



Minutes
Louisa County Planning Commission
Thursday, July 8, 2021
7:00 PM
Louisa County Public Meeting Room

CALL TO ORDER

Ms. Reynolds called the July 08, 2021, meeting of the Planning Commission to order at 7:00 p.m.

ROLL CALL

Attendee Name	Title	Status	Arrived
Gordon Brooks	Commissioner	Present	
Holly Reynolds	Chairman	Present	
Ellis Quarles	Commissioner	Remote	
Cyrus Weaver	Commissioner	Present	
George Goodwin	Commissioner	Present	
John Disosway	Vice Chairman	Present	
H. Manning Woodward	Commissioner	Present	
Ed Jarvis	Town of Mineral Representative	Absent	
Garland Nuckols	Town of Louisa Representative	Absent	
Tommy J. Barlow	Board Liasison	Present	

Others Present - Robert Gardner, Director of Community Development; Jeff Ferrel, Assistant County Administrator of Operations; Jenny Carter, Community Development Office Manager, Hellen Phillips, County Attorney, and Administrative Assistant; Mary Moreau

INVOCATION

Mr. Weaver led the invocation.

PLEDGE OF ALLEGIANCE

Mr. Brooks led the Pledge of Allegiance.

CONSENT AGENDA

None

APPROVAL OF AGENDA

On the motion of Mr. Weaver, seconded by Mr. Disosway, which carried a vote of 7-0, the Commission approved the consent agenda, including the approval of agenda.

APPROVAL OF PLANNING COMMISSION MINUTES

On the motion of Mr. Weaver, seconded by Mr. Disosway, which carried a vote of 7-0, the Commission approved the consent agenda, including the approval of agenda, including the May 13, 2021 minutes.

Minutes - May 13, 2021**PUBLIC ADDRESS**

Ms. Reynolds opened the public address period and asked if anyone wished to speak on issues not on this evenings agenda. There being none, Ms. Reynolds closed the public address.

UNFINISHED BUSINESS

None

PUBLIC HEARINGS**Code Amendment - Addition to Yanceyville AFD - Joshua 19 LLC**

Mr. Disosway asked Ms. Reynolds to recuse his self from this amendment, as he is an applicant of the Yanceyville AFD Amendment.

Mr. Gardner addressed the Commission and presented the application for an amendment to Section 86-501 Districts described of Chapter 86 Land Development Regulations to amend the existing Yanceyville Agricultural and Forestal District, as follows:

<u>OWNER'S NAME</u>	<u>TAX MAP PARCEL #</u>	<u>ACREAGE</u>
Joshua 19 LLC	70-51	96.708

Mr. Gardner explained to the members the applicant grows field crops, including corn, soybeans and winter wheat on this property. A portion of that is forested. On April 28, 2021 the Agricultural Forestal Committee voted in favor of adding this parcel for an addition to the existing Yanceyville Agricultural and Forestal District.

Mr. Gardner asked if there were any questions.

Mr. Goodwin asked for Mr. Gardner to address what is being stated on page 12 of the packet, under conclusion, the last sentence in the paragraph, the core is used to determine the proximity in accordance to the law for additional parcels.

Mr. Gardner replied there is a three step approach, as to if a parcel should become part of an Agricultural District. There is also a third criteria which allows the board to include any parcels that are not in close proximity to a core.

Mr. Goodwin followed up; stating looking at the district map on page 21 of the packet, assumption, based on the proximity given in the application is that the large parcel immediately to the south or left on the map, is TMP identifier 70 being used at the core for this application?

Mr. Gardner indicated, yes that is correct.

Mr. Goodwin asked if previous applications referenced the core that is on Shannon Hill Road, which is the furthest left on the map?

Mr. Gardner replied the one to the bottom left, Mr. Goodwin stated yes that is correct.

Mr. Goodwin indicated that it seems more like an area than a district, because it is unlike any of the other Forestal Districts. This is spread far out and not contiguous, the others are much more contiguous.

Mr. Gardner explained it is up to the property owner, as to whether they want to participate in this program or not. Therefore, there will be gaps where owner's don't participate.

Mr. Weaver asked since we cannot establish what the core is, this parcel is within the distance requirements from the closest parcel, which Mr. Goodwin spoke of, less than a mile?

Mr. Gardner replied yes, less than a mile.

Mr. Weaver asked does that meet the criteria and is there a reason we do not have the core.

Mr. Gardner referenced the diagram that was displayed on over-head, shows parcel 0.81 mile from a certain part of the Yanceyville core, it looked as though there was a core at one time and it separated; again it is up to the property owners in between if they want to join one of these cores.

