

**FLUVANNA COUNTY PLANNING COMMISSION  
REGULAR MEETING MINUTES**

**Fluvanna County Library  
214 Commons Boulevard  
Palmyra, VA 22963**

**March 9, 2021  
Work Session  
6:00 pm (Virtual Meeting)**

**MEMBERS PRESENT:**

Barry Bibb, Chair  
Gequetta “G” Murray-Key, Vice Chair  
Lewis Johnson  
Howard Lagomarsino  
Patricia Eager, Board of Supervisors

**STAFF PRESENT:**

Douglas Miles, Community Development Director  
Jason Overstreet, Senior Planner  
Fred Payne, County Attorney  
Eric Dahl, County Administrator  
Valencia Porter, Administrative Program Specialist

**MEMBERS ABSENT:**

Ed Zimmer

**A. Call to Order, The Pledge of Allegiance and A Moment of Silence:**

At 6:00 pm, Chair Bibb called the Work Session to order, led in the Pledge of Allegiance and conducted a Moment of Silence.

**B. Public Comments:**

No public comments were provided.

**C. 2040 Fluvanna County Comprehensive Plan Series – Douglas Miles:  
Aging Demographics and the Built Environment – Presentation Summary**

- By 2030 – One in Every 5 Persons will be over the age of 65 Years old
- America, Virginia and Fluvanna County are all Aging at a Fast Rate
- More Persons will be Older than Age 65 than Under 18 Years Old
  
- Three Quarters of Older Persons Live in Rural Areas and the Suburbs in older, outdated farm Houses or large single-family, 2 story Homes
- Most do own their Home and they have lived there for over 25 years
  
- According to data compiled by Fluvanna Planning & GIS with 2015 estimates:
  - 19% of Fluvanna County and 22% of Lake Monticello residents are over 65
  - 37% of Fluvanna County households have at least one resident over Age 65

**Transforming The Built Environment In Support Of Aging:**

- Nursing Homes are no longer a viable housing option for Seniors in the COVID environment
- Multi-Generational Neighborhoods are needed like Village Oaks as a R-3, Residential Planned Community – which seeks to remove segregation of market rate and 55+ senior housing types
- Desire to “Age in Place” is driving builders to create single-story Homes to be more accessible
- Accessible kitchens and bathrooms constructed where Seniors and family members spend time

**Fluvanna County Senior Housing - Available Housing Options:**

Fluvanna County has very little accessible housing which is typical of rural, suburban localities and senior housing options are not built but the available zoning is in place and is ready to go:

Village Oaks, an R-3, Residential Planned Community, located opposite of the Lake Monticello planned development’s main gate. It has 60 senior housing units that could be expanded up to

120 senior housing units by converting the relatively small, commercial parcel to senior housing.

Colonial Circle, an R-3, Residential Planned Community, located at Route 53 and Lake Monticello Road, it has been zoned for 325 dwelling units that would include apartments, townhouses and new single-family homes that could be designed for Seniors and Age 55+ downsizing residents.

Nahor Village Subdivision, an Age 55+ senior housing community located on Route 53 and north of Jefferson Centre Shopping Center, and is nearing completion and it was zoned in 2005 with small assisted-living facility acreage and that could be utilized for additional one-story homes.

#### **Transforming The Built Environment In Support Of Aging:**

- Accessory Dwelling Units (ADUs) can provide family members additional, short-term living space
- Most age-restricted communities are Restricting since they are Far away from Senior services
- Older Seniors in our community and their Caregivers can find themselves in “Survival Mode” living on a Fixed income and may not be aware of available Senior care services in community
- Fluvanna County has a solid Senior care Volunteer network but those volunteers are all Aging
- Aging is inevitable but it is also very Personal and most residents want to maintain their Dignity

#### **2040 COMPREHENSIVE PLAN – AGING WORK SESSION DISCUSSION:**

**Chair Bibb:** stated that he knows that Habitat for Humanity has started working in Louisa County for people that need housing and for people that are aging. After talking to them, they are also interested in doing some similar programs and senior services here within Fluvanna County.

**Mr. Lagomarsino:** stated that the Planning Commission needs to look at land use policies in the 2040 Plan that support senior housing such as looking at services that people are going to need as far as medical facilities and transportation needs to those facilities. He asked will JAUNT be available to expand their service routes in the County to serve more senior citizens along with different providers for calls for service in emergencies. He further discussed the career versus volunteer Fire and EMS crews dilemma that Fluvanna County needs to plan for as our residents age and require additional services and we have the personnel to fill those demanding needs.

**Mr. Miles:** stated that the 2040 Comprehensive Plan will illustrate that regional transit shuttles like JAUNT provides will connect you to central activity hubs in Charlottesville like UVA Medical Center and seek to make our seniors more aware of further connecting to Charlottesville Area Transit (CAT) and to be able to do more while in the city rather than just medical appointments.

**Mr. Lagomarsino:** stated that the proposed 120 senior apartment unit complex needs to be further refined to illustrate that fire apparatus will be able to respond to emergencies and be able to get their larger ladder trucks and engines to this senior apartment complex properly.

**Mr. Miles:** stated that the proposed Site Sketch is very conceptual and to mainly illustrate that 120 senior apartment units could work on this combined property located in Village Oaks along Lake Monticello Road. County Staff encouraged them to consider doing 120 senior apartments.

