

**FLUVANNA COUNTY PLANNING COMMISSION  
REGULAR MEETING MINUTES**

**Carysbrook Performance Arts Center  
8880 James Madison Hwy  
Fork Union, VA 23055**

**Tuesday, December 12, 2023**

**Work Session 6:00 pm  
Regular Meeting 7:00 pm**

**MEMBERS PRESENT:**

Barry Bibb, Chair  
Mike Goad, Commissioner  
Bree Key, Commissioner  
Howard Lagomarsino, Commissioner  
Loretta Johnson-Morgan, Commissioner

**ABSENT:**

Patricia Eager, Representative of Board of Supervisors

**STAFF PRESENT:**

Eric Dahl, County Administrator  
Douglas Miles, Community Development Director  
Dan Whitten, Fluvanna County Attorney  
Jason Overstreet, Senior Planner  
Joanna Lehtinen, Planner /GIS Technician  
Valencia Porter-Henderson, Administrative Programs Specialist

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

At 6:00 pm, Chair Bibb, called the December 12, 2023 Work Session to Order, led in the Pledge of Allegiance and then he conducted a Moment of Silence.

**B. Short Term Rental of Dwellings – Dan Whitten, County Attorney**

**Overview**

- Short-term rental defined as “the provision of a room or space that is suitable or intended for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy” (Va. Code§15.2-983).
- The most well-known platforms are Airbnb, VRBO and Home Away that connect property owners with guests for short stays.
- It is difficult to tell from the outside that it is a short-term rental since typically there is not any signage.

**Regulating Short-term rentals through Zoning**

- County can also regulate the short-term rental through land use and zoning authority (Va. Code§15.2-2285).
- Proposed Ordinance makes the short-term rental of dwelling a by-right use in Agricultural and Residential Zoning Districts: A-1, R-1, R-2, R-3 and R-4
- Definition of Short-term rental of dwelling: A single-family dwelling not attached to any other dwelling by any means and located on an individual lot 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 dwelling.

**Short term rental proposed supplemental regulations**

- Short-term rental dwelling shall not be allowed within a subdivision governed by a homeowners’ association or property owners’ association where the Short-term rental of a dwelling is not authorized in the restrictive covenants.
- Owners shall provide contact information for the owner and/or authorized property manager to the Fluvanna County Planning and Zoning Department.
- There shall be no visible evidence of the conduct of such Short-term rental of dwelling activity other than one nonilluminated identification sign. Maximum sign area: four square feet.
- Owners shall provide the Fluvanna County Noise Ordinance (Chapter 15.2) to guests as part of the rental contract.

- Outdoor burning and use of fireworks by guests shall be prohibited.
- Owners must comply with all Virginia Department of Health regulations.
- The maximum number of occupants in the dwelling unit shall be determined according to permit approval received by the Fluvanna County Health Department; however, the maximum number of occupants shall not exceed 10.

#### **Proposed Supplemental Regulations Continued**

- Parking for the dwelling shall be located in driveways or other designated and approved parking areas. The parking of vehicles is prohibited in or along all rights-of-way and in yards.
- Property boundaries, or limitations within the property's boundaries where guests are allowed, must be clearly marked at all times.
- The dwelling shall comply with all applicable state building code and safety regulations.
- A fire extinguisher shall be provided and visible in all kitchen and cooking areas; smoke detectors shall be installed in all locations as identified in the Uniform Statewide Building Code; and a carbon monoxide detector must be installed on each floor in every dwelling.
- The Owner shall register the Short-term rental of the dwelling with the Commissioner or Revenue.
- Owners unable to meet all of the above requirements shall be prohibited from operation of the Short-term rental of dwelling.

#### **Enforcement**

- Civil penalties under § 15.2-2209
- Criminal penalties under § 15.2-2286(A)(5)
- Injunction under § 15.2-2208

#### **Grandfathered and Nonconforming Uses**

- **Grandfathering:** a specific permission within an ordinance or regulation for a property to continue in a use or design
- **Nonconforming but legal (§15.2-2307):**
  1. It must have been a lawful primary use of the property before the change in zoning.
  2. An accessory use cannot become the primary use.
  3. The use must be continuous from before the zoning change.
  4. No break longer than two years.
  5. The use and the property cannot expand beyond their pre-zoning use and size.

