

**FLUVANNA COUNTY PLANNING COMMISSION REGULAR MEETING MINUTES**

**Circuit Court Room--Fluvanna County Courts**

**December 14, 2015**

**7:00 p.m.**

**MEMBERS PRESENT:** Barry Bibb, Chairman  
Ed Zimmer, Vice Chairman  
Lewis Johnson  
Patricia Eager  
Donald Gaines

**ALSO PRESENT:** Jason Stewart, Planning and Zoning Administrator  
Steven Tugwell, Senior Planner  
James Newman, Planner  
Steve Nichols, County Administrator  
Deidre Creasy, Senior Program Support Assistant  
Joann Rawls, Senior Program Support Asst. (TMP)  
Frederick Payne, Fluvanna County Attorney

**Absent:** Tony O'Brien, Board of Supervisors Representative

**CALL TO ORDER/PLEDGE OF ALLEGIANCE**

Barry Bibb, Chairman called the meeting to order at 7:00p.m., followed by reciting the Pledge of Allegiance.

**PLANNING DIRECTOR'S REPORT (Mr. Stewart)**

1. Board of Supervisors Actions:

December 2, 2015:

**SUP 15:06 – Louisa County Water Authority (Denied)** – A request for a special use permit to allow for major utilities with respect to the construction of a raw water pipeline from near Route 6 along the James River north to the Louisa County and Fluvanna County border. The properties are currently zoned A-1 (Agricultural General) and the properties are located in the Columbia Election District. The Tax Parcel Numbers of the properties affected by the proposal are as follows: 67-12-A3, 14-9-4, 14-A-14, 14-A-20A, 14-A-14A, 14-A-13, 14-A-20, 23-A-51, 23-A-61, 23-A-50, 23-A-62, 23-12-D, 23-12-A, 23-A-66, 23-A-67, 23-A-72B, 23-A-70, 23-A-96, 23-A-97, 23-A-99, 23-A-101, 23-A-102, 23-A-103, 23-A-37, 23-A-36E, 23-A-36A, 34-A-2, 34-A-4, 34-3-A, 34-3-B1, 34-3-B3, 34-3-C, 34-3-C1, 34-3-B2, 34-2-A, 34-A-17, 34-A-16, 34-A-18, 34-1-1, 34-1-3, 34-1-5, 34-1-4, 33-A-30A, 44-A-46, 44-A-46A, 44-3-1, 44-3-2, 44-2-3, 44-2-5, 44-2-4, 44-2-2, 44-2-1, 44-A-15, 44-A-17, 44-A-18, 44-A-31, 44-1-2, 44-1-3B, 54-A-10A, 54-A-14A, 54-1-1A, 54-6-C, 54-1-1, 54-2-1, 54-A-41, 54-A-43, 54-11-Z, 54-11-Y, 54-11-X, 53-11-27, 53-11-26, and 53-11-19.

**SUP 15:08 – James River Water Authority (Denied)** – A request for a special use permit to allow for major utilities with respect to the construction of a raw water supply system which includes a raw water intake and pump station at the subject properties denoted by Tax parcel Numbers: 53-A-62, 53-A-62C, 53-A-61, 53-11-5, and 53-11-19. The properties are currently zoned A-1 (Agricultural General), and the properties are located in the Columbia and Fork Union Election Districts and encompass approximately 305.202 acres.

December 16, 2015:

None.

2. Board of Zoning Appeals Actions:

*No December meeting.*

3. Technical Review Committee:

December 10, 2015:

**SDP 15:19 – Ja-Zan, LLC** - A site development plan request to construct a 20,000 square foot warehouse building with respect to 1.463 acres of Tax Map 5, Section 24, Parcel 8. The property is zoned I-1, Industrial, Limited and is located on the north side of Zion Station Drive, approximately 400 feet northeast of Route 250 (Richmond Road). The property is located in the Columbia Election District and is within the Zion Crossroads Community Planning Area.

### **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 public comments.**

### **APPROVAL OF MINUTES**

**MOTION:** Mrs. Eager moved to accept the minutes of November 16, 2015, Mr. Johnson **seconded**. The motion carried a vote of 5-0. AYES: Bibb, Eager, Gaines, Johnson; Zimmer NAYS: None.

**SUBDIVISIONS:** None

**SITE DEVELOPMENT PLANS:** None

### **Public Hearings:**

#### **FY 2017-2021 Capital Improvement Plan**

Review and recommendation for the Capital Improvement Plan (CIP) for fiscal years 2017 through 2021 (FY2017 – FY2021) which is to be submitted in conjunction with the Fluvanna County Budget for fiscal year 2017 (FY2017). The CIP lists major construction and acquisition efforts planned for the next five (5) fiscal years, and describes proposed methods of financing for each project.

