



FLUVANNA COUNTY PLANNING COMMISSION

REGULAR MEETING AGENDA

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

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

TAB	AGENDA ITEM
	REGULAR MEETING
1	CALL TO ORDER, PLEDGE OF ALLEGIANCE AND FOLLOWED BY A MOMENT OF SILENCE
2	DIRECTOR'S REPORT – Douglas Miles, AICP, CZA, Community Development Director
3	PUBLIC COMMENTS #1 (5 minutes per speaker)
4	MINUTES: Review and Approval of Draft Minutes from March 7, 2023
5	PUBLIC HEARINGS: ZMP 23:01 J & B LMO, LLC – 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. SUP 23:02 Andrea and Robert Nickels – 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.
6	PRESENTATIONS: None
7	SITE DEVELOPMENT PLANS: None
8	SUBDIVISIONS: None
9	UNFINISHED BUSINESS: None
10	NEW BUSINESS: None
11	PUBLIC COMMENTS #2 (5 minutes per speaker)
12	ADJOURNMENT

Douglas Miles

Community Development Director

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*For the Hearing-Impaired – Listening devices are available upon request. TTY access number is 711 to make arrangements.
For Persons with Disabilities – If you have special needs, please contact the County Administrator's Office at 434.591.1910.*

PLEDGE OF ALLEGIANCE

I pledge allegiance to the flag
of the United States of America
and to the Republic for which it stands,
one nation, under God, indivisible,
with liberty and justice for all.

ORDER

1. It shall be the duty of the Chairman to maintain order and decorum at meetings. The Chairman shall speak to points of order in preference to all other members.
2. In maintaining decorum and propriety of conduct, the Chairman shall not be challenged and no debate shall be allowed until after the Chairman declares that order has been restored. In the event the Commission wishes to debate the matter of the disorder or the bringing of order; the regular business may be suspended by vote of the Commission to discuss the matter.
3. No member or citizen shall be allowed to use abusive language, excessive noise, or in any way incite persons to use such tactics. The Chairman shall be the judge of such breaches, however, the Commission may vote to overrule both.
4. When a person engages in such breaches, the Chairman shall order the person's removal from the building, or may order the person to stand silent, or may, if necessary, order the person removed from the County property.

PUBLIC HEARING RULES OF PROCEDURE

1. PURPOSE
 - The purpose of a public hearing is to receive testimony from the public on certain resolutions, ordinances or amendments prior to taking action.
 - A hearing is not a dialogue or debate. Its express purpose is to receive additional facts, comments and opinion on subject items.
2. SPEAKERS
 - Speakers should approach the lectern so they may be visible and audible to the Commission.
 - Each speaker should clearly state his/her name and address.
 - All comments should be directed to the Commission.
 - All questions should be directed to the Chairman. Members of the Commission are not expected to respond to questions, and response to questions shall be made at the Chairman's discretion.
 - Speakers are encouraged to contact staff regarding unresolved concerns or to receive additional information.
 - Speakers with questions are encouraged to call County staff prior to the public hearing.
 - Speakers should be brief and avoid repetition of previously presented comments.
3. ACTION
 - At the conclusion of the public hearing on each item, the Chairman will close the public hearing.
 - The Commission will proceed with its deliberation and will act on or formally postpone action on such item prior to proceeding to other agenda items.
 - Further public comment after the public hearing has been closed generally will not be permitted.

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**FLUVANNA COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES**

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

Work Session 6:00 pm

**Tuesday, March 7, 2023
Regular Meeting 7:00 pm**

MEMBERS PRESENT:

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

ABSENT:

None

STAFF PRESENT:

Eric Dahl, County Administrator
Fred Payne, County Attorney
Douglas Miles, Community Development Director
Jason Overstreet, Senior Planner
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 to order the Work Session of March 7, 2023. After the recitation of the Pledge of Allegiance, a Moment of Silence was observed during this time.

B. 2040 Comprehensive Plan Land Use Work Session - ZXR Gateway Plan and the other CPAs

Mr. Miles provided a 2040 Comprehensive Plan summary to the Planning Commissioners on the most recent Planning & GIS Staff analysis that was conducted relative to the vacant B-1, General Business, I-1, Limited Industrial Zoning and I-2, General Industrial Zoning, located within the Fork Union and Zion Crossroads areas. Most of the B-1 zoned parcels are along Route 250 and also on Route 15 with industrial zoning cases located further down Route 15 at Little Creek Road. A majority of the I-1 zoned parcels are located along Better Living Drive and generally south of Route 250 in the Zion Crossroads Industrial Park with occupied land uses. The available B-1 and I-1 vacant parcels is minimal. The County looks to see an increase in commercial and industrial rezoning case requests in the future for additional development, especially in Zion Crossroads.

Mr. Miles further presented information on the Adopted Zion Crossroads Land Use Matrix which will be retained in the 2040 Comprehensive Plan to be further implemented now that there is the necessary water, wastewater and broadband infrastructure being completed in this area. He went over the breakdown of the Regional mixed-use and Regional employment community elements found in the Plan that will be further implemented and the same community elements will be added into the Fork Union Community Planning Area for industrial park development.

There was additional discussion about the Rivanna CPA being reduced to concentrate efforts to have the B-1 commercial shopping centers to be completed, renovated or new construction to serve the Lake Monticello area, and Fluvanna County overall and the surrounding rural counties to the south like Buckingham and Cumberland County whose residents shop at Lake Monticello rather than continuing on to the Albemarle County and Charlottesville shopping center areas. The Planning Commissioners provided additional comments and thanked staff for the vacant commercial and industrial zoned parcel research so they could understand new developments.

Chair Bibb closed the Work Session at 6:45 pm until the Regular Meeting at 7:00 pm.

- 1. CALL TO ORDER, THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE:**
At 7:00 pm, Chair Bibb, called the March 7, 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**

Thursday, March 9th Technical Review Committee meeting

ZMP 23:01 B-C Business Convenience Conditional Rezoning Request
The applicant owns the former dentist office building and is requesting a rezoning from R-4 and A-1 to B-C to permit daycare center, medical and dental offices, and small retail office land uses.

SDP 23:03 Ballenger Creek nature Preserve Site Development Plan
Minor Site Plan to construct a nature trails parking lot and access road for private, conservation easement area along Ballenger Creek that is located along Courthouse Road within the County.

SUP 23:02 Hardware Hills Vineyard Event Facility
At 5199 West River Road (Route 6) for an Agricultural Enterprise and Event Facility use where they plan to expand the winery vineyard acreage and construct an Event Facility barn on-site.

Thursday, March 23rd at 6:00 pm Solar Community Meeting

Pine Gate Renewables Solar from Asheville, NC is proposing to build a 16 Megwatt utility-scale solar energy facility located off of Bremono Road and east of West Bottom Road in Bremono area.

Fluvanna Community Center at 5725 James Madison Highway with a brief presentation at 6:00 pm and available until 7:30 pm. Please contact Lorraine Bergman lbergman@pgrenewables.com

Day	Date	Time	2040 Comprehensive Plan Work Session Events	Location
TUES	MAR 7	6:00 PM	Planning Commission Comp Plan Work Session	Performing Arts Center
FRIDAY	MAR 24	ALL DAY	TJ PDC Regional Housing Summit – Charlottesville	Omni Hotel
TUES	APR 11	6:00 PM	Planning Commission Comp Plan Work Session	Performing Arts Center
TUES	MAY 9	6:00 PM	Planning Commission Comp Plan Work Session	Performing Arts Center

- 3. PUBLIC COMMENTS #1**
Chair Bibb opened up the Public Comments at 7:29 pm by giving each Public speaker a limit of five (5) minutes to speak and 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 7:30 pm.

4. MINUTES:

MOTION:	To approve the minutes of the Planning Commission of February 7, 2023.				
MEMBER:	Bibb	Goad	Key	Lagomarsino	Morgan
ACTION:		Motion		Second	
VOTE:	Aye	Aye	Aye	Aye	Abstain
RESULT:	4-0-1 Approved, as presented				

- 5. PUBLIC HEARINGS:**
None

- 6. PRESENTATIONS:**
None

- 7. SITE DEVELOPMENT PLANS:**
None

- 8. SUBDIVISIONS:**
None

9. UNFINISHED BUSINESS:

None

10. NEW BUSINESS:

None

11. PUBLIC COMMENTS #2:

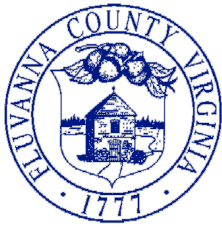
Chair Bibb opened up the Public Comments at 7:30 pm by giving each speaker a limit of five (5) minutes to speak and asked that they state their full name and property address for the record. With no one coming forward wishing to speak in person or online, Chair Bibb closed the Public Comments period at 7:31 pm.

12. ADJOURNMENT:

Chair Bibb adjourned the Planning Commission meeting on March 7, 2023 at 7:31 pm.

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

Barry A. Bibb, Chair
Fluvanna County Planning Commission



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PLANNING COMMISSION STAFF REPORT

To: Fluvanna County Planning Commission **From:** Douglas Miles, AICP, CZA
Request: B-C, Business Convenience Rezoning **District:** Palmyra Election District

General Information: This Conditional Rezoning (ZMP) request is to be heard by the Planning Commission on Tuesday, April 11, 2023 at 7:00 pm at the Carysbrook Performing Arts Center.

Applicant: J&B LMO, LLC / Dr. John and Betty Lyon, Property owners

Representative: Dr. John Lyon / Clark Gathwright, PE

Requested Action: **ZMP 23:01 J&B LMO, LLC** – 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.

Existing Zoning: R-4, Limited Residential Zoning District (Parcel 158A) and A-1, General Agricultural Zoning District (Parcel 15B)

Proposed Zoning: B-C, Business - Convenience Zoning District with conditions

Existing Land Use: Office building with parking lot

Applicant Summary:

Dr. John Lyon, DDS had operated a dentistry office practice for 20+ years until such time that he retired from his dentist practice. This building was then used by Valley Publishing, the publisher of The Fluvanna Review newspaper, and other weekly newspapers in the Charlottesville region. There has been interest from the business community in utilizing this available office building.

The applicant approached Fluvanna County on their leasing options of this building and since it had been previously under a specific Special Use Permit for dental and professional office space,

and given the dual R-4 and A-1 zoning with two separate parcels; staff recommended that they consider moving forward with a B-C, Business Convenience conditional rezoning case request.

Planning Analysis:

The applicant would also need to combine the two underlying parcels through the administrative Subdivision Plat review process and he has also been working with Building Inspections on their existing floor plans to determine what would need to be done for new land uses in this building.

The applicant has proffered out several of the higher B-C, Business Convenience Zoning District land uses that are high traffic land uses and not compatible adjacent to residential homes such as: Drive-thru banks, pharmacies, and restaurants and Funeral homes, Gas stations, or convenience store uses which can generate additional traffic, lighting and noise concerns near neighborhoods.

The applicant has retained these B-C land uses such as Bakeries, Butcher shops, Daycare centers, Garden centers, Offices - medical, dental and professional, Personal service establishments such as barber shops and beauty salons, dry cleaners with seamstresses, tailors and shoe repair work; Fine art studios, Specialty retail stores and Small restaurant uses to serve this immediate area.

Transportation Planning:

The applicant proposes to use the existing entrance onto Lake Monticello Road (SR 618) that has been reviewed by VDOT for the proposed B-C land uses under the ITE Trip Generation, 10th edition manual. The new vehicle trips generated by the applicant's proposed uses would not be a significant impact on a secondary road like Route 618. The existing office building has been in place on Lake Monticello Road near the Lake Monticello main gate and the conditional rezoning would help to retain certain business uses that would not increase the traffic patterns but look to contain the same amount or less during peak periods. The VDOT Land Use Engineer would work with the next building user to determine if their existing entrance would be sufficient there.

Comprehensive Plan:

Land Use Chapter:

The Comprehensive Plan designates this property within the Rivanna Community Planning Area which makes up approximately 40 percent of the county's population and mainly in the Lake Monticello community. The Rivanna Community Planning Area is the most developed area in the county and it contains a mixture of residential and commercial uses. Medium and small commercial uses, along with office, civic and residential uses all combine to form a series of neotraditional developments that are interconnected with the surrounding development at the Lake's gate areas. This office building would continue to be a part of that mixed-use component.

Site Screening and Buffer Areas:

The Fluvanna County Zoning Ordinance contains Landscaping requirements and Tree Protection options that can be selected by the applicant and his site consultant to provide the proper Buffer and Screening requirements while providing for the required VDOT site distance requirements:

Sec. 22-24-4. – MINIMUM STANDARDS

(A) The following shall be the minimum size of plant materials for site landscaping installation:

- (1) Large shade trees—1.5" caliper (2) Medium shade trees—1.25" caliper
- (3) Ornamental trees—1.25" caliper (4) Evergreen trees—5' in height
- (5) Shrubs—18" in height (6) Ground cover—1 year plants

(B) All required landscaping shall be planted according to the following standards:

- (1) All trees to be planted shall meet the American Standard for nursery stock published by the American Nursery and Landscape Association.
- (2) The planting of trees shall be done in accordance with either the standardized landscape specifications jointly adopted by the Virginia Nursery and Landscape Association and the Virginia Society of Landscape Designers, or the Road and Bridge Specifications of the Virginia Department of Transportation.
- (3) All required landscaping shall be planted between September 15 and June 30, provided that the ground is not frozen. (Ord. 8-1-12; Ord. 12-16-15)

Sec. 22-24-7. – SCREENING

(A) Screening shall be required in the following instances:

- (1) Commercial and industrial uses shall be screened from view of adjacent properties in residential and agricultural zoning districts, except for commercial and industrial uses allowed by right in said districts.
- (2) Parking lots, consisting of five (5) spaces or more, shall be screened from view of public roads, rights-of-way, and adjacent properties.
- (3) Objectionable features, including but not limited to the following, shall be screened from the view of public roads, rights-of-way, and adjacent properties: i. Loading areas. ii. Refuse areas. iii. Storage yards. iv. Dry detention ponds. v. Maintenance areas.
- (4) If the required screening is consistent with an approved Master Plan and is subject to the requirements of the R-3, Residential Planned Community zoning district.
- (5) The Zoning Administrator may require the screening of any use, or portion thereof, upon determination that the use would otherwise have a direct negative visual impact on a property designated as historic by its inclusion within the Historic Preservation chapter of the approved Comprehensive Plan.

(B) When required, screening shall consist of the new plantings, existing vegetation, an opaque masonry wall or wooden fence, or combination thereof, to the reasonable satisfaction of the Zoning Administrator.

Unless otherwise specified within this chapter, one of the following landscaping treatment options shall be utilized to meet the minimum screening requirements:

(1) Evergreen Option: Two (2) rows of evergreen trees, shall be planted ten (10) feet on center, and staggered within a planting strip that is twenty-five (25) feet wide; or

(2) Berm Option: Two (2) rows of evergreen shrubs shall be planted ten (10) feet on center and staggered. The berm shall be at least thirty (30) inches higher than the finished grade of the surrounding area and shall not have a slope steeper than 2:1. The berm shall be stabilized with groundcover or other vegetation;

(3) Mixed Vegetation Option: One (1) large shade tree, one (1) medium shade tree, one (1) evergreen tree, and three (3) evergreen shrubs for each twenty (20) linear feet, within a planting strip that is twenty-five (25) feet wide; or

(4) Woodlands Preservation Option: Existing woody vegetation shall be preserved as a buffer strip with a minimum width of seventy-five (75) feet. Additional tree or shrub plantings may be required by the Zoning Administrator. The woodlands preservation area shall be placed in a landscape easement, and the landscape plan shall demonstrate the techniques to be used for removing underbrush, pruning, and protecting the existing trees from any damage during site development;

(5) Structural Option: A wall or fence, no shorter than six (6) feet in height, shall be provided and one (1) evergreen tree or shrub shall be planted every ten (10) feet along the side of any such wall or fence facing a public street or use for which the screening shall benefit.

(C) Within commercial, industrial, and multi-family residential developments, dumpsters and other refuse areas visible from public roads, rights-of-way, adjacent properties, and parking areas shall be completely screened from view by a wall or fence constructed using architectural block, brick, stone, vinyl, wood or a similar material that is compatible with the architecture of the principal structure. The use of durable, low-maintenance materials is encouraged.

(D) Parking lots of five (5) spaces or more shall be screened in accordance with Section 22-24-6 of this article. (Ord. 8-1-12)

Summary Conclusion:

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.