#### **Agritourism and Short-term Rentals**

- § 3.2-6400 - "Agritourism activity" means "any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, horseback riding, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity."
- § 15.2-2288.6(A) - No locality shall regulate the carrying out of any of the following activities at an agricultural operation, as defined in § 3.2-300, unless there is a substantial impact on the health, safety, or general welfare of the public:
  1. Agritourism activities as defined in § 3.2-6400
- "I therefore conclude, based on the plain language of the applicable statutes, including § 3.2-6400, that offering short-term rental accommodations, in defined circumstances, falls within the protections against local regulation afforded certain activities under § 15.2-2288.6."
- "Nevertheless, I caution that whether a particular instance of a property owner offering short-term rental accommodations is exempt from local zoning regulation depends on whether all attendant statutory conditions are met. For an activity to be exempt from local regulation under § 15.2-2288.6:"
- The associated property must be zoned as a part of an agricultural district or classification or engaged in an "agricultural operation" as defined in § 3.2-300.
- The activity must occur on property meeting the definition of a "farm or ranch," which in turn requires the land to be used in the creation of "agricultural products," as further defined by statute.
- "Rural activities" must be available for the general public to experience

C. Adjournment: Chair Bibb closed the Work Session at 6:48 pm.

MOTION:	Motion to adjourn the Work Session of December 12, 2023 at 6:48 pm.				
MEMBER:	Bibb	Goad	Key	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0				

1. **CALL TO ORDER, THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE:**  
At 7:00 pm, Chair Bibb, called the December 12, 2023 Regular Meeting to Order, led in the Pledge of Allegiance and then he conducted a Moment of Silence.

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

**Commercial / Mixed Use Developments – December 2023**

- VILLAGE OAKS COMMERCIAL – 40,000 sq ft Commercial building is under Final Site Development Plan approval at Manor Boulevard.
- ISLAND HILL SUBDIVISION – VDOT road Acceptance completed and Final County site inspections occurring this month with developer.
- VILLAGE OAKS PHASE 4 – VDOT road Acceptance completed and final County site inspections on the pedestrian walking trail area.

**VDOT US 250 and Troy Road (SR 631) Roundabout meeting**

- VDOT Culpeper District Office is conducting a Design meeting:
- Location: Best Western in Zion Crossroads 135 Wood Ridge Terrace
- Date: Thursday, December 14th from 5:00 pm to 7:00 pm
- Project: Approved roundabout construction at 250 & Troy Road
- Contact: John.Rose1@vdot.virginia.gov for more information

Day	Date	Time	Public Hearings and Public meetings	Location
THURS	DEC 14	5-7 PM	VDOT Route 250 & Troy Road Design meeting	Best Western
WED	DEC 20	7:00 PM	Board of Supervisors – JRWA Public Hearing	Carysbrook Theatre
WED	JAN 3	6:00 PM	Joint Work Session on Solar with the Board	Carysbrook Theatre
TUES	JAN 9	6:30 PM	Organizational Planning Commission meeting	Carysbrook Theatre

3. **PUBLIC COMMENTS #1**

Chair Bibb opened the Public Comments at 7:05 pm by giving each public speaker a limit of five minutes to speak in person, and asked that they state their name and address for the record. With no one else wishing to speak in person, Chair Bibb closed the first round of Public Comments at 7:06 pm.

4. **DRAFT MINUTES:**

MOTION:	To Approve the Regular meeting minutes of the Planning Commission of November 8, 2023.				
MEMBER:	Bibb	Goad	Key	Lagomarsino	Morgan
ACTION:		Motion	Second		
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved, as presented				

5. **PUBLIC HEARINGS:**

1. CIP FY2025-FY2029 – Eric Dahl, County Administrator

<b>MOTION:</b>	I move that the Planning Commission recommend approval of the FY2025-FY2029 Capital Improvement Plan (CIP) as presented, with a list of funding priorities prepared by the Planning Commission.				
<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, Recommended Approved</b>				

2. AFD 23:01 Quaint Lea of Nahor – Jason Overstreet, Senior Planner

**AFD 23:01 Quaint Lea Nahor**– A request to create an Agricultural and Forestal District in the A-1, Agricultural, General District under §3.1-4 on 404 +/- acres and known as Tax Map 16 Section A Parcels 37 and 42; Tax Map 17 Section A Parcel 27. These parcels are generally located on the north and south sides of Nahor Manor Road (SR 636) and east of North Ruritan Drive in the Rural Residential Planning Area and Cunningham Election District.

