

**FLUVANNA COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES**

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

**December 7, 2021
Regular Meeting 7:00 pm**

MEMBERS PRESENT:

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

STAFF PRESENT:

Eric Dahl, County Administrator
Douglas Miles, Community Development Director
Jason Overstreet, Senior Planner
Will Tanner, Deputy County Attorney
Valencia Porter, Administrative Programs Specialist
John Wilson, PE, VDOT Louisa Residency (online)
Bill Wuensch, PE, EPR Transportation (online)
Ritchie Constantino, LM VFD, Fire Chief (online)

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

At 7:00 pm, Chair Bibb called the December 7, 2021 Regular Meeting to Order, conducted the Pledge of Allegiance and it was followed by a Moment of Silence.

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

Mr. Miles provided a brief Powerpoint presentation on the proposed Village Oaks Senior Living Apartment master plan that the Virginia United Methodist Housing Development and through Powe Studio Architects, have proposed Village Oaks Senior Living, as a 120 unit age-restricted and independent-living apartment complex on 5.9 acres at the entrance to the Village Oaks, in an R-3 Residential Planned Community. He stated that the applicant would conduct a Virtual Community Meeting on Thursday, December 16th at 6:00 pm and Zoom invitations have been sent out to the surrounding community and to the LMOA General Manager across the street.

3. **PUBLIC COMMENTS #1:**

Chair Bibb opened the Public Comments period at 7:14 pm to the public and stated please provide you name and address and you have five (5) minutes to talk about anything not on tonight’s Planning Commission meeting agenda.

Wayne Nye at 176 Village Boulevard, he spoke about increasing traffic issues in the County.

Brook Reynard at 97 Virginia Avenue, he spoke about the zoned commercial development not being built for commercial uses but rather it is now being proposed for new senior apartments.

Tom Diggs at 947 Jefferson Drive, he spoke about the upcoming Comprehensive Plan schedule.

James von Ottenritter at 2126 Nahor Manor Road, he spoke about applying for the right to have a parade of vehicles in Fluvanna County with FCSO and VDOT – Louisa Residency Office.

Debra Kurre at 19 Laguna Road, she spoke about the written comments she provided to the Planning Commission on November 9th not being in the December 7th Commission packet. It was later determined that they were her written comments from when she spoke under the November 9th Public Comments period and they were recorded in those meeting minutes.

With no one else coming forward from the audience or online wishing to speak, Chair Bibb closed the Public Comments period at 7:38 pm.

4. **MINUTES:**

MOTION:	I move that the Planning Commission approve the Minutes of November 9, 2021, as presented.				
MEMBER:	Bibb (Chair)	Murray-Key (Vice Chair)	Johnson	Zimmer	Lagomarsino
ACTION:		Second		Motion	
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	Approved 5-0				

5. **PUBLIC HEARINGS:**

FY 2023-2027 Capital Improvement Plan – Public review and recommendation of the Capital Improvement Plan (CIP) for fiscal years 2023 through 2027 (FY2023 – FY2027) which is to be submitted in conjunction with the fiscal year 2023 (FY2023) Fluvanna County Budget. The CIP lists the major construction and acquisition efforts planned for the next five (5) fiscal years and it describes proposed methods of financing for CIP projects as is prescribed in Virginia State Code.

Eric Dahl, County Administrator provided an overview summary of the proposed FY 23-27 Capital Improvement Plan that was submitted, ranked and is being recommended onto the Board of Supervisors for their Approval purposes in the Fluvanna County Budget process.

CAPITAL PROJECTS	COMPREHENSIVE PLAN	DEPT RANK	PC RANK
<u>COMMUNITY SERVICES</u>			
PG Park Spray Grounds	Chapter 2 & 7	2	2
PG Park Soccer Fencing	Chapter 7	1	1
PG Multi-Purpose Shelter	Chapter 2 & 7	1	1
PG New Baseball/Softball Athletic fields	Chapter 2 & 7	2	2
PG Basketball & Tennis Courts	Chapter 2 & 7	1	1
PG Park Multigenerational Center	Chapter 2 & 7	1	1
PG Outdoor Swimming Pool & Building	Chapter 2 & 7	1	1
<u>PUBLIC WORKS</u>			
Capital Reserve Maintenance Fund	Chapter 3,11, & 12	1	1
Public Works Major Equipment	Chapter 3: Infrastructure	1	1
Courthouse HVAC & Lighting Controls	Chapter 3: Infrastructure	1	1
Carysbrook Equipment Storage Shed	Chapter 3: Infrastructure	1	1
Library HVAC System Replacement	Chapter 3: Infrastructure	1	1
Energy Recovery Unit – Public Safety	Chapter 3: Infrastructure	1	1
Social Services Vehicles	Chapter 9: Human Services	1	1
Paving Admin-Public Safety Parking Lots	Chapter 3: Infrastructure	1	1
County Vehicles	Chapter 4: Transportation	1	1
<u>PUBLIC SAFETY</u>			
SHERIFF			
Sheriff Vehicles	Chapter 11: Public Safety	1	1
FIRE & RESCUE			
Vehicle Apparatus – Replacement	Chapter 11: Public Safety	1	1
<u>SCHOOLS</u>			
Capital Reserve Maintenance Fund	Chapter 3,10,11, & 12	1	1
School Safety Vestibules	Chapter 4 & 11	1	1
Paving and Resurfacing	Chapter 10 & 11	2	2
FMS Athletic Field Lights	Chapter 10 & 11	1	1
Middle School Annex Floor & Bleachers	Chapter 10 & 11	2	2
School Buses	Chapter 4, 10 & 11	1	1
Student Transport/Facilities Vehicles	Chapter 4, 10 & 11	1	1

