

**FLUVANNA COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES**

**Carysbrook Performing Arts Center
8880 James Madison Highway
Fork Union, VA 23055**

**September 14, 2021
6:00 pm Work Session
7:00 pm Regular Meeting**

MEMBERS PRESENT:

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

STAFF PRESENT:

Eric Dahl, County Administrator
Douglas Miles, Community Development Director
Jason Overstreet, Senior Planner
Jon-Mikel Whalen, Planner / GIS Technician
Valencia Porter, Administrative Programs Specialist
Will Tanner, Deputy County Attorney

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

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

B. PUBLIC COMMENTS: (5 minutes per speaker)

None

C. WORK SESSION:

**Zion Crossroads Draft Gateway Plan – Thomas Jefferson Planning District Commission
Sandy Shackelford, AICP, Thomas Jefferson PDC Director of Planning and Transportation**

Douglas Miles, AICP, CZA, Community Development Director, introduced Sandy Shackelford who provided a final status update on the Zion Crossroads Gateway Plan, located at Route 15 and US 250 Richmond Road, between Fluvanna and Louisa County, comprised of commercial and industrial properties. This plan was funded through the PDC's Rural Transportation Work Program and the Plan began back in August of 2019 with several stakeholder group meetings.

A Transportation Planning consultant from Reston was retained by the VDOT – Culpeper Office to analyze and review eighteen (18) intersections throughout the plan area with a majority of them being within Louisa County on Route 15 surrounding the I-64 corridor study area and the diverging diamond interchange (DDI) as the first intersection of its kind installed within Virginia.

The Gateway Plan study area it was defined by local government officials from both localities and Fluvanna County chose to further study the US 250 Richmond Road Corridor in the plan. Ms. Shackelford proceeded to go through the intersections along 250 that were studied in Fluvanna County and the main finding related to better VDOT access management on 250.

Ms. Shackelford and Mr. Miles further described the five (5) main goals of the Zion Crossroads Gateway Plan that included: The Creation of Mixed Use Centers, A Unified Sense of Place in the Zion Crossroads Area, Creating a Robust, Integrated Transportation Network, the Support of Alternative Modes of Transportation and the Creation of New Public Facilities and Services.

One of the main things that Louisa County still needs to do is to designate their portion of the Zion Crossroads Area as an Urban Development Area (UDA) for better transportation funding. Fluvanna County already has designated its portion of the Zion Crossroads Area as a UDA and that designation it was a contributing factor for better Smart Scale scoring during this round.

Highlighted Zion Crossroads Gateway Plan recommendations included:

Corporate mixed use development centers that include business incubators, contractor shops and storage warehouses and public meeting spaces and facilities to develop the larger parcels.

Develop a unique Zion Crossroads brand, for both Fluvanna and Louisa County, for marketing and placemaking strategies by the use of entrance gateways and of new wayfinding signage.

Prepare VDOT Smart Scale projects, in a unified manner with Louisa County that will score much more competitively for funding purposes to serve the Zion Crossroads Gateway Area.

Utilize the Capital Improvements Plan (CIP) Process in conjunction with the Comprehensive Plan to assess the needs for Library and community meeting space and recreational parks.

The CIP process would also seek to address Public Safety needs such as Sheriff's Office precinct office space, a new Fire Station, with an emphasis on commercial and industrial fire protection.

Vice-Chair Murray-Key: inquired about Starlite Park, a private industrial access road, located off Route 15 that would have to be brought into the VDOT state maintained road system. She asked who would bring this road into the VDOT system while doing any intersection upgrades?

Mr. Miles: stated that the current industrial road users along with the surrounding property owners who would seek to use this road would be required to complete the road acceptance requirements with Fluvanna County in conjunction with the VDOT – Louisa Land Use engineer.

Chair Bibb adjourned the Work Session at 6:55 pm.

1. **CALL TO ORDER, THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE:**
At 7:00 pm, Chair Bibb called the September 14, 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**

August 12, 2021 Regular Technical Review Committee Meeting
Tiger Fuel Station – Zion Station Industrial Park – Sketch Plan

Tiger Fuel Company submitted a Zion Station Tiger Fuel Sketch Plan on Tax Map 5 Section 24 Parcel 4 and that proposed a 40' x 60' Office Trailer, above ground Fuel Storage tank for truck fueling, and tractor-trailer fuel truck parking and employee parking spaces. They currently have a smaller Tiger Fueling station that is located within Zion Station Industrial Park on Tax Map 5 Section 24 Parcel 12, and both are zoned I-1, Limited Industrial. Tiger Fuel is looking at electric vehicle fleet service use.

August 26, 2021 Energy Technical Review Committee Meeting
Commonwealth Energy Partners - CEP Solar – Sketch Plan

Project nameplate: 41 Megawatts AC; Project address: 912 Shores Road, Palmyra, VA; Tax Map Numbers: 49 Section A Parcel 1, 5, 8 and 35 and Tax Maps 48 Section 14 Parcels 4, 5, 6 and 6A and Zoning: A-1, General Agricultural.

Project size: Approximately 308 acres of the 450 +/- acre parcel; Offtake: CEP Solar solicitation; Expected COD: 2023/2024; Operational life: 25-40 years; Primary access on west side of Route 640, Shores Road and secondary access, east side of Route 683, Rockfish Run Road.

3. **PUBLIC COMMENTS #1:**
At 7:11 pm, Chair Bibb opened up the first round of Public Comments. With no one coming forward or online wishing to speak to the Commission, Chair Bibb closed the Public Comments at 7:11 pm.

4. **DRAFT MINUTES:**

MOTION:	I move the Planning Commission approve, as written, the Draft Minutes of August 10, 2021.				
MEMBER:	Bibb (Chair)	Murray-Key (Vice Chair)	Johnson	Zimmer	Lagomarsino
ACTION:			Seconded	Motion	
VOTE:	Yes	Yes	Yes	Yes	Abstain
RESULT:	4-0-1 Lagomarsino was absent on August 10, 2021				

5. **PUBLIC HEARINGS:**

ZMP 21:04 Southern Development, Douglas Miles, Community Development Director

A request to rezone from A-1, Agricultural, General and existing R-3, Residential Planned Community to R-3, Residential Planned Community of 122.6 acres of Tax Maps 8 Section A Parcel 18A, 17 Section A Parcel 10 and 17 Section 9 Parcels 1 and 2. The subject properties are located along State Route 53 and along Garden Lane (SR 636) and with additional access via a stub road located south of 415 Jefferson Drive within Lake Monticello and they are all within the Rivanna Community Planning Area and the Cunningham Election District.

Mr. Miles: presented the proposed R-3, Residential Planned Community (RPC) Village Gardens Conditional Rezoning case request along with Fluvanna County’s main case concerns being the incomplete information on how the potential traffic patterns are designed and addressing them within the proffered conditions; understanding that additional work is being completed with Aqua Virginia towards an AQUA Intent to Serve Letter for Village Gardens water and sewer service; with the remainder of the Staff presentation focused upon transportation improvements that could include the use of the four way intersection of Garden Lane (SR 636) with both Jefferson and Smokewood Drives within Lake Monticello as privately maintained roads to VDOT Standards forming a new intersection and Smokewood Gate to be considered to replace the Monish Gate. He indicated that Mr. Alan Saunders, PE and Mr. John Wilson, PE were online and available for any questions from the VDOT – Louisa Residency Office if Planning Commissioners had further transportation questions.

R-3 Rezoning Proffered Conditions: (taken from the September 14, 2021 Staff Report)

Three Southern Development representatives met back on August 17th with the County Administrator, Building Official and Community Development Director all in an effort to discuss Fluvanna County’s infrastructure concerns about the available water, sewer, fire suppression and road improvements that they had been discussing with VDOT staff and the applicant’s civil engineering consultant.

The applicant, Southern Development, on August 25th filed revised proffers by generally stating water, sewer and transportation improvements and that have been written as follows along with County Staff comments shown in *italic* for discussion purposes at the Planning Commission’s Public Hearing: (AQUA = Aqua Virginia / FLUVANNA = Fluvanna County / VDOT)

1. A minimum of 35% of the housing shall be designed with at least one bedroom on the first floor, such that all typical living functions can be accommodated on the first floor of the home. *This is a Southern Development managed condition during the construction process and no plans have been provided as required in an R-3, Residential Planned Community by the applicant “plans of typical units provided” as is stated in the R-3 text.*
2. Village Gardens will be developed in a minimum of 4 phases. *Southern Development needs to further define these four (4) phases and more importantly to indicate what phase will be constructed first and when and where the site construction entrance as is mentioned within Condition 6 will be installed to serve this phased development.*

3. Adequate water and sewer shall be provided prior to Final Plat approval for each phase, including: *Will there be Aqua Virginia contracts signed prior to each Preliminary Plat being reviewed by Fluvanna County, Virginia Department of Health (VDH) and the Virginia Department of Transportation in conjunction with their Master Plan document.*
 - a. A developer agreement with Aqua Virginia specifying infrastructure contributions (connection fees and/or developer installed on-site infrastructure); *What type of on-site developer infrastructure will be installed by Southern Development in a mutual agreement with Aqua Virginia and as in conjunction with looping the adjoining lines.*
 - b. Water line sizing and looping necessary as determined by the design engineer to provide water pressure and fire flow per the Building Code and Fire Code;
 - c. Sewer line sizing to provide required sewer service per the Virginia Sewer Collection and Treatment Regulations;
 - d. Water and sewer system approval by the Virginia Department of Health.
4. The commercial usage will be limited to a maximum of 9,000 square feet. Furthermore, gas service stations will be excluded from the allowable uses. *Why will the commercial property be limited to a maximum of 9,000 square feet? The R-3 zoning district states: "The scale of housing and the commercial uses should be appropriate to support the residential needs at a neighborhood scale" therefore Village Gardens could provide the office and commercial uses to support the residential units that they are proposing to add in this portion of the Rivanna Community Planning Area.*
5. Prior to issuance of the first Certificate of Occupancy, Route 53 will be improved with new left and right turn lanes on Route 53 at the intersection with the new entrance to Village Gardens, per VDOT specifications. *This proffered condition needs to become technically more specific relative to the location of the new entrance to be located on Tax Map 17 Section A 10 and supported by the turn lane analysis warrants to be provided to VDOT & FLUVANNA. We would recommend the use of a specific intersection diagram to illustrate what could be installed to provide for the safety improvements on Route 53.*
6. The construction entrance **(add) and/or temporary logging entrance** for the project shall be established from Route 53. *When will the construction entrance be established and VDOT & FLUVANNA would like to have additional assurances and advanced notice of site timbering to avoid this type of activity from occurring on such short notice there.*
7. The existing access to Jefferson Drive from Garden Lane shall be extinguished. *Fluvanna County, Lake Monticello Fire, and other major utility companies such as Aqua Virginia and Dominion Energy could utilize this state maintained road for public safety purposes. As the utilization of a new four way intersection of Garden Lane, Smokewood Drive and Jefferson Drive during times of emergency should remain and be discussed more in detail with the appropriate partners and public safety officials. As Tufton Gate (Monish) has been under consideration for operational changes for better access and public safety enhancements as FLUVANNA it wants to consider keeping this state maintained road.*

Planning Commission Discussion:

Chair Bibb: Stated that he has major concerns about the amount of traffic generated and not just the traffic inside this project, but the traffic that is going to affect Route 53. Mr. Miles was talking previously about the Monish Gate onto Route 53. With this many new houses it is going to create a lot more traffic on 53, and that fact is that I am wondering how far it is going to back up and that could cause more problems there?