**Planner James Newman** conducted a brief presentation and addressed the Board.

### **Public Hearing Comments**

**Chairman Bibb opened the floor for the FY 2017-2021 Capital Improvement Plan public hearing section of public comments. With no one wishing to speak Chairman Bibb closed the public hearing section and opened Planning Commission discussion.**

Mr. Bibb referred to the CIP ranking discussion during a previous meeting: 1)consideration for the Planning Commission's ranking and recommendations of the Administration Building repairs in conjunction with other building repairs and replacement; 2)recommendation for the computer and infrastructural technology replacement be a budget item of the School Board, as it does not comply with the Comprehensive Plan regarding items considered for the CIP.

Mr. Stewart: Staff is prepared to write a memo, to include the CIP rankings and improvement recommendations from the Planning Commission.

### **Chairman Bibb Opened the public hearing.**

With no one wishing to speak, Chairman Bibb closed the public hearing regarding the FY 2017-2021 CIP Plan.

### **MOTION:**

Mr. Gaines moved to recommend approval, of the FY 2017-2021 Capital Improvement Plan, to include the memo prepared by Mr. Stewart. Mr. Zimmer second. The motion carried with a vote of 5-0-0. AYES: Bibb, Eager, Johnson, Zimmer & Gaines NAYS: None. ABSTAIN: None

**SUP 15:10 – St. Peter & Paul Catholic Church** - A request for a Special Use Permit (SUP) to allow for an educational facility with respect to a portion of 29 acres of Tax Map 18, Section A, Parcels 7 & 7A. The affected property is located on the west side of Route 53 (Thomas Jefferson Parkway), approximately 1,380 feet northwest of its intersection with Route 600 (South Boston Road). The property is located in the Cunningham Election District and is within the Rivanna Community Planning Area.

Senior Planner Steve Tugwell conducted a brief presentation and addressed the Board

**Public Hearing Comments**

Chairman Bibb opened the floor for the SUP 15:10 public hearing section of public comments.

With no one wishing to speak Chairman Bibb closed the public hearing section and opened the Planning Commission discussion.

**MOTION:**

**Mrs. Eager moved to recommend approval** SUP 15:10, Mr. Gaines second. The motion carried with a vote of 5-0-0. AYES: Bibb, Eager, Johnson, Zimmer & Gaines NAYS: None. ABSTAIN: None

**ZMP 15:06 – Gardner Trust** - An ordinance to amend the Fluvanna County Zoning Map with respect to 13.4 acres of Tax Map 9, Section A, Parcel 9 to rezone the same from A-1, Agricultural, General to B-1, Business, General (conditional). The affected property is located on the south side of State Route 618 (Lake Monticello Road) approximately ½ mile northwest of its intersection with Ashlawn Boulevard (The Main Gate to Lake Monticello). The property is located in the Palmyra Election District and is within the Rivanna Community Planning Area.

Senior Planner Steve Tugwell conducted a brief presentation and addressed the Board

**Public Hearing Comments**

Chairman Bibb opened the floor for the SUP 15:06 public hearing sections of public comments.

**Public Hearing Comments:**

- Mr. Steve Carney, 8 Riverview Terrace – Spoke in opposition – concerned about the 14-ft earthen dam, and dam failure
- Mr. Chris Perez, 739 Jefferson Dr. – Spoke in opposition – concerned about proposed use intensity
- Jane Zimmerman, 15 Pleasant View Terrace – Spoke in opposition – requested the item be deferred to allow adequate time to resolve issues between the applicant and property owners.
- John Halpin, 1 Riverview Terrace – Spoke in opposition – requested more time to consider the request
- Catherine Neelley, 41 Ashlawn Blvd. – Spoke in opposition – as LMOA Manager, echoed property owner's concerns and asked for consideration to deny request.
- Mrs. Steve Carney (Frances), 8 Riverview Terrace – Spoke in opposition – reiterated husband's remarks
- James Higginbotham, 2077 Lake Monticello Road – Spoke in opposition – abundance of storage facilities available in area, negative view of storage business, suggested people live in storage units, recommend denial of request.

Mr. Justin Shimp, Project Engineer asked permission to speak. Permission granted by Mr. Bibb.

