

**FLUVANNA COUNTY PLANNING COMMISSION  
REGULAR MEETING MINUTES**

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

**August 10, 2021  
7:00 pm**

**MEMBERS PRESENT:**

Barry Bibb, Chair  
Gequetta "G" Murray-Key, Vice Chair  
Lewis Johnson  
Ed Zimmer  
Patricia Eager, Board of Supervisors

**STAFF PRESENT:**

Eric Dahl, County Administrator  
Douglas Miles, Community Development Director  
Jason Overstreet, Senior Planner  
Will Tanner, Deputy County Attorney

**ABSENT:**

Howard Lagomarsino  
Valencia Porter, Administrative Programs Specialist

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

At 7:00 pm, Chair Bibb called the August 10, 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**

**July 15, 2021 Technical Review Committee Meeting Requests:**

**John Townsend, Sun Tribe Solar – Charlottesville, VA**

Project nameplate: 3 MW AC; Project address: 1084 Carysbrook Road, Fork Union, VA, 23055; Tax Map Number: 42 Section 1 Parcel 1; and Zoning: A-1, General Agricultural.

Project size: Approximately 35 acres of the 362 +/- acre parcel; Offtake: Dominion Energy distributed solar solicitation; Expected COD: Q4 2022; Operational life: 25-40 years; Site access: Improve existing access road on east side of Carysbrook Road.

Interconnection: Connect into existing distribution system via Tax Map Number: 42 Section A Parcel 14; Right-of-way negotiation underway; expected site clearing to be less than two (2) acres and requesting a Special Use Permit for solar energy project.

This Sun Tribe Solar request is very similar to the Cunningham Solar request that is located on South Boston Road and we will recommend similar conditions for this solar energy facility request.

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

**PALMYRA VILLAGE STREETScape PROJECT – VDOT TAP GRANT APPLICATION REQUEST**

The Transportation Alternatives Program (TAP) is intended to help grant fund community based projects such as sidewalks and road improvements for cultural and historical aspects in a community.

Fluvanna County is making this TAP Grant Application mainly to strengthen our local economy and to encourage small business growth and development along Main Street for our businesses.

The Palmyra Village Streetscape Project is a part of the Board's current Strategic Initiatives Program as C7 and there has been community volunteer work completed there over the years.

**VDOT TAP GRANT FUNDING PROGRAM:**

The VDOT Grant Funding Dollars would be used to perform work that cannot be done by local volunteers, County Public Works employees, and overall Fluvanna County – it takes a partnership with VDOT staff.

The County Administrator, Community Development Director and staff walked the Palmyra Main Street Area with both Tom FitzPatrick, PE, VDOT Culpeper District and Bethel Keyfalew, VDOT Louisa Residency to better evaluate the TAP Grant project.

VDOT and County staff determined it would be eligible for the grant and Albemarle County and the City of Charlottesville are both not applying for TAP Grant funding.

Fluvanna County's TAP Grant request for VDOT funding is to be able to construct concrete sidewalks and related concrete curbing along Stone Jail Street, remove Court Square, the road that bisects the lawn area, and provide properly marked and much needed angled and parallel parking spaces as the one-way road system is completed.

**Vice Chair Murray-Key:** Asked is this to provide enhancements to the historical area?

**Mr. Miles:** stated that the proposed work would be for better accessibility and road and sidewalk infrastructure and we would still respect the historical area by doing that work. There are historical projects that have already been completed and the sidewalk work would help to provide better access and allow for business and tourism activities.

3. **PUBLIC COMMENTS #1:**

At 7:22 pm, Chair Bibb opened up the first round of Public Comments.

**Sandra Radford, 121 Mulberry Drive:** Stated that we need to increase our commercial tax base as there are a lot of older people living in the older homes that are being taxed instead so we need to bring into the County more businesses to pay the higher taxes. We are concerned about the new project Village Gardens and several residents in the Villages of Nahor have made comments about our concerns and they have not been addressed by the developer and we have also not heard back from the County as well.

Potentially raising our taxes to pay for additional residential development and we have issues with the older water system and concerns about the actual water source and the sewer capacity. Overall we feel it is an infrastructure issue and that needs to be solved. There are traffic concerns out on Route 53 and they are already cutting through Lake Monticello and part of our property to get in there. So there are also issues of security for our community and fortunately we are connected into the electrical grid with Food Lion and the other shops. So we do not lose the capability of using our oxygen tanks and if the lights do go out they are usually right back on quickly. We do have concerns.

