

**FLUVANNA COUNTY PLANNING COMMISSION  
MEETING MINUTES  
132 Main Street Palmyra, VA 22963,  
Tuesday, December 10, 2024  
Work Session 6:00 pm | Regular Meeting 7:00 pm**

**MEMBERS PRESENT:**

Barry Bibb, Chair  
Kathleen Kilpatrick, Commissioner  
Howard Lagomarsino, Commissioner  
Lorretta Johnson-Morgan, Commissioner  
Mike Goad, Representative of Board of Supervisors (arrived 6:10 pm)

**ABSENT:**

Eddie Shifflett, Commissioner

**STAFF PRESENT:**

Todd Fortune, Director of Planning  
Dan Whitten, Fluvanna County Attorney  
Kelly Harris, Assistant County Administrator  
Eric Dahl, County Administrator  
Margie Bamford, Administrative Assistant

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

At 6:03 pm Chairman Bibb called the December 10, 2024 Work Session to order, led in the Pledge of Allegiance, and conducted a Moment of Silence.

**B. Subdivisions**

County Attorney Dan Whitten presented a PowerPoint to the Commission listing zoning options for new ways for developers and county residents to create subdivisions. He discussed allowing rural cluster subdivisions by SUP that would have to have a public hearing by the Planning Commission and Board of Supervisors; increasing allowed lots for minor subdivisions, limiting the building lot no matter the acreage, and requiring water and sewer on the lots (not well and septic).

Mr. Bibb wanted to explore the SUP option. Mr. Whitten then discussed how minor subdivision are allowed by right in A-1 and do not go before the Planning Commission and that an option would be to increase the allowable lots in a minor subdivision. Mr. Whitten discussed the lot requirements for major subdivisions and how they differ from a family subdivision and discussed the current subdivision ordinance and how you can subdivide through that and he noted that later, we are discussing that ordinance and a court case that was necessitating the code change. Mr. Whitten then discussed how family subdivisions are permitted by right. Mr. Whitten advised that in the current zoning ordinance, anything creating a lot that is 60 acres or more is not considered a subdivision. Mr. Whitten then discussed rezoning to R-1, R-2, R-3 and R-4 and proffers to go with the rezoning, and noted that SUP's would not allow proffers.

Mr. Bibb questioned Mr. Whitten if the Commission re-writing the subdivision ordinance would make it so all minor and major subdivisions would be coming before the board. Mr. Whitten advised that minor subdivisions do not need Planning Commission approval, just major. Mr. Whitten gave options through a boundary line adjustment on how to resize lots and subdivide them that way. Mr. Whitten also provided several more examples of how citizens could divide their lots. Mr. Bibb had questions about the current ordinance and how many times the lots could be divided, Mr. Whitten answered and provided information on the new ordinance. Mr. Bibb had questions pertaining to road frontage, Mr. Whitten provided him the answers.

Ms. Johnson-Morgan questioned Mr. Goad on the Board's thoughts on this and Mr. Goad provided her with the information and motion information. Mr. Bibb questioned Mr. Goad on if the person that made the motion to the Board was concerned about affordable housing. Mr. Goad advised that he didn't think he was but he couldn't speak for the Board member. Mr. Johnson-Morgan had questions about acreage for lot size. Mr. Whitten provided her with the answer, it depended on lot numbers not size. Members discussed possibly changing the lot size, not the numbers. Mr. Whitten and Mr. Goad discussed the new ordinance for subdivisions again. Mr. Bibb brought up clusters with SUP and changing the lot size not the lot numbers, he wanted to know if other counties were doing it that way. Mr. Bibb was concerned about the county requiring water and sewer when most of the County didn't have access to municipal water and sewer. Mr. Whitten went over the zoning again to confirm the needs for water and sewer and confirmed it to the Planning Commission.

Ms. Kilpatrick had questions about open space requirements for clusters. Mr. Whitten and Mr. Fortune answered her from the zoning ordinance. Mr. Bibb wanted to know how hard it would be to use a SUP and use large lot sizes and get a larger open space requirement. Mr.

Goad was concerned about creating a ZTA at this point. Mr. Whitten advised that it would be allowed with a SUP and would not require a ZTA. Mr. Goad was concerned that re-zoning to R-4 would be the same as getting a SUP. Ms. Kilpatrick expressed concerns about open space again. Mr. Lagomarsino expressed the need to get voluntary proffers in a SUP. Mr. Goad expressed again that it maybe easier to “tweak” the zoning vs making people get a SUP. Mr. Bibb wanted more control by the Planning Commission and the Board. Mr. Goad thinks that there will be more control with the rezoning. Mr. Lagomarsino expressed concerns in the voluntary proffers becoming non-voluntary and citizens getting concerned over that. Mr. Whitten explained that the State has released restrictions on proffers over the last few years. Mr. Bibb questioned if we can list conditions with SUP. Mr. Whitten advised as long as it is within reason.

