

FLUVANNA COUNTY PLANNING COMMISSION REGULAR MEETING MINUTES

Circuit Court Room--Fluvanna County Courts

October 28th, 2015

7:00 p.m.

MEMBERS PRESENT: Barry Bibb, Chairman
Lewis Johnson
Patricia Eager
Donald Gaines

ALSO PRESENT: Jason Stewart, Planning and Zoning Administrator
Steven Tugwell, Senior Planner
Jay Lindsey, Planner
Deidre Creasy, Senior Program Support Assistant
Frederick Payne, Fluvanna County Attorney

Absent: Ed Zimmer, Vice Chairman
Tony O'Brien Board of Supervisors Rep

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Barry Bibb, Chairman called the meeting to order at 7:00p.m., after which the Pledge of Allegiance was recited.

PLANNING DIRECTOR'S REPORT (Mr. Stewart)

1. Board of Supervisors Actions:

October 7, 2015:

None.

October 21, 2015:

Approved 5-0 ZMP 15:02 – Steven L. Peters - An ordinance to amend the Fluvanna County Zoning Map with respect to 21.5 acres of Tax Map 8, Section A, Parcel A14A to rezone the same from A-1, Agricultural, General to B-1, Business, General (conditional). The affected property is located on the northwest corner of the intersection of Thomas Jefferson Parkway (Route 53), and Lake Monticello Road. The property is located in the Palmyra Election District and is within the Rivanna Community Planning Area.

2. Board of Zoning Appeals Actions:

No October meeting.

3. Technical Review Committee:

No October meeting.

PUBLIC COMMENTS #1

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

APPROVAL OF MINUTES

MOTION: Mrs. Eager moved to accept the minutes of September 23, 2015 with edits, Mr. Johnson seconded. The motion carried a vote of 4-0-0. **AYES:** Bibb, Eager, Johnson and Gaines **NAYS:** None.

ABSTAIN: None

SUBDIVISIONS: None

SITE DEVELOPMENT PLANS: None

Public Hearings:

SUP 15:07– Raymond Goffin - A request for a special use permit to operate an outdoor recreation facility and Small Restaurant with respect to 46.02 acres of Tax Map 18, Section A, Parcel 12. The property is currently zoned A-1 (Agricultural, General) and is located on the northern side of State Route 619 (Ruritan Lake Road) approximately one-half mile northwest of its intersection with Sclaters Ford Road. The property is located within the Cunningham Election District and is within the Rural Residential Planning Area.

Senior Planner Steve Tugwell conducted a brief presentation and addressed the Board

Bibb: Confirmed there is a 50 ft. right of way and spoke of VDOT not being able to comply with the 610 ft. sight distance requirement; however advised all VDOT constructions will need to be complied with going forward.

Senior Planner Steve Tugwell advised that VDOT has asked for an entrance analysis and once that is completed recommendations in regards to the entrance will be made. He then explained the site development plan process in regards to this SUP.

Bibb: Asked if the exact footage adjacent to the property off of Rt. 53 was known?

Senior Planner Steve Tugwell: Explained that he doesn't know the exact footage but believes it is at least 1800ft.

Bibb: Advised he has been in the area trying to figure out where the possible access area is but he was unable to find it.

Senior Planner Steve Tugwell: Explained that to his understanding, the applicant would not be using that access and it could possibly be used as an alternative entrance in the future.

Payne: Asked was if the County had a copy of the 50 ft. civil right of way mentioned on the sketch?

Senior Planner Steve Tugwell: Answered no

Payne: Expressed the importance of having a copy of the civil right of way.

Bibb: Explained where the right of way ends and the civil right of way begins and gave the applicant a chance to speak.

Applicant Goffin: Explained that he has went through the books and as far as the judge goes everything is documented and he has pages of where they are, however he does not have the information with him.

Bibb: Asked if there were exceptions or conditions to the easement?

Applicant Goffin: Answered no it was a civil order by the judge. Also clarified that on the additional entrance they were just looking for emergency access but other options can be looked at.

Bibb: Clarified with the applicant that the Rt.53 entrance will be the opening entrance. Also if it is a commercial entrance requiring more than 50 ft. how will that issue be solved? Then asked has he spoken with property owners if entrances need to be widened?

Applicant Goffin: Answered no

Gaines: Inquired what is the caretaker facility?

Applicant Goffin: Explained that the caretaker facility will be available if showers or food were needed and no one would be living on the property permanently but would have the option to stay there to ensure that the facility was secure.

Bibb: Inquired about the possibility of a small restaurant and advised it has to be less than 2000 sq. ft.

Applicant Goffin: Advised it would be a very small area only serving donuts, lemonade and coffee so people don't have to leave the premises to have a snack or drink.

Bibb: Inquired about the possibility of a residence use?

Senior Planner Steve Tugwell: Gave an explanation of the ordinances for single family and accessory dwellings.

Payne: Asked is there anything that needs to be done to accommodate the living quarters whether there are owners or employees staying there. Also does someone need to be onsite to provide security in conjunction with the securities usage? He also explained issues that he has with the easement where he referenced previous cases with some of the same underlying issues. Lastly, he addressed concerns about the sight distance qualities and not having all the easement information.

Bibb: Inquired about the differences between rights of ways in residential vs business properties.

Payne: Gave an explanation of how easements and right of ways are created and uses especially when the judicial system is involved.

Public Hearing Comments

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

Ray Helliger: Inquired what kind of track was being proposed and was advised that it is a running track. Likewise, explained that there is danger in the location 619/53 being an access road because of the knoll.

