

**NELSON COUNTY PLANNING COMMISSION**  
**MEETING MINUTES**  
**May 27, 2015**

**Present:** Chair Philippa Proulx, Commissioners Linda Russell, Mary Kathryn Allen, Robert Goad and Larry Saunders (Board of Supervisors Liaison)

**Absent:** Commissioner Mike Harman

**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 Minutes – March 25, 2015 and April 22, 2015:** Chair Proulx asked if there were any further changes to the revised March 25<sup>th</sup> meeting minutes.

Commissioner Allen noted on page 2 – Joyce Burton’s comments – 1<sup>st</sup> paragraph: change hope to “hopes” and remove “that” (first sentence).

Commissioner Allen noted on page 6 – Commissioner Goad’s comments – 1<sup>st</sup> paragraph (after motion) – remove be and replace with “the” (first sentence); insert a colon (:) after the word condition (third sentence).

**Commissioner Allen made a motion that the March 25, 2015 Planning Commission meeting minutes be approved with the following corrections as noted; vote 5-0.**

Chair Proulx asked if there were any further changes to the revised April 22<sup>nd</sup> meeting minutes.

Commissioner Allen noted on page – Other Business – 3<sup>rd</sup> paragraph: change ...not do a retail operation to “not for a retail operation” (fourth sentence).

**Commissioner Allen made a motion that the April 22, 2015 meeting minutes of the Planning Commission be approved with the following corrections as noted; vote 5-0.**

**1. Rezoning #2015-01 “Mountain Sports / Joseph B. “Sepp” Kober:**

Before the discussion began, Mr. Saunders stated that there seems to be a question about a conflict of interest for him. He noted that he contacted County Staff two or three days ago, and they do not feel that it is a conflict. He noted that he would remain quiet unless there was something that he disagrees with.

Mr. Padalino stated on March 27<sup>th</sup>, 2015 the Planning Department received an application from Mr. Sepp Kober, representing Mountain Sports, seeking a rezoning of Tax Map Parcel(s) #22-A-19 and #22-A-18 from the current Residential (R-1) to Business (B-1). He noted that the applicant noted that, “This request is being submitted to determine the feasibility of applicant’s future intended use prior to purchase.” He also noted that the application included documented permission from both current property owners.

Mr. Padalino noted that the applicant provided a brief narrative explaining the intent and purpose of this rezoning application:

*Our reasoning for this [rezoning] request is fourfold:*

1. *The “Mountain Sports” store would offer for sale a complete line of outdoor sports equipment and clothing.*

2. *The Mountain Sports store would provide shopping that fits well with the other venues along the 151 corridor. It is also projected to provide 25 local jobs.*
3. *The site is in the center of what is a mixed use commercial area. It would fit well with the other businesses in the vicinity.*
4. *The plan is designed to provide minimal environmental impact and storm water runoff generation. The parcels slope gently from southwest to northeast with a slightly steeper spot in the middle that drops to the flood plain. The relative flatness of the front allow storm water to soak in rather than run off.*

Mr. Padalino stated that the subject properties are located in the Nellysford area (Central District). He then stated that he needed to provide an important clarification regarding the two subject properties that was brought to his attention the day before the meeting. The County's GIS parcel data represents the property boundaries of these two parcels incorrectly – and the error is rather substantial. Mr. Padalino showed an image of a recorded plat of the correct parcel (see attached); which shows both parcels having road frontage. He also explained that he does not have **access** the capability to change the County's GIS data. He also stated that to the applicant's credit, they did depict the parcels correctly on the Minor Site Plan submitted with the application. Mr. Padalino then apologized to both the applicant and the Planning Commission (PC) for not catching the discrepancy sooner, and for the ways that error affected his staff report.

Mr. Padalino noted that two subject properties are on the southern-most edge of a Residential (R-1) District. Across the road is the Stoney Creek area, which is a Residential Planned Community (RPC) District (further designated on the approved Master Plan as a "Multiple Use – Village Center" designation). There are also some adjoining properties zoned Agricultural (A-1). Additionally, there are properties that are designated as Service Enterprise (SE-1) and Business (B-1) zoning that are located within close proximity in Nellysford proper.

