

**FLUVANNA COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
Circuit Courtroom
Fluvanna County Courts
October 23, 2013
7:00 p.m.**

MEMBERS PRESENT: Barry Bibb, Chairman
Samuel Babbitt
Patricia Eager, Vice-Chairman
Donald Gaines
Ed Zimmer
Joe Chesser, Board of Supervisors Representative

ALSO PRESENT: Frederick Payne, Fluvanna County Attorney
Allyson Finchum, Planning Director
Steven Tugwell, Senior Planner
Jay Lindsey, Planner
Heather Poole, Senior Program Assistant

CALL TO ORDER

Chairman Bibb called the Planning Commission meeting of October 23, 2013 to order at 7:00 p.m. in the Circuit Court room of the Fluvanna County Courts Building in Palmyra, Virginia. After the meeting was called to order, the Pledge of Allegiance was recited.

PLANNING DIRECTOR'S REPORT

Ms. Allyson Finchum, Planning Director, gave the monthly report to the Planning Commission.

➤ **Board of Supervisors**

○ **October 2, 2013**

▪ **CPA 13:01 – Resolution of Intent**

Ratified the resolution initiating a Comprehensive Plan Amendment to amend the Infrastructure and Land Use chapters of the Comprehensive Plan, along with any other associated changes to the plan as a result of the additions; and to schedule a public hearing on October 23, 2013 to receive public input prior to formal Planning Commission consideration and recommendation to the Board of Supervisors.

○ **October 16, 2013**

▪ **ZMP 12:02 & SUP 13:02 – Hotel Street Capital, LLC**

ZMP 12:02 - An ordinance to amend the Fluvanna County Zoning Map with respect to 222.03 acres of Tax Map 30, Section A, Parcel 110, and 10 acres of Tax Map 19, Section A, Parcel 39C (former Rivanna Resort) to rezone the subject properties from R-3 (Residential, Planned Community) with proffers to PUD (Planned Unit Development). The subject property is located within the Palmyra Election District on the western side of U.S. Route 15 (James Madison Highway) at its intersection with State Route 644 (Friendship Road), approximately 0.25 miles north of State Route 661 (Rescue Lane). The proposed amendment would allow a maximum of 952 residential units (a mixture of single-family detached units, townhouses, and multi-family units) and 180,000 square feet of commercial space. According to the 2009 Comprehensive Plan, the property is located within the Palmyra Community Planning Area.

SUP 13:02 - A request for a special use permit to allow for major utilities in conjunction with a Planned Unit Development (PUD) with respect to 222.03 acres of Tax Map 30, Section A, Parcel 110, and 10 acres of Tax Map 19, Section A, Parcel 39C. The property is currently zoned R-3 (Residential, Planned Community) and is located on the western side of State Route 15 (James Madison Highway) at its intersection with State Route 644 (Friendship Road), approximately 0.25 miles north of State Route 661 (Rescue Lane). The property is located within the Palmyra Election District. According to the 2009 Comprehensive Plan, the property is within the Palmyra Community Planning Area.

➤ **Board of Zoning Appeals Actions – No October Meeting**

➤ **Technical Review Committee**

○ **October 10, 2013**

- **SUP 13:08 – Mary E. Marks** - A request for a Special Use Permit (SUP) to allow for a Commercial Kennel with respect to 26.602 acres of Tax Map 21, Section 12, Parcel 4 & 5. The property is currently zoned A-1 (Agricultural, General) and is located on the north side of Bybee Farms Lane approximately 0.15 miles west of its intersection with Hollands Road (Route 630). The property is located in the Columbia Election District and is within the Rural Preservation Planning Area.

PUBLIC COMMENTS #1

Chairman Bibb opened the floor for the first section of public comments.

With no one wishing to speak, Chairman Bibb closed the first section of public comments.

APPROVAL OF MINUTES

MOTION:

Ms. Eager moved to **approve** the September 25, 2013 Planning Commission meeting minutes as amended.

Mr. Gaines seconded. The motion carried with a vote of 3-0-2. AYES: Bibb, Eager, and Gaines. NAYS: None. ABSTAINED: Babbitt and Zimmer.

