

AGENDA
FLUVANNA COUNTY PLANNING COMMISSION
Regular Meeting
Circuit Court Room
Fluvanna Courts Building
November 18, 2013 at 7:00pm

1-CALL TO ORDER, PLEDGE OF ALLEGIANCE

2-DIRECTOR'S REPORT

Mr. Steve Tugwell, Senior Planner

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3-PUBLIC COMMENTS #1 (3 minutes each)

4-APPROVAL OF MINUTES:

October 23, 2013

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5- PUBLIC HEARINGS:

SUP 13:08 – Mary E. Marks

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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.

6-PRESENTATIONS (normally not to exceed 10-minute limitation)

7-SITE DEVELOPMENT PLANS:

8-SUBDIVISIONS:

9-UNFINISHED BUSINESS:

10-NEW BUSINESS:

11-PUBLIC COMMENT #2 (3 minutes each)

12-ADJOURN

For the Hearing-Impaired – there is a listening device available at the Circuit Court Room upon request. TTY access number is 711 to make arrangements.

For persons with Disabilities – if you have special needs, please call the County Administrator's Office at 591-1910 and relay your request.

Pledge of Allegiance

I pledge allegiance to the flag
of the United States of America
and to the Republic for which it stands,
one nation, under God, indivisible,
with liberty and justice for all.

ORDER

1. It shall be the duty of the Chairman to maintain order and decorum at meetings. The Chairman shall speak to points of order in preference to all other members.
2. In maintaining decorum and propriety of conduct, the Chairman shall not be challenged and no debate shall be allowed until after the Chairman declares that order has been restored. In the event the Commission wishes to debate the matter of the disorder or the bringing of order; the regular business may be suspended by vote of the Commission to discuss the matter.
3. No member or citizen shall be allowed to use abusive language, excessive noise, or in any way incite persons to use such tactics. The Chairman and/or the County Planner shall be the judge of such breaches, however, the Commission may vote to overrule both.
4. When a person engages in such breaches, the Chairman shall order the person's removal from the building, or may order the person to stand silent, or may, if necessary, order the person removed from the County property.

***FLUVANNA COUNTY PLANNING COMMISSION
PUBLIC HEARING RULES OF PROCEDURE***

1. Purpose:
The purpose of a public hearing is to receive testimony from the public on certain resolutions, ordinances or amendments prior to taking action. A hearing is not a dialog or debate. Its express purpose is to receive additional facts, comments and opinion on subject items.
2. Speakers:
Speakers should approach the lectern so they may be visible and audible to the Commission.
Each speaker should clearly state his/her name and address.
All Comments should be directed to Commission.
Each speaker is limited to three minutes and time may not be donated from other audience members.
All questions should be directed to the Chairman. Members of the Commission are not expected to respond to questions, and response to questions shall be made at the Chairman's discretion. Speakers are encouraged to contact staff regarding unresolved concerns or to receive additional information.
Speakers with questions are encouraged to contact County staff prior to the public hearing.
Speakers should be brief and avoid repetition of previously presented comments.
County residents and taxpayers may be given priority in speaking order.
3. Action:
At the conclusion of the public hearing on each item, the Chairman will close the public hearing. The Commission will proceed with its deliberations and will act on or formally postpone action on such item prior to proceeding to other agenda items. Further public comment after the public hearing has been closed generally will not be permitted.



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 www.co.fluvanna.va.us

To: Fluvanna County Planning Commission
From: Steve Tugwell, Senior Planner
Date: November 18, 2013
Re: Planning Director's Report

1. Board of Supervisors Actions:

November 6, 2013:

None.

2. Board of Zoning Appeals Actions:

No November Meeting.

3. 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.



**FLUVANNA COUNTY BUILDING INSPECTIONS
MONTHLY BUILDING INSPECTION REPORT
OCTOBER 2013**

USE	Oct-12	VALUE	YTD 12	VALUE	Oct-13	VALUE	YTD 13	VALUE	Oct/Diff	VALUE	YTD	
											PERMITS	VALUE
New Homes	5	997,075	63	11,387,689	8	1,397,000	67	12,576,483	3	399,925	4	1,188,794
Duplex	0	0	0	0	0	-	0	-	0	-	0	-
Single Family (Attached)	0	0	4	360,000	0	-	12	1,800,000	0	-	8	1,440,000
Adds&Alterations	25	768,886	218	3,601,737	31	299,150	236	3,190,378	6	(469,736)	18	(411,359)
Garages & Carports	0	0	11	225,160	0	-	14	448,740	0	-	3	223,580
Accessory Buildings	1	15,000	10	98,500	3	156,500	15	371,880	2	141,500	5	273,380
Single Wide MH	0	0	1	500	1	36,000	2	39,000	1	36,000	1	38,500
Swimming Pools	0	0	9	346,181	0	-	5	121,600	0	-	-4	(224,581)
Recreational Bldgs	0	0	0	-	0	-	0	-	0	-	0	-
Business Bldgs	0	0	2	819,850	0	-	0	-	0	-	-2	(819,850)
Industrial Bldgs	0	0	5	1,182,509	0	-	1	50,000	0	-	-4	(1,132,509)
Other Buildings	0	0	8	620,219	1	20,000	9	573,905	1	20,000	1	(46,314)
TOTALS	31	1,780,961	331	18,642,345	44	1,908,650	361	19,171,986	13	127,689	30	529,641

FEES	Oct-12	PREV TOT	YTD 12	Oct-13	PREV TOT	YTD 13	DIFFERENCE	DIFFERENCE YTD
Building Permits	\$ 8,374.25	89,006.60	97,380.85	\$ 10,547.95	83,606.06	94,154.01	2,173.70	(3,226.84)
Land Disturb Permits	\$ 3,480.00	31,830.00	35,310.00	\$ 4,396.25	20,491.25	24,887.50	916.25	(10,422.50)
Zoning Permits/Proffers	\$ 1,250.00	38,200.00	39,450.00	\$ 1,450.00	37,600.00	39,050.00	200.00	(400.00)
TOTALS	\$ 13,104.25	159,036.60	172,140.85	\$ 16,394.20	141,697.31	158,091.51	\$ 3,289.95	(14,049.34)

INSPECTIONS	Oct-12	PREVIOUS	YTD 12	Oct-13	PREVIOUS	YTD 13		
	173	1,398	1,571	159	1,375	1,534	-14	-37

Darius S. Lester
Building Official

() represents a negative

Monthly Approval Report for October 2013

<i>District</i>	<i>Action</i>	<i>ID#</i>	<i>Description</i>	<i>Tax Map</i>	<i>Parcels</i>	<i>Total Acreage</i>	<i>Number of Lots</i>
Columbia							
	<i>Approved</i>						
		SUB 13-017	Family Subdivision	21	(17)6	31.014	3
	<i>Denied</i>						
		SUB 13-005	Minor Subdivision	12	(A)28B	18	2
Cunningham							
	<i>Approved</i>						
		SUB 13-007	Boundary Line Adjustment	17	(A)73,74 & 28(A)2, 6	277.36	4
Fork Union							
	<i>Approved</i>						
		SUB 12-020	Minor Subdivision	48	(15)1	13	2

AFD - Agricultural Forestal District *BSP - Boundary Survey Plat*
BZA - Board of Zoning Appeals (Variance) *CCE - Code Compliance Enforcement*
CPA - Comprehensive Plan Amendment *SDP - Site Development Plan*
SUB - Subdivisions *SUP - Special Use Permits*
ZMP - Zoning Map Proposal (Rezoning) *ZTA - Zoning Text Amendment*

Pending Meetings Report

<i>Action</i>	<i>Action Date</i>	<i>District</i>	<i>ID#</i>	<i>Applicant Name</i>	<i>Tax Map Parcels</i>	<i>Description</i>	<i>Total Acreage</i>	<i>Number of Lots</i>
<i>Pending BOS Meeting</i>								
	11/20/2013		CPA 13-001	Fluvanna County		Amend Infrastructure & Land Use Chapter	0	
	11/20/2013	Palmyra	ZMP 12-003	Sycamore Square, LLC	9 (A)13,14,14	Proffer Amendment	43.733	
	11/20/2013	Fork Union	SUP 13-005	Lori L. Roberts	29 (A)89	Commercial Greenhouse	3.581	
	11/20/2013	Palmyra	SUP 13-004	Andrew & Jess Boyle	4 (41) 3	Commercial Kennel	4.067	
	11/20/2013	Fork Union	SUP 13-007	Brad Kennedy	29 (A)12	Auto Repair Service Establishment	25.422	
	11/20/2013	Cunningham	SUP 13-006	Gregory Cox	16 (14)4	Auto Repair Service Establishment	10	
	12/18/2013	Columbia	SUP 13-008	Mary E. Marks	21 (12) 4, 5	Commercial Kennel	26.602	
<i>Pending PC Meeting</i>								
	12/16/2013	Fork Union	ZMP 13-002	Cowboys, LLC	30 (A)84B	Conditional Rezoning	2.631	

