



**FLUVANNA COUNTY PLANNING COMMISSION**  
**WORK SESSION AND REGULAR MEETING AGENDA**  
**October 8, 2024**  
**6:00 PM Work Session | 7:00 PM Regular Meeting**  
**Morris Room, County Administration Building**

TAB	AGENDA ITEMS
<b>WORK SESSION</b>	
<b>A</b>	<b>CALL TO ORDER, PLEDGE OF ALLEGIANCE</b>
<b>B</b>	<b>WORK SESSION</b>
	Capital Improvements Plan – Victoria Melton, Fluvanna County Director of Finance
<b>REGULAR MEETING</b>	
<b>1</b>	<b>CALL TO ORDER, PLEDGE OF ALLEGIANCE, MOMENT OF SILENCE</b>
<b>2</b>	<b>DIRECTOR’S REPORT</b>
<b>3</b>	<b>PUBLIC COMMENTS #1</b> (5 minutes each)
<b>4</b>	<b>MINUTES</b>
	Minutes of September 10, 2024
<b>5</b>	<b>RESOLUTIONS:</b>
	Advertise for Public Hearing for ZTA – Rural Clusters
	Advertise for Public Hearing for ZTA to add definitions – Pet Crematorium, Animal Training Facility
	Advertise for Public Hearing for ZTA – Tarp Screening
<b>6</b>	<b>PRESENTATIONS:</b>
	Zoning Text Amendments – Event Permits, Inoperable Vehicles
	Comprehensive Plan – Todd Fortune, Director of Planning
<b>7</b>	<b>SITE DEVELOPMENT PLANS:</b> None
<b>8</b>	<b>SUBDIVISIONS:</b>
<b>9</b>	<b>UNFINISHED BUSINESS</b>
	SUB24:32 – Reventon by Murcielago, LLC – 67 Lots on 205 acres in Cunningham District
<b>10</b>	<b>NEW BUSINESS:</b>
<b>11</b>	<b>PUBLIC HEARING:</b> None.
<b>12</b>	<b>PUBLIC COMMENTS #2</b> (5 minutes each)
<b>13</b>	<b>ADJOURN</b>

Planning Director Review

*Fluvanna County...The heart of central Virginia and your gateway to the future!*

*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.*

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## **PLEDGE OF ALLEGIANCE**

I pledge allegiance to the flag  
of the United States of America  
and to the Republic for which it stands,  
one nation, under God, indivisible,  
with liberty and justice for all.

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## **ORDER**

1. It shall be the duty of the Chairman to maintain order and decorum at meetings. The Chairman shall speak to points of order in preference to all other members.
2. In maintaining decorum and propriety of conduct, the Chairman shall not be challenged and no debate shall be allowed until after the Chairman declares that order has been restored. In the event the Commission wishes to debate the matter of the disorder or the bringing of order; the regular business may be suspended by vote of the Commission to discuss the matter.
3. No member or citizen shall be allowed to use abusive language, excessive noise, or in any way incite persons to use such tactics. The Chairman shall be the judge of such breaches, however, the Commission may vote to overrule both.
4. When a person engages in such breaches, the Chairman shall order the person's removal from the building, or may order the person to stand silent, or may, if necessary, order the person removed from the County property.

## **PUBLIC HEARING RULES OF PROCEDURE**

1. **PURPOSE**
  - The purpose of a public hearing is to receive testimony from the public on certain resolutions, ordinances or amendments prior to taking action.
  - A hearing is not a dialogue or debate. Its express purpose is to receive additional facts, comments and opinion on subject items.
2. **SPEAKERS**
  - Speakers should approach the lectern so they may be visible and audible to the Commission.
  - Each speaker should clearly state his/her name and address.
  - All comments should be directed to the Commission.
  - All questions should be directed to the Chairman. Members of the Commission are not expected to respond to questions, and response to questions shall be made at the Chairman's discretion.
  - Speakers are encouraged to contact staff regarding unresolved concerns or to receive additional information.
  - Speakers with questions are encouraged to call County staff prior to the public hearing.
  - Speakers should be brief and avoid repetition of previously presented comments.
3. **ACTION**
  - At the conclusion of the public hearing on each item, the Chairman will close the public hearing.
  - The Commission will proceed with its deliberation and will act on or formally postpone action on such item prior to proceeding to other agenda items.
  - Further public comment after the public hearing has been closed generally will not be permitted.

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**FLUVANNA COUNTY PLANNING COMMISSION  
MEETING MINUTES**

**132 Main Street Palmyra, VA 22963**

**72 Main Street Palmyra, VA 22963**

**Tuesday, September 10, 2024**

**Work Session 6:00PM in Morris Room | Regular Meeting 7:00pm in Courthouse**

**MEMBERS PRESENT:**

Barry Bibb, Chair  
Kathleen Kilpatrick, Commissioner  
Howard Lagomarsino, Commissioner  
Lorretta Johnson-Morgan, Commissioner  
Eddie Shifflett, Commissioner  
Mike Goad, Representative of Board of Supervisors

**ABSENT:**

None

**STAFF PRESENT:**

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

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

At 6:00 pm, Chair Bibb, called the September 10, 2024 Work Session to Order, led in the Pledge of Allegiance and then he conducted a Moment of Silence.

**WORK SESSION:**

Discussion was held on possible Zoning Text Amendments for more defined language on (1) Pet Crematoriums (2) Tarp Screening (3) Inoperable Vehicles (4) Animal Training Facilities and (5) Road regulations in Subdivisions.

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

At 7:02 pm, Chair Bibb, called the September 10, 2024 Regular Meeting to Order, led in the Pledge of Allegiance and then he conducted a Moment of Silence.

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

**Announcements and Updates**

- WaWa (SDP23:07) : On August 21, the Board of Supervisors held a public hearing on the developer’s request for a waiver on the sign requirements for one of the proposed signs. The request was approved.
- The Solar Ordinance Committee met on September 3 to finalize draft recommendations for ordinance language and supplemental regulations for solar policy. Two previously submitted special use permit applications (SUP23:01 and SUP23:09 ) have been denied due to the approval of ZTA 24:02 by Board of Supervisors on July 3<sup>rd</sup>, 2024.
- James River Water Authority (JRWA) held a groundbreaking on August 14<sup>th</sup> to begin construction of continuing a section of the raw water main southern Fluvanna County.
- SUP24:01 – Camp Yellow Cardinal LLC – applicant has officially withdrawn their application.

**Upcoming Meetings**

- October 8, 2024 – Morris Room
- November 12, 2024 – Morris Room
- December 10, 2024 – Morris Room

**2. PUBLIC COMMENTS #1**

At 7:03 pm, Chair Bibb opened the first round of public comments. With no one wishing to speak, Chair Bibb closed the first round of Public Comments at 7:04 P.M.

**3. MINUTES**

<b>MOTION:</b>	To Approve the Regular Meeting minutes of the Planning Commission of August 13, 2024.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>			<b>Second</b>	<b>Motion</b>	
<b>VOTE:</b>	Aye	Aye	Aye	Aye	Aye
<b>RESULT:</b>	<b>5-0 Approved</b>				

**4. PRESENTATIONS**

None.

**5. SITE DEVELOPMENT PLANS**

None.

**6. SUBDIVISIONS**

**SUB24:29 -- Rivanna Bend by 30 Scale, LLC** – A Sketch Plan request for a rural cluster major subdivision with respect to 76.71 acres of Tax Map 18 Section 1 Parcel 1. The applicant is proposing 21 cluster lots with one residual parcel of 63.71 acres designated as open space that permits one house. The subject property is located along Justin Drive in the Lake Monticello Area.

Director Todd Fortune provided a Staff Presentation of Rivanna Bend rural cluster major subdivision. Applicant, Mike Meyers from 30 Scale LLC and owner, Larry Willis, Rivanna Bend LLC, were present to answer Planning Commission questions.

**Staff Recommended Conditions:**

- 1) The rural cluster subdivision will contain no more than 21 separate residential lots as shown on the Sketch Plan dated September 7, 2024.
- 2) Prior to final plat approval, the applicant shall meet all VDOT requirements.
- 3) Prior to final plat approval, the applicant shall provide confirmation of water and sewer availability with Aqua Virginia.
- 4) A resource management plan shall be developed for the open space parcel.
- 5) Preliminary and Final Subdivision plat approval shall be granted for the use.

<b>MOTION:</b>	I move that the Planning Commission accept SUB 24:29 Rivanna Bend by 30 Scale, LLC, a Sketch Plan request for a rural cluster major subdivision with respect to 76.71 acres of Tax Map 18 Section 1 Parcel 1, subject to the conditions listed in the staff report.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>		<b>Motion</b>	<b>Second</b>		
<b>VOTE:</b>	Aye	Aye	Aye	Aye	Aye
<b>RESULT:</b>	<b>5-0 Recommend Acceptance of Sketch Plan</b>				

**SUB24:32-- Reventon by Murcielago, LLC** – A Sketch Plan request for a rural cluster major subdivision with respect to 205 acres of Tax Map 26 Parcel A Section A2, Tax Map 26 Parcel A Section A5A, and Tax Map 26 Parcel A Section A38. The applicant is proposing 67 cluster lots with one residual parcel of 164.3 acres designated as open space. The subject property is located along Rolling Road (Route 620) and Briery Creek Road (Route 600).

Director Todd Fortune provided a Staff Presentation of Reventon rural cluster major subdivision. Applicant and owner, Tom Sullivan from Murcielago LLC and land engineer Brian S. Ray, Ray and Associates, were present to answer Planning Commission questions. Staff and Planning Commission agreed it would be best to defer decision until hearing VDOT’s final comments on revised sketch.

