

**FLUVANNA COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES**

**Fluvanna County Library
214 Commons Boulevard
Palmyra, VA 22963**

**June 8, 2021
7:00 pm**

MEMBERS PRESENT:

Barry Bibb, Chair
Gequetta “G” Murray-Key, Vice Chair
Lewis Johnson
Ed Zimmer
Howard Lagomarsino
Patricia Eager, Board of Supervisors

STAFF PRESENT:

Eric Dahl, County Administrator
Douglas Miles, Community Development Director
Jason Overstreet, Senior Planner
Fred Payne, County Attorney
Valencia Porter, Administrative Programs Specialist

1. **CALL TO ORDER, THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE:**

At 7:00 pm, Chair Bibb called the June 8, 2021 Regular Meeting to order, followed by the Pledge of Allegiance and a Moment of Silence.

2. **DIRECTOR’S REPORT: Douglas Miles, Community Development Director**

May 13, 2021 – Technical Review Committee (TRC) meeting

ZTA 21:03 - AN ORDINANCE TO AMEND CHAPTER 22 ZONING OF THE FLUVANNA COUNTY CODE BY THE ADDITION OF A USES PERMITTED BY RIGHT USE UNDER 22-8-2.1 IN THE R-4 ZONING DISTRICT.

Dwellings, multi-family, with a density up to 5.5 dwelling units per acre, provided the property is within an area subjected to a common plan of development and such property is served by a central water and sewer system.

Roudabush, Gale & Associates presented a Conceptual Phasing Plan for Marina Point of Lake Monticello to construct ten (10) new multi-family units on Tax Maps 18A Section 1 Parcels 296BA and 296C. Currently, there are existing condominiums on the Marina Point property and their clients they would like to complete this existing residential multi-family development.

ZMP 21:03 Perkins and Orrison – A Conditional Rezoning from the B-1, Business, General to the I-1, Industrial, Limited District on 16.2 +/- acres of Tax Maps 5 Section 17 Parcels 1 and 1A. The subject properties are located in the northeast quadrant of Richmond Road (Rte 250) and Edgcomb Road (SR 689) and are in the Zion Crossroads Community Planning Area and the Columbia Election District.

May 17, 2021 – EPR: Land Development and Growth in Virginia webinar

The Community Development Director attended this webinar: How Dense is your Sprawl? in Virginia that was presented by EPR of Charlottesville. The EPR Planners used the National Land Cover Database data from 2001 to 2015 that had illustrated how jobs and growth had occurred within developed areas and how rural areas such as Fluvanna had experienced planned growth.

May 18, 2021 – Rural Transportation Advisory Committee meeting

A 2021 Virginia General Assembly Update was provided by David Blount and a 2022 Rural Transportation Work Program it was prepared along with VDOT Smart Scale projects being discussed to include 250 & Troy Road.

May 19, 2021 – Board of Supervisors Public Hearings Meeting

SUP 21:02 Amy and Joshua Bower – A Special Use Permit request in the A-1 Agricultural, General District to permit an Agricultural Enterprise (winery) on 42.9 +/- acres known as Tax Map 48 Section 1 Parcel 3. The property is located on the north line of West River Road (Route 6) and 0.9 miles west of Hardware Road. The subject parcel is located within the Scottsville Community Planning Area and the Cunningham Election District. **Approved 5-0 with the seven (7) recommended conditions for winery.**

ZTA 21:01 An Ordinance to Amend Zoning Ordinance Sections 22-17-8A, 22-18-1, 22-18-2, 22-18-3, 22-18-4, and 22-18-7 of The Fluvanna County Code to Conform the Sections to Amendments to the Enabling Legislation relative to the Board of Zoning Appeals regulations. **Approved 5-0**

SUP 20:02 Quigley Properties LLC – A request for a Special Use Permit to construct a central sewer system / utilities, major for a rural cluster subdivision in an A-1 district, with respect to 48.4 +/- acres of Tax Map 31, Section A, Parcel 41 and Tax Map 31, Section 1, Parcel A. The properties are located along Courthouse Road and Oak Creek Road, and 0.6 miles east of its intersection with Georges Mills Road and Stoneleigh Road. The parcels are zoned A-1, Agricultural, General and are located within the Rural Preservation Planning Area and the Columbia Election District. **Deferred by 5-0 vote for thirty (30) days by the Board to June 16th**

May 20, 2021 – VDOT Transportation Assistance Program Grant Meeting

The Community Development Director and Planner / GIS Technician met with the VDOT TAP Grant Staff on making application towards the grant funding for the Palmyra Main Street area for sidewalks and streetscape improvements. The VDOT Traffic Division will continue to take vehicle traffic counts in the Fork Union Village area along Route 15 in the Fall of 2021 to capture business and school traffic in the area of Fork Union Pharmacy and new VSI store.