Chair Bibb opened the Public Hearing at 7:15 pm, with no one coming forward in the audience or online Chair Bibb closed the Public Hearing at 7:16 pm with minor discussion on the CIP Plan.

MOTION:	I move that the Planning Commission recommend approval of the FY2023-FY2027 Capital Improvement Plan (CIP) as presented, with a list of funding priorities as prepared by the Planning Commission.				
MEMBER:	Bibb (Chair)	Murray-Key (Vice Chair)	Johnson	Zimmer	Lagomarsino
ACTION:			Second		Motion
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	Recommended Approval 5-0 onto the Board of Supervisors				

ZMP 21:04 Southern Development – A request to rezone from A-1, Agricultural, General and 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 in Lake Monticello and they are in the Rivanna Community Planning Area and in the Cunningham Election District.

Jeremy Swink, VP, Stanley Martin Homes, presented on behalf of the applicant, Southern Development, providing a comprehensive update to their Statement of Proffers and Plan.

PRELIMINARY MASTER PLAN CHANGES:

Reduction in density; maintained focus on the age targeted segment – at least 35% of homes must offer one floor living; added buffer between Morris property and Fox property to match other perimeter buffers; limited access to the adjacent communities by removing the existing connection with the Fox property and by modifying entrance road and the connection with the Villages of Nahor; added parking opportunities within the community by increasing proposed road widths and they amended layout to preserve onsite wetlands, streams, buffers aside from required road crossings and the revised Preliminary Master Plan is dated November 29, 2021.

TRAFFIC IMPROVEMENTS AT ENTRANCE:

Added a cul-de-sac to the existing Garden lane entrance, closing it for new neighborhood traffic while still permitting access for the existing uses; added median to Village Boulevard to prevent traffic from making left turns from new neighborhood into existing neighborhood streets; new access plan will permit drivers from existing neighborhood to use new entrance as a right-in and left-out only access; and added 200 foot right turn taper on Route 53 West; added 200 foot left turn taper and storage on Route 53 East; Dedicated ROW for a future round-about opportunity.

REMOVAL OF THE EXISTING CONNECTION TO LAKE MONTICELLO:

Removed existing connection from Fox property into Lake Monticello; added new emergency access into existing Garden Lane; and dedicated additional ROW for future improvements to Garden Lane.

OFFSITE TRAFFIC IMPROVEMENTS ON ROUTE 53:

Stated since 2014, 18 accidents have occurred at the Tufton Gate entrance to Lake Monticello; Development team proposed a new 200 foot left-turn taper and storage lane on Route 53 East, as well as a 540 foot transition lane on Route 53 West to improve the safety of the intersection; Improvements require acquisition of approximately 1.3 acres of offsite right-of-way for grading, new road improvements, and stormwater management on the Peters property opposite gate; value of right-of-way acquisition plus the construction costs is estimated at \$1.6 million dollars.

ADDITIONAL CONSIDERATIONS:

TRAFFIC: Conducted a traffic study and propose on-site and off-site improvements to not only serve the proposed development, but the community at large for better traffic flow in the area.
SCHOOLS: Reduction in the planned density with an added focus on more move-down buyers.
ON-SITE PARKING: Increased Road widths to allow for additional parking within the community.
STORMWATER MANAGEMENT/ENVIRONMENTAL CONCERNS: Preservation of onsite wetlands and nearby streams with development subject to DEQ and Stormwater management standards.

Chair Bibb asked if the Planning Commissioners had any more questions about what had been presented to them by Mr. Swink and there were some additional questions and comments.

