

FLUVANNA COUNTY PLANNING COMMISSION
WORK SESSION AND REGULAR MEETING MINUTES
FLUVANNA COUNTY ADMINISTRATION BUILDING, MORRIS ROOM
6:00 p.m. Work Session 7:00 p.m. Regular Meeting
May 8, 2018

MEMBERS PRESENT: Barry Bibb, Chairman
Ed Zimmer, Vice Chairman
Lewis Johnson
Sue Cotellessa
Howard Lagomarsino
Patricia Eager, Board of Supervisors Representative

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:

Home Occupations— Presented by Brad Robinson, Senior Planner
Brad Robinson: gave a brief presentation on home occupation types.

Existing 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

Proposed Home Occupation definition: An occupation, ~~profession, enterprise or activity~~ 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 percent (25%) of the gross floor area of such dwelling or an accessory structure shall be used for such occupation. Home occupations shall include the rental of rooms to tourists.

Home occupation types:

Type I: A lower intensity home occupation suitable for more densely occupied residential areas.

Type II: A higher intensity home occupation suitable for agricultural and rural areas of the county.

Amended Home occupation definition?

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 percent (25%) of the gross floor area of such dwelling or an accessory structure shall be used for such occupation. Home occupations shall include the rental of rooms to tourists.

- *Home occupation, type I: A lower intensity home occupation suitable for more densely occupied residential areas.*
- *Home occupation, type II: A higher intensity home occupation suitable for agricultural and rural areas of the county.*

Fine arts studio existing definition: 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).

Fine arts studio proposed definition: The workshop of an artist, writer, craftsperson, or photographer, but not a place where members of the public come to receive instruction on a more than incidental basis or to sit for photographic portraits.

Requires a special use permit in the A-1 District

Commission Comments and Discussion:

The commission discussed the different types of home industries and the use of dwelling space percentages.

Ms. Cotellessa recommended changing Type I and Type II to major and minor for less confusion.

Mr. Payne noted his concern of the intensity definition. What intensity is, and how it would need to have more standards/criteria.

ZTA – Density Updates— Presented by James Newman, Planner

James Newman: gave a brief presentation showing different amounts of housing density.

Commission Comments and Discussion:

The commission discussed raising the R-3 Zoning Density to permitting up to 10 dwelling units per acre with an SUP, while remaining in line with the comp plan.

Open the Regular Session at 7: 00pm (Mr. Barry Bibb, Chairman)

The Pledge of Allegiance followed by a Moment of Silence.

Director's Report: Mr. Stewart:

Board of Supervisors Actions:

April 18, 2018

ZTA 18:02-Telecommunication Facilities Fees: An Ordinance to Amend Chapter 22, Articles 17 and 27 of the Fluvanna County Code By Certain Amendments to Sections and Subsections 22-17-7, and 22-27-14, Thereof, Amending the Fluvanna County Zoning Ordinance. The public purpose of these amendments is to update the fee schedule for telecommunication facilities.

(Approved 5-0)

May 2, 2018

None

Board of Zoning Appeals Actions:

April 17, 2018

BZA 18:02 Kathleen Sharp: A request for a variance to Fluvanna County Code Sec. 22-4-3.E.3 of the Zoning Ordinance to allow for the reduction of the minimum setback from a private road, from 100 feet to 45 feet, for the purpose of building on the 3.5 acre parcel Tax Map 20, Section A, Parcel 43G. The subject property is located in the Columbia Election District along Thomason Lane approximately 1,700 feet southeast of the intersection with Ridge Road (Route 632). The property is zoned A-1, Agricultural, General.
(Approved 4-0, with one absent)

Technical Review Committee for April 12, 2018:

- I. **SUP 18:02 Lake Monticello Owners Association** – A request for a special use permit to construct an outdoor recreation facility, with respect to 6.134 acres of Tax Map 18, Section A, Parcel 38E. The property is located between Bunker Boulevard and South Boston Road (Route 600), approximately 0.1 miles west of the Slice Road gate entrance to Lake Monticello. The parcel is zoned A-1 Agricultural, General and located within the Rivanna Community Planning Area and the Palmyra Election District.

