

FLUVANNA COUNTY PLANNING COMMISSION REGULAR MEETING MINUTES

Circuit Court Room--Fluvanna County Courts

February 25th, 2015

7:00 p.m.

MEMBERS PRESENT: Barry Bibb, Chairman
Ed Zimmer, Vice-Chairman
Lewis Johnson
Patricia Eager

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: Donald Gaines
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:

- **February 4, 2015: None**
- **February 18, 2015:**

Approved 5-0 ZMP 14:04 – Green Springs Timber, LLC - An ordinance to amend the Fluvanna County Zoning Map with respect to 24.19 acres of Tax Map 5, Section 11, Parcel L5A to rezone the same from A-1, Agricultural, General to I-2, Industrial, General. The affected property is located on the east side of James Madison Highway (Route 15), at the terminus of Cedar Bend Drive, approximately 700 feet southeast of the intersection of Richmond Road (Route 250) and James Madison Highway (Route 15). The property is located in the Columbia Election District and is within the Zion Crossroads Community Planning Area.

2. Board of Zoning Appeals Actions:

February 10, 2015:

Zoning Administrator's determination was reversed 4-0 BZA 14:02 – JWS Enterprises LLC: An appeal of a zoning determination by the Zoning Administrator under Fluvanna County Code Section 22-18-1-7, that the appellant is in violation of Fluvanna County Code Sections 22-19-2 and 22-4-2.1, 22-4-2.2 and 22-22-1 at the property located at Tax Map parcels 3 (A) 31 & 32. The affected property is located in the Palmyra Election District northeast of Union Mills Road on Route 616. The subject property is zoned A-1, Agricultural, General.

Zoning Administrator's determination affirmed 4-0 BZA 14:03 – JWS Enterprises LLC: An appeal of a zoning determination by the Zoning Administrator under Fluvanna County Code Section 22-18-1-7, that the appellant is in violation of Fluvanna County Code Sections 22-19-2 and Section 22-17-9 at the property located at Tax Map parcels 51A-A-22. The affected subject property is located in Fork Union Election District at 4985 James Madison Highway Fork Union, VA 23055. The subject property is zoned B-1, Business, General and is located in the Fork Union Community Planning Area.

3. Technical Review Committee:

February 12, 2015:

SDP 15:02 – Rivanna Land Development - A site development plan request to construct a 8,900 +/- square foot medical office building with respect to 2.92 acres of Tax Map 18, Section 10, Parcel 7A. The property is zoned B-1, Business, General and is located approximately 220 feet southeast of South Boston Road (Route 600) at the intersection of Abby and Rebecca Roads. The property is located in the Palmyra Election District and is within the Rivanna Community Planning Area.

PUBLIC COMMENTS #1

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

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

APPROVAL OF MINUTES

MOTION:

Mrs. Eager moved to approve the minutes of the January 28, 2015 meeting with the amendment that Mr. Gaines entered the meeting after votes were conducted on **Selection of Dates for the Commission Meetings**. His first vote was to adopt The Resolution entitled, **“Organizational Meeting of the Fluvanna County Planning Commission 2015”** Planning Commission meeting as presented in which **Mr. Zimmer seconded. The motion carried a vote of 4-0-0. AYES: Bibb, Eager, Johnson and Zimmer NAYS: None. ABSTAIN: None**

SITE DEVELOPMENT PLANS: None

SUBDIVISIONS: None

Public Hearings:

ZMP 14:05 – Lake Monticello Volunteer Fire Dept. - An ordinance to amend the Fluvanna County Zoning Map with respect to 6.134 acres of Tax Map 18, Section A, Parcel 38F to rezone the same from A-1, Agricultural, General to R-4, Residential, Limited. The affected property is located on the west side of South Boston Road (Route 600), approximately 500 feet southwest of its intersection with Slice Road. The property is located in the Cunningham Election District and is within the Rivanna Community Planning Area.

Senior Planner Steve Tugwell Presented

Mr. Bibb and Mr. Zimmer were in agreement that additional parking is needed.

Mrs. Eager: Is the project funded by the Fire Department, the county or in the C.I.P?

Applicant: Unsure the volunteer corporation just purchased the property and is looking for various options of funding. They have made a request through the county to assist with debt service if they take a loan. If the County is unable to do that the request is for the county to fund 100% of their operating cost. Last year 169,000 was provided by the volunteer corporation in conjunction with what the county gave to fund operations.

Mrs. Eager: So the County doesn't fund you?

Applicant: In which now the county only provides about 45% and through fundraising efforts they raise the rest of the money, bingo, golf tournaments etc. in which they bring in about 200,000.

