



NELSON COUNTY PLANNING COMMISSION

Meeting Agenda: September 23, 2015

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

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

– **Review of July 22nd and August 26th meeting minutes**

– **Public Hearing Items:**

- **Minor Site Plan for Special Use Permit #2015-04:**
“Wintergreen Brewery” / Frederick Phillips (Tax Map Parcel #21-5-1C)

Consideration of Special Use Permit application seeking approval to operate a brewery in an existing structure. This application has been submitted pursuant to Zoning Ordinance §8-1-12a (“brewery”). The subject property is located on 2188 Rockfish Valley Highway and is identified as Tax Map Parcel #21-5-1C, consisting of 3.23-acres zoned Business (B-1).

– **Other Agenda Items:**

- Referral of Amendments from BOS (continued from August 26th meeting):
 - Bed and Breakfast Uses – R2015-66
 - 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:**

- Called Special Meeting (pursuant to VA Code §15.2-2214): Tuesday, September 29, 2015 | 7:00pm

Draft: 7/24/15

Updated: 8/14/2015 & 8/25/2015 & 9/14/2015

Nelson County Planning Commission
Meeting Minutes
July 22, 2015

Present: Chair Philippa Proulx, Commissioners Linda Russell, Mary Kathryn Allen, Mike Harman, Robert Goad (7:18 p.m.), Larry Saunders (Board of Supervisors Liaison)

Absent: Stormy Hopkins, Secretary

Staff Present: Tim Padalino, Director of Planning and Zoning, and Anna Birkner, Secretary (substitute)

Call to Order: Chair Proulx called the meeting to order at 7:02 p.m. in the General District Courtroom, County Courthouse, Lovingson.

Approval of Minutes; May 27, 2015: Chair Proulx asked if there were any further changes to the revised May 27th meeting minutes. She explained that this needed to be revisited because only two commissioners voted to approve this at last meeting. There were no further questions or comments.

Commissioner Allen made a motion that the May 27, 2015 meeting minutes of the Planning Commission be approved. Commissioner Russell provided the second. The vote 4-0 with Commissioner Harman abstaining.

Chair Proulx explained that the June 24, 2015 minutes were not available at this time and would be available at the August meeting.

Chair Proulx requested to change order of agenda and discuss the proposed amendments first, since Commissioner Goad was not present at this time, but was on the way.

AGENDA

1. Public Hearing for Proposed Z.O. Amendments: "Brewery" and "Limited Farm Brewery"

Mr. Padalino explained the definition of *brewery* is currently "a facility for the production of beer." This definition was adopted last year, and it was subsequently brought to the Board's attention that there is an existing brewery company that brews a beverage other than beer. The Board of Supervisors referred these amendments to the Planning Commission on June 9th, 2015. The Planning Commission reviewed these amendments on June 24th and proposed to change the word beer to brewed beverages in the definitions of *Brewery* and *Limited farm Brewery*.

Chair Proulx opened the public hearing 7:06 p.m.

Ethan Zuckerman, Afton: Mr. Zuckerman noted that he and his family would benefit from this amendment. They own a business that brews fermented tea and are looking for a new space within Nelson County. This change to the Zoning Ordinance would allow them to re-locate.

With no further comments Chair Proulx closed the public hearing at 7:07 p.m.

~~Commissioner Russell made the motion for R2015-51 from BOS, and having advertised and conducted a public hearing on July 22, 2015 in accordance to the Code of Virginia, recommends the approval of change to the definition of Brewery and Farm Brewery, Limited in Article 2 of the Nelson County Zoning Ordinance which would read as follows:~~

~~**Brewery:** A facility for the production of brewed beverages, including beer or other fermented beverages.~~

~~**Farm Brewery, Limited:** A brewery that manufactures no more than 15,000 barrels of brewed beverages per calendar year, proved that (i) the brewery is located on a farm owned or leased by such brewery or its owner and (ii) agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its brewed beverages are grown on the farm. The on-premises sale, tasting, or consumption of brewed beverages during regular business hours within the normal course of business of such licensed brewery, the direct sale and shipment of brewed beverages to licensed wholesalers and out-of-state purchasers in accordance with law, the storage and warehousing of brewed beverages, and the sale of limited farm brewery-related items that are incidental to the sale of brewed beverages are permitted.~~

~~Commissioner Harmon provided the second. The vote was unanimous, 6-0 to recommend these changes to the Board of Supervisors.~~

Commissioner Russel made the motion: The Planning Commission, having reviewed Resolution R2015-51 from the Board of Supervisors and having advertised and conducted a public hearing on July 22, 2015 in accordance with the Code of Virginia, recommends the approval of changes to the definition of "Brewery and Farm Brewery, Limited" in article 2 of the Nelson County Zoning Ordinance to read as follows: ~~(definitions are quoted here from the staff report)~~

Brewery: A facility for the production of brewed beverages, including beer or other fermented beverages.

Farm Brewery, Limited: A brewery that manufactures no more than 15,000 barrels of brewed beverages per calendar year, proved that (i) the brewery is located on a farm owned or leased by such brewery or its owner and (ii) agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its brewed beverages are grown on the farm. The on-premises sale, tasting, or consumption of brewed beverages during regular business hours within the normal course of business of such licensed brewery, the direct sale and shipment of brewed beverages to licensed wholesalers and out-of-state purchasers in accordance with law, the storage and warehousing of brewed beverages, and the sale of limited farm brewery-related items that are incidental to the sale of brewed beverages are permitted.

Commissioner Harman provided the second. The vote was unanimous, ~~6-0~~ 5-0.

2. Public Hearing for Proposed Z.O. Amendments: "Wayside Stands" and "Farmers Markets"

Mr. Padalino listed the amendments and possible changes, and explained that these changes would affect the regulation of the land use as well as the definition of "off-farm retail agricultural sales." He stated in his explanation of the changes that the Wayside Stand would be separated into two different classes based on the type of road the stand is located on as defined by VDOT, known as a "Functional

Classification Code.” He stated that this seems like the most objective and straightforward way to classify the uses. Mr. Padalino suggested that the PC possibly modify the language for one of the requirements for a class A Wayside Stand to “all setbacks” instead of only “front yard setbacks.”

Commissioner Goad entered the meeting and chair Proulx explained reason for change in agenda.

Commissioner Russell questioned the difference in the June report explained as “off-farm agricultural sales” and in the current Powerpoint presentation as “off-farm agricultural retail sales.” Mr. Padalino stated to go with definition as contained in the staff report, as that was used for the Legal Notice advertisement.

Chair Proulx opened public hearing at 7:20 p.m. There were no comments from the public. Chair Proulx closed public hearing at 7:20 p.m.

~~Commissioner Russell made a motion to recommend to the Board of Supervisors approval of the proposed amendments to include the re-definition of Wayside Stand as well as standards to Wayside Stands and Farmers Markets as follows:~~

Commissioner Russell made a motion: The Planning Commission having reviewed the current Zoning Ordinance as it relates to off-farm agricultural retail sales and having advertised and conducted a public hearing on July 15, 2015 in accordance with the Code of Virginia recommends that the Board of Supervisors approve the proposed amendments which include redefinition of Wayside Stands in Article 2 as well as standards for Wayside Stands and Farmers Markets as follows: ~~(contents of amendments are quoted here)~~

➤ **Article 2: Definitions**

Remove the following definition:

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

Add the following definitions:

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

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

Wayside Stand, Class A: A Wayside Stand which is located on a road with a Functional Classification Code of 115 or higher (as defined by the Virginia Department of Transportation).

Wayside Stand, Class B: A Wayside Stand which is located on a road with a Functional Classification Code of 114 or lower (as defined by the Virginia Department of Transportation), or located within six-hundred sixty (660) feet of an intersection with any road with a FCC of 114 or lower.

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

Revise the following provision in Section 4-11 "Administrative Approvals:"

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

4-11-2 Wayside Stands. Wayside Stand, Class A, which provides one (1) year of approval. An approved Class A Wayside Stand may be renewed annually; no renewal fee or site plan resubmission is required with a request for annual renewal, unless the layout, configuration, operation, vehicular ingress/egress, and/or scale is substantially modified.

No Class A Wayside Stand permit may be approved unless the Planning and Zoning Director reviews and approves the following operational details regarding the safety and appropriateness of the proposed wayside stand:

- (i) Signed affidavit declaring that any and all products offered for sale have their source from, or are otherwise derived from, an agricultural operation that is owned or controlled by the wayside stand operator**
- (ii) Proposed frequency and duration of operations (throughout the day, week, month, or calendar year):**
 - a. may not exceed ___ consecutive days; and/or**
 - b. limited to a maximum of ___ hours per day; and/or**
 - c. limited to a maximum of ___ days per week; and/or**
 - d. limited to a maximum of ___ weeks per year**
- (iii) Location and type of proposed wayside stand equipment or facility:**
 - a. All wayside stand structures or facilities must be located outside of VDOT right-of-way**
 - b. All permanent wayside stand structures must comply with the required front yard setback areas of the applicable zoning district**
- (iv) Location and details of proposed signage:**
 - a. Maximum of one sign allowed, which may be double-sided**
 - b. Maximum of twelve (12) square feet of signage**
- (v) Sketch site plan, including accurate locations and dimensions of:**
 - a. property boundaries and right-of-way**
 - b. proposed location of wayside stand equipment and/or facility(s)**
 - c. proposed signage**
 - d. proposed layout and provisions for safe vehicular ingress, egress, and parking**
 - e. lighting plan and lighting details (for any wayside stand request involving any proposed operation(s) after daylight hours)**
- (vi) Review comments from Virginia Department of Transportation:**
 - a. VDOT review comments must include a formal "recommendation for approval" by VDOT before a Class A Wayside Stand permit can be approved by the Zoning Administrator**

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

4-1-46a Wayside Stand, Class B

4-1-47a Farmers Market

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

Add the following provisions to Section 8-1-a "Uses – Permitted by Special Use Permit only:"

8-1-13a Farmers Market

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

Add the following provisions to Section 8A-1-a "Uses – Permitted by Special Use Permit only:"

8A-1-7a Farmers Market

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

Add the following provisions to Section 8B-1-a "Uses – Permitted by Special Use Permit only:"

8B-1-14a Farmers Market

Commissioner Allen provided the second. The vote was unanimous (6-0).

3. Conditional Re-zoning #2015-02-Mountain Sports Retail Space/ Mr. Joseph B. "Sepp" Kober

Mr. Padalino reviewed the application submitted by Joseph B. "Sepp" Kober and showed the location of the subject properties, Tax Map Parcels #22-A-19 and #22-A-18. Mr. Padalino then referenced a slide of the Minor Site Plan and explained that it is an essential tool for planning during the SUP review process, but it is not a final site plan document – and that Mr. Kober would need to submit and get approval for a Major Site Plan before being able to obtain any building permits. Mr. Padalino also showed a concept drawing of the front of the proposed building and photos of the site visit that contained pictures of a few trees that would be removed as well as the historic structure close to Route 151.

Mr. Padalino re-iterated VDOT's previous comments concerning access management, sight distance measurements, future development, and the consideration of a joint commercial entrance that would serve the adjoining parcels as well. Mr. Padalino concluded with the staff evaluation and recommendation for the approval of Conditional Rezoning #2015-02.

Chair Proulx wanted to clarify that the Minor Site Plan was not binding and the applicants don't have to even follow it, and that it could change. Mr. Padalino explained a Minor Site Plan is always required with each rezoning request, and that yes, it could change. Chair Proulx asked the applicant if they have any questions or comments prior to the public hearing.