<b>MOTION:</b>	I move that the Planning Commission defer SUB 24:32 Reventon by Murcielago, LLC, a Sketch Plan request for a rural cluster major subdivision with respect to approximately 205 acres of Tax Map 26 Section A Parcel A2, Tax Map 26 Section A Parcel A5A, and Tax Map 26 Section A Parcel A38 subject to the conditions listed in the staff report to October 8, 2024.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>			<b>Second</b>		<b>Motion</b>
<b>VOTE:</b>	Aye	Aye	Aye	Aye	Aye
<b>RESULT:</b>	<b>5-0 Recommend Deferral</b>				

**7. UNFINISHED BUSINESS**

**SDP24:06 – South Boston Convenience Store by KFP1 LLC and Shimp Engineering-** A Site Development Sketch Plan request for a gas station/convenience store, car wash, and commercial space on South Boston Road, with respect to 20.835 acres of Tax Map 18 Parcel A Lot 53, zoned B-1.

Land Engineer, Kelsey Schlein of Shimp Engineering and owner, Allen Powell of KFP1 LLC, addressed Planning Commission concerns about a private cemetery on property and staff shared photos from site visit along with names of deceased and their respective visible headstones.

<b>MOTION:</b>	I move that the Planning Commission accept SDP 24:06 South Boston Convenience Store, a Site Development Plan request for a gas station/convenience store, car wash, and associated retail space with respect to 20.835 acres +/- of Tax Map 18 Section A Parcel 53.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>		<b>Second</b>	<b>Motion</b>		
<b>VOTE:</b>	Aye	Aye	Aye	Aye	Aye
<b>RESULT:</b>	<b>5-0 Recommend Acceptance</b>				

**8. NEW BUSINESS**

None.

**9. PUBLIC HEARINGS**

**ZTA24: 04** - Ordinance to Amend and Reordain “The Code of The County of Fluvanna, Virginia” by amending § 22-2-1, enacting §§22-3-1 through 22-3-5.4 and Enacting §22-28-1 through 22-28-25 to create a Solar Zoning District and to add supplemental regulations for utility scale solar generation facilities.

Director Todd Fortune gave a presentation on the proposed S-1 ordinances. S-1 adds utility scale solar generating facilities as a use permitted by special use permit only. S-1 by-right uses include agriculture, conservation areas, farm sales, accessory uses, non-commercial cemeteries, non-commercial greenhouses, small-scale solar generating facilities and minor utilities. The following uses are by special use permit only: agricultural enterprise, wholesale agricultural sales, commercial livestock feed lots and sales yards, communication services, minor-scale solar generating facilities, telecommunication facilities and major utilities. A complete copy of the proposed ordinances and regulations can be found in the staff report and PC Packet for September 10, 2024.

At 8:13 P.M. Chair Bibb opened the public hearing.

Jennifer Price of 2549 Bybees Church Road expressed opposition to a higher tax in S-1.

Matt English of 246 Deans Johns Place Appomattox, VA spoke in favor of fewer restrictions in S-1.

Skylar Zunk of Energy Right spoke in opposition of large setbacks in S-1.

Kyle West of Vega Renewables spoke in favor of fewer restrictions in S-1.

Gary Wood, CEO of CVEC spoke in opposition of large setbacks in S-1.

Paul Beyer of 4873 James Madison Highway spoke with concerns about solar panels on flood plains.

Jason Sweeney of 3456 James Madison Highway asked the Commission to consider Gloucester County’s solar ordinances as a reference for buffers and solar developers paying for inspections.

Karen Bowles of 5520 James Madison Highway spoke with concerns about highway designations and impacts a solar plant would have on qualifications.

Harry Kingery of CEP Solar, spoke in opposition to large setbacks from streams and rivers.

Josephus Almond of 42 Partridge Berry Lane spoke in opposition to large setbacks.

Stephanie Cimillo of 548 Stage Junction Road spoke in favor of solar as a renewable energy source.

Kat Campbell of 5630 James Madison Highway spoke in opposition of utility scale solar in Fluvanna.

Nadine Armstrong of 2979 Bremo Road spoke in opposition of solar.

Martha McAloon of 56 Pine Lane spoke in opposition of solar development in Fluvanna.

With no one else wishing to speak, Chair Bibb closed the public hearing at 9:12 P.M. and opened Planning Commission Discussion.

**Chairman Bibb:** In my research, it says because of data centers, the demand for electricity will increase by one third by 2030 and there could be possible brownouts.

**County Attorney Whitten:** A point of clarification that battery storage is not allowed under this ordinance.

**Chairman Bibb:** I want to thank the commissioners that worked on this ordinance a lot. I do see some problems with the setbacks.

**Lagomarsino:** I have concerns about the draft ordinances stating that no signage will be allowed on fencing, structures or building in the USSGF project area. From an emergency standpoint and code requirements, signage would be needed due to active electrical current.

**County Attorney Whitten:** There is language in the ordinance states that any signage required by state or federal law or regulation shall be exempt from this section. To give clarification also the 5,400 acres is more of a tent and not a cap because with zoning in general, you cannot have a hard cap. You cannot automatically deny a project outright based on acreage.

**Johnson-Morgan:** Could we take the 3% portion cap out of the draft ordinance entirely? Even if we limit 1% of total acreage for S-1 distribution, Columbia and Fork Union still carry the weight of developable areas.

**Goad:** I would fight strong to keep the 1% distribution cap to stay in the ordinance so that Fork Union is not a target for all solar development. While the distribution is not equal among districts, it would prevent my district from being the concentration of all potential solar projects.

**Kilpatrick:** I agree with keeping the 1% and 3% so that it would not all be concentrated in Fork Union due to the location of the transmission lines. I also want to talk about the environmental impact on the water and natural streams. Our rivers and streams are responsible for economic growth and agri-tourism. There is no intention to tax greater on solar, only on Fair Market Value for land that goes into S-1. Do we have brownfields in the county? I think as we go forward need to adjust setbacks for streams and ponds.

**County Attorney Whitten:** You can be less restrictive with regulations but any more restrictive would require another public hearing that we do not have time for to meet the BOS deadline.

**Lagomarsino:** The utility scale solar is with a Special Use Permit. Could we be more restrictive in with additional conditions for approval in siting agreement and permit?

**County Attorney Whitten:** Correct.

There was discussion among Representative Goad and Commissioners if there could be a section in the ordinances encouraging development on brownfields. County Attorney stated that could be done and conditions could be waived by BOS if the restrictions did not apply to brownfields.

**Chairman Bibb:** I think we should lower some of the setbacks around ponds and streams.

**Johnson-Morgan:** I have reached out to people in this community who are concerned about ponds and streams where these solar farms could potentially go. I think we need to consider adjacent properties and I disagree on going down further on setbacks.

**Kilpatrick:** I believe public input is important but we need to look at the science that backs up how deep a riparian buffer should be to protect streams from sediment and run-off. The Chesapeake Preservation Act stating what an adequate riparian buffer is 5 times lower than what we are proposing.

**Director Fortune:** We do have staff that reviews erosion and sediment control plans as well as storm water management.

After more discussion, the Planning Commission compiled what would be the key points for the Board of Supervisors to look at during their Public Hearing.

<b>MOTION:</b>	I move that the Planning Commission recommend approval of ZTA 24:04, an ordinance to amend and reordain "The Code of The County of Fluvanna, Virginia" by amending § 22-2-1, Enacting §§22-3-1 through 22-3-5.4 and Enacting §22-28-1 through 22-28-25 to create a Solar Zoning District and to add supplemental regulations for utility scale solar generation facilities. Furthermore, we recommend consideration of reducing the setback requirement for ponds and streams to 100ft to be consistent with the findings of the Chesapeake Preservation Act, endorsed by multiple states and to consider carefully the 3% limitation.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>		<b>Motion</b>			
<b>VOTE:</b>					
<b>RESULT:</b>	<b>Motion Failed for Lack of Second</b>				

**Shifflett:** I thought we agreed upon not giving a specific number in the motion. If the Board wanted to change it then we would have to go back to a Public Hearing because it would be more restrictive.

<b>MOTION:</b>	I move that the Planning Commission recommend approval of ZTA 24:04, an ordinance to amend and reordain “The Code of The County of Fluvanna, Virginia” by amending § 22-2-1, enacting §§22-3-1 through 22-3-5.4 and enacting §22-28-1 through 22-28-25 to create a Solar Zoning District and to add supplemental regulations for utility scale solar generation facilities and further recommend further review of the 3% and the Riparian Buffer.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>		<b>Second</b>		<b>Motion</b>	
<b>VOTE:</b>	Aye	Aye	Aye	Aye	Aye
<b>RESULT:</b>	<b>5-0 Recommend Approval</b>				

**10. PUBLIC COMMENTS #2**

At 9:56P.M. Chair Bibb opened the second round of public comments.  
 With no one wishing to speak, Chair Bibb closed the second round of public comments at 9:57 PM

**11. ADJOURNMENT**

<b>MOTION:</b>	Motion to Adjourn the September 10, 2024 Regular Meeting at 9:57 PM				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>			<b>Second</b>		<b>Motion</b>
<b>VOTE:</b>	Aye	Aye	Aye	Aye	Aye
<b>RESULT:</b>	<b>5-0 Approved Adjournment</b>				

Minutes were recorded by Kayla Polychrones, Administrative Programs Specialist.