Public Comments:

None

Approval of Minutes

Minutes of April 10, 2018

Motion:

Johnson made a motion to approve the minutes of April 10, 2018 Planning Commission meeting as presented. Seconded by Lagomarsino. The motion was approved with a vote of 5-0 AYE: Cotellessa, Johnson, Bibb, Zimmer, and Lagomarsino. NAY: None ABSTAIN: None ABSENT: None

Public Hearing:

SUP 18:02 – Lake Monticello Owners Association – Presented by Brad Robinson, Senior Planner

Request for a special use permit to establish an outdoor recreation facility with respect to 6.134 acres of Tax Map 18, Section A, Parcel 38E. The property is located between Bunker Boulevard and South Boston Road (Route 600), approximately 0.1 miles west of the Slice Road gate entrance to Lake Monticello. The parcel is within the Rivanna Community Planning Area and the Palmyra Election District.

- Outdoor Recreation Facility is defined as “Predominantly participant uses conducted in open or partially enclosed or screened facilities, but not including public facilities. Typical uses include, but are not limited to, golf courses, driving ranges, tennis courts, motorized cart and motorcycle tracks, paintball facilities, swimming pools, athletic ball fields.”;
- 6,473 sq. ft. building with office, garage and storage areas;
- Parking area and pads for gas tanks and chemical storage building

Bibb: Is it actually in Lake Monticello? I thought I read that it’s slightly outside of it.

Robinson: If they purchase the property, it would then become owned by Lake Monticello.

Bibb: So Lake Monticello Owners Association hasn’t purchased the property?

Robinson: At the time of the application, they hadn’t.

Bibb: Would this property have to follow the noise and lighting ordinances of Fluvanna County?

Stewart: All Site Plan and county code requirements would have to be followed before a certificate of occupancy would be issued.

Zimmer: It looks like they’re going to comply with any screening issue by leaving vegetation, right?

Stewart: It appears so; we would have to apply that at the site plan process.

Applicant Angie Cooke, Contracts Officer for Lake Monticello: This is a replacement building, for a building that already exists further down Bunker Blvd. The building needs a lot of repairs. The association is going through many changes over the last few years and trying to improve the facilities there. The proposed site would actually be less visible to the residents than the current site. This would also give us the opportunity to dispose of an old pole barn that sits out on the golf course that’s in bad shape.

Bibb: How does this property relate to the golf course in proximity?

Cooke: Right across the street, you can access it from holes 8 and 9.

Bibb: Does the property adjoin holes 8 and 9? **Cooke:** It’s right across the street.

Bibb: So they have to cross the road? **Cooke:** Yes, which they’re currently doing now.

Cotellessa: Can you give us a feel for the number of vehicle trips that would be going across per day, the number of employees that would be working at the office facility and what the hours are?

Cooke: Approximately 10 employees in the summer months; we scale back a little in the winter months.

Jim, Golf Course Superintendent: The earliest we start is 6 a.m. and we’re done by 2:30 p.m., or 7 a.m. to 3:30 p.m.

Bibb: Is this something that has gone before the owners association or is this decision just made by management?

Cooke: The budget was approved before the Lake Monticello Owners Association Board last year pending the approval of the Special Use Permit.

Cotellessa: It’s noted this is in an A-1 zoning district and this particular layout didn’t met setback requirements for the district. Has that been revised?

Cooke: We revised those changes prior to this meeting and the hydrant has been added to the plan.

Cotellessa: From the plan, it also has quite a bit of topography right at the entrance to the site. What type of cut and fill are you anticipating to build this site?

Cooke: The site that we picked to put the building on has the less grading requirements so it’s the flatter part of the property.

Cotellessa: So you have to build the road up to get there?

Bibb: How much daily activity and noise are you looking at having at the new building? How many employees and what times will they be coming through?

Cooke: About 10 employees from no earlier than 6 or 7 a.m. until about 2:30-3:00 p.m. and it’s mostly lawnmowers going back and forth which they already do now.

Cotellessa: Are members of the homeowners association and users of the golf course permitted to come on the property and use the facility?

Cooke: It’s really a maintenance building.

Cotellessa: So it’s predominately an ancillary use to the primary use.

Cooke: Correct. It’s primarily for staff.

Cotellessa: That gives me pause with respect to the definition of things that are allowed in that district because ancillary uses by themselves would not be allowed. I’m not sure this meets the definition.

