

**FLUVANNA COUNTY PLANNING COMMISSION
MEETING MINUTES
Morris Room – County Administration Building
132 Main Street Palmyra, VA 22963
Tuesday, July 9, 2024
Regular Meeting 7:00pm**

MEMBERS PRESENT:

Barry Bibb, Chair
Kathleen Kilpatrick, Commissioner
Howard Lagomarsino, Commissioner
Loretta Johnson-Morgan, Commissioner
Mike Goad, Representative of Board of Supervisors

ABSENT:

Eddie Shifflett, Commissioner

STAFF PRESENT:

Todd Fortune, Director of Planning
Dan Whitten, Fluvanna County Attorney
Kayla Polychrones, Administrative Assistant
Kelly Harris, Assistant County Administrator
Eric Dahl, County Administrator
Jason Overstreet, Senior Planner

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

At 7:00 pm, Chair Bibb, called the July 9, 2024 Regular Meeting to Order, led in the Pledge of Allegiance and then he conducted a Moment of Silence.

DIRECTOR'S REPORT – Todd Fortune, Director of Planning

Announcements and Updates

- Wawa (SDP 23:07) has submitted an application for a sign permit with accompanying sign plans that are currently being reviewed by staff. A waiver from the sign requirements per the County Code will be needed for one of the signs submitted due to its size. A public hearing is scheduled for August 21 for the Board of Supervisors to consider a waiver.
- The Solar Ordinance Committee met on July 2, 2024 and agreed on some recommendations for policy going forward. The Committee is tentatively set to meet again in mid to late July.
- The Board of Supervisors held a Public Hearing on July 3 on ZTA 24:02. The Board approved the ZTA with a referral to the Solar Committee and Planning Commission for the creation of an S-1 District.
- Swallowtail Solar has submitted revisions to their plans for the proposed 15.9 MW facility. The company has been working on revisions to plans as requested by Technical Review Committee for the last seven months. The revisions were submitted in early June.

Upcoming Zoning Cases

- **Site Development Plan** – A developer has submitted plans for a proposed gas station/convenience store, car wash, and commercial building on South Boston Road. The property in question was rezoned from A-1 Agricultural, General to B-1 Business, General in 2007. The Commission will need to approve this plan.
- **Special Use Permit** – A property owner has submitted an application for a Special Use Permit to develop an upscale campground between Fork Union and Columbia. This will require a public Hearing.
- **Technical Review Committee** – The TRC is scheduled to meet on Friday July 12 to review these projects.
- **Rural Cluster Subdivision**- Staff have received an application for a rural cluster subdivision consisting of 21 lots on 76 acres off of Justin Drive. This will be presented to the TRC for review in August.

Upcoming Meetings

- August 13, 2024 – Morris Room
- September 10, 2024 – Morris Room
- October 8, 2024 – Morris Room

PUBLIC COMMENTS #1

At 7:05 pm, Chair Bibb opened the first round of public comments. With no one wishing to speak, Chair Bibb closed the first round of public comments at 7:05 pm.

MINUTES

MOTION:	To Approve the Regular Meeting minutes of the Planning Commission of June 11, 2024 as amended.				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:		Second		Motion	
VOTE:	Aye	Aye	Absent	Aye	Aye
RESULT:	4-0 Approved, 1 Absent, as amended				

MOTION:	To Approve the Special Called Meeting minutes of the Planning Commission of June 25, 2024 as presented.				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:		Second			Motion
VOTE:	Abstain	Aye	Absent	Aye	Aye
RESULT:	3-0 Approved, 1 Absent, 1 Abstain, as presented				

PUBLIC HEARINGS

Recommendation– Intention to amend §§ 22-17-7 and 19-9-6 to amend zoning and subdivision fees

