



## FLUVANNA COUNTY PLANNING COMMISSION

### REGULAR MEETING AGENDA

Morris Room, Fluvanna County Administration Building

132 Main St, Palmyra, VA 22963

September 9, 2025

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

#### WORK SESSION

**A – CALL TO ORDER, PLEDGE OF ALLEGIANCE, MOMENT OF SILENCE**

**B – WORK SESSION** | **Data Centers**

**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 August 12, 2025 – Todd Fortune, Director of Planning

**5 – PUBLIC COMMENTS #1** (5 Minutes Each)

**6 – PUBLIC HEARING**

B ZTA 25:08 – Amend the “Code of the County of Fluvanna, Virginia,” by clarifying under what circumstances special events will need a permit – Todd Fortune, Director of Planning

**7 – RESOLUTIONS**

C ZTA 25:09 – Amend the “Code of the County of Fluvanna, Virginia,” by amending height regulations for power production plants – Todd Fortune, Director of Planning

**8 – SITE DEVELOPMENT PLANS**

D None

**9 – SUBDIVISIONS**

E None

**10 – PRESENTATIONS**

F None

**11 – UNFINISHED BUSINESS**

H Comprehensive Plan Update – Todd Fortune, Director of Planning

**12 – NEW BUSINESS**

I BZA Cases – Jason Overstreet, Senior Planner

**13 – PUBLIC COMMENTS #2** (5 minutes each)

**14 – ADJOURN**

Planning Director Review

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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.*

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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.

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## **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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Data Center Zoning Research		
Locality	At a Glance - Data Center Zoning Specifics	Notes
Louisa County	Uses Technology Overlay District and Conditional Use Permits for data centers	Uses a Technology Overlay District (TOD). Data centers are permitted uses within the TOD and are permitted with the issuance of a conditional use permit. Louisa ordinances have a variety of TOD standards required, including facades, screening, landscaping, buffers, setback requirements, and noise requirements.
Albemarle County	Studying current proposed zoning ordinance amendment adding specific requirements for data centers and creating a two-tier Data Center Overlay District	No current data center specifics in zoning ordinance (only says that “Data processing services” are allowed as an accessory use in CO (commercial office) districts). Currently Albemarle is studying a proposed ordinance amendment to add in language governing data centers specifically, with requirements on setbacks, landscaping, generators, types of cooling, building design, and noise/noise studies. The proposal also includes a Data Center Overlay District split into Tier 1 (data centers up to 125,000 square feet by right, larger with special use permit) and Tier 2 (data centers up to 500,000 square feet, larger with special use permit). Looks like this one is still in active study – they were soliciting public comments up until 7/27/25.
Nelson County	None	Nothing specific on data centers in zoning ordinance.
Buckingham County	None - “Data/technology centers” permitted in NC1/Neighborhood Commercial	Nothing specific on data centers in zoning ordinance - “Data/technology centers” are permitted in NC1 (Neighborhood Commercial) districts.
Cumberland County	None	Nothing specific on data centers in zoning ordinance.
Goochland County	Studying proposals to add a Technology Overlay District with restrictions for data centers and a Technology Zone to attract high-technology businesses	Current zoning ordinance only states that data centers are allowed in M1 (Industrial, light).Goochland is currently considering making changes to their zoning specifically for data centers. It has proposals to add both a Technology Overlay district and a TZ (technology zone). The overlay district aims to add restrictions and allow additional uses, particularly data centers, with the TZ designed to attract high-technology businesses. Looks like they recently had a community meeting on 8/1/25 and are holding a public hearing on it on 9/18/2025.
Powhatan County	None - data centers permitted in NC1/Neighborhood Commercial	Nothing specific on data centers in zoning ordinance - they are permitted in I1 (Light industrial) district and PDD (Planned Development District).
Orange County	None - data centers permitted in I2 /General Industrial	Nothing specific on data centers in zoning ordinance - they are permitted in I2 (general industrial) districts.
Greene County	Approved Technology/Flex Research and Development District (TRFD) earlier this year	Approved a Technology/Flex Research and Development District (TRFD) earlier this year that would seem to apply to data centers, even though they are not specifically named.
Henrico County	June 2025 Comprehensive Plan Amendment requires Provisional Use Permit for all future data centers. Currently examining zoning ordinance for changes regarding data centers.	Currently lists data centers as approved in industrial use or as an accessory use with only light requirements. As of June 2025, all future data centers have to obtain a Provisional Use Permit, per an amendment to their Comprehensive Plan. Henrico is also examining its zoning ordinance to make future amendments of data centers.
Prince George County	None	Nothing specific on data centers in zoning ordinance.
Surry County	Uses an Emerging Technologies district for data centers	Uses an Emerging Technologies district for data centers.
Dinwiddie County	Uses an Emerging Technologies district and requires Conditional Use Permits for data centers	Uses an Emerging Technologies district and requires Conditional Use Permits for data centers.
Loudoun County	Eliminated by right development of data centers	Loudoun is now requiring a special exception for data centers.
Prince William County	Uses a Data Center Opportunity Zone Overlay for data centers	Uses a Data Center Opportunity Zone Overlay for data centers.

**FLUVANNA COUNTY PLANNING COMMISSION**  
**MEETING MINUTES**  
**132 Main Street Palmyra, VA 22963,**  
**Tuesday, August 12, 2025**  
**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  
Jason Overstreet, Senior Planner  
Alex Porter, Planner/GIS Technician

**MEETING CALL TO ORDER, THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE:**  
At 7:00 pm Chairman Bibb called the August 12, 2025 meeting to order, led the Pledge of Allegiance, and conducted a Moment of Silence.

