



FLUVANNA COUNTY PLANNING COMMISSION

REGULAR MEETING AGENDA

Morris Room, Fluvanna County Administration Building

132 Main St, Palmyra, VA 22963

May 13, 2025

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

WORK SESSION

A – CALL TO ORDER, PLEDGE OF ALLEGIANCE

B – WORK SESSION

Village Residential District

C – ADJOURN

REGULAR MEETING

1 – CALL TO ORDER, PLEDGE OF ALLEGIANCE, MOMENT OF SILENCE

2 – ADOPTION OF THE AGENDA

3 – DIRECTOR’S REPORT

4 – APPROVAL OF MINUTES

- A Approval of Minutes from March 11, 2025 Meeting and April 8, 2025 – Margie Bamford, Planning Commission Clerk

5 – PUBLIC COMMENTS #1 (5 Minutes Each)

6 – PUBLIC HEARING

- B ZTA 25:05-GIS – amend the “Code of the County of Fluvanna, Virginia,” by adding § 22-1-3 to identify the County’s GIS map as the official zoning map of Fluvanna County – Jason Overstreet, Senior Planner

7 – SITE DEVELOPMENT PLANS

- C Vaughn Property (Project Hoops) Sidewalk Waiver – Todd Fortune, Director of Planning
D Artful Lodger Sidewalk Waiver – Jason Overstreet, Senior Planner

8 – SUBDIVISIONS

- E None

9 – RESOLUTIONS

- F ZTA 25:02 – Solid Waste – amend the “Code of the County of Fluvanna, Virginia,” by amending § 22-22-1 to add a definition for “solid waste” and to amend the definitions of “solid waste material recovery facility” and “solid waste collection facility.” – Todd Fortune, Director of Planning
G ZTA 25:06 – Sidewalks – amend the “Code of the County of Fluvanna, Virginia,” by amending § 19-8-8, 22-11-11, 22-12-11, 22-23-6 and 22-23-7 to remove sidewalk requirements from I-1 and I-2 Industrial Districts. – Todd Fortune, Director of Planning

10 – PRESENTATIONS

- H None

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*For the Hearing-Impaired – Listening device available in the Morris Room 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 591-1910.*

11 – UNFINISHED BUSINESS

- I Revisions of the Landscaping Ordinance – Todd Fortune, Director of Planning; and Dan Whitten, County Attorney
 - J Comprehensive Plan Update – Todd Fortune, Director of Planning
 - K Sprouse SUP 25:01 – Jason Overstreet, Senior Planner
 - L Food Trucks – Todd Fortune, Director of Planning
-

12 – NEW BUSINESS

- M None
-

13 – PUBLIC COMMENTS #2 (5 minutes each)

14 – ADJOURN



Planning/Zoning Administrator Review

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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
MEETING MINUTES
132 Main Street Palmyra, VA 22963,
Tuesday, March 11, 2025
Regular Meeting 6:30 pm

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

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

MEMBERS ABSENT: Eddie Shifflett, Commissioner

REGULAR MEETING:

- SPECIAL REGULAR MEETING CALL TO ORDER, THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE:**
At 6:30 pm Chairman Bibb called the March 11th, 2025 special regular meeting to order, led in the Pledge of Allegiance, and conducted a Moment of Silence.

- Adoption of the Agenda:**

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

- Director’s Report:**
 - Announcements and Updates:**
 - The County has advertised for the vacant Planner/GIS Technician Position.
 - We will provide updates on the status of filling the position as they become available
 - Commission Update-**
 - Eddie Shifflett has announced his pending resignation from the Planning Commission.
 - His resignation will be effective at the end of tonight’s meeting
 - The position will be advertised soon.
- Upcoming Cases:**
 - There are four public hearings that were originally on the agenda for February, but will have to be re-advertised due to the postponement of this meeting.
 - AFD-Removal of Park Property-re-advertised from January.
 - ZTA-Definition of Minor Subdivisions (Zoning Ordinance)-re-advertised from January
 - ZTA-Agritourism-re-advertised from February
 - ZTA-Definition, Solid Waste Recovery-re-advertised from February.
 - ZTA-Outdoor Light Controls
 - There is a change to the Commission bylaws that will be presented to the Commission tonight for review.
 - Policy for advertising public hearings
 - Remote participation in meetings

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

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

- **Minutes:**

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

- **Site Development Plans**

- **SDP 25:03 Vaughn Property Group-**

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

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

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

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

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

anticipated for August.

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

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

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

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

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

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

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

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

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

Dear Fluvanna County Planning Commission,

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

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

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

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

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

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

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

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

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

Sincerely,

Isabella Schwartz

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

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

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

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

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

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

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

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

Minutes were recorded by Margie Bamford, Administrative Programs Specialist.

Barry Bibb, Chair

Fluvanna County Planning Commission

**FLUVANNA COUNTY PLANNING COMMISSION
MEETING MINUTES
132 Main Street Palmyra, VA 22963,
Tuesday, April 8, 2025
Work Session 6:00 | Regular Meeting 7:00 pm**

MEMBERS PRESENT:

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

STAFF PRESENT:

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

WORK SESSION:

- **WORK SESSION CALL TO ORDER, THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE:**
At 6:00 pm Chairman Bibb called the April 8th, 2025 work session to order, led in the Pledge of Allegiance, and conducted a Moment of Silence.
- **LANDSCAPING ORDINANCE:**
 - Mr. Fortune introduced Mr. Bob Dorsey, the new Rivanna District representative.
 - Mr. Fortune and Mr. Whitten presented their power point on the proposed changes and additions to the ordinance and how proffers could be obtained, based on State Code and from research from surrounding areas. Ms. Morgan wanted to know how this pertained to the Vaughn Property. Mr. Bibb had questions about the wording in the proffer statement and Mr. Whitten explained that it was just an example, not the exact wording the County wanted to use. Ms. Kilpatrick wanted to know about how community meetings affected proffers. Mr. Whitten explained how the meetings can affect the proffers with their wants and needs, and the Board and Planning Commission can hear the results of these meetings and adjust proffer packages accordingly. Ms. Johnson-Morgan wanted to know how the timing of the landscaping ordinance pertained to the timing of the eventual tree canopy percentage. Mr. Bibb had questions about obtaining landscaping bonds and if the County still collected those, Mr. Whitten and Mr. Fortune answered that we did. Mr. Whitten discussed the option of the Tree Canopy Fund, what it was and how it would work when companies could not feasibly meet the tree canopy percentage and how the fund could be donated to and what the funds would be used for. Ms. Kilpatrick wanted to know how to get landscaping proffers for the Vaughn Property and Mr. Whitten explained that can only be done in the re-zoning phase. Ms. Kilpatrick discussed how the Comprehensive Plan Committees can be utilized to change this.
- **ADJOURNMENT:**
 - Mr. Bibb adjourned the work session at 6:35pm.

REGULAR MEETING:

- **MEETING CALL TO ORDER, THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE:**
At 7:00 pm Chairman Bibb called the March 11th, 2025 regular meeting to order, led in the Pledge of Allegiance, and conducted a Moment of Silence.

- **Adoption of the Agenda:**

MOTION:	To Approve the Adoption of the Agenda of the Planning Commission meeting for April 8, 2025 with deferral of the Minutes to the May 13, 2025 meeting.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

- **Director's Report:**

- **Staff Updates:**

- James Alex Porter has accepted the position of Planner/GIS Technician.
 - His first day was April 7.

- **Commission Update-**

- Robert Dorsey has been appointed to represent the Rivanna District on the Planning Commission.
 - He succeeds Eddie Shifflett, who resigned from the Planning Commission in March.

- **Draft Ordinance Change-Food Trucks:**

- The two versions of the DRAFT Ordinance changes related to mobile food units were distributed to known food trucks owners for review and feedback. According to county records, there are 10 known operators in the County.
- There are two public hearings on the agenda for tonight.
 - SUP-Specialty Retail Store
 - SUP- Primitive Campground
- There are three SDP sketch plans that will be presented to the Commission tonight for review
 - Puopolo Living Trust: Warehouses
 - TLP Construction, Martin Horn: Contractor's Storage Yard
 - Dominion Energy/VEPCO: CCR Landfill
- There are two changes to the Commission bylaws that will be presented to the Commission tonight for approval.
 - Policy for advertising public hearings.
 - Remote participation in meetings.

- **Future Meetings-**

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

- **Minutes:** Deferral until the May 13, 2025 meeting while changes are made.

