

**NELSON COUNTY PLANNING COMMISSION
MEETING MINUTES
July 26, 2017**

Present: Chair Philippa Proulx, Commissioners Mark Stapleton, Mary Kathryn Allen, Robert Goad, Tommy Bruguere and Michel Harman

Staff Present: Sandy Shackelford, Director of Planning & Zoning and Emily Hjulstrom, Secretary

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

Chair Proulx noted that the Planning Commission would review Special Use Permit #2017-06 before the public hearing items.

Approval of Minutes – May 24, 2017:

Mr. Harman motioned that the minutes from May 24, 2017 be approved. They were approved 5-0 with Tommy Bruguere abstaining.

Approval of Minutes – June 28, 2017:

Mrs. Allen motioned that the minutes from June 28, 2017 be approved. They were approved 5-0 with Tommy Bruguere abstaining.

Old Business:

1. Special Use Permit #2017-06 – La Abra Farm & Winery, LLC

Sandra Shackelford reviewed the information from the previous meeting.

Ms. Shackelford also noted that the applicants had come to an agreement with VDOT. The applicants will be using the same location with modifications. She also noted that the applicants will still need to submit an updated site plan to satisfy VDOT's requirements.

Proulx noted that there will not be a public hearing because one was conducted last month (June 28th).

Mr. Goad motioned that the Planning Commission recommend Special Use Permit 2017-06 La Abra Farm and Winery, LLC be approved by the Board of Supervisors as specified in the Special Use Permit application conditioned on amending the site plan in conformance with VDOT approval. **Mrs. Allen** seconded the motion. The Special Use Permit was recommended for approval 6-0.

Public Hearings:

1. Class C Tower Permit #2017-12 – Hunting Lodge Rd. SBA Communications Corp.

'' BACKGROUND: This is a request for a Class C Communications Tower on property zoned A-1 in accordance with §4-1-22 and §20-13 of the zoning ordinance.

Public Hearings Scheduled: P/C – July 26, 2017; Board – August 8, 2017

Location / Election District: Adjacent to and SW of 892 Hunting Lodge Road / East Election District

Tax Map Number(s) / Total acreage: 81-6-2 / 84.35 acres +/- total, ~1.25 acres subject to request including 100' x 100' lease area and land disturbance area.

Applicant Contact Information: Drew Patterson, SBA Communications Corp., 8051 Congress Avenue, Boca Raton, FL 33487; 804-363-0891

Comments: The requested use is for a 130' self-support communications tower. The balloon test at the site is scheduled for July 20th.

DISCUSSION:

Land Use / Floodplain: This area is rural in nature. The property does not fall within any 100-year flood plains.

Access and Traffic: Property is accessed from Hunting Lodge Road (Route 62-646 – AADT 180 trips per day). The proposed tower will not impact the daily traffic once construction is completed. An existing road will be used to access the property during the construction of the tower.

Utilities: Public water/sewer are not available at the site. There is a 30' wide access/utility easement running from Hunting Lodge Road to the lease area where the tower will be located.

Conditions: The final approving authority for this request is the Board of Supervisors. The ordinance states that the final approving authority shall approve the color of the tower and may impose other conditions upon approval. The Planning Commission may make recommendations to the Board of Supervisors regarding proposed conditions. Based on the photo simulations that are generated as a result of the balloon test, staff recommends that the tower is either painted either a dark brown to blend in with the surrounding trees or that the galvanized steel is left as is to better blend in with the sky and that the tower is constructed as proposed in plans submitted with the request.

Comprehensive Plan: This property is located in an area designated as rural and farming based on the current Comprehensive Plan. The current Comprehensive Plan does not address communications towers/infrastructure. The application meets the guidelines established in §20-2 of the Zoning Ordinance outlining the purpose of the Communications Tower Ordinance including the importance of protecting the scenic nature of the County.

RECOMMENDATION: The applicant has satisfied all of the application requirements. Based on the natural tree growth around the property, and the location of the tower in a heavily wooded area, staff recommends waiving the landscaping requirement as requested.

