



## NELSON COUNTY PLANNING COMMISSION

Meeting Agenda: November 18, 2015  
General District Courtroom, 3<sup>rd</sup> Floor, Nelson County Courthouse, Lovingston

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- **7:00 – Meeting Convenes / Call to Order**
- **Review of meeting minutes: September 29, 2015 and October 28, 2015**
- **Public Hearing Items:**
  - o **Special Use Permit #2015-15 – “Dwelling” / Mr. Michael Tapager**

Consideration of a Special Use Permit application made pursuant to Zoning Ordinance §8-1-10a (“single family dwelling units, two family dwelling units, and multi-family dwelling units”). Specifically, the applicant wishes to re-establish the traditional use of a residential dwelling within the upper stories of an existing building in the Lovingston Historic District. The subject property is located in Lovingston at 622 Front Street; it is further identified as Tax Map Parcel #58B-3-2 and is zoned Business (B-1).
  - o **Zoning Ordinance Amendments: “Bed and Breakfast Uses”**

Consideration of Consideration of Zoning Ordinance amendments that were initially referred to the Planning Commission by Board of Supervisors Resolution R2105-66 (“Bed & Breakfast Uses”). A descriptive summary of the proposed amendments is as follows:

The proposed amendments include the definition or redefinition of numerous land uses related to transient lodging and dwellings, including: “Bed and breakfast, Class A,” “Bed and breakfast, Class B,” “Boardinghouse,” “Campground,” “Dwelling,” “Dwelling, single-family detached,” “Home occupation, class A,” “Home occupation, class B,” “Hotel,” “Tent,” “Transient,” “Transient lodging,” “Travel Trailer,” and “Vacation House.” The existing “Boardinghouse, tourist home” and “Tourist home” definition would be eliminated.
- **Other Agenda Items:**
  - o Minor Site Plan #2015-16:  
“Woodbridge Farm Brewery & Tasting Room” / Barry Wood (Tax Map Parcel #34-A-96A)
  - o Amendments Referred from BOS (continued from October 28<sup>th</sup> meeting):
    - o Temporary Events, Festival Grounds, and Out-Of-Door Accessory Uses – R2015-68
- **Other Business** (as determined by Planning Commission members / as applicable)
- **Adjournment**
- **Next Meeting:** December 16, 2015 | 7:00pm

**NELSON COUNTY PLANNING COMMISSION  
MEETING MINUTES  
September 29, 2015**

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

**Absent:** Mike Harman

**Staff Present:** Tim Padalino, Director of Planning & Zoning and Stormy Hopkins, Secretary

**Call to Order:** Chair Proulx called the meeting to order at 7:01 P. M. in the General District Courtroom, County Courthouse, Lovingson.

**1. Special Use Permit #2015-07, -08, and -09: "The Monarch" / Wendy Summer (Viridian Properties, LLC) and Michael Matthews (Matthews Development Company)**

Mr. Padalino noted that on July 24<sup>th</sup>, 2015, Planning & Zoning received complete applications for three (3) Special Use Permits (SUP) from Ms. Wendy Summer (Viridian Properties, LLC) and Mr. Michael Matthews (Matthews Development Company). The applicants noted that the reason for the request is to "provide for the establishment of The Monarch, a Nelson County Inn and Farm." Specifically, the applicants are requesting approval for the following:

1. SUP #2015-07 is requesting approval for a "conference center" (pursuant to §4-1-13a), which would allow for the development and operation of private event spaces with overnight lodging, totaling approximately 45 rooms contained in multiple formats (such as cottages, multi-unit rustic outbuildings, and a main inn).
2. SUP #2015-08 is requesting approval for a "restaurant" (pursuant to §4-1-34a), which would allow for the development and operation of a full-service restaurant, totaling approximately 4,000 SF with 80 seats at tables plus 20 lounge seats; and
3. SUP #2015-09 is requesting approval for an "activity center" (pursuant to §4-1-44a), which would allow for the development and operation of a spa, totaling approximately 2,500 – 3,500 SF.

Mr. Padalino further noted the subject property's location, characteristics, and other information. The property is located in the Greenfield area of Afton. It is identified as Tax Map Parcel #12-A-52; contains 114.42 acres and is zoned Agricultural (A-1) with small area of General Floodplain overlay (FP) on the edge of the property on Paul's Creek. Mr. Padalino showed various slides of the subject property's existing conditions.

Mr. Padalino noted that Minor Site Plans are required with all SUP applications. The Minor Site Plan portrays the proposed configuration of the restaurant, spa, and inn (and all the associated cottages, outbuildings, parking lot, roads and pathways, and various amenities). He noted that this conceptual plan has a high degree of context sensitivity, allowing for the existing landscape features of the 114-acre pastoral property to be largely preserved and enhanced.

Mr. Padalino further noted that in meeting with the applicants, it is clear that a key component of their concept is to have a light touch on the land and carefully situate their project into the landscape in a way that is both environmentally responsible and attractive for their future patrons.

Mr. Padalino stated that the Minor Site Plan (in total) contains extensive details which are often not determined until the Major Site Plan portion of the Zoning review process. He feels this is a positive indication of the amount of due diligence that the applicants have already undertaken and provided the following examples:

1. Overall Wastewater Collection & Treatment Concept Plan (1" – 100' scale)
2. Master Plan (1' = 120' scale)
3. Plan Enlargements A-D (1" = 30' scale)
4. Disturbed Area Plan (58% of overall site)
5. Aerial Topography Plan (showing 2' contours)

Mr. Padalino also noted that the submittal also included a Portfolio which provides extensive details using both graphic exhibits and narrative content. He noted that this document contains the applicants' overview of the proposed project, including a description of the concept and the different programmatic elements; a description of the property; an overview of the applicant team; the applicants' statements about the proposed project's appropriateness and compatibility; and the rationale regarding the three (3) SUP requests in response to the evaluation criteria as specified in the Zoning Ordinance. He further noted that the Portfolio contained inset maps about the four (4) main project components (inn, restaurant, spa/fitness center, and lodge/meeting space).

Mr. Padalino stated the applicants asked for other considerations as follows:

1. Request for all three (3) SUP requests be viewed as a "package" and considered jointly rather than [separately] in any final action. "Since The Monarch is a comprehensive planned development, all three special use permit applications are needed for the plan to be viable."
2. Request for the Board of Supervisors (BOS) to extend the time frame for establishing this special use from the automatic twelve-month (12) window to twenty-four (24) month window. That is based on the expected time to complete the design of the project and then construct the buildings. They anticipate the design time to take eight (8) to twelve (12) months, and construction to take approximately a year after that.
3. Statement that the applicants anticipate submitting another SUP for the sole purpose of constructing the main entrance into the property across Paul's Creek in a location with a 100-year floodplain.

Mr. Padalino noted that the Site Plan Review Committee met on August 12<sup>th</sup>, 2015. Review comments are as follows:

TJSWCD: Mrs. Allyson Sappington of the Thomas Jefferson Soil & Water Conservation District indicated that an approved Erosion & Sediment Control Plan and approved Stormwater Management Plan would be necessary if the proposed project is approved.

VDH: Mr. Tom Eick of the Nelson County Health Department stated that, "VDH requires commercial developers to enlist the services of Onsite Soil Evaluators (OSE) to provide soil evaluations and system design for onsite sewage treatment and disposal. In addition, a Professional Engineer (PE) is required whenever the waste stream to be generated exceeds residential strength waste, as it would from a restaurant."

Mr. Padalino noted that the following due diligence has been performed: Drainfield areas and estimated percolation calculations were prepared by Roger Nelson (Air, Soil, and Water Environmental, LLC) in May; and Preliminary hydrogeological analysis report was completed by True North Environmental, LLC in July. He further noted that he has not received any final comments from the Health Department.

VDOT: Mr. Jeff Kessler, representative of the Virginia Department of Transportation (VDOT) attended the meeting and provided the following comments in writing on August 13<sup>th</sup>: VDOT would require more information. "At a minimum, a VDOT Traffic Impact Statement will be required. The information provided by this document will inform us of the expected impacts to Route 635, and the intersections of 151/636 and at Route 151/6. It will also provide the developer with early guidance regarding their entrance requirements and identify any potential roadway related improvements."

Subsequently, on August 20<sup>th</sup>, the applicants submitted the requested Traffic Impact Statement to VDOT (through their consultant Mr. Erich Strohhacker of Green Light Solutions, Inc.). After reviewing the submittal, VDOT provided the following review comments on September 1<sup>st</sup>:

"...we feel weekend traffic will be the highest generator and therefore, request that you add Saturday's 2-Way Volume and Saturday's Peak Hour Volumes for each Land Use listed on Table 1 of your analysis. In addition, day traffic generated by the conference center will also need to be addressed. Once these two items are included in the trip generation analysis, the report will be acceptable. Please provide me with the revised report. No further review will be necessary."

Mr. Padalino noted that in response, the applicants submitted the requested Traffic Impact Statement on September 25<sup>th</sup> (made available to the Commissioners). To date, no review comments have been received from VDOT. The final Traffic Impact Statement indicates the following:

- (Existing traffic conditions): At the intersections of Rockfish Valley Highway and River Road, a southbound left turn lane is warranted. At the intersections of Rockfish Valley Highway and Rockfish School Lane, a southbound right turn taper is warranted.
- (Build-out conditions): At the intersection of Rockfish Valley Highway and Rockfish School Lane, a southbound right turn lane is warranted using VDOT's specifically requested methodology.

Additionally, the Traffic Impact Statement also contains the following conclusions:

- Standard analysis indicates that a southbound right turn lane is not warranted at the intersection of Rockfish Valley Highway and Rockfish School Lane.
- Analysis indicated that site traffic impacts are expected to have a minimal impact to overall traffic operations within the study area for this project. Operational analysis indicates all study area intersection movements are expected to operate at Level of Service (LOS) B or better with no degradation in levels of service due to site traffic impacts.

Mr. Padalino noted that a right turn lane does not seem to be essential since the Traffic Impact Statement indicates that, after full project buildout, the intersection would go from the current "B" Level of Service (LOS) to a "B" LOS (as demonstrated in Table 2). He stated that the right turn lane is only warranted during the Saturday PM peak hour – and that the remainder of the analysis does not result in a turn lane being warranted for the rest of the week.

Mr. Padalino stated that the applicants further noted that The Monarch operations would not necessarily correlate with standard work day hours that are used to calculate those evening peak hours. He added that the final conclusion in the report states that, "based on the analysis presented in this report, it is not justified for the proposed development to fully mitigate an existing warranted improvement while traffic operation suggests that no improvements are needed based on movement delay measures." Mr. Padalino stated that, at the time of the meeting, VDOT had not yet responded to this latest report. Mr. Padalino added that the applicants have been continuously focused on these transportation issues since the August 12<sup>th</sup> meeting.

