



NELSON COUNTY PLANNING COMMISSION

Meeting Agenda: May 27, 2015

General District Courtroom, 3rd Floor, Nelson County Courthouse, Lovingston

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

– Review of Meeting Minutes from March 25th & April 22nd meeting

– **Public Hearing Items:**

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

Consideration of an application to rezone two parcels, consisting of 6.06 acres from Residential (R-1) to Business (B-1). The subject properties are identified as Tax Map Parcels #22-A-18 (owned by Herbert F. Hughes) and #22-A-19 (owned by Claude Malcolm Dodd), and are located at 2950 Rockfish Valley Highway in Nellysford. Specifically, the applicant wishes to rezone the properties to construct an 8,000 square foot “retail store” and accompanying parking lot on the subject properties.

○ Special Use Permit #2015-02: “Halls Family Auto Clinic” / Donald and Cindy Hall

Consideration of a Special Use Permit application seeking approval to operate a “public garage” pursuant to §4-1-18a of the Zoning Ordinance. The subject property is identified as Tax Map Parcel #6-A-94B, and is located at 47 Mill Lane in Afton. This is a 1.02-acre parcel zoned Agricultural (A-1), and is owned by Gary Bryant.

– **Other Agenda Items:**

○ Minor Site Plan #2015-03: “La Michoacana Restaurant” / Jose Gaona

Review of minor site plan in connection with proposed by-right “restaurant” use pursuant to §8-1-2. Subject property is located in Lovingston on Tanbark Plaza, further identified as Tax Map #58B-A-36 and 58B-A-37, owned by Joe Lee McClellan Inc.

– **Other Business:**

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

– **Adjournment**

– **Next Meeting:** June 24, 2015 | 7:00pm

**NELSON COUNTY PLANNING COMMISSION
MEETING MINUTES
March 25, 2015**

Present: Chair Philippa Proulx, Commissioners Linda Russell, Mike Harman, Mary Kathryn Allen, 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.

Chair Proulx stated there was one change in the agenda; noting that Major Site Plan #2015-02 for Mr. Michael Penny / Pennywell, LLC has been postponed at the applicant's request.

Approval of Minutes – February 25, 2015: Chair Proulx asked to postpone the approval of minutes until the next meeting; the Commission agreed.

1. **Consideration of Applications to Expand Existing Davis Creek Agricultural and Forestal District**
2. **Consideration of Applications to Expand Existing Dutch Creek Agricultural and Forestal District**
3. **Consideration of Applications to Create New Greenfield Agricultural and Forestal District**

Chair Proulx noted that the Planning Commission would be hearing public input on each of the AFD's on an individual basis.

Mr. Padalino stated that there are four (4) applications involving the county's AFD. He noted that three (3) of those are for proposed expansions to the Dutch Creek AFD and the Davis Creek AFD; and one (1) is for the proposed creation of a new Greenfield AFD. Mr. Padalino provided a brief overview of the process to date. He also provided brief background information on the "Purpose and Intent" of the AFD program. He noted that the Planning & Zoning Office has had several phone calls from adjoining property owners with concerns on how this would affect their property. Mr. Padalino provided information from the County Code that deals with those concerns.

Chair Proulx opened the public hearing for the Davis Creek AFD additions at 7:08 p.m. for comments; no comments were made. Chair Proulx closed the public hearing.

Chair Proulx opened the public hearing for the Dutch Creek AFD additions at 7:08 p.m. for comments; no comments were made. Chair Proulx closed the public hearing.

Chair Proulx opened the public hearing for the creation of the Greenfield AFD at 7:09 p.m. for comments.

Joyce Burton, Afton: Ms. Burton stated that the Rockfish Valley is a very special place. She noted that, "she is so proud of the dozens of neighbors all up and down more than a five (5) mile stretch of the Rockfish Valley; who also love this area; and who value its rural nature enough to be willing to voluntarily restrict the development on their land in order to preserve and protect the agricultural and forestal resources (clean air, water, and natural habitats) that sustain the things that make northern Nelson so special and precious. She also noted that, when Shannon Farm made the decision to start an AFD in the Greenfield area, they had no idea that so many of their neighbors would be interested in joining; would be interested in making such a clear statement about our vision for the future of this stretch of the Rockfish. She noted that they are proud to share the beauty of this area with the visitors that come down the 151 corridor, but at the same time they want to underscore the fact that what gives that corridor its scenic draw is the agri-forestal lands that surround it. Ms. Burton stated that as our County shapes

its vision for the Rockfish Valley, **we she** hope that the presence of a vibrant and growing agricultural and forestal district will help keep this fact in the forefront of the planning process, especially as development pressure, residential, commercial, and yes, even industrial increases. Once built out, land cannot be reclaimed for agriculture, for forest, for habitat, for watershed protection, for air quality improvement, or for scenic values; just ask the folks in Madison Heights about that. She noted that one of the unexpected joys of coordinating this project has been the opportunity to get to know many neighbors that she had never spoken with before. Ms. Burton also shared her hope that the presence of the Greenfield AFD will not only help strengthen the common conservation vision in the Rockfish Valley but also the sense of community and connection with one another. Ms. Burton concluded by asking the PC to lease support their efforts and vote to recommend the approval of the AFD.”

Chair Proulx asked for other comments on the Greenfield addition.

Andre Deredyn: Mr. Deredyn wanted to make sure the Planning Commissioner knew about the second Davis Creek addition. Chair Proulx acknowledged that the Planning Commission was aware of it.

Chair Proulx asked if there were any further comments; none were given; the public hearing was closed at 7:11 p.m.

Commissioner Russell indicated that she had a question regarding page 5 - number 7 – item b of the Staff Report. She asked if that was a correct statement. Mr. Padalino stated that was excerpted from the County Code, taken from the Municode website. Chair Proulx indicated that she thought the public notice requirement was intended to be conducted prior to the public hearing; Commissioner Harman agreed. Commissioner Russell noted that if this is correct, it should be changed. Mr. Padalino noted that the AFD Advisory Committee has been working with County Administration and the Board of Supervisors (BOS) to introduce amendments to the County Code, and if there are procedural issues, those can be addressed during that process.

Commissioner Russell indicated that she does not have any issues with any of the applications. She also noted that she depends upon the AFD Advisory Committee judgement. Chair Proulx stated that the PC needs to make individual motions of recommendation.

Commissioner Russell made a motion that the Planning Commission recommend approval of an additional 216.89 acres to the existing Davis Creek AFD, as shown on the map on page 7 of the 3-18-15 staff report. Commissioner Harman provided a second; the vote 5-1 with Supervisor Saunders abstaining.

Commissioner Russell made a motion that the Planning Commission recommend approval of an additional 11.4 acres to the existing Davis Creek AFD, as shown on the map on page 7 of the March 18, 2015 staff report. Commissioner Harman provided a second; the vote 5-1 with Supervisor Saunders abstaining.

Commissioner Russell made a motion that the Planning Commission recommend approval of an additional 746.74 acres to the Dutch Creek AFD, as shown on the map on page 8 of the March 18, 2015 staff report. Commissioner Harman provided a second; the vote 5-1 with Supervisor Saunders abstaining.

Commissioner Russell stated that the final application is for the creation of a new district. The AFD Advisory Committee has met, evaluated the creation of the new district, and recommends approval. The Planning Commission concurs with the committee findings and therefore, recommends approval of the new Greenfield AFD, consisting of 2,343.7 acres, as shown on the map on page 9 of the March 18, 2015 staff report. Commissioner Allen provided a second; the vote 5-1 with Supervisor Saunders abstaining.

Other Agenda Items:

1. Minor Site Plan #2015-03 – Living Word Christian Fellowship:

Mr. Padalino stated that Mr. Scott Collins, Trustee of the Living Word Christian Fellowship, submitted an application on February 26th. This application seeks approval to construct a 5,000 SF church, which is a permissible by-right use pursuant to Article 4-1-4 of the Zoning Ordinance. The subject property is located in Piney River, in the West District. It is a 33.74-acre property zoned almost entirely Agricultural (A-1), with a very small portion of the property being zoned Residential (R-2). It is further identified as Tax Map Parcel #64-5-5. Mr. Padalino also noted that the property is currently undeveloped, and is primarily characterized as an open field that has recently been logged and replanted with pines. Mr. Padalino also noted that Mr. Massie Saunders of Saunders' Surveys prepared a Minor Site Plan, dated January 21st. He indicated that the Site Plan included in the PC packets is dated March 16th and includes significant revisions.

Mr. Padalino noted that the applicant has submitted a preliminary building plan, which would include a 2,000 SF auditorium for assembly, as well as a classroom, kitchen, office, nursery, and restrooms. The church would be constructed as a one-story structure (approximately 22' tall). Sheet 3 of the revised site plan shows the proposed site layout. There is a total disturbed area of 1.0 acres; minimal grading would be required due to the virtually flat topography. The facility would be served by a new commercial entrance onto Lowesville Road (approximately 0.15 miles from the nearest intersection, which is Firehouse Road). The site plan depicts a gravel parking lot containing 48 total parking spaces (four of which would be handicap accessible), which exceeds the minimum required number of 20 parking spaces (as determined by the 2,000 SF floor area of the assembly room / auditorium).

Mr. Padalino noted that Sheet 4 of the revised site plan contains the proposed lighting plan and landscape plan. The parking lot would be lit by 4 pole lights approximately 20.5' tall, with "sharp cutoff fixtures to control light distribution on the site." When the packets went out, it was noted that 3 of the 4 pole lights would be set to a timer, with the lights coming on at night only when the church is in use. The 4th pole light (located farthest from the road and from adjoining properties) would be set to automatically turn on from dusk to dawn. The site plan shows a total of 5 "wall pack" light fixtures – 2 at the main door and 1 at each of the three additional doors. All 5 of these wall-mounted light fixtures would be programmed to be on from dusk to dawn.

Mr. Padalino indicated that Mr. Saunders has notified him that there are updated lighting details, which includes revised details about lighting fixtures as well as the number and location of each type. Mr. Saunders provided those to Commissioners prior to the start of the meeting.

Mr. Padalino summarized the Site Plan Review Committee Members' comments; those comments are as follows:

- Mr. Jeff Kessler of Virginia Department of Transportation (VDOT) did not identify any major issues with the site plan drawings. He had a couple of requests regarding the lat/long data for the exact location of the entrance, so that it can be entered into GIS.
- Ms. Alyson Sappington of the Thomas Jefferson Soil & Water Conservation District reviews the Erosion & Sediment (E&S) Control Plan. She was in attendance at the meeting but did not provide written review comments. Mr. Padalino noted that there were some questions that were raised by Ms. Sappington, but directed those to the applicant to provide an update on the current status of the E&S Control Plan.
- The Service Authority was in attendance and did not have any issues or concerns with the proposed project. They simply needed to configure a few details with the applicant.
- Mr. David Thompson, Nelson County Building Official, did not attend the meeting but provided some written review comments; reminding the applicants that a land disturbing activity permit, building permit, and CO would be required.

Mr. Padalino noted that he wanted to draw attention to some of the proposed signage. He showed examples of some signs that were provided by the applicant, which are representative of proposed signage that would be used.

These included signage on the church facade facing Lowesville Road; and signage that may be installed closer to the road. He noted that the proposed location of the sign is identified on the site plan.

Mr. Padalino noted that the site plan drawings have been revised extensively in response to the **site plan review committee** comments; ~~includes additional landscaping and screening materials; and include updated details regarding lighting~~ including additional landscaping and screening materials and lighting details. He finds these helpful clarifications to the questions that were posed at the March 11th Site Plan Review Committee meeting. He also noted that the remaining questions have to do with the E&S Control Plan; the current status of that is unclear.

Mr. Massie Saunders, Engineer of the Minor Site Plan: Mr. Saunders noted that there are two (2) Wallpacks that have been added to the front of the building. For further clarification, he noted that on Page 3 of the drawings, there are four (4) lights out in the parking lot; the two (2) additional lights were added to the building to get light on to the handicap spaces and the front row of parking. Mr. Saunders referenced Page 4 to show what the potential Wallpacks would look like that would be mounted at each of the doors around the building. He also referenced the handout that showed the lights that would be mounted on the poles. He also noted that all the lights would be directed downward so that no light escapes the site. Mr. Saunders referenced Page 1, which shows the illumination schedule and indicated that the perimeter of the parking lot is 0.1 to 0.2 lumens. He indicated that the lighting company suggested adding more lights to better illuminate the front two corners where the sidewalks are. He stated that he knows if more lights are added, they would need to come back to Mr. Padalino for approval.

Chair Proulx asked if the lights would only be on when the building was in use. Mr. Saunders indicated that there is one (1) pole light that is a dusk to dawn light; and the door lights would be dusk to dawn lights as well.

Commissioner Russell asked if the parking lot would be done in phases. Mr. Saunders indicated that they plan to do it all at once. Chair Proulx asked about the E&S Control Plan. Mr. Saunders indicated that he talked with Ms. Alyson Sappington and the question is whether or not the plan has to go to DEQ and DCR for further review ~~to meet the 2014 compliance~~ to comply with 2014 requirements. He further noted that if Ms. Sappington determines that the E&S measures that are proposed are not sufficient to handle the flow that comes off the parking lot, the plan will in fact have to go to DEQ and DCR. Mr. Saunders indicated that they are in the process of making submittals to both DEQ and DCR.

Commissioner Russell stated that with the additional materials submitted by Mr. Saunders, she does not have a problem with the plan. However, she did state that a few years ago, the PC had established a policy that it would not approve Site Plans, unless they had written assurance from Ms. Alyson Sappington, that the E&S Plan that was submitted was sufficient. It is her understanding that no assurance has been given. Mr. Padalino stated that he does not have an update.

Todd Peck, Pastor of Living Word Christian Fellowship: Pastor Peck stated that they want to comply with all the regulations as required by law. He also indicated that after this Sunday, they are homeless. He further stated that the Nelson Center has been gracious enough to allow them temporary stay until this particular project is completed. He also inquired if anything can take place for them to have some kind of assurance that they are on a successful schedule for approval. He noted that the Nelson Center is under the impression that they will use their space until around August. He also noted that there are about seventy-five (75) people on average that meet weekly that consider our church their church home. He stated that they want to be a blessing to the community, and they are hoping this new construction will allow them to do more things to benefit the community.

Chair Proulx wanted to clarify with Mr. Saunders that he has submitted an E&S Plan to Alyson Sappington. Mr. Saunders stated that he has talked with Ms. Sappington, and has given her some preliminary ideas and plan. He also noted that he has not submitted a formal plan because they are still trying to work through the DEQ information. He also indicated that Ms. Sappington is in contact with DEQ.

Joe Lee McClellan: Mr. McClellan stated that he has been landlord of Living Word Christian Church for over five (5) years. He indicated that he sold the property almost a year ago and since that time, they have had a new

landlord. He noted that it has been a pleasure to work with them. They are an asset to the community and encourages the PC to do whatever they can to help them.

Commissioner Russell made a motion that, on the application for Living Word Christian Fellowship Church, to be located on Rt. 778 Lowesville Road in Piney River; Tax Map #64-5-5; consisting of 33.74 acres: the Planning Commission approves the Minor Site Plan as submitted, revised March 16, 2015; consisting of five (5) pages and a supplemental photometric and lighting package submitted at the meeting on the 25th of March, contingent on E&S and DEQ approval. If there are any major changes to the Site Plan approved tonight, the Director of Planning & Zoning will make a final decision as to whether it should be resubmitted to the PC for approval. Commissioner Allen provided a second; the vote 6-0.

2. Proposed (draft) Amendments for “Off-Farm Retail Sales” (Wayside Stands and Farmers Markets):

Mr. Padalino provided an overview of the draft language for the possible amendments to the Zoning Ordinance; as defined in the Staff Report dated March 18, 2015.

Mr. Padalino stated that he thought it would be best to remove the existing Article 2: Definitions for Wayside Stand, roadside stand, wayside market; and replace those with the following definitions: Wayside Stand; Wayside Stand, Class A; and Wayside Stand, Class B. Mr. Padalino noted that he felt having a “Wayside Stand” definition would be the best way to deal with the fact that all Wayside Stands are intended to be non-permanent or temporary land uses, and limited to operations during the daylight hours only, regardless of whether it is Class A or Class B. He also recommended an additional definition for each class of Wayside Stand, with different criteria for each. He stated that he tried to include something that would capture whether or not it would be on a back road that happens to be next to a busy road; in doing so, he put in an eighth of a mile or 660 feet, as a way to trigger this as a Class B. The PC discussed this, and generally agreed that 660 feet was a good distance.

Mr. Padalino stated that he introduced a new definition for a Farmers Market. Commissioner Goad asked if this definition would prevent a flea market type scenario. Chair Proulx stated there was a separate definition for a flea market. Mr. Padalino noted that at the end of the definition, there is a clause that would try to prevent things being made available for resale at a Farmers Market.

Mr. Padalino noted that he recommended leaving Wayside Stand in Section 4-11-2 under “Administrative Approvals”; removing the word Wayside Stands and replacing that with Wayside Stand, Class A, providing that the following operational details are reviewed for safety and appropriateness.

Mr. Padalino noted that he feels a sketch site plan is sufficient and that it does not have to be done by an engineer or surveyor, if it’s drawn to scale and has the pertinent details. Supervisor Saunders questioned if a sketch site plan has to be “drawn to scale.” He said that he does not believe it needs to be to scale, if the distance and dimensions are clearly listed. Mr. Padalino indicated that it does not need to be drawn to scale, and that the language could be changed. After further discussion, the Commission recommended the following revision:

- (v) sketch site plan, including the locations and dimensions of the following: ~~drawn to scale, showing (at minimum)~~ the property boundaries, proposed location of wayside stand equipment and/or facility(s), proposed signage, and proposed layout and provisions for safe vehicular access and parking; and**

Commissioner Russell asked for clarification regarding “recommendation for approval.” Mr. Padalino explained that VDOT does not actually “approve” local zoning permits of any kind, and that it refers to VDOT’s review comments that a project is acceptable with regards to safe use of the public road system. Commissioner Russell then asked a question regarding the definition of Wayside Stand, noting it states, “temporary (non-permanent) land use” but, then require them to tell us the duration of operations; what is temporary, the style of building or the operation. Mr. Padalino said “temporary (non-permanent)” refers to the use and operation. After further discussion, the Commission recommended the following revision:

“Any use of land, vehicle, equipment, or facility that is used for the off-site sale of agricultural or horticultural products or merchandise which are produced on an agricultural operation owned or controlled by the seller or the seller’s family. Wayside stands are a temporary (non-permanent) land use. The operation of wayside stands is limited to daylight hours only.”

Commissioner Goad asked how long would be permit last, once a permit is issued. Mr. Padalino said that was a very good question. The issue was discussed; and decided that the following should be added as a condition to the conditions: annual renewal – no fee or site plan required unless layout or configuration is modified.

Commissioner Russell asked if Wayside Stands have to abide by setbacks. She added that these are not called a building or structures, which are defined in the ordinance; and these are not permanent. She thinks that those three (3) things, they do not have to abide by the setbacks. Mr. Padalino said that if it is a permanent structure, they would have to meet the setback regulations. He added that he thinks there should be something added that the stands must be outside of the VDOT right-of-way. He feels that is the only setback that is critical for a Class A.

Mr. Padalino said performance standards need to be added to the proposed criteria for Class A. With regards to Wayside Stand, Class B, those would be dealt with on an individual basis; which would require a Special Use Permit and Minor Site Plan, including review by the PC and the BOS. Commissioner Russell stated that she personally doesn’t like the idea of the BOS having to review Class B Wayside Stand permit applications, and would like to limit them to a PC review.

Chair Proulx stated that she feels the Farmers Market should be a Special Use Permit (SUP) and go before the BOS but not the Wayside Stand, Class B. She said she is unsure of the legality of having a public hearing end with the PC. Mr. Padalino said that when talking with Mr. Payne, some concern was expressed about creating a new type of review procedure outside of the established SUP process. He noted that that the PC can’t authorize zoning approvals, unless it is expressly provided by the BOS. He said that it was Mr. Payne’s recommendation to use the SUP process that’s in place. Chair Proulx then stated that she would rather have Wayside Stand, Class B, as a SUP instead of being in the same category as a Wayside Stand, Class A.

Commissioner Russell stated that going back to the Farmers Market definition; is it considered temporary. If not, her concern is in the business district, there are no front yard setback requirement. Chair Proulx said that conditions could be put on a SUP.

Commissioner Harman wanted to get clarification on the Farmers Market definition regarding the “resale of second-hand products”; meaning someone can’t buy something and resell it. Mr. Padalino said yes. Chair Proulx said “resale” should be changed to “sale”. Mr. Padalino said he would rework that definition.

Chair Proulx said that specific requirements are needed for Wayside Stand, Class A. She asked that Mr. Padalino draft a proposal of those requirements and the PC will review those.

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

1. Zenith Quest: Mr. Padalino said that there were four (4) conditions placed upon the Zenith Quest’s approval. Those conditions included obtaining all state agency approvals: E&S Control Plan approved, a week ago today; VDOT approved on the 12th; DEQ approved the Stormwater Management Plan on the 11th. All state agencies are satisfied, completing 1 condition. He then drew attention to the three (3) County conditions. The first of those is that the roof and siding had to be non-reflective and blend with the surrounding area; and Zenith Quest will go with either Cool Desert Beige or Cool Desert Wheat for the walls. For the roof, they will go with a painted roof in Cool Emerald Green, which will not be reflective. Those materials satisfy the pertinent condition. Separately, the revised landscaping plan was accepted on March 4th, satisfying the applicable condition. Finally, the remaining condition is in regards to access on Family Lane for emergency purposes. Mr. Padalino then drew attention to materials submitted by Tommy Harvey, chief of the Rockfish Valley Volunteer Fire Department and Rescue Squad.

Commissioner Allen made a motion that the Planning Commission accept the emails dated on Friday, March 20, 2015 from Tommy Harvey to Stormy Hopkins and from Tim Padalino to Stormy Hopkins dated Monday, March 23, 2015 in support of the Zenith Quest intersection at Family Lane. Commissioner Goad provided the second; the vote 4—2 5 - 1 in favor with ~~Chair Proulx and~~ Commissioner Russell voting against the motion.

2. Stormwater Management Program: Mr. Padalino stated that the statewide Virginia Stormwater Management Program (VSMP) requirements need to be incorporated into the Zoning Ordinance and Subdivision Ordinance. The BOS made a referral of proposed amendments to account for the state requirement.

Commissioner Goad made a motion that the Planning Commission ask Staff to advertise for legal notice the changes the BOS Resolution R2015-20 approved March 10, 2015 for public hearing at the April 22, 2105 meeting. Commissioner Allen provided the second; the vote 5 – 1 in favor with Commissioner Russell voting against the motion.

Mr. Padalino provided a few updates on the following applications that are pending:

- Farms wanting to be used as festival grounds – currently, there is no provision in the ordinance for such land use. Mr. Padalino is meeting with the County Administrator and County Attorney later this week, regarding these types of interests.
- To date, there has been no response from Mr. William Karnes regarding his deferred Wayside Stand Permit.
- There is a Class III tower permit that is pending from Ms. Cheryl Taylor, of Velocitel, for an AT&T tower in Afton. Ms. Taylor has a contract for the lease area with a landowner.
- The “Blue Ridge Bowl” Special Event Permit (SEP) review process is mostly complete, and they have approvals from the necessary regulatory and law enforcement agencies. The County needs to receive the \$25.00 application fee in order to approve the SEP. Mr. Padalino also noted that he needs to make sure the Sheriff’s Office and the VA State Police conditions for traffic are properly satisfied.

Commissioner Russell asked if the PC needs to take action on Mr. Karnes’ Wayside Permit application since it was deferred, pending the hearing of Kim Page’s SUP request. Mr. Padalino said he believes there should be. After further discussion, the PC decided that a review of Mr. Karnes’ deferred application would be added to the April meeting agenda, and that a certified letter shall be sent to Mr. Karnes to notify him.

Chair Proulx stated that Commissioner Harman had asked about the possibility of having Supervisor Saunders do a BOS report at the meetings. Supervisor Saunders provided the following:

- The pipeline.
- The BOS is meeting every week over the next 6-8 weeks to discuss the annual County budget.
- The proposed definition for Artists’ Community has been published for a public hearing by the BOS.
- There are plans to remodel the old courtroom; Judge Gamble has been working with the County on a nice concept.