Code Compliance Enforcement Activity Report

ID#	Tax Map Parcels	Reported Against	Type of Violation	Comments	Status	Status Date
Columbia						
CCE 13-012	33 (9)-1A	Liberty Homes, LLC, Et Al	Trash	Property address is located west of No.3049 Cedar Lane. Complaint is in regards trash, debris and junk. Site inspection 3-05-2013 noted an accumulation of trash and debris that could be providing a habitat for rodents and vermin. 1st letter sent 4-25-2013. Site inspec. 5-30-2013 noted some progress during new house construction. Monitoring continues.	Awaiting Action	6/27/2013
CCE 13-011	33 (A)-57	Gail Bruce, Et, Al	Trash	Complaint is in regards trash, debris and junk. Site inspection 3-05-2013 noted an accumulation of trash and debris that could be providing a habitat for rodents and vermin. 1st letter sent 4-25-2013. Owner advised 5-30-2013 that her tenant is cleaning up the property. Monitoring continues.	Awaiting Action	6/27/2013
Fork Union						
CCE 12-001	51A (A)22	JWS Enterprises, LLC (James W. Sherrill,	Misc.	4985 James Madison Hwy. Site insp. on 12-20-11 and 1-06-12 noted that the property is being used for general storage which is not a use permitted "by right" or "by SUP". 1st letter sent on 1/12/12. 2nd violation 1/31/12. Letter of intent approved by Darren Coffey 2/29/12. 3rd letter sent by hand delivery 4/09/13. Summons issued 4/29/13. 1st hearing 5-21-13. 2nd hearing 9-10-13.	Pending Court	5/21/2013
Palmyra						
CCE 12-002	3 (A)-31, 32	JWS Enterprises, LLC (James W. Sherrill,	Misc.	Behind 1017 Union Mills Road. Regards to "dumping". Site insp. 1/09/12 noted that contractor type materials are being stored on property. 1st letter sent 1/12/12. 2nd letter sent requesting intentions 1/31/12. Letter of intent approved by Darren Coffey 2/29/12. 3rd letter sent by hand delivery 4/09/13. Summons issued 4/29/13. 1st hearing 5-21-13. 2nd hearing 9-10-13.	Pending Court	5/21/2013

ID#	Tax Map Parcels	Reported Against	Type of Violation	Comments	Status	Status Date
CCE 10-013	10 (3)-2B	Eric D. Taylor	SUPs	Property is at intersection of Union Mills Road and North Boston Road. SDP 10:09 approved 07/26/11. SDP requirements not implemented as of 9-23-11. 2nd letter sent 9/23/11. 3rd letter sent 1/24/12. Site inspec. 2/3/12 noted newly vegetative screening per/approved SDP. Monitoring conitues.	Awaiting Action	5/8/2012

Fluvanna County Planning Department
Code Compliance Projects

Staff Contact	Scott Miller (Code Compliance Officer)
Date	November 14, 2013

Project	Status
Special Use Permit (SUP) Applications	<ul style="list-style-type: none"> ● SUP required (automobile repair service establishment) [TMP 29 (A) 12] <ul style="list-style-type: none"> ○ Planning Commission approved 10-23-13(SUP 13:007) ● SUP required (automobile repair service establishment) [TMP 16 (14) 4] <ul style="list-style-type: none"> ○ Planning Commission approved 10-23-13 (SUP 13:006)
Special Use Permit (SUP) Violations	<ul style="list-style-type: none"> ● Compliance – Sound Levels [Tenaska] <ul style="list-style-type: none"> ○ All requirements and conditions for sound levels compliant as of 11-13-13 ● Compliance with site inspection for SUP 12:004 – All requirements compliant ● Compliance with site inspection for SUP 09:002 – All requirements compliant ● Compliance with site inspection for SUP 08:001 – All requirements compliant
Zoning Violations	<ul style="list-style-type: none"> ● Illegal Use [TMP 51A (A) 22], Zoned B-1, general outside storage of materials <ul style="list-style-type: none"> ○ On 10-01-13 General District Court Judge ruled in favor of Fluvanna Co., fine \$100 ○ On 10-28-13 General District Court case re-tried for appeal. ○ On 04-10-14 General District Court set for jury trial on appeal. ● Illegal Use [TMP 3 (A) 31, 32], Zoned A-1, contractor’s storage yard <ul style="list-style-type: none"> ○ On 10-01-13 General District court judge ruled in favor of Fluvanna Co., fine \$100 ○ On 10-28-13 General District Court case re-tried for appeal. ○ On 03-20-13 General District Court set for jury trial on appeal. ● Illegal Use [TMP 23 (10) A1], Zoned A-1, single family attached dwelling <ul style="list-style-type: none"> ○ First Letter of violation issued 9-24-13 (not received), hand delivered 10-16-13 ○ Owner sent letter of intent 10-18-13, Pre-construction meeting scheduled 11-15-13 ● Illegal Use [TMP 5 (A) 59, Zoned A-1, removal of use or requiring SUP or rezoning to B-1- <ul style="list-style-type: none"> ○ Owner and tenant advised 9-20-13, monitoring for compliance
Assisting Dept. of Building Inspections, Dept. of Public Works and other agencies	<ul style="list-style-type: none"> ● Evaluate parcel line boundaries for dredging operations on Boston Creek at Rivanna River ● Locate, uncover and mark benchmark mark information at closed County landfill ● Advise DEQ Biosolids Monitor of failure to display setback markers at application site
Signage	<ul style="list-style-type: none"> ● Removal of Illegal Signage in Road Right-of-Ways <ul style="list-style-type: none"> ○ Thirty one signs removed ○ Placement of one public hearing sign (13:008) ○ Advised tenant for sign permit requirement [TMP 18 (10) 6] Cuppa Joe ○ Advised tenant for sign permit requirement [TMP 51 (9) 3] Sals Italian Restaurant
Miscellaneous	<ul style="list-style-type: none"> ● Proactive compliance evaluation of all visible properties in the county – 40% complete ● Deliver packets for upcoming Board of Supervisor’s and Planning Commission meetings

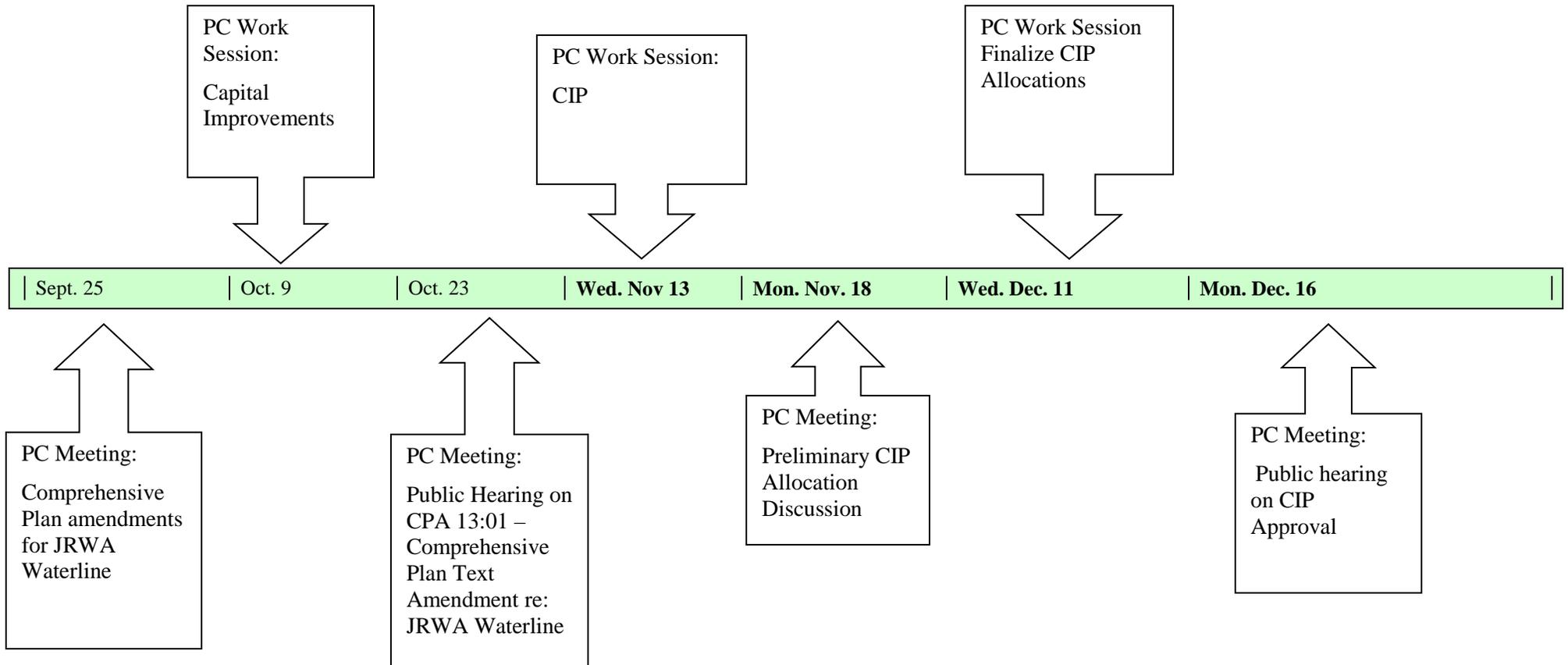
Planning Commission Timeline

Amended November 2013



Amendment Discussions for 2014:

- Comprehensive Plan Update
- Hydrogeologic Testing and Fiscal Impact Study
- Phasing of Development
- Central/ Public Sewer and Water for major subdivisions
- Broadband Initiative/ Study



Fluvanna County Planning Department
 Long-Range Planning Projects

Staff Contact	Jay Lindsey (Planner)
Date	November 13, 2013

Current/ Complete Projects	Status
Maps and Media	<ul style="list-style-type: none"> • Prepare Sample Ballot Posters for Election • Map and Identify Potential JRWA Pipeline/Homeowner Setback conflicts
Capital Improvement Plan (CIP)	<ul style="list-style-type: none"> • Prepare Project Ranking Worksheets (Work Sessions: November 13, 2013 and December 11, 2013) • Present results to Planning Commission • Prepare survey for CIP allocation and priority determination by Planning Commission • Collect, organize, and present allocation and priority data from Planning Commission • Prepare all CIP data for handoff to Finance Department

Upcoming Projects	Status
Development Activity Report	<ul style="list-style-type: none"> • Begin Preparation of 2013 Development Activity Report (DAR)
Comprehensive Plan Updates	<ul style="list-style-type: none"> • Ongoing

**FLUVANNA COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
Circuit Courtroom
Fluvanna County Courts
September 25, 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



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 www.co.fluvanna.va.us

STAFF REPORT

To: Fluvanna County Planning Commission

From: Steve Tugwell

Case Number: SUP 13:08

District: Columbia

Tax Map: Tax Map 21, Section 12, Parcels 4 & 5

Date: November 18, 2013

General Information:

This request is to be heard by the Planning Commission on Monday, November 18, 2013 at 7:00 pm in the Circuit Court Room in the Courts Building.

