

NELSON COUNTY PLANNING COMMISSION
MEETING MINUTES
July 23, 2014

Present: Chair Philippa Proulx, Commissioners Linda Russell, Michael Harman and Mary Kathryn Allen

Absent: Emily Hunt

Staff Present: Tim Padalino, Director of Planning & Zoning and Stormy Hopkins, Secretary

Call to Order: Chair Proulx called the meeting to order at 7:00 P. M. in the General District Courtroom, County Courthouse, Lovingson.

Approval of meeting minutes: Commissioner Russell asked to postpone review of the June 25th meeting minutes until the August 27th meeting for clarity on some issues. The Planning Commission members agreed.

1. Special Use Permit #2014-005 – Adial Cabins

Mr. Padalino presented application materials for a Special Use Permit request, pursuant to §4-1-25a of the Zoning Ordinance, for a Motel. This was initially submitted as a by-right use as an Intentional Community. During the Site Plan Review, it was determined that the proposed use did not fall under the definition of an intentional community, and more accurately defined as a “Motel” or a collection of rental lodging units for short term occupancy. As a result, the applicant submitted this request for a Special Use Permit.

Mr. Padalino stated that the subject property is a 200.4-acre parcel zoned Agricultural (A-1), located on Adial Road. There is an existing lake (Hamilton Lake) on the property. Site Plan drawings, engineered by Justin Shimp of Shimp Engineering, were received along with the application. The existing farm road will be improved to service the six (6) proposed cabins. There was discussion in regards to the project name of “Adial Cabins,” with regards to the Nelson County Zoning Ordinance and the recent amendments that struck “cabins” as a defined permissible land use. Mr. Padalino clarified that the project name is not an issue, and that the proposed structures should be considered dwellings for short term rental occupancy.

Mr. Padalino noted that he received review comments from Mr. David Thompson, the Building Code Official for Nelson County, in regards to the proximity of the individual cabins to one another, the electrical wiring, as well as the sprinkler system. He indicated all those issues can be dealt with during the Building Permit review process and should not have an effect on the land use and zoning review portion of the project.

Mr. Padalino stated that the Zoning Ordinance requires that “required improvements” have a Security Bond to ensure that they are built to specification. He believes the road and parking areas are subject to that bonding requirement. He also noted that the Building Code Official is also the Stormwater and Erosion Control Plan Program Administrator, and that he may require bonding for the temporary Stormwater facilities, if any are needed. The Erosion & Sediment Control plan has not been approved by Alison Sappington at this time, but she noted that Lake Hamilton is an adequate receiving channel for the run-off.

Mr. Padalino noted the Staff Report contains all the criteria for a Special Use Permit review; regarding whether or not the proposed use shall change the character and established pattern of development in the area; whether or not the use will be in harmony with the uses permitted by right in the zoning district; whether or not it will affect adversely the use of the neighboring property; and others. It is his recommendation that the Planning Commission consider recommending approval of this Special Use Permit application to the Board of Supervisors.

Duane Blakeslee: Mr. Blakeslee stated that his family is very excited to become part of Nelson County permanently and be in harmony with what everyone else is doing. The property and project seems like a natural fit and he is excited to get started.

Chair Proulx stated that a letter was received from one of the adjoining property owners with concerns in regards to whether or not this was proposed as a hunting club and the use of ATVs on the property. Mr. Blakeslee indicated that they may rent the cabins to hunters but this would not be a hunting club. This will be a year round rental facility. Mr. Blakeslee stated that ATVs are used on the 200 acre property as a means of getting around; but for liability reasons, guests would not be using them.

Commissioner Russell asked if there were any plans for accessory buildings, such as a recreation building or docks on the lake, in addition to the six (6) cabins. Mr. Blakeslee indicated that they plan to build their own personal place and may put in a pool or a gazebo in the future, but no other buildings were planned in connection to the proposed Adial Cabins project at this time.

Chair Proulx opened the public hearing at 7:10 p.m., no comments were made and the public hearing was closed.

Commissioner Russell asked Mr. Padalino what, if any, regulations does the County have on hunting. He stated that the County does not regulate hunting. Commissioner Harman noted that being private land, the landowner would have to give permission for others to hunt on the property. Mr. Padalino also noted that the County does not regulate ATV use or other off-highway vehicle use, as they are forms of personal recreation.