**Suzy Morris, 6840 Thomas Jefferson Parkway:** Stated that she loves Fluvanna, she loves the kids here and she wants to keep it that way. We welcome people who love Fluvanna, but do not come here and try to tell us that you want to change us totally. Some of us have been very concerned especially in the northwest area of the county because of the constant residential development after residential development and no increased business activity to pay for this growth. There is a real cost to all of these

new homes and there use to be an assessment formula that told you how much each new home costs the County in services based upon the overall taxes that home pays.

Village Gardens it is right next to our property line and we have lived right next to Lake Monticello since 1974, but the developer left a good buffer between the farms and the new homes in Lake Monticello and they have room to park all of their cars and boats. However, this would back right up all along one side of us and that side is open not closed in by the development. I am concerned about the townhouses built right up next to our fence line and in other areas right next to several rural residential homes. I am concerned about the liability if you put cattle in there and we have had cattle in there before teenagers and kids are very curious and I am concerned that they would go into the fields. There is old machinery and a shed so I am concerned about that too.

When I got to checking on things that I am trying to get answers to such as why we would have a tax exemption for Colonial Circle Apartments for 10-15 years. I have tried to find out what real benefit that is to the county and what assurance do we have of those taxes being paid after 15 years. I found out Thursday in the paper that a Zoning Text Amendment was proposed for the R-4 Zoning and it relates to Lake Monticello. So first I was told it was lake and I said well the lake is built out. So why are we changing the R-4 now. Well it deals with the Marina Point at the lake supposedly and so that would change that density to make it a higher density. When I looked at the Zoning Text Amendment it would affect all R-4 zoning in all of the Planning Areas. There are six of those and so that means the other planning areas; Fork Union, Columbia, etc. I am wondering if this is going to be just restricted to the Marina Point area Ok. If it is a zoning code change it would appear that it would apply to all the R-4 areas and as it stands it limits certain things in there. I am concerned that if it goes through and it applies to all the Planning areas that we will have some other things coming in that maybe we do not want within all of the planning areas.

**Donna D'Aguanno, 148 Crape Myrtle Drive:** Stated she is concerned with all the rapid development that is going on and this high density housing. I understand that there is a need for housing though I thought it was somewhat funny that somebody said well we need housing and high density housing for attracting new workers. When I asked how many new jobs were created in Fluvanna County it is 115 a year, so I do not know what that means for high density housing and why you are attracting a lot of people.

Colonial Circle I understand will be like the Pantops area that you are adding in a lot of people very rapidly in this society right now. I do not see that as an attractive means of adding any quality people in and usually at this point it is going to cause a lot of social problems. Beyond that if you are adding in over 300 homes or more of the colonial circle plus a proposed amount of 355 at Village Gardens across the street from us. So if you have two cars per household that is about 600 cars. I mean 1200 cars added to the traffic on 53 there would be a problem for emergency vehicles trying to get down there in any time frame for running calls. You are also adding the burden of adding in 2.5 children per household so that is going to be paid by the tax paying citizens, as well.

I moved from Chicago, and I moved here because I searched out a very low cost tax base. I was paying 1,000 dollars a month in Chicago. So, I found this place and that it would be a low tax base only to find out that this well-intentioned group I guess is now basically driving people to the cheap seats of Charlottesville out to here. When we have become the cheap seats out here so we do not know exactly what is coming into our area. And the other thing is the proposed low rent apartments they are becoming a very big problem. I have heard that they have good management but you can go to up to Silver Spring, Maryland and Wheaton, Maryland and find out that they have good, managed properties. What eventually happens is the management company loses control and they become threatened by the citizens that move in there. The management company becomes afraid to actually enforce the rules.

Please check out Olney, Maryland just north of DC which was a very rural community exactly like this that had nice 700,000 homes with people living in townhomes near them that now have MS-13 as their neighbors. I do not believe that is anything that you would want in your own neighborhood unless I am wrong but I would not think that you would not want MS-13 gangs as neighbors. So, I would be very careful when you are introducing in these new rental properties even though you have a managed community and a management company that you may end up losing control. I would also like to know what this is going to cost taxpayers with this rapid development. I feel I have a right to know but nobody has been able to tell me nor are they even willing to tell me and we have asked the developer and they have not responded to our requests.

