

FLUVANNA COUNTY PLANNING COMMISSION REGULAR MEETING MINUTES

Circuit Court Room--Fluvanna County Courts

May 27th, 2015

7:00 p.m.

MEMBERS PRESENT: Barry Bibb, Chairman
Ed Zimmer, Vice-Chairman
Lewis Johnson
Patricia Eager
Donald Gaines
Tony O'Brien Board of Supervisors Rep (7:07 p.m.)

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

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:

May 6, 2015:

The 2014 Development Activity Report was presented.

May 20, 2015:

(Approved) SUP 15:01 – Stubben North America – A request to amend special use permit (SUP 04:25) to allow for “specialty retail sales” by appointment only with respect to 34.501 acres of Tax Map 10, Section A, Parcel 54A. The applicant is proposing to amend condition # 4 by deleting the 2nd sentence which reads, “The warehouse shall not be used as a display center that is open to regular (daily or weekly) visitors”, and replace it with “specialty retail sales by appointment only, with hours of operation to be 7 a.m. to 9 p.m. Monday through Sunday.” The property is zoned A-1 and is located on west side of Wounded Knee Lane approximately ½ mile north west of Route 631 (Troy Road). The property is located in the Palmyra Election District and is within the Rural Residential Planning Area.

2. Board of Zoning Appeals Actions:

May 12, 2015:

(Approved) BZA 15:01 – JA-ZAN, LLC: A request for a variance to Fluvanna County Code Section 22-11-5. to allow for the reduction of the minimum parking setback required from 50 feet to 25 feet, and to allow for the reduction of the building setback from 100 feet to 50 feet with respect to 1.695 acres of Tax Map 5, Section 24, Parcel 2. The affected property is located in the Columbia Election District on the south side of State Route 250 (Richmond Road) approximately .60 miles northwest of its intersection with State Route 15 (James Madison Highway). The property is zoned I-1, Industrial, Limited, and is within the Zion Crossroads Community Planning Area.

(Approved) BZA 15:02 – Evergreen Baptist Church: A request for a variance to Fluvanna County Code Section 22-16-5, and Sec.3-3 of the January 1, 1974 Zoning Ordinance to allow for the reduction of the minimum building setback required from 75 feet to 64 feet with respect to 1.006 acres of Tax Map 31, Section A, Parcel 74. The affected property is located in the Columbia Election District on the north side of State Route 628 (Evergreen Church Road) approximately .40 miles northwest of its intersection with State Route 608 (Rising Sun Road). The property is zoned A-1, Agricultural, General and is within the Rural Preservation Planning Area. The BZA granted the church a 50 feet setback.

3. Technical Review Committee:

May 14, 2015:

- I. **SDP 15:07 – Green Springs Timber** - A site development plan request for a two (2) phase project to construct a 240x100 metal storage building, and a 300x80 metal storage building, and associated gravel road and parking with respect to 15.49 acres of Tax Map 5, Section 11, Parcel L5A. The property is zoned I-1, Industrial, Limited, and 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.
- II. **SDP 15:08 – Lake Monticello Fire Dept.** - A site development plan request to construct a new parking facility with respect to 8.192 acres of Tax Map 18A, Section A4, Parcel 38F and Tax Map 18A, Section 4, Parcel 13B. The property is zoned R-4, Residential, Limited, and 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.
- III. **SUP 15:03 – Anthony N. Smith** – A request for a Special Use Permit (SUP) to operate a commercial amusement with respect to 2.43 acres of Tax Map 22, Section 4, Parcel A, and 6.728 acres of Tax Map 22, Section 4, Parcel C. The property is zoned A-1 (Agricultural, General), and is located on the north side of Route 601 (Venable Road), at its intersection with Route 659 (Kents Store Way). The property is located in the Columbia Election District and is within the Rural Preservation Community Planning Area.
- IV. **ZMP 15:03 – White Oak Stone Company** - An ordinance to amend the Fluvanna County Zoning Map with respect to 4.337 acres of Tax Map 5, Section A, Parcel 59 to rezone the same from A-1, Agricultural, General to I-1, Industrial, Limited. The affected property is located on the eastern side of State Route 15 (James Madison Highway) approximately 1000 feet southwest of its intersection with State Route 250 (Richmond Road). The property is located in the Columbia Election District and is within the Zion Crossroads 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 accept the minutes of April 22, 2015 as presented, **Mr. Gaines seconded. The motion carried a vote of 4-0-1. AYES:** Zimmer, Eager, Johnson and Gaines
NAYS: None. **ABSTAIN:** Bibb