PUBLIC HEARINGS:

CPA 13:01 – Fluvanna County – Comprehensive Plan Amendment – Amend the Infrastructure and Land Use chapters of the Comprehensive Plan, along with any other associated changes to the plan as a result of the additions. Portions of the existing text within the Infrastructure and Land Use chapters will be replaced with new text and illustrations prepared by the Board of Supervisors. The proposed amendment to the Comprehensive Plan adjusts Land Use goals and provides new text and an illustrative map in the Infrastructure chapter in order to better reflect the Interjurisdictional Agreement regarding the James River Water Pipeline: “An Agreement between Louisa County, Virginia, Fluvanna County, Virginia, the Louisa County Water Authority, and the James River Water Authority regarding the James River Water Pipeline.” The amendment is generally consistent with other chapters of the Comprehensive Plan.

Mr. Jay Lindsey, Planner, presented the Comprehensive Plan Amendment to the Planning Commission.

Chairman Bibb clarified a Special Use Permit (SUP) would still be required for a major utility in light of the proposed text amendments.

Chairman Bibb opened the public hearing.

- Elizabeth Franklin, Columbia District, spoke in opposition stating her concerns over enabling Louisa County to run a water pipeline through Fluvanna County, to declare eminent domain on Fluvanna citizens, and to set precedent in the county by running a water pipeline through Rural Preservation Areas. Mrs. Franklin voiced her objection to the Planning Commission being short-circuited in the process.
- Dennis Holder, Columbia District, spoke in opposition stating the Planning Commission did not have enough time to review this text amendment. Mr. Holder stated other parts of the comprehensive plan should to be reviewed that are potentially affected by the water pipeline (Historic Preservation and Environment Chapters).

Chairman Bibb closed the public hearing.

Planning Commission members discussed the proposed text amendments, the water pipeline’s location, and their concern that potential development resulting from the pipeline could occur in areas not necessarily intended for growth according to the comprehensive plan.

Ms. Eager stated the water pipeline was not located close enough to Fluvanna County’s Community Planning Areas (CPAs). Chairmen Bibb agreed stating he believed it would have made more sense to run the water pipeline along Route 15, but the agreement had already been made by those who knew more about this particular project.

MOTION:

Ms. Eager moved to **recommend approval** of CPA 13:01 amendments to Chapter 2, Land Use, and Chapter 4, Infrastructure, of the 2009 Comprehensive Plan as originally proposed by the Board of Supervisors.

Mr. Zimmer seconded. The motion carried with a vote of 4-1. AYES: Bibb, Eager, Gaines and Zimmer. NAYS: Babbitt.

SUP 13:04 – Andrew & Jessica Boyle – A request for a Special Use Permit (SUP) to allow for a Commercial Kennel with respect to 4.067 acres of Tax Map 4, Section 41, Parcel 3. The property is zoned A-1 (Agricultural, General) and is located on the south side of Richmond Road (Route 250) 0.15 miles east of its intersection with Blue Ridge Turnpike (Route 708). The property is located in the Palmyra Election District and is within the Zion Crossroads Community Planning Area.

Mr. Steve Tugwell, Senior Planner, presented the SUP request to allow for a Commercial Kennel with respect to 4.067 acres of Tax Map 4, Section 41, Parcel 3 to the Planning Commission.

Mr. Andrew Boyle, the applicant, described the proposed kennel in further detail to the Planning Commission stating the building was to have soundproof walls installed.

Chairman Bibb opened the public hearing.

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

Ms. Eager stated the property was far off the road, very well-screened, and that Fluvanna County needed businesses like this one.

Mr. Frederick Payne, County Attorney, suggested that the Planning Commission address the scope of the project, noise attenuation, and the possibility of adding a condition that would limit the number of runs in the proposed kennel. Planning Commission members discussed the possibility of limiting the number of runs in order to mitigate potential negative impacts to adjacent properties.

