

FLUVANNA COUNTY PLANNING COMMISSION

WORK SESSION AND REGULAR MEETING AGENDA

Fluvanna County Library
214 Commons Boulevard
Palmyra, VA 22963

April 13, 2021

6:00 pm **Work Session**

7:00 pm **Regular Meeting**

TAB AGENDA ITEMS

WORK SESSION

A – Call to Order, Pledge of Allegiance to the Flag and a Moment of Silence

B – Public Comments (Limited to 5 minutes per speaker)

C – WORK SESSION – Solar Zoning Ordinance Amendment and Siting Requirements:

Small and Utility-Scale Solar Generation Facility Zoning Requests

REGULAR MEETING

1 – Call to Order, Pledge of Allegiance to the Flag and a Moment of Silence

2 – Community Development Director’s Report – Douglas Miles, AICP, CZA

3 – PUBLIC COMMENTS #1 (Limited to 5 minutes per speaker)

4 – Approval of Draft March 9, 2021 Minutes

5 – PUBLIC HEARINGS:

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.

ZTA 21:01 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.

6 – Presentations: None

7 – SITE DEVELOPMENT PLANS: SDP 21:02 South Boston Self-Storage Sketch Plan

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.

8 – SUBDIVISIONS: None

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*For the Hearing-Impaired – Listening device available in the Fluvanna County Library upon request. TTY access number is 711 to make arrangements.
For Persons with Disabilities – If you have special needs, please contact the County Administrator’s Office at 434.591.1910.*

9 – UNFINISHED BUSINESS:

SUB 20:33 Ballinger Bluffs Subdivision – A Major Subdivision Sketch Plan request 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.

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. The properties are located along Courthouse Road, and 0.6 miles east of its intersection with Georges Mills Road and Stoneleigh Road. The parcels are zoned A-1, Agricultural, General and are located within the Rural Residential and Rural Preservation Planning Areas and the Columbia Election District.

10 – New Business: None

11 – PUBLIC COMMENTS #2 (Limited to 5 minutes per speaker)

12 – Adjournment

Douglas Miles

Community Development Director Review

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PLEDGE OF ALLEGIANCE

I pledge allegiance to the flag
of the United States of America
and to the Republic for which it stands,
one nation, under God, indivisible,
with liberty and justice for all.

ORDER

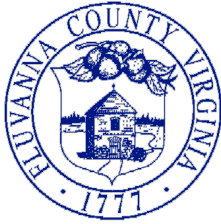
1. It shall be the duty of the Chairman to maintain order and decorum at meetings. The Chairman shall speak to points of order in preference to all other members.
2. In maintaining decorum and propriety of conduct, the Chairman shall not be challenged and no debate shall be allowed until after the Chairman declares that order has been restored. In the event the Commission wishes to debate the matter of the disorder or the bringing of order; the regular business may be suspended by vote of the Commission to discuss the matter.
3. No member or citizen shall be allowed to use abusive language, excessive noise, or in any way incite persons to use such tactics. The Chairman shall be the judge of such breaches, however, the Commission may vote to overrule both.
4. When a person engages in such breaches, the Chairman shall order the person's removal from the building, or may order the person to stand silent, or may, if necessary, order the person removed from the County property.

PUBLIC HEARING RULES OF PROCEDURE

1. PURPOSE
 - The purpose of a public hearing is to receive testimony from the public on certain resolutions, ordinances or amendments prior to taking action.
 - A hearing is not a dialogue or debate. Its express purpose is to receive additional facts, comments and opinion on subject items.
2. SPEAKERS
 - Speakers should approach the lectern so they may be visible and audible to the Commission.
 - Each speaker should clearly state his/her name and address.
 - All comments should be directed to the Commission.
 - All questions should be directed to the Chairman. Members of the Commission are not expected to respond to questions, and response to questions shall be made at the Chairman's discretion.
 - Speakers are encouraged to contact staff regarding unresolved concerns or to receive additional information.
 - Speakers with questions are encouraged to call County staff prior to the public hearing.
 - Speakers should be brief and avoid repetition of previously presented comments.
3. ACTION
 - At the conclusion of the public hearing on each item, the Chairman will close the public hearing.
 - The Commission will proceed with its deliberation and will act on or formally postpone action on such item prior to proceeding to other agenda items.
 - Further public comment after the public hearing has been closed generally will not be permitted.

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COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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Palmyra, VA 22963
(434) 591-1910
Fax (434) 591-1911
www.fluvannacounty.org

To: Fluvanna County Planning Commission Members

From: Douglas Miles, Community Development Director

Date: April 13, 2021

Subject: Community Development Director's Report

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 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 that has been 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 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 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 County complex; Fork Union Phase II sidewalks and streetlights and Columbia's Route 6 infrastructure needs.

STATUS DEFINITIONS*

Board - Case is pending Board Approval

Court Pending - Summons to be issued

Permit Pending - Applied for Permit to Abate Violation

Cleared - Violation Abated

Extended - Extension Given/Making Progress to Abate Violations

Rezoning - Property is in Rezoning Process

Court - Case is before Judge

Pending - Violation Notice Sent

SUP Pending - SUP Application made to Abate Violation

MISCELLANEOUS ACTIONS / TASKS

Biosolids Applied and Signs Displayed (Total – 131 Sites)

Compliance with Tenaska Virginia Sound Levels 03/17/2021

Signs Removed From Public Rights-Of-Way (Total – 24)

Placed and removed "Public Hearing Signs" as needed

Deliver packets to BOS, PC Members

Planning / Zoning site plan evaluations for form (MARCH 2021)

Planning / Zoning materials to VDOT Louisa Residency (MARCH 2021)

Three Trips



TRANSACTIONS BY USER REPORT (03/01/2021 TO 03/31/2021) FOR FLUVANNA COUNTY BUILDING AND PLANNING DEPARTMENT

Selected Users: Valencia Porter

Invoice #	Fee Name	Transaction Date	Transaction Type	Payment Method	Paid Amount
Valencia Porter					
MSC21:0054					
INV-00002611	Tax Map Book	03/02/2021	Fee Payment	Check #5571	\$40.00
MSC21:0065					
INV-00002649	Sign Permit	03/16/2021	Fee Payment	Check #7915	\$155.00
MSC21:0072					
INV-00002658	Sign Permit	03/22/2021	Fee Payment	Check #1010	\$155.00
SDP21:0002					
INV-00002604	Site Plan Review: Sketch Plan	03/02/2021	Fee Payment	Check #1125	\$150.00
SDP21:0003					
INV-00002608	Site Plan Review: Minor Plan	03/02/2021	Fee Payment	Check #3186	\$550.00
SDP21:0004					
INV-00002637	Site Plan Review: Minor Plan	03/11/2021	Fee Payment	Check #15446	\$150.00
SUB21:0008					
INV-00002593	Boundary Adjustment	03/01/2021	Fee Payment	Check #1247	\$100.00
SUB21:0009					
INV-00002594	Subdivision: Ordinance of Vacation	03/01/2021	Fee Payment	Check #1008	\$225.00
SUB21:0010					
INV-00002622	Subdivision: GIS Fee (per lot)	03/08/2021	Fee Payment	Check #30625932	\$100.00
	Subdivision: Minor	03/08/2021	Fee Payment	Check #30625896	\$500.00
SUB21:0011					
INV-00002623	Subdivision: Family	03/08/2021	Fee Payment	Check #23948	\$200.00
	Subdivision: GIS Fee (per lot)	03/08/2021	Fee Payment	Check #23948	\$100.00
SUB21:0012					
INV-00002650	Subdivision: GIS Fee (per lot)	03/16/2021	Fee Payment	Check #5123	\$100.00
	Subdivision: Minor	03/16/2021	Fee Payment	Check #5123	\$500.00
SUB21:0013					
INV-00002659	Subdivision: GIS Fee (per lot)	03/22/2021	Fee Payment	Check #6352	\$100.00
	Subdivision: Minor	03/22/2021	Fee Payment	Check #6352	\$500.00
SUB21:0014					
INV-00002697	Subdivision: GIS Fee (per lot)	03/31/2021	Fee Payment	Check #3194	\$250.00
	Subdivision: Minor	03/31/2021	Fee Payment	Check #3194	\$500.00
SUP21:0002					
INV-00002614	Sign Deposit for Public Hearing	03/03/2021	Fee Payment	Check #451	\$90.00
	Special Use Permit	03/03/2021	Fee Payment	Check #450	\$800.00
ZMP20:0003					
INV-00002380	Rezoning	03/01/2021	Refund	Check #00000	(\$90.00)

TRANSACTIONS BY USER REPORT (03/01/2021 TO 03/31/2021)

Invoice #	Fee Name	Transaction Date	Transaction Type	Payment Method	Paid Amount
VALENCIA PORTER				TOTAL CHECK:	\$5,265.00
				TOTAL REFUND:	(\$90.00)
				NET TOTAL:	\$5,175.00
GRAND TOTALS				TOTAL CHECK:	\$5,265.00
				TOTAL REFUND:	(\$90.00)
				NET TOTAL:	\$5,175.00

**FLUVANNA COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES**

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

**March 9, 2021
Work Session
6:00 pm (Virtual Meeting)**

MEMBERS PRESENT:

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

STAFF PRESENT:

Douglas Miles, Community Development Director
Jason Overstreet, Senior Planner
Fred Payne, County Attorney
Eric Dahl, County Administrator
Valencia Porter, Administrative Program Specialist

MEMBERS ABSENT:

Ed Zimmer

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:

No public comments were provided.

**C. 2040 Fluvanna County Comprehensive Plan Series – Douglas Miles:
Aging Demographics and the Built Environment – Presentation Summary**

- By 2030 – One in Every 5 Persons will be over the age of 65 Years old
- America, Virginia and Fluvanna County are all Aging at a Fast Rate
- More Persons will be Older than Age 65 than Under 18 Years Old

- Three Quarters of Older Persons Live in Rural Areas and the Suburbs in older, outdated farm Houses or large single-family, 2 story Homes
- Most do own their Home and they have lived there for over 25 years

- According to data compiled by Fluvanna Planning & GIS with 2015 estimates:
 - 19% of Fluvanna County and 22% of Lake Monticello residents are over 65
 - 37% of Fluvanna County households have at least one resident over Age 65

Transforming The Built Environment In Support Of Aging:

- Nursing Homes are no longer a viable housing option for Seniors in the COVID environment
- Multi-Generational Neighborhoods are needed like Village Oaks as a R-3, Residential Planned Community – which seeks to remove segregation of market rate and 55+ senior housing types
- Desire to “Age in Place” is driving builders to create single-story Homes to be more accessible
- Accessible kitchens and bathrooms constructed where Seniors and family members spend time

Fluvanna County Senior Housing - Available Housing Options:

Fluvanna County has very little accessible housing which is typical of rural, suburban localities and senior housing options are not built but the available zoning is in place and is ready to go:

Village Oaks, an R-3, Residential Planned Community, located opposite of the Lake Monticello planned development’s main gate. It has 60 senior housing units that could be expanded up to 120 senior housing units by converting the relatively small, commercial parcel to senior housing.

Colonial Circle, an R-3, Residential Planned Community, located at Route 53 and Lake Monticello Road, it has been zoned for 325 dwelling units that would include apartments, townhouses and new single-family homes that could be designed for Seniors and Age 55+ downsizing residents.

Nahor Village Subdivision, an Age 55+ senior housing community located on Route 53 and north of Jefferson Centre Shopping Center, and is nearing completion and it was zoned in 2005 with small assisted-living facility acreage and that could be utilized for additional one-story homes.

Transforming The Built Environment In Support Of Aging:

- Accessory Dwelling Units (ADUs) can provide family members additional, short-term living space
- Most age-restricted communities are Restricting since they are Far away from Senior services
- Older Seniors in our community and their Caregivers can find themselves in “Survival Mode” living on a Fixed income and may not be aware of available Senior care services in community
- Fluvanna County has a solid Senior care Volunteer network but those volunteers are all Aging
- Aging is inevitable but it is also very Personal and most residents want to maintain their Dignity

2040 COMPREHENSIVE PLAN – AGING WORK SESSION DISCUSSION:

Chair Bibb: stated that he knows that Habitat for Humanity has started working in Louisa County for people that need housing and for people that are aging. After talking to them, they are also interested in doing some similar programs and senior services here within Fluvanna County.

Mr. Lagomarsino: stated that the Planning Commission needs to look at land use policies in the 2040 Plan that support senior housing such as looking at services that people are going to need as far as medical facilities and transportation needs to those facilities. He asked will JAUNT be available to expand their service routes in the County to serve more senior citizens along with different providers for calls for service in emergencies. He further discussed the career versus

volunteer Fire and EMS crews dilemma that Fluvanna County needs to plan for as our residents age and require additional services and we have the personnel to fill those demanding needs.

Mr. Miles: stated that the 2040 Comprehensive Plan will illustrate that regional transit shuttles like JAUNT provides will connect you to central activity hubs in Charlottesville like UVA Medical Center and seek to make our seniors more aware of further connecting to Charlottesville Area Transit (CAT) and to be able to do more while in the city rather than just medical appointments.

Mr. Lagomarsino: stated that the proposed 120 senior apartment unit complex needs to be further refined to illustrate that fire apparatus will be able to respond to emergencies and be able to get their larger ladder trucks and engines to this senior apartment complex properly.

Mr. Miles: stated that the proposed Site Sketch is very conceptual and to mainly illustrate that 120 senior apartment units could work on this combined property located in Village Oaks along Lake Monticello Road. County Staff encouraged them to consider doing 120 senior apartments.

Mr. Johnson: stated that most seniors do not want to relocate and leave their home that they are living in for a senior apartment or an assisted-living facility. Simply because their home does not have accessible features like handicap access ramps, or lower countertops and better kitchen and bathroom fixtures to allow them to remain in their home. He stated that volunteer organizations install these things for seniors to stay in their home longer in Fluvanna County.

Mr. Miles: stated he provided information in the Work Session Packet about the ever increasing Building Code changes that make it easier for seniors and their family members and contractors to update existing homes to allow for seniors to “age in place” and not have to leave their home but some are not able to do so and the family members inherit the existing homes in the county.

Vice Chair Murray-Key: stated that Mr. Johnson is also addressing more housing affordability. As we are in a world now where our older generation is having to depend more on the younger generation for medical care. They have to help seniors to be lifted out of their wheel chair and as some may not have the health and strength to help one another. In my mind what I would be looking for is our seniors, any new comers, and the people that already reside her to be taken care of as well. I do not like the idea of exclusionary housing regardless of who we are talking about so that people are able to afford it. Life has been throwing a wrench that people are not used to as far as medical care costs. As a citizen of Fluvanna County I feel since we are a part of decision making process we need to look at affordability all the way around. We have to have real discussions when we talk about affordable housing, and yet we cannot be afraid to mix all people together. We still have to create an atmosphere where we can still allow options, more or less some people are looking for that atmosphere where you can walk everywhere you need to go. As every family, they want safety and security for all members of their extended family.

Chair Bibb: stated that back when I was starting out that people were focused on our needs and not our wants. People today want their wants and needs fulfilled and that is not always possible.

Mr. Johnson: asked what are the proposed monthly rental rates for these senior apartments? Roughly speaking, because some of our seniors only have about \$1000 per month for housing. I am concerned that seniors from Northern Virginia and out of state will move into them and then we will have senior housing issues in Fluvanna County for some of our long-term residents.

Mr. Miles: stated that this housing development group has performed their market analysis and they look to establish apartment rental rates that fit into the housing market that they construct the units in and they do not need to ask for tax credit financing as they pay for the construction.

Mr. Johnson: stated once some seniors pay their bills they have very little money left to spend and their housing costs should not take up a bulk of their social security payment each month.

Mr. Miles: stated this housing development group has been doing senior apartments across the state of Virginia for the past 30+ years. So, they have a very solid record with 18+ complexes that house mainly senior citizens with lower income residents who qualify to live in the units.

PLANNING & GIS STAFF WORK SESSION SUMMARY:

1. The Jefferson Area United Transportation (JAUNT) Shuttle Service will be important for senior citizens to be transported for medical, shopping and other social events in region.
2. The Thomas Jefferson Planning District Commission (TJ PDC) will continue to collaborate with Fluvanna County in the Zions Crossroads Area Plan to include senior citizen services such as a community center, medical services and for mixed-use, senior housing options.
3. The Jefferson Area Board for Aging (JABA) will continue to be a central processing agency for regional efforts such as funding sources to provide for and to expand senior citizen services.
4. The Fluvanna Meals on Wheels and other county-based Volunteer efforts, in conjunction with County churches and other important non-profits will continue to support our seniors.

Chair Bibb ended the Work Session at 6:58 pm.

REGULAR MEETING:

1. **CALL TO ORDER, THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE:**
At 7:00 pm, Chair Bibb called the March 9, 2021 Regular Meeting to order, followed by the Pledge of Allegiance and a moment of silence was conducted by him.
2. **DIRECTOR'S REPORT: Douglas Miles, Community Development Director**

February 11, 2021 – Technical Review Committee (TRC) Meeting

SUP 20:04 Cunningham Solar, LLC - A request for a Special Use Permit in the A-1, Agricultural, General District to construct a utility, major use (solar energy facility) on 62.4 +/- acres, Tax Map 18 Section A Parcel 44. The property is located on the east side of South Boston Road (SR 600) approximately 0.2 miles north of its intersection with Thomas Jefferson Parkway (Route 53). The subject parcel is within the Rivanna Community Planning Area and the Fork Union and Palmyra Election Districts.

This is a request by Sun Tribe Solar – Charlottesville to construct a five (5) megawatt (MW) photovoltaic (PV) solar energy facility directly adjacent to the Central Virginia Electric Cooperative (CVEC) Cunningham substation. Sun Tribe Solar will enter into a power purchase agreement with CVEC to produce energy to then be purchased and supplied to CVEC customers.

A Neighborhood Meeting was conducted virtually on Thursday, February 25th at 6:00 pm by the Sun Tribe Development Team, they presented the 5 MW solar energy facility request to the adjacent property owners online and answered site development questions relative to site access and screening.