Chair Bibb asked about closing off Garden Lane and talked about the cul-de-sac, and asked how is that going to affect emergency traffic? How are they going to be able to get into the proposed

project? Will they have to circumvent and drive around Lake Monticello and get in another way?

Mr. Swink stated one idea I have in particular that we have not fully designed yet would be that we are certainly open to discussing is that where that cul-de-sac terminates, we think there is a strong desire to limit public traffic from Garden Lane that goes all the way up to the Lake and back where the cul-de-sac is proposed to terminate now. I am certainly open to an emergency access that starts where that cul-de-sac terminates and go all the way back to our emergency access entrance on Garden Lane.

Chair Bibb asked is part of Garden Lane still a gravel road and would that be paved by you?

Mr. Swink replied, yes it could be paved. **Chair Bibb** he stated I am not asking would it be?

Mr. Swink replied, yes the proffers, as submitted does not speak to it all.

Chair Bibb So who would be responsible for paving Garden Lane then?

Jermey Swink stated he would be happy to proffer it if that is what you are asking us to do.

Chair Bibb asked that if Chief Constantino would like to come online and state his concerns.

Chief Constantino stated the concerns that they have is the access to and from their proposed subdivision in the event that their new entrance off Route 53 is blocked due to an accident on Route 53. Our concerns are about the proposed turn lane from Village Boulevard into Village Gardens, and the width of that roadway. As our fire apparatus cannot make the turn without jumping a curb, and if we have to jump onto a curb then that would cause real damage to the underside of the fire apparatus. We do have drains and for the functions of the fire apparatus and my opinion we would like to keep the secondary access just for emergency vehicles from Jefferson Drive by opening up Garden Lane to their proposed emergency access and have first response vehicles use that as a new emergency access gate.

Chair Bibb stated that you talked about people from the Villages of Nahor and the proposed subdivision not being able to come into the Villages of Nahor, but what about people cutting through the Villages of Nahor into the proposed subdivision, could they still do that?

Mr. Swink stated that he believes that is how the new road layout is designed to stop the cut through traffic and they can only make a Left out and then a Right in coming in from Route 53.

Chair Bibb asked so they cannot go straight through to get to the proposed Village Gardens?

Mr. Swink replied that they cannot go straight to Village Gardens but can go out to Route 53, so why would anyone cut through on Village Boulevard when they would just stay out on Route 53.

Vice Chair Murray-Key stated she sees a reduction in density but what is that, what reduction in density was made since the last time that this request was before us at the last Public meeting?

Mr. Swink stated I believe initially it was submitted as 355 units now to be reduced to 325 units.

Vice Chair Murray-Key asked when you came up to speak you said you were taking over this request from Southern Development or did you say that there would now be a partnership?

Mr. Swink stated yes, we are partners working through the approval process, but my company would be the one to post the bonds, put the shovels in the ground, do the development work, build the homes, to dedicate the streets, as Stanley Martin Homes, and as this project's builder.

Vice Chair Murray-Key stated tonight she received the letter from AQUA and I am just trying to review that and to understand the whole water thing and I go back to what I have asked before. AQUA with this project has talked about the 70 or so individuals that may be impacted by the new development and how they need to address it. My concern is as the water company, the other individuals or those other areas with needs have not been addressed for years and that the proposal of them going to do the things that they stated that they would do. We just have not seen that from them. The Lake residents that already do have AQUA that they would be negatively impacted for years to come by you know trying to deal with those same issues still not being addressed. Has there been further conversations since the last meeting because I

asked about this at the last meeting. Has it been discussed further about how AQUA intends to address the issues with the water for the Lake as a whole as opposed to just where you all are planning to build now?

Mr. Swink stated if there are discussions around the adjacent improvements that could take place and have greater benefit that certainly is something I would be happy to look into. But I will be honest and say that I have not had those conversations with AQUA a lot more related to other projects within their service area that leaves something to be desired with their existing customers. AQUA will have to answer those questions and maybe their letter it will address it.

Vice Chair Murray-Key stated what you have proposed in terms of the density reduction you are talking about 30 homes and that based on the traffic and the safety are there any numbers or presentation or anything that you have from VDOT of what 10% it actually does to the traffic numbers and how that impacts overall. Because I was expecting a greater reduction in density in relation to our concerns with the traffic impacts so that is just off the top of my head right now.

Mr. Swink stated he thought maybe our approach was that we would have more impacts by making significant off-site improvements versus you know reducing any trips in a way you know because I think the magnitude of what we are proposing on the outside you know how far off exceeds the impact of maybe that we could create with the off-site improvements. I have not received comments back from VDOT and they have received our traffic study and will comment.