- Staff has reviewed surrounding counties Zoning and Subdivision fees and requested a resolution for a public hearing on fees. The last adjustment for fees was in 2018. The overall effect is that amending the fees could potentially increase revenue by approximately \$25,000.
- The following fees were proposed to change; Minor Subdivision from \$500 to \$750, Removal of \$250 Health Department Subdivision Reviews as this is a redundant charge, Removal of Existing System Review Fees, Boundary Line Adjustment from \$100 to \$200, Site Plan Waiver from \$0 to \$50, Removal of additional mailing cost fees, Sign Deposit for Public Hearing Fee from \$90 to \$50, BZA Variance Interpretation of Map from \$50 to \$550, Zoning Setback Application for New Construction of Single Family Dwelling from \$100 to \$150, Copy of Ordinances from \$30 flat fee to 50 cents per page, Zoning Compliance Letter Verification from \$0 to \$50 single parcel and \$100 multiple parcels, Zoning Determination Letter from \$0 to \$200, Home Occupation Permit Review from \$0 to \$50, Short Term Rental Application from \$0 to \$50, Removal of Construction Trailer Fee, and New Road Construction Fee from \$473 to \$100. All of these proposed changes are to align with surrounding counties fees, staff time, and additional costs that come with holding a public hearing.
- Commissioner Kilpatrick asked if the Conservation Easement Fee is comparable to surrounding county fees. County Attorney, Dan Whitten, stated that the Conservation Easement Fee is not part of the proposed changes and Commissioner Kilpatrick questioned the original price and noted the importance of accessibility to this program for property owners. Planning Director Fortune and County Attorney Whitten agreed to look into the waiver process for this fee.
- Commissioner Johnson-Morgan asked if the lower cost for the Public Hearing Signs would cover the replacement costs for bigger signs to be ordered. Staff stated they would need to research pricing for new larger signs and clarified that the signs fees were not taken into account as potential revenue as it is a deposit that is returned to the applicant when the sign is returned.

Overton McGehee, 924 Courthouse Road, spoke in support of waiving Conservation Easement fee.

Jack Beuth, 121 Middleton Mills Lane, spoke in support of reviewing fees.

With no one else wishing to speak, Chair Bibb closed the public hearing at 7:25 PM.

MOTION:	Motion to recommend deferral of an ordinance to amend §§ 22-17-7 and 19-9-6 of the Fluvanna County Code to amend zoning and subdivision fees to August 13 th , 2024.				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Absent	Aye	Aye
RESULT:	4-0 -1 Absent Recommend Deferral				

2015 Comprehensive Plan – 2024 Update

- Virginia Code **Section 15.2-2223**. Comprehensive plan to be prepared and adopted; scope and purpose. A. The local planning commission shall prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction and every governing body shall adopt a comprehensive plan for the territory under its jurisdiction. **Section 15.2-2230** states that at least once every five years the Comprehensive Plan shall be reviewed by the local Planning Commission to determine whether it is advisable to amend the plan. Currently, Fluvanna County is out of state code compliance for adopting a Comprehensive Plan.
- Staff is proposing that the Planning Commission to adopt 2015 Comprehensive with updates being made to Chapter 2: Land Use and Community Design, Chapter 5: Economic Development (data only) and Chapter 6: Historic Preservation. Once the update is made and the plan has been adopted, staff will begin working with the Planning Commission on a full update of the Comprehensive Plan. After this public hearing, the Commission will be asked to make a recommendation to the Board of Supervisors. Kelly Harris addressed the Planning Commission stating that the process of adopting the 2015 Comprehensive Plan with future amendments and updates over the course of the next year is advised because this would make the county in compliance and give time to review and amend as needed. Chair Bibb and BOS Representative Mike Goad confirmed with County Attorney Whitten that amendments could be made at any time to the Comprehensive Plan.

Tom Diggs, 947 Jefferson Drive, gave comments about Comprehensive Plan update.

Suzy Morris, 6840 Thomas Jefferson Parkway, gave comments about Comprehensive Plan update.

Overton McGehee, 924 Courthouse Road, gave comments about rural clusters in Comprehensive Plan.

With no one else wishing to speak, Chair Bibb closed the public hearing at 7:55 PM.

- During Planning Commission discussion, Chair Bibb stated it would not be feasible to adopt the Comprehensive Plan update at this point without making suggested revisions first. Commission members would like to see changes to the full comprehensive plan as well as inclusion of resident advisory board appendices in the PC Packet prior to adopting Comprehensive Plan Update.

MOTION:	Motion to recommend deferral of action on the 2024 update of the Fluvanna County Comprehensive Plan to August 13, 2024				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:				Second	Motion
VOTE:	Aye	Aye	Absent	Aye	Aye
RESULT:	4-0 -1 Absent Recommend Deferral				

PRESENTATIONS

None.