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



**PLANNING COMMISSION**

County of Fluvanna

Palmyra, Virginia

**RESOLUTION No. 2024-05**

**A RESOLUTION OF INTENTION TO AMEND THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA BY REPEALING §§ 19-7-2, 22-4-10, 22-4-10.1, 22-4-10.2 AND 22-4-10.3, AND AMENDING §§ 19-8-1, 19-8-6, 22-4-2.1, AND 22-4-3, TO ELIMINATE RURAL CLUSTER SUBDIVISION REGULATIONS AND USE**

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

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

**WHEREAS**, the Planning Commission desires to propose an amendment to the Zoning Code by repealing §§ 19-7-2, 22-4-10, 22-4-10.1, 22-4-10.2, and 22-4-10.3, and amending §§ 19-8-1, 19-8-6, 22-4-2.1, and 22-4-3 to eliminate Rural Cluster Subdivision regulations and use; and

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

**NOW, THEREFORE, BE IT RESOLVED**, the Planning Commission proposes an amendment to the Zoning Code by repealing §§ 19-7-2, 22-4-10, 22-4-10.1, 22-4-10.2, and 22-4-10.3, and amending §§ 19-8-1, 19-8-6, 22-4-2.1, and 22-4-3 to eliminate Rural Cluster Subdivision regulations and use; and

**BE IT FURTHER RESOLVED**, the Planning Commission authorizes the Director of Planning to advertise the proposed amendment for a public hearing on November 12, 2024; and

**THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED** by the Fluvanna County Planning Commission at a meeting of the Commission held on the 8<sup>th</sup> day of October, 2024:

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

Attest:

\_\_\_\_\_  
Barry Bibb, Chair  
Fluvanna County Planning Commission



ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY REPEALING §§ 19-7-2, 22-4-10, 22-4-10.1, 22-4-10.2 AND 22-4-10.3, AND AMENDING §§ 19-8-1, 19-8-6, 22-4-2.1, AND 22-4-3, TO ELIMINATE RURAL CLUSTER SUBDIVISION REGULATIONS AND USE

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

- (1) *That the Code of the County of Fluvanna, Virginia is amended by repealing §§ 19-7-2, 22-4-10, 22-4-10.1, 22-4-10.2, and 22-4-10.3, and amending §§ 19-8-1, 19-8-6, 22-4-2.1, and 22-4-3, as follows:*

CHAPTER 19 SUBDIVISIONS

ARTICLE 7. – SUBDIVISION DESIGN STANDARDS

~~Sec. 19-7-2. — Rural cluster subdivisions.~~

~~All subdividers shall strive to conserve the noteworthy features of the parcel to be subdivided and the rural landscape, in accordance with the Comprehensive Plan and the purpose of this chapter. To achieve these objectives, the subdivider shall follow the process set forth below in developing rural cluster subdivisions for the subdivision of a tract. All major subdivisions in the A-1 Agricultural General Zoning District Classification shall be Rural Cluster subdivisions and subject to this section.~~

- ~~(A) Determine the number of lots desired, not exceeding the number allowed to be subdivided from the tract under the density provisions of Chapter 22;~~
- ~~(B) Delineate areas of the tract to be conserved due to their noteworthy features and value to the continued rural character of the county, including, but not limited to, lands with high value for continued agricultural or forestry production, high scenic value including riparian corridors and wildlife habitat; high environmental sensitivity such as steep slopes, wetlands, floodplains; high recreational value and/or having noteworthy historical, natural, or cultural features;~~
- ~~(C) Locate potential house sites on the area of the tract not delineated as conservation areas, with due consideration for topography, soil suitability for construction and septic system use, and efficient service by public or central water and/or sewerage systems, as applicable;~~
- ~~(D) Align streets to serve house sites, with due consideration for topography and connections to existing, planned or potential streets in adjacent areas, and align pedestrian trails if planned; and~~

~~(E) Delineate boundaries of individual residential lots and any residue, in accordance with the lot size, dimension, setback, and yard requirements of Chapter 22.~~

## ARTICLE 8. – REQUIRED IMPROVEMENTS

### Sec. 19-8-1. – Streets.

An adequate system of streets shall be constructed to provide access from all lots to the state highway system.

- (A) In any major subdivision, as defined herein, all streets shall be designed and constructed in conformance with the Virginia Department of Transportation's subdivision street requirements. Preliminary plans for all such streets shall have been approved by the Virginia Department of Transportation prior to approval of the preliminary plat.
- (B) Proposed street names shall be shown on the preliminary plat, and may be changed by the Subdivision Agent. Names of new streets shall not duplicate names of existing streets, irrespective of suffixes. Any street that is a continuation of an existing street shall bear the name of the existing street. The governing body may institute a fee in order to acquire and install all street identification signs. Where a street is planned for future extension, and a stub street serving three or more ( $\geq 3$ ) lots is proposed for construction as part of a subdivision, a temporary turnaround shall be provided on such stub street. Such turnaround shall be of adequate location, size and design as determined by the Subdivision Agent. All stub streets shall be marked with a metal sign clearly providing public notice that the street is subject to future extension.
- (C) Any private road in a subdivision which will not be constructed to Virginia Department of Transportation standards shall be located in a right-of-way or easement at least fifty (50) feet in width and shall be so designed and built as to provide adequate access by ordinary passenger vehicles in all weather, in accordance with the provisions of this section as set forth hereinafter. All lots that are within a subdivision which is served by any private road shall be prohibited direct vehicular access from an existing public road by deed restriction or other means. Except in the case of lots intended, designed and used ~~(a)~~ for attached single-family, two-family or multi-family dwellings; ~~(b)~~ for rural cluster lots; or ~~(c)~~ for commercial or industrial uses, no lot served by a private road may be less than ten (10) acres in area, and no such private road shall serve more than five (5) lots. The plat, and each deed, shall clearly state that the county and Commonwealth are not responsible for the maintenance of the roads. A road maintenance agreement, approved by the County Attorney and the Subdivision Agent, shall be filed with the deeds of all lots to be served by such private road. Such agreement shall require the landowners, jointly and severally, to cooperate in and pay for the maintenance of the road such that emergency vehicles and other necessary traffic can reach all of the lots with reasonable ease. Each plat showing any such private road shall contain a certification from a registered surveyor or engineer in substantially the following form: "The private road shown on this plat will provide reasonable access to all lots served by

such road by emergency vehicles and ordinary passenger vehicles as required by Section 19-8-1 of the Fluvanna County Code." Private roads shall conform to the following minimum specific construction standards:

Number of Lots	Right-of-Way Width	Minimum Width of Travelway	Surface Treatment	Minimum Ditchline	Maximum Grade
1-5	50 feet	14 feet	Gravel (#25 or #26), 3 inches in depth over suitable base	4 feet in width, with a minimum of 4% slope from the travelway and ditches a minimum of 18 inches in depth	9%

Sec. 19-8-6. – Recreation.

For any major subdivision, as defined in this chapter, if the average lot size for that subdivision is five acres or less ( $\leq 5$ ), ~~except for Rural Cluster Subdivisions~~, the subdivider shall provide space and facilities for recreation. Such space shall be clearly labeled on the plat, and shall be dedicated to an entity approved by the county for ownership and maintenance.

(A) Space for recreation shall be provided at the rate of 5,000 square feet per lot in the subdivision or 15 percent of the total acreage of the subdivision, whichever is more. This area shall not be developed for parking, roadways, refuse collection, or similar use. An area of one-half ( $\frac{1}{2}$ ) acre or more shall be located within one-half ( $\frac{1}{2}$ ) mile of each proposed dwelling unit as part of the recreation area, and shall be improved with facilities for sports, picnicking, tot lot equipment, active playground with equipment, or similar uses.

(B) Each area reserved for recreation shall be of a size and shape conducive to the proposed recreational use.

CHAPTER 22 ZONING

ARTICLE 4. – AGRICULTURAL, GENERAL, DISTRICT A-1

Sec. 22-4-2.1. – Uses permitted by right.

The following uses shall be permitted by right:

*Agricultural Uses*

Agriculture

Conservation areas

Equestrian facilities

Farm sales

Hunt clubs

Hunting preserves

*Civic Uses*

Public parks and recreational areas

Public uses

*Commercial Uses*

Family daycare homes

Home occupations

Studios, fine arts

*Industrial Uses*

Sawmills, temporary

*Miscellaneous Uses*

Accessory uses

Cemeteries, non-commercial

Greenhouses, non-commercial

Kennels, private

Marinas, private non-commercial

~~Rural cluster developments~~

Shooting, private recreational

Small scale solar generation facility

Utilities, minor

Wood storage, temporary

*Residential Uses*

Dwellings, accessory

Dwellings, two-family

Farm tenant housing

Group homes

Manufactured homes

Mobile homes, as defined in Section 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

Short-term rental of a residential dwelling

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: one (1) dwelling unit per two (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: two (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. 22-4-10. 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.~~

~~*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.~~

~~Rural cluster development shall mean any subdivision or other development for sale or use for residential purposes as provided in this section.~~

~~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.~~

~~**Cross reference** — Chapter 19 of this Code sets out the provisions adopted as the Subdivision Ordinance of Fluvanna County, Virginia.~~

~~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 one (1) dwelling unit per two (2) acres, as provided in this district.~~

~~(2) Repealed.~~

~~(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 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.~~

~~(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.~~

~~(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 (2) 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.~~

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



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# COUNTY OF FLUVANNA

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## PLANNING COMMISSION STAFF REPORT

**To:** Fluvanna County Planning Commissioners

**From:** Dan Whitten, County Attorney

**Case Number:** ZTA 24:05

**District:** Countywide Amendment

**General Information:** This Public Hearing request is to be heard by the Fluvanna County Planning Commission on Tuesday, November 12, 2024 at 7:00 pm in the Morris Room in the County Administration Building, 132 Main Street, Palmyra VA 22963.