SUBDIVISIONS: None

Public Hearings:

SUP 15:02 – Flick Investments Group, LLC – *A request for a Special Use Permit (SUP) to operate an auction house with respect to 4.81 acres of a portion of Tax Map 59, Section A, Parcel 8. The property is zoned I-1 (Industrial, Limited), and is located on the west side of Route 15 (James Madison Highway), at its intersection with Route 695 (Creasy Town Road) approximately 0.23 miles south of Route 713 (Bowles Town Lane). The property is located in the Fork Union Election District and is within the Fork Union Community Planning Area.*

Senior Planner Steve Tugwell conducted a brief presentation and addressed Board

Chairman Bibb: Asked for clarification regarding the presentation that advised auctions would take place inside a closed building because the necessity of use section of the original application advises that auctions will be held in the closed building and on the premises.

Senior Planner Steve Tugwell: Advised that it is his understanding that all auctions will be held inside of the closed structure

Applicant Flick: Explained that all of the auctions will be held in a closed building and when the application was filled out they were referring to parking as well

Zimmer: Inquired about parking since the sketch showed available parking on another parcel

Applicant Flick: Explained that he has received permission from the church to use their parking facilities since they have different hours of operation. He also advised that there is an additional gravel lot behind the building where people can park.

Johnson: Stated that he visited the property earlier this afternoon and there is a lot of parking behind the building if needed.

Public Hearing Comments

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

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

Johnson: Stated that the auction house was an excellent use of the property

Bibb: Agreed.

MOTION:

Mr. Johnson moved to recommend approval of SUP 15:02 – JCM, Mrs. Eager seconded. The motion carried **with a vote of 5-0-0. AYES: Bibb, Zimmer, Eager, Johnson & Gaines NAYS: None. ABSTAIN: None**

SUP 15:03 – Anthony N. Smith – *A request for a Special Use Permit (SUP) to operate a commercial amusement with respect to 2.43 acres of Tax Map 22, Section 4, Parcel A, and 6.728 acres of Tax Map 22, Section 4, Parcel C. The property is zoned A-1 (Agricultural, General), and is located on the north side of Route 601 (Venable Road), at its intersection with Route 659 (Kents Store Way). The property is located in the Columbia Election District and is within the Rural Preservation Community Planning Area.*

Senior Planner Steve Tugwell conducted a brief presentation and addressed Board

Chairman Bibb: Asked for clarification because in the packet it discusses a particular date of June 5th-7th for the event and then in the narrative it discusses two events a year.

Senior Planner Steve Tugwell advised that the condition is that Mr. Smith cannot have more than one event in the year that will vary between the months of May and August so the date will vary in the future. Also the event this year will be held June 6th at 4pm extending to the early morning hours of June 7, 2015.

Payne: Explained that the event is not necessarily on one day but held in a 24 hour period.

Chairman Bibb: Explained that he understood and just wanted clarification. He then allowed the applicant to come forward.

Applicant Smith: Addressed the Planning Commission and asked if they had any questions for him.

Eager: Asked Smith if he had ever had an event like this before in the Fluvanna County.

Applicant Smith: Advised that he had an event in the county previously but not with a Special Use Permit. He explained that the event was very successful but this time he wanted to ensure it was legitimate on a legal level and also give his neighbors proper notification.