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Drew Patterson is the project manager representing SBA. He presented the following information about his request:

Request

- 130 foot self support tower on Hunting Lodge Road
 - Tower will be owned by SBA Communications Corporation (SBA)
 - Anchor tenant will be Shenandoah Telecommunications Company (“Shentel”)

SBA

- SBA is an independent owner and operator of wireless communications infrastructure across north, central and south america
 - Founded in 1989 and headquartered in Boca Raton, Florida
 - Lease towers to telecommunications carriers
- In business since 1902
- Started as a small phone company serving Virginia’s Northern Shenandoah Valley
- Today it is affiliated with Sprint
- Provides broadband services, digital TV, high-speed Internet and phone services to Virginia, West Virginia, and Maryland
- Specializes in providing advanced services to rural and underserved markets

Wireless Technology

- December 2007 - 16% wireless only
- December 2016 - 51% wireless only (1 in 2 households are reachable only on wireless phones)
- Currently more than one wireless device for every person in the U.S.
- Data traffic over wireless networks doubles every year
- Nearly 500,000 E-911 calls per day from wireless phones
- Provide voice and data coverage in the area
 - Allow employees to work from home
 - Provide students access to latest online educational opportunities
 - Allow emergency workers operating in the area the ability to communicate more effectively
- Connect the propagation rings of existing adjoining sites, which will allow for fewer dropped calls
- Provide the infrastructure necessary for other wireless carriers to expand their networks

Mr. Patterson also noted that on his way to the site he did not have wireless coverage and had a hard time finding the site. He then showed a propagation map that showed coverage of Shentel towers in the area. He noted that there was currently no coverage where the proposed tower location is.

He then showed the site plan for the tower. He noted that the site is in the rear of the property and that it has the needed height but is hidden well by the tree line. He noted that there are several areas on the proposed towers for other carriers to collocate. The tower site would be a 100’ x 100’ lease area with a 60’ x 60’ fenced compound that would be enclosed by an 8’ chain link fence for security purposes.

He then showed the balloon simulation photos and noted that the balloon was only visible from one location. He added that only the top of the tower would be above the tree line. He

also explained that a brown pole is expensive to maintain and that the tower would only be visible from one location.

Mrs. Proulx asked if galvanized steel is reflective. **Mr. Patterson** noted that it is not very reflective, and he feels that galvanized steel blends in very well with the sky. **Mrs. Proulx** noted that a tower near her house is very reflective, but she is unsure of what material the tower is made of. She asked if galvanized steel is the standard. **Mr. Patterson** noted that it is the standard.

Mr. Stapleton asked if brown would be more visible from the location the tower could be seen from. **Mr. Patterson** noted that in his opinion brown would be more visible than galvanized steel.

Mr. Bruguere asked if the tower would be primarily used for cell phone coverage. **Mr. Patterson** noted that this tower is for both cellular and data coverage. **Mr. Bruguere** asked where the internet service would come from. **Mr. Patterson** noted that the internet would come from the data that the tower provides.

Mrs. Allen asked if any cell phone company had aligned with them yet. **Mr. Patterson** noted that currently it was only Shentel, but that Verizon and T-Mobile would likely use the tower in the future.

Mr. Stapleton asked if all the antenna arrays shown on the site plan would actually be on the tower. **Mr. Patterson** noted that this was the amount that could be added but no more and likely fewer due to how high the tree line is.

Mrs. Proulx asked if Shentel would just take one array of antennas. **Mr. Patterson** confirmed that they would only use one array and that it would be the top spot.

Mrs. Allen asked if the 130' included the antenna. **Mr. Patterson** noted that it included the antennas and lightning rod.

Chair Proulx opened the floor to public hearing. There was no one present to speak in favor or opposition to the request. The public hearing was then closed.

Mrs. Proulx noted that she did not see the need for landscaping with the tower.

Mr. Harman made a motion to recommend approval of Class C 130' Communications Tower #2017-12 at 892 Hunting Lodge Rd. TM# 81-6-2 in accordance with the drawings from Kimley and Horn dated June 23rd 2017 and further recommend waiving the landscaping requirement as requested. **Mr. Goad** seconded the motion.

The motioned passed 6-0 with none abstaining.

Ms. Shackelford asked if when they recommended it be in the accordance with the plan that they are also recommending the galvanized steel. The Planning Commission confirmed that this was the case.

2. Class C Tower Permit #2017-14 – Beech Grove Rd. / Verizon

'' BACKGROUND: This is a request for a Class C Communications Tower on property zoned A-1 in accordance with §4-1-22 and §20-13 of the zoning ordinance.

