

**FLUVANNA COUNTY PLANNING COMMISSION**  
**REGULAR MEETING MINUTES**  
**Circuit Court Room--Fluvanna County Courts Building**  
**September 12, 2017**  
**7:00 p.m.**

**MEMBERS PRESENT:** Barry Bibb, Chairman  
Ed Zimmer, Vice Chairman  
Lewis Johnson  
Howard Lagomarsino  
Rivanna District - Vacant

**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:** Tony O'Brien, Board of Supervisors Representative

**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 16, 2017

**ZMP 17:02 Village Oaks** – An ordinance to amend one proffer associated with ZMP 04:02 of the Fluvanna County Zoning Map with respect to 38.869 acres of Tax Map 9, Section A, Parcels 13 & 14C and Tax Map 9, Section 13, Parcels A, B, 1, 2, 3, 4, 5, 6 & 7, all zoned R-3, Residential, Planned Community. This amendment, if approved, would remove the restriction that at least 80% of occupied units must be occupied by at least one person who is 55 years of age or older. The property is located along Lake Monticello Road (Route 618) between River Run Drive and Ashlawn Boulevard, and is within the Rivanna Community Planning Area and the Palmyra Election District.  
**(Deferred)**

**September 6, 2017**  
None

**Board of Zoning Appeals Actions:**  
None

**Technical Review Committee for August 10, 2017:**

I. **SUP 17:03 – Mary E. Marks** – A request to amend Special Use Permit SUP 13:08 for a Commercial Kennel with respect to 26.602 acres of Tax Map 21, Section 12, Parcel 5. This amendment, if approved, would increase the number of dogs allowed from 20 to 40. The property is zoned A-1 (Agricultural, General) and is located on the north side of Bybee Farms Lane approximately 0.15 miles west of its intersection with Hollands Road (Route 630). The property is located in the Columbia Election District and is within the Rural Preservation Planning Area.

**Public Comments:**  
None

**Approval of Minutes**  
Minutes of August 08, 2017

**\*\*County attorney Fred Payne noted before voting that the Rivanna District seat is currently vacant and will be included as an absent vote in the motions. \*\***

**Motion:**  
Lagomarsino made a motion to approve the minutes of the August 08, 2017 Planning Commission meeting as presented. Seconded by Johnson. **The motion carried a vote of 4-0-0 AYE: Lagomarsino, Johnson, Bibb, and Zimmer. NAY: None ABSTAIN: None ABSENT: Rivanna District; Vacant**

**Public Hearing:**

**\*\*County attorney Fred Payne noted there was a problem in the notifications for ZMP 17:03 Columbia rezoning that had to be corrected. He recommended that the public hearing be opened for discussion and public comment, and then adjourned for a vote on the October 10, 2017 meeting. \*\***

**ZMP 17:03 - Columbia Rezoning - Brad Robinson, Senior Planner**

To approve an ordinance amending the Fluvanna County Zoning Map in order to establish county zoning districts within the limits of the former town of Columbia.

The former town of Columbia is located in the southeastern corner of the county along Virginia Route 6. Proposed Zoning, A-1 (Agricultural, General), BC (Business Convenience), I-2 (Industrial, General) and R-4 (Residential, Limited)

The town voted to disband on March 17, 2015. General Assembly approved disbanding of Town Charter on March 4, 2016.

Board of Supervisors approved ZMP 16:03 to amend the Fluvanna County Zoning Map to include within the Special Flood Hazard. Districts of the Flood Protection Overlay District the area within the limits of the former Town of Columbia, pursuant to County Code Section 22-17-8A, on July 6, 2016.

On July 11, 2017, the Planning Commission voted 4-0 to initiate an amendment to the zoning map and authorize staff to schedule a public hearing on this item

**The following parcels, all located south of Virginia Route 6, are proposed to be zoned A-1 (Agricultural, General) due to their location within the flood zone:**

53 A 63B; 54A 1 74A; 54A 1 75; 54A 1 76; 54A 1 77; 54A 1 78A; 54A 1 78B; 54A 1 79; 54A 1 80; 54A 1 80A; 54A 1 82; 54A 1 91; 54A 1 91A; 54A 1 92; 54A 1 93; 54A 1 94; 54A 1 95; 54A 1 95A; 54A 1 96; 54A 1 97; 54A 1 98; 54A 1 99; 54A 1 102; 54A 1 103; 54A 1 104; 54A 1 105; 54A 1 106; 54A 1 107; 54A 1 108; 54A 1 109; 54A 1 110; 54A 1 111; 54A 1 114; 54A 1 114A; 54A 1 114B; 54A 1 11; 54A 1 116; 54A 1 117; 54A 1 118; 54A 1 119; 54A 1 120; 54A 1 121; 54A 1 122; 54A 1 123; 54A 1 124; 54A 1 125; 54A A 112; and 54A A 113.

