**FLUVANNA COUNTY PLANNING COMMISSION**

**WORK SESSION AND REGULAR MEETING AGENDA**

Carysbrook Performing Arts Center

May 7, 2024

6:00 PM Work Session - 7:00 PM Regular Meeting

<table>
<thead>
<tr>
<th>TAB</th>
<th>AGENDA ITEMS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>WORK SESSION</strong></td>
</tr>
<tr>
<td>A</td>
<td>CALL TO ORDER, PLEDGE OF ALLEGIANCE</td>
</tr>
<tr>
<td>B</td>
<td>PLANNING DIRECTOR COMMENTS</td>
</tr>
<tr>
<td>C</td>
<td>WORK SESSION</td>
</tr>
<tr>
<td></td>
<td>Solar Ordinance Review Committee Discussion – Dan Whitten, County Attorney</td>
</tr>
<tr>
<td>D</td>
<td>ADJOURN</td>
</tr>
<tr>
<td></td>
<td><strong>REGULAR MEETING</strong></td>
</tr>
<tr>
<td>1</td>
<td>CALL TO ORDER, PLEDGE OF ALLEGIANCE, MOMENT OF SILENCE</td>
</tr>
<tr>
<td>2</td>
<td>DIRECTOR'S REPORT</td>
</tr>
<tr>
<td>3</td>
<td>PUBLIC COMMENTS #1 (5 minutes each)</td>
</tr>
<tr>
<td>4</td>
<td>MINUTES</td>
</tr>
<tr>
<td></td>
<td>Minutes of April 9, 2024</td>
</tr>
<tr>
<td>5</td>
<td>PUBLIC HEARING</td>
</tr>
<tr>
<td></td>
<td>ZMP24:01 – Pratap Rai (Proffer Amendment) – Todd Fortune, Planning Director</td>
</tr>
<tr>
<td>6</td>
<td>PRESENTATIONS</td>
</tr>
<tr>
<td></td>
<td>None</td>
</tr>
<tr>
<td>7</td>
<td>SITE DEVELOPMENT PLANS</td>
</tr>
<tr>
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<td>8</td>
<td>SUBDIVISIONS</td>
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<td>UNFINISHED BUSINESS</td>
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<td>10</td>
<td>NEW BUSINESS</td>
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<td>SUP23:01 – White Oak Tree Solar LLC – Request for Deferral – Dan Whitten, County Attorney</td>
</tr>
<tr>
<td>11</td>
<td>PUBLIC COMMENTS #2 (5 minutes each)</td>
</tr>
<tr>
<td>12</td>
<td>ADJOURN</td>
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</tbody>
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*Fluvanna County...The heart of central 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.
FLUVANNA COUNTY PLANNING COMMISSION
MEETING MINUTES
Carysbrook Performance Arts Center
8880 James Madison Hwy, Fork Union, VA 23055
Tuesday, April 9, 2024
Work Session 6:00pm | Regular Meeting 7:00pm

MEMBERS PRESENT: Barry Bibb, Chair
Kathleen Kilpatrick, Commissioner
Bree Key, Commissioner
Howard Lagomarsino, Commissioner
Loretta Johnson-Morgan, Commissioner
Mike Goad, Representative of Board of Supervisors

ABSENT: None

STAFF PRESENT: Kelly Harris, Acting Director of Planning
Dan Whitten, Fluvanna County Attorney
Jason Overstreet, Senior Planner
Joanna Lehtinen, Junior Planner/GIS
Kayla Polychrones, Administrative Assistant

WORK SESSION CALL TO ORDER:
At 6:00 pm, Chair Bibb, called the April 9, 2024 Work Session to Order, led the Pledge of Allegiance, and then he conducted a Moment of Silence.

Short Term Rental Discussion: - Dan Whitten, County Attorney
• Presentation: Senate Bill 544 is currently under review by Governor. The proposed bill states that localities can’t require a special use permit for the use of a residential dwelling as a short-term rental where the dwelling unit is also legally occupied by the property owner as his primary residence. Accordingly, short-term rentals of townhouses and duplexes are also a by-right use if occupied by the owner.
• March 20, 2024 – The Board of Supervisors approved Ordinance
• Made the short-term rental of a residential dwelling a by-right use in Agricultural and Residential Zoning Districts: A-1, R-1, R-2, R-3 and R-4
• Added definition of Short-term rental of residential dwelling: A residential dwelling that is rented for compensation for periods of less than 30 days. See § 22-17-20 for supplementary regulations pertaining to the short-term rental of a residential dwelling.
• Approved Supplemental Regulations:
  • Certain supplemental regulations were amended since consideration by the Planning Commission:
    – If multiple single-family detached dwellings are located on a single parcel, there can be one short-term rental for every 5 acres of land.
    – Townhouse dwellings, single-family attached dwellings and two-family dwellings must be legally occupied by the Owner as his primary residence in order to be used as a Short-term rental.
    – Removed restriction on short term rentals within accessory apartments and accessory dwellings.
    – Occupancy is restricted to no more than 2 persons per lawful bedroom.
    – Option of a special use permit for the following:
      – Multiple single-family detached dwellings on less than 5 acres.
      – Multiple short-term rentals of residential dwellings allowed on one parcel which would also allow an accessory apartment or accessory structure as additional short term rental of a residential dwelling on a parcel.

Concerns from Planning Committee members included the number of short-term rentals permitted on a single parcel and building code inspections for these structures. As it stands, there is currently no language on inspections for short-term rentals as they are a by-right use, however it can be added as a condition for annual/initial inspections on short-term rentals for new special use permits (less than 5 acres) if ordinance is passed. Considerations include number of short-term rentals on 5 acres or less within setback compliance (i.e. apartments above garages, tiny homes, barns, tree houses) traffic, septic, water quality, and safety. Planning Committee asks Board of Supervisors to clarify ordinance for number of short-term rentals (accessory structures) on a by right use.

2015 Comprehensive Plan Progress Discussion – Kelly Harris, Acting Planning Director

Virginia Code§ 15.2-2223. Comprehensive plan to be prepared and adopted; scope and purpose.
• A. The local planning commission shall prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction and every governing body shall adopt a comprehensive plan for the territory under its jurisdiction.
§ 15.2-2230. Plan to be reviewed at least once every five years.

- At least once every five years the comprehensive plan shall be reviewed by the local planning commission to determine whether it is advisable to amend the plan.

### March Planning Commission

**Recommendations:**

- Re-adopt 2015 Comprehensive Plan
- Update Chapter 2: Land Use and Community Design
- Update Chapter 5: Economic Development (data only)
- Update Chapter 6: Historic Preservation
- Incorporate Zoning Text Amendments related to solar once those amendments are adopted.

**Draft 2015 Comprehensive Plan – 2024 Review**

- No substantive changes made in any Chapter except data from most recent reports.
- Reports of Resident Advisory Groups were included as Appendices
- Information was not incorporated into the Chapters
- Only those reports submitted by Advisory Groups appointed by the Planning Commission were included
  - Rural Preservation Advisory Group
  - Historic Preservation Advisory Group
- Very drafty draft
  - Highlighted areas indicate further updates are necessary
    - Ex. Rural Broadband in Chapter 3: Infrastructure
    - Chapter 9: Human Services

**Next Step: Public Hearings** – Planning Commission on 5/14/24 and Board of Supervisors on 6/11/24.

**MOTION:** To close the Work Session at 7:00 pm.

**ACTION:** Seconded

**VOTE:** Aye Aye Aye Aye Aye

**RESULT:** 5-0 Approved, as presented

### CALL TO ORDER, THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE:

At 7:02 pm, Chair Bibb, called the April 9, 2024 Regular Meeting to Order, led in the Pledge of Allegiance and then he conducted a Moment of Silence.

