additional trees on the driveway. These tree must be of the same species as those which front Route 250.
2. Please remove all dead or dying landscaping trees and replace them with living versions of the same species.
3. Metal dumpsters/open shipping containers were observed by County Staff on July 29, 2016. No storage area for these containers has been shown on your site plan. An amendment to your site plan will be necessary, showing the location on your site where you propose to keep these items stored.

Once these actions have been done, and based previous letters, I will consider the site to be in compliance with the landscape ordinance and with the submitted landscape portion of the landscape, well and septic plan dated July 6, 2015, as well as your overall site plan.

If you have any questions or comments, feel free to contact me at (434) 591-1910 or at jnewman@fluvannacounty.org.

Sincerely,

James Newman
Planner
Dept. of Planning & Community Development

File

Attachment F

James Newman

From: James Newman
Sent: Thursday, August 18, 2016 8:46 AM
To: 'Kenneth Bahr'
Subject: RE: Cavalier Containers Landscaping Timeline Followup

Thank you for the update Mr. Bahr.

From: Kenneth Bahr [<mailto:kenbahr@comcast.net>]
Sent: Wednesday, August 17, 2016 6:04 PM
To: James Newman
Subject: RE: Cavalier Containers Landscaping Timeline Followup

We attempted the grass seeding twice and it has had poor results. We really need to seed in the optimal time-frame of mid September - mid October. We have squandered thousands of dollars in materials and labor trying to force the seeding issue in the summertime. It simply won't work- the area is too large to water- we must rely on nature.

Snow's cannot get the two London Plane (Sycamore) trees at this time. They too need to be harvested and planted in season (winter). I have a letter from Snow's. Will forward.

Finally Snow's replaced several dead or distressed White Pines until their nursery stock became depleted. In the interim, I noticed a few more pines are in distress. Ditto as with the Sycamore trees, any additional White Pines need to be harvested and planted in cool temperatures.

Regarding covering the sediment basin to bio-filter, I believe Harman Construction has been advised by Roger Black to wait until next year to ensure the site is fully stabilized.

----- Original message -----

From: James Newman
Date: 08/17/2016 10:47 AM (GMT-04:00)
To: kenbahr@comcast.net, mkeller@terraconceptspc.com
Cc: Jason Stewart
Subject: Cavalier Containers Landscaping Timeline Followup

Good morning Mr. Bahr and Mr. Keller,

What is your proposed timeline for implementing the comments listed in the 'Landscaping review comments 5 6 16' letter emailed to you both on Friday May 6, 2016?

James Newman

Attachment F

County Planner & GIS Coordinator

Fluvanna County Planning Dept.

(434) 591 1910 ext: 1023



Attachment G

COUNTY OF FLUVANNA

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STAFF REPORT

To: Fluvanna County Planning Commission

Case Number: SDP 13:09

Tax Map: Tax Map 4, Section A, Parcel 99

From: Steve Tugwell

District: Columbia

Date: September 25, 2013

General Information:

This item is scheduled to be heard by the Planning Commission on Wednesday, September 25, 2013 at 7:00 p.m. in the Circuit Courtroom in the Courts Building.

Owner:

Serenity Partners, LLC

Applicant/Representative:

I & J Home Builders, LLC

Requested Action:

Approval of a sketch plan to construct an 8,400 square foot building with respect to 14.771 acres of Tax Map 4, Section A, Parcel 99. (Attachment A)

Location:

The subject property is located on the north side of Route 250 (Richmond Road) approximately 0.33 miles east of Route 627 (Zion Road). (Attachment B)

Existing Zoning:

I-1, Industrial, Limited (conditional) (Attachment C)

Existing Land Use:

vacant parcel

Adjacent Land Uses:

Adjacent properties are zoned A-1, Agricultural, General

Comprehensive Plan:

Zion Crossroads Community Planning Area

Zoning History:

A rezoning (ZMP 08-04), from A-1 to I-1 with proffered conditions, was approved for this property by the Board of Supervisors on September 17, 2008. (Attachment D)

Attachment G

Analysis:

The applicant is requesting sketch plan approval to construct an 8,400 square foot building, which will contain 480 square feet of office space. The applicant has stated the building will be used for truck storage and maintenance in conjunction with his existing refuse receptacle business. This parcel was rezoned from A-1 (Agricultural, General), to I-1 (Industrial, Limited) with proffers on September 17, 2008. Per the approved proffers, a landscaping buffer is required along the entire frontage of the property on Zion Road (Route 627), as well as along the eastern boundary adjacent to the Bourne and Wills properties. Additionally, building facades fronting on Richmond Road (Route 250), and Zion Road (Route 627) will “*incorporate finishing materials such as brick, stucco, split-faced block, etc.*”, in accordance with the approved proffers.

This parcel is zoned I-1 (Industrial, Limited), with approved proffers. The proffers exclude certain types of uses of this property that are typically allowed in the I-1 zoning district, but do not exclude warehouses, or using warehouses for storage or office space in conjunction with a business. This site is located within the Zion Crossroads Community Planning Area, and adjoining parcels are zoned A-1. As adjacent parcels contain single-family residences, it appears that proffers were written with consideration to the neighbors in regard to screening, lighting, and building materials.

Parking/Roads

The site is proposed to be accessed from Richmond Road (Route 250). The revised sketch plan is showing one (1) point of access from Route 250, as VDOT previously commented that two (2) points of access would not be allowed. Additionally, proffer # 3 states that “*we hereby withdraw any and all plans to access this property from Zion Road (Route 627) as previously shown on the preliminary plat*”.

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. Adjacent properties are zoned A-1 (Agricultural, General), and there is a posted speed limit of 55 miles per hour. Therefore, a waiver from sidewalk requirements at this location may be appropriate. (Attachment E)

Landscaping/Screening

All landscaping should be in compliance with the Fluvanna County Zoning Ordinance. Proffers have addressed landscaping buffer requirements along Richmond Road (Route 250), and Zion Road (Route 627). In addition to that, the final site development plan shall be in compliance with Article 24 of the zoning ordinance (Landscaping and Tree Protection).

Attachment G

Signage & Outdoor Lighting

Traffic circulation should be controlled by appropriate directional signage at the entrance/exit point into the site. Proffer # 6 states “we propose to follow dark sky exterior lighting as provided in Fluvanna County site plan requirements”. As five (5) parking spaces are shown on the plan, full-cutoff lighting is required. Any new signage is subject the regulations as prescribed in Article 15 of the Zoning Ordinance, and shall require a separate application for a sign permit.

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 will be provided on-site.

Technical Review Committee:

1. At the July 11, 2013 Technical Review Committee meeting, the Health Department commented that the buildings must have a private water and sewage system, and that it is their understanding that a soils report and proposal will be completed and will be reviewed by the Health Dept. when submitted by the applicant;
2. The Fire Chief asked what the proposed two buildings will be used for, and if any hazardous materials will be stored inside the buildings;
3. Central Virginia Electric Cooperative stated their concerns were that no buildings, wells, or drain-fields are to be constructed within 20 feet of either side of the overhead distribution lines that run through the property;
4. The E & S inspector commented that an approved erosion and sedimentation control and stormwater plan and land disturbing permit will be required prior to any land disturbing activity on site;
5. VDOT commented that there will not be two entrances at the proposed location, that this is a primary roadway which requires under the new access management standards possible spacing requirements, may generate a turn lane/taper, widening of the pavement, etc., also a site plan is needed and line of sight issues may arise due to the proposed landscaping plan. Additionally, a 150 foot turn lane will be required, due to the traffic on Route 250 generated by the site and the square footage of the two proposed buildings;

Planning Staff asked what the proposed uses for the buildings will be, and the uses will have a bearing on the number of required parking spaces, and that if five (5) or more parking spaces is required, then site full-cutoff site lighting will also be required, the building setback from Route 250 is 200 feet and not 100 feet as the sketch plan shows,

Attachment G

any lights installed on the buildings are required to be full-cutoff lighting and a photometric plan will be required, landscaping will be required per the approved proffers; the site will have to be developed in accordance with the approved proffers; Per Sec. 22-9-10, sidewalks that comply with the most recent VDOT specifications shall be required on both sides of all roadways, public and private, **(a variation to the sidewalk requirements may be granted by the Planning Commission for projects where);**

- a) VDOT prohibits the construction of sidewalks;
- b) The physical conditions on the lot or adjoining lots, including but not limited to, existing structure and parking areas, existing utility easements, environmental features, or the size and shape of the lot, make it impossible or unfeasible to provide the required sidewalks;
- c) The application of the before mentioned requirements would not further the goals of the Comprehensive Plan or otherwise serve the greater public's health, safety, and welfare.

If a variation from the Planning Commission is desired, then a written request addressed to the Planning Commission identifying one or more of the reasons above should be submitted to the Planning Department along with the sketch plan revision to be forwarded with the staff report

(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, directional signage, and outdoor lighting plans when and where applicable;
2. Meeting all public agency requirements including but not limited to Health Department and VDOT requirements;
3. Meeting all Erosion and sedimentation control requirements;
4. The site shall be developed in compliance with the proffers approved with the rezoning of this property (ZMP 08:04), which was approved on September 17, 2008.

Attachment G

Suggested Motion:

I move to approve SDP 13:09, a sketch plan to construct an 8,400 square foot building with respect to 14.771 acres of Tax Map 4, Section A, Parcel 99, 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 and sketch plan

B – Aerial Vicinity Map

C – Zoning Map

D – Rezoning ZMP 08:04 approval letter with proffers

E - Applicant's request for a variation to the sidewalk regulations as required by Sec. 22-23-6 BB.

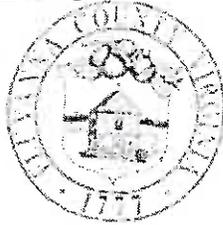
F – Planning staff comment letter, applicant's response to TRC comments, emails from the TRC members

Copy:

Owner: Serenity Partners, LLC

Applicant/Representative: I & J Home Builders, LLC, 21708 James Madison Highway, Troy, VA 22974

File



COMMONWEALTH OF VIRGINIA
 COUNTY OF FLUVANNA
 Site Development Application

Received
 SEP 19 2013
 Fluvanna County

Owner of Record: Serenity Partners, LLC

E911 Address: Troy, VA

Phone: _____ Fax: _____

Email: _____

Applicant of Record: I and J Home Builders

E911 Address: 21708 James Madison Hwy. Troy, VA

Phone: 591-1100 Fax: _____

Email: ijackson2272@gamil.com

Representative: Stanley Land Surveys, PLC

E911 Address: P.O. Box 154 Palmyra, VA 22963

Phone: 589-8395 Fax: 589-6327

Email: tim@stanleylandsurveys.com

Tax Map and Parcel(s): ~~Tm 4-99~~ 4(A) 99

Acreage: 14.771 ✓ Zoning: I-1 ✓

Location: Between route 250 and 627 3.0+/- miles from Zion cross roads

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: _____

Deed Book Reference: 769-273

Deed Restrictions? No Yes (Attach copy)

Description of Property: 14.77 acres on north side of 250

Proposed Structure: metal building For Corporate HQ, Secure Facility for vehicles, and equipment

Dimensions of Building: 70'x120'

Lighting Standards on Site: No Yes

of Employees: 3

of Parking Spaces: 5

Noise Limitations: _____

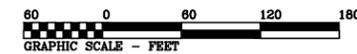
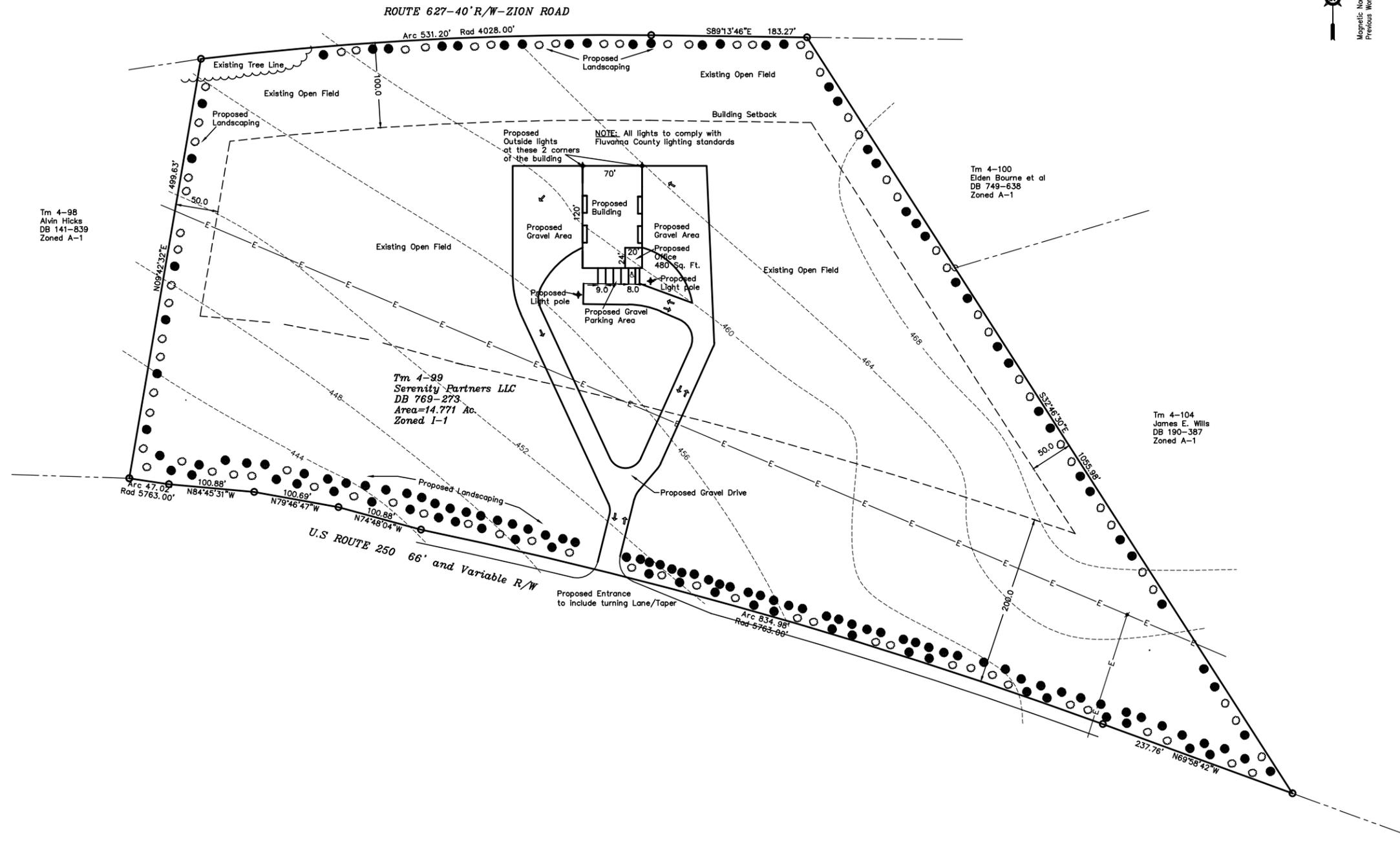
I declare that the statements made and information given on this application are true, full and correct to the best of my knowledge and belief. I agree to conform fully to all terms of any certificate or permit which may be issued on account of this application.

Tom Schmal
 Applicant Name (Please Print)

[Signature] 9-16-2013
 Applicant Signature and Date

OFFICE USE ONLY		
Date Received: <u>9-19-13</u>	Fee Paid: <input checked="" type="checkbox"/> <u>7/1/2013</u>	Application #: <u>SDP13 : 09</u>
Election District: <u>Columbia</u>	Planning Area: <u>Zion Crossroads</u>	Number of Lots: _____
Total Fees Due at Time of Submittal:		
Sketch Plan: \$150.00	Minor Plan: \$550.00	Major Plan: <u>\$1,100.00</u>
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



STANLEY LAND SURVEYS, PLC
 LAND SURVEYING-LAND PLANNING
 PALMYRA OFFICE CENTER
 POST OFFICE BOX 154
 PALMYRA, VA 22963-0154
 PHONE: (434) 589-8395
 FAX: (434) 589-8327



Revisions:

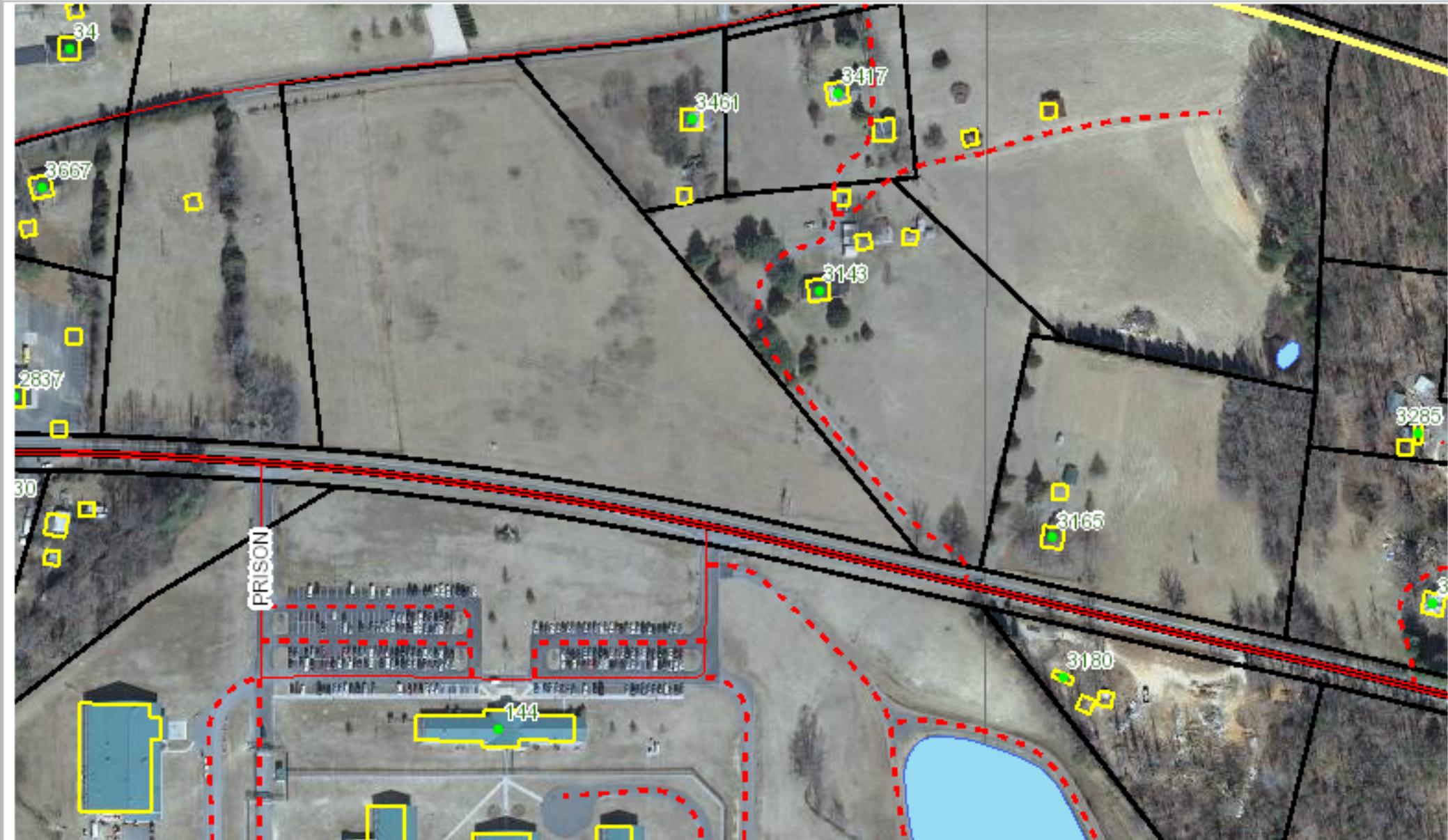
NO.	DESCRIPTION	DATE
1	TRC Comm.	9-13-13

Project Title:
 SITE PLAN SKETCH
 FOR SERENITY PARTNERS, LLC
 PALMYRA DISTRICT, FLUVANNA COUNTY

Drawing Title:
 SITE PLAN SKETCH

Drawing Scale: 1"=60'	File Name: 0400099.dwg
Date: 6-30-13	Project No.: 0000
Drawn By: JS	Checked By: PTS

Sheet No:
 1 OF 1



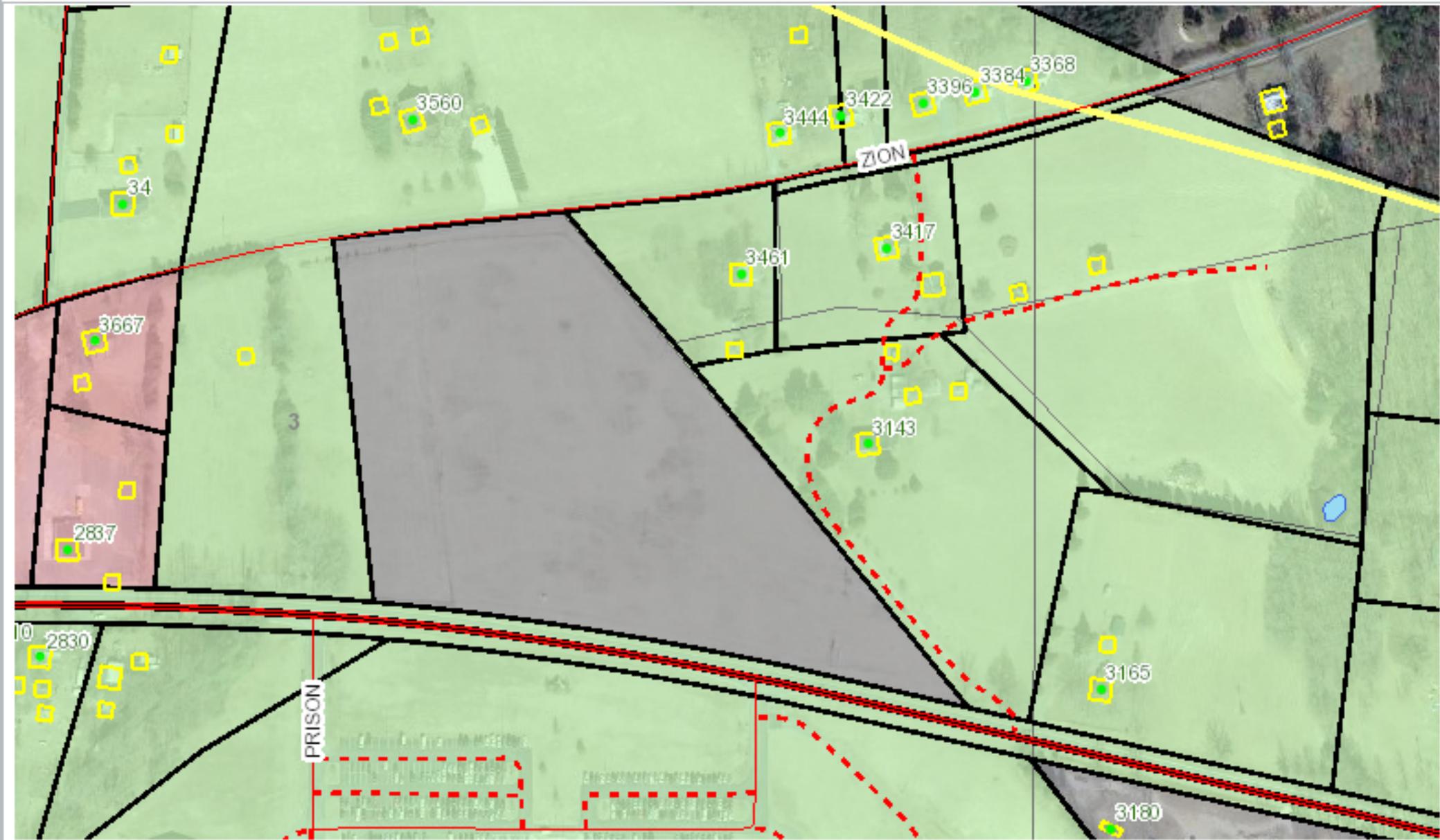
Scale: 1:4513.988705	Date: 09/19/2013	Printed By:
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Under Virginia State Law, these real estate assessment records are public information. Display of this property information on the internet is specifically authorized by the Code of Virginia §58.1-3122.2(as amended).



Attachment G

SDP 13:09 I & J Homebuilders, LLC



Scale: 1:4513.988705	Date: 09/19/2013	Printed By:
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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).



COUNTY OF FLUVANNA

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

September 19, 2008

Tracey Cosner
4796 Three Chopt Road
Troy, VA 22974

REF: ZMP 08:04

Dear Ms. Cosner:

Please accept this letter as notification of the action taken on September 17, 2008 by the Board of Supervisors with regard to the request referenced above. Your request to amend the Fluvanna County Zoning Map with respect to approximately 14.771 acres of Tax Map 4, Section A, Parcels 99, to rezone the same from A-1, Agricultural, General to I-1, Industrial, Limited, was **approved** with the following eight (8) proffers:

1. The following uses permitted by-right in the I-1 zoning district have been proffered out:
 - a. Monumental Stone Works;
 - b. Feed Mill;
 - c. Refabrication and overhaul of pipes and fittings; wholesale merchandising of commercial piping and fittings; and attendant storage related hereto.
 - d. Storing, blending and packaging of ingredients for lawn and garden productions for agricultural purposes and certain industrial uses.
2. All landscaping along the Route 250 corridor shall meet the requirements of VDOT and Fluvanna County;
3. We hereby withdraw any and all plans to access this property from Zion Road (Rt. 627) as previously shown on the preliminary site plan;
4. We further propose to establish a landscaping buffer along the entire frontage of the property on Zion Road (Rt. 627) as well as along the eastern boundary adjacent to the Bourne and Wills properties;
5. We propose that all building facades fronting onto Richmond highway (Rt. 250) and Zion Road (Rt. 627) will incorporate finishing materials such as brick, stucco, split-faced block, etc.;
6. We propose to follow "dark sky" exterior lighting as provided in Fluvanna county site plan requirements.
7. We propose to follow Sec. 19-7-7, Article 7 of the Subdivision Design Standards which states: The proposed development shall be designed to minimize the impact of noise, glare and pollution on adjoining property and protect the surrounding lands from the same.
8. In addition, we offer to proffer out of the list of permitted uses under I-1 by Special Use Permit the following uses:

Attachment G

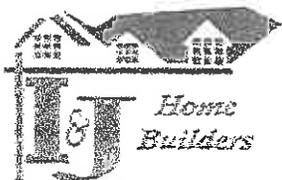
- a. Wood yard with chipper
- b. Solid waste material recovery facility

If I can be of any further assistance, please feel free to contact me.

Sincerely,

Darren Coffey
Planning Director

CC: Serenity Partners, 151 Starlite Park, Troy, VA 22974
William Anderson, 3 Ponderosa Lane, Palmyra, VA 22974
File



21708 JAMES MADISON HWY, TROY, VA 22974
PHONE (434) 591-1100 FAX (434) 591-1133

Attention: Steve Tugwell

Senior Planner, Dept. of Planning & Community Development, County of Fluvanna

Re: SUP 13:09 Two (2) 7,200 square foot metal buildings major site plan Tax Map: 4, Section A, Parcel 99

Dear Steve,

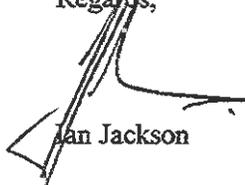
This is a request for a variation to the sidewalk requirements in Section 22-9-10 of the Fluvanna County Ordinance.

Constructing a sidewalk along Route 250, opposite the woman's prison, would not serve the greater public's health, safety, and welfare for the following reasons:

- 1.) The sidewalk would end on the side of Route 250 with nowhere for pedestrians to exit.
- 2.) The speed and volume of traffic on Route 250 would be hazardous for pedestrians.

Please feel to contact me for additional information.

Regards,



Ian Jackson



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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

July 19, 2013

I & J Home Builders, LLC
21708 James Madison Highway
Troy, VA 22974

Delivered via mail

Re: SUP 13:09 Two (2) 7,200 square foot metal buildings major site plan
Tax Map: 4, Section A, Parcel 99

Dear Applicant:

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

1. The Health Department commented that the buildings must have a private water and sewage system, and that it is their understanding that a soils report and proposal will be completed and will be reviewed by the Health Dept. when submitted by the applicant;
2. The Fire Chief asked what the proposed two buildings will be used for, and if any hazardous materials will be stored inside the buildings;
3. Central Virginia Electric Cooperative stated their concerns were that no buildings, wells, or drain-fields are to be constructed within 20 feet of either side of the overhead distribution lines that run through the property;
4. The E & S inspector commented that an approved erosion and sedimentation control and stormwater plan and land disturbing permit will be required prior to any land disturbing activity on site;
5. VDOT commented that there will not be two entrances at the proposed location, that this is a primary roadway which requires under the new access management standards possible spacing requirements, may generate a turn lane/taper, widening of the pavement, etc., also a site plan is needed and line of sight issues may arise due to the proposed landscaping plan. Additionally, a 150 foot turn lane will be required, due to the traffic on Route 250 generated by the site and the square footage of the two proposed buildings;

Planning Staff asked what the proposed uses for the buildings will be, and the uses will have a bearing on the number of required parking spaces, and that if five (5) or more parking spaces is required, then site full-cutoff site lighting will also be required, the

storage of vehicles related to the business,
& repair

Attachment G

building setback from Route 250 is 200 feet and not 100 feet as the sketch plan shows, any lights installed on the buildings are required to be full-cutoff lighting and a photometric plan will be required, landscaping will be required per the approved proffers; the site will have to be developed in accordance with the approved proffers; Per Sec. 22-9-10, sidewalks that comply with the most recent VDOT specifications shall be required on both sides of all roadways, public and private, **(a variation to the sidewalk requirements may be granted by the Planning Commission for projects where);**

- a) VDOT prohibits the construction of sidewalks;
- b) The physical conditions on the lot or adjoining lots, including but not limited to, existing structure and parking areas, existing utility easements, environmental features, or the size and shape of the lot, make it impossible or unfeasible to provide the required sidewalks;
- c) The application of the before mentioned requirements would not further the goals of the Comprehensive Plan or otherwise serve the greater public's health, safety, and welfare.

If a variation from the Planning Commission is desired, then a written request addressed to the Planning Commission identifying one or more of the reasons above should be submitted to the Planning Department along with the sketch plan revision to be forwarded with the staff report

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, along with any other materials or documentation that is to be included in the Planning Commission packet by **Friday, July 26, 2013**. Submitting revisions by this deadline will place your request on the **August 28, 2013** Planning Commission agenda.

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

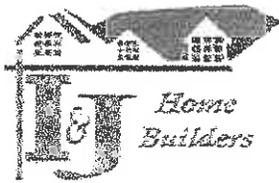
Sincerely,



Steve Tugwell
Senior Planner
Dept. of Planning & Community Development

cc: File

Attachment G



21708 JAMES MADISON HWY, TROY, VA 22974
PHONE (434) 591-1100 FAX (434) 591-1133

Attention: Steve Tugwell

Senior Planner, Dept. of Planning & Community Development, County of Fluvanna

Re: SUP 13:09 Two (2) 7,200 square foot metal buildings major site plan Tax Map: 4, Section A, Parcel 99

Dear Steve,

In response to your comments in your letter dated the 19th of July, 2013, we wish to clarify the following:

- 1.) We have requested an AOSE to test the soils and lay out a drain field and to submit his findings to the health department for a permit. To date the soils have been favorable and the report will be submitted shortly.
- 2.) The proposed two buildings will be used for parking and maintenance of the owner's vehicles. Also there will be no hazardous materials stored inside the buildings.
- 3.) As noted.
- 4.) We have instructed our engineer to design an erosion, sedimentation control, and land disturbance plan.
- 5.) As noted, according to VDOT, there will only be one entrance on the property and our engineer is designing the entrance and liaising with VDOT on the exact location. The erosion, sediment, and land disturbance plan along with the entrance plan will be submitted to the county as soon as we have it.
- 6.) In regard to parking spaces; the only people that would require parking spaces would be the owner, a driver, and the secretary. There vehicles will be parked indoors. Full-cutoff site lighting will not be required.
- 7.) A 100 foot setback is the correct setback.
- 8.) We find no necessity to have a side walk and we don't think VDOT would approve of it.

As soon as we have the above plans we will resubmit them for approval.

Regards,

Ian Jackson

Attachment G

Steven Tugwell

From: Goodale, James E. (VDOT) <James.Goodale@VDOT.virginia.gov>
Sent: Tuesday, July 16, 2013 2:01 PM
To: Steven Tugwell
Cc: Wood, Mark (VDOT)
Subject: TRC comments for the July meeting

SDP 13:08 – Tiger Fuel Company

Although private the addition of two fuel pumps could generate more traffic therefore an entrance analysis study needs to be conducted.

SDP 13:09 – I&J Homebuilders, LLC

There will not be two entrances at the proposed location. This is a primary roadway which requires under the new access management standards possible spacing requirements, may generate a turn lane/taper, widening of the pavement, etc., also a site plan is needed and line of sight issues may arise due to the proposed landscaping plan. After all this is said and done a 150' right turn lane will be required. This is because of the traffic on Route 250 and the traffic generated by the site and the square footage of the two proposed buildings.

James E. Goodale
Permits & Subdivision Specialist Sr.
Culpeper District - Zion Crossroads
P.O. Box 1017
Troy, VA. 22974
Phone 434.589.2358 Fax 434.589.3967

Attachment G

Steven Tugwell

From: Steve Olson <solson@MyCVEC.com>
Sent: Friday, July 12, 2013 10:34 AM
To: Steven Tugwell; Goodale, James E. (VDOT); Mike Brent
Subject: RE: TRC comments

Steve,

Tiger Fuel. CVEC has no comments or concerns.

Site plan on 250 across from the Prison. CVEC's concerns and comments were that no buildings, wells, or drain-fields are to be constructed within 20' of either side of the overhead distribution lines that run through the property.

Steven C. Olson
Field Engineering Supervisor
P. O. Box 247
Lovingston, VA 22949
800.367.2832, Ext. 1450
Direct: 434.263.2631
www.mycvec.com



From: Steven Tugwell [<mailto:stugwell@fluvannacounty.org>]
Sent: Friday, July 12, 2013 8:53 AM
To: Goodale, James E. (VDOT); Mike Brent; Steve Olson
Subject: TRC comments
Importance: High

Hi all,

Could you please write your TRC comments from yesterday's meeting and email them to me? The 2 items were the site plan on 250 across from the women's prison, and the Tiger Fuels site plan at Turkeysag and 53.

Thanks!
Steve

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

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Steven Tugwell

From: Miller, Charles (VDH) <Charles.Miller@vdh.virginia.gov>
Sent: Thursday, July 11, 2013 10:25 AM
To: Steven Tugwell
Subject: TRC Meeting

Steve,

To confirm our conversation of yesterday regarding the items on the TRC schedule:

1 – The Tiger Fuel business will be on the LM sewage facility, I'm sure.

2 – I&J Homebuilders proposal for the two buildings at Rts. 250 & 627 must have a private water & sewage system. I spoke with Mr. Jackson about this yesterday. He informed me that he would have a soil study and proposal done next week. When he submits that, I will review and forward

Comments to you.

Thanks,
Charles

Attachment G

From: Mike-Kathy Brent <mkbrent7@gmail.com>
Sent: Thursday, July 04, 2013 4:32 PM
To: Steven Tugwell
Subject: Re: July 11, 2013 TRC agenda

Steve

I will be out of town next Thursday but I have no comments on the two items. I do have a question on the I & J request and that's what the two buildings will be used for and if any Haz. Mat. materials will be stored inside?

Thanks
Mike

On Wed, Jul 3, 2013 at 3:17 PM, Steven Tugwell <stugwell@fluvannacounty.org> wrote:

Dear TRC members:

Attached is the agenda for our July 11, 2013 TRC meeting. The meeting is scheduled for 2pm in the Morris Room of the County Administration Building.

Please let me know if you have any questions or comments, and I look forward to seeing you at the meeting!

Thanks,

Steve

Steve Tugwell

Senior Planner

Dept. of Planning & Community Development

Attachment G

From: Wright, Chuck (DOF) <chuck.wright@dof.virginia.gov>
Sent: Monday, July 08, 2013 9:55 AM
To: Steven Tugwell
Subject: RE: July 11, 2013 TRC agenda

Steve

I will have no comments on either of these. Thanks.

Chuck Wright
Forester
Jefferson Work Area
2010 Sandy Hook Road
Goochland, VA 23063
Office: 804-556-4145
Cell: 804-912-0248
Email: chuck.wright@dof.virginia.gov
Web: www.dof.virginia.gov

From: Steven Tugwell [<mailto:stugwell@fluvannacounty.org>]
Sent: Wednesday, July 03, 2013 3:17 PM
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; 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; Wayne Stephens
Cc: ianjackson7@embarqmail.com; Tim Stanley; Gordon Sutton (suttong@tigerfuel.com); tmiller@meridianwbe.com
Subject: July 11, 2013 TRC agenda

Dear TRC members:

Attached is the agenda for our July 11, 2013 TRC meeting. The meeting is scheduled for 2pm in the Morris Room of the County Administration Building.

Please let me know if you have any questions or comments, and I look forward to seeing you at the meeting!

