

FLUVANNA COUNTY PLANNING COMMISSION
WORK SESSION AND REGULAR MEETING MINUTES
FLUVANNA COUNTY ADMINISTRATION BUILDING, MORRIS ROOM
6:00 p.m. Work Session 7:00 p.m. Regular Meeting
April 10, 2018

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

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

Absent: None

Open the Work Session: (Mr. Barry Bibb, Chairman)
Pledge of Allegiance, Moment of Silence

Director Comments:
None

Public Comments:
None

Work Session:
ZTA – Density Updates – Presented by James Newman, Planner
James Newman: gave a brief presentation showing different amounts of housing density.

Zimmer: Is 1 unit per 2 acres a by-right density?
Newman: In A-1 you have to have at least two acres per dwelling unit
Eager: And that's with road frontage on a state road? **Newman:** Yes.
Payne: The density is one unit per two acres even though the lot size may be different. The difference is, where I live in Two Rivers the density is less than one unit per two acres even though the lots are about ¾ of an acre, because it's a cluster subdivision. For the one that was just shown the lot size is two acres and the density is two acres. But you could have it be a quarter of that and still have the rest as an open space and still be at a density of two acres even though the lot sizes are small.
Bibb: On Route, 6 going towards Scottsville there's an R-1 there, that most of the time we don't realize. How's that setup?
Newman: For R-1, they're currently at one unit per one acre.
Stewart: Most of those lots are split zoned.
Bibb: The front is R-1 and the back is A-1. **Stewart:** Yes
Bibb: I'm just trying to figure out if the new zoning for the Scottsville planning area will overlap that or not.
Newman: The current density (shown as a table in the presentation), is what zoning states we have to have. The table also shows what the comprehensive plan would like to have.
Payne: To answer your question I don't think it does. I think those properties were rezoned to accommodate existing conditions or something. The lots were non-conforming, and I think that's why they did it.
Cotellessa: Again, to clarify you're talking about quarter acre lots.
Newman: For these particular ones, yes. In Rivanna Community Planning Area, we found it as being an aspirational amount of having it up to six units an acre. This is just shy of that amount at 5.9. This (photograph in the presentation) gives you an overview of what it looks like.
Eager: Are those also family homes? **Newman:** Yes
Payne: Another good example of this is the ones across the bottom (of the photograph) the single-family ones. That density is approximately, what you see in North downtown Charlottesville.
Bibb: What is it over in Belmont, do you know?
Payne: It's about the same, maybe a little bigger.
Cotellessa: The Belmont strikes me as being even closer to quarter acre lots.
Zimmer: But density and lot size are not necessarily a direct correlation.
Payne: They're an inverse correlation.
Zimmer: Yes, but they're not directly inverse. So on this you have a greater density every place there's a triplex and a duplex. And not a 10 or a 9.3 du/acre on the single families but the aggregate. **Payne:** That is correct.
Cotellessa: And in fact, if we're not talking about single family houses or even duplexes, or triplexes if this turns into townhouses or multifamily then your open space is going to be quite a bit more. So it will look very different on the ground.
Payne: One example of that in Fluvanna County is the Marina Pointe development at the lake. That is almost exactly the maximum density. But there's a significant portion that was intended to be developed that can't be developed because it was rezoned or zoned so they couldn't.
Newman: The reason we're discussing this is because right now outside of a PUD the most you can get is R-3 which is 2.9 units per acre. Justin Shimp the developer and engineer had come to you all asking to make 2.9 the by-right amount for R-3 and have upwards of 10 dwelling units per acre for R-3 by special use permit. We're not recommending that we go forward with that particular language. We're just here to show you the different density amounts look like.
Eager: So you would have to have central water and sewer at what point?
Newman: In R-4 if you want to have 2.9 units per 1 acre you need to have water and sewer. Otherwise, in R-4 you can only have 1 unit per 2 acre using a septic and well.
Eager: You can use septic in R-1 too?
Payne: You can but you can't maximize the density.
Stewart: There's a difference in lot sizes.
Newman: It depends if you have well and septic or if you have the centralized water and sewer.
Zimmer: If it's centralized in R-1, you can go to the rural cluster, which is the same density.
Payne: The example of the non-rural cluster is Fox Glen, which was rezoned R-1.
Cotellessa: So your alternative if you have an R-3 piece of land and you want to put 8 dwelling units per acre of density is to rezone to a PUD right. **Newman:** Yes
Cotellessa: So what he's seeking to do is make it a special use permit as opposed to a rezoning.
Stewart: Right now PUD'S are only permitted in the Zion Crossroads CPA.
Zimmer: One thing that makes this confusing is the density is based on the zoning and our aspirations are based on comp plan community areas. Can you have rules that apply to R-4 zoning in the Scottsville comp plan community planning area? In other words, can you have a rule for there that doesn't apply to R-4 zoning in general for the county?
Cotellessa: Anytime you review a rezoning request one of the main things you do is look for consistencies with the comp plan.
Stewart: Ideally, after we have a new comp plan we want to adopt our ordinances to match the comp plan.
Zimmer: I think the greater densities could work at some level. Maybe not public but central water and sewer is an important aspect today. You don't want to have too much density and then not have control over the possible side effects of wells and septic and those kinds of things. Or maybe you have to have some amount of acreage to have those things solve that problem in it and of itself.
Bibb: Is there a way to have zoning such that they have to prove the availability of water on a piece of property when it comes to us, or for an SUP if there's not water available from a centralized system?

