



FLUVANNA COUNTY PLANNING COMMISSION
REGULAR MEETING AGENDA
Fluvanna County Administration Building
August 13, 2019
7:00 PM (Morris Room)

TAB AGENDA ITEMS

REGULAR MEETING

1 – CALL TO ORDER, PLEDGE OF ALLEGIANCE, MOMENT OF SILENCE

2 – DIRECTOR’S REPORT

3 – PUBLIC COMMENTS #1 (3 minutes each)

4 – MINUTES

Minutes of July 9, 2019

5 – PUBLIC HEARING

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

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

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

6 – PRESENTATIONS

None

7 – SITE DEVELOPMENT PLANS

None

8 – SUBDIVISIONS

None

9 – UNFINISHED BUSINESS

None

10 – NEW BUSINESS

None

11 – PUBLIC COMMENTS #2 (3 minutes each)

12 – ADJOURN

Douglas Miles

Planning/Zoning Administrator Review

Fluvanna County...The heart of Virginia and your gateway to the future!

*For the Hearing-Impaired – Listening device available in the Board of Supervisors Room upon request. TTY access number is 711 to make arrangements.
For Persons with Disabilities – If you have special needs, please contact the County Administrator’s Office at 591-1910.*

PLEDGE OF ALLEGIANCE

I pledge allegiance to the flag
of the United States of America
and to the Republic for which it stands,
one nation, under God, indivisible,
with liberty and justice for all.

ORDER

1. It shall be the duty of the Chairman to maintain order and decorum at meetings. The Chairman shall speak to points of order in preference to all other members.
2. In maintaining decorum and propriety of conduct, the Chairman shall not be challenged and no debate shall be allowed until after the Chairman declares that order has been restored. In the event the Commission wishes to debate the matter of the disorder or the bringing of order; the regular business may be suspended by vote of the Commission to discuss the matter.
3. No member or citizen shall be allowed to use abusive language, excessive noise, or in any way incite persons to use such tactics. The Chairman shall be the judge of such breaches, however, the Commission may vote to overrule both.
4. When a person engages in such breaches, the Chairman shall order the person's removal from the building, or may order the person to stand silent, or may, if necessary, order the person removed from the County property.

PUBLIC HEARING RULES OF PROCEDURE

1. PURPOSE
 - The purpose of a public hearing is to receive testimony from the public on certain resolutions, ordinances or amendments prior to taking action.
 - A hearing is not a dialogue or debate. Its express purpose is to receive additional facts, comments and opinion on subject items.
2. SPEAKERS
 - Speakers should approach the lectern so they may be visible and audible to the Commission.
 - Each speaker should clearly state his/her name and address.
 - All comments should be directed to the Commission.
 - All questions should be directed to the Chairman. Members of the Commission are not expected to respond to questions, and response to questions shall be made at the Chairman's discretion.
 - Speakers are encouraged to contact staff regarding unresolved concerns or to receive additional information.
 - Speakers with questions are encouraged to call County staff prior to the public hearing.
 - Speakers should be brief and avoid repetition of previously presented comments.
3. ACTION
 - At the conclusion of the public hearing on each item, the Chairman will close the public hearing.
 - The Commission will proceed with its deliberation and will act on or formally postpone action on such item prior to proceeding to other agenda items.
 - Further public comment after the public hearing has been closed generally will not be permitted.

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COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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Palmyra, VA 22963
(434) 591-1910
Fax (434) 591-1911
www.fluvannacounty.org

To: Fluvanna County Planning Commission
From: Douglas Miles, Community Development Director
Date: August 13, 2019
Re: Planning Director's Report

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:

- I. **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, Parcels 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.
- II. **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:

- I. **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.

- II. **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.

CODE COMPLIANCE VIOLATION STATISTICS

July - 2019

Scott B. Miller, CZO, Code Inspector, Building Site Inspector

Case No.	Tax Map Number	Property Owner	Address	Date of Complaint	Violation Type	Status*	Deadline	District
1611-01	18-(A)-25B	Stevens, Roger	Thomas Farm La. (Vacant)	11/3/2016	Junk/Inoperable Vehicle	Court Agreement 4/05/2018	Status Review Court 08/08/2019	Palmyra
1709-03	4-(A)-114	Herrion, Vernon L.	15 Blue Ridge Dr.	09/20/2018	Violation of SUP 04-10	Permit Pend	08/20/2019	Palmyra
1801-05	36-(A)-97	Patterson, Hilton & Carolyn	1404 West River Rd.	01/26/2018	Junk/Debris	Pending	08/12/2019	Cunningham
1803-01	4-(12)-1	Meredith, White Et Al	251 Country La.	03/02/2018	Inoperable Vehicles	Extended	08/02/2019	Palmyra
1804-03	4-(A)-109A	Bahr, Kenneth	3180 Richmond Rd.	04/10/2018	Violation of SDP 06-009	Court	Appeal 05/24/2019 Trial 08/08/2019	Palmyra
1810-02	49-(A)-10A	Thomas, Willis L. Jr. & Bertha	2438 & 2390 Shores Rd.	10/17/2018	Inoperable Vehicles	Pending	08/17/2019	Fork Union
1811-01	54A-(1)- 77,78B, 95, 95A	Harry, Richard T. & Donna M.	436 Saint James St.	11/09/2018	Non-permitted use, "junkyards", salvage & scrapyards"	Pending	08/09/2019 Substantial Improv.	Columbia
1811-02	9-(A)-14B	Crofton Group, Inc.	106 Crofton Plaza	11/16/2018	Amended Site Plan required	Pending	08/16/2019	Palmyra
1901-01	30-(1)-A1	Newton, Eleanor T.	1116 Thomas Jefferson Pkwy	01/07/2019	Garbage, Debris, Junk	Pending	08/07/2019	Fork Union
1901-03	30-(A)-49	Ross, Kyeasha & Scruggs	2430 Shiloh Church Rd.	01/29/2019	Garbage, Trash	Pending	08/28/2019	Fork Union
1904-04	59-(A)-54	Fork Union Rentals, LLC.	928 Spring Rd.	04/10/2019	Inoperable Vehicles	Cleared	07/15/2019	Fork Union
1904-07	4-(A)-87	Holsapple, Denise, Et Al	2228 Oliver Creek Rd.	04/22/2019	Inoperable Vehicles, Junk	Pending	08/22/2019	Palmyra
1904-08	4-(A)-88	Page, John R. & Deborah S.	2270 Oliver Creek Rd.	04/22/2019	Inoperable Vehicles	Pending	08/22/2019	Palmyra
1906-01	20-(A)-8	Pace, Thomas A. & Ryan T.	730 Bybees Church Rd.	06/06/2019	SUP Required for Use	Extended	08/07/2019	Columbia
1907-01	37-(9)-23	Haislip, Cheyenne & Courtney	252 Aldridge La.	07/02/2019	SUP Required for Use	Cleared	07/03/2019	Cunningham
1907-02	44-(A)-24A	Bland, Helena G.	4001 Stage Junction Rd.	07/03/2019	Sign	Cleared	07/03/2019	Fork Union
1907-03	12-(6)-B	Stanley, Michael W. Jr., Lorin	4487 Bybee Church Rd.	07/11/2019	SUP Required for Use	Extended	08/11/2019	Columbia
1907-04	18A-(9)-95	Goddin, Matthew & Aaron	16 Amethyst Rd.	07/12/2019	Garbage, Debris, Junk	Cleared	07/15/2019	Rivanna
1907-05	54-(A)-38	White, Michael Alexander	Stage Junction Rd. (Vacant)	07/19/2019	Inoperable Vehicle	Extended	08/19/2019	Columbia
1907-06	54A-(1)-67	Shelley, Issac R.	Saint James St. (Vacant)	07/22/2019	Junk, Debris	Extended	08/22/2019	Columbia

STATUS DEFINITIONS*

Board - Case is pending Board Approval	Court Pending - Summons to be issued	Permit Pending - Applied for Permit to Abate Violation
Cleared - Violation Abated	Extended - Extension Given/Making Progress to Abate Violations	Rezoning - Property is in Rezoning Process
Court - Case is before Judge	Pending - Violation Notice Sent	SUP Pending - SUP Application made to Abate Violation
MISCELLANEOUS ACTIONS / TASKS		
Biosolids Applied and Signs Displayed (Total – 36 Sites)		
Compliance with Tenaska Virginia Sound Levels 07/18/2019		
Signs Removed From Public Rights-Of-Way (Total – 26)		
Placed and removed "Public Hearing Signs" as needed and Deliver packets to BOS, PC Members and Library		
Evaluate Site TM. 51-(A)-30 for compliance, proposed purchase of County property.		



BUILDING INSPECTIONS MONTHLY REPORT

County of Fluvanna

Building Official:	Period:
Kevin Zoll	July, 2019

Category	Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTAL
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BUILDING PERMITS ISSUED

NEW - Single Family Detached (incl. Trades permits)	2015	4	5	10	9	12	12	14	13	2	4	7	3	95
	2016	11	11	8	15	9	18	6	5	9	2	6	8	108
	2017	3	2	16	6	4	10	6	5	14	5	7	13	91
	2018	8	3	15	11	13	17	13	10	8	8	6	9	121
	2019	8	10	14	9	12	9	10	0	0	0	0	0	72
NEW - Single Family Attached	2015	2	0	0	0	0	0	0	2	0	0	0	0	4
	2016	0	0	0	0	0	5	0	0	0	0	0	0	5
	2017	0	0	0	0	0	0	0	0	0	0	0	0	0
	2018	0	0	0	0	0	0	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0	0	0	0	0	0	0
NEW - Mobil Homes	2015	0	0	0	0	1	1	0	2	0	0	0	0	4
	2016	0	1	0	0	0	0	0	1	0	0	0	0	2
	2017	0	0	0	0	2	1	0	1	0	0	0	0	4
	2018	0	0	1	1	0	0	0	0	0	0	0	1	3
	2019	0	0	0	0	0	0	0	0	0	0	0	0	0
Additions and Alterations	2015	21	30	38	28	21	30	22	25	23	27	35	18	318
	2016	13	10	31	27	29	29	15	32	31	28	27	27	299
	2017	29	20	29	43	20	29	32	18	23	27	43	28	341
	2018	19	6	10	19	8	13	26	25	32	42	22	21	243
	2019*	35	33	37	27	38	38	44	0	0	0	0	0	252
* Trade permits count not included as in previous years														
Accessory Buildings	2015	4	4	3	4	1	0	0	2	6	0	0	3	27
	2016	3	4	4	6	2	2	1	2	1	3	3	6	37
	2017	0	4	2	3	2	2	2	4	2	0	2	2	25
	2018	2	3	3	6	2	1	4	2	1	2	2	2	30
	2019	2	4	6	4	4	3	3	0	0	0	0	0	26
Swimming Pools	2015	0	0	0	0	0	0	0	1	1	0	0	0	2
	2016	0	0	0	0	0	1	1	0	0	0	0	0	2
	2017	0	0	0	0	0	1	1	0	0	1	1	0	4
	2018	0	1	1	1	0	1	2	0	1	2	0	0	9
	2019	0	0	0	3	2	2	0	0	0	0	0	0	7
Commercial/ Industrial Build/Cell Towers	2015	1	0	0	0	0	0	2	0	0	1	1	1	6
	2016	0	0	2	2	0	0	1	0	1	1	1	1	9
	2017	1	2	0	0	0	0	2	2	1	1	0	0	9
	2018	0	0	0	0	0	2	0	0	0	0	0	0	2
	2019	0	0	1	1	0	2	0	0	0	0	0	0	4
TOTAL BUILDING PERMITS	2015	32	39	51	41	35	43	38	45	32	32	43	25	456
	2016	27	26	45	50	40	55	24	40	42	34	37	42	462
	2017	33	28	47	52	28	43	43	30	40	34	53	43	474
	2018*	29	13	30	38	23	34	45	37	42	54	30	33	408
	2019*	45	47	58	44	56	54	57	0	0	0	0	0	361
* Trade permits count not included as in previous years														

BUILDING VALUES FOR PERMITS ISSUED

TOTAL BUILDING VALUES	2015	\$1,384,631	\$1,560,716	\$2,916,520	\$3,567,237	\$2,999,918	\$4,280,357	\$5,272,378	\$3,107,731	\$2,625,563	\$2,303,913	\$1,931,893	\$6,252,403	\$ 38,103,260
	2016	\$1,817,981	\$2,555,455	\$5,542,458	\$3,711,821	\$2,447,891	\$5,181,921	\$3,611,179	\$1,817,783	\$3,089,971	\$1,889,279	\$2,028,590	\$2,937,783	\$ 36,632,112
	2017	\$857,767	\$827,724	\$4,859,777	\$2,066,132	\$1,512,789	\$3,676,118	\$1,904,915	\$2,359,988	\$2,846,545	\$1,957,646	\$1,897,110	\$3,479,285	\$ 28,245,796
	2018	\$2,541,433	\$1,075,551	\$3,544,096	\$2,513,241	\$3,834,995	\$5,693,348	\$3,156,593	\$4,729,005	\$3,637,992	\$1,791,222	\$2,169,284	\$2,421,169	\$ 37,107,929
	2019	\$1,991,054	\$2,502,719	\$5,639,238	\$4,695,173	\$3,057,597	\$3,228,152	\$3,360,952	\$0	\$0	\$0	\$0	\$0	\$ 24,474,886

