

FLUVANNA COUNTY PLANNING COMMISSION
WORK SESSION AND REGULAR MEETING MINUTES
Circuit Court Room--Fluvanna County Courts Building
August 08, 2017
6:00 p.m.

MEMBERS PRESENT: Barry Bibb, Chairman
 Lewis Johnson
 Ed Zimmer, Vice Chairman
 Donald Gaines
 Howard Lagomarsino
 Tony O'Brien, Board of Supervisors Representative (Arrived 7:07)

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: **None**

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

Director Comments:
 None

Public Comments:
 None

Work Session:

Strategic Zoning Initiative - James Newman, Planner
 The Hanover County Zoning Initiative incentivizes Property Owners with land holdings in the Land Use Taxation program, and 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.

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

Current Rezoning Fees

County	Rezoning Fee
Albemarle	Less than 50 Acres: \$2,688 Greater than 50 acres: \$3,763
Buckingham	\$550
Cumberland	\$550
Goochland	Anything not being rezoned to A-1 is \$1,500 plus \$50 per acre; rezoning to A1 is \$450.
Fluvanna	\$1,000 + \$450 per acre
Louisa	\$1,000 + \$10 per acre

- 15 rezoning's & proffer amendments from 2015-present.
- Fees over 2 years totaled to approx. \$26,224.

- **Commissioner of Revenue’s Office is willing to make taxation changes if Planning Commission and Board approve of rezoning fee change.**

Zimmer: Is the acreage where you get your cost. **Stewart:** No

Zimmer: Then that fee sounds a little silly to have. Do we have any good estimates of departmental time of the application processes? If you were to calculate the time, we could get a better idea of what to charge.

Bibb: We would also need to account for the ads and for Mr. Payne’s salary.

Stewart: There is data we could put together without guessing. One of the biggest cost would be with the ads.

Bibb: If there is a deferral who pays to resend the ads?

Stewart: The applicant would then be responsible.

Zimmer: We just need to know the average cost of staff not Mr. Payne’s salary.

Stewart: Some cases can dominate staff time and some do not.

Newman: If the county wanted to peruse this policy, we may get more applications for rezonings because people would not have that tax increase.

Bibb: That I do not have a problem with; we’re talking about fees here. I think that makes a lot of sense, because a person could have a rezoning to a possible I-1 to A-1 and only be used for that if the right thing came along.

Zimmer: No matter the cost, if their rezoning their most likely up-zoning anyway.

Payne: The most important thing to a developer is certainty. Get a better idea of how the fees are calculated, then recommend it to the board of supervisors.

Planned Community Zoning Text Amendment -Brad Robinson, Senior Planner

Density in Zoning Ordinance

Zoning District	Density
A-1	1 du / 2 ac
R-1	1 du / 1 ac
R-2	1 du / ½ ac
R-3	2.9 du / 1 ac
R-4	1 du / 2 ac (private) 2.9 du / 1 ac (public)
MHP	1 du / 6,000 sf
PUD	See Sec. 22-14-8

Density in Zoning Ordinance - PUD

PUD District Density Regulations								
Community Planning Area	Minimum & Maximum Density							
	Dwelling Units per acre for Residential – Floor Area Ratio for Commercial							
	Single Family		Townhouses		Multifamily		Commercial	
	min.	max.	min.	max.	min.	max.	min.	max.
Zion Crossroads Community Planning Area		6		9		16		
Zion Crossroads Urban Development Area	4	6	6	9	12	16	0.4	
Rivanna Community Planning Area		4		6		12		
Palmyra Community Planning Area		4		6		12		
Fork Union Community Planning Area		4		6		12		
Columbia Community Planning Area		4		6		12		
Scottsville Community Planning Area		4		6		12		

Table 1: PUD Density Regulations

Density in Comprehensive Plan

CPA	Density
Zion Crossroads	10 du/ac
Rivanna (Lake Monticello)	6 du/ac
Palmyra	4 du/ac
Fork Union	4 du/ac

Columbia	None specified
Scottsville	4 du/ac

Planned Community Zoning Text Amendment – Justin Shimp; Shimp Engineering

Mr. Shimp gave a brief presentation on the 2015 Comprehensive Plan densities and consistencies in the county and surrounding areas.