Mr. Weaver indicated the core possibly could have been dropped years ago, that made this contiguous that we are not aware of.

Mr. Gardner agreed, and stated the positive part is that these lands, even though separate in some cases of the Yanceyville AFD, they are still preserving farm land.

Mr. Weaver agreed and asked, is the piece that adjoins what we are getting ready to add into this district, was that just recently added or has that been part of it?

Mr. Gardner indicated yes it was recently added, this is the second parcel.

Mr. Goodwin asked is there any way to send a message back to the committee that if this is the established core, which it will be used in future applications, that the core cannot be arbitrarily assigned to any parcel?

Mr. Gardner replied that the Planning Commission can make any recommendation.

Mr. Goodwin stated he would like for them to do so; to cut down on the complications of future applications, and he has no issue with the use of this land.

Mr. Goodwin indicated with the growth of this district there needs to be some continuity going in that area, and that would be his suggestion for the committee.

Ms. Reynolds asked if there are other questions for Mr. Gardner at this point.

Mr. Weaver stated he is in agreement with Mr. Goodwin.

Mr. Quarles stated he believes there should be a core established from the stand point of reference points and with it being vague that he agrees with Mr. Weaver and Mr. Goodwin.

Ms. Reynolds asked if they need to make a motion on this or make comment and take back to staff.

Mr. Goodwin replied to make it a motion to approve.

Ms. Phillips stated it should be separate from the application, and discussed at the next committee meeting.

Ms. Reynolds asked if everyone is ok with Ms. Phillips suggestion.

Mr. Goodwin asked if there will be a separate motion. Ms. Reynolds clarified that what Ms. Phillips stated is to make it an instruction to staff.

Mr. Weaver asked is there a certain number of parcel pieces that have to be for a Forestal District or Agricultural District to qualify, or can it just be one piece.

Ms. Reynolds replied just one, has to be over two hundred acres.

Mr. Gardner stated, the Board wants to adopt independent areas or designate areas.

On the motion of Mr. Goodwin, seconded by Mr. Brooks, to approve, by a vote of 7-0.

NEW BUSINESS

None

DISCUSSION

Amending Chapter 86, Land Development Regulations - Towing Yard

Mr. Gardner addressed the Commission and gave an overview of Amending Chapter 86, Land Development Regulations - Towing Yard. Mr Gardner stated there are three people that are interested in establishing towing yards in the county. A "Towing Yard" is not allowed per land development regulations.

Mr. Gardner indicated this is different than some of the definitions in the LDR; this one would create, a towing yard. In the definition section of the land development regulations; it is stated as an impoundment yard, but really does not state what that is. Within a towing yard, there is a lot of state statue criteria. It would be a storage area that you can take a car that has been in an accident, disabled or left on the interstate, etc. According to state statute the car can stay in a yard for up to ninety days.

Mr. Gardner indicated if your car is towed; it has a forty-eight to seventy-two hours turn over,

and claimed by the owner, this should go with something else that is already on the property.

Mr. Gardner advised the Planning Commission that if they decide to recommend this or other changes, or no changes, there would need to be a change to the matrix table and change conditions under the conditional use permits.

Ms. Reynolds asked Mr. Gardner is there a code compliance officer in the county now?

Mr. Gardner replied yes, there is.

Mr. Ferrel stated that before the position was shared, for about 2 years that the county has had a full time staff member, but there is one now.

Mr. Quarles asked Mr. Gardner is there a definition for an impound lot but not a towing lot?

Mr. Gardner answered that is correct, not a towing yard.

Mr. Quarles asked would you not consider an impound lot the same as a towing facility?

Mr. Gardner replied that the first part of the definition fits, but the rest of the definition does not. The definition for an impound lot; is a holding place for cars until they are placed back in the control of the owner, recycled for their metal, stripped of their parts at a wrecking yard or auctioned off for the benefit of the impounding agency.

Mr. Quarles indicated, he thinks that the part of the definition is stating, parts being stripped off not at that yard but after the car has been sold, because the impound lots that he knows of, you are not taking parts off, it's a vehicle for the next entity that owns it; whether it be the insurance company or owner as to what they are going to do with it.

Mr. Gardner replied he understands where Mr. Quarles and others would say that, but there are a number or complaints in the county as well as other counties of vehicles that are inoperable, pieces and parts laying around; he is just trying to be very clear as to the difference of various uses.

Mr. Quarles asked would it not be simpler to elevate the need for cars to sit around, rather to put a time limit on it, than restructure or call it something different.