Public Hearings Scheduled: P/C – July 26, 2017; Board – August 8, 2017

Location / Election District: 398 Beech Grove Road / Central Election District

Tax Map Number(s) / Total acreage: 31-A-51A / 4.523 acres +/- total, 1,600 square feet lease area.

Applicant Contact Information: Stephen Waller, Verizon, 8159 Cancun Court, Gainesville, FL 20155; 434-825-0617.

Comments:

- The requested use is for a 130' monopole communications tower. The balloon test at the site is scheduled for July 21st.
- The applicants are requesting a waiver from §20-12.D.4 limiting the equipment attached to the tower. The requested increase in the size of the antennas will allow a few number of antennas to be used. The applicants are also requesting that the requirement to allow only three antennas per array be waived in order to install all six of the necessary antennas in a single array.
- The development proposed at the site will also result in slopes steeper than 2:1 in some areas. To comply with the design requirements, the applicants will be installing retaining walls to provide site stabilization (see pages ST-1 and ST-2 of the site plan submitted with the request).

DISCUSSION:

Land Use / Floodplain: This area is mixed use in nature. The property does not fall within any 100-year flood plains.

Access and Traffic: Property is accessed from Beech Grove Road (Route 62-646 – AADT 2,400 trips per day). The proposed tower will not take impact the daily traffic once construction is completed. An existing road will be used to access the property during the construction of the tower.

Utilities: Public water/sewer are not available at the site. There is a 20' wide access/utility easement running from Beech Grove Road to the lease area where the tower will be located.

Conditions: The final approving authority for this request is the Board of Supervisors. The ordinance states that the final approving authority shall approve the color of the tower and may impose other conditions upon approval. The Planning Commission may make recommendations to the Board of Supervisors regarding proposed conditions. The applicants have proposed to paint the tower brown and staff recommends and that the tower is constructed as proposed in plans submitted with the request.

Comprehensive Plan: This property is located in a Neighborhood Mixed Use Area based on the current Comprehensive Plan. The current Comprehensive Plan does not address communications towers/infrastructure. The application meets the guidelines established in §20-2 of the Zoning Ordinance outlining the purpose of the Communications Tower Ordinance including the importance of protecting the scenic nature of the County.

RECOMMENDATION: The applicant has satisfied all of the application requirements. Based on the natural tree growth around the property, and the location of the tower in a heavily wooded area, staff recommends waiving the landscaping requirement, as well as granting the other waivers, as requested.

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Ms. Shackelford also noted that the applicants did not show the fall area on the plans submitted and that the applicants are requesting that a condition be added that they will submit a letter from a certified engineer that confirms that the tower will fall within the property boundaries. She noted that the tower is near flood plains but not in the flood plain.

Lori Schweller is an attorney with LeClairRyan in Charlottesville. She introduced Stephen Waller, a site development consultant with GDNsites and noted that he is applying with her. She noted that there is an existing monopole on the property (once owned by nTelos) that has been acquired by Shentel. She noted that they initially requested to be added to the existing monopole but could not because there would be no room for additional antennas. She noted that there is an existing driveway with access off of Beech Grove Rd. that serves the existing Shentel monopole. She explained that this driveway would also be used to access the new 40' x 40' compound.

Ms. Schweller noted that the design standards for Class C towers should be the same for Class B towers. She noted that the antennas proposed will be 1,320.66 square inches and that would exceed the limit of 1152 square inches in the Zoning Ordinance. She requested waivers for the antenna size and for the number of antennas per array to be six antennas.

Ms. Schweller noted that the new antenna will be roughly 10' taller than the existing tower but that it will begin at a lower elevation. **Mrs. Proulx** asked if the overall tower will be 132' with the lightning rod included in the overall tower. Proulx added that the legal notice for the balloon test said 132' and the application said 130'. **Mr. Bruguere** noted that he believes it is included in the overall height. **Ms. Shackelford** noted that the Zoning Ordinance states the tower says 130' and does not mention if the lightning rod is included. **Mr. Goad** noted that the 130' does include the lightning rod. **Ms. Schweller** asked if they would need to request a waiver for the extra 2 feet.

Mr. Waller noted that they would be fine going forward as a 130' tower with the lightning rod included and that they will consider asking for a waiver from the Board of Supervisors later. He further noted that the company likes to have a certain amount of separation between the lightning rod and the antennas and that they can work within certain constraints to shorten this separation.

