

FLUVANNA COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
Fluvanna County Administration Building, Morris Room
January 9, 2018
7:00 p.m.

MEMBERS PRESENT: Barry Bibb, Chairman
Ed Zimmer, Vice Chairman
Lewis Johnson
Sue Cotellessa
Howard Lagomarsino
Tony O'Brien, Board of Supervisors Representative

ALSO PRESENT: Jason Stewart, Planning and Zoning Administrator
Brad Robinson, Senior Planner
James Newman, Planner
Fred Payne, County Attorney
Stephanie Keuther, Senior Program Support Assistant

Absent: None

Open the Regular Session at 7: 00pm (Mr. Jason Stewart, Planning and Zoning Administrator)
The Pledge of Allegiance followed by a Moment of Silence.

2018 Organizational Meeting of the Fluvanna County Planning Commission

- **Election of Chairman**

Zimmer moved to elect Barry Bibb as Chairman of the Fluvanna County Planning Commission for the calendar year of 2018. Cotellessa seconded the motion and the vote carried with a vote of 4-0-1. Abstained: Bibb

- **Election of Vice Chairman**

Johnson moved to elect Ed Zimmer as Vice Chairman of the Fluvanna County Planning Commission for the calendar year of 2018. Cotellessa seconded the motion and the vote carried with a vote of 4-0-1. Abstained: Zimmer

Lagomarsino made a motion to close nominations. Cotellessa seconded the motion and the vote carried with a vote of 5-0

- **Selection of Dates for the Commission Meetings**

Cotellessa moved to accept the selected dates of the Fluvanna County Planning Commission meetings for the calendar year of 2018 with August being on the first Tuesday of the month instead of the second Tuesday of the month. Seconded by Lagomarsino the motion carried with a vote of 5-0.

- **Resolution entitled "Organizational Meeting of the Fluvanna County Planning Commission 2018"**

On a motion by Zimmer, seconded by Johnson, and carried with a vote of 5-0
The "Organizational Meeting of the Fluvanna County Planning Commission 2018" resolution was adopted.

- **Adoption of the Planning Commission By-Laws and Rules of Procedure**

Johnson moved to adopt the Fluvanna County Planning Commission By-Laws and Rules of Procedure for 2018. Lagomarsino seconded the motion and the vote carried with a vote of 5-0.

Director's Report: Mr. Stewart

Board of Supervisors Actions:
December 20, 2017

- I. **SUP 17:04 – The Light Academy** – A request to establish an Educational Facility with respect to 10 acres of Tax Map 39, Section A, Parcel 48. The property is zoned A-1 (Agricultural, General) and located on the north side of Cunningham Road (Route 697), approximately 350 feet west of the intersection with Shores Road (Route 640). The property is located within the Rural Preservation Planning Area and the Fork Union Election District. **(Approved 4-0)**
- II. **ZMP 17:04 – Amber Hill LLC** – An ordinance to rezone, from A-1 Agricultural, General to I-2 Industrial, General, 90.17 acres of Tax Map 4, Section A, Parcel 27A. The property is located along Memory Lane (State Route 698), approximately 0.35 miles south of the intersection of Richmond Road (U.S. Route 250). The parcel is within the Rural Residential Planning Area and the Palmyra Election District. **(Approved 4-0)**

Board of Zoning Appeals Actions:
None

Technical Review Committee for December 14, 2017:

- I. **ZMP 17:05 – 2428 Richmond Road LLC** – A request to rezone, from A-1 Agricultural, General to I-2 Industrial, General, 29.4 acres of Tax Map 4, Section A, Parcel 27. The property is located along Richmond Road (U.S. Route 250),

approximately 0.16 miles west of the intersection of Zion Road (State Route 627) and Memory Lane (State Route 698). The parcel is within the Zion Crossroads Community Planning Area and the Palmyra Election District.