Additional Neighborhood Meetings – February 25, 2021:

SUP 20:03 Peters-Colonial Circle Car Wash and Gas Station Requests

A Neighborhood Meeting was conducted virtually by Shimp Engineering on behalf of the developer for a proposed 4,500 square foot convenience store as a permitted land use in the R-3, Residential Planned Community (RPC) District. A Special Use Permit (SUP) is required for both a car wash and gas station in this district due to their higher commercial traffic patterns.

Specific questions were raised about pedestrian access from Effort Baptist Church using the new roundabout crosswalks and the extended sidewalks. Effort Baptist Church was in support of the Colonial Circle R-3, Residential Planned Community (RPC) request to construct a new retail foodmart with gasoline sales and automated car wash facility. Effort Baptist Church also has a JAUNT Shuttle stop and a Park and Ride location within the church's parking lot for commuters.

ZMP 21:01 and SUP 21:01 Christian & Associates Excavating

A Neighborhood Meeting was conducted virtually by Shimp Engineering on behalf of the business owner for a contractor's storage yard to be permitted on a 14 acre parcel by conditionally rezoning the site to B-1 with a Special Use Permit request for the land use.

The property was previously approved for a VDOT entrance and the site owner currently resides behind the property and he will locate his business on Lake Monticello Road and will be properly screened from view to keep the contractor's storage yard items screened from the public road.

February 11, 2021 Transportation Subcommittee (TS) Meeting:

Bethel Kefyalew, VDOT – Louisa Residency provided an update on VDOT intersection analysis of specific Route 15 and Route 53 intersections with additional road comments provided by Chief Abbott, LMOA and Major Wells from the Fluvanna County Sheriff's Office during this meeting.

Route 53: Ruritan Lake Road has site distance and banking issues due to the curvature of the intersection and has traffic delays during peak periods; Monish Road – LMOA Tufton Gate has experienced fifteen (15) crashes in two years due to this road being hidden and is sloped down into Route 53 causing the gate users to slide down into Route 53 during some icy winter periods.

Route 15: Union Mills Road has road grade issues and the lack of a right turn lane towards Lake Monticello with a majority of the lake traffic utilizing it; Troy Road has road grade issues with the

lack of a left turn lane towards Zion Crossroads and Route 250 towards Charlottesville and it was a 2018 VDOT Smart Scale project, however it was not funded but it scored on safety measures.

Community Development Director - February 22nd Professional Training:

The Impact of Masonry Products in Promoting Sustainable Communities APA Virginia webinar on the importance of brick homes and commercial buildings providing quality architectural building techniques and energy efficiencies; how new commercial village areas can be of quality design.

Zion Crossroads Corridor Plan - February 25th Stakeholders Meeting:

The Thomas Jefferson PDC Staff and VDOT Planning Manager provided a status update through Kittelson and Associates who has completed Phase II transportation planning analysis of the Route 15 & 250 intersections. A good portion of the meeting time was spent discussing the Louisa County intersections on US 15 around and also just north of the I-64 DDI interchange.

They are unsure at this time on how to solve the VDOT crossover traffic issues at the fast food restaurants and convenience store on US 15 prior to the I-64 interchange with the VDOT median and none of the existing side streets line up correctly within Louisa County causing traffic issues.

A follow-up meeting will be conducted with Fluvanna County staff and with the TJ PDC staff to specifically discuss our Route 250 Corridor intersections based upon the Phase II transportation planning analysis of these areas.

The meeting will provide for additional transportation planning to occur on 250 to take advantage of the recently awarded VDOT Smart scale funding at Troy Road and Route 250 across from Zion Station Industrial Park for the roundabout design with an estimated amount of \$9.4 million dollars.

3. **PUBLIC COMMENTS #1:**

At 7:08 pm, Chair Bibb opened up the first round of Public Comments. Chair Bibb asked that for anyone desiring to speak online to please state their name and property address for the record.

Linda Staiger: 2949 Ridge Road: She read into the Public Comments record her letter that she sent to the Fluvanna County Board of Supervisors dated March 11, 2021 that dealt with rural cluster subdivision applications and how they related to the upcoming 2020 US Census data.

Lois Fulks, 331 Oak Creek Road: Stated my house is adjacent to Mr. Miller's subdivision that would affect me. I am concerned that it was 15-18 homes and now is 20 homes. Also, I am concerned about the water, septic and drainage system, an untested system and it really concerns me that we are going to test this system in the middle of 20 new homes each with a well on .035 acres. We do not know whether the new septic system is going to work or not. So, I really implore this group to really consider to significantly decrease the density of these homes, the wells that are being drilled, and if we can restrict these homes to two acres in the A-1 zoning district. I would like to have Mr. Miller pipe public water in himself so that he can pay for that and that citizens and Fluvanna County Administration Staff at some point in the future does not have to pay for it. County citizens should not be taxed to accommodate Mr. Miller's plans for

this rural cluster subdivision. I would also like to suggest that Mr. Miller oversee and maintain his experimental septic and drainage system that was designed by him and approved by him for ten years into the future after 90% of these homes are sold rather than just the current five year requirement.

This is an experiment and I really wonder about the wet years that we have in addition to the dry years. Dry years will dry up our wells, wet years could prevent drainage which is into the soil, and he is hoping that it is going to work. I would like for him to assume the responsibility for at least ten years into the future so that this does not affect my land immediately and then contaminate my well and my soil. I would like for him to install a berm so that is parallel to my property so that the water can drain back to his property and not towards mine. In addition to his silt fence that I am supposing that he will have there I would also like to have the results of the perk test, which is the original perk test to see if that is why we are using this particular type of drainage and septic system that he has chosen. So, I feel like I am being pushed into a corner during this entire development process. If my well dries up, or if my water is contaminated or if my own land is contaminated or whatever may come to a situation that I cannot come and live in my own home, or to sell my home I am wondering do I even have an alternative but to then threaten to file a lawsuit, which I do not even believe in them nor do I like them. Thank You.

Susan Scofield, 111 Fairview Lane: Stated I live across the street from Mr. Miller's proposed development. I am going to echo what Lois has said, and I am very concerned that these wells are going to dry up there. I was under the impression that Mr. Miller would have to drill some test wells and was hoping that you could be updated on those test wells and what they found out or even where they are drilling or going to drill as I am very interested in knowing that. I do understand that there is a nonprofit land trust now that is purchasing the land across from me on Courthouse Road. I also understand that you have the power to limit this project and even further that so many of us who are still concerned about the wells and the homes that are being considered on the cliffs almost that is on that side of the development. These grades are very steep and I would like to ask if the members of the Planning Commission are actually going to go out and look at the land that Mr. Miller would like to build on. I really do hope that you use your power to limit to what Mr. Miller can do there.

Marty Foster, 783 Courthouse Road: Stated I am unhappy about the development of Ballinger Bluff as I was driving down Route 53 I also noticed that all the trees in this county are coming down. I do not know if the Planning Commission is the place to talk about this if not maybe the Board of Supervisors, but I agree with what the first speaker had spoke about. When Mr. Miller bought this land it is my understanding that he did not talk with all of the neighbors about this land. I guess there is a by right law that you can do whatever you want with this land, but that does not seem fair to me. I was hoping that someone could direct me on how we can stop these things in the future from happening.

Liz Palmer McKenzie, 1384 Courthouse Road: Stated I am going to echo the previous speakers, but I would also like to add that the concentration there is more so than the phase two project. If we do not have enough water for the neighbors that are here right now that concerns me that twenty homes are going to be going up when people are already having problems with water. As Lois stated that if we have dry spells then everything dries up or if we have any wet spells that if they consider that it is a terrible area to build. In September 2011, we had an earthquake that affected my house then they have the right to expect water and they have the right to expect

safety, and Ballinger Bluff cannot promise either of those things. I would just ask that you look at those facts, and put yourselves in our shoes and potentially in our new neighbor's shoes to think about whether or not you would want to be in a position to have your well dry up or not. Whether to find out that you have moved into a new house and that it is not safe to live there.

With no one else coming forward wishing to speak, Chair Bibb closed the Public Comments at 7:30 pm.

4. **MINUTES:**

MOTION:	Planning Commission Minutes of February 9, 2021				
MEMBER:	Bibb (Chair)	Murray-Key (Vice Chair)	Johnson	Zimmer	Lagomarsino
ACTION:		Second	Motion		
VOTE:	Yes	Yes	Yes	Absent	Yes
RESULT:	4-0 Approved as Presented				

5. **PUBLIC HEARINGS**

SUP 20:03 Steven L. Codie C. Peters – Douglas Miles, Community Development Director

The Neighborhood Convenience Retail Store proposal is a by-right use in the R-3 District and it would serve the Colonial Circle Planned Community and the surrounding County community.

A Special Use Permit for a Commercial Car Wash and Gas Station is requested which allows for gasoline and diesel fuel sales and the installation of electric vehicle charging stations, as well.

Douglas Miles, Community Development Director opened the floor for Kelsey Schlein, Planner from Shimp Engineering to provide additional information on the Special Use Permit request.

Chair Bibb opened the Public Hearing at 7:45 pm and asked that for anyone desiring to speak online or on the phone to please state their full name and property address for the record.

Jenny Lynn Walding, 11 Locks Court: One of the things I would like to highlight tonight is that everything that you have shown on those drawings does not show a school, which is literally on the opposite side of the roundabout. It is a full year round private school and there is already so much traffic backed up already in the morning. Starting from the gate of Lake Monticello going all around the roundabout, and now that we are also adding an apartment complex. Why do we need a new gas station that is so close to this roundabout all I see is a disaster? Also, I am fearful about pedestrian crossings, as I fear for the safety of our students and parents that are picking up and dropping off their kids. This school is a private school where there is no buses. It is all parent's cars that are coming, teachers, I have two students that attend Effort. When I spoke with Kelsey Schlein I asked her about market research if there is even a need to support another gas station and car wash when we have two that are four miles directly from this location in both directions. The Exxon Market is directly across from the Food Lion off Route 53 that is very unpopulated and there is barely anybody ever using that car wash bay at all. The other one is located by the Ace Hardware store and that is the BP Market. I had reached out to John Wilson regarding speed data to reference the amount of traffic, which I have not received any data

regarding that. To me that would highlight if that would be a safety issue regarding people speeding in roundabouts then going directly into a gas station. As a parent and a resident I am very concerned about this proposed use.

Jason Bird, Effort Baptist Church Administrator, 7820 Thomas Jefferson Parkway: Stated that they are in full support of this development. I do have one concern and that is with the Right In and Right Out (RIRO) on Route 53 and my concern is does this meet VDOT's standards. Down the street on Route 53 the RIRO at the bank entrance there are people that still try to make a left turn when it is designed not to allow for that turning movement. Even though they have put up bollards they are frequently run over by vehicles. I think there needs to be a better design solution that actually is going back as far as the crossover to move it back than so that people will not be turning right over top of the island, but to stop more traffic from turning right out throughout several places here in Virginia. RIROs do not work unless they are designed properly with long extensions on either end. That way it will keep drivers from doing what we do not want them to do. We applaud the gas station going in and we do think that it is a need for the community. With it being on the other side of the traffic circle that way it is away from Effort Baptist Church and there will be good street lighting and landscaping located in the roundabout.

With no one else coming forward to speak, Chair Bibb closed the Public Hearing at 7:51 pm.

Chair Bibb open the discussion by the Planning Commission members.

Vice Chair Murray-Key: Stated where the line is drawn through Condition 5. The developer was saying that it is already a part of their plans. Was that line drawn on purpose? ~~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.~~ I am just trying to pick up where they are asking that Condition 5 be excluded – I am not following why that has been done now.

Mr. Miles: Stated that the applicant did not agree with the condition stating that the site shall be maintained in a neat and orderly manner as they planned to do that through their quality site design techniques. Therefore, Planning Staff marked through Condition 5 in their presentation slides as a reminder to discuss this condition with the Planning Commission. We do believe that Condition 5 needs to remain in our standard Special Use Permit Conditions and has been a part of them for several years. In the future, the Colonial Circle Commercial Business Association may not maintain the property correctly and our Zoning Inspector may need to take action.

Chair Bibb: Stated that Condition 5 needs to remain as part of the Recommended Conditions.

Mr. Johnson: Stated that he agrees that Condition 5 needs to remain as a part of the conditions.

Chair Bibb: Stated that in 2015 this property was rezoned to B-1 so the retail convenience store would have been a permitted use with the gas sales and car wash under B-1. Then in 2019, it was rezoned to R-3, Residential Planned Community to permit their mixed-use development.

Vice Chair Murray-Key: Stated that Condition 5 should remain and not be opted out as a condition since we want projects to be neat and orderly throughout Fluvanna County. She asked will the proposed use be open 24 hours a day?

Mr. Miles: Stated that the underlying zoning does not restrict the commercial hours of site operation so it could be open 24 hours a day and we do not know the proposed store brand.

Vice Chair Murray-Key: Stated that when Mr. Bird was discussing the bollards are there other options? Or do we know what the other options would be in the terms of the turns for in and out of the area that people would not run over and not cause a crash at the site, I am curious.

Mr. Payne: Stated that is a site plan issue and the design of the entrance should be up to VDOT.

Vice Chair Murray-Key: Stated that yes that is what I wanted know to make sure it was clear.

Mr. Miles: Stated that John Wilson, VDOT had reviewed this case request during the Technical Review Committee (TRC) meeting and found that the proposed site entrances were all properly spaced correctly and that any further analysis would be performed during the Site Plan Review process as Mr. Payne stated for VDOT review prior to the final approval of these site entrances.

MOTION:	I move that the Planning Commission recommend Approval of SUP 20:03, a request to permit both car wash and gas station uses with respect to 60.9 +/- acres of Tax Map 8 Section A Parcel A14A subject to the six (6) conditions listed in the staff report.				
MEMBER:	Bibb (Chair)	Murray-Key (Vice Chair)	Johnson	Zimmer	Lagomarsino
ACTION:		Motion	Second		
VOTE:	Yes	Yes	Yes	Absent	Yes
RESULT:	Recommended Approval 4-0 with conditions				

ZMP 21:01 Christian & Associates Excavating – Douglas Miles, Community Development Director:

Chair Bibb: asked if the Planning Commission can review these ZMP and SUP cases together?

Mr. Payne: Stated that you should vote on them separately but you can conduct one hearing.

Christian Conditional Rezoning Proffers:

The Applicant has proffered out B-1 uses:

the higher B-1, General Business land uses include Automobile repair service; RV sales; Fast food restaurants; Neighborhood retail C-stores; Dance Halls; commercial kennels; adult entertainment establishments; and other similar land uses that are not suitable along this neighborhood commercial use corridor

Recommended Conditions:

- Site Development Plan Submittal for proposed use
- Site shall be screened from the view of the premises
- Site Lighting shall illuminate only this premises
- Site Noises shall be in compliance with Sheriff
- Site may be inspected by County and State Staff

- The Board of Supervisors may revoke the SUP if in violation of any of these conditions

Chairman Bibb opened the Public Hearing for ZMP 21:01 and SUP 21:01 at 8:11 pm. With no one coming forward wishing to speak, Chairman Bibb closed the Public Hearing on them at 8:12 pm.

Chair Bibb opened up the discussion by the Planning Commission:

Chair Bibb: stated that he does not see any real concerns, and I think that the applicant has done good job with screening and I think that if the applicant has any problems that they will take care of it on the premises.

Mr. Lagomarsino: Stated that he disagrees with this request. If you look at the Zoning Ordinance it allows it to be a B-1, but then requires for a Special Use Permit for a use that is actually listed as a by right industrial use. Than if you look at the Comprehensive Plan it calls for neighborhood commercial and residential in this area with supporting mix uses. The supporting mix use that is in the Comprehensive Plan as supporting retail uses that support the surrounding community. I do not agree with an Industrial use being located in a mixed-use commercial / residential area.

MOTION:	I move that the Planning Commission Deny Case ZMP 21:01, a request to amend the Fluvanna County Zoning Map for 14+/- acres of Tax Map 9 Section A Parcel 12A to rezone the same from A-1, Agricultural, General to B-1, Business, General and subject to the proffers dated February 1, 2021				
MEMBER:	Bibb (Chair)	Murray-Key (Vice Chair)	Johnson	Zimmer	Lagomarsino
ACTION:					Motion
VOTE:				Absent	Yes
RESULT:	The motion to Deny this request did not receive a Second				

Chair Bibb: asked for a second with no replies Chair Bibb asked for any other motions?

MOTION:	I move that the Planning Commission Approval of ZMP 21:01, a request to amend the Fluvanna County Zoning Map on 14+/- acres of Tax Map 9 Section A Parcel 12A to rezone the same from A-1, Agricultural, General to B-1, Business, General and subject to the proffers dated February 1, 2021				
MEMBER:	Bibb (Chair)	Murray-Key (Vice Chair)	Johnson	Zimmer	Lagomarsino
ACTION:		Second	Motion		
VOTE:	Yes	Yes	Yes	Absent	No
RESULT:	Recommended Approval 3-1 with conditions				

SUP 21:01 Christian & Associates Excavating – Douglas Miles, Community Development Director:

The proposed land use request is classified as a contractor’s storage yard and it is defined in the Zoning Ordinance as: Storage yards operated by, or on behalf of, a contractor for storage of large equipment, vehicles, or other materials commonly used in the individual contractor's type

of business; storage of materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as offices and repair facilities.

Recommended Conditions:

If approved, Staff recommends the following conditions:

1. Prior to development of the site, a site development plan that meets the requirements of the Fluvanna County Zoning Ordinance shall be submitted for administrative approval.
2. The site shall be screened from view in accordance with the requirements of Section 22-24-7 of the Fluvanna County Zoning Ordinance.
3. Any lighting shall not be directed toward the adjacent properties and it shall comply with Article 25 Outdoor Lighting Control of the Fluvanna County Zoning Ordinance.
4. Any noise shall comply with Chapter 15.1 of the Fluvanna County, Virginia Code.
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 owner has substantially breached the conditions of the Special Use Permit.

Mrs. Eager: Asked why are we removing the Recommended Condition 5?

Chair Bibb: Stated that it is still in the Recommended Conditions of this case.