Mr. Padalino noted that **the rear portion** of Parcel 18 (**in the rear**) contains the 100-year floodplain of the South Fork of the Rockfish River; and that there is no development on this parcel, it being just forested river bottom and floodplain. He indicated that as you leave Route 151 and enter the property, there is a descending vertical grade change of approximately six (6) feet. Beyond that gradual drop off, the area's wet soils, standing water, tree species, and other features are characteristic of what you would expect in river bottoms. He also noted that those river bottom features extend beyond the area officially designated as floodplain, and generally occur closer to the highway than the outermost limits of the 100-year floodplain.

Mr. Padalino also noted that Parcel 19 contains a circa 1878 dwelling/boardinghouse that is very close to the road.

Mr. Padalino explained that in reviewing this request, he referenced the Nelson County Comprehensive Plan, and more specifically, the Future Use Land Plan. He further explained that Nellysford is designated as Nelson County's only "Neighborhood Mixed Use Development Model." He shared the following excerpts from the Future Land Use Plan's "Neighborhood Mixed Use Development Model" section:

- "A central gathering place able to fulfill the diverse needs and interests of nearby residents and visitors to the county, all within a focused, walkable and identifiable place."
- "Appropriate "Neighborhood Mixed Use" land uses include...a variety of commercial establishments...Over time, a neighborhood mixed use community may expand to offer a wider variety of retail and civic uses."
- "Multifamily dwellings, commercial, and office buildings may be up to three stories in height. ... Parking lots should be placed behind buildings or in other areas where the impact of the lot on the neighborhood is minimized. ... Dark sky lighting and unobtrusive signage is appropriate for all new development."

Mr. Padalino stated that it appears that the Future Land Use Plan strongly supports this type of proposed land use. He noted that the Minor Site Plan submitted by the applicant would have to be followed up by a Major Site Plan if the rezoning is approved, and that many of the project's specific details would not be fully planned or designed until that time. He reminded the Commissioners that rezoning applications only require a Minor Site Plan as a tool for providing County officials and members of the public with a preliminary sense of how the site would be developed.

Mr. Padalino summarized the Site Plan Review Committee Members' comments from the April 8<sup>th</sup> meeting as follows:

- The proposed facility would be 8,000 square foot (SF) retail facility with approximately 6,000 SF dedicated to public floor area and 2,000 SF would be for operations and not open to the public. The proposed facility would have a commercial entrance with a total of 32 parking spaces located on the side and rear of the building. The front façade of the building would be visible from the Rockfish Valley Highway (which is a designated Scenic Byway). Sheet 2 shows how both properties have frontage along Route 151, with Parcel 18 extending all the way down to the Rockfish River (in the rear).
- The applicant provided a conceptual rendering of the proposed facility to help illustrate what they are envisioning. He also indicated that the applicant noted that the existing frame building may be retained, or may be demolished. The applicant is undecided on how to proceed. The structure's historic character, reuse potential, and poor condition were all discussed by the Site Plan Review Committee members.
- Mr. Jeff Kessler of the Virginia Department of Transportation (VDOT) identified some additional information that was needed. That information was submitted on May 11<sup>th</sup>, and was provided to VDOT on May 12<sup>th</sup>. Mr. Padalino noted that at 5:07 p.m. on the day of this meeting, the following additional comments were received from VDOT:
  - The reported distance of 725 feet to the closest adjoining commercial entrance/street intersection (Adial Road) still exceeds the 470 feet minimum spacing requirement.
  - The proposed construction of an 8,000 SF sporting goods store involves only a portion of the developable area; therefore, additional traffic impacts may occur with the continued development of the remaining land. Subsequent traffic studies may be required by VDOT if future expansion or change in trip generation occurs.
  - Nelson County should also consider the potential impacts on future commercial access along this section of the Route 151 corridor for the adjoining parcels.
  - If this commercial entrance were approved and built, this would affect the commercial access to the three parcels located to the south (between this property and Adial Road) and the six or so parcels located immediately to the north along the east side of Route 151. In anticipation of continued commercial development of the corridor, we recommend the consideration of requiring a shared "joint" commercial entrance that would serve both this property and the adjoining parcels as well.
- Ms. Alyson Sappington of the Thomas Jefferson Soil & Water Conservation District noted that a stormwater management plan does not seem to be a necessity, due to the fact that the project would only contain 28,000 SF of surface disturbance. An Erosion & Sediment Control Plan will be necessary; that would be typically handled during the Major Site Plan submittal and review process.