- II. **SUP 17:05 Jackson's Automotive Services LLC** – A request for a special use permit to construct an automobile repair service establishment, with respect to 4.009 acres of Tax Map 17, Section A, Parcel 57C. The property is located along Thomas Jefferson Parkway (Route 53) approximately 0.07 miles north of the intersection with Turkeysag Trail (State Route 1015). The parcel is zoned A-1 and is within the Rivanna Community Planning Area and the Cunningham Election District.
- III. **SDP 17:09 – Lake Monticello Pool Replacement** – A sketch plan to replace the existing pool structure at Lake Monticello community with a new pool structure, with respect to approximately 7.5 acres of Tax Map 18A, Section 1, Parcel 70B. The parcel is zoned R-4 Residential Limited District. The property is located at the intersection of Club Lane and Ashlawn Boulevard. The parcel is within the Rivanna Community Planning Area and the Rivanna Election District.
- IV. **SDP 17:10 – Cunningham Methodist Church** – A sketch plan to establish an approximately 3,238 sq ft Assembly Hall, with respect to approximately 3.3 acres of Tax Map 18, Section A, Parcel 15. The parcel is zoned A-1 Agricultural General. The property is located approximately 600 feet north of the intersection of Thomas Jefferson Parkway (Rt. 53) and Ruritan Lake Road (Rt. 619). The parcel is within the Rural Residential Community Planning Area and the Cunningham Election District.

Public Comments:

None

Approval of Minutes

Minutes of December 12, 2017

Motion:

Zimmer made a motion to approve the minutes of December 12, 2017 Planning Commission meeting with one correction to the third motion of ZMP 17:04 from carried to failed. Seconded by Johnson. The motion was approved with a vote of 5-0 AYE: Cotellessa, Johnson, Bibb, Zimmer, and Lagomarsino. NAY: None ABSTAIN: ABSENT: None

Public Hearing:

SUP 17:05 Jackson Automotive – Brad Robinson, Senior Planner

Request for a special use permit to establish an automobile repair service establishment on Tax Map 17, Section A, Parcel 57C; Rivanna Community Planning Area; Automobile repair service establishment is defined as "A facility for the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, or providing collision services, including body, frame, or fender repair, and overall painting."; 60' x 100' building with six (6) bays proposed for general repair of vehicles; Vehicles awaiting repair to be parked to the rear of the building.

Lagomarsino: Asked about the location.

Zimmer: It's within the growth area.

Cotellessa: I assume the applicant has seen the conditions in the staff report. One of them being, not more than five (5) vehicles waiting for service shall be stored on the property outside of normal business hours. There looks to be 46 spaces available, if no more than five are parked plus normal customer parking

Robinson: We wanted to leave that open for discussion with the applicant

Cotellessa: There are no Saturday hours at the moment, is that open to being changed?

Applicant: I don't intend to work Saturdays.

Zimmer: I think it's important to remember these conditions are binding.

Cotellessa: Do we have a height of the building?

Applicant: 18ft walls, 20ft at the most.

Applicant: Gave the planning commission a description of himself and what he's looking to do at his automotive shop.

Bibb: How many employees do you look to have?

Applicant: I would like to start with 3-5. I also want to have a shuttle in order to drive customers to work while there waiting for their vehicle to be serviced.

Bibb: Is five operable vehicle spaces going to be enough?

Applicant: No, but ideally it would be a start.

Zimmer: So would you like to change that number? **Applicant:** Yes

Payne: The language in the condition means the number of vehicles only applies to after business hours.

Bibb: What number are you thinking?

Applicant: I would like to do the number of allowed parking spots.

Justin Shimp; Engineer: I would suggest if you have parking in the front let the back be for the cars being serviced or stored and leave the parking in the front open to customers. Our concept plan is for 22 cars.

Applicant: Some vehicles may have to stay overnight if parts need to be ordered.

Zimmer: I think inside or behind the building would be better language.

Cotellessa: There was mention of lighting, so that customers coming in after dark that were leaving cars could see. If they are directed to the back, then the lighting will need to be directed that way also.