MOTION:	I move that the Planning Commission recommend Approval of SUP 21:01, a request to construct a contractor’s storage yard on Tax Map 9 Section A Parcel 12A subject to the seven (7) conditions in the staff report.				
MEMBER:	Bibb (Chair)	Murray-Key (Vice Chair)	Johnson	Zimmer	Lagomarsino
ACTION:		Motion	Second		
VOTE:	Yes	Yes	Yes	Absent	No
RESULT:	Recommended Approval 3-1 with conditions				

SUP 20:04 Cunningham Solar, LLC – Douglas Miles, Community Development Director

Cunningham Solar – Comprehensive Plan Goals

Rivanna Community Planning Area is for designated growth in the 2015 Comp Plan

- Green Infrastructure and Energy Efficiency where clean energy helps support planning

- Preservation of the wetlands on the rear portion of this property; wildlife corridors integrated to lessen the environmental site impacts and the preservation of farmland

Recommended SUP Conditions

- Special Use Permit for a 5 MW Major Utility use
- No pile driving and site deliveries on Sundays
- Construction Traffic Management Plan condition
- On Site Parking and Staging Plan condition
- Construction Mitigation Plan for dust and smoke
- Fifty (50) foot Setback from public right-of-ways
- Twenty-Five (25) foot Buffer for site screening
- Fire Chief Notification and public safety training
- Decommissioning Plan for solar energy removal

Bobby Jocz, Sun Tribe Solar, provided his presentation.

Chairman Bibb opened the Public Hearing at 8:35 pm.

Julie Bryant, 120 South Boston Road: Stated that this project adjoins my property. I understand that the setbacks did not align with the documents from what was shared with me regarding the minimum setbacks. So the rear yard being 75 feet and the side yard being 50 feet, again this is adjoining my property so I just want to be clear that I am understanding those are the setbacks?

Bobby Jocz: Stated that although the Condition stipulate 50 feet, as I mentioned in many places including adjacent to your property it will be much greater than 50 feet up to 75 feet from you.

Julie Bryant: Stated that she understands that the graphic has where there are lines and x marks that they will have matured as they have today, as you know when you had walked it with us. I am saying I do not want to see it out my back door and proposed site it will be screened there.

Bobby Jocz: stated we have properly screened the proposed site to obscure the solar panels.

Mr. Miles: Stated that yes, it is in Condition 7, and that is what they are proposing to do there.

With no one coming forward wishing to speak, Chair Bibb closed the Public Hearing at 8:45 pm.

MOTION:	I move that the Planning Commission recommend Approval of SUP 20:04, a Special Use Permit request to allow for a major utility / solar energy facility on 62.4 +/- acres known as Tax Map 18 Section A Parcel 44 and subject to the nine (9) recommended conditions within the Staff Report.				
MEMBER:	Bibb (Chair)	Murray-Key (Vice Chair)	Johnson	Zimmer	Lagomarsino
ACTION:		Motion			Second
VOTE:	Yes	Yes	Yes	Absent	Yes
RESULT:	Recommended Approval 4-0 with conditions				

6. **PRESENTATIONS:**

None

7. **SITE DEVELOPMENT PLANS:**

None

8. **SUBDIVISIONS - Unfinished Business:**

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

Chair Bibb: Stated that this request had been deferred for sixty (60) days and it has been brought back onto the Planning Commission Agenda for the Applicant to provide an update. He indicated that he understood that the test wells had not been completed and the applicant would be forwarding the reports at a later date and that is not what was previously discussed.

Mr. Miles: Chair Bibb please be advised that Timothy Miller, applicant did e-mail to me today at 4:21 pm some updated information relative to the test wells that I forwarded onto County Staff and the Planning Commissioners but you may not have been able to read it prior to the meeting.

Mr. Miles: proceeded to read this e-mail message: *Douglas, I just spoke with Kenny Sites. He is onsite at this time drilling Well #2. The well reports not be ready until later this week. He stated the following: Well #1 has been completed and has a capacity of 30 gpm. Well #2 currently has a capacity of 3 gpm, but it will likely increase by the time he has completed the drilling. I will forward the reports when I receive them, but wanted to give the results prior to the meeting this evening. Thanks, Timothy Miller, P.E., L.S. Principal – Meridian Planning Group*

Vice Chair Murray-Key: Stated that she would further like to add to that, I know that we had some weather that prevented us from viewing the property area. When are we going to have that opportunity again? So to me to be fair to the property owner as well as the homeowners whom may be impacted by this decision I think that that is still an important part that Mr. Miller offered for us to do, and for us to have a dual poll that we could sign up for. I would like to echo what you said Mr. Chairman Bibb because those are my concerns. When we had our last meeting Mr. Miller was going to do these things and we do not have any information, so it is not on us that he has not completed that process.

Chair Bibb: Stated Mr. Miles could we arrange for a site visit to the subject property again?

Mr. Miles: Yes, we can. Actually the site visits that we were going to do it was too muddy at the time because we had snow melt and different rain events. We would also need to gain approval from him to access his property when we visit the site prior to your next Commission meeting.

Chair Bibb: Stated that he does not think that we have enough information to go forward with either one of these projects, and I think that the applicant has failed to give us this information.

John Gilbody, Attorney for Quigley Properties LLC: Stated that he would like to give clarity on two matters for this Commission: SUB20:33 and SUP20:02, and I want to state that there are separate matters and I want to make sure that I am clear that we understand what is being

deferred by you guys and what the Commission does, and the basis of such deferral as it is not fair to us.

Chair Bibb: Stated were you there at our previous meeting back on January 12th?

Mr. Gilbody: Stated that he was not Mr. Chairman but I did have the opportunity to review that meeting on YouTube, and I thought that it was unclear because the SUB and the SUP cases were being considered in tandem and it was not clear to me what the specific criteria for an SUB to be considered was, and that is why I am asking this evening for more clarity on these two requests.

Chair Bibb: Stated that both of them are about the water, it has to be proven to us that water is available for the central sewer system and for the properties and the effect that it could have on the adjoining properties. That is what we discussed with Mr. Miller and that was the reason for the deferrals, and he had agreed to do this and provide us the test well information. He has not provided any of the information that we requested at this point.

Mr. Gilbody: Asked under what authority can the Planning Commission ask for potable water?

Mr. Payne: Stated that the answer to your question is that they can request whatever they want, and the Commission has the right and the obligation to review the application of these ordinances. The County Ordinances have numerous provisions and I can recite them to you if you want to hear them, concerning the availability of water impacting the development on the property and other properties around it certainly under a special use permit.

Mr. Payne: Stated to Chair Bibb in my judgement the Commission has identified the issue rather clearly and that you have the right to defer it, you have the right to approve it, and you have the right to deny it. As long as you are in the one hundred (100) day window review period and you have the right to continue to examine the facts of these requests.

Chair Bibb: Stated that we have the authority to approve, deny, or defer these projects, and it was our understanding that Mr. Miller was going to give us the information, which he has not provided any updated information on the water situation which is required for both items. As I said earlier I do not see how we can go forward because he has not provided us with any further information which is actually what we have asked for and was the reason for our case deferrals.

Mr. Gilbody: Stated Mr. Chairman I am not questioning the Planning Commission's authority all I was asking for was the Code section in which it has put its authority in to make a decision based on whether or not to approve or disapprove the subdivision plat. I was asking where in the code does it give the Planning Commission authority to base that decision in part on the water. I was looking for a reference and sorry I did not catch the name of the gentlemen who spoke earlier.

Mr. Payne: Stated that I am the County Attorney, Fred Payne. The number of sections in the ordinances, I will be glad to supply them to you if you would call me at my office tomorrow.

Vice Chair Murray-Key: stated that we do have the opportunity to defer it until April for thirty (30) days, so there are still about ten (10) days left. What would happen with the balance of those ten (10) days, if they did not provide anything by our April meeting?

Mr. Payne: Stated that it would be deemed to be Recommended to the Board of Supervisors for approval. In other words if you want to have any input in this you have to make a decision prior to the expiration of that one hundred (100) day Planning Commission review period.

Chair Bibb: Stated basically at our April meeting we are going to approve or deny them.

Mr. Payne: Stated either that or hold a special meeting.

Chair Bibb: Asked for a motion for SUB 20:33 Ballinger Bluffs Sketch Plan Request.

MOTION:	I move that the Planning Commission defer 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 to the April 13th Planning Commission meeting.				
MEMBER:	Bibb (Chair)	Murray-Key (Vice Chair)	Johnson	Zimmer	Lagomarsino
ACTION:		Motion	Second		
VOTE:	Yes	Yes	Yes	Absent	Yes
RESULT:	Deferred by the Planning Commission 4-0 to April 13, 2021				

9. UNFINISHED BUSINESS:

SUP 20:02 Quigley Properties LLC – Douglas Miles, Community Development Director

Chair Bibb: Asked for a motion for SUP 20:02 Quigley Properties, LLC Central sewer system.

MOTION:	I move that the Planning Commission defer SUP 20:02 Quigley Properties, LLC a request for special use permit to allow for a central sewer system / major utilities use with respect to 48.4 +/- acres of Tax Map 31 Section A Parcel 41 and Tax Map 31 Section 1 Parcel A to the April 13th Planning Commission meeting.				
MEMBER:	Bibb (Chair)	Murray-Key (Vice Chair)	Johnson	Zimmer	Lagomarsino
ACTION:		Motion			Second
VOTE:	Yes	Yes	Yes	Absent	Yes
RESULT:	Deferred by the Planning Commission 4-0 to April 13, 2021				

10. NEW BUSINESS:

None

11. PUBLIC COMMENTS #2:

At 8:57 pm, Chair Bibb opened the second round of Public Comments. With no one coming forward online, or on the phone line wishing to speak, Chair Bibb closed the Public Comments at 8:57 pm.

12. ADJOURNMENT:

Chair Bibb adjourned the Planning Commission meeting of March 9, 2021 at 8:58 pm.

Minutes recorded by Valencia Porter, Administrative Program Specialist.

Barry A. Bibb, Chair
Fluvanna County Planning Commission

DRAFT



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PLANNING COMMISSION STAFF REPORT

To: Fluvanna County Planning Commission
Request: SUP for Agricultural Enterprise

From: Douglas Miles, AICP, CZA
District: Cunningham Election District

General Information:

This Special Use Permit (SUP) request is to be heard by the Planning Commission on Tuesday, April 13, 2021 at 7:00 pm at the Fluvanna County Library Meeting Room.

Applicants:

Amy and Joshua Bower

Requested Action:

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.

Existing Zoning:

A-1, General Agricultural Zoning District

Existing Land Use:

Thistle Gate Winery, tasting room, and single-family dwelling

Planning Area:

Scottsville Community Planning Area

Comprehensive Plan:

The 2015 Fluvanna County Comprehensive Plan has this property within the Scottsville Community Planning Area that calls for Rural Preservation that includes: working farms and open space areas with low-density residential development. The Thistle Gate Winery and Tasting Room, established in 2007, has been operating as a working farm winery for fourteen (14) years along with a single-family dwelling and an accessory dwelling use.

These existing land uses are matching the comprehensive plan goals and objectives nicely and the proposed winery enhancements would remain in compliance with the Scottsville Community Planning Area's goals by continuing to expand the working farm winery by adding more areas through viticulture for the production of grapes into wine on the farm. The applicants plan to reside on the premises within the single-family home and intend to offer up their accessory dwelling for weekend stays at their winery for tourism purposes.

Planning Analysis:

This land use request is an 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 in the Zoning Ordinance. Related uses include wineries and other similar facilities that produce alcoholic beverages such as craft brewing and distilling that could be added to their tasting room.

The applicants plan to continue the sale of table, fortified and sparkling wines and they may look to expand their tasting room products by brewing and serving beer and distilling spirits through the ABC licensing process. Indoor events would be limited to the maximum building occupancy of approximately forty-nine (49) persons. Limited food would be served from the tasting room with light fare typically served at a winery and the tasting room may be rented for private events.

The applicants have consulted with the Virginia Department of Health (VDH) in Charlottesville and the Office of Drinking Water (ODW) in Lexington and the state requirements for both food service and drinking water has been explained to them on operating the tasting room facility for compliance purposes. The ABC state licensing requirements are also a part of the tasting room that the applicants will follow when operating it on the premises for state compliance purposes.

The land use request of Outdoor Gatherings – Any temporary, organized gathering expected to attract 200 or more persons at one time in open spaces outside an enclosed structure such as entertainment, food and music festivals would not be permitted on the premises. This land use would require a separate Special Use Permit (SUP) with specific case conditions for this request.

The applicants have indicated that most of the outdoor events associated with the winery would be located near the tasting room in the southwest corner at the Route 6 site entrance area. These outdoor events would be limited to less than 150 persons due to the toilet facility and parking space limitations. Outside food vendors may be at some outdoor events and outside caterers may be at some wedding receptions serving food along with the Thistle Gate wines and other spirits. The proposed 5K runs around the perimeter of the winery and the local philanthropic fundraising events are planned so that the winery owners can give back to the Fluvanna County community.

Special Use Permits:

When evaluating proposed uses for a special use permit, in addition to analyzing the potential adverse impacts of the use, staff utilizes two (2) general guidelines for evaluation as set forth in the zoning ordinance. First, the proposed use should not tend to change the character and established pattern of the area or community. The transfer of property ownership of the Thistle Gate Winery and the increased outdoor events associated with the winery should not change or alter the character of the area or surrounding community. The applicants want to continue to enhance the surrounding community by offering up new products and related services through the local tourism industry that this Fluvanna County-based winery currently offers on Route 6.

Second, the proposed use should be compatible with the uses permitted by right in that zoning district and shall not adversely affect the use of or the value of neighboring property. The winery land use currently on the premises would continue to enhance the serene, rural lifestyle along the

Hardware River that borders the property on the east and south side with the remainder of this site containing a heavily wooded buffer along the north and west sides of this existing property. The recommended case conditions would seek to ensure that the proposed outdoor events would remain in compliance with all State and/or County requirements as they relate to health, safety, noise and traffic purposes while continuing to offer up a pleasant, profitable winery experience.

The Planning Commission members should consider any potential adverse impacts, such as the increased traffic along Route 6 during the planned outdoor events on the premises, and the need for responsible winery patrons to avoid driving when inebriated at the end of the planned events. The designated driver program implemented through the winery management and staff will be an important aspect to conducting successful, on site outdoor wedding receptions and winery events.

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 recommended 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.

Suggested Motion:

I move that the Planning Commission recommends 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.

Attachments:

Application and Site Map
Aerial Vicinity Map



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA

Application for Special Use Permit (SUP)

Owner of Record: George & Leslie Cushnie

Applicant of Record: Amy and Joshua Bower

Address: 5199 W River Rd Scottsville VA 24590

Address: 27 Zephyr Rd Palmyra VA 22963

Phone: 434 286 7781 Fax:

Phone: 434 989 2788 Fax:

Email: bowerjc00@gmail.com

Representative:

Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.

Address:

Phone: Fax:

Email:

RECEIVED
MAR 01 2021
Fluvanna County
Planning Dept

If property is in an Agricultural Forestal District, or Conservation Easement, please list information here:

Tax Map and Parcel(s) 48 1 3

Acreage 42.85 Zoning A-1

Deed Book and Page: DB 685-363

Location of Parcel: Rt 6 - 5199 W River Rd Scottsville

If any Deed Restrictions, please attach a copy

Request for an SUP for the purpose of: Establishment of the function and use of the Thistle Gate Winery

*Ten copies of a sketch plan (8.5x11inches or 11x17inches) must be submitted, showing size and location of the lot, dimensions and location of the proposed building, structure or proposed use, and the dimensions and location of the existing structures on the lot.

By signing this application, the undersigned owner/applicant authorizes entry onto the property by County Employees, the Planning Commission, and the board of Supervisors during the normal discharge of their duties in regard to this request and acknowledges that county employees will make regular inspections of the site.

Date: Signature of Owner/Applicant:

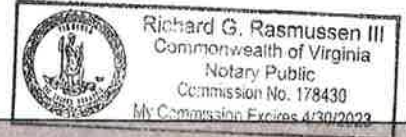
Amy J Bower *John C...*

Subscribed and sworn to before me this 15th day of March, 2021

Notary Public: *[Signature]* Register # 178430

My commission expires: 4-30-23

Certification: Date: 3/1/21



Office Use Only

Date Received: 3/3/2021 Pre-Application Meeting: PH Sign Deposit Received: 3/3/21 Application #: SUP 21 : 02

\$800.00 fee plus mailing costs paid: Mailing Costs: \$20.00 Adjacent Property Owner(APO) after 1st 15, Certified Mail

Amendment of Condition: \$400.00 fee plus mailing costs paid:

Telecommunications Tower fee plus mailing costs paid: Telecom Consultant Review fee paid:

Election District: Cunningham Planning Area: Rural Residential

Public Hearings

Planning Commission

Board of Supervisors

Advertisement Dates:

Advertisement Dates:

APO Notification:

APO Notification:

Date of Hearing:

Date of Hearing

Decision:

Decision:



Commonwealth of Virginia
County of Fluvanna
Public Hearing Sign Deposit

Name: Amy & Joshua Bower
Address: 5199 W River Road (sign location)
City: Scottsville
State: Virginia Zip Code: 24590

I hereby certify that the sign issued to me is my responsibility while in my possession. Incidents which cause damage, theft, or destruction of these signs will cause a partial or full forfeiture of this deposit.

[Handwritten Signature] 2/28/21
Applicant Signature Date

*Number of signs depends on number of roadways property adjoins.

OFFICE USE ONLY

Application #: BZA : CPA : SUP 21 : 02 ZMP : ZTA :

\$90 deposit paid per sign*:
Check # 451 \$90.00

Approximate date to be returned:

Describe briefly the **improvements** proposed. State whether new buildings are to be constructed, existing buildings are to be used, or additions made to existing buildings.

No improvements planned at this time

NECESSITY OF USE: Describe the reason for the requested change.

See attached

PROTECTION OF ADJOINING PROPERTY: Describe the effects of the proposed use on adjacent property and the surrounding neighborhood. What protection will be offered adjoining property owners?

The closest adjacent residence is approximately 653' from the tasting room. This residence is buffered by a wooded area and Route 6. The next closest is over 1300'.

ENHANCEMENT OF COUNTY: Why does the applicant believe that this requested change would be advantageous to the County of Fluvanna? (Please substantiate with facts.)

Thistle Gate Vineyard (TGV) is Fluvanna Counties oldest winery and has been in operation since 2007. TGV drives tourism to Fluvanna County and encourages County residence to spend their money locally. The additional events planned will only enhance the current Winery offerings increasing the Fluvanna County wine trail profile.