- **Public Comments:**

- Mr. Bibb opened the first round of public comments at 7:05pm. Mr. Leon Harris, of 1516 Stage Junction Rd, spoke out against the new mobile food unit ordinance and gave thoughts on the sign ordinance as well. Mr. James Collier Jr, of 899 North Boston Rd, spoke against the mobile food unit ordinance and stated concerns over the high school construction and costs throughout the years. Bruce Foley, of 300 8th St NW, Charlottesville, spoke of the problems with the zoning, housing and general disrepair in Columbia and the mobile food unit ordinance. Kirk Johnson, of 6210 West River Rd, spoke out about the zoning and businesses in Columbia and against the mobile food unit ordinance. Carolyn Tinsley, of 1066 Stage Junction Rd, spoke out against the mobile food ordinance as well as the general disrepair of Columbia and the lack of businesses. No one else came forward and Mr. Bibb closed the first round of public comments at 7:25pm.

- Public Hearings:

- SUP25:01 Sprouse-Specialty Retail Store, Jason Overstreet, Senior Planner-

- Mr. Overstreet presented a power point on the proposed SUP, an archery and sporting goods store, and introduced Mr. Sprouse, the store owner. Ms. Johnson-Morgan had questions on signage and had concerns on the traffic increase. Ms. Johnson-Morgan also wanted to know if Mr. Sprouse had conducted any community meetings to see if the neighborhood had any concerns on the business. Mr. Overstreet answered that he was not aware of any community meetings and VDOT did not have any concerns for traffic in the Technical Review Committee meeting. Mr. Overstreet also explained there was a low access commercial entrance already in place and explained that it was a 50 vehicle a day entrance. Ms. Johnson-Morgan expressed again she was concerned that no community meeting had been held and proposed the owner conduct community meetings. Mr. Overstreet expressed that the planning department would discuss it with the owner and that APO's had been sent out and public hearing signs were in place, and no one had come forward with concerns. Mr. Sprouse then spoke on behalf of his business, explaining his customer base, how it would not affect traffic. Mr. Sprouse explained that traffic was not a concern at his current location on RT 250 in Albemarle County. Mr. Sprouse explained that he had out grown his current space and needed to expand and also explained his rental process with a Mr. Alan Powell. Mr. Sprouse described the parking area as well. Mr. Sprouse explained that he does not get very much walk in traffic and most his clientele was referral based. Mr. Sprouse then explained his plans for the building, including an archery range and lessons. Ms. Johnson-Morgan reiterated concerns that Mr. Sprouse had not held community meetings. Mr. Sprouse explained that he had verbally conferred with several people in the area and no one had expressed concerns to him. Mr. Sprouse then asked about sign sizes, but continued talking before his questions could be addressed. Mr. Dorsey had questions about the outdoor archery range and how it would be constructed. Mr. Sprouse explained the structure and how it would be constructed, then explained his safety measures for the archery range. Mr. Dorsey then questioned Mr. Sprouse on what items he planned on selling. Mr. Dorsey wanted to know about storage and safety measures for that as well. Mr. Sprouse went over his gun safety precautions in the shop as well. Mr. Lagomarsino wanted to know more about the ammunition and wanted to know if Mr. Sprouse would be storing black powder, Mr. Sprouse he did not have the proper permits to sell real black powder but did sell synthetic black powder that you did not need a permit for. Mr. Sprouse then gave a general idea of how much ammunition he was storing, but did not have an exact number. Ms. Johnson-Morgan once again reiterated concerns about the community not being aware of the store and wanted Mr. Sprouse to hold community meetings. Mr. Lagomarsino had additional questions about fire marshal inspections to which Mr. Sprouse advised he had never had a fire marshal inspection in his current store, but the Albemarle County Fire Marshal was aware of the business because his wife was Mr. Sprouse's book keeper. Ms. Kilpatrick wanted to know if anyone was living on the property and Mr. Sprouse was not aware of anyone living on the residence on the property.
- Mr. Bibb opened the Public Hearing at 7:49pm. Tracy Smith, of 2 Sandy Beach Court, advised she was not here originally for this public hearing but was in favor of community meetings and had concerns about a house being built near the property that Mr. Sprouse stated was the owner's daughter. With no one else coming forward, Mr. Bibb closed the public hearing at 7:51pm.
- Mr. Bibb confirmed that no one on the Planning Commission had further questions, Ms. Kilpatrick stated she had no concerns, citing Mr. Sprouse's knowledge of the business and the lay of the land and the fact that the planning department had no comments about the public hearing signs or the APO's. Ms. Johnson-Morgan once again expressed concerns about the neighborhood and the fact that where Mr. Sprouse is operating now is what she thinks is a business district in Albemarle County. Ms. Johnson-Morgan recommend deferral based on her feeling that Mr. Sprouse needs to alert the community of his business.

MOTION:	I move that the Planning Commission recommends deferral of SUP 25:01, a special use permit request in the A-1, Agricultural, General District to operate a specialty retail store on an approximately 7-acre parcel located at 1474 North Boston Road and also known as Tax Map Parcel 10-A-60A subject to the conditions as described in the staff report until the May 13, 2025 Planning Commission meeting.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:				Second	Motion
VOTE:	Aye	Aye	Nay	Aye	Aye
RESULT:	4-1 Deferred				

○ **SUP 25:02-Spessard-Primitive Camp Site, Todd Fortune, Director of Planning-**

- Mr. Fortune presented a power point on a special use permit for a primitive camp site with 3 sites. He introduced Mr. and Mrs. Spessard who were there to answer any questions the Commission had. Mr. Lagomarsino had questions about a culturally sensitive area on the property. Mr. Fortune confirmed that there was a Cultural Resource Protection Area on site but the campground would not affect that. Mr. Spessard came forward as well to speak on it and advised he did not actually know what exactly the site was and he had several such sites on his property and that his campground would not affect it. Mr. Fortune pointed out that the property was 80 acres, but the camp site purposed was only 6 acres of that property. There was a discussion between Mr. Fortune and Mr. Whitten on where that was located in the packet.
- Mr. Bibb then opened the Public Hearing at 8:01pm. Tom Beecher, of 216 Lowfield Lane, came forward with concerns about motor noise on the river and what he has been hearing and concerns that the campground may be making that worse. Also, Mr. Beecher had concerns about boater safety since the river is dangerous in the area. Mr. and Mrs. Spessard answered his questions, stating the noise may be from motors on other boats traveling the river. Mr. Fortune then read an email from Grant McNeely that reads the following:
 - To whom it may concern. I am one of the owners of the neighboring property to Seven Islands Farm. I received the notice of public hearing but will not be able to attend. Our property is Beechwater LLC. which joins Seven Islands Farm on the West side. I would hope that the request for a special use permit for campsites on Seven Islands is denied. I enjoy the peace, quiet and wildlife on the James River in our remote area and would prefer that it is not disturbed. I feel there is enough boat traffic on the River as it is with the public boat landing at Bremono already in place and we fear the proposed campsites on Seven Islands Farm will be a detriment to a beautiful natural area. The campsites would certainly bring more traffic, trash, and noise. I also fear that allowing something like this to happen could have a snowball effect and set the precedent that any property owner with river frontage could do the same thing and cause much more harm than good for the river. If Fluvanna county has riverfront property and is interested in developing some campsites that could be officially maintained and policed that is one thing but allowing anyone with riverfront property to create these campsites will be a mistake. Sincerely, Grayson McNeely

With no one else coming forward Mr. Bibb closed the public hearing at 8:09pm.

- Mr. Bibb opened the Planning Commission discussion, Ms. Kilpatrick wanted to know who regulated the watercraft on the river, for noise ordinance violations. Mr. Whitten advised the Conservation Police handled incidents on Virginia waterways. There was a discussion between Mr. Whitten and Ms. Kilpatrick on what could be enforced on the James

River and that the Sherriff's office would handle issues on land. Ms. Kilpatrick wanted to add conditions about motors on boats. Mr. Spessard addressed her stating that there were no boat landings at the camp site so no one could launch boats from there. Ms. Johnson-Morgan agreed and wanted a condition added in case a boat landing was added in the future. Mr. Bibb then stated you cannot build a boat landing without permission from several local and state agencies. Mr. Spessard then gave information on the gentleman that wrote the letter and provided information that he had verbal permission from an adjoining property owner to use his property and how they did not want to do that and cause trespassing issues and how if there were problems they would remove problem campers from the property.

MOTION:	I move that the Planning Commission recommends approval of SUP 25:02, a special use permit request in the A-1, Agricultural, General District to operate a primitive campground under Section 22-4-2.2, with three campsites, on 6 acres of a parcel totaling 80 ± acres and known as Tac Map 57-A-34, with the conditions as described in the staff report.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Motion	Second		
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

- **Site Development Plans-**

- **SDP25:02-Puopolo Living Trust, Todd Fortune, Director of Planning-**

Mr. Fortune presented his power point on the site information and proffers from the re-zoning for this project as well as the side walk waiver. Mr. Fortune then introduced representatives from the developer for questions from the Commission. Mr. Dorsey wanted to know what was being stored on the property. Mr. Sean Schweiker, a representative for the project, did not have an answer, stated that it was whatever the company that was currently associated with the property wanted to store there. But they would be following County ordinances on what can be stored there. Mr. Schweiker stated he thought there was cable installation items stored there now. Mr. Dorsey then wanted to know what would be parked on the gravel lots, he had concerns over pollution and leakage from trucks that could be parked there, Mr. Sean Schweiker stated it was for outdoor storage, not overnight parking of vehicles. Mr. Ryan Schweiker, the other representative for the project, then discussed the housing of chemicals on site and how it was not permissible by the health department because of the septic system that was being put in place. Mr. Bibb then wanted to know how many employees where being utilized on site, Mr. Sean Schweiker proved the answer of 30-40 employees, he then explained the number of employees on site now as well as the changes that were to be made when more employees were hired.

