

**FLUVANNA COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
Carysbrook Performing Arts Center,
8880 James Madison Highway
Fork Union, VA 23055**

**January 11, 2022
Regular Meeting 7:00 pm**

MEMBERS PRESENT:

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

ABSENT:

STAFF PRESENT:

Eric Dahl, County Administrator
Fred Payne, County Attorney
Douglas Miles, Community Development Director
Major David Wells, Fluvanna County Sheriff’s Office
Jason Overstreet, Senior Planner
Valencia Porter, Administrative Programs Specialist

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

At 7:00 pm, Douglas Miles, Community Development Director, called the January 11, 2022 Organizational Meeting to Order, led in the Pledge of Allegiance and then he conducted a Moment of Silence.

2. 2022 ORGANIZATIONAL MEETING OF THE FLUVANNA COUNTY PLANNING COMMISSION

Election of Chair – This action will elect a Chair to the Planning Commission for 2022. Mr. Douglas Miles, Community Development Director, he called for any nominations. Mr. Johnson nominated Commissioner Bibb. NOMINATION: Commissioner Bibb

COMMISSIONER	NOMINATE	SECOND	AYE	NAY	ABSTAIN	ABSENT
Ed Zimmer, Columbia District		X	X			
Barry Bibb, Cunningham District			X			
Lewis Johnson, Fork Union District	X		X			
Howard Lagomarsino, Palmyra District			X			
Gequetta “G” Murray-Key, Rivanna District			X			
5-0						

Following the election of the 2022 Chair, Mr. Miles turned the meeting over to Chair Barry Bibb.

Election of Vice-Chair – This action will elect a new Vice-Chair of the Planning Commission for 2022. Chair Bibb opened the floor for nominations for Vice-Chair. Mr. Zimmer he nominated Commissioner Murray-Key. NOMINATION: Commissioner Murray-Key

COMMISSIONER	NOMINATE	SECOND	AYE	NAY	ABSTAIN	ABSENT
Ed Zimmer, Columbia District	X		X			
Barry Bibb, Cunningham District			X			
Lewis Johnson, Fork Union District			X			
Howard Lagomarsino, Palmyra District		X	X			
Gequetta “G” Murray-Key, Rivanna District			X			
5-0						

MOTION:	That the Fluvanna County Planning Commission adopt the 2022 Regular Meeting Calendar. November meeting was moved to Wednesday due to Election Day as a County Holiday on November 8th, now as the 9th.				
MEMBER:	Bibb	Johnson	Murray-Key	Lagomarsino	Zimmer
ACTION:		Second			Motion
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0				

MOTION:	That the Fluvanna County Planning Commission accept the Resolution entitled “Organizational Meeting of the Fluvanna County Planning Commission 2022.” It was accepted as an official, passed Resolution.				
MEMBER:	Bibb	Johnson	Murray-Key	Lagomarsino	Zimmer
ACTION:			Motion		Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0				

MOTION:	That the Planning Commission adopt their By-Laws and their Rules of Procedures for 2022, as presented, with no 2022 changes proposed.				
MEMBER:	Bibb	Johnson	Murray-Key	Lagomarsino	Zimmer
ACTION:			Motion		Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0				

3. DIRECTOR’S REPORT – Douglas Miles, AICP, CZA, Community Development Director

Dominion Energy Progress Report and Fall 2021 Meeting

Dominion Energy conducted a Public Meeting; December 8, 2021 at 6 pm Fluvanna Community Center in auditorium meeting room; and discussed the results of their own groundwater study evaluations performed at the Bremo Power Station related to Coal Combustion Residual (CCR) Units and moving forward with the project with surrounding property owners in the audience.

Southern Development—Stanley Martin Homes Case Update: December 30, 2021 Resubmittal onto the January 19, 2022 Board of Supervisors Public Hearing meeting.

EPR from Charlottesville they provided a comprehensive traffic analysis report including Colonial Circle, Village Oaks and other background traffic for the upcoming Board of Supervisors meeting.

The Developer will construct a 20 foot wide paved emergency access road, as shown on the Master Plan, from the terminus of the state maintenance of Garden Lane to their emergency access only stub out onto Garden Lane.

The existing VDOT barricade gate now located at the end of Garden Lane will be changed as per specifications required at site plan approval. The Applicant and the LMOA may work together to have an Emergency Access gate installed for public safety vehicles for proper access into LMOA.