Mr. Padalino concluded by stating that as with all Special Use Permits, the Zoning Ordinance specifies four (4) criteria that must be evaluated when reviewing such requests, as follows:

- A. *The use shall not tend to change the character and established pattern of development of the area or community in which it proposes to locate.*
  - o He feels this is a low-impact, context sensitive resort that is carefully sited into the existing features of the farm. It seems to be compatible with the future land use plan contained in the Nelson County Comp[rehensive] Plan, whereas the Greenfield area is designated as a Rural Residential District Model which "would allow low-density residential and compatible non-residential uses in rural areas where agriculture is not the predominant use." The subject property is close to the Rockfish Valley Community Center (RVCC), which is a dynamic public venue and an important community asset. The subject property has proximity and access to VA 151, which has established itself as a tourism corridor.
- B. *The use shall be in harmony with the uses permitted by-right in the zoning district and shall not affect adversely the use of neighboring property.*
  - o He agrees with the applicants' statements in that this concept is entirely in keeping with the rural character of Nelson County. The applicants stated that, "We are highly committed to preserving the peace and beauty that has attracted us and attracts visitors to the area." Mr. Padalino noted that the Site Plan includes several features that are expressly designed to be respectful of, and sensitive to, neighboring and nearby properties.
- C. *The proposed use shall be adequately served by essential public or private services such as streets, drainage facilities, fire protection and public or private water and sewer facilities.*
  - o There has been a lot of due diligence including: hydrogeological analysis; groundwater and wastewater analysis; a traffic generation report; and a traffic impact statement. He believes the applicants would develop this property with the highest degree of responsibility and compliance.
- D. *The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.*
  - o The Site Plan (as noted previously) incorporates excellent site planning and design principles that attempt to minimize any alterations to the subject property's attractive rural character,

which includes the identification of any wetlands, floodplains and other environmental features. It includes a positive identification of an existing family cemetery, including avoidance of that area on the property.

Mr. Padalino stated that it is the opinion of Staff that the proposed project, as detailed in the application materials and as depicted on the accompanying Minor Site Plan and in the Portfolio, seems to be satisfactory relative to all four (4) evaluation criteria. Therefore, he recommended approval of the Special Use Permits.

Chair Proulx asked Mr. Padalino about VDOT's planned improvements at Route 151 Rockfish School Lane intersection. Mr. Padalino indicated that the plans call for a north-bound left turn lane onto Rockfish School Lane. He further indicated that there is no plan for a south-bound right turn deceleration lane.

Chair Proulx then asked if the applicants if they would like to add to Mr. Padalino's report of the proposed project.

Mr. Mike Matthews and Ms. Wendy Summer (Albemarle County) thanked the Commissioners for the called Special Meeting and introduced themselves and gave a PowerPoint presentation describing the proposed project as follows (see attached):

**Who We Are:** Mr. Matthews noted that they are a husband and wife team, and have been in the area for about 25 years. Ms. Summers noted that she is a private practice therapist in Charlottesville. She did her internship as a counselor at Nelson County High School, and did some in-home counseling in Schuyler and around the County. Mr. Matthews then noted that he has a development consulting firm. He has worked on mission-based projects such as: Martha Jefferson Hospital (worked over eleven (11) years which was a \$300,000,000 project; Monticello (eight (8) projects over fifteen (15) years); Westminster Canterbury (fifteen (15) projects over fifteen (15) years); the UVA Community Credit Union; and numerous others. He then showed slides of each of these projects.

**Why The Monarch:** Mr. Matthews noted that Nelson was the right place; it's the right time for them in their careers/family; the property is spectacular; the timing is right because good lodging is needed for smart Nelson growth; and he believes they have shared goals with the Nelson Community.

**Project Goals:** Mr. Matthews further noted that their project goals were based on "what the land is informing them, we are not trying to impose our will on the land but it is telling us what sort of density and location of facilities we want to plan."

Ms. Summers noted that Mr. Matthews has had a true love and passion for the Monarch butterfly since early elementary school. She talked about the Monarch butterfly in detail. She noted that the national expert, Mr. Lincoln Brower (who lives in Nelson), has agreed to consult with them to create some Monarch habitats on the property.

Mr. Matthews noted that he feels they can meet an important need in the community; extend stays in the area; create partnerships with community businesses; and create good jobs and "clean" tax revenue.

**Where Will It Be:** Mr. Matthews noted that the proposed project would be located in the heart of the 151 corridor, next to the Rockfish Valley Community Center (RVCC) and near major roadways of Route 151 & Route 6. They intend to create a four-season destination. He showed a map of the proposed entrance off of Rockfish School Lane, and neighboring properties.

**What is The Monarch:** Mr. Matthews further noted that they envisions this as a 4-Star Inn, with 45 to 60 rooms in a mixture of cottages, inn and "barns"; a farm-to-table restaurant; and a full-service spa. He noted that the trees (as shown on the Site Plan) would largely remain. There will be some select cutting to nestle the cottages into the hillside. The entrance will be moved as close to Route 151 as feasible, in order to get people off of Rockfish School Lane and into the property as quickly as possible. Ms. Summer noted that the parking area was chosen because a lot of the trees in that area have been killed by the southern pine beetle. She further noted that the cars in that area will stay there after guests arrive and park, and patrons will either walk or use golf carts to get around the rest of the property. The large pond that is featured on the Site Plan is not there at this time; but they hope to have that available, and it would be used as part of their stormwater management.

Mr. Matthews highlighted areas on the Site Plan that depicted the general layout of the proposed project. The community components (restaurant) happen at the front of the property, facing Route 151. The backside of the property (the quiet side) is where the Inn (15 to 25 rooms), breakfast room, and meeting space will be located. The Spa will be located near the existing house, which they hope to incorporate into that design. The lower part of the property will be where the "barns" will be located. Another important component is Paul's Creek, for which they hope to restore buffers. Ms. Summers noted that the area labeled as number 33 (passive recreation) on the Site Plan is not in the plan anymore, as it has been removed at the request of some neighbors. Mr. Matthews then showed various slides of the view from the proposed locations.

**What Have We Done:** Mr. Matthews noted they have filed the applications; sent letters to all the neighbors and met with most of them; met with many of the local businesses (received positive feedback); and assembled a team of experts that have helped them get to this point.

**Done Our Homework:** Mr. Matthews noted that they had done their homework and had done the following: engaged a team out of Georgia to do a Hospitality Feasibility Study; an Aerial Topographic Survey; a Septic Study; engaged True North to do a Hydrogeologic Study of the water supply; and had a VDOT Trip Generation Study done. He discussed the VDOT issues and his understanding of them, and further noted that they had answered all of VDOT's questions in a timely manner. Lastly, he stated that they had recently introduced the proposed project to the BOS using a similar presentation.

Ms. Summers concluded by noting that with regards to the architecture of the buildings, it is their idea to create an architecture that is reminiscent of farm buildings (not modern/contemporary). She noted they want a project that looks as though it's been of the place, although it will be luxurious.

The following questions were asked by the Commissioners, and the applicants provided the following responses:

1. *Could you identify which are motor vehicles roads and golf carts paths?* Mr. Matthews (using the Site Plan slide) distinguished between the two. He further pointed out that #1 on the Site Plan is a mistake and it will be corrected.
2. *Is there a cemetery on the property?* Mr. Matthews stated there is; it is the Martin family cemetery. The family will always have access to the cemetery.
3. *Does the fire department have any concerns?* Mr. Matthews stated that he has met with the Fire Chief but no direct discussion has been made at this time.
4. *What about phasing? An extension of two (2) years was requested – do you expect to have the entire project completed within that two (2) years?* Mr. Matthews stated that the barns could be a part of phase two (2), he was not sure yet. He noted that it is going to depend on market factors. The two (2) year extension was requested because they do not want to be rushed to get the design done and they

want to do it thoughtfully. Ms. Summers further noted that if the project were undertaken in phases, the barn complex and tennis courts would be a part of phase two (2).

5. *For clarity, the two (2) year extension is being asked for to accomplish phase one (1)?* Mr. Matthews and Ms. Summer stated that was correct.

Chair Proulx opened the public hearing at 7:49 PM.

Jim Evans: Mr. Evans noted that his grandfather, great-grandfather, and great-great grandfather are buried in the cemetery on the property. He stated that, "they [the applicants] told me that they would take care of it and that we would have a right-of-way to go into it and out of it at any time we want to." He further stated that, "the cows have the right-of-way right now and they [the applicants] would do a much better job than the cows." Mr. Evens noted that the family goes back to the Revolutionary War. He further noted that Charlie Martin had a land grant to the Rockfish Valley at one time. He further noted that there are a lot of Union and Confederate soldiers buried there. He concluded by stating that he is for the proposed project and believes they [the applicants] would do a great job.

No further comments were given. The public hearing was closed at 7:50 PM.

The following questions were asked by the Commissioners:

1. *The future application for Special Use Permit (SUP) for the entrance across Paul's Creek – would that be heard by the Board of Zoning Appeals (BZA) rather than the PC?* Mr. Padalino stated that was correct.
2. *Has there been any comments from VDOT regarding the report that was done by Green Light Solutions, Inc.?* Mr. Padalino stated that to-date no comments have been provided and noted that he has a call in to Mr. Kessler.

Commissioner Russell made the following motion:

**I make a motion that Viridian Properties, represented by Wendy Summer and Michael Matthews, have applied for three (3) Special Use Permits (SUP) in order to create The Monarch, an Inn and Farm to be located at 559 Rockfish School Lane; consisting of 114.42 acres; Tax Map #12-A-52, which is zoned (A-1) Agricultural. The Nelson County Planning Commission held a public hearing on this day, as required by the Virginia Code. The Commission has made a positive evaluation of the criteria for approving a SUP as show in Section 12-3-2 of the Nelson County Ordinance and further finds that it is compatible with the Comprehensive Plan. Therefore, approval of these three (3) SUP is recommended to the Board of Supervisors based on the Minor Site Plan, consisting of five (5) sheets dated July 24<sup>th</sup>, 2015 and Portfolio. Furthermore, the PC recommends that the applicant be granted a twenty-four (24) month time period to complete construction. Commissioner Allen provided the second; the vote 4-0, with Mr. Saunders abstaining.**

**Adjournment:**

At 8:05 P.M. Commissioner Allen made a motion to adjourn.

Respectfully submitted,  
Stormy V. Hopkins  
Secretary, Planning & Zoning

**NELSON COUNTY PLANNING COMMISSION**  
**MEETING MINUTES**  
**October 28, 2015**

**Present:** Chair Philippa Proulx, Commissioners Mike Harman, Linda Russell, 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 – September 23, 2015:** Chair Proulx asked if there were any suggestions/corrections to the meeting minutes (draft dated 10/15/2015).

Commissioner Russell noted that she has an issue with the following:  
Page 1 – Minor Site Plan for Mr. Phillips – 1<sup>st</sup> sentence – received a “complete” application on June 19<sup>th</sup>. Ms. Russell indicated that she does not believe the application was complete. She questions if the use of the word “complete” is appropriate, since the Ordinance states that all checklist requirements have to be met. She asked that Stormy Hopkins go back and listen to the recording from the meeting to determine if the term “complete” was used. If it was in fact used, an addendum will be added to the September 23<sup>rd</sup> meeting minutes (as reflected on the October 28<sup>th</sup> meeting minutes).