Payne: That’s actually exactly what came up at Poplar Ridge. That rezoning was conditioned upon compliance with a special use permit for the installation of common utilities, and they couldn’t get them.

Bibb: If we had known already that water would not be available would we have had to go through all the stuff we went through with Walkers Ridge and Poplars Ridge?

Payne: That was a debate that this commission and the Board actually had in that instance. If you recall there was a substantial sentiment, particularly on the commission, that you can’t have this permit unless you show that you’ve got the availability for the utilities. The Board was stronger on making a post approval condition.

Zimmer: We did turn it down, mostly it seemed like for that reason it was the final straw. Then the Board approved it with the conditions.

Payne: Another issue is the development by right. One of the proposals I think in the 2002 revision to the zoning ordinance was to require hydrogeological studies for by right subdivisions. So you wouldn’t get the “I’m coming in with a 2 acre density subdivision so I’ve got a by right” and get in there and lo-and-behold they can’t find water, can’t establish sewer and we didn’t have any alternative systems. The board, largely at the insistence of one of the members who was a developer. (**Eager:** Cecil Cobb) **Payne:** Said it’s too expensive to do it at that stage. If you get it approved then you know where your lots are, you can get testing done, and you’ve got money to finance that. And if you can’t get it done then you just can’t develop the lot. That was the choice the Board made.

Bibb: With what you have listed up there now could another choice be simply allowed for a SUP to increase density in CPA’s up to a certain amount.

Payne: I don’t know that you could tie it directly to the CPA. You could do something like an SUP. The real question seems to me is not with R-1, it’s with R-2 and R-4 and to some extent R-3. If you got a development, what’s consciously a development-oriented zone like R-2 or R-4 is our current density reasonable? R-2 for example is only 2 units an acre and that’s not much of a development district and it’s certainly not practical for anything other than single family detached. R-4 was written for Lake Monticello. So was R-3 at times of twenty-five years apart. When Lake Monticello was being developed, we didn’t have a zoning ordinance. I think the historical record would show that R-3 was an attempt to provide planned zoning in the county that would accommodate something like Lake Monticello. The developer wasn’t interested and went ahead and developed it without zoning because zoning didn’t exist and it wouldn’t provide a plan to allow for R-3. You’ve got to zone it something so the choice was R-1, which really didn’t make a whole lot of sense, because nothing in Lake Monticello conforms to R-1. In that same 1992 revision the Lake Monticello came in, complained about it, and said we need a district that accommodates us, so we wrote a district for them that would accommodate them pretty much as they wanted, and then they rejected it. So we ended up writing another ordinance and that’s what ended up being the R-4. The R-4 density was really written to pretty much accommodate the single-family parts of Lake Monticello. That’s really not a modern development if we’re talking about townhouses or whatever. R-4 is kind of minimal.

Bibb: Last month when you were bringing this up there was the multifamily density of 10 du/acre. Was that from Shimp?

Newman: He had wanted to have it so that 2.9 was the by right and you could get a SUP to have up to 10 units. He wanted to go through the SUP process. **Stewart:** He was actually looking at 6-8 du/acre.

Zimmer: Mr. Payne please tell me if I’m wrong, I think our discussions need to center around our comp plan and not what Mr. Shimp wants.

