

**FLUVANNA COUNTY PLANNING COMMISSION
MEETING MINUTES
132 Main Street Palmyra, VA 22963,
Tuesday, June 10, 2025
Regular Meeting 7:00 pm**

MEMBERS PRESENT:

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

STAFF PRESENT:

Todd Fortune, Director of Planning
Dan Whitten, County Attorney
Eric Dahl, County Administrator
Kelly Harris, Assistant County Administrator
Jason Overstreet, Senior Planner
Alex Porter, Planner/GIS Technician

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

At 7:00 pm Chairman Bibb called the June 10, 2025 regular meeting to order, led the Pledge of Allegiance, and conducted a Moment of Silence.

- **Adoption of the Agenda:**
 - There was one change to the agenda. Mr. Fortune requested that the minutes from the May 13, 2025 Commission meeting be deferred until July due to a change that needs to be made.

MOTION:	To Approve the Adoption of the Agenda of the Planning Commission meeting for June 10, 2025 Meeting				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	4-0 Approved, one absent				

- **Director’s Report:**
 - **Staff Updates:**
 - We are working to fill the Administrative Programs Specialist position, and will keep the Commission posted on the status.
 - **There are three public hearings on the agenda for tonight.**
 - SUP: Fork Union Drive-in
 - ZMP: Fluvanna County/BHL Group
 - ZTA: Amend definitions related to solid waste
 - There is one SDP sidewalk waiver requests that will be presented to the Commission tonight for review.
 - Fork Union Fire Training Center
 - There are two resolutions for proposed Zoning Text Amendments that will be presented to the Commission tonight for approval
 - Solid Waste
 - Sidewalks

• **Future Meetings:**

Day	Date	Time	Public Hearings and Public Meetings	Location
Tuesday	July 8, 2025	6pm 7pm	Work Session (TDB) Regular Meeting	Morris Rm
Tuesday	Aug. 12, 2025	6pm 7pm	Work Session (TDB) Regular Meeting	Morris Rm
Tuesday	Sept. 9, 2025	6pm 7pm	Work Session (TDB) Regular Meeting	Morris Rm

- **Minutes:**
 - Ms. Johnson-Morgan requested that a change be made to the minutes from the May 13, 2025 meeting; those minutes will be brought to the next meeting for approval.
- **Public Comments:**
 - Mr. Bibb opened the first round of public comments at 7:07pm. No one came forward to speak, and Mr. Bibb closed the first round of public comments at 7:08pm.
- **Resolutions:**
 - **ZMP 25:01 – BHL Group/Fluvanna County – Todd Fortune, Director of Planning**
 - Board of Supervisors requested the rezoning from A-1 to I-L for 36.187 acres of TM 11-9-3.
 - Given the timing of this rezoning, the resolution was presented tonight in advance of the scheduled public hearing.

MOTION:	I move that the Planning Commission approve the Resolution to advertise a public hearing on June 10, 2025 to consider ZMP 25:01 – a request to amend the Fluvanna County zoning map to rezone 36.187 +/- acres of Tax Map 11 Section 9 Parcel 3 from A-1, Agricultural, General to I-1, Industrial, Limited.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:				Second	Motion
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

- **Public Hearings:**
 - **SUP 25:03 – Fork Union Drive-in, Jason Overstreet, Senior Planner**
 - Mr. Overstreet presented a power point on the proposed SUP for an outdoor entertainment site for TM 51-A-61 and TM 51-A-62 in the Fork Union district.
 - Mr. Ronald Unnerstall, the applicant, spoke about the drive-in reopening project, referencing an online petition for reopening.
 - Mr. Unerstall stated that the petition had more than 1,000 signatures.
 - John Lamb also spoke about the project. This project is a partnership between the property owners and the Lamb family.
 - The move screen will need to be rebuilt.
 - A new ADA-compliant bathroom will be built on site.
 - The proposed hours for movies will be:
 - April, May, September, October: Open Friday and Saturday from 6:00 pm to 1:00 am.
 - June, July, August: Open Wednesday, Thursday, Friday, and Saturday from 6:30 pm to 2:30 am.
 - They hope to have a soft opening later this year, with the drive-in reopening in April 2026.
 - Ms. Johnson Morgan asked that the movie hours be shortened on Wednesdays and Thursdays during June, July, and August.
 - Ms. Kilpatrick said she appreciated the effort made by applicant to work with the community on this project.
 - Mr. Dorsey asked for clarification on the proposed use definition, whether it was tight enough for what the applicants want to do. Mr. Overstreet advised that the SUP is for the drive-in. Other proposed uses are by right, but would require a Special Event Permit.
 - Chairman Bibb opened the Public Hearing at 7:31 pm. The following individuals spoke out in favor of the project:
 - Patty Reynard, 3531 Union Mills Road
 - Sandra Turner, 1801 East River Road
 - David Turner, 1801 East River Road
 - Steven Viminimus, 15866 West River Road
 - Peggy Donahue, County resident
 - Rhonda Griffin, 3474 Cloverdale Road

- Jason Sweeney, 3456 James Madison Highway
- Dave Trost, 2040 Gold Mine Road
- Judith Walker, 31 Northwood Road
- Katherine Kilmon, 13377 West River Road
- With no one else wishing to speak, Chairman Bibb closed the Public Hearing at 7:41 pm.

