



NELSON COUNTY PLANNING COMMISSION

Meeting Agenda: January 28, 2015
General District Courtroom, 3rd Floor, Nelson County Courthouse, Lovingson

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

– **Election of Officers**

– Review of Meeting Minutes from December 17th meeting

– **Public Hearing Items: (none)**

– **Other Agenda Items:**

- Major Site Plan #2014-005 – Ms. Ammy George / Roudabush, Gale and Associates (Tax Map Parcel #4-A-44A / “Zenith Quest International”) – revised and resubmitted
- Major Site Plan #2014-008 – Mr. Michael Penny / Pennywell, LLC (Tax Map Parcel #6-A-102A) – postponed at applicant’s request
- Application for Addition(s) to Existing Agricultural and Forestal District – Davis Creek AFD
- Application for Addition(s) to Existing Agricultural and Forestal District – Dutch Creek AFD
- Application to Create new Agricultural and Forestal District – Afton / Greenfield area

– **Other Business:**

- Review draft recommendations for possible ordinance amendments re: “artists community”
- Review “Wayside Stand Permit” application and review procedures
- Other (as determined by Planning Commission members / as applicable)

– **Adjournment**

– **Next Meeting:** February 25, 2015 | 7:00pm

NELSON COUNTY PLANNING COMMISSION
MEETING MINUTES
December 17, 2014

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

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 – November 19, 2014: Chair Proulx asked if there were any further changes to the draft minutes.

Commissioner Russell noted on page 8 – Wayside Stand Permit for Mr. Karnes – 4th paragraph: capitalize Wayside Stand Permit (last sentence), not wayside stand activity (first sentence).

Commissioner Allen made a motion to approve the minutes of the Nelson County Planning Commission of November 19, 2014 as corrected. A second was offered by Commissioner Goad; vote 5-0 with Commissioner Harman abstaining.

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

Mr. Padalino stated that the Planning & Zoning Department received a complete application in November from the applicant, Ms. Kimberly D. Page, seeking approval of a Special Use Permit (SUP) to operate a “antique, craft, or gift shop” retail store within the existing dwelling at 6222 Rockfish Valley Highway, Afton. Mr. Padalino indicated that the proposed use is shown on the Minor Site Plan that is accompanying the application materials drawn by Mr. Morris Foster and dated November 14, 2014. Mr. Padalino noted that since then, the Planning & Zoning Department (P&Z) has received a revised copy of the Site Plan on Monday, December 15, 2014.

Mr. Padalino then began his presentation of the staff report; providing a brief oral report summarizing the location and characteristics of the subject property. Mr. Padalino noted that the requested use, “antique, craft, or gift shop” is not defined in the Zoning Ordinance. The applicant 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. He noted that the applicant has been recently operating “Page’s Palette” retail shop from the existing residence, without the required SUP, despite a written determination, in April stating that “ongoing retail sales are not considered a Home Occupation,” and that a SUP would be required to operate a craft or gift shop, or to sell art work by other artists. However, the applicant explained that she was never supplied a copy of that determination as it was originally written for the realtors involved in the transaction.

Mr. Padalino noted that in regards to the unpermitted retail activities that were conducted earlier this fall, he conducted a site visit in October and discussed the Zoning Ordinance regulations and permit requirements with Ms. Page at that time. He noted since that meeting, Ms. Page has been very cooperative and has endeavored to submit all the required application materials; and has also stated that she has suspended the “Page’s Palette” retail operations during this permit application process. She has continued the art studio and art classes because they are a permissible Home Occupations.

Mr. Padalino showed photos taken from the site of the existing dwelling where the proposed shop would be located in the front two rooms. He also provided images of the road frontage along Route 151; the graveled loop driveway (which would not be used as part of the requested use); the entrance leading to the residence; the universally accessible ramp that would connect the parking area to the shop; current signage; turn lane at the

intersection of Greenfield Road; rock wall; and two pine trees. Mr. Padalino noted that a small portion of the rock wall and two large pine trees would be removed, as indicated on the revised site plan, to accommodate the anticipated commercial entrance.

Mr. Padalino then presented a series of slides comparing the original site plan with the updated/revised site plan, and highlighted the following changes:

1. Revised Sheet 2 shows the revised comments for the setback requirements, as noted at the Site Plan Review Committee meeting.
2. Revised Sheet 3 shows the revised entrance; specifically, the gravel drive and parking spaces shown on the original plan will no longer be accessed as part of the proposed use. There is a note on the site plan that stated access will be restricted from the new proposed entrance to the gravel drive.
3. The new commercial entrance is a major difference between the site plans. There will be two spruce trees and a small portion of the rock wall that are proposed to be removed to accommodate Virginia Department of Transportation (VDOT) required turning radius and entrance design specifications.

Mr. Padalino noted that County staff have recently received a couple of letters from County residents regarding the proposed use. Mr. Larry Stopper of Afton opposes the application. Mr. Stopper stated that his, "belief is that issuing the permit would be a bad idea on both a macro and micro level. On the micro level, the location of this house turned store is particularly bad when it comes to parking and sight lines down Rt. 151. It makes turning onto Greenfield Rd. much more dangerous and it has created problems on Rt. 151 itself when folks are trying to pull in and park at the house/store. On the macro level, it continues the painful slow drip of strip development on Rt. 151. The road is already dangerous enough and the number of trucks and other traffic has only increased and will continue to grow." Mr. Stopper's letter asks the Planning Commission to recommend denying the permit.

Mr. Padalino indicated that the second letter was from Mr. Marty Klaif of Afton. Mr. Klaif also noted that the corner of Greenfield Road and Rt. 151 is a high traffic intersection, which required a reconstruction a few years ago in response to hazards and accidents. He further stated that he does not believe that this location is appropriate for a retail business, or any situation which requires turning movements across the road.

Mr. Padalino then noted there are four (4) main criteria for reviewing 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, the proposed use(s) do create concern with the requirement for a proposed special use to have "adequate service" regarding safe vehicular access and safe connection with the public road system. Particularly, the location of the property creates some concern with regards to road safety and road mobility. Mr. Padalino noted that according to the Route 151 Corridor Study that was conducted by VDOT in 2013, this area has been identified as an intersection of concern with respect to safety, traffic volume, and mobility issues. He believes that the addition of a retail space should be carefully considered with respect to those issues. He noted that in addition to the property location, he stated that he has 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. He noted that it is his personal opinion that the property layout does not seem conducive to safe or efficient vehicular access; and it's location in a high-profile, high-volume traffic area compounds those perceived issues.

Therefore, despite a desire to support local small businesses and local artists, Mr. Padalino does not recommend approval for this SUP; but noted that there is no problem with the Home Occupation, as it is a by-right use and does not involve the same turning movements and traffic counts.

Chair Proulx asked if comments had been received from VDOT on the revised entrance. Mr. Padalino noted that comments had been received, and that those comments center around the need for either clarification or additional information. Mr. Padalino noted that Mr. Jeff Kessler of VDOT provided detailed comments stating that, "not all of the entrance related items and vehicle trip documentation were addressed as requested in my email correspondence of December 10th" (which was the date of the Site Plan Review Committee meeting). Mr. Kessler cited specifically that "the vehicle trips did not include those for the art class, and did not include the ITE identification numbers with the vehicle trips for the residential and commercial use of the property for VDOT to verify; that it is not clear what sight distance is provided as the graphics and descriptions are incomplete and do not match, and are inconsistent with the minimum distance required by VDOT's Road Design manual." He concluded by saying, "I am returning the documents you provided identifying the items that still require addressing." Mr. Padalino noted that Mr. Kessler also noted that the revised materials needed to be stamped and sealed by a professional with the proper Virginia license; in this case, a land surveyor.

Commissioner Russell stated that she had a question regarding Sheet 3 of the revised Site Plan. She indicated that it was her understanding that the original parking spaces along the gravel loop would be removed, but there are still three (3) lines showing on the revised Site Plan. Commissioner Russell added that the revised Plan notes that the entrance loop will be closed; and if so, she asked how would it be closed from being used by patrons. She noted that she understands that the southern end would be closed because of the entrance; but asked if the northern end would also be closed; or are the three (3) lines indicating that it will be closed part-way into the loop. Mr. Padalino stated that in respect to the comments made during the Site Plan Review meeting, the area around the gravel loop could continue to be used by residents and their guests, but access would be restricted in connection with use of the commercial entrance. He noted that he is unclear as to how the access would be restricted. He also indicated that the labels four ("4") and five ("5") on those parking spaces have been erased. Chair Proulx asked how shop patrons would know not to use those spaces. Commissioners Russell and Commissioner Harman noted that there are no signs to make patrons aware that the space is not for their use.

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

Kim Page (applicant): Ms. Page stated that they just moved to the residence in June. She indicated that she is proposing a very low-volume retail operation. She noted that the charts that Mr. Morris Foster used were for 1,000 sq. ft. but they are only using 600 sq. ft. in the home. She noted that there were some estimates when it came to the traffic volume; those numbers are showing an average of nine (9) to thirteen (13) vehicles. Ms. Page stated that if there would be two (2) vehicles, that would be considered a lot. She anticipates a very small scale operation, and does not want to cause any traffic issues. Ms. Page noted that she feels her entrance is safer than the two (2) entrances at Ashley's Market. Ms. Page also noted that she does not operate the business past dark; during daylight savings she closes at 6:00 p.m. and now closes at 5:00 p.m.

Chair Proulx noted that during the last few weeks, she has noticed that the sandwich board sign is still out on display; and asked Ms. Page if she was still operating the retail shop. Ms. Page indicated that she was only doing art classes on Tuesday and Thursday nights or by appointment only for private teaching. Ms. Page indicated that she can lay the sign down.

Commissioner Russell asked if the art classes were simultaneously given with the retail hours. Ms. Page indicated they were not. She stated that she teaches from 6:00 to 9:00 p.m. and also noted that the ones taking the art classes are the ones that shop the most.

Commissioner Harman wanted to clarify with Ms. Page that she has an existing business that is an art studio and instruction classes, and that she wants to expand to include a gift shop, antiques and crafts in the other two (2) rooms. Ms. Page stated that was correct. She stated that it was mainly local people wanting to display their art.

Chair Proulx opened the public hearing at 7:21 p.m. for comments.

Charlie Weinberg, Ennis Mountain Road: Mr. Weinberg stated that he uses the intersections of Route 151 and Route 635 seven hundred (700) or more times a year. He noted that it is dangerous and it has been improved. He noted that the general public or their behavior cannot be controlled, nor can anyone control how many times they pull into a business when there is an open sign. He also noted that the applicant stated that they ceased the business pending the hearing, but he noted that on Facebook, on Friday, there was advertising for a new box of old vintage Christmas lights. There was also advertising that the business was open from 9 to 5. Mr. Weinberg stated that they have been continuing to do retail business, in spite of what has been attested to today.

Joyce Burton, Wild Orchid Lane (Shannon Farm): Ms. Burton stated that Shannon Farm joins the property for the proposed use. Ms. Burton stated that she does not want to discourage this kind of business, but feels this is a very bad location. She does not want to encourage additional traffic entering or exiting the property. She indicated that she was trying to figure out how to get in to the property coming south on Route 151 to take a photo of the signs, and could not figure out how to make the turn. She noted that she has concerns that tourists that are interested in patronizing an antique store will have an even harder time figuring it out. She stated for classes that are scheduled, it's easier to control. Ms. Burton also stated that she has concerns with there being pending applications for additional retail sales on the property; and it is her understanding that the Wayside Stand Permit will be coming back to the Planning Commission after this determination; and that requested use would exasperate the [safety] situation. While she recognizes that a Special Use Permit is not a full rezoning request, she fears that permitting one or more retail operations at that site could further open the door to degradation of the residential and rural character of the area. She indicated that she would like to see that area remain residential and not have more commercial uses, especially given that some of the adjoining properties along Route 151 are owned by single land owners and would be very easy for potential development in the future. She asked that if the Planning Commission decides to approve the permit that they keep the parameters narrow to ensure that any business that does operate at that location have as little impact on the character of the area as possible; to include such things like sign parameters and dark sky lighting so it won't be distracting for vehicles; and that the permit not be transferrable to another owner. She also noted that she would be very sad to see a commercial entrance put there because it is a beautiful property.

Karen Karthiser, Mount Ararat Hill: Ms. Karthiser stated that her biggest concern is coming from the south, the Route 6 area, because there is a blind hill that you can't see over. The proposed use is on the property that is on the crest of the hill, and is concerned that traffic coming up the hill is going to have trouble turning both directions. She noted that she is concerned with safety in that area. She indicated that she seconds some of Ms. Burton's concerns.

Virginia Dontswear, resident of Afton: Ms. Dontswear stated that she travels along Route 151 and Route 635 because she lives in that area. She stated that she has the same concerns in terms of danger. She noted that the improvement has made it a bit safer, but it's a very busy intersection for a place that is rural. She noted that in regards to the overall 151 development, she would like to see intelligent development there and not just piece mail things. She is worried that it may turn into a strip and doesn't think that will assist in the destination tourism, or tourism, and businesses that people do form. She stated that she loves the idea of a home business and as an artist, has one herself. The idea of a commercial entrance or anything that makes that area more business-like, and the possibility of adjacent places feeling like this is a good site because more people will be coming through, are the types of things that need to be planned for and not just happen-stance because of location. She indicated that she is hoping for an ag-forestral district adjacent to that land and to help preserve the rural nature of Nelson County.

Barbara Strauss, Shannon Farm Lane: Ms. Strauss stated that she also travels the Route 151 and Route 635 intersection. She stated that three (3) of her friends were killed at that intersection; it is already not a safe place. She has a lot of concerns. She does support home businesses but the location is awful; and doesn't want to see something like another Nellysford development. She stated that she agrees that this is a rural area and they knew that when the house was purchased. She noted that she thinks the art classes seems like a different thing but does not know what the technical designation would be. She also requests that if this is approved to not let it go with the house for the next owner.

Amelia Williams, Greenfield area: Ms. Williams stated that she uses that same intersection and that it is particularly difficult to turn left out of Greenfield Road onto Route 151. She noted that it is particularly difficult in the mornings or in the afternoons when people are coming home from work; although it is zoned for 45 MPH, no one drives 45 MPH there. She indicated that there have been many times that she wished there was a stop light so she could get out of that area because of the long wait. She is concerned that there will be more deaths in that area again. She noted that she is an artist, a poet, and loves the idea of home based businesses; but thinks this particular location is a very bad location for that kind of retail establishment.

John Cunningham, 1088 Shannon Farm Lane: Mr. Cunningham stated that he has been operating a computer software business out of his house for about twenty-five (25) years and is in favor of this kind of thing happening. He noted that VDOT did a good job at widening the road for the turn a few years back; but further down the road, it narrows and would require a lot more widening. He indicated that he too does not like the idea of a strip mall and noted that the traffic is not conducive to that. He likes the idea of people doing this type of business; but retail at that location does not fit with the County's ambiance.

Rebecca Lavay, Greenfield: Ms. Lavay stated that she agrees with the comments from others. She noted that she worked at Veritas for about ten (10) years, and the amount of people drinking and driving along Route 151 is fairly appalling. She commented: no more retail.

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 asked Ms. Page if she would like to come back and address the Planning Commission. Ms. Page stated that she wanted to address the safety issues coming north on Route 151. She understands there is concern in that area; but that VDOT has put out the implication that there is a required stopping distance of 360 feet and they exceed that. They looked at that issue; addressed it, measured it, and have the appropriate footage to maintain that stopping sight distance. Regarding the other issue of people drinking and driving on the roadways, she stated that she feels businesses should not be penalized because of what other businesses are promoting. She indicated that her husband was born in the County and they are not looking to change the ambiance; that is why the Site Plan was submitted as it was; and explained that the proposed widening of the entrance and removal of two (2) spruce trees was the recommendation of the committee; and paving will only be where one would pull in. She stated that this is a home first and a business second. She noted this is not the typical retail atmosphere; and what's on the outside does not match what's on the inside.

Chair Proulx asked if Ms. Page could explain the loop and closing off the end of it. Ms. Page indicated that she is not sure, and that it was a part of VDOT's comments; and she will need to clarify with them what needs to happen and will do what is required.

Commissioner Harman asked Mr. Padalino if there was still a long list of items from VDOT that needs to be accomplished. Mr. Padalino stated that it seems to be more of a need for clarification than an outstanding requirement. Commissioner Harman asked if the commercial entrance redesign and the sight distance are alright with VDOT.

Commissioner Russell stated that according to the edited Site Plan that was received by Mr. Jeff Kessler, the number of trips for the art students are not included in the trips per day. She noted a low volume commercial entrance will handle up to 50 vehicle trips per day; they are currently at 35 vehicles without the art students. If there are over 50 vehicles per day, a different entrance may be needed. Commissioner Russell also indicated that VDOT seems to have some questions about the numbers for the stopping sight distances. She also stated that she has serious issues with the traffic, but is willing to wait until VDOT has made a final recommendation as to whether the applicant can meet the requirements for sight distance and for vehicle trips, which would determine the type of entrance that would be needed. She feels that it is very unfortunate that at least two (2) real estate agents in this County consulted with Planning staff, and were told that there were serious issues about what Ms. Page would like to do with the property; and yet, according to the applicant, she was unaware of this and has bought the property and finds herself in this unfortunate situation.

Chair Proulx indicated that she does not have a problem with waiting for the information from VDOT and would like clarification. She then stated that she personally feels that this is a “change in character” issue for the area. The only retail that is there is Ashley’s and that is grandfathered; it is a residential and agricultural area; and it adjoins properties that are 500 acres that are strictly in residential and agriculture use. Chair Proulx also stated that the safety aspect is a concern; not just the road and the intersection, but because that particular property’s form of entrance. Chair Proulx noted that the home business is a by-right use, if it is contained inside and does not have signage outside. Commissioner Harman stated that he would like clarity on what is and is not permissible by-right? Chair Proulx read the definition of a Home Occupations, Class A from the Zoning Ordinance. Chair Proulx also noted that what is important is that there is no outside display and the limitation of signs.

Commissioner Russell asked if the request for this SUP is turned down and Ms. Page continues with her classes, she will not need a commercial entrance as shown. Mr. Padalino stated that was correct.

Commissioner Russell made a motion that the Planning Commission defer a decision for Special Use Permit for Kim Page #2014-008 until the Planning Commission has a final recommendation from VDOT regarding the traffic issues connected with this application. A second was offered by Commissioner Allen; the vote 5-1.

Chair Proulx stated that the application will be deferred until the next regular meeting after which VDOT’s issues are resolved.

Commissioner Goad asked Mr. Padalino since this has now been deferred, if after 100 days, will this application automatically go to the Board of Supervisors with a recommendation for approval. Mr. Padalino indicated that such a “shot clock” rule would be in effect, since a public hearing had been held and it is a complete application. Commissioner Goad then asked if the Planning Commission wanted to take action on this, would it have to be done within 100 days from today. Chair Proulx stated Commissioner Goad was correct about that timing. She also asked Mr. Padalino if this was truly a complete application when there is no recommendation from VDOT. Mr. Padalino stated that was a technical question and he would have to look at the Minor Site Plan checklist, which is the County’s criteria for determining completeness. If VDOT is stating that it is incomplete or needs clarification then that may be something that is subject to their criteria, as opposed to the County ordinance. Commissioner Goad stated that if that is truly the case, then he would prefer to defer the application until the January meeting.

Chair Proulx asked for a second motion to amend the first motion.

Commissioner Goad moved to defer the application until the January Planning Commission meeting pending review of VDOT’s response. A second was offered by Commissioner Russell; the vote 6-0.

Other Business:

Review Agricultural-Forestal District (AFD) application procedures: Mr. Padalino stated that there have been a number of inquiries about the Nelson County Agricultural-Forestal District (AFD) program. He noted that many of those inquiries have resulted in applications being submitted to the Planning & Zoning Department; which in turn have posed a lot of questions from both the applicants as well from staff. Mr. Padalino stated that at the previous meeting, staff and commissioners discussed the AFD program and identified a need to review the procedures that are found in the County Code, which are not contained in the Zoning Ordinance; and to also see how those procedures are affected by any discrepancies that may be in the State Code. Mr. Padalino stated that he did not believe there are major discrepancies between the County Code and the State Code, and that the two Codes are basically verbatim; however, he noted that there are a few changes that were adopted statewide in 2011 that were not enacted or adopted locally here in Nelson County at that time.

To better understand this topic, Mr. Padalino invited members of the AFD Advisory Committee to present information to the Planning Commission.

Susan McSwain: Ms. McSwain stated that she is on the AFD Advisory Committee as well as a member of the Dutch Creek AFD, which was the 1st AFD formed. She noted that Mr. Andy Wright is the person who brought the AFD ordinance to the attention of the County. Ms. McSwain provided background on the AFD; noting it was added to the State Code in 1977; and is a voluntary program created by landowners. There are two purposes stated to the Act: one is economic, to promote the development and improvement of agriculture and forestry; and the second is environmental, involving such issues as clean air, watershed protection, wildlife habitat, aesthetic quality, and others.

Ms. McSwain also provided a history of the Nelson County AFD program. She stated that in 2002 the Comprehensive Plan identified AFD's as one (1) of four (4) methods to protect rural heritage. The other three (3) were land use taxation, purchase of development rights, and conservation easements. She noted that AFD's can only be created in localities that have created and adopted a local ordinance, which Nelson County accomplished in early 2003. Later that year, the Dutch Creek AFD became the first district created in Nelson County, and it remains the largest AFD with thirty-two (32) parcels totaling nearly 3,000 acres. In 2004, the second AFD, Finley Mountain, was created, which is around 600 acres. In 2005, the third AFD, Davis Creek, was created, which contains about 800 acres.

Ms. McSwain also provided information as to why AFD's are important to people inside AFD's and to the County overall. She stated that AFD's provide stronger protection than regular agricultural zoning because some agriculture zoning can enable low-density residential sprawl. In an AFD, uses that are not compatible with agriculture and forestry and open space are highly discouraged. Ms. McSwain also noted that on the Virginia Department of Agriculture and Consumer Services (VDACS) website there is a list of about twenty (20) benefits to localities and landowners. From that list, she chose two (2) benefits to highlight. The first benefit is that AFD's discourages the abuse of the land-use-value taxation. To remove a parcel from the AFD, one has to meet certain specifications. If those specifications are not met, the Board of Supervisors may determine one has to wait until the end of the review period. The review period, as stated in the State Code is four (4) to ten (10) years. In Nelson County, all three (3) existing AFD's have a review period of five (5) years. The second benefit is that AFD's contribute to a sense of community as well as rural appeal and character. Ms. McSwain stated that there truly is a sense of community in an AFD; it's a wonderful feeling of belonging to a neighborhood with a common vision.

Ms. McSwain provided information about the Program Administrator. She stated that she hopes Mr. Padalino will be appointed to be the Program Administrator. The Program Administrator refers applications to the Advisory Committee; they verify the application's adherence to the requirements as set forth in the ordinance; and that includes a site visit. She noted that site visits are not done for single additions of property; but when an AFD is created, a site visit is done. The Committee then makes a recommendation to the Planning Commission. The Planning Commission notifies adjoining land owners; holds a public hearing; and makes a recommendation to the Board of Supervisors; and the Board of Supervisors holds another public hearing. Ms. McSwain noted that the same process is followed for withdrawals. She also noted that this includes an application processing fee, unless it is waived at the time of review.

Mr. Padalino noted that since the County does not currently have a Program Administrator and it hasn't adopted the new State Code model of 2011, the current procedure would be for interested applicants to submit an AFD application anytime between January 1st and June 1st of any calendar year. The applications would go to the Planning Commission; they would accept it after reviewing it at a regular scheduled meeting; then send it to the Advisory Committee; and the same process would apply after that point. Mr. Padalino noted that the different procedure, as described by Mrs. McSwain, would establish a Program Administrator as the first step in the review process, instead of the Planning Commission. Ms. McSwain stated if there was a Program Administrator, the process could be shortened by a month; because if an application comes in January, the Advisory Committee has to wait until the Planning Commission meets to say we accept the application and refer it to the Advisory Committee; after that, Mr. Padalino would contact the Advisory Committee. Whereas, if Mr. Padalino is the Program Administrator, when an application comes in, he could pass it on directly to the Advisory Committee.

Ms. McSwain then highlighted (3) of the 2011 simplifications to the State Code that would make a difference here in Nelson County, if the County Code were to be amended to incorporate those new provisions from the State Code. One possible amendment would be to add the definition of Program Administrator, which will simplify the review process for the County, the applicants, and the Planning Commission; a second possible amendment would modify the requirements for creating and submitting maps as part of the application; and the third possible amendment would add flexibility for including outlying parcels to an existing 200-acre (minimum) core. Regarding the third possible amendment, Mrs. McSwain then explained that in order to create an AFD under the present County Code, you have to have a 200 acre core of parcels, which can be one parcel or several adjoining parcels. In the original State Code, an outlying parcel's nearest edge had to be one-mile or less from the core, or adjoin a property that was one-mile or less from the core. The new State Code stipulates that outlying parcels of significance can be added if they are located slightly more than one-mile from the existing core.

Andy Wright: Mr. Wright stated that the AFD adds a couple of protections to landowners. One is that it protects against nuisance ordinances that might limit customary farming. The other is protection against condemnation of the land. Mr. Wright stated that the only objection that he's encountered toward the AFD is that it is described as "not having any teeth" because the government stated that the local governing body must take into consideration the existence and purpose of an AFD when making land use decisions.

Robert McSwain, Dutch Creek Lane: Mr. McSwain noted that Dutch Creek Estates was one of their community actions. He stated that the subdivision was reduced from eighty-six (86) lots to nineteen (19) lots. He noted that an AFD is more than just a land thing, it's about the people and how they see their area.

Mr. Padalino thanked each of the AFD Advisory Committee members for the information and the presentation. Regarding the review process for pending AFD application, he stated that based on his understating of the current County Code, applications may only be received on or after January 1st up until June 1st. He noted that some pending AFD applications have been received in November and December. He feels that those applicants should come in and re-date the applications to sometime after January 1st since no review action has taken place and the applications have not gone before the Planning Commission. After being re-dated to comply with the procedural requirements outlined in the County Code, the applications can be put on the Planning Commission's January agenda to begin the process of the PC accepting the application, and referring it to the Advisory Committee. Mr. Padalino noted that this process would apply to AFD applications seeking to add property(s) to existing AFD's as well as applications for creating new AFD's.

Chair Proulx asked Mr. Padalino about initiating amendments to the Code for future applications; and if this would need to start with the Board of Supervisors (BOS). Mr. Padalino stated that is his understanding that amendments to the County Code would start with the BOS. Commissioner Russell asked if the Planning Commission could recommend that the BOS ask Staff to update the County's AFD to reflect the changes in the State Code from 2011. Mr. Padalino stated that approach would be possible; and suggested that the AFD Advisory Committee come up with a set of recommended amendments. Chair Proulx asked the AFD members if they had discussed how to proceed on reviewing the County Code with respect to the 2011 changes to the State Code. Mr. Wright stated they had not; but would be willing to assist with this, so that new applicants might have the opportunity to operate under the new requirements. Chair Proulx stated that perhaps it would be best if the AFD Advisory Committee members went before the BOS with their recommendations.

Chair Proulx noted that in the State Code, it made reference to the locality being able to set the date anywhere up to November 1st or any other calendar date they chose. Ms. McSwain stated that was used as an example in the State Code and the reason being, is that once the application has been submitted, the County has 180 days to complete the process. She noted that since most people operate on a calendar year, it made sense to them to use the June 1st date when the original AFD ordinance was written, which would guarantee the process could be completed that same calendar year, even with 180 days passing. Commissioner Russell asked that if a request for a new district is received in January, could the process start before the 1st of June or does the County have to wait until after the 1st of June. Mr. Padalino stated that Commissioner Russell is correct and that the process can start at any time, and that those dates are used for determining when applications can be submitted by applicants.