I am sure that there is some means that they could tell me how much my taxes would be going up, and also to the point of this new development down in the Courthouse square. I see that there is proposed money but is there a burden on the taxpayers for this development which nobody has asked about. Does that also just fall onto the taxpayers that we are now funding this and we are finding you know all the children coming in and are we going to have to build any new schools, are we going to have higher teachers are we going to have to get school buses, and all the social services that come in with all of these people that are coming into the county and that is a very expensive proposition. So, I would like to know ahead of time instead of adding more houses what is the tax burden and if you are only growing by 115 jobs per year. That is a very scary proposition if that is the best you guys can do in terms of adding jobs and you think you guys can do in terms of adding jobs and you think you are going to get revenue off of the housing - it does not work.

**Wayne Nye, 176 Village Boulevard:** Stated that both he and his wife are very happy, new residents of Fluvanna County. We do support growth within this community when it is planned well and it is for the public good. We have some concerns about Route 53 and this new development will increase traffic volumes, additional school buses will be needed. We can anticipate significant traffic backups during commuting hours at the new traffic circle, at Lake Monticello Road, Monish Gate issues, and the Turkeysag Trail entrance to the shopping center areas which has a future roundabout planned there.

My review of the new plan there is a potentially dangerous entrance and exit for this planned development on Route 53 located at the bottom of the hill, 53 with restricted left and right views and the on-coming traffic at speeds at about 45 mph. Many of the residents at the Villages of Nahor are concerned that this proposed development will have residents cutting through the Villages of Nahor as a safer entrance onto 53 to our neighborhood. We find now already with the aging population in the Villages of Nahor that the entrance and exit on Route 53 is already challenging as it is and there is little potential that we are aware of an expanding 53 either by lanes or with additional traffic circles in that area. We are concerned about Aqua Virginia water and sewer services as a utilities vendor Aqua America its subsidiary, Aqua Virginia has a history of purchasing ailing water systems and then requesting a never-ending series of rate hikes. And as my wife said in other words much like Mary had a little lamb wherever Aqua America goes a fleecing and rate hike it is sure to follow. Prospective home buyers looking in this county have repeatedly voiced concerns and are worried about purchasing homes because of the already high utility rates and seeing climate changes as we are with concerned about the adequacy of the Rivanna River to meet the additional demands.

We attended the community online meeting presented by Southern Development on June 24th with numerous Nahor Village and Lake Monticello neighbors. However, the developer were unable to answer concerns specifically about Route 53 or about Aqua Virginia water and sewer lines. The developer indicated that they would reach out to VDOT and Aqua Virginia to seek answers but why would they not know these answers. We are happy to be here, we do support well-planned work, but we have real concerns about 53 we have real concerns about taxes and we have real concerns about utilities.

With no one coming online wishing to speak to the Commission, Chair Bibb closed the Public Comments Period at 7:40 pm.

4. **DRAFT MINUTES:**

**Vice Chair Murray-Key:** Stated that she wanted to ensure that in the section in which she believed on page 7 after the statement that the applicant had withdrawn she had made comments and would like to see them added into the Draft minutes for review.

<b>MOTION:</b>	<b>I move that the Planning Commission Draft Minutes of July 13, 2021 be deferred to the September 14, 2021 meeting.</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>VOTE:</b>					
<b>RESULT:</b>	<b>Deferred to September 14, 2021</b>				

5. **PUBLIC HEARINGS:**

None

6. **PRESENTATIONS:**

None

7. **SITE DEVELOPMENT PLANS:**

None

8. **SUBDIVISIONS:**

None

9. **UNFINISHED BUSINESS:**

**SUP 21:04 Joseph Carl Bradley** – A Special Use Permit request within the A-1, Agricultural, General District to permit a commercial kennel with respect to 5 +/- acres of Tax Map 23 Section A Parcel 30 located at 5464 Venable Road. The subject property is located within the Rural Preservation Planning Area and in the Columbia Election District.

Jason Overstreet, Senior Planner presented the Unfinished Business request providing a general summary of what had happened since the Planning Commission had deferred this request back on June 8, 2021. There was a Conference Call community meeting held on July 21, 2021 with several adjoining and surrounding landowners on the call.