**Mr. Johnson:** stated that most seniors do not want to relocate and leave their home that they are living in for a senior apartment or an assisted-living facility. Simply because their home does not have accessible features like handicap access ramps, or lower countertops and better kitchen and bathroom fixtures to allow them to remain in their home. He stated that volunteer organizations install these things for seniors to stay in their home longer in Fluvanna County.

**Mr. Miles:** stated he provided information in the Work Session Packet about the ever increasing Building Code changes that make it easier for seniors and their family members and contractors to update existing homes to allow for seniors to “age in place” and not have to leave their home but some are not able to do so and the family members inherit the existing homes in the county.

**Vice Chair Murray-Key:** stated that Mr. Johnson is also addressing more housing affordability. As we are in a world now where our older generation is having to depend more on the younger generation for medical care. They have to help seniors to be lifted out of their wheel chair and as some may not have the health and strength to help one another. In my mind what I would be looking for is our seniors, any new comers, and the people that already reside her to be taken

care of as well. I do not like the idea of exclusionary housing regardless of who we are talking about so that people are able to afford it. Life has been throwing a wrench that people are not used to as far as medical care costs. As a citizen of Fluvanna County I feel since we are a part of decision making process we need to look at affordability all the way around. We have to have real discussions when we talk about affordable housing, and yet we cannot be afraid to mix all people together. We still have to create an atmosphere where we can still allow options, more or less some people are looking for that atmosphere where you can walk everywhere you need to go. As every family, they want safety and security for all members of their extended family.

**Chair Bibb:** stated that back when I was starting out that people were focused on our needs and not our wants. People today want their wants and needs fulfilled and that is not always possible.

**Mr. Johnson:** asked what are the proposed monthly rental rates for these senior apartments? Roughly speaking, because some of our seniors only have about \$1000 per month for housing. I am concerned that seniors from Northern Virginia and out of state will move into them and then we will have senior housing issues in Fluvanna County for some of our long-term residents.

**Mr. Miles:** stated that this housing development group has performed their market analysis and they look to establish apartment rental rates that fit into the housing market that they construct the units in and they do not need to ask for tax credit financing as they pay for the construction.

**Mr. Johnson:** stated once some seniors pay their bills they have very little money left to spend and their housing costs should not take up a bulk of their social security payment each month.

**Mr. Miles:** stated this housing development group has been doing senior apartments across the state of Virginia for the past 30+ years. So, they have a very solid record with 18+ complexes that house mainly senior citizens with lower income residents who qualify to live in the units.

**PLANNING & GIS STAFF WORK SESSION SUMMARY:**

1. The Jefferson Area United Transportation (JAUNT) Shuttle Service will be important for senior citizens to be transported for medical, shopping and other social events in region.
2. The Thomas Jefferson Planning District Commission (TJ PDC) will continue to collaborate with Fluvanna County in the Zions Crossroads Area Plan to include senior citizen services such as a community center, medical services and for mixed-use, senior housing options.
3. The Jefferson Area Board for Aging (JABA) will continue to be a central processing agency for regional efforts such as funding sources to provide for and to expand senior citizen services.
4. The Fluvanna Meals on Wheels and other county-based Volunteer efforts, in conjunction with County churches and other important non-profits will continue to support our seniors.

Chair Bibb ended the Work Session at 6:58 pm.

**REGULAR MEETING:**

1. **CALL TO ORDER, THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE:**  
At 7:00 pm, Chair Bibb called the March 9, 2021 Regular Meeting to order, followed by the Pledge of Allegiance and a moment of silence was conducted by him.
2. **DIRECTOR'S REPORT: Douglas Miles, Community Development Director**

**February 11, 2021 – Technical Review Committee (TRC) Meeting**

**SUP 20:04 Cunningham Solar, LLC** - A request for a Special Use Permit in the A-1, Agricultural, General District to construct a utility, major use (solar energy facility) on 62.4 +/- acres, Tax Map 18 Section A Parcel 44. The property is located on the east side of South Boston Road (SR 600) approximately 0.2 miles north of its intersection with Thomas Jefferson Parkway (Route 53). The subject parcel is within the Rivanna Community Planning Area and the Fork Union and Palmyra Election Districts.

This is a request by Sun Tribe Solar – Charlottesville to construct a five (5) megawatt (MW) photovoltaic (PV) solar energy facility directly adjacent to the Central Virginia Electric Cooperative (CVEC) Cunningham substation. Sun Tribe Solar will enter into a power purchase agreement with CVEC to produce energy to then be purchased and supplied to CVEC customers.

A Neighborhood Meeting was conducted virtually on Thursday, February 25th at 6:00 pm by the Sun Tribe Development Team, they presented the 5 MW solar energy facility request to the adjacent property owners online and answered site development questions relative to site access and screening.

Additional Neighborhood Meetings – February 25, 2021:

**SUP 20:03 Peters-Colonial Circle Car Wash and Gas Station Requests**

A Neighborhood Meeting was conducted virtually by Shimp Engineering on behalf of the developer for a proposed 4,500 square foot convenience store as a permitted land use in the R-3, Residential Planned Community (RPC) District. A Special Use Permit (SUP) is required for both a car wash and gas station in this district due to their higher commercial traffic patterns.

Specific questions were raised about pedestrian access from Effort Baptist Church using the new roundabout crosswalks and the extended sidewalks. Effort Baptist Church was in support of the Colonial Circle R-3, Residential Planned Community (RPC) request to construct a new retail foodmart with gasoline sales and automated car wash facility. Effort Baptist Church also has a JAUNT Shuttle stop and a Park and Ride location within the church's parking lot for commuters.

