



## FLUVANNA COUNTY PLANNING COMMISSION

### REGULAR MEETING AGENDA

The Morris Room, Fluvanna County Administration Building

February 25, 2015, at 7:00 pm

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#### TAB AGENDA ITEMS

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#### 1 - CALL TO ORDER, PLEDGE OF ALLEGIANCE

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#### 2 - DIRECTOR'S REPORT

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A Mr. Jason Stewart, Planning and Zoning Administrator

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#### 3 - PUBLIC COMMENTS #1 (3 minutes each)

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#### 4 - APPROVAL OF MINUTES

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B Minutes of January 28, 2015

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#### 5 - PRESENTATIONS

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#### 6 – SITE DEVELOPMENT PLANS

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#### 7 - SUBDIVISIONS

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#### 8 – PUBLIC HEARINGS

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**ZMP 14:05 – Lake Monticello Volunteer Fire Dept.** - An ordinance to amend the Fluvanna County Zoning Map with respect to 6.134 acres of Tax Map 18, Section A, Parcel 38F to rezone the same from A-1, Agricultural, General to R-4, Residential, Limited. The affected property is located on the west side of South Boston Road (Route 600), approximately 500 feet southwest of its intersection with Slice Road. The property is located in the Cunningham Election District and is within the Rivanna Community Planning Area.

**ZMP 15:01 – Memory Lane Property, LLC** - An ordinance to amend the Fluvanna County Zoning Map with respect to 6.9 acres of Tax Map 4, Section A, Parcel 97A to rezone the same from I-1, Industrial, Limited, and I-2, Industrial, General, to I-2, Industrial, General. The affected property is located on the south side of Richmond Road (Route 250), approximately ¼ mile from Route 250 at the end of Memory Lane. The property is located in the Palmyra Election District and is within the Zion Crossroads Community Planning Area.

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#### 9 - UNFINISHED BUSINESS

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Continued discussion of updates to the Comprehensive Plan.

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**10 - NEW BUSINESS**

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A discussion of changes to the county's Zoning Ordinance regarding agribusiness and related issues.

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**11 - PUBLIC COMMENTS #2 (3 minutes each)**

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**12 - ADJOURN**

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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.

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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 and/or the County Planner 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.

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**Fluvanna County Planning Commission  
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 dialog or debate. Its express purpose is to receive additional facts, comments and opinion on subject items.

**2. Speakers:**

*For the Hearing-Impaired – Listening device available in the Board of Supervisors 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.*

- 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 Commission.
- Each speaker is limited to three minutes and time may not be donated from other audience members.
- 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 contact County staff prior to the public hearing.
- Speakers should be brief and avoid repetition of previously presented comments.
- County residents and taxpayers may be given priority in speaking order.

### 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 deliberations 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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## COUNTY OF FLUVANNA

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*"Responsive & Responsible Government"*

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 [www.co.fluvanna.va.us](http://www.co.fluvanna.va.us)

To: Fluvanna County Planning Commission  
From: Jason Stewart, AICP  
Date: February 18, 2015  
Re: Planning Director's Report

1. Board of Supervisors Actions:

February 4, 2015:

None.

February 18, 2015:

**Approved 5-0 ZMP 14:04 – Green Springs Timber, LLC** - An ordinance to amend the Fluvanna County Zoning Map with respect to 24.19 acres of Tax Map 5, Section 11, Parcel L5A to rezone the same from A-1, Agricultural, General to I-2, Industrial, General. The affected property is located on the east side of James Madison Highway (Route 15), at the terminus of Cedar Bend Drive, approximately 700 feet southeast of the intersection of Richmond Road (Route 250) and James Madison Highway (Route 15). The property is located in the Columbia Election District and is within the Zion Crossroads Community Planning Area.

2. Board of Zoning Appeals Actions:

February 10, 2015:

**Zoning Administrator's determination was reversed 4-0 BZA 14:02 – JWS Enterprises LLC**: An appeal of a zoning determination by the Zoning Administrator under Fluvanna County Code Section 22-18-1-7, that the appellant is in violation of Fluvanna County Code Sections 22-19-2 and 22-4-2.1, 22-4-2.2 and 22-22-1 at the property located at Tax Map parcels 3 (A) 31 & 32. The affected property is located in the Palmyra Election District northeast of Union Mills Road on Route 616. The subject property is zoned A-1, Agricultural, General.

**Zoning Administrator's determination affirmed 4-0 BZA 14:03 – JWS Enterprises LLC**: An appeal of a zoning determination by the Zoning Administrator under Fluvanna County Code Section 22-18-1-7, that the appellant is in violation of Fluvanna County Code Sections 22-19-2 and Section 22-17-9 at the property located at Tax Map parcels 51A-A-22. The affected subject property is located in Fork Union Election District at 4985 James Madison

Highway Fork Union, VA 23055. The subject property is zoned B-1, Business, General and is located in the Fork Union Community Planning Area.

3. Technical Review Committee:

February 12, 2015:

**SDP 15:02 – Rivanna Land Development** - A site development plan request to construct a 8,900 +/- square foot medical office building with respect to 2.92 acres of Tax Map 18, Section 10, Parcel 7A. The property is zoned B-1, Business, General and is located approximately 220 feet southeast of South Boston Road (Route 600) at the intersection of Abby and Rebecca Roads. The property is located in the Palmyra Election District and is within the Rivanna Community Planning Area.



**FLUVANNA COUNTY BUILDING INSPECTIONS**  
**MONTHLY BUILDING INSPECTION REPORT**  
**JANUARY 2015**

USE	Jan-14	VALUE	YTD 14	VALUE	Jan-15	VALUE	YTD 15	VALUE	Jan/Diff	VALUE	YTD	VALUE
											PERMITS	
New Homes	7	1,408,549	7	1,408,549	4	650,000	4	650,000	-3	(758,549)	-3	(758,549)
Duplex	0	0	0	0	0	-	0	-	0	-	0	-
Single Family (Attached)	0	0	0	0	2	423,000	2	423,000	2	423,000	2	423,000
Adds&Alterations	22	352,850	22	352,850	21	134,631	21	134,631	-1	(218,219)	-1	(218,219)
Garages & Carports	2	141,000	2	141,000	2	40,500	2	40,500	0	(100,500)	0	(100,500)
Accessory Buildings	0	0	0	-	0	-	0	-	0	-	0	-
Single Wide MH	0	0	0	-	0	-	0	-	0	-	0	-
Swimming Pools	0	0	0	-	1	36,500	1	36,500	1	36,500	1	36,500
Recreational Bldgs	0	0	0	-	0	-	0	-	0	-	0	-
Business Bldgs	0	0	0	-	0	-	0	-	0	-	0	-
Industrial Bldgs	0	0	0	-	0	-	0	-	0	-	0	-
Other Buildings	0	0	0	-	2	100,000	2	100,000	2	100,000	2	100,000
<b>TOTALS</b>	<b>31</b>	<b>1,902,399</b>	<b>31</b>	<b>1,902,399</b>	<b>32</b>	<b>1,384,631</b>	<b>32</b>	<b>1,384,631</b>	<b>1</b>	<b>(517,768)</b>	<b>1</b>	<b>(517,768)</b>

FEES	Jan-14	PREV TOT	YTD 14	Jan-15	PREV TOT	YTD 15	DIFFERENCE	DIFFERENCE YTD
Building Permits	\$ 9,160.49	-	9,160.49	\$ 6,731.09	\$ -	\$ 6,731.09	(2,429.40)	(2,429.40)
Land Disturb Permits	\$ 2,125.00	-	2,125.00	\$ 1,775.00	\$ -	\$ 1,775.00	(350.00)	(350.00)
Zoning Permits/Proffers	\$ 1,000.00	-	1,000.00	\$ 1,200.00	\$ -	\$ 1,200.00	200.00	200.00
<b>TOTALS</b>	<b>\$ 12,285.49</b>	<b>-</b>	<b>12,285.49</b>	<b>\$ 9,706.09</b>	<b>\$ -</b>	<b>\$ 9,706.09</b>	<b>\$ (2,579.40)</b>	<b>(2,579.40)</b>

	Jan-14	PREVIOUS	YTD 14	Jan-15	PREVIOUS	YTD 15		
INSPECTIONS	135	0	135	105	0	105	-30	-30

Darius S. Lester  
Building Official

( ) represents a negative

## Monthly Approval Report January 2015

<i>District</i>	<i>Action</i>	<i>ID#</i>	<i>Description</i>	<i>Tax Map</i>	<i>Parcels</i>	<i>Total Acreage</i>	<i>Number of Lots</i>
<b>Columbia</b>							
	<i>Pending PC Meeting</i>						
		ZMP 14-004		5	(11) L5A	24.19	
<i>Text75:</i>							
<b>Fork Union</b>							
	<i>Pending BZA Meeting</i>						
		BZA 14-003	appeal of code violation	51A	(A) 22	0.33	

*Text75:*

Thursday, February 19, 2015

Page 1 of 1

*AFD - Agricultural Forestal District*

*BZA - Board of Zoning Appeals (Variance)*

*CPA - Comprehensive Plan Amendment*

*SUB - Subdivisions*

*ZMP - Zoning Map Proposal (Rezoning)*

*BSP - Boundary Survey Plat*

*CCE - Code Compliance Enforcement*

*SDP - Site Development Plan*

*SUP - Special Use Permits*

*ZTA - Zoning Text Amendment*

# Code Compliance Enforcement Activity Report

ID#	Tax Map Parcels	Reported Against	Type of Violation	Comments	Status	Status Date
<b>Columbia</b>						
CCE 13-012	33 (9)-1A	Liberty Homes, LLC, Et Al	Trash	Property address is located west of No.3049 Cedar Lane. Complaint is in regards trash, debris and junk. Site inspection 3-05-2013 noted an accumulation of trash and debris that could be providing a habitat for rodents and vermin. 1st letter sent 4-25-2013. Site inspec. 5-30-2013 noted some progress during new house construction. Monitoring continues.	Awaiting Action	6/27/2013
CCE 13-011	33 (A)-57	Gail Bruce, Et, Al	Trash	Complaint is in regards trash, debris and junk. Site inspection 3-05-2013 noted an accumulation of trash and debris that could be providing a habitat for rodents and vermin. 1st letter sent 4-25-2013. Owner advised 5-30-2013 that her tenant is cleaning up the property. Monitoring continues.	Awaiting Action	6/27/2013
<b>Fork Union</b>						
CCE 12-001	51A (A)22	JWS Enterprises, LLC (James W. Sherrill,	Misc.	4985 James Madison Hwy. Site insp. on 12-20-11 and 1-06-12 noted that the property is being used for general storage which is not a use permitted "by right" or "by SUP". 1st letter sent on 1/12/12. 2nd violation 1/31/12. Letter of intent approved by Darren Coffey 2/29/12. 3rd letter sent by hand delivery 4/09/13. Summons issued 4/29/13. 1st hearing 5-21-13. 2nd hearing 9-10-13.	Pending Court	5/21/2013
<b>Palmyra</b>						
CCE 12-002	3 (A)-31, 32	JWS Enterprises, LLC (James W. Sherrill,	Misc.	Behind 1017 Union Mills Road. Regards to "dumping". Site insp. 1/09/12 noted that contractor type materials are being stored on property. 1st letter sent 1/12/12. 2nd letter sent requesting intentions 1/31/12. Letter of intent approved by Darren Coffey 2/29/12. 3rd letter sent by hand delivery 4/09/13. Summons issued 4/29/13. 1st hearing 5-21-13. 2nd hearing 9-10-13.	Pending Court	5/21/2013



ID#	Tax Map Parcels	Reported Against	Type of Violation	Comments	Status	Status Date
CCE 10-013	10 (3)-2B	Eric D. Taylor	SUPs	Property is at intersection of Union Mills Road and North Boston Road. SDP 10:09 approved 07/26/11. SDP requirements not implemented as of 9-23-11. 2nd letter sent 9/23/11. 3rd letter sent 1/24/12. Site inspec. 2/3/12 noted newly vegetative screening per/approved SDP. Monitoring conitues.	Awaiting Action	5/8/2012

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## *Transmittal Report January 2015*

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<i>Line Number</i>	<i>Code</i>	<i>Name</i>	<i>ID#</i>	<i>Amount Received</i>
<i>Subdivision &amp; Plat Review</i>				
			BSP15001	\$50.00
			<i>Sum:</i>	\$50.00
<b>10000013-318316</b>				
	REZON	Rezoning		
			ZMP15001	\$1,345.00
			<i>Sum:</i>	\$1,345.00
<b>10000013-318319</b>				
	SIGNPT	Sign Permit		
			ZMP15001	\$90.00
			<i>Sum:</i>	\$90.00
<b>10000013-318337</b>				
	SITEPL	Site Plan Review		
			SDP15001	\$550.00
			<i>Sum:</i>	\$550.00
<b>10000013-318341</b>				
	<i>Subdivision &amp; Plat Review</i>			
			SUB15001	\$400.00
			SUB14025	\$300.00
			SUB15002	\$100.00
			SUB15003	\$100.00
			SUB15004	\$300.00
			<i>Sum:</i>	\$1,200.00
<b>10000013-318348</b>				
	SOIREW	Health Department Review		
			SUB05083	\$775.00
			<i>Sum:</i>	\$775.00

<i>Line Number</i>	<i>Code</i>	<i>Name</i>	<i>ID#</i>	<i>Amount Received</i>
<i>Total:</i>				\$4,010.00

**FLUVANNA COUNTY PLANNING COMMISSION REGULAR MEETING MINUTES**

**Circuit Court Room--Fluvanna County Courts**

**January 28th, 2015**

**7:00 p.m.**

**MEMBERS PRESENT:** Barry Bibb, Chairman  
Ed Zimmer, Vice-Chairman  
Donald Gaines  
Lewis Johnson  
Patricia Eager  
Tony O'Brien Board of Supervisors Rep

**ALSO PRESENT:** Jason Stewart, Planning and Zoning Administrator  
Steven Tugwell, Senior Planner  
Jay Lindsey, Planner  
Deidre Creasy, Senior Program Support Assistant  
Will Tanner, Deputy County Attorney

**ABSENT:** Frederick Payne, Fluvanna County Attorney

**CALL TO ORDER/PLEDGE OF ALLEGIANCE**

Planning and Zoning Administrator, Jason Stewart called the meeting to order at 7:00p.m., after which the Pledge of Allegiance was recited.

**2015 Organizational Meeting of the Fluvanna County Planning Commission**

- **Election of Chairman**

Mrs. Eager moved to elect Barry Bibb as Chairman of the Fluvanna County Planning Commission for the calendar year of 2015. Mr. Zimmer seconded the motion and the vote carried with a vote of 3-0-1. Mr. Barry Bibb abstained

- **Election of Vice Chairman**

Mrs. Eager moved to elect Ed Zimmer as Vice Chairman of the Fluvanna County Planning Commission for the calendar year of 2015. Mr. Lewis Johnson seconded the motion and the vote carried with a vote of 3-0-1. Mr. Zimmer Abstained.

- **Selection of Dates for the Commission Meetings**

Mr. Bibb moved to accept the selected dates of the Fluvanna County Planning Commission meetings for the calendar year of 2015 with the November meeting being changed to November 16, 2015. There was no second but the motion carried with a vote of 4-0-0.

- **Resolution entitled "Organizational Meeting of the Fluvanna County Planning Commission 2015"**

On a motion by Mrs. Eager, seconded by Mr. Zimmer, and carried by a vote of 5-0-0  
The "Organizational Meeting of the Fluvanna County Planning Commission 2015" resolution was adopted.

- **Adoption of the Planning Commission By-Laws and Rules of Procedure**

Mr. Zimmer moved to adopt the Fluvanna County Planning Commission By-Laws and Rules of Procedure for 2015 as is. Mrs. Eager seconded the motion and the vote carried with a vote of 5-0-0.

**PLANNING DIRECTOR'S REPORT (Mr. Stewart)**

**1. Board of Supervisors Actions:**

➤ **January 7, 2015:** None.

➤ **January 21, 2015:**

**2. Board of Zoning Appeals Actions: Upcoming Board Meeting February 10, 2015 at 7:30 p.m.**

**BZA 14:02 – JWS Enterprises LLC:** An appeal of a zoning determination by the Zoning Administrator under Fluvanna County Code Section 22-18-1-7, that the appellant is in violation of Fluvanna County Code Sections 22-19-2 and 22-4-2.1, 22-4-2.2 and 22-22-1 at the property located at Tax Map parcels 3 (A) 31 & 32. The affected property is located in the Palmyra Election District northeast of Union Mills Road on Route 616. The subject property is zoned A-1, Agricultural, General.

**BZA 14:03 – JWS Enterprises LLC:** An appeal of a zoning determination by the Zoning Administrator under Fluvanna County Code Section 22-18-1-7, that the appellant is in violation of Fluvanna County Code Sections 22-19-2 and Section 22-17-9 at the property located at Tax Map parcels 51A-A-22. The affected subject property is located in Fork Union Election District at 4985 James Madison Highway Fork Union, VA 23055. The subject property is zoned B-1, Business, General and is located in the Fork Union Community Planning Area.

3. Technical Review Committee:

➤ **January 15, 2015:**

**ZMP 14:05 – Lake Monticello Volunteer Fire Dept.** - An ordinance to amend the Fluvanna County Zoning Map with respect to 6.134 acres of Tax Map 18, Section A, Parcel 38F to rezone the same from A-1, Agricultural, General to R-4, Residential, Limited. The affected property is located on the west side of South Boston Road (Route 600), approximately 500 feet southwest of its intersection with Slice Road. The property is located in the Cunningham Election District and is within the Rivanna Community Planning Area.

**ZMP 15:01** – Memory Lane Property, LLC - An ordinance to amend the Fluvanna County Zoning Map with respect to 6.9 acres of Tax Map 4, Section A, Parcel 97A to rezone the same from I-1, Industrial, Limited, and I-2, Industrial, General, to I-2, Industrial, General. The affected property is located on the south side of Richmond Road (Route 250), approximately ¼ mile from Route 250 at the end of Memory Lane. The property is located in the Palmyra Election District and is within the Zion Crossroads Community Planning Area.

**PUBLIC COMMENTS #1**

Chairman Bibb opened the floor for the first section of public comments.

With no one wishing to speak, Chairman Bibb closed the first public comment section.

**APPROVAL OF MINUTES**

**MOTION:**

**Mrs. Eager moved to** approve the minutes of the December 22, 2014 Planning Commission meeting as presented, which **Mr. Johnson seconded**. The motion carried a vote of 5-0-0.