3. **PUBLIC COMMENTS #1:**
At 7:08 pm, Chair Bibb opened the first round of Public Comments. With no one coming online wishing to speak to the Commission, Chair Bibb closed the Public Comments Period at 7:08 pm.

Note: This was the first Planning Commission meeting that was open to the general public, no longer a Virtual meeting and applicants and residents could use the Zoom online meeting link.

4. **MINUTES:**
Vice Chair Murray-Key: asked are these verbatim minutes or just a summary of what was said?
Mr. Miles: stated that they are summarized minutes that are generally transcribed by the staff.
Mr. Payne: stated they are no longer verbatim minutes for the Commission or for the Board.

Vice Chair Murray-Key: stated she needed clarification on what is transcribed versus what was said during the previous meeting.
Mr. Payne: stated that if you think that something does not add up to what you said, now is the time to have it clarified prior to adoption of the minutes; and there were no further questions.

MOTION:	I move that the Planning Commission Minutes of May 11, 2021 be approved, as presented.				
MEMBER:	Bibb (Chair)	Murray-Key (Vice Chair)	Johnson	Zimmer	Lagomarsino
ACTION:			Seconded	Motion	
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	Approved by 5-0 vote, as presented				

5. **PUBLIC HEARINGS:**
SUP 21:04 Joseph Carl Bradley – Jason Overstreet, Senior Planner
A Special Use Permit request within the A-1, Agricultural, General District to permit a commercial kennel with respect to 5 +/- acres of Tax Map 23 Section A Parcel 30 located at 5464 Venable Road. The subject property is located within the Rural Preservation Planning Area and in the Columbia Election District.

Mr. Overstreet: presented the proposed Special Use Permit request for a commercial kennel and indicated to the Planning Commission that Staff had received several letters from area property owner who were not in favor of the SUP request and he summarized the conditions:

Recommended Conditions:

If approved, Staff recommended the following conditions:

1. This Special Use Permit (SUP) is granted for a commercial kennel use to Joseph Carl Bradley and is not transferable and it does not run with the land on Tax Map 23 Section A Parcel 30.
2. Noise attenuation measures including insulation, fencing and screening shall be installed as a part of the commercial kennel building construction, acceptable to both the Building Official and the Zoning Administrator, prior to the issuance of a Certificate of Occupancy.
3. There shall be no more than one (1) commercial kennel building on the premises and it shall be located at least fifty (50) feet from property lines with six (6) foot fencing that screens the outdoor dog run areas from the adjacent property owners on Venable Road.
4. There shall not be dogs in the outside runs between dusk and dawn unless the applicant is actively handling such dogs for the purpose of relieving themselves and then the same runs they shall be cleaned regularly to meet the Virginia Department of Health requirements.
5. The site shall be maintained in a neat and orderly manner so that the visual appearance from the public right-of-way and adjacent properties is acceptable to County officials.
6. The Board of Supervisors, or its representative, reserves the right to inspect the property for compliance with these conditions at any time.
7. Under Section 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 owners have substantially breached the conditions of the Special Use Permit.

Joseph Bradley, Applicant, 5464 Venable Road: explained that he has spoken with most of their neighbors, one neighbor that does not live too far and he is directly across the street and explained where the metal building will be going on the property. The only way you can see the building is when you are driving towards the funeral home, in regards to a fence I am not sure what you mean but it will be around the building. We do know about one concern about the dogs going to the church's property. The noise is from our dogs barking, but I do not train on Sundays. The dogs that come to me, I train them for three to four months at a time, and sometimes the owners do come and visit their dogs on the weekends. It is strictly obedience training which they are controlled and on a leash at all times. He stated in the past there have been some dogs that have went to the church property. Just as well as anyone may let their dog out to go to the restroom they just might go across the road. If we were to get approval for a commercial kennel it will allow for me to put my own dogs inside of the kennel also that way it will not happen anymore there.

Chair Bibb: Stated that we have several letters, and did you state you are already operating a training facility on this property? Do you train dogs on this property now?

Mr. Bradley: Yes I do train dogs, the only thing that I do on my five acres is the obedience training and I will also travel and go to other properties and do some training there. I have agreements with other landowners and that is where I do a lot of my dog training right now.

Chair Bibb: Stated that not only do you have a church across the road but you have a cemetery there and a funeral can occur any day of the week there not just on Sundays. We already have received a complaint on you about a funeral service that had issues with dogs on the property.

Mr. Bradley: Stated whenever there is a funeral yes, we do pay attention to what goes on at the church and I am not always able to monitor my dogs and customer's dogs at the same time.