Ms. Schweller then showed a coverage map of current Verizon towers in the area. She then showed a map of how the new tower would affect coverage. She then showed a map that included other proposed sites in the future.

Mr. Bruguere noted that Verizon had once had 4 proposed sites in 2007 in Massies Mill and that none of them had been built yet. He also recommended that they add antennas to existing towers in the area. **Ms. Schweller** noted that she was aware of those towers, but she was unsure of how those sites were developing. **Mr. Bruguere** noted that other companies had plenty of coverage in that area but that there was no Verizon coverage. **Ms. Schweller** noted that she would check on the status of those towers. **Mrs. Allen** noted that there is a tower in Gladstone that has

been up for 5 years but that no antennas have been added to it. **Mr. Bruguiere** noted that it would be beneficial to Nelson County if these other sites were looked at first.

Ms. Schweller stated that the engineers are not always aware of towers that are already available and that this new information will be useful.

Ms. Schweller then showed balloon test simulations.

Proulx then opened the public hearing.

Todd Rath owns Blue Toad Hard Cider, a business next to the proposed site. He noted that he would love to see Verizon work together with Shentel by being collocated on their tower. He also agreed with Mr. Bruguiere that he would like to see more towers in the rural areas of the county. He asked if the county could require that these areas are provided with towers through negotiations with cell providers.

Mrs. Proulx noted that the Zoning Ordinance does not currently allow negotiations like the one mentioned by Mr. Rath.

The public hearing was then closed.

Mr. Goad asked what would happen if the trees on the property were cut. **Ms. Shackelford** stated that the Zoning Ordinance states that only the clearing necessary for the tower can be done. She noted that the Planning Commission cannot limit the landowner's rights to clear on the property. She noted that what they can require is that the area leased by the tower has its landscaping maintained. **Mr. Bruguiere** noted that any rent given to Mr. Parrish by the two towers would offset any need to clear the land for profit. **Mrs. Proulx** noted that you cannot be sure what future owners would do with the property.

Ms. Schweller noted that there is a provision in the Zoning Ordinance that trees within 120' of the tower should not be removed unless to provide access to the tower.

Mr. Stapleton noted that any landscaping that they could require would not be able to mitigate any future clearing of the surrounding trees.

Mr. Harman made a motion to recommend approval of Class C 130' monopole communications tower #2017-14 at 398 Beech Grove Rd, Roseland, VA. TM# 31-A-51A in accordance with the drawings from Verizon dated June 5th, 2017 and further recommending waiving zoning ordinance §20-12.D.4 which limits the equipment attached to the tower and allow to increase the size of the antennas along with the amount of antennas per array to be increased from 3 to 6. Also recommending waiving landscaping requirement and recommend that they provide a certified letter verifying the fall line. **Mr. Stapleton** seconded the motion.

The motion passed 6-0 with none abstaining.

Mr. Bruguiere asked Ms. Schweller if she could bring any information on plans in Piney River to the Board of Supervisors meeting.

3. Special Use Permit #2017-07 – ‘Mixed Use’ / Todd M. Rath

''BACKGROUND: This is a request for a special use permit to allow for a variety of mixed uses on property zoned Agricultural. The proposed uses would potentially include: motels/hotels (§4-1-25a), retail store, neighborhood (§4-1-4-1-35a), farm winery permanent remote retail establishment (§4-1-16a), offices, professional, and services (§4-1-28a), veterinary hospital (§4-1-40a), and a roadside stand, Class B (§4-1-47a).

Public Hearings Scheduled: P/C – July 26, 2017; Board – August 9, 2017 (tentative)

Location / Election District: 9485 Rockfish Valley Highway / North Election District

Tax Map Number(s) / Total acreage: 6-A-131 & 6-A-163D / 10.937 acres +/-

Applicant Contact Information: Todd Rath, 161 Wood House Lane, Nellysford, VA 22958; 434-996-7133.

Comments:

- The applicant would like to use the property to construct 6 single-bedroom cabins that could be rented out to guests (motels). The applicant would also like to have a pub on the property (restaurant). The remaining retail spaces shown on the plans would potentially be utilized for the other uses included in the special use permit request. The applicant does not have specific retailers that he is cooperating with at this time, but would like to make the retail space available for uses that he believes would be compatible with his other plans for the location.
- The applicants are planning multiple phases for the development of this property. This request is for the first phase. If they decide to proceed with future phases, they would need to come back for additional approval through the Board of Supervisors.

