

**NELSON COUNTY PLANNING COMMISSION
MEETING MINUTES
November 20, 2013**

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

Staff Present: Tim Padalino, Director of Planning & Zoning

Call to Order: Chair Proulx called the meeting to order at 7:04 P. M. in the General District Courtroom, County Courthouse, Lovingson.

Chair Proulx opened the meeting proposing the October 15th Work Session minutes and the October 23rd meeting minutes be moved to the next month's meeting. Chair Proulx also stated a Resolution needed to be made to change the regular meeting dates for the November and December meetings.

Commissioner Russell made the following motion:

I make the motion that the Planning Commission change their November and December meetings from the fourth Wednesday to the third Wednesday of each month, that being November 20, 2013 and December 18, 2013.

The second was offered by Commissioner Allen, the vote was 4-0.

1. Conditional Rezoning #2013-004 – Mr. Taylor Smack / Blue Mountain Brewery

Mr. Padalino stated this is a 2.472 acre parcel of property on 9403 Critzer Shop Road, Afton, further identified as Tax Map #4-A-60. The Rezoning Application is a petition to move from the R-1 district to the A-1 district. The applicant has voluntarily included proffers as part of this Conditional Rezoning request, proffering away all rights to the following uses as listed in the Zoning Ordinance: Kennels (per Section 4-1-9); Public Utilities (per Section 4-1-11); and Automobile Graveyard (per Section 4-1-18). A Minor Site Plan was required with this application. The Site Plan shows a substantial parking lot with 94 spaces, an "event center," and an "outdoor stage/pergola." Mr. Padalino drew attention to the fact that there is currently no inter-parcel connectivity shown, and noted that during the Site Plan review meeting Mr. Smack stated he would rethink the scheme based on a better understanding of Virginia Department of Transportation (VDOT) regulations. In consideration of the proposed uses, the proffers, the immediate area and the zoning districts around the area, as noted in the Staff Report, staff recommends approval of the rezoning.

Chair Proulx asked if the Applicant wanted to add anything at this time. Mr. Scott Wilcox, representing Mr. Taylor Smack of Blue Mountain Brewery, stated that the parcel suits the surrounding businesses such as AM Fog and Critzer's Farm.

Chair Proulx opened the public hearing session at 7:11 p.m. No comments were made and the public hearing was closed.

Chair Proulx commented she received three emails and one phone call expressing concerns about traffic issues in that area, noting having no turn lane could be very hazardous. Commissioner Allen added that by using that second area for parking, it would help with the flow of traffic coming in and out of the area. Commissioner Russell and Mr. Padalino stated that during the Site Plan Review meeting, Matt Clark with Virginia Department of Transportation (VDOT) was upfront with Mr. Smack in regards to possible transportation infrastructure improvements being necessary as things moved forward. During that meeting,

Mr. Clark had also stated that VDOT requested a trip generation report pertaining to the current traffic flow at the existing brewery site, to use as a base line to evaluate future uses that might be proposed and to use in determining if any requirements were going to be imposed by VDOT. Mr. Padalino plans to go back to VDOT to ask for formal comments before the Board of Supervisors meeting. If Blue Mountain Brewery proceeds with an Event Center/Banquet Hall or similar proposal, a Special Use Permit (SUP) application would be required and the Planning Commission would have the opportunity to recommend conditions as part of that process.

Commissioner Russell made the following motion:

I make the motion that the Planning Commission recommends approval to the Board of Supervisors to approve Conditional Rezoning #2013-004 for Taylor Smack to rezone Tax Map #4-A-60 at 9403 Critzer Shop Road, Afton. The basis for this recommendation is that the rezoning, with conditions, not allowing Kennels; Public Utilities; or Automobile Graveyards. Classes A and B fits into the pattern of development that currently exist in the area at the upper northern section of Rt. 151.

The second was offered by Commissioner Allen, the vote was 4-0.

