

**FLUVANNA COUNTY PLANNING COMMISSION  
REGULAR MEETING MINUTES**

**Fluvanna County Library  
214 Commons Boulevard  
Palmyra, VA 22963**

**July 12, 2022  
Work Session 6:00 pm  
Regular Meeting 7:00 pm**

**MEMBERS PRESENT:**

Barry Bibb, Chair  
Gequetta "G" Murray-Key, Vice Chair  
Mike Goad, Commissioner  
Howard Lagomarsino, Commissioner  
Ed Zimmer, Commissioner  
Patricia Eager, Board of Supervisors Representative

**ABSENT:**

Valencia Porter, Administrative Programs Specialist

**STAFF PRESENT:**

Eric Dahl, Fluvanna County Administrator  
Douglas Miles, Community Development Director  
Fred Payne, Fluvanna County Attorney  
Jennifer Schmack, Economic Development Director  
Jon-Mikel Whalen, Planner / GIS Technician

**WORK SESSION**

**Fluvanna County Comprehensive Plan** – Douglas Miles, AICP, CZA Spring Open House results and the ongoing Advisory Groups update: Rural and Historic Preservation Advisory Group work and the Zion Crossroads Stakeholders Group work and the ongoing draft document preparation.

**2022 Zoning Text Amendments** – the discussion of Brewpubs, Data centers, Emergency centers, Event facilities, (Farm) Machinery sales & service, Microbreweries and Vehicle impound facilities as the new commercial land uses which are proposed based upon the market driven factors and small business owner requests. Emphasis is being placed on new uses in B-1, I-1 and I-2 districts.

**1. CALL TO ORDER, THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE:**

At 7:00 pm, Chair Bibb, called to order the Regular Meeting of July 12, 2022. After the recitation of the Pledge of Allegiance, a moment of silence was observed.

**2. DIRECTOR'S REPORT – Douglas Miles, AICP, CZA, Community Development Director**

**SUB 22:07 Colonial Circle 204 Single-Family and Townhouse Units**

Stanley Martin Homes recorded these new residential lots on July 1st. The subdivision roads have been bonded and AQUA water and sewer lines have been bonded for site construction.

**SDP 22:06 Colonial Circle Convenience Market – Preliminary Layout**

7,000 square foot Neighborhood convenience market with gasoline and diesel pump islands was submitted for our site plan design review and discussion of EV charging stations and car wash to come later this Summer with the site developer and civil engineering consultant for future uses.

**Palmyra Streetscape Improvements: Commonwealth Transportation Board (CTB) Approval**

The Commonwealth Transportation Board (CTB) on June 21st they approved \$1,271,325 Transportation Alternative Program (TAP) grant funded dollars with VDOT administering streetscape construction project in conjunction with Fluvanna County providing a match.

The project will improve both pedestrian accessibility and safety with the construction of five foot sidewalks, crosswalks and curb ramps to provide pedestrian connectivity along stone Jail Street from Main Street and connect the existing Courthouse and Historic Courthouse.

**3. PUBLIC COMMENTS #1**

Chair Bibb opened up the Public Comments at 7:09 pm by giving each public speaker a limit of five (5) minutes to speak and asked that they state their name and their address for the record.

**Donna D’Aguanno at 148 Crepe Myrtle Drive**, (online) she had stated that she was very disappointed that the Colonial Circle development was clear-cut at Routes 53 and 618.

With no one else wishing to speak in person or online, Chair Bibb closed the first round of Public Comments at 7:20 pm.

**4. MINUTES:**

<b>MOTION:</b>	<b>To Approve the minutes of the Planning Commission of June 7, 2022</b>				
<b>MEMBER:</b>	Bibb	Goad	Murray-Key	Lagomarsino	Zimmer
<b>ACTION:</b>			<b>Second</b>	<b>Motion</b>	
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Abstained
<b>RESULT:</b>	<b>4-0-1, Zimmer Abstained</b>				

**5. PUBLIC HEARINGS:**

**ZMP 22:03 Wolfpack Properties LLC** A request to rezone from A-1, General Agricultural to the B-1, General Business Zoning District of 35 +/- acres of Tax Maps 9 Section A Parcels 11, 11B, 11C, 11D, 11F and 11G. The subject properties are generally located along the south line of Lake Monticello Road (SR 618) and west of Glen Burnie Road, approximately two (2) miles east on Lake Monticello Road from its intersection with Thomas Jefferson Parkway (SR 53) and are in the Rivanna (Lake Monticello) Community Planning Area and Palmyra Election District.

