



NELSON COUNTY PLANNING COMMISSION

Meeting Agenda: December 17, 2014
General District Courtroom, 3rd Floor, Nelson County Courthouse, Lovingson

– **7:00 – Meeting Convenes / Call to Order**

– Review of Meeting Minutes from November 19th meeting

– **Public Hearing Items:**

1. **Special Use Permit #2014-008 – “Page’s Palette” antique, craft, or gift shop / Ms. Kimberly D. Page / Tax Map Parcel #12-A-109**

Consideration of a Special Use Permit application seeking approval to operate an “antique, craft, or gift shop” pursuant to §4-1-2a of the Zoning Ordinance. Specifically, the applicant wishes to operate a retail shop and instructional art studio on the subject property, which is identified as Tax Map Parcel #12-A-109, and which is located at 6222 Rockfish Valley Highway in the Greenfield area of Afton. This is a 7.1-acre parcel zoned Agricultural (A-1), and is owned by the applicant.

– **Other Business:**

- Review draft recommendations for possible ordinance amendments re: “artists community”
- Review “Wayside Stand Permit” application and review procedures
- Review Agricultural-Forestal District application procedures
- Notification of ongoing Amended Site Plan administrative reviews:
 - #2007-003 – “The Village at Glen Mary” – Mosby Run, Roseland / Mr. Steve Crandall
 - (Tax Map Parcels #31-12-1, -2, -3, -4, and -6)
 - #2010-001 – “Virginia Distillery Co.” – Eades Hollow, Lovingson / Mr. Jim Taggart
 - (Tax Map Parcel #58-A-73)
- Update on Rockfish Valley Area Plan
- Other (as determined by Planning Commission members / as applicable)

– **Adjournment**

– **Next Meeting:** January 28, 2014 | 7:00pm

**NELSON COUNTY PLANNING COMMISSION
MEETING MINUTES
November 19, 2014**

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

Absent: Commissioner 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 – October 22, 2014: Chair Proulx asked if there were any further changes to the draft minutes. None were indicated.

Commissioner Russell made a motion to approve the minutes of the Nelson County Planning Commission of October 22, 2014 as corrected. A second offered by Commissioner Goad; vote 5-0.

Chair Proulx noted two items that were originally scheduled on the agenda have been postponed; Special Use Permit for Page's Palette and Site Plan for Zenith Quest.

1. Special Use Permit #2014-009 – Blue Haven 151 Farm / Ms. Anne Wachtmeister

Mr. Padalino stated that the Planning & Zoning Department received a complete application and Site Plan on October 31, 2014. He also noted that proper advertising in the Nelson County Times was done on November 6th & 13th and all adjoining property owners were notified.

Mr. Padalino then began his presentation of the staff report; providing a brief oral report summarizing the location and characteristics of the subject property and noted that the applicant is requesting to use the existing property for a conference center. Mr. Padalino read the definition of "conference center" from the Nelson County Zoning Ordinance. Specifically, the applicant wishes to use the facility to "support educational retreats, team building, weddings, and events that are educational, artistic, and cultural in nature." He noted that the applicant has provided a brief project narrative to the Commissioners as well as for the public (see attached). The proposed use would include overnight lodging accommodations in a variety of formats, including the existing Bed & Breakfast, eleven (11) Airstream campers, four (4) bunkhouses, and a tent camping area.

Mr. Padalino noted the application was submitted in response to County code enforcement activities, which were initiated by resident complaints regarding perceived zoning violations. Specifically, the applicant had assembled and stored materials for the conference center use prior to receiving the necessary permits – but had not actually conducted any conference center use with those materials. As a result, Ms. Wachtmeister is seeking to remedy the situation by requesting County approval to move forward with the conference center use.

Mr. Padalino stated that the Site Plan Review Committee met on November 12th to review the Site Plan drawings; and then provided a brief summary of plan review comments provided by each agency represented on the Review Committee.

Mr. Padalino stated that there is a note on Sheet 1 indicating that the landscaping is existing; which is interpreted to mean that no additional landscaping or screening is being proposed. The Site Plan shows seven (7) existing landscape trees for screening purposes but due to the location and size of the trees, they do not provide much screening. Mr. Padalino stated that additional screening between the subject property and Parcel 2 may be

beneficial; and he added that Ms. Wachtmeister has conveyed that she understands those concerns, and that the landscaping and screening issues are a high priority.

Mr. Padalino then stated that a request was made for additional information about the anticipated traffic patterns and volumes. He stated that Mr. Jeff Kessler of Virginia Department of Transportation (VDOT) noted that the existing entrance would need to be classified as a regular or full volume commercial entrance, and will need to be designed and permitted by VDOT, and constructed accordingly. Mr. Padalino stated that Mr. Kessler noted the existing entrance does not meet sight distance requirements to the south, and that Mr. Kessler inquired if the existing entrance is the best location – or if perhaps the gated entrance further north could be utilized as a safer location. Mr. Kessler had also noted that applying for a “design waiver” for the existing entrance location is a possibility.

Mr. Padalino then shared comments from Mr. Tom Eick of Virginia Department of Health (VDH). He stated that Mr. Eick noted that the existing well and septic permits are currently residential, and will need to be changed to commercial permits for the proposed use. He noted that re-permitting process would require a report from a licensed engineer detailing the wastewater flow quantities and characterizations. Mr. Eick had also noted that a public water works permit may be necessary for the existing well, if twenty-five (25) or more people are served at the property sixty (60) or more times per year. Mr. Padalino then stated that there was a lot of discussion among the Site Plan Review Committee regarding the handling of septic waste. During that conversation, the applicant noted that there is a 1,000-gallon holding tank currently existing on the property; and that the bed and breakfast (B&B) will also be utilized for some of those septic demands; and that temporary facilities will be brought on-site for retreats, trainings, or other events which create greater demand than what can be handled by the B&B facilities. Mr. Padalino noted that Mr. Eick stated at the Site Plan Review Committee meeting that if the septic waste is going to be handled using temporary mobile setups, it would require individual permitting review and approval each time mobile services are brought on-site. Mr. Eick had also stated that the alternative would be to install permanent facilities with the correct permits.

Mr. Padalino then shared review comments submitted by Mr. David Thompson, Nelson County Building Official. Mr. Padalino explained that Mr. Thompson noted that the four (4) existing sheds are tool sheds, which are permissible as accessory structures. Mr. Padalino indicated that in speaking with Mr. Thompson, he clarified that since they are being proposed for use as bunkhouses, a change in use permit would be required and the bunkhouses would have to be compliant with any applicable building code requirements.

Mr. Padalino then noted there are four (4) main criteria for all applications for Special Use Permits:

1. The use shall not tend to change the character and established pattern of development of the area or community in which it proposes to locate;
2. The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property;
3. The proposed use shall be adequately served by essential public or private services such as streets, drainage facilities, fire protection and public or private water and sewer facilities; and
4. The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.

Mr. Padalino stated that of those four (4) criteria, there seems to be some concern over the “harmony” of the conference center activities relative to neighboring properties and relative to the very rural character of the surrounding area. More specifically, Mr. Padalino identified concerns regarding noise from conferences, weddings, and/or other events which may have amplified music and noises that could potentially be disruptive and adverse to nearby property owners. He also noted that, regarding the “established pattern of development of the area,” the proposed use should be further evaluated relative to the vehicular trips and the entrance requirements, and any impacts that may have on traffic mobility and road safety on that relatively undeveloped stretch of Patrick Henry Highway. Mr. Padalino then stated that the overall proposed use(s) do not seem to represent an inherently incompatible use of the property, with respect to adjoining properties and with respect to zoning in the area.

As a result, Mr. Padalino stated that County staff recommends that the PC consider recommending to the BOS that this application be approved with conditions that are designed to mitigate disruptive noise or other potential impacts to adjoining the properties and the surrounding area. He stated that those conditions could be construed to limit the hours in which amplified music can be used, or could be construed to impose other limits on noise or any other perceived nuisances that may be of concern. Mr. Padalino also noted that he has received two phone calls regarding this application. The first was from a citizen that had questions and concerns, and the second was from a member of the community stating their opposition.

Chair Proulx asked if the applicant would like to add to Mr. Padalino's presentation.

Elizabeth Anne Wachtmeister: Ms. Wachtmeister stated that she is the owner of the Blue Haven Farm Bed & Breakfast in Bryant, VA. Ms. Wachtmeister stated that from her perspective and the work that she does, she considers this more of a retreat center versus a conference center. Ms. Wachtmeister gave an overview of the work that she has done over the years as an experiential educator, working with both public and private schools. She noted that the previous owner, Ms. Day, had a healing arts retreat center and B&B. Ms. Wachtmeister said that she feels that she is honoring a legacy that is already there – but enhancing what the property can offer to students, visitors, and the community.

Ms. Wachtmeister then provided updated information since the Site Plan Review Committee meeting. In regards to addressing Mr. Kessler's concerns with VDOT, she stated that Mr. David Collins has spent some time looking at the grade of the road coming from the south towards the current driveway and assessing what that grade is. She indicated that the road is descending towards the entrance at a six percent grade.

Ms. Wachtmeister indicated that for the B&B and retreats, she estimates the traffic to be on average between 36-40 people for accommodations, three days a week on average, six to eight months a year. For events, weddings, family reunions, workshops and retreats, she estimated an average of 100-300 people, and estimated that those types of activities may happen 10 times or less a year. Schools, clubs and group retreats would average 20-80 people, three to seven days a week, perhaps 20 weeks a year. She then noted that when school groups come, they will often come in buses or vans, not in multiple cars coming in and out of the property. Ms. Wachtmeister stated that she feels this updated information may be beneficial to Mr. Kessler.

Ms. Wachtmeister then addressed the Health Departments concerns. She stated that she had met with someone on the property who has a background in the Health Department and designs septic systems. His findings were that there are two 1,000 gallon septic tanks on-site. The additional septic tank is located next to the Quonset hut. His recommendation was to add an additional drain field to that 1,000 gallon tank, and separate it from its existing setup so that it could act as a stand-alone system for the campers.

Regarding the sheds (potential bunkhouse cottages), Ms. Wachtmeister stated that she wants to avoid as much excavation of the property as possible. Her first thought was to create a mobile bathroom/shower facility, which would be serviced by a professional waste removal person.

In regards to landscaping and screening, Ms. Wachtmeister stated that she respects her neighbors and their privacy. She indicated that she intends to plant native trees, including more hardwoods. She had the opportunity to talk with Mr. Doug Coleman of the Wintergreen Nature Center, and that he made a suggestion to plant what's known as Nine Bark, which is a fast growing shrub that can double its size each year. She stated that the landscaping goal is to create three staggered rows of vegetation off the fence line of the adjoining property owner; and to also transplant some of the juvenile white pines on the property to that same area. Ms. Wachtmeister indicated that she is open to ideas, and wants to make it as attractive as possible.

In regards to the lighting concerns, Ms. Wachtmeister indicated that she plans to use solar lights and low-light lighting that helps guests and visitors navigate the property safely. The only lighting that will be used at Route 151 will be to light the sign, and those lights will be downcast and low-candescant.

