

**FLUVANNA COUNTY PLANNING COMMISSION  
REGULAR MEETING MINUTES**

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

**April 13, 2021  
6:00 pm (Work Session)  
7:00 pm (Virtual 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  
Fred Payne, County Attorney  
Valencia Porter, Administrative Program Specialist

**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 conducted a Moment of Silence.

**B. Public Comments (5 minutes per speaker)**

None were provided.

**C. Solar Zoning Ordinance Amendment and Siting Requirements – Douglas Miles:**

2020 General Assembly Solar Energy Powerpoint Slides Summary:

Localities have been authorized to incorporate the accepted national standards for solar panels and battery storage into local Zoning Ordinances like it is found within the Building Code at the State Level for solar infrastructure. Localities can waive the requirement that new solar energy facilities be reviewed for Substantial Accordance along with the locality’s Comprehensive Plan.

Utility—Scale Solar Energy Facilities

Utility-Scale Solar Energy Facilities are very passive land uses requiring few local government services, and generating low noise and emissions for productive solar energy production into the electrical grid.

Solar Land Use Impacts in Fluvanna County: Change in the land use to industrial land use; location of solar energy projects in County; economic benefits for solar energy facilities; 30 or 40 year solar energy commitments and Environmental and Historical Impact site analysis.

Solar Energy Facilities—County and State Permits: 1-5 Megawatt facilities are exempt from DEQ and SCC permits and 5-150 Megawatt facilities are permitted by both the DEQ and SCC.

In contrast, much smaller solar energy facility systems when generating the power for on-site consumption are allowed in zoning districts by right and do not require County or State DEQ or SCC approval as an accessory use, still have to meet screening and zoning setback standards.

Zoning Text Amendment (ZTA) Process:

Proposed Zoning Text Amendment (ZTA) to provide solar energy facility definitions for small scale and utility scale solar energy facility uses in the Zoning Ordinance which fall between 1-5 megawatts, are greater than 5 megawatts, between the range of 20-150 megawatts for utility-scale solar energy uses. These definitions will be added to the Zoning Ordinance for the uses.

Solar Energy Facilities and Solar Siting Guidelines: All Community Planning Areas are to be avoided; water and sewer areas are also to be avoided; commercial and industrial areas are avoided; written approval verification from DEQ / SCC; environmental and historical analysis done; community meetings illustrate Sketch Plans; landscaping and site screening standards and Groundcovers to be pollinator friendly plants are examples of the required conditions.

Work Session Discussion:

**Mrs. Eager:** How would the solar companies cut the grass underneath their solar panels?

**Mr. Miles:** stated that there are contracted landscaping maintenance workers that cut it. They actually would remove most vegetation from underneath the solar panels on their property.

**Chair Bibb:** Would this area be impervious area?

**Mr. Miles:** stated to clarify are you talking about underneath the solar panels?

**Chair Bibb:** Yes, will they have a lot of water run off?

**Mr. Miles:** stated they will use the Erosion and Settlement Control plan measures to control it.

**Mrs. Eager:** How many acres will be needed for a 5 or 100-150 megawatt solar energy facility?

**Mr. Miles:** stated the one that they just did at Cunningham was 30 acres for the 5 megawatts.

Chair Bibb closed the Work Session at 6:39 pm for a short recess until 7:00 pm.

Regular Meeting at 7:00 pm

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

At 7:00 pm, Chair Bibb called the April 13, 2021 Regular Meeting to order, followed by the Pledge of Allegiance and a Moment of Silence.

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

March 11, 2021 – Technical Review Committee (TRC) Meeting:

**SUP 21:02 Amy and Joshua Bower** – A Special Use Permit request in the A-1 Agricultural, General District to permit an Agricultural Enterprise (winery) on 42.9 +/- acres known as Tax Map 48 Section 1 Parcel 3. The property is located on the north line of West River Road (Route 6) and 0.9 miles west of Hardware Road. The subject parcel is located within the Scottsville Community Planning Area and the Cunningham Election District.