**Commissioner Harman made a motion that the September 23, 2015 minutes be approved as amended by Linda Russell. Commissioner Allen provided a second; the vote 5-0, with Mr. Saunders abstaining.**

**1. Special Use Permit #2015-10, #2015-11, #2015-12, #2015-13, and #2015-14 (“Spruce Creek Resort & Market” / Averitt)**

Mr. Padalino noted that on August 26<sup>th</sup>, Planning & Zoning staff received applications for five (5) Special Use Permits (SUP). The listed applicants are Mr. Richard Averitt IV and Mr. Dick Averitt III. The overall submittal includes the five (5) SUP, a Minor Site Plan, and a supplemental Portfolio.

Mr. Padalino further noted specific details of the five (5) SUP, the Minor Site Plan, and the SUP Portfolio (supplemental packet) as described in the Staff Report dated October 20, 2015 (see attached).

Mr. Padalino then noted the subject property’s location, characteristics, and other information. The property is located in the Nellysford area in the Central District; it is comprised of two (2) parcels on the west side of Rockfish Valley Highway; and further identified as Tax Map Parcel #21-A-35 and #21-A-36. The two (2) parcels total 98-acres of Agricultural (A-1) zoned property, with an area of General Floodplain overlay district (FP) along Spruce Creek. The subject property is currently undeveloped, and was formerly the location of Waynesboro Nursery.

Mr. Padalino noted that with regards to the “Future Land Use Plan” in the Nelson County Comprehensive Plan, Nellysford proper is identified as a “Mixed Use Village Development Model.” In addition, the South of Nellysford area is designated a “Rural Residential District Model,” which “would allow low density residential and compatible non-residential uses in rural areas where agriculture is not the predominant use.”

Mr. Padalino further noted that the Minor Site Plan drawings were prepared by Nelson Byrd Woltz Landscape Architects and contained seven (7) pages. The SUP Portfolio (supplemental packet) provides extensive details using both narrative and graphic format, and contains the project narrative. Details for both are described in the Staff Report dated October 20, 2015 (see attached).

Mr. Padalino then noted details of the review process to-date as follows:

- Applications were submitted on August 26<sup>th</sup>
- Site Plan Review Committee met on September 9<sup>th</sup>
- Applicants introduced their project to the Board of Supervisors (BOS) at the afternoon session on October 13<sup>th</sup>
- Planning Commission review and public hearings held on October 28<sup>th</sup>
- Board of Supervisors public hearings are being advertising for Thursday, November 12<sup>th</sup>

Mr. Padalino noted that the applicants are fully aware (if approval is granted), the next step would be to provide a Major Site Plan. The Major Site Plan process would include important details such as signage, lighting, landscaping, and other specifications and design details; as well as important regulatory details pertaining to VDOT, Health Department and others.

Mr. Padalino provided detailed comments from the Site Plan Review Committee meeting as detailed in the Staff Report dated October 20, 2015 (see attached).

Mr. Padalino concluded by providing staff's evaluation and recommendation(s) based on the four (4) evaluation criteria (Zoning Ordinance Article 12, Section 3-2) that must be considered with all SUP applications. The opinion of Staff is that the proposed project, as detailed in the application materials, seems to be satisfactory relative to all four (4) evaluation criteria (details described in the Staff Report dated October 20, 2015-see attached). Therefore, the Planning & Zoning Director recommends approval of Special Use Permits #2015-10, #2015-11, #2015-12, #2015-13, and #2015-14.

Chair Proulx noted she had concerns (as follows):

1. SUP #2015-11: asking for a "banquet hall" and a banquet hall does not allow for lodging. The application specifically stated that they would like to build a banquet hall and does not reference a conference center.
2. SUP #2015-14: is for a remote location wine tasting facility and she is not sure if that is consistent with the ordinances definition for "farm winery, remote location". She believes that is specifically for the use of a winery and not another facility (discuss further after applicants speak).

Mr. Padalino noted that in regards to #2015-11, "banquet hall" is referred to in the narrative explanation as part of the conference center. He further clarified that the request is pursuant to §4-1-13a "conference center."

Richard Averitt: Mr. Averitt stated that, "*he was one (1) of two (2) partners in the Rockfish Valley Investments LLC, spearheading this project.*" He noted that this project is the result of a dream that began in the fall of 2013. Mr. Averitt provided background information on the concept of the proposed project. He noted that his and other family members purchased property and then moved to the county in 2003; they fell in love with the county and its natural beauty. He further noted that he was "*surprised that there weren't more opportunities for people to come and just appreciate the natural environment.*" He also noted that, "*in many ways, the Rockfish Valley and Nelson County are being treated on the East Coast the way people think of Napa Valley on the West Coast.*"

Mr. Averitt noted that, "*this was a place that was by itself a destination. We heard more and more that people are looking for accommodations here.*" He further noted that one way would be to build accommodations. He then

noted, *“what if you created a place that you come to Nelson County for, and then from there, [you] were able to explore all the fabulous other opportunities in our community.”* He noted that he has a background in the restaurants industry (he built four), and he is deeply passionate about it and has enjoyed it. He stated, *“what if we built a place that was anchored by a world-class restaurant that capitalized on the foods and beverages and things that are produced right here in our sort of community and the area around us, and built an experience that celebrated all that that implied.”* He then stated that, *“the concept then became, what would be required; what other things would you need; how would we develop that; how would we make this a resort that could compete with certainly The Little Inn at Washington (although a different kind of project), but also with Blackberry Farm in Walland, Tennessee and with Post Ranch Inn in Big Sur. A place by itself where people say, I want to go there.”*

Mr. Averitt then pointed to various areas on the Site Plan slide and talked about each. He noted that this subject property is the location of the old Waynesboro Nursery, where there are rows of mature trees that still remain. He indicated that some of the cabins would be *“nested along the edges of that environment”* with trails connecting the cabins. Some of the cabins would be focused on the ravine down to Spruce Creek; some would be nested at the back of the field with the idea that they would be sunk low to the ground; some would be handicap accessible; and some would be built on the edge of a steeper ravine and would be *“treehouse like.”*

The concept of the lower area would be used for the events facility (accommodate 100-125); the open pasture land can be used for tents for larger events; and the market (place for wineries to offer wines for tasting and sales). There would also be a boutique/market area as well for grocery items – ideally for local farmers to grow/market their business. He further noted that some area would be without vehicular access, and visitors would use paths. If someone were visiting the spa or restaurant, they would be greeted by a host or valet, who would take them to the resort area by an *“electric vehicle of some configuration.”* He concluded by explaining the concept of a service entrance, and noting that they have an easement that comes off of Route 627, but he doesn't believe that is a required access; if that's the case [not required], they will not use Route 627. He also noted that in addition to the proposed new entrance onto Route 151, there would be a single exit on to Horizons Village Road.

Zuzana Ponca, Nelson Byrd Woltz Landscape Architects: Ms. Ponca noted that she is the project manager. She further noted that this is a disturbed site because it was the former Waynesboro Nursery; it is not a pristine forest. She added that the nursery trees give an interesting character to the site. She then noted that they plan to keep the remnant trees and re-establish a native plant landscape. They also plan to keep the existing trees to use as a vegetative buffer along Horizons Village Road. They want the place to remain special and private. She further noted that the parking is designed to be built incrementally.

The following questions were asked by the Commissioners:

1. Discuss access by delivery people and guests who drive in the lower tract and want to get to the upper tract and it is January; how would that be handled? Mr. Averitt noted that there are a number of options and they are not clear at this time, but the vehicles that will be used will be resort vehicles and not a private vehicle.
2. Will there be access for emergency vehicles? Mr. Averitt noted they will build the main road to specifications (from VDOT and Fire Department) that will make it accessible for emergency vehicles. Ms. Ponca noted that this needs to be studied further. They intend to use the pond for emergency purposes. The road is going to be sized to accommodate fire trucks. Mr. Averitt noted that delivery trucks will arrive at times that are consistent with their needs, so that they do not disturb the guests. The restaurant would not be a high volume environment (50-60 diners one time or sitting per night).

3. Will the cottages have cooking; where will guest have breakfast? Mr. Averitt noted the cottages would not, but perhaps breakfast would be provided in the banquet hall or in conjunction with the tea house.
4. Will this project be phased, building the lower tract first? Mr. Averitt noted that phasing is unclear at this time. It is primarily a function of investment and capacity. Ms. Ponca noted that they want to remain conscientious.
5. Where does the pipeline go through? Mr. Averitt noted that it would go through the pond and through the center of the property.

Chair Proulx opened the public hearing at 7:45 PM.

Toni Ranieri, Nelson County resident: Ms. Ranieri stated that, *"My concern is that we too frequently rezone agricultural and forestal property for other uses. These lands are much more valuable than we tend to treat them. They are not only the lands on which we can meet our basic needs for food, but they are the lands that help maintain healthy air and water quality. They are also the lands that do not cost the taxpayer as much in services provided such as roads, electricity, schools, and trash facilities. They also contribute to a higher quality of life for residents."*

Ms. Ranieri then stated that *"I know we have rezoned in the past and it has been beneficial to us but that does not mean that doing more of the same is in our best interest. When some is helpful, it does not necessarily mean that more is helpful. I've seen plenty of communities that were once beautiful and healthy communities become undesirable because of improperly controlled growth. I've also seen communities that have done a good job of designing for and controlling growth. So far we have done a good job and I'd like to keep it that way. We do not have to say yes to every request for rezoning from agriculture."*

Ms. Ranieri further stated that, *"The mall being proposed is a major endeavor. We should look at the impacts on traffic and safety. I can't see how we couldn't widen Route 151 to accommodate this. We should look at the impact on water resource, on air quality, on demand for electricity, and on public services that will need to be provided. We should also look at the long term impacts. We should also consider that someday this business will be sold to someone else who may want to use it more intensely for business. Without strict limitations they will assume they have the right to do so. I've certainly learned how we can inadvertently obligate ourselves to development that we would not choose to have. In the case of the ammunitions warehouse being built so close to a school and densely populated neighborhood. I was told that we could not stop it because of the rezoning to industry that had been established earlier for a much more benign industry."*

Ms. Ranieri concluded by stating that, *"Yes, we want jobs and tax revenue, but we can be deliberate about how to do that. We do not need to put all our eggs in one basket, into tourism. Our children do not always have to have jobs in tourism. It may be a better industry than some, but how much do we need? In comparison, farming looks quite attractive. It may be that today small farms cannot make a living from farming because of competition from industrial farms, but we all hope that will change and I would like Nelson County to not only be ready for it, but be a part of trying to bring about that change. Someday we will see that our most valuable resources are our natural resources such as farmland and forests."*

Nancy McClain: Ms. McClain noted that she owns property that adjoins the proposed project. She then noted that she thinks the project looks lovely and that it will probably be well done. She asked how many people go to the Nelson County market, and thinks it's for those with higher incomes. She doesn't support the proposed project in any way.

Neal Showstack: Mr. Showstack noted that he has been a resident for about thirty-five (35) years. He indicated that he is not in favor of this development. He then noted that he feels as though 100-acres of agricultural property would be lost and putting a lot of strain on the water system. He further stated that, *"if this project goes through, there are thirty-six (36) cottages that are going to be having thirty-six (36) septic tanks overlooking a very clear stream. It's going to bring a lot more pollution into the Valley because of the traffic. Is this what we want to*

*present, do we want to be a nice home friendly warm place or do we want to be Napa, Breckinridge, or something like this. In terms of me going to a banquet hall or convention there, I don't see it benefiting very many members of the community, other than the for-profit industry that is trying to do this. I would love to see a non-profit agricultural forestal thing happening in that area and not a thirty-six (36) cottages and septic tanks, and a small 4,000SF retail store; please don't do this."*

Commission Russell asked Mr. Showstack if he lived near this facility and if it would affect him personally. Mr. Showstack noted that he lives within two (2) to three (3) miles.

