

**FLUVANNA COUNTY PLANNING COMMISSION
MEETING MINUTES
132 Main Street Palmyra, VA 22963,
Tuesday, March 11, 2025
Regular Meeting 6:30 pm**

MEMBERS PRESENT:

Barry Bibb, Chair
Howard Lagomarsino, Vice-Chair
Kathleen Kilpatrick, Commissioner
Lorretta Johnson-Morgan, Commissioner
Mike Goad, Board of Supervisors Representative

STAFF PRESENT:

Todd Fortune, Director of Planning
Dan Whitten, County Attorney
Margie Bamford, Administrative Assistant
Eric Dahl, County Administrator
Kelly Harris, Assistant County Administrator
Jason Overstreet, Senior Planner
Jennifer Schmack, Director of Economic Development

MEMBERS ABSENT:

Eddie Shifflett, Commissioner

REGULAR MEETING:

• **SPECIAL REGULAR MEETING CALL TO ORDER, THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE:**

At 6:30 pm Chairman Bibb called the March 11th, 2025 special regular meeting to order, led in the Pledge of Allegiance, and conducted a Moment of Silence.

• **Adoption of the Agenda:**

MOTION:	To Approve the Adoption of the Agenda of the Planning Commission meeting for March 11, 2025.				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:		Second		Motion	
VOTE:	Aye	Aye	Absent	Aye	Aye
RESULT:	4-0 Approved, 1 Absent				

• **Director’s Report:**

○ **Announcements and Updates:**

- The County has advertised for the vacant Planner/GIS Technician Position.
 - We will provide updates on the status of filling the position as they become available

○ **Commission Update-**

- Eddie Shifflett has announced his pending resignation from the Planning Commission.
 - His resignation will be effective at the end of tonight’s meeting
 - The position will be advertised soon.

• **Upcoming Cases:**

- There are four public hearings that were originally on the agenda for February, but will have to be re-advertised due to the postponement of this meeting.
 - AFD-Removal of Park Property-re-advertised from January.
 - ZTA-Definition of Minor Subdivisions (Zoning Ordinance)-re-advertised from January
 - ZTA-Agritourism-re-advertised from February
 - ZTA-Definition, Solid Waste Recovery-re-advertised from February.
 - ZTA-Outdoor Light Controls
- There is a change to the Commission bylaws that will be presented to the Commission tonight for review.
 - Policy for advertising public hearings
 - Remote participation in meetings

- There are two versions of DRAFT Ordinance changes related to mobile food units that will be presented to the Commission tonight for review.

Day	Date	Time	Public Hearings and Public Meetings	Location
Tuesday	Apr 8, 2025	6pm 7PM	Work Session (TDB) Regular Meeting	Morris Rm
Tuesday	May 13, 2025	6pm 7PM	Work Session (TDB) Regular Meeting	Morris Rm
Tuesday	Jun 10, 2025	6pm 7PM	Work Session (TDB) Regular Meeting	Morris Rm

• **Minutes:**

MOTION:	To Approve the Regular meeting minutes of the Planning Commission of February 18, 2025.				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:		Second			Motion
VOTE:	Aye	Aye	Absent	Abstain	Aye
RESULT:	3-0 Approved, 1 Absent 1 Abstain				

• **Site Development Plans**

- **SDP 25:03 Vaughn Property Group-**
 - Mr. Fortune presented his power point on the site information for this project and introduced representatives from the developer for questions from the Commission. Ms. Kilpatrick has questions about the vegetative buffers on Rt. 15 and wanted to know what the developers were doing to “soften” the entryway from Rt. 15. Mr. Nichols, the representative of the developer, advised that the construction is including the trees that are already present on the site that are not going to be directly involved in the construction of the site. Ms. Kilpatrick also had questions about the hydrants, and if they were going to be located on Rt 15 or if they were inside the facility grounds. Mr. Nichols provided her with the locations. Ms. Kilpatrick had questions on what the parking lots were going to be made out of. Mr. Nichols advised it was going to be light weight asphalt. Ms. Kilpatrick expressed concerns with drainage with that material and Mr. Nichols stated they would look into other alternatives.