**Requested Action:** Recommend approval of amendments to the Fluvanna County Zoning Ordinance by repealing §§ 19-7-2, 22-4-10, 22-4-10.1, 22-4-10.2, and 22-4-10.3, and amending §§ 19-8-1, 19-8-6, 22-4-2.1, and 22-4-3, to eliminate Rural Cluster Subdivision regulations and use.

**Background Information:** Virginia Code § 15.2-2286.1 requires localities with a population growth rate of 10% or more from the next-to-latest to latest decennial census to allow Rural Cluster Subdivisions in their zoning ordinances. In 2020 Fluvanna's population growth was less than 10%, so the County is no longer bound by this legislative requirement.

Projects that have already received Planning Commission acceptance will continue.

Recommended Motion:

I MOVE THAT THE PLANNING COMMISSION (APPROVE / DENY / DEFER) RESOLUTION 2024-05, A RESOLUTION OF INTENTION TO AMEND "THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA" BY REPEALING §§ 19-7-2, 22-4-10, 22-4-10.1, 22-4-10.2 AND 22-4-10.3, AND AMENDING §§ 19-8-1, 19-8-6, 22-4-2.1, AND 22-4-3, TO ELIMINATE RURAL CLUSTER SUBDIVISION REGULATIONS AND USE.



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

**RESOLUTION No. 2024-06**

**A RESOLUTION OF INTENTION TO AMEND THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA BY AMENDING §22-22-1 TO INCLUDE CREMATORIIUMS AND PET CREMATORIIUMS IN THE DEFINITION OF “FUNERAL HOME” AND TO INCLUDE ANIMAL TRAINING IN THE DEFINITION OF “COMMERCIAL KENNEL”**

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

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

**WHEREAS**, the Planning Commission desires to propose an amendment to the Zoning Code by amending §22-22-1 to include crematoriums and pet crematoriums in the definition of “Funeral home” and to include animal training in the definition of “Commercial kennel”; and

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

**NOW, THEREFORE, BE IT RESOLVED**, the Planning Commission proposes an amendment to the Zoning Code by amending §22-22-1 to include crematoriums and pet crematoriums in the definition of “Funeral home” and to include animal training in the definition of “Commercial kennel”; and

**BE IT FURTHER RESOLVED**, the Planning Commission authorizes the Director of Planning to advertise the proposed amendment for a public hearing on November 12, 2024; and

**THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED** by the Fluvanna County Planning Commission at a meeting of the Commission held on the 8<sup>th</sup> day of October, 2024:

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

Attest:

\_\_\_\_\_  
Barry Bibb, Chair  
Fluvanna County Planning Commission

ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING § 22-22-1 TO INCLUDE CREMATORIUMS AND PET CREMATORIUMS IN THE DEFINITION OF “FUNERAL HOME” AND TO INCLUDE ANIMAL TRAINING IN THE DEFINITION OF “COMMERCIAL KENNEL”

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

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

CHAPTER 22 ZONING

ARTICLE 22. – DEFINITIONS

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

*Funeral home:* A facility ~~for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before~~ **used for undertaking services such as burial preparation** or cremation, **and where funeral services may be arranged and held**. Typical **Permitted** uses include funeral homes, ~~or~~ mortuaries, **crematoriums and pet crematoriums**.

*Kennel, commercial:* A place designed and used to house, board, breed, **train**, handle or otherwise keep or care for dogs, cats, or other household pets for the specific intent of sale or in return for compensation.

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



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## PLANNING COMMISSION STAFF REPORT

**To:** Fluvanna County Planning Commissioners

**From:** Dan Whitten, County Attorney

**Case Number:** ZTA 24:06

**District:** Countywide Amendment

**General Information:** This Public Hearing request is to be heard by the Fluvanna County Planning Commission on Tuesday, November 12, 2024 at 7:00 pm Morris Room in the County Administration Building, 132 Main Street, Palmyra VA 22963.

**Requested Action:** Recommend approval of amendments to the Fluvanna County Zoning Ordinance by amending §22-22-1, to include crematoriums and pet crematoriums in the definition of "Funeral home" and to include animal training in the definition of "Commercial kennel."

**Background Information:** These amendments clarify that 1. Cremation of both human and pet remains is a permitted activity at funeral homes and 2. Animal training is a permitted activity at commercial kennels.

Recommended Motion:

I MOVE THAT THE PLANNING COMMISSION (APPROVE / DENY / DEFER) RESOLUTION 2024-06, A RESOLUTION OF INTENTION TO AMEND "THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA" BY AMENDING § 22-22-1 TO INCLUDE CREMATORIIUMS AND PET CREMATORIIUMS IN THE DEFINITION OF "FUNERAL HOME" AND TO INCLUDE ANIMAL TRAINING IN THE DEFINITION OF "COMMERCIAL KENNEL."



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

**RESOLUTION No. 2024-07**

**A RESOLUTION OF INTENTION TO AMEND THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA BY AMENDING §§15-4-1 AND 22-26-7 TO CLARIFY THE REQUIREMENTS OF THE PHRASE “SHIELDED AND SCREENED FROM VIEW”**

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

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

**WHEREAS**, the Planning Commission desires to propose an amendment to the Zoning Code by amending §15-4-1 and 22-26-7 to clarify the requirements of the phrase “shielded and screened from view;” and

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

**NOW, THEREFORE, BE IT RESOLVED**, the Planning Commission proposes an amendment to the Zoning Code by amending §15-4-1 and 22-26-7 to clarify the requirements of the phrase “shielded and screened from view;” and

**BE IT FURTHER RESOLVED**, the Planning Commission authorizes the Director of Planning to advertise the proposed amendment for a public hearing on November 12, 2024; and

**THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED** by the Fluvanna County Planning Commission at a meeting of the Commission held on the 8<sup>th</sup> day of October, 2024:

	AYE	NAY	ABSTAIN	ABSENT	MOTION	SECOND
Barry Bibb, Cunningham District						
Loretta Johnson-Morgan, Columbia District						
Kathleen Kilpatrick, Fork Union District						
Howard Lagomarsino, Palmyra District						
Eddie Shifflett, Rivanna District						

Attest:

\_\_\_\_\_  
Barry Bibb, Chair  
Fluvanna County Planning Commission

ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING §§ 15-4-1 AND 22-26-7 TO CLARIFY THE REQUIREMENTS OF THE PHRASE “SHIELDED AND SCREENED FROM VIEW”

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

- (1) *That the Code of the County of Fluvanna, Virginia is amended by amending § 15-4-1 and 22-26-7 as follows:*

CHAPTER 15 MOTOR VEHICLES AND TRAFFIC

ARTICLE 4. – INOPERABLE VEHICLES

Sec. 15-4-1. – Restriction of keeping of inoperable vehicles, etc.; removal; penalty.

(A) Definitions.

(1) As used in this section, the term *farm use* shall have the meaning ascribed to it in section 46.2-698(B) of the Code of Virginia.

(2) As used in this section, the term *inoperable* shall apply to: (i) any vehicle which is not in operating condition; (ii) any vehicle which for a period of 90 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle; or (iii) any vehicle on which there are displayed neither valid license plates nor a valid inspection decal. Farm use vehicles shall not be considered "inoperable" solely for failure to display valid license plates and a valid inspection decal.

(3) As used in this section, *shielded or screened from view* means ~~not visible~~ **completely precluding visibility of the subject vehicle** by someone standing at ground level from outside of the property on which the subject vehicle is located **by (i) placing the vehicle within a fully enclosed building or structure, (ii) placing the vehicle within an area completely enclosed either by a solid, rigid, opaque fence composed of standard fencing materials or by a landscaped arrangement of nondeciduous trees, sufficient in height, spacing, density and circumference to eliminate visibility of the vehicle, or (iii) covering the vehicle with a tarpaulin or other vehicle cover.**

(4) As used in this section, *vehicle* means a motor vehicle, trailer or semitrailer, as each is defined in section 46.2-100 of the Code of Virginia.

(B) It shall be unlawful for any person to keep any inoperable vehicle on any property zoned for residential or agricultural purposes except:

(1) In all zoning districts, such inoperable vehicle(s) may be kept within a fully enclosed building or structure; and

(2) In areas zoned residential, a maximum of two such inoperable vehicles to be restored may be kept if they are shielded or screened from view; and

(3) In areas zoned agricultural, a maximum of five such inoperable vehicles may be kept if they are shielded or screened from view.

(C) The owners of property zoned for residential or agricultural purposes shall remove therefrom any such inoperable vehicles that are kept in violation of this section within 30 days of receipt of written notice thereof from the County. If a property owner fails to comply with this subsection, the County, through its own agents or employees may remove any such inoperable vehicles. In the event the County, through its own agents or employees, removes any such inoperable vehicle pursuant to this subsection, the County may dispose of such inoperable vehicle no sooner than 15 days after giving written notice to the owner of the inoperable vehicle.

(D) The cost of the removal and disposal described in subsection (c) above shall be chargeable to the owner of the inoperable vehicles or premises and may be collected by the County as taxes are collected. Every cost authorized by this section with which the owner of the premises has been assessed shall constitute a lien against the property from which the inoperable vehicle was removed, the lien to continue until actual payment of such costs has been made to the County.

(E) Notwithstanding the other provisions of this section, if the owner of such inoperable vehicle can demonstrate that he is actively restoring or repairing the inoperable vehicle, and if it is shielded or screened from view, the inoperable vehicle and one additional inoperative vehicle that is shielded or screened from view and being used for the restoration or repair may remain on the property.

(F) Violations of this section shall be punishable as a Class 1 misdemeanor.

(G) The provisions of this section shall not apply to a licensed business which on June 26, 1970, was regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.