Supervisor Saunders asked if any applications have been submitted. Mr. Padalino stated that there were three (3) or four (4) submitted for additions and one (1) for a new district. Commissioner Russell asked if the submitted applications come under the existing regulations, is there a way to modify those after the regulations have been updated so they could qualify under the more flexible plans. Mr. Padalino stated that the only benefit that he could see would be the flexibility for outlying applicants; because those who have already applied or have pending applications under the current regulations, they have already complied with the original procedural requirements, including completing the maps.

Review draft recommendations for possible ordinance amendments re: “artists community”: Mr. Padalino stated that at the November meeting, Mr. Greg Smith of the Virginia Center for the Creative Arts (VCCA) gave an introduction to the organization; and the concept of potentially having an interest in the Nelson County Agricultural District. At the conclusion of that meeting, the Planning Commission requested that Staff provide some preliminary language that could be considered for a possible Zoning Ordinance amendment.

Mr. Padalino explained that these recommendations attempt to address the fact that “artists community” is a land use that is currently not provided for in the County’s ordinance. Mr. Padalino noted that with the assistance of Mr. Smith, he prepared a staff report containing a proposal to add a definition for “artists community” along with two (2) additional definitions which would be required to clarify the main “artists community” definition. He noted that there is one (1) recommended addition to the “Uses – Permitted by Special Use Permit only” section of the Agricultural District in Article 4, for “artists community” which contained criteria for eligibility, such as minimum property size, maximum number of residences at one time, maximum duration of residencies, and others.

Chair Proulx made a comment on the last sentence of the “artist community” definition, where it reads, “typically a not-for-profit,” and stated that she doesn’t believe that needs to be in the definition. She wanted to know if there would be an objection if one wanted an “artists community” run as a for-profit entity, and if that would affect anything. Mr. Padalino stated that it is his understanding that virtually all “artists communities” are not-for-profit; but that it doesn’t mean that it has to be defined as such in the ordinance. Chair Proulx also noted that in the definition for “Artists”, the sentence where it states, “regardless of whether they can make their living by it”, she would like to remove the word “can.” She also commented that she believes the definition for “Artists Community Residencies” seems to be too narrowly defined and limiting.

Commissioner Russell asked if there were public events held, would they require a Special Events Permit. Mr. Padalino indicated that they would. Commissioner Goad and Commissioner Russell stated they do not have an issue with the “not-for-profit” in the definition because it does not exclude “for-profit” entities. Regarding the “Artists Community Residencies”, Commissioner Allen stated that she feels that a number of days should be added to the limiting factors. Commissioner Goad indicated that he had an issue with it possibly being a commercial enterprise, and that if the County were to allow an artists community to operate as a for-profit enterprise, it might create issues with other land uses that are already being provided for in the ordinance, such as campground or hotel.

Chair Proulx asked Mr. Smith if he would like to comment.

Greg Smith, Executive Director, Virginia Center for the Creative Arts (VCCA), Amherst, VA: Commissioner Allen asked Mr. Smith how the applicants are selected and if it was through an application process. Mr. Smith stated that it seems as though the selection/application process referenced in the proposed definitions may not fit into the Planning Commissioner’s typical thinking. He noted that if the County has concerns about the quality of the artists and the quality of the output of endeavor of the County, then the selection process is an important qualitative factor. He noted that VCCA currently has an application selection process, and anyone can apply. He indicated that the applications are read by two (2) peer review panelists who are professionals in the fields. The applications allow VCCA to look at the highest quality and give them the opportunity to come to the VCCA for residencies; and those with lesser qualities are turned down but typically encouraged to reapply.

Mr. Smith noted that he requested information from the Alliance for Artists Communities regarding the breakdown of the legal status of Artists Communities that are members of the Alliance. He indicated that the numbers (under IRS Section 501C3) are approximately 60% non-profits; 15-20% are private foundations; 75-80% are what we typically think of as non-profits; and there is a small percentage that are LLC's. He indicated that the non-profit or the for-profit status in organizations does not correlate to the issue of whether artists pay or not; it has to do with the goal of the organization. He also noted that the VCCA asked artists to help support their endeavor by contributing. Mr. Smith stated that he would be concerned that the goal of a for-profit organization is to make money.

Chair Proulx stated that she does not think there is anywhere in the Zoning Ordinance where the County tries to effect the quality, and is bothered by the Planning Commission looking at it in such a way; and wonder if we are stepping outside of the land use boundaries. Mr. Padalino stated that he sees a nexus between the selection process and the VCCA's mission, and how that creates "quality control" which could help minimize some potential nuisance issues that could be associated with the proposed land use. He also stated that if the County were to allow artists communities as a for-profit commercial enterprise, there would be some concern with the issue of circumventing the ordinance, noting that it would likely be difficult to determine what is an artists community, and what is a campground, hotel, or other land use already being provided for by the ordinance.

Chair Proulx asked if Mr. Phillip Payne had reviewed the proposed amendments. Mr. Padalino stated he had not. Commissioner Russell and Commissioner Allen both agreed the more specific the proposed amendments, the better. Mr. Padalino noted that this would be a BOS consideration; whether any proposed amendment would happen or not; and they have to consider the whole list of concerns with such amendments. Chair Proulx stated that she would like to know Mr. Payne's comments on what is and what is not permissible and revisit the topic.

Review "Wayside Stand Permit" application and review procedures: Mr. Padalino gave an overview of the Staff Report dated November 12, 2014; which was prepared in response to comments made at the October meeting. Mr. Padalino noted that since the recent Wayside Stand Permit applications have been received, its proven that they are more complicated land uses than what the Zoning Ordinance describes. He noted that more clarity and a better process is needed for these types of applications.

Mr. Padalino explained that the November staff report contains specific recommendations about how the ordinance could require different types of information for Wayside Stand Permit applications, and could have improved review procedures. He indicated the report also contains information about how to address Farmers Market, which is a land use that is not currently provided for. He stated that there is currently the Nellysford Farmers Market; which is permissible due to the fact that it is located in the Residential Planned Community (RPC) district; and they have a wide variety of possible land uses.

Commission Russell stated that she had a couple of concerns. One concern is the issue of whether the Planning Commission wants to include in "Wayside Stand" the ability for a farmer to locate off of his farm; what percentage (if less than 100%) of his sales can be from other farmers' farms; and does it include value-added products. Mr. Padalino stated that in regards to location, Wayside Stands are by definition intended to be for the off-site sales of agricultural products. Regarding the percentage of products that can be produced off the farm, Mr. Padalino stated that the way the ordinance is written, 100% of Wayside Stand products are to be produced on the farm owned or controlled by the Wayside Stand operator.

Commissioner Russell stated the other issue is with a sketch. She stated as a Planning Commissioner, she is very happy with a sketch; but noted that VDOT may not be. Mr. Padalino noted there has been ongoing discussion with Mr. Jeff Kessler, VDOT, as to what information would be needed by VDOT to make a recommendation about an application's safety and appropriateness with respect to the public road system.

Commissioner Allen stated that she is confused on some of the issues. She stated if a farmer stated he was going to sell 75% of his products; but his neighbor wanted him to sell 25% of his products; what is the issue with that. Chair Proulx and Commissioner Russell stated the way the ordinance is written, that is not permissible as a Wayside Stand but would be more along the lines of a Farmers Market. To address Commissioner Allen's

comments, Mr. Padalino stated he believes the ordinance is so narrowly written in order to provide for a very simple permitting process, but one which would only be eligible if people are simply trying to sell their own agricultural products. He noted that if off-farm sales were to expand beyond what was produced on-the-farm, then it gets more complicated and harder to enforce if permitted as a “wayside stand.” As a result, off-farm retail operations that include products produced on other farms are excluded from “wayside stands” in order to keep the “wayside stands” provision simple for people requesting permission to do simple operations.

Chair Proulx stated this topic would be deferred until the next meeting.

Supervisor Saunders then indicated that the staff reports being discussed from previous months should have been included in the meeting packets. Mr. Padalino stated that was an oversight, apologized, and noted that all background information and previous staff reports would be included in the next meeting materials packet. Mr. Padalino then noted that postponing the discussion until next month’s meeting would give all the Commissioner time to review the materials again.

Notification of ongoing Amended Site Plan administrative reviews:

#2007-003 – “The Village at Glen Mary” – Mosby Run, Roseland / Mr. Steve Crandall: Mr. Padalino stated an Amended Site Plan had been received in connection with a proposed new beer garden and a distillery. He noted that this application was initially received prior to the “Ag-Operations” set of amendments that were adopted by the Board of Supervisors in October, and which resulted in “distillery” being provided for as a special use only.

#2010-001 – “Virginia Distillery Co.” – Eades Hollow, Lovington / Mr. Jim Taggart: Mr. Padalino stated an Amended Site Plan had been received seeking approval for a modified and slightly reduced development plan. He noted that the applicants have proposed removing the Event Center, and reconfigured some of the buildings.

He noted both of these amended Site Plans qualify for administrative review; but wanted to make the Planning Commission aware of what is occurring. Commissioner Russell asked if the Virginia Distillery Co. was active. Mr. Padalino stated they are not distilling but the distillery is partially constructed.

Update on Rockfish Valley Area Plan: Mr. Padalino provided the same handouts to the Planning Commissioners that were given out during the October 28th “Project Intro” meeting conducted at Rockfish River Elementary School. He noted that the handout contains the web address for the project page, which is a more interactive resource that includes maps and other materials. He also noted that there are public participation materials that can be downloaded from the site; but at this time there is no interactive online survey. Mr. Padalino noted the idea of mailing the surveys out to residents within the study area (in addition to doing an online survey) is still considered an important component of the project, but that no decision has been made on that issue.

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

Commissioner Russell stated that she sent a summary of AT&T’s request to build a tower on Sunset Drive last year. She noted that in January, Mr. Lloyd, the attorney for AT&T, asked for a deferral; and, against the advice of the Planning Director, the Planning Commission granted an indefinite deferral and asked for a status report within three (3) months, which was received. As of April, the attorney stated they were still evaluating; and since then, nothing more has been heard from them. Commissioner Russell stated that she would like to know more.

Commissioner Russell suggested that the Planning Commission ask staff to advise the applicant that the Planning Commission will consider termination of this deferral at the February 26, 2015 meeting of the Planning Commission or first subsequent meeting if no February meeting occurs. This would give AT&T two months to decide whether they are going to go forward with a new site; or at least let the Planning Commission know what is happening, so the Planning Commission can decide what to do. A second was offered by Commission Harman; the vote 6-0.

Commissioner Russell noted that the Planning Commission doesn’t normally defer these types of site approvals; but there was so much opposition to this tower when the public hearing was held.

Draft: January 20, 2015

Adjournment:

At 9:12 P.M. Commissioner Harman motioned to adjourn.

Respectfully submitted,

Stormy V. Hopkins
Secretary, Planning & Zoning

DRAFT

DEPARTMENT OF
PLANNING & ZONING



PLANNING COMMISSION
BOARD OF ZONING APPEALS

To: Chair and Members, Nelson County Planning Commission
From: Tim Padalino | Director | Department of Planning & Zoning
Date: January 21, 2015

Subject: Review of Revised Major Site Plan #2015-004 "Zenith Quest – Afton Mountain"

At the end of December, the Department of Planning & Zoning received revised site plan materials for Major Site Plan #2014-005 "Zenith Quest – Afton Mountain." This resubmittal contains the applicant's responses to the original review comments from the Site Plan Review Committee (reviewed on October 8th) and from the Planning Commission (reviewed on October 22nd).

Specifically, the resubmittal materials include the following:

- a revised Site Plan (which addresses many of the issues identified in the original reviews);
- a lighting plan on sheets 18 and 19;
- a photograph showing the size and appearance of a requested new sign (see page 8 of attached "updated review comments" document); and
- architectural drawings showing the preliminary plans and elevations for the proposed warehouse facility

To help demonstrate the various revisions that have taken place to date, I have attached a separate document containing all of the original review comments; plus the responses from the applicant; and then the current review comments related to the new resubmittal materials. That document should help identify which comments were sufficiently addressed during this resubmittal, and which comments still need to be further addressed.

I have also attached to this document the original staff report (dated October 15th) which may be a helpful reference.

Site Plan Review Committee Meeting and Comments

The Site Plan Review Committee convened on January 14th to review the revised site plan materials. The committee members' comments are as follows:

Director of Planning & Zoning: With regards to the revised materials, the applicant has been supplied with a list of updated review comments. As noted above, that list is attached to this report. The outstanding review comments are primarily focused on the following issues and questions; please see the attached document for more information:

- landscaping and improved screening for the industrial use(s)
- color and material of warehouse structure (including roof and exterior walls)
- ability to utilize Family Lane (private road) for secondary emergency access
- establishing a developer's bond for all required improvement prior to Site Plan approval (per Z.O. Article 13, Section 6-1-L)

VDOT: Mr. Kessler has previously stated in writing (June 9th, 2014) that the, "traffic generation, distribution and turn lane analysis" report (dated May 22nd, 2014) "is acceptable" ... and that, "neither a right turn lane or a left turn lane would be warranted for a commercial entrance on Route 151."

Mr. Jeff Kessler was not in attendance at the January 14th review, but he provided written comments on January 15th. He described those comments as, "requests for clarification in the details and [some] additional information," and also noted that, "we do not foresee any major issues" with the revised site plan drawings. Mr. Kessler's comments are attached to this report.

TJSWCD: Mrs. Alyson Sappington of the Thomas Jefferson Soil & Water Conservation District provides review of the Erosion & Sediment Control Plan. She indicated in an email dated January 9th that the E&S Control Plan was acceptable, and that she was prepared to provide her approval signature on the final plan drawings. She reminded the applicant of the need to obtain "permit coverage" with the Virginia Stormwater Management Program, and that the applicant needed to work directly with Virginia Dept. of Environmental Quality to obtain that approval.

VDH: Mr. Tom Eick of the Virginia Department of Health was not in attendance and did not receive his meeting materials packet until after the meeting. He stated in writing that he has previously reviewed some earlier information regarding Zenith Quest's proposed plans for well and septic system, but that the only permit he has approved was a permit for a "IIIB well." The applicant team noted on January 21st that Mr. Jeff Loth will be preparing the septic / drainfield permit application for Zenith Quest, which they expect to submit to VDH "sometime next week."

Nelson County Building Code Official: Mr. David Thompson was not in attendance, but we discussed the revised site plans after the meeting. We specifically reviewed questions about the project's compliance with emergency service access requirements. Mr. Thompson confirmed that the location and configuration of the proposed 20' wide (gated) gravel road is sufficient for secondary fire access and emergency services, and is compliant with applicable regulations.

Virginia Department of Fire Programs: Mr. Kenneth L. Kent, Assistant Fire Marshall in the Western Region of the State Fire Marshall's Office, provided some comments and clarification. Mr. Kent explained that, "the State Fire Marshal's Office is responsible for enforcement of the Virginia Statewide Fire Prevention Code in localities such as Nelson County, where they do not have a Fire Official," and that, "[VDFP] enforcement powers begin once a building has been completed and approved by the Building Official and the building is occupied."

Mr. Kent further explained that VDFP has no comment on the site plan, because they are not involved in planning: "During planning and construction, the requirements for construction are mandated by the Virginia Construction Code, and the Building Official is the enforcing authority."

Thank you for your attention to this report on revised Major Site Plan #2014-005 "Zenith Quest – Afton Mountain." And thank you for reviewing the attached documents (the original staff report

and the updated review comments). Please feel free to contact me prior to the meeting on the 28th with any questions you may have regarding the Zenith Quest project, or any of the information contained in this report.



To: Ammy George, Roudabush, Gale & Assoc., Inc.

From: Tim Padalino | Director of Planning & Zoning

Date: January 15, 2014

Subject: (Revised) Site Plan Review Comments

Ammy,

Thank you for attending the Site Plan Review Committee meeting on Wednesday, January 14th regarding the review of the (revised) site plan drawings for Zenith Quest Afton Mountain. Thank you for also providing your responses to my original review comments, addressing how the revisions (as shown in the revised submittal, dated 12/19) incorporate the original review comments.

I have used your responses (starting on page 2, below, in **bold**); and I have also added my own review comments (in **blue**) to convey the most recent review comments (in connection with the Site Plan Review Committee meeting on January 14th as well as subsequent follow-up questions and comments from members of the Planning Commission).

In addition to providing **my most recent review comments** to **your written responses** (starting on page 2), the following issues or questions also remain, and should be addressed at the January 28th Planning Commission meeting:

- *Color of building and color of roof material:*
 - o suggestion for the building material to be tan or gray in a “flat” finish;
 - o concern about the approximately 2-acre roof being “silver” (as described at Site Plan Review Committee meeting), and the roof’s visibility and impact on viewsheds from Afton properties and from Blue Ridge Parkway “Afton Overlook” and “Rockfish Valley Overlook”; suggestion to use tan (or other natural color) in “flat” / “matte” finish to minimize glare and reduce visibility

- *Compliance with fire access and emergency access requirements:*
 - o request to provide documentation that ZQI has legal right to access / use Family Lane (private road) for satisfying secondary emergency access requirements
 - o request to provide documentation of compliance with Fire Code requirements and Building Code requirements regarding the design and layout of the 20’ gravel fire access road

• Signage:

- Location, size, and detail of all signage are not supplied as required in Major Site Plan Checklist Item T per (13-4-T). These required details must be addressed as part of the site plan review.

The sign has been added to Sheet 3 to show the location of where it will be installed. At the end of this letter, I have included an example of the sign that Zenith Quest is planning on installing. It is 8' wide and 3' tall doubled sided sign supported on two posts.

The proposed sign would be permissible relative to Zoning Ordinance regulations for signs, as contained in Article 4 and Article 12, Section 11. Thank you for including an image of the proposed sign (attached to the final page of this document).

• Lighting:

- Location and type of lighting equipment, plus photometric plan, are not supplied as required in Major Site Plan Checklist Item T per (13-4-V).
- Note on Cover Sheet states that the project will use wall-mounted fixtures and that the lighting will be shown on the building permit plan for approval; however, these required details must be addressed as part of the site plan review, not during the building permit application.
- See (12-7-8K) "Lighting"... "Outdoor lighting for parking and loading spaces shall be arranged to deflect glare away from adjoining properties and public streets. Sources of light on a lot shall be hooded or of directional type capable of shielding the light source from shining on adjoining property or public right-of-way."

The location of the lighting has been shown on Sheet 18. The type of lighting has been specified on Sheet 19. The lighting has been designed to avoid light spill over onto adjacent properties; Sheet 18, a photometric plan has been added to the plan set to demonstrate that the plan meets the intent of 12-7-8K.

The note about site lighting has been removed from the cover sheet.

Sheet 18 contains a Photometric Lighting Plan and sheet 19 provides associated lighting details. Thank you for submitting this important information.

Please note that on Sheet 19, some of the details contained in the table for light fixture "D2" may need to be corrected to reflect that the "KSF2 400M R3" (?) pole-mounted fixture actually has two bulbs and two fixtures. (The "wattage" calculation seems to be correct, but the "number lamps" column appears to be incorrect.) Please also specify the color / finish of the light fixtures and poles.

• ***Landscaping & Screening:***

- Additional screening is needed along Route 151 (designated Virginia Scenic Byway), per the following Zoning Ordinance provisions:
 - (12-7-8G): “minimum of 50% of the road frontage shall be landscaped”.
 - (9-2-2): “landscaping may be required within any established or required front yard setback area”.

A mix of predominately evergreen and deciduous shrubs have been added along the fence line facing Route 151. Approximately 75% of the total length of the road frontage has been landscaped.

The additional landscaping materials along Route 151 are a significant positive improvement. The proposed landscaping plan contains much more plant material, and is comprised of a very interesting and attractive plant palette.

However, please consider that the majority of the proposed canopy trees along Route 151 are deciduous, and will not provide effective screening for a large portion of the year. Therefore, please consider revising this portion of the landscape plan to include additional evergreen trees, staggered behind the proposed deciduous trees and shrubs. That revision would provide greater depth of vegetation materials, with year-round foliage, thereby providing effective screening. (Please reference the attached “comment sketch” for more information.)

- Screening is required adjacent to parking lot and loading area(s) per the following Zoning Ordinance provisions:
 - (13-4-CC): “parking areas shall not be located between the adjacent public right-of-way and principal structure on the site unless topographic features or vegetation provide effective screening”.
 - (12-7-8N): “landscaping shall be designed and used to screen adjoining property from storage and loading operation”.

The average full-grown height of the shrubs along the Route 151 is approximately 8-10’, which will provide adequate screening for the parking and loading areas. Additionally, the trees and shrubs have been located to maximize the screen of the loading and parking area. A portion of the site is located approximately eight (8) to ten (10) above Route 151; for these areas, the additional screening with landscaping was not needed.

The existing tree line for the Mount Armor property to the east of the project site has been added to the Landscape Plan. Evergreen trees have been added to the areas where the existing vegetation on the Mount Armor property is less than 10’ in depth to screen the loading area.

As noted above, the additional landscaping materials along Route 151 (and along the property line with the Mount Armour property) are a significant positive improvement. However, there are no landscaping materials to provide screening adjacent to the loading area or the parking area. Please consider revising the landscape plan to include landscaping along the parking lot and loading area. (Please reference the attached “comment sketch” for more information.)

Also, please consider revising the landscape plan to provide for landscaping along portions of the very long façade of the warehouse facing the loading area. With a length of approximately 375’, this section of the warehouse must have some landscaping to provide better screening from Route 151 and from adjacent properties, and to reduce the visual impacts of the very large (long) industrial building. Such landscaping could be established in relatively thin “landscape areas” along the building, located in between the loading docks where they would not interfere with operations. A mixture of deciduous canopy trees and evergreen trees (in each landscape area) would provide the most effective screening. (Please reference the attached “comment sketch” for more information.)

- **Other general screening considerations:**
 - (9-2-1): “permitted uses may be required to be conducted ... within an area enclosed on all sides by a solid board fence or an evergreen hedge between six (6) and ten (10) feet in height”.
 - (9-2-3): “sufficient area shall be provided to adequately screen permitted uses from adjacent business and residential district”.

The dumpster will be located within the loading area. The landscape screening along Route 151 provides the same type of screening for the dumpster as it does the parking and loading areas.

Thank you for including the specifications / details for the “dumpster fence enclosure” on Sheet 7.

- **“Tree Save” area correlates with the minimum setback requirements (20’) as required by (9-4) ... are there opportunities to increase this tree save area to better “buffer” adjacent residential areas?**

The Tree Save has been maximized for the proposed improvements on the site. The area outside of the Tree Save area along the southern property contains a secondary drain field, the well and secondary fire access road. The area to the east of the site entrance onto Route 151 contains a tertiary drain field. These areas have been included on the Landscape Plan to illustrate the extents of the improvements proposed on the site and the limits of the Tree Save areas.

• Parking Spaces:

- Office use = 33 spaces required per (12-7-6e)
- Industrial use = 1 space required for each employee at maximum shift = (?) per (12-7-6c)
- 32 spaces provided (2 handicap spaces)
- If any of the industrial/warehouse employees (at maximum shift) are distinct and separate from the office workers, additional spaces will be required.

The office will not have personnel separate from the warehouse operations. Therefore, under the parking requirements for industrial use (one space per employee at maximum shift), we have provided 32 parking spaces to serve the 30 employees that will work in the warehouse. Thank you for this clarification.

- 4 “off-street loading spaces” are required per (12-7-7)

There will be eight dock doors and one drive-up loading door opening onto the loading area. The location of the dock doors and the drive up loading door has been added to Sheet 3. Thank you for this clarification.

• Vehicular Traffic Volume & Patterns:

- At the previous Site Plan Review Committee meeting, the applicant team stated that there will be six (6) vehicle trips per month associated with the warehouse operation. The vehicular patterns associated with the office use is currently unknown.
- Information providing a summary of anticipated traffic patterns is requested per (13-7-B-2); this may need to be a Traffic Impact Analysis report submitted to Nelson County and VDOT.

The average daily trips for this project is 201 vehicles which includes all vehicle types, i.e. cars and trucks. This is based upon the Trip Generation calculation from the ITE (Institute of Transportation Engineers) Code 110 (General Light Industrial) and Code 710 (General Office). The anticipated 6-truck trips per month, which was given by the owner, is based upon their experience and plans for the proposed building.

In the resubmittal package, I have included the calculations for a turn lane analysis along with the VDOT approval letter for the analysis. The existing and anticipated traffic patterns were included as part of that turn lane analysis.

Thank you. I have received the letter from Mr. Jeff Kessler of VDOT (dated June 9, 2014) stating that the “traffic generation, distribution and turn lane analysis” report (dated May 22, 2014) “is acceptable” and that “neither a right turn lane or a left turn lane would be warranted for a commercial entrance on Route 151.”

Please note that Mr. Kessler indicated he has additional review comments for this project, which he stated will be provided to the County and to the applicant team sometime during the week of January 19th.

• Required Site Improvements & Bonding Requirements:

- (13-6-1-L): required improvements must be secured through a bond furnished by the developer in an amount calculated and approved by the Planning & Zoning Director in accordance with established specifications and construction schedules.
- (13-6-1-M): plan and specifications for all required improvements to be installed shall be prepared by a licensed engineer.

Acknowledged. We will provide the County with the cost estimate of the improvements once they have been generated by the General Contractor.

Thank you. Please recall that the establishment of the bond is a requirement that must be completed prior to Site Plan approval (per Zoning Ordinance Article 13, Section 6-1-L).

• Other Comments:

- Checklist Item E: Remove “NCSA” from signature panel.

NCSA removed from signature panel. Thank you.

- Checklist Item M: Label Route 151/Critzer Shop Road as a designated Virginia Scenic Byway (“feature of particular scenic significance”).

Route 151/Critzer Shop Road has been labeled as a Virginia Scenic Byway on the plans. In addition, a note has been added to the Cover Sheet. Thank you.

- Checklist Item N: Provide preliminary plans and elevations for the building.

The preliminary plans and elevations for the building are included in this resubmittal package. Thank you for including that important information, and thank you for also providing those drawings electronically after the meeting.

- Checklist Item EE: Is warehouse project still planned for phased construction? If so, please specify the phasing limits and proposed timing of that phased development.

This project is planned for two phases of construction. The first phase will include the construction of all site improvements, utilities and the warehouse portion of the proposed building. The second phase of construction will include the office portion of the proposed building. At this time, the timing for second phase, the office, is not known. Thank you for specifying that planned phasing on the Cover Sheet.

- Trips into the site is unclear, provide traffic/trip information

In the resubmittal package, I have included the calculations for a turn lane analysis along with the VDOT approval letter for the analysis. The existing and anticipated traffic patterns were included as part of that turn lane analysis.

Thank you. I have received the letter from Mr. Jeff Kessler of VDOT (dated June 9, 2014) stating that the “traffic generation, distribution and turn lane analysis” report (dated May 22, 2014) “is acceptable” and that “neither a right turn lane or a left turn lane would be warranted for a commercial entrance on Route 151.”

Please note that Mr. Kessler indicated he has additional review comments for this project, which he stated will be provided to the County and to the applicant team sometime during the week of January 19th.

Example of Sign





COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

4219 CAMPBELL AVENUE
LYNCHBURG, VIRGINIA 24501
VDOT.Virginia.gov

CHARLES A. KILPATRICK, P.E.
COMMISSIONER

January 15, 2015

VIA EMAIL: JANUARY 15, 2015

Mr. Timothy M. Padalino
Director | Dept. of Planning & Zoning
County of Nelson, Virginia
P. O. Box 558
Lovingston, Virginia 22949

RE: Major Site Plan #2014-005: Zenith Quest Site Plan – Revision Dated September 19, 2014
Route 151, Avon Area, Nelson County

Dear Mr. Padalino: *Tim*

We have completed our review of the revised site plans for the Zenith Quest project dated September 19, 2014 presented for this month's Nelson County Site Plan Review Committee meeting. The revised plans took into consideration the VDOT's suggestions offered during the preliminary planning stages, and are now detailed to the point where we could offer specific comments. As we discussed by telephone, we do not foresee any major issues and the majority of our following remarks pertain to requests for clarification in the details and for additional information in line with VDOT's previous comments. We have organized our comments by plan sheet.