4. PUBLIC COMMENTS #1

Chair Bibb opened up the Public Comments at 7:13 pm by giving each Public speaker a limit of five (5) minutes to speak and asked that they state their name and their address for the record.

James von Ottenritter of 2126 Nahor Manor Road (in person) he spoke first on Southern Development, totally against Southern Development, very upset that county cannot locate original documents of the Villages of Nahor 2005 as-built plans as he was questioning the validity of the development being built to approved Master Plan due to foreclosure issues.

Donna D’Aguanno of 148 Crape Myrtle Drive (online) she asked if Fluvanna had an Architectural Review Board, there appears to be the need for better design than Southern Development sites. Note: Fluvanna does not have an Architectural Review Board as they are typically found in a city.

With no one else wishing to speak in person and online, Chair Bibb closed the first round of Public Comments at 7:26 pm.

5. MINUTES:

MOTION:	To approve the minutes of the Planning Commission Minutes of December 7, 2021, as presented.				
MEMBER:	Bibb	Johnson	Murray-Key	Lagomarsino	Zimmer
ACTION:		Motion		Second	
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0 Approved				

6. PUBLIC HEARINGS:

SUP 21:07 Dominion Energy – A request for a special use permit to construct an electrical substation (major utility) on Tax Maps 17, Section A, Parcels 51 and 71. The request is located on the north line of Ruritan Lake Road (SR 619) and it is approximately 100 feet east of the intersection with Branch Road. The parcels are zoned A-1 Agricultural, General and are located within the Rural Residential Planning Area and the Cunningham Election District.

Douglas Miles, Community Development Director he presented his PPT presentation and went through the recommended case conditions for the electrical substation request on the property.

1. The Dominion Energy Concept Site Plan that is dated November 30, 2021 as prepared by Kimley-Horn shall be the subject property area for the special use permit request.
2. Prior to development of the site, a site development plan that meets the requirements of the Fluvanna County Zoning Ordinance shall be submitted for administrative approval.
3. The site shall be screened from view in accordance with the requirements of Section 22-24-7 of the Fluvanna County Zoning Ordinance and screening will not be required within the transmission right-of-way.
4. Any lighting shall not be directed toward the adjacent properties and it shall comply with Article 25 Outdoor Lighting Control of the Fluvanna County Zoning Ordinance.
5. Any noise shall comply with Chapter 15.1 of the Fluvanna County, Virginia Code.
6. The site shall be maintained in a neat and orderly manner so that the visual appearance from the public right-of-way and adjacent properties is acceptable to County officials.
7. The Board of Supervisors, or its representative, reserves the right to inspect the property for compliance with these conditions at any time.
8. Under Section 22-17-4 F (2) of the Fluvanna County Code, the Board of Supervisors has the authority to revoke a Special Use Permit if the property owner has substantially breached the conditions of the Special Use Permit.

Ben Jackson, PE, Kimley-Horn & Associates (online) presented his PPT presentation along with Sarah Marshall, Dominion Energy Public Affairs and Heather Buck, PE, Dominion Energy Project Manager for the new substation request.

After a brief discussion by the Commissioners Chair Bibb opened up the Public Hearing at 7:51 pm by giving each Public Hearing speaker a limit of five (5) minutes to speak and he asked that they state their name and address for the record.

Bruce Deal at 3489 Branch Road (online) Cunningham Creek Winery owner across the street, he was concerned with additional power lines going across or near the winery; could not get a real good look at the proposal on the 11" x 17" graphics that were provided to him and was opposed and requested that the Planning Commission defer this SUP request to allow for additional time.

Chair Bibb stated that the Planning Commission will only make a recommendation to the Board of Supervisors to approve, deny or defer; and he did not see any reason to propose a deferral.

Donna D'Aguzzo at 148 Crape Myrtle Drive (online) stated she did not think that they should

destroy the beauty of the land and winery area due to economic development reasons and they should defer this request to have better design standards for screening the proposed substation.

With no one else wishing to speak, in person and online, Chair Bibb closed the Public Hearing at 8:01 pm. The applicant’s project manager requested to be able to respond to these comments.

Heather Buck, PE Dominion Energy Project Manager stated that the proposed substation will be a replacement of the 1930s substation and that the design and screening will be better than what exists now. Dominion Energy would work with Mr. Deal on his concerns prior to the Board.