Mr. Gardner stated for the towing yard that handles impound vehicles, those vehicles are not to be there no more than ninety days at a time.

Mr. Quarles responded that a restructure does not need to occur, if there is a time limit you will not run into the issue of the vehicle being there for a long period of time.

Mr. Brooks stated what has been created is a towing yard, you come to the towing yard within forty-eight hours, then tow to the impound lot for ninety days and you're ok for ninety days.

Mr. Gardner replied no, it is an interesting consideration, it's up to state statute. Vehicles may stay somewhere because someone cannot pay their bill. Mr. Gardner explained, it is not the same if I go to the UVA campus and park in the wrong spot and come back and the car is gone, that is

a different facility; the third is even different than that, typically cars are kept there maybe because of legal issues, death etc. and kept up to ninety days, so its different things. It is not the intent to get rid of places at service stations or service centers that have cars parked there waiting to get fixed.

Mr. Disosway asked the way he understands it, if the commission moves forward with towing yards, the desire is to remove impound lot; to avoid confusion, is that what the proposal is?

Mr. Gardner agreed.

Mr. Ferrel stated that there is a difference in what Mr. Gardner indicated. There are three different things. There is a business that tows vehicles, if my car breaks down, its towed and sits outside to be fixed until it can be picked up, that's different; and then you have an impound lot, which in reality is just a lot. The county has an impound lot, a larger locality there is an impound lot for businesses. There is an impound lot for the police department to put things; it's just a lot, a caged fence, where you put things and they sit there. Mr. Ferrel added to Mr. Disosway point and to add clarity; maybe it should not be a towing yard, maybe it should be a towing business with impound lot, where you have an impound lot that's passive and you have a business. It's a business that wants to locate its wrecker service, and they have 4 or 5 tow trucks, they have staff operating, they have their vehicles that work. They will get called at 2am in the morning; they will get their wreckers and go and pull the vehicle. The vehicle will sit there until the owner claims the vehicle or it's taken to a repair facility or something else. A facility like this is usually used when you're not able to make the decision yourself, the police or emergency service makes it for you. Instead of it being a towing yard definition, maybe it should be a towing business and or with impound lot. It is the passive lot but, it's also the business. This is what is trying to be resolved with this.

Mr. Goodwin stated going back to the original application. The application was for a lot to accommodate wrecks because Interstate 64 was cited. Mr. Goodwin suggested to get away from the word impoundment, all together. The vehicles are not so much impounded as they are removed as a public nuisance from public property. Should the definition state for the storage of disabled vehicles that are or have been removed from a public road way or public property. This definition will get away from scrap yards, salvage yards. The expressed purpose, is that they are usually called out by county or state to get something out of the roadway or out of a parking lot; they have been removed from public property.

Ms. Reynolds indicated you would not be able to call them disabled, because the vehicle could be totally able, they are just parked in the wrong spot.

Mr. Goodwin replied that would get you into a parking thing where you have private parking, you have operators that come and tow you away from apartment complexes, etc.

Mr. Goodwin stated he did not think that was what was being discussed, he thought it was specific to state police getting stuff off Interstate 64.

Ms. Reynolds stated you are narrowing it down to one application, and we are looking at an ordinance that could affect many different applications, in the future.

Mr. Goodwin replied if that is the intent, then never mind. Ms. Reynolds stated Mr. Goodwin did

not make a bad point, that she does not think you can state “disabled vehicles”, because they are going to end up being towed from somebody’s private place.

Mr. Goodwin, replied if you want to include towing them out of an apartment complex etc. then yes, they do not have to be disabled.

Mr. Quarles indicated he is not hearing the difference, between what is being said as to an impound lot and this new amendment for this towing yard. Any of the vehicles are going to have to be towed. If it gets to the “said lot” and you do not have the money to release the vehicle, it is there for impound, it is not going to be released.

Mr. Quarles also indicated until the Commission can see a difference between the definitions that is already there for impound lot and what the new thing is he does not know why it is being discussed.

Mr. Woodward stated he thought that there are too many things being lumped together. Mr. Woodward’s understanding, differs from Mr. Goodwin’s. Mr. Woodward also stated he thought the application is for the Zion Crossroads and specific for someone having a contract with the city of Charlottesville, Albemarle etc. to bring cars down to Zion Crossroads, to put on a lot here, and people would come from that area where the contract would be, and could get the car out of impoundment etc. There is a real difference between that and what people here have towing wise. The Sheriff’s office has a list of towing company’s they use. This is going to take a lot of work, and Mr. Woodward indicated he is not comfortable with the terminology being used. Mr. Woodward stated there should be another definition for it other than just towing lot.