Ms. Johnson-Morgan had concerns since it appears that all of the trees are cut down where is the company getting the buffers and she also had questions about moving the utilities and how it would affect local residents. Mr. Nichols advised it should be a vertical move and minimal impact and he also stated that water would be brought down to the site through piping along Rt 15. Ms. Johnson-Morgan again questioned the buffer and Mr. Smith stated they would look into it. Ms. Johnson-Morgan questioned why there were now 2 entrances, Mr. Nichols advised VDOT was requiring it due to safety issues. Ms. Johnson-Morgan expressed concerns about new traffic patterns and how they were already causing an increase in accident and concerns about people parking on the property and leaving vehicles there. Mr. Nichols advised once construction started that should handle that problem since there would be people there all the time.

Mr. Lagomarsino had questions about the fire suppression systems, Mr. Nichols stated that there are facilities, such as sprinklers, that are going to be in place inside the facility.

Ms. Johnson-Morgan wanted to know about the locations of the entrances, Mr. Nichols gave his best estimates. The Commission had questions about placing traffic lights, Mr. Nichols answered with VDOT’s recommendations.

Ms. Johnson-Morgan wanted to know a rough start date, Mr. Nichols provided the information he had from the construction company which was

anticipated for August.

MOTION:	I MOVE THAT THE PLANNING COMMISSION ACCEPT SDP 25:03, A SKETCH PLAN REQUEST TO CONSTRUCT A WAREHOUSE FACILITY ON AN APPROXIMATELY 39.92-ACRE PARCEL TO BE ACCESSED FROM U.S. HIGHWAY 15 (JAMES MADISON HIGHWAY), TAX MAP 11-9-2.				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Absent	Aye	Aye
RESULT:	4-0 Approved, 1 Absent				

- Public Comments #1:
 - Mr. Bibb opened the first round of public comments at 7:00pm. No one came forward and Mr. Bibb closed the first round of public comments at 7:00pm.
- Public Hearings:
 - AFD-24:01-Request for the withdrawal of TMP 30-12-3A from the North 640 Agricultural and Forestal District-
 - Mr. Overstreet gave the presentation to the commission on the withdrawal. Mr. Bibb opened the public hearing at 7:08pm and no one came forward to speak. Mr. Bibb closed the public hearing at 7:08pm. Ms. Johnson-Morgan had questions about the letter requesting rollback taxes and fees back and wanted to know if the county wanted to start allowing that. Mr. Whitten confirmed that those actions would have to go through the Board of Supervisors and that the Commissioner of the Revenue would have to be approached to waive the taxes.

MOTION:	I move that the Planning Commission recommend approval of AFD 24:01 – the withdrawal of Tax Map Parcel 30-12-3A from the North 640 Agricultural and Forestal District.				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:		Motion		Second	
VOTE:	Aye	Aye	Absent	Aye	Aye
RESULT:	4-0 Approved, 1 Absent				

- ZTA 24-11-Amend Subdivision Definitions:
 - Mr. Fortune presented to the Commission with the information on the changes, explaining that this change was to match the change already approved in Chapter 22 of the Zoning Ordinance. Mr. Bibb opened the public hearing at 7:11. No one came forward and Mr. Bibb closed the public hearing at 7:12 pm. There were no questions from the Commission.

MOTION:	I MOVE THAT THE PLANNING RECOMMEND APPROVAL OF ZTA 24:11, AN ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING § 22-22-1 TO ADD A DEFINITION FOR PARENT TRACT AND TO AMEND THE DEFINITION OF MINOR SUBDIVISION TO CLARIFY THAT NO MORE THAN FIVE LOTS MAY BE CREATED FROM THE PARENT TRACT USING THE MINOR SUBDIVISION APPROVAL PROCESS, REGARDLESS OF WHETHER THE LOTS ARE CREATED AT ONE TIME OR OVER AN EXTENDED PERIOD OF TIME.				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:				Motion	Second
VOTE:	Aye	Aye	Absent	Aye	Aye
RESULT:	4-0 Approved, 1 Absent				

- ZTA 25:01-Amending and defining Agritourism:
 - Mr. Fortune presented the Commission with the information on the changes and additions to the ordinance. Mr. Bibb opened the public hearing at 9:19pm, Mr. Earl Ingersoll, from 2070 Rolling Rd, came forward and wanted the definition read and confirmed the definition with Mr.

