



**Board of Supervisors
County of Louisa
Monday, March 6, 2023
Louisa County Public Meeting Room
5:00 PM**

CALL TO ORDER - 5:00 P.M.

Chairman Adams called the March 6, 2023 regular meeting of the Louisa County Board of Supervisors to order at 5:00 p.m.

ADMINISTRATIVE ITEMS - 6:00 P.M.

Attendee Name	Title	Status	Arrived
Tommy J. Barlow	Mountain Road District Supervisor	Present	5:00 PM
Fitzgerald A. Barnes	Patrick Henry District Supervisor	Present	5:00 PM
Willie L. Gentry Jr.	Cuckoo District Supervisor	Present	5:00 PM
Eric F. Purcell	Louisa County Supervisor	Present	5:00 PM
R. T. Williams	Jackson District Supervisor	Present	5:00 PM
Duane A. Adams	Mineral District Supervisor	Present	5:00 PM
Rachel G. Jones	Green Springs District Supervisor	Present	5:00 PM

Others Present: Christian Goodwin, County Administrator; Helen Phillips, County Attorney; Chris Coon, Assistant County Administrator; Wanda Colvin, Deputy County Administrator/Director of Finance; Alexandra Stanley, Executive Assistant/Deputy Clerk; Andy Wade, Director of Economic Development; Griff Carmichael, Director of Human Resources; Josh Gillespie, Director of Community Development; and Scott Raettig, Information Technology Manager

CLOSED SESSION

On the motion of Mr. Barlow, seconded by Mr. Purcell, which carried by a vote of 7-0, the Board voted to enter Closed Session at 5:00 p.m. for the purpose of discussing the following:

1. In accordance with §2.2-3711 (A) (1) VA Code Ann., to discuss salaries for teachers; and
2. In accordance with §2.2-3711 (A) (5) VA Code Ann., to discuss a prospective business in the Cuckoo District and the Mineral District where no previous announcement has been made of the business's interest in locating in the County; and
3. In accordance with §2.2-3711 (A) (7) and (8) VA Code Ann., to consult with legal counsel and staff about potential litigation regarding property in the Patrick Henry District; and
4. In accordance with §2.2-3711 (A) (7) and (8) VA Code Ann., to consult with legal counsel and staff about *Board of Supervisors v. Vallerie Holdings of Virginia and Walton Lumber v. The County of Louisa County, Virginia*.

REGULAR SESSION

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to return to Regular Session at 5:57 p.m.

RESOLUTION - CERTIFICATION OF CLOSED SESSION

Voter	Role	Vote
Tommy J. Barlow	Voter	Yes/Aye
Fitzgerald A. Barnes	Barnes	Yes/Aye
R.T. Williams, Jr.	Mover	Yes/Aye
Willie L. Gentry Jr.	Voter	Yes/Aye
Duane A. Adams	Voter	Yes/Aye
Rachel G. Jones	Voter	Yes/Aye
Eric F. Purcell	Voter	Yes/Aye

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to adopt the following resolution:

WHEREAS, the Louisa County Board of Supervisors has convened a Closed Meeting this 6th day of March 2023, pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712 of the Code of Virginia requires a certification by the Louisa County Board of Supervisors that such closed meeting was conducted in conformity with the Virginia Law.

NOW, THEREFORE BE IT RESOLVED on this 6th day of March 2023, that the Louisa County Board of Supervisors does hereby certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting was heard, discussed or considered by the Louisa County Board of Supervisors.

INVOCATION

Mr. Adams led the invocation, followed by the Pledge of Allegiance. Prior to the invocation, there was a moment of silence for those impacted by the tragic accident on Bibb Store Road.

ADOPTION OF AGENDA

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to adopt the March 6, 2023, agenda as presented, with no changes.

MINUTES APPROVAL**Board of Supervisors (BOS) - Budget Worksession - Feb 21, 2023 3:00 PM**

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to approve the minutes of the February 21, 2023, budget worksession.

Board of Supervisors (BOS) - Regular Meeting - Feb 21, 2023 5:00 PM

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to approve the minutes of the February 21, 2023, budget worksession.

BILLS APPROVAL

Resolution – To Approve the Bills for the Second Half of February 2023

On the motion of Mr. Barnes, seconded by Mr. Williams, which carried by a vote of 7-0, the Board adopted a resolution approving the bills for the second half of February 2023.

CONSENT AGENDA ITEMS

On the motion of Mr. Barnes, seconded by Mr. Williams, which carried by a vote of 7-0, the Board voted to adopt the Consent Agenda items for March 6, 2023, as follows:

- Resolution – Authorizing the Fire & Emergency Medical Services Department to Apply for a Grant to Purchase an Ambulance
- Resolution – Proclaiming March 2023 as Red Cross Month
- Resolution – Authorizing the Renewal of the Health, Dental, and Vision Insurance Contract
- Resolution – Recognizing Richard Sandberg for His Dedicated Service on the Human Services Advisory Board
- Resolution – Supporting Continued Funding for the Virginia Business Ready Sites Program

RECOGNITIONS

Presentation – Crime Solvers Officer of the Year Award

The Louisa County Crime Solvers presented the 2023 Officer of the Year and Communications Officer of the Year recipients.

Louisa Crime Solvers 2023 Officer of Year recipient is LCSO Deputy Andre Rademeyer. Deputy Andre Rademeyer is a #K9 officer with the patrol division and has been with LCSO for over 5 years and a law enforcement officer for a total of 7 years.

Louisa Crime Solvers 2023 Communications Officer of Year recipient is LCSO Katherine Hopkins. Communications Officer Katherine Hopkins is a dispatcher in the LCSO Emergency Communications Unit and has been with LCSO for a total of 7 years.

Presentation – Recognizing Centenarian Marjorie Lee Roberston Woolfolk

Mr. Goodwin read the resolution and Mr. Purcell presented a framed copy to Ms. Marjorie Lee Robertson Woolfolk on the occasion of Her 105th Birthday.