**Overview:**

- Request for the creation of a new Agricultural and Forestal District in the Cunningham election district
- 3 parcels totaling 404 acres in the core (200 required)
- Rural Residential Planning Area
- Ten (10) year review period requested by applicants
- AFD Advisory Committee recommends approval 6-0

**Evaluation Criteria**

- The agricultural and forestall significance of land within the district or addition and in areas adjacent thereto.
- The presence of any significant agricultural lands or significant forestall lands within the district and in areas adjacent thereto that are not now in active agricultural or forestall production.
- The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent thereto.
- Local developmental patterns and needs.
- The comprehensive plan and applicable provisions of the zoning ordinance.
- The environmental benefits of retaining the land in the district for agricultural and forestal uses.
- Any other matter which may be relevant.

The existing conditions of the parcels to be included in the Quaint Lea of Nahor Agricultural and Forestal District meet the requirements for designation as an AFD. The creation of AFDs is supported by the Comprehensive Plan. AFDs were, “established to conserve, protect, and encourage the development of agricultural and forestall lands for food and other agricultural and forestall products. The district conserve and protect that provide open space for watershed protection, wildlife habitat, and aesthetic purposes”. Preservation of land through the creation of the Quaint Lea of Nahor AFS will help to conserve and promote the rural character of the county.

Chair Bibb opened the Public Hearing at 7:09 pm by giving each public speaker a limit of five minutes to speak in person, and asked that they state their name and address for the record.

James Von Ottenritter: 2126 Nahor Minor Rd: Thanking the Planning Staff, Mel Sherdian, Suzie & Robert Morris. Stated that this is No Tax movement, and will not reducing taxes.  
Suzie Morris: 6840 Thomas Jefferson Pkwy: Thanking everyone for their hard work

With no one else wishing to speak in person, Chair Bibb closed the Public Hearing at 7:16 pm.

<b>MOTION:</b>	I move to recommend approval of the creation of the Quaint Lea of Nahor Agricultural and Forestal District to include Tax Map 16 Section A Parcels 37 and 42; Tax Map 17 Section A Parcel 27 totaling 404 +/- acres.				
<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, Recommended Approval</b>				

**Chair Bibb: Read a disclosure of this SUP 23:10, due to he is a member of Antioch Baptist Church**

**Conflict of Interests Disclosure Statement  
Fluvanna County Planning Commission Meeting  
December 12, 2023**

On Item 5 on tonight’s agenda – Public Hearing for SUP 23:10 Antioch Baptist Church, I would like to disclose the following:

- I am not the applicant, nor do I have any financial interest in the application or the applicant’s business.
- I serve as a deacon, Sunday school teacher and member for the applicant Antioch Baptist Church.

Pursuant to the Code of Virginia Section 2.2-3115 (H), I want to disclose that I will not receive any benefit, monetary or otherwise, if he Planning Commission approves the special use permit, nor will I suffer any detriment, monetary or otherwise, if the Planning Commission disapproves the special use permit.

I am a member of a group, deacons and members of Antioch Baptist Church, who may have an opinion on whether the special use permit should be approved, but I do not foresee any true effect to me regardless of the outcome of this vote, and I am confident that I can participate in the discussion and vote on this matter fairly, objectively, and in the best interest of the County as a whole.

I ask that this disclosure be made a part of the minutes of this meeting.

Barry A. Bibb

**3.SUP 23:10 Antioch Baptist Church – Jason Overstreet, Senior Planner**

**SUP 23:10 Antioch Baptist Church** – A Special Use Permit request in the A-1, Agricultural, General District to operate a Daycare center under §22-4-2.2 on 9.3 +/- acres and known as Tax Map 26 Section A Parcel 15. The existing church is located at 4422 Antioch Road and it is located in the Rural Preservation Area and Cunningham Election District.

- Required improvements have been completed
- The Building Official is prepared to issue the necessary A3/E certificate of occupancy required for operation of the facility once ADA door handles are added to the newly installed exterior doors that were required for his use.
- Septic system will be replaced or tied into a new system by 2026. Improvements have been completed to the existing system that will accommodate 39 children and 8 adults, The current system will be monitored

**Recommended Conditions**

- DayCare center hours of operation shall be 7:00 am to 6:00 pm, Monday through Friday.
- The Board of Supervisors, or representative, reserves the right to inspect the business for compliance with these conditions at any time.
- Under Sec. 22-17-4F(2) of the Fluvanna County Code, the Board of Supervisors has the authority to revoke a Special Use Permit if the property owner has substantially breached the conditions of the Special Use Permit.

**Conclusion:**

The Planning Commission should consider any potential adverse impacts to the surrounding Antioch community, such as traffic entering and exiting the property, noise, or potential visual

impacts to adjacent properties. The daycare center will provide a needed service to the residents in this area of the county who have indicated their support of the Daycare use as indicated by the attached letters.