**DIRECTOR’S REPORT – Kelly Harris, Acting Director of Planning**

**Announcements and Updates**

- Kayla Polychrones joined the County on March 27, 204 as the Administrative Program Specialist and Planning Clerk.
- Bree Kay is stepping down from Planning Commission and this will be her final meeting.
- Planning Director Position Filled – Todd Fortune has accepted the offer for Planning Director and will begin on April 29, 2024.

**Upcoming Zoning Cases**

- ZMP 24:01 Pratak Rai – Proffer amendment to include uses that were previously removed from by-right use.

**Upcoming Meetings**

- May 14, 2024 – Carysbrook Performing Arts Center
- June 11, 2024 – Fluvanna County Library

**PUBLIC COMMENTS #1**

At 7:05 pm, Chair Bibb opened the first round of public comments. With no one wishing to speak, Chair Bibb closed the first round of public comments at 7:05 pm.

**MINUTES OF MARCH 12, 2024**

**MOTION:** To Approve the Regular meeting minutes of the Planning Commission of March 12, 2024.

**ACTION:** Seconded

**VOTE:** Aye Aye Aye Aye Aye

**RESULT:** 5-0 Approved, as presented
PUBLIC HEARINGS
None.

PRESENTATIONS
Solar Ordinance Review Committee, Dan Whitten, County Attorney

- At the Board of Supervisor’s meeting on March 6, the Board approved a resolution of intention to amend § 22-4-2.2 to remove utility scale solar generation facilities as a use allowed by special use permit in the Agricultural, A-1 Zoning District.
- On March 20, 2024, the Board approved a timeline of 180 days for the Planning Commission to hold a public hearing and send a recommendation to the Board.
- At the Board of Supervisor’s meeting on March 6, the Board approved a resolution of intention to enact § 22-17-21 to add supplemental regulations for small scale solar generation facilities, minor scale solar generation facilities and utility scale solar generation facilities.
- The Planning Commission discussed the two Board resolutions to amend the County Code at its meeting on March 12, 2024.
- The Planning Commission suggested that the Board create a solar committee that could consist of two Board members and two Planning Commission members.
- The Solar Committee would consider the amendments to the County Code and provide suggested language for the consideration by the Planning Commission and Board of Supervisors.

SITE DEVELOPMENT PLANS
None

SUBDIVISIONS
None

UNFINISHED BUSINESS
None

NEW BUSINESS
None

PUBLIC COMMENTS #2:
Chair Bibb opened the second round of Public Comments at 7:12 pm.
- Suzy Morris of 6840 Thomas Jefferson Parkway spoke on the Comprehensive Plan and expressed her personal opinion on the importance of the plan’s composition.

With no one else wishing to speak, Chair Bibb closed the second Public Comments period at 7:20 pm.

ADJOURNMENT

MOTION: I move the Planning Commission appoint the following two (2) members of the Planning Commission: (i) Howard Lagomarsino and (ii) Kathleen Kilpatrick, to a Solar Ordinance Review Committee.

MEMBER: Bibb Kilpatrick Key Lagomarsino Morgan
ACTION: Motion Seconded
VOTE: Aye Aye Aye Aye Aye
RESULT: 5-0 Approved, as presented

SITE DEVELOPMENT PLANS
None

SUBDIVISIONS
None

UNFINISHED BUSINESS
None

NEW BUSINESS
None

PUBLIC COMMENTS #2:
Chair Bibb opened the second round of Public Comments at 7:12 pm.
- Suzy Morris of 6840 Thomas Jefferson Parkway spoke on the Comprehensive Plan and expressed her personal opinion on the importance of the plan’s composition.

With no one else wishing to speak, Chair Bibb closed the second Public Comments period at 7:20 pm.

ADJOURNMENT

MOTION: Motion to Adjourn the April 9, 2024 Planning Commission Regular meeting at 7:32 pm

MEMBER: Bibb Kilpatrick Key Lagomarsino Morgan
ACTION: Second Motion
VOTE: Aye Aye Aye Aye Aye
RESULT: 5-0 approved adjournment

Minutes were recorded by Kayla Polychrones, Administrative Programs Specialist.

___________________________
Barry Bibb, Chair
Fluvanna County Planning Commission
PLANNING COMMISSION STAFF REPORT

To: Fluvanna County Planning Commission
From: Todd Fortune, Planning Director
Request: B-1 Zoning Proffer Amendment
District: Columbia Election District

General Information: This proffer amendment request is to be heard by the Planning Commission on Tuesday, May 7, 2024 at 7:00 pm at the Carysbrook Performing Arts Center.

Applicant: Pratap Rai
Representative: Pratap Rai

Requested Action: ZMP 24:01 Pratap Rai - An ordinance to amend the proffers of ZMP 09:04 with respect to 1.27 acres of Tax Map 5 Section A Parcel 54. This amendment would permit previously proffered out commercial uses such as a personal services establishment. There is currently an office, a beauty parlor, and a single-family dwelling occupying the existing buildings. The property is addressed as 21453 James Madison Highway and is in the Zion Crossroads Community Planning Area and the Columbia Election District.

Existing Zoning: B-1, General Business District / ZMP 09:04 December 16, 2009

Zoning History: ZMP 09:04 Rezoned parcel from A-1 to B-1 with proffers; SDP 12:13, unapproved daycare facility; SDP 14:08, approved one story building; SUP 19:08, approved commercial kennel; SDP 19:21, approved sketch for commercial kennel

Existing Land Use: Commercial and residential

Applicant Summary:
The owner of this 1.27-acre parcel is currently operating an unpermitted personal services establishment as a beauty parlor. Personal service establishments are a by right use in the B-1 zoning district. However, this use was removed by the 2009 rezoning case, ZMP 09:04, in which most by right uses including personal service establishments were proffered out. The applicant has requested to amend the approved proffers to permit eight additional by right uses through this zoning amendment in order to continue to operate the beauty parlor business as a conforming use. The applicant has not provided any information regarding his intent for the additional uses requested.
Comprehensive Plan:

The subject property is located in the Zion Crossroads Community Planning Area. This area is envisioned to be the most intensely developed part of the county, consisting of regional mixed-use, regional employment, and neighborhood mixed-use developments. This area is the county’s primary regional economic development area and is targeted as a regional employment center with primarily mixed-use, mixed-income development.

Large, medium, and small commercial businesses, along with office, civic, and multifamily residential uses, combine to form a neotraditional development or series of interconnected developments. Commercial and office structures do not exceed six stories, and residential density is up to ten dwelling units per acre (10 du/ac). Density may be increased with incentives such as open space, affordable housing, or transfer of development rights, depending on the zoning district standards.

Technical Review:

Fire Department: Expressed concern with the requested uses other than as a personal services establishment and pharmacy due to additional fire protection and safety issues that would necessarily be required.