Presentation – To Commend and Congratulate Janet Matkins on the Occasion of Her Retirement from the County of Louisa

Mr. Goodwin read the resolution and Mr. Williams presented a framed copy to Ms. Janet Matkins congratulating her on the occasion of her retirement from the County of Louisa.

PUBLIC COMMENT PERIOD

Chairman Adams opened the public comment period.

Mr. John Wayne, Mineral District, appeared before the Board to talk about his most recent tax assessment and expressed his concerns with the increase.

Ms. Vicky Harte, Louisa District, appeared before the Board to talk about taxation on gambling machines, the upcoming budget, and requested a response to her written request regarding monies spent by the County for stormwater runoff improvements.

Mr. Will Shaw, Green Springs District, appeared before the Board to talk the 2023 tax assessments and expressed his concerns with the increase.

Mr. Gerald Urich, Mineral District, expressed his concerns with littering in the County and suggested the Board establish a litter task force to help mitigate the issue.

With no one else wishing to speak, Chairman Adams closed the public comment period.

INFORMATION/DISCUSSION ITEMS

Presentation – Louisa Arts Center

Ms. Karen Welch, Executive Director for the Louisa Arts Center and Ms. Jennifer Christian, Executive Assistant, provided an update on the Arts Center to the Board. Their presentation included strategic plan goals and the impacts the Arts Center has on the community culturally, economically, and socially. The presentation also included budget highlights for the upcoming fiscal year.

Presentation – Commission on Aging

Ms. Jo Griffith, President for the Commission on Aging, provided an overview on the most recent community survey that was administered by the Commission on Aging. The report included: demographics on the aging population in the County; areas of concern of the aging population such as transportation, finances, health, housing, and community; and recommendations from the Commission on how to address the areas of concern.

Back and forth discussion ensued between the Board and Ms. Griffith regarding the findings of the survey.

Presentation – Thomas Jefferson Planning District Commission - 2023 Hazard Mitigation Plan

Mr. Ian Baxter, Planner II for the Thomas Jefferson Planning District Commission, provided a brief update of the Natural Hazard Mitigation Plan for 2023. The purpose of the plan is to prepare for natural disasters before they occur reducing loss of life, property damage and disruption of commerce. The plan is data driven document based on past historical hazard events and the potential for future events based on historical data. The Federal Emergency Management Agency (FEMA) requires Natural HMPs as a condition for eligibility to receive certain mitigation grant program funds and grants. The Virginia Department of Emergency Management encourages regional Natural Hazard Mitigation Plans to help jurisdictions address issues regionally. Mr. Baxter broke down the grant eligibly and how HMPs help localities obtain

potential sources of funds when a natural disaster occurs. He also provided a brief overview of HIRA (Hazard Identification and Risk Assessment), BRIC (Building Resilient Infrastructure and Communities) and HMGP (Hazard Mitigation Grant Program).

UNFINISHED BUSINESS

(None)

NEW BUSINESS/ACTION ITEMS

Resolution – Requesting that the Virginia Department of Transportation Initiate a Project to Address Needs Associated with the Bridge on Hamilton Road Over the South Anna River

Hamilton Road (Rt. 695) connects Poindexter Road with East Jack Jouett Road in Louisa County. The route includes a bridge over the South Anna River which requires attention to address its ability to handle vehicular traffic, as the bridge is insufficiently rated to carry necessary emergency vehicles and other heavier loads. Efforts to address the situation are underway and subject to any cultural and environmental review processes which may be required. The Virginia Department of Transportation (VDOT) has available funds in fiscal year 2024, and would like to also use funding available in the current six-year plan for such efforts.

On the motion of Ms. Jones, seconded by Ms. Barnes, which carried by a vote of 7-0, requests that VDOT to undertake a project to address the structure on Hamilton Road over the South Anna River. The will deliver a structure that can safely convey vehicular traffic including but not limited to emergency vehicles and equipment. That the Board authorizes VDOT to charge not more than \$31,000 to the Universal Project Code for Countywide Traffic and Engineering in the Six Year Plan, with the understanding that further funding will be charged to Bridge Maintenance.

REPORTS OF OFFICERS, BOARDS AND STANDING COMMITTEES

Committee Reports

Mr. Williams reported on the Ag/Forestral and Rural Preservation Committee. The Committee continues to evaluate the Livestock Running at Large concerns and asked for an opinion from the Attorney General on the matter.

Board Appointments

On the motion of Mr. Williams, seconded by Mr. Barnes, which carried by a vote of 7-0, the Board voted to make the following appointments:

- Mr. James Kean to the Ag/Forestral and Rural Preservation Committee
- Mr. Billy Wayson to the Ag/Forestral and Rural Preservation Committee

County Administrator's Report

Mr. Goodwin reported that there were several monthly reports and items of correspondence in the Board packet and reminded the Board of several upcoming events.

PUBLIC HEARINGS**Discussion – Dominion "State of the Station" Address - 2023**

Ms. Lisa Hilbert, Site Vice President at North Anna Power Station, provided the Annual State of the Station Report on North Anna Power Station in 2021. She said Dominion recognizes their responsibility in being a good corporate citizen and remain focused on helping to improve the social and economic climate of Louisa County.

The topics to be discussed include:

- Operating Performance;
- Regulatory Issues;
- Emergency Preparedness;
- Industrial Safety;
- Business Impact;
- Keeping the Nuclear Option Open;
- Renewing Operating License for Another 20 Years;
- Security;
- Federal Status of Long-Term Management and Disposition of Used Nuclear Fuel;
- Low-Level Radioactive Waste;
- Independent Spent Fuel Storage Installation;
- Groundwater Monitoring;
- Dominion Cooperation with Lake Anna Stakeholders;
- Environmental Program;
- Citizen Group Relations and Events; and
- Employee Involvement in the Community

Ms. Hilbert concluded her presentation by thanking the Board for their continued support.

Chairman Adams opened the public hearing.

Mr. Bob Babyok, Green Springs District, appeared before the Board to publicly commend Dominion Power on their excellence service and progressive action in limiting the number of power outages.