Mr. Overstreet went through all of the Recommended Conditions that were previously provided on June 8th and then reviewed the updated Conditions base upon feedback that was provided during the Community Meeting to better address potential concerns.

1. This Special Use Permit (SUP) is granted for a commercial kennel use to Joseph Carl Bradley and is not transferable and it does not run with the land on Tax Map 23 Section A Parcel 30.
2. There shall be no more than one (1) commercial kennel building on the premises and it shall be located at least fifty (50) feet from property lines with six (6) foot solid board fencing that screens the outdoor dog runs from the adjacent property owners.
3. Noise attenuation measures including insulation, fencing and screening shall be installed as a part of the commercial kennel building construction acceptable to both the Building Official and the Zoning Administrator prior to the issuance of a Certificate of Occupancy.

4. There shall be no personal or client dogs in the outside runs between dusk and dawn unless the applicant is actively handling such dogs for the purpose of relieving themselves and then the same runs shall be cleaned regularly to meet the Virginia Department of Health requirements. There shall be no more than ten (10) client dogs and ten (10) outdoor dog runs at the Commercial Kennel at any time. Dog runs will only be installed on the south side of the kennel.
5. Commercial kennel use shall be operated Monday through Saturday from dusk to dawn and on Sundays from 1:00 pm to 6:00 pm.
6. The site shall be maintained in a neat and orderly manner so that the visual appearance from the public right-of-way and the adjacent properties is acceptable to County officials.
7. The Board of Supervisors, or its representative, reserves the right to inspect the property for compliance with these conditions at any time.
8. 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 owners have substantially breached the conditions of the Special Use Permit.
9. This Commercial Kennel Special Use Permit (SUP) shall be subject to an Annual renewal process through the Public Hearing process allowing for State and County review of these conditions being met by the applicant, and also allowing comments from surrounding property owners to be received and documented. If this Special Use Permit is not renewed by the applicant it will expire one (1) year from the Board of Supervisors approval date.

**Discussion:**

**Vice Chair Murray-Key:** Asked if you can have a business would that be a stipulation in terms of personal dogs or is it focused on the business client dogs within this request?

**Mr. Overstreet:** Replied no the personal dogs were added to distinguish between the client dogs as he owns several personal dogs and they would not be restricted there. If he is using the commercial kennel and he has personal dogs in it the Byrd Chapel Cemetery folks wanted all dogs covered so if they were loose they are taken care of.

**Mr. Zimmer:** Asked Mr. Overstreet to explain further the outside dog restrictions.

**Mr. Overstreet:** Replied it means that it limits them from going outside unless they are going to use the bathroom and he clarified Condition 5 should read dawn to dusk and the other way around for the dogs not to be in the outside run areas to avoid barking.

**Vice Chair Murray-Key:** stated that she wanted to make sure that Mr. Bradley as the applicant understood that he is a business owner with a commercial kennel use.

**Mr. Overstreet:** Stated that Mr. Bradley asked the same question and we put that in there, in order to allow for your review and allow Mr. Bradley to have a chance to be able to explain his dog training operations that he currently runs and will run there.

**Vice Chair Murray-Key:** Stated that her question is I have not seen anything like this and I just want to make sure that although people do have concerns about animals. I am afraid of them, as well. So if I was his neighbor but in terms of being reasonable and fair that it seems that it would be about approved or not approved. I am just not understanding Condition 9. So, how are we able to place Condition 9 on this request.

**Mr. Overstreet:** Stated that this condition was for both the Planning Commission and ultimately the Board of Supervisors, for consideration. There were several concerns about barking and loose dogs so this was to allow for a trial period for this land use.

**Chair Bibb:** Stated that several neighbors had concerns but if the applicant has stated that he is in good standing and he can be trusted to operate this commercial kennel.

**Mr. Overstreet:** Stated there were no animal control related calls to the property at all.

**Vice Chair Murray Key:** Stated that she is concerned that an applicant should not have to go through this every year and if there is a problem then the use it can be stopped.

**Mr. Miles:** Stated that at the Public Hearing back on June 8th Fluvanna County Staff had provided several letters that had been written by adjoining property owners who had concerns with dogs barking and also that were running loose on this property. The Planning Commission then deferred this request for 60 days to allow for Mr. Bradley to meet with the community to address these concerns. He conducted a Conference Call on July 21st as a Community meeting and was able to address these concerns. They have been made into Recommended Conditions to further support that these issues will not happen again due to an invisible fence being installed and the barking collars would be used on his personal dogs to eliminate the barking and loose dog issues.

