

**FLUVANNA COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
Circuit Courtroom
Fluvanna County Courts
November 28, 2012
7:00 p.m.**

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

MEMBERS ABSENT: Samuel Babbitt

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

CALL TO ORDER

Chairman Bibb called the Planning Commission meeting of November 28, 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**

○ **November 7, 2012**

▪ *None*

○ **November 20, 2012**

▪ **U.S. Cellular – Tower and Ground Space Lease**

Approved (5-0) a Tower & Ground Space Lease Agreement between the Board of Supervisors of Fluvanna County, Virginia and USCOC of Virginia RSA #3, Inc. for the lease of certain Tower Space, Land Space and related easements, for the location and operation of radio communications equipment, antennas and appurtenances on the existing monopole tower located on Tax Map Parcel 19 A 39B adjacent to the Palmyra fire station. The lease has an initial term of 7 years, 9 months and 11 days, which shall be deemed to have commenced on May 19, 2012, and shall be automatically extended for 2 additional 5 year terms unless terminated by the lessee in accordance with the terms of the lease. The lease contains other terms and provisions as more fully set forth in the lease.

▪ **SUP 12:02 – Clear Signal Towers, LLC (Hardware River)**

Approved (4-0, Kenney absent) a request for a Special Use Permit (SUP) to allow for a 175-foot wireless communications tower with respect to 71.46 acres of Tax Map 48, Section A, Parcel 94. The property is zoned A-1 (Agricultural, General) and is located on the north side of West River Road (State Route 6) 1.3 miles west of its intersection with Hardware Road (Route 646). The property is located in the Cunningham Election District and is within the Rural Residential Planning Area.

▪ **SUP 12:03 – Clear Signal Towers, LLC (Weber City)**

Approved (4-0, Kenney absent) a request for a Special Use Permit (SUP) to allow for a 195-foot wireless communications tower with respect to 46.6 acres of Tax Map 59, Section A, Parcel 13B. The property is zoned A-1 (Agricultural, General) and is located on the east side of James Madison Highway (Route 15) 1.2 miles south of its intersection with Winnsville Drive (Route 612). The property is located in the Fork Union Election District and is within the Rural Residential Planning Area.

▪ **SUP 12:04 – Clear Signal Towers, LLC (Cohasset)**

Approved (4-0, Kenney absent) a request for a Special Use Permit (SUP) to allow for a 195-foot wireless communications tower with respect to 97.7 acres of Tax Map 50, Section A, Parcel 3. The property is zoned A-1 (Agricultural, General) and is located on the west side of Mountain Hill Road (Route 650) approximately 500 feet south of its intersection with West River Road (State Route 6). The property is located in the Fork Union Election District and is within the Rural Preservation Planning Area.

- **SUP 12:07 – National Communication Towers, LLC**
Approved (4-0, Kenney absent) 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.
- **SUP 12:08 - Jennifer D. Miller**
Approved (4-0, Kenney absent) a request for a Special Use Permit (SUP) to allow for a Commercial Kennel with respect to 6.0+/- 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.
- **ZTA 12:03 – Fluvanna County**
Approved (4-0, Kenney absent) 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).

➤ **Board of Zoning Appeals Actions** – *No November Meeting.*

➤ **Technical Review Committee**– *No November Meeting.*

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:

Ms. Tinsley moved to **approve** the October 24, 2012 Planning Commission meeting minutes as presented.

Ms. Eager seconded. The motion carried with a vote of 4-0. AYES: Bibb, Eager, Gaines and Tinsley. NAYS: None. ABSENT: Babbitt.

PUBLIC HEARINGS:

SUP 12:01 – Clear Signal Towers, LLC – A request for a Special Use Permit (SUP) to allow for a 195-foot wireless communications tower with respect to 331.29 acres of Tax Map 39, Section A, Parcel 34. The property is zoned A-1 (Agricultural, General) and is located on the south side of West River Road (State Route 6) near 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. The property is part of the Kidds Store Agricultural and Forestal District (AFD).

Mr. Andrew Pompei, Planner, presented the Special Use Permit request to allow for a 195-foot wireless communications tower with respect to 331.29 acres of Tax Map 39, Section A, Parcel 34 to the Planning Commission.

Ms. Valerie Long of Williams Mullen, representative for Dorothy Brunetti at Clear Signal Towers, LLC, addressed the Planning Commission regarding the application for a telecommunications tower. Ms. Long answered questions from the Planning Commission regarding the location of this site relative to the Rockfish Creek site (SUP 12:07) that was approved by the Board of Supervisors on November 20, 2012.

Chairman Bibb opened the public hearing.

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

The Planning Commission discussed the tower's location in relation to Cunningham Elementary School and asked the applicant's representative why the proposed telecommunications facility could not be relocated to school property. The applicant responded that a tower at Cunningham Elementary School would not suit the needs of AT&T (which signed a lease with the applicant to use the proposed tower), and therefore they did not to pursue the site any further.