Chair Bibb: Asked have you had that many complaints from neighbors about the continued barking from the dogs, or about letting them run loose? As we have received the complaints.

Mr. Bradley: Stated that no one has complained to him not once, now she has two personal dogs, but they are not a part of my program, they do bark, and they have barked at people before. I have used my kennels before to help others. She is my fiancé and owns two dogs.

Chair Bibb: Asked did you have a Community meeting? Or did you get in contact with folks?

Patricia Houser, Fiance of applicant, 5464 Venable Road: Stated that once they first started applying for an SUP permit, she started going around asking neighbors if they would accept it, except for the church only because I did not know who to talk with at the church. I did end up talking with the Pastor there and he told me himself about his concerns and that there would noise. I assured him that this kennel would allow us to have the extra space for the dogs that way we can put my dogs into the kennel to confine them and the doggy doors would allow them to have access to go in and out.

Mr. Zimmer: asked why you did not have a community meeting? a place to meet out there?

Ms. Houser: stated we did not know this is the first time we applied for anything like this SUP.

Mr. Bradley: stated briefly on what he understood as applying for their Special Use Permit.

Chair Bibb: Stated to Mr. Bradley his main concern is that your dogs were over on the Church property and there are children that play on that property. Then there are people coming to the cemetery and the dogs are running loose, and they continued to bark. What I need to know is how would you limit that if dogs are loose right now? If you are not controlling the dogs right now how are you going to control them with a commercial building and doggy doors there?

Ms. Houser: Stated that they have a toddler that is almost three years old. We just realized that he is now tall enough to open up our doors. He might open the door and the dogs might just run out. We are not around our toddler all day long, he walks and runs around the house all day long. So, I am blindsided by all this opposition, and my feelings are hurt right now, Ok.

Mr. Bradley: Stated that with the dog kennel they make these doors to where the dogs can go in and out of the kennel but the dogs will be able to bark inside and I don't think people will be able to hear them. So with the use of the kennel my dogs until the building is up I will keep my dogs in that way nobody will be able to hear them. So if there is a funeral going on I can look across the street and see if it's one going on and keep the dogs quiet and inside of the building.

Ms. Houser: Stated that we have not seen nor heard of one complaint, the only time I heard about something was when I would be at work and people came to me stating someone said they were at the cemetery and your dogs came over. So, if people would let us know as soon as it happens then we can take care of it as we cannot always monitor our toddler and the dogs.

Vice Chair Murray-Key: Stated that we are not just talking about lights being on all night, we are talking about people and the dogs they might see and come over and will make people even more afraid. If you are not aware of the dogs being loose until after the 911 phone call because a dog has attacked someone or something to that nature. What I am hearing is that you are running a business already, and it is your responsibility as a business owner to have ownership of it all, and having a toddler open the door, it is not the toddler's responsibility.

Your neighbors are expected to know you are mindful of the noise to be expected, and for when the dogs are running out. It is not their business to say whether or not you can control your animals. You have to realize that some of your neighbors did write to the Commission to let us know how they feel about the proposed business. I have to say this is the proper format for your neighbors. It is very important to know that the neighbors are feeling safe and secure.

Joseph Bradley: Stated yes, I do know that my dogs are kept in a kennel inside of my home. My client's dogs they do not come out of the kennel unless I am right there with them. You are all welcome to come by to see how I train the dogs by operating my business on my own property.

Chair Bibb: Stated that these are five (5) letters of concern from your neighbors at this point.

Mr. Zimmer: Stated that if we Defer this to give them a chance to go back and do a community meeting so they can get there questions answered I think that would be a good idea right now.

At 7:37 pm, Chair Bibb opened the Public Hearing. With no one wishing to speak, Chair Bibb he closed the Public Hearing at 7:38 pm. (Note: the five written letters were added into the file)

MOTION:	I move that the Planning Commission defer SUP 21:04, a request to establish a commercial kennel, with respect to 5 +/- acres of Tax Map 23, Section A, Parcel 30, in order to schedule a community meeting with the Applicant and the surrounding property owners.				
MEMBER:	Bibb (Chair)	Murray-Key (Vice Chair)	Johnson	Zimmer	Lagomarsino
ACTION:		Seconded		Motion	
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	Recommended a Deferral 5-0 to the August 10th meeting				

ZMP 21:03 Perkins and Orrison – Douglas Miles, Community Development Director

A Conditional Rezoning from the B-1, Business, General to the I-1, Industrial, Limited District on 16.2 +/- acres of Tax Maps 5 Section 17 Parcels 1 and 1A. The subject properties are located in the northeast quadrant of Richmond Road (Rte. 250) and Edgecomb Road (SR 689) and are in the Zion Crossroads Community Planning Area and the Columbia Election District.