**The following parcels, all located along the north side of Virginia Route 6, are proposed to be zoned BC (Business Convenience):**

54A 1 49; 54A 1 50; 54A 1 51; 54A 1 52; 54A 1 53; 54A 1 54; 54A 1 55; 54A 1 56; 54A 1 57; 54A 1 58; 54A 1 59; 54A 1 60; 54A 1 60A; 54A 1 60B; 54A 1 61; 54A 1 61A; 54A 1 61B; 54A 1 62; 54A 1 62A; 54A 1 63; 54A 1 63A; 54A 1 63B; 54A 1 63C; 54A 1 64; 54A 1 64A; 54A 1 64B; 54A 1 65; 54A 1 66; 54A 1 71A; 54A A 10; 54A A 11; and 54A A 11A.

**The following parcels, all located along the south side of Virginia Route 6 and containing an existing industrial business, are proposed to be zoned I-2 (Industrial, General):**

54A 1 67; 54A 1 68; 54A 1 69; 54A 1 70; 54A 1 71; 54A 1 72; 54A 1 72A; 54A 1 73; 54A 1 73A; 54A 1 74; 54A 1 83; 54A 1 84; 54A 1 85; 54A 1 86; 54A 1 87; 54A 1 88; 54A 1 89; 54A 1 90; and 54A 1 90A.

**The following parcels, all located north of Virginia Route 6 and containing residential and/or Civic uses such as churches are proposed to be zoned R-4 (Residential, Limited):**

54A 1 1; 54A 1 2; 54A 1 3; 54A 1 4; 54A 1 5; 54A 1 6; 54A 1 7; 54A 1 8; 54A 1 9; 54A 1 10; 54A 1 11; 54A 1 12; 54A 1 13; 54A 1 14; 54A 1 14A; 54A 1 15; 54A 1 16; 54A 1 17; 54A 1 18; 54A 1 19; 54A 1 20; 54A 1 21; 54A 1 22; 54A 1 23; 54A 1 24; 54A 1 25; 54A 1 26; 54A 1 27; 54A 1 28; 54A 1 29; 54A 1 29A; 54A 1 30; 54A 1 31A; 54A 1 32; 54A 1 33; 54A 1 34; 54A 1 35; 54A 1 36A; 54A 1 36B; 54A 1 37; 54A 1 38; 54A 1 39; 54A 1 40; 54A 1 41; 54A 1 42; 54A 1 43; 54A 1 44; 54A 1 45; 54A 1 46; 54A 1 47; 54A 1 47A; 54A 1 48; 54A 1 48A; 54A A 3; 54A A 4; 54A A 6; 54A A 7; 54A A 8; and 54A A 9.

**Public Comments**

**Zimmer:** Does the zoning map create any non-conforming issues besides set-back requirements?

**Payne:** Yes, the original plan of Columbia did not contemplate modern zoning enforcement.

**Harold Morris from Kents Store, Representing St Joseph's Church in Columbia:** The town of Columbia gave to the Diocese of Richmond the property known as the Columbia Town Hall. We have currently demolished the structure and made that into a parking for the church. This was previously zoned as business. The information the church received said this would remain business. I'm wondering if this is the correct zoning for this lot.

**Zimmer:** It appears to be proposed to be zoned Residential-4 on the map

**Harold Morris:** Yes, but not according to my letter and the Fluvanna Review. We may one day want to put classrooms on that lot.

**Zimmer:** With the way it's worded right now would that trump it and be considered business?

**Stewart:** Yes. We will have to look at it and make sure the parcels match up.

**Brenda Beasley of Dogwood Drive:** We own 8 lots in Columbia half of which are in the flood plain. I have been trying for years to get answers on what can be done with these lots. On May 3<sup>rd</sup>, I met with members of the commission to get clarification on what can be done. I was told on June 16th whatever it was zoned currently could be grandfathered in and I would be sent a document containing that. I sent a memo to the Planning Dept. with a six other questions, and the response I then received was to get lawyer for those questions to be answered.

I called again on September 11, 2017 for clarification on what R4 zoning means and how it affect my half-acre lots. I still didn't get an answer. (Silence) It doesn't appear I'm going to get an answer here tonight either.