Mr. Miles presented the proposed commercial B-1 rezoning case request along with explaining some of the proposed draft proffers relative to buffers, site construction access and land uses.

The applicant, Joseph Jones of Wolfpack Properties, LLC provided a summary presentation and along with Justin Shimp, PE, Shimp Engineering, he was able to provide additional information.

**Mr. Zimmer:** asked is the 100’ buffer conceptual or has it been added as one of the proffers?

**Mr. Miles:** stated one of the proffers.

**Mr. Goad:** Do you already have prospective businesses like a grocery store or emergency center?

**Mr. Jones:** There are no retail stores selected yet but there are hospital systems like Bon Secours and Sentara we have begun having conversations with to provide potential emergency services.

**Vice Chair Murray-Key:** As far as the Lake Monticello residents going in and out of a potential new gate would they have to pay additional LMOA fees or will this new gate already be taken care of?

**Mr. Jones:** A bar code access gate could be installed there and we are working with the LMOA.

**Chair Bibb** opened the Public Hearing at 7:47 pm, allowing the public to speak for 5 (five) minutes and he asked that they state their name and property address then provide any public comments.

**Corven Flynn at 319 Shiloh Church Road:** Expressed his concerns with the increase of B-1 property affecting property values, the application process checklist states that the technical review committee provides a professional critique of the application and plans, asked why is it that some people have to follow the process and some people don’t have to follow process.

**Tom Diggs at 947 Jefferson Drive** spoke in support of the proposed commercial rezoning case.

**Debra Kurre at 19 Laguna Road** spoke in favor of this request, asked Aqua to fix water problems. She suggested that the county get a true traffic impact analysis when reviewing new rezoning’s.

**Katherine Gardner at 669 Taylor Ridge Way** (online) she spoke in favor of the rezoning case request and stated she was a lifelong Fire and EMS first responder and that a new emergency center is needed and that additional retail grocery store, medical and dental offices are needed.

**Donna D’Aguanno at 148 Crepe Myrtle Drive** (online) she spoke in favor of the zoning request.

**Gregg Roberts at 2448 Lake Monticello Road:** (online) stated he would like to know if there was going to be a privacy fence or a landscaped buffer between his property and the B-1 development.

**Mr. Miles:** stated yes there would be a 50 foot buffer or fence installed adjacent to your property as required in the Ordinance by the site developer of the property at the time of site plan review.

Chair Bibb closed the public hearing at 8:14 pm.

After a discussion with the applicant about the proffered conditions that were not signed and Mr. Payne, County Attorney indicated that they should be signed. Chair Bibb asked is there a motion.

<b>MOTION:</b>	I move the Planning Commission recommends deferral of ZMP 22:03, Wolfpack Properties LLC a request to rezone from A-1, General Agricultural to the B-1, General Business Zoning District of 35 +/- acres of Tax Maps 9 Section A Parcels 11, 11B, 11C, 11D, 11F and 11G. The subject properties are generally located along the south line of Lake Monticello Road (SR618) and west of Glen Burnie Road, approximately two (2) miles east on Lake Monticello Road from its intersection with Thomas Jefferson Parkway (SR53) and are in the Rivanna (Lake Monticello) Community Planning Area and Palmyra Election District with Draft Proffers dated July 8, 2022.				
<b>MEMBER:</b>	Bibb	Goad	Murray-Key	Lagomarsino	Zimmer
<b>ACTION:</b>		<b>Second</b>	<b>Motion</b>		
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>Deferred 5-0 to the August 9, 2022 Regular meeting</b>				

Chair Bibb took a five minute recess at 8:55 pm and then reopened the meeting at 9:00 pm.

**ZTA 22:01** An Ordinance to amend Chapter 22 Zoning of the Fluvanna County Code and pursuant to Fluvanna County Code Section 22-20-1(c) and by the Addition of Definitions and the Amendment of a Definition known as Agricultural Enterprises under 22-22-1 Definitions; Uses Permitted by Special Use Permit in A-1 Zoning Under 22-4-2.2 to Permit an Event Facility, Machinery Sales and Service, Microbrewery and Vehicle Impound Facility; Uses Permitted by Right in R-3 Zoning Under 22-7-9.1 to Permit a Brewpub; Uses Permitted by Special Use Permit in R-3 Zoning Under 22-7-9.2 to Permit a Microbrewery; Uses Permitted by Right in B-1 Zoning Under 22-9-2.1 to Permit a Brewpub, Emergency Center, Event Facility, Machinery Sales and Service, and Microbrewery; Uses by Special Use Permit in B-1 Zoning Under 22-9-2.2 to Permit a Vehicle Impound Facility; Uses Permitted by Right in B-C Zoning Under 22-10-3 to Permit a Brewpub; Uses Permitted by Special Use Permit in B-C Zoning Under 22-10-4 to Permit a Microbrewery; Uses Permitted by Right in I-1 Zoning Under 22-11-2.1 to Permit a Data Center, Machinery Sales and Service and Vehicle Impound Facility, Uses Permitted by Right in I-2 Zoning Under 22-12-2.1 to Permit a Data Center, Machinery Sales and Service and Vehicle Impound Facility.