Have you talked with VDOT about making any new improvements in conjunction with Route 53 or anything like that to reduce any of the traffic concerns? I am concerned that people are going to be cutting through the Villages of Nahor because of this new request. It is a 55 and older subdivision and you do have people with medical needs. Some say well it will not happen but I am thinking about what happens when all these other roads back up then they are going to come through that existing neighborhood.

Keith Lancaster, Southern Development: Stated that all our initial conversations with VDOT Staff I have not been told at this point because of all the improvements that have happened to 53 in the last 10 years or so, with the new roundabout and improvements. I have not been told that there were concerns of Route 53 not having the capacity for this development and that has not been brought to our attention at all at this point.

Vice Chair Murray-Key: Stated she has concerns with potential future traffic issues if you do not properly identify and address them as you cannot see around all the curves along Route 53 now. It is going to be very crucial to address the transportation issues. I heard you speak about using a cul-de-sac by cutting off the entrance and exits along Garden Lane. The Lake residents just drive through the gates now and once that gate is broken then we no longer have the emergency access safety features with folks being able to travel properly. Then the other concern would be if the emergency access is being used you still have to travel across Route 53 in order to make all these traffic connections. So, you have an emergency vehicle that is cutting across Route 53 how would folks know that already going at full speed and that something has happened?

Mr. Lancaster: Stated so the road improvements we are proposing to 53 would meet the standards for our development at this point with those improvements being turn lanes: as left turn and right lanes into our site. This is basically what you are seeing throughout the corridor like down at the Villages of Nahor intersection on Route 53.

Vice Chair Murray-Key: Stated that she might need Mr. Miles to point it back out to her because she was listening and is hearing what you all were saying about the emergency entrance and where that paved access would be into the lake. I would need to see how if there is an emergency and we are using that lake access road and going to Southern Development and we are making sure that all the fire and rescue staff can make those turns. I need that diagram to be shown again for me because I am not seeing how that would be very safe in an emergency when we are already dealing with Route 53 traffic.

Mr. Miles: Stated that Mr. Saunders or Mr. Wilson from the VDOT – Louisa Residency may add more information in this discussion but first I will provide some numbers from VDOT traffic data from 2017. The traffic count from the Albemarle Line down Route 53 to Ruritan Lake Road basically past the Cunningham area has 7000 vehicles per day and the next largest road in this vicinity is Lake Monticello Road that has 3100 vehicles per day from Route 53 over to South Boston Road. Timmons Group has indicated that this development would generate 3544 vehicles so now you are basically looking at 13,000 to 14,000 vehicles per day. Basically, those are the traffic volume amounts which the County has had concerns with traffic while discussing this with Southern Development.

We do know that Southern Development has been working on their trip generation information with Timmons and VDOT. However, the County and Lake Staff wanted to be more involved in that process and generally that has not happened up to this point.

That is why the County Staff has been working with Mr. Wilson on Garden Lane, as an existing secondary state maintained road. We have worked with as staff from both the County and Lake where we feel that Garden Lane can be paved completely in this area.

The potential is there to create a four-way intersection by connecting Garden Lane to Jefferson Drive where it meets Smokewood Drive in Lake Monticello. It has been used

for emergency access in the past and it could be opened again and providing possibly a safer access for the lake and as an operational gated access onto Garden Lane. Monish Gate has been an issue or a concern for several years and this could potentially solve it.

Chair Bibb: Asked about the proposed open space and buffers around the adjoining properties that contain farms and agricultural land uses what are you planning to do?

Mr. Lancaster: Replied as Mr. Miles had also stated along Garden Lane is where we are looking at a minimum 75 foot buffer within that area. As our engineers are looking at basically there is a 30 foot rear setback for the homes in our community. So, there is approximately around 200 feet between structures between the existing neighborhood and our proposed neighborhood and buffers up to the north side are obviously there.

We had communications with some residents in a recent meeting and they were asking about Tufton Pond. As the parcel in the back it does have rights to an amenity share of some sort and we are in discussions to talk about adding a fence along that point and restricting that from our community to help alleviate the stress on that. As we come further down back towards the dark green area at the point that is another stormwater management facility in that area as well. As we come back closer down into the orange area, that area there is slated for all the attached single family and one of the thought processes again is we have a 30 foot rear setback and is to do a planted buffer with evergreens along that boundary of that woods. So, whatever future land use occurs along that boundary it would be shielded and be buffered up against that property.

Chair Bibb: Asked that the 5.8 acres it was already zoned R-3 and it was also originally part of the 2005 Villages of Nahor rezoning case? **Mr. Lancaster:** Replied yes it was.

Chair Bibb: Asked where is the portion that was originally for the congregate living facility was that part of this same 5.8 acres? **Mr. Lancaster:** Replied no it is over in the main portion of the Villages of Nahor past the roundabout and is not being developed.

Mr. Zimmer: Confirmed the VDOT traffic count on Route 53 is 7000 vehicles per day?

Mr. Miles: Replied, yes it is from the Albemarle County line to Ruritan Lake Road on 53.

Mr. Zimmer: stated based on Timmon's overall site analysis that this request adds in 3,544 additional trips, so that is basically a 50% increase in the traffic volumes there?

Mrs. Eager: Stated that we have not even taken into account the additional Colonial Circle, R-3 development's traffic volume counts within the same general vicinity on 53.

Mr. Miles: Stated Mr. Zimmer and Mrs. Eager you are both are correct. We have tried to use the 2019 Colonial Circle R-3 conditional rezoning case as a general comparison to this Village Gardens, R-3 similar request. There will be apartments in Colonial Circle and this project has proposed townhomes there are some similar comparisons there.

We have asked that Southern Development and Timmons Group further analyze the traffic being generated by this development in conjunction with the surrounding traffic volume that is anticipated in the immediate vicinity. We have asked that the VDOT – Louisa Residency staff members who are online at this time to also work with VDOT – Culpeper District Planning Manager to achieve a better understanding of the expected traffic counts along Route 53 as this road will remain as two lanes well into the future.

Chair Bibb: Stated speaking of the water infrastructure that Southern Development will have to supply part of the infrastructure for the required water system is that correct?

Mr. Lancaster: Replied we will supply all of the necessary water and sewer so all the infrastructure that goes into the site we will build it in order to serve our property.

Chair Bibb: Asked so what happens to that infrastructure does that become a part of the responsibility of the homeowners association or do you turn that over to AQUA?

Mr. Lancaster: Replied yes it gets turned over to Aqua Virginia but if we were doing development in say Albemarle they have their own water authority. We build all the infrastructure and gets as built conditions of that infrastructure and then it gets turned over once it is deemed complete, and passable for the future as this new project would generate about 3.3 million dollars in fees as tax fees. For water and sewer connections, so all of that as built infrastructure it then gets transferred over to AQUA for 30 years. You are proposing to use Garden Lane coming out of the Lake as a complete state road.

Mr. Miles: Stated that Lake Monticello Chief Constantino and indirectly Andy Wills, our Building Official have fire safety and suppression concerns with the way the proposed development is being accessed and with all of this tightly compacted residential density with limited fire access points. The conversations that the Lake and County have had up to this point since we last met with Southern Development on August 17th has led us to this discussion about utilizing Garden Lane for better emergency access and then long term to consider converting this into a Lake Monticello Gate to replace the Monish Gate that is generally unsafe on Route 53 and it has been discussed with VDOT staff.

Charif Soubra, Southern Development: Yes, speaking about Garden Lane I mean you know our conversations with VDOT started around April and so you know what you are seeing presented here tonight is really a function of where those conversations grew out of is that we were hearing originally from VDOT that relieving a lot of the pressure on the Garden Lane and 53 intersection was of importance to them and so out of that became directly with them talking about extinguishing some portions of Garden Lane.

So this is sort of a new take and we will we will say that is a little bit of new information for us. As it has not been presented to us in any of the TRC meetings that we have had prior to this hearing. As we will have access up there on Jefferson Drive with that one portion of Fox and that is now you know again we have had two TRC meetings and this again is now the first we are hearing about reimagining what that looks like so that that is an overview sort of statement. Yes I mean part of what we are designing down there is to respect the existing businesses and for their access down there close to Route 53.

Chair Bibb, as you had mentioned about Nahor and the connections that we have got there we are certain that there is some connectivity that is happening now from Nahor into that Garden Lane intersection which there is not very decent sight lines and so our proposal here which plays off of an already approved connection to that Nahor, now brings those neighbors further up on 53 to increase the sight line opportunities which is where our new T intersection is there between the green areas would present so this what you are seeing here. This evolution is coming from some conversations that we have had but then also being able to present sort of a better opportunity based on the conditions as they are on the ground meaning those sight lines and the final thing I will say is certainly we have heard some concerns that if there was a backup within Village Gardens would those folks move their way through Nahor. We had another slide that I neglected to send though that intersection point you see there to Nahor onto 53 down there between the greens and that little strip is about just shy of about 400 feet there.