Adjournment:

At 9:05 P.M. Commissioner Allen motioned to adjourn.

Respectfully submitted,

Stormy V. Hopkins
Secretary, Planning & Zoning

**NELSON COUNTY PLANNING COMMISSION
MEETING MINUTES
April 22, 2015**

Present: Chair Philippa Proulx, Commissioners Linda Russell, Mike Harman, Mary Kathryn Allen, 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 – February 25, 2015 and March 25, 2015: Chair Proulx asked if there were any further changes to the revised February 25th meeting minutes; no changes were noted.

Commissioner Harman made a motion to approve the February 25, 2015 minutes be approved as noted; the vote 6-0.

Chair Proulx asked to postpone the approval of the March 25, 2015 minutes until the next meeting; the Commission agreed.

Chair Proulx stated there was one change in the agenda; noting that Wayside Stand Permit #2014-001 for Mr. William Karnes will not be heard due to it being an incomplete application.

1. Consideration of Proposed Amendments to Zoning and Subdivision Ordinances:

Mr. Padalino stated that the County's local zoning and subdivision ordinances need to be amended to reflect and incorporate the new statewide requirements, established by the Virginia Stormwater Management Program (VSMP).

Chair Proulx opened the public hearing at 7:04 p.m. for comments; no comments were made. Chair Proulx closed the public hearing at 7:04 p.m.

Mr. Padalino's staff presentation began with proposed amendments to the Zoning Ordinance. He noted that he had assembled the proposed amendments onto Powerpoint slides in numeric order for easy reference.

Mr. Padalino noted that the first proposed change would be to add the following clause to Article 7 – Residential Planned Community District RPC; Section 7-8 – Street Improvements: “, and conform to all other applicable ordinances and laws.”

Mr. Padalino noted that there are a few proposed amendments to Article 10 – General Floodplain District FP. Specifically, the change would be to Section 10-16: Standards for the floodway district; Item A, #4. Commissioner Russell suggested that stormwater management permit be capitalized. It was discussed by the Planning Commission (PC) and determined that it should remain as is. Mr. Padalino noted that in an attempt to keep language and terminology consistent, he used the phrase “stormwater management BMPs/facilities” throughout the proposed amendments for the following sections:

- Article 10-20, Item B;
- Article 10-21, Item D;
- Article 13-4, Item R;
- Article 13-6-1, Item i: Storm drainage facilities
- Article 13-6-1, Item l: Bond;
- Article 13-7, Item C, #7

Commissioner Russell asked if Article 13, Item E in the Major Site Plan checklist, should include "Virginia Department of Environmental Quality (DEQ)" in the signature panel. Mr. Padalino said he feels it would be sufficient to have a copy of DEQ's approval letter (on official letterhead) on file, instead of DEQ signing the actual site plan drawings.

Mr. Padalino identified the proposed amendment in Article 13-6-2 regarding variances: if a variance is granted, that does not exempt them from the VSMP requirement. He then noted Article 13, Section 7: Administration, Item C contains a proposed amendment that would accurately reflect the VSMP requirement.

Mr. Padalino then began presenting information about the proposed amendments to the Subdivision Ordinance. He noted that currently, the Subdivision Ordinance has the Erosion & Sediment (E&S) Control Plan and Stormwater Management in one section. The proposed amendments would result in the E&S Control Plan being an independent item, with a new item D being established for Stormwater Management Plan.

Mr. Padalino noted that in Article 5-4, Item B: Contents of Preliminary Plat, #7 be amended to show the stormwater management BMPs/facilities. He noted that the final change would be in Article 5-5, Item D: Addenda with Final Plat, #9; this would require that an approved stormwater management plan and/or documentation of permit coverage be provided to the County, if it applies to the project. Commissioner Russell stated that she does not believe there is a #8 in the current ordinance. Mr. Padalino said he would make this change to reflect the correct numerical sequence.

Commissioner Allen asked if Article 10-16, #4 and Article 13-4, Item GG state the same, and if so, they should be changed to be consistent. Mr. Padalino said he would make that change to make the language clear and consistent.

Chair Proulx asked for a motion, in resolution form. Commissioner Russell said she would like to see a clean copy, with the changes as noted, before making a motion.

Commissioner Allen made the following motion:

WHEREAS, the Nelson County Planning Commission has received and reviewed in public session conducted on April 22, 2015 a staff report on changes proposed to Appendix A-Zoning (Nelson County Zoning Ordinance) and Subdivision Ordinance of the Code of the County of Nelson, Virginia; and,

WHEREAS, the staff report proposed changes to the Zoning and Subdivision Ordinance in order for these Ordinances to reflect the County's decision to have the Virginia Department of Environmental Quality (DEQ) administer the Local Stormwater Management Program;

NOW, THEREFORE, BE IT RESOLVED by the Nelson County Planning Commission pursuant to the applicable provisions of Title 15.2 Chapter 22, Planning, Subdivision of Land and Zoning of the Code of Virginia, 1950 with specific reference to §15.2-2285 of said Code, that the proposed amendments of the Code of Nelson County to incorporate local Stormwater Management Program administration components be recommended for approval to the Nelson County Board of Supervisors for review and development, including change to Article 10, number 4 to be consistent with Article 13, GG; and Appendix B: Section 4: 5-5, Item D to make sure numbers are corrected.

Commissioner Harman provided the second; the vote 5-1 in favor, with Commissioner Russell voting against the motion.

Commissioner Russell asked that ~~a copy of the changes~~ a revised copy reflecting changes recommended by the PC be added to the minutes. Mr. Padalino said those would be provided.

Other Agenda Items:

1. Minor Site Plan #2015-04 – Taylor Smack / Blue Mountain Brewery:

Mr. Padalino stated that a complete application was received on March 27th from Mr. Taylor Smack of Blue Mountain Brewery. The application for Minor Site Plan #2015-04 seeks the County's zoning approval to construct a 25-space employee-only parking lot, and to install landscaping, a locked gate, and two (2) very small informational signs. The proposed construction of the parking lot would be a permissible by-right use pursuant to Zoning Ordinance §4-1-10 and §12-7-1. The subject property is located on Route 151 in Afton, in the North District. It is a 2.472 acre parcel, zoned Agricultural (A-1) and further identified as Tax Map Parcel #4-A-60.

Mr. Padalino noted that there is an existing entrance on the subject property; and the applicant is seeking approval from Virginia Department of Transportation (VDOT) for a low-volume commercial entrance. Part of that process is to get an approved Site Plan at the ~~local~~ County level.

Mr. Padalino referenced Sheet 2 of the Site Plan. He indicated that the Site Plan depicts a proposed new employee parking lot with 25 spaces. The gravel parking lot that would contain a parking block for each space. A locked gate would be utilized to control access to the parking lot, for the purpose of ensuring that employees only (and no patrons) would park there.

Mr. Padalino stated that the site layout attempts to preserve desirable site features. Specifically, the parking lot is configured to allow several existing mature canopy trees to remain and to provide some shade for the lot. Other proposals to improve the site include the installation of landscaping along the entire side of the parking lot facing Critzer Shop Road, which is a designated Virginia Scenic Byway. Other improvements include the removal and official abandonment of an existing well, which is a process that requires a Health Department permit; and the removal, re-grading, and re-seeding of an abandoned driveway area.

Mr. Padalino also noted that the site plan identifies a total land disturbance area of 32,000 SF, which requires an ~~Erosion & Sediment (E&S) Control Plan~~. He noted that the Minor Site Plan checklist does not require an E&S Control Plan, but that the applicant is aware of the need for an E&S Control Plan to be submitted, reviewed, and approved prior to construction. He indicated that the applicant will be submitting an E&S Control Plan directly to the Building Inspections Department and to the Thomas Jefferson Soil & Water Conservation District.

Mr. Padalino summarized the Site Plan Review Committee Members' comments; ~~those comments are~~ as follows:

- Ms. Alyson Sappington of the Thomas Jefferson Soil & Water Conservation District **will review**s the Erosion & Sediment (E&S) Control Plan. She noted the site layout needs to accommodate the stormwater management or E&S Control facilities. She also brought up the concept of trying to accommodate for any future development with the initial E&S and stormwater plans. The applicant clarified that they do not have plans to do any future development at this time.
- Mr. Tom Eick of the Virginia Department of Health confirmed that a permit would be needed to officially abandon a well.
- Mr. Jeff Kessler of Virginia Department of Transportation (VDOT) had a few issues but those were addressed on the revised site plan, such as moving the locked gate out of the VDOT right-of-way. It was noted that the entrance would be limited to a maximum of fifty (50) vehicle trips per day, which is a requirement for a low volume commercial entrance permit.
- Mr. David Thompson, Nelson County Building Official noted that an approved E&S Control Plan and Land Disturbing Activity Permit are both required.
- Commissioner Russell, as Planning Commission representative, identified concern that a portion of the parking lot would be located within the required front yard setback area.

Mr. Padalino noted that as stated in the Staff Report, he considers the proposed layout to be acceptable and compliant with applicable ordinance provisions **for the following reasons:** ~~He indicated that the following reasons lead him to that conclusion:~~

Site Specific Considerations:

1. The VDOT right-of-way (ROW) is abnormal. The ROW configuration is based on a previous road alignment, and the ROW was never adjusted when the road was rebuilt. He stated that the proposed parking lot location would meet the front yard setback requirements using one of the two criteria; it has to meet either the 50' minimum distance from the edge of the right-of-way or the 75' minimum distance from the centerline. He noted that the parking lot would be less than 50' from the right-of-way but would be greater than 75' from the centerline. He indicated that the parking lot would be approximately 82' from the centerline at its closest point.
2. Blue Mountain Brewery is trying to use the existing grade and terrain. The majority of the property is sloped, but the proposed configuration would utilize an existing flat area, which would prevent the applicant from having to reconfigure the parking lot and compromise the existing canopy trees.
3. The revised landscape plan (dated April 14th) includes additional landscaping materials to provide more effective screening. The recent revisions include evergreen shrubs along almost the entire frontage of the proposed parking lot.

Administrative Considerations:

4. The partial encroachment in the front yard setback area is acceptable relative to the site conditions and to other administrative issues regarding this project and other recent ones.

Chair Proulx asked if the applicant had anything to add to Mr. Padalino's summary.

Taylor Smack of Blue Mountain Brewery in Afton: Mr. Smack indicated that an E&S Control Plan would be submitted to Alyson Sappington tomorrow or Friday. He noted that all E&S control measures would be located off to the right side of the parking lot, which is the south side; and that they would be located outside of the setback areas. He also noted that the final location would be unlikely to affect the overall site layout.

Mr. Smack then noted that the old Route 151 cuts directly across the property. He also noted that the proposed project was not a structure but a gravel parking lot. He indicated that there is a nice sloping hill on the subject property, and they wanted to line up the location of the parking lot parallel to Route 151 because it would fit in better. He stated that they didn't want to put the parking lot any higher on the hill because of the existing trees and the pole light. He stated that the existing pole light was from the old residence and it does still hold power. He said that the old light could be removed. He indicated that a new dark sky light had been put in next to the old power pole. Commissioner Russell asked if the light would be on twenty-four (24) hours. Mr. Smack said the light was on a timer.

~~Commissioner Russell asked about the gate and if it would be left open all night. Mr. Smack said the gate would be open at night and employees would close the gate at the end of business. Commissioner Russell also stated that they would be an overlap in parking. Mr. Smack said this would be a first come first serve employee parking area.~~

Commission Russell asked if the gate would be left open all night. Mr. Smack said the gate would be open at night and employees would close the gate at the end of business. Commissioner Russell noted that with the changing of shifts, there could be parking overlap. Mr. Smack said that parking would be on a first come basis for his employees.

Commissioner Russell stated that she agrees with Alyson Sappington's concern about future development. She noted that since some of the setback area would be used for parking, this may result in future development requiring a more expensive E&S. Mr. Smack stated that he was aware of that.

Commissioner Russell made a motion that the Planning Commission approve the Minor Site Plan submitted by Taylor Smack for Blue Mountain Brewery located on Critzer Shop Road as evidenced by the Site Plan dated March 27, 2015 and revised April 14, 2015. The conditions for this approval is that the old light fixture on the pole be removed, and that the Planning & Zoning Director may give final approval to any future signage as shown on the plan.

Commissioner Harman provided the second; the vote 6-0.

2. Wayside Stand Permit #2014-001 – Mr. William Karnes (Tax Map #12-A-109) – continued from November 19, 2014.

Mr. Padalino stated that a certified letter was mailed to Mr. Karnes notifying him that his application would be put back on the agenda. He stated that he also communicated Mrs. Kim Page, who is the property owner where Mr. Karnes wishes to put the wayside stand, to see if she still authorizes the use of her property. Ms. Page replied that with the issues involving the entrance(s), she could not allow this application to move forward in connection with her property.

Other Business:

Possible Zoning Ordinance Amendments pertaining to “Off-Farm Sales” (Wayside Stands and Farmers Markets):

Mr. Padalino stated that the proposed definition for Wayside Stand has changed to now read to include the following: *“The use of any land, vehicle, equipment, or facility...”*

Mr. Padalino noted that there was a question from last month’s meeting regarding “second-hand products” in the Farmers Market definition. He said that he took the language that was used in the Flea Market definition that currently exists in the ordinance and tailored it to read as follows, *“...not to include the sale of second-hand products, or other merchandise purchased specifically for resale at a profit.”*

Commissioner Allen asked what is being referred to when using the term “second-hand products” in the Farmers Market definition. Chair Proulx stated that this is for “off-site” sales of products, and that the person with the stand, has to be the one producing the produce. Mr. Padalino stated this was to prevent someone from going to another location, purchasing goods and coming back and selling them. He also noted that this concept is to have a Farmers Market do what it is intended to do, which is to support local agriculture, and not do a retail operation. Supervisor Saunders stated that he was under the impression that “second-hand” was referring to flea market type items. Commissioner Goad stated that the PC could differentiate between produce that was bought and resold, and merchandise.

After the noted discussions, it was decided that the Farmers Market definition would read as follows:

Farmers Market: Any structure, assembly of structures, or land used by multiple vendors for the sale of agricultural and/or horticultural products, and/or agriculture-related goods and services; but not to include the sale of merchandise purchased specifically for resale.

Commissioner Goad stated that he feels that the first three (3) words should be deleted from the Wayside Stand definition ~~as well along with some others~~. Commissioner Allen asked if the last sentence should be removed regarding daylight hours. It was agreed and the definition would read as follows:

Wayside Stand: Any land, vehicle, equipment, or facility that is used for the off-site sale of agricultural, horticultural products, merchandise which are produced on an agricultural operation owned or controlled by the seller or the seller’s family. Wayside stands are a temporary (non-permanent) land use.

Wayside Stand, Class A: Mr. Padalino noted that there were six (6) performance criteria for Wayside Stand, Class A and provided a summary of the draft criteria for each of those. The Planning Commission discussed each item; comments are listed below:

(i) *Proposed frequency and duration of operations (throughout the day, week, month, and calendar year):*

Commissioner Russell stated that by definition it's limited to daylight hours then she's not sure if item b is needed. She also indicated that the idea behind this process is to make it easier for someone to have a stand. She indicated that some criteria needs to be added so that Mr. Padalino has something to use when he approves these, but to do that, some restrictions need to be put in place.

Chair Proulx stated that the restriction to operating during daylight hours makes sense for safety reasons. ~~so that these uses would not be conducted at night.~~ Commissioner Russell stated that she does not have a problem with someone wanting to operate seven (7) days a week during the summer. She added the question that, since this is a temporary use, does the "weeks per year" need to remain as one of the criteria.

Supervisor Saunders asked what the reasoning is for the proposal to limit operations to daylight hours. Commissioner Russell stated that nighttime operations would involve the use of electricity; that wayside stands are meant to be temporary operations; and if the operation was happening at all hours, it would probably be defined as some other land use. Supervisor Saunders added that an existing structure with electricity could be used as a wayside stand.

Commissioner Goad stated that he thinks something should be added in regards to the approval from the owner of the property. Mr. Padalino said that the heading would be changed to "Property Owner Approval". He indicated that he would the items listed above to the criteria.

(ii) Location and type of proposed wayside stand equipment or facility:

Commissioner Russell stated that the word "structures" is listed and she feels that it should not be used, because it has a legal definition. Mr. Padalino stated that he thinks that is acceptable, due to the fact that someone could reuse an old building for the sale of products. Commissioner Russell asked for clarification between that and a temporary, non-permanent land use. Mr. Padalino clarified that one could reuse a permanent structure that is only temporarily used during daylight hours.

(iii) Detailed information about the type(s) of products for sale, including:

Chair Proulx stated that she was confused with the criteria regarding the detailed information about the type(s) of products for sale. She was unclear as to what was meant when asking for the specific property information and asked if that was for the agricultural operation from which the product was derived. Mr. Padalino said that was correct.

Commissioner Goad stated that he does not feel the seller needs to provide a complete list of the types of products. Mr. Padalino suggested that a signature line be added that confirms that the owner is selling only what he grew, on property that is owned or controlled by him.

(iv) Location and details of proposed signage: No changes were suggested.

(v) Sketch site plan, including accurate locations and dimensions of:

Chair Proulx stated that she would like to see something added for a lighting plan if operating at night for safety reasons. This could be reviewed and approved by the Planning & Zoning Director. Mr. Padalino said he would add a lighting plan as another criteria item.

(vi) Review comments from Virginia Department of Transportation: No changes were suggested.

Commissioner Russell asked what would happen if a Wayside Stand, Class B application was referred to the Planning Commission for recommendation for the Planning & Zoning Director's approval. She stated this would be similar to the process that is used for some of the communication towers. She also noted that there is no criteria list for the approval of a Class B permit. Mr. Padalino stated that it was determined that all Class B permits would

be a Special Use Permit. Chair Proulx stated that this would allow for public comment, since it is on higher traffic areas.

Mr. Padalino stated that he would provide clean copy with the noted changes for the PC to review and make their recommendation to the BOS.

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

1. **AT&T Class C tower permit application:** Mr. Padalino said that the Planning & Zoning Department received an application for a new Class C Communication tower, located on Pine Needles Lane in Afton. This will be on next month's Site Plan Review Committee agenda. He noted that there are some requirements that need to be met with the new ordinance. A balloon test needs to be coordinated with the applicant and the PC through the Planning & Zoning Department. There needs to be at least ten (10) days advance notice.
2. **Rezoning:** Mr. Padalino stated that there will be a rezoning for public hearing for Mountain Sports in Nellysford.
3. **Special Use Permits:** Mr. Padalino noted that there are potentially a set of Special Use Permits for a retail operation in Lovington. He noted that nothing has been received, but they have until Friday to submit the required documents. He also noted that Staff has been working with the prospective applicant for the last four (4) to five (5) months.

Commissioner Russell asked if Mr. Padalino had heard from Michael Penny. Mr. Padalino said he had not. It was his understanding that Mr. Penny had asked to hold his application on a postponement through April, in case the Crozet site did not work out.

Board of Supervisors Report: Supervisor Saunders provided the following:

1. Taxes were not being raised.
2. At the last budget meeting, most requests were approved; ~~except~~ **except** for the School Board budget, not all information has been received.
3. Employees and school members would be getting raises.
4. The Courthouse Committee has a scheduled meeting for tomorrow to review some stages of the Courthouse renovation plans:
 - a. Renovate the Clerk's existing office; bids will go out at the end of June or first part of July, and construction will hopefully start in the early fall. Landscaping will be done after this phase.
 - b. There will be additions to the back of the building.
 - c. There will be changes to where personnel are located.
 - d. There will be an expansion that will keep the judge, jury, public, and prisoners separate.
5. The School is going to have some major capital improvements coming in the next year, which there will be some big expenditures coming for that. There will be new a new security system for the schools. A new roof will be put on Tye River Elementary.
6. The Gladstone ~~damper~~ **dumpster** site will be paved.

Adjournment:

At 8:54 P.M. Commissioner Allen made a motion to adjourn.

Respectfully submitted,

Stormy V. Hopkins
Secretary, Planning & Zoning



PERMIT APPLICATION:

Nelson County Department of Planning & Zoning

TO THE ZONING ADMINISTRATOR: REZONING # 2015-01
application type application number

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

- Rezoning from A-1 to B-1 Conditional Rezoning from _____ to _____
- Subdivision - Preliminary Site Plan - Preliminary (optional)
- Subdivision - Final Site Plan - Final
- Major Site Plan Special Use Permit
- Minor Site Plan Other: _____

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

Reason(s) for request: This Request is Being Submitted to determine the feasibility of Applicant's Future Intended use, PRIOR to purchase

(Please use reverse or attach additional sheet if more space is needed.)

2. Applicant(s) and Property Owner(s):

(Please provide names of applicants and property owners and indicate applicable title; if applicant is not the property owner, please show relationship, i.e. lessee, contract purchaser, etc.)

Applicant Property Owner Name: Joseph B. Kober "Sepp"
 Mailing Address: 1578 Beckoning Ridge Rd., Charlottesville, Va 22901
 Telephone # 434-906-0807 E-mail Address: seppkober@icloud.com
 Relationship (if applicable): _____

Applicant Property Owner Name: _____
 Mailing Address: _____
 Telephone # _____ E-mail Address: _____
 Relationship (if applicable): _____

(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) info.)

3. Location and Characteristics of Subject Property:

a. Address of property (specific location, route numbers, street names, voting district, etc.):

2950 Rockfish Valley Highway

b. Official tax map number: TAX MAP 22 A-19 + Tax Map 22 A-18

c. Acreage of property: 1.273 + 4.70 (-)

d. Present use: VACANT

e. Present zoning classification: ~~A-1~~ R-1 (SK)

f. Zoning classification of surrounding properties: ~~A-1~~ • PUD • B-1

(SK) R-1

X 4. Names of Adjacent Property Owners: MALCOLM DODD

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: *[Handwritten Signature]*

Printed Name: Joseph B "Sage" Kober

Signature: *[Handwritten Signature]*

Printed Name: _____

(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) signatures.)

6. Additional information: (Please attach separate sheet for additional details, explanations, etc.)

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 (determined by the actual cost of the ad). This fee will not apply in cases of Planning Commission or Board of Supervisors deferment.

..... TO BE COMPLETED BY PLANNING & ZONING STAFF

o Completed application and fee (\$ 400.00) received on 3/27/15

o Hearing Notice published on _____

o Planning Commission action: Date of Meeting / Hearing: _____

Recommendation: _____

o Board of Supervisors action: Date of Hearing: _____ Date of Decision: _____

Action: _____

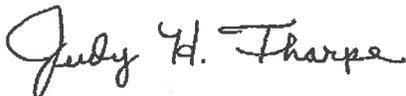
April 9, 2015

TO WHOM IT MAY CONCERN:

It is my understanding and acceptable to the Sellers that the Buyers are advertising for a B-1 zoning change on the property at 2950 Rockfish Valley Highway, Nellysford, Virginia. All the Sellers had already signed off on the contingency that is written into the contract regarding the rezoning.

Thanks for your help and let us know if you need anything else regarding this contract.

Sincerely,

A handwritten signature in cursive script that reads "Judy H. Tharpe".

Judy H. Tharpe
Executrix of the Estate of Frances H. Hughes
4413 Blenheim Rd.
Charlottesville, VA 22902
434-981-0413 (CELL)
434-977-5734 (HOME)
434-924-5114 (WORK)

S.L. Key, Inc.

Timothy M. Padalino
Director Planning and Zoning
P. O. Box 558
Lovingsston, VA 22949

March 25, 2015

Subject: rezoning of TMPs 22-A-18 and 19

Mr. Padalino,

We are asking for the rezoning of Nelson County tax map parcels 22-A-18 and 22-A-19 from residential to retail sales. The parcels lie on the eastern side of Rockfish Valley Highway and extend to the east to the Rockfish River. Parcel 22-A-19 is occupied currently by a large white frame building that was previously a store. Parcel 22-A-18 is vacant. The total acreage involved in the rezoning is just under 6 acres with about half of that acreage lying with in the 500 year flood plain.

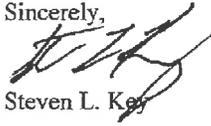
The proposed use of the parcels would be for the construction of an 8000 square foot retail store and the associated parking. The "Mountain Sports" store would offer for sale a complete line of outdoor sports equipment and clothing.