Suggested Motion:

I move that the Planning Commission recommends (Approval / denial / deferral) 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.

Attachments:

Rezoning Application and Sign Form
Fluvanna County APO Letters & Map
Applicant's Statement of Proffers 2-27-23
B-C Zoning District Uses and Requirements



COUNTY OF FLUVANNA

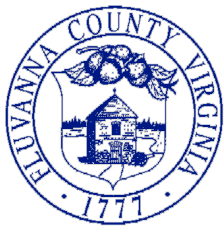
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MEMORANDUM

Date: March 31, 2023
From: Valencia Porter
To: Douglas Miles
Subject: APO Memo Complete

Please be advised the attached letter went out to the attached list of Adjacent Property Owners for the April 11, 2023 Planning Commission meeting.



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PUBLIC HEARING NOTICE

March 30, 2023

RE: ZMP 23:01 J&B LMO, LLC / Tax Maps 9 Section A Parcel 15B and 18A Section 7 Parcel 158A

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

Meeting: Planning Commission Regular Meeting

Date: Tuesday, April 11, 2023 at 7:00 pm

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

ZMP 23:01 J&B LMO, LLC – 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.

Please be advised that you can attend the meeting in person, join the meeting via Zoom or by a phone call where you will have an opportunity to provide any Public comments. Instructions for participation in the Public Hearings will be available on the County's website along with the Meeting Agenda and Staff Reports.

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

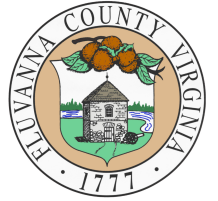
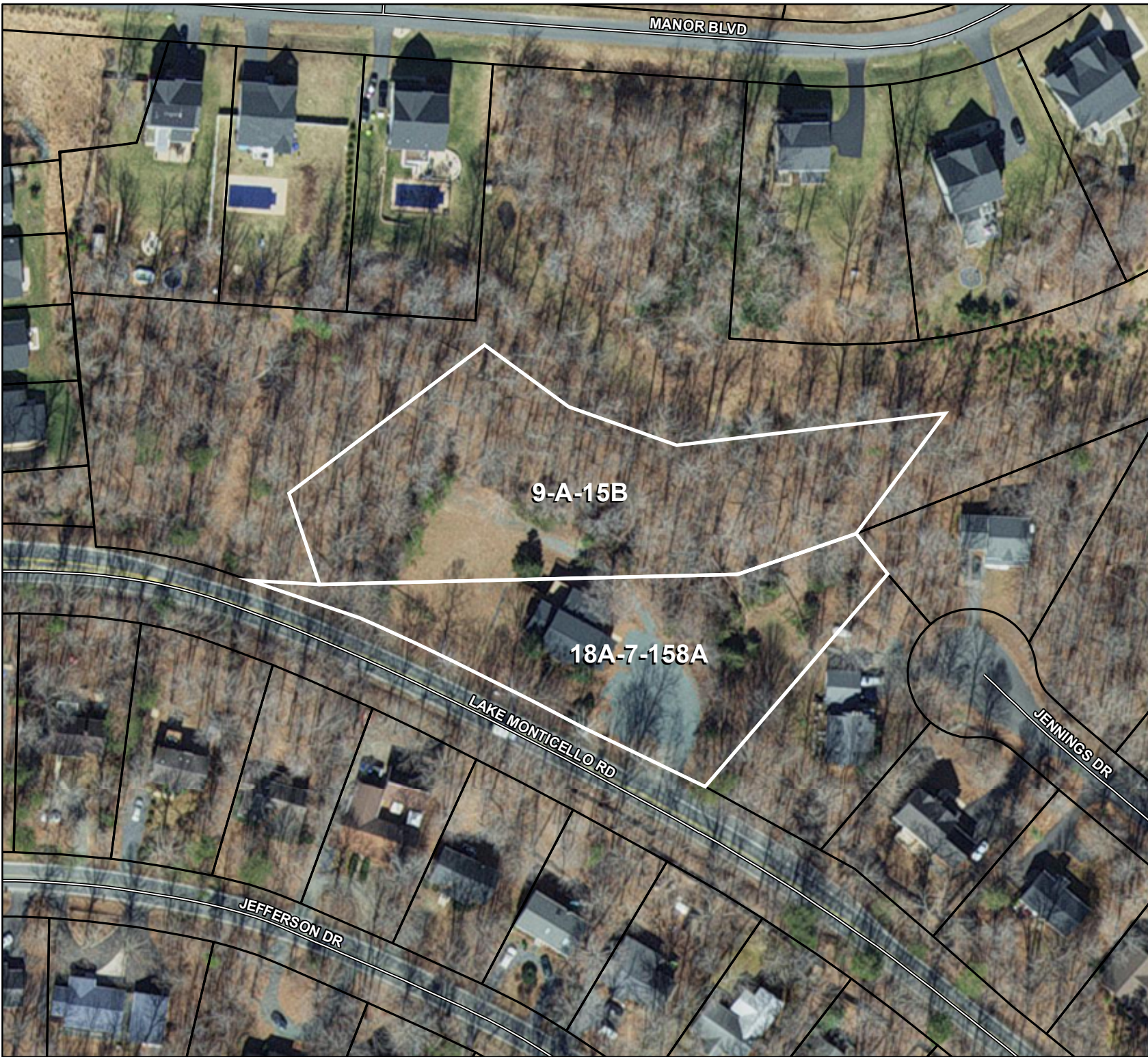
Sincerely,

Douglas Miles

Douglas Miles, AICP, CZA
Community Development Director

ADJACENT PROPERTY OWNERS ZMP 23:01

[illegible]



**ZMP 23:01
Rezoning Request
A-1 & R-4 to B-C**

**TMP 9-A-15B
&
TMP 18A-7-158A**



Date: 3/31/2023



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Application for Rezoning

RECEIVED

FEB 28 2023

Owner of Record: J&B LMO, LLC Applicant of Record: SAME
Address: 1420 STABLE LANE CHVILLE, VA 22901 Address: Fluvanna County Planning Dept
Phone: 434-872-3781 Fax: _____ Phone: _____ Fax: _____
Email: jslyon.dels@aol.com Email: _____
Representative: CLARK GATHRIGHT
Address: 100 10th St NE Suite 200
Phone: 434-987-0294 Fax: _____
Email: cgathright@dgarchs.com
Tax Map and Parcel(s): 9 section A, Parcel 15B
18A section 7, Parcel 158A
Acreage: 2+/- Current Zoning: R-4/A-1
Location of Parcel: 2987 Lake Monticello Rd
PALMYRA, VA
Requested Zoning: B-C Proposed Use of Property: B-C Zoning uses per permitted uses by right

Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.

If property is in an Agricultural Forestal District, or Conservation Easement, please list information here:

Is parcel in Land Use Valuation Program? ☐ No ☐ Yes

Deed Book and Page: _____

If any Deed Restrictions, please attach a copy

Shannon Welch Myers
Commonwealth of Virginia
Notary Public
My Commission Expires 06/30/2026

Affidavit to Accompany Petition for Rezoning

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

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

Date: Feb 27, 2023 Signature of Owner/Applicant: John S. Lyon / Betty H. Lyon
Subscribed and sworn to before me this 27th day of February, 2023 Register # 8026511
My commission expires: 06.30.2026 Notary Public: Shannon Welch Myers

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

Office Use Only

Date Received: 02/27/2023 Pre-Application Meeting: _____ PH Sign Deposit Received: 02/27/2023 Application #: ZMP 23:01

\$1,000 fee paid: check 9071 Mailing Costs: \$20.00 per Adjacent Property Owner after first 15, Certified. Paid:

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

Election District: Palmyra Planning Area: Rivanna Community

Public Hearings

Planning Commission	Board of Supervisors
Advertisement Dates:	Advertisement Dates:
APO Notification:	APO Notification:
Date of Hearing:	Date of Hearing:
Decision:	Decision:



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Public Hearing Sign Deposit

Name: J&B LMO, LLC
Address: 1420 Stable Lane
City: Charlottesville
State: Va Zip Code: 22901

I hereby certify that the sign issued to me is my responsibility while in my possession.
Incidents which cause damage, theft, or destruction of these signs will cause a partial or full
forfeiture of this deposit.

John S. Lym 2/27/2023
Applicant Signature Date

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

Office Use Only	
Application #: BZA _____ : CPA _____ : SUP _____ : ZMP 23 : 01 ZTA _____ :	
\$90 deposit paid per sign*: check 9072	Approximate date to be returned:



Commonwealth of Virginia
County of Fluvanna
Rezoning Application Checklist

The following information shall be submitted with the application and is to be provided by the applicant for the processing of the application:

Applicant must supply	Staff Checklist
Completed Rezoning Application signed by the current owner(s) or lessee or written confirmation from the current owner or lessee granting the right to submit the application	
<ul style="list-style-type: none"> • Statement on proposed use of property and reason for rezoning • Ten (10) copies of plats showing existing and proposed improvements (if applicable) • Deed restrictions (if applicable) • Copy of the Tax Map showing the site (preferred) • General Location Map (preferred) 	
Supporting photographs are not required, but suggested for evidence	

All maps and plans submitted are to be either 8.5"x 11" or 11"x 17". One original of any size may be for staff use at the public hearing.

Staff Only	Staff Checklist
Preliminary review by planning staff for completeness and content:	
<ul style="list-style-type: none"> • Technical Review Committee review and comment • Determine all adjacent property owners • Placed as a Public Hearing on the next available agenda of the Planning Commission. 	
Notification of the scheduled Public Hearing to the following:	
<ul style="list-style-type: none"> • Applicant • All adjacent property owners • Local Newspaper advertisement 	
Staff Report to include, but not be limited to:	
<ul style="list-style-type: none"> • General information regarding the application • Any information concerning utilities or transportation • Consistency with good planning practices • Consistency with the comprehensive plan • Consistency with adjacent land use • Any detriments to the health, safety and welfare of the community. 	

For Applicant

The Rezoning Application fee is made payable to the **County of Fluvanna**.

Meetings for the processing of the application

Applications must be submitted by the first working day of the month to have the process start that month. Applications received after the first working day will have the process start the following month.

Process:

1. Placed on next available Technical Review Committee Agenda.
2. Placed as a Public Hearing on the next available agenda of the Planning Commission the following month. Staff Report and Planning Commission recommendation forwarded to the Board.
3. Placed as a Public Hearing on the next available agenda of the Board of Supervisors (usually the same month as the Planning Commission).

Applicant or a representative must appear at the scheduled hearings.

The Technical Review Committee provides a professional critique of the application and plans. The Planning Commission may recommend to the Board of Supervisors: approval; approval subject to resubmittal or correction; or denial of the special use permit.

Board Actions

After considering all relevant information from the applicant and the public, the Board will deliberate on points addressed in the Staff Report.

The Board may approve; deny; or defer the request pending further consideration; or remand the case back to the Planning Commission for further consideration.

With **approval**, the development may proceed.

If **denied**, an appeal to the Courts may be prescribed by law

No similar request for a Rezoning for the same use at the same site may be made within one year after the denial.

Statement of FINAL PROFFERS

Pursuant to Section 15.2-2296 of the Code of Virginia and Section 22-17-9 of the Fluvanna County Zoning Ordinance, John S. Lyon and Betty H. Lyon as principals of the J&BLMO, LLC, the Owners of record Tax Map 18A-7, Parcel 158 A, Tax Map 9 Section A, Parcel 15B,

Section 7, Parcel 158A (the "Property"), which is the subject of conditional rezoning request, does hereby voluntarily proffer that development of the Property shall be in strict accordance with the following conditions set forth in the statement of final proffers:

The Owner presents this statement of proffers for tax map 9, section A, Parcel 15B, tax map 18A, section 7, Parcel 158A:

PROHIBITED USES: The following permitted uses by right land uses Shall be excluded from the Property under B-C Zoning Section 22-10-3:

The following permitted by special use permit land uses shall be excluded from the under B-C Zoning Section 22-10-4:

Commercial Uses, Civic Uses:

Amusements Public
Cultural Services
Public Uses
Bed & Breakfast, Financial Institution, Funeral Home, Gas Station, Grocery Store
Parking Facility, pharmacy, Restaurant, Vending Carts.

The following are a list requested to be approved by right under B-C Zoning:

COMMERCIAL USES:

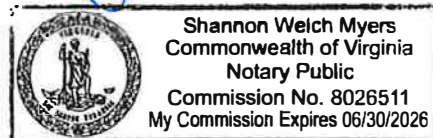
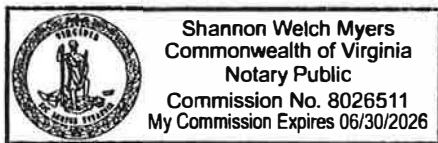
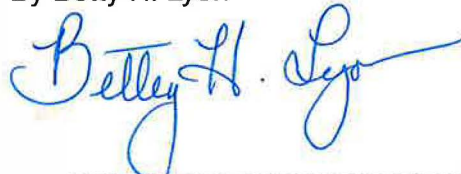
Small Bakery, Small Butcher Shop, Daycare Center, Garden Center,
Medical/Dental Offices, Offices, Personal services establishment, Studio of fine arts, Taxidermist, Small Retail Store,

J&BLMO, LLC

By John S. Lyon



By Betty H. Lyon



27 February 2023
Shannon Welch Myers
Register # 8026511
My commission expires: 06.30.2026

RECEIVED

FEB 20 2023

Fluvanna County
Planning Dept

ARTICLE 10. - BUSINESS, CONVENIENCE, DISTRICT B-C ZONING DISTRICT – Summary Uses April 2023

Sec. 22-10-1. - Statement of intent.

This district is for those areas of the County, adjacent to residential and/or agricultural areas, where it is in the public interest to establish retail and service businesses of a type which are ordinarily and necessarily convenient to and designed primarily to serve adjacent residential uses and which are not characterized either by trucking other than stocking and delivery of light retail goods, or by any nuisance factors other than those occasioned by incidental light and noise of congregation of people and passenger vehicles. This includes such uses as retail convenience stores, banks, business and professional offices and service stations.

Sec. 22-10-2. - Use regulations.

In Business District B-C, structures to be erected or land to be used shall be for one (1) or more of the following retail sales and/or service uses.

Sec. 22-10-3. - Uses permitted by right.

The following uses shall be permitted by right:

Civic Uses

~~Amusements, public~~

~~Cultural services~~

~~Public uses~~

Commercial Uses

Bakeries

~~Bed and breakfasts~~

Brewpub (added 8-17-22)

Butcher shops

Daycare centers

~~Financial institutions~~

~~Funeral homes~~

Garden center

~~Gas stations~~

Greenhouses, commercial

~~Grocery stores~~

Medical clinics

Offices

~~Parking facilities~~

Personal service establishments

Pharmacies

~~Restaurants, fast food~~

~~Restaurants, general~~

~~Restaurants, small~~

~~Retail stores, general~~

~~Retail stores, neighborhood convenience~~

Retail stores, specialty

Studios, fine arts

Taxidermists

~~Vending carts~~

Miscellaneous Uses

Accessory uses

Utilities, minor

(Ord. 9-17-08; Ord. 10-21-09; Ord. 11-3-10; Ord. 11-20-12)

Sec. 22-10-4. - Uses permitted by special use permit only.

The following uses shall be permitted by special use permit only:

Civic Uses

Educational facilities

Religious assembly

Sheltered care facilities

Commercial Uses

Amusements, commercial

Auction houses

Automobile repair service establishments

Car washes

Communications service

Dance halls

Guidance services

Hotels

Kennels, commercial

Landscaping materials supply

Laundromats

Laundries

Lodges

Microbreweries (added 8-17-22)

Personal improvement services

Professional schools

Self-storage facilities

Veterinary offices

Miscellaneous Uses

Outdoor gatherings

Telecommunication facilities

Utilities, major

Residential Uses

Dormitories

(Ord. 9-17-08; Ord. 10-21-09; Ord. 11-3-10; Ord. 11-20-12)

Sec. 22-10-5. - Requirements for permitted uses.

All buildings, structures and uses in the B-C District shall be subject to the provisions of Article 23: Site Development Plans of this Code. (Ord. 12-16-15)

Sec. 22-10-6. - Area regulations.

None, except for permitted uses utilizing individual sewerage disposal system. The required area for any such use shall be approved by the administrator who may consult with the health official.