**ZMP 21:01 and SUP 21:01 Christian & Associates Excavating**

A Neighborhood Meeting was conducted virtually by Shimp Engineering on behalf of the business owner for a contractor's storage yard to be permitted on a 14 acre parcel by conditionally rezoning the site to B-1 with a Special Use Permit request for the land use.

The property was previously approved for a VDOT entrance and the site owner currently resides behind the property and he will locate his business on Lake Monticello Road and will be properly screened from view to keep the contractor's storage yard items screened from the public road.

February 11, 2021 Transportation Subcommittee (TS) Meeting:

Bethel Kefyalew, VDOT – Louisa Residency provided an update on VDOT intersection analysis of specific Route 15 and Route 53 intersections with additional road comments provided by Chief Abbott, LMOA and Major Wells from the Fluvanna County Sheriff's Office during this meeting.

**Route 53:** Ruritan Lake Road has site distance and banking issues due to the curvature of the intersection and has traffic delays during peak periods; Monish Road – LMOA Tufton Gate has experienced fifteen (15) crashes in two years due to this road being hidden and is sloped down into Route 53 causing the gate users to slide down into Route 53 during some icy winter periods.

**Route 15:** Union Mills Road has road grade issues and the lack of a right turn lane towards Lake Monticello with a majority of the lake traffic utilizing it; Troy Road has road grade issues with the lack of a left turn lane towards Zion Crossroads and Route 250 towards Charlottesville and it was a 2018 VDOT Smart Scale project, however it was not funded but it scored on safety measures.

Community Development Director - February 22nd Professional Training:

The Impact of Masonry Products in Promoting Sustainable Communities APA Virginia webinar on the importance of brick homes and commercial buildings providing quality architectural building techniques and energy efficiencies; how new commercial village areas can be of quality design.

Zion Crossroads Corridor Plan - February 25th Stakeholders Meeting:

The Thomas Jefferson PDC Staff and VDOT Planning Manager provided a status update through Kittelson and Associates who has completed Phase II transportation planning analysis of the Route 15 & 250 intersections. A good portion of the meeting time was spent discussing the Louisa County intersections on US 15 around and also just north of the I-64 DDI interchange.

They are unsure at this time on how to solve the VDOT crossover traffic issues at the fast food restaurants and convenience store on US 15 prior to the I-64 interchange with the VDOT median and none of the existing side streets line up correctly within Louisa County causing traffic issues.

A follow-up meeting will be conducted with Fluvanna County staff and with the TJ PDC staff to specifically discuss our Route 250 Corridor intersections based upon the Phase II transportation planning analysis of these areas.

The meeting will provide for additional transportation planning to occur on 250 to take advantage of the recently awarded VDOT Smart scale funding at Troy Road and Route 250 across from Zion Station Industrial Park for the roundabout design with an estimated amount of \$9.4 million dollars.

### 3. **PUBLIC COMMENTS #1:**

At 7:08 pm, Chair Bibb opened up the first round of Public Comments. Chair Bibb asked that for anyone desiring to speak online to please state their name and property address for the record.

**Linda Staiger, 2949 Ridge Road:** She read into the Public Comments record her letter that she sent to the Fluvanna County Board of Supervisors dated March 11, 2021 that dealt with rural cluster subdivision applications and how they related to the upcoming 2020 US Census data.

**Lois Fulks, 331 Oak Creek Road:** Stated my house is adjacent to Mr. Miller's subdivision that would affect me. I am concerned that it was 15-18 homes and now is 20 homes. Also, I am concerned about the water, septic and drainage system, an untested system and it really concerns me that we are going to test this system in the middle of 20 new homes each with a well on .035 acres. We do not know whether the new septic system is going to work or not. So, I really implore this group to really consider to significantly decrease the density of these homes, the wells that are being drilled, and if we can restrict these homes to two acres in the A-1 zoning district. I would like to have Mr. Miller pipe public water in himself so that he can pay for that and that citizens and Fluvanna County Administration Staff at some point in the future does not have to pay for it. County citizens should not be taxed to accommodate Mr. Miller's plans for this rural cluster subdivision. I would also like to suggest that Mr. Miller oversea and maintain his experimental septic and drainage system that was designed by him and approved by him for ten years into the future after 90% of these homes are sold rather than just the current five year requirement.

This is an experiment and I really wonder about the wet years that we have in addition to the dry years. Dry years will dry up our wells, wet years could prevent drainage which is into the soil, and he is hoping that it is going to work. I would like for him to assume the responsibility for at least ten years into the future so that this does not affect my land immediately and then contaminate my well and my soil. I would like for him to install a berm so that is parallel to my property so that the water can drain back to his property and not towards mine. In addition to his silt fence that I am supposing that he will have there I would also like to have the results of the perk test, which is the original perk test to see if that is why we are using this particular type of drainage and septic system that he has chosen. So, I feel like I am being pushed into a corner during this entire development process. If my well dries up, or if my water is contaminated or if my own land is contaminated or whatever may come to a situation that I cannot come and live in my own home, or to sell my home I am wondering do I even have an alternative but to then threaten to file a lawsuit, which I do not even believe in them nor do I like them. Thank You.