Mr. Padalino stated that with considerations of the existing zoning and land use patterns, and with consideration of the Future Land Use Plan, Staff recommends that Tax Map Parcel(s) 18 and 19 be rezoned to Business (B-1) to a depth of 350 feet from the centerline of Route 151. He recommends this depth to avoid the low-lying wet areas and the designated floodplain; which, in his professional opinion, are not suitable for development.

The Commissioners and Staff then discussed the difference between wetlands and floodplain. It was clarified that Parcel 18 contains a designated 100-year floodplain, but that some of the information presented by the Planning & Zoning Director also included informal reference to river bottom features such as wet soils, standing water, etc. They also discussed the proposed three hundred fifty (350) feet distance from the centerline; Mr. Padalino stated it appears that depth would be almost identically in line with the rear property boundary of Parcel 19, and would accommodate the proposed development footprint as shown on the Minor Site Plan.

Sepp Kober: Mr. Kober stated that, “he is real excited to try to put this project through, and to put a nice looking building up, and to add some commerce to the Nellysford property area.” He is happy to answer any questions they may have.

Commissioner Russell asked Mr. Kober for some clarification on what exactly he is asking for, with regards to the B-1 rezoning request. Mr. Kober stated that he is looking to make a successful project with minimal impact, which is why part of the parking was located behind or beside the building. He also indicated that keeping the beauty of this area is very important to him. He noted that lighting would be downward and signage would also be of minimal impact.

Commissioner Russell noted that in Steve Key’s letter, Mr. Kober is asking for rezoning from Residential (R-1) to “retails sales”; and yet, has chosen to ask for a straight B-1 rezoning. Commissioner Russell then asked Mr. Kober if he had purposely done this. Mr. Kober said he had not, and that his goal is to go from Residential to a commercial application (retail sales). He said he is willing to have a discussion with the PC and BOS about limiting the future possibilities for the subject properties while still obtaining zoning approval to conduct retail sales. Mr. Kober also indicated that he is willing to utilizing a shared entrance.

The Commissioners’ and Staff then discussed the procedural details required of all conditional rezoning applications. It was determined that this application does not meet the requirements to be considered as a “conditional rezoning” request pursuant to Zoning Ordinance Article 16, Section 4 – and that a new application would have to be submitted before Mr. Kober’s request could formally be processed and reviewed as a conditional rezoning.

The Commissioners also expressed and discussed their concerns with recommending a full rezoning of the subject properties. Mr. Kober concluded that he, “understands your concerns; but hopes to set the bar high for the Nellysford area with something that has a tasteful look, [using] a lead-by-example approach.”

Chair Proulx opened the public hearing at 7:32 p.m.

Donna Small, Nellysford: Ms. Small stated that her mom owns the adjacent property. She said they always thought that you should not have a B-1 in R-1 district. She asked what happens when the applicant gets B-1 with no conditions, and then they decide not to do a sporting store. This opens the door for a lot of things that would not be good for the neighborhood. Ms. Small noted that the Planning Commission should remember that families still live in Nellysford, and stated that she thinks having six-and-a-half (6.5) acres of B-1 would have a negative effect on the neighborhood.