Mr. Goad expressed concerns that the Board and Planning Commission had more power with proffers than thought previously. Mr. Bibb wanted to know if we could deny a subdivision if the proffers were not met. Mr. Whitten explained that we could not. Mr. Goad then wanted to know on what basis a denial could be made, Mr. Whitten gave several examples. Mr. Lagomarsino wanted to know if we had any undeveloped land in the “R” zoning. Mr. Whitten and Mr. Fortune could not provide an answer without further research.

Mr. Bibb wants the Planning Department to come up with concrete ideas to present to the planning commission for a change. Mr. Goad wants to try and get R-4 closer to what rural clusters used to be. Ms. Kilpatrick wants to make sure that we keep open spaces in the new ideas. The Planning Commission members and Mr. Whitten discussed several different changes to try and make to R-4 to get it closer to the rural clusters and how to use the SUP to increase density. Mr. Bibb reiterated that he wants to Planning Commission to come up with concrete ideas and to try to have those options come through the Planning Commission and public hearings so that the community has a say in the subdivisions. Ms. Kilpatrick reiterated her concerns on open spaces again when discussing the new subdivision options. Mr. Lagomarsino wants to make sure focus is made on mixed use, that people can work where they live, Mr. Goad agreed. Mr. Bibb suggested that the newly formed committees for the Comprehensive Plan that Economic Development and Housing should be combined.

**C. Work Session Adjourned.**

- Chairman Bibb adjourned the Work Session at 6:48 pm.

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

At 7:00 pm, Chair Bibb, called the December 10, 2024 Regular Meeting to order, led in the Pledge of Allegiance, and conducted a Moment of Silence.

**2. Adoption of the Agenda:**

<b>MOTION:</b>	To Approve the Adoption of the Agenda of the Planning Commission meeting for December 10, 2024.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>		<b>Motion</b>		<b>Second</b>	
<b>VOTE:</b>	Aye	Aye	Absent	Aye	Aye
<b>RESULT:</b>	<b>4-0, Approved 1 Absent</b>				

**3. DIRECTOR’S REPORT – Todd Fortune, Director of Planning**

- Announcements and Updates
  - Subdivisions Update-The Board of Supervisors held a public hearing on November 20, 2024 to consider and hear public comment on proposed ordinance language to remove rural cluster subdivisions as a by right use in A-1 Agricultural parcels. After the public hearing, the Board voted 4-1 to approve the proposed language removing this as a by right use in A-1.
  - Per the discussion at this evening’s work session, the Planning Commission will need to consider whether any additional changes to the subdivision and zoning ordinances should be undertaken.
- Upcoming Cases:
  - There are four public hearings on the agenda for tonight’s meeting:
    - ZTA-Definition of Day Homes
    - ZTA-Definition of Minor Subdivisions
    - ZTA-Definition of Front Yard
    - FY 2026-2030 Capital Improvement Plan

- There is a resolution for an additional Zoning Text Amendments on the agenda tonight. The Commission will be asked to approve a resolution to advertise for a public hearing
  - Definition of minor Subdivisions.
    - This is related to the public hearing on tonight’s agenda.

Day	Date	Time	Public Hearings and Public Meetings	Location
Tuesday	Jan 7, 2025	6pm 7PM	Work Session (TDB) Regular Meeting	Morris Rm
Tuesday	Feb 11, 2025	6pm 7PM	Work Session (TDB) Regular Meeting	Morris Rm
Tuesday	Mar 11, 2025	6pm 7PM	Work Session (TDB) Regular Meeting	Morris Rm

4. **Public Comments #1:**

- At 7:05 PM Chair Bibb opened up the first round of Public Comments.
  - No one came forward to speak, Mr. Bibb closed the first round of public comments at 7:05pm.

5. **MINUTES:**

<b>MOTION:</b>	To Approve the Regular meeting minutes of the Planning Commission of November 12, 2024, as amended.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>				<b>Motion</b>	<b>Second</b>
<b>VOTE:</b>	Aye	Aye	Absent	Aye	Aye
<b>RESULT:</b>	<b>4-0, Approved 1 Absent</b>				

6. **Public Hearings:**

- **Capital Improvement Plan-**
  - Mr. Bibb opened public hearing at 7:08pm. No one came forward, Mr. Bibb closed the public hearing at 7:08pm.

