

**FLUVANNA COUNTY PLANNING COMMISSION  
REGULAR MEETING MINUTES**

**Carysbrook Performing Arts Center  
8880 James Madison Highway  
Fork Union, VA 23055**

**Tuesday, April 11, 2023  
Regular Meeting 7:00 pm**

**MEMBERS PRESENT:**

Barry Bibb, Chair  
Howard Lagomarsino, Vice Chair  
Mike Goad, Commissioner  
Bree Key, Commissioner  
Lorretta Johnson-Morgan, Commissioner  
Patricia Eager, Board of Supervisors member

**ABSENT:**

None

**STAFF PRESENT:**

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

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

At 7:00 pm, Chair Bibb, called the April 11, 2023 Regular Meeting to Order, led in the Pledge of Allegiance and then he conducted a Moment of Silence.

**Chair Bibb** stated that he had received a request from Commissioner Johnson-Morgan to add to the Agenda under New Business a brief discussion on the Adjacent Property Owner notification process that is for the notification of Public Hearings conducted by the Planning Commission.

**2. DIRECTOR'S REPORT – Douglas Miles, AICP, CZA, Community Development Director**

**Friday, March 24th Central Virginia Regional Housing Partnership – Charlottesville Omni**

Housing and Economic Development Session by Virginia Tech's Virginia Center for Housing Research – Workforce Housing "No housing for the carpenters and electricians to build the affordable housing needed in Virginia" was a comment that summed up the housing crisis.

Preventing Rural Displacement in Housing, Nelson County on how to ensure that long-term residents can continue to live and work there. Fluvanna – Louisa Housing Foundation – Kim Hyland is working with Fluvanna County staff on Senior housing opportunities within County.

**Thursday, April 13th Technical Review Committee meeting and Pre-Application meeting**

ZMP 23:02 Renaud Consulting (Wawa) Conditional Rezoning Request: Rezoning from A-1 and I-1 to B-1 conditional zoning to permit a Wawa convenience store, deli restaurant and nine gasoline pumps and a second outparcel located completely within Fluvanna County at Route 250 and 15.

Reventon Farms Glamping Cabins and Outdoor Recreational Facilities: New Camp and Outdoor Recreational uses proposed on 745 acres, with 300 in Fluvanna and 445 in Albemarle, with 250 cabins, offering up biking, hiking, birding, adventure forest and an equestrian center on property with access in Fluvanna County on Rolling Road S and Briery Creek Road in a rural, remote area.

**Fluvanna County Utility-Scale Solar and Solar Energy Storage Planning Commission Update**

**Siting Agreement** may include terms and conditions, including (i) mitigation of any impacts of such solar project or energy storage project; (ii) financial compensation to the host locality to address capital needs set out in the (a) Capital Improvement Plan adopted by the host locality, (b) current fiscal budget of the host locality, or (c) fiscal fund balance policy adopted by the host

locality; or (iii) assistance by the applicant in the deployment of broadband, as defined in VA State Code 56-585.1:9, in such locality.

**Solar Panels and Inverters Recycling Plan** should have a clear Plan on the disposal or a recycling destination and not in Fluvanna County. There are centers available on the east and west coasts.

**Solar Energy Industries Association (SEIA) Recycling Information:** While most solar panels produced today will have a useful life for decades, there is inevitable waste stream created during production and use, when solar panels are damaged during shipment or installation, determined to be defective or they become obsolete or reach their solar end-of-life use.

Solar panels typically consist of glass, aluminum, copper, silver and semiconductor materials that can be successfully recovered and reused. By weight, more than 80 percent of a typical solar panel is glass and aluminum, which are both common and easy-to-recycle as materials.

#### **Fluvanna County Solar Generation Facility Definitions**

**Solar generation facility, minor scale:** An on-site solar energy conversion system producing not more than 15 KW of electricity. Small scale solar energy systems generally reduce on-site consumption of utility power for civic, commercial and industrial applications. On-site may include adjacent parcels under common use, ownership and control. Rooftop arrays do not require zoning approval. Ground mounted arrays require zoning approval as accessory structures.

**Solar generation facility, small scale:** An on-site solar energy conversion system producing less than 2 MW of electricity. Minor scale solar energy conversion systems generally reduce on-site consumption of utility power for civic, commercial and industrial applications. On-site may also include adjacent parcels under common use, ownership and control.