Thanks,
Steve

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

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

Attachment G

Steven Tugwell

From: Roger Black
Sent: Friday, July 19, 2013 8:57 AM
To: Steven Tugwell
Subject: RE: 7 11 2013 TRC comments?

Steve,

SDP 13:08 Tiger Fuel

If more than 10,000 square feet would be disturbed during the execution of this plan, an approved E & S Control/Stormwater Plan and Land Disturbing Permit will be required prior to any land disturbing activity on site.

SDP 13:09 I & J

An approved E & S Control/Stormwater Plan and Land Disturbing Permit will be required prior to any land disturbing activity on site.

Thanks,
Roger

From: Steven Tugwell
Sent: Thursday, July 18, 2013 12:06 PM
To: Roger Black
Subject: 7 11 2013 TRC comments?

Roger,

I'm writing my TRC comment letter. Do you have any comments for either one of these applications?

Thanks!
Steve

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

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COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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

Attachment G

August 11, 2015

Mark Keller, Terra Concepts, P.C.
2046 Rock Quarry Road
Louisa, VA 23093

Delivered via email

**REF: Re: SDP 13:09 Cavalier Containers Final Site Development Plan – Notice of approval
Tax Map 4-A-99**

Dear Mr. Keller:

I have reviewed the revised final site development plan that was received by our office on July 6, 2015, and have approved it. Pursuant to Sec. 22-23-9 A., an approved final site plan shall be valid for five (5) years from the date of approval.

As you apply for building permits, please be mindful of the following:

Sec. 22-23-11 - Compliance with the Approved Site Plan.

- A. Inspections shall be made during the installation of off-site improvements by the Director of Planning, or other County or State Staff, to insure compliance with the approved site plan.
- B. The owner or developer shall provide adequate supervision at the site during installation of improvements required by the site plan, and shall make one (1) set of approved plans available at the site at all times that work is being done.
- C. No final certificate of occupancy shall be issued until all work is completed in compliance with the approved site plan.
- D. Prior to any final approval, or issuance of any temporary certificate of occupancy, a bond with surety, or other guaranty, approved by the Planning Director and County Attorney in accordance with Sec. 15.2 15.2-2241 through 15.2-2246 of the Code of Virginia, in an amount sufficient to cover the estimated costs of such improvements to be bonded, the owner or developer shall submit an estimate of such costs which shall be reviewed by the agent. The completion of all other improvements required by or pursuant to this section shall be certified and/or bonded as provided hereinabove.
- E. Prior to occupying the site, the applicant shall provide to the agent plans of the site, in the same detail as the plans approved subject to this chapter showing the site as fully developed. The agent may require such supplementation, revision or amendment to such plans as may be necessary to reflect the true conditions of the site. In the event that the site as fully developed shall not be substantially as shown on the approved site plan, the applicant shall submit a revised plan for review by the Planning Director. No certificate of occupancy shall be issued for any use, building or structure subject to the provisions of this article unless and until all improvements required by the

Attachment G

approved plan shall have been satisfactorily completed; provided, however, that the Planning Director may issue a temporary certificate of occupancy for any such use as to which there remain incomplete one or more items from the said plan, conditioned upon the timely and satisfactory completion of such items, so long as such incomplete items do not adversely affect the public health or safety and have been bonded for completion in accordance with Section 22-23-11(D).

Also, pursuant to rezoning case # ZMP 08-004, the following proffers remain applicable to this property, and to development of this property:

1. The following uses permitted by-right in the I-1 zoning district have been proffered out:
 - a. Monumental Stone Works;
 - b. Feed Mill;
 - c. Refabrication and overhaul of pipes and fittings; wholesale merchandising of commercial piping and fittings; and attendant storage related hereto.
 - d. Storing, blending and packaging of ingredients for lawn and garden productions for agricultural purposes and certain industrial uses.
2. All landscaping along the Route 250 corridor shall meet the requirements of VDOT and Fluvanna County;
3. We hereby withdraw any and all plans to access this property from Zion Road (Rt. 627) as previously shown on the preliminary site plan;
4. We further propose to establish a landscaping buffer along the entire frontage of the property on Zion Road (Rt. 627) as well as along the eastern boundary adjacent to the Bourne and Wills properties;
5. We propose that all building facades fronting onto Richmond highway (Rt. 250) and Zion Road (Rt. 627) will incorporate finishing materials such as brick, stucco, split-faced-block, etc.;
6. We propose to follow "dark sky" exterior lighting as provided in Fluvanna county site plan requirements.
7. We propose to follow Sec. 19-7-7, Article 7 of the Subdivision Design Standards which states: The proposed development shall be designed to minimize the impact of noise, glare and pollution on adjoining property and protect the surrounding lands from the same.
8. In addition, we offer to proffer out of the list of permitted uses under I-1 by Special Use Permit the following uses:
 - a. Wood yard with chipper
 - b. Solid waste material recovery facility

Finally, a separate sign permit application must be filed with this office if a sign is desired at this site.

If you have any questions or comments, feel free to contact me at (434) 591-1910 or at stugwell@fluvannacounty.org.

Sincerely,



Steven Tugwell
Senior Planner
Dept. of Planning & Community Development

Copy: Mr. Ken Bahr via email – kenbahr@comcast.net
File

Attachment H



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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

STAFF REPORT

To: Fluvanna County Board of Supervisors
Case Number: ZMP 08:04
Tax Map: Tax Map 4, Section A, Parcel 99

From: Bryant Phillips
District: Palmyra
Date: September 17, 2008

General Information: This request is scheduled to be heard by the Board of Supervisors on Wednesday, September 17, 2008 at 7:00 pm in the Circuit Courtroom in the Courts Building.

Owner: Tracey Cosner

Applicant: Serenity Partners

Representative: William Anderson

Requested Action: To amend the Fluvanna County Zoning Map with respect to approximately 14.771 acres of Tax Map 4, Section A, Parcel 99, to conditionally rezone the same from A-1, Agricultural, General to I-1, Industrial, Limited

Location: The affected property is located on the northern side of Route 250 (Richmond Road) approximately 0.33 miles east of Route 627 (Zion Road) (Attachment B).

Existing Zoning: A-1, Agricultural, General

Proposed Zoning: I-1, Industrial, Limited

Existing Land Use: Primarily open land. There is an existing building on the property that is to be removed.

Adjacent Land Use: Adjacent properties are zoned A-1, Agricultural, General. The Women's Correctional Center is located across Route 250 from the property.

Comprehensive Plan: This parcel is located within the Zion Crossroads Community Planning Area.

Attachment H

Zoning History: None

Submitted Proffers: The following proffers were submitted to staff by the applicant:

The following uses permitted by-right in the I-1 zoning district have been proffered out by the applicant:

- 13) Monumental Stone Works;
- 19) Feed Mill;
- 20) Refabrication and overhaul of pipes and fittings; wholesale merchandising of commercial piping and fittings; and attendant storage related hereto; and
- 21) Storing, blending and packaging of ingredients for lawn and garden productions for agricultural purposes and certain industrial uses.

The applicant has also agreed to follow VDOT regulations and the landscape requirements of the County along the Route 250 Corridor.

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 buildings, horsepower, heating, flammable liquids or explosives, controlling emission of fumes, odors and/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:

Current Request:

The applicant is requesting to conditionally rezone 14.771 acres from A-1, Agricultural, General to I-1, Industrial, Limited. The applicant has submitted a conceptual plan, however, this plan has not been proffered (Attachment C). The conceptual plan includes five (5) industrial buildings surrounded by parking area with a loading area located at the center of the development. The applicant is also proposing to have entrances on the property from both Route 250 (Richmond Road) and Route 627 (Zion Road). There is an existing building located on the property that the applicant is proposing to remove. The applicant has also included a revised proffer list (Attachment D) and a letter withdrawing the original proffer that was submitted (Attachment E).

Technical Review Committee:

At the July 10, 2008 Technical Review Committee meeting, the Health Department indicated that they would need reports from an AOSE delineating soil conditions and anticipated system designs for sewage disposal prior to approving this request. According to their records, prior

Attachment H

assessment of soils in the area indicate that there are severe limitations with the soil suitability for drain field use and that a conventional system design would not be possible.

The Fluvanna County Erosion and Sediment Control Inspector indicated that E&S control plans should be submitted for review at the site development plan phase of this proposed development. It was also mentioned that some of the soils on this property may not be suitable for storm water management areas and that shrink-swell soils may exist.

VDOT has indicated that both entrances should have commercial entrances and the required sight distance must be provided (610' for Route 250 and 500' for Route 627).

Comprehensive Plan:

Land Use:

This property is located in the Zion Crossroads Community Planning Area, and according to the 2000 Comprehensive Plan, this area is characterized by primary transportation networks that connect west to Charlottesville and east to Richmond. The Comprehensive Plan also goes on to say that this area should expand on its established employment base.

Economic Development:

The 2000 Comprehensive Plan states that the Zion Crossroads area has an existing employment base and is an area of concentration of major employers. The Comprehensive Plan considers this an area that is very conducive to further development due to its location and proximity to major transportation networks. This area is one that should be zoned for industrial and/or commercial uses and the County should promote economic development in this area along Route 250 and Route 15.

Conclusion:

Since this property is located in the Zion Crossroads Community Planning Area, and along a major transportation corridor, it appears that this proposed rezoning meets the intent of the Comprehensive Plan. The Board of Supervisors may wish to consider if there are any adverse impacts such as traffic, lighting, storm water management, noise, etc., and whether the application, as submitted, adequately addresses any identified impacts.

There were a few issues that were raised at the TRC meeting that would be addressed at the site development plan stage. Prior to beginning any construction or development, an erosion and sediment control plan and a site development plan that meets the requirements of the Fluvanna County Zoning Ordinance must be submitted for review and approval.

Planning Commission Recommendation:

At the August 27, 2008 Planning Commission meeting, the Commission discussed the proposed rezoning and the potential impact it could have on the surrounding area. Several citizens expressed their concern with this rezoning and how it could impact their property. One of the main concerns from adjacent property owners was the storm water management issue.

Attachment H

According to the adjacent property owners, storm water drainage is a problem on this site and they were concerned with how the development of this site would affect storm water drainage. Others were concerned with the traffic that would be generated on Route 627. The Planning Commission discussed these issues and determined that they would have to be addressed at the site plan stage, prior to beginning any construction.

Dr. Babbitt made a motion to recommend approval of ZMP 08:04 and Mr. Chesser seconded. The motion carried with a vote of 6-0. AYES: Babbitt, Chesser, Fortune, Murdock, Bibb, Halstead. NAYS: None.

Suggested Motion:

I move that the Board of Supervisors approve/deny of the attached ordinance for ZMP 08:04, a request to amend the Fluvanna County Zoning Map with respect to approximately 14.771 acres of Tax Map 4, Section A, Parcel 99, to conditionally rezone the same from A-1, Agricultural, General to I-1, Industrial, Limited, with the submitted proffers.

Attachments:

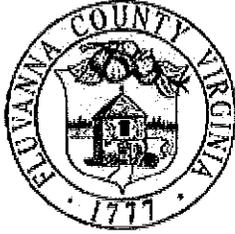
- A – Application and APO letter
- B – Aerial Vicinity Map
- C – Sketch Plan
- D – Revised Proffer Letter
- E – Original Proffer Withdrawal Letter
- F – TRC Comments Letter
- G – Proposed Ordinance
- H – Letter from William Anderson to the Planning Commission

Copy:

Owner: Tracey Cosner, 4796 Three Chopt Road, Troy, VA 22974

Applicant: Serenity Partners, 151 Starlite Park, Troy, VA 22974

Representative: William Anderson, 3 Ponderosa Lane, Palmyra, VA 22963



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Application for Rezoning

Owner of Record: Tracey Cosner
 E911 Address: 4796 Three Copt Road, Troy, VA 22974
 Phone: (434) 979-4335 Fax: _____
 Email: _____

Applicant of Record: Serenity Partners
 E911 Address: 151 Starlite Park, Troy, VA 22974
 Phone: (434) 589-4302 Fax: 589-5362
 Email: enviroba@earthlink.net

Representative: Wm. C. Anderson
 E911 Address: 3 Ponderosa Lane, Palmyra, VA 22963
 Phone: (434) 589-6832 Fax: _____
 Email: enviroba@earthlink.net

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.

Tax Map and Parcel(s): TM 4 (A) 99 **Deed Book Reference:** 173 - 783
Acreeage: 14.77/ **Zoning:** A-1 **Deed Restrictions?** No Yes (Attach copy)
Location of Parcel: Rt. 250 (Richmond Highway) opposite women's prison

Requested Zoning: I-1 **Proposed use of Property:** Support businesses for Zion Crossroads area

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.

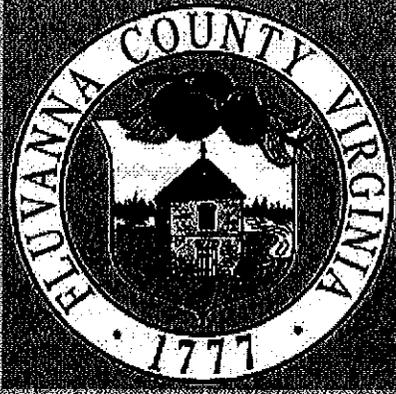
Date: 6-11-08 **Signature of Owner/Applicant:** [Signature]

Subscribed and sworn to before me this 11th **day of** June **, 20**08

My commission expires: DEC 31, 2009 **Notary Public:** [Signature]

OFFICE USE ONLY	
Date Received:	PH Sign/Deposit Received: <u>CK</u> Application #: <u>ZMP 08 04</u>
\$750 fee for 1st 10 acres + \$25 for add'l acres:	
Election District:	Planning Area:
Public Hearings	
Planning Commission	Board of Supervisors
Advertisement Dates:	Advertisement Dates:
APO Notification:	APO Notification:
Date of Hearing:	Date of Hearing:
Decision:	Decision: <input type="radio"/>

Attachment H



Zoning Map Amendment (ZMP) Submittals

Fluvanna County Planning
Department, P.O. Box 540
Palmyra, VA 22963

Date Received: Status: Status Date:
 ID#: Tax Map: Parcels: Deadline/Review Date:
 Applicant Name: Conditional Planner Assigned:
 District: Land Use: RC Ad Date:
 Zoning: Requested Zoning: Acreage: RC ARO Date:
 Action: Final Action Date: BOS Ad Date:
 BOS ARO Date:
 Pull Out PH Sign:
 Pick Up PH Sign:
 Sign Deposit Refunded
 Description:

Payment Information

Amount Received	Payment Date	Payment Type	Check Number	Type	Line Number	Code	Description
\$875.00	6/13/2008	Check	1145	ZMP	013030-0034	REZN	5 additional acres
\$180.00	6/13/2008	Check	1145	DPH	013030-0032	SIGN	2 signs

Attachment H

Restrictive covenant

106 308

THIS DEED, made this 1st day of October, 1974, by and between Ethel M. Lacy, widow, Grantor and first party, and B. L. Gosner and Glennis H. Gosner, husband and wife, Grantees and second parties;

W I T N E S S E T H:

THAT for and in consideration of TEN DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, first party Grants Bargains, Sells and Conveys with General Warranty and English Covenants of Title unto B. L. Gosner and Glennis H. Gosner, husband and wife, as tenants by the entireties with the right of survivorship as at common law, all the following described property:

All that certain tract or parcel of land in Palmyra Magisterial District of Fluvanna County, Virginia, adjoining United States Primary Highway No. 250 on the south; the lands of Wm. Harlowe on the west; the Old Three Choxt Road (present Virginia Highway No. 627) on the north; and the lands of Walter Bourne, J. L. Goodson and James Wills on the east; and containing 14.771 acres, by survey, as shown in plat of survey of Robert L. Lum, C.L.S., dated May 14, 1974, and is attached hereto and made a part hereof. The land herein conveyed is in all respects the same tract or parcel of land conveyed to J. P. Lacy and Ethel M. Lacy, husband and wife, as tenants by the entireties, with the right of survivorship, from Sanford Bradbury and Virginia S. Bradbury by deed dated September 10, 1951, and of record in the Clerk's Office of the Circuit Court of Fluvanna County, Virginia, in Deed Book 43, at page 345. The said J. P. Lacy died on September 11, 1973, leaving his widow, Ethel M. Lacy, as the sole surviving owner of the land herein conveyed.

This conveyance is made subject to the restriction that no portion of the property herein conveyed may be used for an automobile junkyard or automobile garage or repair yard, and this restriction is to be a covenant running with the land.

WITNESS the following signature and seal:

Ethel M. Lacy (SEAL)
Ethel M. Lacy

WM. ALFRED TALLEY, JR.
ATTORNEY AT LAW
POST OFFICE BOX 103
PALMYRA, VA. 22982

STATE OF VIRGINIA
COUNTY OR CITY OF Fluvanna

The foregoing instrument was acknowledged before me this 14th day of October, 1974, by Ethel M. Lacy.

Wm. Alfred Talley Jr.
Notary Public

My term of office expires on the 28th day of July, 1975.

ORIG. DEED DELIVERED 11-21-74
TO Mrs. Ethel Lacy for
Palmyra, Va.

Ethel M. Lacy
Signature

106 309

Wm. Harlowe
D.B. 79-356 (plat)

found pipe .31' from
corner on property

found
pipe .97' from
corner in R/W

N 10° 06' 08" E
499.63'

N=2763.00'
A=47.01'

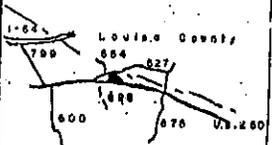
N 84° 21' 55" W
100.99'

N 79° 23' 11" W
100.69'

N 74° 24' 29" W
100.88'

N=4028.00'
A=531.19'

Rt. 627 old.
three chopt
road
.40 R/W



U.S. Rt. 250
R/W varies

14.771 Acres
D.B. 43-346



S 89° 50' 10" E
189.97'

R=5768.00'
A=834.99'

axle set

322.15'

axle found
Walter Bourne
D.B. 50-202 (plat)

J.L. Goodson
D.B. 67-523 (plat)

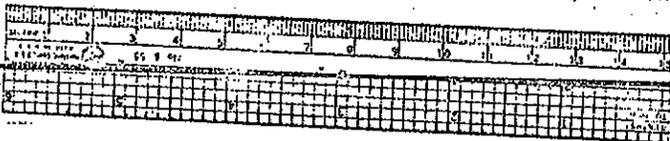
N 09° 35' 05" W
237.84'

James Willis

PLAT SHOWING
A PORTION OF
THE J.P. LACY PROPERTY
PALMYRA DISTRICT
FLUVANNA COUNTY, VIRGINIA
SCALE: 1" = 100'
MAY 14, 1974

Iron found 1.77' from
corner in R/W

ROBERT L. LUM
LAND SURVEYING
PALMYRA, VIRGINIA



T.M. 4-98 & 99

Attachment H

Memorandum

DATE: August 27, 2008
RE: APO'S for **ZMP 08:04** Public Hearing Letters
TO: Darren Coffey
FROM: Mary Weaver

Please be advised the attached letter went out to the attached list of Adjacent Property Owners for the **September 17, 2008** Board of Supervisors meeting.



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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

NOTICE OF PUBLIC HEARING

August 28, 2008

«Title» «First_Name» «Last_Name»
«Company_Name»
«Address_Line_1»
«Address_Line_2»
«City», «State» «ZIP_Code»

Re: Public Hearing on ZMP 08:04

Dear «Title» «Last_Name»«Company_Name»:

This letter is to notify you that the Fluvanna County Board of Supervisors will hold a public hearing on the above referenced item on **Wednesday September 17, 2008 at 7:00 PM** in the Circuit Court Room at the Fluvanna County Courts Building in Palmyra, VA. The request is described as follows:

ZMP 08:04 – Serenity Partners: An ordinance to amend the Fluvanna County Zoning Map with respect to 14.771 acres of Tax Map 4, Section A, Parcel 99, to conditionally rezone the same from A-1, Agricultural, General to I-1, Industrial, Limited. The foregoing amendments are subject to certain proffered conditions in accordance with Fluvanna County Code Section 22-17-9. The affected property is located in the Palmyra Election District on the northern side of Route 250 (Richmond Road) approximately 0.33 miles east of Route 627 (Zion Road). The general usage of the proposed amendment is for industrial uses. The property is located in the Zion Crossroads Community Planning Area where the Comprehensive Plan calls for a mix of industrial, commercial and residential development at a variety of densities.

The applicant or applicant's representative must be present at the Board of Supervisors meeting. The tentative agenda and staff report will also be available for review by the public in the Fluvanna County Department of Planning during working hours (8:30 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,

Darren K. Coffey
Planning Director

ZMP 08:04 - Serenty Partners - TMP 4(A)99

Attachment H

AddressMapText

- MiscText
- AddressText
- Roadnames

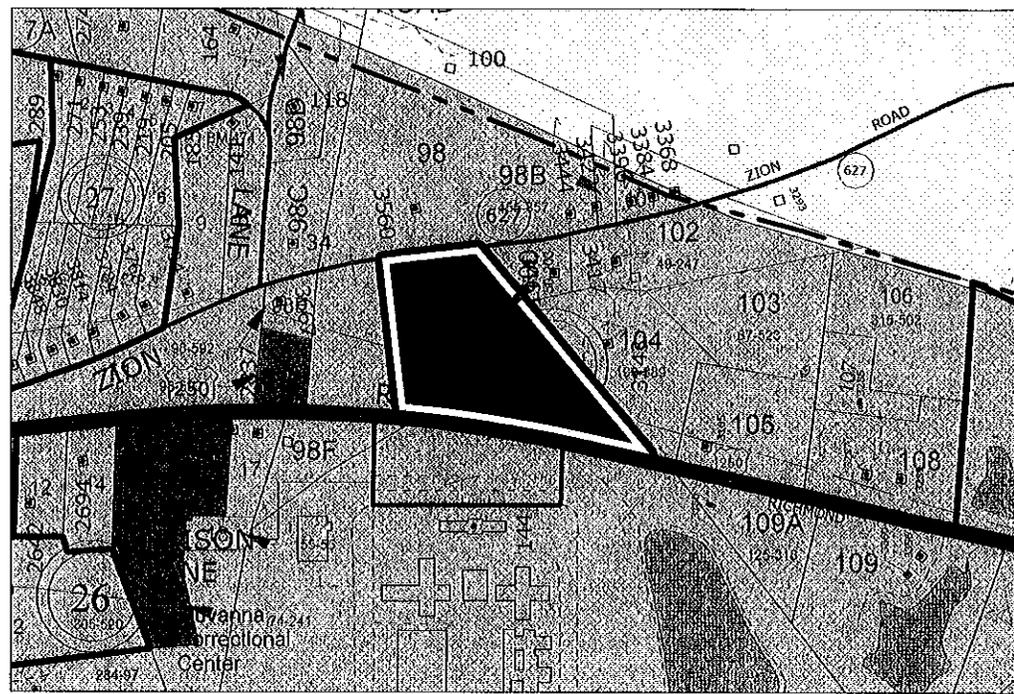
Transportation

- Highways
- Roads
- Driveway
- Railroad
- Bridge

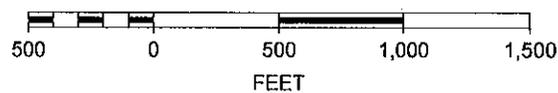
Boundaries

- Town Boundaries
- County Boundary

Utility Lines



SCALE 1 : 9,237



Attachment H

4 Parcels Selected

Tuesday July 29, 2008



Map	Parcel ID	Owner's Name
	4 A 98	HICKS, ALVIN S. 3560 ZION ROAD TROY, VA 22974
	4 A 99	COSNER, TRACY MARIE 4796 THREE CHOPT RD TROY, VA 22974
	4 A 100	BOURNE, ELDEN ET AL LE 3461 ZION RD TROY, VA 22974
	4 A 104	WILLS, JAMES E. & JOANNE G. 3143 RICHMOND RD TROY, VA 22974

Click on the Globe  in a row to show that parcel on the map page. Click on the Parcel ID number to show the detail information of that parcel. Click on an Owner's Name or Address to show a list of all properties of that owner.

[Close](#)

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[Print](#)

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Attachment H

Parcel Detail Information

Tuesday July 29, 2008



Parcel Number	4 A 97
Database Link	4 A 97
Zoning	A-1
District	01
Owners Name	COMMONWEALTH OF VIRGINIA
Address 1	ATTN: BUSINESS OFFICE
Address 2	PO BOX 1000
Zip Code	22974
Zip + 4	
Acreage	107.97
Land Use	72
Description 1	DB 295-420
Description 2	AC 103.8
Description 3	STATE WOMENS PRISON
Description 4	
Improved Value	42340700
Land Value	1479700
Total Value	43820400
Deed Book	295
Deed Book Page	420

Close

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Attachment H

Parcel Detail Information

Tuesday July 29, 2008



Parcel Number	4 A 98F
Database Link	4 A 98F
Zoning	A-1
District	01
Owners Name	DUDLEY, JERRY P., JR. & JUNE B.
Address 1	2830 RICHMOND RD
Address 2	TROY, VA
Zip Code	22974
Zip + 4	
Acreage	1.8
Land Use	2
Description 1	DB 75-385
Description 2	AC. 1.8
Description 3	
Description 4	
Improved Value	61500
Land Value	93000
Total Value	154500
Deed Book	75
Deed Book Page	385

Close

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14

23-19. Ju-
closed out
ch with an
s were un-

20. Nathaniel Ludwig 31:00
28. Cody Davis-Meadows 32:56

Attachment H

By	Result
1. George Braumberg	23:44
2. Michael Hagee	24:53
3. Andrew Dorsey	25:04
6. Dylan Garrett	26:02
7. Michael Pieno	26:12
9. Donnie Stewart	27:28
10. Max Drake	27:31

FLUVANNA COUNTY DEPARTMENT OF SOCIAL SERVICES
Petitioner,
Case No. JJ000641-09-00
v.
EARL WADDLE
Respondent.

IN RE:
AARON ZAC MCKINLEY
MOREAU

ORDER OF PUBLICATION

The object of this suit is to terminate the residual parental rights of Respondent Earl Waddle with regard to Aaron Zac McKinley Moreau. Based on an unsworn declaration under penalty of perjury by counsel for Petitioner Fluvanna County Department of Social Services ("FCDSS"), it appears that (i) Mr. Waddle is not a resident of the Commonwealth of Virginia and (ii) FCDSS does not know either his past or present address.

It is ORDERED that the Respondent Earl Waddle appear at the above-named Court and protect his interests on or before **October 29, 2008 at 10:00 a.m.**

ENTERED this 19th day of August, 2008.
R. Elliott,
 Clerk, Juvenile and Domestic Relations District Court

BRADFORD M. YOUNG, ESQ.
 Buck, Toscano & Tereskerz, Ltd.
 211 East High Street
 Charlottesville, VA 22902



PUBLIC HEARING

The Fluvanna County Board of Supervisors will conduct a public hearing pursuant to Virginia Code Sections 15.2-2239 on **Wednesday, September 17, 2008 at 7:00 p.m.**, in the Circuit Court Room at the Fluvanna County Courts Building in Palmyra, Virginia to consider the following items:

ZMP 08:02 – Fluvanna/Louisa Housing Foundation: An ordinance to amend the Fluvanna County Zoning Map with respect to 1.413 acres of Tax Map 51B, Section 1, Parcel 6, to rezone the same from R-1, Residential, Limited to R-2, Residential, General. The affected property is located in the Fork Union Election District on Route 671 (Gold Mine Road) approximately 500 feet north of Route 6 (West River Road). The general usage and density range of the proposed amendment is for residential uses at a residential density not to exceed 2 dwelling units per acre. The property is located in the Rural Preservation Planning Area where the Comprehensive Plan calls for limited housing opportunities that enhance the rural character of the County.

ZMP 08:04 – Serenity Partners: An ordinance to amend the Fluvanna County Zoning Map with respect to 14.771 acres of Tax Map 4, Section A, Parcel 99, to conditionally rezone the same from A-1, Agricultural, General to I-1, Industrial, Limited. The foregoing amendments are subject to certain proffered conditions in accordance with Fluvanna County Code Section 22-17-9. The affected property is located in the Palmyra Election District on the northern side of Route 250 (Richmond Road) approximately 0.33 miles east of Route 627 (Zion Road). The general usage of the proposed amendment is for industrial uses. The property is located in the Zion Crossroads Community Planning Area where the Comprehensive Plan calls for a mix of industrial, commercial and residential development at a variety of densities.

ZTA 08:02 – Amendment to the Fluvanna County Subdivision and Zoning Ordinances regarding Central Utilities: An ordinance to amend and reenact a portion of sections 19-2-1 and 19-8-3 regarding the definitions of central sewerage and water systems and the use of such systems in subdivisions, along with the following numbered sections of the Fluvanna County Code with respect to central sewerage and water systems to clarify the circumstances under which a special use permit is required for such systems, together with definitions for such systems and for public utilities: Sections 22-4-2.1(13); 22-4-2.2(1); 22-4-10.3-4.; 22-5-2.1(4); 22-5-2.2(1); 22-5-8(i); 22-6-2.1(7); 22-6-2.2(1); 22-6-8(i); 22-8-2.1(5); 22-8-2.2(1); 22-9-2-a.(20) and -b(1); 22-10-3.(9); 22-10-4.(1); 22-11-2-a.(16) and -b(1); 22-12-2-a.(3) and -b(1); 22-13-2.(6); 22-17-10.; 22-17-12.; and 22-22-1. (parts).

Copies of the complete text of the above ordinances and associated plans are available for public review at the Office of the Fluvanna County Administrator during normal business hours. The public is invited to attend these hearings at which persons affected may appear and present their views. Questions or comments may be directed to Planning & Zoning Department, at (434) 591-1910.

AGENDA FLUVANNA COUNTY SCHOOL BOARD MEETING September 10, 2008 Closed Meeting - 6:00 p.m. Regular Meeting - 7:00 p.m.

- I. Call to Order
- II. Closed Meeting
- III. Reconvene
- IV. Adoption of Agenda
- V. Public Comments
- VI. Consent Agenda
- VII. Action Items
- VIII. Information Items*
- IX. New Business
- X. School Board Member Comments
- XI. Closed Meeting
- XII. Adjournment

*Note: Public and staff comments are welcome during the discussion of each information item. Persons may speak once for three minutes.



NOTICE OF PUBLIC HEARING

On Wednesday, the 17th day of September, 2008, the Board of Supervisors of Fluvanna County, Virginia, will hold a public hearing on the proposed issuance of general obligation school bonds of Fluvanna County in the estimated maximum principal amount of \$75,500,000. The purpose of the proposed bonds is to finance the construction of various capital improvements for the County's school system, including without limitation the construction of a new high school.

The public hearing will be conducted at 7:00 p.m. in the Circuit Courtroom, Fluvanna County Courts Building, 132 Main Street, Palmyra, Virginia. Interested persons may appear at such time and place and present their views.

Clerk, Board of Supervisors of
 Fluvanna County, Virginia



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Fluvanna County
 Comprehensive Plan Review

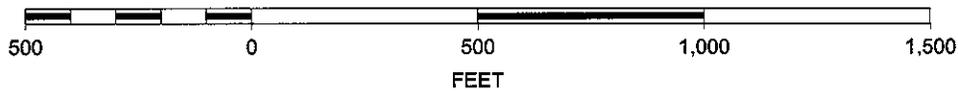
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Attachment H ZMP 08:04 - Serenity Partners

16



SCALE 1 : 5,073



ATTACHMENT B

RECEIVED
JUN 13 2008

FLUVANNA COUNTY
PLANNING DEPARTMENT

Project Title:
STARLITE PARK WEST
ZMP Application Plan
Palmyra District, Fluvanna County, Virginia

Drawing Title:
APP
Drawing Scale: AS SHOWN
Date: June 12, 2008 Checked By: JKS Project No: 08.0188

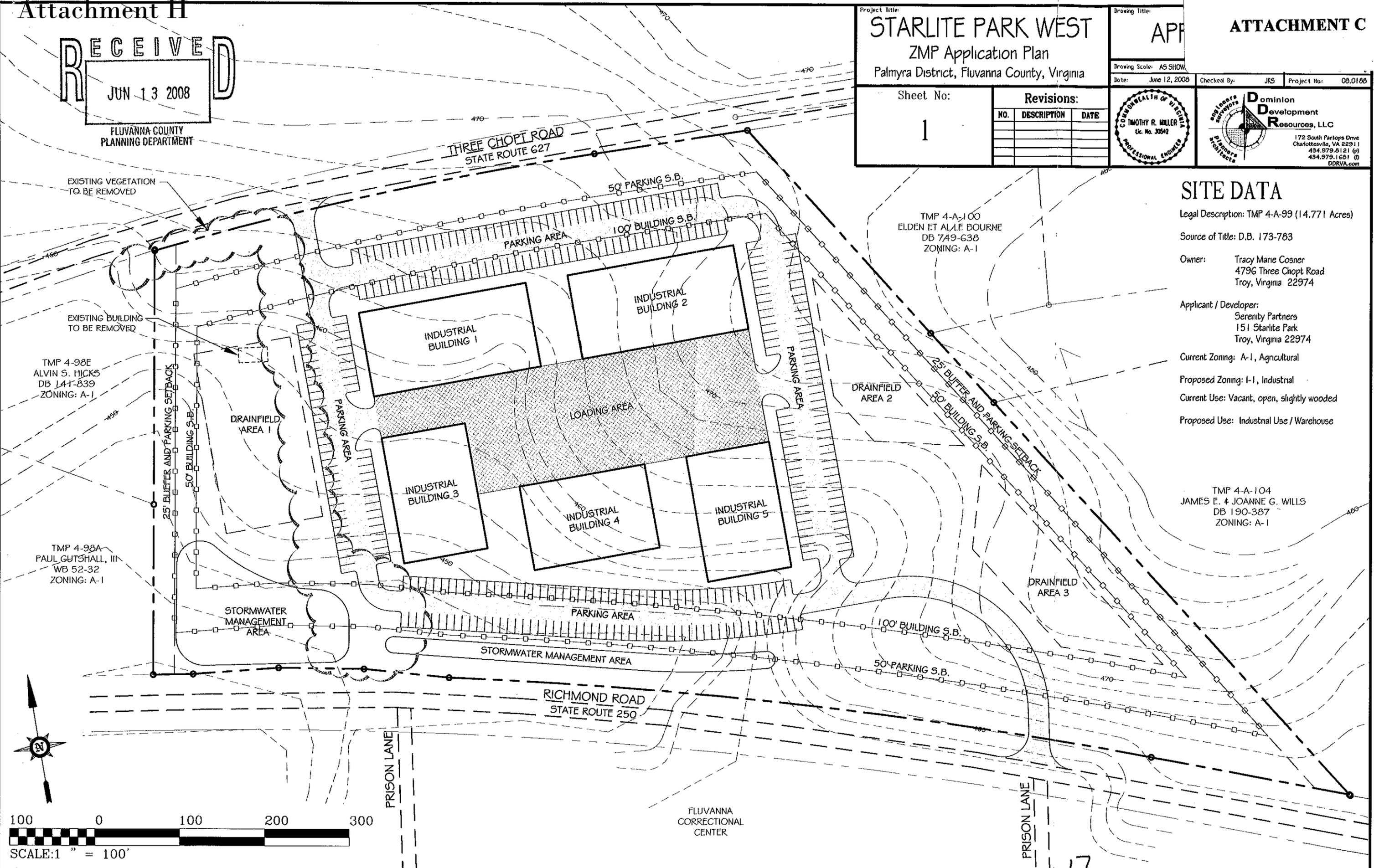
Sheet No:
1

Revisions:

NO.	DESCRIPTION	DATE

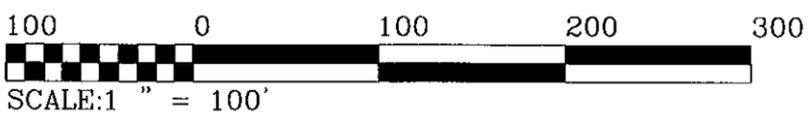


Dominion Development Resources, LLC
172 South Pantops Drive
Charlottesville, VA 22911
434.979.8121 (p)
434.979.1601 (f)
DDRVA.com



SITE DATA
Legal Description: TMP 4-A-99 (14.771 Acres)
Source of Title: D.B. 173-783
Owner: Tracy Marie Cosner
4796 Three Chopt Road
Troy, Virginia 22974
Applicant / Developer: Serenity Partners
151 Starlite Park
Troy, Virginia 22974
Current Zoning: A-1, Agricultural
Proposed Zoning: I-1, Industrial
Current Use: Vacant, open, slightly wooded
Proposed Use: Industrial Use / Warehouse

TMP 4-A-104
JAMES E. & JOANNE G. WILLS
DB 190-387
ZONING: A-1



Attachment H

Serenity Partners, LLC
151 Starlite Park
Troy, VA 22974
(434) 589-4302

July 18, 2008

Bryant Phillips, Planner
County of Fluvanna
P.O. Box 540
Palmyra, VA 22963\

Re: SMP 08:04 - Serenity Partners - A-1 to I-1

This letter is to inform the Planning Commission and the Board of Supervisors of our offering to proffer out the following permitted uses:

(A).

(13) Monumental stone works, (19) Feed mill, (20) Refabrication and overhaul of pipes and fittings; wholesale merchandising of commercial piping and fittings; and attendant storage related hereto, and (21) Storing, blending and packaging of ingredients for lawn and garden productions for agricultural purposes and certain industrial uses.

