

**FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
March 28, 2018
Budget Work Session 4:00pm – Morris Room
Public Hearings 7:00pm – Circuit Courtroom**

MEMBERS PRESENT:

John M. (Mike) Sheridan, Columbia District, Chair
Mozell Booker, Fork Union District, Vice Chair (*arrived at 4:31pm*)
Patricia Eager, Palmyra District
Tony O'Brien, Rivanna District (*arrived at 4:24pm*)
Donald W. Weaver, Cunningham District

ALSO PRESENT:

Steven M. Nichols, County Administrator
Fred Payne, County Attorney
Eric Dahl, Deputy County Administrator and Finance Director
Kelly Belanger Harris, Clerk for the Board of Supervisors

A – CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND MOMENT OF SILENCE

At 4:07pm Chair Sheridan, called to order the Regular Meeting of March 28, 2018.
After the recitation of the Pledge of Allegiance, a moment of silence was observed.

C – BUDGET WORK SESSION

Discussion items included:

- o FY19 Budget
- o Revenue Enhancement Options

At 5:34pm Mrs. Booker moved to recess until 7:00pm, Mrs. Eager gave second and the motion passed 5-0.

1 – RECONVENE, CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND MOMENT OF SILENCE

At 7:00pm Chair Sheridan, called to order the Regular Meeting of March 28, 2018.
After the recitation of the Pledge of Allegiance, a moment of silence was observed

3 – ADOPTION OF AGENDA**MOTION**

Mr. O'Brien moved to accept the Agenda, for the March 28, 2018 Regular Meeting of the Board of Supervisors. Mr. Weaver seconded and the Agenda was adopted by a vote of 5-0. AYES: Sheridan, Booker, Eager, O'Brien, and Weaver. NAYS: None. ABSENT: None.

4 – COUNTY ADMINISTRATOR'S REPORT

None.

5 - PUBLIC COMMENTS #1

At 7:01pm Chair Sheridan opened the first round of Public Comments.

With no one else wishing to speak, Chair Sheridan closed the first round of Public Comments at 7:01pm.

6 – PUBLIC HEARINGS

ZMP 17:05 - 2428 Richmond Road LLC – Brad Robinson, Senior Planner, brought forward a request to amend the Fluvanna County Zoning Map with respect to 29.4 acres of Tax Map 4, Section A, Parcel 27, to rezone the same from A-1, Agricultural, General to I-1, Industrial, Limited, and I-2, Industrial, General. The affected property is located along Richmond Road (U.S. Route 250), approximately 0.16 miles west of the intersection of Zion Road (State Route 627) and Memory Lane (State Route 698). The parcel is within the Zion Crossroads Community Planning Area and the Palmyra Election District. The property was formerly operated as a salvage yard for several decades, and ceased operation within the last year, when it became a legal nonconforming use.

Mr. Robinson noted that there are currently a number of zoning violations on the property. The property owner was notified and issued a notice of violation on February 14, 2018 and at that time, requested to correct the violation within 30 days of the notice. The applicant has failed to comply with the notice and work has continued on the property. Staff has received complaints about the activity almost daily since the notice was first issued. In addition to the noise from trucks, a camper was observed parked in front of the existing building before it was relocated to the rear. If the property is successfully rezoned, the illegal use would still require review and approval of a site development plan in order to fully comply with the zoning ordinance.

Owner/applicant, Mr. Carroll Morris has requested the application for rezoning be deferred to provide time to appeal the zoning violations to the Board of Zoning Appeals.

At its March 13, 2018 meeting, the Planning Commission voted to recommend the rezoning by denied.

Chair Sheridan invited the applicant to come forward. Mr. Morris indicated that there are two subcontractors using his property. Mr. Morris reported that work is only performed during typical work hours.

At 7:28 Chair Sheridan, after reading the Public Hearings Rules of Procedures, opened the Public Hearing.