Mr. Miles Staff received a letter from John Aulbach, PE, Aqua President at 4:00 pm today via e-mail that addressed four (4) different topics: that Aqua Virginia does have sufficient water and wastewater capacity and intends to serve Village Gardens; Southern Development will have the responsibility to construct all required infrastructure and to obtain the VDH and VDEQ permits; the 72 existing customers their water pressures comply and we will work to make them better; and that finally the discussions with Southern Development have continued and an Aqua service agreement will be completed once Fluvanna County has granted approval for the proposed use.

Chair Bibb stated after looking at your traffic study and I wondered if it was thought out very well as it does not seem exactly right to me. Then the additional traffic from Colonial Circle and it makes me wonder about your traffic report. It just does not seem logical that when you have that many people on the road. I know VDOT has not had a chance to look at the traffic report and all of the other things that you have in front of us now. I do not think that they are really ready to comment on it so it is kind of hard for me to know other than we do not have a lot of answers to the questions that we have on this proposed use and traffic generation right now. We understand that the Traffic Engineer from EPR is available online so he can come forward.

Bill Wuensch, EPR stated he is a traffic engineer and a registered professional engineer in the state of Virginia. We provided this traffic study and as a look at the traffic situation for Southern Development looking at the tables what you are seeing on the screen are the land use codes per what is called the trip generation manual. It is from the Institute of Transportation Engineers (ITE) and it is the standard of how we estimate trips for development. It is also exactly per VDOT standards and their requirements. So the land use code the LU code corresponds to a section in that book and the number is the number of units. So when you see 322 that is the total number of units for the traffic numbers. If you are looking at the hourly volumes you see the columns for am and pm, and that is where we project the amount of traffic that occurs in the peak hour.

The peak am hour is four consecutive 15 minutes and also the peak pm hour and so what this is telling us here is that in the am we would expect to see 53 cars coming into the site and 163 cars leaving the site. Likewise in the evening we would expect to see 181 within that one hour as the peak hour of the day that also corresponds to the peak hour of traffic on Route 53. So it is 181 cars coming back into the site, and likewise 107 leaving. So, really the numbers to focus on here I think are these hourly volumes of in the am 216 total. When you add the am in and out the pm 288 total again adding the ins and outs together. Those are the numbers that we put together for the analysis for the turn lane to see how long of a turn lane is warranted, and also to measure the amount of delay and queuing at that location for once everything is built and operating, what kind of conditions do we expect to see out there if that helps to explain it.

Chair Bibb asked what the traffic there now in the same area? How much does this help the percentages is it going to add and increase the traffic in this area? Please explain it further.

Mr. Wuensch stated a series of illustrations further into that document and figure three what this shows is the existing traffic volumes passing the entrance location. So, the figure on the left side shows the upper one there the upper left if you will this way I am looking at it, there is in the morning there are 216 cars in the hour, heading towards Palmyra, and then 437 cars in the hour heading up to the north towards Charlottesville. The upper right that is the evening it is sort of intuitive you see more cars coming from the north 521 in the hour and 244 going to the north from Palmyra, so 521 from the north going south towards Palmyra, so that is the traffic count today. If you look at the next figure four what we have done is we have grown the traffic from the previous figure by a growth factor which represents it without this site in year 2026.

What do we project the traffic to be and that is based on historical growth. So just trending and so we adjust we call this the no build traffic volume for 2026, and similarly it is pretty similar to the last set of volumes we discussed but they have increased some amount here for instance in the pm. So the upper right today's volume was 521 coming from the north going south in 2026 without this site it increases by about 18 cars in that hour. In figure six here is what we estimate the site trips to be so this is only this site only. The traffic for the new site we have taken out the background volumes, and this is the volumes coming in and out of the site as we project, so you see the focus on the pm, that the heavier time for the left, that is 121 left turns in an hour about two a minute and 60 cars heading into the site from the south. So the leaving you have got the 43 to the right and the 64 heading south so now we have got the projected traffic for this site.

In the next figure we put it all together. We add it all together so in figure seven this is where we put it all together so all this is also a good way to kind of compare right so you have got 127 focus on the upper right, the upper right figure for the pm that is 127 left turns and 539 through so finally getting to the answer to your question - how much more traffic is it really? Well that compares it so without this without the site you would have about 535 - 540 but we have added 127 left turns to that from the north, similarly you know you look at it from the south you see a similar comparison with 252 going through and 63 to the right so there is your new site traffic compared to what is basically background traffic.

Chair Bibb does that take into consideration the increased amount of traffic that is going to come from Colonial Circle with the 325 units being built there. You are just estimating what you think that is going to be increased or are you considering any other new developments there?

