

**FLUVANNA COUNTY PLANNING COMMISSION  
REGULAR MEETING MINUTES**

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

**July 13, 2021  
7:00 pm**

**MEMBERS PRESENT:**

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

**STAFF PRESENT:**

Eric Dahl, County Administrator  
Douglas Miles, Community Development Director  
Jason Overstreet, Senior Planner  
Fred Payne, County Attorney

**ABSENT:**

Barry Bibb, Chair  
Ed Zimmer  
Valencia Porter, Administrative Programs Specialist

**1. CALL TO ORDER, THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE:**

At 7:00 pm, with Chair Barry Bibb, absent on vacation, Vice Chair Murray-Key called the July 13, 2021 Regular Meeting to order, followed by the Pledge of Allegiance and a Moment of Silence.

**2. DIRECTOR’S REPORT: Douglas Miles, Community Development Director**

Mr. Miles informed Mrs. Eager, the Planning Commissioners and the General Public that the Thomas Jefferson Planning District Commission’s Regional Housing document “Planning for Affordability – A Regional Approach” was just released for review and comments. He went over some of the key take-aways and findings and encouraged everyone to provide him with any comments for consideration, especially as found within the Fluvanna County portion of it.

June 10, 2021 – Technical Review Committee (TRC) Meeting

**SUP 21:05 Eric C. Lee** – A Special Use Permit request in the A-1 Agricultural, General District to permit Outdoor Gatherings on 130 +/- acres comprised of Tax Map 57 Section 3 Parcel 1 and Tax Map 57 Section A Parcel 37. The subject properties are known as 218 and 220 Lowfields Lane and are located within the Rural Preservation Area and the Fork Union Election District.

**SDP 21:07 Fork Union Self-Storage** – A Site Development Plan request to expand a self-storage facility on 2.5 +/- acres of Tax Map 51A Section 8 Parcel 5A. The property is zoned B-1, Business, General and it is located at 4237 James Madison Highway. The property is located within the Fork Union Planning Area and the Fork Union Election District.

**Village Gardens: R-3, Residential Planned Community** – A Timmons Preliminary Master Plan request for approximately 260 single-family detached homes; 95 townhouses and 9,000 square feet of commercial space on Route 53 with proposed re-alignment of the existing road network to be discussed along with the VDOT Staff members during this meeting.

June 15, 2021 – Zion Crossroads Stakeholders Meeting The Thomas Jefferson Planning District Commission, VDOT, Fluvanna County and Louisa County Staff members received a progress report from VDOT’s consultant, Kittelson and Associates on traffic volumes studied at the various intersections for projected road improvements in the Thomas Jefferson PDC Plan.

June 16, 2021 – Board of Supervisors Public Hearings Meeting

**ZMP 21:02 Virginia Electric and Power Company** – A Conditional Rezoning from the A-1, Agricultural, General District to the I-1, Industrial, Limited District on 224.5 +/- acres of Tax Map 59 Section A Parcel 27 and Tax Map 62 Section A Parcel 7. The properties are located on the south line of Bremono Road and 0.2 miles west of Spring Road. The subject properties are within the Rural Residential and Rural Preservation Planning Areas and the Fork Union Election District. **Approved by a 5-0 vote with proffered conditions that included new water infrastructure upgrades, transportation improvements and parks and recreation funding.**

**SUP 21:03 Virginia Electric and Power Company** – A Special Use Permit request in the I-1 Industrial, Limited District to permit a sanitary landfill with respect to 224.5 +/- acres of Tax Map 59 Section A Parcel 27 and Tax Map 62 Section A Parcel 7. The properties are located on the south line of Bremono Road and 0.2 miles west of Spring Road. The subject properties are within the Rural Residential and Rural Preservation Planning Areas and the Fork Union Election District. **Approved by a 5-0 vote with Board conditions that restricted the Landfill to a CCR Landfill along with all of the site construction, transportation and site screening standards.**

**SUP 20:02 Quigley Properties LLC** – A request for a Special Use Permit to construct a central sewer system / utilities, major for a rural cluster subdivision in an A-1 district, with respect to 48.4 +/- acres of Tax Map 31, Section A, Parcel 41 and Tax Map 31, Section 1, Parcel A. The properties are located along Courthouse Road and Oak Creek Road, and 0.6 miles east of its intersection with Georges Mills Road and Stoneleigh Road. The parcels are zoned A-1, Agricultural, General and are located within the Rural Preservation Planning Area and the Columbia Election District. **The SUP was not approved by a 2-3 vote and the case applicant can now move forward with a twenty (20) lot rural cluster subdivision on wells and drainfields.**

June 28, 2021 – A Pathway for Protecting Housing Affordability Webinar

An APA Virginia webinar on the Richmond and Charlottesville and statewide Community Land Trust goals, objectives and implementation measures to achieve long-term, sustainable housing affordability for Virginia residents. They reviewed how Community Land Trusts (CLT) can make housing permanently affordable. Buyers purchase the house and pay \$100 per year to lease the land from a local, non-profit and earn equity on the house but they cannot sell their land.