Agricultural enterprise: *Agricultural related use that provides an agricultural service or produces goods from agricultural resources. These include processes that are a direct outgrowth, yet more intensive, of the products derived through agriculture, as defined. Related uses include sawmill, winery and other similar facilities.*

Thistle Gate Winery is being transferred from the Cushnies to the Bowers and the winery use is being expanded to include outdoor weddings and receptions, 5K runs and local philanthropic events and would follow all Virginia Department of Health requirements. The Bowers intend to operate the winery tasting room under the same ABC license with the potential in the future for a craft brewery and distillery.

**SDP 21:02 South Boston Self-Storage** – A Site Development Plan request to construct a self-storage facility on a 3.4 +/- acre portion of Tax Map 18 Section A Parcel 53. The property is zoned B-1, Business, General and is located along the south line of South Boston Road and 0.2 miles west of Broken Island Road. The property is located within the Rivanna Community Planning Area and the Palmyra Election District.

Self-storage facility: *A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.*

The applicant, Tom Schauder, is proposing to construct a 21,000 square foot conditioned storage building with two (2) 3200 square foot storage buildings on the premises with a proposed, screened storage yard for vehicles. A March 23, 2021 follow-up meeting was conducted to review available AQUA water and sewer and DEQ Regional Stormwater needs.

March 11, 2021 Transportation Subcommittee (TS) Meeting:

#### **Zion Crossroads Small Area / Corridor Plan – TJ PDC Planning Update**

Sandy Shackelford, AICP, Director of Planning and Transportation, from Thomas Jefferson Planning District Commission, provided a 2021 planning update on the recent work on the corridor study analysis conducted by VDOT's transportation planning consultant, Kittelson and Associates in conjunction with Chuck Proctor, VDOT Planning Manager.

This was a follow-up meeting conducted with Fluvanna County to discuss all of our Route 250 intersections and based upon the Phase II transportation planning analysis. This meeting was to help Fluvanna take advantage of the awarded VDOT Smartscale funding at Troy Road and Route 250 for this roundabout design with an estimated amount of \$9.4 million dollars.

March 17, 2021 TJ PDC Rural Transportation Meeting:

The FY 2022 Rural Transportation Planning Work Program was reviewed and it includes the completion of the Fluvanna – Louisa Zion Crossroads Gateway Plan in FY 2022; the Town Bicycle and Pedestrian Infrastructure Plan that includes the Palmyra Main Street area and related grant funding; Three Notched Trail multi-use trail planning efforts to connect with Virginia Capital Trail in Richmond; and additional work with Fluvanna County on their Smart Scale projects. FY 2023 anticipated Work Tasks may include Fluvanna County and Greene County joining the Charlottesville-Albemarle Metropolitan Planning Organization (MPO) following the 2020 US Census which could provide for additional transportation planning funding dollars.

March 18, 2021 – Community Planning Director Training Webinar: Central Virginia Regional Housing Partnership – Zoning Hurdles and Incentives was conducted by the TJ PDC Staff in conjunction with developers such as Charlie Armstrong, Southern Development and Chris Henry, Stony Point Development and regional legislative housing consultants discussing new approaches towards housing and the variety of the housing types offered.

March 31, 2021 – VDOT Local Planning Assistance Transportation Meeting the Community Development Director attended online meeting with Culpeper District Transportation Planning Staff to prepare for Transportation grants for Main Street areas of Fluvanna County in both Fork Union and Palmyra.

April 2, 2021 – VDOT Main Street Site Visits with VDOT Residency Staff

The County Administrator, Community Development Director, Economic Development Coordinator and Planner / GIS Technician conducted field work in Palmyra on Main Street and Fluvanna County complex; Fork Union Phase II sidewalks and streetlights and Columbia’s Route 6 infrastructure needs.

3. **PUBLIC COMMENTS #1:**

At 7:06 pm, Chairman Bibb opened the first round of Public Comments. Chair Bibb asked that for anyone coming online to please state their name and address for the record.