Category	Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTAL
LAND DISTURBING PERMITS ISSUED														
LAND DISTURBING PERMITS	2015	6	5	9	10	10	12	15	16	3	5	10	5	106
	2016	12	11	8	14	10	17	7	6	11	3	9	9	117
	2017	3	2	17	7	7	9	6	6	15	8	7	14	101
	2018	10	4	16	13	11	17	13	7	9	6	7	8	121
	2019	8	12	16	9	14	10	12	0	0	0	0	0	81
INSPECTIONS COMPLETED														
TOTAL INSPECTIONS	2015	105	137	146	214	113	232	193	181	208	206	149	149	2,033
	2016	116	91	153	157	155	214	249	230	197	181	184	172	2,099
	2017	159	144	171	141	177	152	202	182	153	183	181	169	2,014
	2018	163	148	173	186	215	176	164	220	144	221	154	141	2,105
	2019	237	207	232	297	305	246	324	0	0	0	0	0	1,848
FEES COLLECTED														
Building Permits	2015	\$6,731	\$8,351	\$13,711	\$16,037	\$13,508	\$16,628	\$14,931	\$18,895	\$10,411	\$8,558	\$10,381	\$9,575	\$ 147,717
	2016	\$11,850	\$11,954	\$11,576	\$14,889	\$8,447	\$18,588	\$12,947	\$7,537	\$11,285	\$12,548	\$8,361	\$11,213	\$ 141,195
	2017	\$4,060	\$3,660	\$22,692	\$9,249	\$6,703	\$11,948	\$9,494	\$7,790	\$13,169	\$6,895	\$9,022	\$12,886	\$ 117,568
	2018	\$8,988	\$4,311	\$9,939	\$14,765	\$13,796	\$23,633	\$14,993	\$8,748	\$10,826	\$12,613	\$9,556	\$14,570	\$ 146,738
	2019	\$11,377	\$13,617	\$14,005	\$14,308	\$11,228	\$16,260	\$13,778	\$0	\$0	\$0	\$0	\$0	\$ 94,573
Land Disturbing Permits	2015	\$1,775	\$875	\$1,425	\$3,425	\$1,750	\$1,850	\$2,325	\$3,338	\$1,085	\$2,819	\$10,450	\$2,298	\$ 33,415
	2016	\$3,200	\$2,575	\$1,700	\$1,950	\$2,250	\$2,200	\$4,020	\$875	\$28,074	\$2,000	\$1,450	\$1,100	\$ 51,494
	2017	\$475	\$800	\$7,000	\$1,523	\$2,366	\$2,425	\$1,733	\$7,784	\$2,100	\$2,050	\$1,000	\$1,625	\$ 30,881
	2018	\$1,450	\$5,975	\$1,890	\$1,625	\$1,625	\$2,850	\$1,625	\$1,175	\$1,125	\$875	\$10,675	\$2,150	\$ 33,040
	2019	\$1,000	\$1,500	\$1,625	\$1,125	\$3,553	\$1,250	\$2,975	\$0	\$0	\$0	\$0	\$0	\$ 13,028
Zoning Permits/ Proffers	2015	\$1,200	\$1,000	\$1,650	\$2,600	\$1,500	\$1,850	\$1,850	\$2,400	\$1,650	\$1,050	\$900	\$850	\$ 18,500
	2016	\$1,150	\$1,250	\$1,800	\$2,450	\$1,650	\$2,700	\$1,150	\$1,150	\$1,900	\$1,050	\$900	\$850	\$ 18,000
	2017	\$400	\$1,000	\$2,400	\$950	\$1,500	\$1,800	\$1,245	\$1,250	\$1,600	\$1,050	\$1,250	\$1,550	\$ 15,995
	2018	\$1,400	\$800	\$1,750	\$1,600	\$1,400	\$2,200	\$2,050	\$1,400	\$1,050	\$1,400	\$700	\$1,400	\$ 17,150
	2019	\$1,200	\$1,800	\$2,200	\$1,550	\$2,050	\$1,350	\$1,950	\$0	\$0	\$0	\$0	\$0	\$ 12,100
TOTAL FEES	2015	\$9,706	\$10,226	\$16,786	\$22,062	\$16,758	\$20,328	\$19,106	\$24,633	\$13,146	\$12,427	\$21,731	\$12,723	\$ 199,632
	2016	\$16,200	\$15,779	\$15,076	\$19,289	\$12,347	\$23,488	\$18,117	\$9,562	\$41,259	\$15,598	\$10,711	\$13,263	\$ 210,689
	2017	\$4,935	\$5,460	\$32,092	\$11,722	\$10,569	\$16,173	\$12,472	\$16,824	\$16,869	\$9,995	\$11,272	\$16,061	\$ 164,444
	2018	\$11,838	\$11,086	\$13,579	\$17,990	\$16,821	\$28,683	\$18,668	\$11,323	\$13,001	\$14,888	\$20,931	\$18,120	\$ 196,928
	2019	\$13,577	\$16,917	\$17,830	\$16,983	\$16,831	\$18,860	\$18,703	\$0	\$0	\$0	\$0	\$0	\$ 119,701



TRANSACTIONS BY USER REPORT (07/01/2019 TO 08/31/2019) FOR FLUVANNA COUNTY BUILDING AND PLANNING DEPARTMENT

Selected Users: Valencia Porter

Invoice #	Fee Name	Transaction Date	Transaction Type	Payment Method	Paid Amount
Valencia Porter					
AFD19:0002					
INV-00001248	Additions and reviews to existing districts	07/25/2019	Fee Payment	Check #1242	\$500.00
BR19-0185					
INV-00001196	2% State Surcharge	07/01/2019	Fee Payment	Check #9644	\$8.88
	E&S: Single Family, \$125 per lot	07/01/2019	Fee Payment	Check #9644	\$125.00
	Electrical: Per SqFt	07/01/2019	Fee Payment	Check #9644	\$63.00
	HVAC: Residential (Use Groups R5) - each system	07/01/2019	Fee Payment	Check #9644	\$90.00
	New 9-1-1 Address Fee	07/01/2019	Fee Payment	Check #9644	\$90.00
	One/two fam. dwelling, R5, finished living space	07/01/2019	Fee Payment	Check #9644	\$189.00
	Plumbing flat fee	07/01/2019	Fee Payment	Check #9644	\$30.00
	Plumbing, per fixture	07/01/2019	Fee Payment	Check #9644	\$72.00
	Zoning Permit: \$100.00 Primary Structures	07/01/2019	Fee Payment	Check #9644	\$100.00
BR19-0188					
INV-00001271	2% State Surcharge	07/31/2019	Fee Payment	Check #2004	\$2.90
	Basement, unfinished space	07/31/2019	Fee Payment	Check #2004	\$45.00
	Zoning Permit: \$100.00 Primary Structures	07/31/2019	Fee Payment	Check #2004	\$100.00
BR19-0189					
INV-00001194	2% State Surcharge	07/01/2019	Fee Payment	Check #7892	\$0.90
	Basement, unfinished space	07/01/2019	Fee Payment	Check #7892	\$45.00
BR19-0192					
INV-00001195	2% State Surcharge	07/01/2019	Fee Payment	Check #7892	\$0.90
	Basement, unfinished space	07/01/2019	Fee Payment	Check #7892	\$45.00
BR19-0193					
INV-00001204	2% State Surcharge	07/01/2019	Fee Payment	Check #4252	\$2.90
	Basement, unfinished space	07/01/2019	Fee Payment	Check #4252	\$45.00
	Zoning Permit: \$100.00 Primary Structures	07/01/2019	Fee Payment	Check #4252	\$100.00
BR19-0194					
INV-00001292	2% State Surcharge	08/05/2019	Fee Payment	Check #2332	\$2.90
	Basement, unfinished space	08/05/2019	Fee Payment	Check #2332	\$45.00
	Zoning Permit: \$100.00 Primary Structures	08/05/2019	Fee Payment	Check #2332	\$100.00
BR19-0200					
INV-00001231	2% State Surcharge	07/18/2019	Fee Payment	Cash	\$2.90
	Basement, unfinished space	07/18/2019	Fee Payment	Cash	\$45.00
	Zoning Permit: \$100.00 Primary Structures	07/18/2019	Fee Payment	Cash	\$100.00
BR19-0204					
INV-00001227	2% State Surcharge	07/15/2019	Fee Payment	Check #5317	\$13.36
		07/15/2019	Fee Payment	Cash	\$0.20
	E&S: Single Family, \$125 per lot	07/15/2019	Fee Payment	Check #5317	\$125.00
	Electrical: Per SqFt	07/15/2019	Fee Payment	Check #5317	\$106.50
	Gas	07/15/2019	Fee Payment	Check #5317	\$45.00
	HVAC: Residential (Use Groups R5) - each system	07/15/2019	Fee Payment	Check #5317	\$90.00
	New 9-1-1 Address Fee	07/15/2019	Fee Payment	Check #5317	\$90.00
	One/two fam. dwelling, R5, finished living space	07/15/2019	Fee Payment	Check #5317	\$355.50
	Plumbing flat fee	07/15/2019	Fee Payment	Check #5317	\$30.00

TRANSACTIONS BY USER REPORT (07/01/2019 TO 08/31/2019)

Invoice #	Fee Name	Transaction Date	Transaction Type	Payment Method	Paid Amount
	Plumbing, per fixture	07/15/2019	Fee Payment	Check #5317	\$96.00
	Zoning Permit: \$100.00 Primary Structures	07/15/2019	Fee Payment	Check #5317	\$100.00
BR19-0213					
INV-00001243	2% State Surcharge	07/24/2019	Fee Payment	Check #1769	\$5.78
	Electrical: Base fee	07/24/2019	Fee Payment	Check #1769	\$45.00
	Plumbing flat fee	07/24/2019	Fee Payment	Check #1769	\$30.00
	Plumbing, per fixture	07/24/2019	Fee Payment	Check #1769	\$24.00
	Remodel: Basement finish post original c/o issue	07/24/2019	Fee Payment	Check #1769	\$189.80
BR19-0222					
INV-00001273	2% State Surcharge	08/01/2019	Fee Payment	Check #8123	\$0.90
	Basement, unfinished space	08/01/2019	Fee Payment	Check #8123	\$45.00
BSP19:0005					
INV-00001293	Boundary/Physical Survey, Easement, Correction	08/05/2019	Fee Payment	Check #22930	\$50.00
BZA19:0003					
INV-00000951	Sign Deposit for Public Hearing	07/10/2019	Fee Payment	Check #2766	\$90.00
ER19-0169					
INV-00001199	2% State Surcharge	07/01/2019	Fee Payment	Cash	\$0.90
	Electrical: Base fee	07/01/2019	Fee Payment	Cash	\$45.00
ER19-0193					
INV-00001233	2% State Surcharge	07/18/2019	Fee Payment	Check #3904	\$0.90
	Electrical: Base fee	07/18/2019	Fee Payment	Check #3904	\$45.00
ER19-0202					
INV-00001259	2% State Surcharge	07/25/2019	Fee Payment	Check #5647	\$0.90
	Electrical: Base fee	07/25/2019	Fee Payment	Check #5647	\$45.00
ER19-0212					
INV-00001294	2% State Surcharge	08/05/2019	Fee Payment	Check #32680	\$3.18
	Electrical: Per SqFt	08/05/2019	Fee Payment	Check #32680	\$159.12
GP19-0082					
INV-00001221	2% State Surcharge	07/15/2019	Fee Payment	Check #2613	\$0.90
	HVAC: All other mechanical permits	07/15/2019	Fee Payment	Check #2613	\$45.00
MSC19:0003					
INV-00001188	Sign Permit	07/01/2019	Fee Payment	Check #6228	\$155.00
MSC19:0005					
INV-00001232	Sign Permit	07/18/2019	Fee Payment	Check #6347	\$155.00
SDP19:0007					
INV-00001206	Site Plan Review: Minor Plan	07/09/2019	Fee Payment	Check #22452028	\$550.00
SDP19:0010					
INV-00001265	Site Plan Review: Major Plan	07/30/2019	Fee Payment	Check #080906	\$1,100.00
SDP19:0011					
INV-00001277	Site Plan Review: Sketch Plan	08/01/2019	Fee Payment	Check #22921	\$150.00
SDP19:0012					
INV-00001281	Amendment to Site Development Plan	08/02/2019	Fee Payment	Check #1309	\$150.00
SDP19:0013					
INV-00001289	Site Plan Review: Major Plan	08/05/2019	Fee Payment	Check #14668	\$100.00
		08/05/2019	Fee Payment	Check #1034	\$1,000.00
SUB19:0013					

TRANSACTIONS BY USER REPORT (07/01/2019 TO 08/31/2019)

Invoice #	Fee Name	Transaction Date	Transaction Type	Payment Method	Paid Amount
INV-00001189	Subdivision: Ordinance of Vacation	07/01/2019	Fee Payment	Check #607	\$225.00
SUB19:0014					
INV-00001212	Boundary Adjustment	07/10/2019	Fee Payment	Check #2534	\$100.00
SUB19:0015					
INV-00001216	Boundary Adjustment	07/12/2019	Fee Payment	Cash	\$100.00
SUB19:0016					
INV-00001217	Boundary Adjustment	07/12/2019	Fee Payment	Cash	\$100.00
SUP19:0006					
INV-00001191	Sign Deposit for Public Hearing	07/01/2019	Fee Payment	Check #553	\$90.00
	Special Use Permit	07/01/2019	Fee Payment	Check #552	\$800.00
SUP19:0007					
INV-00001192	Sign Deposit for Public Hearing	07/01/2019	Fee Payment	Cash	\$90.00
	Special Use Permit	07/01/2019	Fee Payment	Cash	\$800.00
ZMP19:0001					
INV-00001234	Rezoning	07/18/2019	Fee Payment	Check #2039	\$1,000.00
	Sign Deposit for Public Hearing	07/18/2019	Fee Payment	Check #2040	\$90.00
VALENCIA PORTER				TOTAL CASH:	\$1,284.00
				TOTAL CHECK:	\$9,300.22
				NET TOTAL:	\$10,584.22
GRAND TOTALS				TOTAL CASH:	\$1,284.00
				TOTAL CHECK:	\$9,300.22
				NET TOTAL:	\$10,584.22

FLUVANNA COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
Circuit Court Room
July 9, 2019
7:00 p.m. Regular Meeting

MEMBERS PRESENT: Barry Bibb, Chairman
Ed Zimmer, Vice Chairman
Lewis Johnson
Gequetta "G" Murray-Key
Howard Lagomarsino
Patricia Eager, Board of Supervisors Representative

