

**NELSON COUNTY PLANNING COMMISSION
MEETING MINUTES
December 28, 2016**

Present: Chair Philippa Proulx and Commissioners Mike Harman, Robert Goad, and Tommy Bruguere (Board of Supervisors Liaison)

Absent: Commissioners Linda Russell and Mary Kathryn Allen

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

Call to Order: Chair Proulx called the meeting to order at 7:00 P. M. in the General District Courtroom, County Courthouse, Lovingston.

Approval of Minutes – October 26, 2016:

Commissioner Harman made the following motion: I make a motion that the minutes for the October 26, 2016 meeting be approved; the vote was 4-0 in favor of the motion.

Public Hearing Item: N/A

Other Agenda Items:

1. Major Site Plan #2016-12 – “Old Hickory Buildings, LLC” / Mr. Thomas Brooks, Jr., LS, Acres of Virginia, Inc.:

Mr. Padalino began by noting the proposed use is for “an 8,000 sq. ft. metal building...to allow individual unattached storage units to be stored and manufactured onsite and to be sold to the public.” He noted that he issued a zoning determination on September 27, 2016 stating that the proposed uses are permissible by-right in accordance with the Conditional M-2 zoning of the subject property. He added that the proposed use is very similar to a prior use of the subject property (Nelson Homes – display and sales office); the difference in this request is the introduction of a manufacturing process (for accessory structures – storage sheds).

Mr. Padalino began his staff report by showing slides that contained information regarding the subject property’s location, characteristics, and other information. He explained that the subject property is Tax Map Parcel #76-11-1, and is addressed as 1379 Thomas Nelson Hwy, which is located in Colleen in the West District. The property is 18.41-acres and is zoned Industrial (M-2) Conditional with a mixture of M-2 and M-1 (Limited Industrial) uses. The owners of the subject property are Mr. Larry and Mrs. Carole Saunders. The Site Plan was prepared by Mr. Tommy Brooks, Jr., LS and Mr. Samuel Roskelley, PE of Acres of Virginia, Inc.

Mr. Padalino concluded by discussing the Site Plan Review Committee Comments (as described in the Staff Report, dated December 19, 2016 – see attached), and by providing his recommendation. He noted that since the meeting, the applicants have resubmitted eight (8) full-scale copies of the Major Site Plan (dated December 16th). He provided relevant review comments regarding the revised plans as follows:

1. The minimum parking requirements are met and exceeded (all installed spaces shall be demarked with bumper stops as required by Code);
2. No new exterior lighting is proposed at this time and any future/new lighting would be compliant to Z.O. regulations (the property currently contains exterior lighting on some of the existing buildings);
3. Additional new landscaping is proposed along Rt. 29 frontage in the form of about 1,600 sq. ft. of linear mulch beds with low-growing holly and juniper shrubs (some landscaping currently exists);
4. Signature panels for the Health Department and the Thomas Jefferson Soil & Water District (TJSWD) need to be included on the revised plan. The Z.O. requires agency approvals, even though the plans do not require an E&S Control Plan and do not include improvements subject to VDH review/approval.

5. Virginia Department of Transportation (VDOT) noted that the existing culvert needed to be identified on the Site Plan and needs to be cleaned out. The existing commercial entrance needs to be resurfaced.
6. Regarding bathrooms requirements for the new building: the applicants propose to use the existing buildings, existing fixtures, and existing approved drainfield system. The Building Inspector did note that minimum plumbing facilities would need to be provided in accordance with VCC 2902.

Mr. Padalino noted that all things considered, the revised Major Site Plan substantially conforms to the required checklist items in the Z.O. and is approvable contingent upon the ~~other agency approvals on the Site Plan Review Committee~~ **Site Plan being approved by the other agencies on the Site Plan Review Committee.**

Mr. Bruguiere asked why VDOT wanted the existing entrance to be repaved. Mr. Padalino noted that on November 14th, Mr. Jeff Kessler wrote, “due to the severity of surface cracking of the commercial entrances pavement and potential safety issues, should the entrance begin potholing, we will require that the entrance be resurfaced.” He also noted that Sheet-6 of the Site Plan was revised to include notes and specifications to satisfy VDOT’s review comments.

Thomas Brooks, Jr.: Mr. Brooks stated that he is a Land Surveyor and he prepared the Site Plan. Mr. Brooks noted that he had a conversation with the Building Inspector and the plumbing issue did not come up during that conversation. The last Building Inspector comments that Mr. Brooks received involved the dust inside of the building, which he stated is no longer an issue. He noted that if there are requirements for plumbing in the existing building, it would require Virginia Department of Health (VDH) involvement. Mr. Brooks further noted that all those concerns would be addressed when a Building Permit is obtained. Mr. Brooks concluded by noting the proposal is the manufacturing of storage buildings, and the placement of storage buildings on-site. There are existing facilities on-site to use for office space.