MOTION:	I move that the Planning Commission accept SDP 25:02, a sketch plan request to construct industrial warehouse buildings on three parcels totaling approximately 12.7 acres, Tax Map 4-A-24, 4-A-25, and 4-A-26. I move that the Planning Commission approve a request for a variation to the sidewalk regulations required by Sec. 22-23-6 for SDP 25:02.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Second		Motion(Both)	
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

- **SDP25:04-Martin Horn Storage Yard, Jason Overstreet, Senior Planner-**

- Mr. Overstreet presented a power point on the site information as well as water and sewer needs for the site. Mr. Overstreet went over the VDOT

entrance information updates as well as proffered out uses from the re-zoning. Mr. Overstreet then discussed the information for the requested sidewalk waiver. Ms. Johnson-Morgan had questions about a cemetery on site. Mr. Overstreet was able to provide the location on the sketch plan and show that it was not affected by the construction.

MOTION:	I move that the Planning Commission accept SDP 25:04, a sketch plan request for a contractor's storage yard on Tac Map 5-A-22, a 4.2-acre industrial parcel located on Better Living Dr. I move that the Planning Commission approve a request for a variation to the sidewalk regulations required by Sec. 22-23-6 for SDP 25:04.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Second			Motion(Both)
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

- **SDP25:05-Virginia Power Landfill, Todd Fortune, Director of Planning-**
 - Mr. Fortune presented a power point on the site information, the proffered out uses from the re-zoning as well as the sidewalk wavier. There was no discussion by the Planning Commission

MOTION:	I move that the Planning Commission accept SDP 25:05, a sketch plan request to construct a Coal Combustion Residuals (CCR) Landfill and associated support structures on two parcels totaling approximately 220.89 acres identified as Tax Map 60-A-7 and Tax Map 59-A-27. I move that the Planning Commission approve a request for a variation to the sidewalk regulations required by Sec. 22-23-6 for SDP 25:05.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:				Motion(Both)	Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

- **Resolutions:**
 - **ZTA 25:05-An ordinance adding 22-1-3 to identify the county's GIS map as the official zoning map of Fluvanna County, Jason Overstreet, Senior Planner.**
 - Mr. Overstreet gave the presentation to the commission on the resolution of advertise proposed ZTA to add the County's GIS as the official GIS map. There were no questions from the Planning Commission.

MOTION:	I move that the Planning Commission approve resolution 2025-05 to advertise a public hearing on May 13, 2025 to consider ZTA 25:05 to amend the Code of the County of Fluvanna, Virginia by adding § 22-1-3 to identify the county's GIS map as the official zoning map of Fluvanna County.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

- **Presentations**
 - None
- **Subdivisions:**

- None

- **Unfinished Business:**

- **PC Bylaws, Todd Fortune, Director of Planning:**

- Mr. Fortune presented the bylaws with the changes to remote participation for members caring for family members and for changes to the policy to allow for rescheduling public hearings cancelled by the weather.

MOTION:	I move that the Planning Commission approve an amendment to page two of the planning commission bylaws to change the policy for advertising public hearings and amendments to pages three and four and five of the Planning Commission bylaws to change the policy for remote participation.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:				Second	Motion
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

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

- Mr. Fortune presented a power point on the Committee updates and presented the new survey, there was agreement from the Commission members that they approved it. Ms. Johnson-Morgan wanted to know the list the department was planning distribution and had a few more locations to add as well as requested copies so she could distribute them.

- **ZTA 25:02-Todd Fortune, Director of Planning-**

- Mr. Fortune presented research that was done by staff on the proposed Solid Waste Recovery ordinance. Mr. Fortune and Mr. Whitten presented changes made to the ordinance. There was a discussion on using the ordinance as presented or just referencing the State Code, several members of the Commission wanted to just refer to the State Code. It was decided to change the wording and bring it back to the Planning Commission meeting May 13, 2025.

- **New Business:**

- None

- **Public Comments #2:**

- Mr. Bibb opened the second round of public comments at 8:55 PM and Tom Diggs, of 947 Jefferson Dr, came forward with proposed changes to the citizen survey to change the numbers of members in the household, Mr. Fortune agreed to make the changes. With no one else coming forward, Bibb closed the second round of public comments at 9:02 PM.

- **ADJOURNMENT**

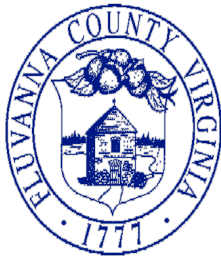
- There was a discussion prior to adjournment on the Food Truck ordinance, by Ms. Johnson-Morgan with some confusion over why there was an ordinance being proposed, not a checklist, it was decided to go back and check the meeting transcript to verify.
- Chair Bibb called for a motion to adjourn the March 11, 2025 Planning Commission regular meeting.

MOTION:	Motion to Adjourn the March 11, 2025 Planning Commission regular meeting at 9:10 pm.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:			Second		Motion
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

Minutes were recorded by Margie Bamford, Administrative Programs Specialist.

Barry Bibb, Chair
Fluvanna County Planning Commission

DRAFT



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PLANNING COMMISSION STAFF REPORT

To: Fluvanna County Planning Commissioners
From: Jason Overstreet, Senior Planner
Case Number: ZTA 25:05
District: Countywide Amendment

General Information: This public hearing is to be held on Tuesday, May 13, 2025 at 7:00 pm by the Fluvanna County Planning Commission in the Morris Room in the County Administration Building, 132 Main Street, Palmyra VA 22963.

Requested Action: Recommend approval of ZTA 25:05, an amendment to the Fluvanna County Zoning Ordinance by adding § 22-1-3 to identify the County's GIS Map as the official zoning map of Fluvanna County.

Background Information: § 22-1-2 requires a map to accompany Chapter 22 of the Code of the County of Fluvanna. Currently this map exists as a hard copy document based on static parcel boundaries. It is updated manually as changes to zoning districts are approved. This amendment will identify the County's GIS map as the official zoning map of Fluvanna County thereby replacing the existing hard copy map.

Recommended Motion:

I MOVE THAT THE PLANNING COMMISSION RECOMMEND (APPROVAL/ DENIAL / DEFERRAL) OF ZTA 25:05 – AN ORDINANCE TO AMEND “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY ADDING § 22-1-3 TO IDENTIFY THE COUNTY’S GIS AS THE OFFICIAL ZONING MAP OF FLUVANNA COUNTY.

ZTA 25:05

ORDINANCE TO AMEND AND REORDAIN "THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA" BY ADDING §22-1-3 TO IDENTIFY THE COUNTY'S GIS MAP AS THE OFFICIAL ZONING MAP OF FLUVANNA COUNTY.

BE IT ORDAINED by the Board of Supervisors of Fluvanna County:

- (1) *That the Code of the County of Fluvanna, Virginia is amended by adding § 22-1-3 as follows:*

CHAPTER 22 ZONING

ARTICLE 1. - IN GENERAL

Sec. 22-1-1. - Title.

This chapter shall be known and may be cited as "The Zoning Ordinance of the County of Fluvanna, Virginia."

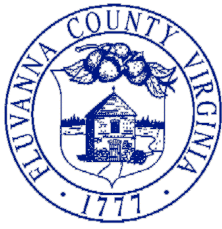
State Law reference— For state law as to zoning, see Code of Va., § 15.2-2280 et seq.

Sec. 22-1-2. - Purpose.

This chapter, together with the accompanying map, is adopted for the purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of section 15.2-2283 of the Code of Virginia. This chapter has been designed (1) to provide for adequate light, air, convenience of access, and safety from fire, flood, impounding structure failure, crime and other dangers; (2) to reduce or prevent congestion in the public streets; (3) to facilitate the creation of a convenient, attractive and harmonious community; (4) to expedite the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, and other public requirements; (5) to protect against destruction of or encroachment upon historic areas; (6) to protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health or property from fire, flood, impounding structure failure, panic or other dangers; (7) to encourage economic development activities that provide desirable employment and enlarge the tax base; (8) to provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment; and (9) to promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the locality as well as a reasonable proportion of the current and future needs of the planning district within which the County is situated.

Sec. 22-1-3. – Zoning Map

The zoning map is composed of the digital GIS map, which is maintained by the Department of Planning and Zoning, and is incorporated by reference as part of this chapter. The zoning map is ~~the~~ available on the Fluvanna County website for public access. The location and boundaries of the districts created by this chapter are hereby established as shown on the zoning map. The zoning map also includes references to case numbers for rezonings, special use permits, site development plans, and other zoning cases processed by the County.



