

**NELSON COUNTY PLANNING COMMISSION
WORK SESSION
March 27, 2013**

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

Staff Present: Tim Padalino and Melissa Thompson.

Purpose of Meeting: Review ordinance definitions, review permit application fee structure, clarify wording, and develop procedure for emergency approvals.

Call to Order: Commissioner Hunt called the meeting to order at 7:02 P. M. in the Board of Supervisors meeting room, County Courthouse, Lovingston.

Approval of Minutes: Commissioner Russell made the motion to approve December 19, 2012 minutes. Supervisor Brennan offered the second and the motion passed 5-0.

Supervisor Brennan made the motion to approve January 23, 2013 minutes as corrected. Commissioner Russell offered the second and the motion passed 5-0.

Commissioner Russell made the motion to approve the February 27, 2013 minutes with corrections. Commissioner Allen offered the second and the motion passed 3-0 with Commissioner Hunt and Supervisor Brennan abstaining.

Commissioners arrived at the workshop with a prepared compilation of areas in the Zoning Ordinance that they wanted to re-examine. (see attached Agenda) Mr. Padalino presented additional topics for consideration. (see attached DRAFT 2/27/13 letter)

Commissioner Hunt asked Mr. Padalino to preside over the Work Session. Mr. Padalino began the work session by updating items listed under "Other Business" on the Agenda.

- A public meeting was held on March 14, 2013 at the Rockfish Valley Community Center reporting on the Route 151 Corridor Study. The meeting format was informal and interactive.
- Stormwater Management Program Development – A request for an extension date of 7/1/14 from Virginia Department of Conservation & Recreation (DCR) has been submitted. Staff is coordinating with Alyson Sappington of Thomas Jefferson Soil & Water Conservation District to provide a briefing for the Planning Commission and the Governing Body concerning the County Stormwater Ordinance. A discussion of the draft Funding and Staffing Plan will occur in the near future.

- The Thomas Jefferson Planning District Commission meeting, celebrating their 40th anniversary, will be held at Veritas Winery on Thursday, April 4, 2013. All members of the Planning Commission should have received an invitation.
- Mr. Padalino reported that he had attended a training course in Lynchburg on the Virginia DCR “Natural Heritage Data Explorer” service. (www.vanhde.org)

Mr. Padalino stated the Commission would begin following the agenda and move forward with the work session.

Commissioner Russell asked Mr. Padalino to address the issue of flags along Route 151 in the Nellysford/Afton communities. Commissioner Harman stated he believes the flags are in VDOT right of way. Supervisor Brennan stated she had received communication from citizens complaining about the flags and the distractions they create. Concerning signs that wave and move on the wind, Commissioner Russell referenced Section 12-11-37 of the Zoning Ordinance, which states:

“Any sign which involves motion or rotation of any part of the structure or displays an intermittent light or lights within one hundred (100) feet of the nearest edge of the pavement of any highway; provided, however, that the prohibition of this subsection shall not apply to moving or rotating parts of structures, or to displays of this intermittent lights, when such structures or displays are located along highways in this State, except the interstate system, and when the moving or rotating parts of such structures, or such displays, convey solely public service information. Public service information shall include all or any of the following; date, time, temperature, weather, and other similar information; and shall specifically exclude any advertisement as defined in Section 33.1-351 of the Code of Virginia, 1950 as amended)”

Mr. Padalino stated he would like to continue his coordination with Mr. Ware from VDOT before taking any action to distribute any correspondence to County businesses. Supervisor Brennan stated the County needs long range planning on the 151 corridor as the community continues to grow. Commissioner Hunt stated the County goal should continue to be maintaining the rural atmosphere. Commissioner Allen suggested the word “banner” be added to the Zoning Ordinance where appropriate as the difference in “flags” and “banners” is not well defined. It was agreed that the County has a problem with business signage and that it could be addressed through an assortment of actions, including: undertaking enforcement actions against violating businesses under the existing Zoning Ordinance regulations; notifying businesses of the current regulations and the consequences of being non-compliant; coordinating with the Board of Supervisors on the existence of the problems and soliciting some guidance on moving forward; reaching out to local media to produce an article on the signs issues; and exploring potential amendments to the Zoning Ordinance. Commissioner Russell asked Staff to gather sign ordinance information from some member governments within the Thomas Jefferson Planning District to use as a reference as the Commission moves forward to update the County sign ordinance. All agreed that Maureen Kelley be kept informed of any proposed action on signage affecting businesses in the county.