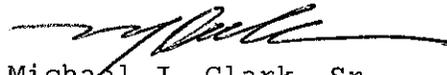
(B).

In addition we agree to follow VDOT and landscape requirements of the County along the Rt. 250 corridor.

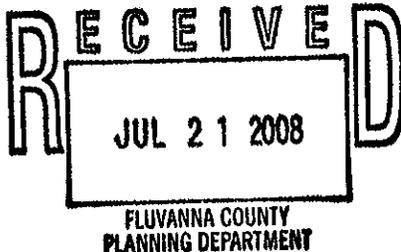
Please include these proffers in your presentation to the Planning Commission and the Board of Supervisors.

If you have questions, please call me at (434) 589-4302.

Sincerely,



Michael J. Clark, Sr.
General Partner



Attachment H

Serenity Partners, LLC
151 Starlite Park
Troy, VA 22974
(434) 589-4302

July 18, 2008

Bryant Phillips, Planner
County of Fluvanna
P.O. Box 540
Palmyra, VA 22963

Re: SMP 08:04 - Serenity Partners - A-1 to I-1

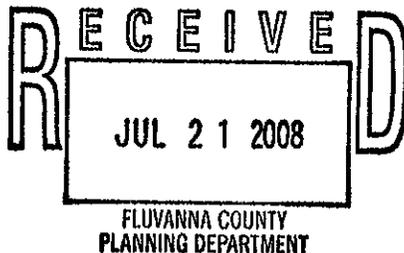
Since Serenity Partners and the Enviro-Klean Co. has as of July 15, 2008 offered to pay all related costs of the design, engineering and installation of a State of Virginia Health Department approved joint use wastewater system to serve the Kents Store Volunteer Fire Department and the ARC Community Center Building and to pay for the ongoing maintenance contract for this system for a period of five years, we hereby withdraw this proffer which was offered with our initial application for zoning in the above cited SMP 08:04.

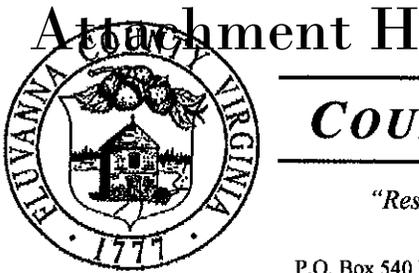
Thank you.

Sincerely,



Michael J. Clark, Sr.
General Partner





COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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

July 10, 2008

Michael J. Clark
Serenity Partners
151 Starlite Park
Troy, VA 22974

Delivered via Fax: 434-589-5362

**Re: ZMP 08:04 – Serenity Partners – A-1 to I-1
TRC Comments**

Dear Mr. Clark:

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

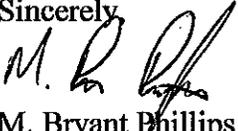
1. Attached are comments received from the Health Department;
2. The Health Department also indicated that the area where the existing building that is to be removed is located could possibly affect to the proposed drain field;
3. CVEC has an overhead electric line that runs through this property that may have to be relocated depending on the location of some of the buildings;
4. VDOT indicated that both entrances should have the commercial entrances and the required sight distance must be provided (610' for Route 250 and 500' for Route 627);
5. Erosion and sediment control plans should be submitted to Roger Black, the County Erosion and Sediment Control Inspector, at the site plan phase of this proposed development;
6. Both Roger Black and the Health Department indicated that some of the soils on this property may not be suitable for storm water management areas and it is possible that shrink-swell soils may exist on this property; and
7. Since this site is located in a major transportation corridor of the County, consideration should be given to proffering the development of the site to enhance the aesthetics of the area.

Please provide a minimum of 20 copies of the revised sketch plans and any other materials or documentation that is to be included in the Planning Commission packet by **Friday, July 25, 2008**. Submitting revisions by this deadline will place your request on the **August 27, 2008** Planning Commission agenda. If the Planning Commission provides a recommendation to the Board at the meeting, your request would be placed on the **Wednesday, September 17, 2008** Board of Supervisors meeting agenda.

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

Attachment H

Sincerely,

A handwritten signature in black ink, appearing to read "M. Bryant Phillips". The signature is fluid and cursive, with the first name "M." and last name "Phillips" clearly visible.

M. Bryant Phillips

Planner

Dept. of Planning & Community Development

Attachment H

MEMORANDUM

To: County of Fluvanna Office of Planning and Community Development
From: Fluvanna County Health Department, Environmental Health
Date: July 10, 2008
Re: ZMP 08:04 Serenity Partners Rezoning Request
TM 4-A-99

Plans only indicate the proposed use of three drainfield areas for five separate industrial buildings. There is no indication of what type of sewage disposal / treatment is proposed. The Fluvanna County Health Department will require reports from an AOSE / PE which delineate soils conditions and anticipated system design for sewage disposal before approving / denying this request.

Prior assessment of soils in the area indicate that there are severe limitations with the soil suitability for drainfield use. In all likelihood conventional system design are not possible.

Attachment H

**An Ordinance To Amend The Fluvanna County Zoning Map, With Respect To 14.771 acres of Tax Map 4, Section A, Parcel 99, to rezone the same from A-1, Agricultural, General to I-1, Industrial, Limited.
(ZMP 08:04)**

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 14.771 acres of Tax Map 4, Section A, Parcel 99, be and is hereby, rezoned from A-1, Agricultural, General to I-1, Industrial, Limited, subject to the submitted proffers as set out in the letter of Serenity Partners dated July 18, 2008, of which is attached hereto.

1. The following uses permitted by-right in the I-1 zoning district have been proffered out:
 - a. Monumental Stone Works;
 - b. Feed Mill;
 - c. Refabrication and overhaul of pipes and fittings; wholesale merchandising of commercial piping and fittings; and attendant storage related hereto.
 - d. Storing, blending and packaging of ingredients for lawn and garden productions for agricultural purposes and certain industrial uses.
2. All landscaping along the Route 250 corridor shall meet the requirements of VDOT and Fluvanna County.

Attachment H

Serenity Partners, LLC
151 Starlite Park
Troy, VA 22974
(434) 589-4302

August 28, 2008

Elizabeth Fortune
27 Tanglewood Road
Palmyra, VA 22963

Dear Elizabeth,

I want to thank you for the courtesy extended to Mike and me by you and the other members of the Planning Commission at last night's meeting. From eight years of experience as a member of the Commission, I know that decisions can be challenging and sometimes difficult.

I did feel that our application was pretty "straight up." We had met all the requirements of the ordinances, both regarding the request for rezoning and the provisions for preliminary site plans, and they met the requirements set forth in a positive manner.

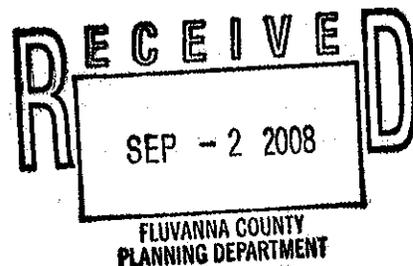
Many more bridges have to be crossed before the first business opens in "Starlite Park West," the name we plan to use for the development. Not only will we have to provide a final site plan, but erosion control permits, wastewater treatment permits, well permits and VDOT approval all stand between us and the first shovel of dirt can be turned. We will be back to see you a number of times along the way and we want you to know that at any time you have any questions or suggestions you should feel free to give Mike or me a call.

Thanks again for your time and effort.

Sincerely,

Wm. C. Anderson, Partner

cc: Mozell Booker
Bryant Phillips



Attachment H

Serenity Partners, LLC
151 Starlite Park
Troy, VA 22974
(434) 589-4302

September 16, 2008

Bryant Phillips, Planner
County of Fluvanna
P.O. Box 540
Palmyra, VA 22963

Re: SMP 08:04 Serenity Partners - A-1 to I-1

This letter is to inform the Fluvanna County Board of Supervisors of our offering of six (6) additional proffers with respect to the above cited proceeding.

(1) We hereby withdraw any and all plans to access this property from Zion Road (Rt 627) as previously shown on the preliminary site plan;

(2) We further propose to establish a landscaping buffer along the entire frontage of the property on Zion Road (Rt. 627) as well as along the eastern boundary adjacent to the Bourne and Wills properties;

(3) We propose that all building facades fronting onto Richmond Highway (Rt. 250) and Zion Road (Rt, 627) will incorporate finishing materials such as brick, stucco, split-faced block, etc.;

(4) We propose to follow "dark sky" exterior lighting as provided in Fluvanna County site plan requirements.

(5) We propose to follow Sec. 19-7-7, Article 7 of the Subdivision Design Standards which states: The proposed development shall be designed to minimized the impact of noise, glare and pollution on adjoining property and protect the surrounding lands from the same.

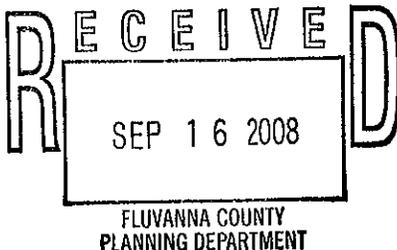
(6) In addition, we offer to proffer out of the list of permitted uses under I-1 by Special Use Permit the following uses:

(3) Wood yard with chipper

(5) Solid waste material recovery facility

Please include these additional proffers in your presentation to the Board of Supervisors.

If you have any questions, please call me at (434) 589-4302.



Sincerely,

Michael J. Clark, Sr.
General Partner



Attachment I



Attachment I



Attachment I





Attachment I



Attachment I



Attachment I



Attachment I



Attachment I



Attachment I



Attachment I





ATTACHMENT J

Draft Ordinance for the Board of Supervisors to consider:

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:

An Ordinance To Amend The Fluvanna County Zoning Map, With Respect to 14.77 acres of Tax Map 4, Section A, Parcel 99.



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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

STAFF REPORT

To: Fluvanna County Planning Commission
Case Number: SUP 16:08
Tax Map: Tax Map 4, Section A, Parcel 99

From: James Newman
District: Palmyra
Date: August 24, 2016

General Information:

This request is to be heard by the Planning Commission on Wednesday August 24, 2016 at 7:00 pm in the Circuit Court Room in the Courts Building.

Owner/Applicant:

Owner is Kenneth Bahr. Applicant is Foster Fuels via Tim Spicer and Kim Johnson.

Representative:

Foster Fuels via Tim Spicer and Kim Johnson.

Requested Action:

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. (Attachment A)

APPROVAL OF THIS ITEM DEPENDS ON REZONING OF PROPERTY TO I-2

Location:

The property is located at 2969 Richmond Road. 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.

Existing Zoning:

I-1, Industrial Limited (Attachment B)

Zoning Required:

I-2, Industrial General

Existing Land Use:

Industrial-business

Planning Area:

Zion Community Planning Area

Adjacent Land Use:

Adjacent properties are zoned A-1 and I-1

Zoning History:

ZMP 08:04, to amend the Fluvanna County Zoning Map with respect to approximately 14.771 acres of Tax Map 4, Section A,

Parcel 99, to conditionally rezone the same from A-1, Agricultural, General to I-1, Industrial, Limited

Zoning History (cont'd)

SDP 13:09 a major site development plan request to construct an 8,400 square foot building with respect to 14.771 acres of Tax Map 4, Section A, Parcel 99, subject to conditions listed in the staff report. Further, approved the requested sidewalk variance in accordance with Section 22-23-6BB of the Zoning Ordinance. Approved 3-0-0 at the Planning Commission September 25, 2014 meeting.

Neighborhood Meeting:

Neighborhood meeting was held July 13, 2016. There were five (5) attendees (on the Sign In Sheet in the attachment, Tim Spicer and Kim Johnson have written their names, but they were there only to present). The attendees had several concerns which are explained in detail in Attachment C.

In short, the questions (and answers) boiled down to:

1. *How does propane arrive on site?*—Via an 18 wheel tractor trailer for delivery to the site. A smaller 6 wheeled van delivers to customers.
2. *What is the purpose of the proposed storage area?*—It is a spot for consumer propane tanks to be stored.
3. *How many deliveries per day?*—1 delivery van per day to visit customers. Depends on season; more trips in winter, less in summer.
4. *Won't I-2 be too intensive for a residential area?*—The site is already zoned I-1 and is located in a growth area.
5. *What sort of noise will be generated from this use?*—The large propane tank makes almost no noise, and that small amount is generated only during fueling. The small trucks used for daily delivery do not generate an excessive amount of noise.
6. *Will the tank only be used to store propane?*—That can be made a condition of the Special Use Permit
7. *How many of these 30,000 gallon storage tanks will there be?*—One per Special Use Permit unless otherwise specified.
8. *What is the blast radius? Will there be any earthen dams to contain a blast?*—No hills or earthen dams will be created for this. In cases like this explosions go upward not outward.
9. *Why is the storage area located on the other side of the property?*—It's just been planned like that. No particular reason.
10. *Will there be any smell?* There should not be any noticeable smell.

There were also concerns about traffic, the ability of large vehicles to maneuver in the property, and deed restrictions regarding the amount of the property that can be developed.

Technical Review Committee:

The following comments are the result of the Technical Review Committee meeting that was held on Thursday, July 14, 2016. These comments are applicable for both your rezoning and special use permit request:

1. Planning Staff: Site has existing proffers, but those proffers would no longer be in effect with an I-2 rezoning.
2. Fire Chief wanted to know what measures would be taken to mitigate risk. Applicant responded that they would incorporate all building and fire code requirements, as well as install bollards and fencing for security. Applicant offered to send a Fire Safety Analysis to Fire Chief and to neighbors.

Fire Chief also stated that fire control exercises at the Fluvanna Correctional Center for Women could include this site. Applicant stated they are willing to work with the Fire Department.

Fire Chief wanted to make sure that vehicles entering the site be at least 50ft away from the propane tank at all times.

3. Erosion and Sediment Control had no comments.
4. VDOT offers the following comments:

The submitted plan sketch did not show much detail. I commented that the typical items would need to be thoroughly review the future site plan (Turn Lane Analysis, Sight Distance verification, 45' entrance radii etc.). However, it was brought to my attention that there was a current site improvement plan and the construction of those items is almost complete. Therefore, no further improvements were discussed.

The following are some details further clarified at the TRC meeting:

- The site will be used for distribution only, no retail.
- There is apparently some restrictive proffers from the previous rezoning that was brought to the planners attention after the meeting that may be restrictive to the proposed use. Needs clarification by County staff and possible proffer amendment.
- The site's owner stated that he was instructed by VDOT to place barrels along the uneven pavement course of the newly constructed turn-lane. He mentioned he was told that VDOT was to mill and repave his portion of Rte. 250 and was to also pave the final asphalt surface course of the new turn-lane in June. He wants to start using his turn-lane. I asked him to follow-up with you once you return to verify the paving schedule work and the outstanding items to be finalized.
- (*From Mark Woods replacement at the TRC*): The developer's contractor constructed the right turn lane and taper several months ago. VDOT has a paving overlay contract on Rte. 250 between Rte. 689 and Rte. 250 for this paving season. VDOT's pavement

overlay of Rte. 250 is planned to tie into the developer's new right turn lane and taper. I have sent an inquiry to VDOT's pavement manager asking when he anticipates VDOT's paving contractor to overly this section of Rte. 250.

5. Health Department had no comments.

The TRC letter can be found as Attachment D.

Surveys and applicable paperwork can be found in Attachment E.

Comprehensive Plan:

A request to rezone from I-1, Industrial Limited, to I-2, Industrial General, with respect to 14.77 acres of Tax Map 4, Section A, Parcel 99. The property is located at 2969 Richmond Road. 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.

According to the 2015 Comprehensive plan, the purpose of the Zion Community Planning Area is such that:

“Located at the crossroads that connect Charlottesville, Richmond, and destinations to the north and south, Zion Crossroads is situated to contribute to Fluvanna County’s goals for the future. The county seeks to expand the services, recreation, restaurant, and retail options available to its residents, while at the same time retaining the area’s rural character... It should develop as an employment, retail, commercial, and recreation destination for county residents and travelers along Routes 64, 15, and 250. As the county’s Urban Development Area...Zion Crossroads is envisioned to be the most intensely developed part of the county, consisting of regional mixed-use, regional employment, and neighborhood mixed-use developments. This area is the county’s primary regional economic development area and is targeted as a regional employment center with primarily mixed-use, mixed-income development... The following recommendations focus on the potential of Zion Crossroads as a center of commerce, employment, and higher-density residential uses:

Support mixed-use development. *Mixed-use development appropriate for Zion Crossroads should include multifamily housing, small, locally owned shops, larger retail development, and light industry. Zion Crossroads is also favored for more intensive uses that stimulate the county economy, provide jobs, offer a range of retail stores, and provide for leisure activity through parks and playing fields within the defined growth area” (pgs.44-45).*

Protect the rural features of the Zion Crossroads area. *The development of Zion Crossroads need not come at the expense of its rural and environmental features.*

Support economic development and community-based services. *Since much of what constitutes Zion Crossroads is in Louisa County, the main opportunities in Fluvanna County lie south of the Route 15 and Route 250 intersection. The current industrial park on Route 250 just east of this*

intersection is in both Fluvanna and Louisa counties and may have the potential for additional development.” (pages 44-48)

I-2 Industrial General is defined in the Zoning Ordinance:

“The primary purpose of this district is to establish an area as defined by the Comprehensive Plan where the principal use of land is for heavy commercial and industrial operations, which may create some nuisance, and which are not properly associated with, nor particularly compatible with, residential, institutional, and neighborhood commercial service establishments. The specific intent of this district is to: (A) encourage the construction of and the continued use of the land for heavy commercial and industrial purposes; (B) prohibit residential and neighborhood commercial use of the land and to prohibit any other use which would substantially interfere with the development, continuation or expansion of commercial and industrial uses in the district; (C) to encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this ordinance.” (pgs.333-334)

Site Plan Compliance

The site has site plan compliance issues. There are large metal dumpster-style/open-shipping containers on site, even though no storage area for such items is shown on Site Development Plan 13:09.

Furthermore, a temporary Certificate of Occupancy was issued in June 2016. The applicant had to comply with conditions from a letter dated May 6, 2016 in order to receive a permanent Certificate of Occupancy; those conditions have not been met as of August 16, 2016. (Attachment F)

Earlier Proffers and Conditions:

The proffers for ZMP 08:04 were:

- (1) We hereby withdraw any and all plans to access this property from Zion Road (Rt 627) as previously shown on the preliminary site plan;
- (2) We further propose to establish a landscaping buffer along the entire frontage of the property on Zion Road (Rt. 627) as well as along the eastern boundary adjacent to the Bourne and Wills properties;
- (3) We propose that all building facades fronting onto Richmond Highway (Rt. 250) and Zion Road (Rt, 627) will incorporate finishing materials such as brick, stucco, split-faced block, etc.;
- (4) ,we propose to follow "dark sky" exterior lighting as provided in Fluvanna County site plan requirements.
- (5) We propose to follow Sec. 19-7-7, Article 7 of the Subdivision Design Standards which states: The proposed development shall be designed to minimize the impact of noise, glare and pollution on adjoining property and protect the surrounding lands from the same.

(6) In addition, we offer to proffer out of the list of permitted uses under I-1 by Special Use Permit the following uses:

(1) wood yard with chipper

(2) Solid waste material recovery facility

SDP 013:09 was approved by the Planning Commission on September 25, 2013 3-0-2, subject to the following conditions:

1. Meeting all final site plan requirements which include, but are not limited to, providing parking, landscaping, tree protection, directional signage, and outdoor lighting plans when and where applicable;
2. Meeting all public agency requirements including but not limited to VDOT requirements;
3. Meeting all Erosion and sedimentation control requirements;
4. The site shall be developed in compliance with the proffers approved with the rezoning of this property (ZMP 08:04), which was approved on September 17, 2008.

Attachment G is SDP 13:09 Staff Report. Attachment H is ZMP 08:04 Staff Report.

Analysis:

The existing property was rezoned from A-1 to I-1 via ZMP 06:06. While the property is within a Community Planning Area, there are concerns about potential increases in traffic, noise, and overall development in an area which is still predominately residential in character. When this site was initially rezoned from A-1 Agricultural General to I-1 Industrial Limited, a series of proffers were made. There are outstanding site compliance issues. The applicant proposes a use (petroleum distribution facility) which requires a special use permit, which itself is dependent upon a rezoning of this parcel from I-1 to I-2.

Conclusion:

This Special Use Permit request appears to meet the intent of the Comprehensive Plan in that the proposed rezoning may contribute to Zion Crossroads Community Planning Area *“as an employment, retail, commercial, and recreation destination for county residents and travelers along Routes 64, 15, and 250. As the county’s Urban Development Area...Zion Crossroads is envisioned to be the most intensely developed part of the county, consisting of regional mixed-use, regional employment, and neighborhood mixed-use developments. This area is the county’s primary regional economic development area and is targeted as a regional employment center with primarily mixed-use, mixed-income development”* (Comprehensive Plan pg. 44).

There are outstanding issues in regards to existing site compliance; specifically in regards to landscaping, and container storage area demarcation.

In addition to conformance with the Comprehensive Plan, the Planning Commission may want to consider any potential adverse impacts, such as traffic entering and exiting the property, noise, or

potential impacts to adjacent properties that future development may cause as a result of this special use permit.

Conditions

- 1) 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;
- 2) Meeting all VDOT and Health Department requirements.
- 3) New buildings and structures shall be compatible with existing buildings, and be approved by planning staff prior to construction.
- 4) Any lighting will not be directed toward adjacent properties and will be limited in nature.
- 5) All screening shall be maintained in a condition acceptable to the County;
- 6) Safety measures such as fencing and bollards will be required, to the satisfaction of Fluvanna County Fire Chief, Building Staff, and Planning Staff.
- 7) Outside storage of materials and machinery shall be screened from the public rights-of-way with either architectural or vegetative screening as approved by the County;
- 8) Only the sole 30,000 gallon tank may be installed; further tank installations will require additional Special Use Permits
- 9) The Board of Supervisors, or representative, reserves the right to inspect the business for compliance with these conditions at any time.

Suggested Motion:

I move that the Planning Commission recommend [approval/denial/deferral] of SUP 16:08 a request to install a petroleum distribution facility, with respect to 14.77 acres of Tax Map 4, Section A, Parcel 99, subject to the nine (9) conditions listed in the staff report.

Attachments:

- A – Application and APO Letter
- B – Aerial Vicinity Map
- C – Neighborhood meeting sign in sheet and comments
- D – TRC comment letter
- E—Site Compliance Letter
- F—SDP 13:09 Staff Report
- G—ZMP 08:04 Staff Report
- H—Site pictures, taken July 29, 2016
- I—Applicant propane informational guide

Copy: File
Applicant Tim Spicer and Kim Johnson

Attachment A

Received

JUL 01 2016



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA

Application for Special Use Permit (SUP)

Planning Dept.

Owner of Record: KENNETH BARR **Applicant of Record:** Same as Representative
E911 Address: 2961 RICHMOND RD TROY VA **E911 Address:** _____
Phone: (434) 975-3871 **Fax:** _____ **Phone:** _____ **Fax:** _____
Email: kenbarr@comcast.net **Email:** _____

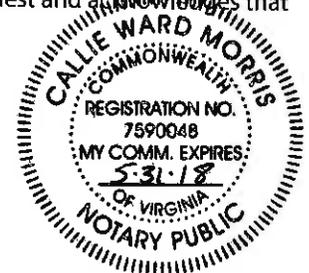
Representative: Tim Spicer (Foster Fuels Inc) **Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.**
E911 Address: 2151 Richmond Rd. Charlottesville VA
Phone: 434-531-2510 **Fax:** _____
Email: Tim.Spicer@fosterfuels.com

Tax Map and Parcel(s): 9A 99 **Deed Book Reference:** 899-183
Acreage: 14.77 **Zoning:** I-1 **Deed Restrictions?** No Yes (Attach copy)
Request for a SUP in order to: Install bulk propane **Proposed use of Property:** BULK PROPANE

*Two copies of a plan must be submitted, showing size and location of the lot, dimensions and location of the proposed building, structure or proposed use, and the dimensions and location of the existing structures on the lot.

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 and acknowledges that county employees will make regular inspections of the site.

Date: 28 Jan 2016 **Signature of Owner/Applicant:** [Signature]
 Subscribed and sworn to before me this 28th day of June, 2016
Notary Public: Callie Ward Morris **Register #:** 7590048
My commission expires: 5-31-2018



Certification: Date: _____
Zoning Administrator: _____

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: <u>July 1, 2016</u> Pre-Application Meeting:	PH Sign Deposit Received: _____ Application #: SUP <u>16-08</u>
\$800.00 fee plus mailing costs paid: <u>check 1048 receipt 340583</u>	Mailing Costs: \$20.00 Adjacent Property Owner (APO) after 1st 15, Certified Mail
Amendment of Condition: \$400.00 fee plus mailing costs paid:	
Telecommunications Tower \$1,500.00 fee plus mailing costs paid:	\$5,500 w/Consultant Review paid:
Election District: <u>Columbia</u>	Planning Area: <u>2 ion CPA</u>
Public Hearings	
Planning Commission	Board of Supervisors
Advertisement Dates:	Advertisement Dates:
APO Notification:	APO Notification:
Date of Hearing:	Date of Hearing:
Decision:	Decision:

Describe briefly the **improvements** proposed. State whether new buildings are to be constructed, existing buildings are to be used, or additions made to existing buildings.

Installation of one LP Gas Bulk Storage Container, piping and fence surrounding the container.
No new structures to be added, and no connection with the existing structure on the property.

Site will consist of bulk storage and refill station for Foster Fuels Inc. to meet the needs of consumers who use propane gas in Fluvanna County and neighboring counties.

NECESSITY OF USE: Describe the reason for the requested change.

Foster Fuels Inc. is a family owned business since 1921 headquartered in Brookneal Va. In 2013 Foster Fuels Inc. expanded its service area to include Fluvanna County. Our business has grown substantially in the Fluvanna area. Currently our closest bulk storage tank is located in Afton Va. Due to growth and continued commitment to serve the residences and light commercial customers in the Fluvanna area, the need for a refill site closer to our customers is the reason for this requested change. The site will reduce travel time to meet the needs of our current customers and future customers.
Foster Fuels Inc. provides fuel to many types of consumers through out the county including Fire Departments, VDOT, and VDC.

PROTECTION OF ADJOINING PROPERTY: Describe the effects of the proposed use on adjacent property and the surrounding neighborhood. What protection will be offered adjoining property owners?

The Propane Industry and Foster Fuels Inc. has a great safety record. Propane storage tanks are regulated under The Nation Fire Protection pamphlet NFPA 58 the affects to surrounding property owners are very minimal.
The facility will be fenced for security, and installed per NFPA requirements. Safety is paramount as well as good neighborly consideration for all adjoining property owners and the community.
A requirement of NFPA 58 is a Fire Safety Analysis (FSA). FSA provided in-depth details to the particular site. Including meeting with appropriate parties Fire Department, Code Officials, etc...Foster Fuels Inc. will offer all adjoining property owners upon request a copy of the FSA to share the details of proper measures in place to ensure good neighbor relations.

ENHANCEMENT OF COUNTY: Why does the applicant believe that this requested change would be advantageous to the County of Fluvanna? (Please substantiate with facts.)

There are two types of Propane Distributors, major marketers based out of state and independent owned Companies.
Foster Fuels Inc. is an independent owned company meeting the energy needs of consumers in the community, providing a service to local consumers of propane gas used for heating, hot water, cooking, generators, pool heaters, gas logs (non include list) provides consumers a choice of energy providers. In addition to economic development, many consumers in Fluvanna County depend on Propane Gas for energy to provide essential needs in their daily lives. Propane Gas is environmentally friendly "green" product with a low carbon footprint.

PLAN: Furnish plot plan showing boundaries and dimensions of property, width of abutting right-of-ways, location and size of buildings on the site, roadways, walks, off-street parking and loading space, landscaping, etc. Architect's sketches showing elevations of proposed buildings and complete plans are desirable and may be required with the application. Remarks:

Site Plan to be drafted and summited week of 7/4/16.

Received

JUL 01 2016

Planning Dept.

Attachment A



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Public Hearing Sign Deposit

Received
JUL 01 2016
Planning Dept.

Name: Tim Spicer "on behalf faster fuels INC."
Address: 2969 Richmond Rd.
City: Cray
State: Va. Zip Code: 22974

I hereby certify that the sign issued to me is my responsibility while in my possession. Incidents which cause damage, theft, or destruction of these signs will cause a partial or full forfeiture of this deposit.

[Signature]
Applicant Signature

June 30, 2016
Date

*Number of signs depends on number of roadways property adjoins.

OFFICE USE ONLY

Application #: BZA _____ : CPA _____ : SUP _____ : ZMP _____ : ZTA _____ :

\$90 deposit paid per sign*:

Approximate date to be returned:

Attachment A

Kim Johnson

From: KENBAHR <kenbahr@comcast.net>
Sent: Thursday, June 30, 2016 8:39 AM
To: Kim Johnson
Subject: Re: Lease

RECEIVED
JUL 01 2016
Planning Dept.

Kenneth Bahr

2316 Highland Ave

Charlottesville, Va 22903

(434)975-3867

Re: Rezoning at 2969 Richmond Rd. Troy Va

Foster Fuels and its assigns have my permission to enter the property and serve as a representative for the purpose of rezoning action. The intention is that the property is to be rezoned to I-2 zoning as defined in the Fluvanna county code. I also authorize Foster to serve as a representative for the purpose of obtaining a special use permit as necessary to install and operate a bulk propane station.



Kenneth Bahr

Attachment A

Received

JUL 01 2015

Planning De

106 309

Wm. Harlowe
D.B. 79-356 (plat)

found pipe .31' from
corner on property

found
pipe .97' from
corner in R/W

N 10° 06' 08" E

R=5793.00'
A=47.01'

499.63'

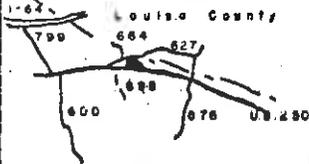
N 84° 21' 05" W
100.00'

N 79° 23' 11" W
100.00'

N 74° 24' 29" W
100.00'

R=4026.00'
A=531.19'

Rt. 627 old
three chopt
road
40 R/W



U.S. Rt. 250
R/W varies

14.771 Acres
D.B. 43-345



S 88° 50' 10" E
183.97'

R=5763.00'
A=834.89'

axle set

322.15'

*Kenneth Baher
Property
Richmond Rd.*

data found
Walter Bourne
D.B. 50-202 (plat)

S 32° 21' 36" E
1055.67'

J.L. Goodson
D.B. 67-523 (plat)

IN WITNESS WHEREOF, I, the Clerk of the Circuit Court of Louisa County, Virginia, have caused this plat to be recorded in said office, and thereupon together with the certificate herein annexed, submitted to record at 2:25 P.M. 5/22/09, for imposed by Sec. 55-54 (1) Code of Virginia.

DATE: *October 23 2014*

N 69° 35' 06" W
237.64'

James Willis

PLAT SHOWING
A PORTION OF

THE J.P. LACY PROPERTY

PALMYRA DISTRICT

LOUISIANA COUNTY VIRGINIA

JUL 01 2016

Planning Dept.

Meetings for the processing of the application

- 棋 Applicant or a representative must appear at the scheduled hearing. The Planning Commission may recommend to the Board of Supervisors: approval; approval subject to submittal or correction; or denial of the special use permit.
- 棋 Notification to the applicant regarding the Planning Commission's decision.
- 棋 Placed as a Public Hearing on the next available agenda of the Board of Supervisors.
- 棋 Staff Report and Planning Commission recommendation forwarded to the Board.
- 棋 Notification of the scheduled Public Hearing to the following:
 - ___ Applicant
 - ___ All adjacent property owners
 - ___ Local Newspaper advertisement
- 棋 Applicant or a representative must appear at the scheduling hearing. After considering all relevant information from the applicant and the public, the Board will deliberate on points addressed in the Staff Report.
- 棋 The Board may approve; deny; or defer the request pending further consideration; or remand the case back to the Planning Commission for further consideration.

Actions

- 棋 With approval, the development may proceed.
- 棋 If denied, an appeal to the Courts may be prescribed by law
- 棋 No similar request for a special use permit for the same use at the same site may be made within one year after the denial.
- 棋 The Special Use Permit Application fee is made payable to the **County of Fluvanna**.



MEMORANDUM

TO: Area Property Owners and Residents
 FROM: Jason Stewart, AICP, Planning Director
 DATE: July 7, 2016
 SUBJECT: Neighborhood Meeting –July 13, 2016 – 4:30 p.m.

The following meetings have been scheduled to consider these requests:

ZMP 16:04 Foster Fuels Rezoning- 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.

SUP 16:08 Foster Fuels-Propane Tank - 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 and the Columbia Election District.

Both of these items affect the same property and will be run concurrently.

Neighborhood Meeting: The Neighborhood Meeting is scheduled for Wednesday, July 13, 2016 beginning at 4:30 p.m. at the County Administrative Building's Morris Room (former Board Room) – Main Level. This is an informal meeting that will give the applicant the opportunity to present his/her plan, and residents the opportunity to ask questions and express their views regarding the application prior to the Planning Commission and Board of Supervisors public hearings.

Technical Review Committee: This Committee Meeting is scheduled for Thursday, July 14, 2016 from 10:00 a.m. – 12:00 p.m. at the Historic Courthouse).

Fluvanna County Planning Commission Public Hearing: The Planning Commission's Public Hearing is scheduled for Wednesday, August 24, 2016, at 7:00 p.m. in the Circuit Court Room – Main Level of the Fluvanna County Courts Building. The Planning Commission will hold a public hearing, where there will be an opportunity for public comment, and forward a recommendation to the Board of Supervisors. A separate notice will be sent to adjacent property owners.

Fluvanna County Board of Supervisors Public Hearing: The Fluvanna County Board of Supervisors' Public Hearing is scheduled for Wednesday, September 21, 2016, at 7:00 p.m. in the Circuit Court Room – Main Level of the Fluvanna County Courts Building. The Board of Supervisors will hold a public hearing, where there will be an opportunity for public comment. A separate notice will be sent to adjacent property owners.

If you have further questions or need additional information, please contact the Fluvanna County Planning & Community Development Department at (434) 591-1910.

Attachment B



Attachment C

Fluvanna County Neighborhood Meeting July 13, 2016

Sign In Sheet

- I. **ZMP 16:04 Foster Fuels Rezoning**- 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.
- II. **SUP 16:08 Foster Fuels-Propane Tank** - 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 and the Columbia Election District.

Name	Address	Phone/Email	Item interested in
Marshall Finkler Jr	3422 Zion Rd Troy, Va 22974	434-293-7520	Both
Joanne Wells	3143 Rich. Rd. Troy Va 22974	434-296-8080	Both
Jessica Wilk-Payne	3165 Rich. Rd. Troy, VA 22974	434-293-4395	Both
Awendorn Rogoll	3560 Zion Rd. Troy VA 22974	434-295-6009	Both
Michael Rogoll	2151 Richmond Rd. Troy	" "	Both
Jim Spicer	2151 Richmond Road Charlottesville VA. 22911	434-975-2345	" "
Kim Johnson	" " same	" "	same

Attachment C

2 MP 16.04 July 13, 2016

- How does propane arrive?
(Via 18 wheeler trucks for delivery to, 6 wheel truck for delivery to customers.)
- Where is storage area?
(Far from consumer tanks to be stored)
- How many deliveries per day?
(1 per day for deliveries to customers)
- Won't I-2 be too intensive for residential area?

Main Concern

- 1 - Noise concern.
↳ Small trucks for delivery. Not tractor trailers for daily delivery.
- Will it only be propane?
↳ Can be a condition of permit.
- How many tanks?
↳ 1 per SUP unless otherwise specified
- Blast radius?
↳ No hills or other features that for stopping explosion. Explosion, go upward.
- Why is storage so far away from main tank?
(Just placed that way)
- Smell?
↳ Should not be noticeable.

Attachment C

- Traffic concerns & safety of funds
- Deed restricts growth to 25% of property or so.

Make sure to add zoning info/description to staff report, language from Ordinance.



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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

August 15, 2016

Tim Spicer
2151 Richmond Road
Charlottesville VA

Delivered via email to tim.spicer@fosterfuels.com

Re:

ZMP 16:04 –Foster Fuels Rezoning
SUP 16:08- Foster Fuels Propane Tank
Tax Map: 4, Section A, Parcel 99

Dear Mr. Spicer:

The following comments are the result of the Technical Review Committee meeting that was held on Thursday, July 14, 2016. These comments are applicable for both your rezoning and special use permit request:

1. Planning Staff: Site has existing proffers, but these do not appear to affect the use of a petroleum distribution facility or rezoning to I2.
2. Fire Chief wanted to know what measures would be taken to mitigate risk. Applicant responded that they would incorporate all building and fire code requirements, as well as install bollards and fencing for security. Applicant offered to send a Fire Safety Analysis to Fire Chief and to neighbors.

Fire Chief also stated that fire control exercises at the Fluvanna Correctional Center for Women could include this site. Applicant stated they are willing to work with the Fire Department.

Fire Chief wanted to make sure that vehicles entering the site be at least 50ft away from the propane tank at all times.

3. Erosion and Sediment Control had no comments.
4. VDOT offers the following comments:
The submitted plan sketch did not show much detail. I commented that the typical items would need to be thoroughly review the future site plan (Turn Lane Analysis, Sight Distance verification, 45’ entrance radii etc.). However, it was brought to my attention that there was a current site improvement plan and the construction of those items is almost complete. Therefore, no further improvements were discussed.

