



Minutes
Louisa County Planning Commission
Thursday, November 10, 2022
7:00 PM
Louisa County Public Meeting Room

CALL TO ORDER

Chairman Disosway called the November 10, 2022, regular meeting of the Louisa County Planning Commission to order at 7:00 p.m.

ROLL CALL

Attendee Name	Title	Status	Arrived
Tommy J. Barlow	Mountain Road District Supervisor	Present	7:00 PM
Gordon Brooks	Commissioner	Present	7:00 PM
Ellis Quarles	Commissioner	Present	7:00 PM
Garland Nuckols	Mayor/Louisa Town Representative	Present	7:00 PM
Cyrus Weaver	Commissioner	Present	7:00 PM
George Goodwin	Commissioner	Absent	
John Disosway	Chairman	Present	7:00 PM
H. Manning Woodward	Vice Chairman	Present	7:00 PM
James Dickerson	Commissioner	Present	7:00 PM
Tony Henshaw	Town of Mineral Representative	Absent	

Others present: Josh Gillespie, Director of Community Development; Kyle Eldridge, Assistant County Attorney; Tom Egeland, Senior Planner; Kurtis Rogers, Planning Associate; Bridgette Bittle, Planning and Zoning Technician.

INVOCATION

Mr. Dickerson led the Invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Woodward.

APPROVAL OF AGENDA

On the motion of Mr. Brooks, seconded by Mr. Weaver, which carried by a vote of 6-0, the Planning Commission voted to approve the November 10, 2022, agenda as presented.

APPROVAL OF PLANNING COMMISSION MINUTES

Planning Commission - Regular Meeting - Oct 13, 2022 7:00 PM

Mr. Woodward stated that the votes in the minutes listed as 7-0 should be corrected to 6-0 and the vote on buffers should be 5-0-1.

Mr. Disosway stated that the language for the Mine and Hemmer project was incorrect in the current minutes as was in the September and October minutes. Changes should be as follows:

September 8, 2022, minutes:

INSERT 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.

Correction for October 13, 2022, minutes:

INSERT 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 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.

On the motion of Mr. Quarles, seconded by Mr. Weaver, which carried by a vote of 6-0, the Planning Commission voted to approve the amendments to the September and October minutes as described above.

CONSENT AGENDA

None.

PUBLIC ADDRESS

Chairman Disosway opened the public address period.

Ms. Vicki Hart, Louisa District, spoke about compliance with 86-559 and 86-553 regarding flooding since Louisa County does not participate in the FEMA Federal Flood Program.

Mr. Ryan Underwood, Mineral District, is requesting more thorough impact assessments for rezonings and for the Commission to be more thoughtful about approving them.

With no one else wishing to speak, Chairman 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**REZ 2022-06: Zion Investments LLC & Crossroads Land LLC, Applicants/Owners - Rezoning Request**

Mr. Egeland presented the Planning Commission the rezoning request of an existing hotel, 51-5-2C, in adjacent to 51-5-2B which is currently vacant to be rezoned from Industrial (IND) to General Commercial (C-2). He stated the rezoning would allow the hotel to be permitted use under the C-2 zoning and allow the property owner to maintain the hotel as a legally conforming use and market the vacant lot with the uses permitted in the C-2 district. Staff recommended approval of this request.

Chairman Disosway opened the public hearing.

Mr. Paul Gerhardt from Kaufman and Canoles is representing the applicant. He stated the applicant discovered the non-compliant zoning situation when he was working on his acquisition of the property almost a year ago and it created a problem with the lender. He then applied for the rezoning.

With no one else wishing to speak, Chairman Disosway closed the public hearing.

Mr. Dickerson stated if the proffers were to be offered it would be a plus for the project.

Mr. Quarles agreed there are proffers available but hearing them would be better for the project.

Mr. Disosway stated they would be willing to hear the applicant's proffers.

Kyle Eldridge stated if the Planning Commission has any concerns and the applicant would like to remedy them in any way, they can do so.

Paul Gerhardt stated he has spoken with the owner, and they would like to proffer the limited use of the vacant parcel, such as a car wash or drive thru restaurant, would be prohibited.

There were no other comments or questions.

On the motion of Mr. Dickerson, seconded by Mr. Woodward, which carried by a vote of 6-0, the Planning Commission voted to forward a recommendation of approval to the Louisa Board of Supervisors on the request of rezoning of 2022-06.