Sec. 22-10-7. - Setback regulations.

- (A) Buildings shall be located not less than fifty feet (50') from any public right-of-way. This shall be known as the "setback line." All parking lots shall be located not less than twenty-five feet (25') from any public right-of-way. (B) A variation to the setback regulations may be granted by the Planning Commission for projects in a designated growth area that meet new urban/neo-traditional planning principles, and further the objectives and goals set forth in the comprehensive plan. Appeals must be received in writing within thirty (30) days of the variation decision, and will then be forwarded to the Board of Supervisors for a final determination.

(Ord. 5-4-11)

Sec. 22-10-8. - Yard regulations.

The minimum yard requirements for permitted uses adjoining or adjacent to a residential or agricultural district shall be fifty feet (50'). All parking lots and accessory uses shall be located not less than twenty-five feet (25') from any residential or agricultural district.

Sec. 22-10-9. - Height regulations.

Buildings may be erected up to thirty-five feet (35') in height from grade, except that:

- (A) Any building otherwise permitted may be erected to a height of forty-five feet (45') feet from grade and a public or semi-public building such as a school, place of worship, or library may be erected to a height of sixty feet (60') from grade; provided, in any such case, that required setback and side and rear yards each shall be increased one foot (1') for each foot in height over thirty-five feet (35'). (B) Spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas, and radio aerials are exempt. Parapet walls may be up to four feet (4') above the height of the building on which the walls rest.

Sec. 22-10-10. - Off-street parking.

Off-street parking shall conform with Article 26: Off-Street Parking and Loading Spaces of this chapter.

Sec. 22-10-11. - Sign regulations.

Sign regulations shall conform to Article 15 of this chapter.

Sec. 22-10-12. - Special provisions for accessory uses and structures.

Uses and structures which are customarily accessory and clearly incidental shall be permitted, provided establishment of the same shall not be permitted until construction has commenced on the principal building or the principal use has been established.

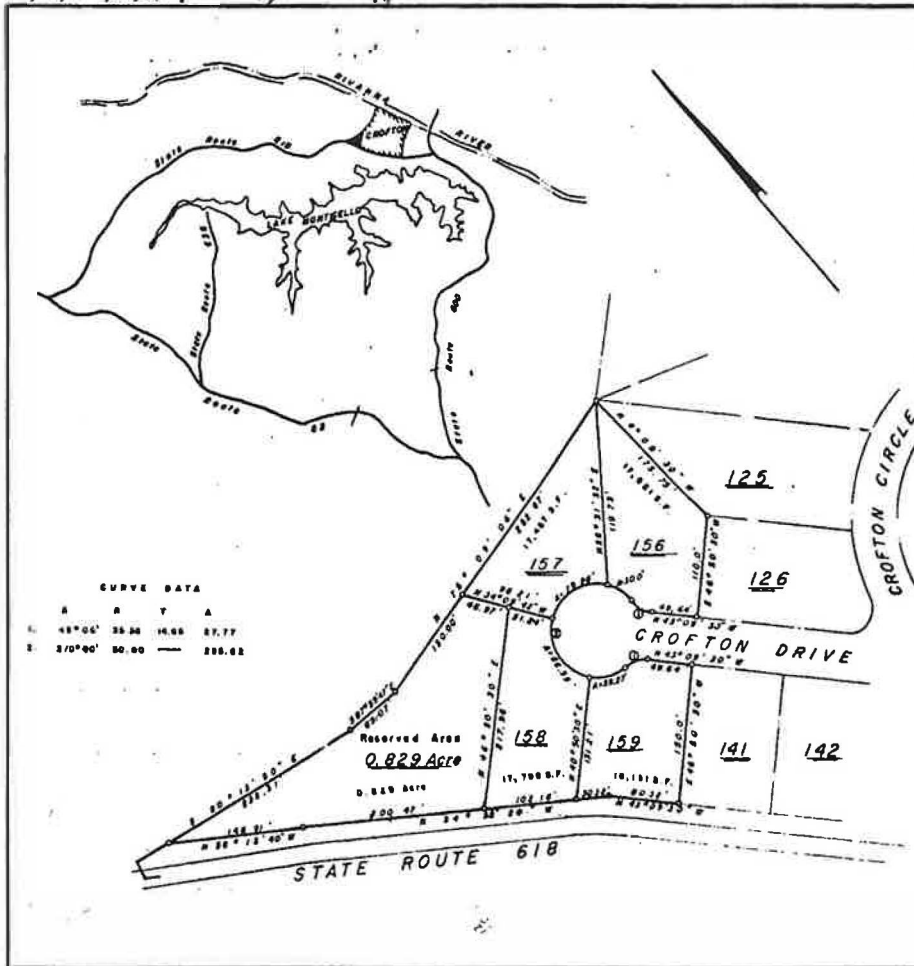
Sec. 22-10-13. - Sidewalks.

Sidewalks that comply with the most recent VDOT specifications shall be required on both sides of all roadways, public and private. (Ord. 5-4-11)

Sec. 22-9-10. - Sidewalks.

Exhibit A

174 283



RESTRICTIONS: THERE IS A 10' WIDE PAVED DRIVEWAY ALONG THE WEST LINE OF ALL LOTS 125 TO 142. THERE IS A 10' WIDE DRIVEWAY ALONG THE EAST LINE OF ALL LOTS 125 TO 142. THERE IS A 10' WIDE DRIVEWAY ALONG THE SOUTH LINE OF ALL LOTS 125 TO 142. THERE IS A 10' WIDE DRIVEWAY ALONG THE NORTH LINE OF ALL LOTS 125 TO 142. THERE IS A 10' WIDE DRIVEWAY ALONG THE WEST LINE OF ALL LOTS 125 TO 142. THERE IS A 10' WIDE DRIVEWAY ALONG THE EAST LINE OF ALL LOTS 125 TO 142. THERE IS A 10' WIDE DRIVEWAY ALONG THE SOUTH LINE OF ALL LOTS 125 TO 142. THERE IS A 10' WIDE DRIVEWAY ALONG THE NORTH LINE OF ALL LOTS 125 TO 142.

COUNTY OF FLUVANNA
PLANNING COMMISSION
T. L. H. Hoving
Chairman
Jan. 23, 1983

COUNTY OF FLUVANNA
BOARD OF SUPERVISORS
Charles W. Hoving
Chairman
Jan. 23, 1983

CERTIFICATION
This subdivision conforms to the requirements of the laws of the State of Virginia and the County of Fluvanna, and the same have been duly recorded in the public records of the County of Fluvanna, Virginia.

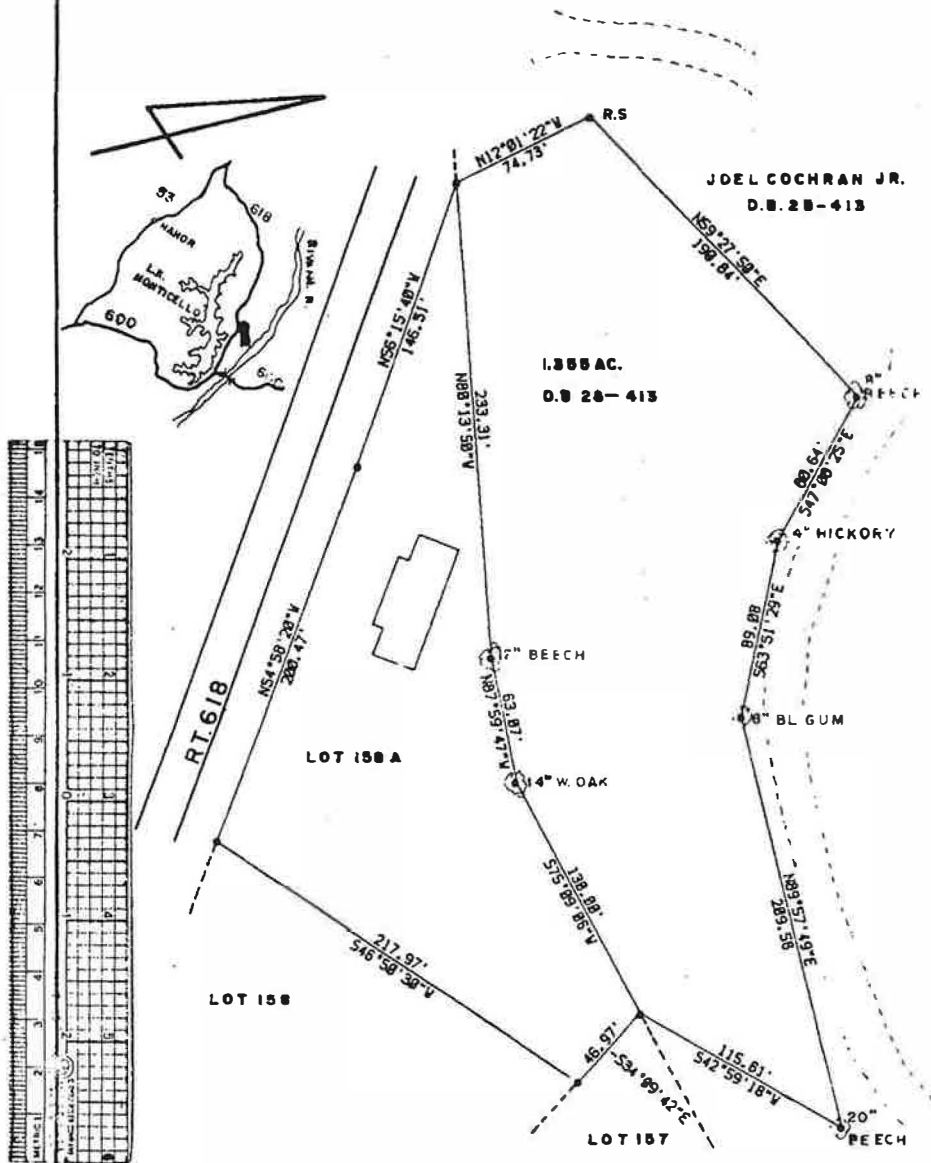
OWNER'S APPROVAL
The undersigned as owner of the property herein described, hereby approves the subdivision of the property herein described, and the same have been duly recorded in the public records of the County of Fluvanna, Virginia.

PLAT SHOWING
PHASE SEVEN ADDITION ONE
CROFTON
SECTION OF
LAKE MONTICELLO

FLUVANNA COUNTY, VIRGINIA
SCALE: 1" = 100' SEPTEMBER, 1978
B. AUBREY HUFFMAN & ASSOCIATES
CIVIL ENGINEERING & LAND SURVEYING
CHARLOTTEVILLE, VIRGINIA

VIRGINIA: CLERK'S OFFICE OF THE CIRCUIT COURT OF FLUVANNA COUNTY.
St. R. Tax 300.00 The foregoing instrument with acknowledgment
Co. R. Tax 100.00 was admitted to record on March 6, 1983.
Transfer 100.00 at 3:15 P.M. in D.B. 174 Page(s) 282, 283.
Clerk 100.00 Recording costs paid as shown.
Grantor Tax 200.00
Total \$ 600.00 Tests: *[Signature]* Clerk.

THIS PORTION OF PARCEL 15 IS TO BE ADJOINED TO LOT 158A, PHASE VII OF LAKE MONTICELLO



PLAT SHOWING

TAX MAP 9 PORTION OF PARCEL 15

THE JOEL COCHRAN PROPERTY

CUNNINGHAM DISTRICT FLUVANNA COUNTY, VIRGINIA

SCALE: 1" = 60' DATE: APRIL 14, 1987

ROBERT L. LUM

LAND PLANNING & SURVEYING

PALMYRA, VIRGINIA



VIRGINIA: CLERK'S OFFICE OF THE CIRCUIT COURT OF FLUVANNA COUNTY.

St.R.Tax 15.00 The foregoing instrument with acknowledgment

Co.R.Tax 5.00 was admitted to record on May 13, 1987

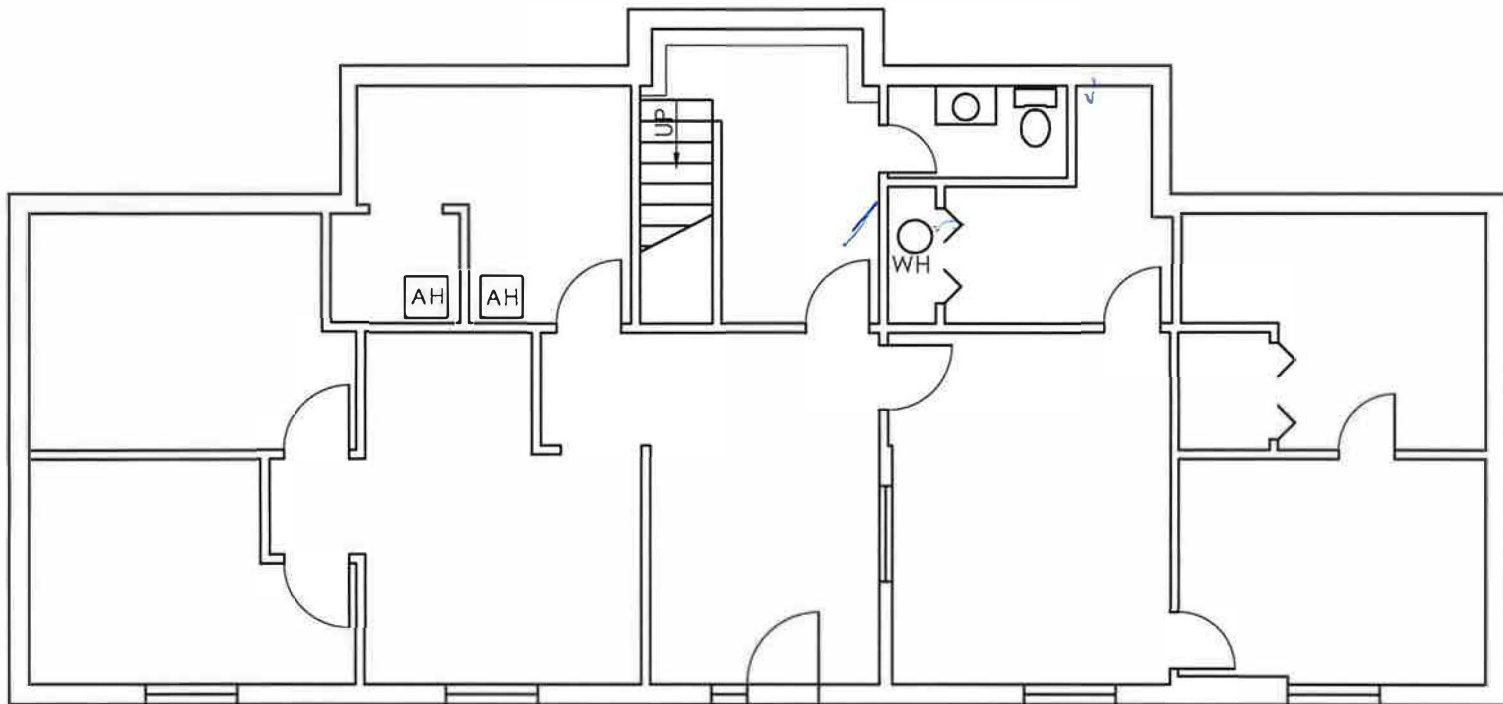
Transfer 1.00 at 11:35 A.M. in D.B. 176 Page(s) 561-563

Clerk 10.00 Recording costs paid as shown.

GrantorTax 10.00

Total \$ 41.00

Teste: *Robert L. Lum* Clerk.