Fortune. No one else came forward and Mr. Bibb closed the public hearing at 7:12pm. The commission did not have any questions.

MOTION:	I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF ZTA 25:01 – AN ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING §§ 22-4-2.1 AND 22-22-1 TO DEFINE AGRITOURISM ACTIVITY AND TO AUTHORIZE AGRITOURISM ACTIVITY BY-RIGHT IN THE A-1 ZONING DISTRICT.				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:		Second			Motion
VOTE:	Aye	Aye	Absent	Aye	Aye
RESULT:	4-0 Approved, 1 Absent				

- **ZTA 24:02-Amend Definitions of Solid Waste Recovery-**
 - Mr. Fortune presented the Commission the proposed changes. Mr. Lagomarsino had questions about bringing in hazardous materials. Mr. Whitten answered that was covered by DEQ, examples were provided from a past case where hazardous materials were involved and DEQ was called in. Mr. Bibb opened the public hearing at 7:19pm. Mr. Paul Crowder, from 284 George’s Mill Rd, came forward with concerns that removing the word municipal will open the county up to letting in specific kinds of waste and concerns that with the government closing different departments there would be no one to govern the hazardous waste. Mr. Whitten stated that this could be brought back at the next meeting with DEQ. Mr. Fortune received an email from a concerned citizen and Mr. Bibb wanted it added to the record, not read out loud, it reads as the following:

Dear Fluvanna County Planning Commission,

I am writing to express my strong concerns regarding the upcoming public hearing on February 11th at 7:00 PM, where the commission will consider an ordinance change that would allow recyclers along Rt. 250 to process and consolidate all types of debris, removing the current restriction that limits it to "municipal waste." This seemingly small change could open the door for dangerous materials like hazardous industrial waste, medical waste, agricultural biohazards, and even nuclear waste to be transported and stored along our corridor.

I must emphasize that this change in policy is alarming, not just because of the environmental and health risks it poses to our community but also because of the lack of transparency surrounding it. There has been no staff report, no clear explanation, and no rationale provided as to who has requested this change or why. The only context given for this decision appears to be a vague, untimely, and deeply concerning inclusion of this item late in the agenda—effectively circumventing the scrutiny such a significant policy shift deserves. It is clear to me that this proposal is being pushed through with little regard for the well-being of the people who live here.

As residents of Fluvanna County, we trust our leaders to make decisions that serve our best interests, not the profit of private companies at the expense of our environment and health. I do not believe that the leadership of this commission has genuinely considered the full impact this change will have on our community. It is deeply troubling to see that a thorough; thoughtful examination of this ordinance has not been conducted. The absence of a staff report on the matter raises serious questions about the motivations behind this decision. Could it be greed? And if so, at what cost to our residents and future generations?

This is not merely a technical change—it is a serious risk to our quality of life, air quality, and public health. The Rt. 250 corridor will become a potential hub for storing hazardous materials, creating long-term environmental and health hazards for the residents of this area. As this

proposal seems to bypass any kind of genuine accountability or oversight, I strongly urge you to reconsider this plan and take a step back to reassess the broader implications of these actions.

The vulnerable population of Fluvanna County—whether it be families, children, elderly residents, or those with compromised health—must be given a voice in decisions that affect them. Your position as members of the Planning Commission is to act in the best interest of the community, not the convenience or financial interests of a few. Your job is to protect us and ensure that the future of this county is one where people thrive, not one where we are forced to endure dangerous, hazardous conditions for the sake of corporate profits.