PUBLIC COMMENTS #2

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

Dee McCauley: Advised that her mother, Mayme Garnett from 861 S Boston Rd. gifted the land to Elwood Tyler. The concern is changing the zoning to the R-4, residential zoning limited and if the project doesn't move forward, and does it leave that zoning and what happens to the area. The applicant advised that she has noticed

areas that were predominately African American home sites, commercial developments are coming in. The applicant expressed that building in African American home sites is not sending the message that Fluvanna respects all heritages equally. However she expressed no problem with the fire department but doesn't want to see section 8 or any other development.

Senior Planner Steve Tugwell: Draft proffer statements that exclude certain types of residential units were offered, single family detached/attached and town homes are excluded by right. There are certain uses by special use permits and or by right like conservation areas, public parks, and group homes that would still be subject to the special use permit process.

Payne: Discussed the different type of uses permitted specifically by right from the ordinance.

Dee McCauley: Is there any usage other than R-4 that would give the Fire Department what they need?

Payne: Advised the citizen that her point is legitimate and the plan doesn't bind the applicant and there could possibly be a multifamily dwelling on the property.

Dee McCauley: Asked the Planning Commission to think deeply about their decision. She also advised that her family has deep roots in the County and her family's property is gone. She advised that it is wrong that the zoning keeps occurring in certain areas and neighborhoods. She then asked the board to think about waking up tomorrow with a parking lot or 18 strangers living beside them?

Gwen Townsend: Advised that she lives at 959 S Boston Rd. and she believes that the public hearing is a formality because regardless of the fact of her opinion it's going to be done. Her concerns are related to too many people, loud music at the car wash, fast driving like the Indy 500 and her family land being clustered like a Northern Virginia area or Short Pump. However, she hopes the Fire Department gets what they need.

Mr. Bibb: Advised he understands their concerns because his family is from the same area, however the Fire Department purchased the property with the explicit purpose of adding extra parking. He then reiterated the issue of the horrible parking situation and explained it's done R-4 because of civic uses.

Chairman Bibb closed the second public comment section for the Planning Commission to have more discussion.

Mrs. Eager: Asked can't civic uses be covered under A-1 to fit the plan as well?

Stewart: Yes, they can still have some development related civic uses.

Applicants and Payne discussed civic units, accessory dwellings and Supreme Court rulings that explained what is permitted in one zone cannot go onto another zone if both zones are connected, setbacks have to be met and permitted uses honored.

Eager: The need for bunk houses was discussed at the TRC Meeting

Applicant: The bunk houses are needed for the volunteer fire/rescue workers who work 12hr shifts and the additional building would include shower, kitchen and bunk area.

Dee McCauley: Would that still be civic and under A-1?

Payne: The question is if it is an accessory use. There are a lot of things that have not been discussed but if you have a civic use and it is a rescue squad for example, you are going to need more usage then just parking the ambulance. You will need storage for material and equipment, facilities for eating, sleeping and dressing. It is more like transient housing then a dwelling unit.

Mr. Bibb: Advised his question at the TRC meeting was the reason it was R-4 the fact that people would be staying there?

Payne: It is not unusual to have an accessory dwelling for this type of situation. However, the citizen has raised a legitimate issue; the plan is a good faith plan and may not happen. It is being zoned R-4 and could be used for the other uses. Advised that he is not saying it's a bad idea because times have changed commercially, and it is in a growth area.

Bibb: Asked can the issue be deferred?

Payne: The Board may want to give everyone time to think about the decision.

Eager: Is it necessary for the Fire Department to have multifamily dwellings?

Payne: Advised that it is more like transient housing, an accessory to the emergency services use and he is more concerned with the zoning and how they match up.

Bibb: Advised the board that they have multiple choices, they can make a motion to accept, decline or defer

Zimmer: Would you want to allow the applicant to address some of the options or issues?

Bibb: Advised that the applicant can have a chance to speak

Payne: Advised he doesn't feel comfortable giving definitive advice on the subject matters at this time

Shimp: Advised that this is a growth area and it was purchased with an expectation of development. Also split zonings are very complicated especially if ordinances were to change over time. He advised that there are very significant setbacks in A-1 that could present issues and A-1 zoning is not an option for what they need to do.