BOARD OF SUPERVISORS: John M. (Mike) Sheridan, Columbia District, Chair
Tony O'Brien, Rivanna District, Vice Chair
Donald W. Weaver, Cunningham District
Mozell Booker, Fork Union District
Patricia Eager, Palmyra District

ALSO PRESENT: Douglas Miles, Director of Community Development
Brad Robinson, Senior Planner
Holly Steele, Planner
Fred Payne, County Attorney
Valencia Porter, Senior Program Support Assistant
Eric Dahl, County Administrator
Caitlin Solis, Clerk of the Board of Supervisors

ABSENT: None

1. **Open the Regular Meeting:**
At 7:00p.m., 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:

June 19, 2019

ZMP 18:01 Steven L. & Codie C. Peters / Colonial Circle – A request to rezone, from A-1 Agricultural, General and B-1 Business, General to R-3, Residential Planned Community, 61.95 acres of Tax Map 8, Section A, Parcel A14A. The property is located on the northeast corner of the intersection of Thomas Jefferson Parkway (Route 53) and Lake Monticello Road (State Route 618). The property is within the Rivanna Community Planning Area and the Palmyra Election District. **(Approved 4-1)**

SUP 18:05 Steven L. & Codie C. Peters / Colonial Circle Density – A request to increase density above 2.9 dwelling units per acre with respect to 61.95 acres of Tax Map 8, Section A, Parcel A14A. The property is located on the northeast corner of the intersection of Thomas Jefferson Parkway (Route 53) and Lake Monticello Road (State Route 618). The property is within the Rivanna Community Planning Area and the Palmyra Election District. **(Approved 4-1)**

July 2, 2019

None

Board of Zoning Appeals Actions:

June 18, 2019

BZA 19:03 – Keith Bray: A request for a variance to Fluvanna County Code Sec.22-4-3(G) of the Zoning Ordinance to allow for the reduction of the minimum rear setback, from 75 feet to 51 feet, for the purpose of constructing a new 42' x 70' garage building with a gable roof with respect to

2.5 acres of Tax Map 8, Section 6, Parcel 2. The subject property is located in the Palmyra Election District at the intersection of Lake Monticello Road (Route 618) and White Oak Drive. The property is zoned A-1, Agricultural, General and is within the Rivanna Community Planning Area. **(Dismissed 3-0)**

BZA 19:04 – Greenberry’s: A request for a variance to Fluvanna County Code Sec.22-11-5 of the Zoning Ordinance to allow for the reduction of the minimum building setback required from a street right-of-way, from 50 feet to 25 feet, for the purpose of constructing a light manufacturing facility with respect to 1.095 acres of Tax Map 5, Section 24, Parcel 6. The subject property is located in the Columbia Election District within the Zion Station industrial subdivision at the intersection of Zion Station Road (Route 1021) and Zion Station Court (Route 1022). The property is zoned I-1, Industrial, Limited and is within the Zion Crossroads Community Planning Area. **(Denied 3-0)**

Technical Review Committee for June 13, 2019:

- I. **SDP 19:05 Fork Union Fire Training Building** – A site development plan request to construct a fire training building, with respect to 10 acres of Tax Map 51, Section A, Parcel 129. The property is zoned I-1, Industrial, Limited and located on James Madison Highway (Route 15), approximately 1 mile southeast of the intersection with East River Road (Route 6). The property is located in the Fork Union Election District and is within the Fork Union Community Planning Area.
- II. **SDP 19:08 Lane Self Storage** – A site development plan request to construct seven self-storage buildings, parking area and travelways with respect to 4.337 acres of Tax Map 5, Section A, Parcel 59. The property is zoned I-1, Industrial, Limited and located along U.S. Route 15 (James Madison Highway) approximately 0.2 miles south of its intersection with U.S. Route 250 (Richmond Road). The property is located in the Columbia Election District and is within the Zion Crossroads Community Planning Area.
- III. **SDP 19:10 Central Virginia Electric Cooperative** – A site development plan request to construct an employee parking area containing 26 spaces with respect to 41.815 acres of Tax Map 10, Section A, Parcel 32. The property is zoned B-1, Business, General and located on the east side of Salem Church Road (Route 644), approximately ¼ mile south of its intersection with Union Mills Road (Route 616). The property is located in the Columbia Election District and is within the Rural Residential Planning Area.
- IV. **SUP 19:05 Mary Jane Cathers** – A request for a special use permit to convert the second floor of an existing 24’ x 48’ barn into a specialty retail store for the sale of alpaca products and to host related workshops, with respect to 4.234 acres of Tax Map 19, Section 13, Parcels 5 and 6. The property is located off of James Madison Highway (State Route 15), approximately 0.3 miles south of the intersection with Bybees Church Road (State Route 613). The parcel is zoned A-1 Agricultural, General and located within the Rural Residential Planning Area and the Columbia Election District.

3. **Public Comments:**

None

4. **Minutes:**

MOTION:	Planning Commission Minutes of June 11, 2019				
MEMBER:	Bibb (Chair)	Zimmer (Vice Chair)	Johnson	Murray-Key	Lagomarsino
ACTION:		Motion	Seconded		
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	Approved 5-0				

MOTION:	Joint Work Session with Board of Supervisors Minutes of June 19, 2019				
MEMBER:	Bibb (Chair)	Zimmer (Vice Chair)	Johnson	Murray-Key	Lagomarsino
ACTION:				Motion	Seconded
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	Approved 5-0				

5. **PUBLIC HEARINGS:**

Chairman Bibb invited the Board of Supervisors to call their meeting to order.

Chairman Sheridan of the Board of Supervisors called the Special Meeting to order at 7:10p.m.

ZTA 19:01—Industrial District Setbacks—Brad Robinson, Senior Planner:

- Proposed text amendment would apply only to business or industrial subdivisions
- Currently I-1 zoning district requires a 50’ setback from a street right-of-way for properties within a subdivision for business or industrial uses
 - Requirement is 100’ for all other properties
- I-2 zoning district requires a 200’ setback from a street right-of-way for all I-2 zoned properties (no exception within a subdivision)

Zoning	Building Setback	Parking Setback
I-1	100’ from any street right-of-way (50’ if said street is an access road within a subdivision for business or industrial uses and serves properties that contain industrial zoning district classifications only)	50’ from any street right-of-way (25’ if said street is an access road within a subdivision for business or industrial uses and serves properties that contain industrial zoning district classifications only)
I-2	200’ from any street right-of-way	None specified

Conclusions:

- Remove the requirement of a minimum building setback from a street right-of-way within industrial subdivisions;
- Allow flexibility with site design and building orientation on a site-specific basis;
- Encourage economic development in the County.

Staff Comments

- May want to consider reducing the current setback requirements as opposed to not having a minimum setback requirement.
- Staff recommends 25’ minimum

Public Comments and Questions:

Payne: This amendment only deals with the setback from the roads. If you thought of anything in between 50ft and 0ft you can amend that. The staff and I recommend the 25ft, and I don’t have a problem with that.

Bibb: In our discussion from earlier the Planning Department and I also thought that it was advisable Idea to also move it to 25ft. Also what I thought about is when they do the underground utilities we will still have to move it back if it became the 0ft setback. So that’s why I thought about the 25 would be great.

Robinson: That’s correct

Murray-Key: I was wondering how we came up with this 25ft setback? Is that with the parking setbacks that we already have?

Robinson: It should because we already have a minimum of 25ft setback for parking, so that’s some of the reason why we chose the 25ft, that way it will line up with the parking setback.

Zimmer: This amendment kind of came to us by a specific request. Would this 25ft meet their propose setback? Will their proposed plan be okay?

Robinson: Yes.

Payne: That was the variance that they were asking for, but that was not the reason the staff picked that number.

Murray-Key: So if I can get just a little more clarification on this. You're saying 25ft; are you saying that flat out, or did I hear the opportunity, Mr. Payne and you were saying that the situation where you're trying to get the developers the opportunity to go from 0 to 25ft. Did I misunderstand something?

Payne: Yes, you misunderstood it. The original copy that you have in your packet, it talks about no setback on it for the exception of traffic concerns, but if there is a problem then it will have to be at least 25ft. The revised copy is a minimum of 25ft of setback, which is a hard number.

Zimmer: So they are at least keeping the safety language in there, that way it wouldn't go below 25ft.

Payne: If you do nothing then it will be 50ft in the I-1, and 200 in the I-2. You can leave it alone, you can reduce it to zero, or you can get more bang for your bucks.

Miles: That's an important point, we talked about is that in the industrial subdivision, or in Zions Crossroads or what have you, we still like on Route 15 or Route 53 you would want to have a 100ft setback for future widening, straightening, or even for VDOT, that way you will always have that adequate space. That way in 10-15 years from now you wouldn't have to worry about that.

Public Hearing:

None

Suggested Motion:

I move that the Planning Commission recommend approval of ZTA 19:01, 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.

MOTION:	Industrial District Setbacks (Ordinance version 1)				
MEMBER:	Bibb (Chair)	Zimmer (Vice Chair)	Johnson	Murray-Key	Lagomarsino
ACTION:		Motion	Seconded		
VOTE:	No	Yes	Yes	Yes	Yes
RESULT:	Approved 4-1				

Chairman Sheridan of the Board of Supervisors adjourned the Board of Supervisors Special Meeting for July 9, 2019.

6. **PRESENTATIONS:**

None

7. **SITE DEVELOPMENT PLANS**

SDP 19:05 Fork Union Fire Training Building—Holly Steele, Planner

- Request for approval to construct a fire training building, with respect to 10 acres of Tax Map 51, Section A, Parcel 129.
- Parcel is zoned I-1 and is located within the Fork Union Community Planning Area and Election District;
- Adjoining parcels are zoned I-1 and A-1.

Conclusion:

- Sketch plan is a request to construct a fire training building, with respect to 10 acres of Tax Map 51, Section A, Parcel 129.
- Appears to meet the requirements of zoning ordinance;
- Final site plan that complies with all aspects of the zoning ordinance must be submitted for final review and approval from all agencies;
- Staff recommends approval of SDP 19:05, subject to the three (3) conditions listed in the staff report and on the following slide.

Public Comments and Questions:

Payne: The County of Fluvanna already owns that section of the property. It is under contract, and will close by the end of this month.

Zimmer: This will be a fire training building where they learn the different types of fires, is that correct? It's also called a burn building.

Steele: Yes, that is correct. Right now we currently have to go to other counties to have this type of training, so this is definitely in need of.

Ben Powell, Applicant: This is a Virginia Department of Fire program, type 2, class A building. The building will not burn, we will have straw and other monitor type of paper, a special type of heating system. That way when it gets to a certain amount of temperature, it will contact an alert type of system and calm itself down. Nothing can be used in there except for the Class A material.

Lagomarsino: Are there any future plans for class room work?

Dahl: The nice thing about this is that there is the Community Center is right there and there is a space for work right there inside of the firehouse right next to it. Plenty of parking also.

Lagomarsino: Is the site big enough for an evaluate training?

Ben Powell, Applicant: Whatever the Fire and Rescue Association wants to plan ahead or get funding for that is a large site there, but there have been some discussion of some tower work, and there will be a 2 to 3 stories of the building. It will be ground ladders or area ladders, also it's for people with rescue that will be able to defined space. After the construction we are trying to put a picnic space there that way if you need it that that will be more space also. With the electric service we are trying to put in, we are thinking that that way if someone wanted to use the classroom so they can use the PowerPoint that will be great.

Murray-Key: Is there going to be since its right there at the community center, is there going to be a different drive-way in what the public normally uses?

Ben Powell, Applicant: Right now it is going to be the entrance for the Community Center, they will go across the entrance to the front of the building. That will be the right side of the driveway for them to come along the back to where it is.

Murray-Key: So will there be something that says authorized users only, so that folks won't be able to go back there?

Dahl: Certainly are going to be some signs up.

Bibb: There is going to be a locked gate, right?

Ben Powell, Applicant: Yes.

Suggested Motion:

I move to approve SDP 19:05, a sketch plan request to construct a fire training building, with respect to 10 acres of Tax Map 51, Section A, Parcel 129, subject to the three (3) conditions listed in the staff report.

MOTION:	SDP 19:05 Fork Union Fire Training Building				
MEMBER:	Bibb (Chair)	Zimmer (Vice Chair)	Johnson	Murray-Key	Lagomarsino
ACTION:			Motion		Seconded
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	Approved 5-0				

SDP 19:08—Lane Self Storage—Brad Robinson, Senior Planner

- Request for sketch plan approval to construct seven self-storage buildings, parking area and travelways with respect to 4.337 acres of Tax Map 5, Section A, Parcel 59.
- Parcel is zoned I-1 and is located within the Zion Crossroads Community Planning Area;
- Adjoining parcels are zoned A-1

Conclusion:

- Sketch plan is for seven self-storage buildings
- Appears to meet the requirements of zoning ordinance;
- Final site plan that complies with all aspects of the zoning ordinance must be submitted for final review and approval from all agencies;
- Staff recommends approval of SDP 19:08, subject to the three (3) conditions listed in the staff report

Public Comments and Questions:

Bibb: VDOT is saying that the entrance will probably have to be approved for either a low volume commercial, or a commercial, which will come up later in the site plan?

Robinson: That's correct.

Eager: Will any of the storage units be climate controlled?

Michael Chandler, Shimp Engineering: Yes, there will be climate control. Two buildings on the lower half of the site plan, seven buildings total.

Lagomarsino: Did the fire chief express his concerns about access?

Michael Chandler, Shimp Engineering: Yes, the fire chief wanted us to provide access so that they can go all around the property without having to make any turns. There will be a motorized gate all the way around with a keyless entry where you would have to open the gate with a security code.

Suggested Motion:

I move to approve SDP 19:08, a sketch plan request to construct a self-storage facility with respect to 4.337 acres of Tax Map 5, Section A, Parcel 59, subject to the conditions listed in the staff report.