Owner/Applicant:

Mary E. Marks

Representative:

Mary E. Marks

Requested Action:

Request for a special use permit to allow for a commercial kennel with respect to 26.602 acres of Tax Map 21, Section 12, Parcels 4 & 5. The applicant is proposing to operate a commercial kennel. (Attachment A)

Location:

The subject property 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. (Attachment B)

Existing Zoning:

A-1, Agricultural, General

Planning Area:

Rural Preservation Planning Area

Existing Land Use:

Two adjacent parcels total approximately four (26.602) acres in size with a primary residence and one (1) accessory structure. (Attachment C)

Adjacent Land Use:

The surrounding area is zoned A-1, Agricultural, General.

Zoning History:

A lot consolidation (SUB 13:09) of Tax Map 21-12-4 and 21-12-5 was approved on May 14, 2013.

Neighborhood Meeting:

In addition to the applicant, there were three (3) attendees at the October 9, 2013 Neighborhood meeting. The neighbors had questions with regard to potential additional noise, traffic, and safety of the animals. Fencing for the dogs was also discussed.

Technical Review Committee:

At the October 10, 2013 Technical Review Committee meeting:

1. The Fire Chief and Central Virginia Electric Coop had no issues with this application;
2. Planning Staff inquired about the number of proposed dog runs, asked about using earth-toned colors for new structures, and asked about placing the height of the proposed fence at 6 feet as a condition of approval;
3. The Virginia Department of Transportation asked how many vehicle trips the kennel activity would generate in and out of the property on a daily basis, VDOT stated that Bybee Farms Road meets sight distance requirements, and that no further improvements need to be made to the existing entrance. (Attachment D)

Comprehensive Plan:

VISION 2009

The vision for Fluvanna County is based on key goals such as “preserving the rural character, promote economic development and protect individual property rights”. Protecting and preserving the rural character is essential as was expressed by Fluvanna citizens throughout the comprehensive planning process (see Appendix A in the Comprehensive Plan under the “2006 Planning Issues Survey”).

Analysis:

The applicant is proposing to operate a commercial kennel. The County’s definition of a *commercial kennel* is “*a place designed and used to house, board, breed, handle, or otherwise keep or care for dogs, cats, or other household pets for the specific intent of sale or in return for compensation*”.

The location of the proposed kennel is two (2) adjacent parcels that have been consolidated into one 26 acre parcel situated on the north side of Bybee Farms Lane. The applicant’s primary residence is also on the property, and will allow for 24 hour staffing of the kennel facility, 365 days a year. The kennel is proposed to be 22 by 36 feet in size, located behind the residence, and will not be visible from Bybee Farms Lane. According to the applicant’s business plan, “the services offered include pet pick-up, daycare, and overnight stays”. Most of the business will be dog daycare, with the availability for overnight stays. Two (2) minivans will enter and exit the facility twice per day. The facility will employ one (1) additional employee, who is experienced in dog training. (Attachment E).

When evaluating proposed uses for a special use permit, in addition to analyzing the potential adverse impacts of the use, staff utilizes two (2) general guidelines for evaluation as set forth in the zoning ordinance.

First, the proposed use should not tend to change the character and established pattern of the area or community.

The proposed location for the commercial kennel is a 26 acre parcel situated on the north side of Bybee Farms Lane. The applicant is planning to build a 36 x 22 detached garage to serve as the dog daycare. The parcel is bordered by substantial vegetation and the proposed kennel structure is approximately 500 feet from any buildings on neighboring parcels. According to the applicant, existing trees screening the adjoining properties will be retained to provide a buffer between the kennel and neighboring homes.

Second, the proposed use should be compatible with the uses permitted by-right in that zoning district and shall not adversely affect the use/or value of neighboring property.

Small home industries and commercial kennels are allowed by SUP in the A-1 zoning district. By-right uses that are similar, in operation or size of structures, to this application may include home occupations, equestrian facilities, farm sales, non-commercial greenhouses, and accessory dwellings.

Sec. 22-1-2 of the zoning ordinance states that the purpose of the zoning ordinance is “to protect against over crowding of land”. Generally, a commercial kennel is considered an intensive use, however given the size and location of this property, this proposal may be less impactful to neighboring properties. The applicant is applying to provide a service to the community by bringing a full-service commercial kennel to the area.

Conclusion:

The Planning Commission should consider any potential adverse impacts, such as traffic entering and exiting the property, noise, dust, vibration, or visual clutter.

Recommended Conditions:

If approved Staff recommends the following conditions:

1. Prior to development of the site, a site development plan that meets the requirements of the Fluvanna County Zoning Ordinance, must be submitted for review and approval.
2. The site must meet all Virginia Department of Transportation requirements.
3. The site must meet the requirements set forth by the Virginia Department of Health.
4. The property shall be maintained in a neat and orderly manner so that the visual appearance from the road and adjacent properties is acceptable to County officials.
5. The Board of Supervisors, or its representative, reserves the right to inspect the business for compliance with these conditions at any time.

6. Under Sec. 22-17-4 F (2) of the Fluvanna County Code, the Board of Supervisors has the authority to revoke a Special Use Permit if the property owner has substantially breached the conditions of the Special Use Permit.
7. Noise attenuation measures including insulation, fencing, etc. satisfactory to the Zoning Administrator to be provided prior to issuance of Certificate of Occupancy.
8. Fencing will be six (6) foot-tall brown chain-link.

Suggested Motion:

I move to recommend **approval/denial** 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, Parcels 4 & 5 [if approved] subject to the conditions listed in the staff report.

Attachments:

- A – Application & APO Letter
- B – Sketch Plan and Aerial Map
- C - Zoning Map
- D – TRC Memos from the Health Dept. and Email from VDOT
- E – Business Plan and kennel sketch
- F – Applicant’s letters of support

Copy:
Applicant – Mary E. Marks, 181 Centre Street, Dover, MA 02030
File

Mailing - 181 Centre St
 Address - Dover, MA 02030



COMMONWEALTH OF VIRGINIA
 COUNTY OF FLUVANNA
 Application for Special Use Permit (SUP)

Owner of Record: Mary E. Marks **Applicant of Record: Mary E. Marks**
 E911 Address: 232 ByBee Farms Lane E911 Address: 232 ByBee Farms Lane
 Phone: 434-591-6171 Fax: Phone: 434-591-6171 Fax:
 Email: marye6259@yahoo.com Email: marye6259@yahoo.com

Representative: Mary E. Marks
 E911 Address: 232 ByBee Farms Lane
 Phone: 434-591-6171 Fax:
 Email: marye6259@yahoo.com

Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.

Is property in Agricultural Forestal District? No Yes
 If Yes, what district: _____

Tax Map and Parcel(s): 21-(12)-4&5 **Deed Book Reference: Deed Book 280, page 197**
Acreeage: 26.602 **Zoning: A1** Deed Restrictions? No Yes (Attach copy)
 Request for a SUP in order to: **Operate a Doggy Day Care** Proposed use of Property: Residence/Commercial Kennel

*Two copies of a plan must be submitted, showing size and location of the lot, dimensions and location of the proposed building, structure or proposed use, and the dimensions and location of the existing structures on the lot.

By signing this application, the undersigned owner/applicant authorizes entry onto the property by County Employees of the Planning Commission, and the board of Supervisors during the normal discharge of their duties in regard to this request and acknowledges that county employees will make regular inspections of the site.

Date: 9/10/2013 Signature of Owner/Applicant: Mary E. Marks
 Subscribed and sworn to before me this 10 day of September 2013 Register # 7509819
 My commission expires: 10/31/2015 Notary Public: [Signature]
 Certification: Date: _____ Zoning Administrator: _____



All plats must be folded prior to submission to the Planning Department for review. Rolled plats will not be accepted.