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

On the motion of Mr. Purcell, seconded by Mr. Barnes, which carried by a vote of 7-0 Purcell/Barnes 7-0 accept the report as submitted.

Resolution – To Approve REZ2022-09, Mercerville Land Trust, Applicants/Owners, Rezoning Request from Agricultural (A-1) to Residential (R-2)

Mr. Josh Gillespie, Director of Community Development, provided a brief overview of rezoning application REZ2022-09. Application/Owners, Jefferson T. Jakubowski and Mercerville Land Trust, submitted a request for rezoning of the 33 acres of parcel 30-74A (8 acres) and 30-74B (25 acres) from Agricultural (A-1) to Residential (R-2).

The applicant's intent for this rezoning is to obtain Residential General (R-2) zoning to create a thirteen (13) single-family dwelling lots. Presently, the current Agricultural (A-1) zoning will not allow the applicant to subdivide more than three (3) lots from the parent parcel. In General Residential (R-2) the minimal lot acreage is 1.5 acres, and the minimal lot width is 125 feet.

The property is located west of Lakeshore Woods Subdivision and Centerville Road (Route 685) within the Cuckoo voting district approximately one (1) mile south of the Spotsylvania County line. The 2040 Louisa County Comprehensive Plan designates this area of Louisa County as Low Density Residential, within the Lake Anna designated growth area.

At a regular meeting of the Louisa County Planning Commission held February 9, 2023, the Planning Commission voted that the public necessity, convenience, general welfare, or good zoning practice compels it to make a recommendation of approval to the Louisa County Board of Supervisors on the request for rezoning approximately 33 acres of parcel 30-74A (8 acres) and 30-74B (25 acres) from Agricultural (A-1) to Residential (R-2). Additionally, during the regular meeting, the applicant voluntarily proffered a 60 vegetative buffer as well as co-located entrances, signed copies of which were delivered after the meeting on February 16, 2023 and as further revised on March 1, 2023, which are stated below;

1. Vegetative Buffer. All proposed lots will maintain a 60' (sixty foot) existing vegetative buffer to remain. The 60' vegetative buffer starts from the edge of right-of-way of State Route 685, aka Centerville Road. Existing and future utilities will be permitted in the 60' vegetative buffer as well as access roads, which specifically include entrances, driveways and sight distance requirements, and except as otherwise notated on plat. Water wells or well casings are also permitted within the vegetative buffer area.

If any proposed lot has issues with obtaining a satisfactory drain field site outside of the vegetative buffer area, then an exception will be allowed for the lot owner to utilize the vegetative buffer area for a satisfactory drain field site.

Construction and land disturbance activities shall be restricted within such buffers, with the exception of activities necessary for utilities, ingress and egress, drain fields, signs, fences, erosion and sediment control and storm water management.

If the vegetative buffer is damaged the property owner will be required to replace with supplemental planting.

This agreement will not prevent dead trees or fire hazards from being removed from vegetative buffer area. This agreement shall not apply to any trees destroyed by fire, wind, storm, or other act of God.

The right and obligations relating to this Roadside Forested Buffer Agreement shall run with the land and be appurtenant to ownership thereof.

The purpose of said buffer is to preserve the rural and agricultural character of Louisa County.

2. Side by Side Entrance Locations - Each set of two lots will utilize a side-by-side entrance location concept. This concept will minimize the amount of spacing between entrances

by placing entrance locations in close proximity to one another. This will allow subdivision entrances to be similar to a shared entrance while allowing each lot owner to still have their own independent entrance or culvert.

Each set of two lots will place their driveway entrance or driveway culvert on their own respective lot, but in close proximity to their adjoining lot owners entrance as defined on the survey plat for this subdivision. The culverts will not be physically connected in any way, but will be in close proximity to one another.

Please see attached exhibit, “Conceptual Sketch For Subdivision” prepared by Scott Edward Leiffer of Bell Land Surveys, LLC.

Note: If there is an odd number of lots created, one of the lots will not follow the side-by-side entrance location concept. This lot will be the one with the most road frontage on Centerville Road aka State Route 685. All other lots obtained will follow the side-by-side entrance location concept.

Example: If 13 lots are created, 12 of these lots will utilize the side-by-side entrance location concept.

In addition, if VDOT will not recommend or approve a specific lot’s entrance due to sight distance issues that are not easily addressable, a variance will be allowed for this specific lot owner to space their entrance slightly further from their common boundary line to assist them with obtaining their entrance permit.

If the side-by-side entrance location concept places a lot owner’s culvert in an area of the lot that cannot be easily installed, for example a wet area or very low lying ground, their entrance may be located slightly further from their common boundary line.

Mr. Purcell brought up the entrance locations and vegetative buffer. He said he does not have any concerns with the proffered conditions if the applicant voluntarily provided them, and the County was not artificially creating unnecessary burdens to the applicant.

Mr. Barlow reiterated a parallel statement to Mr. Purcell’s. He said he does not have an issue with the proffered conditions, as long as it is voluntary, and the County does not become the enforcement.

The Board asked questions about the purpose of the vegetative buffer.

Mr. Gillespie explained that the vegetative buffer is to preserve the rural and agricultural character of Louisa County. He added that the vegetative buffer would be considered a zoning condition, and like every other zoning condition, it could either come to a point of expiration or continue to run with the land.

Mr. Williams asked what would happen if a landowner inadvertently removed the vegetative buffer from their lot.

Mr. Gillespie said it would be treated as a violation to the zoning conditions, and if reported to the County, the County would pursue it as a zoning violation.

Mr. Gentry expressed his concerns with the entrance locations and noted it could become a maintenance issue as it appears the side-by-side entrances join and will serve two separate lots.

Mr. Gillespie reiterated that the side-by-side entrance location was created to minimize the amount of spacing between entrances to be similar to a shared entrance while allowing each lot owner to still have their own independent entrance or culvert. The culverts will not be physically connected in any way but will be in close proximity to one another.