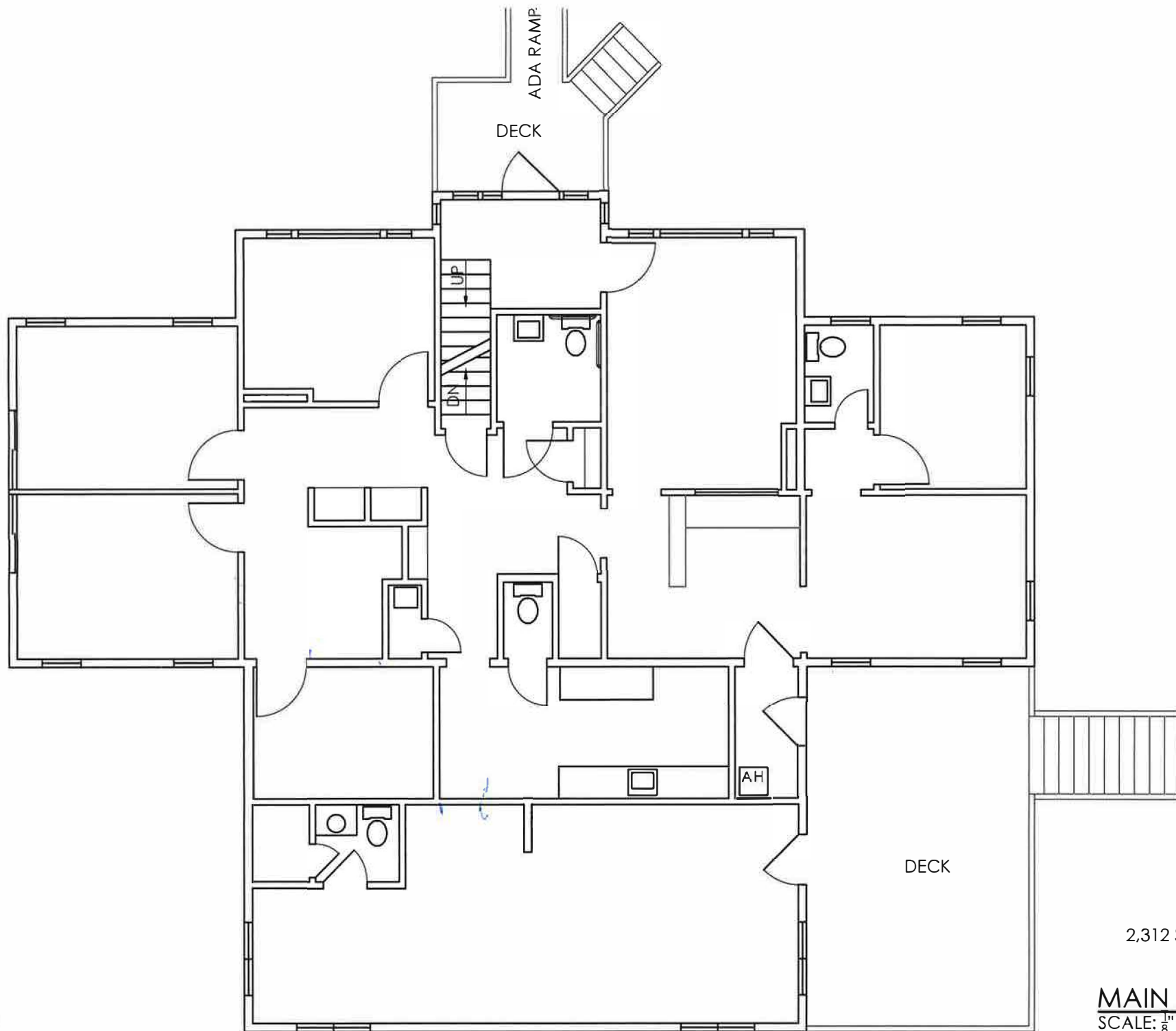


1,546 SF

BASEMENT LEVEL PLAN

SCALE: $\frac{1}{8}" = 1'-0"$

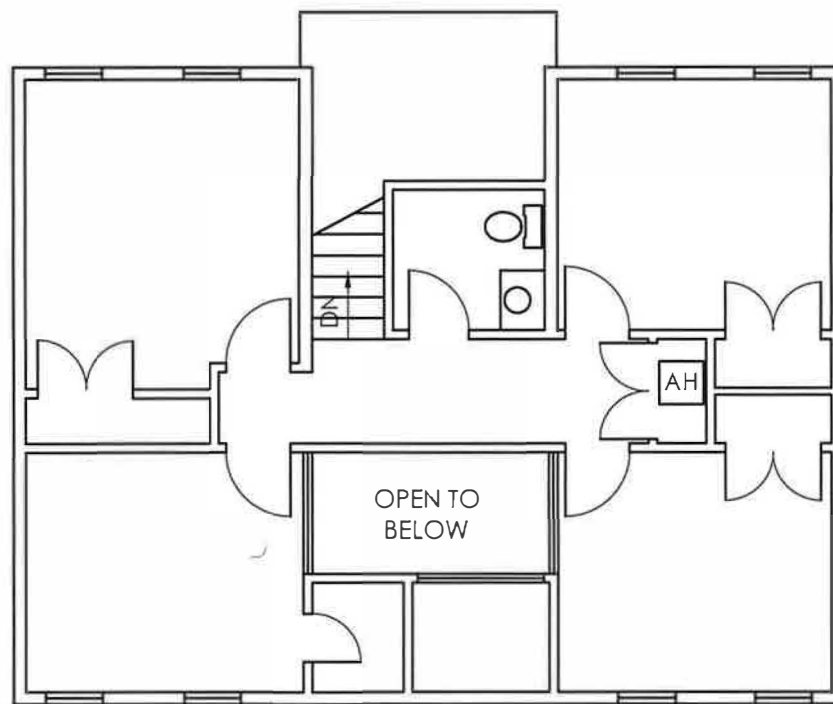
2987 LAKE MONTICELLO RD PALMYRA, VA



2,312 SF

MAIN LEVEL PLAN
SCALE: $\frac{1}{8}" = 1'-0"$

2987 LAKE MONTICELLO RD PALMYRA, VA



829 SF

SECOND LEVEL PLAN
SCALE: $\frac{1}{8}" = 1'-0"$

2987 LAKE MONTICELLO RD PALMYRA, VA

PREPARED BY: J. BARRETT JONES, VSB #15354
Jones Oberg & Green
917 East Jefferson Street
Charlottesville, VA 22902

TITLE INSURER: NONE

FLUVANNA COUNTY TMPs: **Parcel One: 9-A-15B;**
Parcel Two: 18-A-7-158A

**THIS DEED OF GIFT IS EXEMPT FROM TAXATION PURSUANT TO
SECTION 58.1-811(D) AND SECTION 58.1-811(A)(10), CODE OF VIRGINIA, 1950, AS AMENDED.**

THIS DEED OF GIFT is made this 24th day of January, 2023, by and between **John S. LYON, Trustee of The John S. LYON Trust** created under an agreement dated as of the 11th day of July, 2008, as amended, and **Betty H. LYON, Trustee of The Betty H. LYON Trust** created under an agreement dated as of the 11th day of July, 2008, as amended, Grantors, and **J&BLMO, LLC**, a Virginia limited liability company, Grantee, the address of which is: whose address is: 1420 Stable Lane, Charlottesville, VA 22901.

WITNESSETH:

That for no consideration, and as a gift only, the Grantors, being all the Members of J&BLMO, LLC, the Grantee herein, hereby GIVE, GRANT, and CONVEY with GENERAL WARRANTY and ENGLISH COVENANTS OF TITLE unto the Grantee, all their interests, in the following described real property, to-wit:

PARCEL ONE: All that certain lot or parcel of land lying and being situate in the Cunningham Magisterial District of Fluvanna County, Virginia, containing 1.355 acres, by survey, on the northeast side of but not adjoining Virginia State Highway No, 618, and described by metes and bounds on plat of survey made by Robert L. Lum, C.L.S., dated April 14, 1987, which plat is recorded in the Clerk's Office of the Circuit Court of Fluvanna County, Virginia, in Deed Book 176, page 563; and

PARCEL TWO: All that certain lot, piece or parcel of land lying and being in the Cunningham Magisterial District of Fluvanna County, Virginia, bordering Virginia State Route 618 and designated as Lot Number 158A, Phase Seven – Crofton, Lake Monticello Subdivision, and shown and designated on plat recorded in the Clerk's Office of Fluvanna County, Virginia, in Deed Book 174, page 382, as 0.826 acres and entitled "Reserved Area", together with all rights and appurtenances thereunto pertaining.

BEING the same property as that conveyed to the Grantors herein by deed of gift from John S. Lyon and Betty H. Lyon, husband and wife,, dated July 28, 2009, and recorded October 5, 2009, in the aforesaid Clerk's Office in Deed Book 804, page 311.

The above-described property is conveyed subject to all easements, reservations, restrictions and conditions contained in duly recorded deeds, plats and other instruments constituting constructive notice in the chain of title to the said property which have not expired by a limitation of time contained therein or have not otherwise become ineffective.

[The balance of this page is left
Intentionally blank.]

WITNESS the following signatures and seals:

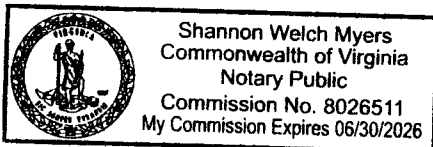
John S. Lyon (SEAL)
 JOHN S. LYON, Trustee
 The John S. Lyon Trust created under an agreement
 dated as of the 11th day of July, 2008, as amended

COMMONWEALTH OF VIRGINIA

CITY COUNTY OF Charlottesville, to-wit:

The foregoing instrument was acknowledged before me this 27th day of January, 2023, by John S. Lyon, as Trustee of The John S. Lyon Trust created under an agreement dated as of the 11th day of July, 2008, as amended.

My Commission expires: 06.30.2026



Shannon Welch Myers
 Notary Public
 Notary Registration No.: 8026511

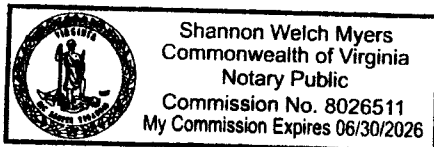
Betty H. Lyon (SEAL)
BETTY H. LYON, Trustee
The Betty H. Lyon Trust created under an agreement
dated as of the 11th day of July, 2008, as amended

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF Charlottesville, to-wit:

The foregoing instrument was acknowledged before me this 27th day of January, 2023 by Betty H. Lyon, as Trustee of The Betty H. Lyon Trust created under an agreement dated as of the 11th day of July, 2008, as amended.

My Commission expires: 06.30.2026



Shannon Welch Myers
Notary Public
Notary Registration No.: 8026511

230000280.005

INSTRUMENT # 230000280
E-RECORDED IN THE CLERK'S OFFICE OF
FLUVANNA COUNTY ON
FEBRUARY 1, 2023 AT 11:17AM

TRISTANA P. TREADWAY, CLERK
RECORDED BY: ALF

Entity Information

Entity Name:J&BLMO, LLCEntity ID:11484296

Entity Type:Limited Liability CompanyEntity Status:Active

Series LLC:NoReason for Status:Active

Formation Date:01/13/2023Status Date:01/13/2023

VA Qualification Date:01/13/2023Period of Duration:Perpetual

Industry Code:0 - GeneralAnnual Report Due Date:N/A

Jurisdiction:VACharter Fee:N/A

Registration Fee Due Date:Not Required

Registered Agent Information

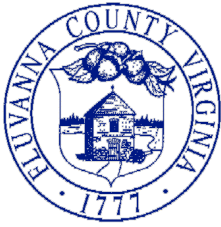
RA Type:IndividualLocality:CHARLOTTESVILLE CITY

RA Qualification:Member of the Virginia State Bar

Name:J. Barrett JonesRegistered Office Address:917 E Jefferson St, Charlottesville, VA, 22902 - 5355, USA

Principal Office Address

Address:1420 Stable Ln, Charlottesville, VA, 22901 - 8882, USA



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

132 Main Street
P.O. Box 540
Palmyra, VA 22963
(434) 591-1910
Fax (434) 591-1911
www.fluvannacounty.org

PLANNING COMMISSION STAFF REPORT

To: Fluvanna County Planning Commission

From: Douglas Miles, AICP, CZA

Requests: Agricultural Enterprise & Event Facility

District: Cunningham Election District

General Information:

This Special Use Permit (SUP) request is to be heard by the Planning Commission on Tuesday, April 11, 2023 at 7:00 pm at the Carysbrook Performing Arts Center.

Applicants:

Andrea and Robert Nickels, property owners

Requested Action:

SUP 23:02 Andrea and Robert Nickels – 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.

Existing Zoning:

A-1, General Agricultural Zoning District

Existing Land Uses:

Hardware Hills Vineyard tasting room and single-family dwelling

Planning Area:

Rural Residential Planning Area

Comprehensive Plan:

The 2015 Fluvanna County Comprehensive Plan has the winery property within the Rural Residential Planning Area that calls for rural residential uses that include: working farms and similar open space areas with low-density residential development. Formerly known as Thistle Gate Winery that was established in 2007, and now known as Hardware Hills Vineyard, has been operating consistently as a working farm winery for fifteen (15) years and a tasting room was also added and the vineyard owners have resided on the premises.

These existing land uses are matching the comprehensive plan goals and objectives nicely and the proposed vineyard enhancements they would remain in compliance with the Rural Residential Planning Area goals by continuing to expand the working farm winery by adding more areas through viticulture for the production of grapes into wine on the farm.

Economic Development Chapter:

The Comprehensive Plan recommends that development within Rural areas preserve the character of the overall surrounding area and while promoting economic development. Accordingly, some commercial services for the convenience of those living out in the country are appropriate and may be considered if these uses are designed and arranged to complement the rural character of the area and its surrounding uses. These uses are encouraged around existing communities, such as the Scottsville area, and land owners in and around these planning areas should be given the opportunity to pursue options that will supplement and/or provide income in this case the Hardware Hills Vineyard land use.

Applicant Summary:

Hardware Hills Vineyard is a current member of the prestigious Monticello Wine Trail and tourism traffic has doubled based on winery revenue in the past year and continues to draw outside visitors due to our marketing efforts. Additionally, the need for venue space in Fluvanna County is limited and therefore this presents an additional opportunity for local customers and incoming tourists to utilize this space for scheduled events. Hardware Hills draws not only local customers, but also on a growing number of tourists from outside Fluvanna County. The partnership with other local businesses seeks to add interest and growth for the county and surrounding communities to continue this growth.

Hardware Hills' current vineyard area is approximately 4.5 acres and it may be expanded to eight (8) acres with the addition of 3 or 4 more grape varieties within the vineyard area. The tasting room, located in the southwest corner of the property near Route 6 will continue to serve wine by the glass, the bottle and tasting samples in the current building.

The tasting room will be open daily and will continue to have special and holiday events inside and outside the building and be open from 10:00 am – 11:00 pm daily with special events that may start as early as 7:00 am. Indoor events would be limited to the building occupancy which is 49 persons in the tasting room and indoor music would be limited to the tasting room hours. Limited food would be served from the tasting room with light fare typically served at a winery events. The tasting room could be rented for private events in the same occupancy and times as stated or be used as possible meeting space.

The proposed building improvements include a 48 foot by 80 foot event facility barn that would contain a 40 foot by 54 foot Main open hall area, with a first floor Groom's suite and a second floor Bridal Suite area along with the construction of 4-5 bathrooms, a caterer's kitchen, and with covered, outdoor patio areas. A new 22 foot by 28 foot wine production room and storage area will be near the existing wine production room with additional work space to be used to expand the winery's production and wine varieties produced on the premises. As that space is currently limited within the tasting room area.

Most outdoor winery events would be located in the tasting room or the new event facility vicinity near Route 6 and these special and/or holiday events could include the following:

Winery related events and festivals with outdoor music with event times approximately from 10:00 am – 11:00 pm. Outdoor events would be limited to 200 persons and outdoor food vendors may be present on site during some of the events and festivals. Additional restrooms, both portable and permanent, would be available along with auxiliary parking along the outside of the entrance gates would be made available to accommodate this amount of people with this entrance area being free and clear for emergency vehicles use.

Weddings and Special Occasions with indoor and outdoor music with event times being approximately from 10:00 am – 11:00 pm. Outdoor events would be limited to 200 persons and outdoor food vendors or caters may be present during these weddings and special occasion events. Additional restrooms, both portable and permanent, would be available along with auxiliary parking along the outside of the entrance gates would be made available with this entrance area being free and clear for emergency vehicles use.