The Mountain Sports store would provide shopping that fits well with the other venues along the 151 corridor. It is also projected to provide 25 local jobs.

The site is in the center of what is a mixed use commercial area. It would fit well with the other businesses in the vicinity.

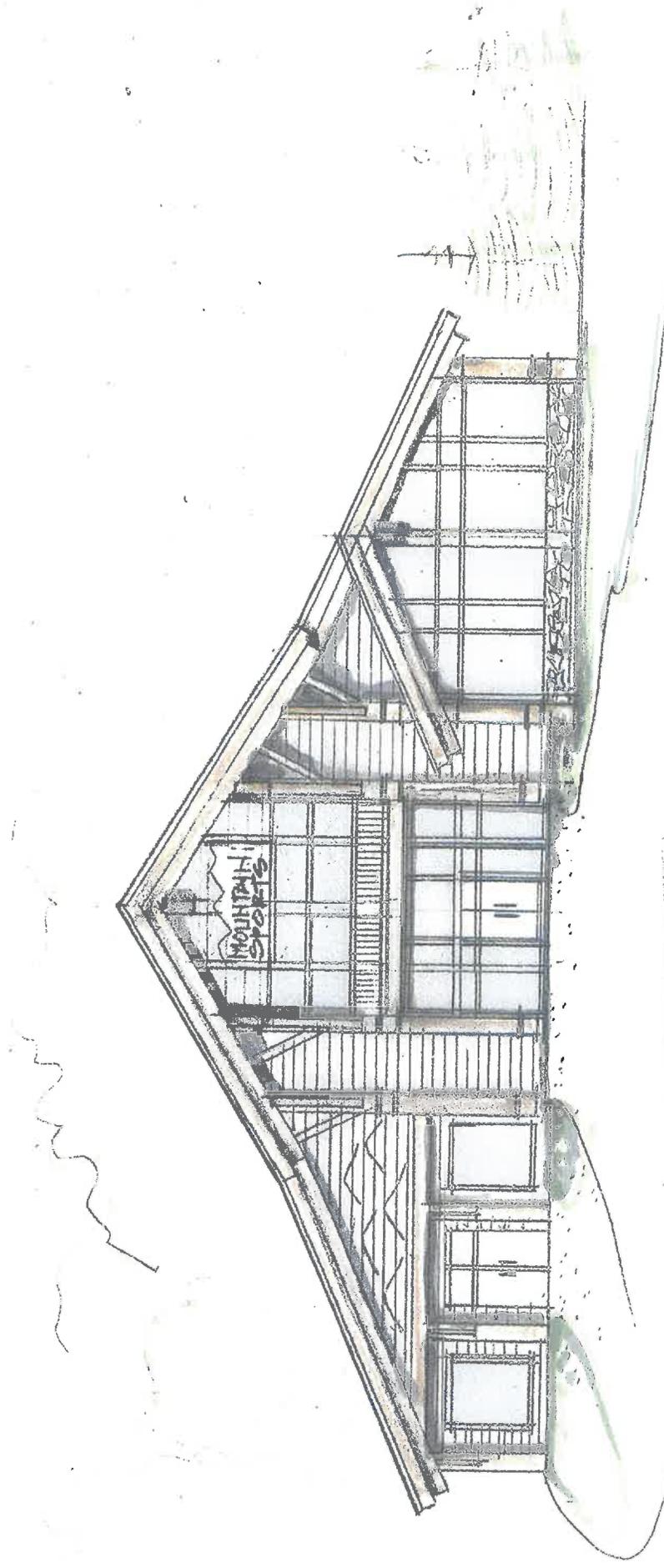
The plan is designed to provide minimal environmental impact and storm water runoff generation. The parcels slope gently from southwest to northeast with a slightly steeper spot in the middle that drops to the flood plain. The relative flatness of the front allows storm water to soak in rather than run off.

Sincerely,

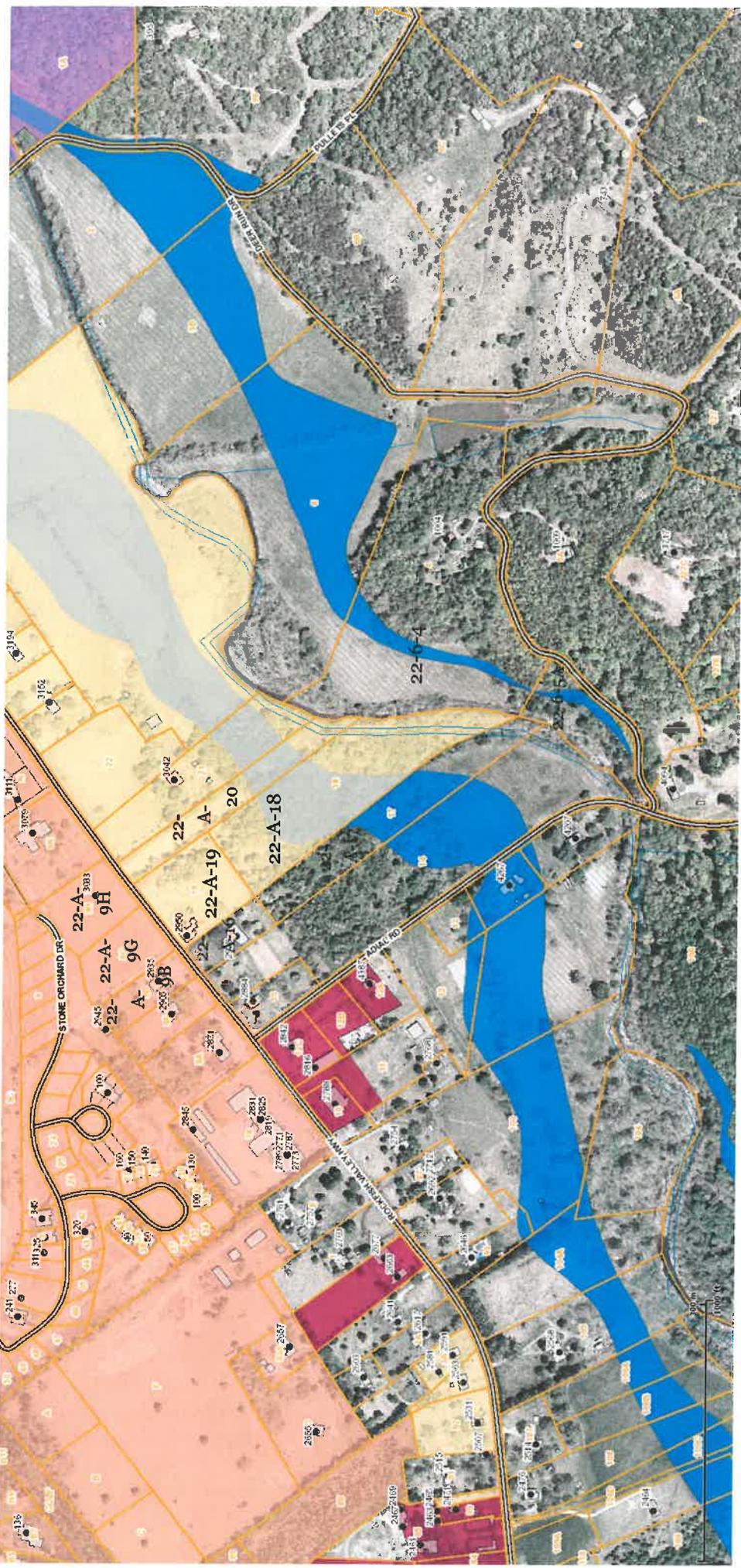


Steven L. Key

P.O. Box 522
Nellysford, VA 22958
Ph.: (434) 361-2507
Fax: (434) 361-1038



MOUNTAIN SPORTS
NELLYSFORD, VA
MAY 7, 2015



Parcel ID	Parcel Address	Owner Name
22-A-19	2950 ROCKFISH VALLEY HWY	THARPE JUDY H & HUGHES HERBERT F
22-A-18		DODD CLAUDE MALCOLM
ADJACENT PROPERTY OWNERS:		
22-A-16	2928 ROCKFISH VALLEY HWY	DODD CLAUDE MALCOLM
22-A-20		SMALL MAXINE
22-A-17		DODD LUCY MAY
22-6-5A	1009 DEER RUN DR	RAY SARAH M
22-6-4	1004 DEER RUN DR	SWEENEY CHERYL LOUISE
22-A-9B	2935 ROCKFISH VALLEY HWY	CENTRAL FIDELITY BANK
22-A-9C		STEPHENS JOHN S & GAYLE
22-A-9H	3033 ROCKFISH VALLEY HWY	UNIV OF VA COMMUNITY CREDIT UN

Stormy Hopkins

From: Tim Padalino
Sent: Tuesday, May 12, 2015 10:18 AM
To: Kessler, Jeffery B., P.E. (VDOT)
Cc: Stormy Hopkins
Subject: FW: Mountain Sports Access Management Letter 5-11-15.pdf
Attachments: Mountain Sports Access Management Letter 5-11-15.pdf; ATT00001.htm

Hello Jeff,

Mrs. Robin Meyer, on behalf of Mr. Sepp Kober and Mountain Sports, has submitted the attached transportation analysis in connection with their pending rezoning request.

Please confirm your receipt of this info; and please let me know if you have any questions or comments once you review the attached info. The Planning Commission is scheduled to conduct a public hearing on this rezoning request on Wednesday, June 27th.

Thank you Jeff; sincerely,
Tim

Tim Padalino
[434]-263-7090

From: Sepp Kober [mailto:skoiber@freestyleonline.com]
Sent: Monday, May 11, 2015 9:08 PM
To: Tim Padalino
Cc: Robin Meyer
Subject: Fwd: Mountain Sports Access Management Letter 5-11-15.pdf

Tim

Looks like Robin had a typo with your email address. Please see below. Thanks for your help with all of this!

Regards,

Sepp

Sepp Kober
FREESTYLE
www.freestyleonline.com
[434.978.4091](tel:434.978.4091) (o)
[434.978.4162](tel:434.978.4162) (f)
[434.906.0807](tel:434.906.0807) (m)

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Begin forwarded message:

From: Robin Meyer <robinmeyer32@gmail.com>

Date: May 11, 2015 at 7:07:03 PM EDT

To: "tpalalino@nelsoncounty.org" <tpalalino@nelsoncounty.org>, Sepp Kober <skober@freestyleonline.com>

Subject: Mountain Sports Access Management Letter 5-11-15.pdf

Tim,

Attached is the information VDOT requested for The Mountain Sports Re-zoning.

Could you please forward it to the appropriate people at VDOT please. I'm away and do not have the contact information.

Thank you,

Robin Meyer

Lexington

Wes Perkins, LS
Russ Orrison, PE, LS

Pierson Hotchkiss, LS
Gavin Worley, PE



Lynchburg

Kenneth Knott, LS
Norman Walton, PE

Aaron Dooley, LS

May 11, 2015

Robin Meyer, Architect
7852 Rockfish Valley Highway
Afton, VA 22920

RE: Mountain Sports Retail Store (Access Management)
TM# 22-A-19 and TM# 22-A-18
State Route 151, Rockfish Valley Highway

Dear Mrs. Meyer,

This letter is to address Access Management per VDOT design standards for the proposed Mountain Sports Retail Store entrance on State Route 151 for the purposes of the rezoning of the property.

Intersection Sight Distance

State Route 151 is a two lane, minor arterial roadway with a posted speed limit of 45 MPH per VDOT's 2014 Functional Classification. The required intersection sight distance (left and right) is 500 linear feet. During our site investigation on 5/8/2015, intersection sight distance left measured approximately 1,750 linear feet. Intersection sight distance right was obstructed by several trees on the subject parcel, but would measure approximately 1,150 linear feet with their removal.

Stopping Sight Distance

The required stopping sight distance for a flat roadway with a 45 MPH speed limit is 360 linear feet. With minimal vertical curves and horizontal alignment changes, the stopping sight distances are slightly greater than or equal to the measured intersection sight distances.

Entrance/Intersection Spacing

The minimum spacing between commercial entrances, intersections, and median crossovers for a minor arterial roadway with a posted speed limit of 45 MPH is 250 linear feet. During the site investigation, the nearest entrances/intersections were measured at 725 linear feet to the left and 2,425 linear feet to the right. The commercial entrance on the opposite side of the roadway is offset 82 linear feet to the right to avoid left-turn lock ups and crash-prone traffic movements.

Trip Generation and Turning Lane Warrants

According to Code 861 (Sporting Goods Superstore) of the ITE Trip Generation Manual-8th Edition, the proposed 8,000 square foot sporting goods retail store will generate 25 peak hour trips with 47% entering

17 W. Nelson Street · P.O. Box 1567
Lexington, Virginia 24450

27 Green Hill Drive
Forest, Virginia 24551

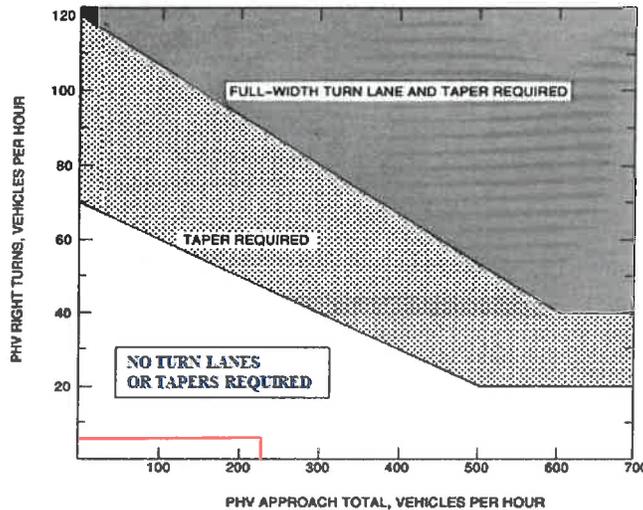
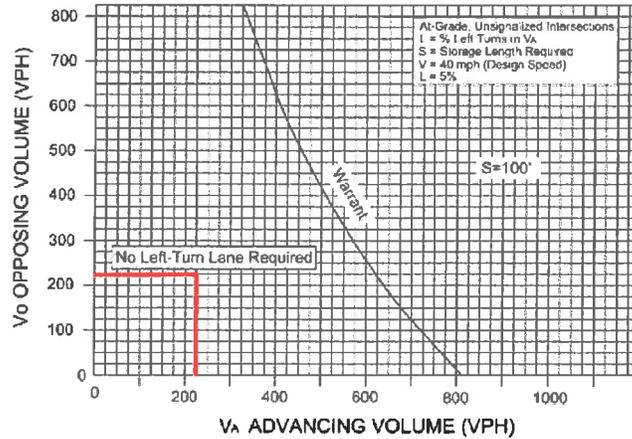
540-464-9001 Fax: 540-464-5009

434-525-5985 Fax: 434-525-5986

Email: pno@perkins-orrison.com

the facility. This equates to 12 peak hour trips entering the facility. Daily trip generation information was not available for this retail land use.

Per the VDOT 2013 Traffic Data, the AADT for State Route 151 between Beach Grove Road and State Route 6 is 4,500 daily trips with a 50/50 directional split and peak hour K-factor of 0.0962. This equates to 433 peak hour trips; 216 opposing and 216 advancing. Based on the information presented above and VDOT design charts below, no left or right turns are warranted for this project.



Per VDOT Access Management design standards, the proposed entrance location is safe and adequate. Should you have any questions or comments regarding this letter, please feel free to contact me.

Sincerely,

Norman B. Walton, Jr., P.E.
 Perkins & Orrison, Inc.

DEPARTMENT OF
PLANNING & ZONING



PLANNING COMMISSION
BOARD OF ZONING APPEALS

May 12, 2015

Dear Property Owner:

The following petition has been made to the Planning Commission (PC) and the Board of Supervisors (BOS), regarding a tract of land adjacent to or near property you own in Nelson County:

Rezoning #2015-01 – Mountain Sports Retail Space / Mr. Joseph B. Kober

Consideration of an application to rezone two parcels, consisting of 6.06 acres from Residential (R-1) to Business (B-1). The subject properties are identified as Tax Map Parcels #22-A-18 (owned by Herbert F. Hughes) and #22-A-19 (owned by Claude Malcolm Dodd), and are located at 2950 Rockfish Valley Highway in Nellysford.

Specifically, the applicant wishes to rezone the properties to construct an 8,000 square foot “retail store” and accompanying parking lot on the subject properties.

This application will be considered at a public hearing conducted by the PC on Wednesday, May 27, 2015 at 7:00 P.M. in the General District Courtroom on the third floor of the County Courthouse, Lovingsston. After the PC conducts a public hearing, they will vote to refer the application, with recommendations, to the BOS.

The application will then be considered at a public hearing conducted by the BOS on Tuesday, June 9, 2015 at 7:00 P.M. in the same location. After the BOS conducts a public hearing, they will take action on the application to approve it, reject it, or approve it with conditions.

As required by law, this notice is being sent to inform adjoining property owners of this request. If you wish to learn more about this request and/or to comment on it, you may contact and/or visit the Department of Planning & Zoning, and/or attend the meeting. Please contact staff with any questions and/or requests for assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim M. Padalino".

Timothy M. Padalino
Nelson County Director of Planning & Zoning

TMP/svh

Copy to: Mr. Joseph B. Kober
Judy H. & Herbert F. Hughes
Mr. Claude Malcolm Dodd
Ms. Robin Meyer

Rezoning #2015-01 – Mountain Sports Retail Space / Mr. Joseph B. Kober

Judy H. Tharpe & Herbert F. Hughes
4413 Blenheim Road
Charlottesville, VA 22902

Claude Malcolm Dodd
P.O. Box 207
Nellysford, VA 22958

Maxine Small
P.O. Box 102
Nellysford, VA 22958

Lucy May Dodd
201 Mays Street
Madison Heights, VA 24572

Sarah M. Ray
1009 Deer Run Drive
Nellysford, VA 22958

Cheryl Louise Sweeney
P.O. Box 92
Nellysford, VA 22958

Central Fidelity Bank
P.O. Box 2609
Carisbad, CA 92018

John S. & Gayle Stephens
305 S Front Street
Wilmington, NC 28401

University of Virginia Community Credit Union
3300 Berkmar Drive
Charlottesville, VA 22901

Stormy Hopkins

From: KEYLS@aol.com
Sent: Tuesday, April 28, 2015 7:07 AM
To: skober@freestyleonline.com; Tim Padalino
Cc: robinmeyer32@gmail.com; Stormy Hopkins
Subject: Re: Rezoning #2015-01 - Joseph B. Kober / Mountain Sports

Friday 2 or after works for me.
Steve

In a message dated 4/27/2015 2:32:00 P.M. Eastern Daylight Time, skober@freestyleonline.com writes:

Thanks Tim!

Let me chat with Robin and I will be back in touch.

Thanks,

Sepp

Sepp Kober
FREESTYLE
475 Westfield Road
Charlottesville, Va. 22901
www.freestyleonline.com
434.978.4091 (o)
434.978.4162 (f)
434.906.0807 (m)
Skype: seppkober



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On Apr 27, 2015, at 1:07 PM, Tim Padalino <tpadalino@nelsoncounty.org> wrote:

Hi Sepp,

Thanks for your reply,

Thanks also for your interest in meeting this week. Regarding application status, I agree with your comment --- it doesn't seem necessary to revise or resubmit your minor site plan. I think I was

trying to mentally keep track of too many details as I was trying to clear my desk before being out of the office.

Regardless, it makes sense to proceed as-is, and we can get together to re-review any issues or questions specific to your application and the overall review process.

Regarding the application review process, the County will take care of the state code requirements to advertise your upcoming public hearings regarding your rezoning request. The first public hearing review will be with the Planning Commission on May 27th, and the Board Of Supervisors will then conduct a public hearing in early June or early July. Stormy and I will coordinate with County Administration as we continue to process your application, to ensure that everything transitions from the PC to the BOS as seamlessly and quickly as possible.

With regards to meeting this week, I'm available on the following days and times:

Tuesday afternoon (anytime at or after 2:00)

Wednesday morning (anytime between 10:00 – 12:30)

Friday afternoon (anytime at or after 2:00)

Please let me know when and where you'd like to meet to go over your application and any questions you may have. I'm happy to offer my office for a meeting location, or we can meet in Nellysford if that may be additive. And please also note that if things are currently stable and you have no questions, we can always postpone or cancel if that were to make sense, too.

Just let me know!

Thanks in advance, Sepp. Sincerely,
Tim

Tim Padalino
[434]-263-7090

From: Sepp Kober [<mailto:skober@freestyleonline.com>]
Sent: Wednesday, April 22, 2015 6:44 PM
To: Tim Padalino
Cc: Robin Meyer; Stormy Hopkins; KEYLS@aol.com
Subject: Re: Rezoning #2015-01 - Joseph B. Kober / Mountain Sports

Tim,

Thanks for the reply and I hope you have a nice trip. As far as the minor site plan goes, I wasn't planning on re-submitting a plan unless it was necessary. (Which it didn't seem to me based off the last meeting) I'm available all next week to meet at your office, site, or simply chat on the phone. I have copied Steve Key on this email as he will need to be involved as this is way above my knowledge base. Once your back in the office please reach out to us and let us know your thoughts on getting together next week.

Again, have a great trip.

Thanks,

Sepp

Sepp Kober
FREESTYLE
www.freestyleonline.com
434.978.4091

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On Apr 22, 2015, at 5:53 PM, Tim Padalino <tpadalino@nelsoncounty.org> wrote:

Hi Sepp,

Sorry for the slight delay in responding. Currently, I'm preparing for this evening's Planning Commission meeting; and then I'm out of town the rest of the week for a family reunion in PA.

But before I'm out of communication for another few days, I simply wanted to write and let you know of my upcoming absence, and to also suggest we talk or meet sometime next week.

One primary question would be: are you intending to revise and resubmit the Minor Site Plan at all, based on your understanding of the Site Plan Review Committee meeting? If not, Stormy and I should advertise/schedule the public hearing for your rezoning application for the upcoming May 27th PC meeting. (We plan to do so anyways, unless you were undertaking extensive revisions to your Minor Site Plan, etc., which seems extremely unlikely.)

We can also discuss if you might submit any additional materials to complement your application, site plan, and project narrative from Steve Key. I think you mentioned the possibility of compiling some conceptual examples of architectural styles that might inform the design of your project; or even the possibility of conceptual building plans or elevations (if applicable).

Regardless, let's plan to reconnect early next week and identify all the next steps to keep your application on track. My direct line is 434-263-7091.

In the meantime, don't hesitate to contact Stormy if you have any questions or requests for assistance.

Thanks Sepp; sincerely,
Tim

Tim Padalino

[434]-263-7090

From: Sepp Kober [<mailto:skober@freestyleonline.com>]
Sent: Monday, April 20, 2015 12:39 PM
To: Tim Padalino
Cc: Robin Meyer
Subject: Re: Rezoning #2015-01 - Joseph B. Kober / Mountain Sports

Hi Tim,

So I had a chance to read the email chain and forwarded it to Robin Meyer. Both of us are curious as to what the next best action is based on Jeff's comments and needed info. Any insight you can provide would be greatly appreciated.

Thanks,

Sepp

Sepp Kober
FREESTYLE
475 Westfield Road
Charlottesville, Va. 22901
www.freestyleonline.com
434.978.4091 (o)
434.978.4162 (f)
434.906.0807 (m)
Skype: seppkober

<image001.jpg>

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On Apr 20, 2015, at 10:05 AM, Tim Padalino
<tpadalino@nelsoncounty.org> wrote:

Hi Sepp,

I'm just trying to re-send this email. I just replied to Mr. Jeff Kessler of VDOT; and you may also want to see his original messages (Below) if you haven't already done so. I see he was using an email account for you (seppkober@cloud1.com) that was unsuccessful for me (my message bounced).

Hopefully you get this re-send.

Let me know if you need anything at all, and if you'd like to set up a meeting (with or without VDOT) in the weeks ahead. I visited the site and took some photos on Friday, it seems like a nice opportunity with a fantastic view and location.

Just let Stormy or me know if have any requests for assistance, coordinating with VDOT or other agencies, etc.