- **Adoption of the Agenda:**
  - Mr. Fortune recommended removal of the New Business item related to the County Address Policy from the agenda

<b>MOTION:</b>	To Approve the Adoption of the Agenda of the Planning Commission meeting for August 12, 2025 Meeting as amended				
<b>MEMBER:</b>	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
<b>ACTION:</b>				<b>Motion</b>	<b>Second</b>
<b>VOTE:</b>	Aye	Aye	Aye	Aye	Aye
<b>RESULT:</b>	<b>5-0 Approved</b>				

- **Director’s Report:**
  - **Staff Updates:**
    - Jenny Cassell Faulknier has been hired as the new Administrative Programs Specialist and will begin on September 8.
    - A community meeting/open house will be held at Fluvanna County High School Thursday, August 14<sup>th</sup> at 6:30 pm on the Project Expedition Generating System Project.
    - Staff are working to coordinate with a university program to assist with developing concepts for Village Residential Overlays to present to the Planning Commission and the public.
    - Staff have been working with the Fluvanna County Economic Development Authority on the potential development of a Technology Zone overlay to add to the County Zoning Ordinance.
    - There are three public hearings on the agenda
      - ZTA 25:04 – Food Trucks
      - ZTA 25:07 – Process for Plan reviews
      - ZMP 25:02 – Fork Union Drive-in rezoning
    - There is one resolution on the agenda
      - ZTA 25:08 – Event Permits
    - There is an item under New Business regarding the process for presenting items to the Board of Zoning Appeals (BZA)

- **Future Meetings:**

Day	Date	Time	Public Hearings and Public Meetings	Location
Tuesday	Sept. 9, 2025	6pm 7pm	Work Session (TDB) Regular Meeting	Morris Rm
Tuesday	Oct. 7, 2025	6pm 7pm	Work Session (TDB) Regular Meeting	Morris Rm
Tuesday	Nov. 18, 2025	6pm 7pm	Work Session (TDB) Regular Meeting	Morris Rm

- **Minutes:**

<b>MOTION:</b>	Approval of Minutes from June 10, 2025 with typo correction on p.4				
<b>MEMBER:</b>	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
<b>ACTION:</b>		<b>Motion</b>			<b>Second</b>
<b>VOTE:</b>	Aye	Aye	Aye	Aye	Aye
<b>RESULT:</b>	<b>5-0 Approved</b>				

<b>MOTION:</b>	Approval of Minutes from July 14, 2025				
<b>MEMBER:</b>	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
<b>ACTION:</b>		<b>Motion</b>			<b>Second</b>
<b>VOTE:</b>	Aye	Aye	Aye	Aye	Aye
<b>RESULT:</b>	<b>5-0 Approved</b>				

- **Public Comments:**

- Mr. Bibb opened the first round of public comments. No one came forward to speak, and Mr. Bibb closed the first round of public comments.

- **Public Hearings:**

- **ZTA 25:04 – Food Trucks, Todd Fortune, Director of Planning**
  - This ZTA takes definition of “mobile food unit” from VA Code Sec. 3.2-6400; authorizes such activity by-right in all zoning districts. The County Code currently does not provide for this use.
  - Chairman Bibb opened the Public Hearing at 7:11 pm.
    - Donald Reynard, 3531 Union Mills Road, asked if there were distance restrictions from existing restaurants. County Attorney Dan Whitten advised that there were no such distance restrictions.
  - With no one else wishing to speak, Chairman Bibb Closed the public Hearing at 7:12 pm.

<b>MOTION:</b>	I move that the Planning Commission recommend approval of ZTA 25:04 – an ordinance to amend and reordain “The Code of the County of Fluvanna, Virginia” by amending §§ 22-22-1, 22-3-2.1, 22-4-2.1, 22-5-2.1, 22-6-2.1, 22-7-9.1, 22-8-2.1, 22-9-2.1, 22-10-3, 22-11-2.1, 22-12-2.1 and 22-13-2.1 to define “mobile food unit” and to authorize such activity by-right in all zoning districts.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
<b>ACTION:</b>			<b>Motion</b>		<b>Second</b>
<b>VOTE:</b>	Aye	Aye	Aye	Aye	Aye
<b>RESULT:</b>	<b>5-0 Approved</b>				

- **ZTA 25:07 – Process for Plan Reviews, Todd Fortune, Director of Planning**
  - This proposed ZTA would amend the Fluvanna County Code by amending §§ 19-2-1, 19-3-2, 19-3-4, 19-3-5, 19-3-6.2, 19-4-5, 19-5-2, 19-6-2, 22-14-2, and 22-23-8 to conform to the Code of Virginia by removing Planning Commission approval authority for the administrative review process for plats and plans and assigning such authority solely to the Subdivision Agent, and by changing certain review timeframes.
  - This change is in response to action taken by the Virginia general Assembly earlier this year. The proposed ZTA would bring the County in to compliance with the State Code.
  - Fluvanna Code uses the term “Subdivision Agent” in lieu of “Designated Agent”
  - There was some discussion of VML/VACO positions on enabling legislation. Mr. Whitten advised that a study group is being convened to study this further. Ms. Kilpatrick said that this seems to be going with the direction that homebuilders and real estate agents have been going over the last couple of decades, but this legislation appears to come up suddenly. Mr. Whitten noted that usually House and Senate bills come together, but that did not happen in this case.
  - Chairman Bibb opened the Public Hearing at 7:22 pm.
  - With no members of the public wishing to speak, Chairman Bibb closed the Public Hearing at 7:22 pm.