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PLANNING COMMISSION STAFF REPORT

To: Fluvanna County Planning Commission
Request: SDP 25:03 Vaughn Property Group

From: Todd Fortune
District: Columbia Election District

Applicant: Samet Properties (on behalf of Vaughn Property Group)

Representative: Hunter Nichols, Samet Properties, Greensboro, NC

Requested Action: **SDP 25:03 Vaughn Property Group.** Approval of a sidewalk waiver for a warehouse distribution facility with respect to 39.2 +/- acres of Tax Map 11 Section 9 Parcel 2. The subject property is located on James Madison Highway (US 15) approximately 1.1 miles south of Richmond Road (US 250). The subject property is located in Zion Crossroads Community Planning Area and the Zion Urban Development Area, and is located within the Columbia Election District.

Existing Zoning: I-1, Limited Industrial Zoning District

Existing Land Use: Vacant

Applicant Summary:

The Planning Commission accepted a sketch plan presented by Samet Properties on March 11, 2025 for a warehouse distribution facility. The applicant is now requesting a waiver from the sidewalk requirements listed in Section 22-23-6 of the Fluvanna County Code.

Section 22-23-6 of the Fluvanna County Code states:

“(6) In the B-1, B-C, I-1, and I-2 zoning districts, sidewalks that comply with the most recent VDOT specifications shall be required on both sides of all roadways, public and private.

(A) A variation to the sidewalk regulations may be granted by the Planning Commission for projects where:

- 1) The Virginia Department of Transportation prohibits the construction of sidewalks;
- 2) The physical conditions on the lot or adjoining lots, including but not limited to, existing structure and parking areas, existing utility easements, environmental features, or the size and shape of the lot, make it impossible or unfeasible to provide the required sidewalks;
- 3) The application of the aforementioned requirements would not further the goals of the Comprehensive Plan or otherwise serve the greater public's health, safety, and welfare.

The applicant has submitted the attached sidewalk variation request.

Suggested Motion:

I move that the Planning Commission approve a request for a variation to the sidewalk regulations required by Sec. 22-23-6 for SDP 25:03.

Attachments:

A – Sidewalk Waiver Request



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Site Development Application

Owner of Record: Vaughn Property Group LLC **Applicant of Record:** Samet Properties
E911 Address: 44109 Eastgate View Dr., Chantilly, VA 20152 **E911 Address:** 309 Gallimore Dairy Rd, Greensboro, NC 27409
Phone: _____ **Fax:** _____ **Phone:** [REDACTED] **Fax:** [REDACTED]
Email: _____ **Email:** [REDACTED]
Representative: Hunter Nichols
E911 Address: 309 Gallimore Dairy Rd, Greensboro, NC 27409
Phone: [REDACTED] **Fax:** [REDACTED]
Email: [REDACTED]
Tax Map and Parcel(s): 11-9-2; 11341 **Deed Book Reference:** 832
Acreage: 39.916 **Zoning:** I-1 **Deed Restrictions?** ☒ No ☐ Yes (Attach copy)
Location: James Madison Hwy
Description of Property: Vacant 39.916 acres
Proposed Structure: Approximate 108,102 SF Distribution Building with 21,029 SF canopy
Dimensions of Building: 249' x 434' **Lighting Standards on Site:** ☐ No ☒ Yes
of Employees: 150 **# of Parking Spaces:** 477
Noise Limitations: _____

I declare that the statements made and information given on this application are true, full and correct to the best of my knowledge and belief. I agree to conform fully to all terms of any certificate or permit which may be issued on account of this application.

Hunter Nichols
Applicant Name (Please Print)

Hunter Nichols
Applicant Signature and Date

OFFICE USE ONLY

Date Received:	Fee Paid:	Application #: SDP _____ :
Election District:	Planning Area:	Number of Lots:
Total Fees Due at Time of Submittal		
Sketch Plan: \$150.00	Minor Plan: \$550.00	Major Plan: \$1,100.00
Additional Fees Due at Time of Review		
Street Sign Installation:	\$200.00 Per Intersection	
Amendment of Plan	\$150.00	
Outdoor Lighting Plan Review*	\$ 50.00	
Landscape Plan Review*	\$ 50.00	
Tree Protection Plan Review*	\$ 50.00	
* If not part of a Site Plan Review		



April 11, 2025

Dear Members of the Planning Commission,

On behalf of Project Hoops and the proposed distribution center development located at PIN 11-9-2 along James Madison Highway, we respectfully request a waiver of the sidewalk construction requirement as stipulated in the Fluvanna County ordinance (Section 22-23-6(6)(A)).

Project Hoops is situated in a predominantly rural area with minimal pedestrian activity. With the absence of nearby pedestrian destinations and infrastructure, the sidewalks requirement would not serve a practical purpose for this development.

Project Hoops aims to bring job-supporting infrastructure to Fluvanna County, fostering economic development and community growth. This requirement would impose unnecessary expenses and hardships to the project and would not further the County's goals and objectives of the Comprehensive Plan or serve the greater public's health, safety, and welfare.

We respectfully request the Planning Commission approve this request to waive the sidewalk requirement for Project Hoops. This waiver will allow our development to focus resources on the infrastructure improvements for our project and surrounding future development that better aligns with the County's Economic Development objectives.

We look forward to continuing to work with the Planning Commission, County Staff, and Economic Development Staff to ensure the success of this project. Please feel free to contact me directly if you have any questions or require any additional information.

Closing,

A handwritten signature in blue ink, appearing to read 'Hunter Nichols', is written over the printed name.

Hunter Nichols
DEVELOPMENT MANAGER

GREENSBORO / HQ
PO BOX 8050
GREENSBORO, NC 27419

309 GALLIMORE DAIRY RD
SUITE 102
GREENSBORO, NC 27409
336.544.2600

CHARLESTON

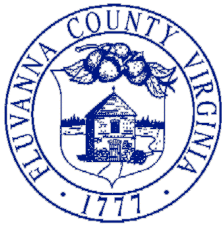
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PLANNING COMMISSION STAFF REPORT

To: Fluvanna County Planning Commission
Request: SDP 24:03 Artful Lodger

From: Jason Overstreet
District: Palmyra Election District

Applicant: Shimp Engineering (on behalf of Richmond Memory Property LLC)

Representative: Ayatullah Abualhayjaa, Shimp Engineering

Requested Action: **SDP 24:03 Artful Lodger.** Approval of a sidewalk waiver for a retail furniture store and warehouse with respect to 7.51 +/- acres of Tax Map 4 Section A Parcel 27. The subject property is located on Richmond Road (US 250) approximately 0.1 miles west of Memory Lane (SR 627). The subject property is located in Zion Crossroads Community Planning Area and is located within the Palmyra Election District.

Existing Zoning: I-1, Limited Industrial Zoning District

Existing Land Use: Vacant Commercial

Applicant Summary:

The applicant is requesting a waiver from the sidewalk requirements listed in Section 22-23-6 of the Fluvanna County Code.

Section 22-23-6 of the Fluvanna County Code states:

“(6) In the B-1, B-C, I-1, and I-2 zoning districts, sidewalks that comply with the most recent VDOT specifications shall be required on both sides of all roadways, public and private.

(A) A variation to the sidewalk regulations may be granted by the Planning Commission for projects where:

- 1) The Virginia Department of Transportation prohibits the construction of sidewalks;
- 2) The physical conditions on the lot or adjoining lots, including but not limited to, existing structure and parking areas, existing utility easements, environmental features, or the size and shape of the lot, make it impossible or unfeasible to provide the required sidewalks;
- 3) The application of the aforementioned requirements would not further the goals of the Comprehensive Plan or otherwise serve the greater public's health, safety, and welfare.

The applicant has submitted the attached sidewalk variation request.

Suggested Motion:

I move that the Planning Commission approve a request for a variation to the sidewalk regulations required by Sec. 22-23-6 for SDP 24:05.

Attachments:

A – Sidewalk Waiver Request



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Site Development Application

RECEIVED

JUL 31 2024

Fluvanna County
Planning Dept

Owner of Record: Richmond Memory Property LLC

Applicant of Record: Shimp Engineering P.C.

E911 Address: 218 West Market Street STE 4, Charlottesville, VA 22901 E911 Address: 912 E High St, Charlottesville, VA 22902

Phone: Fax: Phone: Fax:

Email: Email:

Representative: Ayatullah Abualhayjaa

E911 Address: 921 E High St, Charlottesville, VA 22903

Phone: Fax: 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.

