

**NELSON COUNTY PLANNING COMMISSION
MEETING MINUTES
September 23, 2015**

Present: Chair Philippa Proulx, Commissioners Mike Harman, Linda Russell, Mary Kathryn Allen, and Robert Goad

Absent: 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, Lovington.

Chair Proulx announced that there was an error in the advertising that was placed in the Nelson County Times. She noted that the “Spruce Creek Resort and Market” would not be on tonight’s agenda.

Approval of Minutes – July 22, 2015: Chair Proulx asked if there were any further corrections to the revised July 22nd (draft dated 9/14/2015) meeting minutes.

Commissioner Russell noted the following changes:

Page 9 – last motion should read: Commissioner Russell motioned Draft Revision of the Bylaws for the Nelson County Planning Commission presented June 10, 2015 be adopted.

Commissioner Harman made a motion that the July 22, 2015 minutes be approved as amended. Commissioner Allen provided a second; the vote 5-0.

Chair Proulx asked if there were any further corrections/changes to the August 26th (draft dated 9/11/2015) meeting minutes. No changes were made.

Commissioner Harman made a motion that the August 26, 2015 minutes be approved. Commissioner Allen provided a second; the vote 5-0.

1. Minor Site Plan for Special Use Permit #2015-04: “Wintergreen Brewery” / Frederick Phillips

Mr. Padalino noted that a complete application was received on June 19th, 2015, seeking approval of a Special Use Permit (SUP) to operate a brewery pursuant to Article 8, Section 1-12a “Brewery” of the Nelson County Zoning Ordinance. Mr. Padalino noted that on June 19th, the Planning & Zoning department received a Special Use Permit (SUP) application from Mr. Phillips to operate a brewery pursuant to Article 8, Section 1-12a “Brewery”. (See October 28, 2015 meeting minutes for addendum notes). He noted that the Staff Report included a detailed project narrative for Mr. Phillips’ proposal. Mr. Padalino noted some of the details from the narrative as follows:

- Three (3) types of beer would be brewed weekly in five (5) gallon batches.
- No food will be prepared or served. (He wishes to provide some home brewed beer to the patrons who are already coming to the property for the Blue Ridge Pig restaurant).
- 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, Friday, and Saturday.
- No changes will be made to the existing interior or exterior of the building.

Draft: 10/15/2015

Final: 10/28/2015 & 10/29/2015 (addendum)

Mr. Padalino further noted the subject property's location, characteristics, and other information. The property is located in Nellysford, where Valleysmont Grocery was in the past. The proposed brewery would be located in the building that contains the Blue Ridge Pig restaurant, a barber shop and two (2) residential units. Basic Necessities is also located on this parcel.

Mr. Padalino showed a slide that contained the zoning map as depicted on the Nelson County GIS website. He further noted that in researching the County's records (rezoning from Agricultural (A-1) to Business (B-1) in 1985 and 1993), he has determined that the GIS data is inaccurate and that the property is almost entirely Business (B-1) zoning. He added that there is still a small portion of Agricultural (A-1) zoning on the property.

Mr. Padalino noted that Minor Site Plans are required with all SUP applications; and this Minor Site Plan was prepared by Mr. Morris Foster. He further noted that the original Site Plan was reviewed on July 8, 2015 by the Site Plan Review Committee, and the revised Site Plan was reviewed on September 9, 2015. Detail comments from those meetings can be found in the Staff Report dated September 15, 2015.

Mr. Padalino stated that it is Staff's recommendation to approve SUP #2015-04, conditional that approval is granted from VDOT (highway and road safety) and the Health Department (waste). He suggested that the PC carefully consider conditions, if the PC recommends approval of this SUP, to address the potential for a brewery operation of a much larger magnitude to locate on the subject property in the future.