Heidi Reid: Ms. Reid noted that she is a neighbor of this project. She indicated if the other access road was used, the proposed project would "hug" her property. She then noted that she is in favor of the project and thinks what the family is doing is development, which she "definitely has to think hard about, especially in Nelson County because it is beautiful. I love hiking where there is nothing there. But, this kind of development is sustainable development, in the sense that they are using a landscaping firm that uses sustainable practices that is going to plant things that are going to enrich the environment and is going to clean up Spruce Creek. As a resident that lives on Spruce Creek, I pick up trash out of Spruce Creek, running down it, and if they're there, they're going to be doing that. They don't want their lovely cabins looking down on a polluted creek. There's a lot of reasons why I agree with this project, so please, think carefully."

Aubrey McClain: Mr. McClain noted that he is not opposed to the development but he is "concerned with the tasting room. I think we have enough drunks on the highway in Nelson County already that endanger our folks greatly." He asked, "Where Richard's going to obtain the water for the pond because that was terminated a number of years ago when Mr. Quillen had the property?" He then asked, "How the endangerment of the pipeline is going to affect the property?" Mr. McClain stated that, "I was standing on top of that ridge there when the earthquake hit. I thought a big barn that I had built, a very substantial building, was going to come apart, it literally shook. I am probably the only person that you are ever going to talk too or ever going to see who was standing in Iran, when the Russian-Iranian pipeline burst. I am a helicopter test pilot. I flew down,[but] you could not get within a half a mile of that area. The heat turned the soil into liquid and it flowed just like a river. Should that happen in a development, with people there, it would be catastrophic. So I think a lot would depend on where the pipeline does go through or does not go through, because if you have a disaster like that, it is unbelievable. I think one of our Deputy Sheriff's gave testimony the other day that the ground shook under his feet from twenty or thirty miles away. But I was within a half a mile of the burning pipeline in Iran and I can tell you, it is nothing short of a major disaster. Mr. McClain concluded by asking about the access to 151: "I would like to know how many access roads are going to be coming out onto 151; and how far from the creek are the cabins going to be built and the sewer systems?"

With no further comments given; Chair Proulx closed the public hearing at 7:56PM.

Chair Proulx noted that for clarification purposes, the request is not for a rezoning; the land is agricultural and it will stay agricultural. The request is for a SUP to do certain activities on certain agricultural land.

Chair Proulx asked the applicant to come forward and address the following questions that were raised during the public hearing:

1. Where would the water for the pond come from? Mr. Averitt noted that the pond (in the past) had been filled by Spruce Creek, and it continues to do so when Spruce Creek runs high. Mr. Averitt then noted that he believes it was constructed as an irrigation pond during the days of the Waynesboro Nursery. He

further noted that there is a trench that runs from Spruce Creek to the pond. He also noted that the challenge is that the pond does not currently hold water, and it would need to be rebuilt in order to be functional. Ms. Ponca noted that one way that they intend to manage stormwater is to direct it into bio-swales. The pond is one of the locations into which the stormwater runoff would be directed.

2. How many proposed entrances would there be on Route 151? Mr. Averitt noted that there will two-way traffic entering and coming out the main entrance on Route 151. The intent is to have as much of the daily active traffic feed out on to 151.

The Commissioners, Staff, and the applicant discussed the issue of the wine tasting venue; if the “farm winery permanent remote retail establishment” definition is suitable; and who would need to apply for the SUP. It was determined that the County Attorney’s opinion is needed on this matter, and defer SUP #2015-14 until the next PC meeting.

**Commissioner Russell made the following motion:**

**I make a motion that the Planning Commission recommend to the BOS approval of the application by the Rockfish Valley Investment LLC, represented by Richard Averitt III (owner) and Richard Averitt IV (owner and applicant) to create the Spruce Creek Resort and Market to be located on Route 151 in Nellysford, Tax Map #21-A35; and Tax Map #21-A-36; this is composed of a total of 98.21-acres, which will be corrected on the Site Plan before it goes to the BOS. The details of which are:**

1. SUP #2015-10 is approved for a neighborhood retail store;
2. SUP #2015-11 for a conference center in the form of a banquet hall and lodging facilities to accommodate weddings, etc.;
3. SUP #2015-12 for an activity center in the form of a small spa; and
4. SUP #2015-13 for a restaurant on the upper tract of the property, shown on the Minor Site Plan dated August 28, 2015, and in the Supplemental Portfolio narrative.

**The Planning Commission has determined that this application complies with all the criteria in Article 12, Section 3-2 as well as the Comp Plan as it refers to the designated area of the south of Nellysford as a Rural-Residential District.**

**Furthermore, the Planning Commission asks that Staff take the lead to correct all County maps and records with respect to the shape and size of Tax Map Parcel #21-A-35 and #21-A-36.**

**The Planning Commission is tabling SUP #2015-14 until legal advice is received.**

**Commissioner Allen provided the second; the vote 5-0, with Mr. Saunders abstaining.**

**Other Agenda Items:**

1. Referral of amendments from BOS – Bed and Breakfast Uses – R2015-66:

The Commissioners and Mr. Padalino discussed each of the proposed amendments in detail. Changes were made as follows:

1. Dwelling: remove “apartment houses”.

2. Boardinghouse, tourist home: remove the definition.
3. Tourist home: remove the definition.
4. Transient lodging: add “less than” thirty (30) days or less.

**Chair Proulx made the following motion:**

**I make a motion to request Staff advertise for public hearing for the next scheduled meeting on November 18, 2015 meeting. Commissioner Allen provided the second; the vote 5-0, with Mr. Saunders abstaining.**

**2. Referral of amendments from BOS – Temporary Events, Festival Grounds, and Out-Of-Door Accessory Uses – R2015-68:**

The Commissioners and Mr. Padalino discussed each of the proposed amendments in detail. Changes were made as follows:

1. Definitions: Out-of-Door, Accessory Use – add “s” to Door
2. Under 23-2-E-2: keep “A Festival Grounds Special Use Permit shall be automatically reviewed at a public hearing conducted by the Board of Supervisors every five (5) years after the initial issuance, after which hearing the Board may renew, revoke, or modify the terms and conditions of the Special Use Permit in accordance with Article 12, Section 3 “Special Use Permits.”
3. Make sure the capitalization for Special Use Permit and Temporary Events are all consistent.
4. Under 23-3-A; item #6: change shall to “may” in the last sentence.
5. Add “Service Enterprise (SE-1)” heading to page 6.

The Commission asked Staff to get clarity from Mr. Payne (County Attorney) on the following:

1. Festival Grounds definition and Section 23-2-C-2, regarding the following: “Contiguous parcels under the same or different ownership or control may be aggregated to attain the minimum acreage.”
2. Why number of attendees and size of property are not tied together.

Commissioner Russell noted that she thinks having 1,000 is too many unless it’s based on the property size; and 10,000 is also too high, and would like to see it much smaller.

**Commissioner Russell made the following motion:**

**Commissioner Russell made a motion that Staff request a three (3) month extension, which will be March for a recommendation from the Planning Commission on Resolution R2015-68.**

**Commissioner Harman provided the second; the vote 5-0 with Mr. Saunders abstaining.**

Staff Updates:

Mr. Padalino reported on the following:

1. Barry Wood’s Minor Site Plan for a “limited farm brewery” is going through some revisions and he is working with VDOT and the Health Department.
2. F.P. Phillips “Wintergreen Brewery” – the Site Plan is not ready; and both VDOT and Health Department have not received the requested information.

Mr. Padalino noted if the Commissioners has specific questions about the “farm winery permanent remote establishment”, they should be provided to Staff and could then be shared with the County Attorney.

**Board of Supervisors Report:** Mr. Saunders did not give a report.

**Adjournment:**

At 9:30 P.M. Commissioner Allen made a motion to adjourn; vote 6-0.

Respectfully submitted,

Stormy V. Hopkins  
Secretary, Planning & Zoning

DRAFT

**Please publish Thurs. Nov. 5 and Thurs. Nov. 12 in The Nelson County Times:**

**LEGAL NOTICE  
NOTICE OF PUBLIC HEARING**

In accordance with Volume 3A, Title 15.2, Counties, Cities and Towns, of the Code of Virginia, 1950, as amended, and pursuant to §15.2-107, §15.2-2204, §15.2-2285, §15.2-2310, and §15.2-4307, the Nelson County Planning Commission hereby gives notice that a Public Hearing will start at **7:00 p.m., Wednesday, November 18<sup>th</sup>** in the **General District Courtroom** on the third floor of the Nelson County Courthouse located at 84 Courthouse Square, Lovingston, for the following:

**Public Hearing**

**1. Special Use Permit #2015-15 – “Dwelling” / Mr. Michael Tapager**

Consideration of a Special Use Permit application made pursuant to Zoning Ordinance §8-1-10a (“single family dwelling units, two family dwelling units, and multi-family dwelling units”). Specifically, the applicant wishes to re-establish the traditional use of a residential dwelling within the upper stories of an existing building in the Lovingston Historic District. The subject property is located in Lovingston at 622 Front Street; it is further identified as Tax Map Parcel #58B-3-2 and is zoned Business (B-1).

Following the hearing, the Planning Commission may vote to forward the application to the Board of Supervisors with a recommendation for approval, denial, or approval with recommended conditions. A date for the Board of Supervisors’ review and public hearing for this application has not yet been set. After public hearing by the Board, the application may be approved, modified, or rejected.

**2. Consideration of Proposed Amendments to Zoning Ordinance Regarding “Bed & Breakfast Uses” and Transient Lodging Uses**

Consideration of Zoning Ordinance amendments that were initially referred to the Planning Commission by Board of Supervisors Resolution R2105-66 (“Bed & Breakfast Uses”). The full text of the proposed amendments is available for public inspection at the Planning & Zoning office; and a descriptive summary of the proposed amendments is as follows:

The proposed amendments include the definition or redefinition of numerous land uses related to transient lodging and dwellings, including: “Bed and breakfast, Class A,” “Bed and breakfast, Class B,” “Boardinghouse,” “Campground,” “Dwelling,” “Dwelling, single-family detached,” “Home occupation, class A,” “Home occupation, class B,” “Hotel,” “Tent,” “Transient,” “Transient lodging,” “Travel Trailer,” and “Vacation House.” The existing “Boardinghouse, tourist home” and “Tourist home” definition would be eliminated.

The proposed amendments also include new or revised regulations regarding which zoning districts those uses are permissible in as a by-right use, as a special use, or as a use not permissible.

Affected sections of the ordinance would include Article 2 (“Definitions”), Article 4 (“Agricultural District A-1”), Article 5 (“Residential District R-1”), Article 6 (“Residential District R-2”), Article 8 (“Business District B-1”), Article 8A (“Business District B-2”), and

Article 8B (“Service Enterprise District SE-1”).