July 1, 2021 – VDOT Transportation Assistance Program Grant Submittal

The Community Development Director and Planner / GIS Technician have submitted to VDOT on July 1st a TAP Grant request for transportation grant funding for the Palmyra Main Street, Court Square and Stone Jail Road work such as concrete sidewalks and new concrete curbing.

The VDOT – Culpeper Traffic Division will continue to take new traffic counts in the Fork Union Village area along Route 15 in the fall of 2021 to capture business and school traffic in the area of Fork Union Pharmacy and the VSI Store. Future TAP Grant funding can be considered there.

3. **PUBLIC COMMENTS #1:**

At 7:25 pm, Vice Chair Murray-Key opened the first round of Public Comments. With no one coming forward in the audience or online and wishing to speak to the Commission, Vice Chair Murray-Key closed the Public Comments Period at 7:27 pm.

Note: This was the first Planning Commission meeting that was open to the general public, no longer a Virtual meeting and applicants and residents could use the Zoom online meeting link.

4. **MINUTES:**

Vice Chair Murray-Key asked for two items to be changed in the minutes, from statements that she made June 8th. Page 2: For instead of or and Page 4: needs to be expecting to know you.

<b>MOTION:</b>	<b>I move that the Planning Commission Minutes of June 8, 2021 be approved, as corrected.</b>				
<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>Seconded</b>		<b>Motion</b>
<b>VOTE:</b>	<b>Absent</b>	<b>Yes</b>	<b>Yes</b>	<b>Absent</b>	<b>Yes</b>
<b>RESULT:</b>	<b>Approved by 3-0 vote, as corrected</b>				

5. **PUBLIC HEARINGS:**

**SUP 21:05 Eric C. Lee -- Jason Overstreet, Senior Planner**

A Special Use Permit request in the A-1 Agricultural, General District to permit Outdoor Gatherings on 130 +/- acres and comprised of Tax Map 57 Section 3 Parcel 1 and Tax Map 57 Section a Parcel 37. The subject properties are known as 218 and 220 Lowfields Lane and are located within the Rural Preservation Area and the Fork Union Election District.

Mr. Overstreet provided a detailed Powerpoint Presentation that included pictures from his site visit to Lowfields Lane and the proposed Outdoor Gathering grounds and related areas.

He reviewed the recommended conditions with Mrs. Eager, the Planning Commissioners along with the applicant and the general public, with the Library Meeting room filled up to capacity.

**Mr. Lagomarsino:** Asked are you going to allow a permanent kitchen or are you going to have a kitchen area set up within a tent? If the caterers are cooking food so will they be set up there? My second question is that brides like fireworks at the end of the wedding or reception, what is your plan in place to manage that as it is related to these being a fire hazard on the premises?

**Eric Lee, Applicant:** Stated that he personally does not like fireworks, so we would not permit any fireworks on the premises. As I am concerned about a fire in a field, or something goes onto one of the outbuildings or a fireworks display item falls over and that is related to my concerns for noise. As far as permanent or temporary kitchen it would not be permitted. The idea is the caterers are bringing food that is prepared and not trying to have food cooked on the property. Otherwise, I need to have the space certified as commercial kitchen space and to have regular VDH food site inspections because the food is being prepared on private property.

**Mr. Johnson:** Stated that he does not have any questions now but he probably will have some questions once all the Public Hearing comments have been provided by the audience tonight.

**Vice-Chair Murray-Key:** Stated I have received some questions from Andy Sorrell, on behalf of some of the neighbors, since he does not reside in this part of the County, and he is a former Planner and he offered to help-out with the proposed conditions relative to noise and traffic. My question is when in your application you talk about not having DIY Brides with the brides doing it themselves. However, you are still doing a business and I am trying to understand if some brides were having smaller weddings are you still talking about having to shuttle in the guests and all of that, as well. So, a bride she cannot contract with you to conduct a wedding is that what you are saying? I am just trying to get clarification on your proposed business model.

**Eric Lee, Applicant:** Stated, yes, I have a full time job and my wife is busy, so we do not have the bandwidth either and are not looking to get into the wedding planning aspects as to where we are working directly with DIY brides. I would say they are not going to have the necessary insurance, they may not know how to obtain the proper caterer. I will not know if that caterer is reputable and so then I have to chase that down so to me that is not in our plans. We would rather have less events and have it formally defined by those things, and again April to October that was really an upper end of the range that the weddings could be done. As one of the area community residents who is here tonight had sent in I guess to the public record. Jeff Strider he was concerned about defining the number of events over time which I appreciated and he and I had some of those same kind of questions where we were looking at like I said maybe 10 or up to maybe 20 events is a better number. Within that range and that is something that if there was a discussion around that and the community felt more comfortable about well if we knew it was only 10 within that range or only 20 within that range instead of an upper end of maybe 27 events and with all the comments tonight we can all wait to hear from everyone tonight.

**Vice Chair Murray-Key:** Asked Mr. Payne would he like to answer this question. So, are those things we can actually put in the conditions to minimize the number of events that are held?