5 K Runs would be contained within the property and utilize the winery area beyond the tasting room vicinity and these events may begin at 7:00 am and include outdoor music *and would be limited to 200 persons to not be constituted as Outdoor Gatherings which would require a separate Special Use Permit (SUP) request with separate case conditions.*

Business / Community / Non-Profit Organizations / Philanthropic meeting or event space would be inside or outside and limited to persons with the capacity as listed above for indoor or outdoor space; *and could not include facilities exclusively used by membership groups such as civic or service clubs or fraternal organizations that are not included in the Event facility definition and see Lodge definition in the Fluvanna Zoning Ordinance:*

Lodge: *A facility, owned or operated by a corporation, association, person or persons, for social, educational or recreational purposes, to which membership is required for participation and not primarily operated for profit nor to render a service that is customarily carried on as a business and does not include facilities for members to reside. (examples: FOP, VFW, Moose, Rotary and/or Ruritan Club meeting space lodges)*

Planning Analysis:

This land use request is an Agricultural Enterprise – Agricultural related use that provides an agricultural service or produces goods from agricultural resources. These include processes that are a direct outgrowth, yet more intensive, of the products derived through agriculture, as defined in the Zoning Ordinance. Related uses include a farm brewery, cidery, distillery, meadery, or in this case a winery where they currently serve wine by the glass, bottle and offer tasting samples and as is licensed by the Virginia Alcoholic Beverage Control (ABC) Authority here in Virginia.

The second land use request is an Event Facility – A place of public assembly, used primarily as a facility for hosting functions including, but not limited to, weddings, receptions, banquets, anniversaries, meetings or conferences. The event facility may be located in a building or tent, be in an uncovered, outdoor gathering space of less than 200 people or a combination thereof. An event facility is a place that charges a fee or that requires compensation to use the space or charges an entry fee or other fee for the uses related to the facility and does not include a Lodge.

The land use request of Outdoor Gatherings – Any temporary, organized gathering expected to attract 200 or more persons at one time in open spaces outside an enclosed structure such as entertainment, food and music festivals would not be permitted on the premises. This land use would require a separate Special Use Permit (SUP) with specific case conditions for this request.

Special Use Permits:

When evaluating proposed uses for a special use permit, in addition to analyzing the potential adverse impacts of the use, staff utilizes two (2) general guidelines for evaluation as set forth in the zoning ordinance. First, the proposed use should not tend to change the character and established pattern of the area or community. The transfer of property ownership from Thistle Gate Winery and the increased outdoor events associated with the winery should not change or alter the character of the area or surrounding community. The applicants want to continue to enhance the surrounding community by offering up new products and related services through the local tourism industry that this Fluvanna County-based winery currently offers on Route 6.

Second, the proposed use should be compatible with the uses permitted by right in that zoning district and shall not adversely affect the use of or the value of neighboring property. The winery land use currently on the premises would continue to enhance the serene, rural lifestyle along the Hardware River that borders the property on the east and south side with the remainder of this site containing a heavily wooded buffer along the north and west sides of this existing property. The recommended case conditions would seek to ensure that the proposed outdoor events would remain in compliance with all State and/or County requirements as they relate to health, safety, noise and traffic purposes while continuing to offer up a pleasant, profitable winery experience.

Summary Conclusion:

The Planning Commission members should consider any potential adverse impacts, such as the increased traffic along Route 6 during the planned outdoor events on the premises, and the need for responsible winery patrons to avoid driving when inebriated at the end of the planned events. The designated driver program implemented through the winery management and staff will be an important aspect to conducting successful, onsite wedding receptions and/or other winery events.

The Fluvanna County Sheriff's Office and the Fluvanna County Fire members have reviewed and provided comments relative to the proposed Event facility planned events. These same agencies will provide additional comments during both the site plan and building permit review processes. These recommended conditions provide further guidance for the applicants to coordinate these events with Fluvanna County staff, and especially with the Sheriff's Office, on traffic control on Route 6 when entering or exiting the winery during the larger events as registered through them.

Recommended Conditions:

Staff recommends 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.

Suggested Motion:

I move that the Planning Commission recommends (Approval / denial / deferral) 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.

Attachments:

Special Use Permit Application and Sign Form
Applicant Narrative Statement dated February 8, 2023
Applicant Proposed Building Plans and Site Location
Fluvanna County APO Letters and Support Letters



COUNTY OF FLUVANNA

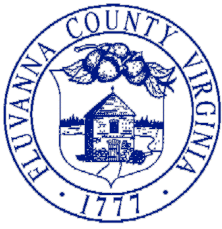
"Responsive & Responsible Government"

132 Main Street
P.O. Box 540
Palmyra, VA 22963
(434) 591-1910
Fax (434) 591-1911
www.fluvannacounty.org

MEMORANDUM

Date: March 31, 2023
From: Valencia Porter
To: Douglas Miles
Subject: APO Memo Complete

Please be advised the attached letter went out to the attached list of Adjacent Property Owners for the April 11, 2023 Planning Commission meeting.



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

132 Main Street
P.O. Box 540
Palmyra, VA 22963
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www.fluvannacounty.org

PUBLIC HEARING NOTICE

March 30, 2023

RE: SUP 23:02 Andrea and Robert Nickels - Event Facility / Tax Map 48 Section 1 Parcel 3

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

Meeting: Planning Commission Regular Meeting

Date: Tuesday, April 11, 2023 at 7:00 pm

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

SUP 23:02 Andrea and Robert Nickels – 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.

Please be advised that you can attend the meeting in person, join the meeting via Zoom or by a phone call where you will have an opportunity to provide any Public comments. Instructions for participation in the Public Hearings will be available on the County's website along with the Meeting Agenda and Staff Reports.

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

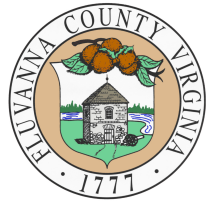
Sincerely,

Douglas Miles

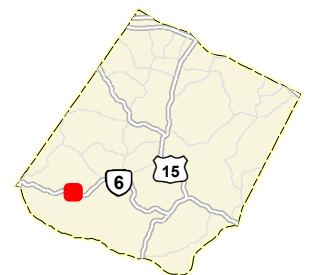
Douglas Miles, AICP, CZA
Community Development Director

ADJACENT PROPERTY OWNERS SUP 23:02

[illegible]



SUP 23:02
Event Facility
TMP 48-1-3



Date: 3/31/2023



Rudy Garcia
Chartered Tax Consultant

**265 Turkeysag Trail #101 Suite 114B
Palmyra , VA 22963**



April 6, 2023

Douglas Miles
Fluvanna County Community Development Director
132 Main St
PO Bix 540
Palmyra, VA 22963

**RE" Letter of Support for SUP 23:02 Andrea and Robert Nickels - Event Facility / Tax Map 48
Section 1 Parcel 3**

Dear Douglas,

I had planned to attend and speak on behalf of the Hardware Hills Winery SUP. I may still be able to join remotely, but in case I am not I wanted to make sure the commission had my input. For the Commissioners who do not know me, I am longtime business owner in the county where I own both Rivanna Woods Financial Tax Services and Global View Capital Advisors-VA. I have been in business in the county since 2006.

I am also a past member and former President of the Fluvanna County Chamber of Commerce and currently serve as the Chair of the Fluvanna County Economic Development Authority and I am the Citizen Representttive on the County Finance Board.

We have a dearth of meeting locations in Fluvanna County. When groups want to have an event, there are very few options available. AS a result many of our citizens hold their events outside of Fluvanna, denying us the opportunity to Shop and Play Locally. I wholeheartedly support the application and encourage the Planning Commission to recommend approval to the Board of Supervisors.

Sincerely,

A handwritten signature in black ink that reads 'Rudy Garcia'.

Rudy Garcia

RECEIVED

APR 06 2023

**Fluvanna County
Planning Dept**

April 5, 2023

County of Fluvanna
Planning & Community Development
132 Main Street
P.O. Box 540
Palmyra, VA 22963

ATTN: Douglas Miles, AICP, CZA

RE: SUP 23:02 -- Andrea & Robert Nickels

Dear Mr. Miles:

I am writing today in support of the above referenced Special Use Permit.

As a resident of Fluvanna and a patron of Hardware Hills I believe this project will offer much needed venue opportunities and still respect the rural/agricultural roots of our County. This type of improvement would allow for dollars to remain in Fluvanna County instead of neighboring Albemarle County that has an abundance of venue destinations.

Additionally, Mr. & Mrs. Nickels are excellent community partners and conscientious stewards of the land.

Best Regards,



Wanda M. Wright
85 Riverside Drive
Palmyra, VA 22963

RECEIVED

APR 06 2023

Fluvanna County
Planning Dept

Douglas Miles

From: admin <admin@hardwarehills.com>
Sent: Thursday, April 6, 2023 2:34 PM
To: Douglas Miles; Jennifer Schmack
Subject: Fwd: HH

[EXTERNAL EMAIL] USE CAUTION.

----- Original Message -----

From: Denise Jobes <denise.jobes@hardwarehills.com>
To: "admin@hardwarehills.com" <admin@hardwarehills.com>
Date: April 6, 2023 2:27 PM
Subject:

To Whom it May Concern,

I am writing this letter to express my support for the approval of the Special Use Permit for Hardware Hills Vineyard for expansion of the Winery. Since the new owners, Rob and Andrea Nickels purchased the vineyard, we have watched a small dying business come back to life! Their professionalism, hard work, kindness and commitment is a few of their attributes. They strive to make a successful business and it does not go unnoticed.

The expansion of their tasting room and building a special events venue is much needed in Fluvanna County. If approved, the residents of the county will be able to support local business instead of going outside to the surrounding counties. This additional space would be a great benefit to Fluvanna!

Thank You,

Denise Jobes

RECEIVED

APR 06 2023

Fluvanna County
Planning Dept

Douglas Miles

From: admin <admin@hardwarehills.com>
Sent: Monday, April 3, 2023 6:17 PM
To: Douglas Miles; Jennifer Schmack
Subject: Fwd: SUP hearing

[EXTERNAL EMAIL] USE CAUTION.

----- Original Message -----

From: "GRANT, BOB LTC" [REDACTED]
To: "admin@hardwarehills.com" <admin@hardwarehills.com>
Date: April 3, 2023 4:29 PM
Subject: SUP hearing

Greetings,

We are writing to express our support for approval of the Special Use Permit for Hardware Hills Vineyard to expand their facility. Since purchasing Thistle Gate Winery, the new owners have breathed new life into the vineyard. In addition to developing some new wines and extended their open hours, they have brought a wonderful venue for craft shows, music events and social gatherings. An expanded facility would allow Hardware Hills to host receptions, guest speakers, wine and food tastings, etc which would greatly enhance life in Fluvanna County. The vineyard seems isolated enough that additional activity would not negatively impact on neighbors or the surrounding community.

This additional space would be a great benefit to residents of Fluvanna County and beyond who would bring participate in the many events and bring very helpful revenue to our area.

Sincerely,

Robert and Suzanne Grant
13877 W. River Rd.
Palmyra, VA 22963
[REDACTED]

RECEIVED

APR 03 2023

Fluvanna County
Planning Dept

Email confidentiality Statement: This message and accompanying documents are covered by the Electronic Communications Privacy Act, 12 U.S.C. 2510-2521, and contain information intended for the specific individual(s) only. This information is confidential. If you are not the intended recipient or an agent responsible for delivering to the intended recipient, you are sort of hereby notified that you have received this document in error and that any review, dissemination, copying, or taking of any action based on the contents of this information is strictly prohibited. If you have received this communication in error, please notify us immediately by E-Mail, and delete the original message.

Douglas Miles

From: admin <admin@hardwarehills.com>
Sent: Monday, April 3, 2023 2:03 PM
To: Douglas Miles; Jennifer Schmack
Subject: Fwd: Fluvanna Couny Planning Commission

[EXTERNAL EMAIL] USE CAUTION.

> ----- Original Message -----

> From: Janet lombardi-Diller [REDACTED]
> To: admin@hardwarehills.com
> Date: April 3, 2023 1:56 PM
> Subject: Fluvanna Couny Planning Commission

>
>

> Yes to the plans submitted to you for growth in the county. The submitted plans to extend the winery buildings will bring more business to the county.

> Andra and Rob have brought a new life to the county with their ideas for this venture.

> They support so many local people to come to enjoy an afternoon or evening.

> They have local food trucks , Market fairs for starting businesses,

> art , and musical entertains from Fluvanna, and surrounding counties.

> Have shared tours of winery so folks can see the workings and enjoy the wines and company of people producing friendships and lasting memories.

> This plan they have presented will be a benefit to the county in so many ways and I and my husband are all for this for them and all to enjoy.

> Thank you for your time .

> Sincerely,

> Kenneth and Janet Diller

> 211 Lilac place

> Palmyra, Va.

> (residents of Fluvanna Cty. Since 1993) Sent from my iPhone

Andrea and Rob Nickels

5199 W River Rd
Scottsville, VA 24590
www.hardwarehills.com (<http://www.hardwarehills.com>)
434-286-4710

RECEIVED

APR 03 2023

Fluvanna County
Planning Dept

Douglas Miles

From: admin <admin@hardwarehills.com>
Sent: Tuesday, April 4, 2023 10:25 AM
To: Douglas Miles; Jennifer Schmack
Subject: Fwd: Public Hearing

[EXTERNAL EMAIL] USE CAUTION.

----- Original Message -----

From: Kyle Rosemann <kyle.rosemann@gmail.com>
To: admin <admin@hardwarehills.com>
Date: April 4, 2023 7:40 AM
Subject: Public Hearing

HHW/Fluvanna Planning Commission—

As a long time resident (12+ years) of Fluvanna County, I fully endorse the update and improvement of Hardware Hill Winery. Our county does not have the business opportunities of many of our surrounding counties and this expansion would bring in people and revenue from the region. HHW is owned and operated by an amazing local couple that believes in 'work local, spend local'. They often hold events and fund raisers to benefit local residents and businesses as well as producing award winning local wine.

Kyle and Jeanne Rosemann
22 West Lake Forest Dr
Palmyra, VA. 22963

--

v/r
Kyle J Rosemann

Andrea and Rob Nickels



5199 W River Rd
Scottsville, VA 24590
www.hardwarehills.com
434-286-4710

RECEIVED

APR 04 2023

Fluvanna County
Planning Dept



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA

Application for Special Use Permit (SUP)

RECEIVED
FEB 24 2023
Fluvanna County
Planning Dept

Owner of Record: Andrea and Robert Nickels

Address: 5199 W River Rd Scottsville, VA 24590

Phone: 434-268-4710 Fax:

Email: admin@hardwarehills.com

Representative: Andrea and Robert Nickels

Address: 5199 W River Rd Scottsville, VA 24590

Phone: 434-286-4710 Fax:

Email: admin@hardwarehills.com

Tax Map and Parcel(s) 48 13 48-1-3

Acres: 42.85 Zoning A-1

Location of Parcel: Rt 6 - 5199 W River Rd Scottsville

Applicant of Record: Andrea and Robert Nickels

Address: 5199 W River Rd Scottsville, VA 24590

Phone: 434-268-4710 Fax:

Email: admin@hardwarehills.com

Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.

If property is in an Agricultural Forestal District, or Conservation Easement, please list information here:

Deed Book and Page: DB-685-363

If any Deed Restrictions, please attach a copy

Request for an SUP for the purpose of: Agricultural Enterprise: tasting room and an Event Facility: weddings and special occasion events

*Ten copies of a sketch plan (8.5x11 inches or 11x17 inches) must be submitted, showing size and location of the lot, dimensions and location of the proposed building, structure or proposed use, and the dimensions and location of the existing structures on the lot.

By signing this application, the undersigned owner/applicant authorizes entry onto the property by County Employees, the Planning Commission, and the board of Supervisors during the normal discharge of their duties in regard to this request and acknowledges that county employees will make regular inspections of the site.

Date: 2/23/23 Signature of Owner/Applicant:

Subscribed and sworn to before me this 23rd day of February, 2023

Notary Public: Janice Tatangelo

Register # 7903255

My commission expires: 3-31-24

Certification: Date: 11-16-20



Office Use Only

Date Received: 02/24/23 Pre-Application Meeting: PH Sign Deposit Received: 02/24/23 Application #: SUP 23 : 02

\$800.00 fee plus mailing costs paid: check 10214 Mailing Costs: \$20.00 Adjacent Property Owner(APO) after 1st 15, Certified Mail

Amendment of Condition: \$400.00 fee plus mailing costs paid:

Telecommunications Tower fee plus mailing costs paid:

Telecom Consultant Review fee paid:

Election District: Cunningham

Planning Area: Rural Residential

Public Hearings

Planning Commission

Board of Supervisors

Advertisement Dates:

Advertisement Dates:

APO Notification:

APO Notification:

Date of Hearing:

Date of Hearing

Decision:

Decision:



Commonwealth of Virginia
County of Fluvanna
Public Hearing Sign Deposit

Name: Andrea and Robert Nickels

Address: 5199 W River Rd

City: Scottsville

State: VA Zip Code: 24590

I hereby certify that the sign issued to me is my responsibility while in my possession. Incidents which cause damage, theft, or destruction of these signs will cause a partial or full forfeiture of this deposit.