DISCUSSION:

Land Use / Floodplain: This area is rural in nature. There are no 100-year flood plains on the property.

Access and Traffic: Property is accessed from Rockfish Valley Highway (Route VA-151 – AADT 4,800 trips per day). The proposed development will generate additional traffic along this corridor, but a traffic impact analysis is not required at this time. VDOT is currently reviewing the plans including the traffic generation and turn lane analysis and will have comments back prior to the Planning Commission meeting.

Utilities: Property is served by private well and septic systems.

Conditions: The Planning Commission may recommend, and the Board of Supervisors may impose, reasonable conditions upon the approval of the special use permit. Conditions recommended by staff are that;

1) the site shall be developed in conformance to the site plan submitted with the special use permit request, and

2) the cabins be limited to single bedrooms. (Please note that conditions can be placed on each of the uses requested individually.)

Comprehensive Plan: This property is located in an area designated as rural and farming use based on the current Comprehensive Plan.

RECOMMENDATION: The approval of special use permits should be based on the following factors:

1. The use shall not tend to change the character and established pattern of development of the area or community in which it proposed to locate. *The proposed use is consistent with the development pattern along the 151 corridor.*
2. 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. *The proposed use is complimentary to other uses in the area. The Silverback Distillery is located directly across the highway from this site. It would provide lodging for out-of-area visitors that would be aesthetically appropriate for the rural nature of the area where it is being located. The retail businesses that would potentially be permitted are small and scale.*
3. The proposed use shall be adequately served by essential public or private water and sewer facilities. *The applicant will work with the engineers and the health department to ensure adequate facilities are provided.*
4. The proposed use shall not result in the destruction, loss or damage or any feature determined to be of significant ecological, scenic or historical importance. *There are no significant ecological, scenic or historical features that would be impacted by the proposed use.*

The Planning Commission and Board of Supervisors are under no obligation to vote for all of the proposed uses together. Each use is separate and distinct although they are being proposed in a single request. Additionally, any of the requested uses that are not pursued within one (1) year will no longer be permissible under the special use permit if approved.

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Mrs. Proulx asked why there were two applications in the packet. **Hjulstrom** noted that one is for the Special Use Permit and one is for the Major Site Plan and that they were currently discussing just the Special Use Permit and that the Major Site Plan would be reviewed in a future meeting.

Ms. Shackelford then read from a letter sent to the Planning Commission from Shirley McGatha, a neighbor.

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Nelson County Planning Commission
Board of Zoning Appeals
P. O. Box 558
80 Front St
Lovingson, Va. 2294q
July 19, 2017

Dear Sandy M. Shackelford,

I am writing today in response to the notice of request for the special use permit # 2017-07- "Mixed Use"/Todd M, Rath. I have concerns about public encroachment on my property as is borders on the south side of the Rath property.

My property contains a 2.5 acre pond as well as open fields and wooded areas, one of my concerns is increased foot traffic in the area and potential safety issues regarding the pond. If the mixed use permit is granted I would request that a fence be placed between the two properties with special attention regarding the pond. As safety is a concern I would request that the fence meet my specifications and standards to limit and potential dangers,

Sincerely,

Shirley McGatha
43 Rockfish Orchard Drive
Afton, Va, 22920
Windewicke22920@aol.com
540-456-8694

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Todd Rath is the owner of Blue Toad Hard Cider. He noted that the property is three separate parcels that adds up to 16.8 acres and not the 11 acres previously stated. He noted that the parcels are separate and that Phase 1 (the plan shown by the current application) goes across two of those parcels. He showed that the northern most lot is 8.5 acres and that it is a very strangely shaped lot.

He noted that he owns Blue Toad Hard Cider and The Rockfish Valley Inn. He explained that what they are trying to do with the property in question is similar to what you see in the Adirondacks.

He noted that the property is the old Trading Post and that is where they would like to put the pub. He noted that the only new buildings would be the retail spaces (two 1200 sq. ft. rectangular buildings) and the cabins (that will be built off site and set up on the property).

Mrs. Allen asked what Phase I of the plan is. **Mr. Rath** noted that phase 1 was to get Blue Toad Hard Cider moved to the new location by March of next year and to start using the cabins. He would also like the potential to get the retail locations filled with preferably something like an ice cream shop.