- Katie Clark, 504 Glen Circle, spoke in opposition to the rezoning.
- Charles Hess, Glen Circle, spoke in opposition to the rezoning.
- Salvatore Zambito, Glen Circle, president Fox Glen HOA, spoke in opposition to the rezoning.
- Joseph Ryan, Glen Circle, spoke in opposition to the rezoning.

There being no one else wishing to speak, Chair Sheridan closed the Public Hearing at 7:46pm.

Mr. Payne noted that rezoning the property had the potential to eliminate the current zoning violations.

Chair Sheridan opened the floor to discussion among Supervisors.

Discussion focused on the current zoning violations and complaints received from neighboring property owners, as well as allowable uses for both current zoning and proposed zoning.

With no further discussion,

MOTION

Mr. O'Brien moved that the Board of Supervisors deny ZMP 17:05, a request to amend the Fluvanna County Zoning Map with respect to approximately 29.4 acres of Tax Map 4, Section A, Parcel 27, to rezone the same from A-1, Agricultural, General, to I-1, Industrial, Limited and I-2, Industrial, General. Mrs. Eager gave second and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

SUP 18:01 – Amber Hill LLC – Brad Robinson, Senior Planner brought forward a request to approve a special use permit to construct a salvage and scrap yard with respect to 90.17 acres of Tax Map 4, Section A, Parcel 27A. The property is located along Memory Lane (State Route 698), approximately 0.35 miles south of the intersection of Richmond Road (U.S. Route 250). The parcel is within the Rural Residential Planning Area and the Palmyra Election District. The property for many decades had been used as a salvage yard, operated by Cosner Brothers, and which had ceased operations in the previous two to three years. At its March 13, 2018 meeting, the Planning Commission reviewed this SUP request and noted that seven persons spoke during the public hearing in opposition of the request while two persons spoke in favor. The Planning Commission voted 5-0 to recommend approval of the special use permit.

Chair Sheridan invited the applicants forward.

Matt Caddy, LKQ Regional Manager and Scott Haley, KP Development, provided an in-depth review of daily operations of the proposed facility.

Mr. Caddy and Mr. Haley responded to the questions of the Board, which focused on environmental safeguards, day-to-day operations, and community relations/accommodations.

At 8:40pm, Chair Sheridan opened the public hearing.

- William Hensley, Mechunk Creek Drive, spoke in favor of the special use permit.
- Minor Eager, Mechunk Creek Drive, spoke in favor of the special use permit.
- Tom Payne, Payne's Lane, Troy, spoke in favor of the special use permit.
- Wagner, Fieldstone subdivision resident, spoke in opposition to the special use permit.
- Katie Clark, Glen Circle, spoke in opposition to the special use permit.
- Katie Ward, adjoining property owner, spoke in opposition to the special use permit.
- Salvatore Zambito, Fox Glen HOA president, spoke in opposition to the special use permit.
- Dawn Zanfardino, 122 Spring Meadow Lane, spoke in opposition to the special use permit.
- Jeff Wagner, Fieldstone subdivision resident, spoke in opposition to the special use permit.
- Christine Bill Zimmerman, Fieldstone resident, spoke in opposition to the special use permit.
- Rudy Garcia, Fluvanna Chamber of Commerce President, spoke in favor of the special use permit.
- Pete VanderLinde, VanderLinde Recycling, spoke in favor of the special use permit.
- Rob Zanfardino, 122 Spring Meadow Lane, spoke in opposition to the special use permit.
- Walker Ward, adjacent property owner, spoke in opposition to the special use permit.
- Trey Dillard, adjacent business owner, spoke in favor of the special use permit.
- Charles Hess, Fox Glen resident, spoke in opposition to the special use permit.
- Roger Stevens, Fluvanna resident, spoke in favor of the special use permit.

At 9:33pm, Chair Sheridan closed the Public Hearing.

Mr. O'Brien petitioned the Chair to bring the applicants forward to answer additional questions regarding environmental concerns.

Mike Vota, Regional Vice President, was joined by Matt Caddy to answer questions.