Payne: I agree. I’m not necessarily endorsing his proposal. I am glad however; he brought it up because it means you’re thinking about it.

Cotellessa: The way it typically goes is you have a zoning ordinance that has certain densities allowed in each category and then in your long range vision you look in the comp plan about what you think your densities should be for each area. The way you accomplish that is either by the locality itself going in and rezoning which very rarely occurs, or as developments come in they rezone to match the comp plan and your vision and through that rezoning process you make sure that everything they’re doing meets the other visions in the comp plan as well. It seems to me that an SUP process is too light a process for changing the basic underline density of a property. It seems to me if you’re going to go towards something that’s a little higher density you would call for a rezoning.

Payne: I don’t think he’s talking about not having a rezoning. I think he’s talking about having a rezoning and an SUP.

Zimmer: So much of the percentage of the County is zoned Agricultural. Most anything we have to do is going to have to be rezoned R: 1, 2, 3, or 4, and then he’s saying “Ok I can get a bigger density with a SUP”.

Cotellessa: But if you set it up from R1, 2, 3, or 4 from any of those zones you can rezone to a PUD, then you’ve taken care of your density issue if your PUD allows the maximum density in the comp plan.

Payne: You can certainly do that. But one of the things he’s brought up and I think he’s right is that our conventional district’s don’t have enough density, at least some of them.

Bibb: Would that include multi family or only single family?

Payne: R4 includes multi family.

Bibb: And that is up to six du/acre.

Bibb: Could you take the R-4 and leave the wording as is and then say up to six per acre with an SUP ?

Payne: Yes, you could do that.

Bibb: For instance in all of that could you require that they have centralized water?

Newman: We already require that.

Bibb: Would that be practical or would that be, you give a by right in an R-4 of the way it is now but with an SUP of up to six or eight whatever its decided on.

Payne: Would it be practical yes. Does it serve our objective for the comp plan for the board and the commission and how the county will develop? If you want low-income quote un-quote affordable housing, in particular if you want affordable rental housing you have to increase the density.

Zimmer: And that’s not a bad thing to aspire for even in Fluvanna County because right now there’s a block of affordable housing in Columbia that is essentially slums. And I’m not saying we can solve that with this but there is some evidence that maybe there is a lack of affordable housing in Fluvanna.

Payne: Columbia is the perfect example of a development that occurred long before zoning, that created nothing but non-conformity. There’s not a single parcel in the former town Columbia that complies with the zoning. And there’s probably not one without vacating property lines that could comply.

Eager: How did Sycamore Square get the units it has in front, the attached homes?

Payne: The building type is permitted.

Eager: But what about the density?

Payne: I think it’s at 2.9 units an acre.

Stewart: Wasn’t that originally supposed to be commercial. **Zimmer:** Yes, I remember that.

Lagomarsino: I think the second set of townhomes were supposed to be commercial.

Eager: So is Sycamore Square townhouses considered affordable?

Payne: There’s a lot of different ways to look at affordable housing. If your talking about basic 3 bedroom housing, maybe two bathrooms, that’s not affordable housing. The only way that’s affordable if there’s some sort of subsidy.

Cotellessa: I’m not sure a developer coming in at even six or twelve units per acre is even going to build affordable housing. One of the ways you get affordable housing is you bump the density up to 10, 12, or even 15 units per acre and you require affordable housing as part of the rezoning process.

Payne: That’s probably true, I think it may be places in this county where you could have a relatively small parcel say 2 to 2 ½ acres where you could actually put either multi family or single family attached and add a density that would be conceivably affordable in that small scale. Again, you’re talking about a non-planned district because the development cost would be too high.

Eager: Just building the roads is phenomenal. We can go up to five-foot lots on a private road, cluster to me that’s the closest we have to affordable housing, possibly.

Payne: If you’re at Zion Crossroads, urban Albemarle County or the city of Charlottesville the land itself puts you out of the market for affordable housing. That’s where our affordable housing could come in, is if you had like the land down in Scottsville. That land, I don’t know what it’s assessed at but that could conceivably be a low enough level that the land would not be prohibited to develop at an affordable level. What to do with this is really a policy decision that’s up to you all.

Eager: Maybe a place to start is to get some ideas of what raw land is trading for in the county. If you want affordable housing and an acre is \$10,000 or more then you know you have to build a really small home on that acreage.

Bibb: How do you all feel about what I suggested before with leaving R-4 as it is, but have an exception up to 6 or 8 units per acre with a SUP.?