In regards to the sign, Ms. Wachtmeister noted that she only plans to have a sign that would not be any larger than two foot (2') by four (4') foot. At this time she is not sure of the shape of the sign.

Regarding noise, Ms. Wachtmeister indicated that she is a fan of music and the arts. She believes there is a lot to highlight here in Nelson County with local bands, musicians, and artists. She stated that she would like to do community events and provide music – but not on the scale of Lockn' or The Festy. Ms. Wachtmeister stated that she is willing to limit the hours when music would be allowed, and that she wants to be respectful of her neighbors.

Chair Proulx opened the public hearing at 7:27 p.m.

Jane Bryant: Ms. Bryant stated that she lives north of the property on Route 151 in the Bryant area. She stated that she is there to learn, get information, and ask questions about the property. She noted that the music aspect was a concern of hers. She indicated that during the open house that was held on the property, it was her understanding that it could be heard two roads up from the site. She wants to make sure that the noise ordinance is respected for our community. She also noted that on the original sign that was on Route 151, one of the things that was listed was “music festivals.” Ms. Bryant then stated that she was confused because the hand out provided by Ms. Wachtmeister states music festivals are ~~not~~ something that they don't do. She wanted to know with a property this size, would there be a limit to the number of people that could be allowed at events; and for the hiking trails, if the boundary lines would be clearly marked and if hiking would be confined to that property only; and if pets would be allowed, and if so, would they be contained; and if there would be any campground regulations and restrictions put in place; and if campfires or fire pits would be allowed.

Sharon Day: Ms. Day stated that she was one of the developers and owners of the original B&B on this property. She stated that this is a beautiful and magical property, and that she is concerned that there may be some distortion with this proposed use. She noted that her property is only separated from Ms. Wachtmeister's property by a wooden fence. She indicated that her driveway is at the pinnacle of the blind spot – and that from her experience, she is very concerned about safety and about the increased traffic entering and existing the property. Ms. Day then stated that she is concerned about the quality of living and the noise level. Ms. Day showed Commissioners a photo looking toward the existing B&B from her property.

Massie Saunders: Ms. Saunders asked Mr. Padalino what VDOT's comments were. Mr. Saunders asked if a study has been done at the entrance to determine if it meets the requirements for sight distance; and if so, what were those dimensions. Mr. Padalino deferred that question to the applicant team. Mr. Saunders noted that for reference, if a sight distance study has been made then there should be some dimensions and those should be reported to VDOT as part of the permitting process. Mr. Saunders also noted for reference that with a 55 MPH lane road there needs to be at least 610 feet of sight distance; and for a six (6) percent slope, there needs to be a minimum of 553 feet of stopping sight distance. He noted that until those two dimensions are put in place by a surveyor or engineer as part of the plan, it does not meet the requirements; and therefore, it is a hazard to the public as an entrance on to a public road. Mr. Saunders stated that he was not sure why the application is being considered since there is not enough information at this point from VDOT to determine if there is enough sight distance and stopping sight distance available for the location.

David Collins: Mr. Collins is the surveyor and civil engineer for this project. Mr. Collins indicated that he has tried to check those distances and needs to meet Mr. Jeff Kessler, VDOT at the property. Mr. Collins noted that he has measured and the sight distance is minimal at best. He indicated that the road is at a six (6) percent slope coming down the hill. Mr. Collins then noted that he does not have any data at this time that is definitive. Mr. Collins noted that they will do what is required by VDOT to get an approved entrance.

Rebecca Bryant-Mawyer: Ms. Mawyer indicated that she lives on Bryant Lane. She stated that safety is her main concern. Ms. Mayer noted that there are school buses, large logging and service vehicles, and cyclists on Route 151; and that adding to the traffic volume is a hazard.

Sarah Bryant Loken: Ms. Loken stated that she grew up in Bryant. She owns property near Zion Hill Baptist Church. She indicated that she does not understand why the zoning needs to be changed since there is a B&B and a retreat. She is concerned that if this is changed to a conference center, what other possible future uses such an approval would open; and if the property is sold, what the next owner may do. She also asked where all the trees, all the transportation, and all the people are going. She asked if there would be a need for a larger facility in the future – and if will there be a need for bright night lights. She then stated that the proposed use does not fit the nature of the community, and it would definitely ruin it. She is concerned with the large trucks travelling at fast speeds along Route 151. Ms. Loken stated that she is afraid of what may happen to the property if Anne is not there to protect it.

Chair Proulx: Chair Proulx then clarified that the application is for a Special Use Permit for a conference center – not an application to rezone the property or to make any changes to the County Code.

Tommy Bruguere – 187 Jacks Hill Road Roseland, VA and West District Supervisor: Mr. Bruguere stated that there are a lot of safety concerns. He noted that the four points in the Zoning Ordinance that Mr. Padalino referenced would all be violated. He noted that this is a farming and residential area; this is not a campground or a conference center area. Mr. Bruguere stated that the B&B – if it stood alone – would be fine. He stated that the main problem is going to be with septic and water; and that has to be addressed by the Health Department. He noted that if an individual put a camper on their property, it must have well and septic. Mr. Bruguere noted that everything that has been done with the property, such as putting in the campers and cabins, has been done backwards. He stated that the owner did not have permission, and that all of that was done before any application was applied for. Mr. Bruguere then stated that his opinion is that Ms. Wachtmesiter should be made to take everything out and follow the proper process. Mr. Bruguere then stated that he does not believe a campground and conference center are in harmony with this area.

After explaining that there would be no more opportunity for public comment once the public hearing was closed, Chair Proulx paused, waited, and then closed the public hearing at 7:57 p.m.

Chair Proulx stated that she would like to clarify some of the items that had been discussed. She noted that the application is for a conference center, and not for a campground. She also noted that the campers are proposed to be located in fixed locations, and be plumbed for a septic field. She also clarified that Special Use Permits, if approved, only grant permission for the uses that are listed in the request – and that permit holders can't add things later, without first coming back to the County for another permit review and approval process. Any future proposed changes or modifications to a Special Use Permit would require the applicant to come back to the County for approval.

Commissioner Russell clarified that the Planning Commission is there to recommend approval or denial to the Board of Supervisors for this Special Use Permit for a specific use. As far as Health Department and VDOT, that is not the PC's purview. Mr. Padalino noted that this Special Use Permit application is the process where those agencies are brought in to provide their expertise and comments for County consideration; and that approvals from those agencies are not necessarily required prior to any Board approval.

Commissioner Russell stated that there have been trees planted along the property line between Ms. Wachtmeister's property and Ms. Day's since the photo presented by Ms. Day was taken.

Chair Proulx asked the applicant to address the concerns discussed during the public hearing. Ms. Wachtmeister stated that hiking trails will be confined to her property; and dogs will be allowed, but on leashes only. As for campfires, she noted that individuals will not be allowed to light fires; but she would like to create a bonfire area that is away from the trees and that would be a center place for attendees to congregate. Ms. Wachtmeister noted that she is open to time restrictions on music events, and that she wants to be a part of a culturally rich environment. Regarding the number of people at events, the applicant stated that she is willing to set limits based on the type of event taking place. She stated that she has no interest in cutting or clearing trees on her property.

Commissioner Goad asked about the tent camping area and how many tents would be allowed. Ms. Wachtmeister stated the tent area would be in the lower wooded area of the property. She stated that it would not be open to the public but would be specific to the programs with the students. Commissioner Saunders stated that he is concerned with the close proximity of the other property owners; and with the wooded area being dense, he is also concerned with there not being enough supervision for kids. Ms. Wachtmeister responded that there will be sufficient supervision, and that ground rules will be set in place.

Commissioner Allen stated that one of her concerns is in regards to the educational field trips where kids would be coming in on several busses for day trips. She is concerned with the added bus traffic and cars from parents that would be driving separately. Ms. Wachtmeister stated that her work is typically done with kids over a 3 to 10 day period. She noted that she may host some one-day event for kids from local schools, but stated that those activities would be conducted in smaller groups, and not all students would be hosted all in one day.

Commission Goad asked about the hosting of music events and weddings, and if the plans are to do both or just a conference center. Ms. Wachtmeister indicated that the reality is that she needs to be economically sustainable. She stated that her passion and work is education; but in order to support that, they also have to do other things.

Chair Proulx asked Mr. Padalino to clarify if the owner was to sell the property, what would happen with the permit. Mr. Padalino stated that unless conditions are applied to this specific SUP by the Board of Supervisors, an approved SUP carries over to a future property owner. Chair Proulx indicated that any approval of this particular permit could be conditional to this ownership – and if sold, the buyer would need to come before the PC with a new request to continue that kind of project. Mr. Padalino stated the BOS has the authority to establish that kind of condition.

Commissioner Saunders asked if a SUP is approved, and later it's determined that there are other uses being conducted without County permission, can the SUP be revoked. Mr. Padalino indicated that it could be, because permit approval is based on the terms and conditions of the application and any subsequent approval. Mr. Padalino then referenced Article 12, Section 3-8-C-3 of the Nelson County Zoning Ordinance.

Commissioner Russell then indicated great concern with regards to the scale of the proposed use, in terms of the number of people that could potentially use the facility at one time and the amount of traffic associated with it. Ms. Wachtmeister stated that she erred on the higher side for the estimated numbers that she provided. She indicated that she does not know the amount of people at this time, and will have to get a feel as things go along.

Mr. Collins stated that the existing entrance as it exists is sufficient for the current use. He noted that they will have to get a designated commercial entrance by VDOT; and that the existing entrance will have to be upgraded or they will provide another entrance.

Commissioner Saunders asked about the number of those currently employed and how many would be employed with events. Ms. Wachtmeister noted there are currently four (4) employees, and perhaps later on there may be more but that issue would be dependent on the size of the events.

Commissioner Russell put the following motion out for comment:

The Planning Commission recommend the Board of Supervisors approve the application for Blue Haven 151 Farm on Patrick Henry Highway, for a SUP to operate a conference center as depicted on minor site plan consisting of two sheets, dated October 31, 2014. This conference center will be composed of an existing B&B; four (4) bunkhouses; eleven (11) airstream campers; and a tent camping area for retreat participants only. The PC strongly urges the BOS to attach conditions on this permit to mitigate excessive noise; such as allowing amplified music only on Friday and Saturday nights until 11:00 P.M; limit the number of attendees to one-hundred (100) for any event, in order to control the overall scale of the facility; and that this permit be non-transferable. Chair Proulx offered a second.

Chair Proulx asked for comments and discussion regarding the motion on the floor. Commissioner Goad stated that he thinks that the lack of comments in favor of this SUP, and all the comments against it, tend to point to the change in character and pattern in the development of the area. He noted the existing B&B is fine in the area, but the proposed changes do seem like they would change the character of the surrounding area.

Chair Proulx then called for a vote on the motion; and the motion was defeated 3-2 with Commissioners Allen, Goad, and Saunders voting no. Chair Proulx then stated that the Planning Commission's recommendation to the BOS is to deny the application for a SUP.