**SITE DEVELOPMENT PLANS: None**

**SUBDIVISIONS: None**

**Public Hearings:**

Chairman Bibb advised that since the applicant was present, the public hearings should be switched so that ZMP: 1404 was heard first and then ZTA 15:01 to follow.

**ZMP 14:04 – Green Springs Timber, LLC** - An ordinance to amend the Fluvanna County Zoning Map with respect to 24.19 acres of Tax Map 5, Section 11, Parcel L5A to rezone the same from A-1, Agricultural, General to I-2, Industrial, General. The affected property is located on the east side of James Madison Highway (Route 15), at the terminus of Cedar Bend Drive, approximately 700 feet southeast of the intersection of Richmond Road (Route 250) and James Madison Highway (Route 15). The property is located in the Columbia Election District and is within the Zion Crossroads Community Planning Area.

Senior Planner, Steve Tugwell presented the ZMP 14:04 Green Springs Timber, LLC

Mrs. Eager established that the applicant will be storing his product year around in the warehouse in which the applicant agreed.

Mr. Bibb questioned if the acreage of the Fluvanna Property was the full 24.19 acres listed for the tax map.

Steve Tugwell advised that the Fluvanna portion is 15.986 acres. Also that the Fluvanna Planning Department is unable to re-zone the Louisa portion of the acreage and that the applicant will be meeting with Louisa County in the next few weeks to discuss options.

Mrs. Eager asked if Steve knew what the Louisa side of the property was zoned?

Steve Tugwell advised her that he had just received information today from Louisa that the property was zoned C-2, mixed use; however he was unsure of the specifics because they are listed within Louisa's Comprehensive plan.

Mr. Bibb gave the applicant, Richard Dost a chance to speak.

Mr. Dost introduced himself and advised that he is a Co-Owner of CHIPS INC which is a wood product business. He also explained that he likes the location because it is near I-64 and he has possibly 70-75 employees most of which are Fluvanna County residents. Likewise, if the request is approved he may hire more employees.

Mrs. Eager established with Planner, Steve Tugwell that screening would be conducted because it was a concern of people in the neighborhood meeting as well as listed as required in the ordinance

Ed Zimmer asked what are the potential uses of I-2, Planner, Steve Tugwell gave an explanation and Jason Stewart read the ordinance

Mrs. Eager advised that the only difference in the I-1 and I-2 is that you are allowed to have a permanent saw mill.

Jason Stewart agreed and added heavy manufacturing needed a special use permit.

Mr. Dost advised that a 24 Thousand feet building is the biggest Fluvanna will allow him to build and he will get water from Louisa if they permit him too.

Tony Obrien advised what other additional uses will be added if any and will the building be enclosed?

Mr. Dost advised that the building would be used for storage and three sides would be enclosed and one side open

Tony Obrien asked a building code question and Jason Stewart advised him of such.

Mrs. Eager asked if two buildings can be put on the property and Jason Stewart advised if it meets the building requirements

## **PUBLIC COMMENTS #2**

Chairman Bibb opened the floor for the second section of public comments.

With no one wishing to speak, Chairman Bibb closed the second public comment section.

Mr. Bibb advised that in his perspective it meets the requirements of what the county wants.

Tony Obrien asked the applicant if he has spoken to the commissioner of the revenue to see what would be the tax impact if any.

Mr. Dost advised that he has no problem paying the taxes in Fluvanna, but he is currently paying taxes in Louisa and is also looking for opportunity in Louisa as well.

## **MOTION:**

**Mrs. Eager moved to** recommend approval of ZMP 14:04 –Green Springs Timber LLC, which **Mr. Zimmer seconded**. The motion carried **with a vote of 5-0-0. AYES: Bibb, Eager, Johnson, Gaines, and Zimmer NAYS: None. ABSTAIN: None**

**ZTA 15:01 – Fluvanna County (Public Hearings - Zoning Ordinance)** - Amendment of the Fluvanna County Zoning Ordinance Subsections 22-17-4, 22-20-2, and 22-20-3 (Chapter 22, Article 17-4: Special Use Permits; Chapter 22, Article 20-2: Planning Commission – Public Hearings; Chapter 22, Article 20-3: Governing Body – Public Hearing) to provide the posting of signs to give additional notice of certain proposed zoning actions.

Jay Lindsey Presented ZTA 15:01 Fluvanna County (Public Hearings- Zoning Ordinance)

Jason Stewart advised the Planning Commission that this is a process that has already been in use by the Planning Department, however there needs to be an ordinance in place so it can continue.

**MOTION:**

**Mr. Gaines moved to** recommend the approval of ZTA 15:01, which **Mr. Johnson seconded**. The motion carried **with a vote of 5-0-0. AYES: Bibb, Eager, Johnson, Gaines, and Zimmer NAYS: None.**

**ABSTAIN: None**

**PRESENTATIONS: NONE**

**UNFINISHED BUSINESS:**

- Updated versions of the goals were handed out by Jay Lindsey, in which Mr. Bibb explained they would be discussed in the next work session.

**NEW BUSINESS:**

- Discussion of potential changes to the Zoning Ordinance regarding Agri-business and Agricultural activities was postponed due to the absence of County Attorney, Fred Payne.
- Jay Lindsey led a discussion of potential changes to the Zoning Ordinance regarding Flood Protection and Floodplain regulations – to be written in cooperation with VA DEQ.
  - Tony Obrien wanted to know what areas of the county are subject to flooding. The areas established were Scottsville, Columbia and maybe parts of Palmyra.

**PUBLIC COMMENTS #3**

Chairman Bibb opened the third opportunity for Public Comments.

There being no one wishing to speak, Chairman Bibb closed the third round of Public Comments.

Jason Stewart advised that the next two February and March and regular planning commission meetings will be held in the Morris Room

**ADJOURN**

There being no further business, Mr. Bibb adjourned the Planning Commission meeting of January 28th, 2015 at 7:44 p.m.

Minutes recorded by Deidre Creasy, Senior Program Assistant.

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Barry A. Bibb, Chairman  
Fluvanna County Planning Commission



## COUNTY OF FLUVANNA

*"Responsive & Responsible Government"*

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 [www.co.fluvanna.va.us](http://www.co.fluvanna.va.us)

### STAFF REPORT

**To:** Fluvanna County Planning Commission  
**Case Number:** ZMP 14:05  
**Tax Map:** Tax Map 18, Section A, Parcel 38F

**From:** Steve Tugwell  
**District:** Cunningham  
**Date:** February 25, 2015

**General Information:**

This request is to be heard by the Planning Commission on Wednesday, February 25, 2015 at 7:00 pm in the Morris Room of the County Administration Building.

**Owner/Applicant:**

Lake Monticello Volunteer Fire Dept. & Rescue

**Representative:**

Keith B. Smith

**Requested Action:**

To amend the Fluvanna County Zoning Map with respect to approximately 6.134 acres of Tax Map 18, Section A, Parcel 38F, to conditionally rezone the same from A-1, Agricultural, General, to R-4, Residential, Limited, subject to the submitted draft proffer. (Attachment A)

**Location:**

The affected property is located on the west side of South Boston Road (Route 600), approximately 500 feet southwest of its intersection with Slice Road. The property is located in the Cunningham Election District and is within the Rivanna Community Planning Area). (Attachment B)

**Existing Zoning:**

A-1, Agricultural, General (Attachment C)

**Proposed Zoning:**

R-4, Residential, Limited with submitted draft proffer

**Existing Land Use:**

Vacant land

**Planning Area:**

Rivanna Community Planning Area

**Adjacent Land Use:**

Adjacent properties are zoned A-1, Agricultural, General to the west and south, R-4, Residential, Limited to the north, and B-1 (Business, General) to the east on the eastern side of Route 600 (South Boston Road).



**Zoning History:**

SUB 08:09 was approved on April 9, 2010.

**Submitted Proffers:**

The applicant has submitted a draft proffer letter to staff indicating that “*single-family detached, single-family attached, and townhouse dwellings shall not be permitted (by right or by special use) on this property.*” Attachment D

**Neighborhood Meeting:**

Including the applicant, there were three (3) attendees present at the January 14, 2015 Neighborhood meeting.

**Technical Review Committee:**

The following comments were generated from the January 15, 2015 Technical Review Committee meeting:

1. Charles Miller stated that they have no comments with regard to this request;
2. Mike Brent with the Fire Dept. stated they are ok with the request;
3. Planning staff asked for clarification as to what the building will be used for, planning staff also inquired about the means of ingress and egress;
  - and whether or not the site will contain any residential units; applicant stated they would submit a proffer that addresses this concern, and they did so on February 3, 2015;
  - Any development will require site development plan review and approval;
4. VDOT has made a site visit and reviewed the referenced proposal, VDOT offers the following preliminary comments:
  - Rte. 600 (South Boston Road) is a Rural Major Collector with a posted speed limit of 45 mph. VDOT’s 2013 Traffic Data shows an estimated Annual Average Daily Traffic Volume of 4700 vehicles.
  - A traffic signal is located at the intersection of Rte. 600 and Slice/Abby Roads. VDOT’s Access Management Standards for minimum entrance spacing standards apply. Feasibility of lining up the proposed commercial entrance opposite Rebecca Drive should be considered.
  - Provide an entrance analysis for the proposed development along with the recommended road improvements to support the proposed development, VDOT will review the entrance analysis and provide comments if applicable. Base traffic volumes for the study off of VDOT’s 2013 Traffic Data (4700 AADT), and the projected traffic volumes from the existing approved developments along Rte. 600 that are not at full build out yet such as Sycamore Square.

- Rte. 600 (South Boston Road) has a posted speed limit of 45 mph which requires a minimum of 500 ft. of Intersection Sight Distance for a standard commercial entrance. Intersection Sight Distance will be measured from 14.5 ft. behind the edge of the northbound travel lane or 14.5 ft. behind the edge of the right turn lane if the entrance analysis shows that a right turn lane is necessary.
- Graphically demonstrate (horizontally and vertically) that the proposed commercial entrance provides the minimum 500 ft. of Intersection Sight Distance (height of eye = 3.5 ft., height of object = 3.5 ft. and 14.5 ft. off edge of pavement).
- Design of turn lane(s), if needed, shall conform to VDOT's Geometric Design for Rural Collector Road System (GS-3) with ADT over 2000, Rolling Terrain (12 ft. min. lane width, 8 ft. graded shoulder, etc.).
- Rte. 600 improvements associated with development of this property shall conform to VDOT's WP-2 detail (mill and overlay to the center of road) along with any and all pavement marking eradication and installation of new pavement markings per VDOT standards and specifications.
- A VDOT Land Use Permit and Security Bond will be required.

(Attachment E)

**Statement of Intent:**

This district is composed of certain low to medium density concentrations of residential uses, together with certain complementary public, semi-public, institutional, commercial and recreational uses, all of which are intended to be at a scale appropriate to support the residential needs of the district. It is intended that this district be applied to the existing community of Lake Monticello and Community Planning Areas as defined by the Comprehensive Plan. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life and to permit certain related public, semi-public, institutional and recreational uses and certain commercial uses of a character compatible with such residential uses and which are unlikely to develop general concentrations of traffic, crowds of customers, and general outdoor advertising. To these ends, retail activity is sharply limited and this district is protected against encroachment of general commercial or industrial uses.

**Analysis:**

The applicant is requesting to conditionally rezone 6.134 acres of (Tax Map 18, Section A, Parcel 38F) from A-1, Agricultural, General, to R-4, Residential, Limited. The subject parcel is contiguous to the Lake Monticello Fire House building and the Rescue Squad building. The applicant has stated on their application that the proposed use of this property is "*auxiliary space for Lake Monticello Volunteer Fire and Rescue Department*". The applicant has submitted a draft

proffer statement which excludes single-family detached, single-family attached, and townhouse dwellings from being permitted on this property either by-right, or by special permission.

“Public uses” are a by-right use in the R-4 zoning district, which by definition includes public safety and emergency facilities.

The applicant has submitted a parcel exhibit that delineates the property boundaries, and shows a twenty (20) foot access easement serving “lot A” on the parcel behind the subject parcel. The applicant has stated that this parcel will be accessed internally from the Fire House property, and not from Route 600 (South Boston Road).

(Attachment F)

### **Land Use Chapter:**

The Comprehensive Plan designates these properties as within the Rivanna Community Planning Area. According to this chapter, *“additional services and infrastructure are needed to accommodate more growth”*. Additionally, *“medium and small commercial businesses, along with office, civic, and residential uses, combine to form a series of neotraditional developments that are interconnected with surrounding development”*. This is a heavily populated area of the county, with a variety of retail establishments designed to support the existing residential community.

Further, *“surrounding growth should be a mixture of uses and residential dwelling types that serve a variety of incomes. Neighborhood mixed-use is needed to help offset the volume of single-family residential development already in this community. Additional services and infrastructure are needed to accommodate more growth.”*

The proposed rezoning proposes a mixture of both residential and commercial, in a compact, neo-traditional like environment.

### **Economic Development:**

The 2009 Comprehensive Plan states that Goal 2 under the Course of Action Section is *“to implement the county’s community planning areas, as shown on the Future Land Use Map”*. The Rivanna Community Planning Area is the most developed planning area in the county, and represents a good mixture of residential and commercial uses to sustain the citizenry. A variety of retail, food service, and professional service oriented businesses are located in and around the Rivanna CPA.

### **Conclusion:**

This rezoning request appears to meet the intent of the Comprehensive Plan in the proposed rezoning may contribute to *“medium and small commercial businesses, along with office, civic, and residential uses, combine to form a series of neo-traditional developments that are interconnected with surrounding development”*. Additionally, the applicant has provided a proffer statement excluding single-family detached, single-family attached, and townhouse dwellings.

In addition to conformance with the Comprehensive Plan, the Planning Commission may want to consider any potential adverse impacts, such as traffic entering and exiting the property, noise, or potential impacts to adjacent properties.

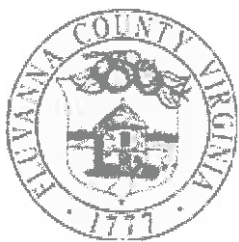
**Suggested Motion:**

I move that the Planning Commission recommend approval/denial of the attached ordinance for ZMP 14:05, a request to amend the Fluvanna County Zoning Map with respect to approximately 6.134 acres of Tax Map 18, Section A, Parcel 38F, to conditionally rezone the same from A-1, Agricultural, General, to R-4, Residential, Limited, subject to the submitted draft proffer.

**Attachments:**

- A – Application and APO letter
- B – Aerial Vicinity Map
- C – Existing zoning map
- D – submitted draft proffer statement
- E – Neighborhood meeting sign-in sheet, TRC comment letter and emails
- F – Parcel exhibit
- G – Proposed ordinance

Copy: File



COMMONWEALTH OF VIRGINIA  
**COUNTY OF FLUVANNA**  
**Application for Rezoning**

Received

DEC 30 2014

Fluvanna County

**Owner of Record:** Lake Monticello Volunteer Fire Dept. & Rescue **Applicant of Record:** Same as Owner of Record

E911 Address: 926 East Jefferson Drive Palmyra, VA 22963

E911 Address:

Phone: (434)531-0795 Fax:

Phone:

Fax:

Email: keithsmith011163@gmail.com

Email:

**Representative:** Keith Smith

**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: 35 Acre Lane Palmyra, VA 22963

Phone: (434) 531-0795 Fax:

Is property in Agricultural Forestal District? ☒ No ☐ Yes

Email: keithsmith011163@gmail.com

If Yes, what district:

**Tax Map and Parcel(s):** Tax Map 18A Parcel 38F**Deed Book Reference:** DB 819 / P 261**Acreage:** 6.134**Zoning:** A-1**Deed Restrictions?** ☒ No ☐ Yes (Attach copy)**Location of Parcel:** west side of South Boston Road approximately 500 ft. south of Slice Road**Requested Zoning:** R4**Proposed use of Property:** Auxilliary Space for Lake Monticello Vol. Fire and Rescue Department**Affidavit to Accompany Petition for Rezoning**

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

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

Date: 12-19-14

Signature of Owner/Applicant:

*James B. Smith, President of*  
*Smith & Sons, Inc.*  
 20 Register #

Subscribed and sworn to before me this

day of

My commission expires:

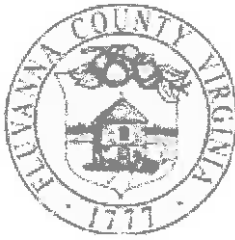
Notary Public:

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

OFFICE USE ONLY			
Date Received: 12/30/2014	Pre-Application Meeting:	PH Sign Deposit Received: 12/30/14 (1/2/2015)	Application #: ZMP 14 :05
\$1,000 plus \$50 for per acre plus mailing costs fee paid:		Mailing Costs: \$20.00 Adjacent Property Owner(APO) after 1st 15, Certified	
Proffer or Master Plan Amendment: \$750.00 plus mailing costs			
Election District: Cunniffman	Planning Area: Palmyra Community Plan		
Planning Commission		Board of Supervisors	
Advertisement Dates:	Advertisement Dates:		
APO Notification:	APO Notification:		
Date of Hearing:	Date of Hearing		
Decision:	Decision:		

Fluvanna County Department of Planning & Community Development \* Box 540 \* Palmyra, VA 22963 \* (434)591-1910 \* Fax (434)591-1911

This form is available on the Fluvanna County website: [www.fluvannacounty.org](http://www.fluvannacounty.org)



COMMONWEALTH OF VIRGINIA  
**COUNTY OF FLUVANNA**  
**Public Hearing Sign Deposit**

**Received**  
**DEC 30 2014**  
**Fluvanna County**

Name: Lake Monticello Fire Department & Rescue

Address: 926 East Jefferson Drive

City: Palmyra

State: VA Zip Code: 22963

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

*James Bogan as President for Lake Monticello Fire Dept* 12-19-14  
 Applicant Signature Date

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

OFFICE USE ONLY	
Application #: <b>BZA</b> _____ : _____ <b>CPA</b> _____ : _____ <b>SUP</b> _____ : _____ <b>ZMP</b> _____ : _____ <b>ZTA</b> _____ : _____	
\$90 deposit paid per sign*:	Approximate date to be returned:

# Memorandum

DATE: 09 February 2015  
RE: APO'S for **ZMP 14:05** Public Hearing Letters  
TO: Jason Stewart  
FROM: Deidre Creasy

Please be advised the attached letter went out to the attached list of Adjacent Property Owners for the February 25, 2015 Planning Commission Meeting.