MOTION:	I move that the Planning Commission recommend approval of ZTA 25:07 – an ordinance to amend and reordain “The Code of the County of Fluvanna, Virginia” by amending §§ 19-2-1, 19-3-2, 19-3-4, 19-3-5, 19-3-6.2, 19-4-5, 19-5-2, 19-6-2, 22-14-2, and 22-23-8 to conform to the Code of Virginia by removing Planning Commission approval authority for the administrative review process for plats and plans and assigning such authority solely to the subdivision agent, and by changing certain review timeframes.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:			Motion	Second	
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

- ZMP 25:02 – Fork Union Drive-in Rezoning, Jason Overstreet, Senior Planner
  - This request is to rezone from A-1, Agricultural, General to the B-1, Business, General, Zoning District 2.74 +/- acres of 14 acres of Tax Map 51 Section A Parcel 60. The subject property is generally located on the west side of Winnsville Drive (SR 612) approximately 0.2 miles from its intersection with US 15 at Weber City. The parcel is located in the Fork Union Community Planning Area and the Fork Union Election District.
  - A recent survey of the Fork Union Drive-in and adjacent parcels indicates that part of the Drive-in is occupying the adjacent parcel that is zoned A-1.
  - Additionally, the septic drain field for the new bathroom facilities will be located on part of the area of 51-A-60 to be rezoned and added to the Drive-in parcel.
  - All of the rezoned areas of parcel 51-A-60 are adjacent to parcel 51-A-61 and will be added to this parcel through a boundary line adjustment.
  - Chairman Bibb opened the Public Hearing at 7:27 pm.
    - Ronald Unnerstall, the applicant, spoke during the public hearing. Spoke on why this is needed. He said the rezoning would allow the owners to set up an LLC for the Drive-in and operate everything on the same parcel.
  - With no one else wishing to speak, Chairman Bibb closed the Public Hearing at 7:30 pm.

MOTION:	I move that the Planning Commission recommend approval of ZMP 25:02, a request to rezone from A-1, Agricultural, General to the B-1, Business, General Zoning District 2.74 +/- acres of 14 acres of Tax Map 51 Section A Parcel 60.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

- Resolutions:
  - ZTA 25:08 – Special Events Permitting – Todd Fortune, Director of Planning
    - This proposed ZTA would amend the Fluvanna County Code by amending § 22-22-1 to amend the definitions of Outdoor Entertainment and Outdoor Gathering to clarify when a Special Entertainment Permit would be required for such events.
    - There have been discussions since late 2024 about how permits for special events are handled. The issue was brought back to the forefront recently as two big events are planned for September.
    - There is a separate issue, not addressed in this ZTA, of how permits would be approved going forward, whether administratively or by the Board of Supervisors; that issue will be brought to the Board of Supervisors for consideration.
    - Under this amendment, permits would only be required if admission was charged for the event.
    - Ms. Morgan questioned whether exempting County- and public school-sponsored events gave those entities an unfair advantage.

MOTION:	I move that the Planning Commission approve the Resolution to advertise a public hearing on September 9, 2025 to consider ZTA 25:08 – an Ordinance to amend and reordain “The Code of the County of Fluvanna, Virginia” by amending Section 22-2-1, to amend the definitions of outdoor entertainment and outdoor gathering				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Motion	Second		
VOTE:	Aye	Aye	Aye	Aye	No
RESULT:	4-1 Approved (Morgan)				

- **Site Development Plans:**
  - None
- **Subdivisions:**
  - None
- **Unfinished Business:**
  - **Comprehensive Plan Update - Todd Fortune, Director of Planning**
    - The advisory groups have held multiple meetings, and have begun reviewing documents related to the Comp Plan.
    - Work has begun on individual sections of the Plan update. Work has begun on revisions to the Vision Statement, Intro, Sec. 2 and 3, Sec. 5 and Sec. 6. Draft plan should be ready for review after the first of the new year.
    - Next meetings for each group:
      - Rural Preservation – August 26 at 5:30
      - Housing – August 27 at 3:00
      - Economic Development – September 2 at 4:30
      - Historic Preservation – TBD
    - There has been some turnover on the advisory group rosters:
      - Veneda “Kat” Roth has resigned from the Housing group, citing time constraints.
        - This leaves the Housing group with four (4) members. The group feels like they can continue to operate at this level.
      - Tricia Johnson has resigned from the Historic Preservation group, citing health concerns.
        - This leaves the Historic Preservation group with three (3) members. The Chair will be asked to appoint a new member for this committee.
  - **Comprehensive Plan Community Survey District-Specific Data - Todd Fortune, Director of Planning**
    - Analysis has been further refined to show district-specific data
    - Can be found in Planning Commission folder OR email [aporter@fluvannacounty.org](mailto:aporter@fluvannacounty.org) for a zip file.
    - Each question folder contains:
      - All-districts graph
      - Graph for each district
      - Python file showing methodology
    - Ms. Kilpatrick asked about the use of the data; Mr. Fortune explained that it would be referenced in the Comp Plan Update.
- **New Business:**
  - **BZA Process – Jason Overstreet, Senior Planner**
    - The Board of Zoning Appeals (BZA) occasionally hears requests for variances and appeals of zoning decisions.
    - Per Section 22-18-4(A) of the Fluvanna County Code, applications for variances are to be presented to the Planning Commission. The Commission has three options:
      - Take no action
      - Make a recommendation to the BZA
      - Attend as a party to the public hearing
    - There are two variance requests on the agenda for the BZA meeting on August 19, 2025. The Commission is being presented these two cases tonight, and given the

- option of making a recommendation or attending as a party to the hearing.
- **BZA 25-05:** Variance for size requirements for 27 directional signs as defined under section 22-22-1 of the Fluvanna County Code for a property located in the Columbia Election District and identified as Tax Map 11-9-2 for a warehouse distribution facility.
    - After some discussion about the process and the location of the signs in question, the Planning Commission decided to take no action on this variance request.
  - **BZA 25-06:** Variance for maximum sign height requirements under section 22-15-3 of the Fluvanna County Code for the Ash Market gas station located in the Fork Union Election District and identified as Tax Map 51-A-10.
    - The applicant has requested a variance to allow a sign with a height of 20 feet for safety reasons

MOTION:	I move that the Planning Commission recommend approval of a variance request to be considered by the Board of Zoning Appeals for maximum sign height as defined under Section 22-15-3 of the Fluvanna County Code to authorize a maximum sign height for a freestanding sign of 20 feet for a property located in the Fork Union election district and identified as Tax Map 51-A-103.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

- **Public Comments #2:**
  - Mr. Bibb opened the second round of public comments.
    - Donald Reynard, 3531 Union Mills Road, said the County needs to be more pro-business.
    - Patti Reynard, 3531 Union Mills Road, spoke in agreement about adopting a more pro-business posture by getting rid of the sign restrictions in the County Code.
  - No one else coming forward to speak, Mr. Bibb closed the public comment period.
- **ADJOURNMENT.**
  - Chair Bibb called for a motion to adjourn the August 12, 2025 Planning Commission regular meeting at 8:16 pm.