1. Plan Sheet 3 of 19

- a. Provide the width of the commercial entrance.
- b. Provide offset distance from existing edge of pavement (white edge line) to face of proposed CG-3 curb, i.e. twelve feet plus the proposed lane widening under VDOT Project HSIP-062-S02, M-501 –UPC #104677.
- c. The outside edge of future 6 ft. paved shoulder is incorrectly identified as the future edge of pavement (FUT. EP). Please correct.
- d. Identify the "Future 6 ft. Pave Shoulders"
- e. Replace notes for wipe down curb (CG-3) for commercial entrance to indicate a normal end of curb transition as standard with VDOT projects.

2. Plan Sheet 4 of 19

- a. Verify the spot elevations and final grade contours shown for the commercial entrance and curbing – some do not match.
- b. Provide Ditch Section(s) for proposed roadside ditch work. Ditch slopes to match 3:1 front slope.
- c. We question the need for the additional 15 inch diameter entrance pipe (designated #11) beneath the commercial entrance. Both the existing drainage and the drainage outfall designed under the VDOT project follow existing contours that will be picked up by the onsite driveway pipe culvert (designated #8) which leads into the stormwater retention facility. Thought should be given to eliminate the proposed line of pipe (#8), which will reduce the cost of construction.

3. Plan Sheet 5 of 19

- a. Intersection sight distance triangle was provided for 55 mph; however, measured intersection sight distance was not. In addition, we need the measured stopping sight distance for both the north bound and southbound directions along Route 151, along with the stopping sight distance for left turns from Route 151.
- b. WB-50 (design vehicle) turning template was provided for right turns into the commercial site. We also need the turning template for left turns into the site from Route 151 and right turns out of the site onto Route 151 north.
- c. See Comments 1.c and 1.d.
- d. If the 15 inch diameter entrance pipe culvert can be eliminated (see Comment 2.c), please remove from the plan sheet. If not, adequacy of the roadside ditch from the outlet needs to be verified. See Comment 5.a. Also, verify the elevations provided for the inverts of pipe culvert #8 in the profile view.
- e. Please include the VDOT station number of the centerline for the proposed commercial entrance denoted in the profile view. This will help with determining its location in the field.

4. Plan Sheet 6 of 19

- a. Please verify the length of pipe culvert (#11) in the diagram for Entrance Culvert Storm Str. #11 as it differs from the length used in the drainage calculation. If this line of pipe is eliminated, then please remove the diagram.
- b. In the diagram titled "Pavement Joint Detail", please include the notation that the boundary between the existing pavement and the proposed pavement is the painted edge line (otherwise identified as the edge of pavement or edge of travel lane).
- c. In the diagram titled "Pavement Section in VDOT ROW", the aggregate base material is to extend one foot beyond the bituminous asphalt material. Also, correct the bottom asphalt layer asphalt base material to "Asphalt Base Course (BM-25.0A)". Please note that this pavement design does not end at the right of way line but extends through the commercial entrance to the back of the 45 foot radius (approximately Entrance Centerline Station 10+70). Please denote this in the diagram title and notation.
- d. In the diagram titled "Site Entrance Profile", please verify grades and location of grade break (location of the proposed lane widening and paved shoulder) with the VDOT

project plans at this location. Also, to aide in the construction of the commercial entrance that incorporates the proposed lane widening under the upcoming VDOT project, please provide two additional cross sections on the southern side of the entrance where the roadway transition will occur. One at the beginning of the 75 foot taper and one at the beginning of the CG-3 radial curbing. This will assist in identifying the grade breaks in pavement are of the commercial entrance.

- e. This sheet includes guidance for traffic control while performing work within VDOT's right of way. We foresee the need for a lane closure in addition to the cited shoulder operation with minor encroachment. Please include the appropriate references, details and guidance related to lane closure operations as well.

5. Plan Sheet 7 of 19

- a. The ditch calculations do not provide the ditch cross section/geometry along Route 151 between Stations 127+ 50 for 129+00 for out fall from the 15 inch entrance pipe culvert. Please provide additional information to verify adequacy of channel along the primary roadway.

6. Plan Sheet 8 of 19

- a. Along with the VDOT's standard CG-3 diagram (Standard 4" Curb), please add a plan note or notation that the stone sub-base material is to extend the full width under the concrete CG-3 curbing. Also, the soil backfill behind the CG-3 is to extend a minimum of 2 feet before falling at a maximum 3:1 slope (Fill Section) to grade.
- b. In the detail for "Pavement Section Outside of VDOT ROW", please clarify that this pertains to the roadway section beyond the end of the entrance's 45 foot radius (approximately Entrance Centerline Station 10+70).

7. Plan Sheet 9 of 19

- a. Include "Ditch Sections" for the proposed Route 151 roadside ditch to be constructed, if the 15 inch diameter entrance pipe culvert (#11) is not eliminated.

A copy of this letter is being provided to the consultant engineers with Roudabush, Gale & Associates, Inc. I will be happy to meet and discuss any questions regarding these comments. Please provide me with an electronic copy of the signed and sealed revised site plans for our final review.

Sincerely,



Jeffery B. Kessler, P.E.
Area Land Use Engineer
(434) 856-8293

CC: Matthew D. Clark
Christopher C. Mulligan, P.E.
Ammy George

DEPARTMENT OF
PLANNING & ZONING



PLANNING COMMISSION
BOARD OF ZONING APPEALS

To: Madame Chair and Members, Nelson County Planning Commission
From: Tim Padalino | Director of Planning & Zoning
Date: October 15, 2014
Subject: **Staff Report for Major Site Plan #2014-005 – Zenith Quest International**

Site Address / Location: Critzer Shop Road (approximately 500' north of intersection with Rte. 6: Afton Mountain Road) / Afton / North District

Tax Map Parcel: #4-A-44A

Parcel Size: 10.0 acres

Zoning: Industrial (M-2)

Request: Applicant seeks approval of Major Site Plan #2014-005 for the proposed Zenith Quest "Afton Mountain" warehouse and office facility

Application Overview

The Department of Planning & Zoning received an application on September 19th from Mr. Hanri Kaya, the property owner and CFO for Zenith Quest International, LLC (ZQI). This application seeks approval for Major Site Plan #2014-005.

The subject property is located on the east side of Critzer Shop Road (Rte. 151), approximately five hundred (500) feet north of the intersection with Afton Mountain Road (Rte. 6) and Avon Road (Rte. 638). The eastern boundary of the property also has frontage along Family Lane, a private road serving several dwellings. The approximately 10-acre property is zoned Industrial (M-2). (*See maps on pages 6 and 7.*)

Summary of Requested Uses & Application Process

The ZQI project proposes to include eighty thousand (80,000) square feet of warehouse space across one story; and ten thousand (10,000) square feet of office space contained in a two story building. The applicant has stated that the warehouse would be used for storage of ammunition and other materials; and also for light assembly of handheld firearms.

The proposed ZQI project was included on the Site Plan Review Committee's August meeting agenda (8/13) without any (draft) site plan drawings or any other application materials having

been submitted at the time. That initial courtesy review has helped to improve the efficiency of the overall application process; and dialogue at that initial review meeting also led to a formal site visit to the property by the Planning Commission on August 28th.

Beginning with the initial courtesy review in August, the Site Plan Review Committee, Planning Commission, and County staff engaged the project team about questions and issues they feel are most relevant and pertinent, including:

- Projected traffic patterns associated with the warehouse and office operations, and any potential impacts on road safety and mobility, with particular respect to VDOT's recently-completed "Route 151 Corridor Study" which included focus on this particular area as being of highest concern and priority;
- Potentially incompatible land uses relative to neighboring properties, which is a function of that small area containing Agricultural (A-1), Residential (R-1), and Industrial (M-2) zoning districts in immediate proximity to one another, with specific request to lights, noise, and other typical "nuisance" questions; and
- Potential changes to the appearance and/or character of the area, with specific respect to Route 151's successful, expanding, high-profile tourism industry and to the project's location at the gateway into Nelson County (in Afton at the intersections of Route 6 and Route 151, which are both designated Virginia Scenic Byways).

Please also note this proposed project's proximity to a recently-funded "HSIP" roadway improvement project, which will allow VDOT to greatly improve the Route 6 – Route 151 intersection just south of the proposed project. The ZQI project team has noted that their proposed entrance (and other site plan details) fully consider and respond to the planned, funded VDOT project, including:

- providing VDOT with a grading easement for erosion and sediment control during construction of the HSIP intersection project, and
- dedicating an expanded ROW to VDOT to accommodate the roadway improvements

However, VDOT has stated that their engineered plans for the "HSIP" intersection improvement were prepared prior to this proposed ZQI project, and thus do not account for any changes in traffic patterns or volumes which may result from the ZQI project. As such, VDOT may also be able to further provide assistance to the applicants (and to Nelson County) by reviewing how the proposed ZQI project might interact with the proposed intersection upgrades, prior to construction (which is presently slated for fall of 2016).

The Major Site Plan submittal was then reviewed at the Site Plan Review Committee's September meeting (9/10); a summary of that review is included below.

Site Plan Review Committee Meeting and Comments

The Site Plan Review Committee convened on September 10th to review the Major Site Plan. The committee members' comments are as follows:

Director of Planning & Zoning: ZQI and their consultants have been understanding and responsive to all of the relevant topics raised by the Review Committee, described above. With regards to neighboring properties, scenic byways, and associated issues, please note that the Site Plan proposes the following details:

- some (partial) retention of an existing woodlot that presently separates the project from neighboring residences (note: this proposed "tree save" area correlates with the required 20' minimum setback);

- some new landscaping materials along Route 151, including canopy trees and understory trees utilizing an attractive native plant palette; and
- the location of the one-story, 80,000 SF warehouse meets the minimum required setbacks, and also provides some additional setback area by choice (Ordinance requires minimum of 20' setback from neighboring properties; Site Plan indicates the two corners of the warehouse closest to the adjoining properties will be 42.9 feet away and 69.2 feet away, respectively).

With those details in place, the project does seem to have made an effort to mitigate some of the site-specific changes that are inherently associated with any large industrial project. However, some important additional details remain to be properly addressed. Contained below are the Department of Planning & Zoning's review comments which have been provided to the applicant:

- Signage:
 - Location, size, and details of all signage are not supplied as required in Major Site Plan Checklist Item T (per Z.O. §13-4-T).
 - These required details must be addressed as part of site plan review.
- Lighting:
 - Location and type of lighting equipment, plus photometric plan, not supplied as required in Major Site Plan Checklist Item V (per Z.O. §13-4-V).
 - Note on cover sheet states that the project will use wall-mounted fixtures and that the lighting will be shown on the building permit plan for approval; however, these required details must be addressed as part of site plan review, not during the building permit application.
 - See (12-7-8K): "Lighting" ... "Outdoor lighting for parking and loading spaces shall be arranged to deflect glare away from adjoining properties and public streets. Sources of light on a lot shall be hooded or of directional type capable of shielding the light source from shining on adjoining property or public right-of-way."
- Landscaping & Screening:
 - Additional screening is needed along Route 151 (designated Virginia Scenic Byway), per the following Zoning Ordinance provisions:
 - (§12-7-8G): "minimum of fifty (50) percent of the road frontage shall be landscaped"
 - (§9-2-2): "landscaping may be required within any established or required front yard setback area"
 - Screening is required adjacent to parking lot and loading area(s) per the following Zoning Ordinance provisions:
 - (§13-4-CC): "parking areas shall not be located between the adjacent public right-of-way and the principal structure on the site unless topographic features or vegetation provide effective screening"
 - (§12-7-8N): "landscaping shall be designed and used to screen adjoining property from storage and loading operation"
 - Other general screening considerations:
 - (§9-2-1): "permitted uses may be required to be conducted ... within an area enclosed on all sides by a solid board fence or an evergreen hedge between six (6) and ten (10) feet in height"
 - (§9-2-3): "sufficient area shall be provided to adequately screen permitted uses from adjacent business and residential district"

- “Tree Save” area correlates with the minimum setback requirements (20’) as required by (§9-4)...are there opportunities to increase this tree save area to better “buffer” adjacent residential areas?
- Parking Spaces:
 - Office use = 33 spaces required (per Z.O. §12-7-6e)
 - Industrial use = 1 space required for each employee at maximum shift = (?) (per Z.O. §12-7-6c)
 - 32 spaces provided (2 handicap spaces)
 - If any of the industrial / warehouse employees (at maximum shift) are distinct and separate from the office employees, additional spaces will be required
 - 4 “off street loading spaces” are required (per Z.O. §12-7-7)
- Vehicular Traffic Volume & Patterns:
 - At the previous Site Plan Review Committee meeting, the applicant team stated that there will be six (6) vehicle trips per month associated with the warehouse operation. The vehicular patterns associated with the office use is currently unknown.
 - Information providing a summary of anticipated traffic patterns is requested (per Z. O. §13-7-B-2).
- Required Site Improvements & Bonding Requirements:
 - (§13-6-1-L): required improvements must be secured through a bond furnished by the developer in an amount calculated or approved by the Planning & Zoning Director in accordance with established specifications and construction schedules
 - (§13-6-1-M): plans and specifications for all required improvements to be installed shall be prepared by a licensed engineer
- Other Comments:
 - Checklist Item E: Remove “NCSA” from signature panel
 - Checklist Item M: Label Route 151 / Critzer Shop Road as a designated Virginia Scenic Byway (in relation to “feature of particular scenic significance”)
 - Checklist Item N: Provide preliminary plans and elevations for buildings.
 - Checklist Item EE: Is warehouse project and/or office still planned for phased construction? If so, please specify the phasing limits and proposed timing of that phased development.

VDOT: Mr. Jeff Kessler has provided written comments for this project as follows:

- Reference was made to my email of October 6, 2014 to the engineer, Chris Mulligan, PE, requesting additional information pertaining to the proposed entrance design in order to review and comment on the site plans dated September 19, 2014. A copy of VDOT’s development plan check list and standard plan notes were provided for guidance. The engineer was also requested to coordinate the entrance design with the VDOT construction plans to improve the intersection of Routes 151/6/638 (Avon).

TJSWCD: Mrs. Alyson Sappington of the Thomas Jefferson Soil & Water Conservation District provides review of the Erosion & Sediment Control Plan. She provided written review comments to the applicant on September 9th, regarding the Erosion & Sediment Control Plan. It was also acknowledged that the Stormwater Management Plans were sent to Virginia Dept. of

Environmental Quality (DEQ) on Friday, September 5th. The project will need to receive VSMP permit coverage from DEQ prior to the County's issuance of a land disturbing permit or a building permit, and prior to any site construction.

VDH: On Friday, October 10th, Mr. Tom Eick of the Virginia Department of Health noted in writing that he has not received or reviewed any soil work or OSE proposal for the project.

Nelson County Building Code Official: Mr. David Thompson was not in attendance, but provided written comments prior to the meeting. Regarding the Site Plan, Mr. Thompson noted that an approved E&S Control Plan, a Nelson County Land Disturbing Permit, and a copy of VSMP permit registration statement from DEQ are required. He also declared that a bond, cash escrow, or irrevocable letter of credit must be established to Nelson County to ensure that E&S Control measures are properly installed, maintained, and completed in accordance with the approved plan.

Nelson County Planning Commission: Mrs. Linda Russell provided written comments prior to the meeting, which were incorporated into the comments provided to the applicant by County staff.

Staff Comments

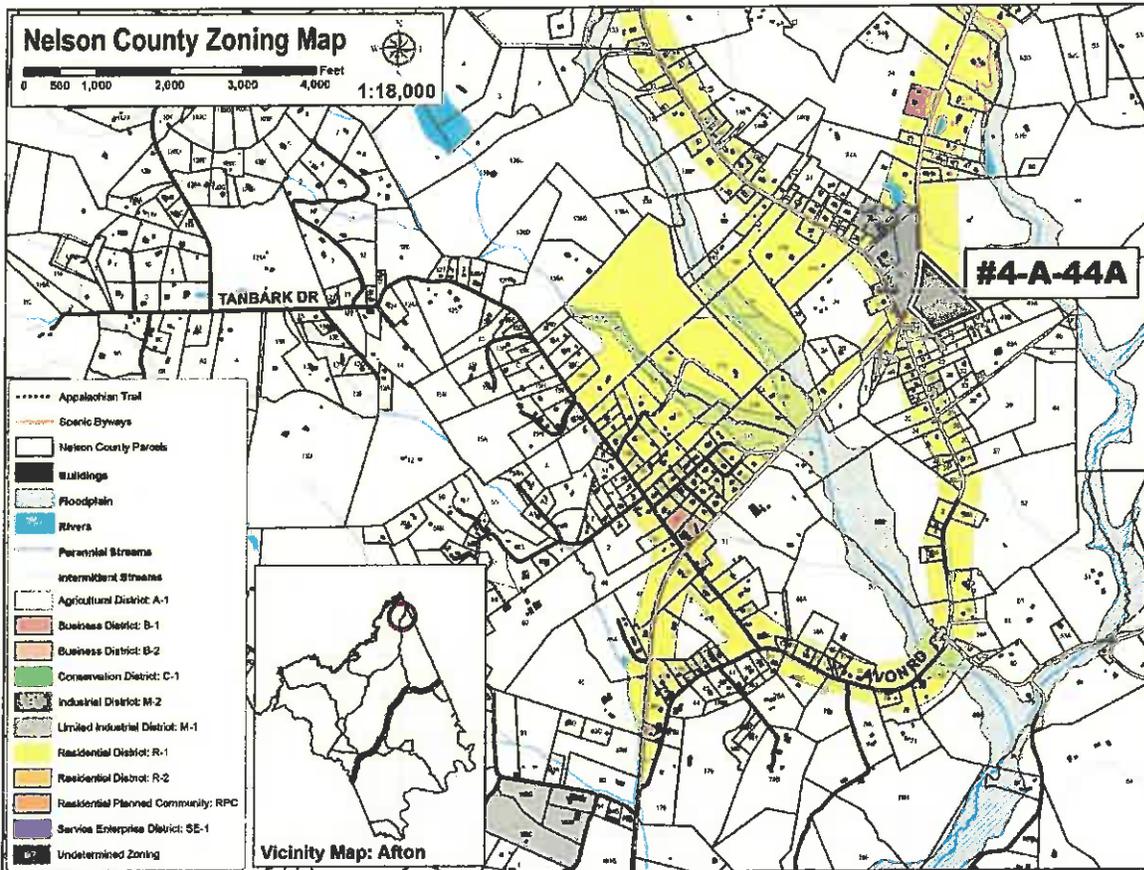
After the Site Plan Review Committee meeting, the applicant team noted that they would not be submitting a revised Site Plan for review at the October 22nd PC meeting. Rather, they indicated their preference of having the Planning Commission review the original submittal (dated 9/19) at this month's meeting, and then incorporate all of the review comments (from both the Site Plan Review Committee members and the Planning Commission) at the same time, into one revised submittal to be reviewed at the following PC meeting.

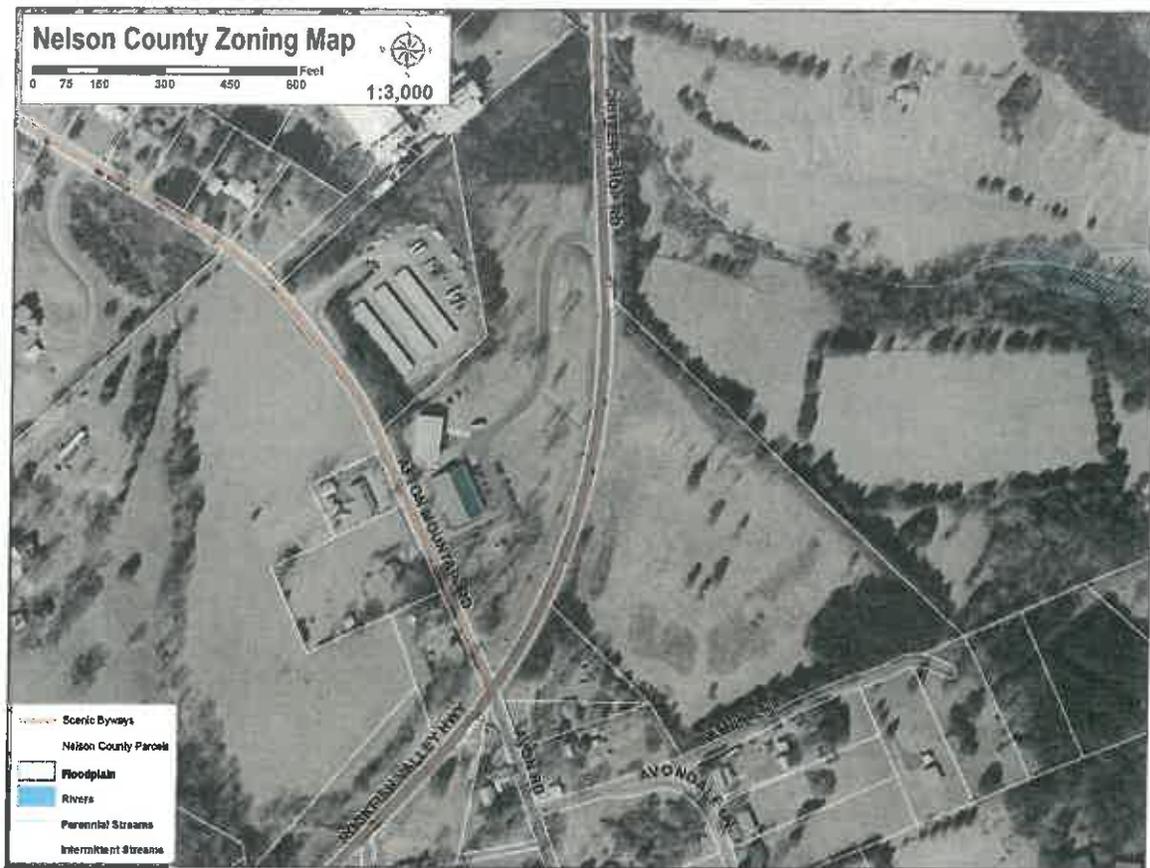
The applicant team indicated they would revise the landscape plan (Sheet 16) to include additional plant materials along Route 151, and to better screen the loading and parking areas. Those additional plant materials will likely contain some evergreen plants and some understory trees and/or shrubs, which were requested in order to help provide a fuller and more consistent buffer between the proposed project and the adjacent properties and Scenic Byway.

The applicant team also indicated they would attempt to obtain conceptual sketches or renderings of the project's architectural drawings (depicting the elevation and floor plan); but noted that the project team did not include an architect at the time of the Site Plan Review Committee meeting. The applicant team also noted their intent to provide the required information regarding exterior lighting type(s) and location(s).

On October 13th, Mrs. Ammy George provided the following information regarding estimated traffic volume: "There has been a turn lane warrant analysis prepared by Scott Dunn of the Timmons Group. ... Scott computed the Average Daily Trips as 201 vehicles (this includes the anticipated traffic from 30 employees and the truck traffic) He used the ITE Codes of General Light Industry (110) and General Office (710)." That figure (an average of 201 vehicle trips per day) is significantly higher than what was initially estimated by the applicant team. *Note: this information has been accepted and approved by VDOT; and can be reviewed at the end of this report.*

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





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):

- | | |
|---|--|
| <input type="checkbox"/> Rezoning from _____ to _____ | <input type="checkbox"/> Subdivision – Regular Preliminary |
| <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Subdivision – Regular Final |
| <input type="checkbox"/> Site Plan – Preliminary (Optional) | <input type="checkbox"/> Site Plan - Minor |
| <input type="checkbox"/> Site Plan – Final | <input checked="" type="checkbox"/> Site Plan - Major |
| <input type="checkbox"/> Amend text of Zoning Ordinance | <input type="checkbox"/> Other - _____ |

Pursuant to Article 13, Section 1-1.1 of the Nelson County Zoning Ordinance.
Pursuant to Section _____, Subsection _____ of the Nelson County Subdivision Ordinance.

Reason(s) for request: _____

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: Zenith Ouest International, LLC
Address: 522 Chinquapin Dr., Lyndhurst, VA 22952
Tel. No.: 540-943-9424 Cell No. _____ E-mail addr. hkaya@zenithquestintl.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.: Property is located approximately 500-feet north of the intersection of Afton Mountain Road (Rt. 638) and Critzer Shop Road (Rt. 151) on the eastern side of Rt. 151
Official tax map number: 4A-44A
- b. Acreage of property: 10.00 Ac.
- c. Present use: Vacant
- d. Present zoning classification: M-2
- e. Zoning classification of surrounding properties: M-1/R-1/A-1

(Continued on reverse.)

4. **Names of Adjacent Property Owners:** TMP 4A-29A Advancing Native Missions; TMP 7A-42 and 7A-42 Harold McCauley; TMP 7-6-5 Clara McCauley; TMP 7-6-3 Alvin Carpenter; TMP 7A-40A Augusta Meyers; TMP 7A-40B Sharon Harris; TMP 4A-44 Mount Armour, LLC

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: *Haya* Hanri Kaya, CFO 9/10/14
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.

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

Completed application and fee (\$500.00) received on 9-19-14
Hearing Notice published on October 2nd + 8th, 2014
Planning Commission action: Date of Hearing: October 22, 2014
Recommendation: _____

Board of Supervisor action: Date of Hearing: _____
Date of Decision: _____
Action: _____

MAJOR SITE PLAN #2014-005 – ZENITH QUEST INTERNATIONAL LLC Tax Map #
KAYA PROPERTIES LLC 4-A- 44A
675 PETER JEFFERSON PKWY
CHARLOTTESVILLE, VA 22911

Adjoining Property Owner Name Parcel ID
DURRETTE, ERNEST D. 4-A-41
8385 BATESVILLE RE
AFTON, VA 22920

ADVANCING NATIVE MISSIONS 4-A-29A
P.O. BOX 5303
CHARLOTTESVILLE, VA 22905

WHITNEY, SUSAN 4-A-42
MOUNT ARMOUR LLC 4-A-44
12769 PATRICIA DRIVE
NORTH ROYALTON, OH 44133

HARRIS, SHARON 7-A-40B
182 FAMILY LANE
AFTON, VA 22920

CARPENTER, ALVIN J. 7-6-3
P.O. BOX 1
AFTON, VA 22920

MYERS, AUGUSTINE A. 7-A-40A
156 FAMILY LANE
AFTON, VA 22920

MCCAULEY, HAROLD BRADFORD 7-A-41
1902 AVON ROAD
AFTON, VA 22920

MCCAULEY, HAROLD BRADFORD 7-A-42
1916 AVON ROAD
AFTON, VA 22920



LAND SURVEYING
ENGINEERING
LAND PLANNING

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INFO@ROUDABUSH.COM

December 31, 2014

Mr. Tim Padalino, Director of Planning & Zoning
Nelson County
Dept. of Planning & Zoning
80 Front Street
Lovingson, VA 22949

RE: Zenith Quest Afton Mountain

Dear Mr. Padalino,

I have reviewed and addressed your comments. The individual responses to those comments are below.

- Signage:
 - Location, size, and detail of all signage are not supplied as required in Major Site Plan Checklist Item T per (13-4-T).
 - These required details must be addressed as part of the site plan review.

The sign has been added to Sheet 3 to show the location of where it will be installed. At the end of this letter, I have included an example of the sign that Zenith Quest is planning on installing. It is 8' wide and 3' tall doubled sided sign supported on two posts.

- Lighting:
 - Location and type of lighting equipment, plus photometric plan, are not supplied as required in Major Site Plan Checklist Item T per (13-4-V).
 - Note on Cover Sheet states that the project will use wall-mounted fixtures and that the lighting will be shown on the building permit plan for approval; however, these required details must be addressed as part of the site plan review, not during the building permit application.
 - See (12-7-8K) "Lighting"... "Outdoor lighting for parking and loading spaces shall be arranged to deflect glare away from adjoining properties and public streets. Sources of light on a lot shall be hooded or of directional type capable of shielding the light source from shining on adjoining property or public right-of-way."