**Lois Fulks, 331 Oak Creek Road:** she read the letter that she submitted to the Planning Commission that contained several questions for the Virginia Department of Health (VDH):

1. Can test well outputs be considered conclusive for the density of wells since many / all homes may tap different aquifers than the test, initial higher hydrostatic water pressure and our current very wet spring dictates larger initial output? Let’s test in August / September when the weather is hot and dry and the water tables are low. (VDH)
2. What is the useful life expectancy of the sewage collection/drainage systems being proposed? (VDH)
3. What are the contingency plans if current proposed collection/drainage systems are insufficient and/or fail? (VDH)
4. What is the plan for cleaning out or replacing the system at the end of its useful life expectancy? (VDH)
5. Who dictates and monitors this clean-out and/or replacement effort on a regular on-going basis? (VDH)

6. What is to prevent ground water contamination if the homeowners or the HOA does not have the funds available for, or refuses to pay for, emergency system failure, end of anticipated useful life expectancy of the sand mound system, drainage/collection tank capacity overflow, and/or very wet seasons where drainage capacity is limited? (VDH)
7. How will bad odors be managed related to this process? (VDH)
8. The septic/drainage system on the back of the plat, the greatest distance back from Oak Creek Road, appears to be right at the creek or might even cross that creek. How is this system accessed by the houses it serves? Does this actually cross the creek? (Applicant)
9. Is it possible that multiple wells that are so close to multiple septic/drainage systems could become contaminated? (VDH)
10. Is it possible that during extended wet weather climate when puddles of water can be seen in all low-lying areas, that laws of physics dictate that saturated ground can hardly further drain large volumes of black water effluent? (VDH)
11. Is it true that in periods of very dry weather conditions that the wells in this area have historically nearly or completely dried up, eliminating the success of the septic/drainage system which depends on water to function? (VDH)
12. Are the sand-mound systems being used because the land does not perc? (VDH)

If this project does move forward, I respectfully request the following:

1. Builders must work from 08:00 am to 5:00 pm, not like the fellows who timbered the trees who arrived at 05:45 am and stayed until 8:00 pm back in December to January.
2. I request that Mr. Miller be required to place a silt fence in addition to a four-foot solid soil berm around the entire area where his property is immediately adjacent to mine so any escaped black water effluent drains back onto his property, not mine.
3. Mr. Miller will please submit the perc tests, soil tests, specs for the sewer system, all as previously requested.
4. Mr. Miller himself will be required to pay to pipe in and maintain water supply in perpetuity to his new subdivision so that:
  - a. My spring and my well, as well as those of my neighbors are not threatened with contamination or drying up, and any future unsuspecting Ballinger Creek home buyers will not experience water loss/failure which would directly affect their septic/drainage systems.
  - b. Fluvanna County will not ever be expected to provide water for Mr. Miller's densely populated subdivision if / when multiple wells fail in prolonged, arid dry conditions.
  - c. Fluvanna County residents will not ever be taxed to cover the cost of water for his subdivision for any reason.
5. Mr. Miller will be required to personally maintain his untested experimental 4-house septic/drainage system, designed and approved by Mr. Miller himself, for 10 years after the last home is sold so that he would be directly involved in an effective risk assessment and analysis of the success or failure of his experiment, in conjunction with Fluvanna County oversight.

I sense that this is my last opportunity to plea for reason regarding this proposal. 20 houses, each with a well, an unheard of septic/drainage system for 4 houses in a steeply-sloped few acres immediately close to creek, built in the midst of a quiet countryside that house folks who do not want to live on top of each other in an A-1 agricultural zoned area will forever and completely change the nature of where we live: increased number of people, traffic, noise, lights, trash, pollution, water usage, increased risk of experimental septic/drainage systems, and potential contamination and stench related to poor drainage. Can you just imagine the noise level of a weekly trash truck that rudely interrupts the quiet countryside in which I live at this moment? This subdivision will forever diminish or erase: privacy, peace, quiet, dark nights with visible stars, peace of mind, security, and safety. This is a direct threat to my way of life as a long-term tax-paying Fluvanna County homeowner and I stand to lose too much. Please say no to this project!