Public Utilities: Existing businesses are utilizing a sanitary sewer easement and a well to provide water and sewer. County water mains are adjacent to the parcel which would allow for connection. A gravity sewer line will be installed adjacent to the parcel as part of the Wawa site development project that could potentially be used to connect to the County sewer system. Does not require existing facilities to connect.

VDH: The main question is are they planning to connect to county wastewater and water. If they are, then VDH would have no comments. However, if they serve food, they would be required to have a VDH permit for food service.

The comments below are relevant if they plan on staying connected to the well and septic system.
1. It appears VDH never issued an operating permit for the current alternative septic system. So, they would be required to obtain an operating permit and submit an inspection from a qualified wastewater service provider. They are required to have a contract for yearly maintenance though an operating and maintenance agreement.
2. It looks like, from the application, a change of use. BRHD has a district policy to require a capacity assessment to be conducted by a Wastewater Engineer and submitted to the local health department.
3. The well servicing the building will have to be evaluated by The Office of Drinking Water (ODW).
Planning Analysis:

The subject property is zoned B-1 and is subject to the approved proffers as listed in ZMP 09:04, the conditional rezoning request approved in 2009. The permitted uses are limited to: Retail store; Office building; Daycare center; Greenhouse, nursery, agricultural supply; one- or two-family dwelling.

The existing businesses and single-family dwelling utilize a shared well and a drainage easement on the adjacent parcel, TMP 5-A-55X, for water and sewer services. According to covenants and restrictions associated with the parcel, the parcel owner’s rights to the well would terminate if disconnected from the well. If the applicant does not connect to public utilities then all requirements of the VDH would need to be met in order to continue the by right activities and for any additional uses that may be permitted. The applicant has stated his intention to connect to public water and sewer utilities although it is undetermined if a change of use would require a connection to public utilities.

The existing single-family dwelling use permitted by ZMP 09:04 is not a permitted use in the B-1 zoning district and its location at the intersection of James Madison Highway and Starlite Park is not particularly suitable due to this intersection serving as the entrance to Starlite Park and the adjacent industrial park. This structure could potentially be repurposed to accommodate additional uses.

Zoning Ordinance Article 22 Definitions:

Personal service establishment: An establishment or place of business engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include, but are not limited to, beauty and barber shops; dry cleaners; and seamstresses, tailors, and shoe repair.

Pharmacy: An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.

Restaurant, fast food: An establishment primarily engaged in the preparation of food and beverages, for take-out, delivery, or consumption on the premises, served in disposable containers at a counter or to drive-up or drive-thru customers in motor vehicles.

Restaurant, general: An establishment engaged in the preparation of food and beverages containing more than 2,000 gross square feet and characterized primarily by table service to customers in non-disposable containers.

Restaurant, small: 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.

Grocery store: A retail business primarily engaged in the sale of unprepared food for personal or household preparation and consumption. Such a facility may also engage in incidental sales of prepared foods for personal consumption on- or off-site.
Laundry: Establishments primarily engaged in the provision of laundering, cleaning, or dyeing services other than those classified as Personal Service Establishments. Typical uses include, but are not limited to, bulk laundry and cleaning plants, diaper services, or linen supply services.

Medical clinic: A facility providing medical, psychiatric, or surgical service for persons exclusively on an out-patient basis including emergency treatment, diagnostic services, training, administration and services to outpatients, employees, or visitors. The term, "medical clinic" includes immediate care facilities, where emergency treatment is the dominant form of care provided at the facility.

Summary Conclusion:

When reviewing this proffer amendment application, in addition to conformance with the Comprehensive Plan, the Planning Commission may want to consider any potential adverse impacts such as traffic entering and exiting the property, noise, or potential impacts to adjacent properties that this proffer amendment may have on this area of Fluvanna County.

Suggested Motion:

I move that the Planning Commission recommends (approval / denial / deferral) of ZMP 24:01, an ordinance to amend the proffer statement of ZMP 09:04 with respect to 1.27 acres of Tax Map 5 Section A Parcel 54.

Attachments:

Rezoning Application
Fluvanna County APO and Community Letters
Statement of Proffers dated May, x, 2024
Owner of Record: PRATAP RAI
Address: 21453 JAMES MADISON HWY, TROY VA 22974
Phone: 4342497978 Fax: 4344850360
Email: raipratap79@gmail.com

Applicant of Record: PRATAP RAI
Address: 4750 MECHUNK RD, KESWICK VA 22947
Phone: 4342497978 Fax: 4344850360
Email: raipratap79@gmail.com

Representative:
Address:
Phone: Fax:
Email:

Tax Map and Parcel(s) 5A54 (5-A-54)
Acreage: 1.270
Current Zoning: B-1
Location of Parcel: FLUVANNA COUNTY
Requested Zoning: B-1
Proposed Use of Property: COMMERCIAL

Affidavit to Accompany Petition for Rezoning

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.

I/We, being duly sworn, depose and say that we are Owner/Contract Owner of the property involved in this application and that we have familiarized ourselves with the rules and regulations of the Zoning Ordinance with respect to preparing and filing this application, and that the foregoing statements and answers herein contained with the information on the attached map to the best of our ability present the argument on behalf of the application herewith referred to are in all respects true and correct to the best of our knowledge.

Date: 01-27-2024
Signature:

My commission expires:

All plats must be folded prior to submission to the Planning Department for review. Rolled plats will not be accepted.

Date Received: 02/27/24 Pre-Application Meeting: PH Sign Deposit Received: 02/27/24 Application #: ZMP 24 01

$1,000 fee paid: Mailing Costs: $20.00 per Adjacent Property Owner after first 15, Certified. Paid:

Proffer or Master Plan Amendment: $750.00 plus mailing costs. Paid: check 122 $750.00

Election District: Columbia Planning Area: Zions Crossroads Community

Public Hearings

Planning Commission

Advertisement Dates:
APO Notification: Date of Hearing:
Decision:

Board of Supervisors

Advertisement Dates:
APO Notification: Date of Hearing:
Decision:

Fluvanna County Department of Planning & Community Development * Box 540 * Palmyra, VA 22963 * (434)591-1910 * Fax (434)591-1911

This form is available on the Fluvanna County website: www.fluvannacounty.org Updated March 1, 2018
Name: 
Address: 4750 Mechum Rd
City: Keswick
State: VA
Zip Code: 22947

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.

Applicant Signature:  
Date: 02/14/2024

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

Office Use Only

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<tr>
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<td>$90 deposit paid per sign*:</td>
<td>check 121 $90.00</td>
<td>Approximate date to be returned:</td>
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Pay to the Order of: County Fluvanna

Seven Hundred Fifty Dollar

The University of Virginia

Fluvanna County Planning Dept

FEB 7 2024
The applicant, Pratap Rai, would like to add these by right uses to the proffer amendment:

**Personal service establishment:** An establishment or place of business engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include, but are not limited to, beauty and barber shops; dry cleaners; and seamstresses, tailors, and shoe repair.

**Pharmacy:** An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.

**Restaurant, fast food:** An establishment primarily engaged in the preparation of food and beverages, for take-out, delivery, or consumption on the premises, served in disposable containers at a counter or to drive-up or drive-thru customers in motor vehicles.