Gaines: Asked if the previous event also had a bond fire

Applicant Smith: "Yes, sir"

Chairman Bibb: Asked the applicant if he understood the conditions under the Dept. of Forestry for his event

Applicant Smith: Advised that he has Andrew Pullen, Chief of the Company 3 fire dept. and members will be on call the entire time to monitor forestry regulations. Likewise, if it is a class 3 or above with high winds and humidity they will not burn and if it rains they will cancel the event.

Zimmer: Asked the applicant how many people he expected

Applicant Smith: Stated that last year it was 650 to 700 people and he expects the same turn out, maybe a little more. He then explained that he has a lot of parking accommodations and permission to park from the buildings around his property.

Public Hearing Comments

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

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

Eager: Advised that she didn't see an issue with the event because he had the event last year and it was successful.

MOTION:

Vice Chairman Zimmer moved to recommend approval of SUP 15:03 – Anthony Smith, Mr. Johnson seconded. The motion carried **with a vote of 5-0-0. AYES: Bibb, Zimmer, Eager, Johnson & Gaines**
NAYS: None. ABSTAIN: None

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

Senior Planner Steve Tugwell conducted a brief presentation and addressed Board

Payne: Inquired if the roundabout is a proposal?

Senior Planner Tugwell: Advised that Payne is correct and that is the reason why it is shown as conceptual on the sketch. He also advised that it was a favorable approach to VDOT and Mark Wood was very supportive of it but there is further work to be done

Payne: Advised this is not a proffered rezoning and that he wanted to clarify that the roundabout is not a pre requisite to the rezoning. He explained that it may be available but advised the Planning Commission not to rely on the roundabout being there.

Chairman Bibb: Advised that it was asked in the Work Session that the applicant submit further information on what would happen if the roundabout was not constructed in terms of an entrance. Secondly, at the TRC meeting there was nothing presented as to what would happen if the roundabout was not put there. Too, it is his understanding that Vdot is unsure when the funds will be available to build the roundabout.

Senior Planner Tugwell: Advised that the latest understanding is that VDOT is in favor of the roundabout instead of a single lane road in that location. He then explained that details have not been worked out yet to his knowledge but for any updated information he will refer them to Mr. Shimp.

Chairman Bibb: Asked the applicant if he would like to come forward

Applicant Justin Shimp: Advised that the draft copy of the proffer that he has answers most of the questions and asked if he could hand the copies out.

Chairman Bibb: Explained that the applicant could hand out the copies but there is no way that the Planning Commission would be able to review and consider the proffers tonight.

Applicant Justin Shimp: Advised nothing is in the proffer handout that hasn't been discussed before it just puts in writing what was discussed

Payne: Advised the applicant is entitled to hand out the proffers on anything he is proposing if he wishes, however the Planning Commission doesn't have to rely on the information unless the commission feels it has actually been proposed.

Chairman Bibb: Advised the applicant should submit the information to the Planning Department and the proffers can be discussed at a later time. He then advised that at the Work Session he asked the applicant to provide him with the information before this public hearing and the commission didn't receive anything from the applicant.

Applicant Justin Shimp: Explained it was a misunderstanding and he thought he was supposed to bring the information to the public hearing tonight.

Zimmer: Asked is there a way that the information the Applicant wants to submit can be considered for a potential vote on the rezoning tonight?

Payne: Advised that what is proposed needs to be in writing and signed by the owner as what will be rezoned

O'Brien: Explained that this is strictly for the rezoning not the sight plan.

Payne: Explained the applicant has the right to ask the commission to consider the rezoning with or without the proffers but it has to be done in proper form. However, the item could always be deferred so that the public is aware of exactly what is being proffered and the proffers and the rezoning can be considered at one time.

Eager: Asked if the proffers can be heard tonight and then before the Board meeting, can the applicant have time to present the proffers?