~~Mr. Kober spoke to Commissioner Harman and apologized for not being prepared at the last meeting, and asked if the commission had any further questions.~~

Commissioner Russell asked about one proffered-away use, which is a gas filling station, noting that one of the requested uses that was kept is "auto and home appliances service" and asked the applicant what he thought that meant. Mr. Kober stated that he was not sure, but he had no desire to work on automobiles and would gladly proffer that away as well. He had no desire to have a gas station or auto

repair garage come to Nellysford. He stated maybe the definition would include home appliance service such as Maytag dishwasher repair, or possibly a retail auto part store such as Fisher's.

Commissioner Russell expressed her concern that spot zoning to Business was frowned upon and found to be discriminatory, and thought this request could be considered a spot zoning if he did not consider VDOT's request of sharing an entrance that would benefit neighbors and allow expansion of Nellysford. Mr. Kober stated he'd be willing to share an entrance and would love to help future businesses, provided it would not deter from his business or move his business onto an awkward position on the property, but he is willing to look into it.

Commissioner Russell stated that they are only here to determine if Conditional B-1 zoning is right for this property, but he could build property right up against the right of way like the current building is. The minor site plan does not represent that, but wants to know if he would be willing to commit in writing to build seventy (70) feet away from the road before the commission recommends this to the Board of Supervisors. Mr. Kober stated he could not make that decision before speaking to an architect and before seeing the drawings and plans for shared entrance. Chair Proulx noted that currently there is no one to share the entrance with, and wasn't sure how the plan would look, and suggested Mr. Kober talk to his architect.

Commissioner Russell stated the entrance could not be built without the current building being torn down. Mr. Kober stated they will be tearing the house down unless someone presented to him that **is it** was a historic landmark. He said he knew it was old, but did not think it was officially designated as historic. They may look at the building to see if anything was reusable in the new development, or could be re-claimed for use in his proposed new building.

Chair Proulx opened the public hearing at 7:50 p.m.

Julia Rogers: Stated she is a business owner in Nellysford as well as the president of the Nelson County Chamber of Commerce. She stated the chamber board has been discussing this issue and passed resolution in support of Mountain Sports Retail at 2950 Rockfish Valley Highway; she read the resolution which stated (in part) that "It fits with the Nellysford plan of mixed use development." She went on to thank the Planning Commission for the assistance provided to Mr. Kober.

Joe Lee McClellan: Owns the shopping center across from street from proposed property as well as a house a few blocks down. Stated this would benefit the community and believed **the current building he** used to **provide deliver** posters **delivered to for** his father **for who** had the theater. This property used to be a retail establishment and should have been zoned for retail when zoning originally began in Nelson County. He then stated that a lot of property in Nelson is incorrectly zoned. He stated the commission is trying to micro-manage a respectable business owner.

Herbert Forest: Stated his mother, who owned parcel #22-A-19, passed away on February 21, 2010. He stated this property has been on the market for the last five years. He then explained the several different businesses that this property has housed over the years. He further stated that his mother would be proud to see it turned into a sporting store, and he would like to see it bring revenue to the community.

Chair Proulx closed the public hearing at 7:58 p.m.

Chair Proulx asked if there was any further discussion.

Commissioner Russell stated she lives in the area where the study and comp[rehensive] plan was done, and thinks the majority would like to see development in the community. She further stated she was in favor of this, and thinks it is an excellent use of the property as long as it doesn't deter from other properties and future development.

Chair Proulx stated she **appreciated** appreciates that **this is** the applicant recognized the need for making this a conditional rezoning request, **and not a straight rezoning request, and thinks**, and thought the plans are consistent with the **image** comp[rehensive] plan vision of Nellysford.

~~Commissioner Russell made a motion to approve the application submitted by Mr. Joseph "Sepp" Keber for the conditional re-zoning of Tax Map Parcels #22-A-18 and #22-A-19 from R-1 Residential to B-1 Conditional. The Commission supports the staff report from July 15th and recommends approval by Board of Supervisors to rezone Tax Map Parcels #22-A-18 and #22-A-19 from R-1 Residential to B-1 conditional zoning, which would limit by right uses to:~~

~~**8-1-2** Retail drugstores, feed and seed stores, food sales and restaurants, wearing apparel shops, auto and home appliance services, banks, barber and beauty shops, hardware stores, offices and personal and professional services. Wholesale and processing activities that would be objectionable because of noise, fumes, or dust are excluded.~~

~~**8-1-13** Off-street parking as required by this ordinance~~

~~**8-1-16** Business signs advertising for sale or rent of premises only, up to fifty (50) square feet in total area~~

~~**8-1-17** Business signs, up to one hundred fifty (150) square feet in total area. One sign less than five (5) feet beyond building.~~

~~**8-1-18** Directional signs, up to two (2) square feet in total area~~

~~**8-1-19** Location signs, up to one hundred fifty (150) square feet in total area~~

~~Also the Planning Commission directs the Planning and Zoning Director to assume the lead in the correction of all county records with the correct positioning of these two properties regardless of final disposition of this application. Also we recommend the Board of Supervisors look at the current development of the east side of Route 151 as well as the comp plans of future development of the area so that it may consider if a joint commercial entrance for this property and a required front yard setback would enhanced future development in this area. Commissioner Harman provided the second. Vote (5-0) with Commissioner Saunders abstaining.~~

Commissioner Russell made a motion: The applicant Joseph Kober is requesting a rezoning of property designated as Tax Map #18 and 19 located on the east side of route 151 in Nellysford. The property consists of approximately 6 acres which would be rezoned from R-1 with Floodplain area to B-1 Conditional. The Planning Commission supports the staff report of July 15, 2015 and recommends approval by the Board of Supervisors to rezone Tax Map #22-A-19 and 22-A-18 from R-1 to B-1 Conditional rezoning which would limit by right uses to Section 8-1-2, 8-1-13, 8-1-16, 8-1-17, 8-1-18, 8-1-19. Also the Planning Commission directs the Planning and Zoning Director to assume the lead in the correction of all county records with respect to the correct positioning of these 2 properties regardless of the final disposition of this application. However, the Planning Commission asks that the Board of Supervisors look at the current development along the east side of 151 as well as the Comp

Plan's position on future development of the area so that it may consider whether a joint commercial entrance for this property and a required 70' front yard setback would enhance future commercial development in the area.

Commissioner Harman provided the second. The vote was (5-0) with Commissioner Saunders abstaining.

Saunders stated this will be presented at the 8/11 Board of Supervisors meeting and Mr. Saunders left at 8:02 p.m.

Other Agenda Items:

Mr. Padalino presented Agricultural and Forestal District applications #2015-05: addition to the existing Davis Creek AFD and #2015-06: addition to the existing Greenfield AFD. He noted that the AFD Advisory Committee already reviewed these applications, and recommends that they be approved by the Planning Commission.

Mr. Padalino clarified that no PC action is required tonight, and that the AFD Committee is requesting acknowledgement of receipt of applications.

Chair Proulx stated she would like the commission to receive applications separately and she will excuse herself from second application since her property is included in the application.

Chair Proulx asked AFD Advisory Committee Chair Andy Wright if he had anything further to add; he did not.

The Commission acknowledged receipt of both applications, with the following motion being made and voted on:

Commissioner Harman motioned for acceptance of AFD Application #2015-06 and to advertise for public hearing. Commissioner Allen provided the second. Commission voted unanimously 5-0.

Commissioner Harman retracted the previous stated motion as acceptance of #2015-06 and changed it to acceptance of AFD Application #2015-05, citing a mix-up in the application numbers and Chair Proulx's previously statement that she did not want to vote for application #2015-06. Commissioner Allen provided the second. Commission voted unanimously 5-0 to accept AFD Application # 2015-05 and advertise for public hearing.

Commissioner Goad motioned for acceptance of AFD Application #2015-06 and to advertise for public hearing. Commissioner Allen provided the second. Commission voted unanimously 4-0 with Chair Proulx abstaining.

Other Business:

Chair Proulx stated there was no Board of Supervisors report since Mr. Saunders had to leave. She suggested to review commission bylaws, and asked if there were any questions.

Commissioner Harman asked if the Board of Supervisor representative was supposed to vote or not. Mr. Padalino stated he didn't think the code specifically addresses that issue. Commissioner Russell stated that the code doesn't specify if there's an option to have supervisor representative or not.

Commissioner Allen stated the Supervisor has the full right to vote if they wish.

~~Commissioner Goad stated there needed to be 4 members present for quorum but there doesn't have to be 4 members voting. Commissioner Harman stated they could be here for the quorum but they could abstain. Mr. Padalino stated he has the same understanding, as long as there were enough votes as to not result in a tie.~~

Commissioner Goad asked what would happen if there were only three (3) members present and one (1) of those was Mr. Saunders, would that mean there wouldn't be enough for a quorum. Chair Proulx noted that it was her understanding that there needs to be four (4) members present but not necessarily four (4) members voting. Commissioner Harman stated they could be here for the quorum but they could abstain. Mr. Padalino indicated he has the same understanding, as long as there are a majority voting members, as to not result in a tie.

~~Chair Proulx and Commissioner Russell agreed they need to look over quorum and voting rules to understand for any future situations that may arise.~~ Chair Proulx stated she will ~~look over~~ check Roberts Rules.

Commissioner Russell motioned Draft Revision to Nelson County Planning Commission presented June 10, 2015 be adopted. Commissioner Harman provided the second. Vote was unanimous 5-0.

Chair Proulx asked if there was anything else to add.

Mr. Padalino stated he just got back from an APA-Virginia annual conference in Norfolk, and that is was very informative.

Adjournment:

At 8:15 p.m. Commissioner Allen made a motion to adjourn, Vote was unanimous 5-0.

NELSON COUNTY PLANNING COMMISSION
MEETING MINUTES
August 26, 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 7:01 P. M. in the General District Courtroom, County Courthouse, Lovingson.

Approval of Minutes – June 24, 2015 and July 22, 2015: Chair Proulx asked if there were any corrections to the revised June 24th meeting minutes.

Chair Proulx noted the following changes:

Page 1, second paragraph (from bottom of page) – change approved to “by-right” last sentence.

Page 2, Commissioner Harman’s comments – 4th paragraph – change the and replace with “the Gaona’s” (last sentence).

Page 5 – Bylaws: change last sentence to read: Chair Proulx stated that this was the way it has been done in the past, but even if he or she chose not to vote they would be a part of the quorum.

Commissioner Harman made a motion that the June 24, 2015 minutes be approved as noted. Commissioner Goad provided a second; the vote 3-0, with Commissioners’ Russell and Allen, and Mr. Saunders abstaining.

Chair Proulx asked if there were any further corrections/changes to the revised July 22nd meeting minutes.

Chair Proulx noted the following changes:

Page 2 – motion regarding brewery and farm brewery, limited amendments – change to vote from 6-0 to “5-0”.

Page 5 – paragraph beginning with Mr. Kober – remove entire paragraph.

Page 6 – 2nd paragraph (first sentence) – change B-1 zoning to “Conditional B-1 zoning”. Same sentence – remove the word property.

Page 6 – Joe Lee McClellan – change second sentence to read as follows: “Stated this would benefit the community and believed he used to deliver posters for his father who had the theater”.

Page 7 – 2nd paragraph – change first sentence to read as follows: “Chair Proulx stated she appreciates that the applicant recognized the need for making this a conditional rezoning request, and thought the plans are consistent with the comp[rehensive] plan vision of Nellysford.”

Page 9 – 1st paragraph – listen to tape & clarify what was said.

Page 9 – 2nd paragraph – remove first sentence. Change look over to “check” (second sentence).

Commissioner Allen noted that on page 6 – 3rd paragraph change is to “it” (second sentence).

The Commissioners’ decided that the July 22nd minutes would not be approved at this time and would be added to the September meeting agenda.

The Commissioners' discussed the procedures for reviewing and approving meeting minutes. This included discussion about how any changes/corrections should be made. Commissioners discussed the current process of editing the meeting minutes by email, and then having those suggested changes be reviewed and approved by the entire Planning Commission during the public meeting. It was decided this would be further discussed at the end of the meeting.