**Fred Payne, County Attorney:** Replied yes.

**Eric Lee, Applicant:** Stated that Jeff Strider had good feedback and I would say I also have those same kind of questions. We would be very happy to entertain that again if we can get cohesion or whatever the word is like something that would be more community supported, and that is why I kind of went through my thing and said at the same time all of that. If it needs to be

deferred or withdrawn because we cannot agree on certain things. I am open to that you know but that is what we were looking at so if the community around us said well we are very frightened of the 200 plus persons and 200 persons 27 times which is as you had said when we hear the feedback later but we would be much more comfortable with 10 to 20 and you are looking at 40 to 50 persons these smaller things and scaling that down and we know there are no fireworks and we know you are on and we did not have all the details on that you are going to hire the Sheriff deputies and emergency services and there is a greater comfort level I would meet for the community to be comfortable with what we would like to do on our property.

**Vice Chair Murray-Key** opened up the Public Hearing at 8:00 pm and she stated that we have several persons already signed up to speak and she indicated after I call your name you can approach the podium and state you name and address and you will have 5 minutes to speak.

**Jeff Strider, 5210 Shores Road:** Stated that he is allowing for all others to speak at this point.

**Jack Beuth, 121 Middleton Mills Lane:** Stated that our property is not an adjacent property but I have 5 points to make in my 5 minutes. First, when you look at the plans as they are officially stated for this project and you then try to match up the plans for what they want to do, and the location where it is there is a real incompatibility there. So, there also is an incompatibility with respect to noise and I will tell you that where we are we are located literally where we can hear cows moo and on Lowfields from where we are amplified music even at a low level will be very audible to us. Every single Saturday according to the proposal not only is there not much traffic on Shores Road it was mentioned it is a dead-end road. Literally almost no one goes down that road currently except for the people that do live there, and this would substantially increase all the traffic not just from their guests but also from all the setup vehicles and shuttles as well.

There is really no highway access to this facility, most facilities have direct access to a highway and in fact currently the way that you have to get out of this property is an easement, a shared easement and then you have to go several miles before you get to Route 6 and which is West River Road. What this means is the impact of these events is not just on the neighbors right around it but all the way along Mountain Hill Road or Shores Road. Whichever road they are going to use to bring people in another one will experience increased traffic on those roads.

Which are small roads, narrow, unmarked roads and in fact one of my colleagues told me it is on the order of 150 households along those two roads and finally the business plan for this the idea of bringing all the events, bringing the customers in and taking them out, and pulling all the infrastructure out that increases the traffic problem as well so even the business model is really inappropriate for the location. Second point, I do not see any benefits of this activity to Fluvanna County if you look at the application itself it asked for a list of those benefits, please give facts and the first part of his answer was I have no facts. That is true these events benefits the applicant and harms large numbers of people with respect to their quality of life and traffic and it does not do anything for the county. Third point I think this is a destabilizing application for two reasons; one I think Fluvanna is going to be seeing a lot of these types of applications for weddings and for wineries and it would be a really good idea to start to have a standard set of rules by which you would approve or disapprove them. I also think it would be a very bad idea to approve this SUP which would interfere with that type of process again other counties have gone through that process successfully. Next issue I think its maybe one of the most bothersome ones is that this is destabilizing because of their conservation easement. And I checked online Fluvanna currently has 14,700 acres currently under conservation easements.

Every one of those property owners is going to look at this application and look at this case if you approve it and say I can do this with my property and I think that could be a very bad thing. Two more points the business model here seems very strange to me. I know that you can have remote weddings and can bring everything in and then take it out. I am not in your business or anything like that but I have not seen or heard of any company, a wedding planner that where everything goes in and then everything back out, and particularly give the location of this case. I think there is a lot of things where we do not know what is going to happen I mean it could be a lot of logistical challenges, it could go very poorly and that scares me. Last point, is I think I love all the restrictions that have been put on with the current case, that is great and in fact I see issues with enforcement. I think actually those restrictions are unenforceable in my mind.

**Thomas Beecher, 216 Lowfields Lane:** Stated we also own the property across Lowfields Lane, all of the traffic coming in is going to go between our two properties. It is also going to have to travel upon a gated right-of-way which we share with both farms that means that we are going

to have all the traffic people coming into these events, all of the traffic contractors coming in. They are going to go past our house pass our entrance onto the right-of-way and then onto Lowfields Lane they are going to go past within 225 feet of the house. We will hear that it will raise dust there and there are gravel roads we are also very concerned about the right of way.

All of the slides that we saw show the entrance to the event is at a gatehouse that gatehouse is so far into the property to get to that gatehouse you have to go over a 900 plus foot right-of-way and that right-of-way was established about 15 years ago after a lawsuit from the previous owners against us and we had to traverse that road it is 10 feet long, it allows for two and a half feet right aside on our side of that right-of-way. It is a part of the right-of-way with a deep ditch periodically when the rock will keep inspecting the right-of-way make sure that it is in good condition. You cannot see on hold traffic that right away is only widely enough for one vehicle and does not allow for any expansion in the right-of-way. There is no facility on that right-of-way now for vehicles to pull to the side to allow another vehicle to come by. I think this is a very dangerous thing, but if you have an ambulance come in and somebody is on the right if it and doesn't know they are going to go and get onto the grass. I originally was going to build my case around a bunch of photographs on display boards, but I did not realize that I should have brought them in digital format, but I am going to show you all this one photograph. Mr. Beecher showed the Planning Commission a photograph of what was taken in about October of 2013. They had documented this due to what they thought was a very excessively damaged right-of-way and what happened was they had several days of rain and the road had become saturated and it became muddy and was not passable. It was really wet then and there was a lot of activity on the part of previous owners as I think actually he was pulling all of his cattle off of that farm. The land that he was renting, so we had a lot of activity back and forth and we were frank within a matter of weeks and the right-of-way road it just went back to normal.