MOTION:	Motion to Adjourn the June 10, 2025 Planning Commission regular meeting at 8:16 pm.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

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

Barry Bibb, Chair

Fluvanna County Planning Commission





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## COUNTY OF FLUVANNA

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*"Responsive & Responsible Government"*

132 Main Street  
P.O. Box 540  
Palmyra, VA 22963  
(434) 591-1910  
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[www.fluvannacounty.org](http://www.fluvannacounty.org)

### PLANNING COMMISSION STAFF REPORT

**To:** Fluvanna County Planning Commissioners

**From:** Dan Whitten, County Attorney

**Case Number:** ZTA 25:08

**District:** Countywide Amendment

**General Information:** This public hearing is to be held on Tuesday, September 9, 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 an amendment to the Fluvanna County Zoning Ordinance by amending § 22-22-1 to amend the definitions of "Outdoor Entertainment and "Outdoor Gathering."

**Background Information:** There have been discussions since late 2024 about how permits for special events are handled. The issue was brought back to the forefront recently as two big events are planned for September. This amendment seeks to clarify when permits are required by stipulating that permits would only be required if admission was charged for the event.

Recommended Motion:

I MOVE THAT THE PLANNING COMMISSION RECOMMEND (APPROVAL/ DENIAL / DEFERRAL) OF 25:08 – AN ORDINANCE TO AMEND AND REORDAIN "THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA" BY AMENDING § 22-2- TO AMEND THE DEFINITIONS OF "OUTDOOR ENTERTAINMENT" AND "OUTDOOR GATHERING."

ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING § 22-22-1 TO AMEND THE DEFINITIONS OF “OUTDOOR ENTERTAINMENT” AND “OUTDOOR GATHERING”

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.

*Outdoor entertainment:* Predominantly spectator uses conducted in open or partially enclosed or screened facilities, but not including public facilities. Typical uses include, but are not limited to, sports arenas, **entertainment and music festivals**, motor vehicle or animal racing facilities, and outdoor amusement parks **for which a charge is imposed for admission. If the use is expected to attract a 1000 or more people at one time, a special entertainment permit shall be required in accordance with County Code § 7-1-3.**

*Outdoor gathering:* Any temporary organized gathering expected to attract 200 or more people at one time in open spaces outside an enclosed structure **for which a charge is imposed for admission to the activity**. Included in this use type would be entertainment and music festivals, church revivals, carnivals and fairs, and similar transient amusement and recreational activities not otherwise listed in this section. ~~Such activities held in public parks or on public school property shall not be included within this use type.~~ **County sponsored events and public school sponsored events shall not be included within this definition.**

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



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### PLANNING COMMISSION STAFF REPORT

**To:** Fluvanna County Planning Commissioners

**From:** Dan Whitten, County Attorney

**Case Number:** ZTA 25:09

**District:** Countywide Amendment

**General Information:** This is a request for a public hearing to be held on Tuesday, October 7, 2025 at 7:00 pm by the Fluvanna County Planning Commission in the Fluvanna County Circuit Court, 72 Main Street, Palmyra VA 22963.

**Requested Action:** Recommend advertisement for a public hearing to approve an amendment to the Zoning Ordinance by amending § 22-17-16 to amend the maximum height allowances for chimneys and stacks on power production plants.

**Applicant:** Expedition Generation Holdings, LLC  
(on behalf of Tenaska Power Generation, LLC and Pardee Virginia Timber 1, LLC)

**Background Information:** This request would amend § 22-17-16 of the County Code to amend the maximum height allowances for chimneys and stacks on power production plants. Currently, the Code allows for a maximum height of "the lesser of 145 feet above ground level or the height determined by 'good engineering practice' as determined by the State Air Pollution Control Board or the Department of Environmental Quality pursuant to applicable regulations addressing stack heights." The proposed amendment would change the maximum height allowance to 199 feet "unless a greater height is "determined to be necessary to comply with applicable air quality regulations or by 'good engineering practice' as determined by the State Air Pollution Control Board or the Department of Environmental Quality pursuant to applicable regulations addressing stack heights." Additionally, this amendment would stipulate that the stack height would not exceed 230 feet under any circumstance.

Recommended Motion:

I MOVE THAT THE PLANNING COMMISSION (APPROVE/ DENY / DEFER) THE RESOLUTION TO ADVERTISE A PUBLIC HEARING ON OCTOBER 7, 2025 TO CONSIDER ZTA 25:09 – AN ORDINANCE TO AMEND AND REORDAIN "THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA" BY AMENDING § 22-17-16 TO AMEND THE MAXIMUM HEIGHT ALLOWANCES FOR CHIMNEYS AND STACKS ON POWER PRODUCTION PLANTS.

## **Fluvanna County Zoning Ordinance Amendment Proposal**

**Applicant:** Expedition Generation Holdings, LLC

**Date:** August 28, 2025

Sec. 22-17-16. – Special use permit for power production plans.