Chair Bibb: stated if the traffic gets backed up on Garden Lane or at your new entrance on Route 53 for a period of time that vehicles may utilize the Villages of Nahor existing entrance. I am concerned that the additional traffic will be traveling through a 55+ age restricted community and that could be detrimental to those elderly people over there.

Mr. Soubra: Replied yes I absolutely would think that but we do think conceptually and again I almost feel like we are trying to prove a negative is that from that connection all the way out through Nahor is well over 2000 feet. So close to a half a mile with multiple

turns throughout versus waiting an additional 30 seconds for the folks to turn out and make a either right turn or left turn. I absolutely appreciate that concern. We just think that in the long-run a design like this will create traffic patterns to our main entrance.

Chair Bibb: Stated you are talking about 3500 additional vehicles there with at least two additional vehicles per unit and that will be a lot of new vehicles to account for?

Mr. Soubra: Replied yes the traffic numbers that are here are presented but you know these are the standard numbers that are used across the industry from the Institute of Traffic Engineers (ITE) as prepared and presented through this rezoning case request.

Mr. Lancaster: Stated that is at the maximum density of 2.9 units as I noted previously that we are probably somewhere about 310 - 315 units not saying that these are hard numbers. We are just stating the fact that this is where we want to take the highest number and not throw out the lowest number and then we feel like you could shorten somebody by not giving them the appropriate information - so that can easily change.

Vice Chair Murray-Key: Stated that listening to Chairman Bibb, it is like when you are going into the Monish Gate where there is a sign that says Residents Only people can make the wrong turn. It is just such a short space as an opportunity for people to be trying to go around because they are just trying to get to where they are getting to you know I witness people breaking the lines you are not supposed to go around people in that long stretch on Route 53. You know we do have to be reasonable, thoughtful and be considerate of the fact that if this development is built then nothing is going to stop people from doing those things. How do we protect them and then furthermore when you talked earlier about the buffers and there being a fence and we are talking about two different subdivisions backed up one to the other. The concern would be you have two different HOAs, you have a fence that people may decide they want to climb it if they want to knock a hole into it like us just being considerate of both sides. So, when you spoke earlier about working or negotiating that is that with the people who would be impacted right there where the homes back up to - was that with Lake Monticello?

Mr. Lancaster: Stated that the fence I was referring to is more of an agricultural three board fence that is adjacent to the pond. The concern was the use and the amenity of that pond. So we were discussing that in a neighborhood meeting that we had and that was something that came up and that was not adjacent to any of these existing homes.

Vice Chair Murray-Key: Asked if you could clarify for me are you all negotiating for the use of Tufton Pond or already have access to use the pond for your new development?

Mr. Lancaster: Stated that the Fox property has deeded access to that pond that was part of one of the original agreements decades ago. When that area was flooded but we have heard that there is and so then a portion of that pond is also shared within the Lake Monticello Owners' Association. What we have heard is that there is a concern of using that even though it is appropriate because of the deeded access so what we are offering is that we vacate it and use it as a visual amenity only for Village Gardens and create signage and create a separation there. So we or Village Gardens vacates the use of the amenity access even though they have it as sort of an understanding and that Lake Monticello has been using that with a certain understanding of their ability to use it for how many decades. So, our conversations are internal as far as design you know as we have not even got the approved zoning yet - which is why we are here tonight.

Chair Bibb he opened up the Public Hearing and reminded public speakers that they would need to state their name and address and they would be limited to 5 minutes:

Debra Kurre at 6440 Thomas Jefferson Parkway: Stated that she is one of the business owners on the corner up there near Garden Lane. Yes, it is in that area further towards where Route 53 and Garden Lane come together. This is news to me also so, it would

be wonderful if we could work something out possibly a little bit different that would benefit everyone involved including I know there are many neighbors in the Villages of Nahor that are concerned about cut through traffic. My bigger concern has been and it continues to be that we all do good planning in this process. So, I have heard tonight several people mention and even Mr. Miles had mentioned being able to actually have a more robust traffic study if we fail to plan we plan to fail right. So I am just thinking that in my world and most of us in our households and our businesses we have to plan and I just think that would be a good idea and it would account for the all of the traffic at least we know really what we are talking about and we can properly review the case.

The traffic counts are currently at 7000 this adds 3500 vehicles to the traffic count and Colonial Circle it is about another 3500 vehicles. So, it brings it close to 15,000 vehicles per day out on Route 53. I really do not want to see Route 53 as four lanes in front of our property. I think four lanes, anything around Lake Monticello and in this region I know it is community development but I do think that would be very difficult for the community as a whole to handle and it would basically destroy the rural character and we have the last the little spot that we have there with Mulch Monkeys in our building and down the road with a couple of farms. This region and we are right down the road from Monticello, so I would hate to see this just become four lanes that is one of my concerns. The other is water and the other is all the different amenities I would like to see that are planned for in the future or not in the future but now where is the school going to go because there is going to be a need to be a new school. What about fire and rescue and that has also been talked about tonight, what about the sheriff's office being able to make sure that we will be able to be that they can do their jobs, schools those things so anyway all the other things that I have been pushing for an urgent care center here in the county we do need an overnight medical facility. I do not know if it could go here or somewhere else but I would really like for us to plan properly and be able to keep some of our own rural character and this request does not do that for us.

Mike Vlasis at 11 Garden Lane: Stated that he has owned Mulch Monkeys and Ground Effects Garden Center at this location since 1998. The only concern that he has initially from this project was the potential threat to his entrance on Garden Lane. I rely on that entrance for my business it is a major entrance for my customers and my vendors. This plan that I see in front of us here tonight it preserves that entrance and that is what I want to make sure it continues to stay in place as I mentioned it is critical to my small business. In 2004 when Nahor Village was being proposed VDOT wanted to close that.

At that time I asked the county to please side with me and protect my interest there and not allow that to become part of the road plans. I would like the county to once again give me that assurance and as this thing evolves that VDOT does not once again revert back to that idea of closing that entrance and redirecting all of the traffic down to the new, proposed entrance down on Route 53. So, once again I am just asking for that consideration again to protect my business interests and my current entrances.

Suzy Morris at 6840 Thomas Jefferson Parkway: Stated that she is Quaint Lea Farm; Rural Character, Chief Seattle's lament the Land is sacred to us and If we do not own the freshness of the air and the sparkle of the water - then how can you buy them? Every part of this earth is sacred for he is a stranger who comes in the night and takes from the land. When he has conquered it he moves on. The 1999 Fluvanna Heritage Farm event had 200 people and it seems we lose another old house, a green field, a wildlife habitat, Bob White quail, tall oaks stary nights, the water level in the Rivanna becomes lower and its affluence higher, roads become wider and the traffic faster. We are losing our sense of place here. How can we protect our rural landscape the 1999 forum said. The current 2015 Comprehensive Plan it echoes the same by maintaining rural character what is meant by maintaining Fluvanna's rural character and how does the 2015 plan define and exemplify rural. The fourth principle supporting the County's Vision 2035 is that our rural character and the natural resources are part of Fluvanna's unique heritage, and it should be preserved and well-managed forests and farms are

still a primary land use and a key component of the county's unique historic and rural character and economic viability. The Agricultural and Forestall Districts can serve and protect agricultural and forestall lands as valued natural and ecological resources they provide open space for watershed protection and generally for all the wildlife habitat.

The County's natural resources deserve consideration and economic development as economic development tools forestry and agriculture are essential parts of the local economy. Our Fluvanna trails, rivers, and wildlife they all attract people from other communities for recreational enjoyment. Fluvanna County is a rural community and a desire for a sustainable and agriculturally friendly economy prevails with pattern of development and creates challenges to maintaining the rural character the future development of improved subdivisions could provide significant challenges to the preservation of rural character. Development should strive to maintain a very low density in order to maximize the preservation of existing farms and open space.

The County should encourage developers to leave natural features that is plants, trees, avoid excessive grading, avoid clear cutting, enhance tourism and artisan activities that are compatible with the County's idea to be rural. As the Lake Monticello Community Plan includes the priority of preserving the rural character of the overall surrounding area protecting natural resources and the health of the Lake and surrounding land and waterways is important to the health and vitality and the environment and economy of Lake Monticello, these rural preservation areas should all have the least amount of development. They should display agricultural and forestall districts with farms, old stores they should be protected from the development of large subdivisions in these areas should be discouraged. The rural character of the community is a major asset, and depends on the quietness of the area's farm houses and open landscapes scattered with forest wildlife and livestock in Fluvanna. If it's to remain rural these qualities must be protected and problems are incompatible developments, inconsistent or insufficient regulations, and growth pressures many rural views are located along these important corridors which all serve as our gateways. Route 53 is one of those when development occurs in rural preservation areas the appropriate buffering should be required housing developments should have minimized access points historic preservation can be a key factor in economic growth and Route 53 is one of these gateways with historic things such as the old school house, Hayden House, and farms over 300 years old. The house and store up there where the ground sits, any possible recommendation of a four-lane road in Fluvanna totally negates rural character as do congested and dangerous roads.

This begs the question: So how does building another large residential development on land zoned A-1 in the agricultural district and right next door to a senior neighborhood preserve our rural character?

Steve Smith at 6 Sunset Court: Stated that he has resided at this location for 11 years. The Village Gardens access onto Tufton Pond you have talked about it this evening. It does not seem like it has been settled but Mr. Soubra said at the September 9th Zoom meeting with LMOA that we internally are already starting to have discussions about essentially giving up access to Tufton Pond and as far as recreational use and having it as a visual amenity versus a practical amenity. It seems odd to me that he referenced starting to have discussions since this was clearly an issue that was raised in the June 24th Zoom meeting more than 11 weeks prior and there does not seem to be any other settlement on that issue now. Can you give us a definitive statement and include it in the proffers so we can understand what will be done as we go forward. Then second regarding the fence and the access around Tufton Pond again Mr. Soubra said in the September 9th meeting with LMOA. I quote part of that conversation is "building a fence a three-board fence to sort of limit access to Tufton Pond and that is something we are already having conversations internally, so we can essentially move past that to some kind of land that is a benefit to the Village Gardens directly. It is a wonderful location, but we also understand that there are concerns there this vague statement does not take into account the reality that this 17 acre parcel that they are talking

about has deeded access to Tufton Pond and an access easement adjacent to Jefferson Drive. It also requires LMOA to maintain a mesh and barbed wire fence around this parcel by deed and it must be kept with the land and to maintain it. Why would Village Gardens need an additional fence easement that permits access to Tufton Pond, and found through a single gate and this fence that the current owner has in place they can unlock the gate anytime they want. So I do not think that has been well understood and certainly has not been done in a timely fashion. Clearly, Southern Development does not understand the physical characteristics or the deed restrictions on that land known as the Fox property now. We need more assurances within the case proffers.