MOTION:	I move that the Planning Commission recommend approval of SUP 25:03, a Special Use Permit request in the B-1, Commercial, General District for an outdoor entertainment site under Section 22-9-2.2 on two parcels identified as Tax Maps 51-A-61 and 51-A-62, subject to conditions as described in the staff report.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

MOTION:	I move that the Planning Commission approve a request for a variation to the sidewalk regulations required by Sec. 22-23-6 for SUP 25: 03.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

○ **ZMP 25:01 – BHL Group/Fluvanna County, Todd Fortune, Director of Planning**

- Mr. Fortune gave a presentation about a Board-initiated rezoning request for BHL Group to change a 36.18-acre parcel (TM 11-9-3) from A-1, Agricultural to I-1, Industrial use near Zion Crossroads.
- The property owners have agreed to proffer out certain uses, including self-storage facilities, solid waste collection facilities, and solar generation. The Technical Review Committee had no objections, though VDOT noted the need for future site plan reviews.
- Ms. Johnson-Morgan expressed concerns about the possibility of a data center being located on the subject property, and asked why that use was not proffered out. Ms. Schmack responded that a data center at this site is not likely due to the absence of needed utilities in the area. Mr. Whitten stated that County staff could talk to the owners about adding this to the proffer statement.
- Ms. Johnson-Morgan asked about where the actual entrance road for any development on the property will be. Ms. Schmack stated that it is not known at this time, and will be worked out when a development is proposed.
- Ms. Johnson-Morgan aired a concern about the creek on the property. Ms. Kilpatrick stated that she would like a chance to look at that when any development is proposed, but added that federal regulations for streams and waterways are fairly extensive.
- Chairman Bibb opened the Public Hearing at 7:59 pm. The following individuals spoke:
 - Don Reynard, 3531 Union Mills Road, said the County should look at any and all business requests that come in.
 - Patty Reynard, 3531 Union Mills Road, said the County needs more businesses and more jobs for the people in the County. She said once a property is rezoned, taxes need to reflect the new zoning. She suggested looking at what neighboring counties do to attract businesses, and reiterated her support for more businesses in the County.
- With no one else wishing to Speak, Chairman Bibb closed the Public Hearing at 8:05 pm.

MOTION:	I move that the Planning Commission recommends approval of ZMP 25:01, a request to amend the Fluvanna County Zoning map to rezone District 36.187 +/- acres of Tax Map 11 Section 9 Parcel 3 from A-1, Agricultural, General to I-1, Industrial, Limited subject to the revised proffers dated June 5, 2025.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:				Second	Motion
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

- **ZTA 25:02 – Revised definition of “Solid Waste Material Recovery Facility” and “Solid Waste Collection Facility,” Todd Fortune, Director of Planning**
 - Mr. Fortune presented the ZTA to the Commission, reminding them that this ZTA had been deferred in March until staff had time to research how other counties defined solid waste and hazardous waste. Some changes have been made at the request of the Planning Commission; those changes were presented for approval.
 - Chairman Bibb opened the Public Hearing at 8:10 pm.
 - Don Reynard, 3531 Union Mills Road, said he would like to see solid waste processed in the County limited to a geographic area.
 - With no one else wishing to speak, Chairman Bibb closed the Public Hearing at 8:11 pm.

MOTION:	I move that the Planning Commission recommend approval of ZTA 25:02 – an Ordinance to amend and reordain “The Code of the County of Fluvanna, Virginia” by amending Section 22-22-1 to add a definition for “Solid Waste” and to amend the definitions of “Solid Waste Material Recovery Facility” and “Solid Waste Collection Facility.”				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Second			Motion
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

- **SDP 25:06 – Fork Union Fire Training Building, Todd Fortune, Director of Planning**
 - Mr. Fortune presented this sketch for a Site Development Plan to the Commission. This is a County-owned parcel, and the County is requesting acceptance of a sketch plan and approval of a sidewalk waiver for a fire training building on an approximately 9.8-acre parcel, Tax Map 51-A-129. This is an amendment to a previously approved site plan.
 - The sketch was originally presented in 2019. The amended site plan has a slightly different building footprint than the original submittal.
 - The applicant has submitted a sidewalk variation request.
 - During the Technical Review Committee’s review of this sketch, VDOT stated the entrance appeared acceptable; however, they would need to see the plans to know the trip generation.
 - Stephen Morris, Interim Director of Emergency Services, advised that trip generation is expected to be minimal.
 - The Virginia Department of Health (VDH) stated that they have no concerns unless bathrooms are installed.
 - Ms. Johnson-Morgan asked why the sidewalk requirement would be waived, if it is the goal to have the area in question be a walkable business district. Benjamin Powell, representing the firm working with the County on the design for the building, stated that traffic using the building would use the entrance for the Community Center. Ms. Schmack clarified that the sidewalk waiver was just for this building, and that a future industrial park built (separately) on the parcel could be served by sidewalks.