Due to the raised questions regarding the pond Mr. Shimp engaged in a thorough explanation regarding the need and use of the pond on the property. "The site has a natural drainage and requires a pond. Can't get rid of the pond and there is no evidence in past experiences that the pond will be a detriment. The pond will provide a lot of sediment trapping before it reaches Lake Monticello". Mr. Shrimp also addressed the opposition to "intensity of use". Stated this is very low intensity and is the same as compared to a house and a half.

Mr. Burns, addressing the issue of people living in the storage units; "No one lives in our storage units. We have offices that have people located in them on the front, but we do not have people living in the storage units. We've never had anyone living in our storage units in twenty-three years – that's never going to happen. So that may happen somewhere else but that does not happen here". Mr. Burns further explained the phases of the project, their efforts to be "good neighbors", and respectful of resident's concerns. Mr. Burns respectfully requested approval of this project.

Chairman Bibb closed the public hearing section and opened Planning Commission discussion.

The Planning Commission Members continued with their discussion of the issues posed by the Property owners. The discussion also included questions directed to Mr. Carlos A. Burns, owner and Justin Shimp, Project Engineer to further clarify such issues as the run-off pond, location and use of rental trucks, placement and type of building lights, exterior building color, driveway gravel and pavement. Concluding the final questions to Mr. Burns and Mr. Shimp, Mr. Bibb asked for a vote.

**Chairman Bibb's comments:**

To site examples of other uses for this property, Mr. Bibb referred to the A-1 Agricultural County Zoning Ordinance which provided a list of by rights uses. Examples from the list include:

- hog farms
- non-commercial greenhouses
- conservation areas
- equestrian facilities
- hunting preserves
- sawmills
- wood storage
- family day care facilities
- farm equipment sales.

Additionally, he referenced a long list of special use permits such as a car wash and/or a business of like nature that could be considered for the property if someone came forward with a request. Mr. Bibb also commented that he had visited the current storage business owned by the Burns and found it to be clean and well maintained; unlike other storage businesses alluded to in the Public Hearing Comments.

**MOTION:**

**Mrs. Eager moved to recommend deferral of ZMP, 15:06 Gardner Trust until the regular Planning Meeting on January 27, 2016. Mr. Johnson second. The motion carried with a vote of 4-1. AYES: Bibb, Eager, Johnson, Zimmer. Nays, Gaines**

**SITE DEVELOPMENT PLANS:**

**SDP 15:17 – Paul M. Beyer** - A site development plan requested to regrade the parcel to cut the property such that the soil can be relocated off site with respect to a portion of 10 to 12 acres of Tax Map 62, Section 1, Parcels 1 & 2, and 62-A-8. The property is zoned A-1, Agricultural, General and is located on the south side of State Route 656 (Bremo Road) approximately 2,000 feet southwest of its intersection with State Route 655 (West Bottom Road. The property is located in the Fork Union Election District and is within the Rural Preservation Planning Area.

**MOTION:**

**Mr. Johnson moved to recommend approval SDP 15:17 –, Mrs. Eager second. The motion carried with a vote of 5-0-0. AYES: Bibb, Eager, Johnson, Zimmer & Gaines NAYS: None. ABSTAIN: None**

**UNFINISHED BUSINESS:** None

**PRESENTATIONS:** None

**NEW BUSINESS:**

Mr. Stewart announced a special called meeting for the BOS and Planning Commission on January 20, 2016. Mr. Bibb expressed concerns regarding a joint meeting and asked for clarification as to the meeting procedure. He objected to the manner in which he had been notified of the meeting and felt the notification should have been the responsibility of the BOS Chair.

Mr. Payne explained the need for the meeting stating, that “if the JRWA project is to go forward, it needs to be done on a timely basis and before the end of January”.

Ms. Eager asked for clarification of the next meeting and if tonight's deferred item will be on the agenda. Mr. Bibb responded that the next regular scheduled meeting will be January 27, 2016 at which time the item deferred will be heard.

Mr. Bibb & Mr. Nichols further discussed the joint meeting. Mr. Nichols stated he notified Mr. Stewart after the December 7, 2015 meeting of the decision to hold a special called meeting on January 20, 2016.

Mr. Bibb stated he would like to give one of the Planning Commissioners the opportunity to volunteer as a member of the Zoning Appeals Board, however if no one volunteers, he will submit his name for consideration. Mr. Zimmer volunteered as a candidate. Mr. Nichols stated Mr. Zimmer's name would be submitted along with other candidates for this position.

### **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 public comment section.

### **ADJOURN**

There being no further business, Chairman Bibb adjourned the Planning Commission meeting of December 14, 2015 at 9:00 p.m.

Minutes recorded by Joann Rawls

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Barry A. Bibb, Chairman  
Fluvanna County Planning Commission

APPROVED