**Solar generation facility, utility scale:** A solar energy conversion system producing 2 MW or more of electricity to a utility provider. Such facilities interconnect with an existing electrical grid serving other off-site facilities which are not adjacent or under common use, ownership or control.

#### **Fluvanna County Solar Generation Facility - Special Use Permit Recommended Conditions:**

**Site Construction, Expansion and Operation condition:** Pile driving and site deliveries limited to sunrise – sunset, Monday – Friday; other activities Monday – Sunday, it meets Noise Ordinance.

**Construction Traffic Management Plan condition:** submitted to VDOT and Fluvanna County to address pre- and post-construction road evaluation and a plan to repair roads, if any damages.

**Site Parking, Phasing and Staging Plan condition:** site access plan directing employee and site delivery traffic, to minimize all conflicts with local traffic during the peak construction periods.

**Construction Mitigation Plan condition:** addresses dust by watering and mud mitigation with use of construction wash racks to keep sediment on-site and avoid burning and smoke issues.

**Vegetative Buffer and Setback condition:** minimum fifty (50) foot setback from public roads and agricultural and residential properties, occupied or unoccupied, until other non-residential uses.

**Supplemental Buffer and Groundcover condition:** twenty-five (25) foot buffer planting area when mature vegetation does not exist adjacent to agricultural and residential properties. Site groundcover consisting of native plant materials to benefit bees, birds and beneficial insects and use of synthetic herbicides to control the site vegetation would not be permitted on premises.

**Fluvanna County Fire Training condition:** applicant, owner or operator to provide training to County personnel responding to facility and provided with site manager contact information during site construction, expansion or operations for all public safety emergency situations.

**Decommissioning Plan condition:** Approved by County Administrator and reviewed by the County Attorney and Community Development Director for when solar generation facility is inactive and is considered shutdown for delivery of electricity to the grid at this location. The decommissioning it shall commence within six (6) months of receipt of such notice from the

applicant, owner or operator at their expense under the approved, bonded site agreement.

3. **PUBLIC COMMENTS #1**

Chair Bibb opened Public Comments #1 at 7:35 pm by giving each Public speaker a limit of five (5) minutes to speak and he asked that they state their name and their address for the record. With no one wishing to speak in person or online, Chair Bibb closed the first round of Public Comments at 7:36 pm.

4. **DRAFT MINUTES:**

<b>MOTION:</b>	<b>To approve the minutes of the Planning Commission of March 7, 2023.</b>				
<b>MEMBER:</b>	Bibb	Goad	Key	Lagomarsino	Morgan
<b>ACTION:</b>		<b>Motion</b>			<b>Second</b>
<b>VOTE:</b>	Aye	Aye	Aye	Aye	Aye
<b>RESULT:</b>	<b>5-0 Approved, as presented</b>				

5. **PUBLIC HEARINGS:**

**ZMP 23:01 J & B LMO, LLC** – Douglas Miles, AICP, CZA Community Development Director  
A rezoning request to conditionally rezone from A-1, Agricultural, General and R-4, Residential, Limited to the B-C, Business, Convenience Zoning District with respect to 2.2 +/- acres as Tax Map 9 Section A Parcel 15B and Tax Map 18A Section 7 Parcel 158A. The subject properties are located north of Lake Monticello Road (SR 618) and known as 2987 Lake Monticello Road in the Rivanna Community Planning Area and the Palmyra Election District.

When reviewing this conditional rezoning application, the Planning Commission should take into consideration any potential adverse impacts that the development may have on this portion of Fluvanna County and traffic generation issues have been analyzed generally by the VDOT Land Use Engineer. The proposed land uses would occupy this former dental and office building and would allow for similar uses to be located in this office building to serve the neighborhood area.

The applicant has worked with both the Building Official and Community Development Director on his existing office building to make sure that the existing building can be remodeled in order to modernize the building for new land uses that would serve this immediate neighborhood area. The underlying zoning is no longer suitable and there would also be a Subdivision Plat prepared to combine the two (2) subject parcels into one commercial parcel to allow for the new land uses.