Bibb: Mr. Stewart, would this ancillary use be permitted in a recreational area and does that apply under your examination of the ordinance?

Stewart: Mr. Robinson and I discussed this and we felt it did based on the definition. It’s not an accessory structure, it’s a primary structure on a single parcel but it is related to a recreational use.

Jim Boyd, Grimm + Parker Architects: Lake Monticello has been looking at doing this project for many years now. This would be a place where Lake Monticello will store equipment, sharpen mower blades, and stores chemicals. I know a chemical area sounds scary but it’s just for fertilizer. We’re upgrading the way we handle gasoline and pesticides and such matters from the existing facility.

Cotellessa: There’s been some question about whether or not they could rebuild in the same location. I’m sure that’s been discussed, I want to know what the outcome of that discussion was.

Boyd: When you apply the setbacks to the existing building, there’s a sliver of land to build on. The building is non-conforming so it would not be possible to rebuild in the existing location and comply with county rules. Lake Monticello did look at the possibility of acquiring adjacent land. This option did not turn out to be possible by the landowner.

Eager: If rebuilding is not possible, how about renovation?

Boyd: Because the building is in a non-conforming location. Additional land would be needed to build.

Public Comments:

Chairman Bibb opened the Public Hearing.

- **Glenn Ruther, 7 Bunker Blvd:** Spoke in opposition to the special use permit.
- **Jay Brown, 6 Spoon Terrace:** Spoke in opposition to the special use permit.
- **Jack Byers, 44 Ponderosa:** Spoke in opposition to the special use permit.
- **Carolyn Brown, 6 Spoon Terrace:** Spoke in opposition to the special use permit.
- **Julius Neelley, 21 Ponderosa Lane:** Spoke in opposition to the special use permit.
- **Kathy Seroskie, 11 Spoon Terrace:** Spoke in opposition to the special use permit.

Chairman Bibb closed the Public Hearing.

Johnson: Mr. Stewart, if we were to approve this, do we have any control over considering a turning lane?

Stewart: The Planning Commission can recommend any conditions they wish to have to the Board.

Johnson: So if we want to have the speed limit sign reduced we can do that?

Payne: That's a different issue. Speed limits are not enforceable. You can do things like require turning lanes if you think it's appropriate to make this use compatible.

Bibb: In considering this, should we consider another person's home occupation business when we're considering for the homeowners association? And does a home business occupation in Lake Monticello apply to the rules of Fluvanna County?

Payne: Yes, the zoning ordinance applies to Lake Monticello.

Bibb: In regards to Glen Ruther, is he in compliance with Fluvanna County ordinance? [Mr. Ruther stated he runs a business from his home for voice-over work]

Stewart: We don't have a way of knowing that.

Payne: Generally, home occupations are permitted in R-4.

Cotellessa: We require that home occupation be consistent with the residential nature of the community. The question was asked earlier if this property was part of the Lake Monticello Owners Association. The property as I understand it is under contract to purchase by Lake Monticello Owners Association and the lake can own properties that are not literally part of Lake Monticello. This is not zoned like the rest of Lake Monticello so it's not typically a part of Lake Monticello. It's zoned A-1. Several people have talked about through their written comments and oral testimony about rezoning, and variance actions. Those are all semantics that I think get confused when coming before the Board. It's not a rezoning, and it's not a variance, it's a special use permit. It's come in under a special use permit under the A-1 agricultural zoning district for this particular property. In order to come in under that A-1 it is currently as an outdoor recreational facility, which is allowed by a special use permit in this district. The question I have is whether this particular use is consistent as some of the others that are mention in public testimony and as I have mentioned before whether this meets that definition. Is it an outdoor recreational facility? The definition says it's predominantly participant uses. That's the first statement, conducted in open or partially enclosed or screen facilities. I don't think it's either of those. On the other hand, I do not feel that a maintenance facility like this is not consistent with the golf course, it certainly is. You could have the same sort of facility on a ball field. You need to have maintenance facilities. But to me they become ancillary uses and should be with the predominant use and not what looks to be shoe-horned into an A-1 zoned property. It's really an inappropriately defined special use.

Zimmer: Mr. Stewart, I have the same question. Is this appropriately named, is this truly an outdoor recreational facility? To me this is more of a landscaping type of supply area. Wouldn't that also be covered by an SUP in the A-1?

