

**FLUVANNA COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
Circuit Courtroom
Fluvanna County Courts
January 22, 2014
7:00 p.m.**

MEMBERS PRESENT: Barry Bibb, Chairman
Patricia Eager, Vice-Chairman
Donald Gaines
Lewis Johnson

ALSO PRESENT: Frederick Payne, Fluvanna County Attorney
Jason Smith, Director of Parks and Recreation
Jason Stewart, Planning and Zoning Administrator
Steven Tugwell, Senior Planner

CALL TO ORDER

Chairman Bibb called the Planning Commission meeting of January 22, 2013 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.

2014 Organizational Meeting of the Fluvanna County Planning Commission

Election of Chairman – Jason Stewart, Planning and Zoning Administrator, opened the floor for nominations for the position of Chairman.

Patricia Eager nominated Mr. Bibb, seconded by Mr. Gaines, for the position of Chairman.

VOTE COUNT: Mr. Bibb 3-0 AYES: Babbitt, Eager, and Johnson.

With a unanimous vote, Mr. Bibb was **elected** Chairman.

Election of Vice-Chairman – Chairman Bibb opened the floor for nominations for Vice-Chairman.

Mr. Bibb nominated Ms. Eager, seconded by Mr. Johnson, for the position of Vice-Chairman.

VOTE COUNT: Ms. Eager 3-0 AYES: Babbitt, Bibb, and Johnson.

With a unanimous vote, Ms. Eager was **elected** Vice-Chairman.

Selection of Dates for 2014 – The Planning Commission meetings will be held on the fourth Wednesday of each month with the exception of November and December due to the holidays. For the months of November and December, the meetings will be held on Monday November 24 and Monday December 22, respectively, at 7:00 P.M.

MOTION:

Mr. Bibb moved to **adopt** the Planning Commission 2014 regular Meeting Calendar as presented [which does not include any joint meetings or work sessions].

The motion carried with a vote of 4-0. AYES: Gaines, Bibb, Eager, and Johnson.

NAYS: None.

Resolution of “Organizational Meeting of Fluvanna County Planning Commission 2014” and Planning Commission By-Laws for 2014

The Planning Commission meetings will be held in the Circuit Courtroom of the Fluvanna Courts Building at 7:00pm.

MOTION:

Ms. Eager moved to **adopt** the resolution entitled “Organizational Meeting of the Fluvanna County Planning Commission 2013,” which solidifies the meeting place and the day and time of the meetings and included the Planning Commission By-Laws for 2014. This motion also included the Planning Commission By-Laws for 2014.

Mr. Gaines seconded. The motion carried with a vote of 4-0. AYES: Gaines, Bibb, Eager, and Johnson.

NAYS: None.

Planning Commission Regular Meeting

Chairman Bibb proceeded with the regular meeting of the Planning Commission for Wednesday, January 23, 2013.

PLANNING DIRECTOR’S REPORT

Mr. Jason Stewart, Planning & Zoning Administrator, gave the monthly report to the Planning Commission.

➤ **Board of Supervisors**

- **January 08, 2014** – No Actions
- **January 15, 2014**

- **ZMP 13:02 - Cowboys, LLC**

Deferred at the request of the applicant and will be heard at the February 19 Board of Supervisors meeting.

➤ **Board of Zoning Appeals Actions** – *No actions*

➤ **Technical Review Committee** – *No January 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. Gaines moved to **approve** the December minutes as presented, with a correction to a reference to Blue Ridge Road as “Blue Ridge Turnpike.”

Ms. Eager seconded. The motion carried with a vote of 3-0. AYES: Bibb, Eager, and Gaines. NAYS: None. Mr. Johnson abstained.

PUBLIC HEARINGS:

None

PRESENTATIONS:

None

SITE DEVELOPMENT PLANS:

None

SUBDIVISIONS:

None

UNFINISHED BUSINESS:

ZMP 12:02 & SUP 13:02 – Hotel Street Capital, LLC

ZMP 12:02 - An ordinance to amend the Fluvanna County Zoning Map with respect to 222.03 acres of Tax Map 30, Section A, Parcel 110, and 10 acres of Tax Map 19, Section A, Parcel 39C (former Rivanna Resort) to rezone the subject properties from R-3 (Residential, Planned Community) with proffers to PUD (Planned Unit Development). The subject property is located within the Palmyra Election District on the western side of U.S. Route 15 (James Madison Highway) at its intersection with State Route 644 (Friendship Road), approximately 0.25 miles north of State Route 661 (Rescue Lane). The proposed amendment would allow a maximum of 952 residential units (a mixture of single-family detached units, townhouses, and multi-family units) and 180,000 square feet of commercial space. According to the 2009 Comprehensive Plan, the property is located within the Palmyra Community Planning Area.