Other Agenda Items:

1. Minor Site Plan #2014-005 – “Wayside Center” corporate training center / Mr. Jeff Winder (Tax Map Parcel #48-A-15):

Mr. Padalino noted this is an application for a Minor Site Plan in connection with an approved Conditional Use Permit from 2009. Mr. Padalino then began his presentation of the staff report; providing a brief oral report summarizing the location and characteristics of the subject property. He then stated that the Site Plan was reviewed by the Site Plan Review Committee on November 12th, and provided a brief summary of plan review comments provided by each agency represented on the Review Committee.

Mr. Padalino noted the Review Committee had questions regarding signage; exterior lighting; landscaping and screening; and parking spaces. He stated that in regards to questions relating to signage, the applicant has submitted two (2) revised Site Plans today that address those comments. The Site Plan identifies two proposed entrances, and the signs would clarify which entrance would be used by those residing at the dwelling and those that need handicap access; and which entrance will be used by all other patrons of the property. Regarding the exterior lighting, the applicant has clarified that there are no plans to have additional exterior lighting; the existing residential lighting will be used. Regarding landscaping and screening, the applicant is not proposing any additional landscaping. Regarding parking spaces, the Site Plan shows sufficient parking spaces as far as how many are required, which is calculated by using the total square footage of teaching area and the number of classrooms. The applicant team has stated that using such calculations, there is a need for eight (8) spaces and Mr. Padalino indicated that he agrees with that number. He noted the Site Plan shows approximately ten (10) spaces in the proposed new parking lot; three (3) of which are existing, including accommodations for handicap parking.

Mr. Padalino noted that Thomas Jefferson Soil & Water Conservation District (TJSWCD) did not attend the meeting on the 12th and has not provided any review comments. He also noted that the Health Department has commented that if this project served twenty-five (25) or more people at the property sixty (60) or more times per year, a public water works permit may be necessary. Mr. Winder has indicated that he would limit the number of attendees at any one activity to twenty-four (24).

Mr. Padalino noted that Virginia Department of Transportation (VDOT) had submitted comments and questions, but that he would defer to the applicant to address those comments.

Chair Proulx asked if the applicant team would like to add anything further to Mr. Padalino's comments.

Massie Saunders, Site Plan Engineer: Mr. Saunders indicated that to his knowledge, they have met all of VDOT's requirements. He noted that they have satisfied the sight distance as well as the stopping sight distance. Regarding the cross section of the road, he stated that there is an 8" layer of stone on the entrance, which is sufficient. There are two (2) types of signs that identify the entrances to the property; and handicap access is available. The public entrance will be the new parking area. The land disturbance area is under 10,000 sq. ft. and an Erosion & Sediment (E&S) Control Plan is not necessary, in his opinion.

Commissioner Russell asked for the amended date of the site plan. Mr. Saunders noted the Site Plan was amended on November 17th for signage and November 19th for parking. Mr. Saunders also gave a brief description of the signs, the locations for each, and for the parking spaces and their locations. He noted that there has been

discussion regarding the possibility for a primitive camping area. He indicated the County has received documentation on a proposed drainfield and a reserve drainfield. For reference, Mr. Saunders noted that a speed study was conducted in 2011 and noted that at that time, there were twenty (20) vehicles that passed within a twenty-four (24) hour period.

Commissioner Russell made a motion that the Planning Commission approve the Minor Site Plan as requested by Jeff Winder in connection with the Conditional Use Permit that he received, dated May 11, 2010 for improvements to a corporate training center. This would include a parking area; signage; a yurt; a foot bridge; and a primitive camping area. Participants, according to the applicant, will be limited to a maximum of twenty-four (24) people. This approval is based on the Site Plan, consisting of two (2) pages, dated June 15, 2014 and amended November 19, 2014.

Commissioner Allen seconded the motion; and Commissioners voted 5-0 to unanimously approve the motion.

2. Wayside Stand Permit #2014-01 – Mr. William Karnes (Tax Map Parcel #12-A-109):

Mr. Padalino began his presentation of the staff report; providing a brief oral report summarizing the location and characteristics of the subject property. He noted that the applicant is currently operating a wayside stand on the subject property, and is seeking the proper permit approvals for continuing the operation. Mr. Padalino indicated that Mr. Karnes has stated that his agricultural operations are on Bland Wade Lane in Afton and on Adial Road in Nellysford. He also noted that Mr. Karnes stated that his family produces approximately 70% of the products being sold at one of the two farm sites; and that he intends to operate from 2:00 – 5:00 p.m. on Wednesdays through Sundays, year-round, offering a variety of seasonal items. Mr. Padalino indicated that Mr. Karnes currently sells his products at the Nellysford Farmers Market – but that the market does not operate during this time of year.

Mr. Padalino indicated that the subject property is being used as a Home Occupations as an art studio for instruction and classes by Ms. Kim Page, the property owner. He noted that Ms. Page is also seeking approval for a Special Use Permit at the residence to operate a “craft, gift, or antique shop” – a use which is also currently taking place without the proper permit approvals.

Mr. Padalino indicated there are concerns with the issue of safety as it relates to the volume of traffic on Route 151. He noted that particular intersection, between Greenfield Road and Ashley’s Market, was highlighted as an intersection of highest concern during the Route 151 Corridor Study conducted by VDOT in 2013. He also noted there is concern with the location of the stand relative to VDOT’s right-of-way. Mr. Padalino noted that Mr. Jeff Kessler has communicated to the applicant the need to submit engineered drawings and analysis, regarding the existing entrances, before VDOT can make a recommendation to the County on the safety and appropriateness of this proposed use. Mr. Padalino noted that Ms. Page has recently completed and submitted a Site Plan and stopping sight distance analysis for her pending SUP application; but those materials have not yet been submitted to, or reviewed by, VDOT.

Mr. Padalino noted there is concern with the frequency and duration of the Wayside Stand Activity. He noted that according to the zoning ordinance, wayside stands are traditionally temporary uses. With the proposed ongoing, year round use, Mr. Padalino believes this would be more along the lines of a retail store. For those reasons, and for the concerns about safety and traffic mobility, Mr. Padalino stated that he does not recommend approval of the wayside stand permit.

Commissioner Russell asked what is the regulation concerning locating a temporary business in a VDOT easement. Mr. Padalino indicated that from VDOT’s comments during the Site Plan Review Committee meeting, it is legal to park on the shoulder in the VDOT right-of-way it is safe to do so; but other entrances within the right-of-way are not permissible. Mr. Padalino also noted that Mr. Kessler stated that the shoulder of Route 151 at the subject property is not sufficient for parking.

Mr. William Karnes: Mr. Karnes stated that in regards to the 70% production was relating to the flowers and such. The items that he would sell at the stand would be items that he has grown, or items that have come from other local growers. In regards to the sight stopping distance, he indicated that the required is 360 feet and they have 370 feet of distance. Mr. Karnes stated that he is willing to change the location of where his stand is currently located, and is open to any suggestions. He indicated that he just wants to make a living in the valley. Mr. Karnes stated that he has a High Tunnel, a 30 x 70 green house, which was given to him through a USDA grant to help grow produce for an extended season throughout the year. Mr. Karnes also noted that he previously tried to conduct the same use at the Tuckahoe Antique Mall, but was told by VDOT that he would have to split the one existing entrance into two separate entrances, and install curbing.

Chair Proulx stated that she is concerned with the location and safety. She indicated that she would like to have clarity on the entrance, exiting, and parking from VDOT. She also noted that there is the complication with another use on the property, which makes this more difficult due to the fact of not knowing what will happen with the house. Mr. Padalino indicated that Staff would give a copy of the Site Plan to VDOT for their review and comment for the December Site Plan Review Committee meeting.

Commissioner Russell noted that the thing that complicates her decision-making is the fact that there are two proposed uses at the same residence. She stated that she would prefer not to make a decision on this wayside stand application until a decision has been made for the homeowner's SUP application.

Commissioner Russell made a motion to defer our advice to the Planning & Zoning Director concerning the William Karnes request for a Wayside Stand Permit until a determination has been made by the Planning Commission and the Board of Supervisors on the future application of the property owner Kim Page.

Commissioner Goad seconded the motion; and Commissioners voted 5-0 to unanimously approve the motion.

3. Wayside Stand Permit #2014-02 – Ms. Shelby Bruguiere (Tax Map Parcel #12-A-148):

Mr. Padalino began his presentation of the staff report; providing a brief oral report summarizing the location and characteristics of the subject property. HE stated that the applicant is requesting to sell agricultural products from Dickie Brothers Orchard to increase their amount of direct-to-consumer sales. Mr. Padalino indicated the Ms. Bruguiere stated that all products sold would be agricultural or horticultural in nature, and 100% would be produced by Dickie Brothers Orchard. He noted the applicant intends to operate on Saturdays and Sundays during the peak growing season, between August through mid November.

Mr. Padalino stated that he recommends the Planning Commission approve the application for the following reasons: the proposed wayside stand location would be located relatively far from the public right-of-way, allowing for easier and safer access and less likelihood of congestion; the proposed wayside stand would only be in operation on weekend for a few months out of the calendar year; and the proposed wayside stand would be selling products that were produced entirely by the property owner's family (as required). Mr. Padalino indicated that he would also recommend the following conditions: VDOT provides a "recommendation for approval" for the permit application; and that the permit approval is limited to one year, to allow the County to evaluate the use after one growing season.

Massie Saunders, representing the applicant: Mr. Saunders noted that there is sufficient sight distance at the existing entrance. He noted that if the applicant wanted to expand in the future, there would be a problem using the existing entrance due to a power pole and a man hole that is there. The applicant has looked at utilizing the existing entrance at the uppermost edge of the proposed new entrance and moving the entrance ninety feet to the north; by doing this, it would allow for a commercial entrance. He noted there would be two phases of road construction. In reference to Mr. Padalino's statement regarding a one year review, he stated that he does not view that as an issue.

Ms. Shelby Bruguiera: Ms. Bruguiera stated that there are three (3) possible tent sites and it makes more sense to put the tent in front of the existing barn. She noted that this would not be an inexpensive project. Ms. Bruguiera asked what would happen if the project went to the next level if she would be able to incorporate the existing barn. She noted that the stand would be operated on weekends only, coinciding with the harvest season.

Chair Proulx did not support the one year limit on the permit suggested by the Planning Director. Commissioner Russell concurred by saying that the initial financial investment of the applicant would be unduly burdensome to only receive a one year permit.

Chair Proulx and Mr. Padalino indicated that future uses may not be covered by any Wayside Stand Permit approval; and if the use(s) change or expand, the applicant would have to obtain all necessary County approvals. Commissioner Russell stated that she is worried about expansion, which would increase traffic flow. She would like for the County to be able to re-examine the site in the future. Commissioner Russell asked that a Site Plan be done of the property for the record. Ms. Bruguiera clarified that expansion to her is putting up a permanent structure such as a pavilion instead of a tent. Mr. Saunders indicated that there will be a Site Plan done that will include the tent area as well as the entrance. He also noted that VDOT is putting a limit on the number of vehicles that can enter and exit the property on a daily basis.

Commissioner Russell made a motion that the Planning Commission recommends that the Planning Director approves the application for a Wayside Stand Permit by Shelby Bruguiera at 8063 Rockfish Valley Highway, Tax Map #12-A-148, conditional on VDOT's recommendation of approval of the entrance. The Planning Commission further recommends that the operation be limited to Saturdays, Sundays, and Holidays during daylight hours during the months of July through November. The site will be limited to the sale of Dickie Brothers products and the applicant will provide a Site Plan reflecting the property location; the location of the stand parking are; and the entrance.