## CHAPTER 22 ZONING

### ARTICLE 26. – OFF-STREET PARKING AND LOADING SPACES

Sec. 22-26-7. - Interpretations of off-street parking and loading requirements.

(A) The off-street parking and loading requirements are in addition to space for the storage of trucks or other vehicles used in connection with any use.

(B) The off-street parking and loading requirements do not limit special requirements that may be imposed in the case of planned unit developments, conditional uses, or special exceptions.

(C) Where fractional spaces result, the parking spaces and loading spaces required shall be construed to be the next highest whole number.

(D) No inoperable vehicle shall be parked or stored on a lot in any zoning district unless the vehicle is ~~within a fully enclosed building or structure, or are otherwise~~ shielded or screened from view from all public roads and adjoining properties. **“Shielded or screened from view” means completely precluding visibility of the subject vehicle by someone standing at**



**ground level from outside of the property on which the subject vehicle is located by (i) placing the vehicle within a fully enclosed building or structure, (ii) placing the vehicle within an area completely enclosed either by a solid, rigid, opaque fence composed of standard fencing materials or by a landscaped arrangement of nondeciduous trees, sufficient in height, spacing, density and circumference to eliminate visibility of the vehicle, or (iii) covering the vehicle with a tarpaulin or other vehicle cover.**

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



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## PLANNING COMMISSION STAFF REPORT

**To:** Fluvanna County Planning Commissioners

**From:** Dan Whitten, County Attorney

**Case Number:** ZTA 24:07

**District:** Countywide Amendment

**General Information:** This Public Hearing request is to be heard by the Fluvanna County Planning Commission on Tuesday, November 12, 2024 at 7:00 pm Morris Room in the County Administration Building, 132 Main Street, Palmyra VA 22963.

**Requested Action:** Recommend approval of amendments to the Fluvanna County Zoning Ordinance by amending §§15-4-1 and 22-26-7 to clarify the requirements of the phrase "shielded and screened from view."

**Background Information:** These amendments clarify that the requirement that inoperable vehicles be "*shielded or screened from view*" can be met by 1. placing the vehicle within a fully enclosed building or structure, 2. placing the vehicle within an area completely enclosed either by a solid, rigid, opaque fence composed of standard fencing materials or by a landscaped arrangement of nondeciduous trees, sufficient in height, spacing, density and circumference to eliminate visibility of the vehicle, or 3. covering the vehicle with a tarpaulin or other vehicle cover.

Recommended Motion:

I MOVE THAT THE PLANNING COMMISSION (APPROVE / DENY / DEFER) RESOLUTION 2024-07, A RESOLUTION OF INTENTION TO AMEND "THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA" BY AMENDING §§ 15-4-1 AND 22-26-7 TO CLARIFY THE REQUIREMENTS OF THE PHRASE "SHIELDED AND SCREENED FROM VIEW"

## Neighboring County's Policies on Non-Musical Events

### Louisa

Does not currently have anything specifying any regulation of general events due to lack of demand of those attempting to host events at Louisa

#### **Definition [ 86-13 of Louisa County Zoning Ordinance Municode ]**

- Special Occasion Facilities
  - o A place of assembly where dances, parties, receptions, and other gatherings are held for profit, except when sponsored or co-sponsored by government, civic, charitable, or nonprofit groups. (Weddings and cooperate events)
- Outdoor Gatherings
  - o Any temporary organized gathering expected to attract 200 or more people at one time in open spaces outside an enclosed structure. Included in this use type are entertainment and music festivals, church revivals, carnivals and fairs, and similar transient amusement and recreational activities

**[86-106]** states where special occasion facilities can be held based off of zoning.

Louisa county Does not have anything in their ordinance about special events (musical or non-musical) in their ordinance. This is mainly because there was never a need to add one. The process of adding a policy on this topic to their ordinance started around 2018, but was never completed. They mainly run off of "By-rights" or by allowing events such as weddings, cooperate events and outdoor gatherings to be allowed with Conditional use permit.

### Goochland

#### **Definition of a special event: [8-327]**

- More than 500 people
- 250 people at any given time listening/participating in entertainment
- 250 or more persons, when alcoholic beverages will be permitted, possessed, or consumed; or
- More attendees than permitted pursuant to a conditional use permit or plan of development.

**A permit is required to host a special event. The permit may be exempt in the case that: [8-329]**

- Special events permitted by right under the zoning ordinance

- Special events held in compliance with a conditional use permit or plan of development
- Special events being conducted by Goochland County, the Goochland County School Board, or another governmental agency acting within the scope of its functions; or
- Spontaneous events [ Unplanned gathering caused by unforeseen circumstances]

**Process of applying for a permit [8-330]**

- Written application at least 30 days prior to event. Must have two copies of plans, statements and any other required documents
- Must contain a surplus of information alongside the application. The required contents include but are not limited to
  - o The name and address of the applicant, and a statement of the nature and interest of the applicant in the special event.
  - o all financial sponsors of the event, and every person or group who will perform during the special event.
  - o The date(s) of the special event, the time period
  - o a reasonable estimate of the number of anticipated attendees
  - o A plan for adequate sanitation facilities
  - o A plan for providing sufficient food and potable water for attendees
  - o A plan for adequate medical personnel, equipment, and facilities
  - o A plan for adequate parking facilities, crowd control, and traffic control
  - o Evidence of liability and casualty insurance

**Permit Approval process [8-331]**

- County administrator shall approve the permit as long as the criteria are met and there is no legitimate concern for safety or major disruptions to neighbors.
- County administrator has 21 days to respond

The Code of ordinance goes into details about certain events such as “Public Dance Halls”, “Massage Therapists” and “Adult Businesses”

It seems as though that Goochland county does not treat non-musical events any differently than musical events. As long as the requirements are met, the application is submitted with all the correct context, and the county administrator deems that it is safe and okay then the event will be approved. They utilize the Special Event system of applying for a permit and gaining approval

## **Albemarle [11-116]**

### **Definition of Special Event**

- Any planned gathering of 100+ people in or on county park. Including but not limited to demonstration, athletic event or contest, festival, concert, parade, march, procession, protest, or public assembly
- Or any commercial activity, regardless of size or number of people attending.

### **Permit is required. Permit can be exempt in the case that:**

- Spontaneous event [ assembly of any number of people that is caused by or in response to unforeseen circumstances or events resulting from news or affairs first coming into public knowledge within seven days before the assembly.]
- Athletic, competitive, or instructional events, leagues, and tournaments organized, sponsored, or procured by the Department of Parks and Recreation individually or in conjunction with the City of Charlottesville Department of Parks and Recreation
- Events and activities sponsored or approved by the County School Board
- Students participating in educational activities under the immediate direction and supervision of the Superintendent of the County School Division
- Less than 100 people
- Events and activities sponsored by the Town of Scottsville in Dorrier Park within the town limits.

### **Process of Applying for permit**

- At least 15 days before event, but no more than 12 months.
- The name, address, and telephone number of the person
- The name and address of any organization or group the Applicant represents
- The type of special event intended to be held, including a description of all activities planned for the event
- The date and starting and ending times of the special event
- The requested location or locations and facilities to be used for the special event
- The approximate number and description of people, animals, vehicles, and equipment that will participate in the special event
- Verification of special event liability insurance coverage as provided in subsection

### **Permit Approval process**

- Director has 7 days to approve application after receiving it. If he does not do so after 7 days the permit is considered approved.
- The director will determine if the permit shall be approved based on the applicant's ability to present all necessary information, the dates and lengths are not unreasonable, the event is legal both federally and through the state laws, and if the special event refrains from being too much stress on infrastructure and surrounding neighbors.

Albemarle has a loose definition of what exactly a special event is. However, there is no distinction between non-musical events and musical events. They are treated the same. They also use the special event system that is permit and approval bases.

## **Buckingham**

### **Definition of Special Event**

- Event that is open to the public
- More than 300 people
- Admission / music may or may not be required / present

It appears as though their Special Event is underneath their “special use permit” section

Little to no information on the ordinance contains information on policy on events, musical or non-musical.

## **Cumberland**

### **Definition of Festival [6-32]**

- Major → More than 150 people and have one of the following applicable
  - o The event is held more than two times a year and sponsored by a non-profit organization
  - o The event is held once a year and held over two or less consecutive days with the intent to discontinue such event upon the expiration of the time period
- Minor → More than 150 people
  - o the event is established for a limited duration in a single day
  - o Limited to two times per year or less if sponsored by non-profit organizations and to one time per year otherwise
  - o Minor festivals can include, but are not limited to, parades, concerts, musical festivals, stage or theatrical shows, fairs, carnivals, exhibits, displays, sports events, automobile or animal races or competitions and off-road vehicle events

### **Process of Applying for permit [6-62]**

- A statement of the name and address of the promoters or sponsors of the festival, the financial backing of the festival, and the names of all persons or groups who will perform at the festival.
- A statement of the location of the proposed festival, the name and address of the owner of the property

- A plan for adequate sanitation facilities and garbage, trash and disposal
- A plan for providing food, water and lodging for the persons at the festival
- A plan for adequate medical facilities
- A plan for adequate parking facilities and traffic control
- A plan for adequate fire protection
- A statement that no music shall be played, either by mechanical device or live performance, in such a manner that the sound shall be unreasonably audible beyond the property on which the festival is located.
- attached to it a copy of any ticket or badge of admission to the festival, containing the date or dates and time or times of such festival, together with a statement by the applicant of the total number of tickets to be offered for sale and the best reasonable estimate by the applicant of the number of persons expected to be in attendance

**Permit Approval process [6-62]**

- The board or the county administrator, as applicable, shall act on such applications within 30 days from their filing. If granted, the permit shall be issued in writing on a form
- Applications for such festival permits shall be in writing on forms provided for the purpose and filed in duplicate with the clerk of the board at least 45 days before the date of such festival

Cumberland defines special events as festivals. The subcategorize this into “Major” and “minor”. Despite the name, the size does not have a factor on what kind of festival it is. There is no distinction between music and non-music festivals. Besides that, mostly standard permit and approval process as well as safety regulations.