The location of the lighting has been shown on Sheet 18. The type of lighting has been specified on Sheet 19. The lighting has been designed to avoid light spill over onto adjacent properties; Sheet 18, a photometric plan has been added to the plan set to demonstrate that the plan meets the intent of 12-7-8K.

The note about site lighting has been removed from the cover sheet.

- Landscaping & Screening:
 - Additional screening is needed along Route 151 (designated Virginia Scenic Byway), per the following Zoning Ordinance provisions:
 - (12-7-8G): “minimum of 50% of the road frontage shall be landscaped”.
 - (9-2-2): “landscaping may be required within any established or required front yard setback area”.

A mix of predominately evergreen and deciduous shrubs have been added along the fence line facing Route 151. Approximately 75% of the total length of the road frontage has been landscaped.

- Screening is required adjacent to parking lot and loading area(s) per the following Zoning Ordinance provisions:
 - (13-4-CC): “parking areas shall not be located between the adjacent public right-of-way and principal structure on the site unless topographic features or vegetation provide effective screening”.
 - (12-7-8N): “landscaping shall be designed and used to screen adjoining property from storage and loading operation”.

The average full-grown height of the shrubs along the Route 151 is approximately 8-10’, which will provide adequate screening for the parking and loading areas. Additionally, the trees and shrubs have been located to maximize the screen of the loading and parking area. A portion of the site is located approximately eight (8) to ten (10) above Route 151; for these areas, the additional screening with landscaping was not needed.

The existing tree line for the Mount Armor property to the east of the project site has been added to the Landscape Plan. Evergreen trees have been added to the areas where the existing vegetation on the Mount Armor property is less than 10’ in depth to screen the loading area.

- Other general screening considerations:
 - (9-2-1): “permitted uses may be required to be conducted ... within an area enclosed on all sides by a solid board fence or an evergreen hedge between six (6) and ten (10) feet in height”.

- (9-2-3): “sufficient area shall be provided to adequately screen permitted uses from adjacent business and residential district”.

The dumpster will be located within the loading area. The landscape screening along Route 151 provides the same type of screening for the dumpster as it does the parking and loading areas.

- “Tree Save” area correlates with the minimum setback requirements (20’) as required by (9-4) ... are there opportunities to increase this tree save area to better “buffer” adjacent residential areas?

The Tree Save has been maximized for the proposed improvements on the site. The area outside of the Tree Save area along the southern property contains a secondary drain field, the well and secondary fire access road. The area to the east of the site entrance onto Route 151 contains a tertiary drain field. These areas have been included on the Landscape Plan to illustrate the extents of the improvements proposed on the site and the limits of the Tree Save areas.

- **Parking Spaces:**
 - Office use = 33 spaces required per (12-7-6e)
 - Industrial use = 1 space required for each employee at maximum shift = (?) per (12-7-6c)
 - 32 spaces provided (2 handicap spaces)
 - If any of the industrial/warehouse employees (at maximum shift) are distinct and spate from the office workers, additional spaces will be required.

The office will not have personnel separate from the warehouse operations. Therefore, under the parking requirements for industrial use (one space per employee at maximum shift), we have provided 32 parking spaces to serve the 30 employees that will work in the warehouse.

- 4 “off-street loading spaces” are required per (12-7-7)

There will be eight dock doors and one drive-up loading door opening onto the loading area. The location of the dock doors and the drive up loading door has been added to Sheet 3.

- **Vehicular Traffic Volume & Patterns:**
 - At the previous Site Plan Review Committee meeting, the applicant team stated that there will be six (6) vehicle trips per month associated with the warehouse operation. The vehicular patterns associated with the office use is currently unknown.

- Information providing a summary of anticipated traffic patterns is requested per (13-7-B-2); this may need to be a Traffic Impact Analysis report submitted to Nelson County and VDOT.

The average daily trips for this project is 201 vehicles which includes all vehicle types, i.e. cars and trucks. This is based upon the Trip Generation calculation from the ITE (Institute of Transportation Engineers) Code 110 (General Light Industrial) and Code 710 (General Office). The anticipated 6-truck trips per month, which was given by the owner, is based upon their experience and plans for the proposed building.

In the resubmittal package, I have included the calculations for a turn lane analysis along with the VDOT approval letter for the analysis. The existing and anticipated traffic patterns were included as part of that turn lane analysis.

- **Required Site Improvements & Bonding Requirements:**
 - (13-6-1-L): required improvements must be secured through a bond furnished by the developer in an amount calculated and approved by the Planning & Zoning Director in accordance with established specifications and construction schedules.
 - (13-6-1-M): plan and specifications for all required improvements to be installed shall be prepared by a licensed engineer.

Acknowledged. We will provide the County with the cost estimate of the improvements once they have been generated by the General Contractor.

- **Other Comments:**
 - Checklist Item E: Remove “NCSA” from signature panel.

NCSA removed from signature panel.

- Checklist Item M: Label Route 151/Critzer Shop Road as a designated Virginia Scenic Byway (“feature of particular scenic significance”).

Route 151/Critzer Shop Road has been labeled as a Virginia Scenic Byway on the plans. In addition, a note has been added to the Cover Sheet.

- Checklist Item N: Provide preliminary plans and elevations for the building.

The preliminary plans and elevations for the building are included in this resubmittal package.

- Checklist Item EE: Is warehouse project still planned for phased construction? If so, please specify the phasing limits and proposed timing of that phased development.

This project is planned for two phases of construction. The first phase will include the construction of all site improvements, utilities and the warehouse portion of the proposed building. The second phase of construction will include the office portion of the proposed building. At this time, the timing for second phase, the office, is not known.

- Trips into the site is unclear, provide traffic/trip information

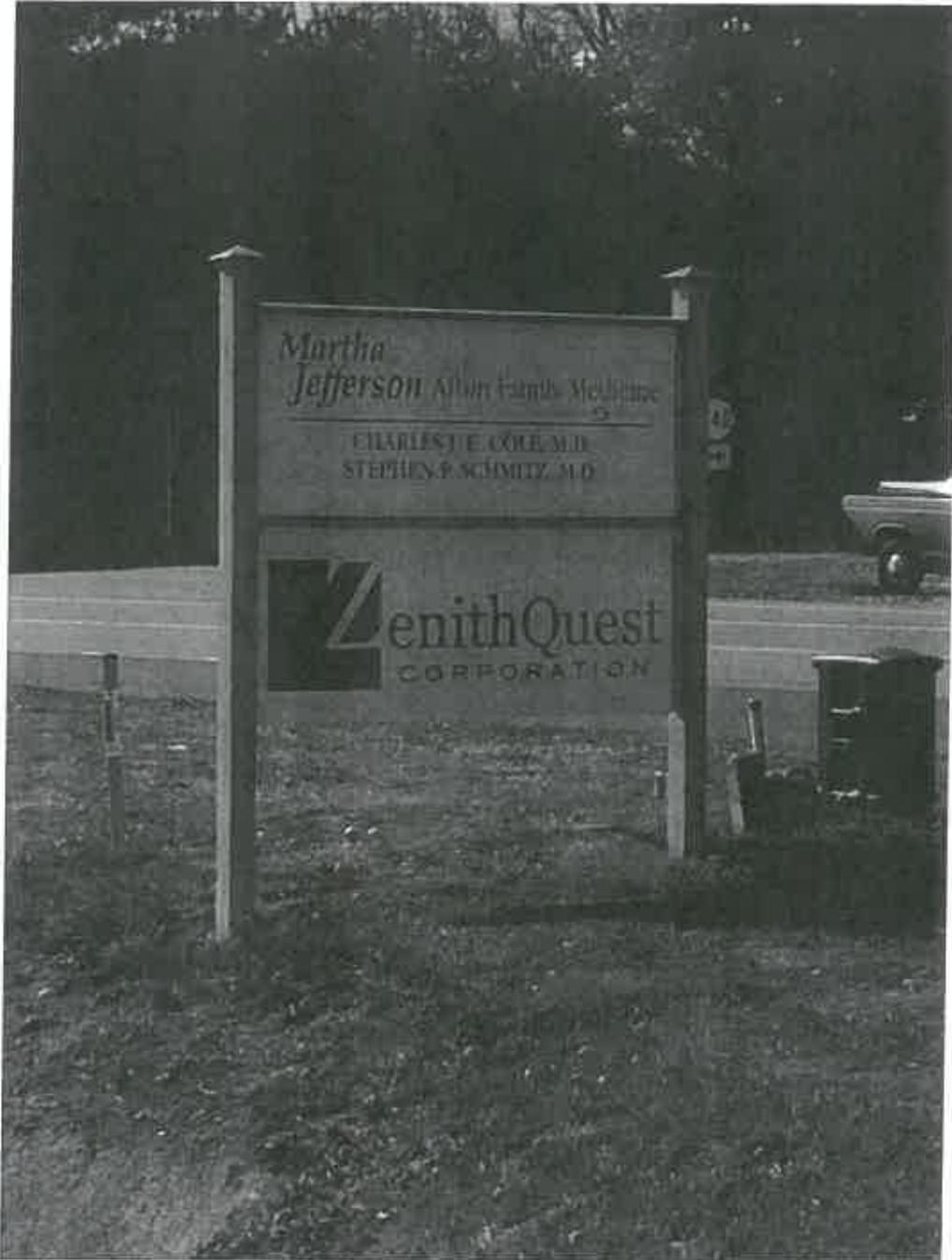
In the resubmittal package, I have included the calculations for a turn lane analysis along with the VDOT approval letter for the analysis. The existing and anticipated traffic patterns were included as part of that turn lane analysis.

If you have any questions or comments, please feel free to contact me.

Sincerely,

Ammy George

Example of Sign





COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
4219 CAMPBELL AVENUE
LYNCHBURG, VIRGINIA 24501
VDOT.Virginia.gov

CHARLES A. KILPATRICK, P.E.
COMMISSIONER

June 9, 2014

VIA EMAIL: JUNE 9, 2014

Scott Dunn, AICP, PTP
Senior Project Manager
TIMMONS GROUP | www.timmons.com
1001 Boulders Parkway,
Suite 300
Richmond, VA 23225

RE: Rte 151 Nelson County Proposed Commercial Development (Avon Area)
Light Industrial Traffic Generation Analysis

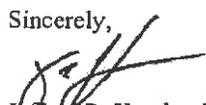
Dear Mr. ~~Dunn~~; *Scott*

This writing is in follow up to my electronic mail communication of May 22, 2014 stating the attached supplemental traffic generation, distribution and turn lane analysis you provided to me on May 22, 2014 is acceptable. This acceptance is based on the proposed site development with the anticipated traffic of a general light industrial development with up to 30 employees, and a general office development of 10,000 sf. This analysis determined that neither a right turn lane nor a left turn lane would be warranted for a commercial entrance on Route 151. Should development of this site differ, resulting in an increase in traffic beyond the traffic generation your analysis indicated, then a new evaluation will be required.

A VDOT Land Use Permit for a commercial entrance designed in accordance with Appendix F of VDOT's Road Design Manual will be required. This design should also take into consideration the adjoining Route 151/6/638 intersection improvements. Mrs. Raina Rosado, VDOT's Project Manager (434.947.6559) can assist you with the project plans.

Please notify me if I may be of further assistance.

Sincerely,


Jeffery B. Kessler, P. E.
Area Land Use Engineer
(434) 856-8293
JefferyB.Kessler@VDOT.Virginia.gov

Attachments

CC: P. Massie Saunders, Jr.
Timothy Padalino
Raina Rosado

WE KEEP VIRGINIA MOVING

Kessler, Jeffery B., P.E. (VDOT)

From: Kessler, Jeffery B., P.E. (VDOT)
Sent: Thursday, May 22, 2014 12:30 PM
To: 'scott.dunn@timmons.com'
Cc: 'massie@saunderssurveys.com'; Clark, Matthew D. (VDOT)
Subject: Re: Rte 151 Nelson County Proposed Commercial Development (Avon Area)

Thank you Scott. Your evaluation is accepted. I have no further questions regarding traffic generation or turn lane determinations.

Massie, you may proceed accordingly.

Thanks all!
Jeff

Jeffery B. Kessler, P.E.
Area Land Use Engineer
VDOT - Lynchburg District
(434) 856-8293

From: Scott Dunn [<mailto:scott.dunn@timmons.com>]
Sent: Thursday, May 22, 2014 12:16 PM Eastern Standard Time
To: Kessler, Jeffery B., P.E. (VDOT)
Cc: Massie Saunders <massie@saunderssurveys.com>
Subject: RE: Rte 151 Nelson County Proposed Commercial Development (Avon Area)

Jeff,

Per yesterday's email, I have attached a revised sheet that includes both the light industrial and the office (the trip estimates were calculated using the rates as discussed).

Based on this summary, the site can accommodate both developments and not require auxiliary lanes.

Please review the attached and let me know if you have any questions or need additional information.

Scott

Scott Dunn, AICP, PTP
Senior Project Manager

TIMMONS GROUP | www.timmons.com
1001 Boulders Parkway, Suite 300 | Richmond, VA 23225
Office: 804.200.6955 | Fax: 804.560.1016
Mobile: 804.402.0830 | scott.dunn@timmons.com
LinkedIn: www.linkedin.com/in/wsdunn
Your Vision Achieved Through Ours

To send me .zip files or files greater than 20MB [click here](#)

Background Information

Assumed Initial Development:

General Light Industrial Development with up to 30 employees
General Office Development – 10,000 sf

Existing Traffic Data:

Route 151 AADT (2012): 8,100 vpd
Route 151 PHV_{AM SB} = 264 vph
Route 151 PHV_{AM NB} = 402 vph
Route 151 PHV_{PM SB} = 457 vph
Route 151 PHV_{PM NB} = 281 vph

Site Traffic Generation Data

Land Use:

General Light Industrial (Land Use Code 110, 9th Edition)
General Office Building (Land Use Code 710, 9th Edition)

Trip Generation:

	<u>Enter</u>	<u>Exit</u>
AM Peak	26	4
PM Peak	6	22

Site Traffic Distribution

AM: 16 vph entering northbound (Assume 60% northbound, 40% southbound)
10 vph entering southbound

PM: 2 vph entering northbound (Assume 40% northbound, 60% southbound)
4 vph entering southbound

Right Turn Lane Assessment

(RTL Guidelines for 2-Lane Highway - Appendix G)

AM: PHV Approach Total = 402 + 16 = 418 vph
PHV Right Turns = 16 vph

No Right Turn Taper/Lane Required

PM: PHV Approach Total = 281 + 2 = 283 vph
PHV Right Turns = 2 vph

No Right Turn Taper/Lane Required

Left Turn Lane Assessment

(Figure 3-10 – Appendix G)

60 MPH Design Speed

AM: Opposing Volume = $402 + 16 = 418$ vph
Left Turn Volume = 10 vph
Advancing Volume = $264 + 10 = 274$ vph
 $\% L = 10/274 = 2.7\%$

No Left Turn Lane Required; left turns below 5%

PM: Opposing Volume = $281 + 2 = 283$ vph
Left Turn Volume = 4 vph
Advancing Volume = $457 + 4 = 461$ vph
 $\% L = 4/461 = 0.9\%$

No Left Turn Lane Required; left turns below 5%

FILE COPY

DATE: January 8, 2015
TO: Applicants to the Nelson County Planning Commission
FROM: Tim Padalino, Director of Planning and Zoning
RE: Items for Review / January meeting(s)

Please be advised that your application has been received in our office requesting approval of the following:

- 1) **Major Site Plan #2014-005 – Ms. Ammy George / Roudabush, Gale and Associates (Tax Map Parcel #4-A-44A / “Zenith Quest International”) – revised / resubmittal**
- 2) **Major Site Plan #2014-008 – Mr. Michael Penny / Pennywell, LLC (Tax Map Parcel #6-A-102A)**

Listed below is the date and time of the meeting when your application will be reviewed.
You and/or your representative(s) are encouraged to attend this meeting.

Site Plan Review Committee
10:00 A. M. on January 14, 2015
Old Board of Supervisors Meeting Room (4th Floor), County Courthouse
84 Courthouse Square, Lovingson, VA

Planning Commission
(if Site Plan Review Committee requirements are met)
7:00 P.M. on January 28, 2015
General District Courtroom, County Courthouse,
84 Courthouse Square, Lovingson, VA

If you have questions regarding these items prior to the meeting, or if you need any assistance, please don't hesitate to call or e-mail me.

Thank you; sincerely,



TMP/svh

Enclosures

Copy to: Mr. Hanri Kaya
Mr. Massie Saunders, Jr.

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 Board of Zoning Appeals deferments.

Stormy Hopkins

From: Tim Padalino
Sent: Tuesday, January 20, 2015 10:33 AM
To: Michael Penny
Cc: Massie Saunders; Seanan Maranzano; Judd Jarvis; Stormy Hopkins; Grant Massie
Subject: RE: Mill Lane on hold

Hi Michael,

Thank you for the (written) clarification. I will convey this status update to the Planning Commission.

Please let us know if / when anything changes; and feel free to contact us whenever you have question or need any assistance.

Thanks very much,
Tim

Tim Padalino
[434]-263-7090

From: Michael Penny [mailto:michael@savvyrest.com]
Sent: Friday, January 16, 2015 9:17 AM
To: Tim Padalino
Cc: Massie Saunders; Seanan Maranzano; Judd Jarvis
Subject: Mill Lane on hold

Hi Tim,

You requested a semi-formal note that we are putting the Mill Lane/Hedge Lane project on hold.

We are doing exactly that while we explore the possibilities in Colleen.

Michael

--
Michael Penny
President
Savvy Rest, Inc.
434-202-1123
www.savvyrest.com



DEPARTMENT OF
PLANNING & ZONING



PLANNING COMMISSION
BOARD OF ZONING APPEALS

To: Chair and Members, Nelson County Planning Commission

From: Tim Padalino | Director | Department of Planning & Zoning

Date: January 21, 2015

Subject: Overview of Pending Applications for Agricultural and Forestal Districts

At the December Planning Commission (PC) meeting, members of the PC, the Agricultural and Forestal District (AFD) Advisory Committee, and County staff discussed Nelson County's local AFD program and the procedures for receiving and reviewing AFD applications.

This report provides a brief overview of the four (4) pending AFD applications that have been received since the previous PC meeting, as well as a summary of action steps needed to process these applications.

Summary of AFD Applications submitted between January 1 and January 21, 2015:

- **AFD Application #2015-01: Addition to Davis Creek AFD (Bolton)**
 - *Total size of proposed expansion: 137.99 acres*
 - *Number of property owners and parcels in proposed addition: 5 property owners / 6 parcels*
 - *Date received: 01/12/2015*

- **AFD Application #2015-02: Addition to Davis Creek AFD (Derdeyn)**
 - *Total size of proposed expansion: 11.04 acres*
 - *Number of property owners and parcels in proposed addition: 2 property owners / 3 parcels*
 - *Date received: 01/9/2015*

- **AFD Application #2015-03: Addition to Dutch Creek AFD (Wright)**
 - *Total size of proposed expansion: 731.87 acres*
 - *Number of property owners and parcels in proposed addition: 3 property owners / 11 parcels*
 - *Date received: 01/15/2015*

- **AFD Application #2015-04: Creation of Greenfield AFD (Burton)**
 - *Total size of proposed new district: 2,304 acres*
 - *Number of property owners and parcels in proposed addition: 38 property owners / 59 parcels*
 - *Date received: 01/16/2015*

Summary of Next Steps for Processing AFD Applications:

- Planning Commission (PC) initiates application review process (January 28th):
 - o PC “accepts” applications and refers them to the AFD Advisory Committee for review and comment
 - o PC directs staff to provide legal notice of the applications to adjoining property owners

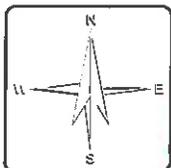
- AFD Advisory Committee receives applications via PC referral:
 - o Advisory Committee conducts review of applications
 - o Advisory Committee provides Planning Commission with recommendations

- Planning Commission (PC) conducts review of applications:
 - o PC conducts public hearing on the applications and Advisory Committee recommendations
 - o PC provides the Board of Supervisors (BOS) with recommendations
 - o PC directs staff to publish and provide legal notice for public hearing by BOS

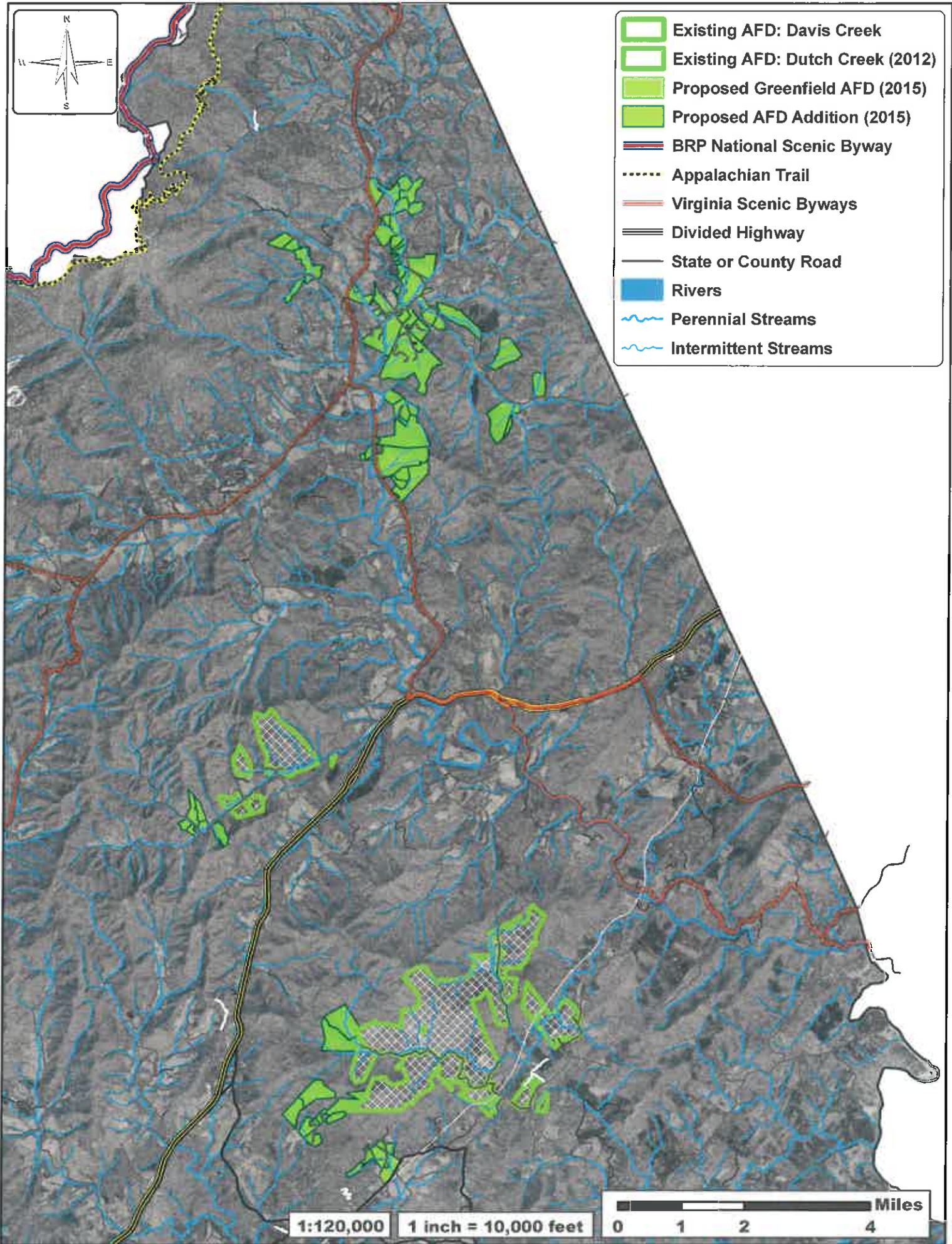
- Board of Supervisors (BOS) conducts review of applications:
 - o BOS conducts public hearing
 - o BOS takes action to:
 - create (or expand) a district (as applied for) or (with any modifications it deems appropriate); or
 - reject the application, no later than one hundred eighty (180) days from the date the application was received

Thank you for your attention to these AFD applications. Please reference the attached maps for more details; and please note that the staff presentation at the meeting on the 28th will provide an opportunity to discuss these applications as well as the review procedures.

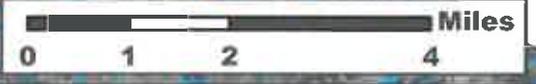
Please feel free to contact me prior to the meeting on the 28th with any questions you may have regarding the information contained in this report.

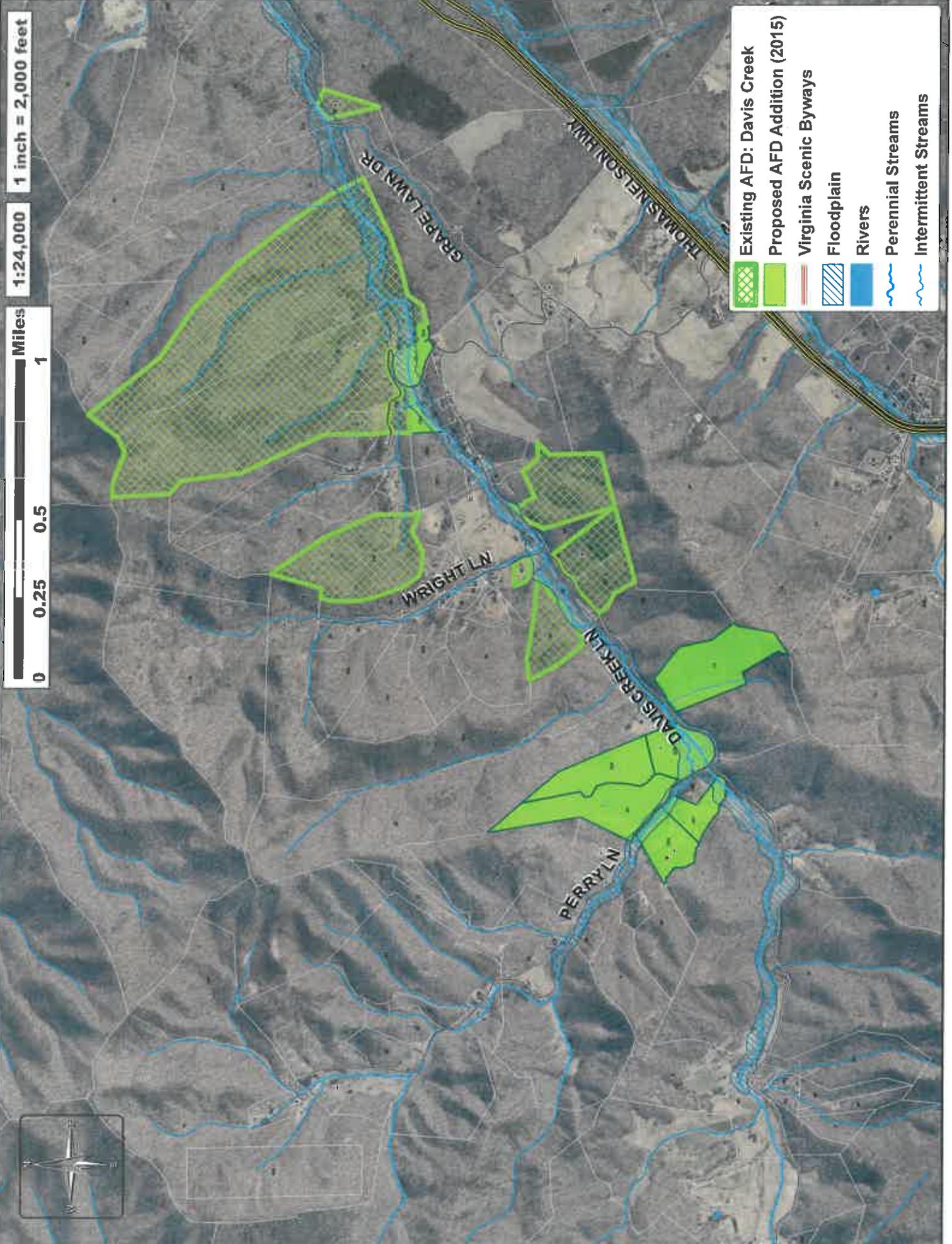


-  Existing AFD: Davis Creek
-  Existing AFD: Dutch Creek (2012)
-  Proposed Greenfield AFD (2015)
-  Proposed AFD Addition (2015)
-  BRP National Scenic Byway
-  Appalachian Trail
-  Virginia Scenic Byways
-  Divided Highway
-  State or County Road
-  Rivers
-  Perennial Streams
-  Intermittent Streams



1:120,000 1 inch = 10,000 feet





1 inch = 2,000 feet

1:24,000

Miles



- Existing AFD: Davis Creek
- Proposed AFD Addition (2015)
- Virginia Scenic Byways
- Floodplain
- Rivers
- Perennial Streams
- Intermittent Streams

GABRIEL LN DR

THOMAS NELSON HWY

WRIGHT LN

DAVIS CREEK LN

PERRY LN

Stormy Hopkins

From: Tim Padalino
Sent: Monday, January 12, 2015 9:29 AM
To: jrb5d@virginia.edu; Stormy Hopkins
Subject: FW: AFD application
Attachments: Application Form to Add to Existing AFD-1.docx

Jim, I agree with your explanation; and as such, this re-dated application cover page will suffice. Thank you for re-submitting this paperwork to be compliant with the language in the County Code for establishing and/or expanding existing AFDs.