 2/23/23
 Applicant Signature Date

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

OFFICE USE ONLY	
Application #: BZA : CPA : SUP 23 : 02 ZMP : ZTA :	
\$90 deposit paid per sign*: check 10215	Approximate date to be returned:

Describe briefly the **improvements** proposed. State whether new buildings are to be constructed, existing buildings are to be used, or additions made to existing buildings.

See attached.

NECESSITY OF USE: Describe the reason for the requested change.

See Attached.

PROTECTION OF ADJOINING PROPERTY: Describe the effects of the proposed use on adjacent property and the surrounding neighborhood. What protection will be offered adjoining property owners?

See attached.

ENHANCEMENT OF COUNTY: Why does the applicant believe that this requested change would be advantageous to the County of Fluvanna? (Please substantiate with facts.)

See attached.

PLAN: Furnish plot plan showing boundaries and dimensions of property, width of abutting right-of-ways, location and size of buildings on the site, roadways, walks, off-street parking and loading space, landscaping, etc. Architect's sketches showing elevations of proposed buildings and complete plans are desirable and may be required with the application.

Remarks:

Attached.

Commonwealth of Virginia**County of Fluvanna****Special Use Permit Checklist**

The following information shall be submitted with the application and is to be provided by the applicant for the processing of the application:

Applicant must supply	Staff Checklist
Completed Special Use Permit signed by the current owner(s) or lessee or written confirmation from the current owner or lessee granting the right to submit the application	
Ten (10) copies of a Site Plan for any expansion or new construction Include: <ul style="list-style-type: none"> • Plot plan or survey plat at an appropriate scale • Location and dimension of existing conditions and proposed development • <i>Commercial and Industrial Development:</i> parking, loading, signs, lighting, buffers and screening • Copy of the Tax Map showing the site (preferred) • General Location Map (preferred) 	
Supporting photographs are not required, but suggested for evidence	

All maps and plans submitted are to be either 8.5"x 11" or 11"x 17". One original of any size may be for staff use at the public hearing.

Staff Only	Staff Checklist
Preliminary review by planning staff for completeness and content:	
<ul style="list-style-type: none"> • Technical Review Committee review and comment • Determine all adjacent property owners • Placed as a Public Hearing on the next available agenda of the Planning Commission. 	
Notification of the scheduled Public Hearing to the following:	
<ul style="list-style-type: none"> • Applicant • All adjacent property owners • Local Newspaper advertisement 	
Staff Report to include, but not be limited to:	
<ul style="list-style-type: none"> • General information regarding the application • Any information concerning utilities or transportation • Consistency with good planning practices • Consistency with the comprehensive plan • Consistency with adjacent land use • Any detriments to the health, safety and welfare of the community. 	

Page 5 of 5
For Applicant

The Special Use Permit application fee is made payable to the **County of Fluvanna**.

Meetings for the processing of the application

Applications must be submitted by the first working day of the month to have the process start that month. Applications received after the first working day will have the process start the following month.

Process:

1. Placed on next available Technical Review Committee Agenda.
2. Placed as a Public Hearing on the next available agenda of the Planning Commission the following month. Staff Report and Planning Commission recommendation forwarded to the Board.
3. Placed as a Public Hearing on the next available agenda of the Board of Supervisors (usually the same month as the Planning Commission).

Applicant or a representative must appear at the scheduled hearings.

The Technical Review Committee provides a professional critique of the application and plans. The Planning Commission may recommend to the Board of Supervisors: approval; approval subject to resubmittal or correction; or denial of the special use permit.

Board Actions

After considering all relevant information from the applicant and the public, the Board will deliberate on points addressed in the Staff Report.

The Board may approve; deny; or defer the request pending further consideration; or remand the case back to the Planning Commission for further consideration.

With **approval**, the development may proceed.

If **denied**, an appeal to the Courts may be prescribed by law

No similar request for a Special Use Permit for the same use at the same site may be made within one year after the denial.

February 8, 2023

Douglass Miles, AICP, CZA
Community Development Director
Fluvanna Planning and Community Development
P. O. Box 540
123 Main Street
Palmyra, VA 22963

Fluvanna County
Planning Dept

FEB 2 4 2023

RECEIVED

Subj: Hardware Hills Vineyard Special Use Permit

Dear Mr. Miles,

This letter serves as the explanation supplement supporting the Application for Special Use Permit for Hardware Hills Vineyard in Scottsville, Virginia. Andrea and Robert Nickels are the applicants as the current owners of the winery and adjoining private property. Formerly known as Thistle Gate Vineyards established in 2007, it has been operating as a farm winery for over 15 years. This is a permitted use by the Code of Virginia 15.2-2288.3.

Hardware Hills would continue as an agricultural enterprise with viticulture for the production of grapes into wine. The vineyard is approximately 4.5 acres and may grow to over 8 acres with the future addition of 3 – 4 more grape varieties in the vineyard.

Please note the comments for page 3 of the application below:

Proposed Improvements: The construction of 4-5 bathrooms, expanded wine-making space, and a 48 x 80 foot event barn is proposed to support the growth of the winery, special events, and possible community meeting space.

Necessity of use:

The tasting room, located on the southwest corner of the property near Rt. 6 will continue to serve wine by the bottle, glass and tasting samples as licensed by the Virginia ABC. The tasting room would be open daily and continue to have special and holiday events inside and outside the building. The tasting room would potentially be open from 10 a.m. to 11 p.m. daily with special events that may start as early as 7 a.m. Indoor events would be limited to the building occupancy which is approximately 49 persons. Indoor music would be limited to tasting room hours. Limited food would be served from the tasting room with light fare typically served at a winery. The tasting room may be rented for private events within the same occupancy and timelines as stated above.

Most outdoor events would be located in the tasting room vicinity in the Southwest corner near Rt. 6. Events may include the following:

- Winery related events and festivals with outdoor music. Event times would be approximately 10 a.m. – 11 p.m. Outdoor events would be limited to 250 people. Outside food vendors may be present. Additional restrooms (portable or permanent) and auxiliary parking (along the tree line outside of the entrance gates) would be made available to accommodate this amount of people.
- Weddings/Special Occasions with indoor/outdoor music. Event times would be approximately 10 a.m. – 11 p.m. Outdoor events would be limited to 250 people. Outside food vendors or

caterers may be present. Additional restrooms (portable or permanent) and auxiliary parking (along the tree line outside of the entrance gates) would be made available to accommodate this amount of people.

- 5K Runs which would be contained within the property, but utilize space beyond the tasting room vicinity. These events may begin at 7 a.m. and include outdoor music. These would be limited to 250 people. Additional restrooms (portable or permanent) and auxiliary parking (along the tree line outside of the entrance gates) would be made available to accommodate this amount of people.
- Business/Community/Non-Profit Organization/Philanthropic meeting or event space. This would be inside or outside and limited to the persons capacity listed above for indoor or outdoor space.

Protection of Adjoining Property: The closest adjacent property is 653' from the tasting room and buffered by wooded area and Rt. 6. The next closest residence is over 1300'.

Enhancement of the County: Hardware Hills is a member of the prestigious Monticello Wine Trail. The tourism traffic has doubled based on winery revenue in the past year and continues to draw outside visitors due to the marketing efforts of this business. Additionally, the need for venue space in Fluvanna County is limited to two other venues and this presents an additional opportunity for local and distant parties to utilize this space for events. Hardware Hills draws not only local consumers, but also a growing number of tourists from outside Fluvanna County. The partnership with local businesses seeks to add interest and growth for the county and surrounding communities.

Plan: please see attached proposed plan.

We appreciate your time and consideration.

Sincerely,


Andrea Nickels


Robert Nickels

RECEIVED

FEB 24 2023

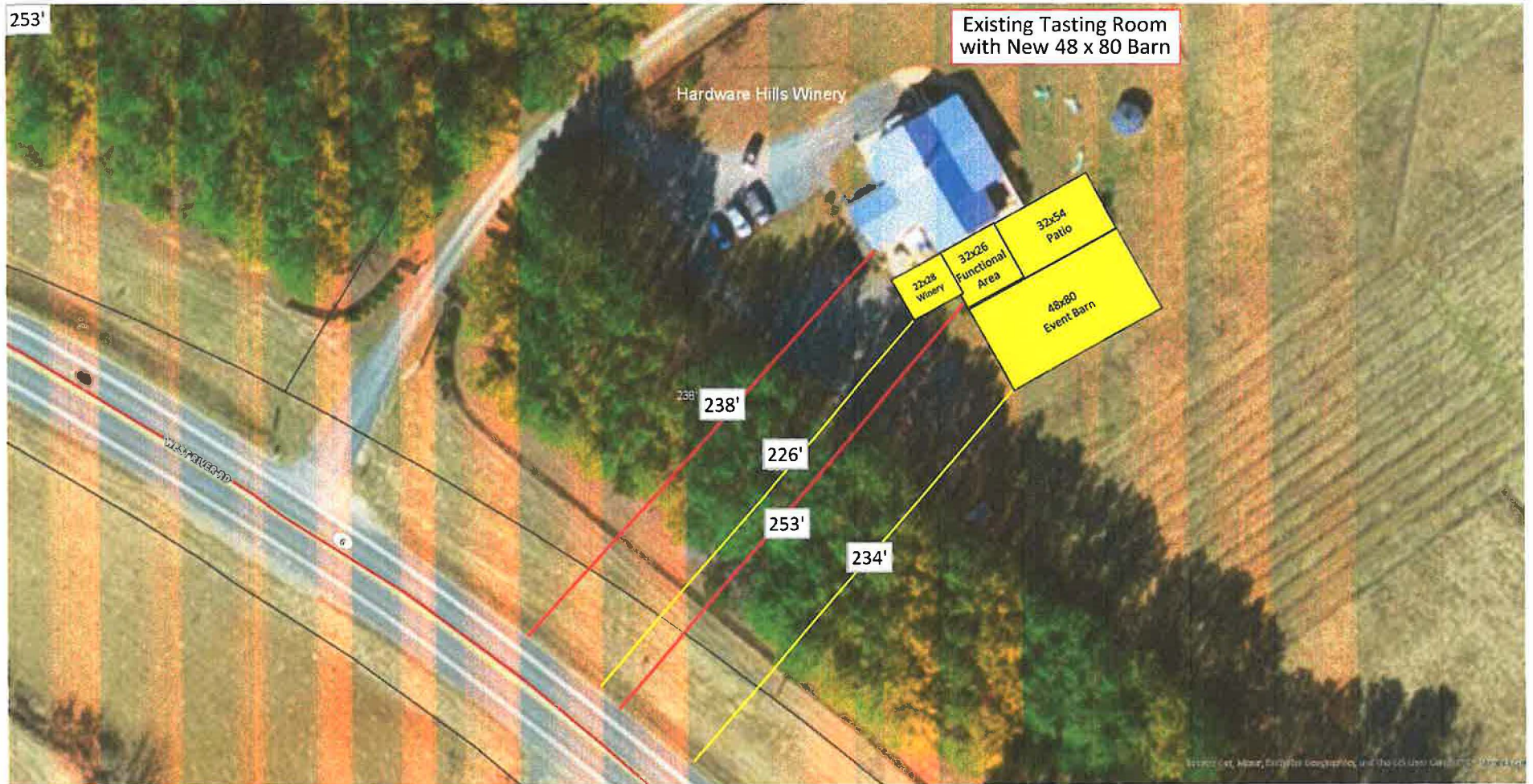
Fluvanna County
Planning Dept

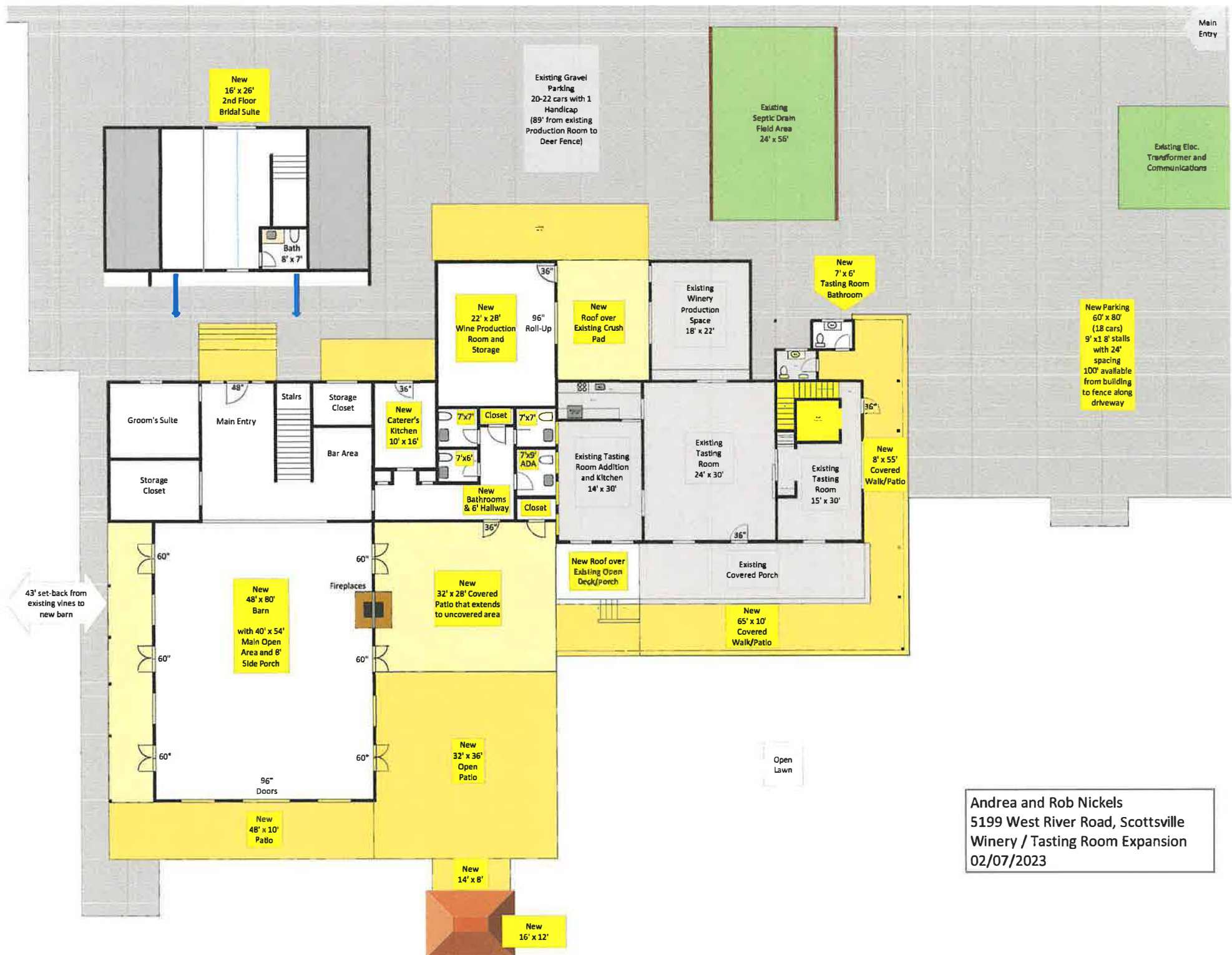
Hardware Hills Vineyard Property Setbacks