PLAN: Furnish plot plan showing boundaries and dimensions of property, width of abutting right-of-ways, location and size of buildings on the site, roadways, walks, off-street parking and loading space, landscaping, etc. Architect's sketches showing elevations of proposed buildings and complete plans are desirable and may be required with the application.
Remarks:

See attached.

Commonwealth of Virginia
County of Fluvanna
Special Use Permit Checklist

The following information shall be submitted with the application and is to be provided by the applicant for the processing of the application:

Applicant must supply	Staff Checklist
Completed Special Use Permit signed by the current owner(s) or lessee or written confirmation from the current owner or lessee granting the right to submit the application	
Ten (10) copies of a Site Plan for any expansion or new construction Include: <ul style="list-style-type: none"> • Plot plan or survey plat at an appropriate scale • Location and dimension of existing conditions and proposed development • <i>Commercial and Industrial Development</i>: parking, loading, signs, lighting, buffers and screening • Copy of the Tax Map showing the site (preferred) • General Location Map (preferred) 	
Supporting photographs are not required, but suggested for evidence	

All maps and plans submitted are to be either 8.5"x 11" or 11"x 17". One original of any size may be for staff use at the public hearing.

Staff Only	Staff Checklist
Preliminary review by planning staff for completeness and content: <ul style="list-style-type: none"> • Technical Review Committee review and comment • Determine all adjacent property owners • Placed as a Public Hearing on the next available agenda of the Planning Commission. 	
Notification of the scheduled Public Hearing to the following: <ul style="list-style-type: none"> • Applicant • All adjacent property owners • Local Newspaper advertisement 	
Staff Report to include, but not be limited to: <ul style="list-style-type: none"> • General information regarding the application • Any information concerning utilities or transportation • Consistency with good planning practices • Consistency with the comprehensive plan • Consistency with adjacent land use • Any detriments to the health, safety and welfare of the community. 	

The Special Use Permit application fee is made payable to the **County of Fluvanna**.

Meetings for the processing of the application

Applications must be submitted by the first working day of the month to have the process start that month. Applications received after the first working day will have the process start the following month.

Process:

1. Placed on next available Technical Review Committee Agenda.
2. Placed as a Public Hearing on the next available agenda of the Planning Commission the following month. Staff Report and Planning Commission recommendation forwarded to the Board.
3. Placed as a Public Hearing on the next available agenda of the Board of Supervisors (usually the same month as the Planning Commission).

Applicant or a representative must appear at the scheduled hearings.

The Technical Review Committee provides a professional critique of the application and plans. The Planning Commission may recommend to the Board of Supervisors: approval; approval subject to resubmittal or correction; or denial of the special use permit.

Board Actions

After considering all relevant information from the applicant and the public, the Board will deliberate on points addressed in the Staff Report.

The Board may approve; deny; or defer the request pending further consideration; or remand the case back to the Planning Commission for further consideration.

With **approval**, the development may proceed.

If **denied**, an appeal to the Courts may be prescribed by law

No similar request for a Special Use Permit for the same use at the same site may be made within one year after the denial.

February 28, 2021

Douglas Miles, AICP, CZA
Community Development Director
Fluvanna Planning & Community Development
Post Office Box 540 / 132 Main Street
Palmyra, Virginia, USA 22963

RECEIVED

MAR 01 2021

**Fluvanna County
Planning Dept**

Re: Thistle Gate Vineyards Special Use Permit

Dear Douglas:

This letter is to serve as a narrative for the activities at the Winery for the Necessity of Use portion of the Special Use Permit (SUP) application. Amy and Joshua Bower are submitting this SUP application as a contract purchaser. Thistle Gate Winery was established in 2007 and has been operating as a Farm Winery for over 13 years. This is a permitted use by the Code of Virginia 15.2-2288.3

Thistle Gate Vineyards (TGV) would continue as an Agricultural Enterprise with viticulture (cultivation and harvesting of grapes) for the production of grapes into wine. The vineyard is approximately 4.5 acres and may grow over time to 7 acres adding 3-4 new grapes to the vineyard.

The tasting room (located on the Southwest corner of the property near Route 6) would continue to have serve wine in bottles, per the glass and in tasting samples as licensed by ABC. The tasting room would be open daily and continue to have special and holiday events inside the building. The tasting room would be typically open from 10:00am – 11:00pm daily with special events that may start as early as 7:00am. Indoor events would be limited to the maximum building occupancy which is approximately 49 persons. Indoor music would be limited to tasting room hours. Limited food would be served from the tasting room with light fare typically served at a winery. The tasting room may be rented for private events within the same occupancy and timeframe rules as above.

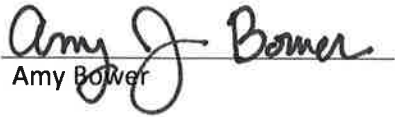
In addition to the current sale of wine (table, fortified and sparkling) TGV may will seek to expand with brewing and serving beer (ABC licensed) and distilling and serving alcohol (ABC licensed).

Most Outdoor events would be located near the in the Southwest corner of the property near the Route 6 entrance. Events may include the following: (1.) Winery related events and festivals with outdoor music. Event times would be approximately 10:00am – 11:00pm. Outdoor events would be limited to less than 150 persons due to toilet facility and parking limitations. Outside Food vendors may be a some events. (2.) Weddings/Receptions with outdoor music. Event times would be approximately 10:00am – 11:00pm. Outdoor events would be limited to less than 150 persons due to toilet facility and parking limitations. Outside Caterers may be a some weddings/receptions. (3.) 5k runs (all within the property) would typically occur in the mornings, start around 7:00am, and occur on the weekends. Outdoor music may be onsite during these events. Outdoor events would be limited to less than 150 persons due to toilet facility and parking limitations. (4.) The facility may be utilized for local philanthropic events within the same constraints as above. 7:00am – 11:00pm, limit of 150 persons and may include live music.

The onsite cottage (adjacent to the main house in the center of the property) will become an overnight rental. This cottage may be listed on sites such as Air BNB or Expedia.

We thank you for your time.

Sincerely,


Amy Bower


Joshua Bower

PURCHASE AND SALE AGREEMENT

This Purchase and Sale Agreement (“**Agreement**”) is entered into as of February, 2021 (the “**Effective Date**”), by and between **GEORGE C. CUSHNIE, JR.** and **LESLIE P. CUSHNIE** (together, “**Cushnie**”) and **THISTLE GATE VINEYARD, LLC**, a Virginia limited liability company (the “**LLC**” and, together with Cushnie, “**Seller**”), and **JOSHUA C. BOWER and AMY J. BOWER** (together, “**Buyer**”), and their successors or assigns.

RECITALS

R-1. Seller is the owner and operator of a vineyard and winery and related amenities located in Fluvanna County, Virginia, known as Thistle Gate Vineyard (the “**Business**”).

R-2. Cushnie is the owner of the real property and all improvements thereon and appurtenances thereto known as Fluvanna County TMP 48-1-3 containing 42.85 acres, more or less (the “**Real Property**” and the “**Improvements**”).

R-3. Buyer desires to purchase the Business and the Real Property, and Seller has agreed to sell the same, subject to and on the terms set forth in the Agreement.

AGREEMENT

Now, therefore, for and in consideration of the mutual covenants and agreements contained in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are acknowledged, Seller and Buyer agree as follows:

1. **Recitals; Effective Date.** The foregoing recitals and preamble and the exhibits referenced in this Agreement are incorporated into this Agreement as if set forth in full herein. The “**Effective Date**” of this Agreement is the later of the date it is signed by the Buyer or the Seller, as indicated below their signatures.

2. **Sale and Purchase of the Property.**

a. Seller will sell, transfer and convey to Buyer, and Buyer will purchase and accept from Seller, for the Purchase Price (as defined in Section 3) and subject to the terms and conditions set forth in this Agreement, the following (collectively, the “**Property**”):

i. The Real Property;

ii. all Intellectual Property related in any way to the Business, goodwill associated therewith, licenses and sublicenses granted and obtained with respect thereto, and rights thereunder, remedies against infringements thereof, and rights to protection of interests therein under the laws of all jurisdictions;

iii. the name “Thistle Gate Vineyard” and any other trade names used in connection with the Business;

Pages 2-35 are redacted.

[COUNTERPART SIGNATURE PAGE TO CONFIDENTIALITY, NON-COMPETITION
AND NON-SOLICITATION AGREEMENT.]

Owner:

(SEAL)

Cushnie:



George C. Cushnie, Jr. (SEAL)

Date: 2/16/21

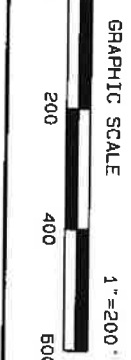
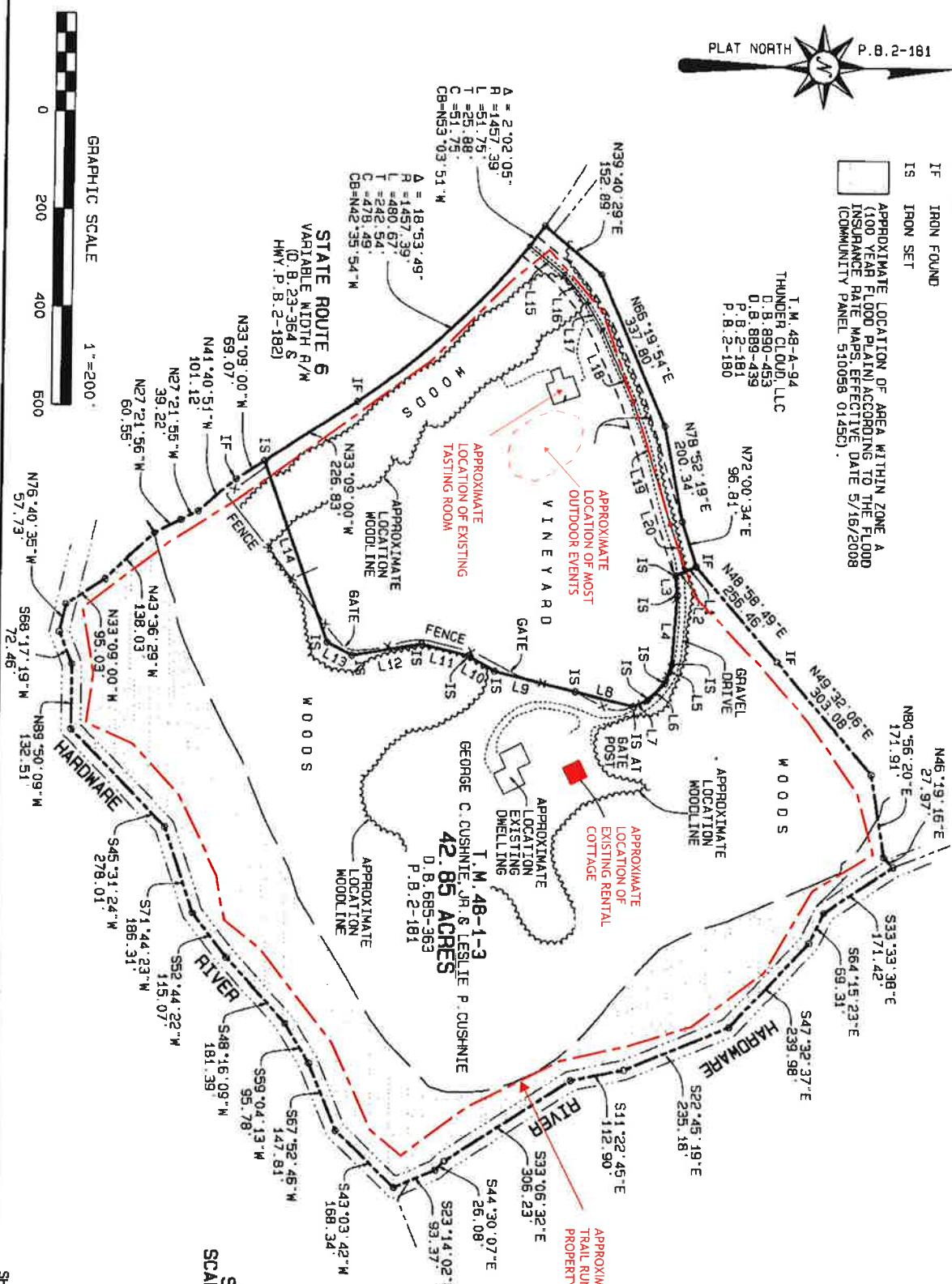


Leslie P. Cushnie (SEAL)

Date: 2/16/21



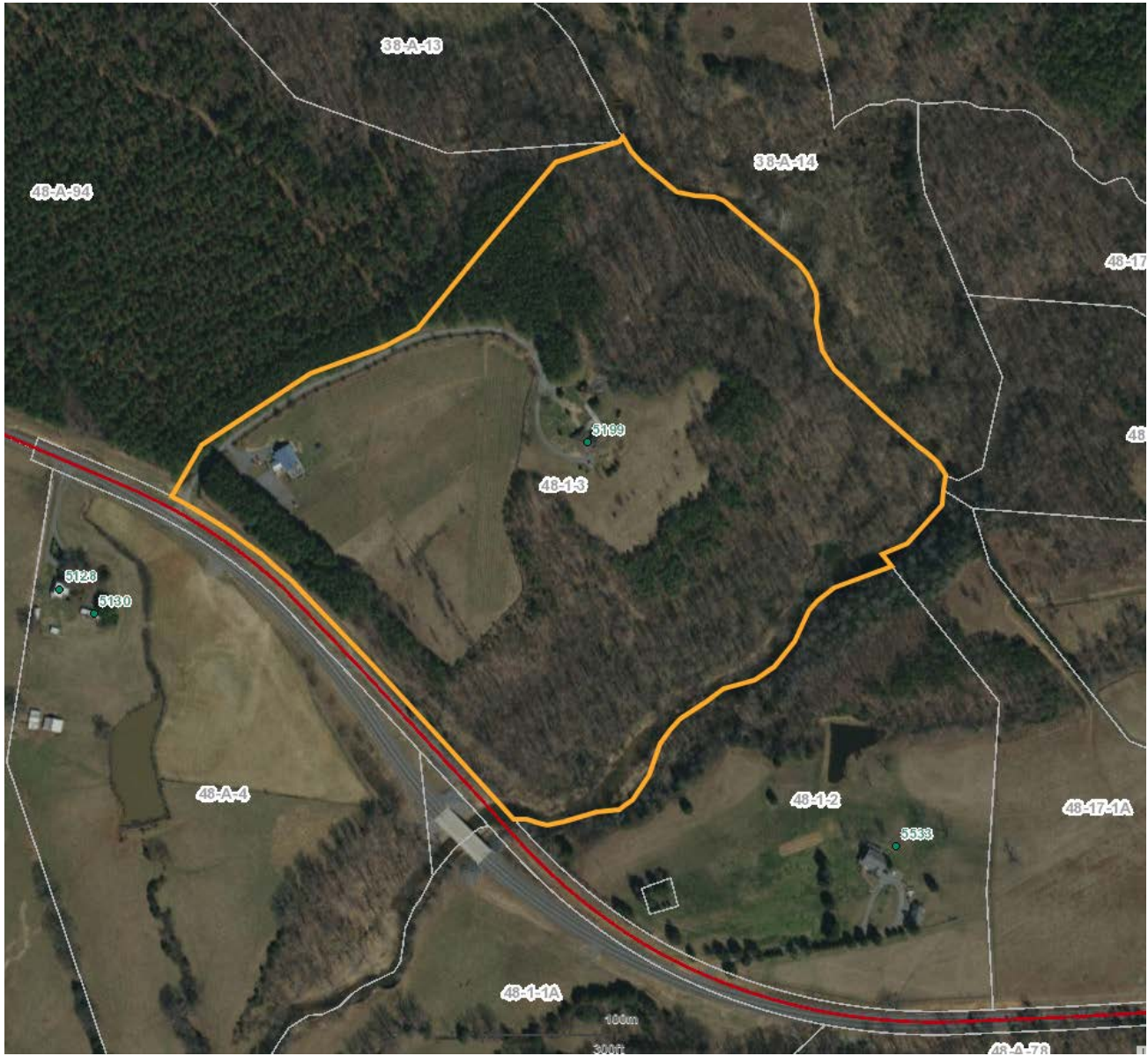
LEGEND:
 IF IRON FOUND
 IS IRON SET
 APPROXIMATE LOCATION OF AREA WITHIN ZONE A (100 YEAR FLOOD PLAIN) ACCORDING TO THE FLOOD INSURANCE RATE MAPS, EFFECTIVE DATE 5/16/2008 (COMMUNITY PANEL 510056 01455).



SKETCH PLAN
 SCALE: 1" = 200'

LINE	BEARING	DISTANCE
L1	S23°44'20"E	25.13
L2	S23°44'20"E	21.19
L3	N83°44'02"E	40.11
L4	S85°53'39"E	143.59
L5	S69°04'49"E	40.36
L6	S43°47'43"E	49.01
L7	S25°57'29"E	32.44
L8	S13°27'22"W	125.23
L9	S13°15'02"W	169.96
L10	S30°18'44"W	61.99
L11	S13°32'50"W	99.14
L12	S09°52'11"E	148.17
L13	S27°26'26"W	58.02
L14	S70°11'27"W	393.26

APPROXIMATE PATH OF SK
 TRAIL RUNS (ALL WITHIN
 PROPERTY BOUNDARY)





COUNTY OF FLUVANNA

“Responsive & Responsible Government”

132 Main Street
P.O. Box 540
Palmyra, VA 22963
(434) 591-1910
Fax (434) 591-1911
www.fluvannacounty.org

MEMORANDUM

To: Fluvanna County Planning Commission Members

From: Douglas Miles, Community Development Director

Date: April 13, 2021

Subject: **2020 General Assembly – BZA Legislative Revisions**

Please find the attached BZA 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 to 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 for the BZA.

RESOLUTION

Be it resolved by the Fluvanna County Planning Commission, pursuant to Fluvanna County Code Sec. 22-20-1(c), that the Commission intends to propose the following amendment to the Fluvanna County Code:

AN ORDINANCE TO AMEND 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

BE IT ORDAINED BY THE FLUVANNA BOARD OF SUPERVISORS pursuant to Virginia Code Section 15.2-2285 that the County Code be, and it is hereby, amended, in Chapter 22, Sections 22-17-8A, 22-18-1, 22-18-2, 22-18-3, 22-18-4, and 22-18-7 as follows:

Sec. 22-17-8A. – Flood protection.

