



Minutes
Louisa County Planning Commission
Thursday, October 13, 2022
7:00 PM
Louisa County Public Meeting Room

CALL TO ORDER

ROLL CALL

Attendee Name	Title	Status	Arrived
Tommy J. Barlow	Mountain Road District Supervisor	Present	
Gordon Brooks	Commissioner	Present	
Ellis Quarles	Commissioner	Present	
Garland Nuckols	Mayor/Louisa Town Representative	Absent	
Cyrus Weaver	Commissioner	Absent	
George Goodwin	Commissioner	Present	
John Disosway	Chairman	Present	
H. Manning Woodward	Vice Chairman	Present	
James Dickerson	Commissioner	Present	
Tony Henshaw	Town of Mineral Representative	Absent	

Others present: Josh Gillespie, Director of Community Development; Helen Phillips, County Attorney; Kyle Eldridge, Assistant County Attorney; Tom Egeland, Senior Planner; Kurtis Rogers, Planning Associate; Willow Dunford, Administrative Assistant.

INVOCATION

Mr. Dickerson gave the Invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Woodward.

APPROVAL OF AGENDA

Mr. Brooks motioned to approve the agenda. The motion was seconded by Mr. Quarles and opposed by none, accepted without further discussion.

APPROVAL OF PLANNING COMMISSION MINUTES

Planning Commission - Regular Meeting - Sep 8, 2022 7:00 PM

Mr. Brooks motioned to approve the minutes, seconded by Mr. Quarles.

Mr. Disosway stated that the language in the minutes (packet pages 4 and 5) was not correct for CUP 2022-05, the Mine and Hemmer project.

Original minutes follow below, with the revised language to be used in place of the first draft indicated after “**INSERT REVISED LANGUAGE HERE IN PLACE OF #18 ABOVE:**”

Requested change from (strikeout) and to (bold):

~~18. Building Permit Deadlines. Building permits must be obtained within five (5) years from the date of approval of Conditional Use Permit Amendment CUP2022-05 and the generation of solar electricity shall reach a maximum phase of 94 MW AC within three (3) years from issuance of the building permit, or this Conditional Use Permit shall become null and void, unless extended by agreement with the County, the Applicant, and the Owners of the property.~~

18. Building Permit Deadlines. A building permit must be obtained on or before November 22, 2031, or the Conditional Use Permit shall become null and void, unless extended by agreement with the County, the Applicant and the Owners of the property.

Mr. Disosway motioned to forward a recommendation of approval to the Louisa County Board of Supervisors on the request to allow an amendment to Condition 18 of CUP2021-03 as follows:

18. Building Permit Deadlines. A building permit must be obtained on or before November 22, 2031, or the Conditional Use Permit shall become null and void, unless extended by agreement with the County, the Applicant and the Owners of the property.

REVISED LANGUAGE HERE IN PLACE OF #18 ABOVE:

#18. BUILDING PERMIT DEADLINE: A building permit must be obtained on or before November 22, 2031, and construction pursuant to this building permit for a Solar Generation Facility, Utility Scale, for up to 94 MW AC must be completed within three years of the issuance of the building permit, or this Conditional Use Permit shall become null and void, unless extended by agreement with the County, the Applicant, and the owners of the property.

The motion was seconded by Mr. Quarles and carried with a vote of 6-0.
The minutes were approved with the amendments described above.

CONSENT AGENDA

None.

PUBLIC ADDRESS

Mr. Disosway opened the public address period.

There were no speakers.

Mr. Disosway closed the public address period.

UNFINISHED BUSINESS

The Commission has one unfinished item, intended to be completed by the end of the year.

1. Comprehensive Plan - Small Area Plans

PUBLIC HEARINGS

LDR2022--09 Amendment - Chapter 86 Land Development Regulations - Former A-2 Subdivision Buffers

LDR2022--09 Amendment - Chapter 86 Land Development Regulations - Former A-2 Subdivision Buffers

Mr. Gillespie presented the Board-initiated text amendment that is intended to address the requirements of the ordinance in effect prior to February 16, 2021, requiring roadside buffers; and to no longer enforce the prior buffer requirements for maintenance and, or replacement plantings; and to return any security being held by Louisa County for the roadside buffers to the respective party. The Board intends for this amendment to be retroactively applied.

Mr. Disosway opened the public hearing for comments.

There were no speakers on this topic. Mr. Disosway closed the public hearing for comments.

Mr. Woodward explained that in some cases it was impossible to maintain these standards and he welcomed the Board's decision to amend the requirement. He further explained that he is on a bond for this requirement until the amendment has been made so he will abstain from voting.

Mr. Brooks motioned to forward a recommendation of approval to the Louisa County Board of Supervisors on the amendment request. The motion was seconded by Mr. Goodwin and carried with a vote of 6-0.

REZ2022-05 Lake Anna Resort PUD

Mr. Egeland presented the request to rezone approximately 15.277 acres, comprised of tax map parcel 30-3A and a portion of 30-3, from General Commercial (C-2) to Planned Unit Development (PUD) for a proposed mixed-use development on Lake Anna along the Route 208 corridor. He gave a brief history of the property and reported details from the fire department and details regarding utilities.