Carole Saunders, Realtor representing seller: Ms. Saunders indicated that the sellers do not live in Nelson County but do have considerable ties to Nelson. She noted that the house has been sitting idle and empty until around 2010 or late 2009. She was approached in February 2011 to list the property; at that time it was 2.9 acres. In

walking the property with one of the owners (Judy Tharpe); she explained that it looked like a smaller tract than what was showing on the tax maps. Ms. Saunders further explain that in 1969, Mr. Hughes (who owned both parcels 18 and 19) was in need of money, and sold this 4.5 +/- acres to his neighbor, Claude Dodd. There was no survey done on the remainder. Ms. Saunders stated that she doesn't think a survey was done on the 4.5 acres; but it was stepped off and measured, and was in the deed as to the accurate footage from Route 151 and from the stakes that were placed there. Ms. Saunders indicated that parcel 19 was surveyed more recently, which revealed the listed 2.9 acres was actually 1.27 acres. She noted that before the property was listed, the owners came to Mr. Fred Boger about having the properties rezoned. Ms. Saunders stated that owners were very excited that Mr. Kober approached them with an offer and shared their same feelings: that this property is destined for Business (B-1) or any commercial use. She also noted that at the time of the listing, the assessment of the property was \$152,300.00 and in 2014 it was increased to \$213,600.00. She further noted that the value of the house on the property was going down but the land value is going up. Ms. Saunders stated that she and the family believe that this property is destined to be Business (B-1) or similar zoning that would accommodate Mr. Kober's needs.

Sarah Ray, Nellysford: Ms. Ray stated that she lives across the river from where the proposed project would be. She stated that she purchased her property in 1987. She stated that, *"this particular business would be out of character with the character of Nellysford."* She stated that it seems like a huge building compared to what else is in the area. She is concerned with how that will impact other things in the area. For example, she expressed concern that the lights in the parking lot might be bright enough to hit her house, in the middle of the night, which she does not want. She would like to know what is being done with the rest of the property if they only intend to use a small part. She noted that she does not feel positive about this request and proposed project.

Barbara Funke, Nellysford: Ms. Funke stated that she came tonight because she was *"on the fence"* about the proposal. She stated that Nelson County could use more jobs, and what they are proposing seems like an architecturally correct structure that would enhance Nellysford. She stated that, *"what I am hearing is a lot of concern and I would be in total agreement that you wouldn't want to have a used parking lot, trailer sales, or something like that."* She asked the PC if there is a way that they could do a conditional approval and have certain things removed from the B-1 zoning. She also stated that there is concern regarding access to properties on either side of these. She asked if there was a way that this could be designed that would allow access to the other homes, should they choose to develop their property.

Chair Proulx noted that she received a call from a lady that lives down the road, north of Ms. Small's property. She wanted to register her concern and her objection. She is worried about lights, activity, and similar disruptions if this was opened up to any kind of business, after having bought in to what she considers a residential area.

Commissioner Russell noted that she too had received a phone call from someone who lives on the other side of the river. That person is not in favor of this rezoning; felt that the shopping in Nellysford is sufficient; and does not want to see it expanded.

Chair Proulx closed the public hearing at 7:41 p.m.

The Commissioners discussed some of their concerns with recommending a split property zoning, as had been recommended by Staff. Mr. Padalino acknowledged that properties with split zoning have created some confusion in other pre-existing scenarios and with administering the ordinance in the past. The difference with this recommendation is that a specific depth or dimension could be established from the centerline of the public right-of-way, and it wouldn't be ambiguous or vague.

Mr. Padalino then commented on the Commissioner's concerns with the straight B-1 zoning, and the procedures for conditional rezoning requests. He noted that a conditional rezoning must be initiated voluntarily by the applicant, starting with the applicant proffering away certain allowable uses or proffering other conditions during the pre-application phase. He also stated that it seems that the Zoning Ordinance allows for the governing body to make modifications or changes to a rezoning application, if it were appropriate and more limiting in nature or not more permissive in nature. Mr. Padalino referenced Zoning Ordinance Section 16-2-3.