The following questions were asked by the Commissioners:

1. With the question of future possible expansion and it being a SUP, can the PC recommend conditions involving issues such as the hours of operation, the scale of the operation, etc; is that correct? Mr. Padalino noted that was correct. The PC could recommend conditions to the BOS if the conditions have a nexus with public health, safety, and welfare.
2. Currently the Valleysmont Grocery is vacant, what effect would that have if it was rented out, would a revised Site Plan have to be submitted? Mr. Padalino noted that if there's no change in land use, a Site Plan may not be necessary since Site Plans are triggered by land development and new construction.
3. If approved and the applicant decided to expand the brewery to use the entire building, would he be required to apply for a new SUP? Mr. Padalino stated that a new SUP would not be required.

Mr. Phillips pointed out (on the screen) that he is using the old Ambrosia space for the brewery and not the grocery store space. Chair Proulx noted that on the Site Plan the proposed brewery would occupy the old grocery store space. Mr. Phillips responded stating that he intends to have twelve (12) spaces and serve the Blue Ridge Pig customers, which is 1/20th of what was there previously. He stated that he, "doesn't plan to expand much more from the three (3) five-gallon containers a week to maybe six (6)". He further noted that the space that will be vacant is roughly 1,000SF and the other grocery store space is roughly 4,000SF, and he has no immediate plans to use that space. He indicated that he did not know he had the option to expand to use the entire building.

The Commissioners had concerns with the fact that what Mr. Phillips is saying does not agree with what is on the Site Plan. The Site Plan indicates that the brewery is going to occupy all of the Valleysmont Grocery space and that is not the case.

Mr. Phillips noted that he was unsure as to what it was that he needed for the Site Plan. He further noted that Mr. Morris Foster had been on vacation and Mr. Roger Nelson was busy with the Lockn' Festival. He indicated that Mr. Nelson submitted a favorable report with the uses that he currently has. He further indicated that in regards to the ITE report, the use is going to be 1/20th of what he was using previously. He estimates that there are on

average twenty-five (25) customers on a weekly basis at the Blue Ridge Pig. He plans to sell forty (40) beers per day, three (3) days a week. He also noted that there is plenty of turning space for vehicles.

Chair Proulx opened the public hearing at 7:25pm. No comments were made and the public hearing was closed. The Commissioners agreed that the Site Plan needs to be revised to accurately reflect the correct square footage of the areas of the building; it needs to show what space(s) Mr. Phillips intends to use for the brewery; and to show the current zoning. Commissioner Russell noted that the Virginia Department of Transportation (VDOT) recommended the closure of the entrance north of the car wash, which she indicated she supports. She also noted that VDOT recommended that there no parking along the main island. The issue of the canopy was discussed as to whether to remove it or not. Mr. Phillips noted that he has been in contact with Tiger Fuel Company but is not sure if there would be a cost associated with that removal.

Commissioner Russell made the following motion:

I make a motion that the Planning Commission postpone consideration of Special Use Permit #2015-04 for Mr. Frederick Phillips until our October meeting, at which time a corrected Site Plan should be available, as well as reports from VDOT and the Health Department. Commissioner Allen provided the second; the vote 5-0.

Other Agenda Items:

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

Mr. Padalino noted that this discussion was continued from the last meeting. He provided the Commissioners with a copy of the proposed amendments that contained “track changes” (see attached).

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

1. Boardinghouse: add “permanent or” before semi-permanent
2. Campground: change motor vehicle to “motor home”. Remove last three (3) sentences of definition. Add “Campgrounds require the provision of potable water and sanitary facilities.”
3. Home Occupations: remove the definition.
4. Transient: remove (a short period of time) replace with “thirty (30) days or less.”

The Commissioners asked Mr. Padalino to have Grant Massie revisit the “Vacation House” definition and gather more details. Mr. Padalino then stated that he had been contacted by some county residents with questions about the Site Plan requirements and how they tie into the overnight lodging for farm wineries. Specifically, he noted that currently, if three (3) dwelling units or more are on one (1) parcel, the submittal of a Major Site Plan is required; and he asked if that was appropriate for the different types/combinations of uses that a bona fide farm winery might consider doing? The Commissioners agreed they would think about this and come back with their thoughts. Chair Proulx asked for a new draft of the proposed amendments prior to the October meeting.