Vice Chair Murray-Key: stated that she felt that there should be time provided to have any adjacent property owner to be able to work with the applicant on their proposed request.

After the discussion by the Planning Commissioners, Chair Bibb he asked for a Motion.

MOTION:	Recommend Deferral of SUP 21:07, a request to construct a major utility (electrical substation) on Tax Map 17, Section A, Parcel 71 and Tax Map 17, Section A, Parcel 51, subject to the seven (7) conditions as listed in the staff report.				
MEMBER:	Bibb	Johnson	Murray-Key	Lagomarsino	Zimmer
ACTION:		Second	Motion		
VOTE:		Yes	Yes		
RESULT:	2-0-3 Motion Failed for Lack of a Majority Vote				

MOTION:	Recommend Approval SUP 21:07, a request to construct a major utility (electrical substation) on Tax Map 17, Section A, Parcel 71 and Tax Map 17, Section A, Parcel 51, subject to the seven (7) conditions as listed in the staff report.				
MEMBER:	Bibb	Johnson	Murray-Key	Lagomarsino	Zimmer
ACTION:				Second	Motion
VOTE:	Yes	Abstain	Nay	Yes	Yes
RESULT:	3-1-1 Recommend Approval with recommended conditions				

SUP 21:08 Virginia United Methodist Housing Development Corporation – A request for a special use permit to construct senior multi-family dwellings by increasing the maximum gross residential density above 2.9 dwelling units per acre with respect to 5.9 +/- acres known as Tax Maps 9 Section A Parcels 14 and 14C1.

Douglas Miles, Community Development Director he presented his PPT presentation and went through the recommended case conditions for the senior multi-family request on the property.

1. Prior to development of the site, site development plans and subdivision plats that meet the requirements of the Fluvanna County zoning and subdivision ordinances must be submitted for review and approval.
2. The maximum gross residential density shall not exceed 120 age restricted, apartment units. Any increase in density shall require submittal of a special use permit application in accordance with the procedures of Sec. 22-17-4.
3. The Board of Supervisors, or its representative, reserves the right to inspect the property for compliance with these conditions at any time.
4. Any special use permit issued pursuant to Article 17 of the Fluvanna County Zoning Ordinance may, after notice and hearing as provided in Section 22-17-4(C), be revoked by the governing body upon a finding that (1) the use for which such permit was granted has been abandoned; or (2) that the holder of such permit has substantially breached the conditions of such permit.
5. **The availability of adequate water for fire protection per the International Fire Code Appendix B must be demonstrated and approved by the Zoning Administrator prior to site plan approval. The Special Use Permit can be voided if adequate fire flows and pressures cannot be met by the applicant.**

PUBLIC HEARING:

Chair Bibb opened up the Public Hearing at 9:33 pm by giving each Public Hearing speaker a limit of five (5) minutes to speak and he asked that they state their name and address for the record.

Suzy Morris at 6840 Thomas Jefferson Parkway she spoke in opposition to the proposed use.
Tom Diggs at 947 Jefferson Drive he spoke in opposition to the proposed land use request.
Tim Hodge at 264 Manor Boulevard spoke in opposition but felt that 70 units is appropriate.
Larry Henson at 26 Piedmont Lane, LMOA President he stated that 70 units as is currently zoned was appropriate but that LMOA was opposed to the increased density of 120 units.
Steven Wilson at 319 Manor Boulevard he spoke in opposition to the proposed land use.
Steve Smith at 6 Sunset Court spoke in favor of 70 senior apartment units opposed to 120.

Michelle Osbourne at 5 Sunset Court (online) she spoke in opposition to this land use request and cited additional reasons for a fully multi-generational senior living facility to be considered.
Sandra Radford at 121 Mulberry Drive (online) spoke in opposition to this land use and she had provided by e-mail her presentation remarks that have been added into this SUP request folder.
Leon Moore at 280 Manor Boulevard (online) was in support of the 70 units and opposed the 120 units and expressed his concerns with the adequate fire suppression for fire hydrants, etc.
Donna D’Aguanno at 148 Crape Drive (online) she spoke in opposition to this land use request.

With no one else wishing to speak in person or online, Chair Bibb closed the Public Hearing at 10:24 pm. Then opened the discussion with the Planning Commissioners on this SUP request.