Mr. Wuensch stated it is a trend line as an increase in traffic. So, we have not gone and done a build out analysis or anything like that. Traditionally, each new development will add traffic into the mix we know. We have not been asked to study that just the traffic in this development.

Chair Bibb stated that he has a major concern about the traffic and the fact that the increased traffic is there and I think the additional Colonial Circle units are going to add some to it. As he stated a lot of that is not being considered in there and it needs to be by this applicant. We also talk about the fact that the traffic that is not going to cut through the Villages of Nahor. I do not care what anybody says that a certain amount of people are going to cut through there. So, I am thinking of looking at the amount of people there. I just think the amount of cars that they are projecting in my mind it is going to be a lot more, so I am very concerned about that now.

Vice Chair Murray-Key stated that she agrees with Chair Bibb about the traffic as you know we are talking about rezoning for more residential homes and then we know that Colonial Circle is on the way with 325 residential units. So, for months we have already been talking about this and my main concern is that the traffic study is not ready as it has not been reviewed by VDOT. So, if VDOT is not ready then why are we trying to make decisions without having all the facts?

After listening to the Fire Chief talking about the fire apparatus issues and Mr. Lagomarsino being the Albemarle Fire Chief you know the one thing we all want is for there to be safety. I think we all need further clarity and I need clarity in order to make a decision and I am just struggling with all of the incomplete information why is it not finished for this case request?

Mr. Lagomarsino stated you said that you have listened to the people of The Villages of Nahor and that is why you are adding that island so that they cannot turn from Garden Lane into there, so am I correct? So, if they are traveling down Garden Lane that they cannot turn into there?

Mr. Swink stated yes, it would be Village Boulevard extended and not be on Garden Lane.

Mr. Lagomarsino, stated so one of the things that I have heard the people say is that they are concerned about cut through traffic. I do not hear anything that is addressing it coming off of Route 53 cutting through their neighborhood. Then the other thing that I am concerned about is that entrance that you are going to have to close off was probably built as a secondary access for fire apparatus. So now with the Garden Lane cul-de-sac you have essentially eliminated the second access for fire apparatus for The Villages of Nahor. So that is a problem for me and then the other thing that I am concerned about with AQUA is being able to provide the needed fire flow for those new structures granted single-family homes are only probably about a thousand gallons per minute that is required. There are very few hydrants in the area right now that can provide that and what about all of these Townhouse structures for fire suppression purposes.

Mr. Swink stated I do not think we can fully prevent cut through traffic while keeping some sort of connection between these two neighborhoods. We would have to eliminate that connection all together to prevent any cut through traffic. I would say with all of our improved entrances and right-of-way dedication the traffic is predicated on what may occur there in the future and we are trying to address it now the best that we can in the request. We are proposing measures that far exceeds the entrance that the community of 300 homes versus a smaller community.

So while it could happen I am skeptical that folks would bypass the good entrance and which is closer to enter into their community than to drive through and be farther from it. As some traffic could be from someone missing a turn and that would be from their perspective to get to the destination. What I am proposing is we would have the proper access by taking the newly terminated cul-de-sac area and run an emergency access road out to allow for fire apparatus straight up to where the Garden Lane exists today in the gravel road state. So in other words not to eliminate the fire secondary access altogether but make an improved access and then from AQUA's perspective allow for them to use that same emergency access road. As I do not know but I have heard that fire pressure may be a concern from the water provider and we will look into the kind of water modeling that is taking place and it is something you know we will look into further. We can deal with those things once we are constructing the infrastructure.

Mr. Lagomarsino stated would that not be something that is built into the process that those fire flow standards are met so that we can be assured that they are where they need to be?

Mr. Swink stated absolutely I think we are dealing with the same thing at Colonial Circle and not necessarily for just the single family homes but there is an apartment component for fire flows, where there are possible tank and pressure system upgrades and holding tanks needed there.

Chair Bibb he read from the Staff Report on Page 122 of the packet. As it seems like that was written in by the staff as part of the Staff Report and I know that you have increased a portion of the commercial area, but are you addressing all the concerns that have been raised by staff?

Mr. Swink stated in his experience commercial development and particularly uses like grocery stores they are basing their decision to locate somewhere on two factors. One, is traffic so the amount of traffic that drives by the store on a daily basis. Two, does that market have enough new rooftops especially new housing options that promote the need for that type of new use.

I do know that I have even heard the discussion about there is some commercial land available here that has not been fully utilized yet. I surmised that it is because those two factors are not fully in place for it to be perfectly viable for those type of new commercial users. I do know with Colonial Circle there are a couple folks that are talking now to Mr. Peters and he is retaining the commercial property. So, I would imagine as we create more rooftops and more traffic, and you know the income stabilizes or increases over time those commercial users will start to appear.