Mr. Rath noted that in future phases they would add more retail locations. **Mr. Harman** asked if vehicles would be able to drive up to the cabins. **Mr. Rath** noted that there was a small driveway up to the cabins and that in the future there would hopefully be a parking lot above the cabins.

Mr. Stapleton asked how large the businesses would be. **Mr. Rath** noted that the retail locations would be 1200 sq. ft. each. **Ms. Shackelford** confirmed that the Phase I does go across two

parcels. She noted that the owners would either need to combine these two lots or make sure that any buildings meet setbacks of the property lines.

Mr. Rath noted that VDOT would like the entrance to be across from Silverback's entrance. He explained that this made it more expensive and was inconvenient due to there being a fiber network in the ground. The applicants would rather not make the change but would do it if VDOT required it. He also noted that there is a good second entrance planned for Phase II.

Mr. Rath also noted that there was an additional emergency access that has not been reviewed by Emergency Services yet.

Chair Proulx then opened the public hearing.

Margaret Flather is a resident of Rockfish Orchard northwest of the property in question. She explained that her neighbor Shirley McGatha's property is just north of the proposed site for the Special Use Permit in question. She explained that she is concerned for her neighbor that lives alone, and that there is no border (aside from an old barbed wire fence and some pine trees) between this proposal and Mrs. McGatha's house. She asked if there was any way that the retail stores could be closer to Mrs. McGatha's property in exchange for the pub being pushed further back. She explained that she would like the pub to be farther away from her neighbor's house because of the loud noises that would be produced. **Mrs. Flather** is also concerned about traffic making it harder to turn onto Route 151. She noted that she is a physician that works in Augusta, and that she needs to be able to get to the emergency room if she is called in. She notes that traffic is already difficult for her, and that this proposal would increase that difficulty. She noted that she moved into her house in 1997 and that there was nothing along Route 151 at that point. She noted that she is very concerned about this impact on Rockfish Orchard and her neighbor.

Shirley McGatha lives next to the property. She currently has trouble with people trespassing on her property and using her 2.5-acre pond. She is concerned about the proposal increasing this activity and the business encroaching on her property.

Chair Proulx then closed the public hearing.

Mr. Rath explained that he is very sensitive to his neighbors' concerns. He noted that he has recommended many times that a sign be put up on Route 151 that says 'slow down'. He noted that most of the traffic on Route 151 is caused by GPS telling people to cut through 151 when going through Virginia. He noted that the border between his property and Rockfish Orchard is very thick in vegetation, but that they would be more than willing to put up a fence if there was concern. Mr. Rath noted that his business partner owns the old horse race track next to where they make the cider at the old Wintergreen Winery. Mr. Rath explained that he and the co-owner deal with people encroaching on that property all the time, and that he is very sensitive to that being an issue. He noted that walking on the property will be focused towards the south of the property (away from the cabins and the retail stores). He noted that his neighbor, Mike Fox, is near the dumpster of the current Blue Toad Hard Cider, and they have been very courteous to his requests. He noted that the only issue that Mr. Fox ever had with them was when they threw out trash late at night. He noted that if they do have music outside, it is on the opposite side of the residences and pointing away from them.

Mrs. Proulx noted that this proposal is not consistent with the Comprehensive Plan. She noted that existing businesses on that end of Route 151 were initially put in by-right due to their agricultural use. She noted that those approvals were specifically for agriculturally-based growth. She noted that these businesses did not conform to this anymore but that is how they were initially approved. She noted that there has been more residential growth in the area than anything else with the Rockfish Orchard subdivision. She doesn't see how an application this wide open can be approved. She noted that she is very uncomfortable approving something where they don't know what will be there. She also noted that she has heard from a lot of neighbors that they do not want this in the area.

Mrs. Allen asked if Blue Toad Hard Cider would be the same in the new location. She asked if there would there be more employees or if the hours of operation would change.

Mrs. Proulx noted that she would like to see a lot more detail about what is being requested.

Mr. Goad asked if the uses from previous retail would be grandfathered into the property. **Ms. Shackelford** responded that after the use is not used for two years it loses its grandfathered rights. **Mrs. Proulx** noted that it has not been retail for much longer than two years.