**Zoning Text Amendment Requests—Douglas Miles, Community Development Director**

**Agricultural Enterprise Definition:**

Agricultural Enterprise: Agricultural related use that provides an agricultural service or produces goods from agricultural resources. These include processes that are a direct outgrowth, yet more intensive, of the products derived through agriculture, as defined.

Relates uses include sawmill these uses include **farm brewery, cidery, distillery, meadery,** winery and other similar facilities. (Existing Fluvanna County definition)

**Brewpub & Microbrewery Definitions:**

Brewpub: A restaurant that prepares, as an accessory use, handcrafted natural beer intended for the consumption on the premises.

Microbrewery: A facility for the production and packaging of malt beverages with alcohol content as defines by federal or Virginia law, and distribution, retail, wholesale, or both, for consumption on or off premises. Permitted accessory uses may include an on-site retail sales

establishment and a tasting room. Microbreweries are licensed by the Virginia Department of Alcohol Beverage Control and shall operate in accordance with any requirements by the Code of Virginia or any other applicable laws.

**Data Center – Industrial Use definition:**

Data center: A facility used primarily for management, processing, storage and transmission of facts and information in digital form, which houses computer and network equipment, servers, systems and other associated components related to digital data operations. The facility may also include accessory uses like air handlers, power generators, water-cooling and storage facilities, utility substations, and other associated infrastructure to support its operations.

**Emergency Center with Helipad definition:**

Emergency center: A facility that offers the same level of service offered at a hospital emergency room that must be staffed 24 hours a day, 365 days a year, including weekends, holidays, and during inclement weather. An emergency center can accept ambulance transports and have medical flight capabilities with helicopter landing and take-off areas as approved helipads and/or heliport areas.

**Event Facility definition:**

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

Facilities exclusively used by membership groups such as civic or service clubs or fraternal organizations are not included in this definition – see Lodge definition.

**Event Facility: Not Lodge or Outdoor Gathering:**

Lodge: A facility, owned or operated by a corporation, association, person or persons, for social, educational or recreational purposes, to which membership is required for participation and not primarily operated for profit nor to render a service that is customarily carried on as a business. A lodge does not include facilities for members to reside. (existing Fluvanna County definition for reference)

Outdoor gathering: Any temporary organized gathering expected to attract 200 or more people at one time in open spaces outside an enclosed structure. 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.

Neither of these existing Zoning Ordinance definitions are used for an Event Facility that is a for profit business or assembly hall use. County staff wanted to make it known for clarity purposes.

**Farm Machinery / Vehicle Impound Facility:**

Machinery sales and service: shall mean the sale and service of machinery such as, but not necessarily limited to, farm tractors, and other similar implements such as backhoes, bulldozers, and forklifts and together with attachments and implements of such machinery such as combines, harvesters, mowers, and buckets, etc.

Vehicle impound facility: A facility for the temporary, screened storage of operable or inoperable vehicles to be claimed by their titleholders or agents; or those vehicles that are awaiting insurance adjustments or claims within 30 days or less for insurance purposes.

**Vehicle Impound Facility Zoning Research:**

Automotive Repair Service: A facility for the general repair, rebuilding, or the reconditioning of engines, motor vehicles, or trailers, or providing collision services, to include body, frame or fender repair and overall painting with towing as accessory use to an Automotive Repair Service

use.

**Automotive Land Uses:**

In the City of Charlottesville and Albemarle County historically is where tow trucks have been located and they are also commercially taxed by each of those localities rather than housed and taxed within Fluvanna County.

More Vehicle recovery operators are now looking to locate in the Count’s commercial corridors such as US 250 & Route 15 to serve I-64 and they could be commercially taxed within Fluvanna County for local revenue.

Vehicle Impound Facility: (22-22-1 Definitions) A facility that provides for the temporary, screened storage of operable or inoperable vehicles to be claimed by their titleholders or agents; or those vehicles that are awaiting insurance adjustments or claims within 30 days or less for insurance purposes (Proposed)

Vehicle Impound Facilities are used by Virginia jurisdictions to impound vehicles that have been left along public roadways or have not paid personal property taxes for years and;

They are used by the private vehicle recovery operators to temporarily store the damaged vehicles removed from the public roads for insurance claim purposes by vehicle owners

Salvage and Scrap Yard: Facilities engaged in the storage, sale and dismantling or other processing of uses or waste materials which are not intended for reuse in their original forms.