1. Consideration of Applications to Expand Existing Agricultural and Forestal Districts (AFD):

Mr. Padalino provided a brief summary of AFD application #2015-05, which was received on 5/26/2015, and which requests an addition to the existing 956-acre Davis Creek AFD. He also provided a brief summary of AFD application #2015-06, which was received on 6/1/2015, and which requests an addition to the existing 2,344-acre Greenfield AFD.

Mr. Padalino then presented the following information:

Both applications have previously been reviewed by the AFD Advisory Committee on 6/29/2015. The Planning Commission (PC) received the applications from the Advisory Committee with their recommendations for approval on 7/22/2015. The two applications will be reviewed by the PC tonight, inclusive of a public hearing, which allows the public to provide comments. After the hearing, the PC may vote on the applications and forward them to the Board of Supervisors (BOS) for their review and for them to conduct a public hearing as well.

Mr. Padalino further noted that the AFD application #2015-05, submitted by Mr. Michael Scelzi, includes a request for a 4-year review period, which is the minimum period permissible by County Code and by Code of Virginia. He explained that all other AFDs have been created with 5-year review periods; and that, furthermore, this application is a request to add to an existing AFD that already has a 5-year period that was previously established by the BOS. He stated that he believes the applicant's request for a 4-year review period is not valid and should not be considered by the PC.

Mr. Andy Wright, Chairman of the AFD Advisory Committee, approached the podium and stated that this particular addition would give some desirable infill to this existing AFD. He also noted that the committee hoped the infill pattern would continue, and that someday the two (2) main areas of the David Creek AFD converge.

Chair Proulx then opened a public hearing for AFD #2015-05 at 7:30 p.m. No comments were made and the public hearing was closed.

The issue of the 4-year review versus the 5-year review process was discussed, as well as what options the applicant would have at that point. It was determined that the Davis Creek AFD was established in 2003. Mr. Wright noted that the policy of the County to-date is to not hold a review unless one is requested. He further noted that the Davis Creek AFD as a whole would come up for review (2018) before the requested 4-year review period would, if somehow approved (2019). The withdrawal policy is that any applicant can withdraw their property from the application up until the BOS holds a public hearing.

Commissioner Russell made the following motion:

The Planning Commission has received a complete application #2015-05, dated May 26th, 2015 by Michael Scelzi to include his property, Tax Map #44-A-29B, consisting of 165.08 acres into the Davis Creek Agricultural and Forestal District. The Planning Commission having received a positive report from the Ag and Forestal District Advisory Committee and having held a public hearing on August

26th, 2015 recommends that the Board of Supervisors grant approval of this application with a five (5) year review period. Commissioner Allen provided a second; the vote 6-0.

Chair Proulx recused herself from the Greenfield AFD application #2015-06, due to the fact she has an interest in one of the parcels, and turned the meeting over to Commissioner Harman to conduct the public hearing for AFD #2015-06.

Commissioner Harman then opened the public hearing for AFD #2015-06 at 7:36 p.m.

Susan McSwain, Secretary for the AFD: Ms. McSwain stated that Ms. Burton has been appointed by the BOS to fill one of the vacancies on the AFD committee.

No other comments were given, the public hearing was closed at 7:38 p.m.

Commissioner Russell asked if there had been any response from Albemarle County regarding Mr. Padalino's letter concerning Mr. Childs' property. Mr. Padalino indicated there was none.

Commissioner Russell made the following motion:

On June 1st, 2015, the Planning Commission received an application #2015-06 from Joyce Burton to add five (5) properties for a total of 258.43 acres to the Greenfield Agricultural and Forestal District. The Planning Commission having received a positive report from the Ag and Forestal District Advisory Committee and having held a public hearing on August 26th, 2015 recommends that the Board of Supervisors grant approval of this application. Commissioner Allen provided a second; the vote 5-0, with Chair Proulx abstaining.

2. Special Use Permit #2015-05 – “Evans Cabins” / Bill & Becky Evans:

Mr. Padalino noted that this is a request for approval of a Special Use Permit (SUP) pursuant to Article 4, Section 1-25a of the Nelson County Zoning Ordinance. The completed application was received on June 25th, 2015. The applicants are seeking County approval “to construct six (6) overnight temporary-stay cabins and one (1) full-time residential house along with necessary utilities and access drives.” The applicant also submitted a project narrative of their proposed project which contains important application details. The applicants also submitted documentation that authorized Mr. David Collins, LS, PE to operate as their agent. Mr. Collins prepared the Minor Site Plan for this project.

Mr. Padalino further noted the subject property's location, characteristics, and other information. The property is located on the southern side of Beech Grove Road, in the West District. It is identified as Tax Map Parcel #31-A-39A; contains 4.99 acres and is zoned Agricultural (A-1).

Mr. Padalino noted that the Site Plan Review Committee meeting was held on July 8, 2015, and that detailed comments can be found in the Staff Report dated August 17, 2015. He noted that Minor Site Plans are required with all SUP applications; and, if approved, this project would require the subsequent submission and approval of a Major Site Plan before Building Permits could be obtained. However, he added that the applicants and Mr. Collins have put a lot of detail on to the submitted Minor Site Plan, and have worked to address a lot of the potential issues during this Minor Site Plan process.

Mr. Padalino then noted that, with respect to the evaluation criteria (Zoning Ordinance Article 12, Section 3-2), and with respect to the details of the “cabins” proposal as provided by the applicant, Staff recommends approval of SUP #2015-05.

Mr. Collins then spoke on behalf of the applicants. He stated that he is a Land Surveyor and Civil Engineer. He is working with the Evans’ on this particular plan. They live in Virginia Beach and come to the area for visits. They want to build a home to live in; build and rent the six (6) cabins; and to retire here. He noted they are interested in trying to provide a place to stay for the people who come here to enjoy the entertainment that Nelson County has to offer.

Mr. Bill Evans then stated that they want to preserve as much of the property as possible. He added that there concept includes the desire to provide an overnight lodging accommodation that would give an alternative to a condo. He stated that, *“we really brought our kids up, coming up to Douthat [State Park] and enjoying that area.”* Mr. Evans added that he and his family had previously lived in Radford and Blacksburg for eleven (11) years. *“It’s a part of our dream and where we want to go and we really would like to provide something that any of you could have family members come and stay at and feel good about.”*

Chair Proulx opened the public hearing at 7:50 p.m.; no comments were made, and the public hearing was closed.

The following questions were asked by the Commissioners:

1. When is a variance considered for the width of the road, and if that would be done during the Major Site Plan review? Mr. Padalino noted that this is a “required improvement” that must be addressed and resolved during the Major Site Plan review process.
2. What is the closest proximity to neighbors? Mr. Padalino noted that the cabins would be located in the wooded area toward the back of the property. The project narrative and the Minor Site Plan include project details that seem to demonstrate sensitivity towards neighbors, such as dark sky lighting and the preservation of good mature trees. Mr. Evans noted that they met with neighbors and talked about their plan; the neighbors were in agreeance with the proposal in leaving a vegetative barrier.

Commissioner Russell made a motion to recommend approval to the Board of Supervisors for Special Use Permit #2015-05 for Bill and Rebecca Evans whose property contains 4.99-acres; Tax Map #31-A-39A as shown on Minor Site Plan dated June 25, 2015. Commissioner Harman provided the second; the vote 5-0, with Mr. Saunders abstaining.

Other Agenda Items:

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

Mr. Padalino noted that the proposed (now referred) amendments were created to help understand what events do not need permits; and to have a more sophisticated way of regulating the events that do require permits. The amendments would provide major changes, and they would be a separate article as opposed to being in the Agricultural District article. It would be called “Temporary Events” as opposed to “Special Events”. It would further emphasize that this is meant to be a “temporary” land use and not necessarily a permanent land use.

Mr. Padalino read the Statement of Intent from the Staff Report (which was shown on a slide). He pointed out that there are definitions for each of the Exempt Events. He noted that there would be three (3) Categories of Temporary Events (Category 1; Category 2; and Category 3), and discussed each of the categories in detail.

The Commissioner's and Mr. Padalino discussed the following issues: If an event is held on two different parcels, would they need to get two (2) permits. The discussion led to the proposition that one permit application inclusive of documented permission from all involved landowners would be sufficient. Mr. Padalino would check the legal aspects if a Special Use Permit (SUP) would be needed for multi-parcels and multi-landowners; if there could be a "co-applicant" category; and if it would be up to the landowner(s) or the vendor to obtain the proper permits. Mr. Padalino noted that he will get the County Attorney's opinion on whether or not a SUP can be applied for by multiple parcels with multiple property owners.

It was determined that this item will be placed on the September agenda for further discussion. Commissioner Russell asked for Staff to get the County Attorney's take on, what regulations (if any) can the County put on the Planned Unit Development.

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

Mr. Padalino noted that "bed and breakfasts" are a growing trend in the County and are an important part of the local economy, but it is a land use that is not defined in the Zoning Ordinance. It has been treated/interpreted as a "tourist home", which is presently defined. Specifically, "tourist home/boarding house" are co-defined but are different in meaning. There needs to be a separate definition for "bed and breakfast" to provide clarity.

Mr. Padalino noted the following needs should be addressed:

- Identify any necessary changes to the proposed amendments (improved/modified).
- Identify how those redefined land uses would be regulated (permissible by-right; permissible by special use permit; or not permissible); being mindful of existing definitions.
- Identify any other types of lodging that we not addressed.

The Commissioners' discussed the need to add "recreational vehicle" to the definitions. A recommendation was made to change "semi-permanent lodging" to "semi-permanent residential use" for the Boardinghouse definition. The Commission discussed if "short-term lodging" needs to be specifically defined. There was also discussion about the possible need to distinguish between overnight lodging accommodations that are owner occupied and those that are not, and if this is feasible or enforceable. It was determined that this item will be placed on the September agenda for further discussion.

Revisit Meeting Minutes Procedures:

The Commissioners' revisited this issue from earlier in the meeting, and the following was decided:

- it would be acceptable to use email communications among County staff and among all Commissioners to identify initial suggested edits, to include the use of "Reply All" so that all Commissioners can see all the suggested or requested edits;
- after sharing the initial suggestions or requests via email, the Commission can then discuss these in public during the meeting; and
- the PC would then officially determine if and how to approve the final draft meeting minutes during the public meeting.

Other Business:

Rockfish Valley Area Plan (RVAP): Mr. Padalino noted that the Virginia Department of Agriculture indicated that the Rockfish Valley Area Plan (RVAP) is a very good candidate for the Agriculture and Forestry Industries Development (AFID) Planning Grant. This program requires that the County provide a 50% match, but in speaking with the grant manager, the work and time that has been put into the project would account for half of that match. However, the County would still need to come up with about \$10,000. He plans to speak with Steve Carter, County Administrator, about these funds.

Atlantic Coast Pipeline Questionnaire: Mr. Padalino noted that the BOS asked Staff to begin preparing answers to the questionnaire.

Staff Updates:

- The “*Brewery*” language was adopted by the BOS.
- The “*Off-Farm Ag Retail Sales*” has been tabled until further review.
- The “*Dance Hall / Gaona*” was deferred; the day of the deferred date, the applicant asked for a deferral; now on the September 8th agenda.
- The Conditional Rezoning / Kober was not approved after a public hearing.
- Special Use Permits #2015-07, -08, -09 “*Monarch Inn*” is on the September Planning Commission’s agenda. Materials for these SUP applications and accompanying Minor Site Plan and project narrative packet were handed out at the end of the meeting to provide extra time for PC members to review the materials. Mr. Padalino noted that the project has gone through the Site Plan Review Committee meeting and the applicants are now working to address some items identified in the review comments. Mr. Saunders noted that this had been placed on the BOS agenda for 9/8 as an introduction to the project.