We are talking about possibly having upwards of 20 events from April to October inevitably if you have that number of events things are going to factor back it rains in Virginia, sometimes torrentially you start having this condition with lots of vehicles, heavy-duty loads and so forth going through that road it is not going to hold up. I used to work in special events when I was in college. I put myself through college as a catering waiter, we did events very similar to what is described here we brought all the food out, we set up tents and so forth. I also worked for about seven eight years at the Library of Congress in Special Events. I saw how my two bosses, the events coordinators, had to deal with contractors and event planners, it is very hard work.

**Paul Ledvina, 216 Lowfields Lane:** Stated that he and Tom are at the same property. We are adjacent to the property that the owner is requesting the Special Use Permit, and as you have heard Mr. Lee has pointed out the fact that our house is the home that is approximately 2,600 feet about a half mile from where the proposed events will all be staged. He also points out there will be amplified music as well as you know using a microphone or something like that maybe or speakers or something like that during these events. He also points out that to not worry about this as all the noise it will be under control because it is going to be buffered by a large amount of trees. So now this is our retirement home, we have lived on our property for nearly forty years. I do not think Mr. Lee really quite understands the acoustics there is a wild dynamic phenomenon right where he is going to stage the events. We are opposed to this use.

**John Ashcraft, 2367 Shores Road:** Stated he came unprepared to speak, however he is a resident of Shores Road and has been there since 1998. So, I have seen that land go from virtually destitution to a community and what while I do not want to restrict anyone of the opportunity to increase their income or their standard of living or provide a good tax base to our county. I do believe these symbiotic relationships are what neighbors are about and when we are on a small, country road that does not have two defined lanes that is a concern. I have heard a lot of maybes and cans but nothing definitive. I have heard that we will have potential law enforcement there to survey the landscape or to observe individuals leaving so it is not to have drunk drivers on the road after just hearing there were shuttle buses delivering people to and from the events that seems to me ambiguous and contradictory. We will have individuals coming down the road the day before, the day of early in the day, that are subcontractors that are unaccountable for most part by the residents of Shores Road. This will have an impact on the dynamics of our own environment. We have individuals especially since the dead end rural country road we have a lot of hunters and down at the bottom of Shores Road, we have a lot of hunters that have dogs etc. During the season they are talking about that may or may not be a big problem during the heart of the season but on the first day in the back end we are going to have hunters out on the roads and with our dogs. We're going to have congestion potentially if the shuttles are not sufficient for the up to 200 and its more than the 20 to 40 that are a target

market, again I just feel that there is little to gain for our community and only to gain for the individuals that possess the property at the end of the road by which we all live on a daily basis.

**Deborah Johnson, 4588 Shores Road:** Stated that she is here tonight, to not only speak for herself but to speak for several others and maybe up to 80 individuals from our community. She provided a written Petition. So, I am not going to say everything that I had started to say because they have already done so our main concern is the word wedding, it sounds beautiful but if this permit is granted. We are not sure of the community what will happen down in that corner, it is off to itself we might have police, rescue squad, fire department personnel but they are not going to be in place when something happens down there on their end. We have had to call them and it takes anywhere from 30, 40, to 50 minutes by that time whoever has been hurt has already left the community you have no way of tracking it. When I went to homes this week most of the people said that they are afraid of this kind of large activity coming into our community. If something happens nobody is going to know they might come in on buses but they might just walk out on Shores Road. They might go into the railroad tracks, they might be swimming in the river, that is a part of our community where you just do not go in and things have happened back in that little corner. I am sure that Fluvanna County does not know about and I am sure in the future a lot is going to happen down in that little corner and that Fluvanna County would not know about. I have a list of names I do not know who to give them to but we are very much concerned about not knowing or not being able to identify people that are going to be in our community every weekend from April to October we will never get a real break most of these signatures are from Shores Road. Everybody on that road just about drives they are retired and others a shuttle bus will put them in the ditch. Four or five of them together might put them in somebody's field, so we are very concerned about the magnitude of people coming on Shores Road. The noise, I am sure the people over in Buckingham right now do not even know what is going to happen and they are going to be affected because they will hear all the noise. So, I know things might happen from this Commission but we are begging you to please if you put something down in that corner to have it policed because Shores Road has very low policing. Sometimes we do not even see a Sheriff unless they have a paper to be served and we beg you to pay close attention to what is about to happen to our little community because we cannot see where it will benefit us at all.

**Karen Bercaw, 812 Cunningham Road:** Stated that she has lived at this address since she was twelve years old. I am concerned about all of the changes that this would bring about not only on Cunningham Road, but also all the way down Shores Road serving access to the properties.