Chair Bibb opened the Public Hearing 7:21 pm by giving each public speaker a limit of five minutes to speak in person, and asked that they state their name and address for the record.

Sara Cole: 5890 Rolling Road S: Spoke in support of this project.

With no one else wishing to speak in person, Chair Bibb closed the first round of Public Hearing at 7:23 pm.

Chair Bibb opened the discussion board to the Commissioners at this time.

Chair Bibb: stated that he feels that this is a good idea

Mr. Goad: stated that he feels good about this idea

<b>MOTION:</b>	I move that the Planning Commission recommends approval of SUP 23:10, a request to permit a Daycare center with respect to 9.3 ± acres of Tax Map 26 Section A Parcel 15 with the three conditions as described in the staff report.				
<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, Recommended Approval</b>				

Chair Bibb requested a five minute recess: 7:25 pm, reopen at 7:30 pm

**4.SUP 23:03 Sun Reventon Farm LLC , Douglas Miles-** A Special Use Permit request in the A-1, Agricultural, General District to construct a Camp use under § 22-4-2.2 on 298 +/- acres and known as Tax Map 26 Section A Parcels A2, A5A, A37, A38 and 3. These parcels are generally located west of Rolling Road S (SR 620) and north of Briery Creek Road (SR 761) and along the Albemarle County line in the Rural Preservation Area and Cunningham Election District.

**Recommended Conditions:**

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

1. Development of the Camp use shall be in general accordance, as determined by the Zoning Administrator, with the Reventon Farms Conceptual Plan – Special Use Permit Application, dated April 28, 2023 and known as Exhibit A. In order to be in general accordance with the Conceptual Plan, development must reflect the following major elements within the development essential to the design of the development:
  - a. The maximum number of cabins is 40 in Fluvanna County.
  - b. The location of improvements shall generally be shown on the Conceptual Plan.
2. Use of recreational facilities and other facilities, to include the Event facility on-site, is limited to Camp guests staying in the on-site cabins and their registered guests, in either Albemarle County or in Fluvanna County, as shown on the Conceptual Plan.
3. No motorized Recreational vehicles or Travel trailers nor any other temporary vehicles or tents as defined in Campgrounds in the Fluvanna County Zoning Ordinance shall be permitted on the Property. Camp structures as defined in Camp in the Fluvanna County Zoning Ordinance shall be permitted and all permanent structures will be considered under the Building Code to be considered for Camp guests or employees and then be shown on the Conceptual Plan. For the purpose of this condition “Park Model” cabins shall meet the ANSI 119.5 standards and once established at the Camp have had their wheels and towing tongue removed and are located on a foundation.

- ANSI A119.5 is a single living recreational vehicle that is primarily designed and completed in a single chassis and mounted on wheels for camping or seasonal use.
4. Prior to commencing the Camp use, the Developer must provide contact information for on-site Camp management to all property owners within 1,000 feet of the exterior boundaries of the area that is included in the Conceptual Plan. The notice shall be re-sent to these same property owners if the contact information changes or additional information needs to be provided by the Camp management.
  5. The boundary of the Property shall be posted to alert Camp guests that they are approaching the boundary of the property and that they are not permitted to trespass onto the abutting property.
  6. The Developer shall inspect and record Briery Creek Road (SR 761) prior to any site construction. The VDOT – Louisa Residency will need in writing that the Developer is responsible to repair all damages done to Briery Creek Road (SR 761) during site construction of the Camp property.
  7. The Developer shall construct or bond for construction the site entrance(s) to the proposed Camp property to meet VDOT entrance and intersection requirements prior to the issuance of a Zoning Permit.
  8. The Developer shall notify VDOT, Albemarle County and Fluvanna County in writing thirty (30) days prior to commencing any site construction or logging activity on the Camp property.
  9. The Developer shall construct a right turn, taper and/or transition lane on Rolling Road South (SR 620) onto Briery Creek Road (SR 761) to serve the Main Entrance as shown on the Site Access Plan which is a part of the Conceptual Plan. The proposed improvements shall be constructed per VDOT specifications and as shown on the approved site development plans for the Camp property.
  10. A minimum twenty-five (25) foot buffer shall be maintained along all property lines that adjoin agricultural or residential zoning districts. Land clearing is not permitted within this buffer area, except for the removal of dead or diseased vegetation, utilities installation and/or for maintenance purposes. The Developer may meet the required Zoning Ordinance buffer and screening requirements by supplementing the existing screening materials to the reasonable satisfaction of the Zoning Administrator.
  11. The Developer will be responsible for compliance with the Fluvanna County lighting and noise ordinance requirements, as amended.
  12. The Fluvanna County Board of Supervisors, or its representative, reserves the right to inspect the property for compliance with these conditions at any time and upon reasonable notice.
  13. 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 owner has substantially breached the conditions of the Special Use Permit.