REZ 2022-08: Harvest ZC Assets LLC, Applicant/Owner - Rezoning Request

Mr. Egeland presented the request to rezone IHOP from Industrial (IND) to General Commercial (C-2). Staff recommended approval.

Chairman Disosway opened the public hearing.

Mr. Paul Gerhardt, spoke on behalf of the applicant stating the IHOP was recently purchased, and they are trying to rezone the adjacent property.

With no one else wishing to speak, Chairman Disosway closed the public hearing.

On the motion of Mr. Dickerson, seconded by Mr. Brooks, with carried by a vote of 6-0, the Planning Commission voted to forward a recommendation of approval to the Louisa County Board of Supervisors on the request of REZ2022-08.

REZ 2022-07; Donald Bickley & Denise Hoffman, Trustees, Applicant/Owners - Rezoning Request

Kurtis Rogers presented to the Planning Commission the rezoning request of Agricultural (A-1) to Agricultural (A-2). The Comprehensive Plan designates the area as rural/agricultural. Staff does not believe that the potential for five additional homes in the area would conflict with the Comprehensive Plan if the parcels are sized appropriately. Staff recommended approval of the rezoning request. Mr. Rogers also stated the land has been surveyed.

Chairman Disosway opened the public hearing.

Mr. Torrey Williams, applicant's attorney, presented the case for rezoning. He stated the applicant's desire to divide the 41 acres into five parcels. He presented the land survey and preliminary soil work that was performed. Mr. Williams stated the approval of the rezoning request would allow the applicant to sell 4 lots to provide to her retirement and would not be a burden to the community.

Mr. Gerald Harlow, Green Springs District, questioned the local laws of Louisa County regarding development rights.

Mr. Williams addressed Mr. Harlow's question stating the parent parcel cannot be changed.

With no one else wishing to speak, Chairman Disosway closed the public hearing.

Mr. Dickerson asked Mr. Williams if they would require a certain size for the homes to be built on the lots. Mr. Williams stated at this point they have not made that decision.

Mr. Woodward asked if the number of driveways on the property could be limited. Mr. Williams said he understands the concern and would gather more information before commenting on the matter.

On the motion of Mr. Dickerson, seconded by Mr. Weaver, which carried by a vote of 6-0, the Planning Commission voted to forward a recommendation of the approval to the Louisa County Board of Supervisors on the request of rezoning 2202-07 from Agricultural A-1 to A-2.

REZ 2022-04 Zion Town Center LLC, Owners Emerson-Roper Companies, Applicant - PUD Amendment

Mr. Gillespie presented to the Planning Commission the rezoning request to amend the approved Master Plan of prior rezoning case REZ 2019-05. He stated the requested uses with changes to the configuration of residential multi-family, residential single-family attached townhomes, and single-family detached.

Mr. Quarles noted a correction to the voting district listed in the packet that should have been Patrick Henry.

Chairman Disosway opened the public hearing.

The applicant's agent went over the project and their reasoning for this amendment request.

Mr. Lucas voiced his concerns regarding water usage.

Mr. Bob Babyok, Green Springs District, noted the previous approval and improvements of the development.

Mr. Eames spoke in support of the rezoning application.

Mr. Tobbs spoke in support of the rezoning application.

Mr. Brown questioned the fencing and roads surrounding the new development.

Mr. Harlow voiced his concerns regarding the potential impact of schools, fire department, and emergency medical services.

Ms. Hart asked if the housing development would be affordable.

Chairman Disosway turned the comments over to the applicant's agent. The agent addressed the questions and concerns presented by the speakers.

With no one else wishing to speak, Chairman Disosway closed the public hearing.

Mr. Weaver voiced his concern over the affordability of the community.

Mr. Disosway spoke his concerns regarding the school system traffic, and water usage in the new development.

Mr. Quarles recalled the previous proffer on water usage.

The applicant's agent noted the previous comments of department of public utilities [note referring to Louisa County Water Authority] regarding the matter, and the limitation. He then went over the positives of the development.

Mr. Weaver and the attorney went back and forth over the concerns over affordability and residents.

Mr. Brooks voiced his concerns over the local fire department and school systems.