**James Johnson, 4588 Shores Road:** Stated that first of all Shores Road is a quiet place we take pride in it. We police the road, we get Sheriff Hess to send us people around when we do the cleanup and stuff like that. We take pride in our little community, it is peaceful most of the time. We have keys in the vehicles sometimes we leave the doors open we are not perfect. Mountain Hill Road is the same way, when we clean we do both sides people that is what we do. We have had weddings at our church New Fork and it impacts the community greatly and we only may have two or three weddings a summer but it greatly impacts the community.

I want to welcome Mr. Lee into the community, it is just a beautiful place that they have down there. I have been down there when the previous owners had lived there. The point is that the logistics of this if you think about it I mean to bus in that is one thing but the road is not going to accommodate the shuttle buses as school buses must struggle with it. The other thing is just the logistics of catering all I think about is what has to take place there. As, Whitney my own daughter is getting married in October and she is in Chester. Chesterfield is totally different as they have multi-lane highways and they are way back in there so it is going to impact our little community, and you are talking about from April to October every weekend. I cannot see it.

**David Anderson, 2459 Mountain Hill Road:** Stated that the applicant Mr. Lee that he made a statement about the buses and law enforcement. Then he made a statement that the busses were going to bring in people and then he also stated that the law enforcement was checking the people to see if they could drive so he taught me to guess so who are you talking about?

**Dr. Shirley Roundtree, 3855 Mountain Hill Road:** Stated that she lives right where the road bends. I think it would be better if he put in a permanent use rather than constantly having trucks taking tents and things down to be taken up and put down. There are a lot of strangers coming into this community and this community has a lot of seniors in it and if friends of the strangers decided to come back or decide to get off the right track that is not going to be in his control and by the time anyone realized what has happened it has already happened. I think if

he was going to put a venue there it should be a permanent venue, where you do not have to constantly bring in tents and take them out. Bring in caterers put a kitchen in the venue and have it set up properly to not have so much trouble worrying about coming into a very stable community. That has been here for years and we want it to stay that way.

**Eric Lee, Applicant:** Stated that he was trying to take notes from all the speakers and such with the law enforcement for guests because I have heard that questions more than once on the shuttles buses. The shuttle buses are definitely for the large group of attendees like the Best Man, groomsmen and other people in the party, bridesmaids whoever, I would just feel better having someone there for any other vehicle traffic leaving caterers, caterer staff, so I thought I was clear about that. If I need to re-clarify that people coming will be coming on the shuttle buses okay the invited guests if you will the wedding party or the honored guests that would be coming in their own cars I guess for carpooling may or may not be like the mother of the bride the father etc. As the bridal party will be there earlier than all of the shuttle buses.

I would imagine and the people leaving at the end of the night, so I just want to make sure there was nothing I did not mean to say anything inconsistent with who is going out on the buses, and who is going you know from law enforcement that kind of thing to be watching because there would be cars coming in and out of there. So I would not say there would not be additional cars, and the other thing when I opened I talked about if we could get a number and the community would be more comfortable what I can say speaking for myself that I do not think anyone is ever going to be comfortable so what I would say is we would just withdraw the request and go back to the quietness and I could be on the other side of the fence again.

I thought if we could get a common ground but there would be a good way for the people to be comfortable but people are certainly very uncomfortable for a lot of reasons that will not ever be addressed. So, I would say let us just pull it and cancel the SUP application and we will just go back to living there quietly it was going to be a side thing we just do not need to do it.

**Vice Chair Murray-Key:** Stated that Mr. Lee cannot respond from the audience, so we can keep everything in order. I would like to say that I don't live in Shores, I represent the Rivanna District, but I think it's incumbent to recognize that when you first started speaking that this is what you said. You talked about being considerate of your neighbors yes, and to be true to your word at this very moment when so many of them have already expressed the concerns you're expressing that you're a concerned neighbor and you care. It's important in these days and times for people to hear about one another and so I don't know if any of the board member or Mrs. Eager has anything else to add, but for the purpose of this room that's what community is about. You all started talking about the community and it was through the process of holding the meetings and then you're following the protocol process, and your neighbor listened to you; it did not have to happen this way right. We also have to respect the fact that people have the right to have businesses and do things and sometimes it just doesn't go our way. The power of the community is what made the difference and sure I just personally have to commend you for whatever sacrifice that looks like you've done we'll never know and some of the other individuals here have spoken to the fact that they didn't want to hurt you in that way. They're thinking about their seniors and the safety, so we also heard from Mr. Lagomarsino and his concern about other implications. I just think it's important that the community that's here recognized the sacrifice that was made at the forefront and on the table.

**Fred Payne, County Attorney:** Stated that the applicant has withdrawn his application and he advised Vice-Chair Murray-Key to move onto the next item on the agenda as the general public leaves the room and County staff brings in the next group of County residents into this room.