**Chair Bibb** opened the Public Hearing at 7:46 pm by giving each speaker a limit of five (5) minutes to speak and he asked that they state their name and their address for the record. With no one wishing to speak in person or online, Chair Bibb closed the Public Hearing at 7:47 pm, returned it to the Planning Commission for discussion on the proposed rezoning request.

**Vice-Chair Lagomarsino** stated he had some limited concerns with commercial traffic on SR 618. As the subject property is located right near the Lake Monticello Main gate with traffic concerns.

**Mr. Miles** stated that Aaron LeBeau, PE, VDOT stated during the TRC meeting that he analyzed the proposed land uses and found them to be similar to what already had been in this building. During Site Plan Review for the next permitted use both the County Planning and VDOT Land Use staff would perform transportation planning reviews and make suggested improvements.

**Ms. Johnson-Morgan** asked about what could be done behind the existing building and how would you access that area for business use and if there were any neighborhood concerns?

**Mr. Miles** stated that during site plan review County staff would work with the applicant to have the proposed land use to be sited correctly, be screened and situated for any new business uses. There were a few calls and e-mails inquiring about if a self-storage facility could be built there and the answer is No, not under the B-C, Business Convenience zoning, it is not a use by right.

Dr. John and Betty Lyon, applicants, were present and did not have any case comments as they were satisfied with the proposed conditional rezoning as County Staff assisted them with their case via the Planning and Community Development Department and VDOT – Louisa Residency.

<b>MOTION:</b>	I move that the Planning Commission recommends Approval of ZMP 23:01, a request to amend the Fluvanna County Zoning Map on 2.2 +/- acres of Tax Map 9, Section A, Parcel 15B and Tax Map 18A Section 7 Parcel 158A to conditionally rezone the same from A-1, General Agricultural and R-4, Limited Residential to the B-C, Business Convenience Zoning District and subject to the proffers dated February 27, 2023.				
<b>MEMBER:</b>	Bibb	Goad	Key	Lagomarsino	Morgan
<b>ACTION:</b>		<b>Motion</b>	<b>Second</b>		
<b>VOTE:</b>	Aye	Aye	Aye	Aye	Aye
<b>RESULT:</b>	<b>Recommended Approval, 5-0 with proffered conditions</b>				

**SUP 23:02 Andrea and Robert Nickels** – Douglas Miles, Community Development Director  
A Special Use Permit request in the A-1 Agricultural, General District to permit Agricultural enterprise and Event facility uses on 42.9 +/- acres known as Tax Map 48 Section 1 Parcel 3. The property is located on the north line of West River Road (Route 6) and is known as 5199 West River Road. The subject property is located in the Rural Residential Planning Area and the Cunningham Election District.

**Mr. Miles** provided a summary of the land use requests, as Agricultural enterprise and Event facility uses, that as part of a winery, but also being more intensive uses, beyond viticulture as currently a commercial tasting room and a proposed commercial event facility ballroom area.

**Rob Nickels** reviewed with the Planning Commission and general public their specific building plans that included the indoor wine production space as part of the winery and vineyard area. He explained further their building expansion plans for a catering kitchen area, new bathrooms and event facility barn addition where regular weddings and receptions would be held indoors.

Staff recommended Approval of the proposed Agricultural enterprise and Event facility use provided that the impact upon the surrounding property owners is minimal. Staff has proposed recommended conditions to ensure that the uses comply with all Federal, State and County Code requirements:

1. This Special Use Permit is granted for an Agricultural enterprise and Event facility use to Andrea and Robert Nickels and is not transferable and it does not run with the land on Tax Map 48 Section 1 Parcel 3.
2. The applicants will provide staffing for private parking and traffic circulation purposes from Route 6 with event personnel clearly marked as “Event Staff” for safety reasons. The Fluvanna County Sheriff’s Office shall be notified at least thirty (30) days prior to the Event facility events that are between 100 to 200 persons to be located on the premises.
3. The Event facility events with outdoor live or recorded music shall be from 10:00 am until 11:00 pm, with the exception of 5K runs, that may start at 7:00 am on the premises.
4. The applicants shall ensure compliance with the Noise Ordinance of the Code of the County of Fluvanna, as adopted and as enforced by the Fluvanna County Sheriff’s Office.
5. The site shall be maintained in a neat and orderly manner so that the visual appearance from the public right-of-way and adjacent properties is acceptable to County officials.
6. The Board of Supervisors, or its representative, reserves the right to inspect the property for compliance with these conditions at any time.
7. Under Section 22-17-4 F (2) of the Fluvanna County Code, the Board of Supervisors has the authority to revoke a Special Use Permit if the property owners have substantially breached the conditions of the Special Use Permit.