MOTION:	SDP 19:08 Lane Self Storage				
MEMBER:	Bibb (Chair)	Zimmer (Vice Chair)	Johnson	Murray-Key	Lagomarsino
ACTION:		Seconded		Motion	
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	Approved 5-0				

SDP 19:10 Central Virginia Electric Cooperative—Brad Robinson, Senior Planner

- Request for sketch plan approval to construct an employee parking area containing 26 spaces with respect to 41.815 acres of Tax Map 10, Section A, Parcel 32;
- Parcel is zoned B-1 and is located within the Rural Residential Planning Area;
- Adjoining parcels are zoned A-1.

Conclusion:

- Sketch plan is for an additional employee parking area;
- Appears to meet the requirements of zoning ordinance;
- Final site plan that complies with all aspects of the zoning ordinance must be submitted for final review and approval from all agencies;
- Staff recommends approval of SDP 19:10, subject to the three (3) conditions listed in the staff report

Public Comments and Questions:

Bibb: This will be gravel parking this time, then come back and pave it later on.

Robinson: That's correct.

Bibb: One of the necessary things that they have been doing is working with the Firefly here in the county. They need these additional spaces for the workers that will be working there.

Robinson: That's correct.

Dahl: Yes, one of the CVEC operations here in the county, they have property there, I actually have spoken to them, and they have eleven new employees, a dozen of fire fly broad bands that's coming into the county.

Suggested Motion:

I move to approve SDP 19:10, a sketch plan request to construct an employee parking area Containing 26 space with respect to 41.815 acres of Tax Map 10, Section A, Parcel 32, subject to The conditions listed in the staff report.

MOTION:	SDP 19:10 Central Virginia Electric Cooperative				
MEMBER:	Bibb (Chair)	Zimmer (Vice Chair)	Johnson	Murray-Key	Lagomarsino
ACTION:				Motion	Seconded
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	Approved 5-0				

8. **SUBDIVISIONS:**

SUB 18:25 Rivanna Investments & Steger Investments—Brad Robinson, Senior Planner

Request for sketch plan approval for a rural cluster minor subdivision with respect to 12.53 acres of Tax Map 9, Section A, Parcel 11F.

- 4 building lots (3.1 acres) and 5 dwelling units (one unit in open space)
- 9.43 acres in open space

- Parcel is zoned A-1 and is located within the Rivanna Community Planning Area

Conclusion

- Sketch plan is for a rural cluster minor subdivision with 4 lots and 5 dwelling units (when including open space);
- Appears to meet the requirements of zoning and subdivision ordinances;
- Preliminary and final plats must be submitted for final review and approval from all agencies;
- Staff recommends approval of SUB 18:25, subject to the four (4) conditions listed in the staff report

Public Comments and Questions:

Bibb: Seems to me most of the open space is actually up against Lake Monticello.

Robinson: They concentrated the open space against Lake Monticello.

Murray-Key: Do residents would like to reserve the path for the areas, is this the first time we ever done?

Robinson: A minor rural cluster subdivision.

Murray-Key: So what in what sense will they make of, are they liking what they see, or there?

Robinson: This has been under administrative review, there hasn't been any input or comments from the residents. What I was speaking of was when the county did its last comprehensive plan and sought input from residents, concerning the Rivanna community planning area. One of the priorities that was mentioned was they would like to see preserving and protecting rural character. So they haven't commented on this specific proposal.

Murray- Key: That's what I was trying to clarify.

Lagomarsino: Looking at the sketch plan, does this meet the access road requirement, do we know what the cul-de-sac radius is going to be?

Bibb: 100 foot radius, 50 foot easement.

Kelly Strickland, Shimp Engineering: The access road will have to meet the fire entrance requirement, what we are showing on the cover sheet is a 20 foot travelway, but only 14 Feet is paved. The shoulders are 3 feet each and will have to show requirements for the fire access.

Eager: Is it going to be paved or gravel?

Kelly Strickland, Shimp Engineering: I believe it's going to be gravel.

Suggested Motion:

I move that the Planning Commission approve SUB 18:25, a request for four (4) residential lots plus open space, with respect to 12.53 acres of Tax Map 9, Section A, Parcels 11, 11B, 11F and 11G, subject to the four (4) conditions listed in the staff report.

MOTION:	SUB 18:25 Rivanna Investment & Steger Investments				
MEMBER:	Bibb (Chair)	Zimmer (Vice Chair)	Johnson	Murray-Key	Lagomarsino
ACTION:		Seconded		Motion	
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	Approved 5-0				

9. **UNFINISHED BUSINESS:**

None

10. **NEW BUSINESS:**

None

11. **PUBLIC COMMENTS:**

None

12. **ADJOURN:**

Chairman Bibb adjourned the Planning Commission meeting of July 9, 2019 at 8:29p.m.

Minutes recorded by Valencia Porter, Senior Program Support Assistant.



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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STAFF REPORT

To: Fluvanna County Planning Commission
Case Number: SUP 19:06
Tax Map: Tax Map 20, Section A, Parcel 8

From: Holly Steele
District: Columbia
Date: August 13, 2019

General Information: This request is to be heard by the Planning Commission on Tuesday, August 13, 2019 at 7:00 p.m. in the Circuit Court Room of the Fluvanna County Courthouse.

Owner/Applicant: Thomas and Ryan Pace

Representative: Michael A. Himes

Requested Action: 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. (Attachment A)

Location: The property is located on Bybees Church Rd. (State Route 613), 0.4 miles from the intersection with Barnaby Rd. (State Route 608). (Attachment B)

Existing Zoning: A-1, Agricultural General (Attachment C)

Existing Land Use: Vacant Land

Planning Area: Rural Residential Planning Area

Adjacent Land Use: Adjacent properties are zoned A-1

Zoning History: None

Comprehensive Plan:

Land Use Chapter:

The Comprehensive Plan designates this property as within the Rural Residential Planning Area. According to this chapter:

“Rural residential areas are linked to the rural cluster community element and general surround the six community planning areas. Rural residential areas conserve open space by clustering development or developing on larger lots. Projects should achieve the goal of preserving as much open space, and thus rural character, as possible. The open space should be strategically located to preserve viewsheds from roads and existing developments, and to be used by the residents of the planned community. Some mixed-use development may be possible at a very small, rural neighborhood scale, but most development is single-family or two-family residential projects with limited commercial uses.”

At the proposed location, this business maintains the rural character of the surrounding area. As evidenced by site visits to the location, the dwelling on the property and storage shed are both clearly visible from the road. The limited number of landscaping materials supply piles are largely screened from the road by existing trees lining the edge of the property. There are a limited number of dump trucks and other work-related equipment. During my site visit, there were only two pieces of equipment on the property. According to Mr. Pace’s representative, Mr. Michael Himes, there is no traffic to the property, as all work is done offsite. Based on this information, Mr. Pace’s business aligns with the concept of a “rural neighborhood scale” business development. There are no homes within view of the property, so there is limited impact on adjacent property owners.

Economic Development:

Goal C4: *Recruit new businesses through the Economic Development Business Plan by identifying Fluvanna’s competitive advantages, skilled workforce, necessary infrastructure, and effective marketing strategies.*

Though already in operation, Green Thumb Landscaping is a source of economic development for Fluvanna County. Since beginning the Special Use Permit process, the applicant and his representative have spoken with the Economic Development Coordinator in regards to adding the business to the county’s business directory. Though this is a currently small operation, in the future, it could require additional skilled laborers which would increase job opportunities in Fluvanna County. As of right now, the business employs 3-4 workers.

Analysis:

This Special Use Permit will allow for a landscaping materials supply business, with respect to 1.631 acres of Tax Map 20, Section A, Parcel 8. The business consists of mulch piles and landscaping equipment to be taken and used offsite. There is no traffic from customers to the property. The only traffic in and out of the property is from the business’ vehicles. This business has minimal impact on adjoining property owners and is only partially visible from Bybees Church Rd.

First, the proposed use should not tend to change the character and established pattern of the area or community.

This business is located in a rural portion of the county. There are fields and dense forests surrounding the parcel. Landscaping materials, such as mulch, will not disrupt the rural character of the surrounding area. Being a small operation, this business does not possess extensive fleets of equipment or work throughout the late hours of the day. Based on this information, the operation of this business in a rural residential planning area will not change or impact the established pattern of the area or the community.

Second, the proposed use should be compatible with the uses permitted by-right in that zoning district and shall not adversely affect the use/or value of neighboring property.

This use is compatible with the by-right uses in the A-1 zoning district. There will be minimal traffic, noise, and visual impacts that will affect adjoining property owners. This landscaping materials supply business will be compatible with residential, commercial, agricultural, civic, and industrial uses that are permitted by-right in the A-1 zone.

Neighborhood Meeting:

There were no community attendees at the July 10, 2019 neighborhood meeting. Staff and representatives for this project were present.

Technical Review Committee:

The following comments are the result of the Technical Review Committee meeting that was held on Thursday, July 11, 2019:

1. Planning: Questioned whether or not there was traffic to the site or if the site just held the material stockpiles. The applicant stated that there was no traffic to the property; just stockpiles. Also, I questioned the hours of operation for the business. Mr. Himes stated that the hours were Monday through Saturday from 8am-6pm.
2. Erosion and Sediment Control: No concerns since the applicant is not expanding his enterprise.
3. Fire Chief: Chief Brent suggested that Ryan keep the mulch far enough away from the home so that fire equipment could fit between the home and a potential fire on the mulch piles. Additionally, he asked whether fertilizer would be kept at the site. The representative for the project stated that it would not.
4. Environmental Health Department: Responded in person to Holly Steele with the following comment *“I assume that any water & sewage needs will be accommodated by the existing dwelling. Any additional will require services of an AOSE (private soil consultant).”*

5. VDOT: Mr. Wilson responded via email on Wednesday, July 10th with the following comments:

1. Based on the use this entrance will most likely qualify as a low volume commercial entrance. Looking at it out in the field I believe the entrance already meets the required geometric standards, however if the entrance does not meet the standards, it will need to be upgraded. This would require the applicant to apply for a land use permit through our office to perform the work in the right of way.

2. The applicant will need to show that there exists adequate stopping sight distance at the existing entrance location. I believe the speed limit is 45mph through here so required stopping sight distance would be 360 feet. Based on my field visit sight distance appears fine as you are traveling towards the entrance from the south (traveling north). However I am concerned about the sight distance as you are approaching the entrance from the north (traveling south). There is a crest vertical curve to the north of the entrance that may impede the sight lines. Mr. Himes commented that he had spoken with VDOT about putting a mirror across the street to help with sight distance.

6. Emergency Services: Questioned how much mulch was going to be held at the site since mulch easily catches fire.
7. Building Official: No comments since there will be no new buildings.
8. Communications Officer: No comments.
9. Economic Development: Questioned how many employees Mr. Pace employed. Mr. Himes said there were four. Mr. Rothamel also urged the business to register on Fluvanna's free business directory.
10. Director of Community Development: Questioned whether or not employees drive to the site or meet at the job site. Mr. Miles wanted the applicant to be mindful of the parking situation on his lot.

(Attachment D)

Conclusion:

The Planning Commission should consider that this will be a low-intensity use and will encourage economic development to the county. This use aligns with the Comprehensive Plan and will cause minimal, if any, impact to adjoining property owners.

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. 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. Hours of operation shall be between 8:00 am and 6:00 pm Monday through Saturday.
6. The Board of Supervisors, or its representative, reserves the right to inspect the business for compliance with these conditions at any time.
7. All outdoor storage of materials shall be screened from the view of public roads, rights-of-way, and adjacent properties as required by Sec. 22-24-7 3. iii of the zoning ordinance.
8. The facility shall be constructed and receive final inspection from the Fluvanna County Department of Building Inspections within two (2) years of the date of approval of the special use permit or the SUP approval will expire and require a new SUP;
9. 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.”

Suggested Motion:

I move that the Planning Commission recommend approval/denial/deferral of SUP 19:06, 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, Parcels 8; [if approved] subject to the nine (9) conditions listed in the staff report.

Attachments:

- A – Application and Site Plan
- B – Aerial Map
- C – Zoning Map
- D - TRC Comment Letter
- Cc: File



JUL 1 2019

COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA

Planning Dept.

Application for Special Use Permit (SUP)

Owner of Record: Thomas A. Pace & Ryan T. Pace

Applicant of Record: Ryan T. Pace

Address: 3292 Heathcote Lane, Keswick, VA. 22947

Address: 730 Bybees Church Rd., Palmyra VA. 22964

Phone: 434-953-8865 Fax: _____

Phone: 434-953-9777 Fax: _____

Email: tom.pace@LNF.com

Email: ryanpace@greenthumblandscapingva.net

Representative: _____

Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.

Address: _____

Phone: _____ Fax: _____

Email: _____

If property is in an Agricultural Forestal District, or Conservation Easement, please list information here:

Tax Map and Parcel(s) 20-A-8

Acreeage 1.631

Zoning A-1

Deed Book and Page: Instrument #180001095

Location of Parcel: 730 Bybees Church Rd. Palmyra VA

If any Deed Restrictions, please attach a copy

Request for an SUP for the purpose of: Landscaping Materials Supply

*Ten copies of a sketch plan (8.5x11 inches or 11x17 inches) must be submitted, showing size and location of the lot, dimensions and location of the proposed building, structure or proposed use, and the dimensions and location of the existing structures on the lot.

By signing this application, the undersigned owner/applicant authorizes entry onto the property by County Employees, the Planning Commission, and the board of Supervisors during the normal discharge of their duties in regard to this request and acknowledges that county employees will make regular inspections of the site.