**ZTA 21:03 Ordinance to Amend Chapter 22 Zoning – Douglas Miles, Community Development Director**

AN ORDINANCE TO AMEND CHAPTER 22 ZONING OF THE FLUVANNA COUNTY CODE BY THE ADDITION OF A USES PERMITTED BY RIGHT USE UNDER 22-8-2.1 IN THE R-4 ZONING DISTRICT: MULTI-FAMILY DWELLINGS, WITH A DENSITY UP TO 5.5 DWELLING UNITS PER ACRE, PROVIDED THE PROPERTY IS WITHIN AN AREA SUBJECTED TO A COMMON PLAN OF DEVELOPMENT AND SUCH PROPERTY IS SERVED BY A CENTRAL WATER AND SEWER SYSTEM.

On December 5, 1983, the Fluvanna County Board of Supervisors approved the request of Lake Monticello Development Corporation to rezone the Marina Point subject property from R-1 to

R-2, and was converted to R-4 zoning, which currently permits up to 2.9 dwelling units per acre.

The proposed Zoning Text Amendment will allow for additional, affordable housing type options to be developed within R-4 zoning and to allow for the completion of an existing project located in the Lake Monticello Plan of Development and utilizing both Aqua Virginia water and sewer.

**Vice Chair Murray-Key:** Stated when we had spoken earlier talking about affordable housing before I have everybody come up to the podium, we just have to remember that affordable housing is going to affect people in some form one way or another. Please know we are trying to make sure that the overall Fluvanna community is where everybody has a place no matter how impacts individuals and being fair to those that own property. So again the work that has already taken place in conjunction in our central Virginia community looking at that very thing.

I think that when we have our meeting in August or September when Christine Jacobs comes to present that information that we've been working on for the past two years, and I think as long as people read the information prior to the meeting people will be prepared with questions and things that are appropriate to go forward together by creating affordable housing in the County.

**Vice Chair Murray-Key** opened up the Public Hearing at 8:30 pm and she stated that we have several persons already signed up to speak and she indicated after I call your name you can approach the podium and state you name and address and you will have 5 minutes to speak.

**Gary Hannifan, 953 Jefferson Drive:** Stated that he lives right across the street from Marina Point. I have talked to the developer and he and I came to somewhat of an agreement about where the units are going to be placed in front of my view of the lake. If you could move one a little up higher up the hill then the other one a little bit closer to the marina I would appreciate that, but that's not really my concern right now. My main concern is the three dwellings by the spillway I don't understand why they are set down so low on the hill because being where they are situated you do not have a good lake view and that just does not seem like it will work.

**Mr. Payne:** Stated, I do not want to interrupt but the location of particular buildings and things like that is what is before the Planning Commission but rather the proposed R-4 density change.

**Vice Chair Murray-Key:** Replied, we have heard from Mr. Payne, County Attorney so please be mindful of your comments and that they are addressing the proposed zoning ordinance text.

**Gary Hannifan:** Stated that the only question that I would have about that is it seems to me by CVS we have several multi-dwellings there and across the street from the Main Gate there are a lot of new townhomes there. I do not really think we are in a great need of them - bottom line.

**John Danna, 951 Jefferson Drive:** Stated that he and his wife Joy moved there 14 years ago and part of our due diligence before we moved there we had learned that the property across the street was already at a maximum density of 2.9 residential units per acre. Then we also became aware that the property owner of the vacant lots had changed several times over the years by the documents of the existing townhouse, condos, and adding more units. Recently, developers have promised financial assistance to the current owners of the properties there, and which has led to an unanimous vote by them to allow more units and density which led specifically to this at tonight's meeting. The zoning amendment would increase the density to 90% at 5.5 units per acre this does not comply with the intent of the Fluvanna County Comprehensive Plan.

If approved, this ZTA amendment will permit Marina Point to have the highest density in any residential zone in Fluvanna County. I believe Lake Monticello is the only area zoned R-4. So, I think we have not talked about that this is a targeted attempt to primarily benefit one entity in the county and that would be the developers of this property which led to this meeting tonight. So, this makes me bring this up to the Fluvanna County Planning Staff Report concerning this amendment they are important as you have seen it only has two conclusions both of which do not justify approving this request. The first one has to do with will allowing for completion of an existing project at Lake Monticello. These are not affordable for most people they will be in the range of 500,000 to 800,000 at Lake Monticello anything with a lake view is a million dollars.



We do need affordable housing in Fluvanna County we need it here at this location as well but these are not yet also this also says it was an existing project that had not shown this one, this project was the first one that's been considered during the last 38 years since it started back in 1983 there has been no building done except for the original buildings and now this case. So the second conclusion is the staff report says that Fluvanna County does not have an available housing stock to allow current homeowners to transition the first order and lower overall square footage which equals to more affordable energy bills for heating and cooling muscle less outside and skipping home park each of these units will have 2,430 square feet of finished space. So my wife and I would like to acknowledge our personal interest in seeking any modifications to the developer's current plans to retain some of the space in some type of view from our residence which we have been at for 14 years we have made many improvements to our house and expect that this would be our last one. The developers advise that no changes can be made to their conceptual lot layout as presented to the Planning Commission but as it affects our property, if the current plan is approved I believe my wife and I as well as our adjacent neighbors will lose property values to our home and the community as a whole will lose open space which they have had to enjoy which they have had 200 feet away from the new products their properties are being considered now for construction. I urge you to deny this density change and create a more equitable plan for our community as submitted which is in line with the comprehensive plan which as we have talked to the lake includes affordable housing, senior housing and things like that which are really necessary for our community. This plan right now as it stands it is not for seniors not for affordable housing we would hope that you would recommend denial of it.