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

Mr. Padalino provided a copy of the proposed amendments (see attached). He noted that there have been comments from the public since the BOS’ referral and the PCs’ last meeting. He further noted that one of the big

concerns is with Section 23-2-1 "Exempt Events" (page 2). Mr. Padalino indicated that he has added some additional suggestions that will not change the policy, but will serve to clarify the full range of exempt events. Mr. Padalino specified that farm wineries and agritourism activities benefit from far-reaching exemptions under State Code; and stated that he believes it is important to explicitly include them in the list of exempt events. The Commissioners agreed.

The Commissioners and Mr. Padalino discussed Temporary Events, Category 2 (23-2-3-2) and decided that it would be phrased differently to change the number of permits from two (2) to state that no more than twelve (12) events per calendar year. It was noted that there could be more than one (1) date listed on a single permit, but not to exceed six (6).

Chair Proulx noted that in the "Statement of Intent", the last sentence seems redundant. Mr. Padalino indicated that he would check with Phillip Payne on this. Chair Proulx also suggested adding schools to the "Temporary Event, Non-Profit" section. She asked about removing community service from the definition. Mr. Padalino said he would review that further.

Mr. Padalino noted that "Temporary Event" does not have its own definition and feels it needs to be defined. The Commissioners agreed that they would search/gather ideas and have suggestions for the next meeting.

Commissioner Goad indicated that there is an error in the numbering. On page 4, section numbers should be corrected (23-3-2; 23-3-3; and 23-3-4).

Mr. Padalino noted that he would work on the proposed modifications with the assistance of other County Staff and bring a draft back to the PC for the October meeting.

Mr. Padalino further noted that the deadline to get the recommended amendments to the BOS is in early December, and that the PC's public hearing would need to be held in November. Chair Proulx stated that the PC could ask the BOS for an extension if necessary.

Commissioner Russell asked Mr. Padalino if he had an update for the PC regarding SUP for multiple parcels. He noted that he spoke with Mr. Payne. He indicated that he thinks (procedurally) it would be acceptable either of the following ways:

1. Having contiguous properties be permitted under a single SUP; or
2. Requiring each property to obtain a SUP for events that involve multiple parcels; or
3. One property owner (or representative) applies for an SUP with documented permission from all owners.

Staff Updates:

Mr. Padalino reported on the following:

1. Atlantic Coast Pipeline Questionnaire was completed and submitted. Copies were provided to the Commissioners.
2. A Planning Grant application was submitted to the Virginia Department of Agricultural and Consumer Services (VDACS) requesting \$20,000 to restart and finish the Rockfish Valley Area Plan (RVAP). The County has to match the money one-to-one. Copies of the application were provided to the Commissioners.

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3. Staff distributed the application materials for the Spruce Creek Resort project (5 SUP applications, Minor Site Plan, and portfolio). The applicants will provide an introduction to the BOS at their October 13th meeting.

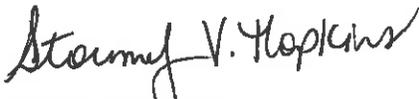
Chair Proulx stated that she received a call from a constituent very concerned about development activity and the need for the RVAP. She also asked Mr. Padalino to check the zoning on a property that is located behind the old Rockfish Elementary School (near Paul's Creek Subdivision). She believes that may be zoned industrial. Mr. Padalino indicated that he does not think that's correct but he would check the zoning in that area, as well if there is any SUP or rezoning.

Board of Supervisors Report: Mr. Saunders was not present.

Adjournment:

At 9:02 P.M. Commissioner Allen made a motion to continue to Tuesday, September 29, 2015 at 7:00pm.

Respectfully submitted,



Stormy V. Hopkins
Secretary, Planning & Zoning