This section is adopted pursuant to the authority granted to localities by section 15.2-2280 *and section 15.2-984* of the Code of Virginia.

Sec. 22-18-1. – Board of zoning appeals.

(A) A board consisting of five (5) members shall be appointed by the Circuit Court of Fluvanna County. Members of the board shall be residents of Fluvanna County. Members of the board may receive such compensation as may be authorized by the governing body. Members shall be removable for cause by the appointing court after hearing held after at least fifteen (15) days' notice. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.

(B) The term of office shall be for five (5) years, except that of the first five (5) members appointed, one (1) shall serve for five (5) years, one (1) for four (4) years, one (1) for three (3) years, one (1) for two (2) years and one (1) for one (1) year. Members may be reappointed to succeed themselves. A member whose term expires shall continue to serve until his successor is appointed and qualifies. Members of the board shall hold no other public office in the County, except that one of the five appointed members may be an active member of the planning commission, *any member may be appointed to serve as an officer of election as defined in section 24.2-101 of the Code of Virginia, and any member may serve as an elected official of the Town of Scottsville.*

(C) Any member of the board shall be disqualified to act upon a matter before the board with respect to property in which the member has a legal interest.

(D) The board shall choose annually its own chairman and vice chairman who shall act in the absence of the chairman. The board may elect as its secretary either one of its members or a qualified individual who is not a member of the board. A secretary who is not a member of the board shall not be entitled to vote on matters before the board.

Sec. 22-18-2. – Powers of the Board of Zoning Appeals.

The Board of Zoning Appeals shall have the following powers and duties:

(A) To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this ordinance or of any ordinance adopted pursuant thereto.

(1) The decision on such appeal shall be based on the board's judgment of whether the administrative officer was correct. The determination of the administrative officer shall be presumed to be correct.

(2) At a hearing on an appeal, the administrative officer shall explain the basis for his determination after which the appellant has the burden to rebut such presumption of correctness by a preponderance of the evidence.

(3) The board shall consider any applicable ordinances, laws, and regulations in making its decision. For the purposes of this section, determination means any order, requirement, decision or determination made by an administrative officer.

(4) Any appeal of a determination to the board shall be in compliance with this section, notwithstanding any other provision of law, general or special.

(B) Notwithstanding any other provision of law, general or special, to grant upon appeal or original application in specific cases a variance as defined by section 15.2-2201 of the Code of Virginia. The burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his application meets the standard for a variance as defined in section 15.2-2201 of the Code of Virginia and the criteria set out in this section, as follows:

(1) Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, *or alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability*; and

(i) The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;

(ii) The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;

(iii) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;

(iv) The granting of such variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and

(v) The relief or remedy sought by the variance application is not available through a special exception process or the process for modification of a zoning ordinance at the time of the filing of the variance application.

(2) Any variance granted to provide a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability may expire when the person benefited by it is no longer in need of the modification to such property or improvements provided by the variance, subject to the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), as applicable. If a request for a reasonable modification is made to a locality and is appropriate under the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), as applicable, such request shall be granted by the locality unless a variance from the Board of Zoning Appeals under this section is required in order for such request to be granted.

~~(2)~~(3) No such variance shall be considered except after notice and hearing as required by section 15.2-2204 of the Code of Virginia, as amended; however, notice of such hearing may be given via first-class mail rather than registered or certified mail pursuant to section 1.2-2309 of the Code of Virginia.

~~(3)~~(4) In granting a variance the board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

(C) To hear and decide appeals from the decision of the Zoning Administrator. No such appeal shall be heard except after notice and hearing as provided by section 15.2-2204 of the Code of Virginia; however, notice of such hearing may be given via first-class mail rather than registered or certified mail pursuant to section 15.2-2309 of the Code of Virginia.

(D) To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by any such question, and after public hearing with notice as required by section 15.2-2204 of the Code of Virginia, the board may interpret the map in such way as to carry out the intent and purpose of the ordinance for the particular section or district in question. However, notice of such hearing may be given via first-class mail rather than registered or certified mail pursuant to section 15.2-2309 of the Code of Virginia. The board shall not have the power to change substantially the locations of district boundaries as established by ordinance.

(E) No provision of this section shall be construed as granting any board the power to rezone property or to base board decisions on the merits of the purpose and intent of local ordinances duly adopted by the governing body.

Sec. 22-18-3. – Rules and regulations.

(A) The Board of Zoning Appeals may adopt, alter and rescind such rules and regulations for its procedures, consistent with ~~these~~ ordinances of the County and the general laws of the Commonwealth, as it may consider necessary.

(B) Meetings of the board shall be held at the call of its chairman or at such times a quorum of the board may determine.

(C) The chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.

(D) The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

(E) All meetings of the board shall be open to the public.

(F) A quorum shall be at least three (3) members.

(G) The concurring vote of a majority of the membership of the board shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which the board is required to pass or to effect any variance from the ordinance.

Sec. 22-18-4. – Applications for variances, appeals to the Board of Zoning Appeals.

(A) Applications for variances may be made by any property owner, tenant, government official, department, board or bureau. Such application shall be made to the

Zoning Administrator in accordance with rules adopted by the board. The application and accompanying maps, plans or other information shall be transmitted promptly to the secretary of the board who shall place the matter on the docket to be acted upon by the board. The Zoning Administrator shall also transmit a copy of the application to the local *planning* commission which may send a recommendation to the board or appear as a party at the hearing. Substantially the same application will not be considered by the board within one year after the decision of the board.

(B) An appeal to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the County affected by any decision of the Zoning Administrator or from any order, requirement, decisions or determination made by any other administrative officer in the administration and enforcement of this article, any ordinance adopted pursuant to this article, or any modification of zoning requirements pursuant to this chapter.

(1) Any written notice of a zoning violation or a written order of the Zoning Administrator dated on or after July 1, 1993, shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or a written order within thirty (30) days in accordance with this section, and that the decision shall be final and unappealable if not appealed within thirty (30) days. The zoning violation or written order shall include the applicable appeal fee and a reference to where additional information may be obtained regarding the filing of an appeal. The appeal period shall not commence until the statement is given *and the Zoning Administrator's written order is sent by registered or certified mail to, or posted at, the last known address or usual place of abode of the property owner or its registered agent, if any. There shall be a rebuttable presumption that the property owner's last known address is that shown on the current real estate tax assessment records, or the address of a registered agent that is shown in the records of the Clerk of the State Corporation Commission.* ~~A written notice of a zoning violation or a written order of the Zoning Administrator that includes such statement sent by registered or certified mail to, or posted at, the last known address of the property owner as shown on the current real estate tax assessment books or records shall be deemed sufficient notice to the property owner and shall satisfy the notice requirements of this section.~~

(2) Such appeal shall be taken within thirty (30) days after the decision appealed from by filing with the Zoning Administrator, and with the board, a notice of appeal specifying the grounds thereof.

(3) Upon the filing of the appeal, the Zoning Administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed was taken.

(4) A decision by the board on appeal shall be binding upon the owner of the property which is the subject of such appeal only if the owner of such property has been provided notice of the zoning violation or written order of the Zoning Administrator. The owner's actual notice of such notice of zoning violation or written order or active

participation in the appeal hearing shall waive the owner's right to challenge the validity of the board's decision due to failure of the owner to receive the notice of zoning violation or written order.

(5) An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board or by a court of record, on application and on notice to the Zoning Administrator and for good cause shown.

(6) In no event shall a written order, requirement, decision or determination made by the Zoning Administrator or other administrative officer be subject to change, modification or reversal by any Zoning Administrator or other administrative officer after sixty (60) days have elapsed from the date of the written order, requirement, decision or determination where the person aggrieved has materially changed his position in good faith reliance on the action of the Zoning Administrator or other administrative officer unless it is proven that such written order, requirement, decision or determination was obtained through malfeasance of the Zoning Administrator or other administrative officer or through fraud. The sixty (60) day limitation period shall not apply in any case where, with the concurrence of the attorney for the governing body, modification is required to correct clerical errors.

(C) In any appeal taken pursuant to this section, if the board's attempt to reach a decision results in a tie vote, the matter may be carried over until the next scheduled meeting at the request of the person filing the appeal.

Sec. 22-18-7. – Certiorari to review decisions of Board of Zoning Appeals.

(A) Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals, or any taxpayer or any officer, department, board or bureau of the County, may *file with the clerk of the circuit court for the County a petition that shall be styled "In Re: date Decision of the Board of Zoning Appeals of Fluvanna County"* ~~present to the circuit court of the County a petition~~ specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the office of the board.

(B) Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the Board of Zoning Appeals and shall prescribe therein the time within which a return thereto must be made and served upon *the secretary of the Board of Zoning appeals or, if no secretary exists, the chair of the Board of Zoning Appeals, which shall not be less than 10 days and may be extended by the court. Once the writ of certiorari is served, the Board of Zoning Appeals shall have 21 days or as ordered by the court to respond.* ~~the relator's attorney, which shall not be less than ten (10) days and may be extended by the court.~~ The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

(C) Any review of a decision of the board shall not be considered an action against the board and the board shall not be a party to the proceedings; however, the board shall participate in the proceedings to the extent required by this section. The governing body, the landowner, and the applicant before the Board of Zoning Appeals shall be necessary parties to the proceedings in the circuit court. The court may permit intervention by any other person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals.

(D)(C) The Board of Zoning Appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof as may be called for by such writ. The return shall concisely set forth such facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(E)(D) The Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

*(F)(E) Costs shall not be allowed against the *locality or the governing body*board, unless it shall appear to the court that it acted in bad faith or with malice ~~in making the decision appealed from~~. In the event the decision of the board is affirmed and the court finds that the appeal was frivolous, the court may order the person or person who requested the issuance of the writ of certiorari to pay the costs incurred in making a return of the record pursuant to the writ of certiorari. *If the petition is withdrawn subsequent to the filing of the return, the locality or the governing body may request that the court hear the matter on the question of whether the appeal was frivolous.**

And be it further resolved that the public purpose for the proposed amendment is to conform the sections to amendments to the enabling legislation in the Code of Virginia.



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PLANNING COMMISSION STAFF REPORT

To: Fluvanna County Planning Commission
Case: SDP 21:02 South Boston Self-Storage
Tax Map: Tax Map 18, Section A, Parcel 53

From: Douglas Miles, AICP, CZA
District: Palmyra District
Date: April 13, 2021

General Information: This Sketch Plan request is scheduled to be heard by the Planning Commission on Tuesday, April 13, 2021 at 7:00 pm in the Fluvanna County Library Meeting Room.

Applicant: Tom Schauder, Palmyra, VA

Property Owner: Houchens Living Trust – Dinwiddie, VA

Representative: Shimp Engineering – Charlottesville, VA

Requested Action: 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.

Location: The property is located along the south line of South Boston Road and 0.2 miles west of Broken Island Road.

Existing Zoning: B-1, General Business Zoning District

Existing Land Use: Vacant

Adjacent Land Uses: Adjacent residential properties to the north are zoned R-4, Lake Monticello and the adjacent residential properties to the south and east are zoned R-3, Residential Planned Community, Sycamore Square Subdivision, the adjacent property to the west is zoned B-1.

Comprehensive Plan: Rivanna Community Planning Area

Site Request:

Justin Shimp, PE at Shimp Engineering 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.

Entrance / Parking:

The site would be accessed along the south line of South Boston Road (SR 600) with a proposed commercial entrance and be designed to meet VDOT standards. Shimp Engineering is proposing to access the subject property from a separate, commercial entrance from the existing Tractor Supply Company commercial entrance. VDOT – Louisa Residency staff has indicated that trip generation information and a turn lane warrant analysis will be required based upon the proposed entrance location. The site entrance would also generally be designed to accommodate potential B-1 uses that would in the future utilize the proposed site entrance for the self-storage facility on this overall B-1 property since the main entrance is located on the other portion of this property.

The Community Development Director and VDOT Land Use Engineer met out on site on February 26, 2021 with the applicant and his civil engineer to better understand the proposed commercial entrance along South Boston Road in relation to the road geometry and the posted speed limit. The civil engineer will prepare the VDOT requested information on the proposed commercial site entrance and provide the entrance design criteria as a part of his site development plan submittal.

The required parking for the proposed self-storage facility for both customers and employees shall be a minimum of five (5) parking spaces, with two (2) of the spaces designated for handicapped parking, and be located at the entrance to the 21,000 square foot building containing the site office. The Zoning Administrator has determined that this is the minimum amount of parking spaces needed under Section 22-26-8 under Unspecified uses that indicates that sufficient parking spaces be provided for the average number of employees and visitors and/or customers to the premises.

Landscaping / Screening:

All landscaping will have to comply with Article 24 of the Fluvanna County Zoning Ordinance. Parking areas consisting of five spaces or more must be screened from view of public roads, rights-of-way, and adjacent properties. Screening under Section 22-24-7 shall be provided to screen the outside vehicle storage area and dry detention pond from the adjacent single-family residential homes. This commercial property was clear cut and timbered so site screening shall be comprised of the Evergreen, Berm, Mixed-vegetation and/or Structural options as found under 22-24-7 (B). If an on-site dumpster is provided, then screening of refuse areas would fall under Part (C) and (D) Parking spaces of five (5) spaces or more shall be screened under Section 22-24-6 Parking Lots. This Sketch Plan generally shows a twenty-five (25) landscaped area along South Boston Road. Screening by landscaping or structural wall methods shall be provided on the rear of this facility.

Outdoor Site Lighting:

The self-storage facility will be required to submit outdoor lighting information as part of the final site plan. All outdoor lighting must be fully shielded and utilize full cut-off lighting fixtures per Section 22-25-5 of the zoning ordinance and that this commercial property adjoins single-family residential homes within the R-3, Sycamore Square Residential Planned Community subdivision.

Stormwater Management:

The sketch plan includes a proposed stormwater management pond located behind the proposed building to be designed and built to handle on-site retention of stormwater generated from site disturbance. An Erosion and Sediment Control plan would be required for review and approval prior to the issuance of a land disturbance permit. The applicant would simultaneously submit for DEQ stormwater plan approval and have that reviewer copy Fluvanna County on his comments.

Technical Review Committee:

The following preliminary review comments were generated during the March 11, 2021 Technical Review Committee meeting along with the applicant and other site development representatives:

1. Andy Wills, CBO, Building Official: He indicated the 21,000 square foot building would need to be sprinkled or a firewall design would be submitted at the time of plan submittal and that the required fire lanes they would need to be maintained around all of the proposed self-storage buildings.
2. John Wilson, PE, VDOT Land Use Engineer: At the time of the site development plan submittal the applicant would need to provide trip generation information, turn lane warrant analysis and site easements and site distance profiles would need to be provided for VDOT review of the proposed commercial entrance along South Boston Road.
3. Douglas Miles, AICP, CZA, Community Development Director: Fluvanna County Zoning Ordinance Section 22-23-7 indicates that “*vehicular travel lanes...shall be designed to permit vehicular travel on the site to and from adjacent properties and parking areas*” meaning that future outparcel connectivity shall be designed and provided for any future commercial development on the adjoining property. Section 24-26-4 indicates that “*Parking areas and vehicular circulation shall be designed to facilitate unimpeded flow of on-site traffic in circulation patterns...*” meaning that on-site parking, vehicle storage and any parking while accessing the storage units shall all be clearly marked on the premises.

There was a follow-up Technical Review Committee meeting scheduled on March 23, 2021 that included the Aqua Virginia Engineer, DEQ Stormwater Compliance Specialist and County Staff:

1. Terry Blankenship, PE, Aqua Virginia State Engineer: He indicated that there was not a feasible connection to water and sewer and based upon the projected usage amounts the civil engineer indicated that they would seek VDH approval for a commercial well and drainfield to serve this new use. The applicant indicated there would be a small office and bathroom facilities for on-site staff and self-storage facility customers during office hours.

2. John McCormack, DEQ Stormwater Compliance Specialist: Future development of any one, or all of these proposed outparcels will require an approved SWM Plan prior to the commencement of land disturbance. An individual SWM Plan can be developed for each one of these parcels, as is being planned for Parcel B-4 (self-storage facility). Depending on how the remaining parcels are being purchased, an individual or a combined SWM Plan would be developed by addressing SWM requirements for any one or a combination of the remaining affected parcels. *Note: Tractor Supply Company is not a part of this as they are connected to the SWM basin that is located over in Sycamore Square near their property.*

Conclusion:

The submitted sketch plan generally meets the sketch plan requirements in the Fluvanna County Zoning Ordinance. Prior to final approval, a site development plan that meets the requirements of Section 23-26 of the Zoning Ordinance shall be submitted for staff review and site plan approval.

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.

Suggested Motion:

I move to (approve/defer) 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.

Attachments:

Application
Site Sketch Plan

Copy:

Applicant: Tom Schauder schaudertom44@gmail.com

Property Owner: Judy Dowdy jburtondowdy@gmail.com

Representative: Justin Shimp justin@shimp-engineering.com



COMMONWEALTH OF VIRGINIA
 COUNTY OF FLUVANNA
 Site Development Application

RECEIVED

MARCH 01 2021

Fluvanna County
 Planning Dept

Judith Dondy c/o

Owner of Record: Houchens Living Trust
 E911 Address: 12913 Courthouse Rd. Dinwiddie
 Phone: VA 28841 Fax: -
(804) 584-1054

Applicant of Record: Tom Schauder
 E911 Address: 25 BOLLING CIRCLE
 Phone: 434-906-2721 Fax: 22963
PALMYRA VIRGINIA

Email: jburtondondy@gmail.com
 Representative: Shimp Engineering, P.C.
 E911 Address: 912 E High St. Charlottesville VA 22902
 Phone: (434) 227 5140 Fax: -
 Email: justinshimp-engineering.com

Email: schaudtom44@gmail.com
 Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.
 Is property in Agricultural Forestal District? No Yes
 If Yes, what district: _____

Tax Map and Parcel(s): 18 A 53 (Part)
 Acreage: _____ Zoning: B-1

Deed Book Reference: _____
 Deed Restrictions? No Yes (Attach copy)

Location: Along South Boston Road (Rt 600)

Description of Property: eastern most portion of 18 A 53

Proposed Structure: Storage Buildings

Dimensions of Building: (210'x100') 1 & (160'x20') 2 Lighting Standards on Site: No Yes

of Employees: _____ # of Parking Spaces: _____

Noise Limitations: _____

I declare that the statements made and information given on this application are true, full and correct to the best of my knowledge and belief. I agree to conform fully to all terms of any certificate or permit which may be issued on account of this application.