Stewart: Yes, or automobile maintenance repair facilities. The reason we said outdoor recreation facilities was association with recreational use.

Zimmer: But nothing is incompatible with Special use permitted activities in A-1?

Eager: It's not called athletic recreational.

Payne: It's clear it's part of the golf course in terms of its use. Clearly, the greens keeper is not one of the participant users. Outdoor recreational facility is a permitted use in the R-4 as well as the A-1. This is not an accessory use; it cannot be an accessory use. The golf course is not on the same parcel, therefore not in the same zoning district.

Zimmer: That helps me to understand why you made the determination that you did. It is part of the golf course activity, which is outdoor recreational facility, and the best you can tell nothing is going to occur here that could not be covered by an SUP. **Stewart:** Correct.

Payne: Landscaping material supply for example is also permitted by special permit in A-1.

Cotellessa: So if it were rezoned to R-4 to match the rest of Lake Monticello and the rest of the golf course, is this use as an outdoor recreational facility, landscape, or automobile facility allowed in an R-4?

Payne: In an outdoor recreational facility it would be.

Cotellessa: Right, but we've just said it doesn't really fit that definition so does it match any of the other ones?

Bibb: If you have a golf course, you need a maintenance facility. You wouldn't be able to maintain it otherwise.

Payne: The part about this is, Ms. Cotellessa used the word 'ancillary' and that's an appropriate word if this were zoned R-4 and it was joined to the golf course as a parcel then it could qualify as an accessory use to the golf course. So the SUP would certainly be appropriate.

Cotellessa: The staff report said it was unclear at this time whether the pole barn and the current maintenance shed will be demolished or repurposed. I understand that the maintenance shed is non-conforming and slightly in a public right-of-way. Certainly, the purpose of non-conforming is because you want to remove non-conforming uses. Certainly, expect that if this body were to recommend to the Board approval that we would also think about recommending those two old buildings be demolished.

Stewart: If the use were moved to another property, they would have two years to re-establish that use on that original property. So even if the building were vacant, they would need a SUP to reestablish the use.

Payne: Ms. Cotellessa's point for suggesting the condition of the approval of this permit might be the removal of the other building. I don't see anything wrong with that.

Zimmer: They mention two buildings the storage area and a pole barn. Is the pole barn also non-conforming? **Robinson:** The pole barn is actually on the golf course. I don't believe its non-conforming.

Payne: It's probably all non-conforming.

Stewart: R-4 was created in 1992 so not everything is going to fit. Most of the Lake is non-conforming.

Cotellessa: Does the zoning ordinance specify a time at which activities can begin?

Payne: Hours of operation can certainly be specified as a condition.

Stewart: I would have to look at the noise ordinance to see specifically how it would apply. There's certain exemptions for construction.

Cotellessa: A couple employees coming in for the day and setting up is one thing but revving it up at 6 a.m. would be another to a community.

Eager: They would be sharpening metal blades.

Cotellessa: The houses that sit on Slice Gate sit back far on the property versus up front. While trees are a good visual buffer, there not a great noise buffer.

Eager: I think we need to discuss the hours of operation.

Bibb: They said hours of 6 or 7 a.m. which sounds a little early to me. But I imagine if they're trying to mow the golf course before people get on it, it would have to be early.

Zimmer: I think we need to take in account that it's in a residential area and 6 a.m. is pretty early.

Bibb: Angie would there be a problem if we limited the start time to 8 a.m.?

Jim, Golf Course Superintendent: That won't work.

Cooke: We are not looking to change the operational hours.

Bibb: What's the latest at night?

Jim, Golf Course Superintendent: 3 p.m. in the afternoon.

Bibb: About how many pieces of equipment would go out in the mornings?

Jim, Golf Course Superintendent: 6 pieces.

Recommended Conditions:

If approved, Staff recommends the following conditions:

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. Any lighting shall not be directed toward adjacent properties and comply with Article 25 of the Fluvanna County Code.
3. 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.
4. The Board of Supervisors, or its representative, reserves the right to inspect the property for compliance with these conditions at any time.
5. 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.