**Jackie Layton: 265 Oak Creek Road:** After doing a little more research based on our concerns about having four homes on one wastewater treatment system (Norweco) as proposed for Ballinger Bluffs, we realized if our septic system ever needed to be replaced we would want to install one of these systems because of its superior efficiency. At the same time, we found information stating that the largest unit of the six sizes listed on the link that follows, has a capacity of 1500 gallons recommended for up to 8 bedrooms only, which would also take into account rooms used for exercise, office, etc. This is according to a Norweco distributor who provides a thorough and complete description of the system <https://www.ajfoss.com/products/wastewater/norweco-septic-systems/> This system is specifically listed as an individual home wastewater treatment plant. The latest sketch plan for Ballinger Bluffs shows two tanks next to each other in five locations. It would be good to know the size and plans for each system. While residential wastewater for single-family homes has decreased overall nationwide between 1999 - 2016 due to improved water efficiency of the two largest producers of waste water in residential homes, toilets and clothes washers, the above recommendations are the current recommendations from the company. In addition, while viewing the about page of Fluvanna County's Norweco distributor website Enviro-Klean - <https://www.envirokleanseptic.com/about-us/>, we discovered that Tim Miller is a shareholder in the company and helps design the systems. We would like to hear from our commissioners at the next meeting if they are concerned and whether we, the homeowners, should be. The New England distributor mentioned previously (AJfoss) states that they are fully trained by Norweco's nationally-accredited program which certifies that the system is manufactured and installed to exacting standards. And, that their factory-trained technicians have Operator 1 Wastewater Licenses who perform the included 2 years of service, to ensure optimal system performance.

**Susan Scofield, 111 Courthouse Road:** she proceeded to read her Letter to the Fluvanna Planning Commissioners. I want to say Thank you for listening patiently to myself and to my neighbors on Courthouse Road thus far. Thank you for thinking over the Ballinger Bluffs plans and for understanding how sensitive this issue is for us. Mr. Miller's plans have gone from 47 to 20 homes thanks to your due diligence. However, we cannot stop there. We just cannot be satisfied with this number because 20 wells on 11 acres still will not work.

The well issues we are having currently are important to understand. Each neighbor has a large tract of land, so one home on seven plus acres. One home on 7 or more acres, and we have problems with our water flow. Mr. Miller wants to sell land in 1/3 acre lots. So, twenty

home on eleven acres. Twenty wells within eleven acres? We have problems with one well on more than seven acres! I own almost eight acres of Fairview Lane, and I have two wells and one is no longer functional, leaving me with one working well for all of my land. The folks across the street from me have twelve acres, and they have the same situation two well casings, but only one functional well and with both of us to get water, our wells are 300 feet from our homes. What Mr. Miller is proposing is a recipe for disaster for our neighborhood.

Why on earth did he up the number of homes on this land tract? I don't think he gets what is going on. He might have better luck reducing the number of homes to six and putting them on 8 acre lots. Perhaps that might work, but we don't really know because he didn't do what the Planning Commission asked him to do. You asked him to drill wells close to the Fulks' or the Chiovaros' well to see what impact that would have on their water supply. This was not done.

We might have actually gotten some information that might have helped the Planning Commission with their next steps, but the work was not done. Mr. Miller had not drilled the wells by the first deadline, and he did not do what was asked by the Commission. Clearly, he is not one for following directions, but we are to trust him to build a good subdivision with our best interest at heart? I do not think so.

We understand Mr. Miller bought the land, but he has no plans to stay nor does he want the responsibility for what he creates. He made that abundantly clear a couple of months ago. He is not out to create something out of pride, he just wants his money so he can run before any issues come about. In and out. Wham, bam, thank you, ma'am. Well, we will be here. We will have to deal with whatever crops up or craps out, or runs out. Please keep Mr. Miller responsible. Please hold him accountable. Please vote to seriously reduce the number of houses Mr. Miller can build on 11 acres or deny him the right to build. Thank you for listening once again.

With no one else coming online wishing to speak, Chair Bibb closed the Public Comments at 7:21 pm.

