

**NELSON COUNTY PLANNING COMMISSION
MEETING MINUTES
January 23, 2013**

Present: Chair Philippa Proulx, Commissioners Linda Russell, Michael Harman, Emily Hunt, Mary Kathryn Allen and Supervisor Connie Brennan.

Staff Present: Tim Padalino and Melissa Thompson

Call to Order: Chair Proulx called the meeting to order at 7:30 P. M. in the Board of Supervisors meeting room, County Courthouse, Lovingston.

Election of Officers: Commissioner Hunt made the motion that the current slate of officers be elected for the 2013 term. Commissioner Russell offered the second and the motion passed 5-0 with Supervisor Brennan abstaining. Chair Proulx stated that the officers are as follows; Philippa Proulx-Chair, Emily Hunt-Vice Chair and Melissa Thompson-Secretary.

Approval of Minutes – September 26, 2012: After grammatical corrections were made, Commissioner Harman made the motion to accept the minutes as amended. The motion passed 5-0 with Supervisor Brennan abstaining.

1. Request # 2012-002, Thomas Bland Harvey

Consideration of application by Thomas Bland Harvey to rezone 1.92 acres from A-1 (Agricultural) to B-1 (Business) at 805 Old Roseland Road, Tax Map # 55-6-2.

Mr. Padalino presented the staff report saying when considering the rezoning request, it was essential to evaluate Mr. Harvey's property within the context of the surrounding land use patterns. Most area properties are zoned A-1 (Agricultural). Byrum-Parr Funeral Home, 7661 Patrick Henry Highway, Roseland, VA which is zoned B-1 (Business). Commissioner Harman stated that more detail from the applicant was needed. Supervisor Brennan asked if the parcel were rezoned would there be a septic requirement. Mr. Padalino stated that septic issues are addressed when a building permit is requested.

Attorney Brady Nicks represented Mr. Harvey saying that the current use of the property is a seasonal produce stand. Mr. Nicks gave a short history of Mr. Harvey's farming business. He stated that Mr. Harvey would like to build a metal building similar to the one already in place for the purpose of renting space to vendors to sell crafts and produce. Mr. Nicks stated that this activity is defined as a flea market and would be allowed on the property if it were zoned B-1 (Business). Mr. Nicks stated if Mr. Harvey could improve this current site it would allow growth for his farm stand business and provide other income. Mr. Nicks referenced Route 151 being a tourism route. He stated that because the property will not perk real growth is being affected.

The public hearing was opened and the following people spoke:

Barbara Koschara, 691 Old Roseland Road, Roseland, VA

Ms. Koshara stated she is an adjoining property owner. She stated that the current building is an eye sore. Ms. Koshara stated the vegetable stand was only open two weeks in the past year and she believes most of Mr. Harvey's produce is sold in Lynchburg. She stated that the current building has not been maintained and that there is no parking space. Ms. Koshara stated the only entrance to the property was from Old Roseland Road and that Mr. Harvey's farm was not located on the parcel.

Walter L. Hughes, 1295 East Branch Loop, Roseland, VA

Mr. Hughes stated that he has known Mr. Harvey for many years and in his opinion, Mr. Harvey keeps his word. Mr. Hughes said he disagrees that Mr. Harvey's current building is an eye sore. He further stated that Mr. Harvey would not do anything that would impinge on the beauty of Nelson County.

The public hearing was closed.

Chair Proulx asked the Commission to read the letter from Mr. and Mrs. Perry Coffey which was delivered to the Planning & Zoning office today, 1/23/2013. The letter stated that Mr. and Mrs. Coffey did not believe the rezoning would be appropriate. Chair Proulx said she believed the rezoning of Mr. Harvey's parcel would be spot zoning. However, she was willing to consider the farm stand/ flea market. Commissioner Harman asked if the parcel had to be rezoned or could the applicant obtain a Special Use Permit. Chair Proulx stated the rezoning was not necessary. Commissioner Hunt stated that she believed it would be easier for the applicant to obtain a SUP. Supervisor Brennan suggested the applicant consider a SUP rather than the rezoning request. Commissioner Russell stated that there should be clarification of what can be sold at a way side stand. After discussion by the Commission on the uses of A-1 (Agricultural) and B-1 (Business) and the definition of yard sales and farmers markets, Commissioner Harman stated there was not enough information to move forward with the rezoning request. Chair Proulx asked Mr. Nicks if he was authorized to speak on behalf of Mr. Harvey. Mr. Nicks said he did have that authority. Mr. Nicks stated that the application would be withdrawn at this time. The Chair asked Mr. Nicks to confirm his withdrawal by letter. Mr. Nicks then requested minutes of the meeting.