Typical land uses are retail or wholesale sales of used auto parts that are placed up onto racks and is not a Vehicle Impound Facility that has a time limit and does not allow for disassembly of autos as insurance claims are being processed on them

Chair Bibb opened up the Public Hearing at 9:20 pm and he asked the speakers to provide their name and address and to keep their comments to five minutes.

**Suzy Morris at 6840 Thomas Jefferson Parkway:** Spoke about the zoning ordinance and why are we putting businesses into A-1 with an SUP when they need to be in B-1, I-1 and/or I-2 zoning.

**Tom Beecher at 216 Lowfields Lane:** Spoke in opposition relative to the event facility land use.

**Jack Beuth at 121 Middleton Mills Lane:** Spoke in opposition relative to the event facility use.

Chair Bibb closed the public hearing at 9:40 pm and opened up the discussion with the Planning Commissioners who were very supportive of potential new businesses being defined and being placed in the Fluvanna County Zoning Ordinance. Chair Bibb then asked do we have a motion.

<b>MOTION:</b>	I move that the Planning Commission recommends, in conformance with section 22-20-1 (B) of the Zoning Ordinance Approval of ZTA 22:01 an ordinance to amend chapter 22 zoning of the Fluvanna County code by the addition of definitions and the amendment of a definition know as agricultural enterprises under 22-22-1 definitions; uses permitted by special use permit in A-1 zoning under 22-4-2.2 to permit an event facility, machinery sales and service, microbrewery and vehicle impound facility; uses permitted by right in R-3 zoning under 22-7-9.1 to permit a brewpub; uses permitted by special use permit a R-3 zoning under 22-7-9.2 to permit a microbrewery; uses permitted by right in B-1 zoning under 22-9-2.1 to permit a brewpub, emergency center, event facility, machinery sales and service, and microbrewery; uses by special use permit in B-1 zoning under 22-9-2.2 to permit a vehicle impound facility; uses permitted by right in B-C zoning under 22-10-3 to permit a brewpub; uses permitted by special use permit in B-C zoning under 22-10-4 to permit a microbrewery; uses permitted by right in I-1 zoning under 22-11-2.1 to permit a data center, machinery sales and service and vehicle impound facility, uses permitted by right in I-2 zoning under 22-12-2.1 to permit a data center, machinery sales and service and vehicle impound facility.				
<b>MEMBER:</b>	Bibb	Goat	Murray-Key	Lagomarsino	Zimmer

<b>ACTION:</b>			<b>Motion</b>		<b>Second</b>
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>Recommended Approval 5-0 onto August 17th Public Hearing</b>				

**7. SITE DEVELOPMENT PLANS:**

None

**8. SUBDIVISIONS:**

None

**9. UNFINISHED BUSINESS:**

None

**10. NEW BUSINESS:**

Comprehensive Plan Advisory Group Appointments – Kathleen Kilpatrick was considered for The Historic Preservation Advisory Group and which will be starting on Thursday, July 28th.

<b>MOTION:</b>	I move that Planning Commission appoint Kathleen Kilpatrick to the Historic Preservation Advisory Group as a part of the 2040 Comp Plan.				
<b>MEMBER:</b>	Bibb	Goad	Murray-Key	Lagomarsino	Zimmer
<b>ACTION:</b>			<b>Second</b>		<b>Motion</b>
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0 Approved</b>				

**11. PUBLIC COMMENTS #2:**

**Chair Bibb** opened up the Public Comments at 10:15 pm by giving each speaker a limit of five (5) minutes to speak and asked that they state their full name and property address for the record.

**Donna D’Agvano at 148 Crepe Myrtle Drive:** (online) Spoke about solar energy facilities and that they should be located within commercial and industrial areas and not be located in rural areas.

**Cyndra Kerley at 202 Turkeysag Trail:** (online) Made comments regarding the application process and TRC review, expressed her concerns with county staff not following the order of the current listed application process, and asked for the process to be upheld and followed.

With no one else coming forward wishing to speak in person or online, Chair Bibb closed the Public Comments period at 10:20 pm.

**12. ADJOURNMENT:**

**Chair Bibb** adjourned the Planning Commission meeting on July 12, 2022 at 10:20 pm.

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**Barry A. Bibb, Chair**  
**Fluvanna County Planning Commission**