Thanks again,
Tim

Tim Padalino
[434]-263-7090

-----Original Message-----

From: James Bolton [mailto:jrb5d@virginia.edu]
Sent: Saturday, January 10, 2015 10:10 AM
To: Tim Padalino
Subject: Re: AFD application

Hi Tim,

I have attached a re-dated copy of our application. I also notice that the signature form that we filled out does not actually include a column for the dates of the parcel owner's signatures, so it seems to me like the re-dated application should do the trick (?). However if you think it would be more appropriate for me to re-date and sign (or initial, (or whatever), the original application, I would certainly be able to come in to do that, so just let me know. If you think the latter would be advisable, I could maybe come in some morning on my way in to work some day (other than Mon.) next week. if you think this would be the best approach, let me know what would be a convenient day and what time your office will be open.

Thanks so much for your assistance with this.

Jim Bolton

Tim Padalino wrote:

> Hi Jim,

>

> As you are listed on the application as the "applicant contact," and as you are the one who is actually submitting the application to the County, I will accept your signature and re-date (and not require that each property owner listed in the application re-date and re-sign).

>

> I hope this clears everything up.

>

> Thanks,

> Tim

>
> Tim Padalino
> [434]-263-7090
>
>
> -----Original Message-----
> From: James Bolton [mailto:jrb5d@virginia.edu]
> Sent: Thursday, January 08, 2015 6:36 PM
> To: Tim Padalino
> Subject: AFD application
>
> Hi Tim,
>
> I did get your phone message, and the only thing that I'm not totally
> clear on is whether it's only me that needs to come in and re-sign,
> and/or resubmit the application, or whether each parcel owner needs
> re-date their signatures. (This would be a little complicated as one
> of our group lives in Norfolk, and another is suffering from MS, in a
> wheel chair, and is not particularly mobile____....If it's just me that
> would need to re-sign, or re-date, [or whatever], there will be no
> problem
> what-so-ever.) In any event, please let me know which of these responses will be required as soon as practically
> convenient so that I can get to work on contacting everyone if need be. Thanks for the heads-up.
>
> Jim Bolton

**APPLICATION FOR ADDITION TO AN EXISTING AGRICULTURAL AND
FORESTAL DISTRICT**

This completed form and required maps shall be submitted by applicant landowners to the Nelson County Planning Department on or before June first of the calendar year in which additions to an existing District are to be effective. This form shall be accompanied by a United States Geological Survey 7.5 minute topographic map that clearly shows the boundaries of the District and the boundaries of each individual parcel that is to be added to the District. A Department of Transportation highway map that shows the general location of the District and addition(s) shall also accompany this form.

TO BE COMPLETED BY APPLICANT

1. *Name of the District:*

Davis Creek Agricultural and Forestal District

2. *General Location of the District:*

Along Grape Lawn Drive, Huffman Way, Davis Creek lane and onto Perry Lane

3. *Total Acreage of the Addition(s):* 137.99 acres

4. *Landowners applying for the District:* See attached list with signatures

5. *Designated Landowner Contact:* Name, Address, & Telephone Number (Email optional)

James R. Bolton
312 Perry Lane
Lovingsston, VA 22949
434-263-4968
jrb5d@virginia.edu

6. *Conditions for Addition to the District Pursuant to §15.2-4309 of the Code of Virginia:*

As a condition for the addition of parcels to the Davis Creek
Agricultural and Forestal District, the requirements stated in Chapter 9, Article V, Section 202 of the Code of Nelson County will apply. Any additional conditions currently in effect for the District will also apply. The date of review for additional parcels will be the same as for the already established District.

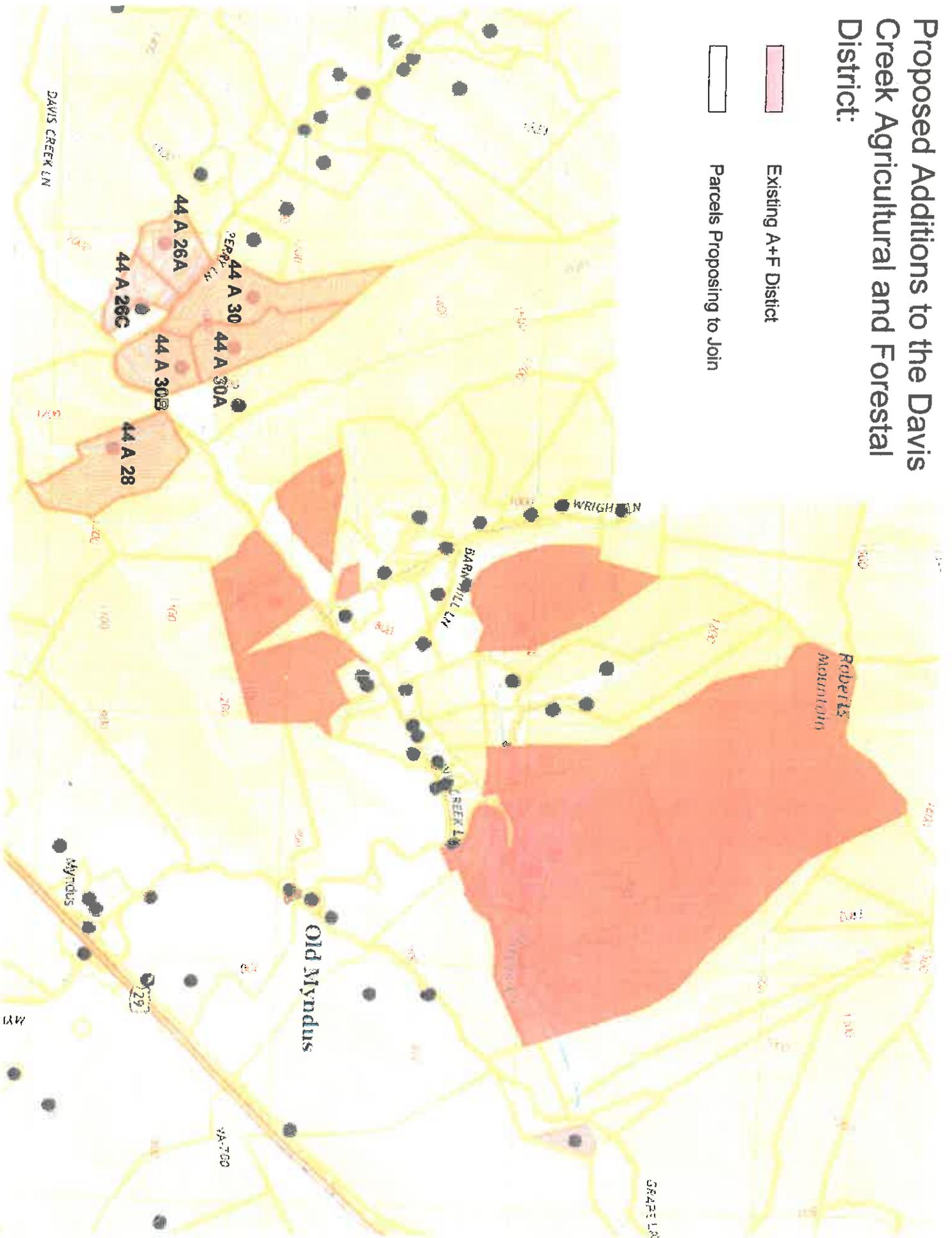
6. *Date of Application:* 01/12/2015

NAME	ADDRESS	SIGNATURE	WITNESS	TOTAL ACREAGE	TAX MAP & PARCEL NUMBERS
Fritsch, Earnest John	2625 Davis Creek Lane	<i>Earnest John Fritsch</i>	<i>James R. Bolton</i>	37.86	44 A 28
Haxel, Bernard F.	76 Perry Lane	<i>Bud Haxel</i>	<i>Earnest J. Bolton</i>	18.61	44 A 30A
Shreyes, Jeanne	203 Perry Lane	<i>Jeanne Shreyes</i>	<i>Mike G...</i>	10 15.69	44 A 26C 44 A 26A
Bolton, James R. & Marcia G. Gibbons	312 Perry Lane	<i>James R. Bolton Marcia G. Gibbons</i>	<i>James R. Bolton</i>	37.22	44 A 30
Scott, Carol Life Estate	42 Perry Lane	<i>Carol Scott</i>	<i>Marcia Gibbons</i>	18.61	44 A 30B

4 3 1 2

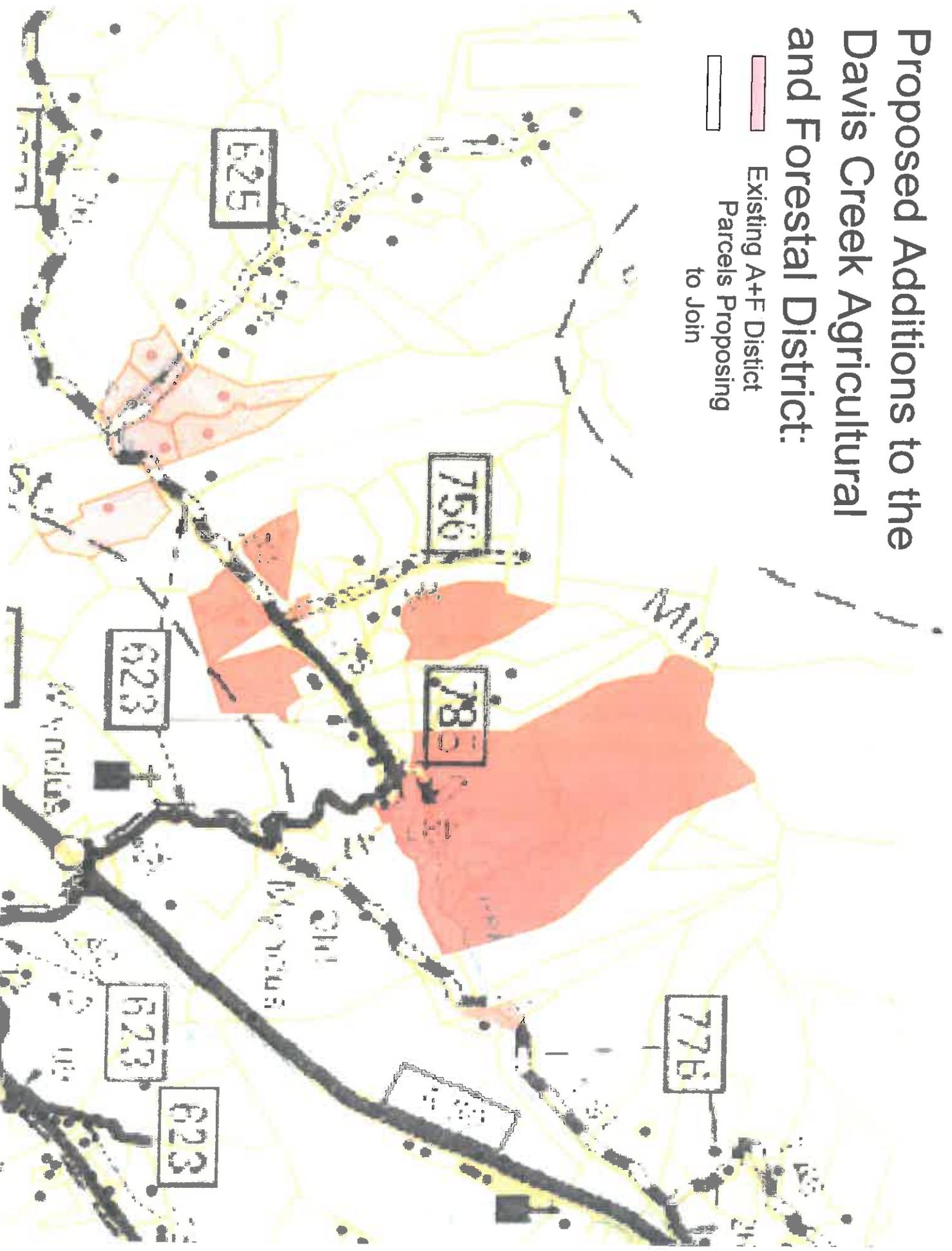
Proposed Additions to the Davis Creek Agricultural and Forestal District:

- Existing A+F District
- Parcels Proposing to Join



Proposed Additions to the Davis Creek Agricultural and Forestal District:

- Existing A+F District
- Parcels Proposing to Join



APPLICATION FOR ADDITION TO AN EXISTING AGRICULTURAL AND FORESTAL DISTRICT

This completed form and required maps shall be submitted by applicant landowners to the Nelson County Planning Department on or before June first of the calendar year in which additions to an existing District are to be effective. This form shall be accompanied by a United States Geological Survey 7.5 minute topographic map that clearly shows the boundaries of the District and the boundaries of each individual parcel that is to be added to the District. A Department of Transportation highway map that shows the general location of the District and addition(s) shall also accompany this form.

TO BE COMPLETED BY APPLICANT

1. Name of the District:

Davis Creek Agricultural and Forestal District

2. General Location of the District:

Along Davis Creek; at the intersection of Davis Creek Lane and Huffman Way and on The Hollow Lane

3. Total Acreage of the Addition(s): 11.04 acres

4. Landowners applying for the District: See attached list with signatures

*Virginia Anne Evans
Andre and Marie Jose Dendeyn*

5. Designated Landowner Contact: Name, Address, & Telephone Number (Email optional)

*Evans 234 The Hollow Lane, Louington, VA 22949 434 263 4899
Dendeyn 6 The Hollow Lane, Louington, VA 22949 434 263 6848*

6. Conditions for Addition to the District Pursuant to §15.2-4309 of the Code of Virginia:

As a condition for the addition of parcels to the Davis Creek Agricultural and Forestal District, the requirements stated in Chapter 9, Article V, Section 202 of the Code of Nelson County will apply. Any additional conditions currently in effect for the District will also apply. The date of review for additional parcels will be the same as for the already established District.

6. Date of Application: ~~6 November 2014~~

~~9 D~~

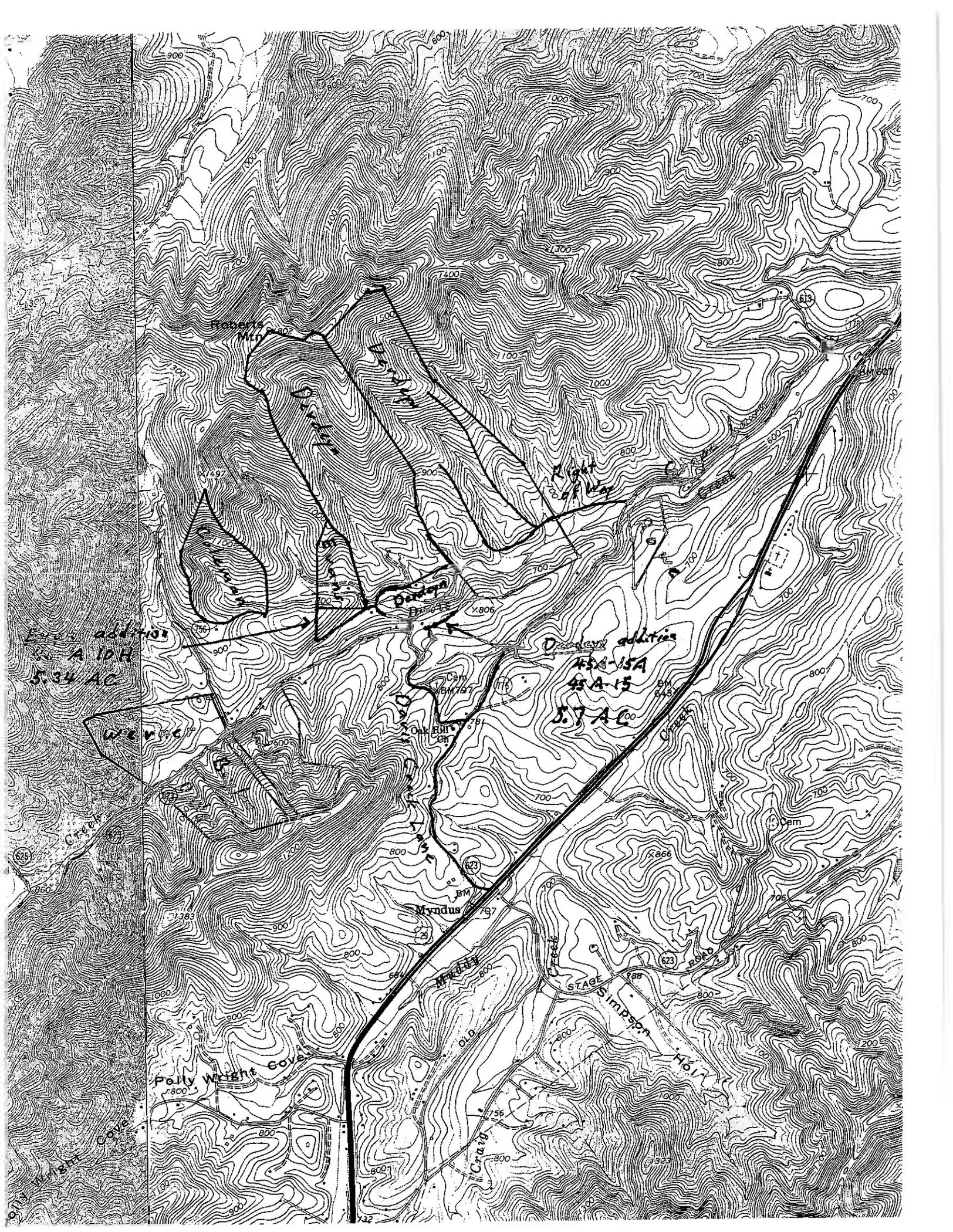
APD

9 January 2015

NAME	ADDRESS	SIGNATURE	WITNESS	TOTAL ACREAGE	TAX MAP & PARCEL NUMBERS
Virginia Anne Evans Trustee	234 The Hollow Lane Lovingsboro, VA 22949	Virginia Anne Evans	Margaret Dudley	11.50	45 A 12
"	"	"	"	1.21	45 A 12A
"	"	"	Margaret Dudley	5.34	45 A 10H
Dorothy Revocable Trusts	#6 The Hollow Lane Lovingsboro VA 22949	Dorothy Butler	Margaret Dudley	5.7	45 A 15 45 A 15A

★

★ New Purchase



NORTH BY SURVEY OF TM 45-A-19

TITLE SOURCE:
 PARCELS ①-②-③ OWNER HARVEY CLAYTON MARTIN
 FROM EVELYN V. MARTIN Insl. 03000 6368

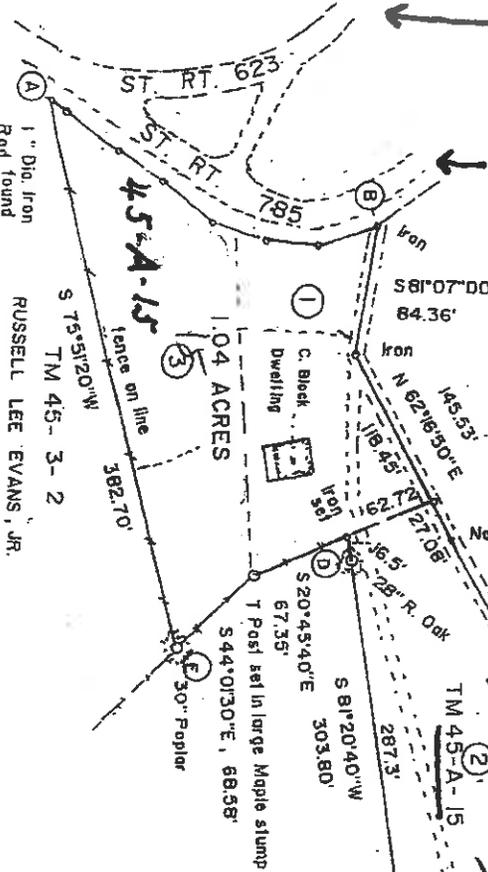


COURSES ALONG R-W OF
 ST. RT. 785 20' FROM E
 FROM (A) TO (B)

N 39°25'40" E	11.53'
N 34°25'50" E	46.07'
N 36°55'30" E	38.88'
N 37°38'10" E	35.38'
N 25°15'00" E	43.90'
N 03°55'20" E	40.95'
N 6°41'50" W	37.40'

Davis Creek here

Huffman Way



TM 45-A-16

DERDEYN REVOCABLE TRUSTS
 Insl. 080002029
 PB 4 - 127

TM 45-A-15
 2.86 ACRES

TM 45-A-15A
 DAVID MARTIN
 1.00 ACRE
 Plat DB 429 p. 61

AC
 1.04
 0.80
 2.86
 45-A-15A
 1.00
 5.7 AC

PLAT SHOWING SURVEY
 HARVEY and DAVID MARTIN F
 Schuyler Magisterial Dist
 NELSON COUNTY, VIRGI

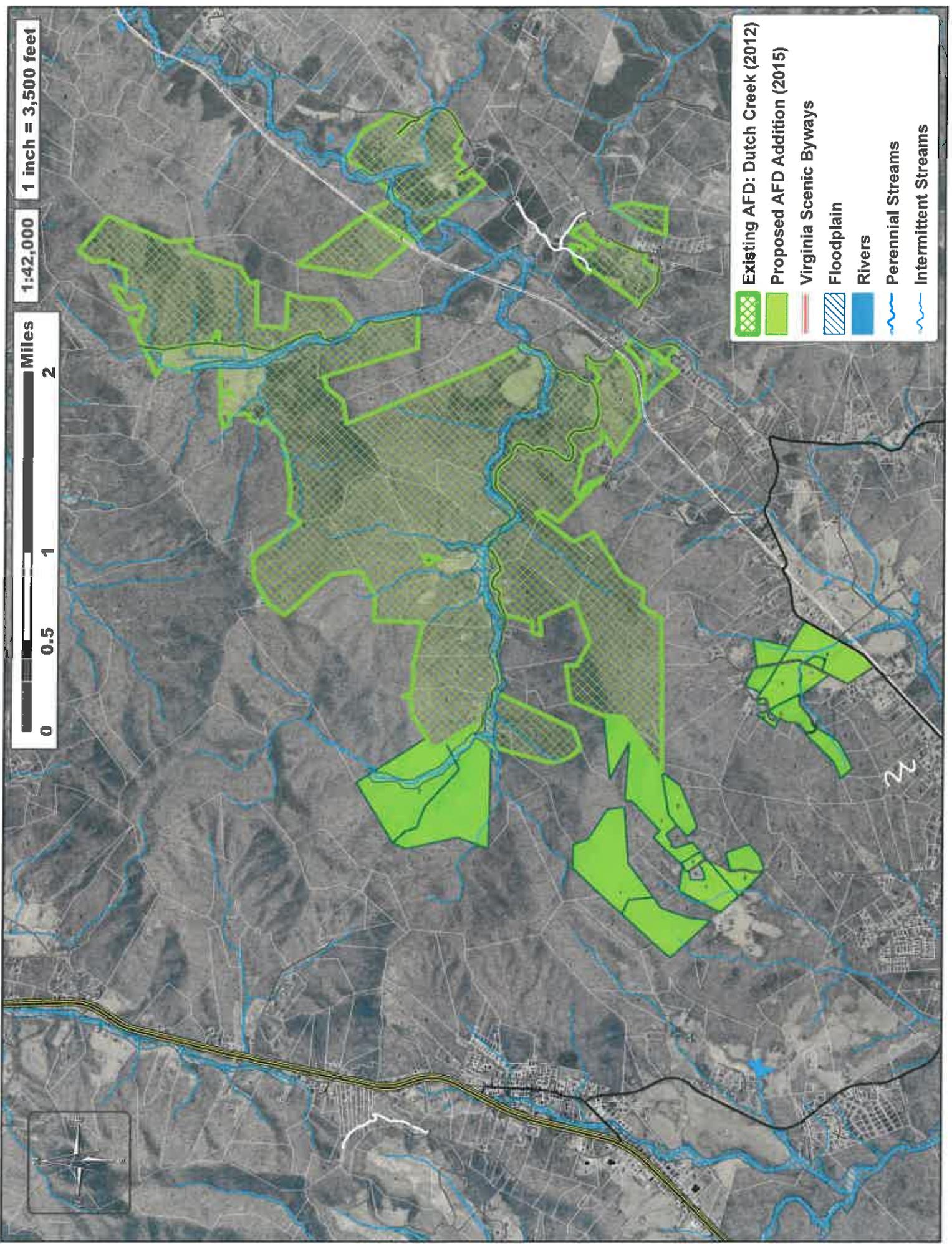
DATE: 03-19-2012
 W. MORRIS FOSTER
 LAND SURVEYOR
 NELLYSFORD, VA.
 SURVEYED FOR ANDRE DERDEYN



1:42,000 1 inch = 3,500 feet



	Existing AFD: Dutch Creek (2012)
	Proposed AFD Addition (2015)
	Virginia Scenic Byways
	Floodplain
	Rivers
	Perennial Streams
	Intermittent Streams



APPLICATION FOR ADDITION TO AN EXISTING AGRICULTURAL AND FORESTAL DISTRICT

This completed form and required maps shall be submitted by applicant landowners to the Nelson County Planning Department on or before June first of the calendar year in which additions to an existing District are to be effective. This form shall be accompanied by a United States Geological Survey 7.5 minute topographic map that clearly shows the boundaries of the District and the boundaries of each individual parcel that is to be added to the District. A Department of Transportation highway map that shows the general location of the District and addition(s) shall also accompany this form.

TO BE COMPLETED BY APPLICANT

1. *Name of the District:* Dutch Creek Agricultural and Forestal District

2. *General Location of the District:* East from Purvis Cove and the headwaters of Dutch Creek thence along Dutch Creek to near the Rockfish River, and including Harris Cove.