**Susan Scofield, 111 Fairview Lane:** Stated I live across the street from Mr. Miller's proposed development. I am going to echo what Lois has said, and I am very concerned that these wells are going to dry up there. I was under the impression that Mr. Miller would have to drill some test wells and was hoping that you could be updated on those test wells and what they found out or even where they are drilling or going to drill as I am very interested in knowing that. I do understand that there is a nonprofit land trust now that is purchasing the land across from me on Courthouse Road. I also understand that you have the power to limit this project and even further that so many of us who are still concerned about the wells and the homes that are being considered on the cliffs almost that is on that side of the development. These grades are very steep and I would like to ask if the members of the Planning Commission are actually going to go out and look at the land that Mr. Miller would like to build on. I really do hope that you use your power to limit to what Mr. Miller can do there.

**Marty Foster, 783 Courthouse Road:** Stated I am unhappy about the development of Ballinger Bluff as I was driving down Route 53 I also noticed that all the trees in this county are coming down. I do not know if the Planning Commission is the place to talk about this if not maybe the Board of Supervisors, but I agree with what the first speaker had spoke about. When Mr. Miller bought this land it is my understanding that he did not talk with all of the neighbors about this land. I guess there is a by right law that you can do whatever you want with this land, but that does not seem fair to me. I was hoping that someone could direct me on how we can stop these things in the future from happening.

**Liz Palmer McKenzie, 1384 Courthouse Road:** Stated I am going to echo the previous speakers, but I would also like to add that the concentration there is more so than the phase two project. If we do not have enough water for the neighbors that are here right now that concerns me that twenty homes are going to be going up when people are already having problems with water. As Lois stated that if we have dry spells then everything dries up or if we have any wet spells that if they consider that it is a terrible area to build. In September 2011, we had an earthquake that affected my house then they have the right to expect water and they have the right to expect safety, and Ballinger Bluff cannot promise either of those things. I would just ask that you look at those facts, and put yourselves in our shoes and potentially in our new neighbor’s shoes to think about whether or not you would want to be in a position to have your well dry up or not. Whether to find out that you have moved into a new house and that it is not safe to live there.

With no one else coming forward wishing to speak, Chair Bibb closed the Public Comments at 7:30 pm.

4. **MINUTES:**

|                |  |                                    |                |               |                    |
|----------------|--|------------------------------------|----------------|---------------|--------------------|
| <b>MOTION:</b> | <b>Planning Commission Minutes of February 9, 2021</b> |                                    |                |               |                    |
| <b>MEMBER:</b> | <b>Bibb<br/>(Chair)</b>                                | <b>Murray-Key<br/>(Vice Chair)</b> | <b>Johnson</b> | <b>Zimmer</b> | <b>Lagomarsino</b> |
| <b>ACTION:</b> |  | <b>Second</b>                      | <b>Motion</b>  |               |                    |
| <b>VOTE:</b>   | Yes  | Yes                                | Yes            | Absent        | Yes                |
| <b>RESULT:</b> | <b>4-0 Approved as Presented</b>                       |                                    |                |               |                    |

5. **PUBLIC HEARINGS**

**SUP 20:03 Steven L. Codie C. Peters – Douglas Miles, Community Development Director**

The Neighborhood Convenience Retail Store proposal is a by-right use in the R-3 District and it would serve the Colonial Circle Planned Community and the surrounding County community.

A Special Use Permit for a Commercial Car Wash and Gas Station is requested which allows for gasoline and diesel fuel sales and the installation of electric vehicle charging stations, as well.

Douglas Miles, Community Development Director opened the floor for Kelsey Schlein, Planner from Shimp Engineering to provide additional information on the Special Use Permit request.

**Chair Bibb** opened the Public Hearing at 7:45 pm and asked that for anyone desiring to speak online or on the phone to please state their full name and property address for the record.

**Jenny Lynn Walding, 11 Locks Court:** One of the things I would like to highlight tonight is that everything that you have shown on those drawings does not show a school, which is literally on the opposite side of the roundabout. It is a full year round private school and there is already so much traffic backed up already in the morning. Starting from the gate of Lake Monticello going all around the roundabout, and now that we are also adding an apartment complex. Why do we need a new gas station that is so close to this roundabout all I see is a disaster? Also, I am fearful about pedestrian crossings, as I fear for the safety of our students and parents that are picking up and dropping off their kids. This school is a private school where there is no buses. It is all parent’s cars that are coming, teachers, I have two students that attend Effort. When I spoke with Kelsey Schlein I asked her about market research if there is even a need to support another gas station and car wash when we have two that are four miles directly from this location in both directions. The Exxon Market is directly across from the Food Lion off Route 53 that is very unpopulated and there is barely anybody ever using that car wash bay at all. The other one is located by the Ace Hardware store and that is the BP Market. I had reached out to John Wilson regarding speed data to reference the amount of traffic, which I have not received any data

regarding that. To me that would highlight if that would be a safety issue regarding people speeding in roundabouts then going directly into a gas station. As a parent and a resident I am very concerned about this proposed use.

