

FLUVANNA COUNTY PLANNING COMMISSION
WORK SESSION AND REGULAR MEETING MINUTES
CIRCUIT COURT ROOM—FLUVANNA COUNTY COURTS BUILDING
6:00 p.m. Work Session 7:00 p.m. Regular Meeting
MARCH 12, 2019

MEMBERS PRESENT: Barry Bibb, Chairman
Ed Zimmer, Vice Chairman
Lewis Johnson
Gequetta “G” Murray-Key
Howard Lagomarsino
Patricia Eager, Board of Supervisors Representative

ALSO PRESENT: Jason Stewart, Planning and Zoning Administrator
Brad Robinson, Senior Planner
Holly Steele, Planner
Fred Payne, County Attorney
Valencia Porter, Senior Program Support Assistant

Absent: None

A. CALL TO ORDER, PLEDGE OF ALLEGIANCE, MOMENT OF SILENCE

At 6:00p.m., Chairman Bibb called the work session to order

B. PLANNING DIRECTOR COMMENTS:

None

C. PUBLIC COMMENTS (Limited to 3 minutes per speaker):

None

D. WORK SESSION:

Riparian Buffer Discussion—Holly Steele, Planner

- Purpose of discussing an amendment to our riparian buffer regulations is to increase specificity within our RPA modification process; specifically in our growth areas.
- 50’ wide along intermittent streams
- 75’ wide along perennial streams

100’ wide along both sides of the Hardware, Rivanna, and James Rivers

The Subdivision Agent may allow for a modification of the riparian protection area requirements by providing alternative measures for riparian protection, by means of substitution of materials, design, or technique, which the Subdivision Agent determines to provide the same or greater degree of riparian protection compared to such area requirements and is determined by the Subdivision Agent to be reasonably necessary to permit reasonable uses of the property which are otherwise permitted by law.

Required riparian buffer width.

- The width of a riparian buffer abutting a perennial stream shall be at least 100 feet.
- The width of a riparian buffer abutting an intermittent stream or wetlands shall be at least 50 feet.
- Reduction of riparian buffer width. The director may allow development to reduce the minimum riparian buffer width required by subsection a. above by up to 50 percent in the village growth area districts on determining that the development incorporates storm water best management practices that will manage storm water runoff to eliminate or reduce pollution of the stream or wetlands to a degree exceeding that provided by a forested buffer meeting the full minimum width standard.

1. **CALL TO ORDER, PLEDGE OF ALLEGIANCE, MOMENT OF SILENCE**

At 7:00p.m., Chairman Bibb open the regular meeting of the Planning Commission

2. **DIRECTOR'S REPORT:**

- I. SUP 19:01 National Communication Towers – A request for a special use permit to construct a 199' Self-Support Tower, with respect to 12.7 acres of Tax Map 39, Section A, Parcel 29. The property is located off of West River Rd. (State Route 6), approximately 0.6 miles northeast of the intersection with Rockfish Run Rd. (State Route 683). The parcel is zoned A-1 Agricultural, General and located within the Rural Preservation Planning Area and the Fork Union Election District.
- II. SUP 19:02 Amy and Stephen Beyer – A request for a special use permit to convert an existing building into a “low-volume medical clinic” with respect to 3.81 acres of Tax Map 29, Section A, Parcel 89. The property is located off of Thomas Jefferson Pkwy. (State Route 53), approximately 500 feet west of the intersection with Stage Coach Hills Rd (State Route 1010). The parcel is zoned A-1 Agricultural, General and located within the Rural Residential Planning Area and the Fork Union Election District.
- III. SUB 18:25 Rivanna Investments & Steger Investments – A rural cluster major subdivision request with respect to 30.47 acres of Tax Max 9, Section A, Parcels 11, 11B, 11F & 11G. The applicant is proposing 10 building lots with 19.55 acres designated as open space. The property is located along Lake Monticello Road (Route 618), approximately 785 feet west of its intersection with River Run Drive. The parcels are zoned A-1, Agricultural, General and located within the Rivanna Community Planning Area and the Palmyra Election District.

