

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

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

**Absent:** Mike Harman

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The following questions were asked by the Commissioners:

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

**Commissioner Russell made the following motion:**

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

**Adjournment:**

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

  
Respectfully submitted,

Stormy V. Hopkins

Secretary, Planning & Zoning