Following the hearing, the Planning Commission may vote to forward the amendments to the Board of Supervisors with their recommendation for adoption and enactment. A date for the Board of Supervisors’ review and public hearing for these amendments has not yet been set. After public hearing by the Board, the amendments may be approved, modified, or rejected.

**Copies of the above files are available for review in the Dept. of Planning & Zoning office, 80 Front Street, Lovingson, Virginia, Monday through Friday, 9:00 a.m. to 5:00 p.m. Telephone inquiries may also be directed to the Dept. of Planning & Zoning, (434) 263-7090, or toll free at 888-662-9400, selections 4 and 1. Nelson County does not discriminate on the basis of handicapped status in admission or access to its programs and activities. Accommodation will be made for handicapped persons upon advance request.**



**To:** Chair and Members, Nelson County Planning Commission  
**From:** Tim Padalino | Planning & Zoning Director  
**Date:** November 10, 2015  
**Subject:** Public Hearing for Special Use Permit #2015-15 (“Dwelling” / Tapager)

<b>Summary of Application(s)</b>	
<u>Site Address / Location:</u>	622 Front Street / Lovingson / East District
<u>Tax Parcel(s):</u>	#58B-3-2
<u>Parcel Size:</u>	0.0 acres (per Nelson County “ProVal” records)
<u>Zoning:</u>	Business (B-1)
<u>Applicants:</u>	Mr. Michael Tapager – property owner
<u>Request:</u>	Approval of Special Use Permit #2015-15 pursuant to Zoning Ordinance §8-1-10a
<ul style="list-style-type: none"> <li>▪ <i>Completed Applications Received On:</i> October 27<sup>th</sup>, 2015</li> </ul>	

On October 27<sup>th</sup>, the Department of Planning & Zoning received a Special Use Permit (SUP) application from Mr. Michael Tapager, applicant and property owner of the subject property. The application seeks County approval to utilize the subject property for, “single family dwelling units, two family dwelling units, and multi-family dwelling units.”

The applicant notes that, “[t]he intent of this application...is to regain the residential use that was lost after the two year period for a nonconforming use expired.” If SUP approval is granted by the County, the subject property could once again be used for multiple uses (permissible business use(s) on the ground floor and residential dwelling use(s) above), which is a traditional mixture of uses at that location in particular, and in many other historic districts in Nelson County and Virginia generally.

Mr. Tapager also submitted a request for a waiver (pursuant to Z.O. §13-7-C) from the requirement (contained in Z.O. §12-3-4-c-1) to prepare and submit a Minor Site Plan with this SUP application. Pursuant to the authority and discretion provided in Z.O. §13-7-C, I have accepted this request for a waiver, and the SUP application is being presented to the Planning Commission without a Minor Site Plan. My acceptance of this request for a waiver is based on the following:

- The detailed project narrative provided by the applicant, and the specific rationale and references to the Zoning Ordinance provisions and Comprehensive Plan content contained therein;
- The atypical nature of the subject property, which is an existing historic structure with a building footprint that occupies almost the entire parcel; and
- The fact that the applicant proposes no modifications to the exterior of the existing building or to the very small portion of open space in the rear of the property.

**Subject Property Location, Characteristics, and Comprehensive Plan Designation:**

The subject property is a historic urban property in the core of the Lovington Historic District. The street address is 622 Front Street, and is further identified as Tax Map Parcel #58B-3-2. Please note that this area is exempt from off-street parking requirements (per Z.O. §12-7-3). *Please see maps on pages 4-7.*

**Staff Evaluation and Recommendation(s):**

Per Zoning Ordinance Article 12, Section 3-2, the following criteria must be evaluated when reviewing all requests for Special Use Permits:

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

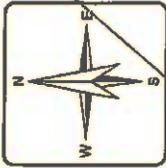
The opinion of Staff is that the proposed project, as detailed in the application materials for SUP #2015-15, seems to be satisfactory relative to all four evaluation criteria. Specifically, my evaluation of the proposed project relative to each criterion is as follows:

- A. The proposed use is in keeping with the traditional mixture of uses in the Lovington Historic District. The subject property was formerly used as a residential dwelling for many decades.
- B. The proposed use (dwelling) is within very close proximity to other dwellings in the Lovington Historic District. It would not be unharmonious or adversely affect the use of neighboring properties.
- C. The proposed use is located in a building with water and sewer services provided by the Nelson County Service Authority.
- D. The proposed project would allow for the traditional reuse of one of the most centrally-located structures in the Lovington Historic District.

Therefore, with consideration of all of the above factors, the Planning & Zoning Director recommends approval of Special Use Permit #2015-15.

In conclusion, please contact me with any questions, concerns, or requests for assistance leading up to the November 18<sup>th</sup> Planning Commission public hearing for Special Use Permits #2015-15. Thank you very much for your time and attention to this application.

**subject  
property**



1 inch = 600 feet

1:7,200



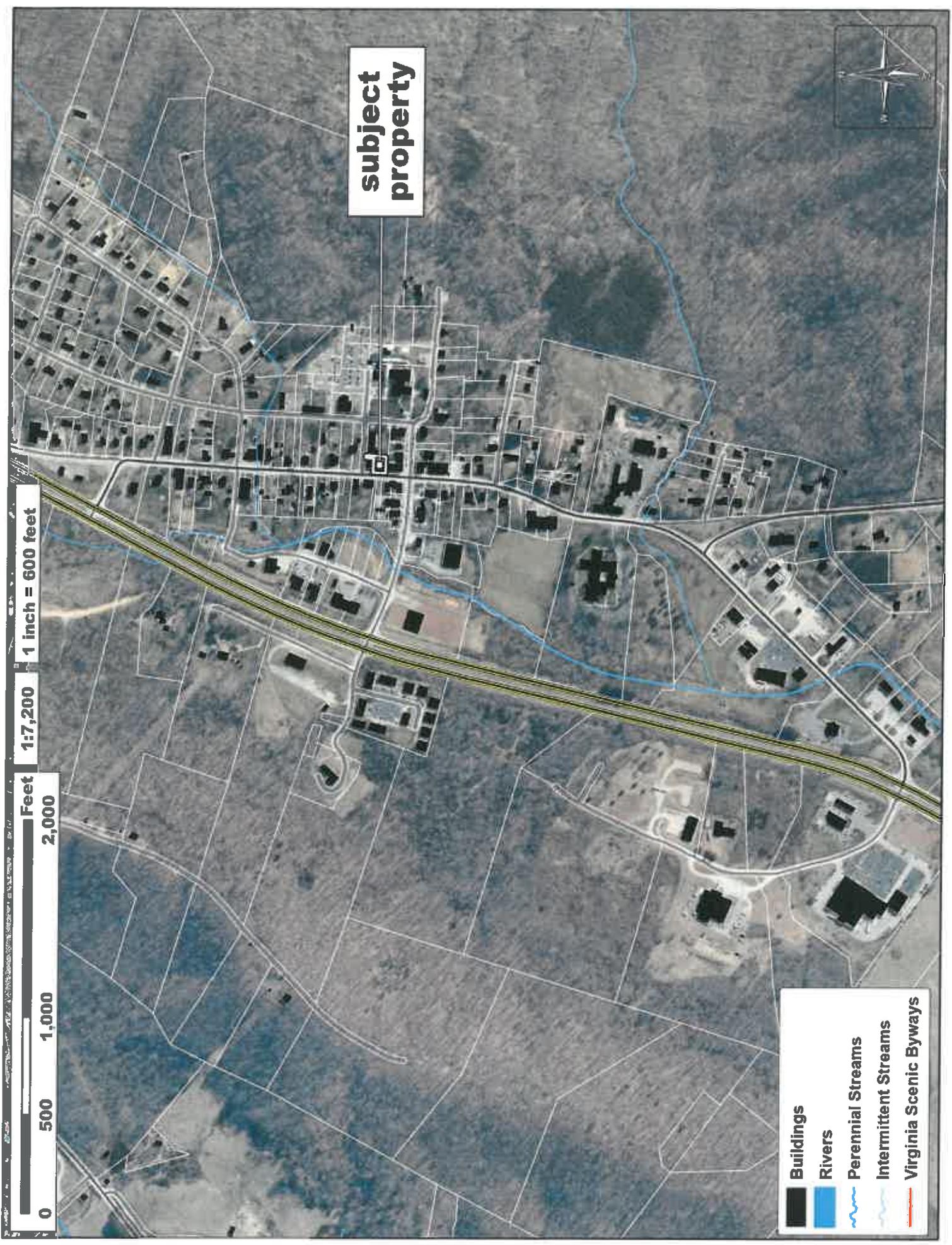
- Buildings
- Business District B-1
- Business District B-2
- Conservation District C-1
- Industrial District M-2
- Limited Industrial District M-1
- Residential District R-1
- Residential District R-2
- Residential Planned Community RPC
- Service Enterprise District SE-1
- Rivers
- Perennial Streams
- Intermittent Streams

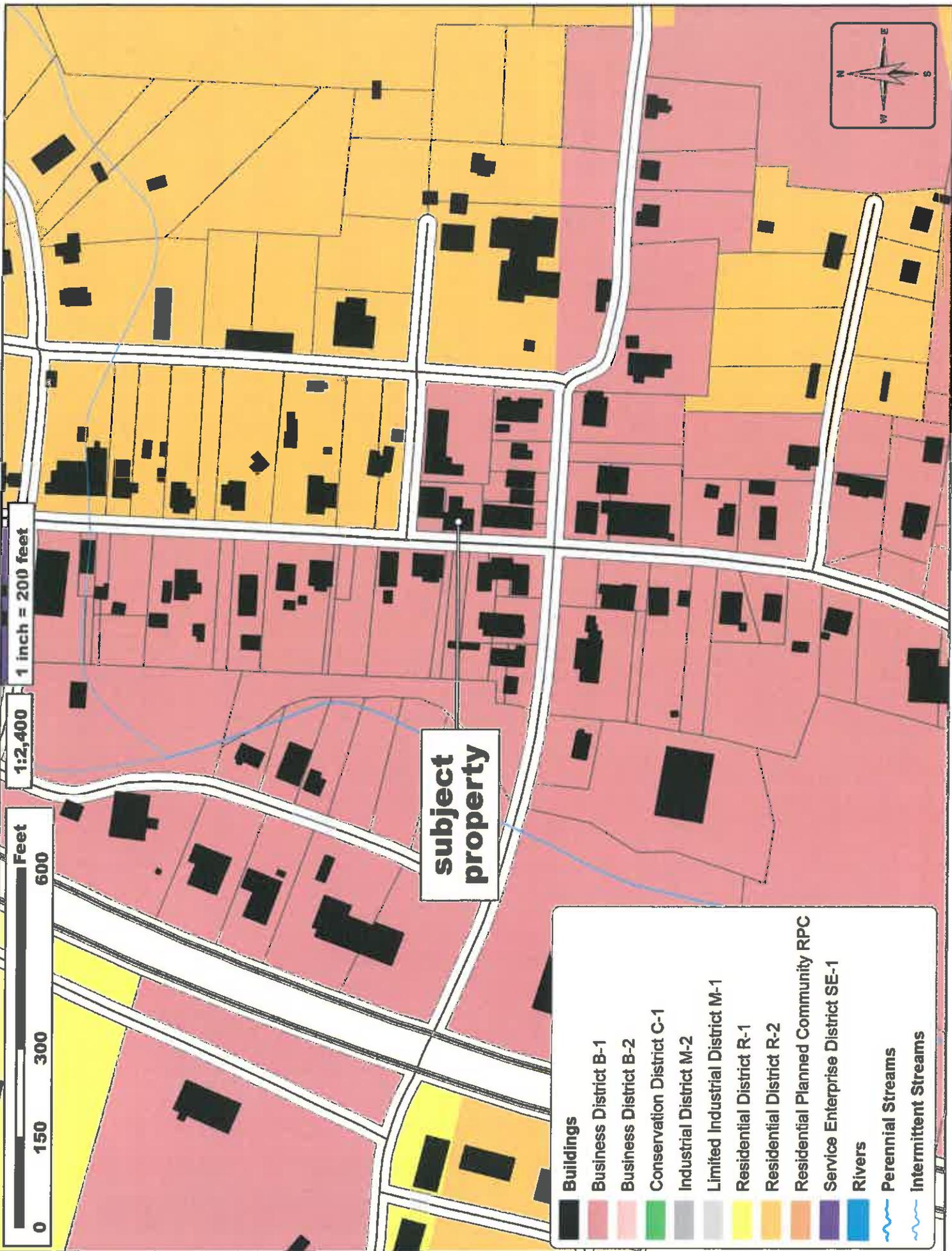
**subject  
property**



0 500 1,000 2,000 Feet  
1:7,200 1 inch = 600 feet

- Buildings
- Rivers
- Perennial Streams
- Intermittent Streams
- Virginia Scenic Byways