THOMAS SCHAUDER
 Applicant Name (Please Print)

[Signature] 2/26/2021
 Applicant Signature and Date

OFFICE USE ONLY		
Date Received: <u>3/1/2021</u>	Fee Paid: <u>#125 \$150.00</u>	Application #: <u>SDP 21:02</u>
Election District: <u>Palmyra</u>	Planning Area: <u>Fluvanna Community</u>	Number of Lots: _____
Total Fees Due at Time of Submittal		
<input checked="" type="checkbox"/> Sketch Plan: \$150.00 <u>pd</u>	Minor Plan: \$550.00	Major Plan: \$1,100.00
Additional Fees Due at Time of Review		
Street Sign Installation:	\$200.00 Per Intersection	
Amendment of Plan	\$150.00	
Outdoor Lighting Plan Review*	\$ 50.00	
Landscape Plan Review*	\$ 50.00	
Tree Protection Plan Review*	\$ 50.00	
* If not part of a Site Plan Review		

RECEIPT (REC-001901-2021)
FOR FLUVANNA COUNTY BUILDING AND PLANNING DEPARTMENT

BILLING CONTACT

Tom Schauder
25 Bolling Circle
Palmyra, Va 22963



Reference Number	Fee Name	Transaction Type	Payment Method	Amount Paid
SDP21:0002	Site Plan Review: Sketch Plan	Fee Payment	Check #1125	\$150.00
			SUB TOTAL	\$150.00
			TOTAL	\$150.00



Kelsey Schlein <kelsey@shimp-engineering.com>

Forward: Permission to submit

message

From: **Tom Schauder** <schaudtom44@gmail.com>
To: Kelsey Schlein <kelsey@shimp-engineering.com>

Mon, Mar 1, 2021 at 9:28 AM

Kelsey,

See below, FYI.

Tom

----- Forwarded message -----

From: **Judith Dowdy** <jburtondowdy@gmail.com>
Date: Mon, Mar 1, 2021 at 9:24 AM
Subject: Permission to submit
To: <Schaudtom44@gmail.com>
CC: Douglas Miles <dmiles@fluvannacounty.org>

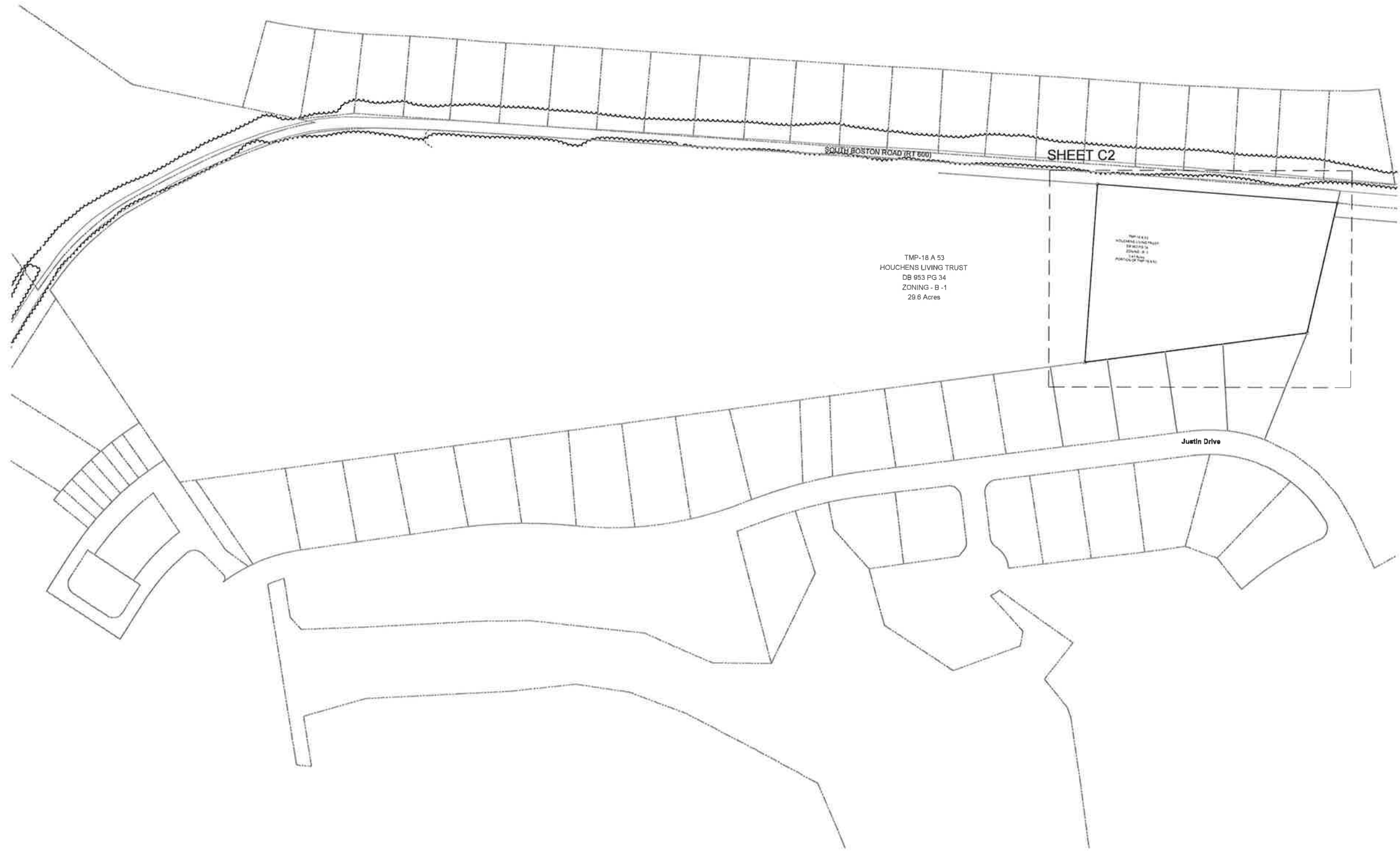
Good morning

I am writing to confirm that you, Tom Schauder, have my approval to submit your land use site plan for parcel B-4, from parcel of 18-A-53. My contact number 8045866654

Thank you

Judith D Dowdy
Successor Trustee of the
Oscar Houchens Living Trust

Sent from my iPhone



SOUTH BOSTON ROAD (RT 600)

SHEET C2

TMP-18 A 53
HOUCHENS LIVING TRUST
DB 953 PG 34
ZONING - B-1
29.8 Acres

TMP-18 A 53
HOUCHENS LIVING TRUST
DB 953 PG 34
ZONING - B-1
29.8 Acres

Justin Drive

SHIMP ENGINEERING
LAND PLANNING - PROJECT MANAGEMENT

SIZE: 11x17
CHARLOTTEVILLE, VA, 22902

434.237.5140
JUSTIN@SHIMP-ENGINEERING.COM



SKETCH PLAN
**SOUTH BOSTON
SELF-STORAGE**

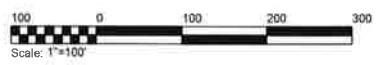
FLUVANNA COUNTY, VIRGINIA
SUBMISSION:
2021.03.01
REVISION:

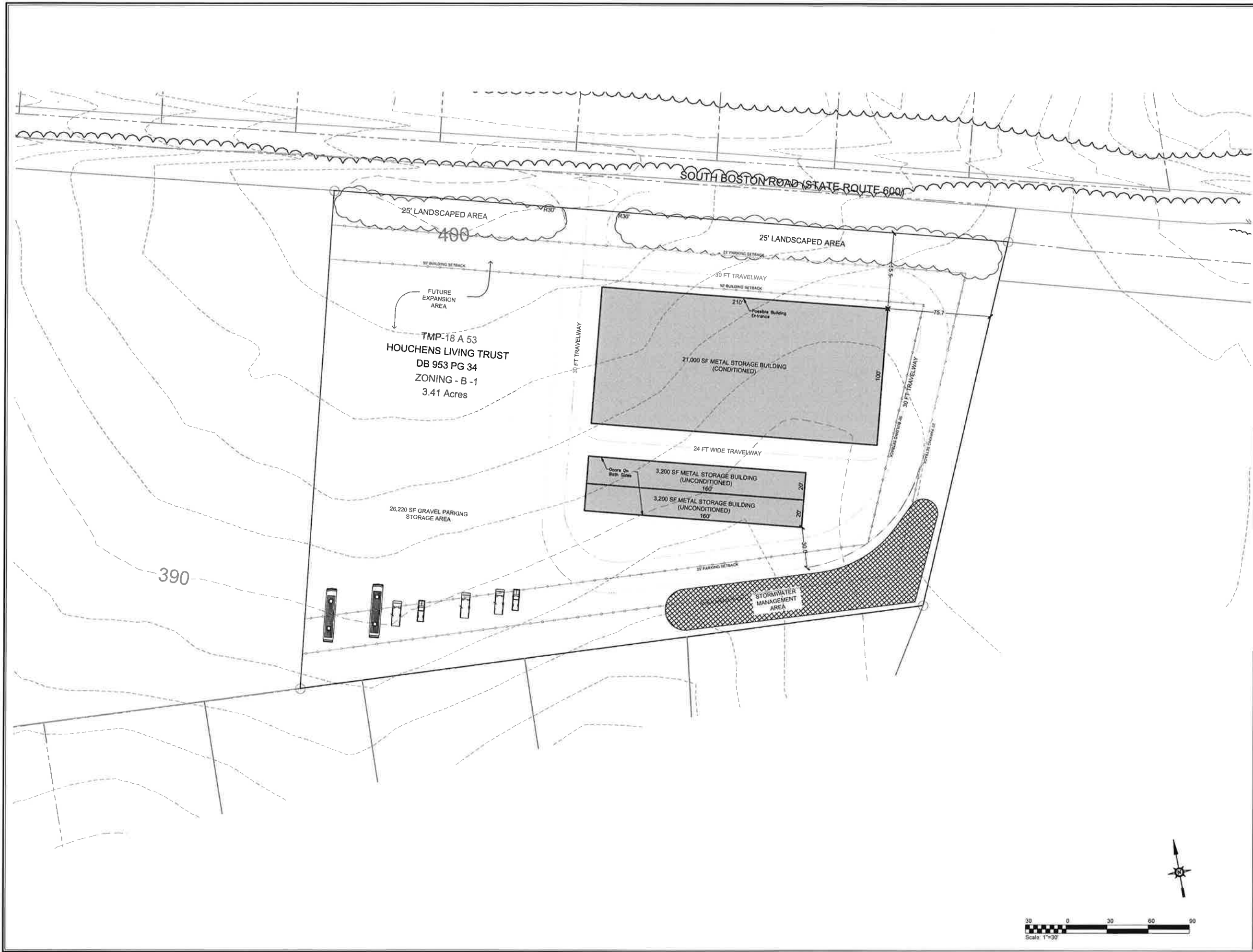
FILE NO. 21.015

EXISTING CONDITIONS

SHEET C1 of C3

C1





SHIMP ENGINEERING & ARCHITECTURE
 LAND PLANNING • PROJECT MANAGEMENT

814 E. HIGH ST. CHARLOTTEVILLE VA 22902 434.227.5140
 JUSTIN@SHIMP-ENGINEERING.COM



SKETCH PLAN
SOUTH BOSTON SELF-STORAGE

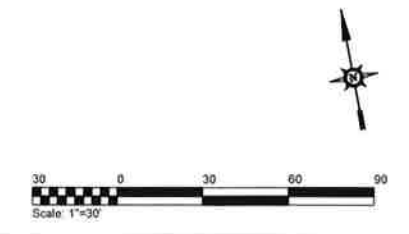
FLUVANNA COUNTY, VIRGINIA
 SUBMISSION: 2021.03.01
 REVISION:

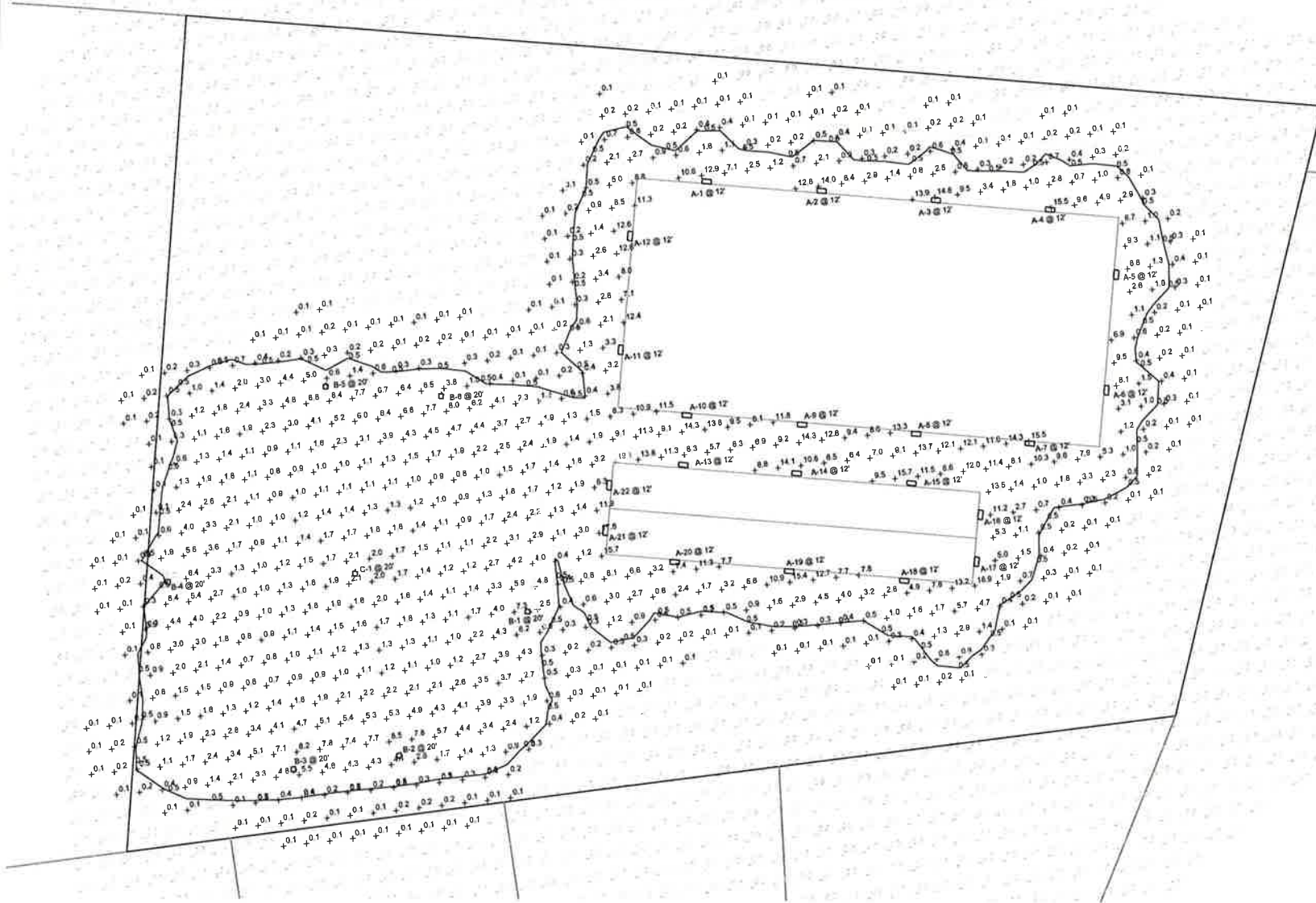
FILE NO. 21.015

SKETCH PLAN

SHEET C2 of C3

C2





Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Lamp	Filename	Number of Lamps	Lumens Per Lamp	Lumen Multiplier	Light Loss Factor	Wattage
□	A	22	PHILIPS GARDCO	161-46L-600-NW-G2-2	161 LED Sconce, 46 LEDs, T2 OPTICS, 4000K	(1) HLO LIGHT ARRAY OF 46 LEDs (XPG2) DRIVEN AT 600mA	161-46L-600-NW-G2-2.ies	1	Absolute	1.00	1.00	910
□	B	6	PHILIPS GARDCO	ECF-S-32L-1.2A-NW-G2-2-HIS	EcoForm Area LED ECF - Small, 32 LED's, 4000K CCT, TYPE 2-HIS OPTIC, House-side Internal Shielding	(2) LEDGINE SLD LIGHT ARRAY(S) DRIVEN AT 1200mA	ECF-S-32L-1.2A-NW-G2-2-HIS.ies	1	Absolute	1.00	1.00	1216
□	C	1	SIGNIFY GARDCO	ECF-S-32L-1.2A-NW-G2-5W	EcoForm Area LED ECF - Small, 32 LED's, 4000K CCT, TYPE 5W OPTIC, No Shield	(2) LEDGINE SLD LIGHT ARRAY(S) DRIVEN AT 1200mA	ECF-S-32L-1.2A-NW-G2-5W.ies	1	Absolute	1.00	1.00	1216

PHILIPS GARDCO
Site & Area
EcoForm
ECF-S Small

The Philips Gardco EcoForm G2-2 combines energy with performance as an LED 3.6 ft. fixture. Capable of delivering up to 35,802 lumens or more in a compact, low profile LED wall sconce, EcoForm offers a new level of customer value. EcoForm fixtures are available in multiple finishes, including the conversion to LED by retrofitting the need to fit additional hours in most existing poles. Integrated compact system available for further energy savings.

PHILIPS GARDCO
Wall sconce
LED wall sconce led

Philips Gardco LED wall sconce offers a new level of customer value. EcoForm fixtures are available in multiple finishes, including the conversion to LED by retrofitting the need to fit additional hours in most existing poles. Integrated compact system available for further energy savings.