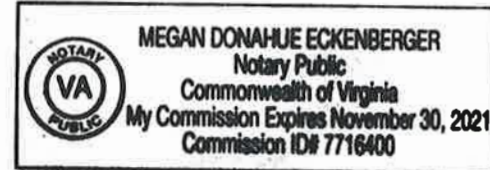
Date: July 1, 2019 Signature of Owner/Applicant: [Signature]

Subscribed and sworn to before me this July 1 day of 2019, 20

Notary Public: Megan Donahue Eckenberger Register # _____

My commission expires: November 30, 2021

Certification: Date: July 1, 2019



Office Use Only

Date Received: <u>7-1-2019</u>	Pre-Application Meeting: _____	PH Sign Deposit Received: <u>6/1/19</u>	Application #: SUP <u>19-0006</u>
\$800.00 fee plus mailing costs paid: <u>41552</u>		Mailing Costs: \$20.00 Adjacent Property Owner(APO) after 1st 15, Certified Mail	
Amendment of Condition: \$400.00 fee plus mailing costs paid: _____			
Telecommunications Tower fee plus mailing costs paid: _____		Telecom Consultant Review fee paid: _____	
Election District: <u>Columbia</u>	Planning Area: <u>Rural Residential</u>		
Planning Commission		Board of Supervisors	
Advertisement Dates: _____	Advertisement Dates: _____		
APO Notification: _____	APO Notification: _____		
Date of Hearing: _____	Date of Hearing: _____		
Decision: _____	Decision: _____		



Commonwealth of Virginia
County of Fluvanna
Public Hearing Sign Deposit

Name: Ryan T. Pace
Address: 730 Bybees Church Rd.
City: Palmyra
State: VA Zip Code: 22963

I hereby certify that the sign issued to me is my responsibility while in my possession. Incidents which cause damage, theft, or destruction of these signs will cause a partial or full forfeiture of this deposit.

[Signature] Applicant Signature 7-1-19 Date

*Number of signs depends on number of roadways property adjoins.

OFFICE USE ONLY	
Application #: BZA _____ : CPA _____ : SUP <u>19</u> : <u>06</u> ZMP _____ : ZTA _____ :	
\$90 deposit paid per sign*: <u>✓ # 553</u>	Approximate date to be returned:

Received
JUL 1 2019
Planning Dept.

JUL 01 2019

Planning Dept.

Describe briefly the **improvements** proposed. State whether new buildings are to be constructed, existing buildings are to be used, or additions made to existing buildings.

NEED APPROVAL FOR LANDSCAPE MATERIALS SUPPLY

NECESSITY OF USE: Describe the reason for the requested change.

COUNTY REQUEST

PROTECTION OF ADJOINING PROPERTY: Describe the effects of the proposed use on adjacent property and the surrounding neighborhood. What protection will be offered adjoining property owners?

None. The topo of the land does not lend itself to be able to help with any plantings or fencing with a

ENHANCEMENT OF COUNTY: Why does the applicant believe that this requested change would be advantageous to the County of Fluvanna? (Please substantiate with facts.)

The landscape entity is a small business in the county and is employing 3-4 people daily.

PLAN: Furnish plot plan showing boundaries and dimensions of property, width of abutting right-of-ways, location and size of buildings on the site, roadways, walks, off-street parking and loading space, landscaping, etc. Architect's sketches showing elevations of proposed buildings and complete plans are desirable and may be required with the application.

Remarks:

Commonwealth of Virginia
County of Fluvanna
Special Use Permit Checklist

The following information shall be submitted with the application and is to be provided by the applicant for the processing of the application:

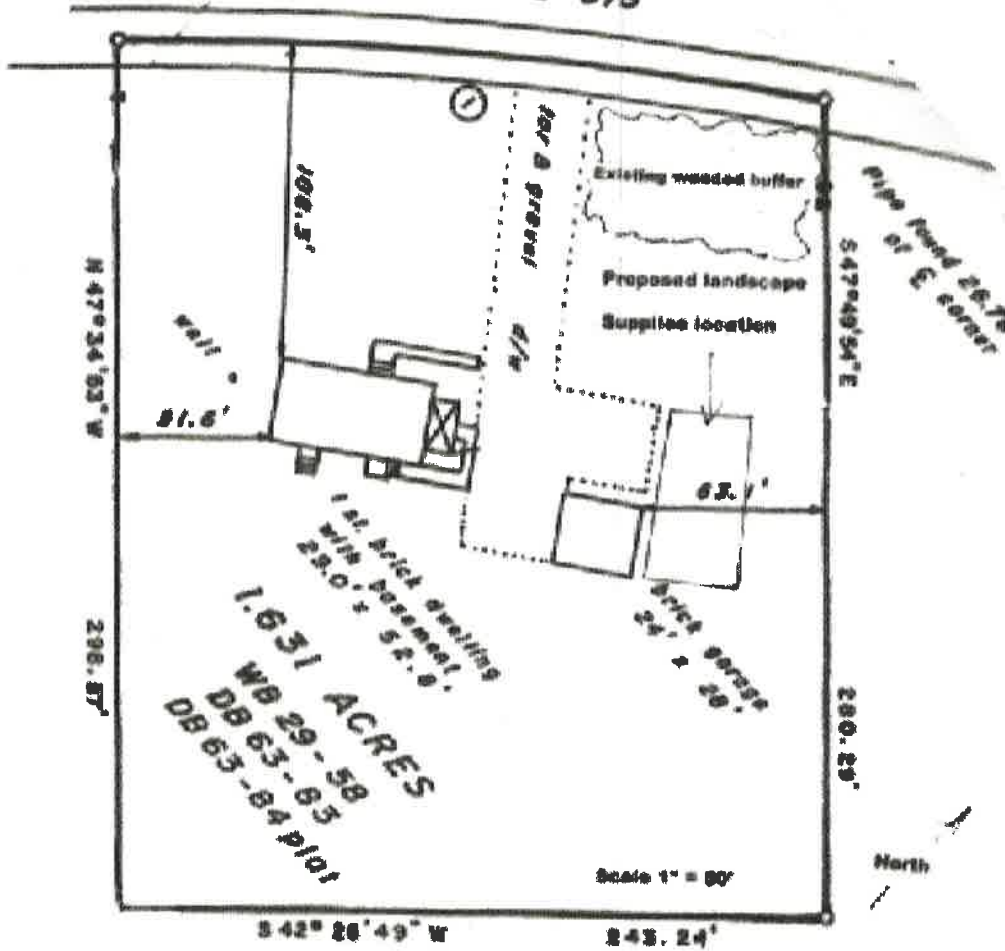
Applicant must supply	Staff Checklist
Completed Special Use Permit signed by the current owner(s) or lessee or written confirmation from the current owner or lessee granting the right to submit the application	
Ten (10) copies of a Site Plan for any expansion or new construction Include: <ul style="list-style-type: none"> • Plot plan or survey plat at an appropriate scale • Location and dimension of existing conditions and proposed development • <i>Commercial and Industrial Development:</i> parking, loading, signs, lighting, buffers and screening • Copy of the Tax Map showing the site (preferred) • General Location Map (preferred) 	
Supporting photographs are not required, but suggested for evidence	

All maps and plans submitted are to be either 8.5"x 11" or 11"x 17". One original of any size may be for staff use at the public hearing.

Staff Only	Staff Checklist
Preliminary review by planning staff for completeness and content: <ul style="list-style-type: none"> • Technical Review Committee review and comment • Determine all adjacent property owners • Placed as a Public Hearing on the next available agenda of the Planning Commission. 	
Notification of the scheduled Public Hearing to the following: <ul style="list-style-type: none"> • Applicant • All adjacent property owners • Local Newspaper advertisement 	
Staff Report to include, but not be limited to: <ul style="list-style-type: none"> • General information regarding the application • Any information concerning utilities or transportation • Consistency with good planning practices • Consistency with the comprehensive plan • Consistency with adjacent land use • Any detriments to the health, safety and welfare of the community. 	

SITE PLAN

STATE ROUTE 613



Prepared On June 28, 2018 by:

Michael A. Nixson

873 Forest Glen Lane

Palmyra, Va. 22963

Owner:

Thomas A. and Ryan T Pass

736 Bybee Church Road

Palmyra, Va. 22963

Received

JUL 01 2019

Planning Dept.

276 745

The property hereby conveyed is subject to any and all easements, restrictions, reservations, and conditions contained in duly recorded deeds, plats and other instruments constituting constructive notice in the chain of title to the above described property which have not expired by limitation of time contained therein or have not otherwise become ineffective.

WITNESS the following signature and seal:

Edith H. Farrar (SEAL)
Edith H. Farrar

BY: Shirley G. Hasher
Shirley G. Hasher, attorney-in-fact for Edith H. Farrar

STATE OF VIRGINIA,

~~CITY~~/COUNTY OF Flovanna, to-wit:

The foregoing instrument was acknowledged before me this 13TH day of December, 1994, by Shirley G. Hasher, attorney-in-fact for Edith H. Farrar.