### **REDLINE**

- (A)(3)(b) The height of any chimney ~~or stack~~ shall not exceed ~~199 feet above ground level unless a greater~~~~the lesser of 145 feet above ground level or the~~ height ~~is~~ determined ~~to be~~ ~~necessary to comply with applicable air quality regulations or~~ by "good engineering practice" as determined by the State Air Pollution Control Board or the Department of Environmental Quality pursuant to applicable regulations addressing stack heights. ~~In no event shall the stack height exceed 230 feet above ground level.;~~



**PLANNING COMMISSION**  
County of Fluvanna  
Palmyra, Virginia

**RESOLUTION No. 2025-09**

**A RESOLUTION OF INTENTION TO AMEND THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA BY AMENDING § 22-17-16 TO AMEND THE MAXIMUM HEIGHT ALLOWANCES FOR CHIMNEYS AND STACKS ON POWER PRODUCTION PLANTS.**

**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 § 22-17-16 to amend the maximum height allowances for chimneys and stacks on power production plants, 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 § 22-17-16 to amend the maximum height allowances for chimneys and stacks on power production plants, 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 October 7, 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 9<sup>th</sup> day of September, 2025:

	AYE	NAY	ABSTAIN	ABSENT	MOTION	SECOND
Barry Bibb, Cunningham District						
Loretta 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



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# COUNTY OF FLUVANNA

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*"Responsive & Responsible Government"*

132 Main Street  
P.O. Box 540  
Palmyra, VA 263  
(434) 591-1910  
[www.fluvannacounty.org](http://www.fluvannacounty.org)

## Planning Commission Staff Report

**To:** Fluvanna County Planning Commission  
**Case Number:** BZA 25:04  
**Date:** September 9, 2025

**From:** Jason Overstreet  
**District:** Cunningham  
**Tax Map:** 28 10 1

**General Information:**

This public hearing to be held on Tuesday, September 16, 2025 at 7:00 pm by the Fluvanna County Board of Zoning Appeals in the Morris Room in the County Administration Building, 132 Main Street, Palmyra VA 22963.

**Requested Action:**

A request for a Variance to Section 22-4-3 (C) (1) (b) of the Fluvanna County Code to allow for a reduction of the required minimum frontage from three hundred (300) feet to one hundred (100) feet on State Route 639 for the parcel identified as Tax Map 28, Section 10, Parcel 1.

**Background Information:**

This nonconforming parcel is a corner lot with frontage on SR 639 and SR 680. Sec. 22-4-5 requires that any lot or parcel fronting on two or more roads shall conform to the frontage requirements for all such roads. The required frontage is three (300) hundred feet on each road. The lot has the required frontage on SR 680 but only has one hundred feet of frontage on SR 639. This lot was previously divided in 2018 resulting in its current configuration.

Per Section 22-18-4 of the Fluvanna County Code, the Planning Commission has the option to send a recommendation on this request to the Board of Zoning Appeals.

**Analysis:**

This nonconforming lot was created in 2018 through the Minor Subdivision process. The requirements of Sec. 22-4-5 were effective in 2018. Additionally, the requirements of Sec. 22-16-7 that prohibit any division which creates a lot with width or area below district requirements were also effective when the lot was created. At the time, there appears to have been an informal policy that allowed a nonconforming lot to be divided as long as the existing nonconformity was not increased.

The applicant has provided evidence supporting their assertion that the application for a variance meets the required five criteria.

**Recommended Motion:**

I move that the Planning Commission recommend ( approval / denial ) of a variance request to be considered by the Board of Zoning Appeals to Section 22-4-3 (C) (1) (b) of the Fluvanna County Code to allow for a reduction of the required minimum frontage from three hundred (300) feet to one hundred (100) feet on State Route 639 for the parcel identified as Tax Map 28, Section 10, Parcel 1.





COMMONWEALTH OF VIRGINIA  
COUNTY OF FLUVANNA  
Variance Application (BZA)

Owner of Record: [REDACTED] Applicant of Record: [REDACTED]

E911 Address: [REDACTED] E911 Address: [REDACTED]

Phone: [REDACTED] Phone: [REDACTED]

Email: [REDACTED] Email: [REDACTED]

Representative: [REDACTED] 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.

E911 Address: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

Tax Map and Parcel(s): 28, Section 10, Parcel 1 Deed Book Reference: 996 Page 724

Acreeage: 178.57 Zoning: A-1 Deed Restrictions? ☒ No ☐ Yes (Attach copy)

E911 Address of Parcel: Unassigned

Description of Property: Unimproved land

Request for a variance from Section 22-4-3 of the Fluvanna County Code in respect to the requirement for

road frontage requirements in order to build subdivide into multiple parcels (leaving existing parcel with less than required frontage).

Fill in only the line(s) that apply to your request(s)	Applicant has	Code requires or permits	Variance requested
Total Area			
Lot Width			
Front yard setback			
Minimum side yard setback			
Total side yard setback			
Rear yard setback			
Public road frontage	Corner Lot	300' road frontage	200 feet Rt. 639
Other (write in)			

Two copies of a plan must be submitted, showing size and location of the lot, dimensions and location of the proposed building, structure or proposed use, and the dimensions and location of the existing structures on the lot.

By signing this application, the undersigned authorizes entry onto the property by County employees, the Planning Commission, the Board of Supervisors, and the Board of Zoning Appeals during the normal discharge of their duties in regard to this request.

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

Owner/Applicant Name (Please Print) [REDACTED] Date August 19, 2025 Owner/Applicant Signature [Signature] VP

OFFICE USE ONLY	
Date Received:	PH Sign Deposit Received: Application #: BZA _____
\$550 Fee Paid	
Election District:	Planning Area:
Approved Denied Date:	Zoning Administrator:



**IMPROVEMENTS PROPOSED**

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

See attached.

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**SPECIAL CONDITIONS**

Relate here the special conditions or circumstances (topography, soil type, shape of property) peculiar to the above described land, building, or structure or to the intended use or development of the land, building or structure involved that do not apply generally to other property in the same district.

See attached.

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**UNNECESSARY HARDSHIP**

Describe here how the literal interpretation and enforcement of Section 22-4-3 of the Zoning Ordinance would effectively prohibit or unreasonably restrict the use or intended use or development of the properties involved by the applicant.

See attached.

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**ADJACENT PROPERTY**

Describe the effects of this variance on adjacent property and the surrounding neighborhood. How will adjoining property owners be protected.

See attached.

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**PLAN**

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

See attached.