4. **MINUTES:**

<b>MOTION:</b>	<b>Planning Commission Minutes of March 9, 2021</b>				
<b>MEMBER:</b>	<b>Bibb (Chair)</b>	<b>Murray-Key (Vice Chair)</b>	<b>Johnson</b>	<b>Zimmer</b>	<b>Lagomarsino</b>
<b>ACTION:</b>		<b>Motion</b>		<b>Abstained</b>	<b>Second</b>
<b>VOTE:</b>	Yes	Yes	Yes		Yes
<b>RESULT:</b>	<b>4-0-1</b>				

5. **PUBLIC HEARINGS**

**SUP 21:02 Amy and Joshua Bower – Douglas Miles, Community Development Director**

A Special Use Permit request in the A-1 Agricultural, General District to permit an Agricultural Enterprise (winery) on 42.9 +/- acres known as Tax Map 48 Section 1 Parcel 3. The property is located on the north line of West River Road (Route 6) and 0.9 miles west of Hardware Road.

The subject parcel is located within the Scottsville Community Planning Area and the Cunningham Election District.

**Mr. Miles** presented the requested Special Use Permit information using Powerpoint slides.

**Recommended Conditions:**

Staff recommends Approval of the proposed Agricultural Enterprise (winery) use provided that the impact upon the surrounding property owners is minimal. Staff has proposed conditions to ensure that this use complies with all Federal, State and County Code requirements:

1. This Special Use Permit is granted for an Agricultural Enterprise (winery) use to Amy and Joshua Bower and is not transferable and it does not run with the land on Tax Map 48 Section 1 Parcel 3.
2. The applicants will provide staffing for private parking and traffic circulation purposes from Route 6 with event personnel clearly marked as "Event Staff" for safety reasons. The Fluvanna County Sheriff's Office shall be notified at least thirty (30) days prior to each Agricultural Enterprise (winery) event that is between 100 to 150 persons and is scheduled on the premises.
3. The Agricultural Enterprise (winery) and related winery or wedding reception events with outdoor live or recorded music shall be from 10:00 am until 11:00 pm, with the exception of 5K and 10K runs that may start at 7:00 am on the premises.
4. The applicants shall ensure compliance with the Noise Ordinance of the Code of the County of Fluvanna, as adopted and as enforced by the Fluvanna County Sheriff's Office.
5. 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.
6. The Board of Supervisors, or its representative, reserves the right to inspect the property for compliance with these conditions at any time.
7. Under Section 22-17-4 F (2) of the Fluvanna County Code, the Board of Supervisors has the authority to revoke a Special Use Permit if the property owners have substantially breached the conditions of the Special Use Permit.

**Mr. Bower:** Stated that he would like to thank the Planning Commission for the opportunity for this Public Hearing. He stated that Mr. Miles did a fantastic job in his case presentation, so I do not think we have anything else to add to the presentation. Thank you for your consideration.

**Mr. Miles:** stated I would like to add that every person that has contacted us on this request, has been very supportive, and asked how they could participate meaning that the adjacent property owners are very comfortable with the continued winery land use request there.

**Chair Bibb** opened the Public Hearing at 7:28 pm for anyone wishing to speak. With no one coming online wishing to speak, Chair Bibb closed the Public Hearing at 7:28 pm. Chair Bibb



opened up the discussion by the Planning Commissioners.

**Chair Bibb:** From what I have heard knowing that the neighbors do not see really anything wrong with this, they are just adding a few extra things to this like wedding receptions and the 5K and 10K runs.

**Vice Chair Murray-Key:** It is great that they see another opportunity for the community. I do not see a problem with this request.

**Mr. Lagomarsino:** I feel like it fits into the surrounding character for what it is worth. I also do not see a problem with this request.