Commissioner Goad seconded the motion; and Commissioners voted 5-0 to unanimously approve the motion.

– **Other Business:**

Review request from Mr. Gregory Allgire Smith, Executive Director, Virginia Center for Creative Arts (VCCA): Mr. Padalino stated that Mr. Smith is with the VCCA, which is currently located at Sweet Briar College in Amherst County. He noted that VCCA is exploring the possibility of relocating for various reasons, and has expressed interest in Nelson County's Agricultural District.

Mr. Smith noted that he doesn't believe there is a county within the Commonwealth of Virginia that has a provision for an "Artists Community." He provided background information about the VCCA and the residencies for artists from all over the world. Mr. Smith stated that he has been approached by a property owner in the County for future donation that could serve as a home for VCCA. He noted that he believes VCCA has some similarities to other intentional communities located in Nelson County.

Chair Proulx asked Mr. Smith if he was familiar with any other localities' ordinances that defines an "artist community." Mr. Smith stated that he does not believe there is one. He indicated that there are about 200 artists communities in the United States now. Mr. Padalino noted that he has researched "A Planner's Dictionary," a publication by the American Planners Association, and found nothing to be applicable.

Commissioner Allen asked about the number of employees. Mr. Smith indicated that there are currently six (6) full time employees and 12 – 13 part time employees. Commissioner Russell asked if VCCA had any interest in purchasing land with a large home. Mr. Smith stated that they are not interested in such because they want all the residents to have the same accommodations.

Draft: December 3, 2014

Commissioner Russell stated that she is in favor of adding a new definition to the Agricultural District. Chair Proulx asked Mr. Padalino to draft a definition for the Planning Commission to review for a possible amendment to the Zoning Ordinance.

Update on Agricultural-Forestal District (AFD) application and inquiries: Mr. Padalino noted that two applications have been received for addition to the existing Davis Creek AFD. He noted that from his research the process is very complicated, and has been handled differently at different times. He also noted that Mrs. Susan McSwain, Secretary to the AFD Advisory Committee, had indicated that there are no fees to add new parcels to an existing AFD; the deadline for submission of new applications is June 1st; and applications can be processed as early as January 1st. Mr. Padalino stated that he believes that after January 1st, applications received since June 1st can be processed; but he would like to know for certain what the process is. He stated that his current understanding of the review process is that an application has to be reviewed by the Planning Commission after being initiated by the Board of Supervisors; then sent to the AFD Advisory Committee; then sent back to the Planning Commission for public hearing; and then sent to the Board for public hearing and action.

Mr. Padalino then asked for the Commissioners past experiences with AFD applications, and if their experience matches the review process he described.

Chair Proulx indicated that she had spoken with Connie Brennan, and it was her understanding that it was State law that required all the back and forth between the different review entities. Chair Proulx indicated that she has not researched that herself, however. Commissioner Russell stated that in the past, the Planning Commission has been presented with the fact that there were applications and referred them to the AFD Advisory Committee for their review and recommendation; and once the Planning Commission received the Advisory Committee's recommendation, they held a public hearing. Mr. Padalino noted that it is his understanding that applications have to be referred by the Planning Commission or the Board of Supervisors to the Advisory Committee.

Chair Proulx suggested that Mr. Phil Payne review the process and see how it correlates with State regulations and if there is a way to simplify the process.

Adjournment:

At 10:10 P.M. Commissioner Allen motioned to adjourn.

Respectfully submitted,

Stormy V. Hopkins
Secretary, Planning & Zoning



DEPARTMENT OF
PLANNING & ZONING

PLANNING COMMISSION
BOARD OF ZONING APPEALS

To: Chair and Members, Nelson County Planning Commission

From: Tim Padalino | Director of Planning & Zoning

Date: December 10, 2014

Subject: **Special Use Permit #2014-008 – “Page’s Palette” Antique, Craft, Gift Shop**

<u>Site Address / Location:</u>	6222 Rockfish Valley Highway / Greenfield area of Afton / North District
<u>Tax Map Parcel:</u>	#12-A-109
<u>Parcel Size:</u>	approximately 7.1 acres
<u>Zoning:</u>	Agricultural (A-1)
<u>Request:</u>	Approval of Special Use Permit #2014-008 to operate an “antique, craft, or gift shop” in conjunction with a permissible home occupation (art studio)
<i>Completed Application Received On: November 17</i>	

Application Overview

The Department of Planning & Zoning received a completed application in November from Mrs. Kim Page, seeking approval of Special Use Permit #2014-008. This application seeks approval to operate a “antique, craft, or gift shop” retail store within the existing dwelling, as shown on the drawing by Mr. W. Morris Foster, LS, dated November 14, 2014.

The subject property is located on Rockfish Valley Highway (Rte. 151), just south of Greenfield Road (Rte. 635) in the Greenfield area of Afton. The 7.1-acre property is zoned Agricultural (A-1) and is currently used as a residential dwelling and also as a permissible “Home Occupation, Class A” (art studio and art instructional classes). *(Please see maps on pages 5 and 6.)*

Summary of Requested Uses & Application Details

“Antique, craft, or gift shop” is not defined in the Zoning Ordinance. The applicant has described the proposed use as the display and sales of various items on consignment from local vendors, artists, artisans, and craftsmen; which would be contained to the front two rooms of the residence, totaling approximately six hundred (600) square feet of retail space.

Please note that the applicant has recently been operating “Page’s Palette” from the existing residence, without the required Special Use Permit, despite a written determination from this Department in April (2014) stating that “ongoing retail sales are not considered a Home

Occupation,” and that a Special Use Permit would be required to operate a craft or gift shop, or to sell artwork produced by other artists. The applicant explained that she was never provided a copy of that determination.

After conducting a site visit in October and discussing with Mrs. Page the Nelson County Zoning Ordinance regulations and permit requirements, the applicant has been very cooperative, has endeavored to submit all required application materials, and has stated that she has suspended the “Page’s Palette” operation during the permit application process (while continuing the art studio and art classes as a permissible Home Occupation).

Site Plan Review Committee

The Site Plan Review Committee met on December 10th to review the proposed Minor Site Plan, which is required with a Special Use Permit application, and which was prepared by W. Morris Foster, LS. The committee members’ comments are as follows:

Director of Planning & Zoning:

- **Signage:**
 - Location, size, and details of all signage are not specified. The applicant stated at the 12/10 Site Plan Review Committee Meeting that she intends to continue using the existing two (2) SF sign hanging from the light pole, and that she does not wish to install any new sign which she said would, in her opinion, detract from the charm of her property.
- **Lighting:**
 - Location and type of exterior lighting is not specified. Additional exterior lighting is not proposed for this requested use.
- **Landscaping & Screening:**
 - Location, type, and size of landscaping materials is not specified on the Site Plan. The applicant clarified at the 12/10 Site Plan Review Committee Meeting that no new landscaping will be installed. The applicant noted that she might like to relocate the Japanese Maple that is currently located near the existing gravel entrance; and that the two (2) large pine trees labeled “20” Spruce” would probably need to be removed, if entrance improvements need to be constructed.
- **Parking Spaces:**
 - The Site Plan indicates that three (3) regular spaces plus one (1) additional handicap space would be provided for the retail store use. This meets the minimum number of required spaces per the Zoning Ordinance (“Commercial (1)” category contained in §12-7-6a).

VDOT: Mr. Jeff Kessler provided the following comments:

- Information detailing the anticipated traffic generation volumes needs to be submitted by a licensed professional. This trip generation information is based on the type of proposed use, the square footage of the proposed use, the anticipated number of users, and the size of the property. Without information documenting that the proposed use is eligible for a “low volume commercial entrance,” VDOT must assess the entrance as being subject to the full “commercial entrance” standards.
 - In order to qualify for “low volume commercial entrance,” an entrance can be used for no more than fifty (50) total trips per day.

- Mr. Kessler also explained to the applicant that because the entrance in question would also continue to serve the existing residence where the proposed retail space would be located, VDOT regulations automatically account for ten (10) trips daily at that entrance.
- Information identifying the “stopping sight distance” for both entrances needs to be submitted by a licensed professional. (Only “intersection sight distance” has been provided; and Mr. Kessler stated on 12/8 that the sight distance figures contained on the Site Plan submission does not meet the requirements.)
- Mr. Kessler explained requirements for the entrance design, stating that the entrance would need to be constructed with a 25’ radius from the edge of pavement, tapering to a minimum width of sixteen (16) feet where the radius has a tangent with the existing gravel driveway.
- Mr. Kessler also described concerns with using the existing gravel loop driveway (in front of the dwelling, near Route 151) for parking associated with the proposed retail use. He requested that the business parking facilities be separated from the parking area(s) used by residents and their guests.
- Finally, Mr. Kessler stated that a VDOT Land Use Permit would need to be obtained prior to conducting any work within the VDOT right-of-way.

TJSWCD: Mrs. Alyson Sappington of the Thomas Jefferson Soil & Water Conservation District provides review of the Erosion & Sediment Control Plan. She did not attend the Site Plan Review Committee meeting and did not provide written comments; the Site Plan indicated on Sheet 3 that, “No grading is required for this plan. o [zero] area to be disturbed.” Please note that if any construction is required in association with a new entrance or other transportation improvements, some site disturbance would occur – but it would likely be minimal and (presumably) be well under the 10,000 SF threshold for requiring an approved Erosion & Sediment Control Plan.

VDH: Mr. Tom Eick of the Virginia Department of Health did not attend the meeting and did not provide review comments; the proposed use does not seem to contain any issues that fall under the purview of the Health Department.

Nelson County Building Code Official: Mr. David Thompson provided written comments (attached).

Nelson County Planning Commission Representative: Mrs. Linda Russell noted that the Site Plan does not identify the location of any proposed sign, and does not include the existing light pole at the back edge of the existing parking lot loop. She also pointed out that the side yard setback areas, as noted on Sheet 2, do not satisfy the setback requirements per Zoning Ordinance Section 4-3-2.

Please note that at the Site Plan Review Committee Meeting, the applicant stated her intention to have her consultant revise the Minor Site Plan, in order to incorporate the required and requested information; and to resubmit that drawing for re-review. However, revising and resubmitting the Site Plan was not possible prior to the Planning Commission meeting. Despite this anticipated resubmittal, the application will remain on the December 17th meeting agenda because the Legal Notice for this Special Use Permit application has already been re-advertised at the applicant’s expense (due to a requested deferral from the originally-advertised public hearing date).

Staff Comments

Please note that the proposed use and project must be evaluated relative to the review criteria contained in Article 12, Section 3-2:

12-3-2: General Standards and Criteria for Special Use Permit Review.