Board of Supervisors Report: Mr. Saunders noted that Mr. Padalino touched on the points that he was going to discuss. He added that the BOS Retreat has been scheduled (October 22nd).

The Commissioners’ voiced their opinions for the need for the Planning Staff to have another full-time position for their department. Mr. Saunders noted that the BOS had discussed this and it was previously addressed, and that details of this issue could be found in the BOS budget meeting minutes. It was then noted that, in lieu of voting on a resolution regarding this issue, the PC members could individually contact their Supervisor to discuss this issue.

Adjournment:

At 9:12 P.M. Commissioner Allen made a motion to adjourn.

Respectfully submitted,

Stormy V. Hopkins
Secretary, Planning & Zoning



DEPARTMENT OF
PLANNING & ZONING

PLANNING COMMISSION
BOARD OF ZONING APPEALS

To: Chair and Members, Nelson County Planning Commission
From: Tim Padalino | Planning & Zoning Director
Date: September 15, 2015
Subject: **Public Hearing for Special Use Permit #2015-04
(Frederick Phillips / “Wintergreen Brewery”)**

Application Summary

<u>Site Address / Location:</u>	2188 Rockfish Valley Highway / Nellysford / Central District
<u>Tax Parcel(s):</u>	#21-5-1C
<u>Parcel Size:</u>	3.23 acres
<u>Zoning:</u>	Business (B-1) with small area of Agricultural (A-1)
<u>Applicant:</u>	Mr. Frederick Phillips (property owner)
<u>Request:</u>	Approval of Special Use Permit #2015-04 to operate a small brewery pursuant to Article 8, Section 1-12a “Brewery”
<ul style="list-style-type: none"> • <i>Completed Application Received On:</i> June 19th, 2015 • The applicant has noted that the reason for request is as follows: “want to do a brewery” – please see attached correspondence from applicant which articulates proposed brewery operation in detail 	

The applicant has provided a project narrative (dated 8/11) to explain the intent and purpose of this Special Use Permit (SUP) application. The narrative includes the following details (and more):

- Three (3) types of beer would be brewed weekly in five (5) gallon batches.
- No food will be prepared or served.
- The brewery will be a one-man operation (no additional employees planned at this time).
- The brewery will contain 12 seats.
- The proposed hours of operation will be from 4:00pm – 8:00pm Thursday – Saturday.
- No changes will be made to the existing interior or exterior of the building.

Subject Property Location, Characteristics, and Comprehensive Plan Designation:

The subject property is located in the Wintergreen area of Nellysford at 2188 Rockfish Valley Highway, further identified as Tax Map Parcel #21-5-1C. This 3.23-acre property is zoned Business (B-1) with small area of Agricultural (A-1). Please see the attached exhibit (and supporting

documentation) which was produced by County staff after extensive research on the zoning history of this property. That exhibit reveals that the accurate boundaries of the Business (B-1) zoning district encompass a larger area than what is depicted by the Nelson County GIS or the (paper) Zoning Map.

The subject property currently contains multiple commercial operations located in multiple buildings. The proposed brewery would be located in a building that also currently contains Blue Ridge Pig restaurant, a barber shop, and a storage area. The second floor of that building contains two (2) residential units. The property also contains Basic Necessities restaurant and agricultural outbuildings.

With regards to the “Future Land Use Plan” in the *Nelson County Comprehensive Plan*, the Nellysford area is designated as Nelson County’s only “Neighborhood Mixed Use Development Model.” It is further identified as a “primary development area.”

The Future Land Use Plan also includes an area labeled “South of Nellysford” which is designated as a “Rural Residential District Model.” This district “would allow low density residential and compatible non-residential uses in rural areas where agriculture is not the predominant use.”

Site Plan Review Committee Comments:

The Site Plan Review Committee reviewed the Minor Site Plan (dated June 10) for this SUP application on July 8th. Those original review comments (dated July 14) are contained in this report. The Planning & Zoning Director also subsequently met with Mr. Morris Foster on August 7th and provided additional review comments in writing.

The applicant then submitted a revised Minor Site Plan on August 28th. This revised plan was reviewed by the Site Plan Review Committee on September 9th, which produced the following review comments:

- **Director of Planning & Zoning:**
 - The following revisions were requested in writing on September 9th:
 - Incorporate the Business (B-1) zoning district boundaries onto the “vicinity map.”
 - Incorporate any/all revisions to the entrances, existing canopy and concrete island, and/or parking spaces (as applicable).
 - County staff, PC representative Commissioner Russell, and Mr. Kessler of VDOT encouraged the applicant to consider removal of the existing canopy in order to ensure safer, smoother traffic flows within the site and entering / exiting the site.
 - Removal of existing canopy and/or concrete island will be partially dependent upon applicant’s coordination with Tiger Fuels, which owns the canopy.
 - Please see the attached correspondence dated 9/11 between applicant and Mr. Whitehead of Tiger Fuels.
 - The proposed brewery would contain 346 square feet of public floor area.
 - The property contains existing exterior lighting and signage.
 - **Note:** if the SUP is approved, the project (as detailed in the SUP application and on the Minor Site Plan dated 8/19) would not be required to submit a Major Site Plan for review and approval, relative to the criteria contained in Article 13, Section 1.

- VDOT: Mr. Jeff Kessler, Virginia Department of Transportation representative, attended the meeting and expressed the following:
 - VDOT recommends the closure of the entrance immediately to the north of the carwash facility. The use of “positive traffic control” (permanent barrier) would be necessary if the entrance is closed. VDOT recommended a concrete-faced island in line with the two existing islands. The concrete island could have grasses or flowers planted in it, but could not contain shrubs or trees if located within the VDOT ROW.
 - Note: Although not a requirement from VDOT, this issue (entrance closure) may become a requirement if the County determines that the purpose for closing the entrance would serve the public well (in terms of safety in parking lot and along Rte. 151). It is ultimately the County’s discretion as to how to respond to VDOT’s recommendations.
 - VDOT will need to receive an ITE trip generation report detailing the changes in traffic loads from the former use (retail) to the proposed new use (brewery). (Mr. Kessler said he expects the numbers to go down, which is favorable for the applicant’s requested use.) Mr. Kessler will then review the ITE trip generation report and provide the County with review comments, so that the PC and the BOS know what to expect regarding traffic associated with your proposed change of use of the entrances.
- TJSWCD: Mrs. Alyson Sappington of the Thomas Jefferson Soil & Water Conservation District did not attend the meeting and did not provide review comments, as the Minor Site Plan does not indicate that any Erosion & Sediment Control Plan or VSMP stormwater management plan will be necessary. Specifically, the site plan notes the following: “All improvements shown hereon are existing. No site grading is required or exterior building additions. Amount off [sic] land to be disturbed = 0.00 acre.”
- VDH: Mr. Tom Eick of the Nelson County Health Department did not attend the meeting, but did provide written comments as follows ... “Mr. Phillips will need to provide a report regarding the septic system’s capacity to handle the waste stream that will be generated by the proposed brewery.” County staff also suggested to the applicant that he, “Please be prepared to provide documentation and/or provide an oral report to the PC at the public hearing on 9/23. The PC and BOS typically expect some to receive some type of “approval” or “recommended approval” from VDH, which typically happens after the applicant (or their consultant) works directly with VDH to provide professional documentation regarding on-site waste treatment, etc.”
- Nelson County Building Code Official: Mr. David Thompson provided written review comments (dated July 8th) as follows: “A building permit application and permit issuance is required for building change of use and a new certificate of occupancy to allow an F1 or F2 use group.”

Staff Evaluation and Recommendation(s):

In consideration of the application materials submitted by Mr. Phillips, the Planning & Zoning Director recommends approval of Special Use Permit #2015-04. However, please carefully consider the following comments:

- The applicant has indicated that the proposed brewery operation will be extremely limited in scope and volume, both in terms of patronage (12 seats / anticipated average of 25 daily customers) and in terms of production (three 5-gallon batches of beer at one time). However, if a SUP is issued for a brewery at this location, any potential future expansion(s) by the current and/or future property owners would be permissible without limitation.
 - As such, the Commission should consider the efficacy of recommending conditions that would limit the Brewery use (if approved by the BOS) to an operation comparable to the scope and scale being requested by the applicant. Staff does not have a specific recommendation regarding recommended limits on production volume, number of seats or square floor area, etc., but do feel this issue is worth consideration.
- Several issues have been identified by the Site Plan Review Committee which, at the time of this report, have not been addressed through the resubmittal of a revised site plan. This may be somewhat more important than other SUP reviews, as this proposed project will not require a Major Site Plan to be submitted upon any possible approval granted by the BOS.
 - As such, the Commission should consider how to address the different issues related to review comments from VDOT and VDH, which to date have only been partially addressed.

Please contact me with any questions, concerns, or requests for assistance leading up to the September 23rd Planning Commission public hearing for Special Use Permit #2015-04 for the proposed "Wintergreen Brewery." Thank you very much for your time and attention to this application.



PERMIT APPLICATION:

Nelson County Department of Planning & Zoning

TO THE ZONING ADMINISTRATOR: Special Use Permit # 2015-04
application type application number

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

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

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

Reason(s) for request: want to do a Brewery

(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: Frederick Phillipps
 Mailing Address: 2056 Rockfish Valley Hwy, Nellysford, VA 22958-2303
 Telephone # (434) 361-1206 E-mail Address: f.pershing@gmail.com
 Relationship (if applicable): _____

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

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

3. Location and Characteristics of Subject Property:

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

2188 Rockfish Valley Hwy, Nellysford, VA 22958-2303

b. Official tax map number: 2151C

c. Acreage of property: 3.23 Acres

d. Present use: Business

e. Present zoning classification: Business

f. Zoning classification of surrounding properties: Business & agricultural

4. Names of Adjacent Property Owners: Lyna Watson Daniel Watson

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: Frederick Phillips

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 (\$ 300.00) received on 6-19-15 - original Site Plan was incomplete;
- o Hearing Notice published on July 9th & July 16th, 2015 - Site Plan Review Committee: 7/8
- o Planning Commission action: Date of Meeting / Hearing: July 22nd, 2015 - PC public hearing: 8/26
- o Recommendation: September 23rd, 2015 - revised site plan received 8/28
- o Board of Supervisors action: Date of Hearing: _____ Date of Decision: _____
- o Action: _____

From: Frederick Phillips <f.pershing@gmail.com>
Sent: Tuesday, August 11, 2015 6:39 AM
To: Tim Padalino
Subject: Re: Site Plan Review Comments: SUP #2015-04 (brewery)

Wintergreen Brewery (WB) 2056 Rockfish Valley Highway

Business plan:

3 flavors of wheat, corn and barley "home brew" will be made weekly in 5 gallon batches.

Beer will be brewed/boiled 1 hour in a 5 gallon stainless steel pot on a stove.

Beer will be fermented 2 weeks in a 5 gallon glass carboy.

Beer will be primed with sugar for 1 week then dispensed/tapped from a 5 gallon stainless steel canister from inside a refrigeration unit.

Ingredients for each 5 gallons of beer:

5 gallons water, 4 Lbs. grain, 1 Lb. malt, 1 Oz. hops, yeast, sugar.

Waste for each 5 gallons of beer:

1/2 gallon of spent grain and hops. 2 gallon of rinse/sanitize wash water.

Grain and hop waste and rinse/sanitize water will be fed to hogs.

Iodophor is a very effective sanitizer and, unlike bleach, can safely be used as a no-rinse sanitizer without adversely affecting the flavor of your beer. The recommended concentration of iodophor is 25 parts per million.

Beer will be served in reusable glass pint and cup containers.

Glasses will be washed, rinsed and sanitized in a triple sink.

The business will be a one man operation.

I anticipate working 30 hours a week.

Sales will be on premises.

Beer will be sold for \$5 for 16 Oz., \$3 for 8 Oz.