<b>MOTION:</b>	I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE FY 2026-2030 CAPITAL IMPROVEMENT PLAN AS PRESENTED, WITH A LIST OF PRIORITIES PREPARED BY THE PLANNING COMMISSION.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>				<b>Motion</b>	<b>Second</b>
<b>VOTE:</b>	Aye	Aye	Absent	Aye	Aye
<b>RESULT:</b>	<b>4-0, Approved 1 Absent</b>				

- **ZTA 24:08-Definitions of Day Homes-**
  - Mr. Bibb opened public hearing at 7:11pm. No one came forward, Mr. Bibb closed the public hearing at 7:11pm.

<b>MOTION:</b>	I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF ZTA 24:08 – AN ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING §§22-4-2.1, 22-4-2.2, 22-5-2.2, 22-6-2.2, 22-7-9.2, 22-8-2.2, 22-9-2.1, 22-10-3, AND 22-22-1 TO LOWER THE THRESHHOLD NUMBER OF CHILDREN SERVED IN LICENSED FAMILY DAY HOMES FROM SIX TO FIVE IN ACCORDANCE WITH VIRGINIA CODE REQUIREMENTS, AND TO CLARIFY RELATED DEFINITIONS.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>		<b>Second</b>			<b>Motion</b>
<b>VOTE:</b>	Aye	Aye	Absent	Aye	Aye
<b>RESULT:</b>	<b>4-0, Approved 1 Absent</b>				

- **ZTA 24:09-Definitions of Minor Subdivisions-**
  - Mr. Bibb opened public hearing at 7:16pm. Cabell Hackett, a Fluvanna County property owner who has a 20-acre parcel on Rising Sun Rd and a 100-acre parcel in the Scottsville area but lives in Henrico, had questions on how this change would benefit or hurt him as a property owner and said he felt it was unfair

since he had 2 different sized properties that he was limited in how he could divide them. Nicole Scro, a land use attorney from Charlottesville, spoke on how she feels that there are more restrictions on by right development and she had concerns that landowners are not aware of the changes and wanted to know the planning commissions thoughts on the proposals that had been brought forward so far to replace the rural clusters. John Alexander, a Fluvanna landowner who lives in Louisa, wanted to express concerns that the County was taking away property value and concerns about conservation easements as well. He also expressed concerns on the number of citizens of the county having to leave the county for jobs and to get services and spending money elsewhere. No one else came forward, so Mr. Bibb closed the public hearing 7:24pm. Mr. Goad then had questions on why the County was changing the code, Mr. Whitten provided an answer on why. Ms. Kilpatrick questioned Mr. Whitten on rezoning and then compared the rezoning to the conservation easement process and pointed out that it can be rezoned and subdivided more. Mr. Lagomarsino had questions on road needs and lot numbers for family subdivisions. Mr. Goad had questions about the Orange County Circuit Court decision that limited phasing of subdivisions and wanted to know if it could go to a higher court, Mr. Whitten stated the decision was from 2012 and the Virginia Supreme Court did not hear the appeal

<b>MOTION:</b>	I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF ZTA 24:09 – AN ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING § 19-2-1 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 AND ALSO ADDING THE LANGUAGE ADDED BY THE COUNTY ATTORNEY DEALING WITH LOTS OF 60 ACRES OR MORE.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>		<b>Motion</b>			<b>Second</b>
<b>VOTE:</b>	Aye	Aye	Absent	Nay	Aye
<b>RESULT:</b>	<b>3-1, Approved 1 Absent</b>				

- **ZTA 24:10-Definitions of Front Yard-**
  - Mr. Bibb opened public hearing at 7:36pm. No one came forward, Mr. Bibb closed the public hearing at 7:36pm.

<b>MOTION:</b>	I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF ZTA 24:10 – AN ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING §22-22-1 TO CORRECT THE DEFINITION OF “FRONT YARD”				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>		<b>Second</b>		<b>Motion</b>	
<b>VOTE:</b>	Aye	Aye	Absent	Aye	Aye
<b>RESULT:</b>	<b>4-0, Approved 1 Absent</b>				

**7. Subdivisions**

- None

**8. Site Development Plans**

- **SDP 24:02 Antioch Church-Todd Fortune, Director of Planning**
  - Antioch Baptist Church has submitted a SDP for a multi-purpose building to be constructed adjacent to the existing social hall on TMP 26-A-15. The property is zoned A-1 and is in the Rural Preservation planning area. The proposed building will be 21,117 Sq. Ft and 1.5 stories. The existing eastern access point will be upgraded to a moderate volume commercial entrance, and VDOT may have additional requirements. They will be adding 87 new parking paces including 6 ADA van accessible spaces.