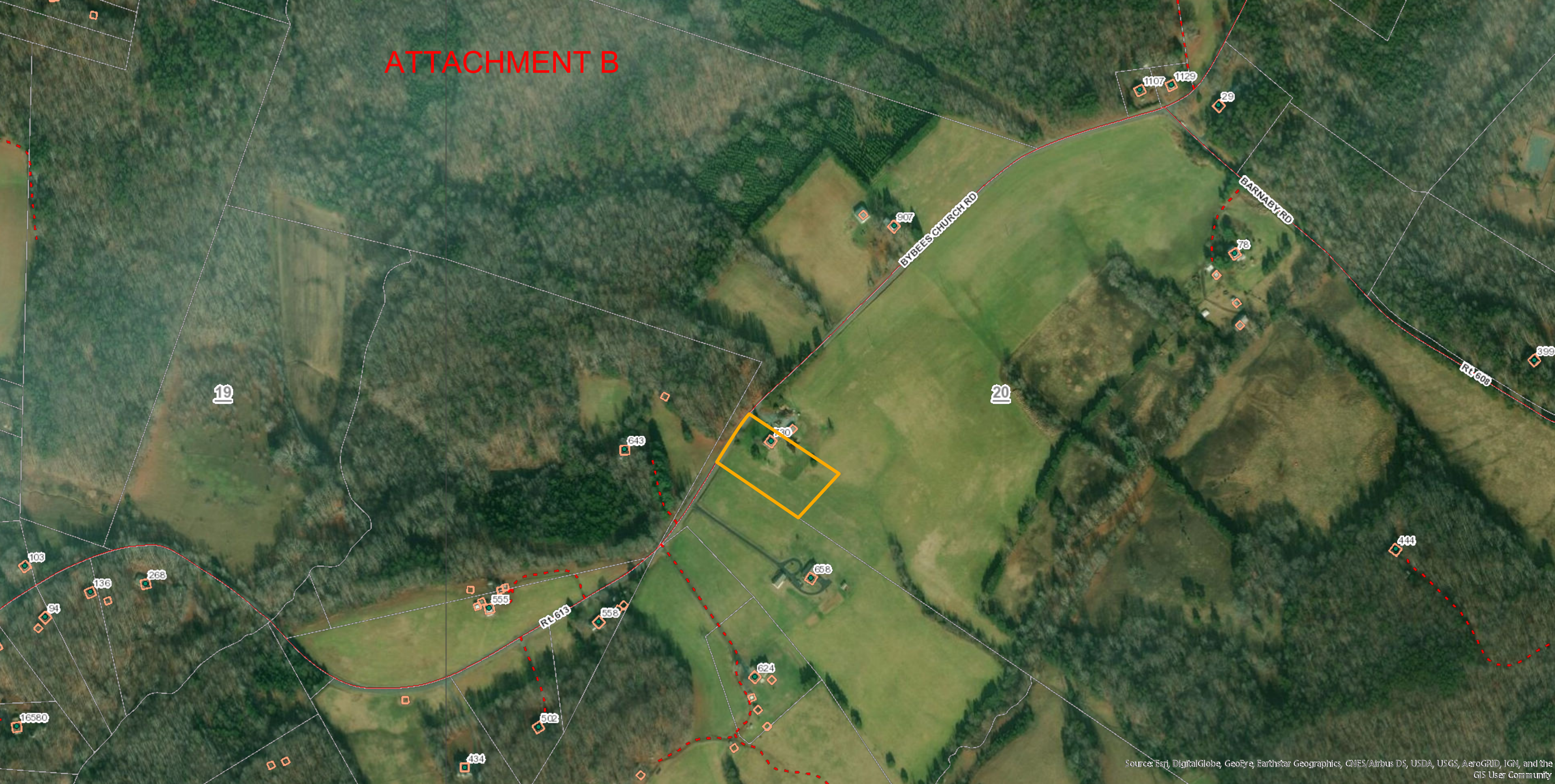
My commission expires: 10-31-95

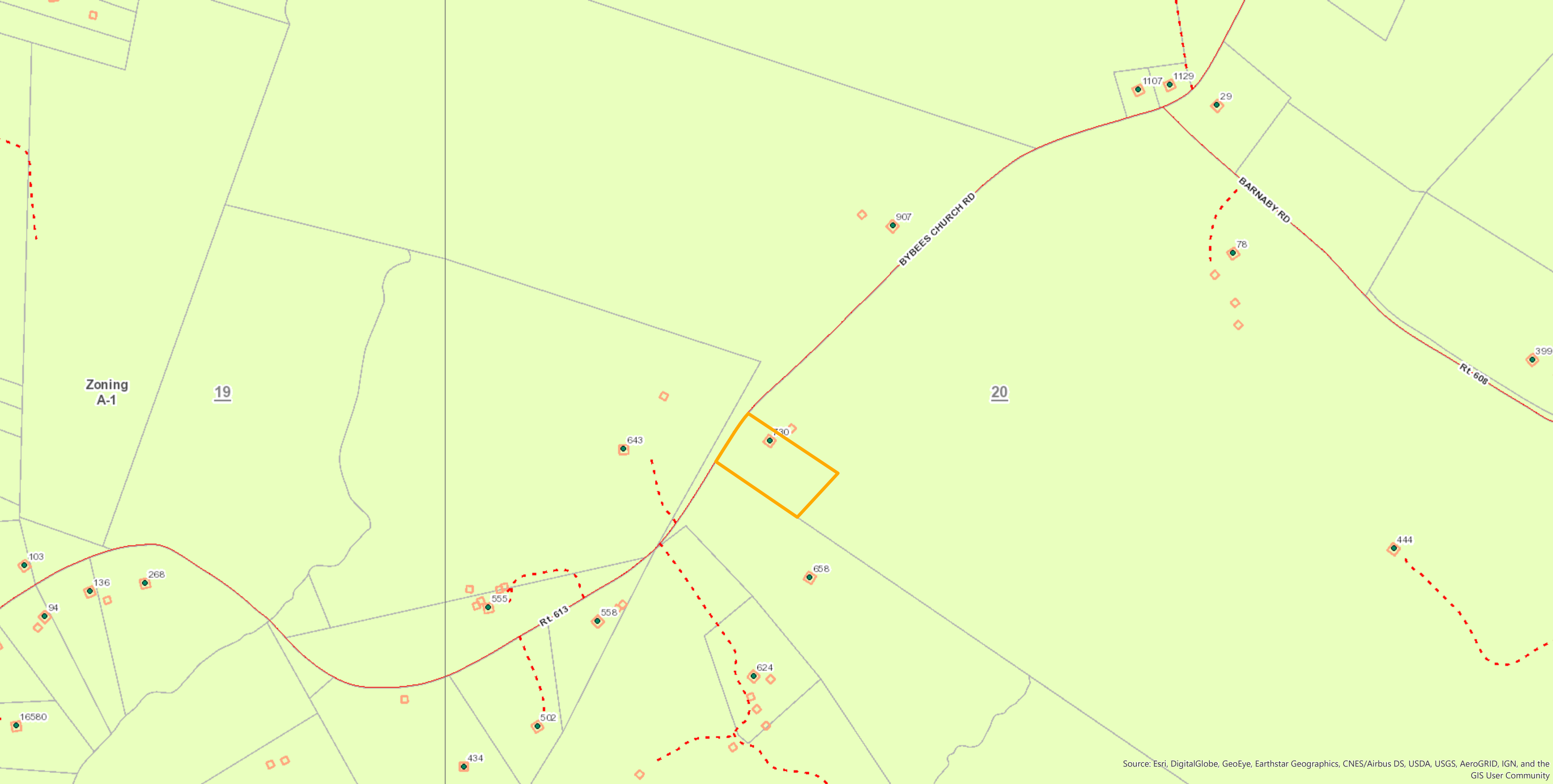


(NOTARY SEAL)

[Signature]
Notary Public

ATTACHMENT B





ATTACHMENT D



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

132 Main Street
P.O. Box 540
Palmyra, VA 22963
(434) 591-1910
Fax (434) 591-1911
www.fluvannacounty.org

July 11, 2019

Ryan T. Pace
730 Bybees Church Rd.
Palmyra, VA 22963

Delivered via email to ryanpace@greenthumblandscapingva.net

Re: SUP 19:06 Green Thumb Landscaping
Tax Map: 20-A-8

Dear Mr. Pace:

The following comments are the result of the Technical Review Committee meeting that was held on Thursday, July 11, 2019:

1. Planning: Questioned whether or not there was traffic to the site or if the site just held the material stockpiles. The applicant stated that there was no traffic to the property; just stockpiles. Also, I questioned the hours of operation for the business. Mr. Himes stated that the hours were Monday through Saturday from 8am-6pm.
2. Erosion and Sediment Control: No concerns since the applicant is not expanding his enterprise.
3. Fire Chief: Chief Brent suggested that Ryan keep the mulch far enough away from the home so that fire equipment could fit between the home and a potential fire on the mulch piles. Additionally, he asked whether fertilizer would be kept at the site. The representative for the project stated that it would not.
4. Environmental Health Department: Responded in person to Holly Steele with the following comment *"I assume that any water & sewage needs will be accommodated by the existing dwelling. Any additional will require services of an AOSE (private soil consultant)."*
5. VDOT: Mr. Wilson responded via email on Wednesday, July 10th with the following comments:
 1. Based on the use this entrance will most likely qualify as a low volume commercial entrance. Looking at it out in the field I believe the entrance already meets the required geometric standards, however if the entrance does not meet the standards, it will need to be upgraded. This would require the applicant to apply for a land use permit through our office to perform the work in the right of way.

2. The applicant will need to show that there exists adequate stopping sight distance at the existing entrance location. I believe the speed limit is 45mph through here so required stopping sight distance would be 360 feet. Based on my field visit sight distance appears fine as you are traveling towards the entrance from the south (traveling north). However I am concerned about the sight distance as you are approaching the entrance from the north (traveling south). There is a crest vertical curve to the north of the entrance that may impede the sight lines. Mr. Himes commented that he had spoken with VDOT about putting a mirror across the street to help with sight distance.
6. Emergency Services: Questioned how much mulch was going to be held at the site since mulch easily catches fire.
 7. Building Official: No comments since there is not going to be any new buildings.
 8. Communications Officer: No comments.
 9. Economic Development: Questioned how many employees Mr. Pace employed. Mr. Himes said there were four. Mr. Rothamel also urged the business to register on Fluvanna's free business directory.
 10. Director of Community Development: Questioned whether or not employees drive to the site or meet at the job site. Mr. Miles wanted the applicant to be mindful of the parking situation on his lot.

The Planning Commission will have a meeting to discuss this item on Tuesday, August 13, 2019. Your attendance is required at this meeting.

If you have any questions or need additional information, please contact me at 434-591-1910 or by email at hsteele@fluvannacounty.org.

Sincerely,



Holly Steele

Planner

Dept. of Planning & Zoning



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

132 Main Street
P.O. Box 540
Palmyra, VA 22963
(434) 591-1910
Fax (434) 591-1911
www.fluvannacounty.org

STAFF REPORT

To: Fluvanna County Planning Commission
Case Number: SUP 19:07
Tax Map: Tax Map 18, Section 3, Parcel 2

From: Brad Robinson
District: Cunningham
Date: August 13, 2019

General Information: This request is to be heard by the Planning Commission on Tuesday, August 13, 2019 at 7:00 p.m. in the County Administration Building Morris Room.

Applicant: Howard T. Brown II

Owner: Kevin L. Smith

Requested Action: Request for a special use permit to establish a restaurant and gas station, with respect to 2.587 acres of Tax Map 18, Section 3, Parcel 2. (Attachment A)

Location: 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.

Existing Zoning: A-1, Agricultural, General (Attachment B)

Existing Land Use: Residential (Attachment C)

Planning Area: Rural Residential Planning Area

Adjacent Land Use: Adjacent properties are zoned A-1.

Zoning History: None

Comprehensive Plan:

Land Use:

The Comprehensive Plan designates this property as within the Rural Residential Planning Area. According to this chapter under economic development in rural areas, *“The rural residential and rural preservation planning areas currently offer very limited commercial and industrial uses. Some additional commercial services for the convenience of those living out in the country are appropriate and may be considered if these uses are designed and arranged to complement the rural character of the area and its surrounding uses. These uses are especially encouraged around existing communities from the county’s past, including Kents Store, Kidds Store, and Cunningham.”*

Analysis:

This is a special use permit application to establish a restaurant and gas station within an existing building at 3417 Thomas Jefferson Parkway, formerly known as Cunningham Market. The store has been closed for approximately eight years according to the property owner. The applicant currently operates a BBQ catering business in the county known as “Wahoo BBQ” and desires to establish a physical location to expand and continue his business.

The proposed uses of the building are classified as a “Restaurant, small” and “Gas station”. A “restaurant, small” is defined in the Zoning Ordinance as *“An establishment engaged in the preparation of food and beverages containing no more than 2,000 gross square feet and typically characterized by table service to customers.”* A “gas station” is defined as *“Any place of business used primarily for the storage, dispersal, sale or offering of fuels and oils for motor vehicles. Such uses may also include the retail sale of convenience items as a secondary activity. Any use associated with automobile fuel sales shall be considered a gas station.”* Both small restaurants and gas stations are permitted by special use permit in the A-1 zoning district.

In accordance with the application, the applicant proposes to establish a business within the vacant store in three phases, beginning with serving food to customers with some seating provided for on-site consumption. The second phase would add the sale of small “to go” convenience items such as coffee and snacks. The last phase would reopen the existing gas pumps in front of the store in order to offer fuel sales (at which point in time the use “gas station” would become applicable). The proposed business hours are 7:00 am to 8:00 pm seven days a week. The applicant does not propose to construct any additional improvements on the property aside from a small shelter for the BBQ smoker which will be placed either to the left side or rear of the store near the door to the kitchen.

In addition to the existing vacant store, the property contains two dwellings (which is nonconforming under current regulations). The larger dwelling towards the rear of the property is occupied by the property owner while the smaller dwelling adjacent to the store is used as rental property. The dwellings are not associated with this special use permit request and the applicant will only be utilizing the area of the property containing the vacant store and gas pumps.

When evaluating proposed uses for a special use permit, in addition to analyzing the potential adverse impacts of the use, staff utilizes two (2) general guidelines for evaluation as set forth in the zoning ordinance.

First, the proposed use should not tend to change the character and established pattern of the area or community.

The subject property is located in the unincorporated community of Cunningham in the county which contains primarily residential uses. A religious assembly use (Cunningham Methodist Church) directly adjoins the property to the south. Because the property is already developed with buildings or structures that have been previously used for the proposed uses, the character of the area is expected to remain unchanged.

Second, the proposed use should be compatible with the uses permitted by-right in that zoning district and shall not adversely affect the use/or value of neighboring property.

Small restaurants and gas stations are allowed by a special use permit in the A-1 district. By-right uses that are similar, in operation or size of structures, to this application may include farm sales and fine arts studios.

Sec. 22-1-2 of the zoning ordinance states its purpose is to promote the health, safety or general welfare of the public as well as “*to facilitate the creation of a convenient, attractive and harmonious community*”.

(Attachment D)

Neighborhood Meeting:

There were no attendees for this item at the July 10, 2019 Neighborhood Meeting aside from staff.

(Attachment E)

Technical Review Committee:

The following comments were generated from the July 11, 2019 Technical Review Committee meeting:

1. Planning staff had the following questions (applicant responses italicized):
 - Is any future expansion proposed? (*Not at this time*)
 - Will the parking area be paved? (*No*)
 - What are your plans for signage? (*Perhaps a wall sign and utilizing the old price sign from Cunningham Market*)
 - Will there be any employees? (*Yes, approximately ten*)
 - What will your hours of operation be? (*7 am to 8 pm, seven days a week*)

- Will there be any delivery trucks to the site? (*Yes*)
2. Building Inspections asked about the proposed occupancy and discussed code requirements for restrooms. Two restrooms will have to be provided if the occupancy will be more than fifteen people including employees as well as customers. The building currently has one restroom inside that can be accessed only via the kitchen, and another restroom that can be accessed only from outside the building.
 3. Chamber of Commerce did not provide any comments.
 4. Department of Forestry did not have any comments.
 5. Economic Development encouraged the applicant to reach out to VDH for any requirements they may have.
 6. Erosion and Sediment Control asked if any expansion or future land disturbance was proposed (*applicant responded no*).
 7. Fire Chief asked if the cooking equipment inside already included fire suppression (*applicant responded yes*).
 8. Health Dept: In most cases, restaurants are permitted through the Health Dept. or Dept. of Agriculture. Depends on menu, store stock seating capacity etc. The Health Dept. is aware of previous problems with the existing drainfield. Mr. Brown would be wise to have it evaluated before he gets ready for permits.
 9. Sheriff's Office asked where the smoker would be located (*applicant responded to the rear left side of the building*).

10. VDOT:

Rte. 53 (Thomas Jefferson Parkway) has a functional classification of Major Collector and it has an Average Daily Traffic of 7000 vehicles per day and a posted speed limit of 45 mph. Both entrances to the old Cunningham Market appear to provide the required 500 ft. of Intersection Sight Distance. There is an existing church entrance on Rte. 53 located approximately 230 ft. to the South of the "North" entrance to the old Cunningham Market and approximately 145 ft. south of the "South" entrance to the old Cunningham Market. VDOT's current Access Management requirements call for 335 ft. of spacing between the church entrance and the closest entrance to the old Cunningham Market. An entrance spacing exception will be required from VDOT as part of the entrance approval process.

I also recommend an entrance analysis for Phase 1 and Phase 2 of the proposal in order to determine if either Phase 1 or Phase 2 will trigger left and/or right turn lanes on Rte. 53

(Attachment F)

Conclusion:

The Planning Commission should consider any potential adverse impacts, such as traffic entering and exiting the property, noise, dust, vibration, or visual clutter, and whether the minimum requirements of the ordinance will effectively mitigate these impacts. The Planning Commission can recommend conditions to ensure the proposed use will not be detrimental to the character and development of the adjacent area.

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. The site must meet all Virginia Department of Health and Virginia Department of Transportation requirements.
3. All activity related to this application shall be confined to the area of the property containing the store, gas pumps/canopy and parking area.
4. Hours of operation for the restaurant shall be from 7 am to 8 pm Sunday-Saturday.
5. Any lighting shall not be directed toward adjacent properties and comply with Article 25 of the Fluvanna County Code.
6. 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.
7. The Board of Supervisors, or its representative, reserves the right to inspect the property for compliance with these conditions at any time.
8. 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.

Suggested Motion:

I move that the Planning Commission recommend approval/denial/deferral 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, [if approved] subject to the eight (8) conditions listed in the staff report.

Attachments:

- A – Application and APO letter
- B – Zoning Map
- C – Aerial Vicinity Map
- D – Applicant’s site plan
- E – TRC Comment letter

Copy: Howard T. Brown via email – wahoobbq21@gmail.com
Keith Smith via email – KLLSMITH229@yahoo.com
File



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA

Application for Special Use Permit (SUP)

Attachment A

Received

JUL 11 2019

Planning Dept.