Many of us chose to move to Fluvanna County, particularly over more industrialized areas like Lake Anna, to escape the potential risks of nuclear waste, biohazards, and pollution. We made these decisions with the intent of safeguarding our families’ health and quality of life. Yet, by allowing hazardous materials such as nuclear waste to be stored and consolidated along Rt. 250, this decision will directly contradict the very reasons why we chose to live here. Studies have shown that living near nuclear waste sites or industrial facilities can increase the risk of cancer, respiratory diseases, and neurological disorders. According to the National Cancer Institute, people who live near such sites are at an increased risk of developing leukemia and other cancers due to the radioactive contamination. Furthermore, exposure to biohazards and medical waste can increase the likelihood of infections and respiratory illnesses, particularly among vulnerable populations like children, the elderly, and those with pre-existing conditions. If this ordinance is passed, not only will we face increased pollution, but we will also expose our community to these same health risks that we sought to avoid when we chose to live in a cleaner, safer environment. This is not the future we envisioned, and it is critical that the Planning Commission carefully consider the long-term impacts on our health and safety before proceeding with this change.

I ask you to take the time to understand the full scope of this proposal. Listen to the concerns of your constituents, and do not let this ordinance change pass without providing a transparent, well-reasoned explanation and ample time for community input. We deserve better than to be treated as an afterthought in decisions that will dramatically impact our lives.

Please do the right thing for Fluvanna County. I urge you to halt this proposal, protect our community, and stand firm in your role as leaders who act with integrity and a deep respect for those you serve.

Sincerely,

Isabella Schwartz

Mr. Bibb closed the public hearing at 7:22pm. For the Commission discussion, Ms. Kilpatrick pointed out that state agencies are being impacted by government changes at this time.

MOTION:	I MOVE THAT THE PLANNING COMMISSION DEFER ZTA 25:02 – AN ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING §22-22-1 TO REMOVE THE WORD “MUNICIPAL” FROM THE DEFINITIONS OF “SOLID WASTE MATERIAL RECOVERY FACILITY” AND “SOLID WASTE COLLECTION FACILITY.” UNTIL THE NEXT MEETING, APRIL 8 th , 2025				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:				Motion	Second
VOTE:	Aye	Aye	Absent	Aye	Aye
RESULT:	4-0 Deferred, 1 Absent				

- **ZTA 25:03-Amending Definitions of Outdoor Light Controls.**
 - Mr. Fortune present a power point on the changes being made and presented examples of the foot candle brightness to the Commission. Mr. Bibb confirmed that changing the foot candles was for safety reasons and Mr. Fortune did confirm it was part of the reason. Mr. Bibb opened the public hearing at 7:28pm with no one coming forward, Mr. Bibb closed the public hearing at 7:28 pm.

MOTION:	I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF ZTA 25:03 – AN ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING § 22-25-4 TO MAKE A CLERICAL CORRECTION REMOVING AN OBSOLETE REFERENCE FOR OUTDOOR LIGHT CONTROLS AND TO AMEND § 22-25-6 TO CHANGE THE AVERAGE HORIZONTAL ILLUMINATION LEVEL FOR LIGHTING FOR ALL PARKING, DISPLAY AND LOADING AREAS AND FOR GASOLINE STATION/ CONVENIENCE STORE APRONS AND CANOPIES.				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:				Second	Motion
VOTE:	Aye	Aye	Absent	Aye	Aye
RESULT:	4-0 Approved, 1 Absent				