MOTION:

Ms. Eager moved to **recommend approval** of SUP 13:04, a special use permit request to allow for a Commercial Kennel with respect to 4.067 acres of Tax Map 4, Section 41, Parcel 3, subject to the conditions listed in the staff report with two additional conditions: 7) nine runs with possible expansion to provide a total of not more than 20 runs within a new building that would contain no more than 600 square feet; and 8) noise attenuation measures including insulation, wooden fencing, etc. satisfactory to the Zoning Administrator to be provided prior to issuance of a Certificate of Occupancy.

Mr. Gaines seconded. The motion carried with a vote of 4-0-1. AYES: Bibb, Eager, Gaines and Zimmer. NAYS: None. ABSTAINED: Babbitt.

SUP 13:05 – Lori L. Roberts – A request for a Special Use Permit (SUP) to allow for a Commercial Greenhouse with respect to 3.581 acres of Tax Map 29, Section A, Parcel 89. The property is zoned A-1 (Agricultural, General) and is located on the south side of Thomas Jefferson Parkway (State Route 53) approximately 0.60 miles east of its intersection with Ruritan Lake Road (Route 619). The property is located in the Fork Union Election District and is within the Rural Residential Planning Area.

Mr. Steve Tugwell, Senior Planner, presented the SUP request to allow for a Commercial Greenhouse with respect to 3.581 acres of Tax Map 29, Section A, Parcel 89 to the Planning Commission.

Dr. Babbitt asked that someone explain how florist is considered part of a greenhouse in the county's zoning ordinance. Mr. Payne, County Attorney, stated the Zoning Administrator had already ruled that 'florist' can be included as part of a greenhouse; so, while it is not binding that the Planning Commission approve the request, it is binding that a florist can be included in the greenhouse definition.

Ms. Lori L. Roberts, applicant, further described the request to the Planning Commission stating she would use the greenhouse for mainly rooting house plants that the business delivered.

Chairman Bibb opened the public hearing.

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

Mr. Gaines stated he believed the request was conducive to the ordinances in place and was inclined to approve it.

MOTION:

Mr. Gaines moved to **recommend approval** of SUP 13:05, a special use permit request to allow for a Commercial Greenhouse with respect to 3.581 acres of Tax Map 29, Section A, Parcel 89, subject to the conditions listed in the staff report.

Dr. Babbitt seconded. The motion carried with a vote of 5-0. AYES: Babbitt, Bibb, Eager, Gaines and Zimmer. NAYS: None.

SUP 13:06 – Gregory Cox – A request for a Special Use Permit (SUP) to allow for an automobile repair service establishment with respect to 10 acres of Tax Map 16, Section 14, Parcel 4. The property is currently zoned A-1 (Agricultural, General) and is located on Rock Lane, approximately 0.60 miles south of its intersection with State Route 619 (Ruritan Lake Road). The property is located in the Cunningham Election District and is within the Rural Residential Planning Area.

Mr. Steve Tugwell, Senior Planner, presented the SUP request to allow for an automobile repair service establishment with respect to 10 acres of Tax Map 16, Section 14, Parcel 4 to the Planning Commission. Mr. Tugwell pointed out one of the restrictions would be that all activity be kept inside of the garage.

Mr. Gregory Cox, the applicant, addressed the Planning Commission in regards to the request.

Chairman Bibb opened the public hearing.

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

Planning Commission members discussed the request stating they were in agreement with the conditions.

MOTION:

Dr. Babbitt moved to **recommend approval** of SUP 13:06, a special use permit request to allow for an automobile repair service establishment with respect to 10 acres of Tax Map 16, Section 14, Parcel, subject to the conditions listed in the staff report.

Ms. Eager seconded. The motion carried with a vote of 5-0. AYES: Babbitt, Bibb, Eager, Gaines and Zimmer. NAYS: None.

SUP 13:07 – Brad Lee Philip Kennedy - A request for a Special Use Permit (SUP) to allow for an automobile repair service establishment with respect to 25.422 acres of Tax Map 29, Section A, Parcel 12. The property is currently zoned A-1 (Agricultural, General) and is located on the west side of State Route 660 (Sclaters Ford Road), approximately 0.25 miles south of State Route 619 (Ruritan Lake Road). The property is located in the Fork Union Election District and is within the Rural Residential Planning Area.

