

**FLUVANNA COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
Circuit Courtroom
Fluvanna County Courts
October 24, 2012
7:00 p.m.**

MEMBERS PRESENT: Barry Bibb, Chairman
Donald Gaines, Vice-Chairman
Samuel Babbitt
Patricia Eager
Carolyn Tinsley
Joe Chesser, Board of Supervisors Representative

ALSO PRESENT: Frederick Payne, Fluvanna County Attorney
Allyson Finchum, Planning Director
Steve Tugwell, Senior Planner
Andrew Pompei, Planner
Lauren Ryalls, Senior Program Support Assistant

CALL TO ORDER

Chairman Bibb called the Planning Commission meeting of October 24, 2012 to order at 7:00 p.m. in the Circuit Court room of the Fluvanna County Courts Building in Palmyra, Virginia. After the meeting was called to order, the Pledge of Allegiance was recited.

PLANNING DIRECTOR'S REPORT

Ms. Allyson Finchum, Planning Director, gave the monthly report to the Planning Commission.

- **Board of Supervisors**
 - **October 3, 2012**
 - *None*
 - **October 17, 2012**
 - *None*
- **Board of Zoning Appeals Actions – No October Meeting.**
- **Technical Review Committee**
 - **October 11, 2012**
 - **ZTA 12:03 – Fluvanna County**
Amend the Fluvanna County Zoning Ordinance to create and modify definitions that describe landscaping-related businesses and the activities taking place at such operations, and to add each of the proposed definitions as a use permitted by-right or by special use permit in select districts (Chapter 22, Article 4: *Agricultural, General, District A-1*; Chapter 22, Article 9: *Business, General, District B-1*; Chapter 22, Article 10: *Business, Convenience, District B-C*; Chapter 22, Article 11: *Industrial, Limited, District I-1*; Chapter 22, Article 22: *Definitions*).

PUBLIC COMMENTS #1

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

APPROVAL OF MINUTES

MOTION:

Dr. Babbitt moved to **approve** the September 26, 2012 Planning Commission meeting minutes as presented.

Ms. Eager seconded. The motion carried with a vote of 5-0. AYES: Babbitt, Bibb, Eager, Gaines and Tinsley. NAYS: None.

PUBLIC HEARINGS:

SUP 12:07 – National Communication Towers, LLC – A request for a Special Use Permit (SUP) to allow for a 195-foot wireless communications tower with respect to 12.7 acres of Tax Map 39, Section A, Parcel 29. The property is zoned A-1 (Agricultural, General) and is located on the north side of West River Road (State Route 6) 1 mile west of its intersection with Rolling Road (Route 620). The property is located in the Fork Union Election District and is within the Rural Preservation Planning Area.

Mr. Tugwell, Senior Planner, presented the Special Use Permit request to allow for a 195-foot wireless communications tower with respect to 12.7 acres of Tax Map 39, Section A, Parcel 29 to the Planning Commission.

The Planning Commission questioned staff on whether or not this request falls in accordance with the Wireless Telecommunications Master Plan of Fluvanna County. Mr. Payne stated the ordinance encourages minimizing new towers and encourages the use of public land in accordance with Section 22-7-7 of the County Code.

Mr. Stephen Gallagher, Vice President of Construction at National Communication Towers, LLC, addressed the Planning Commission and gave a presentation on the telecommunications tower request.

Mr. Elliott Harrigan, owner of National Communication Towers, LLC, addressed the Planning Commission regarding the application for a Special Use Permit for a telecommunications tower.

Mr. Babbitt questioned where trees are going to be planted as screening at the tower site. Mr. Gallagher answered by stating that, if the tower became visible in the future, then they would plant screening and this would be part of a condition for approval.

Chairman Bibb opened the public hearing.

- Bill Hughes, Commander of VFW post where previous National Communication Towers, LLC tower was approved, spoke in support of the tower.
- Don Warham, Executive Director of Development at Fork Union Military Academy, spoke in support of the tower.