3. *Total Acreage of the Addition(s):* 731.87 acres

4. *Landowners applying for the District:* See attached list with signatures

5. *Designated Landowner Contact:* Name, Address, & Telephone Number (Email optional)
W. A. Wright
1315 Dutch Creek Lane
Shipman, Va 22971
434-263-8938
dutchcreekfarm@aol.com

6. *Conditions for Addition to the District Pursuant to §15.2-4309 of the Code of Virginia:*
As a condition for the addition of parcels to the Dutch Creek Agricultural and Forestal District, the requirements stated in Chapter 9, Article V, Section 202 of the Code of Nelson County will apply. Any additional conditions currently in effect for the District will also apply. The date of review for additional parcels will be the same as for the already established District. Those additional conditions are:
 - a. No parcel within the District shall be developed to a use more intensive than that existing on the date of creation of the district, other than uses resulting in more intensive agricultural or forestal production;

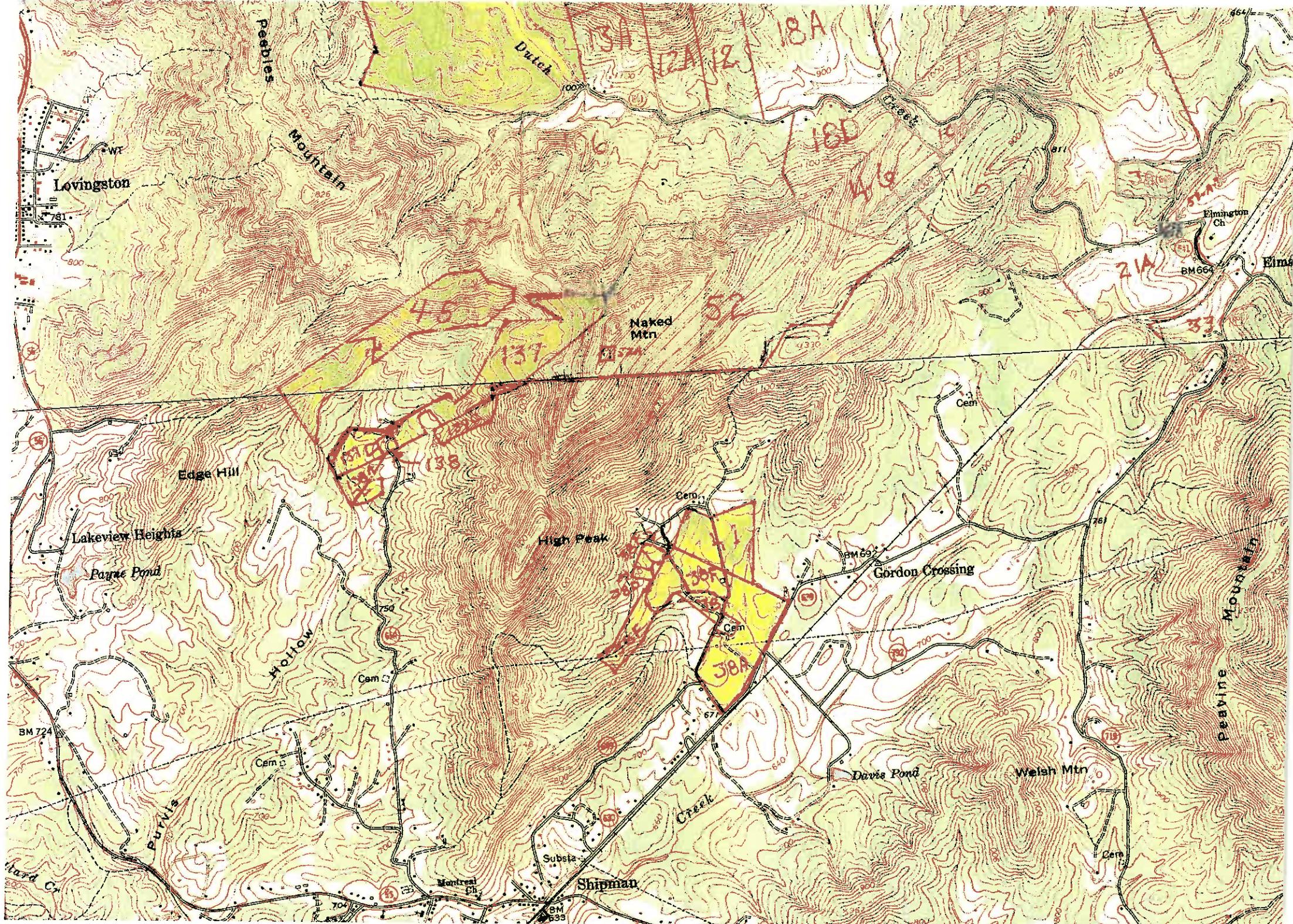
b. Parcels of land within the District may only be subdivided by purchase or gift to immediate family members. However, subdivided parcels shall remain in the District for at least until the time of the next scheduled District renewal;

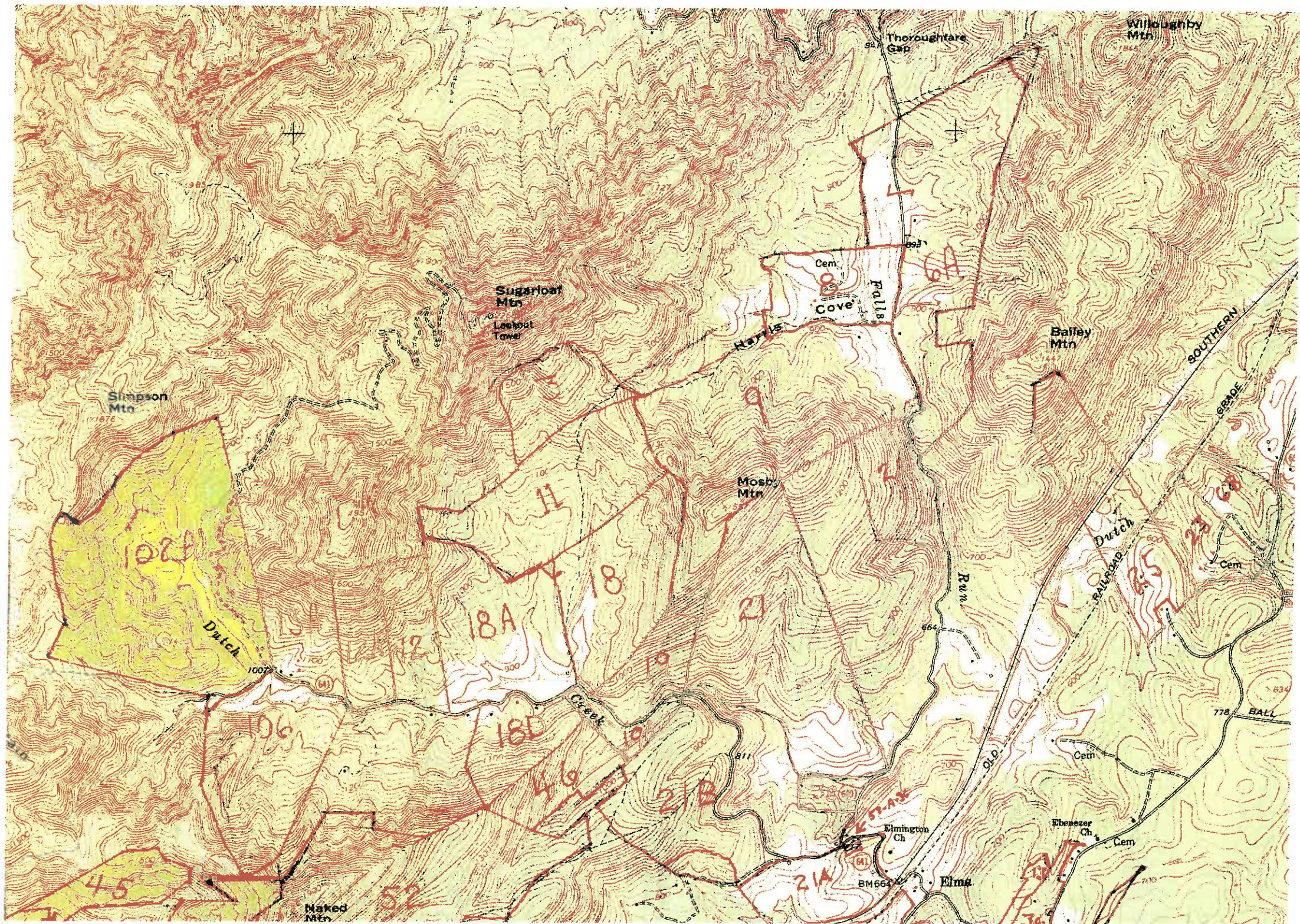
c. Parcels of land within the District may be sold in their entirety to a non-family member during the term of the District. However, the parcel under new ownership shall remain in the District at least until the time of the next scheduled District renewal; and

d. Membership in this AFD does not preclude building a home on land on which no structure exists, or construction of guest house, garage, workshop, or similar auxiliary structure as allowed by County Regulation.

6. *Date of Application:* 15 January 2015

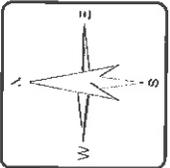
2015
ADDITIONS



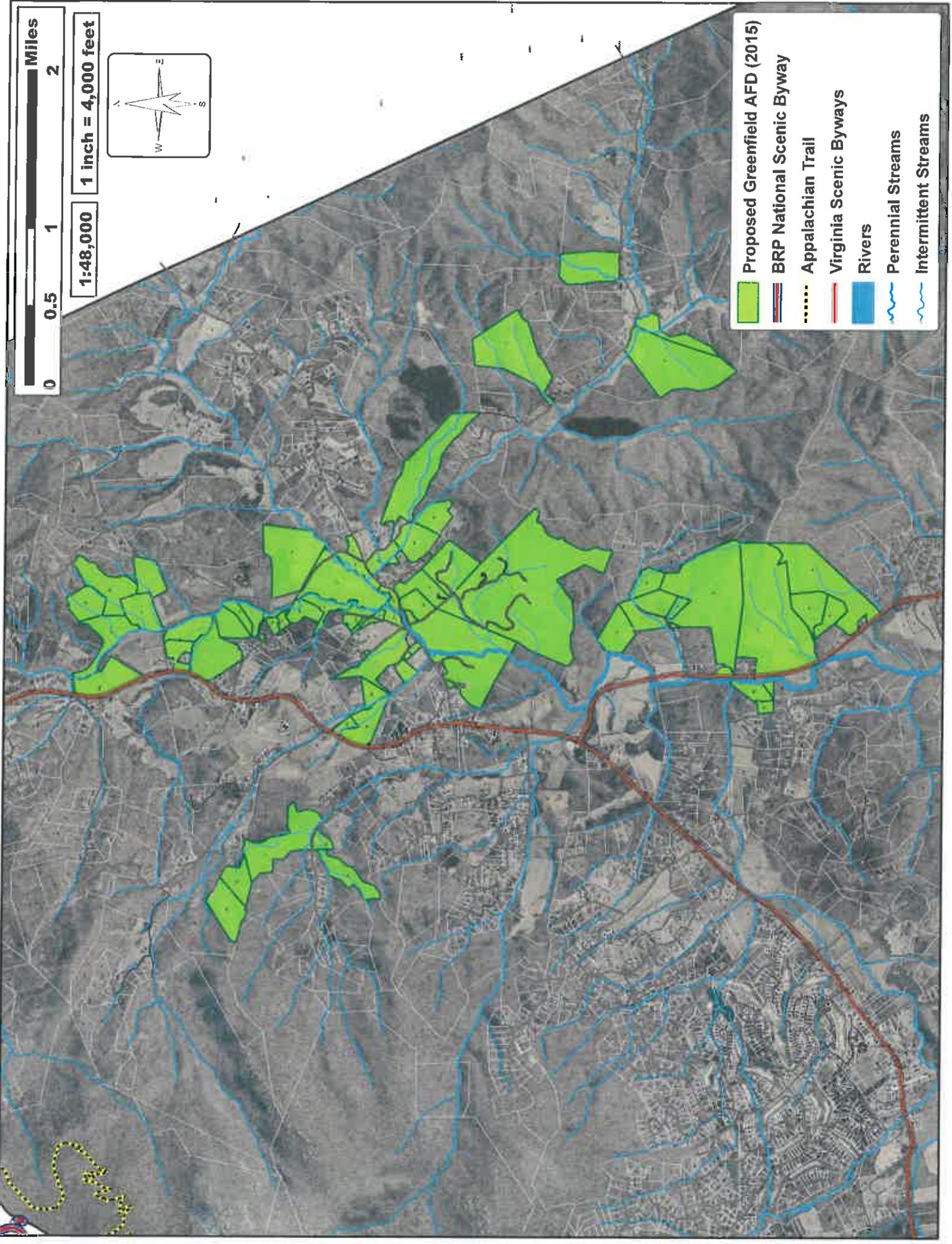


Miles
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1:48,000
1 inch = 4,000 feet



- Proposed Greenfield AFD (2015)
- BRP National Scenic Byway
- Appalachian Trail
- Virginia Scenic Byways
- Rivers
- Perennial Streams
- Intermittent Streams



APPLICATION FOR THE CREATION OF OR ADDITION TO AGRICULTURAL AND FORESTAL DISTRICT

A copy of this completed form and required maps shall be submitted by applicant landowners to the Nelson County Planning Department on or before June first. This form shall be accompanied by United States Geological Survey 7.5 minute topographic maps that clearly show the boundaries of the district or addition and the boundaries of the property each applicant owns within the district or addition. A Department of Transportation general highway map that shows the general location of the district or addition shall also accompany this form. A \$300 fee is payable with the application for creation or addition to the district.

SECTION A: TO BE COMPLETED BY APPLICANT

1. *General Location of the District:* Centered along Greenfield Road (Rte 635) near Shannon Farm Lane (Rte 843), the Greenfield Ag/Forestal District roughly follows the route of the North Fork of the Rockfish River starting near the intersection of Rte 151 and Pounding Branch Road (Rte 709), extending due south in a nearly continuous swath for approximately 5.1 miles, and ending just south of the river's North/South Fork confluence (near the intersection of Rte 6 and Hill Hollow Road/Rte 810). Additionally the District extends NW and SE to include properties flanking Rte 633 (Blundell Hollow and Taylor Creek Roads).

2. *Total Acreage in the District or Addition:* 2,304 acres

3. *Landowners applying for the District:* See attached

4. *Designated Landowner Contact:* Joyce Burton, 82 Wild Orchid Lane, Afton VA 22920
(434-361-2328)

5. *The Proposed Conditions to Creation of the District Pursuant to §15.2-4309 of the Code of Virginia:*

As a condition to creation of the district, the requirements stated in Section 9-202 of the Code of Nelson County will apply; in addition, the following conditions will also apply:

- a. No parcel within the District shall be developed to a use more intensive than that existing on the date of creation of the district, other than uses resulting in more intensive agricultural or forestal production;
- b. Parcels of land within the District may only be subdivided by purchase or gift to immediate family members. However, subdivided parcels shall remain in the District for at least until the time of the next scheduled District renewal; and
- c. Parcels of land within the District may be sold in their entirety to a non-family member

during the term of the District. However, the parcel under new ownership shall remain in the District at least until the time of the next scheduled District renewal..

d. Membership in this AFD does not preclude building a home on land on which no structure exists, or construction of guest house, garage, workshop, barn or similar auxiliary structure as allowed by County Regulations.

6. *Proposed Period before First Review:* Five years

7. *The Date of Application:* 1/16/2015

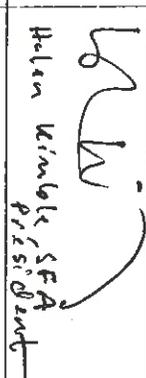
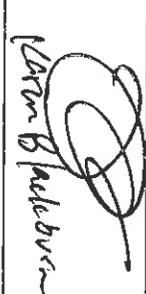
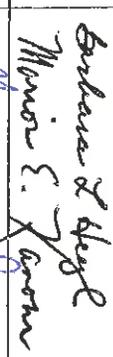
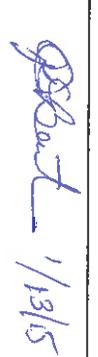
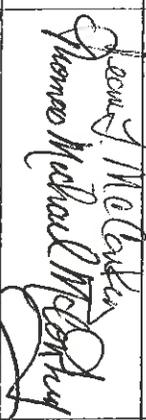
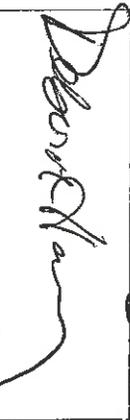
SECTION B: TO BE COMPLETED BY LOCAL GOVERNING BODY

1. Date submitted to the Board of Supervisors:
2. Date referred to the Planning Commission:
3. Date referred to the Advisory Committee:
4. Date of action by the Board of Supervisors:

Approved ___ Modified ___ Rejected ___

(Along 635)

Greenfield Agricultural/Forestral District Participants

NAME	LEGAL ADDRESS	SIGNATURE	WITNESS	TOTAL ACREAGE	PARCEL NUMBERS
Shannon Farm Association	274 Shannon Farm Lane Afton, VA 22920	 Helen Winible SEFA President	 Martin B. Halburn	518.3	13 A 42 13 A 67
Marion Kanour Barbara Heyl	195 Shannon Farm Lane Afton, VA 22920	 Barbara & Doug Monro	 1/3/15	15.06	13 A 67A
Marc Chanin	224 Coles Farm Drive Afton, VA 22920	 Marc Chanin	 1/13/15	43.98	13 107
Thomas Michael McConkey Jean L. McConkey	117 Coles Farm Drive Afton, VA 22920	 Thomas Michael McConkey	 1/7/15	2.5	13 102
Deborah Ann Harkrader	211 Coles Farm Drive Afton, VA 22920	 Deborah Ann Harkrader	 1/6/15	7.68	13 104
Edward R. Word II	207 Goodloe Retreat Road Afton, VA 22920	 Edward R. Word II	 1/3/15	22.93	13 A 21G 13 A 23C
Arthur T. Goodloe	532 Goodloe Retreat Rd Afton, VA 22920	 Arthur T. Goodloe	 1/9/15	26.52	13 A 21 13 A 24A

Greenfield Agricultural/Forestral District Participants

NAME	LEGAL ADDRESS	SIGNATURE	WITNESS	TOTAL ACREAGE	PARCEL NUMBERS
James W Carter Jr. Diane M. Carter	1789 Greenfield Road Afton, VA 22920	<i>James W Carter Jr</i> <i>Diane M Carter</i>	<i>Bobt 1/6/15</i>	75.25	13 A 25
William Stevenson Lynn Stevenson	1461 Greenfield Road Afton, VA 22920	<i>William S Stevenson</i> <i>Lynn Stevenson</i>	<i>Bobt 1/6/15</i>	661	13 2 1A
Curtis M Pleasants Jr. Alexandra Pleasants	7072 Taylor Creek Road Afton, VA 22920	<i>Alexandra Pleasants</i> <i>Curtis M Pleasants</i>	<i>Bobt 1/31/15</i>	102.38	13 A 76
Lois S. Patkin	Box 238 Greenwood, VA 22943	<i>Lois S. Patkin</i>	<i>Bobt 1/5/15</i>	125.11	23 1 4A
Victor Stefanovic	8540 Taylor Creek Rd Afton, VA 22920	<i>V. R. Stefanovic</i>	<i>Bobt 1/6/15</i>	90.88	13 9 B
Rita Mae Brown	1295 Greenfield Rd Afton, VA 22920	<i>Rita Mae Brown</i>	<i>Bobt 1/15/15</i>	100.66	13 A 23 13 A 21E 13 A 20 13 A 21C 13 A 21D
John Nelson Elizabeth Greenleaf	5886 Taylor Creek Rd Afton VA 22920	<i>John Nelson</i> <i>Elizabeth Greenleaf</i>	<i>Bobt 1/16/15</i>	38.5	24 4 A

Greenfield Agricultural/Forestal District Participants

NAME	LEGAL ADDRESS	SIGNATURE	WITNESS	TOTAL ACREAGE	PARCEL NUMBERS
Clarence G Nicklas Jr Rita S Nicklas	8159 Taylor Creek Road Afton, VA 22920		 1/4/15	22.79	13 A 69A
Meadowbrooke Associates Inc	8159 Taylor Creek Road Afton, VA 22920		 1/4/15	20.95	13 A 63
Meadowbrooke Partners	8159 Taylor Creek Road Afton, VA 22920		 1/4/15	28.30	13 A 63A

Greenfield Agricultural/Forestal District Participants

NAME	LEGAL ADDRESS	SIGNATURE	WITNESS	TOTAL ACREAGE	PARCEL NUMBERS
Jeffrey Howe Christy Howe	7150 Rockfish Valley Hwy Afton, VA 22920	<i>Jeffrey Howe</i>	<i>Christy Howe</i> 1/9/15	17.73	12 A 131C 12 A 131E
Cynthia Chandler	6960 Rockfish Valley Hwy Afton, VA 22920	<i>Cynthia Chandler</i>	<i>Bob E</i> 1/9/15	27.33	12 A 131
Karen Kartneiser	329 Mt. Ararat Hill Afton, VA 22920	<i>Karen Kartneiser</i>	<i>Bob E</i> 1/3/15	41.42	12 A 17
Neal Showstack Tori Ranieri	94 Cathrier Circle Afton, VA 22920	<i>Neal Showstack</i> <i>Tori A. Ranieri</i>	<i>Bob E</i> 1/31/15	23.82	12 A 27
Thomas Michael McConkey Jean L. McConkey	361 Spirit Ridge Lane Afton, VA 22920	<i>Thomas Michael McConkey</i> <i>Jean L. McConkey</i>	<i>Bob E</i> 1/7/15	23.82	12 A 27A
Brian Webb Amy Webb	791 Blundell Hollow Lane Afton, VA 22920	<i>Brian P Webb</i> <i>Amy R. Webb</i>	<i>Bob E</i> 1/3/15	25.42	12 A 72A 12 A 19

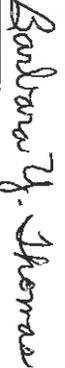
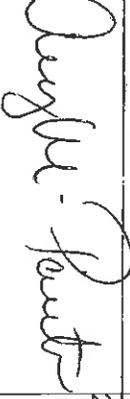
Greenfield Agricultural/Forestral District Participants

NAME	LEGAL ADDRESS	SIGNATURE	WITNESS	TOTAL ACREAGE	PARCEL NUMBERS
Bonnie C. Cady	503 Bland Wade Lane Afton, VA 22920	<i>Bonnie C. Cady</i>	<i>Robert</i> 1/3/15	9.13	13 1 2A 13 1 2B
Charlotte L. Rea	411 Bland Wade Lane Afton, VA 22920	<i>Charlotte L. Rea</i>	<i>Robert</i> 1/4/15	29.51	13 1 1A 13 1 3 13 1A 11A
Joanna Saldis Galen Staengl	415 Bland Wade Lane Afton, VA 22920	<i>Joanna Saldis</i>	<i>Robert</i> 1/14/15	17.31	13 1 1
Samuel A. Young	243 Bland Wade Lane Afton, VA 22920	<i>Samuel A. Young</i>	<i>Robert</i> 1/3/15	44.6	13 A 6
George & Esperanza Wulfin	8262 Rockfish Valley Hwy Afton, VA 22920	<i>George & Esperanza Wulfin</i>	<i>Robert</i> 1/1/15	39.77	13 A 4B
James Klemic Joan Klemic	8486 Rockfish Valley Hwy Afton, VA 22920	<i>James Klemic</i>	<i>Robert</i> 1/3/15	196.38	13 A 1 13 A 1A 7 A 87 7 A 88 7 A 93A 6 A 158B

Greenfield Agricultural/Forestral District Participants

NAME	LEGAL ADDRESS	SIGNATURE	WITNESS	TOTAL ACREAGE	PARCEL NUMBERS
Samuel Bloom Constance Visceglia	551 Pilot Mountain Road Faber, VA 22938	<i>Constance Visceglia</i> <i>Samuel Bloom</i>	<i>Robert</i> 1/3/15	45.35	23 A 45 23 A 8
David Thomas Barbara Thomas	390 Almond Drive Luray, VA 22835	<i>see other page</i>		20.00	23 A 10
David Thomas	390 Almond Drive Luray, VA 22835	<i>see other page</i>		23.08	22 A 68A 22 A 68D
Henry Sprouse Bridget Sprouse	318 Pilot Mountain Hollow Faber, VA 22938	<i>Henry & Barbara K Bridget X. Sprouse</i>	<i>Robert</i> 1/7/15	1.76	23 A 6A
Steve Bliley	394 Pilot Mountain Hollow Faber, VA 22938	<i>Stephen Bliley</i>	<i>Robert</i> 1/8/15	6.42	23 A 8A
Paukert Irrevocable Trust (Edwin Paukert)		<i>see other page</i>		159.46	23 A 9A 23 A 2
Barton W. Biggs Corry C. Andrews	4026 River Road Faber, VA 22938	<i>B. Biggs</i> <i>C. Andrews</i>	<i>Robert</i> 1/2/15	170.02	23 A 4
Peter Osborne Karen Osborne	3676 River Road Faber, VA 22938	<i>Peter Osborne</i> <i>Karen Osborne</i>	<i>Robert</i> 1/4/15	101.2	23 A 19

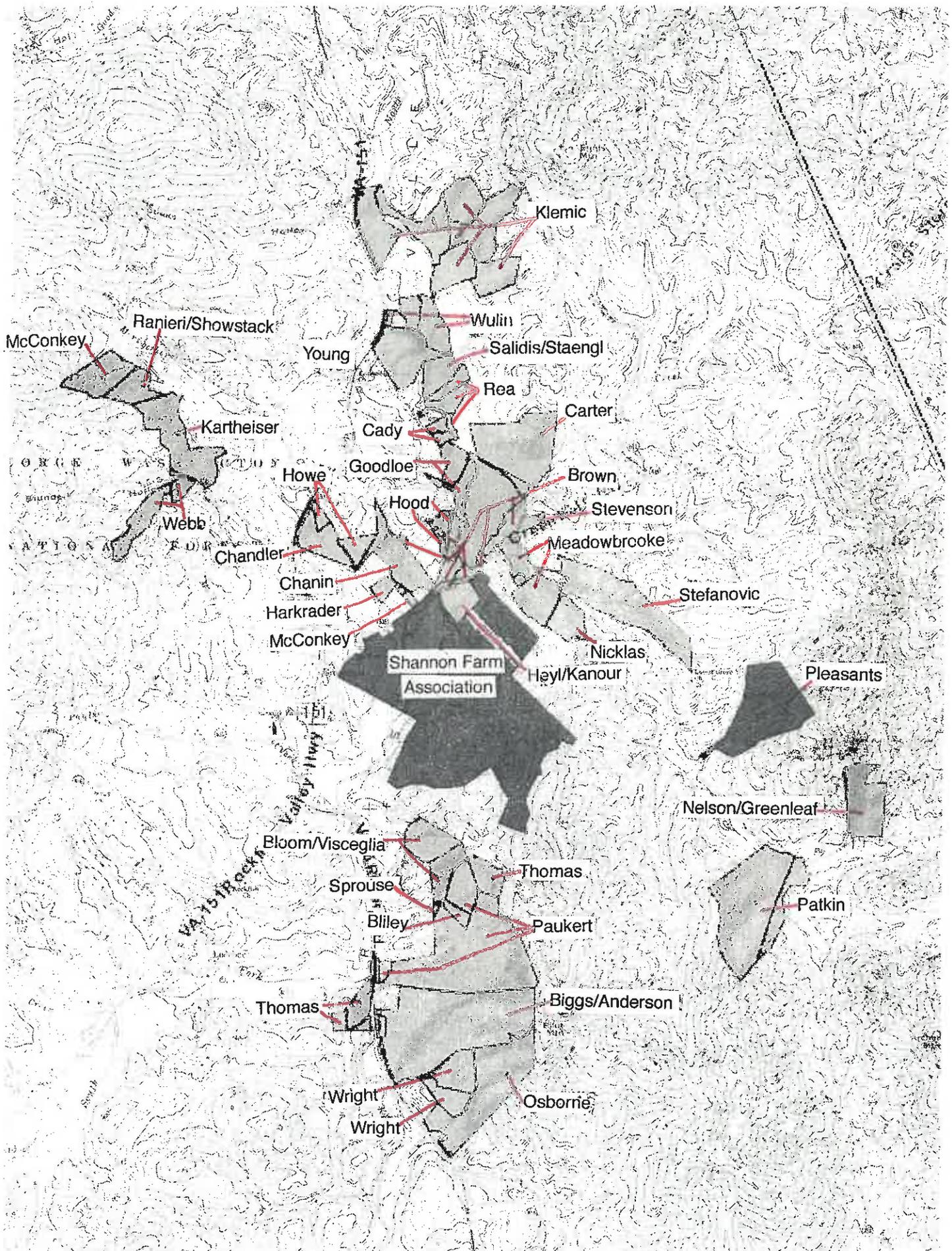
Greenfield Agricultural/Forestal District Participants