Zimmer: And with sewer and water?

Newman: Yes, if you don’t have sewer and water your density is restricted.

Zimmer: We would need to maintain that with this change.

Newman: Section 22-8-3 sub section B is 2.9 du/acre with centralized water and sewer. We could change that number from 2.9 to higher or we could keep it at 2.9 and have it so that you could use a special use permit to get up to 6, 8 or whatever number the commission would like.

Cotellessa: Most of our R-4 zoning is in Lake Monticello, so were talking about properties outside Lake Monticello that would have to be rezoned to R-4 and then get a SUP. So they will have to go through a two-step process.

Payne: One of the things it has is applying R-4 to all or part of the town of Columbia. Of course, that would involve utilities, but I’m not telling you that it’s impossible on a small scale, but you want it to be dense to minimize the percentage of the development cost.

Newman: If we rely on density increases by an SUP what is the density number you would like to have?

Bibb: I think a 6 or 8.

Cotellessa: What would be the difference on the ground between R-3 and R-4 with an SUP to 6 dwelling units per acre and a PUD at 6 dwelling units per acre? What would be the difference’s on the ground be in terms of the requirements of the builder.

Newman: I would have to look that up.

Cotellessa: That’s something you have to look at because obviously the builder is going to make a decision, which way they’re going to go even if we have an SUP up to 6. I look at them and wonder which is more advantageous to him and or the county.

Newman: Right now, we only allow PUD’s in the Zion Crossroads planning area, outside of that they’re not allowed.

Cotellessa: Then do you make a distinction in the R-3 and the R-4 between single family and multifamily?

Payne: You wouldn’t need to; you could control that with the SUP.

Cotellessa: We would have to have a set of conditions, standards or criteria for an SUP for this increase in density.

Newman: We will draft something and have it for you next month.

Cotellessa: I think it’s important to look at the criteria. The distinction being to that you can put conditions on an SUP that you can’t necessarily do on a zoning. So there’s pluses and minuses to both directions. I would like to see the amount of control you can have on both of those.

BZA Fees – Presented by James Newman, Planner

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

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

The Pledge of Allegiance followed by a Moment of Silence.

Director’s Report: Mr. Stewart:

Board of Supervisors Actions:

March 28, 2018

- I. **ZMP 17:05 – 2428 Richmond Road LLC** – A request to rezone, from A-1 Agricultural, General to I-1 Industrial, Limited and 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. **(Denied 5-0)**
- II. **SUP 18:01 – Amber Hill LLC** – A request to establish a Salvage and scrap yard with respect to 90.17 acres of Tax Map 4, Section A, Parcel 27A. The property is zoned I-2 (Industrial, General) and 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 5-0)**

April 4, 2018

None

Board of Zoning Appeals Actions:

None

Public Comments:

None

Approval of Minutes

Minutes of March 13, 2018

Motion:

Lagomarsino made a motion to approve the minutes of March 13, 2018 Planning Commission meeting as presented. Seconded by Zimmer. The motion was approved with a vote of 5-0 AYE: Cotellessa, Johnson, Bibb, Zimmer, and Lagomarsino. NAY: None ABSTAIN: None ABSENT: None

Public Hearing:

ZTA – Telecom Fees – Presented by James Newman, Planner

Current issues:

- 3 different fees listed for telecomm applications:
- 22-17-7. Fees: \$1,500 plus \$5,500 with consultant review
- 22-17-14. Fees for supplemental review: third party review is \$4,000
- Current application: \$900 for consultant review (*The Atlantic Group* has replaced *Cityscape* as our reviewer).

Possible Solution:

Amend ordinance to change fee.

Proposed fee for new towers is:

- Special Use Permit, plus
- Site Development Plan, plus
- Mailing costs, plus
- Consultant Review fee (\$3,200)

Proposed fee for collocation/addition to/ modification of existing towers is:

- \$550 (cost of a minor site plan), plus
- Mailing costs, plus
- Consultant review fee (\$900)

Amending Sec 22-17-7 language to read:

Telecommunications Towers

~~\$1,500.00 plus mailing costs •~~
~~\$5,500.00 w/consultant review –~~
\$550 for colocation, modification,
or addition, plus consultant review
fees as set by contract from time
to time, plus mailing costs

New towers require a Special Use
Permit, a Site Development Plan,
plus consultant review fees as set
by contract from time to time, plus
mailing costs