SUP 13:02 - A request for a special use permit to allow for major utilities in conjunction with a Planned Unit Development (PUD) with respect to 222.03 acres of Tax Map 30, Section A, Parcel 110, and 10 acres of Tax Map 19, Section A, Parcel 39C. The property is currently zoned R-3 (Residential, Planned Community) and is located on the western side of State Route 15 (James Madison Highway) at its intersection with State Route 644 (Friendship Road), approximately 0.25 miles north of State Route 661 (Rescue Lane). The property is located within the Palmyra Election District. According to the 2009 Comprehensive Plan, the property is within the Palmyra Community Planning Area.

Chairman Bibb asked about the hydrological report:

- If all of the report was based on theoretical data or if any onsite testing took place – *he was correct that all data was theoretical*
- If the engineer had worked in Fluvanna before – *he had done a state geological survey in Fluvanna and worked with TJSPD on behalf of Albemarle County*
- If the engineer recalled his previous statements regarding the reliability of groundwater in Fluvanna County – *there is considerable variability throughout the county based on its geology*
- Did the earthquake affect hydrology – *there is the possibility of such an issue and anecdotal reports, but a change in overall availability is not clear at this time.*
- Would most replenishment to the site come from rainfall – *it would.*
- Would the drainfields recharge the water in use – *it would if treated onsite.*
- Does recharge water from drainfields have a similar quality to recharge water from other sources – *not upon leaving the pipe, but in a short distance through rock and soil the water cleanses. Mr*

Shimp pointed out that the water entering the drainfields will have already been subject to a certain level of treatment.

- Mr. Bibb asked Mr. Shimp about the on-site testing of the subject soil, and if Mr. Shimp was aware of the highest ratings received by the soil – which was rated as “fair.” Mr. Shimp responded that the drainfields are intended to take into account the soil quality, and that the ratings are not the exclusive determinant. Mr. Bibb pointed out the prevalence of red clay soil in Fluvanna, and asked what factors would worsen groundwater recharge. He read from the report that impervious surfaces can affect groundwater recharge. The report calls for mitigating all runoff.
- Mr. Bibb asked about the type and nature of runoff from the site, and particularly with the removal of trees on the site – *the engineer had not evaluated the stormwater aspects, but the proposed system was intended to mitigate stormwater.*
- Mr. Bibb was concerned about the spacing between wells and drainfields – *Mr. Shimp explained that measures were being taken to ensure proper distance.*
- Do test wells affect groundwater – *it does not.*

Ms. Eager asked if the applicant had a place designated for the drainfield:

- *It would be a collection of smaller drainfields because the project is phased.*

Mr. Bibb asked about traffic impacts of the project, and whether the calculations had been brought into consistency with VDOT’s findings.

Ms. Eager asked if the land could be used if the PUD is rejected.

At this point Mr. Bibb opened the floor for questions and comments from the public:

- Commenters were concerned about the scale of the development, the impact on groundwater of a project of this size on clay soil with no sewer and water, the distance of the development from employment centers and transportation options, the impact on traffic, the loss of rural aesthetic quality, a lack of clarity as to whether the housing units will be owned or rented, and the impact to the school system.

Mr. Gaines asked the developer to answer whether the units were intended for rental or sale – *they are all for sale, but units can be purchased and then leased out.*

MOTION:

Ms. Eager moved to confirm the previous recommendation for **denial** of ZMP 12:02 & SUP 13:02, an ordinance to amend the Fluvanna County Zoning Map with respect to 222.03 acres of Tax Map 30, Section A, Parcel 110, and 10 acres of Tax Map 19, Section A, Parcel 39C to rezone the subject properties from R-3 (Residential, Planned Community) with proffers to PUD (Planned Unit Development) and SUP 13:02, a special use permit to allow for major utilities in conjunction with a Planned Unit Development (PUD) with respect to 222.03 acres of Tax Map 30, Section A, Parcel 110, and 10 acres of Tax Map 19, Section A, Parcel 39C.

Mr. Gaines seconded. The motion carried with a vote of 4-0. AYES: Bibb, Eager, Gaines, and Johnson. NAYS: none.

NEW BUSINESS:

A discussion of the February, 2014 work session to be held to review the Comprehensive Plan. Mr. Bibb requested that the Planning Commission prepare their thoughts and ideas regarding the Comprehensive Plan for review.

PUBLIC COMMENTS #2

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

A number of commenters thanked the Planning Commission for their decision on Walker’s Ridge.

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 January 22, 2014 at 8:18 p.m.

Minutes recorded by Jay Lindsey.

Barry A. Bibb, Chairman
Fluvanna County Planning Commission