Payne: Advised that it is up to the Board, but if the applicant wants the County to consider proffers with the application it would be more efficient to have all of the information at once. Advised that he is not telling the Commission they have to defer it but the commission does not have the right to consider the proffers

Chairman Bibb: Advised he is very concerned because the questions were supposed to be answered before the public hearing and the application is incomplete

Applicant Justin Shimp: Stated the application is complete but wants the Planning Commission to hear the proffers so he can explain the traffic situation in person rather than the Planning Commission having to review a bunch of traffic reports.

Chairman Bibb: Asked how does the commission know what VDOT's opinion is without having all of the information? He agrees that the roundabout is a good idea but doesn't have any of the specifics.

Payne: Considering potential proffers without them being a part of the record is out of order.

Applicant Justin Shimp: Suggested that the proffers not be accepted and he can answer any questions the Planning Commission has and any questions from the public hearing. Also if the proffers need to be in writing and the rezoning is deferred, the information can be presented to Steve Tugwell in writing for the next meeting.

Payne: Advised that a legislative act cannot be considered that is not before the Planning Commission, i.e., proffers are conditions of the legislative act. He then suggested the rezoning be considered without proffers if it will be considered.

O'Brien: Agreed that proffers need to be submitted prior to going to the Board because the Planning Commission would not have a chance to see the proffers

Payne: Agreed and stated that the Board wouldn't have the benefit of the Planning Commissions opinions on the proffers

O'Brien: Advised that he understood that the public hearing couldn't be conducted tonight but wanted to know if they could hear the proffers tonight.

Payne: Explained that there are no proffers at this time because it was not submitted as part of the application or submitted in proper form

Eager: Asked if there was a public hearing tonight and the applicant came back next month would there be another public hearing.

Payne: Explained that if there was a public hearing tonight and action was deferred until next month and there was a proffer next month it would be a totally different application.

Chairman Bibb: Clarified his concerns that if the Planning Commission accepted the proffers they would be considering something not in the packet or that the public has not seen.

Payne: Stated that Chairman Bibb's concerns are well taken

Zimmer: Inquired can the public hearing be deferred now or at the end of the meeting and also since citizens are present at the public hearing can their comments be heard and added as a part of the Planning Commission's consideration or would the citizens have to attend the next Planning Commission meeting in June.

Payne: Advised that would be at the Planning Commission's discretion however, recommended against having a public hearing before the proffers are heard because proffers change the application. He then explained that the citizens will not be able to make an informed decision because they won't have all the information. He stated it makes more sense to have all of the information in front of the Planning Commission at once and suggested that they either consider the application without the proffers or defer and allow the applicant to submit the proffer and re-advertise for the public hearing.

Chairman Bibb: Advised that if there is going to be a change completely it needs to go back to the TRC so VDOT can consider the traffic situation.

Eager: Asked Senior Planner Steve Tugwell if the matter could be heard at the next TRC

Senior Planner Tugwell: Stated that the next TRC would be held on the 2nd Thursday in June and as long as the applicant gets him all the materials and he can get them to VDOT.

Eager: Confirmed with the Senior Planner that the matter can be heard next month at the TRC

O'Brien: Reiterated that the TRC needs to hear what the applicant's specific proposal without the roundabout is because there is no guarantee of a roundabout

Bibb: Restated that in the packet VDOT states that funds are not available for the roundabout and they are unsure when funds will be available

O'Brien: Restated the applicant needs to present what would happen without a roundabout

Chairman Bibb: Emphasized the importance of traffic being considered especially at this specific location because of all of the fatalities that have occurred there.