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

Board of Supervisors Actions:

August 2, 2017

None

Board of Zoning Appeals Actions:

None

Technical Review Committee for July 13, 2017:

None

Public Comments:

None

Approval of Minutes

Minutes of July 11, 2017

Motion:

Johnson made a motion to approve the minutes of the July 11, 2017 Planning Commission meeting as presented.

Seconded by Zimmer. The motion carried a vote of 4-0-1 AYE: Johnson, Zimmer, Bibb, and Gaines. NAY: None

ABSTAIN: Lagomarsino ABSENT: None

Public Hearing:

ZMP 17:02 – Village Oaks Proffer Amendment - Brad Robinson, Senior Planner

The properties are located along the north side of Lake Monticello Road (Route 618), across from the main gate at Lake Monticello and Crofton Plaza.

The applicant now requests to remove Proffer #8 in its entirety due to low demand and market conditions for age-restricted communities.

This proffer amendment request would reduce the amount of private housing planned for persons aged fifty-five (55) or older. Nahor Village would become the primary age-restricted development with similar type housing within the Rivanna community planning area. However, the approved assisted living facility (SUP 04:20) will remain a component of Village Oaks and an alternative for Fluvanna’s seniors.

Bibb: The proffers were setup for the assisted living facility so that the 55 and older age group would have a place to go and age in place. Also in 2012, we amended proffer #8 to comply with HUD regulations.

Applicant Charlie Armstrong, Southern Development: Nothing would change in that regard; it would still be planned for the assisted living facility.

Bibb: But would this change the age restriction for the community; was this the intent of the assisted living facility?

Applicant Charlie Armstrong, Southern Development: Yes

Bibb: Has this idea already come before the Board of Supervisors and they denied it?

Applicant Charlie Armstrong, Southern Development: It was to soften the proffer, not take it out entirely. I want to be clear we would not be changing the community but adding to it. About 12 years ago, we put in spec. homes and it took five years to sell three of them. Unfortunately, things change and seniors are not seeking this style of community anymore. We would not be changing things like amenities, commercial businesses, and homeowner’s services like lawn maintenance; the builders would still offer one-level homes.

Bibb: How many proffers are currently completed?

Applicant Charlie Armstrong, Southern Development: We have completed most of them. We have not done the assisted living facility, some trails, community center, and the commercial spaces. We did not feel it made sense to complete these due to there being only three residents so far.

Zimmer: I would think some obligation to these residents is needed. Besides the letters of support you’ve brought, are any of the current residents here.

Applicant Charlie Armstrong, Southern Development: No. We do want to uphold our reputation and commitment to them as our buyers. We have asked them and have email correspondence showing that they are ok with this.

Gaines: Who spoke to them and when?

Applicant Charlie Armstrong, Southern Development: Our sales team has spoken to them within the last 45 days.

Zimmer: I am concerned this proffer amendment changes the intent from the original proposal. We have softened the proffer already to comply with HUD. It does bother me that in 2010 they tried to eliminate proffers 8 and 15.

O'Brien: I share your same concerns. I think it's important to stick to the plan presented as much as possible with respect to our communities.

Gaines: I do agree however, many things have changed in real estate since the market got bad.

O'Brien: Do we commit to what we approve or do we allow changes when things don't go the way someone wants.

Zimmer: Is there a middle ground here that would allow the developers a little more flexibility yet not a free for all. A proffer is something of value that the county gives with consideration. Is there a way to retain that as well?

Lagomarsino: We also have to consider rescue services and the impact on schools. I do agree if the community sits mostly empty, it helps no one.

Bibb: Is there a way to modify a certain amount of homes as 55 and over?

Zimmer: Removing age restrictions will not keep anyone from buying but no assisted living facility will.

Lagomarsino: If we don't have people then commercial development within the site won't happen.

Bibb: Mr. Payne, could we change or modify proffer #2 to a different percentage?

Payne: You could take paragraph 2 and change that to a different number. However, they could say anything to amend the proposed proffer.

Applicant Charlie Armstrong, Southern Development: I appreciate the discussion and thoughts, what you are thinking is what we are thinking.