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**Medical clinic:** A facility providing medical, psychiatric, or surgical service for persons exclusively on an out-patient basis including emergency treatment, diagnostic services, training, administration and services to outpatients, employees, or visitors. The term, "medical clinic" includes immediate care facilities, where emergency treatment is the dominant form of care provided at the facility.

Pratap Rai

02.27.2024
April 28, 2024

RE: ZMP 24:01 Pratap Rai / Tax Map 5 Section A Parcel 54

This is to notify you that the Fluvanna County Planning Commission will hold a public hearing on:

Meeting: Planning Commission Regular Meeting
Date: Tuesday, May 7, 2027 at 7:00 pm
Location: Carysbrook Performing Arts Center
          8880 James Madison Highway Fork Union, VA 23055

ZMP 24:01 Pratap Rai - An ordinance to amend proffers of ZMP 09:04 for a property known as Tax Map 5 Section A Parcel 54 which is 1.27 acres in size. This amendment would permit previously proffered out commercial uses such as a personal service establishment and other commercial uses. There is currently an office, a beauty parlor, and a single-family dwelling occupying the existing buildings. The property is addressed as 21453 James Madison Highway and is in the Zion Crossroads Community Planning Area and the Columbia Election District.

Copies of the complete text of the above ordinances and associated plans are available for public review at the Office of the Fluvanna County Administrator during normal business hours. Questions may be directed to the Planning & Zoning Department, at (434) 591-1910. All interested persons wishing to be heard are invited to attend the public hearing.

You can contact the Fluvanna County Planning & Zoning Department, 8:00 am – 5:00 pm, Monday through Friday. If you have any questions regarding this application or the scheduled public hearing, then please contact the Planning Department at planning@fluvannacounty.org or at 434.591.1910 with questions.

Sincerely,

Jason Overstreet

Jason Overstreet, CZA
Fluvanna Planning and Zoning Department
PUBLIC HEARING
Fluvanna County Planning Commission
Tuesday, May 7, 2024 at 7:00 pm

Pursuant to Virginia Code §15.2-1427, §15.2-2204, and §15.2-2285 (1950), as amended, public hearings will be held at the Carysbrook Performing Arts Center located at 8880 James Madison Highway in Fork Union, VA 23055 for interested persons to have the opportunity to be heard by the Board of Supervisors on the following requests:

**ZMP 24:01 Pratap Rai** - An ordinance to amend proffers of ZMP 09:04 for a property known as Tax Map 5 Section A Parcel 54 which is 1.27 acres in size. This amendment would permit previously proffered out commercial uses such as a personal service establishment. There is currently an office, a beauty parlor, and a single-family dwelling occupying the existing buildings. The property is addressed as 21453 James Madison Highway and is in the Zion Crossroads Community Planning Area and the Columbia Election District.

Copies of the complete text of the above ordinances and associated plans are available for public review at the Office of the Fluvanna County Administrator during normal business hours. Questions may be directed to the Planning & Zoning Department, at (434) 591-1910. All interested persons wishing to be heard are invited to attend the public hearing.
Pursuant to Section 15.2-2296 of the Code of Virginia and Section 22-17-9 of the Fluvanna County Zoning Ordinance, Pratap and Suk Rai, as the owners of record of Tax Map 5 Section A Parcel 54, a 1.27 acre parcel zoned B-1 (the "Property") that is the subject of this proffer amendment request, do hereby voluntarily proffer that development of the Property shall be in strict accordance with the following conditions set forth in this submission:

We present this amended statement of proffers for Tax Map 5 Section A Parcel 54. If approved, these proffers presented will supersede all previously approved proffers on the Property:

1. The following by right land uses shall be permitted on the Property under B-1 Zoning Section 22-9-2.1:

   - Commercial Uses: Daycare centers; Garden center; Greenhouses, commercial; Grocery store; Laundries; Medical clinics; Offices; Personal service establishments; Pharmacies; Restaurants, fast food; Restaurants, general; Restaurants, small; Retail stores, general;

2. The following nonconforming use shall be permitted on the Property: The existing One or two family dwelling

I hereby acknowledge as the Property Owner that the amended proffers are reasonable and voluntary.
Pretap Rai

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF ______________

I, ____________________________, a Notary for the Commonwealth of Virginia do verify that the foregoing instrument was signed before me by Pretap Rai this the ______ day of _______________________, 20__. My commission expires: ________________, 20___

____________________________________
Notary Public

Suk Rai

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF ______________

I, ____________________________, a Notary for the Commonwealth of Virginia do verify that the foregoing instrument was signed before me by Suk Rai this the _____ day of _______________________, 20___. My commission expires: ________________, 20___

____________________________________
Notary Public
AN ORDINANCE TO APPROVE THE AMENDED PROFFER STATEMENT FOR TAX MAP NUMBER 5 SECTION A PARCEL 54

WHEREAS Pretap and Suk Rai, the owners of Tax Map 5 Section A Parcel 54 hereinafter described, have made written request to amend the proffer statement signed on September 15, 2009; and

WHEREAS the Planning Commission after public notice, public hearing and due deliberation, all in accordance with law, has recommended approval of the amended proffer statement to the Board of Supervisors; and

WHEREAS the Board of Supervisors, after public notice, public hearing and due deliberation in accordance with law approved the amended proffer statement on _______________; and

NOW THEREFORE BE IT ORDAINED BY THE FLUVANNA BOARD OF SUPERVISORS, pursuant to Section 15.2-2296 of the Code of Virginia and Section 22-17-9 of the Fluvanna County Zoning Ordinance, Pratap and Suk Rai, as the owners of record of Tax Map 5 Section A Parcel 54, a 1.27 acre parcel zoned B-1 (the "Property") that is the subject of this proffer amendment request, do hereby voluntarily proffer that development of the Property shall be in strict accordance with the following conditions set forth in this submission:

We present this amended statement of proffers for Tax Map 5 Section A Parcel 54. If approved, these proffers presented will supersede all previously approved proffers on the Property:

1. The following by right land uses shall be permitted on the Property under B-1 Zoning Section 22-9-2.1:

   Commercial Uses: Daycare centers; Garden center; Greenhouses, commercial; Grocery store; Laundries; Medical clinics; Offices; Personal service establishments; Pharmacies; Restaurants, fast food; Restaurants, general; Restaurants, small; Retail stores, general;

2. The following nonconforming use shall be permitted on the Property: The existing One or two family dwelling

Adopted this ____ day of ______________ by the Fluvanna County Board of Supervisors
STAFF REPORT

To: Fluvanna County Board of Supervisors
Case Number: ZMP 09:04
Tax Map: Tax Map 5, Section A, Parcel 54

From: Bryant Phillips
District: Palmyra
Date: December 16, 2009

General Information: This request is to be heard by the Board of Supervisors on Wednesday, December 16, 2009 at 7:00 pm in the Circuit Courthouse in the Courts Building.

Owner: James H. Watson

Applicant/Representative: James F. Watson – Alternative Ways, Inc.

Requested Action: To amend the Fluvanna County Zoning Map with respect to approximately 1.27 acres of Tax Map 5, Section A, Parcel 54, to conditionally rezone the same from A-1, Agricultural, General, to B-1, Business, General, subject to submitted proffers.