Mr. Goad asked if this approval would apply to the whole property. **Ms. Shackelford** noted that this approval would only apply to what is shown in the foot print of the site plan. She explained that all the applicants would be able to do is the restaurant/pub, the six cabins, and the two retail locations.

Mrs. Proulx noted that she is also concerned with the parking near the road.

Mrs. Allen noted that she does not want to punish businesses or individuals because Route 151 cannot handle the traffic. She feels that VDOT and the County should work on fixing Route 151.

Mr. Bruguere asked if everything could be approved in stages and not as a whole. **Ms. Shackelford** explained that they did not and they could approve specific uses and not others. **Mr. Bruguere** noted that they could make a recommendation on the cabins or the restaurant and not the other retail locations.

Mr. Rath noted that his business buys 8-10,000 lbs of apples every week that are 100% from Nelson County. He noted that the size of the Blue Toad Hard Cider restaurant foot print would reduce in size. He noted that the popularity of the new location would decide whether or not he needed to hire more employees for the restaurant/pub. He noted that he currently struggles with visibility at his current property and that the new property is very visible. He added that he currently has about 20 Nelson County residents on payroll.

Mrs. Proulx brought up the hour limitation on the current restaurant due to septic considerations. **Mr. Rath** confirmed that he is only allowed to be open 56 hours a week due to the septic limitations. **Mrs. Proulx** asked what his septic situation would be like at the new property. **Mr. Rath** responded that he did all of his engineering with Roger Nelson, and that the new property has great dirt. He added there will be no issue with having enough septic, and that they will not be using any of the existing septic on the property. **Mrs. Proulx** asked if they would be open more hours. **Mr. Rath** noted that the hours would stay the same initially, but that they would open for more hours if business permitted it.

Mr. Rath noted that he did not necessarily want a veterinary hospital on the property, he just listed it on the application so that it would be available to him. He added that he would not build anything until he had a tenant lined up.

Mr. Bruguere noted that the Planning Commission could recommend approval of the cidery and six cabins today and discuss the other retail locations at a later date.

Mr. Stapleton noted that his concern is that they are not addressing the concerns of the neighbors. **Mrs. Allen** noted that they could recommend a condition that he work with his neighbor to build a fence. **Mr. Stapleton** stated that he also had questions about outdoor music and parking. He stated that he doesn't feel he has enough information to support the application as it is now.

Mrs. Proulx noted that one option would be to postpone until next month's meeting and asking the applicants to come back with a revised Special Use Permit that shows more specific uses.

Mr. Rath asked if the Comprehensive Plan was the document that Tim Padalino created. **Mrs. Proulx** noted that what Tim Padalino created was the 151 corridor study (Rockfish Valley Area Plan) that has not been officially adopted yet.

Mr. Bruguere noted that the Comprehensive Plan is out of date. **Mrs. Allen** noted that the Comprehensive Plan is not reliable, and that Nelson County has grown faster than the Comprehensive Plan has.

Mr. Rath noted that he would not be building six cabins if he did not know that lodging is an issue in the county. He noted that they would also provide a rentable bus for people to safely get from location to location.

Mrs. Allen supported having more lodging in the county to reduce the amount of drunk driving when people visit the breweries. **Mr. Bruguere** noted that Maureen Kelley, the Economic Development Director, had said that more lodging was needed within the county for tourists.

Mrs. Allen made a motion to recommend to the Board of Supervisors to approve Special Use Permit # 2017-07 at 9485 Rockfish Valley Highway, TM# 6-A-131/163D of 10.937 acres to allow for the Special Use Permit to only include the mixed use for the hotel/motel that would be the 6 one bedroom cabins and the restaurant/remote tasting room with the conditions that the applicant works with the neighbors to provide secure safety between the cabins and the pond that meets Ms. McGatha's specifications, and include any changes for the entrance that VDOT recommends. **Mr. Bruguere** second.

Aye – Harman, Bruguere and Allen
Nay – Proulx, Goad, and Stapleton

The vote was 3-3 and the motion did not pass.

Other Business:

Initial conversation on Comprehensive Plan Update

Ms. Shackelford then gave her presentation as follows:

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BACKGROUND:

The last review of the Nelson County Comprehensive Plan occurred in 2014. Virginia Code requires the plan to be reviewed every five years, which means that a review would need to take place in 2019. The Rockfish Valley Area Plan was also recently completed which has contributed to a discussion about the need for Nelson County to review/update the Comprehensive Plan. At a previous meeting, a suggestion was made that the RVAP could be adopted as an amendment to the Comprehensive Plan to satisfy the review requirement.

