

NELSON COUNTY PLANNING COMMISSION
April 24, 2013

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

Staff Present: Tim Padalino and Melissa Thompson.

Call to Order: Chair Proulx called the meeting to order at 7:00 P. M. in the Board of Supervisors meeting room, County Courthouse, Lovington.

Approval of Minutes: The following corrections were made: 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 regarding route 635 was found and the correction has been made. ~~regarding Route 635.~~ Commissioner Russell made the motion to approve March 22, 2013 work session minutes as corrected. The motion passed 4-0 with Chair Proulx abstaining.

Conditional Rezoning Request # 2013-001, Thomas Bland Harvey represented by Brady Nicks

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

Mr. Padalino presented the staff report saying, that Mr. Harvey is seeking approval for this conditional rezoning request so that he may operate a “flea market” which is by-right use in the Business District (B-1) per Section 8-1-21 of the Zoning Ordinance.

“Any outdoor commercial offering of items for sale at any location. Merchandise offered may include items purchased specifically for resale at a profit. Churches and other nonprofit organizations are exempt from these requirements. Permitted by-right in Business (B-1) zone.”

Mr. Padalino stated the that the site has failed previous perc tests. This precludes for virtually any residential and commercial use. The applicant believes the flea market use would be appropriate; and has voluntarily offered the following proffers:

1. No septic system shall be located on the parcel.
2. All other B-1 uses permitted by-right or special use shall be precluded, except:
 - a. 8-1-13: Off-street parking as required by Nelson County ordinance.
 - b. 8-1-15: Public utilities: Lines, distribution transformers, pipes, meters, and other Facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities and water storage tanks. (02011-04)
 - c. 8-1-17: Business signs, up to one hundred (100) square feet in total area.

- d. 8-1-18: Directional signs, up to two (2) square feet in total area.
- e. 8-1-21: Flea markets.

Mr. Padalino stated the applicant withdrew a rezoning application in January 2013 (Rezoning Request # 2012-002). His outstanding concerns continue to be sight distance, land use best practices (specifically spot zoning) and therefore recommended denial of Conditional Rezoning Request # 2013-001.

Supervisor Brennan asked if the current use as a seasonal farm stand could continue if the conditional rezoning request was denied. Mr. Padalino stated the use could continue. Commissioner Russell asked Mr. Padalino to explain where the front yard is on the applicant's parcel. Mr. Padalino stated the front yard is on Old Roseland Road which is the shorter of the two property boundaries fronting a public road, and which is where the existing entrance is. Commissioner Russell asked Mr. Padalino about parking requirements. Mr. Padalino stated parking regulations are not addressed district by district; rather, parking requirements are based on use. Commissioner Russell stated that flea market and open air market parking requirements are not addressed in the ordinance. Mr. Padalino stated parking regulations would fall under commercial or retail businesses.

Attorney Brady Nicks stated that there is not a good fit in the current zoning ordinance for what Mr. Harvey wants to do. Nelson County zoning does not allow for a farmers market and in his opinion the ordinance actually discourages such activity. Mr. Harvey is trying to create a farmers market. Mr. Harvey had to hire an attorney because of the many hoops citizens are required to jump through.

The public hearing was opened and the following people spoke:

Barbara Koschara, 691 Old Roseland Road, Roseland, VA

Ms. Koschara stated she understood Mr. Harvey wanting to make money with the property if possible. She said she was concerned about parking space, and the potential hazard that could be created for citizens and for people driving on Old Roseland Road.

Massie Saunders, 329 Crabtree Falls Highway, Roseland, VA

Mr. Saunders asked why the applicant was not required to present a "real" site plan and soil information. He also stated VDOT requires a commercial entrance to have a 200 foot setback from an intersection.

Mr. Padalino stated he had spoken with VDOT today concerning potential development of this property as it relates to site access, the existing entrance, and sight distances. VDOT has not provided formal comments regarding Mr. Harvey's proposal; rather, they were pointing out possible traffic issues facing Route 151.

The public hearing was closed.

Chair Proulx stated she would like to postpone the vote for Conditional Rezoning Request # 2013-001 to the May 22, 2013 Planning Commission meeting pending a report from VDOT. Commissioners agreed and also indicated their desire to consider adding a Framers Market provision to the Zoning Ordinance in A-1.

Commissioner Russell made the following motion:

In the application of Thomas Bland Harvey for a Conditional Rezoning, that the Planning Commission postpone decision until their May meeting at which time we will hear the results of an evaluation by VDOT as far as the entrances to the property under consideration.