With no one else wishing to speak, Chairman Bibb closed the public hearing.

Mr. Tugwell, Senior Planner, advised the Planning Commission to review the revised conditions listed in the memo before them, and note the addition of two new conditions regarding construction completion within 18 months and posting a bond for removing any unfinished portions of the tower.

The Planning Commission discussed the removal of condition #16 in the staff memo, regarding posting a bond to remove any unfinished portions of the tower.

MOTION:

Mr. Gaines moved to recommend approval of SUP 12:07, a special use permit request to allow for a 195 foot monopole telecommunications tower, pursuant to Fluvanna County Code Section 22-27-1 with respect to 12.7 acres of Tax Map 39, Section A, Parcel 29, with the 15 conditions listed below.

1. The tower, including antennae, will not be higher than 199 ft. and will not be lit;
2. The applicant secures all necessary permits required, and submits structural design and certification by a Virginia Registered Professional Engineer that the proposed facility, as built, will comply with EIA/TIA 222-G for the wind zone for Fluvanna County, Virginia;
3. Prior to issuance of building permits, the applicant shall submit satisfactory SHPO and NEPA documentation;
4. The applicant shall secure the necessary permits required by Fluvanna County and VDOT;
5. The applicant shall provide space on the TASF for the County's Public Safety antennas and feed lines at the highest designed elevation. Space for ground level electronic equipment shall also be provided;
6. The facility, when completed, shall be accessible only to authorized personnel;
7. The tower shall be a monopole, and shall be engineered with breakpoint technology;
8. The facility shall install the necessary landscaping buffer as required by County Code Section 22-24-7;
9. The applicant shall install an emergency generator to ensure continuity of telecommunications operations in the event of a disaster or major power outage; and provisions for such generators shall include additional special treatments; for diesel, a fuel retaining area for propane, ignition separation requirements; and that generator testing shall occur only between 9:00 AM and 4:00 PM Monday through Friday; and the same shall be noted on the site development plan;
10. If the structures should no longer be needed, the applicant shall remove them, and restore the grounds to the prior condition in accordance with Section 22-27-5 of the County Code.
11. The support structure is to be sufficient to support antennas of a like design for at least six (6) wireless service providers;
12. The tower shall be constructed substantially as shown in the application;
13. Violation of any condition of this permit shall be grounds for revocation of this permit, and;
14. The Board of Supervisors, or their representative, has the right to inspect the property for compliance with these conditions at any time;
15. This cell tower must be constructed and have received a final inspection within eighteen (18) months.

Dr. Babbitt seconded. The motion carried with a vote of 5-0. AYES: Babbitt, Bibb, Eager, Gaines, and Tinsley. NAYS: None.

SUP 12:08 – Jennifer D. Miller – A request for a Special Use Permit (SUP) to allow for a commercial kennel and a retail specialty store with respect to six acres of Tax Map 19, Section A, Parcel 77A. The property is zoned A-1 (Agricultural, General) and is located on the west side of James Madison Highway (State Route 15) 0.65 miles north of its intersection with Salem Church Road (Route 644). The property is located in the Columbia Election District and is within the Rural Residential Planning Area.

Mr. Steve Tugwell, Senior Planner, presented the Special Use Permit request to allow for a commercial kennel and a retail specialty store with respect to Tax Map 19, Section A, Parcel 77A to the Planning Commission.

Ms. Jennifer Miller, applicant, addressed the Planning Commission regarding her request for a commercial kennel and retail specialty store. Ms. Miller addressed some of the concerns by the Planning Commission regarding the kennel waste disposal and the required sight distance from the road.

Chairman Bibb opened the public hearing.

- Mr. S.T. Elliott, neighbor, spoke in opposition of the kennel concerning the noise level, safety of the entrance on Route 15, and water runoff.
- Mr. Steven Dellinger, neighbor, spoke in support of the kennel and also submitted a letter to the Planning Department reflecting his views.