Mr. Egeland continued with the following requests that are included in the application:

1. Conditional Use Permit (CUP) to increase the height allowed for residential buildings from a maximum of sixty (60) feet in the Planned Unit Development (PUD) district to be the same as the other permitted buildings, which is eighty (80) feet.
2. Modification request in accordance with Section 86-125. Modification request item (c) to 86-124. *Site design and architectural guidelines item (4) Building visuals.* for exterior cladding, primary and secondary materials.
3. Special Exception (SE) request in accordance with Section 86-125. Modification requests item (c) to Section 86-656. Use and design standards item (b)(7) b. dry hydrant requirements.

Mr. Egeland stated that staff recommends approval of the rezoning request and the conditional use permit with three (3) conditions as follows:

1. Height. LA Resort shall not construct a condominium building greater than 80 feet in height.
2. Site inspection. The Louisa County Board of Supervisors or their designated representative reserves the right to inspect the site at any reasonable time with or without advance notice, so long as notice is provided to Applicant simultaneously with entry to the site.
3. Violations. Violations of any condition of this permit shall be grounds for revocation of the Conditional Use Permit. The Louisa County Board of Supervisors may choose to hear any violations of the conditions of the permit affording the applicant due process during a public hearing.

Mr. Egeland continued with a staff recommendation of approval for the modification request as well, however he stated that staff does not recommend approval of the Special Exception Request.

After some brief discussion and questions from the Commission, Mr. Disosway opened the public hearing for comments.

The applicant's agent, Mike Grossman, presented the proposed planned unit development to the Commission. Mr. Grossman concluded with three changes to the application submitted as follows:

1. Proffer the use of short term rentals for periods not less than 7 days.
2. Remove the request to waive the dry hydrant requirement.
3. Proffer the three pad sites to only be used for commercial development.

Mr. Disosway called on the citizens who wished to comment on the project.

Speaker 1

Ben Unrue - Opposed

Speaker 2

Robert Lorenzon - Opposed

Speaker 3

Claude Owen - Opposed

Speaker 4

Ryan Underwood - Opposed

Speaker 5

Carolyn Lorenzon - Opposed

Speaker 6

Phil Winston - Opposed

Speaker 7

John Wayne, Lake Anna Civic Association Representative - Opposed

Speaker 8
Charles Clapp - Opposed

Speaker 9
Ann Clapp - Opposed

Speaker 10
Nancy Coldwell, Spotsylvania County Resident - Opposed

Mr. Disosway also noted for the record email messages regarding this case sent to the Planning Commission.

There were no further speakers. The applicant had the option to speak for 5 minutes in response to public comments and to make a closing statement.

Mr. Grossman made his closing statement, stating that the land will be developed commercially if not as a PUD and might end up as something even less appealing. He addressed concerns about water quality and the harmful algae bloom, noting that the Virginia Department of Environmental Quality will regulate that.

Mr. Disosway closed the public hearing for comments.

There was extensive discussion and questions from the Commissioners.

Mr. Disosway stated that he was concerned about the loosely worded proffer restricting the pads of being used for residential. He would prefer a proffer that certificates of occupancy not be issued for the condos until there is an approved site plan in place for the hotel and restaurant.

Due to uncertainties with the hotel chains, Mr. Grossman stated that a proffer like that could stop progress and be detrimental to the project.

Mr. Goodwin expressed similar concerns and he strongly suggested that a bond be required to ensure the commercial structures get built.

Mr. Woodward had a number of concerns including traffic on Rt 208 and possible impacts to taxpayers regarding the wastewater treatment plant.

Mr. Brooks stated that in 2016 it was decided that 6 units per acre was too much and that's still what is being proposed currently.

Chairman Disosway handed the gavel to Vice Chairman Woodward before making a motion, as this project is in his district.

Mr. Disosway motioned to forward a recommendation of approval to the Louisa County Board of Supervisors on the request for rezoning from C-2 to PUD with conditions recommended by staff and two recommended conditions. The additional recommended conditions are as follows:

1. Certificate of occupancy be held until a site plan is approved for the hotel and restaurant.
2. Require a performance bond be posted for the project.

The motion was seconded by Mr. Dickerson and then amended to include the proffer of the pads only being used for commercial. The motion carried with a vote of 4-2.

Mr. Disosway motioned to forward a recommendation of approval to the Louisa County Board of Supervisors on the request to increase the residential height from a maximum allowed in Planned Unit Development (PUD) from sixty (60) feet for other permitted buildings to eighty (80) feet. The motion was seconded by Mr. Goodwin and votes made following a roll call, as follows:

Gordon Brooks - Yes
Ellis Quarles - No
Cyrus Weaver - Absent
George Goodwin - Yes
John Disosway - Yes
H. Manning Woodward - No
James Dickerson - No

The motion failed with a vote of 3-3.

Mr. Disosway motioned to forward a recommendation of approval to the Louisa County Board of Supervisors on the request for modification to the site design and architectural guidelines, Building visuals. for exterior cladding, primary and secondary materials. The motion was seconded by Mr. Goodwin and carried with a vote of 4-2.

NEW BUSINESS

None.

DISCUSSION

None.

REPORTS

Mr. Gillespie reported on the following topics:

1. Workflow volume and changes in the county with the changing economy.
2. Personnel changes and introduction of Willow Dunford and Kurtis Rodgers.

ANNOUNCEMENTS AND ADJOURNMENT

Mr. Woodward motioned to adjourn the meeting, seconded by Mr. Quarles. The motion carried 6-0. The regular meeting of the Louisa County Planning Commission was closed at 9:00 PM.

BY ORDER OF:

JOHN DISOSWAY, CHAIRMAN

PLANNING COMMISSION
LOUISA COUNTY, VIRGINIA