Chair Bibb stated but we are addressing what is required in the R-3 zoning? As he continued by reading the other section in the Staff Report on page 124 by stating as I look back at a lot of the R-3 properties that Southern Development has been involved with the commercial proffers they have been either amended or not completed and then there is just more residential dwellings.

Mr. Miles stated that what you are reading from is found originally in the November 9th Staff Report because up to December 7th that was all that we had received from the applicant and we were questioning whether the R-3 zoning district requirements were being met and they have now added three (3) acres of commercial development that was previously slated for the townhouse units. Generally, in our Staff analysis and the R-3 typical commercial uses would be things such as: bakeries, banks, small restaurants, retail stores, and medical and professional

office buildings. Unfortunately, within the R-3, Residential Planned Community District there is not a minimum requirement of commercial land that has to be zoned like there is a 25% open space requirement within the R-3 zoning district. We will need to work on that in the future.

Chair Bibb stated we have the adjoining properties and we have the neighborhoods there what positive effect would this proposed project have on the surrounding area as I just do not see it?

Mr. Swink stated that I believe the big one is the 1.6 million dollars in road improvements outside of the Tufton Gate. I do not know what that costs to do it in the public realm, but certainly the right way acquisition alone is pretty significant for a better, safer community.

Chair Bibb stated that the access area to the Tufton Gate you do not own that land, as it is still owned by another property owner, is that right?

Mr. Swink stated I am the contract purchaser for the right-of-way and have that in writing now.

Chair Bibb asked do you think it will have any negative effects on the surrounding area?

Mr. Swink stated I would say the anxiety for change is the negative effect that I see a lot when we come in. Change is uncomfortable it is hard for the community. As I know it causes a lot of anxiety with people, certainly the noise from construction, the noise of nail guns, and the big old equipment running around all that, so all that is a nuisance to the surrounding neighborhood.

Chair Bibb stated that he is not talking about when you are building but I am talking about the project itself. What about the traffic going through The Villages of Nahor, and what about the additional traffic in this area, what about the effect on neighboring agricultural properties. Are you saying there is no negative effect on any of that?

Mr. Swink stated I am not sure I foresee a big negative effect on the neighbors. As I mean again other things that I mentioned like the kind of the initial effect in the initial perception with what I have seen in my experience is that we are building communities that bring in you know people.

These people are becoming friends with their neighbors, they are not bad folks and I do think they are moving here regardless. I think what we are trying to do is to help Fluvanna County to execute the Rivanna Community Area Plan that if we are going to have housing here is where we want it. I think we are trying to do that in a way that addresses the concerns on the traffic versus having them, people are coming to live in the rural areas and not just to do rural cluster developments. I think what we are trying to do is capture that demand, as I do agree that the demand it is out there. Nobody moves from you know where they are moving from because Stanley Martin is building a great community. In Fluvanna County, they may choose Fluvanna County because they are already moving here. Fluvanna County is a good place to live we are just trying to develop within the confines of the plan that is out there, so that we can manage all the traffic impacts, so the neighborhood can manage any other impacts to the agricultural lands.

Mr. Lagomarsino stated he is still trying to understand how we are in these situations with the Comprehensive Plan where it says that we want residential development here. Then we have to go through a rezoning for that and I do not understand the zoning history and whether we do not need this rezoning to occur since it will just be residential zoning and not any commercial. Can they perform Rural Clustering and not have to go through a conditional rezoning request?

Mr. Miles stated Southern Development has been a developer of cluster developments here in the Planning area of Fluvanna County. Look at River Oaks and the rear of Sycamore Square, they will just look at their rural clustering options to develop on this property. They only have to build state maintained roads and none the proffered right-of-way dedication and road improvements will be done by them. They can build up to 50-60 lots in a similar fashion to Island Hill on Broken Island Road which is 49 lots plus the residual lot which was done by Southern Development and Ryan Homes. As that can be done on this property with additional traffic out onto Garden Lane.

Chair Bibb stated you are talking about half of 116 acres you could build 58 houses in a cluster subdivision a total of only 58 lots on 25% of the land with 75% of open space which is a lot less.

Mr. Lagomarsino stated you can build almost three units by right in R-3 zoning, you are talking 50-60 homes versus the 320 homes or go by right but with none of the transportation proffers.

Mr. Miles stated you would have to build state maintain roads but have none of the proffers.

Deputy County Attorney Will Tanner stated the Fox property private Deed restrictions are not something that the Fluvanna County Planning Commissioners needed to consider now based upon his research and on the legal research of his law partners and could proceed forward.

