

**FLUVANNA COUNTY BOARD OF SUPERVISORS
SPECIAL MEETING MINUTES
Circuit Court Room
July 9, 2019
Special Meeting 7:00pm**

MEMBERS PRESENT: John M. (Mike) Sheridan, Columbia District, Chair
Tony O’Brien, Rivanna District, Vice Chair (Entered at 7:05pm)
Mozell Booker, Fork Union District
Patricia Eager, Palmyra District
Donald W. Weaver, Cunningham District

ABSENT: None.

ALSO PRESENT: Eric M. Dahl, County Administrator
Fred Payne, County Attorney
Caitlin Solis, Clerk for the Board of Supervisors
Barry Bibb, Planning Commission Chair
Ed Zimmer, Planning Commission Vice Chair
Lewis Johnson
Gequetta “G” Murray-Key
Howard Lagomarsino

1 - CALL TO ORDER, PLEDGE OF ALLEGIANCE, & MOMENT OF SILENCE

At 7:10pm Chair Sheridan called to order the Special Meeting of July 9, 2019.
After the recitation of the Pledge of Allegiance, a moment of silence was observed.

3 - ADOPTION OF AGENDA

MOTION:	Approve the Agenda, for the July 9, 2019 Special Meeting of the Board of Supervisors.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. O’Brien	Mr. Sheridan	Mr. Weaver
ACTION:	Second				Motion
VOTE:	YES	YES	Yes	YES	YES
RESULT:	PASSED 5-0				

4 - COUNTY ADMINISTRATOR’S REPORT

None.

6 - PUBLIC HEARING

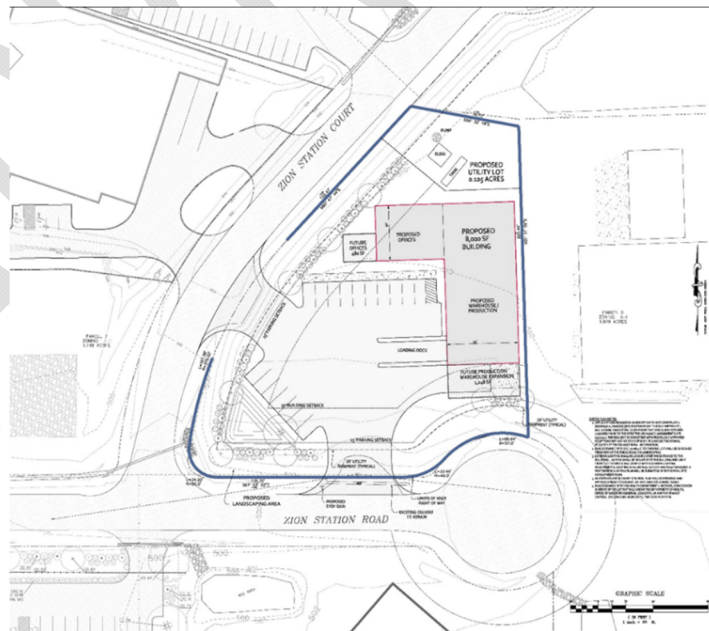
ZTA 19:01 Industrial District Setbacks – Brad Robinson, Senior Planner presented a Zoning Text Amendment to amend Chapter 22 of the Fluvanna County Code by the addition of a new Subsection 22-11-5 and 22-12-5 to reduce the minimum building setbacks for properties in industrial subdivisions.

Current Fluvanna County Setbacks:

Zoning	Building Setback	Parking Setback
I-1	100' from any street right-of-way (50' if said street is an access road within a subdivision for business or industrial uses and serves properties that contain industrial zoning district classifications only)	50' from any street right-of-way (25' if said street is an access road within a subdivision for business or industrial uses and serves properties that contain industrial zoning district classifications only)
I-2	200' from any street right-of-way	None specified

A recent variance case (BZA 19:04) heard by the Board of Zoning Appeals initiated discussion about a need for the county to evaluate the front setback requirements for properties within industrial subdivisions. One unique aspect of this particular variance case was the property's location at the intersection of two streets which requires a front setback from both street frontages.

In an effort to expedite a process of amending the zoning ordinance, the county attorney drafted a resolution initiating a zoning text amendment which the Board of Supervisors approved by a vote of 5-0 at their meeting on June 5, 2019. The Board of Supervisors also agreed by majority to call a special meeting and have a joint public hearing with the Planning Commission on July 9, 2019 to consider the zoning text amendment.



The proposed text amendment only applies to business or industrial subdivisions and would remove the requirement of a minimum building setback from a street right-of-way within industrial subdivisions; allow

flexibility with site design and building orientation on a site-specific basis; and encourage economic development in the County.

ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 22 OF THE FLUVANNA COUNTY CODE BY THE ADDITION OF A NEW SUBSECTION 22-11-5 AND 22-12-5 TO REDUCE THE MINIMUM BUILDING SETBACKS FOR PROPERTIES IN INDUSTRIAL SUBDIVISIONS

BE IT ORDAINED BY THE FLUVANNA BOARD OF SUPERVISORS, pursuant to Virginia Code Sections 15.2-2285, that the Fluvanna County Code be, and it is hereby, amended, by the amendment of Sections 22-11-5 and 22-12-5, as follows:

Sec. 22-11-5. Setback regulations.

Buildings and accessory uses shall be located not less than one hundred feet (100') from any street right-of-way and all parking lots shall be located not less than fifty feet (50') from any street right of way except that:

(A) Buildings and accessory uses may be located less than one hundred feet (100'), ~~but not less than fifty feet (50')~~, from a street right-of-way, provided that said street:

- (i) is an access road within a subdivision for business or industrial uses and serves properties that contain industrial zoning district classifications only;
- (ii) is a cul-de-sac or an interior road; and

(B) All *buildings, structures and* parking lots shall be located not less than twenty-five feet (25') from any street right of way.

The foregoing notwithstanding, the location of buildings and accessory uses shall at all times be located so as to provide safe and efficient access to, from and within the property, including sight distance, and turning, stacking and other traffic circulation features and facilities.

This shall be known as the "building setback line."

Sec. 22-12-5. Setback regulations.

Buildings shall be located not less than two hundred feet (200') from any street right-of-way. except that:

(A) Buildings and accessory uses may be located less than two hundred feet (200'), from a street right-of-way, provided that said street:

- (i) is an access road within a subdivision for business or industrial uses and serves properties that contain industrial zoning district classifications only;
- (ii) is a cul-de-sac or an interior road; and

(B) All buildings, structures and parking lots shall be located not less than twenty-five feet (25') from any street right of way.

The foregoing notwithstanding, the location of buildings and accessory uses shall at all times be located so as to provide safe and efficient access to, from and within the property, including sight distance, and turning, stacking and other traffic circulation features and facilities.

This shall be known as the "setback line."

- Mr. Payne made the distinction that the 25-foot setback is from roads, and not abutting property lines.
- 25-foot setbacks are consistent with the current minimum parking setbacks.
- At 7:28pm Mr. Bibb opened the first round of Public Comments.
- With no one wishing to speak, Mr. Bibb closed the first round of Public Comments at 7:28pm.
- Mr. Bibb recommended the 25-foot I-1 setback; Mr. O’Brien agreed.
- The Planning Commission discussed the virtues of a zero-foot setback that would allow maximum flexibility for potential industrial site plan development.
- Staff recommended a reduction of current setback requirements to a 25-foot minimum as opposed to not having a minimum setback requirement.
- Draft ordinance version 1 includes a zero-foot setback; draft ordinance version 2 includes a 25-foot setback.

MOTION:	Approve ZTA 19:01, an ordinance to amend Chapter 22 of the Fluvanna County Code by the addition of a new Subsection 22-11-5 and 22-12-5 to reduce the minimum building setbacks for properties in industrial subdivisions. According to draft ordinance version 1.				
MEMBER:	Mr. Bibb	Mr. Lagomarsino	Mrs. Murray-Key	Mr. Johnson	Mr. Zimmer
ACTION:				Second	Motion
VOTE:	No	Yes	Yes	Yes	Yes
RESULT:	PASSED 4-1				

- Mrs. Eager asked how the subdivision is being provided water and sewer, prompting the Board of Supervisors to discuss the potential need for setbacks to accommodate the water pipeline that will be available to the industrial subdivision in the near future.
- Mr. O’Brien asked what was typical setback. Mr. Payne referred to the list of setbacks in other localities in the Staff Report ranging from 10 feet in Albemarle to 100 feet in Goochland.
- Mr. Miles recommended the 25-foot setback that is consistent with the parking setback.
- Mr. Obrien and Mr. Weaver commented they had safety concerns about the zero-foot setback from the road.

MOTION:	Approve ZTA 19:01, an ordinance to amend Chapter 22 of the Fluvanna County Code by the addition of a new Subsection 22-11 5 and 22-12-5 to reduce the minimum building setbacks for properties in industrial subdivisions. According to draft ordinance version 2.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. O’Brien	Mr. Sheridan	Mr. Weaver
ACTION:			Motion		Second
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	PASSED 5-0				

7 - ACTION MATTERS

None.

7A – BOARDS AND COMMISSIONS

None.

8 – PRESENTATIONS

None.

9 - CONSENT AGENDA

None.

10 - UNFINISHED BUSINESS

None.

11 - NEW BUSINESS

None.

12 - PUBLIC COMMENTS #2

None.

13 - CLOSED MEETING

None.

14 – ADJOURN

MOTION:	Adjourn the Special Meeting of Tuesday, July 2, 2019.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. O’Brien	Mr. Sheridan	Mr. Weaver
ACTION:	Second				Motion
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	PASSED 5-0				

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

Caitlin Solis
Clerk to the Board

John M. Sheridan
Chair

APPROVED