2. Rezoning Request # 2012-003 , Larry Saunders

Consideration of an application to amend rezoning application # 2000-005 to include Articles: 9-1-2, 9-1-7a, 9-1-8, 9-1-11, 9-1-12, 9-1-20, 9-1-21, 9-1-28, (Article 20, Communication Tower Ordinance). The property is owned by Larry Saunders and located on Route 29 South, further identified by Tax Map # 76-11-1.

Mr. Padalino presented the Staff report saying specifically, the applicant is seeking an amendment to the proffered conditions established in "Rezoning # 2000-005". He stated in that conditional rezoning the subject property was rezoned from Limited Industrial (M-1) to Industrial District (M-2) with multiple conditions. Mr. Padalino stated the proffered conditions, ~~conditions~~ require that the property be limited to the following uses:

1. 9-1-10: building materials, plumbing supplies, storage yards with or without sales
2. 9-1-14: draying and freighting or trucking yard or terminal
3. Sales and storage of manufactured sectional or modular homes

4. All uses permitted in Limited Industrial District (M-1) by-right uses and/or conditional use permit. The uses listed in Section 18-5 "Prohibited Uses" would not be permitted to locate on the property.

Mr. Padalino stated with the proffered conditions currently limiting the available by-right uses of the property, Mr. Saunders is now seeking an amendment which would allow for several additional uses on the subject property. They are,

- 9-1-2: automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing and overhauling, tire retreading or recapping, or battery manufacturing
- 9-1-7a: manufacture, compounding, assembling, or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stone, shell, straw, textiles, tobacco, wood, yarn, and paint
- 9-1-8: manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas
- 9-1-11: coal and wood yards, lumberyards, feed and seed stores
- 9-1-12: contractors' equipment storage yard or plant, or rental of equipment commonly used by contractors
- 9-1-20: veterinary or dog or cat hospital, kennels
- 9-1-21: wholesale business, storage warehouse
- 9-1-28: communication towers subject to Article 20, Communication Tower Ordinance

Mr. Padalino stated the applicant has visited the Department several times to determine how to best go through the permitting process. He said the initial reason for seeking an amendment to rezoning conditions was the applicant's intent to locate a pre-fabricated office building on the site for possible rental or storage of construction equipment. Mr. Padalino pointed out the existing commercial entrance off Route 29 South and Commissioner Russell asked if the site had been approved by VDOT. Mr. Saunders stated the site was approved in 1985. Chair Proulx asked how the building could have such a wide range of uses. The applicant stated he would remodel the building to fit the tenant. Chair Proulx said she was concerned by the ability to manufacture batteries if the amendment was granted. The applicant stated he had no problem with removing that option. Commissioner Russell inquired about a current site plan. The applicant said a site plan would be submitted before the building permit moves forward.

The public hearing was opened. No one spoke and the public hearing was closed.

Chair Proulx stated she had no problem with the rezoning request after taking out the ability to manufacture batteries. Commissioner Russell asked if the sign ordinance was the same for M-1 and M-2. Mr. Padalino said he had confirmed with Phil Payne, County Attorney, that allowances and restrictions for M-1 and M-2 are the same.

The following motion was made by Commissioner Allen:

The Planning Commission recommends to the Board of Supervisors approval of rezoning application #2012-003 for Larry Saunders to amend rezoning application 2000-005 on a parcel of land identified as Tax Map # 76-11-1 to include the following Articles: : 9-1-2 (automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body

and fender work, truck repairing and overhauling, tire retreading or recapping), 9-1-7a (manufacture, compounding, assembling, or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stone, shell, straw, textiles, tobacco, wood, yarn, and paint), 9-1-8 (Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas), 9-1-11 (Coal and wood yards, lumberyards, feed and seed stores), 9-1-12 (Contractors' equipment storage yard or plant, or rental of equipment commonly used by contractors), 9-1-20 (Veterinary or dog or cat hospital, kennels), 9-1-21 (Wholesale business, storage warehouse), 9-1-28 (Communication towers subject to Article 20, Communication Tower Ordinance).