- **Presentations**
 - None
- **Subdivisions:**
 - None
- **Unfinished Business:**
 - **PC Bylaws:**
 - Mr. Fortune presented the bylaws with the updates to the Commission for review and will be voted on at the next meeting. The first being changes to remote participation for members caring for family members and the second for changes to the policy to allow for rescheduling public hearings cancelled by the weather.
 - **Comprehensive Plan-Todd Fortune, Director of Planning:**
 - Mr. Fortune presented a power point on the community meetings and attendance. Mr. Fortune then outlined the next steps in the process. Mr. Fortune discussed a change to the committees that was already approved by Mr. Bibb.
 - **Food Trucks:**
 - Mr. Fortune presented the 2 Ordinances that the Planning and Zoning department with the County Attorney had created. One that allowed food trucks in all zoning by-right and the second was to restrict food trucks in all “R” zones by needing a SUP, all other zones by-right. Mr. Lagomarsino did advise that Fire Suppression wording would be need to be added due to Fire Code. Ms. Johnson-Morgan had questions about an existing food trucks in Columbia since it is zoned R-3. Mr. Fortune advised where he was parked is a zone that would be declared by right in both ordinances. Mr. Goad wanted to know if the SUP goes with the food truck or the property. Mr. Fortune advised the SUP goes with the property not the truck. Mr. Goad wanted to have wording in the ordinance giving better direction on where the locations would be. Ms. Johnson-Morgan thought that the last meeting it was decided that there would be no SUP. Mr. Whitten discussed why SUP’s were included in one of the ordinances. Mr. Bibb did have concerns of parking in the “R” zones with the food trucks. Ms. Johnson-Morgan wanted to know the percentages of “R” zones versus the “A” zone. MS. Johnson-Morgan expressed again her concerns about limits on food trucks in the “R” districts. Mr. Bibb wanted to know if we could exclude churches. Mr. Whitten gave several other suggestions on how to limit the ordinance. Mr. Goad again asked if we could include wording limiting the locations so a SUP would not have to be issues. Mr. Goad and Ms. Johnson-Morgan wanted to know if there are incidents that brought up concerns on food

trucks. Mr. Bibb asked before answers were provided if we can just leave it out unless it becomes a problem. Ms. Johnson-Morgan had concerns about school property, public and private. Mr. Whitten suggested that we add the Fire Suppression wording to the by-right ordinance and bring it back next meeting. Mr. Lagomarsino explained the Fire Suppression needs further. Mr. Whitten explained that the county is looking into regulations due to the fact that the county has none and several other counties do have restrictions. The Commission then discussed an incident in another county where a food truck caught on fire and there were injuries and property damage. Ms. Johnson-Morgan brought up again that she was under the impression that there would be no ordinance just a check list. Mr. Whitten stated this would be a way of tracking the trucks and making sure they are meeting the requirements. Ms. Johnson-Morgan expressed concern that she thinks that food trucks will not want to come into the County if we restrict them. Ms. Kilpatrick provided Mr. Goad with some information from the last meeting and then stated she thought the SUP was going too far, but agreed with a permit if it was only for information gathering. Ms. Kilpatrick was concerned with having trucks in the "R" zones causing some "neighbor to neighbor" conflicts and she would like to have this ordinance come back. Mr. Bibb was concerned about health and safety, Ms. Johnson-Morgan stated that VDH monitored that. Mr. Bibb brought up trash, fire suppression and the incident in the other county and he feels that for safety we need to have something to track the food trucks. Mr. Fortune advised that he included language to show that we were doing this to keep up with zoning regulations. Ms. Johnson-Morgan wants Planning and Zoning employees to reach out to the Food Truck operators and see what they think of the ordinances and restrictions. Ms. Johnson-Morgan brought up that they may be doing things that the Commission is not aware of and may need to be added or omitted. Mr. Bibb and Mr. Fortune agreed to bring this back for the May Planning Commission meeting.

- **New Business:**
 - None
- **Public Comments #2:**
 - Mr. Bibb opened the second round of public comments at 8:03 PM and no one came forward. Mr. Bibb closed the second round of public comments at 8:03 PM.
- **ADJOURNMENT**
 - Chair Bibb called for a motion to adjourn the March 11, 2025 Planning Commission regular meeting.

MOTION:	Motion to Adjourn the March 11, 2025 Planning Commission regular meeting at 8:04 pm.				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:				Second	Motion
VOTE:	Aye	Aye	Absent	Aye	Aye
RESULT:	4-0 Approved, 1 Absent				

Minutes were recorded by Margie Bamford, Administrative Programs Specialist.


 Barry Bibb, Chair
 Fluvanna County Planning Commission