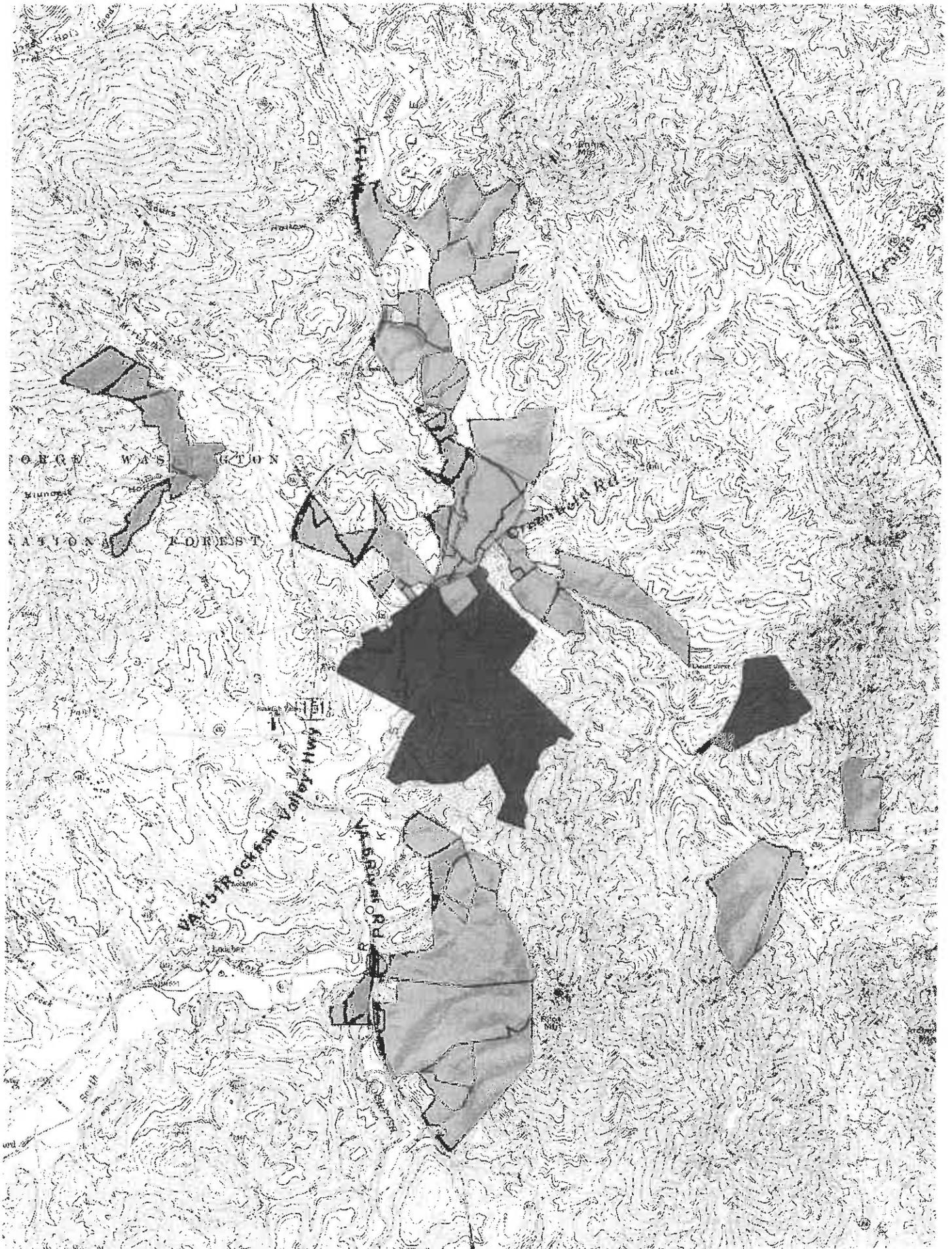
NAME	LEGAL ADDRESS	SIGNATURE	WITNESS	TOTAL ACREAGE	PARCEL NUMBERS
Samuel Bloom Constance Visceglia	551 Pilot Mountain Road Faber, VA 22938	See other page ↓		45.35	23 A 45 23 A 8
David Thomas Barbara Thomas	390 Almond Drive Luray, VA 22835	 		20.00	23 A 10
David Thomas	390 Almond Drive Luray, VA 22835	 		23.08	22 A 68A 22 A 68D
Henry Sprouse Bridget Sprouse	318 Pilot Mountain Hollow Faber, VA 22938			1.76	23 A 6A
Steve Billey	394 Pilot Mountain Hollow Faber, VA 22938			6.42	23 A 8A
Paukert Irrevocable Trust (Edwin Paukert)				136.46	23 A 9A 23 A 2
Barton W. Biggs Cory C. Andrews	4026 River Road Faber, VA 22938			170.02	23 A 4
Peter Osborne Karen Osborne	3676 River Road Faber, VA 22938			101	23 A 19

See other page
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Greenfield Agricultural/Forestal District Participants

NAME	LEGAL ADDRESS	SIGNATURE	WITNESS	TOTAL ACREAGE	PARCEL NUMBERS
Samuel Bloom Constance Visceglia	551 Pilot Mountain Road Faber, VA 22938	See other page		45.35	23 A 45 23 A 8
David Thomas Barbara Thomas	390 Almond Drive Luray, VA 22835			20.00	23 A 10
David Thomas	390 Almond Drive Luray, VA 22835			23.08	22 A 68A 22 A 68D
Henry Sprouse Bridget Sprouse	318 Pilot Mountain Hollow Faber, VA 22938			1.76	23 A 6A
Steve Biley	394 Pilot Mountain Hollow Faber, VA 22938			6.42	23 A 8A
Paukert Irrevocable Trust (TRUSTEE) (Edwin Paukert) MARIA C. GASTALIS-PAUKERT	1 Moulton Ave Greenland, NH 03340	<i>Tom Paukert</i>	<i>Wilhelm Paukert</i> (WILHELM PAUKERT)	159.46	23 A 9A 23 A 2
Barton W. Biggs Cory C. Andrews	4026 River Road Faber, VA 22938	See other page		170.02	23 A 4
Peter Osborne Karen Osborne	3676 River Road Faber, VA 22938			101	23 A 19





FILE COPY

DATE: January 8, 2015
TO: AFD Applicants to the Nelson County Planning Commission
FROM: Tim Padalino, Director of Planning and Zoning
RE: Items for Review / January meeting

Please be advised that the Planning & Zoning Department has recently received the following types of applications relating to the Nelson County Agricultural and Forestal District (AFD) program:

- 1) Addition(s) to Existing Agricultural and Forestal District – Davis Creek AFD
- 2) Addition(s) to Existing Agricultural and Forestal District – Dutch Creek AFD

Listed below is the date and time of the meeting when your application(s) will be initially reviewed by the Nelson County Planning Commission (PC). Per the County Code Division 2, Section 9-201 (4), the purpose of this initial review by the PC is to accept the application; to direct County staff to provide public notice of the application(s) as required by Code of Virginia; and to refer the application to the AFD Advisory Committee for review and comment. (The date and time of the AFD Advisory Committee meeting has not yet been set.)

Please note that, per County Code Division 2, Section 9-201 (1), all AFD applications must be received during the time period between January 1st and July 1st of any calendar year. Because your application was submitted during November or December of 2014, you must re-submit the application on a date within the eligible time frame for submitting such requests.

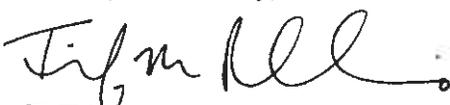
In order to be reviewed by the Planning Commission at their January 28th meeting, the Department of Planning & Zoning will need to receive your correctly-submitted application no later than Monday, January 19th.

Assuming you correctly re-submit your application, you and/or your representative(s) are encouraged to attend this meeting:

Planning Commission
7:00 P.M. on January 28, 2015
General District Courtroom, County Courthouse,
84 Courthouse Square, Lovingston, VA

If you have questions regarding this information or the upcoming meeting(s), or if you need any assistance, please don't hesitate to call or e-mail me.

Thank you; sincerely,


TMP/svh

Enclosures

Copy to: Ms. Susan McSwain, AFD Advisory Committee
Mr. Andy Wright, AFD Advisory Committee

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 Board of Zoning Appeals deferments.



DEPARTMENT OF
PLANNING & ZONING

PLANNING COMMISSION
BOARD OF ZONING APPEALS

To: Chair and Members, Nelson County Planning Commission

From: Tim Padalino | Director | Department of Planning & Zoning

Date: January 21, 2015

Subject: Revised Recommendations for "Artists Community" Ordinance Amendment

At the November Planning Commission meeting, Mr. Greg Smith of the Virginia Center for the Creative Arts (VCCA) presented a request to the Nelson County Planning Commission to consider the possibility of initiating a Zoning Ordinance amendment that would create a new "Artists Community" land use and definition, as a permissible use in the Agricultural (A-1) District.

At the December Planning Commission (PC) meeting, draft recommendations for a possible amendment proposal were reviewed between PC members, County staff, and Mr. Smith.

At the request of the PC, I have reviewed the draft language with Mr. Philip Payne, County Attorney, who recommended that the proposed language be revised to be less specific, more easily and more clearly interpreted, and more enforceable. Mr. Payne also noted that whether or not the proposal should define Artists Community as being not-for-profit (or not), it should clearly state the decision (and not use language saying "typically," as that is not binding or useful).

As a result, I recommend the following possible options for your review and discussion. Option A leaves more detail in the definition(s), and maintains the "not-for-profit" designation as part of the definition(s); and Option B is more general and removes the "not-for-profit" designation.

Option A

Article 2: Definitions

Add the following definitions:

~~Artists Community~~: A facility that provides resident artists with artist community residencies in a rural setting. An artist community with includes art studio(s), exhibition and presentation space(s), and temporary lodging accommodations for resident artists; and with includes the accompanying office(s), kitchen and food service(s), communal space(s), and maintenance area(s) to service the resident artists and staff. ~~An Artists Community provides artists with the time and space for residents to focus on creating their work in a rural setting.~~ An artists community is typically shall be a not-for-profit organization governed by a ~~volunteer~~ Board of Directors, managed by a professional staff, and focused on a specific mission.

~~Artists Community Residencies: time and space scheduled for resident artists to create work not at the artists' home base; residencies are applied for on a competitive basis, selected through a peer review process, documented in a written contract, and scheduled for up to a period not to exceed 90 consecutive days, and provided at little or no cost to the artists, as they are subsidized by other revenue sources.~~

~~Resident Artists: professionals who create new work in literary, visual, musical, theatrical, dance, and other forms, as evidenced by their education in said fields, training, and expenditure of time in their studio endeavor, regardless of whether they can make their living by it.~~

Article 4: Agricultural District (A-1)

Add the following provisions to "Section 4-1-a Uses – Permitted by Special Use Permit only:"

Section 4-1-46a: Artists Community, conditional upon the following limiting factors:

- Minimum property size of 20 acres;
- Maximum floor area of 40,000 square feet (cumulative / all facilities);
- Maximum of 25 resident artists at any time with each resident artist being limited to a maximum duration of 90 consecutive days;
- Maximum of 15 public events per year (monthly Open Houses/Open Studios and infrequent fundraising events)
- Existing structures are adaptively reused (as applicable) and new structures are designed to be compatible with rural character of surrounding area
- Restrictions on future division of the property

Option B

Article 2: Definitions

Add the following definitions:

~~Artists Community: A facility that provides resident artists with residencies in a rural setting for a period not to exceed 90 consecutive days. An artist community with includes art studio(s), exhibition and presentation space(s), and temporary lodging accommodations for resident artists; and with includes the accompanying office(s), kitchen and food service(s), communal space(s), and maintenance area(s) to service the resident artists and staff. An Artists Community provides artists with the time and space for residents to focus on creating their work in a rural setting. An Artists Community is typically a not for profit organization governed by a volunteer Board of Directors, managed by a professional staff, and focused on a specific mission.~~

~~Artists Community Residencies: time and space scheduled for artists to create work not at the artists' home base; residencies are applied for on a competitive basis, selected through a peer review process, documented in a written contract, scheduled for up to 90 days, and provided at little or no cost to the artists, as they are subsidized by other revenue sources.~~

~~Resident Artists: professionals who create new work in literary, visual, musical, theatrical, dance, and other forms, as evidenced by their education in said fields, training, and expenditure of time in their studio endeavor, regardless of whether they can make their living by it and who are enrolled in an artist community.~~

Article 4: Agricultural District (A-1)

Add the following provisions to "Section 4-1-a Uses – Permitted by Special Use Permit only:"

Section 4-1-46a: Artists Community, conditional upon the following limiting factors:

- Minimum property size of 20 acres;
- Maximum floor area of 40,000 square feet (cumulative / all facilities);
- Maximum of 25 resident artists at any time, with each resident artist being limited to a maximum duration of 90 consecutive days;
- Maximum of 15 public events per year (monthly Open Houses/Open Studios and infrequent fundraising events)
- ~~Existing structures are adaptively reused (as applicable) and new structures are designed to be compatible with rural character of surrounding area~~
- ~~Restrictions on future division of the property~~

Thank you for your attention to these optional approaches to address Mr. Smith's original request. I look forward to discussing this revised draft of recommendations regarding the proposed "Artist Community" land use in Nelson County's Agricultural District. Please contact me with any questions you may have regarding the information contained in this report.



DEPARTMENT OF
PLANNING & ZONING

PLANNING COMMISSION
BOARD OF ZONING APPEALS

To: Chair and Members, Nelson County Planning Commission

From: Tim Padalino | Director | Department of Planning & Zoning

Date: January 21, 2015

Subject: Policy Review for Direct-to-Consumer Agriculture (“Wayside Stands” and “Farmers Markets”) – continued from previous meetings

The Nelson County Planning Commission (PC) has been interested in conducting a policy review of the Zoning Ordinance provisions relating to “wayside stands” and other similar “direct-to-consumer” land uses in the Agricultural District. This interest dates back to at least 2012, when this issue was identified in work sessions conducted between Planning Commission members and County staff.

This interest has led to the preparation of multiple staff reports, with the topic being placed on PC meeting agendas. Although the issue has been reviewed at previous meetings, no clarity or resolution was reached, and no amendment proposals (or other recommendations or referrals) have been made to date.

Most recently, at the December Planning Commission (PC) meeting, members of the PC agreed to continue (defer) discussion about the issue of “wayside stands” and other related land uses that include “off-farm sales,” until the newer members of the PC received the older staff reports and had a chance to review them.

As such, please find enclosed two previous staff reports that attempted to address these issues; a summary of each report is contained below for your reference.

Enclosed Staff Reports from Previous Planning Commission Meetings:

- **02/20/2014 staff report with subject line: “Policy Review of “Wayside Stands” and other direct-to-consumer issues in A-1”**
 - Provides overview of existing Zoning Ordinance provisions
 - Contains analysis of existing provisions and identifies common issues and questions
 - Contains recommended policy changes for review / discussion
 - Includes a reminder about “Agricultural operations” legislation (passed in the 2014 General Assembly as “Senate Bill 51”) and the resulting limitations on local zoning authority

- **11/12/2014 staff report with subject line: “Recommendations to revise and improve “Wayside Stand Permits” review process and application procedures”**
 - Analysis and recommendations for “wayside stand” provisions
 - Analysis and recommendations for “farmers market” provisions

Thank you for your attention to the ongoing review of this topic. Please reference the enclosed reports for background information and details; and please plan to share your questions and/or comments at the PC meeting on the 28th.

Please feel free to contact me prior to the meeting on the 28th with any questions you may have regarding these issues.



DEPARTMENT OF
PLANNING & ZONING

PLANNING COMMISSION
BOARD OF ZONING APPEALS

To: Chairman and Members, Nelson County Planning Commission

From: Tim Padalino | Director | Department of Planning & Zoning

Date: February 20, 2014

Subject: Policy Review of “Wayside Stands” and other direct-to-consumer issues in A-1

In recent months, the Nelson County Planning Commission (and also Central District Supervisor Connie Brennan, who previously served in the former role of Board of Supervisors Liaison) has identified a need to review and possibly amend the Zoning Ordinance policies and regulations pertaining to “wayside stands” and other direct-to-consumer agricultural uses in the Agricultural (A-1) District. These issues were partly brought into focus during the withdrawn Rezoning #2012-02 application process (submitted by Mr. Bland Harvey and Mr. Brady Nicks); and have been discussed at Planning Commission work sessions that took place in 2013.

To date, all involved stakeholders have agreed that the current provisions in the Zoning Ordinance are inadequate; and that they may actually have the unintended effect of hindering most opportunities for on-site, direct-to-consumer sales of agricultural produce. Therefore, the purpose of this policy review is twofold:

- to analyze the existing regulations and identify deficiencies; and
- to provide a framework which can be used to guide the discussion at one or more workshops aimed at developing proposed Zoning Ordinance amendments that would result in better provisions and simple, sensible regulations for such activities and land uses.

Existing Zoning Ordinance Content Relating to “Wayside Stands”

The Zoning Ordinance currently contains the following regulations and provisions relating to wayside stands:

Article 2. Definitions.

- *Wayside stand, roadside stand, wayside market:* Any structure or land used for the sale of agriculture or horticultural produce, livestock, or merchandise produced by the owner or his family on their farm.
- *Agricultural:* The tilling of the soil, the raising of crops, horticulture, and forestry, including the keeping of animals and fowl, and including any agricultural industry or business, such as fruit

packing plants, dairies, or similar use associated with an active farming operation, unless otherwise specifically provided for in this ordinance.

Article 4. Agricultural District (A-1), Section 11 “Administrative Approvals”

The Zoning Administrator may administratively approve a zoning permit for the following uses, provided they are in compliance with the provisions of this Article.

§4-11-2: Wayside Stands.

Analysis of Existing Zoning Ordinance Provisions and Regulations

The Zoning Ordinance content identified above, when interpreted and applied to proposals that have come before the Planning & Zoning Department and the Planning Commission, has proven to be inadequate. The provision for wayside stands provides nothing more than an indication that they are permissible, if they are in compliance with the provisions of Article 4 and if they receive a zoning permit through administrative review and approval process.

However, the provision does not address any of the various issues that are common to wayside stands and other direct-to-consumer uses:

- What are the application requirements and procedures for a wayside stand?
 - Does the standard \$25 zoning permit fee apply?
 - Does the applicant need to submit a Site Plan? If so:
 - Would the Site Plan be distributed to the Site Plan Review Committee for review and comment?
 - Would a “sketch” Site Plan be acceptable, or does it need to adhere to the requirements contained in Article 13 (which include, among other things, that a Site Plan be drawn to scale by a certified professional such as an engineer, surveyor, or landscape architect)?
- What criteria does the Agent use in reviewing a wayside stand application?
 - How can the “public safety and welfare” be evaluated?
 - Does such an application and/or Site Plan need to be shared with Virginia Department of Transportation (VDOT), for review of road safety and road mobility issues?
 - Does such an application and/or Site Plan need to be shared with Virginia Department of Health (VDH), for review of public health and safety issues?
- Will signage for such uses be regulated?
- Will hours of operation or frequency of operation be regulated?
- What will be considered eligible or ineligible for sale?
 - Is this only for products produced on-site?
 - What if the wayside stand is proposed off-site from the property where the products originated from, but on property owned by the same producer?
 - Are products produced off-site eligible in any way?
 - If so, should there be any limitations for “off-site” products being produced within a certain radius, or within Nelson County, etc.?
 - What about bees, worms, and similar ag-related resources?
 - What about topsoil, soil amendments, or gardening equipment?
 - What about non-agricultural merchandise, such as art, clothing, or similar products?

Recommendations for Consideration

The list of questions (above) must be reviewed and discussed as part of any process of developing recommendations.

Additionally, the existing “one size fits all” permit system may not be adequate. As such, there needs to be consideration given to the possibility of establishing a permit system with different “types” or “classes” that correlate with various direct-to-consumer uses.

When considering how to develop an organization or classification for different permit types, there are two basic qualities to consider when evaluating a proposed use: what is being sold (i.e. agricultural products, merchandise, or both); and where is it being sold (i.e. on-site of where it was produced, or off site).

The following table depicts a matrix of (generalized) land use possibilities, relative to the two basic qualities identified above:

What is being sold – and where?	A.) ON-SITE SALES	B.) OFF-SITE SALES
1. Ag products produced entirely on-site	<i>(least amount of need for regulation?)</i>	(N/A)
2. Ag products produced on-site and/or off-site		
3. Ag products and other merchandise produced entirely on-site		(N/A)
4. Ag products and other merchandise produced on-site and/or off-site		<i>(most amount of need for regulation?)</i>

With respect to those various criteria, I recommend consideration of the following permit types:

- Farm Stall (administrative zoning permit):
- On-site sales of agricultural or horticultural products, livestock, or merchandise produced by the owner or his family on their farm
- (Corresponds with sale of items described in A1 and A3, above)
- *Application requirements: none*

- Wayside Stand (administrative zoning permit):
- On-site sales of agricultural or horticultural products, livestock, or merchandise produced by the owner or his family on their farm, and/or produced off-site by other producers
- (Corresponds with sale of items described in A1, A2, A3, and A4, above)
- *Application requirements:*
 - Completed zoning permit application and \$25 fee payment
 - Sketch site plan (showing property, location of wayside stand, and parking)
 - Brief narrative (describing frequency of operation, type of products for sale, and signage)

- **Farm Market (Special Use Permit):**
- Off-site sales of agricultural or horticultural products, livestock, or merchandise
- Does not allow for “flea market,” which is a Special Use in (B-1) Business District [per §8-1-21].
 - *Flea Market:* “Any outdoor commercial offering of items for sale at any location. Merchandise offered may include items purchased specifically for resale at a profit.”
- Does not allow for “antique, craft, or gift shops,” which is a Special Use in (A-1) Agricultural District [per §4-1-2a].
 - *Antique, craft, or gift shops:* (undefined)
- (Corresponds with sale of items described in B2 and B4, above)
- **Application requirements:**
 - Completed Special Use Permit application and \$200 fee payment
 - Minor Site Plan (pursuant to §13-1-1) and \$100 fee payment
 - Brief narrative (describing frequency of operation, approximate number and type(s) of vendors, signage, and parking)
 - *Note: A “Farm Market Permit” may be subject to subsequent requirements for submission/approval of a Major Site Plan, depending on the physical details of any such project, pursuant to §13-1-1.*

General Assembly’s “Senate Bill 51” Requires Careful Consideration

In the most recent session of the General Assembly, legislation was passed by both the Senate and the House that effectively renders localities without any authority to locally regulate land uses and events in an agricultural district that are traditionally or customarily related to agricultural activity. This legislation (Senate Bill 51 / SB51) must be a primary factor when considering how to address the direct-to-consumer issues contained in this memo.

Specifically, SB51 (attached) states:

- A. “A. No locality shall regulate the carrying out of any of the following activities at an agricultural operation, as defined in §3.2-200, unless there is a substantial impact on the health, safety, or general welfare of the public:
1. Agritourism activities as defined in §3.2-6400;
 2. The sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation;
 3. The preparation, processing, or sale of food products in compliance with subdivisions A 3, 4, and 5 of §3.2-5130 or related state laws and regulations; or
 4. Other activities or events that are usual and customary at Virginia agricultural operations.

Any local restriction placed on an activity listed in this subsection shall be reasonable and shall take into account the economic impact of the restriction on the agricultural operation and the agricultural nature of the activity.

- B. No locality shall require a special exception, administrative permit not required by state law, or special use permit for any activity listed in subsection A on property that is zoned as an agricultural district or classification unless there is a substantial impact on the health, safety, or general welfare of the public.” ... (continued)

Please note that SB51 contains references to the following existing laws:

§3.2-200 “Right to Farm” – Definitions:

“Agricultural operation” means any operation devoted to the bona fide production of crops, or animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity.

“Production agriculture and silviculture” means the bona fide production or harvesting of agricultural or silvicultural products but shall not include the processing of agricultural or silvicultural products or the above ground application or storage of sewage sludge.

§3.2-6400 “Agritourism Activity Liability” – Definitions:

“Agritourism activity” means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

As contained in SB51, a locality shall not require a Special Use Permit or an administrative permit for property(s) within the Agricultural (A-1) District in relationships with the referenced land uses, unless, “there is a substantial impact on the health, safety, or general welfare of the public.”

For the purposes of agricultural land uses in the A-1 District, the primary consideration relating to public health and safety would involve transportation and parking. It could be argued that it is reasonable for the County to act on concerns about the potential for such wayside stands (and related uses) to have a substantial impact on the public road system, as it relates to vehicular access to the use or structure, parking, and roadway mobility and safety. However, it appears that SB51 would essentially prohibit any local regulations for virtually all other aspects of agricultural operations in the A-1 District, as defined above (and in the attached page which contains SB51 verbatim).

On February 14th, the House voted for passage of SB51 (75-Y 19-N); and on February 18th, the Senate voted for passage of SB51 (40-Y 0-N). The bill currently awaits action by the Governor.

I would advise that detailed attention be given to SB51 subsection A.4, which includes language about, “Other activities or events that are usual and customary at Virginia agricultural operations.”

Please contact with me with any questions you may have about this report or the issues contained within it. Thank you very much.

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 15.2-2288.6, relating to local*
3 *regulation of activities at agricultural operations.*

4 [S 51]
5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That the Code of Virginia is amended by adding a section numbered 15.2-2288.6 as follows:**

8 **§ 15.2-2288.6. Agricultural operations; local regulation of certain activities.**

9 *A. No locality shall regulate the carrying out of any of the following activities at an agricultural*
10 *operation, as defined in § 3.2-300, unless there is a substantial impact on the health, safety, or general*
11 *welfare of the public:*

12 *1. Agritourism activities as defined in § 3.2-6400;*

13 *2. The sale of agricultural or silvicultural products, or the sale of agricultural-related or*
14 *silvicultural-related items incidental to the agricultural operation;*

15 *3. The preparation, processing, or sale of food products in compliance with subdivisions A 3, 4, and*
16 *5 of § 3.2-5130 or related state laws and regulations; or*

17 *4. Other activities or events that are usual and customary at Virginia agricultural operations.*

18 *Any local restriction placed on an activity listed in this subsection shall be reasonable and shall take*
19 *into account the economic impact of the restriction on the agricultural operation and the agricultural*
20 *nature of the activity.*

21 *B. No locality shall require a special exception, administrative permit not required by state law, or*
22 *special use permit for any activity listed in subsection A on property that is zoned as an agricultural*
23 *district or classification unless there is a substantial impact on the health, safety, or general welfare of*
24 *the public.*

25 *C. Except regarding the sound generated by outdoor amplified music, no local ordinance regulating*
26 *the sound generated by any activity listed in subsection A shall be more restrictive than the general*
27 *noise ordinance of the locality. In permitting outdoor amplified music at an agricultural operation, the*
28 *locality shall consider the effect on adjoining property owners and nearby residents.*

29 *D. The provisions of this section shall not affect any entity licensed in accordance with Chapter 2*
30 *(§ 4.1-200 et seq.) of Title 4.1. Nothing in this section shall be construed to affect the provisions of*
31 *Chapter 3 (§ 3.2-300 et seq.) of Title 3.2, to alter the provisions of § 15.2-2288.3, or to restrict the*
32 *authority of any locality under Title 58.1.*

33 **2. That the Virginia Department of Agriculture and Consumer Services shall continue the**
34 **On-Farm Activities Working Group.**



DEPARTMENT OF
PLANNING & ZONING

PLANNING COMMISSION
BOARD OF ZONING APPEALS

To: Chair and Members, Nelson County Planning Commission

From: Tim Padalino | Director | Department of Planning & Zoning

Date: November 12, 2014

Subject: Recommendations to revise and improve “Wayside Stand Permits” review process and application procedures

The Planning Commission (PC) and Board of Supervisors (BOS) recently completed the process of amending the Zoning Ordinance with respect to agricultural operations, breweries, distilleries, and other similar land uses. These amendments were adopted by the BOS on October 14th (Ordinance O2014-06).