Further discussion ensued regarding the entrance locations.

Mr. Gillespie noted the applicant voluntarily provided the proffered conditions in response to the concerns addressed by the community and Planning Commission members.

Chairman Adams opened the public hearing.

Mr. J. T. Jakubowski, Applicant, appeared before the Board to provide an overview of his request to rezoning approximately 33 acres in Louisa, consisting of two parcels Tax Map 30-74A (8 acres) and 30-74B (25 acres) located on Centerville Road and in the Cuckoo Magisterial District. Mr. Jakubowski stated the purpose of the request will allow the subject property to conform with the neighboring or surrounding parcels of land and will conform with most of the parcels in the Lake Anna Growth Area. VDOT's has indicated that the proposed 13 lots have satisfactory site distance to support their own private entrance onto Centerville Road.

Mr. Anthony Carter, Mineral District, noted that he owns the fifty (50) acres across the road from the proposed project and he supports the proposed rezoning request.

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

Mr. Gentry said he has no issues with the rezoning; however, he is not interested in setting a new standard with how entrances are installed.

Mr. Jakubowski explained the purpose for the proffered conditions.

The Board expressed interest in removing the proffered conditions to allow the applicant/developer to do what they want without tying the County to the enforcement of the conditions.

On the motion of Mr. Gentry, seconded by Mr. Purcell, which carried by a vote to approve the request for rezoning of approximately 33 acres of tax map parcels 30-74A (8 acres) and 30-74B (25 acres) from Agricultural (A-1) to Residential (R-2) without accepting the zoning conditions proffered by the applicant.

The Board took a recess at 8:05 p.m. The Board reconvened at 8:12 p.m.

Resolution – To Approve the Request for an Amendment to PUD Rezoning REZ2022-04 Zion Town Center LLC

Mr. Josh Gillespie, Director of Community Development provided an overview of Rezoning application - REZ2022-04, Zions Town Center.

Zions Town Center, LLC is requesting approval of an amended Master Plan for the Planned Unit Development (PUD) zoning district established by REZ2019-05, and amendment of approved proffered conditions. The applicant has voluntarily proffered an amended Master Plan and revisions to REZ2019-05. The major changes increase the allowable residential density from 599 units to 723 units, provide updated Architectural Guidelines, authorize density transfers of up to 10%, and prohibit an inter-parcel connection to the adjoining parcel east of the subject property; provide for universal design of residential units; provide for flexibility to consider planned transportation improvements warranted by site development plans; provide cash payments of \$129.20 for each residential unit located with Land Bays B-2, C and D to Louisa County; provide for no trespassing signs along the property line shared with tax map parcel 52-22; commit to develop a trail in the central open space that is connected to the surrounding sidewalks. The property is located at the end of Camp Creek Parkway off James Madison Highway (US 15) in the Patrick Henry Voting District and is further identified as tax map parcel 52-12-4; and

At a regular meeting of the Louisa County Planning Commission held November 10, 2022, the Planning Commission voted that the public necessity, convenience, general welfare, or good zoning practice compels it to make a recommendation of approval to the Louisa County Board of Supervisors on the request of approval of an amended Master Plan for the Planned Unit Development (PUD) zoning district established by REZ2019-05, and the amendment of approved proffered conditions, which are stated below;

1. Plan and Uses. This Planned Unit Development rezoning will include commercial and residential use components generally consistent with the referenced Zoning Map Amendment Plan prepared by Highmark Engineering dated January 17, 2022. These plans will be referred to as the “Master Plan.” The allowable uses permitted by right or with conditional use permits shall conform to those defined in the Light and General Commercial Districts (C-1, C-2) at the time of approval of this rezoning application (and any additional uses that, at the time of any site plan submittal, may have been added thereto), and to those identified in the Residential Use Matrix Per Land Bay on sheet C-3 of the Master Plan. The development of the property shall include a maximum of 723 residential units overall. The following uses are restricted from the site: Utility Service, Major; Automobile Repair Service, Boardinghouse, Commercial Vehicle Repair Service, Entertainment Establishment, Adult; Store, Adult; Truck Terminal; and Transportation Terminal.
2. Transportation Infrastructure. The Owner shall provide infrastructure improvements as recommended by the Ramey Kemp Traffic Study dated July 2019. Detailed design drawings will be reviewed during the site plan submittal process per Louisa County Chapter 86, Article IV, as applicable.
3. Road Design. Roads A, B, C, D, and E, as shown on the Master Plan, shall be built to VDOT standards with curb and gutter and sidewalks or multiuse pedestrian trails as shown on the Master Plan. Roads A, B, C, D, and E are intended to be public roadways as part of the state road system. Other roads may be private at the option of the Owner. The Owner agrees to provide any required Engineer’s Certification of any private road construction to the County at the Owner’s sole expense.
4. Phasing. The following phasing requirements shall be applicable to the development:

- a. Prior to issuance of a final certificate of occupancy for the building containing the 175th residential unit in Land Bay B1, a clubhouse area, either freestanding or within a multifamily building, and a pool generally consistent with the requirements of the Master Plan shall be constructed.
 - b. The construction of residential units shall commence with either Land Bay B1 or Land Bay C.
 - c. The Owner acknowledges that water for residential use in the Zion Crossroads area outside Spring Creek is available on a first come, first served basis only, and that building permits will be limited based on policies the Board of Supervisors and the James River Water Authority may adopt until such time as the James River Project is completed.
5. Common Areas Maintenance. A homeowner's and/or business owner's association and/or the Owner shall be responsible for maintenance of parking, open spaces and landscaped buffer and all other common areas not part of a state-owned right-of-way.
6. Private Regulations for Residential Structures. The rules and regulations or covenants and restrictions for the residential structures in the development shall include the following mandatory provisions:
 - a. Littering - Residents and guests shall not litter the common areas or grounds of the complex. Personal property (bicycles, strollers, etc.) may not be left in the hallways or chained to trees.
 - b. Balconies and porches - residents shall not store garbage on their balconies or porches. Residents shall not hang laundry outside. All porches and balconies must be kept neat and clean.
 - c. Parking lots - no repairs (including changing oil) may be done to vehicles in the parking lots. No unlicensed or inoperable vehicles are permitted within the parking lots.
7. Landscaping Standards. Landscaping for the development shall be provided as generally shown on Sheet C-10 of the Master Plan. A detailed landscaping plan shall be included with each site plan for the development showing proposed landscaping in accordance with the Master Plan. All tree and shrub species planted shall be from the approved Louisa County Plan Material List, unless otherwise specified on the Master Plan.
8. Architectural Standards. Commercial Buildings shall be generally consistent with the Commercial renderings prepared by dBF Associates Architects and the draft Architectural Guidelines, both of which are attached hereto as Exhibit A. Townhouse units shall be generally consistent with the elevations labeled as "Townhome Development (Examples of Townhomes with Garages)," as depicted on Exhibit B, provided that a two-story townhome building shall be chosen for a minimum of twenty-four (24) of the townhome units. Apartment buildings shall be generally consistent with the elevation labeled as "Apartment Development (Example of Interior Corridor with Elevators Building)," as depicted on Exhibit B.
9. Minor Modifications and Interparcel Connections. Minor modifications of the approved Master Plan may be approved administratively by staff, to include an adjustment of density between and among the Land Bays, so long as any Land Bay is not increased in dwelling units by more than ten percent (10%) and that the overall number of dwelling

units within the residential land bays (Land Bays B1, B2, C and D does not exceed the 723 units approved by the Master Plan. Major modifications to the Master Plan or the Architectural Guidelines, as determined by the Zoning Administrator, shall be subject to the review of the Planning Commission and approval by the Board of Supervisors. In no case shall an interparcel road connection, whether public or private, be made through the open space depicted along the common property line of Land Bays B2, C and D with the adjacent parcel to the east (identified in the 2022 records of the County Assessor as Parcel 52-22; and in addition to the proffered conditions, staff recommended additional considerations to mitigate impacts on the following:

- 1) Public service equipment and personnel, including fire and emergency services (**Exhibit C**)
- 2) Provision of a “fair share” of workforce housing within the Louisa County. The PUD is stated to intend the following: *“Planned developments allow for a higher density of development for a more efficient use of the designated growth areas, and to more effectively preserve the rural areas of the county. Other benefits of a planned development include less infrastructure costs, more efficient provision of public safety services, less environmental impact, and through the provision of affordable housing achieve significant economic and social integration.”* The revision of the Master Plan may reduce the achievement of the district’s intended purpose.
- 3) Potential for trespass from residential development into adjoining large tract acreage using appropriate landscape features; and

Following the Louisa County Planning Commission meeting, the applicant submitted a revised Master Plan delivered 3/6/2023, and amended proffered conditions dated 3/6/2023, and the Louisa County Board of Supervisors approved the revised Master Plan and amended proffered conditions, which are stated below, as amended on the floor at the Board’s regular meeting on Monday, March 6, 2023:

1. Plan and Uses. This Planned Unit Development rezoning will include commercial and residential use components generally consistent with the referenced Zoning Map Amendment Plan prepared by Highmark Engineering dated January 17, 2022. These plans will be referred to as the “Master Plan.” The allowable uses permitted by right or with conditional use permits shall conform to those defined in the Light and General Commercial Districts (C-1, C-2) at the time of approval of this rezoning application (and any additional uses that, at the time of any site plan submittal, may have been added thereto), and to those identified in the Residential Use Matrix Per Land Bay on sheet C-3 of the Master Plan. The development of the property shall include a maximum of 649 residential units overall. The following uses are restricted from the site: Utility Service, Major; Automobile Repair Service, Boardinghouse, Commercial Vehicle Repair Service, Entertainment Establishment, Adult; Store, Adult; Truck Terminal; and Transportation Terminal.
2. Transportation Infrastructure. The Owner shall provide infrastructure improvements as recommended by the Ramey Kemp Traffic Study dated July 2019. Detailed design drawings will be reviewed during the site plan submittal process per Louisa County Chapter 86, Article IV, as applicable.

3. Road Design. Roads A, B, C, D, and E, as shown on the Master Plan, shall be built to VDOT standards with curb and gutter and sidewalks or multiuse pedestrian trails as shown on the Master Plan. Roads A, B, C, D, and E are intended to be public roadways as part of the state road system. Other roads may be private at the option of the Owner. The Owner agrees to provide any required Engineer's Certification of any private road construction to the County at the Owner's sole expense.
4. Phasing. The following phasing requirements shall be applicable to the development:
 - a. Prior to issuance of a final certificate of occupancy for the building containing the 175th residential unit in Land Bay B1, a clubhouse area, either freestanding or within a multifamily building, and a pool generally consistent with the requirements of the Master Plan shall be constructed.
 - b. The construction of residential units shall commence with either Land Bay B1, B2 or Land Bay C.
 - c. The Owner acknowledges that water for residential use in the Zion Crossroads area outside Spring Creek is available on a first come, first served basis only, and that building permits will be limited based on policies the Board of Supervisors and the Louisa County Water Authority may adopt until such time as the James River Project is completed.
5. Common Areas Maintenance. A homeowner's and/or business owner's association and/or the Owner shall be responsible for maintenance of parking, open spaces and landscaped buffer and all other common areas not part of a state-owned right-of-way.
6. Private Regulations for Residential Structures. The rules and regulations or covenants and restrictions for the residential structures in the development shall include the following mandatory provisions:
 - d. Littering - Residents and guests shall not litter the common areas or grounds of the complex. Personal property (bicycles, strollers, etc.) may not be left in the hallways or chained to trees.
 - e. Balconies and porches - residents shall not store garbage on their balconies or porches. Residents shall not hang laundry outside. All porches and balconies must be kept neat and clean.
 - f. Parking lots - no repairs (including changing oil) may be done to vehicles in the parking lots. No unlicensed or inoperable vehicles are permitted within the parking lots.
7. Landscaping Standards. Landscaping for the development shall be provided as generally shown on Sheet C-10 of the Master Plan. A detailed landscaping plan shall be included with each site plan for the development showing proposed landscaping in accordance with the Master Plan. All tree and shrub species planted shall be from the approved Louisa County Plan Material List, unless otherwise specified on the Master Plan.
8. Architectural Standards. Commercial Buildings shall be generally consistent with the Commercial renderings prepared by dBF Associates Architects and the draft Architectural Guidelines, both of which are attached hereto as Exhibit A. Townhouse units shall be generally consistent with the elevations labeled as "Townhome Development (Examples of Townhomes with Garages)," as depicted on Exhibit B, provided that a two-story townhome building shall be chosen for a minimum of twenty-