Email: Is property in Agricultural Forestal District? ☒ No ☐ Yes

If Yes, what district:

Tax Map and Parcel(s): 4-A-27 (portion) Deed Book Reference: 54 PG 64 (PLAT)

Acreage: 7.51 Zoning: I-1 Deed Restrictions? ☐ No ☐ Yes (Attach copy)

Location: 2428 Richmond Road Fluvanna County, Virginia 2297

Description of Property: An industrial lot located on the intersection of Richmond Road (RT250) and Glen Cir

Proposed Structure: A home furniture store with retail sales area and warehousing.

Dimensions of Building: 13618.98 SF (Area) Lighting Standards on Site: ☐ No ☒ Yes

of Employees: Estimated 20 people # of Parking Spaces: 23 spaces

Noise Limitations:

I declare that the statements made and information given on this application are true, full and correct to the best of my knowledge and belief. I agree to conform fully to all terms of any certificate or permit which may be issued on account of this application.

Ayatullah Abualhayjaa

Applicant Name (Please Print)

Ayatullah Abualhayjaa
Applicant Signature and Date

OFFICE USE ONLY

Date Received: 7/11/2024	Fee Paid:	Application #: SDP 24-05
Election District: Palmyra	Planning Area: Zion Crossroads	Number of Lots:
Total Fees Due at Time of Submittal		
7/11/24 Sketch Plan: \$150.00 (check #3745)	Minor Plan: \$550.00	Major Plan: \$1,100.00
Additional Fees Due at Time of Review		
Street Sign Installation:	\$200.00 Per Intersection	
Amendment of Plan	\$150.00	
Outdoor Lighting Plan Review*	\$ 50.00	
Landscape Plan Review*	\$ 50.00	
Tree Protection Plan Review*	\$ 50.00	
* If not part of a Site Plan Review		

March 21, 2025
County of Fluvanna
Fluvanna County Zoning & Planning
PO Box 540
Palmyra, Virginia 22963

RE: Artful Lodger

To whom it may concern,

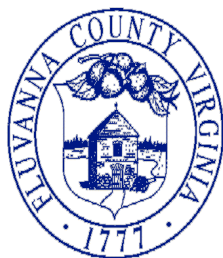
In conjunction with a minor site plan submittal for the Artful Lodger on Tax Map Parcel 4-A-27, Richmond Memory Property LLC (the “applicant”) requests a variation to the zoning ordinance in accordance with Section 22-23-6(6)(A).

Pursuant to Section 22-11-11, the applicant is required to construct a sidewalk on both sides of all road ways, public or private.

The applicant is proposing a renovation of the existing structure located at 2428 Richmond Rd (Route 250). There are no sidewalks on either side of the road in the vicinity of the site and therefore construction of a sidewalk along the front of the property would not connect to or continue any existing sidewalk network and no meaningful pedestrian connections would be made. Route 250 is classified as major collector with a speed limit of 55 mph and is a shoulder and ditch section which would require the construction of the sidewalk outside of the ditch line which would compromise access and circulation in front of the site. Constructing a sidewalk along this high-speed corridor with shoulder and ditch would not serve to public health, safety, and welfare. Therefore, the applicant respectfully requests a variance to the zoning ordinance.

Regards,

Polina Andreeva
Shimp Engineering, P.C.
912 E. High St.
Charlottesville, VA 22902
[REDACTED]



COUNTY OF FLUVANNA

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P.O. Box 540
Palmyra, VA 22963
(434) 591-1910
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PLANNING COMMISSION STAFF REPORT

To: Fluvanna County Planning Commissioners
From: Dan Whitten, County Attorney
Case Number: ZTA 25:02
District: Countywide Amendment

General Information: This is a request for a public hearing to be held on Tuesday, June 10, 2025 at 7:00 pm to be heard by the Fluvanna County Planning Commission in the Morris Room in the County Administration Building, 132 Main Street, Palmyra VA 22963.

Requested Action: Recommend approval of amendments to the Fluvanna County Zoning Ordinance by amending §22-22-1 to add a definition for "solid waste" and remove the word "municipal" from the definitions of "Solid Waste Material Recovery Facility" and "Solid Waste Collection Facility."

Background Information: This amendment adds a definition for "solid waste" and broadens the definitions of "Solid Waste Material Recovery Facility" and "Solid Waste Collection Facility" to include non-municipal waste.

Recommended Motion:

I MOVE THAT THE PLANNING COMMISSION (APPROVE/ DENY / DEFER) RESOLUTION 2025-02 TO ADVERTISE A PUBLIC HEARING ON JUNE 10, 2025 TO CONSIDER ZTA 25:02 – AN ORDINANCE TO AMEND AND REORDAIN "THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA" BY AMENDING §22-22-1 TO ADD A DEFINITION FOR "SOLID WASTE" AND TO AMEND THE DEFINITIONS OF "SOLID WASTE MATERIAL RECOVERY FACILITY" AND "SOLID WASTE COLLECTION FACILITY."

ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING §22-22-1 TO ADD A DEFINITION FOR “SOLID WASTE” AND TO AMEND THE DEFINITIONS OF “SOLID WASTE MATERIAL RECOVERY FACILITY” AND “SOLID WASTE COLLECTION FACILITY”

BE IT ORDAINED by the Board of Supervisors of Fluvanna County:

- (1) *That the Code of the County of Fluvanna, Virginia is amended by amending § 22-22-1 as follows:*

CHAPTER 22 ZONING

ARTICLE 22. – DEFINITIONS

Sec. 22-22-1. – Rules of construction; definitions.

Solid waste: As used herein, “solid waste” shall have the same meaning and definition set forth in § 10.1-1400 of the Code of Virginia, as amended.

Solid Waste Material Recovery Facility: A solid waste management facility, **as defined § 10.1-1400 of the Code of Virginia, as amended,** which may receive ~~municipal~~ solid waste and recyclables from off premises for processing and consolidation and shipment out of the County for further processing or disposal. **The facility shall be so located, designed and operated that it does not pose a substantial present or potential hazard to public health or the environment, including pollution of air, land, surface water or groundwater.**

Solid Waste Collection Facility: Any storage or collection facility which is operated as a relay point for recyclables or ~~municipal~~ solid waste which ultimately is to be shipped for further processing or disposal. No processing of such items occurs at such facility. **The facility shall be so located, designed and operated that it does not pose a substantial present or potential hazard to public health or the environment, including pollution of air, land, surface water or groundwater.**

- (2) *That the Ordinance shall be effective upon adoption.*

Virginia administrative code has definitions for solid waste ([9 VAC 20-81-95](#)) and hazardous waste ([9 VAC 20-60](#)). Presumably all municipal landfills are operating under state permits, so it may not be necessary to explicitly say that hazardous waste cannot be put into landfills.

Albemarle – Sanitary landfill. The term "sanitary landfill" means a disposal facility for solid waste so located, designed and operated that it does not pose a substantial present or potential hazard to human health or the environment.

Solid waste. The term "solid waste" means garbage, refuse, sludges, and other discarded solid materials, including those from industrial, commercial, and agricultural operations, and from community activities.

Hazardous waste: Solid waste, other than household solid waste normally generated by residences in the community, that may, by itself, or in combination with other solid wastes, be infectious, explosive, poisonous, caustic, or toxic, or exhibit any of the characteristics of ignitability, corrosivity, reactivity or toxicity.

Culpeper - Sanitary landfill: An engineered land burial facility for the disposal of solid waste which is so located, designed, constructed and operated to contain and isolate the solid waste so that it does not pose a substantial present or potential hazard to public health or environment provided, however, that the term "sanitary landfill" shall not mean a land burial facility which only accepts nonputrescible solid waste.

Solid waste: All putrescible and nonputrescible wastes, whether in solid or liquid form, except liquid carried industrial wastes or sewage hauled as an incidental part of a septic tank or cesspool cleaning service, but including garbage, rubbish, cardboard, ashes, sewage sludge, refuse, trash, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes, dead animals or other discarded materials.

Cumberland - Garbage means all putrescible animal and vegetable wastes resulting from the handling, preparation and consumption of foods.

Refuse means all putrescible and nonputrescible solid waste, except body waste. Refuse includes garbage, rubbish and ashes.

Rubbish means all nonputrescible solid waste (except ashes). Rubbish consists of both combustible and noncombustible material, such as paper, cardboard, tin cans, yard clippings, wood, glass, crockery, metals and similar objects.

(Code 1990, § 9-2(1)—(4); Ord. of 5-10-1995)

Cross reference— Definitions generally, [§ 1-2](#).

- **Sec. 50-32. - Refuse disposal; limitations.**

All refuse in the county, except as provided in this article, shall be disposed of by depositing in designated containers, bins, receptacles, pits and/or trenches on county-owned refuse disposal sites, or on privately owned refuse disposal sites licensed by the commonwealth for which a conditional use permit has been granted pursuant to [section 74-583](#)(3).