The following are some details further clarified at the TRC meeting:

Attachment D

- The site will be used for distribution only, no retail.
 - There is apparently some restrictive proffers from the previous rezoning that was brought to the planners attention after the meeting that may be restrictive to the proposed use. Needs clarification by County staff and possible proffer amendment.
 - The site's owner stated that he was instructed by VDOT to place barrels along the uneven pavement course of the newly constructed turn-lane. He mentioned he was told that VDOT was to mill and repave his portion of Rte. 250 and was to also pave the final asphalt surface course of the new turn-lane in June. He wants to start using his turn-lane. I asked him to follow-up with you once you return to verify the paving schedule work and the outstanding items to be finalized.
 - (*From Mark Woods Replacement at the TRC*): The developer's contractor constructed the right turn lane and taper several months ago. VDOT has a paving overlay contract on Rte. 250 between Rte. 689 and Rte. 250 for this paving season. VDOT's pavement overlay of Rte. 250 is planned to tie into the developer's new right turn lane and taper. I have sent an inquiry to VDOT's pavement manager asking when he anticipates VDOT's paving contractor to overly this section of Rte. 250.
5. Health Department had no comments.

The Planning Commission will have a meeting to discuss this item at their Wednesday, August 24, 2016 meeting. Your attendance is required at this meeting.

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

Sincerely,
James Newman
Planner
Dept. of Planning & Zoning

cc: File
Kim Johnson at kim.johnson@fosterfuels.com



May 6, 2016

Ken Bahr
2316 Highland Avenue
Charlottesville VA 22903

Delivered via email to kenbahr@comcast.net

REF: Re: SDP 13:09 Cavalier Containers Landscape Plan comments, Tax Map 4-A-99

Dear Mr. Bahr:

I have reviewed the landscape, well and septic plan dated July 6, 2015. Based on our site review yesterday May 5, 2016, I have the following comments:

1. Please plant two (2) additional trees on the driveway. These tree must be of the same species as those which front Route 250.
2. Please remove all dead or dying landscaping trees and replace them with living versions of the same species.

Once these actions have been done, and based on Steve Tugwell's previous letters, I will consider the site to be in compliance with the landscape ordinance and with the submitted landscape portion of the landscape, well and septic plan dated July 6, 2015.

If you have any questions or comments, feel free to contact me at (434) 591-1910 or at jnewman@fluvannacounty.org.

Sincerely,

James Newman
Planner
Dept. of Planning & Community Development

Copy: Mark Keller, Terra Concepts P.C., 2046 Rock Quarry Road, Louisa VA 23093, at mkeller@terraconceptspc.com
File



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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

August 17, 2016

Ken Bahr
2316 Highland Avenue
Charlottesville VA 22903

Delivered via mail

REF: Re: SDP 13:09 Cavalier Containers Landscape Plan comments, Tax Map 4-A-99

Dear Mr. Bahr:

Please be aware that you have not yet reached full compliance with your Site Development Plans regarding the aforementioned property. The following must be done in order for you to reach compliance and therefore receive a permanent Certificate of Occupancy.

1. Please plant two (2) additional trees on the driveway. These tree must be of the same species as those which front Route 250.
2. Please remove all dead or dying landscaping trees and replace them with living versions of the same species.
3. Metal dumpsters/open shipping containers were observed by County Staff on July 29, 2016. No storage area for these containers has been shown on your site plan. An amendment to your site plan will be necessary, showing the location on your site where you propose to keep these items stored.

Once these actions have been done, and based previous letters, I will consider the site to be in compliance with the landscape ordinance and with the submitted landscape portion of the landscape, well and septic plan dated July 6, 2015, as well as your overall site plan.

If you have any questions or comments, feel free to contact me at (434) 591-1910 or at jnewman@fluvannacounty.org.

Sincerely,

James Newman
Planner
Dept. of Planning & Community Development

File

Attachment E

James Newman

From: James Newman
Sent: Thursday, August 18, 2016 8:46 AM
To: 'Kenneth Bahr'
Subject: RE: Cavalier Containers Landscaping Timeline Followup

Thank you for the update Mr. Bahr.

From: Kenneth Bahr [<mailto:kenbahr@comcast.net>]
Sent: Wednesday, August 17, 2016 6:04 PM
To: James Newman
Subject: RE: Cavalier Containers Landscaping Timeline Followup

We attempted the grass seeding twice and it has had poor results. We really need to seed in the optimal time-frame of mid September - mid October. We have squandered thousands of dollars in materials and labor trying to force the seeding issue in the summertime. It simply won't work- the area is too large to water- we must rely on nature.

Snow's cannot get the two London Plane (Sycamore) trees at this time. They too need to be harvested and planted in season (winter). I have a letter from Snow's. Will forward.

Finally Snow's replaced several dead or distressed White Pines until their nursery stock became depleted. In the interim, I noticed a few more pines are in distress. Ditto as with the Sycamore trees, any additional White Pines need to be harvested and planted in cool temperatures.

Regarding covering the sediment basin to bio-filter, I believe Harman Construction has been advised by Roger Black to wait until next year to ensure the site is fully stabilized.

----- Original message -----

From: James Newman
Date: 08/17/2016 10:47 AM (GMT-04:00)
To: kenbahr@comcast.net, mkeller@terraconceptspc.com
Cc: Jason Stewart
Subject: Cavalier Containers Landscaping Timeline Followup

Good morning Mr. Bahr and Mr. Keller,

What is your proposed timeline for implementing the comments listed in the 'Landscaping review comments 5 6 16' letter emailed to you both on Friday May 6, 2016?

James Newman

County Planner & GIS Coordinator

Fluvanna County Planning Dept.

(434) 591 1910 ext: 1023



Attachment F

COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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

STAFF REPORT

To: Fluvanna County Planning Commission

Case Number: SDP 13:09

Tax Map: Tax Map 4, Section A, Parcel 99

From: Steve Tugwell

District: Columbia

Date: September 25, 2013

General Information:

This item is scheduled to be heard by the Planning Commission on Wednesday, September 25, 2013 at 7:00 p.m. in the Circuit Courtroom in the Courts Building.

Owner:

Serenity Partners, LLC

Applicant/Representative:

I & J Home Builders, LLC

Requested Action:

Approval of a sketch plan to construct an 8,400 square foot building with respect to 14.771 acres of Tax Map 4, Section A, Parcel 99. (Attachment A)

Location:

The subject property is located on the north side of Route 250 (Richmond Road) approximately 0.33 miles east of Route 627 (Zion Road). (Attachment B)

Existing Zoning:

I-1, Industrial, Limited (conditional) (Attachment C)

Existing Land Use:

vacant parcel

Adjacent Land Uses:

Adjacent properties are zoned A-1, Agricultural, General

Comprehensive Plan:

Zion Crossroads Community Planning Area

Zoning History:

A rezoning (ZMP 08-04), from A-1 to I-1 with proffered conditions, was approved for this property by the Board of Supervisors on September 17, 2008. (Attachment D)

Attachment F

Analysis:

The applicant is requesting sketch plan approval to construct an 8,400 square foot building, which will contain 480 square feet of office space. The applicant has stated the building will be used for truck storage and maintenance in conjunction with his existing refuse receptacle business. This parcel was rezoned from A-1 (Agricultural, General), to I-1 (Industrial, Limited) with proffers on September 17, 2008. Per the approved proffers, a landscaping buffer is required along the entire frontage of the property on Zion Road (Route 627), as well as along the eastern boundary adjacent to the Bourne and Wills properties. Additionally, building facades fronting on Richmond Road (Route 250), and Zion Road (Route 627) will “*incorporate finishing materials such as brick, stucco, split-faced block, etc.*”, in accordance with the approved proffers.

This parcel is zoned I-1 (Industrial, Limited), with approved proffers. The proffers exclude certain types of uses of this property that are typically allowed in the I-1 zoning district, but do not exclude warehouses, or using warehouses for storage or office space in conjunction with a business. This site is located within the Zion Crossroads Community Planning Area, and adjoining parcels are zoned A-1. As adjacent parcels contain single-family residences, it appears that proffers were written with consideration to the neighbors in regard to screening, lighting, and building materials.

Parking/Roads

The site is proposed to be accessed from Richmond Road (Route 250). The revised sketch plan is showing one (1) point of access from Route 250, as VDOT previously commented that two (2) points of access would not be allowed. Additionally, proffer # 3 states that “*we hereby withdraw any and all plans to access this property from Zion Road (Route 627) as previously shown on the preliminary plat*”.

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. Adjacent properties are zoned A-1 (Agricultural, General), and there is a posted speed limit of 55 miles per hour. Therefore, a waiver from sidewalk requirements at this location may be appropriate. (Attachment E)

Landscaping/Screening

All landscaping should be in compliance with the Fluvanna County Zoning Ordinance. Proffers have addressed landscaping buffer requirements along Richmond Road (Route 250), and Zion Road (Route 627). In addition to that, the final site development plan shall be in compliance with Article 24 of the zoning ordinance (Landscaping and Tree Protection).

Attachment F

Signage & Outdoor Lighting

Traffic circulation should be controlled by appropriate directional signage at the entrance/exit point into the site. Proffer # 6 states “*we propose to follow dark sky exterior lighting as provided in Fluvanna County site plan requirements*”. As five (5) parking spaces are shown on the plan, full-cutoff lighting is required. Any new signage is subject the regulations as prescribed in Article 15 of the Zoning Ordinance, and shall require a separate application for a sign permit.

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 will be provided on-site.

Technical Review Committee:

1. At the July 11, 2013 Technical Review Committee meeting, the Health Department commented that the buildings must have a private water and sewage system, and that it is their understanding that a soils report and proposal will be completed and will be reviewed by the Health Dept. when submitted by the applicant;
2. The Fire Chief asked what the proposed two buildings will be used for, and if any hazardous materials will be stored inside the buildings;
3. Central Virginia Electric Cooperative stated their concerns were that no buildings, wells, or drain-fields are to be constructed within 20 feet of either side of the overhead distribution lines that run through the property;
4. The E & S inspector commented that an approved erosion and sedimentation control and stormwater plan and land disturbing permit will be required prior to any land disturbing activity on site;
5. VDOT commented that there will not be two entrances at the proposed location, that this is a primary roadway which requires under the new access management standards possible spacing requirements, may generate a turn lane/taper, widening of the pavement, etc., also a site plan is needed and line of sight issues may arise due to the proposed landscaping plan. Additionally, a 150 foot turn lane will be required, due to the traffic on Route 250 generated by the site and the square footage of the two proposed buildings;

Planning Staff asked what the proposed uses for the buildings will be, and the uses will have a bearing on the number of required parking spaces, and that if five (5) or more parking spaces is required, then site full-cutoff site lighting will also be required, the building setback from Route 250 is 200 feet and not 100 feet as the sketch plan shows,

Attachment F

any lights installed on the buildings are required to be full-cutoff lighting and a photometric plan will be required, landscaping will be required per the approved proffers; the site will have to be developed in accordance with the approved proffers; Per Sec. 22-9-10, sidewalks that comply with the most recent VDOT specifications shall be required on both sides of all roadways, public and private, **(a variation to the sidewalk requirements may be granted by the Planning Commission for projects where);**

- a) VDOT prohibits the construction of sidewalks;
- b) The physical conditions on the lot or adjoining lots, including but not limited to, existing structure and parking areas, existing utility easements, environmental features, or the size and shape of the lot, make it impossible or unfeasible to provide the required sidewalks;
- c) The application of the before mentioned requirements would not further the goals of the Comprehensive Plan or otherwise serve the greater public's health, safety, and welfare.

If a variation from the Planning Commission is desired, then a written request addressed to the Planning Commission identifying one or more of the reasons above should be submitted to the Planning Department along with the sketch plan revision to be forwarded with the staff report

(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, directional signage, and outdoor lighting plans when and where applicable;
2. Meeting all public agency requirements including but not limited to Health Department and VDOT requirements;
3. Meeting all Erosion and sedimentation control requirements;
4. The site shall be developed in compliance with the proffers approved with the rezoning of this property (ZMP 08:04), which was approved on September 17, 2008.

Attachment F

Suggested Motion:

I move to approve SDP 13:09, a sketch plan to construct an 8,400 square foot building with respect to 14.771 acres of Tax Map 4, Section A, Parcel 99, 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 and sketch plan

B – Aerial Vicinity Map

C – Zoning Map

D – Rezoning ZMP 08:04 approval letter with proffers

E - Applicant's request for a variation to the sidewalk regulations as required by Sec. 22-23-6 BB.

F – Planning staff comment letter, applicant's response to TRC comments, emails from the TRC members

Copy:

Owner: Serenity Partners, LLC

Applicant/Representative: I & J Home Builders, LLC, 21708 James Madison Highway, Troy, VA 22974

File



COMMONWEALTH OF VIRGINIA
 COUNTY OF FLUVANNA
 Site Development Application

Received
 SEP 19 2013
 Fluvanna County

Owner of Record: Serenity Partners, LLC
 E911 Address: Troy, VA
 Phone: _____ Fax: _____
 Email: _____

Applicant of Record: I and J Home Builders
 E911 Address: 21708 James Madison Hwy. Troy, VA
 Phone: 591-1100 Fax: _____
 Email: ijackson2272@gamil.com

Representative: Stanley Land Surveys, PLC
 E911 Address: P.O. Box 154 Palmyra, VA 22963
 Phone: 589-8395 Fax: 589-6327
 Email: tim@stanleylandsurveys.com

Tax Map and Parcel(s): ~~Tm 4-99~~ 4(A) 99
Acrage: 14.771 **Zoning:** I-1

Deed Book Reference: 769-273
Deed Restrictions? No Yes (Attach copy)

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: _____

Location: Between route 250 and 627 3.0+/- miles from Zion cross roads

Description of Property: 14.77 acres on north side of 250

Proposed Structure: metal building For Corporate HQ, Secure Facility for vehicles, and equipment

Dimensions of Building: 70'x120'

of Employees: 3 **# of Parking Spaces:** 5

Noise Limitations: _____

Lighting Standards on Site: No Yes

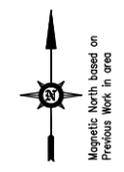
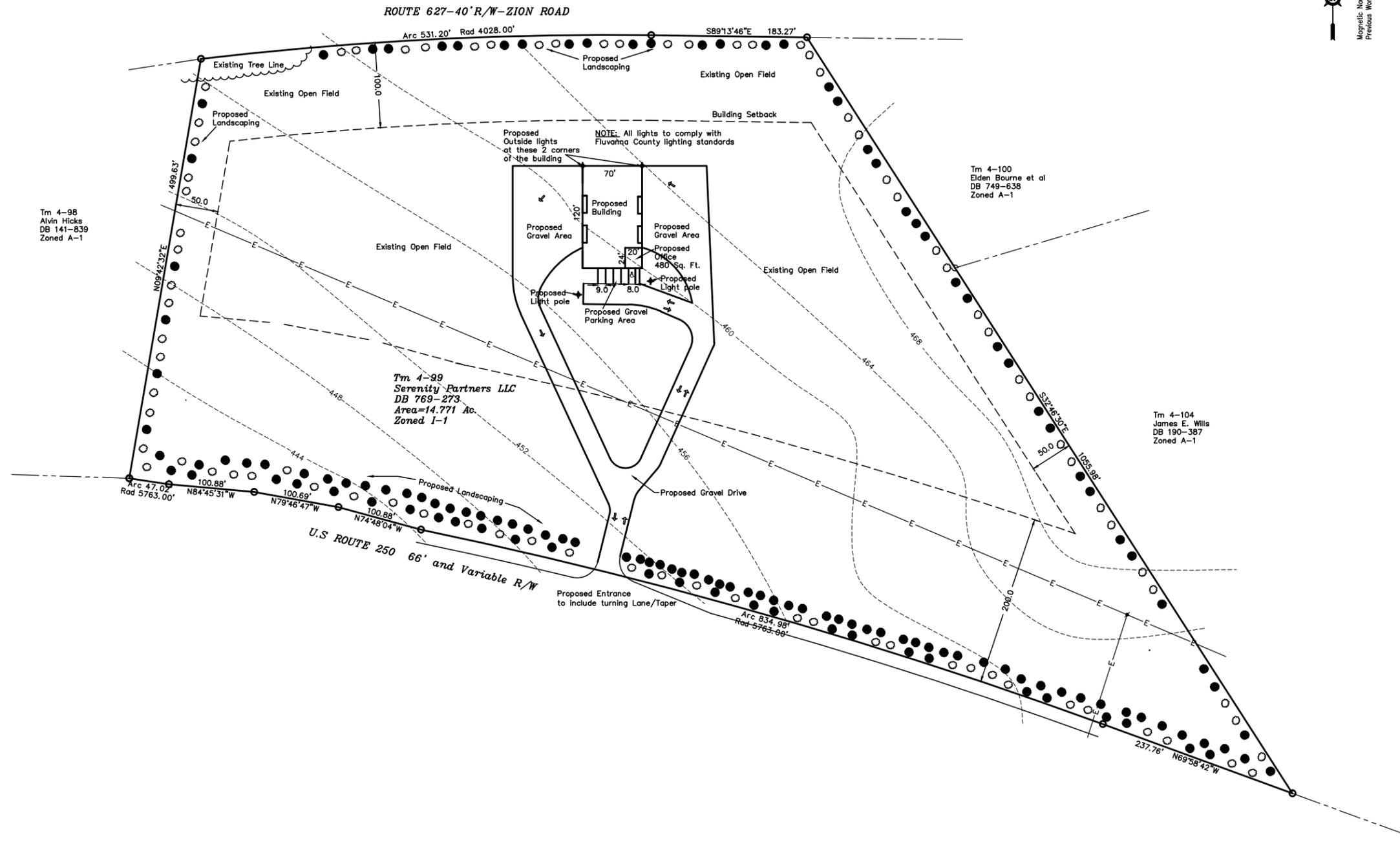
I declare that the statements made and information given on this application are true, full and correct to the best of my knowledge and belief. I agree to conform fully to all terms of any certificate or permit which may be issued on account of this application.

Tom Schmalz
 Applicant Name (Please Print)

[Signature] 9-16-2013
 Applicant Signature and Date

OFFICE USE ONLY		
Date Received: <u>9-19-13</u>	Fee Paid: <input checked="" type="checkbox"/> <u>7/1/2013</u>	Application #: <u>SDP13:09</u>
Election District: <u>Columbia</u>	Planning Area: <u>Zion Crossroads</u>	Number of Lots: _____
Total Fees Due at Time of Submittal:		
Sketch Plan: \$150.00	Minor Plan: \$550.00	Major Plan: <u>\$1,100.00</u>
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
 Fluvanna County Department of Planning & Community Development * Box 540 * Palmyra, VA 22963 * (434)591-1910 * Fax (434)591-1911
 This form is available on the Fluvanna County website: www.co.fluvanna.va.us



STANLEY LAND SURVEYS, PLC
 LAND SURVEYING-LAND PLANNING
 PALMYRA OFFICE CENTER
 POST OFFICE BOX 154
 PALMYRA, VA 22963-0154
 PHONE: (434) 589-8395
 FAX: (434) 589-8327



Revisions:

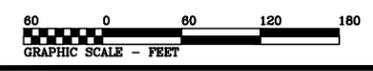
NO.	DESCRIPTION	DATE
1	TRE Comm.	9-13-13

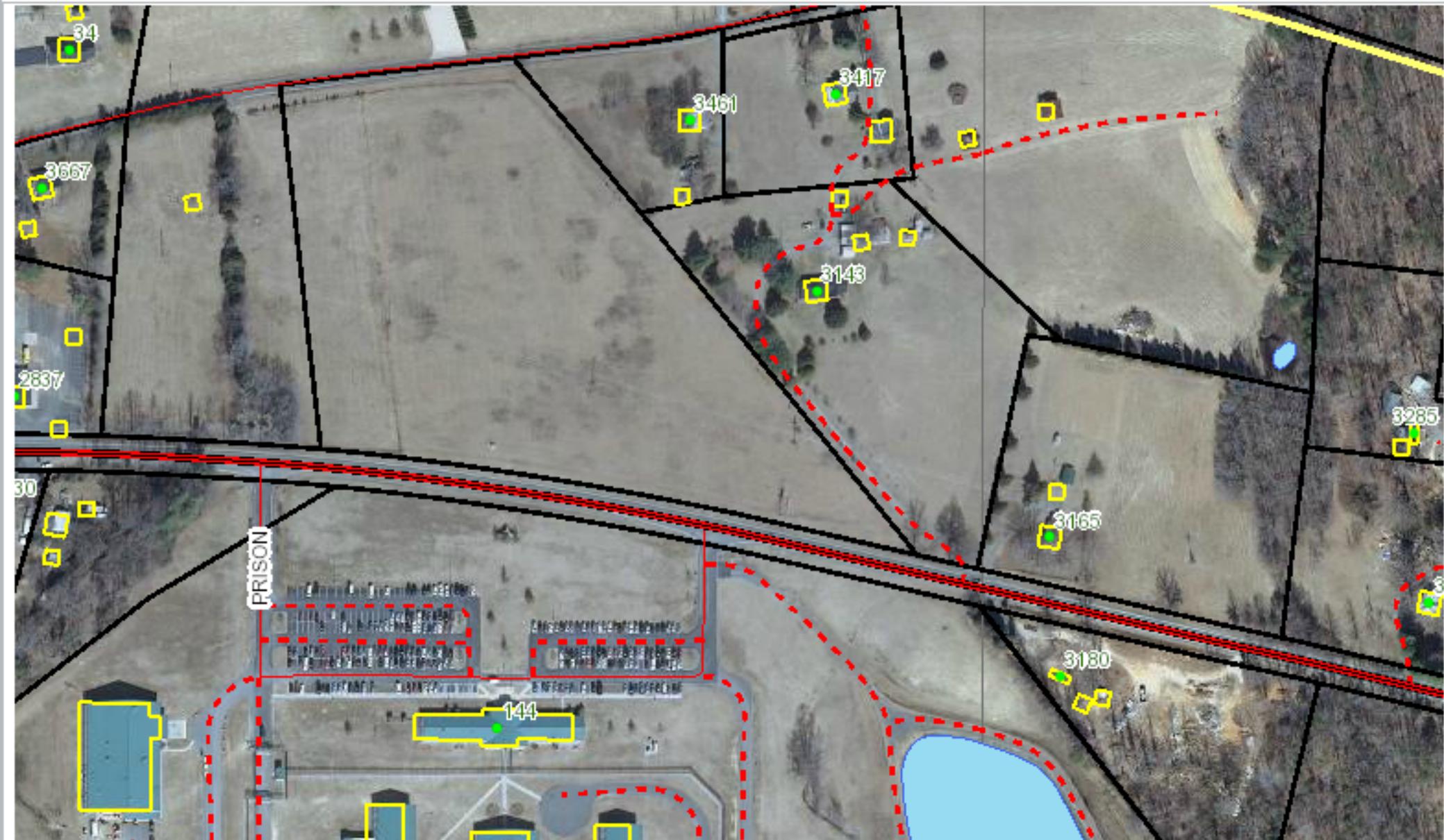
Project Title:
 SITE PLAN SKETCH
 FOR SERENITY PARTNERS, LLC
 PALMYRA DISTRICT, FLUVANNA COUNTY

Drawing Title:
 SITE PLAN SKETCH

Drawing Scale: 1"=60'	File Name: 0400099.dwg
Date: 6-30-13	Project No.: 0000
Drawn By: JS	Checked By: PTS

Sheet No:
 1 OF 1



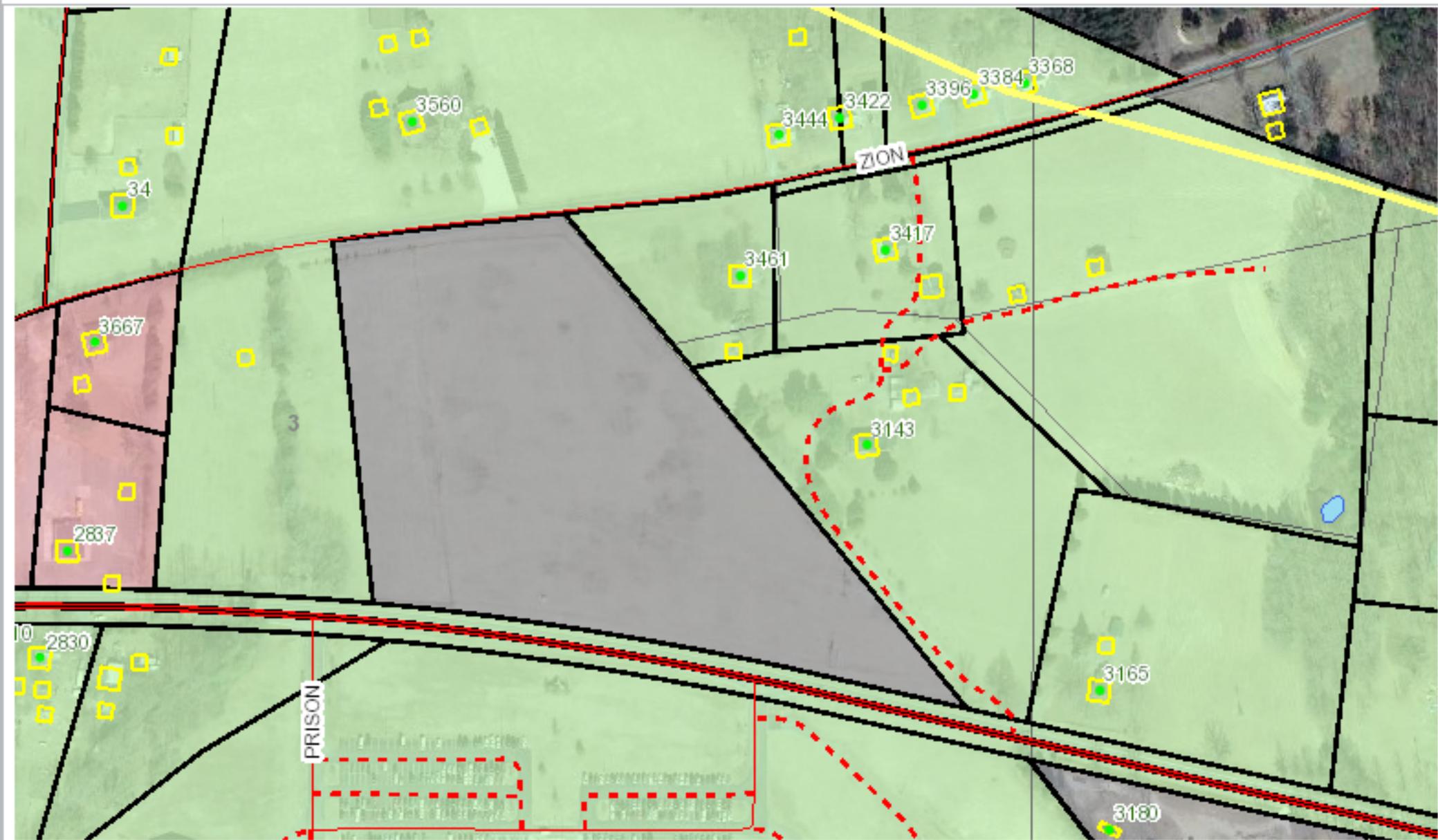


Scale: 1:4513.988705

Date: 09/19/2013

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).



Scale: 1:4513.988705

Date: 09/19/2013

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).

Attachment F



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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

September 19, 2008

Tracey Cosner
4796 Three Chopt Road
Troy, VA 22974

REF: ZMP 08:04

Dear Ms. Cosner:

Please accept this letter as notification of the action taken on September 17, 2008 by the Board of Supervisors with regard to the request referenced above. Your request to amend the Fluvanna County Zoning Map with respect to approximately 14.771 acres of Tax Map 4, Section A, Parcels 99, to rezone the same from A-1, Agricultural, General to I-1, Industrial, Limited, was **approved** with the following eight (8) proffers:

1. The following uses permitted by-right in the I-1 zoning district have been proffered out:
 - a. Monumental Stone Works;
 - b. Feed Mill;
 - c. Refabrication and overhaul of pipes and fittings; wholesale merchandising of commercial piping and fittings; and attendant storage related hereto.
 - d. Storing, blending and packaging of ingredients for lawn and garden productions for agricultural purposes and certain industrial uses.
2. All landscaping along the Route 250 corridor shall meet the requirements of VDOT and Fluvanna County;
3. We hereby withdraw any and all plans to access this property from Zion Road (Rt. 627) as previously shown on the preliminary site plan;
4. We further propose to establish a landscaping buffer along the entire frontage of the property on Zion Road (Rt. 627) as well as along the eastern boundary adjacent to the Bourne and Wills properties;
5. We propose that all building facades fronting onto Richmond highway (Rt. 250) and Zion Road (Rt. 627) will incorporate finishing materials such as brick, stucco, split-faced block, etc.;
6. We propose to follow "dark sky" exterior lighting as provided in Fluvanna county site plan requirements.
7. We propose to follow Sec. 19-7-7, Article 7 of the Subdivision Design Standards which states: The proposed development shall be designed to minimize the impact of noise, glare and pollution on adjoining property and protect the surrounding lands from the same.
8. In addition, we offer to proffer out of the list of permitted uses under I-1 by Special Use Permit the following uses:

Attachment F

- a. Wood yard with chipper
- b. Solid waste material recovery facility

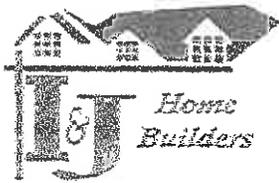
If I can be of any further assistance, please feel free to contact me.

Sincerely,

Darren Coffey
Planning Director

CC: Serenity Partners, 151 Starlite Park, Troy, VA 22974
William Anderson, 3 Ponderosa Lane, Palmyra, VA 22974
File

Attachment F



21708 JAMES MADISON HWY, TROY, VA 22974
PHONE (434)591-1100 FAX (434)591-1133

Attention: Steve Tugwell

Senior Planner, Dept. of Planning & Community Development, County of Fluvanna

Re: SUP 13:09 Two (2) 7,200 square foot metal buildings major site plan Tax Map: 4, Section A, Parcel 99

Dear Steve,

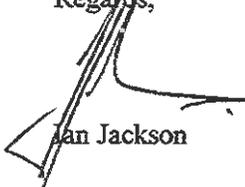
This is a request for a variation to the sidewalk requirements in Section 22-9-10 of the Fluvanna County Ordinance.

Constructing a sidewalk along Route 250, opposite the woman's prison, would not serve the greater public's health, safety, and welfare for the following reasons:

- 1.) The sidewalk would end on the side of Route 250 with nowhere for pedestrians to exit.
- 2.) The speed and volume of traffic on Route 250 would be hazardous for pedestrians.

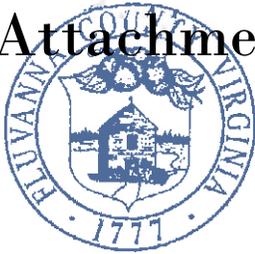
Please feel to contact me for additional information.

Regards,



Ian Jackson

Attachment F



 COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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

July 19, 2013

I & J Home Builders, LLC
 21708 James Madison Highway
 Troy, VA 22974

Delivered via mail

Re: SUP 13:09 Two (2) 7,200 square foot metal buildings major site plan
Tax Map: 4, Section A, Parcel 99

Dear Applicant:

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

1. The Health Department commented that the buildings must have a private water and sewage system, and that it is their understanding that a soils report and proposal will be completed and will be reviewed by the Health Dept. when submitted by the applicant;
2. The Fire Chief asked what the proposed two buildings will be used for, and if any hazardous materials will be stored inside the buildings;
3. Central Virginia Electric Cooperative stated their concerns were that no buildings, wells, or drain-fields are to be constructed within 20 feet of either side of the overhead distribution lines that run through the property;
4. The E & S inspector commented that an approved erosion and sedimentation control and stormwater plan and land disturbing permit will be required prior to any land disturbing activity on site;
5. VDOT commented that there will not be two entrances at the proposed location, that this is a primary roadway which requires under the new access management standards possible spacing requirements, may generate a turn lane/taper, widening of the pavement, etc., also a site plan is needed and line of sight issues may arise due to the proposed landscaping plan. Additionally, a 150 foot turn lane will be required, due to the traffic on Route 250 generated by the site and the square footage of the two proposed buildings;

Planning Staff asked what the proposed uses for the buildings will be, and the uses will have a bearing on the number of required parking spaces, and that if five (5) or more parking spaces is required, then site full-cutoff site lighting will also be required, the

storage of vehicles related to the business,
 + repair

Attachment F

building setback from Route 250 is 200 feet and not 100 feet as the sketch plan shows, any lights installed on the buildings are required to be full-cutoff lighting and a photometric plan will be required, landscaping will be required per the approved proffers; the site will have to be developed in accordance with the approved proffers; Per Sec. 22-9-10, sidewalks that comply with the most recent VDOT specifications shall be required on both sides of all roadways, public and private, **(a variation to the sidewalk requirements may be granted by the Planning Commission for projects where);**

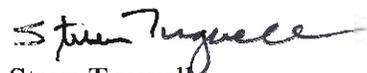
- a) VDOT prohibits the construction of sidewalks;
- b) The physical conditions on the lot or adjoining lots, including but not limited to, existing structure and parking areas, existing utility easements, environmental features, or the size and shape of the lot, make it impossible or unfeasible to provide the required sidewalks;
- c) The application of the before mentioned requirements would not further the goals of the Comprehensive Plan or otherwise serve the greater public's health, safety, and welfare.

If a variation from the Planning Commission is desired, then a written request addressed to the Planning Commission identifying one or more of the reasons above should be submitted to the Planning Department along with the sketch plan revision to be forwarded with the staff report

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, along with any other materials or documentation that is to be included in the Planning Commission packet by **Friday, July 26, 2013**. Submitting revisions by this deadline will place your request on the **August 28, 2013** Planning Commission agenda.

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

Attachment F



21708 JAMES MADISON HWY, TROY, VA 22974
PHONE (434) 591-1100 FAX (434) 591-1133

Attention: Steve Tugwell

Senior Planner, Dept. of Planning & Community Development, County of Fluvanna

Re: SUP 13:09 Two (2) 7,200 square foot metal buildings major site plan Tax Map: 4, Section A, Parcel 99

Dear Steve,

In response to your comments in your letter dated the 19th of July, 2013, we wish to clarify the following:

- 1.) We have requested an AOSE to test the soils and lay out a drain field and to submit his findings to the health department for a permit. To date the soils have been favorable and the report will be submitted shortly.
- 2.) The proposed two buildings will be used for parking and maintenance of the owner's vehicles. Also there will be no hazardous materials stored inside the buildings.
- 3.) As noted.
- 4.) We have instructed our engineer to design an erosion, sedimentation control, and land disturbance plan.
- 5.) As noted, according to VDOT, there will only be one entrance on the property and our engineer is designing the entrance and liaising with VDOT on the exact location. The erosion, sediment, and land disturbance plan along with the entrance plan will be submitted to the county as soon as we have it.
- 6.) In regard to parking spaces; the only people that would require parking spaces would be the owner, a driver, and the secretary. There vehicles will be parked indoors. Full-cutoff site lighting will not be required.
- 7.) A 100 foot setback is the correct setback.
- 8.) We find no necessity to have a side walk and we don't think VDOT would approve of it.

As soon as we have the above plans we will resubmit them for approval.

Regards,

Ian Jackson

A handwritten signature in black ink, appearing to read 'Ian Jackson', is written over the printed name.

Attachment F

Steven Tugwell

From: Goodale, James E. (VDOT) <James.Goodale@VDOT.virginia.gov>
Sent: Tuesday, July 16, 2013 2:01 PM
To: Steven Tugwell
Cc: Wood, Mark (VDOT)
Subject: TRC comments for the July meeting

SDP 13:08 – Tiger Fuel Company

Although private the addition of two fuel pumps could generate more traffic therefore an entrance analysis study needs to be conducted.

SDP 13:09 – I&J Homebuilders, LLC

There will not be two entrances at the proposed location. This is a primary roadway which requires under the new access management standards possible spacing requirements, may generate a turn lane/taper, widening of the pavement, etc., also a site plan is needed and line of sight issues may arise due to the proposed landscaping plan. After all this is said and done a 150' right turn lane will be required. This is because of the traffic on Route 250 and the traffic generated by the site and the square footage of the two proposed buildings.

James E. Goodale
Permits & Subdivision Specialist Sr.
Culpeper District - Zion Crossroads
P.O. Box 1017
Troy, VA. 22974
Phone 434.589.2358 Fax 434.589.3967

Attachment F

Steven Tugwell

From: Steve Olson <solson@MyCVEC.com>
Sent: Friday, July 12, 2013 10:34 AM
To: Steven Tugwell; Goodale, James E. (VDOT); Mike Brent
Subject: RE: TRC comments

Steve,

Tiger Fuel. CVEC has no comments or concerns.

Site plan on 250 across from the Prison. CVEC's concerns and comments were that no buildings, wells, or drain-fields are to be constructed within 20' of either side of the overhead distribution lines that run through the property.

