

**FLUVANNA COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
Circuit Courtroom
Fluvanna County Courts
November 18, 2013
7:00 p.m.**

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

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

CALL TO ORDER

Chairman Bibb called the Planning Commission meeting of November 18, 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.

Chairman Bibb announced Dr. Samuel Babbitt's resignation, effective immediate on November 18, 2013.

PLANNING DIRECTOR'S REPORT

Mr. Steve Tugwell, Senior Planner, gave the monthly report to the Planning Commission.

- **Board of Supervisors**
 - **November 6, 2013**
 - *None*
- **Board of Zoning Appeals Actions – No November Meeting**
- **Technical Review Committee**
 - **November 14, 2013**
 - **ZMP 13:02 – Cowboys, LLC** - An ordinance to amend the Fluvanna County Zoning Map with respect to 2.631 acres of Tax Map 30, Section A, Parcel 84B to rezone the same from A-1, Agricultural, General to B-1, Business, General (conditional). The affected property is located on the southeast side of Route 15 (James Madison Highway), approximately 0.18 miles northeast of Route 53 (Thomas Jefferson Parkway). The property is located in the Fork Union Election District and is within the Palmyra Community 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:

Mr. Gaines moved to **approve** the October 23, 2013 Planning Commission meeting minutes as presented.

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

PUBLIC HEARINGS:

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, Parcels 4 & 5. The property is 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.

Mr. Steve Tugwell, Senior Planner, presented the SUP request to allow for a Commercial Kennel with respect to 26.602 acres of Tax Map 21, Section 12, Parcels 4 & 5 to the Planning Commission.

Ms. Mary Marks, the applicant, addressed the Planning Commission in regards to the request stating she planned to install a 6 foot chain link fence surrounding the property.

Chairman Bibb opened the public hearing.

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

Mr. Frederick Payne, County Attorney, suggested that the Planning Commission address the size and character of the building, building setback, maximum number of dogs allowed, and hours of operation when considering this request. Planning Commission members discussed these issues.

MOTION:

Mr. Zimmer moved to **recommend approval** of SUP 13:08, a special use permit request to allow for a Commercial Kennel with respect to 26.602 acres of Tax Map 21, Section 12, Parcel 4 & 5, subject to the conditions listed in the staff report with four additional conditions: 9) that there be allowed only a single building to be used in conjunction with the special use permit of approximately 22 x 36 ft., 10) that the building be at least 300 ft. from the property line, 11) that there be a limit of not more than 20 dogs on site at any given time, 12) and that dogs be kept indoors from 9 pm to 5 am.

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

PRESENTATIONS:

None

SITE DEVELOPMENT PLANS:

None

SUBDIVISIONS:

None

UNFINISHED BUSINESS:

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.

Mr. Tugwell, Senior Planner, updated the Planning Commission on the status of the Planned Unit Development (PUD) application stating staff had received a hydrogeological study, soil study, and VDOT responses, all of which were currently under staff review. Mr. Wayne Stephens, Director of Public Works, stated there were some discrepancies with the information staff had received.

Chairman Bibb stated that the Planning Commission should hold off on taking any action until staff had reviewed the information and felt all pertinent information had been provided. Mr. Payne, County Attorney, stated he believed that decision was wise.

NEW BUSINESS:

None

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 November 18, 2013 at 7:47 p.m.

Minutes recorded by Heather Poole.

Barry A. Bibb, Chairman
Fluvanna County Planning Commission