(Code 1990, § 9-3; Ord. of 5-10-1995)

Goochland - *Waste facility* means a parcel of land which is maintain and supervised by the county or permitted by the state department of environmental quality in which some or all of the following may be deposited: refuse, institutional wastes, putrescible wastes, commercial wastes, construction wastes, debris wastes, demolition wastes, garbage, household wastes, industrial wastes, municipal wastes, residential wastes, rubbish, scrap metal, trash and white goods. It includes sanitary landfills, transfer stations, convenience centers or similar facilities.

Special definitions. For the purposes of this article, **the terms** commercial wastes, construction wastes, debris wastes, demolition wastes, garbage, industrial wastes, household wastes, municipal wastes, residential wastes, rubbish, scrap metal, trash, white goods, agricultural wastes, ash, asbestos, commercial wastes, chemical wastes, commercial chemical product, contaminated soil, compost, hazardous wastes, ignitable wastes, infectious wastes, manufacturing or mining by-products, lead acid batteries, coal combustion by-products and special wastes shall be ascribed the means as provided in **the Solid Waste Management Regulations of the Commonwealth of Virginia Department of Waste Management** (now the Commonwealth of Virginia Department of Environmental Quality) dated December 18, 1988, amended March 15, 1993 (VR 672-20-10), as the same may be amended from time to time, and the definitions of said terms are incorporated herein by reference.

Greene - *Hazardous material* means a substance or material in a form or quantity which may pose an unreasonable risk to health, safety or property when transported, and which the Secretary of Transportation of the United States has so designated by regulation or order.

Hazardous substance means a substance listed under United States Public Law 96-510, entitled the Comprehensive Environmental Response Compensation and Liability Act.

Hazardous waste means a solid waste or combination of solid waste which, because of its quantity, concentration or physical, chemical or infectious characteristics, may:

- (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; or
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Hazardous waste generation means the act or process of producing hazardous waste.

Household hazardous waste means any waste material derived from households, including single-family and multiple-family residences, hotels, motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas, which, except for the fact that it is derived from a household, would be classified as a hazardous waste.

Household waste means any solid waste normally derived from households, including single-family and multiple-family residences, hotels, motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas.

...

Sanitary landfill means a disposal facility for solid waste so located, designed and operated that it does not pose a substantial present or potential hazard to human health or the environment, including pollution of air, land, surface water or groundwater.

Sludge means any solid, semisolid or liquid wastes with similar characteristics and effects generated from a public, municipal, commercial or industrial wastewater treatment plant, water supply treatment plant, air pollution control facility or any other waste-producing facility.

Solid waste means any garbage, refuse, sludge and other discarded material, including solid, liquid, semisolid or contained gaseous material, that is household waste or resulting from industrial, commercial, mining and agricultural operations, or community activities, but does not include:

- (1) Solid or dissolved material in domestic sewage;
- (2) Solid or dissolved material in irrigation return flows or in industrial discharges which are sources subject to a permit from the state water control board; or
- (3) Source, special nuclear or byproduct material as defined by the Federal Atomic Energy Act of 1954, as amended.

Solid waste management facility means a site used for planned treating, long-term storage or disposing of solid waste. A facility may consist of several treatment, storage or disposal units.

Louisa - Sec. 62-2. - Limitations on disposal of solid waste at the landfill.

- (a) It shall be unlawful for any person to dispose of any solid waste at the county landfill that did not originate from within the boundaries of the county.
- (b) Upon request of landfill attendants, anyone bringing solid waste to the landfill for disposal shall certify that such waste originated or was generated within the boundaries of the county and identify the location in the county where the waste originated or was generated.
- (c) Any person who violates the provisions of this section shall be guilty of a class 4 misdemeanor and, upon any subsequent conviction within a period of 12 months, shall be guilty of a class 3 misdemeanor. They have definitions for various kinds of solid waste (household, institutional) but no discussion of hazardous waste.

Powhatan - Sec. 66-32. - Free disposal in convenience center; restrictions.

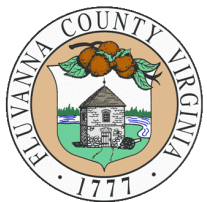
County residents, households or property owners displaying proof of residency in the county are allowed free disposal of their normal waste in the convenience center. Normal waste shall not include brush, construction and demolition wastes, trees, tree stumps and wood of any kind, or any other material prohibited at the convenience center by [section 66-35](#). However, small amounts of construction and demolition waste generated at a residence may be disposed of at no cost, no more than once per month, provided such waste is limited to the amount contained in one level pickup truck load without supplemental sides. For purposes of this section, persons displaying valid proof of residency shall be presumed to be residents of the county.

If a land owner does not have proof of residency, the county administrator may issue a temporary permit to allow such land owner temporary access to the convenience center for disposal of waste as allowed in [chapter 66](#).

Hazardous waste means a solid waste or combination of solid waste which, because of its quantity, concentration or physical, chemical or infectious characteristics, may:

- (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; or
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise damaged.

Normal waste means solid waste comprising of garbage and rubbish (such as bottles, cans, clothing, compost, disposables, food packaging, food scraps, newspapers and magazines) that originates from private homes or apartments.



PLANNING COMMISSION

County of Fluvanna
Palmyra, Virginia

RESOLUTION No. 2025-02

A RESOLUTION OF INTENTION TO AMEND THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA BY AMENDING §22-22-1 TO ADD A DEFINITION FOR “SOLID WASTE” AND REMOVE THE WORD “MUNICIPAL” FROM THE DEFINITIONS OF “SOLID WASTE MATERIAL RECOVERY FACILITY” AND “SOLID WASTE COLLECTION FACILITY”

WHEREAS, the regulations established in the Fluvanna County Zoning Code (“Zoning Code”) may from time to time be amended, supplemented, changed, modified or repealed by the governing body pursuant to section 15.2-2285 of the Code of Virginia; and

WHEREAS, in accordance with section 22-20-1 of the Zoning Code, the Fluvanna County Planning Commission (“Planning Commission”) can adopt a resolution of intention to propose an amendment to the Zoning Code; and

WHEREAS, the Planning Commission desires to propose an amendment to §22-22-1 to add a definition for “solid waste” and remove the word “municipal” from the definitions of “Solid Waste Material Recovery Facility” and “Solid Waste Collection Facility,” and

WHEREAS, the Planning Commission shall hold a public hearing on such proposed amendments after notice as required by section 15.2-2204 of the Code of Virginia, and may make appropriate changes in the proposed amendment as a result of such hearing.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission proposes amendments to the Fluvanna County Zoning Ordinance by amending §22-22-1 to add a definition for “solid waste” and remove the word “municipal” from the definitions of “Solid Waste Material Recovery Facility” and “Solid Waste Collection Facility,” and

WHEREAS, the Planning Commission finds that this proposed amendment in a matter of public necessity, convenience, general welfare or good zoning practice; and

BE IT FURTHER RESOLVED, the Planning Commission authorizes the Director of Planning to advertise the proposed amendment for a public hearing on June 10, 2025; and

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Planning Commission at a meeting of the Commission held on the 13th day of May, 2025:

	AYE	NAY	ABSTAIN	ABSENT	MOTION	SECOND
Barry Bibb, Cunningham District						
Lorretta Johnson-Morgan, Columbia District						
Kathleen Kilpatrick, Fork Union District						
Howard Lagomarsino, Palmyra District						
Robert Dorsey, Rivanna District						

Attest:

Barry Bibb, Chair
Fluvanna County Planning Commission



COUNTY OF FLUVANNA

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www.fluvannacounty.org

PLANNING COMMISSION STAFF REPORT

To: Fluvanna County Planning Commissioners

From: Dan Whitten

Case Number: ZTA 25:06

District: Countywide Amendment

General Information:

This is a request for a public hearing to be held on Tuesday, June 10, 2025 at 7:00 pm to be heard by the Fluvanna County Planning Commission in the Morris Room in the County Administration Building, 132 Main Street, Palmyra VA 22963.

Requested Action:

Recommend advertisement for a public hearing to approve an amendment to the Fluvanna County Subdivision and Zoning Ordinance by amending § 19-8-8, 22-11-11, 22-12-11, 22-23-6 and 22-23-7 to remove sidewalk requirements from I-1 and I-2 Industrial Zoning Districts.

Background Information:

Fluvanna County Code currently requires sidewalks on both sides of any public roads in all districts, including I-1 and I-2 Industrial. However, for developments in I-1 and I-2, a sidewalk waiver is usually granted making such properties exempt from this requirement. This Code amendment would remove the requirement and sidewalks in I-1 and I-2 and remove the need for developers to request a sidewalk waiver in those districts.

Recommended Motion:

I MOVE THAT THE PLANNING COMMISSION (APPROVE/ DENY / DEFER) RESOLUTION 2025-06 TO ADVERTISE A PUBLIC HEARING ON JUNE 10, 2025 TO CONSIDER ZTA 25:06 TO AMEND THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA BY AMENDING §§ 19-8-8, 22-11-11, 22-12-11, 22-23-6 AND 22-23-7 TO REMOVE THE SIDEWALK REQUIREMENTS FROM I-1 AND I-2 INDUSTRIAL DISTRICTS.

ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF
FLUVANNA, VIRGINIA” BY AMENDING §§ 19-8-8, 22-11-11, 22-12-11, 22-23-6 and 22-
23-7 TO REMOVE THE SIDEWALK REQUIREMENTS FROM I-1 AND I-2 INDUSTRIAL
DISTRICTS

BE IT ORDAINED by the Board of Supervisors of Fluvanna County:

- (1) *That the Code of the County of Fluvanna, Virginia is amended by amending §§ 19-8-8, 22-11-11, 22-12-11, 22-23-6 and 22-23-7 as follows:*

CHAPTER 19 SUBDIVISIONS

ARTICLE 19. – REQUIRED IMPROVEMENTS

Sec. 19-8-8. - Sidewalks.

For all major subdivisions within all zoning districts except I-1 and I-2, sidewalks shall be provided along both sides of all proposed public roads and private roads with a sidewalk compliant with current VDOT standards.

Sidewalks shall also provide connections to active or passive open space, schools, or to adjacent commercial and residential developments.

Sidewalks may be paved using hard-surfaced pervious paving materials, such as porous asphalt, porous concrete, or block pavers, as a method of stormwater management, provided that the use of such materials does not compromise the safety of pedestrians.

CHAPTER 22 ZONING

ARTICLE 11. – INDUSTRIAL, LIMITED, DISTRICT I-1

~~Sec. 22-11-11. Sidewalks.~~

~~Sidewalks that comply with the most recent VDOT specifications shall be required on both sides of all roadways, public and private.~~

~~Exceptions approved by the Planning Commission for locating sidewalks along road frontage may be acceptable with the placement of a trail network or greenway on the property providing sufficient pedestrian circulation.~~

CHAPTER 22 ZONING

ARTICLE 12. – INDUSTRIAL, GENERAL, DISTRICT I-2

~~Sec. 22-12-11. Sidewalks.~~

~~Sidewalks that comply with the most recent VDOT specifications shall be required on both sides of all roadways, public and private.~~

~~Exceptions approved by the Planning Commission for locating sidewalks along road frontage may be acceptable with the placement of a trail network or greenway on the property providing sufficient pedestrian circulation.~~

CHAPTER 22 ZONING

ARTICLE 23. – SITE DEVELOPMENT PLANS

Sec. 22-23-6. – Site plan content

(6) In the B-1, **and B-C, I-1, and I-2** zoning districts, sidewalks that comply with the most recent VDOT specifications shall be required on both sides of all roadways, public and private.

(A) A variation to the sidewalk regulations may be granted by the Planning Commission for projects where:

- 1) The Virginia Department of Transportation prohibits the construction of sidewalks;
- 2) The physical conditions on the lot or adjoining lots, including but not limited to, existing structure and parking areas, existing utility easements, environmental features, or the size and shape of the lot, make it impossible or unfeasible to provide the required sidewalks;
- 3) The application of the aforementioned requirements would not further the goals of the Comprehensive Plan or otherwise serve the greater public's health, safety, and welfare.

(B) The applicant shall file a written request with the Department of Planning and Community Development stating why application of a sidewalk variation is necessary and how the before mentioned circumstances may apply to the property.

(C) The Planning Commission shall act on the variation request in conjunction with the County's action on the site plan, subdivision plat or special use permit or, if no such action is required, within sixty (60) days of the date the application was submitted and determined to be complete. The Planning Commission may grant the variation if it determines that one or more applicable circumstances exist. In granting a variation, the Planning Commission may impose conditions deemed necessary to protect the public health, safety, or welfare.

(D) The denial of a variation, or the approval of a variation with conditions objectionable to the applicant, may be appealed to the Board of Supervisors. In considering a variation on appeal, the Board of Supervisors may grant or deny the variation based upon its determination of whether one or more applicable circumstances exist, amend any condition imposed by the Planning Commission, or impose any conditions deemed necessary to protect the public health, safety, or welfare.

Sec. 22-23-7. Additional improvements and standards for major site plans.

The following improvements and minimum standards, as applicable, shall be required and provided for in a major site plan:

(A) All streets and highway construction standards and geometric design standards shall be in accordance with those specified by Fluvanna County and the Virginia Department of Transportation.

(B) The pavement of vehicular travel lanes, driveways, or alleys shall be designed to permit vehicular travel on the site and to and from adjacent property and parking areas.

(C) All parking and other vehicular areas shall be so designed as to provide safe and convenient access by all vehicles which can reasonably be anticipated to use the site, including delivery and service vehicles as well as customer and employee vehicles.

(D) Safe and convenient pedestrian and bicycle access to, from, and within the site shall be provided.

(1) In the B-1, **and B-C, I-1, and I-2** zoning districts, sidewalks that comply with the most recent VDOT specifications shall be required on both sides of all roadways, public and private. A variation to the sidewalk regulation may be granted per Section 22-23-6(6) of this chapter.

(2) *That the Ordinance shall be effective upon adoption.*



PLANNING COMMISSION

County of Fluvanna
Palmyra, Virginia

RESOLUTION No. 2025-06

A RESOLUTION OF INTENTION TO AMEND THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA BY AMENDING §§ 19-8-8, 22-11-11, 22-12-11, 22-23-6 and 22-23-7 TO REMOVE THE SIDEWALK REQUIREMENTS FROM I-1 AND I-2 INDUSTRIAL DISTRICTS

WHEREAS, the regulations established in the Fluvanna County Zoning Code (“Zoning Code”) may from time to time be amended, supplemented, changed, modified or repealed by the governing body pursuant to section 15.2-2285 of the Code of Virginia; and

WHEREAS, in accordance with section 22-20-1 of the Zoning Code, the Fluvanna County Planning Commission (“Planning Commission”) can adopt a resolution of intention to propose an amendment to the Zoning Code; and

WHEREAS, the Planning Commission desires to propose an amendment to §§ 19-8-8, 22-11-11, 22-12-11, 22-23-6 and 22-23-7 22-25-4 to remove the sidewalk requirements from I-1 and I-2 Industrial Districts, and

WHEREAS, the Planning Commission shall hold a public hearing on such proposed amendments after notice as required by section 15.2-2204 of the Code of Virginia, and may make appropriate changes in the proposed amendment as a result of such hearing.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission proposes amendments to the Fluvanna County Zoning Ordinance by amending §§ 19-8-8, 22-11-11, 22-12-11, 22-23-6 and 22-23-7 22-25-4 to remove the sidewalk requirements from I-1 and I-2 Industrial Districts, and

WHEREAS, the Planning Commission finds that this proposed amendment in a matter of public necessity, convenience, general welfare or good zoning practice; and

BE IT FURTHER RESOLVED, the Planning Commission authorizes the Director of Planning to advertise the proposed amendment for a public hearing on June 10, 2025; and

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Planning Commission at a meeting of the Commission held on the 13th day of May, 2025:

	AYE	NAY	ABSTAIN	ABSENT	MOTION	SECOND
Barry Bibb, Cunningham District						
Lorretta Johnson-Morgan, Columbia District						
Kathleen Kilpatrick, Fork Union District						
Howard Lagomarsino, Palmyra District						
Robert Dorsey, Rivanna District						

Attest:

Barry Bibb, Chair
Fluvanna County Planning Commission

§ 15.2-961. Replacement of trees during development process in certain localities.

A. Any locality with a population density of at least 75 persons per square mile or any locality within the Chesapeake Bay watershed may adopt an ordinance providing for the planting and replacement of trees during the development process pursuant to the provisions of this section. Population density shall be based upon the latest population estimates of the Cooper Center for Public Service of the University of Virginia. (our [Cooper Center estimated population](#) is 28,382, which is 97.75/sq mi)

B. The ordinance shall require that the site plan for any subdivision or development include the planting or replacement of trees on the site to the extent that, at 20 years, minimum tree canopies or covers will be provided in areas to be designated in the ordinance, as follows:

1. Ten percent tree canopy for a site zoned business, commercial, or industrial;
2. Ten percent tree canopy for a residential site zoned 20 or more units per acre;
3. Fifteen percent tree canopy for a residential site zoned more than 10 but less than 20 units per acre; and
4. Twenty percent tree canopy for a residential site zoned 10 units or less per acre.

§ 15.2-961.3. Replacement of trees during development process in localities.

A. Any locality may adopt an ordinance providing for the planting and replacement of trees during the development process pursuant to the provisions of this section.

B. The ordinance shall require that the site plan for any subdivision or development include the planting or replacement of trees on the site to the extent that, at 20 years, minimum tree canopies or covers will be provided in areas to be designated in the ordinance, as follows:

1. Ten percent tree canopy for a site zoned business, commercial, or industrial;
2. Ten percent tree canopy for a residential site zoned 20 or more units per acre;
3. Fifteen percent tree canopy for a residential site zoned more than 10 but less than 20 units per acre;
4. Twenty percent tree canopy for a residential site zoned 10 units or less per acre; and
5. The tree canopy percentage for a mixed-use development shall be the percentage applicable to the predominant use of the development. For purposes of this subdivision, "predominant use" means the use within the development that constitutes the largest percentage of gross land area or, in the case of a building or buildings, the largest percentage of the total floor area.