**Bibb:** Would someone from the Planning Department please send Ms. Beasley information pertaining to what R4 is.

**Stewart:** Mr. Robinson has spoken to Ms. Beasley about the R4 designation.

**Beasley:** No sir he has not

**Robinson:** I did speak to her and directed her to the Zoning ordinance on the county website.

**Motion:**

Zimmer made a motion to move that the Planning Commission adjourn the public hearing meeting of ZMP 17:03 to the October 10, 2017 a request to amend the Fluvanna County Zoning Map in order to establish county zoning districts on all parcels within the limits of the former town of Columbia. Seconded by Johnson.

**The motion carried a vote of 4-0-0 AYE: Lagomarsino, Johnson, Bibb, and Zimmer. NAY: None ABSTAIN: None ABSENT: Rivanna District; Vacant**

**SUP 17:03 – Mary Marks – James Newman, Planner**

A request to amend Special Use Permit SUP 13:08 for a Commercial Kennel with respect to 26.602 acres of Tax Map 21, Section 12, Parcel 5. This amendment, if approved, would increase the number of dogs allowed from 20 to 40. The property is zoned A-1 (Agricultural, General).

The subject property is located on the north side of Bybee Farms Lane approximately 0.15 miles west of its intersection with Hollands Road (Route 630). The property is located in the Columbia Election District and is within the Rural Preservation Planning Area

**Existing Conditions of SUP 13:08:**

1. Prior to development of the site, a site development plan that meets the requirements of the Fluvanna County Zoning Ordinance, must be submitted for review and approval.
2. The site must meet all Virginia Department of Transportation requirements.
3. The site must meet the requirements set forth by the Virginia Department of Health.
4. The property shall be maintained in a neat and orderly manner so that the visual appearance from the road and adjacent properties is acceptable to County officials.
5. The Board of Supervisors, or its representative, reserves the right to inspect the business for compliance with these conditions at any time.
6. Under Sec. 22-17-4 F (2) of the Fluvanna County Code, the Board of Supervisors has the authority to revoke a Special Use Permit if the property owner has substantially breached the conditions of the Special Use Permit.
7. Noise attenuation measures including insulation, fencing, etc. satisfactory to the Zoning Administrator to be provided prior to issuance of Certificate of Occupancy.
8. Fencing will be six (6) foot-tall brown chain-link.
9. No more than 20 dogs on the premises at any given time

**New language of this SUP will have condition 9 read as:**

9. No more than 40 dogs on the premises at any given time

**James:** All conditions of SUP 13:08 will be inforce if this Special Use Permit is accepted; Condition 9 will be amended to read 40 in place of 20.

**Johnson:** What was the response from the neighbors at the neighborhood meeting?

**James:** Two were neutral and one objected.

**Zimmer:** Is this business located on a public or private road?

**James:** Private

**Johnson:** What was the neighbor's objection?

**James:** There was a concern for wear and tear of the road that could generate from the traffic. And a noise concern.

**Public Comments**

**Paul Ponzio Jr, Palmyra:** I do not support this. I was at the neighborhood meeting where I stated my concerns, which were not fully addressed in that presentation. I spent long time in the animal control profession. I feel the increase of dogs will be detrimental to Fluvanna County, the dogs and public safety. There's already an increase in traffic when we're supposed to be a rural area. With respect to these animals, it's a 36x24 garage, not a kennel. That's about 21sq. ft. per dog not including anything else that might be in there. It's overcrowding and not safe when it comes to ventilation. There are no physical barriers; dogs get all kinds of issues socially and aggressively when due to overcrowding. Who's to say there won't be more than 40 dogs, who will police this? Where will all the waste go?

**Bibb:** (After calling forth the applicant) Are the dogs out during the day and inside at night?

**Applicant: Mary Marks; Viking Farms In:** I run Canine Concierge. If I may address the concerns of my neighbor: All of my dogs know each other. They are not aggressive. The garage has ventilation: the door is open if someone is present and we have fans on. The dogs are loose unless noted by the owner. I do have help with staff in the dog

room. The dogs have over an acre to run. If it's raining they do go in a little early. I have generators if power goes out. I do the pickup and drop-off for most of the dogs. I do have waste from the dogs however, I have people that come and pick it up to use. I'm expanding do to the closing of another kennel.

**Bibb:** Are the dogs separated when fed?

**Applicant:** Yes. Some have allergies so we have to keep them in separate kennels while eating.

**Patricia Eager of 1107 Mechunk Dr:** I went away one holiday and Mary watched my Pekingese. It's like a home there not stuck in a kennel all day.

**Motion:**

Zimmer made a motion to recommend approval of SUP 17:03, a request to amend Condition 9 of Special Use Permit 13:08, to allow for no more than 40 dogs on the premises at any given time, at a commercial kennel with respect to 26.602 acres of Tax Map 21, Section 12, Parcel 5.