Mr. Steve Tugwell, Senior Planner, presented the SUP request to allow for an automobile repair service establishment with respect to 25.422 acres of Tax Map 29, Section A, Parcel 12 to the Planning Commission.

Mr. Brad Lee Philip Kennedy, the applicant, addressed the Planning Commission in regards to the request.

Chairman Bibb opened the public hearing.

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

Ms. Allyson Finchum, Planning Director, stated automobile repair service establishments, according to the county's ordinance, are more strictly regulated if they can be seen from a public road. Ms. Eager stated that there isn't a condition limiting the business to 5 vehicles because there are currently well over 5 cars and the business has been open for over ten years. Ms. Eager also stated Mr. Kennedy's property is not visible from a public road.

MOTION:

Ms. Eager moved to **recommend approval** of SUP 13:07, a special use permit request to allow for an automobile repair service establishment with respect to 25.422 acres of Tax Map 29, Section A, Parcel 12, subject to the conditions listed in the staff report.

Mr. Gaines seconded. The motion carried with a vote of 5-0. AYES: Babbitt, Bibb, Eager, Gaines and Zimmer. NAYS: None.

PRESENTATIONS:

None

SITE DEVELOPMENT PLANS:

None

SUBDIVISIONS:

None

UNFINISHED BUSINESSS:

None

NEW BUSINESS:

Discussion on ZMP 12:02 & SUP 13:02 – Hotel Street Capital, LLC

ZMP 12:02 - An ordinance to amend the Fluvanna County Zoning Map with respect to 222.03 acres of Tax Map 30, Section A, Parcel 110, and 10 acres of Tax Map 19, Section A, Parcel 39C (former Rivanna Resort) to rezone the subject properties from R-3 (Residential, Planned Community) with proffers to PUD (Planned Unit Development). The subject property is located within the Palmyra Election District on the western side of U.S. Route 15 (James Madison Highway) at its intersection with State Route 644 (Friendship Road), approximately 0.25 miles north of State Route 661 (Rescue Lane). The proposed

amendment would allow a maximum of 952 residential units (a mixture of single-family detached units, townhouses, and multi-family units) and 180,000 square feet of commercial space. According to the 2009 Comprehensive Plan, the property is located within the Palmyra Community Planning Area.

SUP 13:02 - A request for a special use permit to allow for major utilities in conjunction with a Planned Unit Development (PUD) with respect to 222.03 acres of Tax Map 30, Section A, Parcel 110, and 10 acres of Tax Map 19, Section A, Parcel 39C. The property is currently zoned R-3 (Residential, Planned Community) and is located on the western side of State Route 15 (James Madison Highway) at its intersection with State Route 644 (Friendship Road), approximately 0.25 miles north of State Route 661 (Rescue Lane). The property is located within the Palmyra Election District. According to the 2009 Comprehensive Plan, the property is within the Palmyra Community Planning Area.

Ms. Finchum, Planning Director, relayed to the Planning Commission the decision made by the Board of Supervisors on items ZMP 12:02 and SUP 13:02 at their meeting on October 16, 2013. The Board remanded both items back to the Planning Commission for further review.

Ms. Finchum, Mr. Payne and Planning Commission members discussed future steps that would need to be taken regarding the PUD application.

Mr. Payne, County Attorney, stated it would be difficult for the Planning Commission to schedule anything specific for further action until the applicant re-submitted materials.

Chairman Bibb stated that the Planning Commission should hold off on taking any action until the applicant had submitted information to Planning staff.

PUBLIC COMMENTS #2

Chairman Bibb opened the floor for the second section of public comments.

With no one wishing to speak, Chairman Bibb closed the second section of public comments.

ADJOURN

There being no further business, Chairman Bibb adjourned the Planning Commission meeting of October 23, 2013 at 9:01 p.m.

Minutes recorded by Heather Poole.

Barry A. Bibb, Chairman
Fluvanna County Planning Commission