**SUP 23:04 – Sun Reventon Farm, LLC, Central Water System** - A special Use Permit request in the A-1, Agricultural, General District to construct a **Central water system** / major utilities use § 22-4-2.2 on 298 +/- acres and known as Tax Map 26 Section A Parcels A2, A5A, A37, A38 and 3. These parcels are generally located west of Rolling Road S (SR 620) and north of Briery Creek Road (SR 761) and along the Albemarle County line in the Rural Preservation Area and Cunningham Election District.

#### **Virginia Department of Health Approval**

- The applicant would file for Central Water system review and approval with the VDH Blue Ridge Health Dept – Charlottesville.
- The ECS Mid-Atlantic Draft groundwater Management Plan has been posted online since July of 2023 for community review.

**SUP 23:05 Briery Creek Farm Sewer Use** - A Special Use Permit request in the A-1, Agricultural, General District to construct a **Central sewer system** / major utilities use under § 22-4-2.2 on 298 +/- acres and known as Tax Map 26 Section A Parcels A2, A5A, A37, A38 and 3. These parcels are generally located west of Rolling Road S (SR 620) and north of Briery Creek Road (SR 761) and along the Albemarle County line in the Rural Preservation Area and Cunningham Election District.

#### **Virginia Department of Health Approval**

- The Applicant would file for sewage waste water treatment review and approval with the VDH – Blue Ridge Health Department in Charlottesville and they have performed soils analysis with positive test results.
- The Virginia State Code requirements shall apply for the applicant to receive Approval.

Chair Bibb stated that he's going to call this "Tiny Cabins on Wheels", and this is what it seems like they are proposing. These are a recreational vehicles which they are still called Park trailers. Also, my concern is, I'm not sure why they are throwing this on us at this time.

Mrs. Johnson-Morgan asked, are the parked model cabins going to be all around, or just on Fluvanna side?

Mr. Miles stated that with all 240 cabins there will not be any stick built cabins.

Mrs. Johnson-Morgan stated that compared to stick built and a portable cabin it seems like the value of those are different. How would it help Fluvanna far as the tax purposes? And if they want them to be removed all they would have to do is put the tires back on them to move them right?

Mr. Miles stated that Mr. Whitten and he would like to stay more focused on the land use part of this application. Mr. Whitten has talked to Mr. Mel Sheridan about the tax part of this. With a conceptual plan they all have to be modified.

Chair Bibb asked that in Albemarle County were they notified that these cabins will be on wheels.

Mr. Miles replied, he doesn't know that answer. Albemarle did approve this in November.

Mr. Whitten stated that Fluvanna County will still be taxed on this regardless.

Steve Blaine, applicant: Presented his presentation at this time.

Bill Raffoul, representative spoke about the traffic analysis

Chair Bibb opened the Public Hearing 7:23 pm by giving each public speaker a limit of five minutes to speak in person, and asked that they state their name and address for the record.

Suzie Morris: 6840 Thomas Jefferson Pkwy, spoke in opposition to this project

James Von Ottenritter: 2126 Nahor Manor Rd, spoke in opposition to this project

Vivian Westfall: 1495 Transco Rd, spoke in support to this project

Jacqueline Heather: 44 Shady Oaks Lane, spoke to say the lake is only for fishing, no paddle boarding, or kayaking.

Jason Fulton: 5266 Rolling Road S, spoke in opposition to this project

Sara Cole: 5890 Rolling Rd S, spoke in opposition to this project

Timothy Cole: 5890 Rolling Rd S, spoke in opposition to this project

Tom Diggs: 947 Jefferson Dr., spoke in opposition to this project

Calvin Hickman: 139 Briery Creek Rd, spoke in opposition to this project

With no one else wishing to speak in person, Chair Bibb closed the Public Hearing at 8:01 pm.

Steve Blaine, applicant: stated that this is a land use decision. Economic benefit to this project.

Bill Raffoul: stated that the commercial enterprise is related to income and property value. Quality of construction same apply to these park model cabins. These cabins will be beautiful. They appreciate the clarification of this.

Chair Bibb open the panel to the Commission board.