Following a lengthy discussion regarding community concerns and concessions to the stated concerns, Chair Sheridan called for a recess to allow staff to incorporate the reworked and new conditions of approval.

MOTION

At 10:25pm, Mrs. Booker moved to recess for ten minutes. Mr. Weaver gave second and the motion passed unanimously. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

At 10:35, Chair Sheridan called the meeting back to order.

With no additional discussion,

MOTION

Mrs. Eager moved that the Board of Supervisors approve SUP 18:01, a request to construct a salvage and scrap yard with respect to 90.17 acres of Tax Map 4, Section A, Parcel 27A, subject to the sixteen (16) conditions listed in the staff report, as amended. Mrs. Booker gave second and the motion passed 5-0. AYE: Sheridan, Booker, Eager, O'Brien, & Weaver. NAY: None. ABSENT: None.

Staff 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. The site must meet all Virginia Department of Transportation requirements.
3. The site must meet all Virginia Department of Environmental Quality requirements.
4. The site must meet the requirements set forth by the Virginia Department of Health.
5. The dismantling facility and the adjoining concrete pad area shall be permitted to operate 24/7. The operational hours of the storage yard shall be from 7:00 a.m. to 8:00 p.m. Monday through Friday (or local sunrise to sunset, whichever is more restrictive), and 9:00 a.m. to 6:00 p.m. Saturday through Sunday (or local sunrise to sunset, whichever is more restrictive). Crushing of vehicles shall be allowed between 8:00 a.m. and 5:00 p.m. Monday through Friday, and between 10:00 a.m. and 5:00 p.m. on Saturday. No crushing shall be permitted on Sundays.
6. The dismantling facility and storage yard will not have more than 40 truck trips in any 24 hour period. A truck trip shall be defined as the same truck leaving and returning or arriving and leaving the facility.
7. Used motor oil, coolants, discarded automotive parts and tires shall be recycled or disposed of in accordance with State and local laws.
8. A minimum 50 foot buffer shall be maintained along all property lines that adjoin agricultural, residential or business districts. A 75 foot buffer shall be maintained along the property line from the northwest corner of the property counterclockwise to the southeast corner of the property as shown on "Build to Suit / LKQ Troy Community Meeting Buffer Exhibit." A minimum 8 foot fence shall be used around the storage yard. Privacy fence slats shall be required on chain link fencing and shall be green in color.
9. Any lighting shall not be directed toward adjacent properties and comply with Article 25 of the Fluvanna County Code. The storage yard shall not have any site lighting.
10. Any noise shall comply with Chapter 15.1 of the Fluvanna County Code.
11. 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.
12. The Board of Supervisors, or its representative, reserves the right to inspect the property for compliance with these conditions at any time.
13. Under Sec. 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.
14. Development of the property shall be generally in accord with the sketch plan submitted with the application, subject to revisions necessary to meet requirements of those conditions and as otherwise required by law.
15. An annual contribution of \$500 shall be submitted to Streamwatch to support water quality monitoring and elimination of contamination.
16. Copies of required testing results shall be submitted to the Fluvanna County Planning and Zoning Administrator.

7 – ACTION MATTERS

None

8 – PRESENTATIONS

None

9 - CONSENT AGENDA

None.

11 – NEW BUSINESS

No.

12 - PUBLIC COMMENTS #2

At 10:42pm Chair Sheridan opened the second round of Public Comments.

With no one else wishing to speak, Chair Sheridan closed the second round of Public Comments at 10:42pm.

13 – CLOSED MEETING

None.

14 - ADJOURN

MOTION:

At 10:43pm Mr. O'Brien moved to adjourn the regular meeting of Wednesday, Date. Mr. Weaver seconded and the motion carried with a vote of 5-0. AYES: Sheridan, Booker, Eager, O'Brien, & Weaver. NAYS: None. ABSENT: None.

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

Kelly Belanger Harris
Clerk to the Board

John M. Sheridan
Chair

APPROVED