Owner of Record: Kevin Smith

Applicant of Record: Howard T. Brown II

Address: PO BOX 8003 Charlottesville VA 22906

Address: 5738 Rolling Road South Scottsville VA

Phone: (434)242-0266

Phone: (434)465-9509

Email: KLLSMITH229@yahoo.com

Email: WAHOBBQ21@gmail.com

Representative:

Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.

Address:

Phone:

Fax:

Email:

If property is in an Agricultural Forestal District, or Conservation Easement, please list information here:

Tax Map and Parcel(s) 18-3-2

Acreage 1.733

Zoning A-1

Deed Book and Page:

Location of Parcel: 3417 Thomas Jefferson Parkway

If any Deed Restrictions, please attach a copy

Request for an SUP for the purpose of: Restaurant and Convenience Store including Gasoline

*Ten copies of a sketch plan (8.5x11 inches or 11x17 inches) must be submitted, showing size and location of the lot, dimensions and location of the proposed building, structure or proposed use, and the dimensions and location of the existing structures on the lot.

By signing this application, the undersigned owner/applicant authorizes entry onto the property by County Employees, the Planning Commission, and the board of Supervisors during the normal discharge of their duties in regard to this request and acknowledges that county employees will make regular inspections of the site.

Date: 7/1/2019 Signature of Owner/Applicant: Howard T. Brown II

Subscribed and sworn to before me this July day of 11, 2019

Notary Public: Valencia Porter-Valencia Porter Register # 7812344

My commission expires: July 23, 2023

Certification: Date: 7/1/2019

VALENCIA PORTER
NOTARY PUBLIC
REG. #7812344
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES JULY 23, 2023

Office Use Only

Date Received: 6/1/2019	Pre-Application Meeting: 6/28/19	PH Sign Deposit Received: Cash \$90.00	Application #: SUP 19 0007
\$800.00 fee plus mailing costs paid: Cash \$800.00		Mailing Costs: \$20.00 Adjacent Property Owner(APO) after 1st 15, Certified Mail	
Amendment of Condition: \$400.00 fee plus mailing costs paid:		Telecom Consultant Review fee paid:	
Telecommunications Tower fee plus mailing costs paid:		Telecom Consultant Review fee paid:	
Election District: Cunningham	Planning Area: Rural Residential		
Planning Commission		Board of Supervisors	
Advertisement Dates:	Advertisement Dates:		
APO Notification:	APO Notification:		
Date of Hearing:	Date of Hearing:		
Decision:	Decision:		



Commonwealth of Virginia
County of Fluvanna
Public Hearing Sign Deposit

Name: Howard T Brown II
Address: 5738 Rolling Road South
City: Scottsville
State: Virginia Zip Code: 24590

I hereby certify that the sign issued to me is my responsibility while in my possession. Incidents which cause damage, theft, or destruction of these signs will cause a partial or full forfeiture of this deposit.

Howard T. Brown II 7/1/2019
Applicant Signature Date

*Number of signs depends on number of roadways property adjoins.

OFFICE USE ONLY	
Application #: BZA _____ : CPA _____ : SUP <u>19</u> : <u>00057</u> ZMP _____ : ZTA _____ :	
\$90 deposit paid per sign*: <u>Cash</u>	Approximate date to be returned: <u>8/22/19</u>

Received
JUL 11 2019
Planning Dept.

Describe briefly the **improvements** proposed. State whether new buildings are to be constructed, existing buildings are to be used, or additions made to existing buildings.

See Note 1

NECESSITY OF USE: Describe the reason for the requested change.

See Note 2

PROTECTION OF ADJOINING PROPERTY: Describe the effects of the proposed use on adjacent property and the surrounding neighborhood. What protection will be offered adjoining property owners?

See Note 3

ENHANCEMENT OF COUNTY: Why does the applicant believe that this requested change would be advantageous to the County of Fluvanna? (Please substantiate with facts.)

See Note 4

PLAN: Furnish plot plan showing boundaries and dimensions of property, width of abutting right-of-ways, location and size of buildings on the site, roadways, walks, off-street parking and loading space, landscaping, etc. Architect's sketches showing elevations of proposed buildings and complete plans are desirable and may be required with the application.
Remarks:

Commonwealth of Virginia
County of Fluvanna
Special Use Permit Checklist

The following information shall be submitted with the application and is to be provided by the applicant for the processing of the application:

Applicant must supply	Staff Checklist
Completed Special Use Permit signed by the current owner(s) or lessee or written confirmation from the current owner or lessee granting the right to submit the application	
Ten (10) copies of a Site Plan for any expansion or new construction Include: <ul style="list-style-type: none"> • Plot plan or survey plat at an appropriate scale • Location and dimension of existing conditions and proposed development • <i>Commercial and Industrial Development:</i> parking, loading, signs, lighting, buffers and screening • Copy of the Tax Map showing the site (preferred) • General Location Map (preferred) 	
Supporting photographs are not required, but suggested for evidence	

All maps and plans submitted are to be either 8.5"x 11" or 11"x 17". One original of any size may be for staff use at the public hearing.

Staff Only	Staff Checklist
Preliminary review by planning staff for completeness and content: <ul style="list-style-type: none"> • Technical Review Committee review and comment • Determine all adjacent property owners • Placed as a Public Hearing on the next available agenda of the Planning Commission. 	
Notification of the scheduled Public Hearing to the following: <ul style="list-style-type: none"> • Applicant • All adjacent property owners • Local Newspaper advertisement 	
Staff Report to include, but not be limited to: <ul style="list-style-type: none"> • General information regarding the application • Any information concerning utilities or transportation • Consistency with good planning practices • Consistency with the comprehensive plan • Consistency with adjacent land use • Any detriments to the health, safety and welfare of the community. 	

I am proposing to open up a new business in Fluvanna County, the place I have called home for 35 years. I have passed by the "old Cunningham market" for the past 10 years or so while it has been vacant, and thought what a great opportunity that could be for someone. I have visited that same market when Mr. Myers owned it and enjoyed his delicious food. Then seeing the "opening soon" sign for a couple years with nothing happening it sparked my interest even more and I had to find out more about this property and why no one has opened the doors. After a while of digging around and coming up empty handed I decided to call the county office. Thankfully I was put in touch with Brian Rothamel and in no time he was on the phone with the owner who stated it was perfect timing because he was on the look out for someone to run the store for him. I quickly got in touch with Mr. Smith and we met at the store soon there after. He has done some nice work to the building and the interior matches almost exactly what I wanted to do leaving only a small amount of construction to be done. The store has great curb appeal for a BBQ joint. Where I will be serving up what the county has needed for a while. I am severely passionate about anything I do which reflects in my small business and it will continue with an opportunity to finally open the doors up of Wahoo BBQ in my home town. The main focus of my business is customer service and a quality product. I will go the extra mile to be sure the patrons of Fluvanna County are satisfied. The goal in the beginning of this business is to acquire a commercial kitchen where I can serve my savory food and cater to many events near and far. Shortly after that I will move into small convenience items featuring quick coffee and drink options to on the go snacks, and lastly phasing into gasoline when I see fit. This is a perfect space to do all of these things and would be an asset to the county. As I stated a small amount of construction on the inside needs to be done to better suit my BBQ business. For the outside my plan is to construct a small space or buy a carport to house my smoker and some dry storage. Also a nice addition to the outside will be adding a few picnic tables outside with umbrellas to add some seats and give an opportunity to families to relax in the shade enjoying a nice BBQ picnic outdoors.

Note 1) While using the existing building a small amount of updates will need to be done. The interior has been updated with new floors and counter top. Most of the work will be in the kitchen area, where food will be prepped. Keeping most of the countertops toward the front of the building but altering the counter toward the back to fit steam wells in. And making any changes that the health department requires. For outside I plan to either build a structure or buy a carport to house my smoker and some dry storage, it will be located to the left if looking at the front of the building. Also on that side I plan to provide picnic tables and umbrellas for extra seating as long as the health department sees fit.

Note 2) The reason for change is mostly due to updating the kitchen where the agricultural department used to govern and now the health department will be governing because I will be catering out of the kitchen as well.

Note 3) With Mr. Smith owning the two closest properties, I don't for see any added protection needed. If any problems arise I will be sure to address them quickly.

Note 4) Another business in the county is good for everybody. Especially if its BBQ! Also making use of an existing building that is resourceful in bringing a new look and life to the structure.



COUNTY OF FLUVANNA

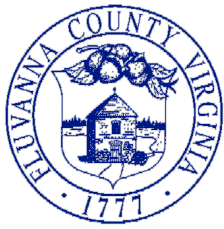
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132 Main Street
P.O. Box 540
Palmyra, VA 22963
(434) 591-1910
Fax (434) 591-1911
www.fluvannacounty.org

MEMORANDUM

Date: July 29, 2019
From: Valencia Porter
To: Douglas Miles
Subject: Planning Commission

Please be advised the attached letter went out to the attached list of Adjacent Property Owners for the August 13, 2019 Planning Commission meeting.



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NOTICE OF PUBLIC HEARING

July 29, 2019

«Name»
«Address»
«City_State» «ZIP»
TMP#«TMP»

Re: Public Hearing on SUP 19:07

Dear «Name»:

This letter is to notify you that the Fluvanna County Planning Commission will hold a public hearing on the above referenced item as noted below:

Purpose: Planning Commission Public Hearing
Day/Date: Tuesday, August 13, 2019
Time: 7:00 PM
Location: Fluvanna County Administration Building Morris Room, Palmyra, VA

The applicant or applicant’s representative will be present at the Planning Commission meeting for the request that is described as follows:

SUP 19:07 Howard 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.

You are welcome to attend the Public hearing and you will have an opportunity to comment, if desired. The tentative agenda and staff report for this action is available for public review on the County website at <http://fluvannacounty.org/meetings>. You can also view the report in the Fluvanna County Planning and Zoning Department during working hours (8:00 am – 5:00 pm, Monday through Friday).

If you have any questions regarding this application or the Public Hearing, please contact me at 434-591-1910.

Sincerely,

Douglas Miles
Director of Community Development



Rt. 53

18

Zoning
A-1

Rt. 619

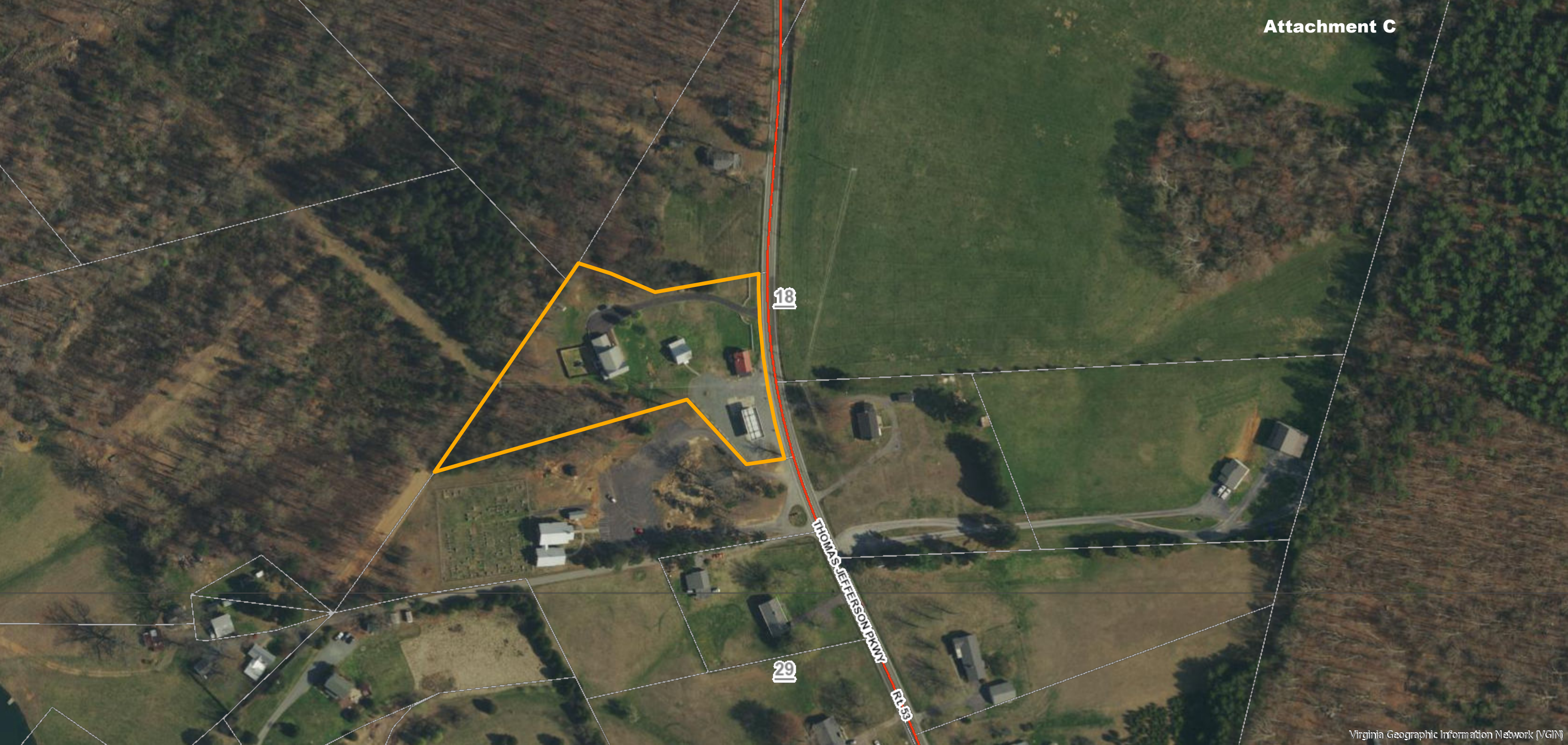
Cunningham

29

RURITAN LAKE RD

Rt. 660

THOMAS JEFFERSON PKWY



18

29

THOMAS JEFFERSON PKWY

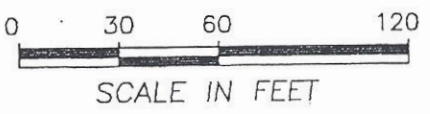
R463

THIS IS TO CERTIFY THAT ON DECEMBER 18, 2000 I SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THE TITLE LINES AND WALLS OF THE BUILDING ARE SHOWN HEREON. THIS PROPERTY LIES IN ZONE C AND DOES NOT LIE IN AN AREA DESIGNATED AS ZONE A (100 YEAR FLOOD HAZARD) AS SHOWN ON FEDERAL FLOOD RATE INSURANCE MAPS, EFFECTIVE DATE: AUGUST 15, 1978

UTILITIES AND EASEMENTS OTHER THAN THOSE SHOWN MAY EXIST.