OFFICE USE ONLY	
Date Received: <u>9-10-13</u> Pre-Application Meeting:	PH Sign Deposit Received: <u>\$90.00</u> Application #: SUP <u>13</u> : <u>08</u>
\$800.00 fee plus mailing costs paid: <u>\$800.00</u> ✓	Mailing Costs: \$20.00 Adjacent Property Owner (APO) after 1st 15, Certified Mail
Amendment of Condition: \$400.00 fee plus mailing costs paid:	<u>N/A</u>
Telecommunications Tower \$1,500.00 fee plus mailing costs paid:	\$5,500 w/Consultant Review paid:
Election District: <u>Columbia</u>	Planning Area: <u>RURAL PRESERVATION</u>
Public Hearings	
Planning Commission	Board of Supervisors
Advertisement Dates: <u>NOV 7th & 14th</u>	Advertisement Dates: <u>DEC 5th & 12th</u>
APO Notification: <u>NOV 6th</u>	APO Notification: <u>DEC 4th</u>
Date of Hearing: <u>Nov 18, 2013</u>	Date of Hearing: <u>December 18, 2013</u>
Decision:	Decision:



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Public Hearing Sign Deposit

Received

SEP 10 2013

Fluvanna County

Name: Mary E. Marks

Address: 232 Bybee Farms Lane

City: Palmyra

State: VA

Zip Code: 22963-4741

I hereby certify that the sign issued to me is my responsibility while in my possession.
Incidents which cause damage, theft, or destruction of these signs will cause a partial or full
forfeiture of this deposit.

Mary E. Marks
Applicant Signature

9/10/2013
Date

*Number of signs depends on number of roadways property adjoins.

OFFICE USE ONLY

Application #: BZA : CPA : SUP 15 : 08 ZMP : ZTA :

\$90 deposit paid per sign*: \$90.00

Approximate date to be returned: 12-19-13

Describe briefly the **improvements proposed**. State whether new buildings are to be constructed, existing buildings are to be used, or additions made to existing buildings.

Ms. Marks requests permission to Construct a 36x22 Garage behind the existing residence to be used in a Doggy Day Care located at 232 ByBee Farms Lane, Palmyra, VA 22963-4741. Property is 26.6 acres zoned A1.

NECESSITY OF USE: Describe the reason for the requested change.

In accordance with section 22-4-2.2 of the code of the county of Fluvanna, commercial Kennel facilities are permitted only upon approval of a Special Use Permit. As such, Ms. Marks seeks approval of a Special Use Permit in order to operate a Doggy Day Care on the property.

PROTECTION OF ADJOINING PROPERTY: Describe the effects of the proposed use on adjacent property and the surrounding neighborhood. What protection will be offered adjoining property owners?

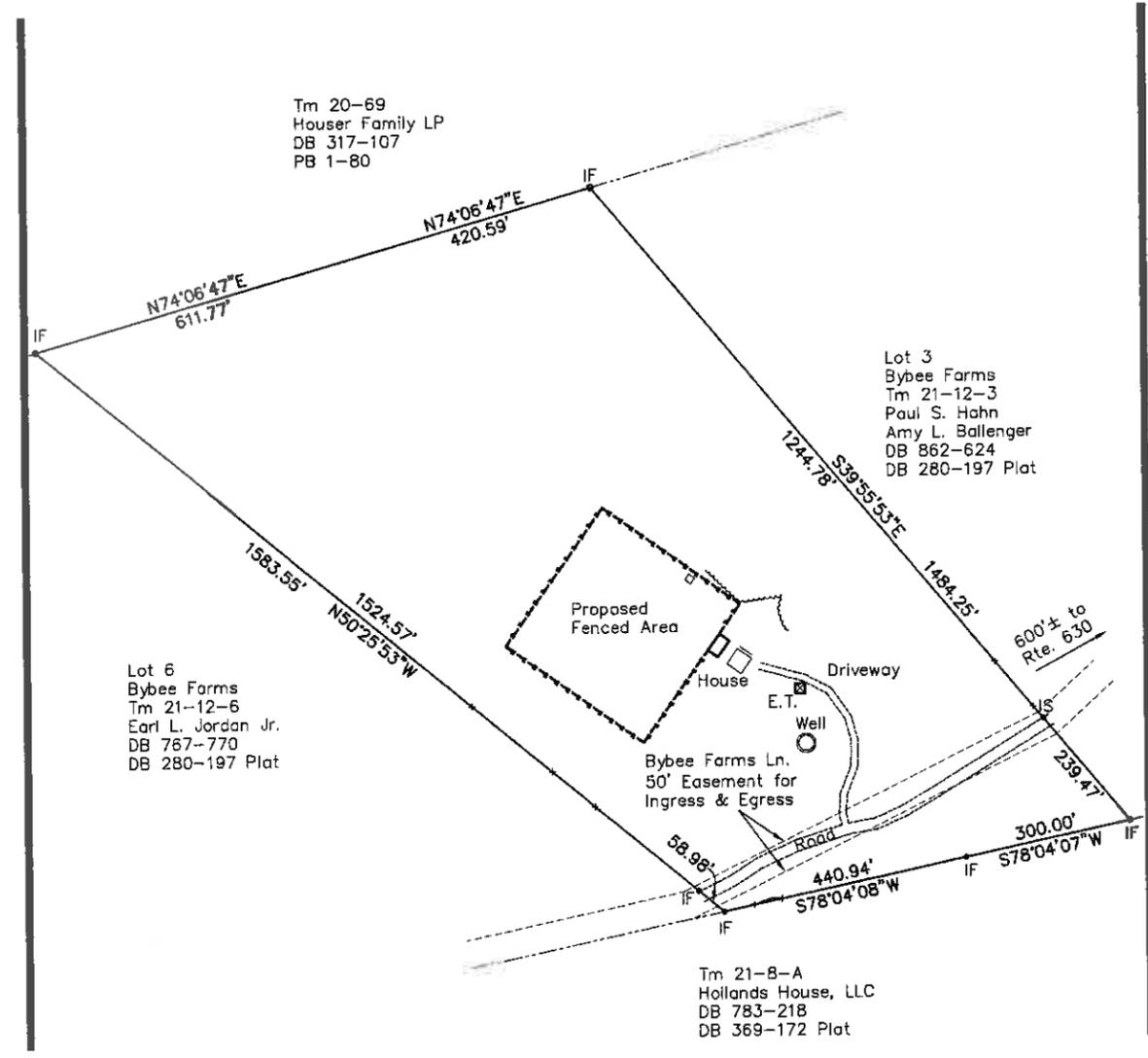
There is a natural tree line all around the property. Ms. Marks can provide references that her business does not produce noise. Dogs behavior is monitored at all times. Barking is not allowed. The traffic is limited to two mini vans coming and going out twice during the day. The proposed business will be behind the existing home out of site. The front of the property will be fenced in for the horses.

ENHANCEMENT OF COUNTY: Why does the applicant believe that this requested change would be advantageous to the County of Fluvanna? (Please substantiate with facts.)

At this time I have not found a comparable facility in Flvanna County. Doggy Day Care done to these high standards will be a huge benefit to working and traveling dog lovers.

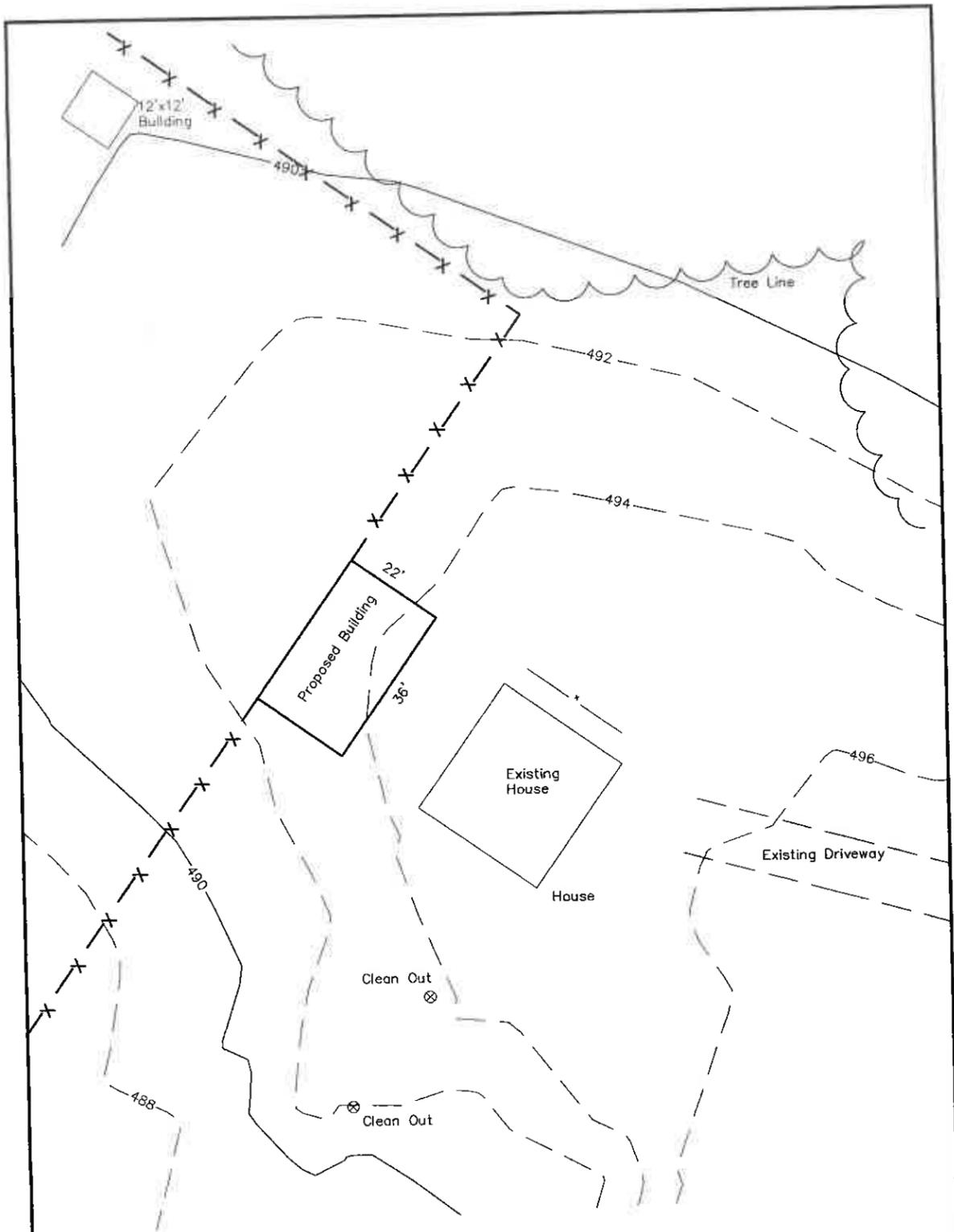
PLAN: Furnish plot plan showing boundaries and dimensions of property, width of abutting right-of-ways, location and size of buildings on the site, roadways, walks, off-street parking and loading space, landscaping, etc. Architect's sketches showing elevations of proposed buildings and complete plans are desirable and may be required with the application. Remarks:

Please see attached plans, and business plan.



Received
SEP 10 2013

Fluvanna County



SITE PLAN
 TAX MAP 21 PARCELS (12) 4

BYBEE FARMS

PALMYRA DISTRICT, FLUVANNA COUNTY, VIRGINIA
 SCALE: 1" = 20' DATE: AUGUST 30, 2013
 21(12)4&5.dwg Folder Tm 21-1
 STANLEY LAND SURVEYS, PLC
 LAND SURVEYING-LAND PLANNING
 P.O. BOX 154, PALMYRA, VA. 22963-0154
 PHONE: (434) 589-8395



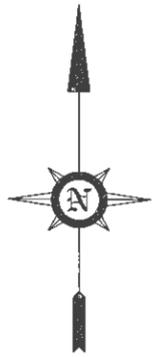
NOTES:

The boundary survey shown is based on a current field survey.

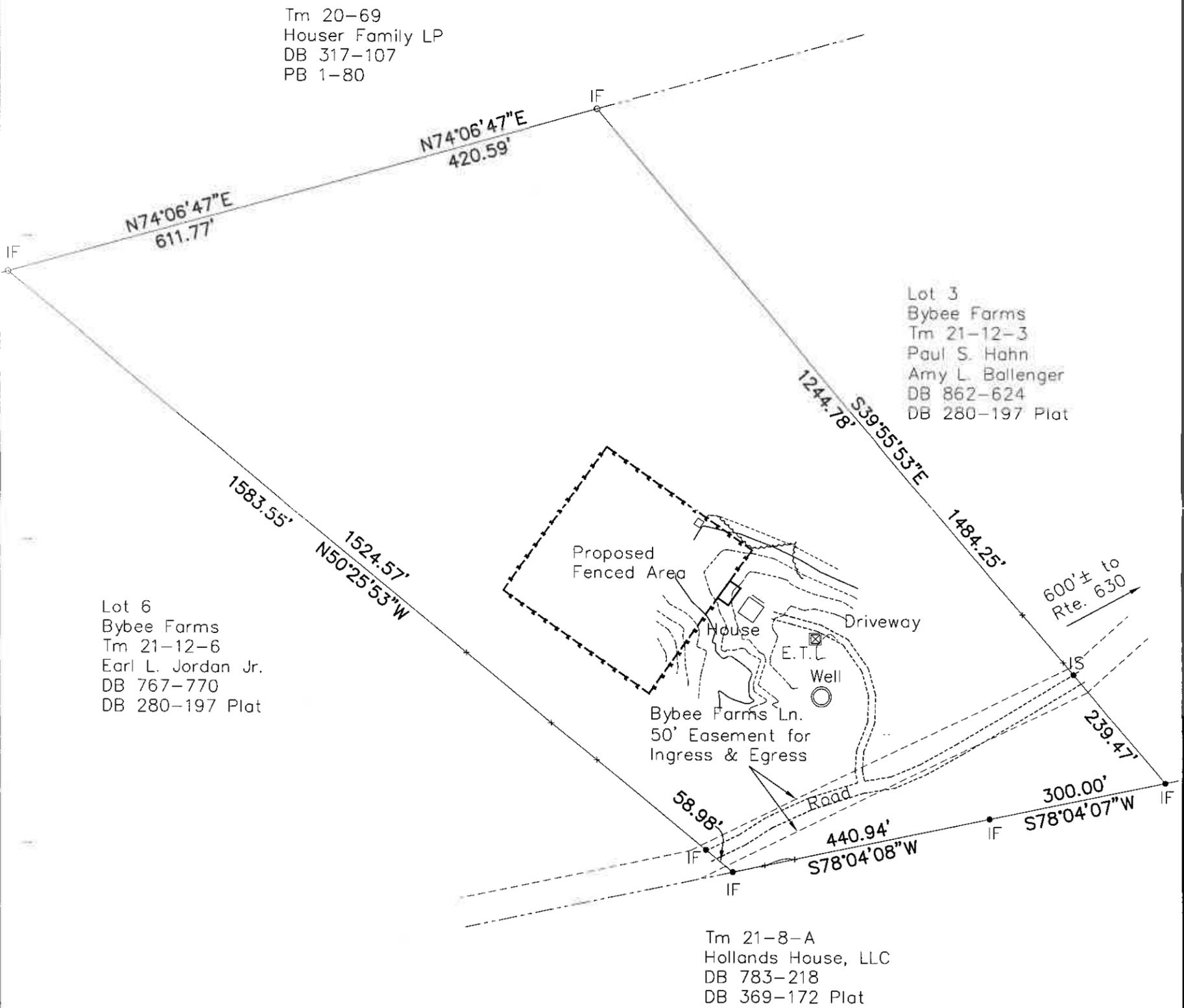
This Plat has been prepared without benefit of a current title report and does not therefore necessarily indicate all encumbrances on the property. It is therefore subject to easements, restrictions, conditions and reservations contained in duly recorded deeds, plats and other instruments constituting constructive notice in the chain of title to this property which have not expired by limitation of time contained therein or have not otherwise become ineffective.

LEGEND

IS Iron Rod Set
IF Iron Rod Found



Magnetic North based on
Plat recorded in DB 280-197



AREA SUMMARY

Tm 21-12-4 10.957 Ac.
+Tm21-12-5 15.645 Ac.
Total Area=26.602 Ac.