Commissioner Allen asked if the applicant could still move forward with this application and voluntarily attach conditions or proffers at this phase of the application review process. Mr. Padalino stated that Zoning Ordinance Section 16-4 requires for conditional rezoning applications to be processed as such from the time of the application being filed, and that Mr. Kober cannot add proffers or other conditions at this time. However, if the PC has legitimate concerns with particular B-1 uses, they could recommend that the Board of Supervisors strike those potential B-1 uses from the rezoning request, but otherwise approve the application, and thereby effectively arrive at a conditional rezoning. He stated that this approach appears to be possible per the Zoning Ordinance, and represents an opportunity to allow the application to move forward while also addressing the PC's concerns.

Commissioner Russell asked Mr. Padalino why it was suggested that only a portion of the properties be rezoned, since almost half of it is undevelopable due to water issues. Mr. Padalino stated that it is technically possible to develop land in a designated wetland or designated floodplain; but it is very expensive and is not a regulatory certainty. He noted that as far as general suitability, there is a gradual six (6) to eight (8) foot vertical drop on the property and the back is "swampy" and not as suitable for commercial development.

Mr. Tim Hess commented that he walked the property with Mr. Steve Key. All the information (elevations, etc.) are reflected on the Site Plan, and that area is not suitable for development. Chair Proulx stated that the Minor Site Plan is not definitive and the applicants are not bound by the terms of the Minor Site Plan in any way.

Commissioner Russell asked the applicant if this was a project that would be constructed five (5) or six (6) years down the road. Mr. Kober stated that he would like to get going on the project. He has a contract on the property and pushing this back a month would be an issue. He asked what could be done to work around these issues. The Commissioners discussed the possible outcomes with the applicant: take a vote and either recommend approval or recommend denial to the BOS; or the applicant may withdraw and submit a new conditional rezoning application. Chair Proulx asked Mr. Kober if he would like the PC to vote; or if he would like to take another route. Mr. Kober stated that he would like for the PC to vote on the application.

**Commissioner Russell made the following motion:**

**With respect to the application by Mr. Joseph Kober to rezone property 2950 Rockfish Valley Highway in Nellysford; consisting of Tax Map Parcels #22-A-19 and #22-A-18 from Residential (R-1) to Business (B-1). It is the recommendation of the Planning Commission that this application be denied. Commission Goad provided a second; the vote 3 -1 in favor of the motion, with Commissioner Allen voting against the motion. Mr. Saunders abstained, stating, "I was only told that I could vote if it was a tie, so it's not a tie, so I'm not voting."**

**2. Special Use Permit #2015-02: "Halls Family Auto Clinic" / Donald and Cindy Hall**

Mr. Padalino stated this was a Special Use Permit application seeking approval to operate a public garage in the Agriculture (A-1) district. The subject property is on Mill Lane in Afton, directly behind Patrick Brothers off of

Route 151. The zoning map indicates that the property has Limited Industrial (M-1) zoning behind it; with Residential (R-1) and Business (B-1) zoning in close proximity to the north.

Mr. Padalino noted that in regards to the existing structure, it has been operated as a public garage since at least 1997 (according to County records). The property owner, Mr. Gary Bryant, currently has a Conditional Use Permit (CUP) for this property that authorizes the operation of a public garage. However, the BOS passed that CUP with conditions that only Mr. Bryant could operate a garage there; and now the applicants, Donald and Cindy Hall, wish to operate a public garage there. It's an existing public garage but they do not have permission to do it under the terms and conditions of the previous permit. Mr. Padalino also noted that when the Halls first attempted to solicit regulatory guidance from Nelson County staff, there was some miscommunication among different County departments; and despite that communication breakdown, the Halls have been exceptionally cooperative and patient since being informed that their existing public garage operations represented a zoning violation. Mr. Padalino then recommended that the PC recommend approval of the SUP for Hall's Family Auto Clinic.

The Commissioners and Staff discussed if the PC could recommend approval of the SUP for the Halls to use the existing space for a garage, or if they could recommend approval of the SUP for use of the entire building. It was determined that the PC could make a recommendation to the BOS as they see fit; and the BOS could put conditions on a SUP, if there is a reason for doing so.