**Thomas Diggs, 947 Jefferson Drive:** Stated thank you for allowing me to speak in opposition to this zoning text amendment. I became aware of the potential of something like this back in March when the developers for Marina Point had a meeting with the Lake Monticello Owners Association Board to discuss their proposal. I appreciate that the County Attorney made the statement to you that there is no vested zoning rights which removes several minutes of my presentation and preparing for any formal request that might have made to build additional units. I spoke with Mr. Miles on March 17th and as part of our discussion he told me that Lake Monticello was indeed the only R-4 zoning in the county. Your County Attorney has said that this is not spot zoning but I respectfully disagree although the zoning text amendment will apply county-wide it appears it will only apply to one landowner now all of the rest is speculative it assumes that indeed you will recommend and the Board of Supervisors will accept a new plan that speaks to things that are not yet in place. So any decision now to make it will indeed just benefit a single parcel which has the appearance of spot zoning which may be appropriate in this instance. I have laid out my case in the written comments that I trust you all received this evening. The Comprehensive plan is intended to guide your decisions the plan certainly seems to focus on maintaining Fluvanna's rural character. I have provided several citations to that in my written documents and the existing Marina Point properties with limited condominiums and townhouses add character. It is because of the open space adding more townhouses and taking away the available open space it is not in harmony with the rural character of the remainder block of Lake Monticello a subdivision of 4625 blocks that is apart from the existing 15 units at grand point exclusively single-family plans.

If this text amendment is enacted for the Marina Point plan of its proposed 10 residential units considering it is combined with 5.14 acres will make Marina Point 67% more densely built than any other residential properties in Lake Monticello. Finally, all 10 of the proposed Marina Point townhouses according to the plan provided to the developers the March 11th meeting with the Board of Directors. Lake Monticello appears to be designed for affluent buyers as each of the townhouses will have 2,430 square feet of finished space with two levels, a two car garage with about 400 square feet and an unfinished basement of 1400 square feet. Each will have prime waterfront or water view locations which will have a two story front elevation and a three story rear elevation. Those who purchase one of these townhouses they will be subject to both the Lake Monticello and the Marina Point property owner annual fees. So, you should recommend denying Zoning Text Amendment 21:03 based upon what is found in the comprehensive plan.

**Barbara Rohr, 961 Jefferson Drive:** Stated that she is speaking in reference to the proposed zoning text amendment. I am not completely opposed to the zoning text amendment per se, but I do have a concern about these changes providing an avenue for developers to build and also to develop more density populated residential communities which impacts everything. Our infrastructure, schools, traffic, limited shopping options and detracts from the rural character

which is the reason many people choose to live here. I understand and wholeheartedly agree that we need affordable housing which is a multi-faceted, complicated and a national issue.

My question would be is the zoning text amendment being implemented to serve the greater good which is part of a long-term sustainable goal or to provide a way for developers to profit by filling our county with a variety of new residential units. Density populated sections of our state which were once rural have not been well served by the overdevelopment and past efforts to provide affordable housing have not always met the community needs. So, more units do not always equate to more affordable housing. Here is an example of how this amendment could impact my community. 10 luxury townhouse condominiums are proposed to take up existing green space this would not be permitted within current zoning guidelines, so why approve it now and who benefits the county gets tax revenue, and the developer see revenues increase.

The current residents of that community get new conditions for development but how does the entire community around it benefit. This is what I see, density is increased in a very maxed out community, existing water resources are strained in terms of sourcing it and tying into an aged infrastructure more demand is placed on community services fire, rescue, and police traffic in a bucolic setting. Traffic is increased by as much as 20 cars a day from on common entryway, the wildlife is impacted, but what if this amendment goes through what could be done one could consider a compromise by doing the following in my community as well as in many other communities potentially impacted by this text amendment. When working with developers consider choosing an option that actually avoids maxing out the density of the mixed-used development consistently address the issue of green space to include respect for wildlife and habitats and respect for those who reside in a proposed development area collaborated openly on the design plan especially when impacted residents ask developers to offer proffers for all not for just a few in an immediately impacted area. Perhaps create developments or provide more than just homes and build nice walkable stores, restaurants, and other services and businesses. In my community suggestions for proffers could be to ask a developer to build walking paths for all in the community, they could be asked to provide fiscal support to fire and rescue they can work with Aqua Virginia to repair aging pipes. In my situation, aforementioned proffers might seem like a small request for a small project given the explosion of residential development in Fluvanna. It seems people are flocking in here to enjoy its very rural appeal.

We are running the risk of losing this if careful choices are not made if this text amendment is approved. How do we balance this to ensure we maintain the rural nature of our county while providing affordable and desirable housing for all? I am concerned about all development not just what happens within the gates of Lake Monticello. Where we are running the risk of moving from beautiful homes on and around a lake to crowded houses on a pond, please consider a decision to approve this request Please consider a decision to approve this zoning amendment carefully and with caution, I would prefer that you consider it and keep thinking about it.