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## COUNTY OF FLUVANNA

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*"Responsive & Responsible Government"*

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 [www.fluvannacounty.org](http://www.fluvannacounty.org)

### NOTICE OF PUBLIC HEARING

February 9, 2015

«Owner»

«Address»

«City\_State» «Zip\_Code»

TMP# «TMP»

#### Re: Public Hearing on ZMP 14:05

Dear «Owner»:

This letter is to notify you that the Fluvanna County Planning Commission will hold a public hearing on the above referenced item on **Wednesday, February 25, 2015** at **7:00 PM** in the Morris Room at the Fluvanna County Administration Building in Palmyra, VA. The request is described as follows:

**ZMP 14:05 – Lake Monticello Volunteer Fire Dept.** - An ordinance to amend the Fluvanna County Zoning Map with respect to 6.134 acres of Tax Map 18, Section A, Parcel 38F to rezone the same from A-1, Agricultural, General to R-4, Residential, Limited. The affected property is located on the west side of South Boston Road (Route 600), approximately 500 feet southwest of its intersection with Slice Road. The property is located in the Cunningham Election District and is within the Rivanna Community Planning Area.

The applicant or applicant's representative must be present at the Planning Commission meeting. The tentative agenda and staff report will also be available for review by the public in the Fluvanna County Planning and Community Development Department during working hours (8:00 a.m. – 5:00 p.m., Monday through Friday). If you have any questions, please feel free to contact me at 434-591-1910.

Sincerely,

Steven Tugwell  
Senior Planner



14:05 LMFD APOS					
TMP		Owner	Address	Ctiy, State	Zip
18	A	38B BROWN, BROADUS L. & WIFE	1133 SOUTH BOSTON RD	Palmyra, Va	22963
18	A	39 GARNETT, MAMIE M	861 SOUTH BOSTON RD	Palmyra, Va	22963
18A	4	14 SHIFFLETT, CLIFFORD A & CAROLYN J	8 SLICE RD	Palmyra, Va	22963
18	A	38A MARTIN, CHARLOTTE E	1035 SOUTH BOSTON RD	Palmyra, Va	22963
18	A	38D TOWNSEND, MARVIN LAVERA & GWEN	959 SOUTH BOSTON RD	Palmyra, Va	22963
18A	4	13B LAKE MONTICELLO VOLUNTEER FIRE	10 SLICE RD	Palmyra, Va	22963
18A	4	13B LAKE MONTICELLO VOLUNTEER FIRE	14 SLICE RD	Palmyra, Va	22963
18	A	38E PERVALL, GINA C ET AL	2903 St Regis Way	Mitchellville, Md	20721



OFFICIAL RECEIPT  
FLUVANNA COUNTY CIRCUIT COURT  
DEED RECEIPT

DATE: 11/06/14 TIME: 11:22:58 ACCOUNT: 065CLR1403104 RECEIPT: 14000006966  
CASHIER: ANN REG: VU16 TYPE: DBS PAYMENT: FULL PAYMENT  
INSTRUMENT : 1403104 BOOK: 927 PAGE: 955 RECORDED: 11/06/14 AT 11:22  
GRANTOR: TYLER, ELWOOD;JR & TYLER,BESSIE EX: N LOC: CO  
GRANTEE: LAKE MONTICELLO VOLUNTEER FIRE DEPT EX: N PCT: 100%  
AND ADDRESS : 10 SLICE ROAD PALMYRA, VA.  
RECEIVED OF : TGB DATE OF DEED: 10/30/14  
CHECK: \$476.33 1010  
DESCRIPTION 1: PALMYRA DISTR LOT B 6.134 AC PAGES: 3 OP: 0  
2: NAMES: 0  
CONSIDERATION: 100,000.00 A/VAL: 61,100.00 MAP: 18-A-38F  
PIN:  
301 DEEDS 14.50 145 VSLF 1.50  
038 DEEDS OF CONV. 50.00 220 GRANTOR TAX 50.00  
039 DEEDS & CONTRACTS 250.00 213 COUNTY GRANTEE TAX 83.33  
212 TRANSFER FEE 1.00 106 TECHNOLOGY TRST FND 5.00  
035 VOF FEE 1.00 TENDERED : 476.33  
036 DEED PROCESSING FEE 20.00 AMOUNT PAID: 476.33  
CHANGE AMT : .00

CLERK OF COURT: BOUSON E. PETERSON

PAYOR'S COPY  
RECEIPT COPY 1 OF 3

Prepared by Barbara Wright Goshorn VSB #20484

Tax Map 18-A-38F

Assessed Value: \$ 61,100.00

Title Insurance Underwriter: Chicago Title Insurance Company

**THIS DEED OF BARGAIN AND SALE**, made and entered into this 30<sup>th</sup> day of October, 2014, by and between **ELWOOD TYLER, JR.** and **BESSIE TYLER**, husband and wife, Grantors, and **LAKE MONTICELLO VOLUNTEER FIRE DEPARTMENT AND RESCUE SQUAD, INC.**, a Virginia non-stock corporation, Grantee, whose address is: 10 Slice Road, Palmyra, Virginia 22963.

W I T N E S S E T H :

That for and in consideration of the sum of ONE HUNDRED THOUSAND AND NO/100 DOLLARS (\$100,000.00), cash in hand paid, the receipt of which is hereby acknowledged by the Grantors, the Grantors hereby grant, bargain, sell and convey with GENERAL WARRANTY AND ENGLISH COVENANTS OF TITLE unto the said Grantee, the following described real property, to-wit:

All that certain tract or parcel of land, with the improvements thereon and the appurtenances thereunto belonging, lying and being situate in the Palmyra District of Fluvanna County, Virginia, containing 6.134 acres, more or less, shown and described as Lot B, on a plat made by Lum, Stanley and Associates, PLC, dated June 26, 2009 and recorded in the Clerk's Office of the Circuit Court of Fluvanna County, Virginia, in Deed Book 819, pages 258 and 259; BEING the property conveyed to the Grantors herein by deed from Mamie M. Garnett, widow and not remarried, dated October 21, 2009 and recorded in the aforesaid Clerk's Office in Deed Book 819, page 261.

This conveyance is made subject to the perpetual non-exclusive easement of right of way twenty (20) feet in width shown as "20' Access Easement" on the aforesaid plat dated June 26, 2009 and recorded in the aforesaid Clerk's Office in Deed Book 819, page 258 and 259; and to easements, covenants, restrictions, conditions and reservations contained in duly recorded deeds, plats and other instruments constituting constructive notice in the chain of title to the property hereby conveyed which have not expired by limitation of time contained therein or have not otherwise become ineffective.

**WITNESS** the following signatures and seals:

Elwood Tyler, Jr. (SEAL)  
Elwood Tyler, Jr.

Bessie Tyler (SEAL)  
Bessie Tyler

STATE OF VIRGINIA

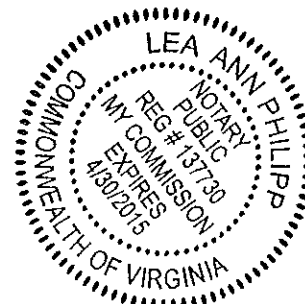
~~CITY OR~~ COUNTY OF FLOUANA, to-wit:

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of November, 2014, by Elwood Tyler, Jr. and Bessie Tyler.

My commission expires: 4/30/2015

(NOTARIAL SEAL)

Lea Ann Philip  
Notary Public





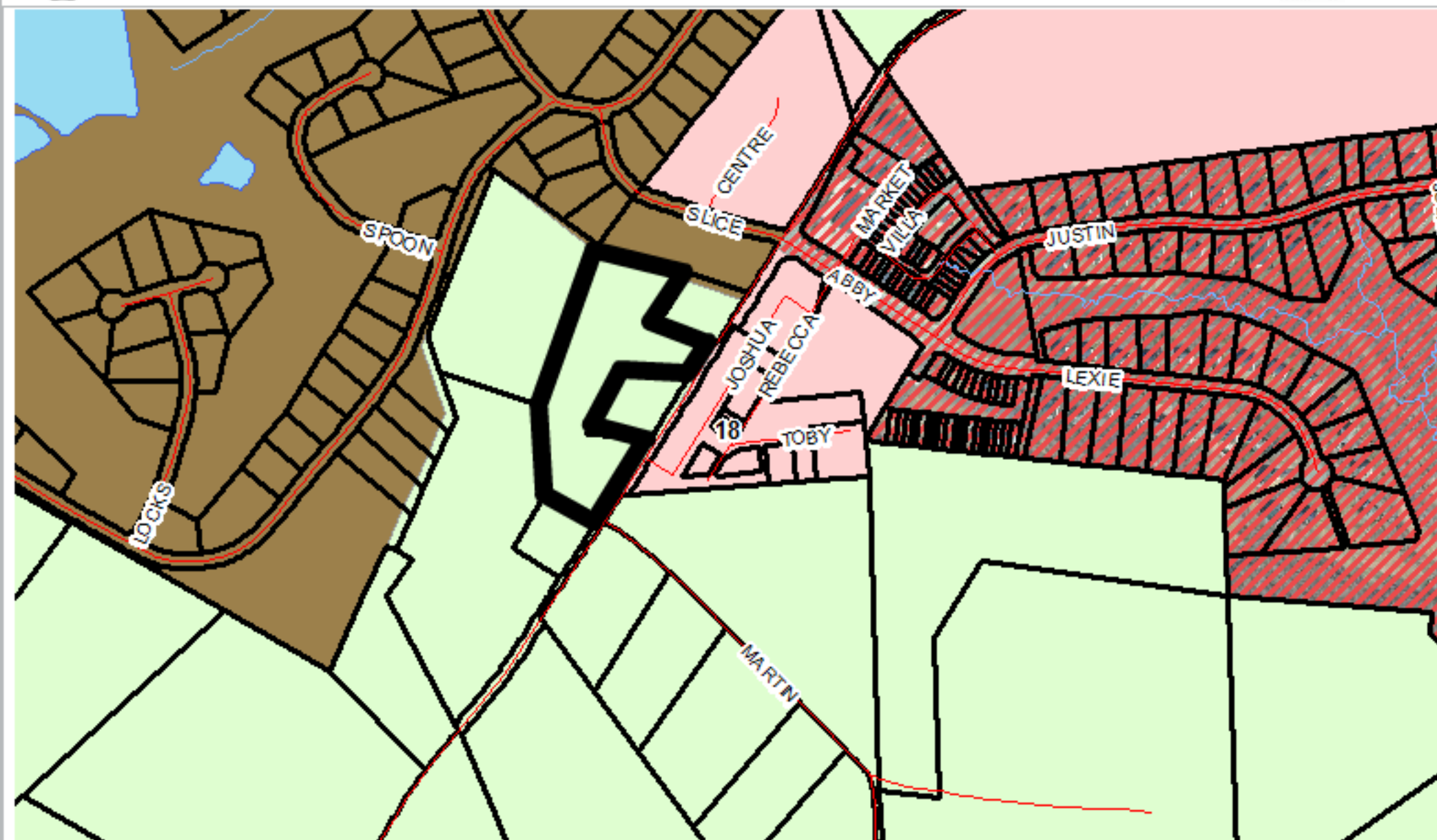
Scale: 1:9027.977411

Date: 02/20/2015

Printed By:

Under Virginia State Law, these real estate assessment records are public information. Display of this property information on the internet is specifically authorized by the Code of Virginia §58.1-3122.2(as amended).





Scale: 1:9027.977411

Date: 02/20/2015

Printed By:

Under Virginia State Law, these real estate assessment records are public information. Display of this property information on the internet is specifically authorized by the Code of Virginia §58.1-3122.2(as amended).

Received

FEB 03 2015

**DRAFT PROFFER STATEMENT****Lake Monticello Volunteer Fire and Rescue Department**

Planning Dept.

Date of Proffer: February 2, 2015  
 Project Name: Lake Monticello Volunteer Fire Department  
 ZMP Number: 14:05  
 Owners: Lake Monticello Volunteer Fire Department & Rescue Squad, Inc.  
 926 East Jefferson Drive  
 Palmyra, VA 22963  
 Existing Zoning: A-1 Agricultural  
 Zoning Requested: R-4 Residential  
 Acreage of Parcels: 6.134 acres  
 Magisterial District: Cunningham  
 Tax Map #: Tax Map 18 Section A Parcel 38F (6.134 acres)  
 Legal Reference: Fluvanna County Deed Book 819 Page 261 (deed)

The Term "Owner" as referenced within this document shall include within its meaning the owner, or owners, of record of the Property, or properties, and their successors in interest.

The Owner hereby voluntarily proffers that if the Fluvanna County Board of Supervisors acts to rezone the Property from the A-1 District to the R-4 District in accordance with Fluvanna County Zoning Ordinance, the Owner shall develop the Property in accord with the following proffered development conditions (each, a "Proffer," and collectively, the "Proffers"), which the Owner acknowledges are reasonable, pursuant to Section 15.2-2303 of the Code of Virginia, 1950, as amended, and pursuant to Section 22-14-2 of the Fluvanna County Zoning Ordinance. If rezoning application ZMP 14:05 is denied, these proffers shall immediately be null and void and of no force and effect.

**1) Permitted Uses.**      **Single-family detached, single-family attached, and townhouse**  
**Dwellings shall not be permitted (by right or by special use) on this property.**

WITNESS the following signatures:

**Lake Monticello Volunteer Fire Department & Rescue Squad, Inc.**

By: Leonard Bozza, President of L.M.V.F.D. & R.S. INC.  
 Owner and/or designated Agent

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF Fluvanna, to wit:

The foregoing instrument was acknowledged before me this 3 day of February 2015 by Leonard Bozza, Owner of Lake Monticello Volunteer Fire Department & Rescue Squad, Inc.

My Commission expires: 10/31/2015

[Signature]  
 Notary Public



## January 14, 2015 Neighborhood Meeting

### SIGN IN SHEET FOR:

**ZMP 14:05 – Lake Monticello Volunteer Fire Dept.** - An ordinance to amend the Fluvanna County Zoning Map with respect to 6.134 acres of Tax Map 18, Section A, Parcel 38F to rezone the same from A-1, Agricultural, General to R-4, Residential, Limited. The affected property is located on the west side of South Boston Road (Route 600), approximately 500 feet southwest of its intersection with Slice Road. The property is located in the Cunningham Election District and is within the Rivanna Community Planning Area.

### Please Print Your Name & Address:

1. LEONARD BOZZA 26 FLEETWOOD DRIVE  
STRATTON PALMYRA VA
2. PATRICIA BOZZA 26 Fleetwood Dr Palmyra Va
3. KRISTEN SMITH 35 ACRE LA. PALMYRA VA
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_
11. \_\_\_\_\_
12. \_\_\_\_\_
13. \_\_\_\_\_
14. \_\_\_\_\_
15. \_\_\_\_\_
16. \_\_\_\_\_





## COUNTY OF FLUVANNA

*"Responsive & Responsible Government"*

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 [www.co.fluvanna.va.us](http://www.co.fluvanna.va.us)

February 4, 2015

Lake Monticello Volunteer Fire Dept. & Rescue (Mr. Keith B. Smith)  
926 East Jefferson Drive  
Palmyra, VA 22963

**Re: TRC comments ZMP 14:05 Rezoning from A-1 to R-4  
Tax Map 18-A-38F**

Dear Mr. Smith:

The following comments are the result of the Technical Review Committee meeting. Comments are outlined below:

1. Charles Miller stated that they have no comments with regard to this request;
2. Mike Brent with the Fire Dept. stated they are ok with the request;
3. Planning staff asked for clarification as to what the building will be used for, planning staff also inquired about the means of ingress and egress;
  - and whether or not the site will contain any residential units; applicant stated they would submit a proffer that addresses this concern, and they did so on February 3, 2015;
  - Any development will require site development plan review and approval;
4. VDOT has made a site visit and reviewed the referenced proposal, VDOT offers the following preliminary comments:
  - Rte. 600 (South Boston Road) is a Rural Major Collector with a posted speed limit of 45 mph. VDOT's 2013 Traffic Data shows an estimated Annual Average Daily Traffic Volume of 4700 vehicles.
  - A traffic signal is located at the intersection of Rte. 600 and Slice/Abby Roads. VDOT's Access Management Standards for minimum entrance spacing standards apply. Feasibility of lining up the proposed commercial entrance opposite Rebecca Drive should be considered.
  - Provide an entrance analysis for the proposed development along with the recommended road improvements to support the proposed development, VDOT will review the entrance

analysis and provide comments if applicable. Base traffic volumes for the study off of VDOT's 2013 Traffic Data (4700 AADT), and the projected traffic volumes from the existing approved developments along Rte. 600 that are not at full build out yet such as Sycamore Square.

- Rte. 600 (South Boston Road) has a posted speed limit of 45 mph which requires a minimum of 500 ft. of Intersection Sight Distance for a standard commercial entrance. Intersection Sight Distance will be measured from 14.5 ft. behind the edge of the northbound travel lane or 14.5 ft. behind the edge of the right turn lane if the entrance analysis shows that a right turn lane is necessary.
- Graphically demonstrate (horizontally and vertically) that the proposed commercial entrance provides the minimum 500 ft. of Intersection Sight Distance (height of eye = 3.5 ft., height of object = 3.5 ft. and 14.5 ft. off edge of pavement).
- Design of turn lane(s), if needed, shall conform to VDOT's Geometric Design for Rural Collector Road System (GS-3) with ADT over 2000, Rolling Terrain (12 ft. min. lane width, 8 ft. graded shoulder, etc.).
- Rte. 600 improvements associated with development of this property shall conform to VDOT's WP-2 detail (mill and overlay to the center of road) along with any and all pavement marking eradication and installation of new pavement markings per VDOT standards and specifications.
- A VDOT Land Use Permit and Security Bond will be required.

The Planning Commission public hearing is scheduled for Wednesday, February 25, 2015 at 7 p.m. in the Morris Room of the County Administration Building in Palmyra, VA.

If you have any questions or need additional information, please contact me at 434-591-1910.

Sincerely,



Steve Tugwell  
Senior Planner

Dept. of Planning & Community Development

cc: Shimp Engineering, P.C., 201 E. Main Street, Suite M, Charlottesville, VA 22902  
File

**Steven Tugwell**

---

**From:** Mike-Kathy Brent <mkbrent7@gmail.com>  
**Sent:** Thursday, January 22, 2015 6:18 PM  
**To:** Steven Tugwell  
**Subject:** Re: January 15th TRC meeting comments

Steve  
I'm OK with both request.