four (24) of the townhome units (with or without garages). Apartment buildings shall be generally consistent with the elevation labeled as “Apartment Development (Example of Interior Corridor with Elevators Building),” as depicted on Exhibit B.

9. Minor Modifications and Interparcel Connections. Minor modifications of the approved Master Plan may be approved administratively by staff, to include an adjustment of density between and among the Land Bays, so long as any Land Bay is not increased in dwelling units by more than ten percent (10%) and that the overall number of dwelling units within the residential land bays (Land Bays B1, B2, C and D does not exceed the 649 units approved by the Master Plan. Major modifications to the Master Plan or the Architectural Guidelines, as determined by the Zoning Administrator, shall be subject to the review of the Planning Commission and approval by the Board of Supervisors. In no case shall an interparcel road connection, whether public or private, be made through the open space depicted along the common property line of Land Bays B2, C and D with the adjacent parcel to the east (identified in the 2022 records of the County Assessor as Parcel 52-22;
10. VDOT Evaluation. Changes from the Plan may be permitted in response to the review of site plans by the Virginia Department of Transportation (VDOT) as necessary without requiring approval of a proffer amendment or an amendment to the Plan provided such modifications are approved by the Louisa County Community Development Director in consultation with other applicable agencies, which may include but not be limited to the Zoning Administrator and are in substantial conformance with the Plan and these proffers.
11. Architectural Design.
 - a. At the time of site plan and building plan approval, the Applicant shall demonstrate compliance of the multi-family residential building(s) with design criteria as set forth in the ICC/ANSI A117.1 Accessible and Usable Buildings and Facilities as referenced in the current edition of the Virginia Statewide Building Code and the Fair Housing Design Manual.
 - b. At time of initial purchase, the Applicant shall offer each purchaser of a single-family attached and/or detached dwelling units the following design options, provided each respective option is permitted by all governing officials and approvals:
 - i. At no additional cost to the initial purchaser,
 - Front entrance doors that are a minimum of 36” wide;
 - Lever door handles instead of knobs;
 - Thermostats a maximum of 48” high;
 - Light switches 44”-48” high; and/or
 - Electrical outlets a minimum of 18” high.
 - ii. At the initial purchaser’s sole cost. These additional options may include, but not be limited to:
 - A curb-less shower, or a shower with a curb of less than 4.5” high;
 - Grab bars in the bathrooms that are ADA compliant; and/or,
 - A first-floor bathroom console sink in lieu of a cabinet-style vanity.

The undersigned Owner hereby proffers that the use and development of the Property shall be in conformance with the proffers and conditions herein above. The Owner agrees that all proffers shall be binding to the property, which means the proffers shall be transferred to all

future property successors of the land.

12. Cash Proffers. The applicant, sub-divider, or assignee(s) shall make a contribution to Louisa County for fire service in the amount of \$1,000 for every dwelling unit above the original approved 599 dwelling units. The amount of dwelling units over the originally approved dwelling units is 50 dwelling units. The applicant, sub-divider, or assignee(s) shall pay this contribution in the following manner: payment of \$129.20 for each dwelling unit located within Land Bays B-2, C and D to Louisa County for expenses related to fire services. Each payment shall be made prior to the issuance of a certificate of occupancy, unless state law modifies the timing of the payment. Should Louisa County impose impact fees at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner determined by the County.
13. No Trespassing Signs. At least eight (8) no trespass signs shall be affixed to trees along the property line shared by the Property and Parcel ID 52-22. A minimum of four (4) of these signs shall be placed along the shared property line within Land Bay B-2. A minimum of four (4) of these signs shall be placed along this shared property line within Land Bay C. This sign posting obligation is contingent on the owner of Parcel ID 52-22 providing a letter of consent of entry on Parcel ID 52-22 for the placement and maintenance of these signs and such consent given is not revoked subsequently.
14. Trail. A three to five foot (3' - 5') wide primitive trail shall be provided in the central open space area to provide an opportunity to walk through the central common area. This trail shall be constructed with a surface material consisting of mulch, stone dust, crash and run, or other similar permeable surface, or combination thereof. This trail shall be provided along the east side of the central open space area. The central open space area is located between Land Bays A, B-1 and B-2 and Land Bay C. This trail shall connect to the sidewalk on the north side of this central open space and to the sidewalk on the south side of this central open space. No wetland impacts shall be required for the installation of this trail. Any deviation in surface material shall be approved by the Planning Director at the time of plans review; and

Mr. Adams stated the existing Rezoning (REZ2019-05) was approved for 599 dwellings, and the original PUD was for an additional 124 dwellings to bring the total number of dwellings to 723. However, the applicant provided modifications to the proffered conditions dropping the additional amount of dwellings units over the originally approved dwellings units to 50, bringing the new total number of dwellings to 649.

Questions and comments were addressed by the Board regarding: the total number of dwellings units; size and acreage of the proposed development; amendments to the Master Plan; modifications to the proffered conditions; the architectural design; the legislative act and/or enforcement mechanism that allows the County to stop issuing building permits in the situation where water is no longer available for development; the proposed cash proffers; staging of development in relation to the commercial aspect of the project; which were answered by Mr. Gillespie.

Chairman Adams opened the public hearing.