Mr. Weaver asked if the individual that submitted the application, been satisfied yet.

Mr. Newman the applicant addressed the Planning Commission, and stated the points are appropriate. The particular company that wants to be a tenant of Mr. Newman only tows when he is called, that is under contract or someone in the middle of the night, cars are not towed unless warranted.

Ms. Phillips asked, Mr. Newman is Albemarle, Charlottesville, the State police etc. is that who this individual would work with? Mr. Newman added, apartment complex etc. Ms. Phillips replied that state law requires, if an individual parks illegally in Charlottesville, the vehicle is towed, the individual has to be notified and has to know where to pick up the car up. This is a short term stay in a towing lot, this is a case when the individual wants that vehicle back.

Mr. Quarles stated everything that Mr. Newman has indicated is an impound lot, there is no difference. Mr. Quarles gave examples; if a car is towed from UVA, the individual picks it up from an impound lot. Mr. Quarles asked why we are trying to redefine this.

Mr. Ferrel replied an impound lot is defined specifically. Mr. Ferrel read the definition of impound lot. A towing yard is a temporary holding yard.

Mr. Quarles replied he is still not clear on this, the difference is how long the vehicle is going to be at one place, so put a time limit on it; the definition does not need to be rewritten.

Ms. Reynolds asked what do you do with an impound lot then? There is no place to keep a car

more than ninety days.

Mr. Barlow asked when the application was submitted, impound lot was discussed, he believed the definition seemed to meet the most of that.

Mr. Brooks indicated that the local guys that live along Interstate 64 that pick up a single car; will not be going to be sitting there for 90 days, nor is it going to be more than 3 cars, if a number limit is set for the amount of cars that can be in the yard at one time, maybe it would not need anything to address.

Mr. Barlow also stated a time period and a number of cars at any given time would take care of it.

Mr. Gardner asked Mr. Newman to give a description of the operation again.

Mr. Newman replied the individual has a bunch of tow trucks under contract etc. the impoundment part of it is strictly liability, once that individual takes the car it's his or her responsibility for the care of the car. Mr. Newman indicated he does not know how many cars the individual has, possibly 100.

Mr. Goodwin mentioned that what Mr. Newman has stated goes with what Mr. Woodward talked about, we are getting to many things in one category.

Ms. Reynolds indicated they could continue to discuss or give it back to Mr. Gardner to work on again.

Mr. Brooks asked Mr. Newman if there would be possibly 100 vehicles, and Mr. Newman replied he has 6.5 acres and would not use over half that, there are buildings on it and he is not sure how many vehicles would fit on said amount of acres.

Mr. Brooks asked if Mr. Newman has 100 vehicles and where would he take the vehicles after 48 hours?

Mr. Newman replied forty-eight hours does not work, if anyone has had their car towed they would know it can take more than forty-eight hours before you know where your vehicle is.

Mr. Gardner, stated he can do more research and bring examples back to the Planning Commission.

November Planning Commission Meeting Date

Ms. Reynolds addressed the Commission, stating that there are three dates that are open; for the Commission Meeting in November. Thursday, November 4th; Wednesday, November 10th and Thursday, November 18th.

Mr. Goodwin asked, if it would be better to move the meeting further out, due to work load etc.

Mr. Gardner agreed. Mr. Goodwin stated, it would be better to move it back and not up.

Mr. Gardner agreed.

Ms. Reynolds, suggested Wednesday, November 10th.

Ms. Phillips addressed that the Water authority is meeting on November 10th.

Mr. Goodwin suggested the 18th of November.

Ms. Reynolds stated November 18th is fine.

All voted in favor of November 18th.

Notification & Review - Variance Application - Vallerie Holdings LLC

Ms. Reynolds opened the discussion on the Vallerie Holdings, LCC. Variance application

All in favor of no discussion needed.

REPORTS

None

ANNOUNCEMENTS AND ADJOURNMENT

On the motion of Mr. Goodwin, seconded by Mr. Brooks, which carried a vote of 7-0, the Planning Commission voted to adjourn the July 08, 2021, meeting at 8:00 p.m.

BY ORDER OF:

HOLLY REYNOLDS, CHAIRMAN
LOUISA COUNTY PLANNING COMMISSION

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HOLLY REYNOLDS, CHAIRMAN
PLANNING COMMISSION
LOUISA COUNTY, VIRGINIA