

FLUVANNA COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
Morris Room
August 13, 2019
7:00 pm Regular Meeting

MEMBERS PRESENT: Barry Bibb, Chairman
Ed Zimmer, Vice Chairman
Lewis Johnson
Gequetta "G" Murray-Key (arrived at 7:40pm)
Howard Lagomarsino
Patricia Eager, Board of Supervisors Representative

ALSO PRESENT: Douglas Miles, Community Development Director
Brad Robinson, Senior Planner
Holly Steele, Planner
Fred Payne, County Attorney
Valencia Porter, Senior Program Support Assistant

ABSENT: None

1. **Open the Regular Meeting:**
At 7:00pm, Chairman Bibb called the Regular Meeting to order, followed by the Pledge of Allegiance and a moment of silence.
2. **Director's Report: Douglas Miles**

Board of Supervisors Actions:

July 9, 2019 (Special Meeting)

ZTA 19:01 – Fluvanna County Zoning Ordinance – Industrial Setbacks: An Ordinance To Amend Chapter 22 Of The Fluvanna County Code By The Addition Of A New Subsection 22-11-5 And 22-12-5 To Reduce The Minimum Building Setbacks For Properties In Industrial Subdivisions. **(Approved 5-0)**

August 7, 2019

None

Board of Zoning Appeals Actions:

None

Technical Review Committee for July 11, 2019:

1. **SUP 19:06 Green Thumb Landscaping** – A request for a special use permit for a landscaping materials supply business, with respect to 1.631 acres of Tax Map 20, Section A, Parcel 8. The property is located on Bybees Church Road (State Route 613), 0.4 miles from the intersection with Barnaby Road (State Route 608). The parcel is zoned A-1 Agricultural, General and located within the Rural Residential Planning Area and the Columbia Election District.
2. **SUP 19:07 Howard T. Brown** – A request for a special use permit to establish a restaurant and gas station, with respect to 1.733 acres of Tax Map 18, Section 3, Parcel 2. The property is located along Thomas Jefferson Parkway (Route 53), approximately 0.1 miles north of the intersection with Ruritan Lake Road (State Route 619). The parcel is zoned A-1 Agricultural, General and located within the Rural Residential Planning Area and the Cunningham Election District.

Technical Review Committee for August 8, 2019:

1. **SDP 19:11 Village Oaks Clubhouse** – A site development plan request to construct an 80’ x 38’ clubhouse and parking area with respect to 21.115 acres of Tax Map 9, Section A, Parcel 14C. The property is zoned R-3, Residential, Planned Community and located along Lake Monticello Road (Route 618) approximately 0.1 miles north of Ashlawn Boulevard (Main Gate to Lake Monticello). The property is located in the Palmyra Election District and is within the Rivanna Community Planning Area.
2. **ZMP 19:01 Nermin Smajlovic** – A request to rezone, from A-1 Agricultural, General to B-1 Business, General, 0.957 acres of Tax Map 5, Section 9, Parcel 2. The property is located along James Madison Highway (U.S. Route 15) approximately 0.4 miles south of the intersection with Richmond Road (U. S. Route 250). The property is within the Zion Crossroads Community Planning Area and the Columbia Election District.
3. **Public Comments:**
No Comments were provided
4. **Minutes:**

MOTION:	Planning Commission Minutes of July 9, 2019				
MEMBER:	Bibb (Chair)	Zimmer (Vice Chair)	Johnson	Murray-Key	Lagomarsino
ACTION:			Seconded		Motion
VOTE:	Yes	Yes	Yes	Absent	Yes
RESULT:	Approved 4-0				

5. **PUBLIC HEARINGS:**

SUP 19:06—Green Thumb Landscaping—Holly Steele, Planner

- A request for a special use permit for a landscaping materials supply business, with respect to 1.631 acres of Tax Map 20, Section A, Parcel 8.
 - Business entails a limited number of mulching material piles and associated equipment.
- Rural Residential Community Planning Area;
- Columbia Election District;
- There is no previous zoning history on the property.

Conclusion:

- Request is to operate a landscaping materials supply business;
- Would bring economic development to the county;
- Mulching piles are already partially screened from the road and the Fluvanna County Zoning Ordinance will require additional screening to be put in place;
- Business is conducted offsite so there will be no additional outside traffic flow from customers to the property;
- Appears to meet all County Code requirements.

Zimmer: What are the screening requirements?

Holly Steele, Planner: Essentially it requires that landscaping materials be screened from the road and adjoining properties.

Zimmer: There is some indication in the application that they don’t believe screening is possible on their lot.

Steele, Planner: Right, we going to work on that with the sketch plan and see how we can get it adequately screened and in compliance.

Mike Himes (Representative): Spoke on behalf of the applicant’s background

Chairman Bibb opened the Public Hearing.

Robert Cassidy, 907 Bybees Church Road:

I have concerns about traffic on this narrow residential road. I have concerns about the noise I hear up there and whatever it’s going to look like after the partitions go up. It’s already a danger coming up on that hill, right before you get to Ryan’s driveway. You can’t tell who is coming up the hill. It’s a big concern with this commercial business on this residential road. I’ve been a resident in the area for 33 years.

Chairman Bibb closed the Public Hearing.

Zimmer: So this is zoned agricultural just like the rest of the county?

Holly Steele, Planner: Yes, it is. VDOT also has reviewed the site plan, and they don't have any additional comments about this. Mr. Pace has agreed to put a traffic mirror out at the road so it will help traffic.

Johnson: How long has this business been operating?