Location: The affected property is located on the western side of Route 15 (James Madison Highway) approximately 0.33 miles south of Route 250 (Richmond Road) (Attachment B).

Existing Zoning: A-1, Agricultural, General

Proposed Zoning: B-1, Business, General

Existing Land Use: A single-family dwelling currently exists on the property (Attachment B).

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

Comprehensive Plan: This parcel is located within the Zion Crossroads Community Planning Area.

Zoning History: None
**Submitted Proffers:** The applicant has submitted a proffer letter that would limit the use of the property. If approved, only the following uses would be permitted:

1) Retail Stores;
2) Offices;
3) Daycare Centers;
4) Commercial Greenhouses; and
5) One or Two Family Dwellings.

**Statement of Intent:** The Statement of Intent indicates the purpose of the zoning district and describes the characteristics of uses generally found within the district. The Statement of Intent for the B-1, Business, General Zoning District is as follows:

"Generally this district covers those areas of the county as defined by the Comprehensive Plan that are intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods, or by any nuisance factors other than occasioned by incidental light and noise of congregation of people and passenger vehicles."

**Analysis:**

The applicant is requesting to conditionally rezone 1.27 acres of Tax Map 5, Section A, Parcel 54 from A-1, Agricultural, General to B-1, Business, General. According to the application and narrative, the applicant is proposing to subdivide the property and convert the existing dwelling into a daycare center for 36 children. On the other parcel, a new office/retail center is being proposed. The applicant has submitted a sketch site plan, which has not been proffered, that shows how the site could potentially be developed (Attachment D). A set of building plans has also been submitted that shows a possible layout of the daycare center and office/retail building (Attachment E).

While the plans submitted by the applicant have not been proffered, a proffer letter has been submitted which eliminates most of the uses permitted in the B-1 zoning district. If rezoned, only the following uses would be permitted on the property: retail stores, offices, daycare centers, commercial greenhouses, and one or two family dwellings. As previously mentioned, a single-family dwelling currently exists on the property; however, one and two family dwellings are not permitted in the B-1 zoning district. According to Sec. 22-16-1 of the Fluvanna County Zoning Ordinance, the existing dwelling would be allowed to remain as a legally nonconforming use if the property is rezoned, provided that the use of the structure as a dwelling is not discontinued for a period exceeding two (2) years.

**Comprehensive Plan**

**Land Use Chapter, Vision Section**

A primary key to Fluvanna’s success in high-quality planning and development is in its effective implementation of its vision and goals through specific strategies. Each strategy helps to
implement a key element of the vision by addressing an identified goal. An example of such coordinated planning is the types of development within the community planning areas. It is not enough for a rezoning applicant to simply apply for an upzoning because a property is within a community planning area. Each application is carefully considered by the county to see if the proposed development is well planned and thought out, particularly within the context of the surrounding community. Rezoning applications that do not effectively address the community’s vision and values, as well as all anticipated adverse impacts from the project, are not approved. Successful applicants meet with the community and county officials well in advance of application submittal so that they can design the best possible projects. This process benefits their projects as well as the existing community, and results in quality development that improves the overall quality of life within the county.

**Land Use Chapter**

The Comprehensive Plan designates this property as within the Zion Crossroads Community Planning Area, which is intended to serve as the primary regional economic development area for the county. According to this chapter, development should primarily be in the form of mixed-use developments with small, medium, and large commercial businesses, office, civic, and multifamily residential uses. While no mixed-use component is proposed for this development, it does provide commercial and office uses which are appropriate for the Zion Crossroads Community Planning Area.

Zoning applications for residential, commercial, or industrial development should be well planned and integrated with the future vision of that area. Critical items include buffers and screening between incompatible uses, connectivity and walkability, adequate infrastructure, sustainable and attractive design, and other factors that will mitigate any adverse impacts, and result in a fiscally responsible and value-added development for the community. Applications that do not address a project’s external costs to the community and provide a clear fiscal benefit to the county will not be favorably received. This decision is subjective, and completely within the purview of the Board of Supervisors; however, this plan will be used as a reference in evaluating all such discretionary projects.

**Community Design Chapter**

The Community Design Chapter of the Comprehensive Plan states that the Zion Crossroads area should be “the most intensely developed part of the county, consisting of regional mixed-use, regional employment, and neighborhood mixed-use developments.” Additionally, the Community Design Chapter recommends supporting economic development and community-based services in the Zion Crossroads Community Planning Area, along with encouraging local businesses and retail establishments. Given the size of this parcel, a mixed-use development does not appear to be feasible on this property, unless it were to be absorbed into a larger mixed-use development. However, the proposed use(s) should provide local, community-based services and businesses for the Zion Crossroads area.

**Neighborhood Meeting:**

No citizens or adjacent property owners were present at the October 7, 2009 Neighborhood Meeting to provide any comments or discussion.
**Technical Review Committee:**

At the October 8, 2009 Technical Review Committee meeting, the Health Department indicated that an application had previously been filed to expand the existing septic system and to add a well. According to the Health Department, the septic system was never expanded and the well was never installed. The Health Department also indicated that, at one point, a “cottage” on the property was illegally connected to the existing septic system for the house. The Health Department notified the applicant of this illegal connection. Finally, the Health Department stated that the well proposed by the applicant was not appropriate, and that a private soil consultant would have to be procured to determine if there were sufficient drainfield and well locations to serve the development. The applicant has since submitted a Feasibility Study that addresses the suitability of an on-site sewage disposal system for the property (Attachment G).

The applicant was asked if any consideration had been given to combining the two parking lots into one shared parking lot. The applicant indicated that this was not feasible because of some of the physical features of the site.

The Fire Department wanted to ensure that the square footage of the daycare building was sufficient for the proposed number of children (36). The applicant indicated that 35 square feet is required per child and that the square footage of the building is sufficient for the number of children proposed. The Fire Department also indicated that an adequate evacuation plan should be provided for the daycare facility.

The full list of TRC comments is attached to this staff report (Attachment F).

**Planning Commission:**

The Planning Commission considered this request at their November 16th meeting, and no citizens spoke during the public hearing. The Planning Commission discussed how this rezoning request could potentially impact the future development of the adjacent parcels, along with the entire Zion Crossroads area. More specifically, the Commission considered how the rezoning of this property could potentially affect a large scale development in the area, such as a planned unit development.

After further general discussion of the rezoning request, Mr. Halstead made a motion to recommend approval of ZMP 09:04, with the submitted proffers, and Mr. Murdock seconded. The motion carried with a vote of 5-0. **AYES:** Halstead, Murdock, Babbitt, Bibb, and Fortune. **NAYES:** None. **ABSENT:** Chesser.

**Conclusion:**

This rezoning request appears to meet the intent of the Comprehensive Plan in that it is providing commercial businesses and office uses in the primary economic development area of the county. Additionally, the request should also provide local, community-based services to the Zion Crossroads area.
When reviewing this rezoning request, the Board of Supervisors should take into consideration how this request accomplishes (or does not accomplish) the goals and intent of the Comprehensive Plan. While a mixed-use component is not provided, commercial development and community-based services are appropriate for the Zion Crossroads Community Planning Area.