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Attachment to Variance Application (BZA)

Applicant: [REDACTED]

Tax Map Number 28-10-1-A

**IMPROVEMENTS PROPOSED**

Applicant desires to subdivide Parcel 1A (Tax Map 28, Section 10, Lot 1-A) (sometimes referred to as the "Parcel") to provide four (4) new parcels (1-A2; 1-A3; 1-A4; and 1-A5) as shown on the **enclosed** preliminary plat). Such subdivision will leave the residue parcel (Lot 1-A1) with approximately 115.02 acres that has boundary lines abutting two Virginia state routes. Section 22-4-5 of the County ordinance requires the road frontage for proposed Lot 1-A1 to be a minimum of 300 feet along each state route. The proposed subdivision will include 334.93 feet of road frontage off of State Route 680 which will comply with the County ordinance. However, the road frontage off of State Route 639 will contain less than 300 feet. The road frontage off of State Route 639 as it exists today is 100.84 feet. If the proposed subdivision and this variance request is approved, such road frontage will be unchanged and will remain at 100.84 feet. Applicant will proffer that that road frontage off of State Route 639 will not be used as an access point to proposed Lot 1-A1.

**SPECIAL CONDITIONS**

The Parcel was created in 2018 by Minor Subdivision Plat-Evergreen Subdivision dated August 20, 2018 (**enclosed herein**) and included the existing boundaries along State Route 639 that will remain following the proposed subdivision. Upon information and belief, the 2018 subdivision was completed prior to the existing ordinance (Section 22-4-5) and the frontage requirements for which the variance is requested were not at issue at that time.

**UNNECESSARY HARDSHIP**

The Parcel road frontage along State Route 639 has existed since 2018 and such road frontage will not be changed under the proposed subdivision. Strict application of the terms of the ordinance would unreasonably restrict the utilization of the property, and: (i) the Parcel was acquired and most recently subdivided in 2018 in good faith and no hardship was created by the variance applicant; (ii) granting the variance will not be of substantial detriment to adjacent properties or nearby properties; (iii) the Parcel's situation is not of such general or recurring nature as to make reasonably practicable a general regulation to be adopted as an ordinance amendment; and (iv) granting the variance does not result in a use that is not otherwise permitted on the Parcel or change the zoning classification of the Parcel.

**ADJACENT PROPERTY**

Adjacent property owners along State Route 639 will not be impacted. The current road frontage of the Parcel along State Route 639 has existed since 2018 with no known problems or concerns of adjacent property owners.

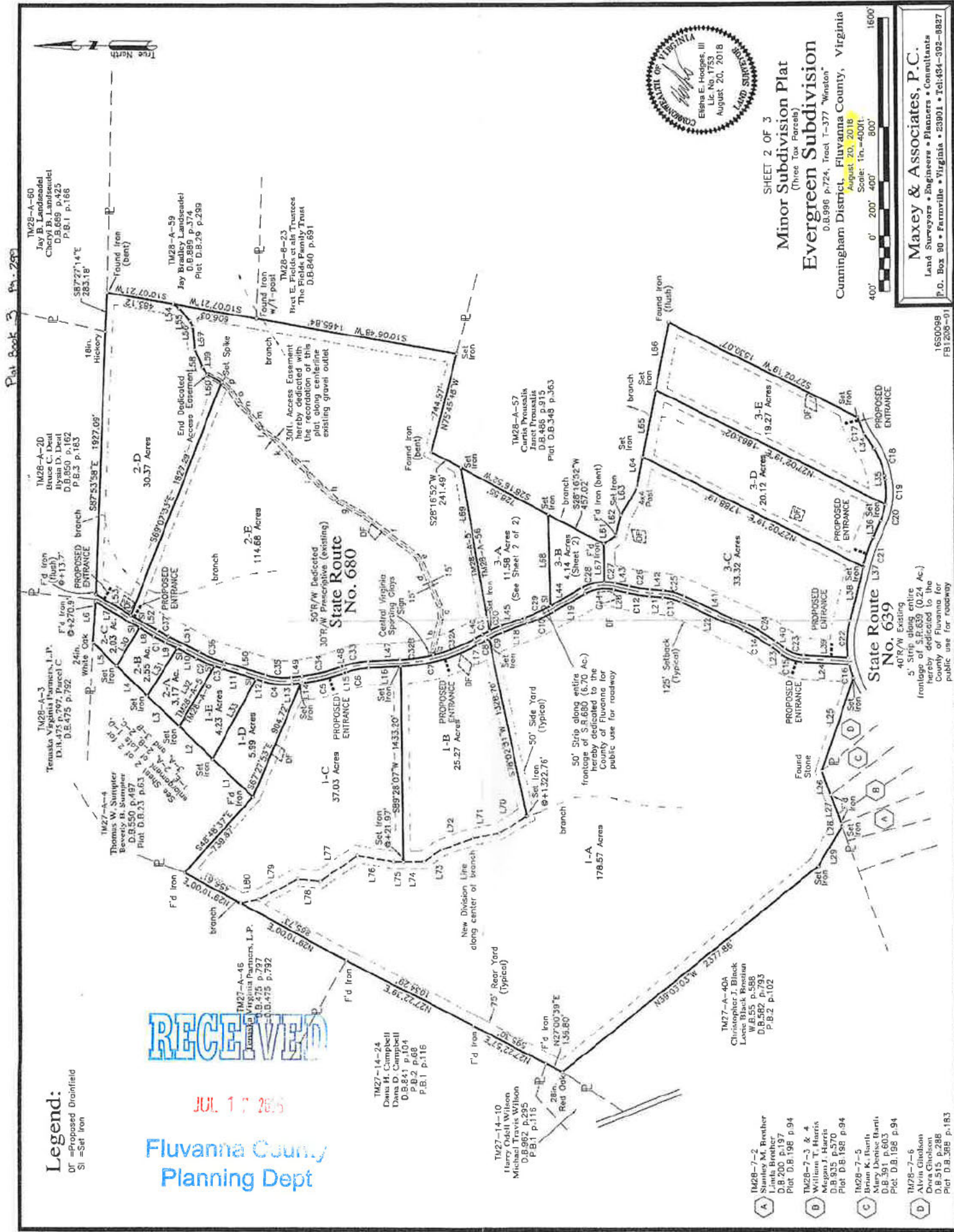
# Legend:

DF = Proposed Drainfield  
SI = Set Iron

RECEIVED

JUL 17 2018

Fluvanna County  
Planning Dept





Property Zoned A-1  
(1 Dwelling unit per 2 Acres allowed)  
Minimum Lot Width = 300ft.  
Total Acreage = 178.57 Acres  
Total Acreage in Lots = 178.57 Acres  
Total Acreage dedicated to public use = 0.00 Acres  
Reference: Plat Book 3 pages 250 & 251  
D:8989 p:131 (Inst.No.1703936)  
M28-10-1 > Parcels 1-A1 thru 1-A5  
No. of Proposed lots = 5  
Min. Lot size proposed = 13.77 Acres  
Average Lot size proposed = 115.02 Acres  
Residue = 0 Acres

1. Owner/Subdivider:  
Pardee Virginia Timber 2 LLC  
By: Pardee & Curtin Holding Company LLC  
Its: Sole Member  
By: Jeffrey W. Allen  
Its: Vice President  
11774 40th Street  
Suite 4010  
Philadelphia, PA 19103  
304-760-7085
2. Property Zoned A-1.  
Setback Requirements: Front=125ft./Side=50ft./Rear=75ft.  
This plot has been prepared without the benefit of a title examination  
and therefore does not necessarily indicate all encumbrances on the  
property.
3. This plot is based on a current fly survey.
4. This land is situated in F.I.R.M. Flood Plain Zone X (Areas determined  
to be outside the 0.2% annual chance floodplain) as shown on  
FIRM Map No. 02280-01-0000, dated 10/16/2006. 31065001390C and  
31065001755C. Effective Date May 16, 2008.
5. Location of all private entrances will be addressed upon individual  
location to VDOT.
6. Lots to be served by private water and sewer.
7. All areas are wooded with various ages of timber growth.



Fluvanna County  
Planning Dept

This subdivision was submitted to the Health Department for review pursuant to (5) 32.1-163.5 of the Code of Virginia which requires the Health Department to accept private soil evaluations and designs from an Authorized Onsite Soil Evaluator (AOSE) or a Professional Engineer working in consultation with an AOSE for residential development. The subdivider was not required to obtain a permit for these situations. The subdivision was reclassified as being in compliance with the Board of Health's regulations by Mark Acers, OSE No.1097 Telephone No. 540.840.3461.

This subdivision may contain lots that do not have approved sites for onsite sewage systems.

The approved onsite sewage system sites are not shown in detail on this plat. Those sites are shown on a separate plat on file in the Fluvanna County Health Department.

I hereby certify that, to the best of my knowledge and belief, all requirements of the Board of Supervisors and ordinances of Fluvanna County, Virginia, regarding the platting of subdivisions within the County, have been complied with.

1753	September 30, 2024
Elisha E. Hodges, III, L.S.	Lic. No. _____ Date _____

The plotting and subdivision of Evergreen Subdivision located in the Cunningham District of Fluvanna County, Virginia being part of that property owned by Pardee Virginia Timber 2 LLC by D8.996 p.724 Tract T-377 (Winston) being 178.57 in 5 lots is with the free consent and in accordance with the desires of the undersigned owners, proprietors and trustees, if any.

Date: 11/10/2025  
 Owner: Randee Vasilgia Timber 2 LLC  
 By: Parades & Surin Holding Company LLC  
 Its: Sole Member  
 Its: Jeffery W. Allen  
 Its: Vice President

## STATE OF \_\_\_\_\_ CITY/COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public in  
and for the City/County and State aforementioned; do hereby  
certify that the owners name as signed hereon above  
has on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
acknowledged the same before me.

Notary Public

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Notary Registration Number

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My Commission expires day of , 20

The subdivision shown hereon has been reviewed and approved by the undersigned in accordance with existing regulations, and may be committed to record.

Subdivision	Agent-Fluvanna	County	Date
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Health Department Official \_\_\_\_\_ Date \_\_\_\_\_

Virginia Department of Transportation Date

SHEET 1 OF 2  
Preliminary Plat

Minor Subdivision Plat  
for  
**Evergreen Subdivision II**  
Division of TM 28-10-1

D.B.996 p.724, Tract T-377 "Winston"  
Cunningham District, Fluvanna County, Virginia  
September 30, 2024

**Maxey & Associates, P.C.**  
Land Surveyors • Engineers • Planners • Consultants  
P.O. Box 90 • Farmville • Virginia • 23001 • Tel: 434-392-8627

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	728.04	100.84'	100.76'	S74.30.17" W	7°56'10"
C2	1001.20	112.78'	112.72'	S23.39.31" E	6°27'14"
C3	1298.50	214.91'	214.67'	S25.10.24" E	9°28'58"
C4	276.60	208.07'	203.20'	S08°21'52" E	43°06'01"
C5	1116.40	162.24'	162.10'	S09°01'21" W	8°19'36"
C6	384.20	139.41'	138.64'	S15°15.14" W	20°47'23"
C7	1020.10	227.37'	226.90'	S31°04.43" W	17°46'14"
C8	297.80	175.39'	172.79'	S20°00.04" W	35°43'48"