Steve Mulchman: Advised that he owns the right of way land in question and there are stipulations associated with it. He then advised that there is a good possibility the right of way comes across the corner of his septic which is addressed in the judicial order. Also there are notations in regards to a culvert pipe that was crushed by log trucks and now when there is a heavy rain, the right of way is washed out.

David Wood: 3383 Thomas Jefferson pkwy: Advised he owns property near the supposed access road on 619 and he advised there is no access point and a bridge would have to be put in place.

John Sprouse: 4789 Ruritan Lake Rd: Advised that his land is right beside the creek and the land is all swamp. He also indicated that the creek floods the field periodically.

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

Bibb: Explained that a lot of questions have been opened up and their needs to be further investigated in reference to the entrance and the types of facilities.

Eager: Expressed her belief that the SUP should be deferred until further questions can be answered.

MOTION:

Mr. Johnson moved to defer SUP 15:07 –, Mr. Gaines seconded. The motion carried **with a vote of 4-0-0. AYES: Bibb, Eager, Johnson & Gaines NAYS: None. ABSTAIN: None**

SUP 15:09 – Rountop Limited Partnership - A request to amend Special Use Permit SUP 14:04 to allow for an expansion of the educational facility to 75 occupants in 6 Centre Ct., and 49 occupants in 7 Centre Ct. with respect to 6.343 acres of a portion of Tax Map 18A, Section 4, Parcel 13A. The property is zoned B-1 (Business, General) and is located on the north side of Slice Road, approximately 500 feet from its intersection with Route 600 (South Boston Road). The property is located in the Palmyra Election District and is within the Rivanna Community Planning Area.

Senior Planner Steve Tugwell conducted a brief presentation and addressed the Board

Bibb: Advised that since the property has been there he has no objections and had the property owner come forward.

Applicant Parr: Explained that the school grew faster than anticipated and the school uses the businesses around it for services needed. Likewise explained since there was a growth the school needed to make accommodations to ensure they met fire code.

Eager: Inquired about the conditions of the school hours being 8a to 4p?

Applicant Parr: Explained that staff arrives at 7:30 am, the regular day begins from 8:15 am to 3 p.m. and the after school program lasts until 6 p.m. Also advised they allow other local businesses to use their classrooms at night occasionally.

Eager: Inquired about what the previous conditions were on her first SUP?

Applicant Parr: Advised that the SUP she had before says extended hours and not 8am to 4pm.

Bibb: Asked does the SUP need to be amended?

Senior Planner Steve Tugwell: Advised he didn't believe so because the hours of operation are not changing.

Eager: Explained she believes the Planning Commission made recommendations and when the SUP went to the Board they were changed.

Payne: Confirmed with Mr. Gaines that the conditions should be changed to what the Board initially approved.

Applicant Parr: Advised that it was not in her plan to change anything the Board had approved she just wanted to amend the occupancy.

Payne: Advised that if the intent is to change one condition the others should be left as approved by the Board.

Stewart: Read the conditions that were approved.

Payne: Reiterated to the Board to only mention condition #1 in the motion.

Public Hearing Comments

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

With no one wishing to speak Chairman Bibb closed the public hearing section and opened Planning Commission discussion.

MOTION:

Mrs. Eager moved to recommend approval of SUP 1509 –, Mr. Gaines seconded. The motion carried with a vote of 4-0-0. **AYES: Bibb, Eager, Johnson & Gaines NAYS: None. ABSTAIN: None**

PRESENTATIONS: None

UNFINISHED BUSINESS: CIP Discussion

Bibb: Confirmed with Eric Dahl that the only two things added was the intake for the JRWA and the Zions Crossroads project.

Eager: Confirmed with Eric Dahl that the \$6 million dollar Zions Cross Roads project included the Women's prison.

Eager: Inquired if Dahl considered this project the most important?

Dahl: Advised he was unable to make that decision but it is listed as a number 1 however, a lot of decisions will be left up to the Board. Likewise gave a brief explanation of the Sherriff's office radio project being lease financed.

Various discussion of funding and explanations of what the Board would be able to do with the funds

Bibb: Expressed concerns about the school wanting to use funds from the County instead of their instructional budget.

Eager: Gave a brief explanation of an analysis of where the budget has gone up for the last 10 years, specifically related to the school system.

Bibb: Spoke of his concerns in relation to building repairs and advocated for County-wide building assessments.

Various discussion on replacement costs

Bibb: Inquired about fire and rescue funding.

Dahl: Gave a fiscal response regarding the line item.

NEW BUSINESS: Discussion and Advertisement of the Proposed Fluvanna County Zoning & Subdivision Ordinance Updates

Payne: Advised this is something that should have been done anyways but the County got behind on. Likewise explained there are three types of amendments, 1. Where statutory citations may have changed, 2. Where the grammar, coding or expressions are new, 3. Provisions that change as a result of law and 4. changes with sign regulations.

MOTION:

Mrs. Eager moved to initiate the meeting for the zoning ordinance, Mr. Gaines seconded. The motion carried **with a vote of 4-0-0. AYES: Bibb, Eager, Johnson & Gaines NAYS: None. ABSTAIN: None**

Mr. Gaines moved to initiate the meeting for the subdivision ordinance, Mr. Johnson seconded. The motion carried **with a vote of 4-0-0. AYES: Bibb, Eager, Johnson & Gaines NAYS: None. ABSTAIN: 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 public comment section.

ADJOURN

There being no further business, Chairman Bibb adjourned the Planning Commission meeting of October 28, 2015 at 8:38 p.m.

Minutes recorded by Deidre Creasy, Senior Program Assistant.

Barry A. Bibb, Chairman
Fluvanna County Planning Commission