2. Amendments & Additions to the Nelson County Comprehensive Plan

Consideration of proposed amendments and additions to the County Comprehensive Plan. Mr. Padalino stated that County Staff was advised that one of the Planning Commission's primary roles for tower ordinance applications is to review an application for its relative appropriateness to the Comprehensive Plan. Currently, there is no language in the Comprehensive Plan regarding telecommunications infrastructure. He proposed to include this subject in Chapter Three: Goals & Objectives (making note that this would increase the total number of key areas from eight to nine); titled Telecommunications, to include one Goal and five Principles.

Goals & Principles:

Commissioner Russell suggested adding **Scenic Byways on page 15; Section: Telecommunications under the 5th Principle.**

Transportation:

Mr. Padalino gave a brief background pertaining to the Transportation Section, noting the State Code mandates that all Comprehensive Plans have a Transportation element. He stated the section was previously reviewed by the Commission at a public hearing. From that meeting, it moved to the Board of Supervisors, who decided not to adopt the Plan but requested some changes. Mr. Padalino further stated that in addition to the changes requested by the Board, the recommendations from the recently completed Route 151 Corridor Study were also incorporated into the newdraft, along with a few of the maps and a brief overview of the study process and its purposes.

Commissioner Russell suggested adding in **"speed limit" after the words much lower to the Route 6 section: 8th bullet on page 14.**

Mr. Padalino brought to attention that on page 29 under the "Goal: promote a safe, efficient and diverse transportation system to serve both local and regional traffic" his proposal to include a new Principle regarding the importance of a strategic greenway system of non-motorized transportation facilities.

Profile:

Mr. Padalino stated the major reason for updating this section was due to the release of the 2010 U.S. Census data. There are updated tables and charts, and the accompanying narrative to describe what the charts are showing and pointing out the trends. He noted that areas in red are sections that have not been completed

prior to this review. He will continue to work with Maureen Kelly, Economic Deveopment and Tourism Director, to get more figures and will also work with Michael Lachance, VA Cooperative Extension contact, to get more current Ag Census data.

Changes to be made to this section:

Page 4 - clean up the language/terminology that is used in the description.

Page 15 – change 2000 to “2010”.

Page 21 – on the Bar Graph, change 2009 to “2012” and change chart to reflect data from 2012.

Page 24 – Percent needs to be recalculated.

Page 32 – Structures: add Nellysford and Gladstone to the settlement pattern sentence. Also change dominant to “traditional” in the same sentence.

Chair Proulx opened the public hearing for comments on the proposed changes to the Comprehensive Plan at 7:56 p.m. No comments were made, and the public hearing was closed.

Chair Proulx tabled the Profile and Transportation sections of the Comprehensive Plan to the December 18th meeting.

Commissioner Russell made the motion that the Planning Commission recommends to the Board of Supervisors the November 20, 2013 revision of Chapter Three, entitled Goals & Principles, in the Nelson County Comprehensive Plan, with one minor change; the addition of Scenic Byways to the fifth principle under the Telecommunication Section on page 15.

The second was offered by Commissioner Allen, the vote was 4-0

Fees:

Mr. Padalino noted that a Public Hearing would be held in December for the Planning Commission to discuss and review the Fees. He further noted the process was delayed due to miscommunication with County Administration and the misunderstanding that it could be reviewed without Public Hearing.

Communication Towers:

Continuation of the discussion on towers regarding the Planning Commisison’s additional proposed revisions to the original draft referred by the Board of Supervisors. Mr. Padalino noted some formal comments and recommendations were received from a few citizens (Ms. Mary Creed-Pallone and Mr. Mark Rosenthal), which were included in the Staff Report. A new Section 20-20 is proposed, “Tower Permit Applications Eligible for Administrative Review,” which would provide for applications for co-locations, for tower permit amendments, and for temporary tower permits. The intent with the proposed Section 20-20 is to clarify the application process and provide specific required materials for each permit.

Commissioner Russell stated that a Maintenance Agreement needs to be included in the Ordinance. Mr. Padalino added if the conditions that were approved were not being maintained, there would be “non-compliance” of terms of approval and the issue could be handled through that approach.

Commissioner Russell noted that the proposed draft does not give the Planning Director the ability to refer an application to the Planning Commission for comment and/or recommendations. Commissioner Allen added

there seems to be an issue with the notification to adjoining property owners. Mr. Padalino will check with Mr. Payne about a notification program either by the Planning & Zoning Staff or the Applicant.

