

**NELSON COUNTY PLANNING COMMISSION  
MEETING MINUTES  
February 24, 2016**

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

**Absent: Commissioner 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 7:10 P. M. in the General District Courtroom, County Courthouse, Lovington.

Mr. Padalino noted that regarding the proposed amendments for “Temporary Events...” that he had forgotten to correct the spelling of “promotor” to “promoter” (page 5 – Section 24-3-D/Item 1 – see attached proposed amendments dated 12/17/2015).

Mrs. Hopkins asked that the recording tape be changed before continuing the meeting. Afterwards, Chair Proulx continued the meeting.

**Approval of Minutes – November 18, 2015:**

Commissioner Russell noted that on page 5, number 7 needs to reflect to delete “Home Occupations A&B and”.

**Commissioner Goad made the following motion:**

**I move to approve the November 18<sup>th</sup>, 2015 meeting minutes; the vote 3-0 with Commissioner Harman and Mr. Bruguere abstaining.**

**1. Zoning Ordinance Amendments: “Temporary Events, Festival Grounds, and Out-of-Door Accessory Uses”:**

The Commissioners and Mr. Padalino continued their discussion from the preceding work session, regarding the proposed amendments to special events regulations. The changes discussed during the regular meeting include the recommendation to include the following provision:

24-3-F After formal approval of a Temporary Event Permit, and in the event of unforeseen circumstances outside of the event promoter’s control or causation, the Planning & Zoning Director has the authority to formally approve modifications to the Temporary Event Permit and/or the various event plans specified in the preceding subsection, in consultation with the applicable law enforcement and regulatory agencies and with the event promoter(s).

**Commissioner Harman made the following motion:**

**I move that the Planning Commission recommend approval to the Board of Supervisors of Article 24 “Temporary Events, Festival Grounds, and Out-of-Door Accessory Uses” as discussed at the February 24<sup>th</sup>, Work Session.**

The following suggestions were noted to add to Commissioner Harman’s above motion:

Mr. Padalino noted that the PC should consider adding a statement to the motion that these recommended amendments would also affect other Articles (such as 4, 8, 8A, and 8B). Commissioner Russell also noted that these recommendations are a response to a referral from the BOS to review temporary events and recommend amendments, and noted that a public hearing was conducted by the PC on January 27<sup>th</sup> as required by law.

Commissioner Harman modified his motion to include Commissioner Russell's comments; and then decided to withdraw his previous motion. After further discussion, the following changes were noted:

4-1 Uses – Permitted by right:

Social Temporary Event, provided that there are no more than fifty such events in a calendar year and that the event complies with the County Noise Ordinance

Remove "*Category 3 Temporary Event in connection with a Festival Grounds Special Use Permit*" from the following sections:

8-1 Uses – Permitted by right

8A-1 Uses – Permitted by right

Remove the following sections:

8-1a Uses – Permitted by Special Use Permit Only:

Festival Grounds

8A-1a Uses – Permitted by Special Use Permit Only:

Festival Grounds

**Commissioner Goad made the following motion:**

**I move that the PC recommends the addition of Article 24 to the Zoning Ordinance and the amendments of Articles 4, 8, 8A, and 8B as revised at the February 24<sup>th</sup> Work Session and approved at the February 24, 2016 Planning Commission meeting. Commissioner Harman provided the second; the vote 5-0.**

**Approval of Minutes – December 16, 2015:**

**Commissioner Harman made the following motion:**

**I move that the Planning Commission meeting minutes of December 16, 2015 be approved; the vote, 4-0 with Mr. Bruguere abstaining.**

**Approval of Minutes – January 27, 2016:**

**Commissioner Harman made the following motion:**

**I move that the meeting minutes of January 27<sup>th</sup> be approved. Commissioner Goad provided the second; the vote, 4-0 with Commissioner Russell abstaining.**

**Other Agenda Items:**

**1. Referral of amendments from BOS – Article 18 (Limited Industrial District M-1):**

Mr. Padalino noted that this issue is a referral from the Board of Supervisors (BOS) regarding all Limited Industrial (M-1) properties Countywide. He further noted that the M-1 District provides for less intensive uses than the Industrial District (M-2). Mr. Padalino then summarized the issue by explaining that the use in question (as stated in the Staff Report dated February 16<sup>th</sup> – see attached) is whether "Contractors' equipment storage yard or plant, or rental of equipment commonly used by contractors" should be permissible by-right; permissible only with a Special Use Permit (SUP); or not permissible at all. Mr. Padalino recommended that it be made permissible as a Special

Use in M-1. He noted that this would provide an opportunity for M-1 property owners to conduct this use, but it would not be a guaranteed property right. He concluded by noting that this would allow both the PC and the BOS to make an evaluation on a case-by-case basis, where the details of the subject property and the proposed project (such as scale, scope, and operational details) could be reviewed for appropriateness.

The Commissioners and Staff discussed the use and provided the following questions/comments/concerns:

1. Mr. Bruguere noted that the “rental of equipment commonly used by contractors” should be separated, because he feels it is more of a business use (as opposed to industrial use). He made reference to various equipment rental locations in Augusta County (along Rt. 250), and suggested checking the zoning of those areas.
2. Mr. Padalino suggested modifying Section 18-3-1 to read “Contractors equipment storage yard or plant, or any other permissible use requiring outside storage or displays.” Commissioner Russell disagreed, noting that she prefers the idea of having “any use requiring outside storage or displays” remain a separate provision. Mr. Padalino noted it could be done either way, but indicated he believes the word “permissible” needs to be inserted in connection with “any use requiring outside storage or displays.”

The Commissioners recommended changes to the proposed amendments as follows:

1. Amend Section 18-3 (“Uses – Permitted by Special Use Permit only.”) as follows:

18-3-1: Replace “Any use requiring outside storage or displays” with “Any by-right use or permissible accessory use requiring outside storage or displays”

18-3-10: Replace “*Reserved for future use*” with “Contractors’ equipment storage yard”

**Commissioner Russell made a motion for Staff to advertise for public hearing for the March meeting. Commissioner Harman provided the second; the vote 5-0.**

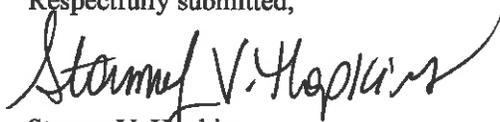
2. **Referral of amendments from BOS – Article 10 (General Floodplain District FP):**

It was decided that the PC would discuss the proposed amendments in detail at next month’s regular meeting, when Mr. Charley Banks from Virginia Department of Conservation & Recreation was expected to be in attendance.

**Adjournment:**

Commissioner Harman made a motion to adjourn; vote 5-0.

Respectfully submitted,



Stormy V. Hopkins  
Secretary, Planning & Zoning