There was discussion among the Planning Commission that this request was originally scheduled for consideration on June 27, 2012, but was deferred by the applicant to allow CityScape Consultants to

study the feasibility of relocating the proposed tower to public property at Cunningham Elementary School. After this request was deferred, National Communication Towers, LLC submitted an application for a telecommunications facility less than one (1) mile from the current proposal under consideration; this application was approved. The Planning Commission felt that Clear Signal Towers, LLC should not be penalized for deferring their request, since National Communication Towers, LLC submitted its application after this proposal was deferred in June.

MOTION:

Ms. Eager moved to recommend approval of SUP 12:01, a special use permit request to allow for a 195 foot monopole telecommunications tower with respect to 331.29 acres of Tax Map 39, Section A, Parcel 34, with the 14 conditions listed below.

1. The tower, including antennae, will not be higher than 199 feet and will not be lit;
2. The tower shall be constructed substantially as shown in the application;
3. The applicant confirms that the new support structure will be capable of supporting a total of six (6) antenna arrays, in compliance with EIA/TIA 222-G;
4. The proposed new tower shall accommodate no less than six (6) different wireless service providers' antenna arrays, all of the same general design, in accordance with Sec. 22-27-9.8(10) of the Fluvanna County Code;
5. The applicant shall expand the ground compound to accommodate up to six (6) different wireless service providers' ground-mounted electronic equipment;
6. The tower shall be available for co-location by other telecommunications companies, with Fluvanna County having the right of first refusal prior to the approval of each proposed co-location;
7. The applicant shall obtain all necessary County permits prior to any work on the site;
8. All access ports shall be sufficiently sealed to prevent infiltration or habitation by any type of wildlife;
9. The facility shall be protected from access from unauthorized personnel both during construction and during all periods of operation;
10. All feed lines shall be installed within the shell of the monopole and no lines will be exposed except at the antennas;
11. If the structures should no longer be needed, the applicant shall remove them, and restore the grounds to the prior condition in accordance with Sec. 22-27-5 of the Fluvanna County Code;
12. Violation of any condition of this permit shall be grounds for revocation of this permit;
13. The Board of Supervisors, or its representatives; has the right to inspect the property for compliance with these conditions at any time; and
14. The facility shall be constructed and receive final inspection from the Fluvanna County Department of Building Inspections within eighteen (18) months of the date of approval of the special use permit.

Mr. Gaines seconded. The motion carried with a vote of 4-0. AYES: Bibb, Eager, Gaines, and Tinsley. NAYS: None. ABSENT: Babbitt.

PRESENTATIONS:

Rivanna Snapshot and the Rivanna Watershed Action Plan – Ms. Leslie Middleton, Rivanna River Basin Commission, presented the Rivanna Snapshot and the Rivanna Watershed Action Plan to the Planning Commission.

SITE DEVELOPMENT PLANS:

None

SUBDIVISIONS:

None

UNFINISHED BUSINESS:

Capital Improvement Plan FY2014-FY2018

Mr. Andrew Pompei, Planner, addressed the Planning Commission regarding the FY2014-FY2018 Capital Improvement Plan and stated that the December 12th Planning Commission work session will finalize recommendations from the Planning Commission to the Board of Supervisors.

The Planning Commission discussed the Capital Improvement Plan for FY2014-FY2018 and outlined some of the projects they felt were priorities. Ms. Eager stated that public safety should come first, including fire and rescue. Mr. Bibb felt that constructing restrooms at Pleasant Grove should be a higher priority than adding additional ball fields at the park.

The Capital Improvements Plan for FY2014-FY2018 will be discussed by the Planning Commission during the next work session, scheduled for December 12th. A public hearing will be held at the Planning Commission's next regular meeting, scheduled for Monday, December 17th, where a recommendation will be sent to the Board of Supervisors.

NEW BUSINESS:

Cash Proffers

Mr. Andrew Pompei, Planner, addressed the Planning Commission regarding cash proffers.

Mr. Bibb supports the decision for a cash proffer policy in Fluvanna County and agrees it is needed in the County.

Mr. Fred Payne, County Attorney, discussed the legal issues and planning implications associated with cash proffers.

The Planning Commission directed staff to proceed with further research and present current figures to the Planning Commission.

Fluvanna County Plant List

Mr. Andrew Pompei, Planner, addressed the Planning Commission regarding the Fluvanna County Plant List.

The Planning Commission directed staff to pursue changes to the plant list, based on the draft plant list presented.

Mr. Bibb reminded the Planning Commission that the next work session is scheduled for Wednesday, December 12th in the Morris Room at 7:00 p.m. and the next regular meeting is scheduled for Monday, December 17th in the Circuit Court Room at 7:00 p.m.

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 November 28, 2012 at 9:20 p.m.

Minutes recorded by Lauren Ryalls.

Barry A. Bibb, Chairman
Fluvanna County Planning Commission