Senior Planner Tugwell: Advised that staff is ready to take it to the June TRC

Zimmer: Spoke briefly with the applicant to ensure that he would be ready for the June TRC

Applicant Shimp: Advised that meeting the TRC deadline was not an issue because he has all the information with him tonight

Chairman Bibb: Suggested that the public hearing be deferred and if all conditions are met the public hearing will be heard at the June Planning Commission meeting

Payne: Reminded the commission that with the proffers the public hearing needs to be re-advertised

Applicant Shimp: Advised that he has all the information and will submit it before the TRC Deadline

Chairman Bibb: Addressed the Planning Commission as to who would like to make a motion

MOTION:

Mr. Gaines moved to defer ZMP 15:02 – Steven L. Peters, until the June 24, 2015 meeting in which **Mr. Zimmer seconded.** The motion carried **with a vote of 5-0-0. AYES: Bibb, Zimmer, Eager, Johnson & Gaines NAYS: None. ABSTAIN: None**

Chairman Bibb: After the motion Chairman Bibb apologized to the citizens that attended for the deferral of the public hearing

Planner Jay Lindsey: Informed the Board that a motion to ratify was needed in reference to ZTA 1503

Payne: Offered an explanation by statute why the motion needed to be ratified before the public hearing commenced

MOTION:

Mrs. Eager moved to ratify ZTA 15:03, Mr. Zimmer seconded. The motion carried **with a vote of 5-0-0.**

AYES: Bibb, Zimmer, Eager, Johnson & Gaines NAYS: None. ABSTAIN: None

ZTA 15:03 – Fluvanna County - AN ORDINANCE TO AMEND CHAPTER 22, ARTICLES 17 AND 22 OF THE FLUVANNA COUNTY CODE BY CERTAIN AMENDMENTS TO SECTIONS 22-22-1 AND 22-17-8A, INCLUDING AMENDMENTS TO THE DEFINITIONS OF “ELEVATED BUILDING”, “FLOOD, BASE”, “FLOOD ELEVATION, BASE”, “FLOOD HAZARD AREA, SPECIAL”, “FLOODPLAIN OR FLOOD-PRONE AREA”, “FLOODWAY”, AND “SUBSTANTIAL DAMAGE” IN SECTION 22-22-1, AS WELL AS AMENDMENTS TO CERTAIN SUBSECTIONS OF SECTION 22-17-8A, INCLUDING SUBSECTIONS 22-17-8A., -8A.2., -8A.3-B., -8A.3-G., -8A.3-H., -8A.3-I., -8A.3-J., -8A.3-K., -8A.3-M., -8A.3-N., -8A.3-P., -8A.3-S., -8A.3-T., -8A.3-U. -8A.3-X., -8A.3-Y., -8A.3-Z., -8A.3-AA., -8A.3-BB., -8A.3-DD., -8A.3-EE., -8A.3-FF., -8A.3-HH., -8A.3-JJ., -8A.3-KK., -8A.4., -8A.4.1, -8A.7., -8A.7.1, -8A.10., -8A.12., -8A.13, -8A.14., -8A.15., -8A.17., -8A.19., -8A.20., -8A.20.1, -8A.21., -8A.21.1, -8A.21.2, -8A.21.3, -8A.21.4, -8A.21.5 AND -8A.21.6. THEREOF, ESTABLISHING FLOODPLAIN DISTRICTS, REQUIRING THE ISSUANCE OF PERMITS FOR DEVELOPMENT, PROVIDING FACTORS AND CONDITIONS FOR VARIANCES TO THE TERMS OF THE ORDINANCE, AND PROVIDING FOR THE ADMINISTRATION OF THIS ORDINANCE IN CONFORMITY WITH REVISED FEDERAL FLOOD INSURANCE REGULATIONS.”

Planner Jay Lindsey conducted a brief presentation and addressed Board

Payne: Explained that this ZTA is unusual because it is already a product of Federal regulation. Also he advised the Planning Commission that in order for citizens to be eligible for flood insurance properties must be located in a locality that has a conforming flood protection program and they don't have a lot of discretion if they want to keep flood insurance within the County.