1 inch = 200 feet

1:2,400



subject property

- Buildings
- Business District B-1
- Business District B-2
- Conservation District C-1
- Industrial District M-2
- Limited Industrial District M-1
- Residential District R-1
- Residential District R-2
- Residential Planned Community RPC
- Service Enterprise District SE-1
- Rivers
- Perennial Streams
- Intermittent Streams



1:1,200  
1 inch = 100 feet

Feet  
0 75 150 300

**subject  
property**



-  Rivers
-  Perennial Streams
-  Intermittent Streams



# PERMIT APPLICATION:

## Nelson County Department of Planning & Zoning

TO THE ZONING ADMINISTRATOR: SPECIAL USE PERMIT # 2015-15  
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 checked="" type="checkbox"/> Special Use Permit            |
| <input type="checkbox"/> Minor Site Plan              | <input type="checkbox"/> Other: _____                             |

- Pursuant to Article 8, Section 1-10A of the Nelson County Zoning Ordinance.  
 Pursuant to Section \_\_\_\_\_, Subsection \_\_\_\_\_ of the Nelson County Subdivision Ordinance.

Reason(s) for request: To regain residential use after expiration of nonconforming use.  
To request a site plan review waiver pursuant to Article 13-7-C of the Nelson County Zoning Ordinance.

*(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: Michael Tapager  
Mailing Address: 1857 Findlay Mountain Road  
Telephone # 434-263-8133 E-mail Address: tapager@aol.com  
Relationship (if applicable): \_\_\_\_\_

Applicant  Property Owner Name: Michael Tapager  
Mailing Address: 1857 Findlay Mountain Road; Shipman, VA 22971  
Telephone # 434)263-8133 E-mail Address: tapager@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.):

622 Front Street; Lovingson, VA 22949

b. Official tax map number: 58B 3 2

c. Acreage of property: 0

d. Present use: The property is for sale and currently not in use.

e. Present zoning classification: B-1

f. Zoning classification of surrounding properties: B-1, R-1

4. Names of Adjacent Property Owners: Roy Smith, Monroe Institute,

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: Michael Tapager

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 (\$ 200.00 ) received on 10-27-2015
- o Hearing Notice published on Nov. 5 & Nov. 12
- o Planning Commission action: Date of Meeting / Hearing: NW. 18
- Recommendation: \_\_\_\_\_
- o Board of Supervisors action: Date of Hearing: \_\_\_\_\_ Date of Decision: \_\_\_\_\_
- Action: \_\_\_\_\_

The subject property at 622 Front Street has since the institution of the Zoning Ordinance been a residence over a business space. The intent of this application for a Special Use Permit, is to regain the residential use that was lost after the two year period for a nonconforming use expired (Article 11-1-3 Nelson County Zoning Ordinance).

Unfortunately, I did not realize until after the time of expiration that I could extend the period another two years by written notice while the building was for sale. This application seeks to rectify that error.

The upper two stories are designed as a single residence. I am merely trying to sell the building as financial considerations make it impossible for me to restore the building to the condition it deserves.

Without the mixed-use, extensive reworking would probably be required in order for a business to utilize the upper two stories for a business use. Alternatively, if the zoning were changed to R-1, the presence of the shop front would probably exclude it from a residential loan.

I also request that the requirement for a Site Plan Review be waived pursuant to Article 13-7-C of the Nelson County Zoning Ordinance. Restoring the residential use would not "require the improvements subject to [the site plan review]" (13-7-C-1) nor would it be against the "intent of the [site plan review process]" (13-7-C-2 and 3) as only restoration is envisioned. Any change in floor plan or footprint would be undertaken subject to County building codes or other regulations.

As to 13-7-C-4, it could be argued that keeping the historic mixed use would help to further "the planning for and provision of adequate public facilities . . ." In this part of Lovington, encouraging a residential component (which exists across Front Street as well as the law office/residence adjacent) alongside businesses helps foster a traditional atmosphere as envisioned in the Rural Small Town Development Model of the Comprehensive plan. (Nelson County Comprehensive Plan, Goals-Land Use Plan-Rural Small Town Development Model, p. iv).

Further, in keeping with the stated goal of "preserv[ing] and protect[ing] the historic character and features of Nelson County", restoring the mixed use would maintain the historic use of the building. (Nelson County Comprehensive Plan, p. 11)

The Zoning Ordinance Article 13-7-C-5 lists five criteria allowing Site Plan review waiver. Addressing each of these, the change (or re-establishment) of residential use would not:

- a. "occasion additional parking" (13-7-C-5-a) as Lovington is exempt from minimum off street parking. (Zoning Ordinance, 12-7-3)
- b. create an intensification of use by adding ingress/egress to a public road (13-7-C-5-b)
- c. add or alter ingress/egress (13-7-C-5-c) No additions are proposed.
- d. disturb land greater than 5000 square feet in area (13-7-C-5-d) No land disturbance is proposed and

Subject property was one of the first in the town with plumbing (13-7-C-5-e) Verification is available.

Thank you for your consideration.



Parcel ID	Parcel Address	Owner Name
58B-3-2	622 FRONT STREET	TAPAGER MICHAEL H
58B-3-2D	167 MAIN STREET	INTERSTATE INDUSTRIES INC
58B-3-2C	73 MAIN STREET	INTERSTATE INDUSTRIES INC
58B-3-2B	179 MAIN STREET	MADISON JOSEPH P
58B-3-1	24 PLEASANT STREET	SMITH ROY
58B-3-2A	632 MAIN ST	BECKER CAROLYN P
58B-3-30	645 FRONT STREET	JOE LEE MCCLELLAN INC
58B-3-31; 58B-3-31B	633 FRONT STREET	CRABILL MICHAEL & KAYE A

**Special Use Permit #2015-15 – “Dwelling”**

Michael H Tapager  
1857 Findley Mountain Road  
Shipman, VA 22971

**Adjoining/Adjacent Property Owners**

Interstate Industries Inc  
PO Box 505  
Lovington, VA 22949

Joseph P Madison  
PO Box 493  
Lovington, VA 22949

Roy Smith  
11109 Thomas Nelson Hwy  
Lovington, VA 22949

Carolyn P Becker  
11822 James River Road  
Shipman, VA 22971

Joe Lee McClellan Inc  
PO Box 395  
Lovington, VA 22949

Michael K & Kaye A Crabill  
10761 Thomas Nelson Hwy  
Lovington, VA 22949

November 10, 2015

Dear Planning Commission and Board of Supervisors,

In reference to Special Use Permit #2015-15 "Dwelling" / Mr. Michael Tapager

As an adjoining property owner, I see no reason why this building cannot be used for residential as well as business purposes. Most of Lovington is a mix of residential and business uses, and both must be supported for little Lovington to possibly flourish but, at least survive.

Please allow Special Use Permit #2015-15.

Thank You for your consideration,

Joe Madison

Blue Star Music

177 Main Street. Lovington

434-263-6746 434-996-1682



# PERMIT APPLICATION:

## Nelson County Department of Planning & Zoning

TO THE ZONING ADMINISTRATOR: Minor Site Plan # 2015-16  
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: Farm BREWery & Tasting Room

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*(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: BARRY WOOD  
Mailing Address: 151 Old Ridge Rd Louisa VA, 22949  
Telephone # 434 531 7362 E-mail Address: \_\_\_\_\_  
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.):

b. Official tax map number: 34 A 96A

c. Acreage of property: 170

d. Present use: AGRICULTURE

e. Present zoning classification: AGRICULTURE

f. Zoning classification of surrounding properties: AGRICULTURE

4. Names of Adjacent Property Owners: Doris Ford BARRY Wood JR.

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: BARRY Wood

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 (\$ 100.00 ) received on 9-21-15

o Hearing Notice published on \_\_\_\_\_

o Planning Commission action: Date of Meeting / Hearing: Nov. 18

Recommendation: \_\_\_\_\_

o Board of Supervisors action: Date of Hearing: \_\_\_\_\_ Date of Decision: \_\_\_\_\_

Action: \_\_\_\_\_



**To:** Mr. Barry Wood  
**From:** Tim Padalino | Planning & Zoning Director  
**Date:** September 25, 2015  
**Subject:** Request for Waiver from Required Element of Minor Site Plan  
*(dated April 21, 2015)*

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In a letter dated April 21<sup>st</sup>, 2015, you submitted a request for a waiver from the Minor Site Plan requirements. This request was made pursuant to Zoning Ordinance (Z.O.) Article 13, Section 7 "Administration," Subsection C "Waiver of Requirements for a Site Plan."

Specifically, you requested a waiver from the requirement in Z.O. §13-4 ("Site plan content") for the Minor Site Plan to be "prepared by a qualified person," and the requirement that "Final Site Plans submitted for approval shall be certified by an architect, landscape architect, engineer, or land surveyor licensed or certified to practice in by the Commonwealth of Virginia within the limits of his respective license or certification."

Based on the fact that the subject property is very large in size (170 acres); that the proposed building site is a relatively large distance from the nearest property boundary (approximately 400'); that the area surrounding the proposed building site contains no steep slopes, wetlands, or floodplains; and that I generally agree with your assertion that such a waiver would not have an adverse impact on the issues identified in Z.O. §13-7-C-4, I find the following:

Your specific request for a waiver from a specific required element of the Minor Site Plan is accepted and approved. Please note that this waiver shall not be deemed to be a waiver of any other ordinance provision or requirements (as noted in Z.O. §13-7-C).

You may proceed with the preparation and submission of a Minor Site Plan, which (except for the acceptance of the requested waiver) must be prepared in full accordance with Article 13 of the Zoning Ordinance.

Thank you for your time and attention to this matter; and please feel free to contact with me any questions you may have now or in the future.