**Jason Bird, Effort Baptist Church Administrator, 7820 Thomas Jefferson Parkway:** Stated that they are in full support of this development. I do have one concern and that is with the Right In and Right Out (RIRO) on Route 53 and my concern is does this meet VDOT's standards. Down the street on Route 53 the RIRO at the bank entrance there are people that still try to make a left turn when it is designed not to allow for that turning movement. Even though they have put up bollards they are frequently run over by vehicles. I think there needs to be a better design solution that actually is going back as far as the crossover to move it back than so that people will not be turning right over top of the island, but to stop more traffic from turning right out throughout several places here in Virginia. RIROs do not work unless they are designed properly with long extensions on either end. That way it will keep drivers from doing what we do not want them to do. We applaud the gas station going in and we do think that it is a need for the community. With it being on the other side of the traffic circle that way it is away from Effort Baptist Church and there will be good street lighting and landscaping located in the roundabout.

With no one else coming forward to speak, Chair Bibb closed the Public Hearing at 7:51 pm.

Chair Bibb open the discussion by the Planning Commission members.

**Vice Chair Murray-Key:** Stated where the line is drawn through Condition 5. The developer was saying that it is already a part of their plans. Was that line drawn on purpose? ~~The site shall be maintained in a neat and orderly manner so that the visual appearance from the public right-of-way and adjacent properties is acceptable to County officials.~~ I am just trying to pick up where they are asking that Condition 5 be excluded – I am not following why that has been done now.

**Mr. Miles:** Stated that the applicant did not agree with the condition stating that the site shall be maintained in a neat and orderly manner as they planned to do that through their quality site design techniques. Therefore, Planning Staff marked through Condition 5 in their presentation slides as a reminder to discuss this condition with the Planning Commission. We do believe that Condition 5 needs to remain in our standard Special Use Permit Conditions and has been a part of them for several years. In the future, the Colonial Circle Commercial Business Association may not maintain the property correctly and our Zoning Inspector may need to take action.

**Chair Bibb:** Stated that Condition 5 needs to remain as part of the Recommended Conditions.

**Mr. Johnson:** Stated that he agrees that Condition 5 needs to remain as a part of the conditions.

**Chair Bibb:** Stated that in 2015 this property was rezoned to B-1 so the retail convenience store would have been a permitted use with the gas sales and car wash under B-1. Then in 2019, it was rezoned to R-3, Residential Planned Community to permit their mixed-use development.

**Vice Chair Murray-Key:** Stated that Condition 5 should remain and not be opted out as a condition since we want projects to be neat and orderly throughout Fluvanna County. She asked will the proposed use be open 24 hours a day?

**Mr. Miles:** Stated that the underlying zoning does not restrict the commercial hours of site operation so it could be open 24 hours a day and we do not know the proposed store brand.

**Vice Chair Murray-Key:** Stated that when Mr. Bird was discussing the bollards are there other options? Or do we know what the other options would be in the terms of the turns for in and out of the area that people would not run over and not cause a crash at the site, I am curious.

**Mr. Payne:** Stated that is a site plan issue and the design of the entrance should be up to VDOT.

**Vice Chair Murray-Key:** Stated that yes that is what I wanted know to make sure it was clear.

**Mr. Miles:** Stated that John Wilson, VDOT had reviewed this case request during the Technical Review Committee (TRC) meeting and found that the proposed site entrances were all properly spaced correctly and that any further analysis would be performed during the Site Plan Review process as Mr. Payne stated for VDOT review prior to the final approval of these site entrances.

|                |   |                                |                |               |                    |
|----------------|---|--------------------------------|----------------|---------------|--------------------|
| <b>MOTION:</b> | I move that the Planning Commission recommend Approval of SUP 20:03, a request to permit both car wash and gas station uses with respect to 60.9 +/- acres of Tax Map 8 Section A Parcel A14A subject to the six (6) conditions listed in the staff report. |                                |                |               |                    |
| <b>MEMBER:</b> | <b>Bibb (Chair)</b>   | <b>Murray-Key (Vice Chair)</b> | <b>Johnson</b> | <b>Zimmer</b> | <b>Lagomarsino</b> |
| <b>ACTION:</b> |   | <b>Motion</b>                  | <b>Second</b>  |               |                    |
| <b>VOTE:</b>   | Yes   | Yes                            | Yes            | Absent        | Yes                |
| <b>RESULT:</b> | <b>Recommended Approval 4-0 with conditions</b>   |                                |                |               |                    |

**ZMP 21:01 Christian & Associates Excavating – Douglas Miles, Community Development Director:**

**Chair Bibb:** asked if the Planning Commission can review these ZMP and SUP cases together?

**Mr. Payne:** Stated that you should vote on them separately but you can conduct one hearing.

**Christian Conditional Rezoning Proffers:**

The Applicant has proffered out B-1 uses:

the higher B-1, General Business land uses include Automobile repair service; RV sales; Fast food restaurants; Neighborhood retail C-stores; Dance Halls; commercial kennels; adult entertainment establishments; and other similar land uses that are not suitable along this neighborhood commercial use corridor

**Recommended Conditions:**

- Site Development Plan Submittal for proposed use
- Site shall be screened from the view of the premises
- Site Lighting shall illuminate only this premises
- Site Noises shall be in compliance with Sheriff
- Site may be inspected by County and State Staff
- The Board of Supervisors may revoke the SUP if in violation of any of these conditions

Chairman Bibb opened the Public Hearing for ZMP 21:01 and SUP 21:01 at 8:11 pm. With no one coming forward wishing to speak, Chairman Bibb closed the Public Hearing on them at 8:12 pm.

Chair Bibb opened up the discussion by the Planning Commission:

**Chair Bibb:** stated that he does not see any real concerns, and I think that the applicant has done good job with screening and I think that if the applicant has any problems that they will take care of it on the premises.