Steven C. Olson
Field Engineering Supervisor
P. O. Box 247
Lovingston, VA 22949
800.367.2832, Ext. 1450
Direct: 434.263.2631
www.mycvec.com



From: Steven Tugwell [<mailto:stugwell@fluvannacounty.org>]
Sent: Friday, July 12, 2013 8:53 AM
To: Goodale, James E. (VDOT); Mike Brent; Steve Olson
Subject: TRC comments
Importance: High

Hi all,

Could you please write your TRC comments from yesterday's meeting and email them to me? The 2 items were the site plan on 250 across from the women's prison, and the Tiger Fuels site plan at Turkeysag and 53.

Thanks!
Steve

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

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

Attachment F

Steven Tugwell

From: Miller, Charles (VDH) <Charles.Miller@vdh.virginia.gov>
Sent: Thursday, July 11, 2013 10:25 AM
To: Steven Tugwell
Subject: TRC Meeting

Steve,

To confirm our conversation of yesterday regarding the items on the TRC schedule:

1 – The Tiger Fuel business will be on the LM sewage facility, I'm sure.

2 – I&J Homebuilders proposal for the two buildings at Rts. 250 & 627 must have a private water & sewage system. I spoke with Mr. Jackson about this yesterday. He informed me that he would have a soil study and proposal done next week. When he submits that, I will review and forward

Comments to you.

Thanks,
Charles

Attachment F

Steven Tugwell

From: Mike-Kathy Brent <mkbrent7@gmail.com>
Sent: Thursday, July 04, 2013 4:32 PM
To: Steven Tugwell
Subject: Re: July 11, 2013 TRC agenda

Steve

I will be out of town next Thursday but I have no comments on the two items. I do have a question on the I & J request and that's what the two buildings will be used for and if any Haz. Mat. materials will be stored inside?

Thanks
Mike

On Wed, Jul 3, 2013 at 3:17 PM, Steven Tugwell <stugwell@fluvannacounty.org> wrote:

Dear TRC members:

Attached is the agenda for our July 11, 2013 TRC meeting. The meeting is scheduled for 2pm in the Morris Room of the County Administration Building.

Please let me know if you have any questions or comments, and I look forward to seeing you at the meeting!

Thanks,

Steve

Steve Tugwell

Senior Planner

Dept. of Planning & Community Development

Attachment F

Steven Tugwell

From: Wright, Chuck (DOF) <chuck.wright@dof.virginia.gov>
Sent: Monday, July 08, 2013 9:55 AM
To: Steven Tugwell
Subject: RE: July 11, 2013 TRC agenda

Steve

I will have no comments on either of these. Thanks.

Chuck Wright
Forester
Jefferson Work Area
2010 Sandy Hook Road
Goochland, VA 23063
Office: 804-556-4145
Cell: 804-912-0248
Email: chuck.wright@dof.virginia.gov
Web: www.dof.virginia.gov

From: Steven Tugwell [<mailto:stugwell@fluvannacounty.org>]
Sent: Wednesday, July 03, 2013 3:17 PM
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; Rice, Gary (VDH); Goodale, James E. (VDOT); Heather Poole; Jay Lindsey; Joe Chesser; Mike Brent; Patricia Eager; Robert Popowicz; Roger Black; Sam Babbitt; solson@forvec.com; Wayne Stephens
Cc: ianjackson7@embarqmail.com; Tim Stanley; Gordon Sutton (suttong@tigerfuel.com); tmiller@meridianwbe.com
Subject: July 11, 2013 TRC agenda

Dear TRC members:

Attached is the agenda for our July 11, 2013 TRC meeting. The meeting is scheduled for 2pm in the Morris Room of the County Administration Building.

Please let me know if you have any questions or comments, and I look forward to seeing you at the meeting!

Thanks,
Steve

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

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Attachment F

Steven Tugwell

From: Roger Black
Sent: Friday, July 19, 2013 8:57 AM
To: Steven Tugwell
Subject: RE: 7 11 2013 TRC comments?

Steve,

SDP 13:08 Tiger Fuel

If more than 10,000 square feet would be disturbed during the execution of this plan, an approved E & S Control/Stormwater Plan and Land Disturbing Permit will be required prior to any land disturbing activity on site.

SDP 13:09 I & J

An approved E & S Control/Stormwater Plan and Land Disturbing Permit will be required prior to any land disturbing activity on site.

Thanks,
Roger

From: Steven Tugwell
Sent: Thursday, July 18, 2013 12:06 PM
To: Roger Black
Subject: 7 11 2013 TRC comments?

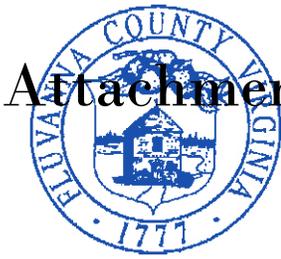
Roger,

I'm writing my TRC comment letter. Do you have any comments for either one of these applications?

Thanks!
Steve

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

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Attachment F COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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

August 11, 2015

Mark Keller, Terra Concepts, P.C.
2046 Rock Quarry Road
Louisa, VA 23093

Delivered via email

**REF: Re: SDP 13:09 Cavalier Containers Final Site Development Plan – Notice of approval
Tax Map 4-A-99**

Dear Mr. Keller:

I have reviewed the revised final site development plan that was received by our office on July 6, 2015, and have approved it. Pursuant to Sec. 22-23-9 A., an approved final site plan shall be valid for five (5) years from the date of approval.

As you apply for building permits, please be mindful of the following:

Sec. 22-23-11 - Compliance with the Approved Site Plan.

- A. Inspections shall be made during the installation of off-site improvements by the Director of Planning, or other County or State Staff, to insure compliance with the approved site plan.
- B. The owner or developer shall provide adequate supervision at the site during installation of improvements required by the site plan, and shall make one (1) set of approved plans available at the site at all times that work is being done.
- C. No final certificate of occupancy shall be issued until all work is completed in compliance with the approved site plan.
- D. Prior to any final approval, or issuance of any temporary certificate of occupancy, a bond with surety, or other guaranty, approved by the Planning Director and County Attorney in accordance with Sec. 15.2 15.2-2241 through 15.2-2246 of the Code of Virginia, in an amount sufficient to cover the estimated costs of such improvements to be bonded, the owner or developer shall submit an estimate of such costs which shall be reviewed by the agent. The completion of all other improvements required by or pursuant to this section shall be certified and/or bonded as provided hereinabove.
- E. Prior to occupying the site, the applicant shall provide to the agent plans of the site, in the same detail as the plans approved subject to this chapter showing the site as fully developed. The agent may require such supplementation, revision or amendment to such plans as may be necessary to reflect the true conditions of the site. In the event that the site as fully developed shall not be substantially as shown on the approved site plan, the applicant shall submit a revised plan for review by the Planning Director. No certificate of occupancy shall be issued for any use, building or structure subject to the provisions of this article unless and until all improvements required by the

Attachment F

approved plan shall have been satisfactorily completed; provided, however, that the Planning Director may issue a temporary certificate of occupancy for any such use as to which there remain incomplete one or more items from the said plan, conditioned upon the timely and satisfactory completion of such items, so long as such incomplete items do not adversely affect the public health or safety and have been bonded for completion in accordance with Section 22-23-11(D).

Also, pursuant to rezoning case # ZMP 08-004, the following proffers remain applicable to this property, and to development of this property:

1. The following uses permitted by-right in the I-1 zoning district have been proffered out:
 - a. Monumental Stone Works;
 - b. Feed Mill;
 - c. Refabrication and overhaul of pipes and fittings; wholesale merchandising of commercial piping and fittings; and attendant storage related hereto.
 - d. Storing, blending and packaging of ingredients for lawn and garden productions for agricultural purposes and certain industrial uses.
2. All landscaping along the Route 250 corridor shall meet the requirements of VDOT and Fluvanna County;
3. We hereby withdraw any and all plans to access this property from Zion Road (Rt. 627) as previously shown on the preliminary site plan;
4. We further propose to establish a landscaping buffer along the entire frontage of the property on Zion Road (Rt. 627) as well as along the eastern boundary adjacent to the Bourne and Wills properties;
5. We propose that all building facades fronting onto Richmond highway (Rt. 250) and Zion Road (Rt. 627) will incorporate finishing materials such as brick, stucco, split-faced-block, etc.;
6. We propose to follow "dark sky" exterior lighting as provided in Fluvanna county site plan requirements.
7. We propose to follow Sec. 19-7-7, Article 7 of the Subdivision Design Standards which states: The proposed development shall be designed to minimize the impact of noise, glare and pollution on adjoining property and protect the surrounding lands from the same.
8. In addition, we offer to proffer out of the list of permitted uses under I-1 by Special Use Permit the following uses:
 - a. Wood yard with chipper
 - b. Solid waste material recovery facility

Finally, a separate sign permit application must be filed with this office if a sign is desired at this site.

If you have any questions or comments, feel free to contact me at (434) 591-1910 or at stugwell@fluvannacounty.org.

Sincerely,



Steven Tugwell
Senior Planner
Dept. of Planning & Community Development

Copy: Mr. Ken Bahr via email – kenbahr@comcast.net
File



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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August 11, 2015

Mark Keller, Terra Concepts, P.C.
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Attachment F

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Finally, a separate sign permit application must be filed with this office if a sign is desired at this site.

If you have any questions or comments, feel free to contact me at (434) 591-1910 or at stugwell@fluvannacounty.org.

Sincerely,



Steven Tugwell
Senior Planner
Dept. of Planning & Community Development

Copy: Mr. Ken Bahr via email – kenbahr@comcast.net
File

Attachment G



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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

STAFF REPORT

To: Fluvanna County Board of Supervisors
Case Number: ZMP 08:04
Tax Map: Tax Map 4, Section A, Parcel 99

From: Bryant Phillips
District: Palmyra
Date: September 17, 2008

General Information: This request is scheduled to be heard by the Board of Supervisors on Wednesday, September 17, 2008 at 7:00 pm in the Circuit Courtroom in the Courts Building.

Owner: Tracey Cosner

Applicant: Serenity Partners

Representative: William Anderson

Requested Action: To amend the Fluvanna County Zoning Map with respect to approximately 14.771 acres of Tax Map 4, Section A, Parcel 99, to conditionally rezone the same from A-1, Agricultural, General to I-1, Industrial, Limited

Location: The affected property is located on the northern side of Route 250 (Richmond Road) approximately 0.33 miles east of Route 627 (Zion Road) (Attachment B).

Existing Zoning: A-1, Agricultural, General

Proposed Zoning: I-1, Industrial, Limited

Existing Land Use: Primarily open land. There is an existing building on the property that is to be removed.

Adjacent Land Use: Adjacent properties are zoned A-1, Agricultural, General. The Women's Correctional Center is located across Route 250 from the property.

Comprehensive Plan: This parcel is located within the Zion Crossroads Community Planning Area.

Attachment G

Zoning History: None

Submitted Proffers: The following proffers were submitted to staff by the applicant:

The following uses permitted by-right in the I-1 zoning district have been proffered out by the applicant:

- 13) Monumental Stone Works;
- 19) Feed Mill;
- 20) Refabrication and overhaul of pipes and fittings; wholesale merchandising of commercial piping and fittings; and attendant storage related hereto; and
- 21) Storing, blending and packaging of ingredients for lawn and garden productions for agricultural purposes and certain industrial uses.

The applicant has also agreed to follow VDOT regulations and the landscape requirements of the County along the Route 250 Corridor.

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 buildings, horsepower, heating, flammable liquids or explosives, controlling emission of fumes, odors and/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:

Current Request:

The applicant is requesting to conditionally rezone 14.771 acres from A-1, Agricultural, General to I-1, Industrial, Limited. The applicant has submitted a conceptual plan, however, this plan has not been proffered (Attachment C). The conceptual plan includes five (5) industrial buildings surrounded by parking area with a loading area located at the center of the development. The applicant is also proposing to have entrances on the property from both Route 250 (Richmond Road) and Route 627 (Zion Road). There is an existing building located on the property that the applicant is proposing to remove. The applicant has also included a revised proffer list (Attachment D) and a letter withdrawing the original proffer that was submitted (Attachment E).

Technical Review Committee:

At the July 10, 2008 Technical Review Committee meeting, the Health Department indicated that they would need reports from an AOSE delineating soil conditions and anticipated system designs for sewage disposal prior to approving this request. According to their records, prior

Attachment G

assessment of soils in the area indicate that there are severe limitations with the soil suitability for drain field use and that a conventional system design would not be possible.

The Fluvanna County Erosion and Sediment Control Inspector indicated that E&S control plans should be submitted for review at the site development plan phase of this proposed development. It was also mentioned that some of the soils on this property may not be suitable for storm water management areas and that shrink-swell soils may exist.

VDOT has indicated that both entrances should have commercial entrances and the required sight distance must be provided (610' for Route 250 and 500' for Route 627).

Comprehensive Plan:

Land Use:

This property is located in the Zion Crossroads Community Planning Area, and according to the 2000 Comprehensive Plan, this area is characterized by primary transportation networks that connect west to Charlottesville and east to Richmond. The Comprehensive Plan also goes on to say that this area should expand on its established employment base.

Economic Development:

The 2000 Comprehensive Plan states that the Zion Crossroads area has an existing employment base and is an area of concentration of major employers. The Comprehensive Plan considers this an area that is very conducive to further development due to its location and proximity to major transportation networks. This area is one that should be zoned for industrial and/or commercial uses and the County should promote economic development in this area along Route 250 and Route 15.

Conclusion:

Since this property is located in the Zion Crossroads Community Planning Area, and along a major transportation corridor, it appears that this proposed rezoning meets the intent of the Comprehensive Plan. The Board of Supervisors may wish to consider if there are any adverse impacts such as traffic, lighting, storm water management, noise, etc., and whether the application, as submitted, adequately addresses any identified impacts.

There were a few issues that were raised at the TRC meeting that would be addressed at the site development plan stage. Prior to beginning any construction or development, an erosion and sediment control plan and a site development plan that meets the requirements of the Fluvanna County Zoning Ordinance must be submitted for review and approval.

Planning Commission Recommendation:

At the August 27, 2008 Planning Commission meeting, the Commission discussed the proposed rezoning and the potential impact it could have on the surrounding area. Several citizens expressed their concern with this rezoning and how it could impact their property. One of the main concerns from adjacent property owners was the storm water management issue.

Attachment G

According to the adjacent property owners, storm water drainage is a problem on this site and they were concerned with how the development of this site would affect storm water drainage. Others were concerned with the traffic that would be generated on Route 627. The Planning Commission discussed these issues and determined that they would have to be addressed at the site plan stage, prior to beginning any construction.

Dr. Babbitt made a motion to recommend approval of ZMP 08:04 and Mr. Chesser seconded. The motion carried with a vote of 6-0. AYES: Babbitt, Chesser, Fortune, Murdock, Bibb, Halstead. NAYS: None.

Suggested Motion:

I move that the Board of Supervisors approve/deny of the attached ordinance for ZMP 08:04, a request to amend the Fluvanna County Zoning Map with respect to approximately 14.771 acres of Tax Map 4, Section A, Parcel 99, to conditionally rezone the same from A-1, Agricultural, General to I-1, Industrial, Limited, with the submitted proffers.

Attachments:

- A – Application and APO letter
- B – Aerial Vicinity Map
- C – Sketch Plan
- D – Revised Proffer Letter
- E – Original Proffer Withdrawal Letter
- F – TRC Comments Letter
- G – Proposed Ordinance
- H – Letter from William Anderson to the Planning Commission

Copy:

Owner: Tracey Cosner, 4796 Three Chopt Road, Troy, VA 22974

Applicant: Serenity Partners, 151 Starlite Park, Troy, VA 22974

Representative: William Anderson, 3 Ponderosa Lane, Palmyra, VA 22963



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Application for Rezoning

Owner of Record: Tracey Cosner
 E911 Address: 4796 Three Copt Road, Troy, VA 22974
 Phone: (434) 979-4335 Fax: _____
 Email: _____

Applicant of Record: Serenity Partners
 E911 Address: 151 Starlite Park, Troy, VA 22974
 Phone: (434) 589-4302 Fax: 589-5362
 Email: enviroba@earthlink.net

Representative: Wm. C. Anderson
 E911 Address: 3 Ponderosa Lane, Palmyra, VA 22963
 Phone: (434) 589-6832 Fax: _____
 Email: enviroba@earthlink.net

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.

Tax Map and Parcel(s): TM 4 (A) 99 **Deed Book Reference:** 173 - 783
Acreeage: 14.77/ **Zoning:** A-1 **Deed Restrictions?** No Yes (Attach copy)
Location of Parcel: Rt. 250 (Richmond Highway) opposite women's prison

Requested Zoning: I-1 **Proposed use of Property:** Support businesses for Zion Crossroads area

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.

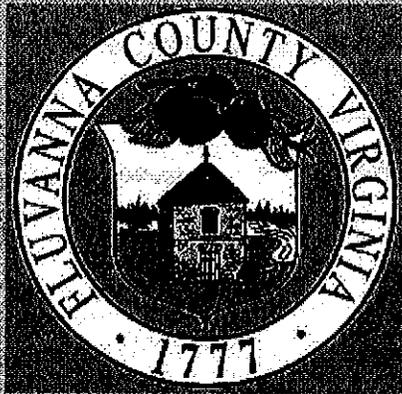
Date: 6-11-08 **Signature of Owner/Applicant:** [Signature]

Subscribed and sworn to before me this 11th **day of** June **, 20**08

My commission expires: DEC 31, 2009 **Notary Public:** [Signature]

OFFICE USE ONLY	
Date Received:	PH Sign/Deposit Received: <u>CK</u> Application #: <u>ZMP 08 04</u>
\$750 fee for 1st 10 acres + \$25 for add'l acres:	
Election District:	Planning Area:
Public Hearings	
Planning Commission	Board of Supervisors
Advertisement Dates:	Advertisement Dates:
APO Notification:	APO Notification:
Date of Hearing:	Date of Hearing:
Decision:	Decision: <input type="radio"/>

Attachment G



Zoning Map Amendment (ZMP) Submittals

Fluvanna County Planning
Department, P. O. Box 540
Palmyra, VA 22963

Date Received: Status: Status Date:
 ID#: Tax Map: Parcels: Deadline/Review Date:
 Applicant Name: Conditional Planner Assigned:
 District: Land Use: PO Ad Date:
 Zoning: Requested Zoning: Acreage: PO ARO Date:
 Action: Final Action Date: BOS Ad Date:
 BOS ARO Date:
 Put Out PH Sign:
 Pick Up PH Sign:
 Sign Deposit Refunded
 Description:

Payment Information

Amount Received	Payment Date	Payment Type	Check Number	Type	Line Number	Code	Description
\$875.00	6/13/2008	Check	1145	ZMP	013030-0034	REZN	5 additional acres
\$180.00	6/13/2008	Check	1145	DPH	013030-0032	SIGN	2 signs

Restrictive covenant

106 308

THIS DEED, made this 1st day of October, 1974, by and between Ethel M. Lacy, widow, Grantor and first party, and B. L. Gosner and Glennis H. Gosner, husband and wife, Grantees and second parties;

WITNESSETH:

THAT for and in consideration of TEN DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, first party Grants Bargains, Sells and Conveys with General Warranty and English Covenants of Title unto B. L. Gosner and Glennis H. Gosner, husband and wife, as tenants by the entireties with the right of survivorship as at common law, all the following described property:

All that certain tract or parcel of land in Palmyra Magisterial District of Fluvanna County, Virginia, adjoining United States Primary Highway No. 250 on the south; the lands of Wm. Harlowe on the west; the Old Three Choxt Road (present Virginia Highway No. 627) on the north; and the lands of Walter Bourne, J. L. Goodson and James Wills on the east; and containing 14.771 acres, by survey, as shown in plat of survey of Robert L. Lum, C.L.S., dated May 14, 1974, and is attached hereto and made a part hereof. The land herein conveyed is in all respects the same tract or parcel of land conveyed to J. P. Lacy and Ethel M. Lacy, husband and wife, as tenants by the entireties, with the right of survivorship, from Sanford Bradbury and Virginia S. Bradbury by deed dated September 10, 1951, and of record in the Clerk's Office of the Circuit Court of Fluvanna County, Virginia, in Deed Book 43, at page 345. The said J. P. Lacy died on September 11, 1973, leaving his widow, Ethel M. Lacy, as the sole surviving owner of the land herein conveyed.

This conveyance is made subject to the restriction that no portion of the property herein conveyed may be used for an automobile junkyard or automobile garage or repair yard, and this restriction is to be a covenant running with the land.

WITNESS the following signature and seal:

Ethel M. Lacy (SEAL) Ethel M. Lacy

WM. ALFRED TALLEY, JR. ATTORNEY AT LAW POST OFFICE BOX 103 PALMYRA, VA. 22982

STATE OF VIRGINIA COUNTY OF Fluvanna

The foregoing instrument was acknowledged before me this 14th day of October, 1974, by Ethel M. Lacy.

Notary Public

My term of office expires on the 28th day of July, 1975.

ORIG. DEED DELIVERED 11-21-74 TO Mr. Alfred Talley Jr. Palmyra, Va.

Ethel M. Lacy

Attachment G

106 309

Wm. Harlowe
D.B. 79-356 (plat)

found pipe .31' from
corner on property

found
pipe .97' from
corner in R/W

N 10° 06' 08" E
499.63'

N=2763.00'
A=47.01'

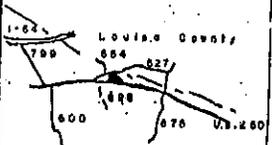
N 84° 21' 55" W
100.99'

N 79° 23' 11" W
100.69'

N 74° 24' 29" W
100.88'

N=4028.00'
A=551.19'

Rt. 627 old.
three chopt
road
.40 R/W



U.S. Rt. 250
R/W varies

14.771 Acres
D.B. 43-346



S 89° 50' 10" E
189.97'

R=5768.00'
A=884.99'

axle set

322.15'

axle found
Walter Bourne
D.B. 50-202 (plat)

J.L. Goodson
D.B. 67-523 (plat)

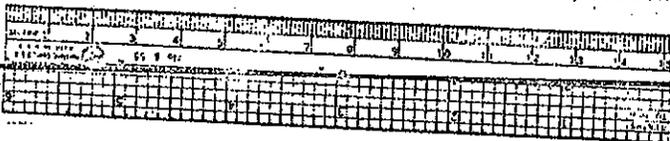
N 09° 38' 05" W
237.84'

James Willis

PLAT SHOWING
A PORTION OF
THE J.P. LACY PROPERTY
PALMYRA DISTRICT
FLUVANNA COUNTY, VIRGINIA
SCALE: 1" = 100'
MAY 14, 1974

Iron found 1.77' from
corner in R/W

ROBERT L. LUM
LAND SURVEYING
PALMYRA, VIRGINIA



T.M. 4-98 & 99

Attachment G

Memorandum

DATE: August 27, 2008
RE: APO'S for **ZMP 08:04** Public Hearing Letters
TO: Darren Coffey
FROM: Mary Weaver

Please be advised the attached letter went out to the attached list of Adjacent Property Owners for the **September 17, 2008** Board of Supervisors meeting.



Attachment G

COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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

NOTICE OF PUBLIC HEARING

August 28, 2008

«Title» «First_Name» «Last_Name»
«Company_Name»
«Address_Line_1»
«Address_Line_2»
«City», «State» «ZIP_Code»

Re: Public Hearing on ZMP 08:04

Dear «Title» «Last_Name»«Company_Name»:

This letter is to notify you that the Fluvanna County Board of Supervisors will hold a public hearing on the above referenced item on **Wednesday September 17, 2008 at 7:00 PM** in the Circuit Court Room at the Fluvanna County Courts Building in Palmyra, VA. The request is described as follows:

ZMP 08:04 – Serenity Partners: An ordinance to amend the Fluvanna County Zoning Map with respect to 14.771 acres of Tax Map 4, Section A, Parcel 99, to conditionally rezone the same from A-1, Agricultural, General to I-1, Industrial, Limited. The foregoing amendments are subject to certain proffered conditions in accordance with Fluvanna County Code Section 22-17-9. The affected property is located in the Palmyra Election District on the northern side of Route 250 (Richmond Road) approximately 0.33 miles east of Route 627 (Zion Road). The general usage of the proposed amendment is for industrial uses. The property is located in the Zion Crossroads Community Planning Area where the Comprehensive Plan calls for a mix of industrial, commercial and residential development at a variety of densities.

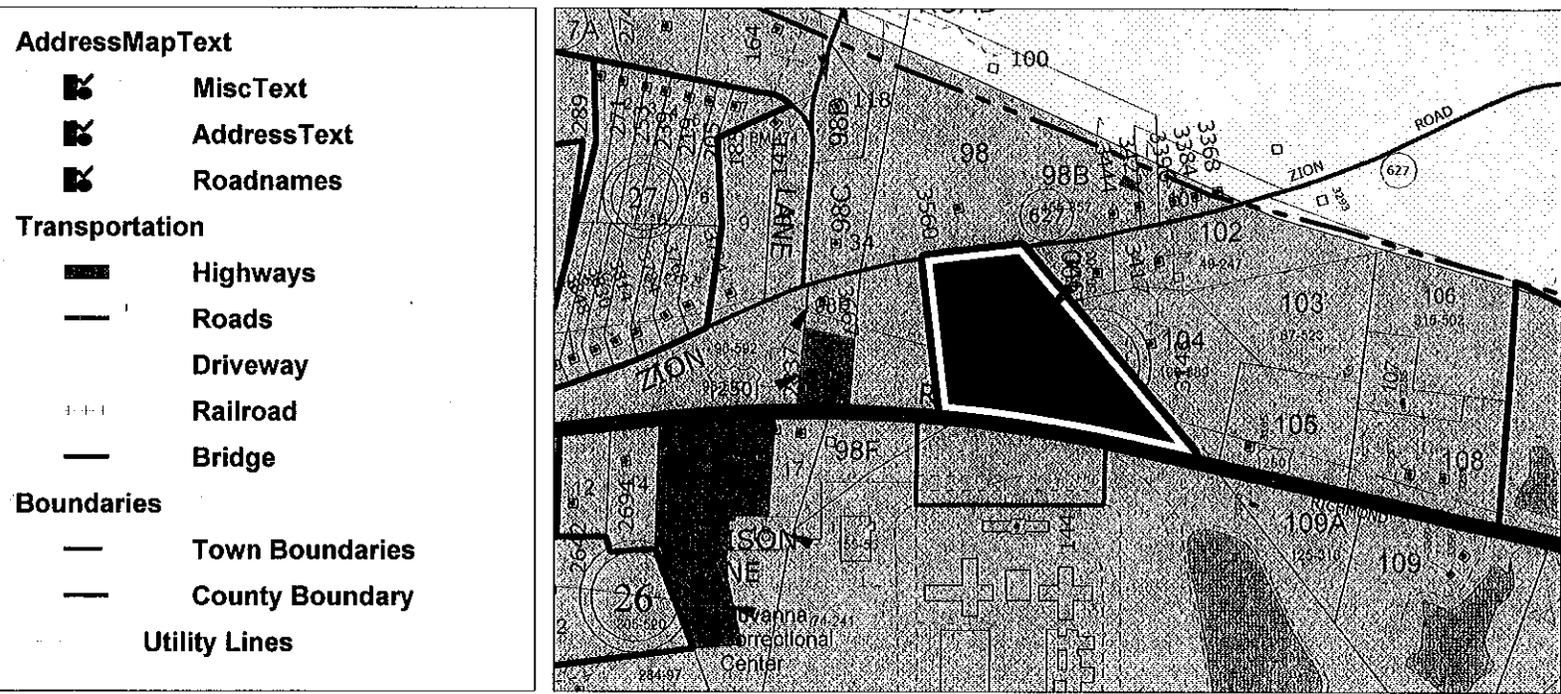
The applicant or applicant's representative must be present at the Board of Supervisors meeting. The tentative agenda and staff report will also be available for review by the public in the Fluvanna County Department of Planning during working hours (8:30 a.m. – 5:00 p.m., Monday through Friday). If you have any questions, please feel free to contact me at 434-591-1910.

Sincerely,

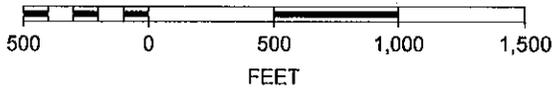
Darren K. Coffey
Planning Director

ZMP 08:04 - Serenty Partners - TMP 4(A)99

Attachment G



SCALE 1 : 9,237



Attachment G

4 Parcels Selected

Tuesday July 29, 2008



Map	Parcel ID	Owner's Name
	4 A 98	HICKS, ALVIN S. 3560 ZION ROAD TROY, VA 22974
	4 A 99	COSNER, TRACY MARIE 4796 THREE CHOPT RD TROY, VA 22974
	4 A 100	BOURNE, ELDEN ET AL LE 3461 ZION RD TROY, VA 22974
	4 A 104	WILLS, JAMES E. & JOANNE G. 3143 RICHMOND RD TROY, VA 22974

Click on the Globe  in a row to show that parcel on the map page. Click on the Parcel ID number to show the detail information of that parcel. Click on an Owner's Name or Address to show a list of all properties of that owner.

[Close](#)

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[Print](#)

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Attachment G

Parcel Detail Information

Tuesday July 29, 2008



Parcel Number	4 A 97
Database Link	4 A 97
Zoning	A-1
District	01
Owners Name	COMMONWEALTH OF VIRGINIA
Address 1	ATTN: BUSINESS OFFICE
Address 2	PO BOX 1000
Zip Code	22974
Zip + 4	
Acreage	107.97
Land Use	72
Description 1	DB 295-420
Description 2	AC 103.8
Description 3	STATE WOMENS PRISON
Description 4	
Improved Value	42340700
Land Value	1479700
Total Value	43820400
Deed Book	295
Deed Book Page	420

Close

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Print

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Attachment G

Parcel Detail Information

Tuesday July 29, 2008



Parcel Number	4 A 98F
Database Link	4 A 98F
Zoning	A-1
District	01
Owners Name	DUDLEY, JERRY P., JR. & JUNE B.
Address 1	2830 RICHMOND RD
Address 2	TROY, VA
Zip Code	22974
Zip + 4	
Acreage	1.8
Land Use	2
Description 1	DB 75-385
Description 2	AC. 1.8
Description 3	
Description 4	
Improved Value	61500
Land Value	93000
Total Value	154500
Deed Book	75
Deed Book Page	385

Close

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Print

14

23-19. Ju-
closed out
ch with an
s were un-

20. Nathaniel Ludwig 31:00
28. Cody Davis-Meadows 32:56

Attachment C

Boys' JV Results

1. George Braumberg	23:44
2. Michael Hagee	24:53
3. Andrew Dorsey	25:04
6. Dylan Garrett	26:02
7. Michael Pieno	26:12
9. Donnie Stewart	27:28
10. Max Drake	27:31

COURT
FLUVANNA COUNTY DEPARTMENT OF SOCIAL SERVICES
Petitioner,

Case No. JJ000641-09-00

v.
EARL WADDLE
Respondent.

IN RE:
AARON ZAC MCKINLEY
MOREAU

ORDER OF PUBLICATION

The object of this suit is to terminate the residual parental rights of Respondent Earl Waddle with regard to Aaron Zac McKinley Moreau. Based on an unsworn declaration under penalty of perjury by counsel for Petitioner Fluvanna County Department of Social Services ("FCDSS"), it appears that (i) Mr. Waddle is not a resident of the Commonwealth of Virginia and (ii) FCDSS does not know either his past or present address.

It is ORDERED that the Respondent Earl Waddle appear at the above-named Court and protect his interests on or before **October 29, 2008 at 10:00 a.m.**

ENTERED this 19th day of August, 2008.
R. Elliott,
 Clerk, Juvenile and Domestic Relations District Court

BRADFORD M. YOUNG, ESQ.
 Buck, Toscano & Tereskerz, Ltd.
 211 East High Street
 Charlottesville, VA 22902



PUBLIC HEARING

The Fluvanna County Board of Supervisors will conduct a public hearing pursuant to Virginia Code Sections 15.2-2239 on **Wednesday, September 17, 2008 at 7:00 p.m.**, in the Circuit Court Room at the Fluvanna County Courts Building in Palmyra, Virginia to consider the following items:

ZMP 08:02 - Fluvanna/Louisa Housing Foundation: An ordinance to amend the Fluvanna County Zoning Map with respect to 1.413 acres of Tax Map 51B, Section 1, Parcel 6, to rezone the same from R-1, Residential, Limited to R-2, Residential, General. The affected property is located in the Fork Union Election District on Route 671 (Gold Mine Road) approximately 500 feet north of Route 6 (West River Road). The general usage and density range of the proposed amendment is for residential uses at a residential density not to exceed 2 dwelling units per acre. The property is located in the Rural Preservation Planning Area where the Comprehensive Plan calls for limited housing opportunities that enhance the rural character of the County.

ZMP 08:04 - Serenity Partners: An ordinance to amend the Fluvanna County Zoning Map with respect to 14.771 acres of Tax Map 4, Section A, Parcel 99, to conditionally rezone the same from A-1, Agricultural, General to I-1, Industrial, Limited. The foregoing amendments are subject to certain proffered conditions in accordance with Fluvanna County Code Section 22-17-9. The affected property is located in the Palmyra Election District on the northern side of Route 250 (Richmond Road) approximately 0.33 miles east of Route 627 (Zion Road). The general usage of the proposed amendment is for industrial uses. The property is located in the Zion Crossroads Community Planning Area where the Comprehensive Plan calls for a mix of industrial, commercial and residential development at a variety of densities.

ZTA 08:02 - Amendment to the Fluvanna County Subdivision and Zoning Ordinances regarding Central Utilities: An ordinance to amend and reenact a portion of sections 19-2-1 and 19-8-3 regarding the definitions of central sewerage and water systems and the use of such systems in subdivisions, along with the following numbered sections of the Fluvanna County Code with respect to central sewerage and water systems to clarify the circumstances under which a special use permit is required for such systems, together with definitions for such systems and for public utilities: Sections 22-4-2.1(13); 22-4-2.2(1); 22-4-10.3-4.; 22-5-2.1(4); 22-5-2.2(1); 22-5-8(i); 22-6-2.1(7); 22-6-2.2(1); 22-6-8(i); 22-8-2.1(5); 22-8-2.2(1); 22-9-2-a.(20) and -b(1); 22-10-3.(9); 22-10-4.(1); 22-11-2-a.(16) and -b(1); 22-12-2-a.(3) and -b(1); 22-13-2.(6); 22-17-10.; 22-17-12.; and 22-22-1. (parts).

Copies of the complete text of the above ordinances and associated plans are available for public review at the Office of the Fluvanna County Administrator during normal business hours. The public is invited to attend these hearings at which persons affected may appear and present their views. Questions or comments may be directed to Planning & Zoning Department, at (434) 591-1910.

AGENDA FLUVANNA COUNTY SCHOOL BOARD MEETING

September 10, 2008
Closed Meeting - 6:00 p.m.
Regular Meeting - 7:00 p.m.

- I. Call to Order
- II. Closed Meeting
- III. Reconvene
- IV. Adoption of Agenda
- V. Public Comments
- VI. Consent Agenda
- VII. Action Items
- VIII. Information Items*
- IX. New Business
- X. School Board Member Comments
- XI. Closed Meeting
- XII. Adjournment

*Note: Public and staff comments are welcome during the discussion of each information item. Persons may speak once for three minutes.



NOTICE OF PUBLIC HEARING

On Wednesday, the 17th day of September, 2008, the Board of Supervisors of Fluvanna County, Virginia, will hold a public hearing on the proposed issuance of general obligation school bonds of Fluvanna County in the estimated maximum principal amount of \$75,500,000. The purpose of the proposed bonds is to finance the construction of various capital improvements for the County's school system, including without limitation the construction of a new high school.

The public hearing will be conducted at 7:00 p.m. in the Circuit Courtroom, Fluvanna County Courts Building, 132 Main Street, Palmyra, Virginia. Interested persons may appear at such time and place and present their views.

