

**FLUVANNA COUNTY PLANNING COMMISSION**  
**WORK SESSION AND REGULAR MEETING MINUTES**  
**Circuit Court Room--Fluvanna County Courts Building**  
**July 11, 2017**  
**6:00 p.m.**

**MEMBERS PRESENT:** Barry Bibb, Chairman  
Lewis Johnson  
Ed Zimmer, Vice Chairman  
Donald Gaines Arrived 6:25  
Tony O'Brien, Board of Supervisors Representative 7:15

**ALSO PRESENT:** Jason Stewart, Planning and Zoning Administrator  
Brad Robinson, Senior Planner  
James Newman, Planner  
Fred Payne, County Attorney  
Stephanie Keuther, Senior Program Support Assistant

**Absent:** Howard Lagomarsino

**Open the Work Session:** (Mr. Barry Bibb, Chairman)  
Pledge of Allegiance, Moment of Silence

**Director Comments:**  
None

**Public Comments:**  
None

**Work Session:**

**Residential Planned Community Zoning Text Amendment** -Brad Robinson, Senior Planner  
Residential Planned Community. The land must also be under the same ownership or control as the Residential Planned Community. The procedure for an addition shall be the same as if an original application was filed, and all of the requirements of this Chapter shall apply. Sec. 22-7-8. Permitted residential density. Maximum by right gross residential density: 2.9 residential units per acre.

**Maximum gross residential density (by special use permit): 10 residential units per acre.**

**Stewart:** I would like to note the applicant was unable to make it. We may want to defer to the next meeting.

**Bibb:** I agree the applicant should be present. I also think the Planning Department and the county attorney should look over this to make sure if changes would need to be made to the Comprehensive Plan.

**Strategic Zoning Initiative** -James Newman, Planner

**Stewart:** This was presented to the BOS back in the May work session of 2017. The Board is considering adopting some of the principles in this presentation.

**Program Purpose:**

1. Hanover County wanted to enhance Economic Development Retention & Recruitment in regards to agriculturally zoned properties located in strategic areas.

2. The Strategic Zoning Initiative was developed in response to favorable changes in the Commonwealth of Virginia's real estate taxation program.

The Hanover County Zoning Initiative incentivizes Property Owners with land holdings in the Land Use Taxation program, and also in agricultural areas designated for commercial and industrial development, by deferring the costs normally associated with development through:

1. Deferring increased tax assessments until such time as the use changes, not when the zoning changes.
2. Reducing fees for rezoning's in designated areas.

#### **Current Fluvanna Process & Policy**

1. A zoning change fee (\$1,000 fee, plus \$50 per acre)
2. Land Use Taxation Program to roll back taxes, plus interest
3. Higher annual tax liability
4. There is little incentive for owners of these types of properties to seek a zoning change due to the costs.

**AND**

**Properties must be zoned commercial to be actively marketed by the State.**

#### **Applicability to Fluvanna**

1. Zion Crossroads is the County's designated urban development area for growth and the most intensive commercial and industrial development.
2. Contains many properties currently zoned agricultural Incentivizing the rezoning process similar to Hanover may help spur development can benefit the County's tax base by allowing the County and the State additional opportunities to market properties.

#### **Potential Enterprise Zone Option**

1. Virginia Enterprise Zones is a partnership between state (DHCD) and local government to encourage job creation and private investment in targeted areas of the state.
2. The program accomplishes this by designating zones throughout the state and providing two grant-based incentives, the Job Creation Grant (JCG) and the Real Property Investment Grant (RPIG).  
The locality follows suit with its own incentives such as reduced or waived permitting fees or grants.

**Bibb:** Would applicants come before the planning commission, and would that be done with a temporary approval?

**Payne:** The one of obvious value is the amount of land tax if rezoned subjects to roll back taxes. There is a statute that authorizes this to be done. The county can amend the ordinance so that not to take you out of land use.

**Zimmer:** At what point do roll back taxes apply?

**Payne:** Somewhere between the approval of the site plan and certificate of occupancy.

**Bibb:** Would the zoning fees apply if the planning department goes and does the work to find out if it will be a proper use or would you be bringing VDOT in for site visits?

**Payne:** I'm not sure yet. However the reason Hanover can do some of this is because of the nature of their geography. We have a much less clear cut situation then they do. If you're not charging fees that defray the cost then the county is just subsidizing that property. Plus our review process is already streamlined as it is.

**Bibb:** It seems a little confusing to have to do it that way. If planning is going to do the work then they would need to be paid for those services.