**Suggested Motion:**

I move that the Board of Supervisors approve/deny the attached ordinance for ZMP 09:04, a request to amend the Fluvanna County Zoning Map with respect to 1.27 acres of Tax Map 5, Section A, Parcel 54 to conditionally rezone the same from A-1, Agricultural, General, to B-1, Business, General, subject to the submitted proffers.

**Attachments:**

A – Application and APO letter  
B – Aerial Vicinity Map  
C – Proffer Letter Dated 9/15/09  
D – Applicant Narrative and Sketch Site Plan (not proffered)  
E – Building Plans and Plat  
F – TRC Comments  
G – On-Site Sewage System Feasibility Study  
H – Proposed Ordinance

Copy:  
Owner: James H. Watson, 21453 James Madison Highway, Troy, VA 22974  
Applicant/Representative: James F. Watson, Alternative Ways, Inc., 21453 James Madison Highway, Troy, VA 22974
COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Application for Rezoning

Owner of Record: James H. Watson
E911 Address: 21453 James Madison Highway, Troy, Va. 22974
Phone: 434-872-3064 Fax:
Email: 

Applicant of Record: Alternative Ways, Inc.
E911 Address: 21453 James Madison Highway, Troy, Va.
Phone: 434-589-3355 Fax: 434-589-3355
Email: JWatson841@aol.com

Representative: James F. Watson
E911 Address: 21453 James Madison Highway, Troy, Va.
Phone: 434-589-3355 Fax: 434-589-3355
Email: JWatson841@aol.com

Tax Map and Parcel(s): TM 5 Par 54
Acreage: 1.27 Zoning: A-1
Location of Parcel: 21453 James Madison Highway, Troy, Va.

Requested Zoning: B-1 Proposed use of Property: daycare facility / office retail

Deed Book Reference: 
Deed Restrictions? ☐ No ☑ Yes (Attach copy)

Affidavit to Accompany Petition for Rezoning

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.

I/we, being duly sworn, depose and say that we are Owner/Contract Owner of the property involved in this application and that we have familiarized ourselves with the rules and regulations of the Zoning Ordinance with respect to preparing and filing this application, and that the foregoing statements and answers herein contained and the information on the attached map to the best of our ability present the argument on behalf of the application herewith requested and that the statements and information above referred to are in all respects true and correct to the best of our knowledge.

Date: 9/30/09 Signature of Owner/Applicant: 
Subscribed and sworn to before me this 30th day of 9/2009 Register # 34718
My commission expires: 3/13/2012 Notary Public: 

OFFICE USE ONLY

Date Received: 9/30/09 PH Sign Deposit Received: ☑ Application #: ZMP 09-0040
$1,000 plus $50 for per acre plus mailing costs fee paid: Mailing Costs: $20.00 Adjacent Property Owner(APO) after 1st 15, Certified Proffer or Master Plan Amendment: $750.00 plus mailing costs

Election District: Palmyra Planning Area: Palmyra C/A

Planning Commission Public Hearings Board of Supervisors
Advertisement Dates: 9/6/2009 Advertisement Dates: 12/10/09
APO Notification: 9/21/09 APO Notification: 12/5/09
Date of Hearing: 11/16/09 Date of Hearing: 12/09/09
Decision: 

Fluvanna County Department of Planning & Community Development * Box 540 * Palmyra, VA 22963 * (434) 591-1910 * Fax (434) 591-9101
This form is available on the Fluvanna County website: www.fluva county.org
James Watson
21453 James Madison Hwy.
Troy, Va. 22974

James Watson
Tel. 434-589-3355

9/15/09

Fluvanna County
Planning Commission

Re: Rezoning of parcel 54 TM 5
21453 James Madison Hwy.
Troy, Va.

I, James H. Watson, the owner of said property, grants James F. Watson and Alternative Ways Inc. all rights to represent me in the rezoning process of 21453 James Madison Hwy. Troy, Va.

James H. Watson
COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Public Hearing Sign Deposit

Name:  James F. Watson

Address:  21453 James Madison Highway

City:  Troy

State:  Va    Zip Code:  22974

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.

Applicant Signature  Sept. 30, 2009

Date

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

OFFICE USE ONLY

Application #:  BZA  SUP  ZMP  09:04  ZTA :

$90 deposit paid per sign*:  CK#  Approximate date to be returned:  December

Fluvanna County Department of Planning & Community Development  * Box 540  * Palmyra, VA 22963  * (434)591-1910  * Fax  (434)591-1911

This form is available on the Fluvanna County website:  www.fluvannacounty.org
Memorandum

DATE: November 24, 2009

RE: APO'S for ZMP 09:04 Public Hearing Letters

TO: Darren Coffey

FROM: Mary Weaver

Please be advised the attached letter went out to the attached list of Adjacent Property Owners for the December 16, 2009 Board of Supervisors meeting.
NOTICE OF PUBLIC HEARING

November 24, 2009

Dear «Title» «Last_Name» «Company_Name»:

This letter is to notify you that the Fluvanna County Board of Supervisors will hold a public hearing on the above referenced item on **Wednesday, December 16th, 2009 at 7:00 PM** in the Circuit Court Room at the Fluvanna County Courts Building in Palmyra, VA. The request is described as follows:

**ZMP 09:04, James H. Watson – A-1 to B-1:** An ordinance to amend the Fluvanna County Zoning Map with respect to 1.27 acres of Tax Map 5, Section A, Parcel 54 to conditionally rezone the same from A-1, Agricultural, General to B-1, Business, General. The affected property is located on the western side of Route 15 (James Madison Highway) approximately 0.33 miles south of Route 250 (Richmond Road). The property is located in the Palmyra Election District and is within the Zion Crossroads Community Planning Area.

The applicant or applicant’s representative must be present at the Board of Supervisors meeting. The tentative agenda and staff report will also be available for review by the public in the Fluvanna County Planning and Community Development Department during working hours (8:30 a.m. – 5:00 p.m., Monday through Friday). If you have any questions, please feel free to contact me at 434–591–1910.

Sincerely,

Darren K. Coffey
Director of Planning and Community Development
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<tr>
<th>Map</th>
<th>Parcel ID</th>
<th>Owner's Name</th>
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Click on the Globe 🌍 in a row to show that parcel on the map page. Click on the Parcel ID number to show the detail information of that parcel. Click on an Owner's Name or Address to show a list of all properties of that owner.

Copyright 2009 © MSAG Data Consultants, Inc.
PUBLIC HEARING

The Fluvanna County Board of Supervisors will conduct a public hearing pursuant to Virginia Code Sections 15.2-2204 on Wednesday, December 16, 2009 at 7:00 p.m., in the Circuit Court Room at the Fluvanna County Courts Building in Palmyra, Virginia to consider the following items:

TMP 09-04, James H. Watson – A-1 to B-1
An ordinance to amend the Fluvanna County Zoning Map with respect to 1.27 acres of Tax Map 5, Section A, Parcel 54 to conditionally rezone the same from A-1, Agricultural, General to B-1, Business, General. The affected property is located on the western side of Route 15 (James Madison Highway) approximately 0.33 miles south of Route 250 (Richmond Road). The property is located in the Palmyra Election District and is within the Zion Crossroads Community Planning Area.