Barry Wood

151 Old Ridge Road

Lovington, VA 22949

April 21, 2015

Nelson County Planning & Zoning Department

80 Front Street

Lovington, VA 22949

To Whom It May Concern,

I am writing this letter to request a waiver for my proposed Minor Site Plan to be completed by a certified architect, landscape architect, engineer or land surveyor. I have been a Class C general contractor for 10 years and will be able to submit a site plan which includes all required information/documentation as listed in APPENDIX-A/Zoning/Minor Site Plan requirements myself.

My building site is no less than 400 feet from any property line, no wet lands or flood plains, and located on a gently sloped 100 acre field.

Submitting a Minor Site Plan prepared myself will NOT have an adverse effect on:

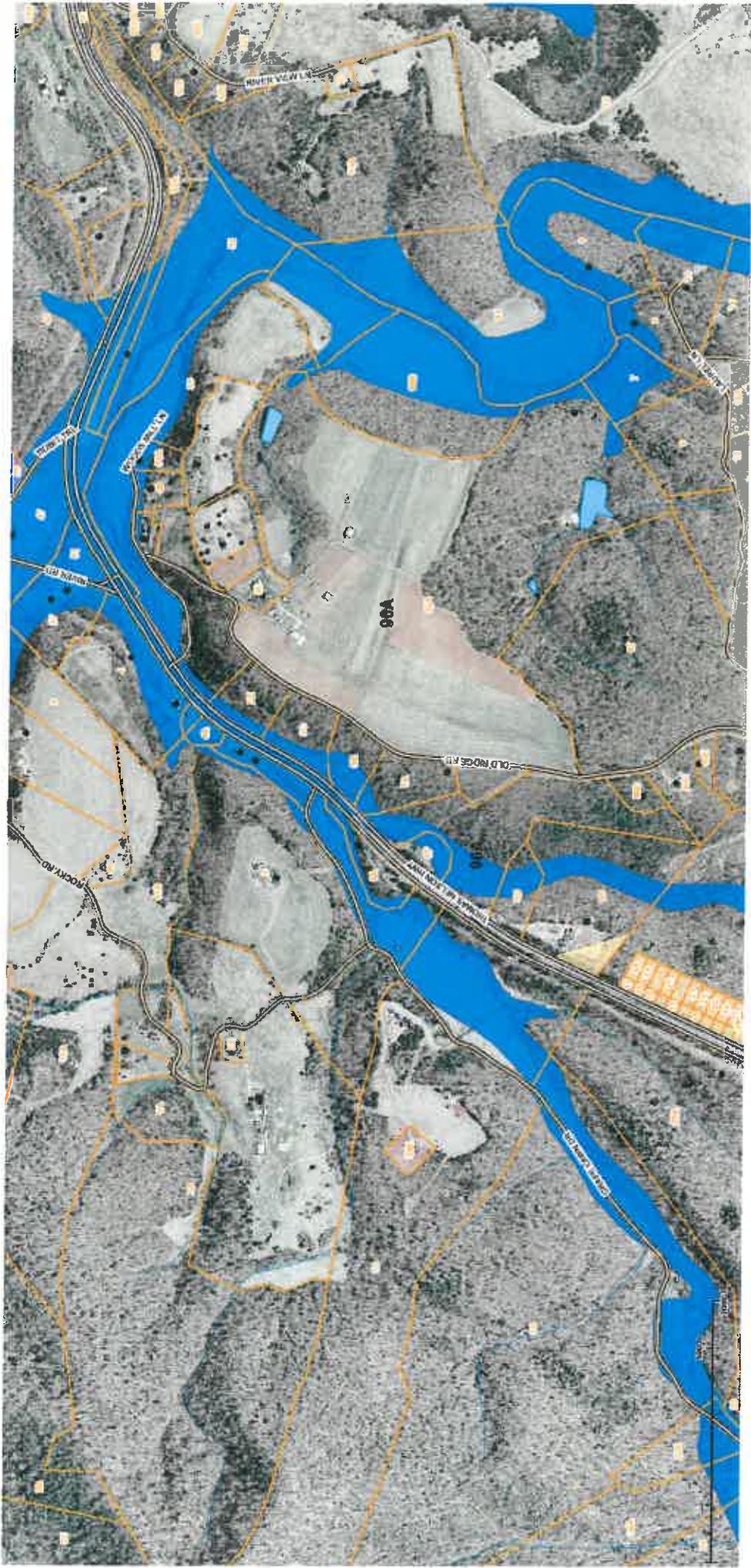
- The public health, safety, welfare, and convenience
- The planning for and provision of adequate public facilities, utilities, drainage, environmental controls, and transportation facilities;
- Preservation of agricultural, forestry and conservation lands; and
- Other relevant considerations related to the Comprehensive Plan.

Thank you for your time and consideration.

Sincerely,



Barry Wood, Sr.



TJSWCD  
Attn: Alyson Sappington  
706G Forest St,  
Charlottesville, VA 22903

November 5, 2015  
Re: Woodridge Farm Brewery.- Nelson County  
Request for E&S Variance

Dear Alyson,  
Thank you for your help on the project. In accordance with your standard procedures, I prepare this letter as a request for variance of standard submittal practices for E&S Plans and Specifications.

Item 1: MS-19 Stormwater Runoff calculations.

*Because of the minimal nature of the disturbance and the absence of channelized flow leaving the site, along with the agricultural nature of the surrounding landcover, we request that the requirement for stormwater calculations be waived in this case*

I trust that this adjustment will meet the intent of the VESCH and law. Should you have any further questions or comments, please feel free to contact me.

Sincerely,

Barry Wood



## Thomas Jefferson Soil and Water Conservation District

706G Forest Street, Charlottesville, VA 22903

Tel: (434) 975-0224 Fax: (434) 975-1367

Web Page: [www.tjswcd.org](http://www.tjswcd.org)

Louisa Office: 39 Industrial Dr, Louisa, VA 23093

Phone: 540-967-5940 Fax: 540-967-2557

November 6, 2015

Mr. David Thompson  
Nelson County Inspections Dept.  
P.O. Box 558  
Lovingson VA 22949

Re: Woodridge Farm Brewery

Dear David:

The Thomas Jefferson Soil and Water Conservation District has approved the revised erosion and sediment control plan for the above-referenced project (plan dated November 6, 2015). A signed copy of the plan is enclosed.

This approval includes approval of the requested variance from the requirement to submit stormwater computations for Minimum Standard 19. This is based on the site characteristics of flat terrain, no concentration of runoff into ditches, and open space providing a wide buffer surrounding the development area. It should also be noted that most disturbance for this project has already been completed. The brewery/tasting room building is complete and the parking lot will not require any grading (stone will be placed on top of existing grade)

Prior to construction, a certified "Responsible Land Disturber" (RLD) must be designated for the project.

Regards,

A handwritten signature in black ink, appearing to read "Alyson Sappington". The signature is fluid and cursive, with a long horizontal stroke at the end.

Alyson Sappington  
District Manager

Cc. (via email) TJSWCD Nelson County Directors  
Tim Padalino, Nelson County Planning Director  
Barry Wood

\_\_\_\_\_  
"To exercise leadership in promoting natural resource protection" \_\_\_\_\_

► **Article 2: Definitions**

**Delete the following:**

~~Boardinghouse, tourist home: A building arranged or used for lodging, with or without meals, for compensation by more than five (5) and not more than fourteen (14) persons and open to transients. A boardinghouse or tourist home shall not be deemed a home occupation.~~

~~Tourist home: See Boardinghouse.~~

**Add the following:**

Bed and breakfast, Class A: A use composed of transient lodging provided within a single family dwelling and/or one or more structures that are clearly subordinate and incidental to the single family dwelling, having not more than eight (8) guest rooms in the aggregate, and having not more than twenty-four (24) transient lodgers in the aggregate, and which also may include rooms for dining and for meetings for use by transient lodging guests of the bed and breakfast provided that the dining and meeting rooms are accessory to the bed and breakfast use.

Bed and breakfast, Class B : A use composed of transient lodging provided by the resident occupants of a dwelling that is conducted within said dwelling and/or one or more structures that are clearly subordinate and incidental to the single family dwelling, having not more than five (5) guest rooms in the aggregate, and having not more than twelve (12) transient lodgers in the aggregate, and which also may include rooms for dining and for meetings for use by transient lodging guests of the bed and breakfast home occupation provided that the dining and meeting rooms are accessory to the bed and breakfast home occupation use.

Boardinghouse: A use composed of a single building in which more than one room is arranged or used for lodging by occupants who lodge for thirty (30) consecutive days or longer, with or without meals, for compensation. A boardinghouse may be occupied by the owner or operator, but may not be operated on the same parcel as a bed and breakfast.

Tent: A structure or enclosure, constructed of pliable material, which is supported by poles or other easily removed or disassembled structural apparatus.

Transient: A guest or boarder; one who stays for less than thirty (30) days and whose permanent address for legal purposes is not the lodging or dwelling unit occupied by that guest or boarder.

Transient lodging: Lodging in which the temporary occupant lodges in overnight accommodations for less than thirty (30) consecutive days.

Vacation House: A house rented to transients. Rental arrangements are made for the entire house, not by room. Vacation houses with more than five (5) bedrooms are subject to the requirements contained in Article 13, Site Development Plan.

***Amend the following:***

Campgrounds: Any place used for transient camping where compensation is expected in order to stay in a tent, travel trailer, or motor home. Campgrounds require the provision of potable water and sanitary facilities. ~~A tract of land developed to accommodate paying guests, or nonpaying guests as in a group-sponsored outing, for short duration in tents designed for single families or travel trailers owned by the guests.~~

Dwelling: Any building which is designed for residential purposes (except ~~apartment houses,~~ boardinghouses, dormitories, hotels, and motels).

Dwelling, single-family detached: A building arranged or designed to contain one (1) dwelling unit ~~with not more than (5) lodgers or boarders.~~

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

Home occupation, class B: An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display, and not more than four (4) persons are employed, other than members of the family residing on the premises, such as the tailoring of garments, ~~rental of rooms to tourists,~~ the preparation of food products for sale, and similar activities; beauty parlors, professional offices such as medical, dental, legal, engineering, and architectural offices conducted within a dwelling or accessory building by the occupant.