**Clerk, Board of Supervisors of
Fluvanna County, Virginia**



15

**Fluvanna County
Comprehensive Plan Review**

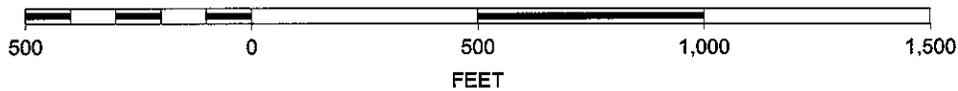
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Attachment G ZMP 08:04 - Serenity Partners

16



SCALE 1 : 5,073



ATTACHMENT B

RECEIVED
JUN 13 2008

Attachment G

FLUVANNA COUNTY
PLANNING DEPARTMENT

Project Title:
STARLITE PARK WEST
ZMP Application Plan
Palmyra District, Fluvanna County, Virginia

Drawing Title:
APP
Drawing Scale: AS SHOWN
Date: June 12, 2008

ATTACHMENT C

Checked By: JKS Project No: 08.0188

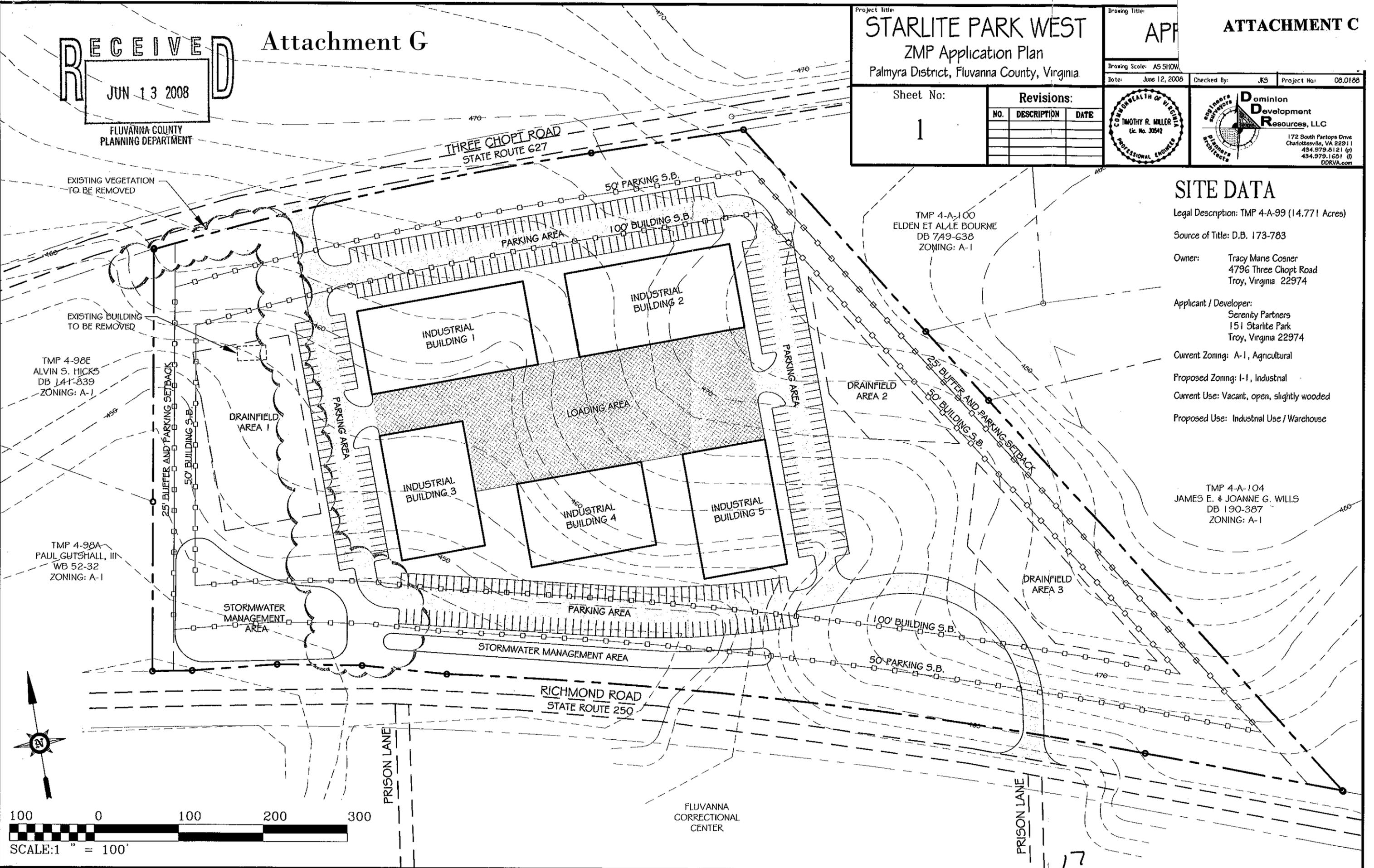
Sheet No:
1

Revisions:

NO.	DESCRIPTION	DATE



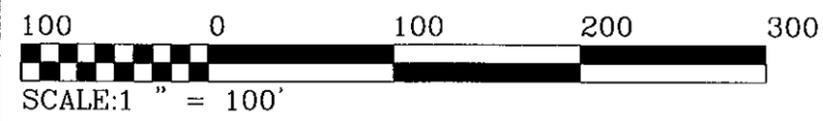
Dominion Development Resources, LLC
172 South Pantops Drive
Charlottesville, VA 22911
434.979.8121 (p)
434.979.1601 (f)
DDRVA.com



SITE DATA

Legal Description: TMP 4-A-99 (14.771 Acres)
Source of Title: D.B. 173-783
Owner: Tracy Marie Cosner
4796 Three Chopt Road
Troy, Virginia 22974
Applicant / Developer: Serenity Partners
151 Starlite Park
Troy, Virginia 22974
Current Zoning: A-1, Agricultural
Proposed Zoning: I-1, Industrial
Current Use: Vacant, open, slightly wooded
Proposed Use: Industrial Use / Warehouse

TMP 4-A-104
JAMES E. & JOANNE G. WILLS
DB 190-387
ZONING: A-1



Attachment G

Serenity Partners, LLC
151 Starlite Park
Troy, VA 22974
(434) 589-4302

July 18, 2008

Bryant Phillips, Planner
County of Fluvanna
P.O. Box 540
Palmyra, VA 22963\

Re: SMP 08:04 - Serenity Partners - A-1 to I-1

This letter is to inform the Planning Commission and the Board of Supervisors of our offering to proffer out the following permitted uses:

(A).

(13) Monumental stone works, (19) Feed mill, (20) Refabrication and overhaul of pipes and fittings; wholesale merchandising of commercial piping and fittings; and attendant storage related hereto, and (21) Storing, blending and packaging of ingredients for lawn and garden productions for agricultural purposes and certain industrial uses.

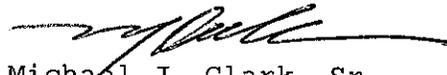
(B).

In addition we agree to follow VDOT and landscape requirements of the County along the Rt. 250 corridor.

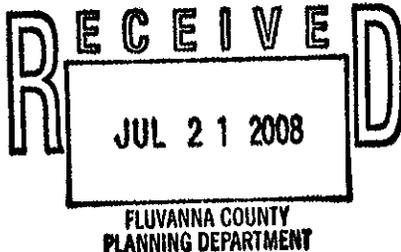
Please include these proffers in your presentation to the Planning Commission and the Board of Supervisors.

If you have questions, please call me at (434) 589-4302.

Sincerely,



Michael J. Clark, Sr.
General Partner



Attachment G

Serenity Partners, LLC
151 Starlite Park
Troy, VA 22974
(434) 589-4302

July 18, 2008

Bryant Phillips, Planner
County of Fluvanna
P.O. Box 540
Palmyra, VA 22963

Re: SMP 08:04 - Serenity Partners - A-1 to I-1

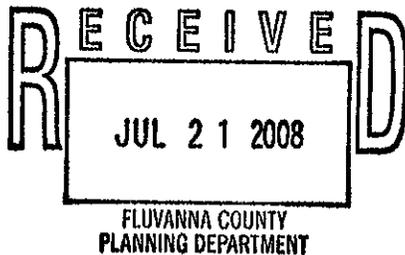
Since Serenity Partners and the Enviro-Klean Co. has as of July 15, 2008 offered to pay all related costs of the design, engineering and installation of a State of Virginia Health Department approved joint use wastewater system to serve the Kents Store Volunteer Fire Department and the ARC Community Center Building and to pay for the ongoing maintenance contract for this system for a period of five years, we hereby withdraw this proffer which was offered with our initial application for zoning in the above cited SMP 08:04.

Thank you.

Sincerely,



Michael J. Clark, Sr.
General Partner





COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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

July 10, 2008

Michael J. Clark
Serenity Partners
151 Starlite Park
Troy, VA 22974

Delivered via Fax: 434-589-5362

**Re: ZMP 08:04 – Serenity Partners – A-1 to I-1
TRC Comments**

Dear Mr. Clark:

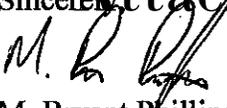
The following comments are the result of the Technical Review Committee meeting. Comments are outlined below:

1. Attached are comments received from the Health Department;
2. The Health Department also indicated that the area where the existing building that is to be removed is located could possibly affect to the proposed drain field;
3. CVEC has an overhead electric line that runs through this property that may have to be relocated depending on the location of some of the buildings;
4. VDOT indicated that both entrances should have the commercial entrances and the required sight distance must be provided (610' for Route 250 and 500' for Route 627);
5. Erosion and sediment control plans should be submitted to Roger Black, the County Erosion and Sediment Control Inspector, at the site plan phase of this proposed development;
6. Both Roger Black and the Health Department indicated that some of the soils on this property may not be suitable for storm water management areas and it is possible that shrink-swell soils may exist on this property; and
7. Since this site is located in a major transportation corridor of the County, consideration should be given to proffering the development of the site to enhance the aesthetics of the area.

Please provide a minimum of 20 copies of the revised sketch plans and any other materials or documentation that is to be included in the Planning Commission packet by **Friday, July 25, 2008**. Submitting revisions by this deadline will place your request on the **August 27, 2008** Planning Commission agenda. If the Planning Commission provides a recommendation to the Board at the meeting, your request would be placed on the **Wednesday, September 17, 2008** Board of Supervisors meeting agenda.

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

Sincerely, Attachment G



M. Bryant Phillips

Planner

Dept. of Planning & Community Development

Attachment G

MEMORANDUM

To: County of Fluvanna Office of Planning and Community Development
From: Fluvanna County Health Department, Environmental Health
Date: July 10, 2008
Re: ZMP 08:04 Serenity Partners Rezoning Request
TM 4-A-99

Plans only indicate the proposed use of three drainfield areas for five separate industrial buildings. There is no indication of what type of sewage disposal / treatment is proposed. The Fluvanna County Health Department will require reports from an AOSE / PE which delineate soils conditions and anticipated system design for sewage disposal before approving / denying this request.

Prior assessment of soils in the area indicate that there are severe limitations with the soil suitability for drainfield use. In all likelihood conventional system design are not possible.

Attachment G

**An Ordinance To Amend The Fluvanna County Zoning Map, With Respect To 14.771 acres of Tax Map 4, Section A, Parcel 99, to rezone the same from A-1, Agricultural, General to I-1, Industrial, Limited.
(ZMP 08:04)**

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 14.771 acres of Tax Map 4, Section A, Parcel 99, be and is hereby, rezoned from A-1, Agricultural, General to I-1, Industrial, Limited, subject to the submitted proffers as set out in the letter of Serenity Partners dated July 18, 2008, of which is attached hereto.

1. The following uses permitted by-right in the I-1 zoning district have been proffered out:
 - a. Monumental Stone Works;
 - b. Feed Mill;
 - c. Refabrication and overhaul of pipes and fittings; wholesale merchandising of commercial piping and fittings; and attendant storage related hereto.
 - d. Storing, blending and packaging of ingredients for lawn and garden productions for agricultural purposes and certain industrial uses.
2. All landscaping along the Route 250 corridor shall meet the requirements of VDOT and Fluvanna County.

Serenity Partners, LLC
151 Starlite Park
Troy, VA 22974
(434) 589-4302

August 28, 2008

Elizabeth Fortune
27 Tanglewood Road
Palmyra, VA 22963

Dear Elizabeth,

I want to thank you for the courtesy extended to Mike and me by you and the other members of the Planning Commission at last night's meeting. From eight years of experience as a member of the Commission, I know that decisions can be challenging and sometimes difficult.

I did feel that our application was pretty "straight up." We had met all the requirements of the ordinances, both regarding the request for rezoning and the provisions for preliminary site plans, and they met the requirements set forth in a positive manner.

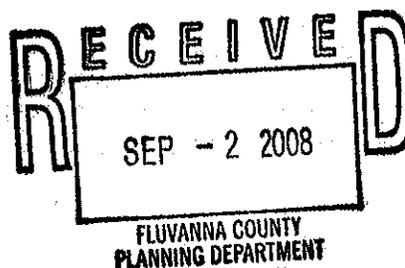
Many more bridges have to be crossed before the first business opens in "Starlite Park West," the name we plan to use for the development. Not only will we have to provide a final site plan, but erosion control permits, wastewater treatment permits, well permits and VDOT approval all stand between us and the first shovel of dirt can be turned. We will be back to see you a number of times along the way and we want you to know that at any time you have any questions or suggestions you should feel free to give Mike or me a call.

Thanks again for your time and effort.

Sincerely,

Wm. C. Anderson, Partner

cc: Mozell Booker
Bryant Phillips



24

Attachment G

Serenity Partners, LLC
151 Starlite Park
Troy, VA 22974
(434) 589-4302

September 16, 2008

Bryant Phillips, Planner
County of Fluvanna
P.O. Box 540
Palmyra, VA 22963

Re: SMP 08:04 Serenity Partners - A-1 to I-1

This letter is to inform the Fluvanna County Board of Supervisors of our offering of six (6) additional proffers with respect to the above cited proceeding.

(1) We hereby withdraw any and all plans to access this property from Zion Road (Rt 627) as previously shown on the preliminary site plan;

(2) We further propose to establish a landscaping buffer along the entire frontage of the property on Zion Road (Rt. 627) as well as along the eastern boundary adjacent to the Bourne and Wills properties;

(3) We propose that all building facades fronting onto Richmond Highway (Rt. 250) and Zion Road (Rt, 627) will incorporate finishing materials such as brick, stucco, split-faced block, etc.;

(4) We propose to follow "dark sky" exterior lighting as provided in Fluvanna County site plan requirements.

(5) We propose to follow Sec. 19-7-7, Article 7 of the Subdivision Design Standards which states: The proposed development shall be designed to minimize the impact of noise, glare and pollution on adjoining property and protect the surrounding lands from the same.

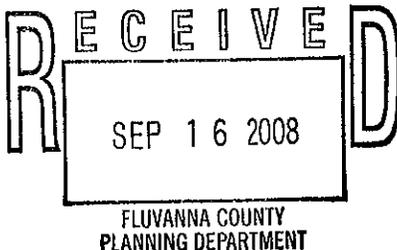
(6) In addition, we offer to proffer out of the list of permitted uses under I-1 by Special Use Permit the following uses:

(3) Wood yard with chipper

(5) Solid waste material recovery facility

Please include these additional proffers in your presentation to the Board of Supervisors.

If you have any questions, please call me at (434) 589-4302.



Sincerely,

Michael J. Clark, Sr.
General Partner















Attachment H





Attachment H



Attachment H



Attachment H





Attachment I

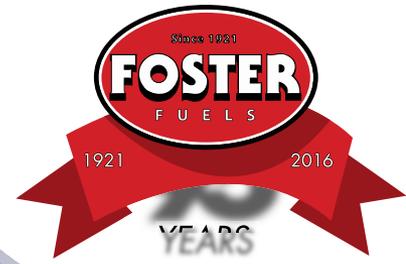


Propane in Your Community

Presented to:
Cavalier Container
2969 Richmond Rd. Troy, VA. 22974
July 13th, 2016

Attachment I

Today's Presentation



Section 1: Overview of Propane and Safety Measures

Propane delivery and storage comes under “National Fire Protection Association Pamphlet 58 (NFPA 58).

Section 2: Our Company's Project

Cavalier Container
2969 Richmond Rd.
Troy, VA. 22974

Propane in Your Community



Overview of Propane and Safety Measures

Attachment I

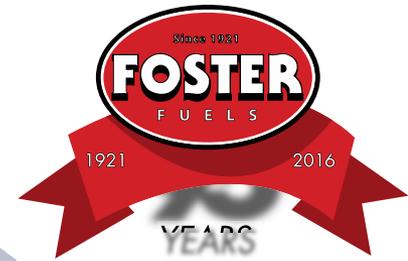
Propane – Versatile and Reliable



- 60 million Americans safely use and rely on propane
- 90% of U.S. propane supplies are produced at facilities in our country
- Propane is a secure and reliable energy source

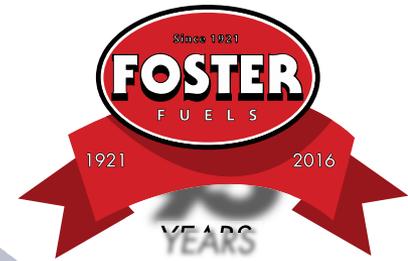


Propane – Versatile and Reliable



- **Residential Uses**
 - Home and water heating
 - Cooking
 - Standby electrical generation
 - Grills, patio heaters, outdoor fireplaces
- **Commercial/Industrial Uses**
 - Fuel for forklifts
 - Space and water heating
 - Heat & Hot Water agricultural and multiple other uses

Attachment I Propane – Versatile and Reliable



- **Agricultural Uses**
 - Pest and weed control
 - Crop drying
 - Irrigation system power
 - Winery, Cidery, Brewery
- **Transportation Uses**
 - School buses
 - Commercial fleets
(trucks, taxis, police cars)
 - Most widely used
alternative fuel



Propane – Versatile and Reliable



- **Clean and environmentally friendly fuel**
 - Propane appliances have lower greenhouse gas emissions than oil or electric appliances*
 - Propane vehicles cut greenhouse gas emissions about 20% compared to similar vehicles that are fueled with gasoline or diesel fuel
 - Propane-fueled appliances and vehicles reduce nitrogen oxide, carbon monoxide, particulate matter and hydrocarbon emissions compared to gasoline, diesel, and fuel oil options

* *When electricity is generated from fossil fuels*

Safety Is Our Highest Priority



- Propane is a safe fuel when properly stored, handled, transported, and used
 - Comprehensive training for new employees
 - Continuing education courses required for all employees
 - Training programs are frequently updated
 - Stringent codes, standards, and regulations



Attachment I Safety Is Our Highest Priority



- Foster Fuels Inc. support for local firefighters and emergency responders is a priority
- Propane Emergencies program established by the propane industry
 - Comprehensive training program for firefighters and emergency responders
 - Used by 35 state firefighter training academies
 - Over 200,000 firefighters trained
 - Program is constantly updated and refreshed and delivered by Companies like Foster Fuels Inc.

Attachment I

Safety Is Our Highest Priority



“The propane industry’s commitment to the safety and health of our nation’s emergency response community is very strong. In fact, the Propane Emergencies program, which has trained our firefighters on safely responding to a propane incident, serves as a model program for other industries to follow.”

Wade Collins

Deputy Director Technological
Hazardous Division.

Virginia Dept. of Emergency
Management

Attachment I

What Is a Propane Storage Facility?



- Over 13,500 propane storage facilities in the U.S.
- Built to industry and government standards
- Installed on a firm foundation
- Protected to prevent tampering

Attachment I

Propane Storage Facility Safety



- Storage facilities have an excellent safety record
 - Rigorous employee training programs
 - Implementation of industry-based practices and procedures
 - State and federal regulations and standards
- U.S. DOE study concluded that a public fatality caused by a storage facility incident is less than 1 in 37,000,000
- Texas A&M study concluded that very few incidents and no fatalities occurred at storage facilities during study period

Attachment I

Propane Storage Facility Safety



- Every propane storage facility is required to have an emergency system that immediately stops the flow of propane
- Many safety features in place to help ensure the safety of the public, employees, and emergency responders



Attachment I

A Good Neighbor for You and the Environment



- Propane is non-toxic
 - Does not produce below- or above-ground pollutants
 - Does not contaminate soil or groundwater, unlike oil products such as diesel fuel, gasoline, or fuel oil
- Propane quickly dissipates in the air if leaked
- Propane and propane facilities do not disturb the natural environment

Attachment I A Good Neighbor for You and the Environment



- Foster Fuels storage facilities are neat and clean
- Foster Fuels storage facilities do not emit odors under normal operation
- Foster Fuels storage facilities do not produce a significant amount of noise



Attachment I We Are Part of the Community



Foster is part of the community too. Our employees live in the community and we provide services to customers in the area.

Foster strives to be responsible stewards of the community and the environment.

Attachment I

We Are Part of the Community



- A new propane storage facility will provide the community with several economic benefits
 - New jobs that will be filled locally
 - Enhancement of the community's tax base
 - Provide goods and services to local residents
 - Keep expenditures within the community
 - Enhance business activity and economic development
 - Safe, dependable, and efficient energy source

Attachment I Frequently Asked Questions



Q: Is a propane facility harmful to the environment?

A: Propane is non-toxic. It will dissipate in the air if spilled. Propane does not adversely affect groundwater or soil.

Attachment I

Frequently Asked Questions

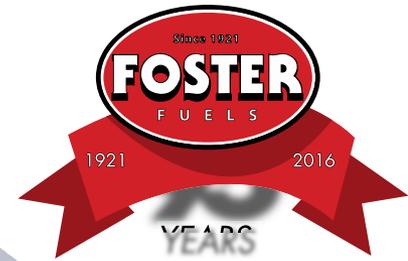


Q: Will adjacent property owners be bothered by propane odors?

A: The normal operation of a propane storage facility does not produce odors that affect nearby residents. On very rare occasions, adjacent property owners may sense the slight smell of the odorant used in propane.

Attachment I

Frequently Asked Questions

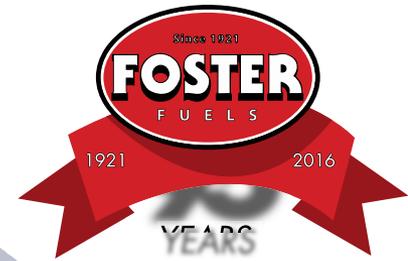


Q: Do propane storage facilities have a good safety record?

A: Propane storage facilities have an excellent safety record. According to a recent study by Texas A&M University, there were very few incidents and no fatalities at propane storage facilities during the nine-year study period.

Attachment I

Frequently Asked Questions

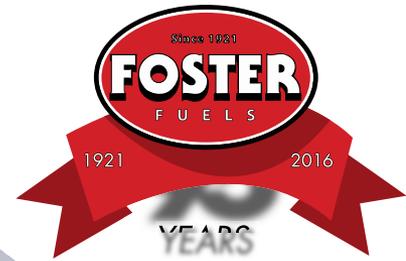


Q: Are local and volunteer fire departments trained to assist Foster Fuels Inc. in a propane fire or emergency?

A: Yes. Through the Propane Emergencies program, more than 200,000 firefighters have been trained to handle propane-related emergencies. The program is used by 35 state firefighter training academies, including Virginia. Foster Fuels Inc. partners with local EMS / First responders to provide “top quality” training of handling propane emergencies.

Attachment I

Frequently Asked Questions



Q: Will Foster Fuels Inc. propane facility help the local economy?

A: Yes. A propane storage facility adds jobs and enhances the community's tax base.

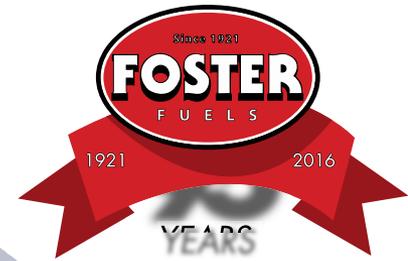
Attachment I Frequently Asked Questions



Q: Are Foster Fuels Inc. employees of propane facilities well trained?

A: The propane industry has developed several state-of-the-art safety and training programs. New employees go through a rigorous training program before they are allowed to handle propane. All employees participate in continuing education programs that provide up-to-date training throughout the duration of their employment.

Attachment I Propane in Your Community



Our Company's Project

Cavalier Container

Site Plan

2969 Richmond Rd. Troy, Va. 22974

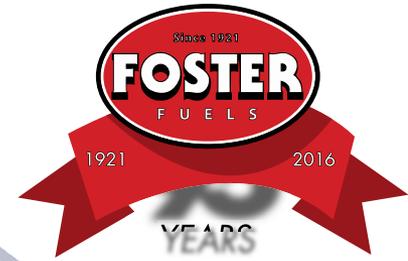
Attachment I About Our Company



- **History and ownership** - Foster, locally owned and serving Central Virginia since 1921
- **Products and services** - Full Service Fuel Distributor
- **Company goals and philosophy** - Exceeding the energy needs of Virginia consumers with quality products and affordable services.

Attachment I

About Our Project



- Location – Cavalier Container
 - 2969 Richmond Rd. Troy, VA. 22974
- Number and size of tank – 1/30K
- Hours of operation - M-F 7:30 a.m. – 5 p.m. (Extreme conditions may include extended days and hours due to customer demands/needs)
- Number of employees at plant – intermittently throughout the day
- Number of seasonal/daily delivery trucks – 1 during non heating months, 2 during heating season
- Plant security - In accordance with all Federal, State and local Codes
- Special safety measures or considerations – Foster Fuels Inc. exceeds Federal, State and Local requirements

Attachment I

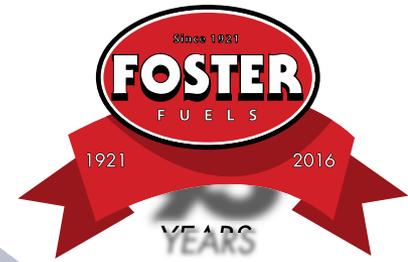
Community Concerns and Issues



- Effect on traffic patterns – Minimal to none
- Effect on neighborhood character – None
- Environmental impacts – No impact

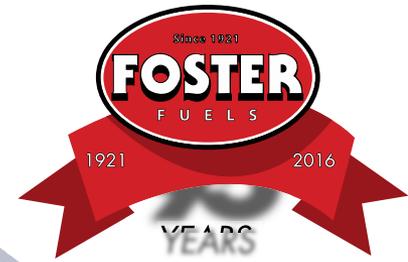
Attachment I

Community Concerns and Issues



- Adjacent property concerns or issues
 - Proximity to homes and schools – Minimal location to residential; no schools within 5 miles
 - Property values – None
 - Noise – Minimal
 - Odors – Minimal
 - Traffic – Minimal
 - Dust and erosion – None
 - Light glare – None

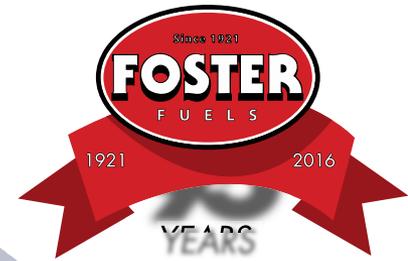
Attachment I Economic Benefits to the Community



- Our propane storage facility will provide the community with several economic benefits
 - Number of new jobs created - 2
 - Provide propane and services to numerous local residents
 - Keeps expenditures within the county
 - Enhance business activity and economic development
 - Stable, long-term member of community – Proving safe/exceptional, energy sources to Central Virginia Since 1921

Attachment I

Training Our Employees



- All Foster Fuels Inc. employees that handle propane are required to complete (CETP) Certified Employee Training Program.
- Training includes many focused areas
 - The Plant Operator
 - The Bulk Delivery Driver
 - The Installation and Service Technician
- Security awareness training is required for all Foster Fuels Inc. employees

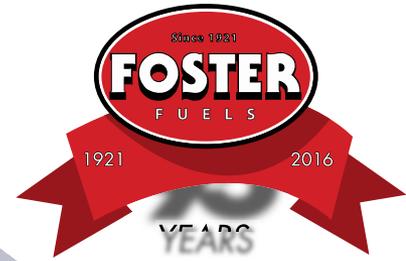
Attachment I

Safety Is Our Highest Priority



- National standards help to ensure that propane storage facilities are as safe as possible
- Propane storage facilities follow codes developed by the National Fire Protection Association (NFPA)
 - NFPA 58 (Standard for the Storage and Handling of Liquefied Petroleum Gas)
- Propane storage facilities also adhere to Federal, State, and Local Codes

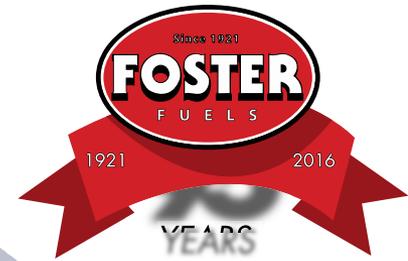
Safety Is Our Highest Priority



- Storage facilities have safety features in place to help ensure the safety of the public, Foster Fuels Inc. employees and emergency responders
 - Emergency shut-off valves
 - Pressure-relief valves
 - Backflow-check/excess-flow valves
 - Internal valves
 - Line valves
- Safety features are in accordance with NFPA 58 and Company policy

Attachment I

Fire and Emergency Preparation



- Coordination with FCVFD (Fire Marshal or local Fire Official/AHJ) to ensure proper planning, training, and ability to respond to an emergency
- Compliant with requirements of NFPA 58
- Per NFPA 58 requirement, Fire Safety Analysis (FSA) will be completed for Cavalier Container Site

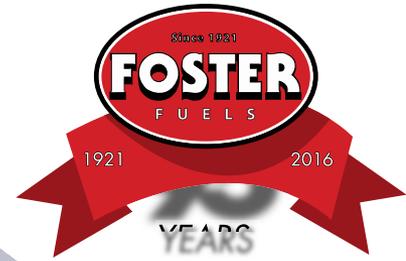
Fire and Emergency Preparation



- Fire Safety Analysis (FSA) will provide site specific information:
 - Effectiveness of product control measures
 - Exposure to the neighborhood of facility hazards
 - Effectiveness of local fire department to respond to an emergency
 - Compliance to code requirements and corrective actions to address any deficiencies
- FSA will be reviewed by Louisa Emergency Services Coordinator and FCVFD, VSP.

Attachment I

Thank You



- Foster Fuels Inc. goal is to be responsible stewards of the community and the environment
- Foster Fuels Inc. will continue to work with residents, community leaders, firefighters, and other authorities to address any safety issues or concerns
- If you have any questions or concerns, please contact :

Tim Spicer or Rick Tate with Foster Fuels Inc.

tim.spicer@fosterfuels.com (O) 434-975-2345, (C) 434-531-2510

rick.tate@fosterfuels.com (O) 800-344-6457



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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

STAFF REPORT

To: Fluvanna County Planning Commission
Case Number: ZMP 16:02
Tax Map: Tax Map 18, Section A, Parcel 10

From: James Newman
District: Palmyra
Date: August 24, 2016

- General Information:** This request is to be heard by the Planning Commission on Wednesday August 24, 2016 at 7:00 pm in the Circuit Court Room in the Courts Building.
- Owner/Applicant:** Owner is Beverly and Carolyn Butler. Applicant is William Bailey.
- Representative:** Bryan Chambers.
- Requested Action:** 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. (Attachment A)
- Location:** 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.
- Existing Zoning:** A-1, Agricultural General (Attachment B)
- Proposed Zoning:** R-3, Residential Planned Community
- Existing Land Use:** Forested/vacant
- Planning Area:** Rivanna Community Planning Area
- Adjacent Land Use:** Adjacent properties are zoned A-1, R-4
- Zoning History:** None. This item was heard at the Planning Commission work session on June 22, 2016.

Neighborhood Meeting:

Neighborhood meeting was held June 8, 2016. There was one (1) attendee specifically for this item (on the Sign In Sheet in the attachment, Mike Brown and Bryan Chambers have written their names, but they were there only to present. The sole attendee is the person listed last on the list). The attendee had several concerns which are explained in detail in Attachment C.

In short, the questions (and answers) boiled down to:

1. *What type of affordable housing will be constructed?* Housing affordable to service workers. This is not intended to be Section 8 or otherwise subsidized housing. Meant to house many different age groups, and create a community.
2. *Will these be rental or owner-occupied units?* While these are intended to be owner-occupied, rentals are possible.
3. *What will happen to the trees on sight?* Buffer zones will be placed.
4. *How many vehicle entrances to the sight will there be?* Just one entering from South Boston Road, unless Riverside Drive is extended into the property.
5. *South Boston Road has heavy and fast moving traffic. What will this project do regarding that?* A de-acceleration lane has been placed for people making a right turn into the development. We have also thought about placing an area aside for a Sheriff's vehicle to stay in and monitor traffic.

A letter of support for this item was received, and is included in Attachment A.

Technical Review Committee:

The following comments are the result of the Technical Review Committee meeting that was held on Thursday, June 9, 2016.

1. Planning Staff: This is a rezoning from A-1 to R-3. The parcel is located within a Community Planning Area and is surrounded by R-4 Residential, Limited District zoned parcels. The sketch plan appears to conform to R-3 zoning requirements. No comments for rezoning application (if rezoning is approved, staff will do another TRC review for site plan). County needs affordable housing for service workers. Applicant does not plan on having rentals in development plan.
2. Fire Chief wanted to know if Aqua would be providing water service for site. Fire Dept. will need at least 2 hydrants with a 6 inch main. Proposed buildings need to have firewalls. Road width must be large enough to allow emergency vehicle access.
3. Erosion and Sediment Control had no comments on the rezoning. The Site Plan is a challenging site for stormwater management. Further comments will be given if Site Development Plan is submitted, pending rezoning approval.
4. VDOT offers the following preliminary comments:

Rte. 600 (South Boston Road) is a Rural Major Collector with a posted speed limit of 45 mph. VDOT's 2015 Traffic Data shows an estimated Annual Average Daily Traffic Volume of 5300 vehicles.

Provide an entrance analysis for the proposed development at full build out (residential and commercial) along with the recommended road improvements to support the proposed the development, VDOT will review the entrance analysis and provide comments if applicable. Base traffic volumes for the study off of VDOT's 2015 Traffic Data (5300 AADT), the additional traffic generated by other proposed developments at full build out (Sycamore Square, Houchens Place, etc.) and the projected traffic volumes from the existing approved developments (Village Oaks, River Oaks, etc.) along Rte. 618 that are under construction or have not yet been built out .

Rte. 600 (South Boston Road) has a posted speed limit of 45 mph which requires a minimum of 500 ft. of Intersection Sight Distance for a standard commercial entrance. Intersection Sight Distance will be measured from 14.5 ft. behind the edge of the right turn lane.

If a left turn lane is not required for the development, ensure that there is a minimum of 425 ft. of Stopping Sight Distance for motorists on Rte. 618 that are approaching stopped vehicles waiting to make a left turn into Lafayette Village.

Graphically demonstrate (horizontally and vertically) that the proposed commercial entrance provides the minimum 500 ft. of Intersection Sight Distance (height of eye = 3.5 ft., height of object = 3.5 ft. and 14.5 ft. off edge of pavement) at all points along the travel lane between the proposed entrance and the approaching travel lanes.

Provide all necessary sight easements (on site and off site) to provide and protect the 500 ft. sight triangles. The sight easement extends 5 ft. outside of and parallel to the sight lines.

The preliminary site plan of "Rivanna Heights" shows approximately 50 ft. of corner clearance from the edge of the right turn lane to the closest edge of Rivanna Heights Lane. VDOT's Access Management Regulations require a minimum of 225 ft. of corner clearance.

Master Plan shows the "Approximate Location of Existing Line of Sight Easement". Show the exact location of the existing sight easement on the site plan as well as the line of sight for the minimum 500 feet of sight distance in relationship to the existing sight easement. Provide the legal reference (Deed/Plat Book & Page Number) for the existing sight easement.

Provide the distances in feet (center line to center) from the center of the proposed entrance to the closest commercial entrances or state road intersections (north and south of the proposed entrance).

Design of turn lane(s) shall conform to VDOT's Geometric Design for Rural Collector Road System (GS-3) with ADT over 2000, Rolling Terrain (12 ft. min. lane width, 8 ft. graded shoulder, etc.).

Rte. 600 improvements associated with Rivanna Heights shall conform to VDOT's WP-2 detail (mill and overlay to the center of road) along with any and all pavement marking eradication and installation of new pavement markings per VDOT standards and specifications.

A VDOT Land Use Permit and Security Bond will be required.

5. Health Department had no comments.
6. Sheriff: Rezoning would increase traffic on a road that is already dangerous. VDOT needs to modify speed limits. Applicant proposed putting in a spot for police vehicles to lie-in-wait of watching traffic and catching offenders. Sheriff appreciated offer but says VDOT needs to do more to control traffic speeds.
(Attachment D)

Surveys and applicable paperwork can be found in attachment E.

Analysis:

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.

According to the 2015 Comprehensive plan, the purpose of the Rivanna Community Planning Area is such that:

"While there are a range of opinions on the extent and type of growth desired, most residents agree that it is important to take steps to maintain the rural character of the surrounding area, enhance the "country suburban" character of the community, promote a vibrant quality of life for residents, and plan for the future. The Lake proper is nearing build-out, but there is significant growth outside of the Lake. The desirable form of growth at the "Lake gates" is neighborhood mixed-use. Beyond the gates, growth should be neighborhood residential development." (pgs.50-51).

R-3 Residential Planned Community is defined in the Zoning Ordinance as:

"This district is intended to permit compact village-style residential development and associated institutional uses, community serving mixed uses, open spaces, and creative design in accordance with a master plan. The development should occur in a manner that will protect and

preserve the natural resources, trees, watersheds, contours and topographic features of the land; and to protect and enhance the natural scenic beauty of the area and support. The scale of the housing and the commercial use should be appropriate to support the residential needs at a neighborhood scale.” (pg. 308)

While the property is within a Community Planning Area and is surrounded by residential growth, there are concerns about potential increases in traffic. The Virginia Department of Transportation is in charge of managing the roads; the developer has offered to dedicate an easement to the County (the applicant may choose to officially voluntarily propose such an easement during the Site Development Application, pending approval of this rezoning).

Overall, the Site Plan appears to conform to the requirements of Fluvanna County Code. However, this application is purely in regards to the rezoning, and the Site Development Application will be reviewed separately.

Comprehensive Plan:

Land Use Chapter:

The Comprehensive Plan designates this property as within the Rivanna Community Planning Area. According to this chapter, *“additional services and infrastructure are needed to accommodate more growth”*. Additionally, *“medium and small commercial businesses, along with office, civic, and residential uses, combine to form a series of neo-traditional developments that are interconnected with surrounding development”*. This is a heavily populated area of the county, with a variety of retail establishments designed to support the existing residential community.