Motion:

Zimmer moved that the Planning Commission recommend approval of SUP 18:02, a request to establish an outdoor recreation facility with respect to 6.134 acres of Tax Map 18, Section A, Parcel 38E, [if approved] subject to the five (5) conditions listed in the staff report. Seconded by Lagomarsino. The motion was approved with a vote of 4-1-0

AYE: Johnson, Bibb, Zimmer, and Lagomarsino. NAY: Cotellessa ABSTAIN: None ABSENT: None

ZTA 18:04 - BZA Fee – Presented by James Newman, Planner

James Newman: Gave a brief presentation on Board of Zoning Appeals (BZA) fee schedule.

An Ordinance to Amend Chapter 22, Article 17 of the Fluvanna County Code By Certain Amendments to Section and Subsection 22-17-7, Thereof, Amending the Fluvanna County Zoning Ordinance. The public purpose of these amendments is to bring fees in line with costs. The fee for the Appeal of Zoning Administrator Application is proposed to be raised from \$125 to \$550, the same as a Variance application. Both use the exact same process.

Public Comments:

None

Motion:

Cotellessa moved that the Planning Commission recommend approval of ZTA 18-04, an Ordinance to Amend Chapter 22, Article 17 of the Fluvanna County Code By Certain Amendments to Section and Subsection 22-17-7, Thereof, Amending the Fluvanna County Zoning Ordinance. The public purpose of these amendments is to bring fees in line with costs. Seconded by Johnson. The motion was approved with a vote of 5-0 AYE: Cotellessa, Johnson, Bibb, Zimmer, and Lagomarsino. NAY: None ABSTAIN: None ABSENT: None

PRESENTATIONS:

None

Site Development Plans:

None

Subdivisions:

None

Unfinished Business:

None

New Business:

2232 Review of Zion Crossroads Water & Sewer Project – Presented by Wayne Stephens, Public Works Director and Jason Stewart, Planning and Zoning Administrator
The term "2232 Review" is derived from a Code of Virginia requirement under Section 15.2-2232. The County's 2232 Review Process determines the compatibility of proposed public facilities with the locational guidelines established in the Comprehensive Plan. Specifically, this process determines if the general or approximate location, character and extent are in substantial accord with the Fluvanna County Comprehensive Plan.

Comprehensive Plan References

Chapter 3, Infrastructure

"The economic development of Zion Crossroads depends on the provision of water and sewer, and development in the rest of the county will be largely influenced by the location, availability, and capacity of new infrastructure."

"The county is preparing to issue a request for proposals (RFP) for the water system's design. The initial source and capacity of water and sewer will come from the purchase of excess from the Department of Corrections, whose Women's Correctional Facility is located on Route 250, west of Zion Crossroads. Potential additional water sources include groundwater, an upgrade of DoC's Water Treatment Plant, and JRWA raw water, which could be treated by either Louisa County or the construction of a new treatment plant."

Chapter 5, Economic Development

"Efforts to expand sewer and water services require partnering with Louisa County and the Department of Corrections. The James River Water Authority is the cooperative body representing the water interests of Fluvanna and Louisa. JRWA's resources will be supplemented by water and sewer services provided by the Department of Corrections, whose Fluvanna facilities enjoy sewer and water surpluses."

"The primary infrastructure service areas will be the Zion Crossroads, Lake Monticello, and Fork Union community planning areas, which established pursuant to the Code of Virginia, section 15.2-2223.1. Of these, Zion Crossroads is considered the most viable area to attract light industrial, technology business, medical facilities, and retail."

MOTION:

Johnson moved that the Planning Commission finds that the proposal by the Board of Supervisors of Fluvanna County, Virginia, to construct a water and sewer system within the Zion Crossroads Community Planning Area, satisfies the criteria of location, character and extent as specified in Virginia Code Section 15.2-2232, as amended and that is substantially in accord with the provisions of the adopted Comprehensive Plan. Seconded by Zimmer. The motion was approved with a vote of 5-0 AYE: Cotellessa, Johnson, Bibb, Zimmer, and Lagomarsino. NAY: None ABSTAIN: None ABSENT: None

Public Comments:

None

Adjourn:

Chairman Bibb adjourned the Planning Commission meeting of May 08, 2018 at 8:24 p.m.

Minutes recorded by Stephanie Keuther, Senior Program Support Assistant.

Barry A. Bibb, Chairman
Fluvanna County Planning Commission