Chairman Bibb: Advised that the County has been working with the state and federal government for a while on the matter and this is the final approved version of the document

Planner Lindsey: Agreed

Chairman Bibb: Gave the applicant an opportunity to address the Planning Commission

Public Hearing Comments

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

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

MOTION:

Mr. Zimmer moved to recommend approval of ZTA 15:03, Mr. Gaines seconded. The motion carried **with a vote of 5-0-0.** **AYES: Bibb, Zimmer, Eager, Johnson & Gaines NAYS: None. ABSTAIN: None**

SITE DEVELOPMENT PLANS:

SDP 15:05 – Wray Brothers Inc. - *A site development plan request to construct a 9,500 +/- square foot self-storage building addition with respect to 10.25 acres of Tax Map 5, Section 7, Parcel 9B. The property is zoned B-1, Business, General, and is located approximately 800 feet southwest of Richmond Road (Route 250) at the intersection of Better Living Drive and Richmond Road. The property is located in the Columbia Election District and is within the Zion Crossroads Community Planning Area.*

Senior Planner Steve Tugwell conducted a brief presentation and addressed Board

Chairman Bibb: Gave applicant a chance to address the Planning Commission

Applicant Jason Wray: Advised that he resided 4325 Sylvan lane, Charlottesville, VA and was Co-Owner of this facility which is the Zions Crossroads Self Storage Facility. He explained that the original site plan was approved

in 1999 and he wants to be clear on what is expected of him, if he needs a new high tech engineer and if the site plan is completed administratively or not.

Senior Planner Steve Tugwell: Advised it will be administratively approved, does meet requirements, according to Mr. Black there is no ENS permit needed and that he is not concerned with him having a high level degree of engineers for this project.

Chairman Bibb: Explained that he understood how essential and the purpose of climate control storages are because they are now being needed across the country.

Senior Planner Tugwell: Re-advised that Mr. Wray is aware of final site requirements

MOTION:

Mrs. Eager moved to approve SDP 15:05 – Wray Brothers Inc., Mr. Zimmer seconded. The motion carried **with a vote of 4-0-1. AYES: Bibb, Zimmer, Eager & Gaines NAYS: None. ABSTAIN: Johnson**

SDP 15:06 – LMOA – New Golf Clubhouse - *A site development plan request to construct a at 9760 SF Clubhouse, a 5600 SF cart barn, and eleven (11) additional parking spaces, with respect to 10.25 acres of Tax Map 18A, Section 4, Parcel 224A. The property is zoned R-4, Residential, Limited, and is located on Bunker Boulevard approximately 900 feet south of its intersection with Oak Grove Road. The property is located in the Cunningham Election District and is within the Rivanna Community Planning Area.*

Senior Planner Steve Tugwell conducted a brief presentation and addressed Board

O'Brien: Questioned what is going to happen to the existing clubhouse.

Senior Planner Tugwell: Advised that he would allow the applicant to answer that question but he believes it will be demolished

Applicant: It will be taken down after the new building is built and new building will be called the Bunker Recreational facility

Senior Planner Tugwell: After Eager and O'Brien had a brief discussion about the property Tugwell advised them that administratively there is a checklist that checks in depth all aspects of the building to ensure that it meets requirements

MOTION:

Mr. Gaines moved to approve SDP 15:06 – LMOA- New Golf Clubhouse, Mrs. Eager seconded. The motion carried **with a vote of 5-0-0. AYES: Bibb, Zimmer, Eager, Johnson & Gaines NAYS: None. ABSTAIN: None**

PRESENTATIONS: NONE

UNFINISHED BUSINESS: None

NEW BUSINESS: None

PUBLIC COMMENTS #2

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

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

ADJOURN

There being no further business, Chairman Bibb adjourned the Planning Commission meeting of May 27, 2015 at 8:14 p.m.

Minutes recorded by Deidre Creasy, Senior Program Assistant.