Locality	# in AG	# in Residential	Text
<a href="#">Albemarle</a>	2	1	<p><b>Sec. 9-301 - Unscreened or unshielded inoperable vehicles are prohibited.</b> It is unlawful for any person to keep an inoperable vehicle on any parcel used or zoned for agricultural, residential, commercial, or industrial purposes, except within a fully enclosed building or structure, subject to the following:</p> <p>A. Parcels in the rural areas (RA) zoning district. On any parcel in the rural areas (RA) zoning district, no more than two inoperable vehicles may be parked or stored outside of a fully enclosed building and each vehicle parked or stored outside of a fully enclosed building must be shielded or screened from view or be covered.</p> <p>B. Parcels in any residential zoning districts. On any parcel in a residential zoning district, including the Downtown Crozet District (DCD) and the residential sections of any planned development or form-based zoning district, no more than one inoperable vehicle may be parked or stored outside of a fully enclosed building and the vehicle parked or stored outside of a fully enclosed building must be shielded or screened from view or be covered; provided that up to two inoperable vehicles may be parked or stored outside of a fully enclosed building if the person demonstrates that they are actively restoring or repairing one of the vehicles within a consecutive 180-day period, the second vehicle is being used for the restoration or repair, and each vehicle parked or stored outside of a fully enclosed building is shielded or screened from view or is covered; the 180-day period may be extended by the zoning administrator upon the person demonstrating to the satisfaction of the zoning administrator that more than 180 days is required to actively restore or repair the vehicle.</p>
<a href="#">Buckingham</a>	no limit	no limit	silent as to inoperable/inoperative vehicles
<a href="#">Cumberland</a>	no limit	no limit	<p><b>Sec. 74-1052. - Restrictions on keeping.</b> It shall be unlawful for any person to keep on any property zoned for residential or commercial or agricultural purposes any motor vehicles, trailers or semitrailers, as such are defined in Code of Virginia, § 46.2-100, which are inoperable, except within a fully enclosed building or structure or otherwise shielded from view.</p>
<a href="#">Goochland</a>	3	1	<p><b>Sec. 15-286. - Motor vehicle</b> C. Inoperable vehicle (2) On all property zoned for residential purposes, only one inoperable motor vehicle is allowed on any single lot and it must be screened in compliance with Sec. 15.286.C.1.c. (3) On all property zoned for agricultural purposes, no more than three inoperable motor vehicles are allowed on any single lot and they must be adequately screened in compliance with Sec. 15.286.C.1.c. This limit does not apply to: a. Farm tractors and farm utility vehicles, as defined in Virginia Code § 46.2-100, if operable; b. Inoperable farm tractors and farm utility vehicles that are located more than 500 feet from the road; or c. Trailers and semi-trailers which are actively used for farming operations.</p>
<a href="#">Louisa</a>	3	3	<p><b>Sec. 74-86. - Inoperative vehicles.</b> (a) It shall be unlawful to store inoperative vehicles on any property zoned agricultural, residential, or commercial unless such vehicle is within a fully enclosed building or structure, or otherwise shielded or screened from view. No more than three inoperative vehicles, which are not within an enclosed building or structure, may be stored on property, otherwise shielded or screened from view. No inoperative vehicle so shielded or screened shall be visible from a public right-of-way. (b) In addition to the provisions of subparagraph (a), if the owner of such vehicle can demonstrate that he is actively restoring or repairing the vehicle, and if it is shielded or screened from view, the vehicle and one additional inoperative motor vehicle that is shielded or screened and being used for the restoration or repair may remain on the property. No such vehicle so shielded or screened shall be visible from a public right-of-way.</p>
<a href="#">Madison</a>	no limit	no limit	Code defines "inoperable vehicle," but the term is not used elsewhere.



**Sec. 74-100. - Restriction of keeping of inoperable vehicles, etc.; removal; penalty.**

(a) ~~D~~Definitions. As used in this section:

Cover shall mean a form-fitted default free cover specifically designed and manufactured for motor vehicles and which completely shields the body of an inoperable vehicle from view.

...

Shielded or screened from view means that the inoperable vehicle is not visible by someone standing at ground level from any vantage point outside of the property on which the inoperable vehicle is located because of one or more of the following: (i) distance, terrain, or one or more buildings between the inoperable vehicle and the parcel boundary; (ii) evergreen vegetation; (iii) an opaque masonry wall; (iv) a wood fence of stockade, board and batten, panel or similar type design; or (v) any combination of the foregoing.

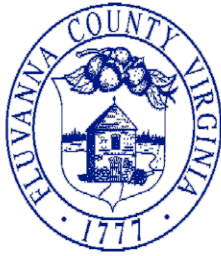
Vehicle means a motor vehicle, trailer or semitrailer, as each is defined in Code of Virginia, § 46.2-100.

(b) ~~I~~ shall be unlawful for any person to keep any inoperable vehicle on any property except:

(1) In all zoning districts, such inoperable vehicle(s) may be kept within a fully enclosed building or structure;

(2) In areas zoned residential, one such inoperable vehicle may be kept if it is under a cover, and a maximum of two such inoperable vehicles may be kept if they are shielded or screened from view, including any vehicle that is under a cover;

(3) In areas zoned agricultural, one such inoperable vehicle may be kept if it is under a cover and a maximum of nine such inoperable vehicles may be kept so long as said vehicles are shielded or screened from view; and



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# COUNTY OF FLUVANNA

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*"Responsive & Responsible Government"*

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

## PLANNING COMMISSION STAFF REPORT

**To:** Fluvanna County Planning Commission  
**Case:** Fluvanna County Comp Plan Update

**From:** Todd Fortune, Director of Planning  
**District:** Countywide

**General Information:** Fluvanna County staff are preparing to undertake a full update of the Fluvanna County Comprehensive Plan. This update is expected to take 12 to 18 months.

**Background Information:** The Board of Supervisors recently adopted the 2015 Fluvanna County Comprehensive Plan – 2024 Update to keep the County in compliance with Code of Virginia Requirements. This update entailed changes to a few sections of the 2015 Plan. A full update of the Plan is now needed to bring the entire Plan up to date. Per Code of Virginia requirements, the Planning Commission is tasked with preparing and recommending the Comprehensive Plan to the Board. The Board is responsible for adopting the Plan.

**Requested Action:** Staff have a few questions they would like the Planning Commission to answer before proceeding with the full Plan update:

- Keep existing format or change format?
  - One option is for the Commission to review the existing Plan and advise on what they like and don't like about the Plan.
- Public Input.
  - Staff recommended community meetings, followed by citizen surveys.
    - Experience has found that input from public meetings can help shape the surveys.
  - How many community meetings?
    - Timing (time of year, day of week, time of day)?
  - Format? Some suggestions for input exercises:
    - Mapping exercise.
    - PARK exercise, SWOT analysis, or envision what people want news headlines to say about the County in the future and how to get there.
- Committees.
  - Same committees as before? Add, remove committees?
  - Does the scope of the committees need to be modified?



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## STAFF REPORT

**To:** Fluvanna County Planning Commission

**Case Number:** SUB 24:32

**Tax Map:** Tax Map 26, Section A, Parcels A2, A5A, and A38

**From:** Todd Fortune

**District:** Cunningham

**Date:** October 8, 2024

**General Information:**

This item is scheduled to be heard by the Planning Commission on Tuesday, October 8, 2024 at 7:00 p.m. in the County Administration Building, Morris Room.

**Proposed Sub. Name:**

Reventon

**Applicant:**

Murcielago, LLC

**Owner:**

Murcielago, LLC

**Representative:**

Thomas Sullivan, Brian Ray

**Requested Action:**

Acceptance of a sketch plan request for a rural cluster major subdivision with respect to approximately 205 acres of Tax Map 26-A-A2, Tax Map 26-A-A5A, and Tax Map 26-A-A38. The applicant is proposing 67 building lots with approximately 164.3 acres designated as open space. (Attachments A, B, and C)

This sketch plan was reviewed by the Planning Commission at its regular meeting on September 10, 2024. The Commission, by a vote of 5-0, deferred acceptance of the sketch plan citing concerns over VDOT's comments on the sketch plan and accompanying yield plan.

**Location:**

The affected property is located along Rolling Road (Route 620) and Briery Creek Road (Route 761). (Attachments B and C)

**Existing Zoning:**

A-1, Agricultural, General

**Total Area of Development:**

Approximately 205 acres – 34.8 acres in lots, 5.9 acres in right-of-way, 0.56 acre in riparian buffers (not suitable for development), and approximately 164.3 acres in open space (80.1%)

**Total Number of Lots Proposed:**

67 residential

**Average Lot Size:** 0.52 acre

**Existing Land Use:** Vacant/undeveloped land

**Adjacent Land Uses:** Adjacent properties to the north, east, and south (located in Fluvanna County) are zoned A-1. Adjacent properties to the west are located in Albemarle County.

**Comprehensive Plan:**

These parcels are located in a Rural Preservation Area. The Comprehensive Plan states that development in the Rural Preservation Area should maximize open space. Open space should be clustered to maximize large areas of open space whenever possible.