Thanks - - -

Tim

Tim Padalino
[434]-263-7090

From: Kessler, Jeffery B., P.E. (VDOT)
[\[mailto:JefferyB.Kessler@VDOT.Virginia.gov\]](mailto:JefferyB.Kessler@VDOT.Virginia.gov)
Sent: Friday, April 17, 2015 9:21 PM
To: Tim Padalino
Cc: seppkober@1cloud.com; Austin Sr., Donald L. (VDOT); Clark, Matthew D. (VDOT); Youngblood, Rick D. (VDOT)
Subject: RE: Rezoning #2015-01 - Joseph B. Kober / Mountain Sports

Tim,

Having reviewed the preliminary site plan for the proposed rezoning request with Matthew Clark, I feel my email of April 6, 2015 addresses the information VDOT will need to assess the impact the rezoning may have on the transportation system. To recap, please see the copy of my email below.

I have also included a copy of the Lynchburg Check List for commercial development site plans for future reference. An electronic submission is acceptable and encouraged. I will need at least two weeks to review and comment on the submission.

Please let me know if you have any questions or if I may be of further assistance. I will be happy to meet with the County and the Developer and their Engineer if desired.

Thank you, Jeff

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

From: Kessler, Jeffery B., P.E. (VDOT)
Sent: Monday, April 06, 2015 5:45 PM
To: Tim Padalino (tpadalino@nelsoncounty.org)
Cc: seppkober@1cloud.com; Austin Sr., Donald L. (VDOT);

Clark, Matthew D. (VDOT); Youngblood, Rick D. (VDOT)
Subject: Rezoning #2015-01 - Joseph B. Kober / Mountain Sports

Tim,

To follow up on our telephone conversation this afternoon, I will not be able to attend this month's Nelson County Site Plan Review Committee Meeting on April 8th. Having just received the meeting package in today's mail, I can only offer preliminary comments regarding the proposed rezoning by Joseph B. Kober "Seep" for a 8,000 square foot retail center "Mountain Sports" in the Nellysford area. These include the need for the following items to be provided to VDOT in order to advise the County of the potential traffic impacts and to assist the developer in assessing the viability and magnitude of his project:

1. A brief narrative of the proposed use along with a traffic analysis of this use including ITE Trip Generation, peak hour turning movements and turn lane analysis.
2. Location of the proposed commercial entrance and its spacing to the next adjoining commercial entrance and or public roadway in each direction to determine if it meets VDOT's Access Management Spacing Requirements.
3. Sight Distances (Stopping and Intersection) at the proposed commercial entrance location.

We will complete our site plan review by early next week and in addition to providing a written comments, we welcome an opportunity to meet with the County and or Mr. Kober and his engineer to discuss them in detail.

Sincerely,
Jeff

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

<VDOT_Lynchburg_Site_Plan_Checklist_2014.pdf>

Tim Padalino

From: Kessler, Jeffery B., P.E. (VDOT) <JefferyB.Kessler@VDOT.Virginia.gov>
Sent: Monday, April 06, 2015 5:41 PM
To: Tim Padalino
Cc: seppkober@1cloud.com; Austin Sr., Donald L. (VDOT); Clark, Matthew D. (VDOT); Youngblood, Rick D. (VDOT)
Subject: Rezoning #2015-01 - Joseph B. Kober / Mountain Sports

Tim,

To follow up on our telephone conversation this afternoon, I will not be able to attend this month's Nelson County Site Plan Review Committee Meeting on April 8th. Having just received the meeting package in today's mail, I can only offer preliminary comments regarding the proposed rezoning by Joseph B. Kober "Seep" for a 8,000 square foot retail center "Mountain Sports" in the Nellysford area. These include the need for the following items to be provided to VDOT in order to advise the County of the potential traffic impacts and to assist the developer in assessing the viability and magnitude of his project:

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Sincerely,
Jeff

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



To: **Timothy M Padalino**, Director of Planning & Zoning
From: David L Thompson, Building Code Official *DL*
Date: April 6, 2015
Re: April 8, 2015 Plan Review Meeting

COMMENTS:

1. **Minor Site Plan #2015-04 Taylor/Smack Blue Mountain Brewery (Tax Map Parcel # 4-A-60)**
 - A Nelson County Land Disturbing Activity Permit application and permit issuance is required prior to any site development or expansion. 9VAC25-840-70 (A) [To obtain a Land Disturbing Activity Permit – A plan review fee of \$500 must be paid to Nelson County; before an E&S plan is submitted for review to the TJSWC for approval. Following the plan is approval; file a Land Disturbing application including a fee payment of \$450.00 along with an acceptable performance bond for the project to Nelson County.]
 -
2. **Rezoning # 2015-01 – Joseph B Kober (Sepp”) / Mountain Sports (Tax Map Parcel #22-A-a8 & 22-A-19)**

No comments – on the rezoning application. Comment on the submitted site plan by Robin Meyer; the property owner will need to obtain an approved TJSWCD Erosion Sediment Control plan and a Nelson County Erosion & Sediment Control Permit before any site development of the road and parking areas. 9VAC25-840-70 (A) and Code of Virginia § 62.1-44.15:55.

MINOR SITE PLAN CHECKLIST - PROJECT REZONING # 2015-01 / MOUNTAIN SPORTS (KOBER)

Date: 4/8



send info re: conditions rezoning (16)

MINOR SITE PLAN CHECKLIST
Nelson County Dept. of Planning & Zoning

- 8,000 SF retail shop ... ^{~6,000} SF of public floor space?
- 32 spaces + — HC spaces?
- entrances? walkways? lighting?

A	✓	A vicinity map showing the location of the subject property.
B	✓	Boundary lines of the subject property.
C	✓	General layout design of what is proposed on a <u>scale</u> not smaller than one (1) inch equals (20) feet, including the location of all proposed streets, pathways, easements, and all proposed uses of the land. A different scale may be used provided it is approved by the Planning and Zoning Director.
D	?	Building setback lines. "10" ...? (5' from edge of ROW) OR (75' from CL)
E	?	Zoning of <u>subject property</u> and adjacent property. (?)
F	✓	Amount of land to be disturbed, including drain fields. 20,000 SF (< 1 acre)
G	✓	Tax map and parcel number. 22-A-18
H	✓	Floodplains. sheet 2
I	✓	Wetlands, streams, rivers, etc.
J	✓	Existing structures and roads. → add "Designated VA Scenic Byway"
K	?	Existing and proposed topography and contour lines of the development site with a contour interval of twenty (20) feet or less for minor site plans, supplemented where necessary by spot elevation.
L	?	The location of all existing and proposed utilities and easements including the width of the easement. "utilities" annotated on sheet 1 ?
M	✓	A legend that shows: <ul style="list-style-type: none"> ✓ Ownership (Name and Address) Adventure Sports ✓ North arrow ✓ Graphic scale 1"=20' ✓ Area in acres 5 acres
N		A signature panel to indicate approvals from the following: <ul style="list-style-type: none"> ○ Planning and Zoning Director ○ Virginia Department of Transportation ○ Virginia Department of Health remove ○ Nelson County Service Authority replace w/ valley water: sewer utility (?)
O		Any other information which the Planning and Zoning Director deems necessary for the proper consideration of the application.

* existing house ... keep? demo?

* building elevations / plans?

* request to rezone both parcels? or just 19?

R-1 to B-1 ...

not

"A-1 to B-1"

VDOT

• general overview: project narrative

- prep conceptual entrance location ... spacing of existing comm. entrance + public road

"Nellysford has all the potential... but we're not looking to it."

↓
"economic dev. zone." (?)

- ITE trip generation: peak hour traffic analysis

+ turn lane analysis

- sight distance(s): stopping; intersection



DEPARTMENT OF
PLANNING & ZONING

PLANNING COMMISSION
BOARD OF ZONING APPEALS

To: Chair and Members, Nelson County Planning Commission

From: Tim Padalino | Director of Planning & Zoning

Date: May 18, 2015

**Subject: Public Hearing for Special Use Permit #2015-02 – “Halls Family Auto Clinic”
Public Garage**

<u>Site Address / Location:</u>	47 Mill Lane / Afton / North District
<u>Tax Map Parcel:</u>	#6-A-94B
<u>Parcel Size:</u>	approximately 1.02 acres
<u>Zoning:</u>	Agricultural (A-1)
<u>Request:</u>	Approval of Special Use Permit #2015-02 to operate existing facility as “Halls Family Auto Clinic” pursuant to Z.O. §4-1-18A (“public garage”)
<i>Completed Application Received On: May 1st, 2015</i>	

Application Overview

The Department of Planning & Zoning received an application from Mrs. Cindy Hall on March 26th, 2015, seeking approval of Special Use Permit (SUP) #2015-02 to conduct a “public garage.” This application was made complete on May 1st upon the County’s receipt of a Minor Site Plan prepared by Mr. Steven L. Key, LS, and dated May 14, 2015.

“Public garage” is defined in Zoning Ordinance Article 2, “Definitions,” as, “A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling, or storing motor-driven vehicles.”

Please note that this SUP application and accompanying Minor Site Plan are associated with an existing commercial facility located on the subject property in Afton. The owner of the subject property, Mr. Gary Bryant, currently has an approved, valid Special Use Permit (#97-2) which authorizes the existence and operation of a “public garage.” However, in approving SUP #97-2, the Board of Supervisors (BOS) attached a condition which restricted the operation of a public garage at that location to Mr. Gary Bryant, only. (Please see the enclosed BOS approval with conditions dated May 14, 1997.) Therefore, Mr. Donald and Mrs. Cindy Hall are requesting SUP approval to authorize Hall’s Family Auto Clinic, which is currently in operation.

Please note that the Halls have been very cooperative and patient upon being notified that they were operating a public garage without a valid SUP.

Site Plan Review Committee

The Site Plan Review Committee met on May 13th to review the proposed Minor Site Plan. Important issues, questions, and/or comments raised by committee members are as follows:

Director of Planning & Zoning:

- Signage: Received confirmation that only one sign currently exists on-site, and that only one sign is being proposed.
- Required Minimum Setback Areas: Side yard and rear yard setback areas were drawn incorrectly on the first Minor Site Plan submission (dated April 29), resulting in those setbacks not being compliant with the required minimum areas. Note: The revised Minor Site Plan (dated May 15) includes correct setback area locations and dimensions. The existing building is shown as being located partially within the required minimum 25' rear yard setback, but this is not a problematic issue for this SUP application, per the opinion of the Planning & Zoning Director.
- Project Construction: Received confirmation that the requested SUP and accompanying Minor Site Plan propose no new area of disturbance; therefore, no Erosion & Sediment Control Plan submission, review, or approval is necessary.
- Other Comments: Checklist Item E: Remove "NCSA" from signature panel

VDOT: Mr. Jeff Kessler requested and received clarification from the applicant regarding the scale and scope of the requested use. The applicants explained that the proposed public garage use would utilize two (2) bay doors, and would utilize a floor space of approximately 20' x 80'. The applicant further confirmed that the "public garage" use does not involve the entire building as it is currently being used, and that there is currently no arrangement or plan to expand the public garage into the remainder of the existing building.

TJSWCD: Mrs. Alyson Sappington of the Thomas Jefferson Soil & Water Conservation District provides review of the Erosion & Sediment Control Plan. This particular project does not involve any land disturbance, and therefore require no E&S Control Plan review or approval.

VDH: Mr. Tom Eick of the Virginia Department of Health explained that the subject property does have VDH-issued septic permit approval for a 300 gallon per day system. Both Mr. Eick and the applicant felt this maximum daily limit was more than sufficient to serve their needs and usage. Mr. Eick noted that this property received no inspection and no installation confirmation, which typically occur after private septic systems are installed. Finally, Mr. Eick noted that, "the car washing is and will be done outside, not near the [existing] drain lines," which was confirmed by the applicants.

Nelson County Building Code Official: Mr. David Thompson provided written comments (attached) describing the requirement to obtain a new Certificate of Occupancy, pursuant to several applicable Building Code criteria.

Nelson County Planning Commission: Mrs. Linda Russell correctly noted that the permit application needs to be signed by the property owner as well as all listed applicants. Specifically, Mr. Hall needs to sign the permit application, as he is listed as a co-applicant; and Mr. Bryant needs to sign the permit application, as he is the property owner. Mr. Bryant noted to me on Friday, May 15th that his secretary had mailed his approval / authorization to County staff the previous day. That documentation has not yet been received by County staff at the time of this report being finalized. Mr. Bryant has, however, signed the Minor Site Plan(s).

Evaluation and Recommendation

In reviewing Special Use Permit #2015-02 and the accompanying Minor Site Plan, County staff have identified the following details:

- The applicants are requesting County approval to operate a “public garage” in an existing facility which is currently properly permitted for a “public garage” special use, albeit only for the property owner and not for the current tenant / operator.
- The applicant is currently using the subject property for the requested use; as such, this SUP application and accompanying Minor Site Plan represent a genuine good-faith effort by the applicants to conduct their business legally and to properly obtain all necessary County permits and approvals.
- According to applicants and property owner, the subject property has been used for a public garage for years prior to the 1997 issuance of the existing (conditioned) SUP.
- State regulatory agencies have identified no outstanding or problematic issues with the requested use or site plan.

With consideration of the preceding factors, County staff recommends that the Planning Commission review this request favorably and formally recommend approval of Special Use Permit #2015-02 to the Board of Supervisors.

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.



Bay 1 of 2
(behind vehicle)

Bay 2 of 2
(visible)



Existing Signage



PERMIT APPLICATION:
Nelson County Department of Planning & Zoning

TO THE ZONING ADMINISTRATOR: Special Use Permit # 2015-02
application type application number

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

- Rezoning from _____ to _____
- Subdivision – Preliminary
- Subdivision – Final
- Major Site Plan
- Minor Site Plan
- Conditional Rezoning from _____ to _____
- Site Plan – Preliminary (optional)
- Site Plan – Final
- Special Use Permit
- Other: _____

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

Reason(s) for request: This building already has a Special Use permit as a public Garage under Gary Bryants name. We would like on for Halls Family Auto Clinic

(Please use reverse or attach additional sheet if more space is needed.)

2. Applicant(s) and Property Owner(s):

(Please provide names of applicants and property owners and indicate applicable title; if applicant is not the property owner, please show relationship, i.e. lessee, contract purchaser, etc.)

Applicant Property Owner Name: Gary Bryant

Mailing Address: _____

Telephone # _____ E-mail Address: _____

Relationship (if applicable): _____

Applicant Property Owner Name: Donald and Cindy Hall

Mailing Address: 642 Mountain Rd Afton VA 22920

Telephone # 540-451-0239 E-mail Address: hallsfamilyautoclinic@aol.com

Relationship (if applicable): _____

(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) info.)

3. Location and Characteristics of Subject Property:

a. Address of property (specific location, route numbers, street names, voting district, etc.):

47 Mill Lane Afton VA 22920

b. Official tax map number: 6-A-94B

c. Acreage of property: 1.02

d. Present use: _____

e. Present zoning classification: A-1

f. Zoning classification of surrounding properties: A-1 + M-1

4. Names of Adjacent Property Owners: _____

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: _____ Printed Name: Donald B. Hall Jr

Signature: Cindy Hall Printed Name: Cindy Hall

(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) signatures.)

6. Additional information: *(Please attach separate sheet for additional details, explanations, etc.)*

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 (determined by the actual cost of the ad). This fee will not apply in cases of Planning Commission or Board of Supervisors deferment.

TO BE COMPLETED BY PLANNING & ZONING STAFF *Site Plan received 5-1-15*

o Completed application and fee (\$ 300.00) received on 3-26-15

o Hearing Notice published on 4-9-15 + 4-16-15

o Planning Commission action: Date of Meeting / Hearing: 4-22-15

Recommendation: _____

o Board of Supervisors action: Date of Hearing: _____ Date of Decision: _____

Action: _____

Bryant Paving
Afton VA 22920
540.46.8313

Tim Padalino
Planning & Zoning Director
PO Box 558
Lovingston VA 22949

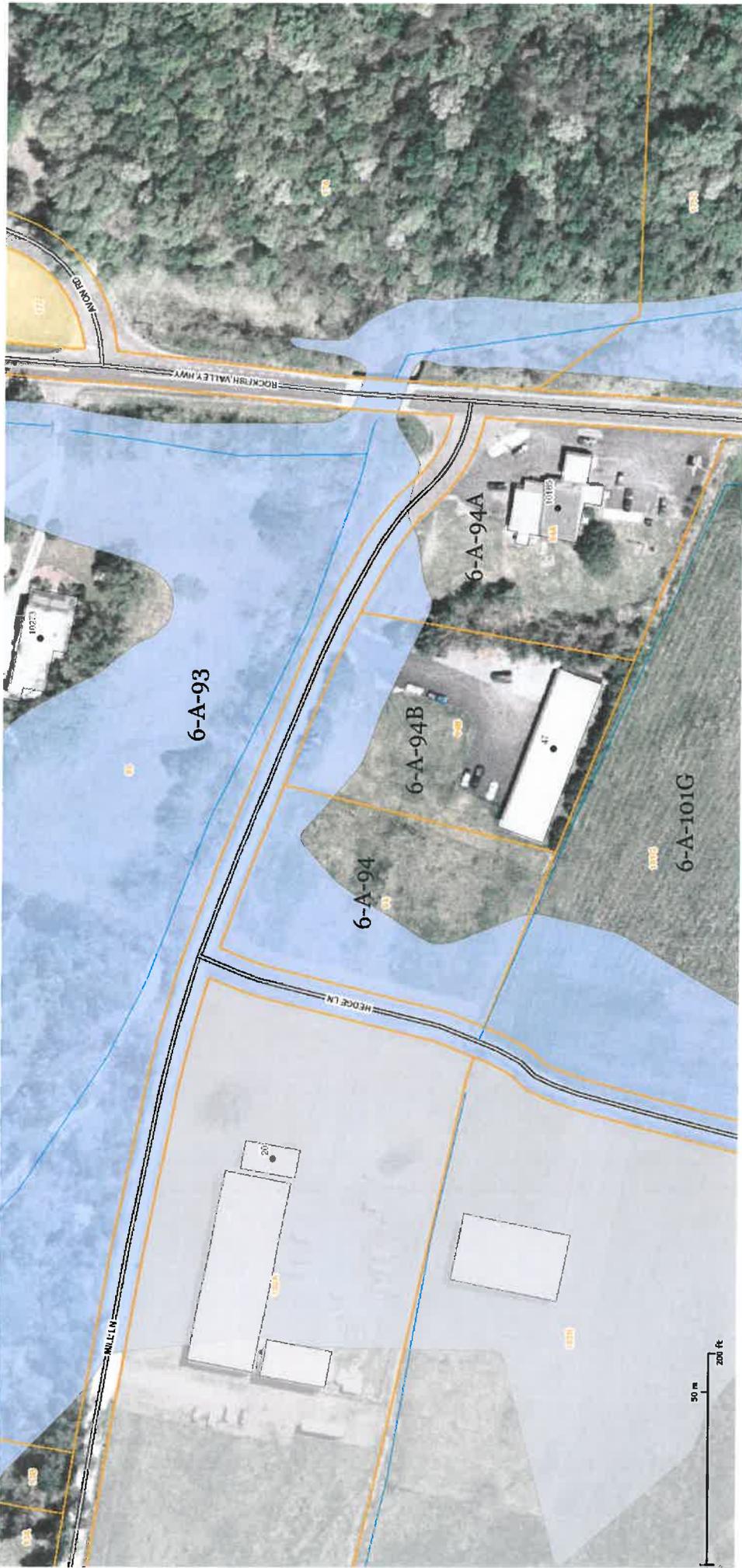
May 14, 2015

Please be advised that I gave my permission to Donnie and Cindy Hall to apply for a Special Use Permit for my property at 47 Mill Lane, Afton VA.

Thank you!



Gary W Bryant



Parcel ID
6-A-94B

Parcel Address
47 MILL LANE

Owner Name
BRYANT GARY

ADJACENT PROPERTY OWNER(S):

- 6-A-101G CASH ROGER A & PAULINE S
- 6-A-94A SMITH WILLIAM H & DARLENE S
- 6-A-94 SHEFFIELD JESSICA S
- 6-A-93 INGRAHAM DANIEL L & ORQUIDA

Stormy Hopkins

From: Tim Padalino
Sent: Wednesday, May 13, 2015 1:07 PM
To: KEYLS@aol.com; hallsfamilyautoclinic@aol.com
Cc: Stormy Hopkins
Subject: Site Plan Review Committee comments

Hello Steve, Cindy, and Donnie - - -

Thanks for answering questions at today's review. I want to write you to provide my review comments (regarding the Zoning Ordinance) and review comments from Planning Commission representative Linda Russell:

1. Side yard setbacks must be a total of 25' in depth (when combined).
 - a. The site plan depicts each side yard setback as being 10' deep, which only provides 20' total when added together. Please rework the side yard setback lines so that the combined total is minimum 25'. This can be (12' and 13') or (10' and 15') or whatever combination works for your project. (See Z.O. Section 4-3-2)
2. Rear yard setback must be 25' in depth.
 - a. Please redraw the rear yard setback line appropriately. I understand this will result in the existing building being shown within the rear yard setback area, but it is an existing, permitted building, so it will not create a conflict. (See Z.O. 4-3-3)
3. Please remove NCSA from signature panel.
4. Property owner (Mr. Gary Bryant) must sign the SUP application.
 - a. The property owner has signed the site plan drawings, but has not signed the actual application form for the Special Use Permit request.
 - b. This can be resolved by Mr. Bryant signing the original application (item #5 "affidavit"), or by submitting something else in writing that confirms that he gives permission to apply for the permit on his property (and must include his signature). Either option will satisfy that requirement.

Finally, we will need new copies of the revised plans. These will need to be received quickly – by next Monday, May 18 by 5:00, in order for us to include the revised site plan in the meeting packets (which get mailed to the Planning Commissioners on Tuesday morning).

We will need 8 copies for the Planning Commission's review (scheduled for May 27th), plus another 6 copies for the Board of Supervisors review (scheduled for June 9th). **In total, please submit 14 copies of the revised minor site plan by 5:00 on Monday afternoon.**

If we don't receive the revised drawings by Monday, the Planning Commissioners will not be able to review the revised drawing and will review the drawing with the incorrect setbacks, etc.

Please let me (or Stormy) know if you have any questions at all – technical, procedural, or anything else.

Thank you very much; 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, Lovington, VA 22949

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



FILE COPY

DEPARTMENT OF
PLANNING & ZONING

PLANNING COMMISSION
BOARD OF ZONING APPEALS

May 12, 2015

Dear Property Owner:

The following petition has been made to the Planning Commission (PC) and Board of Supervisors (BOS) regarding a tract of land adjacent to or near property you own in Nelson County:

Special Use Permit #2015-02 – “Halls Family Auto Clinic” / Donald & Cindy Hall

Consideration of a Special Use Permit application seeking approval to operate a “public garage” pursuant to §4-1-18a of the Zoning Ordinance. The subject property is identified as Tax Map Parcel #6-A-94B, and is located at 47 Mill Lane in Afton. This is a 1.02-acre parcel zoned Agricultural (A-1), and is owned by Gary Bryant.

This application will be considered at a public hearing conducted by the PC on Wednesday, May 27, 2015 at 7:00 P.M. in the General District Courtroom on the third floor of the County Courthouse, Lovingson. After the PC conducts a public hearing, they will vote to refer the application, with recommendations, to the BOS.

The application will then be considered at a public hearing conducted by the BOS on Tuesday, June 9, 2015 at 7:00 P.M. in the same location. After the BOS conducts a public hearing, they will take action on the application to approve it, reject it, or approve it with conditions.

As required by law, this notice is being sent to inform adjoining property owners of this request. If you wish to learn more about this request and/or to comment on it, you may contact and/or visit the Department of Planning & Zoning, and/or attend the meeting(s). Please contact staff with any questions and/or requests for assistance.