Chair Bibb opened the Public Hearing at 8:11 pm by giving each speaker a limit of five (5) minutes to speak and he asked that they state their name and address for the record, either in person or online:

**Thomas Morgan** at 4 Cove Circle: spoke in favor of this Special Use Permit request.

**Bruce Lamb** at 151 Blue Mountain Lane: spoke in favor of this Special Use Permit request.  
**Bruce Downie** at 274 Rosewood Drive: spoke in favor of this Special Use Permit request.

**Brian and Kim Hyland** at 1015 Poplar Spring Road: spoke online in favor of this request.  
**Kyle and Jeanne Rosemann** at 22 West Lake Court: spoke online in favor of this request.  
**Don Morgan** at 21359 Clearwater Court, Ashburn Virginia: spoke online as an outside tourist who regularly attends events at Hardware Hills Vineyard spoke in favor of the Special Use Permit uses.

**Chair Bibb** closed the Public Hearing at 8:21 pm and he returned the matter back to the Commission. Several Planning Commissioners spoke briefly in support of this Event Facility request which allows for more events to take place completely in Fluvanna County rather than in Charlottesville or Richmond.

<b>MOTION:</b>	I move that the Planning Commission recommends Approval of SUP 23:02, a request to permit an Agricultural enterprise and Event facility use with respect to 42.9 +/- acres of Tax Map 48, Section 1, Parcel 3, subject to the seven (7) conditions listed in the staff report.				
<b>MEMBER:</b>	Bibb	Goad	Key	Lagomarsino	Morgan
<b>ACTION:</b>		<b>Second</b>		<b>Motion</b>	
<b>VOTE:</b>	Aye	Aye	Aye	Aye	Aye
<b>RESULT:</b>	<b>Recommended Approval 5-0 with recommended staff conditions</b>				

6. **PRESENTATIONS:**  
None

7. **SITE DEVELOPMENT PLANS:**  
None

8. **SUBDIVISIONS:**  
None

9. **UNFINISHED BUSINESS:**  
None

10. **NEW BUSINESS:**  
ADDED: Adjacent Property Owner (APO) Notification Process.

Ms. Johnson-Morgan indicated she was concerned with the existing Adjacent Property Owner (APO) notification process that is to notify the surrounding property owners of a certain case. She stated that Fluvanna County could supplement the case notification process by utilizing the Fluvanna County website and is aware of the FAN Mail notification system that is also available.

Mr. Goad responded to Ms. Johnson-Morgan’s concerns with his thoughts and general research on how the adjacent property owner notification process could be done with better technology. They both were in agreement and thought they could work together to come up with solutions.

Mr. Payne stated to be careful about what is required to be provided as general information and public information that are two different items legally and by state statute for public notification purposes. Chair Bibb stated some of these same comments but wanted to hear more from the County staff working with the Commissioners to come up with better ways to notify the public.

Ms. Johnson-Morgan suggested that Planning Commissioners could work together to notify the public through the Fluvanna Review and the Fluvanna County Library for those that do not use a computer or get notifications on their smart phones and they can sign up for FAN Mail updates.

She stated further that citizens are complaining about small Zoning signs and Mr. Miles has now worked towards using larger, metal signs on major corridors; but we can do more, as folks they are frustrated when they do not get notified but do hear later on about a particular zoning case.

11. **PUBLIC COMMENTS #2:**  
Chair Bibb opened Public Comments #2 at 9:06 pm by giving each speaker a limit of five (5)

minutes to speak and asked that they state their full name and property address for the record. With no one coming forward wishing to speak in person or online, Chair Bibb closed the Public Comments period at 9:06 pm.

**12. ADJOURNMENT:**

Chair Bibb adjourned the Planning Commission meeting on April 11, 2023 at 9:06 pm.

Minutes recorded by Valencia Porter-Henderson, Administrative Programs Specialist.

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**Barry A. Bibb, Chair**  
**Fluvanna County Planning Commission**

APPROVED