3. **PUBLIC COMMENTS:**

None

4. **APPROVAL OF MINUTES**

January 8, 2019

Motion:

Zimmer made a motion to approve the January 8, 2019 Planning Commission minutes as presented. Seconded by Lagomarsino. The motion was approved by a vote of 5-0. AYE: Bibb, Johnson, Zimmer, Lagomarsino, Murray-Key. NAY: None ABSTAIN: None ABSENT: None

February 12, 2019

Motion:

Johnson made a motion to approve the February 12, 2019 Planning Commission minutes as presented. Seconded by Murray-Key. The motion was approved by a vote of 5-0. NAY: None ABSTAIN: None ABSENT: None

5. **PUBLIC HEARING:**

ZMP18:01—Steven & Codie Peters/ Colonial Circle—Brad Robinson, Senior Planner

SUP18:05 —Steven & Codie Peters/ Colonial Circle Density—Brad Robinson, Senior Planner

Motion:

Zimmer made a motion to approve the deferral request made by the applicant and to move it to the next meeting on April 9, 2019. Seconded by Johnson. The motion was approved by a vote of 5-0. AYE: Bibb, Johnson, Zimmer, Lagomarsino, Murray-Key. NAY: None ABSTAIN: None ABSENT: None

SUP19:01—Jamie Adams/National Communication Towers—Holly Steele, Planner

- Request for a special use permit to construct a 199' self-support tower with an enclosed 80' x 90' fence, with respect to 12.7 acres of Tax Map 39, Section A, Parcel 29;
- Rural Preservation Planning Area;
- Commercial Use tower with a letter of intent to serve from AT&T
- Previous SUP 12:07 was approved by the Planning Commission and Board of Supervisors for 199' monopole and support facilities to be located on this parcel;
- Commercial Use tower that will be able to provide wireless phone coverage, data transmission, and high-speed internet services to the surrounding areas
- This SUP would remain an unlit, 198' tower with a 1' lightning rod, but change to a self-support lattice tower as opposed to a monopole.
- Tower will be able to work in conjunction with the existing towers located at the VFW and County Landfill.

Recommended Conditions

If approved, Staff recommends the following conditions:

- 1) The tower structure shall not exceed 199 feet. This does not include antennae, lighting, lightning rods, and other ancillary equipment, subject to FAA regulations.
- 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) Completion of the NEPA Report with review comments from the Virginia Department of Environmental Quality prior to the issuance of a Building Permit;
- 4) The Applicant should submit the Phase 1 Cultural Resource Survey to The Commonwealth of Virginia Department of Historic Resources and receive comments prior to issuance of the Building Permit;
- 5) The applicant shall secure the necessary permits required by Fluvanna County and VDOT;
- 6) The applicant shall provide space on the TASF for the County's Public Safety antennas and feed lines at the designed elevations. Space for ground level electronic equipment shall also be provided;
- 7) The facility when completed shall be accessible only to authorized personnel;
- 8) The tower shall be a self-support lattice Class III tower;
- 9) The facility shall meet the landscaping and screening requirements of the Fluvanna County Zoning Ordinance;
- 10) If the structures should no longer be needed, the applicant shall remove them, and restore the grounds to the prior condition;
- 11) The support structure is to be sufficient to support antennas of a like design for at least six (6) wireless service providers per Section 22-27-9.8 (10) of the Fluvanna County Zoning Ordinance;
- 12) The tower shall be in the same location 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) 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

Planning Commission Discussion:

Murray-Key: Chairman I have a question. When you talked about the beam pointing in different places that are losing connectivity that is an issue that, that is an impact on human being or when you talked about losing connectivity.

Stephen Gallager, Applicant: It's not an impact to the people, it's an impact to the wireless infrastructure network. It's literally like a laser beam.

Murray-Key: When you talk about tower fail, because I have no knowledge on this process, are you talking about losing internet connectivity or the tower actually coming down?

Stephen Gallager, Applicant: Yes, we are speaking actually on the tower coming down, clasp itself. With ours we've spent extra money with engineering firm to design it to where it fell into a very control in specific manner

Murray-Key: You said you never had this happen?