Sincerely,

Timothy M. Padalino
Nelson County Director of Planning & Zoning

TMP/svh

Copy to: Donald & Cindy Hall
Mr. Gary Bryant
Mr. Steven L. Key

Special Use Permit #2015-02 – “Halls Family Auto Clinic”
Donald & Cindy Hall

Donald & Cindy Hall
642 Mountain Road
Afton, VA 22920

6-A-94B
Gary Bryant
11327 Rockfish Valley Hwy
Afton, VA 22920

6-A-101G
Roger A. & Pauline S. Cash
302 Fox Hollow Road
Afton, VA 22920

6-A-94A
William H. & Darlene S. Smith
115 Deer Run
Wintergreen, VA 22958

6-A-94
Jessica S. Sheffield
1374 Lanetown Road
Crozet, VA 22932

6-A-93
Daniel L. & Orquida Ingraham
10273 Rockfish Valley Hwy
Afton, VA 22920

Date:



MINOR SITE PLAN CHECKLIST

Nelson County Dept. of Planning & Zoning

A	<input checked="" type="checkbox"/>	A vicinity map showing the location of the subject property.
B	<input checked="" type="checkbox"/>	Boundary lines of the subject property.
C	<input checked="" type="checkbox"/>	General layout design of what is proposed on a scale not smaller than one (1) inch equals (20) feet, including the location of all proposed streets, pathways, easements, and all proposed uses of the land. A different scale may be used provided it is approved by the Planning and Zoning Director. <i>SIGN LOCATION?</i>
D	<input checked="" type="checkbox"/>	Building setback lines <i>SIDE: MUST COMBINE TO EQUAL 25' MIN. (CURRENTLY = 20')</i>
E	<input checked="" type="checkbox"/>	Zoning of subject property and adjacent property. <i>REAR = 25' (CURRENTLY = 10')</i>
F	<input type="checkbox"/>	Amount of land to be disturbed, including drain fields. <i>(N/A?)</i>
G	<input checked="" type="checkbox"/>	Tax map and parcel number. <i>6-A-94B</i>
H	<input checked="" type="checkbox"/>	Floodplains.
I	<input checked="" type="checkbox"/>	Wetlands, streams, rivers, etc.
J	<input checked="" type="checkbox"/>	Existing structures and roads.
K	<input checked="" type="checkbox"/>	Existing and proposed topography and contour lines of the development site with a contour interval of twenty (20) feet or less for minor site plans, supplemented where necessary by spot elevation.
L	<input type="checkbox"/>	The location of all existing and proposed utilities and easements including the width of the easement.
M	<input checked="" type="checkbox"/>	A legend that shows: <ul style="list-style-type: none"> <input type="checkbox"/> Ownership (Name and Address) <input type="checkbox"/> North arrow <input type="checkbox"/> Graphic scale <input type="checkbox"/> Area in acres
N	<input type="checkbox"/>	A signature panel to indicate approvals from the following: <ul style="list-style-type: none"> <input type="checkbox"/> Planning and Zoning Director <input type="checkbox"/> Virginia Department of Transportation <input type="checkbox"/> Virginia Department of Health <input checked="" type="checkbox"/> Nelson County Service Authority
O	<input type="checkbox"/>	Any other information which the Planning and Zoning Director deems necessary for the proper consideration of the application.

• sign location... multiple? or just one?

• setbacks: side needs to be 25' min. combined (4-3-2)
 rear needs to be 25' min (4-3-3)

• area of disturbance = _____?

• location of utility easements?

• remove NCSA from signature panel

VDOT: • ? of use (discontinuation?)
§12-3-8-(c)

- 2 bay doors; multiple cars can be accommodated
- building dimensions: 20' x 30' for current use
- continuation of use (minor update)

VDH:

- Septic approval: 300 gal/day
- "or washing done outside not near drain lines"
- no inspection / installation confirmation

P.C.:

- Gary Bryant sign application
- 911 address: 47 Mill Lane? yes.

G.B. reappplied for new 911 address

- employees?
- multiple use: public garage ... office ... ?



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

From: David L Thompson, Building Code Official

Date: May 11, 2015

Re: May 13, 2015 Plan Review Meeting

COMMENTS:

1. **Minor Site Plan #2015-03 re: proposed by-right use("Restaurant") and re: Special USE Permit # 2015003 ("Dance Hall") – Jose & Elpidia Gaona**
(Tax Map Parcel #58B-A-36; 58B-A-37)
 - **Asbestos certification for the any permit application is required from the owner of the building for any renovations. 13VAC5-63-100 section C 110.3. A permit application is required for a change of use group (M) to a use group (A-2) with plans drawn by a registered design professional licensed by the Commonwealth of Virginia. The application must be submitted to the Building Inspections Department for the required permits prior to any alterations/ renovations/changes...etc. for the A-2 use group. Final Inspections and a **certificate of occupancy for a restaurant/ dance hall must be obtained from the Nelson County Inspections Department for the existing building; prior to opening or operations for private or public use of the occupancy classification.** 13VAC5-63-30 section 103, 13VAC5-63-80 section A 108.1 (2)**

2. **Minor Site Plan re: Special Use Permit#2015-02 – Donald & Cindy Hall**
(Tax Map Parcel # 6-A-94B) (County records show a use group B - Permit #70-2000) (FINAL INSP- 2/29/2000)
 - A New Certificate of occupancy is required for a S-1 Use Group - Motor Vehicle repair garage with the maximum allowable quantities of hazardous materials listed in Table 307.1)1) (see section 406.6)
 - Compliance with NFPA 70 (National Electrical Code) Article 511 Commercial garages, repair and Storage
 - Compliance with Repair Garages section 406.6 VCC
 - Oil separator before point of disposal. VPC 1003.4
 - Portable fire extinguisher placement throughout. VCC 906
 - Code of Virginia 36-99.11 provide handicap parking.

FILE COPY

DEPARTMENT
OF PLANNING



PLANNING COMMISSION
BOARD OF ZONING APPEALS

DATE: May 11, 2015
TO: Applicants to the Nelson County Planning Commission
FROM: Tim Padalino, Director of Planning and Zoning
RE: Items for Review / May meeting

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

1) Special Use Permit #2015-02 – Donald & Cindy Hall (Tax Map Parcel #6-A-94B)

Listed below are the dates and times of the meetings when your application will be reviewed. You and/or your representative(s) are encouraged to attend.

Site Plan Review Committee

10:00 A.M. on May 13, 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 - TBD)

7:00 P.M. on May 27, 2015

**General District Courtroom, County Courthouse,
84 Courthouse Square, Lovingson, VA**

Board of Supervisors

7:00 P.M. on June 9, 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,

A handwritten signature in black ink, appearing to read "Tim Padalino".

TMP/svh

Enclosures

Copy to: Mr. Steven L. Key

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.



DATE: May 1, 2015
TO: Site Plan Review Committee
FROM: Tim Padalino, Director of Planning & Zoning
RE: Items for Agency Review and Comment – May 13th Meeting

Enclosed are the site plan materials to be reviewed on Wednesday, May 13th beginning at 10:00am in the Old Board of Supervisors Meeting Room, 4th Floor of the County Courthouse in Lovingston. Please reference the table below to determine your agency's requested participation in the review and discussion of each item.

- 1) **Minor Site Plan #2015-03 re: proposed by-right use ("Restaurant") and re: Special Use Permit #2015-03 ("Dance Hall") – Jose & Elpidia Gaona**
(Tax Map Parcel #58B-A-36; 58B-A-37)

- 2) **Minor Site Plan re: Special Use Permit #2015-02 – Donald & Cindy Hall**
(Tax Map Parcels #6-A-94B)

	VDOT	VDH (Health Dept.)	TISWCD (Soil & Water Conservation District)	Nelson Co. Planning Commission	Nelson Co. Building Official	Nelson Co. Service Authority	Nelson Co. Emergency Services Coordinator	Nelson Co. Info. Systems Director	Utility / Power Company
Item 1. 10:00am	X	X		X	X	X			
Item 2. 10:45am	X	X		X	X				

If you have questions regarding these items, or if you need any assistance, please call or e-mail.

Thank you; sincerely,

TMP/svh

Enclosures

Copy to: Jose & Elpidia Gaona
 Mr. Massie Saunders
 Donald & Cindy Hall
 Mr. Steven L. Key



• original location:
 Bryant Family
 (S.U.P. # 97-2)

rezoned from A-1
 in 1972 (1st rezoning
 in Nelson Co.)

• current location:
 Bryant Family equipment
 "approved as necessary building" in 2008

(M-1)

(FP)

(A-1)

102D

2008

*

20

102A

102B

102C

10273

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2007 9:52AM

BUILDING DEPT. PLANNING & ZONING

N: 1587 P: 7



DEPARTMENT
OF PLANNING

PLANNING COMMISSION
BOARD OF ZONING APPEALS

*Donald & Cindy Hall
Halls Family Auto
Clinic*

May 14, 1997

1-28-15

Mr. Gary Bryant
c/o Bryant Paving
11327 Rockfish Valley Hwy.
Afton, VA 22920

RE: Special Use Permit #97-2

Dear Mr. Bryant:

The purpose of this letter is to inform you that on May 13, 1997, the Nelson County Board of Supervisors approved your request for a special use permit, for a public garage on your property identified as Tax Map #6 (A), Parcel 94B. The condition of this approval are:

1. If the ownership of the business should change to another person other than a member of your immediate family, the special use permit shall expire and the new owner must apply for a new permit.

If you require any additional information, please feel free to contact me at (804) 263-4673.

Sincerely,

F M Boger

Fred M. Boger
Planning Director

FB/efk

May 13, 1997

Re: Approval of a Special Use Permit to Allow a Public Garage by Property Owner Gary Bryant on Property Located on the South Side of Route 609 About 100 Yards from Route 151 in the Rockfish District, Tax Map 6 (A), Parcel 94B

On a motion duly made by Mr. Harvey and seconded by Mr. Ponton with Mr. Conner voting no and Mr. DeLaura voting yes, the following was adopted:

BE IT RESOLVED, That the Nelson County Board of Supervisors does hereby approve a Special Use Permit to allow a public garage by property owner Gary Bryant on property located on the South side of Route 609 about 100 yards from Route 151 in the Rockfish District, Tax Map 6 (A), Parcel 94B with the following condition:

If the ownership of the business should change to another person other than a member of Mr. Bryant's immediate family, the Special Use Permit shall expire and the new owner must apply for a new permit.

Supervisor Conner stated that he voted no because he felt the Board should give some weight to the Planning Commission's recommendation.

Water Supply and/or Sewage Disposal System Construction Permit Page 1 of 3

Commonwealth of Virginia
 Department of Health
NELSON CO. HEALTH DEPARTMENT

Health Department
 Identification Number: 162-97-0201
 Tax Map Number: 6-3-94B-81

General Information

Water Supply System: NEW

Sewage Disposal System: NEW

Based on the application for a sewage disposal system construction permit filed in accordance with Section 2.13 E, of the Sewage Handling and Disposal Regulations and/or Section 2.13 of the Private Well Regulations a construction permit is hereby issued to:

Owner: GARY BRYANT

Telephone: 000-000-0000

Address: 11327 ROCKFISH VALLEY HIGHWAY, APTON, VA 22920

For a Type I Sewage Disposal System or Well to be constructed on/at
S. SIDE OF RT. 609, 0.1 MI. W. OF RT. 151.

Sec/Bk _____ Lot _____ Actual or estimated water use 300 gpd

DESIGN

NOTE: SEWAGE DISPOSAL SYSTEM INSPECTION RESULTS

Water supply, TO BE INSTALLED

Water supply location: Satisfactory yes__ no__

To be installed: CLASS: IIIC

G.W.2 Received: yes__ no__ not applicable__

CASED: 20 feet GROUTED: 20 feet

Building Sewer: Satisfactory yes__ no__

Building Sewer: I.D. PVC Schedule 40,
 or equivalent. Slope 1.25" per 10ft(min.)

Other _____

Pretreatment unit: Satisfactory yes__ no__

Septic Tank: Capacity: 750 Gals.(min.)

Other _____

Inlet-outlet structure: Satisfactory yes__ no__

Inlet-outlet structure: PVC Schedule 40,
4" tees or equivalent.

Other _____

Pump & pump station: Satisfactory yes__ no__

Pump and pump station:
NO

Conveyance method: Satisfactory yes__ no__

Gravity mains: 3" or larger I.D., min. 6"
fall per 100 ft., 1500 lb. crush strength
or equivalent. Other _____

Distribution box: Satisfactory yes__ no__

Distribution Box: Precast concrete
with 3 ports.

Other _____

Header lines: Satisfactory yes__ no__

Header lines: Material: 4" I.D. 1500 lb.
crush strength plastic or equivalent from
distribution box to 2 ft into absorption
trench. Slope 2" min. Other _____

Percolation lines: Satisfactory yes__ no__

Percolation lines: Gravity 4" plastic
1000 lb. per foot bearing load or equiv.
slope 2" - 4" (min. max.) per 100ft
Other _____

Absorption trenches: Satisfactory yes__ no__

Absorption trenches:
 Sq ft. required: 402 depth from
 ground surface to bottom of trench 30";
 aggregate size .5-1.5";
 Trench bottom slope 2-4"/100 ft
 center to center spacing 9 FT;
 Trench width 36" Depth of aggregate 13";
 Trench length 67 ft;
 Number of trenches 2 :

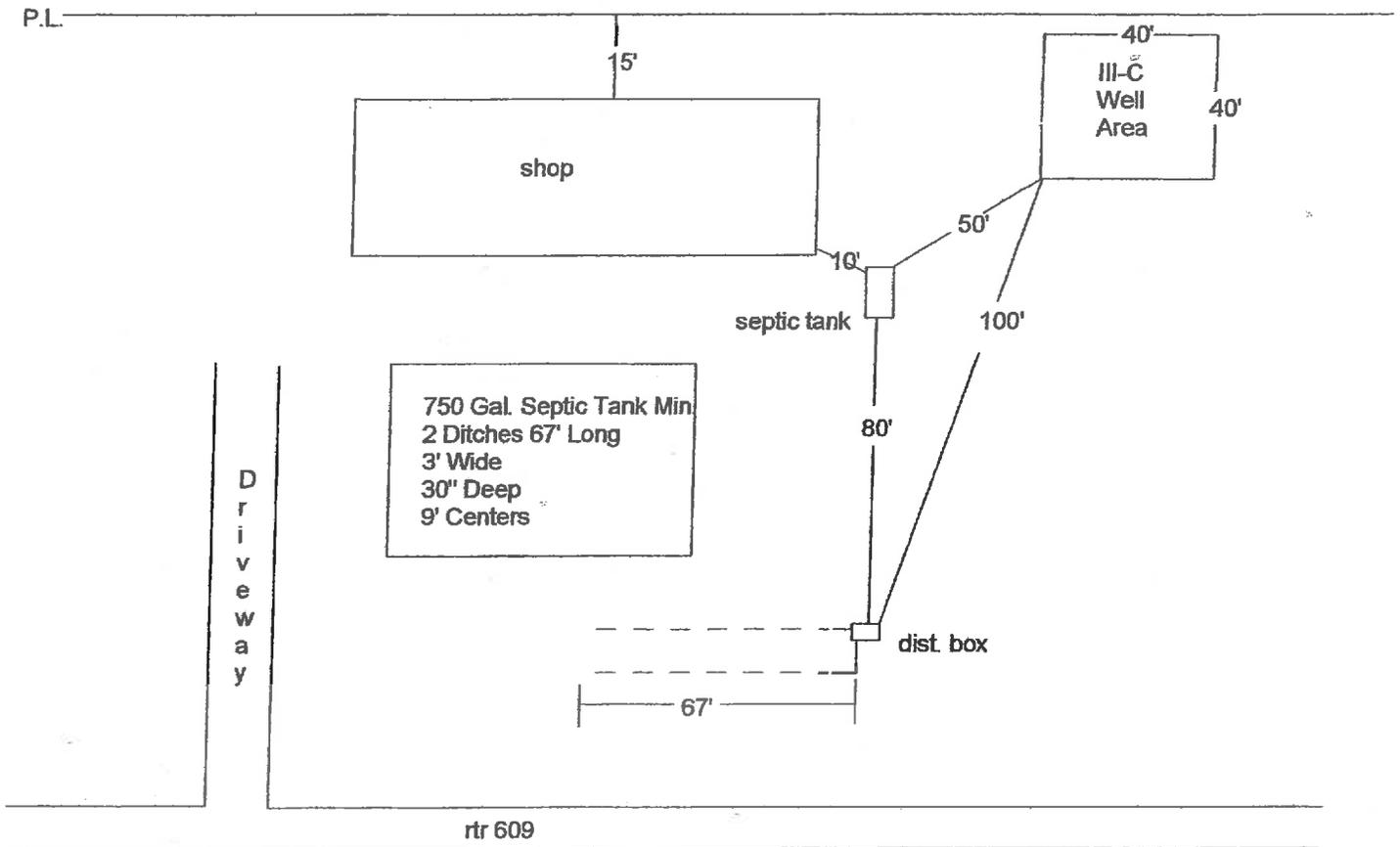
Date _____ Inspected and approved by:

 Environmental Health Specialists

Schematic drawing of sewage disposal and/or water supply system and topographic features.

Show the lot lines of the building site, sketch of property showing any topographic features which may impact on the design of the well or sewage disposal system, including existing and/or proposed structures and sewage disposal systems and wells within 200 feet. The schematic drawing of the well site or area and/or sewage disposal system shall show sewer lines, pretreatment unit, pump station, conveyance system, and subsurface soil absorption system, reserve area, etc. When a nonpublic drinking water supply is to be permitted, show all sources of pollution within 200 feet.

The information required above has been drawn on the attached copy of the sketch submitted with the application.



This sewage disposal system and/or water supply is to be constructed as specified by this permit.

This sewage disposal system and/or well construction permit is null and void if (a) conditions are changed from those shown on the application (b) conditions are changed from those shown on the construction permit.

No part of any installation shall be covered or used until inspected, corrections made if necessary, and approved, by the local health department or unless expressly authorized by the local health dept. Any part of any installation which has been covered prior to approval shall be uncovered, if necessary, upon the direction of the Department.

Date: 8-26-97 Issued by: Michael A. Smith
Environmental Health Specialist

Date: _____ Reviewed by: _____
Environmental Health Supervisor

This Construction
Permit Valid until
2-26-99

See Page #2 for Design Drawing. This Drawing is Not to Scale.

WASTE DISPOSAL AND WATER SUPPLY CONSTRUCTION PERMITS:

Permit is void if the house location interferes with the proposed well or drainfield/reserve locations.

Follow all OSHA requirements.

Minimum separation between drainfield/reserve area(s) and well sites is 100' for Class IIIC wells and 50' for Class IIIB wells. This distance increases by 25' for every 5% of slope for wells down slope of any source of contamination (house site, drainfield/reserve areas, etc).

It is the owner's responsibility to ensure that the well and septic system is on the property and does not interfere with utilities and easements.

Health Department's Operation Permit and Well Inspection Report required prior to occupancy.

All septic and well contractors must have a current license with the Va. Dept. of Commerce.

It is illegal to put either well or septic system into use without final health department approval.

Septic & Well Contractors should be provided with a copy of permit before any construction begins.

Well and all water lines shall be disinfected prior to water sampling.

Dry holes must be permanently abandoned in accordance with the Private Well Regulations.

Basement (floor is below surface of ground)? YES NO Walkout YES NO

Fixtures in basement? YES NO If yes, is lift pump required? YES NO

Pump is required when the ground surface over the drainfield trenches is at a higher elevation than any plumbing fixture or the sewer line leaving the house.

Do not disturb the drainfield or reserve area(s).

No buried utility service shall be closer than 10' to any part of this system.

Do not install drainfield system during periods of wet weather or wet soil.

It is recommended that all trees be removed from the drainfield area and all hydrophilic trees within 10' of the drainfield area **MUST** be removed.

Do not place untreated building paper or approved material over the trench gravel.

The maximum soil cover over septic/pump tanks and distribution boxes is 18" to 24".

All tanks shall be watertight.

Final grade of drainfield shall be crowned to divert surface water & prevent ponding.

Roof drains, basement sump discharges (non-sewage), floor drains, footing drains, discharge from water treatment systems, etc. being connected to this system is **PROHIBITED!** Divert these away from drainfield.

Do not place structures and driveways off drainfield/reserve area(s).

It shall be the responsibility of the owner or any subsequent owner to maintain, repair or replace (requires a permit) and sewage disposal system that ceases to operate in a sanitary manner.

Is septic tank location in a place of suspected high water table? YES NO If yes, please refer to tank manufacturer's instructions on placing tanks in saturated areas.

DEPARTMENT
OF PLANNING



PLANNING COMMISSION
BOARD OF ZONING APPEALS

April 28, 1997

Mr. Gary Bryant
c/o Bryant Paving
11327 Rockfish Valley Hwy.
Afton, VA 22920

RE: Special Use Permit #97-2

Dear Mr. Bryant:

This letter is to inform you that on April 23, 1997, the Nelson County Planning Commission considered your request for a special use permit for a public garage at 47 Mill Lane. The Commission voted to recommend approval of your request with the following conditions:

1. A natural screen fence must be provided along the front, sides and rear to screen the site from the adjoining properties.
2. If a freestanding sign is to be installed, the sign should not exceed twenty-five square feet per face and be no higher than eight feet.
3. If the ownership of the business should change to another person other than a member of your immediate family, this special use permit shall become void and the new owner must apply for a new permit.

The Board of Supervisors will consider your request at it's May 13, 1997 meeting which begins at 7:30 PM and is held in the Board of Supervisors Room, County Courthouse, Lovingson, Va.

It is necessary for you or a representative to attend this meeting.

Please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Fred M. Boger". The signature is written in a cursive style with some loops and flourishes.

Fred M. Boger
Planning Director

FB/efk

cc: Earl S. Hampton

97-2
(C) A Special Use Permit to Allow a Public Garage by Property Owner Gary Bryant. The Property is Located on the South Side of Route 609 About 100 Yards from Route 151 in the Rockfish District. Tax Map 6 (A), Parcel 94B.

Fred Boger, Planning Director, stated that the existing building has been used as a vehicle repair facility for a number of years. Mr. Bryant will either expand and use the existing building or build a new building to repair and store his paving equipment.

The Planning Commission recommended approval of the request with the following conditions:

- (1) A natural screen fence must be provided along the front, sides and rear to screen the site from the adjoining properties.
- (2) If a freestanding sign is to be installed, the sign should be limited to a maximum of twenty-five square feet per face and no higher than eight feet.
- (3) If the ownership of the business should change to another person other than a member of Mr. Bryant's immediate family, the Special Use Permit shall expire and the new owner must apply for a new permit.

Chairman DeLaura opened the Public Hearing. There being no comments from the audience, the Public Hearing was closed.

Mr. Bryant was not in attendance.

Mr. Boger acknowledged a letter from Mr. & Mrs. Earl Hampton requesting certain conditions be stipulated if the request is approved.

Supervisor Harvey stated that he felt some of the restrictions are not needed and recommended Conditions 1 and 2 be deleted.

Concluding discussion, the Board passed the following Resolution approving the Special Use Permit:

May 13, 1997

Re: Approval of a Special Use Permit to Allow a Public Garage by Property Owner Gary Bryant on Property Located on the South Side of Route 609 About 100 Yards from Route 151 in the Rockfish District, Tax Map 6 (A), Parcel 94B

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If the ownership of the business should change to another person other than a member of Mr. Bryant's immediate family, the Special Use Permit shall expire and the new owner must apply for a new permit.

Supervisor Conner stated that he voted no because he felt the Board should give some weight to the Planning Commission's recommendation.



PERMIT APPLICATION:

Nelson County Department of Planning & Zoning

TO THE ZONING ADMINISTRATOR: Minor Site Plan # 2015-03
application type application number

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"/> Conditional Rezoning from _____ to _____ |
| <input type="checkbox"/> Subdivision – Preliminary | <input type="checkbox"/> Site Plan – Preliminary (optional) |
| <input type="checkbox"/> Subdivision – Final | <input type="checkbox"/> Site Plan – Final |
| <input type="checkbox"/> Major Site Plan | <input type="checkbox"/> Special Use Permit |
| <input checked="" type="checkbox"/> Minor Site Plan | <input type="checkbox"/> Other: _____ |

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

Reason(s) for request: Plan to open Restaurant

(Please use reverse or attach additional sheet if more space is needed.)

2. Applicant(s) and Property Owner(s):

(Please provide names of applicants and property owners and indicate applicable title; if applicant is not the property owner, please show relationship, i.e. lessee, contract purchaser, etc.)