Chair Bibb stated his concern for himself and the community. More concerns tonight than last meeting

Mr. Goad, stated that they expressed that this is land use proposal. Physical Impact received an email land use perform and economic decision. It will take Albemarle less than four (4) years to get to this amount verses Fluvanna will take a little over 25 years to get to the same amount.

Mrs. Johnson-Morgan: stated she asked about revenue sharing, this document created on November 28, 2023 making it look like a lot is being hidden from Fluvanna where Albemarle is. The physical impact will change. Cabins will decrease in property value. Don't feel this is a good fit for Fluvanna.

Vice Chair Lagomarsino: Spoke in opposition to this project

Ms. Key, spoke in support of the commission.

<b>MOTION:</b>	I move that the Planning Commission recommends denial of SUP 23:03, a request to permit a Camp use with respect to 298 +/- acres of Tax Map 26 Section A Parcels A2, A5A, A37, A38 and 3 subject to the thirteen (13) conditions listed in the staff report.				
<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, Recommended Denied</b>				

<b>MOTION:</b>	I move that the Planning Commission recommends (denial) of SUP 23:04, a request to permit a water use with respect to 298 +/- acres of Tax Map 26 Section A Parcels A2, A5A, A37, A38 and 3 subject to the thirteen (13) conditions listed in the staff report.				
<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, Recommended Denial</b>				

<b>MOTION:</b>	I move that the Planning Commission recommends denial of SUP 23:05, a request to permit a sewer use with respect to 298 +/- acres of Tax Map 26 Section A Parcels A2, A5A, A37, A38 and 3 subject to the thirteen (13) conditions listed in the staff report.				
<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, Recommended Denial</b>				

**SUP 23:06 Sun Reventon Farm Event Facility – Douglas Miles**

**SUP 23:06 Sun Reventon Farm, LLC** – A Special Use Permit request in the A-1, Agricultural, General District to construct an Event facility use under § 22-4-2.2 on 298 +/- acres and known as Tax Map 26 Section A Parcels A2, A5A, A37, A38 and 3. These parcels are generally located west of Rolling Road S (SR 620) and north of Briery Creek Road (SR 761) and along the Albemarle County line in the Rural Preservation Area and Cunningham Election District.

**Recommended Event Facility Conditions**

- I. This Special Use Permit is granted for an Event facility to Sun Reventon Farm LLC or its successor LLC related to the Applicant and is subject to Tax Map 26 Section A Parcel A2, A5A, A37, A38, and 3 located in Fluvanna County and as shown on Reventon Farms Conceptual Plan, dated April 28, 2023 and known as Exhibit A in the application.
- II. The Applicant will provide staffing for private parking and traffic circulation purposes from Briery Creek Road with event personnel clearly marked as “Event Staff” for safety reasons. The Fluvanna County Sheriff’s Office (FCSO) 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 Property. It is on the Applicant to remain in regular contact with the FCSO.
- III. Use of the Event facility is limited to registered Camp guests staying in the on-site cabins and their registered guests, in either Albemarle or in Fluvanna County, as shown on the Conceptual Plan and provided that no Event facility function shall exceed 200 persons.
- IV. 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.
- V. 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.
- VI. The Board of Supervisors, or its representative, reserves the right to inspect the property for compliance with these conditions at any time.
- VII. 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.

**Steve Blaine, applicant:** spoke towards the Event facility

Chair Bibb opened the Public Hearing 9:29 pm by giving each public speaker a limit of five minutes to speak in person, and asked that they state their name and address for the record. With no one else wishing to speak in person, Chair Bibb closed the Public Hearing at 9:29 pm.

Chair Bibb open the panel for the Commissioners

<b>MOTION:</b>	I move that the Planning Commission recommends denial of SUP 23:06, a request to permit an Event Facility use with respect to 298 +/- acres of Tax Map 26 Section A Parcels A2, A5A, A37, A38 and 3 subject to the thirteen (13) conditions listed in the staff report.				
<b>MEMBER:</b>	Bibb	Goad	Key	Lagomarsino	Morgan
<b>ACTIO:N:</b>		<b>Motion</b>			<b>Second</b>
<b>VOTE:</b>	Aye	Aye	Aye	Opposed	Aye
<b>RESULT:</b>	<b>4-0-1, Denial</b>				

Chair Bibb asked for a five minute recess: 9:32

Chair Bibb closed the recess and reopened the meeting at 9:45

**9. ZTA 23:01 Marina Point at Lake Monticello, INC – Douglas Miles, Community Development Director**

**ZTA 23:01 Marina Point at Lake Monticello, Inc** - An Ordinance to amend Chapter 22, Zoning, Article 8 of the Fluvanna County Code by the addition of the following text under §22-8-3 Area and residential density regulations (C) The permitted residential density for such permitted uses shall be between two and nine-tenths (2.9) and five (5.0) units per acre by special use permit only.