All applications for Special Use Permits shall be reviewed using the following criteria:

- a. *The use shall not tend to change the character and established pattern of development of the area or community in which it proposes to locate;*
- b. *The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property;*
- c. *The proposed use shall be adequately served by essential public or private services such as streets, drainage facilities, fire protection and public or private water and sewer facilities; and*
- d. *The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.*

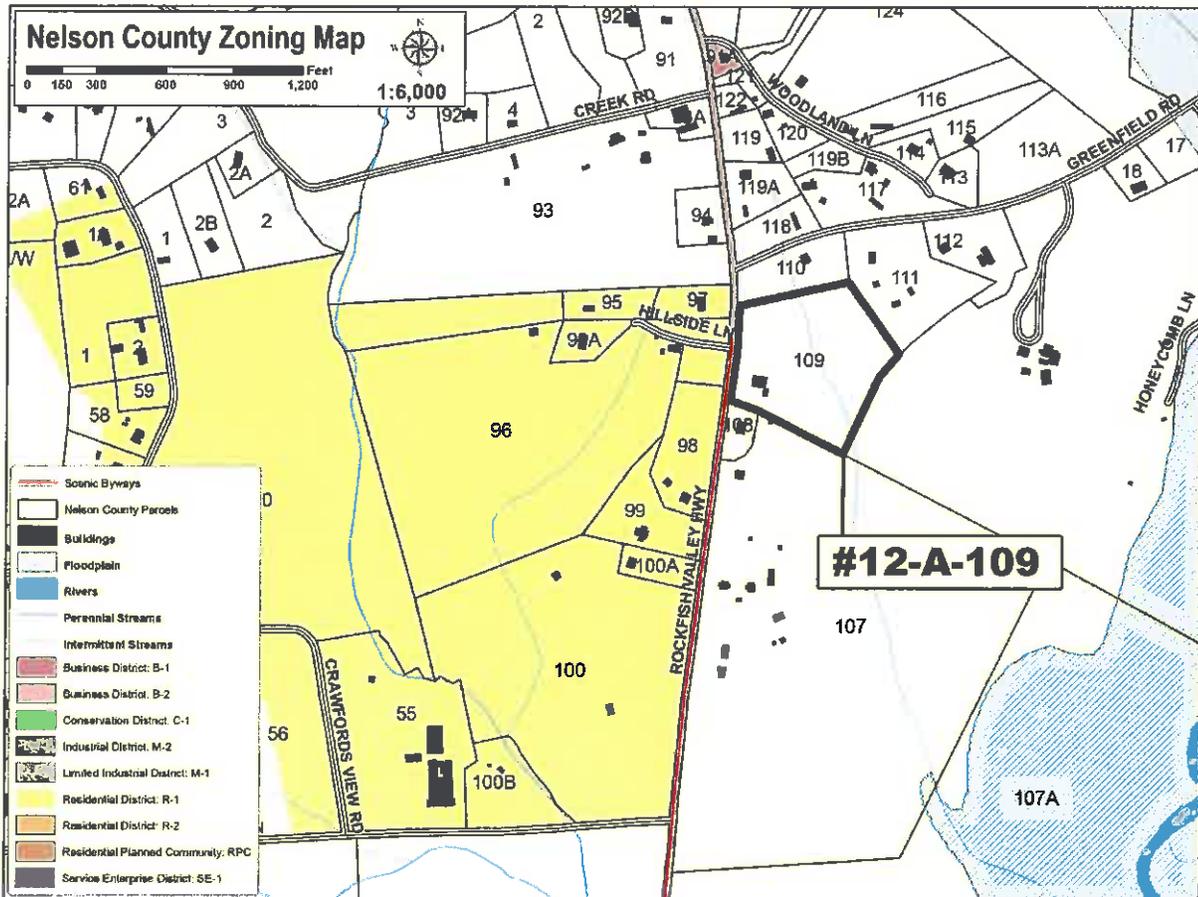
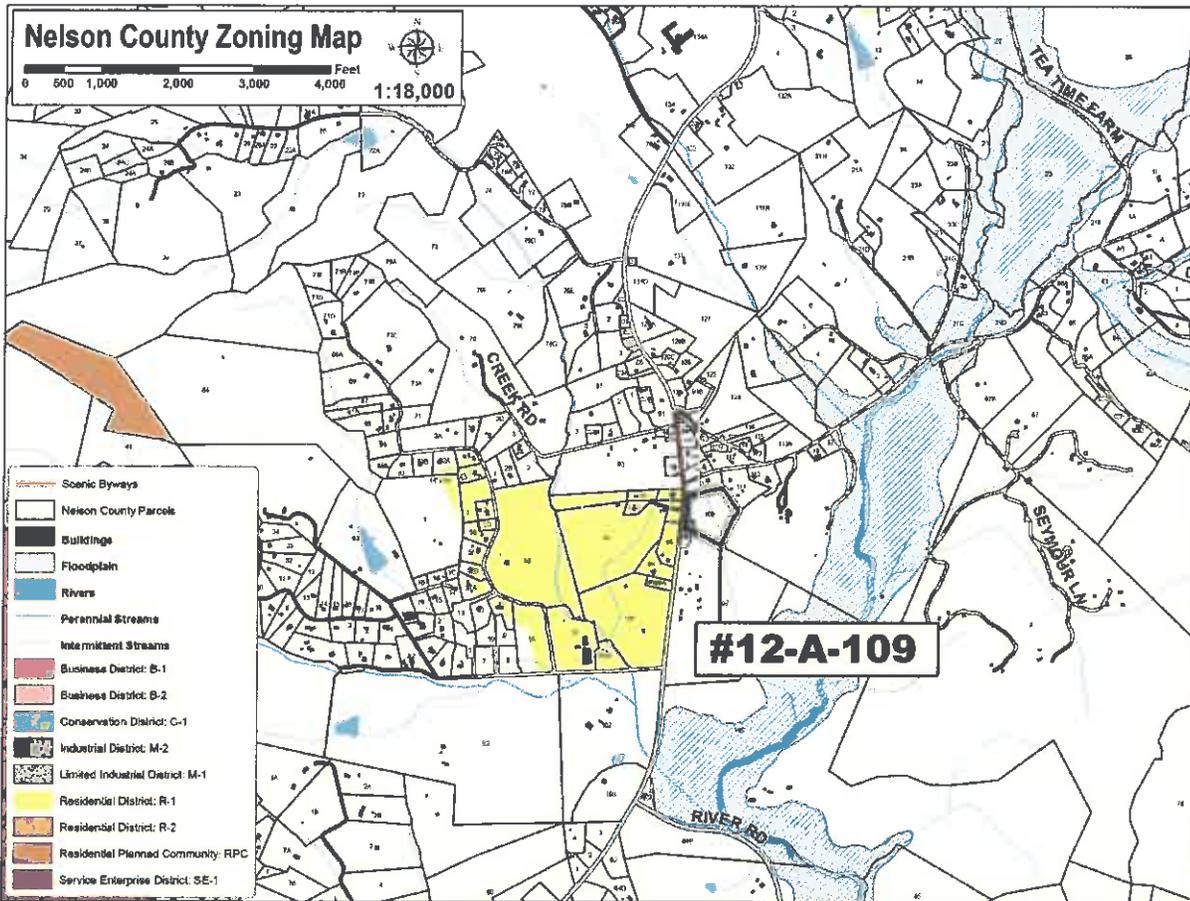
Of those four criteria, the proposed use(s) do create concern with the requirement for a proposed special use to have “adequate service” with regards to safe vehicular access and safe connection with the public road system.

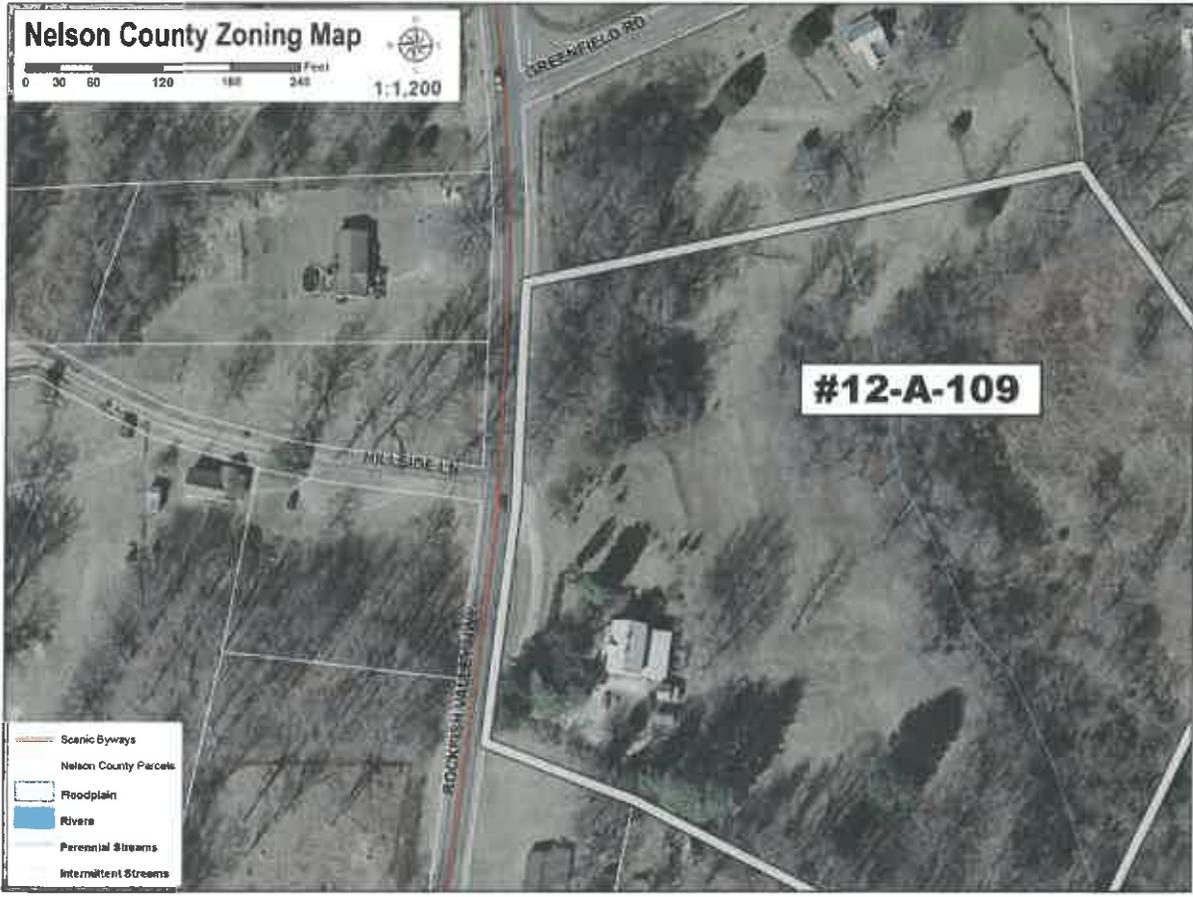
Specifically, the location of the subject property creates concern with regards to road safety and mobility. This section of Route 151 has a bad crash history; and is an area identified in the Route 151 Corridor Study (conducted by VDOT in 2013) as an intersection of concern, with respect to safety, traffic volume, and mobility issues. The proposed addition of a retail space should be carefully considered with respect to VDOT’s concerns about the Greenfield Road intersection, and with respect to the existing traffic and turning movements associated with nearby land uses (including Ashley’s Market).