PLAT SHOWING CONSOLIDATION OF
TAX MAP 21 PARCELS (12) 4 & 5

BYBEE FARMS

PALMYRA DISTRICT, FLUVANNA COUNTY, VIRGINIA

SCALE: 1" = 200' DATE: APRIL 12, 2013

21(12)4&5.dwg Folder Tm 21-1

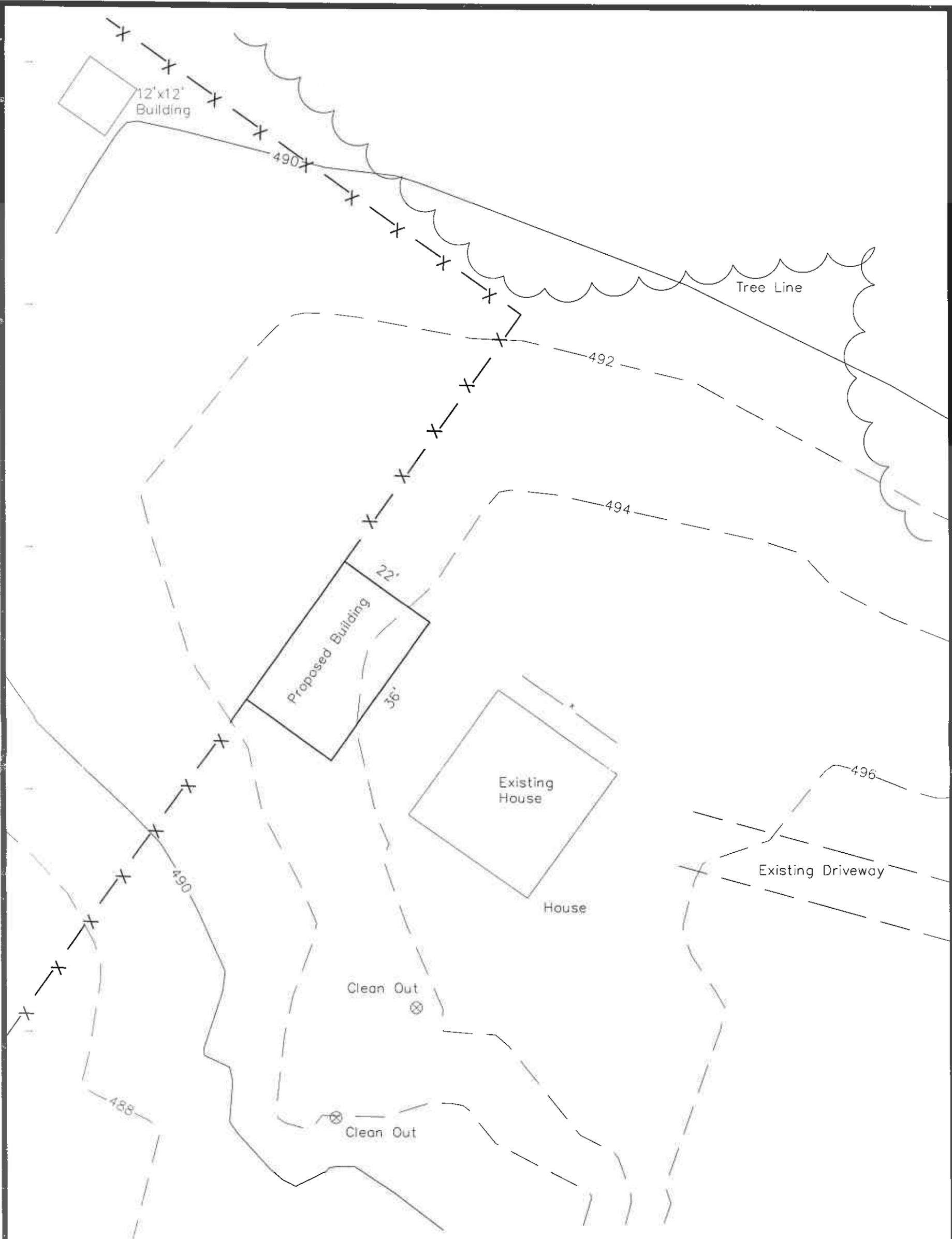
STANLEY LAND SURVEYS, PLC

LAND SURVEYING-LAND PLANNING

P.O. BOX 154, PALMYRA, VA. 22963-0154

PHONE: (434) 589-8395





SITE PLAN

TAX MAP 21 PARCELS (12) 4

BYBEE FARMS

PALMYRA DISTRICT, FLUVANNA COUNTY, VIRGINIA

SCALE: 1" = 20' DATE: AUGUST 30, 2013

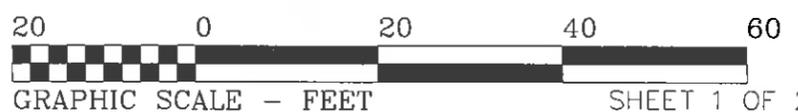
21(12)4&5.dwg Folder Tm 21-1

STANLEY LAND SURVEYS, PLC

LAND SURVEYING-LAND PLANNING

P.O. BOX 154, PALMYRA, VA. 22963-0154

PHONE: (434) 589-8395



SHEET 1 OF 2

Memorandum

DATE: November 6, 2013
RE: APO'S for **SUP 13:08** Public Hearing Letters
TO: Allyson Finchum
FROM: Heather Poole

Please be advised the attached letter went out to the attached list of Adjacent Property Owners for the **November 18, 2013** Planning Commission meeting.



COUNTY OF FLUVANNA

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NOTICE OF PUBLIC HEARING

November 6, 2013

«Title» «First_Name» «Last_Name»
«Company_Name»
«Address_Line_1»
«City», «State» «ZIP_Code»
TMP# «TMP_»

Re: Public Hearing on SUP 13:08

Dear «Title» «Last_Name»«Company_Name»:

This letter is to notify you that the Fluvanna County Planning Commission will hold a public hearing on the above referenced item on **Monday, November 18, 2013** at **7:00 PM** in the Circuit Court Room at the Fluvanna County Courts Building in Palmyra, VA. The request is described as follows:

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.*

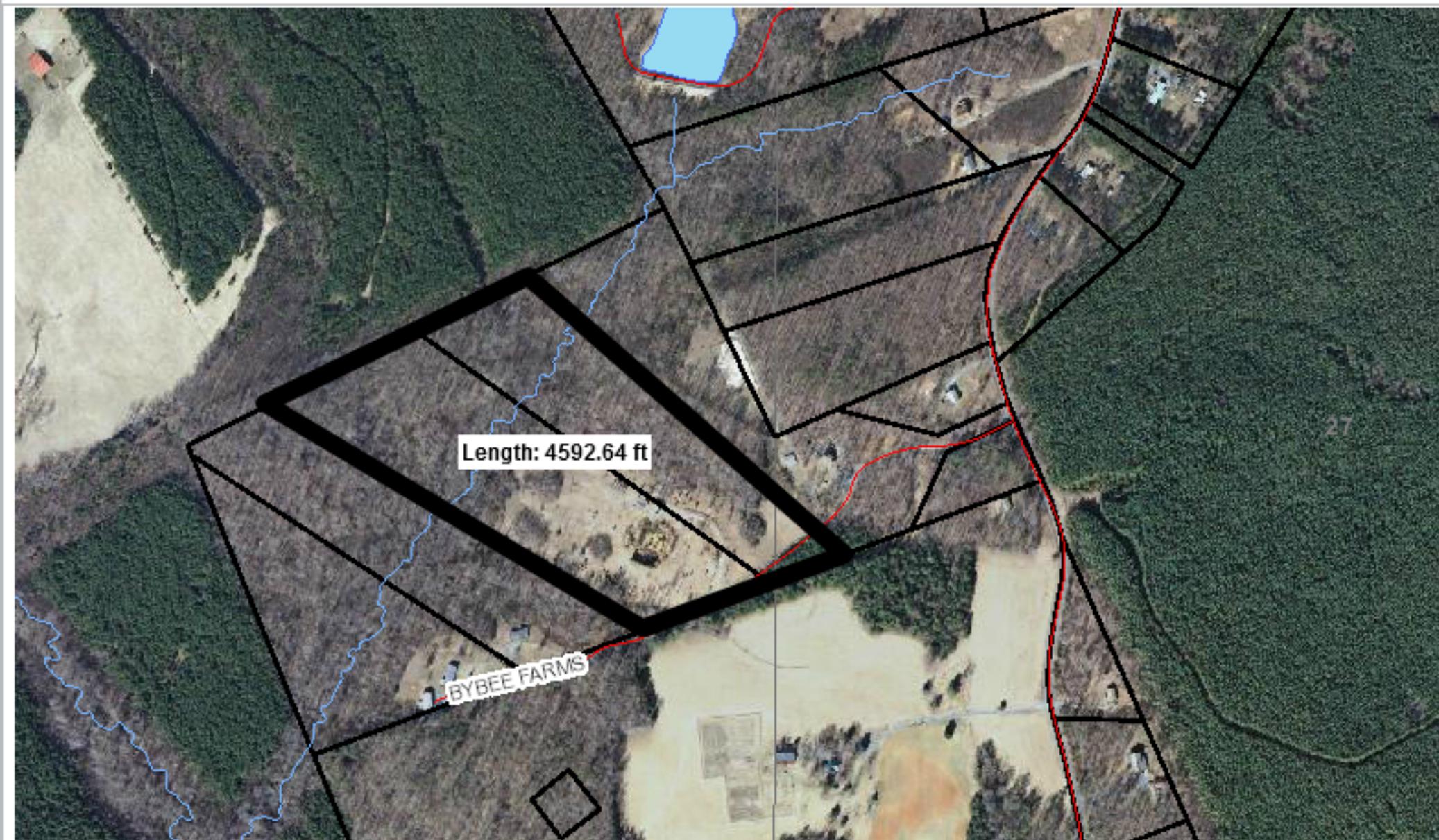
The applicant or applicant’s representative must be present at the Planning Commission meeting. The tentative agenda and staff report will also be available for review by the public in the Fluvanna County Planning and Community Development Department during working hours (8:00 a.m. – 5:00 p.m., Monday through Friday). If you have any questions, please feel free to contact me at 434-591-1910.