<b>MOTION:</b>	I move that the Planning Commission recommend Approval of SUP 21:02, a request to permit an Agricultural Enterprise (winery) use with respect to 42.9 +/- acres of Tax Map 48, Section 1, Parcel 3, subject to the seven (7) conditions listed in the staff report.				
<b>MEMBER:</b>	<b>Bibb (Chair)</b>	<b>Murray-Key (Vice Chair)</b>	<b>Johnson</b>	<b>Zimmer</b>	<b>Lagomarsino</b>
<b>ACTION:</b>		<b>Second</b>	<b>Motion</b>		
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0 Recommended Approval</b>				

**ZTA 21:01 Board of Zoning Appeals – Douglas Miles, Community Development Director:**

Please find the attached Board of Zoning Appeals Zoning Text Amendment, as prepared by the County Attorney’s Office staff, and as reviewed by the County Attorney for your consideration and for a recommendation onto the Board of Supervisors.

You will find the zoning text amendments shown in blue as provided in the enabling legislation and that relate to: variance requests being granted for persons with a disability as is defined under the Americans with Disabilities Act of 1990; written orders shall be sent to the last known address that is shown in the real estate tax assessment records or as the address of the registered agent and that is shown in the records of the Clerk of the State Corporation Commission; certiorari to review decisions as are filed with the Clerk of the Circuit Court are styled in a certain way, as shown and goes on further to define timeframes to be extended and or to respond to the Court; such actions shall not be considered an action against the board and the board shall not be a party to the proceedings; and court costs shall not be allowed against the locality or the governing body or it can be considered whether such appeal was frivolous; and other minor zoning text changes.

Once this BZA Zoning Text Amendment is reviewed and adopted by the Board of Supervisors then Planning Staff will make the current Board of Zoning Appeals members aware of the adopted changes.

**Mr. Payne:** Further discussed the information for clarification on what exactly the information is for. After mentioning an example from when he served on the City of Charlottesville BZA he stated that Mr. Miles did a great job on bringing this forward to the Planning Commission for their consideration.

**Chair Bibb:** opened the Public Hearing at 7:44 pm for anyone wishing to speak. With no one coming online wishing to speak, Chair Bibb closed the Public Hearing at 7:45 pm.

**Vice Chair Murray-Key:** stated that it is important that even as our attorney Mr. Payne spoke that we have to listen sometimes with our hearts to do the right thing. We are talking about doing right by people and following the law, so it is important as a citizen of Fluvanna to hear that we have steps and not just trying to hammer people, try to make sense by pulling it all together for people by doing the right thing by someone’s parent, child, or whoever they are.

<b>MOTION:</b>	An Ordinance to Amend Zoning Ordinance Sections 22-17-8A, 22-18-1, 22-18-2, 22-18-3, 22-18-4, and 22-18-7 of the Fluvanna County Code to Conform the Sections to Amendments to the Enabling Legislation relative to the Board of Zoning Appeals regulations.				
<b>MEMBER:</b>	<b>Bibb (Chair)</b>	<b>Murray-Key (Vice Chair)</b>	<b>Johnson</b>	<b>Zimmer</b>	<b>Lagomarsino</b>
<b>ACTION:</b>		<b>Seconded</b>		<b>Motion</b>	
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0 Recommended Approval</b>				

**SDP 21:02 South Boston Self-Storage – Douglas Miles, Community Development Director:**

Approval of a commercial sketch plan request to construct a self-storage facility on a 3.4 +/- acre portion of Tax Map 18 Section A Parcel 53. The applicant is proposing to construct a 21,000 square foot conditioned storage building along with two (2) proposed 3,200 square foot storage buildings and a screened vehicle storage yard.

Tom Schauder, applicant is requesting Sketch Plan approval to construct a 21,000 square foot conditioned self-storage facility building along with two (2) 3,200 square foot storage buildings on a 3.4 +/- acre portion of Tax Map 18, Section A, Parcel 53 that is zoned B-1, General Business as a permitted use by right.

**Recommended Conditions:**

1. Meet all final site plan requirements which include, but are not limited to, providing parking, landscaping, screening and outdoor lighting plans all on one set of site plans;
2. Meet all required Erosion & Sediment Control and VDEQ Stormwater regulations;
3. Meet all Virginia Department of Transportation (VDOT) required regulations.