In addition to the property location, staff have concerns with the safety and functionality of additional vehicular turning movements – especially at a site that was originally developed for residential use (and not designed to accommodate retail activity). The property layout does not seem conducive to safe, efficient vehicular access; and it’s location in high-profile, high-volume transportation corridor compounds those perceived issues.

Therefore, County staff does not recommend approval for this Special Use Permit application #2014-008. However, that recommendation should not be construed to negatively affect the current art studio and art instruction classes, which continue to be a permissible by-right use as a “Home Occupation, Class A.”

Thank you for your attention to this matter; please contact me if you have any questions about this report or the application materials, or if I may be of assistance in any other way.





Special Use Permit No. 2014-008

TO THE ZONING ADMINISTRATOR:

1. The undersigned hereby petitions the Planning Commission and/or Board of Supervisors for approval of the following (check appropriate box):

- Rezoning from _____ to _____
- Special Use Permit
- Site Plan - Preliminary (Optional)
- Site Plan - Final
- Amend text of Zoning Ordinance
- Other - _____
- Subdivision - Regular Preliminary
- Subdivision - Regular Final
- Site Plan - Minor
- Site Plan - Major
- New Sign Permit

Pursuant to Article 4, Section 1-2a of the Nelson County Zoning Ordinance.
Pursuant to Section _____, Subsection _____ of the Nelson County Subdivision Ordinance.

Reason(s) for request: retail space in front two rooms of residence

2. Applicant(s) and Property Owner(s): (Please print names of applicants and property owners and indicate applicable title. If applicant is not the property owner, show relationship, i.e. lessee, contract purchaser, etc.)

Applicant Property Owner Name: Kimberly D. Page
Address: 6222 Rockfish Valley Hwy, Afton, VA 22920
Tel. No.: _____ Cell No. 540-241-9653 E-mail addr. kdpage.lol@ad.com

Relationship (if applicable): _____
 Applicant Property Owner Name: _____
Address: _____
Tel. No.: _____ Cell No. _____ E-mail addr. _____

Relationship (if applicable): _____
 Applicant Property Owner Name: _____
Address: _____
Tel. No.: _____ Cell No. _____ E-mail addr. _____

Relationship (if applicable): _____
 Applicant Property Owner Name: _____
Address: _____
Tel. No.: _____ Cell. No. _____ E-mail addr. _____

Relationship (if applicable): _____
(Use reverse if more space is needed.)

3. Location and Characteristics of Property:

a. Address of property including specific location, route numbers, street names, direction (NSEW), Magisterial District, etc.: 6222 Rockfish Valley Hwy, Afton, VA 22920

Official tax map number: 12-A-109

b. Acreage of property: 7.177

c. Present use: residence

d. Present zoning classification: A-1

e. Zoning classification of surrounding properties: A-1 & R-1

(Continued on reverse.)

4. Names of Adjacent Property Owners: Shannon Farm, Sam Clayborne, Joe Lee McClellan, Calvin Truflow, Seth McClain, Pamela Coffey, Robert Fields, Clinton Thomas & Martha J. Frazer

5. Affidavit: The undersigned applicant(s) and/or property owner(s) certifies that this application and the foregoing answers, statements, and other information herewith submitted are, in all respects, true and correct to the best of their knowledge and belief. Also, the applicant(s) and/or property owner(s) gives permission for members of the Planning Commission, Board of Supervisors, and County Staff to visit and view the subject property.

Signature: Lymbeily D. Page
Signature: _____
Signature: _____
Signature: _____

6. Additional information: _____

7. Please note: In the event of cancellation or postponement at your request after the initial newspaper advertisement for this application, an additional fee will apply for re-advertisement. The fee will be based on the actual cost of the ad, and will not apply in cases of Planning Commission or Board of Supervisor deferments.

→ update (11/5): site plan not submitted; application postponed...

application incomplete; Minor Site Plan to be submitted by Fri. Oct. 31st to be included on 11/19 P.C. agenda.

*****TO BE COMPLETED BY PLANNING & ZONING OFFICE*****

Completed application and fee (\$ 300.00) received on October 17, 2014 : ~~October 31, 2014~~

Hearing Notice published on November 6th + 13th : December 8th + 11th.

Planning Commission action: Date of Hearing: November 19, 2014 : December 17, 2014.

Recommendation: _____

Board of Supervisor action: Date of Hearing: _____

Date of Decision: _____

Action: _____

OWNER'S STATEMENT :

COUNTY OF NELSON APPROVAL

THE MINOR SITE PLAN DESCRIBED HEREIN IS WITH THE
CONSENT OF AND IN ACCORDANCE WITH THE DESIRE
OF THE UNDERSIGNED OWNER, PROPRIETOR, OR TRUSTEE.

DESIGNATED AGENT

DATE

RICHARD G. PAGE

Richard G. Page

KIMBERLY D. PAGE

Kimberly D. Page

HEALTH DEPARTMENT APPROVAL.
N/A EXISTING WELL and SEPTIC DRAINFIELD

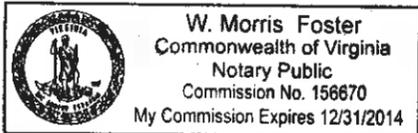
THE ABOVE WAS ACKNOWLEDGED BEFORE ME ON

MY COMMISSION EXPIRES

NOTARY PUBLIC

NELSON COUNTY SERVICE AUTHORITY

N/A



VA. DEPT. OF TRANSPORTATION

NOTES :

SITE HAS EXISTING WELL AND SEPTIC DRAINFIELD

SITE HAS EXISTING ENTRANCE ONTO S.R. 151

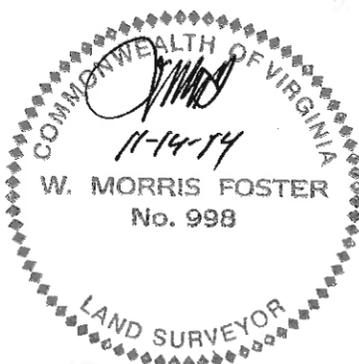
ZONING : A-1 (SPECIAL USE PERMIT APPLICATION)

PARKING REQUIRED :

600 SF RETAIL SPACE - 3 SPACES REQD. 3 SPACES + HC SPACE PROVIDED

RESIDENTIAL USE - 2 SPACES REQD. 2 SPACES PROVIDED

ADDITIONAL SPACES 4 and 5 IN EXISTING FRONT DRIVEWAY



SHEET 1 of 3- MINOR SITE PLAN FOR

TAX MAP 12 - A - PARCEL 109

Rockfish Magisterial District

NELSON COUNTY, VIRGINIA

W. MORRIS FOSTER
LAND SURVEYOR
NELLYSFORD VA.

DATE : 11-14-2014

NORTH BY SR 151 HWY. BK. 1 P. 53



Ashleys Market

S.R. 635 Greenfield Rd.

TM 12-A-109

R.V.C.C

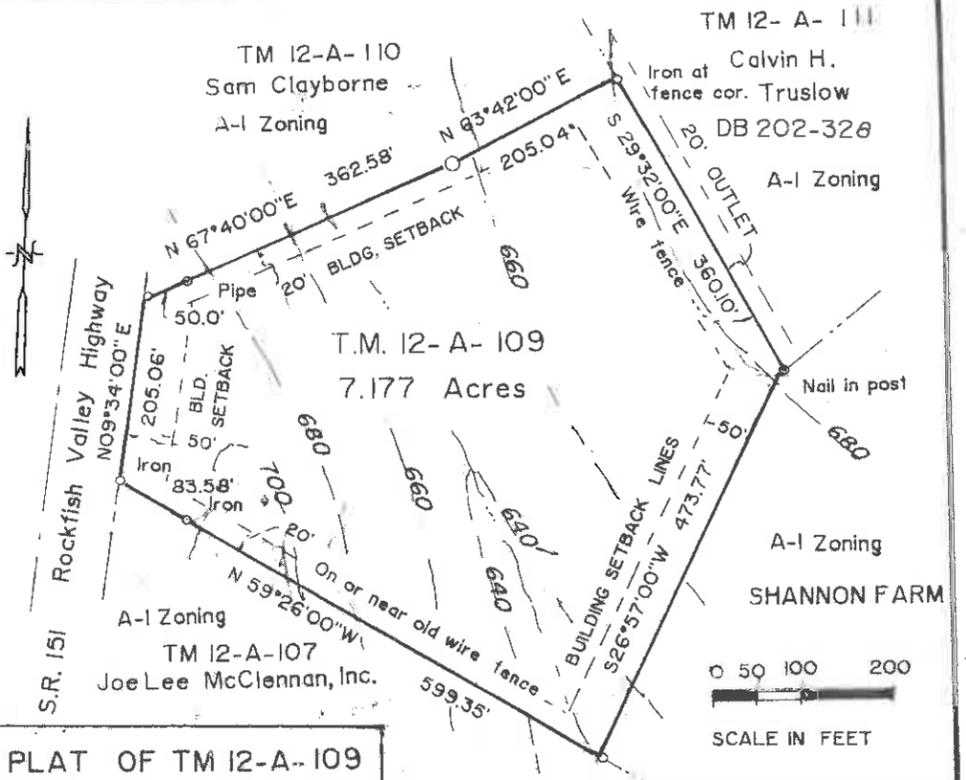
ROCKFISH VALLEY HWY.