**Zoning Ordinance Text:**

**Sec. 22-8-3 Area and residential density regulations**

- (A) The minimum lot area for permitted uses not utilizing central or public water and central or public sewerage systems shall be 87,120 square feet (2 acres). The maximum permitted residential density for such uses shall be one dwelling unit per two acres.
- (B) The minimum lot area for permitted uses utilizing both central or public water and central or public sewerage systems shall be fifteen thousand (15,000) square feet. The maximum permitted residential density for such uses shall be two and nine-tenths (2.9) dwelling units per acre.
- (C) The permitted residential density for such permitted uses shall be between two and nine-tenths (2.9) and five (5.0) units per acre by special use permit only.**

Applicant: Ann Cosby, Representing Marina Point of Lake Monticello, Inc.

Dan Whitten: don't see a reason why they can't be built.

Chair Bibb opened the Public Hearing at 10:13 pm by giving each public speaker a limit of five minutes to speak in person, and asked that they state their name and address for the record.

Larry Henson 26 Piedmont Ln: Lake Monticello Board of Directors President, stating no objection to this project. We are resending the letters Lake Monticello, executive session last night, Oct 30, 2023

Sandra Radford: 121 Mulberry Drive, stated that the comp plan isn't approve. Fluvanna needs more affordable housing, Marina Point doesn't meet that goal, spoke in opposition to this ZTA and SUP Marina Point

John Danna: 951 Jefferson Drive, Spoke in opposition to this ZTA and SUP Marina Point

Suzie Morris: 6840 Thomas Jefferson Pkwy, spoke in opposition to the ZTA and SUP Marina Point

Tom Diggs: 946 Thomas Jefferson Drive, spoke on opposition for this ZTA and SUP Marina Point.

With no one else wishing to speak in person, Chair Bibb closed the Public Hearing at 10:33 pm.

Chair Bibb opened the panel up to the Planning Commission board.

<b>MOTION:</b>	I move that the Planning Commission recommend denial ZTA 23:01 – An Ordinance to amend Chapter 22 Zoning, Article 8 of the Fluvanna County Code by the addition of the following text under Section 22-8-3 Area residential density regulations (C) The permitted residential density for such permitted uses shall be between two and nine-tenths (2.9) and five (5.0) units per acre by special use permit only.				
<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, Recommended Denial</b>				

**10. SUP 23:07 Marina Point at Lake Monticello – Douglas Miles, Community Development Director**

**SUP 23:07 Marina Point at Lake Monticello Inc** - A Special Use Permit request in the R-4, Residential, Limited District to allow Multi-family dwellings under §22-8-3 as proposed, up to

5.0 dwelling units per acre on 5 +/- acres and known as Tax Map 18A Section 1 Parcels 296A, 296B, 296BA and 296C. These parcels are generally located south of Jefferson Drive and at Marina Point in the Rivanna Community Planning Area and the Rivanna Election District.

**Zoning Ordinance Text:**

**Sec. 22-8-3 Area and residential density regulations**

- (A) The minimum lot area for permitted uses not utilizing central or public water and central or public sewerage systems shall be 87,120 square feet (2 acres). The maximum permitted residential density for such uses shall be one dwelling unit per two acres.
- (B) The minimum lot area for permitted uses utilizing both central or public water and central or public sewerage systems shall be fifteen thousand (15,000) square feet. The maximum permitted residential density for such uses shall be two and nine-tenths (2.9) dwelling units per acre.
- (C) **The permitted residential density for such permitted uses shall be between two and nine-tenths (2.9) and five (5.0) units per acre by special use permit only.**

Chair Bibb opened the Public Hearing at 10:47 pm by giving each public speaker a limit of five minutes to speak in person, and asked that they state their name and address for the record.

**Meeting documents:**

12/9/2023

**Question:      What happens if the Zoning Text Amendment (ZTA 23-01) or Marina Point (MP) Special Use Permit (SUP 23-07) are not approved?**

**Answer:        Due to liability and other reasons, the status quo cannot be maintained.**

**Reasons:**

1 FLUVANNA COUNTY: According to Fluvanna County staff, MP parcel 296BA (Marina side) was assessed at \$254,100 and 2023 taxes were \$2,144.60. MP parcel 296C (spillway side) was assessed at \$322,500 and 2023 taxes were \$2,721.90. Fluvanna County would lose up to \$4,866.50 of taxes annually that the developer has been paying on these parcels since 1984, since the land was considered “convertible” or able to be developed. According to the MP Declaration of Condominium, filed with the State of Virginia, if the land cannot be developed, the parcels revert to MP Council of Unit Owners (MPCUO) ownership. MPCUO would appeal the Fluvanna County assessment on land that cannot be developed and is therefore worthless.