Payne: I would word this; Vehicles waiting for service shall be stored in or behind the building outside normal business hours.

Public Comments

Susie Morris 6840 Thomas Jefferson Parkway: If someone only has an established business with only one bay, it seems they are really going out on a limb for a six bay establishment. At any time, he could have 10 to 20 or more vehicles at a time and dealing with up to 45 cars a day.

He says he wants to make it for convenience so people won't have to drive, but he needs to assume people would travel the same distance to the new shop. In that area, yes, it's across from a development but that's now designated A-1. I think the Carroty group are all compatible to handle what would be coming to those businesses. You have residential and a much greater number when you live by a residence and it's going to make it much easier to want to work weekends.

Cotellessa: In the A-1 district vehicle, repair facilities are allowed as a special use permit. We just have to make sure it's compatible.

Zimmer: I think the applicant understands the concerns of the number of vehicles which I believe we have addressed.

Lagomarsino: I think there's a need for an auto repair shop.

Johnson: Have we had any complaints from local residents? **Robinson:** No

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. Not more than five (5) vehicles waiting for service shall be stored on the property outside of normal business hours.~~
4. Vehicles waiting for service shall be stored in or behind the building outside normal business hours.
5. Hours of operation for the site shall be from 7 am to 6 pm Monday-Friday.
6. All noise generated by this activity shall be limited to maximum daytime level of 60 dB at the property line.
7. Any lighting shall not be directed toward adjacent properties and comply with Article 25 of the Fluvanna County Code.
8. Used motor oil, coolants, discarded automotive parts and tires shall be recycled or disposed of in accordance with State and local laws.
9. 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.
10. The Board of Supervisors, or its representative, reserves the right to inspect the property for compliance with these conditions at any time.
11. Under Sec. 22-17-4 F (2) of the Fluvanna County Code, the Board of Supervisors has the authority to revoke a Special Use Permit if the property owner has substantially breached the conditions of the Special Use Permit.

Motion:

Cotellessa made a motion that the Planning Commission recommend approval of SUP 17:05, a request to establish an automobile repair service establishment with respect to 4.009 acres of Tax Map 17, Section A, Parcel 57C, [if approved] subject to the eleven (11) conditions listed in the staff report. With a change of condition number #4 being vehicles waiting for service shall be stored in or behind the building outside normal business hours.

**Seconded by Zimmer. The motion was approved with a vote of 5-0 AYE: Johnson, Lagomarsino, Bibb, Zimmer, and Cotellessa
NAY: None ABSTAIN: None ABSENT: None**

PRESENTATIONS:

None

Site Development Plans:

SDP 17:09 Lake Monticello Pool Replacement – James Newman, Planner

A sketch plan to replace the existing pool structure at Lake Monticello community with a new pool structure, with respect to approximately 7.5 acres of Tax Map 18A, Section 1, Parcel 70B. The property is located at the intersection of Club Lane and Ashlawn Boulevard.

Recommended Conditions:

1. Meeting all final site plan requirements, which include but are not limited to, providing parking, landscaping, and screening;
2. Meet all required Erosion and Sedimentation Control regulations;
3. Meet all VDOT requirements;
4. Store chlorine and other hazardous materials in a dry, secure environment

Motion

Zimmer made a motion to approve SDP 17:09, a sketch plan to replace the existing pool structure at Lake Monticello community with a new pool structure, with respect to approximately 7.5 acres of Tax Map 18A, Section 1, Parcel 70B, subject to the four (4) conditions listed in the staff report.

**Seconded by Johnson. The motion was approved with a vote of 5-0 AYE: Johnson, Lagomarsino, Bibb, Zimmer, and Cotellessa
NAY: None ABSTAIN: None ABSENT: None**

SDP 17-10 Cunningham United Methodist Church – James Newman, Planner

A sketch plan to establish an approximately 3,238 sq ft Assembly Hall, with respect to approximately 3.3 acres of Tax Map 18, Section A, Parcel 15, A-1 Agricultural General. Assembly Hall for communal gatherings, No new parking, some changes to sidewalks. May add on a kitchen in the future, if budget allows. Appears to broadly meet the requirements of the Fluvanna County Zoning Ordinance.