Andrea and Rob Nickels

5199 West River Road, Scottsville

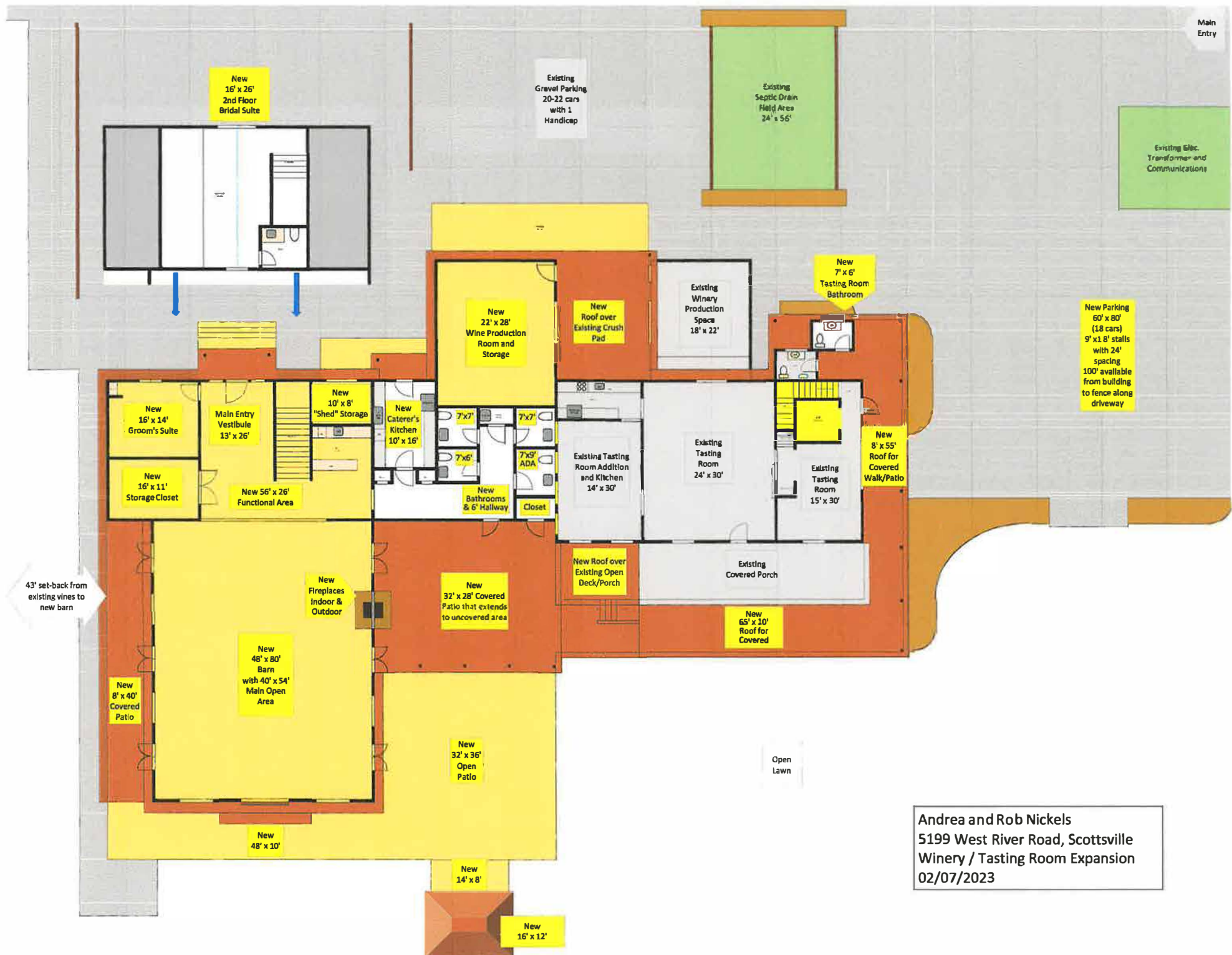
02/07/2023





Andrea and Rob Nickels
5199 West River Road, Scottsville
Winery/Tasting Room Expansion
02/07/2023





Andrea and Rob Nickels
 5199 West River Road, Scottsville
 Winery / Tasting Room Expansion
 02/07/2023

Andrea and Rob Nickels
5199 West River Road, Scottsville
Winery/Tasting Room Expansion
02/07/2023

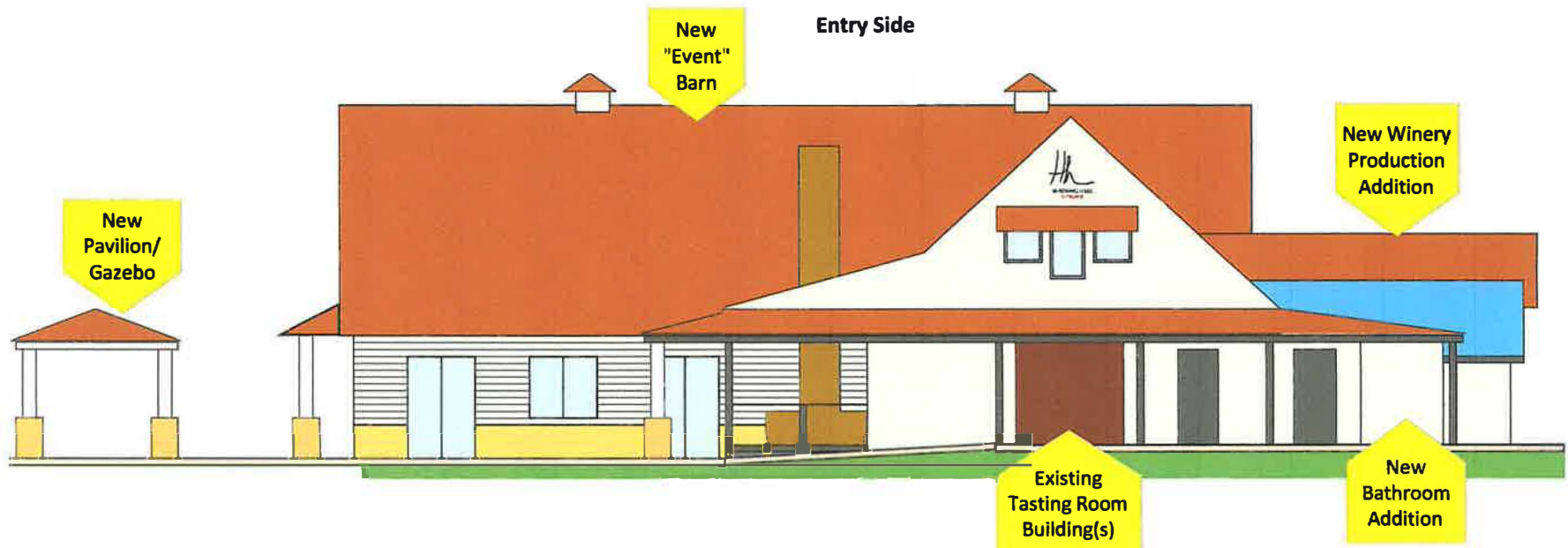


Andrea and Rob Nickels
5199 West River Road, Scottsville
Winery/Tasting Room Expansion
02/07/2023

Vineyard Side



Entry Side



Hardware Hills Vineyard Tasting Room Expansion

Andrea and Rob Nickels

5199 West River Road, Scottsville

02/07/2023



LEGEND:

IF IRON FOUND

IS IRON SET

APPROXIMATE LOCATION OF AREA WITHIN ZONE A
100 YEAR FLOOD PLAIN ACCORDING TO THE FLOOD
INSURANCE RATE MAPS, EFFECTIVE DATE 5/16/2008
(COMMUNITY PANEL 510090 0145C)

T.M. 48-A-94
THUNDER CLOUD, LLC
O.B. 000-453
O.B. 000-430
P.B. 2-181
P.B. 2-180

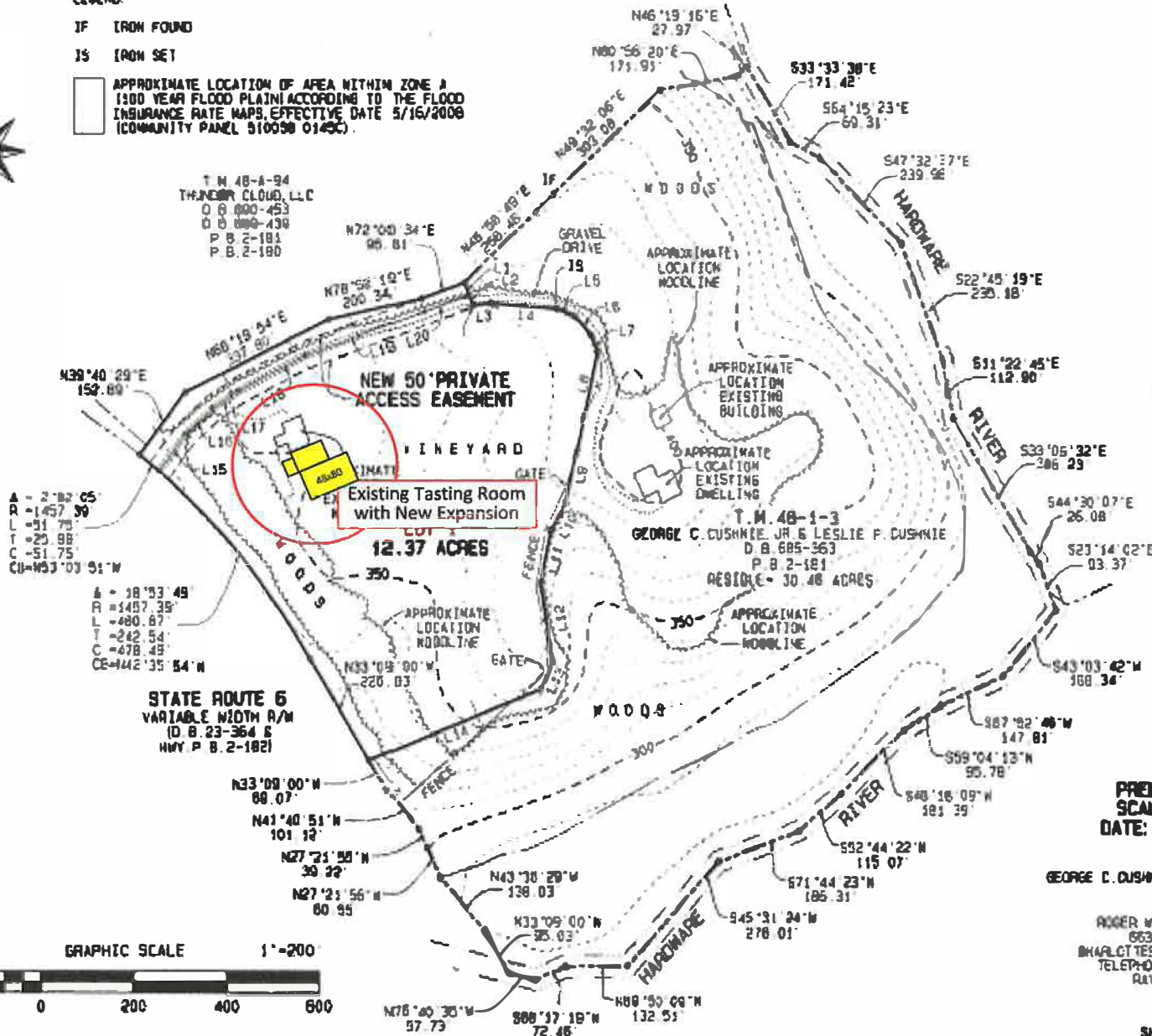
A = 2' 02' 05"
R = 1457.30'
L = 91.75'
T = 29.98'
C = 51.75'
CB = N33° 03' 51" W

A = 18' 53' 49"
R = 1457.35'
L = 480.87'
T = 242.54'
C = 478.43'
CB = N42° 35' 54" W

STATE ROUTE 6
VARIABLE WIDTH R/W
(D.B. 23-364 S
HWY P.B. 2-182)

GRAPHIC SCALE

1" = 200'



COURSES ALONG NEW INTERNAL DIVISION LINES

LINE	BEARING	DISTANCE
L1	S23° 44' 20" E	25.13
L2	S23° 44' 20" E	21.19
L3	N83° 44' 02" E	40.11
L4	S85° 53' 30" E	143.50
L5	S88° 04' 40" E	40.90
L6	S43° 47' 43" E	49.01
L7	S25° 57' 29" E	30.44
L8	S13° 27' 22" W	125.23
L9	S13° 15' 02" W	189.95
L10	S30° 18' 44" W	61.99
L11	S13° 32' 50" W	99.11
L12	S08° 52' 11" E	148.17
L13	S27° 26' 26" W	58.02
L14	S70° 11' 27" W	393.26

COURSES ALONG CENTERLINE OF NEW 50' PRIVATE ACCESS EASEMENT

LINE	BEARING	DISTANCE
L15	N38° 54' 44" E	91.09
L16	N50° 46' 17" E	75.96
L17	N09° 12' 06" E	63.02
L18	N85° 22' 18" E	159.37
L19	N72° 19' 30" E	285.47
L20	N72° 00' 34" E	100.82

FOR
REVIEW

PRELIMINARY PLAT
SCALE: 1" = 200'
DATE: MARCH 23, 2020

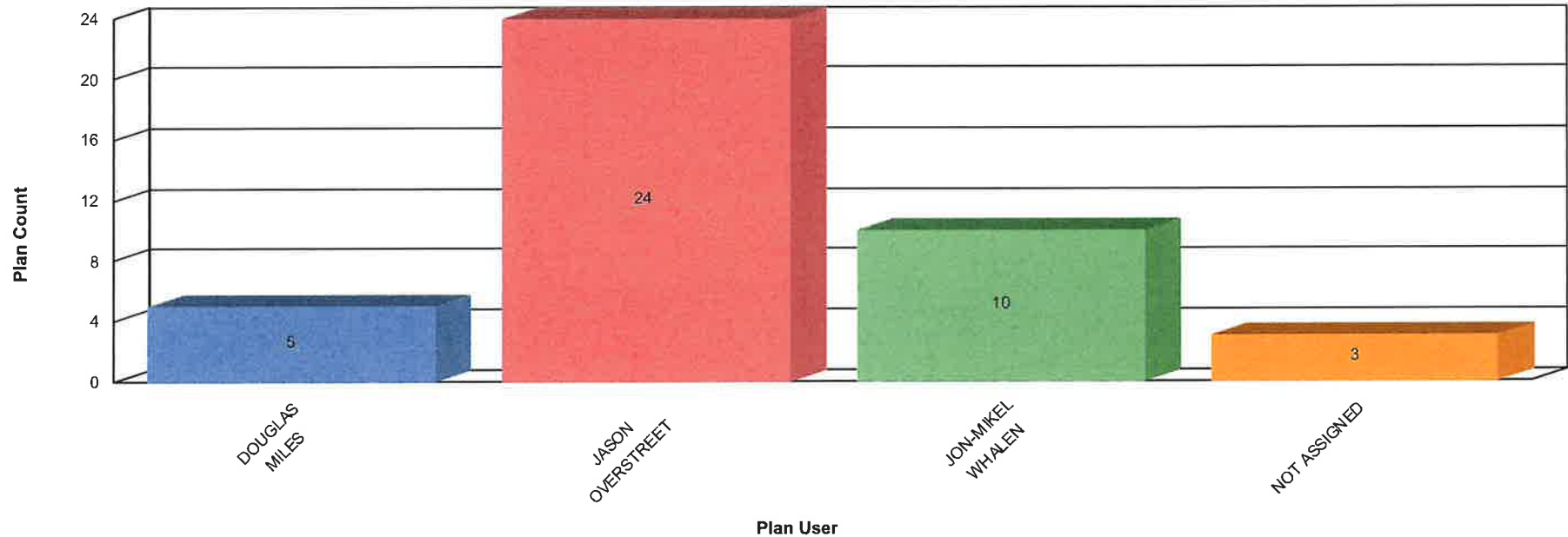
FOR
GEORGE C. CUSHNIE, JR. & LESLIE P. CUSHNIE

ROGER W. RAY & ASSOC., INC.
663 BERGMAN COURT
CHARLOTTEVILLE, VIRGINIA 22001
TELEPHONE: (434) 293-3185
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SHEET 2 OF 2 82700 PRELIMINARY



PLANS APPLIED BY USER (03/01/2023 TO 03/31/2023) FOR FLUVANNA COUNTY BUILDING AND PLANNING DEPARTMENT



Plan Case #	Type	Workclass	Status	Main Address		Project	District	Parcel
	Application Date Zone	Expiration Date Sq Ft	Complete Date Valuation	Approval Expire Date	Applicant Assigned To			
DOUGLAS MILES								
SDP23:0003	Site Development Plan 03/01/2023	Site Development Plan - Minor 04/15/2023	In Review		NIK TEICHMANN Douglas Miles	Not Assigned	Columbia	31 1 A
		0	\$0.00	\$150.00				
MSC23:0053	Miscellaneous 03/01/2023	Miscellaneous - Other	Void		NIK TEICHMANN Douglas Miles	Not Assigned	Columbia	31 1 A
		0	\$0.00	\$0.00				
SDP23:0004	Site Development Plan 03/01/2023	Sketch Plan 04/15/2023	Void		NIK TEICHMANN Douglas Miles	Not Assigned	Columbia	31 1 A
		0	\$0.00	\$150.00				