Third, Route 53 has come up a couple of times and access to Garden Lane (Route 636) all the discussion has really just been that just discussion. If Garden Lane is going to be proffered to be opened back up or if it is going to be just given back to the landowners there or they are going to change it. Southern Development and Village Gardens really has nothing to do with that as that is VDOT property as it is a state road and then what VDOT decides is really going to be what happens to that road. It does seem that the road if properly developed it would alleviate some of the issues at Monish Gate, but I think that needs additional work by all parties involved. Fourth, access to Jefferson Drive by the easement beside 415 Jefferson Drive this stub road was addressed in the September 9th meeting with LMOA by Mr. Soubra indicating that the access via the easement it would be limited to emergency use only. That, however right now is not being provided in a formal proffer only a non-binding statement made in a community meeting. He qualified the statement later on by noting whether there will be a gate or bollards or something like that and all this will be part of a greater engineering design conversation. The only thing he committed to with regard to access to Jefferson Drive by the easement is a statement I can assure you there will be conversations to be had. As I do not understand why the applicant has not proffered this access yet in this case.

Wayne Nye at 176 Village Boulevard: Stated that he mentioned to the County Planning Commissioners back in their August 10th meeting during regular Public Comments that I considered the proposed entrance for Village Gardens onto Route 53 to be extremely unsafe citing restricted left and right views of oncoming traffic. So, tonight, I do want to share additional details and please bear with me and my own high school math. When traveling at 45 miles per hour on Route 53 you are also traveling at 66 feet per second.

When I drove home from work today on Route 53 I set my cruise control at 45 miles per hour as I traveled east towards the Villages of Nahor. When I passed the entrance to Quaint Lea on my left, I began looking for my first glimpse of the bottom of the hill where the proposed new entrance would be located to Village Gardens. Then when I spotted it I began counting by thousands. At four-one-thousand I was at the bottom of the hill where the proposed entrance is to be located. Four seconds would be about 264 feet traveled from the time I could first see where the new entrance would be. To double check I wanted to locate exactly where the Village Gardens entrance would be on Route 53. I have included maps in your handout that show the location of the new entrance and where I was able to see that while I was driving on Route 53 they are for your reference as to why their new entrance to Village Gardens is extremely unsafe.

I want you to consider the following scenario that you all live at Village Gardens and you have three fussy kids and you think a road trip might calm the kids down so you load them into your minivan and you head over to Food Lion and you decide to take the new entrance out of Village Gardens by planning to turn left onto Route 53. You stop at the entrance to Route 53 and you look to your left it is clear, to your right it is clear and one more time to your left it is clear just to be sure before you pull out one to Route 53. Unfortunately, I am now coming over the hill to your right at 45 miles per hour and I see you just as you take your last look and commit to your turn you do not see me we have four seconds. You take two seconds in your minivan to go from a dead stop just to pull out onto Route 53, and get started to head uphill towards Food Lion in the two seconds that you needed to pull out onto 53. So, I have traveled 132 feet and

we are now just separated by only two seconds of travel time at my posted 45 mile per hour speed. If I were traveling at 50 miles per hour we would be separated by only 1.6 seconds and at 55 miles per hour only about 1.3 seconds. So, now I know what you all may think as soon as I see the minivan I should start slowing down and your minivan should start speeding up not slowing down. It might work if my reaction time is quick enough if my brakes are good if I am not talking on my cell phone and if my high school sweetheart is not distracting me, and if the road and visual conditions are favorable the minivan getting up to speed bothered me too. This is all about proper reaction times.

So I did a similar experiment and I was not in a minivan with three kids but it was just me in a new Mazda sports car. So, I pulled out of the main entrance at the Villages of Nahor neighborhood onto Route 53 and a left-hand turn toward Food Lion from a dead stop it took me five tire squealing seconds to get up to 45 miles per hour, and I was not even going uphill to get to the Food Lion in a minivan loaded with three of my kids and it was not even rainy, foggy or dark out along Route 53. My point is the entrance onto Route 53 for the proposed Village Gardens development it is not safe. Ask yourself as I have asked myself what if these were your kids or your grandkids or what if it was you trying to make that turn? Thank you all for your service please make the right decision.

Sandra Radford at 121 Mulberry Drive: Stated her home is in Villages of Nahor actually at the corner of Mulberry Drive and Village Boulevard that intersects with Garden Lane. In particular pages 35 - 36 of the Southern Development Proposal Packet in the letter that Mr. Steven Biel, the Planning Director at that time, sent to Acres Development LLC, owned by Keith Smith. This letter, dated April 21, 2005, it let Mr. Smith know that his application to the Board of Supervisors was approved for the development of a senior community, to be named Nahor Village. Apparently, in its entirety the letter restated the parameters that were approved, including any potential restrictions, limitations, proffers, and possibly plans for the rezoning of part of it to accommodate a senior convalescent center. In all the things each of us plans, there are details. Many times, very specific language is needed, or formulas as in medicine, anything that will give the readers of the document sufficient information to make a decision about a proposed plan. In law, that is referred to as Full Disclosure and part of the Act of Discovery that makes sure attorneys of both parties they have equal access necessary to prosecute or to defend the case. Full disclosure of information onto the Planning Commission by Southern Development is also needed so each member of the Commission has all the available information to make an informed decision. I direct your attention to the letter I referenced above. The last numbered paragraph on Page 1 is Number 4. The next numbered paragraph of the letter is assumed to be on Page 2. However, the next numbered paragraph on the following page is Number 13. Therefore, we know that Page 2 of the original letter is missing with only Pages 1 and 3 included in the Proposal Packet. The missing information is important enough for Southern Development to include the letter in the Proposal Packet and, without it, the Planning Commission cannot make a well-informed decision. The Southern Development Proposal Packet is incomplete. The only vote that the Planning Commission can legally make is to deny their proposal, in my opinion.

In closing, I have a packet of resident signatures from Fluvanna County opposing this proposed rezoning case. The names include the citizens from throughout the county, to include Kent's Store, Fork Union, Cunningham, Troy, and Palmyra. Palmyra citizens are from Village Oaks, Merry Oaks, Fox Hollow, and residents along Routes 53 and 636, and Lake Monticello, www.change.org and only those valid residents as determined by Zip Codes, and within Nahor Village. We were restricted from those areas and normally by permitting the presentation of petitions to customers due to COVID-19 like at CVS and at Food Lion. There are 265 valid names and 265 validated signatures presented here. However, as the proposal it may be presented again to the Planning Commission in the future for consideration we will continue to circulate the petition for more signatures.

Ken Diepold at 125 Tulip Drive: Stated that his comments they will be brief as we have heard that this will be a multi-generational neighborhood which means young families could reside there with children. I did not see anything addressing the impact on the schools by the developer and I have no children in the school system. I am a taxpayer and I do need to know how these things are going to affect my life in the future. So, I do not know how many children there will be so are we talking a couple hundred new kids and I do not know how the elementary school or middle school can handle that. I know that the high school is ready for it but that is further down the road with this new neighborhood. I am a resident of the Villages of Nahor and I would be opposed to any access being provided to Village Gardens to our streets and neighborhood for traffic. It was mentioned earlier that if perhaps the single exit and I mean the ridiculously single exit from their proposed subdivision would create a backup and then people would because impetuosity is a virtue and would be bolting through our neighborhood even if it is 2,000 feet more the same thousand feet from the entrance that their neighborhood to the entrance of ours and it is a net value they would not even notice a few more vehicles. I see this cut through traffic as a dangerous situation so I do not think we want any kind of access for Village Gardens into the Villages of Nahor at all. The other concern that I have that was already discussed is water pressure and the firefighting suppression capacity for water in this area and should be addressed as well.

Tom Diggs at 947 Jefferson Drive: Stated that the Fluvanna County Planning rezoning application checklist identifies six things an applicant must provide for a complete application the fourth item in the list is deed restrictions if applicable, and reading the application included in the package for this meeting posted on the county's website. I did not find any mention of deed restrictions. I find the absence of any mention of deed restrictions unusual especially given that Mr. Soubra had stated in the September 9th meeting with LMOA that quote one of the fundamental parts of land development is looking through land deeds and land titles that can date back many decades and that properties all of these properties have those deeds closed quote. I also looked through titles and I easily found restrictions related to the 17 plus acre parcel currently owned by Ms. Fox. The August 20, 1974 deed between Lake Monticello and Mary Webber is the result of a transfer of land, and a grant of easement from Lake Monticello to Ms. Webber and a covenant and grant of easement from Ms. Webber to Lake Monticello.

Among the recorded deed restrictions are Ms. Webber's grant of a perpetual and an exclusive easement to flood a portion of our land to create what is now Tufton Pond, an easement permitting Lake Monticello to construct and to maintain a fence on and around Ms. Webber's property. The most relevant item to this rezoning application a covenant quoted not to take any action or make any other use of her land other than normal agricultural use closed quote with the covenant to run with the land and be binding on all successors and titles. Ms. Fox acquired this property from Ms. Webber her mother by a deed of gift dated February 5, 1976 in 2014 the anticipation of selling her property to a developer. Ms. Fox sued LMOA with regard to three questions about easements and the covenant deed as the successor and interest to her mother's deed with Lake Monticello. The first two questions related to the easement allowing Ms. Fox to access Jefferson Drive for the express and exclusive purpose of accessing State Route 636, the court issued a decision on May 26, 2015, and following motions for reconsideration a final degree on February 22, 2016, which incorporated the earlier decision in its totality. The court found that the easement would be 50 feet wide as she claimed and that the restriction to use only conventional vehicles on that easement was not applicable to her suit and so did not issue a ruling on that question leaving that restriction in force Ms. Fox did not challenge the requirement to repair any damage to Jefferson Drive by her use of the easement.