Copies of the complete text of the above ordinances and associated plans are available for public review at the Office of the Fluvanna County Administrator during normal business hours. The public is invited to attend these hearings at which persons affected may appear and present their views. Questions or comments may be directed to Planning & Community Development Department, at (434) 591-1910.

ORDER OF PUBLICATION

The object of this suit is to obtain partition of the real estate known as approximately 6.195 acres of land in Cuckoo District, Louisa County, Virginia, which is owned by the Plaintiff and Defendants as heirs of Frank Johnson, and appearing from an Affidavit that the Defendants are not residents of the Commonwealth of Virginia, or may be parties unknown, and it is ORDERED

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF LOUISA

LENWOOD JOHNSON
BERTHA WOOD
JULIA JOHNSON
CAROLYN JOHNSON
HAZEL MOSS
KIMBERLY ALSTON, heirs of
John Johnson
FLORENCE BARRETT
HAROLD BROWN
HENRY JOHNSON
EUGENE JOHNSON,
heirs of James Johnson
WILLIAM JOHNSON
CLVISIOUS JOHNSON
CALVIN JOHNSON
REVA BAKER
HELEN JOHNSON
ROSA WILLIAMS
EDNA McSHAIR
VIVIAN WILLIAMS
JACQUELINE OVERTON
GWENDOLYN GOODE,
his heirs of Rachel Johnson
ROBERT JOHNSON
EDNA SHARPE
JUANITA JOHNSON
RUTH JOHNSON
SAMUEL JOHNSON, Jr.
HENRY JOHNSON
JESSE JOHNSON

BRENDA WADDY, a resident of Philadelphia, PA
WANDA WADDY, a resident of Philadelphia, PA
ROBERT JOHNSON, represented by W. Mark Dunn, Esquire

and

unknown heirs of Parker Johnson
unknown heirs of Nick Johnson
unknown heirs of John Johnson
unknown heirs of Turner Johnson
unknown heirs of Edmond Johnson
unknown heirs of Winnie Johnson
unknown heirs of Ellen Johnson
any other unknown and un-named parties,

DEFENDANTS

V.

Public Hearings

22. Public Hearing – Amendments to the following sections of the Louisa County Code of Ordinances to allow the use of slugs when hunting in Louisa County: Chapter 54. Offenses and Miscellaneous Provisions, Sec. 54-8. Same -- With rifles larger than .22 caliber or with shotgun slugs.

23. Public Hearing – Amendments to the following section of the Louisa County Code of Ordinance to change the requirement for resubmission of erosion and sediment control plans should land disturbing activities not commence within 180 days of plan approval or cease for a 180 day period: Chapter 38 Environment, Sec. 38-34. Resubmission of plans.

24. Public Hearing – Amendments to the following sections of the Louisa County Code of Ordinances with
James Watson  
21453 James Madison Hwy.  
Troy, Va. 22974

James Watson  
Tel. 434-589-3355

Fluvanna County  
Planning Commission

Re: Rezoning of parcel 54 TM 5  
Proffers

In our request for rezoning and subdividing we would like to limit the use of parcel 54 TM 5. In lieu of the 37 general uses in a B-1 zone, we would only like to proffer in 5 uses.

1. Retail store  
2. Office building  
3. Daycare center  
4. Agricultural supply/greenhouse/nursery  
5. One or two family dwelling

James Watson  
Alternative Ways Inc.
James Watson
21453 James Madison Hwy.
Troy, Va. 22974

James Watson
Tel. 434-589-3355

9/15/09

Fluvanna County
Planning Commission

Re: Rezoning of parcel 54 TM 5
21453 James Madison Hwy.
Troy, Va.

James Watson and Alternative Ways Inc. would like to put in this request for the rezoning from A1 to B1 of parcel 54 TM 5. The parcel consist of 1.27 acres on Rt 15 in the northwest corridor of Fluvanna county. Alternative Ways Inc. goals for the property is to convert the existing house and .50 acres into a daycare center to be known as Life's Little Pleasure's Learning center, a subsidiary of Alternative Ways Inc. The remaining .72 acres, once subdivided and built upon will house our corporate office/retail center. The goals of Alternative Ways Inc. is to furnish a unique service and product to our customers. The learning center will only house 36 children in a more home/family environment. The new building and its sitework will be constructed in an environmentally friendly way and solar powered. The service that will be offered in our retail/service center will be of cost saving, eco-friendly products and services. Anything from solar power, home energy conservation, all season gardening, to alternative health products.

The site at this time has enough area to be serviced by a septic system and Class 4 well. So the limited utilities in the area will not be a problem, in servicing the 36 unit learning center and 1 non public bathroom in the retail center.

We hope you will consider this request for rezoning from A1 to B1 with open arms and approve. As our services offered will be a great asset to the community.

James Watson
Alternative Ways Inc.
Commercial Daycare
1st 2038 sq.ft.
2nd 350 sq.ft.

Received
OCT 30 2009
Fluvanna County
Office Space

Or

Single Family
THIS IS TO CERTIFY THAT ON MARCH 1, 2000, I MADE AN ACCURATE SURVEY OF THE PREMISES SHOWN HEREON AND THAT THERE ARE NO EASEMENTS OR ENCROACHMENTS VISIBLE ON THE GROUND OTHER THAN THOSE SHOWN HEREON.

THE PROPERTY SHOWN HEREON FALLS WITHIN ZONE "C" AS SHOWN ON THE DEPARTMENT OF R.H.U.D. FLOOD HAZARD MAP.

NO TITLE REPORT FURNISHED.
HOUSE NUMBER NOT POSTED.

SCHEDULE OF BUILDINGS
A 16.2' X 20.3'
   SHED
B 24.3' X 14.2'
   SHED
C 12.3' X 12.4'
   SHED
D 28.6' X 36.9'
   SINGLE STORY
   BLOCK RESIDENCE

TM 5 Parcel (16)-4
Serenity Partners
DB 371-369
DB 366-668 Plat

TM 5 Parcel 53
R.S. Glass
DB 45-464

TM 5 Parcel 54
James H. Watson
DB 368-505
DB 366-668 Plat
DB 366-668 Easement
1.333 Acres

Reserved Easement Along Old Road
DB 158-635

Plat Showing Physical Survey of Tax Map 5 Parcel 54

THE JAMES H. WATSON PROPERTY
PALMYRA DISTRICT, FLUVANNA COUNTY, VIRGINIA
SCALE: 1" = 100' DATE: MARCH 2, 2000
050054.dwg
RIVANNA ENGINEERING & SURVEYING, INC.
P.O. BOX 154 PALMYRA, VA 22963-0154
PHONE: (804) 589-8395

Drainfield Easement For TM 5 Parcel 54
DB 366-668 Plat

Existing D/W
50' Private Road Easement To Parcel (16)-4
DB 359-545

Legend:
IF IRON ROD FOUND
PP POWER POLE
O/E OVERHEAD ELECTRIC
D/W DRIVEWAY
TPD TELEPHONE PEDESTAL
A BUILDING SETBACK LINE
October 8, 2009

James Watson
21453 James Madison Highway
Troy, VA 22974

Re: ZMP 09:04 – James Watson – Rezoning A-1 to B-1
TRC Comments

Dear Mr. Watson:

The following comments are the result of the Technical Review Committee meeting. Comments are outlined below:

1. Attached are comments received from the Health Department;
2. If feasible, consider combining the two parking lots into one lot for a shared parking lot, which should also minimize the area of disturbance; and
3. The Fire Department wanted to ensure that the square footage of the day care building was sufficient for the proposed number of children (36). The Fire Department also indicated that an adequate evacuation plan and system should be provided for the day care facility.