**History:**

Applications for four (4) Special Use Permits (SUP) were previously submitted for the subject properties in 2023 – SUP 23:03 for a campground, SUP 23:04 for a central water system, SUP 23:05 for a central sewer system, and SUP 23:06 for an event facility. The Planning Commission recommended denial of all four SUP requests in December 2023. The applicant in February 2024 requested an indefinite deferral on these applications. In May 2024, a legal representative from Sun Reventon Farm, LLC advised that Murcielago, LLC intended to pursue these SUPs in some form.

**Analysis:**

Section 24-4-10 of the Zoning Ordinance outlines requirements for all rural cluster subdivisions in an A-1 zoning district. Pursuant to the Subdivision Ordinance, a yield plan and sketch plan are required to be submitted contemporaneously for review by the Planning Commission. The yield plan is used to determine the number of lots that could practically be developed on the subject property as a conventional subdivision, in accordance with all applicable regulations. The sketch plan is a conceptual, informal map of the proposed subdivision used for the purpose of discussion and providing the subdivider with comments before investing in preparation of a preliminary or final plat.

Section 19-3-2 of the Fluvanna County Code stipulates that the Planning Commission's role is to review and provide comments. The Commission has 45 days from the date the sketch was presented to them to provide comments. It is also important to note that the Planning Commission is being asked to accept the sketch plan. Since the proposed use is allowed by right in A-1, final approval of the site plans would be granted administratively by the Planning and Zoning Department once they have received concurrence from VDH, VDOT, and County E&S staff on the site plans.

The applicant has submitted the required copies of a yield plan and rural cluster sketch plan. The yield plan and sketch plan have been reviewed by both the Technical Review Committee and VDOT staff.

### **Technical Review Committee:**

The following comments were generated from the August 8, 2024 Technical Review Committee meeting:

- A 100-foot diameter is needed in the cul-de-sacs.
- There needs to be a fill station or water source available to firefighting apparatus.
  - Brian Ray, speaking on behalf of the applicant, advised that one pond already has road access.
- The roads need to be wide enough to accommodate fire and rescue vehicles.
- Have soils been tested?
  - Brian Ray responded that the plan is to start soil testing once the sketch plan has been accepted.
  - Jason Fulton, Virginia Department of Health (VDH), advised that he will need to see delineations. He further advised that if there is an issue with the soils, then the lot sizes may need to be changed.
- Well testing will be needed.
- In regards to the Yield Plan, would lots fronting the public roads be allowed?
  - Brian Ray responded that the Yield Plan just needs to show that lots can be divided and built.
- For the Yield Plan, calculations need to be provided for areas that cannot be developed.
- Coordination will be needed with VDOT on the entrances.

### **VDOT staff review:**

Willie Gordon, VDOT Louisa Residency, reviewed the Sketch Plan and Yield Plan and provided the following comments on September 4, 2024:

#### **Sketch Plan**

- Proposed subdivision shall meet Secondary Street Acceptance Requirements (SSAR) to be state maintained.
- Provide roadway classification and Average Daily Traffic (ADT) for the state-maintained roads.
- Provide the Geometric Design Standard.
- The proposed design does not meet VDOT standards.
- Provide turn lane warrant analysis.
- Provide trip generation for the proposed entrance.

#### **Yield Plan**

- Proposed subdivision shall meet SSAR requirements to be state maintained.
- Provide roadway classification and ADT for the state-maintained roads.
- Provide the Geometric Design Standard.
- The proposed design does not meet VDOT standards.
- Provide turn lane warrant analysis.
- Provide trip generation for the proposed entrance.

- The proposed roadway is shown in wetlands. Has this been cleared through the Department of Environmental Quality (DEQ)?
- The proposed radiuses appear to not meet VDOT standards.

There have been subsequent conversations between the developer and VDOT. The developer has advised that they plan to design and get approval of the public road plans before submitting the preliminary plat. VDOT has advised that the yield plan does not meet SSAR for connectivity, and the sketch needs to have a connection to Briery Creek Road to be SSAR compliant.

### **Conclusion:**

The proposed subdivision appears to meet the intent of the Comprehensive Plan, which states that “Rural residential areas conserve open space by clustering development or developing on larger lots. Projects should achieve the goal of preserving as much open space, and thus rural character, as possible.” While it appears that the proposed subdivision has met the requirements of the Fluvanna County Subdivision and Zoning Ordinances in regards to density and open space, comments from VDOT and VDH staff – as well as County E&S staff – would need to be addressed before final approval of the site plans for this proposed subdivision.

To reiterate, the Planning Commission’s role is to review and provide comments and to accept the sketch plan. Final plans need concurrence from VDH, VDOT, and County E&S staff before the Planning and Zoning Department can approve the plans.

### **Recommended Conditions:**

Staff recommend the following general conditions for acceptance:

1. The rural cluster subdivision will contain no more than 67 separate residential lots, as shown on the submitted sketch plan. If VDH determines that the lot sizes need to be changed based on the soil analysis, then the total number of allowed lots could be reduced;
2. Cul-de-sacs need to have a 100-foot diameter.
3. One or more of the ponds on the subject property need to be available for firefighting apparatus to access;
4. Prior to final plat approval, meeting all VDH requirements (including soil testing and well testing);
5. Proposed subdivision needs to meet SSAR requirements to be state maintained;
6. Roadway classification and ADT for the state-maintained roads need to be provided to VDOT;
7. Geometric Design Standard needs to be provided to VDOT;
8. The proposed design needs to meet VDOT standards;
9. Turn lane warrant analysis needs to be provided to VDOT;
10. Trip generation for the proposed entrance needs to be provided to VDOT;
11. The proposed roadway is shown in wetlands needs to be cleared through DEQ;
12. The proposed radiuses need to meet VDOT standards.
13. Preliminary and final subdivision plat review and approval.

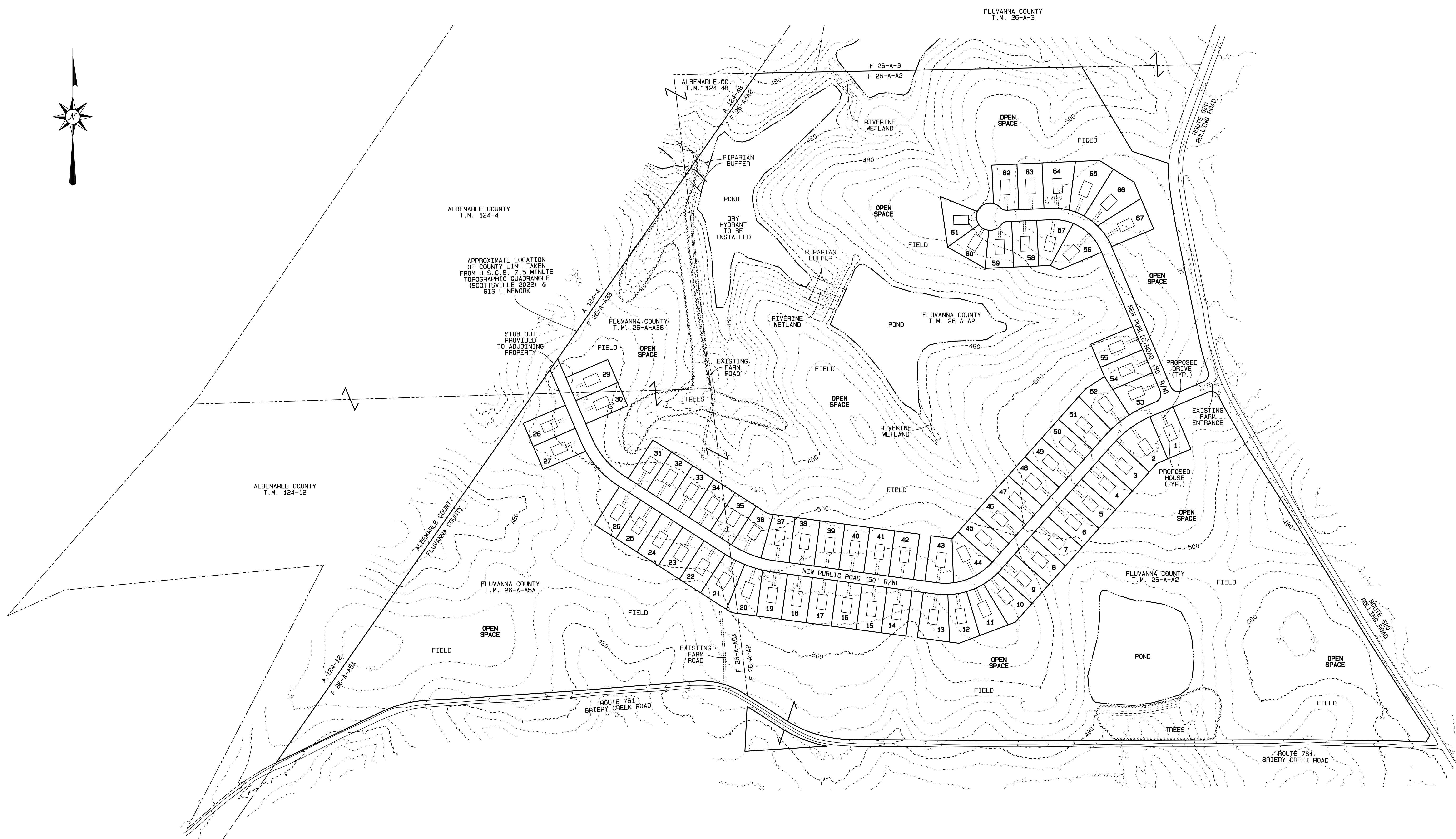
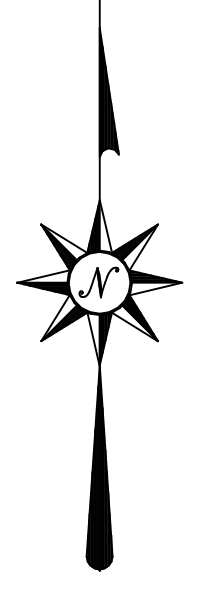
**Suggested Motion:**

I move that the Planning Commission accept SUB 24:32, a request for 67 residential lots plus open space, with respect to approximately 205 acres of Tax Map 26-A-A2, Tax Map 26-A-A5A, and Tax Map 26-A-A38, subject to the conditions listed in the staff report.