The third question was specific to the covenant limiting use of the property to normal agricultural use the court found Ms. Fox's arguments were essentially hypothetical and they declined to issue a ruling leaving that covenant in force even through either its

search of the deeds or its negotiation with Ms. Fox. Southern Development certainly should have been aware of the covenant restricting the property to normal agricultural use the responsibility for damage to Jefferson Drive by its use of the easement, and that this easement is only to access Route 636 since Ms. Fox's property is restricted by a valid covenant which was not voided by the circuit court. It would be improper for Fluvanna to rezone the property from its current A-1 zoning. It would be appropriate for the planning commissioners to require Southern Development to file an amended application that correctly states all deed restrictions on the properties that it intends to develop, explain the relationship of those restrictions to its plan and to reconsider its plan for Village Gardens without being able to use Ms. Fox's property for use other than the normal agricultural use. Assuming it will still want to include that property in the development. Southern Development also needs to address how abandoning State Route 636's access to Jefferson Drive is likely to result in a forfeiture of its easement to use Jefferson Drive from Ms. Fox's property.

Gary Hannifan at 953 Jefferson Drive East: Stated that his comments are going to be very brief. One of his main concerns is also about Aqua Virginia supplying the water to all of these developments that are going to be high density throughout this area. I have lived here for about 30 years and in that time I do remember it was not that long ago that the Rivanna River was reduced to just a trickle of water because of the drought. Droughts go in a cycle it is going to happen again. I do not believe that Aqua Virginia is going to be able to supply all of the water needs that these developments will require at the time of that major drought. There were talks about rationing then there was talk about shutting water off the, talks about who was going to have their water shut off. I have concerns as stated with Aqua Virginia providing the water and sewer to this new subdivision. I live at Lake Monticello and having people who are not a part of LMOA having access to our private roads thus having access to our amenities could cause quite a problem. They could be putting boats onto our lake or could use our beaches and if something happens who is responsible for all of this once they enter the Lake.

Carolyn Ley at 2299 Hunters Lodge Road: Stated she owns three (3) properties that are abutting this project or affected by this project. With that you might think that I would be against development as not in my backyard that is not what I am here for because I am a pro development person. I am a pro thoughtful development person and I also want the developers to give the whole story and I feel that in to some degree there is been a little bit of smoke and mirrors. So, there is a whole lot going on in my mind but I am going to focus on one thing and that is the commercial part which is the green part of the drawing there. That is a 5.8 acre tract of land that is currently zoned R-3, and its proposal for commercial development as part of the Village Gardens this tract was part of the Villages of Nahor R-3 development. I want to know how this property, which was used to determine the number of new residential units allowed in the Villages of Nahor when they went through that development process and that it was part of the density calculation when they build Nahor because it was owned by that developer at the time. Now it is being used to as part of the density numbers in this next development, and to me seems a little bit of you know like smoke and mirrors by Southern Development.

This 5.8 acre tract has been vacant for about 15 years. It is R-3 now before it was B-1 before coming and talking to you all. You know again being a resident of the area I am familiar with this, did a little drive around the neighborhood and I have been watching of course all of our shopping centers there is still plenty of vacant tenant spaces just sitting around this field. I have lived on two driveways down from this field for seven years and that feels just that vacant. So, I keep hearing a shopping center is coming, a nursing home is coming, a doctor's office is coming, whatever. I think that it is a carrot and the stick thing. I think that they just get us excited that there might be commercial coming and I am just not believing it. It is just how I feel that has been sitting there, we have a lot of other office space that just sits there we have a lot of other areas that are not fully developed and I feel that it is just a way to get everyone all excited. I also want to tell you that I am on the next property down from the proposed exit and that is one

of my properties, and then the second driveway as well. I own two properties both with driveways out there. I invite anyone who wants to come with a cup of coffee at commute time and a doughnut. I will buy the donut whatever, and sit there in a lawn chair and watch that death zone. I take my life in my hands every time I drive in or pull out of one of those driveways as the sight lines from it is up a hill, and just coming up cresting over the hill from Quaint Lea Farm to my house which is the white house that sits on 53. It is a hill there sight lines are horrible, so I am very concerned about well I lost count of how many times that I lost the mailboxes on that driveway and how many accidents have occurred off of my driveway which just is a couple hundred feet away from there, so I will close out with that. I would like you to take a look at the map again and maybe ask them to do some calculations for their new subdivision development.

Tom Ruffin at 26 Crape Myrtle Drive: Stated he is a retired law enforcement officer of 40 years and that I first served in the City of Petersburg Police Department in Virginia. I moved to Florida and served in the City of Fort Walton Beach Police Department for 25 years and retired as a Captain. I am both a certified Doppler radar and defensive driver instructor and I was assigned to review the evacuation of approximately 15,000 people from the beaches during major hurricanes. Mr. Chairman brought up a good topic on the Villages of Nahor with concern about traffic going through our neighborhood if this request were approved. My concern is this that even as state roads our roads were not designated to handle a large volume of through traffic specifically as is being proposed.

Currently, the village residential traffic is between 20 and 30 miles per hour and most houses are close to the street and the drivers have to back out of their driveway to get into the street. Increased traffic volumes, to include cars, light trucks and motorcycles and the potential for the vehicle speeds to be higher and keep in mind our residents are 55+ with many residents older than that there. The potential for speeding through our community is highly predictable especially because of young drivers and believe me I can tell you from being a defensive driver instructor as most of my students they were younger drivers. Thus, increasing the potential for accidents, injuries and even fatalities could occur within or near our neighborhood. I would predict that speeds could easily exceed 30 to 40 miles per hour and there appear to be several other issues with this request after reading the staff report. Several other issues need to be resolved by the applicant Southern Development and to approve any zoning changes at this point it would not be advisable. Please continue to look at the access issues on this request.

Becky Persico at 160 Crape Myrtle Drive: Stated that she has lived here for over a year and prior to that I owned 17 acres on the Rivanna River at Broken Island for 23 years after having lived in six other states. I have come to love and value this precious place known as Fluvanna County. It is home to most of us in this room and many of us at the Villages of Nahor we could choose to live anywhere in the world. We come from all over from Michigan, Wisconsin, Illinois, Alabama, California, New Jersey and Kansas but we have found our little piece of the American dream in Fluvanna County. The County's Comprehensive Plan is filled with references to maintain the rural character and the first point of focus in the current plan is to maintain Fluvanna's rural character on Page 9 the fourth principle supporting the County's Vision 2035 you have heard this before is that our rural character and natural resources are part of Fluvanna's unique heritage and it should be preserved where practical keyword practical. By the way speaking of unique heritage there are properties in Fluvanna whose deeds date back to the time of King George III so yes unique heritage. Crozet, recognize that name as in the Old Trail Village retirement development that is in Albemarle County well Crozet is the man who surveyed and gave Broken Island its name in the 1700s, again the unique local heritage.

Respectfully, I would like to remind you of the zoning requests at a number of the new developments from Crofton Bridge to the new traffic circle at Effort Baptist Church and Broken Island is 100 acres consisting of about 54 homes ranging from 2 acres to the 17 acres that I use to own. Fox Hollow also 100 acres with homes averaging around four acres, Cunningham Meadows, Seven Oaks, Taylor Ridge, Merry Oaks are all very large

lot subdivisions and none were clear cut and all zoned and built on in a respectful way. Conversely, the Planning Commission and Board approved Sycamore Square, Village Oaks and Colonial Circle as mostly clear cut and all zoned R-3 all using water and sewer through Aqua which goes into the Rivanna River. So, how does building another mostly clear cut development on 122 acres currently zoned A-1 be considered preserving rural character in the Comprehensive Plan. You as the Commissioners and not staff have the power as it is your decision and your votes that impact our lives especially considering the thousands of commuters who already negotiate the dangerous curves up at Michie Tavern and at Monticello in Albemarle County. In the ice, snow, in the heavy rain on a daily basis and please just do not create a baby Pantops in this county and destroy our unique heritage and please maintain the current zoning of A-1 on the subject property.

Lucas Reynard at 97 Virginia Avenue: Stated that he is hoping to give some insight into the way that Southern Development does things. So, for one a big issue for us are the roads and access. So, on the roads over in their Village Oaks neighborhood, it is very hard to get two vehicles down the road without anybody parked on there. So, we have community space that is supposed to be available for common area use at the pool. I think we need to make sure that Southern Development addresses issues that have to do with how wide roads are within neighborhoods. We have two vehicles as one of the gentlemen up here mentioned earlier and I mean we are a normal group of guys as I live with my brother. It is impossible to get two vehicles into that driveway right now.

Impossible, so we are left to leave the vehicle out on the road which you cannot do you cannot get an ambulance in there if you already have somebody parked along the road. I mean it is just physically impossible and another thing that they brought up tonight it was the HOA and how they touted their management company. This is not a good idea, it is a very horrible idea, as this management company is very strong armed. They still control access of that HOA they have not turned that over to our neighborhood. I kind of want to understand where those interests lie are those with helping our community or are they forcing their way onto this community. Why are we bending the rules for Southern Development? As it has been brought up tonight that they have not held up obligations for constructing commercial uses. Why are we going to bend the rules for them? Senior living at Village Oaks is that supposed to be the area that was supposed to be commercial in Village Oaks? The questions remain about Southern Development.

Brook Reynard at 97 Virginia Avenue: Stated that he is going to feed off some of Lucas' points. Yes, the aforementioned HOA, yes but Southern Development fails to mention is that three of their employees control the HOA. For my concerns lie why not let the residents of that community have a say in what they do. What kind of rules they make or if the even want an HOA. I am not even a fan of any HOA in the County. Go ahead and approve the development people live there when I have HOA let them vote on it. So I do not think that is any of the developers concern again it just props up another shady company in Charlottesville. The senior population I am probably not going to be in the minority opinion on this one as of 2019 Fluvanna County had a 20.5% population over the age of 65. Do you not think that is the target demographic we all need to go after with all of these folks and the older housing that is not available in the County.