Sincerely,

Steve Tugwell
Senior Planner

SUP 13-08 Adjacent Property Owners

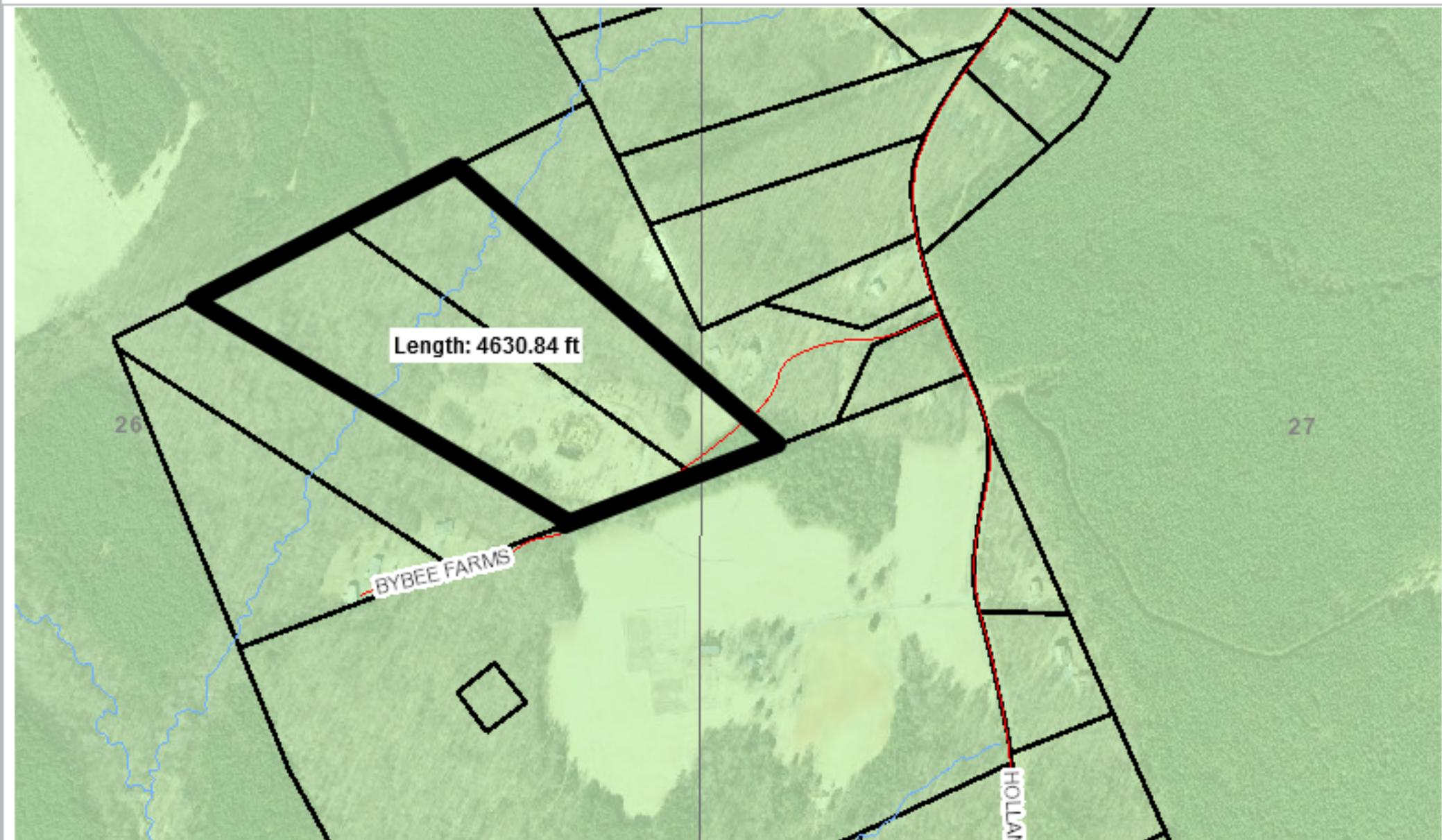
TMP#	Owner	Address	City, State	Zip Code
21 12 3	Hahn, Paul S & Ballenger, Amy	110 Bybee Farms Ln	PALMYRA, VA	22963
21 8 A	Hollands House LLC	623 Hollands Rd	PALMYRA, VA	22963
21 12 6	Bank of America	475 Cross Point Pkwy	GETZVILLE, NY	14068
20 A 69	Houser Family LP	1182 Greenwood Rd	WINCHESTER, VA	22602
21 12 4, 5 (APPLICANT/REPRESENTATIVE)	Marks, Mary E	181 Centre St.	DOVER, MA	02030



Scale: 1:9027.977411

Date: 11/13/2013

Printed By:



Scale: 1:9027.977411

Date: 11/13/2013

Printed By:



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 www.co.fluvanna.va.us

November 1, 2013

Mary E. Marks
181 Centre Street
Dover, MA 02030

Delivered via email

Re: SUP 13:08 Commercial Kennel
Tax Map: Tax Map 21-12-4&5

Dear Applicant:

The following comments are the result of the Technical Review Committee meeting. Comments are outlined below:

1. The Fire Chief and Central Virginia Electric Coop had no issues with this application;
2. Planning Staff inquired about the number of proposed dog runs, asked about using earth-toned colors for new structures, and asked about placing the height of the proposed fence at 6 feet as a condition of approval;
3. The Virginia Department of Transportation asked how many vehicle trips the kennel activity would generate in and out of the property on a daily basis, VDOT stated that Bybee Farms Road meets sight distance requirements, and that no further improvements need to be made to the existing entrance.

Please provide any modifications to your sketch plan, or any materials that you would like to include in the Planning Commission packet to stugwell@fluvannacounty.org by **Friday, November 8, 2013**. Submitting revisions by this deadline will place your request on the **November 18, 2013** Planning Commission agenda.

If you have any questions or need additional information, please contact me at 434-591-1910.

Sincerely,


Steve Tugwell
Senior Planner
Dept. of Planning & Community Development

cc: File



Business Plan

September, 2013

Received

SEP 10 2013

Fluvanna County

Mary E. Marks, Owner

Dover, Massachusetts

(617) 962-0575

Marye6259@yahoo.com





1. Executive Summary

Canine Concierge & Equine, Inc. (the "Company") is a 10 year old, successful pet services company located in Dover serving the Wellesley/Dover/Needham area in Metrowest Boston. The Company provides quality pet care for seventy-five active customers and handles over 100 dogs per week. The services offered include pet pick-up, day-care and overnight stays at their nearby horse farm. The business is operated by two professionals who have extensive experience in pet training and handling.

Mary Marks, the owner/operator of the Company, and her partner John Elliott plan to move to Fluvanna County and relocate the Company at 232 Bybee Farms Lane in Palmyra, VA. Ms. Marks has over 25 years of experience training and caring for pets. She is also very active in the local horse community where she is the "whip" for the Norfolk Hunt Club. Ms. Marks and her partner John Elliott will operate the company. Mr. Elliott also has spent his entire career in the horse business and training dogs. He is currently the Huntsman for the Norfolk Hunt Club and he and Ms. Marks train and care for over 40 hounds at the kennels in Dover, MA. They are both professional horse riders and are very experienced dog handlers.

The marketing plan for the Company is to acquire clients in the Charlottesville, VA area principally through customer referrals. Ms. Marks and Mr. Elliott have numerous contacts and relationships in the Charlottesville area developed through their hunt club activities and through Mr. Elliott's previous employment at a hunt club in nearby Culpeper, VA.

The 26 acre property at Bybee Farms Lane will be used to operate the business utilizing a 22 x 36 foot garage set behind the house. The garage will serve as the day care area for the pets and also where they will sleep overnight. In addition, a chain link fence will be installed on the property (approximately two acres of area) to be used as the outside “play” area for clients dogs. The garage and outdoor play space will be behind the existing house and not visible from the road.

2. Business Description

Established Business

Canine Concierge is not a startup venture - it is a proven business model. The Company is a 10 year old successful pet services business located in the metro west area of Boston, Massachusetts and currently provides quality pet care to the local community. At Canine Concierge we take great pride in our unique Doggie Daycare center. Unlike other daycare facilities, Canine Concierge encourages socialization and play ALL day with no nap times. We want your dog to go home tired after a fun filled day of excitement in our safe controlled environment. Dogs are continuously monitored under the watchful eye of Ms. Marks or Mr. Elliott during day care and overnight care (if requested). The Company provides services for about 75 active customers and over 100 dogs. The Company has been built entirely on customer referrals and is successful because it provides high quality daycare for dogs and offers pet pickup and drop off. The strong animal and business process skills are readily transferable to a new location.

Good Location

Mary Marks, the owner/operator of the Company, and her partner John Elliott have purchased property in Fluvanna County and plan to re-establish the Company at 232 Bybee Farms Lane in Palmyra, VA. The location is ideal for the pet daycare business as it is rural which allows for active outdoor play for the dogs but close enough to several residential communities,

including Lake Monticello and Glenmore , to attract customers and allow for efficient pickup and drop off service.

Pet Daycare Concept

Here at Canine Concierge we are open 365 days a year providing pick up & drop off service. We feel that boarding should be as stress free as possible. Pet boarding is all inclusive here at Canine Concierge. By this we mean that any medicating and/or special instructions that your dog may require IS included in the standard boarding fee. Your dog WILL receive the same loving care at our facility as he/she does at home!

The practice of offering high quality daycare for dogs is fairly unique. The Company is not a typical boarding facility as it focuses on daycare services and not overnight stays. A fun and active environment is provided to the dogs that visit the facility. Since the dogs all play together, a critical part of the business is that Ms. Marks and Mr. Elliott are highly trained professionals experienced in handling groups of dogs. They are in complete control of the daycare “guests” and make sure everyone gets along. They also will make sure that noise is kept to a minimum. Overnight stays will be available upon request and the dogs will sleep together in the indoor space. Customers provide food for their pets. Many current clients feel the active & social dynamic of our service has the added benefit of making their dogs more social and less stressed than traditional kennel service.



Experienced Professionals

Ms. Marks has over 25 years of experience training and caring for pets. She is also very active in the local horse community where she is the “whip” for the Norfolk Hunt Club. Ms. Marks and her partner John Elliott will operate the company. Mr. Elliott is currently the Huntsman at the Norfolk Hunt Club and he and Ms. Marks train and care for over 40 hounds at their horse farm in Dover, MA. They are both professional horse riders and are dog trainers. They have experience in handling many breeds of dogs which is important in their business.



Competition

The choices in the area for pet care services are: in-home pet sitting/walking, in-home pet boarding, and boarding kennels. The list of local boarding facilities is:

- Albemarle's Wakefield Kennel
- Dogg House
- Pampered Pets
- Pet Motel and Salon

Common all of these kennel facilities is that they only provide limited pet care, are designed for overnight stays, require pet drop-off, segregate the pets, and offer minimal playtime. Extra charges are incurred for walking or playing with the dogs. Canine Concierge will be offering a completely different service to its customers than offered by these kennels. The Company will offer daycare services, pickup of pet, group activities and active outdoor play. The Company believes its concept of allowing dogs to play together and socialize distinguishes it from all the kennel companies. The pricing of the services will be competitive (all inclusive) and includes pickup of the pet. Traffic will be limited to the Canine Concierge two mini vans going out in the morning for pick-ups and in the afternoon for the drop offs.