Commissioner Harman offered the second. The motion passed 5-0 with Supervisor Brennan abstaining.

Other Business

1. Change PC meeting time to begin at 7:00 P.M.

After discussion by the Commission, it was decided that beginning February 2013 the Planning Commission meeting time would change to 7:00 P.M. and that it would be posted to the County web site immediately.

2. Set date for work session

A Planning Commission work session was scheduled February 27, 2013, the next regular meeting date because there were no requests to come before the Commission in February.

Supervisor Liaison Report-Connie Brennan

1. The communication tower in Massies Mill will be completed on schedule.
2. The speed limit study by VDOT for Route 6 West between routes 151 and 29 has been completed and does not meet the criteria for reducing the speed limit.
3. The Route 151 VDOT study is underway with an emphasis towards safety rather than flow.
4. The new Courthouse signage is in place.
5. The final report on Lovingson Healthcare Center building for possible use as an assisted living facility is not complete.
6. Resolution on lifting the ban for uranium mining was passed by BOS in support of the Farm Bureau.
7. High Top Tower documents have been signed, the County is working with a wireless provider who is considering renting space on that tower.
8. The Jefferson Building interior work is underway.
9. There has been an increase in interest to work on an ordinance to prohibit dogs running at large.
10. The County got a grade of D on the open report on budgeting. Improvements on the web site have been started based on difficulty in finding information easily.

11. Tommy Bruguere is the new BOS chair and Supervisor Brennan is the Vice Chair.
12. A consultant, at no charge is working with a special committee to evaluate security at all of our schools.
13. We still need a member for the Keep Nelson Beautiful committee.
14. There is a problem with the entrance to Blue Mountain Barrel House. Mr. Padalino is working with VDOT to resolve the problem.
15. State legislature (Senate) has redistricted. This eliminated Creigh Deed's senate seat. Nelson will now be lumped into Steve Newman's district along with Amherst, Lynchburg and parts of Campbell County. There is a lot of concern about the constitutionality of this move.

Adjournment

Commissioner Harman made the motion to adjourn the meeting at 9:15 PM.

Next Meeting: February 27, 2013

Respectfully submitted,
Melissa M. Thompson, Secretary
Planning & Zoning

**A RESOLUTION
RECOMMENDING APPROVAL OF
REZONING APPLICATION #2012-003 FOR
LARRY SAUNDERS**

WHEREAS, Larry Saunders has filed an application to amend rezoning application # 2000-005 on a parcel of land identified as Tax Map # 76-11-1 to include Articles 9-1-2, 9-1-7a, 9-1-8, 9-1-11,9-1-12, 9-1-20, 9-1-21 and 9-1-28; and;

WHEREAS, a notice of Public Hearing for the review of the application by the Nelson County Planning Commission was published in the Nelson County Times on January 3 and 10, 2013; and

WHEREAS, on January 10, 2013, adjoining property owners were notified of the public hearing on this application; and

WHEREAS, on January 23, 2013, the Nelson County Planning Commission held the required public hearing on said rezoning application; and

NOW, THEREFORE, BE IT RESOLVED BY THE NELSON COUNTY PLANNING COMMISSION as follows:

The Planning Commission recommends to the Board of Supervisors approval of rezoning application #2012-003 for Larry Saunders to amend rezoning Permit # 2000-005 on a parcel of land identified as Tax Map # 76-11-1 to include the following Articles: : 9-1-2 (automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing and overhauling, tire retreading or recapping), 9-1-7a (manufacture, compounding, assembling, or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stone, shell, straw, textiles, tobacco, wood, yarn, and paint), 9-1-8 (Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas), 9-1-11 (Coal and wood yards, lumberyards, feed and seed stores), 9-1-12 (Contractors' equipment storage yard or plant, or rental of equipment commonly used by contractors), 9-1-20 (Veterinary or dog or cat hospital, kennels), 9-1-21 (Wholesale business, storage warehouse), 9-1-28 (Communication towers subject to Article 20, Communication Tower Ordinance).

Motion made by Commissioner: Mary Kathryn Allen

Motion seconded by Commissioner: Michael Harman

Motion Passed: 4-0 with Supervisor Brennan abstaining.

APPROVED: _____
CHAIR

ATTEST: _____
Planning Commission Secretary

DATE: January 23, 2013