I would like to see the road plan you have that everybody keeps mentioning at VDOT. I mean these VDOT roads, these 12 foot wide roads with a shoulder what is the speed limit. I know a lot of guys and people here tonight have mentioned Route 53 being a problem again. I am probably also in the minority of people I would like to see the speed limit go back up to 55 on Route 53. That is for other reasons. I am old enough to have lived in the county to know when it is it has been 55, but Mr. Alan Saunders and I have gone round and round because my professional background is building roads and bridges. I have built roads and bridges in Virginia, North Carolina, Montana, Texas, and Colorado. I have got a lot of experience in building roads and bridges, but Alan will tell you at a 45 mile an hour speed limit the minimum sight distance needed for a new residential entrance its 360 feet the maximum is going to be 500 feet. All of you guys

that have lived in Fluvanna County long enough to know there is not a whole lot of places in this county where you have a 500 foot sight line on anything. I think that requirement needs to be changed but given the traffic on 53 that kind of lends itself more to a light commercial entrance than it does a residential entrance. That is just with the existing traffic that is on Route 53 not adding the other 3,500 cars or trips.

I am not seeing where that is coming into account other than trying to get people to move into this area that are not from this area and do not hold the same values of the people from Fluvanna County. So, I have an issue with that, but I do not mind the new development. I would like to see some commercial businesses come in if that is what in fact that you guys actually are trying to bring in with the development. I mean we are a county that is strapped for business revenue as it is already. Then I would like to see the study on where we are going with this Aqua Virginia water as is that the only place that we are going to try and access water. Here you know the county just spent an absorbent amount of money running a pipeline across the county in any way shape or form infrastructure could be ran to that pipeline or did we only look at Aqua Virginia. So I mean was there another study done or was the Aqua Virginia one the only study that was done. I do not know I have not heard anything have not seen anything.

My background comes in moving dirt, building roads, building bridges, and there is a lot of unanswered questions. So, this looks all nice and colorful and good but I mean every dirt superintendent every dirt foreman and that is the same thing we do when we get a set of plans we take a bunch of highlighters and we start coloring on it, but this does not tell me anything. I mean and then this one level floor plan. I do not know about all of you but the average American family has two kids. What happens when your kids reach 15-16 years old they get a car. So, if you are only accounting for two cars what happens when those kids are 16 and now you have four cars. Now what happens at Thanksgiving and Christmas and grandma wants to come over grandpa wants to come over, aunts, uncles, cousins, kids they all get at the house where is the extra parking or anything proposed in this development so where are people going to park at now?

Donna D'Aguanno at 148 Crape Myrtle Drive: Stated that one of her major concerns with this propped community of Village Gardens of 355 homes is the effect that it will have on our property taxes. How will the additional children in Village Gardens impact our schools. Will this development be required to add new teachers, support staff, a new school building, and all of the necessary infrastructure that goes along with it, including new administrators, social services, counselors, special education teachers, school nurses, furniture, desks and a library. Will the new community cover the cost of all these expenses or will the expenses be more likely covered by requiring an increase in taxes on all property owners within Fluvanna County. How will the new community impact Fluvanna County's fire and rescue and will these new homes cover the cost of providing for additional fire and rescue teams, new additional support employees and service vehicles to the already stretched volunteers. Will these new additional homes cover the funding for any additional necessary law enforcement like deputies and their additional 911 operators, and their support staff will the taxes more than likely be increased for all the property owners in Fluvanna County. Will this new community also increase the cost for renters in Fluvanna County, as rents are based on property taxes will everyone in the county in some way be faced to pay for the new 355 homes.

Please bear in mind if the answer is yes taxes will increase it is more than likely going to hit at a time when most households are feeling the burden of a much higher inflation, increased food costs, fuel costs, home heating and cooling costs, and more than likely an increase in interest rates as well as costs for Aqua's water and sewer service. Please remember that our most vulnerable of our community is our senior citizens who are more than likely on fixed incomes and also the citizens of Fluvanna County who are already pushed to their limits. Residential development is not economic development, rooftops cost the county money. There is a difference between growth and responsible growth, also I live in the Villages of Nahor the gentlemen from Southern Development

always talk about the cars coming out of the development they never talk about cars coming into the development. So if residents are coming back from Food Lion the first turn that they could make is into the Villages of Nahor. They are probably not going to go down to their new entrance. So to come through this is an incompatible use to a senior community which was developed for 55 and older residents so there could be as many as 600 cars coming in that community. Half of them come through that is 300 cars a day going through our community which defeats the purpose of a separated senior community. Chairman Bibb you are right we do have residents that use walkers that are trying to cross the street and it takes a while. So this is a great concern for the residents that are already living there paying taxes and came with no baggage. We do not come in and we did not come with children and all we are doing is paying into the county and using water and sewer please protect our existing senior community roads.

Gene Ott at 243 Country Creek Way: Stated that he is moving to 212 Village Boulevard and just found out about this just a couple days ago. I had an option to not move but I am moving because it is a wonderful place to live and I really appreciate the questions that you guys are asking tonight. You are very professional and you have asked a lot of the same questions that we wanted to ask. I am going to talk about the importance of Route 53 and we should not have a development like this that dumps traffic out onto Route 53. As it is in the heart of Fluvanna County there are currently 341 homes in 8 developments along Route 53 from the high school to the county line. Lake Monticello borders 53 on the north with over 4,000 houses the major shopping area in the county is in the middle of all this activity and the new high school is on 53 and it creates a lot of traffic at certain times of the day. Much of the county south of 53 uses 53 to go back and forth to work and it is the most important and most congested road in Fluvanna.

There are long commute lines now in the morning and the afternoon. I hear I am not going out on Route 53 because I am too old, but that is all right, but I do hear that. The new development near the new traffic circle it will impact 53 but not as much as Village Gardens which is right directly in the middle of 53 just like Food Lion, just like us we are sitting right in the middle there. The 355 homes will double or near triple the traffic on 53, you take 341 houses and plus the people coming up it is going to be a major impact.

There is not much VDOT can do to make the road wider so this is a problem we cannot fix easily or maybe not at all. I talked to Alan Saunders at VDOT who is a friend of mine, and it is just in the past when we tried to get 616 widened. You cannot widen the road because you got these areas that drop off due to slope and you cannot do it on Route 53 either. So we are stuck with what we have got there now. We can do roundabouts but we are stuck with the basic two lanes. Here is the key; cars coming on Route 53 in the morning and in the evening. Where you are trying to merge into traffic you got to merge into it currently. These 341 homes are scattered all the way down from the high school to the line, and they just trickle out they just trickle out a little bit here a little bit there most of them are on the other side of the road. Nobody is coming out of Nahor Village, nobody we are just sitting around up there as we are too old to go out early and we are too smart now. Here is the thing we are going to have 600 to 700 new cars and I do not care where you put the line out there. Once this pandemic is over a lot of people are going to start going back to work that are not commuting now. I do not care how many exits you have to go out there you are going to have so much traffic coming out of that road. Where you have got all these people coming up from the lower part of the county onto Route 53 at Ruritan Lake Road. You have got people commuting up going over the Fluvanna line everything is happening right there. There is no reason to put that monster there it is not compatible with anything else that is going into there.

Patty Reynard: 662 Broken Island Road: Stated that our taxes is her main focus in this county. We have 110,000 acres and 80,000 acres is within land use of some sort. That means we are not collecting 5 million dollars in taxes. So, the way that this county thinks that we can bring in revenue into our county is allowing subdivisions like this. The fact of the matter is Broken Island, Taylors Ridge, Fox Hollow, Lake Monticello all of

these new communities like Sycamore Square and Village Oaks is like 30% of all taxes is 30% of those people pay over 70 percent of all the county's taxes and that is not the way to bring revenue into the county. I can go on way too far into my five minutes but I do want to talk a little bit about this community. I think it is a terrible idea and I am not the kind of person who beats around the bush, I like to call it like I see it. I see these guys as con artists I see these guys taking advantage of a situation that they know our county needs revenue. So they just dangle that carrot out there about a little bit of a commercial something another but it never happens, it is never going to happen so you know we just need to think about that. I am just going to carry a little further into their property across from Crofton in Village Oaks where my sons rent a new townhouse.

So they are threatened every week with their vehicles being towed they are hung up on when they do call to talk to these guys and they will not even talk to them so this is not family oriented development. So, I cannot even go visit my sons and I am happy to say I am happy that my son is now back from Montana and he is a little closer to home but there is nowhere for me to park there is no parking they do not have any parking.

So you know we are bringing a lot of problems into our community and I think we need to look at the bigger picture here because the only thing these guys see is dollar signs. So you know like I said I can go on about the taxes, but let us talk a little bit about the water issue. I think Lake Monticello water issues need to be fixed we are going to be creating more water issues that they are going to bring along with this community. I feel like the County taxpayers have spent like millions of dollars to take water to Zions Crossroads to where it can be developed we are helping out Louisa. They are doing great but you know what why are we not getting businesses from the water from that same pipeline. I do not know why because we have paid for that out of our taxpayers money and as far as the roads are concerned we do not have the road infrastructure for additional traffic. It is not here we do not have more tax money that we do not have to bring these roads up to the infrastructure needed for this additional traffic of 12,000 cars a day just on Route 53. I do not know if you guys shop at Food Lion but if you go there you can barely get back out onto 53. That is just a few hundred feet down from where they are proposing this additional traffic. I have a huge problem with bringing in this kind of housing I think it is a horrible idea. I think we need to focus on getting the economic development to the people who already live here as we are losing business because people have to go to Richmond people have to go to Charlottesville to work.

We do not have shopping available but we are not bringing it in all we are hearing is little promises something so that they can get zoning approval to put in these houses. I will tell you what at the end of Broken Island Road Island Hill that is a new Southern Development subdivision. I do not know how they get these approvals and you know how they get these inspections done so fast but that model home it was framed three days and completely framed. I do not know if I want to be in a house like that. I mean like I said you cannot even visit your family cannot even visit your kids there or whether your parents are there. That is terrible that is not how you bring community and family together. They say we are not going to provide you part of the streets are not at VDOT specifications. You cannot even get two vehicles down the street hardly at a time they cannot pass each other in the road. They make rules that they do not follow and make my sons follow rules on how to park and not allow golf carts but they use them to sell their houses from their model home and it is just not right with Southern Development.