<b>MOTION:</b>	I MOVE THAT THE PLANNING COMMISSION ACCEPT SDP 24:07, A SKETCH PLAN REQUEST TO CONSTRUCT A 21,117-SQUARE-FOOT MULTI-PURPOSE BUILDING IN THE A-1, AGRICULTURAL, GENERAL DISTRICT ON 9.3 ± ACRES IDENTIFIED AS TAX MAP 26 SECTION A PARCEL 15.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>		<b>Second</b>			<b>Motion</b>
<b>VOTE:</b>	Recuse	Aye	Absent	Aye	Aye
<b>RESULT:</b>	<b>3-0, Accepted, 1 Absent, 1 Recuse</b>				

**9. Resolutions:**

- **Request for Public Hearing for ZTA 24:11 Definitions of Minor Subdivisions:**
  - Mr. Fortune gave the power point presentation and there were no questions from the Planning Commission.

<b>MOTION:</b>	I MOVE THAT THE PLANNING COMMISSION APPROVE THE RESOLUTION TO ADVERTISE A PUBLIC HEARING ON JANUARY 7, 2025 TO CONSIDER 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, AND TO MAKE OTHER CONFORMING CHANGES, TIME, AND ALSO ADDING THE LANGUAGE ADDED BY THE COUNTY ATTORNEY DEALING WITH LOTS OF 60 ACRES OR MORE.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>		<b>Motion</b>			<b>Second</b>
<b>VOTE:</b>	Aye	Aye	Absent	Aye	Aye
<b>RESULT:</b>	<b>4-0, Approved, 1 Absent</b>				

**10. Presentations:** None

**11. Unfinished Business:**

- **Comprehensive Plan-Todd Fortune, Director of Planning:**
  - Mr. Fortune discussed locations for community meetings. During the November 12, 2024 meeting, he had been provided the locations for 2 of the community meetings and needed locations for the other 3. Locations of Fork Union Community Center and the Maple Room at Lake Monticello Fire Department were also suggested. Discussions were also made by the Planning Commission on a joint meeting for the Palmyra and Rivanna Districts at the Maple Room. Ms. Johnson-Morgan wants flyers that are available to hand out at church services to be created. Ms. Kilpatrick wants the old findings from previous committees located for the new committees to have available.
- **Special Events-Todd Fortune, Director of Planning:**
  - Ms. Johnson-Morgan wants to know how the event planners will know how many people are coming to their events. Mr. Bibb wanted to know if the Planning Department had a definition of an “event.” Ms. Johnson-Morgan wanted to know if we had a difference between paid and free events and difference between public and private events. Mr. Whitten suggested no fee and a time of notification of 2 weeks. Ms. Johnson-Morgan expressed several concerns over how the events would be regulated and how the planning department would make determinations on how permits would be issued. Mr. Goad suggested at this time the Planning Commission make this a work session. Mr. Whitten suggested that the Planning Department present more documentation on other counties and their zoning requirements. Ms. Johnson-

Morgan is going to try and get some colleagues together and gather information on this as well.

**12. New Business:**

- **Agritourism, Todd Fortune, Director of Planning:**

- Mr. Lagomarsino wants the Planning Department to make sure and compare our information to the state code. Mr. Goad is concerned that the zoning ordinance may cause someone who doesn't need a SUP to have to get one after the ordinance goes into effect. Mr. Dahl thinks having this ordinance will make sure that doesn't happen. Mr. Whitten states that the Planning Commission needs to be consistent on how agritourism is defined. Mr. Dahl and Ms. Harris stated that this ordinance will be more for staff to have a definition.

**13. Public Comments #2:**

- Mr. Bibb opened the second round of public comments at 8:55pm and no one came forward to speak, Mr. Bibb closed the second round of public comments at 8:55pm.

**14. ADJOURNMENT**

- Chair Bibb called for a motion to adjourn the December 10, 2024 Planning Commission regular meeting.

<b>MOTION:</b>	Motion to Adjourn the December 10, 2024 Planning Commission regular meeting at 8:55 pm.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>				Second	Motion
<b>VOTE:</b>	Aye	Aye	Absent	Aye	Aye
<b>RESULT:</b>	<b>4-0, Approved, 1 Absent</b>				

Minutes were recorded by Margie Bamford, Administrative Programs Specialist.

  
 Barry Bibb, Chair  
 Fluvanna County Planning Commission