If the SUP is approved, Fluvanna County would receive approximately \$63,000/year (approximately 13X current tax revenues on the “convertible” land) based on the Fluvanna Planning staff estimated average assessed value of \$500,000 for each of the 10 proposed units.

2 LAKE MONTICELLO OWNERS ASSOCIATION: LMOA is currently in a fiscal dilemma, as all LMOA members were notified by email, and as the general public was informed by an article in the November 2, 2023 Fluvanna Review.

If the SUP is approved, LMOA would gain approximately \$10,000/year of HOA payments based on 2023 LMOA dues of \$955.35 per MP unit for a 2023 total of \$9,553.50 for 10 new units.

3 MARINA POINT COUNCIL OF UNIT OWNERS: MPCUO may be forced to let parcels 296BA and 296C return to a natural state (as are many LMOA empty lots) because it will be difficult for the 15 MP residents to maintain the parcels as the developer has done for many years.

If the SUP is approved, professional landscaping around the 10 new MP units will be more attractive than wild growth in parcels 296BA and 296C.

4 LAKE MONTICELLO RESIDENTS: For safety and the prevention of accidents, and to address insurance liability concerns, MPCUO may need to erect a natural barrier at least 20 feet away from and along Jefferson Drive (per LMOA Environmental Control Committee (ECC) rules) to discourage trespassers on the MP property. On each 4th of July, insurers have advised MPCUO to erect yellow caution tape along Jefferson Drive to discourage trespassers from attempting to observe the LMOA fireworks from the MP property and to protect trespassers from being injured in the dark while walking across parcels 296BA and 296C.

If the SUP is approved, there would be no need for a natural barrier since landscaping around the 10 new MP units would make it obvious that parcels 296BA and 296C are part of the 25-unit MP Private property.

Deborah Graham, President: Board of Directors of Lake Monticello: 3 Marina Point, In support of this project.

Linda Sega, Vice President: Board of Directors of Lake Monticello: B3 property, In support of this project

Laura Clark, Secretary: Board of Directors of Lake Monticello, C4 property, spoke in support of this project

Gerry Stoopman, Treasurer: Board of Directors of Lake Monticello, C2 Marina Point, spoke in support of this project

With no one else wishing to speak in person, Chair Bibb closed the Public Hearing at 10:56 pm.

<b>MOTION:</b>	I move that the Planning Commission recommend denial – SUP 23:07 Marina Point at Lake Monticello, Inc. a Special Use Permit request under Section 22-8-3 Area residential density regulations (C) The permitted residential density for such permitted uses shall be between two and nine-tenths (2.9) and five (5.0) units per acre by special use permit only on Tax Map 18A Section 1 Parcels 296A, 296B, 296BA and 296C.				
<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, Recommended Denial</b>				

<b>MOTION:</b>	Motion to extend the meeting till 11:15				
<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, Recommended approved</b>				

6. **PRESENTATIONS:**  
None

7. **SITE DEVELOPMENT PLANS:**  
None

8. **SUBDIVISIONS:**

None

9. **UNFINISHED BUSINESS:**

None

10. **NEW BUSINESS:**

White Oak Solar Tree, LLC – Deferral, Douglas Miles – Community Development Director  
Wanting to move till March 12, 2024

<b>MOTION:</b>	Motion to extend the deferral till March 12, 2024				
<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, Recommended Deferred</b>				

11. **PUBLIC COMMENTS #2:**

Chair Bibb opened Public Comments #2 at 11:03 pm by giving each speaker a limit of five (5) minutes to speak in person and asked that they state their full name and property address for the record. With no one coming forward wishing to speak in person, he closed the Public Comments period at 11:03 pm.

12. **ADJOURNMENT**

Chair Bibb called for a motion to adjourn the December 12, 2023 Planning Commission Regular meeting with Vice Chair Lagomarsino motioning with Commissioner Goad seconding his motion.

<b>MOTION:</b>	Motion to Adjourn the December 12, 2023 Planning Commission Regular meeting at 11:04 pm				
<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>5-0 approved adjournment</b>				

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

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