Mike

On Thu, Jan 22, 2015 at 10:08 AM, Steven Tugwell <[stugwell@fluvannacounty.org](mailto:stugwell@fluvannacounty.org)> wrote:

Hi Mike- did you want to provide me with any comments on either one or both of last week's rezoning applications from the TRC meeting? I attached the agenda for your reference.

Thanks,

Steve

**Steve Tugwell**

**Senior Planner**

**Dept. of Planning & Community Development**

**Fluvanna County, VA**

**[434-591-1910](tel:434-591-1910)**

**[stugwell@fluvannacounty.org](mailto:stugwell@fluvannacounty.org)**

 please conserve, do not print this e-mail unless necessary

## Steven Tugwell

---

**From:** Miller, Charles (VDH) <Charles.Miller@vdh.virginia.gov>  
**Sent:** Thursday, January 08, 2015 11:57 AM  
**To:** Steven Tugwell  
**Subject:** RE: January 15, 2015 TRC meeting agenda

Steve,

We have no comments regarding the two items for the Jan. 15<sup>th</sup> TRC Committee Meeting. (ZMP 14:05 & ZMP 15:01)

Charles

---

**From:** Steven Tugwell [<mailto:stugwell@fluvannacounty.org>]  
**Sent:** Thursday, January 08, 2015 9:32 AM  
**To:** Alyson Sappington; Andrea Gaines; Andy Wills; Barry Bibb; Brad Sheffield; Miller, Charles (VDH); Wright, Chuck (DOF); Deidre Creasy; Donald Gaines; Ed Zimmer; Rice, Gary (VDH); Jason Stewart; Jay Lindsey; Lewis Johnson; Lucas Lyons; Wood, Mark, P.E., L.S (VDOT); Mike Brent; Patricia Eager; Robert Popowicz; Roger Black; [solson@forvec.com](mailto:solson@forvec.com); Tony O'Brien; Wayne Stephens  
**Subject:** January 15, 2015 TRC meeting agenda  
**Importance:** High

Dear TRC members,

The January TRC meeting is scheduled for the 3<sup>rd</sup> Thursday this month, because we were waiting on additional information from both applicants.

Hope to see you at the meeting, and let me know if you have any questions.

Thanks,  
Steve

Steve Tugwell  
Senior Planner  
Dept. of Planning & Community Development  
Fluvanna County, VA  
434-591-1910  
[stugwell@fluvannacounty.org](mailto:stugwell@fluvannacounty.org)

 please conserve, do not print this e-mail unless necessary

**Steven Tugwell**

**From:** Wood, Mark, P.E., L.S (VDOT) <James.Wood@VDOT.virginia.gov>  
**Sent:** Monday, February 02, 2015 12:15 PM  
**To:** Steven Tugwell  
**Cc:** Reed, James M. (VDOT); Wolfrey, Sharon A. (VDOT)  
**Subject:** ZMP 14:05 - Lake Monticello Vol. Fire Dept. & ZMP 15:01 Memory Lane Property, LLC, Fluvanna County

**Importance:** High

Steve,

**ZMP 14:05 – Lake Monticello Volunteer Fire Dept. (TMS 18A – 38F), Fluvanna County (Rte. 600, South Boston Road)**

VDOT has made a site visit and reviewed the parcel exhibit for the proposed rezoning from A-1, Agricultural, General to R-4, Residential, Limited and offers the following comments:

- Rte. 600 (South Boston Road) is a Rural Major Collector with a posted speed limit of 45 mph. VDOT's 2013 Traffic Data shows an estimated Annual Average Daily Traffic Volume of 4700 vehicles.
- A traffic signal is located at the intersection of Rte. 600 and Slice/Abby Roads. VDOT's Access Management Standards for minimum entrance spacing standards apply. Feasibility of lining up the proposed commercial entrance opposite Rebecca Drive should be considered.
- Provide an entrance analysis for the proposed development along with the recommended road improvements to support the proposed development, VDOT will review the entrance analysis and provide comments if applicable. Base traffic volumes for the study off of VDOT's 2013 Traffic Data (4700 AADT), and the projected traffic volumes from the existing approved developments along Rte. 600 that are not at full build out yet such as Sycamore Square.
- Rte. 600 (South Boston Road) has a posted speed limit of 45 mph which requires a minimum of 500 ft. of Intersection Sight Distance for a standard commercial entrance. Intersection Sight Distance will be measured from 14.5 ft. behind the edge of the northbound travel lane or 14.5 ft. behind the edge of the right turn lane if the entrance analysis shows that a right turn lane is necessary.
- Graphically demonstrate (horizontally and vertically) that the proposed commercial entrance provides the minimum 500 ft. of Intersection Sight Distance (height of eye = 3.5 ft., height of object = 3.5 ft. and 14.5 ft. off edge of pavement).
- Design of turn lane(s), if needed, shall conform to VDOT's Geometric Design for Rural Collector Road System (GS-3) with ADT over 2000, Rolling Terrain (12 ft. min. lane width, 8 ft. graded shoulder, etc.).
- Rte. 600 improvements associated with development of this property shall conform to VDOT's WP-2 detail (mill and overlay to the center of road) along with any and all pavement marking eradication and installation of new pavement markings per VDOT standards and specifications.
- A VDOT Land Use Permit and Security Bond will be required.

**ZMP 15:01 – Memory Lane Property, LLC (TMS 4 - 110), Fluvanna County (Rte. 698, Memory Lane)**

VDOT has made a site visit and reviewed the project narrative for the proposed rezoning from I-1, Industrial, Limited and I-2, Industrial General to I-2 Industrial, General. The applications states that the rezoning will allow potential manufacturing uses. VDOT offers the following comments:

- Rte. 698 (Memory Lane) is a Rural Local Road with a pavement width of approximately 22 ft. VDOT's 2013 Traffic Data shows an estimated Annual Average Daily Traffic Volume of 140 vehicles for Rte. 698.

- Rte. 698 is currently served by an existing Right Turn Taper and Right Turn Lane off eastbound Rte. 250 (Rural Major Collector with an AADT of 3500).
- Rte. 698 is approximately 0.35 miles long and dead ends at a cul-de-sac beside TMS 4A-20A (currently used as an office/construction yard for A.G. Dillard).
- If a site plan is submitted that significantly increases the traffic on Rte. 698, provide an entrance analysis for the intersection of Rte. 250 and Rte. 698 along with the recommended road improvements to support the proposed development, VDOT will review the entrance analysis and provide comments if applicable. Design of turn lane(s) on Rte. 250, if needed, shall conform to VDOT's Geometric Design for Rural Collector Road System (GS-3) with ADT over 2000, Rolling Terrain (12 ft. min. lane width, 8 ft. graded shoulder, etc.).

J. Mark Wood, P.E., L.S.  
Area Land Use Engineer  
Virginia Department of Transportation  
Land Development – South  
P.O. Box 2194  
Louisa, VA 23093  
Phone: (540) 967-3708  
Cell: (540) 223-5240  
Email: [Mark.Wood@VDOT.Virginia.gov](mailto:Mark.Wood@VDOT.Virginia.gov)

## Steven Tugwell

---

**From:** Andrea Gaines <againes@FluvannaSheriff.com>  
**Sent:** Thursday, January 08, 2015 4:50 PM  
**To:** Steven Tugwell  
**Subject:** RE: January 15, 2015 TRC meeting agenda

Steve,

I will review any materials forwarded but won't be able to attend on the 3<sup>rd</sup> Thursday.

Andrea

---

**From:** Steven Tugwell [<mailto:stugwell@fluvannacounty.org>]  
**Sent:** Thursday, January 08, 2015 9:32 AM  
**To:** Alyson Sappington; Andrea Gaines; Andy Wills; Barry Bibb; Brad Sheffield; [charles.miller@vdh.virginia.gov](mailto:charles.miller@vdh.virginia.gov); [chuck.wright@dof.virginia.gov](mailto:chuck.wright@dof.virginia.gov); Deidre Creasy; Donald Gaines; Ed Zimmer; [gary.rice@vdh.virginia.gov](mailto:gary.rice@vdh.virginia.gov); Jason Stewart; Jay Lindsey; Lewis Johnson; Lucas Lyons; Mark Wood; Mike Brent; Patricia Eager; Robert Popowicz; Roger Black; [solson@forccvec.com](mailto:solson@forccvec.com); Tony O'Brien; Wayne Stephens  
**Subject:** January 15, 2015 TRC meeting agenda  
**Importance:** High

Dear TRC members,

The January TRC meeting is scheduled for the 3<sup>rd</sup> Thursday this month, because we were waiting on additional information from both applicants.

Hope to see you at the meeting, and let me know if you have any questions.

Thanks,  
Steve

Steve Tugwell  
Senior Planner  
Dept. of Planning & Community Development  
Fluvanna County, VA  
434-591-1910  
[stugwell@fluvannacounty.org](mailto:stugwell@fluvannacounty.org)

 please conserve, do not print this e-mail unless necessary



vicinity map  
1" = 1,000 FT

TM 18A Parcel (4)-13B  
Lake Monticello Volunteer  
Fire Dept. & Rescue Squad  
Zoned R-4 Residential  
2.058 Acres

TM 18-(A)-4-14  
Shifflett, Clifford A &  
Carolyn J  
Zoned R-4 Residential  
0.54 acres

Lot A  
A Portion of  
TM 18-A-38  
Zoned A-1 Agricultural  
6.134 acres

Lot C  
Residue of TM 18-A-38  
Zoned A-1 Agricultural  
6.135 acres

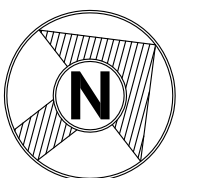
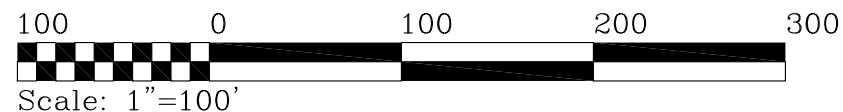
T.M. 18-A PAR. 38F Lot B  
A portion TM 18-A-38  
Zoned A-1 Agricultural  
6.134 acres

TM 18-(A)-38A  
Jake Martin  
DB 74-286  
DB 74-288 Plat  
Zoned A-1 Agricultural

TM 18-(A)-38B  
Broadus L. Brown  
DB 93-228  
DB 93-230 Plat  
Zoned A-1 Agricultural

TM 18-(A)-38D  
Marvin Townsend  
DB 114-608  
DB 114-610 PLAT  
Zoned A-1 Agricultural

SOUTH BOSTON ROAD (ROUTE 600) - 40' R/W



# PARCEL EXHIBIT SHOWING TAX MAP 18-A PARCEL 38F

CURRENT ZONING: A-1  
REQUESTED ZONING: R-4  
January 7, 2015

**SHIMP ENGINEERING, P.C.**  
ENGINEERING - LAND PLANNING - PROJECT MANAGEMENT

201 E. MAIN ST, SUITE M  
CHARLOTTESVILLE, VA 22902

PHONE: (434) 207-8086  
JUSTIN@SHIMP-ENGINEERING.COM



**An Ordinance To Amend The Fluvanna County Zoning Map, With Respect To 6.134 acres of Tax Map 18, Section A, Parcel 38F to conditionally rezone the same from A-1, Agricultural, General to R-4, Residential, Limited.**

**(ZMP 14:05)**

BE IT ORDAINED BY THE FLUVANNA BOARD OF SUPERVISORS, pursuant to Virginia Code Section 15.2-2285, that the Fluvanna County Zoning Map be, and it is hereby, amended, as follows:

That 6.134 acres of Tax Map 18, Section A, Parcel 38F, be and is hereby, rezoned from A-1, Agricultural, General to R-4, Residential, Limited, subject to the submitted proffer statement as set out in the letter dated February 2, 2015, which is attached hereto.

Single-family detached, single-family attached, and townhouse dwellings shall not be permitted (by right or by special use) on this property.



## COUNTY OF FLUVANNA

*"Responsive & Responsible Government"*

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 [www.co.fluvanna.va.us](http://www.co.fluvanna.va.us)

### STAFF REPORT

**To:** Fluvanna County Planning Commission  
**Case Number:** ZMP 15:01  
**Tax Map:** Tax Map 4, Section A, Parcel 97A

**From:** Steve Tugwell  
**District:** Palmyra  
**Date:** February 25, 2015

**General Information:** This request is to be heard by the Planning Commission on Wednesday, February 25, 2015 at 7:00 pm in the Morris Room of the County Administration Building.

**Owner/Applicant:** Memory Lane Property, LLC

**Representative:** Justin M. Shimp, Shimp Engineering, P.C.

**Requested Actions:** To amend the Fluvanna County Zoning Map with respect to 6.746 acres of Tax Map 4, Section A, Parcel 97A, to rezone the same from I-1, Industrial, Limited, and I-2, Industrial, General, to I-2, Industrial, General. (Attachment A)

**Location:** The affected property is located on the south side of Richmond Road (Route 250), approximately ¼ mile from Route 250 at the end of Memory Lane. (Attachment B)

**Existing Zoning:** I-1, Industrial, Limited (part), and I-2, Industrial, General (Attachment C)

**Planning Area:** Zion Crossroads Community Planning Area

**Existing Land Use:** The parcel is currently vacant.

**Adjacent Land Use:** The surrounding parcels are currently zoned A-1, I-1, and I-2

**Zoning History:** This property was rezoned from A-1 to I-1 and I-2 on April 18, 2007 (ZMP 07:03) as follows: 4.82 acres of Tax Map parcel 4-A-97A from A-1 Agricultural to I-1 Industrial, Limited and 1.913 acres of the same parcel from A-1 Agricultural to I-2 Industrial, General.

### **Neighborhood Meeting:**

With the exception of the applicant, there were no other attendees at the January 14, 2015 neighborhood meeting.

### **Technical Review Committee:**

The following comments were generated from the January 15, 2015 Technical Review Committee meeting:

1. Charles Miller stated that they have no comments with regard to this request;
2. Mike Brent with the Fire Dept. stated they are ok with the request;
3. Planning staff asked for clarification as to what the building will be used for, planning staff also inquired about the means of ingress and egress;  
  
-Any development will require site development plan review and approval;
4. VDOT has made a site visit and reviewed the referenced proposal, VDOT offers the following preliminary comments:
  - Rte. 698 (Memory Lane) is a Rural Local Road with a pavement width of approximately 22 ft. VDOT's 2013 Traffic Data shows an estimated Annual Average Daily Traffic Volume of 140 vehicles for Rte. 698.
  - Rte. 698 is currently served by an existing Right Turn Taper and Right Turn Lane off eastbound Rte. 250 (Rural Major Collector with an AADT of 3500).
  - Rte. 698 is approximately 0.35 miles long and dead ends at a cul-de-sac beside TMS 4A-20A (currently used as an office/construction yard for A.G. Dillard).
  - If a site plan is submitted that significantly increases the traffic on Rte. 698, provide an entrance analysis for the intersection of Rte. 250 and Rte. 698 along with the recommended road improvements to support the proposed development, VDOT will review the entrance analysis and provide comments if applicable. Design of turn lane(s) on Rte. 250, if needed, shall conform to VDOT's Geometric Design for Rural Collector Road System (GS-3) with ADT over 2000, Rolling Terrain (12 ft. min. lane width, 8 ft. graded shoulder, etc.).

(Attachment D)

### **Statement of Intent:**

The Statement of Intent indicates the purpose of the zoning district and describes the characteristics of uses generally found within the district.

The Statement of Intent for the I-2, Industrial, General Zoning District is as follows:

The primary purpose of this district is to establish an area as defined by the Comprehensive Plan where the principal use of land is for heavy commercial and industrial operations, which may create some nuisance, and which are not properly associated with, nor particularly compatible with, residential, institutional, and neighborhood commercial service establishments. The specific intent of this district is to:

- (a) encourage the construction of and the continued use of the land for heavy commercial and industrial purposes;
- (b) prohibit residential and neighborhood commercial use of the land and to prohibit any other use which would substantially interfere with the development, continuation or expansion of commercial and industrial uses in the district;
- (c) to encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this ordinance.

### **Analysis:**

The applicant is requesting to rezone a 6.746 acre parcel (Tax Map 4, Section A, Parcel 97A) from I-1, Industrial, Limited, and I-2, Industrial, General, to I-2, Industrial, General. According to the staff report from the prior rezoning on this parcel (ZMP 07:03), 4.82 acres of Tax Map parcel 4-A-97A was rezoned from A-1 Agricultural to I-1 Industrial, Limited and 1.913 acres of the same parcel from A-1 Agricultural to I-2 Industrial, General. There has been some confusion on the exact location and acreage amounts of the respective zoning classifications on this property, therefore the applicant is requesting to rezone the entire 6.746 acres to I-2 to remove the ambiguity.

The applicant has stated that by rezoning the entire parcel to I-2, they will increase the potential industrial uses with the adjacent sewage treatment plant effluent located near the Women's Correctional Facility. Additionally, it is worth noting that rezoning to I-2 would allow heavy manufacturing by special use permit.

(Attachment E)

### **Comprehensive Plan:**

#### **VISION 2029**

The vision for Fluvanna County is based on key goals such as “preserving the rural character, promote economic development and protect individual property rights”. Protecting and preserving the rural character is essential as was expressed by Fluvanna citizens throughout the comprehensive planning process (see Appendix A in the Comprehensive Plan under the “2006 Planning Issues Survey”).

#### **Land Use Chapter:**

The Comprehensive Plan designates this property as within the Zion Crossroads Community Planning Area. According to this chapter, *“this area is the county’s primary regional economic development area and is targeted as a regional employment center and for primarily mixed-use, mixed-income development that will also help develop the infrastructure needed for such*

*development, as well as diversifying the county's tax base". Additionally, "large, medium and small commercial businesses, along with office, civic, and multifamily residential uses, combine to form a series of neo-traditional development or series of interconnected developments.*

This area of the county is currently a mix of residential, commercial, and industrial uses. This parcel is located within a designated growth-area, the existing Zion Station industrial subdivision, and close proximity to Interstate 64 and Route 250.

**Economic Development:**

The 2009 Comprehensive Plan states that Goal 3 under the Course of Action Section is *"to protect rural areas through economic development"*, and to *"support the development of locally owned businesses, and entrepreneurial opportunities, particularly those that are of rural character and will require little provision of infrastructure"*. The Zion Crossroads Community Planning Area has been developing with a mix of mostly commercial and industrial uses, and some existing residential.

**Conclusion:**

The Planning Commission should consider any potential adverse impacts, such as traffic entering and exiting the property, noise, or potential impacts to adjacent properties.