DISCUSSION:

The current Comprehensive Plan was prepared in 2002 and re-adopted more recently in 2014. There have been significant changes since the time the Plan was prepared that are not currently addressed. There are high development pressures along the 151 Corridor and the current Comprehensive Plan does not address broadband or telecommunications access to highlight a few significant concerns. In addition, there are upcoming issues that will need to be considered when making development decisions such as the long-term plans for solid waste disposal and the construction of the Atlantic Coast Pipeline. It is the responsibility of the Planning Commission to manage the updates and reviews of the Comprehensive Plan and make recommendations to the Board of Supervisors. Ultimately, the Board of Supervisors is responsible for adopting the Plan. Therefore, it is important to ensure that the two bodies cooperate throughout the review/update. Staff discussed how to approach the Comprehensive Plan update, and it was requested that the Planning Commission develop a recommendation on how they would like to proceed to the Board of Supervisors for their consideration. At the previous meeting, we discussed a couple of general options for how to move forward. Factors to consider in making a recommendation to the Board of Supervisors are outlined below, and there may be others that the Planning Commission would like to add.

- To what extent should the Rockfish Valley Area Plan be a part of the overall Comprehensive Plan update?
 - The RVAP could be adopted as is or with revisions and would satisfy the requirements for the five-year Comprehensive Plan review.
 - The RVAP could be incorporated into a full Comprehensive Plan review.
 - The RVAP could not be incorporated at all.

Staff would recommend a combination of the first two options listed. The Rockfish Valley area is experiencing tremendous development pressure and does merit specific review to instruct the development of that area.

- To what extent would the Planning Commission recommend doing the work of updating the plan in-house versus utilizing consultants?
 - The ability of Nelson County P & Z staff to undertake the project will be limited given the small department and range of responsibilities.
 - Hours are available for the Thomas Jefferson Planning District Commission to provide support.
 - Additional consultant services could be recommended if it is anticipated they would be needed.

Staff would most likely be able to undertake a minor revision of the Plan with minimal outside involvement. However, if the Planning Commission would like to recommend a comprehensive update that makes a strong effort to incorporate public participation, it will be necessary to involve outside consultants. At a minimum, staff would recommend utilizing the TJPDC to assist with the public participation pieces of the Plan.

- What is a realistic timeframe for the review/update of the Plan?
 - It was discussed that the Plan could be reviewed/updated in sections.
 - To what extent are Commissioners available to spend time on the Plan outside of the regular monthly meetings?

Regardless of whether the Plan is adopted at one time or in pieces, the full review is likely to take between one and two years, and potentially longer. Each time a portion of the plan is adopted, there are public hearing/outreach requirements. The Planning Commission can recommend adopting the Plan in pieces, or waiting until the entire Plan has been reviewed/revised to recommend adoption of the full plan in its entirety. In many ways, it may make sense to wait to adopt the full plan in its entirety since an update to one section may inform an update to a different section that had previously been reviewed.

RECOMMENDATION:

Staff is requesting guidance from the Planning Commission to develop a recommendation to discuss with the Board of Supervisors. Once there is a clearer idea of the level of support for the Plan update, staff can start developing a strategy on how to proceed.

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Mr. Bruguere noted that he didn't believe the Comprehensive Plan was readopted in 2014. **Ms. Shackelford** noted that the Comprehensive Plan cover page noted that it was readopted in 2014. **Mrs. Proulx** noted that only minor adjustments were made like updating the population numbers.

Mrs. Proulx recommended that they modify the Rockfish Valley Area Plan before they made a motion to adopt it. She then recommended that the Planning Commission do their first review of the Rockfish Valley Area Plan at the August meeting.

Mrs. Allen recommended that the Planning Commission conduct work sessions to review the Comprehensive Plan.

Ms. Shackelford made plans to review the Rockfish Valley Area Plan at the August Meeting. It was noted that a public hearing would be required before they could recommend anything to the Board of Supervisors.

Board of Supervisors Report: None

Adjournment:

Commissioner Allen made a motion to adjourn at 9:20pm; the vote 6-0.

Respectfully submitted,



Emily Hjulstrom
Secretary, Planning & Zoning