Chair Proulx opened the public hearing at 8:14 p.m. No comments were given and the public hearing was closed at 8:14 p.m.

Mr. Padalino noted that Mr. Gary Bryant, in his capacity as the property owner, submitted documentation that provides his permission for this SUP application. It was also noted that Mr. Hall had not signed the application, but was listed as a co-applicant; he then came forward and signed the application.

**Commissioner Russell made a motion that the Planning Commission recommends that the Board of Supervisors approves a Special Use Permit for Donald and Cindy Hall for property that they are leasing at 47 Mill Lane in Afton; to enable them to operate a public garage. This permit will cover the entire building. Commissioner Allen provided the second; the vote 4-0 with Mr. Saunders abstaining.**

#### Other Agenda Items:

##### **1. Minor Site Plan #2015-03 – “La Michoacana Restaurant” / Jose Gaona:**

Mr. Padalino stated the applicant is requesting approval to operate a restaurant, which is a by-right use in the Business (B-1) district. Even though this is a by-right use, it does require a Site Plan. Mr. Padalino stated that Mr. Edgar Gaona, representative for the applicants, has noted that the application is seeking approval for “La Michoacana” restaurant, which would be open from 11AM – 10PM Monday – Saturday (as proposed). He also noted that the property owner, Mr. Joe Lee McClellan has signed the application, and has been involved in previous meetings. The subject property(s) are a total of 1.26 acres, and are zoned Business (B-1).

Mr. Padalino summarized the Site Plan Review Committee Members' comments from the May 13<sup>th</sup> meeting, which are as follows:

- Director of Planning & Zoning: Mr. Padalino noted that this is for a proposed restaurant and the applicant has also submitted a separate SUP application for a “dance hall”, which will be discussed at next month’s PC meeting. He noted that the proposed renovation and reuse would include 3,150 SF of restaurant floor area; 1,080 SF of food prep area; and 2,260 SF of private dining area as an accessory to the restaurant use (confirmed upon legal review). He further noted that the 2,260 SF private dining area would be utilized as a dance hall (if approved). There are 48 parking spaces, including some dedicated handicap spaces. However, it is worth **nothing** noting that this property is in the “exempt” area; there are no minimum parking requirements in the downtown area of Lovingston. On the original proposed site plan, there was no proposed land disturbance. However, a dumpster and a solid fence need to be installed and that would require “minimal land disturbance.” Regarding exterior lighting, the applicant has provided updated information (including an illumination schedule) that the existing light poles will be reused and outfitted with LED light fixtures; additional poles are proposed along Main Street; and a few LED lights will be mounted on the building to make sure the parking lot is property illuminated. Regarding signage, the existing signs will be removed. The existing sign structure on the corner of the property will be reused and the old sign will be replaced with a new one for La Michoacana.
- Mr. Jeff Kessler of Virginia Department of Transportation (VDOT) noted that the road is in poor condition, but he did not have any requirements or requests.
- Ms. Alyson Sappington of the Thomas Jefferson Soil & Water Conservation District (TJSWCD) did not have any comments since there is no site disturbance proposed. The dumpster update may require “minimal land disturbance.”
- Mr. Tom Eick of the Virginia Department of Health (VDH) noted that a food license permit would need to be obtained, and the pertinent applications were provided to the applicant during the meeting. He clarified that no minimal number of commodes are required by the VDH, but hand sink requirements will need to be met.
- Mr. George Miller of the Nelson County Service Authority noted that the existing 4” gravity sewer line is adequate. The existing 1” water meter for this business would probably be sufficient, but it ultimately depends on the floor plan and building uses, specifically depends on the “fixture count” of total number of sinks, commodes, etc. A cross-connection and back-flow prevention device to be installed on the water line. A grease arrester (trap) needs to be installed to protect the sewer lines. He noted that something minor under the sink should take care of that, by way of a 40-gallon trap. If there are problems with that, they can discuss the need for an underground tank.
- Mr. David Thompson, Nelson County Building Official noted that, “Asbestos certification for any permit application is required from the owner of the building for any renovations.” He also stated that, “A permit application is required for a change of use group (M) to a use group (A-2) with plans drawn by a registered design professional licensed by the Commonwealth of Virginia. The application must be submitted to the Building Inspections Department for the required permits prior to any alterations / renovations / changes, etc. for the A-2 use group.” He further noted that final inspections and certificate of occupancy are required prior to using it for private or public uses.
- Commissioner Russell noted the issue with the dumpster and the need to have it in a safe and accessible place, and the need to have it fully screened. Mr. Padalino noted that those issues were addressed on the revised Site Plan.