With no one else wishing to speak, Chairman Bibb closed the public hearing.

The Planning Commission discussed the main issues surrounding the kennel and decided to add four additional conditions to the six already listed in the staff report. These additional uses would permit access by either Route 15 or Route 644; limit the number of runs to 20; confine grooming within the runs; and the facility would be as described in the application.

MOTION:

Ms. Eager moved to **recommend approval** of SUP 12:08, a special use permit request to allow for a commercial kennel and retail specialty store with respect to six acres of Tax Map 19, Section A, Parcel 77A, with the ten conditions listed below.

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. The site must meet all Virginia Department of Transportation requirements;
3. The site must meet all requirements set forth by the Virginia Department of Health;
4. The property shall be maintained in a neat and orderly manner so that the visual appearance from the road and adjacent properties is acceptable to County officials;
5. The Board of Supervisors, or its representative, reserves the right to inspect the business for compliance with these conditions at any time;
6. Under Section 22-17-4 F (2) of the Fluvanna County Code, the Board of Supervisors has the authority to revoke a Special Use Permit if the property owner has substantially breached the conditions of the Special Use Permit;
7. Access to be allowed from Route 15 or Route 644 or both as permitted by Virginia Department of Transportation;
8. Number of runs to be limited to not more than 20;
9. Dog grooming is an ancillary use and all dogs beings groomed shall be confined within runs;
10. Facility shall be substantially as described in the application.

Dr. Babbitt seconded. The motion carried with a vote of 5-0. AYES: Babbitt, Bibb, Eager, Gaines, and Tinsley. NAYS: None.

ZTA 12:03 – Fluvanna County – An amendment to the Fluvanna County Zoning Ordinance to create and modify definitions that describe landscaping-related businesses and the activities taking place at such operations, and to add each of the proposed definitions as a use permitted by-right or by special use permit in select districts (Chapter 22, Article 4: *Agricultural, General, District A-1*; Chapter 22, Article 9: *Business, General, District B-1*; Chapter 22, Article 10: *Business, Convenience, District B-C*; Chapter 22, Article 11: *Industrial, Limited, District I-1*; Chapter 22, Article 22: *Definitions*).

Mr. Andrew Pompei, Planner, presented the Zoning Text Amendment request to the Planning Commission.

Chairman Bibb opened the public hearing.

With no one wishing to speak, Chairman Bibb closed the public hearing.

The Planning Commission discussed the proposed definitions and how a person could potentially have a nursery without it being classified as a commercial greenhouse.

MOTION:

Mr. Gaines moved to **recommend approval** of ZTA 12:03, a request to amend the Fluvanna County Zoning Ordinance to create and modify definitions that describe landscaping-related businesses and the activities taking place at such operations, and to add each of the proposed definitions as a use permitted by-right or by special use permit in select districts, as initiated by the Planning Commission by resolution on September 12, 2012.

Dr. Babbitt seconded. The motion carried with a vote of 5-0. AYES: Babbitt, Bibb, Eager, Gaines, and Tinsley. NAYS: None.

PRESENTATIONS:

None

SITE DEVELOPMENT PLANS:

None

SUBDIVISIONS:

None

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Ms. Allyson Finchum, Planning Director, will be presenting Rural Zoning Policies to the Board of Supervisors on November 7th at its regular meeting.

The Planning Commission will be taking a Tour of Traditional Neighborhood Developments in Albemarle County on Saturday, November 10th at 8:30 a.m.

The Capital Improvements Plan for FY2014-FY2018 will be discussed by the Planning Commission during the next work session, scheduled for November 14th.

PUBLIC COMMENTS #2

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

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

ADJOURN

There being no further business, Chairman Bibb adjourned the Planning Commission meeting of October 24, 2012 at 9:32 p.m.

Minutes recorded by Lauren Ryalls.

Barry A. Bibb, Chairman
Fluvanna County Planning Commission