Further, *“surrounding growth should be a mixture of uses and residential dwelling types that serve a variety of incomes. Neighborhood mixed-use is needed to help offset the volume of single-family residential development already in this community”*. While this proposed development amendment is not mixed use, it does encourage the building of affordable housing, which is something Fluvanna County needs.

The Rivanna Community Planning Area is the most developed planning area in the county, and represents a good mixture of residential and commercial uses to sustain the citizenry. A variety of retail, food service, and professional service oriented businesses are located in and around the Rivanna CPA.

Conclusion:

This rezoning amendment request appears to meet the intent of the Comprehensive Plan in that the proposed rezoning may contribute to “*maintain the rural character of the surrounding area, enhance the country suburban character of the community, promote a vibrant quality of life for residents, and plan for the future*” (Comprehensive pg. 50).

In addition to conformance with the Comprehensive Plan, the Planning Commission may want to consider any potential adverse impacts, such as traffic entering and exiting the property, noise, or potential impacts to adjacent properties that future development may cause as a result of this rezoning.

Suggested Motion:

I move that the Planning Commission recommend [approval/denial/deferral] of ZMP 16:02 a request to rezone from A-1 Agricultural General to R-3 Residential Planned Community, with respect to approximately 13.81 acres of Tax Map 18, Section A, Parcel 10

Attachments:

- A – Application and APO Letter
- B – Aerial Vicinity Map
- C – Neighborhood meeting sign in sheet
- D – TRC comment letter
- E—Surveys and associated paperwork
- F- Draft Ordinance for BOS

Copy: File

Representative: Bryan Chambers at chamberslandsurveying@yahoo.com

Applicant of Record: billbailey@centurylink.net

Attachment A



Received

MAY 26 2016

Planning Dept.
COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Application for Rezoning

Owner of Record: Bevley F. & Carolyn B. Butler

E911 Address: P.O. Box 785, Scottsville VA 24590

Phone: (434) 286-3795 Fax: _____

Email: bevbutler@aol.com

Representative: Bryan Chambers

E911 Address: 253 Willow Drive, Keswick VA 22947

Phone: (434) 962-3746 Fax: _____

Email: chamberslandsurveying@yahoo.com

Tax Map and Parcel(s): TM 18 (A) -10

Acreage: 13.811 Ac. **Zoning:** A-1

Location of Parcel: 0.3 miles south on S. Boston Road from its intersection with Lake Monticello Road

Requested Zoning: R-3

Proposed use of Property: Affordable housing units (40 townhouses - 2.9 DU per acre)

Applicant of Record: William Bailey, Real Estate III

E911 Address: 2271 Seminole Trail, Ch'ville VA 22901

Phone: (434) 760-1900 Fax: _____

Email: billbailey@centurylink.net

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: _____

Deed Book Reference: DB 550-41

Deed Restrictions? No Yes (Attach copy)

Affidavit to Accompany Petition for Rezoning

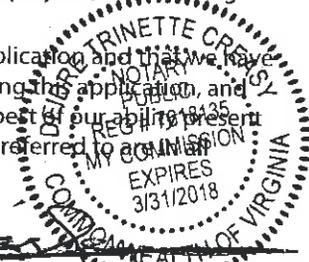
By signing this application, the undersigned owner/applicant authorizes entry onto the property by County Employees, the Planning Commission, and the Board of Supervisors during the normal discharge of their duties in regard to this request.

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 the 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 true and correct to the best of our knowledge.

Date: 06/03/2016 Signature of Owner/Applicant: [Signature]

Subscribed and sworn to before me this 3rd day of June, 2016 Register # 47610135

My commission expires: 03-31-2018 Notary Public: [Signature]

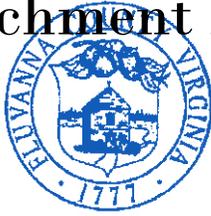


All plats must be folded prior to submission to the Planning Department for review. Rolled plats will not be accepted.

OFFICE USE ONLY

Date Received: <u>5/26/16</u>	Pre-Application Meeting: _____	PH Sign Deposit Received: <u>172476</u>	Application #: <u>ZMP 16 :002</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>Rivanna</u>	Planning Area: <u>Palmyra CPA</u>		
Public Hearings			
Planning Commission		Board of Supervisors	
Advertisement Dates: <u>July 1st (July 14th & July 21st)</u>	Advertisement Dates: <u>July 25th (Aug 4th & Aug 11th)</u>		
APO Notification: <u>July 1st</u>	APO Notification: <u>Aug 1st</u>		
Date of Hearing: <u>July 27th 2016</u>	Date of Hearing: <u>August 17th 2016</u>		
Decision: _____	Decision: _____		

Attachment A



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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

June 3, 2016

Bryan Chambers
253 Willow Drive
Keswick VA, 22947

Delivered via email to chamberslandsurveying@yahoo.com

Mr. Chambers,

The presence of either yourself or a duly-appointed (in writing) agent as regards your Application for Rezoning, **is required** for the **Neighborhood Meeting** to be held at **4:30pm, Wednesday June 8, 2016** in the **Morris Room** of the Fluvanna County VA, Administrative Building. The purpose of this meeting is for you or the agent to answer any questions adjacent property owners may have about your project.

Also, the presence of either yourself or a duly-appointed (in writing) agent as regards your Special Use Permit, **is required** for the **Technical Review Committee** to be held at **10am, Thursday June 9, 2016** in the **Historic Courthouse** of the in Palmyra, Fluvanna County VA. The purpose of this meeting is for you or the agent to answer any questions the Committee members may have about your project.

If you have any questions or comments, please email me at jnewman@fluvannacounty.org, or call me at 434 591 1910. Thank you.

Sincerely,

James Newman

Planner

Dept. Planning and Community Development

Copy: File

Applicant of Record: William Bailey, at billbailey@centurylink.net

Attachment A



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Public Hearing Sign Deposit

Name: William W. Bailey

Address: Better Homes and Gardens Real Estate III, 2271 Seminole Trail

City: Charlottesville

State: VA

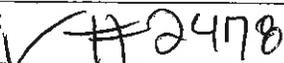
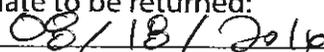
Zip Code: 22901

I hereby certify that the sign issued to me is my responsibility while in my possession. Incidents which cause damage, theft, or destruction of these signs will cause a partial or full forfeiture of this deposit.


Applicant Signature


Date

*Number of signs depends on number of roadways property adjoins.

OFFICE USE ONLY	
Application #: BZA _____ : CPA _____ : SUP _____ : ZMP 16 : 002 ZTA _____ :	
\$90 deposit paid per sign*: 	Approximate date to be returned: 

Received

MAY 26 2016

Planning Dept.

Attachment A

William W. Bailey
P. O. Box 6700
Charlottesville, Virginia 22906
Telephone: (434) 760-1900

May 25, 2016

Mr. Jason Stewart, Planning & Zoning Administrator
County of Fluvanna
132 Main Street
Palmyra, Virginia 22963

Dear Mr. Stewart;

I am presenting, for your review, the Application for re-zoning of property described as TM 18(A) Parcel 10. I am a Realtor and the Purchaser will be Mr. Michael Brown.

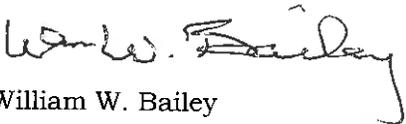
It is our desire to develop this property in accordance with the attached plans and to be called Rivanna Heights containing forty attractive housing units to hopefully meet the needs of affordable attached homes in Fluvanna.

Much consideration has been given in the design plans to create maximum privacy for the owners with a buffer between South Boston Road and the actual homes. From the entrance to the development you will see appealing and inviting community gardens. There will be well thought out home designs with a mixture of one and two level home to accommodate all ages of residents.

The resident parking areas will be well lighted and convenient to the homes. There will be a centrally located playground and around the property will be a proposed picnic area of over five acres and will include a 12 feet by 18 feet shelter. There is an abundance of walking trails and pedestrian paths.

Mr. Brown and I appreciate your consideration of this development. We will look forward to creating a very desirable community that will prove to be a positive and welcomed asset to the already beautiful Fluvanna County.

Sincerely,



William W. Bailey

Received
MAY 26 2016
PLANNING DEPT.

Attachment A

Public Hearing Processing Checklist

(Rezoning, Special Use Permits, Variances, and Text Amendments)

Planning & Zoning Department

Initials	Responsible	Action
		BEFORE PC PUBLIC HEARING
	Applicant	The applicant will contact the Planning Dept., discuss ideas with the Planner, and schedule a pre-application meeting if required.
	Staff	Date of pre-application meeting. _____ *Ideally, at least two (2) planning staff members will meet with the applicant to discuss his or her proposals, and advise them on the application process.
	Applicant	Applicant files the application on the 1 st working day of the month by 5 p.m.
DK	Program Asst	Review application for completeness and process all fees.
DK	Program Asst	Enter project information into the DID
DK	Program Asst	Schedule public hearing advertisement dates.
DK	Program Asst	Schedule Adjoining Property Owner (APO) notification dates.
DK	Program Asst	Schedule Planning Commission public hearing meeting dates.
DL	Program Asst	Schedule date to post Planning Commission public notice sign two (2) weeks meeting.
DL	Program Asst	Schedule Board of Supervisors public hearing meeting dates.
DL	Program Asst	Schedule date to post BOS public notice sign two (2) weeks prior to meeting.
g	Planner	Review the DID for accuracy of all the scheduled dates.
g	Staff	Notify adjacent property owners of the subject property.
g	Staff	Schedule neighborhood meeting on 2 nd Wednesday of the month at 4:30 p.m. in the Morris Room.
g	Staff	Schedule Technical Review Committee meeting on the 2 nd Thursday of the month at 10 a.m. in the Historic Courthouse.
g	Program Asst	Reserve Historic Courthouse and Morris Room (or alternate location, if needed).
g	Staff	Compile all comments from the TRC meeting.
g	Staff	Notify applicant in writing about TRC comments.
g	Applicant	File revised plan based on TRC comments NLT last Friday of the month by 5 p.m.
g	Planner	Prepare legal ad and email to Senior Program Assistant.
g	Program Asst	Email legal ad to Fluvanna Review NLT noon on the Wednesday three (3) weeks before the public hearing is scheduled.

Attachment A

Initials	Responsible	Action
<i>JH</i>	Program Asst	Receive ad "proof" from Fluvanna Review and email proof to Planner for review.
	Planner	Planner approves proof.
<i>AS</i>	Program Asst	Notify newspaper to publish ad for two (2) consecutive weeks prior to the public hearing meeting date. (Save in ad proof folder for future reference.)
<i>JH</i>	Code Enforce. Officer	Place public notice signs on subject property two (2) weeks prior to all public hearing dates.
<i>JH</i>	Planner	Verify sign posting with a site visit and photographs.
<i>JH</i>	Program Asst	Mail APO letters two (2) week prior to Planning Comm. public hearing.
<i>JH</i>	Staff	Planning Commission public hearing scheduled for fourth (4 th) Wednesday of the following month.
		BEFORE BOS PUBLIC HEARING
	Staff	Schedule BOS public hearing for third (3 rd) Wednesday of the following month.
	Program Asst	Mail APO letters two (2) week prior to BOS public hearing.
		AFTER BOS PUBLIC HEARING
	Program Asst	Return \$90.00 sign deposit fee to applicant.

Attachment A



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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

MEMORANDUM

TO: Area Property Owners and Residents
FROM: Jason Stewart, AICP, Planning Director
DATE: June 1, 2016
SUBJECT: Neighborhood Meeting –June 8, 2016 – 4:30 p.m.

The following meetings have been scheduled to consider this request:

ZMP 16:02– Rivanna Heights Rezoning- 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.

Neighborhood Meeting: The Neighborhood Meeting is scheduled for Wednesday, June 8, 2016 beginning at 4:30 p.m. at the County Administrative Building's Morris Room (former Board Room) – Main Level. This is an informal meeting that will give the applicant the opportunity to present his/her plan, and residents the opportunity to ask questions and express their views regarding the application prior to the Planning Commission and Board of Supervisors public hearings.

Technical Review Committee: This Committee Meeting is scheduled for Thursday, June 9, 2016 from 10:00 a.m. – 12:00 p.m. at the Historic Courthouse).

Fluvanna County Planning Commission Public Hearing: The Planning Commission's Public Hearing is scheduled for Wednesday, July 27, 2016, at 7:00 p.m. in the Circuit Court Room – Main Level of the Fluvanna County Courts Building. The Planning Commission will hold a public hearing, where there will be an opportunity for public comment, and forward a recommendation to the Board of Supervisors. A separate notice will be sent to adjacent property owners.

Fluvanna County Board of Supervisors Public Hearing: The Fluvanna County Board of Supervisors' Public Hearing is scheduled for Wednesday, August 17, 2016, at 7:00 p.m. in the Circuit Court Room – Main Level of the Fluvanna County Courts Building. The Board of Supervisors will hold a public hearing, where there will be an opportunity for public comment. A separate notice will be sent to adjacent property owners.

If you have further questions or need additional information, please contact the Fluvanna County Planning & Community Development Department at (434) 591-1910.

The above is a projected timeline for meetings. Meeting dates may be subject to change. Please contact the Planning Dept. to confirm the meeting dates above.

**YOUR NEIGHBORS MAY NOT HAVE RECEIVED THIS MAILING.
PLEASE SHARE THIS INFORMATION.**

Attachment A

Memorandum

DATE: June 29, 2016
RE: Planning Commission APO Letter
TO: Jason Stewart
FROM: Deidre Creasy

Please be advised the attached letter went out to the attached list of Adjacent Property Owners for the July 27, 2016 Planning Commission Meeting.

Attachment A



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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

NOTICE OF PUBLIC HEARING

June 29, 2016

«Name»
«Address»
«City_State» «ZIP»
TMP#«TMP»

Re: Public Hearing on ZMP 16:02

Dear «Name»:

This letter is to notify you that the Fluvanna County Planning Commission will hold a public hearing on the above referenced item as noted below:

Purpose: Planning Commission Public Hearing
Day/Date: Wednesday, July 27, 2016
Time: 7:00 PM
Location: Fluvanna County Circuit Court Room, Palmyra, VA

The applicant or applicant's representative will be present at the Planning Commission meeting for the special use permit request that is described as follows:

ZMP 16:02- Rivanna Heights Rezoning: 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.

You are welcome to attend the Public hearing and you will have an opportunity to comment, if desired. The tentative agenda and staff report for this action is available for public review on the County website at: <http://fluvannacounty.org/government/pc/agendasactionsminutes>. You can also view the report in the Fluvanna County Planning and Zoning Department during working hours (8:00 am – 5:00 pm, Monday through Friday).

If you have any questions regarding this special use permit application or the Public Hearing, please contact me at 434-591-1910.

Sincerely,

Jason Stewart
Planning and Zoning Administrator

Attachment A

Parcel ID	Owner	Owner Address	City/State/Zip
18A 6 237	Ebony & Patrick Montgomery	15 MECHUNK TERR	PALMYRA, VA 22963
18 A 1E	FLUVANNA COUNTY	P O BOX 299	PALMYRA, VA 22963
18A 6 236	Richard Ashdown	1358 CENTENNIAL WAY	ROCKLEDGE, FL 32955
18A 6 245	Stephen & Sandra Thomas	804 SEABORN WAY	CHESAPEAKE, VA 23322
18A 6 238	Barbara Jean Vest	13 MECHUNK TERRACE	PALMYRA, VA 22963
18A 6 246	Matthew & Edelmyra Johnson	1 RIVERSIDE DR	PALMYRA, VA 22963
18A 1 382	Cheryl & Matthew Montgomery	27 Jefferson Dr	PALMYRA, VA 22963
18A 1 381	Adam White	25 Jefferson Dr.	PALMYRA, VA 22963
18A 1 380	Robert & Pamela	23 Jefferson Dr.	PALMYRA, VA 22963
18A 1 379	Cardinal Point LLC	8249 Crown Colony Pkwy	Mechanicsville, Va 23116
18A 1 378	Joshua Green Et. Al	19 Jefferson Dr.	PALMYRA, VA 22963
18A 1 377	Sharlene Ann Cope	17 Jefferson Dr.	PALMYRA, VA 22963
18A 1 375	Gregory & Michelle Truslow	13 Jefferson Dr.	PALMYRA, VA 22963
18A 1 374	John & Nancy Hutcherson	5802 Union Mills Rd	Troy, Va 22974
18A 1 373	William B. Mc Duffie	9 Jefferson Dr.	PALMYRA, VA 22963
18A 1 372	Marchella Lewis	7 Jefferson Dr.	PALMYRA, VA 22963
18A 1 369	Shriley & Terry Callison	3 Hilltop Circle	PALMYRA, VA 22963
18A 1 368	Tony Shorter	5 Hilltop Circle	PALMYRA, VA 22963
18A 1 367	Alexander & Nguyen Tran	6 Hilltop Circle	PALMYRA, VA 22963
18 A 10	Bevely & Carolyn Butler	P.O. Box 785	Scottsville, Va 24590

Attachment A

James Newman

From: County of Fluvanna Website <donotreply@fluvannacounty.org>
Sent: Wednesday, June 08, 2016 3:58 PM
To: James Newman
Subject: Fluvanna County, VA - The Heart of Virginia: NEIGHBORHOOD meeting Rezoning

This is an enquiry email via <http://fluvannacounty.org/> from:
Fitzgerald Barnes <vsuque@hotmail.com>

DEAR planner,

This letter is to voice my support of the one of the Applicants of THE Rivanna Heights Project. Mr. Michael Brown has been a pillar in his community for many years. Mike has an old school characteristic of being a man of his word. He has always supported youth and worked hard in his community. I have known Mike as a Business man and personal friend for years. I have been on the Board of Supervisors in Louisa for 18 years and would love to have a businessman like Mike Brown in Louisa. I will be present to support him at the Planning Commission Meeting and the Board of Supervisors meeting

Attachment B



Attachment B



Green=A1 Zoning

Brown=R4 Zoning

Attachment C

Fluvanna County Neighborhood Meeting June 8, 2016

Sign In Sheet

Items:

1. **SUP 16:06- Silver Linings LLC**-Request for a special use permit for a **commercial greenhouse**. 35.26 Acres of A1 property, tmp 40 19 D, northeast of intersection Haden Martin/Forest Glen
2. **SUP 16:07 Sycamore Square**-Request for a special use permit to operate an **assisted living facility**. 3.36 Acres of R3 property, tmp 9 A 14. Intersection of Ashlawn Blvd/Lake Mont. Rd.
3. **ZMP 16:02 Rivanna Heights Rezoning**- Request to **rezone** parcel 18 A 10 from **A1 to R3**, Residential Planned Community. 13.81 acres, tmp 18 A 10, located on S. Boston Rd.
4. **ZMP 16:03 Columbia Floodplain Adoption**: Bringing Columbia into the Fluvanna County Flood Ordinance. All of former town, allows federal flood plain insurance

Name	Address	Contact info	Item interested in
1 <i>Carroll Morse</i>	<i>Kent Store</i>	<i>434-589-4106</i>	<i>Columbia Floodplain</i>
2 <i>MURRAY BUCKNER</i>	<i>IVY</i>	<i>434-242-3136</i>	<i>SILVER LINING</i>
3 <i>Bryan Chambers</i>	<i>Keswick</i>	<i>434-962-3747</i>	<i>Rivanna Heights</i>
4 <i>Kerry Murphy-Hammond</i>		<i>434-842-1097</i>	<i>Columbia Floodplain</i>
5 <i>Mike Brown</i>	<i>Charlottesville VA</i>	<i>434-531-4724</i>	<i>RIVANNA Hg. (OT)</i>
6 <i>R T HARLEY</i>	<i>467, marion rd, VA</i>		
7	<i>Ch VA 22902</i>	<i>434-589-4710</i>	<i>Flood Plain</i>
8 <i>PAUL GRADY</i>	<i>P.O. BOX 109 IVY 22945</i>	<i>434-996-6630</i>	<i>COLUMBIA</i>
9 <i>Terry L.C. Callison</i>	<i>3 Hilltop Cir, Lake Monticello</i>		
10	<i>dixiebd@gmail.com</i>	<i>434/607-2117</i>	<i>Rivanna Hts. Rezoning</i>
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			

ZMP 16:02 - All comments from 1 person

Att. C

Applicant: Community garden & trail

We know traffic is a concern

- What type of affordable housing?

↳ Housing affordable to service workers Not Sec. 8
or subsidized housing. Mean to house many age groups.
Not the intent

- ~~How~~ ^{rental} or owned units?

↳ Not designed for rental: but is a possibility

- What will happen to trees on site?

↳ Buffer zones will be placed

- How many entrances?

↳ Just 1 unless Riverside is extended

- Why returning to this project? Too much traffic,

↳ Have deal & ~~can~~ can add an acceleration lane

Attachment C

3 Hilltop Circle
Lake Monticello, VA 22963-2011
June 8, 2016

To Whom it May Concern;

As a Lake Monticello resident (Lot 369-Phase I) whose home is directly across Route 600 (South Boston Rd) from the proposed rezoning (Tax Map 18, Sect. A, Parcel 10), I have several concerns.

On June 8, 2016, I attended a Neighborhood Meeting to learn about the proposed rezoning.

Subsequently, I request that this submission be included as part of the official file re: proposed rezoning of this property.

1. What is the purpose of revisiting this project, when a very similar one was fully rejected by Fluvanna Board of Supervisors approximately six years ago?

2. Although the primary change in the current version involves minimal tapering and deceleration lanes, the roadway remains the same. These lanes occur on a curve, at the top of a steep hill, where the single entry (ingress/egress) is placed.

3. Although the applicant stated the anticipation that Lake Monticello's Riverside road could be extended, the Lake Monticello Board of Directors representative gave an emphatic "No" to this idea, which was given in the earlier proposal.

4. Extending the Riverside road would provide a new 40-unit community with

Attachment C

-2-

full access to an established — and frequently dangerous — exit to South Boston Road. Lake Monticello is a private community which has built — and fully maintains its own roadways and gated areas; no public access is allowed.

5. No mention was made of estimated ingress/egress for these 40 housing units. I believe the estimate for the former 40-unit proposal was 275-400 daily entries/exits. From a safety standard alone, this would appear to be an unacceptable risk, particularly when every entry and exit must be made on a sight-limiting curve at the top of a hill!

6. Would it not be more prudent to continue the current zoning (A-1, Agricultural General) and use this land as, perhaps, a fruit orchard? Commercial growth of flowers, trees, shrubs, etc., would be appropriate, as would be grape vineyards. How about a cemetery?

7. Of particular concern is the apparent plan to clear-cut the area of abundant mature hardwood trees, except for a short distance on either side of the entrance "to make a buffer for the neighborhood across the road." This project is environmentally unhealthy.

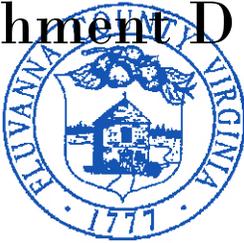
Att. C

8. The Rivanna Heights survey map calls for "Typical Parking Lot Lights" on either side of the units on the front (west) side of the development. The many serious astronomers and stargazers at Lake Monticello would be extremely negatively impacted by light pollution, which we work diligently to eliminate. Any "typical parking lot lighting" would be considered unwelcome, unfriendly, and environmentally inappropriate.

It is my fervent hope that you address these concerns, since I was the only member of the neighborhood who was able to attend the constructive Neighborhood Meeting; all others are employed and unable to attend a meeting scheduled for 4:30pm on a weekday.

Sincerely yours,
Terry L. Callison

TERRY L. C. CALLISON



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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

July 5 2016

Bryan Chambers
253 Willow Drive
Keswick VA, 22947

Delivered via email to chamberslandsurveying@yahoo.com

Re: ZMP 16:02 –Rivanna Heights Rezoning
Tax Map: 18, Section A, Parcel 10

Dear Mr. Chambers:

The following comments are the result of the Technical Review Committee meeting that was held on Thursday, June 9, 2016.

1. Planning Staff: This is a rezoning from A-1 to R-3. The parcel is located within a Community Planning Area and is surrounded by R-4 Residential, Limited District zoned parcels. The sketch plan appears to conform to R-3 zoning requirements. No comments for rezoning application (if rezoning is approved, staff will do another TRC review for site plan). County needs affordable housing for service workers. Applicant does not plan on having rentals in development plan.
2. Fire Chief wanted to know if Aqua would be providing water service for site. Fire Dept. will need at least 2 hydrants with a 6 inch main. Proposed buildings need to have firewalls. Road width must be large enough to allow emergency vehicle access.
3. Erosion and Sediment Control had no comments on the rezoning. The Site Plan is a challenging site for stormwater management. Further comments will be given if Site Development Plan is submitted, pending rezoning approval.
4. VDOT offers the following preliminary comments:
Rte. 600 (South Boston Road) is a Rural Major Collector with a posted speed limit of 45 mph. VDOT's 2015 Traffic Data shows an estimated Annual Average Daily Traffic Volume of 5300 vehicles.

Provide an entrance analysis for the proposed development at full build out (residential and commercial) along with the recommended road improvements to support the proposed the development, VDOT will review the entrance analysis and provide comments if applicable. Base traffic volumes for the study off of VDOT's 2015 Traffic Data (5300 AADT), the additional traffic generated by other proposed developments at full build out (Sycamore Square, Houchens Place, etc.) and the projected traffic volumes from the existing approved developments (Village Oaks, River Oaks, etc.) along Rte. 618 that are under construction or have not yet been built out.

Attachment D

Rte. 600 (South Boston Road) has a posted speed limit of 45 mph which requires a minimum of 500 ft. of Intersection Sight Distance for a standard commercial entrance. Intersection Sight Distance will be measured from 14.5 ft. behind the edge of the right turn lane.

If a left turn lane is not required for the development, ensure that there is a minimum of 425 ft. of Stopping Sight Distance for motorists on Rte. 618 that are approaching stopped vehicles waiting to make a left turn into Lafayette Village.

Graphically demonstrate (horizontally and vertically) that the proposed commercial entrance provides the minimum 500 ft. of Intersection Sight Distance (height of eye = 3.5 ft., height of object = 3.5 ft. and 14.5 ft. off edge of pavement) at all points along the travel lane between the proposed entrance and the approaching travel lanes.

Provide all necessary sight easements (on site and off site) to provide and protect the 500 ft. sight triangles. The sight easement extends 5 ft. outside of and parallel to the sight lines.

The preliminary site plan of "Rivanna Heights" shows approximately 50 ft. of corner clearance from the edge of the right turn lane to the closest edge of Rivanna Heights Lane. VDOT's Access Management Regulations require a minimum of 225 ft. of corner clearance.

Master Plan shows the "Approximate Location of Existing Line of Sight Easement". Show the exact location of the existing sight easement on the site plan as well as the line of sight for the minimum 500 feet of sight distance in relationship to the existing sight easement. Provide the legal reference (Deed/Plat Book & Page Number) for the existing sight easement.

Provide the distances in feet (center line to center) from the center of the proposed entrance to the closest commercial entrances or state road intersections (north and south of the proposed entrance).

Design of turn lane(s) shall conform to VDOT's Geometric Design for Rural Collector Road System (GS-3) with ADT over 2000, Rolling Terrain (12 ft. min. lane width, 8 ft. graded shoulder, etc.).

Rte. 600 improvements associated with Rivanna Heights shall conform to VDOT's WP-2 detail (mill and overlay to the center of road) along with any and all pavement marking eradication and installation of new pavement markings per VDOT standards and specifications.

A VDOT Land Use Permit and Security Bond will be required.

5. Health Department had no comments.

Attachment D

6. Sheriff: Rezoning would increase traffic on a road that is already dangerous. VDOT needs to modify speed limits. Applicant proposed putting in a spot for police vehicles to lie-in-wait of watching traffic and catching offenders. Sheriff appreciated offer but says VDOT needs to do more to control traffic speeds.

The Planning Commission will have a meeting to discuss this item at their Wednesday, July 27, 2016 meeting. Your attendance is required at this meeting.

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

Sincerely,
James Newman
Planner
Dept. of Planning & Zoning

cc: File

Attachment E

Chambers Land Surveying
112 Crofton Plaza – Suite K
Lake Monticello, VA 22963
434-589-5139 (o) 434-962-3746 (c)
chamberslandsurveying@yahoo.com

To: Mr. James Newman
Fluvanna Co. Dept. Of Planning & Zoning
P.O. Box 540
Palmyra, VA 22963

Re: "Rivanna Heights" TM 18 (A) Par. 10, Request for Rezoning From A-1 To R-3

7/27/2016

Dear Mr. Newman;

We've proposed a layout for an attractive shielded townhouse development with a decent sized small kid's playground, a community garden surrounded by head high hedges viewed upon entry to the development, walking trails around the perimeter while making use of an existing road to the historic Rivanna Locks, and a picnic area overlooking the Rivanna River in order to meet the needs of Fluvanna County for affordable housing within the Rivanna Community Planning Area while using creative design to protect and enhance the natural scenic beauty of the area and maintain a healthy lifestyle for its residents and provide an alternative for living spaces as Lake Monticello proper approaches build-out.

Per Fluvanna Planning: "This district (the Rivanna Community Planning Area) is intended to permit compact village-style residential development and associated institutional uses, community serving mixed uses, open spaces, and creative design in accordance with a master plan. The development should occur in a manner that will protect and preserve the natural resources, trees, watersheds, contours and topographic features of the land; and to protect and enhance the natural scenic beauty of the area and support. The scale of the housing and the commercial use should be appropriate to support the residential needs at a neighborhood scale."

I'd like to address some of the issues that were mentioned in the staff report for the Planning Commission work session on June 20th, and the July 5th technical review session in the order that they have been listed.

- The Fire Chief provided a sketch showing required fire hydrant placement which has been incorporated into the latest revised plan (with a designation for a 6" water main). Firewalls will be shown on the architectural plans for the townhouses. County code calls for a minimum of 18' of paved road for emergency vehicles. The current plan designates a 20' paved road width.
- Erosion & Sediment Control comments will be addressed pending zoning approval & site plan submittal.

Attachment E

-
- VDOT comments and my responses involving safety with respect to traffic volume and posted speed are:
 - o VDOT requested an entrance analysis (based on a future traffic study) and Sight Distance Easements to be able to approve the current design. I spoke with Mr. Mark Wood (the technical review session VDOT representative) to line up a qualified traffic volume analyst for the traffic study, and I've shown Sight Distance Easements on the latest revised plan.
 - o VDOT required that a minimum of 425' of Stopping Sight Distance be verified for motorists on Rte. 600 that are approaching stopped vehicles waiting to turn into the subdivision. I've listed a distance of 1100' from the intersection of Rte. 618 to the proposed entrance which would be visible as I've re located it at the crest of the hill.
 - o VDOT requested that I graphically demonstrate that the proposed entrance provides the required 500' sight distances. I've re located the proposed entrance at the crest of the hill to accommodate the vertical component (to be shown subsequent to field run topography) and I've indicated the horizontal components on the latest revised plan.
 - o VDOT requested that I provide all necessary sight easements and protect the 500' site triangles which I've done on the latest revised plan for the proposed entrance. The sight easements for the proposed turn-around for Fluvanna County use will be incorporated upon Law Enforcement review and acceptance.
 - o VDOT required that minimum of 225' be established along the previous entrance road to its intersection with the main subdivision road for "corner clearance". I spoke with Mr. Mark Wood (VDOT) to determine that a redesign for one way traffic would eliminate the concern. He assured me that it would, and I've incorporated it into the latest revised plan.
 - o VDOT mentioned that an "Approximate Location of Existing Line of Sight Easement" was shown on a Master Plan. Since it was not shown on my previous plan, and since VDOT referenced "Lafayette Village" in their previous comments, I assume this comment was a mix-up.
 - o VDOT requested that distances in feet be provided from the proposed entrance to the closest commercial entrances or state road intersections to the north and south. I've included these on the latest revised plan.
 - o VDOT required that the design of the turn lane conform to VDOT's GS-3 specification sheet. I pulled the specifications and listed them on my deceleration lane details on sheet 1 of the latest revised plan. I've included a note that deceleration lane length is subject to VDOT approval due to my concern to fully cover safety issues.
 - o VDOT's last two issues concerned design requirements for Rte. 600 improvements, and permit and security bond requirements. I listed them in Note 7 on sheet 1 of the latest revised plan.
 - The Fluvanna Sherriff voiced concerns about the speed limit on Rte. 600 (there was talk at the meeting of plans to identify roads in Fluvanna which would be subject to reduced speed limits) and the unavailability of turn-arounds to monitor motorist speeds. My clients and I are

Attachment E

concerned as well that this subdivision design will do everything possible to meet and exceed road safety requirements. First my clients suggested the dedication of the turn-around. Second, we've noted that the Rte. 618 intersection to the north and the Rivanna Rd., LM Riverside Entrance, and Broken Island commercial entrances to the south do not have deceleration lanes. We intend to eliminate hazards by working closely with VDOT to make this subdivision as safe as we possibly can.

Additionally Mrs. Terry Callison (A Lake Monticello resident across Rte. 600) wrote concerns about revisiting the project, "minimal tapering and deceleration lanes".."on a curve at the top of a steep hill", extension of the subdivision road to Riverside Drive, increased traffic volume, clear cutting trees for an unhealthy environment, and parking lot lights.

In response we desire to make all Lake Monticello residents and future middle-income homeowners aware that we are addressing a need stated by Fluvanna County for creatively designed affordable housing in the designated Rivanna Community Planning Area. The tapering and deceleration lanes will meet or exceed VDOT requirements for safety. The sight and stopping distances will also meet or exceed VDOT requirements. We did not state that it was anticipated to connect the subdivision road to Riverside Drive (although VDOT requires that an easement be shown for connectivity, whether it is used or not). We have no plans to do so. The subdivision road will be subject to a homeowner's maintenance agreement, and its end of pavement has been designated over 250' to the north of the end of pavement for Riverside Drive on the latest revised plat to avoid confusion. Traffic volume drives safe entrance design, and the subdivision will not be approved if we fall short. Trees will be cleared for townhouses and the road & parking. To balance that and create a healthy environment we plan to have a Rte. 600 tree buffer in addition to a community garden surrounded by head high hedges viewed upon entry to the development, a decent sized small kid's playground, walking trails around the perimeter while making use of an existing road to the historic Rivanna Locks, and a picnic area overlooking the Rivanna River. Parking lot lighting will be low level and directed to illuminate the sidewalks for safety and will be buffered by vegetation from adjoining neighbors.

In closing we take pride in our design. We look forward to satisfying this need in Fluvanna County, and we welcome creative comments in order to make this county a beautiful, healthy, and affordable place to live.

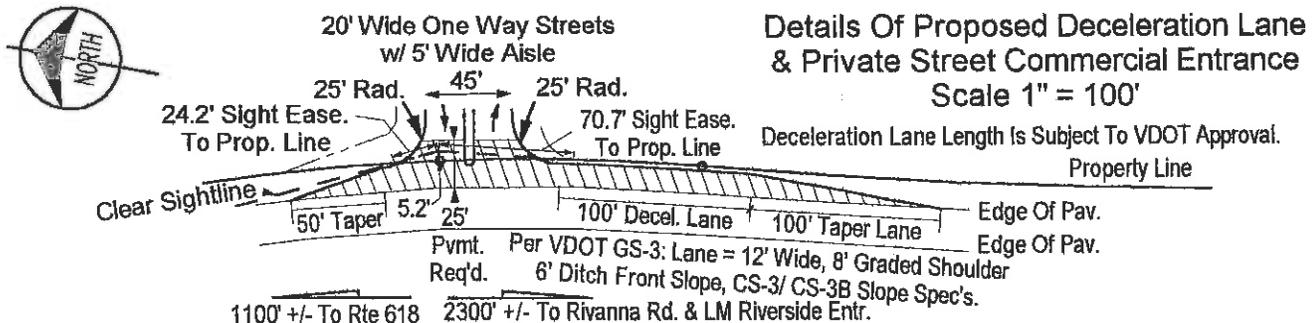
Sincerely;

Bryan Chambers

Attachment E

Notes:

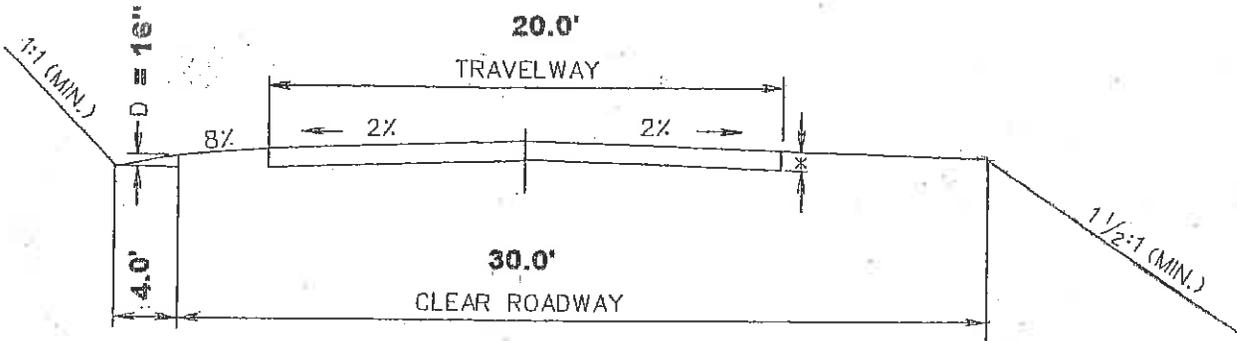
- 1) This boundary was based on a field survey by this office dated Dec. 7, 2003 with lines established i.a.w. physical evidence and recorded deeds and plats. Discrepancies are noted i.a.w. Va. State Code.
- 2) The property is currently zoned A-1. The R-3 zone is being applied for. Housing density is 40 units/ 13.811 acres (incl. road ded. acreage) = 2.9 units/ acre. Townhouse dimensions: 14 Townhouses = 30' x 40'; 26 Townhouses = 22' x 32'.
- 3) Topography shown on this sheet was taken from information provided on the Fluv. Co. GIS website.
- 4) The base flood elevation of 272' for Flood Zone "AE" the 1.0% annual chance flood area was taken from the FEMA Flood Ins. Rate Map Number 51065C0066C for Fluv. County Va. dated 5/16/2008. Flood Zone "X" the 0.2% annual chance flood area was proportioned from the above map.
- 5) The entire site is established in mature hardwoods. Drainage, steep slopes (not impacted - mostly off site), and floodplains are shown on Sheet 3. The historic Union Mills Canal Outlet Locks are a short distance off site to the north (as shown on a separate enclosure) and a walking trail is proposed to access them. Wetlands are near the Rivanna River and will not be impacted by the proposed construction.
- 6) Water, sewer, and electric utilities will be designed to connect with existing facilities crossing the site upon review of the Prelim. Master Plan by Aqua Virginia, Lake Monticello Service Co., and CVEC. Water & sewer service will be provided to this parcel per Aqua Virginia letter dated May 17, 2016 subject to all req'd regulatory and governing approvals as well as their contracted terms & conditions.
- 7) A VDOT land use permit and security bond will be required before any construction begins within the right-of-way for State Route 600. Route 600 improvements and pavement markings shall conform to VDOT's WP-2 detail (mill and overlay to the center of the road) and all VDOT standards and spec's. Maintenance of Rivanna Heights Lane will be addressed in The Rivanna Heights Dec'l Of Covenants, Conditions, & Restrictions. VDOT and Fluvanna County will not be responsible for the maintenance of the road until such time as it is incorporated into the state or county road system. Details of the deceleration lane, the private street commercial entrance, & a private road cross section are shown below.