Al Colville at 315 Village Boulevard: Stated that he been a long time Fluvanna resident in Lake Monticello and now lives at the Villages of Nahor. During that time I have had a number of County and Lake Monticello responsibilities and I do love Fluvanna County. I recently attended a community meeting where people at Villages of Nahor were very angry and afraid that the Village Gardens zoning proposal was about to destroy Route 53. Fluvanna's budget and a number of other things but you have heard everybody else talk about those issues tonight. I am going to concentrate my discussions on the use of Village Boulevard by Village Gardens as a pass-through to get to Route 53. There

are many reasons why this is totally inappropriate first is that Villages of Nahor is a 55 and over community, and the only one in the county. Many residents are over 70 and most hope to live here the rest of their lives. All enjoy the quiet living environment the Village Gardens plan will go a long way to destroying that environment. Second is that the houses are on small plots and are more like city homes close to the road. There are no buffers for noise control and safety from the road traffic. Normal traffic is slow and rather sparse today the normal traffic on Garden Lane is a little over 200 cars a day.

Village Gardens with 350 units will add a huge mix of cars and trucks and buses and delivery vehicles and teenage drivers. At least half of which will be traveling through our quiet community. Third is that all our cars must back out of garages onto a narrow road often with some parked cars out on that road this will be extremely dangerous with the expanded traffic. Our roads are somewhat hilly with poor visibility in places and accidents could be catastrophic. There are no posted speed limits currently and speed bumps may be needed to control speeding. So Villages of Nahor it is unique compared with other housing developments along Route 53. First, none of the other developments on 53 are 55 and older. Second, those homes there are almost all on at least two acres and they are not near the road. They have a country feel rather than the more city feel of Villages of Nahor. Third, there is much less road danger in those developments with very little backing out of driveways. There are no drive-through areas like the one being proposed by Village Gardens, please say no to this proposal.

Matthew Zabik at 18 Morewood Place: Stated that we have already heard a variety of reasons why the proposed Village Gardens subdivision case is concerning to the greater community. If you have seen the traffic like we talked about in the evening or in the morning and the ongoing development then you likely share my concern that Fluvanna County is quickly turning into the next Northern Virginia suburb. However this Planning Commission meeting is focused on one thing whether or not to approve or to reject Southern Development's request to rezone several parcels from A-1 to R-3. I would like to ask you to look carefully at this request because I believe that the proposed zoning change is contrary to the established land use patterns in the area, and not completely in conformance with the 2015 Fluvanna County Comprehensive Plan. The purpose of the comprehensive plan is to guide a community's development in an equitable and orderly way that protects the health, safety, and general welfare of all of its citizens.

Page 28 of the Comprehensive Plan defines spot zoning as the reclassification of one or more tracts of land and primarily for the private interests of one or more landowners instead of furthering the welfare of the entire community as a whole. The proposed plan which borders Lake Monticello is the A-1 agricultural land the higher density that Southern Development is proposing is clearly contrary to established land use patterns in the area. If they would have proposed something more reasonable like just single family homes with lot sizes similar to Lake Monticello that would match the established land use pattern. Unfortunately this zoning request does not do that, and I feel that the Planning Commission should look at that and reject it. While the comprehensive plan discusses the need for mixed use and higher density development, it also states that most residents agree that it is important to maintain the very rural and rural suburban character of the surrounding area in the comprehensive plan. Figure LU-13 shows the four major focal points where Fluvanna County wants to promote higher density mixed use. The parcels that Southern Development wants to rezone at this time, however are immediately outside of that area. Turkey's Trail and Lake Monticello Road and Route 53 are clearly shown as focal points. It's almost as if they are moving it to make all the development go completely around Lake Monticello. If they are proposing zoning not in conformance with the 2015 Fluvanna County Comprehensive Plan then the Planning Commission should reject it. Whether it is increased taxes to fund yet another school expansion or an increased burden on volunteer fire fighters or law enforcement or dangerous increases in traffic, or the loss of rural character we all value. The proposed rezoning is simply a private benefit and will not only cost the community and negatively impact our own quality of life in the Lake Monticello community and Fluvanna County.

Elena Calhoun at 389 Jefferson Drive: Stated that this development is proposed for the property immediately behind my house and the water company road is right behind my house and their property is proposed just on the other side of Garden lane. Also many people walk, jog, ride their bikes and do all kinds of other cool things back there. It is quiet and it is about the best part of my property. I love having the woods back there and the wildlife but not the low water pressure. I am on that strip where we have no water pressure, and I have lived there for 25 years. I am opposed to this development for many reasons, but I will speak mainly about schools and taxes. I taught at the high school for 36 years and I wonder how the addition of all these new families in Village Gardens will affect our students. This residential development it will require many new teachers, counselors, administrators; and perhaps even some schools. There is another development Colonial Circle that is going in at the traffic circle up by every church, also on 53 and that is going to put a strain on our school system. Will the taxes generated by Village Gardens cover school services for the costs of fire, rescue, police, and water road improvements. I am pretty sure we all know the answer to that currently a house, I think that costs about \$250,000 would pay maybe \$2400 dollars in their annual taxes.

While the cost to Fluvanna County to educate just one child is approximately \$5,000 dollars a year and there could be several children in each of the new homes. The deficit to me is sort of staggering, you know from a taxation basis. The housing taxes are not going to pay for students how much will continued residential development cost the citizens in the form of taxes to cover all of these required services. I am vehemently opposed to any more new housing projects in the already congested Route 53 corridor. I also do not want Route 53 to become a four lane road at any point. So let us keep the rural parcels we have left on this side of the County and develop in other areas. Finally, I am so glad I came tonight to hear all the passion from this community and I want to thank you as Planning Commissioners for listening and considering all of our concerns.

Chris Fairchild at 5470 Thomas Jefferson Parkway: Stated that his Comprehensive Plan as a citizen I am rather aware of it. I know that when we create a region of planning it is kind of a lasso, but it does not suggest that every property within that lasso area fits all the possibilities that the plan allows for that area. When I heard that this property was possibly going to have a subdivision of this size with an entrance into that spot in that road. It just never occurred to me that could have ever even been a possibility.

Mr. Bibb you mentioned the Monish Gate and Mr. Miles has mentioned it within his own presentation that is terrible and the thought of now putting just down the road another entrance. I just do not see how we rationalize we can do that to the Monish Gate. When I was a kid on a snowy day a mother was taking us to school just coming from the Effort Baptist side of that slight slope and her station wagon ended up having to go over the hill to miss the traffic down the bank. The bowl that this entrance would be in and that with the slopes on both sides that is blind to each side can you imagine a snowy day with vehicles coming down to the bowl area, just may not work down there.

Today I went on a run before coming here at 5:15 pm and I parked over in the Villages of Nahor I stood on that side of Route 53 trying to get over to Nahor Manor Road to do my run and it took forever to cross. I realized everybody was rubbernecking looking at me and then suddenly I realized why because I looked kind of stupid. Who would do that the traffic was just terrible and I was just shocked to see that not only coming from Charlottesville, but almost equally for whatever reason I do not know coming say from Food Lion the other way. I do not see anything sensible about how this could be done.

Nahor Village the only word I can think to describe it is tranquil, it is a beautiful place of 55+ residents and over there life is slow and easy, and that is why all of those people live there. I go up in there, park at their clubhouse and go across the road to run when I go in I feel like am I driving too fast and I know I am going slow. I cannot imagine that would become a pass-through for traffic and to say that the developer does not believe

that there is a reason to think that cars would not pass through there. So, I just do not know how anybody here could believe that in Virginia and we do have laws that keep people from passing through shopping centers to get around the red lights. Yet we are going to say that that it will not happen here. Of course that is going to happen here yet nobody believes that. They mention that they are a small developer that sound kind of neighborly but does anybody here believe that they are a small developer. So how many homes can we account to this small developer of Sycamore Square in the County.

When Sycamore Square came in it was approved with a certain amount of commercial and economic development promises and later they came back and said well that is not the best use behind the CVS there. That guy changed them to townhomes and part of the pitch to get that change to townhomes that economic development was 10% of Fluvanna County's population is tied to the construction industry. So building is actually economic development which in itself it just did not float for me, but then when those townhomes are coming up Ryan Homes is the paper on the outside and I pulled up in there and looked and I saw other county stickers on commercial trucks. One example is from Manassas you hear things like they are thinking about this or they are looking into that or they are considering you know that anything they say that can be said. If this is not put down in writing then it is not happening. So it is not happening if you approve it we are thinking about you know that the odds are against them so get it in writing now.

Village Oaks for those of you who can remember that was pitched and approved as a place that was going to have senior beds you know have facilities for people aging in place to be able to end up moving over into. You know that there is not a hospital bed in Village Oaks, I believe that where I believe it took a step down between that and where we are now that is all just residential. Nahor Village and that originally was also supposed to have senior care and all this economic development you know if you say economic development that is how that sells in this County. Do you know what is there now a Nahor Village dentist use. I would say in closing VDOT reacts, so when we hear that they have met their standards or I was interested to hear do you not have VDOT comments or has not brought it to their attention the traffic concerns of that entrance onto 53, do you believe that VDOT has not brought that to their attention. I would say that where VDOT reacts our Planners plan and our Planners plan for a better quality of life. I see nothing about this that is going to add to quality of life and the only thing I see above quality of life is public safety and how in the world we could imagine that entrance is going to solve our public safety concerns. How we could imagine that the end of 729, the end of 53 is the way it already is and that backs up its going to create more safety concerns. Thank you for your time and your service to Fluvanna County.

Eric Anderson at 15 Fleetwood Drive: Stated that his biggest concern with this new proposal is traffic and not specifically the number of trips. I think that the proposed access point on Route 53 is between two curves one of which is at the top of a hill and one of which is at the bottom of a hill. Visibility sight lines are terrible, and I think that even now if we look at the access as proposed just like what was done at Nahor Village that's a much longer and much straighter stretch of road where they could put in those turning lanes correctly. So, I just do not see that new entrance fitting at all between the existing curves and hills on the road. I think that it is kind of wishful thinking that they would be able to put in an access point as good as the one at Nahor Village. So, I think that really needs to be studied correctly before anything is done out on Route 53.