Applicant Property Owner Name: Jose Gannon
Mailing Address: 3808 Monahan trail Rd, North Garden, VA. 22959
Telephone # (434) 825-0104 E-mail Address: egannon89@ymail.com
Relationship (if applicable): _____

Applicant Property Owner Name: Sue Lee McClellan
Mailing Address: 380 Front St. Po Box 395 Lovingston
Telephone # (434) 263-4411 E-mail Address: Suelee.mcl@aol.com
Relationship (if applicable): _____

(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) info.)

3. Location and Characteristics of Subject Property:

a. Address of property (specific location, route numbers, street names, voting district, etc.):

37 Tanbark Plaza, Lovingson VA 22949

b. Official tax map number: 58B-A-36 ; 58B-A-37

c. Acreage of property: _____

d. Present use: _____

e. Present zoning classification: Business (B-1)

f. Zoning classification of surrounding properties: Business (B-1)

4. Names of Adjacent Property Owners: Regina ten, Family doctor

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: [Signature]

Printed Name: Jose Geron / Elpidia Geron

Signature: [Signature]

Printed Name: Joe Lee McClellan

(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) signatures.)

6. Additional information: *(Please attach separate sheet for additional details, explanations, etc.)*

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 (determined by the actual cost of the ad). This fee will not apply in cases of Planning Commission or Board of Supervisors deferment.

..... TO BE COMPLETED BY PLANNING & ZONING STAFF

o Completed application and fee (\$ 100.00) received on 4-24-15

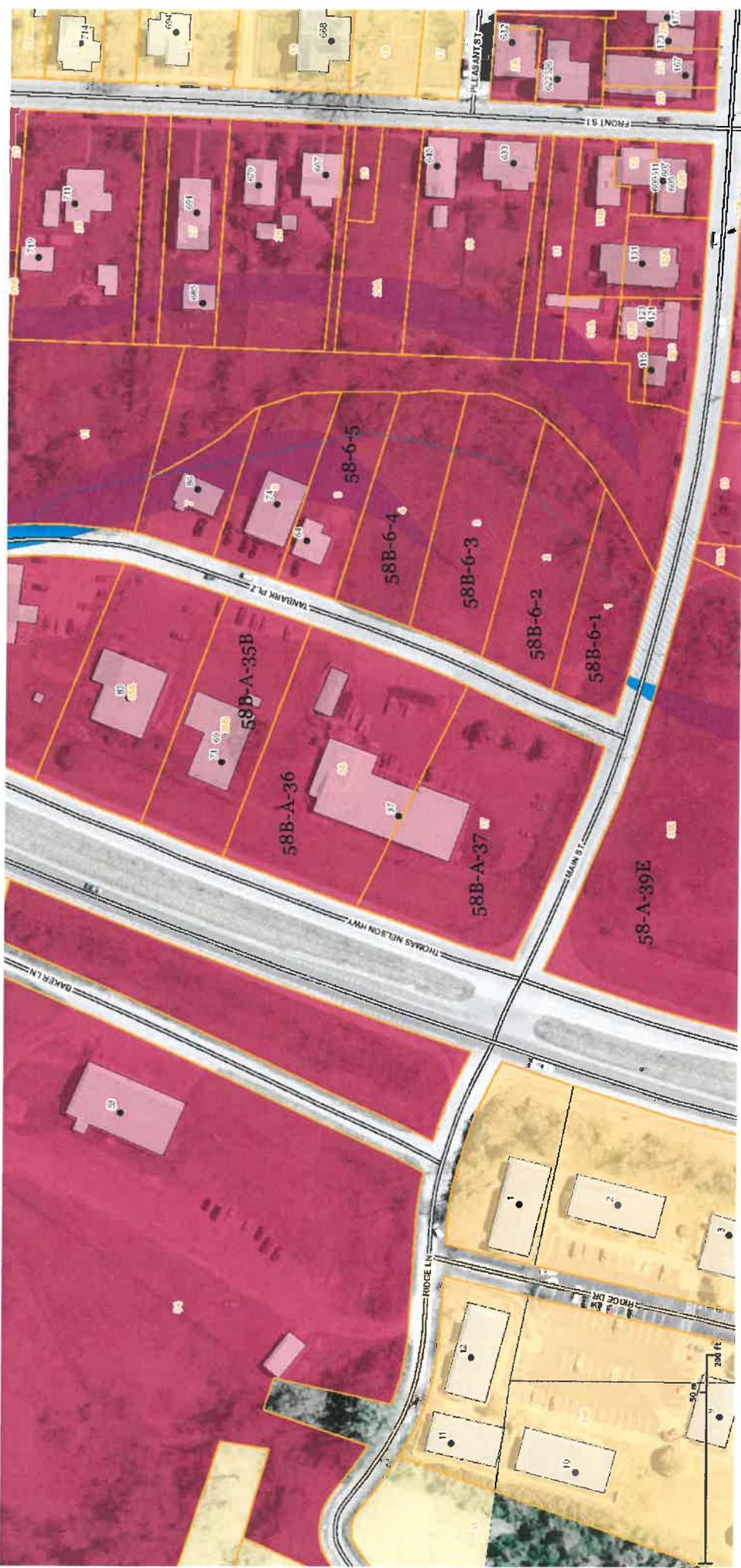
o Hearing Notice published on

o Planning Commission action: Date of Meeting / Hearing: May 27th, 2015

Recommendation: _____

o Board of Supervisors action: Date of Hearing: _____ Date of Decision: _____

Action: _____



Parcel ID

58B-A-37; 58B-A-36

ADJACENT PROPERTY OWNERS:

58B-A-35B

58-6-5

58B-6-4; 58B-6-3; 58B-6-2; 58B-6-1

58-A-39E

Confirmed with Jean Payne - Parcel ID is #58-A-37; #58-A-36

Parcel Address

MCCLELLAN, JOE LEE

Owner Name

SAUNDERS LARRY D & CAROLE C

FD LOVINGSTON VA LLC

THOMAS NELSON

Stormy Hopkins

From: Massie Saunders <massie@saunderssurveys.com>
Sent: Thursday, May 14, 2015 12:08 PM
To: Tim Padalino
Cc: Stormy Hopkins; 'lcr1236@verizon.net'
Subject: Old supermarket to be restaurant in Lovington
Attachments: IMAG1003.jpg; IMAG0335_BURST002_COVER.jpg; IMAG1002.jpg

Tim,

We are working on the additional lighting of the parking lot. I am not sure that a site visit is going to help at this time because according to the electrician, the existing lighting needs to be changed out for more efficient lights, in particular the ones mounted on the outside of the building. I am in contact with Farmville Electric and they are going to put together a complete illumination schedule with the existing lights changed out with new more efficient lights as well as 5 new lights around the perimeter of the parking area. 2 of the 5 will be mounted on the existing poles between the two entrances and 3 new ones will be installed, 2 adjacent to the R/W of Rt. #1001 and the third being located in the island on the south side of the southern entrance to the site. Tentatively, we plan to use all LED lights. Farmville is working on the specifications and will be back with me ASAP.

All old signage will be taken down. There are 3 signs proposed for advertisement of the site.

1. Sign mounted on the existing pole structure where the "hometown grocery" sign currently is located. It will be internally lighted.
2. "Supermarket" sign shall be taken down and replaced with "La Michoacana" or similar. It will not be a lighted sign.
3. A third sign will be located over the concrete pad in the "A" of the roof advertising the restaurant. It will be similar to the attached sign with the lady pictured on it.

The dumpster location will be near Tanbark Plaza in the northeast corner of the property. The site is shown on the drawing but may not be installed initially but they want to have it on the plan so that we would not have to go back through the approval process. Screening that area is noted.

I will have plans to you by 12 tomorrow.

Any other questions?

Thanks.

Massie

P. Massie Saunders, Jr.

Land Surveyor, Professional Engineer

Saunders' Surveys, Inc.

329 Crabtree Falls Highway

Roseland, Va. 22967

Stormy Hopkins

From: Massie Saunders <massie@saunderssurveys.com>
Sent: Wednesday, May 13, 2015 4:07 PM
To: Tim Padalino
Cc: Grant Massie; Stormy Hopkins
Subject: La Michoacana signage
Attachments: IMAG1003.jpg; IMAG0335_BURST002_COVER.jpg; IMAG1002.jpg

Attached are the pictures of the existing and proposed signs.

Edgar plans to use the existing poles near Rt. #29 and develop a sign to fit the structure. He would like to use a sign similar to what he has attached.

He also plans to take down the supermarket sign on the end of the building and maybe one day replace it with "La Michoacana".

He also plans to add a sign to the building over the concrete pad showing the entrance to the restaurant, similar to the one on Rt. #29, approximately 4'x6'.

Thanks.

Massie

P. Massie Saunders, Jr.

Land Surveyor, Professional Engineer

Saunders' Surveys, Inc.

329 Crabtree Falls Highway

Roseland, Va. 22967

434-277-8574

434-841-5684

**HOMETOWN
GR CERY**





 LA MICHOACANA



AUTHENTIC

MEXICAN

TAQUERIA & RESTAURANT

(434) 202-1336



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

From: David L Thompson, Building Code Official 

Date: May 11, 2015

Re: May 13, 2015 Plan Review Meeting

COMMENTS:

1. **Minor Site Plan #2015-03 re: proposed by-right use("Restaurant") and re: Special USE Permit # 2015003 ("Dance Hall") – Jose & Elpidia Gaona**
(Tax Map Parcel #58B-A-36; 58B-A-37)
 - **Asbestos certification for the any permit application is required from the owner of the building for any renovations. 13VAC5-63-100 section C 110.3. A permit application is required for a change of use group (M) to a use group (A-2) with plans drawn by a registered design professional licensed by the Commonwealth of Virginia. The application must be submitted to the Building Inspections Department for the required permits prior to any alterations/ renovations/changes...etc. for the A-2 use group. Final Inspections and a **certificate of occupancy for a restaurant/ dance hall must be obtained from the Nelson County Inspections Department for the existing building; prior to opening or operations for private or public use of the occupancy classification.** 13VAC5-63-30 section 103, 13VAC5-63-80 section A 108.1 (2)**

2. **Minor Site Plan re: Special Use Permit#2015-02 – Donald & Cindy Hall**
(Tax Map Parcel # 6-A-94B) (County records show a use group B - Permit #70-2000) (FINAL INSP- 2/29/2000)
 - A New Certificate of occupancy is required for a S-1 Use Group - Motor Vehicle repair garage with the maximum allowable quantities of hazardous materials listed in Table 307.1)1) (see section 406.6)
 - Compliance with NFPA 70 (National Electrical Code) Article 511 Commercial garages, repair and Storage
 - Compliance with Repair Garages section 406.6 VCC
 - Oil separator before point of disposal. VPC 1003.4
 - Portable fire extinguisher placement throughout. VCC 906
 - Code of Virginia 36-99.11 provide handicap parking.

MINOR SITE PLAN CHECKLIST - PROJECT

"LA MICHTOAZANA" / GAONA

Date:

* restaurant: by right use per 8-1-2
 ↳ minor site plan per 8-5



MINOR SITE PLAN CHECKLIST
 Nelson County Dept. of Planning & Zoning

* dance hall: special use per 8-1-3A

A	✓	A vicinity map showing the location of the subject property.
B	✓	Boundary lines of the subject property.
C	✓	General layout design of what is proposed on a scale not smaller than one (1) inch equals (20) feet, including the location of all proposed streets, pathways, easements, and all proposed uses of the land. A different scale may be used provided it is approved by the Planning and Zoning Director.
D	✓	Building setback lines. N/A (B-1)
E	✓	Zoning of subject property and adjacent property.
F	✓	Amount of land to be disturbed, including drain fields. = 0 / N/A (Note #10)
G	✓	Tax map and parcel number. 58-A-36 58-A-37
H	✓	Floodplains. N/A
I	✓	Wetlands, streams, rivers, etc.
J	✓	Existing structures and roads.
K	✓	Existing and proposed topography and contour lines of the development site with a contour interval of twenty (20) feet or less for minor site plans, supplemented where necessary by spot elevation.
L	?	The location of all existing and proposed utilities and easements including the width of the easement.
M	✓	A legend that shows: <ul style="list-style-type: none"> ○ Ownership (Name and Address) ○ North arrow ○ Graphic scale ○ Area in acres
N	✓	A signature panel to indicate approvals from the following: <ul style="list-style-type: none"> ○ Planning and Zoning Director ○ Virginia Department of Transportation ○ Virginia Department of Health ○ Nelson County Service Authority
O		Any other information which the Planning and Zoning Director deems necessary for the proper consideration of the application.

cc 12-7-3

basic:
 will email
 sign proposal

- proposed ^{NONE} new features (vs. existing development)?
- landscaping along Tenback Plaza: existing trees to remain?
- signage? (all old signage must be removed per § 12-11-42)... (all new signage requires County review & approval)
- no exterior lighting? (Note #9) restaurant: 6:00pm - dance hall: 2 AM ...
 - ↳ existing? } 12-7-8K
 - ↳ proposed? }
- dumpster? 12-7-85 ... "fully screened from view solid fence/wall/dense evergreen plantings"

IGA sign
 must be removed

road



- NCSA :
 - 4" gravity sewer = adequate (no problem)
 - 1" ^{water} meter for this business
 - prob not problem but depends on floor plan = use ^{up. fixture count} sinks, commodes, etc
 - NCSA will give it = try
 - cross-connection : backflow prevention device (on water side)
 - grease intercept (on sewer side)
 - grease trap
 - try to get it (under the sink first - if it works, it works -)
 - if not, then underground tank may be necessary

- VDF :
 - license permit
 - apps provided (15 pages ... specs, equipment, operation, menu, etc. more)
 - no min. required # of bathrooms per patron / table / etc.
 - hand sink requirements do exist
 - food prep \approx 1,500 sf? (some are walk-in coolers ; 1,700 sf? walk-in freezer)

0

• P.C.



DATE: May 1, 2015
TO: Site Plan Review Committee
FROM: Tim Padalino, Director of Planning & Zoning
RE: Items for Agency Review and Comment – May 13th Meeting

Enclosed are the site plan materials to be reviewed on Wednesday, May 13th beginning at 10:00am in the Old Board of Supervisors Meeting Room, 4th Floor of the County Courthouse in Lovingston. Please reference the table below to determine your agency's requested participation in the review and discussion of each item.

- 1) **Minor Site Plan #2015-03 re: proposed by-right use ("Restaurant") and re: Special Use Permit #2015-03 ("Dance Hall") – Jose & Elpidia Gaona**
 (Tax Map Parcel #58B-A-36; 58B-A-37)

- 2) **Minor Site Plan re: Special Use Permit #2015-02 – Donald & Cindy Hall**
 (Tax Map Parcels #6-A-94B)

	VDOT	VDH (Health Dept.)	TJSWCD (Soil & Water Conservation District)	Nelson Co. Planning Commission	Nelson Co. Building Official	Nelson Co. Service Authority	Nelson Co. Emergency Services Coordinator	Nelson Co. Info. Systems Director	Utility / Power Company
Item 1. 10:00am	X	X		X	X	X			
Item 2. 10:45am	X	X		X	X				

If you have questions regarding these items, or if you need any assistance, please call or e-mail.

Thank you; sincerely,

TMP/svh

Enclosures

Copy to: Jose & Elpidia Gaona
 Mr. Massie Saunders
 Donald & Cindy Hall
 Mr. Steven L. Key

DEPARTMENT
OF PLANNING



PLANNING COMMISSION
BOARD OF ZONING APPEALS

DATE: April 30, 2015
TO: Applicants to the Nelson County Planning Commission
FROM: Tim Padalino, Director of Planning and Zoning
RE: Items for Review / May meeting(s)

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

1) **Minor Site Plan #2015-03 – “Restaurant” – by-right use pursuant to Zoning Ordinance §8-1-2**
Jose & Elpidia Gaona – (Tax Map Parcel #58B-A-36; 58B-A-37)

Minor Site Plan #2015-03 will be reviewed by the Site Plan Review Committee at 10:00 A.M. on May 13, 2015, in the Old Board of Supervisors Meeting Room (4th Floor), in the Nelson County Courthouse (street address: 84 Courthouse Square, Lovingson, VA).

If the Site Plan Review Committee determines that this Minor Site Plan is acceptable to proceed, the Nelson County Planning Commission will review the site plan at 7:00 P.M. on May 27, 2015 in the General District Courtroom, in the Nelson County Courthouse (street address: 84 Courthouse Square, Lovingson, VA). If the Site Plan Review Committee determines that the Minor Site Plan requires revision(s) or other information to be submitted, the Planning Commission review will be postponed until required materials are submitted.

2) **Special Use Permit #2015-03 – “Dance Hall” – special use pursuant to Zoning Ordinance §8-1-3a**
Jose & Elpidia Gaona – (Tax Map Parcel #58B-A-36; 58B-A-37)

County reviews of Special Use Permit applications automatically begin with a review of the required Minor Site Plan. Therefore, in this case of Special Use Permit #2015-03 (“Dance Hall”), the application review process will begin with a review of the Minor Site Plan for the property. The applicant is re-using Minor Site Plan #2015-03 (“Restaurant”) in connection with this Special Use Permit request, since the subject property is the same.

The Site Plan Review Committee will review the Minor Site Plan at 10:00 A.M. on May 13, 2015, in the Old Board of Supervisors Meeting Room (4th Floor), in the Nelson County Courthouse (street address: 84 Courthouse Square, Lovingson, VA).

If the Site Plan Review Committee determines that this Minor Site Plan is acceptable to proceed, County staff will advertise (in accordance with State Code requirements) a “legal notice of public hearing” for the review of your Special Use Permit #2015-03, to be conducted by the Planning Commission at 7:00 P.M. on June 24, 2015 in the General District Courtroom, in the Nelson County Courthouse (street address: 84 Courthouse Square, Lovingson, VA). If the Site Plan Review Committee determines that the Minor Site Plan requires revision(s) or other information to be submitted, the Planning Commission review will be postponed until required materials are submitted.

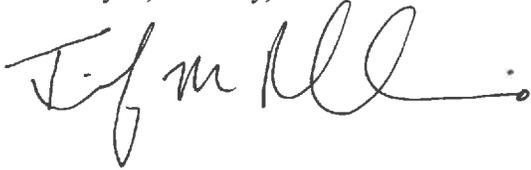
After the Planning Commission conducts a public hearing, they will refer your Special Use Permit application to the Board of Supervisors, who will also hold a public hearing before voting to approve,

Y900 3.117

disapprove, or approve with conditions your application. The Board of Supervisors public hearing will be scheduled after the other steps have been completed.

You and/or your representative(s) are encouraged to attend these meetings. 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,

A handwritten signature in black ink, appearing to read "Tom McCrellan". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

TMP/svh

Enclosures

Copy to: Mr. Joe Lee McClellan
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.

DEPARTMENT OF
PLANNING & ZONING



PLANNING COMMISSION
BOARD OF ZONING APPEALS

April 28, 2015

Chairman Bay and Commissioners,
Federal Energy Regulatory Commission,
U.S. Department of Energy

c/o Kimberly D. Bose, Secretary
888 First Street NE, Room 1A
Washington, DC 20426

Dear Chairman Bay,

As Director of Planning & Zoning for Nelson County, Virginia, I thank you for providing me with a copy of the February 27th Notice of Intent to Prepare an Environmental Impact Statement and Request for Public Comments and Agency Input. I appreciate that specific notification, and I accept the invitation to submit comments.

My written input is my own attempt as Planning Director and Zoning Administrator to organize and summarize the numerous issues associated with the proposed "Atlantic Coast Pipeline Project" (ACP) interstate transmission pipeline project that require careful, place-based evaluation within the Environmental Impact Statement (EIS) for the ACP.

This input is the result of my own careful evaluation and quiet observation. Specifically, my written response to FERC's request for comments is largely derived from the following experiences:

o *Attendance at multiple public meetings conducted by Dominion, FERC, or the Nelson County Board of Supervisors:*

These meetings allowed me to listen to, and learn from, people in a wide variety of roles with a wide variety of perspectives. This included listening to the comments and questions of local elected officials, federal regulatory agencies, private representatives of the energy industry, and residents and other members of the public.

In connection with these observations, I respectfully request that FERC, as the federal regulatory agency responsible for interstate natural gas transmission pipeline permit review, undertake the following activities:

- extend the Scoping Period beyond April 28th;
- conduct an additional scoping meeting in Nelson County with standardized, transparent procedures established prior to the meeting and administered during the meeting;

- hold ACP accountable for responding to, and adequately resolving, legitimate issues of public concern raised by Nelson County’s residents, property owners, and elected officials; and
- ensure that the proposed ACP Project does not receive any certificate or other approval until all critically important public issues are properly resolved, with regards to permitting procedures and with regards to routes, designs, specifications, and other ACP Project details.

◦ *Spatial analysis of the proposed ACP route(s):*

Using digitized versions of paper maps produced and distributed by ACP, I have attempted to evaluate the specific localized conditions and circumstances associated with the proposed route(s) of the ACP. This includes an evaluation of the proposed route(s)’ spatial configuration and geographical proximity to numerous “community assets” such as:

- green infrastructure (including surface and subsurface water resources, forested mountains, agricultural operations, wildlife habitat, and more)
- historic resources
- scenic resources
- land use patterns

In connection with this evaluation, I respectfully request the following:

- copies of the GIS shapefile from ACP for the proposed ACP route(s), (and updated copies, when applicable), which would enable the County to evaluate specific areas in detail and to develop an accurate geographic understanding of the environmental and community issues associated with the ACP’s proposed route(s);
- detailed responses or other commentary from FERC regarding analysis of all applicable environmental issues; and
- demonstrated actions by FERC to ensure that all applicable environmental resources are properly identified, analyzed, and evaluated – and that those resources are protected from devaluation or destruction in connection with the proposed ACP.

With that background in mind, I respectfully submit to the Federal Energy Regulatory Commission the following specific comments and concerns regarding the proposed ACP.

Specific comments and concerns regarding the proposed ACP:

My commentary focuses on issues related to Nelson County’s sense of place, environment, quality of life, local economy, and current and future land use patterns. More specifically, my comments attempt to identify critically important public issues which require additional analysis and consideration by FERC, and which require additional explanation and information from ACP.

I believe the ACP Project has yet to address a multitude of extremely serious questions, concerns, and issues; and I am concerned about the number, types, and magnitude of negative community impacts that would potentially or likely be caused by the proposed ACP, if approved by FERC.

Specifically, in order to ensure a proper review of critically important public issues, and in order to ensure proper protection of critically important public resources, I believe the following issues must be incorporated into the Environmental Impact Statement and be thoroughly evaluated in specific, place-based detail.

A. Green Infrastructure & Other Environmental Issues:

1) Green Infrastructure Core Landscapes

- a. Where would the proposed route(s) intersect with existing green infrastructure core landscapes as identified by the Virginia Department of Conservation and Recreation's Natural Heritage Program?
- b. What and where are the specific impacts to overall forest ecosystem health, resilience, and biodiversity associated with pipeline construction through existing green infrastructure core landscapes?
- c. What remaining ecological, biological, watershed, or other conservation value(s) would the existing green infrastructure core landscapes have after being impacted and/or bisected by a transmission corridor?

2) Surface and Subsurface Water Resources in a Rural Headwaters Community

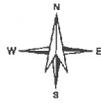
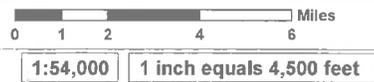
- a. Where would the proposed ACP route(s) intersect with headwaters, streams, creeks, rivers, wetlands, and floodplains? What is the number of intersections or crossings, and what specific impacts would be associated with each intersection or crossing?
- b. What are the specific impacts to overall headwater watershed health associated with pipeline construction and resulting riparian disturbances?
- c. What are the specific impacts to quantity and quality of creeks, streams, ponds, lakes, reservoirs, and/or other surface water resources?
- d. What are the specific impacts to quantity and quality of private wells, aquifers, groundwater recharge areas, and other subsurface water resources?
- e. What are the specific impacts to surface water resources during hydrostatic testing of newly constructed pipeline?
- f. What are the specific details regarding the adequacy of surface water resources to supply adequate water for hydrostatic testing without disturbing water quality and quantity, and without otherwise harming the localized hydrological cycle?
- g. What are the specific impacts associated with used hydrostatic testing waste liquids?
- h. What are the protective measures for freshwater resources during clearing of the easement corridor and construction of the pipeline?
- i. How and when will the required conservation practices and facilities be properly monitored, and by whom?
- j. How will environmental regulations be properly enforced?