**Mr. Lagomarsino:** Stated that he disagrees with this request. If you look at the Zoning Ordinance it allows it to be a B-1, but then requires for a Special Use Permit for a use that is actually listed as a by right industrial use. Than if you look at the Comprehensive Plan it calls for neighborhood commercial and residential in this area with supporting mix uses. The supporting mix use that is in the Comprehensive Plan as supporting retail uses that support the surrounding community. I do not agree with an Industrial use being located in a mixed-use commercial / residential area.

|                |   |                                |                |               |                    |
|----------------|---|--------------------------------|----------------|---------------|--------------------|
| <b>MOTION:</b> | I move that the Planning Commission Deny Case ZMP 21:01, a request to amend the Fluvanna County Zoning Map for 14 +/- acres of Tax Map 9 Section A Parcel 12A to rezone the same from A-1, Agricultural, General to B-1, Business, General and subject to the proffers dated February 1, 2021 |                                |                |               |                    |
| <b>MEMBER:</b> | <b>Bibb (Chair)</b>   | <b>Murray-Key (Vice Chair)</b> | <b>Johnson</b> | <b>Zimmer</b> | <b>Lagomarsino</b> |
| <b>ACTION:</b> |   |                                |                |               | <b>Motion</b>      |
| <b>VOTE:</b>   |   |                                |                | Absent        | Yes                |
| <b>RESULT:</b> | <b>The motion to Deny this request did not receive a Second</b>   |                                |                |               |                    |

**Chair Bibb:** asked for a second with no replies Chair Bibb asked for any other motions?



|                |   |                                |                |               |                    |
|----------------|---|--------------------------------|----------------|---------------|--------------------|
| <b>MOTION:</b> | I move that the Planning Commission Approval of ZMP 21:01, a request to amend the Fluvanna County Zoning Map on 14+/- acres of Tax Map 9 Section A Parcel 12A to rezone the same from A-1, Agricultural, General to B-1, Business, General and subject to the proffers dated February 1, 2021 |                                |                |               |                    |
| <b>MEMBER:</b> | <b>Bibb (Chair)</b>   | <b>Murray-Key (Vice Chair)</b> | <b>Johnson</b> | <b>Zimmer</b> | <b>Lagomarsino</b> |
| <b>ACTION:</b> |   | <b>Second</b>                  | <b>Motion</b>  |               |                    |
| <b>VOTE:</b>   | Yes   | Yes                            | Yes            | Absent        | No                 |
| <b>RESULT:</b> | <b>Recommended Approval 3-1 with conditions</b>   |                                |                |               |                    |

**SUP 21:01 Christian & Associates Excavating – Douglas Miles, Community Development Director:**

The proposed land use request is classified as a contractor’s storage yard and it is defined in the Zoning Ordinance as: Storage yards operated by, or on behalf of, a contractor for storage of large equipment, vehicles, or other materials commonly used in the individual contractor's type of business; storage of materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as offices and repair facilities.

**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 shall be submitted for administrative approval.
2. The site shall be screened from view in accordance with the requirements of Section 22-24-7 of the Fluvanna County Zoning Ordinance.
3. Any lighting shall not be directed toward the adjacent properties and it shall comply with Article 25 Outdoor Lighting Control of the Fluvanna County Zoning Ordinance.
4. Any noise shall comply with Chapter 15.1 of the Fluvanna County, Virginia Code.
5. The site shall be maintained in a neat and orderly manner so that the visual appearance from the public right-of-way and adjacent properties is acceptable to County officials.
6. The Board of Supervisors, or its representative, reserves the right to inspect the property for compliance with these conditions at any time.
7. Under Section 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.

**Mrs. Eager:** Asked why are we removing the Recommended Condition 5?

**Chair Bibb:** Stated that it is still in the Recommended Conditions of this case.

|                |  |                                |                |               |                    |
|----------------|--|--------------------------------|----------------|---------------|--------------------|
| <b>MOTION:</b> | I move that the Planning Commission recommend Approval of SUP 21:01, a request to construct a contractor’s storage yard on Tax Map 9 Section A Parcel 12A subject to the seven (7) conditions in the staff report. |                                |                |               |                    |
| <b>MEMBER:</b> | <b>Bibb (Chair)</b>  | <b>Murray-Key (Vice Chair)</b> | <b>Johnson</b> | <b>Zimmer</b> | <b>Lagomarsino</b> |
| <b>ACTION:</b> |  | <b>Motion</b>                  | <b>Second</b>  |               |                    |
| <b>VOTE:</b>   | Yes  | Yes                            | Yes            | Absent        | No                 |
| <b>RESULT:</b> | <b>Recommended Approval 3-1 with conditions</b>  |                                |                |               |                    |

**SUP 20:04 Cunningham Solar, LLC – Douglas Miles, Community Development Director**

Cunningham Solar – Comprehensive Plan Goals

Rivanna Community Planning Area is for designated growth in the 2015 Comp Plan

- Green Infrastructure and Energy Efficiency where clean energy helps support planning
- Preservation of the wetlands on the rear portion of this property; wildlife corridors integrated to lessen the environmental site impacts and the preservation of farmland

**Recommended SUP Conditions**

- Special Use Permit for a 5 MW Major Utility use
- No pile driving and site deliveries on Sundays
- Construction Traffic Management Plan condition
- On Site Parking and Staging Plan condition
- Construction Mitigation Plan for dust and smoke
- Fifty (50) foot Setback from public right-of-ways
- Twenty-Five (25) foot Buffer for site screening
- Fire Chief Notification and public safety training
- Decommissioning Plan for solar energy removal

Bobby Jocz, Sun Tribe Solar, provided his presentation.