Douglas Powell at 415 Jefferson Drive: Stated that just to be clear half of my driveway is commonly referred to here as the stub road. When I purchased the property it was explained to me that Ms. Fox she had access to her woods which is directly behind my house and many other houses down along Jefferson Drive between my property and Tufton Pond that she had access to her property through that stub road, and the gate that is there because that was the only way she could have access to that property. It has been explained much better, the legal history of that access tonight so I will not try to go into that, but it just seems to me that once you put a road into that property that

access is no longer needed. I have heard it said that it would be nice to have or it is just necessary to have a second access point into that pipestone up in the northeast corner up there. But that to me does not seem to hold water as an argument even within this development there's another pipe stem there that only has one access in it too that is the portion on the northern road. On the northern part of it, I really would encourage you to not change the zoning on this all around the Tufton Pond area of this request.

I would like to point out that one of the nicest things I have enjoyed about living at Lake Monticello and in Fluvanna County is that when I walk out the door it is dark and quiet. So now with 355 homes behind my house it will end that. So, I have heard that they are going to install street lights and they have commented they are going to be down directed street lights. It has been a long time since I took a physics class but one of the things I remember is that light it does not stop when it hits the ground as it bounces up reflects off the streets, reflects off the sidewalks, it reflects off the houses, it reflects off of cars, it reflects off the atmosphere. There is going to be a certain amount of what I would call light pollution. It may not affect anything more than the few of us who are adjacent to the property but it will be there. The other thing I wanted to address is that if you look at the topography of the land most of it if not all of it eventually drains down into Tufton Pond. Tufton Pond drains into Lake Monticello and Lake Monticello drains into the Rivanna River. Right now when it rains that land that is mostly forested absorbs most of that water. I cannot imagine that there would be less runoff when you begin to fill that area up with streets and houses and sidewalks. I noticed on one of the plans that in their road cross section they included in their road cross section, they included ditches on either side of the road. Where do those ditches go. It seems to me that sooner or later regardless of whether they have containment ponds, some of that water is going to end up down in Tufton Pond and then in up in Lake Monticello, and then into the Rivanna River. There is going to be additional pollutants coming off of the roads like oil, gasoline, there will be fertilizer and pesticide draining off of these lawns.

Chair Bibb Closed the Public Hearing at 10:15 pm and then indicated that the Planning Commission would take a ten minute recess. He returned at 10:25 pm and resumed the Planning Commission meeting and asked for discussion with the Commissioners.

Planning Commissioner Comments:

Chair Bibb: Stated there are major concerns about traffic and that needs to be studied further and they need to consider some additional office and commercial land uses for economic development purposes. What other thoughts or concerns do you have now.

Mr. Johnson: Stated that he has concerns because we have had about 25 people to speak tonight during the Public Hearing and not the first speaker spoke in support of this land use request. It is around 10:30 pm now and you can look at the people who are still with us tonight against this request. I usually ask before I reach a decision on an issue is what do the adjacent property owners think about the request. Well so you can see that there is strong opposition to the request and therefore I cannot support it.

Ms. Eager: She read from the Comprehensive Plan on Page 29 as it states: *Rezoning applications that do not complement the community's vision and address all of the anticipated adverse impacts from the project are not approved... It is not sufficient for an applicant to receive approval for rezoning simply because a property is within a community planning area... Applications that do not address a project's external cost to the community and provide a clear fiscal benefit to the county will not be favorably received.*

Vice Chair Murray-Key: Stated that with the way the neighbors feel particularly with the water issues that we have already talked about and the safety of the roads, we still have school buses that have to travel through that area that and the current line of sight and just really understanding the finality of the plan. Several people pointed out

the Comprehensive Plan text as did Ms. Eager. I do want to be clear that I do believe that Fluvanna needs to have development and unless we have that we are not going to be able to do the things that we need to do as in other communities. People will be forced to continue to travel to Charlottesville, Richmond, or Louisa and those funds that we could use in our community will go there. We have to be deliberate we have to be particular we have to make sure that we are reviewing what has already been put in place and make adjustments as necessary. To an account for what is happening in our community because as previously stated in not only this particular meeting but in several others a lot of us are transplants from other places. So, you know we are part of the same growth that we are concerned about. You know clearly that without even having all of the information and the information finished from VDOT, I mean just being a traveler of the road, myself I will have you know I have had to give CPR and to assist people who have been in serious accidents on that road. So, that does not go over my head, but I just think that we have to be considerate of all of these things. So, to allow the emergency access and how that does affect Lake Monticello and the fact that the water issues have not been resolved for some Lake residents already. I think people's concern and my concerns is the safety of our neighborhood is very important as we move forward with the decision. When I heard the applicant say that they were not aware of the traffic issues. I mean anybody driving the road even whether for the first time we just need to be mindful of those decisions and I think this commission has been listening and engaging with the community members. So that is my position and I think with the questions that I asked and waiting on those answers are going to be relevant as well to the decision-making process.

Mr. Zimmer: Stated he thought you folks have expressed the potential concerns well.

Mr. Lagomarsino: Stated there is no opportunity to expand on these comments that were made as there are gaps in the application. So, how can we be deliberate any further with gaps in the application and they need to be addressed by the applicant.

Mr. Lancaster: he approached and requested a 60 day deferral to work with Fluvanna County and VDOT staff members on the transportation concerns that have been raised tonight and brought to our attention along with completing work with Aqua Virginia.

MOTION:	The Planning Commission accepted the Applicant's Sixty Day Deferral of ZMP 21:04, a request to amend the Fluvanna County Zoning Map with respect to 122.6 acres of Tax Maps 8 Section A Parcel 18A, 17 Section A Parcel 10 and 17 Section 9 Parcels 1 & 2 to rezone from A-1, Agricultural, General, and R-3, Residential Planned Community to R-3, Residential, Planned Community and subject to the proffers dated August 25, 2021.				
MEMBER:	Bibb (Chair)	Murray-Key (Vice Chair)	Johnson	Zimmer	Lagomarsino
ACTION:				Motion	Seconded
VOTE:	No	Yes	No	Yes	Yes
RESULT:	3-2 Vote on Applicant's 60 Day Deferral to November 9, 2021				

6. **PRESENTATIONS:**

None

7. **SITE DEVELOPMENT PLANS:**

None

8. **SUBDIVISIONS:**

None

9. **UNFINISHED BUSINESS:**

None

10. NEW BUSINESS:

None

11. PUBLIC COMMENTS #2:

At 10:30 pm, Chair Bibb opened the second round of Public Comments.

Chris Fairchild at 5470 Thomas Jefferson Parkway: Stated that he heard people talk tonight about the good old boy network and believing that things were going to be that developers can just get their projects through the approval process. There should not have been an opportunity for him to just step up and do what he did and request that his case be deferred so why would you not just allow everyone else to step up and to speak which I am doing now. As it completely changed the outcome of this meeting. I just do not see how that happens and the community has just lost faith and that they have the ability to positively affect things in their community and participation in their local government actions and I say that will all due respect. I mean but I am so very disappointed with what happened on the applicant's deferral of the zoning request.

Chair Bibb: Stated to Mr. Fairchild, that the Planning Commissioners are just the advisors and that the actual decision will be made by the Board of Supervisors.

Suzy Morris at 6840 Thomas Jefferson Parkway: Stated that she wanted to make sure that everybody heard what Mr. Diggs said. As I am a part of that agreement along with Lake Monticello. I am one of the daughters, I am a sister of one of the people that has a teacher. I just want to be sure that everybody did hear that nobody brought up the fact that part of the agreement says that land should remain perpetually in agricultural use.

Debra Kurre at 6440 Thomas Jefferson Parkway: Stated that the meeting tonight it cements and signifies for me what my issue really has been is that we need a serious look at the Comprehensive Plan. We need to and I am asking you all too please have community meetings and comments about the Comprehensive Plan. I know you do need volunteers, but the passion of the folks this evening, please let us to put the new Comprehensive Plan on the front burner and finish it. So that the community can be involved in the decision-making process of where we go from here as we are at a real critical juncture in this community.

Sandra Radford at 121 Mulberry Drive: Stated that she heard alot of unhappy people tonight during this Public Hearing but you know what I have not seen or heard tonight is the proper parliamentary procedures. I mean Robert's Rules of Order is what most organizations follow when they make a decision. To just let an applicant stand up and say all of sudden I heard what is wrong and now I want to go home and fix it, it is just wrong. What you heard tonight these are the people who vote in this community and pay their taxes that are here and want to be heard. I have been with them ever since we started this back on August 12th at our clubhouse. I have heard it is not going to happen, the good old boys network with money under the table, and I do not care about the money under the table, but they do think this is kind of a done deal now.

That is why half of my community signed our petition and half did not and I do think you all need to do the right thing by listening to the people and make the vote correctly the way you should and to pull out your copy of Robert's Rules of Order and use them. Please read them and use them then maybe we will get some more work done on this request. It is bad enough we have congressmen in the United States and we cannot do anything about that but we can listen to you and you can listen to us. I wish you would.

Chair Bibb: Stated that normally we have three different decisions we can make which is to recommend approval, denial or to accept or make a deferral in a procedural vote.

Vice Chair Murray-Key: Stated that I need to make sure people are clear that I do not work with anybody under the table but from the seat that I sit in it is important for me to hear everybody's perspective. Also as long as in consultation with our attorney we have options to be given to us and I know that people can be disappointed with any of the decisions that are made. I want to be very clear that just because a decision that I particularly make I am not meeting with someone outside of anything. I am looking at the information as it is presented to me and I am making a decision based on all of the information that is presented to me. I think it is very important that is being made clear because it is that there is a difference between the community talking directly to us. In this situation so we followed the protocol and we got the legal advice that we needed.

With no one else coming forward or online Chair Bibb closed the Public Comments period at 10:36 pm.

12. ADJOURNMENT:

Chair Bibb adjourned the Planning Commission meeting of September 14, 2021 at 10:37 pm.

Minutes were recorded by Valencia Porter, Administrative Programs Specialist.

Barry A. Bibb, Chair
Fluvanna County Planning Commission

APPROVED