**Suggested Motion:**

I move that the Planning Commission recommend approval/denial of the attached ordinance for ZMP 15:01, a request to amend the Fluvanna County Zoning Map with respect to approximately 6.746 acres of Tax Map 4, Section A, Parcel 97A, to rezone the same from I-1, Industrial, Limited, and I-2, Industrial, General, to I-2, Industrial, General.

**Attachments:**

- A – Application and APO letter
- B – Aerial Vicinity Map
- C – Existing zoning map
- D – Neighborhood meeting sign-in sheet, TRC comment letter and emails
- E – Applicant narrative and site boundary survey
- F – Proposed ordinance

Copy: Memory Lane Property, LLC, P.O. Box 7427, Charlottesville, VA 22906, Shimp Engineering, P.C., 201 E. Main Street, Suite M, Charlottesville, VA 22902  
File



COMMONWEALTH OF VIRGINIA  
COUNTY OF FLUVANNA  
Application for Rezoning

Received

JAN 05 2015

Planning Dept.

**Owner of Record:** Memory Lane Property LLC **Applicant of Record:** Same as Owner

E911 Address: P.O. Box 7427 Charlottesville VA 22906 E911 Address: \_\_\_\_\_

Phone: (434) 977-3750 Fax: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: Alan@AGDillard.com Email: \_\_\_\_\_

**Representative:** Justin Shimp - Shimp Engineering, PC

E911 Address: 201 E. Main St. Suite M Charlottesville, VA 22902

Phone: (434) 207-8086 Fax: \_\_\_\_\_

Email: Justin@Shimp-Engineering.com

**Tax Map and Parcel(s):** TM 4A Parcel 97A **Deed Book Reference:** DB 713 P 647

**Acreage:** 6.9 acres **Zoning:** I-2 and I-1 **Deed Restrictions?** ☒ No ☐ Yes (Attach copy)

**Location of Parcel:** approx. 1/4 mile from US 250 at end of Memory Lane adjacent to A.G. Dillard

**Requested Zoning:** I-2 **Proposed use of Property:** Potential industrial uses w/ adjacent Sewage Treatment Plant effluent

**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.**

Is property in Agricultural Forestal District? ☒ No ☐ Yes  
If Yes, what district: \_\_\_\_\_

### Affidavit to Accompany Petition for Rezoning

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

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

Date: 12-30-14 Signature of Owner/Applicant: \_\_\_\_\_

Subscribed and sworn to before me this 30th day of Dec., 20 14 Register # 7037028

My commission expires: \_\_\_\_\_

SANDRA G. GELLETY  
NOTARY PUBLIC  
REGISTRATION # 7037028  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES  
MAY 31, 2018

Notary Public: Sandra G. Gellety

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

OFFICE USE ONLY			
Date Received:	Pre-Application Meeting:	PH Sign Deposit Received:	Application #: <u>ZMP</u> :
<u>01/05/15</u>		<u>01/05/15</u>	
\$1,000 plus \$50 for per acre plus mailing costs fee paid: <b>Mailing Costs:</b> \$20.00 Adjacent Property Owner(APO) after 1st 15, Certified			
Proffer or Master Plan Amendment: \$750.00 plus mailing costs			
Election District: <u>Palmyra</u>	Planning Area: <u>Palmyra Community Planner</u>		
Planning Commission		Board of Supervisors	
Advertisement Dates:	Advertisement Dates:		
APO Notification:	APO Notification:		
Date of Hearing:	Date of Hearing:		
Decision:	Decision:		



COMMONWEALTH OF VIRGINIA  
**COUNTY OF FLUVANNA**  
**Public Hearing Sign Deposit**

Received

JAN 05 2015

Planning Dept.

Name: Memory Lane Property LLC

Address: P.O. Box 7427

City: Charlottesville

State: VA

Zip Code: 22906

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

Applicant Signature

12-30-14

Date

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

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



Planning Dept.

COUNTY STAFF USE ONLY

- [illegible]

## This image shows a single sheet of white paper with horizontal blue or grey ruling lines. Along the left edge, there are six small, empty square boxes, one at the top and five spaced down the page. The rest of the page is blank except for the lines.



☐ Applicant for a representative must appear at the scheduled hearing. The Planning Commission may: defer the request pending further consideration or recommend to the Board of Supervisors: Approval; Approval subject to submittal or correction; or denial.

☐ Notification to the applicant regarding the Planning Commission's decision.

☐ Placed as a Public Hearing on the next available agenda of the Board of Supervisors.

☐ Staff Report and Planning Commission recommendation forwarded to the Board of Supervisors.

☐ Notification of the scheduled Public Hearing to the following:

☐ Applicant      ☐ All adjacent property owners

☐ Advertise in accordance with VA Code § 15.1-431

☐ Applicant or a representative must appear at the scheduled hearing. After considering all relevant information from the applicant and the public, the Board of Supervisors will deliberate on points addressed in the Staff Report.

☐ The Board of Supervisors may: Approve; Deny; or defer the request pending further consideration; or remand the case back to the Planning Commission for further consideration.

☐ With approval, the development may proceed.

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

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

Received

05

Nov. 1997 Dept.

Received

JAN 05 2015

Planning Dept.

**Project Narrative**  
**Memory Lane I-2 Zoning Application**  
 (ZMP \_\_\_\_\_)

ZMP Application Attachment

TMP: 4A – 97A

Date: January 5, 2015

**Request:**

*The Applicant requests a uniform I-2 zoning classification for the entire 6.9 acre parcel.*

**Specifics of Request:**

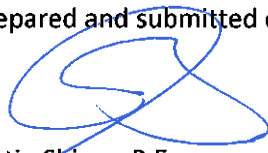
- *The Applicant would like to provide consistent zoning for potential uses of the property. The current zoning is split between I-1 and I-2 and the line distinguishing the two is not clear.*
- *The Applicant would like to expand the I-2 zoning classification to allow potential manufacturing uses that could incorporate the outfall from the adjoining wastewater treatment plant at the next door regional correction facility.*
- *Further specifics and details for any proposed use are not known at this time and the Applicant wishes to proceed with a zoning amendment without a conceptual plan for an I-2 development.*
- *Any development of the property shall be in accordance with Fluvanna County Zoning Ordinance.*

**Justification for the Requested Amendment:**

- **Location:** *The property is located within the Zion Crossroads Community Planning Area of the Palmyra Magisterial District.*
- **Compatible with existing adjoining Uses:** *The property adjoins Three non-residential uses: A.G. Dillard construction company, Cosner Brothers Automotive Parts, Inc (junk yard), and the Fluvanna Correctional Center for Women.*
- **Potential Re-Use of By-Product:** *The outfall from the sewage treatment plant at the women's prison currently flows into a tributary of Oliver Creek. If this water is used for manufacturing purposes, additional sewage treatment capacity could be made available for other potential uses.*
- **Access:** *The property is located on Memory Lane approximately ½ mile from U.S. 250. Memory Lane is currently used as an access road for several existing industrial uses and vacant properties proposed for industrial uses.*
- **Impacts on Environmental Features:** *A stream is located on the southern boundary of the property and is protected by the Zoning Ordinance (Sections 22-12-3 through 22-12-6).*

In summary, the reasons for the request are to provide a uniform zoning of the property and to allow potential manufacturing uses that could utilize the outfall from the adjoining wastewater treatment facility at the Fluvanna Correctional Facility for Women.

Prepared and submitted on behalf of the Applicant by:



Justin Shimp, P.E.  
 Shimp Engineering, P.C.  
 201 E. Main Street  
 Charlottesville, VA 22902  
 (434) 207-8086

Received

JAN 05 2015

Planning Dept.

# Memorandum

DATE: 09 February 2015  
RE: APO'S for **ZMP 15:01** Public Hearing Letters  
TO: Jason Stewart  
FROM: Deidre Creasy

Please be advised the attached letter went out to the attached list of Adjacent Property Owners for the February 25, 2015 Planning Commission Meeting.



## COUNTY OF FLUVANNA

*"Responsive & Responsible Government"*

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 [www.fluvannacounty.org](http://www.fluvannacounty.org)

### NOTICE OF PUBLIC HEARING

February 9, 2015

«Owner»

«Address»

«City\_State» «Zip\_Code»

TMP# «TMP»

#### Re: Public Hearing on ZMP 15:01

Dear «Owner»:

This letter is to notify you that the Fluvanna County Planning Commission will hold a public hearing on the above referenced item on **Wednesday, February 25, 2015** at **7:00 PM** in the Morris Room at the Fluvanna County Administration Building in Palmyra, VA. The request is described as follows:

**ZMP 15:01** – Memory Lane Property, LLC - An ordinance to amend the Fluvanna County Zoning Map with respect to 6.9 acres of Tax Map 4, Section A, Parcel 97A to rezone the same from I-1, Industrial, Limited, and I-2, Industrial, General, to I-2, Industrial, General. The affected property is located on the south side of Richmond Road (Route 250), approximately ¼ mile from Route 250 at the end of Memory Lane. The property is located in the Palmyra Election District and is within the Zion Crossroads Community Planning Area.

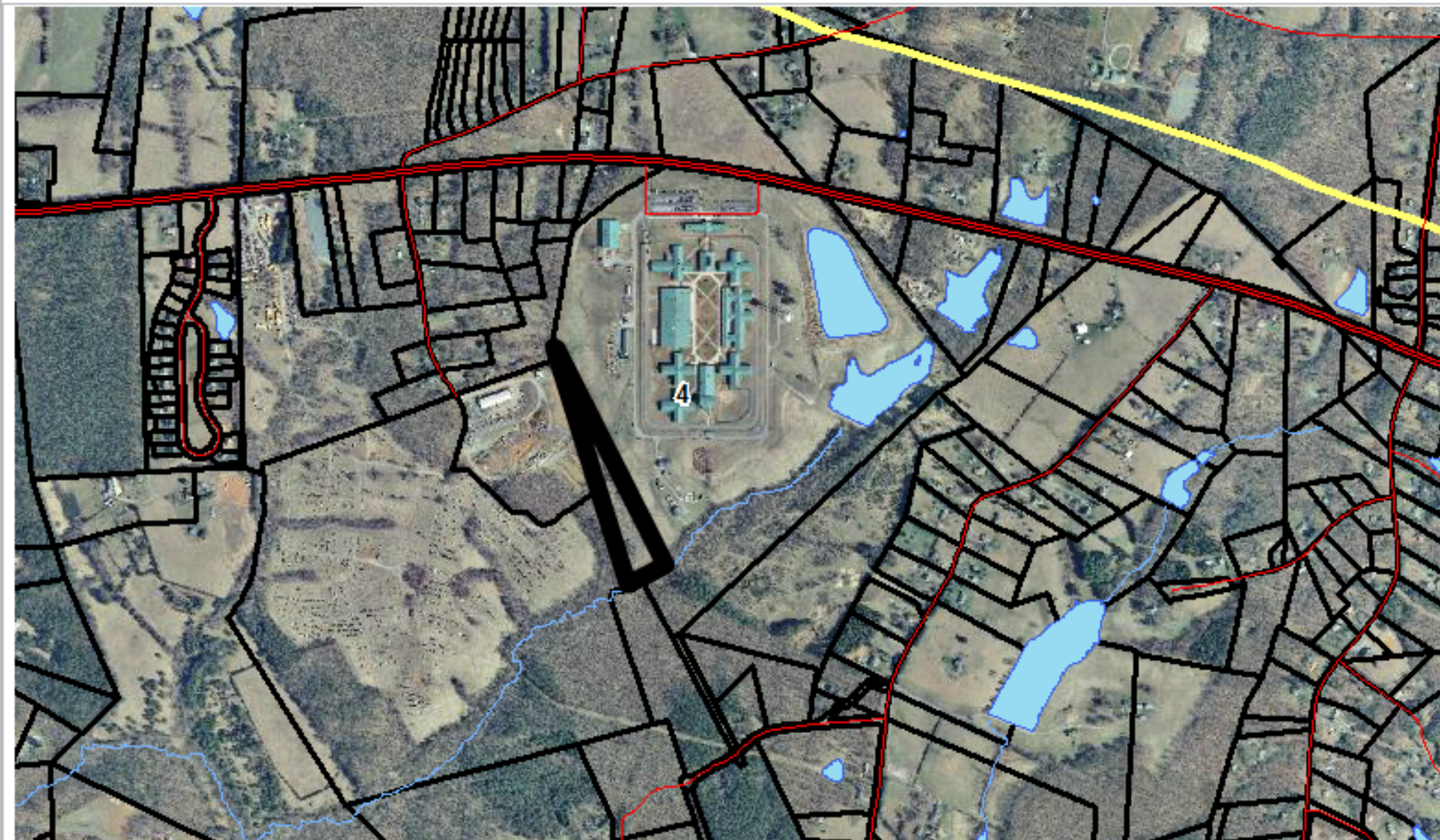
The applicant or applicant's representative must be present at the Planning Commission meeting. The tentative agenda and staff report will also be available for review by the public in the Fluvanna County Planning and Community Development Department during working hours (8:00 a.m. – 5:00 p.m., Monday through Friday). If you have any questions, please feel free to contact me at 434-591-1910.

Sincerely,

Steven Tugwell  
Senior Planner

ZMP 15:01 Apos					
TMP		Owner	Address	City, State	Zip
4	A	97	COMMONWEALTH OF VIRGINIA	144 PRISON LN	Troy, VA 22974
4	A	20A	MEMORY LANE PROPERTY LLC	P.O. Box 7427	Charlottesville, Va 22906
4	A	27A	AMBER HILL LLC	2428 Richmond Rd	Troy, Va 22974
4	A	58	AMBER HILL LLC	2428 Richmong Rd	Troy, Va 22974
4	A	20	MEMORY LANE PROPERTY LLC	P.O. Box 7427	Charlottesville, Va 22906
4	A	97A	MEMORY LANE PROPERTY LLC	P.O. Box 7427	Charlottesville, Va 22906





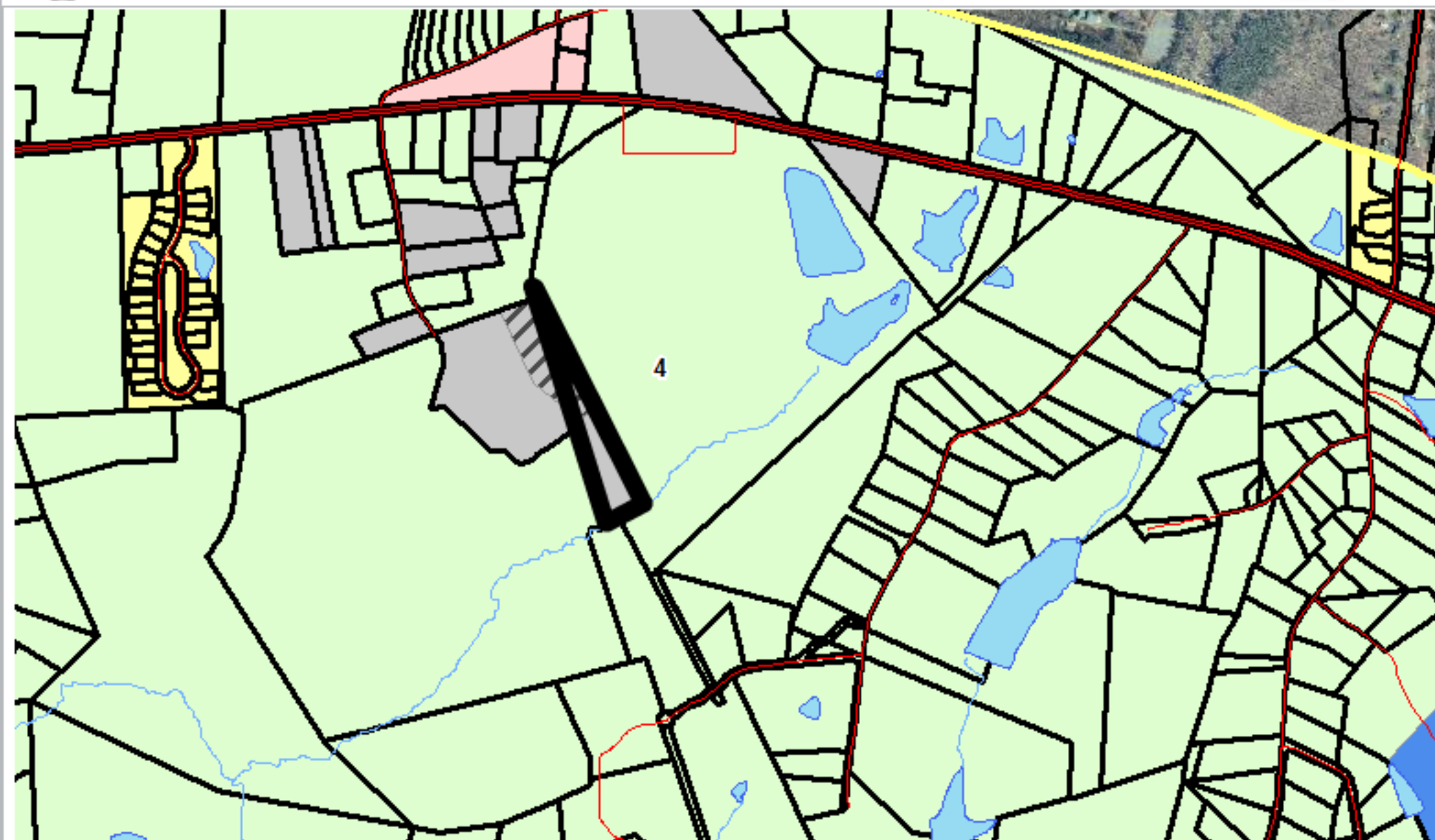
Scale: 1:18055.954822

Date: 02/20/2015

Printed By:

Under Virginia State Law, these real estate assessment records are public information. Display of this property information on the internet is specifically authorized by the Code of Virginia §58.1-3122.2(as amended).





Scale: 1:18055.954822

Date: 02/20/2015

Printed By:

Under Virginia State Law, these real estate assessment records are public information. Display of this property information on the internet is specifically authorized by the Code of Virginia §58.1-3122.2(as amended).

## January 14, 2015 Neighborhood Meeting

### SIGN IN SHEET FOR:

**ZMP 15:01** – Memory Lane Property, LLC - An ordinance to amend the Fluvanna County Zoning Map with respect to 6.9 acres of Tax Map 4, Section A, Parcel 97A to rezone the same from I-1, Industrial, Limited, and I-2, Industrial, General, to I-2, Industrial, General. The affected property is located on the south side of Richmond Road (Route 250), approximately ¼ mile from Route 250 at the end of Memory Lane. The property is located in the Palmyra Election District and is within the Zion Crossroads Community Planning Area.