Chairman Bibb opened the Public Hearing at 8:35 pm.

**Julie Bryant, 120 South Boston Road:** Stated that this project adjoins my property. I understand that the setbacks did not align with the documents from what was shared with me regarding the minimum setbacks. So the rear yard being 75 feet and the side yard being 50 feet, again this is adjoining my property so I just want to be clear that I am understanding those are the setbacks?

**Bobby Jocz:** Stated that although the Condition stipulate 50 feet, as I mentioned in many places including adjacent to your property it will be much greater than 50 feet up to 75 feet from you.

**Julie Bryant:** Stated that she understands that the graphic has where there are lines and x marks that they will have matured as they have today, as you know when you had walked it with us. I am saying I do not want to see it out my back door and proposed site it will be screened there.

**Bobby Jocz:** stated we have properly screened the proposed site to obscure the solar panels.

**Mr. Miles:** Stated that yes, it is in Condition 7, and that is what they are proposing to do there.

With no one coming forward wishing to speak, Chair Bibb closed the Public Hearing at 8:45 pm.

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|----------------|--|--------------------------------|----------------|---------------|--------------------|
| <b>MOTION:</b> | I move that the Planning Commission recommend Approval of SUP 20:04, a Special Use Permit request to allow for a major utility / solar energy facility on 62.4 +/- acres known as Tax Map 18 Section A Parcel 44 and subject to the nine (9) recommended conditions within the Staff Report. |                                |                |               |                    |
| <b>MEMBER:</b> | <b>Bibb (Chair)</b>  | <b>Murray-Key (Vice Chair)</b> | <b>Johnson</b> | <b>Zimmer</b> | <b>Lagomarsino</b> |
| <b>ACTION:</b> |  | <b>Motion</b>                  |                |               | <b>Second</b>      |
| <b>VOTE:</b>   | Yes  | Yes                            | Yes            | Absent        | Yes                |
| <b>RESULT:</b> | <b>Recommended Approval 4-0 with conditions</b>  |                                |                |               |                    |

**6. PRESENTATIONS:**

None

**7. SITE DEVELOPMENT PLANS:**

None

**8. SUBDIVISIONS - Unfinished Business:**

**SUB 20:33 Ballinger Bluffs Rural Cluster Sketch Plan – Douglas Miles, Community Development Director**

**Chair Bibb:** Stated that this request had been deferred for sixty (60) days and it has been brought back onto the Planning Commission Agenda for the Applicant to provide an update. He indicated that he understood that the test wells had not been completed and the applicant would be forwarding the reports at a later date and that is not what was previously discussed.

**Mr. Miles:** Chair Bibb please be advised that Timothy Miller, applicant did e-mail to me today at 4:21 pm some updated information relative to the test wells that I forwarded onto County Staff and the Planning Commissioners but you may not have been able to read it prior to the meeting.

**Mr. Miles:** proceeded to read this e-mail message: *Douglas, I just spoke with Kenny Sites. He is onsite at this time drilling Well #2. The well reports not be ready until later this week. He stated the following: Well #1 has been completed and has a capacity of 30 gpm. Well #2 currently has a capacity of 3 gpm, but it will likely increase by the time he has completed the drilling. I will forward the reports when I receive them, but wanted to give the results prior to the meeting this evening. Thanks, Timothy Miller, P.E., L.S. Principal – Meridian Planning Group*

**Vice Chair Murray-Key:** Stated that she would further like to add to that, I know that we had some weather that prevented us from viewing the property area. When are we going to have that opportunity again? So to me to be fair to the property owner as well as the homeowners whom may be impacted by this decision I think that that is still an important part that Mr. Miller offered for us to do, and for us to have a dual poll that we could sign up for. I would like to echo what you said Mr. Chairman Bibb because those are my concerns. When we had our last meeting Mr. Miller was going to do these things and we do not have any information, so it is not on us that he has not completed that process.

**Chair Bibb:** Stated Mr. Miles could we arrange for a site visit to the subject property again?

**Mr. Miles:** Yes, we can. Actually the site visits that we were going to do it was too muddy at the time because we had snow melt and different rain events. We would also need to gain approval from him to access his property when we visit the site prior to your next Commission meeting.

**Chair Bibb:** Stated that he does not think that we have enough information to go forward with either one of these projects, and I think that the applicant has failed to give us this information.

**John Gilbody, Attorney for Quigley Properties LLC:** Stated that he would like to give clarity on two matters for this Commission: SUB20:33 and SUP20:02, and I want to state that there are separate matters and I want to make sure that I am clear that we understand what is being deferred by you guys and what the Commission does, and the basis of such deferral as it is not fair to us.

**Chair Bibb:** Stated were you there at our previous meeting back on January 12th?

**Mr. Gilbody:** Stated that he was not Mr. Chairman but I did have the opportunity to review that meeting on YouTube, and I thought that it was unclear because the SUB and the SUP cases were being considered in tandem and it was not clear to me what the specific criteria for an SUB to be considered was, and that is why I am asking this evening for more clarity on these two requests.