Hours of operation will be Thursday, Friday and Saturday from 4 pm-8 pm.

No food will be prepared or served.

The brewery is to be located in what was previously Ambrosia Bakery.

No changes will be made to the existing interior or exterior of the building.

Beer will complement The Blue Ridge Pig Restaurant (BRP) next door.

BRP lunch crowd averages 25 customers

Seating inside The Wintergreen Brewery will be 12 chairs.

There is an existing light over the outside door

There is an existing sign in place.

The front roadside curb island has been landscaped with flowers.

26 paved parking places have been identified by Morris Foster.

The existing curbing/island was designed and approved by VDOT when the speed limit was 55 mph.

Adequate sight clearance exists. Speed limit is now 45 mph.

Roger Nelson assured me the septic system is adequate.

Allyn Olinger USDA will be in charge of procedure.

There is an existing handicap accessible restroom.

Tim Padalino

From: Frederick Phillips <f.pershing@gmail.com>
Sent: Tuesday, August 25, 2015 8:15 AM
To: Tim Padalino
Subject: Wintergreen Brewery

Dear Sir,

I measured the spaces in the buildings on site. I gave these figures to Mr. Foster. I have not heard from Mr. Kester VDOT or from you as to the requirements to be specified for different usages of spaces inside the buildings in regard to the number of parking spaces required for each usage.

The "store" space is empty. I understand that I may have until early next year to occupy it before it becomes "dormant" potentially causing me problems with (re)zoning or licensing a business.

Your and VDOT's rules on customer vs floor space parking determinations will help me decide an effective plan for my immediate need. As an example, one plan of action could be controlled atmosphere storage spaces requiring no parking spaces.

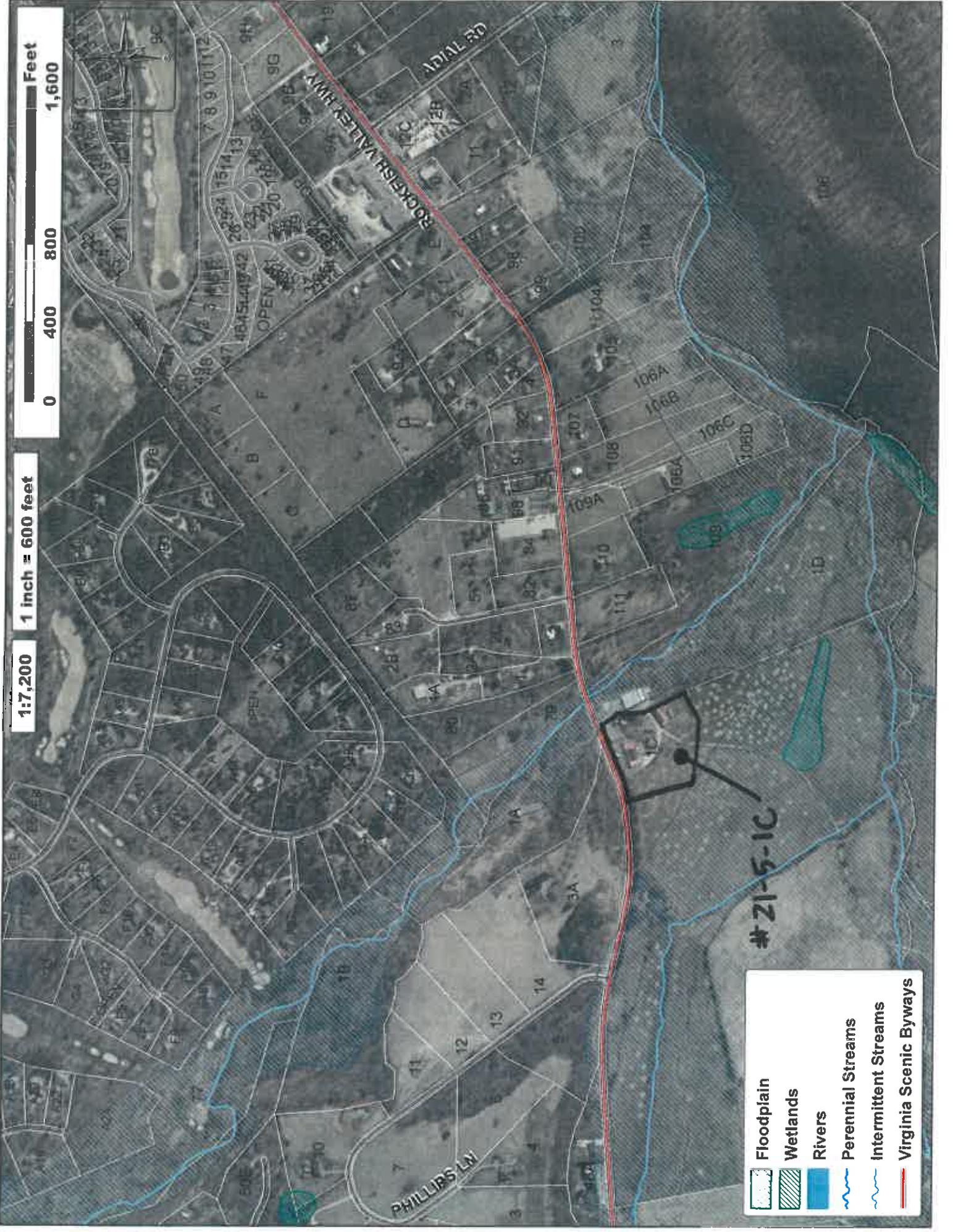
Has Roger Nelson sent you a statement saying my septic system is adequate ?

Has Morris Foster sent you an updated site plan?

Are there any other issues that need to be addressed?

Thank you,
Frederick Phillips

1:7,200 1 inch = 600 feet



- Floodplain
- Wetlands
- Rivers
- Perennial Streams
- Intermittent Streams
- Virginia Scenic Byways

#21-5-1C

- This form should be utilized to evaluate underground storage tank (UST) cathodic protection systems in the Commonwealth of Virginia
- Access to the soil directly over the cathodically protected structure that is being evaluated must be provided
- A site drawing depicting the UST cathodic protection system and all reference electrode placements must be completed

I. UST OWNER

B. UST FACILITY

NAME		NAME: <u>WINTERGREEN GROCERY</u> ID#	
ADDRESS		ADDRESS: <u>2184 ROCKEIGH VALLEY HWY.</u>	
CITY	PHONE:	CITY: <u>NELLYSFORD</u>	COUNTY:
STATE:	ZIP:	STATE: <u>VA</u>	ZIP:
		PHONE:	

III. REASON SURVEY WAS CONDUCTED (mark only one)

Routine - 2 year Routine - within 6 months of installation 90-day re-survey after fail Re-survey after repair/modification

Date next cathodic protection survey must be conducted: 5-1-18 (required within 6 months of installation/repair & every 3 years thereafter)

IV. CATHODIC PROTECTION TESTER'S EVALUATION (mark only one)

PASS All protected structures at this facility pass the cathodic protection survey and it is judged that adequate cathodic protection has been provided to the UST system (indicate all criteria applicable by completion of Section VI)

FAIL One or more protected structures at this facility fail the cathodic protection survey and it is judged that adequate cathodic protection has not been provided to the UST system (complete Section VII)

TESTER'S NAME:	<u>Richard E Murray Jr</u>	SOURCE OF CERTIFICATION:	<u>Steel Tank Institute</u>
COMPANY NAME:	<u>BesTest, LLC</u>	TYPE OF CERTIFICATION:	<u>Cathodic Protection Tester</u>
ADDRESS:	<u>3611 Thurston Rd</u>	CERTIFICATION NUMBER:	<u>200-71</u>
CITY:	<u>Richmond</u>	STATE:	<u>VA</u>
	ZIP:	<u>23237</u>	PHONE:
			<u>(804) 271-4456</u>

CP TESTER'S SIGNATURE: R E Murray Jr DATE SIGNED: 5-5-15 DATE CP SURVEY PERFORMED: 5-1-15

V. CORROSION EXPERT'S EVALUATION (mark only one)

The survey must be conducted and/or evaluated by a corrosion expert when: a) supplemental anodes or other changes in the construction of the cathodic protection system are made; b) stray current may be affecting buried metallic structures; or c) an inconclusive result was written in Section VI (except for under STI-R572 - Recommended Practice for the Addition of Supplemental Anodes to st-P, UST's)

PASS All protected structures at this facility pass the cathodic protection survey and it is judged that adequate cathodic protection has been provided to the UST system (indicate all criteria applicable by completion of Section VI)

FAIL One or more protected structures at this facility fail the cathodic protection survey and it is judged that adequate cathodic protection has not been provided to the UST system (indicate what action is necessary by completion of Section VII)

CORROSION EXPERT'S NAME:		SOURCE OF CERTIFICATION:	
COMPANY NAME:		TYPE OF CERTIFICATION:	
ADDRESS:		CERTIFICATION NUMBER:	
CITY:	STATE:	ZIP:	PHONE:
CORROSION EXPERT'S SIGNATURE:		DATE:	

VI. CRITERIA APPLICABLE TO EVALUATION (mark all that apply)

-850mV ON / (instant) OFF (circle ON or OFF to specify) Structure-to-soil potential more negative than -850 mV with respect to a Cu/CuSO₄ reference electrode with protective current ON (galvanic) or temporarily interrupted (instant OFF (impressed)) Inconclusive?

100 mV POLARIZATION Structure(s) exhibit at least 100 mV of cathodic polarization Inconclusive?

VII. ACTION REQUIRED AS A RESULT OF THIS EVALUATION (mark only one)

NONE Cathodic protection is adequate. No further action is necessary at this time. Test again by no later than (see Section VI)

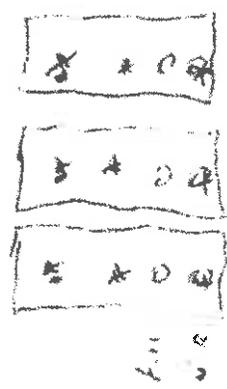
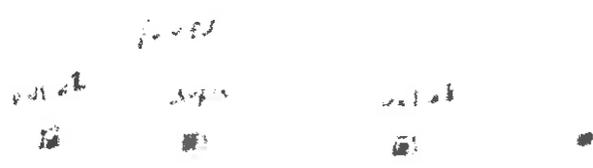
RETEST Cathodic protection may not be adequate. Retest during the next 90 days to determine if passing results can be achieved

REPAIR & RETEST Cathodic protection is not adequate. Repair/modification is necessary as soon as practical but within the next 90 days

XIV. UST FACILITY SITE DRAWING

Attach detailed drawing of the UST and cathodic protection systems. Sufficient detail must be given in order to clearly indicate where the reference electrode was placed for each structure to soil potential that is recorded on the survey forms. Any pertinent data must also be included. At a minimum indicate the following: all tanks, piping and dispensers; all buildings and streets; all anodes and wires; location of CP test stations; and each reference electrode placement must be indicated by a code followed by a "R" or "C" to indicate the type of CP system (e.g. R1, R, R2, G, etc.) corresponding with the appropriate line number in Section XIV of this form. (Note: CP test stations (PP4) may be questionable for use as described in Section 6.1.2.)

AN EVALUATION OF THE CATHODIC PROTECTION SYSTEM IS NOT COMPLETE WITHOUT AN ACCEPTABLE SITE DRAWING.