S. R. 6

LOCATION MAP
0 1000 2000

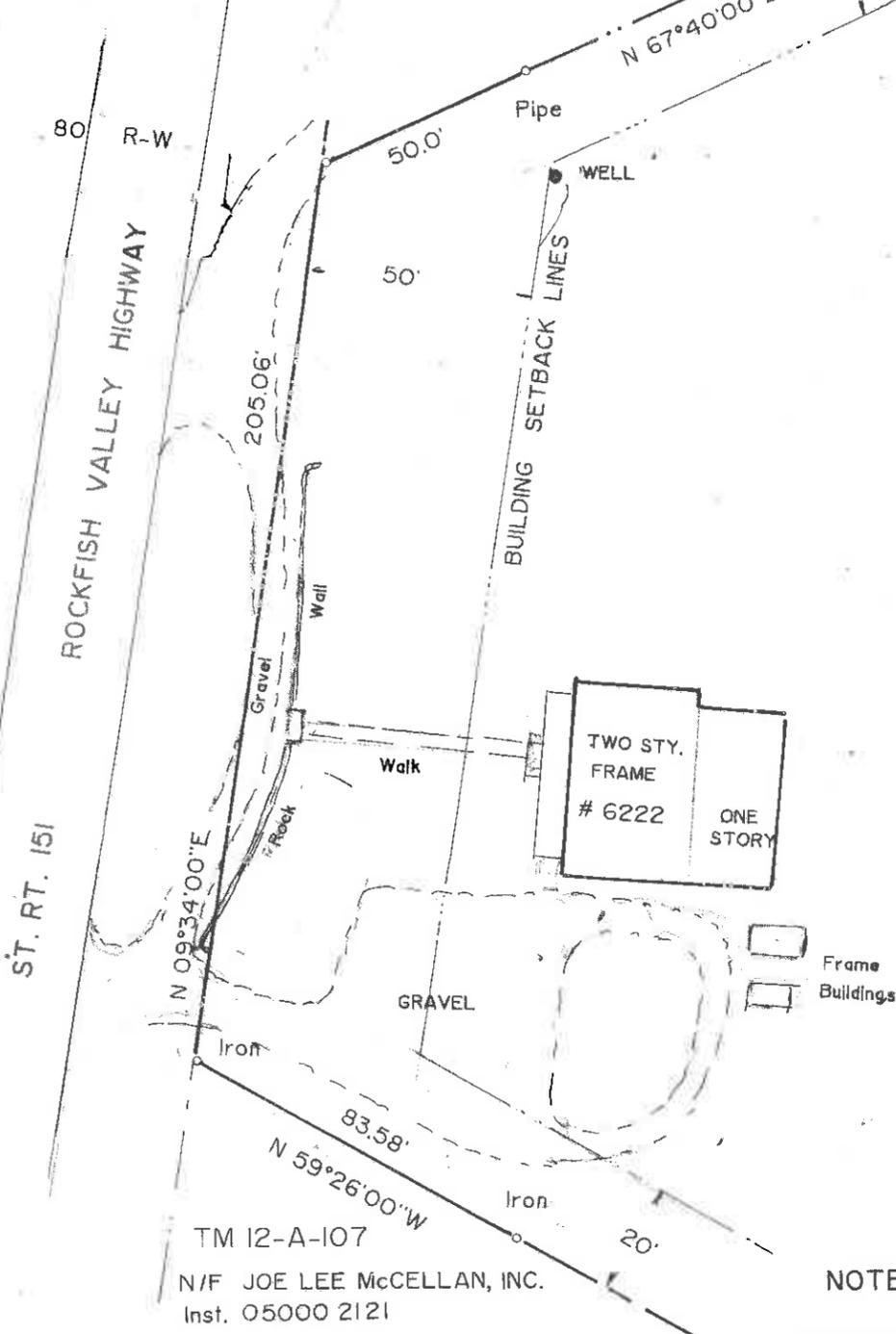
SCALE IN FEET

PLAT OF TM 12-A-109



TM 12-A-110 SAM CLAYBORNE

NOTE: 20' CONTOURS FROM USGS GREENFIELD QUADRANGLE.



TAX MA 12- A- 109
RICHARD G. and KIMBERLY D. PAGE
INST. 140001281

NOTE: See Sheet 1 for Notes and Approvals
See Sheet 3 for Area Details



W. MORRIS FOSTER
LAND SURVEYOR
NELLYSFORD VA.

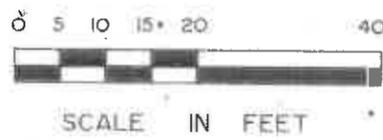
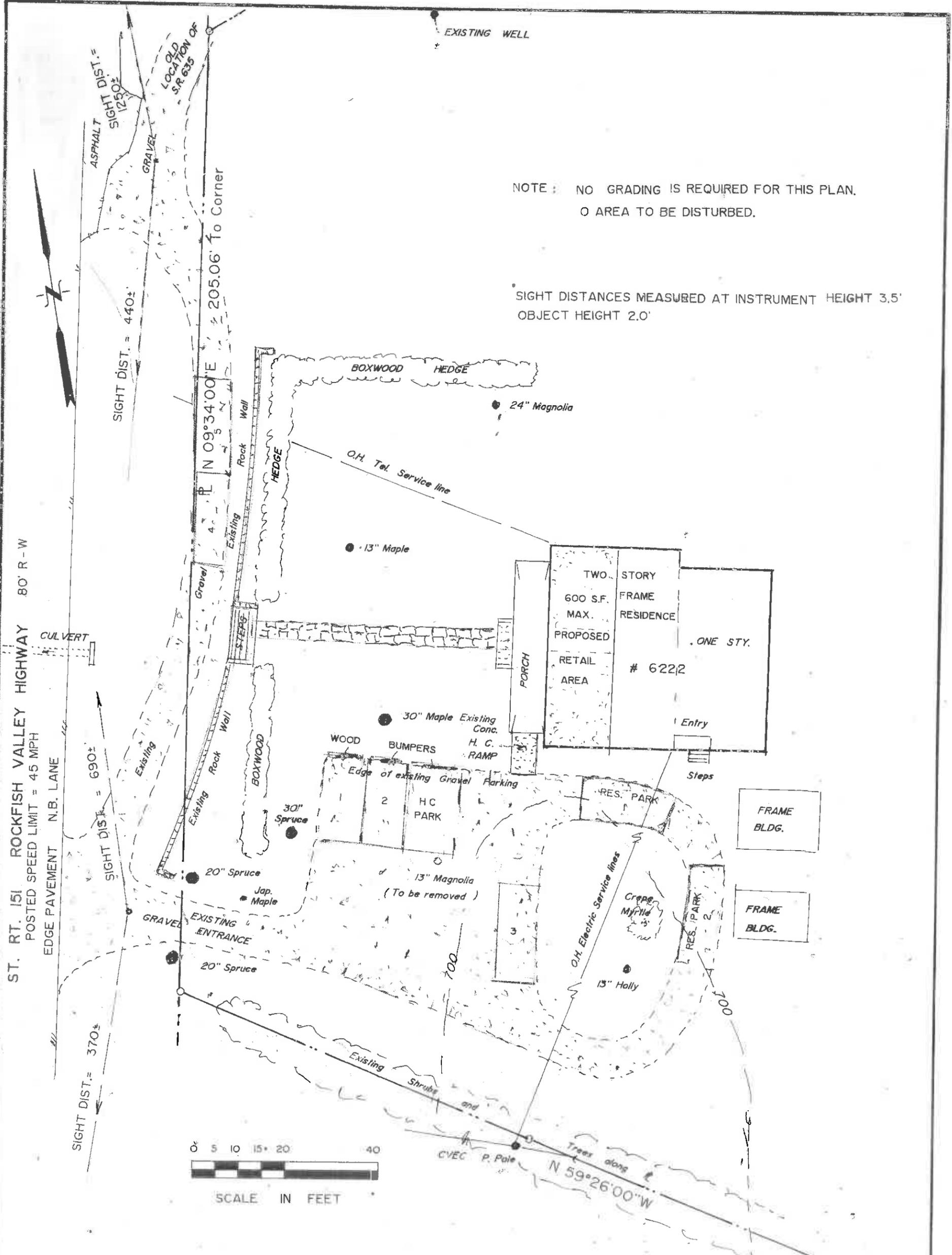
SHEET 2 of 3 - MINOR SITE PLAN FOR
TAX MAP 12 - A - PARCEL 109
Rockfish Magisterial District
NELSON COUNTY, VIRGINIA

DATE: 11-14-2014

EXISTING WELL

NOTE : NO GRADING IS REQUIRED FOR THIS PLAN.
O AREA TO BE DISTURBED.

SIGHT DISTANCES MEASURED AT INSTRUMENT HEIGHT 3.5'
OBJECT HEIGHT 2.0'



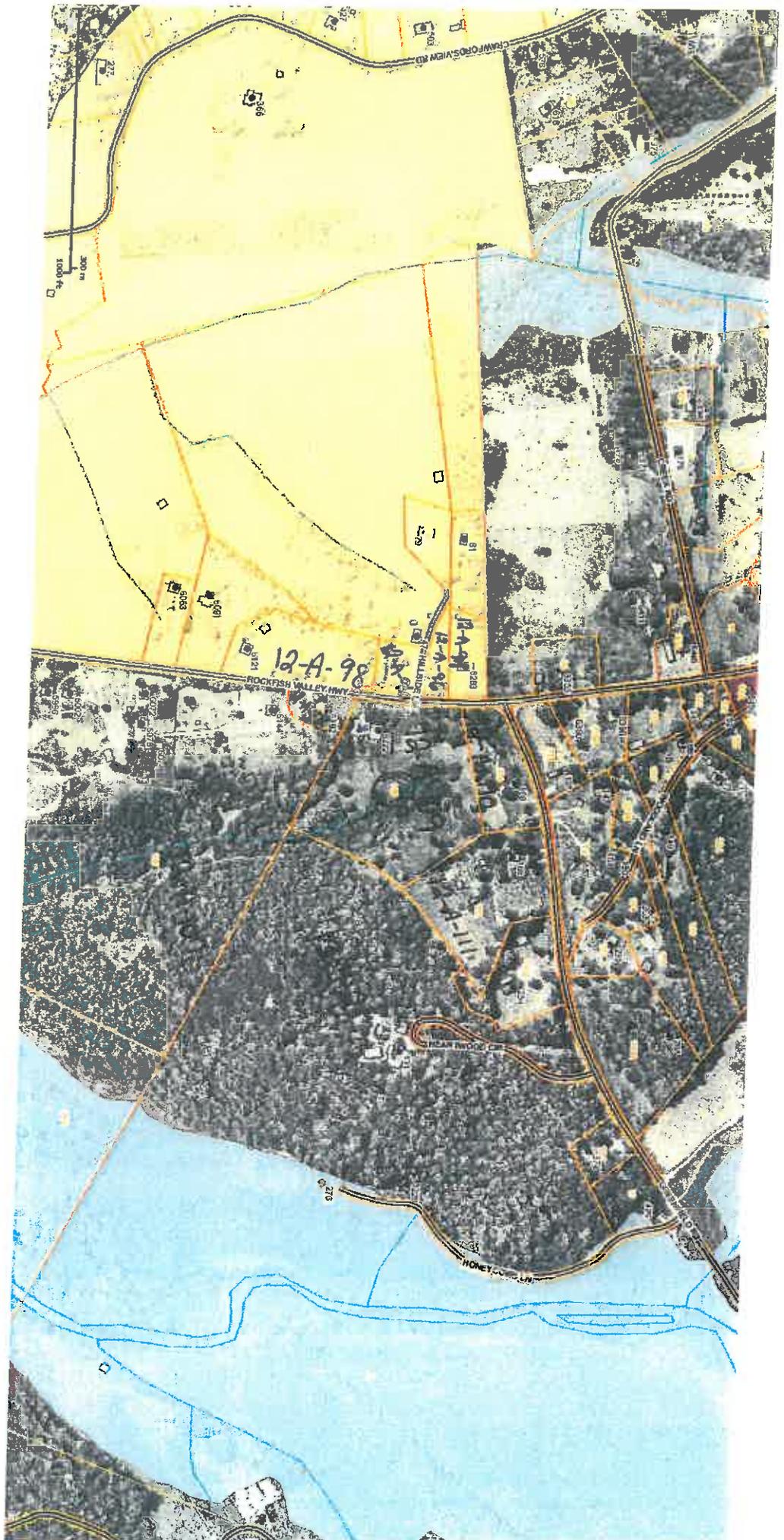
SHEET 3 of 3 - MINOR SITE PLAN FOR
TAX MAP 12 - A - PARCEL 109

Rockfish Magisterial District
NELSON COUNTY, VIRGINIA

DATE : 11-14-2014 REV. :

W. MORRIS FOSTER
LAND SURVEYOR
NELLYSFORD, VA.





Special Use Permit #2014-008 – “Page’s Palette”