Marketing

The marketing plan for the Company is to acquire clients in the Charlottesville, VA area principally through customer referrals. Ms. Marks and Mr. Elliott have numerous contacts and relationships in the Charlottesville area developed through their hunt club activities and through Mr. Elliott's previous employment at a hunt club in nearby Culpeper, VA. The Company will also seek referrals from local veterinarian groups and pet stores- these types of businesses have provided many customers in the Boston area to their existing company. The target communities include Glenmore and Lake Monticello.

Facilities

The 26 acre property at 232 Bybee Farms Lane will be used as the base of operations for the business. A 22 x 36 foot garage set behind the house will serve as the day care area for the clients' dogs and also be where they will sleep overnight. In addition, a chain link fence will be installed on the property (approximately two acres of area) to be used as the outside "play" area. The property is zoned A-1 (Agricultural, General). A Special Use Permit to allow for a commercial kennel will be requested. The existing house will be kept and garage (approximately 22 x 36 feet) will be. This

room will serve as the day care area for the pets and also where they will sleep overnight. The daycare room will be cleaned and disinfected daily. The room will be heated and air conditioned. Washer and dryer will be installed in the daycare room. Outside, a chain link fence will be installed on the property (approximately two acres of area) to be used as the outside “play” area for pets. The base fence will be buried to discourage any digging by the dogs. Ms. Marks and Mr. Elliott will reside at the property so it will be staffed 24-hours a day.







State Farm



Gary Albert CPCU CLU ChFC
State Farm Agent
1380 Rio Road E
Charlottesville, Virginia 22901
www.garyalbert.com
434-296-1222

September 6, 2013

To Whom It May Concern:

Based on the factors known to us, we intend to insure Mary Mark's kennel business. Enclosed is a quote that we have put together. Let us know if there are any questions or anything else needed.

Thank you,

David Jenkins
Team Leader

Gary Albert, CPCU, CLU, ChFC
Agent

1380 Rio Road East (corner of Rio and Hillsdale)
Charlottesville, VA 22901
Office: 434.296.1222
Fax: 434.978.4600
www.GaryAlbert.com

Received
SEP 10 2013
Fluvanna County

Heather Player
128 Topsfield Road
Ipswich, MA 01938

To whom it may concern,

I am writing on behalf of Mary Marks in regards to her move to VA. Mary and I have worked closely together during our time in the Master of Foxhound Associations Professional Development Program, as professionals in the hunt field and in the proper working kennel of the Norfolk Hunt Club. On top of her busy schedule with the hunt club, Mary owns and operates a professionally run Dog Sitting business on the outskirts of Boston. Throughout our time with the MFHA and thereafter, I have gotten to know Mary quite well and can thoroughly vouch for her character and abilities. Mary has always been a pleasure to work with and bounce ideas off of. Her vast knowledge and understanding of hounds, hunting and the hard work that goes into a good days sport is impressive. She is the first one out and the last to finish. All while keeping a smile on her face. She is always willing to lend a hand and happy to explain the tricks of the trade to someone.

When we both were in the MFHA program, one of the perks was that the Association would send us out to another Professional Hunt. This was to give us a chance to learn from other professionals. Well, not only did Mary go to her assigned hunt, BUT, Mary also went to most of the hunts in the US on her own dime. A perfect example of the hard work and determination that Mary puts in when needed. This is a trait Mary has both personally and professionally. Her Dog Sitting business is quite impressive also. She has formed a very successful business that she can live off of comfortably. Her business caters in every aspect, to the needs of affluent families beloved K9's in the Boston area of Massachusetts. I have seen her operation in full swing and she has mastered it to a tee. She has poured her heart and soul into her business, and it shows.

As a professional in the foxhunting world myself, I am sad to see Mary go, as I'm quite positive her clients are as well. She is a great asset to the hunting world and to the families in the suburbs of Boston. We all wish her the very best of luck and have no doubt that she will succeed in VA just as she has done here in MA.

Best,
Heather Player

ANDREW T. BARCLAY

5124 Trenton Mill Rd.
Upperco MD 21155
Home: 410- 374-4247
Cell: 410- 627 1974
Andrew@mha.com

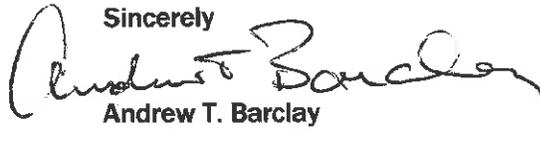
July 19, 2013

To whom it may concern;

I have known Mary Marks for several years, during that time she not only has run a very successful business caring for peoples dogs but also has been an integral part in care of a pack of foxhounds. She has handled both responsibilities in a professional manner. It was my pleasure to have dealt with Mary on a professional bases an found her to be very good at what she does.

Please feel free to contact me if you have any questions or concerns.

Sincerely

A handwritten signature in black ink that reads "Andrew T. Barclay". The signature is written in a cursive style with a large initial 'A' and a long, sweeping tail.

Andrew T. Barclay



To Whom It May Concern:

I am pleased to recommend Mary Marks for all animal care needs.

I have known Mary both personally and professionally for over 10 years. I am her dog's veterinarian and she cares for many of my client's dogs. Most of her clients have been using her for years. I have heard only wonderful things. She is dependable, flexible and honest.

On a personal note, I have been friends with Mary in the horse world. My daughter and I have both foxhunted with her. She is a very experienced horsewoman.

Mary will be missed here in Massachusetts. You are lucky to get her!

Sincerely,

A handwritten signature in blue ink, appearing to read "Elizabeth Hartman, D.V.M.", is written over a horizontal line.

Elizabeth Hartman, D.V.M.
Wellesley Animal Hospital
314 Weston Road
Wellesley, MA 02482
781-237-0066

314 Weston Road
Wellesley, Massachusetts 02482

(781) 237-0066

Office hours by appointment.

Cynthia and Tod Hibbard
23 Ellsworth Avenue, #2
Cambridge, MA 02139
September 7, 2013

Dear Madam or Sir:

We write as a reference for Mary Marks, to whom we are very grateful for being such an extraordinary care giver for our dog, Thisbe. Thisbe is a GREAT dog primarily because of Mary's guidance and influence. We have known Mary since 2007, when Thisbe was a 3-month old puppy. We are empty-nesters, and both work full-time. We needed someone to come by, check in on our "baby" every day, and take her out to play. We found Mary through the recommendation of a neighbor.

Thisbe is shy by nature. Mary understood this, and gradually socialized Thisbe by introducing her to one dog – a sweet King Charles Spaniel – as her first playmate in our back yard. As Thisbe and Bailey became friends and Thisbe built her confidence, Mary introduced Thisbe to more dogs from Mary's "pack." Within a few months Thisbe was playing happily with a group of dogs – all sizes, ages and personalities - both in our yard and in other yards of Mary's clients. Mary also taught Thisbe to be attentive, responsive and respectful. Mary has an incredible presence with her dogs – they obey her instantly with just a word. Mary's example, and the lessons Thisbe learned from her, made it easy for us to train Thisbe.

Mary has always been reliable, dependable, and responsive. Any time she could not come pick up Thisbe herself she had someone to cover. Mary has infectious joy for her work, and we love her funny warm interactions with both her charges and with us. Thisbe ADORES Mary. We are very fond of Mary, too. Thisbe is an outgoing, gregarious, and obedient dog today thanks to Mary.

Please feel free to contact us at hibbard79@gmail.com if we can provide any additional information.

Sincerely,

Cynthia and Tod Hibbard

September 6, 2013

17 Leighton Rd.
Wellesley, MA 02482

To Whom It May Concern:

I have had the pleasure of knowing Mary Marks for a little over 5 years. When she recently asked me to write a letter for her in support of the permitting of her proposed dog and horse business, I was more than happy to do so. Based on her description of her property, I have no reservations in writing you to ask that you grant her the necessary permits so she can proceed with her business plan.

I first came to know Mary shortly after my family adopted a rescue pup named Molly. A neighbor who used Mary's services highly recommended her and we've never looked back since. We wanted a safe but relaxed environment and not one where Molly would spend inordinate amounts of time confined in a crate. Mary offered just such a service.

As both a former entrepreneur and commercial banker, I have enjoyed sharing ideas with Mary as she developed her business over the years. I have been impressed by her always doing things the right way, whether it comes to selecting the right insurance coverage's to have (and some I didn't even know existed), dealing with clients or their animals.

From the entrepreneur's perspective, I think she typifies what is great about our country - having a good idea, executing on it and building a successful business. As a former commercial lender often faced with making decisions based on both credit and character, I would have no reservation in supporting Mary in her pursuit of the next chapter of her business endeavors.

On a final note, one of the aspects that appealed to us the most about Mary's service was the social manner in which the animals under her care interacted and behaved. She is clearly a dog whisperer of sorts as you never hear animals under her care barking which can be annoying. Between her experience as a whip hunting with hounds and her handling of domestic dogs, she truly has a gift that will hopefully have an opportunity to be shared with dog owners in the Fluvanna area through the great service she provides.

While we are certainly going to miss Mary, I think Molly is going to be the saddest one in the family. Should you have any questions, please don't hesitate to contact me at peter.solomon@verizon.net or (781) 710-6819.

Sincerely,



Peter Solomon