**Payne:** If developers don't know what they're going to need to pay and have certainty there going to be less than happy. I think it applies to Hanover more than here.

#### **Small Home Business Ordinance Discussion** – Brad Robinson, Senior Planner

Mr. Robinson gave a brief presentation of definition comparisons from Fluvanna County and other localities for home occupations.

## **Fluvanna County's current definitions for home based business:**

### **Home Occupation**

An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display, no one is employed other than members of the family residing on the premises, there is no substantial increase in traffic, and provided that not more than twenty-five (25%) of the gross floor area of such dwelling shall be used for such occupation.

### **Studio, Fine Arts**

A building, or portion thereof, used as a place of work by a sculptor, artist, or photographer; or used as a place to exhibit and offer for sale works of the visual arts (other than film).

### **Small Home Industry**

Small commercial, professional, or light industrial uses which do not in any way detract from adjacent agricultural or residential uses and while clearly excluding large scale industrial and commercial uses and that are located within the same parcel as the residence of the owner and within 500 feet of said residence.

**Stewart:** The Planning Commission may also want to consider the density if the use is taking place in a shed or if someone is storing stuff. For example, is the use the same as a brewery? Do we want to modify the density for the home based business?

**Zimmer:** Is there a way to account for risk? For example, soap has chemicals like lye. Not all small home businesses will have hazardous materials, but some will. This, along with the fees are encouraging people to do things under the table. When small home base businesses are just starting out they cannot afford to pay these \$800.00 fees. It will take them too long to recoup these fees. I feel we need to help our citizens more.

**Stewart:** That's something I drafted in the ordinance in Dinwiddie; that type of home business was prohibited for those reasons.

**Payne:** Just because the planning commission approves something for our ordinance doesn't mean an HOA will allow it.

I think it should be up to the zoning administrator to determine.

**Wendy Custard:** Kent's Store: We are over by Sheridan's stables. Having other farms around we also have a combination small farm. We're currently building a barn that we were hoping to have my office /art studio in the upper area. I would like to hold some classes there. I have had a few kid's classes already, but no more than 10 kids per session. Typically these are homeschooled children. I don't make a large amount of money from this, I also scholarship most of my classes. I wasn't aware nor did I research the permit process. The cost of the permits will no longer allow me to do this.

**Susie Morris:** I took the first leadership class, and just finished the last. I felt the ordinance should be updated. I was in a group that is trying to complete a project creating an artisan trail. That would also include the ag artisans people who grow produce and make cheeses and stuff. We thought it would perfectly in Fluvanna's comp Plan. It also creates an economic base. Mrs. Morris spoke more about the artisans trail and use of home occupations.

### **Open the Regular Session at 7pm** (Mr. Barry Bibb, Chairman)

The Pledge of Allegiance followed by a Moment of Silence.

### **Director's Report: Mr. Stewart**

#### **June 21, 2017**

**SUP 17:01 CJPC LTD** – A special use permit to establish an educational facility use with respect to a portion of .74 acres of Tax Parcel 18-10-1. The property is zoned B-1 Business General, and is located approximately 260 ft east of the intersection of Rebecca Drive and Toby Way, off of South Boston Road (State Route 600). The property is located in the Palmyra Election District and is within the Rivanna Community Planning Area. (Approved 4-0)

**SUP 17:02 R15 Fluvanna 11B LLC** – A request for a special use permit to establish a contractor's storage yard, with respect to 1.8 acres of Tax Map 5, Section 11, Parcel 5B. The property is located along James Madison Highway (U.S. Route 15) near the Louisa County line, approximately 0.06 miles south of the intersection of Richmond Road (U.S. Route 250). The parcel is zoned B-1 and is within the Zion Crossroads Community Planning Area and the Columbia Election District. (Approved 4-0)

**ZTA 17:01** – Fluvanna County Zoning Ordinance – Sign Regulations – An Ordinance to Amend Chapter 22, Article 15 of the Fluvanna County Code By Addition of Section 22-15-2(2)(H) Concerning a New Category of Exempt Sign By Amendments to Sections and Subsections 22-15-3(1), (2), (3) And the Addition of Subsection 22-15-3(4) Concerning the Size and Types of Signs Permitted By Zoning District, And to Amend Chapter 22, Article 22, By the Addition of a Definition to Subsection 22-22-1, To Conform the County Zoning Ordinance to the 2015 Comprehensive Plan. (Approved 4-0)