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SUB23:0012	Subdivision 03/27/2023 <i>Description: Forest Land</i>	Subdivision - Minor 05/11/2023 0	Approved \$0.00	 \$600.00	Michael Barr Douglas Miles	Not Assigned	Fork Union	30 A 27
SUB23:0013	Subdivision 03/27/2023	Ordinance of Vacation 05/11/2023 0	In Review \$0.00	 \$225.00	Mitchell Edwards Douglas Miles	Not Assigned	Columbia	44 5 8

PLANS APPLIED FOR DOUGLAS MILES: 5

JASON OVERSTREET

MSC23:0051	Miscellaneous 03/01/2023 <i>Description: New Single Family Dwelling</i>	Miscellaneous - Other 0	Approved \$0.00	 \$100.00	Jason Overstreet	Not Assigned	Cunningham	17 27 65
MSC23:0052	Miscellaneous 03/01/2023 <i>Description: New Single Family Dwelling</i>	Miscellaneous - Other 0	Approved 03/06/2023 \$0.00	03/06/2023 \$100.00	Jason Overstreet	Not Assigned	Cunningham	27 15 4
SUB23:0009	Subdivision 03/03/2023 <i>Description: Minor Subdivision</i>	Subdivision - Minor 04/17/2023 0	In Review \$0.00	95 Bell Farms Ln, Palmyra, VA 22963 \$600.00	Erick Gomez Jason Overstreet	Not Assigned	Fork Union	28 A 47A
MSC23:0056	Miscellaneous 03/03/2023 <i>Description: New Dwelling</i>	Miscellaneous - Other 0	Approved \$0.00	 \$100.00	Jason Overstreet	Not Assigned	Rivanna	18A 12 343
MSC23:0061	Miscellaneous 03/13/2023 <i>Description: In-ground 16' X 40' fiberglass pool</i>	Miscellaneous - Other 0	Approved 03/14/2023 \$0.00	1379 Hollands Rd, Palmyra, VA 22963 \$50.00	Jason Overstreet	Not Assigned	Columbia	12 A 48A
MSC23:0062	Miscellaneous 03/13/2023	Miscellaneous - Other	Approved	809 Barnaby Rd, Palmyra, VA 22963		Not Assigned	Columbia	20 16 10

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	Application Date	Expiration Date	Complete Date	Approval Expire Date	Applicant		
	Zone	Sq Ft	Valuation	Fee Total	Assigned To		
		0	\$0.00	\$100.00	Jason Overstreet		
	Description: Rebuild rotten decks in exact same size with cover 8' X 6' decks						
MSC23:0063	Miscellaneous	Miscellaneous - Other	Approved	597 Jefferson Dr, Palmyra, VA 22963	Not Assigned	Palmyra	18A 5 123
	03/13/2023						
		0	\$0.00	\$100.00	Jason Overstreet		
	Description: Replace existing deck then add additional deck to it						
MSC23:0064	Miscellaneous	Miscellaneous - Other	Approved		Not Assigned	Columbia	31 19 14
	03/13/2023						
		0	\$0.00	\$100.00	Jason Overstreet		
	Description: New Single Family Dwelling						
MSC23:0065	Miscellaneous	Miscellaneous - Other	Approved		Not Assigned	Fork Union	41 A 44C1
	03/13/2023						
		0	\$0.00	\$100.00	Jason Overstreet		
	Description: New Single Family Dwelling						
MSC23:0066	Miscellaneous	Miscellaneous - Other	Approved		Not Assigned	Fork Union	41 A 44C4
	03/13/2023						
		0	\$0.00	\$100.00	Jason Overstreet		
	Description: New Single Family Dwelling						
MSC23:0067	Miscellaneous	Miscellaneous - Other	Approved		Not Assigned	Columbia	31 2 1
	03/13/2023						
		0	\$0.00	\$100.00	Jason Overstreet		
	Description: New Single Family Dwelling						
MSC23:0068	Miscellaneous	Miscellaneous - Other	In Review	154 Way Station Ln, Kents Store, VA 23084	Not Assigned	Columbia	23 1 2
	03/14/2023						
		0	\$0.00	\$100.00	Jason Overstreet		
	Description: New guest house						
MSC23:0070	Miscellaneous	Miscellaneous - Other	Approved		Not Assigned	Fork Union	41 A 44C1
	03/17/2023						
		0	\$0.00	\$100.00	Jason Overstreet		
	Description: New Single Dwelling						
MSC23:0072	Miscellaneous	Miscellaneous - Other	Approved		Not Assigned	Rivanna	18A 3 240

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	Application Date	Expiration Date	Complete Date	Approval Expire Date	Applicant		
	Zone	Sq Ft	Valuation	Fee Total	Assigned To		
	03/20/2023	0	\$0.00	\$100.00	Jason Overstreet		
	Description: New Single Dwelling						
MSC23:0077	Miscellaneous	Miscellaneous - Other	Approved		Not Assigned	Fork Union	40 18 27
	03/21/2023	0	\$0.00	\$100.00	Jason Overstreet		
	Description: New single family dwellings						
MSC23:0076	Miscellaneous	Miscellaneous - Other	Approved		Not Assigned	Fork Union	40 18 26
	03/21/2023	0	\$0.00	\$100.00	Jason Overstreet		
	Description: New Single Dwelling						
MSC23:0075	Miscellaneous	Miscellaneous - Other	Approved		Not Assigned	Cunningham	17 A 71B
	03/21/2023	0	\$0.00	\$100.00	Jason Overstreet		
	Description: New Double Wide Home						
MSC23:0078	Miscellaneous	Miscellaneous - Other	Approved	12 Pine Shadow Ct, Troy, VA 22974	Not Assigned	Columbia	12 21 13
	03/21/2023	0	\$0.00	\$100.00	Jason Overstreet		
	Description: New Single Family Dwelling						
MSC23:0079	Miscellaneous	Miscellaneous - Other	Approved		Not Assigned	Columbia	12 21 19
	03/21/2023	0	\$0.00	\$100.00	Jason Overstreet		
	Description: New Single Family Dwelling						
MSC23:0080	Miscellaneous	Miscellaneous - Other	Approved		Not Assigned	Columbia	12 21 18
	03/22/2023	0	\$0.00	\$100.00	Jason Overstreet		
	Description: New Single family dwellings						
SUB23:0010	Subdivision	Subdivision - Family	In Review		Not Assigned	Cunningham	16 A 19A
	03/22/2023	05/06/2023					
		0	\$0.00	\$300.00	Jason Overstreet		
	Description: Giving acres to his son						

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MSC23:0081	Miscellaneous 03/27/2023	Miscellaneous - Other 0	Approved \$0.00	4 Goodman Ln, Palmyra, VA 22963 \$100.00	Not Assigned	Cunningham	18A 11A 61
	<i>Description: 24' X 26' addition, & 7 X 17 Porch</i>						
SUB23:0014	Subdivision 03/27/2023	Subdivision - Family 05/11/2023 0	In Review \$0.00	3865 West River Rd, Scottsville, VA 24590 \$300.00	Not Assigned	Cunningham	47 A 38
	<i>Description: Addition</i>						
MSC23:0083	Miscellaneous 03/30/2023	Miscellaneous - Other 0	Approved \$0.00	597 Kidds Dairy Rd, Scottsville, VA 24590 \$100.00	Not Assigned	Cunningham	37 A 51
	<i>Description: Addition</i>						

PLANS APPLIED FOR JASON OVERSTREET: 24

JON-MIKEL WHALEN

MSC23:0055	Miscellaneous 03/02/2023	Miscellaneous - Other 0	In Review \$0.00	520 Creek Rd, Troy, VA 22974 \$100.00	Not Assigned	Columbia	11 7 36
	<i>Description: Detached garage with accessory dwelling unit</i>						
MSC23:0057	Miscellaneous 03/03/2023	Miscellaneous - Other 0	Approved \$0.00	520 Napier Ln, Scottsville, VA 24590 \$50.00	Not Assigned	Cunningham	47 A 63
	<i>Description: Garage for Storage</i>						
MSC23:0058	Miscellaneous 03/07/2023	Miscellaneous - Other 0	Approved \$0.00	26 Piedmont Ln, Palmyra, VA 22963 \$50.00	Not Assigned	Rivanna	18A 3 375
	<i>Description: addition to deck</i>						
MSC23:0069	Miscellaneous 03/14/2023	Miscellaneous - Other 0	Approved \$0.00	13377 West River Rd, Palmyra, VA 22963 \$100.00	Not Assigned	Fork Union	50 A 137
	<i>Description: replacing back steps with a deck 10' X 16'</i>						
MSC23:0071	Miscellaneous 03/17/2023	Miscellaneous - Other	Approved 03/17/2023	79 Boxwood Ln, Palmyra, VA 22963 03/17/2023	Not Assigned	Fork Union	17 26 2

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	Application Date Zone	Expiration Date Sq Ft	Complete Date Valuation	Approval Expire Date Fee Total	Applicant Assigned To		
		0	\$0.00	\$50.00	Jon-Mikel Whalen		
	<i>Description: Garage</i>						
MSC23:0073	Miscellaneous	Miscellaneous - Other	Approved	8572 Venable Rd, Kents Store, VA 23084	Not Assigned	Columbia	24 A 9D
	03/20/2023		03/20/2023	03/20/2023			
		0	\$0.00	\$50.00	Jon-Mikel Whalen		
	<i>Description: 30' X 40' Detached garage</i>						
MSC23:0074	Miscellaneous	Miscellaneous - Other	Approved	7553 James Madison Hwy, Fork Union, VA 23055	Not Assigned	Fork Union	42 7 4A
	03/20/2023		03/20/2023	03/20/2023			
		0	\$0.00	\$50.00	Jon-Mikel Whalen		
	<i>Description: 12' X 24' deck and screen porch</i>						
SUB23:0011	Subdivision	Boundary Adjustment	In Review	8207 Venable Rd, Kents Store, VA 23084	Not Assigned	Columbia	23 18 3
	03/23/2023	05/07/2023			James & Jana Baber		
		0	\$0.00	\$100.00	Jon-Mikel Whalen		
MSC23:0082	Miscellaneous	Miscellaneous - Other	Approved	354 Cloverleaf Dr, Brema Bluff, VA 23022	Not Assigned	Fork Union	60 5 1
	03/27/2023		03/30/2023	03/30/2023			
		0	\$0.00	\$50.00	Jon-Mikel Whalen		
	<i>Description: Car port 12' X 20'</i>						
SUB23:0015	Subdivision	Boundary Adjustment	In Review	10180 James Madison Hwy, Palmyra, VA 22963	Not Assigned	Fork Union	41 3 3
	03/30/2023	05/14/2023			Robert Lanford		
		0	\$0.00	\$100.00	Jon-Mikel Whalen		
	<i>Description: Rural Preservation</i>						

PLANS APPLIED FOR JON-MIKEL WHALEN: 10

NOT ASSIGNED

MSC23:0054	Miscellaneous	Miscellaneous - Other	Approved	6222 Union Mills Rd, Troy, VA 22974	Not Assigned	Columbia	10 15 2
	03/02/2023		03/02/2023	03/02/2023			
		0	\$0.00	\$50.00	Not Assigned		
	<i>Description: In-ground pool 14 X 32</i>						
MSC23:0059	Miscellaneous	Miscellaneous - Other	Approved	18180 James Madison Hwy, Troy, VA 22974	Not Assigned	Columbia	10 A 38
	03/13/2023		03/14/2023	03/14/2023			
		0	\$0.00	\$50.00	Not Assigned		
	<i>Description: In-ground Pool</i>						

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MSC23:0060	Miscellaneous 03/13/2023	Miscellaneous - Other 0	Approved \$0.00	 \$100.00	 Not Assigned	Not Assigned	Columbia	43 8 2
<i>Description: New Single family dwellings</i>								
PLANS APPLIED FOR NOT ASSIGNED:								3
GRAND TOTAL OF PLANS:								42

Category	Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTAL
LAND DISTURBING PERMITS ISSUED														
LAND DISTURBING PERMITS	2019	8	12	16	9	14	10	12	14	13	2	11	8	129
	2020	11	10	26	13	8	24	13	19	20	19	13	16	192
	2021	22	10	18	20	18	22	16	11	4	23	13	8	185
	2022	16	13	19	11	18	34	11	10	8	13	8	3	164
	2023	5	14	9	0	0	0	0	0	0	0	0	0	28
INSPECTIONS COMPLETED														
TOTAL INSPECTIONS	2019	237	207	232	297	305	246	324	332	295	298	204	216	3,193
	2020	213	197	302	369	371	304	434	368	439	464	407	412	4,280
	2021	430	349	465	431	402	426	333	355	419	453	422	356	4,841
	2022	304	414	551	449	439	486	594	589	523	400	300	351	5,400
	2023	350	298	321	0	0	0	0	0	0	0	0	0	969
FEES COLLECTED														
Building Permits	2019	\$11,377	\$13,617	\$14,005	\$14,308	\$11,228	\$16,260	\$13,778	\$18,772	\$14,375	\$8,468	\$14,747	\$11,059	\$ 161,994
	2020	\$12,863	\$15,468	\$18,152	\$16,803	\$13,147	\$28,068	\$23,193	\$28,887	\$24,237	\$19,359	\$15,359	\$15,871	\$ 231,407
	2021	\$18,733	\$15,400	\$15,654	\$21,333	\$16,184	\$23,031	\$27,000	\$11,923	\$9,144	\$20,620	\$15,563	\$9,211	\$ 203,796
	2022	\$21,100	\$19,347	\$23,488	\$15,404	\$19,739	\$23,621	\$18,713	\$54,782	\$11,348	\$34,994	\$17,567	\$6,021	\$ 266,124
	2023	\$11,925	\$20,870	\$11,256	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$ 44,051
Land Disturbing Permits	2019	\$1,000	\$1,500	\$1,625	\$1,125	\$3,553	\$1,250	\$2,975	\$6,556	\$1,920	\$250	\$1,375	\$1,125	\$ 24,251
	2020	\$1,375	\$1,250	\$6,365	\$1,625	\$1,000	\$3,000	\$2,125	\$8,369	\$2,500	\$2,375	\$4,294	\$1,875	\$ 36,153
	2021	\$5,678	\$1,250	\$14,463	\$2,500	\$2,250	\$2,750	\$13,581	\$2,824	\$500	\$4,848	\$1,625	\$1,000	\$ 53,268
	2022	\$2,000	\$2,050	\$9,963	\$1,375	\$2,250	\$10,014	\$1,375	\$2,175	\$27,725	\$3,649	\$2,175	\$375	\$ 65,126
	2023	\$625	\$1,875	\$1,125	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$ 3,625
Zoning Fees collected by Planning Dept starting March 2023	2019	\$1,200	\$1,800	\$2,200	\$1,550	\$2,050	\$1,350	\$1,950	\$2,300	\$1,700	\$1,150	\$1,450	\$1,400	\$ 20,100
	2020	\$1,650	\$1,600	\$3,000	\$1,700	\$15,550	\$3,050	\$2,350	\$2,300	\$2,900	\$2,850	\$1,600	\$1,700	\$ 26,250
	2021	\$2,150	\$1,150	\$3,650	\$2,950	\$2,650	\$3,400	\$2,450	\$1,850	\$1,300	\$2,900	\$1,900	\$1,150	\$ 27,500
	2022	\$1,900	\$1,400	\$3,900	\$1,650	\$2,300	\$3,900	\$1,800	\$1,500	\$1,500	\$2,000	\$1,450	\$750	\$ 24,050
	2023	\$1,350	\$1,950	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$ 3,300
TOTAL FEES	2019	\$13,577	\$16,917	\$17,830	\$16,983	\$16,831	\$18,860	\$18,703	\$27,628	\$17,995	\$9,868	\$15,028	\$132,584	\$ 203,804
	2020	\$15,888	\$18,318	\$27,517	\$20,128	\$15,697	\$34,118	\$27,668	\$39,556	\$29,637	\$24,584	\$24,584	\$19,446	\$ 293,810
	2021	\$25,000	\$22,797	\$37,351	\$18,429	\$24,289	\$37,535	\$21,888	\$58,457	\$40,573	\$40,643	\$24,584	\$7,146	\$ 290,061
	2022	\$25,001	\$22,797	\$37,351	\$18,429	\$24,289	\$37,535	\$21,888	\$58,547	\$40,073	\$40,643	\$21,192	\$7,146	\$ 355,300
	2023	\$13,900	\$24,695	\$12,381	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$ 50,976