Ryan Pace (Applicant): Since May of 2018, just over a year.

Zimmer: What types of vehicles are coming and going?

Ryan Pace: Chevy and Ford dump trucks. The bobcat machine does have a back-up beeper but we can have that turned off. Tractor Trailers come at least once a month for deliveries.

Motion:

I move that the Planning Commission recommend Approval of SUP 19:06, a request for a landscaping materials supply business, with respect to 1.631 acres of Tax Map 20, Section A, Parcel 8, subject to the nine (9) conditions given in the staff presentation.

MOTION:	Green Thumb Landscaping—Holly Steele, Planner				
MEMBER:	Bibb (Chair)	Zimmer (Vice Chair)	Johnson	Murray-Key	Lagomarsino
ACTION:		Motion			Seconded
VOTE:	Yes	Yes	Yes	Absent	Yes
RESULT:	Approved 4-0				

SUP 19:07—Howard Brown II—Brad Robinson, Senior Planner

- Request is to establish a restaurant and gas station;
- Would bring economic development to the county;

Conclusion:

- Request is to establish a restaurant and gas station;
- Will utilize existing vacant building formerly used for similar use;
- Appears to meet all County Code requirements.
- Potential adverse impacts could include traffic and lighting

Zimmer: Are they going to have to meet all of the current regulations and setbacks for parking?

Brad Robinson, Senior Planner: Yes.

Payne: They are exempt. They are lawfully nonconforming. If they have to meet them then they would have to meet them. Simple as that.

Douglas Miles, Director: The parking area behind the gas canopy is the farthest away from the road. There is also parking in front of the building. We have already talked about that.

Chairman Bibb invited the Applicant (Howard Brown II) to come forward:

Brown (Applicant): The only structure I would like to add is a small structure just for the smoker. The kitchen inside is small, so it's going to be a small restaurant.

Johnson: Have you ever thought about extending the hours to 6am-10pm?

Brown: Yes, I would like to increase the hours of operation, as recommended.

Payne: The new hours of operation should be put in the conditions.

Brown: By lengthening the hours, if needed could I shorten them?

Johnson: Sure.

Chairman Bibb opened the Public Hearing.

Roger Black, 2654 Ruritan Lake Rd: I am on the board of Trustees at the Cunningham United Methodist Church. The church is concerned that Mr. Brown will not be open in time for homecoming. (Laughing) We feel like this business would be an asset to the community. We hope that we can be able to welcome him to our neighborhood. So we are in support of this request. Thank you.

Genevieve Keller, 3499 Thomas Jefferson Parkway: I want to start by saying that I was very pleased a couple of weeks ago to read that Judy and Henry Southworth were honored for their historical blacksmith shop. I am an adjacent landowner and the only thing that I ask is that you

would have a condition that there not be any sales and services of automobiles, just gas sales on the premises. It just would not be a very appealing look. I look forward to being a customer from time to time, Mr. Brown. So I do support this request for the restaurant and gas station uses. Thank you.

Chairman Bibb closed the Public Hearing.

Mrs. Murray-Key arrived at 7:40 pm.

Motion:

I move that the Planning Commission recommend Approval of SUP 19:07, a request to establish a restaurant and gas station, with respect to 2.587 acres of Tax Map 18, Section 3, Parcel 2, subject to the nine (9) conditions listed in the staff report, and further that the hours would be modified to 6am-10pm, 7 days a week and no sales and major service of automobiles shall be permitted on the premises.

MOTION:	Howard Brown II—Brad Robinson, Senior Planner				
MEMBER:	Bibb (Chair)	Zimmer (Vice Chair)	Johnson	Murray-Key	Lagomarsino
ACTION:		Seconded	Motion		
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	Approved 5-0				

ZTA 19:02—Temporary Signs—Douglas Miles, Community Development Director

- Proposed amendment initiated by the Board of Supervisors on July 9, 2019
- Currently county sign regulations restrict the display of temporary signs to a sixty (60) day period preceding the event
- Proposed text amendment removes the sixty (60) day time limit for exempt, political and temporary signs as defined within the Zoning Ordinance

Conclusion:

- Proposed amendment will allow for political signs to be displayed longer than sixty (60) days;
- Also includes temporary and exempt signs.

Chairman Bibb opened the Public Hearing.

No Public Comments were provided.

Chairman Bibb Closed the Public Hearing.

Motion:

I move that the Planning Commission recommend Approval of ZTA 19-02, an ordinance to amend Chapter 22 of the Fluvanna County Code by the amendment of Sections 22-15-2 General Provisions and Exempt Signs and 22-22-1 Definitions relative to political and temporary signs.

MOTION:	ZTA 19:02—Temporary Signs—Douglas Miles, Community Dev Director				
MEMBER:	Bibb (Chair)	Zimmer (Vice Chair)	Johnson	Murray-Key	Lagomarsino
ACTION:		Motion			Seconded
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	Approved 5-0				

6. **PRESENTATIONS:**

None

7. **SITE DEVELOPMENT PLANS**

None

8. **SUBDIVISIONS:**

None

9. **UNFINISHED BUSINESS:**

None

10. **NEW BUSINESS:**

None

11. **PUBLIC COMMENTS:**

No Comments were provided

12. **ADJOURN:**

Chairman Bibb adjourned the Planning Commission meeting of August 13, 2019 at 7:57 pm

Minutes recorded by Valencia Porter, Senior Program Support Assistant.

Barry A. Bibb, Chairman
Fluvanna County Planning Commission

APPROVED