Ordering guide

Quantity	Part No.	Part Name	Finish	Voltage	Power	Notes
22	161-46L-600-NW-G2-2	161 LED Sconce, 46 LEDs, T2 OPTICS, 4000K	White	120V	910	
6	ECF-S-32L-1.2A-NW-G2-2-HIS	EcoForm Area LED ECF - Small, 32 LED's, 4000K CCT, TYPE 2-HIS OPTIC, House-side Internal Shielding	White	120V	1216	
1	ECF-S-32L-1.2A-NW-G2-5W	EcoForm Area LED ECF - Small, 32 LED's, 4000K CCT, TYPE 5W OPTIC, No Shield	White	120V	1216	

PHILIPS GARDCO
by Signify
Site & Area
EcoForm
ECF-S Small Area Light

The Philips Gardco EcoForm G2-2 combines energy with performance as an LED area light fixture. Capable of delivering up to 35,802 lumens or more in a compact, low profile LED wall sconce, EcoForm offers a new level of customer value. EcoForm fixtures are available in multiple finishes, including the conversion to LED by retrofitting the need to fit additional hours in most existing poles. Integrated compact system available for further energy savings. Includes Signify Tap, our innovative key to provide excellent throughput the life of the product.

PHILIPS GARDCO
Wall sconce
LED wall sconce led

Philips Gardco LED wall sconce offers a new level of customer value. EcoForm fixtures are available in multiple finishes, including the conversion to LED by retrofitting the need to fit additional hours in most existing poles. Integrated compact system available for further energy savings.

Ordering guide

Quantity	Part No.	Part Name	Finish	Voltage	Power	Notes
22	161-46L-600-NW-G2-2	161 LED Sconce, 46 LEDs, T2 OPTICS, 4000K	White	120V	910	
6	ECF-S-32L-1.2A-NW-G2-2-HIS	EcoForm Area LED ECF - Small, 32 LED's, 4000K CCT, TYPE 2-HIS OPTIC, House-side Internal Shielding	White	120V	1216	
1	ECF-S-32L-1.2A-NW-G2-5W	EcoForm Area LED ECF - Small, 32 LED's, 4000K CCT, TYPE 5W OPTIC, No Shield	White	120V	1216	

SHIMP ENGINEERING
LAND PLANNING • PROJECT MANAGEMENT

101 E. HIGH ST. 434.227.5110
CHAMLOTTSVILLE VA 20102 JUSTIN@SHIMP-ENGINEERING.COM



SKETCH PLAN
SOUTH BOSTON SELF-STORAGE

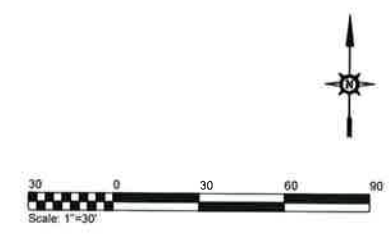
FLUVANNA COUNTY, VIRGINIA
SUBMISSION:
2021.03.01
REVISION:

FILE NO. 21.015

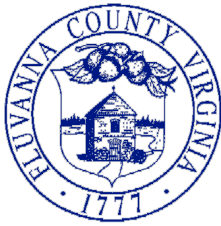
LIGHTING PLAN

SHEET C3 of C3

C3







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PLANNING COMMISSION STAFF REPORT

To: Fluvanna County Planning Commission
Request: Ballinger Bluffs Sketch Plan Review

From: Douglas Miles, AICP, CZA
District: Columbia Election District

General Information: A Sketch Plan application request for Planning Commission review on Tuesday, April 13, 2021 at 7:00 pm in the Fluvanna County Library Meeting Room.

Project Name: Ballinger Bluffs Rural Cluster Subdivision

Applicant: Quigley Properties, LLC

Owner: Timothy Miller, PE, LS

Site Consultant: Timothy Miller, PE, LS – Meridian Planning Group, LLC

Requested Action: Planning Commission review of a Sketch Plan for a proposed rural cluster subdivision with respect to 48.4 +/- acres of Tax Maps 31, Section A, Parcel 41 and 31, Section 1 Parcel A. The applicant is proposing 20 lots with designated open space and a separate request for a Special Use Permit to allow for a central sewer system known as wastewater treatment units.

Site Location: The subject parcels are located along Oak Creek Road.

Existing Zoning: A-1, General Agricultural Zoning District

Existing Land Use: Vacant land

Adjacent Land Uses: Adjacent properties are zoned A-1, General Agricultural and contain single-family dwellings or are vacant parcels.

Comprehensive Plan: Rural Residential and Rural Conservation Planning Areas

Rural Clustering Requirements:

The Zoning Ordinance provides the requirements for all rural cluster subdivisions in an A-1 zoning district. Pursuant to the Subdivision Ordinance, a yield plan and sketch plan are required to be submitted together for review by the Planning Commission. The yield plan is used to determine the number of lots that could practically be developed on the subject property as a conventional

subdivision, in accordance with all applicable regulations. The sketch plan is a conceptual, informal map of the proposed rural cluster major subdivision used for the purpose of discussion and providing the applicant with comments before investing in the preparation of a preliminary or final plat of the rural cluster subdivision development.

The applicant has submitted the required yield plan and rural cluster sketch plan. The Yield plan and Sketch Plan are similar in detail and the proposed Sketch Plan has been prepared to conform to the required density, setbacks, frontage, and yard requirements for rural cluster subdivision lots.

Applicant's Revised Application:

This will be a cluster subdivision of Tax Map 31 Section 1 Parcel A and Tax Map 31 Section A Parcel 41. The cluster subdivision will be completed in one phase and Phase 1 will consist of Lots 1 through 19 and be accessed from Oak Creek Road with one (1) open space parcel. The Yield Plan is showing a total of 20 lots that meet the A-1 Ordinance requirements for minimum area, minimum frontage and setbacks. The Cluster Plan shows a total of 20 rural cluster lots. All lots will have frontage on and be accessed from internal roads and all internal roads will be approved by VDOT and they will be dedicated to public use during the subdivision plat approval process.

Water and Sewer:

Each of the lots will have a private well for water supply. A Special Use Permit has been submitted for approval of central sewer systems (CSS) to provide sewer for 20 rural cluster lots. They will consist of engineered wastewater treatment units and subsurface dispersal. Gravity sanitary sewer mains will be constructed to convey wastewater from each house to the CSS. All of the CSS and gravity sewer mains will be owned by the Home Owners Association (HOA). Operation and maintenance of the CSS and gravity sewer mains will be performed by a firm certified in accordance with the Virginia Regulations. The HOA will contact the firm and the HOA dues will be used to pay for these services. If the Special Use Permit is not approved, then each of these lots will have an individual drainfield and each homeowner will be responsible for maintenance of their drainfield.

The proposed Sketch Plan has been prepared with some consideration to existing topography and overall soil suitability as to maximize the efficient use of available, flat land. The applicant has delineated areas with steep slopes that are greater than 20% and wetlands and floodplain areas, but they are generally found below the proposed cluster lots near Ballinger Creek. Overall, the steep slopes are much less than the previous rural cluster request due to this change with the removal of the Courthouse Road tract of land that contained several steep slopes and rocky bluff conditions.

The proposed open space area has been designed to “promote the uses designated for such open space and to protect and promote the rural character of the area, and provide for contiguous greenways and wildlife corridors” as prescribed in the ordinance. The applicant has ensured that the open space will not be utilized for individual drainfields throughout the residual parcel that is meant for preservation purposes. County Staff would encourage better rural preservation efforts but given the fact that the proposed rural cluster lots have been decreased from fifty (50) lots down to twenty (20) lots this rural cluster Sketch Plan request is looked at more favorably by the Staff.

Proposed Utilities:

The applicant has indicated that the proposed lots within the rural cluster development will be served by private wells and a central sewer system as wastewater treatment units by Special Use Permit (SUP) as a companion case to this Sketch Plan request and as reviewed by the Virginia Department of Health (VDH) Blue Ridge Health District staff members located in Charlottesville.

Josh Kirtley, VDH, Environmental Health Technical Consultant, provided a complete comments letter dated October 30, 2020 and we have included some of his key comments within the staff report that relate to the proposed Ballinger Bluffs Rural Cluster Sketch Plan request as follows:

As indicated in the submitted materials, the applicant is proposing multiple, smaller treatment and dispersal systems to be shared between four (4) lots in order to accommodate the proposed development. During the conference call on October 22nd the applicant indicated satisfactory soil conditions and measured saturated conductivity (Ksat) rates in one of the areas that received review. This note is to acknowledge that acceptable soil conditions are expected to be found for the other dispersal areas given the large size of this parcel. Background research by the Health Department indicates that favorable soil conditions can be expected in the Nason and Tatum soils that overlay a large portion of the property. Please note that additional soil borings and testing will be required for each proposed dispersal area as a part of the VDH permitting process.

Erosion and Sediment Control:

The Community Development Director and the ESC Plans Reviewer met with the applicant on September 24th prior to him filing a Sketch Plan. We discussed some of our initial concerns such as the steep slopes and proposed road curvature issues. The applicant revised his cluster layout based upon those comments resulting in three (3) lots being removed from the proposed layout.

The Community Development Director and the ESC Plans Reviewer conducted a conference call with the applicant on December 28th and the ESC Plans Reviewer provided these comments based upon the Sketch Plan submittal and raised concerns with the amount of existing contour lines that are not provided on the plans and with certain areas shown as “obscure area” on the sketch plan.

The ESC Plans Reviewer cited Subdivision Ordinance Section 19-4-5 Yield Plan required for Cluster subdivision that states: “*Consideration shall be given, among other things, to the area of land which would be occupied by roads and other areas not usable for building or individual sale, including but not limited to, steep slopes, floodplain, land usually covered by water and land not suitable for building and/or installation of utilities due to soil type, topography or other physical or legal conditions.*”

The ESC Plans Reviewer stated the yield plan should identify all slopes that are greater than twenty (20) percent. The applicant has added the required contour lines to the former obscure areas and he has provided the location of the existing steep slopes by hatching them and they have been significantly reduced in the final twenty (20) lot rural cluster layout. The appropriate stream buffers have been added to the most recent rural cluster layout meeting another ordinance standard.

Conclusion:

The proposed rural cluster subdivision has met all of the requirements of the Fluvanna County Subdivision and Zoning Ordinances relative to floodplain, steep slopes, and resource protection areas (RPA) as stated above in the ESC comments. According to the submitted sketch plan, the proposed development does not exceed the maximum allowable density of one dwelling unit per two acres, and the required 75% of open space has been provided, but there has been no actual rural preservation achieved to promote the rural character of the area. The applicant has attempted to provide for contiguous greenways and wildlife corridors by preserving a seventy-five (75) buffer area along Ballinger Creek located way down below the proposed, rural cluster lots in the layout.

The proposed subdivision appears to meet the intent of the Comprehensive Plan, which states that “Rural residential areas conserve open space by clustering development or developing on larger lots. Projects should achieve the goal of preserving as much open space, and thus rural character, as possible.” The revised rural cluster Sketch Plan application is preserving adequate open space and the request has been improved by the reduction of the steep slopes and rocky bluff conditions.

Recommended Conditions:

If approved, Staff recommends that the following conditions:

1. The rural cluster subdivision will contain no more than twenty (20) residential lots.
2. Prior to final plat approval, the request shall be meeting all VDOT requirements;
3. **Prior to final plat approval, the request shall meet all Health Department requirements; in particular, that all lots shall be served by (1) individual sewerage systems or one or more approved central sewage systems; and (2) individual wells which shall be shown to provide adequate water service to all the lots of which wells shall be shown not to impair the supply of groundwater to adjacent properties.**
4. Preliminary and final subdivision plat review and approval shall be granted.

Suggested Motion:

I move that the Planning Commission (**approve/deny**) 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 found within the staff report.

Attachments

Test Well Reports dated 3-9-21 and 3-10-21



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

132 Main Street
P.O. Box 540
Palmyra, VA 22963
(434) 591-1910
Fax (434) 591-1911
www.fluvannacounty.org

PLANNING COMMISSION STAFF REPORT

To: Fluvanna County Planning Commission
Request: Special Use Permit for Major Utilities

From: Douglas Miles, AICP, CZA
District: Columbia Election District

General Information: A Special Use Permit (SUP) central sewer system / major utilities request for a Planning Commission Unfinished Business agenda item on Tuesday, April 13, 2021 at 7:00 pm in the Fluvanna County Library Meeting Room.

Applicant: Quigley Properties, LLC

Representative: Tim Miller, PE, LS – Meridian Planning Group, LLC

Requested Action: Request for a Special Use Permit for a central sewer system / major utilities with respect to 48.4 +/- acres of Tax Maps 31, Section A, Parcel 41 and 31, Section 1 Parcel A.

Location: The two subject parcels are located along Oak Creek Road.

Existing Zoning: A-1, General Agricultural Zoning District

Existing Land Use: Vacant land

Planning Area: Rural Residential / Rural Preservation Areas

Adjacent Land Use: Adjacent properties are zoned A-1, General Agricultural and contain single-family dwellings or are vacant parcels.

Procedural Timeline:

September 25, 2020	Pre-application meeting with the Applicant and County Staff
September 30, 2020	Submittal of the Special Use Permit and Sketch Plan requests
October 15, 2020	Technical Review Committee meeting held by conference call
October 22, 2020	Technical Review Committee meeting Part II with VDH Staff by conference call to review the wastewater treatment units

November 10, 2020	Concerned adjacent property owners and other interested residents spoke during Public Comments at Planning Commission meeting
December 8, 2020	Concerned adjacent property owners and other interested residents had spokesperson speak during Public Comments at next meeting
December 10, 2020	Applicant conducted Neighborhood meeting by conference call with adjacent property owners, his consultants and County Staff
December 28, 2020	Applicant conducted conference call with the ESC Plans Reviewer and Community Development Director on RPAs and steep slopes
January 12, 2021	Special Use Permit Public Hearing for central sewer system request and associated Rural Cluster Sketch Plan request for a subdivision
March 3, 2021	Applicant has amended his application to be 48.4 +/- acre request for twenty (20) lots as Ballinger Bluffs Subdivision – Phase One.
March 9, 2021	Application has been scheduled as an Unfinished Business agenda item since it was deferred for sixty (60) days by the Commission.
April 9, 2021	The applicant provided the March 9th and March 10th, 2021 Test Well Reports to Fluvanna County for the April 13th, 2021 meeting.
April 13, 2021	Application has been scheduled as an Unfinished Business agenda item since it was deferred for thirty (30) days by the Commission.

Comprehensive Plan:

Land Use Chapter:

The Comprehensive Plan designates this property as within both the Rural Residential and Rural Preservation Areas of the 2015 Comprehensive Plan. The proposed subdivision appears to meet the intent of the Comprehensive Plan, which states that “Rural residential areas conserve open space by clustering development or developing on larger lots. Projects should achieve the goal of preserving as much open space, and thus rural character, as possible.”

Analysis:

The proposed request is classified as a “major utility” and defined in the Zoning Ordinance as *“facilities for the distribution, collection, treatment, production, transmission and generation of public, private and central utilities including, but not limited to, transmission lines, production plants, electrical substations, pumping stations, treatment facilities, information and communication facilities”*. Major utilities are permitted by special use permit in the A-1 zoning district and are subject to an approved site development plan.

When evaluating proposed uses for a special use permit, in addition to analyzing the potential adverse impacts of the use, staff utilizes two (2) general guidelines for evaluation as set forth in the zoning ordinance. First, the proposed use should not tend to change the character and established pattern of the area or community:

The subject properties are located within the Rural Residential and Rural Preservation Planning Areas with existing rural residential single-family dwelling uses on well and septic or are vacant, undeveloped parcels. Major utilities require a Special Use Permit in the A-1 zoning district that can include central water and sewer systems. Public water supply is not available to the site nor is the availability to connect to a sanitary sewer system. Therefore, an SUP is required for major utilities in order to establish on-site centralized water and sewer systems and the applicant has requested an SUP for a central sewer system and is proposing to utilize individual, private wells.

Second, the proposed use should be compatible with the uses permitted by-right in that zoning district and shall not adversely affect the use/or value of neighboring property: This second, general guideline is in compliance in the fact that single-family dwelling uses are being proposed on the rural cluster lots with a similar conventional and rural cluster lot yield as is required by County Ordinances. The applicant has reduced the proposed residential rural cluster lots from fifty (50) lots originally down to twenty (20) lots with the remaining rural cluster lots to be located with access off of Oak Creek Road. The previously proposed rural cluster lots with access off Courthouse Road have been removed from this request by the applicant on March 3rd.

Neighborhood Meeting:

A neighborhood meeting was conducted on Thursday, December 10, 2020 via a conference call due to the Public Health Emergency and the applicant along with his environmental consultants, the Community Development Director, Senior Planner, Palmyra Board Member, Columbia Planning Commissioner, and several neighborhood residents were on the call with their concerns.

Proposed Water and Sewer:

Central Sewer Systems are being proposed to serve the twenty (20) single-family dwellings. The open space area would not contain individual drainfields as the systems they will be clustered in groups of four (4) units for better wastewater treatment purposes. The applicant is proposing twenty (20) individual, private wells to serve the rural cluster lot homes off of Oak Creek Road.

Amended Application Information:

The applicant, he has amended this Special Use Permit request to be a 48.4 +/- acres request for twenty (20) rural cluster lots to be located off of Oak Creek Road and to be known as Ballinger Bluffs Subdivision – Phase 1. At this point, there will no longer be a Phase 2 with twenty-six (26) rural cluster lots located off of Courthouse Road. The applicant has an active contract purchaser who plans to purchase that property from him and it is no longer a part of this request.

The applicant, he has provided these Yield Plan Revisions that were required by Ordinance based upon the Planning and Community Development Staff members review of his resubmittal plans:

Contours have been added to the formerly obscured areas; slopes greater than 20% are hatched and they have been removed for the most part from the proposed plans; and Stream buffers have been added along Ballinger Creek.

The applicant has provided this update on Groundwater Availability: *I am installing two test wells that can later become private wells for two lots. The wet weather has delayed installation of these wells. Reports on the capacities of these wells will be submitted prior to the Planning Commission meeting.* The Planning Commission will need to determine if there is adequate time to review the independent findings on the two (2) test wells given that the application was amended on March 3rd and the applicant will provide these findings by their March 9th meeting.