There were no comments from the Planning Commissioners and the applicant thanked the Planning Commission for hearing his request to construct a self-storage facility on the site.

<b>MOTION:</b>	I move to act on SDP 21:02, a sketch plan request to construct a self-storage facility on a 3.4 +/- acre portion of Tax Map 18 Section A Parcel 53, subject to the three (3) conditions listed in the staff report.				
<b>MEMBER:</b>	<b>Bibb (Chair)</b>	<b>Murray-Key (Vice Chair)</b>	<b>Johnson</b>	<b>Zimmer</b>	<b>Lagomarsino</b>
<b>ACTION:</b>		<b>Motion</b>		<b>Seconded</b>	
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0</b>				

6.

6. **PRESENTATIONS:**

None

7. **SITE DEVELOPMENT PLANS:**

None

8. **SUBDIVISIONS:**

**SUB 20:33 Ballinger Bluffs Sketch Plan – Douglas Miles, Community Development Director**

**Mr. Payne:** stated that this is an unusual case that has a lot of controversy in it that has been brought before the Commission several times. This is standard procedure and remember that there are two (2) separate issues they are not the same procedurally and substantially. First, one is the cluster subdivision. The second one is for the Special Use Permit that is for a central sewage system that is for the cluster subdivision. First is an administrative approval that goes over to the staff to be reviewed, the seconded one is the Special Use Permit for it to go to the Board of Supervisors. Chairman to understand that there will not be a Public Hearing tonight, there was a Public Hearing required for the Special Use Permit, but it was handled at your January 12th meeting and it has been closed. It will not be available for another Public Hearing tonight. The subdivision itself never required a Public Hearing. There were numerous public comments made by people but they were not in the context of this Special Use Permit or like you have heard tonight, yet they are in the general public comments portion of the meeting.

As the statute requires that is not a public hearing. It is appropriate for me to make a comment of the nature of what you are being asked to do. With the Special Use Permit, you are being asked to make a recommendation to the Board of Supervisors to exercise for the legislative judgement to grant them the Special Use Permit and that permit is for the central sewage system. These things are intertwining with the subdivision Sketch Plan which is a sewer system designed for this subdivision to accommodate this subdivision. Nevertheless, it is a different procedure and action. Your action will be to recommend and allow it to go to the Board of Supervisors for whether or not it should be granted and if so, there are necessary conditions.

The staff have recommended it in the motion. With the respect to the subdivision this is a Sketch Plan, this is an unusual procedure that is in our ordinance that we have essentially have a two-step process for preliminary plats. The concept of it is that the Sketch Plan it designs basically the layout and the concept of the general parameters of the subdivision to make sure

that it is appropriate for the area and to be generally consistent with the subdivision and zoning ordinance. However, it is not intended to be specified to have a preliminary plan, preliminary plat, or final plat. What your action is to designed to do is not really to approve it or deny it, rather to recommend to staff whether in your judgement the Sketch Plan is sufficient to represent compliance to the relevant ordinances. As it is is up to the planning staff to review a preliminary plat that has not even been submitted yet. Which is the next administrative step to be submitted procedure, so in effect what the staff is recommended is that you identify the plat that basically complies with the certain provisions of the ordinances. There are several that have not been identified not been satisfied, and your recommendation that if you comply with the motion would be to reserve those issues to the next step of the preliminary plat review.

There are two issues under the water and sewer now the recommendation of the motion is that you recommend approval of the subdivision plat subject to the demonstration of the available sewage. The motion contemplates that either with the Special Use Permit for the central sewer system or the individual drainfields. The motion also contemplates that the applicant will provide satisfactory evidence to the staff that there is sufficient ground water on site to provide appropriate lots service to each of the twenty (20) lots. In addition, that the provision of those twenty (20) wells will not be substantially be an impairment to the adjacent property owners' existing wells.

**Chair Bibb:** Stated so this is step one leading to the preliminary plat review?

**Mr. Payne:** stated that is correct you are now foreclosing on this resolution of unsolved issues. As it will not come back to the Planning Commission. The Commission does not have to hear from anybody else under your discretion.