Chair Bibb opened the **Public Hearing** at 8:51 pm and asked that speakers state their name and address and keep their comments to five (5) minutes under this second Public Hearing period.

Jeffrey Ciucias at 149 Jefferson Drive stated that he is not against the development but he does not think that the case applicant has met the required criteria for approval purposes.

James von Ottenritter at 2126 Nahor Manor Road spoke in opposition of Village Gardens, as proposed by Southern Development, as an R-3, Residential Planned Community development.

Steve Smith at 6 Sunset Court spoke in opposition of Village Gardens next to Tufton Pond and the potential environmental impacts directly into Lake Monticello and surrounding waterways.

Larry Henson at 26 Piedmont Lane, LMOA President spoke in opposition of Village Gardens and he read through his Lake Monticello Owners' Association letter dated December 1, 2021.

Sandra Radford at 121 Mulberry Drive spoke about the danger of Route 53 at The Villages of Nahor and encouraged the Planning Commissioners to recommend denial of the case request.

Donna D'Aguanno at 148 Crape Myrtle Drive spoke in opposition to Village Gardens.

Brian Altherr at 127 Merry Oaks Lane spoke in opposition to Village Gardens.

Rebecca Persico at 160 Crape Myrtle Drive spoke in opposition to Village Gardens.

Jean Demarco at 1 Liebenow Court spoke in opposition to Village Gardens.

Bernard Taylor at 20 Hawks Place spoke in opposition to Village Gardens.

Brook Reynard at 97 Virginia Avenue spoke in opposition to Village Gardens.

Kristen McGhee at 17 Smokewood Drive spoke in opposition to Village Gardens.

Tom Diggs at 947 Jefferson Drive spoke in opposition to Village Gardens.

Suzy Morris at 6840 Thomas Jefferson Parkway spoke in opposition to Village Gardens and she emphasized the rural preservation aspects and that cattle farming exists on adjoining property.

Online County Residents:

Michelle Osborne at 5 Sunset Court spoke in opposition to Village Gardens next to Tufton Pond with environmental concerns, as she and her neighbors, help to maintain Tufton Pond.

Debra Kurre at 19 Laguna Road spoke in opposition to Village Gardens.

Bob Anderson at 262 Lexi Lane spoke in opposition to Village Gardens.

Chair Bibb closed the Public Hearing at 10:15 pm and stated that they would take a five (5) minute recess and then at 10:20 pm he resumed the Regular Planning Commission meeting.

Mr. Lagomarsino stated this application needs more work, I think there are some good things in it, some of the safety features they want to add, but I do not think it is a complete request.

Chair Bibb stated that he agreed with that statement.

Vice Chair Murray-Key stated that she mentioned it earlier that she was concerned about the water and I actually looked at it a couple of times because I was actually shocked that we have received it today. We have continued this project for several months now I am a firm believer in giving people an opportunity to present, and provide us with what we need in order to make an informed decision. Those decisions are not easy because people have different feelings and

how that they feel about it. About anything that we do and I do I think that it is important that I am clear about the facts that I do believe particularly in rural communities and need to have affordable housing. We do not want to become Northern Virginia but we do need to have the affordable housing for our senior community and I just ask everybody to consider the fact that we were once children and some of us now are grandparents and we want the best for seniors in our community and affordable housing for everyone within our community in the County.

Many of us just like myself we have come from somewhere else and are we saying that no one else can come and enjoy the same beautiful place that we do enjoy because of all the different development that we have talked about over the past several months there. We all came and picked a place and we made one of those same places our home. I do think that it is important that we try to make sure we are considering everyone in our community not from a negative perspective to say we have all these kids come here. We are making all of these communities and they are just for senior living. We want a community that allows everyone to live together.

However, I do want to be clear that I do not believe that growth is only for up at along Route 250 as we have seen in the Comprehensive Plan that there should be growth there that is why we've been talking about whether or not Southern Development has kept their promises about what they doing and what they are building. I do agree with some of the individuals who stated about building and being smart about it and we do need to evaluate and be smart about that. I will say it is not an easy decision you know we have to take care of our community if not this time then when? I do not think that the project is ready. Basic needs like water whether it is runoff or water pressure or our public service staff being able to get there to save the lives.

Those things are very important and I feel that you know just based on my recommendation and my vote that along with the individuals on the Commission that we have been giving and giving the opportunity to present the information that we are asking for and the responsibility is on the developer to present that information to us so that we can make informed decisions. We are accountable to the citizens and they have been very vocal and they have told us and we ourselves have done some in depth research. I want to make it clear that I do believe that we need affordable housing. I do believe we need amenities out here but there must be a balance and everything cannot be a no and everything cannot be a yes. We have to work as an entire community in order to make sure that everyone that wants an opportunity for good housing can access it and we can truly make the proper housing and space for everybody in the County.