Commissioner Harman made the following motion:

“I make a motion that the Planning Commission approve Major Site Plan #2016-12 for 1379 Thomas Nelson Hwy in Colleen (Tax Map #76-11-1) to construct an 8,000 sq. ft. manufacturing building in accordance with Site Plan, dated 10/27/2016.” Commissioner Goad provided the second; and the Commissioners voted 4-0 in favor of the motion.

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

Mr. Padalino noted that this was a continued review of Special Use Permit #2015-04 for Mr. F. P. Phillips’ request for the “Wintergreen Brewery,” and that the Planning Commission (PC) previously granted Mr. Phillips’ request for ~~a~~ **an indefinite** deferral in 2015.

Mr. Padalino began his staff report by showing slides that contained information regarding the subject property’s location, characteristics, and other information. He explained that the subject property is located in Nellysford; is further identified as Tax Map Parcel #21-5-1C; and is zoned Business (B-1) with a small area of Agricultural (A-1) and some General Floodplain (FP).

Mr. Padalino noted that he visited the site today (December 28th) and there was a crew working on-site that had removed the island and the underground storage tanks. He noted that Mr. Phillips had previously stated in writing that he had a permit from the Building Inspections department to remove those. Both were removed and back-filled to grade.

Mr. Padalino also noted that in 2015 Mr. Jeff Kessler (VDOT) strongly recommended the closure of one of the entrances for safety purposes, and for improving internal circulation. Mr. Padalino further noted that Mr. Kessler indicated this is not a requirement, but if the County agrees and thinks this is a relevant issue for safety and efficiency of traffic movements, then the County could require it. However, in recent weeks, Mr. Phillips wrote to Mr. Padalino indicating that he would voluntarily close one of the entrances and suggested meeting (on-site), with Mr. Padalino and Mr. Kessler to get recommendations/specifics on which entrance to close. Mr. Padalino noted

that Mr. Kessler asked for a sketch site plan showing what is being proposed and to have a curb that is flush with the existing curb to establish a formal “positive barrier.”

Mr. Padalino then noted that in regards to the required Minor Site Plan, the correct zoning boundaries need to be shown properly; and to also reflect the recent removal of the canopy and the concrete island. Chair Proulx noted that she recalled there being an issue with the square footage that was indicated on the Site Plan. Mr. Padalino noted that the initial submission stated 330 sq. ft. and a revised exhibit showed 1,200 sq. ft. of public area and 3,000 sq. ft. of brewing area. He further noted that those figures are not clear and need to be clarified and correctly show on the revised Site Plan.

Mr. Padalino concluded by noting that a SUP for a brewery would not have any limits on the scale of the use (production, floor area, parking, etc.), even though the applicant’s proposal is very small scale. Mr. Padalino suggested that the Commission consider recommending a condition that the SUP be approved “as requested,” if the Commission decides to recommend approval, as opposed to recommending approval for an open-ended brewery SUP without any conditions. He further noted that the project narrative should be reconfirmed, or updated (if it has changed).

Mr. Bruguire noted that he believes Mr. Phillips has everything in order for the septic system. Mr. Padalino noted that Mr. Phillips did receive preliminary approval from the US EPA through the Underground Injection Control Program; but that Mr. Phillips recently notified him in writing that he is still working on the details of the conventional drainfield system.

Mr. Phillips was not present for the meeting.

Other Business:

Mr. Padalino noted that the County had received four (4) SUP applications from Devils Backbone requesting approvals to construct and operate a banquet hall, a hotel/motel, a campground for RV’s, and a campground for primitive camping (with associated bathhouses and a front office for check-in); and that each application requires a public hearing. He explained that the Minor Site Plan submitted for these SUP applications has been through the Site Plan Review Committee meeting, and the applicants are working on the review comments that were provided. Mr. Padalino then asked if the Commissioners wanted to conduct the required public hearing(s) during next month’s meeting. The Commissioners² agreed to proceed with advertising for a public hearing for the January meeting.

Board of Supervisors Report: Mr. Bruguire noted the following:

1. The Board decided to hold a work session on the (proposed) amendments for “Temporary Events.”

Adjournment:

Commissioner Harman made a motion to adjourn at 7:30 pm; vote 4-0.

Respectfully submitted,

Stormy V. Hopkins
Secretary, Planning & Zoning