Amending Sec 22-27-14 language to read:

Where the county deems it appropriate because of the complexity of the methodology or analysis required to review an application for a wireless communication facility, the county may require the applicant to pay for a technical review by a third party expert, selected by the county, the costs of which ~~\$4,000.00~~ shall be borne by the applicant, and be in addition to other applicable fees. ~~Site plan review for antenna element replacements only may be reduced to \$1,800.00 provided the applicant meets all the requirements for an antenna element replacement. If however, during the antenna element replacement site review it is determined the request does not meet the definition of an antenna element replacement, then review of the application will cease until the correct fee and correct plans are submitted.~~ Further, if additional information is needed to evaluate the applicant’s request, the applicant, shall make such additional information available as the county might reasonably request. (Ord. 9-21-11)

Public Comments:

None

Cotellessa: I noticed on the Transactions User Report that there are two SUP’s for telecommunication tower, and telecommunication tower consultant review fee each, which are listed at \$900.00. I wondered how those fees were derived; they don’t seem to match up with any of these numbers and I wasn’t sure.

Newman: It may be a categorization issue with how we take fees. We are working with a new system: EnerGov. Those listed were only for tower co location, modifications, or additions, which is in line with the \$900.00 fee. We have not received any SUP for a new tower in quite some time. The \$900.00 fees that are on the report are correct.

Cotellessa: As of the current ordinance, not the new proposal?

Newman: Based on what our third party reviewer *The Atlantic Group* charges. They only charge \$900 so that’s what we’ve collected.

Cotellessa: So for others we’ve been collecting \$900 even though the ordinance said \$4,000. **Newman:** Yes

Payne: This whole discussion was triggered by a complaint that was by one of the tower companies that wanted to put additional equipment on an existing tower. Obviously, they needed to have an engineer study the tower to tell them it’s good enough to do it. That is apparently a simple thing. Our consultant at the time was going to charge \$4,000 for it. The complaint was you need to put in something that reflects the actual cost of the review.

Cotellessa: At that point, that consultant’s fee was \$4,000

Newman: When that was written yes, but now we have different consultants that have their own fee schedule.

Motion:

Cotellessa moved that the Planning Commission recommend approval of ZTA 18:02, to amend Chapter 22, Article 17 and Article 27 of the Fluvanna County Code By Certain Amendments to Sections and Subsections 22-17-7, and 22-27-14, Thereof, Amending the Fluvanna County Zoning Ordinance. The public purpose of these amendments is to update the fee schedule for telecommunication facilities. Seconded by Johnson. The motion was approved with a vote of 5-0 AYE: Cotellessa, Johnson, Bibb, Zimmer, and Lagomarsino. NAY: None ABSTAIN: None ABSENT: None

PRESENTATIONS:

2017 Development Activity Report – James Newman, Planner

James Newman: Gave a brief presentation on the 2017 Development Activity Report. The DAR allows land use comparisons and trends to be seen over a 15-year span, which provides important clues for future needs, such as new school bus routes and traffic systems. This report reflects the outcome of development by Election District and Land Use Planning Area, and evaluates Fluvanna County’s preservation initiatives.

Motion:

Zimmer made a motion to approve the 2017 Development Activity Report. Seconded by Lagomarsino to include the corrections on pages 53 & 55 to amend the year from 2016 to 2017 the motion was approved, subject to two changes, with a vote of 5-0 AYE: Cotellessa, Johnson, Bibb, Zimmer, and Lagomarsino. NAY: None ABSTAIN: None ABSENT: None

Site Development Plans:

None

Subdivisions:

None

Unfinished Business:

None

New Business:

BZA Fees – Presented by James Newman, Planner

MOTION:

Cotellessa moved that the Fluvanna County Planning Commission direct staff to initiate a Zoning Text Amendment to amend “Section 22-17-7 Fees”, to amend the fees for applications to the Board of Zoning Appeals, and to schedule a future public hearing for formal Planning Commission consideration and recommendation to the Board of Supervisors. The public purpose of these amendments is to bring fees in line with costs.

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

Public Comments:

None

Adjourn:

Chairman Bibb adjourned the Planning Commission meeting of April 10, 2018 at 7:17 pm.

Minutes recorded by Stephanie Keuther, Senior Program Support Assistant.

Barry A. Bibb, Chairman
Fluvanna County Planning Commission