The main point in writing a condition like Condition 9 is that we do not want someone to have to come back and have to apply again. However, if there are concerns from the public that still persist it would allow for those concerns to be addressed while allowing for the applicant to proceed forward with the commercial kennel request. Basically, if he operates the use without any further issues it would be renewed for a longer period of time by the Board of Supervisors. The one year timeframe would be a compromise.

**Mrs. Eager:** Stated that we have not reviewed and approved requests like this in the past and if something does go wrong then Mr. Dahl can inform the Board members that the use is not being conducted properly and then the Special Use Permit can be revoked by the Board due to violating the required conditions after a site inspection.

**Mr. Miles:** Stated that is correct and if you look at Condition 8 it allows for the Board of Supervisors to revoke a Special Use Permit if the applicant has violated the conditions. However, that is an option that we usually do not like to use so we are trying to meet him halfway as described under Condition 9. I will say in my career of almost 30 years and working in three (3) different localities I have seen only four or five times that a Special Use Permit has been revoked by the Board and it was due to serious issues. We also said if after one year he does not want to do it then it expires so it would end up being a one year approval if he does not seek to come renew his Special Use Permit.

**Mrs. Eager:** Stated so he has to come back in after one year to get reapproved and then he does not have to come back again for a renewal of his commercial kennel.

**Mr. Miles:** Stated if that is how the Planning Commission want to review this request.

**Mr. Zimmer:** Asked at the one-year mark the Planning Commission and the Board of Supervisors will then actually have to affirmatively make their decision that he has to come back again. You know in other words make that be a condition because as it is it sounds now if we do not decide to change it then he has to renew it every year, right?

**Mr. Miles:** Stated well we would do that in the renewal process because if this request were to be approved in September or October then he would be reapplying around July to renew his request. Mr. Overstreet would work with Mr. Bradley to write a condition to not be just for one year like we do with similar requests. Our goal and we do share Mrs. Murray-Key's concerns or any of the other Commissioners that we do not want to restrict business uses. However, this is a business use conducted in a neighborhood so we want to respect the community members that have brought up business concerns.

At this time Mr. Bradley, applicant presented his presentation and questioned if he was a private kennel or a commercial kennel. As he has read through the County Code and you can have a private kennel and still not be a commercial kennel on your property.

**Mr. Miles:** Explained the main differences between a Commercial Kennel and a Private Kennel: A Commercial Kennel is for compensation and a private kennel it is for raising, showing, or training of four dogs, your dogs and it is for personal enjoyment and for training those dogs that you would take to dog shows. The ending statement of each definition is important: Commercial it states the specific intent for sale or in return for compensation and then Private it states for which commercial gain is not the primary objective, so operating a commercial kennel training dogs is clearly for compensation.

**Vice Chair Murray-Key:** Asked so the primary objective but it is an objective correct?

**Mr. Miles:** Replied that what we do in administering the Zoning Ordinance is as an applicant if you indicate to us that you are both boarding and training other dogs for compensation then you are deemed a commercial kennel. Therefore, it has to go through the Special Use Permit process and he indicated he was constructing a new kennel building for the business use. That has been the case in Fluvanna County for several years and also that this is the only commercial kennel where we have had to consider a one-year renewal process due to the fact that there already were issues.

There have been other individuals who have operated commercial kennels and they did so correctly or some have stopped their kennel use on their own due to other factors. I have only been here for two years but we did look back during the past 10 years or so. I do know that we met with Mr. Bradley, the Building Official and I, back in March 2021 as he wanted us to review his building plans and determined it was for commercial use.

**Mrs. Eager:** Asked, Mr. Miles why would Mr. Bradley have to pay another \$800.00 fee again if we've never asked any other applicants to do this by re-applying for renewal?

**Mr. Miles:** replied, that will be up to the Planning Commission as you know that is just one of the recommended conditions. So if the Commission does not want to consider that it will be up to the four individuals tonight on how they make a recommendation onto you at the Board of Supervisors for a final decision on this Special Use Permit.

**Chair Bibb:** Asked can we do something so that he does not have to pay a fee again?

**Mr. Miles:** Stated that the \$800 application fee is for the most part to advertise the case in the newspaper and for notifying adjacent owners by First Class mail. So, it is for advertising in the Fluvanna Review, postage and staff time preparing the Staff Reports.