Mr. Quarles stated the proposal would have result in a better project than the existing zoning approved in 2019. The proposal would provide better growth opportunities for commercial development from the planned residential development. The impact on schools and traffic is minimal. The proposal would result in a higher quality of development than the approved planned unit development zoning. The application materials are model of providing thorough information to Louisa County decision makers on a zoning matter.

Mr. Woodward stated the need and want for apartments and townhomes in the area.

Mr. Dickerson agreed with the improvements in the project but is concerned about the boundary of the neighboring property.

On the motion of Mr. Quarles, seconded by Mr. Brooks, which carried by a vote of 5-1, with Mr. Disosway voting against, the Planning Commission voted to forward a recommendation of approval to the Louisa County Board of Supervisors on the request of REZ 2022-04 with amendments to the proffer statement.

LDR 2022-07 Amendment – Chapter 86 Land Development Regulations - Abatement & Civil Penalties

Mr. Eldridge presented the amendment to the Commission; explaining that civil penalties and abatement could mitigate many code cases in the county without having to go to court.

Mr. Jarvis asked if the Town of Mineral would be entitled to any portion of penalties issued and paid within the Town of Mineral.

Mr. Gillespie stated that he is not aware of any current agreement.

There was discussion regarding the process for code cases.

Chairman Disosway opened the public hearing. With no one else wishing to speak, Chairman Disosway closed the public hearing.

On the motion of Mr. Woodward, seconded by Mr. Weaver, which carried by a vote of 6-0, the Planning Commission voted to forward a recommendation of approval to the Louisa County Board of Supervisors on the request of amendment LDR 2022-07.

LDR 2022-12 Amendment - Chapter 86. Land Development Regulations - Appendix A. Fee Schedule

Mr. Gillespie presented the amendment to the Commission briefly going over the changes to the fee schedule.

Chairman Disosway opened the public hearing. With no one wishing to speak, Chairman Disosway closed the public hearing.

Mr. Brooks asked to have language in the motion to explain when the time starts on the fees.

On the motion of Mr. Brooks, seconded by Mr. Weaver, which carried by a vote of 6-0, the Planning Commission voted to forward a recommendation of approval to the Louisa County Board of Supervisors on the request of amendment LDR 2022-12 including language to clarify that the Louisa County Administrator shall provide response within 90 days of receipt by the county.

LDR 2022-10 Amendment - Chapter 86. Land Development Regulations - Split/Non-Contiguous Parcels

Mr. Gillespie presented the amendment to the Commission for recognizing split/non-contiguous parcels.

Chairman Disosway opened the public hearing. With no one wishing to speak, Chairman Disosway closed the public hearing.

Mr. Quarles stated that he thinks this amendment needs further looking into since it seems there were Supreme Court cases that did not support this regulation.

Mr. Eldridge stated that the Supreme Court rulings were on a case of eminent domain.

Mr. Woodward asked if it would apply to parcels that were given or sold instead of taken.

Mr. Eldridge confirmed that it does.

Mr. Disosway stated that his concern is in the wording that contradicts itself.

On the motion of Mr. Brooks, seconded by Mr. Weaver, which carried by a vote of 4-2, with Mr. Quarles and Mr. Disosway voting against, the Planning Commission voted to forward a recommendation of approval to the Louisa County Board of Supervisors on the request of amendment LDR 2202-10 to continue refining the language.

NEW BUSINESS

None.

DISCUSSION

Mr. Quarles wanted to discuss the “bow tie” suggested by VDOT for the Zion Crossroads exit. He wanted to bring it to the attention of the Planning Commission and possibly have it added to the agenda for a Planning Commission meeting or Board meeting.

Mr. Gillespie suggested that a resolution can be made. He also stated that Staff will have a redacted version of the summary of public engagement regarding the Louisa County gateways.

Mr. Disosway appointed Mr. Quarles to work with staff on this topic for the December Planning Commission meeting.

REPORTS

Mr. Gillespie reported on the following topics:

1. Development activity in the county.
2. Personnel changes.

ANNOUNCEMENTS AND ADJOURNMENT

On the motion of Mr. Quarles, seconded by Mr. Weaver, which carried by a vote of 6-0, the Planning Commission voted to adjourn the November 10, 2022 meeting at 10:00 PM.

BY ORDER OF:

JOHN DISOSWAY, CHAIRMAN
PLANNING COMMISSION
LOUISA COUNTY, VIRGINIA