MOTION:	I move that the Planning Commission accept SDP 25:06, a sketch plan request to construct a fire training center on an approximately 9.8-acre parcel identified as Tax Map 51-A-129.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

MOTION:	I move that the Planning Commission approve a request for a variation to the sidewalk regulations required by Sec. 22-23-6 for SDP 25:06.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Second			Motion
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

- **Presentations**

- None

- **Subdivisions:**

- None

- **Unfinished Business:**

- **Comprehensive Plan - Todd Fortune, Director of Planning:**

- Mr. Fortune presented a PowerPoint on an update of progress on the Plan update. The Advisory Groups have had multiple meetings; and each group has another meeting scheduled within the next month.
- The Citizen Survey deadline was May 30. A total of 757 surveys were returned (34 paper surveys; 723 online surveys); staff are working to compile the results.

- **Food Trucks – Todd Fortune, Director of Planning**

- After previous discussion by the Planning Commission, staff developed a checklist for food unit operators and revised the proposed ZTA. The revised ZTA defines a Mobile Food Unit and lists it as a by-right use in all zoning districts.
 - Underlying regulations were removed from the draft ZTA.
- Ms. Johnson-Morgan expressed a concern about the definition of Mobile Food Unit, specifically the wording that such a unit be “not permanent fixtures to a specific property.” Staff proposed “not affixed to a foundation” as an alternative.
- Ms. Johnson-Morgan asked that the second bullet point on the checklist be reworded, starting a concern about requiring a zoning permit since this would be a by-right use. A requirement for written permission from the property owner was discussed as an alternative.
- The Commission asked staff to send the revised ZTA to known food unit operators in the County for review and input.

- **Community Meetings – Todd Fortune, Director of Planning**

- Mr. Fortune reminded the Planning Commission of concerns expressed in May about the way community meetings are handled and how members of the Commission and Board of Supervisors are notified.
- Staff advised that typically, the applicant is responsible for holding a community meeting; staff can help facilitate the meeting as needed.
- Ms. Johnson-Morgan mentioned that this was discussed in 2022 and 2023. Mr. Fortune stated that he would see if he can find a record of that discussion.
- Mr. Goad said that there is a need to clarify responsibilities – applicant and County – when it comes to scheduling and advertising community meetings.

- **New Business:**

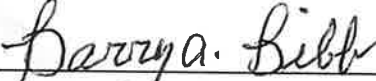
- None.

- **Public Comments #2:**

- Mr. Bibb opened the second round of public comments at 8:50pm.
 - Crystal McIntosh Harris, 1516 Stage Junction Road and representing June's Eats and Sweet Treats, emphasized the need for clear and understandable definitions in food truck regulations to help business owners comply. She urged for transparency and cooperation in developing the new rules, and said the rules should work for everybody.
 - Patty Reynard, 3531 Union Mills Road, spoke against the food tax, saying it was a shame to hassle businesses and tax residents again. She said such taxes will drive vendors to other localities, and stated the County is not welcoming to businesses. She further said that the County suffered from uneven enforcement, and added that the County has not been trying to improve the Columbia area.
 - Carolyn Franklin, 1066 Stage Junction Road, spoke in favor of removing the requirement for the zoning permit on the food truck checklist. She said that Fluvanna County has been too hard on small businesses, heavy-handed with taxes and enforcement on small businesses and giving tax breaks to big businesses. She urged Fluvanna to be more even-handed in taxation and enforcement.
 - Leon Harris, 1516 Stage Junction Road and owner of June's Eats and Sweet Treats, said he was grateful his issues were addressed but said he feels unfairly targeted by county employees. He stressed the need for Fluvanna County to be more welcoming to new businesses and the rules to be fair, and said the County has not been business friendly. He said Columbia has been "left off the agenda."
- With no one else coming forward, Mr. Bibb closed the second round of Public Comments at 9:04 pm.
- **ADJOURNMENT.**
 - Chair Bibb called for a motion to adjourn the June 10, 2025 Planning Commission regular meeting.

MOTION:	Motion to Adjourn the June 10, 2025 Planning Commission regular meeting at 9:05 pm.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:				Second	Motion
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

Minutes were recorded by Karis White, Paralegal/Legal Assistant.


 Barry Bibb, Chair
 Fluvanna County Planning Commission