Please provide a minimum of 20 copies of the revised sketch plans and any other materials or documentation that is to be included in the Planning Commission packet by Friday, October 30, 2009. Submitting revisions by this deadline will place your request on the November 16, 2009 Planning Commission agenda. If the Planning Commission provides a recommendation to the Board at the meeting, your request would be placed on the Wednesday, December 16, 2009 Board of Supervisors meeting agenda.

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

Sincerely,

M. Bryant Phillips
Senior Planner
Dept. of Planning & Community Development
MEMORANDUM

To: M. Bryant Phillips, Senior Planner
From: Charles A. Miller, Environmental Health Specialist Senior
Date: October 7, 2009
Re: October 8, 2009 Technical Review Committee Meeting

ZMP 09:04 James Watson

Mr. Watson has been planning a day care at this location for 9 years. During that time he applied to the health department for an expansion to the existing septic system and a well. To our knowledge, neither of these were installed. Apparently, at one point, the “cottage” was illegally connected to the existing two bedroom septic system for the house. A letter was to Mr. Watson from the health department regarding that connection.

In his letter to the planning commission, Mr. Watson refers to a class IV well, which is not appropriate. He also states that, at this time, there is enough area for a septic system.

The Fluvanna County Health Department would require that a private soil consultant (AOSE) be obtained for this commercial venture to determine if there is sufficient approved drainfield, a reserve drainfield site and an approved water supply.

It appears that all other agenda items plan to connect to a public and water sewer system.
Virginia Soil & Septic, Inc
VA Licensed OSE Soil Consultant
NSF Nationally Certified Septic Inspector
6088 Chestnut Lane
Gordonsville, Virginia 22942
Phone: 540-832-1875    Fax: 540-832-5830
November 2, 2009

Mr. James Watson
21453 James Madison Highway
Troy, VA 22974

Dear Mr. Watson,

At your request, I have completed a Feasibility Study for the property referenced as 21453 James Madison Highway, Troy, Virginia. The purpose of this evaluation was to review the soils, topography and drainage characteristics to determine the suitability, of these site characteristics, with respect to installation of any on-site waste disposal system in accordance with the Commonwealth of Virginia State Board of Health Sewage Handling and Disposal Regulations.

The topography and soils on this property were evaluated on 10/20/07. Clay Loam to Sandy Loam soils were identified. Perk rates on these soils would be in the range of 55 to 65 min/inch. The existing drainfield area, in the 2 acre easement area, contains three, 100 foot lines. A second expired Sewage System Construction Permit allows for the addition of 2 more 100 foot lines (permit is expired), below the existing area for a total of five, 100 foot lines or 1500 square feet. The second expired Sewage System Construction Permit also shows a reserve drainfield area measuring 55 feet by 100 feet. This area is above the existing drainfield. Virginia Soil & Septic, Inc. investigated this area and expanded it to 100 feet by 100 feet from what the health had proposed.

The design of a sewage disposal system for a commercial 40 person facility (6 adults and 34 students) would necessitate a daily flow of 500 to 1000 gallons per day. With perk rates of 55 to 65 min/inch as well as designing on the area required for absorption trenches (FT2/100 gallons) the design would be 275 - 331 square feet/100 gallons - for a conventional treatment system or 193-217 square feet/100 gallons for a secondary treatment system. A conventional drainfield system would require 8-12 100’ lines (credit would be given for the 3 existing 100’ lines). Using a secondary treatment system the area would encompass 6-8 100’ lines (again credit would be given for the existing lines). Therefore, this property, with the large area available for the drainfield and reserve, has enough area available for an adequate sewage disposal system to serve the proposed business.

The best possible solution to meeting the sewage disposal needs of this proposed business would be to expand the existing three lines to eight to twelve conventional, 100 foot lines, (depending on the design flow). Secondary treatment would reduce the square footage requirements, the County may require advanced secondary treatment. A 100% reserve drainfield area can also be designed within the available area using trenches or dispersal to a drip or mound.

Using the existing drain field with expansion into the 2 acre drainfield easement area as necessary, as described above, and considering the various design options available – this property and it’s easement will support the necessary primary sewage disposal system and reserve drainfield footprint according to the Commonwealth of Virginia State Board of Health Sewage Handling and Disposal Regulations 2005 to serve a 40 person commercial application.

The results of this soil consultation are the opinions of Virginia Soil & Septic, Inc. and may vary somewhat as compared to the analysis of other soil consultants. With further soil investigation, this Feasibility Study may be turned into a Sewage System Disposal System Permit as you pursue the development of this property. Thank you for the opportunity to provide this soil consultation service.

Sincerely,

[Signature]

24
An Ordinance To Amend The Fluvanna County Zoning Map, With Respect To 1.27 acres of Tax Map 5, Section A, Parcel 54, to conditionally rezone the same from A-1, Agricultural, General to B-1, Business, General.

(ZMP 09:04)

BE IT ORDAINED BY THE FLUVANNA BOARD OF SUPERVISORS, pursuant to Virginia Code Section 15.2-2285, that the Fluvanna County Zoning Map be, and it is hereby, amended, as follows:

That 1.27 acres of Tax Map 5, Section A, Parcel 54, be and is hereby, conditionally rezoned from A-1, Agricultural, General to B-1, Business, General, subject to the submitted proffers.

1. The rezoning of 1.27 acres of Tax Map 5, Section A, Parcel 54 shall be limited to the only the following by-right uses:
   a. Retail stores
   b. Offices
   c. Daycare centers
   d. Greenhouses, commercial
   e. One or two family dwellings (as permitted by the zoning ordinance)
To: Dan Whitten  
From: CEP Solar, LLC

Dear Mr. Whitten,

This letter confirms the Applicant’s request for a deferral of SUP 23:01 White Oak Tree Solar, LLC and the associated Substantial Accord determination from the June 11th, 2024 Planning Commission Agenda to the September 10th, 2024 Planning Commission Agenda.

We look forward to continuing our work with Staff and the Planning Commission to build consensus on White Oak Solar Farm.

Best,

Harry Kingery | Project Development Manager  
(804) 789-4040 Ext. 707 | harry.kingery@cepsolar.com  
2201 West Broad St. | Suite #200 | Richmond, VA 23230  
www.cepsolar.com
### BUILDING PERMITS ISSUED

**Category:** Building Values for Permits Issued

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**TABLE:**

- **YEAR:**
- **Permits Issued:**
  - NEW - Single Family Detached (incl. Trades permits & SWMH)
  - NEW - Single Family Attached (Town Homes)
  - Multi Family (Apartment, Duplex)
  - Additions and Alterations
  - Accessory Buildings
  - Swimming Pools
  - Commercial/Industrial Build/Cell Towers
  - TOTAL BUILDING PERMITS

**PERMITS VALUES:**

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**Building Official:** Andrew Wills

**Period:** April, 2024

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**NOTES:**
- Trade permits count not included as in previous years.
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