SAMPLE PROFFER LANGUAGE

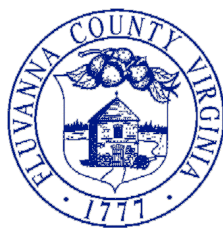
Below is sample proffer language from a recent rezoning in another locality.

Buffers

- a) A minimum sixty-five (65) foot undisturbed buffer, exclusive of easements generally running parallel, in accordance with the landscape requirements of the Zoning Ordinance, shall be provided along the southern property line adjacent to Tax ID's _____.
- b) A one hundred (100) foot undisturbed buffer, exclusive of easements generally running parallel, in accordance with the landscape requirements of the Zoning Ordinance, shall be provided along _____ Road for the entire property frontage.
- c) All healthy existing vegetation within the buffers shall be retained. In the event supplemental or replacement landscaping is required per ordinance for any buffers, the vegetation used shall consist of native species only. Buffers shall be designated on construction plans and orange safety fencing shall be used along buffers within twenty-five (25) feet of land disturbance activities. Prior to any land disturbance on the Property, all buffers shall be marked with tree protection tape. All buffers shall be recorded within common area or open space.

Tree canopy

- a) Within the residential subdivision, a minimum of thirty percent (30%) of the existing tree canopy, as defined by the Zoning Ordinance, shall be preserved and located in recorded open space or common area.



COUNTY OF FLUVANNA

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PLANNING COMMISSION STAFF REPORT

To: Fluvanna County Planning Commission
Case: SUP 25:01 Sprouse, specialty retail store
Date: May 13, 2025

From: Jason Overstreet
District: Fork Union Election District

General Information: This Special Use Permit (SUP) request is to be heard by the Planning Commission on Tuesday, May 13 2025 at 7:00 pm at the County Administration Building, Morris Room. The Commission deferred this request at its April 8th meeting.

Applicant: Brecht Sprouse

Requested Action: **SUP 25:01 Sprouse, specialty retail store** – A Special Use Permit request in the A-1, Agricultural, General District for a specialty retail store on an approximately 7-acre parcel located at 1474 North Boston Road, Troy, Virginia 22964 and also known as Tax Map Parcel 10-A-60A. This parcel is located in the Rural Residential Planning Area and in the Columbia Magisterial District.

Existing Zoning: A-1, Agricultural, General

Existing Land Use: Residential

Planning Area: Rural Preservation Planning Area

Adjacent Land Use: The surrounding parcels are zoned A-1, Agricultural, General.

Zoning History: SUP 06:04 permitting a dance and music studio was approved by the BOS on March 18, 2006 subject to six conditions.

Applicant Summary:

The applicant is requesting a Special Use Permit (SUP) for a specialty retail store to sell and service hunting and fishing equipment. The property is owned by KFP1, LLC and is zoned A-1, Agricultural, General. The parcel is located within Fluvanna County's Rural Residential Planning

Area. Under Fluvanna County's A-1 zoning, per Section 22-4-2.2 of the Fluvanna County Code, specialty retail stores are allowed in A-1 by Special Use Permit only.

The applicant proposes to use an existing building on the seven-acre property to operate a retail sporting goods store that will sell and service archery equipment, fishing equipment, and firearms. Mr. Sprouse has been operating a sporting goods business since 2001 in a location on U.S. 250 of Glenmore in Albemarle County. He is looking to relocate to a larger space. There will be an outdoor archery range with enclosed lanes, with classes offered, but there will be no outdoor shooting of firearms. He doesn't expect to need additional parking at the proposed new location, and there is ADA-accessible parking there. Business hours will be 9:00 am to 5:00 pm Monday through Saturday.

The Planning Commission deferred action on this request at its April 8th meeting and requested that a community meeting be held in order to solicit input from residents of surrounding communities. Staff coordinated and facilitated a meeting held on April 23 at which comments were received from the attendees. Concerns regarding the safety of North Boston Road in the general area of the proposed store were voiced by several of the attendees who stated that accidents occurred regularly near the existing entrance. Concerns regarding the location of the archery range were also voiced. Additional concerns were expressed regarding the special use permit's validity if the applicant stopped operating the business. The applicant expressed a willingness to potentially relocate the existing access point further east on North Boston Road if required. He also provided additional details of the archery range confirming that it was enclosed.

Retail store, specialty: A retail sales establishment of not more than 4,000 square feet that specializes in one type or line of merchandise or service including, but not limited to, antique stores, bookstores, shoe stores, stationary stores, jewelry stores, auto parts stores, and hardware stores.

Comprehensive Plan:

The Comprehensive Plan designates this property as being within the Rural Residential Planning Area. This land-use designation seeks to limit growth and preserve the rural character of the county. However, "Some additional 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". The proposed specialty sporting goods store will meet these goals.

Technical Review Committee:

The Technical Review Committee has reviewed the proposed SUP and offered the following comments:

- As long as there is no land disturbance, E&S doesn't have any issues.

- The applicant will need to check with the Building Office on any permits that might be needed if any remodeling is done or there is a change in occupancy.
- Fire Department representative said to make sure there are no low hanging trees to block emergency vehicle access.
- VDH will require a wastewater capacity assessment by an engineer. The well would need to be evaluated by Office of Drinking Water. Confirmed that there would be no food service.

Planning Analysis:

Mr. Sprouse is requesting a SUP to operate a specialty retail store in order to sell and service sporting goods. The subject property is located on the south side of North Boston Road and is accessed by a gravel drive that appears to have been upgraded to meet VDOT's low-volume commercial entrance requirements, however, VDOT will need to verify the current access conditions. The access point is located just east of a curve in North Boston Road that limits site distances for westbound turning vehicles to some extent. VDH will require a wastewater assessment of the existing septic system and they will also require an evaluation of the existing well.

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.

1) The proposed use should not tend to change the character and established pattern of the area or community.

Due to the specific and limited nature of the goods and services to be provided, the proposed use should have a minimal impact on the existing character of the area if any impact at all. Any potential impact will likely be related to an increased number of vehicles entering and exiting the property.

2) The proposed use should be compatible with the uses permitted in that zoning district and shall not adversely affect the use/or value of neighboring property.

The retail store is an allowed use with a SUP. The surrounding land use is low density residential and vacant agricultural. The Comprehensive Plan envisions that, "Some additional 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". Surrounding parcels should not be adversely affected by the proposed use.

Recommendation:

The Planning Commission should consider any potential adverse impacts to the surrounding community, such as traffic entering and exiting the property, noise, or potential visual impacts to adjacent properties. Due to the expected minimal increase in traffic, the effect on local infrastructure is expected to be negligible.

If this request is approved, staff recommend the following conditions:

1. The approval will be subject to a five-year period of validity.
2. All outdoor artificial illuminating devices shall conform with applicable codes and ordinances.
3. The store shall only operate Monday through Saturday from 9:00 am until 5:00 pm.
4. There shall be no shooting of firearms on the site.
5. Conform with VDOT low-volume commercial entrance requirements.
6. The applicant will work with VDH as needed to obtain any required permits.
7. The site shall be maintained in a neat and orderly manner so that the visual appearance from the road and adjacent properties is acceptable to County officials.
8. The Board of Supervisors, or representative, reserves the right to inspect the business for compliance with these conditions at any time.
9. Under Sec. 22-17-4 F (2) of the Fluvanna County Code, the Board of Supervisors has the authority to revoke a Special Use Permit if the property owner has substantially breached the conditions of the Special Use Permit.

Suggested Motion:

I move that the Planning Commission recommends (approval / denial) of SUP 25:01, a special use permit request in the A-1, Agricultural, General District to operate a specialty retail store on an approximately 7-acre parcel located at 1474 North Boston Road and also known as Tax Map Parcel 10-A-60A subject to the conditions as described in the staff report.

Attachments:

- A – Application
- B – Aerial Vicinity Map
- C – Site Sketch Plan

Feedback from Food Truck Owners (names withheld to preserve confidentiality):

- “We have enough permits to keep the regulations in place such as the health department the fire Marshals , every event we enter we go through a detailed process to ensure that our food trailer is safe and in working condition. As well as fire extinguishers permits that's separate from the fire department as well as the hood to be permitted every 6 months.
I don't agree, seems like a way to get money out of the food trailer business owners to help with county budget. I don't plan on continuing my business in Fluvanna.
My focus is festivals in Virginia that's very costly.”
- “It doesn't look like anything that we aren't already doing for the Health Department. Maybe I missed something.”
On requiring a SUP in residential areas: “Of course it would be easier to not have to deal with that, but I know nothing about those things.”