Commissioner Russell made a motion that the Planning Commission recommend the Board of Supervisors approve Special Use Permit #2014-005 for Duane and Lisa Blakeslee for the creation of Adial Cabins on Adial Road, Faber; identified by Tax Map #33-A-8. The permit limits the number of cabins to six (6) year round single family dwellings for use as vacation rentals; it does not include any accessory structures.

A second was offered by Commissioner Harman; the vote 4-0.

Chair Proulx noted that the Staff Report recommended reducing the Major Site Plan fee, if the Special Use Permit is approved. Mr. Padalino stated that as noted in the Staff Report, the applicant had previously submitted a Major Site Plan and paid the \$500.00 fee. However, that Major site Plan was not reviewed or approved, and those drawings were then re-used as the required Minor Site Plan for this Special Use Permit application – and the project would still require a subsequent review and approval of a Major Site Plan. Therefore, to ensure that the applicants pay the same total review fee for the Major Site Plan review and Minor Site Plan review (\$600.00 combined) and to be consistent with other projects, Mr. Padalino suggested that the applicants' upcoming Major Site Plan should be processed for \$100.00. Chair Proulx stated she felt that was acceptable. The Planning Commission members all agreed.

– **Other Agenda Items:**

1. Amended Site Plan #2014-003 - Ramsey / "Blue Mountain Barrel House"

Mr. Padalino noted this is a request for approval of an Amended Site Plan for the Blue Mountain Barrel House. He noted that this can be done administratively, but since there have been other Amended Site Plans for the property, he asked for the Planning Commission's involvement in this review. The application was received July 1st to seek approval to have the parking lot remain gravel as opposed to a paved surface. As noted in the Staff Report, Article 12 of the Zoning Ordinance, Section 7-8 "Design Standards," which provides the regulations for "Surface Treatment," clearly states that it can be asphalt or other pavement materials or at least six (6) inches of stone. It also stated that "the perimeter of gravel parking lots shall be delineated by bumper blocks, railroad ties...to maintain the integrity of the parking lot dimensions."

Mr. Padalino then clarified the distinction between the notes on the Amended Site Plan that are most recent, and those which are not. On Note 13, from the previously approved Amended Site Plan, it stated that the gravel parking and truck access area is to be surface treated by August 15, 2014; but both the applicant and Mr. Padalino struck Note 13, and signed and dated that modification. This was done because Note 14 states that the parking lot and truck access area are to remain gravel. He indicated that both file copies have been changed and signed by the applicant and agent. On Sheet 2, there is the existing brewery, which is eighty (80') feet by one-

hundred twenty (120') feet; to the South of that is the cooler/storage facility; there is a note that says "proposed" cooler/storage facility, but that has been built and properly permitted, including an Amended Site Plan review and approval. Also on Sheet 2, there are dashed lines on the right side that are noted as being originally proposed truck access; simply saying that has been deleted. Mr. Padalino noted that the applicant will need to elaborate on that, if more information is necessary.

Staff recommended that the Planning Commission approve the Amended Site Plan.

Chair Proulx asked since this is a different surface does the applicant have to re-do anything with Erosion and Sediment Control Plan (E&S). Mr. Padalino stated that nothing has been required since this is slightly less impervious than a paved surface and should result in slightly less stormwater runoff. He also noted that the previous approved Amended Site Plan took into account the parking lot being completely paved, which means the stormwater facilities have been designed for that amount of impervious surface, and the E&S Control measures during construction were designed for that as well.

Mr. Padalino noted that the applicant has purchased and installed bumper blocks along the edge of the parking lot closest to the building.

Commissioner Russell made a motion that the Planning Commission approves the amended Site Plan #2014-003 for Blue Mountain Barrel House in the Colleen Industrial Park. The approval is based on an amended Site Plan, dated October 14, 2013 and last amended June 30, 2014. Approval acknowledges placement of bumper blocks which should be shown on the Site Plan filed in the Planning Office.

A second was offered by Commissioner Harman; the vote 4-0.