Cotellessa: On the application, it states it will be used as an educational facility, not an assembly hall, which is a separate SUP use. Therefore, I wonder what the actual use will be.

Architect; Bill Owens: It's just an open use space. We do plan to build classrooms later. It would also be divided for Sunday school classrooms.

Cotellessa: In the Staff recommended conditions, it talks about meeting the site plan requirements and that includes landscaping and lighting which the applicant says they can't afford at this time, so how will that work?

Newman: Right now, they have issues with the budget for the landscaping. They currently have existing tree coverage to the north and the south, which is fine since they're not doing any new parking.

Zimmer: Unless they were to move that buffer.

Cotellessa: And the additional square footage doesn't require additional parking?

Newman: Correct.

Recommended Conditions:

1. Meeting all final site plan requirements which include, but are not limited to, providing parking, landscaping, and screening;
2. Meet all required Erosion and Sedimentation Control regulations;
3. Meet all VDOT requirements;

Motion:

Johnson made a motion to approve SDP 17:10, a sketch plan to establish an approximately 3,238 sq. ft. Assembly Hall, with respect to approximately 3.3 acres of Tax Map 18, Section A, Parcel 15 subject to the three (3) conditions listed in the staff report. Seconded by Lagomarsino. The motion was approved with a vote of 5-0 AYE: Johnson, Lagomarsino, Bibb, Zimmer, and Cotellessa NAY: None ABSTAIN: None ABSENT: None

Subdivisions:

None

Unfinished Business:

Strategic Zoning Authorization – James Newman, Planner

Draft Language of proposed amendment to County Code:

Sec. 20-4-8. Roll-back taxes generally.

(A).....

(D) Except as provided in subsection (E) of this section, real property rezoned to a more intensive use, at the request of the owner or his agent, shall be subject to the roll-back tax at the time the zoning is changed. Real property rezoned to a more intensive use before July 1, 1988, at the request of the owner or his agent, shall be subject to the roll-back tax at the time the qualifying use is changed to a nonqualifying use. No real property rezoned to a more intensive use at the request of the owner or his agent shall be eligible for taxation and assessment under this article; provided, that these provisions shall not be applicable to any rezoning which is required for the establishment, continuation or expansion of a qualifying use. If the property is subsequently rezoned to agricultural, horticultural or open space, it shall be eligible for consideration for assessment and taxation under this article only after three (3) years have passed since the rezoning was effective.

(E) Notwithstanding the provisions of subsection (D), above, in the case of property located within the Zion Crossroads Community Planning Area as designated in the then current Comprehensive Plan, (i) when a change in zoning of real estate to a more intensive use at the request of the owner or his agent occurs, roll-back taxes shall not become due solely because the change in zoning is for specific more intensive uses set forth in the ordinance, (ii) such real estate may remain eligible for use value assessment and taxation, in accordance with the provisions of this article, as long as the use by which it qualified does not change to a nonqualifying use, and (iii) no roll-back tax shall become due with respect to the real estate until such time as the use by which it qualified changes to a nonqualifying use.

Motion:

Zimmer made a motion to recommend that the Board of Supervisors approve the proposed amendment to Section 20-4-8 of the Fluvanna County Code concerning roll-back taxes, as part of the Strategic Zoning initiative as presented by staff. Seconded by Cotellessa. The motion was approved with a vote of 5-0 AYE: Johnson, Lagomarsino, Bibb, Zimmer, and Cotellessa NAY: None ABSTAIN: None ABSENT: None

New Business:

None

Public Comments:

None

Adjourn:

Chairman Bibb adjourned the Planning Commission meeting of January 9, 2018 at 7:52 pm.

Minutes recorded by Stephanie Keuther, Senior Program Support Assistant.

Barry A. Bibb, Chairman
Fluvanna County Planning Commission