Please note that one major category of “direct-to-consumer” sales of agricultural products were not addressed in those recently-adopted amendments: the sales of agricultural products off-site from where the products were produced. That category can further be divided into two broad uses:

1. Off-site sales of agricultural products that were produced on agricultural operations controlled or owned by the operator of the facility; and
2. Off-site sales of agricultural products that were produced on agricultural operations not controlled or owned by the operator of the facility.

This report attempts to summarize those two issues, and to provide recommendations on how those two land uses could be subject to improved regulations and more effective application review procedures.

1. Direct-to-Consumer Sales: “Wayside Stand”

Regarding the first type of direct-to-consumer land use, the Zoning Ordinance currently attempts to address this issue by providing for “wayside stands,” which is currently defined in Article 2, “Definitions” as follows:

Wayside stand, roadside stand, wayside market: Any structure or land used for the sale of agricultural or horticultural produce; livestock, or merchandise produced by the owner or his family on their farm.

“Wayside stand” is currently a permissible use in the A-1 District that requires an administratively-approved zoning permit, pursuant to Article 4, “Agricultural A-1,” Section §4-11, “Administrative Approvals,” subsection 2.

However, the existing Ordinance language is problematic for several reasons.

1. That provision (§4-11-2) provides no explanation of how this land use should be regulated, or what criteria shall be considered when reviewing such applications.
2. That provision also provides no explanation of the required application materials, and/or the procedures for reviewing and approving such applications.
3. The administrative nature of the review is also somewhat problematic. The “wayside stand” land use has a considerable and direct nexus with public safety issues, as it relates to the public road system, road safety and mobility, and potential alterations to the existing traffic patterns. An administrative review for such proposed land uses is inadequate, with respect to land use regulations being relied upon as a local government mechanism to protect public health, safety, and welfare.

Therefore, the Planning & Zoning Director recommends the following:

1. The wayside stand permit provision needs to specify what information is required with each application, in order for the County to make an informed review and to accurately determine if the proposed use is appropriate and safe.
2. The wayside stand permit provision needs to establish procedures for reviewing and approving such applications, including the involvement of other regulatory agencies (if any) as appropriate.
3. The review and/or approval of wayside stand permit applications should be done in connection with other regulatory authorities who have expertise and purview over such issues (including but not limited to VDOT). Administrative review and approval should be discontinued and replaced with Planning Commission approval, including a requirement to obtain a “recommendation for approval” from VDOT.

Specific to the first recommendation (above), the Planning & Zoning Director also recommends the following application requirements for a “Wayside Stand Permit”:

- Completed Zoning Permit application and \$25 fee (*remains unchanged*)
- Site Plan (showing at minimum the property location and boundaries, proposed location of wayside stand facility(s), proposed signage, and provisions for safe access and parking)
- Brief project narrative describing the following:
 - Proposed frequency of wayside stand operation
 - (# of hours per day? # of days per week?)
 - Proposed duration of wayside stand operation
 - (growing season? year-round? etc.)
 - Type(s) of items proposed for sale and the location(s) of the “agricultural operation(s)” owned or controlled by the operator that is the source(s) of wayside stand items for sale
 - Location and type of wayside stand “structures” / facilities (including distance from property boundary and public ROW)
 - Proposed signage

Please note that I have discussed this type of land use (and application procedure) multiple times with Mr. Jeff Kessler of VDOT during the months of October and November. Mr. Kessler has

indicated that VDOT does require the submission of scaled drawings prepared by a licensed professional for two purposes: (1) to determine if the location of an entrance is permissible, and (2) to determine if the entrance design is correctly engineered. But Mr. Kessler has not confirmed whether or not a scaled Site Plan prepared by a licensed professional is something that VDOT will require in order to review a “wayside stand” permit application and provide review comments; or if a “sketch” site plan is sufficient for VDOT review and comment.

The Planning Commission should carefully consider whether an application for a “wayside stand” permit needs to contain a Minor Site Plan prepared by a licensed professional; or if a sketch site plan provides sufficient information (that enables the County to make an accurate, informed decision regarding the appropriateness and safety of the proposed use).

2. Direct-to-Consumer Sales: Farmers Market

Regarding the second type of direct-to-consumer land use, the Zoning Ordinance does not contemplate or provide for off-site, direct-to-consumer sale of agricultural products that originate from various sources. To remedy this, the Planning Director recommends that the County adopt a definition and provide for a new use of “Farmers Market.” The following definition could be used as a starting point for further review, discussion, and recommendation:

Farmers Market: Any structure, assembly of structures, or land used for the sale of agricultural or horticultural products, and agriculture-related goods and services, that have been produced off-site.

The Planning Director recommends that “Farmers Market” be adopted as a Special Use permissible in the (A-1) Agricultural District and (SE-1) Service Enterprise District, and as a permissible by-right use in the (B-1) and (B-2) Business Districts. (*Note:* permissible uses in B-1 and B-2 are also permissible within the “Multiple Use” Sector of (RPC) Residential Planned Community District.)

The following application requirements are also recommended:

- Completed Special Use Permit application and \$200 fee payment (*for A-1 and SE-1 zoning only*)
- Minor Site Plan (pursuant to §13-1-1) and \$100 fee payment
- Brief project narrative (describing frequency of operation; approximate number and type(s) of vendors; signage; and details regarding vehicular access, parking, and related road safety issues)
- *Note:* A “Farmers Market” may be subject to subsequent requirements for submission/approval of a Major Site Plan, depending on the physical details of any such project (pursuant to §13-1-1)

Please note that this proposed “Farmers Market” definition and use would not allow for “Flea Market,” which is a Special Use permitted in the (B-1) Business District [per §8-1-21]. “Flea Market” is defined as, “Any outdoor commercial offering of items for sale at any location. Merchandise offered may include items purchased specifically for resale at a profit.”

Please also note that this definition and use would not allow for “Antique, craft, or gift shops,” which is a Special Use permitted in the (A-1) Agricultural District [per §4-1-2a]. “Antique, craft, or gift shops” is undefined in the Zoning Ordinance.

Conclusion

The Planning Director recommends that the Planning Commission, by the authority contained in Zoning Ordinance Article 16, Section 1-3, initiate a proposal to amend the Zoning Ordinance to enact the recommended revisions to the existing "Wayside Stand" provision, and to provide for a new "Farmers Market" use as detailed on page 3 of this report, all subject to further review and discussion by the Commission.

Thank you for your attention to these policy recommendations; and please contact me with any questions you may have regarding the information contained in this report.



DEPARTMENT OF
PLANNING & ZONING

PLANNING COMMISSION
BOARD OF ZONING APPEALS

To: Chairman and Members, Nelson County Planning Commission
From: Tim Padalino | Director | Department of Planning & Zoning
Date: February 20, 2014

Subject: Policy Review of “Wayside Stands” and other direct-to-consumer issues in A-1

In recent months, the Nelson County Planning Commission (and also Central District Supervisor Connie Brennan, who previously served in the former role of Board of Supervisors Liaison) has identified a need to review and possibly amend the Zoning Ordinance policies and regulations pertaining to “wayside stands” and other direct-to-consumer agricultural uses in the Agricultural (A-1) District. These issues were partly brought into focus during the withdrawn Rezoning #2012-02 application process (submitted by Mr. Bland Harvey and Mr. Brady Nicks); and have been discussed at Planning Commission work sessions that took place in 2013.

To date, all involved stakeholders have agreed that the current provisions in the Zoning Ordinance are inadequate; and that they may actually have the unintended effect of hindering most opportunities for on-site, direct-to-consumer sales of agricultural produce. Therefore, the purpose of this policy review is twofold:

- to analyze the existing regulations and identify deficiencies; and
- to provide a framework which can be used to guide the discussion at one or more workshops aimed at developing proposed Zoning Ordinance amendments that would result in better provisions and simple, sensible regulations for such activities and land uses.

Existing Zoning Ordinance Content Relating to “Wayside Stands”

The Zoning Ordinance currently contains the following regulations and provisions relating to wayside stands:

Article 2. Definitions.

- *Wayside stand, roadside stand, wayside market:* Any structure or land used for the sale of agriculture or horticultural produce, livestock, or merchandise produced by the owner or his family on their farm.
- *Agricultural:* The tilling of the soil, the raising of crops, horticulture, and forestry, including the keeping of animals and fowl, and including any agricultural industry or business, such as fruit

packing plants, dairies, or similar use associated with an active farming operation, unless otherwise specifically provided for in this ordinance.

Article 4. Agricultural District (A-1), Section 11 “Administrative Approvals”

The Zoning Administrator may administratively approve a zoning permit for the following uses, provided they are in compliance with the provisions of this Article.

§4-11-2: Wayside Stands.

Analysis of Existing Zoning Ordinance Provisions and Regulations

The Zoning Ordinance content identified above, when interpreted and applied to proposals that have come before the Planning & Zoning Department and the Planning Commission, has proven to be inadequate. The provision for wayside stands provides nothing more than an indication that they are permissible, if they are in compliance with the provisions of Article 4 and if they receive a zoning permit through administrative review and approval process.

However, the provision does not address any of the various issues that are common to wayside stands and other direct-to-consumer uses:

- What are the application requirements and procedures for a wayside stand?
 - Does the standard \$25 zoning permit fee apply?
 - Does the applicant need to submit a Site Plan? If so:
 - Would the Site Plan be distributed to the Site Plan Review Committee for review and comment?
 - Would a “sketch” Site Plan be acceptable, or does it need to adhere to the requirements contained in Article 13 (which include, among other things, that a Site Plan be drawn to scale by a certified professional such as an engineer, surveyor, or landscape architect)?
- What criteria does the Agent use in reviewing a wayside stand application?
 - How can the “public safety and welfare” be evaluated?
 - Does such an application and/or Site Plan need to be shared with Virginia Department of Transportation (VDOT), for review of road safety and road mobility issues?
 - Does such an application and/or Site Plan need to be shared with Virginia Department of Health (VDH), for review of public health and safety issues?
- Will signage for such uses be regulated?
- Will hours of operation or frequency of operation be regulated?
- What will be considered eligible or ineligible for sale?
 - Is this only for products produced on-site?
 - What if the wayside stand is proposed off-site from the property where the products originated from, but on property owned by the same producer?
 - Are products produced off-site eligible in any way?
 - If so, should there be any limitations for “off-site” products being produced within a certain radius, or within Nelson County, etc.?
 - What about bees, worms, and similar ag-related resources?
 - What about topsoil, soil amendments, or gardening equipment?
 - What about non-agricultural merchandise, such as art, clothing, or similar products?

Recommendations for Consideration

The list of questions (above) must be reviewed and discussed as part of any process of developing recommendations.

Additionally, the existing “one size fits all” permit system may not be adequate. As such, there needs to be consideration given to the possibility of establishing a permit system with different “types” or “classes” that correlate with various direct-to-consumer uses.

When considering how to develop an organization or classification for different permit types, there are two basic qualities to consider when evaluating a proposed use: what is being sold (i.e. agricultural products, merchandise, or both); and where is it being sold (i.e. on-site of where it was produced, or off site).

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What is being sold – and where?	A.) ON-SITE SALES	B.) OFF-SITE SALES
1. Ag products produced entirely on-site	<i>(least amount of need for regulation?)</i>	(N/A)
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3. Ag products and other merchandise produced entirely on-site		(N/A)
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With respect to those various criteria, I recommend consideration of the following permit types:

- Farm Stall (administrative zoning permit):

- On-site sales of agricultural or horticultural products, livestock, or merchandise produced by the owner or his family on their farm
- (Corresponds with sale of items described in A1 and A3, above)
- *Application requirements:* none

- Wayside Stand (administrative zoning permit):

- On-site sales of agricultural or horticultural products, livestock, or merchandise produced by the owner or his family on their farm, and/or produced off-site by other producers
- (Corresponds with sale of items described in A1, A2, A3, and A4, above)
- *Application requirements:*
 - Completed zoning permit application and \$25 fee payment
 - Sketch site plan (showing property, location of wayside stand, and parking)
 - Brief narrative (describing frequency of operation, type of products for sale, and signage)

• **Farm Market (Special Use Permit):**

- Off-site sales of agricultural or horticultural products, livestock, or merchandise
- Does not allow for “flea market,” which is a Special Use in (B-1) Business District [per §8-1-21].
 - *Flea Market:* “Any outdoor commercial offering of items for sale at any location. Merchandise offered may include items purchased specifically for resale at a profit.”
- Does not allow for “antique, craft, or gift shops,” which is a Special Use in (A-1) Agricultural District [per §4-1-2a].
 - *Antique, craft, or gift shops:* (undefined)
- (Corresponds with sale of items described in B2 and B4, above)
- *Application requirements:*
 - Completed Special Use Permit application and \$200 fee payment
 - Minor Site Plan (pursuant to §13-1-1) and \$100 fee payment
 - Brief narrative (describing frequency of operation, approximate number and type(s) of vendors, signage, and parking)
 - *Note: A “Farm Market Permit” may be subject to subsequent requirements for submission/approval of a Major Site Plan, depending on the physical details of any such project, pursuant to §13-1-1.*

General Assembly’s “Senate Bill 51” Requires Careful Consideration

In the most recent session of the General Assembly, legislation was passed by both the Senate and the House that effectively renders localities without any authority to locally regulate land uses and events in an agricultural district that are traditionally or customarily related to agricultural activity. This legislation (Senate Bill 51 / SB51) must be a primary factor when considering how to address the direct-to-consumer issues contained in this memo.

Specifically, SB51 (attached) states:

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 4. Other activities or events that are usual and customary at Virginia agricultural operations.

Any local restriction placed on an activity listed in this subsection shall be reasonable and shall take into account the economic impact of the restriction on the agricultural operation and the agricultural nature of the activity.

- B. No locality shall require a special exception, administrative permit not required by state law, or special use permit for any activity listed in subsection A on property that is zoned as an agricultural district or classification unless there is a substantial impact on the health, safety, or general welfare of the public.” ... (continued)

Please note that SB51 contains references to the following existing laws:

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As contained in SB51, a locality shall not require a Special Use Permit or an administrative permit for property(s) within the Agricultural (A-1) District in relationships with the referenced land uses, unless, "there is a substantial impact on the health, safety, or general welfare of the public."

For the purposes of agricultural land uses in the A-1 District, the primary consideration relating to public health and safety would involve transportation and parking. It could be argued that it is reasonable for the County to act on concerns about the potential for such wayside stands (and related uses) to have a substantial impact on the public road system, as it relates to vehicular access to the use or structure, parking, and roadway mobility and safety. However, it appears that SB51 would essentially prohibit any local regulations for virtually all other aspects of agricultural operations in the A-1 District, as defined above (and in the attached page which contains SB51 verbatim).

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I would advise that detailed attention be given to SB51 subsection A.4, which includes language about, "Other activities or events that are usual and customary at Virginia agricultural operations."

Please contact with me with any questions you may have about this report or the issues contained within it. Thank you very much.

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 15.2-2288.6, relating to local*
3 *regulation of activities at agricultural operations.*

4 [S 51]
5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That the Code of Virginia is amended by adding a section numbered 15.2-2288.6 as follows:**

8 **§ 15.2-2288.6. Agricultural operations; local regulation of certain activities.**

9 *A. No locality shall regulate the carrying out of any of the following activities at an agricultural*
10 *operation, as defined in § 3.2-300, unless there is a substantial impact on the health, safety, or general*
11 *welfare of the public:*

12 *1. Agritourism activities as defined in § 3.2-6400;*

13 *2. The sale of agricultural or silvicultural products, or the sale of agricultural-related or*
14 *silvicultural-related items incidental to the agricultural operation;*

15 *3. The preparation, processing, or sale of food products in compliance with subdivisions A 3, 4, and*
16 *5 of § 3.2-5130 or related state laws and regulations; or*

17 *4. Other activities or events that are usual and customary at Virginia agricultural operations.*

18 *Any local restriction placed on an activity listed in this subsection shall be reasonable and shall take*
19 *into account the economic impact of the restriction on the agricultural operation and the agricultural*
20 *nature of the activity.*

21 *B. No locality shall require a special exception, administrative permit not required by state law, or*
22 *special use permit for any activity listed in subsection A on property that is zoned as an agricultural*
23 *district or classification unless there is a substantial impact on the health, safety, or general welfare of*
24 *the public.*

25 *C. Except regarding the sound generated by outdoor amplified music, no local ordinance regulating*
26 *the sound generated by any activity listed in subsection A shall be more restrictive than the general*
27 *noise ordinance of the locality. In permitting outdoor amplified music at an agricultural operation, the*
28 *locality shall consider the effect on adjoining property owners and nearby residents.*

29 *D. The provisions of this section shall not affect any entity licensed in accordance with Chapter 2*
30 *(§ 4.1-200 et seq.) of Title 4.1. Nothing in this section shall be construed to affect the provisions of*
31 *Chapter 3 (§ 3.2-300 et seq.) of Title 3.2, to alter the provisions of § 15.2-2288.3, or to restrict the*
32 *authority of any locality under Title 58.1.*

33 **2. That the Virginia Department of Agriculture and Consumer Services shall continue the**
34 **On-Farm Activities Working Group.**



DEPARTMENT OF
PLANNING & ZONING

PLANNING COMMISSION
BOARD OF ZONING APPEALS

To: Chair and Members, Nelson County Planning Commission
From: Tim Padalino | Director | Department of Planning & Zoning
Date: November 12, 2014

Subject: Recommendations to revise and improve “Wayside Stand Permits” review process and application procedures

The Planning Commission (PC) and Board of Supervisors (BOS) recently completed the process of amending the Zoning Ordinance with respect to agricultural operations, breweries, distilleries, and other similar land uses. These amendments were adopted by the BOS on October 14th (Ordinance O2014-06).

Please note that one major category of “direct-to-consumer” sales of agricultural products were not addressed in those recently-adopted amendments: the sales of agricultural products off-site from where the products were produced. That category can further be divided into two broad uses:

1. Off-site sales of agricultural products that were produced on agricultural operations controlled or owned by the operator of the facility; and
2. Off-site sales of agricultural products that were produced on agricultural operations not controlled or owned by the operator of the facility.

This report attempts to summarize those two issues, and to provide recommendations on how those two land uses could be subject to improved regulations and more effective application review procedures.

1. Direct-to-Consumer Sales: “Wayside Stand”

Regarding the first type of direct-to-consumer land use, the Zoning Ordinance currently attempts to address this issue by providing for “wayside stands,” which is currently defined in Article 2, “Definitions” as follows:

Wayside stand, roadside stand, wayside market: Any structure or land used for the sale of agricultural or horticultural produce; livestock, or merchandise produced by the owner or his family on their farm.

“Wayside stand” is currently a permissible use in the A-1 District that requires an administratively-approved zoning permit, pursuant to Article 4, “Agricultural A-1,” Section §4-11, “Administrative Approvals,” subsection 2.

However, the existing Ordinance language is problematic for several reasons.

1. That provision (§4-11-2) provides no explanation of how this land use should be regulated, or what criteria shall be considered when reviewing such applications.
2. That provision also provides no explanation of the required application materials, and/or the procedures for reviewing and approving such applications.
3. The administrative nature of the review is also somewhat problematic. The “wayside stand” land use has a considerable and direct nexus with public safety issues, as it relates to the public road system, road safety and mobility, and potential alterations to the existing traffic patterns. An administrative review for such proposed land uses is inadequate, with respect to land use regulations being relied upon as a local government mechanism to protect public health, safety, and welfare.

Therefore, the Planning & Zoning Director recommends the following:

1. The wayside stand permit provision needs to specify what information is required with each application, in order for the County to make an informed review and to accurately determine if the proposed use is appropriate and safe.
2. The wayside stand permit provision needs to establish procedures for reviewing and approving such applications, including the involvement of other regulatory agencies (if any) as appropriate.
3. The review and/or approval of wayside stand permit applications should be done in connection with other regulatory authorities who have expertise and purview over such issues (including but not limited to VDOT). Administrative review and approval should be discontinued and replaced with Planning Commission approval, including a requirement to obtain a “recommendation for approval” from VDOT.

Specific to the first recommendation (above), the Planning & Zoning Director also recommends the following application requirements for a “Wayside Stand Permit”:

- Completed Zoning Permit application and \$25 fee (*remains unchanged*)
- Site Plan (showing at minimum the property location and boundaries, proposed location of wayside stand facility(s), proposed signage, and provisions for safe access and parking)
- Brief project narrative describing the following:
 - Proposed frequency of wayside stand operation
 - (# of hours per day? # of days per week?)
 - Proposed duration of wayside stand operation
 - (growing season? year-round? etc.)
 - Type(s) of items proposed for sale and the location(s) of the “agricultural operation(s)” owned or controlled by the operator that is the source(s) of wayside stand items for sale
 - Location and type of wayside stand “structures” / facilities (including distance from property boundary and public ROW)
 - Proposed signage

Please note that I have discussed this type of land use (and application procedure) multiple times with Mr. Jeff Kessler of VDOT during the months of October and November. Mr. Kessler has

indicated that VDOT does require the submission of scaled drawings prepared by a licensed professional for two purposes: (1) to determine if the location of an entrance is permissible, and (2) to determine if the entrance design is correctly engineered. But Mr. Kessler has not confirmed whether or not a scaled Site Plan prepared by a licensed professional is something that VDOT will require in order to review a “wayside stand” permit application and provide review comments; or if a “sketch” site plan is sufficient for VDOT review and comment.

The Planning Commission should carefully consider whether an application for a “wayside stand” permit needs to contain a Minor Site Plan prepared by a licensed professional; or if a sketch site plan provides sufficient information (that enables the County to make an accurate, informed decision regarding the appropriateness and safety of the proposed use).

2. Direct-to-Consumer Sales: Farmers Market

Regarding the second type of direct-to-consumer land use, the Zoning Ordinance does not contemplate or provide for off-site, direct-to-consumer sale of agricultural products that originate from various sources. To remedy this, the Planning Director recommends that the County adopt a definition and provide for a new use of “Farmers Market.” The following definition could be used as a starting point for further review, discussion, and recommendation:

Farmers Market: Any structure, assembly of structures, or land used for the sale of agricultural or horticultural products, and agriculture-related goods and services, that have been produced off-site.

The Planning Director recommends that “Farmers Market” be adopted as a Special Use permissible in the (A-1) Agricultural District and (SE-1) Service Enterprise District, and as a permissible by-right use in the (B-1) and (B-2) Business Districts. (*Note:* permissible uses in B-1 and B-2 are also permissible within the “Multiple Use” Sector of (RPC) Residential Planned Community District.)

The following application requirements are also recommended:

- Completed Special Use Permit application and \$200 fee payment (*for A-1 and SE-1 zoning only*)
- Minor Site Plan (pursuant to §13-1-1) and \$100 fee payment
- Brief project narrative (describing frequency of operation; approximate number and type(s) of vendors; signage; and details regarding vehicular access, parking, and related road safety issues)
- *Note:* A “Farmers Market” may be subject to subsequent requirements for submission/approval of a Major Site Plan, depending on the physical details of any such project (pursuant to §13-1-1)

Please note that this proposed “Farmers Market” definition and use would not allow for “Flea Market,” which is a Special Use permitted in the (B-1) Business District [per §8-1-21]. “Flea Market” is defined as, “Any outdoor commercial offering of items for sale at any location. Merchandise offered may include items purchased specifically for resale at a profit.”

Please also note that this definition and use would not allow for “Antique, craft, or gift shops,” which is a Special Use permitted in the (A-1) Agricultural District [per §4-1-2a]. “Antique, craft, or gift shops” is undefined in the Zoning Ordinance.

Conclusion

The Planning Director recommends that the Planning Commission, by the authority contained in Zoning Ordinance Article 16, Section 1-3, initiate a proposal to amend the Zoning Ordinance to enact the recommended revisions to the existing "Wayside Stand" provision, and to provide for a new "Farmers Market" use as detailed on page 3 of this report, all subject to further review and discussion by the Commission.

Thank you for your attention to these policy recommendations; and please contact me with any questions you may have regarding the information contained in this report.



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DEPARTMENT OF
PLANNING & ZONING

PLANNING COMMISSION
BOARD OF ZONING APPEALS

CERTIFIED MAIL

December 31, 2014

Ms. Cheryl Lynn Taylor
Site Acquisition Specialist | Velocitel, Inc.
4164 Innslake Drive, Suite B
Glen Allen, VA 23060

Dear Ms. Taylor,

Greetings from Nelson County. I am contacting you in your capacity as applicant for Class III Communication Tower Permit #2013-007 (Sunrise Drive / CV422), which was indefinitely deferred by the Nelson County Planning Commission (PC) at their January 22nd, 2014 PC meeting at the written request of the applicant team.

This letter is being sent to notify you that, at their December 17th, 2014 meeting, the PC voted 6-0 in favor of reviewing the deferred application at their meeting scheduled for February 25th, 2015. Specifically, the PC voted in favor of setting their February meeting (or first subsequent meeting, if no February meeting is held) as a date for considering termination of the indefinite deferral of Class III Communication Tower Permit #2013-007.

PC members noted that this gives the applicant team approximately 60 days to make a decision on their intentions with the deferred application, and to provide the PC with an update so that the Commission can make an informed decision regarding the "indefinite deferral" status of the application.

If you have questions regarding this letter or your application, or if you have any requests for assistance, please feel free to contact the Department of Planning & Zoning at any time.

Thank you very much. Sincerely,

Timothy M. Padalino

Director of Planning & Zoning | tpadalino@nelsoncounty.org

1/23/17

CC: Mr. T. Preston Lloyd, Jr. | Associate Attorney – Williams Mullen
Mrs. Philippa Proulx | Chair – Nelson County Planning Commission
Mr. Stephen A. Carter | County Administrator – Nelson County

Stormy Hopkins

From: Cheryl Lynn Taylor <C.Taylor@velocitel.com>
Sent: Tuesday, January 06, 2015 10:43 AM
To: Tim Padalino
Cc: Lloyd, Preston; Philippa Proulx; Steve Carter; Stormy Hopkins
Subject: RE: Class III Comm. Tower Permit #2013-007 (Sunrise Drive/CV422)

Dear Tim,

I hope you had a wonderful holiday.

After discussions with our client the decision has been made to withdraw the application for the Class III Communication Tower Permit #2013-007 (Sunrise Drive/CV422), in lieu of pursuing a more acceptable alternative location. Please let me know if you should require any additional information to provide to the Commission or if my personal appearance will be required at the February meeting.

Regards,

Cheryl Lynn Taylor
Site Acquisition Specialist

Velocitel, Inc.
4144 Innslake Drive, Suite B
Glen Allen, VA 23060
(804) 852-8275 – Mobile
(804) 217-8665 – Fax
c.taylor@velocitel.com
www.velocitel.com

From: Tim Padalino [mailto:tpadalino@nelsoncounty.org]
Sent: Wednesday, December 31, 2014 4:11 PM
To: Cheryl Lynn Taylor
Cc: Lloyd, Preston; Philippa Proulx; Steve Carter; Stormy Hopkins
Subject: Class III Comm. Tower Permit #2013-007 (Sunrise Drive/CV422)

Hello Cheryl,

Greetings from Nelson County. I hope you've enjoyed the holiday season.

I'm writing to provide you with electronic copy of a letter that is being sent to you (via certified mail) regarding the above-referenced permit application, which currently has a status of being indefinitely deferred (at your request).

At the December Planning Commission meeting, the Planning Commissioners voted unanimously to place the permit application on their February agenda, and to review the "indefinite deferral" status of the application. The attached letter provides more information.

Please let me know if you'd like to discuss the letter and/or the application, at your convenience.

Thanks very much; and happy new year to you.

Sincerely,
Tim

Timothy M. Padalino
Planning & Zoning Director
Nelson County, Virginia

phone: [434]-263-7090

fax: [434]-263-7086

P.O. Box 558, 80 Front Street, Lovingston, VA 22949

<http://www.nelsoncounty-va.gov/departments/planning-zoning/>