SITE DEVELOPMENT PLANS

SDP24:04 --S.B. Cox, Inc., Road and Recycling Center

- S.B. Cox Inc. has submitted a Site Development Plan for a materials recovery facility for construction and demolition debris on an approximately 16-acre portion of Tax Map 4 Section A Parcel 27A. A Special Use Permit (SUP22:04) was approved for the property in February 2023 with eleven conditions as recommended by the Planning Commission (refer to Board of Supervisors minutes of February 15, 2023.) The entire property is currently zoned I-2, General Industrial, contains a total of ninety acres, and is owned by Amber Hill, LLC. The SDP being considered is for a facility on Lot 3, consisting of 16 acres. The remainder of the property will be retained for future development as an industrial park. The proposed materials recovery facility use would be limited to construction and demolition debris, other inert materials and hazardous waste will not be transported to the Site. The applicant currently owns and operates materials recovery facilities in Richmond and Yorktown. Due to high demand and industry needs, the applicant is seeking to establish a third facility in Fluvanna County.
- Chair Bibb spoke about his visit to the Richmond facility and agreed it is a respectable operation and said the noise was not bad at all and could not be heard from the main road. Commissioner Johnson-Morgan had concerns about noise level during early hours and County Attorney Whitten confirmed the approved condition about start times of operation which cannot be changed. Commissioner Kilpatrick asked about airborne particles from the site and County Attorney Whitten confirmed DEQ has looked at this proposed use and site. BOS Representative Goad stated he has visited similar recovery facilities and

there are measures taken to minimize hazardous conditions to environment and safety of workers.

MOTION:	Motion to approve SDP 24:04 S.B. Cox Inc., a Site Development Plan request for a solid waste material recovery facility with the respect to 16 acres +/- of Tax Map 4 Section A Parcel 27A				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:				Motion	Second
VOTE:	Aye	Aye	Absent	Aye	Aye
RESULT:	4-0 1 Absent Approved				

SUBDIVISIONS

SUB05:83- Meadow Brook Rural Cluster Subdivision Phase IV

- Southern Property LLC has requested an amendment to the conditions on the original A-1 rural cluster subdivision request pursuant to Section 19-7-2 of the Subdivision Ordinance with respect to 65.357 acres of Tax Map 12, Section 21, Parcels A and B, Tax Map 12, Section 21 Parcels 1 through 33, and Tax Map 12 Section A, Parcel 4. The Planning Commission approved the rural cluster subdivision in 2005 with 15 conditions. The developer has requested the following conditions be removed:
 6. Open space contains a recreation area and walking trails connected to all cul-de-sacs by easements
 7. Open space will contain a playground, picnic area, basketball/tennis court, and a play field
 8. An engineered fire suppression well and a minimum 10,000 gallon holding tank will be located at the entrance
 11. Provide trails for non-motorized traffic in the design of the development
- The project was broken into phases. Phase 1 is the entrance road to the subdivision. Phase 2, completed, consists of 12 residential lots. Phase 3, completed, consists of 21 lots. Phase 4, under construction, consists of the remaining 13 lots.
- In a letter to the Planning Commission and planning staff, the developer stated that the Home Owners Association (HOA) feels that it should be their decision to make regarding amenities in the open space. The amenities would create extra costs for the HOA to cover the capital expenditures and long-term maintenance costs. A large majority of the residents in this subdivision are retirees and consequently there would be few (or no) users for these amenities. A new fire station has opened within 2 miles of the entrance to the subdivision, rendering the fire suppression system unnecessary.
- Lois Haverstrom, General Counsel for Southern Property LLC, addressed Planning Commission concerns. Commissioner Lagomarsino asked if there is a nearby water source to draw from in the event of fire. County Attorney confirmed there is a private lake about half a mile from subdivision. Ms. Haverstrom expressed concern that other rural clusters are not required to have the same conditions for approval and there is no county code stating the above conditions are in subdivision ordinance. Commissioner Johnson-Morgan and BOS Representative Mike Goad, both agreed they want to know the reasoning behind the approval conditions from 2005 and if more research can be done by staff on rural cluster approval conditions.