Applicant Charlie Armstrong of Southern Development made a request for deferral.

Gaines made a motion to recommend deferral of ZMP 17:02, a request to remove proffer number eight (8) of ZMP 04:02 with respect to Tax Map 9, Section A, Parcels 13 and 14C and Tax Map 9, Section 13, Parcels A, B, 1, 2, 3, 4, 5, 6 and 7. Seconded by Zimmer. The motion carried a vote of 5-0-0 AYE: Gaines, Zimmer, Bibb, Johnson, and Lagomarsino NAY: None ABSTAIN: None ABSENT: None

PRESENTATIONS:

None

Site Development Plans:

SDP 17:05 – County Waste of VA – Brad Robinson, Senior Planner

Approval of a sketch plan request to expand an existing parking area for vehicles and container storage with respect to 5.469 acres of Tax Map 5, Section 7, Parcel 9A. The affected property is located on the south side of U.S. Route 250 (Richmond Road) approximately 0.42 miles west of its intersection with U.S. Route 15 (James Madison Highway). This property was rezoned from A-1 to I-1 on October 18, 2000 (ZMP 00:03). A site development plan (SDP 03:10) was approved December 22, 2003 for an office trailer. A site development plan (SDP 04:17) was approved March 2, 2007 for frontage improvements along Route 250 and expansion of existing gravel storage area.

The applicant is requesting sketch plan approval to expand an existing parking area on property zoned I-1 and 5.469 acres in size. The property currently contains a 40' x 75' office/shop building and gravel parking area. The existing building was built in 1980 according to real estate information and has been occupied by various businesses. County Waste of VA is the current tenant but is in the process of buying the property. According to the submitted sketch plan, the applicant is proposing to construct 55 parking spaces for cars (which includes employee parking), 46 parking spaces for company trucks, 7 spaces for trailers and 5 handicapped spaces. The total amount of parking spaces on the site would be 113 spaces.

Bibb: I was concerned about the variances in the original discussion. Will they be asked for or are they void at this point?

Applicant Ms. Kris Price Insol Inc.: It would be asked as a back up to the Van Der Linde transfer station

Bibb: If you wanted to take down trees for the planning area, you would need to eliminate spots for handicap parking spaces. What if at some point you have handicap employees working for you? You've also said there would be no pedestrian traffic on the property but the workers would be considered pedestrians when exiting their vehicles.

Applicant Ms. Kris Price Insol Inc.: We did make one change to the site plan that was in the preliminary stage. This change is not currently in your package; we will have a weight scale that would be a backup to the Van Der Linde transfer station.

Payne: Yes, it could affect it. If it's supposed to be on the plan then it should be there. Maybe staff ought to add a condition to have it on the final site plan. Something like a scale could affect the traffic circulation.

Stewart: This proposal has been to the TRC. The change in this feature of that sort would need to be vetted.

Bibb: So it needs to go back to the TRC?

Stewart: Yes

Applicant Ms. Kris Price Insol Inc.: It was presented on the site plan for the TRC but it's not being presented in the planning department's package.

Stewart: If the TRC has seen it then I feel we could condition it.

O'Brien: What is the increase of growth right now?

Applicant Ms. Kris Price Insol Inc.: The projected change would be 17 trucks to 46 trucks.

O'Brien: Number of employees?

Bob; Manager: 55 with 56 truck spaces.

Recommended Conditions:

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

Gaines made a motion to recommend approval of SDP 17:05, a sketch plan request to expand an existing parking area for vehicles and container storage with respect to 5.469 acres of Tax Map 5, Section 7, Parcel 9A, subject to the conditions listed in the staff report and adding the scale to the final site plan as presented at the TRC. Seconded by Zimmer. The motion carried a vote of 5-0-0 AYE: Johnson, Zimmer, Gaines, Lagomarsino and Bibb NAY: None ABSTAIN: None ABSENT: None

Subdivisions:

None

Unfinished Business:

None

New Business:

None

Public Comments:

None

Adjourn:

Chairman Bibb adjourned the Planning Commission meeting of August 08, 2017 at 8:13 P.M.

Minutes recorded by Stephanie Keuther, Senior Program Support Assistant.

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

Approved