**ZTA 17:02** – Fluvanna County Zoning Ordinance – Planned Unit Development Regulations – An Ordinance to Amend Chapter 22, Article 14 of the Fluvanna County Code By Certain Amendments to Sections and Subsections 22-14-1, 22-14-6, 22-14-7, 22-14-8, 22-14-12, 22-14-13, Thereof, Amending the Fluvanna County Zoning Ordinance To Conform to the 2015 Comprehensive Plan Implementation Goals and Strategies. (Approved 3-1)

**ZTA 17:04** – Fluvanna County Zoning Ordinance – Industrial General – An Ordinance to Amend Chapter 22, Article 12 of the Fluvanna County Code By Certain Amendments to Sections and Subsections 22-12-6, 22-12-7, Thereof, Amending the Fluvanna County Zoning Ordinance. The public purpose of these amendments is to provide flexibility in building design as to building height and yard requirements for purposes of promoting orderly development and economic development. (Approved 4-0)

**July 5, 2017**

None

**Board of Zoning Appeals Actions:**

None

**Public Comments:**

**Jerry Custard:** I wanted to speak about the SUP application; I don't have to have one according to the list if I were a piano teacher or equestrian teacher. But I do if I'm an art teacher. How do we get art onto this list? What about (X) number of people to determine if the SUP is needed like Louisa?

**Linda Stager:** I am an oil painter, I have a small studio and few people come out but I would like to have the option to have more if I want. If I need SUP just for people to come look then I can't afford it.

**Eager:** 1107 Mechunk Creek Dr; I urge the county to work for this. What about the Lula roe event where women sell from their homes and at the fire house as a fundraiser? I think we need to respond to the community the best that we can.

**Approval of Minutes**

Minutes of June 13, 2017

**Motion:**

**Johnson made a motion to approve the minutes of the June 13, 2017 Planning Commission meeting as presented. Seconded by Zimmer. The motion carried a vote of 3-0-1 AYE: Johnson, Zimmer, and Bibb NAY: None ABSTAIN: Gaines ABSENT: Lagomarsino**

**Public Hearing:**

None

**Site Development Plans:**

**SDP 17:04 Conmat Properties** - James Newman, Planner

A Site Development Plan for a concrete production facility with respect to approximately 10.5 acres of Tax Map 4, Section A, Parcel 109. Location: The property is located approximately 1,400 ft west of the intersection of Richmond Road (Route 250) and Blue Ridge Dr. (State Route 708). The parcel is within the Zion Crossroads Community Planning Area and the Palmyra Election District.

**Conditions:**

1. Meeting all final site plan requirements which include, but are not limited to, providing parking, landscaping, and screening;
2. Meet all required Erosion and Sedimentation Control regulations;
3. Meet all VDOT requirements

**Johnson made a motion to approve SDP 17:04, a site development plan for a concrete production facility with respect to approximately 10.5 acres of Tax Map 4, Section A, Parcel 109, subject to the three (3) conditions listed in the staff report. Seconded by Gaines. The motion carried a vote of 4-0-0 AYE: Johnson, Gaines, Bibb, and Zimmer NAY: None ABSTAIN: None ABSENT: Lagomarsino**

**SDP 17:06 Van Der Linde Recycling** - James Newman, Planner

A site development plan request to expand an existing recycling center's mulching operation with respect to approximately 9.37 acres of Tax Map 5, Section 10, Parcel 6, and Tax Map 5, Section 23, Parcel A. The properties are both zoned I-1, Industrial, Limited, and are located on the south side of Richmond Road (US Route 250), approximately .8 miles from its intersection with James Madison Highway (US Route 15). The property is located within the Zion Crossroads Community Planning Area and is in the Columbia Election District.

**Recommended Conditions:**

1. Meeting all final site plan requirements which include, but are not limited to, providing parking, landscaping, and screening;
2. Meet all required Erosion and Sedimentation Control regulations;
3. Meet all VDOT requirements

**Zimmer:** How do we know these mulch piles are being moved?

**Stewart:** I don't expect to have problems. Our code enforcement officer stays on top of these things.

**Zimmer made a motion to approve SDP 17:06, a site development plan request to expand an existing recycling center's mulching operation with respect to approximately 9.37 acres of Tax Map 5, Section 10, Parcel 6, and Tax Map 5, Section 23, Parcel A, subject to the three (3) conditions listed in the staff report. Seconded by Gaines. The motion carried a vote of 4-0-0 AYE: Zimmer, Gaines, Bibb, and Johnson NAY: None ABSTAIN: None ABSENT: Lagomarsino**

**Subdivisions:**

None

**Unfinished Business:**

**Columbia Zoning Update** – Brad Robinson, Senior Planner

I would like to note we have a drafted zoning map with two options. The area in blue is the Flood Plan area. Everything has been designated by parcel number. All parcels in the flood plan would be zoned agricultural except Shellback Excavating that is already zoned I-2 and has requested that it stay that way.