Mr. Johnson stated I would like to say I appreciate you people coming out as some of you have been at all of three of these meetings that we have conducted for public comments and all of the phone calls and e-mails that we have received on this request. You all used this forum to express your feelings about this project and I believe in being responsive to the people and I want to thank you for that in the process.

Mr. Lagomarsino stated I just want to expand more on this as we have not received everything that we were looking for as we try to base each project on its own merits. He stated that the Comprehensive Plan does state that this is a growth area, but also there are rules in the Zoning Ordinance and you have got to put together a complete packet for us. You need to get the information to where it needs to be and I just do not think that we are there even with all of the presentations and maybe by the time that they get to the Board of Supervisors they can make the necessary changes.

MOTION:	I move that the Planning Commission Recommend Denial of ZMP 21:04, a request to amend the Fluvanna County Zoning map with respect to 122.6 acres of Tax Map 8, Section A, Parcel 18A, 17 Section A Parcel 10 and 17 Section 9 Parcels 1 & 2 to rezone from A-1, Agricultural, and R-3, Residential Planned Community to R-3, Residential, Planned Community and subject to the proffers dated November 30, 2021.				
MEMBER:	Bibb (Chair)	Murray-Key (Vice Chair)	Johnson	Zimmer	Lagomarsino
ACTION:		Motion	Second		
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	Recommended Denial 5-0 onto the Board of Supervisors				

6. **PRESENTATIONS:**

None

7. **SITE DEVELOPMENT PLANS:**

None

8. **SUBDIVISIONS:**

None

9. **UNFINISHED BUSINESS:**

None

10. **NEW BUSINESS:**

None

11. **PUBLIC COMMENTS #2:**

Chair Bibb opened the second round of Public Comments at 10:32 pm and he asked that speakers provide their name and address and to limit their comments to five (5) minutes.

Donna D'Aguanno at 148 Crepe Myrtle Drive spoke on the Comprehensive Plan schedule.

Suzy Morris at 6840 Thomas Jefferson Parkway spoke on the Comprehensive Plan schedule.

Sandra Radford at 121 Mulberry Drive spoke on the Comprehensive Plan schedule in 2022.

Wayne Nye at 176 Village Boulevard thanked the Planning Commissioners for their actions.

With no one else coming forward in the audience or online to speak Chair Bibb closed the Public Comments period at 10:39 pm.

Vice Chair Murray-Key, asked Mr. Miles as far as you know individuals have been consistently asking us about the Comprehensive Plan and application process, is there anything different about it since we talked about the last time when people go to this website, what should they expect if someone in this room or online right now if they wanted to sign up to be a part of a subcommittee what do they need to do and where do they find the subcommittee application?

Mr. Miles stated that the subcommittee application it is available online and it will be made available until December 30th for those that want to be appointed up until 5:00 pm that day. There will be a selection process later in January depending on who becomes the Planning Commission Chair for the two subcommittees which are Rural Preservation and Future Land Use. As far as draft documents being posted we have not posted any of them until these two subcommittees start in 2022. The Zion Crossroads Gateway Plan is the most important part of the Plan and so Sandy Shackelford and Christine Jacobs we have all established the upcoming schedule and we will be getting that information out to the entire stakeholder group in the new year which includes Mr. Fairchild on our Board and then Ms. Jones for the Louisa County Board.

Planning work is ongoing right now with planning best practices with Goochland County that will occur this Friday as I do have appointments with each Planning Director or planning staff with all the surrounding localities like Goochland, Louisa and another locality that has not been decided upon yet, there continues to be work done and completing maps and graphics. The TJ PDC Plan work is the most important work and we are completing draft documents that will eventually be posted online for citizens to review and to provide their input in the process.

Vice Chair Murray-Key stated I just want to bring to your attention the acronym that stands for our regional housing group as we are looking at the different kinds of Zoom and/or in-person meetings and new information sessions going into next year. Talking about how the impacts of housing development in the rural communities as well as within the City and Albemarle County. It was a 200 page Regional Housing document that he and I took part in and Mr. Miles will be including it in the 2040 Draft Plan and it has been shared with the public on the TJ PDC website.

There were no other Planning Commissioner comments.

12. ADJOURNMENT:

Chair Bibb then adjourned the Regular Planning Commission meeting of December 7, 2021 at 10:44 pm. The minutes were recorded by Valencia Porter, Administrative Programs Specialist.

Barry A. Bibb, Chair
Fluvanna County Planning Commission

APPROVED