**Please Print Your Name & Address:**

1. Kelly Strickland - Ship Engineering
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
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## COUNTY OF FLUVANNA

*"Responsive & Responsible Government"*

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 [www.co.fluvanna.va.us](http://www.co.fluvanna.va.us)

February 4, 2015

Memory Lane Property, LLC (Justin M. Shimp, P.E.)  
P.O. Box 7427  
Charlottesville, VA 22906

**Re: TRC comments ZMP 15:01 Rezoning from I-1 & I-2 to I-2  
Tax Map 4-A-97A**

Dear Mr. Shimp:

The following comments are the result of the Technical Review Committee meeting. Comments are outlined below:

1. Charles Miller stated that they have no comments with regard to this request;
2. Mike Brent with the Fire Dept. stated they are ok with the request;
3. Planning staff asked for clarification as to what the building will be used for, planning staff also inquired about the means of ingress and egress;
  - Any development will require site development plan review and approval;
4. VDOT has made a site visit and reviewed the referenced proposal, VDOT offers the following preliminary comments:
  - Rte. 698 (Memory Lane) is a Rural Local Road with a pavement width of approximately 22 ft. VDOT's 2013 Traffic Data shows an estimated Annual Average Daily Traffic Volume of 140 vehicles for Rte. 698.
  - Rte. 698 is currently served by an existing Right Turn Taper and Right Turn Lane off eastbound Rte. 250 (Rural Major Collector with an AADT of 3500).
  - Rte. 698 is approximately 0.35 miles long and dead ends at a cul-de-sac beside TMS 4A-20A (currently used as an office/construction yard for A.G. Dillard).
  - If a site plan is submitted that significantly increases the traffic on Rte. 698, provide an entrance analysis for the intersection of Rte. 250 and Rte. 698 along with the recommended road improvements to support the proposed development, VDOT will review the entrance analysis and provide comments if applicable. Design of turn lane(s) on Rte. 250, if needed, shall conform to VDOT's Geometric Design for Rural Collector

Road System (GS-3) with ADT over 2000, Rolling Terrain (12 ft. min. lane width, 8 ft. graded shoulder, etc.).

The Planning Commission public hearing is scheduled for Wednesday, February 25, 2015 at 7 p.m. in the Morris Room of the County Administration Building in Palmyra, VA.

If you have any questions or need additional information, please contact me at 434-591-1910.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Tugwell", written in a cursive style.

Steve Tugwell  
Senior Planner  
Dept. of Planning & Community Development

cc: Shimp Engineering, P.C., 201 E. Main Street, Suite M, Charlottesville, VA 22902  
File

**Steven Tugwell**

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**From:** Miller, Charles (VDH) <Charles.Miller@vdh.virginia.gov>  
**Sent:** Thursday, January 08, 2015 11:57 AM  
**To:** Steven Tugwell  
**Subject:** RE: January 15, 2015 TRC meeting agenda

Steve,

We have no comments regarding the two items for the Jan. 15<sup>th</sup> TRC Committee Meeting. (ZMP 14:05 & ZMP 15:01)

Charles

---

**From:** Steven Tugwell [<mailto:stugwell@fluvannacounty.org>]  
**Sent:** Thursday, January 08, 2015 9:32 AM  
**To:** Alyson Sappington; Andrea Gaines; Andy Wills; Barry Bibb; Brad Sheffield; Miller, Charles (VDH); Wright, Chuck (DOF); Deidre Creasy; Donald Gaines; Ed Zimmer; Rice, Gary (VDH); Jason Stewart; Jay Lindsey; Lewis Johnson; Lucas Lyons; Wood, Mark, P.E., L.S (VDOT); Mike Brent; Patricia Eager; Robert Popowicz; Roger Black; [solson@forvec.com](mailto:solson@forvec.com); Tony O'Brien; Wayne Stephens  
**Subject:** January 15, 2015 TRC meeting agenda  
**Importance:** High

Dear TRC members,

The January TRC meeting is scheduled for the 3<sup>rd</sup> Thursday this month, because we were waiting on additional information from both applicants.

Hope to see you at the meeting, and let me know if you have any questions.

Thanks,  
 Steve

Steve Tugwell  
 Senior Planner  
 Dept. of Planning & Community Development  
 Fluvanna County, VA  
 434-591-1910  
[stugwell@fluvannacounty.org](mailto:stugwell@fluvannacounty.org)

 please conserve, do not print this e-mail unless necessary

## Steven Tugwell

---

**From:** Mike-Kathy Brent <mkbrent7@gmail.com>  
**Sent:** Thursday, January 22, 2015 6:18 PM  
**To:** Steven Tugwell  
**Subject:** Re: January 15th TRC meeting comments

Steve  
I'm OK with both request.

Mike

On Thu, Jan 22, 2015 at 10:08 AM, Steven Tugwell <[stugwell@fluvannacounty.org](mailto:stugwell@fluvannacounty.org)> wrote:

Hi Mike- did you want to provide me with any comments on either one or both of last week's rezoning applications from the TRC meeting? I attached the agenda for your reference.

Thanks,

Steve

**Steve Tugwell**

**Senior Planner**

**Dept. of Planning & Community Development**

**Fluvanna County, VA**

**[434-591-1910](tel:434-591-1910)**

**[stugwell@fluvannacounty.org](mailto:stugwell@fluvannacounty.org)**

 please conserve, do not print this e-mail unless necessary

## Steven Tugwell

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**From:** Andrea Gaines <againes@FluvannaSheriff.com>  
**Sent:** Wednesday, February 11, 2015 5:22 PM  
**To:** Steven Tugwell  
**Subject:** RE: February 12, 2015 TRC agenda

Steve,

I have a conflicting meeting and won't be able to attend.

Thanks,  
Andrea

---

**From:** Steven Tugwell [<mailto:stugwell@fluvannacounty.org>]  
**Sent:** Thursday, February 05, 2015 11:41 AM  
**To:** Alyson Sappington; Andrea Gaines; Andy Wills; Barry Bibb; Brad Sheffield; [charles.miller@vdh.virginia.gov](mailto:charles.miller@vdh.virginia.gov); [chuck.wright@dof.virginia.gov](mailto:chuck.wright@dof.virginia.gov); Deidre Creasy; Donald Gaines; Ed Zimmer; [gary.rice@vdh.virginia.gov](mailto:gary.rice@vdh.virginia.gov); Jason Stewart; Jay Lindsey; Lewis Johnson; Lucas Lyons; Mark Wood; Mike Brent; Patricia Eager; Robert Popowicz; Roger Black; [solson@forccvec.com](mailto:solson@forccvec.com); Tony O'Brien; Wayne Stephens  
**Subject:** February 12, 2015 TRC agenda

Dear TRC members:

We have a major site development plan on this month's agenda.

Let me know if you have any questions, and I look forward to your comments.

Thanks!  
Steve

Steve Tugwell  
Senior Planner  
Dept. of Planning & Community Development  
Fluvanna County, VA  
434-591-1910  
[stugwell@fluvannacounty.org](mailto:stugwell@fluvannacounty.org)

 please conserve, do not print this e-mail unless necessary

**Project Narrative**  
**Memory Lane I-2 Zoning Application**  
 (ZMP \_\_\_\_\_)

ZMP Application Attachment

TMP: 4A – 97A

Date: January 5, 2015

**Request:**

*The Applicant requests a uniform I-2 zoning classification for the entire 6.9 acre parcel.*

**Specifics of Request:**

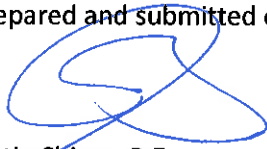
- *The Applicant would like to provide consistent zoning for potential uses of the property. The current zoning is split between I-1 and I-2 and the line distinguishing the two is not clear.*
- *The Applicant would like to expand the I-2 zoning classification to allow potential manufacturing uses that could incorporate the outfall from the adjoining wastewater treatment plant at the next door regional correction facility.*
- *Further specifics and details for any proposed use are not known at this time and the Applicant wishes to proceed with a zoning amendment without a conceptual plan for an I-2 development.*
- *Any development of the property shall be in accordance with Fluvanna County Zoning Ordinance.*

**Justification for the Requested Amendment:**

- **Location:** *The property is located within the Zion Crossroads Community Planning Area of the Palmyra Magisterial District.*
- **Compatible with existing adjoining Uses:** *The property adjoins Three non-residential uses: A.G. Dillard construction company, Cosner Brothers Automotive Parts, Inc (junk yard), and the Fluvanna Correctional Center for Women.*
- **Potential Re-Use of By-Product:** *The outfall from the sewage treatment plant at the women's prison currently flows into a tributary of Oliver Creek. If this water is used for manufacturing purposes, additional sewage treatment capacity could be made available for other potential uses.*
- **Access:** *The property is located on Memory Lane approximately ½ mile from U.S. 250. Memory Lane is currently used as an access road for several existing industrial uses and vacant properties proposed for industrial uses.*
- **Impacts on Environmental Features:** *A stream is located on the southern boundary of the property and is protected by the Zoning Ordinance (Sections 22-12-3 through 22-12-6).*

In summary, the reasons for the request are to provide a uniform zoning of the property and to allow potential manufacturing uses that could utilize the outfall from the adjoining wastewater treatment facility at the Fluvanna Correctional Facility for Women.

Prepared and submitted on behalf of the Applicant by:

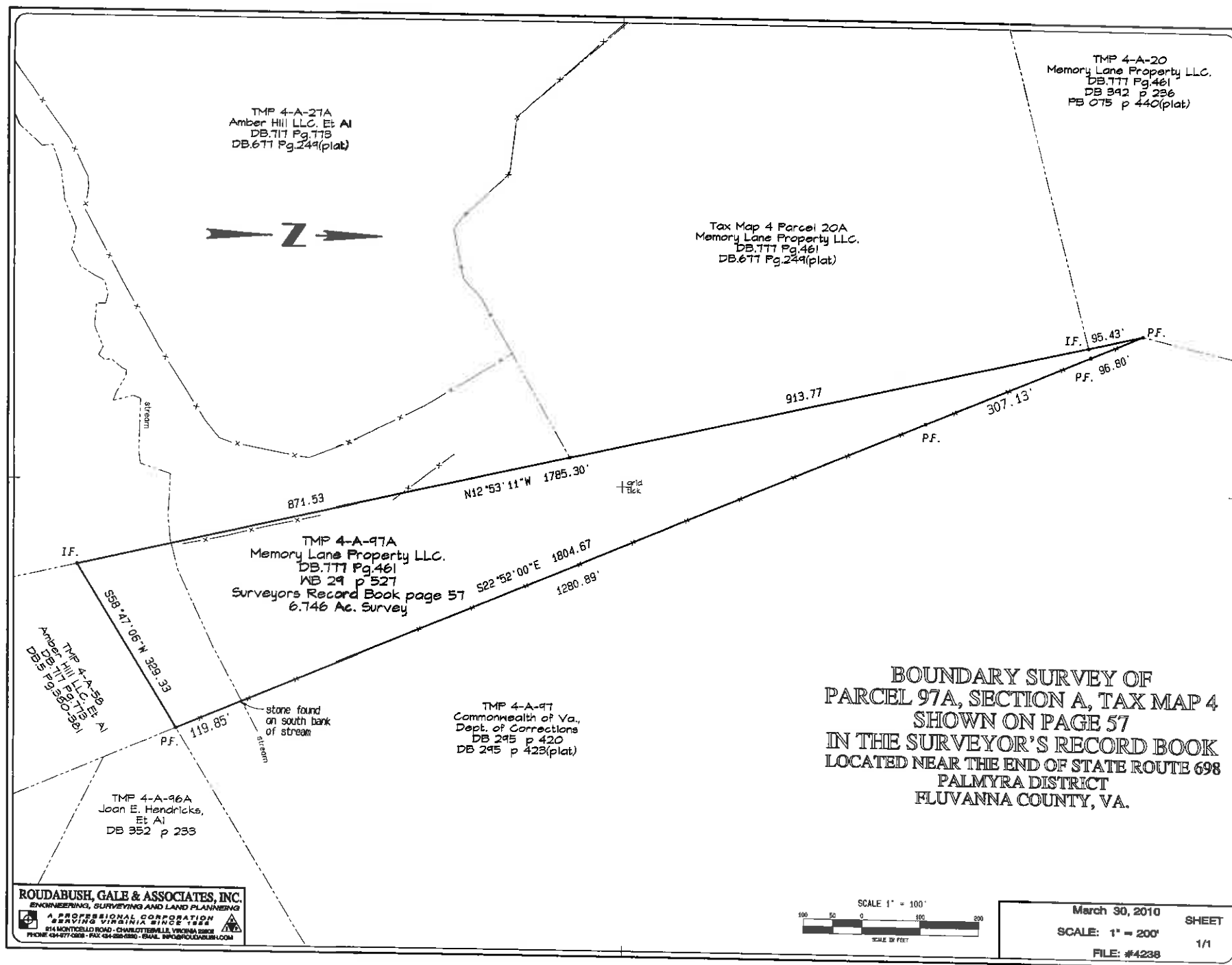


Justin Shimp, P.E.  
 Shimp Engineering, P.C.  
 201 E. Main Street  
 Charlottesville, VA 22902  
 (434) 207-8086

Received

JAN 05 2015

Planning Dept.



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**An Ordinance To Amend The Fluvanna County Zoning Map, With Respect To 6.746 acres of Tax Map 4, Section A, Parcel 97A to rezone the same from I-1, Industrial, Limited and I-2, Industrial, General to I-2, Industrial, General.**

**(ZMP 15:01)**

BE IT ORDAINED BY THE FLUVANNA BOARD OF SUPERVISORS, pursuant to Virginia Code Section 15.2-2285, that the Fluvanna County Zoning Map be, and it is hereby, amended, as follows:

That 6.746 acres of Tax Map 4, Section A, Parcel 97A, be and is hereby, rezoned from I-1, Industrial, Limited and I-2, Industrial, General to I-2, Industrial, General.

,



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."<sup>1</sup>

**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 Virginia Code Section 15.2-2283. This chapter has been designed (1) to provide for adequate light, air, convenience of access, and safety from fire, flood and other dangers; (2) to accommodate traffic (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, 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 affordable housing.

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<sup>1</sup> For state law as to zoning, see Code of Va., §15.2-2280, et seq.

Editor's note -- The current Zoning Ordinance of Fluvanna County, Virginia, was adopted April 5, 2004, and generally ratified 5-5-04. Amendments subsequent to 5-5-04 are identified in this chapter by the date of amendment in parentheses following the affected section.

## ***Article 2. Districts***

### **Sec. 22-2-1. Districts.**

For the purpose of this chapter, the unincorporated area of the county is hereby divided into the following districts:<sup>2</sup>

**Agricultural, General, A-1**

Residential, Limited, R-1

Residential, General, R-2

Residential, Planned Community, R-3

Residential, Limited, R-4

Business, General, B-1

Business, Convenience, B-C

Industrial, Limited, I-1

Industrial, General, I-2

Mobile Home Park, MHP.

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<sup>2</sup> Editor's note. -- Prior to August 19, 1992, the Zoning Ordinance of Fluvanna County, Virginia, contained a district identified as "Conservation, C-1." The Conservation, C-1 district was repealed by ordinance adopted on that date.

### **Article 3. Agritourism**

#### **Sec. 22-3-1 Intent**

The intent of this division is to encourage economic development in the county based on the county's own historical, recreational and agricultural resources.

#### **Sec. 22-3-2 Definitions**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Agricultural products:* Means any livestock, aquaculture, poultry, horticultural, floricultural, viticulture, silvicultural, or other farm crops.

*Agriculturally related products:* Means items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, jams, honey, gift items, food stuffs, clothing and other items promoting the farm and agriculture in Virginia and value-added agricultural products and production on site.

*Agriculturally related uses:* Means those activities that predominantly use agricultural products, buildings or equipment, such as pony rides, corn mazes, pumpkin rolling, barn dances, sleigh/hay rides, and educational events, such as farming and food preserving classes.

*Agricultural tourism:* Means the practice of visiting an agribusiness, horticultural, or agricultural activity, including, but not limited to, a farm, orchard, winery, greenhouse, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as an owner, contractor or employee of the activity.

*Agritourism activity:* Means any agricultural activity that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, natural activities and attractions, or other purposes of agricultural tourism, whether or not the agritourism participant paid to participate in the activity. Agritourism activities must be conducted in accordance with [section 22-3-3](#) herein.

*Agritourism participant:* Means any person, other than an agritourism professional, who engages in an agritourism activity.

*Agritourism professional:* Means any person who is engaged in the business of providing one or more agritourism activities, whether or not for compensation.

*Aquaculture:* Means land or activities devoted to the hatching, raising, harvesting and breeding of fish, shellfish, and aquatic plants for sale.

*Cider mill:* Means a mill that extracts juice from apples to make apple cider.

*Farm or ranch:* Means one or more areas of land used for the production, cultivation, growing, harvesting or processing of agricultural products.

*Farm market:* Means the sale of agricultural products or value-added agricultural products, directly to the consumer from a site on a working farm or any agricultural, horticultural or agritourism activity.

*Farm stay:* Means visiting a farm at least overnight as a paying guest, providing some experience of rural life.

*Farm winery:* Means an establishment (i) located on a farm in the Commonwealth of Virginia with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume or (ii) located in the Commonwealth of Virginia with a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the Commonwealth of Virginia, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume. As used in this definition, the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth of Virginia.

*Greenhouse, commercial, and/or nursery:* Establishments engaged primarily in the retail sale of trees, shrubs, seeds, fertilizers, pesticides, plants, plant materials, and garden supplies, primarily for agricultural, residential and commercial consumers.

*Greenhouse, private:* The growing and storage of garden plants, shrubs, trees, flowers, vegetables, and other horticultural and floricultural products within a building whose roof and sides are made of glass or other transparent or translucent material. Items grown are used and/or consumed by the occupants of the premises.

*Non-agriculturally related products:* Means those items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts and knick-knacks imported from other states or countries, etc.

*Non-agriculturally related uses:* Means activities that are part of an agritourism operation's total offerings but not tied to farming or the farm's buildings, equipment, fields, etc. Such non-agriculturally related uses include amusement rides and concerts, and may be subject to obtaining a special event permit.

*Seasonal:* Means a recurrent period characterized by certain occurrences, festivities, or crops; harvest, when crops are ready; not all year round.

*Value-added agricultural product:* Means the enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to marketing, agricultural processing, transforming, or packaging, education presentation, activities and tours.