3) Wildlife Habitat and Ecosystem Health

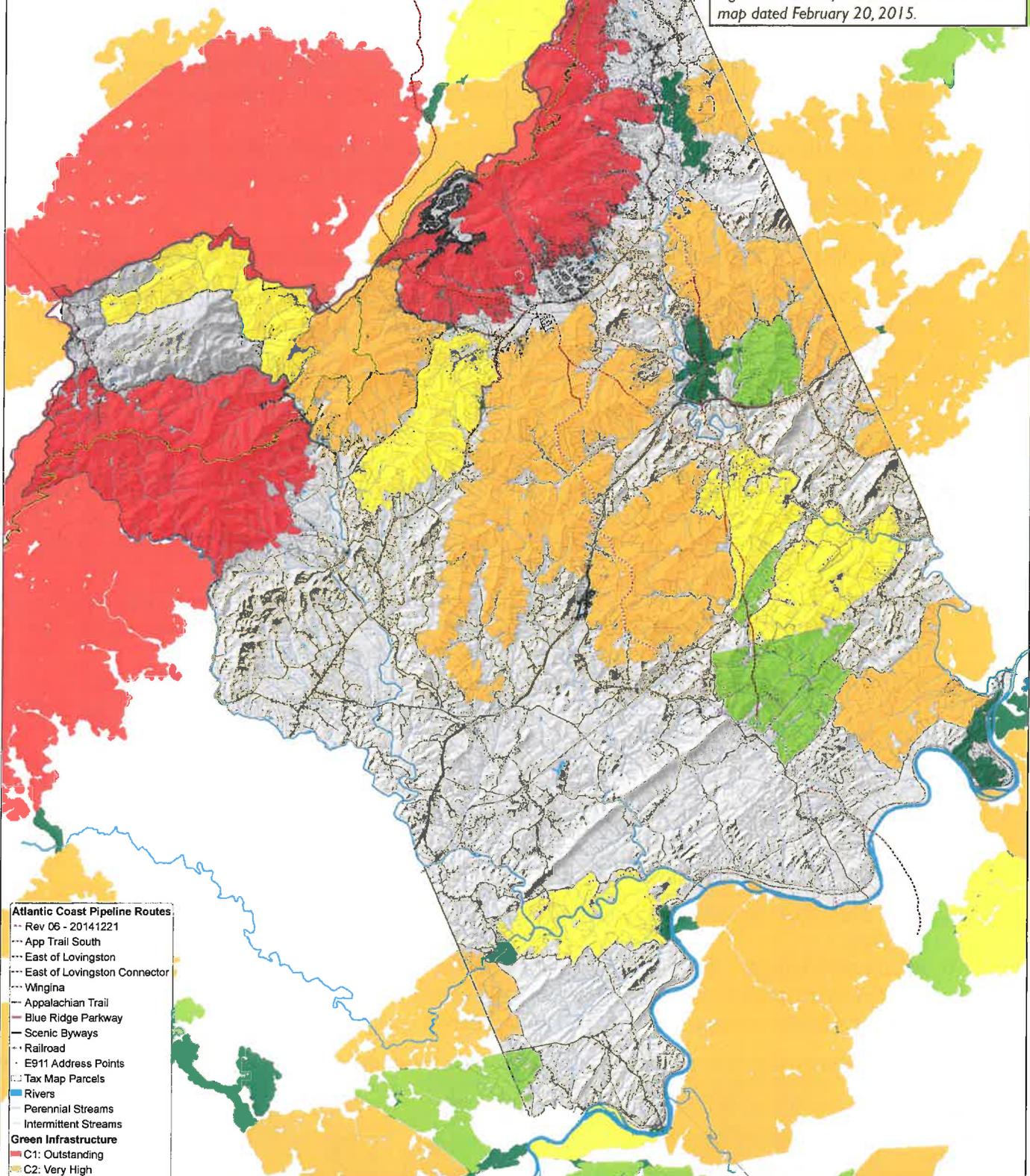
- a. What and where are the specific impacts to riparian, amphibian, forest, and terrestrial wildlife habitats?
- b. What and where are the specific impacts to forest composition and health in green infrastructure cores containing mature hardwood and mixed forests?
- c. What and where are specific issues involving forest composition and invasive species?



Nelson County, Virginia



This map is for informational purposes only. This map was created by the Nelson County Department of Planning & Zoning using data from multiple sources, including the Virginia Department of Conservation and Recreation's Natural Heritage Program, as well as a digitized version of the ACP "Route Alternatives" map dated February 20, 2015.



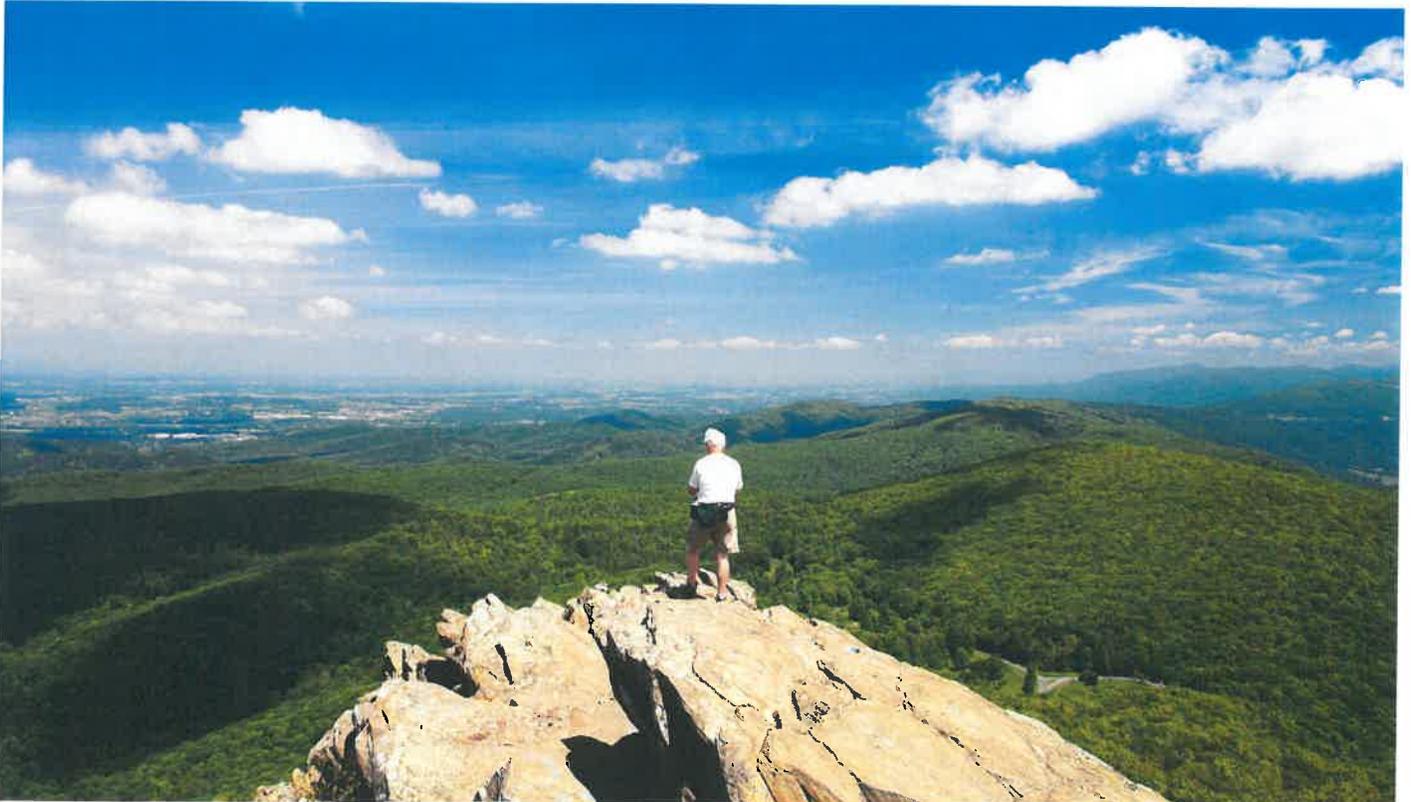
- Atlantic Coast Pipeline Routes**
 - Rev 06 - 20141221
 - App Trail South
 - East of Lovingson
 - East of Lovingson Connector
 - Wingina
 - Appalachian Trail
 - Blue Ridge Parkway
 - Scenic Byways
 - Railroad
 - E911 Address Points
 - Tax Map Parcels
 - Rivers
 - Perennial Streams
 - Intermittent Streams
- Green Infrastructure Cores**
 - C1: Outstanding
 - C2: Very High
 - C3: High
 - C4: Moderate
 - C5: General

Proposed ACP Route(s) & Green Infrastructure Cores

B. Public Lands & Recreation Amenities:

- 1) Where and how would the ACP intersect with federal, state, or local public lands?
- 2) Where would the ACP have proximity of one mile or less to federal, state, or local public lands?
- 3) Where would the ACP impact important scenic views and other scenic resources as seen and enjoyed from designated overlooks and viewing areas on federal, state, or local public lands?
- 4) What and where are the specific impacts to public resources and/or visitor experiences affecting each of the following:
 - a. Blue Ridge Parkway?
 - b. Appalachian Trail?
 - c. George Washington National Forest?

Humpback Rocks on the Appalachian Trail, overlooking the George Washington National Forest and Blue Ridge Parkway. From this scenic viewpoint, a hiker can observe the Shenandoah Valley, Blue Ridge, and Piedmont regions of Central Virginia.



C. Conservation Easements & Other Conservation Lands:

- 1) Where do the proposed ACP route(s) intersect with, or have proximity of one mile or less from, existing designated conservation lands such as:
 - a. conservation easements, which are intended to be legally protected in perpetuity?
 - b. Agricultural and Forestal Districts, which are intended to be protected as productive agricultural landscapes prevented from being developed to more intensive use(s)?
 - c. nature preserves or natural area preserves, which are created and managed for the protection and rehabilitation of habitats, plants, and animals?
 - d. Wilderness Areas, which are designated by the U.S. Congress as special places to be forever protected in their current state, as living monuments of the Created world as it existed prior to human modification?

- 2) What and where are the specific impacts to each type of conservation landscape, at each instance of intersection or proximity of less than one mile?

Fortune's Cove Preserve in Lovingston is one of many instances of conservation easements (or other conservation landscapes) in Nelson County.

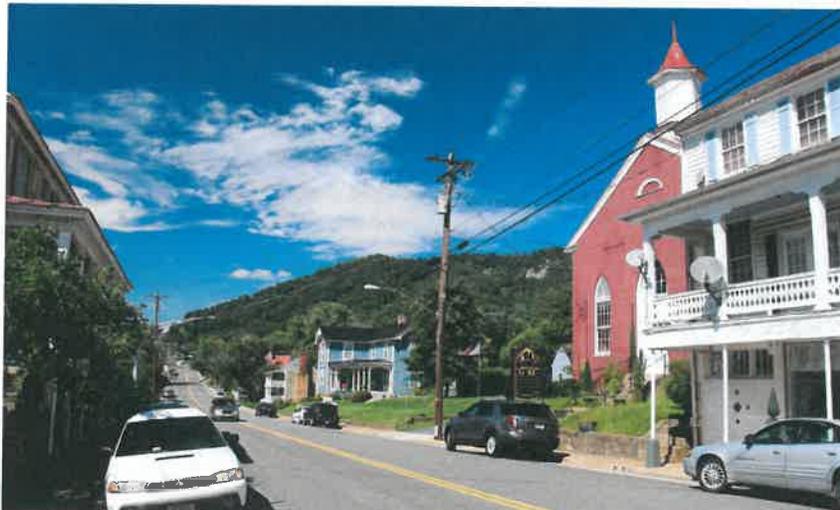


D. Historic Districts & Other Historic Resources:

- 1A) Where would the proposed ACP route(s) intersect with existing historic districts, such as the Lovington Historic District and Greenwood-Afton Rural Historic District?
- 1B) Where would the proposed ACP route(s) have proximity of one mile or less to an existing historic district?
- 2A) Where would the proposed ACP route(s) intersect with an eligible and/or proposed historic district, such as the South Rockfish or Wingina Rural Historic Districts?
- 2B) Where would the proposed ACP route(s) have proximity of one mile or less to an eligible and/or proposed historic district?
- 3) What are the specific impacts associated with each instance of such intersection or proximity to an existing or an eligible and/or proposed historic district? Would the pipeline route be visible; and if so, what specific impacts would that create on the historic district?
- 4) What and where are the specific impacts to all known historic resources and archaeological sites?
- 5) What efforts are being done to ensure that the proposed ACP would not disturb historical resources and/or archaeological sites?



Dodd Cabin in Beech Grove is a great example of historical vernacular architecture.



Front Street is the main thoroughfare in Lovington, which is the County Seat of Nelson County and a designated Historic District.

E. Scenic Byways & Other Scenic Resources:

- 1) Where would the proposed ACP route(s) intersect designated Virginia Scenic Byways and/or National Scenic Byways?
- 2) Where would the proposed ACP route(s) be visible from designated Virginia Scenic Byways and/or National Scenic Byways?
- 3) What and where are the specific impacts to other important scenic resources as identified by members of the public, governmental agencies, or the Nelson County Comprehensive Plan?
- 4A) What efforts have been made to identify and secure alternate routes for the ACP that would utilize existing utility crossing(s) or other linear rights-of-way to traverse the crest of the Blue Ridge Mountains?
- 4B) What is FERC's analysis of potential opportunities to utilize existing utility crossing(s) or other linear rights-of-way across the Blue Ridge, and to avoid unnecessary negative impacts to scenic byways and other scenic resources?

The Rockfish Valley, which has three designated Virginia Scenic Byways (Routes 6, 151, and 250) as seen from the Blue Ridge Parkway, a National Scenic Byway.



Nelson County's Scenic Byways provide opportunities to experience and enjoy rural landscapes characterized by agricultural operations and mountain views.



F. Land Use Patterns, Economic Development Issues & Quality of Life Questions:

- 1) What is FERC's analysis of the compatibility of the proposed ACP route(s) with the specific local context of Nelson County, Virginia?
- 2) What and where are the specific impacts, conflicts, or other issues associated with the proposed ACP route(s) relative to traditional rural land uses existing in Nelson County, such as farms, working forests, orchards, and vineyards?
- 3) What is FERC's analysis of the compatibility of the proposed ACP route(s) relative to Nelson County's rural economy, with an emphasis on the local tourism industry which is fundamentally reliant upon an intact, authentic rural landscape, unspoiled Blue Ridge Mountains scenery, and high-quality public lands managed for outdoor recreation, scenic value, and environmental health?
- 4) Will the pipeline intersect or otherwise affect any public (or semi-public) facilities, such as schools, community centers, parks, ball fields, or other amenities?
- 5) Where will the transmission corridor intersect with the public road system? How many crossings will there be, and at what locations? What type of construction methods will be used -- and what type of safety measures will be utilized to ensure that the roads remain safe with respect to pipeline location and operation?
- 6) How will the pipeline project affect local roads and highways? Will the project require lane closures, road closures, and/or detours? If so: how many, at what location(s), and for how long?



Nelson County's local economy and local sense of place are currently very complimentary and well-balanced. Traditional rural landscapes and new commercial enterprises combine to create a successful foundation for the local tourism industry.

Top: Devils Backbone Brewing Co. in Beech Grove.

Bottom: Veritas Vineyard & Winery in Afton.

Specific comments and concerns regarding the proposed ACP:

(continued)

Please note that, as best I can in my capacity as Director of Planning & Zoning for Nelson County, I offer my assistance and support in the careful evaluation of all ACP-related environmental issues and community impacts specific to Nelson County.

Please also note that I have attached supplemental informational materials to this written response, including the following:

- an excerpt of a report prepared September 4, 2014; that material identifies many of the same issues contained in this list of comments (above), and also contains a consolidated list of public comments, questions, and concerns raised at the August 12th public meeting conducted by the Nelson County Board of Supervisors with participation from representatives of the proposed ACP Project.

Summary remarks and conclusion:

I respectfully offer the following summary analysis of the proposed ACP Project's overall compatibility with Nelson County's landscape, land use patterns, and local economy:

Nelson County, in one of the most rugged, rural, and scenic portions of the Blue Ridge Mountains in Virginia, seems to be the least desirable and most disruptive location for the construction and operation of a forty-two (42) inch diameter transmission pipeline. The proposed ACP Project's construction and ongoing operations would effectively industrialize Nelson County's rural mountain landscape, and would result in substantial harm to the thriving local tourism industry.

Presently, Nelson County's local economy and local sense of place are very complimentary. The local economy has strengthened in recent years with the exciting and extremely successful tourism industry. The local sense of place is defined by the awesome scenery of the Blue Ridge Mountains, abundant natural heritage, and agricultural landscapes. The special sense of place sustains the local economy, as visitors are attracted to Nelson County's beautiful landscapes, outdoor adventures, and local businesses.

However, the ACP Project's implementation, and resulting impacts to the scenic viewsheds and green infrastructure systems, represent an incompatible land use relative to Nelson County's beautiful, biodiverse landscapes and burgeoning local economy.

The unique topographical, geological, hydrological, and geographical characteristics of Nelson County altogether produce serious questions, concerns, and doubts about the viability of the ACP Project being implemented safely and properly, without substantial harm to the public interest. As proposed, the ACP Project would require countywide implementation operations on a massive industrial scale, including land clearing, grading, and blasting, pipeline delivery, pipeline installation and construction, and pipeline testing. These and other implementation activities would necessarily take place in some of Virginia's most sensitive landscapes, such as:

- across very steep mountain slopes,
- in biodiverse blocks of forested landscapes (or “green infrastructure core landscapes”),
- across dozens of floodplains and through miles of riparian corridors,
- along fragile bedrock-and-boulder ridgelines, and
- upon landslide-prone soils that have shallow depth to bedrock and which have experienced previous catastrophic disturbances.

In addition, the resulting clear-cut linear corridor would be a severely unattractive blemish on an otherwise world-class landscape of natural scenery and rural beauty. Given the inseparable connection between Nelson County’s special sense of place and Nelson County’s local economy and tourism industry, the proposed ACP cannot be implemented without compromising the slow, steady, and successful growth of one of Virginia’s most celebrated tourism areas.

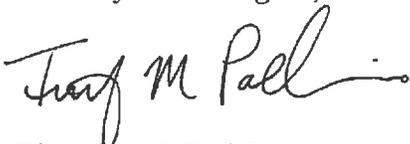
In total, the ACP Project represents a fundamental threat that would materially diminish some of the most deeply valued features and characteristics of Nelson County, Virginia; and would unnecessarily diminish and hinder an emergent tourism industry hotspot.

As a result of these issues, I respectfully offer the following requests and suggestions for your consideration:

- I respectfully request that FERC require ACP to submit additional documentation which properly identifies all critically important public issues identified by members of the public and interested agencies during the FERC Scoping Period; and which explains how the ACP will properly address and eliminate, minimize, or otherwise mitigate the associated negative community impacts.
- I respectfully request that FERC not issue the proposed ACP Project any certificate or other approval until all critically important public issues are properly resolved.
- I respectfully suggest that the proposed ACP cannot be successfully constructed and operated utilizing the currently-proposed route(s); and I respectfully request that FERC require ACP to select alternate route(s) which maximize co-location with existing utilities and/or other linear rights-of-way, and which do not involve new industrial-scale utility corridors to be implemented through the extreme terrain, intact green infrastructure cores, iconic scenery, and local tourism industry of Nelson County.

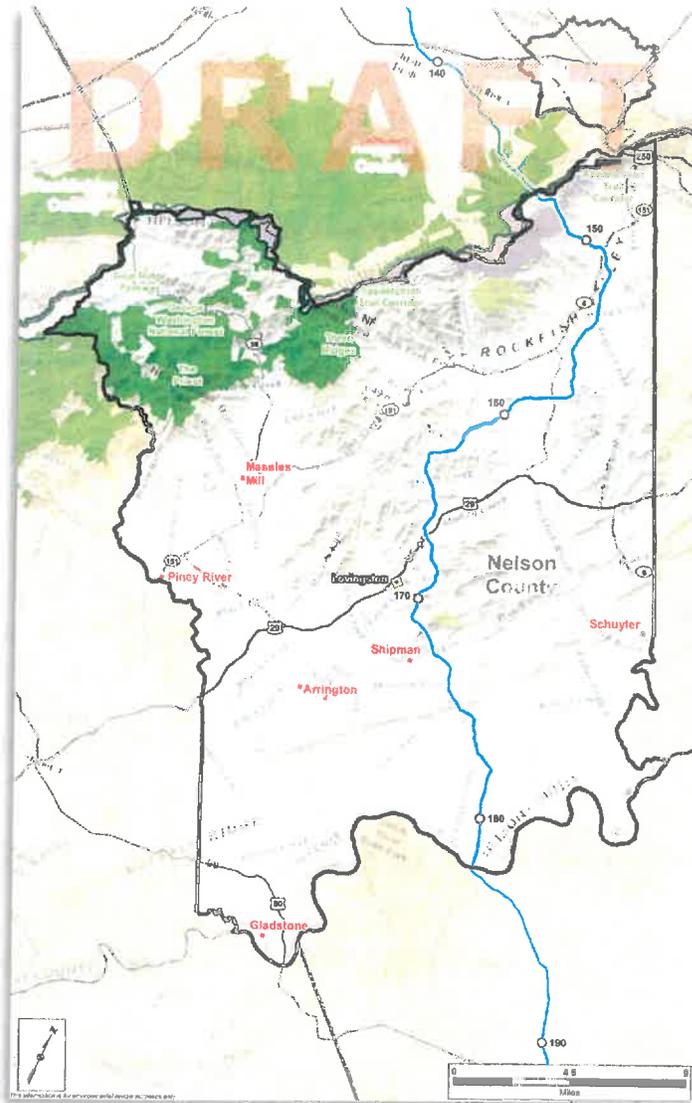
Thank you sincerely for the notification, and for the request for specific written comments in connection with the proposed Atlantic Coast Pipeline Project. I respectfully offer this input in an attempt to ensure that Nelson County’s sense of place, environmental resources, quality of life, local economy, and current and future land use patterns are thoroughly taken into consideration during the preparation of the Environmental Impact Statement. Please note again that, as best I can in my capacity as Director of Planning & Zoning for Nelson County, I offer my assistance and support in the careful evaluation of all ACP-related environmental issues and community impacts specific to Nelson County.

Thank you once again; sincerely,



Timothy M. Padalino
Director of Planning and Zoning
Nelson County, Virginia

Preliminary Report on Proposed Transmission Pipeline: *Thoughts, Questions, and Issues of Concern*



Map: Dominion Transmission, Inc.



Prepared September 4, 2014 and updated April 28, 2015 by
Nelson County Dept. of Planning & Zoning

This report is a response to the informational session at the August 12th Board of Supervisors meeting, with a focus on the presentation by the Dominion Transmission, Inc. representatives and the subsequent question and answer session between the Nelson County Board of Supervisors and Dominion's Southeast Reliability Project team (now the "Atlantic Coast Pipeline" team).

The Dominion representatives indicated that they believe this project is good for Nelson County, good for the Commonwealth of Virginia, and an important opportunity for being a good corporate citizen. Dominion highlighted their recent accomplishment of being ranked #71 on the "100 Best Corporate Citizens" list, noting that this was the fifth straight year of being a top-100 corporate citizen in the U.S.A.

As Dominion Transmission, Inc. begins their attempt to successfully deliver this complex, high-profile pipeline project through the rugged, rural, and wild landscapes of Nelson County, Virginia, they face a very challenging situation with regards to successfully demonstrating their commitment to good corporate citizenry.

Many -- if not all -- of the elements of the Atlantic Coast Pipeline would create externalities that negatively affect community members (either in the short term, the long term, or both). (*see page 6 for additional info)

County officials and members of the public have openly questioned how this project can possibly be of any value or benefit to Nelson County. That question may remain unanswered for now; but there are other questions created by this proposed project which should be addressed as soon as possible. The reality is that a better understanding of this proposed project, and its potential consequences, must be reached as soon as possible.

Therefore, now is the time for focused attention and proactive efforts to identify how and where this project would negatively affect Nelson County -- and also identify what measures would mitigate those negative impacts, and what actions (if any) could be taken to possibly even make this project good for the community.