Mr. Jeff Geiger, Agent - Hirschler Law, appeared before the Board to briefly explain the proposed amendments to the 2019 Rezoning approved by the Louisa County Board of Supervisors on August 5, 2019. He addressed the Board's concerns with water capacity at Zion Crossroads. He noted as of September 30, 2022; approximately 41.31% of the total permitted well capacity has been sold and 64.74% of the sewage treatment plant's permitted capacity of .311MGS has been sold. He stated the owner acknowledges that water for residential use in the Zion Crossroads area outside of Spring Creek is available on a first come, first served basis only, and that building permits will be limited based on policies the Board of Supervisors and the James River Water Authority (Louisa County Water Authority) may adopt until such times as the James River Water Project is completed. The Louisa County Water Authority will only sell up to 75% of the capacity, a conservative amount compared to the VDH (Virginia Department of Health) that allows up to 80% capacity. He noted that once 75% has been reached, no more water connections until the James River Water Project is completed. He provided a timeline of the proposed 10-year project with a completion date of 2032+. He also included economic benefits during and after completion of the project. In his closing statement, Mr. Geiger briefly went over the amendment request to the proffered conditions and requested the Board's approval.

Mr. Gentry made a comment regarding the Habitat for Humanity agreement that fell through and the lack of effort to continue the affordable housing concept.

Mr. Geiger stated they were asked to look at affordable housing throughout the process and committed to a minimum of twenty-four (24) townhouses that will be dedicated to providing the lowest cost of home opportunity. He noted the cost for the affordable housing dwellings units will start at \$250,000 in today's dollars and \$100,000 less than the other units.

Further questions and comments were addressed regarding: the need for the additional 50 dwelling units, the amended Master Plan, and the proposed water capacity.

Mr. Adams asked for Ms. Pam Baughman, General Manager of the Louisa County Water Authority, to provide a further explanation on the water capacity at Zion Crossroads.

Ms. Baughman stated the Louisa County Water Authority has a very conservative way at how they allocate water to residential development. She explained the state allots 100GPD per person, but the Water Authority was allotting 300GPD per person. She said there were contributing factors that effected the usage assessment, such as undetected leaks, however, recent data and how the Authority allocates capacity has been updated to reflect a more accurate assessment of usage which supports the more recent information/data provided by the applicant's agent. She noted that as of September of 2022, approximately 41.69% of the total permitted well capacity has been sold.

Ms. Robin Antonucci, Green Springs District, spoke in support of the request to amend the Master Plan for Planned Unit Development established by REZ2019-05 for Zion Town Center.

Ms. Edythe Kelleher, Green Springs District, expressed her support of the request to amend the Master Plan for Planned Unit Development established by REZ2019-05 for Zion Town Center.

Ms. Rae Ely, Green Springs District - Representing Historic Green Springs District, spoke in opposition to amend the Master Plan for Planned Unit Development established by REZ2019-05

for Zion Town Center.

Mr. Lawrence Alpern, Green Springs District, spoke in support of the request to amend the Master Plan for Planned Unit Development established by REZ2019-05 for Zion Town Center.

Mr. Will Shaw, Green Springs District, spoke in opposition to amend the Master Plan for Planned Unit Development established by REZ2019-05 for Zion Town Center.

Mr. Steve Lucas, Louisa District, spoke in opposition to amend the Master Plan for Planned Unit Development established by REZ2019-05 for Zion Town Center.

Mr. Andre Zalud, Habitat for Humanity, spoke about his efforts in finding and providing affordable housing in Louisa and Greene County through his role at the Habitat Humanity. He noted how this development is the perfect opportunity in providing affordable housing in Louisa County.

Ms. Vicky Hart, Louisa District, spoke about the affordable housing aspect of the development and noted how it is not affordable just lower cost homes for higher income families.

Mr. David Eames, Green Springs District, expressed his support of the request to amend the Master Plan for Planned Unit Development established by REZ2019-05 for Zion Town Center.

Mr. Tom Ashley, Green Springs District, spoke in support of the request to amend the Master Plan for Planned Unit Development established by REZ2019-05 for Zion Town Center.

Mr. Nico Vanderworm, Green Springs District, spoke in opposition to amend the Master Plan for Planned Unit Development established by REZ2019-05 for Zion Town Center at this time.

Mr. Bob Babyok, Green Springs District, spoke in support of the request to amend the Master Plan for Planned Unit Development established by REZ2019-05 for Zion Town Center.

Mr. Don Whitaker, Green Springs District, expressed his concerns with the proposed amendments to the Master Plan for Planned Unit Development established by REZ2019-05 for Zion Town Center.

Mr. Gerald Harlow, Green Springs District, spoke in opposition to amend the Master Plan for Planned Unit Development established by REZ2019-05 for Zion Town Center.

Mr. Grosvenor Merle-Smith, Patrick Henry District,

Mr. Anthony Carter, Mineral District,

Mr. Adams acknowledged correspondence that was received in response to the proposed amendments to Zion Town Center. See Appendix A.

With no one else wishing to speak, Chairman Adams closed the public hearing and brought it bac to the Board for discussion.

On the motion of Mr. Barnes, seconded by Mr. Purcell, which carried by a vote of 7-0,

the Board voted to extend the meeting past 10:00 p.m.

Mr. Geiger was given an opportunity to rebut and dispute any concerns that were addressed by the public. He addressed concerns regarding: water capacity; affordable housing dwelling units; trespassing mitigation efforts; and the cost of school aged children and additional public safety services.

Mr. Williams said according to the data supplied by the applicant's consultant, the additional 50 dwelling units will bring in an approximately 174 school aged children. He noted the cost the County pays per student is \$8,530. He said the total impact of the additional school aged children is over \$1.4M. He said the foundation for the tax base for the development is \$1.5M, which provides \$15,780 in "extra" revenue that will not cover operating and capital expenses.

Further discussion ensued regarding the amended proffer statement.

The Board agreed to take a recess so staff and the applicant could review the proposed amendments to the proffer statement.