**Attachments:**

- A – Application from the property owner
- B – Rural Cluster Sketch Plan
- C – Rural Cluster Yield Plan

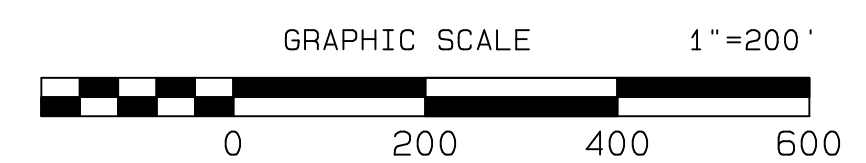




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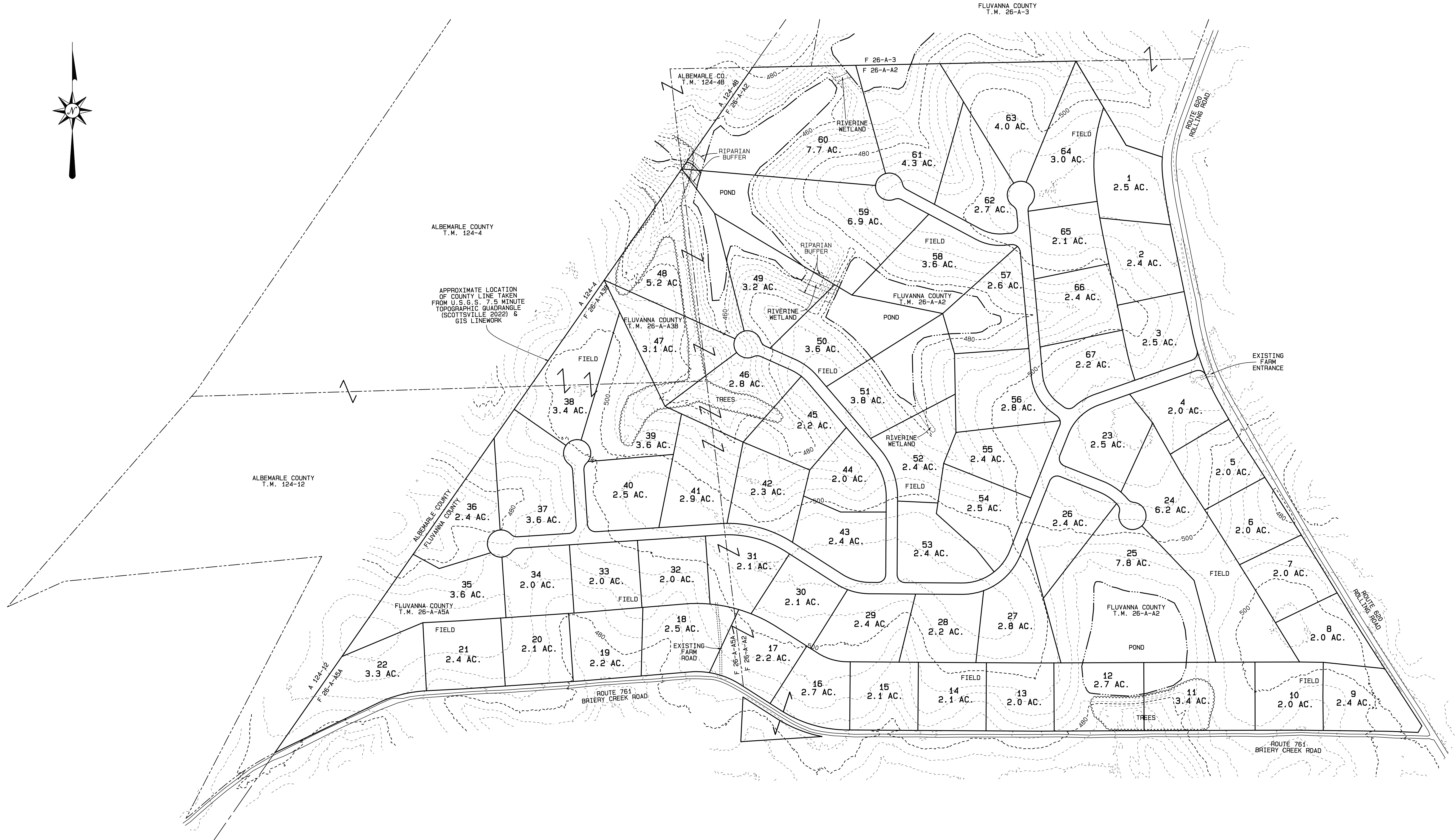
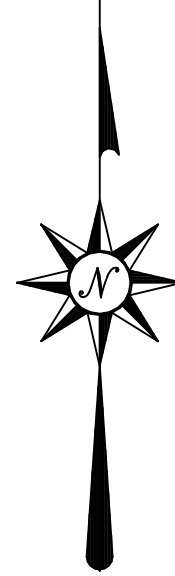
1. OWNER/SUBDIVIDER:  
MURCIELAGO, LLC  
27 CONGRESS STREET, SUITE 502  
SALEM, MA 01970  
978-741-0049
2. PROPERTY ZONED A-1.
3. WETLANDS WERE TAKEN FROM NATIONAL WETLANDS INVENTORY DIGITAL MAPPING.
4. 4' CONTOURS WERE DERIVED FROM VGIN LIDAR DATA.
5. WATER SUPPLY WILL BE PROVIDED BY INDIVIDUAL PRIVATE WELLS.
6. SEWAGE DISPOSAL WILL BE PROVIDED BY INDIVIDUAL PRIVATE DRAIN FIELDS.
7. STORMWATER MANAGEMENT: THE DEVELOPMENT IS EXPECTED TO OCCUR IN A SINGLE PHASE OF CONSTRUCTION. THE COMPLETED PROJECT WILL LIKELY UTILIZE BOTH SHEET FLOW METHODS AND PONDED ATTENUATION TO FACILITATE CHANNEL AND FLOOD PROTECTION. A COMBINATION OF NUTRIENT CREDIT OFFSET, AND ONSITE BMP FACILITIES WILL BE USED TO SATISFY WATER QUALITY REQUIREMENTS.
8. DEVELOPMENT AREA = 205 ACRES +/-  
OPEN SPACE = 75% +  
AVERAGE LOT SIZE = 0.5 ACRE +/-

SKETCH PLAN  
LOTS 1 THRU 67  
REVENTON  
LOCATED ON STATE ROUTE 620  
(ROLLING ROAD) AND  
STATE ROUTE 761 (BRIERY CREEK ROAD)  
CUNNINGHAM MAGISTERIAL DISTRICT  
FLUVANNA COUNTY, VIRGINIA  
SCALE : 1" = 200'  
DATE : JULY 8, 2024  
REVISED : AUGUST 26, 2024



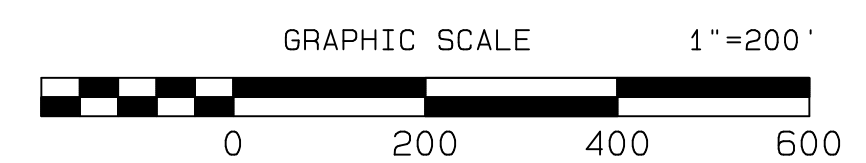
FOR  
MURCIELAGO, LLC  
ROGER W. RAY & ASSOC., INC.  
663 BERKMAR COURT  
CHARLOTTESVILLE, VIRGINIA 22901  
LAND SURVEYORS LAND PLANNERS  
434-293-3195





APPROXIMATE LOCATION OF COUNTY LINE TAKEN FROM U.S.G.S. 7.5 MINUTE TOPOGRAPHIC QUADRANGLE (SCOTTSDALE 2022) & GIS LINEWORK

- NOTES:
1. OWNER/SUBDIVIDER: MURCIELAGO, LLC 27 CONGRESS STREET, SUITE 502 SALEM, MA 01970 978-741-0049
  2. PROPERTY ZONED A-1.
  3. WETLANDS WERE TAKEN FROM NATIONAL WETLANDS INVENTORY DIGITAL MAPPING.
  4. 4' CONTOURS WERE DERIVED FROM VGIN LIDAR DATA.
  5. AREA IN RIPARIAN BUFFERS THAT CANNOT BE DEVELOPED = 0.56 ACRE.



YIELD PLAN  
 LOTS 1 THRU 67  
 REVENTON  
 LOCATED ON STATE ROUTE 620  
 (ROLLING ROAD) AND  
 STATE ROUTE 761 (BRIERY CREEK ROAD)  
 CUNNINGHAM MAGISTERIAL DISTRICT  
 FLUVANNA COUNTY, VIRGINIA  
 SCALE : 1" = 200'  
 DATE : JULY 8, 2024  
 REVISED : AUGUST 26, 2024

FOR  
 MURCIELAGO, LLC  
 ROGER W. RAY & ASSOC., INC.  
 663 BERKMAR COURT  
 CHARLOTTESVILLE, VIRGINIA 22901  
 LAND SURVEYORS & LAND PLANNERS  
 434-293-3195