MOTION TO EXTEND

Mr. Miles: informed Chair Bibb that we were approaching 11:00 pm and that the Planning Commission By-Laws require a Motion to extend past 11:00 pm to be acted upon by them.

At 10:46 pm, a motion was made to extend the Planning Commission meeting to complete the necessary Hearing requests and then the remaining staff presentation would occur next month.

MOTION:	Motion to approve to extend the January 11, 2022 Regular Planning Commission meeting to 11:30 pm.				
MEMBER:	Bibb	Johnson	Murray-Key	Lagomarsino	Zimmer
ACTION:			Motion		Second
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

Vice-Chair Murray-Key: Stated that she just want to continue to reaerate when people present and talk about a lot of different things, but everybody needs a safe space, a home to call their own, whether theirs somebody’s child or parent and we have ours. We talk about the community coming together and the word affordable seems to scare people, and I’m not sure what people are afraid of, but people are not be in the position to where we could afford to build, and there could be a lot of things that people could buy, and send our parents to places where we would want to send them then we would want people to care. Whether it’s Fluvanna, Louisa, Charlottesville, New York City we still have to treat people like human beings, and sometimes people come to the mic the podium, and say the most awfulness things as if they are not talking about human beings. I don’t even know the people whom I’m champagne for, but this storm last week whether you are rich or poor people were inconvenience, cold, and people were frustrated, and if that situation along doesn’t tell people that we need to ensure that everybody has an opportunity to have a roof over their head. What’s happening at my house it’s not what’s happening at his house because it is my own private space, and it is nice to be able for people to agree and disagree based on safety issues, but when we start talking about the type of people that we are going to have next to us. I’m hearing that time and time again and we are all neighbors and some of us love each and every one of us in here. If we didn’t have people to love and support us in here where would we be, so Affordable Housing regardless of who the developer is we have to look at what is right and wrong, and how we can think of excuses to keep us from doing the right thing, because it’s not fair and it’s not reasonable, so I think that it is important that I express for the folks in this room, online, and this community that it is important that we all have a place that we can call home. When a lot of us moved to this community, we left some place so we interrupted space from people that grew up here their whole lives. Rooms where made for us, trees where cut down for us, roads were paved for us,

water hydrates where installed for us, ladders on fire trucks, additional police officers, the High School, but all of that has happen, so why are we saying that we can't have that for everybody. So I'm asking people in this room, people online, and people in this community to consider that. Because we are talking about people and we do have a responsibility, and we are not always going to agree, and people are not always going to agree with my decision.

MOTION:	Recommend Approval of SUP 21:08, a special use permit request to construct senior multi-family dwellings by increasing the maximum gross residential above 2.9 dwelling units per acre to 5.0 dwelling units per acre with respect to 5.9 +/- acres known as Tax Maps 9 Section A Parcels 14 & 14C1 along with the four (4) conditions as found within the staff report, along with a fifth condition that was added by the applicant, checked by the County Attorney and incorporated by Planning Commission in the motion.				
MEMBER:	Bibb	Johnson	Murray-Key	Lagomarsino	Zimmer
ACTION:			Motion		Second
VOTE:	Nay	Yes	Yes	Yes	Yes
RESULT:	4-1 Recommended Approval with five conditions				

7. **PRESENTATIONS:**
2040 Fluvanna County Comprehensive Plan Presentation – continued until February 8, 2022
Planning Commission Regular Meeting due to the late hour and lack of time for presentation.
8. **SITE DEVELOPMENT PLANS:**
None
9. **SUBDIVISIONS:**
None
9. **UNFINISHED BUSINESS:**
None
10. **NEW BUSINESS:**
None
11. **PUBLIC COMMENTS #2:**
Chair Bibb opened up the Public Comments at 11:03 pm by giving each speaker a limit of five (5) minutes to speak and asked that they state their full name and property address for the record.

James Kelley at 440 Jefferson Drive (online) he spoke in support of the proposed 120 senior apartment units, he felt there was a definite need for affordable, senior housing in Fluvanna.

With no one else coming forward wishing to speak in person or online, Chair Bibb closed the Public Comments period at 11:05 pm.
12. **ADJOURNMENT:**
Chair Bibb adjourned the Planning Commission meeting on January 11, 2022 at 11:05 pm.

Minutes recorded by Valencia Porter, Administrative Programs Specialist.

Barry A. Bibb, Chair
Fluvanna County Planning Commission