The Board took recess at 10:13 p.m. The Board reconvened at 10:27 p.m.

Mr. Barnes motioned to approve the requested approval of the amended Master Plan for the Planned Unit Development (PUD) zoning district established by REZ2019-05, and the proposed amendments to and additional proffered conditions, as received 2/3/2023 and stated above. Mr. Purcell seconded.

Mr. Barnes requested a roll call vote.

Roll Call

	<u>Vote</u>
Mr. Willie L. Gentry	Yes
Mr. Duane A. Adams	Yes
Ms. Rachel Jones	No
Mr. Eric F. Purcell	Yes
Mr. R. T. Williams	No
Mr. Fitzgerald A. Barnes	Yes
Mr. Tommy J. Barlow	No

On the motion of Mr. Barnes, seconded by Mr. Purcell, which carried by a vote of 4-3, with Messrs. Jones, Williams, and Barlow voting against, the Board approved the requested approval of the amended Master Plan for the Planned Unit Development (PUD) zoning district established by REZ2019-05, and the proposed amendments to and additional proffered conditions, as received 2/3/2023 and stated above.

ADJOURNMENT

On the motion of Mr. Barnes, seconded by Mr. Williams, which carried by a vote of 7-0, the Board voted to adjourn the March 6, 2023, meeting at 10:37 p.m.

BY ORDER OF:
DUANE A. ADAMS, CHAIRMAN
BOARD OF SUPERVISORS

LOUISA COUNTY, VIRGINIA

APPENDIX A

Alexandra Stanley

From: John Brown <mrjohnwbrown@me.com>
Sent: Monday, March 6, 2023 12:36 PM
To: chenry@stonypointdb.com
Cc: Rachel Jones; Josh Gillespie; Info; Jeffrey Geiger
Subject: Atten: A. Stanley ZION TOWN CENTRE.

CAUTION: External email

Good afternoon Mr Henry.

I've attached correspondence from Mr Geiger below.

I'm reaching out to you as the land owner for the Zion Town Centre. I am concerned that development will be actually within the boundaries of my property line.

There are a number of property line markers / pins that are on my property relating to the development. Some at least 40 ft.

Three different surveyors from my side have come to the same conclusions on the boundary lines.

Can you please supply me with the references for the boundary lines relating to tax parcel maps 52:22 52:22A 52:23
Would appreciate this at your earliest convenience as the other route I have tried to ask is being ignored.

I've also CC the Louisa Board of supervisors, planning department and believe the Chairman of the Louisa county board of supervisors via the info@ email.

John Brown.

Begin forwarded message:

From: John Brown <mrjohnwbrown@me.com>
Date: February 13, 2023 at 3:41:27 PM EST
To: Jeffrey Geiger <jgeiger@hirschlerlaw.com>
Subject: Re: [EXTERNAL] ZION TOWN CENTRE.

Yes the current layout with the surveyor marker peg #70 HME referenced on it.

John.

On Feb 13, 2023, at 3:37 PM, Jeffrey Geiger <jgeiger@hirschlerlaw.com> wrote:

Hi Mr. Brown, thank you for reaching out. Can you share your question? I will be glad to look into it. Also, I do not understand the reference to #70 HME. Do you want the current layout? Jeff

Jeffrey P. Geiger

APPENDIX A

D: 804.771.9557

jgeiger@hirschlerlaw.com

Hirschler

2100 East Cary Street | Richmond, VA 23223-7078

P: 804.771.9500 | F: 804.644.0957 | hirschlerlaw.com

Hirschler Fleischer, A Professional Corporation Confidentiality Note:

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-----Original Message-----

From: John Brown <mrjohnwbrown@me.com>

Sent: Friday, February 10, 2023 6:54 PM

To: Jeffrey Geiger <jgeiger@hirschlerlaw.com>

Subject: [EXTERNAL] ZION TOWN CENTRE.

Evening.

We spoke on the phone re the above last year then you addressed some of my concerns in the planning meeting at the Louisa county building.

I still have a question that has not been answered and would like a copy of the layout with the number #70 HME. Reference on it please.

John Brown

Tax map 52:22A

APPENDIX A

Alexandra Stanley

From: jbfarmer@louisa.net
Sent: Sunday, March 5, 2023 7:01 PM
To: Rachel Jones
Cc: Info
Subject: *SUSPICIOUS* Amendment to PUD Rezoning REZ2022-04 Zion Town Center LLC/ Public Comments

Some people who received this message don't often get email from jbfarmer@louisa.net. [Learn why this is important](#)

CAUTION: External email

Attention: Ms. Rachel Jones and the Louisa County Board of Supervisors:

I will be unable to attend the Board meeting on Monday, March 6, 2023, but wish to register my feelings about the subject Amendment as it affects the continued growth of development at Zion Crossroads. I understand the amendment will add 124 living units to Zion Town Center if approved. Although it will also add greenspace throughout the development the final result is an increase in density for the development as a whole. So, what has changed, other than the developer, that justifies this increase in density? Traffic congestion will increase if the amendment is approved. A greater demand for water will be the result of approving the Amendment. VDOT's "Zion Bowtie" intersection at U.S. 15 and Camp Creek Parkway will not be built with or without the Amendment. There is no gain for the County or the people who try to negotiate the commercial area at Zion today. The Amendment will only make things worse, except for the developer's bank account. I urge you to support the County, not the developer. Vote "NO."

Respectfully,

John Farmer
9993 W. Jack Jouett Road
Zion Crossroads, VA 22942

APPENDIX A

Alexandra Stanley

From: Karen L Whitlock <bralcaka@hotmail.com>
Sent: Monday, March 6, 2023 4:08 PM
To: Info
Subject: ZTC Amendment
Attachments: Zion Town Center.docx

Some people who received this message don't often get email from bralcaka@hotmail.com. [Learn why this is important](#)

CAUTION: External email

Please enter my letter into record for the Louisa County Board of Supervisors. Thank you.

Karen L. Whitlock

Sent from my Verizon, Samsung Galaxy smartphone