Stephen Gallager, Applicant: No ma'am.

Zimmer: Meaning the wind?

Stephen Gallager, Applicant: Yes, the primary danger, we don't own nor build guide towers.

Public Comment:

None

Motion

Murray-Key made a motion to approve SUP19:01 with respect to 12.7 acres of Tax Map 39, Section A, Parcel 29. Seconded by Zimmer. The motion was approved by a vote of 5-0. AYE: Bibb, Johnson, Zimmer, Lagomarsino, Murray-Key. NAY: None ABSTAIN: None ABSENT: None

SUP19:02—Amy and Stephen Beyer/ Medical Clinic—Holly Steele, Planner

- Request for a Special Use Permit to convert an existing building on the property into a low-volume medical clinic, with respect to 3.81 acres of Tax Map 29, Section A, Parcel 89.
- Rural Residential Community Planning Area;
- Applicant wishes to use existing 36 x 44 building with the addition of a handicap ramp, parking spaces, and sign near the driveway entrance
- SUP 13:05 was approved on this parcel in 2013 in order to use the accessory building as a florist.
- Request is to establish a low-volume medical clinic;
- Parcel was previously approved for use as a florist;
- Would provide a much needed service to the surrounding community;
- Building is largely hidden by the existing home and the natural slope of the property
- Appears to meet all County Code requirements.
- 2 additional conditions added since SUP 13:05
 - Eliminates florist as a use
 - Final building inspection within 2 years from approval
- Potential adverse impacts
 - Increased traffic flow to the property

Recommended Conditions

If approved, Staff recommends the following 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 approval of SUP 19:02 will eliminate the use of the building as a florist and any future plans to revert the building back to a florist will require a new Special Use Permit.
3. The site must meet all Virginia Department of Transportation requirements.
4. The site must meet the requirements set forth by the Virginia Department of Health.
5. 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.
6. Hours of operation shall be between 8:00 am and 6:00 pm Monday through Saturday.
7. The Board of Supervisors, or its representative, reserves the right to inspect the business for compliance with these conditions at any time.
8. All outdoor storage of materials shall be screened from the view of public roads, rights-of-way, and adjacent properties as required by Sec. 22-24-7 3. iii of the zoning ordinance.
9. The facility shall be constructed and receive final inspection from the Fluvanna County Department of Building Inspections within two (2) years of the date of approval of the special use permit or the SUP approval will expire and require a new SUP;
10. 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."

Planning Commission Discussion:

Bibb: So this is basically a low volume medical clinic.

Amy Beyer: Yes, sick visits children and adults, primary care, sport physicals, DOT for truck drivers.

Zimmer: Are you the folks who own the flower shop there?

Amy Beyer: No, we just brought this property last year.

Johnson: What hours are you thinking for operation?

Amy Beyer: Start Monday thru Friday, as the business grows hopefully on Saturday's also 8am-6pm.

Johnson: I think it's wonderful that people from county and lives here would want to give back to the community.

Murray-Key: Are you concerned about the traffic there?

Amy Beyer: VDOT did recommend to widen the driveway.

Public Comments:

None

Motion

Johnson made a motion to approve SUP19:02 with respect to 3.81 acres of Tax Map 29, Section A, Parcel 89. Seconded by Lagomarsino. The motion was approved by a vote of 5-0. AYE: Bibb, Johnson, Zimmer, Lagomarsino, Murray-Key, NAY: None ABSTAIN: None ABSENT: None

6. PRESENTATIONS:

None

7. SITE DEVELOPMENT PLANS:

None

8. SUBDIVISIONS:

None

9. UNFINISHED BUSINESS:

None

10. NEW BUSINESS:

None

11. PUBLIC COMMENTS #2:

None

12. ADJOURN:

Chairman Bibb adjourned the Planning Commission meeting of March 12, 2019 at 7:41 pm.

Minutes recorded by Valencia Porter, Senior Program Support Assistant.

Barry A. Bibb, Chairman
Fluvanna County Planning Commission