THIS PLAT WAS PREPARED FOR: KEVIN L. SMITH

LEGAL REFERENCES: D.B. 333 P. 397

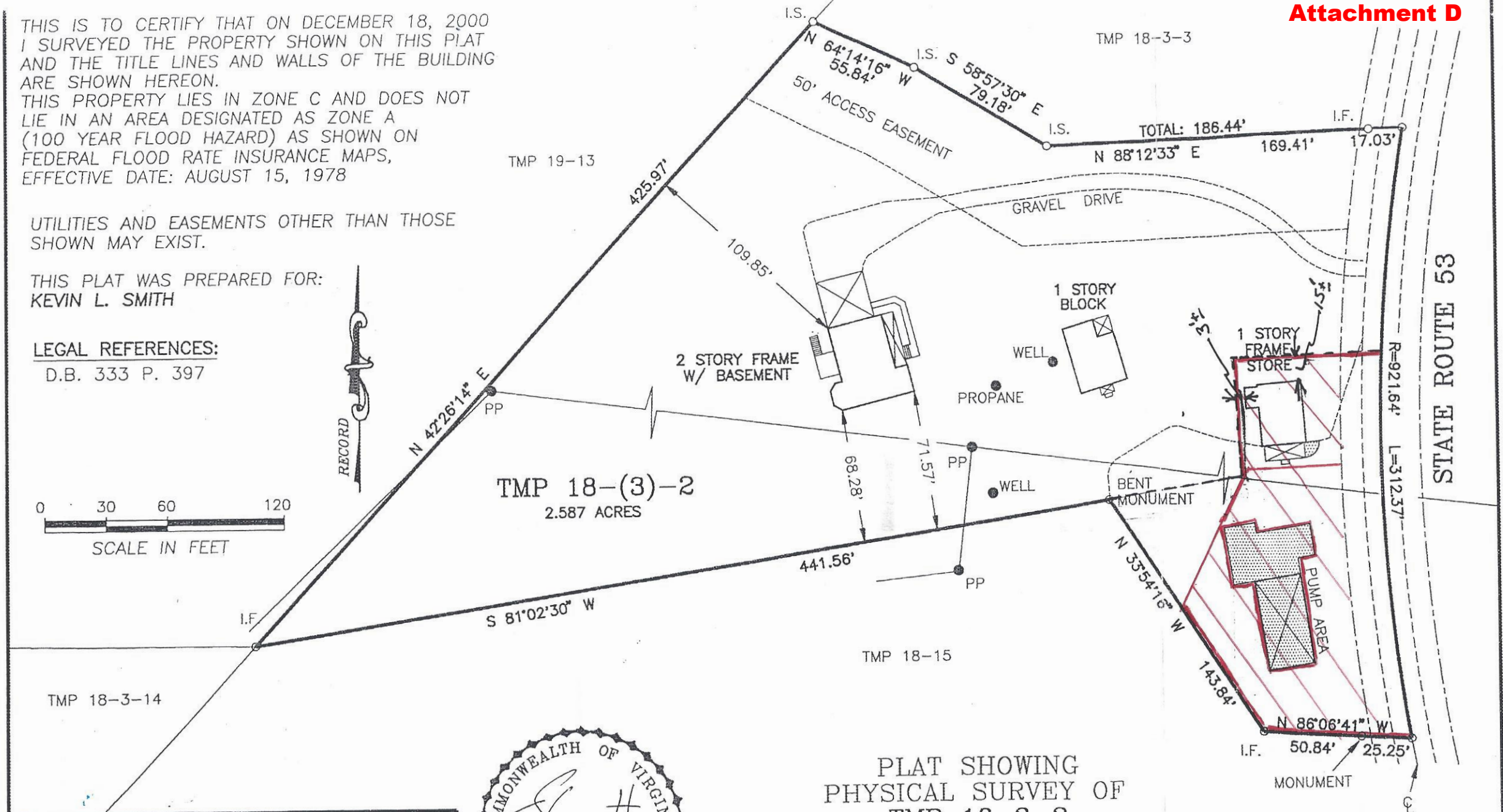


TMP 18-(3)-2
2.587 ACRES

PLAT SHOWING
PHYSICAL SURVEY OF
TMP 18-3-2
CUNNINGHAM DISTRICT
LOCATED ON STATE ROUTE 53
FLUVANNA COUNTY, VIRGINIA
DECEMBER 19, 2000

I.F. = IRON FOUND
I.S. = IRON TO BE SET
PP = POWER POLE

TRUELINE II
SURVEYING INC.
STEVE GARRETT, PLS
2193 MOUNTAIN BROOK DRIVE
CHARLOTTESVILLE, VIRGINIA 22902
PH: (804) 296-4113



Handwritten initials: R/S, K/S

Exhibit A

STATE ROUTE 53

R=921.64' L=312.37'

TMP 18-3-3

TMP 19-13

TMP 18-3-14

TMP 18-15



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July 12, 2019

Howard T. Brown II
5738 Rolling Road South
Scottsville, VA 24590

Delivered via email to wahoobbq21@gmail.com

Re: SUP 19:07 Howard Brown
Tax Map: 18, Section 3, Parcel 2

Dear Mr. Brown:

The following comments are the result of the Technical Review Committee meeting that was held on Thursday, July 11, 2019:

1. Planning staff had the following questions (applicant responses italicized):
 - Is any future expansion proposed? (*Not at this time*)
 - Will the parking area be paved? (*No*)
 - What are your plans for signage? (*Perhaps a wall sign and utilizing the old price sign from Cunningham Market*)
 - Will there be any employees? (*Yes, approximately ten*)
 - What will your hours of operation be? (*7 am to 8 pm, seven days a week*)
 - Will there be any delivery trucks to the site? (*Yes*)
2. Building Inspections asked about the proposed occupancy and discussed code requirements for restrooms. Two restrooms will have to be provided if the occupancy will be more than fifteen people including employees as well as customers. The building currently has one restroom inside that can be accessed only via the kitchen, and another restroom that can be accessed only from outside the building.
3. Chamber of Commerce did not provide any comments.
4. Department of Forestry did not have any comments.
5. Economic Development encouraged the applicant to reach out to VDH for any requirements they may have.
6. Erosion and Sediment Control asked if any expansion or future land disturbance was proposed (*applicant responded no*).
7. Fire Chief asked if the cooking equipment inside already included fire suppression (*applicant responded yes*).

8. Health Dept: In most cases, restaurants are permitted through the Health Dept. or Dept. of Agriculture. Depends on menu, store stock seating capacity etc. The Health Dept. is aware of previous problems with the existing drainfield. Mr. Brown would be wise to have it evaluated before he gets ready for permits.
9. Sheriff's Office asked where the smoker would be located (*applicant responded to the rear left side of the building*).
10. VDOT:

Rte. 53 (Thomas Jefferson Parkway) has a functional classification of Major Collector and it has an Average Daily Traffic of 7000 vehicles per day and a posted speed limit of 45 mph. Both entrances to the old Cunningham Market appear to provide the required 500 ft. of Intersection Sight Distance. There is an existing church entrance on Rte. 53 located approximately 230 ft. to the South of the "North" entrance to the old Cunningham Market and approximately 145 ft. south of the "South" entrance to the old Cunningham Market. VDOT's current Access Management requirements call for 335 ft. of spacing between the church entrance and the closest entrance to the old Cunningham Market. An entrance spacing exception will be required from VDOT as part of the entrance approval process.

I also recommend an entrance analysis for Phase 1 and Phase 2 of the proposal in order to determine if either Phase 1 or Phase 2 will trigger left and/or right turn lanes on Rte. 53

The Planning Commission will have a meeting to discuss this item on Tuesday, August 13, 2019. Your attendance is required at this meeting.

If you have any questions or need additional information, please contact me at (434) 591-1910.

Sincerely,

Brad Robinson
Senior Planner
Dept. of Planning & Zoning

cc: File



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STAFF REPORT

To: Fluvanna County Planning Commission

From: Douglas Miles, AICP, CZA

Case Number: ZTA 19-02

Date: August 13, 2019

General Information: This request is to be heard by the Fluvanna County Planning Commission on Tuesday, August 13, 2019 at 7:00 pm in the Morris Room of the Fluvanna County Administration Building.

Applicant/Representative: Fluvanna County

Requested Action: Amend the Fluvanna County Zoning Ordinance

AN ORDINANCE TO AMEND CHAPTER 22 OF THE FLUVANNA COUNTY CODE IN SEC. 22-15-2(2) AND SEC. 22-22-1 REGARDING TIME LIMITATIONS FOR CERTAIN TEMPORARY SIGNS

Background

On June 26, 2019 Fluvanna County was contacted by The Rutherford Institute, a nonprofit civil liberties organization based in Charlottesville on behalf of Dr. Elizabeth Alcorn, a candidate for House of Delegates in Virginia's 58th District which includes Fluvanna County. The Rutherford Institute stated that the Fluvanna County Code restricts the display of signs within the County to the sixty (60) day period preceding the date of the regular election slated for November 5, 2019.

On July 9, 2019 the Fluvanna County Board of Supervisors voted unanimously to have the Planning Commission to prepare and recommend to the Board a Zoning Text Amendment after consultation with the County Attorney on the pending matter. The County Attorney and Zoning Administrator prepared a Zoning Text Amendment to delete the sixty (60) day time limit from the Ordinance for exempt, political and temporary signs, as defined within the Zoning Ordinance.

Zoning Ordinance Text

Section 22-15-2 General Provisions

(2) Exempt Signs. Exempt signs shall be of reasonable size and no larger than the largest permitted signs in the zoning district, unless otherwise specified in this Code. Exempt signs shall be legible, and shall be reasonably maintained in good repair, and in safe, neat, and clean condition. Any temporary exempt sign, defined in Section 22-22-1 of this Code, shall be posted a reasonable time before, ~~but in no event greater than sixty (60) days prior to~~ and shall be removed a reasonable time after, but in no event greater than ten (10) days after the event, election, production, group, occurrence, speaker, program or seasonal activity to which the

temporary sign refers. The following types of signs, as defined in and subject to the regulations in Section 22-22-1, are exempt from the sign permit requirements in all zoning districts.

Section 22-22-1 Definitions

Sign, political: A temporary sign expressing or implying the opinion or opinions of an individual or group intended to influence the election or appointment of government officials and/or to influence the actions, policies and/or conduct of government.

Sign, temporary: A sign for the advertising of a special event, product, group, occurrence, speaker, program or seasonal activity and not intended or designed for permanent display, including by way of example and not limitation, signs advertising an event, election, or campaign of an educational, political, religious, civic, philanthropic or historical organization. Temporary signs shall be posted a reasonable time before, ~~but in no event greater than sixty (60) days prior to such event~~, as defined herein, and shall be removed a reasonable time after, but in no event greater than ten (10) days after such event, as defined herein. Temporary signs shall be of reasonable size and no larger than the largest permitted signs in the zoning district, unless otherwise specified in this Code.

Conclusion

The proposed Zoning Text Amendment will allow for political signs to be displayed longer than sixty (60) days prior to an election and requiring those same signs be taken down ten (10) days after the election.

Suggested Motion

I move that the Planning Commission recommend [approval/denial/deferral] 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.

Attachment

Proposed Zoning Ordinance Text Amendment

ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 22 OF THE FLUVANNA COUNTY CODE IN SEC. 22-15-2(2) AND SEC. 22-22-1 REGARDING TIME LIMITATIONS FOR CERTAIN TEMPORARY SIGNS

BE IT ORDAINED BY THE FLUVANNA BOARD OF SUPERVISORS, pursuant to Virginia Code Sections 15.2-2285, that the Fluvanna County Code be, and it is hereby, amended, in Section 22-15-2 and Section 22-22-1, as follows:

Sec. 22-15-2. - General provisions.

(2) Exempt Signs. Exempt signs shall be of reasonable size and no larger than the largest permitted signs in the zoning district, unless otherwise specified in this Code. Exempt signs shall be legible, and shall be reasonably maintained in good repair, and in safe, neat, and clean condition. Any temporary exempt sign, defined in Section 22-22-1 of this Code, shall be posted a reasonable time before, but in no event greater than sixty (60) days prior to and shall be removed a reasonable time after, but in no event greater than ten (10) days after the event, election, production, group, occurrence, speaker, program or seasonal activity to which the temporary sign refers. The following types of signs, as defined in and subject to the regulations in Section 22-22-1, are exempt from the sign permit requirements in all zoning districts:

[22-22-1—Definitions]

Sign, political: A temporary sign expressing or implying the opinion or opinions of an individual or group intended to influence the election or appointment of government officials and/or to influence the actions, policies and /or conduct of government.

(Ord. 10-18-00; Ord. 12-16-15)

Sign, temporary: A sign for the advertising of a special event, product, group, occurrence, speaker, program or seasonal activity and not intended or designed for permanent display, including by way of example and not limitation, signs advertising an event, election, or campaign of an educational, political, religious, civic, philanthropic or historical organization. Temporary signs shall be posted a reasonable time before, but in no event greater than sixty (60) days prior to such event, as defined herein, and shall be removed a reasonable time after, but in no event greater than ten (10) days after such event, as defined herein. Temporary signs shall be of reasonable size and no larger than the largest permitted signs in the zoning district, unless otherwise specified in this Code.

(Ord. 12-16-15)