LINE	BEARING	DISTANCE
L1	S20°25.34" E	191.48'
L2	S29°54.53" E	263.40'
L3	S13°11.09" W	102.02'
L4	S04°31.33" W	97.22'
L5	S29°38.56" W	323.64'
L6	S29°38.56" W	178.12'
L7	S37°20.22" W	86.25'
L8	S03°08.10" W	334.93'
L9	N71°11.43" W	723.00'
L10	S68°51.73" W	185.38'
L11	S69°59.57" W	220.76'
L12	S69°58.31" W	21.89'
L13	N59°05.29" W	342.42'
L14	N27°00.39" E	136.80'
L15	N27°22.57" E	585.30'
L16	S11°46.46" E	130.88'
L17	S27°42.78" E	370.65'
L18	S05°24.17" W	163.28'
L19	S35°00.02" E	324.15'
L20	S09°30.18" W	265.25'
L21	S00°15.13" W	66.48'
L22	S00°15.13" W	149.64'
L23	S34°16.28" E	158.08'
L24	S20°11.46" E	240.69'
L25	S10°49.14" E	200.22'
L26	S31°36.06" E	239.13'
L27	S11°12.15" E	357.29'
L28	S14°53.08" E	283.01'
L29	S11°05.00" W	149.11'
L30	S11°05.00" W	54.74'
L31	S20°07.41" W	249.56'
L32	S00°10.26" W	69.46'
L33	S42°04.56" E	101.55'
L34	S42°04.56" E	165.32'
L35	S28°22.08" E	243.83'
L36	S29°21.30" E	76.10'
L37	S14°05.41" E	128.15'
L38	S29°09.53" E	70.27'
L39	S64°59.57" E	58.27'
L40	S23°29.20" E	139.10'
L41	S38°38.16" E	80.78'
L42	S85°41.35" E	517.04'

# Legend:

IPS - Iron pin to be set  
DF - Proposed Drainage

SHEET 2 OF 2  
Preliminary Plat  
for

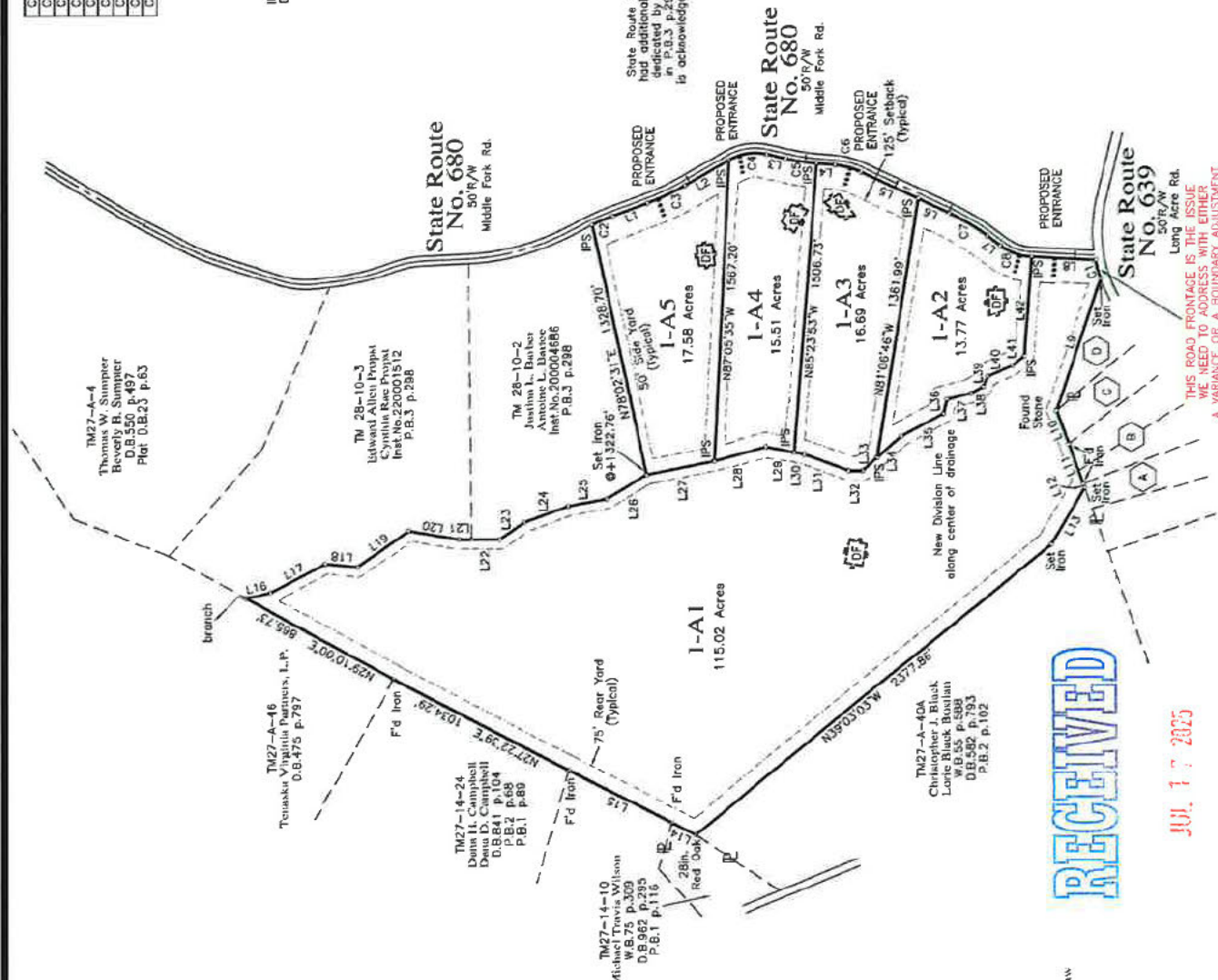
## Minor Subdivision Plat Evergreen Subdivision II Division of TM 28-10-1

D.B.996 p.724, Tract T-377 "Whetson"  
Cunningham District, Fluvanna County, Virginia  
September 30, 2024  
Scale: 1"=400'



Maxey & Associates, P.C.  
Land Surveyors • Engineers • Planners • Consultants  
P.O. Box 90 • Farmville • Virginia • Tel: 434-392-0827

2450066  
FB1208-01



THIS ROAD FRONTAGE IS THE ISSUE  
WE NEED TO ADDRESS WITH EITHER  
A VARIANCE OR A BOUNDARY ADJUSTMENT  
WITH ADJOINING OWNER  
THE COUNTY ORDINANCE SEC.22-4-5  
STATES THAT ANY LOT FRONTING ON TWO OR MORE ROADS  
SHALL CONFORM TO THE FRONTAGE, MINIMUM LOT WIDTH  
AND SETBACK REQUIREMENTS FOR ALL SUCH ROADS  
THE COUNTY REQUESTED TO SEE THIS ON THE SKETCH PLAN