The applicant has been working and consulting with the Virginia Department of Health – Blue Ridge Health District Environmental Health staff on his proposed test wells and based upon the hydrogeological report that he filed in order to determine if there is indeed adequate groundwater availability for the proposed rural cluster subdivision. The applicant, as stated above will provide the test well results to determine what type of groundwater is available prior to the next Planning Commission meeting. The reduction of the rural cluster lot yield from fifty (50) lots to less than half that amount at twenty (20) lots is a solid reduction by the applicant in this zoning request.

Recommended Conditions:

If approved, Staff recommends the following conditions:

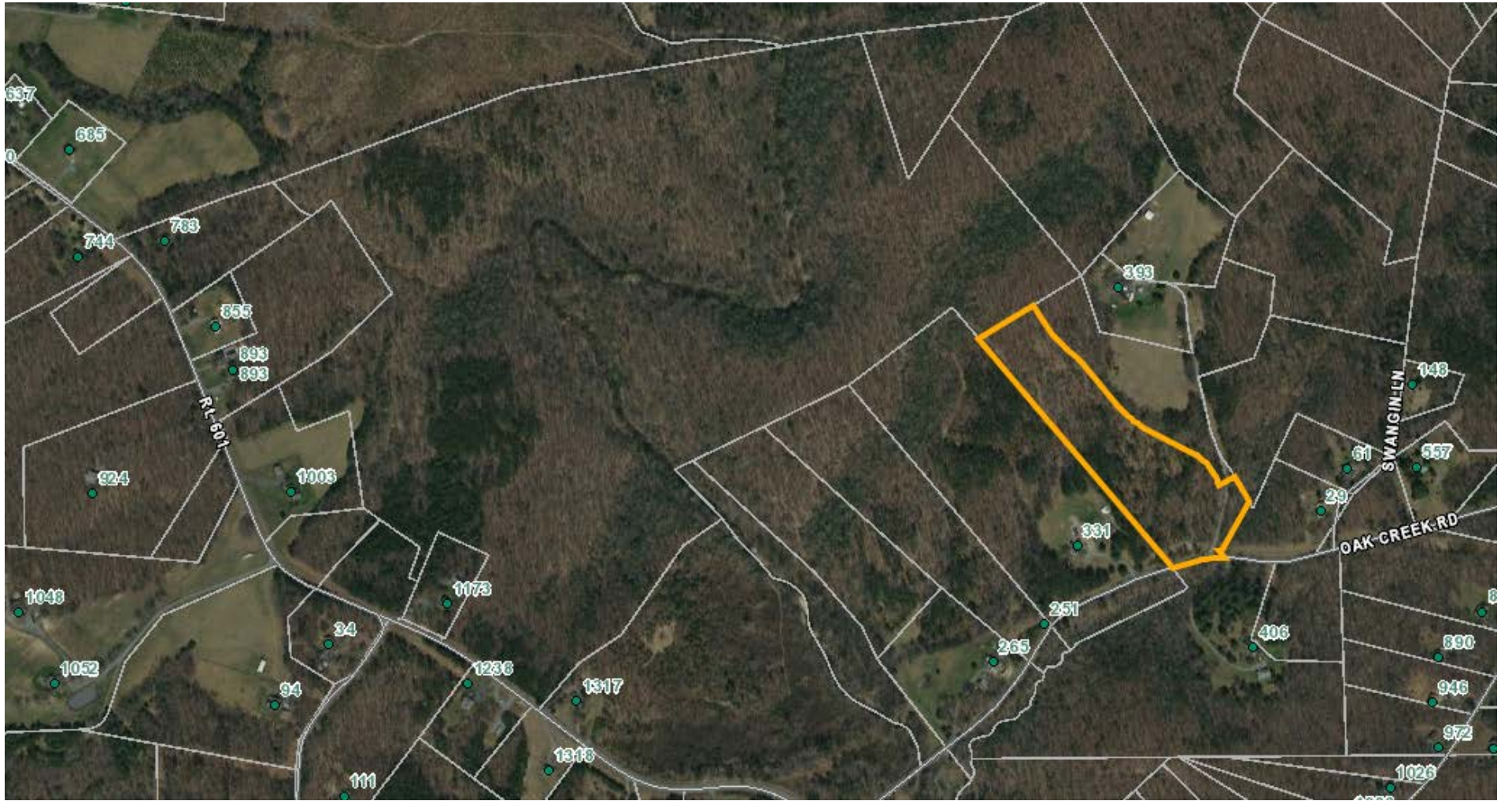
1. The design, construction, operation and maintenance of the central water and sewer systems shall comply with all County, State and Federal requirements as not to have a detrimental impact on Ballinger Creek, surrounding properties, or the water supply of existing properties.
2. Pursuant to Section 19-6-6 of the Subdivision Ordinance, a bond shall be required with surety in an amount and form acceptable to the County Attorney, to insure that the proposed infrastructure improvements are all completed at the expense of the developer.
3. For construction of the central sewer systems occurring adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on the adjacent properties. All construction activity for the central utility systems shall occur between dawn and dusk, Monday through Friday.
4. The homeowners association or another owner of these utilities as approved by the State Corporation Commission shall be responsible for all maintenance of the on-site central sewer systems in perpetuity, and the responsibility for maintenance shall not be borne by Fluvanna County or any other public agency.
5. The utility systems permitted by the Special Use Permit shall be limited to the development areas shown on the Ballinger Bluffs rural cluster development plans and any expansion of the system will require an amendment to the Special Use Permit.
6. The Board of Supervisors, or its representative, reserves the right to inspect the property for compliance with these conditions at any time.

Suggested Motion:

I move that the Planning Commission recommend to (**approve / deny**) SUP 20:02, 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 listed in the staff report.

Attachments

Test Well Reports dated 3-9-21 and 3-10-21



**Commonwealth of Virginia
Uniform Water Well Completion Report**

Owner Angley Properties LLC Tax Map ID 31-A-41 test well #1
 Address 440 Premier Circle Ste 200 VDH Permit 132-21-0009
Charlottesville VA 22901 WWCB Permit _____
 Phone _____ WWCB ID _____
 Location Oak Creek Rd. County Fluvanna

*** Well Data ***

General Information

Drilling Method Rotary Date Completed 3-9-01 Total Depth of Well 185 ft.
 Depth of Bedrock 50 ft. Yield 40 (GMP) Length of Test 1 hr.
 Static Water Level _____ Stabilized Water Level 40 ft. Natural Flow (Rate) _____
 Well Disinfected (Y or N) _____ Disinfectant Used _____ Amount Used _____

Casing

From tc To 52 ft. From _____ To _____ From _____ To _____
 Size 6 1/4 Material PVC Size _____ Material _____ Size _____ Material _____
 Weight/Schedule SDR 27.6 Weight/Schedule _____ Weight/Schedule _____

Gravel Pack

From _____ To _____ From _____ To _____ From _____ To _____

Grout

From 0 To 50 ft. From _____ To _____ From _____ To _____
 Bore Hole Size 10 inch Bore Hole Size _____ Bore Hole Size _____
 Type Bentonite Type _____ Type _____
 Method pumped Method _____ Method _____

Water Zones or Screened Intervals

From 70 To 72 ft. From 134 To 135 ft. From 147 To 148 ft.
 Mesh Size _____ Diam _____ Mesh Size _____ Diam _____ Mesh Size _____ Diam _____
 From _____ To _____ From _____ To _____ From _____ To _____
 Mesh Size _____ Diam _____ Mesh Size _____ Diam _____ Mesh Size _____ Diam _____

*** Use Data ***

Private Well: Domestic Agricultural _____ Industrial _____ Monitoring _____
 Public Well: Community _____ Non-community _____

*** Abandonment Information ***

Bored or Dug Wells

Casing removed, Y or N? _____
 If Y, Depth to which casing was removed: _____
 Depth and Type of Fill: _____
 Source of Fill _____
 Bentonite Plugs: From _____ to _____ From _____ to _____

Wells other than Bored Wells

Casing removed, Y or N? _____
 If Y, Depth to which casing was removed/ _____
 Applicable, Depth(s), and type of grave/sand fill: _____
 Source of gravel or sand: _____
 Cement: From _____ to _____ From _____ to _____

Method of permanently marking location: _____

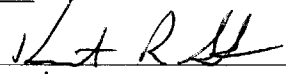
* Drillers Log *

Depth	Description of Formation or Sediment	Remarks
0-4 ft	orange clay	
4-9 ft	soft yellow rock	
9-11 ft	soft brown rock	
11-50 ft	alternating yellow & brown rock	
50-60 ft	grey rock	
60-120 ft	alternating brown & grey rock	
120-185 ft	grey rock	

(Use Additional Sheets if necessary)

I certify that the information contained here is true and that this well was installed and constructed in accordance with the permit and further that the well complies with all applicable state and local regulations, ordinances and laws.

Name: KRS Excavating and Well Drilling
Address: 12898 Rockfish River Road
Shipman, VA 22971
Phone: 434-263-6612

Drillers Signature : 
Date: 4-1-21 Representing _____

Virginia Contractors License Number: 2705034631 2719 000205

**Commonwealth of Virginia
Uniform Water Well Completion Report**

Owner Quigley Properties LLC Tax Map ID 31-4-41 test well #
 Address 440 Premier Circle Ste. 200 VDH Permit 132-21-0010
Charlottesville VA 22901 WWCB Permit _____
 Phone _____ WWCB ID _____
 Location Oak Creek Rd County Fluvanna

*** Well Data ***

General Information

Drilling Method Rotary Date Completed 3-10-21 Total Depth of Well 285 ft.
 Depth of Bedrock 48 ft. Yield 5 (GMP) Length of Test 1 hr.
 Static Water Level _____ Stabilized Water Level 50 ft. Natural Flow (Rate) _____
 Well Disinfected (Y or N) _____ Disinfectant Used _____ Amount Used _____

Casing

From +2 To 52 ft. From _____ To _____ From _____ To _____
 Size 6 in. Material PVC Size _____ Material _____ Size _____ Material _____
 Weight/Schedule SPR 27.6 Weight/Schedule _____ Weight/Schedule _____

Gravel Pack

From _____ To _____ From _____ To _____ From _____ To _____

Grout

From 0 To 50 ft. From _____ To _____ From _____ To _____
 Bore Hole Size 10 inch Bore Hole Size _____ Bore Hole Size _____
 Type Bentonite Type _____ Type _____
 Method pumped Method _____ Method _____

Water Zones or Screened Intervals

From 90 To 92 ft. From 148 To 149 ft. From _____ To _____
 Mesh Size _____ Diam _____ Mesh Size _____ Diam _____ Mesh Size _____ Diam _____
 From _____ To _____ From _____ To _____ From _____ To _____
 Mesh Size _____ Diam _____ Mesh Size _____ Diam _____ Mesh Size _____ Diam _____

*** Use Data ***

Private Well: Domestic Agricultural _____ Industrial _____ Monitoring _____
 Public Well: Community _____ Non-community _____

*** Abandonment Information ***

Bored or Dug Wells

Casing removed, Y or N? _____
 If Y, Depth to which casing was removed: _____
 Depth and Type of Fill: _____
 Source of Fill _____
 Bentonite Plugs: From _____ to _____ From _____ to _____

Wells other than Bored Wells

Casing removed, Y or N? _____
 If Y, Depth to which casing was removed/ _____
 Applicable, Depth(s), and type of grave/sand fill: _____
 Source of gravel or sand: _____
 Cement: From _____ to _____ From _____ to _____

Method of permanently marking location: _____

* Drillers Log *

Depth	Description of Formation or Sediment	Remarks
0-4 ft	orange clay	
4-9 ft	soft yellow rock	
9-48 ft	soft brown & yellow rock	
48-285 ft	grey rock	

(Use Additional Sheets if necessary)

I certify that the information contained here is true and that this well was installed and constructed in accordance with the permit and further that the well complies with all applicable state and local regulations, ordinances and laws.

Name: KRS Excavating and Well Drilling
Address: 12898 Rockfish River Road
Shipman, VA 22971
Phone: 434-263-6612

Drillers Signature : 
Date: 4-1-21 Representing _____

Virginia Contractors License Number: 2705034631 2719 000205

April 13, 2021

Hello my name is Lois Fulks. I live at 331 Oak Creek Road in Palmyra, the property immediately adjacent to the subdivision homes proposed by Mr. Tim Miller in his Ballinger Creek project.

My personal interest is to protect property rights currently and into the future for any owners of 331 Oak Creek Road in Palmyra, Va. I also wish to protect property rights of my Fluvanna County neighbors. Thank you very much to the Planning Commission for allowing me to speak.

I will start by saying the subdivision as it is currently proposed is simply a bad idea as it will create a permanent headache for everyone involved: the individuals or families who will purchase these homes, immediate surrounding neighbors and neighborhood, the County of Fluvanna, and potentially the state of Virginia's agreement with the County of Fluvanna regarding soil erosion, silt build-up, creek contamination, and ultimately the Chesapeake Bay.

This plan of 20 houses, each with its own well, is the highest density of wells ever approved in Fluvanna County, many of which are within 400 feet of eight other wells. At least 12 of the proposed wells are within 250 feet of my property line, and least 3 of the large experimental septic/drainage systems are within 50-100 feet of my property line, meaning that my well and spring are directly threatened by this project.

The density of wells stacked one against the other as well as the proposed drainage systems to be tested for the first time in the midst of 20 newly constructed homes leaves no margin for error, and leads to so many unanswered questions:

1. Can test well output be considered conclusive for such 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 Aug/Sept when weather is hot and dry, water tables are low.
2. What is the useful life expectancy of the sewage collection/drainage systems being proposed?
3. What are the contingency plans if current proposed collection/drainage systems are insufficient and/or fail?
4. What is the plan for cleaning out or replacing the system at the end of its useful life expectancy?
5. Who dictates and monitors this clean-out and/or replacement effort on a regular on-going basis?
6. What is to prevent ground water contamination if the homeowners or HMO does not have 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 on-going drainage capacity is limited?
7. How will bad odors be managed related to this process?

8. The septic/drainage system in 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?
9. Is it possible that multiple wells that are so close to multiple septic/drainage systems could become contaminated?
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?
11. Is it true that in periods of very dry weather conditions that 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?
12. Are the sand-mound systems being used because the land does not perc?

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 in Dec-Jan.
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, MS13 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 creeks, built in the midst of a quiet countryside that house folks who do not want to live on top of each other in an A1 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 country side 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!

Fluvanna County currently requires Mr. Miller to maintain the septic/drainage system for five years after 90% of the “units” are sold. Question: does “unit” here denote property lots sold to Liberty Homes or homes sold to individual families?

Douglas Miles

From: Kirtley, Josh <joshua.kirtley@vdh.virginia.gov>
Sent: Friday, March 26, 2021 2:10 PM
To: Jackie Layton
Cc: Douglas Miles; john.mcclelland@vdh.virginia.gov
Subject: Re: Quigley Properties LLC / Ballinger Bluffs Rural Cluster Subdivision

Jackie:

Wastewater systems are designed based on hydraulic and organic loading for a particular use. As such, there are many sizes to accommodate a given proposal. Provided the unit is designed to accommodate the proposed use, then it should be approvable.

From what I gather, the proposed treatment manufacturer has been widely used in our area for some time with an excellent track record.

Josh



Josh Kirtley
Environmental Health Technical Consultant
Onsite Sewage and Water Programs
Blue Ridge Health District | Virginia Department of Health
Office 434-972-6288



On Fri, Mar 26, 2021 at 1:55 PM Jackie Layton <laytonhome2011@gmail.com> wrote:

We are following up on our last email a week ago. Are there other areas of the county or elsewhere that one system has been used to accommodate four homes; and if so, could you send information on where and how many have used it? If not, what criteria has been used to determine its use for four homes.

On Fri, Mar 19, 2021 at 2:23 PM Jackie Layton <laytonhome2011@gmail.com> wrote:
Gentlemen,

We are concerned about the Ballenger Bluff project central sewer systems. We understand that the type of system that is being proposed has previously only been used for single family homes. We would like to know who is determining the size of the system needed and what criteria is being used to accommodate four homes.

Thank You.

Dale Layton

On Fri, Mar 19, 2021 at 11:53 AM Douglas Miles <dmiles@fluvannacounty.org> wrote:

Good Morning Dale Layton: (434) 981-3923

RE: <https://www.webgis.net/va/fluvanna/?op=id&id=1|parcels|PINFormat|31-A-46>

I understand that you have some technical questions about the proposed operation of the wastewater treatment units that Tim Miller, PE, LS

is proposing to utilize in his amended request for Ballinger Bluffs rural cluster subdivision now located only off of Oak Creek Road and no longer

along Courthouse Road. I am forwarding your request onto the VDH - Blue Ridge Health Department staff members who could answer any of

your technical and operational questions: Josh Kirtley and Jack McClelland have been copied and you can perform a Reply to All back to them.

I have attached the most recent information on these two requests: SUP 20:02 and SUB 20:33 that were deferred from March 9th to April 13th.

Josh Kirtley's Virginia Department of Health comments letter from October 30, 2020 is attached along with my most recent County Staff Reports.

I am unable to answer your technical and operational questions for you but they will be able to answer your questions for these two (2) requests.

I would appreciate it if you would copy me on your request and they can copy me in their response for everyone's knowledge on your questions.

Have a Good weekend,

Douglas Miles, AICP, CZA

Community Development Director

Fluvanna Planning & Community Development

Post Office Box 540 / 132 Main Street

Palmyra, Virginia, USA 22963

(434) 591-1910 Extension 1060

dmiles@fluvannacounty.org

This e-mail is not intended to be and shall not be deemed to be an official decision or determination made by the Zoning Administrator.

Fluvanna County Government Offices are open to the public by Appointment only. Please contact us by e-mail or phone to schedule an

appointment in advance or visit www.fluvannacounty.org

April 7, 2021

Dale and Jacqueline Layton
265 Oak Creek Road
Palmyra, Virginia 22963

To Barry A. Bibb, Chairman and members of the Fluvanna County Planning Commission

After doing a little more research based on our concerns about having four homes on one wastewater treatment system (Norweco) as proposed for Ballinger Bluff, 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/>). The system is specifically listed as an “**individual**” home wastewater treatment plant. The latest sketch plan for Ballinger Creek shows **two tanks next to each other in five locations**. It would be good to know the size and plans for each.

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 site (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.

Thank you for considering these important details.
Sincerely, Dale and Jacqueline Layton