X - UST Reading
 ● - Line Reading

High voltage line

Not to scale

PRODUCED BY THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY - UST PROGRAM
 P.O. BOX 11829, RICHMOND, VA 23211-0029 - PHONE (804) 696-1010 - FACSIMILE (804) 696-4296 - WWW.DEQ.VIRGINIA.GOV

NOTE Drawing is not to scale. If any reference points are not obviously accessible by a manway, the concrete/asphalt has been drilled to reach a suitable soil contact location. Remote reference points are situated at a suitable point according to Steel Tank Institute StIP3 test protocols - BesTest LLC

Stormy Hopkins

From: Tim Padalino
Sent: Tuesday, September 15, 2015 2:20 PM
To: Stormy Hopkins
Subject: FW: Today's site review meeting

Tim Padalino
[434]-263-7090

From: Eick, Thomas (VDH) [mailto:Tom.Eick@vdh.virginia.gov]
Sent: Wednesday, September 09, 2015 9:43 AM
To: Tim Padalino
Subject: Today's site review meeting

Tim,

Mr. Phillips will need to provide a report regarding the septic system's capacity to handle the waste stream that will be generated by the proposed brewery.

Spruce Creek will need to have an engineered proposal for their sewage needs.

Tom

Stormy Hopkins

From: Tim Padalino
Sent: Tuesday, September 15, 2015 2:20 PM
To: Stormy Hopkins
Subject: FW: Ms. Russel's request

Tim Padalino
[434]-263-7090

From: Frederick Phillips [mailto:f.pershing@gmail.com]
Sent: Tuesday, September 15, 2015 9:39 AM
To: Tim Padalino
Subject: Ms. Russel's request

Friday



9/11, 11:28am

Frederick Phillips

The Planning and Zoning Board requested I contact you about removing your canopy over the gas dispenser island in order for me to obtain a time frame for my rezoning/special use permit

Friday



9/11, 2:37pm

Mark Whitehead

What kind of rezoning are you doing?



9/11, 2:44pm

Frederick Phillips

Special use permit for my brewery. Planning and zoning, final review Sept. 23rd.



9/11, 2:47pm

Mark Whitehead

So do you want to take it down and keep the metal for scrap? Or are you asking me to remove it?



9/11, 2:50pm

Frederick Phillips

The planning and zoning review board wanted to know when you could take your canopy down.



9/11, 2:54pm

Mark Whitehead

Oh, this is the first i have heard of this. I can't give you an answer at this time. I'd first have to contract someone to remove it and at that point once i have a contractor, I could give you a tentative date. You're welcome to remove it yourself and keep the metal for scrap.



9/11, 2:58pm

Frederick Phillips

Good enough. Thank you. I have something to tell them. I see steel is bringing .3 cents a pound today...\$60 ton.



9/11, 2:59pm

Mark Whitehead

Ok just keep me posted as to how you'd like to proceed.

Stormy Hopkins

From: Tim Padalino
Sent: Tuesday, September 15, 2015 3:04 PM
To: Stormy Hopkins
Subject: FW: Wintergreen Brewery

Did I already send this one (below) to you? If not, please print this message and it to the packet, as well.

Tim Padalino
[434]-263-7090

From: Tim Padalino
Sent: Monday, September 14, 2015 2:19 PM
To: 'Kessler, Jeffery B., P.E. (VDOT)'; 'Frederick Phillips'
Cc: 'meadowviewattc@aol.com'
Subject: RE: Wintergreen Brewery

Thank you for the information, Jeff.

Tim Padalino
[434]-263-7090

From: Kessler, Jeffery B., P.E. (VDOT) [<mailto:JefferyB.Kessler@VDOT.Virginia.gov>]
Sent: Friday, September 11, 2015 2:53 PM
To: 'Frederick Phillips'
Cc: Tim Padalino; 'meadowviewattc@aol.com'
Subject: RE: Wintergreen Brewery

Dear Mr. Phillips,

A request for the amount of traffic a business will generate is a normal and routine requirement. These traffic numbers are used to determine if the existing entrance(s) are adequate or if they will necessitate improvements. In your situation, you have a mixed commercial/residential use of the property with one use (Service Station with Convenience Market) being replaced with a new use (Drinking Place). While it is believed that the traffic between the two uses is equal or less, it is the applicant's responsibility to provide documentation to support this. VDOT recognizes ITE Trip Generation as acceptable documentation, which your agent Morris Foster, may assist you with. I will be happy to assist Morris should he have any questions.

Please let me know if I may be of further assistance.

Thank you,

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

From: Frederick Phillips [<mailto:f.pershing@gmail.com>]
Sent: Friday, September 11, 2015 12:25 PM
To: Kessler, Jeffery B., P.E. (VDOT)
Subject: Wintergreen Brewery

Dear Sir,

Planning and zoning requests an ITE report. What is this and how do I go about obtaining one?

I plan on selling to the same customers that frequent The Blue Ridge Pig. I want my beer to complement their food. I do not want to be a sports bar or a hangout. I do not want the liability of a place where people get drunk then drive away. I anticipate an average of 25 customers (average number of customers at The Blue Ridge Pig) during my planned business hours; Thursday, Friday and Saturday between the hours of 4 pm - 8 pm. The restaurant has a family atmosphere where generally 2 or more people arrive by vehicle at a time. I plan on selling 40 pints daily (averaging 2 pints each customer). I project daily sales to stay the same until when and if I open Monday, Tuesday and Wednesday. The number of customers should be the same (25) daily. When I sell out I will close up and go home. If I do not sell out, I will not need to make more beer until I sell out. I do not anticipate an increase in traffic. I plan on making money off The Blue Ridge Pig's already established customer base. I do not plan on hiring anyone. I plan on going to get the beer making ingredients myself without having deliveries made on premises.

Thank you,
Frederick Phillips

Stormy Hopkins

From: Tim Padalino
Sent: Tuesday, September 15, 2015 2:21 PM
To: Stormy Hopkins
Subject: FW: Wintergreen Brewery

Tim Padalino
[434]-263-7090

From: Kessler, Jeffery B., P.E. (VDOT) [mailto:JefferyB.Kessler@VDOT.Virginia.gov]
Sent: Wednesday, September 09, 2015 5:10 PM
To: Tim Padalino
Subject: RE: Wintergreen Brewery

Tim,

Your summary of VDOT's comments are correct and encompassing. Will I still need to restate them in writing to you or is my response here adequate?

Thank you, Jeff

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

From: Tim Padalino [mailto:tpadalino@nelsoncounty.org]
Sent: Wednesday, September 09, 2015 3:17 PM
To: Frederick Phillips
Cc: Stormy Hopkins; Kessler, Jeffery B., P.E. (VDOT); Linda Russell
Subject: RE: Wintergreen Brewery

Hello F.P.,

Thank you for attending today's Site Plan Review Committee meeting. Per your request, I'm writing to provide the following summary comments and "next steps" as were discussed at the meeting:

- Health Department:
- VDH provided written comments as follows ... "Mr. Phillips will need to provide a report regarding the septic system's capacity to handle the waste stream that will be generated by the proposed brewery."
- Please be prepared to provide documentation and/or provide an oral report to the PC at the public hearing on 9/23. The PC and BOS typically expect some to receive some type of "approval" or "recommended approval" from VDH,

which typically happens after the applicant (or their consultant) work directly with VDH to provide professional documentation regarding on-site waste treatment, etc.

- VDOT:
- VDOT recommends the closure of the entrance immediately to the north of the carwash facility. The use of "positive traffic control" (permanent barrier) would be necessary, if the entrance is closed. VDOT recommended a concrete-faced island in line with the two existing islands. The concrete island could have grasses or flowers planted in it, but could not contain shrubs or trees if located within the VDOT ROW.
 - Note: Although not a requirement, this issue (entrance closure) may become a requirement if the County determines that the purpose for closing the entrance would serve the public well (in terms of safety in parking lot and along Rte. 151). It is ultimately the County's discretion as to how to respond to VDOT's recommendations.
- VDOT will need to receive a ITE report detailing the changes in traffic loads from the former use (retail) to the proposed new use (brewery). (Mr. Kessler said he expects the #'s to go down, which is favorable for your application.) Mr. Kessler will then review the report and provide the County with review comments, so that the PC and the BOS know what to expect regarding traffic associated with your proposed change of use of the entrances.
- Minor Site Plan:
- Incorporate the Business (B-1) zoning district boundaries on the "vicinity map." For more detailed information, you (or Morris or whomever) can reference the official paper Zoning Map(s) in the Planning & Zoning office.
- Incorporate any/all revisions to the entrances, existing canopy and concrete island, and/or parking spaces (as applicable).
 - Note: Removal of existing canopy and/or concrete island will be partially dependent upon applicant's coordination with Tiger Fuels, which owns the canopy. County staff encouraged the applicant to consider removal of the canopy in order to ensure safer, more smooth traffic flows within the site and entering / exiting the site.

Thank you, F.P. – and please contact me with any questions or requests for assistance you may have.

Sincerely,
Tim

Tim Padalino
[434]-263-7090

From: Frederick Phillips [<mailto:f.pershing@gmail.com>]
Sent: Tuesday, August 25, 2015 8:15 AM
To: Tim Padalino
Subject: Wintergreen Brewery

Dear Sir,

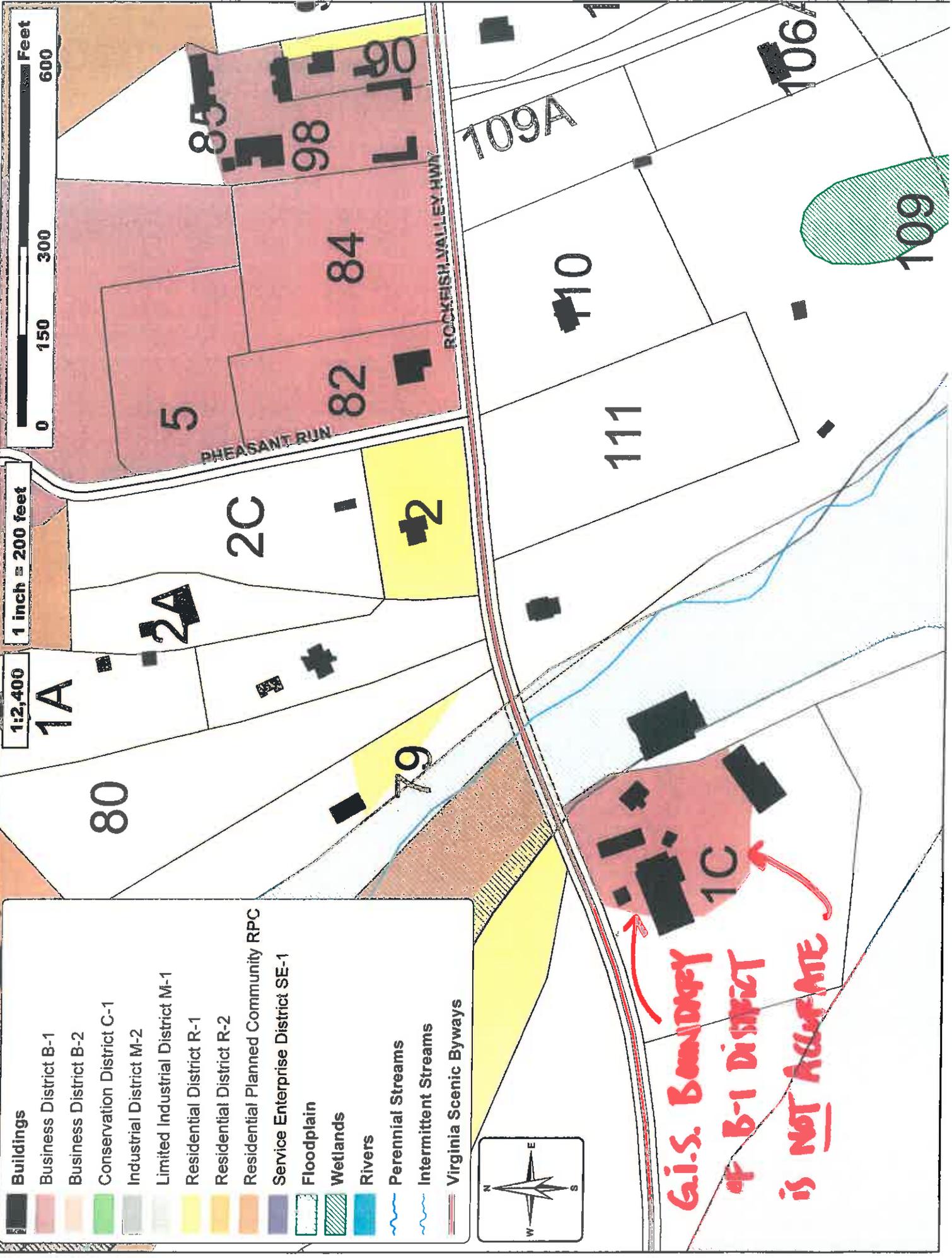
I measured the spaces in the buildings on site. I gave these figures to Mr. Foster. I have not heard from Mr. Kester VDOT or from you as to the requirements to be specified for different usages of spaces inside the buildings in regard to the number of parking spaces required for each usage.