Richard G. & Kimberly D. Page
6222 Rockfish Valley Hwy
Afton, VA 22920

Tax Map #

12-A-109

Adjoining Property Owner Name

Sam Clayborne
c/o Mary Parker
5105 4th Street NW
Washington, DC 20011

Parcel ID

12-A-110

Calvin Henry Truslow
166 Greenfield Road
Afton, VA 22920

12-A-111

Seth E. McClain
P.O. Box 611
Stuarts Draft, VA 24477

12-A-108

Joe Lee McClellan Inc.
P.O. Box 395
Lovingston, VA 22949

12-A-107

Robert W. Fields & Others
79 Hillside Lane
Afton, VA 22920

12-A-96

Pamela L. Coffey
6283 Rockfish Valley Hwy
Afton, VA 22920-3031

12-A-97

Clinton Thomas & Martha J. Frazer
6121 Rockfish Valley Hwy
Afton, VA 22920

12-A-98

Shannon Farm Assn Inc.
c/o Treasurer
274 Shannon Farm Lane
Afton, VA 22920

13-4-2



To: **Timothy M Padalino**, Director of Planning & Zoning

From: David L Thompson, Building Code Official

Date: December 10, 2014

Re: December 10, 2014 Plan Review Meeting

COMMENTS:

1. Minor Site Plan for Special Use Permit # 2014-008 – Ms. Kimberly Page/ “Page’s Palette” Antique, Craft, or Gift Shop (Tax Map Parcel #12-A-109)

- A Nelson County Land Disturbing Permit is required for a project involving grading areas of 10,000 sq. ft. or more. Article III section 9-55 Nelson County Code
- Effective July 1, 2014, a VSMP permit registration statement, may be required before a Nelson County land disturbance activity permit can be obtained. 62.1-44.15:34 Code of Virginia
- All local & state functional agency approvals are required to be submitted at the time of the building permit application.
- Construction documents for the Use group M to the Dwelling (R-5) shall be submitted with the application for a building permit required by 13VAC5-63-80 Section 108.1. Re: 13VAC5-63-90 Section 109.1 [Virginia Administrative Code.] A certificate of occupancy for a mix Use Group M & R-5 must be obtained prior to the proposed use.
 - * Note the building structure must be evaluated for the structural design and load combinations for each use group. Separation of use groups, required equipment & fixtures, occupancy design loads, fire protection and life safety requirements are to be stated of the plan cover sheet submitted for building permit application and review. The requirements for the evaluation of the existing structure (R-5) and the proposed retail shops of a Use Group M – require existing structure documentation services and professional plan detail. An application for permit review and issuance conforming to the design of the 2012 USBC edition of the codes will allow the RDP (Registered Design Professional) to use the 2012 VCC (Virginia Construction Code) or the 2012 VRC (Virginia Rehabilitation Code) depending upon his/her choice. Portions of the building and facilities must comply with VCC chapter 11.

2. Amended Site Plan Site Plan #2014-007 – Mr. Taylor Smack / Amendment to Site Plan #2006-008 “Blue Mountain Brewery” (Tax Map #4-A-59)”

- No comments, parking areas are completed and stabilized.

Tim Padalino

From: Kessler, Jeffery B., P.E. (VDOT) <JefferyB.Kessler@VDOT.Virginia.gov>
Sent: Tuesday, October 28, 2014 8:23 PM
To: kdpage61@aol.com
Cc: Tim Padalino; Clark, Matthew D. (VDOT)
Subject: Nelson County Special Use Permit Request - Minor Site Plan - Kim Page's Rte 151 Consignment Shop

Kim,

It was a pleasure speaking with you this morning. Unfortunately, I was not able to get up with Tim Padalino today, and I will be out of the office tomorrow, October 29th.

As I shared, VDOT initially needs information regarding the intended business use, potential daily traffic volumes resulting from the business, the entrance location, and sight distances. This information is normally included on the site plan by the Engineer of Surveyor. Based on the type and traffic volume generated by the business, the commercial entrance requirements will range from a low volume (simple design) to a full commercial entrance (increase in complexity and requirements).

If your business meets the requirements for a low volume commercial entrance, the sight distance requirement will consist of only obtaining stopping sight distance along Route 151. This requirement varies based on the posted speed limit and the roadway grade of the adjoining section of Route 151 coming down hill you need more, less going uphill). As explained, this information is to be provided by a certified land surveyor or professional engineer. The entrance will need to be paved, and the geometrics will be based on the traffic volume (example 16 foot minimum width and 25 foot radii for a low volume commercial entrance) Once we receive a copy of your preliminary site plan with traffic volumes, we will be in a position to provide more detail.

I look forward to assisting you with this project. I will be happy to answer any questions you may have.

Thank you,
Jeff

Jeffery B. Kessler, P.E.
Area Land Use Engineer
VDOT - Lynchburg
434.856.8293
JefferyB.Kessler@VDOT.Virginia.gov

Tim Padalino

From: Tim Padalino
Sent: Monday, April 28, 2014 4:51 PM
To: 'Marlo Allen'
Cc: Sara McGann
Subject: RE: 6222 Rockfish Valley Hwy

Thanks for clarifying.

I'll simply reiterate my general position, which is that ongoing retail sales are not considered a Home Occupation. Otherwise, it sounds like much of what you've described sounds like permissible Home Occupation activities.

There is still some ambiguity about the proposed possibility of the property being used to host instructional classes or hold art parties. I think depending on the scale and frequency of those events, they may be permissible – but they could also be considered something that requires a permit. That could potentially require a Special Events Permit, or could potentially require a Special Use Permit for a craft / gift shop; or banquet hall; or office (professional or service).

If the scale or frequency become large/common enough that neighbors contact the County with complaints, then it could become an issue. Otherwise it appears to be permissible as a Home Occupation, as I understand it.

Thanks, and I hope this is at least slightly more clarifying than before.

Tim Padalino
[434]-263-7090

From: Marlo Allen [mailto:marlo@insistonthatgirl.com]
Sent: Friday, April 18, 2014 5:55 PM
To: Tim Padalino
Cc: Sara McGann
Subject: Re: 6222 Rockfish Valley Hwy

Tim, thanks for response. I will let Sara clarify further, but I did want to state that this is no different than jewelry or make-up parties in which the host holds a party and features their offerings for sale. In this case the party participants will learn to paint and may have a chance to purchase a painted wine glass or product if they so choose. Again both home occupants have full time jobs at a factory and a financial company. This is something to be pursued for fun and some extra income much like people do that sell pampered chef, Mary Kay, candle parties etc... Please let Sara know if you need something further.

Marlo Allen, 434-996-3525
Licensed to sell real estate in VA; Sent from my iPhone

On Apr 18, 2014, at 5:05 PM, Tim Padalino <tpadalino@nelsoncounty.org> wrote:

Hi Sara (and Marlo),

Thanks for your email. I generally agree with the sentiment embedded in your rhetorical question about, "why is this not a simple matter of stating that yes this falls within the home occupation by right use?" However, if this were in fact simple, I would have already provided clear guidance.

But Marlo's email from last Friday portrays a variety of proposed uses, none of which are "simply" stated in the Home Occupation definition. Some it sounds like retail sales of art or other crafts, which would potentially require a Special Use Permit. Overall, it sounds like a hybrid mix of uses that our Ordinance doesn't contemplate or explicitly provide for (or explicitly exclude, for that matter).

Thus my need to make a careful determination. I'm trying to parse out exactly where to draw the line, as Home Occupations are not meant to be a way to conduct retail operations.

Because of the precedent-setting nature (and legal dimensions) to this and all other zoning interpretations, I have to really take time to evaluate the proposed use and its permissibility. And I have to do so with conscious recognition of a somewhat unexpected (and increasing) sensitivity towards commercial activity within the A-1 District, in particular along Route 151. There's ongoing rumblings about the changing character of the area --- and I simply want to be thoughtful and deliberate in making interpretations, determinations, and/or granting permission to do x, y, or z.

Having said all that, I hope that brings some clarity as to why you haven't received a follow-up response until now. And I would also genuinely recommend that any due diligence re: zoning regulations should ideally not be handled immediately prior to closing, but instead be explored with potential buyers as early as possible / appropriate.

With regards to the proposed uses in Marlo's email, much of it sounds like it would be acceptable as a Home Occupation. If the client wishes to host classes or art parties, I'm not sure if that's a bona fide home occupation, but it may be; and if the client wishes to sell (or re-sell) other people's paintings, that sounds like it may be some form of retail sales.

We'll have to continue this matter next week. Thank you for your patience,

Tim

Tim Padalino
[434]-263-7090

From: Sara McGann [mailto:sbmcgann@gmail.com]
Sent: Thursday, April 17, 2014 1:52 PM
To: Tim Padalino
Cc: Marlo Allen
Subject: 6222 Rockfish Valley Hwy

Thanks for the email Tim. I am the buyer's agent and have been copied on communication between you and Marlo Allen regarding the intended use of 6222 Rockfish Valley Hwy. Please make sure any communication regarding this is directed to me as well. The buyers are getting ready to close so it is imperative that they understand if they can pursue a home occupation. I understand that you are busy, and I appreciate the time you have already taken regarding this zoning interpretation. However, I guess I am confused why this needs review. The way the buyers and myself interpret the zoning is that any home occupation/hobby is permitted. We just need you to simply confirm this to ensure our transaction moves along smoothly. If this requires no application and no special use permit, why is this not a simple matter of stating that yes this falls within the home occupation by right use? The buyers have a substantial amount of time and money already invested in this purchase and, are asking that you simply make the interpretation for them.

We have no reason to believe that this is not a viable option, we were simply looking to you for a quick confirmation.

This is the definition I found in the zoning articles regarding home occupations. I feel like this is enough for us to move forward; however it is imperative that we hear from you.

Home occupation, class A: An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display, and not more than one (1) person is employed, other than members of the family residing on the premises such as the rental of rooms to tourists, the preparation of food products for sale, and similar activities; beauty parlors, professional offices such as medical, dental, legal, engineering, and architectural offices conducted within a dwelling or accessory building by the occupant.

Home occupation, class B: An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display, and not more than four (4) persons are employed, other than members of the family residing on the premises such as the rental of rooms to tourists, the preparation of food products for sale, and similar activities; beauty parlors,

Thank you so much for your time and consideration.

Kind regards,

Sara

Sara McGann
Licensed Realtor in the Commonwealth of Virginia
434-996-4962 Direct
434-361-2066 Home Office
434-326-4433 Fax
Mountain Area Realty
P O Box 444
Nellysford, VA 22958



FILE COPY

Blue Haven 151 Farm and B&B

December 10, 2014

Dear Members of the Nelson County Planning Commission and Members of the Board of Supervisors:

I am writing to let you know that I have decided to withdraw Blue Haven 151 Farm and B&B's special use permit application for Conference Center (SUP# 2014-009) and will reapply in the near future. Thank you.

Sincerely,

E. Anne Wachtmeister

E. Anne Wachtmeister, JD Ed.M.
Owner, Blue Haven 151 Farm and B&B, LLC
10531 Patrick Henry Hwy
Roseland, Virginia 22967
(434) 688-4391

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bluehaven151@gmail.com