As such, this report contains the following information:

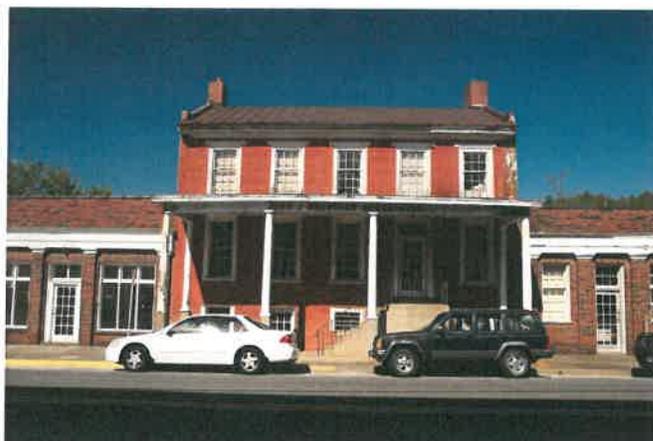
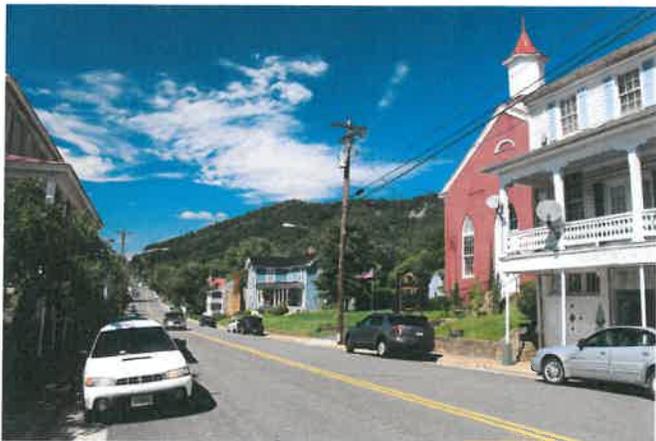
Pages 2-5 contain a list of the "issues of concern" that must be better understood, with respect to how the pipeline project would result in changes to existing conditions in the county. A brief listing of important, but unanswered, questions is provided for each issue of concern. Those questions (and more) should be further studied, in order for the County to better understand this project and its impacts on our community, our high quality of life, and the special places that make Nelson County so great.

All of these concerns and issues are reflective of the hope that the Atlantic Coast Pipeline, if permitted by FERC, accomplishes both of the following two things:

- (#1) creates minimal negative impact(s) on the public interest and public health, safety, and welfare of Nelson County and all Nelsonians; and
- (#2) creates demonstrable positive impact(s) on the public interest(s) of Nelson County on a scale that is comparable to (or in excess of) the amount of negative impacts the County is exposed to by this \$5B mega-project.

Issue of Concern:

Historic Districts & Historic Resources



Will the pipeline intersect any existing historic districts?

Will the pipeline intersect any eligible or proposed historic districts?

Will the pipeline be close to any existing historic districts and/or other historic sites or resources? If so, how close -- and will the pipeline route be visible from historic districts and/or historic sites or resources?

Issue of Concern:

Scenic Byways



Will the pipeline intersect any designated Virginia Scenic Byways and/or National Scenic Byways?
If so, how many Scenic Byways, what number of intersections/crossings, and at what location(s)?

Will the pipeline be visible from any designated Virginia Scenic Byways and/or National Scenic Byways?
If so, at what location(s) will the transmission corridor be visible from?

Will any sensitive or high-profile scenic resources visible from Scenic Byways be negatively impacted?

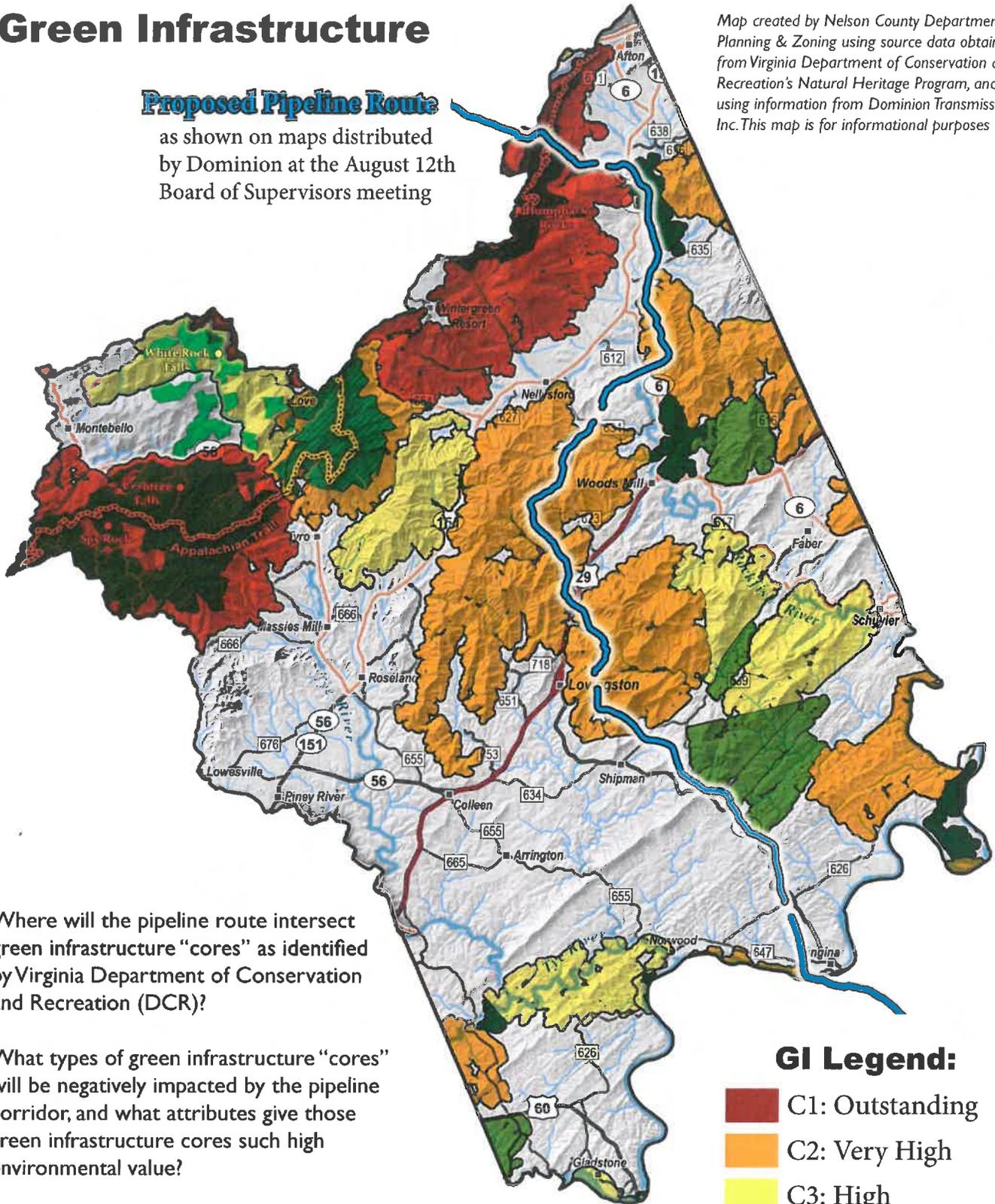
Issue of Concern:

Green Infrastructure

Proposed Pipeline Route

as shown on maps distributed by Dominion at the August 12th Board of Supervisors meeting

Map created by Nelson County Department of Planning & Zoning using source data obtained from Virginia Department of Conservation and Recreation's Natural Heritage Program, and using information from Dominion Transmission, Inc. This map is for informational purposes only.



Where will the pipeline route intersect green infrastructure “cores” as identified by Virginia Department of Conservation and Recreation (DCR)?

What types of green infrastructure “cores” will be negatively impacted by the pipeline corridor, and what attributes give those green infrastructure cores such high environmental value?

In what ways will the impacted “cores” be negatively affected? What remaining ecological, biological, watershed, or other conservation value(s) will these landscapes have after being impacted and/or bisected by a transmission corridor?

GI Legend:

- C1: Outstanding
- C2: Very High
- C3: High
- C4: Moderate
- C5: General
- Not GI Core

Issue of Concern:

Conservation Easements

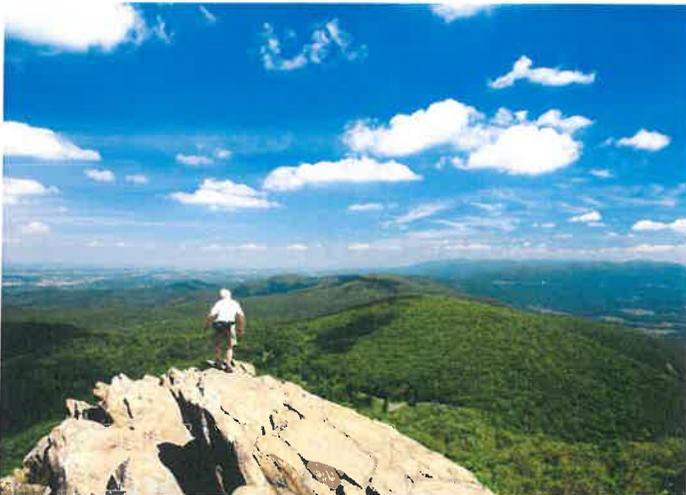


Will the pipeline intersect any existing private conservation easements?
If so, how will the transmission corridor negatively impact sensitive resources that are meant to be protected forever by the established conservation easement(s)?

Will the pipeline intersect any proposed or eligible conservation easements?
If so, will the transmission corridor negatively impact the landscapes and/or diminish the conservation value(s)?

Issue of Concern:

Public Lands & Recreation Amenities



Will the pipeline intersect local, state, or federal public lands -- including the Blue Ridge Parkway and Appalachian Trail (National Park Service) or the George Washington National Forest (US Forest Service)?

If so, where will the transmission corridor cross these (or other) public lands and/or trails?

Will the pipeline create negative physical or visual impacts on other recreational trails and/or amenities?

Issue of Concern:

Water Resources



What will be the amount and type of impacts on Nelson County's surface waters and watersheds?

Where will the pipeline route cross headwaters, streams, creeks, rivers, and wetlands, and what are the number of crossings?

What are the protective measures for freshwater resources during clearing of the easement corridor and construction of the pipeline? How will required conservation practices and facilities be monitored, and how will environmental regulations actually be enforced?

How will pipeline construction, operation, and/or maintenance affect groundwater supply and quality?

How and where will water be obtained for hydrostatic testing of the constructed pipeline, prior to operation? How and where will the waste test water be disposed of?

Issue of Concern:

Public Facilities & Public Infrastructure

Will the pipeline intersect or otherwise affect any public (or semi-public) facilities, such as schools, community centers, parks, ball fields, or other amenities?

How will the pipeline project affect local roads and highways? Will the project require lane closures, road closures, and/or detours? If so, how many, at what location(s), and for how long?

Where will the transmission corridor intersect with the public road system? How many crossings will there be, and at what locations? What type of construction methods will be used -- and what type of safety measures will be utilized to ensure that the roads remain safe with respect to pipeline location and operation?

*Additional Info Regarding County Concerns over Transmission Pipeline Impacts:

At the August 12th meeting, County Supervisors identified many anticipated impacts on the quality of life for residents and broader impacts to the public health, safety, and welfare; impacts on local businesses, with particular harm to agritourism and ecotourism industries; and impacts on the local government's ability to provide the public services required for project implementation and operation.

Specifically, the following concerns were raised by the County Supervisors and by members of the public:

• Overall project proposal and pipeline route:

- industrial transformation of one of Virginia's most beautiful and beloved landscapes
- transformation from pristine mountain watersheds and undeveloped mountain scenery to just another view spoiled by a clear-cut utility corridor
- incompatible with Blue Ridge Parkway and Appalachian Trail (world famous units of the National Park Service)
- incompatible with local tourism and agritourism industry (and with other more traditional land uses) in the very popular, very special, and irreplaceable Rockfish Valley
- proposed route does not seem efficient or practical, with regards to the geology and extreme topography of Nelson County

• Clearing, grading, and blasting of the landscape:

- physical safety (flyrock damage to property, livestock, family?)
- the effect of rock blasting on wells and water tables (now and in the future)
- erosion (loss of soil) and sedimentation (stream pollution)
- permanent destruction of some of the highest-quality wildlife habitat in Virginia
- fragmentation of forest, watershed deforestation, and altered terrain

• Other environmental, public health, and safety issues:

- hydrostatic testing of constructed pipeline is a major concern
- there is no water source available to supply the "enormous amount of water" required to test the pipeline
- concerns over pollution related to disposal of spent test water
- concerns over the source of test water, and the environmental safety of re-used test water
- concerns over proximity to residences
- concerns about potential risks / threats to safety (leaks, explosions, etc.)
- concerns about potential risks / threats to groundwater supply and groundwater quality in rural areas where public water is unavailable

• Ethics, fairness, and Constitutionality:

- should not compromise rights of local property owners for a "public interest project" that creates comparatively little (or no) local public good, and which produces local public harm
- localized negative impacts are forced upon the community as an "unavoidable inconvenience" or "necessary externality" in the process of transmitting energy resources for use by other people and other economies in other (distant) communities
- the use of Eminent Domain cannot be justified for advancing the public good or serving the public interest, if the project results in numerous and specific harm(s) to the public interest of local communities
- what protections and/or advancements of the public interest could this project establish or support, and what mechanisms could there be to ensure those community protections or advancements are sustained?

Monthly Report: April 2015
Department of Planning & Zoning

CURRENT DEVELOPMENT REVIEW(S):

Please contact Department staff for more detailed information on any of these items.

Non-Public Hearing Items: Site Plans, Subdivisions, etc.

- *Minor Site Plan #2015-04: Blue Mountain Brewery (Smack)*
 - Mr. Taylor Smack of Blue Mountain Brewery requested approval for an “employee only parking lot” on property adjacent to the existing brewery. This 25-space parking lot would be gated and locked; and would be served by an access point on Route 151 that would need to be designed and operated in compliance with VDOT’s “low-volume commercial entrance” regulations.
 - This Minor Site Plan was reviewed and approved at the March 25th Planning Commission meeting.
 - An Erosion & Sediment Control Plan has also been reviewed and approved (after the PC review and approval).
 - The applicant is now working with VDOT to obtain Land Use Permit to authorize construction within the VDOT right-of-way; and with the Building Inspections Department to obtain a Land Disturbing Activity Permit.

- *Minor Site Plan #2015-03: La Michoacana Restaurant (Gaona)*
 - Mr. Jose Gaona has submitted a Minor Site Plan in connection with a proposed new “authentic Mexican taqueria and restaurant” at 37 Tanbark Plaza in Lovingson.
 - The subject property is comprised of Tax Map Parcels #58B-A-35 and #58B-A-37; it is the former IGA and is owned by Mr. Joe Lee McLellan.
 - “Restaurant” is a permissible by-right use in the Business (B-1) District; but (per Z.O. §8-5) the proposed project requires an approved Site Plan prepared in accordance with Article 13.
 - This site plan will be reviewed by the Site Plan Review Committee on May 13th.
 - *Note: This Minor Site Plan has also been submitted in connection with a separate application for a “dance hall” Special Use Permit (pursuant to §8-1-3a); see below*

Public Hearing Items: Rezoning, Special Use Permits, Tower Permits, etc.

- *Agricultural and Forestal District (AFD) Applications #2015-01, -02, -03, and -04:*
 - Four (4) AFD applications are currently under review: 2 are requesting additions to the existing Davis Creek AFD; 1 is requesting additions to the existing Dutch Creek AFD; and 1 application proposes the creation of a new Greenfield AFD.
 - The AFD Advisory Committee and Planning Commission have both recommended that the BOS approve each application in its entirety.
 - The BOS will review these 4 applications and conduct public hearing(s) on May 12th.

- *Rezoning #2015-01: Mountain Sports Retail Space (Kober)*
 - This application seeks to rezone two parcels in Nellysford from Residential (R-1) to Business (B-1). The subject properties consist of 6.06 total acres, and are identified as Tax Map Parcels #22-A-18 (2950 Rockfish Valley Highway, owned by Herbert F. Hughes) and #22-A-19 (undeveloped, owned by Claude Malcolm Dodd).
 - Specifically, the applicant wishes to rezone the properties to construct an 8,000 square foot “retail store” and accompanying parking lot on the subject properties.
 - Planning Commission will review application and conduct public hearing on May 27th.

- *Communication Tower Permit #2015-01 (Class C): AT&T*
 - This application seeks approval to install and operate a 134’ monopole in Afton.
 - The subject property is 816 Pine Needles Lane, further identified as Tax Map Parcel #7-A-86D, and is a 120-acre parcel zoned Agricultural (A-1).
 - I provided preliminary review comments to the original applicant (Ms. Cheryl Taylor, Velocitel) via email on 3/11/2015. I provided additional guidance via telephone to the new representative for this application (Mr. Paul Robnette, Velocitel) on 5/6/2015.
 - The applicant must submit additional information before it is eligible for PC review.
 - The applicant must advertise in the Nelson County Times a legal notice of a balloon test, produce photo simulations from that balloon test, and submit those exhibits before it can be sent to the PC for public hearing review (per Z.O. 20-13-D).
 - The applicant must also notify the National Park Service (per Z.O. 20-9-A) prior to the application being considered “complete.”

- *Special Use Permit #2015-02: Hall’s Family Auto Clinic (Hall)*
 - This application seeks County approval to operate a “public garage.” The subject property is identified as Tax Map Parcel #6-A-94B, and is located at 47 Mill Lane in Afton. This 1.02-acre parcel is zoned Agricultural (A-1) and is owned by Gary Bryant.
 - A “public garage” is currently being operated at this property without the required zoning permit. This SUP application seeks to remedy that non-compliance.
 - The Minor Site Plan will be reviewed by the Site Plan Review Committee on May 13th.
 - Because this SUP application is a good-faith attempt to achieve zoning compliance, a public hearing has been scheduled for the May 27th PC meeting.

- *Special Use Permit #2015-03: Dance Hall (Gaona)*
 - This application seeks approval to operate a “dance hall” pursuant to Z.O. §8-1-3a.
 - The subject property is comprised of Tax Map Parcels #58B-A-35 and #58B-A-37; it is the former IGA and is owned by Mr. Joe Lee McLellan.
 - The Minor Site Plan for this SUP application will be reviewed by the Site Plan Review Committee on May 13th.
 - This SUP application will not be advertised for PC public hearing until the Minor Site Plan is reviewed by the Site Plan Review Committee.

Ordinance Amendments, Policy Reviews, etc.

- *Zoning Ordinance and Subdivision Ordinance: “VSMP” Stormwater Requirements*
 - These proposed amendments are necessary for the purpose of incorporating (by reference) statewide stormwater management requirements into the local ordinances
 - BOS referred the proposed amendments to the PC on March 10th (“R2015-20”)
 - PC conducted public hearing and voted on recommendations to BOS on April 22nd
 - BOS public hearing scheduled for May 12th
- *Zoning Ordinance Article 4. Agricultural (A-1) District: “Artist Community”*
 - This proposed amendment would establish a new land use (currently not provided for) as a special use in the A-1 District
 - BOS conducted a public hearing on this proposed amendment on April 14th
 - BOS deferred action and requested that modifications be made to the proposed definition for “Artist Community” for reconsideration
 - Staff Report submitted on April 30 containing requested modifications; contained on May 12th BOS agenda under “V. New Business/Unfinished Business”
- *Zoning Ordinance Article 4. Agricultural (A-1) District: “Special Events”*
 - Department staff, County Administration, and County Attorney drafting proposed amendments to revise and update Zoning Ordinance provisions for “special events”
 - Draft amendments have been prepared; no new revisions or meetings since April 8th
- *Zoning Ordinance Article 4. Agricultural (A-1) District: “Wayside Stands / Off-Farm Sales”*
 - Department staff and Planning Commission drafting proposed amendments to revise and update “wayside stand” policies and procedures
 - Numerous drafts of proposed amendments have been provided to PC, and have been reviewed during “Other Business” of PC meetings
 - Final draft of proposed amendments to be reviewed by PC at May 27th meeting; next steps TBD

Board of Zoning Appeals: Variances, Appeals, and Special Use Permits

- *Appeal #2015-01 (Shimp)*
 - Mr. Justin Shimp of 148 Tanbark Drive submitted a Zoning Appeal related to Major Site Plan #2014-005 (“Zenith Quest – Afton Mountain”). That site plan received conditional approval from the Nelson County Planning Commission on January 28th.
 - The appeal focused on the Zoning Administrator’s administrative action to accept and approve the final revised landscape plan, which was an action I took on March 4th in connection with one of the Planning Commission’s four conditions of approval:
 - The BZA reviewed the appeal and conducted a public hearing on May 4th. After listening to a presentation from staff, receiving commentary from the petitioner and his attorney Mr. Daniel Rutherford, and listening to representatives for the “Zenith Quest – Afton Mountain” project, the BZA voted unanimously to dismiss the appeal on the grounds that the petitioner does not have legal standing to appeal the administrative action.

- *Appeal #2015-02 (Shimp)*
 - Mr. Justin Shimp of 148 Tanbark Drive submitted a Zoning Appeal related to Major Site Plan #2014-005 (“Zenith Quest – Afton Mountain”). That site plan received conditional approval from the Nelson County Planning Commission on January 28th.
 - This second appeal from Mr. Shimp requests that the BZA “reverse the decision of the [Planning] Commission and revoke the approval given for the site development plan.” The petitioner claims that the project’s reliance upon a private road for secondary emergency access is not legal, and therefore the site plan approval was erroneous.
 - The BZA will review this appeal and conduct a public hearing on Monday, June 1st.

Administrative Reviews and Approvals:

- *Zoning Determinations (in process with assistance from County Attorney):*
 - Permitting procedures for Temporary Tower Permit proposal (Lockn’ Farm / Verizon)
 - Permissibility of firearms “manufacturing” and “sales” in connection with approved Conditional Use Permit #2009-003 (10950 Rockfish Valley Hwy / Zenith Quest Firearms)
 - Land use classification(s) and permissibility of proposed beverage production facility (confidential prospective applicant)
- *Plat Approvals:*
 - *Summary not available at time of submission*
- *Special Events Permits:*
 - *Summary not available at time of submission*
- *New Sign Permits, Temporary Travel Trailer Permits, Wayside Stand Permits, Home Occupation Approvals:*
 - *Summary not available at time of submission*
- *Other:*
 - Submitted public comments to FERC in connection with the “Scoping Period” for the proposed Atlantic Coast Pipeline

CODE ENFORCEMENT ACTIVITY:

Please contact Department staff for more detailed information on any of these items.

- *Blue Haven 151 Farm – Patrick Henry Highway, Bryant*
 - County Attorney filed preliminary injunction on Wednesday, May 6th seeking temporary relief from unauthorized land use activities being conducted by defendant
 - Circuit Court hearing scheduled for Monday May 11th at 9:30am
- *Bryant Paving – Mill Lane, Afton*
 - Multiple site visits have been conducted by Grant Massie and Tom Eick of the Health Department, including an inspection of the grounds and the interior of the building
 - County staff coordinating on next steps re: code enforcement actions, including Zoning Ordinance violation(s), Building Code violation(s), and possible Health Code violation(s)

LONG RANGE PLANNING:

Please contact Department staff for more detailed information on any of these items.

- *Rockfish Valley Area Plan*
 - Minimal project work conducted in recent months
 - Project Manager to develop new strategy to re-integrate this project work into weekly work schedule

NOTABLE MEETINGS ATTENDED:

Please contact Department staff for more detailed information on any of these items.

- *Pre-application meetings to provide informational guidance:*
 - (15th) proposed communication tower permit
 - (19th) proposed brewing facility (confidential per request of prospective applicant)
 - (29th) proposed subdivision plat
- *Monthly occurrences:*
 - (12th) Board of Supervisors
 - (13th) Site Plan Review Committee
 - (21st) TJPDC “Planning & Zoning Committee” – did not attend / not available
 - (22nd) Planning Commission
- *Other:*
 - (17th) Dr. Kevin Lee of Blue Heaven Chalet LLC (site visit, project introduction, and discussion of permitting requirements regarding proposed uses)