MOTION

Lewis Johnson made a motion to defer until the next meeting; to allow the Board and County can study concerns and make recommendations. **The motion was seconded by Ms. Eager and the vote was 4-0-0. AYES: Bibb, Eager, Johnson and Zimmer NAYS: None. ABSTAIN: None**

ZMP 15:01 – Memory Lane Property, LLC - An ordinance to amend the Fluvanna County Zoning Map with respect to 6.746 acres of Tax Map 4, Section A, Parcel 97A to rezone the same from I-1, Industrial, Limited, and I-2, Industrial, General, to I-2, Industrial, General. The affected property is located on the south side of Richmond Road (Route 250), approximately ¼ mile from Route 250 at the end of Memory Lane. The property is located in the Palmyra Election District and is within the Zion Crossroads Community Planning Area.

Senior Planner Steve Tugwell Presented

Justin Shimp: Advised he has been talking to the Fluvanna County Women's prison about using their affluent sewer for industrial uses. The I-2 zone allows more processed manufacturing. This part of the parcel is located downstream and the water can be used for cleaning of construction sites in the summer and dust downs. Prison Representatives are excited by the prospect and Shimp can't guarantee that it will happen but needs the zoning to get it accomplished.

Payne: Established with Shimp that the plan is to reuse the affluent (water) from FCCW, used for reuse applications

Zimmer: It also helps the county for a potential issue because there are two different zonings types in that area and no one knows exactly the boundaries of each.

Senior Planner Steve Tugwell: It would expand the options for usage on the property, however heavy Manufacturing would still require a special use permit

Payne: Using the sewer plant affluent could raise the capacity of the plant and be beneficial to the county

Zimmer: It would not count against the counties discharge because it is being used in a process

Payne: The County does have a contract with the D.O.C. for the water and sewer

PUBLIC COMMENTS #3

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

With no public present, Chairman Bibb closed the third public comment section.

Eager: It fits the comprehensive plan; it's attractive to the county to get more business in the area and a good thing.

MOTION:

Mrs. Eager moved to recommend approval of ZMP 15:01 –Memory Lane LLC, which **Mr. Johnson seconded**. The motion carried **with a vote of 4-0-0. AYES: Bibb, Eager, Johnson and Zimmer NAYS: None. ABSTAIN: None**

PRESENTATIONS: NONE

UNFINISHED BUSINESS:

Comprehensive Plan update

Zimmer and Bibb: Wanted to know if Emergency services on board.

Bibb: Requested the Zoning administrator speak with Mr. Nichols to get that information to him promptly.

Zoning Administrator: All information for the March 11th work session meeting will be put on the Planning Commission agenda meeting on March 25th

Storm water issues are being worked out by Christina Guidry, Fred Payne, Jay Lindsey and Nabil, no dramatic changes to report at this time

NEW BUSINESS:

Discussion of potential changes to the Zoning Ordinance regarding Agri-business and Agricultural activities was postponed due to the absence of County Attorney, Fred Payne.

Stewart: Advised that the Planning Department has been asked to better align the ordinance with state code and encouraging Agri-business. He advised that his team had previously substantially developed the model in Dinwiddie and as a starting point for discussion he took some of the elements in the ordinance to generate discussion. Mr. Lindsey applied them to how our current ordinance is now to compare to see how they wanted to proceed.

Bibb: Have the new state regulations been incorporated?

Payne: Maybe, some are still pending in the general assembly

Planner Lindsey: Read the new state provision and definitions for Agricultural operations 32300.

****Various discussion of Agri-business and the Noise Ordinance****

Planner Lindsey: Explained the definition of Agri-Tourism activity and discussed farm Brewery, brewery events, wineries and winery events.

Eager: Had questions about the sections regarding the number of animals citizens are allowed to have and why there is a site plan requirement and the setbacks.

Planner Lindsey: Advised that the information came from the state code.

Stewart: Advised that in Dinwiddie the number of animals as well as the proximity was related to how many chicken farms are in neighborhoods and how they produce odors.

Eager: Advised that she will go back and read the ordinances to get clarification

****Various discussion regarding how fast the number of animals can change depending on the animal and how much they typically breed.****

Eager: If the Agri-Business plan is against traditional farming then she is not in support of the plan.

Bibb: Advised that Mr. Payne should read the information and offer the Board

Stewart: Advised Planner Lindsey to get specific comments from Jonathan on the Agri-Business plan and how it relates to the current Fluvanna's intensive poultry and livestock facilities conditions, then next time conversations can be generated.

Brief discussion of slaughter regulations

ADJOURN

There being no further business, Mr. Bibb adjourned the Planning Commission meeting of February 25th, 2015 at 8:45 p.m.

Minutes recorded by Deidre Creasy, Senior Program Assistant.

Barry A. Bibb, Chairman
Fluvanna County Planning Commission