Mr. Miles presented the proposed conditional zoning case request with Powerpoint slides that illustrated the proposed development request and typical uses to expect within the I-1 zoning.

Chair Bibb: asked if anyone had any questions for Mr. Miles.

Mr. Payne: asked if the site plan layout you have shown has it been proffered by the applicant?

Mr. Miles: stated that the site plan layout has not been proffered, it is merely a site illustration.

Mr. Payne: stated to the Planning Commission that means it will not have the force of any law.

Chair Bibb: stated that the site plan layout will come before us at a later date we are fine with it.

Mr. Miles: Stated that was our intent. The applicant wants to have more flexibility but still show what potential uses might work best in the proposed I-1 zoning and the site plan does just that.

Mr. Zimmer: asked what are some of the potential uses in the I-1 zoning district right now?

Mr. Miles: stated that most I-1 uses are available but the applicant has proffered some out.

Mr. Russ Orrison, PE, LS: Spoke briefly about the proposed request and he had worked with Mr. Miles on preparing the site plan layout and discussed the transportation and site design aspects.

Chair Bibb opened up the public Hearing at 8:00 pm and there were several callers online with Mr. Russ Orrison online calling in from Lexington, Virginia, along with several other site project managers and consultants available to answer any questions for the Planning Commissioners.

Carolyn Satira, Edgecomb Road, industrial landowner, stated she did have a concern with one of the permitted uses as an indoor shooting range and was fine with the rest of the land uses.

Mr. Orrison: indicated that prior to the Board of Supervisors meeting they could proffer it out?

Ms. Satira: Stated she is in favor of conditionally rezoning this to I-1 for industrial land uses.

Mr. Orrison: Stated she came to their community meeting, and she has been very supportive as an adjacent property owner.

Chair Bibb: With no one else coming forward we will close the Public Hearing at 8:05 pm.

MOTION:	I move that the Planning Commission recommend Approval of ZMP 21:03, a request to amend the Fluvanna County Zoning Map with respect to approximately 16.2 +/- acres of Tax Maps 5, Section 17, Parcels 1 and 1A, to conditionally rezone the same from B-1 Business, General to I-1, Industrial, Limited with proffered conditions dated April 30, 2021.				
MEMBER:	Bibb (Chair)	Murray-Key (Vice Chair)	Johnson	Zimmer	Lagomarsino
ACTION:		Motion	Second		
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	Recommended Approval 5-0 with proffered conditions dated 4/30/21				

6. **PRESENTATIONS:** Request to Advertise for a Public Hearing to Amend the R-4 Zoning District:

ZTA 21:03 R-4 Zoning Text Amendment – Douglas Miles, Community Development Director:

ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 22 ZONING OF THE FLUVANNA COUNTY CODE BY THE ADDITION OF A USES PERMITTED BY RIGHT USE UNDER 22-8-2.1 IN THE R-4 ZONING DISTRICT

BE IT ORDAINED BY THE FLUVANNA COUNTY BOARD OF SUPERVISORS, pursuant to Virginia Code Sections 15.2-2285, that the Fluvanna County Code be, and it is hereby, amended, in Section 22-8-2.1, as follows:

Sec. 22-8-2.1 (R-4) Uses permitted by right.

The following uses shall be permitted by right:

Residential Uses

Dwellings, accessory
Dwellings, multi-family
Dwellings, single-family attached
Dwellings, single-family detached
Dwellings, townhouse
Dwellings, two-family
Group Homes

Dwellings, multi-family, with a density up to 5.5 dwelling units per acre, provided the property is within an area subjected to a common plan of development and such property is served by a central water and sewer system.

Article 22 – Definitions

Dwelling, multi-family: A building or portion thereof which contains two or more dwelling units for permanent occupancy, regardless of the method of ownership. Included in the use type would be garden apartments, low and high rise apartments, apartments for elderly housing and condominiums.

Mr. Miles: requested to be able to advertise for a Public Hearing on July 13, 2021 which was confirmed and recognized by Chair Bibb for Mr. Miles to go forward with this ZTA request.

7. **SITE DEVELOPMENT PLANS:**

None

8. **SUBDIVISIONS:**

None

9. **UNFINISHED BUSINESS:**

None

10. NEW BUSINESS:

None

11. PUBLIC COMMENTS #2:

At 8:27 pm, Chair Bibb opened the second round of Public Comments. With no one else coming online Chair Bibb closed the Public Comments period at 8:27 pm.

12. ADJOURNMENT:

Chair Bibb adjourned the Planning Commission meeting of June 8, 2021 at 8:27 pm.

Minutes were recorded by Valencia Porter, Administrative Programs Specialist.

Barry A. Bibb, Chair
Fluvanna County Planning Commission

APPROVED