**Mr. Zimmer:** Asked the applicant if he knew about Recommended Condition 9?

**Mr. Bradley, Applicant:** Stated yes and asked a question about Condition 6. He stated that he can agree to that but he said that he cannot leave a dog in a kennel all day. I have to be able to let the dogs out before church starts to be able to have the dogs out. Then I will wait until church lets out and they may be in the parking lot. People can have concerns that I have trained during church services. I have always been respectful that is why I do not understand why I still have to prove myself. I am willing to do what it takes to support my family, but at the same time as the first year goes by and I can tell you right now I have one neighbor that will not be happy no matter what. There have been no concerns in the last three years officially. I would just state that it is probably since the zoning sign went up in my yard. Not for sure but there will probably be complaints from this neighbor because they are not happy, and I have done just about everything I can to address all of the concerns including this same neighbor.

**Chair Bibb:** Asked you keep saying that you have proven yourself, but whom have you proven yourself to?



**Mr. Bradley:** Stated, Sir I have been training dogs for other people and my own dogs without compensation to learn how to train dogs so that is about all I can say on it.

**Chair Bibb:** Stated that I am asking have you proved this to your neighbors or that you just have complied with their concerns. You said you proved yourself and I am trying to understand how you have proven yourself to your neighbors if you have not had any other complaints. Until you applied or until just recently we have only had people now coming favor but had several others in opposition back in June when this all started.

**Mr. Bradley:** Stated we have worked with Jason Overstreet after the Conference Call at his recommendation to speak with all of the other folks who had concerns to address them and we have done that as best as we could. Mr. Westermann he told us he did not have any issues. The only concern that Mr. Fleming presented to us was that dogs were barking and they had noise concerns. Then we got his letter when we came to the Planning Commission and now we feel blindsided by his concerns. I do not know why you got so many letters sent to you in opposition after we had already spoken to them. I will say this that Pastor Neil told me the other day he thought those letters were written anonymously and he told me that in the presence of Robin Hucks who I understand is online right now. I do not know if she can speak or not but if you ask her she her my conversation with Pastor Neil from the church across the street from us.

**Vice Chair Murray-Key:** Stated that if I understand you correctly the Chair had asked you about proving yourself and I understand you to say that prior to you making an announcement that you wanted to have a business to receive compensation, nobody complained about you have a kennel. But now since the zoning sign went up there you have received complaints and you are asking for compensation it has become an issue.

**Mr. Bradley:** Replied yes and to go with that I feel I was by right but I am not going to get into that and I do not think I want to get into whether I need an SUP. The biggest difference between the definitions is you do get compensation and in the past not one person had complained about me getting compensated until I had requested to do the right thing. I do not understand how this monetary factor has become such a big issue. You can have a Private Kennel with like I said twice as many dogs and no restrictions.

**Chair Bibb:** Asked how many dogs will you have on the property at any time there?

**Mr. Bradley:** Replied it varies as I have helped people and I have not kept track of how many I have had at a one time. The most I have had at one time has been 10-12 dogs.

**Chair Bibb:** Stated but you know you will only be able to have ten at a time under these conditions and where before you could not have that many for a whole year. Now you will have 10 dogs every month, every day throughout the year so that will be different and a lot of dogs to take care of there.

**Vice Chair Murray-Key:** Stated just so we are on the same page you were saying at one given time during a six week period you have had 10-12 dogs or are you saying that you have had just 10-12 dogs for a whole year?

**Mr. Bradley:** Replied it was not twelve dogs for a whole year because my business is not always full. It is just I have helped people and did not have my own dog. Last year I lost one of dog to cancer so now I am down to seven personal dogs on my property.

**Vice Chair Murray-Key:** Asked what was the most amount of dogs at one time that you had prior to this commercial kennel process in training was it 5 or 12 dogs there?

**Mr. Bradley:** Replied probably about ten dogs.

**Mr. Zimmer:** Stated that I think there was some confusion about the question earlier. It seems a little dangerous for us to put a condition like on Sundays only from 1:00 to 6:00 pm. As that may in fact have an impact on the dogs that could have a detrimental impact if they cannot get outside to use the restroom for long periods of time there.