MOTION:	Motion to defer SUB 05:83, a request for an amendment to the conditions to remove conditions 6,7,8, and 11 of the rural cluster subdivision approved for 46 lots pursuant to Section 19-7-2 of the Subdivision Ordinance with respect to 125.95 acres of Tax Map 12, Section 21, Parcels A and B Tax Map 12, Section 21, Parcels 1 through 33, and Tax Map 12 Section A, Parcel 4 to August 13 2024				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:		Motion		Second	
VOTE:	Aye	Aye	Absent	Aye	Aye
RESULT:	4-0 1 Absent Recommend Deferral				

UNFINISHED BUSINESS

ZMP24:01- Pratap Rai Deferral Request

- Owner and applicant has requested a third deferral to June 28, 2025, for a proffer amendment request for Tax Map 5 Section A Parcel 54. The parcel was rezoned from A-1 to B-1 in 2009 and as part of the rezoning approval, the owner at the time, James Watson, submitted proffers which limited allowed uses to retail stores, offices, daycare centers, commercial greenhouses, and one or two single family dwellings. Mr. Rai initially made the request for proffered uses such as a personal services establishment as there was a beauty parlor operating out of the building. Since the June Planning Commission Meeting, Mr. Rai has closed the beauty parlor and advised that once both public and sewer are available to this property, he would like to place another business in the space formerly used as the beauty parlor. Public water is available now and the availability of public sewer is dependent upon the completion of infrastructure in the area. Mr. Rai has expressed the desire to connect public water and public sewer simultaneously.

MOTION:	Motion to approve the request for a deferral of ZMP 24:01, an ordinance to amend the proffer statement of ZMP09:04 with respect to 1.27 acres of Tax Map 5 Section A Parcel 54, until June 28, 2025.				
	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:				Second	Motion
VOTE:	Aye	Aye	Absent	Aye	Aye
RESULT:	4-0 1 Absent Approved Request for Deferral				

ZTA 24:02 – A request to amend Section 22-4-2.2 of the Fluvanna County code to remove utility scale solar generation facilities as use allowed by special use permit in the agricultural, A-1 zoning district.

- This amendment request was the result of meetings by the Solar Ordinance Review Committee and action taken by the Board of Supervisors. The Planning Commission had recommended a deferral until July 9, 2024 to give the Solar Ordinance Review Committee more time to study supplemental regulations.
- Subsequently, the Solar Ordinance Review Committee met on July 2, 2024. The group agreed on some recommendations:
 - Taking Utility Scale Solar out of A-1 in favor of a new S-1 solar district
 - A cap of 3% of total land area in the county under panel (approximately 5,400 acres)
 - A maximum of 500 acres (under panel) per project
- The Board of Supervisors held a Public Hearing on July 3, 2024 and the following motion was approved 4-1: Motion to approve ZTA24:02, an amendment to Section 22-4-2.2 of the Fluvanna County code to remove utility scale solar generation facilities as a use allowed by special use permit in the agricultural, A-1 zoning district and to remand and refer to the Solar Ordinance Review Committee and Planning Commission the creation of an S-1 solar district with agricultural uses and utility scale solar generation facilities allowed by special use permits in said S-1 district.
- The Solar Ordinance Review Committee is tentatively scheduled to meet in mid-July to work on supplemental regulations.
- No action was required to be taken by the Planning Commission on ZTA 24:02.

NEW BUSINESS

Amendment to By-laws: Meeting Location

- Planning Commission meetings were previously held at Carysbrook Performing Arts Center. Starting in June, Planning Commission meetings have been moved to the Morris Room of the County Administration Building at 132 Main Street, Palmyra, VA.

MOTION:	Motion to amend Page 1 of the Planning Commission Bylaws to change the location of Planning Commission meetings to the Morris Room, of the County Administration Building.				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:		Second			Motion
VOTE:	Aye	Aye	Absent	Aye	Aye
RESULT:	4-0 1 Absent Approved				

PUBLIC COMMENTS #2:

Chair Bibb opened the second round of Public Comments at 8:50 pm.

Jack Beuth, 121 Middleton Mills Lane, spoke in support of Board of Supervisors approval of ZTA 24:02.

Steven Hurwitz, 19 Vine Ridge Drive, spoke in support of current Comprehensive Plan.

With no one else wishing to speak, Chair Bibb closed the second round of public comments at 9:00 P.M.

ADJOURNMENT

MOTION:	Motion to Adjourn the July 9 2024 Regular Meeting at 9:00 PM				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:		Motion		Second	
VOTE:	Aye	Aye	Absent	Aye	Aye
RESULT:	4-0 1 Absent Approved Adjournment				

Minutes were recorded by Kayla Polychrones, Administrative Programs Specialist.

Barry Bibb, Chair
Fluvanna County Planning Commission