**Chair Bibb:** Stated that both of them are about the water, it has to be proven to us that water is available for the central sewer system and for the properties and the effect that it could have on the adjoining properties. That is what we discussed with Mr. Miller and that was the reason for the deferrals, and he had agreed to do this and provide us the test well information. He has not provided any of the information that we requested at this point.

**Mr. Gilbody:** Asked under what authority can the Planning Commission ask for potable water?

**Mr. Payne:** Stated that the answer to your question is that they can request whatever they want, and the Commission has the right and the obligation to review the application of these ordinances. The County Ordinances have numerous provisions and I can recite them to you if you want to hear them, concerning the availability of water impacting the development on the property and other properties around it certainly under a special use permit.

**Mr. Payne:** Stated to Chair Bibb in my judgement the Commission has identified the issue rather clearly and that you have the right to defer it, you have the right to approve it, and you have the right to deny it. As long as you are in the one hundred (100) day window review period and you have the right to continue to examine the facts of these requests.

**Chair Bibb:** Stated that we have the authority to approve, deny, or defer these projects, and it was our understanding that Mr. Miller was going to give us the information, which he has not

provided any updated information on the water situation which is required for both items. As I said earlier I do not see how we can go forward because he has not provided us with any further information which is actually what we have asked for and was the reason for our case deferrals.

**Mr. Gilbody:** Stated Mr. Chairman I am not questioning the Planning Commission’s authority all I was asking for was the Code section in which it has put it’s authority in to make a decision based on whether or not to approve or disapprove the subdivision plat. I was asking where in the code does it give the Planning Commission authority to base that decision in part on the water. I was looking for a reference and sorry I did not catch the name of the gentlemen who spoke earlier.

**Mr. Payne:** Stated that I am the County Attorney, Fred Payne. The number of sections in the ordinances, I will be glad to supply them to you if you would call me at my office tomorrow.

**Vice Chair Murray-Key:** stated that we do have the opportunity to defer it until April for thirty (30) days, so there are still about ten (10) days left. What would happen with the balance of those ten (10) days, if they did not provide anything by our April meeting?

**Mr. Payne:** Stated that it would be deemed to be Recommended to the Board of Supervisors for approval. In other words if you want to have any input in this you have to make a decision prior to the expiration of that one hundred (100) day Planning Commission review period.

**Chair Bibb:** Stated basically at our April meeting we are going to approve or deny them.

**Mr. Payne:** Stated either that or hold a special meeting.

**Chair Bibb:** Asked for a motion for SUB 20:33 Ballinger Bluffs Sketch Plan Request.

|                |  |                                |                |               |                    |
|----------------|--|--------------------------------|----------------|---------------|--------------------|
| <b>MOTION:</b> | I move that the Planning Commission defer SUB 20:33 Ballinger Bluffs Sketch Plan, a request for twenty (20) residential lots plus open space with respect to 48.4 +/- acres of Tax Map 31 Section A Parcel 41 and Tax Map 31 Section 1 Parcel A to the April 13th Planning Commission meeting. |                                |                |               |                    |
| <b>MEMBER:</b> | <b>Bibb (Chair)</b>  | <b>Murray-Key (Vice Chair)</b> | <b>Johnson</b> | <b>Zimmer</b> | <b>Lagomarsino</b> |
| <b>ACTION:</b> |  | <b>Motion</b>                  | <b>Second</b>  |               |                    |
| <b>VOTE:</b>   | Yes  | Yes                            | Yes            | Absent        | Yes                |
| <b>RESULT:</b> | <b>Deferred by the Planning Commission 4-0 to April 13, 2021</b>   |                                |                |               |                    |

9. **UNFINISHED BUSINESS:**

**SUP 20:02 Quigley Properties LLC – Douglas Miles, Community Development Director**

**Chair Bibb:** Asked for a motion for SUP 20:02 Quigley Properties, LLC Central sewer system.

|                |  |                                |                |               |                    |
|----------------|--|--------------------------------|----------------|---------------|--------------------|
| <b>MOTION:</b> | I move that the Planning Commission defer SUP 20:02 Quigley Properties, LLC a request for special use permit to allow for a central sewer system / major utilities use with respect to 48.4 +/- acres of Tax Map 31 Section A Parcel 41 and Tax Map 31 Section 1 Parcel A to the April 13th Planning Commission meeting. |                                |                |               |                    |
| <b>MEMBER:</b> | <b>Bibb (Chair)</b>  | <b>Murray-Key (Vice Chair)</b> | <b>Johnson</b> | <b>Zimmer</b> | <b>Lagomarsino</b> |
| <b>ACTION:</b> |  | <b>Motion</b>                  |                |               | <b>Second</b>      |
| <b>VOTE:</b>   | Yes  | Yes                            | Yes            | Absent        | Yes                |
| <b>RESULT:</b> | <b>Deferred by the Planning Commission 4-0 to April 13, 2021</b>   |                                |                |               |                    |

10. **NEW BUSINESS:**

None

11. **PUBLIC COMMENTS #2:**

At 8:57 pm, Chair Bibb opened the second round of Public Comments. With no one coming forward online, or on the phone line wishing to speak, Chair Bibb closed the Public Comments at

8:57 pm.

**12. ADJOURNMENT:**

Chair Bibb adjourned the Planning Commission meeting of March 9, 2021 at 8:58 pm.

Minutes recorded by Valencia Porter, Administrative Program Specialist.

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**Barry A. Bibb, Chair**  
**Fluvanna County Planning Commission**

APPROVED