**Billie K Snodgrass, C-4 Marina Point:** Stated that she is here on the behalf of the Marina Point Owners Association to provide their perspective. I served as president of the Board of Directors from 2015 through 2020, and something significant about that is that it was the time period in which we negotiated with the developers this was a very careful negotiation and we had many things that we put on the table because we wanted to keep Marina Point a good place to live.

For us at Marina Point, as well as for the community, so this was not done quickly and was not done just because we were offered some amenities that made it more attractive, which it did but we did not do it until we did not agree until we had come to some decisions about how this thing would look and how close the buildings would be in the end. How big the buildings would be there were several different types of buildings that were proposed and we were happy with having duplexes instead of any more condominium buildings like the ones that I live in now.

There we did not necessarily want several more of those so we were very happy with what the developers came up with. The plan went through many iterations and it went through a lot of hearings and was approved. So I want you to understand that we are looking at it from the point of how it was going to look and what kind of quality of life it was going to create for us and the community for our neighbors. There have been some concerns that have been expressed and one of the main ones seems to have been the potential loss of view and I know we were asked

not to address that but to me it has already been brought up and what is heard cannot be unheard. So I would like to give our opinion if I may? There seems to be an expectation that we owners keep our large empty lots as open space for the community and I think that's a little unfair expectation when the condominium site was developed and like Lake Monticello with approval it was intended for those empty lots to be developed and for buildings to be there.

It was never there are spaces we are not next to each other and we will not be next to each other with these in this new development there is a lot of space between our building and the other building that my building and the other one that exists there. So we do have space we do have green space and it is called common property we all maintain that but I don't know of any other people who have bought lots at Lake Monticello and later built on those lots and that they were asked not to do. So because doing that would obstruct a view. This IS our private property and this is property that we paid for, this is property that we maintain we pay taxes on while we pay upkeep on and if you know what Marina Point looks like the empty lots are huge there is lots of empty space out there it was not intended to be all green space it was intended to be new housing. Now one thing that helps us as a community if we have more people that live there because originally we were supposed to it increase the number of people that are in the condominium association. We are the ones that keep it up the whole area. We use our own volunteers and we pay dues so we have got a 15 unit condominium right now and it was not supposed to be it was not intended to be that small that is a lot of a smaller number of people to upkeep a large amount of land and to have 10 more units which is five duplexes would add new blood. A lot of our people are aging and including me it would add new blood we would add more juice for us it would have more dues for the community in which I live in right now.

**Marina Point representative:** Stated that the applicant and I just wanted to make a few points following up with the last person speaking tonight. We have been working on this project for several years with the owner's attorney to get to where we are at tonight. As this project was originally designed for 45 condominiums. If the zoning text amendment is approved by Fluvanna County it will allow for 10 more units bringing the total units to 25 there are 15 units there now we're planning to build 10 more units. Those ten units are going to sit on the just over five acres of the land that is remaining that was going to be 45 condominiums. So there is going to be well over an acre and a half of remaining open space as undeveloped land that the condominium association would enjoy, maintain and have to use. We have met with Steve Hurwitz with the LMOA. We had a meeting with that group they were in support of the concept to try to figure out a way to get this project finished which started back in the 1980s. So we are happy where we are at right now. We hope that this zoning text amendment the county feels that it has merits it is in keeping with the Comprehensive Plan for growth in the county. Smart growth predictable growth those are all important things for this county, we obviously support the idea and hope that you approve it.

**Vice Chair Murray-Key** closed the Public Hearing at 9:25 pm there were no further comments.

<b>MOTION:</b>	I move that the Planning Commission recommend approval of ZTA 21:03 An Ordinance to Amend Chapter 22 Zoning of the Fluvanna County Code by the Addition of a Uses permitted by right use under 22-8-2.1 in the R-4 Zoning District: Multi-family dwellings, with a density up to 5.5 dwelling units per acre, provided the property is within an area subjected to a common plan of development and such property is served by a central water and sewer system.				
<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>Seconded</b>
<b>VOTE:</b>	<b>Absent</b>	<b>Yes</b>	<b>Yes</b>	<b>Absent</b>	<b>Yes</b>
<b>RESULT:</b>	<b>Recommended Approval 3-0</b>				

**7. SITE DEVELOPMENT PLANS:**

None

**8. SUBDIVISIONS:**

None

**9. UNFINISHED BUSINESS:**

None

**10. NEW BUSINESS:**

None

**11. PUBLIC COMMENTS #2:**

At 9:30 pm, Vice Chair Murray-Key opened the second round of Public Comments. With no one coming forward to speak in person or online she closed the Public Comments period at 9:30 pm

Mr. Payne stated he would be out on medical leave for a few weeks and away from his office.

**12. ADJOURNMENT:**

Vice Chair Murray-Key adjourned the July 13, 2021 Planning Commission meeting at 9:32 pm.

Minutes were transcribed by Valencia Porter, Administrative Programs Specialist.

---

**Vice-Chair Gequetta "G" Murray-Key  
Fluvanna County Planning Commission**

APPROVED