Massie Saunders, Engineer for the project: Mr. Saunders clarified that the property lines that are shown on GIS are incorrect. He noted that the correct property lines are shown on the Site Plan. He also noted that the site disturbance has been discussed at length; whether the dumpster will be put in initially or later; and it will be fully screened with some type of fencing so that it is in compliance with the ordinance. They will change the fixtures

on the existing lights to lights that are directed downwards to try to stay dark sky as much as possible to be compliant. The light fixtures on the poles are of a similar setup. He clarified that the "Old Town Hardware" sign is not on the property, and that it would be removed.

**Commissioner Russell made a motion that the Planning Commission approve Minor Site Plan #2015-03 for a restaurant to be located at 37 Tanbark Plaza in Lovington, as evidenced by Site Plan dated March 31, 2015, revised May 14, 2015. Commissioner Allen provided the second; the vote 5-0.**

**Other (as determined by Planning Commission members / as applicable):**

Mr. Padalino noted that he included a copy of the Monthly Department Report for the BOS in this month's PC meeting materials packet the Planning Commission's reference. He noted that he has recently reformatted the Monthly Department Reports, which ~~ow~~ now gives an updated snapshot of all active permits, applications, and other administrative reviews and activities. Mr. Padalino also provided a copy of his Scoping Period comments that were submitted (April 28<sup>th</sup>) to FERC for the PCs' review and reference.

Mr. Padalino provided updates on items that the PC had recommended to the BOS; those are as follows:

- All four (4) of the AFD applications were enacted; three expansions and one new creation.
- Stormwater Management Program amendments for the VSMP program were adopted.
- Artist Community amendments were adopted.
- BZA Appeal #2015-01 for the approval of landscape plan condition for Zenith Quest's approved Site Plan was dismissed, for a lack of legal standing.
- BZA Appeal #2015-02, will be heard on Monday, June 1<sup>st</sup> at 7:30 PM. Appeal is in relation to the Family Lane (private road) condition. He noted that Mr. Payne provided a written statement (June 26<sup>th</sup>) that the applicant does not have legal standing.

Mr. Padalino noted that there are issues with lodging and brewery definitions that are currently in the Zoning Ordinance. He noted there are other items (alcoholic and non-alcoholic) that are "brewed" that need to be added to the definition.

**Board of Supervisors Report:** Supervisor Saunders provided the following:

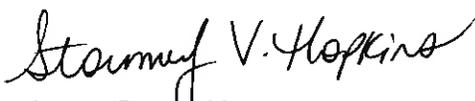
1. Budget is being finalized.
2. Final inspection on the Blue Ridge Tunnel is scheduled for next Thursday.
3. Closed out the Blue Ridge Walking Trail.
4. Still on schedule to bid out for the next phase of the addition to the Courthouse.
5. Working on Phase 2 and Phase 3 of the Blue Ridge Tunnel. Asked the State if both Phases (2 & 3) could be combined; looks like that may happen.

Commissioner Russell asked if Mr. Padalino had heard from Mr. Penny. Mr. Padalino stated that he had not. It was his understanding that he wanted to postpone through April. Commissioner Russell asked to get updated copies of both the Zoning Ordinance and Subdivision Ordinance.

**Adjournment:**

At 8:40 P.M. Commissioner Allen made a motion to adjourn.

Respectfully submitted,



Stormy V. Hopkins  
Secretary, Planning & Zoning