Seconded by Johnson. **The motion carried a vote of 4-0-0 AYE: Lagomarsino, Johnson, Bibb, and Zimmer. NAY: None ABSTAIN: None ABSENT: Rivanna District; Vacant**

**PRESENTATIONS:**

None

**Site Development Plans:**

None

**Subdivisions:**

None

**Unfinished Business:**

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

**Overview/Recap**

- Public hearing held August 8, 2017
- Planning Commission voted 5-0 to defer this request
- Application originally proposed removal of Proffer #8
- Application revised August 28, 2017 to amend Proffer #8

**Existing Proffer 8**

The development will meet, at a minimum, the federal standards for age-restricted housing as defined in the Fair Housing Amendments Act of 1988 and Housing for Older Persons Act of 1995: Final Rule. The following requirements shall apply:

1. The housing shall be intended and designed for persons aged 55 and older;
2. At least 80% of the occupied units shall be occupied by at least one (1) person who is 55 years of age or older;
3. The development shall publish and adhere to policies and procedures that demonstrate its intent to operate as housing for persons 55 years of age or older. This shall be recorded as a covenant and restriction for the community; and
4. The development shall also comply with rules issued by HUD for the verification of occupancy.

**Proposed Amended Proffer 8**

A minimum of 35% of the housing shall be designed with at least one bedroom on the first floor, such that all typical living functions can be accommodated on the first floor of the home.

The proposed proffer amendment removes the age restriction of 55 or older but still ensures a certain percentage of units are designed for main floor living;

Village Oaks to still contain an assisted living facility (SUP 04:20);

Planning Commission should consider how this request does (or does not) align with the goals and objectives of the Comprehensive Plan

**Applicant; Charlie Armstrong: Southern Development**

**Bibb:** It doesn't seem like the new proffer is exactly like the one we discussed at our last meeting. Is the only accommodation for age 55 and older going to be first floor bedrooms?

**Applicant:** That's what is proffered. We also intend on making wider doorways, the reason we didn't include those in the proffer because it leads to many internal inspections, which can be problematic. Also, those features aren't always wanted.

**Bibb:** The original application was to have an age-in-place community with the combination of the assisted living facility.

**Motion:**

Zimmer made a motion to recommend approval of ZMP 17:02, a request to amend proffer number eight (8) of ZMP 04:02 with respect to Tax Map 9, Section A, Parcels 13 & 14C and Tax Map 9, Section 13, Parcels A, B, 1, 2, 3,

4, 5, 6 & 7. Seconded by Lagomarsino. **The motion carried a vote of 4-0-0 AYE: Lagomarsino, Johnson, Bibb, and Zimmer. NAY: None ABSTAIN: None ABSENT: Rivanna District; Vacant**

**New Business:**

**Accessory Homestay – Brad Robinson, Senior Planner**

Staff gave a brief presentation about “accessory homestay” also known as short-term rentals.

The 2016 Virginia General Assembly passed legislation that would have prevented local governments from regulating short-term residential rentals, regardless of zoning code regulations

The Governor asked the Virginia Housing Commission to study the issue

In 2017, the General Assembly passed legislation very different from the 2016 version:

- Allows creation of a registry
- Allows jurisdiction to fine residents who operate without registration
- Does not restrict local government ability to regulate

**Current Fluvanna “Home Occupation” Definition**

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.”

**Bibb:** Would there be a registry at the county, or a permit? How would the health department be involved?

**Johnson:** If you serve food, you would want that to be inspected.

**Stewart:** Some cities require inspections by the Building Dept. as part of the Property Maintenance Code.

**Payne:** Air B&B’s initial concept was, If I go on vacation and leave my house empty and I want to rent to you while I’m gone I could do earn some money.

**Johnson:** We would have to hire a person full time to make sure everything is in compliance countywide.

**Payne:** This is just an introductory presentation. The answers to your questions are effectively whatever the Board says.

**Stewart:** We currently have B&B’s operating in the county now.

**Payne:** A lot of this is a new concept. Laws are not very well developed yet.

**Public Comments**

**James Newman, Fluvanna County Planner:** Per the Catholic Church and the rezoning, I would like to note that the church parcel would be rezoned R4 the parcel. Where the town hall lot is located will be zoned business. It’s hard to see on the map because the lines make it difficult to determine clearly. In your packet, the map shows you clearly and correctly what the zoning is to be.

**Adjourn:**

Chairman Bibb adjourned the Planning Commission meeting of September 12, 2017 at 8:13 P.M.

Minutes recorded by Stephanie Keuther, Senior Program Support Assistant.

---

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