*Wine:* Means any alcoholic beverage obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing (i) sugar, including honey and milk, either with or without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no product of distillation. The term includes any wine to which wine spirits have been added, as provided in the Internal Revenue Code, to make products commonly known as "fortified wine" which do not exceed an alcohol content of 21 percent by volume.

### Sec. 22-3-3 Agritourism Activities

a. Where permitted, agritourism activities shall include, but not be limited to, the following:

- (1) Aquaculture.
- (2) Cider mill, where agricultural products of the mill are derived from crops grown primarily on site for at least three of the immediately preceding five years.
- (3) Farm or ranch, including:
  - (i) Farm market, where at least 50 percent of the agricultural products offered for sale are/have been produced by the farm operator for at least three of the immediately preceding five years.
  - (ii) Seasonal self-pick fruit and vegetable operations.
  - (iii) Seasonal outdoor mazes of agricultural origin such as straw bales or corn.
- (4) Farm stays.
- (5) Farm winery (including tasting room), where (i) agricultural products of the winery are derived from crops grown primarily on site for at least three of the immediately preceding five years and (ii) the area for wine tasting

and accessory food sales does not exceed 25 percent of the area of the main structure.

(6) Greenhouse, commercial and/or nursery.

(7) Greenhouse, private.

- b. Any year in which the governor of Virginia issues a formal disaster declaration covering Fluvanna County shall not be included in the calculations prescribed in subsection (a) above.

#### Sec. 22-3-4 Ancillary Activities

Any agritourism activity may include one or more of the following ancillary uses so long as (i) the general agricultural character of the agritourism activity is maintained and (i) the aggregate gross receipts from the ancillary activity/activities does not exceed 50 percent of the gross receipts from the agritourism activity for three of the preceding five operating years:

a. Value-added agricultural products or activities such as education tours or processing facilities, etc.

b. Bakeries selling baked goods containing produce grown primarily on site (e.g., minimum 50 percent).

c. Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).

d. Petting farms, animal display, and pony rides.

e. Wagon, sleigh and hayrides.

f. Nature trails.

g. Open air or covered picnic area with restrooms.

h. Educational classes, lectures, seminars.

i. Historical agricultural exhibits.

j. Kitchen facilities, processing/cooking items for sale.

k. Gift shops for the sale of agricultural products and agriculturally related products.

l. Gift shops for the sale of non-agriculturally related products such as antiques or crafts, where sales of the non-agriculturally related products do not exceed 25 percent of gross sales of the agritourism activity for three of the preceding five operating years.

#### Sec. 22-3-5 Compliance with laws and regulations; permits and licenses

- a. All agritourism activities and ancillary activities shall be conducted in accordance with all federal, state, and local laws and regulations. This includes, but is not limited to, compliance with Code of Virginia, Section 3.2-6402(A), requiring the posting and maintaining of certain warning signs.

- b. All necessary federal, state and local licenses and permits for agritourism activities and ancillary activities shall be obtained prior to beginning operation of, and shall be maintained in good standing during operation of, the activities.

## **Article 4. Agricultural, General, District A-1**

### **Sec. 22-4-1. Statement of intent.**

This district covers areas of the county consisting of woodland, farmland, open space, mountains and areas of low density residential development. The primary objectives of this district are to conserve water and other natural resources, reduce soil erosion, protect watersheds and reduce hazards from floods; to preserve the rural character of the county; to promote existing and future farming and forestry operations and keep them economically viable; and to promote the retention of undisturbed open space. Limited residential development and limited commercial and industrial uses, which are supportive of and directly related to agriculture, forestry or other traditionally rural uses, are to be permitted, but only in a manner consistent with the primary objectives of the district. In particular, the provisions of this district are intended to significantly limit conventional and roadside strip development, especially on major arteries and commuter routes.

### **Sec. 22-4-2. Use regulations.**

In Agricultural, General District A-1, the following uses, together with ordinary and necessary accessory uses, shall be permitted, and no others.

#### **Sec. 22-4-2.1. Uses permitted by right.**

The following uses shall be permitted by right:

##### *Agricultural Uses*

Agriculture

Conservation areas

Agricultural enterprise

Agricultural sales, wholesale

Equestrian facilities

Farm sales

Hunt clubs

Hunting preserves

##### *Civic Uses*

Amusements, public

Cultural services

Educational facilities

Public assembly

Public parks and recreational areas

Public recreation assembly

Public uses

##### *Commercial Uses*

Amusements, commercial

Bed and breakfasts



Butcher shops operated in conjunction with *agricultural enterprise* (see definition)

Family daycare homes

Garden center

Greenhouses, commercial

Home occupations

Retail stores, specialty, operated in conjunction with *agricultural enterprise* (see definition)

Small home industries operated in conjunction with *agricultural enterprise* (see definition)

#### *Industrial Uses*

Sawmills, temporary

#### *Miscellaneous Uses*

Accessory uses

Cemeteries, non-commercial

Greenhouses, non-commercial

Kennels, private

Marinas, private non-commercial

Outdoor gatherings operated in conjunction with *agricultural enterprise* (see definition) and not occurring more than twice in one calendar

Rural cluster developments

Shooting, private recreational

Utilities, minor

Woodstorage, temporary

#### *Residential Uses*

Dwellings, accessory

Dwellings, two-family

Farm tenant housing

Group homes

Manufactured homes

Mobile homes, as defined in Sec. 22-4-2.3

Single-family detached dwellings, including family subdivisions and conventional minor subdivisions, but excluding conventional major subdivisions recorded after April 5, 2004

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

#### **Sec. 22-4-2.2. Uses permitted by special use permit only.**

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

#### *Agricultural Uses*

Livestock feed lots, commercial

Livestock sales yards, commercial

### *Civic Uses*

- Correctional facilities
- Religious assembly
- Sheltered care facilities

### *Commercial Uses*

- Adult retirement communities
- Assisted living facilities
- Automobile repair service establishments
- Boarding houses
- Butcher shops not operated in conjunction with *agricultural enterprise* (see definition)
- Campgrounds
- Camps
- Car washes
- Cemeteries, commercial
- Communications service
- Dance halls
- Daycare centers
- Flea markets
- Funeral homes
- Gas stations
- Hotels
- Kennels, commercial
- Landscaping materials supply
- Lodges
- Medical clinics
- Outdoor entertainment
- Outdoor recreation facilities
- Restaurants, small
- Retail stores, neighborhood convenience
- Retail stores, specialty, not operated in conjunction with *agricultural enterprise* (see definition)
- Shooting ranges, indoor
- Shooting ranges, outdoor
- Small home industries not operated in conjunction with *agricultural enterprise* (see definition)
- Studios, fine arts
- Taxidermists
- Veterinary offices

### *Industrial Uses*

- Railroad facilities
- Resource extraction
- Solid waste collection facilities

### *Miscellaneous Uses*

Aviation facilities

Outdoor gatherings not operated in conjunction with *agricultural enterprise* (*see definition*) or occurring more than twice in one calendar year regardless of conjunction with agricultural enterprise

Tactical Training Facility(*see definition*)

Telecommunication facilities

Utilities, major

#### *Residential Uses*

Dormitories

(Ord. 9-17-08; Ord. 12-17-08; Ord. 10-21-09; Ord. 7-21-10; Ord. 11-3-10; Ord. 11-20-12)

### **Sec. 22-4-2.3. Mobile homes.**

One mobile home per parcel shall be permitted, with issuance, by the Planning Director, of a zoning permit, in the following instances:

- (a) Mobile home to be occupied by a bona fide farm tenant with the permit to be revalidated by the governing body every two years so long as the conditions are met;
- (b) Mobile home to be occupied because of an emergency medical or moral obligation with the permit to be revalidated by the governing body every two years so long as the conditions exist. For purposes of this section, the term "an emergency medical or moral obligation" shall be deemed to mean a set of circumstances in which a landowner must provide shelter and/or care to one or more persons through the occupancy of the mobile home in order to alleviate a clearly demonstrable danger of serious impairment to the health and/or welfare of any person or persons which is occasioned by a medical disorder or condition or other compelling cause beyond the control of such person or persons and which cannot be remedied in any other reasonable manner;
- (c) Mobile home to be occupied by the owner of the property while constructing a permanent single-family dwelling on the same property or reconstructing a single-family dwelling destroyed by natural disaster. This permit shall be for a period of one year only but may be renewed each year by the governing body for a period of not more than five continuous years. In addition, the governing body may grant an additional extension of time for the occupancy of any such mobile home, not to exceed 24 months from the expiration of the last renewal period of the original permit, upon a finding that the owner of the property has attempted in good faith to complete such single-family dwelling within the time permitted by law, but has been unable to do so as a result of adverse weather conditions, act of God, bona fide inability to timely obtain satisfactory building materials, or other circumstances or condition beyond the control of such owner.

(Ord. 10-21-09; Ord. 11-3-10)

### **Sec. 22-4-3. Residential density; minimum lot size; dimensional requirements.**

Maximum gross residential density and minimum lot size and minimum dimensional requirements for conventional development, but not for Rural Cluster Subdivisions, shall be as follows:

(a) Gross residential density: 1 dwelling unit per 2 acres. In order to construct more than one dwelling on any one parcel, a sketch plan must be submitted that would demonstrate that all dwellings could be lawfully subdivided so as to be on their own lots.

(b) Minimum lot size: 2 acres

(c) Minimum frontage required:

(1) Existing or proposed public roads, except as otherwise provided:

(a) U.S. Route 250, U.S. Route 15, VA. Primary Routes 6, 53, and VA. Secondary Route 616: 500 feet

(b) All other public roads: 300 feet

(2) Private roads: 200 feet

(d) Minimum lot width at minimum required setback shall be equal to the minimum required frontage.

(e) Minimum setback required (as measured from edge of right of way):

(1) U.S. Route 250, U.S. Route 15, VA. Primary Routes 6, 53, and VA. Secondary Route 616: 200 feet

(2) All other public roads: 125 feet

(3) Private Roads: 100 feet

(f) Minimum side yard: 50 feet

(g) Minimum rear yard: 75 feet.

**Sec. 22-4-4. Reserved.**

**Sec. 22-4-5. Special provisions for corner lots.**

Any lot or parcel fronting on two or more roads shall conform to the frontage, minimum lot width and setback requirements for all such roads.

**Sec. 22-4-6. Off-street parking.**

Off-street parking shall conform to Article 26 of this chapter.

**Sec. 22-4-7. Sign regulations.**

Sign regulations shall conform to Article 15 of this chapter.

**Sec. 22-4-8. Height regulations.**

Buildings and structures may be erected up to thirty-five (35) feet in height, except that:

- (a) The height limit for dwellings may be increased up to forty-five (45) feet provided one (1) foot or more per side yard is added for each additional foot of building height over thirty-five (35) feet.
- (b) A public or semi-public building such as a school, place of worship, or library or general hospital may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall each be increased one (1) foot for every foot in height over thirty-five (feet).
- (c) Spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae and radio aerials may be erected to a height of sixty (60) feet from grade. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest. Buildings and structures used for agricultural purposes, including barns, silos, windmills and the like, may be erected to a height of ninety (90) feet from grade.
- (d) No accessory building which is within fifteen (15) feet of any property lot line shall be more than one (1) story high. All accessory buildings and structures, other than those permitted under subsection (c) above, shall be less than the main building or structure in height.

## **Sec. 22-4-9. Intensive livestock, dairy and poultry facilities; statement of intent.**

This section (sections 22-4-9<sup>3</sup> through 22-4-9.4) encourages economic development, preserves farm land, and promotes the orderly and responsible growth of the livestock, dairy and poultry industries. In the Agricultural (A-1) district, all agricultural production uses, including the uses defined herein as intensive livestock, dairy and poultry facilities, shall be permitted by right.

### **Sec. 22-4-9.1 Definitions.**

For the purpose of sections 22-4-9 through 22-4-9.4, the following terms shall have the meaning indicated:

- (1) Livestock includes all domestic or domesticated: bovine animals, such as cattle; equine animals, such as horses; ovine animals, such as sheep; and porcine animals, such as hogs.
- (2) Intensive livestock, dairy or poultry facility means a livestock, dairy or poultry operation where, for a period of 45 consecutive days or more, 300 animal units are closely confined and not free-ranging, and are fed in the area of confinement. For the purpose of this article, 300 animals units shall be equivalent to any of the following, or any combination thereof where the animals are confined in one location:

Livestock 300 slaughter or feeder cattle

livestock 750 swine each weighing over 55 pounds

livestock 150 horses

livestock 3,000 sheep or lambs

dairy 200 mature dairy cows (whether milked or dry cows)

poultry 16,500 turkeys

poultry 30,000 laying hens or broilers

- (3) Intensive livestock, dairy or poultry structure means a building, structure or other improved area used in the operation of an intensive livestock, dairy or poultry facility; including, but not limited to, litter storage sites, incinerators, manure storage sites, poultry houses, poultry disposal pits, or dead poultry cold storage chests. The term shall not include structures that are used only indirectly in the operation of the facility.

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<sup>3</sup> Editor's Note – Erroneously appears in original as 22-9-4.

- (4) Operator means any person who operates an intensive livestock, dairy or poultry facility, or the land on which it is located.
- (5) Poultry means any domestic or domesticated fowl raised for meat or eggs; including, but not limited to, chickens and turkeys.
- (6) Existing intensive livestock, dairy or poultry structure means an intensive livestock, dairy or poultry structure that has been in operation for one year within the five years immediately preceding the date on which a building or zoning permit is sought for a dwelling.

#### **Sec. 22-4-9.2 Setbacks.**

- (1) Except as otherwise expressly provided in this section, each intensive livestock, dairy or poultry structure shall be set back 300 feet from property line.
- (2) Any dwelling not owned by the operator shall be set back from any existing intensive livestock, dairy or poultry structure as follows:
  - (a) If the dwelling is in an Agricultural (A-1) district, 300 feet;
  - (b) If the dwelling is in a residential district, 600 feet.
- (3) Each intensive livestock, dairy or poultry structure shall be setback at least 300 feet from any property line, at least 200 feet from the right-of-way of any secondary road, and at least 300 feet from the right-of-way of any primary highway.
- (4) Each intensive livestock, dairy or poultry structure shall be setback at least 1,000 feet from any incorporated town, public school, place of worship, public water intake from a stream or river and from the boundary of any adjacent residential district.

#### **Sec. 22-4-9.3 Development plans to include plat or similar document.**

- (1) Any person who intends to establish or expand an intensive livestock, dairy or poultry facility shall file with the zoning administrator a development plan, including a plat, or similar document, that indicates the number, size and location of all intensive livestock, dairy or poultry structures planned for the subject parcel; and a written statement, sworn to and subscribed before a notary public, by which the owner certifies to the zoning administrator that the facility meets

all applicable requirements. Where a proposed expansion would not substantially change the character of the facility or the intensity of the use, the zoning administrator may approve the expansion without requiring a development plan.

(2) If the plan meets the requirements of sections 22-4-9 through 22-4-9.4, the zoning administrator shall approve it within 30 days of receipt. If the plan does not meet the requirements of sections 22-4-9 through 22-4-9.4, the zoning administrator shall return it to the applicant within 30 days of receipt, together with a written description of the portion or portions of the plan that do not meet such requirements. Any plan not returned to the applicant within 30 days of receipt shall be deemed approved. As long as an approved plan is in effect, the applicant shall have the right to build structures and operate the facilities shown thereon, notwithstanding any dwelling or other feature located after the time of approval.

(3) The development plan shall remain in force only so long as the proposed structures are constructed in accordance with the development plan. At least one-third of the number of livestock or dairy animals indicated in the development plan, or one poultry structure, shall be placed in service within five years of the date on which the development plan is approved by the zoning administrator, unless at least one-third the livestock, or one poultry structure, was already in service at the time the plan was filed. In the event the operator fails to obtain building and zoning permits for any of the proposed structures, or fails to have in place the minimum number of livestock required above, within five years of the date on which the development plan is approved by the zoning administrator, the development plan shall expire.

(4) The operator shall notify the zoning administrator in writing within 30 days of placement into service of any structure indicated on his plan.

(5) Each parcel for which a development plan has been approved shall display at its entrance a sign no smaller than two square feet, and no larger than four square feet, clearly visible from the nearest public road, indicating that a development plan is in effect for the parcel and containing the word "Certified Agricultural Development Site".

(6) Nothing herein shall be construed to prohibit an operator or a potential operator from submitting amendments to his or her original development plan, or from submitting revised plans. The zoning administrator shall review such amendments or revised plans as required in subsection (1) above according to the zoning ordinance in effect at the time the amendments or revised plans are received.

#### **Sec. 22-4-9.4 Nutrient management plan.**

After the effective date of this section, no intensive livestock, dairy or poultry facility for which the Commonwealth of Virginia requires a nutrient management plan shall commence operation until such plan has been approved by the Virginia Department of Conservation and



Recreation, or by the Virginia Cooperative Extension Service, or by person certified or employed by the Commonwealth as a nutrient management planner.

If the nutrient management plan provides for off-site disposal of waste, the operator shall provide, as a part of the plan, written documentation of an agreement with the receiver of the waste produced at his facility, or affidavit, sworn and subscribed before a notary public, that states his intention to dispose of waste through sale in a retail establishment or otherwise marketing to consumers. Documentation shall specify the duration of the agreement and the nature of the application or use of the waste. A nutrient management plan containing such an agreement shall be valid only as long as the agreement remains in force and shall be reviewed whenever such agreement expires or is terminated. If such an agreement is terminated before its expiration date, the operator shall notify the zoning administrator within fifteen days of termination.

#### **Sec. 22-4-10. Rural Cluster Development**

It shall be the policy of the County to promote the preservation of open space and the rural character of the County, while at the same time accommodating growth and protecting the value of property. To implement such policy, development of property according to rural cluster principles shall be encouraged throughout the County in accordance with the provisions of this Section.

### **Sec. 22-4-10.1 Definitions**

For purposes of this Section 22-4-10, the following terms shall be deemed to have the following meanings:

“Building lot” shall mean any lot which is sold or intended for use for the construction of one or more residential units.

“Rural cluster development” shall mean any subdivision or other development for sale or use for residential purposes as provided in this Section.

“Existing public road” shall mean any road which is maintained as part of the Virginia Highway System or the Virginia Secondary Highway System at the time of the final approval for any rural cluster development; provided that no road which is dedicated to public use in connection with the approval of any cluster option development, whether by depiction on a subdivision plat or otherwise, shall be deemed to be an existing public road for purposes of this section.