Chair Proulx made the recommendation to the Board of Supervisor the approval of the Tower Ordinance draft dated November 20, 2013, with the changes addressed with the additional recommendation to consider a maintenance agreement and possible notification of neighbors by the Applicant. Commissioner Russell agreed to proofread the new draft with noted changes before it goes to the Board of Supervisors.

Commissioner Russell made reference to the letter submitted by Mr. Dulaney, noting a reply is needed. Mr. Padalino will respond to Mr. Dulaney's letter.

Commissioner Russell made the following motion:

By Resolution dated August 13, 2013, the Board of Supervisors referred the draft amendment to Nelson County's present Communication Tower Ordinance, dated June 26, 2012 for review, public hearing, and subsequent report of the Commissions findings and its recommendations. The Commission was limited to its review of the repeal of Sections 20-1 through 20-17 and the enactment of replacement Sections 20-1 though 20-16 and 20-19, with a final report due on or before October 8, 2013. The Planning Commission duly held a public hearing on September 18, 2013 at which time it became clear that many legal issues required clarification. By Resolution on that date, the Planning Commission requested a time extension to address those and citizens concerns raised at the public hearing.

Therefore, in response to the new deadline of December 8, 2013, the Planning Commission had reviewed the entire Article 20 as it pertains to Communication Towers, including Section 20-18, titled Class IV Personal Wireless Services. In order to achieve both clarity and to streamline the approval process, the Planning Commission recommends repeal of Sections 20-1 through 20-17 and the enactment of replacement Sections 20-1 through 20-17; 20-19; and 20-20, and amendment of Section 20-18 as per the draft dated November 13, 2013 subject to the following changes:

- 1. The definition of a Class I Tower, on page 3, needs to be clarified. On page 3, reference to a "residential structure", should be changed to read, "occupied dwelling". On page 12, number 7, all references to a two foot lightning rod should be removed. On page 24, number 2, the heading should make reference to a Temporary Tower Permit. On page 7, number D, 2 & 3 delete the waiver by Final Authority.**
- 2. In addition to this recommendation, the Commission ask that the Board of Supervisors consider including a maintenance clause in the Ordinance and also to look into the possibility of requiring the Applicant or the County to notify Adjacent Property Owners when the County considers Towers up to one-hundred (100) feet.**

The second was offered by Commissioner Allen, the vote was 4-0.

Other Business:

1. Farmers Market: Community Meeting set for early next year.
2. Signs and Signage: Need to look at other localities to see what they are doing, to see if the County can adopt something similar.
3. Special Events: The language in Section 4-11-3 needs to be improved to translate better restrictions and guidelines.

4. Stormwater Management: Mr. Padalino provided an update that the Board was briefed by Alyson Sappington and the County is on track for approval to have a local Stormwater Management Ordinance and Program in place by July 1, 2014. The Ordinance has to be reviewed and approved by the State. The Ordinance will not need to go to public hearing before the Planning Commission because it is not an existing Ordinance. Instead, there will be a public hearing at the Board level. The adoption of the Stormwater Management Ordinance will require some minor changes to the County's existing Subdivision Ordinances and Zoning Ordinance; and those proposals have already been drafted and reviewed by an attorney that was a member of the consultant team that developed the overall program.
5. Major Site Plans and Minor Site Plans: Mr. Padalino specifically discussed Section 13-4 of the ordinance. He stated that a County Supervisor suggested that only Major Site Plans require preparation and submission by a certified professional, but not Minor Site Plans. Currently, Mr. Padalino administers the Ordinance to require that all Site Plans be prepared and submitted by professionals. There needs to be clarification as to whether Minor Site Plans can be prepared and submitted by someone other than the certified professionals listed in the Ordinance. Commissioner Russell stated she has issues with a Minor Site Plan having to be prepared by a professional because of the expense.

Adjournment:

At 9:21 P.M. Commissioner Allen made a motion to adjourn.

Respectfully submitted,

Stormy V. Hopkins
Secretary