The "store" space is empty. I understand that I may have until early next year to occupy it before it becomes "dormant" potentially causing me problems with (re)zoning or licensing a business.

Your and VDOT's rules on customer vs floor space parking determinations will help me decide an effective plan for my immediate need. As an example, one plan of action could be controlled atmosphere storage spaces requiring no parking spaces.

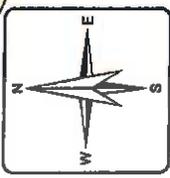
Has Roger Nelson sent you a statement saying my septic system is adequate ?
Has Morris Foster sent you an updated site plan?
Are there any other issues that need to be addressed?

Thank you,
Frederick Phillips



1:2,400
1 inch = 200 feet

- 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
- Floodplain
- Wetlands
- Rivers
- Perennial Streams
- Intermittent Streams
- Virginia Scenic Byways



**G.I.S. Boundary
of B-1 District
is NOT ACCURATE**

VDOT'S review is not intended to be either complete or comprehensive. It is the responsibility of the submitting Engineer / Surveyor that signs these plans to insure the completeness and accuracy of their plans in accordance with governing laws, regulations, specifications, and standards. Plan omissions that are discovered during construction remain the responsibility of the submitting Engineer / Surveyor.

VIRGINIA DEPARTMENT OF HEALTH

NELSON COUNTY SERVICE AUTHORITY:

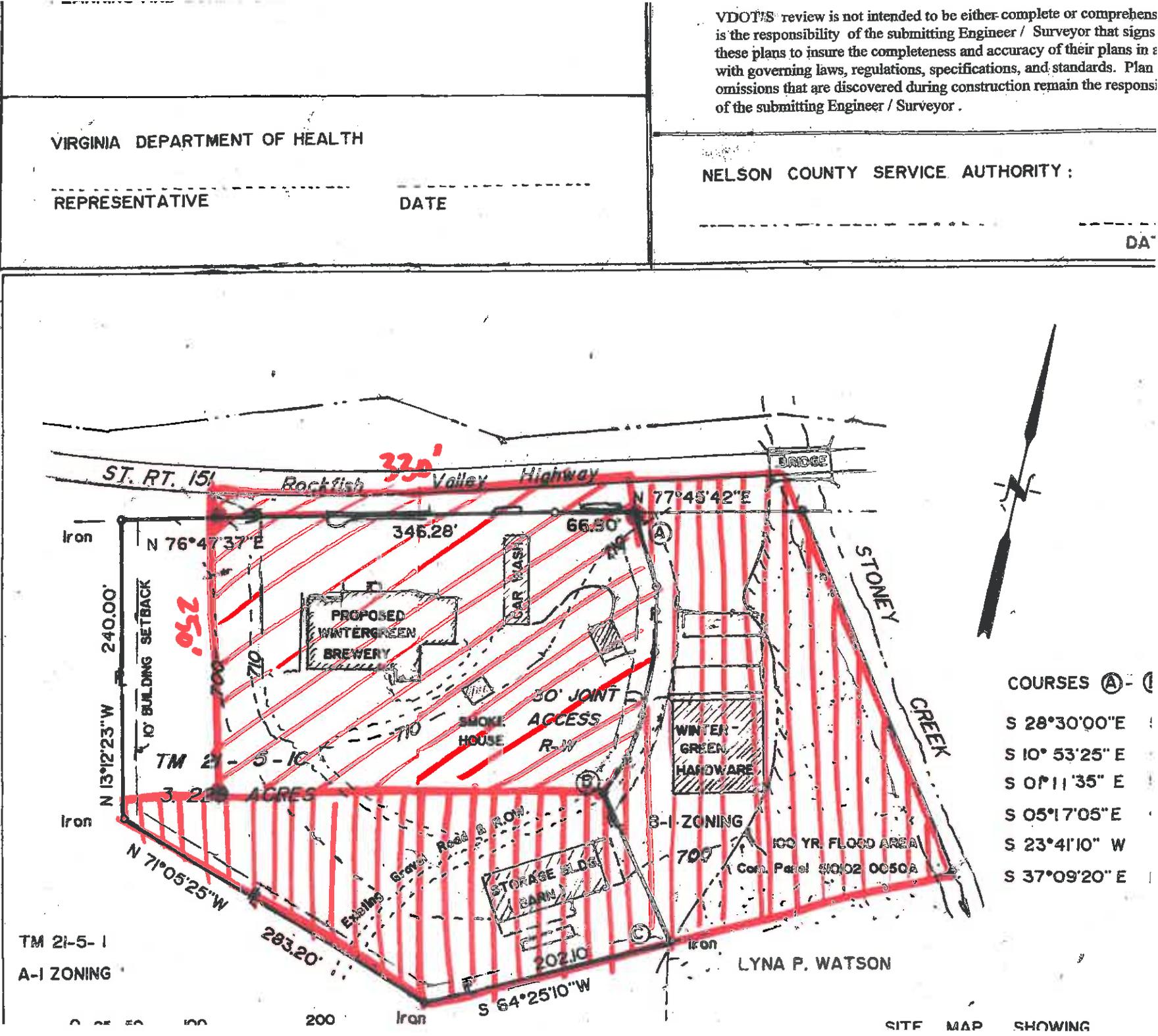
REPRESENTATIVE

DATE

DATE

 AREA ZONED B-1 ON JUNE 11, 1985 (REZONING # 62)

 AREA ZONED B-1 ON OCTOBER 12, 1993 (REZONING # 93-1)



- COURSES A - D
- S 28°30'00" E
 - S 10°53'25" E
 - S 0°11'35" E
 - S 05°17'05" E
 - S 23°41'10" W
 - S 37°09'20" E

TM 2i-5-1
A-1 ZONING

LYNA P. WATSON

PETITION TO AMEND THE ZONING ORDINANCE

NELSON COUNTY, VIRGINIA

(Print in Ink or Type)

(Submit in Duplicate)

TO THE ZONING ADMINISTRATOR:

DATE: April 9, 1985

The undersigned hereby petition the Board of Supervisors to amend the text of the Zoning Ordinance as follows (use additional pages, if necessary):

amend the Zoning Map as follows:

Location: NESW E side of Road No. 151 about 3/10 miles

from NORTH OF RT#751. Magisterial District ROCKFISH

Tax Map No. 21(5) Parcel No. 1

From: R-1 Existing Zoning Classification

To: B-1 Desired Zoning Classification

Existing Use: RETAIL STORE

Reasons for Request: TO CONFORM TO THE NELSON COUNTY ZONING ORDINANCE

Owner(s) J P Phillips Address Box 291 Phone 361-2077 Faber, Va. 22938

I (we) certify that I (we) have familiarized myself (ourselves) with the rules and regulations of the Nelson County Zoning Ordinance and of the Zoning Administrator with respect to preparing and filing of this application, that the foregoing statements and answers herein contained are in all respects true and correct to the best of my (our) knowledge and belief, and that I am (we are) the owner(s)/contract owner(s) of the property involved in this application.

Signed J P Phillips Address Box 292 Faber, Va Hazel H Phillips

Petitioners shall submit names of adjacent property owners with this petition.

TO BE COMPLETED BY ZONING ADMINISTRATOR

Completed Application and \$25.00 fee received on April 9, 1985

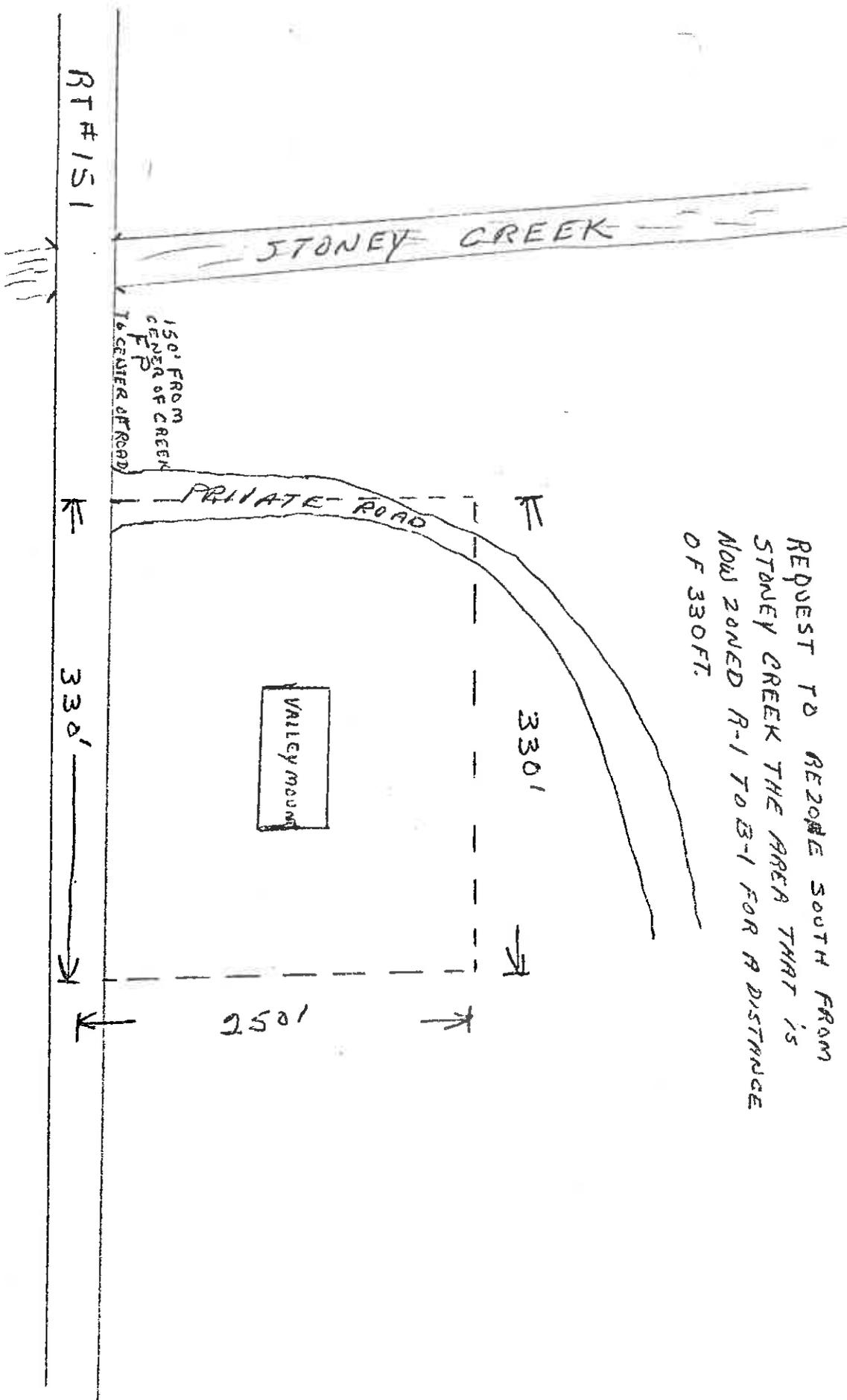
Hearing Notice Mailed on Published on May 9 + 16, 1985

Planning Commission Action: Date of Hearing MAY 22, 1985 Date of Decision

Recommendation: Approval by 7-0 vote - May 22, 1985

Board of Supervisors Action: Date of Hearing JUNE 11, 1985 Date of Decision June 11, 1985

Action: Approved R-1 to B-1 4-0 vote



REQUEST TO REZONE SOUTH FROM STONEY CREEK THE AREA THAT IS NOW ZONED R-1 TO B-1 FOR A DISTANCE OF 330 FT.