“Open space parcel” shall mean any parcel which is restricted from further residential, commercial or industrial development as provided herein.

### **Sec. 22-4-10.2 Compliance with zoning and subdivision regulations**

Each rural cluster development shall comply with the provisions of this Section 22-4-10, and, to the extent that the provisions of this Section shall conflict with other provisions of this Chapter, the provisions of this Section shall control. Except to the extent of such conflict, the provisions of this Chapter shall control every rural cluster development. In addition, every rural cluster development shall comply with the provisions of Chapter 19 of the Code.<sup>4</sup>

### **Sec. 22-4-10.3 Rural Cluster Regulations**

Any parcel of land which is otherwise susceptible to development into building lots may be divided into lots which provide for the preservation of substantial open space as hereinafter provided. Such development shall be known as rural cluster development.

1. The gross density for any rural cluster development shall not exceed 1 dwelling unit per two acres, as provided in this district.
2. Repealed. (Ord. 6-15-05)
3. Not less than  $\frac{3}{4}$  of the area of any rural cluster development shall be permanently restricted to prohibit further residential, commercial or industrial development. Such restriction may be made in the form of a covenant running with the land so restricted and in favor of each building lot in the rural cluster development, and in favor of the County. In the alternative, such restriction may be effected by the conveyance or dedication of

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<sup>4</sup> Chapter 19 of this code sets out the provisions adopted as the Subdivision Ordinance of Fluvanna County, Virginia.

such restricted land to the County, the Commonwealth or any other public body which is empowered to accept such conveyance or dedication. The substance of any such restriction, conveyance or dedication shall be subject to the approval of the County to ensure that such restriction shall be permanent and effective, which approval shall be made at the time of final subdivision approval and shall not be unreasonably withheld. The form of each such restriction, conveyance or dedication shall be subject to the approval of the county attorney at the time of final subdivision approval. Nothing herein shall be deemed to require the acceptance of any conveyance or dedication or land by any public body except as may be approved by the governing body of such public body in its sole discretion.

4. Nothing contained herein shall be construed to prevent the use or development of any open space parcel for one or more of the following:
  - (a) The construction of a single family residence, provided that such residence shall be included in the calculation of maximum gross density permitted for the cluster option development.
  - (b) Agriculture, horticulture, silviculture, including temporary sawmills, but not including any residential, commercial or industrial uses or structures.
  - (c) Parks; playgrounds; preserves; conservation areas; hunting and boating clubs and small boat docks; all of which shall be maintained for the use of the residents of the rural cluster development or of the public, but, in any event, not for residential, commercial or industrial use.
  - (d) Public utilities: Poles, lines, transformers, pipes, meters and related or similar facilities; water and sewerage distribution and collection lines.
  - (e) Cable communications distribution lines.
  - (f) Public uses and structures.
  - (g) Water wells and other facilities for the production, storage and distribution of water exclusively for the use of the residents and users of uses permitted within the rural cluster development; subject, in the case of any such facility which is a part of a central water system, to the issuance of a special use permit. (Ord. 9-17-08)
  - (h) Septic systems and other sewage disposal facilities exclusively for the use of the residents and users of uses permitted within the rural cluster development subject, in the case of any such facility which is a part of a central sewer system, to the issuance of a special use permit. (Ord. 9-17-08)
  - (i) Non-commercial cemeteries.

5. Each building lot shall be so designed as to provide minimum setbacks and yards. Except for buildings lots fronting on existing public roads, such setbacks and yards shall be not less than the minimum setback and yard requirements of the R-4 residential district which are as follows:
  - (a) The minimum frontage for permitted uses shall be sixty (60) feet, and for each additional permitted use there shall be at least ten (10) feet of additional lot width.
  - (b) Side. The minimum side yard for each accessory building and main structure, including a group of attached dwelling units, shall be ten (10) feet on each side.
  - (c) Rear. Each main structure shall have a rear yard of twenty-five (25) feet or more, and no accessory building shall be placed within twenty five (25) feet of any rear line.
  - (d) Any lot or parcel fronting on two or more roads shall conform to the frontage, minimum lot width and setback requirements for all such roads.
6. Each building lot fronting on an existing public road shall conform to the minimum frontage, setback and yard requirements for conventional development in this district. For purposes of this section, any building lot which is separated from an existing public road by any open space parcel shall be deemed to front on such existing public road for purposes of the application of such minimum frontage, setback and yard requirements unless the distance between the boundary of such open space parcel and any abutting building lot shall be at least equal to the minimum setback requirement applicable to conventional development in this district.
7. All building lots shall be designed with due consideration of the topography and soil suitability for the following purposes, in such a manner as to maximize the efficient use and utility of the land; minimize development cost; protect existing scenic quality; discourage congestion in adjacent public roads; and minimize land disturbance, soil erosion and other potentially adverse consequences of development:
  - (a) Construction of residential improvements;
  - (b) Provision of utilities, including, where applicable, public or common sewer and/or water facilities;
  - (c) Provision of roads and other transportation facilities, including pedestrian trails and other facilities designed for non-motorized traffic, and including particularly provisions for connections to existing, planned or potential transportation facilities on adjacent properties;

- (d) Protection of physical features having a recognized architectural, historic, scenic and/or economic value to the County; and
- (e) Provision of open space of a size, shape and character to promote the uses designated for such open space and to protect and promote the rural character of the area, and provide for contiguous greenways and wildlife corridors.

## **Sec. 22-4-11**

## **Agricultural Operations; eligible activities; limits on restrictions**

### **Sec. 22-4-11.1**

#### **Intent**

This section is intended to encourage economic development and to preserve farmland by providing for the viability of the county's agricultural sector by encouraging the orderly and responsible growth of its livestock, dairy, and poultry industry. Where permitted by the zoning ordinance, agricultural production activities including, but not limited to, tillage, crop production, harvesting, raising and pasturing of animals shall be permitted uses as a matter of right subject to the standards contained herein.

### **Sec. 22-4.11.2**

#### **Definitions**

For the purposes of this article, the following definitions shall apply:

*Animal unit: A unit of measure used to determine the total number of single animal types or a combination of animal types which are fed, confined, maintained or stabled in an agricultural operation. One animal unit equals 1,000 pounds of live weight.*

#### **Existing dwelling:**

*1. A structure, designed for residential use, which is legally occupied on the date a completed application for a livestock, dairy or poultry facility permit is received by the zoning administrator; or*

*2. A structure, designed for residential use, which is not occupied on the date a completed application is received, but has been issued a valid building permit prior to the application for the facility; or*

*3. A structure, designed for residential use, which has been legally occupied for a cumulative period of at least 36 months within the 60-month period of time prior to the date on which a completed application for a livestock dairy or poultry facility is received. The zoning administrator may request additional documentation from the applicant or other regulated party to determine if the structure qualifies as an "existing dwelling" as defined.*

*Intensive livestock, dairy facility: A facility or operation and any accessory uses or structures including, but not limited to, feed storage bins, litter storage sites, incinerators or manure storage sites which at any one time has at least 300 animal units present at the facility or operation, or any operation or facility determined by the*

*Commonwealth of Virginia or any department or division thereof to be an intensive facility or operation, subject to the requirements of section 22-267 of this article. In no case shall a facility as defined herein exceed a cumulative total of 1,000 animal units.*

*Intensive poultry facility: A poultry facility or operation and any accessory uses or structures, including but not limited to, poultry houses, feed storage bins, litter storage sites, incinerators, disposal pits or cold storage chests used for collection of dead poultry which at any one time has at least 300 animal units present at the facility or operation, or a facility or operation determined by the Commonwealth of Virginia or any department or division thereof to be an intensive facility or operation, subject to the requirements of section 22-267 of this article. In no case shall a facility as defined herein exceed a cumulative total of 1,000 animal units.*

*Operator, livestock raiser, dairy operator, poultry grower: The owner and/or operator of the livestock, dairy or poultry facility.*

*Parcel: A piece of land identified as being separate from other pieces of land by a written description or plat of survey in an instrument of conveyance or devise or on a subdivision or plat, recorded in the offices of the clerk of the circuit court of this county.*

*Livestock, dairy, or poultry facility: Any livestock, dairy, or poultry facility or operation and any accessory uses or structures, including, but not limited to, feed storage bins, litter storage sites, incinerators or manure storage sites, which at any one time has at least 150 animal units and which is occupied or has been previously occupied or operated by an operator for a cumulative total of at least 12 months during the previous sixty-month period from the date when zoning approval is sought for dwelling or any livestock, dairy or poultry facility or operation.*

*Immediate family or immediate family member: Any legal sibling, parent, grandparent, grandchild, child or spouse of the operator of the facility. This term shall not include any aunts, uncles, nieces, nephews, cousins or any other next of kin of the operator of the facility.*

### **Sec. 22-4.11.3 Minimum acreage requirements**

The minimum number of acres on which a new livestock, dairy, or poultry facility may be established shall be as follows:

1. Intensive livestock or dairy facility—100 acres or the number of acres required by an approved nutrient management plan, whichever amount is greater. All parcels of land which comprise the facility and are used in its nutrient management plan for liquid waste disposal shall be contiguous.

2. Intensive poultry facility—20 acres or the number of acres required by an approved nutrient management plan, whichever amount is greater. All parcels of land which comprise the facility and are used in its nutrient management plan need not be contiguous. The operator shall provide evidence acceptable to the zoning administrator of his legal right of access or proof of ownership of any such noncontiguous parcels associated with the facility or nutrient management.

3. Livestock or dairy facilities with at least 150 animal units—50 acres. In addition, the operator shall submit a development plan and a nutrient management plan for waste disposal subject to the guidelines established herein. All parcels of land associated with the facility for liquid waste disposal shall be contiguous.

4. Poultry facilities with at least 150 animal units—ten acres. In addition, the operator shall submit a development plan and a nutrient management plan for waste disposal subject to the guidelines established herein. Land associated with the facility and used in meeting the minimum acreage requirements shall be contiguous.

5. Existing livestock, dairy or poultry facilities in existence and in operation on the effective date of this article as determined by the zoning administrator that do not meet the minimum acreage requirement shall be considered nonconforming uses and may continue only so long as the existing use of the facility is not interrupted for more than 24 consecutive months, or the use is not enlarged, except as may be otherwise permitted hereunder. Except as expressly set forth herein to the contrary, non-conforming uses under this article shall be governed by Article VI of this chapter.

### **Sec. 22-4.11. 3          Setbacks**

a. Minimum setbacks for new livestock, dairy or poultry facilities established with at least 150 animal units, including without limitation intensive, dairy or poultry facilities, shall be set back from property lines, structures and other designated areas as follows:

1. From existing dwellings owned by the facility operator or immediate family member of the operator—300 feet. Written documentation of an agreement sworn and subscribed before a notary public between the affected operator and immediate family member shall be required. Otherwise, the setback requirements of subsection (2) below shall apply.

2. From existing dwellings not owned by the facility operator or immediate family member of the operator—1,000 feet.

3. From other existing like facilities—One mile (5,280 feet) (e.g. livestock/livestock, dairy/dairy, poultry/poultry).

4. From public roadways—500 feet.



5. From all other property lines not abutting a public roadway if all property adjacent to the applicable property line(s) is owned by the facility operator—15 feet.

6. From all other property lines not abutting a public roadway if all property adjacent to the applicable property line(s) is not owned by the facility operator—300 feet.

7. From incorporated towns residentially zoned districts, rural service areas, manufactured home parks, schools, colleges, churches, county, state or federally owned buildings; county, town, or community recreation areas; public wells, springs and water intakes—2,000 feet.

8. Any existing livestock, dairy or poultry facilities in operation on the effective date of this article, as determined by the zoning administrator, that do not meet the setback requirements of this article shall be considered nonconforming uses and nonconforming structures so long as the existing use of the facility or structures(s) is not interrupted for more than 24 consecutive months. Existing livestock, dairy, or poultry facilities shall be permitted a one-time expansion to an amount not to exceed 150 animal units above the facility's present number of animal units, so long as the existing setbacks of the facility, if less than prescribed herein, are not further reduced. Said expansion may occur only after a development plan and a nutrient management plan for waste disposal is submitted by the operator and is approved pursuant to the provisions of this article. Any subsequent additions or expansions to the facility that would result in at least a total of 151 animal units shall comply with all applicable setbacks of this chapter.

b. Setbacks for new dwellings from existing livestock, dairy, or poultry facilities having at least 150 animal units shall be as follows:

1. Dwelling and facility owned by operator of the facility or immediate family member of the operator—300 feet. Written documentation of an agreement sworn and subscribed before a notary public between the affected operator and immediate family member shall be required. Otherwise, the setback requirements of subsection (2) below shall apply.

2. Dwelling and facility not owned by operator or immediate family member of operator—1,000 feet.

3. Existing parcels or dwellings on the effective date of this article that do not meet the setback requirements of this article shall be considered nonconforming lots and nonconforming structures. Any new dwellings, or additions to, dwellings on such nonconforming lots that cannot meet the setback requirements of this section need only comply with the setbacks otherwise applicable to the zoning district in which the dwelling or addition is to be located. Parcels created on or after the effective date of this article shall comply with all applicable setbacks of this chapter.

#### **Sec. 22-4.11.4 Certified plats**

The operator of a livestock, dairy or poultry facility constructed, expanded or completed after the effective date of this chapter shall file with the zoning administrator, a plat or similar documentation acceptable to the zoning administrator showing the entire parcel or parcels on which the facility is located and also showing the location of the facility within such parcel or parcels. With this plat or similar documentation, the operator shall submit a written statement, sworn to and subscribed before a notary public, by which the operator certifies to the zoning administrator that the facility shown on the plat or similar documentation meets all applicable setback requirements of this article and that the plat or similar documentation is a complete and accurate depiction of the facility on the parcel or parcels.

#### **Sec. 22-4.11.5 Livestock, dairy or poultry facility development plans**

a. An operator or a potential operator shall file with the zoning administrator, a development plan which indicates the number, size and location of livestock, dairy or poultry facilities planned for the subject parcel and the date the facility is scheduled to commence operations. When such development plan has been filed with and approved by the zoning administrator and during the period in which it remains in effect, the planned facilities shall be obtained to meet setbacks only from those dwellings and uses existing at the time the development plan is approved. The zoning administrator shall approve the development plan within 45 days of receipt if such development plan meets the requirements of this article. However, if the development plan does not meet the requirements of this article, the zoning administrator shall return the development plan to the person who submitted it, together with a written description of the portion(s) of the development plan that do not comply with this article.

b. The development plan shall be based on the requirements of this article and shall be accompanied by a plat or similar documentation acceptable to the zoning administrator verifying the accuracy of the distances shown in the development plan and containing all of the data required as specified pursuant to this article.

c. The development plan shall remain in force only so long as the facilities proposed are constructed in accordance with the development plan and are placed in service in accordance with the development plan and the provisions of this article.

d. At least one-third of the number of head of livestock or dairy animals, subject to this article or one poultry facility indicated in the development plan must be placed into service within 36 months of the date on which the development plan is approved by the zoning administrator, unless at least one-third of the number of livestock, dairy or one such poultry facility is already in service on the subject parcel or parcels at the time the development plan is filed. Zoning approval for any subsequent facilities indicated in the development plan may only be obtained if

no more than 60 months have passed since the date on which the development plan was approved by the zoning administrator. Otherwise, a new development plan shall be filed with and approved by the zoning administrator pursuant to the provisions of this article then in effect.

e. The operator shall notify the zoning administrator in writing within 30 days of placement into service of any facilities indicated in his development plan.

f. In the event an operator fails to build the proposed facility or have in place the minimum number of animals required or fails to obtain zoning approval for any of the facilities indicated in his development plan within the applicable time, the zoning administrator shall revoke the development plan. All future development plans of facilities on the subject parcel or parcels shall conform to the requirements of this article in effect at the time such future plan is submitted for approval.

g. Each parcel for which a development plan has been approved by the zoning administrator shall display at its entrance, within 15 days of said approval, a sign not less than two square feet, or larger than four square feet, clearly visible from the nearest roadway, indicating that a development plan is in effect for the parcel and containing the words "Certified Agricultural Development Site." Fabrication, installation, and all costs of said sign(s) shall be the responsibility of the operator.

h. Nothing herein shall be construed to prohibit an operator or a potential operator from submitting amendments to his or her original development plan or to submitting revised development plans at any time. The zoning administrator shall approve or reject the amended or revised development plan according to the terms of the zoning ordinance in effect at the time that the amendments or revisions are submitted to the zoning administrator. The approval of a revised or amended development plan does not, however, constitute an extension of time for implementation of the original plan.

#### **Sec. 22-4.11.6 Nutrient management plan**

a. On or after the effective date of this amendment to the zoning ordinance, no facility consisting of at least 150 animal units shall commence operation until a nutrient management plan for the proposed facility has been reviewed and approved by the Virginia Department of Conservation and Recreation or by the Virginia Cooperative Extension Service or by a person certified or employed by the Commonwealth as a nutrient management planner.

b. If off-site disposal for dry waste is part of the nutrient management plan and is otherwise permitted under the provisions of this article, the operator shall provide, as a part of that nutrient management plan, written documentation of an agreement with the receiver of the wastes produced at the operator's facility or an affidavit, sworn and subscribed before a notary public, that states his/her intention to dispose of the waste through sale in retail establishments or

otherwise to consumers. Documentation shall specify the duration of the agreement and the nature of the application or use of the wastes. A nutrient management plan containing such an agreement shall be valid only as long as the agreement remains in force and shall be reviewed whenever such an agreement expires or is terminated by either party. The operator shall notify the zoning administrator in writing at least 30 days before the expiration of any such agreement or within five days after any such agreement is terminated before its stated expiration date.

c. The nutrient management plan shall also provide for a site, with or without a permanent structure, for the storage of animal wastes which shall meet all applicable requirements and standards of the Commonwealth of Virginia or any department or division thereof. If an operator is unable to locate a site on the same parcel because of insufficient acreage or topographical hardship, then the zoning administrator, after consultation with the operator's engineer, may permit the storage site to be located on land owned by the operator adjacent to the facility; or, if there is a valid agreement for off-site disposal as provided in this article, the zoning administrator may permit the storage site to be located on a parcel specified in the agreement for such off-site disposal.

d. The nutrient management plan unless sooner required by the provisions of this article or by the Commonwealth of Virginia or any department or division thereof, shall be reviewed and updated every ten years by an agent of the Virginia Department of Conservation and Recreation or by the Virginia Cooperative Extension Service or by a person certified or employed by the Commonwealth as a nutrient management planner.