The Work Session continued as follows:

- Comprehensive Plan – ~~Mr. Padalino reported that a citizen contacted Staff and there is an outstanding need to continue revisions within the Transportation chapter.~~ A citizen reported to Mr. Padalino that a VDOT database error was found and the correction has been made. ~~regarding Route 635.~~ Route 635 had two different road names – Greenfield Road and Cold Creek Lane - and the correction has been made by VDOT within their database records. Mr. Padalino stated he would be working on the “County Profile” and “A Portrait of Nelson County” chapters after coordinating with Maureen Kelley to acquire updated agricultural information.
- Editorial Zoning Ordinance Changes – Mr. Padalino reported editorial changes have been completed and welcomed input from the Planning Commissioners for further correction. Commissioner Russell called attention to page 96 suggesting numerical/alphabetical changes in the sign section. There was discussion concerning where the Administrative Approval section should be located. Discussion continued on “Article 23. Temporary Health Care Structures” and how to obtain a permit for such a structure. It should be listed under Administrative Approval in the appropriate districts. Mr. Padalino confirmed that Temporary Health Care Structure requires permit review and approval and are considered a specific type of “accessory use.” All agreed the zoning ordinance should be more user friendly for citizens.
- Zoning Violation Complaints – Mr. Padalino stated that he has formally proposed an administrative policy that would require all complaints of zoning violations to be submitted in writing. He will ask Phil Payne, County Attorney, about including emails as an acceptable form of “written” submission. Under the proposed procedure, all complaints will continue to be confidential. Mr. Padalino stated it can be difficult to ensure accuracy when staff record verbal complaints that are given over the phone; and that requiring a written submission gives County staff a specific situation to respond to. He is waiting to hear from the County Administrator to confirm this new procedure, and that the Governing Body supports this change.
- Cabins – Mr. Padalino stated the meeting scheduled with Building Official David Thompson, County Administrator Steve Carter, Supervisor Allen Hale and Commissioner Linda Russell was postponed due to the snow storm on March 24 – 25. Mr. Padalino referenced page 3 of the memo dated March 27, 2013 in consideration of three options for how to approach the “cabin issue.”
- Additional Proposed Zoning Ordinance Amendments – Mr. Padalino called attention to the proposed memo dated March 27, 2013, for a review of amendments he is asking County staff and elected officials to consider. Mr. Padalino stated on page 4 there is language about a proposed new use labeled “fitness facility.” He said the intent with that proposed amendment is to create a provision for the establishment of gyms, fitness centers, and related places of physical activity. Mr. Padalino then stated that page 5 includes a proposal to establish a definition for “conference center,” which is a use currently allowed by Special Use Permit only in the A-1 district. Mr. Padalino proposed

there are many details that still need to be considered, but that the intent of this use should be clarified soon to allow County staff to successfully regulate such uses.

Mr. Padalino stated the remainder of the agenda be deferred to the next Work Session with a date to be determined.

Supervisor Report: Connie Brennan

Supervisor Brennan gave her report to the secretary to be included with minutes of the Work Session. The report is as follows:

1. Broadband project is moving forward. The tower in Massies Mill has been installed; the High Top tower agreement has been signed and Staff is looking at integrity of the tower so it can be used by a wireless provider. Stewart Enterprises is ready to lease space and they are deploying broadband services from another tower in Afton to that area.
2. Courthouse mitigation project is complete and installed.
3. Budget work is underway.
4. Route 151 Corridor Study is coming along with fairly good participation at the Public Information meeting. Should the Planning commission be more interested in this, and what can be done to encourage PC members to attend public meetings?
5. Courthouse completion still pending secondary to punch list check off.
6. County flag near completion.
7. Courthouse Landscaping Committee to meet soon and the committee is hoping to get a demonstration garden of native plants.
8. Still working to finalize a contract to turn over old Middle School to the Millennium Group.
9. Still working on the fate of the old Massies Mill School.
10. Blue Ridge Tunnel tour cancelled 3/26/13 due to weather concerns.
11. Reviewing animal control issues.
12. New Recycling Coordinator has met most attendants. He will also be assisting Mr. Padalino as needed with Planning & Zoning work.
13. Still uncertain how the Sequester will affect Nelson.
14. Working on understanding issues relating to establishing a smoke-free campus.

Adjournment: At 9:45 P.M. Commissioner Allen made a motion to adjourn the continued meeting. Motion passed 5-0.

Next Meeting: April 24, 2013

Respectfully submitted,

Melissa M. Thompson
Secretary