2. Consideration of Proposed Amendments to Nelson County Zoning Ordinance, Article 2 (Definitions) and Article 4 (Agricultural District A-1) – "Agricultural Operations" (continuation from June 25th meeting)

Chair Proulx asked what new State regulations are required to be incorporated into our Zoning Ordinance. Mr. Padalino stated that he doesn't believe any of the proposed changes are directly from the new State Code amendments. He stated that the new Code of Virginia amendments set a new stage for the Agricultural District where certain things cannot be regulated in a certain way, and these proposed amendments are the County's response to those new State laws. The most direct response that are proposed locally would be related to "Agricultural Processing Facility" and "Agricultural Processing Facility, Major". The brewery and distillery elements of these proposed amendments are a function of our local economic and land use context, and the fact that those are uses that are a major part of our economy and culture, but that are not currently defined or provided for.

Chair Proulx noted that she had two main points regarding the amendments. One is in reference to the suggestion that Mr. Al Weed made at the public hearing in June; that the definition of the "Agricultural Processing Facility, Major" be changed to state (i) has more than 10,000 square feet of enclosed space *devoted to agricultural processing operations*. The second point being that she is concerned with the definition of a "Restaurant" and that it states "mobile points of service are deemed to be restaurants."

Mr. Padalino stated that the proposed new definition for "Restaurant" is taken directly from the Code of Virginia. He suggested reviewing this referred approach, and suggested that the County consider treating mobile points of service and food trucks as uses that have to be administratively permitted, similar to how the County permits Temporary Travel Trailers. In that approach, mobile food vendors would register with the County, including providing documentation of Health Department approval and a Nelson County business license, and then would be allowed to set up at various locations. It was also suggested that any type of zoning permit should not be tied to any one Zoning District and that there should be a time limit (frequency, duration, etc.).

Commissioner Russell stated that she has an issue with the definition of "Agricultural operations" and the use of the phrase "bona fide production." She believes the new State regulations refer to the Agricultural District. Mr. Padalino clarified, stating that it refers to the portion of the Agricultural District that is being utilized for agricultural operations. Mrs. Russell then stated that the term "bona fide production" needs to be defined. It also needs to be determined if an agricultural operation should be considered a "bona fide production."

Chair Proulx stated that she is unclear about the definitions between the "Agricultural Processing Facility" and the "Agricultural Processing Facility, Major." She believes they need to be modified as follows: for Agricultural Processing Facility, it should read "when 80% or more of such crops or animals are produced in a co-located agricultural operation..." and for Agricultural Processing Facility, Major, it should read "when less than 50% of such crops or animals are produced in a co-located agricultural operation..." Commissioner Russell asked for County staff to solicit clarification from County Attorney Mr. Phil Payne on the definition of "co-located" and if it should include "on site" production.

Commissioner Russell asked if the definition of "Brewery" was from the Code of Virginia and Mr. Padalino indicated that it was not. The Commissioners discussed if breweries and distilleries should be expanded to include retail sales, distribution, tastings, and/or other activities; and if so, should it be dealt with in the definition or by district.

Mr. Padalino stated that in reference to Commissioners' questions about the distinction between micro-brewery and limited brewery, one of them is defined as having a maximum production level of 15,000 barrels of beer per year, but that he did not know which definition that applied to. Mr. Padalino suggested that a second sentence should be added to the micro-brewery definition: "a micro-brewery is an accessory use to a restaurant." The Commission agreed that there should be definitions of both brewery and micro-brewery which draw a clear distinction between the two.

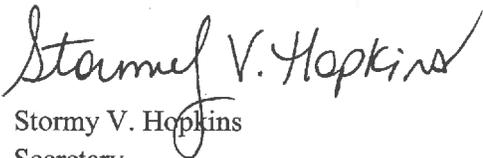
Mr. Padalino also stated that this review of proposed amendments relating to "agricultural operations" would be the best opportunity to discuss policies for wayside stands and farm stands, which has been an ongoing issue the Planning Commission has attempted to address.

Chair Proulx stated that the Commission needs to hold a Work Session to be able to make recommendations at the August 27th meeting. She stated that the Work Session should include Mr. Payne, as well as any comments from area breweries, distilleries, wineries, orchards, etc. Once a date has been confirmed, it will be advertised on the County's website.

Continuation:

At 8:40 P.M. Commissioner Harman made a motion to continue the meeting to August 13th.

Respectfully submitted,


Stormy V. Hopkins
Secretary