**Mr. Miles:** Stated basically if you look at Condition 4 and honestly Mr. Overstreet and I had considered combining Condition 4 and 5 into one large condition and it would only become too large to enforce or follow as the applicant. What you see is at the end of the first sentence “the purpose of relieving themselves” would apply in this situation. We assumed in Condition 5 that would also apply in the 1:00 – 6:00 pm situation by allowing the dogs to relieve themselves but we can change that text just like dusk to dawn needs to be changed in Condition 5 and then they will work better as conditions.

**Will Tanner, Deputy County Attorney:** States he thinks that the Commission makes a fair point on most of Condition 5. So, I think it is important for everybody here to all recognize that these are all staff recommended conditions at this point. You all are making a recommendation to the Board. I do think that with respect to Condition 5 some more precise language might be used with respect to what is contemplated by the land use. So I think it makes sense either at this point we can substitute some language now and you all can act on that language going forward. I would basically say: The training of dogs that are at the commercial kennel shall be operated Monday through Saturday from dawn to dusk and on Sundays from 1:00 pm to 6:00 pm and I think that would clarify that Condition.

**Chair Bibb:** Asked do we have a motion on this request.

<b>MOTION:</b>	<b>I move that the Planning Commission recommend Approval of SUP 21:04, as a request to permit a commercial kennel, with respect to 5 +/- acres of Tax Map 23, Section A, Parcel 30, subject to the first eight (8) conditions and removing Condition 9 and updating the dusk to dawn text that is found in Condition 5.</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>Second</b>	<b>Motion</b>	
<b>VOTE:</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Absent</b>
<b>RESULT:</b>	<b>Recommended Approval 4-0</b>				

**10. NEW BUSINESS:**

None

**11. PUBLIC COMMENTS #2:**

At 8:38 pm, Chair Bibb opened the second round of Public Comments.

**Donna D’Aguanno, 148 Crape Myrtle Drive:** Stated I wanted to revisit the idea of the economic development issues and I have great concerns about it since I do not know how you guys want to develop Fluvanna County. In terms of the beauty of the land and the freedom I mean again I go back to the freedom I am staggered by the idea of how much freedom as a female I can stand outside at any hour at my house and I feel safe. It is really remarkable and I would love to see that continue in the County. I do not think men have the same concerns as you are standing along outside at night time.

What I would love to see is the protection of the land and the beauty and the idea that the economic development that you have an exclusive area to really develop it into a very strong wine vineyard district. I know that there are concerns about water, but you know California has a lot of vineyards and they do not rely on much water. There are many resources so I talked to the guy in Economic Development today to propose this and ask can you look into a national campaign because you do not have that I heard a

business tax out here on businesses. I may be wrong but that is what I thought I was told. I would think that is very attractive to people who want to start out as a winery.

So I would love to see this area retain its natural land its natural beauty and because people are not going into farming. Unfortunately there is not a lot but to be able to really concentrate this area and grow it as a wine district that way you are getting in people from all over now. I said you know this is something he said we only have a six thousand dollar advertising budget they said but you do not do it that way. I said you go onto Facebook you create campaigns. You do not do a lot of this on social media but you can reach out to anywhere in the world people might come here from Moldova which is a big wine area they may be interested in starting something and may want to come to Virginia. You have got a lot of business connections with the other wineries and other places, they may feel that that is a good thing, but in doing that you are bringing in bigger jobs and it is sustainable as wineries are agricultural land uses.

This is a great idea for global reasons and then you would be creating a much better designation point. So you would have you the ability to do new bed and breakfasts and things like that. So that is what I would like to propose as a vision for the county, and to be able to keep the green because let's face it people crowded on top of each other is not a great vision. So having that as a beautiful vision of your own landscape driving around seeing trees and green space is quite functional coming from Chicago. I do not know if you watch the news in Chicago they have massive problems something we do not want to export here and something I would very much not like to see, but I would love for the economic people to understand that it does not cost that much to reach out globally. You do not have to invest in television commercials or anything like that it is not done that way anymore and I would hope that your economic development person would understand how to put something together that can attract wineries.

With no one else coming forward or online Chair Bibb closed the Public Comments period at 8:43 pm.

**12. ADJOURNMENT:**

Chair Bibb adjourned the Planning Commission meeting of August 10, 2021 at 8:44 pm.

Minutes were recorded by Valencia Porter, Administrative Programs Specialist.

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