Hotel: Any hotel, inn, hostelry, motel, rooming house, or other place used for overnight lodging which is rented by the room to transients, is not a residence, and where the renting of the structure is the primary use of the property. ~~A building designed or occupied as the more or less temporary abiding place for fifteen (15) or more individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.~~

Travel Trailer: A vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreational, and vacation uses. The term "travel trailer" does not include mobile homes or manufactured homes. ~~Any vehicle less than thirty two (32) feet and used or constructed for use as a conveyance upon highways, so designed and constructed as to permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons.~~

➤ **Article 4: Agricultural District A-1**

*Amend as follows:*

- Section 4-1*      *Uses – Permitted by right.*  
4-1-3      ~~Boardinghouse, tourist home~~ Boardinghouse  
4-1-30      Bed and breakfast, Class A  
4-1-31      Bed and Breakfast, Class B  
4-1-32      Vacation House

- Section 4-1-a*      *Uses – Permitted by Special Use Permit only:*  
4-1-10a      Campgrounds

➤ **Article 5: Residential District R-1**

*Amend as follows:*

- Section 5-1-a*      *Uses – Permitted by Special Use Permit only:*  
5-1-4a      Bed and breakfast, Class B  
5-1-5a      Boardinghouse  
5-1-6a      Vacation House

➤ **Article 6: Residential District R-2**

*Amend as follows:*

- Section 6-1*      *Uses – Permitted by right.*  
6-1-18      Boardinghouse
- Section 6-1-a*      *Uses – Permitted by Special Use Permit only:*  
6-1-3a      Bed and breakfast, Class B  
6-1-4a      Vacation House

➤ **Article 8: Business District B-1**

*Amend as follows:*

- Section 8-1*      *Uses – Permitted by right.*  
8-1-25      Bed and breakfast, Class A  
8-1-26      Bed and breakfast, Class B  
8-1-27      Vacation House
- Section 8-1-a*      *Uses – Permitted by Special Use Permit only:*  
8-1-13a      Campground

► **Article 8A: Business District B-2**

***Amend as follows:***

*Section 8A-1 Uses – Permitted by right.*

- 8A-1-15 Bed and breakfast, Class A
- 8A-1-16 Bed and breakfast, Class B
- 8A-1-17 Hotel
- 8A-1-18 Vacation House

*Section 8A-1-a Uses – Permitted by Special Use Permit only:*

- 8A-1-7a Campground

► **Article 8B: Service Enterprise District SE-1**

***Amend as follows:***

*Section 8B-1 Uses – Permitted by right.*

- 8B-1-3 Boardinghouse, ~~tourist house~~ vacation house, ~~bed and breakfast inn~~ class A bed and breakfast, class B bed and breakfast, churches, church adjunctive graveyards, libraries, schools, hospitals, clinics, parks, playgrounds, post offices, fire department, and rescue squad facilities

*Section 8B-1-a Uses – Permitted by Special Use Permit only:*

- 8B-1-14a Campground

October 30, 2015

► **Article 2: Definitions**

**Delete the following:**

~~**Boardinghouse, tourist home:** A building arranged or used for lodging, with or without meals, for compensation by more than five (5) and not more than fourteen (14) persons and open to transients. A boardinghouse or tourist home shall not be deemed a home occupation.~~

~~**Tourist home:** See Boardinghouse.~~

**Add the following:**

**Bed and breakfast, Class A:** A use composed of transient lodging provided within a single family dwelling and/or one or more structures that are clearly subordinate and incidental to the single family dwelling, having not more than eight (8) guest rooms in the aggregate, and having not more than twenty-four (24) transient lodgers in the aggregate, and which also may include rooms for dining and for meetings for use by transient lodging guests of the bed and breakfast provided that the dining and meeting rooms are accessory to the bed and breakfast use.

**Bed and breakfast, Class B:** A use composed of transient lodging provided by the resident occupants of a dwelling that is conducted within said dwelling and/or one or more structures that are clearly subordinate and incidental to the single family dwelling, having not more than five (5) guest rooms in the aggregate, and having not more than twelve (12) transient lodgers in the aggregate, and which also may include rooms for dining and for meetings for use by transient lodging guests of the bed and breakfast home occupation provided that the dining and meeting rooms are accessory to the bed and breakfast home occupation use.

**Boardinghouse:** A use composed of a single building in which more than one room is arranged or used for lodging by occupants who lodge for thirty (30) consecutive days or longer, with or without meals, for compensation. A boardinghouse may be occupied by the owner or operator, but may not be operated on the same parcel as a bed and breakfast.

**Tent:** A structure or enclosure, constructed of pliable material, which is supported by poles or other easily removed or disassembled structural apparatus.

**Transient:** A guest or boarder; one who stays for less than thirty (30) days and whose permanent address for legal purposes is not the lodging or dwelling unit occupied by that guest or boarder.

**Transient lodging:** Lodging in which the temporary occupant lodges in overnight accommodations for less than thirty (30) consecutive days.

**Vacation House:** A house rented to transients. Rental arrangements are made for the entire house, not by room. Vacation houses with more than five (5) bedrooms are subject to the requirements contained in Article 13, Site Development Plan.

***Amend the following:***

Campgrounds: Any place used for transient camping where compensation is expected in order to stay in a tent, travel trailer, or motor home. Campgrounds require the provision of potable water and sanitary facilities. ~~A tract of land developed to accommodate paying guests, or nonpaying guests as in a group-sponsored outing, for short duration in tents designed for single families or travel trailers owned by the guests.~~

Dwelling: Any building which is designed for residential purposes (except ~~apartment houses, boardinghouses, dormitories, hotels, and motels.~~

Dwelling, single-family detached: A building arranged or designed to contain one (1) dwelling unit ~~with not more than (5) lodgers or boarders.~~

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

Home occupation, class B: An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display, and not more than four (4) persons are employed, other than members of the family residing on the premises, such as the tailoring of garments, ~~rental of rooms to tourists,~~ the preparation of food products for sale, and similar activities; beauty parlors, professional offices such as medical, dental, legal, engineering, and architectural offices conducted within a dwelling or accessory building by the occupant.

Hotel: Any hotel, inn, hostelry, motel, rooming house, or other place used for overnight lodging which is rented by the room to transients, is not a residence, and where the renting of the structure is the primary use of the property. ~~A building designed or occupied as the more or less temporary abiding place for fifteen (15) or more individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.~~

Travel Trailer: A vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreational, and vacation uses. The term "travel trailer" does not include mobile homes or manufactured homes. ~~Any vehicle less than thirty two (32) feet and used or constructed for use as a conveyance upon highways, so designed and constructed as to permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons.~~

➤ **Article 4: Agricultural District A-1**

**Amend as follows:**

<i>Section 4-1</i>	<i>Uses – Permitted by right.</i>
4-1-3	<del>Boardinghouse, tourist home</del> Boardinghouse
4-1-30	Bed and breakfast, Class A
4-1-31	Bed and Breakfast, Class B
4-1-32	Vacation House

<i>Section 4-1-a</i>	<i>Uses – Permitted by Special Use Permit only:</i>
4-1-10a	Campgrounds

➤ **Article 5: Residential District R-1**

**Amend as follows:**

<i>Section 5-1-a</i>	<i>Uses – Permitted by Special Use Permit only:</i>
5-1-4a	Bed and breakfast, Class B
5-1-5a	Boardinghouse
5-1-6a	Vacation House

➤ **Article 6: Residential District R-2**

**Amend as follows:**

<i>Section 6-1</i>	<i>Uses – Permitted by right.</i>
6-1-18	Boardinghouse

<i>Section 6-1-a</i>	<i>Uses – Permitted by Special Use Permit only:</i>
6-1-3a	Bed and breakfast, Class B
6-1-4a	Vacation House

➤ **Article 8: Business District B-1**

**Amend as follows:**

<i>Section 8-1</i>	<i>Uses – Permitted by right.</i>
8-1-25	Bed and breakfast, Class A
8-1-26	Bed and breakfast, Class B
8-1-27	Vacation House

<i>Section 8-1-a</i>	<i>Uses – Permitted by Special Use Permit only:</i>
8-1-13a	Campground

**Comment [TMP1]:** These uses (b definition) occur in "dwellings " Dwellings are only permissible in B- with a SUP. Therefore, designating these three uses as "permissible by-right" may be problematic, and the might should be modified to be recommended as Special Uses .

➤ **Article 8A: Business District B-2**

**Amend as follows:**

**Section 8A-1** *Uses – Permitted by right.*

- 8A-1-15 Bed and breakfast, Class A
- 8A-1-16 Bed and breakfast, Class B
- 8A-1-17 Hotel
- 8A-1-18 Vacation House

**Section 8A-1-a** *Uses – Permitted by Special Use Permit only:*

- 8A-1-7a Campground

➤ **Article 8B: Service Enterprise District SE-1**

**Amend as follows:**

**Section 8B-1** *Uses – Permitted by right.*

- 8B-1-3 Boardinghouse, ~~tourist house~~ vacation house, ~~bed and breakfast inn~~ class A bed and breakfast, class B bed and breakfast, churches, church adjunctive graveyards, libraries, schools, hospitals, clinics, parks, playgrounds, post offices, fire department, and rescue squad facilities

**Section 8B-1-a** *Uses – Permitted by Special Use Permit only:*

- 8B-1-14a Campground

**Comment [TMP2]:** These uses (b definition) occur in "dwellings." Dwellings are not permissible in B-2. Therefore, designating these three uses as "permissible by-right" may be problematic, and they might should be modified to be recommended as Special Uses or recommended as not permissible in B-2.

**Comment [TMP3]:** This use is currently not permissible in B-2 either by-right or with SUP. Therefore, recommending "hotel" as a new by-right use when it was previously not permissible may be too drastic a change; and this might should be modified to be recommended as a Special Use or recommended as not permissible in B-2.

**Comment [TMP4]:** These uses (b definition) occur in "dwellings." Dwellings are not permissible in B-2. Therefore, designating these three uses as "permissible by-right" may be problematic, and they might should be modified to be recommended as Special Uses or recommended as not permissible in B-2.

DEPARTMENT OF  
PLANNING & ZONING



PLANNING COMMISSION  
BOARD OF ZONING APPEALS

October 30, 2015

Mr. Stephen A. Carter  
County Administrator / Clerk to the Board of Supervisors

Mr. Larry Saunders  
Chair – Nelson County Board of Supervisors

Dear Sirs,

I am writing to formally convey a request of the Nelson County Planning Commission (PC) for an extension to their review-recommendation process regarding Zoning Ordinance amendments which were referred to the PC via Board of Supervisors Resolution R2015-68 (“Temporary Events, Festival Grounds, and Out-of-Doors Accessory Uses”).

The BOS made the referral to the PC on August 11<sup>th</sup>, and the PC received the referred materials on August 26<sup>th</sup>. Because Code of Virginia §15.2-2285 states that the Planning Commission has, “*100 days after the first meeting of the commission after the proposed amendment or reenactment has been referred to the commission,*” this timeline gives the PC until December 4<sup>th</sup> to review the referred amendments, conduct a public hearing, and provide their recommendations to the BOS (via County staff).

With awareness of this December 4<sup>th</sup> deadline, the PC has been reviewing the referred amendments and conducting work sessions at their August, September, and October meetings. At the October 28<sup>th</sup> PC meeting, the PC considered whether the current version of the amendments was ready to be reviewed by the public at a hearing, and also considered whether staff had the capacity to properly and accurately complete the advertising process by October 30<sup>th</sup>.

After consideration and discussion, the PC voted 5-0 (with Mr. Saunders abstaining) on a motion made by Commissioner L. Russell and seconded by Commissioner M. Harman to request a three (3) month extension to their review-recommendation process, in order to provide additional time to continue developing modifications to the referred amendments and to conduct a properly-advertised public hearing.

As such, I respectfully ask that you please share the Planning Commission's request with the Board of Supervisors for their consideration and action; and please notify me of the Board's decision regarding the PC's request for a three (3) month extension.

Please also contact me if you have any questions about the amendments or the review process, or if I may be able to provide assistance in any way.

Thank you very much for your time and attention to this request. Sincerely,



Tim Padalino

Director of Planning & Zoning

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