**Zimmer:** Can we attach a map to the motion?

**Payne:** Yes, but if you change it then you have to re advertise with a public hearing. You can modify it.

**Bibb:** Would the already I-2 be grandfathers in?

**Payne:** Yes, it's non-conforming.

**Zimmer made a motion to attach the more intensive zoning map option 2 (see attachment A). Seconded by Gaines. The motion carried a vote of 4-0-0 AYE: Zimmer, Gaines, Bibb, and Johnson NAY: None ABSTAIN: None ABSENT: Lagomarsino**

**New Business:**

None

**Public Comments:**

None

**Adjourn:**

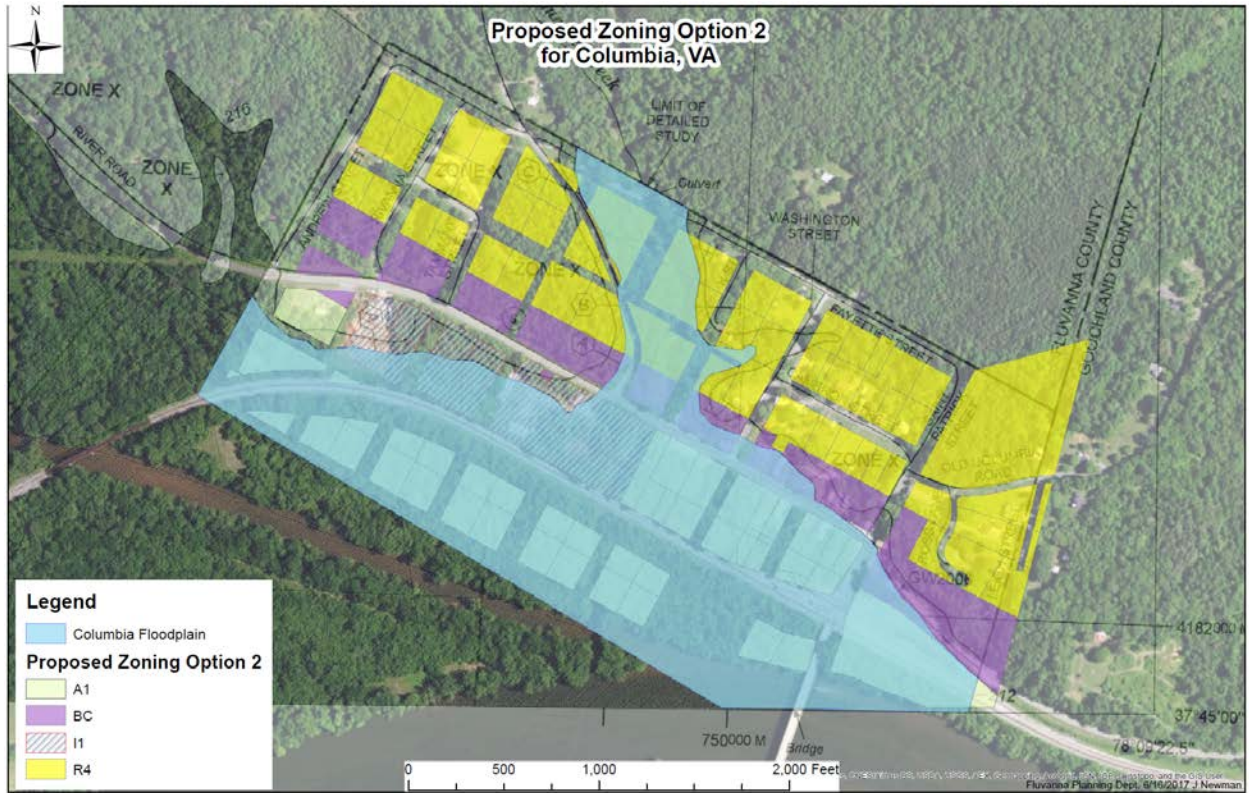
Chairman Bibb adjourned the Planning Commission meeting of July 11, 2017 at 7: 38 P.M.  
Minutes recorded by Stephanie Keuther, Senior Program Support Assistant.

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**Barry A. Bibb, Chairman  
Fluvanna County Planning Commission**

Approved

# ATTACHMENT A



Appri