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

Rezoning Request # 2013-002, Armand Thieblot

Consideration of application to rezone 4.60 acres from R-2 (Residential) to A-1 (Agricultural). The property is located at 2355 Salem Road, Schuyler, further identified by Tax Map # 62-A-15E.

Mr. Padalino presented the staff report, stating the applicant has applied to rezone this property in order to proceed with redevelopment of the existing Walker Mill Dam power station, and to generate electricity as allowed under Section 4-11-1 of the Nelson County Zoning Ordinance. It is important to note that the site plan review process was somewhat unusual. Whereas most site plans are drawn and submitted to represent a specific use and the associated physical development details, this site plan was created, submitted, and reviewed due to the requirement for all rezoning applications to include a Minor Site Plan per Section 16-1-1 of the Zoning Ordinance. This site plan does not depict any detailed proposed physical development.

Mr. Padalino stated the applicant's proposed rezoning would be an acceptable change to the Zoning Map. He noted an adjacent property to the east (TM #62-A-15G) was also "downzoned" from R-2 to A-1 in 2004. A similar rezoning for the subject property would be compatible with the highly variable zoning patterns currently existing in the Schuyler area. The proposed A-1 (Agricultural) zoning classification would bring parcel 15E into the same land use classification as the adjacent properties to the east and to the south (across the Rockfish). In addition, the proposed rezoning would allow for by-right reuse of the existing dam.

Mr. Padalino stated with these factors in mind, Staff recommends that this Rezoning #2013-002 application ~~and~~ be sent to the Board of Supervisors with a recommendation for approval.

Commissioner Hunt asked the applicant if the power station was currently operational. Mr. Thieblot stated it was not, adding that the power station began operation in 1905 but had been damaged by several floods.

Massie Saunders of Saunders' Surveys stated he had been working with VDOT to develop a commercial entrance. He has been in contact with AEP (American Electric Power) on behalf of the applicant about supplying them with electricity.

The public hearing was opened. There was no comment and the public hearing was closed.

Commissioner Russell asked Mr. Padalino at what point would this application come to the Board of Zoning Appeals as a flood plain issue. Mr. Padalino stated it would come to the BZA at the point of Major Site Plan development, assuming the footprint(s) of the proposed facility is located in the floodplain. Massie Saunders commented that all flood plain concerns are being addressed, and that there are plans to conduct a detailed elevation study to accurately determine the exact floodplain boundaries.

Commission Harman ask if this application would come back to the Planning Commission. Massie Saunders stated at the Major Site Plan phase it would come back before the PC.

Commissioner Harman made the following motion:

The Planning Commission recommends to the Board of Supervisors approval of rezoning application #2013-002 for Armand Thieblot to rezone a parcel of land identified as Tax Map # 62-A-15e from Residential, R-2 to Agricultural, A-1.

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

Other Business:

Mr. Padalino stated that a memo covering the ongoing Zoning Ordinance amendments will be sent back out as soon as possible. The memo will cover the following items:

- 1) Three proposed amendments sent from the Board of Supervisors through Mr. Carter's letter of February 26. By Code his letter requires a reply within 100 days. Commissioners suggested that Mr. Padalino request an extension.(See attached letter.)
- 2) "Fitness facility" use to make provision for something that is not currently provided for. (~~See attached letter~~)
- 3) Definition for conference center and banquet hall.

Supervisor Report: Connie Brennan

Supervisor Brennan stated the report would be forwarded to the secretary at a later date.

Adjournment: At 8:47 P.M. Commissioner Russell made a motion to continue the meeting to May 7, 2013. Motion passed 5-0.

Next Meeting: May 22, 2013

Respectfully submitted,

Melissa M. Thompson
Secretary

**A RESOLUTION
RECOMMENDING APPROVAL OF
REZONING APPLICATION #2013-002 FOR
ARMAND THIEBLOT**

WHEREAS, Armand Thieblot has filed an application to rezone a parcel of land identified as Tax Map # 62-A-15E from Residential to, R-2 to Agricultural , A-1 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 April 4 and 11, 2013; and

WHEREAS, on April 15, 2013 adjoining property owners were notified of the public hearing on this application; and

WHEREAS, on April 24, 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 #2013-002 for Armand Thieblot to rezone a parcel of land identified as Tax Map # 62-A-15e from Residential, R-2 to Agricultural, A-1.

Motion made by Commissioner: Michael Harman

Motion seconded by Commissioner: Linda Russell

Motion Passed: 5-0 with Supervisor Brennan abstaining.

APPROVED: _____
CHAIR

ATTEST: _____
Planning Commission Secretary

DATE: April 24, 2013