Denroy 1.9 acres

BOARD OF
SUPERVISORS

HEYWOOD L. GREENBERG
East District

JOHNNY W. PONTON
South District

RAY A. DUNN, JR.
West District

THOMAS D. HARVEY
North District



County Administrator

VIRGIE A. CARTER, CMC
Administrative Assistant/
Deputy Clerk

ELLA W. BROWNING
Administrative Assistant/
Fiscal Officer

October 19, 1993

F. P. Phillips
Route 1, Box 260
Nellysford, VA 22958

Dear Mr. Phillips:

At its October 12 meeting, the Nelson County Board of Supervisors approved your rezoning of 2.56 acres of the property known as Tax Map 21, Parcel 5-1 from Agricultural (A-1) to Business (B-1).

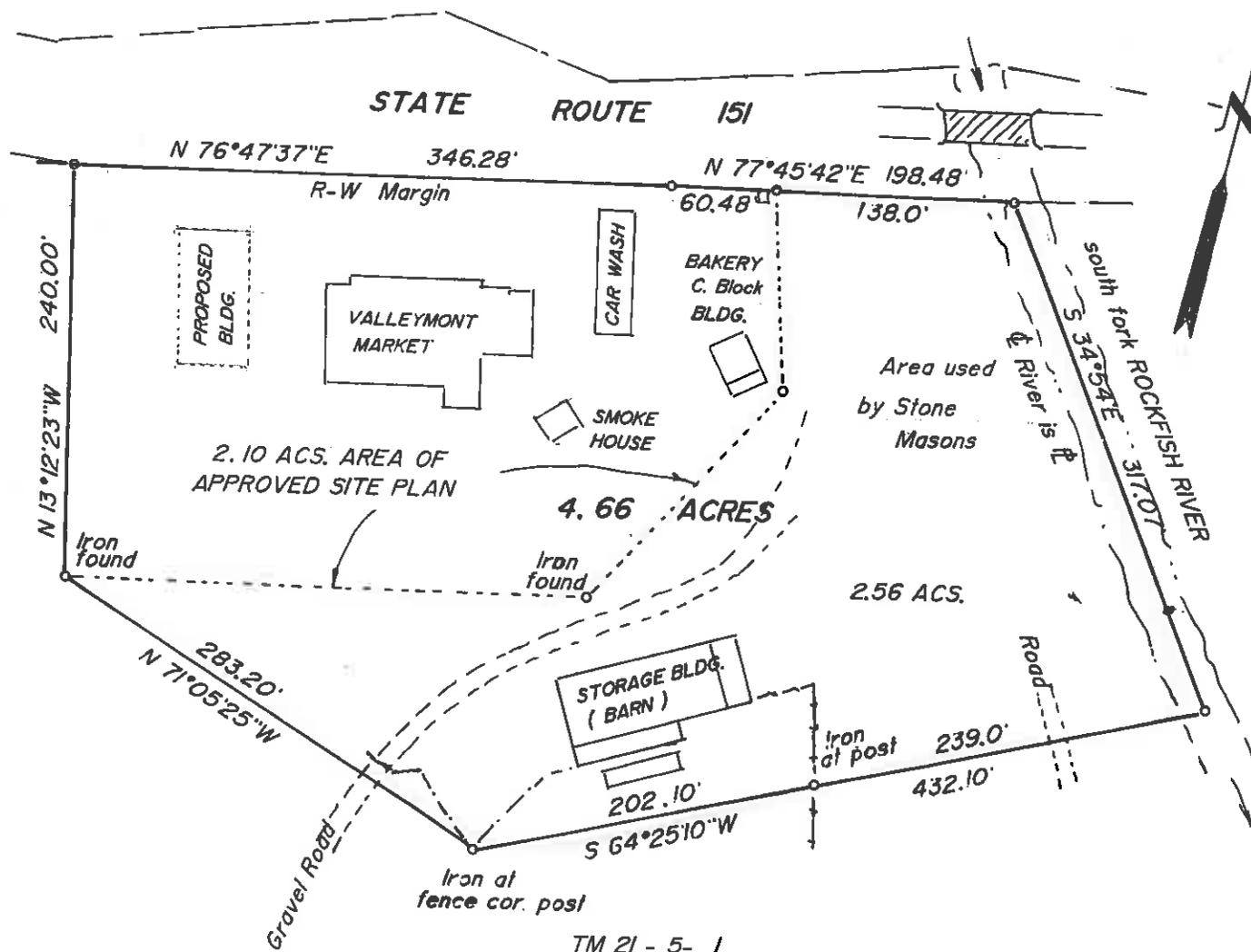
Should you have any questions, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "M. Douglas Powell, i.e.s." The signature is written in dark ink and is positioned above the typed name and title.

M. Douglas Powell
Assistant County Administrator

MDP/db



TM 21 - 5 - 1

Fred P. & Hazel H. Phillips

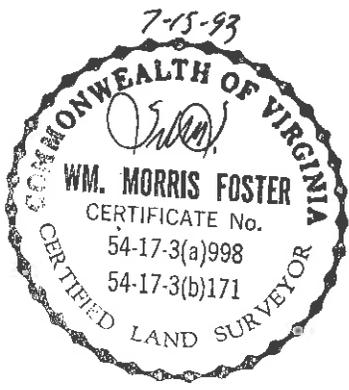
DB 99 p. 530
PB 6 p. 108

Plat Showing Survey of

4.66 ACRES PORTION OF THE PROPERTY OWNED BY FRED P. & HAZEL H. PHILLIPS Situated West of Nellysford Village in Rockfish District, Nelson County, Virginia Scale : 1" = 100'

Dec. 10, 1992

W. MORRIS FOSTER
LAND SURVEYOR
Nellysford, Va.



October 12, 1993

Agenda Item Number 33. Public Hearing: A Request to Rezone from Agricultural to Business by F.P. Phillips. The Property is Located on the South Side of Route 151 about 2,400 Feet, North of the Intersection of Routes 151 and 751 in Nellysford, Tax Map 21 (5) Parcel 1.

Mr. Powell stated that F.P. Phillips is requesting to rezone property from Agricultural to Business located on the South side of Route 151 about 2,400 feet, North of the intersection of Routes 151 and 751 in Nellysford, Tax Map 21 (5) Parcel 1.

Mr. Powell stated that the request is to expand an area already zoned Business (B-1) in order to be able to build a hardware store. He also stated that a site plan must be submitted delineating the area of the floodplain before development can occur.

The Planning Commission voted unanimously recommending approval of the request.

Chairman Greenberg opened the Public Hearing.

Mary Jane Hoffman and F.P. Phillips spoke in favor of the request.

Concluding comments, Chairman Greenberg closed the Public Hearing.

The Board passed the following Resolution approving the request:

Re: Approval of a Request from F.P. Phillips to Rezone Property from Agricultural to Business Located on the South Side of Route 151 about 2,400 feet, North of the Intersection of Routes 151 and 751 in Nellysford, Tax Map 21 (5), Parcel 1

On a motion duly made by Mr. Ponton and seconded by Mr. Harvey with Mr. Dunn voting yes and Mr. Greenberg voting yes, the following was adopted:

BE IT RESOLVED, That the Nelson County Board of Supervisors does hereby approve a request from F.P. Phillips to rezone property from Agricultural to Business located on the South side of Route 151 about 2,400 Feet, North of the Intersection of Routes 151 and 751 in Nellysford, Tax Map 21 (5), Parcel 1.

DEPARTMENT OF
PLANNING & ZONING



PLANNING COMMISSION
BOARD OF ZONING APPEALS

September 3, 2015

Dear Property Owner:

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

Special Use Permit #2015-04:

Wintergreen Brewery / Mr. Frederick Phillips

Consideration of Special Use Permit application seeking approval to operate a brewery in an existing structure. This application has been submitted pursuant to Zoning Ordinance §8-1-12a ("Brewery"). The subject property is located at 2188 Rockfish Valley Highway and is identified as Tax Map Parcel #21-5-1C, consisting of 3.23 acres zoned Business (B-1).

This application will be considered at a public hearing conducted by the PC on Wednesday, September 23, 2015 beginning at 7:00 P.M. in the General District Courtroom on the third floor of the County Courthouse, Lovingsston. After the PC conducts a public hearing, they may vote to refer the applications, with recommendations, to the BOS. Upon receipt of the PC's recommendation, the BOS may conduct a public hearing and vote to approve, deny, or approve with conditions; the date of any potential BOS review has not yet been finalized.

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

If you have any questions and/or requests for assistance, please contact County staff as we remain available to assist you.

Sincerely,

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

Timothy M. Padalino
Nelson County Planning & Zoning Director

TMP/svh

Copy to: Mr. Frederick Phillips
Mr. Morris Foster

Special Use Permit #2015-04

Mr. Frederick Phillips
2188 Rockfish Valley Hwy
Nellysford, VA 22958

Adjoining/Adjacent Property Owners:

Lyna P. Watson
2230 Rockfish Valley Hwy
Nellysford, VA 22958

Daniel W. Watson
2230 Rockfish Valley Hwy
Nellysford, VA 22958

Please publish Thurs., September 17th, 2015 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, September 23, 2015** in the **General District Courtroom** on the third floor of the Nelson County Courthouse located at 84 Courthouse Square, Lovingston, Virginia, for the following:

Public Hearings

1. Special Use Permit #2015-04 – “Wintergreen Brewery” / Frederick Phillips

Consideration of Special Use Permit application seeking approval to operate a brewery in an existing structure. This application has been submitted pursuant to Zoning Ordinance §8-1-12a (“brewery”). The subject property is located on 2188 Rockfish Valley Highway and is identified as Tax Map Parcel #21-5-1C, consisting of 3.23-acres zoned Business (B-1).

Following the hearing, the Planning Commission may vote to forward the applications 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 these applications has not yet been set. After public hearing by the Board, the application may be approved, modified, or rejected.

**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, §15.2-2214, §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., Tuesday, September 29, 2015** in the **General District Courtroom** on the third floor of the Nelson County Courthouse located at 84 Courthouse Square, Lovingston, Virginia, for the following:

Public Hearings

1. Special Use Permits #2015-07, -08, and -09 - “The Monarch” / Viridian Properties, LLC - Wendy Summer and Michael Matthews

Consideration of Special Use Permit applications seeking approval to “provide for the establishment of The Monarch, a Nelson County Inn and Farm: an inn, restaurant, and spa.” These applications have been submitted pursuant to Zoning

Ordinance §4-1-13a (“conference center”); §4-1-34a (“restaurants”); and §4-1-44a (“activity center”). The subject property is located at 559 Rockfish School Lane and is identified as Tax Map Parcel #12-A-52, consisting of 114.42 acres zoned Agricultural (A-1).

Copies of the application materials and proposed Ordinance amendments are available for public inspection in the Department of Planning & Zoning, 80 Front Street, and in the Office of the County Administrator, 84 Courthouse Square, both in Lovingston, VA, 22949, from Monday through Friday, between 9:00 a.m. and 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. The items contained in this legal notice will also be available for download on the County Calendar under the Planning Commission meeting event at <http://www.nelsoncounty-va.gov/events/category/county-calendar/>.