1100' +/- To Rte 618 2300' +/- To Rivanna Rd. & LM Riverside Entr.
State Route 600 - 40' R/W - DB 115-632
 Addn'l 5' Ded. To Pub. Use On East Sd.

Sight Easements: A 500' line of sight is to be maintained from the center of the proposed exit lane @ 14.5' off the edge of pavement to the center lanes for oncoming traffic in each direction. The sight easements are 5' clear of that line.

Details Of A Typical Internal Road Cross Section: Not To Scale



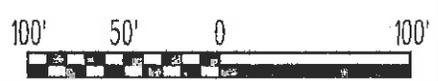
* SEE PLANS FOR BASE DEPTH AND TYPE AND PAVED SURFACE TREATMENT WHERE REQUIRED.

Owner/ Developer:
 Bevley F. & Carolyn B. Butler
 P.O. Box 190, Scottsville, Va. 24590.

Plat Showing Preliminary Master Plan For
 Tax Map 18 (A) Parcel 10
 Cunningham District, Fluvanna County, Va.

Rivanna Heights

Horiz. Scale: As Noted; Date: May 10, 2016; Rev: July 25, 2016
 Chambers - Land Surveying
 Located @ Lake Monticello VA (434) 589-5139
 Mailing Address: 253 Willow Dr., Keswick, Va. 22947



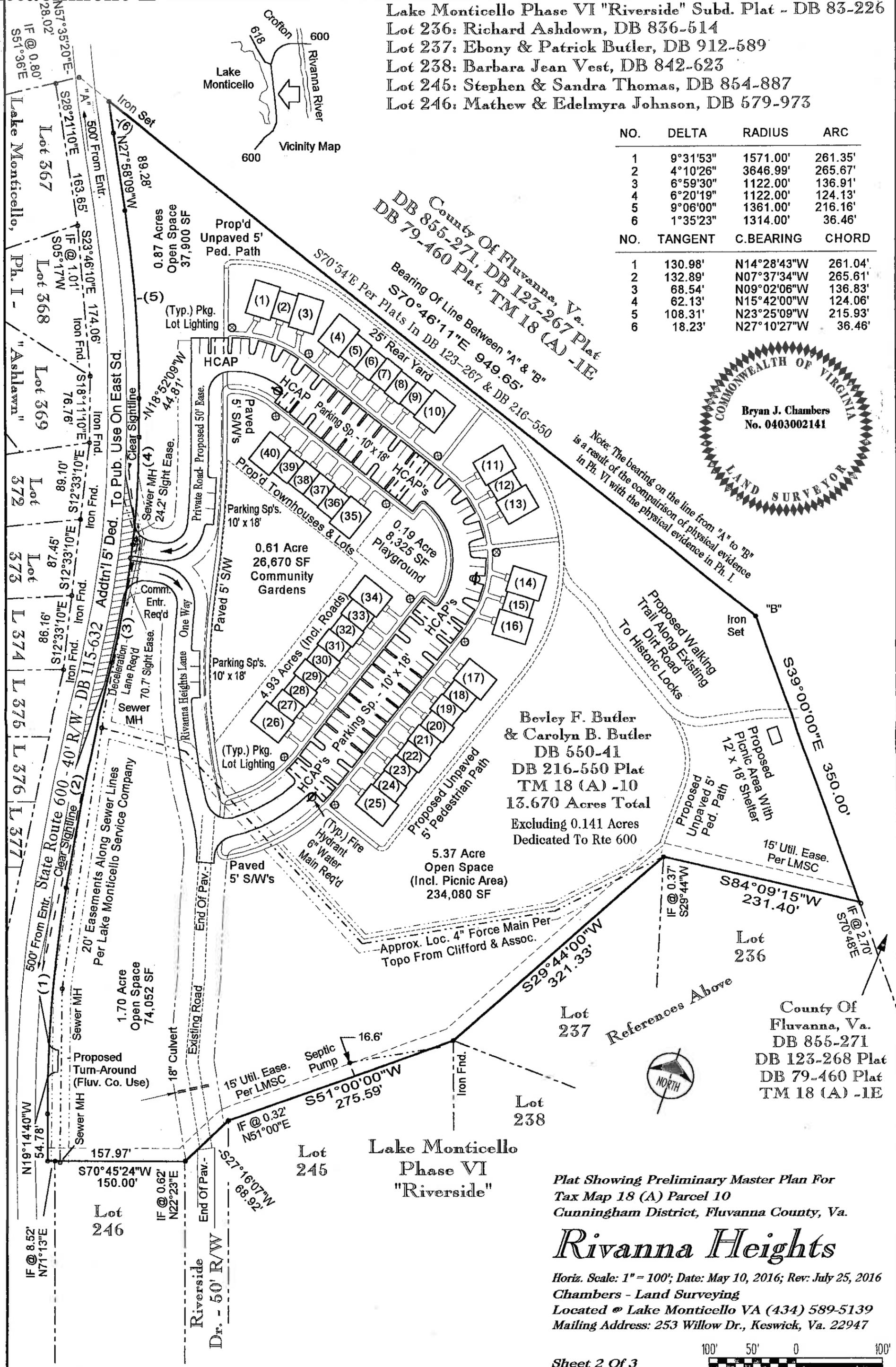
Lake Monticello Phase VI "Riverside" Subd. Plat - DB 83-226
 Lot 236: Richard Ashdown, DB 836-514
 Lot 237: Ebony & Patrick Butler, DB 912-589
 Lot 238: Barbara Jean Vest, DB 842-623
 Lot 245: Stephen & Sandra Thomas, DB 854-887
 Lot 246: Mathew & Edelmira Johnson, DB 579-973

NO.	DELTA	RADIUS	ARC
1	9°31'53"	1571.00'	261.35'
2	4°10'26"	3646.99'	265.67'
3	6°59'30"	1122.00'	136.91'
4	6°20'19"	1122.00'	124.13'
5	9°06'00"	1361.00'	216.16'
6	1°35'23"	1314.00'	36.46'

NO.	TANGENT	C.BEARING	CHORD
1	130.98'	N14°28'43"W	261.04'
2	132.89'	N07°37'34"W	265.61'
3	68.54'	N09°02'06"W	136.83'
4	62.13'	N15°42'00"W	124.06'
5	108.31'	N23°25'09"W	215.93'
6	18.23'	N27°10'27"W	36.46'



Note: The bearing on the line from "A" to "B" is a result of the comparison of physical evidence in Ph. VI with the physical evidence in Ph. I.



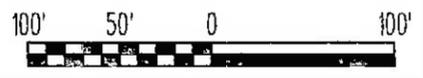
Bevley F. Butler & Carolyn B. Butler
 DB 550-41
 DB 216-550 Plat
 TM 18 (A) -10
 13.670 Acres Total
 Excluding 0.141 Acres
 Dedicated To Rte 600

County Of Fluvanna, Va.
 DB 855-271
 DB 123-268 Plat
 DB 79-460 Plat
 TM 18 (A) -1E

Plat Showing Preliminary Master Plan For
 Tax Map 18 (A) Parcel 10
 Cunningham District, Fluvanna County, Va.

Rivanna Heights

Horiz. Scale: 1" = 100'; Date: May 10, 2016; Rev: July 25, 2016
 Chambers - Land Surveying
 Located @ Lake Monticello VA (434) 589-5139
 Mailing Address: 253 Willow Dr., Keswick, Va. 22947



ATTACHMENT F

Draft Ordinance for the Board of Supervisors to consider:

An Ordinance To Amend The Fluvanna County Zoning Map, With Respect To 13.81 acres of Tax Map 18, Section A, Parcel 10, to rezone the same from A-1, Agricultural, General to R-3, Residential Planned Community

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 13.81 acres of Tax Map 18, Section A, Parcel 10, be and is hereby, rezoned from A-1, Agricultural, General to R-3, Residential Planned Community



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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

STAFF REPORT

To: Fluvanna County Planning Commission

Case Number: SDP 16:07

Tax Map: Tax Map 5, Section 24, Parcel 2

From: James Newman

District: Columbia

Date: August 24, 2016

General Information: This item is scheduled to be heard by the Planning Commission on Wednesday, August 24, 2016 at 7:00 p.m. in the Circuit Courtroom in the Courts Building.

Owner: Ja-Zan, LLC

Applicant/Representative: Stonegate Land Holdings LLC/Collins Engineering

Requested Action: Approval of a sketch plan request to construct Phase One of a three phase project, to construct an approximately 5,000 square foot building and site infrastructure, with respect to 1.73 acres of Tax Map 5, Section 24, Parcel 2

Location: The affected property is located on the south side of Zion Station Road, approximately 300 feet east of the intersection of Zion Station Road and Route 250 (Richmond Road). (Attachment B)

Existing Zoning: I-1, Industrial, Limited

Existing Land Use: unimproved lot

Adjacent Land Uses: Adjacent properties are zoned A-1, B-1, and I-1.

Comprehensive Plan: Zion Crossroads Community Planning Area

Zoning History: None

Analysis:

The applicant is requesting approval of a sketch plan to construct Phase One of a three phase project, to construct an approximately 5,000 square foot building and site infrastructure, with respect to 1.73 acres of Tax Map 5, Section 24, Parcel 2. The affected property is located on the south side of Zion Station Road, approximately 300 feet east of the intersection of Zion Station Road and Route 250 (Richmond Road).

The proposed use for this Phase One structure is a wedding rental company, wherein the majority of the building will store the rental equipment (4,000 sf) and the remaining portion of the building (1,000 sf) will be used for an office/showroom. In accordance with Sec. 22-11-2.1 of the Fluvanna County Zoning Ordinance, wholesale warehouses are a by-right use, and this item fits with the definition of a wholesale warehouse:

“Facilities for the display, storage, and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment, including moving and storage facilities, warehouses, storage activities, and distribution centers.” –County Code pg. 457

The subject parcel is lot 2 of Zion Station industrial subdivision. There are currently three (3) buildings in the subdivision, and a total of 12 lots. According to the submitted sketch plan, the applicant is proposing to construct a Phase One warehouse building approximately 50’ x 100’ in size (*more or less*), with peripheral parking and loading spaces. The sketch plan states that buildings shall be no taller than 45 ft.

The sketch plan proposes an additional Phase Two 8,500 square foot building, and a Phase 3 7,200 square foot building. According to Graham Murray of Collins Engineering:

“The building associated with phase I will be used for a company involved with wedding rentals. The majority of the building will store the rental equipment (4,000 sf) and the remaining portion of the building (1,000 sf) will be used for an office/showroom. The required parking lot, circulation, ESC and SWM infrastructure will be installed with phase I. The phase II & III buildings will not be constructed right away however. Prior to the construction of these buildings site plan(s) will be submitted.” (via email, August 11, 2016)

In accordance with Sec. 22-11-6 of the zoning ordinance, the sketch plan for Phase One is in compliance with the minimum building setback requirement of 50’ from adjoining agriculturally zoned parcels, and the 25’ parking setback requirement. (Attachment C)

Exception requested to not construct a sidewalk:

Per Sec. 22-11-11 of the Zoning Ordinance, the applicant is requesting an exception from the Planning Commission to not install sidewalks along the parcel’s road-frontage on Zion Station Court. Staff recommend approval. (Attachment D)

This is a limited-lot, industrial subdivision that was designed prior to the effective ordinance amendment date (5-4-2011) that requires sidewalks “*on both sides of all roadways, public and private*”. In lieu of not installing sidewalks with this development, staff has advised the applicant to ensure that the final site development plan provides for safe and convenient internal pedestrian access to and from the building’s main entrance, placing particular emphasis on handicapped parking spaces.

Parking/Roads

This site is accessed off of Zion Station Road, an internal street within the Zion Station industrial subdivision. A total of 20 parking spaces including two (2) handicap spaces are proposed with this project. VDOT’s had several comments, which are available in the Technical Review Committee section of this report.

In accordance with Sec. 22-26-4 C. of the zoning ordinance, parking lots consisting of five (5) or more spaces shall be screened from view of the public roads, rights-of-way, and adjacent property. Additionally, per Sec. 22-26-3 F., “*to the greatest extent possible, parking areas shall not be located between the adjacent public right-of-way and the principal structure(s) on the site.*” Their final site plan must comport with these requirements; the applicant does have a landscape barrier between the road and parking.

Landscaping/Screening

All landscaping should be in compliance with the Fluvanna County Zoning Ordinance. All parking lots of five (5) 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. In accordance with Sec. 22-11-3 (b) of the zoning ordinance, screening from adjacent business, residential and agricultural districts shall be required. Applicant has proposed screening via landscaping, to block the view from both Richmond Road and Zion Station Road.

Signage & Outdoor Lighting

Directional/traffic circulation signage is permitted by-right at entrance/exit points into the site. Permanent signs are required to have a separate sign permit. Approximate locations of outdoor parking lot lighting have not been shown on the sketch plan, but will be required on the final site plan in accordance with Sec. 22-26-4 E. of the zoning ordinance. All site lighting must be outdoor lighting that is fully shielded and uses full cut-off lighting fixtures, in accordance with Sec. 22-25-6 of the zoning ordinance.

Stormwater Management

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

Septic and Water Usage

Charles Miller with the Health Dept. stated that the lots at Zion Station are served by wells that fall under the Dept. of Health, Office of Water Programs in Lexington, VA, and the sewage disposal system is an engineered, time-dosed system.

Technical Review Committee:

The following comments were generated from the July 14, 2016, 2015 Technical Review Committee meeting:

1. Planning Staff: How will phasing be done? What are the proposed uses of the site? Applicant stated that the required parking lot, circulation, ESC and SWM infrastructure will be installed with phase I. The phase II & III buildings will not be constructed right away however. Prior to the construction of these buildings, site plan(s) will be submitted. The building associated with phase I will be used for a company involved with wedding rentals. The majority of the building will store the rental equipment (4,000 sf) and the remaining portion of the building (1,000 sf) will be used for an office/showroom.

Applicant had stated they wish to apply for a sidewalk variance. Such a variance seems reasonable.

2. Fire Chief Brent wanted to know if there would be any hazardous materials stored on site. Applicant responded that only residential type propane tanks would be on site. Fire Chief was satisfied.
3. The Department of Forestry stated they have no comments
4. Health Dept. stated they have no comments.
5. Erosion and Sediment Control had no comments.
6. VDOT: - A preliminary site development plan was submitted and the following items were discussed and clarified:
 - The County Planner agreed to support the developer's request to not provide sidewalk improvements along Rte. 631 since the improvement would not serve any other pedestrian facilities or the industrial nature of the existing parcels.
 - The proposed site plan indicates building construction in (3) phases. However, there will only be (1) site plan approval to include all phases and site improvements will be done initially. The remaining (2) phases (structures) will be constructed at a later date.
 - Site is proposed to be used for showroom/warehousing for rental supplies associated to weddings & special events.
 - I commented that the truck movement analysis illustration does not reflect the proposed internal movement of the site. In addition, the auto-turn illustration shows the truck entering the site in a perpendicular position and does not correctly illustrate the normal

maneuvering function of the vehicle from the intersection. It was clarified by the clients engineer, that actual truck deliveries will be serving the rear of the site and not the front as illustrated.

- I gave them the entrance radii guidance from Appendix “F” of the road design manual and explained that the proposed entr. Radii needs to be a minimum of 45’ (not the 25’ as designed). However, once the entrance is designed and clearly identifies the proper truck entrance and internal movement, the Eastern proposed commercial entrance may remain with the 25’ radii as designed as it will only serve passenger vehicles and light trucks.
- It was noted that the throat width of the entrances are to be dimensioned from the radii tangent (most narrow throat width).
- Proposed curb termination design “turn-down” along shoulders will need to be included in site plan.
- Mark – Location of the proposed commercial entrance to Parcel 5-24-2 shall be off Rte. 1022 (Zion Station Road) as shown on the preliminary site plan (no direct access off of Rte. 250).

Conclusion:

The applicant is requesting approval of a sketch plan to construct Phase One of a three phase project, to construct an approximately 5,000 square foot building and site infrastructure, with respect to 1.73 acres of Tax Map 5, Section 24, Parcel 2. The affected property is located on the south side of Zion Station Road, approximately 300 feet east of the intersection of Zion Station Road and Route 250 (Richmond Road). The proposed use for this Phase One structure is a wedding rental company, wherein the majority of the building will store the rental equipment (4,000 sf) and the remaining portion of the building (1,000 sf) will be used for an office/showroom.

This sketch plan appears to be in conformance with the requirements of Fluvanna County Code.

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;
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.

Suggested Motion:

I move to approve/deny/defer SDP 16:07, a sketch plan to construct Phase One of a three phase project, to construct an approximately 5,000 square foot building and site infrastructure, with respect to 1.73 acres of Tax Map 5, Section 24, Parcel 2, subject to the four (4) conditions listed in the staff report.

I move to approve/deny/defer a sidewalk waiver to SDP 16:07, a sketch plan to construct Phase One of a three phase project, to construct an approximately 5,000 square foot building and site infrastructure, with respect to 1.73 acres of Tax Map 5, Section 24, Parcel 2, pursuant to County Code Section 22-23-6.6.A

Attachments:

- A – Application
- B – Aerial Vicinity Map
- C - Site sketch plan
- D – Applicant’s letter requesting an exception to not construct a sidewalk
- E - TRC comment letter

Copy:

File

Attachment A



COMMONWEALTH OF VIRGINIA COUNTY OF FLUVANNA Site Development Application

Received
JUL 01 2016
Planning Dept.

Owner of Record: JA-ZAN, LLC
E911 Address: 1150 PEARL PLANE, CHARLOTTESVILLE, VA
Phone: _____ **Fax:** _____
Email: _____

Applicant of Record: Stonegate Land Holdings LLC
E911 Address: 1459 Oxford Rd Charlottesville VA
Phone: _____ **Fax:** _____
Email: ben@stonegateeventrentals.com

Representative: COLLINS ENGINEERING
E911 Address: 200 GARRETT ST, SUITE K CUMMERS, VA
Phone: 437-293-3719 **Fax:** _____
Email: SCOTT C COLLINS-ENGINEERING.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): 5-24-2
Acreage: 1.734 AC **Zoning:** I-1
Location: ZION STATION BUSINESS PARK

Deed Book Reference: _____
Deed Restrictions? No Yes (Attach copy)

Description of Property: _____

Proposed Structure: PHASE I:

Dimensions of Building: PHASE I: 50' x 100' PHASE II: 75' x 120' **Lighting Standards on Site:** No Yes

of Employees: _____ **# of Parking Spaces:** _____

Noise Limitations: _____

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.

David B. Morris
 Applicant Name (Please Print)

Ben Morris 6/22/16
 Applicant Signature and Date

OFFICE USE ONLY

Date Received: <u>July 1, 2016</u>	Fee Paid: _____	Application #: <u>SDP 16 : 01</u>
Election District: <u>Columbia</u>	Planning Area: <u>Zion CPA</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		



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA

Attachment A

Major Site Development Plan - Sketch Plan Checklist

Developed from the Zoning Ordinance April 1, 2006

Received

JUL 01 2006

Planning Dept.

This checklist must be completed and submitted with the completed application. Any applications submitted without the completed checklist will be promptly returned to the applicant.

Project Name: Zion Station - Parcel 2

Tax Map(s) and Parcel Number(s): 5-24-2

Individual and Firm Completing Checklist: Scott Collins - Collins Engineering

Signature of Person Completing Checklist: [Signature]

Date: 6/30/16

- Administration:**
- 20 11" x17" and 3 full-size folded clearly legible blue or black line copies [22-23-8.1]
 - After review by technical Review Committee, revisions may be required. If such revisions are required, 20 11"x17" and 3 full-size clearly legible blue or black line copies of the site plan will be required by the revision deadline indicated by staff (see attached permitting schedule) [22-23-8.A.2]
 - Site Development Plan Application Fee (See attached fee schedule) [22-23-8.3]

The sketch plan will convey the general concept of the proposed site development and shall **only** include the following:

- A general analysis of the site, showing existing slopes, drainageways, tree stands, site features and amenities to be preserved, conservation areas, historic features, & the like [22-23-8.A.5.a]
- Approximate location and size of the buildings [22-23-8.A.5.b]
- General points of access [22-23-8.A.5.c]
- General street, roadway, and parking layouts [22-23-8.A.5.d]
- Any exterior lighting [22-23-8.A.5.e]

COUNTY STAFF ONLY

Staff: Jane Hume

Date Received: July 1, 2016

Date Reviewed: July 7, 2016

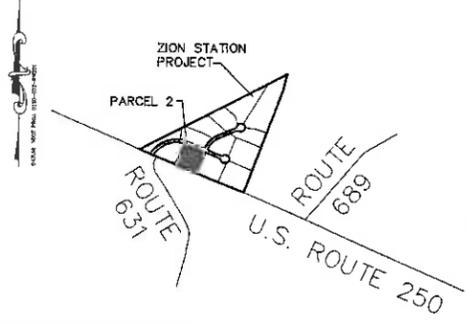
Additional Notes:

Satisfactory

Attachment B



VICINITY MAP



GENERAL NOTES:

OWNER: JA-ZAN, LLC
PO BOX 9035
CHARLOTTESVILLE, VA 22906

APPLICANT: STONEGATE LAND HOLDINGS, LLC
D. BENJAMIN MORRIS
1459 OXFORD ROAD
CHARLOTTESVILLE, VA 22903

ENGINEER: COLLINS ENGINEERING
800 EAST JEFFERSON STREET
CHARLOTTESVILLE, VA 22902
434.293.3719

TAX PARCEL #: 5-24-2 (PLAT 2-284-285, 'ZION STATION SEC A')

ZONING: I-1
USE: LIGHT INDUSTRIAL
TOTAL ACREAGE: 1.734 AC.

PROPOSED: OFFICE/ WAREHOUSE BUILDING (20,700 SF)

PHASE I:
WAREHOUSE PROPOSED: 4,000 SF +/-
OFFICE/SHOWROOM: 1,000 SF (MAX.)

PHASE II:
WAREHOUSE PROPOSED: 7,000 SF +/-
OFFICE/SHOWROOM: 1,500 SF (MAX.)

PHASE III:
WAREHOUSE PROPOSED: 6,200 SF +/-
OFFICE/SHOWROOM: 1,000 SF (MAX.)

AREA OF LOT: 1.734 AC.
AREA OF PAVEMENT: 0.30 AC. (1.7%)
AREA OF GRAVEL STORAGE: 0.48 AC. (28%)
AREA OF SIDEWALK: 0.03 AC. (1%)
AREA OF BLDG: 0.48 AC. (28%)
AREA OF OPEN SPACE: 0.444 AC. (26%)
TOTAL LOT COVERAGE = 74% (NOTE: MAXIMUM LOT COVERAGE = 80%)

PARKING:
PARKING REQUIRED:
WAREHOUSE SPACES: (1 SPACE PER 2 EMPLOYEES) & 1 SPACE PER 250 SF OPEN TO THE PUBLIC
TOTAL NUMBER OF EMPLOYEES ON LARGEST SHIFT = 12 EMPLOYEES: 6 SPACES
MAXIMUM SPACE OPEN TO THE PUBLIC = 3,500 SF: 14 SPACES
TOTAL PARKING REQUIRED: 20 SPACES

PARKING PROVIDED: 20 SPACES (INCLUDES 2 HANDICAPPED)
(ADDITIONAL PARKING AREA IN REAR OF THE BUILDINGS)

LOADING SPACES REQUIRED:
TOTAL = 20,700sf x (1sp/10,000 s.f.) = 2 SPACES

LOADING SPACES PROVIDED: 3 SPACES (LOADING SPACES IN THE REAR OF THE UNITS)

TOTAL NUMBER OF STORIES: 1 - STORY

HEIGHT OF BUILDING: 45' MAXIMUM

TOPOGRAPHY: THE BOUNDARY AS SHOWN CAME FROM THE RECORDED PLAT PREPARED BY JENNINGS-STEVENSON, P.C. IN NOVEMBER 2006. A FIELD SURVEY OF THE PROPERTY WAS PERFORMED IN JULY 2015 BY COMMONWEALTH LAND SURVEYING.

THERE IS NO FLOODPLAIN ON THIS SITE.

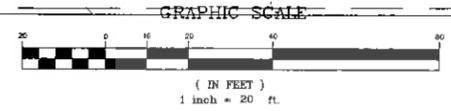
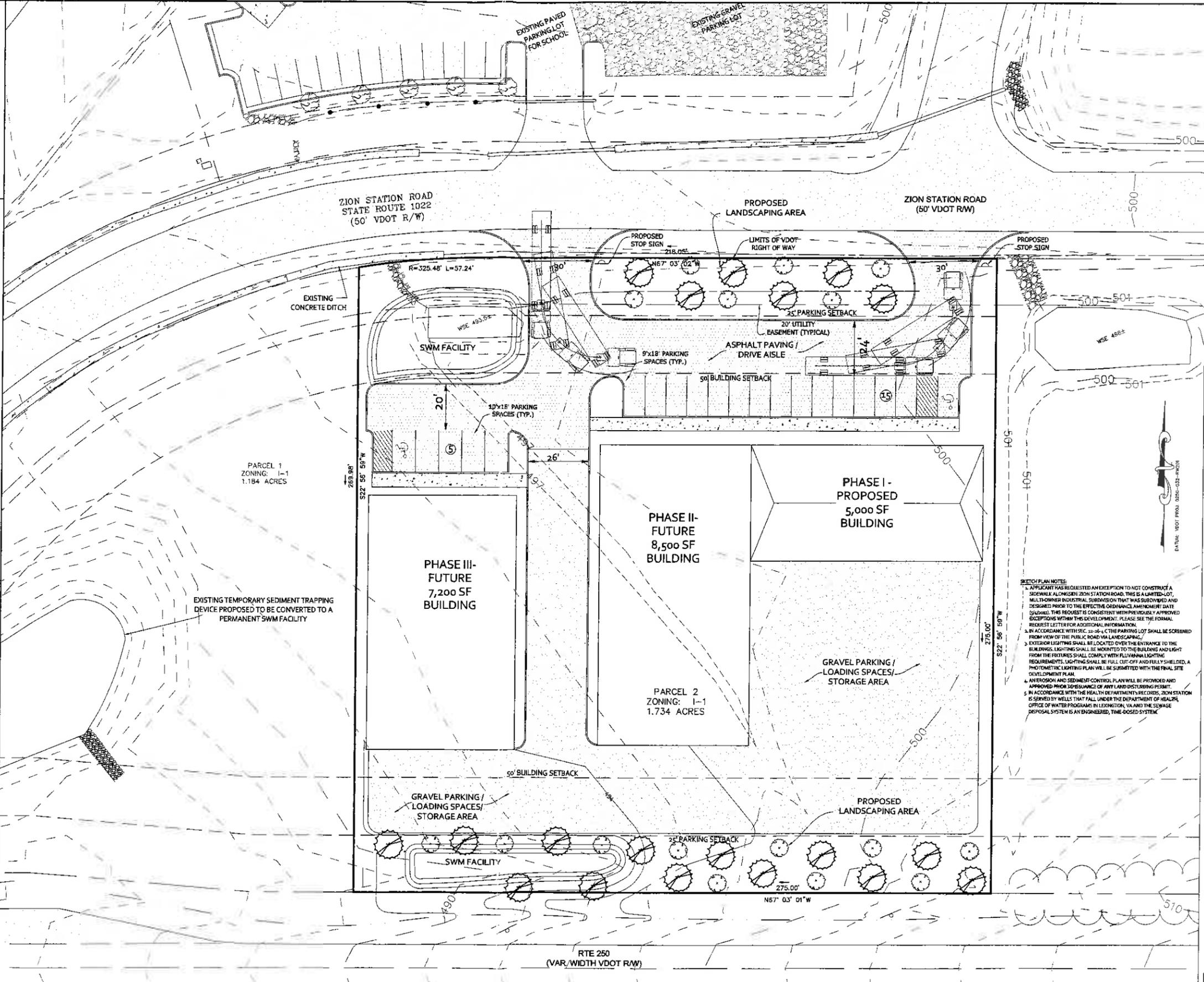
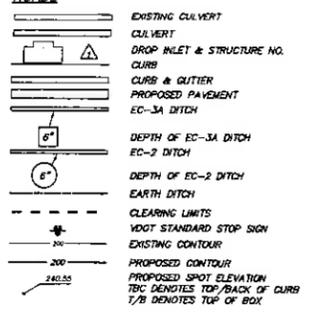
THERE ARE NO WETLANDS PRESENT ON THIS PARCEL.

UTILITIES: ALL UTILITIES ON SITE SHALL BE INSTALLED UNDERGROUND WITHIN 20' UTILITY EASEMENTS ALONG THE RIGHT-OF-WAY.

LIGHTING: EXTERIOR LIGHTING SHALL BE LOCATED OVER THE ENTRANCES TO THE BUILDING AND OVER THE LOADING DOCK SPACES IF APPLICABLE. LIGHTING SHALL BE MOUNTED TO THE BUILDING AND LIGHT FROM THE FIXTURES SHALL COMPLY WITH FLUVANNA LIGHTING REQUIREMENTS.

CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION OF ALL UNDERGROUND UTILITIES SHOWN ON PLANS IN AREAS OF CONSTRUCTION PRIOR TO STARTING WORK. CONTACT ENGINEER IMMEDIATELY IF LOCATION OR ELEVATION IS DIFFERENT FROM THAT SHOWN ON THE PLANS, IF THERE APPEARS TO BE A CONFLICT, AND UPON DISCOVERY OF ANY UTILITY NOT SHOWN ON THE PLANS.

LEGEND



REVISIONS

REVISION DESCRIPTION	DATE
EXISTING CONDITIONS	6/28/16

COLLINS ENGINEERING

200 GARRETT STREET, SUITE K - CHARLOTTESVILLE, VA 22902 - 434-293-3719

ZION STATION - PARCEL 2 SKETCH PLAN

STONEGATE LAND HOLDINGS, LLC

PROJECT	JOB NO.
	062007
	SCALE
	1"=20'
	SHEET NO.
	1 OF 1

These plans and associated documents are the exclusive property of COLLINS ENGINEERING and may not be reproduced in whole or in part and shall not be used for any purpose whatsoever, including, but not limited to construction, bidding, and/or construction staking without the express written consent of COLLINS ENGINEERING.

Attachment D



200 GARRETT ST, SUITE K CHARLOTTESVILLE VA 22902

434.293.3719 PH 434.293.2813 FX

www.collins-engineering.com

Fluvanna County Planning Commission
132 Main Street
Post Office Box 540
Palmyra, VA 22963

RE: Zion Station, Parcel 2

Please let this letter serve as an official request for an exception from the Planning Commission to not install sidewalks along the parcel's road frontage. Per Zoning Ordinance section 22-11-11, second paragraph, sidewalks will not be required to be installed along road frontage when an exception is approved by the Planning Commission and sufficient pedestrian circulation is provided.

After consulting with the Fluvanna County Planning and Zoning department, it was determined sidewalks along the road frontage could be eliminated if it is compensated with the installation of "...internal sidewalks providing safe and convenient pedestrian access and handicap spaces designed as close to the main entry as possible..." This direction was provided to the consultant, the public and to the Planning Commission on January 27, 2016 for parcel 8 within the Zion Station development. The exception was subsequently approved by the Planning Commission.

During the July 14, 2016 Technical Review Committee meeting for the proposed Parcel 2 plan the Fluvanna County Planning and Zoning department stated it would recommend this same approval to the Planning Commission for this exception.

The proposed Parcel 2 development is located within the same Zion Station development and its design is similar in nature. Additionally, it is the applicant's belief that installing small disjointed segments of sidewalk along a predominantly industrial occupied road located on a cul-de-sac, and leading to nowhere, is not ideal for pedestrian foot traffic, the streetscape and public safety. It is also believed by the applicant that the intent of this sidewalk requirement is not for situations/parcels like this where existing adjacent parcels under different ownership lack sidewalks to connect into. And lastly, the applicant would like to make the Planning Commission aware that when this subdivision was approved and its road and intended use was designed, the aforementioned sidewalk requirement was not part of the ordinance. The ordinance was amended after this project's approval.

The applicant therefore respectfully requests the Planning Commission approve this exception, knowing this plan is consistent with other developments and is in line with the subdivision's original design and intent.

Cordially,
Graham Murray, PE



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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

August 15, 2016

Graham Murray
200 Garrett Street Suite K
Charlottesville VA

Delivered via email to graham@collins-engineering.com

Re: SDP 16:07- Zion Station Business Park/Ja-Zan LLC.

Tax Map: 5, Section 24, Parcel 2

Dear Mr. Murray:

The following comments are the result of the Technical Review Committee meeting that was held on Thursday, July 14, 2016:

1. Planning Staff: How will phasing be done? What are the proposed uses of the site? Applicant stated that the required parking lot, circulation, ESC and SWM infrastructure will be installed with phase I. The phase II & III buildings will not be constructed right away however. Prior to the construction of these buildings, site plan(s) will be submitted. The building associated with phase I will be used for a company involved with wedding rentals. The majority of the building will store the rental equipment (4,000 sf) and the remaining portion of the building (1,000 sf) will be used for an office/showroom.

Applicant had stated they wish to apply for a sidewalk variance. Such a variance seems reasonable.

2. Fire Chief Brent wanted to know if there would be any hazardous materials stored on site. Applicant responded that only residential type propane tanks would be on site. Fire Chief was satisfied.
3. The Department of Forestry stated they have no comments
4. Health Dept. stated they have no comments.
5. Erosion and Sediment Control had no comments.
6. VDOT: - A preliminary site development plan was submitted and the following items were discussed and clarified:
 - The County Planner agreed to support the developer's request to not provide sidewalk improvements along Rte. 631 since the improvement would not serve any other pedestrian facilities or the industrial nature of the existing parcels.

Attachment E

- The proposed site plan indicates building construction in (3) phases. However, there will only be (1) site plan approval to include all phases and site improvements will be done initially. The remaining (2) phases (structures) will be constructed at a later date.
- Site is proposed to be used for showroom/warehousing for rental supplies associated to weddings & special events.
- I commented that the truck movement analysis illustration does not reflect the proposed internal movement of the site. In addition, the auto-turn illustration shows the truck entering the site in a perpendicular position and does not correctly illustrate the normal maneuvering function of the vehicle from the intersection. It was clarified by the clients engineer, that actual truck deliveries will be serving the rear of the site and not the front as illustrated.
- I gave them the entrance radii guidance from Appendix “F” of the road design manual and explained that the proposed entr. Radii needs to be a minimum of 45’ (not the 25’ as designed). However, once the entrance is designed and clearly identifies the proper truck entrance and internal movement, the Eastern proposed commercial entrance may remain with the 25’ radii as designed as it will only serve passenger vehicles and light trucks.
- It was noted that the throat width of the entrances are to be dimensioned from the radii tangent (most narrow throat width).
- Proposed curb termination design “turn-down” along shoulders will need to be included in site plan.
- Mark – Location of the proposed commercial entrance to Parcel 5-24-2 shall be off Rte. 1022 (Zion Station Road) as shown on the preliminary site plan (no direct access off of Rte. 250).

The Planning Commission will have a meeting to discuss this item at their Wednesday, August 24, 2016 meeting. Your attendance is required at this meeting.

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

Sincerely,
James Newman
Planner
Dept. of Planning & Zoning

cc: File