**Vice Chair Murray-Key:** stated that back when we asked the applicant to provide us evidence that was not provided about the water and sewage, is that something that we need to keep going down that road or is that out of order for us to be asking that question all over again?

**Mr. Payne:** stated that if you can remember that the applicant was asked to provide certain evidence and he provided some evidence but not all of it, so you cannot say that he did not.

**Mr. Zimmer:** How would we know if the wells are going to impact the neighbor's wells, from the recommended conditions?

**Mr. Miles:** We received limited information about the test wells that were done, and we are not even sure where these test wells were done, but there are two locations on future lots that he is proposing. We do know one had about 40 gallons per minute which is very high, and one was three to five gallons per minute which is right at the minimum to where it is needed to be. Basically, in the zoning and subdivision ordinance at the level of the preliminary stage if we do not see certifications from hydrogeologist studies like phase two from the applicant then I will consult with Mr. Payne to see if we are not able to approve the preliminary plat. Procedural guidelines for the process is the application request went from 47 to 20 homes, the applicant is also performing a boundary line adjustment, then Erosion and Sediment Control plan review and approval, along with Site Plan review and approval, then we can move onto the preliminary plat review for Ballinger Bluffs Major Rural Cluster Subdivision.

Mr. Payne spoke on what the Planning Commission could do with the Sketch Plan request.

Mr. Gilbody, attorney spoke about the request on behalf of his client and the applicant did not speak or present any further information on this request.

<b>MOTION:</b>	I move that the Planning Commission act on SUB 20:33 Ballinger Bluffs Sketch Plan, a request for twenty (20) residential lots plus open space with respect to 48.4 +/- acres of Tax Map 31 Section A Parcel 41 and Tax Map 31 Section 1 Parcel A subject to the four (4) conditions within the staff report.				
<b>MEMBER:</b>	<b>Bibb (Chair)</b>	<b>Murray-Key (Vice Chair)</b>	<b>Johnson</b>	<b>Zimmer</b>	<b>Lagomarsino</b>
<b>ACTION:</b>		<b>Seconded</b>		<b>Motion</b>	
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0</b>				

**9. UNFINISHED BUSINESS:**

**SUP 20:02 Quigley Properties LLC** – A request for a Special Use Permit to construct a central sewer system / utilities, major for a rural cluster subdivision in an A-1 district, with respect to 48.4 +/- acres of Tax Map 31, Section A, Parcel 41 and Tax Map 31, Section 1, Parcel A.

There was no further discussion and the Planning Commission proceeded with the request.

<b>MOTION:</b>	I move that the Planning Commission recommend Approval of SUP 20:02 Quigley Properties, LLC a request for a special use permit to allow for a central sewer system / major utilities with respect to 48.4 +/- acres of Tax Map 31 Section A Parcel 41 and Tax Map 31 Section 1 Parcel A subject to the six (6) conditions within the staff report.				
<b>MEMBER:</b>	<b>Bibb (Chair)</b>	<b>Murray-Key (Vice Chair)</b>	<b>Johnson</b>	<b>Zimmer</b>	<b>Lagomarsino</b>
<b>ACTION:</b>				<b>Motion</b>	<b>Seconded</b>
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0 Recommended Approval</b>				

**10. NEW BUSINESS:**

None

**11. PUBLIC COMMENTS #2:**

At 8:55 pm, Chair Bibb opened the second round of Public Comments.

**Lois Fulks 331 Oak Creek Road:** Stated that she had a few more questions that have not been answered. There is no room for error. Went on asking questions to the Planning Commission and the applicant? Stated that she is angry about this, and she would like for the Planning Commission to please say no to this project.

With no one else coming online Chair Bibb closed the Public Comments at 9:00 pm.

**12. ADJOURNMENT:**

Chair Bibb adjourned the Planning Commission meeting of April 13, 2021 at 9:00 pm.

Minutes recorded by Valencia Porter, Administrative Program Specialist.

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

APPROVED